UNITED STATES OF AMERICA

Congressional Record

PROCEEDINGS AND DEBATES OF THE *102*^{d} CONGRESS

SECOND SESSION

VOLUME 138—PART 9

MAY 18, 1992 TO JUNE 2, 1992

(PAGES 11597 TO 13109)

GENERAL SERVICES ADMINISTRATION
12/9/97
LAW
LIBRARY
CENTRAL OFFICE

UNITED STATES GOVERNMENT PRINTING OFFICE, WASHINGTON, 1992

AUTHENTICATED
U.S. GOVERNMENT
INFORMATION
GPO

For sale by the U.S. Government Printing Office, Superintendent of Documents, Mail Stop: SSOP, Washington, DC 20402-9328

Congressional Record

United States
of America

PROCEEDINGS AND DEBATES OF THE 102d CONGRESS, SECOND SESSION

HOUSE OF REPRESENTATIVES—*Monday, May 18, 1992*

The House met at 12 noon and was called to order by the Speaker pro tempore [Mr. DERRICK].

DESIGNATION OF SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, DC,
May 18, 1992.

I hereby designate the Honorable BUTLER DERRICK to act as Speaker pro tempore on this day.

THOMAS S. FOLEY,
Speaker of the House of Representatives.

PRAYER

The Chaplain, Rev. James David Ford, D.D., offered the following prayer:

We are grateful, O God, that the power of Your Spirit is seen in the lives of people and in our world. We give thanks that former estrangement between individuals can result in understanding and that alienation between nations can come to common purpose. We thank you, O loving God, that the gift of reconciliation and peace can touch the lives of people everywhere and that Your unity to us can be manifest in our daily lives. Amen.

THE JOURNAL

The SPEAKER pro tempore. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore. The gentlewoman from Colorado [Mrs. SCHROEDER] will lead us in the Pledge of Allegiance.

Mrs. SCHROEDER led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

ADMINISTRATION'S RECORD ON FAMILY ISSUES

Mrs. SCHROEDER. Mr. Speaker, the President this weekend gave a stirring address at Notre Dame in which he mentioned that the American family is under siege, and he is absolutely right. We have the worst statistics on families of any industrialized nation on the planet.

He also went on to say that the Federal Government cannot do everything, but it should do anything that it can. Let me say that saddened me because I stand here with copies of letters that the women Members of Congress have sent for the last 4 years to the White House to meet with the President on family issues because we have made that one of our No. 1 priorities. Every single request to meet with the President has been turned down. Every single bill that we tried to pass to help the American family he has vetoed.

So I am very saddened that he can say that the Government must do everything it can when the administration has done absolutely nothing.

I hope, I hope the President will now meet with the congressional caucus on women's issues and other Members of this body who have been very concerned about what has happened to the American family, and join us in an agenda that meets those kinds of issues that other countries have dealt with and to try and help. Talk will not do it alone. We all must do our part.

APPOINTMENT AS MEMBERS OF GLASS CEILING COMMISSION

The SPEAKER pro tempore laid before the House the following communication from the Honorable RICHARD A. GEPHARDT, majority leader, and the Honorable BOB MICHEL, minority leader:

HOUSE OF REPRESENTATIVES,
Washington, DC, May 12, 1992.

Hon. THOMAS S. FOLEY,
Speaker of the House, House of Representatives, Washington, DC.

DEAR MR. SPEAKER: Pursuant to Section 203(b)(1)(G) of Public Law 102-166, we hereby appoint the following Members of the House of Representatives to serve as members of the Glass Ceiling Commission:

The Honorable Nita M. Lowey of New York; and

The Honorable Susan Molinari of New York.

Sincerely,

RICHARD A. GEPHARDT,
Majority Leader.
BOB MICHEL,
Minority Leader.

HOUR OF MEETING ON WEDNESDAY, MAY 20, 1992

Mr. MONTGOMERY. Mr Speaker, I ask unanimous consent that when the House adjourns on Tuesday, May 19, 1992, it adjourn to meet at 11 a.m. on Wednesday, May 20, 1992.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Mississippi?

There was no objection.

CONFERENCE REPORT ON H.R. 2507, NATIONAL INSTITUTES OF HEALTH REVITALIZATION AMENDMENTS OF 1992

Mr. WAXMAN submitted the following conference report and statement on the bill (H.R. 2507) to amend the Public Health Service Act to revise and extend the programs of the National Institutes of Health, and for other purposes:

CONFERENCE REPORT (H. REPT. 102-525)

The committee on conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 2507) to amend the Public Health Service Act to revise and extend the programs of the National Institutes of Health, and for other purposes, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendment of the Senate and

☐ This symbol represents the time of day during the House proceedings, e.g., ☐ 1407 is 2:07 p.m.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

agree to the same with an amendment as follows:

In lieu of the matter proposed to be inserted by the Senate amendment, insert the following:

SECTION 1. SHORT TITLE AND TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "National Institutes of Health Revitalization Amendments of 1992".

(b) TABLE OF CONTENTS.—The table of contents for this Act is as follows:

Sec. 1. Short title and table of contents.

TITLE I—GENERAL PROVISIONS REGARDING TITLE IV OF PUBLIC HEALTH SERVICE ACT

Subtitle A—Research Freedom

PART I—REVIEW OF PROPOSALS FOR BIOMEDICAL AND BEHAVIORAL RESEARCH

Sec. 101. Establishment of certain provisions regarding research conducted or supported by National Institutes of Health.

PART II—RESEARCH ON TRANSPLANTATION OF FETAL TISSUE

Sec. 111. Establishment of authorities.
Sec. 112. Purchase of human fetal tissue; solicitation or acceptance of tissue as directed donation for use in transplantation.
Sec. 113. Nullification of moratorium.
Sec. 114. Report by General Accounting Office on adequacy of requirements.

PART III—MISCELLANEOUS REPEALS

Sec. 121. Repeals.

Subtitle B—Clinical Research Equity Regarding Women and Minorities

PART I—WOMEN AND MINORITIES AS SUBJECTS IN CLINICAL RESEARCH

Sec. 131. Requirement of inclusion in research.
Sec. 132. Peer review.
Sec. 133. Applicability.

PART II—OFFICE OF RESEARCH ON WOMEN'S HEALTH

Sec. 141. Establishment.

Subtitle C—Scientific Integrity

Sec. 151. Establishment of Office of Scientific Integrity.
Sec. 152. Commission on Scientific Integrity.
Sec. 153. Protection of whistleblowers.
Sec. 154. Requirement of regulations regarding protection against financial conflicts of interest in certain projects of research.
Sec. 155. Effective dates.

TITLE II—PROTECTION OF HEALTH FACILITIES

Sec. 201. Protection of facilities assisted under Public Health Service Act.
Sec. 202. Conforming amendments.

TITLE III—NATIONAL INSTITUTES OF HEALTH IN GENERAL

Sec. 301. Discretionary fund of Director of National Institutes of Health.
Sec. 302. Health promotion research dissemination.
Sec. 303. Programs for increased support regarding certain states and researchers.
Sec. 304. Children's vaccine initiative.
Sec. 305. Plan for use of animals in research.
Sec. 306. Increased participation of women and disadvantaged individuals in fields of biomedical and behavioral research.
Sec. 307. Requirements regarding surveys of sexual behavior.
Sec. 308. Miscellaneous provisions.

TITLE IV—GENERAL PROVISIONS RESPECTING NATIONAL RESEARCH INSTITUTES

Sec. 401. Appointment and authority of Directors of national research institutes.
Sec. 402. Program of research on osteoporosis, Paget's disease, and related disorders.
Sec. 403. Establishment of interagency program for trauma research.

TITLE V—NATIONAL CANCER INSTITUTE

Sec. 501. Expansion and intensification of activities regarding breast cancer.
Sec. 502. Expansion and intensification of activities regarding prostate cancer.
Sec. 503. Authorization of appropriations.

TITLE VI—NATIONAL HEART, LUNG, AND BLOOD INSTITUTE

Sec. 601. Education and training.
Sec. 602. Centers for the study of pediatric cardiovascular diseases.
Sec. 603. Authorization of appropriations.

TITLE VII—NATIONAL INSTITUTE ON DIABETES AND DIGESTIVE AND KIDNEY DISEASES

Sec. 701. Provisions regarding nutritional disorders.

TITLE VIII—NATIONAL INSTITUTE ON ARTHRITIS AND MUSCULOSKELETAL AND SKIN DISEASES

Sec. 801. Juvenile arthritis.

TITLE IX—NATIONAL INSTITUTE ON AGING

Sec. 901. Alzheimer's disease registry.
Sec. 902. Aging processes regarding women.
Sec. 903. Authorization of appropriations.
Sec. 904. Conforming amendment.

TITLE X—NATIONAL INSTITUTE OF ALLERGY AND INFECTIOUS DISEASES

Sec. 1001. Tropical diseases.
Sec. 1002. Chronic fatigue syndrome.

TITLE XI—NATIONAL INSTITUTE OF CHILD HEALTH AND HUMAN DEVELOPMENT

Subtitle A—Research Centers With Respect to Contraception and Research Centers With Respect to Infertility

Sec. 1101. Grants and contracts for research centers.
Sec. 1102. Loan repayment program for research with respect to contraception and infertility.

Subtitle B—Program Regarding Obstetrics and Gynecology

Sec. 1111. Establishment of program.

Subtitle C—Child Health Research Centers

Sec. 1121. Establishment of centers.

Subtitle D—Study Regarding Adolescent Health.

Sec. 1131. Prospective longitudinal study.

TITLE XII—NATIONAL EYE INSTITUTE

Sec. 1201. Clinical research on diabetes eye care.

TITLE XIII—NATIONAL INSTITUTE OF NEUROLOGICAL DISORDERS AND STROKE

Sec. 1301. Research on multiple sclerosis.

TITLE XIV—NATIONAL INSTITUTE OF ENVIRONMENTAL HEALTH SCIENCES

Sec. 1401. Applied Toxicological Research and Testing Program.

TITLE XV—NATIONAL LIBRARY OF MEDICINE

Subtitle A—General Provisions

Sec. 1501. Additional authorities.
Sec. 1502. Authorization of appropriations for general program.

Subtitle B—Financial Assistance

Sec. 1511. Establishment of program of grants for development of education technologies.
Sec. 1512. Authorization of appropriations.

Subtitle C—National Center for Biotechnology Information

Sec. 1521. Authorization of appropriations.

Subtitle D—National Information Center on Health Services Research and Health Care Technology

Sec. 1531. Establishment of Center.
Sec. 1532. Conforming provisions.

TITLE XVI—OTHER AGENCIES OF NATIONAL INSTITUTES OF HEALTH

Subtitle A—Division of Research Resources

Sec. 1601. Redesignation of Division as National Center for Research Resources.
Sec. 1602. Biomedical and behavioral research facilities
Sec. 1603. Construction program for national primate research center.

Subtitle B—National Center for Nursing Research

Sec. 1611. Redesignation of National Center for Nursing Research as National Institute of Nursing Research.

Subtitle C—National Center for Human Genome Research

Sec. 1621. Purpose of Center.

TITLE XVII—AWARDS AND TRAINING

Subtitle A—National Research Service Awards

Sec. 1701. Requirement regarding women and individuals from disadvantaged backgrounds.

Subtitle B—Acquired Immune Deficiency Syndrome

Sec. 1711. Loan repayment program.

Subtitle C—Loan Repayment for Research Generally

Sec. 1721. Establishment of program.

Subtitle D—Scholarship and Loan Repayment Programs Regarding Professional Skills Needed by National Institutes of Health

Sec. 1731. Establishment of programs.
Sec. 1732. Funding.

Subtitle D—Funding for Awards and Training Generally

Sec. 1741. Authorizatiion of appropriations.

TITLE XVIII—NATIONAL FOUNDATION FOR BIOMEDICAL RESEARCH

Sec. 1801. Miscellaneous provisions.

TITLE XIX—RESTORATION AND RENOVATION OF FACILITIES AND INFRASTRUCTURE

Sec. 1901. Acquisition of land and facilities.
Sec. 1902. Warren Grant Magnuson Clinical Center.

TITLE XX—RESEARCH WITH RESPECT TO ACQUIRED IMMUNE DEFICIENCY SYNDROME

Sec. 2001. Revision and extension of various programs.

TITLE XXI—CERTAIN AUTHORITIES OF CENTERS FOR DISEASE CONTROL

Sec. 2101. Prevention of prostate cancer.
Sec. 2102. National program of cancer registries.
Sec. 2103. Traumatic brain injury.

TITLE XXII—STUDIES

Sec. 2201. Acquired immune deficiency syndrome.

Sec. 2202. Annual report concerning leading causes of death.
Sec. 2203. Malnutrition in the elderly.
Sec. 2204. Behavioral factors study.
Sec. 2205. Relationship between the consumption of legal and illegal drugs.
Sec. 2206. Research activities on chronic fatigue syndrome.
Sec. 2207. Report on medical uses of biological agents in development of defenses against biological warfare.
Sec. 2208. Evaluation of employee-transported contaminant releases.
Sec. 2209. Personnel study of recruitment, retention and turnover.
Sec. 2210. Procurement.

TITLE XXIII—MISCELLANEOUS PROVISIONS

Sec. 2301. Designation of Senior Biomedical Research Service in honor of Silvio Conte, and limitation on number of members.
Sec. 2302. Technical corrections.
Sec. 2303. Prohibition against SHARP adult sex survey and the American teenage sex survey.
Sec. 2304. Biennial report on carcinogens.
Sec. 2305. National commission on sleep disorders research.

TITLE XXIV—EFFECTIVE DATE

Sec. 2401. Effective date.

TITLE I—GENERAL PROVISIONS REGARDING TITLE IV OF PUBLIC HEALTH SERVICE ACT

Subtitle A—Research Freedom

PART I—REVIEW OF PROPOSALS FOR BIOMEDICAL AND BEHAVIORAL RESEARCH

SEC. 101. ESTABLISHMENT OF CERTAIN PROVISIONS REGARDING RESEARCH CONDUCTED OR SUPPORTED BY NATIONAL INSTITUTES OF HEALTH.

Part G of title IV of the Public Health Service Act (42 U.S.C. 289 et seq.) is amended by inserting after section 492 the following new section:

"CERTAIN PROVISIONS REGARDING REVIEW AND APPROVAL OF PROPOSALS FOR RESEARCH

"SEC. 492A. (a) REVIEW AS PRECONDITION TO RESEARCH.—

"(1) PROTECTION OF HUMAN RESEARCH SUBJECTS.—

"(A) In the case of any application submitted to the Secretary for financial assistance to conduct research, the Secretary may not approve or fund any application that is subject to review under section 491(a) by an Institutional Review Board unless the application has undergone review in accordance with such section and has been recommended for approval by a majority of the members of the Board conducting such review.

"(B) In the case of research that is subject to review under procedures established by the Secretary for the protection of human subjects in clinical research conducted by the National Institutes of Health, the Secretary may not authorize the conduct of the research unless the research has, pursuant to such procedures, been recommended for approval.

"(2) PEER REVIEW.—In the case of any application submitted to the Secretary for financial assistance to conduct research, the Secretary may not approve or fund any application that is subject to technical and scientific peer review under section 492(a) unless the application has undergone peer review in accordance with such section and has been recommended for approval by a majority of the members of the entity conducting such review.

"(b) ETHICAL REVIEW OF RESEARCH.—

"(1) PROCEDURES REGARDING WITHHOLDING OF FUNDS.—If research has been recommended for approval for purposes of subsection (a), the Secretary may not withhold funding for the research on ethical grounds unless—

"(A) the Secretary convenes an advisory board in accordance with paragraph (4) to study the ethical implications of the research; and

"(B) the majority of the advisory board recommends that, on ethical grounds, the Secretary withhold funds for the research.

"(2) APPLICABILITY.—The limitation established in paragraph (1) regarding the authority to withhold funds on ethical grounds shall apply without regard to whether the withholding of funds is characterized as a disapproval, a moratorium, a prohibition, or other description.

"(3) PRELIMINARY MATTERS REGARDING USE OF PROCEDURES.—

"(A) If the Secretary makes a determination that an advisory board should be convened for purposes of paragraph (1), the Secretary shall, through a statement published in the Federal Register, announce the intention of the Secretary to convene such a board.

"(B) A statement issued under subparagraph (A) shall include a request that interested individuals submit to the Secretary recommendations specifying the particular individuals who should be appointed to the advisory board involved. The Secretary shall consider such recommendations in making appointments to the board.

"(C) The Secretary may not make appointments to an advisory board under paragraph (1) until the expiration of the 30-day period beginning on the date on which the statement required in subparagraph (A) is made with respect to the board.

"(4) ETHICS ADVISORY BOARDS.—

"(A) Any advisory board convened for purposes of paragraph (1) shall be known as an ethics advisory board (hereafter in this paragraph referred to as an 'ethics board').

"(B)(i) An ethics board shall advise, consult with, and make recommendations to the Secretary regarding the ethics of the project of biomedical or behavioral research with respect to which the board has been convened.

"(ii) Not later than 180 days after the date on which the statement required in paragraph (3)(A) is made with respect to an ethics board, the board shall submit to the Secretary, and to the Committee on Energy and Commerce of the House of Representatives and the Committee on Labor and Human Resources of the Senate, a report describing the findings of the board regarding the project of research involved.

"(C) An ethics board shall be composed of no fewer than 14, and no more than 20, individuals who are not officers or employees of the United States. The Secretary shall make appointments to the board from among individuals with special qualifications and competence to provide advice and recommendations regarding ethical matters in biomedical and behavioral research. Of the members of the board—

"(i) no fewer than 1 shall be an attorney;

"(ii) no fewer than 1 shall be an ethicist;

"(iii) no fewer than 1 shall be a practicing physician;

"(iv) no fewer than 1 shall be a theologian; and

"(v) no fewer than one-third, and no more than one-half, shall be scientists with substantial accomplishments in biomedical or behavioral research.

"(D) The term of service as a member of an ethics board shall be for the life of the board. If such a member does not serve the full term of such service, the individual appointed to fill the resulting vacancy shall be appointed for the remainder of the term of the predecessor of the individual.

"(E) A member of an ethics board shall be subject to removal from the board by the Secretary for neglect of duty or malfeasance or for other good cause shown.

"(F) The Secretary shall designate an individual from among the members of an ethics board to serve as the chair of the board.

"(G) In carrying out subparagraph (B)(i) with respect to a project of research, an ethics board shall conduct inquiries and hold public hearings.

"(H) With respect to information relevant to the duties described in subparagraph (B)(i), an ethics board shall have access to all such information possessed by the Department of Health and Human Services, or available to the Secretary from other agencies.

"(I) Members of an ethics board shall receive compensation for each day engaged in carrying out the duties of the board, including time engaged in traveling for purposes of such duties. Such compensation may not be provided in an amount in excess of the maximum rate of basic pay payable for GS–18 of the General Schedule.

"(J) The Secretary, acting through the Director of the National Institutes of Health, shall provide to each ethics board such staff and other assistance as may be necessary to carry out the duties of the board.

"(K) An ethics board shall terminate 30 days after the date on which the report required in subparagraph (B)(ii) is submitted to the Secretary and the congressional committees specified in such subparagraph.".

PART II—RESEARCH ON TRANSPLANTATION OF FETAL TISSUE

SEC. 111. ESTABLISHMENT OF AUTHORITIES.

Part G of title IV of the Public Health Service Act (42 U.S.C. 289 et seq.) is amended by inserting after section 498 the following new section:

"RESEARCH ON TRANSPLANTATION OF FETAL TISSUE

"SEC. 498A. (a) ESTABLISHMENT OF PROGRAM.—

"(1) IN GENERAL.—The Secretary may conduct or support research on the transplantation of human fetal tissue for therapeutic purposes.

"(2) SOURCE OF TISSUE.—Human fetal tissue may be used in research carried out under paragraph (1) regardless of whether the tissue is obtained pursuant to a spontaneous or induced abortion or pursuant to a stillbirth.

"(b) INFORMED CONSENT OF DONOR.—

"(1) IN GENERAL.—In research carried out under subsection (a), human fetal tissue may be used only if the woman providing the tissue makes a statement, made in writing and signed by the woman, declaring that—

"(A) the woman donates the fetal tissue for use in research described in subsection (a);

"(B) the donation is made without any restriction regarding the identity of individuals who may be the recipients of transplantations of the tissue; and

"(C) the woman has not been informed of the identity of any such individuals.

"(2) ADDITIONAL STATEMENT.—In research carried out under subsection (a), human fetal tissue may be used only if the attending physician with respect to obtaining the tissue from the woman involved makes a statement, made in writing and signed by the physician, declaring that—

"(A) in the case of tissue obtained pursuant to an induced abortion—

"(i) the consent of the woman for the abortion was obtained prior to requesting or obtaining consent for the tissue to be used in such research; and

"(ii) no alteration of the timing, method, or procedures used to terminate the pregnancy was made solely for the purposes of obtaining the tissue;

"(B) the tissue has been donated by the woman in accordance with paragraph (1); and

"(C) full disclosure has been provided to the woman with regard to—

"(i) such physician's interest, if any, in the research to be conducted with the tissue; and

"(ii) any known medical risks to the woman or risks to her privacy that might be associated with the donation of the tissue and that are in addition to risks of such type that are associated with the woman's medical care.

"(c) INFORMED CONSENT OF RESEARCHER AND DONEE.—In research carried out under subsection (a), human fetal tissue may be used only if the individual with the principal responsibility for conducting the research involved makes a statement, made in writing and signed by the individual, declaring that the individual—

"(1) is aware that—

"(A) the tissue is human fetal tissue;

"(B) the tissue may have been obtained pursuant to a spontaneous or induced abortion or subsequent to a stillbirth; and

"(C) the tissue was donated for research purposes;

"(2) has provided such information to other individuals with responsibilities regarding the research;

"(3) will require, prior to obtaining the consent of an individual to be a recipient of a transplantation of the tissue, written acknowledgment of receipt of such information by such recipient; and

"(4) has had no part in any decisions as to the timing, method, or procedures used to terminate the pregnancy made solely for the purposes of the research.

"(d) AVAILABILITY OF STATEMENTS FOR AUDIT.—

"(1) IN GENERAL.—In research carried out under subsection (a), human fetal tissue may be used only if the head of the agency or other entity conducting the research involved certifies to the Secretary that the statements required under subsections (b)(2) and (c) will be available for audit by the Secretary.

"(2) CONFIDENTIALITY OF AUDIT.—Any audit conducted by the Secretary pursuant to paragraph (1) shall be conducted in a confidential manner to protect the privacy rights of the individuals and entities involved in such research, including such individuals and entities involved in the donation, transfer, receipt, or transplantation of human fetal tissue. With respect to any material or information obtained pursuant to such audit, the Secretary shall—

"(A) use such material or information only for the purposes of verifying compliance with the requirements of this section;

"(B) not disclose or publish such material or information, except where required by Federal law, in which case such material or information shall be coded in a manner such that the identities of such individuals and entities are protected; and

"(C) not maintain such material or information after completion of such audit, except where necessary for the purposes of such audit.

"(e) APPLICABILITY OF STATE AND LOCAL LAW.—

"(1) RESEARCH CONDUCTED BY RECIPIENTS OF ASSISTANCE.—The Secretary may not provide support for research under subsection (a) unless the applicant for the financial assistance involved agrees to conduct the research in accordance with applicable State and local law.

"(2) RESEARCH CONDUCTED BY SECRETARY.—The Secretary may conduct research under subsection (a) only in accordance with applicable State and local law.

"(f) DEFINITION.—For purposes of this section, the term 'human fetal tissue' means tissue or cells obtained from a dead human embryo or fetus after a spontaneous or induced abortion, or after a stillbirth.".

SEC. 112. PURCHASE OF HUMAN FETAL TISSUE; SOLICITATION OR ACCEPTANCE OF TISSUE AS DIRECTED DONATION FOR USE IN TRANSPLANTATION.

Part G of title IV of the Public Health Service Act, as amended by section 111 of this Act, is amended by inserting after section 498A the following new section:

"PROHIBITIONS REGARDING HUMAN FETAL TISSUE

"SEC. 498B. (a) PURCHASE OF TISSUE.—It shall be unlawful for any person to knowingly acquire, receive, or otherwise transfer any human fetal tissue for valuable consideration if the transfer affects interstate commerce.

"(b) SOLICITATION OR ACCEPTANCE OF TISSUE AS DIRECTED DONATION FOR USE IN TRANSPLANTATION.—It shall be unlawful for any person to solicit or knowingly acquire, receive, or accept a donation of human fetal tissue for the purpose of transplantation of such tissue into another person if the donation affects interstate commerce, the tissue will be or is obtained pursuant to an induced abortion, and—

"(1) the donation will be or is made pursuant to a promise to the donating individual that the donated tissue will be transplanted into a recipient specified by such individual;

"(2) the donated tissue will be transplanted into a relative of the donating individual; or

"(3) the person who solicits or knowingly acquires, receives, or accepts the donation has provided valuable consideration for the costs associated with such abortion.

"(c) CRIMINAL PENALTIES FOR VIOLATIONS.—

"(1) IN GENERAL.—Any person who violates subsection (a) or (b) shall be fined in accordance with title 18, United States Code, subject to paragraph (2), or imprisoned for not more than 10 years, or both.

"(2) PENALTIES APPLICABLE TO PERSONS RECEIVING CONSIDERATION.—With respect to the imposition of a fine under paragraph (1), if the person involved violates subsection (a) or (b)(3), a fine shall be imposed in an amount not less than twice the amount of the valuable consideration received.

"(d) DEFINITIONS.—For purposes of this section:

"(1) The term 'human fetal tissue' has the meaning given such term in section 498A(f).

"(2) The term 'interstate commerce' has the meaning given such term in section 201(b) of the Federal Food, Drug, and Cosmetic Act.

"(3) The term 'valuable consideration' does not include reasonable payments associated with the transportation, implantation, processing, preservation, quality control, or storage of human fetal tissue.".

SEC. 113. NULLIFICATION OF MORATORIUM.

(a) IN GENERAL.—Except as provided in subsection (c), no official of the executive branch may impose a policy that the Department of Health and Human Services is prohibited from conducting or supporting any research on the transplantation of human fetal tissue for therapeutic purposes. Such research shall be carried out in accordance with section 498A of the Public Health Service Act (as added by section 111 of this Act), without regard to any such policy that may have been in effect prior to the date of the enactment of this Act.

(b) PROHIBITION AGAINST WITHHOLDING OF FUNDS IN CASES OF TECHNICAL AND SCIENTIFIC MERIT—.

(1) IN GENERAL.—In the case of any proposal for research on the transplantation of human fetal tissue for therapeutic purposes, the Secretary of Health and Human Services may not withhold funds for the research if—

(A) the research has been approved for purposes of section 492A(a) of the Public Health Service Act (as added by section 101 of this Act);

(B) the research will be carried out in accordance with section 498A of such Act (as added by section 111 of this Act); and

(C) there are reasonable assurances that the research will not utilize any human fetal tissue that has been obtained in violation of section 498B(a) of such Act (as added by section 112 of this Act).

(2) STANDING APPROVAL REGARDING ETHICAL STATUS.—In the case of any proposal for research on the transplantation of human fetal tissue for therapeutic purposes, the issuance in December 1988 of the Report of the Human Fetal Tissue Transplantation Research Panel shall be deemed to be a report—

(A) issued by an ethics advisory board pursuant to section 492A(b)(4)(B)(ii)) of the Public Health Service Act (as added by section 101 of this Act); and

(B) finding that there are no ethical grounds for withholding funds for the research.

(c) AUTHORITY FOR WITHHOLDING FUNDS FROM RESEARCH.—In the case of any research on the transplantation of human fetal tissue for therapeutic purposes, the Secretary of Health and Human Services may withhold funds for the research if any of the conditions specified in any of subparagraphs (A) through (C) of subsection (b)(1) are not met with respect to the research.

(d) DEFINITION.—For purposes of this section, the term "human fetal tissue" has the meaning given such term in section 498A(f) of the Public Health Service Act (as added by section 111 of this Act).

SEC. 114. REPORT BY GENERAL ACCOUNTING OFFICE ON ADEQUACY OF REQUIREMENTS.

(a) IN GENERAL.—With respect to research on the transplantation of human fetal tissue for therapeutic purposes, the Comptroller General of the United States shall conduct an audit for the purpose of determining—

(1) whether and to what extent such research conducted or supported by the Secretary of Health and Human Services has been conducted in accordance with section 498A of the Public Health Service Act (as added by section 111 of this Act); and

(2) whether and to what extent there have been violations of section 498B of such Act (as added by section 112 of this Act).

(b) REPORT.—Not later than 2 years after the date of the enactment of this Act, the Comptroller General of the United States shall complete the audit required in subsection (a) and submit to the Committee on Energy and Commerce of the House of Representatives, and to the Committee on Labor and Human Resources of the Senate, a report describing the findings made pursuant to the audit.

PART III—MISCELLANEOUS REPEALS

SEC. 121. REPEALS.

(a) CERTAIN BIOMEDICAL ETHICS BOARD.—Title III of the Public Health Service Act (42 U.S.C. 241 et seq.), as amended by section 101(a) of Public Law 101–616, is amended—

(1) by striking part J; and

(2) by redesignating parts K through M as parts J through L, respectively.

(b) OTHER REPEALS.—Part G of title IV of the Public Health Service Act (42 U.S.C. 289 et seq.) is amended—

(1) in section 498, by striking subsection (c); and

(2) by striking section 499.

Subtitle B—Clinical Research Equity Regarding Women and Minorities

PART I—WOMEN AND MINORITIES AS SUBJECTS IN CLINICAL RESEARCH

SEC. 131. REQUIREMENT OF INCLUSION IN RESEARCH.

Part G of title IV of the Public Health Service Act, as amended by section 101 of this Act, is amended by inserting after section 492A the following new section:

"INCLUSION OF WOMEN AND MINORITIES IN CLINICAL RESEARCH

"SEC. 492B. (a) In conducting or supporting clinical research for purposes of this title, the Director of NIH shall, subject to subsection (b), ensure that—

"(1) women are included as subjects in each project of such research; and

"(2) members of minority groups are included as subjects in such research.

"(b) The requirement established in subsection (a) regarding women and members of minority groups shall not apply to a project of clinical research if the inclusion, as subjects in the project, of women and members of minority groups, respectively—

"(1) is inappropriate with respect to the health of the subjects;

"(2) is inappropriate with respect to the purpose of the research; or

"(3) is inappropriate under such other circumstances as the Director of NIH may designate.

"(c) In the case of any project of clinical research in which women or members of minority groups will under subsection (a) be included as subjects in the research, the Director of NIH shall ensure that the project is designed and carried out in a manner sufficient to provide for a valid analysis of whether the variables being tested in the research affect women or members of minority groups, as the case may be, differently than other subjects in the research.

"(d)(1) The Director of NIH, in consultation with the Director of the Office of Research on Women's Health, shall establish guidelines regarding—

"(A) the circumstances under which the inclusion of women and minorities in clinical research is inappropriate for purposes of subsection (b);

"(B) the manner in which projects of clinical research are required to be designed and carried out for purposes of subsection (c), including a specification of the circumstances in which the requirement of such subsection does not apply on the basis of impracticability; and

"(C) the conduct of outreach programs for the recruitment of women and members of minority groups as subjects in such research.

"(2) The guidelines established under paragraph (1)—

"(A) may not provide that the costs of including women and minorities in clinical research are a permissible consideration regarding the circumstances described in subparagraph (A) of such paragraph; and

"(B) may provide that such circumstances include circumstances in which there are scientific reasons for believing that the variables proposed to be studied do not affect women or minorities differently than other subjects in the research.

"(3) The guidelines required in paragraph (1) shall be established and published in the Federal Register not later than July 1, 1992.

"(4) For fiscal year 1993 and subsequent fiscal years, the Director of NIH may not approve any proposal of clinical research to be conducted or supported by any agency of the National Institutes of Health unless the proposal specifies the manner in which the research will comply with subsection (a).

"(e) The advisory council of each national research institute shall annually submit to the Director of NIH and the Director of the institute involved a report describing the manner in which the agency has complied with subsection (a).".

SEC. 132. PEER REVIEW.

Section 492 of the Public Health Service Act (42 U.S.C. 289a) is amended by adding at the end the following new subsection:

"(c)(1) In technical and scientific peer review under this section of proposals for clinical research, the consideration of any such proposal (including the initial consideration) shall, except as provided in paragraph (2), include an evaluation of the technical and scientific merit of the proposal regarding compliance with section 492B(a).

"(2) Paragraph (1) shall not apply to any proposal for clinical research that, pursuant to subsection (b) of section 492B, is not subject to the requirement of subsection (a) of such section regarding the inclusion of women and members of minority groups as subjects in clinical research.".

SEC. 134. APPLICABILITY.

Section 492B of the Public Health Service Act, as added by section 131 of this Act, shall not apply with respect to projects of clinical research for which initial funding was provided prior to the date of the enactment of this Act. With respect to the inclusion of women and minorities as subjects in clinical research conducted or supported by the National Institutes of Health, any policies of the Secretary of Health and Human Services regarding such inclusion that are in effect on the day before the date of the enactment of this Act shall continue to apply to the projects referred to in the preceding sentence. Any such policies may apply for fiscal year 1993 and subsequent fiscal years to the extent not inconsistent with such section 492B.

PART II—OFFICE OF RESEARCH ON WOMEN'S HEALTH

SEC. 141. ESTABLISHMENT.

(a) IN GENERAL.—Title IV of the Public Health Service Act, as amended by section 2 of Public Law 101-613, is amended—

(1) by redesignating section 486 as section 485A;

(2) by redesignating parts F through H as parts G through I, respectively; and

(3) by inserting after part E the following new part:

"PART F—RESEARCH ON WOMEN'S HEALTH

"SEC. 486. OFFICE OF RESEARCH ON WOMEN'S HEALTH.

"(a) ESTABLISHMENT.—There is established within the Office of the Director of NIH an office to be known as the Office of Research on Women's Health (in this part referred to as the 'Office'). The Office shall be headed by a director, who shall be appointed by the Director of NIH.

"(b) PURPOSE.—The Director of the Office shall—

"(1) identify projects of research on women's health that should be conducted or supported by the national research institutes;

"(2) identify multidisciplinary research relating to research on women's health that should be so conducted or supported;

"(3) carry out paragraphs (1) and (2) with respect to the aging process in women, with priority given to menopause;

"(4) promote coordination and collaboration among entities conducting research identified under any of paragraphs (1) through (3);

"(5) encourage the conduct of such research by entities receiving funds from the national research institutes;

"(6) recommend an agenda for conducting and supporting such research;

"(7) promote the sufficient allocation of the resources of the national research institutes for conducting and supporting such research;

"(8) assist in the administration of section 492B with respect to the inclusion of women as subjects in clinical research; and

"(9) prepare the report required in section 486B.

"(c) COORDINATING COMMITTEE.—

"(1) In carrying out subsection (b), the Director of the Office shall establish a committee to be known as the Coordinating Committee on Research on Women's Health (hereafter in this subsection referred to as the 'Coordinating Committee').

"(2) The Coordinating Committee shall be composed of the Directors of the national research institutes (or the designees of the Directors).

"(3) The Director of the Office shall serve as the chair of the Coordinating Committee.

"(4) With respect to research on women's health, the Coordinating Committee shall assist the Director of the Office in—

"(A) identifying the need for such research, and making an estimate each fiscal year of the funds needed to adequately support the research;

"(B) identifying needs regarding the coordination of research activities, including intramural and extramural multidisciplinary activities;

"(C) supporting the development of methodologies to determine the circumstances in which obtaining data specific to women (including data relating to the age of women and the membership of women in ethnic or racial groups) is an appropriate function of clinical trials of treatments and therapies;

"(C) supporting the development and expansion of clinical trials of treatments and therapies for which obtaining such data has been determined to be an appropriate function; and

"(D) encouraging the national research institutes to conduct and support such research, including such clinical trials.

"(d) ADVISORY COMMITTEE.—

"(1) In carrying out subsection (b), the Director of the Office shall establish an advisory committee to be known as the Advisory Committee on Research on Women's Health (hereafter in this subsection referred to as the 'Advisory Committee').

"(2) The Advisory Committee shall be composed of no fewer than 12, and not more than 18 individuals, who are not officers or employees of the Federal Government. The Director of the Office shall make appointments to the Advisory Committee from among physicians, practitioners, scientists, and other health professionals, whose clinical practice, research specialization, or professional expertise includes a significant focus on research on women's health. A majority of the members of the Advisory Committee shall be women.

"(3) The Director of the Office shall serve as the chair of the Advisory Committee.

"(4) The Advisory Committee shall—

"(A) advise the Director of the Office on appropriate research activities to be undertaken by the national research institutes with respect to—

"(i) research on women's health;

"(ii) research on gender differences in clinical drug trials, including responses to pharmacological drugs;

"(iii) research on gender differences in disease etiology, course, and treatment;

"(iv) research on obstetrical and gynecological health conditions, diseases, and treatments; and

"(v) research on women's health conditions which require a multidisciplinary approach;

"(B) report to the Director of the Office on such research;

"(C) provide recommendations to such Director regarding activities of the Office (including recommendations on the development of the methodologies described in subsection (c)(4)(C) and recommendations on priorities in carrying out research described in subparagraph (A)); and

"(D) assist in monitoring compliance with section 492B regarding the inclusion of women in clinical research.

"(5)(A) The Advisory Committee shall prepare a biennial report describing the activities of the Committee, including findings made by the Committee regarding—

"(i) compliance with section 492B;

"(ii) the extent of expenditures made for research on women's health by the agencies of the National Institutes of Health; and

"(iii) the level of funding needed for such research.

"(B) The report required in subparagraph (A) shall be submitted to the Director of NIH for inclusion in the report required in section 403.

"(e) Representation of Women Among Researchers.—The Secretary, acting through the Assistant Secretary for Personnel and in collaboration with the Director of the Office, shall determine the extent to which women are represented among senior physicians and scientists of the national research institutes and among physicians and scientists conducting research with funds provided by such institutes, and as appropriate, carry out activities to increase the extent of such representation.

"(f) Definitions.—For purposes of this part:

"(1) The term 'women's health conditions', with respect to women of all age, ethnic, and racial groups, means all diseases, disorders, and conditions (including with respect to mental health)—

"(A) unique to, more serious, or more prevalent in women;

"(B) for which the factors of medical risk or types of medical intervention are different for women, or for which it is unknown whether such factors or types are different for women; or

"(C) with respect to which there has been insufficient clinical research involving women as subjects or insufficient clinical data on women.

"(2) The term 'research on women's health' means research on women's health conditions, including research on preventing such conditions.

"SEC. 486A. NATIONAL DATA SYSTEM AND CLEARINGHOUSE ON RESEARCH ON WOMEN'S HEALTH.

"(a) Data System.—

"(1) The Director of NIH, in consultation with the Director of the Office, shall establish data system for the collection, storage, analysis, retrieval, and dissemination of information regarding research on women's health that is conducted or supported by the national research institutes. Information from the data system shall be available through information systems available to health care professionals and providers, researchers, and members of the public.

"(2) The data system established under paragraph (1) shall include a registry of clinical trials of experimental treatments that have been developed for research on women's health. Such registry shall include information on subject eligibility criteria, sex, age, ethnicity or race, and the location of the trial site or sites. Principal investigators of such clinical trials shall provide this information to the registry within 30 days after it is available. Once a trial has been completed, the principal investigator shall provide the registry with information pertaining to the results, including potential toxicities or adverse effects associated with the experimental treatment or treatments evaluated.

"(b) Clearinghouse.—The Director of NIH, in consultation with the Director of the Office and with the National Library of Medicine, shall establish, maintain, and operate a program to provide information on research and prevention activities of the national research institutes that relate to research on women's health.

"SEC. 486B. BIENNIAL REPORT.

"(a) In General.—With respect to research on women's health, the Director of the Office shall, not later than February 1, 1994, and biennially thereafter, prepare a report—

"(1) describing and evaluating the progress made during the preceding 2 fiscal years in research and treatment conducted or supported by the National Institutes of Health;

"(2) describing and analyzing the professional status of women physicians and scientists of such Institutes, including the identification of problems and barriers regarding advancements;

"(3) summarizing and analyzing expenditures made by the agencies of such Institutes (and by such Office) during the preceding 2 fiscal years; and

"(4) making such recommendations for legislative and administrative initiatives as the Director of the Office determines to be appropriate.

"(b) Inclusion in Biennial Report of Director of NIH.—The Director of the Office shall submit each report prepared under subsection (a) to the Director of NIH for inclusion in the report submitted to the President and the Congress under section 403.".

(b) Requirement of Sufficient Allocation of Resources of Institutes.—Section 402(b) of the Public Health Service Act (42 U.S.C. 282(b)) is amended—

(1) in paragraph (10), by striking "and" after the semicolon at the end;

(2) in paragraph (11), by striking the period at the end and inserting "; and"; and

(3) by inserting after paragraph (11) the following new paragraph:

"(12) after consultation with the Director of the Office of Research on Women's Health, shall ensure that resources of the National Institutes of Health are sufficiently allocated for projects of research on women's health that are identified under section 486(b).".

(c) Conforming Amendment.—Section 485(g) of the Public Health Service Act (42 U.S.C. 287c–2(g)) is amended by striking "section 486" and inserting "section 485A".

Subtitle C—Scientific Integrity

SEC. 151. ESTABLISHMENT OF OFFICE OF SCIENTIFIC INTEGRITY.

(a) In General.—Section 493 of the Public Health Service Act (42 U.S.C. 289b) is amended to read as follows:

"OFFICE OF SCIENTIFIC INTEGRITY

"(a) Sec. 493. (a) Establishment.—

"(1) In General.—Not later than 90 days after the date of enactment of this section, the Secretary shall establish an office to be known as the Office of Scientific Integrity (hereafter referred to in this section as the 'Office'), which shall be established as an independent entity in the Department of Health and Human Services.

"(2) Director.—The Office shall be headed by a Director, who shall be appointed by the Secretary, be experienced and specially trained in the conduct of research, and have experience in the conduct of investigations of scientific misconduct. The Secretary shall carry out this section acting through the Director of the Office. The Director shall report to the Secretary.

"(b) Existence of Administrative Processes as Condition of Funding for Research.—The Secretary shall by regulation require that each entity that applies for a grant, contract, or cooperative agreement under this Act for any project or program that involves the conduct of biomedical or behavioral research submit in or with its application for such grant, contract, or cooperative agreement assurances satisfactory to the Secretary that such entity—

"(1) has established (in accordance with regulations which the Secretary shall prescribe) an administrative process to review reports of scientific misconduct in connection with biomedical and behavioral research conducted at or sponsored by such entity; and

"(2) will report to the Director any investigation of alleged scientific misconduct in connection with projects for which funds have been made available under this Act that appears substantial.

"(c) Process for Response of Director.—The Secretary shall establish by regulation a process to be followed by the Director for the prompt and appropriate—

"(1) response to information provided to the Director respecting scientific misconduct in connection with projects for which funds have been made available under this Act;

"(2) receipt of reports by the Director of such information from recipients of funds under this Act;

"(3) conduct of investigations, when appropriate; and

"(4) taking of other actions, including appropriate remedies, with respect to such misconduct.

"(d) Monitoring by Director.—The Secretary shall by regulation establish procedures for the Director to monitor administrative processes and investigations that have been established or carried out under this section.

"(e) Effect on Present Investigations.—Nothing in this section shall affect investigations which have been or will be commenced prior to the promulgation of final regulations under this section.".

(b) Establishment of Definition of Scientific Misconduct.—Not later than 90 days after the date on which the report required under section 152(d) is submitted to the Secretary of Health and Human Services, such Secretary shall by regulation establish a definition for the term "scientific misconduct" for purposes of section 493 of the Public Health Service Act, as amended by subsection (a) of this section.

SEC. 152. COMMISSION ON SCIENTIFIC INTEGRITY.

(a) In General.—The Secretary of Health and Human Services shall establish a commission to be known as the Commission on Scientific Integrity (in this section referred to as the "Commission").

(b) Duties.—The Commission shall develop recommendations for the Secretary of Health and Human Services on the administration of section 493 of the Public Health Service Act (as amended and added by section 151 of this Act).

(c) Composition.—The Commission shall be composed of 12 members to be appointed by the Secretary of Health and Human Services from among individuals who are not officers or employees of the United States. Of the members appointed to the Commission—

(1) three shall be scientists with substantial accomplishments in biomedical or behavioral research;

(2) three shall be individuals with experience in investigating allegations of misconduct with respect to scientific research;

(3) three shall be representatives of institutions of higher education at which biomedical or behavioral research is conducted; and

(4) three shall be individuals who are not described in paragraphs (1), (2), or (3), at least one of whom shall be an attorney and at least one of whom shall be an ethicist.

(d) Report.—Not later than 120 days after the date of enactment of this section, the Commission shall prepare and submit to the Secretary of Health and Human Services, the Committee on Energy and Commerce of the House of Representatives, and the Committee on Labor and Human Resources of the Senate, a report containing the recommendations developed under subsection (b).

SEC. 153. PROTECTION OF WHISTLEBLOWERS.

Section 493 of the Public Health Service Act, as amended by section 151 of this Act, is amended by adding at the end the following new subsection:

"(e) Protection of Whistleblowers.—

"(1) In general.—In the case of any entity required to establish administrative processes under subsection (b), the Secretary shall by regulation establish standards for preventing, and for responding to the occurrence of retaliation by such entity, its officials or agents, against an employee in the terms and conditions of employment in response to the employee having in good faith—

"(A) made an allegation that the entity, its officials or agents, has engaged in or failed to

adequately respond to an allegation of scientific misconduct; or

"(B) cooperated with an investigation of such an allegation.

"(2) MONITORING BY SECRETARY.—The Secretary shall establish by regulation procedures for the Director to monitor the implementation of the standards established by an entity under paragraph (1) for the purpose of determining whether the procedures have been established, and are being utilized, in accordance with the standards established under such paragraph.

"(3) NONCOMPLIANCE.—The Secretary shall by regulation establish remedies for noncompliance by an entity, its officials or agents, which has engaged in retaliation in violation of the standards established under paragraph (1). Such remedies may include termination of funding provided by the Secretary for such project or recovery of funding being provided by the Secretary for such project, or other actions as appropriate.

"(4) FINAL RULE FOR REGULATIONS.—The Secretary shall issue a final rule for the regulations required in paragraph (1) not later than 180 days after the date of the enactment of the National Institutes of Health Revitalization Amendments of 1992.

"(5) REQUIRED AGREEMENTS.—For any fiscal year beginning after the date on which the regulations required in paragraph (1) are issued, the Secretary may not provide a grant, cooperative agreement, or contract under this Act for biomedical or behavioral research unless the entity seeking such financial assistance agrees that the entity—

"(A) will maintain the procedures described in the regulations; and

"(B) will otherwise be subject to the regulations.".

SEC. 154. REQUIREMENT OF REGULATIONS REGARDING PROTECTION AGAINST FINANCIAL CONFLICTS OF INTEREST IN CERTAIN PROJECTS OF RESEARCH.

Part H of title IV of the Public Health Service Act, as redesignated by section 141(a)(2) of this Act, is amended by inserting after section 493 the following new section:

"PROTECTION AGAINST FINANCIAL CONFLICTS OF INTEREST IN CERTAIN PROJECTS OF RESEARCH

"SEC. 493A. (a) ISSUANCE OF REGULATIONS.—

"(1) IN GENERAL.—The Secretary shall define by regulation, the specific circumstances that constitute the existence of a financial interest in a project on the part of an entity or individual that will, or may be reasonably expected to, create a bias in favor of obtaining results in such project that are consistent with such financial interest. Such definition shall apply uniformly to each entity or individual conducting a research project under this Act. In the case of any entity or individual receiving assistance from the Secretary for a project of research described in paragraph (2), the Secretary shall by regulation establish standards for responding to, including managing, reducing, or eliminating, the existence of such a financial interest. The entity may adopt individualized procedures for implementing the standards.

"(2) RELEVANT PROJECTS.—A project of research referred to in paragraph (1) is a project of clinical research whose purpose is to evaluate the safety or effectiveness of a drug, medical device, or treatment and for which such entity is receiving assistance from the Secretary.

"(3) IDENTIFYING AND REPORTING TO THE DIRECTOR.—The Secretary shall ensure that the standards established under paragraph (1) specify that as a condition of receiving assistance from the Secretary for the project involved, an entity described in such subsection is required—

"(A) to have in effect at the time the entity applies for the assistance and throughout the period during which the assistance is received, a process for identifying such financial interests as defined in paragraph (1) that exist regarding the project; and

"(B) to report to the Director such financial interest as defined in paragraph (1) identified by the entity and how any such financial interest identified by the entity will be managed or eliminated such that the project in question will be protected from bias that may stem from such financial interest.

"(4) MONITORING OF PROCESS.—The Secretary shall monitor the establishment and conduct of the process established by an entity pursuant to paragraph (1).

"(5) RESPONSE.—In any case in which the Secretary determines that an entity has failed to comply with paragraph (3) regarding a project of research described in paragraph (1), the Secretary—

"(A) shall require that, as a condition of receiving assistance, the entity disclose the existence of a financial interest as defined in paragraph (1) in each public presentation of the results of such project; and

"(B) may take such other actions as the Secretary determines to be appropriate.

"(6) DEFINITION.—As used in this section:

"(A) The term 'financial interest' includes the receipt of consulting fees or honoraria and the ownership of stock or equity.

"(B) The term 'assistance', with respect to conducting a project of research, means a grant, contract, or cooperative agreement.

"(b) FINAL RULE FOR REGULATIONS.—The Secretary shall issue a final rule for the regulations required in subsection (a) not later than 180 days after the date of the enactment of the National Institutes of Health Revitalization Amendments of 1992.".

SEC. 155. EFFECTIVE DATES.

(a) IN GENERAL.—The amendments made by this subtitle shall become effective on the date that occurs 180 days after the date on which the final rule required under section 493(e)(4) of the Public Health Service Act, as amended by section 151 and 153, is published in the Federal Register.

(b) AGREEMENTS AS A CONDITION OF FUNDING.—The requirements of subsection (e)(5) of section 493 of the Public Health Service Act, as amended by sections 151 and 153, with respect to agreements as a condition of funding shall not be effective in the case of projects of research for which initial funding under the Public Health Service Act was provided prior to the effective date described in subsection (a).

TITLE II—PROTECTION OF HEALTH FACILITIES

SEC. 201. PROTECTION OF FACILITIES ASSISTED UNDER PUBLIC HEALTH SERVICE ACT.

The Public Health Service Act (42 U.S.C. 201 et seq.), as amended by section 101 of Public Law 101–381 and section 304 of Public Law 101–509, is amended—

(1) by transferring sections 2701 through 2714 to title II;

(2) by redesignating such sections as sections 231 through 244, respectively;

(3) by inserting such sections, in the appropriate sequence, after section 228;

(4) by inserting before section 201 the following new heading:

"PART A—ADMINISTRATION";

(5) by inserting before section 231 (as redesignated by paragraph (2) of this subsection) the following new heading:

"PART B—MISCELLANEOUS PROVISIONS"; and

(6) by adding at the end of title II (as amended by paragraphs (1) through (5) of this subsection) the following new part:

"PART C—PROTECTION OF HEALTH FACILITIES

"SEC. 251. ESTABLISHMENT OF PROTECTIONS.

"With respect to any health facility receiving financial assistance under this Act, a person shall not—

"(1) embezzle, steal, purloin, or knowingly engage in conversion of any personal property of the health facility, including, without authorization of the health facility—

"(A) knowingly releasing or otherwise causing the loss from the health facility of any animal held for research purposes by the facility;

"(B) knowingly injuring any animal held for such purposes; or

"(C) knowingly destroying or altering records held by the facility;

"(2) knowingly damage any real property of the health facility;

"(3) knowingly deter, through any degree of physical restraint, any individual from entering or exiting the health facility;

"(4) by force and violence take from the person or presence of an officer or employee of the health facility any personal property of the health facility (including any animal held for research purposes by the facility); or

"(5) break or enter into the health facility with the intent to carry out any of the actions prohibited in any of paragraphs (1) through (4).

"SEC. 252. ENFORCEMENT.

"(a) CRIMINAL PENALTY.—

"(1) IN GENERAL.—Any person who violates section 251 shall be fined in accordance with title 18, United States Code, or imprisoned for not more than 5 years, or both.

"(2) RESTITUTION.—In sentencing a defendant convicted of a violation of section 251, the court involved may order the defendant to make restitution to the health facility involved. Sections 3663 and 3664 of title 18, United States Code, shall apply to such an order to the same extent and in the same manner as such sections apply to any order of restitution made pursuant to a conviction of any felony under such title 18.

"(3) LIMITATION ON ACTION.—Section 3282 of title 18, United States Code, shall apply to proceedings under paragraph (1).

"(b) PRIVATE CIVIL ACTION.—

"(1) IN GENERAL.—Any health facility aggrieved as a result of a violation of any of paragraphs (1) through (3) of section 251 by any person may, in any court of competent jurisdiction, commence a civil action against such person to obtain appropriate relief, including actual and punitive damages, equitable relief, and a reasonable attorney's fee and costs.

"(2) STATE OPTION WITH RESPECT TO OFFSET.—To the extent provided by the law of the State in which the violation of section 251 occurred, any pecuniary relief recovered by a health facility in a civil action under paragraph (1) shall be offset against any pecuniary relief recovered by the health facility in a civil action authorized under the law of such State with respect to activities described in section 251.

"(3) LIMITATION ON ACTION.—Proceedings under paragraph (1) may not be commenced against a person after the expiration of the 2-year period beginning on the date on which the person allegedly engaged in the violation of section 251.

"SEC. 253. RULES OF CONSTRUCTION.

"With respect to penalties and remedies established in this part regarding any health facility receiving financial assistance under this Act—

"(1) this part may not be construed to limit or otherwise affect any other penalty or remedy under Federal or State law; and

"(2) this part may not be construed to supersede any law of any State.".

SEC. 202. CONFORMING AMENDMENTS.

The Public Health Service Act (42 U.S.C. 201 et seq.) is amended—

(1) in the heading for title II, by inserting "AND MISCELLANEOUS PROVISIONS" after "ADMINISTRATION";

(2) in section 406(a)(2), by striking "2701" and inserting "231";

(3) in section 465(f), by striking "2701" and inserting "231";

(4) in section 480(a)(2), by striking "2701" and inserting "231";

(5) in section 485(a)(2), by striking "2701" and inserting "231";

(6) in section 497, by striking "2701" and inserting "231";

(7) in section 505(a)(2), by striking "2701" and inserting "231";

(8) in section 926(b), by striking "2711" each place such term appears and inserting "241"; and

(9) in title XXVII, by striking the heading for such title.

TITLE III—NATIONAL INSTITUTES OF HEALTH IN GENERAL

SEC. 301. DISCRETIONARY FUND OF DIRECTOR OF NATIONAL INSTITUTES OF HEALTH.

Section 402 of the Public Health Service Act (42 U.S.C. 282) is amended by adding at the end the following new subsection:

"(g)(1) There is established a fund, consisting of amounts appropriated under paragraph (3) and made available for the fund, for use by the Director of NIH to carry out the activities authorized in this Act for the National Insititutes of Health. The purposes for which such fund may be expended include, but are not limited to—

"(A) providing for research on matters that have not received significant funding relative to other matters, responding to new issues and scientific emergencies, and acting on research opportunities of high priority;

"(B) supporting research that is not exclusively within the authority of any single agency of such Institutes; and

"(C) purchasing or renting equipment and quarters for activities of such Institutes

"(2) The Director of NIH shall provide to the Secretary an annual report describing the activities undertaken and expenditures made under this section. The Secretary shall submit such report, together with such comments regarding this section as the Secretary determines to be appropriate, to the Committee on Energy and Commerce of the House of Representatives and to the Committee on Labor and Human Resources of the Senate.

"(3) For the purpose of carrying out this subsection, there are authorized to be appropriated $25,000,000 in fiscal year 1993, and such sums as may be necessary in each of the fiscal years 1994 through 1996.".

SEC. 302. HEALTH PROMOTION RESEARCH DISSEMINATION.

Section 402(f) of the Public Health Service Act (42 U.S.C. 282(f)) is amended by striking "other public and private entities." and all that follows through the end and inserting "other public and private entities, including elementary, secondary, and post-secondary schools. The Associate Director shall—

"(1) annually review the efficacy of existing policies and techniques used by the national research institutes to disseminate the results of disease prevention and behavioral research programs;

"(2) recommend, coordinate, and oversee the modification or reconstruction of such policies and techniques to ensure maximum dissemination, using advanced technologies to the maximum extent practicable, of research results to such entities; and

"(3) annually prepare and submit to the Director of NIH a report concerning the prevention and dissemination activities undertaken by the Associate Director, including—

"(A) a summary of the Associate Director's review of existing dissemination policies and techniques together with a detailed statement concerning any modification or restructuring, or recommendations for modification or restructuring, of such policies and techniques; and

"(B) a detailed statement of the expenditures made for the prevention and dissemination activities reported on and the personnel used in connection with such activities.".

SEC. 303. PROGRAMS FOR INCREASED SUPPORT REGARDING CERTAIN STATES AND RESEARCHERS.

Section 402 of the Public Health Service Act, as amended by section 301 of this Act, is amended by adding at the end the following new subsection:

"(h)(1)(A) In the case of entities described in subparagraph (B), the Director of NIH, acting through the Director of the National Center for Research Resources, shall establish a program to enhance the competitiveness of such entities in obtaining funds from the national research institutes for conducting biomedical and behavioral research.

"(B) The entities referred to in subparagraph (A) are entities that conduct biomedical and behavioral research and are located in a State in which the aggregate success rate for applications to the national research institutes for assistance for such research by the entities in the State has historically constituted a low success rate of obtaining such funds, relative to such aggregate rate for such entities in other States.

"(C) With respect to enhancing competitiveness for purposes of subparagraph (A), the Director of NIH, in carrying out the program established under such subparagraph, may—

"(i) provide technical assistance to the entities involved, including technical assistance in the preparation of applications for obtaining funds from the national research institutes;

"(ii) assist the entities in developing a plan for biomedical or behavioral research proposals; and

"(iii) assist the entities in implementing such plan.

"(2) The Director of NIH shall establish a program of supporting projects of biomedical or behavioral research whose principal researchers are individuals who have not previously served as the principal researchers of such projects supported by the Director.".

SEC. 304. CHILDREN'S VACCINE INITIATIVE.

Part A of title IV of the Public Health Service Act (42 U.S.C. 281 et seq.) is amended by adding at the end the following new section:

"CHILDREN'S VACCINE INITIATIVE

"SEC. 404. (a) DEVELOPMENT OF NEW VACCINES.—The Secretary, in consulation with the Director of the National Vaccine Program under title XXI and acting through the Directors of the National Institute for Allergy and Infectious Diseases, the National Institute for Child Health and Human Development, the National Institute for Aging, and other public and private programs, shall carry out activities, which shall be consistent with the global Children's Vaccine Initiative, to develop affordable new and improved vaccines to be used in the United States and in the developing world that will increase the efficacy and efficiency of the prevention of infectious diseases. In carrying out such activities, the Secretary shall, to the extent practicable, develop and make available vaccines that require fewer contacts to deliver, that can be given early in life, that provide long lasting protection, that obviate refrigeration, needles and syringes, and that protect against a larger number of diseases.

"(b) REPORT.—In the report required in section 2104, the Secretary, acting through the Director of the National Vaccine Program under title XXI, shall include information with respect to activities and the progress made in implementing the provisions of this section and achieving its goals.

"(c) AUTHORIZATION OF APPROPRIATIONS.—In addition to any other amounts authorized to be appropriated for activities of the type described in this section, there are authorized to be appropriated to carry out this section, $15,000,000 for fiscal year 1993, $20,000,000 for fiscal year 1994, $25,000,000 for fiscal year 1995, and $30,000,000 for fiscal year 1996.".

SEC. 305. PLAN FOR USE OF ANIMALS IN RESEARCH.

(a) IN GENERAL.—Part A of title IV of the Public Health Service Act, as amended by section 304 of this Act, is amended by adding at the end the following new section:

"PLAN FOR USE OF ANIMALS IN RESEARCH

"SEC. 404A. (a) The Director of NIH, after consultation with the committee established under subsection (e), shall prepare a plan—

"(1) for the National Institutes of Health to conduct or support research into—

"(A) methods of biomedical research and experimentation that do not require the use of animals;

"(B) methods of such research and experimentation that reduce the number of animals used in such research; and

"(C) methods of such research and experimentation that produce less pain and distress in such animals;

"(2) for establishing the validity and reliability of the methods described in paragraph (1);

"(3) for encouraging the acceptance by the scientific community of such methods that have been found to be valid and reliable; and

"(4) for training scientists in the use of such methods that have been found to be valid and reliable.

"(b) Not later than October 1, 1993, the Director of NIH shall submit to the Committee on Energy and Commerce of the House of Representatives, and to the Committee on Labor and Human Resources of the Senate, the plan required in subsection (a) and shall begin implementation of the plan.

"(c) The Director of NIH shall periodically review, and as appropriate, make revisions in the plan required under subsection (a). A description of any revision made in the plan shall be included in the first biennial report under section 403 that is submitted after the revision is made.

"(d) The Director of NIH shall take such actions as may be appropriate to convey to scientists and others who use animals in biomedical or behavioral research or experimentation information respecting the methods found to be valid and reliable under subsection (a)(2).

"(e)(1) The Director of NIH shall establish within the National Institutes of Health a committee to be known as the Interagency Coordinating Committee on the Use of Animals in Research (hereafter in this subsection referred to as the 'Committee').

"(2) The Committee shall provide advice to the Director of NIH on the preparation of the plan required in subsection (a).

"(3) The Committee shall be composed of—

"(A) the Directors of each of the national research institutes (or the designees of such Directors); and

"(B) representatives of the Environmental Protection Agency, the Food and Drug Administration, the Consumer Product Safety Commission, the National Science Foundation, and such additional agencies as the Director of NIH determines to be appropriate.".

(b) CONFORMING AMENDMENT.—Section 4 of the Health Research Extension Act of 1985 (Public Law 99–158; 99 Stat. 880) is repealed.

SEC. 306. INCREASED PARTICIPATION OF WOMEN AND DISADVANTAGED INDIVIDUALS IN FIELDS OF BIOMEDICAL AND BEHAVIORAL RESEARCH.

Section 402 of the Public Health Service Act, as amended by section 303 of this Act, is amended by adding at the end the following new subsection:

"(i) The Secretary, acting through the Director of NIH and the Directors of the agencies of the National Institutes of Health, may conduct and support programs for research, research training, recruitment, and other activities to provide for an increase in the number of women and individuals from disadvantaged backgrounds in the fields of biomedical and behavioral research.".

SEC. 307. REQUIREMENTS REGARDING SURVEYS OF SEXUAL BEHAVIOR.

Part A of title IV of the Public Health Service Act, as amended by section 305 of this Act, is amended by adding at the end the following new section:

"REQUIREMENTS REGARDING SURVEYS OF SEXUAL BEHAVIOR

"SEC. 404B. With respect to any survey of human sexual behavior proposed to be conducted or supported through the National Institutes of Health, the survey may not be carried out unless—

"(1) the proposal has undergone review in accordance with any applicable requirements of sections 491 and 492; and

"(2) the Secretary, in accordance with section 492A, makes a determination that the information expected to be obtained through the survey will assist—

"(A) in reducing the incidence of sexually transmitted diseases, the incidence of infection with the human immunodeficiency virus, or the incidence of any other infectious disease; or

"(B) in improving reproductive health or other conditions of health.".

SEC. 308. MISCELLANEOUS PROVISIONS.

(a) Term of Office for Members of Advisory Councils.—Section 406(c) of the Public Health Service Act (42 U.S.C. 284a(c)) is amended in the second sentence by striking "until a successor has been appointed" and inserting the following: "for 180 days after the date of such expiration".

(b) Literacy Requirements.—Section 402(e) of the Public Health Service Act (42 U.S.C. 282(e)) is amended—

(1) in paragraph (3), by striking "and" at the end;

(2) in paragraph (4), by striking the period and inserting "; and"; and

(3) by adding at the end thereof the following new paragraph:

"(5) ensure that, after January 1, 1993, at least one-half of all new or revised health education and promotion materials developed or funded by the National Institutes of Health is in a form that does not exceed a level of functional literacy, as defined in the National Literacy Act of 1991 (Public Law 102–73).".

(c) Day Care Regarding Children of Employees.—Section 402 of the Public Health Service Act, as amended by section 306 of this Act, is amended by adding at the end the following new subsection:

"(j)(1) The Director of NIH may establish a program to provide day care service for the employees of the National Institutes of Health similar to those services provided by other Federal agencies (including the availability of day care service on a 24-hour-a-day basis).

"(2) Any day care provider at the National Institutes of Health shall establish a sliding scale of fees that takes into consideration the income and needs of the employee.

"(3) For purposes regarding the provision of day care service, the Director of NIH may enter into rental or lease purchase agreements.".

TITLE IV—GENERAL PROVISIONS RESPECTING NATIONAL RESEARCH INSTITUTES

SEC. 401. APPOINTMENT AND AUTHORITY OF DIRECTORS OF NATIONAL RESEARCH INSTITUTES.

(a) Establishment of General Authority Regarding Direct Funding.—

(1) In general.—Section 405(b)(2) of the Public Health Service Act (42 U.S.C. 284(b)(2)) is amended—

(A) in subparagraph (A), by striking "and" after the semicolon at the end;

(B) in subparagraph (B), by striking the period at the end and inserting "; and"; and

(C) by adding at the end the following new subparagraph:

"(C) shall receive from the President and the Office of Management and Budget directly all funds appropriated by the Congress for obligation and expenditure by the Institute.".

(2) Conforming amendment.—Section 413(b)(9) of the Public Health Service Act (42 U.S.C. 285a–2(b)(9)) is amended—

(A) by striking "(A)" after "(9)"; and

(B) by striking "advisory council;" and all that follows and inserting "advisory council.".

(b) Appointment and Duration of Technical and Scientific Peer Review Groups.—Section 405(c) of the Public Health Service Act (42 U.S.C. 284(c)) is amended—

(1) by amending paragraph (3) to read as follows:

"(3) may, in consultation with the advisory council for the Institute and with the approval of the Director of NIH—

"(A) establish technical and scientific peer review groups in addition to those appointed under section 402(b)(6); and

"(B) appoint the members of peer review groups established under subparagraph (A); and"; and

(2) by adding after and below paragraph (4) the following:

"The Federal Advisory Committee Act shall not apply to the duration of a peer review group appointed under paragraph (3).".

SEC. 402. PROGRAM OF RESEARCH ON OSTEOPOROSIS, PAGET'S DISEASE, AND RELATED BONE DISORDERS.

Part B of title IV of the Public Health Service Act (42 U.S.C. 284 et seq.) is amended by adding at the end the following new section:

"RESEARCH ON OSTEOPOROSIS, PAGET'S DISEASE, AND RELATED BONE DISORDERS

"SEC. 409. (a) Establishment.—The Directors of the National Institute of Arthritis and Musculoskeletal and Skin Diseases, the National Institute on Aging, and the National Institute of Diabetes, Digestive and Kidney Diseases, shall expand and intensify the programs of such Institutes with respect to research and related activities concerning osteoporosis, Paget's disease, and related bone disorders.

"(b) Coordination.—The Directors referred to in subsection (a) shall jointly coordinate the programs referred to in such subsection and consult with the Arthritis and Musculoskeletal Diseases Interagency Coordinating Committee and the Interagency Task Force on Aging Research.

"(c) Information Clearinghouse.—

"(1) In general.—In order to assist in carrying out the purpose described in subsection (a), the Director of NIH shall provide for the establishment of an information clearinghouse on osteoporosis and related bone disorders to facilitate and enhance knowledge and understanding on the part of health professionals, patients, and the public through the effective dissemination of information.

"(2) Establishment through grant or contract.—For the purpose of carrying out paragraph (1), the Director of NIH shall enter into a grant, cooperative agreement, or contract with a nonprofit private entity involved in activities regarding the prevention and control of osteoporosis and related bone disorders.

"(d) Authorization of Appropriations.—For the purpose of carrying out this section, there are authorized to be appropriated $40,000,000 for fiscal year 1993, and such sums as may be necessary for each of the fiscal years 1994 through 1996.".

SEC. 403. ESTABLISHMENT OF INTERAGENCY PROGRAM FOR TRAUMA RESEARCH.

(a) In General.—Title XII of the Public Health Service Act (42 U.S.C. 300d et seq.) is amended by adding at the end the following part:

"Part E—Interagency Program for Trauma Research

"SEC. 1251. ESTABLISHMENT OF PROGRAM.

"(a) In General.—The Secretary, acting through the Director of the National Institutes of Health (hereafter in this section referred to as the 'Director'), shall establish a comprehensive program of conducting basic and clinical research on trauma (hereafter in this section referred to as the 'Program'). The Program shall include research regarding the diagnosis, treatment, rehabilitation, and general management of trauma.

"(b) Plan for Program.—

"(1) In general.—The Director, in consultation with the Trauma Research Interagency Coordinating Committee established under subsection (g), shall establish and implement a plan for carrying out the activities of the Program, including the activities described in subsection (d). All such activities shall be carried out in accordance with the plan. The plan shall be periodically reviewed, and revised as appropriate.

"(2) Submission to congress.—Not later than April 1, 1993, the Director shall submit the plan required in paragraph (1) to the Committee on Energy and Commerce of the House of Representatives, and to the Committee on Labor and Human Resources of the Senate, together with an estimate of the funds needed for each of the fiscal years 1994 through 1996 to implement the plan.

"(c) Participating Agencies; Coordination and Collaboration.—The Director—

"(1) shall provide for the conduct of activities under the Program by the Directors of the agencies of the National Institutes of Health involved in research with respect to trauma;

"(2) shall ensure that the activities of the Program are coordinated among such agencies; and

"(3) shall, as appropriate, provide for collaboration among such agencies in carrying out such activities.

"(d) Certain Activities of Program.—The Program shall include—

"(1) studies with respect to all phases of trauma care, including prehospital, resuscitation, surgical intervention, critical care, infection control, wound healing, nutritional care and support, and medical rehabilitation care;

"(2) basic and clinical research regarding the response of the body to trauma and the acute treatment and medical rehabilitation of individuals who are the victims of trauma; and

"(3) basic and clinical research regarding trauma care for pediatric and geriatric patients.

"(e) Mechanisms of Support.—In carrying out the Program, the Director, acting through the Directors of the agencies referred to in the subsection (c)(1), may make grants to public and nonprofit entities, including designated trauma centers.

"(f) Resources.—The Director shall assure the availability of appropriate resources to carry out the Program, including the plan established under subsection (b) (including the activities described in subsection (d)).

"(g) Coordinating Committee.—

"(1) IN GENERAL.—There shall be established a Trauma Research Interagency Coordinating Committee (hereafter in this section referred to as the 'Coordinating Committee').

"(2) DUTIES.—The Coordinating Committee shall make recommendations regarding—

"(A) the activities of the Program to be carried out by each of the agencies represented on the Committee and the amount of funds needed by each of the agencies for such activities; and

"(B) effective collaboration among the agencies in carrying out the activities.

"(3) COMPOSITION.—The Coordinating Committee shall be composed of the Directors of each of the agencies that, under subsection (c), have responsibilities under the Program, and any other individuals who are practitioners in the trauma field as designated by the Director of the National Institutes of Health.

"(h) DEFINITIONS.—For purposes of this section:

"(1) The term 'designated trauma center' has the meaning given such term in section 1231(1).

"(2) The term 'Director' means the Director of the National Institutes of Health.

"(3) The term 'trauma' means any serious injury that could result in loss of life or in significant disability and that would meet pre-hospital triage criteria for transport to a designated trauma center.".

(b) CONFORMING AMENDMENT.—Section 402 of the Public Health Service Act, as amended by section 308(c) of this Act, is amended by adding at the end the following new subsection:

"(k) The Director of NIH shall carry out the program established in part E of title XII (relating to interagency research on trauma).".

TITLE V—NATIONAL CANCER INSTITUTE

SEC. 501. EXPANSION AND INTENSIFICATION OF ACTIVITIES REGARDING BREAST CANCER.

Subpart 1 of part C of title IV of the Public Health Service Act (42 U.S.C. 285 et seq.) is amended by adding at the end the following new section:

"BREAST AND GYNECOLOGICAL CANCERS

"SEC. 417. (a) EXPANSION AND COORDINATION OF ACTIVITIES.—The Director of the Institute, in consultation with the National Cancer Advisory Board, shall expand, intensify, and coordinate the activities of the Institute with respect to research on breast cancer, ovarian cancer, and other cancers of the reproductive system of women.

"(b) COORDINATION WITH OTHER INSTITUTES.—The Director of the Institute shall coordinate the activities of the Director under subsection (a) with similar activities conducted by other national research institutes and agencies of the National Institutes of Health to the extent that such Institutes and agencies have responsibilities that are related to breast cancer and other cancers of the reproductive system of women.

"(c) PROGRAMS FOR BREAST CANCER.—

"(1) IN GENERAL.—In carrying out subsection (a), the Director of the Institute shall conduct or support research to expand the understanding of the cause of, and to find a cure for, breast cancer. Activities under such subsection shall provide for an expansion and intensification of the conduct and support of—

"(A) basic research concerning the etiology and causes of breast cancer;

"(B) clinical research and related activities concerning the causes, prevention, detection and treatment of breast cancer;

"(C) control programs with respect to breast cancer in accordance with section 412;

"(D) information and education programs with respect to breast cancer in accordance with section 413; and

"(E) research and demonstration centers with respect to breast cancer in accordance with section 414, including the development and operation of centers for breast cancer research to bring together basic and clinical, biomedical and behavioral scientists to conduct basic, clinical, epidemiological, psychosocial, prevention and treatment research and related activities on breast cancer.

Not less than six centers shall be operated under subparagraph (E). Activities of such centers should include supporting new and innovative research and training programs for new researchers. Such centers shall give priority to expediting the transfer of research advances to clinical applications.

"(2) IMPLEMENTATION OF PLAN FOR PROGRAMS.—

"(A) The Director of the Institute shall ensure that the research programs described in paragraph (1) are implemented in accordance with a plan for the programs. Such plan shall include comments and recommendations that the Director of the Institute considers appropriate, with due consideration provided to the professional judgment needs of the Institute as expressed in the annual budget estimate prepared in accordance with section 413(9). The Director of the Institute, in consultation with the National Cancer Advisory Board, shall periodically review and revise such plan.

"(B) Not later than February 1, 1993, the Director of the Institute shall submit a copy of the plan to the President's Cancer Panel, the Secretary and the Director of NIH.

"(C) The Director of the Institute shall submit any revisions of the plan to the President's Cancer Panel, the Secretary, and the Director of NIH.

"(D) The Secretary shall provide a copy of the plan submitted under subparagraph (A), and any revisions submitted under subparagraph (C), to the Committee on Energy and Commerce of the House of Representatives and the Committee on Labor and Human Resources of the Senate.

"(d) OTHER CANCERS.—In carrying out subsection (a), the Director of the Institute shall conduct or support research on ovarian cancer and other cancers of the reproductive system of women. Activities under subsection (a) shall provide for the conduct and support of—

"(1) basic research concerning the etiology and causes of ovarian cancer and other cancers of the reproductive system of women;

"(2) clinical research and related activities into the causes, prevention, detection and treatment of ovarian cancer and other cancers of the reproductive system of women;

"(3) control programs with respect to ovarian cancer and other cancers of the reproductive system of women in accordance with section 412;

"(4) information and education programs with respect to ovarian cancer and other cancers of the reproductive system of women in accordance with section 413; and

"(5) research and demonstration centers with respect to ovarian cancer and cancers of the reproductive system in accordance with section 414.

"(e) REPORT.—The Director of the Institute shall prepare, for inclusion in the biennial report submitted under section 407, a report that describes the activities of the National Cancer Institute under the research programs referred to in subsection (a), that shall include—

"(1) a description of the research plan with respect to breast cancer prepared under subsection (c);

"(2) an assessment of the development, revision, and implementation of such plan;

"(3) a description and evaluation of the progress made, during the period for which such report is prepared, in the research programs on breast cancer and cancers of the reproductive system of women;

"(4) a summary and analysis of expenditures made, during the period for which such report is made, for activities with respect to breast cancer and cancers of the reproductive system of women conducted and supported by the National Institutes of Health; and

"(5) such comments and recommendations as the Director considers appropriate.".

SEC. 502. EXPANSION AND INTENSIFICATION OF ACTIVITIES REGARDING PROSTATE CANCER.

Subpart 1 of part C of title IV of the Public Health Service Act, as amended by section 501 of this Act, is amended by adding at the end the following new section:

"PROSTATE CANCER

"SEC. 417A. (a) EXPANSION AND COORDINATION OF ACTIVITIES.—The Director of the Institute, in consultation with the National Cancer Advisory Board, shall expand, intensify, and coordinate the activities of the Institute with respect to research on prostate cancer.

"(b) COORDINATION WITH OTHER INSTITUTES.—The Director of the Institute shall coordinate the activities of the Director under subsection (a) with similar activities conducted by other national research institutes and agencies of the National Institutes of Health to the extent that such Institutes and agencies have responsibilities that are related to prostate cancer.

"(c) PROGRAMS.—

"(1) IN GENERAL.—In carrying out subsection (a), the Director of the Institute shall conduct or support research to expand the understanding of the cause of, and to find a cure for, prostate cancer. Activities under such subsection shall provide for an expansion and intensification of the conduct and support of—

"(A) basic research concerning the etiology and causes of prostate cancer;

"(B) clinical research and related activities concerning the causes, prevention, detection and treatment of prostate cancer;

"(C) prevention and control and early detection programs with respect to prostate cancer in accordance with section 412, particularly as it relates to intensifying research on the role of prostate specific antigen for the screening and early detection of prostate cancer;

"(D) an Inter-Institute Task Force, under the direction of the Director of the Institute, to provide coordination between relevant National Institutes of Health components of research efforts on prostate cancer;

"(E) control programs with respect to prostate cancer in accordance with section 412;

"(F) information and education programs with respect to prostate cancer in accordance with section 413; and

"(G) research and demonstration centers with respect to prostate cancer in accordance with section 414, including the development and operation of centers for prostate cancer research to bring together basic and clinical, biomedical and behavioral scientists to conduct basic, clinical, epidemiological, psychosocial, prevention and treatment research and related activities on prostate cancer.

Not less than six centers shall be operated under subparagraph (G). Activities of such centers should include supporting new and innovative research and training programs for new researchers. Such centers shall give priority to expediting the transfer of research advances to clinical applications.

"(2) IMPLEMENTATION OF PLAN FOR PROGRAMS.—

"(A) The Director of the Institute shall ensure that the research programs described in paragraph (1) are implemented in accordance with a plan for the programs. Such plan shall include comments and recommendations that the Director of the Institute considers appropriate, with due consideration provided to the professional judgment needs of the Institute as expressed in the annual budget estimate prepared in accord-

ance with section 413(9). The Director of the Institute, in consultation with the National Cancer Advisory Board, shall periodically review and revise such plan.

"(B) Not later than February 1, 1993, the Director of the Institute shall submit a copy of the plan to the President's Cancer Panel, the Secretary and the Director of NIH.

"(C) The Director of the Institute shall submit any revisions of the plan to the President's Cancer Panel, the Secretary, and the Director of NIH.

"(D) The Secretary shall provide a copy of the plan submitted under subparagraph (A), and any revisions submitted under subparagraph (C), to the Committee on Energy and Commerce of the House of Representatives and the Committee on Labor and Human Resources of the Senate.".

SEC. 503. AUTHORIZATION OF APPROPRIATIONS.

(a) IN GENERAL.—Subpart 1 of part C of title IV of the Public Health Service Act (42 U.S.C. 285 et seq.) is amended by adding at the end the following new section:

"AUTHORIZATION OF APPROPRIATIONS

"SEC. 417B. (a) ACTIVITIES GENERALLY.—For the purpose of carrying out this subpart, there are authorized to be appropriated $2,200,000,000 for fiscal year 1993, and such sums as may be necessary for each of the fiscal years 1994 through 1996.

"(b) BREAST CANCER AND GYNECOLOGICAL CANCERS.—

"(1) BREAST CANCER.—

"(A) For the purpose of carrying out subparagraph (A) of section 417(c)(1), there are authorized to be appropriated $225,000,000 for fiscal year 1993, and such sums as are necessary for each of the fiscal years 1994 through 1996. Such authorizations of appropriations are in addition to the authorizations of appropriations established in subsection (a) and in section 301 with respect to the Director of the Institute carrying out such purpose.

"(B) For the purpose of carrying out subparagraphs (B) through (E) of section 417(c)(1), there are authorized to be appropriated $100,000,000 for fiscal year 1993, and such sums as are necessary for each of the fiscal years 1994 through 1996. Such authorizations of appropriations are in addition to the authorizations of appropriations established in subsection (a) and in section 301 with respect to the Director of the Institute carrying out such purpose.

"(2) OTHER CANCERS.—For the purpose of carrying out subsection (d) of section 417, there are authorized to be appropriated $75,000,000 for fiscal year 1993, and such sums as are necessary for each of the fiscal years 1994 through 1996. Such authorizations of appropriations are in addition to the authorizations of appropriations established in subsection (a) and in section 301 with respect to the Director of the Institute carrying out such purpose.

"(c) PROSTATE CANCER.—For the purpose of carrying out section 417A, there are authorized to be appropriated $72,000,000 for fiscal year 1993, and such sums as may be necessary for each of the fiscal years 1994 through 1996. Such authorizations of appropriations are in addition to the authorizations of appropriations established in subsection (a) and in section 301 with respect to the Director of the Institute carrying out such purpose.

"(d) ALLOCATION REGARDING CANCER CONTROL.—Of the amounts appropriated for the National Cancer Institute for a fiscal year, the Director of the Institute shall make available not less than 10 percent for carrying out the cancer control activities authorized in section 412 and for which budget estimates are made under section 413(b)(9) for the fiscal year.".

(b) SPECIAL RULE REGARDING FUNDS FOR SECTION 412 FOR FISCAL YEAR 1993.—Notwithstanding section 417B(d) of the Public Health Service Act, as added by subsection (a) of this section, the amount made available under such section for fiscal year 1993 for carrying out section 412 of such Act shall be an amount not less than an amount equal to 75 percent of the amount specified for activities under such section 412 in the budget estimate made under section 413(b)(9) of such Act for such fiscal year.

(c) CONFORMING AMENDMENTS.—

(1) IN GENERAL.—Section 408 of the Public Health Service Act (42 U.S.C. 284c) is amended—

(A) by striking subsection (a);

(B) by redesignating subsection (b) as subsection (a);

(C) by redesignating paragraph (5) of subsection (a) (as so redesignated) as subsection (b); and

(D) by amending the heading for the section to read as follows:

"CERTAIN USES OF FUNDS".

(2) CROSS-REFERENCE.—Section 464F of the Public Health Service Act (42 U.S.C. 285m–6) is amended by striking "section 408(b)(1)" and inserting "section 408(a)(1)".

TITLE VI—NATIONAL HEART, LUNG, AND BLOOD INSTITUTE

SEC. 601. EDUCATION AND TRAINING.

Section 421(b) of the Public Health Service Act (42 U.S.C. 285b–3(b)) is amended—

(1) in paragraph (3), by striking "and" after the semicolon at the end;

(2) in paragraph (4), by striking the period at the end and inserting "; and"; and

(3) by inserting after paragraph (4) the following new paragraph:

"(5) shall, in consultation with the advisory council for the Institute, conduct appropriate intramural training and education programs, including continuing education and laboratory and clinical research training programs.".

SEC. 602. CENTERS FOR THE STUDY OF PEDIATRIC CARDIOVASCULAR DISEASES.

Section 422(a)(1) of the Public Health Service Act (42 U.S.C. 285b-4(a)(1)) is amended—

(1) in subparagraph (B), by striking "and" at the end;

(2) in subparagraph (C), by striking the period and inserting "; and"; and

(3) by adding at the end thereof the following new subparagraph:

"(D) three centers for basic and clinical research into, training in, and demonstration of, advanced diagnostic, prevention, and treatment (including genetic studies, intrauterine environment studies, postnatal studies, heart arrhythmias, and acquired heart disease and preventive cardiology) for cardiovascular diseases in children.".

SEC. 603. AUTHORIZATION OF APPROPRIATIONS.

Subpart 2 of part C of title IV of the Public Health Service Act (42 U.S.C. 285b et seq.) is amended by adding at the end the following new section:

"AUTHORIZATION OF APPROPRIATIONS

"SEC. 424. (a) IN GENERAL.—For the purpose of carrying out this subpart, there are authorized to be appropriated $1,400,000,000 for fiscal year 1993, and such sums as may be necessary for each of the fiscal years 1994 through 1996.

"(b) ALLOCATION REGARDING PREVENTION AND CONTROL ACTIVITIES.—Of the amounts appropriated under paragraph (1) for a fiscal year, the Director of the Institute shall make available not less than 10 percent for carrying out prevention and control activities authorized in section 419.".

TITLE VII—NATIONAL INSTITUTE ON DIABETES AND DIGESTIVE AND KIDNEY DISEASES

SEC. 701. PROVISIONS REGARDING NUTRITIONAL DISORDERS.

Subpart 3 of part C of title IV of the Public Health Service Act (42 U.S.C. 285c et seq.) is amended by adding at the end the following new section:

"NUTRITIONAL DISORDERS PROGRAM

"SEC. 434. (a) The Director of the Institute shall establish a program of conducting and supporting research, training, health information dissemination, and other activities with respect to nutritional disorders, including obesity.

"(b) In carrying out the program established under subsection (a), the Director of the Institute shall conduct and support each of the activities described in such subsection. The Director of NIH shall ensure that, as appropriate, the other national research institutes and agencies of the National Institutes of Health have responsibilities regarding such activities.

"(c) In carrying out the program established under subsection (a), the Director of the Institute shall carry out activities to facilitate and enhance knowledge and understanding of nutritional disorders, including obesity, on the part of health professionals, patients, and the public through the effective dissemination of information.".

(b) DEVELOPMENT AND EXPANSION OF RESEARCH AND TRAINING CENTERS.—Section 431 of the Public Health Service Act (42 U.S.C. 285c–5) is amended—

(1) by redesignating subsection (d) as subsection (e); and

(2) by inserting after subsection (c) the following new subsection:

"(d)(1) The Director of the Institute shall, subject to the extent of amounts made available in appropriations Act, provide for the development or substantial expansion of centers for research and training regarding nutritional disorders, including obesity.

"(2) The Director of the Institute shall carry out paragraph (1) in collaboration with the Director of the National Cancer Institute and with the Directors of such other agencies of the National Institutes of Health as the Director of NIH determines to be appropriate.

"(3) Each center developed or expanded under paragraph (1) shall—

"(A) utilize the facilities of a single institution, or be formed from a consortium of cooperating institutions, meeting such research and training qualifications as may be prescribed by the Director;

"(B) conduct basic and clinical research into the cause, diagnosis, early detection, prevention, control and treatment of nutritional disorders, including obesity and the impact of nutrition and diet on child development;

"(C) conduct training programs for physicians and allied health professionals in current methods of diagnosis and treatment of such diseases and complications, and in research in such disorders; and

"(D) conduct information programs for physicians and allied health professionals who provide primary care for patients with such disorders or complications.".

TITLE VIII—NATIONAL INSTITUTE ON ARTHRITIS AND MUSCULOSKELETAL AND SKIN DISEASES

SEC. 801. JUVENILE ARTHRITIS.

(a) PURPOSE.—Section 435 (42 U.S.C. 285d) is amended by striking "including sports-related disorders" and inserting "with particular attention to the effect of these diseases on children".

(b) PROGRAMS.—Section 436 (42 U.S.C. 285d-1) is amended—

(1) in subsection (a), by inserting after the second sentence, the following: "The plan shall place particular emphasis upon expanding research into better understanding the causes and the development of effective treatments for arthritis affecting children."; and

(2) in subsection (b)—

(A) by striking "and" at the end of paragraph (3);

(B) by striking the period at the end of paragraph (4) and inserting "; and"; and

(C) by adding at the end thereof the following new paragraph:

"(5) research into the causes of arthritis affecting children and the development, trial, and evaluation of techniques, drugs and devices used in the diagnosis, treatment (including medical rehabilitation), and prevention of arthritis in children.".

(c) CENTERS.—Section 441 of the Public Health Service Act (42 U.S.C. 286d-6) is amended by adding at the end thereof the following new subsection:

"(f) Not later than April 1, 1993, the Director shall establish a multipurpose arthritis and musculoskeletal disease center for the purpose of expanding the level of research into the cause, diagnosis, early detection, prevention, control, and treatment of, and rehabilitation of children with arthritis and musculoskeletal diseases.".

(d) ADVISORY BOARD.—Section 442 of the Public Health Service Act (42 U.S.C. 285d-7) is amended—

(1) in subsection (b)(1)(B)—

(A) by striking "six" and inserting "seven"; and

(B) by striking "one member " the second place such term appears and all that follows and inserting the following: "two members who are parents of children with arthritis."; and

(2) in subsection (j)—

(A) by striking "and" at the end of paragraph (3);

(B) by striking the period at the end of paragraph (4) and inserting "; and"; and

(C) by adding at the end thereof the following new paragraph:

"(5) contains recommendations for expanding the Institute's funding of research directly applicable to the cause, diagnosis, early detection, prevention, control, and treatment of, and rehabilitation of children with arthritis and musculoskeletal diseases.".

TITLE IX—NATIONAL INSTITUTE ON AGING

SEC. 901. ALZHEIMER'S DISEASE REGISTRY.

(a) IN GENERAL.—Section 12 of Public Law 99-158 (99 Stat. 885) is—

(1) transferred to subpart 5 of part C of title IV of the Public Health Service Act (42 U.S.C. 285e et seq.);

(2) redesignated as section 445G; and

(3) inserted after section 445F of such Act.

(b) TECHNICAL AND CONFORMING AMENDMENTS.—Section 445G of the Public Health Service Act, as transferred and inserted by subsection (a) of this section, is amended—

(1) by striking the section heading and all that follows through "may make a grant" in subsection (a) and inserting the following:

"ALZHEIMER'S DISEASE REGISTRY

"SEC. 445G. (a) IN GENERAL.—The Director of the Institute may make a grant"; and

(2) by striking subsection (c).

SEC. 902. AGING PROCESSES REGARDING WOMEN.

Subpart 5 of part C of title IV of the Public Health Service Act, as amended by section 901 of this Act, is amended by adding at the end the following new section:

"AGING PROCESSES REGARDING WOMEN

"SEC. 445H. The Director of the Institute, in addition to other special functions specified in section 444 and in cooperation with the Directors of the other national research institutes and agencies of the National Institutes of Health, shall conduct research into the aging processes of women, with particular emphasis given to the effects of menopause and the physiological and behavioral changes occurring during the transition from pre- to post-menopause, and into the diagnosis, disorders, and complications related to aging and loss of ovarian hormones in women.".

SEC. 903. AUTHORIZATION OF APPROPRIATIONS.

Subpart 5 of part C of title IV of the Public Health Service Act, as amended by section 902 of this Act, is amended by adding at the end the following new section:

"AUTHORIZATION OF APPROPRIATIONS

"SEC. 4451. For the purpose of carrying out this subpart, there are authorized to be appropriated $500,000,000 for fiscal year 1993, and such sums as may be necessary for each of the fiscal years 1994 through 1996.".

SEC. 904. CONFORMING AMENDMENT.

Section 445C of the Public Health Service Act (42 U.S.C. 285e-5(b)) is amended—

(1) in subsection (b)(1), in the first sentence, by inserting after "Council" the following: "on Alzheimer's Disease (hereafter in this section referred to as the 'Council')"; and

(2) by adding at the end the following new subsection:

"(d) For purposes of this section, the term 'Council on Alzheimer's Disease' means the council established in section 911(a) of Public Law 99-660.".

TITLE X—NATIONAL INSTITUTE OF ALLERGY AND INFECTIOUS DISEASES

SEC. 1001. TROPICAL DISEASES.

Section 446 of the Public Health Service Act (42 U.S.C. 285(f)) is amended by inserting before the period the following: ", including tropical diseases".

SEC. 1002. CHRONIC FATIGUE SYNDROME.

(a) RESEARCH CENTERS.—Subpart 6 of part C of title IV of the Public Health Service Act (42 U.S.C. 285(f)) is amended by adding at the end the following new section:

"RESEARCH CENTERS REGARDING CHRONIC FATIGUE SYNDROME

"SEC. 447. (a) The Director of the Institute, after consultation with the advisory council for the Institute, may make grants to, or enter into contracts with, public or nonprofit private entities for the development and operation of centers to conduct basic and clinical research on chronic fatigue syndrome.

"(b) Each center assisted under this section shall use the facilities of a single institution, or be formed from a consortium of cooperating institutions, meeting such requirements as may be prescribed by the Director of the Institute.".

(b) EXTRAMURAL STUDY SECTION.—Not later than 6 months after the date of enactment of this Act, the Secretary of Health and Human Services shall establish an extramural study section for chronic fatigue syndrome research.

(c) REPRESENTATIVES.—The Secretary of Health and Human Services, acting through the Director of the National Institutes of Health, shall ensure that appropriate individuals with expertise in chronic fatigue syndrome or neuromuscular diseases and representative of a variety of disciplines and fields within the research community are appointed to appropriate National Institutes of Health advisory committees and boards.

TITLE XI—NATIONAL INSTITUTE OF CHILD HEALTH AND HUMAN DEVELOPMENT

Subtitle A—Research Centers With Respect to Contraception and Research Centers With Respect to Infertility

SEC. 1101. GRANTS AND CONTRACTS FOR RESEARCH CENTERS.

Subpart 7 of part C of title IV of the Public Health Service Act, as amended by section 3 of Public Law 101-613, is amended by adding at the end the following new section:

"RESEARCH CENTERS WITH RESPECT TO CONTRACEPTION AND INFERTILITY

"SEC. 452A. (a) The Director of the Institute, after consultation with the advisory council for the Institute, shall make grants to, or enter into contracts with, public or nonprofit private entities for the development and operation of centers to conduct activities for the purpose of improving methods of contraception and centers to conduct activities for the purpose of improving methods of diagnosis and treatment of infertility.

"(b) In carrying out subsection (a), the Director of the Institute shall, subject to the extent of amounts made available in appropriations Acts, provide for the establishment of three centers with respect to contraception and for two centers with respect to infertility.

"(c)(1) Each center assisted under this section shall, in carrying out the purpose of the center involved—

"(A) conduct clinical and other applied research, including—

"(i) for centers with respect to contraception, clinical trials of new or improved drugs and devices for use by males and females (including barrier methods); and

"(ii) for centers with respect to infertility, clinical trials of new or improved drugs and devices for the diagnosis and treatment of infertility in males and females;

"(B) develop protocols for training physicians, scientists, nurses, and other health and allied health professionals;

"(C) conduct training programs for such individuals;

"(D) develop model continuing education programs for such professionals; and

"(E) disseminate information to such professionals and the public.

"(2) A center may use funds provided under subsection (a) to provide stipends for health and allied health professionals enrolled in programs described in subparagraph (C) of paragraph (1), and to provide fees to individuals serving as subjects in clinical trials conducted under such paragraph.

"(d) The Director of the Institute shall, as appropriate, provide for the coordination of information among the centers assisted under this section.

"(e) Each center assisted under subsection (a) shall use the facilities of a single institution, or be formed from a consortium of cooperating institutions, meeting such requirements as may be prescribed by the Director of the Institute.

"(f) Support of a center under subsection (a) may be for a period not exceeding 5 years. Such period may be extended for one or more additional periods not exceeding 5 years if the operations of such center have been reviewed by an appropriate technical and scientific peer review group established by the Director and if such group has recommended to the Director that such period should be extended.

"(g) For the purpose of carrying out this section, there are authorized to be appropriated $20,000,000 for fiscal year 1993, and such sums as may be necessary for each of the fiscal years 1994 through 1996.".

SEC. 1102. LOAN REPAYMENT PROGRAM FOR RESEARCH WITH RESPECT TO CONTRACEPTION AND INFERTILITY.

Part G of title IV of the Public Health Service Act, as redesignated by section 141(a)(2) of this Act, is amended by inserting after section 487A the following new section:

"LOAN REPAYMENT PROGRAM FOR RESEARCH WITH RESPECT TO CONTRACEPTION AND INFERTILITY

"SEC. 487B. (a) The Secretary, in consultation with the Director of the National Institute of Child Health and Human Development, shall establish a program of entering into agreements with qualified health professionals (including graduate students) under which such health professionals agree to conduct research with respect to contraception, or with respect to infertility, in consideration of the Federal Govern-

ment agreeing to repay, for each year of such service, not more than $20,000 of the principal and interest of the educational loans of such health professionals.

"(b) The provisions of sections 338B, 338C, and 338E shall apply to the program established in subsection (a) to the same extent and in the same manner as such provisions apply to the National Health Service Corps Loan Repayment Program established in subpart III of part D of title III.

"(c) Amounts appropriated for carrying out this section shall remain available until the expiration of the second fiscal year beginning after the fiscal year for which the amounts were appropriated.".

Subtitle B—Program Regarding Obstetrics and Gynecology

SEC. 1111. ESTABLISHMENT OF PROGRAM.

Subpart 7 of part C of title IV of the Public Health Service Act, as amended by section 1101 of this Act, is amended by adding at the end the following new section:

"PROGRAM REGARDING OBSTETRICS AND GYNECOLOGY

"SEC. 452B. The Director of the Institute shall establish and maintain within the Institute an intramural laboratory and clinical research program in obstetrics and gynecology.".

Subtitle C—Child Health Research Centers

SEC. 1121. ESTABLISHMENT OF CENTERS.

Subpart 7 of part C of title IV of the Public Health Service Act, as amended by section 1111 of this Act, is amended by adding at the end the following new section:

"CHILD HEALTH RESEARCH CENTERS

"SEC. 452C. The Director of the Institute shall develop and support centers for conducting research with respect to child health. Such centers shall give priority to the expeditious transfer of advances from basic science to clinical applications and improving the care of infants and children.".

Subtitle D—Study Regarding Adolescent Health

SEC. 1139. PROSPECTIVE LONGITUDINAL STUDY.

Subpart 7 of part C of title IV of the Public Health Service Act, as amended by section 1121 of this Act, is amended by adding at the end the following new section:

"PROSPECTIVE LONGITUDINAL STUDY ON ADOLESCENT HEALTH

"SEC. 452D. (a) IN GENERAL.—The Director of the Institute shall conduct a study for the purpose of providing information on the general health and well-being of adolescents in the United States, including, with respect to such adolescents, information on—

"(1) the behaviors that promote health and the behaviors that are detrimental to health; and

"(2) the influence on health of factors particular to the communities in which the adolescents reside.

"(b) DESIGN OF STUDY.—

"(1) IN GENERAL.—The study required in subsection (a) shall be a longitudinal study in which a substantial number of adolescents participate as subjects. With respect to the purpose described in such subsection, the study shall monitor the subjects throughout the period of the study to determine the health status of the subjects and any change in such status over time.

"(2) POPULATION-SPECIFIC ANALYSES.—The study required in subsection (a) shall be conducted with respect to the population of adolescents who are female, the population of adolescents who are male, various socioeconomic populations of adolescents, and various racial and ethnic populations of adolescents. The study shall be designed and conducted in a manner sufficient to provide for a valid analysis of whether there are significant differences among such populations in health status and whether and to what extent any such differences are due to factors particular to the populations involved.

"(c) COORDINATION WITH WOMEN'S HEALTH INITIATIVE.—With respect to the national study of women being conducted by the Secretary and known as the Women's Health Initiative, the Secretary shall ensure that such study is coordinated with the component of the study required in subsection (a) that concerns adolescent females, including coordination in the design of the 2 studies.

"(d) ALLOCATION OF FUNDS FOR STUDY.—Of the amounts appropriated for each of the fiscal years 1993 through 1996 for the National Institute of Child Health and Human Development, the Secretary of Health and Human Services, acting through the Director of such Institute, shall reserve $3,000,000 to conduct the study required in subsection (a). The amounts so reserved shall remain available until expended.".

TITLE XII—NATIONAL EYE INSTITUTE

SEC. 1201. CLINICAL RESEARCH ON DIABETES EYE CARE.

Subpart 9 of part C of title IV of the Public Health Service Act (42 U.S.C. 285i) is amended by adding at the end the following new section:

"CLINICAL RESEARCH ON EYE CARE AND DIABETES

"SEC. 456. (a) PROGRAM OF GRANTS.—The Director of the Institute, in consultation with the advisory council for the Institute, may award not more than three grants for the establishment and support of centers for clinical research on eye care for individuals with diabetes.

"(b) AUTHORIZED EXPENDITURES.—The purposes for which a grant under subection (a) may be expended include equipment for the research described in such subsection and the construction and modernization of facilities for such research.".

TITLE XIII—NATIONAL INSTITUTE OF NEUROLOGICAL DISORDERS AND STROKE

SEC. 1301. RESEARCH ON MULTIPLE SCLEROSIS.

Subpart 10 of part C of title IV of the Public Health Service Act (42 U.S.C. 285j et seq.) is amended by adding at the end the following new section:

"RESEARCH ON MULTIPLE SCLEROSIS

"SEC. 460. The Director of the Institute shall conduct and support research on multiple sclerosis, especially research on effects of genetics and hormonal changes on the progress of the disease.".

TITLE XIV—NATIONAL INSTITUTE OF ENVIRONMENTAL HEALTH SCIENCES

SEC. 1401. APPLIED TOXICOLOGICAL RESEARCH AND TESTING PROGRAM.

(a) IN GENERAL.—Subpart 12 of part C of title IV of the Public Health Service Act (42 U.S.C. 285l) is amended by adding at the end the following new section:

"APPLIED TOXICOLOGICAL RESEARCH AND TESTING PROGRAM

"SEC. 463A. (a) There is established within the Institute a program for conducting applied research and testing regarding toxicology, which program shall be known as the Applied Toxicological Research and Testing Program.

"(b) In carrying out the program established under subsection (a), the Director of the Institute shall, with respect to toxicology, carry out activities—

"(1) to expand knowledge of the health effects of environmental agents;

"(2) to broaden the spectrum of toxicology information that is obtained on selected chemicals;

"(3) to develop and validate assays and protocols, including alternative methods that can reduce or eliminate the use of animals in acute or chronic safety testing;

"(4) to establish criteria for the validation and regulatory acceptance of alternative testing and to recommend a process through which scientifically validated alternative methods can be accepted for regulatory use;

"(5) to communicate the results of research to government agencies, to medical, scientific, and regulatory communities, and to the public; and

"(6) to integrate related activities of the Department of Health and Human Services.".

(b) TECHNICAL AMENDMENT.—Section 463 of the Public Health Service Act (42 U.S.C. 285l) is amended by inserting after "Sciences" the following: "(hereafter in this subpart referred to as the 'Institute')".

TITLE XV—NATIONAL LIBRARY OF MEDICINE

Subtitle A—General Provisions

SEC. 1501. ADDITIONAL AUTHORITIES.

(a) IN GENERAL.—Section 465(b) of the Public Health Service Act (42 U.S.C. 286(b)) is amended—

(1) by striking "and" after the semicolon at the end of paragraph (5);

(2) by redesignating paragraph (6) as paragraph (8); and

(3) by inserting after paragraph (5) the following new paragraphs:

"(6) publicize the availability from the Library of the products and services described in any of paragraphs (1) through (5);

"(7) promote the use of computers and telecommunications by health professionals (including health professionals in rural areas) for the purpose of improving access to biomedical information for health care delivery and medical research; and".

(b)LIMITATION REGARDING GRANTS.—Section 474(b)(2) of the Public Health Service Act (42 U.S.C. 286b–S(b)(2)) is amended by striking "$750,000" and inserting "$1,000,000".

(c) TECHNICAL AND CONFORMING AMENDMENTS.—

(1) REPEAL OF CERTAIN AUTHORITY.—Section 215 of the Department of Health and Human Services Appropriations Act, 1988, as contained in section 101(h) of Public Law 100–202 (101 Stat. 1329–275), is repealed.

(2) APPLICABILITY OF CERTAIN NEW AUTHORITY.—With respect to the authority established for the National Library of Medicine in section 465(b)(6) of the Public Health Service Act, as added by subsection (a) of this section, such authority shall be effective as if the authority had been established on December 22, 1987.

SEC. 1502. AUTHORIZATION OF APPROPRIATIONS FOR GENERAL PROGRAM.

Subpart 1 of part D of title IV of the Public Health Service Act (42 U.S.C. 286 et seq.) is amended by adding at the end the following new section:

"AUTHORIZATION OF APPROPRIATIONS

"SEC. 468. (a) For the purpose of carrying out this subpart, there are authorized to be appropriated $100,000,000 for fiscal year 1993, and such sums as may be necessary for each of the fiscal years 1994 through 1996. Such authorizations of appropriations are in addition to any other authorization of appropriations that is available for such purpose.

"(b) Amounts appropriated under subsection (a) and made available for grants or contracts under any of sections 472 through 476 shall remain available until the end of the fiscal year following the fiscal year for which the amounts were appropriated.".

Subtitle B—Financial Assistance

SEC. 1511. ESTABLISHMENT OF PROGRAM OF GRANTS FOR DEVELOPMENT OF EDUCATION TECHNOLOGIES.

Section 473 of the Public Health Service Act (42 U.S.C. 286b–4) is amended by adding at the end the following new subsection:

"(c)(1) The Secretary shall make grants to public or nonprofit private institutions for the purpose of carrying out projects of research on, and development and demonstration of, new education technologies.

"(2) The purposes for which a grant under paragraph (1) may be made include projects concerning—

"(A) computer-assisted teaching and testing of clinical competence at health professions and research institutions;

"(B) the effective transfer of new information from research laboratories to appropriate clinical applications;

"(C) the expansion of the laboratory and clinical uses of computer-stored research databases; and

"(D) the testing of new technologies for training health care professionals.

"(3) The Secretary may not make a grant under paragraph (1) unless the applicant for the grant agrees to make the projects available with respect to—

"(A) assisting in the training of health professions students; and

"(B) enhancing and improving the capabilities of health professionals regarding research and teaching.".

SEC. 1512. AUTHORIZATION OF APPROPRIATIONS.

Section 469 of the Public Health Service Act (42 U.S.C. 286b) is amended in the first sentence by striking "there are authorized" and all that follows and inserting the following: "there are authorized to be appropriated $30,000,000 for fiscal year 1993, and such sums as may be necessary for each of the fiscal years 1994 through 1996.".

Subtitle C—National Center for Biotechnology Information

SEC. 1521. AUTHORIZATION OF APPROPRIATIONS.

Section 478(c) of the Public Health Service Act (42 U.S.C. 286c(c)) is amended in the first sentence—

(1) by inserting after "appropriated" the following: ", in addition to the authorization of appropriations provided in section 468,";

(2) by striking "there are authorized" and all that follows and inserting the following: "there are authorized to be appropriated $18,000,000 for fiscal year 1993, and such sums as may be necessary for each of the fiscal years 1994 through 1996.".

Subtitle D—National Information Center on Health Services Research and Health Care Technology

SEC. 1531. ESTABLISHMENT OF CENTER.

Part D of title IV of the Public Health Service Act (42 U.S.C. 286 et seq.) is amended by adding at the end the following new subpart:

"Subpart 4—National Information Center on Health Services Research and Health Care Technology

"NATIONAL INFORMATION CENTER

"SEC. 478A. (a) There is established within the Library an entity to be known as the National Information Center on Health Services Research and Health Care Technology (hereafter in this section referred to as the 'Center').

"(b) The purpose of the Center is the collection, storage, analysis, retrieval, and dissemination of information on health services research and on health care technology, including the assessment of such technology. Such purpose includes developing and maintaining data bases and developing and implementing methods of carrying out such purpose.

"(c) The Secretary, acting through the Center, shall coordinate the activities carried out under this section through the Center with related activities of the Administrator for Health Care Policy and Research.

"(d) For the purpose of carrying out this section, there are authorized to be appropriated $6,000,000 for fiscal year 1993, and such sums as may be necessary for each of the fiscal years 1994 through 1996.".

SEC. 1532. CONFORMING PROVISIONS.

(a) IN GENERAL.—Section 904(c) of the Public Health Service Act (42 U.S.C. 299a–2(c)) is amended to read as follows:

"(c) REQUIRED INTERAGENCY AGREEMENT.—The Administrator and the Director of the National Library of Medicine shall enter into an agreement providing for the implementation of section 478A.".

(b) RULE OF CONSTRUCTION.—The amendments made by section 1531 and by subsection (a) of this section may not be construed to terminate the information center on health care technologies and health care technology assessment established under section 904 of the Public Health Service Act, as in effect on the day before the date of the enactment of this Act. Such center shall be considered to be the center established in section 478A of the Public Health Service Act, as added by section 1431 of this Act, and shall be subject to the provisions of such section 478A.

TITLE XVI—OTHER AGENCIES OF NATIONAL INSTITUTES OF HEALTH

Subtitle A—Division of Research Resources

SEC. 1601. REDESIGNATION OF DIVISION AS NATIONAL CENTER FOR RESEARCH RESOURCES.

Title IV of the Public Health Service Act (42 U.S.C. 281 et seq.) is amended—

(1) in section 401(b)(2)(B), by amending such subparagraph to read as follows:

"(B) The National Center for Research Resources."; and

(2) in part E—

(A) in the heading for subpart 1, by striking "Division of" and inserting "National Center for";

(B) in section 479, by striking "the Division of Research Resources" and inserting the following: "the National Center for Research Resources (hereafter in this subpart referred to as the Center)";

(C) in sections 480 and 481, by striking "the Division of Research Resources" each place such term appears and inserting "the Center"; and

(D) in sections 480 and 481, as amended by subparagraph (C), by striking "the Division" each place such term appears and inserting "the Center".

SEC. 1602. BIOMEDICAL AND BEHAVIORAL RESEARCH FACILITIES.

Subpart 1 of part E of title IV of the Public Health Service Act (42 U.S.C. 281 et seq.) is amended by adding at the end the following new section:

"BIOMEDICAL AND BEHAVIORAL RESEARCH FACILITIES

"SEC. 481A. (a) MODERNIZATION AND CONSTRUCTION OF FACILITIES.—

"(1) IN GENERAL..—The Director of NIH, acting through the Director of the Center, may make grants to public and nonprofit private entities to expand, remodel, renovate, or alter existing research facilities or construct new research facilities, subject to the provisions of this section.

"(2) CONSTRUCTION AND COST OF CONSTRUCTION.—For purposes of this section, the terms 'construction' and 'cost of construction' include the construction of new buildings and the expansion, renovation, remodeling, and alteration of existing buildings, including architects' fees, but do not include the cost of acquisition of land or off-site improvements.

"(b) SCIENTIFIC AND TECHNICAL REVIEW BOARDS FOR MERIT-BASED REVIEW OF PROPOSALS.—

"(1) IN GENERAL; APPROVAL AS PRECONDITION TO GRANTS.—

"(A) There is established within the Center a Scientific and Technical Review Board on Biomedical and Behavioral Research Facilities (hereafter referred to in this section as the 'Board').

"(B) The Director of the Center may approve an application for a grant under subsection (a) only if the Board has under paragraph (2) recommended the application for approval.

"(2) DUTIES.—

"(A) The Board shall provide advice to the Director of the Center and the advisory council established under section 480 (hereafter in this section referred to as the 'Advisory Council') on carrying out this section.

"(B) In carrying out subparagraph (A), the Board shall make a determination of the merit of each application submitted for a grant under subsection (a), after consideration of the requirements established in subsection (c), and shall report the results of the determination to the Director of the Center and the Advisory Council. Such determinations shall be conducted in a manner consistent with procedures established under section 492.

"(C) In carrying out subparagraph (A), the Board shall, in the case of applications recommended for approval, make recommendations to the Director and the Advisory Council on the amount that should be provided in the grant.

"(D) In carrying out subparagraph (A), the Board shall prepare an annual report for Director of the Center and the Advisory Council describing the activities of the Board in the fiscal year for which the report is made. Each such report shall be available to the public, and shall—

"(i) summarize and analyze expenditures made under this section;

"(ii) provide a summary of the types, numbers, and amounts of applications that were recommended for grants under subsection (a) but that were not approved by the Director of the Center;; and

"(iii) contain the recommendations of the Board for any changes in the administration of this section.

"(3) MEMBERSHIP.—

"(A) Subject to subparagraph (B), the Board shall be composed of such appointed and ex officio members as the Director of the Center may determine.

"(B) Not more than 3 individuals who are officers or employees of the Federal Government may serve as members of the Board.

"(C) Of the members of the Board—

"(i) 12 shall be appointed by the Director of the Center (without regard to the civil service laws); and

"(ii) 1 shall be an official of the National Science Foundation designated by the National Science Board.

"(4) CERTAIN REQUIREMENTS REGARDING MEMBERSHIP.—In selecting individuals for membership on the Board, the Director of the Center shall ensure that the members are individuals who, by the virtue of their training or experience, are eminently qualified to perform peer review functions. In selecting such individuals for such membership, the Director of the Center shall ensure that the members of the Board collectively—

"(A) are experienced in the planning, construction, financing, and administration of entities that conduct biomedical or behavioral research sciences;

"(B) are knowledgeable in making determinations of the need of entities for biomedical or behavioral research facilities, including such facilities for the dentistry, nursing, pharmacy, and allied health professions;

"(C) are knowledgeable in evaluating the relative priorities for applications for grants under subsection (a) in view of the overall research needs of the United States; and

"(D) are experienced with emerging centers of excellence, as described in subsection (*).

"(4) CERTAIN AUTHORITIES.—

"(A) In carrying out paragraph (2), the Board may establish subcommittees, convene workshops and conferences, and collect data as the Board considers appropriate.

"(B) In carrying out paragraph (2), the Board may establish subcommittees within the Board. Such subcommittees may hold meetings as determined necessary to enable the subcommittee to carry out its duties.

"(5) TERMS.—

"(A) Except as provided in subparagraph (B), each appointed member of the Board shall hold office for a term of 4 years. Any member appointed to fill a vacancy occurring prior to the expiration of the term for which such member's predecessor was appointed shall be appointed for the remainder of the term of the predecessor.

"(B) Of the initial members appointed to the Board (as specified by the Director of the Center when making the appointments)—

"(i) 3 shall hold office for a term of 3 years;

"(ii) 3 shall hold office for a term of 2 years; and

"(iii) 3 shall hold office for a term of 1 year.

"(C) No member is eligible for reappointment to the Board until 1 year has elapsed after the end of the most recent term of the member.

"(6) COMPENSATION.—Members of the Board who are not officers or employees of the United States shall receive for each day the members are engaged in the performance of the functions of the Board compensation at the same rate received by members of other national advisory councils established under this title.

"(c) REQUIREMENTS FOR GRANTS.—

"(1) IN GENERAL.—The Director of the Center may make a grant under subsection (a) only if the applicant for the grant meets the following conditions:

"(A) The applicant is determined by such Director to be competent to engage in the type of research for which the proposed facility is to be constructed.

"(B) The applicant provides assurances satisfactory to the Director that—

"(i) for not less than 20 years after completion of the construction, the facility will be used for the purposes of research for which it is to be constructed;

"(ii) sufficient funds will be available to meet the non-Federal share of the cost of constructing the facility;

"(iii) sufficient funds will be available, when construction is completed, for the effective use of the facility for the research for which it is being constructed; and

"(iv) the proposed construction will expand the applicant's capacity for research, or is necessary to improve or maintain the quality of the applicant's research.

"(C) The applicant meets reasonable qualifications established by the Director with respect to—

"(i) the relative scientific and technical merit of the applications, and the relative effectiveness of the proposed facilities, in expanding the capacity for biomedical or behavioral research and in improving the quality of such research;

"(ii) the quality of the research or training, or both, to be carried out in the facilities involved;

"(iii) the need of the applicant for such facilities in order to maintain or expand the applicant's research and training mission;

"(iv) the congruence of the research activities to be carried out within the facility with the research and investigator manpower needs of the United States; and

"(v) the age and condition of existing research facilities and equipment.

"(D) The applicant has demonstrated a commitment to enhancing and expanding the research productivity of the applicant.

"(2) CONSIDERATION OF CERTAIN FACTORS.—In making grants under subsection (a), the Director of the Center may, in addition to the requirements established in paragraph (1), consider the following factors:

"(A) To what extent the applicant has the capacity to broaden the scope of research and research training programs of the applicant by promoting—

"(i) interdisciplinary research;

"(ii) research on emerging technologies, including those involving novel analytical techniques or computational methods; or

"(iii) other novel research mechanisms or programs.

"(B) To what extent the applicant has broadened the scope of research and research training programs of qualified institutions by promoting genomic research with an emphasis on interdisciplinary research, including research related to pediatric investigations.

"(3) INSTITUTIONS OF EMERGING EXCELLENCE.—Of the amounts appropriated under subsection (i) for a fiscal year, the Director of the Center shall make available 25 percent for grants under subsection (a) to applicants that, in addition to meeting the requirements established in paragraph (1), have demonstrated emerging excellence in biomedical or behavioral research, as follows:

"(A) The applicant has a plan for research or training advancement and possesses the ability to carry out the plan.

"(B) The applicant carries out research and research training programs that have a special relevance to a problem, concern, or unmet health need of the United States.

"(C) The applicant has been productive in research or research development and training.

"(D) The applicant—

"(i) has been designated as a center of excellence under section 782;

"(ii) is located in a geographic area a significant percentage of whose population has a health-status deficit, and the applicant provides health services to such population; or

"(iii) is located in a geographic area in which a deficit in health care technology, services, or research resources may adversely affect health status of the population of the area in the future, and the applicant is carrying out activities with respect to protecting the health status of such population.

"(d) REQUIREMENT OF APPLICATION.—The Director of the Center may make a grant under subsection (a) only if an application for the grant is submitted to the Director and the application is in such form, is made in such manner, and contains such agreements, assurances, and information as the Director determines to be necessary to carry out this section.

"(e) AMOUNT OF GRANT; PAYMENTS.—

"(1) AMOUNT.—The amount of any grant awarded under subsection (a) shall be determined by the Director of the Center, except that such amount shall not exceed—

"(A) 50 percent of the necessary cost of the construction of a proposed facility as determined by the Director; or

"(B) in the case of a multipurpose facility, 40 percent of that part of the necessary cost of construction that the Director determines to be proportionate to the contemplated use of the facility.

"(2) RESERVATION OF AMOUNTS.—On approval of any application for a grant under subsection (a), the Director of the Center shall reserve, from any appropriation available therefore, the amount of such grant, and shall pay such amount, in advance or by way of reimbursement, and in such installments consistent with the construction progress, as the Director may determine appropriate. The reservation of the Director of any amount by the Director under this paragraph may be amended by the Director, either on the approval of an amendment of the application or on the revision of the estimated cost of construction of the facility.

"(3) EXCLUSION OF CERTAIN COSTS.—In determining the amount of any grant under this subsection (a), there shall be excluded from the cost of construction an amount equal to the sum of—

"(A) the amount of any other Federal grant that the applicant has obtained, or is assured of obtaining, with respect to construction that is to be financed in part by a grant authorized under this part; and

"(B) the amount of any non-Federal funds required to be expended as a condition of such other Federal grant.

"(4) WAIVER OF LIMITATIONS.—The limitations imposed by subsection (a) may be waived at the discretion of the Director for applicants meeting the conditions described in paragraphs (1) and (2) of subsections (c).

"(f) RECAPTURE OF PAYMENTS.—If, not later than 20 years after the completion of construction for which a grant has been awarded under subsection (a)—

"(1) the applicant or other owner of the facility shall cease to be a public or nonprofit private entity; or

"(2) the facility shall cease to be used for the research purposes for which it was constructed (unless the Director determines, in accordance with regulations, that there is good cause for releasing the applicant or other owner from obligation to do so);

the United States shall be entitled to recover from the applicant or other owner of the facility the amount bearing the same ratio to the current value (as determined by an agreement between the parties or by action brought in the United States District Court for the district in which such facility is situated) of the facility as the amount of the Federal participation bore to the cost of the construction of such facility.

"(g) NONINTERFERENCE WITH ADMINISTRATION OF ENTITIES.—Except as otherwise specifically provided in this section, nothing contained in this part shall be construed as authorizing any department, agency, officer, or employee of the United States to exercise any direction, supervision, or control over, or impose any requirement or condition with respect to the administration of any entity funded under this part.

"(h) GUIDELINES.—Not later than 6 months after the date of the enactment of this section, the Director of the Center, after consultation with the Advisory Council, shall issue guidelines with respect to grants under subsection (a).

"(i) AUTHORIZATION OF APPROPRIATIONS.—For the purpose of carrying out this section, there are authorized to be appropriated $100,000,000 for fiscal year 1993, $125,000,000 for fiscal year 1994, $150,000,000 for fiscal year 1995, and $175,000,000 for fiscal year 1996.

SEC. 1603. CONSTRUCTION PROGRAM FOR NATIONAL PRIMATE RESEARCH CENTER.

Subpart 1 of part E of title IV of the Public Health Service Act, as amended by section 1602 of this Act, is amended by adding at the end the following new section:

"CONSTRUCTION OF REGIONAL CENTERS FOR RESEARCH ON PRIMATES

"SEC. 481B. (a) With respect to activities carried out by the National Center for Research Resources to support regional centers for research on primates, the Director of NIH shall, for each of the fiscal years 1993 through 1996, reserve from the amounts appropriated under section 481A(i) $7,000,000 for the purpose of making awards of grants and contracts to public or nonprofit private entities to construct, renovate, or otherwise improve such regional centers. The reservation of such amounts for any fiscal year is subject to the availability of qualified applicants for such awards.

"(b) The Director of NIH may not make a grant or enter into a contract under subsection (a) unless the applicant for such assistance agrees, with respect to the costs to be incurred by the applicant in carrying out the purpose described in such subsection, to make available (directly or through donations from public or private entities) non-Federal contributions in cash toward such costs in an amount equal to not less than $1 for each $4 of Federal funds provided in such assistance.".

Subtitle B—National Center for Nursing Research

SEC. 1611. REDESIGNATION OF NATIONAL CENTER FOR NURSING RESEARCH AS NATIONAL INSTITUTE OF NURSING RESEARCH.

(a) IN GENERAL.—Subpart 3 of part E of title IV of the Public Health Service Act (42 U.S.C. 287c et seq.) is amended—

(1) in section 483—

(A) in the heading for the section, by striking "CENTER" and inserting "INSTITUTE"; and

(B) by striking "The general purpose" and all that follows through "is" and inserting the following: "The general purpose of the National Institute of Nursing Research (hereafter in this subpart referred to as the 'Institute') is";

(2) in section 484, by striking "Center" each place such term appears and inserting "Institute";

(3) in section 485—

(A) in subsection (a), in each of paragraph (1) through (3), by striking "Center" each place such term appears and inserting "Institute";

(B) in subsection (b)—

(i) in paragraph (2)(A), by striking "Center" and inserting "Institute"; and

(ii) in paragraph (3)(A), in the first sentence, by striking "Center" and inserting "Institute"; and

(C) in subsections (d) through (g), by striking "Center" each place such term appears and inserting "Institute"; and

(4) in section 485A (as redesignated by section 141(a)(1) of this Act), by striking "Center" each place such term appears and inserting "Institute".

(b) CONFORMING AMENDMENTS.—

(1) ORGANIZATION OF NATIONAL INSTITUTE OF HEALTH.—Section 401(b) of the Public Health Service Act (42 U.S.C. 281(b)) is amended—

(A) in paragraph (1), by adding at the end the following new subparagraph:

"(Q) The National Institute of Nursing Research."; and

(B) in paragraph (2), by striking subparagraph (D).

(2) TRANSFER OF STATUTORY PROVISIONS.—Sections 483 through 485A of the Public Health Service Act, as amended by subsection (a) of this section—

(A) are transferred to part C of title IV of such Act;

(B) are redesignated as sections 464V through 464O of such part; and

(C) are inserted, in the appropriate sequence, after section 464U of such part.

(3) HEADING FOR NEW SUBPART.—Title IV of the Public Health Service Act, as amended by the preceding provisions of this section, is amended—

(A) in part C, by inserting before section 464V the following new heading:

"Subpart 17—National Institute of Nursing Research"; and

(B) by striking the heading for subpart 3 of part E.

(4) CROSS-REFERENCES.—Title IV of the Public Health Service Act, as amended by the preceding provisions of this section, is amended in subpart 17 of part C—

(A) in section 464W, by striking "section 483" and inserting "section 464V";

(B) in section 464X(g), by striking "section 486" and inserting "section 464Y"; and

(C) in section 464Y, in the last sentence, by striking "section 485(g)" and inserting "section 464X(g)".

Subtitle C—National Center for Human Genome Research

SEC. 1621. PURPOSE OF CENTER.

Title IV of the Public Health Service Act, as amended by section 141 and 1611(b)(1)(B) of this Act, is amended—

(1) in section 401(b)(2), by adding at the end the following new subparagraph:

"(D) The National Center for Human Genome Research."; and

(2) in part E, by adding at the end the following new subpart:

"Subpart 4—National Center for Human Genome Research

"PURPOSE OF THE CENTER

"SEC. 485B. (a) The general purpose of the National Center for Human Genome Research (hereafter in this subpart referred to as the 'Center') is to characterize the structure and function of the human genome, including the mapping and sequencing of individual genes. Such purpose includes—

"(1) planning and coordinating the research goal of the genome project;

"(2) reviewing and funding research proposals;

"(3) developing training programs;

"(4) coordinating international genome research;

"(5) communicating advances in genome science to the public; and

"(6) reviewing and funding proposals to address the ethical issues associated with the genome project.

"(b)(1) Except as provided in paragraph (2), of the amounts appropriated to carry out subsection (a) for a fiscal year, the Director of the Center shall make available not less than 5 percent for carrying out paragraph (6) of such subsection.

"(2) With respect to providing funds under subsection (a)(6) for proposals to address the ethical issues associated with the genome project, paragraph (1) shall not apply for a fiscal year if the Director of the Center certifies to the Committee on Energy and Commerce of the House of Representatives, and to the Committee on Labor and Human Resources of the Senate, that the Director has determined that an insufficient number of such proposals meet the applicable requirements of sections 491 and 492.".

TITLE XVII—AWARDS AND TRAINING

Subtitle A—National Research Service Awards

SEC. 1701. REQUIREMENT REGARDING WOMEN AND INDIVIDUALS FROM DISADVANTAGED BACKGROUNDS.

Section 487(a) of the Public Health Service Act (42 U.S.C. 288(a)(4)) is amended by adding at the end the following paragraph:

"(4) The Secretary shall carry out paragraph (1) in a manner that will result in the recruitment of women, and individuals from disadvantaged backgrounds, into fields of biomedical or behavioral research and in the provision of research training to women and such individuals.".

Subtitle B—Acquired Immune Deficiency Syndrome

SEC. 1711. LOAN REPAYMENT PROGRAM.

Section 487A of the Public Health Service Act (42 U.S.C. 2881-1)) is amended to read as follows:

"LOAN REPAYMENT PROGRAM FOR RESEARCH WITH RESPECT TO ACQUIRED IMMUNE DEFICIENCY SYNDROME

"SEC. 487A. (a) IN GENERAL.—

"(1) AUTHORITY FOR PROGRAM.—Subject to paragraph (2), the Secretary shall carry out a program of entering into agreements with appropriately qualified health professionals under which such health professionals agree to conduct, as employees of the National Institutes of Health, research with respect to acquired immune deficiency syndrome in consideration of the Federal Government agreeing to repay, for each year of such service, not more than $20,000 of the principal and interest of the educational loans of such health professionals.

"(2) LIMITATION.—The Secretary may not enter into an agreement with a health professional pursuant to paragraph (1) unless such professional—

"(A) has a substantial amount of educational loans relative to income; and

"(B)(i) was not employed at the National Institutes of Health during the 1-year period preceding the date of the enactment of the Health Professions Reauthorization Act of 1988; or

"(ii) agrees to serve as an employee of such Institutes for purposes of paragraph (1) for a period of not less than 3 years.".

"(b) APPLICABILITY OF CERTAIN PROVISIONS.—With respect to the National Health Service Corps Loan Repayment Program established in subpart III of part D of title III, the provisions of such subpart shall, except as inconsistent with subsection (a) of this section, apply to the program established in such subsection (a) in the same manner and to the same extent as such provisions apply to the National Health Service Corps Loan Repayment Program established in such subpart.

"(c) FUNDING; REIMBURSABLE TRANSFERS.—

"(1) AUTHORIZATION OF APPROPRIATIONS.—For the purpose of carrying out this section, there are authorized to be appropriated such sums as may be necessary for each of the fiscal years 1993 through 1996.

"(2) TRANSFERS FOR RELATED PROGRAM.—The Commissioner of Food and Drugs may carry out for the Food and Drug Administration a program similar to the program established in subsection (a), which program shall be carried out with respect to the review of applications concerning acquired immune deficiency syndrome that are submitted to such Commissioner. From the amounts appropriated under subparagraph (A) for a fiscal year, the Secretary may transfer amounts to the Commissioner for the purpose of carrying out such program. The Commissioner shall provide a reimbursement to the Secretary for the amount so transferred, and the reimbursement shall be available only for the program established in subsection (a). Any transfer and reimbursement made for purposes of this paragraph for a fiscal year shall be completed by April 1 of such year.".

Subtitle C—Loan Repayment for Research Generally

SEC. 1721. ESTABLISHMENT OF PROGRAM.

Part G of title IV of the Public Health Service Act, as redesignated by section 141(a)(2) of this Act and as amended by section 1102 of this Act, is amended by inserting after section 487B the following new section:

"LOAN REPAYMENT PROGRAM FOR RESEARCH GENERALLY

"SEC. 487C. (a) IN GENERAL.—

"(1) AUTHORITY FOR PROGRAM.—Subject to paragraph (2), the Secretary shall carry out a program of entering into agreements with appropriately qualified health professionals under which such health professionals agree to conduct research, as employees of the National Institutes of Health, in consideration of the Federal Government agreeing to repay, for each year of such service, not more than $20,000 of the principal and interest of the educational loans of such health professionals.

"(2) LIMITATION.—The Secretary may not enter into an agreement with a health profes-

sional pursuant to paragraph (1) unless such professional—

"(A) has a substantial amount of educational loans relative to income; and

"(B)(i) was not employed at the National Institutes of Health during the 1-year period preceding the date of the enactment of the Health Professions Reauthorization Act of 1988; or

"(ii) agrees to serve as an employee of such Institutes for purposes of paragraph (1) for a period of not less than 3 years.".

"(b) APPLICABILITY OF CERTAIN PROVISIONS.—With respect to the National Health Service Corps Loan Repayment Program established in subpart III of part D of title III, the provisions of such subpart shall, except as inconsistent with subsection (a) of this section, apply to the program established in such subsection (a) in the same manner and to the same extent as such provisions apply to the National Health Service Corps Loan Repayment Program established in such subpart.

"(c) AUTHORIZATION OF APPROPRIATIONS.—For the purpose of carrying out this section other than with respect to acquired immune deficiency syndrome, there are authorized to be appropriated $3,000,000 for fiscal year 1993, and such sums as may be necessary for each of the fiscal years 1994 through 1996.".

Subtitle D—Scholarship and Loan Repayment Programs Regarding Professional Skills Needed by Certain Agencies

SEC. 1731. ESTABLISHMENT OF PROGRAMS FOR NATIONAL INSTITUTES OF HEALTH.

Part G of title IV of the Public Health Service Act, as redesignated by section 141(a)(2) of this Act and as amended by section 1721 of this Act, is amended by inserting after section 487C the following new sections:

"UNDERGRADUATE SCHOLARSHIP PROGRAM REGARDING PROFESSIONS NEEDED BY NATIONAL RESEARCH INSTITUTES

"SEC. 487D. (a) ESTABLISHMENT OF PROGRAM.—

"(1) IN GENERAL.—Subject to section 487(a)(1)(C), the Secretary, acting through the Director of NIH, may carry out a program of entering into contracts with individuals described in paragraph (2) under which—

"(A) the Director of NIH agrees to provide to the individuals scholarships for pursuing, as undergraduates at accredited institutions of higher education, academic programs appropriate for careers in professions needed by the National Institutes of Health; and

"(B) the individuals agree to serve as employees of the National Institutes of Health, for the period described in subsection (c), in positions that are needed by the National Institutes of Health and for which the individuals are qualified.

"(2) INDIVIDUALS FROM DISADVANTAGED BACKGROUNDS.—The individuals referred to in paragraph (1) are individuals who—

"(A) are enrolled or accepted for enrollment as full-time undergraduates at accredited institutions of higher education; and

"(B) are from disadvantaged backgrounds.

"(b) FACILITATION OF INTEREST OF STUDENTS IN CAREERS AT NATIONAL INSTITUTES OF HEALTH.—In providing employment to individuals pursuant to contracts under subsection (a)(1), the Director of NIH shall carry out activities to facilitate the interest of the individuals in pursuing careers as employees of the National Institutes of Health.

"(c) PERIOD OF OBLIGATED SERVICE.—

"(1) DURATION OF SERVICE.—For purposes of subparagraph (B) of subsection (a)(1), the period of service for which an individual is obligated to serve as an employee of the National Institutes of Health is 12 months for each academic year for which the scholarship under such subsection is provided.

"(2) SCHEDULE FOR SERVICE.—

"(A) Subject to subparagraph (B), the Director of NIH may not provide a scholarship under subsection (a) unless the individual applying for the scholarship agrees that—

"(i) the individual will serve as an employee of the National Institutes of Health full-time for not less than 10 consecutive weeks of each year during which the individual is attending the educational institution involved and receiving such a scholarship;

"(ii) the period of service as such an employee that the individual is obligated to provide under clause (i) is in addition to the period of service as such an employee that the individual is obligated to provide under subsection (a)(1)(B); and

"(iii) not later than 60 days after obtaining the educational degree involved, the individual will begin serving full-time as such an employee in satisfaction of the period of service that the individual is obligated to provide under subsection (a)(1)(B).

"(B) The Director of NIH may defer the obligation of an individual to provide a period of service under subsection (a)(1)(B), if the Director determines that such a deferral is appropriate.

"(3) APPLICABILITY OF CERTAIN PROVISIONS RELATING TO APPOINTMENT AND COMPENSATION.—For any period in which an individual provides service as an employee of the National Institutes of Health in satisfaction of the obligation of the individual under subsection (a)(1)(B) or paragraph (2)(A)(i), the individual may be appointed as such an employee without regard to the provisions of title 5, United States Code, relating to appointment and compensation.

"(d) PROVISIONS REGARDING SCHOLARSHIP.—

"(1) APPROVAL OF ACADEMIC PROGRAM.—The Director of NIH may not provide a scholarship under subsection (a) for an academic year unless—

"(A) the individual applying for the scholarship has submitted to the Director a proposed academic program for the year and the Director has approved the program; and

"(B) the individual agrees that the program will not be altered without the approval of the Director.

"(2) ACADEMIC STANDING.—The Director of NIH may not provide a scholarship under subsection (a) for an academic year unless the individual applying for the scholarship agrees to maintain an acceptable level of academic standing, as determined by the educational institution involved in accordance with regulations issued by the Secretary.

"(3) LIMITATION ON AMOUNT.—The Director of NIH may not provide a scholarship under subsection (a) for an academic year in an amount exceeding $20,000.

"(4) AUTHORIZED USES.—A scholarship provided under subsection (a) may be expended only for tuition expenses, other reasonable educational expenses, and reasonable living expenses incurred in attending the school involved.

"(5) CONTRACT REGARDING DIRECT PAYMENTS TO INSTITUTION.—In the case of an institution of higher education with respect to which a scholarship under subsection (a) is provided, the Director of NIH may enter into a contract with the institution under which the amounts provided in the scholarship for tuition and other educational expenses are paid directly to the institution. Payments to the institution under the contract may be made without regard to section 3324 of title 31, United States Code.

"(e) PENALTIES FOR BREACH OF SCHOLARSHIP CONTRACT.—The provisions of section 338E shall apply to the program established in subsection (a) to the same extent and in the same manner as such provisions apply to the National Health Service Corps Loan Repayment Program established in section 338B.

"(f) REQUIREMENT OF APPLICATION.—The Director of NIH may not provide a scholarship under subsection (a) unless an application for the scholarship is submitted to the Director and the application is in such form, is made in such manner, and contains such agreements, assurances, and information as the Director determines to be necessary to carry out this section.

"(g) AVAILABILITY OF AUTHORIZATION OF APPROPRIATIONS.—Amounts appropriated for a fiscal year for scholarships under this section shall remain available until the expiration of the second fiscal year beginning after the fiscal year for which the amounts were appropriated.

"LOAN REPAYMENT PROGRAM REGARDING CLINICAL RESEARCHERS FROM DISADVANTAGED BACKGROUNDS

"SEC. 487E. (a) IMPLEMENTATION OF PROGRAM.—

"(1) IN GENERAL.—Subject to section 487(a)(1)(C), the Secretary, acting through the Director of NIH may, subject to paragraph (2), carry out a program of entering into contracts with appropriately qualified health professionals who are from disadvantaged backgrounds under which such health professionals agree to conduct clinical research as employees of the National Institutes of Health in consideration of the Federal Government agreeing to pay, for each year of such service, not more than $20,000 of the principal and interest of the educational loans of the health professionals.

"(2) LIMITATION.—The Director of NIH may not enter into a contract with a health professional pursuant to paragraph (1) unless such professional has a substantial amount of education loans relative to income.

"(3) APPLICABILITY OF CERTAIN PROVISIONS REGARDING OBLIGATED SERVICE.—Except to the extent inconsistent with this section, the provisions of sections 338C and 338E shall apply to the program established in paragraph (1) to the same extent and in the same manner as such provisions apply to the National Health Service Corps Loan Repayment Program established in section 338B.

"(b) AVAILABILITY OF AUTHORIZATION OF APPROPRIATIONS.—Amounts appropriated for a fiscal year for contracts under subsection (a) shall remain available until the expiration of the second fiscal year beginning after the fiscal year for which the amounts were appropriated.".

SEC. 1732. FUNDING.

Section 487(a)(1) of the Public Health Services Act (42 U.S.C. 288(a)(1)) is amended—

(1) in subparagraph (A), by striking "and" after the semicolon at the end;

(2) in subparagraph (B), by striking the period at the end and inserting "; and"; and

(3) by adding at the end the following new subparagraph:

"(C) provide contracts for scholarships and loan repayments in accordance with sections 487D and 487E, subject to providing not more than an aggregate 50 such contracts during the fiscal years 1993 through 1996.".

Subtitle D—Funding

SEC. 1741. AUTHORIZATION OF APPROPRIATIONS.

Section 487(d) of the Public Health Services Act (42 U.S.C. 288(d)) is amended—

(1) in the first sentence, by amending the sentence to read as follows: "For the purpose of carrying out this section, there are authorized to be appropriated $375,000,000 for fiscal year 1993, and such sums as may be necessary for each of the fiscal years 1994 through 1996."; and

(2) in paragraph (3)—

(A) by striking "one-half of one percent" each place such term appears and inserting "1 percent"; and

(B) by inserting "785," after "784,".

TITLE XVIII—NATIONAL FOUNDATION FOR BIOMEDICAL RESEARCH

SEC. 1801. MISCELLANEOUS PROVISIONS.

Section 499A of the Public Health Service Act (42 U.S.C. 289i) is amended—

(1) in the second sentence of subsection (c)(1)(A), by inserting ", except the ex officio members," after "Foundation"; and

(2) in subsection (i)(1), by striking "1995" and inserting "1996".

TITLE XIX—RESTORATION AND RENOVATION OF FACILITIES AND INFRASTRUCTURE

SEC. 1901. ACQUISITION OF LAND AND FACILITIES.

Title IV of the Public Health Service Act, as amended by section 141(a)(2) of this Act, is amended by adding at the end the following new part:

"PART J—RESTORATION AND RENOVATION OF FACILITIES AND INFRASTRUCTURE

"SEC. 499N. PHYSICAL INFRASTRUCTURE FOR RESEARCH.

"(a) ESTABLISHMENT OF PROGRAM.—The Secretary, acting through the Director of NIH, may carry out a comprehensive program to provide for the replacement or refurbishment of less than adequate buildings, utility equipment and distribution systems (including the resources that provide electrical and other utilities, chilled water, air handling, and other services that the Secretary, acting through the Director, deems necessary), roads, walkways, parking areas, and grounds that underpin the laboratory and clinical facilities of the National Institutes of Health. Such program may provide for the undertaking of new projects that are consistent with the objectives of this section, such as encircling the National Institutes of Health Federal enclave with an adequate chilled water conduit.

"(b) REQUIREMENTS.—

"(1) DESIGN OF PROGRAM.—In establishing the program under subsection (a), the Secretary shall ensure that such program is designed to modernize the existing research and clinical laboratory infrastructure of the National Institutes of Health in the shortest possible time consistent with the purposes of the program.

"(2) FUTURE EXPANSION.—In designing the program under subsection (a), the Secretary may make reasonable allowance for future expansion and usual employee amenities, such as cafeteria services and vehicle parking.

"(3) NONDISRUPTION OF OPERATIONS.—In carrying out the program established under subsection (a), the Director of NIH shall, to the extent feasible, plan renovations and construction in such a manner that significant elements of the research program at the Institutes are not significantly disrupted.

"SEC. 499O. ACQUISITION OF LAND.

"(a) IN GENERAL.—The Director of NIH may purchase not to exceed a total of 300 acres of land for the establishment of a satellite campus in Maryland for the purpose of enhancing the intramural research capacity of the National Institutes of Health.

"(b) STUDY.—Prior to the purchase of land under subsection (a), the Director of NIH shall conduct a study concerning the expansion needs of the National Institutes of Health and the purpose for which the land is to be purchased. A report concerning such study shall be submitted to the Committee on Appropriations of the House of Representatives, the Committee on Appropriations of the Senate, the Committee on Energy and Commerce of the House of Representatives, the Committee on Labor and Human Resources of the Senate, the Committee on Government Operations of the House of Representatives, and the Committee on Government Operations of the Senate.".

SEC. 1902. WARREN GRANT MAGNUSON CLINICAL CENTER.

(a) ESTABLISHMENT.—For the purpose of improving the program of the Warren Grant Magnuson Clinical Center of the National Institutes of Health (hereafter in this section referred to as the 'Clinical Center'), the Director of such Institutes may establish and implement a program for the renovation of the facilities of the Clinical Center or the construction of a replacement facilities. Such Director may conduct feasibility studies to determine the appropriate action to be taken concerning the Clinical Center.

(b) TRANSFER OF LAND.—

(1) IN GENERAL.—The Secretary of Health and Human Services, acting through the Director of the National Institutes of Health, is authorized to accept the transfer to such Institutes of not less than 25 acres of land from other Federal agencies. Such land shall be suitable for the construction of a new research hospital and clinical center. Such land may include land obtained from the Secretary of the Navy, located on the reservation of the National Naval Medical Center, in Bethesda, Maryland.

(2) USE AGREEMENT AND MEMORANDUM OF UNDERSTANDING.—The Secretary of Health and Human Services, acting through the Director of the National Institutes of Health, may enter into a Use Agreement and a Memorandum of Understanding with the appropriate Federal officials to accomplish the transfer of property pursuant to paragraph 1.

(c) REQUIREMENTS.—

(1) FACILITIES.—Any facility renovated or constructed under this section shall be equipped with a state-of-the-art capacity for beds and necessary laboratories and be comparable to current facilities of the Clinical Center complex, with necessary amenities for employees, volunteers, research subjects and visitors, including cafeteria and vehicle parking facilities.

(2) TRANSFER OF PERSONNEL.—If a new facility is constructed under this section for the Clinical Center, the Secretary of Health and Human Services may expend amounts necessary to transfer the personnel and administration of the current facility to the new facility.

(3) COMPLETION.—Notwithstanding any other provisions of law, the renovation or construction performed under this section shall be completed as soon as feasible.

(d) AUTHORIZATION OF APPROPRIATIONS.—For the purpose of carrying out this section, there are authorized to be appropriated such sums as may be necessary for fiscal year 1993 and subsequent fiscal years. Amounts appropriated under the preceding sentence shall remain available until expended.

TITLE XX—RESEARCH WITH RESPECT TO ACQUIRED IMMUNE DEFICIENCY SYNDROME

SEC. 2001. REVISION AND EXTENSION OF VARIOUS PROGRAMS.

Title XXIII of the Public Health Service Act (42 U.S.C. 300cc et seq.) is amended—

(1) in section 2304(c)(1)—

(A) in the matter preceding subparagraph (A), by inserting after "Director of such Institute" the following: "(and may provide advice to the Directors of other agencies of the National Institutes of Health, as appropriate)"; and

(B) in subparagraph (A), by inserting before the semicolon the following: ", including recommendations on the projects of research with respect to diagnosing immune deficiency and with respect to predicting, diagnosing, preventing, and treating opportunistic cancers and infectious diseases";

(2) in section 2311(a)(1), by inserting before the semicolon the following: ", including evaluations of methods of diagnosing immune deficiency and evaluations of methods of predicting, diagnosing, preventing, and treating opportunistic cancers and infectious diseases";

(3) in section 2315—

(A) in subsection (a)(2), by striking "international research" and all that follows and inserting "international research and training concerning the natural history and pathogenesis of the human immunodeficiency virus and the development and evaluation of vaccines and treatments for acquired immune deficiency syndrome and opportunistic infections."; and

(B) in subsection (f), by striking "and 1991"and inserting "through 1996";

(4) in section 2318—

(A) in subsection (a)(1)—

(i) by inserting after "The Secretary" the following: ", acting through the Director of the National Institutes of Health and after consultation with the Administrator for Health Care Policy and Research,"; and

(ii) by striking "syndrome" and inserting "syndrome, including treatment and prevention of HIV infection and related conditions among women"; and

(B) in subsection (e), by striking "1991." and inserting the following: "1991, and $25,000,000 for each of the fiscal years 1993 through 1996.";

(5) in section 2320(b)(1)(A), by striking "syndrome" and inserting "syndrome and the natural history of such infection";

(6)(A) in section 2351(a)—

(i) by redesignating paragraphs (2) through (8) as paragraphs (3) through (9); and

(ii) by inserting after paragraph (1) the following new paragraph:

"(2)(A) shall develop and implement a comprehensive plan for the conduct and support of such research by the agencies of the National Institutes of Health, which plan shall specify the objectives to be achieved, the date by which the objectives are expected to be achieved, and an estimate of the resources needed to achieve the objectives by such date; and

"(B) shall develop and implement a plan for evaluating the sufficiency of the plan developed under subparagraph (A) and for evaluating the extent to which activities of the National Institutes of Health have been in accordance with the plan;"; and

(B) in section 2301(b)(6), by inserting before the semicolon the following: ", including evaluations conducted under section 2351(a)(2)(B)";

(7) in section 2361, by striking "For purposes" and all that follows and inserting the following:

"For purposes of this title:

"(1) The term 'infection', with respect to the etiologic agent for acquired immune deficiency syndrome, includes opportunistic cancers and infectious diseases and any other conditions arising from infection with such etiologic agent.

"(2) The term 'treatment', with respect to the etiologic agent for acquired immune deficiency syndrome, includes primary and secondary prophylaxis.";

(8) in section 2315(f), by striking "there are authorized" and all that follows and inserting "there are authorized to be appropriated such sums as may be necessary for each fiscal year.";

(9) in section 2320(e)(1), by striking "there are authorized" and all that follows and inserting "there are authorized to be appropriated such sums as may be necessary for each fiscal year."; and

(10) in section 2341(d), by striking "there are authorized" and all that follows and inserting "there are authorized to be appropriated such sums as may be necessary for each fiscal year.".

TITLE XXI—CERTAIN AUTHORITIES OF CENTERS FOR DISEASE CONTROL

SEC. 2101. PREVENTION OF PROSTATE CANCER.

Part B of title III of the Public Health Service Act is amended by inserting after section 317A (42 U.S.C. 247b–1) the following new section:

"PROSTATE CANCER MORTALITY PREVENTION

"SEC. 317B. (a) GRANTS.—The Secretary, acting through the Director of the Centers for Dis-

ease Control, may award grants to States and local health departments for the purpose of enabling such States and departments to carrying out programs to—

"(1) screen men for prostate cancer as a preventive health measure;

"(2) provide appropriate referrals for medical treatment of men screened pursuant to paragraph (1) and to ensure, to the extent practicable, the provision of appropriate follow-up services;

"(3) develop and disseminate public information and education programs for the detection and control of prostate cancer;

"(4) improve the education, training, and skills of health professionals (including appropriate allied health professionals) in the detection and control of prostate cancer;

"(5) establish mechanisms through which the States can monitor the quality of screening procedures for prostate cancer, including the interpretation of such procedures; and

"(6) evaluate activities conducted under paragraphs (1) through (5) through appropriate surveillance or program monitoring activities.

"(b) GRANT APPLICATIONS.—

"(1) REQUIREMENT.—No grant may be awarded under subsection (a), unless an application for such grant has been submitted to, and approved by, the Secretary. Such an application shall be in such form and submitted in such manner as the Secretary shall prescribe, and shall include—

"(A) a complete description of the program which is to be provided by or through the applicant;

"(B) assurances satisfactory to the Secretary that the program to be provided under the grant will include education programs designed to communicate to men, and local health officials the significance of the early detection of prostate cancer;

"(C) assurances satisfactory to the Secretary that the applicant will report, on a quarterly basis, the number of men screened for prostate cancer and the number of men who were found to have prostate cancer, the number and type of medical referral made with respect to such men, the outcome of such referrals, and other information to measure program effectiveness as required under paragraph (2);

"(D) assurances satisfactory to the Secretary that the applicant will make such reports respecting the program involved as the Secretary may require; and

"(E) such other information as the Secretary may prescribe.

"(2) TECHNICAL ASSISTANCE.—The Secretary may provide training and technical assistance with respect to the planning, development, and operation of any program or service carried out pursuant to this section.

"(c) MAINTENANCE OF EFFORT.—No grant may be awarded under subsection (a) unless the Secretary determines that there is satisfactory assurance that Federal funds made available under such a grant for any period will be so used as to supplement and, to the extent practical, increase the level of State, local, and other non-Federal funds that would, in the absence of such Federal funds, be made available for the program for which the grant is to be made, and will in no event supplant such State, local, and other non-Federal funds.

"(d) METHOD AND AMOUNT OF PAYMENT.—The Secretary shall determine the amount of a grant made under subsection (a). Payments under such grants may be made in advance on the basis of estimates or by way of reimbursement, with necessary adjustments on account of the underpayments or overpayments, and in such installments and on such terms and conditions as the Secretary finds necessary to carry out the purposes of such grants. Not more than 10 percent of any grant may be obligated for administrative costs.

"(e) SUPPLIES, EQUIPMENT, AND EMPLOYEE DETAIL.—The Secretary, at the request of a recipient of a grant under subsection (a), may reduce the amount of such grant by—

"(1) the fair market value of any supplies or equipment furnished the grant recipient; and

"(2) the amount of the pay, allowances, and travel expenses of any officer or employee of the Government when detailed to the grant recipient and the amount of any other costs incurred in connection with the detail of such officer or employee;

when the furnishing of such supplies or equipment or the detail of such an officer or employee is for the convenience of and at the request of such grant recipient and for the purpose of carrying out a program with respect to which any such grant is so reduced. Such amount shall be available for payment by the Secretary of the costs incurred in furnishing the supplies or equipment, or in detailing the personnel, on which the reduction of such grant is based, and such amount shall be deemed as part of the grant and shall be deemed to have been paid to the grant recipient.

"(f) RECORDS.—Each recipient of a grant under subsection (a) shall keep such records as the Secretary shall prescribe, including records which fully disclose the amount and disposition by such recipient of the proceeds of such grant, the total cost of the undertaking in connection with which such grant was made, and the amount of that portion of the cost of the undertaking supplied by other sources, and such other records as will facilitate an effective audit.

"(g) AUDIT AND EXAMINATION OF RECORDS.—The Secretary and the Comptroller General of the United States, or any of their duly authorized representatives, shall have access for the purpose of audit and examination to any books, documents, papers, and records of the recipient of a grant under subsection (a), that are pertinent to such grant.

"(h) INDIAN TRIBES.—For purposes of this section, the term 'units of local government' includes Indian tribes.

"(i) AUTHORIZATION OF APPROPRIATIONS.—

"(1) IN GENERAL.—There are authorized to be appropriated to carry out this section not more than $20,000,000 for fiscal year 1993, and such sums as may be necessary for each of the fiscal years 1994 through 1996.

"(2) SET-ASIDE FOR TECHNICAL ASSISTANCE.—Of the amounts appropriated under paragraph (1) for a fiscal year, the Secretary shall reserve not more than 20 percent for carrying out activities under this section at the national level.".

SEC. 2102. NATIONAL PROGRAM OF CANCER REGISTRIES.

Title III of the Public Health Service Act, as amended by section 121(a)(2) of this Act, is amended by adding at the end the following new part:

"PART M—NATIONAL PROGRAM OF CANCER REGISTRIES

"SEC. 399H. NATIONAL PROGRAM OF CANCER REGISTRIES.

"(a) IN GENERAL.—The Secretary, acting through the Director of the Centers for Disease Control, may make grants to States, or may make grants or enter into contracts with academic or non-profit organizations designated by the State to operate the State's cancer registry in lieu of making a grant directly to the State, to support the operation of population-based, statewide cancer registries in order to collect, for each form of in-situ and invasive cancer (with the exception of basal cell and squamous cell carcinoma of the skin), data concerning—

"(1) demographic information about each case of cancer;

"(2) information on the industrial or occupational history of the individuals with the cancers, to the extent such information is available from the same record;

"(3) administrative information, including date of diagnosis and source of information;

"(4) pathological data characterizing the cancer, including the cancer site, stage of disease (pursuant to Staging Guide), incidence, and type of treatment; and

"(5) other elements determined appropriate by the Secretary.

"(b) MATCHING FUNDS.—

"(1) IN GENERAL.—The Secretary may make a grant under subsection (a) only if the State, or the academic or nonprofit private organization designated by the State to operate the cancer registry of the State, involved agrees, with respect to the costs of the program, to make available (directly or through donations from public or private entities) non-Federal contributions toward such costs in an amount that is not less than 25 percent of such costs or $1 for every $3 of Federal funds provided in the grant.

"(2) DETERMINATION OF AMOUNT OF NON-FEDERAL CONTRIBUTION; MAINTENANCE OF EFFORT.—

"(A) Non-Federal contributions required in paragraph (1) may be in cash or in kind, fairly evaluated, including plant, equipment, or services. Amounts provided by the Federal Government, or services assisted or subsidized to any significant extent by the Federal Government, may not be included in determining the amount of such non-Federal contributions.

"(B) With respect to a State in which the purpose described in subsection (a) is to be carried out, the Secretary, in making a determination of the amount of non-Federal contributions provided under paragraph (1), may include only such contributions as are in excess of the amount of such contributions made by the State toward the collection of data on cancer for the fiscal year preceding the first year for which a grant under subsection (a) is made with respect to the State. The Secretary may decrease the amount of non-Federal contributions that otherwise would have been required by this subsection in those cases in which the State can demonstrate that decreasing such amount is appropriate because of financial hardship.

"(c) ELIGIBILITY FOR GRANTS.—

"(1) IN GENERAL.—No grant shall be made by the Secretary under subsection (a) unless an application has been submitted to, and approved by, the Secretary. Such application shall be in such form, submitted in such a manner, and be accompanied by such information, as the Secretary may specify. No such application may be approved unless it contains assurances that the applicant will use the funds provided only for the purposes specified in the approved application and in accordance with the requirements of this section, that the application will establish such fiscal control and fund accounting procedures as may be necessary to assure proper disbursement and accounting of Federal funds paid to the applicant under subsection (a) of this section, and that the applicant with comply with the peer review requirements under sections 491 and 492.

"(2) ASSURANCES.—Each applicant, prior to receiving Federal funds under subsection (a), shall provide assurances satisfactory to the Secretary that the applicant will—

"(A) provide for the establishment of a registry in accordance with subsection (a);

"(B) comply with appropriate standards of completeness, timeliness, and quality of population-based cancer registry data;

"(C) provide for the annual publication of reports of cancer data under subsection (a); and

"(D) provide for the authorization under State law of the statewide cancer registry, including promulgation of regulations providing—

"(i) a means to assure complete reporting of cancer cases (as described in subsection (a)) to the statewide cancer registry by hospitals or other facilities providing screening, diagnostic or therapeutic services to patients with respect to cancer;

"(ii) a means to assure the complete reporting of cancer cases (as defined in subsection (a)) to the statewide cancer registry by physicians, surgeons, and all other health care practitioners diagnosing or providing treatment for cancer patients, except for cases directly referred to or previously admitted to a hospital or other facility providing screening, diagnostic or therapeutic services to patients in that State and reported by those facilities;

"(iii) a means for the statewide cancer registry to access all records of physicians and surgeons, hospitals, outpatient clinics, nursing homes, and all other facilities, individuals, or agencies providing such services to patients which would identify cases of cancer or would establish characteristics of the cancer, treatment of the cancer, or medical status of any identified patient;

"(iv) for the reporting of cancer case data to the statewide cancer registry in such a format, with such data elements, and in accordance with such standards of quality timeliness and completeness, as may be established by the Secretary;

"(v) for the protection of the confidentiality of all cancer case data reported to the statewide cancer registry, including a prohibition on disclosure to any person of information reported to the statewide cancer registry that identifies, or could lead to the identification of, an individual cancer patient, except for disclosure to other States cancer registries and local and State health officers;

"(vi) for a means by which confidential case data may in accordance with State law be disclosed to cancer researchers for the purposes of cancer prevention, control and research;

"(vii) for the authorization or the conduct, by the statewide cancer registry or other persons and organizations, of studies utilizing statewide cancer registry data, including studies of the sources and causes of cancer, evaluations of the cost, quality, efficacy, and appropriateness of diagnostic, therapeutic, rehabilitative, and preventative services and programs relating to cancer, and any other clinical, epidemiological, or other cancer research; and

"(viii) for protection for individuals complying with the law, including provisions specifying that no person shall be held liable in any civil action with respect to a cancer case report provided to the statewide cancer registry, or with respect to access to cancer case information provided to the statewide cancer registry.

"(d) RELATIONSHIP TO CERTAIN PROGRAMS.—

"(1) IN GENERAL.—This section may not be construed to act as a replacement for or diminishment of the program carried out by the Director of the National Cancer Institute and designated by such Director as the Surveillance, Epidemiology, and End Results Program (SEER).

"(2) SUPPLANTING OF ACTIVITIES.—In areas where both such programs exist, the Secretary shall ensure that SEER support is not supplanted and that any additional activities are consistent with the guidelines provided for in subsection (c)(2)(C) and (D) and are appropriately coordinated with the existing SEER program.

"(3) TRANSFER OF RESPONSIBILITY.—The Secretary may not transfer administration responsibility for such SEER program from such Director.

"(4) COORDINATION.—To encourage the greatest possible efficiency and effectiveness of Federally supported efforts with respect to the activities described in this subsection, the Secretary shall take steps to assure the appropriate coordination of programs supported under this part with existing Federally supported cancer registry programs.

"(e) REQUIREMENT REGARDING CERTAIN STUDY ON BREAST CANCER.—In the case of a grant under subsection (a) to any State specified in section 399K(b), the Secretary may establish such conditions regarding the receipt of the grant as the Secretary determines are necessary to facilitate the collection of data for the study carried out under section 399C.

"SEC. 399I. PLANNING GRANTS REGARDING REGISTRIES.

"(a) IN GENERAL.—

"(1) STATES.—The Secretary, acting through the Director of the Centers for Disease Control, may make grants to States for the purpose of developing plans that meet the assurances required by the Secretary under section 399B(c)(2).

"(2) OTHER ENTITIES.—For the purpose described in paragraph (1), the Secretary may make grants to public entities other than States and to nonprofit private entities. Such a grant may be made to an entity only if the State in which the purpose is to be carried out has certified that the State approves the entity as qualified to carry out the purpose.

"(b) APPLICATION.—The Secretary may make a grant under subsection (a) only if an application for the grant is submitted to the Secretary, the application contains the certification required in subsection (a)(2) (if the application is for a grant under such subsection), and the application is in such form, is made in such manner, and contains such agreements, assurances, and information as the Secretary determines to be necessary to carry out this section.

"SEC. 399J. TECHNICAL ASSISTANCE IN OPERATIONS OF STATEWIDE CANCER REGISTRIES.

"The Secretary, acting through the Director of the Institute involved, may, directly or through grants and contracts, or both, provide technical assistance to the States in the establishment and operation of statewide registries, including assistance in the development of model legislation for statewide cancer registries and assistance in establishing a computerized reporting and data processing system.

"SEC. 399K. STUDY IN CERTAIN STATES TO DETERMINE THE FACTORS CONTRIBUTING TO THE ELEVATED BREAST CANCER MORTALITY RATES.

"(a) IN GENERAL.—Subject to subsections (c) and (d), the Secretary, acting through the Director of the Centers for Disease Control, shall conduct a study for the purpose of determining the factors contributing to the fact that breast cancer mortality rates in the States specified in subsection (b) are elevated compared to rates in other States.

(b) RELEVANT STATES.—The States referred to in subsection (a) are Connecticut, Delaware, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Rhode Island, Vermont, and the District of Columbia.

(c) COOPERATION OF STATE.—The Secretary may conduct the study required in subsection (a) in a State only if the State agrees to cooperate with the Secretary in the conduct of the study, including providing information from any registry operated by the State pursuant to section 399B(a).

"(d) PLANNING, COMMENCEMENT, AND DURATION.—The Secretary shall, during each of the fiscal years 1993 and 1994, develop a plan for conducting the study required in subsection (a). The study shall be initiated by the Secretary not later than fiscal year 1994, and the collection of data under the study may continue through fiscal year 1998.

(e) REPORT.—Not later than September 30, 1999, the Secretary shall complete the study required in subsection (a) and submit to the Committee on Energy and Commerce of the House of Representatives, and to the Committee on Labor and Human Resources of the Senate, a report describing the findings and recommendations made as a result of the study.

"SEC. 399L. AUTHORIZATION OF APPROPRIATIONS.

"(a) REGISTRIES.—For the purpose of carrying out this part, there are authorized to be appropriated $30,000,000 for each of the fiscal years 1993 through 1996. Out of any amounts appropriated for any such fiscal year, the Secretary may obligate not more than 25 percent for carrying out section 399I, and not more than 10 percent may be expended for assessing the accuracy, completeness and quality of data collected, and not more than 10 percent of which is to be expended under subsection 399J.

"(b) BREAST CANCER STUDY.—Of the amounts appropriated under subsection (a) for any fiscal year in which the study required in section 399K is being carried out, the Secretary shall expend not less than $1,000,000 for the study.".

SEC. 2103. TRAUMATIC BRAIN INJURY.

(a) IN GENERAL.—The Secretary of Health and Human Services, acting through the Director of the Centers for Disease Control—

(1) shall conduct a survey to determine which Federal and other entities collect data on traumatic brain injuries and the nature of the data collection systems of such entities; and

(2) may cooperate and enter into agreements with other Federal agencies and provide assistance to other entities with responsibility for data collection to establish traumatic brain injury as a specific reportable condition or disability in disease and injury reporting systems.

(b) AUTHORIZATION OF APPROPRIATIONS.—For the purposes of carrying out subsection (a), there are authorized to be appropriated $2,000,000 for fiscal year 1993, and such sums as may be necessary for each of the fiscal years 1994 through 1996.

TITLE XXII—STUDIES

SEC. 2201. ACQUIRED IMMUNE DEFICIENCY SYNDROME.

(a) CERTAIN DRUG-RELEASE MECHANISMS.—

(1) The Secretary of Health and Human Services shall, subject to paragraph (2), enter into a contract with a public or nonprofit private entity to conduct a study for the purpose of determining, with respect to acquired immune deficiency syndrome, the impact of parallel-track drug-release mechanisms on public and private clinical research, and on the activities of the Commissioner of Food and Drugs regarding the approval of drugs.

(2) The Secretary of Health and Human Services shall request the Institute of Medicine of the National Academy of Sciences to enter into the contract under paragraph (1) to conduct the study described in such paragraph. If such Institute declines to conduct the study, the Secretary shall carry out paragraph (1) through another public or nonprofit private entity.

(b) THIRD-PARTY PAYMENTS REGARDING CERTAIN CLINICAL TRIALS.—The Secretary of Health and Human Services, acting through the Director of the National Institutes of Health, shall conduct a study for the purpose of—

(1) determining the policies of third-party payors regarding the payment of the costs of appropriate health services that are provided incident to the participation of individuals as subjects in clinical trials conducted in the development of drugs with respect to acquired immune deficiency syndrome; and

(2) developing recommendations regarding such policies.

(c) ADVISORY COMMITTEES.—The Secretary of Health and Human Services, acting through the Director of the National Institutes of Health, shall conduct a study for the purpose of determining—

(1) whether the activities of the various advisory committees established in the National Institutes of Health regarding acquired immune deficiency syndrome are being coordinated sufficiently; and

(2) whether the functions of any of such advisory committees should be modified in order to achieve greater efficiency.

(d) VACCINES FOR HUMAN IMMUNODEFICIENCY VIRUS.—

(1) IN GENERAL.—The Secretary of Health and Human Services, acting through the National Institutes of Health, shall develop a plan for the appropriate inclusion of HIV-infected women, including pregnant women, HIV-infected infants, and HIV-infected children in studies conducted by or through the National Institutes of Health concerning the safety and efficacy of HIV vaccines for the treatment and prevention of HIV infection. Such plan shall ensure the full participation of other Federal agencies currently conducting HIV vaccine studies and require that such studies conform fully to the requirements of part 46 of title 45, Code of Federal Regulations.

(2) REPORT.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Health and Human Services shall prepare and submit to the Committee on Energy and Commerce of the House of Representatives, and the Committee on Labor and Human Resources of the Senate, a report concerning the plan developed under paragraph (1).

(3) IMPLEMENTATION.—Not later than 12 months after the date of the enactment of this Act, the Secretary of Health and Human Services shall implement the plan developed under paragraph (1), including measures for the full participation of other Federal agencies currently conducting HIV vaccine studies.

(4) For the purpose of carrying out this subsection, there are authorized to be appropriated $500,000 for fiscal year 1992, $2,500,000 for fiscal year 1993, $5,000,000 for fiscal year 1994, and such sums as may be necessary of fiscal year 1995.

SEC. 2202. ANNUAL REPORT CONCERNING LEADING CAUSES OF DEATH.

(a) REPORT.—The Secretary of Health and Human Services shall, not later than September 1, 1992, and not later than March 31 of each year thereafter, prepare a report that lists—

(1) the 20 illnesses that, in terms of mortality, number of years of expected life lost, and of number of preventable years of life lost, are the leading causes of death in the United States and the number of deaths from each such cause, the age-specific and age-adjusted death rates for each such cause, the death rate per 100,000 population for each such cause, the percentage of change in cause specific death rates for each age group, and the percentage of total deaths for each such cause;

(2) the amount expended by the Department of Health and Human Services for research, prevention, and education with respect to each of the 20 illnesses described in paragraph (1) for the most recent year for which the actual expenditures are known;

(3) an estimate by the Secretary of the amount to be expended on research, prevention, and education with respect to each of the 20 illnesses described in paragraph (1) for the year for which the report is prepared; and

(4) with respect to the years specified in paragraphs (2) and (3), the percentage of the total of the annual expenditures for research, prevention, and education on the 20 illnesses described in paragraph (1) that are attributable to each illness.

(b) SUBMISSION TO CONGRESS.—The Secretary of Health and Human Services shall submit the report required under subsection (a), together with relevant budget information, to the Committee on Energy and Commerce and the Committee on Appropriations of the House of Representatives and the Committee on Labor and Human Resources and the Committee on Appropriations of the Senate.

SEC. 2203. MALNUTRITION IN THE ELDERLY.

(a) STUDY.—

(1) IN GENERAL.—The Secretary of Health and Human Services (referred to in this section as the "Secretary"), acting through the National Institute on Aging, coordinating with the Agency for Health Care Policy and Research and, to the degree possible, in consultation with the head of the National Nutrition Monitoring System established under section 1428 of the Food and Agriculture Act of 1977 (7 U.S.C. 3178), shall conduct a 3-year nutrition screening and intervention activities study of the elderly.

(2) EFFICACY AND COST-EFFECTIVENESS OF NUTRITION SCREENING AND INTERVENTION ACTIVITIES.—In conducting the study, the Secretary shall determine the efficacy and cost-effectiveness of nutrition screening and intervention activities conducted in the elderly health and long-term care continuum, and of a program that would institutionalize nutrition screening and intervention activities. In evaluating such a program, the Secretary shall determine—

(A) if health or quality of life is measurably improved for elderly individuals who receive routine nutritional screening and treatment;

(B) if federally subsidized home or institutional care is reduced because of increased independence of elderly individuals resulting from improved nutritional status;

(C) if a multidisciplinary approach to nutritional care is effective in addressing the nutritional needs of elderly individuals; and

(D) if reimbursement for nutrition screening and intervention activities is a cost-effective approach to improving the health status of elderly individuals.

(3) POPULATIONS.—The populations of elderly individuals in which the study will be conducted shall include populations of elderly individuals who are—

(A) living independently, including—

(i) individuals who receive home and community-based services or family support;

(ii) individuals who do not receive additional services and support;

(iii) individuals with low incomes; and

(iv) individuals who are minorities;

(B) hospitalized, including individuals admitted from home and from institutions; and

(C) institutionalized in residential facilities such as nursing homes and adult homes.

(b) MALNUTRITION STUDY.—The Secretary, acting through the National Institute on Aging, shall conduct a 3-year study to determine the extent of malnutrition in elderly individuals in hospitals and long-term care facilities and in elderly individuals who are living independently.

(c) REPORT.—The Secretary shall submit a report to the Committee on Labor and Human Resources of the Senate and the Committee on Energy and Commerce of the House of Representatives containing the findings resulting from the studies described in subsections (a) and (b), including a determination regarding whether a program that would institutionalize nutrition screening and intervention activities should be adopted, and the rationale for the determination.

(d) ADVISORY PANEL.—

(1) ESTABLISHMENT.—The Secretary, acting through the Director of the National Institute on Aging, shall establish an advisory panel that shall oversee the design, implementation, and evaluation of the studies described in subsections (a) and (b).

(2) COMPOSITION.—The advisory panel shall include representatives appointed for the life of the panel by the Secretary from the Health Care Financing Administration, the Social Security Administration, the National Center for Health Statistics, the Administration on Aging, the National Council on the Aging, the American Dietetic Association, the American Academy of Family Physicians, and such other agencies or organizations as the Secretary determines to be appropriate.

(3) COMPENSATION AND EXPENSES.—

(A) COMPENSATION.—Each member of the advisory panel who is not an employee of the Federal Government shall receive compensation at the daily equivalent of the rate specified for level V of the Executive Schedule under section 5316 of title 5, United States Code, for each day the member is engaged in the performance of duties for the advisory panel, including attendance at meetings and conferences of the panel, and travel to conduct the duties of the panel.

(B) TRAVEL EXPENSES.—Each member of the advisory panel shall receive travel expenses, including per diem in lieu of subsistence, at rates authorized for employees of agencies under subchapter I of chapter 57 of title 5, United States Code, for each day the member is engaged in the performance of duties away from the home or regular place of business of the member.

(4) DETAIL OF FEDERAL EMPLOYEES.—On the request of the advisory panel, the head of any Federal agency shall detail, without reimbursement, any of the personnel of the agency to the advisory panel to assist the advisory panel in carrying out its duties. Any detail shall not interrupt or otherwise affect the civil service status or privileges of the Federal employee.

(5) TECHNICAL ASSISTANCE.—On the request of the advisory panel, the head of a Federal agency shall provide such technical assistance to the advisory panel as the advisory panel determines to be necessary to carry out its duties.

(6) TERMINATION.—Notwithstanding section 15 of the Federal Advisory Committee Act (5 U.S.C. App.), the advisory panel shall terminate 3 years after the date of enactment of this Act.

SEC. 2204. BEHAVIORAL FACTORS STUDY.

The Director of the National Institutes of Health shall submit to the Committee on Energy and Commerce of the House of Representatives, and to the Committee on Labor and Human Resources of the Senate, a report on the feasibility of developing a plan for the conduct of research at such Institutes on the prevention of traumatic injuries.

SEC. 2205. RELATIONSHIP BETWEEN THE CONSUMPTION OF LEGAL AND ILLEGAL DRUGS.

(a) IN GENERAL.—The Secretary of Health and Human Services, acting through the Commissioner of Food and Drugs, shall review and consider all existing relevant data and research concerning whether there is a relationship between an individual's receptivity to use or consume legal drugs and the consumption or abuse by the individual of illegal drugs. On the basis of such review, the Secretary shall determine whether additional research is necessary. If the Secretary determines additional research is required, the Secretary shall conduct a study of those subjects where the Secretary's review indicates additional research is needed, including, if necessary, a review of—

(1) the effect of advertising and marketing campaigns that promote the use of legal drugs on the public;

(2) the correlation of legal drug abuse with illegal drug abuse; and

(3) other matters that the Secretary determines appropriate.

(b) REPORT.—Not later than 12 months after the date of enactment of this Act, the Secretary shall prepare and submit, to the Committee on Energy and Commerce of the House of Representatives and Committee on Labor and Human Resources of the Senate, a report con-

taining the results of the review conducted under subsection (b). If the Secretary determines additional research is required, no later than 2 years after the date of enactment of this Act, the Secretary shall prepare and submit, to the Committee on Energy and Commerce of the House of Representatives and Committee on Labor and Human Resources of the Senate, a report containing the results of the additional research conducted under subsection (b).

(c) LIMITATION.—For purposes of this section, the terms "legal drugs" and "illegal drugs" do not include beverage alcohol or tobacco products.

SEC. 2206. RESEARCH ACTIVITIES ON CHRONIC FATIGUE SYNDROME.

The Secretary of Health and Human Services shall, not later than April 1, 1993, and annually thereafter for the next 3 years, prepare and submit to the Committee on Energy and Commerce of the House of Representatives and the Committee on Labor and Human Resources of the Senate, a report that summarizes the research activities conducted or supported by the National Institutes of Health concerning chronic fatigue syndrome. Such report should include information concerning grants made, cooperative agreements or contracts entered into, intramural activities, research priorities and needs, and a plan to address such priorities and needs.

SEC. 2207. REPORT ON MEDICAL USES OF BIOLOGICAL AGENTS IN DEVELOPMENT OF DEFENSES AGAINST BIOLOGICAL WARFARE.

The Secretary of Health and Human Services, in consultation with other appropriate executive agencies, shall report to the House Energy and Commerce Committee and the Senate Labor and Human Resources Committee on the appropriateness and impact of the National Institutes of Health assuming responsibility for the conduct of all Federal research, development, testing, and evaluation functions relating to medical countermeasures against biowarfare threat agents. In preparing the report, the Secretary shall identify the extent to which such activities are carried out by agencies other than the National Institutes of Health, and assess the impact (positive and negative) of the National Institutes of Health assuming responsibility for such activities, including the impact under the Budget Enforcement Act and the Omnibus Budget Reconciliation Act of 1990 on existing National Institutes of Health research programs as well as other programs within the category of domestic discretionary spending. The Secretary shall submit the report not later than 12 months after the date of the enactment of this Act.

SEC. 2208. EVALUATION OF EMPLOYEE-TRANSPORTED CONTAMINANT RELEASES.

(a) IN GENERAL.—Not later than 18 months after the date on which amounts are first appropriated under subsection (f), the Director of the National Institute for Occupational Safety and Health (hereafter in this section referred to as the "Director"), in cooperation with the Secretary of Labor, the Administrator of the Environmental Protection Agency, the Administrator of the Agency for Toxic Substances and Disease Registry, and the heads of other Federal Government agencies (such as the National Institutes of Health) as determined to be appropriate by the Director, shall conduct a study to evaluate the potential for, the prevalence of, and the issues related to the contamination of workers' homes with hazardous chemicals and substances, including infectious agents, transported from the workplaces of such workers'.

(b) MATTERS TO BE EVALUATED.—In conducting the study and evaluation under subsection (a), the Director shall—

(1) conduct a review of past incidents of home contamination through the utilization of literature and of records concerning past investigations and enforcement actions undertaken by—

(A) the National Institute for Occupational Safety and Health;

(B) the Secretary of Labor to enforce the Occupational Safety and Health Act of 1970 (29 U.S.C. 651 et seq.);

(C) States to enforce occupational safety and health standards in accordance with section 18 of such Act (29 U.S.C. 667); and

(D) other government agencies (including the Department of Energy and the Environmental Protection Agency), as the Director may determine to be appropriate;

(2) evaluate current statutory, regulatory, and voluntary industrial hygiene or other measures used by small, medium and large employers to prevent or remediate home contamination;

(3) compile a summary of the existing research and case histories conducted on incidents of employee transported contaminant releases, including—

(A) the effectiveness of workplace housekeeping practices and personal protective equipment in preventing such incidents;

(B) the health effects, if any, of the resulting exposure on workers and their families;

(C) the effectiveness of normal house cleaning and laundry procedures for removing hazardous materials and agents from workers' homes and personal clothing;

(D) indoor air quality, as the research concerning such pertains to the fate of chemicals transported from a workplace into the home environment; and

(E) methods for differentiating exposure health effects and relative risks associated with specific agents from other sources of exposure inside and outside the home;

(4) identify the role of Federal and State agencies in responding to incidents of home contamination;

(5) prepare and submit to the Task Force established under subsection (c), the Committee on Energy and Commerce of the House of Representatives, and the Committee on Labor and Human Resources of the Senate, a report concerning the results of the matters studied or evaluated under paragraphs (1) through (4); and

(6) study home contamination incidents and issues and worker and family protection policies and practices related to the special circumstances of firefighters and prepare and submit to the committees specified in paragraph (5) a report concerning the findings with respect to such study.

(c) DEVELOPMENT OF INVESTIGATIVE STRATEGY.—

(1) TASK FORCE.—Not later than 12 months after the date on which amounts are first appropriated under subsection (f), the Director shall establish a working group, to be known as the Workers' Family Protection Task Force. The Task Force shall—

(A) be composed of not more than 15 individuals to be appointed by the Director from among individuals who are representative of workers, industry, scientists, industrial hygienists, the National Research Council, and government agencies, except that not more than one such individual shall be from each appropriate government agency and the number of individuals appointed to represent industry and workers shall be equal in number;

(B) review the report submitted under subsection (b)(5);

(C) determine, with respect to such report, the additional data needs, if any, and the need for additional evaluation of the scientific issues related to and the feasibility of developing such additional data; and

(D) if additional data are determined by the Task Force to be needed, develop a recommended investigative strategy for use in obtaining such information.

(2) INVESTIGATIVE STRATEGY.—

(A) CONTENT.—The investigative strategy developed under paragraph (1)(D) shall identify gaps in data that can and cannot be filled, assumptions and uncertainties associated with various components of such strategy, a timetable for the implementation of such strategy, and methodologies used to gather any required data.

(B) PEER REVIEW.—The Director shall publish the proposed investigative strategy under paragraph (1)(D) for public comment and utilize other methods, including technical conferences or seminars for the purpose of obtaining comments concerning the proposed strategy.

(C) FINAL STRATEGY.—After peer review and public comment is conducted under subparagraph (B), the Director, in consultation with the heads of other government agencies, shall propose a final strategy for investigating issues related to home contamination that shall be implemented by the National Institute for Occupational Safety and Health and other Federal agencies for the period of time necessary to enable such agencies to obtain the information identified under paragraph (1)(C).

(D) CONSTRUCTION.—Nothing in this section shall be construed as precluding any government agency from investigating issues related to home contamination using existing procedures until such time as a final strategy is developed or from taking actions in addition to those proposed in the strategy after its completion.

(d) IMPLEMENTATION OF INVESTIGATIVE STRATEGY.—Upon completion of the investigative strategy under subsection (c)(2)(C), each Federal agency or department shall fulfill the role assigned to it by the strategy.

(e) REGULATIONS.—

(1) IN GENERAL.—Not later than 4 years after the date on which amounts are first appropriated under subsection (f), and periodically thereafter, the Secretary of Labor, based on the information developed under this section and on other information available to the Secretary, shall—

(A) determine if additional education about, emphasis on, or enforcement of existing regulations or standards is needed and will be sufficient, or if additional regulations or standards are needed to protect workers and their families from employee transported releases of hazardous materials; and

(B) prepare and submit to the Committee on Energy and Commerce of the House of Representatives, and to the Committee on Labor and Human Resources of the Senate, a report concerning the results of such determination.

(2) ADDITIONAL REGULATIONS OR STANDARDS.—If the Secretary of Labor determines that additional regulations or standards are needed under paragraph (1), the Secretary shall promulgate such regulations or standards as determined to be appropriate not later than 3 years after such determination.

(f) AUTHORIZATION OF APPROPRIATIONS.—If the amounts appropriated for a fiscal year for carrying out the activities of the National Institute of Occupational Safety and Health equal or exceed 105 percent of the amount appropriated for such activities for fiscal year 1992 (as such amount relating to fiscal year 1992 is adjusted to offset the effects of inflation occurring since fiscal year 1992), the Director of such Institute may expend such amounts for carrying out this section.

SEC. 2209. PERSONNEL STUDY OF RECRUITMENT, RETENTION AND TURNOVER.

(a) STUDY OF PERSONNEL SYSTEM.—Not later than 1 year after the date of the enactment of this Act, the Secretary of Health and Human Services, acting through the Director of the National Institutes of Health, shall conduct a

study to review the retention, recruitment, vacancy and turnover rates of support staff, including firefighters, law enforcement, procurement officers, technicians, nurses and clerical employees, to ensure that the National Institutes of Health is adequately supporting the conduct of efficient, effective and high quality research for the American public. The Director of NIH shall work in conjunction with appropriate employee organizations and representatives in developing such a study.

(b) SUBMISSION TO CONGRESS.—Not later than 1 year after the date of the enactment of this Act, the Secretary of Health and Human Services shall prepare and submit to the Committee on Energy and Commerce of the House of Representatives, and to the Committee on Labor and Human Resources of the Senate, a report containing the study conducted under subsection (a) together with the recommendations of the Secretary concerning the enactment of legislation to implement the results of such study.

SEC. 2210. PROCUREMENT.

The Director of the National Institutes of Health and the Administrator of the General Services Administration shall jointly conduct a study to develop a streamlined procurement system for the National Institutes of Health that complies with the requirements of Federal Law.

TITLE XXIII—MISCELLANEOUS PROVISIONS

SEC. 2301. DESIGNATION OF SENIOR BIOMEDICAL RESEARCH SERVICE IN HONOR OF SILVIO CONTE, AND LIMITATION ON NUMBER OF MEMBERS.

(a) IN GENERAL.—Section 228(a) of the Public Health Service Act (42 U.S.C. 237(a)), as added by section 304 of Public Law 101–509, is amended to read as follows: "(a)(1) There shall be in the Public Health Service a Silvio Conte Senior Biomedical Research Service, not to exceed 750 members.

"(2) The authority established in paragraph (1) regarding the number of members in the Silvio Conte Senior Biomedical Research Service is in addition to any authority established regarding the number of members in the commissioned Regular Corps, in the Reserve Corps, and in the Senior Executive Service. Such paragraph may not be construed to require that the number of members in the commissioned Regular Corps, in the Reserve Corps, or in the Senior Executive Service be reduced to offset the number of members serving in the Silvio Conte Senior Biomedical Research Service (hereafter in this section referred to as the 'Service').".

(b) CONFORMING AMENDMENT.—Section 228 of the Public Health Service Act (42 U.S.C. 237), as added by section 304 of Public Law 101–509, is amended in the heading for the section by amending the heading to read as follows:

"SILVIO CONTE SENIOR BIOMEDICAL RESEARCH SERVICE".

SEC. 2302. TECHNICAL CORRECTIONS.

(a) TITLE IV.—Title IV of the Public Health Service Act (42 U.S.C. 281 et seq.) is amended—

(1) in section 406—

(A) in subsection (b)(2)(A), by striking "Veterans' Administration" each place such term appears and inserting "Department of Veterans Affairs"; and

(B) in subsection (h)(2)(A)(v), by striking "Veterans' Administration" and inserting "Department of Veterans Affairs";

(2) in section 408, in subsection (b) (as redesignated by section 501(c)(1)(C) of this Act), by striking "Veterans' Administration" and inserting "Department of Veterans Affairs";

(3) in section 421(b)(1), by inserting a comma after "may";

(4) in section 428(b), in the matter preceding paragraph (1), by striking "the the" and inserting "the";

(5) in section 430(b)(2)(A)(i), by striking "Veterans' Administration" and inserting "Department of Veterans Affairs";

(6) in section 439(b), by striking "Veterans' Administration" and inserting "Department of Veterans Affairs";

(7) in section 442(b)(2)(A), by striking "Veterans' Administration" and inserting "Department of Veterans Affairs";

(8) in section 464D(b)(2)(A), by striking "Veterans' Administration" and inserting "Department of Veterans Affairs";

(9) in section 464E—

(A) in subsection (d), in the first sentence, by inserting "Coordinating" before "Committee"; and

(B) in subsection (e), by inserting "Coordinating" before "Committee" the first place such term appears;

(10) in section 466(a)(1)(B), by striking "Veterans' Administration" and inserting "Department of Veterans Affairs";

(11) in section 480(b)(2)(A), by striking "Veterans' Administration" and inserting "Department of Veterans Affairs";

(12) in section 485(b)(2)(A), by striking "Veterans' Administration" and inserting "Department of Veterans Affairs";

(13) in section 487(d)(3), by striking "section 304(a)(3)" and inserting "section 304(a)";

(14) in section 487A(a)(2), in the matter preceding subparagraph (A), by striking "in" and inserting "into"; and

(15) in section 496(a), by striking "Such appropriations," and inserting the following: "Appropriations to carry out the purposes of this title,".

(b) TITLE XXIII.—Part A of title XXIII of the Public Health Service Act (42 U.S.C. 300cc et seq.) is amended—

(1) in section 2304—

*(A) in the heading for the section, by striking "**CLINICAL RESEARCH REVIEW COMMITTEE**" and inserting "**RESEARCH ADVISORY COMMITTEE**"; and*

(B) in subsection (a), by striking "AIDS Clinical Research Review Committee" and inserting "AIDS Research Advisory Committee";

(2) in section 2312(a)(2)(A), by striking "AIDS Clinical Research Review Committee" and inserting "AIDS Research Advisory Committee";

(3) in section 2314(a)(1), in the matter preceding subparagraph (A), by striking "Clinical Research Review Committee" and inserting "AIDS Research Advisory Committee";

(4) in section 2317(d)(1), by striking "Clinical Research Review Committee" and inserting "AIDS Research Advisory Committee established under section 2304"; and

(5) in section 2318(b)(3), by striking "Clinical Research Review Committee" and inserting "AIDS Research Advisory Committee".

SEC. 2303. PROHIBITION AGAINST SHARP ADULT SEX SURVEY AND THE AMERICAN TEENAGE SEX SURVEY.

The Secretary of Health and Human Services may not during fiscal year 1992 or any subsequent fiscal year conduct or support the SHARP survey of adult sexual behavior or the American Teenage Study of adolescent sexual bahavior. This section becomes effective April 15, 1992.

SEC. 2304. BIENNIAL REPORT ON CARCINOGENS.

Section 301(b)(4) (42 U.S.C. 241(b)(4) is amended by striking "an annual" and inserting in lieu thereof "a biennial".

SEC. 2305. NATIONAL COMMISSION ON SLEEP DISORDERS RESEARCH.

The Secretary of Health and Human Services shall, not later than 6 months after the submission of the final report of the National Commission on Sleep Disorders Research, prepare and submit to the Committee on Energy and Commerce of the House of Representatives and the Committee on Labor and Human Resources of the Senate, a report that analyzes the findings and recommendations of the Commission and presents a plan for the conduct and support of sleep disorders research at the National Institutes of Health.

(c) TECHNICAL AMENDMENT.—Section 445G(a) of such Act (as so redesignated) is amended by striking "and its incidence in the United States".

TITLE XXIV—EFFECTIVE DATE

SEC. 2401. EFFECTIVE DATE.

Subject to section 1955, this Act and the amendments made by this Act shall take effect October 1, 1992, or upon the date of the enactment of this Act, whichever occurs later.

And the Senate agree to the same.

From the Committee on Energy and Commerce, for consideration of the House bill, and the Senate amendment, and modifications committed to conference:

JOHN D. DINGELL,
HENRY A. WAXMAN,
RON WYDEN,

As additional conferees, from the Committee on Education and Labor, for consideration of section 1114 of the Senate amendment, and modifications committed to conference:

WILLIAM D. FORD,
JOSEPH M. GAYDOS,
CASS BALLENGER,
Managers on the Part of the House.

EDWARD M. KENNEDY,
TOM HARKIN,
BROCK ADAMS,
Managers on the Part of the Senate.

JOINT EXPLANATORY STATEMENT OF THE COMMITTEE OF CONFERENCE

The managers on the part of the House and the Senate at the conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 2507) to amend the Public Health Service Act to revise and extend the programs of the National Institutes of Health, and for other purposes, submit the following joint statement to the House and the Senate in explanation of the effect of the action agreed upon by the managers and recommended in the accompanying conference report:

The Senate amendment struck out all of the House bill after the enacting clause and inserted a substitute text.

The House recedes from its disagreement to the amendment of the Senate with an amendment which is a substitute for the House bill and the Senate amendment. The differences between the House bill, the Senate amendment, and the substitute agreed to in conference are noted below, except for clerical corrections, conforming changes made necessary by agreements reached by the conferees, and minor drafting and clarifying changes.

RESEARCH FREEDOM

Part I—Review of Proposals for Biomedical and Behavioral Research.

The Senate recedes to the House provisions regarding the review of biomedical and behavioral research with an amendment to make technical and clarifying changes. In addition, the Senate amendment makes clear that the Secretary may remove a member of the ethics board for neglect of duty, malfeasance, or other good cause.

Part II—Research on Transplantation Of Fetal Tissue

The Senate recedes to the House provisions regarding research on transplantation of fetal tissue with an amendment to strengthen safeguards against abuse and to make technical and clarifying changes. Together these provisions will ensure that the decision by a women to have an abortion is separate and independent from the decision to donate fetal tissue pursuant to such a procedure.

The House bill provides safeguards against abuse in such research, as recommended by the Human Fetal Tissue Transplantation Review Panel appointed by the Reagan Administration. These procedural safeguards and ethical guidelines include:

a prohibition of the sale of human fetal tissue;

a prohibition of donation of such tissue for a specific individual (a so-called "directed donation");

a prohibition against payment for the abortion for the purpose of obtaining such tissue;

a requirement of written informed consent from the woman donating the tissue;

in the case of an induced abortion, a requirement of a written statement from the physician attending the woman that the consent for the abortion was obtained prior to requesting or obtaining consent for the tissue donation; and

a requirement of a written statement from the researcher that disclosure has been made to the researchers involved and to any potential recipient of the tissue.

The Senate amendment adds additional safeguards to strengthen protection against abuse. These additional provisions include:

in the case of an induced abortion, a requirement of a written statement from the physician attending the woman that no alteration in the timing, method, or procedures used to terminate the pregnancy was made solely for the purposes of obtaining the tissue;

a requirement of a written statement from the researcher that he or she has had no part in any decision as to the timing, method, or procedures used to terminate the pregnancy made solely for the purposes of the research; and

a prohibition against transplantation of tissue into a relative of the donating individual.

In addition, the Senate amendment greatly strengthens penalties for violations of the prohibitions against sale of tissue, directed donations, or payment for the abortion from which such tissue is derived. The Senate amendment increases maximum prison penalties from five years to ten years. In the case of sale of tissue or payment for abortions, the Senate amendment further provides for a minimum fine of not less than twice the valuable consideration received.

Finally, the Senate amendment requires a report by the General Accounting Office on whether and to what extent research on human fetal tissue transplantation has been conducted in accordance with the safeguards and guidelines established by the legislation and on whether and to what extent there have been violations of the prohibition against sale of tissue, directed donations, or payment for the abortion.

Women as subjects in clinical research.—The Senate recedes to the House provisions regarding the inclusion of women and minorities in clinical research with an amendment to make technical and clarifying changes.

With respect to the provisions regarding women as subjects in clinical research, the conferees expect that the HIH Director and the NIH Office of Research on Women's Health will, in accordance with the discretion provided to the NIH Director under Section 492B(b), take into account the special circumstances of the Department of Veterans Affairs (VA). Accordingly, the conferees direct the NIH Director and the Office of Research on Women's Health to provide flexibility to the VA with regard to the gender requirement established under Section 492B.

In the view of the conferees, imposing this requirement on the VA would be inappropriate. The VA is unique among NIH grantees: It is a separately regulated Federal agency with its own mandate and guidelines on research and care. It includes a health care system in which 95% of the patients treated are male. And, in most instances, it cannot practically collaborate with other hospitals that serve women patients. For these and other reasons, the conferees believe that imposition of the requirements of Section 492B regarding women would be inappropriate.

The conferees note that it is not the intent of Section 492B to divert dollars away from VA activities that are of high quality. The conferees recognize that the VA has taken deliberate steps to pursue research relevant to women, such as its recent study of the prevalence of post-traumatic stress disorder in women Vietnam veterans. The conferees would expect that the VA will also include women veterans in its general health research, as appropriate and feasible.

To the extent that the VA's available study population is predominantly male, the conferees understand that the requirements of Section 492B with respect to women cannot necessarily be met within the VA; to the extent that the VA's available study population includes women, the conferees expect that the VA will make every effort, consistent with its patient population, to accomplish the goals of Section 492B with respect to women. The conferees underscore that the provisions authorizing the NIH Director not to apply the gender requirement of that section in situations where it would be "inappropriate under such other circumstances as the Director of NIH may designate" contemplates just such a situation as is presented by the research program of the Department of Veterans Affairs, and the conferees direct NIH to the VA research accordingly.

Scientific integrity.—The Conferees recognize that there is a need for articulated Federal policies regarding scientific misconduct, conflicts of interest, and retaliation against whistleblowers in connection with research supported by the NIH. There is a clear need for formal procedures for handling allegations of scientific misconduct, for avoiding bias in research due to conflicts of interest, and for protecting the rights of whistleblowers. The Conferees believe that all interested parties would benefit from establishment of standards in these areas.

The Conferees also recognize that the handling of cases of alleged misconduct, conflicts of interest, or retaliation against whistleblowers should be fair and balanced. It is critical to uncover abuses and to protect the rights of complainants, including the prevention of retaliation against those who have made allegations in good faith. It is equally important to protect the privacy rights and rights to due process of researchers and institutions and to minimize the damage that may result from groundless allegations. Resolution of allegations in a timely, fair, and equitable manner will lend support to and improve the research process.

The Conferees have assured that formulation of Federal policy in this area will be open, responsive, and fully debated. Anything less would threaten not only the rights of those involved, but also public confidence in Federal health policies and actions.

National Institute of Health infrastructure renovation.—The Senate amendment, but not the House bill, proposes the restoration and renovation of the facilities and infrastructure at the NIH. It is the conferees' intent that this restoration and renovation program be implemented in a manner that strengthens the NIH effort with respect to basic and clinical research, and health services through the renovation of existing facilities or acquiring land for new facilities. The amendment authorizes the Director of the NIH to carry out a comprehensive program to provide for the replacement or renovation of inadequate facilities, conduct a study on the expansion needs of the NIH and the purpose for which the land is to be purchased. The House recedes.

Trauma research.—The House bill and Senate amendment contained provisions establishing a comprehensive, interagency program of basic and clinical research on trauma. The Senate recedes with an amendment requiring that the program be carried out by the NIH Director through the individual national research institutes. The conferees intend that the NIH Director establish a comprehensive program to study all phases of trauma care from pre-hospital, resuscitation, surgical intervention, critical care, infection control, wound healing, nutritional support and medical rehabilitation. Through the support of basic science and clinical research, it is the intent of the conferees to promote the development of new and innovative models of trauma care which might prevent death or permanent disability.

Osteoporosis.—The House bill and Senate amendment provided for establishment of an expanded program of research into osteoporosis, Paget's disease, and related disorders. The House recedes with an amendment to include establishment of a Clearinghouse and to make technical and clarifying changes.

Nutritional disorders.—The House bill, but not the Senate amendment, establishes a program of research, training, health information, dissemination and other activities with respect to nutritional disorders, including obesity. The Senate recedes with a technical amendment.

Dissemination of health promotion research.—The Senate amendment, but not the House bill, contained a provision strengthening the authority of the NIH Associate Director for Prevention. The House recedes.

National Heart, Lung and Blood Institute (NHLBI).—The House bill and Senate amendment extended the authorization of appropriations for the NHLBI research and control programs. The House bill consolidated the separate authorization of appropriations for prevention and control programs with the Institute's general research authority. The Senate amendment provided, consistent with current law, a separate authorization of appropriations for control programs. The conference agreement deletes the separate authorization for prevention and control programs and instead requires that the Institute allocate not less than 10% of its annual appropriations in support of control programs authorized by Section 419 of the Public Health Service Act. Prevention and control programs are a vital part of the Institute's mission and the conferees intend that the set-aside increase, relative to fiscal year 1992, the level of funding available for these important activities. The Conferees believe NHLBI should continue and expand its research program on the effectiveness of various cardiopulmonary disease prevention and control activities. Moreover, the results of this research must be disseminated rapidly to health professionals, health educators, and the general public. In addition, the NHLBI should share its research results with the Centers for Disease Control (CDC) and coordinate prevention activities with the CDC to assure the greatest possible efficiency and effectiveness of efforts in this important area. $1.4 billion is authorized for NHLBI activities in FY 1993 and such funds as may be necessary in Fiscal years 1994–1996.

Pediatric research.—The Senate amendment, but not the House bill, provides for the establishment of three centers for basic and clinical research into, training in, and demonstration of, advanced diagnostic, prevention, and treatment for cardiovascular diseases in children. The House recedes with an amendment clarifying the responsibility of the National Institute on Arthritis and Musculoskeletal and Skin Diseases to significantly expand its research commitment into arthritis affecting young children. The conferees are concerned that despite passage of P.L. 99-158 and the establishment of an independent Arthritis Institute, insufficient resources have been allocated to understanding the causes and developing affective treatments for juvenile arthritis. The conference agreement revises the statutory authority of the Institute to make research in this area an integral part of the Institute's statutory mission. Further, the agreement requires that the Institute's research plan place particular emphasis upon expanding research into better understanding the causes and development of effective treatments for arthritis affecting children. In addition, the conference agreement requires the establishment, in fiscal year 1993, of at least one, multipurpose arthritis and musculoskeletal disease research center to expand research into the cause, diagnosis, early detection, prevention, control, and treatment of, and rehabilitation of children suffering from arthritis and musculoskeletal diseases.

National Institute of Child Health and Human Development.—Both the House bill and the Senate amendment proposed to create new programs to strengthen the activities of the Institute. The House bill proposes establishment of child health research centers, a loan repayment program for researchers working at the NIH in the area of contraception and infertility, a program in obstetrics and gynecology, and an adolescent health study. The Senate amendment proposes establishment of child health research centers, and a loan repayment program. The House recedes on the contraception and infertility research centers, loan repayment program and the child health research centers. The Senate recedes on the obstetrics and gynecology program and the adolescent health study. The Conferees provide specific authorization for the establishment of five applied research centers under the National Institute of Child Health and Human Development, three for research into new and improved methods of contraception, and two devoted to new treatments of infertility. A new loan repayment program is established to attract and train scientists specializing in these areas of research to work at the NIH. The NICHHD has been without an intramural research program in obstetrics and gynecology for many years. This has limited the NIH's ability to conduct research and limit access for women to clinical trials such as new drug treatments for ovarian cancer.

National Institute on Aging.—The House bill, but not the Senate amendment, provided an authorization of appropriations for the vital research activities carried on by the National Institute on Aging. The Senate recedes with an amendment including a provision from the Senate amendment that special efforts be made to support research into better understanding the aging process in women. The conferees intend that particular emphasis be placed upon the efforts of menopause. Under the agreement, funding for NIA research is authorized at $500 million in Fiscal year 1993 and such funds as may be necessary in FY 1994–1996.

Chronic Fatigue Syndrome.—The House bill authorized the National Institute of Allergy and Infectious Diseases to establish centers to conduct basic and clinical research on chronic fatigue syndrome. The Senate amendment required the establishment of a separate, extramural study section to review proposals to conduct research into better understanding chronic fatigue syndrome. The conferee agreement includes both House and Senate provisions.

Tropical diseases.—The Senate amendment, but not the House bill, clarified the responsibility of the National Institute of Allergy and Infectious Diseases to support research on tropical diseases. The House recedes.

Multiple sclerosis research.—The House bill, but not the Senate amendment, required the National Institute of Neurological Disorders and Stroke to expand the level of research committed to better understanding the causes and development of treatments for multiple sclerosis. The Senate recedes.

Applied toxicological research and testing.—The House bill, but not the Senate amendment, codified the responsibility of the National Institute of Environment Health Sciences to conduct applied research and testing into toxicology. The Senate recedes.

Awards and training.—The House bill established a loan repayment program for clinical researchers and an undergraduate scholarship program for individuals disadvantaged backgrounds, and permits the FDA authority to provide assistance for a loan forgiveness program. The Senate amendment contained provisions that expanded the existing AIDS loan repayment program to include other areas of research that are of critical importance in recruiting researchers. The Senate recedes with an amendment to expand the loan repayment program to other disciplines and authorizes $3 million for this expansion effort. The Conferees expressed concern about the ability of the NIH to recruit and retain scientists. Recent post-doctoral graduates are deciding against pursuing careers in biomedical, behavioral or clinical research because of their educational loan burdens. The Conferees believe that a loan repayment program for scientists, particularly physician-scientists, in areas of demonstrated need at the NIH will help remove a major barrier to attracting outstanding investigators to the NIH.

National Research Service Awards (NRSA).—The House bill and the Senate amendment increase for 1 percent to 2 percent the required set-aside of NRSA appropriations for awards administered by the Health Resources and Services Administration and the Agency for Health Care Policy and Research. The House bill extended the authorization of appropriations for NRSA through fiscal year 1994. The Senate amendment extended the authorization through FY 1997. The House recedes with an amendment reducing the authorization in FY 1993 to $375 million and such funds as may be necessary through FY 1996.

The conferees urge that the Director of the National Institute of General Medical Sciences establish a program in predoctoral research training in neuroscience in light of the Decade of the Brain initiatives and the recent evolution of the field of neuroscience. The conferees believe this is an important and appropriate area for predoctoral research training at the Institute.

NIH in general.—The House bill, but not the Senate amendment, contained provisions for the preparation of a plan for the use of animals in research and authorizing a special program of assistance to researchers who had not previously received NIH funding. The Senate recedes.

The Senate amendment, but not the House bill, provided for establishment of a discretionary fund for the NIH Director, a children's vaccine initiative, a program to disseminate health promotion research results, a program of day care services for NIH employees, and readability requirements for publications disseminated to the general public. The House recedes with an amendment requiring that an annual report on the use of funds in the NIH Director's discretionary account be prepared and submitted to the Secretary, the Committee on Energy and Commerce of the House and the Senate Labor and Human Resources Committee.

Extramural construction of research facilities.—The Senate amendment, but not the House bill, authorized a new program of assistance for the construction of biomedical and behavioral research facilities. The House recedes with an amendment providing that in any fiscal year, the first $7 million in appropriations will be made available for the purpose of construction grants for improvements at the national primate research centers. Additional funds will be available for other construction grants with 25% reserved for "research centers of emerging excellence." The conferees intend that these provisions will assist in making more universities competitive in obtaining research funding from the NIH.

The Conferees believe a new program of construction grants is necessary to replace outmoded facilities, relieve overcrowding, and accommodate changing research requirements. Furthermore, historically black colleges and universities and other centers of emerging excellence can make important contributions to progress in biomedical and behavioral research if infrastructure deficiencies can be corrected. In this respect, centers of emerging excellence can be looked upon by the NIH as centers of opportunity. The conference agreement requires that all proposals for assistance be subjected to review by an independent board and that fundamental principle of NIH awards, that the primary criterion be scientific and technical merit, will be observed.

The conferees believe appropriations made available for this purpose should be in addition to appropriations that would otherwise be made available to support individual investigator grants, particularly grants to first-time investigators.

National Cancer Institute (NCI).—Both the House bill and the Senate amendment extend the authorization of appropriations for the national cancer program. The House recedes with an amendment reducing the authorization of appropriations for fiscal year 1993 to $2.2 billion and such sums as may be necessary for fiscal year 1994–1996. The conferees express their serious concern about the growing epidemic of breast and prostate cancer in the United States. The conferees expect the NCI to make prevention of breast and prostate cancer its top priorities.

Breast cancer program.—The House recedes with a clarifying amendment. The Conferees agree that breast cancer research must be a top priority for the National Cancer Institute. The Conference agreement authorizes $400 million for a new program on breast cancer and cancers of the female reproductive system. The NCI Director is authorized to expand, intensify, and coordinate efforts on breast cancer, ovarian cancer, and other gynecologic cancers. The Conferees are particularly concerned that emphasis be placed on research efforts focused on understanding the causes of these cancers with the goal of finding better treatments and cures.

Prostate Cancer Program.—The House recedes with a clarifying amendment. The Conferees recognize the need to expand and intensify research efforts to determine the etiology of prostate cancer, to prevent the disease, to detect the disease at the earliest stage possible and to establish prostate cancer research centers.

Cancer control.—The House bill, but not the Senate amendment, required that 10% of funds annually appropriated for the activities of the National Cancer Institute be allocated in support of cancer control programs authorized by section 412 of the Public Health Service Act. The Senate recedes with a technical amendment clarifying that funds available through the cancer control set-aside are those programs authorized by section 412 and described in the Institute's annual bypass budget as cancer control programs. The conference agreement includes a provision for the House bill providing a phase-in of the 10% requirement. Under this transition requirement, the Institute would be required to allocate in FY 1993 an amount equal to 75 percent of the amount recommended for cancer control activities in the Institute's 1993 By-Pass budget. The Conferees encourage the NCI to intensify and expand support for programs that target special high-risk populations which experience excessive cancer rates and are underserved in terms of cancer control programs such as NCI's Chemopreventive program, Appalachia, Black and Hispanic Leadership Initiatives, COMMIT, ASSIST, Community Clinical Oncology Program and Working Well.

National Library of Medicine (NLM).—The House bill contained provisions to authorize appropriations for general programs at the NLM, to establish a program for the development of education technologies, to authorize appropriations for the National Center for Biotechnology Information, and to establish a national information center on health services research and health care technology. The Senate amendment contained provisions to establish a program for development of education technologies, to establish a national information center on health services research, and to exempt, from the Paperwork Reduction Act, licensing arrangements that provide for quality control and full recovery of access costs. The Senate recedes with an amendment. The conference agreement provides discrete authorizations of appropriations for the Medical Library Assistance Act (MLAA), general NLM programs, and NLM programs in biotechnology and health services research. The conference agreement also lifts from $750,000 to $1,000,000 the ceiling on grant assistance to medical libraries and related instrumentalities under the MLAA. On the basis of proven successes, the Conferees support expansion of the Library's capacity for rapid transfer of the most current information on diagnosis and treatment to the offices of individual physicians throughout the country. This new capability will enable any physician's office in which there is a personal computer to receive the same information that is now available only through medical libraries.

Centers for Disease Control authority.—The Senate amendment, but not the House bill, proposes to establish a prostate prevention program at the CDC, to establish a national program of cancer registries and to determine the factors for the disproportionate breast cancer mortality rates in certain states. The house recedes with a clarifying amendment. The Director of the Center for Disease Control will be responsible for establishing the national program of cancer registries, the prostate cancer prevention program and for conducting the study on excess breast cancer mortality rates.

Leading causes of death.—The Senate amendment, but not the House bill, requires the Secretary to prepare a report on the leading causes of death among Americans. The conferees expect that in preparing this report, the Secretary will include a detailed explanation of the policy justifications for the resource allocations for each of the 20 leading causes of death.

Study of injury prevention.—The Senate proposal, but not the House bill, proposed as part of the NIH trauma injury. The Senate receded with an amendment to conduct a study on the need for preventive trauma research at the NIH. Ultimately prevention is key to reducing deaths and disabilities from traumatic injury. The conferees recognize the need to assess the status of research on the prevention of traumatic injuries and the need to determine the role of behavior and psychological factors in preventing traumatic injuries. The Director of NIH, in collaboration with the Director of the Centers for Disease Control and a panel of experts in the fields of trauma care, trauma prevention and behavioral prevention of traumatic injury should report to the Secretary and Congress the need for research in this area.

From the Committee on Energy and Commerce, for consideration of the House bill, and the Senate amendment, and modifications committed to conference:

JOHN D. DINGELL,
HENRY A. WAXMAN,
RON WYDEN,

As additional conferees, from the Committee on Education and Labor, for consideration of section 1114 of the Senate amendment, and modifications committed to conference:

WILLIAM D. FORD,
JOSEPH M. GAYDOS,
CASS BALLENGER,
Managers on the Part of the House.

EDWARD M. KENNEDY,
TOM HARKIN,
BROCK ADAMS,
Managers on the Part of the Senate.

EXCESSIVE REGULATION ON SMALL BUSINESS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Wyoming [Mr. THOMAS] is recognized for 5 minutes.

Mr. THOMAS of Wyoming. Mr. Speaker, I want to take this opportunity to talk for a few minutes about what I consider to be one of the most pressing problems that we have in this country, one that we need to address in the Congress, and that is the executive regulation on small business.

It has seemed to me for a good long time that the most difficult problem that we have to address as a Congress is that of the economy and developing jobs. Then many of the related problems would be much simpler, and indeed many would disappear if people who had a desire to work would have the opportunity for good, quality jobs. Until all people who want to work have access to quality jobs, such problems as health care and the deficit are not going to be solved. If things are ever going to look up, I believe we have to acknowledge the fact that the only true economic recovery comes from the private sector.

But our private sector is hamstrung by Federal mandates, and that is true also of local governments. I do not go back to Wyoming one weekend that I do not hear from local governments, "Look, we are being required to do lots of things that are not accompanied by money, and we simply do not have the dough to do it." They have been hamstrung by excessive Federal regulations that have stolen the initiative and the profit factor from those very same small businesses that we look to to provide the jobs that are needed in this country, and particularly of current interest, of course, are inside the major cities.

Excessive regulation in this country costs small businesses about $450 billion a year. That is broken down to $115 billion in environmental regulations. This is the fastest growing area for regulatory cost. Water pollution control and air pollution control amount to about 50 percent of the total cost.

Twenty-eight billion dollars in safety regulations, a comprehensive number of Federal regulations to improve the safety of workers and consumers. We need to protect workers and consumers, of course, but it is impossible to eliminate all risks.

Two hundred thirty billion dollars in economic regulation, and two separate components comprise this cost; efficiency costs required through lost output due to regulation, and transfers, the value of wealth taken from those harmed by regulations and passed on to someone else.

One hundred billion dollars in paperwork burden, the cost of compliance with Federal edicts which imposes a drag on the economy, regardless of the fact it is off budget. I recall seeing a television news program a couple of years ago, and one of the Senators down the hall indicated that he had a way to take care of health care by putting it on the small businesses and it would not cost the Government a dime. That is ridiculous. Of course it costs the Government a dime. It costs jobs and it costs small businesses $100 billion for the paperwork burden.

□ 1210

There is an appropriate role for Congress in regulating business. We do need a referee if we are to have a capitalist society and operate in a private enterprise system. But often the very people that regulations are provided to benefit, the consumer, the underprivileged, the sick, the unemployed, the small business becomes a helpless victim.

In an effort to jump in and do something, because Congress does not have a well-developed concept of how it is supposed to help, we write a one-size-fits-all kind of a law, and they translated it into horrific regulations by the bureaucrats who interpret them. Once the laws are passed, agencies go even further than the law had implied, and the spirit of the law, in writing the regulations.

We do not have a mechanism for dealing with that. Even in our Wyoming Legislature, one of the most volunteer legislatures in this country, we had a legislative council that reviewed legislation written by agencies to see if, indeed, it was consistent with the spirit of the law. We do not have that here.

People from cities and small towns are here every day to tell us how they are not able to provide services because of the cost of regulation. Small businessmen come and say they cannot create jobs because of excessive regulation, and I will wager that everyone in this House has had a conversation with either a small businessman or local governments talking about regulations, and we cluck a little bit and are sympathetic and come back here and absolutely do nothing other than to provide more regulation.

Every time there is a problem, we have a new set of regulations to weigh on everyone.

The impressive gains on reducing regulation in the Reagan administration are in jeopardy of reversal in the 1990's. I know it is a very crude measurement, but every regulation proposed and finalized is printed in the Federal Register. So its size gives you some indication of where we are. In 1980, the Federal Register pages reached a historic high of 88,000 pages a year. Under the Reagan administration, it dropped to a mere 47,000. Since that time, it has crept back up to 67,000 last year.

CONTINUING SAGA OF ATTEMPTS TO THWART BNL INVESTIGATION

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas [Mr. GONZALEZ] is recognized for 60 minutes.

Mr. GONZALEZ. Mr. Speaker, today I will talk about the White House's refusal to reply to the request of the Committee on Banking, Finance and Urban Affairs for BNL, that is, the Italian bank, information, and the continuing saga of the Justice Department's attempt to obstruct or thwart the BNL investigation.

First, I will talk about an amazing fact. Eleven Cabinet officers and Cabinet-level officials, including the Secretary of State, James Baker III, had to obtain a Presidential waiver of conflict-of-interest rules so they could participate in United States policymaking discussions, decisions and actions in response to the Iraqi invasion of Kuwait in August 1990.

Now, this is a strange alchemy, or let us say wave of a magic Presidential wand that takes 11 Cabinet-level Members and says, "Thou herefore are not in conflict of interest, though the facts may show otherwise, and that is the reason I am waving this wand and saying you are now licensed to do the duty which, to begin with, you have taken an oath to uphold." And obviously if there was no need to issue this rather unprecedented waiver of conflict of interest to 11 Cabinet-level Members, then why issue it?

So I thought that was rather strange, if not one begging for some questions. I will show that the White House conspired to conceal the President's waiver of conflict-of-interest rules from the public domain for a year and a half after Iraq invaded Kuwait.

I am introducing into the RECORD an internal State Department memo dated August 8, 1990. The memo is addressed to Mr. Robert Kimmitt, the former Under Secretary for Political Affairs at the State Department. Mr. Kimmitt is currently the United States Ambassador to Germany, and he was one of the primary architects of the United States policy toward Iraq. This State Department memorandum indicates that President Bush had to waive conflict-of-interest rules for 11 Cabinet officers and Cabinet-level officials so that they could participate in the formulation of the United States response to the Iraqi invasion of Kuwait in August of 1990.

I think it should be proper for me to read for my colleagues who may be listening in the closed-circuit TV, as many are, and it is dated Washington, DC, August 8, 1990: "Mr. Kimmitt, to Legal Counsel," and it says, "Bob: Amy Schwartz of Boyden's office," and that is Boyden Gray, the Legal Counsel or Special Assistant, "informed me the President signed the waiver this afternoon for 11 Cabinet officers and Cabinet-level officials including Secretary Baker that authorized them to participate in current United States policymaking discussions, decisions, and actions in response to the Iraqi invasion of Kuwait. Schwartz indicates that this will allow Secretary Baker to participate in all foreign policy questions related to the Kuwait crisis, even those directly involving oil production and prices.

In addition, OLC is expected to issue an opinion in the next day or so narrowing from previous interpretations the definition of particular matter, the touchstone for potential conflict analysis.

Here is the last paragraph, and I am quoting:

> Because of the breadth and sensitivity of the waiver, the White House is currently unwilling to distribute copies to affected individuals. We are working to reverse this position so that we can provide a copy to the Secretary.

That is the end of the memo.

Now, it was a couple of months later after this crisis had begun to incrementally deepen and the President was hinting, and later confirming the first week in November, or, rather, November 8, that he was going to double the size of the expeditionary force to the Middle East, that Secretary Baker was reported in the press as saying that this conflict was all about jobs, not the invasion of Kuwait or anything, jobs.

So I immediately then under the purview of the jurisdiction of the Committee on Banking, Finance and Urban Affairs, called a hearing of the committee in order to study the economic impact of the developments thus far and the moneys invested thus far or diverted for the purposes announced around August 3 by the President in response to the invasion of Kuwait.

The hearing was called in order to ascertain the economic and financial impact of this involvement on not only our economy but, more specifically, our financial system and the safety and soundness of it. In response to our invitation, we had Chairman Greenspan of the Federal Reserve Board who was very responsive, and came, and answered to our summons and testified that the ongoing difficult recession which was quite apparent by then, and of which he could not testify for sure that it could be defined as such, because there was a chance that a corner could be turned before the end of the year, and that then it would turn out to be one more in a series of recession cycles.

□ 1220

But actually, he also expressed, the statistics showing, that there was a continuing problem and that there was a question about whether it would level out or not; but he categorically stated, and mind you, the press coverage of that was almost nil, he made a very startling statement. He said that because of this involvement and because of the diversion of America's assets and other investments that it had a direct adverse impact, he said 70 percent to the low economic period at that time, that is, the recession.

It is on the record. We have got it in our printed committee hearings.

So all the while, though, the United States is being told about the national interest imperiled because of the fear that an overweening power, such as Iraq in control of Middle East oil resources, would be and certainly should be considered as dangerous to the national interest; but the Secretary is saying, "Hey, it's very simple. The reason is jobs, economic."

So what about all this other fol de rol?

In the meanwhile, why should he be specifically targeted for exemption from conflict of interest? Frankly, it was not until I saw that waiver that I realized there was that inherent power in the office of the Presidency. My gosh, if the President has that power, he could have the controlling power of waving a wand and converting fish into fowl, flora into fauna, and an otherwise deeply involved conflict of interest, no conflict of interest.

So I think it demands answers. The breadth of the President's waiver is staggering.

Congress and the public—after all, what are we here for? What are we supposed to be here for, representing who? Those in power in the executive branch, or the people who elected us?

It seems that constantly this is forgotten.

Sitting on the Banking Committee for 30 years and 6 months, I have been absolutely devastated by the continuing and the sustained belief prevalent among many that we are here for the benefit of and at the service and disposition of banking, S&L's, credit unions, or other special segments of our financial industry that this committee has jurisdiction over.

In 1986–87, I was telling these powerful industrial spokesmen for the then S&L industry, "Hey, look, you guys are coming in now and asking for this? I don't know of one instance where this committee and the Congress has not given you everything you have asked for, and look where you are."

Then I added, "We are not here for your benefit or your aid. We are here for the people's interest."

I mean, that is what I thought it was. That is what I have always read in my history books that the men who wrote the Constitution and set this very special apparatus and institution known as the U.S. House of Representatives is very individual. I would never dream that I would have to go to court in order to defend the constitutional privileges and immunities of the U.S. House of Representatives.

I still say and I will continue to battle the cause that no matter what overwhelming vote on the part of my colleagues, 434, cannot waive my right to my constitutional powers and immunities and privileges invested in this House, because they do not belong to me. I am here transitorily, but they belong to the office; that is, to the people who elected me from the 20th District of Texas. That is the issue, and it pains me to see the unawareness of it.

We will still go before the court and insist that we be heard on the merits. We have not up to now on any level, district, appellate, or Supreme Court level, but the day will come that inevitably we will be heard on the merits of the issue; not the procedural, which is the way they have decided it up to now, the fact that an overwhelming majority of the House voted to dispense with the independence and coequality and separateness of this body. If that is not working, forget about our Constitution and our system.

So it goes here in the executive branch where it is an upstart, considered as an upstart if a Member of Congress dare say this.

But wait, by what right do you in the executive branch do this? What is the constitutional authority? There is no answer to that question; rather, just the brute force of power, political power.

Well, we have seen all through history that that may not suffice.

I will send a letter to the President. In fact, I am in the process of doing that today, asking for more specific information:

No. 1, who were the 11 Cabinet officials for whom the President waived conflict of interest rules, and are they still covered by that waiver?

No. 2, what were the conflicts of interest that precluded them from engaging in aspects of Iraqi policy in the first place?

No. 3, why was this information withheld from the public?

There are many additional questions that need to be answered regarding the conflict of interest waivers and how they related to the administration's policy prior to the Iraqi invasion of Kuwait.

Some of the more important questions that need to be addressed as well are:

No. 1, which policymakers had primary responsibility for the United States policy toward Iraq, United States policy toward the Middle East?

No. 2, when the United States Senate voted to confirm these Cabinet officials, did the Senators know that the candidate would have a limited or no role in setting Iraqi policy?

No. 3, did the Senators know that these officials had serious conflicts of interest related to the Middle East?

By asking these questions, I do not maintain that the President did the wrong thing by granting the waivers, if such is inherently his power, as it seems to be and which is a surprise to me, as I said before; but I am startled by the breadth of the waivers.

There is a problem of perception when the President surrounds himself with Cabinet officials who have serious conflicts of interest regarding one of the most important areas of the U.S. foreign policy.

In addition, it is disturbing that the Secretary of State has to recuse himself from participating in important areas of United States policy toward Iraq and the Middle East.

Mr. Baker and the other Cabinet officials are supposed to be the President's best and brightest advisors, yet many apparently were not directly involved in setting important policies prior to the invasion of Kuwait.

My floor statements on the BNL, the Banca Nazionale del Lavoro, have helped to reveal many of the flaws in United States policy toward Iraq.

I would be interested to know how Mr. Baker's recusal affected our policy and whether or not the President received the best advice on how to deal with an increasingly belligerent Saddam Hussein.

I also think the President has an obligation to explain why he thought it was in the best interests of our Nation to conceal the waivers from the public.

The effort to conceal the waivers is captured in a passage from that State Department memo which I just read, that last paragraph, and I am going to repeat it:

> Because of the breadth and sensitivity of the waiver, the White House is currently unwilling to distribute copies to affected individuals. We—

Meaning the State Department—

> are working to reverse this position so that we can provide a copy to the Secretary of State—

Or Secretary Baker is the word they use.

This passage makes it obvious that the White House did not want anyone to find out about the waivers. The White House did not even want the Secretary of State himself to receive a copy of his own waiver for fear someone would leak the information to the public.

In fact, the memo was kept secret until January of this year, almost a year-and-a-half after the Iraqi invasion of Kuwait.

Whatever the President's motivation for not informing the public in August of 1990 about the waivers, the BNL investigation have taught us that the administration will go to great lengths to conceal the details of the United States-Iraq policy. The conflict of interest waivers are another example in a long list of similar incidents.

The Secretary of State James Baker is not new to this question of conflict of interest. His ethical problems go back to his days as Secretary of the Treasury and they relate to the plan he was credited with creating to handle the lesser developed countries' debt crisis.

In 1985, the Treasury Department devised a plan to deal with the lesser developed countries and their debt crisis, which observers coined "the Baker plan."

□ 1230

One of the main pillars of the Baker plan called on the debtor LDC's to remain current on their commercial bank loans. Well, of course. These are all what they call sovereign debts. That is countries owing our private bankers. This has been the name of the game.

I first reported that in August 1979 when I reported in this well of the House to my colleagues that in one year and a half the principal banks in the United States, the first eight or nine, but particularly the first six, top six at that time, have loaned to countries that I knew would not be able to pay and had increased that overhang in a year and a half's time from about 3 billion to over $47 billion. Unfortunately at that time the only one man that took heed of my words was the then Chairman of the Federal Reserve Board, Arthur Burns, who asked me to have breakfast with him, and then, when he told me there was not anything he could do, then I really feared for the country because I knew.

I had been chairman and was chairman of the International Finance Subcommittee, as it was called then, for 10 years, and I was intimately aware of the specific countries, particularly Latin America and their inability to pay the huge sums that these banks were lending out willy-nilly in a manner that a local bank board of directors would not think of doing. These are the biggest bankers at the time.

Well, the rest is history. It is still out there, and of course the U.S. taxpayer has tried for years to unload that, and they have in a way, in a manner of speaking, but that is another subject matter.

I just to point out that at that time the Secretary of the Treasury then, now the Secretary of State, revealed the so-called Baker plan. It was predicated on these debtor nations keeping their U.S. banks, commercial banks. However even those countries could not, and so they have not paid on the principal. They had to roll over, and in many cases they could not even pay the interest. So, they just rolled over interest payments. In return for doing that, they were eligible for financial aid from the IMF, the International Monetary Fund, and the multilateral development banks, like the Inter-American Development Bank and the like.

Well, the Baker plan may not have solved the LDC crisis. It did help U.S. commercial banks collect billions of dollars from cash-strapped debtor nations. Several years after the plan became the main thrust of U.S. policy on the debt crisis, it was revealed that Mr. Baker had a large block of stock in a bank that had over $4 billion in loans to the same LDC's that were most heavily affected by the Baker plan. These revelations occurred about the time Mr. Baker was nominated to be Secretary of State. The adverse publicity came from the fact that Mr. Baker had wanted to keep his bank stock even though some of the decisions he would make as Secretary of State could affect bank loans to the LDC's. The bad publicity eventually forced Mr. Baker to agree to sell the bank stock, and the storm about that specific conflict of interest blew over. It was generally considered that Mr. Baker had rid himself of this serious conflict.

Today's revelation about Mr. Baker should raise new questions about whether or not he can do his job unencumbered about conflicts of interest. Questions about his effectiveness and suitability are legitimate, given that he is required to rescue himself from important foreign policy decisions. Clearly decisions about oil have everything to do with Middle East policy. It is clear that for more than two decades leaders have been shipping oil all over the Middle East. White House spokesman Marlin Fitzwater tried to explain away Mr. Baker's ethical problems in February of 1989, when he was quoted in a Reuters story as saying, and I quote, "These men have conflicts, financial arrangements, that require complex legal solutions to try to meet the perceptual standard of clean ethics," end of quote.

Perceptual standard of clean ethics? Why someone either has them or they do not. One cannot be a little pregnant here.

What is interesting to note is that the President originally won high praise for his position on ethics in government. The Reuters story that I just referred to also states, and I quote, "Mr. Bush won praises for stressing ethics in this first week as President indicating that he meant to steer clear of the sleaze factor problem that had plagued the Reagan administration," end of quote. The story quotes President Bush as saying, and again I quote, "Our actions must always be of the highest integrity. It's not really very complicated. It's a question of knowing right from wrong, avoiding conflicts of interest, bending over backwards to see there is not even a perception of conflict of interest," end of quote.

That was the first week of the President in August, but look at what Fitzwater has just said. There is certainly a perception of conflict of interest when the President has to waive conflict of interest rules so that eleven Cabinet officers and Cabinet-level officials can participate in making crucial foreign policy decisions.

This issue certainly deserves more study, but now I will turn to the committee's request for BNL related information from the White House. In the past I have expressed my concerns to President Bush about potential conflicts involving National Security Adviser General Brent Scowcroft and Deputy Secretary of State Lawrence Eagleburger. In a May 2, 1991, letter to the President I detailed my concerns about links between BNL, Mr. Kissinger; Henry Kissinger that is; Scowcroft and Mr. Eagleburger. In previous floor statements I revealed that BNL was a client of Kissinger Associates at the time that BNL's employees in Atlanta were granting billions in unreported loans to Iraq.

In addition, Mr. Kissinger was a paid member of the BNL international advisory board from 1985 until June 1991. Mr. Scowcroft worked on the BNL account while at Kissinger Associates, and he briefed the BNL board on three occasions.

Remember this board sits in Rome. This is an Italian Government-owned bank. This is still to filter through the minds of most of our officials.

There are more BNL-Kissinger Associates links. Several prominent Kissinger Associates clients were doing business with Iraq as a direct result of BNL loans. For example, a Volvo project in Iraq was a beneficiary of millions in BNL loans. The chairman of Volvo serves on Kissinger Associates board of directors.

I have also reported in past floor statements that Mr. Eagleburger had ties to BNL before becoming Deputy Secretary of State. While he was serving as president of Kissinger Associates, Mr. Eagleburger was on the board of LBS, a Yugoslavian bank that had a substantial and even what I would say was an incestuous relationship with the Italian bank.

□ 1240

BNL was a main engine in the growth of this Yugoslavian LBS operation in the United States. The former head of BNL's U.S. operations, Renato Guadagnini, who took Mr. Eagleburger's slot on the LBS board in 1989, stated that there is no way Mr. Eagleburger could have been unaware of BNL's role in helping LBS get started in the United States.

In addition, BNL had over $6 million in loans to the New York office of a Yugoslavian firm called Impex, that was helping to bring the Yugo automobile into the United States. Mr. Eagleburger assisted in bringing the Yugo into the United States. It is clear that BNL was an important source of funding for several ventures with ties to Mr. Eagleburger, and that his knowledge of BNL would have gone beyond that of BNL being a client of Kissinger Associates.

The many interlocks between BNL, Kissinger Associates, Mr. Scowcroft, and Mr. Eagleburger raise the question of why neither recused himself from the administration's handling of the BNL scandal. I wonder if either were among the Cabinet-level officials that required conflict-of-interest waivers in order for them to participate in making decisions on Middle East policy. If the President cooperates with my request, we should know the facts in the near future.

During the investigation of BNL the Banking Committee has uncovered numerous documents that indicate that the President's staff and the staff of the National Security Council were involved in the National Advisory Council's decision to approve the $1 billion fiscal year 1990 Commodity Credit Corporation Program for Iraq, which has been so costly to the American taxpayers.

BNL was the largest participant in the CCC Program for Iraq. When the BNL offices were raided in Atlanta in August 1989, investigators uncovered massive fraud, placing the entire CCC Program for Iraq in jeopardy. So the White House and NSC, armed with National Security Directive 26, sprang into action in order to save the CCC Program for Iraq.

The committee has documents indicating that many White House and NSC staff were involved in the National Advisory Council's—or NAC—consideration of the fiscal year 1990 CCC Program between the time of the BNL raid in August 1989 and the NAC decision in November 1990. NSC and White House staff were also involved in the U.S. Department of Agriculture's administrative review of the BNL scandal which was released to the public in May 1990. The committee will have a hearing on these topics this May 21, 1992.

The current and former White House and National Security Council staff involved in the decision to win approval for the CCC Program for Iraq and/or the administrative review of the BNL scandal include the following:

Gen. Brent Scowcroft, national security adviser;

C. Boyden Gray, Counsel to the President;

John P. Schmitz, Deputy Counsel to the President;

Richard N. Haass, Senior Director, North East and South Asian Affairs, NSC;

Clayton Yeutter, special assistant to the President and former Secretary of Agriculture;

Stephen I. Danzansky, director, Office of Cabinet Affairs;

C. Nicholas Rostow, legal advisor, NSC;

Ms. Sandra Charles, Director, North East and South Asian Affairs, NSC;

Edith E. Holiday, former General Counsel, Treasury Department and the current Secretary of the Cabinet; and

Timothy E. Deal, Senior Director, International Economic Affairs, NSC.

I have written to the President asking that he make some of these staff persons available for interview, but I have received no reply. I have also asked that several of these staff persons be made available for testimony to the committee. Again, I have received no reply.

I have asked for White House and NSC documents related to the BNL scandal, the CCC program for Iraq, and the U.S. Department of Agriculture administrative review, but again I have received not a word from the President.

The Banking Committee has a legitimate right to know the role the White House and the National Security Council played in the handling of the BNL scandal. That is a bank that cost the taxpayers two billion-plus dollars. Should the committee not be concerned?

We have a right to know the decision to approve the CCC program for Iraq and the USDA administrative review of the BNL scandal.

Some of the questions the Banking Committee would like to have answered are these:

First, did White House staff place undue pressure on the USDA to approve the CCC program for Iraq?

Did the White House staff intervene to stop the BNL indictment in early 1990?

Did White House staff influence in any way the USDA administrative review of the BNL scandal?

This is just a small sample of the critical questions that need to be answered. To date, the committee has received absolutely no cooperation from the White House. In fact, just recently the NSC told the Treasury Department to withhold a document from the committee. That memo in question contains notes taken by a Treasury Department employee at a crucial interagency meeting in April, 1990, related to Iraq. Given no other choice, today the committee must subpoena the memo from the Treasury Department. And that is the majority of the committee, under the rules.

On May 15, 1992, I received a letter from Attorney General William P. Barr—that was last Friday, late in the afternoon—threatening to withhold classified documents related to the Banking Committee's investigation of BNL. I am disappointed at the Justice Department's tactics. But that is not the first time. The Justice Department has tried to obstruct the Banking Committee's investigation of BNL ad initio, as they say in law, from the beginning. In fact, the attorney general predecessor, Thornburgh, was incensed when I insisted on going on with the first hearings in 1990 and did everything he could to try to keep me from having those hearings. That is all a matter of record. I put that in the record, so I need not repeat it. This is nothing new. What is new is the amazing chutzpah of this clone of Thornburgh's.

The Justice Department has tried to thwart the committee's investigation because the BNL scandal is closely linked to the embarrassing policy toward Iraq, and also because as more details of the scandal are released, it is apparent that the Justice Department's handling of the BNL investigation and subsequent prosecution is suspect at the very least.

Before I get into more detail about the Justice Department's handling of the BNL case, I would like to set the record straight about my floor statements and the spurious claims made by the attorney general.

First, the statements that I have made on the floor of the House of Representatives and the supporting documents I have placed in the RECORD all relate to past policies, not ongoing policies or operations, and have nothing to do with so-called national security. The statements and documents are meant to reveal important details about the past implications of the Italian bank's scandal and the past United States policy toward Iraq, and our extreme concern is that until we address the required legislative reforms among our regulatory agencies to oversee this huge amount of money still in the United States, unregulated, unrecorded, and with such vast implications, what I say in fact is that the BNL and the BCCI just happen to be symptoms and are just two cases that through happenstance happened to get some publicity, but I can assure my colleagues there is nobody in or out of the regulatory agency who can tell us—and I certainly will not—that there are not many more BNL's and BCCI's right now as I am talking to you.

□ 1250

That is what we are seeking to do, to perfect our laws. We are the only country that does not have screening boards for the acquisition of assets in our country. Even Canada has. But that is for us to get there, and that is what we are trying to do. Our purpose is legislative, and these other things that will come up. We are referring them to the proper committees.

Second, none of the statements that I have made and none of the documents I have placed in the CONGRESSIONAL RECORD compromise, in any fashion whatsoever, the national security of the United States or Intelligence sources and methods. The Banking Committee has a good working relationship with the U.S. intelligence community and the Attorney General's claim that I have harmed the national interest by placing classified documents in the CONGRESSIONAL RECORD is ludicrous. I have challenged him to show otherwise.

As a matter of fact, for the first time in its history, the Banking Committee had the Director of the CIA testify before us just Friday before last as a witness, for the first time. The Director himself commented that this was the first time that the Director came to the Banking Committee. I certainly heard nothing at any time directly or indirectly to indicate that any susceptibility on my part to the revelation of really security information would be the case.

The Banking Committee's BNL investigation, including my floor statements and Banking Committee hearings, are clearly within the oversight and legislative responsibilities assigned to this committee by the House of Representatives and its rules.

I had hoped that the seriousness of the BNL issue and the far reaching implications of the failed policy toward Iraq would have generated bipartisan support to lay out the facts for the American people. The Attorney General's letter indicates otherwise.

The threat to withhold documents from the committee has all the earmarks of a classic effort to obstruct a proper and legitimate investigation by the legislative branch and to withhold facts needed by the Congress and the public to evaluate critical executive branch decisions. The Attorney General's letter suggests that the Bush administration has moved from foot dragging to outright obstruction of the committee's BNL investigation.

From the start, as I said earlier, the administration has been reluctant to cooperate with the committee. In fact, even former Attorney General Richard Thornburgh lobbied, as I said in the case referring to me, but he went further and even lobbied members of the committee to compel me to drop the BNL investigation, which, of course, I have not.

The Justice Department has played a major role in delaying and obstructing the committee's access to key BNL documents. On numerous occasions the Justice Department actually took physical control of documents that the committee has requested from other agencies. This delayed the committee's access to these documents for weeks and sometimes months as was the case in the committee's request for documents from the Federal Reserve and the Customs Service.

The Justice Department has redacted or withheld hundreds of third agency documents requested by the Banking Committee. Often times the redactions hide embarrassing information and have no bearing whatsoever on the prosecution of the BNL case.

For example, a confidential source provided the committee with a document that had been redacted at the request of the Justice Department. The Justice Department claimed that the document contained information, that if it were released, would be harmful to its efforts to prosecute the BNL case in Atlanta. In fact, the redactions concealed the fact that the Justice Department had planned to make a BNL indictment in early 1990. That information had nothing to do with the prosecution of the BNL case.

It concealed the embarrassing fact that the BNL indictments were delayed on orders, as the case in Miami, where now the then Federal district attorney says that William Barr, at that time the Deputy Attorney General, now the Attorney General, ordered him to cease and desist from pursuing or prosecuting BCCI. He comments and says that was very strange and unprecedented. Of course it was.

But this is a man that is now the Attorney General. His big failure, as revealed in the letter he delivered to me Friday, is to confuse me with a poorly low echelon district attorney that he can order and intimidate. He forgets that I am a Member of the Congress, and not a lower echelon official of the administration that he can willy-nilly intimidate or compel to submit to his orders. His letter is just the agency's latest attempt to thwart the committee's investigation.

Clearly the Justice Department would like the BNL investigation to go away so as to minimize attention to its handling of the BNL scandal and the former Attorney General's role in misleading the Congress.

In September 1990 former Attorney General Richard Thornburgh joined the effort to mislead the Congress and the American public about the administration's Iraq policy.

Thornburgh repeatedly tried to have the Banking Committee investigation curtailed under the false pretense that it would harm—what? The prosecution. As soon as I announced that the Banking Committee would hold hearings, the former Attorney General tried to dissuade me, as I said earlier, with the results that you know of today.

I am going to read through part of that letter he sent to me in that year. In the pertinent part of the September 26, 1990, Thornburgh letter, he states:

> The purpose of this letter is to express my profound disappointment in your decision to ignore the strong objections of this department in the Banca Nazionale del Lavoro matter. As you should be aware, this is a sensitive case with national security concerns.

Of course the BNL case did not involve national security concerns. To prove this point, I will introduce into the RECORD a December 18, 1990, State Department letter to the Justice Department which states:

> With respect to the national security aspects of the [BNL] investigation, we have determined that the State Department does not have any concerns it wishes to raise at this juncture.

So the State Department, the Agency primarily responsible for national security matters, did not think that the BNL case involved national security concerns, yet Mr. Thornburgh, the top political appointee of the Justice Department, apparently failed to get the signal. Mr. Thornburgh's efforts fit perfectly into the pattern of administration efforts aimed at thwarting congressional investigations of Iran policy and the preinvasion pattern of obstructing justice insofar as the BNL case is concerned.

In fact, the Justice Department continues to refuse the Banking Committee access to thousands of BNL related documents claiming that they are subject to grand jury secrecy rules. Just as Mr. Thornburgh tried to falsely use national security to thwart the committee's investigation of BNL, I have to wonder if the Justice Department is not abusing the grand jury secrecy rules to hide embarrassing documents that reveal additional details of the Bush administration's close alliance with Saddam Hussein.

It is bad enough that the State and Agriculture Departments repeatedly misled the Congress and the American public about the United States policy toward Iraq. The Justice Department role in obstructing the Banking Committee's investigation of BNL is the ultimate hypocrisy. One would think that the Justice Department has a special obligation to protect the integrity of our Government. In the matter of the failed United States policy toward Iraq and in the BNL case, I think a more appropriate name for the Thornburgh-led Department was the "Obstruction of Justice" Department.

The prime motivation for the Justice Department's actions may be that they are hiding improprieties in the handling of the BNL case. I will now show that the BNL indictment, expected in early 1990, was delayed for over a year. If that is not obstruction, I would like to know what it is.

Recent stories in the Los Angeles Times and the New York Times indicate that the State Department intervened to stop the planned BNL indictment in early 1990. Previous press reports in 1990 had indicated that the State Department intervened to delay the indictment of BNL because of the further damage the indictment would have caused to rapidly deteriorating United States-Iraq relations.

The committee has over a dozen documents indicating that the U.S. Attorney's office in Atlanta—USA-Atlanta—was prepared to bring the BNL indictments in early 1990, yet the indictments did not occur until over a year later, on February 28, 1991, just hours after the President ordered a cease fire in the Persian Gulf war. In other words the indictment was announced when it was more politically palatable to do so.

□ 1300

Following are quotes from documents that indicate the BNL indictment was expected in early 1990:

A January 9, 1990, letter from the USA-Atlanta to the Federal Reserve stated:

> * * * anticipated indictments early next month * * *

A January 25, 1990, USDA inspector general memo on BNL states:

> Our investigation and a related grand jury investigation (in Atlanta) is likely to result in criminal indictments in the near future.

A January 28, 1990, Treasury Department memo states:

> The Assistant U.S. Attorney [AUSA] now expects to bring initial indictments in the

> case in February, 1990. USDA understands that USA-Atlanta has requested but not yet received permission from the Justice Department to ask Iraqi officials for information.

A February 1990 State Department cable to the Embassy in Baghdad states:

> We would prefer to decide on the second tranche, —

That is, the second half of that $1,500,000,000 of the CCC guarantees.

> after the Atlanta indictments have been announced, which is expected to happen some time this month.

Additional Federal Reserve, State, Agriculture, and Treasury Department memos indicate that indictments were ready in early 1990. But by April 1990 it was apparent the BNL indictment was being delayed. A USDA memo dated April 2, 1990 states:

> USDA has withheld approval of the second allocation for the past several weeks pending announcement of indictments by an Atlanta grand jury. It is expected that indictments will be announced in the near future. However, this has been an expectation for the past four weeks.

Many of the criminal investigators assigned to the BNL case in Atlanta felt that the Justice Department in Washington, DC stopped the BNL indictment. A recent New York Times article stated:

> In a series of interviews, law enforcement officials and lawyers * * * said that in late 1989 and early 1990 the Government actually wrote an indictment, though it was not presented to a grand jury. These officials said the indictment passed along to Justice Department officials in Washington, and that they did not know what became of it.

Got lost here in the Potomac somewhere.

A Federal Reserve memorandum echoes those allegations. The April 5, 1990 memo states:

> The resignation of the United States Attorney in Atlanta had led to a number of difficulties in that investigation. These difficulties have been compounded by what is perceived as interference from the Justice Department in Washington.

Let me repeat that: interference from the Justice Department in Washington. Another Federal Reserve memo states that the Justice Department in Washington was taking control of the BNL case because "Attorney General Thornburgh did not want to be criticized for another BCCI." The Justice Department had been severely criticized for its maladroit handling of the BCCI settlment and apparently did not want the same to occur with BNL.

But remember we now have the Federal attorney in Miami clearly stating that William Barr, at that time the second man in Justice, ordering him to cease and desist and not to proceed with not only the investigation, but the prosecution of BCCI.

Could it have been that the BNL indictment was delayed to ensure cozy relations with Iraq? A Justice Department spokesperson denied that foreign policy considerations played a role in delaying the BNL indictment. Based on the committee's investigation of the CCC and Eximbank Programs, it is likely that foreign policy consideration played a key role in the delay of the BNL indictment.

The fact that the President had to issue conflict of interest waivers to permit 11 Cabinet officials to participate in setting policy after Iraq invaded Kuwait raised serious questions about the effectiveness of the Cabinet encumbered by a myriad of conflicts of interests, apparently.

The Justice Department has again attempted to obstruct the Banking Committee's investigation of BNL. This time they chose to threaten to withhold information from the Banking Committee.

I will not give into political pressures any more than I have in the past. I will continue to fight to report to my colleagues and to tell the whole Iraq and BNL stories, as I committed myself to doing the moment I was elected chairman of this committee and as I had done before in the various subcommittees that I chaired.

The Congress and the public have the right to know the truth about the failed United States policy toward Iraq and how the BNL scandal affected that policy.

I will tell my colleagues why it is necessary: because I cannot assure my colleagues that these same mistakes are not occurring in other areas, such as Iran and China, for one or two. That is just two where I fear we have a repetition of the same basic errors in judgment, policy judgment.

The Justice Department will not intimidate. We still have untrammelled one of the three basic constitutional powers inherent in a body like the U.S. House of Representatives, and that is the right to know, the right to investigate within the rules that our House has very carefully contained after having experiences that have sort of cast such aspersions on the procedures then extant and which I have, as chairman, followed rigorously at all times.

We have adhered strictly to the rules. We have not proceeded under rules X and XI, investigatory in this case, as yet. Up to now we have invited witnesses. They have been forthcoming, like the Director of the CIA. In fact, on the 21st, 3 days, we have received acceptance by Deputy Secretary Eagleburger to come before the committee, which I think is great because it will be the best chance we have. We are not swearing them in. We are not exercising and resorting to rule XI in which, when we have an investigatory effort under X and XI, we do swear in and provide all the manifold, multiple protections afforded witnesses appearing.

We respect the rights of witnesses as well as the rights of the Congress and the committee. So the record is there, and I do not have to offer any kind of apology or an explanation. I think that I would have to have a lot of nerve not to continue, and that is not an act of heroism or anything like that. It is just an act of doing the duty that when I took the oath of office I assumed I would do and have attempted to the best of my ability to do. That duty, under oath, is to defend and protect the Constitution against all enemies, foreign and domestic and without any mental reservation and to well and faithfully serve.

I have attempted to do that by being here when the House is in session. In the 30 years and 7 months since my election to this body, my record of presence is 99.9 percent. In the last several Congresses, it has been 100 percent in all recorded voting instances. That is what I think is necessary.

I have rejected Presidential invitations of several Presidents in the past to accompany them because the House is in session, votes were expected, and as I said, that is my primary duty. I was elected to be a Member of a legislative body.

I am very proud of my legislative record. It is something that gives me satisfaction of an oath subscribed and adhered to. And that is all. I think that is the only real reward one should expect.

It is my hope that the White House will abandon its tired strategy of attempting to escape accountability by hiding behind the privileges of some of these offices. Those privileges were not created to allow the President or his staff to escape accountability for actions any more than in our case, in our respective jurisdictions, as limited by the Constitution. We do not have unrestrained and untrammeled jurisdiction, either, as well as the courts.

The committee's requests for White House information are legitimate requests. There does not appear to be anything stopping the President from complying with these requests unless there is something to hide.

Mr. Speaker, I include for the RECORD copies of correspondence to which I referred:

DEPARTMENT OF STATE,
Washington, DC, August 8, 1990.

MR. KIMMITT,
Legal Counsel.

BOB: Amy Schwartz of Boyden's office informed me that the President signed a waiver this afternoon for eleven Cabinet officers and cabinet level officials, including Secretary Baker, that authorized them to participate in "current United States policy-making, discussions, decisions, and actions in response to the Iraqi invasion of Kuwait." Schwartz indicates that this will allow the Secretary Baker to participate in all foreign policy questions related to the Kuwait crisis, even those directly involving oil production and prices. In addition, OLC is expected to issue an opinion in the next day or so narrowing from previous interpretations the definition of "particular matter", the touchstone for potential conflict analysis.

Because of the breadth and sensitivity of the waiver, the White House is currently unwilling to distribute copies to affected individuals. We are working to reverse this position so that we can provide a copy to the Secretary.

WASHINGTON, DC,
January 13, 1989.

Judge ABRAHAM D. SOFAER,
Legal Adviser, Department of State, Washington, DC.

DEAR JUDGE SOFAER: This is to advise you that, if I am nominated, confirmed and appointed as Secretary of State, I will either recuse myself from participation in, or seek a waiver under 18 U.S.C. 208(b) allowing my participation in, any particular matter involving a company or other entity (or any of its parents or subsidiaries) in which I, my spouse or minor child has a financial interest.

If I am nominated, confirmed and appointed, I will provide the Deputy Secretary, the Executive Secretary and other appropriate officials with a list of entities subject to my recusal commitment and instruct them in writing to handle all official matters concerning such entities. I will update this list each year at the time that I complete my annual Executive Personnel Financial Disclosure Report, and more frequently if changes in my financial holdings so warrant.

Sincerely,

JAMES A. BAKER III

THE SECRETARY OF STATE,
Washington, January 25, 1989.

Memorandum for: Under Secretary for Political Affairs, Under Secretary for Management, Legal Adviser, Assistant Secretary for Economic and Business Affairs, Executive Secretary.

From: Secretary Baker.

Subject: Recusal from participation.

This is to notify each of you that I am recusing myself, and will decline to participate in, any particular matter in which my former firm, Andrews & Kurth, is a formal party or in which it has a direct and specific financial interest, such as representing a party in such a particular matter. No such matter should be presented to me for decision, approval or disapproval, recommendation, advice, or other official action. All such matters should be directed to the Under Secretary for Political Affairs, or his delegate, who has full authority to act without referring the matter to me.

In addition, I will recuse myself from any particular matter in which I, my wife, or my dependent daughter has a financial interest. I have attached a list of companies and other entities in which one of us currently holds a financial interest. Again, all such matters should be directed to the Under Secretary for Political Affairs or his delegate.

Finally, I will recuse myself from participation, on a case by case basis, in any particular matter in which, in my judgment, it is desirable for me to do so in order to avoid the possible appearance of impropriety, despite the lack of any actual conflict of interest.

Once a Deputy Secretary has taken office, all matters on which I am recused shall thereafter be directed to the Deputy Secretary or his delegate.

I believe that this general policy, to which I am committed, will avoid not only the occurrence of any actual conflict of interest, but even the appearance of any conflict between my duties as an officer of the United States Government and my personal financial interests.

Attachment: as stated.

HOLDINGS OF JAMES A. BAKER III, AND HIS IMMEDIATE FAMILY, JANUARY 25, 1989

CORPORATIONS, INCLUDING AFFILIATES AND SUBSIDIARIES

Amoco.
Chemical New York Corporation and National Loan Bank.
Commonwealth Edison.
Exxon Corporation.
Houston Industries, Inc.
MCorp.
Salomon, Inc.
Schlumberger, Ltd.
Texaco, Inc.
Texas American Bancshares, Inc.
Time, Inc.
United Technologies Corp.
Wainoco.

LIMITED PARTNERSHIPS, CLOSELY HELD CORPORATIONS, OTHER ENTITIES

Frio County Ranch.
Garrett Ranch, Inc.
Property Capital Trust SBI.
Residential Resources Mortgage Investments Corp.
Trinity Petroleum Trust.
Sublette County Ranch.
Wilson Industries.
Bonnie Sue (Texas and Louisiana Limited Partnership).
Lady Thelma (Texas and Louisiana Limited Partnership).
Alice Jean (Texas and Louisiana Limited Partnership).
Hollywood 1004–7, 3009–14, 3003–6, 3007–8, 1008–14 and 3015 (Texas and Louisiana Limited Partnerships).
Hollywood Chem. 107 and 108 (Texas and Louisiana Limited Partnership).
Hollywood LPG No. 2 (Texas and Louisiana Limited Partnership).
Lana Louise (Texas and Louisiana Limited Partnership).
Petro-Quest Associates 1980–1 (Pennsylvania Limited Partnership).
Hope Nos. 1, 2, 3 and 4 wells, Lewis County, West Virginia.
Claude Owens lease, Pecos County, Texas.

COMMITTEE ON BANKING,
FINANCE AND URBAN AFFAIRS,
Washington, DC, May 15, 1992.

Hon. WILLIAM P. BARR,
Attorney General, Department of Justice, Washington, DC.

DEAR ATTORNEY GENERAL BARR: I am surprised and disappointed by your letter of May 15, 1992, threatening to withhold documents related to the Bush Administration's policy toward Saddam Hussein which aided the military buildup of Iraq. I had hoped that the seriousness of this issue and the far reaching implications of the failed policy towards Iraq would have generated bi-partisan support to lay out the facts for the American people. Your letter indicates otherwise.

Let me restate the obvious facts:

1. The statements that I have made on the floor of the House of Representatives and the supporting documents I have placed in the Congressional Record all discuss past policies, not ongoing policies or operations;

2. None of the statements and none of the documents compromise, in any fashion whatsoever, the national security of intelligence sources and methods;

3. The Banking Committee's investigation, including my floor oversight and legislative responsibilities assigned to this Committee by the House of Representatives.

With all due respect, Mr. Attorney General, your threat to withhold documents from the Committee has all the earmarks of a classic effort to obstruct a proper and legitimate investigation by the Legislative branch and to withhold facts needed by the Congress and the public to evaluate critical Executive branch policy decisions. From the start, the Administration has been reluctant to cooperate with the Committee. In fact, even former Attorney General Thornburgh lobbied to have the Committee drop its BNL investigation. Now your letter suggests that the Bush Administration plans to move from foot dragging to outright obstruction.

Your letter makes a vague and unsubstantiated statement about "harm to the national security." Such a claim requires specifics. I demand to know which documents and statements have harmed the national security. I also want specifics on your rationale for withholding future information from the Congress and the American people. You should not hide behind generalities about "national security."

Rest assured that I am not discouraged and will not give up the fight to bring to light the Bush Administration's policy towards Iraq—a flawed and tragic policy that ignored applicable laws and ultimately led to the loss of countless human lives and serious economic consequences. Clearly, there is justification to review the Administration's policy toward Iraq.

I look forward to your reply.

Sincerely,

HENRY B. GONZALEZ,
Chairman.

OFFICE OF THE
ATTORNEY GENERAL,
Washington, DC, May 15, 1992.

Hon. HENRY B. GONZALEZ,
Chairman, Committee on Banking, Finance, and Urban Affairs, House of Representatives, Washington, DC.

DEAR MR. CHAIRMAN: The Administration has been providing you significant quantities of classified information that you have requested. We would like to continue to respond positively to your requests. However, your recent disclosures of classified information on the floor of the House of Representatives and in the CONGRESSIONAL RECORD have raised serious concerns.

Public disclosure of classified information harms the national security. The departments and agencies are precluded by executive order from disseminating classified information "outside the executive branch except under conditions that ensure that the information will be given protection equivalent to that afforded within the executive branch." (E.O. 12356, Section 4.1(c), 47 Fed. Reg. 14874, 14881 (1982).) Therefore, in light of your recent disclosures, the executive branch will not provide any more classified information to you until specific assurances are received from you that classified information provided to you and the Committee will receive the same security protection provided by the executive branch; that is, protection from unauthorized disclosure, with access provided only to persons with appropriate security clearances.

If you wish to receive further classified information on the basis of such assurances it will be provided expeditiously as in the past. With those assurances, we remain committed to providing your committee with the information it needs to perform its legislative responsibilities. Please let us know your wishes in this regard.

Sincerely,

WILLIAM P. BARR,
Attorney General.

DEPARTMENT OF JUSTICE,
FEDERAL BUREAU OF INVESTIGATION,
Washington, DC, October 5, 1990.
Hon. HENRY B. GONZALEZ,
Chairman, Committee on Banking, Finance, and Urban Affairs, House of Representatives, Washington, DC.

DEAR MR. CHAIRMAN: The purpose of this letter is to express my concern with the Bança Nazionale del Lavoro (BNL) matter. I have been informed that your Committee plans to hold an open meeting on Tuesday, October 9, 1990, on the BNL investigation with the intention of voting on issuing subpoenas for documents and individuals. I also understand that you intend to hold a hearing on these matters on October 16, 1990.

Mr. Chairman, you should be aware of the existence of an ongoing criminal investigation into these matters and the likely negative impact that the Committee's actions could have on this investigation. Among my concerns are the possibility of grand jury information being inadvertently disclosed in your proceedings or other statements or evidence being disclosed prior to the anticipated trial. I am similarly concerned that the Committee's actions may prevent both further cooperation by witnesses and in fact may pose a serious threat to witness security or jeopardize successful prosecution.

I regret that we did not have the opportunity to discuss these matters today. I hope that we can work together to prevent serious damage to a very sensitive and important case.

Sincerely,
WILLIAM S. SESSIONS,
Director.

COMMITTEE ON BANKING,
FINANCE AND URBAN AFFAIRS,
Washington, DC, September 28, 1990.
Hon. RICHARD L. THORNBURGH,
Attorney General,
Washington, DC.

DEAR MR. ATTORNEY GENERAL: The purpose of this letter is to respond to your letter of September 26, 1990, and to express my distress over your apparent lack of understanding of the investigative and legislative functions of the Congress.

On September 21, 1990, I agreed to allow my staff to meet with your staff to discuss the Justice Department's concerns related to the Banking Committee's investigation of the Atlanta Agency of Banca Nazionale Del Lavoro (BNL). During, and subsequent to this meeting, your staff was unable to comply with my request for specific justification for suspending this most important inquiry.

Specifically, the Justice Department failed to reveal how interviewing employees from the Federal Reserve Board, the Federal Reserve Bank of Atlanta, the Department of Banking and Finance of the State of Georgia, and current and former employees of BNL would, as your letter states, "significantly diminish the Justice Department's ability to successfully prosecute this matter." In addition, the Justice Department failed to demonstrate how the Banking Committee's investigation would jeopardize the personal security of witnesses or inhibit their cooperating with the Justice Department's investigation of BNL.

As Chairman of the Banking Committee, I am concerned that the regulation and examination of the U.S. branches and agencies of foreign banks (see the International Banking Act 92 Stat. 607) is inadequate. These entities command over $500 billion in assets in the U.S., and a significant portion of their liabilities are guaranteed by the Federal Deposit Insurance Corporation (FDIC). The magnitude of the BNL fiasco (i.e., $2.8 billion in unauthorized loans to Iraq), while not directly posing a risk to the FDIC, certainly raises the question of the adequacy of state and federal regulation and oversight of these entities. Rest assured, in order to ensure the U.S. branches and agencies of foreign banks do not pose an undue risk to the already beleaguered FDIC, the Banking Committee will continue to investigate the adequacy of the regulation and examination of these entities. The BNL case provides a clear case of a regulatory breakdown that needs to be understood and addressed.

With regard to the Banking Committee's legislative interest in BNL, the Federal Reserve has notified me that the BNL investigation uncovered a loophole in the criminal code that will probably allow former employees of BNL to escape Federal prosecution for fraud, theft, embezzlement, misapplication of funds, and bribery. You can be sure that I will continue to work to correct this over decade long Justice Department oversight. I have been given permission by the Rules Committee, and I intend to offer, a Floor amendment to the crime bill that will close this loophole in the criminal code.

I hope this letter has served to properly inform you as to the Banking Committee's legislative and investigative interests in BNL. I trust the Justice Department will provide its full cooperation.

Sincerely,
HENRY B. GONZALEZ,
Chairman.

OFFICE OF THE
ATTORNEY GENERAL,
Washington, DC, September 26, 1990.
Hon. HENRY B. GONZALEZ,
Chairman, Committee on Banking, Finance, and Urban Affairs, House of Representatives, Washington, DC.

DEAR MR. CHAIRMAN: The purpose of this letter is to express my profound disappointment in your decision to ignore the strong objections of this Department in the Banca Nazionale del Lavoro (BNL) matter. I am similarly distressed by your refusal last evening to discuss the matter with me.

Your intention to schedule a hearing for October 9th on the investigation of unauthorized loans to Iraq by BNL and the request to interview both the Assistant United States Attorney and the government witnesses in the case raises the prospect that culpable parties will elude prosecution. Your staff is fully aware of the existence of our ongoing criminal investigation and the likely impact that these actions will produce on our efforts.

As you should be aware, this is a sensitive case with national security concerns. The United States Attorney in Atlanta advises me that both witness security and the willingness of witnesses to continue to cooperate with the investigation and prosecutions will be jeopardized by your Congressional staff interviews and hearing.

Mr. Chairman, a decision to proceed with these interviews and the hearing at this time significantly diminishes the Department's ability to successfully prosecute this matter. Accordingly, we again request that your staff work with the Department to find alternatives that allow both the legislative and the law enforcement processes to function.

Sincerely,
DICK THORNBURG,
Attorney General.

COMMITTEE ON BANKING,
FINANCE AND URBAN AFFAIRS,
Washington, DC, October 1, 1991.
Gen. BRENT SCOWCROFT, USAF, (Ret.),
Assistant to the President for National Security,
Washington, DC.

DEAR GENERAL SCOWCROFT: On November 5, 1990, the President signed into law the "Iraq Sanctions Act of 1990," as part of Public law 101-513. The Iraq Sanctions Act contained a provision requiring the President to conduct a study and report on the sale, export, and third party transfer or development of nuclear, biological, chemical and ballistic missile technology to or with Iraq. I understand that a finished report is now available and I would like to obtain a copy of the classified and unclassified versions of the report.

This report will be helpful in completing the Committee's investigation of the over $4 billion in unauthorized loans to Iraq granted by the Atlanta agency of Banca Nazionale del Lavoro (BNL).

Thank you for your time and consideration of this request. I look forward to receiving the classified and unclassified versions of this report.

With best wishes.

Sincerely,
HENRY B. GONZALEZ,
Chairman.

THE WHITE HOUSE,
Washington, November 1, 1991.
Hon. HENRY B. GONZALEZ,
Chairman, Committee on Banking, Finance and Urban Affairs, House of Representatives, Washington, DC.

DEAR MR. CHAIRMAN: Thank you for your letter of October 1, 1991, regarding the President's report to the Congress on the international export to Iraq of nuclear, biological, chemical, and ballistic missile technology, submitted last month to Congress under P.L. 101-513.

While the normal procedure would be for you to obtain these reports from the cognizant Committee chairs, as a courtesy we will transmit a copy of the report to facilitate your investigation. As most of the report is classified, please have your staff contact Nancy Menan of my staff to make the appropriate arrangements for the transmittal of the report.

Sincerely,
Brent Scowcroft.

COMMITTEE ON BANKING,
FINANCE AND URBAN AFFAIRS,
Washington, DC, January 31, 1992.
Hon. GEORGE BUSH,
The President of the United States,
Washington, DC.

DEAR MR. PRESIDENT: On November 5, 1990, you signed into law the "Iraq Sanctions Act of 1990" as part of Public Law 101-513. The Iraq Sanctions Act contained a provision requiring you to conduct a study and report on the sale, export, and third party transfer or development of nuclear, biological, chemical and ballistic missile technology to or with Iraq. Pursuant to that Act, you issued a report to Congress in the Fall of 1991 concluding that U.S. firms did not contribute directly to Iraq's conventional and nonconventional weapons capabilities. The report to Congress is clearly inaccurate. In fact, numerous U.S. companies provided critical support to Iraqi weapons programs, including missiles.

Over the past year, the Committee on Banking, Finance and Urban Affairs has been conducting an extensive investigation of the activities of the Atlanta branch of the Italian government-owned Banca Nazionale del Lavoro (BNL). The Atlanta branch of BNL loaned over $2 billion to an Iraqi military technology procurement network that was operating in the U.S. and Europe. The Committee has clear evidence showing that dozens of U.S. firms played a critical role in Iraqi weapons programs. The Committee has learned that responsible agencies have not thoroughly reviewed thousands of relevant documents because of inadequate resources.

For example, documents I am transmitting with this letter indicate that numerous BNL-financed U.S. firms were directly involved in the development of a ballistic missile known as the Condor II. The code name that the Iraqi government assigned to the Condor II missile program was "Project 395." The Committee has evidence revealing that over a dozen U.S. firms were directly involved in Project 395. The equipment and technology supplied by U.S. firms involved in Project 395 were used to construct part of the infrastructure (e.g. buildings, utilities, fortifications, etc.) necessary for Iraq to mass produce the Condor II missile.

The Committee also has evidence indicating that U.S. firms were involved in several other Iraqi missile programs code named Project 144 and Project 1728. These programs both involved the production of a modified Scud missile. Several U.S. companies supplied materials for these projects These are the same Scud missiles used during the Gulf War to attack both American troops stationed in Saudi Arabia and civilians living in Israel.

The Iraqi organization responsible for Project 395 and the Scud modification projects is called the Technical Corps for Special Projects (TECO). The Commerce Department approved numerous export licenses for U.S. and foreign firms even though TECO was listed as the end-user. Moreover, these licenses were issued despite the fact that the Commerce and State Departments had ample knowledge of TECO and its activities at the time these licenses were approved. The Committee has grave concerns about the export licensing process and is investigating how the Commerce Department could have approved such licenses to Iraq.

Various agencies within the Administration unfortunately have hampered the Committee's investigation of BNL and its role in funding Iraqi weapons of mass destruction. On November 13, 1991, I wrote to the Secretary of State, the Honorable James Baker, asking him to provide the Committee with information on American companies involved in Iraqi weapons programs which was compiled by the United Nations (U.N.) and the International Atomic Energy Agency (IAEA) after the cease fire with Iraq. To date, the Secretary of State has refused to supply the Committee with this data. In fact, Secretary Baker has refused to ask these organizations for this information.

In addition, the Iraqi technology procurement network in the United States has not been fully identified by the Treasury Department. At least one U.S. company, Tigris Trading, Inc., located in Pittsburgh, Pennsylvania, is owned by an Iraqi national, Safa Al-Habobi, who has been indicted for his role in financing the Iraqi war machine with the use of BNL loans. It is common knowledge that Al-Habobi was a major figure in the Iraqi military technology procurement network.

The Committee also has evidence indicating that there may be at least a half dozen additional Iraqi-controlled companies that have not been properly identified. These companies may still be operating as part of the secret Iraqi procurement network. At a minimum, these companies either wittingly, or unwittingly, offered the Iraqi government an ownership interest in their business.

Mr. President, in light of the findings of the Banking Committee, and the ever growing threat of countries like Iraq who are seeking to covertly develop weapons of mass destruction, I trust that you will do everything within your power to learn the full truth about the U.S. role in helping Iraq develop conventional and nonconventional weapons capability. The American people have a right to know the truth.

I also respectfully request that you instruct the appropriate agencies to be forthcoming in assisting the Committee with its investigation.

I feel certain that you will want to submit a new report to Congress that reflects the true role played by U.S. companies and Federal agencies in permitting the transfer of technology and know-how to Saddam Hussein's war machine.

Thank you for your time and consideration. I look forward to working with you to curb the international proliferation of technology and know-how necessary to build weapons of mass destruction.

With best wishes.

Sincerely,

HENRY B. GONZALEZ,
Chairman.

DEPARTMENT OF STATE,
Washington, DC, March 20, 1992.

Hon. HENRY B. GONZALEZ,
Chairman, Committee on Banking, Finance, and Urban Affairs, House of Representatives.

DEAR MR. CHAIRMAN: This letter is in response to your letter to the President of January 31, 1992 outlining the Banking Committee's investigation of the activities of the Atlanta branch of Banco Nazionale del Lavoro with respect to Iraq.

The Department of State has been very concerned that goods and services of Western companies may have been used in Iraqi production of weapons of mass destruction (WMD). Following an interim reply on December 11, 1991 to your letter of November 13, 1991, the State Department notified you on February 5 that it had requested from the UN Special Commission on Iraq (UNSCOM) and the International Atomic Energy Agency (IAEA) the lists of U.S. company names they compiled from their inspection activities in Iraq.

On February 26, 1992, the Department of State transmitted to you a confidential preliminary list of U.S. company names released by UNSCOM. We assured you then that as more comprehensive lists are received they would be forwarded to the Committee. As we informed you earlier, the IAEA has no list of U.S. company names beyond the one name they released (along with 12 foreign company names) in December.

I want to emphasize that a company's inclusion on the list provided by UNSCOM does not imply that it conducted illegal trade in support of Iraq. Such judgments can only be reached following thorough investigations conducted by appropriate agencies.

The State Department has also shared the UNSCOM list of names with the Departments of Justice and Commerce and the U.S. Customs Service, who may conduct such investigations as they deem appropriate into the possibilities of U.S. companies conducting illegal trade in support of Iraq. The U.S. government would, of course, seek, if warranted, to prosecute any such companies or individuals.

Sincerely,

JANET G. MULLINS,
Assistant Secretary, Legislative Affairs.

COMMITTEE ON BANKING,
FINANCE AND URBAN AFFAIRS,
Washington, DC, April 16, 1992.

STEPHEN I. DANZANSKY,
Chief of Staff/Counsellor to the Secretary, Department of Education, Washington, DC.

DEAR MR. DANZANSKY: The Committee on Banking, Finance and Urban Affairs will hold a hearing on the National Advisory Council on International Monetary and Financial Policy (NAC) and its role in approving the $1 billion FY 1990 U.S. Department of Agriculture (USDA) Commodity Credit Corporation (CCC) program for Iraq.

As the former Director, Office of Cabinet Affairs, and as a former Deputy Assistant to the President, the Committee respectfully requests that you testify at this hearing on May 21, 1992, at 9:30 a.m. in Room 2128, Rayburn House Office Building.

The Committee would like you to address the following questions in your written testimony:

1. Please explain why the White House was involved in the NAC's consideration of the $1 billion FY 1990 CCC program for Iraq.

2. Pursuant to what authority did the White House become involved in the decision to grant Iraq $1 billion in CCC credits for FY 1990?

3. Please explain the White House's role in the USDA's internal consideration of the FY 1990 CCC program for Iraq.

4. How did foreign policy concerns affect the White House's position concerning the FY 1990 CCC program for Iraq?

5. Please explain how Iraq's creditworthiness and human rights record affected the White House's position concerning the FY 1990 CCC program for Iraq.

6. What influence did the BNL scandal have on the White House's position concerning the FY 1990 $1 billion CCC program for Iraq?

Please feel free to submit any further comments that you may have on the above topics. Banking Committee rules require that your written testimony be made available to Members of the Committee twenty-four hours in advance of a hearing. Accordingly, please deliver 200 copies of your written testimony to Room 2129 Rayburn House Office Building by 9:30 a.m., May 20, 1992.

Thank you for your time and consideration of this request. The Committee looks forward to your testimony.

With best wishes.

Sincerely,

HENRY B. GONZALEZ,
Chairman.

COMMITTEE ON BANKING,
FINANCE AND URBAN AFFAIRS,
Washington, DC, April 29, 1992.

Gen. BRENT SCOWCROFT, USAF (Ret.),
Assistant to the President for National Security Affairs, National Security Council, Washington, DC.

DEAR GENERAL SCOWCROFT: The Committee on Banking, Finance and Urban Affairs is conducting an investigation of the Atlanta branch of Banca Nazionale del Lavoro (BNL) and its role in funding Iraq's acquisition of weapons of mass destruction. The Committee respectfully asks for your assistance with this investigation.

Specifically, the Committee is investigating BNL's role in funding the Iraq-related activities of Mr. Carlos Cardoen and Mr. Gerald

Bull and their associated companies. Accordingly, please provide the Committee with all information in the possession of the National Security Council concerning Mr. Cardoen, Mr. Bull and their associated companies.

Please have your staff contact Mr. Dennis Kane or Mr. Abiud Amaro, of my staff, to discuss this request. They can be reached during business hours at (202) 225–4247.

Thank you for your time and consideration. The Committee looks forward to your cooperation.

With best wishes.

Sincerely,

HENRY B. GONZALEZ,
Chairman.

COMMITTEE ON BANKING,
FINANCE AND URBAN AFFAIRS,
Washington, DC, April 29, 1992.

Hon. GEORGE BUSH,
President of the United States,
Washington, DC.

DEAR MR. PRESIDENT: The Committee on Banking, Finance and Urban Affairs is conducting an investigation of over $4 billion in unauthorized loans to Iraq granted by the Atlanta office of the Banca Nazionale del Lavoro (BNL). The Committee respectfully asks for your assistance with this investigation.

During its BNL investigation, the Committee has obtained documents indicating that various White House and National Security Counsel staff including National Security Advisor, General Brent Scowcroft; Mr. C. Boyden Gray, Counsel to the President; Mr. John P. Schmitz, Deputy Counsel to the President; Mr. Richard N. Haass, Senior Director, North East and South Asian Affairs, NSC; Mr. Clayton Yeutter, Special Assistant to the President; Mr. Stephen I. Danzansky, Director, Office of Cabinet Affairs; Mr. C. Nicholas Rostow, Legal Advisor, NSC; Ms. Sandra Charles, Director, North East and South Asian Affairs, NSC; Ms. Edith E. Holiday, Secretary of the Cabinet; and Mr. Timothy E. Deal, Senior Director, International Economic Affairs were involved in the decision to grant $1 billion in Commodity Credit Corporation (CCC) credits to Iraq for FY 1990 and/or the handling of the U.S. Department of Agriculture's (USDA's) administrative review of the CCC program and BNL loans to Iraq.

The Committee would like to better understand the role the White House and NSC played in the USDA administrative review of the BNL scandal and the decision to approve CCC credits for Iraq.

Accordingly, the Committee respectively requests the following:

1. All documents in the possession of the White House and NSC, including memorandums, letters, cable traffic, telexes, facsimiles, computer print-outs, executive agency documents, classified documents, etc., related to the USDA's administrative review of BNL loans to Iraq;

2. All documents in the possession of the White House and NSC, including memorandums, letters, cable traffic, telexes, facsimiles, executive agency documents, computer print-outs, classified documents, etc., related to the $1 billion FY 1990 CCC program for Iraq;

3. All documents in the possession of the White House and NSC, including memorandums, letters, cable traffic, telexes, facsimiles, executive agency documents, computer print-outs, classified documents, etc., related to BNL.

In addition, the Banking Committee would appreciate your assistance in making certain of the above named individuals, currently with the White House and NSC staffs, available for interview by Committee investigators.

Thank you for your time and consideration of this request. The Committee looks forward to your cooperation.

With best wishes.

Sincerely,

HENRY B. GONZALEZ,
Chairman.

WASHINGTON, DC, *April 30, 1992.*

Hon. HENRY B. GONZALEZ,
Chairman, Committee on Banking, Finance and Urban Affairs, House of Representatives, Washington, DC.

DEAR MR. CHAIRMAN: This will acknowledge receipt of your letter dated April 16, 1992, requesting that I testify before the Committee on May 21, 1992, concerning the National Advisory Council on International Monetary and Financial Policy and its role in approving a FY 1990 USDA Commodity Credit Corporation program for Iraq.

Despite my somewhat limited knowledge of and involvement in this matter, I am obliged to consult with White House officials concerning my appearance before your committee because the events to which your letter referred occurred while I was serving as a member of the White House staff as a commissioned officer and Deputy Assistant to the President.

Immediately upon receipt thereof, I forwarded a copy of your letter-request to the White House, and I expect that the appropriate office will soon be in touch with you or your staff.

Respectfully,

STEPHEN I. DANZANSKY.

COMMITTEE ON BANKING,
FINANCE AND URBAN AFFAIRS,
Washington, DC, May 1, 1992.

Mr. RICHARD N. HAASS,
Senior Director for Near East and South Asian Affairs, National Security Council, Washington, DC.

DEAR MR. HAASS: The Committee on Banking, Finance and Urban Affairs will hold a hearing on the National Advisory Council on International Monetary and Financial Policy (NAC) and its role in approving the FY 1990 $1 billion U.S. Department of Agriculture (USDA) Commodity Credit Corporation (CCC) program for Iraq.

The Committee has documents showing that the Near East and South Asian Affairs section of the National Security Council (NSC) was involved in the decision to approve the FY 1990 $1 billion CCC program for Iraq as well as the Department of Agriculture's administrative review of the BNL scandal. The Committee respectfully requests that you testify regarding these topics on May 21, 1992, at 9:30 a.m. in Room 2128, Rayburn House Office Building.

The Committee would like you to address the following questions in your written testimony:

1. Under what authority did the NSC staff become involved in the decision to grant CCC credits to Iraq?

2. Under what authority did the NSC staff become involved in the decision to grant CCC credits to Iraq?

3. Please explain the NSC's rationale for supporting a $1 billion FY 1990 CCC program for Iraq.

4. What role did National Security Directive 26 (NSD–26) play in the NSC's decision to support the FY 1990 CCC program for Iraq?

5. How did creditworthiness concerns affect the NSC's decision to support the FY 1990 CCC program for Iraq?

6. How did Iraq's human rights record affect the NSC's decision to support the FY 1990 CCC program for Iraq?

7. What influence did the Banca Nazionale del Lavoro (BNL) scandal have on the NSC's position related to the FY 1990 CCC program for Iraq?

8. Please explain the NSC's involvement in the USDA administrative review of the BNL scandal.

Please feel free to add any additional comments that you may have on the above topics.

Banking Committee rules require your written testimony to be made available to Members of the Committee twenty-four hours in advance of a hearing. Accordingly, please deliver 200 copies of your written testimony to Room 2129, Rayburn House Office Building by 9:30 a.m., May 20, 1992.

Thank you for your time and consideration of this request. The Committee looks forward to your testimony.

With best wishes.

Sincerely,

HENRY B. GONZALEZ,
Chairman.

COMMITTEE ON BANKING,
FINANCE AND URBAN AFFAIRS,
Washington, DC, May 4, 1992.

Hon. C. NICHOLAS ROSTOW,
Special Assistant to the President, National Security Affairs, National Security Council, Washington, DC.

DEAR MR. ROSTOW: The Committee on Banking, Finance and Urban Affairs will hold a hearing on the need for and function of the lawyers group established by the White House related to the congressional investigations of pre-invasion Iraq policy. As a member of that group (see attached memo), you are invited to testify on May 29, 1992, at 9:30 a.m. in Room 2128, Rayburn House Office Building.

Please address the following questions in your testimony.

1. Why did the NSC join this group? Who at the NSC authorized such participation?

2. Please provide a list of all meetings held by the lawyers group referred to in the attached April 8, 1991 National Security Council (NSC) memo that you or any NSC representative attended. Please include the topic on each meeting and those persons attending each meeting. In addition, please provide the Committee with all notes, memorandums, meeting minutes, letters, etc., originated as a result of each meeting.

3. Has the NSC ever received any communication from the White House, the State Department, or any other department asking the NSC to withhold information from Congressional Committees investigating the Administration's Iraq policy? If so, please explain and provide documents, if available.

4. Did the State Department or White House ever review and/or clear information that was submitted by the NSC to Congressional Committees in response to information requests concerning Iraq or BNL? Please explain.

Banking Committee rules require your written testimony to be made available to Members of the Committee forty-eight hours in advance of a hearing. Accordingly, please deliver 200 copies of your written testimony to Room 2129, Rayburn House Office Building by 9:30 a.m., May 27, 1992.

Thank you for your time and consideration of this request. The Committee looks forward to your testimony.

With best wishes,

Sincerely,

HENRY B. GONZALEZ,
Chairman.

Committee on Banking,
Finance and Urban Affairs,
Washington, DC, May 4, 1992.

Hon. C. Boyden Gray,
Counsel to the President, Executive Office of the President, Washington, DC.

Dear Mr. Gray: The Committee on Banking, Finance and Urban Affairs will hold a hearing on the need for and function of the lawyers group established by the White House related to the congressional investigations of pre-invasion Iraq policy. As a member of that group (see attached memo), you are invited to testify on May 29, 1992, at 9:30 a.m. in Room 2128, Rayburn House Office Building.

Please address the following questions in your testimony:

1. Why did the Executive Office of the President join this group? Who at the Executive Office of the President authorized such participation?

2. Please provide a list of all meetings held by the lawyers group referred to in the attached April 8, 1991 National Security Council (NSC) memo that you or any Executive Office of the President representative attended. Please include the topic of each meeting and those persons attending each meeting. In addition, please provide the Committee with all notes, memorandums, meeting minutes, letters, etc., originated as a result of each meeting.

3. Has the Executive Office of the President ever received any communication from the White House, the State Department, the NSC or any other department asking the Executive Office of the President to withhold information from Congressional Committees investigating the Administration's Iraq policy? If so, please explain and provide documents, if available.

4. Did the State Department, White House or NSC ever review and/or clear information that was submitted by the Executive Office of the President to Congressional Committees in response to information requests concerning Iraq or BNL? Please explain.

Banking Committee rules require your written testimony to be made available to Members of the Committee forty-eight hours in advance of a hearing. Accordingly, please deliver 200 copies of your written testimony to Room 2129, Rayburn House Office Building by 9:30 a.m., May 27, 1992.

Thank you for your time and consideration of this request. The Committee looks forward to your testimony.

With best wishes.

Sincerely,

Henry B. Gonzalez,
Chairman.

The White House,
Washington, DC, May 4, 1992.

Hon. Henry B. Gonzalez,
Chairman, Committee on Banking, Finance and Urban Affairs, House of Representatives, Washington, DC.

Dear Mr. Chairman: I am writing in connection with your recent letter to Stephen Danzansky, Chief of Staff to the Secretary of Education, requesting that he testify before your committee on May 21, 1992.

In your letter, you request that Mr. Danzansky testify about matters occurring during his tenure as Deputy Assistant to the President and Director of the Office of Cabinet Affairs. Due to longstanding tradition, and in accordance with the doctrine of separation of powers, members of the President's personal staff, who participate in the deliberative process through which Executive policy is developed, traditionally have not testified before Congress.

Thank you for your understanding in this matter.

With best regards,

Sincerely,

Nicholas E. Calio,
Assistant to the President for Legislative Affairs.

Committee on Banking,
Finance and Urban Affairs,
Washington, DC, May 15, 1992.

Mr. Stephen I. Danzansky,
Chief of Staff/Counselor to the Secretary, Department of Education, Washington, DC.

Dear Mr. Danzansky: I am in receipt of your letter of April 30, 1992 and the White House letter of May 4, 1992 related to the Banking Committee's request that you testify at a hearing on May 21, 1992. I am writing to inform you that the Banking Committee expects you to appear at the May 21 hearing.

The purpose of the May 21, 1992 hearing is to determine the role that various persons in the executive branch played in the decision to approve the $1 billion FY 1990 Commodity Credit Corporation (CCC) program for Iraq. The Banking Committee has obtained numerous documents indicating that you were involved in the Department of Agriculture's (USDA) decision to approve the $1 billion FY 1990 CCC program for Iraq. Now that Iraq has defaulted on its CCC debts, the decision to approve the FY 1990 CCC program for Iraq will cost U.S. taxpayers approximately $500 million.

The fact that the President's personal staff was directly involved in making program decisions at an executive branch agency raises a myriad of policy questions. For example, was pressure inappropriately applied on the USDA by you or others acting in the name of the President in order to win approval for the CCC program for Iraq? These and other questions will be addressed at the May 21, 1992 hearing.

The May 4, 1992 White House letter states that longstanding tradition and the doctrine of separation of powers have traditionally precluded persons such as yourself, a former Deputy Assistant to the President and Director of the Office of Cabinet Affairs, from testifying before the Congress. These attempts to block our inquiry by raising a form of executive privilege does not absolve you from your responsibility to testify before the Banking Committee.

There is ample precedent of Congressional rejection of a claim of executive privilege resulting in the testimony of a White House aide before Congress. In April of 1972, Peter M. Flanigan, a Presidential assistant, testified before the Senate Judiciary Committee related to the ITT antitrust scandal. His appearance was required by the Committee in spite of claims of executive privilege raised on Mr. Flanigan's behalf by Presidential counsel, John W. Dean III. More recently, Robert McFarlane testified before the House Intelligence Committee in 1985 regarding the Administration's violations of the Boland amendment. Mr. McFarlane's claim of executive privilege also was rejected by the Committee.

Clearly the White House attempt to block your appearance before the Banking Committee is an effort to conceal from the American public the Administration's faulty policy towards Iraq. Spurious claims of executive privilege should not deny the American people a public examination of that failed and tragic policy.

Accordingly, the Banking Committee insists that you appear at the May 21, 1992 hearing on the USDA's decision to approve the $1 billion FY 1990 CCC program for Iraq. Your input is essential in order to understand the U.S. policy towards Iraq and the reasons behind the Administration's decision to approve the FY 1990 CCC program for Iraq.

Sincerely,

Henry B. Gonzalez,
Chairman.

□ 1310

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. Thomas of Wyoming) to revise and extend their remarks and include extraneous material:)

Mr. Thomas of Wyoming, for 5 minutes, today.

(The following Members (at the request of Mr. Gonzalez) to revise and extend their remarks and include extraneous material:)

Mr. Annunzio, for 5 minutes, today.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

(The following Members (at the request of Mr. Thomas of Wyoming) and to include extraneous matter:)

Mr. Broomfield.

(The following Members (at the request of Mr. Gonzalez) and to include extraneous matter:)

Mr. Anderson in 10 instances.

Mr. Gonzalez in 10 instances.

Mr. Brown in 10 instances.

Mr. Annunzio in six instances.

Mr. Kanjorski.

Mr. Vento.

Mr. LaFalce.

Mr. Traficant.

Mr. Aspin.

Mr. Faleomavaega in five instances.

ADJOURNMENT

Mr. GONZALEZ. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 1 o'clock and 10 minutes p.m.) the House adjourned until tomorrow, Tuesday, May 19, 1992, at 12 noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

3524. A letter from the Secretary of Agriculture, transmitting a draft of proposed legislation to amend the Rural Electrification Act of 1936; to the Committee on Agriculture.

3525. A letter from the Acting General Counsel, Department of Defense, transmitting a draft of proposed legislation to amend title 10, United States Code, to modify the reenlistment eligibility of certain former Reserve officers; to the Committee on Armed Services.

3526. A letter from the Assistant Secretary of State for Legislative Affairs, transmitting notification of a proposed technical assistance agreement between Nikon Precision, Inc., of California and Nikon Corp. of Japan (Transmittal No. OTC-14-92), pursuant to 22 U.S.C. 2776(d); to the Committee on Foreign Affairs.

3527. A letter from the Assistant Secretary of State for Legislative Affairs, transmitting notification of a proposed authorization for the export of certain defense equipment and a proposed manufacturing license agreement, both with Taiwan, pursuant to 22 U.S.C. 2776(c) and 2776(d); to the Committee on Foreign Affairs.

3528. A letter from the Acting Director, Defense Security Assistance Agency, transmitting notification of intent to exercise authority under section 506(b)(2) of the Foreign Assistance Act of 1961, as amended, in order to provide military assistance to Turkey, pursuant to 22 U.S.C. 2318(b)(2); to the Committee on Foreign Affairs.

3529. A letter from the Acting Director, Defense Security Assistance Agency, transmitting the Department of the Army's proposed lease of defense articles to Canada (Transmittal No. 12-92), pursuant to 22 U.S.C. 2796a(a); to the Committee on Foreign Affairs.

3530. A letter from the Acting Director, Defense Security Assistance Agency, transmitting the Department of the Navy's proposed lease of defense articles to the Dominican Republic (Transmittal No. 13-92), pursuant to 22 U.S.C. 2796a(a); to the Committee on Foreign Affairs.

3531. A communication from the President of the United States, transmitting a report on the status of efforts to obtain compliance by Iraq with the resolutions adopted by the U.N. Security Council, pursuant to Public Law 102-1, section 3 (105 Stat. 4) (H. Doc. No. 102-335); to the Committee on Foreign Affairs and ordered to be printed.

3532. A letter from the Assistant Secretary of State for Legislative Affairs, transmitting copies of the original report of political contributions of Alexander Fletcher Watson, of Massachusetts, to be Ambassador to the Republic of Brazil; of William Graham Walker, of California, to be Ambassador to Argentina, and members of their families, pursuant to 22 U.S.C. 3944(b)(2); to the Committee on Foreign Affairs.

3533. A letter from the Assistant Secretary of State for Legislative Affairs, transmitting copies of the original report of political contributions of Marilyn McAfee, of Florida, to be Ambassador to the Republic of Guatemala; of David J. Dunford, of Arizona, to be Ambassador to the Sultanate of Oman; of Robert F. Goodwin, of Maryland, to be Ambassador to New Zealand and to service concurrently as Ambassador to Western Samoa, and members of their families, pursuant to 22 U.S.C. 3944(b)(2); to the Committee on Foreign Affairs.

3534. A letter from the Agency FOI Officer, Environmental Protection Agency, transmitting a report of activities under the Freedom of Information Act for calendar year 1991, pursuant to 5 U.S.C. 552(d); to the Committee on Government Operations.

3535. A letter from the Director, Office of Management and Budget, transmitting the annual report on the financial management by State and local governments of Federal financial assistance programs for the period ending January 31, 1992, pursuant to 31 U.S.C. 7507(b); to the Committee on Government Operations.

3536. A letter from the Secretary, Smithsonian Institution, transmitting a copy of the semiannual report on activities of the inspector general for the period October 1, 1991, through March 31, 1992, pursuant to Public Law 95-452, section 5(b) (102 Stat. 2526); to the Committee on Government Operations.

3537. A letter from the Chairman, Advisory Council on Historic Preservation, transmitting a copy of the 1991 activities report to the President and Congress, pursuant to 16 U.S.C. 470(b); to the Committee on Interior and Insular Affairs.

3538. A letter from the Director, Administrative Office of the U.S. Courts, transmitting the 1991 annual report of the Director of the Administrative Office of the U.S. Courts together with the March and September proceedings of the Judicial Conference of the United States held during 1991, pursuant to 28 U.S.C. 604(a)(4), (h)(2), 2412(d)(5); 28 U.S.C. 331; to the Committee on the Judiciary.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

[Omitted from the Record of May 14, 1992]

Mr. GONZALEZ: Committee on Banking, Finance and Urban Affairs. H.R. 4073. A bill to provide necessary emergency community development and housing assistance to stimulate economic growth in the United States, and for other purposes; with an amendment (Rept. 102-524). Referred to the Committee of the Whole House on the State of the Union.

[Submitted May 18, 1992]

Mr. WAXMAN: Committee of Conference. Conference report on H.R. 2507 (Rept. 102-525). Ordered to be printed.

Mr. BENNETT: Committee on Armed Services. H.R. 4880. A bill to reduce the stockpile requirement for, and authorize the disposal of, cobalt from the National Defense Stockpile. (Rept. 102-526). Referred to the Committee of the Whole House on the State of the Union.

SUBSEQUENT ACTION ON A REPORTED BILL SEQUENTIALLY REFERRED

Under clause 5 of rule X the following action was taken by the Speaker:

[Submitted May 15, 1992]

The Committees on Government Operations and Rules discharged from further consideration of H.R. 3304; H.R. 3304 referred to the Committee of the Whole House on the State of the Union.

PUBLIC BILLS AND RESOLUTIONS

Under clause 5 of rule X and clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. LAFALCE:

H.R. 5191. A bill to encourage private concerns to provide equity capital to small business concerns, and for other purposes; to the Committee on Small Business.

By Mr. MONTGOMERY (for himself, Mr. STUMP, and Mr. HAMMERSCHMIDT):

H.R. 5192. A bill to amend title 38, United States Code, to make improvements to veterans health programs; to the Committee on Veterans' Affairs.

By Mr. MONTGOMERY (for himself, Mr. HAMMERSCHMIDT, and Mr. STUMP):

H.R. 5193. A bill to improve the delivery of health-care services to eligible veterans and to clarify the authority of the Secretary of Veterans Affairs; jointly, to the Committees on Veterans' Affairs and Armed Services.

By Mr. MARTINEZ (for himself and Mr. FORD of Michigan):

H.R. 5194. A bill to amend the Juvenile Justice and Delinquency Prevention Act of 1974 to authorize appropriations for fiscal years 1993, 1994, 1995, and 1996, and for other purposes; to the Committee on Education and Labor.

By Mr. HORTON:

H.R. 5195. A bill relating to the tariff treatment of electric toothbrushes and parts thereof; to the Committee on Ways and Means.

By Mr. MURTHA:

H.R. 5196. A bill to extend the influenza vaccination demonstration project currently conducted under the Medicare Program, to establish a program to award grants for hospital-based influenza vaccine delivery programs, and for other purposes; to the Committee on Energy and Commerce.

MEMORIALS

Under clause 4 of rule XXII,

432. The SPEAKER presented a memorial of the Senate of the State of Connecticut, relative to the accounting of all POW/MIAs from the war in Indochina; to the Committee on Foreign Affairs.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII,

Mr. DAVIS introduced a bill (H.R. 5197) to clear certain impediments to the licensing of a vessel for employment in the coastwise trade and fisheries of the United States; which was referred to the Committee on Merchant Marine and Fisheries.

ADDITIONAL SPONSORS

Under clause 4 of rule XXII, sponsors were added to Public bills and resolutions as follows:

H.R. 1414: Mr WILLIAMS.

H.R. 2410: Mr. HUCKABY and Mr. HAYES of Louisiana.

H.R. 3441: Mr. CAMPBELL of California.

H.R. 3442: Mr. CAMPBELL of California.

H.R. 3943: Mr. SWETT, Mr. PETRI, and Mr. BURTON of Indiana.

H.R. 4022: Mr. LEHMAN of Florida, Mr. BLACKWELL, Mr. COLORADO, Mr. MARTINEZ, Mr. STOKES, Ms. NORTON, Mrs. KENNELLY, Mrs. BOXER, and Mr. ALEXANDER.

H.R. 4104: Mr. FRANKS of Connecticut.

H.R. 4222: Mr. TORRES, Mrs. MEYERS of Kansas, Mr. BROWN, and Mr. GUARINI.

H.R. 4507: Mr. LEWIS of California, Mr. DORNAN of California, Mr. GREEN of New York, Mr. CHANDLER, Mr. PAXON, and Mr. GEREN of Texas.

H.R. 4599: Mr. LEHMAN of Florida, Ms. NORTON, Mr. LEWIS of Florida, Mr. ATKINS, and Mr. NEAL of Massachusetts.

H.R. 4754: Mr. INHOFE.

H.R. 4924: Mr. MARTINEZ.

H.R. 4944: Mr. FIELDS.

H.R. 5152: Mr. CHANDLER.

H.J. Res. 159: Mr. MINETA and Mr. LEACH.

H.J. Res. 393: Mr. GORDON, Mr. UPTON, Mr. SWETT, Mr. ALLEN, Mr. SUNDQUIST, Mr. PRICE, Ms. NORTON, Ms. SNOWE, Mrs. PATTERSON, Mr. FALEOMAVAEGA, Mr. EMERSON, Mr. SAXTON, Mr. JOHNSON of Texas, Mr. ROGERS, Mr. MONTGOMERY, Ms. DELAURO, Mr. SIKORSKI, Mr. LEWIS of Georgia, Mr. JENKINS, Ms. HORN, Mr. WELDON, Mr. ESPY, Mr. MOAKLEY, Mr. BATEMAN, Mr. CARR, and Mr. FAWELL.

H.J. Res. 426: Mr. DEFAZIO, Mr. WOLF, Mr. SMITH of New Jersey, Mr. SERRANO, and Ms. NORTON.

H. Res. 323: Mr. BRUCE.

H. Res. 361: Mr. MOORHEAD.

EXTENSIONS OF REMARKS

A TRIBUTE TO DR. S. CHARLES SCHULZ

HON. LOUIS STOKES

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Monday, May 18, 1992

Mr. STOKES. Mr. Speaker, I rise today to salute Dr. S. Charles Schulz for his research in the area of adolescent psychiatry. Dr. Schulz has been recognized throughout the medical profession as a pioneer in adolescent psychiatry specifically in the area of psychosis, manic depressive illnesses and schizophrenia.

Dr. Schulz, who serves as chairman of the department of psychiatry at Case Western Reserve University, began his research career as a clinical associate in the National Institute of Mental Health [NIMH] intramural program. It was through the experience gained from the NIMH program, which allowed Dr. Schulz to thrust forward successfully into the medical research arena.

Mr. Speaker, NIMH has the finest intramural brain research program in the world. In addition, NIMH funds an extensive range of both biomedical and behavioral research activities related to the prevention and treatment of mental illnesses through grant and contracts made to professionals affiliated with hospitals, academic and research institutions.

Mr. Speaker, as a member of the Labor-HHS-Education Subcommittee on House Appropriations, I applaud with pride Dr. Schulz' research on schizophrenia. As a recipient of the Stanley Foundation Award and the 1989 Public Health Service Medal of Commendation, Dr. Schulz is indeed worthy of this praise.

Conducting research as chairman is only one of Dr. Schulz' many fulfilling duties. He also works closely with the Metropolitan Cleveland Alliance for the Mentally Ill, whose goal is to fight to overcome the mental illness stigma and to promote adequate funding for services.

Mr. Speaker, at this time, I would like to share with you a column from the "Spotlight" section of The Decade of the Brain where Dr. Schulz spoke about teenagers with schizophrenia:

STANLEY FOUNDATION AWARD WINNER EXAMINES TEENAGERS WITH SCHIZOPHRENIA

(By Dr. S. Charles Schulz)

In 1980, initial reports of enlarged ventricles measured on computerized tomography (CT) scans focused attention on schizophrenia as a brain disease. The exciting early work of Tim Crow, Daniel Weinberger, and Nancy Andreasen demonstrated that ventricular size in schizophrenic patients was larger than that measured in control subjects. These investigators also demonstrated correlations with neuropsychological testing, response to neuroleptic treatment, and negative symptoms with this new measurement. However, all of the early effort in this arena was performed with patients who were in adulthood, many of whom had been ill for decades. Thus, the question arose whether enlarged ventricles were secondary to long term medication or institutional treatment.

"Our group's work at the Medical College of Virginia focused on adolescents suffering from schizophreniform or schizophrenic illness," notes S. Charles Schulz, M.D. "We felt that by studying teenagers, most of whom had never received antipsychotic medications and none of whom had been institutionalized, that we could answer some of the questions about the timing of the onset of enlarged ventricles."

Dr. Schulz and his colleagues demonstrated that teenagers had ventricle size larger than control groups and also larger than teenagers with borderline personality disorder. They went on to note that teenagers with enlarged ventricles had a statistically poor early response to antipsychotic medication compared to those schizophrenic teenagers whose ventricles were within the normal range. Further, the teenagers with larger ventricles, despite having a poorer response to neuroleptic medication, ended up with larger doses of antipsychotic drugs by the end of the one month trial.

"Our group concluded from these early studies involving a small number of teenagers that there was evidence that ventricular enlargement was present at the outset of the illness schizophrenia. Also, because of the correlation between ventricular size and treatment outcome, the group posits that adolescent schizophrenia was on a continuum with the adult illness," Dr. Schulz recounted.

Performing these studies in teenagers allowed Dr. Schulz and his colleagues the opportunity to observe a number of the assumptions about schizophrenia held by the majority of clinicians. "It appeared that clinicians working with teenagers who suffered from a psychotic illness were reluctant to diagnose schizophrenia for fear of applying a bad label," observed Dr. Schultz. "Further, our group observed that many hoped that the psychotic illness was a reaction to a stressful event and that it would go away after short term treatment. Therefore we have attempted to disseminate the results of our study to encourage those working with teenagers to note the seriousness of schizophrenia even in the younger age group."

Dr. Schulz moved to Case Western Reserve University School of Medicine where he is Professor and Chairman of the Department of Psychiatry. There the opportunity arose to reexamine issues in adolescent psychiatry—especially those issues focusing on psychosis and serious psychiatric disease such as manic depressive disease. A number of recent symposia have pointed to the controversy around the timing of enlargement of ventricles in psychotic patients. Some investigators now feel that there are instances in which there is rapid increase in ventricular size, while other groups have not demonstrated such a phenomena. Dr. Schulz and his colleagues feel that the study of teenagers may offer a unique opportunity to resolve this question. Dr. Lee Friedman, working with Dr. Schulz and Dr. Herbert Meltzer, reported at the 1992 Winter Workshop on Schizophrenia that larger ventricles are seen in those patients with an earlier onset of schizophrenia. His poster on this subject confirms earlier work performed in Britain.

With generous support from the Stanley Foundation, Dr. Schulz, along with Dr. Lee Friedman and Dr. John Kenny, a neuropsychologist, are assessing teenagers with schizophrenia, schizophreniform disorder, bipolar illness, and major depression with psychotic features. Their plan includes assessment utilizing MRI brain imaging, smooth pursuit eye movement assessments, and a battery of neuropsychological tests. In the few subjects seen to date, the team has observed a number of patients with abnormal eye tracking. This finding would indicate that abnormal eye tracking is present at the onset of schizophrenia and it not the result of prolonged neuroleptic treatment. Also of interest is the finding by Dr. Kenny, that a number of the teenagers examined have results on neuropsychological testing similar to that seen in adults. The group plans statistical evaluation of their data base as their study progresses to explore relationships between these variables.

"At our biweekly research meetings, we review each case studied and are also hopeful that we can provide clinically meaningful information to clinicians in our region," offers Dr. Schulz.

Dr. Schulz began his research career as a Clinical Associate at the National Institute of Mental Health (NIMH) Intramural Research Program in the late 1970s following his psychiatry residency at UCLA. His initial CT scan work with teenagers was done at the Medical College of Virginia in collaboration with Drs. Mariam Koller and Robert Friedel. Dr. Schulz notes that the Medical College of Virginia provided a unique opportunity to study teenagers with psychiatric illness because it served as a central referral hospital for the state.

In 1986, Dr. Schulz went back to the NIMH where he was pleased to have the opportunity to work with Dr. Samuel Keith (previously featured in The Decade of the Brain) on the National Plan for Schizophrenia Research. During this time of increased focus on schizophrenia, Dr. Schulz was able to start the biennial International Congress on Schizophrenia Research now headed for its fourth meeting. This Congress now provides a forum for discussion of schizophrenia research for active investigators from around the world. In 1989 he was awarded the Public Health Service Medal of Commendation for the development of the Public Academic Liaison (PAL) Program.

As Chairman of the Department of Psychiatry at Case Western, Dr. Schulz is happy to work closely with the Metropolitan Cleveland Alliance for the Mentally Ill. This regional group has been a strong supporter of schizophrenia research at Case Western, thus illustrating the progress that can be made by close affiliation. In addition, a community mental health liaison with the University has been started with the goal of having residents and faculty serve in the community. The Department of Psychiatry at Case Western has been fortunate to attract four young full time psychiatric faculty to provide teaching in this community project.

• This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

"Cleveland is an outstanding community for an investigator interested in clinical and research work in schizophrenia," noted Dr. Schulz, "especially as it combines partnership with families, Dr. Herbert Meltzer's NIMH Clinical Research Center, and a University and Hospital dedicated to teaching."

JOHN CHWALEK HONORED FOR ACADEMIC CAREER

HON. PAUL E. KANJORSKI

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Monday, May 18, 1992

Mr. KANJORSKI. Mr. Speaker, I am pleased to recognize today Mr. John Chwalek. He is an esteemed educator and administrator at Wilkes University in Wilkes-Barre, a personal friend and a trusted adviser.

Following distinguished military service during World War II, Mr. Chwalek pursued his education at Bucknell University, which was at that time a junior college, and Wilkes College, now Wilkes University. He began working at Bucknell in 1946 as a vocational counselor for veterans and as assistant dean of admissions. John also taught sociology until 1950. At that time, he established the placement center at Wilkes and served as its director for more than 30 years. While Director of the placement center, John helped countless students choose careers and facilitate their transition from academia to the working world.

Mr. Chwalek has become known as a great innovator. The programs he created to assist many students plan their future careers are only a few of the projects with which he has been involved. He helped establish the Luzerne County Guidance Association, brought "Town Meeting of the Air" and the "Today Show" broadcast to the Wilkes campus. He also established prelaw day and the high school editors conference. John has coordinated the inaugurations of two of the college's presidents and its 50th anniversary celebration.

He was instrumental in establishing the renowned Wilkes-Hahneman Recruiting Program in which premed students begin the studies at Wilkes and then go on to Hahneman Medical School. This innovative program was one of the first of its kind in the country. This year, John was honored once again as he accepted a seat on the board of directors of the distinguished Kosciuszko Foundation.

John has not only had an effect on the careers of thousands of people in my district, he had a direct impact on my own career. He was a personal friend of my father and I have known him all of my life. John has a high respect for public service and that respect stimulated my interest in public life. He taught me that an individual can have an impact on the future—his own, his community's and the Nation's. I have no doubt that our future has been shaped by countless individuals whose lives John Chwalek has touched.

John Chwalek was a great influence in my life and I can never repay him for the sage advice he often extended to me. But, I have tried to repay him by learning from that advice and carrying it out as best I can.

Mr. Speaker, for more than 40 years, Mr. John Chwalek has been a valuable member of the academic team at Wilkes University. I am pleased to join with his many friends and colleagues as they gather to honor his distinguished career and pay tribute to a warm and caring man.

LAURENCE LATTMAN TRIBUTE

HON. BILL RICHARDSON

OF NEW MEXICO

IN THE HOUSE OF REPRESENTATIVES

Monday, May 18, 1992

Mr. RICHARDSON. Mr. Speaker, a dedicated administrator and educator at New Mexico Institute of Mining and Technology in Socorro will be retiring next year after 10 years at the helm. President Laurence Lattman recently announced he will step down in June 1993.

President Lattman is widely recognized as having made the Socorro school one of the Nation's best technical colleges. Last year, the school was rated as the Nation's 15th best college buy by Money magazine. The president has also attracted more students to the school during his tenure—enrollment reached a record 1,500 this year.

A geologist by training, President Lattman arrived in Socorro from the University of Utah where he served as dean. During his stay in New Mexico, he has broadened the school's educational base and recruited students by offering new courses such as environmental engineering.

Later this month, Gov. Bruce King will present President Lattman with a Distinguished Public Service Award for his outstanding contributions to the community. He is one of 10 New Mexicans who will receive this year's prestigious award.

It has been a great pleasure to have worked with President Lattman during this past decade. He is a greatly committed educator who has always placed his students' interests above all else. I urge my colleagues to join me in honoring this outstanding American and to wish him well in this, his last year as president of the New Mexico Institute of Mining and Technology.

THE SAN FRANCISCO ZOOLOGICAL GARDENS: ON THE FRONT LINE OF CONSERVATION

HON. TOM LANTOS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, May 18, 1992

Mr. LANTOS. Mr. Speaker, I would like to call to the attention of this body an organization that diligently seeks to protect this planet's vital natural resources, particularly the rain forests of the world. The San Francisco Zoological Gardens, one of the bay area's finest treasures, has led the fight to educate the public about the inviolability of these lands and continues to set the standard for conservation in this country.

It should come as no surprise that the San Francisco Zoo has taken the lead on this critical front. The zoo has long been a progressive force behind the animal welfare and resource conservation movement. As a highly respected cultural, educational, and conservation institute, its influence in the field of conservation is formidable.

Under the influence of Zoo Director David Anderson, the San Francisco Zoological Gardens developed and implemented the Nation's most ethical zoo animal welfare policy in which the zoo takes responsibility for the quality of life and reproductive management of its animals.

This progressive policy was established with the participation of the San Francisco Society for the Prevention of Cruelty to Animals, Friends of Animals, and other organizations sharing the common goal of animal welfare.

Another example of the San Francisco Zoological Gardens' dynamic and enterprising activism in the field of conservation is a program called the ecosystem survival plan. Developed by Mr. Norman Gershenz and Leslie Saul, both curators with the zoo, the ecosystem survival plan combines the concept of the conservation parking meter with the adopt an acre program. The result? For every quarter fed into the meter by the general public, 90 square feet of rain forest can be saved.

Mr. Speaker, the danger posed by the rapid depletion of the world's vital natural resources requires steadfast and positive action on the part of concerned citizens and institutions alike. The San Francisco Zoological Gardens is a model for such action. Their investment in time, talent and energy will pay dividends well into the future; the importance of their mission cannot be overstated. I ask my colleagues to join me in recognizing the San Francisco Zoological Gardens for their important contribution in the field of conservation.

TRIBUTE TO MEL MADERO

HON. DUNCAN HUNTER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, May 18, 1992

Mr. HUNTER. Mr. Speaker, Mel Madero, former national commander of American POW's, died May 13 at the Veterans Hospital in San Diego. A graduate of Salinas High School, Mr. Madero enlisted in the 40th Tank Company, California National Guard, in October 1940. The tank company was activated as Company C. 194th Tank Battalion at Fort Lewis, Washington in February 1941, and embarked for Manila on September 1941.

A survivor of the initial Japanese attacks on the Philippines beginning December 8, 1941, Mr. Madero was among those who were surrendered to the Japanese in the fall of Bataan on April 9, 1942. He made the Bataan Death March, endured imprisonment in O'Donnell, Cabanatuan, and Bilibid in the Philippines, and was shipped to Fukuaka No. 23 in Japan. While there, he worked in Japanese coal mines.

Official U.S. Army reports state that less than half the Americans who surrendered to the Japanese in 1942 survived and were released after the surrender of Japan in 1945. Some 53 percent of American POW's in Japanese hands were executed or died from starvation and disease—the worst record of barbaric treatment of prisoners ever recorded among so-called civilized nations.

Mr. Madero is survived by his wife Gloria and a son, Mark. He was a commander of the Bataan Veterans Association, a director of the Pacific Memorial Freedom Foundation, and a member of the National Veterans Council. Prior to his death, he worked at the VA Regional Office, San Diego.

Mr. Madero's decorations include the Army Distinguished Unit Badge with two clusters; American Defense, Asiatic; Philippine Defense' Philippine Liberation; Philippine Independence; Bronze Star; and POW Medal. Mr. Madero interment will be conducted Wednesday, May 20 at Fort Rosecrans in San Diego.

RONALD K. MACHTLEY WINNER

HON. RONALD K. MACHTLEY

OF RHODE ISLAND

IN THE HOUSE OF REPRESENTATIVES

Monday, May 18, 1992

Mr. MACHTLEY. Mr. Speaker, it is my distinct pleasure to congratulate Michelle McWeeney, of Middletown, as this year's recipient of the Congressman Ronald K. Machtley Academic and Leadership Excellence Award for Middletown High School in Middletown, RI.

This award is presented to the student chosen by Middletown High School, who demonstrates a mature blend of academic achievement, community development and leadership qualities.

Michelle McWeeney has more than fulfilled this criteria. She is a member of the National Honor and National Hispanic Honor Societies. She is also very active in student government. She is the president of the student council and a member of the spirit week committee. Winner of the Hoby and Smith College Book Awards, Michelle has a grade GPA of 3.918 out of a possible 4.00.

I commend Michelle McWeeney for her outstanding achievements and wish her all the best in her future endeavors.

HONORING GUADALCANAL VETERANS

HON. CHARLES WILSON

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Monday, May 18, 1992

Mr. WILSON. Mr. Speaker, I would like to take this opportunity to honor the brave men who fought at Guadalcanal. Among the most bitterly contested campaigns in American history, the Guadalcanal confrontations marked a changeover from defense to offense in the Pacific theater of war in World War II.

The invasion of Guadalcanal was the first amphibious operation undertaken by U.S. forces in the war. On August 7, 1942, three carrier groups, built around the carriers *Enterprise, Saratoga,* and *Wasp,* with transports and escorts and covered by land-based air support from Port Moresby, moved on Guadalcanal. The prelanding bombardment lasted only 3 hours. U.S. marines stormed ashore and by evening 11,000 were on the island. The next morning they captured the almost completed airfield renamed it Henderson Field. The Japanese garrison of 2,200, mostly construction workers, fled into the jungle. There was stiffer resistance on the satellite islands of Tulagi, Florida, and Gavatu.

The fighting on Guadalcanal went on for another 6 months. Japanese troops, regularly reinforced from their bases at Rabaul and Truk continued to oppose American forces. A series of sharp naval engagements, almost daily air battles and ground combat actions ensured. It was not until February 9, 1943, that the last Japanese forces were hastily evacuated from the island. In the course of the campaign, the Japanese had lost approximately 25,000 men and 24 ships. The Americans had incurred 1,044 Marine and 446 Army casualties and lost 24 ships. At the end of the campaign, the myth of the invincible Japanese fighter was laid to rest, America's foothold in the South Pacific was secured and her successful offensive campaign of island-hopping had begun.

For young men like Brady Wadsworth and Sam Barnes, Guadalcanal marked the first time American servicemen saw hand-to-hand combat with the Japanese. Wadsworth and Barnes not only survived Guadalcanal, but plan to mark the 50th anniversary of the battle of August 7 by visiting Guadalcanal this year.

Some 50 years since the battle, memories of Guadalcanal are still vivid.

"This was America's first attempt to take something away from the Japanese," Wadsworth said. "They were running through us like a dose of salts."

Like so many other Americans, Wadsworth joined the Marines as soon as possible after the bombing of Pearl Harbor. On January 9, 1942 he enlisted, went overseas in June and landed on Guadalcanal on August 7. An automatic rifleman with the 1st Marine Division, he went ashore at 9:05 a.m. in the first wave.

"We went to take a mountain—Tenaru River Battle—that's where I was wounded at a place called Hell Point," Wadsworth said.

Wadsworth was firing from a foxhole on Hell Point when the Japanese made their all-out effort to cross the Tenaru sandbar and penetrate the lines. He fired at them with his automatic rifle, killing several, until his gun jammed. Then he picked up a Springfield rifle and fired with that, and finally, when the Japanese had come close, he jumped up and ran to meet them with his bayonet. He was then struck by a bullet which knocked him down. But he refused to be evacuated until the more seriously wounded had been cared for. He was then evacuated to a French hospital where he spent several months recuperating.

While Sam Barnes didn't see the hand-to-hand combat that Brady Wadsworth endured, he did see the pain and suffering that the fighting caused. As a physician with the 1st Marine Aircraft, Barnes was responsible for seeing that the wounded and sick were evacuated to the hospital in New Caledonia.

"We would load up the wounded on a DC–3, all the time watching for a Japanese attack," he said. "I was issued a Springfield rifle and a .45 automatic and told not to wear any insignia. We were on constant alert."

Barnes spent 3 months on Guadalcanal and suffered from malaria and dysentery the entire time.

"We all had it," Barnes said. "I didn't get rid of malaria until 1945. It was something a modern doctor in this country had never seen before."

After his hitch at Guadalcanal ended, Barnes went to New Calendonia where doctors treated his diseases. In the 3 months on the island, Barnes had lost 60 pounds. He later went on to participate in the invasion of Okinawa and was the executive medical officer of the 2d Marine Division in Okinawa.

Barnes said his training as a rural physician in Trinity County helped him cope with the field operation of Guadalcanal.

"Guadalcanal really turned the war around," he said. "We learned a lot from that invasion. We learned how to organize. We learned how to prepare for disease. Most of our casualties were from illness, not wounds on Guadalcanal."

OUR DOMESTIC AGENDA HAS UNMET NEEDS

HON. LES ASPIN

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Monday, May 18, 1992

Mr. ASPIN. Mr. Speaker, approximately 6 weeks ago I addressed my colleagues on the state of the debate over national security. At that time, I said I would be reporting later about the content of the defense authorization bill I would ask them to pass this summer. I said in the strongest terms that I would demonstrate to them that we could spend less on defense than the Bush administration requested and still have the security we need for this new era.

Today I am making such a report, and the urgency of our mission to get the defense budget right has become even greater. The events in Los Angeles have demonstrated anew that our domestic agenda has unmet needs.

Spending more than we need to on defense today is as grave an error as spending too little. That is why I will depart from my usual practice and discuss domestic as well as defense issues.

First, I want to report to you on the fiscal year 1993 defense authorization bill the Committee on Armed Services completed this week. You will recall that we recommended a defense number of $274 billion in budget authority to the House Budget Committee, and it was accepted.

That figure represents a cut of twice what President Bush wanted. In addition, we made plain that it was the downpayment on a 5-year program we call Option C that also represented a cumulative 5-year cut of about twice what the President wanted.

The defense number for fiscal year 1993 prompted outrageous predictions from the Pentagon. Well, we did mark to that number, and none of the outrageous predictions are coming to pass. We haven't cut one service man or woman beyond the cuts planned by the administration. In fact, we added $200 million to the personnel account over the administration request.

We haven't cut real readiness although we've cut considerable sums from overhead and support infrastructure, bloated inventories, and excess cash in revolving funds.

And while we were doing that, we did recommend funding on ground-based missile defenses and authorized up to a total of 20 B–2 stealth bombers, although only if questions about the bomber's stealthiness are answered and its costs are straightened out.

We did these things and still came out with a defense program nearly $7 billion lower than the Bush administration. National security is intact, and we've saved billions.

Mr. Speaker, the key question is what happens now. We know that the terrible events in Los Angeles speak to a need to address the problems of our cities. We know we are going to respond to this need. Where do we get the resources? There are three ways to generate resources for urban relief, and all of them have their difficulties.

First, the budget agreement provides that an emergency could be declared and the money provided. The difficulty is, however, that this would add to the deficit.

Second, we could fund the urban relief package in defense. I would note here that our colleagues in the other body have a defense number that is $6 billion higher than the House. The House and Senate Budget Committees are in conference now.

Many anticipate that the conferees will split the difference, forcing a $3 billion add-on to the House defense authorization bill. We could aim this money at the cities, but the difficulty is that it would have to be defense related if it is to be counted against the defense budget in congressional budget bookkeeping. This would sharply limit what might be done with the funds.

Third, we could shift money from defense to domestic needs without looking for a defense angle, making it available for any legitimate purpose. But the difficulty is that this approach would require that we revisit the question of removing firewalls between international, domestic and defense spending that were created in the Budget Enforcement Act. We recently declined to remove the walls, preferring that defense savings go to deficit reduction rather than domestic programs.

Mr. Speaker, I know which option I'd pick. Today I call on my colleague to reconsider the question of bringing the firewalls down. Two things have happened since we voted in March to maintain the walls that make this reconsideration appropriate.

First, we have been tragically reminded by the events in Los Angeles that our cities need attention now.

Second, the Committee on Armed Services has produced a defense authorization bill for fiscal year 1993 that protects the security of this country while saving billions. And I want to underline the point that is not only billions less than the Bush administration would spend; it is $6 billion less than the Senate budget conferees want to spend on defense.

So today, I want to issue a challenge to the Senate budget conferees and to the Bush Administration to give new consideration to what we have done on defense in the House.

I challenge the Senate conferees to forgo the ususl split-the-difference solution and accept a budget resolution with defense at the House number. That will preserve our $6 billion in savings. The Committee on Armed Services of the House has demonstrated that the security of the Nation does not require a higher level of spending in fiscal year 1993.

And I challenge the administration to accept this reduction. The Pentagon charges that greeted the House number have been proved unfounded. We don't need to spend on defense next year.

Our victory in the Cold War should mean that we can wage a more vigorous effort for a just and prosperous peace at home. Now is the time to start.

TRIBUTE TO SHERIFF DEPUTY DOUGLAS GENE NANNEY

HON. JOHN J. DUNCAN, JR.

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Monday, May 18, 1992

Mr. DUNCAN. Mr. Speaker, I rise today to acknowledge the sacrifice of those peace officers who lost their lives during 1991, and to pay respects to the families and loved ones they left behind.

As I am sure you know, this past week has been National Police Week 1992. During this time, not only are the lives that were lost remembered and memorialized, but also the survivors of those officers are counseled on how to deal with their grief.

One of these families is from Jackson, TN, in our congressional district. The officer who lost his life on May 24, 1991, was Madison County Sheriff Deputy Douglas Gene Nanney. Members of his family in town this week for the ceremonies are his widow, Christy Nanney, and his parents, Betty and Bobby Nanney. Nanney was the first Madison County sheriff's deputy killed in the line of duty in more than 20 years.

Nanney had been on the force since March 1990. He graduated from Memphis State University and served in the Army from August 1984 to February 1988.

All too often we take for granted those men and women who go out every day and put their lives on the line to protect us. Being a law enforcement officer has always been a dangerous profession but these days, unfortunately, it gets more so daily. We must honor these officers who serve us and who are willing to make the ultimate sacrifice in the effort to maintain peace and harmony in our communities.

I salute the peace officers of our country, both those that have lost their lives and those who continue to serve us. In particular, I honor Officer Douglas Gene Nanney and the members of his family who miss him dearly each day.

BEST WISHES TO THE REPUBLIC OF CHINA OF TAIWAN

HON. ELIOT L. ENGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, May 18, 1992

Mr. ENGEL. Mr. Speaker, it is a great honor for me to join my colleagues in the House of Representatives in wishing President Lee Teng-Hui of the Republic of China a happy second anniversary in office, on May 20, 1992.

Despite her small physical size and lack of natural resources, Taiwan has emerged in recent years as an economic powerhouse, with one of the world's largest foreign reserves and banking deposits, amounting to $80 billion and $303 billion respectively. At a time of economic interdependence among nations, Taiwan has a great deal to offer to the world and to the United States.

On President Lee's second anniversary, I would like to see the economic ties between Taiwan and the United States become stronger. I also hope that U.S. companies will play a large role in Taiwan's recently announced multibillion national development plan and other projects that may be beneficial to the United States.

Congratulations, President Lee.

INTRODUCTION OF INFLUENZA IMMUNIZATION AWARENESS ACT

HON. JOHN P. MURTHA

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Monday, May 18, 1992

Mr. MURTHA. Mr. Speaker, this year's flu epidemic began earlier and ended later than any other in recent history. The final death toll may be well over the 20,000 flu-related deaths which normally accompany flu season. Those hardest hit by this illness are our older Americans over the age of 65, with 80 to 90 percent of the excess deaths occurring in this age group.

This tragedy does not have to occur. Influenza is a vaccine-preventable disease, however only 32 percent of those who are at highest risk are immunized every year. During the 1980's the Surgeon General set a goal of vaccinating 60 percent of elderly and other high risk persons, however it is obvious we have made little progress toward this goal. The same goal has been set for the year 2000, but in order to reach this goal we have to develop a more effective means of delivering the vaccine. For this reason I am today introducing the Influenza Immunization Awareness Act which will help us reach our goal before the year 2000.

This bill has three goals—to eliminate the gap year in Medicare funding for influenza vaccine; to improve the delivery of the vaccine to those most at risk; and to set up a system which will enable us to prevent any future vaccine shortages.

The first goal is to eliminate the gap in funding for the HCFA Medicare Demonstration Project. The Omnibus Budget Reconciliation Act of 1987 mandated a 4-year, October 1, 1988—September 30, 1992, cost benefit demonstration on including influenza vaccine as a covered Medicare benefit. The report to Congress on this project is due by April 1, 1993 and it is widely assumed that this project will indeed prove the cost-effectiveness of the vaccine. In the meantime, however, there is a gap year which means that those who are currently receiving Medicare coverage for the vaccine will have that coverage stopped for 1 year and possibly started once again the following year. This type of yo-yoing will only undermine confidence in the Medicare program. My bill will sustain funding for the vaccine itself and for ongoing education and outreach programs started with the demonstration project.

The second purpose is to reach those individuals who are most at risk. To do this, my bill proposes a hospital-based delivery system modeled after successful programs at the Minneapolis and Pittsburgh Veterans Affairs Medical Centers run respectively by Dr. Kristen L. Nichol, M.D., M.P.H. and Dr. Richard Lofgren, M.D., M.P.H. In Minneapolis the flu shot program has increased vaccination rates for high-risk outpatients from 32 percent before the program began to almost 70 percent. This has been achieved by instituting administrative and organizational strategies rather than physician initiative.

My bill will establish a grant program to encourage other hospitals to institute this type of policy. To increase immunization rates this program will include standing order policies, automatic reminders to patients, and reliance on nurses and other health care professionals to actually ensure that the vaccine is offered and administered to the patients.

The third purpose is to prevent the occurrence of vaccine shortages like those that took place during the recent flu season. To do this my bill establishes within the Centers for Disease Control a national vaccine clearinghouse which will utilize its resources to track the vaccine supply and be a source of information to health care professionals to report shortages or surpluses. The clearinghouse will also conduct a study to explore the feasibility of future Government purchase of influenza vaccine.

I have worked with the American Lung Association, the National Vaccine Board, and numerous physicians who have worked in this area for years to develop this comprehensive approach to better vaccine delivery. This bill provides a vehicle for encouraging other innovative approaches in order to protect our senior citizens from the consequences of this, too often preventable illness. We cannot allow the death toll to grow higher, so I call on my colleagues to join me today in this fight for the health and well-being of thousands of Americans.

TRIBUTE TO DR. DON WALKER

HON. DUNCAN HUNTER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, May 18, 1992

Mr. HUNTER. Mr. Speaker, Dr. Don Walker was honored last Friday by the East County Exchange Club for his years of service as chancellor of the Grossmont-Cuyamaca College District which I have the pleasure of representing in Congress. Dr. Walker is retiring from this position which he's held for almost 10 years. To list his many achievements and honors would take up several pages of the CONGRESSIONAL RECORD, suffice it to say that he's been an active and important part of California, particularly San Diego, higher education since the 1940's. I know the residents of east San Diego County are most appreciative of his service as chancellor of the Grossmont-Cuyamaca College District, as am I, and he will certainly be missed.

RONALD K. MACHTLEY AWARD

HON. RONALD K. MACHTLEY

OF RHODE ISLAND

IN THE HOUSE OF REPRESENTATIVES

Monday, May 18, 1992

Mr. MACHTLEY. Mr. Speaker, it is my distinct pleasure to congratulate Kerry McGinn, of Cumberland, as this year's recipient of the Congressman Ronald K. Machtley Academic and Leadership Excellence Award for Cumberland High School in Cumberland, RI.

This award is presented to the student, chosen by Cumberland High School, who demonstrates a mature blend of academic achievement, community involvement, and leadership qualities.

Kerry McGinn has more than fulfilled this criteria. She is a member of the national and Rhode Island honor societies. She is ranked in the top 1 percent of her class and carries a 3.82 GPA out of a possible 4.00. She also is very active in extracurricular activities. She tutors many high school students and also teaches a first grade CCD class on a weekly basis. Kerry is a cocaptain for both the indoor and outdoor track teams.

I commend Kerry McGinn for her outstanding achievements and wish her all the best in her future endeavors.

LEGISLATION TO REAUTHORIZE THE OVERSEAS PRIVATE INVESTMENT CORPORATION

HON. WM. S. BROOMFIELD

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Monday, May 18, 1992

Mr. BROOMFIELD. Mr. Speaker, today I am introducing legislation to reauthorize the programs of the Overseas Private Investment Corporation [OPIC].

By extending OPIC's authority for 5 more years, this legislation will send a clear signal to the private sector that the terms and conditions of the agency's insurance and financial assistance programs will remain unchanged long enough to accommodate long-range corporate planning.

The legislation also contains two new initiatives: the removal of current geographic limitations on OPIC's equity financing program; and the imposition of criminal penalties against borrowers who knowingly make false statements in the course of applying for assistance. These proposed changes are needed to increase the agency's small business participation in international trade and investment and maintain its record of conservative financial management.

OPIC's programs have operated since the Marshall plan was launched, providing loans and political risk insurance to U.S. companies expanding into new markets throughout the developing world. Operating on a self-sustaining basis, OPIC is an important component of U.S. trade and foreign policy.

In light of the fact that OPIC's programs and authority expire on September 30 this year, I urge my colleagues to give this legislation the prompt attention it deserves.

TRIBUTE TO ELIZABETH C. CLARK

HON. JAMES A. TRAFICANT, JR.

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Monday, May 18, 1992

Mr. TRAFICANT. Mr. Speaker, I rise today to pay tribute to Elizabeth C. Clark, who was recently appointed to the Association of Science-Technology Centers Honor Roll of Teachers.

Mrs. Clark was honored on May 14, 1992, by the Cleveland Health Education Museum due to her outstanding performance as a health teacher in the Howland Public School District in Warren. Mrs. Clark is responsible, in large part, to the health-related curriculum in the schools. Such programming includes sex respect and making the grade, focusing on awareness for youth.

I take my hat off not only to Mrs. Clark's innovative ideas, but also to her 25-year commitment to the field. She is truly a trooper for health education. I know that the Cleveland Health Museum's honor is justly awarded to Mrs. Clark.

Mr. Speaker, I grasp this opportunity to congratulate Mrs. Elizabeth Clark with great pleasure and wish her well in all her future endeavors. I know such endeavors will be of great benefit to others.

SMALL BUSINESS EQUITY ENHANCEMENT ACT OF 1992

HON. JOHN J. LaFALCE

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, May 18, 1992

Mr. LAFALCE. Mr. Speaker, 30 years ago Congress passed the Small Business Investment Act of 1958, to encourage private companies to provide venture capital to small businesses. Under this program, the SBA licenses firms, small business investment companies [SBIC's], and provides them with Government money under a formula based on the amount of private money invested in the company. Generally the Government has provided an equal amount of money, but in some instances it has provided three or four times as much funding as the private company.

Over the years, the SBIC program proved to be an extremely valuable tool in helping small, entrepreneurial firms get off the ground. Indeed, such household names as Apple Computer, Federal Express, Cray Research, and Nike received SBIC assistance. However, over the past few years, a faltering economy accelerated the demise of some SBIC's which had severe cash-flow problems. The SBIC program structure had encouraged firms to borrow money through the SBA and then to make equity investments which would not provide any significant income to the investor for a number of years.

Unfortunately, this mismatch of expenses and income over the short term doomed too many SBIC companies to failure when interest payments had to be made on the loans. It was a concern which I have voiced over a decade ago; I believe it is now time to restructure the SBIC program so that it can meet its very important objective in a new economic environment.

Therefore, I was pleased last year when the SBA appointed a blue ribbon private sector commission to examine the program and its failures. That commission made a number of worthwhile suggestions, including one which would allow the Federal Government to make some debt service payments on SBIC loans in return for a share of the SBIC profits at a later date.

I believe that the commission's recommendations, which have been endorsed by the SBA, constitute a viable solution to the SBIC industry's current problems. My staff has worked with the concepts and scrubbed the numbers, and we believe that such a restructured program will cost the Government less over the long run, and will result in the availability of substantially more equity capital to the small business community.

Accordingly, I am introducing today the Small Business Equity Enhancement Act of 1992 to reform and modernize the Small Business Investment Company Program.

The Small Business Committee will hold hearings on it early next month and I anticipate committee approval of the proposal very soon.

Mr. Speaker, I urge my colleagues to examine this important legislation very closely. A summary of the bill follows:

SMALL BUSINESS EQUITY ENHANCEMENT ACT OF 1992

BACKGROUND

SBICs or Small Business Investment Companies are licensed by the Small Business Administration to provide venture capital to small businesses. Certain SBICs restrict their operations to financing minority small businesses, and these companies are called Specialized Small Business Investment Companies or Minority Enterprise Small Business Investment Companies or MESBICs.

Both types of SBICs receive financial assistance from or through the SBA based on the amount of the company's private capital or the amount of money the owners have invested in the company. These Federal matching fund are termed "leverage". SBICs can now obtain up to 4 tiers of leverage, with each tier being equal to 100% of the amount of the company's private capital.

Except for a very small amount of preferred stock purchases by SBA in MESBICs, the leverage provided is government guarantees of debentures, or long term notes, issued by the companies and sold to private investors.

BILL SUMMARY

1. A new participating security would be authorized—(preferred stock, preferred partnership interest or debentures with interest payable from earnings) with interest on the security being based on the full cost of money to the Government. Multiple securities would be issued by Small Business Investment Companies (SBICs), pooled and sold to private investors under the current pooling provisions.

2. Regular SBICs would be limited to 3 tiers of leverage (of which not more than 2 tiers could be the new security) based on the following amounts of private capital: on first $15 million, 3 to 1; on second $15 million 2 to 1; on third $15 million, 1 to 1.

The internal levels and the new $90 million cap would be subject to an inflation adjustment commencing 12-15-94 based on changes in the Consumer Price Index.

3. Specialized or Minority Enterprise Small Business Investment Companies (MESBICs) could continue under the current leverage structure and under the current $35 million cap, but they would be allowed to participate under the new formula for amounts above $35 million.

4. Current SBIC debenture subsidy rate would be reduced by almost one-third (15 percent now to estimated 10 percent) by setting the participation by the Government at 9 percent on first tier and 12 percent if two tiers.

5. Companies licensed as of 3-31-93 could elect to exclude from participation all investments held on that date (both good and bad) and SBA would be directed to determine a method of overhead allocation to reflect the exclusion.

6. A company using participating securities essentially could use the proceeds solely for pure equity or a similar instrument with interest payable solely from earnings.

7. A company with outstanding participating securities could distribute profits from realized earnings if it does not have more than 2 tiers of leverage outstanding.

8. A limited partnership in the last one-half of its stated life or any company which has received SBA approval of a plan to wind up its affairs may return capital to investors providing all dividends are current and the company does not have more than one tier of leverage outstanding.

9. Pension funds, both public and private, could invest in SBICs and institutional investors could issue commitments, subject to SBA approval, but they must fully fund them before any leverage could be obtained.

10. Companies without any leverage would be statutorily exempted from the limitation on the amount they could invest in any one small business and from restrictions on temporary investment of funds. SBA would be directed to review regulations based on safety and soundness and to exempt or separately regulate those companies without leverage.

11. Each company would be clearly made responsible for the determination of portfolio value at least semiannually. SBA would be directed to closely examine the ability of an SBIC to service debt based on its contemplated investments.

12. The participating securities would be limited to a separate and specific authorization. Amounts would be authorized through fiscal year 1997 and regular debentures and MESBIC programs would be extended for a similar time:

[In millions of dollars]

	Participating securities	Debentures	MESBIC debentures	MESBIC stock
1993	100	181	40	21
1994	250	190	42	22
1995	400	200	44	23
1996	550	210	46	24
1997	700	220	48	25

13. In addition, there would be other provisions codifying the existing minimum private capital requirements, authorizing an interest rate ceiling based on a company's cost of money, re-transferring the examination function from the inspector general to the investment division, and restricting the expenses which an SBIC could pay and thereby reduce the profits which would be subject to participation.

TRIBUTE TO LT. COMDR. HAROLD F. BISHOP III

HON. PATRICIA SCHROEDER

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Monday, May 18, 1992

Mrs. SCHROEDER. Mr. Speaker, today I have the privilege of honoring the accomplishments of a naval airman, Denver resident, and 1977 nominee of mine to the U.S. Merchant Marine Academy.

Lt. Comdr. Harold F. Bishop III, "Bud," to all who know him, will receive the Aviation Achievement Award for Valor at the Association of Naval Aviation annual symposium tomorrow in Norfolk, VA.

Lieutenant Commander Bishop graduated from the Academy, joined the active Navy, and entered the naval aviation program. His duty took him into harm's way when war broke out with Iraq last year.

He is receiving his award for the dangerous mission he accomplished at the outbreak of the war.

Mr. Speaker, we in Washington, when reflecting on that conflict, get caught up analyzing our tactics, hardware, and technology. We must stop to remember what really counted: the dedication and skill of all the men and women who did their duty and the training they received to prepare them for that duty.

My hat's off to Bud Bishop.

RTC'S ESTIMATES OF BAILOUT COSTS

HON. BRUCE F. VENTO

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Monday, May 18, 1992

Mr. VENTO. Mr. Speaker, Last week Al Casey came to Capitol Hill and predicted that the savings and loan bailout is going to cost taxpayers only $130 billion, down from $160 billion that his predecessors and the Treasury had estimated last year. Mr. Casey has also advised that his work is nearly completed. I have been skeptical of this administration's estimates, based on dollars costs and of deadlines to complete. Importantly, the Congressional Budget Office has not revised its estimate of the cost of this bailout, and that estimate remains much higher.

The simple fact is that the RTC has so little reliable information in a useable, accessible form, that these latest predictions of Mr. Casey are highly questionable.

Last week I received yet another communication from the GAO, an analysis that advises that Al Casey has decided to abandon any comprehensive, nationwide information management system. He will "* * * accept current operational inefficiencies * * * " in order to concentrate on shutting down the RTC. Regional offices are being closed and field offices are being consolidated. Each field office will improvise an information system for asset disposal from the assortment of manual and computerized systems previously operated by the failed institutions.

Last year I asked the GAO to review the RTC's information management procedures and plans. At that time, RTC officials agreed that they would take steps to solve these problems. When they reported in March 1992, they identified problems in data collection, data review, information planning and business strategies. Mr. Casey's rosy scenario about the S&L, is a circular logic which will dismantle the existing RTC management structure and dismiss efforts to correct deficiencies.

Three weeks ago, the GAO reported on the RTC's monitoring of mortgage servicing contractors. According to the GAO, the RTC does not monitor and it does not audit the work of hundreds of mortgage servicers who collectively hold one-third of the RTC's loan assets amounting to $7.5 billion in loans. In fact, the RTC, on a nationwide basis, does not know what loans are services by which servicers. Some of their information is incomplete or inaccurate.

The bulk sale/cash-flow mortgage procedure was intended to move massive amounts of hard-to-sell assets. The settlement of the one transaction which was proceeded beyond the initial contract agreement has been delayed for well over a year because neither the RTC nor the purchaser, Patriot American Investors, can accurately identify properties that meet the terms of the contract.

The RTC has repeatedly made pledges that it will take steps to cure these problems, but Congress has heard this refrain time and time again from the RTC. One of these premises—to plan its information system in view of its business plans—has already fallen victim to expediency.

Today, by proclaiming the patient cured, the S&L problem is defined as solved in the 1992 election year. The RTC is dismissing its serious deficiencies as irrelevant. This represents a convenient placebo for the near future—but when reality rears its head in 1993 we will be faced with the same deficiencies, not to mention lost time and billions of taxpayer dollars. This will all be due to RTC CEO Casey's folly.

Until the RTC begins to manage its task, the American public will be cheated of the knowledge of how much the S&L bailout will cost and of whether an honest job is being done for the money being spent.

I insert the letter from the GAO dated May 12, 1992, in the Record, and recommend it to my colleagues who may be talking with Mr. Casey about his reduced estimate of taxpayer cost.

General Accounting Office,
Washington, DC, May 12, 1992.

Hon. Bruce Vento,
House of Representatives.

Dear Mr. Vento: This letter responds to your January 16, 1992, request that we expand our review of corporatewide information systems being implemented by the Resolution Trust Corporation (RTC) to include a review of RTC's data collection inadequacies at failed thrift institutions. As you know, our March 1992 report to you addressed fundamental systems problems facing RTC's management and sale of assets.[1] Specifically, we noted that RTC has not adequately defined its business strategies for managing and selling assets; matched information needs to these strategies; and developed systems to provide timely, accurate, and complete information to manage its asset disposal programs. These problems also worsen RTC's data collection inadequacies.

In meetings with your office, we explained that there is no viable technical solution to correct many of the data collection problems facing RTC managers at failed thrift institutions. This explanation is based on our past reviews of RTC's major asset systems and our assessment of different imaging technologies, such as those being studied by the Internal Revenue Service. It is also based on subsequent decisions made by top RTC managers, which your office asked that we address in this letter.

RTC managers initially agreed with our recommendation that they strengthen system development practices by (1) defining business strategies for assets and contractors; (2) matching information needs to meet these strategies; and (3) developing systems to provide timely, accurate, and complete asset information. In this regard, we were encouraged when RTC managers and officials representing industry and other government agencies met for the purposes of exploring business strategies and discussing the system support needed for managing and selling loan assets. However, subsequent top-management actions appear to be putting little or no emphasis on the need to adopt our recommendations.

During discussions with RTC's Chief Executive Officer and other senior Corporation officials, we were told that RTC had erred in prematurely introducing corporatewide automated asset systems. We were told that they were in fundamental agreement with our report findings, but that they were changing RTC's systems development and implementation approach. First, we were told that RTC no longer plans to develop a corporatewide automated system capability to capture and update asset management and sales information. Its corporatewide loans and furniture, fixtures, and equipment systems were to be discontinued and its real estate system significantly truncated. Second, it was explained to us that the Corporation will continue to operate with the inefficient processes in place because RTC management believes these processes are getting the job done. In this regard, RTC will continue to rely on manual data collection and ad hoc automated systems at field locations.

We were told that by accepting current operational inefficiencies, management can better focus on downsizing from 19 to 6 field offices and completing RTC's mission by September 1993, when FDIC's Savings Association Insurance Fund is scheduled to assume responsibility for new failed thrift institutions. For the most part, asset management and sales will be decentralized to field offices with each individual office deciding on its manual and automated systems requirements.

In summary, RTC has decided to rely on a decentralized approach at its field office level to manage and sell assets. This approach will place less emphasis on the need for timely, accurate, and complete asset information that corporatewide systems could provide and more emphasis on completing its mission. In March 1992, we reported that timely, accurate, and complete information is essential to support RTC's mission of managing and selling the assets of failed thrift institutions. We continue to support this position.

Should you have any questions or require additional information, please contact me at (202) 512-6418.

Sincerely yours,

Howard G. Rhile,
Director,
General Government Information Systems.

STRONG ACTION IS NEEDED TO PROTECT BOSNIA AND OTHER FORMER YUGOSLAV REPUBLICS AGAINST SERBIAN BRUTALITY AND VIOLATIONS OF INTERNATIONAL LAW

HON. TOM LANTOS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, May 18, 1992

Mr. LANTOS. Mr. Speaker, the unmitigated violence and lawlessness of Serbian militia forces and of the Serb-controlled Yugoslav Army has reached a new level of outrage, as these Serbian forces have begun the systemic and premeditated dismemberment of the Republic of Bosnia-Hercegovina. These acts of violence have taken place in the face of heroic efforts to stop the bloodshed and destruction by the United Nations, the European Community, and others.

Mr. Speaker, it is essential that a clear and unequivocal message be sent to the Communist-dominated Serbian Government and the Serbian military forces that such action must cease immediately.

I have introduced a resolution identical with one adopted by the Senate which emphatically declares that the United States holds the Government of Serbia accountable for the attacks upon and the occupation of the Republics of Bosnia-Hercegovina and Croatia, and for the extensive and systematic abuse of human rights in Kosova. It further declares that the United States should withhold diplomatic recognition of Serbia and its ally Montenegro, which proclaimed themselves the "Federal Republic of Yugoslavia" on April 28, 1992, until Serbia ceases its aggression against the independent States of Bosnia-Hercegovina and Croatia and until it halts its brutal repression of the Albanian people in Kosova and until it no longer continues to deny them the right to self-determination.

Joining me in introducing this resolution in the House are Mr. Broomfield of Michigan, the distinguished ranking Republican member of the Foreign Affairs Committee, Mr. Gilman and Ms. Molinari of New York, Mr. Sensenbrenner of Wisconsin, Mr. Swett of New Hampshire, Mr. Towns of New York, and Mr. Vander Jagt of Michigan.

This same resolution, Mr. Speaker, was introduced in the Senate by the distinguished minority leader, Senator Dole of Kansas, and he was joined by a number of other distinguished Senators, including Senator Clai-

---

[1] *Resolution Trust Corporation: Corporate Strategy Needed to Improve Information Management* (GAO/IMTEC-92-38, Mar. 5, 1992).

BORNE PELL, Chairman of the Foreign Relations Committee, and Senator ALBERT GORE of Tennessee.

Mr. Speaker, it is important that we give a clear and unequivocal message to the Communist Serbian Government that we will not sit by while the Communist-dominated Yugoslav military forces and Serbian irregular troops continue to wreak havoc and depredation upon their neighbors. Observance of the norms of international law, resolution of disputes through peaceful means without resort to the use of military force, and respect for human rights and for the right of self-determination for populations such as the Albanian ethnic population of Kosova are the qualifications for recognition and normal interaction among civilized states.

Unless and until Serbia, Montenegro, and/or their proposed reconstitution of a Yugoslav Republic are willing to abide by these principles of international law and practice, the United States must refuse to extend diplomatic recognition to any of these states.

Mr. Speaker, I urge my colleagues to join me in sponsoring and supporting this legislation, and I ask that the text of the resolution be printed in the RECORD.

H. RES. 448

Whereas from February 29–March 1, 1992, the Republic of Bosnia-Hercegovina held a referendum in which 99.7% of the citizens who participated voted for independence from the former Yugoslavia;

Whereas on April 6, 1992, the Republic of Bosnia-Hercegovina was granted diplomatic recognition by the European Community and on April 7, 1992, was recognized by the United States;

Whereas since April of 1992 the Serb-led Yugoslav Army and Serbian militants have been engaged in brutal military action against the government and people of the Republic of Bosnia-Hercegovina resulting in the death of innocent civilians, the displacement of tens of thousands of persons, and the destruction of homes, schools, mosques, synagogues and churches;

Whereas the attack on Bosnia-Hercegovina follows aggression against the newly independent Republic of Croatia which resulted in the death of more than 10,000 people, the displacement of more than 700,000 persons, and the occupation of a significant portion of Croatia's territory;

Whereas the attacks on Bosnia-Hercegovina and Croatia by the Yugoslav Army and Serb militants constitute an attempt by the Government of the Republic of Serbia to alter borders by the use of force;

Whereas, according to an official with the United Nations High Commissioner on Refugees, Serbian-led forces are delaying, diverting, and stealing humanitarian relief supplies donated to Bosnia-Hercegovina by the United States and other countries;

Whereas the Serbian government has maintained a brutal and repressive regime of martial law in Kosova and deprived the two million Albanians of Kosova of their political and human rights, including their right to self-determination;

Whereas Serbia's repressive policies in Kosova and the aggression of the Serb-led Yugoslav Army in Bosnia-Hercegovina and Croatia constitute serious violations of the Helsinki Accords and the Helsinki Final Act;

Whereas the United States, the European Community and the Conference on Security and Cooperation in Europe have condemned the aggression of the Serbian-led Yugoslav Army and Serbian irregulars, as well as the martial law regime in Kosova;

Whereas, on April 23, 1992, 25,000 Serbian citizens in Belgrade participated in an antiwar protest;

Whereas, extensive international diplomatic efforts and the deployment of United Nations monitors and peacekeeping forces have failed to achieve the withdrawal of Serbian-led forces and the restoration of peace in the Republics of Bosnia-Hercegovina and Croatia;

Whereas, the Socialist Federal Republic of Yugoslavia has ceased to exist: Now, therefore, be it

Resolved by the House of Representatives,

(1) The United States should hold accountable the Government of Serbia for the attacks on the occupation of the Republics of Bosnia-Hercegovina and Croatia, and for the extensive and systematic abuse of human rights, in Kosova.

(2) The United States should withhold diplomatic recognition of Serbia and its ally Montenegro, who proclaimed themselves the "Federal Republic of Yugoslavia" on April 28, 1992, until Serbia ceases its aggression against the independent states of Bosnia-Hercegovina and Croatia; and halts its brutal repression of the Albanian people in Kosova and denial of the right to self-determination.

(3) The United States should actively encourage its allies to follow the same course.

OIL IMPORTS—THE BANKRUPTING OF AMERICA

HON. BILL RICHARDSON

OF NEW MEXICO

IN THE HOUSE OF REPRESENTATIVES

Monday, May 18, 1992

Mr. RICHARDSON. Mr. Speaker, as we continue the debate on the direction of our Nation's energy policy and with the scheduled floor consideration of the energy bill this week, I felt it was appropriate to bring to my colleagues attention a recent article published in the February edition of the Petroleum Independent discussing oil imports.

This article was sent to me by one of my constituents, Jack Cole, a petroleum geologist in Farmington, NM. Mr. Cole has worked in the oil and gas field for more than 30 years. Because of his knowledge and expertise in this area, he has often met with key energy policy leaders in both the administration and Congress to discuss America's energy policy and its future. Over the years, I have come to value his opinion and appreciate his insight.

I encourage my colleagues to take time to read this article before we begin floor consideration of H.R. 776, the Comprehensive National Energy Policy Act this week.

[From the Petroleum Independent, February 1992]

OIL IMPORTS—THE BANKRUPTING OF AMERICA

(By Louis W. Powers, president, Powers Petroleum Consultants Inc.)

[Figures not reproducible in the Record]

EDITOR'S NOTE.—Last October the Office of Technology Assessment (OTA), a research arm of Congress, released a study examining the changes that have taken place in world oil markets and the U.S. economy since 1984. The report, U.S. Oil Import Vulnerability, The Technical Replacement Capacity, is the latest federal estimate of the nation's oil replacement potential in the event of another major cutoff of imported oil.

(Petroleum consultant Lou Powers of Houston has analyzed the OTA report and is publicizing its alarming conclusions. Powers gave a presentation at the IPAA Executive Committee meeting held Feb. 3–5 in Washington. Copies of his complete report or a computer-aided presentation can be purchased by contacting him at (713) 493–4077. We asked Lou to summarize his report for this article.)

Failure of the federal government to enact a new, practical national energy strategy is sending the American economy speeding toward bankruptcy.

This was the warning Congress has been handed by the Office of Technology Assessment, an agency it created in 1972. The purpose of OTA is to help policy makers anticipate and plan for the consequences of technological changes and how they affect the lives of the people. This recent study, U.S. Oil Import Vulnerability, is an example of the agency's work. Copies may be ordered from the U.S. Government Printing Office, Superintendent of Documents, Dept. 33, Washington, D.C. 20402-9325.

My staff and I have completed an independent analysis of the 26-page OTA report. The message is clear. The authors plainly tell Congress that only a new national energy strategy will stabilize the domestic production of oil and natural gas, curtail the growth of petroleum demand and lessen the appetite of Americans for foreign oil.

These objectives are desirable, the OTA study says. But it stops short of revealing the true impact on the U.S. economy if Congress and the administration fail to act on these and other problems related to the production and delivery of energy.

Foreign oil imports are a case in point. A careful analysis of the OTA report reveals that if this nation continues to bring in oil (primarily from the Middle East) at the levels forecast, America's financial well-being almost surely will collapse. National bankruptcy and runaway inflation will be the consequence.

In 1990, the U.S.imported $52 billion worth of foreign oil—more than 52 percent of our total merchandise trade deficit. By 1995, oil import costs will reach $96 billion and climb to $139 billion by 2000. But they won't stop there. In 2010 imports will reach $384 billion and then almost triple to $926 billion by 2020 (see figures 2 and 3).

By 2020, the cumulative trade deficit resulting from oil imports alone will be $10 trillion—more than three times the national debt today and 100 times the total 1990 deficit for all foreign trade. U.S. banks will be empty and the Treasury broke.

These figures are based on the government's own estimates. Prices are based on the 1991 Department of Energy Annual Energy Outlook Through 2010 and then using the 2005 to 2010 trend to estimate 2010 to 2020 prices. They also reflect inflation as forecast by DOE. OTA also used the DOE production and demand curves in its study.

While the OTA study implies that increasing dependence on foreign oil can create havoc with the national economy, it does not point out that the impact on the environment could be equally disastrous. To get this much oil—17.8 million barrels per day (b/d)—into U.S. refineries by year 2020 (see figure 1), 36 giant ocean-going tankers, each loaded with 500,000 barrels of crude oil, would have to dock each day at U.S. ports. To put it another way, 13,140 such ships would be unloading in our harbors every year. Each poses the possibility of an oil spill with potential damage to the environment.

The OTA study fails to point out that this tanker traffic will create several times more environmental risk than developing our own resources and producing our own oil, including offshore drilling and the Alaskan National Wildlife Refuge (ANWR).

Our analysis of the OTA study indicates positively that this need not happen if Congress and the administration act quickly and effectively to stabilize the domestic oil and gas industry and demand growth. Surely, lawmakers will realize that the economy and the national security of the United States should not be put at risk for the importation of 17.8 million barrels of oil the OTA study says the nation will require by 2020 if we don't enact a strong national energy strategy.

As yet, however, the federal government and the various regulatory agencies have shown little interest in encouraging the domestic oil and gas industry for avoiding both a major energy shortage and potential fiscal disaster. Our independent analysis of the OTA study underscores the fact that governmental restrictions have effectively destroyed the infrastructure of the industry that offers the best hope for the nation's future.

To stabilize and revitalize domestic oil and gas production, Congress and the administration first must face the facts as they are and reevaluate the overly optimistic figures in the OTA study. Our analysis indicates that the OTA's forecast of U.S. oil production in the coming years is not credible, based on the experiences of the industry since 1986.

OTA predicts U.S. production in 2020 will be 6.5 million b/d. Our analysis shows it will be little more than half that—3.4 million barrels (figure 1). We believe our estimate is more accurate in view of the decline in domestic exploration over the past several years. In fact, this may be optimistic unless the national energy strategy changes rapidly.

WHERE WILL OUR FUTURE OIL COME FROM?

With the domestic oil and natural gas industry already dangerously ill and unlikely to recover quickly even with the emergency nostrums Congress has been recalcitrant to prescribe, the American people should have grave concerns about the future of their energy supply. The solution suggested in the OTA study is intimidating to a country that is still the third largest producer of petroleum in the world.

The OTA report emphasizes the rising dependence of the U.S. on the great oil cartel, the Organization of Petroleum Exporting Countries (OPEC), for its petroleum through 2020. It neglects, however, to target which countries will be the principal suppliers.

Currently, 60 percent of our imports (figures 4 and 4A) come from OPEC with a third (2.2 million b/d) coming from Gulf countries and other Arab members of OPEC. This causes no concern about interruption in supplies so long as the kings and sheiks plan ahead and continue to develop and retain the political capability to make these decisions.

Nevertheless, U.S. dependence on these sources can cause both economic and national defense anxieties. Since 1950, political turmoil in the Middle East has caused six crises affecting petroleum supplies to the U.S. It is reason for concern when one realizes that only two or three accurate Scud missile shots could have dismantled the ability of Saudi Arabia to replace oil supplies lost because of the Iraq-Kuwait shut-down. This is not a comforting thought since in only eight years the U.S. expects to get 72 percent of its oil imports from OPEC. The Arab-Gulf OPEC members will be supplying 5.4 million barrels—more than one-half—of our imports.

Our analysis assumes that there will be no decline in production by other suppliers—a statement that we know is optimistic. For example, Mexico (which delivered to the United States 690,000 barrels daily in 1990) has become a questionable source for the future. News sources quote a former PEMEX official as saying that the Mexican government has seriously overstated reserves. If this is true, Mexico may not be able to export any oil because of rising internal demand.

And OPEC? Beyond the year 2000, it is doubtful this huge cartel will be able to supply the United States with its escalating needs. The free world's requirements are projected to be up to 61 million b/d as we enter the new century.

IS REDUCING DEMAND THE ANSWER?

The OTA study stresses this as one approach. It suggests that legislation is needed to encourage the substitution of other fuels for oil and to reduce use by requiring manufacturers to produce automobiles that use less gasoline.

Momentum already is increasing to substitute natural gas and other fuels to power engines heretofore dependent on gasoline. Canada has been a leader in this effort. Our survey indicates that the U.S. government should follow suit by switching its huge vehicular fleet to natural gas (of which there is an abundance domestically).

The OTA report's program to reduce demand is new fleet efficiency standards (including trucks) that would raise miles per gallon from 28 to 50. This alone would save 5.5 million barrels of oil per day. Fuel substitution by the year 2020 would save another 0.5 million barrels.

Thus far the public has been slow to react to the substitution of natural gas for gasoline and efforts to improve gasoline mileage. Another alternative—higher taxes on liquid hydrocarbon gasoline—has almost no public support. However, it has been most effective in reducing consumption in other selected industrial countries and almost certainly will get consideration here in the future. Although gasoline in this country remains one of the world's greatest bargains, prices in other industrialized countries range from $3.36 per gallon to Italy's high of $4.73. In November 1991, as we were completing our survey, the average U.S. price was $1.14 (figure 9).

Taxes are the difference. In other countries, they range from $1.60 per gallon to as high as $3.55. Americans pay a federal tax of only 32 cents per gallon.

THE GOVERNMENT MUST RECTIFY ITS MISTAKES

Nowhere in the OTA study is mention made of how past government actions have resulted in the disincentives that have all but killed the domestic petroleum industry.

A good example is the shortage of natural gas supplies in the 1970s that occurred when the nation had a surplus of this fuel. There was, and is, an abundance of natural gas. Early on, federal policy encouraged the exploration and production of gas by allowing tax credits and other incentives—including price increases where warranted. However, the dynamics of supply were all but destroyed when the government took control of natural gas prices at an artificially low level. When these disincentives forced producers to sell at prices below their production costs, supplies declined and shortages resulted.

This is only one example of how, throughout the history of the petroleum industry, production has been stabilized and increased, or virtually halted, by governmental changes in regulations and the extension or withdrawal of economic incentives.

Another case in point in the OTA study concerns exploration and development in ANWR. In its report to Congress, the agency generally discounted the benefit of allowing ANWR activity for a totally unsupportable reason: the reserve is too small compared with those in the Middle East and other potential areas already found within the United States.

The OTA also implies that frontier areas have only a minor role in our energy strategy. These same arguments were used in delaying the building of the Alaskan North Slope Pipeline for 10 years. In the decade since its completion, 2 million barrels of oil per day have been added to U.S. production from this source. Not exactly a "minor" player in the world's energy source.

Industry experts disagree with the OTA assessment of reserves. Whereas, the OTA estimates that ANWR has a potential of only 3.6 billion barrels of oil, geologists estimate that the reserves there are almost five times that number. One—Robert D. Gunn, former president of the American Association of Petroleum Geologists—says there are at least 15 billion barrels in the ANWR reserves and there could be as many as 30 billion barrels.

Even if Gunn's lowest estimate is accurate, the administration and Congress need to be told in exact terms what this would mean to America's future economy. Assuming that start-up in ANWR begins in 1998 and production of 2 million barrels reached by 1999, this activity alone would reduce this nation's trade deficit by $900 billion through the year 2020. The OTA assessment suggests much longer delays in startup from ANWR. This additional delay would only be because of governmental red tape, according to Jerry D. Bullock, former executive vice-president of BP Alaska, who coordinated BP's extensive Alaskan operations.

Even without ANWR development, the OTA recognizes in its report to Congress that the domestic oil and gas industry can be stabilized. It has been done successfully before as shown in figure 6 and the same revitalization can be repeated now. As OTA points out, however, accomplishing this will require some legislation options that are politically controversial.

COULD U.S. RESERVES MEET THE DEMAND?

Can these options be achieved? If the government acts to stabilize the domestic petroleum industry, are the resources still available to meet the nation's energy needs? Yes, according to Dr. William L. Fisher, the internationally-known geologist at the University of Texas in Austin. In a report to the American Association for the Advancement of Science, Dr. Fisher said:

"If, as a matter of national policy, relatively stable levels of domestic production are desirable or necessary, the remaining resource base can provide these levels if aggressive drilling practices are used."

Many Americans think the country is running out of oil because of the continuing increase in imports and the decline of exploration and production in this country. It is true that activity in the oil patch has come to a virtual standstill.

As figure 6 shows, rig counts that once exceeded 4,000 have been on an almost steady decline since 1981. U.S. production trends were stabilized between 1978 and 1985 when the rig count averaged 2,726 over this period and production actually climbed. Since 1986, however, the industry has faced continually worsening times. More than 300,000 persons who once depended on petroleum for their livelihood now are jobless. As we were working on this analysis late in 1991, the rig count was at all-time low of under 800 (see figure 10).

Under these conditions, it's understandable that Americans think their domestic oil industry is no longer in business.

The American people also have a problem understanding why their country is importing more than 7.2 million barrels of oil each day if we still have a large resource potential. And we do. While it's true that our proved reserves by U.S. government measurement are only 27 billion barrels, geologist Fisher says that there is another 65 billion barrels that can be developed from our existing resource base (see figure 5). This does not include an additional 60 billion barrels yet to be discovered in areas like ANWAR, off-shore and onshore in the lower 48. It also does not include an even larger resource base of 238 billion barrels equivalent of natural gas.

OTA and Congress are aware of these reserves. They also are aware that by revitalizing and rebuilding the infrastructure of the domestic petroleum industry, the U.S. can provide a majority of its oil and gas for years to come. In so doing, it can stop the growth in imports, reduce our trade deficit and save the government from bankruptcy.

OTA OFFERS LEGISLATIVE SOLUTIONS

How can America revitalize the infrastructure of its petroleum industry, lower the national trade deficit, and become less dependent on imports? By an administration and Congress brave enough to tackle issues the Office of Technology Assessment report frankly says are "politically controversial." OTA's report recommends several legislative options intended to encourage domestic exploration and production:

Provide the industry with tax incentives for exploration and production such a deductions, credits and a realistic depletion allowance.

Adopt measures that raise prices at the wellhead, such as import fees or price floors.

Use technical assistance and technology transfer programs.

Make changes in the SPR program to favor certain classes of domestic producers or to include preservation of domestic production potential.

Open more federal on-shore and off-shore lands to leasing and adopt more favorable lease terms and royalties.

Resolve specific regulatory or environmental controversies that are delaying exploration, development or production.

Remove intangible drilling costs and depletion as preference items under the alternative minimum tax since there is historical evidence that the removal of these disincentives stimulate drilling and thereby help to stabilize domestic production.

According to Houston petroleum consultant Lou Powers, these options provide a blueprint for a national energy strategy that will revitalize and stabilize the domestic oil and gas industry, restore more than 300,000 jobs and save the nation from total financial collapse.

If Congress today addresses the real problems of our growing oil imports, there is hope yet for America's energy future.

SENATE COMMITTEE MEETINGS

Title IV of Senate Resolution 4, agreed to by the Senate on February 4, 1977, calls for establishment of a system for a computerized schedule of all meetings and hearings of Senate committees, subcommittees, joint committees, and committees of conference. This title requires all such committees to notify the Office of the Senate Daily Digest—designated by the Rules Committee—of the time, place, and purpose of the meetings, when scheduled, and any cancellations or changes in the meetings as they occur.

As an additional procedure along with the computerization of this information, the Office of the Senate Daily Digest will prepare this information for printing in the Extensions of Remarks section of the CONGRESSIONAL RECORD on Monday and Wednesday of each week.

Meetings scheduled for Tuesday, May 19, 1992, may be found in the Daily Digest of today's RECORD.

MEETINGS SCHEDULED

MAY 20

9:00 a.m.

Governmental Affairs

To hold hearings to examine the integrity and effectiveness of the Offices of Inspector General.
SD-342

9:30 a.m.

Environment and Public Works

Business meeting, to resume markup of S. 976, authorizing funds for through fiscal year 1996 for programs of the Solid Waste Disposal Act.
SD-406

Veterans' Affairs

To hold oversight hearings on the implementation of Court of Veterans Appeals decisions.
SR-418

9:45 a.m.

Agriculture, Nutrition, and Forestry

To hold hearings on the nominations of James B. Huff, Sr., of Mississippi, to be Administrator of the Rural Electrification Administration, Betty Jo Nelsen, of Wisconsin, to be Assistant Secretary for Food and Consumer Services and a Member of the Board of Directors of the Commodity Credit Corporation, Duane Acker, of Virginia, to be Assistant Secretary for Science and Education, and Daniel A. Sumner, of North Carolina, to be Assistant Secretary for Economics and a Member of the Board of Directors of the Commodity Credit Corporation, all of the Department of Agriculture.
SR-332

10:00 a.m.

Appropriations

District of Columbia Subcommittee

To continue joint hearings with the House Committee on Appropriations' Subcommittee on the District of Columbia on proposed budget estimates for fiscal year 1993 for the certain programs of the government of the District of Columbia.
H-301, Capitol

Appropriations

Labor, Health and Human Services, Education Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1993 for the Department of Education.
SD-192

Appropriations

Transportation Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1993 for the Federal Aviation Administration, Department of Transportation.
SD-138

Banking, Housing, and Urban Affairs

International Finance and Monetary Policy Subcommittee

To hold oversight hearings to examine U.S. export promotion programs.
SD-538

Commerce, Science, and Transportation

Foreign Commerce and Tourism Subcommittee

To hold oversight hearings on the activities of U.S. and Foreign Commercial Service, Department of Commerce.
SR-253

Foreign Relations

To hold hearings on the Treaty with Nigeria on Mutual Legal Assistance in Criminal Matters (Treaty Doc. 102-26).
SD-419

Judiciary

To hold hearings to examine the recent increase in children carrying weapons.
SD-226

Labor and Human Resources

To resume hearings on S. 1790, to stimulate cooperation by business, labor, schools and colleges, and State and local governments to improve the education and training of the United States workforce, and to develop new systems and strategies for meeting the economic needs of business and workers.
SD-430

2:00 p.m.

Armed Services

Strategic Forces and Nuclear Deterrence Subcommittee

To hold hearings on S. 2629, to authorize funds for fiscal year 1993 for military functions of the Department of Defense, and to prescribe military personnel levels for fiscal year 1993, focusing on programs and architectures for ballistic missile defense.
SH-216

Commerce, Science, and Transportation

To hold hearings on global change research, focusing on global warming and the oceans.
SR-253

Foreign Relations

To hold hearings on the nominations of Marc Allen Baas, of Florida, to be Ambassador to Ethiopia, Hume Alexander Horan, of the District of Columbia, to be Ambassador to the Republic of Cote d' Ivoire, Lauralee M. Peters, of Virginia, to be Ambassador to the Republic of Sierra Leone, and Donald K. Petterson, of California, to be Ambassador to the Republic of the Sudan.
SD-419

Select on Intelligence

To hold closed hearings on intelligence matters.
SH-219

2:30 p.m.

Energy and Natural Resources

To hold hearings on S. 2631, to promote energy production from used oil.
SD-366

MAY 21

9:30 a.m.

Agriculture, Nutrition, and Forestry
Conservation and Forestry Subcommittee
To hold oversight hearings on the Forest Service's proposed changes in the administrative appeals process.
SR-332

Appropriations
VA, HUD, and Independent Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1993 for the National Community Service, and the Points of Light Foundation.
SD-116

Armed Services
To hold hearings on S. 2629, to authorize appropriations for fiscal year 1993 for military functions of the Department of Defense, and to prescribe military personnel levels for fiscal year 1993, focusing on the use of advanced simulation technology.
SD-G50

Commerce, Science, and Transportation
To hold hearings on the nomination of Karl A. Erb, of Virginia, to be Associate Director of the Office of Science and Technology Policy.
SR-253

Energy and Natural Resources
To hold hearings on the Department of Energy's program for environmental restoration and waste management.
SD-366

Governmental Affairs
To hold hearings to examine ways of developing a more energy efficient world.
SD-342

10:00 a.m.

Appropriations
Defense Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1993 for the Department of Defense.
SD-192

Appropriations
Transportation Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1993 for the Department of Transportation.
SD-138

Banking, Housing, and Urban Affairs
Business meeting, to mark up S. 1423, to revise proxy solicitation rules with respect to partnership rollup transactions and specify certain dissenters' rights for which such transactions must provide, and S. 2266, to provide for recovery of costs of supervision and regulation of investment advisers and their activities.
SD-538

Judiciary
Business meeting, to consider pending calendar business.
SD-226

2:00 p.m.

Energy and Natural Resources
Public Lands, National Parks and Forests Subcommittee
To hold hearings on S. 1893, to adjust the boundaries of the Targhee National Forest, to authorize a land exchange involing the Kaniksu National Forest, S. 2101, to designate the Lower Salmon River in Idaho as a component of the National Wild and Scenic Rivers System, S. 2572, to authorize an exchange of land in the States of Arkansas and Idaho, and H.R. 2141, to establish the Snake River Birds of Prey National Conservation Area in the State of Idaho.
SD-366

Finance
Medicare and Long-Term Care Subcommittee
To hold hearings to examine ways of reducing inappropriate Medicare spending, focusing on stricter oversight of waste, fraud and abuse in the Medicare program.
SD-215

Governmental Affairs
General Services, Federalism, and the District of Columbia Subcommittee
To hold hearings on the General Services Administration's management of Federal civilian aircraft.
SD-342

Judiciary
Patents, Copyrights and Trademarks Subcommittee
Business meeting, to mark up S. 1165, to extend the term of a patent covering the active ingredient of an antiinflammatory drug bearing the brand name Ansaid, S. 1506, to extend the term of patent protection of a fat substitute given the brand name Olestra, and S. 526, to extend the term of patent covering an active ingredient of the antiradiation drug known as Ethiofos and its oral analog.
SD-226

2:30 p.m.

Armed Services
Defense Industry and Technology Subcommittee
To hold hearings on S. 2629, to authorize funds for fiscal year 1993 for military functions of the Department of Defense, and to prescribe military personnel levels for fiscal year 1993, focusing on the National Defense Stockpile.
SR-222

3:00 p.m.

Labor and Human Resources
Employment and Productivity Subcommittee
To hold hearings on S. 2373, to revise the Job Training Partnership Act to establish a community works progress program, a national youth community corps program, and other programs.
SD-430

MAY 22

9:30 a.m.

Appropriations
VA, HUD, and Independent Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1993 for the Department of Housing and Urban Development and certain related agencies.
SD-138

Armed Services
Projection Forces and Regional Defense Subcommittee
To hold hearings on S. 2629, to authorize funds for fiscal year 1993 for military functions of the Department of Defense, and to prescribe military personnel levels for fiscal year 1993, focusing on near- and long-term outlook for the United States Navy.
SR-222

JUNE 3

9:00 a.m.

Appropriations
Defense Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1993 for the Department of Defense, focusing on medical programs.
SD-192

JUNE 4

9:30 a.m.

Energy and Natural Resources
To hold hearings on S. 2527, to restore Olympic National Park and the Elwha River ecosystem and fisheries in the State of Washington.
SD-366

10:00 a.m.

Commerce, Science, and Transportation
Merchant Marine Subcommittee
To hold hearings to examine issues relating to maritime reform.
SR-253

Veterans' Affairs
To hold oversight hearings on proposed legislation relating to veterans health issues.
SR-418

JUNE 8

10:00 a.m.

Appropriations
Military Construction Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1993 for military construction programs, focusing on base closures.
SD-192

JUNE 9

9:30 a.m.

Finance
To resume hearings to examine comprehensive health care reform, focusing on proposals for expanding employment-based health insurance coverage.
SD-215

10:00 a.m.

Agriculture, Nutrition, and Forestry
Agricultural Research and General Legislation Subcommittee
To hold hearings on the utility of expanded lamb reporting services by the Department of Agriculture.
SR-332

Appropriations
Interior Subcommittee
To hold hearings on proposed budget estimates for the Department of the Interior.
S-128, Capitol

2:30 p.m.

Appropriations
Interior Subcommittee
To continue hearings on proposed budget estimates for fiscal year 1993 for the Department of the Interior.
S-128, Capitol

JUNE 10

9:30 a.m.

Commerce, Science, and Transportation
Aviation Subcommittee
To hold hearings to examine competition in the airline industry, and on S. 2312, to revise the Federal Aviation Act of 1958 to enhance competition at, and the provision of essential air service with respect to high density airports.
SR-253

JUNE 17

9:30 a.m.

Finance
To resume hearings to examine comprehensive health care reform, focusing on proposals for instituting universal

coverage through public health insurance programs.

SD-215

JUNE 18

9:30 a.m.

Finance

To continue hearings to examine comprehensive health care reform, focusing on proposals for tax-incentive based health care reform.

SD-215

CANCELLATIONS

MAY 20

9:30 a.m.

Rules and Administration

Business meeting, to consider pending calendar and administrative business.

SR-301

POSTPONEMENTS

MAY 20

2:00 p.m.

Appropriations

Interior Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1993 for the U.S. Fish and Wildlife Service, Department of the Interior.

S-128, Capitol

SENATE—*Tuesday, May 19, 1992*

(Legislative day of Thursday, March 26, 1992)

The Senate met at 9:30 a.m., on the expiration of the recess, and was called to order by the acting President pro tempore [Mr. KERREY].

PRAYER

The Chaplain, the Reverend Richard C. Halverson, D.D., offered the following prayer:

Let us pray:

For what the law could not do, in that it was weak through the flesh, God sending his own Son in the likeness of sinful flesh, and for sin, condemned sin in the flesh: That the righteousness of the law might be fulfilled in us, who walk not after the flesh, but after the Spirit.—Romans 8:3-4.

Almighty God, righteous in all Your ways, one reason for the frustration public servants suffer is, no matter how hard they work or what laws they pass, the problems they address are not eliminated. Grant to your servants the Biblical insight that evil is fundamentally a spiritual problem which the Spirit of God alone can remedy. Help them comprehend the apostle Paul's teaching that Your perfect law, the Ten Commandments, is powerless to make humans righteous. Legislation, at best, has its limitations. It cannot remove greed or lust from the heart. The Spirit of God can. It cannot eliminate egotism and selfishness from the heart. The Spirit of God can. Legislation cannot remove addiction, anger, or a vindictive spirit. The Spirit of God can.

Gracious Father, grant relief from the frustration Your servants experience when, no matter how hard they work, desired results do not always accrue. Having done their best, help Senators realize that God, alone, is able to transform the human heart and instill the desire and the power to live righteously.

To the glory of God and the salvation of the people. Amen.

RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. The time for the two leaders is reserved.

MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, there will now be a period for the transaction of morning business for not to extend beyond the hour of 10 a.m., with Senators permitted to speak therein for not to exceed 5 minutes each.

The Senator from Washington is recognized.

THE CHINESE STUDENT PROTECTION ACT

Mr. GORTON. Mr. President, I am pleased to congratulate my colleagues on the Judiciary Committee on the fact that the Chinese Student Protection Act recently was reported out of that committee without objection. I introduced this legislation on June 4, 1991, with nine other distinguished Members of this Senate. That date was the 2-year anniversary of the bloody massacre at Tiananmen Square. This bill would permit those covered by President Bush's 1989 Executive order, which stayed the deportation of Chinese nationals in the United States at the time of the tragedy, to apply for permanent residency beginning on July 1, 1993. The only condition under which those covered by the Executive order could not apply for permanent residency is if the President certifies before July 1, 1993, that it is safe for them to return to China.

For the last year, I have worked with both Republican and Democratic Senators to meet concerns that were expressed about this important legislation. I understand that all objections have been met due to an extraordinary degree of bipartisan cooperation in moving this measure forward. Let me assure you that from this Senator's viewpoint, every effort has been made to address the concerns of the administration while securing the safety and well-being of the thousands of Chinese students who will seek protection under this legislation.

For the record, I would like to take this opportunity to repeat to my colleagues the significance of this measure and the desperate need for their support.

Mr. President, it has been nearly 3 years since the bloody tragedy on Tiananmen Square. A thousand days have passed since a young man stood down a tank, but that powerful image of courage and determination is forever imprinted in our minds. Certainly the images and memories of the dissident students who fell before tyranny and dictatorship are painfully fresh in the minds of Chinese nationals who were in the United States at the time. A thousand years may pass, but the fear and helplessness felt by those here at the time will never be forgotten.

Mr. President, we have had 1,000 days to adjust to the slaughter on Tiananmen Square. We have only half that time, however, to avoid further injustice to those longing for democracy. On January 1 of 1994, the Executive order that protected the deportation of Chinese nationals will expire, and unless this Senate acts now, those covered by the Executive order will lose not only their hopes and dreams of U.S. residency, but their very lives may be in jeopardy.

That is why I introduced S. 1216, the Chinese Student Protection Act. That is why so many other thoughtful Senators joined with me. The measure is designed to release the Chinese nationals covered by the 1989 Executive order from their current immigration limbo and to provide them the option of applying for permanent residency here in the United States. Since introduction of this bill, several changes have been added to address concerns of both Chinese students and United States immigration officials. Those changes include a provision granting the benefits of the act only to those covered who have continuously resided in the United States since the Tiananmen Square massacre other than for brief, casual, and innocent absences. In addition, those covered may not have visited China for more than 90 days.

A second change involves a provision to count those persons receiving permanent residency under new worldwide immigration levels established by the Immigration Act of 1990. Additional provisions also address the need to count them under China's per country ceiling without adversely affecting ongoing immigration from China.

A third change applies standard immigration law exclusions to those covered by the Executive order. Those may bar criminals, Communist Party members, and those likely to become a public charge. Finally, individuals covered by the Executive order will be permitted to apply immediately for permanent residency rather than wait 18 months under temporary residency as proposed under the original legislation.

These changes are the product of long, difficult hours of thoughtful debate to accommodate the safety concerns of Chinese students and legitimate United States immigration policy goals.

Meanwhile, the thousands covered by the Executive order have waited patiently for action by the Congress. This bill responds to their desperate plea for a future in the United States of America. That future will now be provided by Senate support of this measure. At that point, only one condition can prevent this legislation from having the intended consequences: certification by the President by July 1, 1993, that conditions in China are safe for the students' return.

Mr. President, if recent news accounts are any indication, I seriously doubt that conditions have improved or soon will improve in China. According to the March 16, 1992, issue of Asia Watch, a committee of Human Rights Watch:

> By early March 1992, at least 20 students, workers, editors, and journalists who were active during the 1989 movement or its aftermath had been tried and sentenced by courts in Beijing and Xi'an.

I would like to submit for the RECORD a copy of an article from the April 16, 1992, New York Times as well. I ask unanimous consent that the article be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the New York Times, Apr. 16, 1992]

DEFIANT CHINESE DISSIDENT TELLS OF HIS ORDEAL

(By Nicholas D. Kristof)

BEIJING, April 15.—What is remarkable about Han Dongfang is not that the prison authorities jammed a needle through his hand or that they infected him with tuberculosis, but that he talks about his experience and risks it all over again.

A tall, mild-mannered man, somewhat less imposing than the plainclothes police officers who tail him every time he steps from his home, Mr. Han is the Chinese Government's worst nightmare: a man who is less afraid of it than it is of him.

An ordinary railway worker who never went to college, Mr. Han emerged from obscurity in the spring of 1989 to become the head of the workers' federation in the Tiananmen democracy movement, which the Government violently crushed in June of that year. At the time, he came to be known as China's Lech Walesa, after the labor leader who led the drive to overthrow Communist rule in Poland.

Now out of prison for less than a year—he was released only because he was so sick that the authorities were afraid he would die in their custody—Mr. Han has been ordered not to see foreigners or to discuss his prison experiences. But in two long interviews in his room, he recounted his ordeal in forceful tones, so the bugs would have no trouble picking it up.

"Sure, there'll be plenty of misery ahead, but that's O.K.," he said nonchalantly. "It's bearable."

The openness is part of a new role that Mr. Han is taking on. Under the very nose of the authorities, he is trying to create an independent labor movement to press for democracy in China. Only a few others in the nation dare to criticize the Government so publicly, and he is the only one trying to organize a new democracy movement openly.

For the last 100 years, university students have been the vanguard of social movements in China, but their power is limited because they are on the periphery of society and account for less than one-fifth of one percent of the population.

Disgruntled workers, if they ever organized, could strike and pressure the Government much more effectively. The speeches of Deng Xiaoping, the 87-year-old paramount Chinese leader, suggest a horror of the Polish experience—urban workers rising up against the Government—and the authorities have generally treated labor organizers far more harshly than student democracy leaders.

Mobilizing China's workers to achieve democracy is a daunting challenge for a 28-year-old man with little money, no fax machine, no telephone and, he said with embarrassment, not enough cups to serve tea to visitors in his apartment. Next month he may have even less, for the authorities are threatening to turn him out on the street.

FORCE-FED IN PRISON

While he may lack teacups, there is no question that Han Dongfang (pronounced hahn doong-fahng) has the obstinacy to take on the Government. When he was in prison, gravely ill but denied medical attention, he announced in late 1989 that he was going on a hunger strike until the authorities at least gave him a date when they would take him to a hospital for a checkup.

The warden responded, Mr. Han said, by summoning some prisoners to hold him down and then by force-feeding him. A prison paramedic with dirt encrusted fingernails forced a rubber tube up Mr. Han's nose.

As Mr. Han recounted the incident the aim was mainly to cause as much pain as possible so that he would drop his demands. The paramedic jammed the tube farther and farther up his nose until about a foot of tubing had disappeared, but it never wound down the esophagus as it was supposed to. Instead, it tangled somewhere inside Mr. Han's nose and mouth.

"Ahhh!" Mr. Han recalls shrieking. "You beasts!"

The paramedic attached the food pump, and liquid shot into the pipe. Mr. Han said his head felt as if it were exploding, and he began to choke.

When he emerged from delirium 10 hours later, he grimly refused to drop his hunger strike. Then came a moment of triumph that he would savor in his darkest hours.

"O.K," Mr. Han reports the warden as saying. "We'll take you to the doctor in a week."

KNOWN TO FEW CHINESE

Mr. Han has recovered physically for the most part, and last month he applied for permission to hold a one-man demonstration, passing out leaflets demanding workers' rights and independent labor unions. The Government of course denied permission, but news about the application rippled through Beijing by word of mouth.

"If the law allows me to do something, I'll do it," Mr. Han said. "If it doesn't allow me to do it, then I'll press for a new law."

For now, Mr. Han is virtually a voice in the wilderness, and few Chinese have heard of him—or of any other dissident. But the 1989 Tiananmen democracy movement was nurtured in part by a few such voices, which emboldened others. And Mr. Han has a message and a huge potential audience.

China's 141 million workers (the rest of the population of 1.15 billion is made up of peasants, children and the elderly) have important grievances that are not being addressed or even acknowledged: rising prices, diminishing subsidies, mounting crime and growing corruption. Living standards have improved rapidly, but expectations have risen even faster, fostering discontent.

"The Communists feel that the peasants are pretty much under their control," said Thomas B. Gold, a sociologist and chairman of the Center for Chinese Studies at the University of California at Berkeley. "The peasants can be kept very busy, making money. But the workers are much more difficult to buy off."

HOW IT ALL BEGAN

While Mr. Han cannot use the Chinese press to spread his message, word-of-mouth is remarkably effective in Beijing. And foreign news reports about his activities are translated into Chinese and broadcast on BBC and Voice of America radio services, which have audiences of millions in China.

Mr. Han's odyssey began on June 4, 1989, when he fled the tanks at Tiananmen Square and briefly went into hiding in the countryside. A few weeks later, after hearing himself denounced on the radio, he cycled back to Beijing and to the main gate of the Public Security Ministry.

"I'm Han Dongfang," he said politely to the policeman at the gate. "You're looking for me."

The police were initially thrilled that the nation's most-wanted labor leader had turned himself in, and they poured him tea. But Mr. Han soon annoyed them by declaring that he was not a criminal and that he had come only to set the record straight.

SOME STILL BEHIND BARS

Mr. Han was assigned a crowded cell at the Paoju Detention Center, a prison squeezed behind 14-foot walls of red and gray brick among the narrow lanes in northeast Beijing. Prisoners were jammed against each other in a small cell, with no beds, nothing to read, and only two identical meals a day, a half-bowl of vegetable soup and two cornmeal buns. As in most Chinese prisons, inmates were constantly hungry.

Other Chinese with friends detained at Paoju confirm that the conditions are as Mr. Han describes. Many other dissidents, just as stubborn and defiant as Mr. Han, are still behind bars throughout China, and his experience offers a window into their lives.

Mr. Han said that when he complained about his stomach ailment, the prison warden summoned an acupuncturist, who forced a long needle through several inches of flesh on his hand. There was no pretense that this was meant to ease his sickness, he said; the needle was raked back and forth through the wound to increase the pain.

Even after Mr. Han's hunger strike, the hospital could not diagnose his ailment, and so the guards concluded that he was faking it, even though he was so weak he could not stand and seemed near death. One day, Mr. Han said, the warden ordered the prisoners to pick him up and lean him against a wall, hands outstretched, as if he were being crucified.

"Now let go," the warden said, according to Mr. Han's account.

"But he's too weak!" a prisoner objected. "He'll fall down!"

The warden insisted. And so the prisoners released their grip, watching anxiously as the semiconscious Mr. Han wobbled and then teetered forward like a tree that had been sawed off at its base. He was too weak to bring his hands up in front of his face, and so he simply fell forward and smashed face first onto the wooden floor.

A MORE INGENIOUS PUNISHMENT

Near the end of 1989, Mr. Han said, the guards devised a more ingenious punishment.

"We've been too nice to you, too polite to you," he said a guard told him one day. "We haven't wanted to humiliate you, and so even though you're ill we didn't put you in the contagious diseases unit. But that's what you're going to get now! You're afraid of illness, so that's what we're going to give you."

The guards moved Mr. Han into a cell with more than 20 other prisoners, more than two-thirds of whom suffered from tuberculosis. He spent four months in the contagious diseases unit, and apparently it was there that he caught tuberculosis

Mr. Han was moved in 1990 to the Banbuqiao detention center, and later that year to Qincheng Prison. It was there, around the end of 1990, that Mr. Han began to cough and weaken with tuberculosis. Soon he could not stand or even speak. It did not help that he was kept in leg irons.

The military doctors who treated Mr. Han misdiagnosed his case as Legionnaires' disease, and for two months he lay ill with a 104 degree temperature, not responding to medical treatment. Worried that he would die, prison officials released him at the end of April 1991.

ON A COLLISION COURSE

Outside doctors quickly determined that he had tuberculosis and put him on the medication that saved his life. Now part of his right lung is useless, and he still tires easily, but he can walk about and talk easily. Mr. Han is on medical leave from his job as a railway worker, but the railroad has warned that he will be dismissed if he gets into further political trouble.

There is no doubt that these days Mr. Han is on a collision course with the Government. For now, the authorities are tolerating him but harassing him at the same time, apparently in an attempt to instill some fear.

Mr. Han's wife, Chen Jingyun, a woman of 28 with long, smooth hair, is two months pregnant with their first child. Because the couple do not have prior permission to have a baby under China's strict family-planning policy, the authorities could order Ms. Chen to have an abortion. So far, the couple have not officially reported the pregnancy.

Mr. Han tried to keep his wife out of the interview and photos, apparently because he was worried that she might get in trouble. During six hours of interviews, the only time he looked fearful was when a question was addressed to her. Obviously apprehensive, he suddenly seemed less heroic and more human.

"I'm prepared to see him go to prison again," Ms. Chen said softly, pausing as she grappled with the uncertainty of China's future. "I've been through that once already. If he goes back to prison—well, I'll be waiting for him when he gets out."

Mr. GORTON. Mr. President, that article describes a hero of the student revolution who declares that many other dissidents are still imprisoned and tortured.

Perhaps the best indication of the continuing oppression is a recent declaration by Ren Jianxin, president of the Supreme People's Court at the Fifth Session of the Seventh National People's Congress in Beijing on March 28, 1992. He reaffirms the Chinese Government's commitment to "severely punish counterrevolutionary criminals who harmed national security." This statement is consistent with actions reported by Amnesty International on March 5 of this year that "at least nine pro-democracy activists were arrested in Beijing by plainclothes security agents on Saturday [the] 29[th of] February."

Despite promises and rumors of reform by the Chinese Government, dissidents here in the United States understand the harsh reality that awaits them if they face forced deportation. The April 6, 1992, edition of Newsweek contains a story of exiles one of whom, journalist and political scientist Yuan Zhiming, declares sadly "[S]ome of those [in jail] are my friends. If they are in prison, we will be, too."

Mr. President, we have waited a thousand days, but we can wait no longer to alleviate these brave people from the fear that they face with deportation. Their patience and confidence in us is only surpassed by their love of freedom and desire to remain in the United States. We cannot afford to put their lives on hold any longer.

Finally, Mr. President, I would like to remind my colleagues that this bill represents another type of opportunity that we rarely enjoy these days. So often during this election year, our efforts on economic growth, health care reform, and the budget deficit have been frustrated by our inability to produce meaningful results. No doubt the numerous announcements of early retirements in both Chambers reflect the sense among many that we can no longer make a positive difference. The Chinese Student Protection Act, however, is a welcome exception to business as usual. We can make people's lives better today by taking a major step toward providing them permanent residency. This is a rare opportunity to make the positive difference we all wish to make.

I urge my colleagues to support S. 1216, the Chinese Student Protection Act when it comes to the floor in the near future. In another thousand days, it will be too late for thousands of Chinese nationals who wish to become Americans. Let us act now to avoid a forced deportation and uncertain future of these desperate people. Mr. President, I ask unanimous consent, that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1216

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Chinese Student Protection Act of 1992".

SEC. 2. ADJUSTMENT TO LAWFUL PERMANENT RESIDENT STATUS OF CERTAIN NATIONALS OF THE PEOPLE'S REPUBLIC OF CHINA.

(a) IN GENERAL.—Subject to subsection (c)(1), whenever an alien described in subsection (b) applies for adjustment of status under section 245 of the Immigration and Nationality Act during the application period (as defined in subsection (e)) the following rules shall apply with respect to such adjustment:

(1) The alien shall be deemed to have had a petition approved under section 204(a) of such Act for classification under section 203(b)(3)(A)(i) of such Act.

(2) The application shall be considered without regard to whether an immigrant visa number is immediately available at the time the application is filed.

(3) In determining the alien's admissibility as an immigrant, and the alien's eligibility for an immigrant visa—

(A) paragraphs (5) and (7)(A) of section 212(a) and section 212(e) of such Act shall not apply; and

(B) the Attorney General may waive any other provision of section 212(a) (other than paragraph (2)(C) and subparagraph (A), (B), (C), or (E) of paragraph (3)) of such Act with respect to such adjustment for humanitarian purposes, for purposes of assuring family unity, or if otherwise in the public interest.

(4) The numerical level of section 202(a)(2) of such Act shall not apply.

(b) ALIENS COVERED.—For purposes of this section, an alien described in this subsection is an alien who—

(1) is a national of the People's Republic of China described in section 1 of Executive Order No. 12711 as in effect on April 11, 1990;

(2) has resided continuously in the United States since April 11, 1990 (other than brief, casual, and innocent absences); and

(3) was not physically present in the People's Republic of China for longer than 90 days after such date and before the date of the enactment of this Act.

(c) CONDITION; DISSEMINATION OF INFORMATION.—

(1) NOT APPLICABLE IF SAFE RETURN PERMITTED.—Subsection (a) shall not apply to any alien if the President has determined and certified to Congress, before the first day of the application period, that conditions in the People's Republic of China permit aliens described in subsection (b)(1) to return to that foreign state in safety.

(2) DISSEMINATION OF INFORMATION.—If the President has not made the certification described in paragraph (1) by the first day of the application period, the Attorney General shall, subject to the availability of appropriations, immediately broadly disseminate to aliens described in subsection (b)(1) information respecting the benefits available under this section. To the extent practicable, the Attorney General shall provide notice of these benefits to the last known mailing address of each such alien.

(d) OFFSET IN PER COUNTRY NUMERICAL LEVEL.—

(1) IN GENERAL.—The numerical level under section 202(a)(2) of the Immigration and Nationality Act applicable to natives of the People's Republic of China in each applicable fiscal year (as defined in paragraph (3)) shall be reduced by 1,000.

(2) ALLOTMENT IF SECTION 202(E) applies.—If section 202(e) of the Immigration and Nationality Act is applied to the People's Republic of China in an applicable fiscal year, in applying such section—

(A) 300 immigrant visa numbers shall be deemed to have been previously issued to natives of that foreign state under section 203(b)(3)(A)(i) of such Act in that year, and

(B) 700 immigrant visa numbers shall be deemed to have been previously issued to natives of that foreign state under section 203(b)(5) of such Act in that year.

(3) APPLICABLE FISCAL YEAR.—

(A) IN GENERAL.—In this subsection, the term "applicable fiscal year" means each fiscal year during the period—

(i) beginning with the fiscal year in which the application period begins; and

(ii) ending with the first fiscal year by the end of which the cumulative number of aliens counted for all fiscal years under subparagraph (B) equals or exceeds the total number of aliens whose status has been adjusted under section 245 of the Immigration and Nationality Act pursuant to subsection (a).

(B) NUMBER COUNTED EACH YEAR.—The number counted under this subparagraph for a fiscal year (beginning during or after the application period) is 1,000, plus the number (if any) by which (i) the immigration level under section 202(a)(2) of the Immigration and Nationality Act for the People's Republic of China in the fiscal year (as reduced under this subsection), exceeds (ii) the number of aliens who were chargeable to such level in the year.

(e) APPLICATION PERIOD DEFINED.—In this section, the term "application period" means the 6-month period beginning July 1, 1993.

The ACTING PRESIDENT pro tempore. The Senator from Idaho is recognized.

BALANCED BUDGET CONSTITUTIONAL AMENDMENT

Mr. CRAIG. Mr. President, I come to the floor this morning to speak briefly about situations as they develop in the Senate and the other body to resolutions that have been introduced in the Judiciary Committee and are now pending for debate on this floor, resolutions that deal with language to amend the Constitution of the United States to produce a balanced Federal budget.

Two weeks ago, I came to the floor and introduced a resolution that is Senate Joint Resolution 298. This would go along with the resolution that has been introduced by my colleague from Illinois, Senator SIMON, Senator THURMOND, and others who have been strong advocates for a prolonged period of time of this method of causing both the House and the Senate to conform their budget practices to a procedure that would not only require but produce a balanced Federal budget.

The reason I take this time this morning is to remind my colleagues in the Senate that some 4 weeks ago this Senate, in a sense-of-the-Senate resolution introduced by my colleague from Oklahoma, supported by myself and others, asked that we debate and vote on this issue by June 5, hoping that the House, too, would respond in like manner sometime immediately following that action.

Since that time, a great deal of attention has been paid in the media both by reporting and editorials and comments as they relate to a balanced budget amendment to our Constitution. I have in hand an editorial from the Washington Times. There have been editorials in the Post, in the Wall Street Journal and a myriad of publications across this country speaking to the pros and the cons of this issue.

But I think largely today, Mr. President, there is a rapidly growing consensus across this country that this Senate and the House can no longer control the budget process; that it is largely out of control; that the actions of a few weeks ago when we passed a budget resolution demonstrate that the best we could do was a $320 billion deficit; the best we could do was to recognize a growing $4 trillion debt; that the best we could do was to honor our past commitments with an interest charge on debt of over $297 billion in this next fiscal year. Why not admit openly to the American people that we no longer can control the budget; we have lost the political will to make the tough decisions and to be fiscally responsible. There are a good many of us who have been strong advocates for well over a decade, and remain so today, of a process that would force this Congress to begin to conform to a budget system that would grow and become balanced within a reasonable period of time.

S.J. Res. 298, the constitutional balanced budget amendment that I have proposed, suggests that kind of approach and says to the American people that this Congress can no longer pass go, Mr. President, but by 1997, upon the ratification of this amendment by 38 States as required by our Constitution, this Congress would bring in balance the Federal budget and would make the necessary decisions in the slowing of the growth of the Federal budget to cause that to happen.

Now, I am told that there are Members of this Senate who have suggested to leadership that we not debate this issue until sometime in early July. That is one of the reasons I have come to the floor to speak in morning business today, to alert other Senators that they now need to speak to the leadership about their desire to debate this issue and to vote on it in the immediate future.

I think clearly this Government must speak to its people in that responsible fashion, and that we must send forth an amendment, Mr. President—not that our action will be final, because I think a good many of the editorials have made reference to the fact that if the Congress passes a balanced budget resolution, that is it. And of course it is clear that is not it. It is only the first step in a prolonged process required by our Constitution in the ratification of a constitutional amendment—which is the first step in the process that would probably take 24 months.

There will follow debate in the legislatures of this Nation, more knowledge passed on about the processes here in Washington that produce a balanced budget on an annual basis, for the American people to have a better understanding. That will be the most significant part of that extended process, the debate and a much better understanding of how the budget process works or has not worked here in Washington, and what Congress will do to propose those kinds of adjustments that will bring, by constitutional requirement, the budget into balance.

I am one of those who advocated that once we have passed a resolution and sent it forth for ratification, clearly it then becomes our responsibility, working with the administration, to propose a process that would bring us to that balanced budget by fiscal 1997 or sometime within that type of timeframe; that the American people and the legislatures of this country considering this resolution could identify. It is an important agenda that I have laid out, that this Congress in my opinion must address sometime in the immediate future.

I believe it is the responsibility of all of us to talk to and work with our leadership to not only encourage but to ask them to adhere to a sense-of-the-Senate resolution, passed by a substantial majority, that said by June 5 the Senate will not only consider that resolution, whether it is mine or whether it is Senator SIMON's, but vote upon and I hope pass by the required two-thirds vote what will be the beginning, I believe, of the most significant, if not one of the most historic, debate across this land about a Federal budget that is now well out of control, because this Congress with its best minds working diligently can no longer demonstrate the political will to be fiscally responsible and make the tough decisions on an annualized basis to bring that budget into balance.

I yield back the remainder of my time.

Mr. STEVENS addressed the Chair.

The ACTING PRESIDENT pro tempore. The Senator from Alaska is recognized.

MUSEE AMERICAIN GIVERNY

Mr. STEVENS. Mr. President, last evening I had the distinct privilege of being able to attend, along with other Members of Congress, a reception to celebrate the opening of the museum which is to be called Musee Americain Giverny. It will be in Giverny, France, and it will be opened on June 1st of this year.

Ambassador Jacques Andreani and his wife, Donatella, hosted this reception for our former Ambassador Daniel Terra and his wife, Judith. Ambassador Andreani told us that Ambassador Terra had shared with all the results of his American dream.

I come today to the floor because Dan Terra and his wife, Judith, are friends of ours. Ambassador Terra was President Reagan's Ambassador-at-large for Cultural Affairs from 1981 to 1989. Both he and his wife, Judith, are avid collectors of American art, and have been passionate in their efforts to make their collections accessible to the public.

Daniel Terra in 1980 opened a museum in Evanston, IL, which was then moved to Chicago in 1987 as the Terra Museum of American Art.

Ambassador Terra was honored by the French Government in 1984 when it presented to him the medal of Commander of the Order of Arts and Letters, the highest award of its kind that a citizen of another country may receive from France.

More recently, in December 1990, Mr. Terra received the prestigious Order of Leopold from the King of Belgium.

In addition to cultivating his penchant for art, Daniel Terra has also at various times in his life been an engineer, the president of a chemical company, philanthropist, and as he described to my daughter, Lily, last night, his most loved occupation was that of a singer and dancer. He had been trained by his mother at a very young age. He is also known in our country as a very famous inventor.

The Terras have long appreciated the influence that the great French artists of the Impressionist era had upon the American art world. Giverny was the home of French Impressionist Claude Monet, as we all know, and for the last four decades of his life, he lived in a village.

In 1986, Dan Terra and Judith acquired property on the same street of the artist's home. Since that acquisition, the Terras have worked to establish on their land a museum dedicated to fostering an appreciation of the important historical connection between the French of that period and American art of all periods. This Musee Americain Giverny will be dedicated to that period.

As Ambassador Terra explains, the museum will serve to strengthen the cultural links between France and the United States and to foster ever greater bonds of friendship and cooperation between our two nations.

Last evening, Ambassador Terra told us that the press has been magnificent in its reception of this project, most favorable to it. He said he had appointed an advisory committee of distinguished French citizens who helped him work with the people of Giverny—it is a small village of about 500 people—and that the museum will blend with the history of that village and preserve the integrity of what that village is all about.

Having been there twice, and enjoyed very much the visit, I think all Americans who visit Giverny will appreciate what the Terras have done to preserve that integrity. The turning point, he said to us last evening, on this museum came with the attempt to design the museum to meet the satisfaction of the people of the village of Giverny. He said it will be predominantly underground, this museum, in order to preserve that integrity.

The proximity of the museum to the home of Claude Monet will enable an international audience to explore the historical connection between Monet and the developing American impressionists.

The building itself will be constructed according to Terras' desire to integrate the structure with, as I said, the rural surroundings of the village. Its exterior is made of normal limestone, and the roof is planted with heather to further unite the building with the village. Judith Terra told us last evening that this museum is their testimony, as Americans, to what we have learned from the French.

The Musee Americain Giverny will open, as I say, on June 1, at 99 Rue Claude Monet. The first exhibit, which will run through November, is entitled "Lasting Impressions: American Painters in France 1865–1915." Three-fourths of the work are from Terras' permanent collection and the remainder of the works are on loan from private and public collections both from the United States and France.

This exhibit promises to be the first of many cultural and artistic contributions that we can all look forward to from this museum.

Catherine and I have expressed our regret that we will not be able to be there at the opening. I doubt very many of us will be there since the Senate will be in session. But I strongly encourage my colleagues in the Senate and in the Congress who have a chance to visit this institution and visit this lovely little village in France to do so.

I have come to the Senate this morning to congratulate Ambassador Daniel Terra and Judith Terra on this fine accomplishment, and on their contribution to the understanding of art in France and America.

I yield the floor, Mr. President.

Mr. President, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. LIEBERMAN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. WELLSTONE). Without objection, it is so ordered.

Mr. LIEBERMAN. Mr. President, I ask unanimous consent that I may proceed as in morning business for 5 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LIEBERMAN. I thank the Chair.

(The remarks of Mr. LIEBERMAN pertaining to the introduction of legislation are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

Mr. LIEBERMAN. Mr. President, I thank the Chair for his courtesy to me, and I yield the floor.

TRIBUTE TO WILBUR D. MILLS

Mr. PRYOR. Mr. President, I rise today to pay tribute to Wilbur D. Mills, a man who gave his life in the service of his fellow man.

Wilbur Mills greeted me with open arms when I came to Congress as a freshman Member of the House of Representatives in 1967. He was instrumental in my receiving the committee assignment of my first choice and then provided needed and sought after counsel to me in those early years.

Other tributes have already traced his rise to power in the House of Representatives. He rose not so much by brunt force in the use of his power, as in the sheer expertise he held over all in the Congress on even the most arcane areas of tax, Social Security, health, and trade legislation.

I remember him presenting tax bills to the Congress without benefit of staff or even notes as he argued for legislation that came from the Ways and Means Committee. He was a worthy adversary, as I am sure the seven Presidents who came and went during his career would attest.

Wilbur Mills was a unique individual, juggling technical details of tax law and at the same time handling the simple constituent needs of the people of Arkansas.

The people of the Second District of Arkansas elected him 19 times, many of those elections without opposition. The people of Arkansas loved Wilbur Mills, even in his personal times of trouble.

At a time when he could have bowed out of the spotlight and enjoyed a much deserved retirement, Wilbur became a spokesperson for recovering alcoholics and devoted much time and energy to helping others who suffered the same disease that had taken hold of him.

Mr. President, Arkansans mourn the loss of one of the finest public servants to have served the people in the history of our State. Barbara and all our family wish to extend our deepest sympathy to Wilbur's widow, Polly, and the Mills family.

Wilbur Mills was precious to all of us. We shall miss him greatly.

IRRESPONSIBLE CONGRESS? HERE'S TODAY'S BOXSCORE

Mr. HELMS. Mr. President, the Federal debt run by the U.S. Congress stood at $3,918,653,947,091.10, as of the close of business on Friday, May 15, 1992.

As anybody familiar with the U.S. Constitution knows, no President can spend a dime that has not first been authorized and appropriated by the Congress of the United States.

During the past fiscal year, it cost the American taxpayers $286,022,000,000 just to pay the interest on spending approved by Congress—over and above what the Federal Government collected in taxes and other income. Averaged out, this amounts to $5.5 billion every week, or $785 million every day.

On a per capita basis, every man, woman, and child owes $15,256.05—thanks to the big spenders in Congress for the past half century. Paying the interest on this massive debt, averaged out, amounts to $1,127.85 per year for each man, woman, and child in America—or, to look at it another way, for each family of four, the tab—to pay the interest alone—comes to $4,511.40 per year.

What would America be like today if there had been a Congress that had the courage and the integrity to operate on a balanced budget?

The PRESIDING OFFICER. The Senator from West Virginia is recognized.

Mr. BYRD. Mr. President, I ask unanimous consent that morning business be extended for 30 minutes.

The PRESIDING OFFICER. Is there objection to the request of the Senator from West Virginia?

Mr. McCAIN. Mr. President, reserving the right to object.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. McCAIN. Mr. President, it was my understanding when I came over here this morning that we would be on the bill, and I talked with the managers of the bill about proposing an amendment. Now, I understand there are at least two speakers here for that. I would like to have a definite time as to when I can come over and propose my amendment and move forward on this bill.

As much as I appreciate the important messages that are brought forward here, I asked last night and again this morning, and I was told to come over. All of us have busy schedules. We have been on this bill now a long period of time.

I am reserving the right to object until I can get a definite time as to when we are going to be on the bill.

Mr. BYRD. Mr. President, I withdraw my request.

Mr. President, I ask unanimous consent that I may be permitted to speak out of order.

The PRESIDING OFFICER (Mr. LIEBERMAN). Is there objection to the request of the Senator from West Virginia?

Mr. McCAIN. Mr. President, reserving the right to object, I would just like to know when we would be on the bill.

The PRESIDING OFFICER. The regular order is to report the bill at this time.

Mr. WELLSTONE. Mr. President, if the Senator will yield a minute, it may be that this would help clarify the situation. My understanding is that Senator FORD, who will be managing the bill, will be coming back from a meeting certainly within the next 20 or 30 minutes, which is about the time when the Senator from West Virginia would finish up.

Mr. McCAIN. Mr. President, I do not object.

The PRESIDING OFFICER. The previous request for unanimous consent has been withdrawn. Does the Senator wish to have morning business extended for 30 minutes?

Mr. BYRD. Mr. President, what is the business before the Senate?

The PRESIDING OFFICER. The regular order is to close morning business at this time and to report the legislation.

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Morning business is closed.

The Senator from New York.

Mr. D'AMATO. Mr. President, may I ask unanimous consent that morning business be extended for 30 minutes?

Mr. BYRD. Mr. President, I have not yielded the floor yet.

The PRESIDING OFFICER. I am sorry. The Senator from West Virginia does have the floor.

Mr. BYRD. I yielded momentarily for the Chair to proceed to have the clerk state the bill.

NATIONAL VOTER REGISTRATION ACT

The PRESIDING OFFICER. The clerk will report the pending business.

The assistant legislative clerk read as follows:

A bill (S. 250) to establish national voter registration procedures for Federal elections, and for other purposes.

The Senate resumed consideration of the bill.

The PRESIDING OFFICER. The Senator from West Virginia.

Mr. BYRD. Is there a time limitation involved?

The PRESIDING OFFICER. Pursuant to the order of May 13, there is up to 1 hour for debate on the bill equally divided and controlled between the Senator from Kentucky [Mr. FORD] and the Senator from Alaska [Mr. STEVENS] or their designees. In addition, the order provides for 30 minutes divided and controlled in the usual form on eligible amendments listed on page 2 of the Senate Calendar.

Mr. BYRD. Mr. President, I ask unanimous consent that I may speak out of order and without charging the time against the bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

THE PAY AMENDMENT

Mr. BYRD. Mr. President, on May 12, I submitted, for myself and for the distinguished majority leader and the distinguished Republican leader, and the Senate agreed to, Senate Resolution 295, requesting the Archivist of the United States to communicate to the Senate a list of the States whose legislatures have voted to ratify the article of amendment to the Constitution of the United States proposed by the First Congress in 1789 to require a delay in the effective date of laws varying the compensation of Members of Congress.

The Archivist reported to the Senate on May 15 a list of ratifying States, indicating that 40 States had voted as of the report to ratify this amendment, beginning with Maryland on December 19, 1789, and concluding with Illinois on May 12, 1992. The number of States needed to ratify an amendment, which was 10, three-quarters of the original 13 States when the pay amendment was first sent to them, is now 38, three-fourths of our present 50 States.

According to the Archivist, Michigan became the 38th State to approve this amendment when its legislature ratified the amendment on May 7, 1992. As requested in Senate Resolution 295, the Archivist accompanied the list of ratifying States with copies of each of the resolutions adopted by the 40 ratifying States. Other States may ratify the pay amendment. Pursuant to Senate Resolution 295 the Archivist is requested to communicate to the Senate any further resolutions of ratification as he receives them.

Mr. President, as I described on submitting Senate Resolution 295, the reason for requesting the Archivist to forward these resolutions to the Senate is that the Congress, as the Supreme Court correctly interpreted article V of the Constitution in its most recent decision on the Constitution's amendment process, *Coleman* v. *Miller*, 307 U.S. 433 (1939), has the final responsibility to determine whether an article of amendment has been ratified by the requisite three-fourths of the States and has become a part of the Constitution.

In section 106(b) of title I of the United States Code, the Congress has provided by law that the Archivist of the United States shall have the ministerial task, "[w]henever official notice is received at the National Archives and Records Administration that any amendment proposed to the Constitution of the United States has been adopted, according to the provisions of the Constitution," of publishing the amendment with a certificate of its ratification. The Archivist implements this responsibility by receiving ratifying resolutions from the States, comparing them with the text of the amendment which has been proposed by the Congress to assure that the States are ratifying what the Congress has proposed, counting the State ratifications, and, in the ordinary course, certifying an amendment once sufficient States have ratified.

In statutory form this procedure traces from 1818, when the Congress first enacted a law (Act of April 20, 1818, ch. 80, sec. 2, 3 Stat. 439) expressly giving this duty to the Secretary of State. It was last fully utilized in 1971 in the case of the 26th amendment, securing the right of 18-year-olds to vote, when the Administrator of General Services had the duty. The Congress had transferred the duty to the GSA Administrator in 1951 from the Secretary of State, and subsequently transferred it again to the Archivist in 1984.

The history of ratification procedures predates, of course, the act of April 20, 1818, and begins with the Bill of Rights, of which the congressional pay amendment originally had been part. The First Congress, upon agreeing to send amendments to the States, resolved to request the President to transmit the proposed amendments to the Executives of the original States. Then, beginning with the receipt of the first ratification, which was by Maryland, President Washington deposited the originals in the Office of Secretary of State Jefferson, and directed his Secretary, in the President's words, "to lay a copy of the same before" the House and Senate (1 Annals of Cong. 939, 1077 (1790)). The same was done with each ratification of the Bill of Rights through that of Vermont, whose ratification Washington caused to be laid before the two Houses of Congress on January 18, 1792. After the requisite ratifications had been before the Congress for nearly 2½ months, Jefferson provided to the States, by letters of March 1, 1792, official notice of the ratification of the first 10 amendments (2 Schwartz, Bill of Rights 1203 (1971)).

While in the ordinary course no question is presented about the efficacy of State ratifications, there has been a firm historical understanding, shared by the Congress and the Supreme Court, and until now by the executive branch, that the Executive's function with regard to certifying constitutional amendments is purely ministerial. The Congress should have the opportunity to decide substantive questions, particularly when, as now, the Congress has asked that the ratifications be laid before it in order to permit the Congress to consider whether an amendment has been adopted in accordance with the Constitution.

In 1868 there was a question, which was novel at that time, about whether States could vote to rescind their ratifications of a constitutional amendment and whether such States should be counted toward ratification. On July 9, 1868, the Senate agreed to a resolution requesting the Secretary of State to report on the actions of States ratifying the proposed 14th amendment (Cong. Globe, 40th Cong., 2d Sess. 3857 (1868)). The Secretary of State reported to the Congress on July 14, 1868, a list of ratifying States and accompanying resolutions (S. Ex. Doc. No. 75, 40th Cong., 2d Sess. (1868)). Then, in a proclamation issued on July 20, 1868, the Secretary of State, acknowledging that no law authorized him to "decide doubtful questions" about ratification, posed the question which needed to be answered; namely, whether the ratifications of rescinding States should be counted (15 Stat. 706, 707 (1868)).

The following day, on July 21, the Congress answered the Secretary of State's question by adopting a concurrent resolution certifying the ratification of the 14th amendment and directing its promulgation by the Secretary of State (Id. at 709–10). Only then, on July 28, 1868, did the Secretary of State certify the adoption and validity of the 14th amendment "in conformance" to the July 21 concurrent resolution of the Congress (Id. at 708–11).

In 1939, the Supreme Court, in Chief Justice Hughes' opinion for the Court in *Coleman* v. *Miller*, specifically recognized, to use the Court's words, the force of this "historic precedent" (307 U.S. at 450). In that case, seven Justices were also of the view that only Congress is empowered to determine whether an amendment has lapsed. In Chief Justice Hughes' words, "We think that the Congress in controlling the promulgation of the adoption of a constitutional amendment has the final determination of the question whether by lapse of time its proposal of the amendment has lost its vitality prior to the required ratifications" (Id. at 456). Justice—and former Senator—Black's concurring opinion, joined in by Justices Roberts, Frankfurter, and Douglas, forcefully stated that "Congress has sole and complete control over the amending process" (Id. at 459).

As I described in my statement a few days ago submitting Senate Resolution 295, the ratification of the congressional pay amendment presents a substantial and novel question of constitutional interpretation. That question is: "Does an amendment proposed by Congress without a deadline for ratification remain open for ratification for more than 200 years?" Individuals may differ over the proper answer to that question. Indeed, over the past week or so, a number of distinguished constitutional scholars have offered widely differing views. No one can credibly dispute, however, that the question is an important one, and that by the prior precedent of the political branches, and by the Court's decision in *Coleman* v. *Miller*, it should be resolved by the Congress.

Indeed, a perusal of the resolutions of ratification which the Archivist has communicated to the Senate show that at least 12 States—Arkansas, Colorado, Iowa, Illinois, Kansas, Minnesota, Missouri, Montana, Nevada, North Dakota, Oregon, and Texas—expressly acknowledged the Supreme Court's holding, in *Coleman* v. *Miller*, that Congress, in the words of the Kansas Legislature, is "the final arbiter" on whether too much time has elapsed between the original submission of an amendment and its ratification.

It is because of the importance of the constitutional question, and in appreciation of the role of the Congress under the Constitution in this regard, that I offered Senate Resolution 295 and requested the Archivist last week to defer taking any definitive action with regard to the ratification of this amendment for a brief period to permit the Congress an opportunity to fulfill its constitutional responsibilities. It is true that section 106(b) of title I of the United States Code, which I referred to earlier, directs the Archivist to certify the adoption of an amendment "forthwith" once he has received "official notice" of its ratification in accordance with the provisions of the Constitution.

That law does not state, however, how the Archivist is to receive official notice of an amendment's ratification. When no constitutional questions are presented by an amendment's ratification, for example, with the amendment securing the right of 18 year olds to vote, it seems clear that the Archivist may consider direct notifications from ratifying States to be official notice. But in a case like the amendment presently before us, where a serious question exists about the efficacy of ratifications separated by more than 200 years, the resolutions of the ratifying States do not alone provide official notice of the amendment's ratification.

In such a case, the Archivist, as the Secretary of State before him, must appropriately look to Congress to resolve the constitutional questions and provide such official notice, providing him with a statutory basis upon which to act. All three branches of Government have previously construed this statute in this way, and I believe that it remains the correct reading today.

The Archivist would have fulfilled his obligation to act "forthwith" by acting promptly to promulgate the pay amendment upon receiving a concurrent resolution of the Congress that ratification is complete, just as the Secretary of State, who had the same obligation to act "forthwith," issued a final proclamation on the adoption of the 14th amendment within just 1 week of the Congress' adoption of a concurrent resolution directing that amendment's promulgation.

Regrettably, the Archivist has not followed the historic precedent established by his predecessor in this area, the Secretary of State, but instead certified the ratification of the amendment without providing the Congress with the brief period which the Secretary of State understood that the Congress required to assess its constitutional responsibilities. Nevertheless, the Archivist's actions do not alter the fact that the decision about the time that has elapsed while the States have voted to ratify the congressional pay amendment is one for the Congress to make. Indeed, I have been assured that the Department of Justice understands that the Archivist's actions do not preclude Congress from exercising its proper role in the amendment process.

Last week, I submitted a second resolution, Senate Concurrent Resolution 117, which was referred to the Committee on the Judiciary, to certify the ratification of the congressional pay amendment. As I indicated in my statement, consideration of that resolution was at that time premature, because we had not yet received the official documentation of the State actions from the Archivist. The distinguished senior Senator from Iowa [Mr. GRASSLEY] also submitted a concurrent resolution, Senate Concurrent Resolution 118, to the same effect, which like mine was referred to the Committee on the Judiciary. It is my hope that the Senator from Iowa, whom I congratulate on his resolution, will join me in securing adoption of the resolutions which I will offer today, because there should be no partisan differences concerning them.

We have now received the Archivist's report and can appropriately consider the ratification question. It is apparent that the requisite number of States have ratified and that the text of the amendment that they agreed to is substantively identical, differing only in punctuation and capitalization.

The constitutional question is more difficult. All prior amendments have been ratified in a far shorter period, indeed, less than 4 years. Moreover, in this century, the Congress has seen fit to require amendments to be ratified in a short period of 7, or, in one case after an extension, 10 years.

I do not believe that the absence of any such deadline for this amendment is dispositive of the question. I believe that the norm should be that States should determine whether to ratify an amendment expeditiously, as has been the history for more than 200 years, whether a specific deadline is specified or not. I believe that contemporaneous action is preferable, because it better reveals the will of the people and is the most reasonable understanding of the intent of the Framers of our Constitution.

In most circumstances, I believe that a lapse of this length would be too great to sustain ratification of an amendment. This is true, I believe, for each of the other arguably outstanding amendments that had no specific deadline but were never ratified and are still out there floating around. The other amendment tracing from 1789, for example, addressing the size of the House of Representatives, has been superseded in my view by subsequent developments, the growth of the Nation and legislation fixing the size of the House. An amendment proposed in 1810, dealing with titles of nobility, has turned out not to address a problem of lasting significance.

An 1861 amendment addressing slavery, which was sent to the States on the eve of President Lincoln's inauguration and would have forever protected the institution of slavery from abolition, has been repudiated by history and by the adoption of the 13th amendment, which was timely ratified by the States in 1865 and has resolved that question for all time. Finally, the amendment proposed in 1924 dealing with child labor has been superseded by evolving decisions of the Supreme Court and by legislation. It, too, for a long time has ceased to respond to a lasting problem.

Additionally, the States have long had no interest in, and may be deemed finally and officially to have been abandoned, the size of the House, titles of nobility, slavery, and child labor amendments.

Although I have concluded that the congressional pay amendment should be found to have been properly ratified, I am equally firmly convinced that decisive action should be taken by the Congress to establish, for each of these other old proposed amendments, that no live interest has been expressed in these amendments by any State for decades, that the amendments failed of ratification in a timely fashion, and that they are no longer subject to being ratified.

The congressional pay amendment deserves a different fate. It responds to a concern, wisely identified by James Madison, about potential conflicts of interest and the appearance of conflicts of interest, that remains as valid today as it was the day that Madison drafted it. Consistent with Madison's concerns, the New Hampshire Legislature, on ratifying the amendment in 1985, identified the precise concern of the amendment in its resolution of ratification, to wit:

> It is in the best interest of the taxpayer that this proposed amendment be ratified so that self-interest will not play a direct role in the decision of a United States Senator or Representative when voting on a law varying the compensation of Senators and Representatives.

The States, 40 of them in all, and 33 of them in a reasonably contemporaneous manner, have told us that they believe that this amendment deserves a place in our Constitution. There is strong support for the amendment among the public and in the Congress.

I do not believe that it would serve a useful purpose, or one necessitated to accommodate the intent of the Framers, in this unique situation, to begin the process of proposing this amendment for ratification anew. I believe that for the case of this amendment the purposes normally served by contemporaneous action have been fulfilled by the widespread, indeed almost universal, support for the amendment and the lack of any change in relevant conditions.

I do not intend our action with regard to this amendment to serve as a precedent or model for any other amendment, either one proposed in the past or one that may be proposed in the future. For all other such amendments, I believe that contemporaneous action, including reasonable proximity between proposal by the Congress and ratification by the States, is desirable and should be required, whether through a specific deadline or subsequent judgment.

For the reasons that I have outlined, however, I believe that it is appropriate and proper for the Congress finally to declare that the congressional pay amendment duly proposed by two-thirds of each House of the First Congress, and duly ratified by the legislatures of more than three-fourths of the States, has become a part of the Constitution of the United States to all intents and purposes.

I have prepared three resolutions to carry out these conclusions which I believe express the Senate's historic understanding of its responsibilities, and should merit the approbation of all my colleagues.

First, in keeping with the precedent established with regard to the 14th amendment, I have prepared a concurrent resolution, the form of resolution used by the Congress in declaring the ratification of that great amendment. It builds upon the concurrent resolutions which Senator GRASSLEY and I offered separately last week—I offered a resolution on behalf of the two leaders—and which resolutions were referred to the Committee on the Judiciary. Now that we have received the report of the Archivist, it is appropriate, I believe, to begin the resolution by a reference to that report, as it is on the basis of that report we now have formal notice of the action of the ratifying States and also have the benefit of the Archivist's technical review of the ratifying documents.

I have also prepared a simple Senate resolution which puts the Senate directly and immediately on record as supporting the declaration of the validity and ratification of the pay amendment. Although I believe and hope that the House will act promptly on the concurrent resolution, I do not believe that the Senate should delay in expressing to the States, and to the Archivist, its conclusion that the pay amendment is now a valid part of the Constitution.

Finally, I have prepared a concurrent resolution to resolve that ratification periods for the size of House, titles of nobility, slavery, and child labor amendments, of the 1st, 11th, 36th, and 68th Congresses, have lapsed and that those amendments are no longer subject to ratification as part of the Constitution.

While we do not have a direct precedent, as in the case of the 14th amendment, for the form of the resolution, it is my considered judgment that the action should be taken also in the form of a concurrent resolution. Our action with respect to amendments which have lapsed, or which, additionally, have been repudiated by a subsequent ratified amendment as in the case of the slavery amendment draws equally from the power which the Supreme Court has recognized is constitutionally committed to Congress with respect to the amendment process. It is, therefore, appropriate that the Congress utilize the same instrument—namely, a concurrent resolution—both with respect to a declaration that an amendment has been ratified and with respect to a declaration that an amendment has lapsed.

Mr. President, I accordingly send to the desk a concurrent resolution on the ratification of the 27th amendment to the Constitution of the United States, a Senate resolution to the same effect, and a concurrent resolution on the lapse of the Nation's four other proposed but old and unratified amendments.

Mr. President, these resolutions will not be referred to any committee prior to the end of the day. I hope that during the day other Senators will want to cosponsor them and I will be happy to have them as cosponsors.

I ask unanimous consent that the report of the Archivist, together with the full text of the State ratifications and the texts of the four outstanding unratified amendments, be reprinted in the RECORD at the conclusion of my remarks.

Mr. President, I apologize for keeping Senators waiting. I yield the floor.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

NATIONAL ARCHIVES,
Washington, DC, May 15, 1992.

Mr. WALTER J. STEWART,
Secretary, U.S. Senate, Washington, DC.

DEAR MR. STEWART: Pursuant to S. Res. 295, adopted May 12, 1992, I am transmitting a list and copies of resolutions of ratification of States of the Union whose legislatures have ratified the article of amendment to the Constitution relating to the compensation of Members of Congress.

If additional resolutions of ratification are received from the State legislatures, I shall promptly transmit to the Senate copies of those resolutions.

Sincerely,

DON W. WILSON,
Archivist of the United States.

LIST OF STATE RATIFICATIONS OF THE CONSTITUTIONAL AMENDMENT RELATING TO COMPENSATION OF MEMBERS OF CONGRESS AS PROPOSED SEPTEMBER 25, 1789

Text: "Article the second . . . No law, varying the compensation for the services of the Senators and Representatives, shall take effect, until an election of Representatives shall have intervened."

Certificates reviewed by the Office of the Federal Register:

State and date of action

1. Maryland, December 19, 1789.
2. North Carolina, December 22, 1789.
3. South Carolina, January 19, 1790.
4. Delaware, January 28, 1790.
5. Vermont, November 3, 1791.
6. Virginia, December 15, 1791.
7. Ohio, May 6, 1873.
8. Wyoming, March 6, 1978.
9. Maine, April 27, 1983.
10. Colorado, April 22, 1984.
11. South Dakota, February 21, 1985.
12. New Hampshire, March 7, 1985.
13. Arizona, April 3, 1985.
14. Tennessee, May 28, 1985.
15. Oklahoma, July 10, 1985.
16. New Mexico, February 14, 1986.
17. Indiana, February 24, 1986.
18. Utah, February 25, 1986.
19. Arkansas, March 13, 1987.
20. Montana, March 17, 1987.
21. Connecticut, May 13, 1987.
22. Wisconsin, July 15, 1987.
23. Georgia, February 2, 1988.
24. West Virginia, March 10, 1988.
25. Louisiana, July 7, 1988.
26. Iowa, February 9, 1989.
27. Idaho, March 23, 1989.
28. Nevada, April 26, 1989.
29. Alaska, May 6, 1989.
30. Oregon, May 19, 1989.
31. Minnesota, May 22, 1989.
32. Texas, May 25, 1989.
33. Kansas, April 5, 1990.
34. Florida, May 31, 1990.
35. North Dakota, March 25, 1991.
36. Alabama, May 5, 1992.
37. Missouri, May 5, 1992.
38. Michigan, May 7, 1992.
39. New Jersey, May 7, 1992.
40. Illinois, May 12, 1992.

[House of Representatives, 56th Congress, 2d Session, Document No. 529]

DOCUMENTARY HISTORY OF THE CONSTITUTION OF THE UNITED STATES OF AMERICA, 1786–1870

(Derived from the records, manuscripts, and rolls deposited in the Bureau of Rolls and Library of the Department of State, Volume II)

(Washington, Department of State, 1894)

ANNAPOLIS *January 15th 1790.*

Sir,

I have the honor to enclose a copy of An Act of the Legislature of Maryland, to ratify certain Articles in addition to and amendments of the Constitution of the United States of America proposed by Congress to the Legislatures of the several States.

I have the Honor to be with the highest respect Sir

Your most Obedt Servant

J. E. Howard.

His Excellency
The President of the United States

[ADDRESS.]

His Excellency
The President of the United States—

[INDORSEMENT.]

No 2
Letter—Jany 15th 1790—from the Govr of the State of Maryland, and Act of said State, ratifying the Amendments to the Constitution of the U: States.—

---

transmitted to this Office, by order of the President of the United States—Jany 25th 1790. . .

An Act to ratify certain articles in addition to and amendment of the Constitution of the United States of America proposed by Congress to the Legislatures of the several States.

Whereas it is provided by the fifth article of the Constitution of the United States of America, that Congress whenever two thirds of both Houses shall deem it necessary, shall propose Amendments to the said Constitution or on the application of the Legislatures of two thirds of the several States shall call a Convention for proposing Amendments, which in either case shall be valid to all intents and purposes as part of the said Constitution when ratified by the Legislatures of three-fourths of the several States or by Conventions in three-fourths of the several States or by Conventions in three-fourths thereof as the one or the other modes of ratification may be proposed by the Congress.

And Whereas at a Session of the United States begun and held at the City of New York on Wednesday the fourth day of March in the year of our Lord one thousand seven hundred and eighty nine, it was Resolved by the Senate and House of Representatives of the said United States in Congress assembled two thirds of both Houses concurring, that the following articles be proposed to the Legislatures of the several States as amendments to the Constitution of the United States all or any of which articles when ratified by three-fourths of the said Legislatures to be valid to all intents and purposes as part of the said Constitution vizt—

Article the first. After the first enumeration, required by the first article of the constitution there shall be one representative for every thirty thousand, until the number shall amount to one hundred; after which the proportion shall be so regulated by Congress that there shall be not less than one hundred Representatives, nor less than one Representative for every forty thousand persons, until the number of Representatives shall amount to two hundred, after which the proportion shall be so regulated by Congress, that there shall not be less than two hundred Representatives, nor more than one Representative for every fifty thousand persons.—

Article the second. No law varying the compensation for the services of the Senators and Representatives shall take effect until an Election of Representatives shall have intervened.

Article the third. Congress shall make no law respecting an establishment of Religion or prohibiting the free exercise thereof, or abridging the freedom of speech, or of the press, or the right of the people peaceably to assemble, and to petition the Government for a redress of grievances.— Article the fourth. A well regulated Militia being necessary to the security of a free State, the right of the people to keep and bear Arms, shall not be infringed.— Article the fifth. No Soldier shall in time of Peace be quartered in any House, without the consent of the owner, nor in time of war, but in a manner to be prescribed by law.— Article the Sixth. The right of the people to be secure in their persons, houses, papers, and effects against unreasonable searches and seizures, shall not be violated, and no Warrants shall issue, but upon probable cause, supported by Oath or affirmation, and particularly describing the place to be searched, and the persons or things to be seized.— Article the Seventh. No person shall be held to answer for a capital or otherwise infamous crime, unless on a presentment or indictment of a grand jury, except in cases arising in the Land or Naval forces or in the Militia when in actual service in time of War or public danger, nor shall any person be subject for the same offence to be twice put in jeopardy of life or limb; nor shall be compelled in any criminal case to be a witness against himself, nor be deprived of life, liberty or property, without due process of Law; nor shall private property be taken for public use without just compensation.— Article the eighth. In all criminal prosecutions the accused shall enjoy the right to a speedy and public trial by an impartial Jury of the State and district wherein the Crime shall have been committed, which district shall have been previously ascertained by law; and to be informed of the nature and cause of the accusation to be confronted with the Witnesses against him, to have compulsory process for obtaining Witnesses in his favor, and to have the assistance of Counsel for his defence.—

Article the ninth. In suits at common law, where the value in controversey shall exceed twenty Dollars, the right of trial by Jury shall be preserved, and no fact, tried by a Jury shall be otherwise re-examined in any Court of the United States, than according to the rules of the common law.— Article the tenth. Excessive bail shall not be required, nor excessive fines imposed, nor cruel and unusual punishments inflicted.— Article the Eleventh. The enumeration in the Constitution of certain rights shall not be construed to deny or disparage others retained by the people.—

Article the twelfth. The powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States respectively or to the people.—

Be it enacted by the General Assembly of Maryland, That the aforesaid articles and each of them be and they are hereby confirmed and ratified

By the House of Delegates December 17. 1789.

Read and assented to. By order W HARWOOD Cl.

By the Senate Decr 19. 1789. Read and assented to—By order Hy RIDGELY Cl.

J.E. HOWARD (seal appendant).

I hereby certify that the above is a true copy from the original engrossed Act, as passed by the Legislature of the State of Maryland

T. JOHNSON Jr
Cl. Council

Maryland sst In Testimony that Thomas Johnson Junior is Clerk of the Executive Council for the State of Maryland I have hereto affixed the Great Seal of the said State Witness my hand this fifteenth day of January Anno Domini 1790.—

SAMUEL HARVEY HOWARD
Reg. Cur. Can.

[SEAL APPENDANT.]

ROCKINGHAM, *May.. 25th 1790.*

Sir: I do myself the honour to transmit you herewith inclosed an Act of the General Assembly of this State passed at their last Session entituled "An Act to ratify the amendments to "the Constitution of the United States"

Your Communication of the 20th of February last of the Act of Congress entitled "An Act for giving effect to "the Acts therein mentioned in respect to the State of North "Carolina and other purposes" I have been duly honoured with, and have announced the same to the Citizens of this State.—

I have the honour to be with very great respect Sir, your very humble Servant

ALEX: MARTIN.

The President of the United States of America

[ADDRESS.]

His Excellency George Washington,
President of the United States.

[INDORSEMENT.]

Nº 3

Letter, May 25th 1790. Govr of Nº Carolina to The President of the United States. transmitting—"An Act to "ratify the Amendments to the Constitution of the United "States."—

Recd from the President June IIth 1790

Nº 3

—North Carolina—

State of North Carolina

His Excellency Alexander Martin Esquire Governor, Captain General and Commander in Chief in and over the said State

To all to whom these presents shall come

It is certified That the honorable James Glasgow Esquire who hath attested the annexed Copy of an Act of the General Assembly of this State was at the time thereof and now is Secretary of the said State and that full faith and Credit are due to his Official Acts

Given under my Hand and the Great Seal of the State at Danbury the fourteenth day of Feb: Anno Dom 1790 and in the XIV year of our Independence

By his Excllys Comd

Tho: Rogers P Sec

An Act to ratify the amendments to the Constitution of the United States

Whereas the senate and house of representatives of the United States of America in Congress Assembled on the fourth day of March did Resolve, two thirds of both Houses concuring that the following Articles be proposed to the Legislatures of the several States as amendments to the Constitution of the United States all or any of which Articles when ratifyed by three-fourths of the said Legislatures to be valid to all intents and purposes as part of the said Constitution.

Article I. After the first enumeration required by the first article of the Constitution, there shall be one representative for every thirty thousand, until the number shall amount to one hundred, after which the proportion shall be so regulated by Congress, that there shall be not less than one hundred representatives, nor less than one representative for every forty thousand persons, until the number of representatives shall amount to two hundred, after which the proportion shall be so regulated by Congress, that there shall not be less than two hundred representatives, nor more than one representative for every fifty Thousand persons.

Article II. No Law, varying the compensation for the service of the senators and representatives, shall take effect until an Election of representatives shall have intervened.

Article III. Congress shall make no Law respecting an establishment of religion or prohibiting the free exercise thereof, or abridging the freedom of speech, or of the press, or the right of the people peaceably to assemble and to petition the government for a redress of greevancies.

Article IV. A well regulated militia being necessary to the security of a free State, the right of the people to keep and bear arms, shall not be infringed.

Article V. No soldier shall in the time of peace, be quartered in any House without the consent of the owner, nor in time of War, but in a manner to be prescribed by Law.

Article VI. The right of the people to be secure in their persons, Houses, papers, and Effects, against unreasonable searches and seizures, shall not be violated; and no Warrants shall issue but upon probable cause supported by Oath or affirmation, and particularly describing the place to be searched, and the persons or things to be seized.

Article VII. No person shall be held to answer for a capital or otherwise infamous crime, unless on a presentment or indictment of a grand Jury, except in cases arising in the land or naval forces, or in the Militia when in actual service in time of War or public danger; nor shall any person be subject for the same Offence to be twice put in jeopardy of life or limb; nor shall be compelled in any Criminal case to be witness against himself; nor be deprived of life liberty or property, without due process of Law; nor shall private property be taken for public use without just compensation.

Article VIII. In all criminal prosecutions, the accused shall enjoy the right to a speedy and public trial by an impartial jury of the State and district where the Crime shall have been committed, which district shall have been previously ascertained by Law; and to be informed of the nature and cause of the accusation, to be confronted with the witnesses against him to have compulsory process for obtaining Witnesses in his favour, and to have the assistance of Counsil for his defence—

Article IX. In suits at common law, where the value in controversy shall exceed twenty dollars, the right of trial by jury shall be preserved; and no fact, tried by a Jury, shall be otherwise re-examined in any Court in the United States, than according to the rules of common law——

Article X. Excessive bail shall not be required, nor excessive fines imposed, not cruel and unusual punishments inflicted Article XI. The enumeration in the Constitution of certain rights, shall not be construed to deny or disparage others retained by the people.

Article XII. The powers not deligated to the United States by the Constitution nor prohibited by it to the States, are reserved to the States respectively, or to the people.

Be it Therefore enacted by the General Assembly of the State of North Carolina and it is hereby enacted by the authority of the same, that the said amendments agreeable to the fifth article of the Original Constitution be held and ratified on the part of this State as articles in addition to and amendments of the Constitution of the United States of America.

CHAs JOHNSON S.S.,
S. CABARRUS S.H.C.

Read three times and ratified In General Assembly this 22nd day of December A.D. 1789 State of North Carolina

I, James Glasgrow, Secretary of the said State do hereby Certify the foregoing to be a true Copy of the Original Act of the Assembly filed in the Secretaries Office

In Testimony whereof I have hereto set my Hand this tenth day of February 1790

J. GLASGOW.

CHARLESTON, *January 28, 1790.*

Sir

I have the honour to transmit you the entire adoption by the Legislature of the state of the Amendments proposed to the Constitution of the United States.—

I am with the most perfect Esteem and Respect Your Most Obedient servant

CHARLES PINCKNEY.

To

The President Of the United States

[ADDRESS.]

To
The President Of The United States—
In New York.
Charles Pinckney

[INDORSEMENT.]

No 4
Act. South Carolina—adopting the Amendments to the Constitution
Recd March 31st 1790—

In the House of Representatives January 18th 1790

The House took into consideration the Report of the Committee to whom was referred the Resolution of the Congress of the United States of the 4th day of March 1789 proposing Amendments to the Constitution of the United States Vizt

"Congress of the United States

"Begun and held at the City of New York on Wednesday the fourth of March, One Thousand Seven hundred and Eighty Nine—

"The Conventions of a Number of the States having at the time of their adopting the Constitution expressed a desire, in order to prevent Misconstruction or abuse of it's powers, that further declaratory and restrictive clauses should be added, And as extending the ground of Public Confidence in the Government will best insure the beneficent ends of it's institution—

"Resolved, by the Senate and House of Representatives of the United States of America in Congress Assembled, two thirds of both Houses Concurring that the following Articles be proposed to the Legislatures of the several States, as amendments to the Constitution of the United States, all or any of which Articles, when ratified by three-fourths of the said Legislatures to be Valid to all intends and purposes, as part of the said Constitution Viz

"Articles

"In addition to, and amendments of, the Constitution of the United States of America, proposed by Congress, and Ratified by the Legislatures of the several States; pursuant to the fifth Article of the Original Constitution—Article Ist After the first enumeration required by the first Article of the Constitution, there shall be one Representative for every Thirty Thousand, until the Number shall Amount to One hundred, after which the proportion shall be so regulated by Congress, that there shall be not less than one hundred Representatives, nor less than One Representative for every forty thousand persons, until the Number of Representatives shall amount to Two hundred, after which the proportion shall be so regulated by Congress, that there shall not be less than two hundred Representatives, nor more than one Representative for every Fifty Thousand persons

"Article 2nd No Law Varying the Compensation for the Services of the Senators and Representatives shall take effect, until an Election of Representatives shall have intervened—

"Article 3rd Congress shall make no Law respecting an establishment of Religion, or prohibiting the free exercise thereof, or abridging the freedom of speech, or of the press, or the right of the people peaceably to assemble, and to petition the Government for a Redress of Grievances—

"Article 4th A well regulated Militia being necessary to the security of a free State, the right of the people to keep and bear Arms shall not be infringed—

"Article 5th No Soldier shall, in time of peace, be quartered in any House, without the Consent of the Owner, nor in time of War, but in a manner prescribed by Law

"Article 6th The right of the people to be secure, in their persons, houses, papers and effects, against unreasonable searches and seizures, shall not be Violated, and no Warrants shall issue, but upon probable cause, supported by oath or affirmation, and particularly describing the place to be Searched; and the persons or things to be Seized—

"Article 7th No person shall be held to Answer for a Capital or otherwise infamous Crime, unless on a presentment or Indictment of a Grand Jury, except in cases arising in the Land or Naval Forces, or in the Militia when in Actual Service, in time of War or public danger, nor shall any person be subject for the same offence to be twice put in Jeopardy of life or limb, nor shall be compelled in any Criminal case to be a Witness against himself nor be deprived of life, liberty or property, without due process of Law; nor shall private property be taken for public use without Just Compensation

"Article 8th In all Criminal prosecutions, the Accused shall enjoy the right to a Speedy and public trial, by an impartial Jury of the State and District wherein the Crime shall have been committed, which District shall have been previously ascertained by Law, and to be informed of the Nature and cause of the Accusation; to be confronted with the Witnesses against him; to have Compulsory process for obtaining Witnesses in his favor, and to have the Assistance of Counsel for his defence.

"Article 9th In suits of Common Law, where the Value in Controversy shall exceed Twenty Dollars, the right of trial by Jury shall be preserved, and no fact, tried by a Jury shall be otherwise re-examined in any Court of the United States, than according to the Rules of the Common Law

"Article 10th Excessive bail Shall not be required, nor Excessive Fines imposed, nor Cruel and unusual punishments inflicted"

"Article 11th The enumeration in the Constitution, of Certain rights shall not be Construed to deny or disparage others retained by the people,

"Article 12th The powers not delegated to the United States by the Constitution, nor prohibited by it to the States are reserved to the States respectively, or to the people—

"FREDERICK A MUHLENBERG, Speaker of the House of Representatives—

"JOHN ADAMS, Vice-President of the United States and President of the Senate

"Attest, JOHN BECKLEY, Clerk of the House of Representatives

"SAMUEL A. OTIS, Secretary of the Senate."

Which being read through—was agreed to—Whereupon

Resolved, That this House do adopt the said Several Articles and that they become a part of the Constitution of the United States—

Resolved that the Resolutions be sent to the Senate for their concurrence—

By order of the House—
JACOB READ,
Speaker of the House of Representatives

In the Senate January 19th 1790

Resolved that this House do concur with the House of Representatives in the foregoing Resolutions—

By order of the Senate
D: DE SAUSSURE
President of the Senate.

Sir,

Agreeably to the Directions of the General Assembly of this State, I do myself the Honour to inclose your Excellency their Ratification of the Articles proposed by Congress to be added to the Constitution of The United States; and am, with every Sentiment of Esteem,

Delaware, Feb. 19. 1790.

Sir, Your Excellency's most obedt humble Servant

JOSHUA CLAYTON.

His Excellency George Washington, President of
The United States.

[INDORSEMENT.]

No 6

Act of the State of Delaware—adopting the Amendments to the Constitution—except the first Art filed March 9th 1790—

Congress of the United States, begun and held at the City of New York, on Wednesday the fourth of March one thousand seven hundred and eighty nine.

The Conventions of a number of the States having, at the time of their adopting the Constitution, expressed a desire, in order to prevent misconstruction or abuse of its powers, that further declaratory and restrictive Clauses should be added: And as extending the ground of public confidence in the Government will best ensure the beneficent ends of its Institution—

Resolved by the Senate and House of Representatives of the United States of America in Congress Assembled, two thirds of both Houses concurring, That the following Articles be proposed to the Legislatures of the several States, as Amendments to the Constitution of the United States, all, or any of which Articles, when ratified by three-fourths of the said Legislatures, to be valid to all intents and purposes, as part of the said Constitution—Viz:

Articles in addition to, and amendment of, the Constitution of the United States of America, proposed by Congress, and ratified by the Legislatures of the several States, pursuant to the fifth Article of the original Constitution.

Article the First, . . . After the first enumeration required by the first Article of the Constitution, there shall be one Representative for every thirty thousand, until the number shall amount to one hundred; after which, the proportion shall be so regulated by Congress, that there shall be not less than one hundred Representatives, nor less than one Representative for every forty thousand persons, until the number of Representatives shall amount to two hundred; after which, the proportion shall be so regulated by Congress, that there shall not be less than two hundred Representatives, nor more than one Representative for every fifty thousand persons.

Article the second . . . No law, varying the compensation for the services of the Senators and Representatives, shall take effect, until an election of Representatives shall have intervened.

Article the Third. Congress shall make no law respecting an establishment of Religion, or prohibiting the free exercise thereof; or abridging the freedom of Speech, or of the Press; or the right of the people peaceably to assemble, and to petition the Government for a redress of grievances.

Article the Fourth. A well regulated Militia, being necessary to the security of a free State, the right of the people to keep and bear arms, shall not be infringed.

Article the Fifth. No Soldier shall, in time of peace, be quartered in any house, without the consent of the owner, nor in time of war, but in a manner to be prescribed by law.

Article the Sixth. The right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures, shall not be violated, and no warrants shall issue, but upon probable cause, supported by oath or affirmation, and particularly describing the place to be searched, and the persons or things to be seized.

Article the Seventh. No person shall be held to answer for a capital, or otherwise infamous crime, unless on a presentment or indictment of a Grand Jury, except in cases arising in the land or naval forces, or in the Militia, when in actual service in time of war or public danger; nor shall any person be subject for the same offence to be twice put in jeopardy of life or limb; nor shall be compelled in any criminal case, to be a witness against himself, nor be deprived of life, liberty or property, without due process of law; nor shall private property be taken for public use without just compensation.

Article the Eighth. In all criminal prosecutions, the accused shall enjoy the right to a speedy and public trial, by an impartial Jury of the State and district wherein the crime shall have been committed; which district shall have been previously ascertained by law; and to be informed of the nature and cause of the accusation; to be confronted with the witnesses against him; to have compulsory process for obtaining witnesses in his favor, and to have the assistance of Counsel for his defence.

Article the Ninth. In suits at common law, where the value in controversy shall exceed twenty dollars, the right of trial by Jury shall be preserved, and no fact, tried by a Jury, shall be otherwise re-examined in any Court of the United States, than according to the rules of the common law.

Article the Tenth. Excessive bail shall not be required, nor excessive fines imposed, nor cruel and unusual punishments inflicted.

Article the Eleventh. The enumeration in the Constitution, of certain rights, shall not be construed to deny or disparage others retained by the people.

Article the Twelfth. The powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States respectively, or to the people.

FREDERICK AUGUSTUS MUHLENBERG,
Speaker of the House of Representatives.
JOHN ADAMS,
Vice-President of the United States, and President of the Senate.

Attest,

JOHN BECKLEY,
Clerk of the House of Representatives.
SAM A. OTIS,
Secretary of the Senate.

The General Assembly of Delaware

Having taken into their Consideration the above amendments proposed by Congress to the respective Legislatures of the several States, Resolved, that the First Article be postponed. Resolved, that the General Assembly do agree to the Second, Third, Fourth, Fifth, Sixth, Seventh, Eighth, Ninth, Tenth, Eleventh and Twelfth Articles; and We do hereby assent to, ratify, and confirm the same, as Part of the Constitution of The United States.

[Seal.] In Testimony whereof We have caused the Great-Seal of The State to be hereunto affixed this twenty eighth Day of January in the Year of Our Lord One thousand seven hundred and ninety, and in the Fourteenth Year of the Independence of The Delaware State.

Signed, by Order of Council,
GEO MITCHELL,
Speaker.

Signed, by Order of the House of Assembly,
JEHU DAVIS,
Speaker.

[INDORSEMENT.]

Amendments proposed to the Constitution.

United States ratifying the Articles of Amendment proposed by Congress to the Constitution of the United States; and also a letter which accompanied said ratification.—

TOBIAS LEAR,
Secretary to the President of the United States.

[INDORSEMENT.]

N^{o} II

Lear T. received January 18, 1792 covering a Letter from the Secretary of the Governor & Council of Vermont to the President, and an exemplified copy of the Act of that State ratifying the amendments proposed by Congress to the Constitution of the U.S.—

Bennington 7th *January 1792*

Sir

I am directed by His Excellency Governor Chittenden, to Transmit to you, a Copy of an Act of the Legislature of this State, ratifying sundry articles of Amendment (proposed by Congress) to the Constitution of the United States, which you will receive herewith.

I have the honor to be your Excellency^{s} most obedient and most Humble Servant

JOSEPH FAY,
Sec^{y} to the Gov^{r} & Council.

His Excellency
the President of the United States

By His Excellency Thomas Chittenden Esquire Governor and Captain General in and over the State of Vermont—

I hereby Certify that Roswell Hopkins Esquire is, Secretary of State, for this State and that due faith and credit ought to be given to his attestations as Secretary of State—

In testimony whereof I have caused the Seal of this State to be affixed at Windsor this fourth day of November One thousand seven hundred and ninety one—

Tho^{s} Chittenden.

Attest Joseph Fay Sec^{y}

An Act ratifying certain articles proposed by Congress as amendments to the Constitution of the United States—

Whereas the Congress of the United States begun and held at the City of New York, on Wednesday the fourth of March one thousand seven hundred and eighty nine—Resolved, that certain articles to the number of twelve be proposed to the Legislatures of the several States as amendments to the Constitution of the United States which articles when ratified by three-fourths of the said Legislatures should be valid to all intents and purposes as part of the said Constitution—Therefore,

It is hereby Enacted by the General Assembly of the State of Vermont, That all and every of said articles so proposed as aforesaid be and the same are hereby ratified and confirmed by the Legislature of this State—

State of Vermont
Secretary of States Office

I hereby Certify that within is a true copy of an act passed by the Legislature of this State the third day of November One thousand seven hundred and ninety one and deposited in this office according to law—

Attest

ROS^{L} HOPKINS,
Sec^{y}.

Council Chamber Richmond November 4th 1791.

Sir,

I do myself the Honour to transmit to you a Resolution of the General Assembly of Virginia, ratifying the first Article of the Amendments proposed by Congress to the Constitution of the United States, and have the Honour to be with the highest Respect your most obed^{t} Serv^{t}

Beverley Randolph.

The President of the United States.

[INDORSEMENT.]

Letter November 4, 1791

Governor of Virginia with a resolution of the General assembly ratifying the 1st amendment to the Constitution of the U.S.—Received Novem^{r} 11, 1791

In the House of Delegates.
Tuesday 25th *of October 1791.*

Resolved, that the first Article of the Amendments proposed by Congress to the Constitution of the United States, be ratified by this Commonwealth.—

Teste,
Charles Hay C.H.D.

November 3d 1791.
Agreed to by the Senate,
H. Brooke C.S.

A Copy

Teste
Charles Hay

Council Chamber
Richmond December 22d *1791.*

Sir

The General Assembly during their late session have adopted, on the part of this Commonwealth, all the amendments proposed by Congress to the Constitution of the United States: their ratification whereof I do myself the honor herewith to transmit.

I have the honor to be sir, with entire respect Your most obed^{t} Servant

HENRY LEE.

The President of the United States.

[INDORSEMENT.]

N^{o} 12.

Letter December 22d 1791

Governor of Virginia with a ratification by that State of *all* the amendments proposed by Congress to the Constitution of the U.S.—rec^{d} Decem^{r} 30th 1791.—

Virginia.

General Assembly begun and held at the Capitol in the City of Richmond on Monday the seventeenth day of October in the Year of our Lord One thousand seven hundred and ninety one.

25th of October 1791.

Resolved that the first Article of the Amendments proposed by Congress to the Constitution of the United States be ratified by this Commonwealth.

November 3rd 1791.
Agreed to by the Senate.
Ex^{d} Ex^{d}

JOHN PRIDE S. S.,
THO^{S} MATHEWS SR H. D

Monday the 5th of December 1791.

Resolved that the second Article of the Amendments proposed by Congress to the Constitution of the United States be ratified by this Commonwealth.

December 15th 1791.
Agreed to by the Senate.
Ex^{d} Ex^{d}

JOHN PRIDE S. S.,
THOs MATHEWS SR H. D

Monday the 5th of December 1791.

Resolved that the third Article of the Amendments proposed by Congress to the Constitution of the United States be ratified by this Commonwealth.

December 15th 1791.

Agreed to by the Senate.

Exd Exd

JOHN PRIDE S. S.,
THOs MATHEWS SR H. D

Monday the 5th of December 1791.

Resolved that the fourth Article of the Amendments proposed by Congress to the Constitution of the United States be ratified by this Commonwealth.

December 15th 1791.

Agreed to by the Senate.

Exd Exd

JOHN PRIDE S. S.,
THOs MATHEWS SR H. D

Monday the 5th of December 1791.

Resolved that the fifth Article of the Amendments proposed by Congress to the Constitution of the United States be ratified by this Commonwealth.

December 15th 1791.

Agreed to by the Senate.

Exd Exd

JOHN PRIDE S. S.,
THOs MATHEWS SR H. D

Monday the 5th of December 1791.

Resolved that the sixth Article of the Amendments proposed by Congress to the Constitution of the United States be ratified by this Commonwealth.

December 15th 1791.

Agreed to by the Senate.

Exd Exd

JOHN PRIDE S. S.,
THOs MATHEWS SR H. D

Monday the 5th of December 1791.

Resolved that the seventh Article of the Amendments proposed by Congress to the Constitution of the United States be ratified by this Commonwealth.

December 15th 1791.

Agreed to by the Senate.

Exd Exd

JOHN PRIDE S. S.,
THOs MATHEWS SR H. D

Monday the 5th of December 1791.

Resolved that the eighth Article of the Amendments proposed by Congress to the Constitution of the United States be ratified by this Commonwealth.

December 15th 1791.

Agreed to by the Senate.

Exd Exd

JOHN PRIDE, S. S.
THOs MATHEWS, SR., H. D.

Monday the 5th of December 1791.

Resolved that the ninth Article of the Amendments proposed by Congress to the Constitution of the United States be ratified by this Commonwealth.

December 15th 1791.

Agreed to by the Senate.

Exd Exd

JOHN PRIDE, S. S.
THOs MATHEWS, SR., H. D.

Monday the 5th of December 1791.

Resolved that the tenth Article of the Amendments proposed by Congress to the Constitution of the United States be ratified by this Commonwealth.

December 15th 1791.

Agreed to by the Senate.

Exd Exd

JOHN PRIDE, S. S.
THOs MATHEWS, SR., H. D.

Monday the 5th of December 1791.

Resolved that the eleventh Article of the Amendments proposed by Congress to the Constitution of the United States be ratified by this Commonwealth.

December 15th 1791.

Agreed to by the Senate.

Exd Exd

JOHN PRIDE, S. S.
THOs MATHEWS, SR., H. D.

Monday the 5th of December 1791.

Resolved that the twelfth Article of the Amendments proposed by Congress to the Constitution of the United States be ratified by this Commonwealth.

December 15th 1791.

Agreed to by the Senate.

Exd Exd

JOHN PRIDE, S. S.
THOs MATHEWS, SR., H. D.

[INDORSEMENT.]

Exd

Exd

NOTE.—The first ten amendments to the Constitution, proposed to the legislatures of the several States by the First Congress, September 25, 1789, were ratified by eleven States, and the facts of the ratification were communicated to Congress by the President as follows: Maryland, January 25, 1790; New Hampshire, February 15, 1790; Delaware, March 8, 1790; Pennsylvania, March 16, 1790; South Carolina, April 1, 1790; New York, April 5, 1790; North Carolina, June 11, 1790; Rhode Island, June 30, 1790; New Jersey, August 6, 1790; Virginia, December 30, 1791; Vermont, January 18, 1792. There is no evidence of the ratification of these amendments by Massachusetts, Connecticut, and Georgia.

SECRETARY OF STATE, STATE OF OHIO,
Columbus, OH, March 25, 1985.

Mr. JOHN E. BYRNE,
Director of the Federal Register, National Archives and Records Service, General Services Administration, Washington, DC.

DEAR MR. BYRNE: In accordance with your request of March 14, 1985, enclosed please find the certification of the Secretary of State of Ohio's ratification of the amendment concerning Congressional compensation. Also enclosed are photocopies of the engrossed resolution and the resolution as printed in the Session Laws of Ohio.

If you have any questions, please call me at 614/466-2804.

Sincerely,

MARGARET ROSENFIELD,
Director of Elections Programs.

SECRETARY OF STATE, STATE OF OHIO,
Columbus, OH, March 25, 1985.

I hereby certify that on May 6, 1873, the General Assembly of the State of Ohio, on behalf of the State of Ohio, did ratify the second article of the twelve amendments to the Constitution of the United States, submitted to the first Congress, which article did state: "Article the Second: No law varying the compensation for the services of the senators and representatives shall take effect until an election of representatives shall have intervened."

In testimony whereof, I have hereunto set my hand and affixed my official seal at the City of Columbus, Ohio, this twenty-fifth day of March, A.D. 1985.

SHERROD BROWN,
Secretary of State.

S.J.R. No. 102

Whereas, by the fifth article of the Constitution of the United States of America, it is provided that the Congress whenever two-thirds of both Houses shall deem it necessary, shall propose amendments to the said constitution, which shall be valid to all intents and purposes as part of said Constitution, when ratified by the Legislatures of three-fourths of the several States, or by conventions in three-fourths thereof, as the one or the other mode of ratification may be proposed by Congress; and

Whereas, in the session of the Congress of the United States of America begun and held at the city of New York, on the fourth of March, one thousand seven hundred and eighty-nine, it was resolved by the Senate and House of Representatives of the United States, in Congress assembled, two-thirds of both Houses concurring that the following article (being the second article of twelve) be proposed to the Legislatures of the several States, as an amendment to the Constitution of the United States, which article, when ratified by three-fourths of said Legislatures, to be valid to all intents and purposes as in part of said constitution, viz: "Article the Second: No law varying the compensation for the services of the Senators and Representatives shall take effect until an election of Representatives shall have intervened", and

Whereas, the said article the second not having received the assent of the Legislatures of three-fourths of the several States is still fending for ratification; therefore,

Resolved by the General Assembly of the State of Ohio, That we hereby ratify on behalf of the State of Ohio, the above recited proposed amendment to the Constitution of the United States.

Resolved, That certified copies of the foregoing preamble and resolution be forwarded by the Governor of Ohio, to the President of the United States, to the Presiding Officer of the United States Senate, the Speaker of the United States House of Representatives, and the Secretary of State of the United States.

N.H. VAN VORHES,
Speaker of the House of Representatives.

ALLEN BRINSMADE,
President of the Senate.

Adopted May 6, 1873.

Ohio Historical Society, Secretary of State, Series 577, Enrolled Bills, 1st–111th sessions. 60th Session, Box 56, folder 1.

S.J.R. No. 102

Mr. KNOX

Joint Resolution Ratifying on behalf of the State of Ohio, the second article of the twelve amendments to the Constitution of the United States submitted by the first Congress.

JOINT RESOLUTION

Resolved, by the General Assembly of the State of Ohio, That there be printed fifteen hundred copies of the report of the State Commissioner of Common Schools, for the year 1872, in the German language, to be distributed by the school commissioners among the counties with English copies in proportion to their German populations, as near as can be.

N.H. VAN VORHES,
Speaker of the House of Representatives.

ALLEN T. BRINSMADE.
President pro tem. of the Senate.

Adopted May 6, 1873.

JOINT RESOLUTION

Whereas, by the fifth article of the Constitution of the United States of America, it is provided that the Congress, whenever two-thirds of both Houses shall deem it necessary, shall propose amendments to the said constitution, which shall be valid to all intents and purposes as part of said constitution, when ratified by the Legislatures of three-fourths of the several States, or by conventions in three-fourths thereof, as the one or the other mode of ratification may be proposed by Congress; and, Whereas, In the session of the congress of the United States of America, begun and held at the city of New York, on the 4th of March, 1789, it was resolved by the Senate and House of Representatives of the United States, in Congress assembled, two-thirds of both Houses concurring, that the following article (being the second article of twelve) be proposed to the Legislatures of the several States, as an amendment to the constitution of the United States, which article, when ratified by three-fourths of said Legislatures, to be valid to all intents and purposes as a part of said constitution, viz: "Article the Second: No law varying the compensation for the services of the senators and representatives shall take effect until an election of representatives shall have intervened;" and,

Whereas, The said article the second not having received the assent of the Legislatures of three-fourths of the several 'States is still pending for ratification; therefore,

Resolved by the General Assembly of the State of Ohio, That we hereby ratify, on behalf of the State of Ohio, the above recited proposed amendment to the Constitution of the United States.

Resolved, That certified copies of the foregoing preamble and resolution be forwarded by the Governor of Ohio to the President of the United States, to the presiding officer of the United States Senate, the Speaker of the United States House of Representatives, and the Secretary of State of the United States.

N.H. VAN VORHES,
Speaker of the House of Representatives.
ALLEN T. BRINSMADE.
President pro tem. of the Senate.

Adopted May 6, 1873.

JOINT RESOLUTION

Whereas, The action of the last Congress increasing the compensation of the members thereof, the President of the United States, and other officers, was unnecessary, uncalled for, and distasteful to the people of Ohio, and it is believed of the whole Union, and its speedy repeal earnestly demanded by the people; therefore,

Resolved by the General Assembly of the State of Ohio, That our Senators from Ohio in Congress be and are hereby instructed, and the Representatives in Congress from Ohio be and are hereby requested, to zealously use all honorable effort to procure the repeal of said law, so far as it relates to such compensation, at the earliest practicable period.

Resolved, That the Governor be requested to forward a copy of these resolutions to each Senator and Representatives from Ohio.

CHARLES H. BABCOCK,
Speaker pro tem. of the House of Representatives.
ALLEN T. BRINSMADE.
President pro tem. of the Senate.

Adopted May 6, 1873.

Office of Secretary of State,
Columbus, Ohio, June 5, 1873.

I hereby certify that the foregoing General and Local Laws and Joint Resolutions are correctly copied from the original rolls on file in his office.

A.T. WIKOFF,
Secretary of State.

SECRETARY OF STATE,
STATE OF WYOMING,
Cheyenne, WY, March 19, 1985.

Mr. John E. Byrne,
Director of the Federal Register, General Services Administration, National Archives and Records Service, Washington, DC.

DEAR MR. BYRNE: As you requested in your letter of March 4, 1985, a copy with original certification of House Joint Resolution No. 6, Enrolled Joint Resolution No. 3 of the 1978 Wyoming Legislature, ratifying a proposed amendment to the Constitution of the United States of America relative to compensation for the services of members of the United States Congress, is enclosed.

Sincerely,
THYRA THOMSON,
Secretary of State.
LINDA NORMAN,
Deputy.

[Original House Joint Resolution No. 6]

ENROLLED JOINT RESOLUTION NO. 3, HOUSE OF REPRESENTATIVES (FORTY-FOURTH LEGISLATURE OF THE STATE OF WYOMING, 1978 SESSION)

A joint resolution ratifying a proposed amendment to the Constitution of the United States of America relative to compensation for the services of members of the United States Congress.

Whereas, on September 25, 1789 the Congress of the United States offered to the States for ratification a proposed amendment to the Constitution of the United States to require an intervening election of Representatives before any increase in compensation accrues to Senators or Representatives; and

Whereas, the Congress of the United States, upon proposing that amendment, did not place any time limitation on its final adoption; and

Whereas, in view of recent pay increases for Congressmen, which were effected without a vote of the Congress and provided immediate benefits; and

Whereas, in view of recent increases in pension benefits for members of the United States House of Representatives retiring this year, which was authorized with no debate and no record vote; and

Whereas, the percentage increase in direct compensation and benefits was at such a high level, as to set a bad example to the general population at a time when there is a prospect of a renewal of double-digit inflation; and

Whereas, increases in compensation and benefits to most citizens of the United States are far behind these increases to their elected Representatives; and

Whereas, the States of Delaware, Maryland, North Carolina, South Carolina, Vermont and Virginia have already voted for ratification of this amendment.

"JOINT RESOLUTION

"Resolved by the Senate and House of Representatives of the United States in Congress Assembled, (Two-thirds of both Houses deeming it necessary), that the following articles be proposed to the Legislatures of the several States as an amendment to the Constitution of the United States, when ratified by three-fourths of said Legislatures, to be valid to all intents and purposes as part of the said Constitution.

"ARTICLE

"SECTION 1. No law varying the compensation for the services of Senators and Representatives shall take effect until an election of Representatives shall have intervened."

Be it resolved by the Legislature of the State of Wyoming, a majority of all members of the two Houses, voting separately, concurring therein:

SECTION 1. That the above proposed amendment to the Constitution of the United States of America is ratified by the Legislature of the State of Wyoming.

SECTION 2. That certified copies of this Resolution be forwarded by the Governor of Wyoming to the Administrator of General Services, Washington, D.C., and the President of the Senate and the Speaker of the House of Representatives of the Congress of the United States.

DEPARTMENT OF STATE,
DIVISION OF PUBLIC ADMINISTRATION,
Augusta, ME, January 23, 1984.

Hon. MELVIN SHUTE,
State House Station 3, Augusta, ME.

DEAR MEL: Today my office has sent, return receipt requested, a copy of the Joint Resolution regarding a delay in an increase in compensation to members of congress until an intervening election has occurred.

Usually this type of resolution is automatically sent to the persons designated in the legislation. As both Joy O'Brien and I recall, the U.S. Government claimed it had not received a copy as of last summer. At that time, I believe we arranged to have additional copies sent.

Obviously there has been some "bureaucratic foul up" some where along the line! This time we are sending a copy of the resolution to the General Services Administrator with a request that they sign a receipt for it. Hopefully this will end the matter.

I apologize for any concerns all this may have raised.

Sincerely,
JAMES S. HENDERSON,
Deputy Secretary of State.

JOINT RESOLUTION

Whereas, the 1st Congress of the United States of America at its first session, in both Houses, by a constitutional majority of two-thirds thereof, adopted the following proposition to amend the Constitution of the United States of America in the following words, to wit:

"Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, two thirds of both Houses concurring that the following [article] be proposed to the legislatures of the several States, as [an amendment] to the constitution of the United States, ... which [article], when ratified by three-fourths of the said legislatures, to be valid to all intents and purposes, as part of the said Constitution, viz.:

ARTICLE

"No law, varying the compensation for the services of the Senators and Representatives, shall take effect, until an election of Representatives shall have intervened.", now, therefore, be it

Resolved: By the Members of the Senate and the House of Representatives of the 111th Legislature, now assembled, that such proposed amendment to the Constitution of the United States of America be and the same is hereby ratified; and be it further

Resolved: That certified copies of this resolution be forwarded by the Secretary of State to the Administrator of General Services, Washington, D.C., and the President of the Senate and the Speaker of the House of Representatives of the Congress of the United States.

HOUSE CONCURRENT RESOLUTION NO. 1008

Whereas, the First Congress of the United States of America, at its first session, sitting in New York, New York, on September 25, 1789, in both Houses, by a Constitutional majority of two-thirds thereof, has proposed an amendment to the Constitution of the United States of America in the following words, to wit:

"Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, two-thirds of both Houses concurring, that the following (Article) be proposed to the legislatures of the several States, as (an Amendment) to the Constitution of the United States, . . . which (Article), when ratified by three-fourths of said legislatures, to be valid to all intents and purposes, as part of the said Constitution, viz;

"(An Article) in addition to, and Amendment of the Constitution of the United States of America, proposed by Congress, and ratified by the Legislatures of the several States, pursuant to the fifth Article of the original Constitution.

"ARTICLE

"No law, varying the compensation for the services of the Senators and Representatives, shall take effect, until an election of Representatives shall have intervened."

Whereas, Article V of the United States Constitution allows the ratification of the proposed amendment to the United States Constitution by the General Assembly of the State of Colorado; and

Whereas, The proposed amendment to the United States Constitution has already been ratified by the Legislatures of the following States on the date indicated, to wit: Maryland on December 19, 1789; North Carolina on December 22, 1789; South Carolina on January 19, 1790; Delaware on January 28, 1790; Vermont on November 3, 1791; Virginia on December 15, 1791; Ohio on May 6, 1873; and Maine on April 27, 1983; and

Whereas, Article V of the United States Constitution does not state a time limit on ratification of an amendment submitted by Congress, and the First Congress specifically did not provide a time limit for ratification of the proposed amendment; and

Whereas, The United States Supreme Court has ruled in *Coleman* v. *Miller*, 307 U.S. 433 (1939), that an Amendment to the United States Constitution may be ratified by States at any time, and Congress must then finally decide whether a reasonable time had elapsed since its submission when, in the presence of certified ratifications by three-fourths of the States, the time arrives for the promulgation of the adoption of the amendment; and

Whereas, Section 6 of Article V of the Constitution of the State of Colorado provides that "No General Assembly shall fix its own salary."; and

Whereas, The General Assembly of the State of Colorado finds that the proposed amendment is still meaningful and needed as part of the United States Constitution and that the present political, social, and economic conditions are the same as or even more demanding today than they were when the proposed amendment was submitted for its adoption.

Therefore, be it resolved by the Fifty-fourth General Assembly of the State of Colorado, That the said proposed amendment to the Constitution of the United States of America be and the same is hereby ratified by the General Assembly of the State of Colorado.

Be it further resolved, That a copy of the foregoing preamble and resolution be transmitted to the Administrator of General Services of the United States, which copy shall be certified by the President of the Senate, attested by the Secretary of the Senate, and certified by the Speaker of the House of Representatives, attested by the Chief Clerk of the House of Representatives, of the Fifty-fourth General Assembly of the State of Colorado.

Be it further resolved, That the General Assembly of the State of Colorado urges the state legislatures of those States which have not done so to follow Colorado in ratifying the proposed amendment and that, as an incentive for them to do so, copies of the foregoing preamble and resolution be transmitted to said state legislatures.

HOUSE JOINT RESOLUTION 1001 SOUTH DAKOTA

Whereas, the 1st Congress of the United States of America at its first session, in both Houses, by a constitutional majority of two-thirds thereof, adopted the following proposition to amend the Constitution of the United States of America in the following words:

"Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, two-thirds of both Houses concurring, that the following article be proposed to the legislatures of the several States, as an amendment to the Constitution of the United States, . . . which article, when ratified by three-fourths of the said legislatures, to be valid to all intents and purposes, as part of the said Constitution, viz.:

ARTICLE

"No law varying the compensation for the services of the Senators and Representatives shall take effect, until an election of Representatives shall have intervened."

Therefore, be it Resolved by the House of Representatives of the State of South Dakota, the Senate concurring therein:

SECTION 1. That the proposed amendment to the Constitution of the United States of America is hereby ratified by the Legislature of the State of South Dakota.

SEC. 2. That certified copies of this preamble and Joint Resolution be forwarded by the Secretary of this State, to the Secretary of State of the United States, to the presiding officers of both Houses of the Congress of the United States, and to the administrator of the United States General Services Administration.

To ratify an amendment to the Constitution of the United States to provide for a delay in an increase in compensation to members of Congress until an intervening election of representatives has occurred.

STATE OF NEW HAMPSHIRE,
HOUSE OF REPRESENTATIVES,
Concord, March 12, 1985.

MR. RAY KLINE,
Acting Administrator of General Services, General Services Building, Washington, DC.

DEAR MR. KLINE: On February 13, 1985, the House of Representatives in session convened, passed the following bill:

HCR 1, to ratify an amendment to the Constitution of the United States requiring that an election intervene before an increase in compensation for federal legislators may take effect.

The Senate, in session convened, on March 7, 1985, approved the action.

In accordance with the direction of the resolution, a certified copy is enclosed.

Sincerely,

CARL A. PETERSON,
House Clerk.

HOUSE CONCURRENT RESOLUTION NO. 1

Introduced by: Rep. Warburton of Rockingham Dist. 6.

Referred to: Constitutional and Statutory Revision.

A resolution to ratify an amendment to the Constitution of the United States requiring that an election intervene before an increase in compensation for federal legislators may take effect.

ANALYSIS

The purpose of this resolution is to ratify one of the original 12 amendments to the Constitution of the United States submitted to the States by the First Congress in 1789, but which was never ratified. Ten of the original 12 proposed amendments were ratified and became the "Bill of Rights". This resolution provides for ratification of the proposed amendment requiring an election to intervene before an increase in compensation for federal legislators may take effect. Currently, 9 States have ratified the proposed amendment.

HCR 1—STATE OF NEW HAMPSHIRE

Whereas, the First Congress of the United States of America in 1789 made the following proposition to amend the Constitution of the United States in the following words:

"Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, two thirds of both Houses concurring. That the following [article] be proposed to the legislatures of the several States, as [an amendment] to the constitution of the United States' . . . which [article], when ratified by three-fourths of the said legislatures, to be valid to all intents and purposes, as part of the said constitution, viz:

ARTICLE

"No law varying the compensation for the services of the Senators and Representatives shall take effect, until an election of Representatives shall have intervened." and

Whereas, it is in the best interest of the taxpayer that this proposed amendment be ratified so that self interest will not play a direct role in the decision of a United States senator or representative when voting on a law varying the compensation of senators or representatives; and

Whereas, to date at least 9 States have ratified the proposed article; now, therefore, be it

Resolved by the House of Representatives, the Senate concurring:

That the proposed amendment to the Constitution of the United States requiring an election to intervene before a pay raise to federal legislators may take effect is hereby ratified; and

That certified copies of this resolution, signed by the speaker of the house and the president of the senate, be by them forwarded to the President of the United States, the President of the Senate of the United States, the Speaker of the House of Representatives of the United States and the Administrator of General Services of the United States.

THE SECRETARY OF STATE,
Phoenix, AZ, April 8, 1985.

RAY KLINE,
Administrator of General Services, General Services Building, Washington, DC.

DEAR MR. KLINE: The Arizona State Thirty-seventh Legislature, First Regular Session, 1985, ratifying the proposed amendment to the Constitution of the United States; prescribing that changes in pay of senators and representatives not become effective until an election of representatives has intervened.

The members of the Legislature have asked me to transmit the enclosed copy of the Memorial to you for your consideration.

Sincerely,

ROSE MOFFORD,
Secretary of State.

SENATE CONCURRENT RESOLUTION 1001

Whereas, the First Congress of the United States of America at its First Session, in both Houses, by a constitutional majority of two-thirds thereof, adopted the following proposition to amend the Constitution of the United States of America in the following words, to wit:

The Conventions of a number of the States having at the time of their adopting the Constitution expressed a desire, in order to prevent misconstruction or abuse of its powers, that further declaratory and restrictive clauses should be added: And as extending the ground of public confidence in the government will best insure the beneficent ends of its institution—

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, two thirds of both Houses concurring, That the following articles be proposed to the legislatures of the several States, as amendments to the constitution of the United States, all or any of which articles, when ratified by three-fourths of the said legislatures, to be valid to all intents and purposes, as part of the said Constitution, viz.:

Articles in addition to, and amendment of, the Constitution of the United States of America, proposed by Congress and ratified by the legislatures of the several States, pursuant to the fifth article of the original Constitution.

ART. II. No law varying the compensation for the services of the Senators and Representatives shall take effect, until an election of Representatives shall have intervened.

Therefore

Be it resolved by the Legislature of the State of Arizona:

1. That such proposed amendment to the Constitution of the United States of America be and the same is hereby ratified.

2. That the Secretary of State is requested to transmit certified copies of this Resolution to the Administrator of General Services, Washington, D.C., and the President of the Senate and the Speaker of the House of Representatives of the United States.

STATE OF TENNESSEE,
THE SECRETARY OF STATE,
Nashville, July 19, 1985.

Hon. TERENCE GOLDEN,
Administrator of General Services, General Services Building, Washington, DC.

DEAR MR. GOLDEN: Pursuant to the provisions of House Joint Resolution No. 295 passed by the 94th General Assembly, we are hereby transmitting a certified copy of this resolution.

Sincerely,

GENTRY CROWELL.

HOUSE JOINT RESOLUTION NO. 295

Whereas, the 1st Congress of the United States of America, at its first session, by a two-thirds (⅔) majority of both Houses, made the following proposition to amend the Constitution of the United States of America in the following words, to wit:

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, two thirds of both Houses concurring that the following (article) be proposed to the legislatures of the several States, as (an amendment) to the constitution of the United States, . . . which (article), when ratified by three-fourths of the said legislatures, to be valid to all intents and purposes, as part of the said Constitution, viz:

ARTICLE

No law varying the compensation for the services of the Senators and Representatives shall take effect, until an election of Representatives shall have intervened: Now, therefore,

Be it resolved by the House of Representatives of the Ninety-Fourth General Assembly of the State of Tennessee, the Senate concurring, that the proposed amendment to the Constitution of the United States of America quoted in the preamble of this Resolution is ratified: Be it further

Resolved, That certified copies of this Resolution be forwarded by the Secretary of State of Tennessee to the Governor of Tennessee; to the Administrator of General Services, Washington, D.C.; and to the President of the Senate and the Speaker of the House of Representatives of the Congress of the United States.

JOINT RESOLUTION NO. 1016

Whereas, a resolution of the First Congress of the United States, proposing an amendment to the Constitution of the United States to restrict the effective date of any law which would change the amount of compensation received by United States Senators and Representatives, was approved by the Congress, two-thirds (⅔) of each house concurring therein, in the following words:

"(An article) in addition to, and Amendment of the Constitution of the United States of America, proposed by Congress, and ratified by the Legislatures of the several States, pursuant to the fifth Article of the original Constitution.

"Article . . . No law, varying the compensation for the services of the Senators and Representatives, shall take effect, until an election of Representatives shall have intervened."

Now, therefore, be it resolved by the House of Representatives and the Senate of the 1st session of the 40th Oklahoma legislature:

SECTION 1. The amendment to the Constitution of the United States to restrict the effective date of any law which would change the amount of compensation received by the United States Senators and Representatives, proposed by a resolution of the First Congress of the United States, is hereby ratified.

SECTION 2. Pursuant to 75 O.S. 1981, Section 26.42, this resolution shall expire on December 31, 1995.

SECTION 3. Duly authenticated copies of this resolution shall be transmitted to the Governor of the State of Oklahoma, to the President of the United States, to the Administrator of General Services of the United States, to the President Pro Tempore of the Senate of the United States, and to the Speaker of the House of Representatives of the United States.

SENATE JOINT RESOLUTION 10

Whereas, the First Congress of the United States, on September 25, 1789, at a session held in New York, New York, duly adopted a resolution proposing an amendment to the constitution of the United States; and

Whereas, the legislature of the State of New Mexico acknowledges that the article of amendment to the constitution of the United States proposed by resolution of the First Congress on September 25, 1789 may still be ratified by States' legislatures as a result of the ruling by the United States supreme court in the landmark case of *Coleman* v. *Miller*, 307 U.S. 433 (1939); and

Whereas, the amendment proposed by the First Congress on September 25, 1789 has already been ratified by the legislatures of the following States on the dates indicated, to wit: Maryland on December 19, 1789; North Carolina on December 22, 1789; South Carolina on January 19, 1790; Delaware on January 28, 1790; Vermont on November 3, 1791; Virginia on December 15, 1791; Ohio on May 6, 1873 (70 Ohio Laws 409–10); Wyoming on March 3, 1978 (124 *Cong. Rec.* 7910); Maine on April 27, 1983 (130 *Cong. Rec.* H9097, S11017); Colorado on April 18, 1984; South Dakota on February 21, 1985 (131 *Cong. Rec.* H971, S3306); New Hampshire on March 7, 1985 (131 *Cong. Rec.* H1378, S3597); Arizona on April 3, 1985 (131 *Cong. Rec.* H2060, S4750); Tennessee on May 23, 1985 (131 *Cong. Rec.* H6672, S10797, S13504); and Oklahoma on July 10, 1985 (131 *Cong. Rec.* H7263, S13504); as well as by the Senate of the State of Georgia on February 2, 1984 and on January 21, 1985 and by the House of Representatives of the State of Indiana on February 4, 1985; and

Whereas, the proposal that has been submitted to the several States for ratification reads:

"Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, two-thirds of both Houses concurring, that the following [Article] be proposed to the Legislatures of the several States, . . . which [Article], when ratified by three-fourths of the said Legislatures, to be valid to all intents and purposes, as part of the said Constitution, viz:

"[An Article] in addition to, and Amendment of the Constitution of the United States of America, proposed by Congress, and ratified by the Legislatures of the several States, pursuant to the fifth Article of the original Constitution.

"Article the second . . . No law, varying the compensation for the services of the Senators and Representatives, shall take effect, until an election of Representatives shall have intervened,";

Now, therefore, be it resolved by the legislature of the State of New Mexico that, pursuant to Article V of the constitution of the United States, the amendment proposed by the First Congress on September 25, 1789 is hereby ratified by the State of New Mexico; and

Be it further resolved that a certified copy of this resolution, under the great seal of the State of New Mexico, be immediately forwarded to the administrator of general services, Washington, D.C., to each member of the New Mexico delegation to the Congress of the United States and to the president Pro Tempore of the Senate and the Speaker of the House of Representatives of the Congress of the United States with the request that this resolution be printed in full in the Congressional Record.

ENROLLED HOUSE JOINT RESOLUTION NO. 3—
STATE OF INDIANA

Whereas, In the city of New York, both Houses of the First Congress of the United States of America, during the first session of that Congress, which session began on March 4, 1789, resolved that the following Article, among others, be proposed to the Legislatures of the several States as an amendment to the Constitution of the United States in the following words, to wit:

"The Conventions of a number of the States, having at the time of their adopting the Constitution, expressed a desire, in order to prevent misconstruction of abuse of its powers, that further declaratory and restrictive clauses should be added: And as extending the ground of public confidence in the Government, will best ensure the beneficent ends of its institution:

"Resolved by the Senate and House of Representatives of the United States of America, in Congress assembled, two thirds of both Houses concurring, that the following Articles be proposed to the Legislatures of the several States, as Amendments to the Constitution of the United States, all or any of which Articles, when ratified by three-fourths of the said legislatures, to be valid to all intents and purposes as part of the said Constitution; viz

"Articles in addition to, and Amendment of the Constitution of the United States of America, proposed by Congress, and ratified by the Legislatures of the several States, pursuant to the fifth Article of the original Constitution.

"Article the second . . . . . No law, varying the compensation for the services of the Senators and Representatives, shall take effect, until an election of Representatives shall have intervened."

Be it resolved by the General Assembly of the State of Indiana:

SECTION 1. That this proposed amendment of the Constitution of the United States of America is hereby ratified by the General Assembly of the State of Indiana.

SECTION 2. That certified copies of this joint resolution be forwarded by the Governor of Indiana to the Administrator of General Services, as required by Section 106(b), Title 1, United States Code, as well as to the Secretary of State of the United States and the President of the Senate and Speaker of the House of Representatives of the Congress of the United States, and to all other federal officials as may be required by federal law.

H.J.R. NO. 13

Be it resolved by the Legislature of the State of Utah:

Whereas, the First Congress of the United States on September 25, 1789, proposed by resolution the following amendment to the United States Constitution:

Resolved, by the Senate and House of Representatives of the United States of America in Congress assembled, two-thirds of both Houses concurring, that the following [Article] be proposed to the Legislatures of the several States, . . . which [Article], when ratified by three-fourths of the said Legislatures, to be valid to all intents and purposes, as part of the said Constitution, viz.:

[An Article] in addition to, and Amendment of the Constitution of the United States of America, proposed by Congress, and ratified by the Legislatures of the several States, pursuant to the fifth Article of the original Constitution.

Article the second . . . No law, varying the compensation for the services of the Senators and Representatives, shall take effect, until an election of Representatives shall have intervened; and

Whereas, the above-quoted Article of Amendment to the United States Constitution has already been ratified by the Legislatures of the following States: Maryland (1789); North Carolina (1789); South Carolina (1790); Delaware (1790); Vermont (1791); Virginia (1791); Ohio (1873); Wyoming (1978); Maine (1983); Colorado (1984); South Dakota (1985); New Hampshire (1985); Arizona (1985); Tennessee (1985); and Oklahoma (1985).

Now, therefore, be it resolved, that the Legislature of the State of Utah, pursuant to Article V of the United States Constitution, hereby ratifies an Amendment to the Constitution of the United States proposed by resolution of the First Congress of the United States in New York, New York on September 25, 1789.

Be it further resolved that a copy of this resolution be prepared and forwarded to the Administration of General Services of the United States, the members of the Utah's congressional delegation, the Vice President of the United States and the Speaker of the U.S. House of Representatives, with a request that it be printed in the Congressional Record.

HOUSE JOINT RESOLUTION 1009

Be it resolved by the House of Representatives of the Seventy-Sixth General Assembly of the State of Arkansas and by the Senate, a majority of all members elected to each House agreeing thereto:

SECTION 1. That the Legislature of the State of Arkansas pursuant to Article V of the United States Constitution, hereby ratifies an amendment to the Constitution of the United States proposed by resolution of the First Congress of the United States in New York, New York, in September 25, 1789, which reads as follows, to wit:

"Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, two thirds of both Houses concurring, that the following [Article] be proposed to the Legislatures of the several States, . . . which [Article], when ratified by three-fourths of the said Legislatures, to be valid to all intents and purposes, as part of the said Constitution, viz. . :

"[An Article] in addition to, and Amendment of the Constitution of the United States of America, proposed by Congress, and ratified by the Legislatures of the several States, pursuant to the fifth Article of the original Constitution.

"Article the second . . . No law, varying the compensation for the services of the Senators and Representatives, shall take effect, until an election of Representatives shall have intervened."

SEC. 2. That the Legislature of the State of Arkansas acknowledges that the above-quoted article of amendment to the United States Constitution has already been ratified by the legislatures of the following States on the dates indicated, to wit: Maryland on December 19, 1789; North Carolina on December 22, 1789; South Carolina on January 19, 1790; Delaware on January 28, 1790; Vermont on November 3, 1791; Virginia on December 15, 1791; Ohio on May 6, 1873 [70 Ohio Laws 409–10]; Wyoming on March 3, 1978 [124 Cong. Rec. 7910]; Maine on April 27, 1983 [130 Cong. Rec. H9097, S11017]; Colorado on April 18, 1984 [131 Cong. Rec. S17687; 132 Cong. Rec. H6446]; South Dakota on February 21, 1985 [131 Cong. Rec. H971, S3306]; New Hampshire on March 7, 1985 [131 Cong. Rec. H1378, S3597]; Arizona on April 3, 1985 [131 Cong. Rec. H2060, S4750]; Tennessee on May 23, 1985 [131 Cong. Rec. H6672, S10797, S13504]; Oklahoma on July 10, 1985 [131 Cong. Rec. H7263, S13504], New Mexico on February 13, 1986 [132 Cong. Rec. H827, S2207–8, S2300]; Indiana on February 19, 1986 [132 Cong. Rec. H1634, S4663]; and Utah on February 25, 1986 [132 Cong. Rec. S6750, S7578]; as well as by the Senate of the State of Georgia on February 2, 1984 and on January 21, 1985.

SECTION 3. That the Legislature of the State of Arkansas acknowledges that the above-quoted article of amendment to the United States Constitution may still be ratified by States' legislatures as a result of the ruling by the United States Supreme Court in the landmark case of Coleman v. Miller, [307 U.S. 433 (1939)] in which it was opined that Congress is the final arbiter on the question of whether too much time has elapsed between Congress' submission of an amendment and the most recent state legislature's ratification of same if Congress did not specify a deadline on the amendment's consideration.

SECTION 4. That the Secretary of State shall notify the Archivist of the United States (pursuant to 1 U.S.C. 106b and 112; as amended by PL 98–497 [98 Stat. 2291]) of the action of the 76th General Assembly of the State of Arkansas, Regular Session, by sending to him a copy of this resolution.

SECTION 5. That the Secretary of State shall also send copies of this resolution to both United States Senators from Arkansas, all four (4) United States Representatives from Arkansas, the Vice-President of the United States and to the Speaker of the United States House of Representatives with the request that it be printed in full in the Congressional Record.

SENATE JOINT RESOLUTION 4

Be it resolved by the Senate and the House of Representatives of the State of Montana:

(1) That the Legislature of the State of Montana, pursuant to Article V of the United States Constitution, ratify an amendment to the Constitution of the United States proposed by resolution of the First Congress of the United States in New York, New York, on September 25, 1789, which reads as follows:

"Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, two thirds of both Houses concurring, that the following [Article] be proposed to the Legislatures of the several States, . . . which [Article], when ratified by three-fourths of the said Legislatures, to be valid to all intents and purposes, as part of the said Constitution, viz.:

"[An Article] in addition to, and Amendment of the Constitution of the United States of America, proposed by Congress, and ratified by the Legislatures of the several States, pursuant to the fifth Article of the original Constitution.

"Article the second . . . No law, varying the compensation for the services of the Senators and Representatives, shall take effect, until the election of Representatives shall have intervened."

(2) That the Legislature of the State of Montana acknowledge that the above-quoted article of amendment to the United States Constitution has already been ratified by the legislatures of the following States on the dates indicated: "Maryland on December 19, 1789; North Carolina on December 22, 1789; South Carolina on January 19, 1790; Delaware on January 28, 1790; Vermont on November 3, 1791; Virginia on December 15, 1791; Ohio on May 6, 1873 [70 Ohio Laws 409–10]; Wyoming on March 3, 1978 [124 Cong. Rec. 7910]; Maine on April 27, 1983 [130 Cong. Rec. H9097, S11017]; Colorado on April 18, 1984 [131 Cong. Rec. S17687]; South Dakota on February 21, 1985 [131 Cong. Rec. H971, S3306]; New Hampshire on March 7, 1985 [131 Cong. Rec. H1378, S3597]; Arizona on April 3, 1985 [131 Cong. Rec. H2060, S4750]; Tennessee on May 23, 1985 [131 Cong. Rec. H6672, S10797, S13504]; Oklahoma on July 10, 1985 [131 Cong. Rec. H7263, S13504]; New Mexico on February 13, 1986 [132 Cong. Rec. H827, S2207–8, S2300]; Indiana on February 19, 1986 [132 Cong. Rec. H1634, S4663]; and Utah on February 25, 1986 [132 Cong. Rec. S6750]; as well as by the Senate of the State of Georgia on February 2, 1984 and on January 21, 1985."

(3) That the Legislature of the State of Montana acknowledge that the above-quoted amendment to the United States Constitution may still be ratified by States' legisla-

tures as a result of Coleman v. Miller, 307 US 433 (1939), in which the United States Supreme Court ruled that Congress is the final arbiter on the question of whether too much time has elapsed between Congress' submission of the amendment and the most recent state legislature's ratification of the amendment if Congress failed to specify a consideration deadline.

(4) That the Secretary of State notify the Archivist of the United States (pursuant to 1 U.S.C. 106b) of the action of the 50th Legislature by sending him a copy of this resolution.

(5) That the Secretary of State send copies of this resolution to the Montana Congressional Delegation, the Secretary of the United States Senate, and the Clerk of the United States House of Representatives with a request that it be printed in full in the Congressional Record.

HOUSE JOINT RESOLUTION NO. 54

Resolved by this Assembly:

Whereas, The First Congress of the United States of America, at its first session, sitting in New York, New York, on September 25, 1789, in both Houses, by a Constitutional majority of two-thirds thereof, has proposed an amendment to the Constitution of the United States of America in the following words, to wit:

"Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, two-thirds of both Houses concurring, that the following (Article) be proposed to the legislatures of the several States, as (an Amendment) to the Constitution of the United States, * * * which (Article), when ratified by three-fourths of said legislatures, to be valid to all intents and purposes, as part of the said Constitution, viz:

"(An Article) in addition to, and Amendment of the Constitution of the United States of America, proposed by Congress, and ratified by the Legislatures of the several States, pursuant to the fifth Article of the original Constitution.

"ARTICLE

"No law, varying the compensation for the services of the Senators and Representatives, shall take effect, until an election of Representatives shall have intervened."

Be it Resolved by the General Assembly of the State of Connecticut, That the said proposed Amendment to the Constitution of the United States be and the same is hereby ratified; and

Be it Further Resolved, That certified copies of this resolution be forwarded by the Governor of the State of Connecticut to the President of the United States, the President Pro Tempore of the Senate and the Speaker of the House of Representatives of the United States and the Administrator of General Services of the United States

---

1987 ASSEMBLY JOINT RESOLUTION 27—STATE OF WISCONSIN

Whereas, the Congress of the United States has submitted to the several States, by action of the House of Representatives on September 24, 1789, and by action of the United States Senate on September 15, 1789, a proposed amendment to the constitution of the United States pertaining to the effective date for congressional pay changes, which amendment reads as follows:

No law varying the compensation for the services of the Senators and Representatives shall take effect, until an election of Representatives shall have intervened.

Whereas, while the Congress of the United States has the power to impose reasonable time limits for the ratification of proposed amendments to the constitution of the United States, and has done so for many of the amendments submitted to the States in recent decades, the Congress did not impose any time limit whatsoever on the ratification of the congressional pay change amendment; and

Whereas, the congressional pay change amendment was validly ratified by the State of Vermont on November 3, 1791, even though Vermont had not been one of the original 13 States to which the proposed amendment had been submitted, and had not yet achieved statehood when the amendment was submitted; and

Whereas, by the act of Congress dated May 29, 1848 (9 U.S. Stats., Ch. L, pp. 233–235), "for the Admission of the State of Wisconsin into the Union", this state was . . . "admitted into the Union on an equal footing with the original States, in all respects whatever". . .; and

1987 ASSEMBLY JOINT RESOLUTION 27

Whereas, almost 26 years following the admission of the State of Wisconsin into the Union the State of Ohio, on May 6, 1873, became the 7th State to ratify the congressional pay change amendment. A century later, on March 6, 1978, Wyoming submitted the 8th ratification. Maine ratified on April 27, 1983; Colorado on April 22, 1984. Five States ratified the amendment in 1985: South Dakota in February; New Hampshire on March 7; Arizona on April 3; Tennessee on May 28 and Oklahoma on July 10. Three more ratifications—bringing the total number to 18—were received in February 1986: New Mexico on the 14th; Indiana on the 24th; and Utah on the 25th; and

Whereas, the people of the sovereign State of Wisconsin, represented in Senate and assembly, have studied said proposed addition to the constitution of the United States and it is their consensus that the federal government, three-fourths of the States concurring, be directed to thus alter the constitution of the United States; now, therefore, be it

Resolved by the assembly, the Senate concurring, That the said proposed congressional pay change amendment to the Constitution of the United States is hereby ratified by the legislature of the State of Wisconsin; and, be it further

Resolved, That a duly attested copy of this resolution be immediately transmitted to the President and secretary of the Senate of the United States, to the speaker and clerk of the House of Representatives of the United States, to the office of the Federal Register, to the Library of Congress, to each member of the congressional delegation from this State, to the national conference of state legislatures, to the council of State governments, and to the presiding officer of each house of each State legislature in the United States, attesting the adoption of this joint resolution by the 1987 legislature of the State of Wisconsin.

H.R. NO. 282—STATE OF GEORGIA

Whereas, on September 25, 1789, the Congress of the United States offered to the States for ratification the following proposed amendment to the Constitution of the United States:

"ARTICLE

Section 1. No law, varying the compensation for the service of the Senators and Representatives, shall take effect, until an election of Represetnatives shall have intervened"; and

Whereas, the Congress of the United States, upon proposing that amendment, did not place any time limitation and its final adoption; and

Whereas, Congressmen recently received substantial pay increases which became effective without a vote of the Congress; and

Whereas, increases in compensation and benefits to most citizens of the United States are far behind these increases provided to elected Congressmen; and

Whereas, the above-quoted amendment to the Constitution of the United States has already been ratified by the Legislatures of the following States: Maryland (1789), North Carolina (1789), South Carolina (1790), Delaware (1790), Vermont (1791), Virginia (1791), Ohio (1873), Wyoming (1978), Maine (1983), Colorado (1984), South Dakota (1985), New Hampshire (1985), Arizona (1985), Tennessee (1985), Oklahoma (1985), New Mexico (1986), Indiana (1986), and Utah (1986).

Now, therefore, be it resolved by the General Assembly of Georgia, That the Legislature of the State of Georgia, pursuant to Article V of the United States Constitution, hereby ratifies an amendment to the Constitution of the United States proposed by resolution of the First Congress of the United States in New York, New York, on September 25, 1789, which amendment reads as follows:

"ARTICLE

SECTION 1. No law, varying the compensation for the services of the Senators and Representatives, shall take effect, until an election of Representatives shall have intervened."

Be it further resolved, That copies of this resolution shall be prepared and forwarded to the President of the United States Senate, the Speaker of the United States House of Representatives, and the Administrator of General Services of the United States with a request that it be printed in the Congressional Record.

HOUSE JOINT RESOLUTION NO. 6—STATE OF WEST VIRGINIA

Whereas, The First Congress of the United States of America passed a Bill of Rights containing twelve constitutional amendments and sent these amendments to the States for ratification; and

Whereas, Ten of these amendments have become part of the United States Constitution but one that has not as yet been ratified and for which no deadline for ratification was imposed, reads as follows:

"Article the second . . . No law, varying the compensation for the services of the Senators and Representatives, shall take effect, until an election of Representatives shall have intervened."

Therefore, be it

Resolved by the Legislature of West Virginia: That the Legislature of the State of West Virginia hereby ratifies this proposed amendment to the Constitution of the United States; and, be it

Further resolved, That the Secretary of State of West Virginia notify the Archivist of the United States, Washington, D.C., the President of the Senate of the United States and the Speaker of the House of Representatives of the United States of this action by forwarding to each of them a certified copy of this Joint Resolution adopted by the West Virginia Legislature.

SENATE CONCURRENT RESOLUTION NO. 10—STATE OF LOUISIANA

Whereas, the First Congress of the United States of America at the first session, in both Houses, by a constitutional majority of two-thirds thereof, adopted the following proposition to amend the Constitution of the United States of America in the following words, to-wit:

JOINT RESOLUTION

Proposing an amendment to the Constitution to provide for the effect of congressional pay increases.

Resolved by the Senate and House of Representatives of the United States of America, in Congress assembled, two-thirds of both Houses concurring, that the following article be proposed as an amendment to the Constitution of the United States, . . . which shall be valid to all intents and purposes as part of the Constitution when ratified by the legislatures of three-fourths of the several States;

"ARTICLE

No law, varying the compensation for the services of the Senators and Representatives shall take effect, until an election of Representatives shall have intervened."

Therefore, be it resolved that the Legislature of Louisiana ratifies the foregoing proposed amendment to the Constitution of the United States of America.

ENROLLED SENATE JOINT RESOLUTION 26—STATE OF OREGON

Whereas the Legislative Assembly of the State of Oregon pursuant to Article V of the United States Constitution, hereby ratifies an amendment to the Constitution of the United States proposed by resolution of the First Congress of the United States in New York, New York, on September 25, 1789, which reads as follows:

"Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, two thirds of both Houses concurring, that the following (Article) be proposed to the Legislatures of the several States, . . . which (Article), when ratified by three-fourths of the said Legislatures, to be valid to all intents and purposes, as part of the said Constitution, viz:

"(An Article) in addition to, and Amendment to the Constitution of the Untied States of America, proposed by Congress, and ratified by the Legislatures of the several States, pursuant to the Fifth Article of the original Constitution.

"Article the second—No law, varying the compensation for the services of the Senators and Representatives, shall take effect, until an election of Representatives shall have intervened."; and

Whereas the Legislative Assembly of the State of Oregon acknowledges that the above-quoted Article of Amendment to the United States Constitution has already been ratified by the legislatures of the following States on the dates indicated, to wit: Maryland on December 19, 1789; North Carolina on December 22, 1789; South Carolina on January 19, 1789; Delaware on January 28, 1790; Vermont on November 3, 1791; Virginia on December 15, 1791; Ohio on May 6, 1873 (70 Ohio Laws 409–10); Wyoming on March 3, 1978 (124 Cong. Rec. 7910; 133 Cong. Rec. S12949); Maine on April 27, 1983 (130 Cong. Rec. H9097, S11017); Colorado on April 18, 1984 (131 Cong. Rec. S17687; 132 Cong. Rec. H6446); South Dakota on February 21, 1985 (131 Cong. Rec. H971, S3306); New Hampshire on March 7, 1985 (131 Cong. Rec. H1378, S3597); Arizona on April 3, 1985 (131 Cong. Rec. H2060, S4750); Tennessee on May 23, 1985 (131 Cong. Rec. H6672, S10797, S13504); Oklahoma on July 10, 1985 (131 Cong. Rec. H7263, S13504); New Mexico on February 13, 1986 (132 Cong. Rec. H827, S2207–8, S2300); Indiana on February 19, 1986 (132 Cong. Rec. H1634, S4663); Utah on February 25, 1986 (132 Cong. Rec. S6750, S7578; 133 Cong. Rec. H9866); Arkansas on March 5, 1987 (134 Cong. Rec. H3721, S7518); Montana on March 11, 1987 (133 Cong. Rec. H1715, S6155); Connecticut on May 13, 1987 (133 Cong. Rec. H7406, S11891); Wisconsin on June 30, 1987 (133 Cong. Rec. H7406, S12948, S13359); Georgia on February 2, 1988 (134 Cong. Rec. H2638, S5239); West Virginia on March 10, 1988 (134 Cong. Rec. H2492, S4784); Louisiana on July 6, 1988 (134 Cong. Rec. H5783, S9939); Iowa on February 7, 1989; and Idaho on March 23, 1989; as well as by the House of Representatives of the State of North Dakota on January 26, 1987, and on February 3, 1989; the House of Representatives of the State of Texas on April 23, 1987; the House of Representatives of the State of Illinois on June 22, 1988; and the Assembly of the State of Nevada on March 28, 1989; and

Whereas the Legislative Assembly of the State of Oregon acknowledges that the above-quoted Article of Amendment to the United States Constitution may still be ratified by States' legislatures as a result of the ruling by the United States Supreme Court in the landmark case of Coleman v. Miller, (307 U.S. 433 (1939)) in which it was opined that Congress is the final arbiter on the question of whether too much time has elapsed between Congress' submission of an amendment and the most recent state legislature's ratification of same if Congress did not specify a deadline on the amendment's consideration; now, therefore,

Be it Resolved by the Legislative Assembly of the State of Oregon:

(1) That the Secretary of State shall notify the Archivist of the United States (pursuant to 1 U.S.C. 106b; 1 U.S.C. 112; as amended by P.L. 98–497, 98 Stat. 2291) of the action of the sixty-fifth Legislative Assembly by sending to the archivist one copy of this resolution.

(2) That the Secretary of State shall also send one copy of this resolution to each member of the Oregon Congressional Delegation, the Secretary of the United States Senate and the Clerk of the United States House of Representatives with the request that it be printed in full in the CONGRESSIONAL RECORD.

Be it Further Resolved that certified copies of this Resolution shall be forwarded to the administrator of General Services, Washington, DC, and to the president of the Senate and the speaker of the House of Representatives of the Congress of the United States.

HOUSE JOINT RESOLUTION 7—STATE OF IOWA

Whereas, The First Congress of the United States of America, at its first session, sitting in New York, New York, on September 25, 1789, in both Houses, by constitutional majority of two-thirds, has proposed an amendment to the Constitution of the United States of America in the following words:

"Resolved by the Senate and House of Representatives of the United States of America in Congress assembled two-thirds of both Houses concurring, that the following (Article) be proposed to the legislatures of the several States, as (an Amendment) to the Constitution of the United States, . . . which (Article), when ratified by three-fourths of said legislatures, to be valid to all intents and purposes, as part of the said Constitution, viz;

"(An Article) in addition to, and Amendment of the Constitution of the United States of America, proposed by Congress, and ratified by the Legislatures of the several States, pursuant to the fifth Article of the original Constitution.

"ARTICLE

"No law, varying the compensation for the services of the Senators and Representatives, shall take effect until an election of Representatives shall have intervened."

Whereas, Article V of the Constitution of the United States allows the ratification of the proposed amendment to the United States Constitution by the General Assembly of the State of Iowa; and

Whereas, The proposed amendment to the Constitution of the United States has already been ratified by the Legislatures of the following States in the years indicated: Maryland in 1789; North Carolina in 1789; South Carolina in 1790; Delaware in 1790; Vermont in 1791; Virginia in 1791; Ohio in 1873; Wyoming in 1978; Maine in 1983; Colorado in 1984; South Dakota in 1985; New Hampshire in 1985; Arizona in 1985; Tennessee in 1985; Oklahoma in 1985; New Mexico in 1986; Indiana in 1986; Utah in 1986; Montana in 1987; Connecticut in 1987; Arkansas in 1987; Wisconsin in 1987; Georgia in 1988; West Virginia in 1988; and Louisiana in 1988; and

Whereas, Article V of the Constitution of the United States does not state a time limit on ratification of an amendment submitted by Congress, and the First Congress specifically did not provide a time limit for ratification of the proposed amendment; and

Whereas, The United States Supreme Court has ruled in Coleman v. Miller, 307 U.S. 433 (1939), that an amendment to the United States Constitution may be ratified by States at any time, and Congress must then finally decide whether a reasonable time had elapsed since its submission when, in the presence of certified ratifications by three-fourths of the States, the time arrives for the promulgation of the adoption of the amendment; Now therefore,

Be it Resolved by the General Assembly of the State of Iowa:

That the foregoing proposed amendment to the Constitution of the United States is hereby ratified and consented to by the State of Iowa and the General Assembly thereof; and

Be it Further Resolved, That the Governor of the State of Iowa forward certified copies of this resolution over the seal of the State of Iowa to the Archivist of the United States, and to the presiding officers of the Senate and House of Representatives of the United States.

Be it Further Resolved, That the General Assembly of the State of Iowa urges the State Legislatures of those States which have not done so to follow Iowa in ratifying the proposed amendment and that, as an incentive for them to do so, copies of the foregoing preamble and resolution be transmitted to those State Legislatures.

SENATE JOINT RESOLUTION NO. 101—STATE OF IDAHO

Be it Resolved by the Legislature of the State of Idaho:

Whereas, in the First Session of the Congress of the United States of America, begun and held at the city of New York, on Wednesday, the fourth of March, one thousand seven hundred and eighty-nine, it was resolved by a constitutional majority of two-thirds thereof, to submit a proposition to amend the Constitution of the United States, relative to the compensation for the services of the Senators and Representatives of the United States; and

Whereas, pursuant to the provisions of section 34–2217, Idaho Code, the question of ratifying this proposition was submitted to the electorate of the State of Idaho; and

Whereas, at the general election of November 8, 1988, the electorate of the State of Idaho did agree that the proposition should be ratified by the Legislature of the State of Idaho.

Now, Therefore, Be it Resolved by the members of the First Regular Session of the Centennial Idaho Legislature, that the following proposed amendment to the Constitution of the United States, to-wit:

"ARTICLE

No law varying the compensation for the services of the Senators and Representatives shall take effect until an election of Representatives shall have intervened."

be, and the same is hereby ratified by the Legislature of the State of Idaho.

STATEMENT OF PURPOSE—RS 22219

The first session of the first Congress of the United States of America proposed twelve amendments to the Federal Constitution. The first ten proposed amendments were ratified by the States and are now known as the Bill of Rights and are the first ten amendments to the Federal Constitution. The eleventh proposed amendment dealt with congressional redistricting and is clearly obsolete. The twelfth proposed amendment sought to prohibit U.S. Senators and Representatives from granting themselves a pay raise until an election had intervened. This amendment, if ratified, would limit congressional pay increases.

Six of the original thirteen States ratified the amendment but it sat there without further action until Ohio ratified the amendment in 1873.

Only recently have actions in Congress caused a new interest in this amendment. As of this writing 25 States have ratified the amendment, with four others, including Idaho having passed one house. Of those 25 States, Utah ratified the amendment in 1987; Arkansas on March 5, 1987; Georgia on February 2, 1988; West Virginia on March 10, 1988; and Louisiana on July 6, 1988. The States in which the amendment has passed one house are Idaho (Senate in 1987), Illinois (House in 1988), North Dakota (House in 1987) and Texas (House in 1987).

Thirty-eight States are needed to ratify the amendment. In 1987 legislation that would ratify this amendment was passed by the Senate but was held in the House. It was pointed out that Idaho law requires that such a move must be proceeded by an advisory vote of the people. The Attorney General of the State of Idaho issued an advisory opinion saying that that provision was unconstitutional, but it was decided to put it to an advisory vote of the people anyway.

In the general election of November 8, 1988, the electorate of the State of Idaho did agree, by a 266,351 to 92,197 vote margin, that the proposition should be ratified by this Legislature.

This resolution, therefore, would ratify this proposed amendment intended again to prohibit U.S. Senators and Representatives from granting themselves a pay raise until an election had intervened.

ASSEMBLY JOINT RESOLUTION NO. 22—STATE OF NEVADA

Whereas, An amendment to the Constitution of the United States was proposed by resolution of the First Congress of the United States in New York City, New York, on September 25, 1789, which reads in pertinent part as follows:

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, two thirds of both Houses concurring, That the following [Article] be proposed to the Legislatures of the several States, * * * which [Article], when ratified by three-fourths of the said Legislatures, to be valid to all intents and purposes, as part of the said Constitution, viz.:

Article the second, * * * No law, varying the compensation for the services of the Senators and Representatives, shall take effect, until an election of Representatives shall have intervened.

And

Whereas, The Legislature of the State of Nevada acknowledges that this proposed article of amendment to the United States Constitution has already been ratified, respectively, by the Legislatures of Maryland on December 19, 1789; North Carolina on December 22, 1789; South Carolina on January 19, 1790; Delaware on January 28, 1790; Vermont on November 3, 1791; Virginia on December 15, 1791; Ohio on May 6, 1873; Wyoming on March 3, 1978; Maine on April 27, 1983; Colorado on April 18, 1984; South Dakota on February 21, 1985; New Hampshire on March 7, 1985; Arizona on April 3, 1985; Tennessee on May 23, 1985; Oklahoma on July 10, 1985; New Mexico on February 13, 1986; Indiana on February 19, 1986; Utah on February 25, 1986; Arkansas on March 7, 1987; Montana on March 11, 1987; Connecticut on May 13, 1987; Wisconsin on June 30, 1987; Georgia on February 2, 1988; West Virginia on March 10, 1988; Louisiana on July 6, 1988; and Iowa on February 7, 1989; and

Whereas, The Legislature of the State of Nevada acknowledges that this article of amendment may still be ratified by state legislatures as a result of the ruling by the United States Supreme Court in the case of *Coleman v. Miller*, 307 U.S. 433 (1939), which held that unless Congress specifies a limit on the time allowed for consideration by the States, then Congress is the final arbiter of the question whether too much time has elapsed between Congress' submission of an amendment and the most recent state legislature's ratification of the amendment; now, therefore, be it

Resolved by the Assembly and Senate of the State of Nevada, jointly, That the proposed amendment to the Constitution of the United States of America is hereby ratified by the Legislature of the State of Nevada; and be it further

Resolved, That a true copy of this resolution be delivered by the Chief Clerk of the Assembly to the Secretary of State for his certification and transmittal to the Archivist of the United States pursuant to 1 U.S.C. §§106b and 112; and be it further

Resolved, That the Chief Clerk of the Assembly shall also send a copy of this resolution to the Vice President of the United States, as president of the Senate, and to the Speaker of the House of Representatives with the request that it be printed in full in the *Congressional Record;* and be it further

Resolved, That the Chief Clerk of the Assembly shall also send a copy of this resolution to each member of the Nevada Congressional Delegation; and be it further

Resolved, That this resolution becomes effective upon passage and approval.

HOUSE JOINT RESOLUTION 19

Be it Resolved by the legislature of the State of Alaska:

Whereas the First Congress of the United States passed a resolution on September 25, 1789, proposing the following amendment to the United States Constitution:

"*Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, two thirds of both Houses concurring,* That the following [Article] be proposed to the Legislatures of the several States, . . . which [Article], when ratified by three-fourths of the said Legislatures, to be valid to all intents and purposes, as part of the said Constitution, viz.:

"Article the second. No law, varying the compensation for the services of the Senators and Representatives, shall take effect, until an election of representatives shall have intervened.";

Whereas this proposal has been ratified by the Legislatures of at least 25 States since September 25, 1789; and

Whereas the resolution of the First Congress proposing this measure did not establish a date by which the amendment must be ratified;

Be it Resolved that the Sixteenth Alaska State Legislature ratifies the proposed amendment to the United States Constitution as set out in the Congressional Resolution.

Copies of this resolution, properly certified, shall be sent to the Honorable Dan Quayle, Vice-President of the United States and President of the U.S. Senate; to the Honorable Jim Wright, Speaker of the U.S. House of Representatives; and to the Honorable Frank G. Burke, Archivist of the United States; and to the Honorable Ted Stevens and the Honorable Frank Murkowski, U.S. Senators, and the Honorable Don Young, U.S. Representative, members of the Alaska delegation in Congress.

RESOLUTION NO. 6—STATE OF MINNESOTA

Whereas, the First Congress of the United States of America, at its first session, sitting in New York, New York, on September 25, 1789, in both Houses, by a constitutional majority of two-thirds, has proposed an amendment to the Constitution of the United States of America in the following words:

"Resolved by the Senate and House of Representatives of the United States of America in Congress assembled two thirds of both Houses concurring, that the following (Article) be proposed to the legislatures of the several States, as (an Amendment) to the Constitution of the United States, . . . which (Article), when ratified by three-fourths of said legislatures, to be valid to all intents and purposes, as part of said Constitution, viz;

"(An Article) in addition to, and Amendment of the Constitution of the United States of America, proposed by Congress, and ratified by the legislatures of the several States, pursuant to the fifth Article of the original Constitution.

"ARTICLE

"No law, varying the compensation for the services of the Senators and Representatives, shall take effect, until an election of Representatives shall have intervened."

Whereas, Article V of the Constitution of the United States allows the ratification of the proposed amendment to the United States Constitution by the legislature of the State of Minnesota; and

Whereas, the proposed amendment to the Constitution of the United States has already been ratified by the legislatures of twenty-seven States: Maryland on December 19, 1789; North Carolina on December 22, 1789; South Carolina on January 19, 1790; Delaware on January 28, 1790; Vermont on November 3, 1791; Virginia on December 15, 1791; Ohio on May 6, 1873; Wyoming on March 3, 1978; Maine on April 27, 1983; Colorado on April 18, 1984; South Dakota on February 21, 1985; New Hampshire on March 7, 1985; Arizona on April

3, 1985; Tennessee on May 23, 1985; Oklahoma on July 10, 1985; New Mexico on February 13, 1986; Indiana on February 19, 1986; Utah on February 25, 1986; Arkansas on March 5, 1987; Montana on March 11, 1987; Connecticut on May 13, 1987; Wisconsin on June 30, 1987; Georgia on February 2, 1988; West Virginia on March 10, 1988; Louisiana on July 6, 1988; Iowa on February 7, 1989; and Idaho on March 28, 1989; and

Whereas, Article V of the Constitution of the United States does not state a time limit on ratification of an amendment submitted by Congress, and the First Congress specifically did not provide a time limit for ratification of the proposed amendment; and

Whereas, the United States Supreme Court has ruled in *Coleman* v. *Miller*, 307 U.S. 433 (1939), that an amendment to the United States Constitution may be ratified by States at any time, and Congress must then finally decide whether a reasonable time had elapsed since its submission when, in the presence of certified ratifications by three-fourths of the States, the time arrives for the promulgation of the adoption of the amendment; and

Whereas, Section 9 of Article IV of the Constitution of the State of Minnesota provides that "No increase of compensation shall take effect during the period for which the members of the existing House of Representatives may have been elected."; and

Whereas, the Legislature of the State of Minnesota finds that the proposed amendment is still meaningful and needed as part of the United States Constitution; Now, therefore,

Be it resolved by the Legislature of the State of Minnesota that the foregoing proposed amendment to the Constitution of the United States is ratified by the Legislature of the State of Minnesota.

Be it further resolved that the Secretary of State of Minnesota shall transmit certified copies of this memorial to the President and Secretary of the United States Senate, the Speaker and Chief Clerk of the United States House of Representatives, and the Archivist of the United States, National Archives and Records Administration.

HOUSE JOINT RESOLUTION NO. 6

Be it resolved by the Legislature of the State of Texas:

SECTION 1. The Legislature of the State of Texas, pursuant to Article V of the United States Constitution, does hereby ratify an amendment to the Constitution of the United States proposed by resolution of the First Congress of the United States in New York, New York, on September 25, 1789, which reads as follows, to wit:

"Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, two thirds of both Houses concurring, that the following [Article] be proposed to the Legislatures of the several States, . . . which [Article], when ratified by three-fourths of the said Legislatures, to be valid to all intents and purposes, as part of the said Constitution, viz.:

"[An article] in addition to, and Amendment of the Constitution of the United States of America, proposed by Congress, and ratified by the Legislatures of the several States, pursuant to the fifth Article of the original Constitution.

"Article the second . . . No law, varying the compensation for the services of the Senators and Representatives, shall take effect, until an election of Representatives shall have intervened."

SECTION 2. The Legislature of the State of Texas acknowledges that the above-quoted article of amendment to the United States Constitution has already been ratified by the legislatures of the following States on the dates indicated, to wit:

Maryland on December 19, 1789;
North Carolina on December 22, 1789;
South Carolina on January 19, 1790;
Delaware on January 28, 1790;
Vermont on November 3, 1791;
Virginia on December 15, 1791;
Ohio on May 6, 1873 [70 *Ohio Laws* 409–10];
Wyoming on March 3, 1978 [124 *Cong. Rec.* 7910; 133 *Cong. Rec.* S12949]
Maine on April 27, 1983 [130 *Cong. Rec.* H9097, S11017];
Colorado on April 18, 1984 [131 *Cong. Rec.* S17687; 132 *Cong. Rec.* H6446];
South Dakota on February 21, 1985 [131 *Cong. Rec.* H971, S3306];
New Hampshire on March 7, 1985 [131 *Cong. Rec.* H1378, S3597];
Arizona on April 3, 1985 [131 *Cong. Rec.* H2060, S4750];
Tennessee on May 23, 1985 [131 *Cong. Rec.* H6672, S10797, S13504];
Oklahoma on July 10, 1985 [131 *Cong. Rec.* H7263, S13504];
New Mexico on February 13, 1986 [132 *Cong. Rec.* H827, S2207–8, S2300];
Indiana on February 19, 1986 [132 *Cong. Rec.* H1634, S4663];
Utah on February 25, 1986 [132 *Cong. Rec.* S6750, S7578, 133 *Cong. Rec.* H9866];
Arkansas on March 5, 1987 [134 *Cong. Rec.* H3721, S7518];
Montana on March 11, 1987 [133 *Cong. Rec.* H1715, S6155];
Connecticut on May 13, 1987 [133 *Cong. Rec.* H7406, S11891];
Wisconsin on June 30, 1987 [133 *Cong. Rec.* H7406, S12948, S13359];
Georgia on February 2, 1988 [134 *Cong. Rec.* H2638, S5239];
West Virginia on March 10, 1988 [134 *Cong. Rec.* H2492, S4784];
Louisiana on July 6, 1988 [134 *Cong. Rec.* H5783, S9939];
Iowa on February 7, 1989 [135 *Cong. Rec.* H836, S3509–10];
Idaho on March 23, 1989;
Nevada on April 26, 1989;
Alaska on May 5, 1989;
Oregon on May 19, 1989; and
Minnesota on May 22, 1989.

Section 3. The Legislature of the State of Texas further acknowledges that measures to ratify the proposed amendment to the Constitution of the United States have recently been adopted by the House of Representatives of the State of North Dakota on January 26, 1987, and again on February 3, 1989; the House of Representatives of the State of Illinois on June 22, 1988; and the Senate of the State of Michigan on March 15, 1989.

Section 4. The Legislature of the State of Texas further acknowledges that the above-quoted article of amendment to the United States Constitution may still be ratified by the state legislatures as a result of the ruling by the United States Supreme Court in the landmark case of *Coleman v. Miller* [307 U.S. 433 (1939)] in which it was opined that Congress is the final arbiter on the question of whether too much time has elapsed between the original submission of a particular amendment proposed by the Congress and the most recent state legislature's ratification of same if the Congress, in proposing the amendment, did not specify a deadline on the amendment's consideration.

Section 5. The Secretary of State of the State of Texas shall notify the archivist of the United States (pursuant to 1 U.S.C. 106b and 112; as amended by Public Law No. 98-497 [98 Stat. 2291]) of the action of the 71st Legislature of the State of Texas, Regular Session, 1989, by sending to him a copy of this resolution.

Section 6. The Secretary of State of the State of Texas shall also send copies of this resolution to both United States senators from Texas, to all United States representatives from Texas, to the vice-president of the United States, and to the speaker of the United States House of Representatives with the request that it be printed in full in the *Congressional Record*.

Section 7. The Secretary of State of the State of Texas shall also send copies of this resolution to the presiding officers of the legislatures of those States that have not as yet ratified the proposed amendment to the United States Constitution.

HOUSE CONCURRENT RESOLUTION NO. 5047

Be it resolved by the House of Representatives of the State of Kansas, the Senate concurring therein: That the legislature of the State of Kansas, pursuant to Article V of the United States Constitution, hereby ratifies an amendment to the Constitution of the United States proposed by resolution of the First Congress of the United States in New York, New York, on September 25, 1789, which reads as follows, to wit:

"Article the second . . . No law, varying the compensation for the services of the Senators and Representatives, shall take effect, until an election of Representatives shall have intervened."; and

Be it further resolved: That the legislature of the State of Kansas acknowledges that the above-quoted article of amendment to the United States Constitution has already been ratified by the legislatures of the following States on the dates indicated, to wit:

Maryland on December 19, 1789;
North Carolina on December 22, 1789;
South Carolina on January 19, 1790;
Delaware on January 28, 1790;
Vermont on November 3, 1791;
Virginia on December 15, 1791;
Ohio on May 6, 1873 [70 *Ohio Laws* 409–10];
Wyoming on March 3, 1978 [124 *Cong. Rec.* 7910; 133 *Cong. Rec.* S12949];
Maine on April 27, 1983 [130 *Cong. Rec.* H9097, S11017];
Colorado on April 18, 1984 [131 *Cong. Rec.* S17687; 132 *Cong. Rec.* H6446];
South Dakota on February 21, 1985 [131 *Cong. Rec.* H971, S3306];
New Hampshire on March 7, 1985 [131 *Cong. Rec.* H1378, S3597];
Arizona on April 3, 1985 [131 *Cong. Rec.* H2060, S4750];
Tennessee on May 23, 1985 [131 *Cong. Rec.* H6672, S10797, S13504];
Oklahoma on July 10, 1985 [131 *Cong. Rec.* H7263, S13504];
New Mexico on February 13, 1986 [132 *Cong. Rec.* H827, S2207–S2300];
Indiana on February 19, 1986 [132 *Cong. Rec.* H1634, S4663];
Utah on February 25, 1986 [132 *Cong. Rec.* S6750, S7578; 133 *Cong. Rec.* H9866];
Arkansas on March 5, 1987 [134 *Cong. Rec.* H3721, S7518];
Montana on March 11, 1987 [133 *Cong. Rec.* H1715, S6155];
Connecticut on May 13, 1987 [133 *Cong. Rec.* H7406, S11891];
Wisconsin on June 30, 1987 [133 *Cong. Rec.* H7406, S12948, S13359];
Georgia on February 2, 1988 [134 *Cong. Rec.* H2638, S5239];
West Virginia on March 10, 1988 [134 *Cong. Rec.* H2492, S4784];

Louisiana on July 6, 1988 [134 *Cong. Rec.* H5783, S9939];

Iowa on February 7, 1989 [135 *Cong. Rec.* H836, S3509–10];

Idaho on March 23, 1989 [135 *Cong. Rec.* H1893, S7911];

Nevada on April 26, 1989 [135 *Cong. Rec.* H2054, S10826];

Alaska on May 5, 1989 [135 *Cong. Rec.* H5485, S8054];

Oregon on May 19, 1989 [135 *Cong. Rec.* H5692, H5972, S11123, S12150];

Minnesota on May 28, 1989 [135 *Cong. Rec.* H3258, H3678, S7655, S7912]; and

Texas on May 25, 1989 [135 *Cong. Rec.* H2594, S6726–27]; and

Be it further resolved: That the legislature of the State of Kansas acknowledges that resolutions to ratify the above-quoted article of amendment to the United States Constitution have been adopted by the Senate of the State of California on June 30, 1989; the House of Representatives of the State of Illinois on June 22, 1988, and again on May 24, 1989; the Senate of the State of Michigan on March 15, 1989; and the House of Representatives of the State of North Dakota on January 26, 1987, and again on February 3, 1989; and

Be it further resolved: That the legislature of the State of Kansas acknowledges that the above-quoted article of amendment to the United States Constitution may still be ratified by States' legislatures as a result of the ruling by the United States Supreme Court in the landmark case of *Coleman v. Miller*, [307 U.S. 433 (1939)] in which it was opined that if Congress does not specify a deadline on a particular amendment's consideration by the state legislatures, then Congress itself is the final arbiter of whether too great a time has elapsed between Congress' submission of the particular amendment and the most recent state legislature's ratification of same assuming that, as a consequence of that most recent ratification, 38 States have at one time or another ratified it; and

Be it further resolved: That the Secretary of State of the State of Kansas shall notify the Archivist of the United States (pursuant to 1 U.S.C. 106b and 112, as amended by PL 98–497 [98 Stat. 2291]) of the action of the 1990 Regular Session of the Kansas Legislature by sending to the Archivist a duly authenticated copy of this resolution; and

Be it further resolved: That the Secretary of the State of Kansas shall also send duly authenticated copies of this resolution to both United States Senators from Kansas, to all United States Representatives from Kansas, to the Vice-President of the United States and to the Speaker of the United States House of Representatives with the request that it be printed in full in the *Congressional Record.*

HOUSE CONCURRENT RESOLUTION NO. 451—STATE OF FLORIDA

Whereas, among the first 12 amendments to the United States Constitution proposed in 1789 was an amendment stating: "No law, varying the compensation for the services of the Senators and Representatives, shall take effect, until an election of Representatives shall have intervened," and

Whereas, although this amendment has not yet been ratified by the requisite number of state legislatures, there was no time limit given for such ratification, Now, therefore,

Be it enacted by the House of Representatives of the State of Florida, the Senate Concurring:

That the proposed amendment to the Constitution of the United States set forth below be, and the same is hereby, ratified by the Legislature of the State of Florida:

"No law, varying the compensation for the services of the Senators and Representatives, shall take effect, until an election of Representatives shall have intervened."

Be it further resolved that certified copies of the foregoing preamble and resolution be immediately forwarded by the Secretary of State of the State of Florida, under the great seal, to the President of the Senate of the United States, the Speaker of the House of Representatives of the United States, and the Archivist of the United States.

Filed in Office Secretary of State June 21, 1990.

SENATE CONCURRENT RESOLUTION NO. 4023—STATE OF NORTH DAKOTA

Whereas, the First Congress of the United States of America, at its first session begun on March 4, 1789, and held in New York, New York, in both Houses, by a constitutional majority of two-thirds thereof, adopted the following proposition to amend the Constitution of the United States of America, in the following words, to wit:

"The Conventions of a number of the States, having at the time of their adopting the Constitution, expressed a desire, in order to prevent misconstruction or abuse of its powers, that further declaratory and restrictive clauses should be added: And as extending the ground of public confidence in the Government, will best ensure the beneficent ends of its institution;

"Resolved by the Senate and House of Representatives of the United States of America, in Congress assembled, two thirds of both Houses concurring that the following [Article] be proposed to the Legislatures of the several States, as [an amendment] to the Constitution of the United States . . . which [Article], when ratified by three-fourths of the said Legislatures, to be valid to all intents and purposes, as part of the said Constitution, viz:

"[An article] in addition to, and amendment of the Constitution of the United States of America, proposed by Congress, and ratified by the Legislatures of the several States, pursuant to the fifth Article of the original Constitution.

"Article the second . . . No law, varying the compensation for the services of the Senators and Representatives, shall take effect, until an election of Representatives shall have intervened."; and

Whereas, Article V of the Constitution of the United States allows the Legislative Assembly of the State of North Dakota to ratify the aforementioned original second amendment to the Constitution of the United States; and

Whereas, the Supreme Court of the United States in 1939 ruled in the landmark case of *Coleman* v. *Miller* that if Congress does not specify a deadline on a particular proposed amendment's consideration by the state legislatures, then Congress itself is the final arbiter of whether too great a time has elapsed between Congress' original submission of the particular amendment and the most recent state legislature's ratification of it, assuming that, as a consequence of that most recent ratification, the legislatures of three-fourths of the several States have, at one time or another, ratified it; and

Whereas, the Legislative Assembly of the State of North Dakota finds that the proposed original second amendment, quoted above, is still meaningful and needed as part of the United States Constitution and that the present political, social, and economic conditions are the same as or are even more demanding today than they were in the eighteenth century when the proposal was first offered by Congress; and

Whereas, the proposed original second amendment to the United States Constitution has already been ratified by the legislatures of the following States on the dates indicated, to wit; and

Alaska on May 5, 1989 [135 *Cong. Rec.* H5485, S8054];

Arizona on April 3, 1985 [131 *Cong. Rec.* H2060, S4750];

Arkansas on March 5, 1987 [134 *Cong. Rec.* H3721, S7518];

Colorado on April 18, 1984 [131 *Cong. Rec.* S17687; 132 *Cong. Rec.* H6446];

Connecticut on May 13, 1987 [133 *Cong. Rec.* H7406, S11891];

Delaware on January 28, 1790;

Florida on May 31, 1990 [136 *Cong. Rec.* H5198, S10091];

Georgia on February 2, 1988 [134 *Cong. Rec.* H2638, S5239];

Idaho on March 23, 1989, [135 *Cong. Rec.* H1893, S7911];

Indiana on February 19, 1986 [132 *Cong. Rec.* H1634, S4663];

Iowa on February 7, 1989 [135 *Cong. Rec.* H836, S3509–10];

Kansas on April 5, 1990 [136 *Cong. Rec.* H1689, S9170, E1740–41];

Louisiana on July 6, 1988 [134 *Cong. Rec.* H5783, S9939];

Maine on April 27, 1983 [130 *Cong. Rec.* H9097, S11017];

Maryland on December 19,, 1789;

Minnesota on May 22, 1989 [135 *Cong. Rec.* H3258, H3678, S7655–56, S7912];

Montana on March 11, 1987 [133 *Cong. Rec.* H1715, S6155];

Nevada on April 26, 1989 [135 *Cong. Rec.* H2054, S10826];

New Hampshire on March 7, 1985 [131 *Cong. Rec.* H1378, S3597];

New Mexico on February 13, 1986 [132 *Cong. Rec.* H827, S2207–08, S2300];

North Carolina on December 22, 1789;

Ohio on May 6, 1873 [70 *Ohio Laws* 409—10];

Oklahoma on July 10, 1985 [131 *Cong. Rec.* H7263, S13504];

Oregon on May 19, 1989 [135 *Cong. Rec.* H5692, H5972, S11123–24, S12150];

South Carolina on January 19, 1790;

South Dakota on February 21, 1985 [131 *Cong. Rec.* H971, S3306];

Tennessee on May 23, 1985 [131 *Cong. Rec.* H6672, S10797, S13504];

Texas on May 15, 1989 [135 *Cong. Rec.* H2594, S6726–27];

Utah on February 25, 1986 [132 *Cong. Rec.* S6750, S7578; 133 CONG. REC. H9866];

Vermont on November 3, 1791;

Virginia on December 15, 1791;

West Virginia on March 10, 1988 [134 *Cong. Rec.* H2492, S4784–85];

Wisconsin on June 30, 1987 [133 *Cong. Rec.* H7406, S12948, S13359]; and

Wyoming on March 3, 1978 [124 *Cong. Rec. 7910, 8265–66; 133 Cong. Rec. S12949]*;

Now, therefore, be it resolved by the Senate of North Dakota, the House of Representatives concurring therein:

That the proposed original second amendment to the Constitution of the United States of America, as quoted above, it hereby ratified by the Fifty-second Legislative Assembly of the State of North Dakota; and

Be it further resolved, that enrolled copies of this resolution be transmitted by the Secretary of State to the Archivist of the United States, to the Vice President of the United States, to the Speaker of the United States House of Representatives, and to the

North Dakota Congressional Delegation with the request that it be printed in full in the Congressional Record.

SENATE JOINT RESOLUTION 17

Whereas, the Legislature of the State of Alabama notes that the citizens of our great nation have long been attempting to pull in the reins of federal spending and have long desired the highest degree of integrity and accountability from elected officials; and

Whereas, on September 25, 1789, the 1st Congress of the United States convened in New York City and submitted to the Legislatures of the several States a proposed amendment to the United States Constitution designed to check the considerable power of the Congress to vary the compensation of its members; and

Whereas, the aforementioned amendment was presented for adoption by the outstanding constitutionalist, member of the 1st Congress, and later, fourth President of our nation, James Madison; and

Whereas, believing that fiscal irresponsibility at the federal level poses one of the greatest threats which face our Nation, we firmly believe that constitutional restraint is vital to bring the fiscal discipline and the accountability of elected officials which is necessary to restore public confidence in the federal government; and

Whereas, this little known and scarcely advertised 202 year old proposal has received renewed attention, since it has been learned that it is still viable, and the Legislatures of the States of Delaware, Maryland, North Carolina, South Carolina, Vermont, and Virginia ratified it between the years 1789 and 1791; the General Assembly of the State of Ohio ratified it in 1873; the Legislature of the State of Wyoming ratified it in 1978; and the Legislatures of the States of Alaska, Arizona, Arkansas, Colorado, Connecticut, Florida, Georgia, Idaho, Indiana, Iowa, Kansas, Louisiana, Maine, Minnesota, Montana, Nevada, New Hampshire, New Mexico, North Dakota, Oklahoma, Oregon, South Dakota, Tennessee, Texas, Utah, West Virginia, and Wisconsin ratified it from 1983 to present; and legislation to ratify it has received the approval of the Senate of the State of California, the House of Representatives of the State of Illinois, the Senate of the State of Michigan, and the House of Representatives of the State of Missouri; and

Whereas, among other appropriate avenues of pursuit, Article V of the United States Constitution also provides for that great and noble document to be amended by the adoption of a particular proposal by a vote of two-thirds (⅔) of the members present in the two chambers of the United States Congress, which must then be ratified by the Legislatures of three-fourths (¾) of the several States, and that was and remains the case with the original proposed Second Amendment which this resolution would ratify on behalf of the State of Alabama; and

Whereas, in 1939, The United States Supreme Court ruled in the case of Coleman v. Miller that if Congress submits a proposed amendment to the state Legislatures without any deadline within which those Legislatures must act, then the proposal in question remains as pending business before those Legislatures and they may, at their discretion, continue to consider its merits; now therefore,

Be it Resolved by the Legislature of Alabama, both Houses Thereof concurring, That the original proposed Second amendment to the United States Constitution stipulating a delay in variations in the compensation of members of the United States Congress which reads as follows: "Article the Second . . . No law, varying the compensation for the services of the Senators and Representatives, shall take effect, until an election of Representatives shall have intervened." Be and the same hereby is ratified by the Legislature of the State of Alabama.

Be it Further Resolved, That properly inscribed copies of this resolution be forwarded by the Secretary of the Alabama Senate to the Archivist of the United States in Washington, D.C., to the Vice-President of the United States as the presiding officer of the United States Senate, to the Speaker of the United States House of Representatives, and to both United States Senators and all United States Representatives from the State of Alabama with the request that it be reprinted in full in the Congressional Record.

SENATE COMMITTEE SUBSTITUTE FOR SENATE CONCURRENT RESOLUTIONS NOS. 14 AND 16—STATE OF MISSOURI

Whereas, the First Congress of the United States of America, at its first session, sitting in New York, New York, on September 25, 1789, in both Houses, by a Constitutional majority of two-thirds thereof, has proposed an amendment to the Constitution of the United States of America in the following words, to wit:

"*Resolved by the Senate and the House of Representatives of the United States of America in Congress assembled, two-thirds of both Houses concurring,* that the following [Article] be proposed to the Legislatures of the several States, as [an Amendment] to the Constitution of the United States, . . . which [Article], when ratified by three-fourths of said Legislatures, to be valid to all intents and purposes as part of the said Constitution, viz;

"[*An article*] in addition to, and Amendment of the Constitution of the United States of America, proposed by Congress, and ratified by the Legislatures of the several States, pursuant to the fifth Article of the original Constitution.

"Article the second . . . No law, varying the compensation for the services of the Senators and Representatives, shall take effect, until an election of Representatives shall have intervened."

Whereas, Article V of the United States Constitution allows the General Assembly of the State of Missouri to ratify this proposed amendment to the Constitution of the United States; and

Whereas, the proposed amendment to the Constitution of the United States has already been ratified by the Legislatures of the following States in the years indicated, to wit: Maryland in 1789; North Carolina in 1789; South Carolina in 1790; Delaware in 1790; Vermont in 1791; Virginia in 1791; Ohio in 1873; Wyoming in 1978; Maine in 1983; Colorado in 1984; South Dakota in 1985; New Hampshire in 1985; Arizona in 1985; Tennessee in 1985; Oklahoma in 1985; New Mexico in 1986; Indiana in 1986; Utah in 1986; Arkansas in 1987; Montana in 1987; Connecticut in 1987; Wisconsin in 1987; Georgia in 1988, West Virginia in 1988; Louisiana in 1988; Iowa in 1989; Idaho in 1989; Nevada in 1989; Alaska in 1989; Oregon in 1989; Minnesota in 1989; Texas in 1989; Kansas in 1990; Florida in 1990; and North Dakota in 1991; and

Whereas, Article V of the United States Constitution does not state a time limit on ratification of an amendment submitted by the Congress, and the First Congress specifically did not establish a deadline for the ratification of this particular proposed amendment; and

Whereas, the United States Supreme Court has ruled in the case of Coleman v. Miller, 307 US 433 (1939), that a proposed amendment to the United States Constitution, submitted without any deadline, may be ratified by States at any time and Congress must then determine whether a reasonable amount of time has elapsed since its initial submission when—in the presence of certified ratifications from the requisite number of States—the time arrives for the promulgation of the adoption of the amendment; and

Whereas, the General Assembly of the State of Missouri finds that the proposed amendment is still meaningful and needed as part of the United States Constitution and that the present political, social and economical conditions are the same as or even more demanding today than they were when the proposed amendment was first submitted for its adoption;

Now, therefore, be it resolved, by the Missouri Senate, the House of Representatives concurring therein, that the proposed amendment to the Constitution of the United States as aforequoted be and the same hereby is ratified by the Eighty-sixth General Assembly of the State of Missouri; and

Be it further resolved that the Secretary of the Missouri Senate be instructed to send a certified copy of this resolution to the Archivist of the United States, Washington, D.C.; the Vice President of the United States; the Speaker of the United States House of Representatives; and to each member of the United States Congress from Missouri with the request that it be printed in full in the Congressional Record.

Terry L. Spieler, Secretary of the Senate, and Douglas Burnett, Chief Clerk of the House, do hereby certify that the aforementioned is a true and correct copy of Senate Committee Substitute for Senate Concurrent Resolutions Nos. 14 and 16, adopted by the Senate on February 27, 1991, and concurred in by the House on May 5, 1991.

ENROLLED SENATE JOINT RESOLUTION E—STATE OF MICHIGAN

Resolved by the Senate and the House of Representatives of the State of Michigan, That the first Congress of the United States of America, at its session, in both houses, by a constitutional majority of two-thirds of both Houses has made the following proposition to amend the constitution of the United States:

"*Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, two thirds of both Houses concurring,* that the following [Article] be proposed to the Legislatures of the several States, . . . which [Article], when ratified by three-fourths of the said Legislatures, to be valid to all intents and purposes, as part of the said Constitution, viz:

"[An Article] in addition to, and Amendment of the Constitution of the United States of America, proposed by Congress, and ratified by the Legislatures of the several States, pursuant to the fifth Article of the original Constitution."

"Article the second . . . No law, varying the compensation for the services of the Senators and Representatives, shall take effect, until an election of Representatives shall have intervened."

Therefore, in the name of, and on behalf of, the people of the State of Michigan, we ratify, approve, and assent to the proposed amendment to the constitution of the United States.

Resolved further, That certified copies of this joint resolution be transmitted by the governor of the State of Michigan, to the President of the United States, the archivist of the United States, the president of the Senate of the United States, and the speaker of the House of Representatives of the United States.

Senate Concurrent Resolution No. 38—State of New Jersey

Whereas, In 1789, the First Congress referred to the States, without restriction upon the time to be available for its consideration, the following proposed amendment to the Constitution of the United States:

PROPOSED AMENDMENT

"No law, varying the compensation for the services of the senators and representatives, shall take effect, until an election of representatives shall have intervened"; and

Whereas, This amendment was one of twelve proposals submitted to the States pursuant to an understanding among the Framers that our federal Constitution should provide, not only for the distribution of the powers of government, but also for the protection of the rights of the people against the misuse of those powers; and

Whereas, Although this proposed amendment was not among the ten initially ratified as the "Bill of Rights", it remains properly subject to ratification by those States which have not yet approved it; and

Whereas, A corresponding provision (Art. IV, Sec. IV, par. 8) governing increases and decreases in the compensation of members of the Senate and General Assembly of this State was adopted as part of New Jersey's Constitution of 1947; now, therefore,

Be it Resolved by the Senate of the State of New Jersey (the General Assembly concurring):

1. The Legislature of the State of New Jersey, on behalf of the State of New Jersey, does hereby ratify the proposed amendment to the Constitution of the United States, which was passed by the First Congress in 1789 and which is reproduced in the preamble to this concurrent resolution.

2. The Secretary of State of the State of New Jersey is directed to notify the Archivist of the United States of the action taken by the Legislature of the State of New Jersey with respect to this proposed amendment to the Constitution of the United States.

STATEMENT

This concurrent resolution ratifies a proposed amendment to the United States Constitution to prohibit any law changing Congressional pay from taking effect until an election of Congressmen has intervened.

This proposed amendment was originally put forth in 1789 as the second amendment in the "Bill of Rights." Ten of the first 12 proposed amendments to the Constitution were ratified by the States. This one was not, but proponents argue that since no time limit was placed upon its passage, it may still be voted upon.

Thirty-eight States are presently required to ratify a proposed amendment in order for it to become part of the United States Constitution. As of August 1, 1991, this amendment had been ratified by 35 States, namely, Alaska, Arizona, Arkansas, Colorado, Connecticut, Delaware, Florida, Georgia, Idaho, Indiana, Iowa, Kansas, Louisiana, Maine, Maryland, Minnesota, Montana, Nevada, New Hampshire, New Mexico, North Carolina, North Dakota, Ohio, Oklahoma, Oregon, South Carolina, South Dakota, Tennessee, Texas, Utah, Vermont, Virginia, West Virginia, Wisconsin, and Wyoming.

Ratifies proposed amendment to U.S. Constitution prohibiting law which varies compensation of members of U.S. Congress from taking effect until election of representatives shall have intervened.

House Joint Resolution Constitutional Amendment 2—State of Illinois

Whereas, The First Congress of the United States of America, at its first Session begun and held March 4, 1789, sitting in New York, New York, in both Houses, by a constitutional majority of two-thirds thereof, adopted the following proposition to amend the Constitution of the United States of America in the following words, to wit:

"*Resolved, by the Senate and House of Representatives of the United States of America in Congress assembled, two thirds of both Houses concurring,* that the following [Article] be proposed to the Legislatures of the several States, . . . which [Article], when ratified by three-fourths of the said Legislatures, to be valid to all intents and purposes, as part of the said Constitution, viz.:

[An Article] in addition to, and Amendment of the Constitution of the United States of America, proposed by Congress, and ratified by the Legislatures of the several States, pursuant to the fifth Article of the original Constitution.

Article the second . . No law, varying the compensation for the services of the Senators and Representatives, shall take effect, until an election of Representatives shall have intervened."; and

Whereas, Article V of the Constitution of the United States allows the ratification of the proposed Amendment to the United States Constitution by the General Assembly of the State of Illinois; and

Whereas, Article V of the Constitution of the United States does not dictate a time limit on ratification of an Amendment submitted by Congress, and the First Congress specifically did not provide any time constraint for ratification of the above-quoted Amendment; and

Whereas, The Supreme Court of the United States in 1939 ruled in the landmark case of *Coleman v. Miller* that Congress is the final arbiter on the question of whether too much time has elapsed between Congress' submission of a particular Amendment and the most recent State Legislature's ratification of same if Congress did not specify a deadline on the proposal's consideration; and

Whereas, Section 11 of Article IV of the Constitution of the State of Illinois provides that "(C)hanges in the salary of a member (of the Illinois General Assembly) shall not take effect during the term for which he has been elected."; and

Whereas, The General Assembly of the State of Illinois finds that the proposed Amendment is still meaningful and necessary as part of the United States Constitution and that the present political, social and economic conditions are the same as or are even more demanding today than they were in the eighteenth century when the proposed Amendment was submitted for its adoption; and

Whereas, The proposed Amendment to the United States Constitution has already been ratified by the Legislatures of the following States on the dates indicated, to wit:

Alaska on May 5, 1989 (135 *Cong. Rec.* H5485, S8054);

Arizona on April 3, 1985 (131 *Cong. Rec.* H2060, S4750);

Arkansas on March 5, 1987 (134 *Cong. Rec.* H3721, S7518);

Colorado on April 18, 1984 (131 *Cong. Rec.* S17687; 132 *Cong. Rec.* H6446);

Connecticut on May 13, 1987 (133 *Cong. Rec.* H7406, S11891);

Delaware on January 28, 1790;

Florida on May 31, 1990 (136 *Cong. Rec.* H5198, S10091);

Georgia on February 2, 1988 (134 *Cong. Rec.* H2638, S5239); Idaho on March 23, 1989 (135 *Cong. Rec.* H1893, S7911);

Indiana on February 19, 1986 (132 *Cong. Rec.* H1634, S4663); Iowa on February 7, 1989 (135 *Cong. Rec.* H836, S3509–10); Kansas on April 5, 1990 (136 *Cong. Rec.* H1689, S9170, E1740–41); Louisiana on July 6, 1988 (134 *Cong. Rec.* H5783, S9939); Maine on April 27, 1983 (130 *Cong. Rec.* H9097, S11017); Maryland on December 19, 1789; Minnesota on May 22, 1989 (135 *Cong. Rec.* H3258, H3678, S7655–56, S7912); Montana on March 11, 1987 (133 *Cong. Rec.* H1715, S6155); Nevada on April 26, 1989 (135 *Cong. Rec.* H2054, S10826); New Hampshire on March 7, 1985 (131 *Cong. Rec.* H1378, S3597); New Mexico on February 13, 1986 (132 *Cong. Rec.* H827, S2207–8, S2300); North Carolina on December 22, 1789; Ohio on May 6, 1873 (70 *Ohio Laws* 409–10); Oklahoma on July 10, 1985 (131 *Cong. Rec.* H7263, S13504); Oregon on May 19, 1989 (135 *Cong. Rec.* H5692, H5972, S11123–24, S12150); South Carolina on January 19, 1790; South Dakota on February 21, 1985 (131 *Cong. Rec.* H971, S3306); Tennessee on May 23, 1985, (131 *Cong. Rec.* H6672, S10797, S13504); Texas on May 25, 1989 (132 *Cong. Rec.* H2594, S6726–27); Utah on February 25, 1986 (132 *Cong. Rec.* S6750, S7578; 133 *Cong. Rec.* H9866); Vermont on November 3, 1791; Virginia on December 15, 1791; West Virginia on March 10, 1988 (134 *Cong. Rec.* H2492, S4784–85); Wisconsin on June 30, 1987 (133 *Cong. Rec.* H7406, S12948, S13359); and Wyoming on March 3, 1978 (124 *Cong. Rec.* 7910, 8265–66; 133 *Cong. Rec.* S12949); therefore be it

Resolved, by the House of Representatives of the Eighty-Seventh General Assembly of the State of Illinois, the Senate Concurring Herein, that the foregoing proposed Amendment to the Constitution of the United States is ratified by the General Assembly of the State of Illinois; and be it further

Resolved, That the Secretary of State of Illinois shall transmit certified copies of this resolution to the Archivist of the United States, to the Vice-President of the United States and to the Speaker of the United States House of Representatives with a request that it be printed in full in the Congressional Record.

Passed by the House, May 5, 1992, by a vote of three-fifths of its Members.

Unratified Amendments

SIZE OF HOUSE AMENDMENT—1789

In 1789, the First Congress proposed twelve articles of amendment to the States. Of these, Articles III–XII were ratified and became the first ten amendments to the Constitution, the Bill of Rights. The following is the text of the original proposed Article I:

"Article I. After the first enumeration required by the first article of the Constitution, there shall be one Representative for every thirty thousand, until the number shall amount to one hundred, after which the proportion shall be so regulated by Congress, that there shall be not less than one hundred Representatives, nor less than one Representative for every forty thousand persons, until the number of Representatives shall amount to two hundred; after which the proportion shall be so regulated by Congress, that there shall not be less than two hundred Representatives, nor more than one Representative for every fifty thousand persons."

TITLES OF NOBILITY AMENDMENT—1810

In 1810, the Eleventh Congress proposed the following article of amendment to the Constitution relating to acceptance by citizens of the United States of titles of nobility from any foreign government:

"*Resolved by the Senate and House of Representatives of the United States of America in Congress assembled*, two thirds of both Houses concurring, That the following section be submitted to the legislatures of the several States, which, when ratified by the legislatures of three-fourths of the States, shall be valid and binding, as part of the constitution of the United States.

"If any citizen of the United States shall accept claim, receive or retain any title of nobility or honour, or shall, without the consent of Congress, accept and retain any present, pension, office or emolument of any kind whatever, from any emperor, king, prince, or foreign power, such person shall cease to be a citizen of the United States, and shall be incapable of holding any office of trust or profit under them, or either of them."

SLAVERY AMENDMENT—1861

In 1861, the Thirty-sixth Congress proposed the following amendment to the Constitution relating to slavery:

"*Resolved by the Senate and House of Representatives of the United States of America in Congress assembled*, That the following article be proposed to the Legislatures of the several States as an amendment to the Constitution of the United States, which, when ratified by three-fourths of said Legislatures, shall be valid, to all intents and purposes, as part of the said Constitution, viz.:

"'ARTICLE THIRTEEN.

"'No amendment shall be made to the Constitution which will authorize or give to Congress the power to abolish or interfere, within any State, with the domestic institutions thereof, including that of persons held to labor or service by the laws of said State.'"

CHILD LABOR AMENDMENT—1924

In 1924, the Sixth-eighth Congress proposed a child labor amendment. The proposed amendment, which has been ratified by 28 States, to date, is as follows:

"*Resolved by the Senate and House of Representatives of the United States of America in Congress assembled (two-thirds of each House concurring therein)*, That the following article is proposed as an amendment to the Constitution of the United States, which, when ratified by the legislatures of three-fourths of the several States, shall be valid to all intents and purposes as a part of the Constitution:

"'ARTICLE —.

"'SECTION .1. The Congress shall have power to limit, regulate, and prohibit the labor of persons under eighteen years of age.

"'SECTION 2. The power of the several States is unimpaired by this article except that the operation of State laws shall be suspended to the extent necessary to give effect to legislation enacted by the Congress.'"

The PRESIDING OFFICER. The Senator from Minnesota [Mr. WELLSTONE].

Mr. WELLSTONE. Mr. President, I ask unanimous consent that we proceed for 10 more minutes as in morning business. I have a few minutes I will take, followed by Senator D'AMATO from New York.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Minnesota [Mr. WELLSTONE].

AGENCY-BASED REGISTRATION

Mr. WELLSTONE. Mr. President, since, I will not be here when Senator MCCAIN introduces one of his amendments to the motor-voter bill, I want to take a few minutes to express my opposition now. Senator MCCAIN, from Arizona, is going to offer an amendment to eliminate agency-based legislation. I urge my colleagues to join me in opposing it.

Mr. President, let me just make three essential points. The first is that this piece of legislation, which is so important to expanding democracy in our country, is a nonpartisan, good-Government piece of legislation. It is very effective and, as a matter of fact, I believe that of those people who are not registered to vote, almost all of them—90 percent plus—will be covered by the combination of motor-voter agency-based and mail-in registration required by the bill.

The problem is that there are some Americans, and I promised the Senator from New York that I would be brief so I will not recite the statistics—I am sure the Senator from Kentucky will—but there are all too many Americans, many of them who live in large cities, who do not own a car. More important than not owning a car, they just do not have a driver's license. For these Americans if we really want to make sure that minorities and low-income people in our urban communities are also readily able to register to vote, we absolutely must retain agency-based registration in this bill which I believe must become the law of the land.

Mr. President, for years, we have had a motor-voter system in Minnesota, which uses Bureau of Motor Vehicles driver's license motor registration forms. We have had same-day registration, which is not included in this legislation. And, finally, we have had agency-based registration. I hold here in my hands an example of what would happen if someone was to come in for an application for the unemployment insurance program in Minnesota. This would be one example. Another example would be this application, used when someone comes in to apply for food stamps, cash assistance, or medical assistance.

For those men and women at unemployment offices, food stamp offices, welfare offices—some of whom do not have a driver's license—agency-based registration is an effective way, a nonpartisan way of reaching out and making sure that they are able to register and vote.

Again, this is all we are talking about.

Finally, let me point out that in each one of these forms it is written very clearly: "If you are not registered to vote where you live now, would you like to register here today?" A man/woman could easily fill this out. Underneath, note: "you do not have to answer this question." It is not obligatory. It is all optional. We do it in Minnesota. It is so important to expanding democracy.

And I just want to say to Senator MCCAIN, since I cannot be here when he offers his amendment, that I know from his work with the Indian community in Arizona that he cares about people who are struggling. But it is precisely these people—and other low income and minority populations—that would be hurt by this amendment.

I want to say on the floor of the Senate that agency-based registration is an important complement to motor voter and it is absolutely crucial if we are going to pass a bill that is really going to provide equal voting access to the many, many Americans who right now are unable to register to vote. It is especially important as we begin to focus on our cities, since so many more urban residents would take advantage of agency-based registration systems. I urge my colleagues to vote no on this amendment.

I thank the Senator from New York.

The PRESIDING OFFICER. The Senator from New York.

KOREAN FAMILY REUNIFICATION

Mr. D'AMATO. Mr. President, I rise today to address the issue of Korean family reunification. Nearly 42 years ago, on June 25, 1950, the fledgling Republic of Korea was suddenly and brutally attacked by the Communist North Korean forces of Kim Il Song in an effort to conquer the state which had been created by the United Nations with the assistance of the United States. The war, which raged for almost 3 years, was one of the bloodiest and most costly in history. Over 157,000 Americans were killed and injured, many permanently. To this day, some 8,000 Americans remain listed as missing in action, including several hundred who we know were captured by Communist forces.

On the Korean side, military and civilian casualties numbered in the millions. Destruction of South Korea was nearly total, rivaling that in Europe and the Pacific during the Second World War. Thus, Korea paid heavily for its freedom. Yet during the past 40 years, we have had no more steadfast an ally than the Republic of Korea. In the period since the end of the Korean war, the diligent, disciplined Korean people have created an economic powerhouse on that tiny peninsula on the tip of the north Asian mainland.

In this country, the Korean war has been called the forgotten war. The American people have sought to forget the unpopular conflict which broke the peace only a few short years after World War II and sent our troops abroad once again to fight in a far away place.

To Korea, the war brought horrible misery and dislocation. For many Koreans, time has healed those wounds. But not for those who had their families brutually wrenched apart and separated, first by creation of the demarcation line of the 38th parallel in 1945 and then by the war. Ten million Korean families, 1 in 3, had been separated by the forced division of the country. For most of these families, there has been no word in over 40 years of separation from their loved ones. Kim Il-Song has hermetically sealed his country off from the outside world.

Koreans are by nature a very tightly-knit, family-oriented people by virtue of geography, religion, culture and agrarian history. The division of the country has been very, very hard for most Koreans to bear. They still hope and yearn for peaceful reunification of their country so that they can be reunited with their loved ones and the nation's vitality can be fully developed. That yearning and hopefulness grows stronger as other Communist countries throughout the world shed their dictatorships.

A Korean-American gentleman of my acquaintance, Mr. Yung-Soo-Yoo, recommended to President Bush last summer that Mr. Bush sponsor an initiative to permit a modest program of Korean family reunification that would unite Korean-Americans and their loved ones from North Korea. President Bush agreed with this initiative and planning has proceeded to the point where authorities in Pyongyang apparently are ready to grant permission to 15 North Korean families to travel to my State of New York this summer, with an equal number to visit California this fall, each for a 1-month's stay. It is a very modest attempt, but possibly it is a crack in the iceberg that has been the North Korean hermit kingdom since the end of the Second World War.

Mr. Yoo exemplifies the work ethic of those Koreans who have come to the United States during the past 20 to 30 years for an education or a new start, and earnestly wish to carry something of the American work ethic back to their home country.

I congratulate President Bush, and Mr. Yoo, for this initiative in helping to reunite these families and in so doing, taking that first critical step to bring true peace to the Korean peninsula—the last vestige of the cold war.

I understand that there are some 200,000 Korean-Americans with immediate relatives in North Korea who are 60, 70 or 80 years of age and wish to see their husbands and wives, sons, daughters, mothers and fathers before they pass away. A recent newspaper article reported that Kim Il-Song wants to establish normal relations with the United States. I would like to see the United States Senate urge Kim Il-Song to join President Bush in this humanitarian gesture of reuniting families separated for more than 40 years and express the hope that the effort will encourage South Korea to do the same. Thank you, Mr. President.

Mr. President, I yield the floor.

Mr. FORD addressed the Chair.

The PRESIDING OFFICER. The Senator from Kentucky [Mr. FORD] is recognized.

NATIONAL VOTER REGISTRATION ACT

The Senate continued with the consideration of the bill.

Mr. FORD. Mr. President, is that the last unanimous-consent agreement for time other than on the bill?

The PRESIDING OFFICER. The Senator is correct.

Pursuant to the order of May 13, there is now 1 hour for debate on the bill, equally divided and controlled between the Senator from Kentucky [Mr. FORD] and the Senator from Alaska [Mr. STEVENS] or their designees.

In addition, the order provides 30 minutes divided and controlled in the usual manner on eligible amendments listed on page 2 of the Senate Calendar.

Mr. FORD. Mr. President, it also says, I believe in that unanimous-consent agreement, that any amendment that has not been proposed at 8 p.m. this evening will not be considered. And also am I correct that the amendments included in the unanimous-consent agreement are the only amendments that can be considered by the Senate as it relates to S. 250 and that no amendments in the second degree shall be offered unless they are one of the amendments in the unanimous-consent agreement?

The PRESIDING OFFICER. The Senator is correct in all of his inquiries.

Mr. FORD. I thank the Chair very much.

It is my understanding that Senator MCCAIN is on his way to the Senate floor. I understood he was here earlier, when I could not be present at that time, and he is prepared to go forward with his amendment.

I am prepared to take the other side. Since there are none here, I will ask another question. If we suggest the absence of a quorum, how is it charged?

The PRESIDING OFFICER. The time would be charged to the Senator suggesting the absence of a quorum.

Mr. FORD. Mr. President, I ask unanimous consent that I now suggest the absence of a quorum and that it not be charged to either side.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. MCCAIN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 1824

(Purpose: To allow States with existing motor-voter registration programs adequate time to comply with Federal statutes)

Mr. MCCAIN. Mr. President, I have an amendment at the desk and I ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report the amendment.

The bill clerk read as follows:

The Senator from Arizona [Mr. MCCAIN] proposes an amendment numbered 1824.

Mr. MCCAIN. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

Mr. FORD. Mr. President, will the Senator yield. I believe 1824 is not the date change; 1808, is that the date change?

I just ask for the information. The McCain amendment 1808 was the one to effectively change the date from 1993 to January 1, 1994. Is that correct? Otherwise, the Senator is not bringing up the amendment we agreed to. That is all I am asking.

Mr. MCCAIN. Yes.

The PRESIDING OFFICER. The amendment at the desk is identical.

Without objection, it is so ordered.

The amendment is as follows:

In section 13 of the Act, paragraph 2, strike "1993" and insert in lieu thereof "1994".

Mr. MCCAIN. Mr. President, I have discussed this amendment with the distinguished floor manager and chairman of the Rules Committee, my friend from Kentucky, and I believe that both sides will accept this amendment. It is very simple. The bill as currently drafted mandates that States fully comply with this legislation by January 1, 1993. This amendment would extend the date that States have to comply until January 1, 1994.

The reason for this, Mr. President, is that the legislatures in many States meet only for a limited time each year. We are well into the year 1992, and most legislatures, including the one in my State, are either finished or nearly finished with their business for the year. In order for them to come into compliance by January 1, 1993, it would require a special session of the legislature, and although my State has statutorily established motor-voter registration, and it is similar to the legislation before us, the laws are slightly different, and my State and other States that would not be able to change their laws by January 1, 1993 could risk being in violation of Federal laws. So, by extending the date of implementation from 1993 to 1994, Arizona and other States would have adequate time to comply with the law.

I also note that most major elections are conducted during even-numbered years, and if they were in compliance by January 1994, this would affect the overwhelming majority of elections and certainly the Federal elections with the exception of any special elections which may be required during 1993. So I would ask that this amendment be approved, and I yield the floor.

Mr. FORD. Mr. President, I compliment the great State of Arizona for having similar legislation to what we are attempting to pass now, what we refer to as motor-voter legislation or voter registration legislation. So Arizona is one of those States that basically comply with the legislation we are attempting to pass. I think the Senator from Arizona makes a good point as it relates to giving them more time. My State also has a biennial legislature and there are several times they will have between now and then a special session that they could comply with this.

But under the circumstances, we believe the Senator from Arizona makes a good point. I am willing to accept his amendment and will yield back the time as it relates to the unanimous-consent agreement on this particular amendment.

The PRESIDING OFFICER. Is there further debate?

Mr. FORD. Does the Senator yield back his time?

Mr. MCCAIN. Mr. President, I yield back my time.

The PRESIDING OFFICER. The question is on agreeing to the amendment offered by the Senator from Arizona.

The amendment (No. 1824) was agreed to.

Mr. FORD. Mr. President, I move to reconsider the vote.

Mr. MCCAIN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 1825

(Purpose: To ensure that individuals applying for agency-based registration are not coerced by such agencies)

Mr. MCCAIN. Mr. President, I have an amendment at the desk. I ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report the amendment.

The assistant legislative clerk read as follows:

The Senator from Arizona [Mr. MCCAIN] proposes an amendment numbered 1825.

Mr. MCCAIN. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

At the end of Section 7 of the Act, add:

(d) RESTRICTIONS ON AGENCY REGISTRATION.—No agency designated under this Act shall register any individual who receives direct financial aid from that agency:

(1) If an agency described in paragraph (d) is requested by an individual to register that person to vote, the agency must refer that individual to an agency designated in this section and from which the individual does not receive direct financial aid.

(2) EXCEPTION TO PARAGRAPH (d).—If the individual noted in paragraph (d) has or claims to have a disability as defined by the Americans With Disabilities Act of 1990 (P.L. 101-332), that individual must be—

(A) referred to another agency designated in this section and from which the individual does not receive direct financial aid, that the individual agrees is both convenient and accessible under the standards of the Americans With Disabilities Act of 1990 (P.L. 101-336), or

(B) if no such agency designated under (d)(2)(A) exists, any agency designated by this Act may register such individual.

(3) Direct financial aid is defined as food or nutrition aid or income assistance aid dispersed by any agency.

PRIVILEGE OF THE FLOOR

Mr. MCCAIN. Mr. President, I ask unanimous consent that Nick Patel, a legal intern on my staff, be allowed privileges of the floor during the consideration of this amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MCCAIN. Mr. President, I am offering this amendment to the bill to ensure that individuals applying for agency-based registration are not victims of coercion. I would like to begin by saying that, as I noted and my friend from Kentucky also noted, my State has adopted motor-voter legislation. We feel that it will help considerably in increasing voter participation.

I think that clearly when we see a situation as that which recently transpired in New York in the Democratic primary where the focus of the media was intense for 2 weeks and there was still only a 25-percent voter turnout, it indicates there is an enormous amount of apathy in the country today, and we should do everything we can to encourage voter participation.

One of those ways—and, of course, there are many that we most try—is to make it easier for all of our citizens to register to vote.

Prior to the passage of motor-voter legislation in my State, it was difficult to register to vote. You were required to find a deputy registrar and fill out certain papers, et cetera. I had heard complaints from numerous citizens in my State who felt it was unduly difficult not only to vote, but also to become qualified to register to vote. Now, of course, that has all been done away with. But I think we should also be concerned about the issue of coercion.

Specifically, my amendment restricts agencies from registering individuals who receive direct aid from those agencies. It takes into account needs of disabled and makes exception for disabled Americans. Additionally, the amendment mandates that any individuals who fall under this category be referred to another agency that can register them to vote.

Mr. President, those who are most vulnerable in our society must be protected from coercion, and I believe this amendment does that.

S. 250, as currently drafted, allows for agency-based voter registration, and I have no problem with that, Mr. President. I want to emphasize that. What I am concerned about, and I think all of us should be concerned about, is either the implicit or explicit coercion exercised by that same person or persons who are providing direct financial aid to those likely voters and recipients, direct recipients of that aid.

S. 250 mandates that all unemployment offices, public assistance offices, and vocational rehabilitation offices seek to register their clients. Although this outreach program is noble in concept, as currently drafted, I believe the bill may subject the poorest and the least educated in our society to undue and unfair coercion.

The Department of Justice wrote:

> The Department's experience demonstrates that public officials sometimes use their power to dispense or withhold benefits in order to pressure citizens into voting a particular way or registering for a particular party.

S. 250 would increase substantially the opportunities for such intimidation and coercion of the public. That is the position of the Justice Department, and one of the reasons why I hope that this amendment will be agreed to is because, if we enact this amendment, it would reduce dramatically or, in my view, even eliminate this possibility and, I hope, reduce the likelihood of a Presidential veto, which my friend from Kentucky and I know can be and will be sustained.

I think the American people are growing weary of watching the Congress enact legislation with the full knowledge that the legislation is going to be vetoed and that the veto is going to be sustained.

I urge all who are interested in making voter registration accessible to all of our citizens to work together rather than at sword's point in trying to achieve the same goal.

In 1991, the St. Louis Post Dispatch reported an ongoing investigation into allegations that public assistance employees were routinely registering public assistance applicants, suggesting who they should vote for, and even taking them to the polls. What I am saying is, Mr. President, unfortunately there are documented cases of abuses of this privilege. All this amendment does is try to prevent that, and, at the same time, it is mandatory for this dispenser of financial aid to refer that person to an agency where they can be registered to vote. Although I applaud the protections against coercion in the bill, in my view they are simply not enough.

In meetings in my office between my staff and staff of the Mexican-American Legal Defense and Education Fund that group stated that those who do not have a driver's license and have no choice but to go to public assistance agencies are the most disenfranchised in our society, the most vulnerable, the least likely to register to vote without face-to-face assistance. These individuals need the most outreach in Government assistance.

Due to their unfortunate financial situation, most of these individuals find themselves in many cases dependent on these social service agencies for most, if not all, of their livelihood. The public assistance recipients such as these are most in need and thus the most vulnerable for exploitation.

It is foolish to think that such individuals who depend on a social agency for their livelihood will risk all, or think that they may risk all, to report an instance of coercion. Even worse, would a person seeking public assistance risk all to turn down an application to register to vote? Even if such a real threat does not exist, the perception is certainly real.

Anyone who has ever visited a Government bureaucracy recognizes full well that a bureaucrat can make it incredibly difficult, if not impossible, for a person to receive the benefits which they are entitled to, through delay, through allegations of improper filling out of paperwork.

In other words, what I am saying is enormous power rests in the hands of the person who gives out financial assistance, in many cases the only way that recipient can survive. Will not a welfare mother feel extreme pressure to register to vote if the person who credits her for money would make such a suggestion?

S. 250 wisely states that an individual may refuse to register with no repercussions, but will that individual truly realize that he or she possesses that right? Further, will that individual realize that he or she can take the civil servant to court, and would they want to? Reality tells us the answer is no. The welfare mother will sign up against her will because she believes it will help her situation.

This kind of coercion is as reprehensible as overt arm twisting. This body cannot prohibit one kind of coercion while allowing the other to exist unchecked. As long as the legislation is linked to public assistance benefits, coercion will exist.

This amendment will solve this dilemma. The amendment forbids any agency from registering an individual who receives direct financial aid from that agency. In order not to disenfranchise that individual or create a disparate impact on any group in our society, this amendment mandates the agency refer the individual seeking to register to vote to another agency that is eligible to register the individual. This does not ban agency-based registration. The amendment does, however, protect individual rights.

Let me emphasize that point. If the amendment is adopted, agency-based registration will still be allowed while, at the same time protecting individual rights. If an individual truly wants to register to vote, that individual will gladly walk down the hall and around the block to register in a coercion-free environment.

Further, this amendment protects the rights of those who are physically disabled. Disabled Americans seeking to register to vote will be referred to the most convenient, accessible agency that is eligible to register the individual to vote. Most importantly for the disabled, if no agency is both convenient and accessible to the disabled individual, then any agency, including one that may give direct financial assistance to the individual, may register the person to vote.

The amendment facilitates easy coercion-free registration. It does not link a person's financial stability to voter registration, and it reestablishes the American tradition, that participation in the political system is voluntary. Certainly we have an obligation to protect those in our society who might be vulnerable, and this amendment does exactly that.

Last year we heard many here strongly support the civil rights bill of 1991, a bill designed to protect individual rights. I believe this amendment does exactly the same thing. The amendment is pro-individual rights, pro-voter registration, and pro-participation in our Democratic system of Government.

Mr. President, this is an issue of priorities. Either civil liberties are important or voter registration statistics are important. I will always choose individual civil liberties.

I ask unanimous consent that a letter from Arizona Bridge to Independent Living, one of the largest disabled advocacy groups in Arizona, which strongly endorses the amendment, be printed in the RECORD at this point.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

ARIZONA BRIDGE TO
INDEPENDENT LIVING,
Phoenix, AZ, October 29, 1991.

Senator JOHN MCCAIN,
United States Senate,
Washington, DC.

DEAR SENATOR MCCAIN: This is in reference to your proposed amendment to Senate Bill S. 250 The National Voter Registration Act of 1991. I am pleased with this amendment as I believe it resolves an important issue of coercion that apparently exists on occasion when individual voters are registered at social service agencies who provide some means of support for these individuals.

However, I am also pleased with the exception that you have included that will enable persons with physical disabilities to be accommodated at social service agencies when it is not convenient or possible for them to gain access to another agency that is not located close to a service agency where such request is made. In outlying areas of the country or in rural communities, this exception will enable persons with disabilities to register in a manner that does not necessitate traveling great distances when transportation availability is such an issue for Americans with disabilities.

Therefore, this is to fully endorse and support the amendment you have drafted with the inclusion of the exception to paragraph (c). Once again, I am very pleased at your responsiveness to the needs of the disability community. As always, it is greatly appreciated.

Sincerely,

SUSAN A. WEBB,
Executive Director.

Mr. MCCAIN. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There is not a sufficient second.

The Senator from Arizona has 3½ minutes remaining. The Senator from Kentucky has 15 minutes remaining.

Mr. MCCAIN. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. MCCAIN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MCCAIN. Mr. President, I repeat my request for the nays and yeas.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

Mr. MCCAIN. Mr. President, I reserve the remainder of my time.

The PRESIDING OFFICER. Who yields time?

Mr. FORD. Mr. President, I appreciate the kind words of the distinguished Senator from Arizona regarding this bill. Two or three things disturb me as it relates to his statement about public assistance employees being crooked. I know if you roll your window down in the car, leave the keys in the car, somebody coming by will be tempted. But I think we have closed the window and taken the keys out of the car as it relates to the civil penalties portion of this piece of legislation as it relates to coercion or threats, things of that nature. And we do not have confidence in our people when we start offering these amendments.

It just says that we do not believe that they will be straight; we think they will be doing the threatening and coercion that the Senator from Arizona talks about. And, in his amendment, he says if the individual does not want to go to another agency, they have to register him right where they are. So the individual gets the choice. The individual is there. It says that the individual agrees it is both convenient and accessible, the new location, under the standard of the Americans With Disabilities Act of 1990. He says, go down the hall, or around the corner, or down the street, and the individual must agree to that. If the individual does not agree, that individual can vote right there.

So I think he is just saying that the individual still has the right, and under S. 250, as we have it drawn, the individual has a right and if the individual wants to register, then the individual ought to have an opportunity, without that individual being forced to go down the hall, around the corner, and down the street.

He admits that in his amendment, if the individual says it is inconvenient, then they can be registered where they are.

We talk about those who are for and against this amendment. Let me tell you who is against this amendment. The American Association of Retired People [AARP], are very much opposed to this Senator's amendment. I know how hard the Senator has worked for our retired people. I have heard him on the floor working very, very hard. Now he finds himself in disagreement with the AARP. They say in their letter, which I will put into the RECORD, "rather than protecting vulnerable individuals," referring to the Senator's amendment, "amendment 1807"—and it is now 1824, I believe—"threatens effectively to disenfranchise millions"—that is AARP—"of potential voters by forcing them to seek alternative registration sites, thereby creating additional barriers for frail and poor American citizens."

What we are attempting to do here is make it easier to register, make it easier to participate in democracy. But this amendment, as stated by the AARP, disenfranchises these people who are frail and poor American citizens, and makes them seek an alternative, if they are getting food or some financial assistance.

And then several organizations wrote letters, such as the Disability Rights Education and Defense Fund; Affiliated Leadership League of and for the Blind of America; Disabled and Able to Vote; Paralyzed Veterans of America; Disabled American Veterans; National Council on Independent Living. These organizations are opposed to the Senator's amendment. The McCain amendment would prevent agencies from providing voter registration opportunities to citizens with disabilities, who are frail, or are receiving some assistance. So these groups are very much opposed to the Senator's amendment. And then the Mexican-American Legal Defense and Educational Fund. I have a letter of yesterday. "* * * because it will defeat the purpose of the agency-based registration provisions of the act, will require that an agency deny"—I underscore deny—"these particular individuals the opportunity to register to vote, should they be recipients of direct financial aid from that agency."

Go down the hall, go around the corner, go down the street. Will they do that? I am not sure. It is doubtful. If they are there and they want to register, why not have confidence in those people that they are honest. What we are saying to them is that they are going to coerce these poor people; they are going to coerce the handicapped; they are going to coerce the frail, the aged. I just do not believe that will happen.

They say the McCain amendment will unfairly burden eligible voters that happen to be disabled or a recipient of social services. Social services. They say the McCain amendment would obstruct the political participation of those citizens who have historically been the most disenfranchised of Americans—the poor.

So I just hope, Mr. President, that my colleagues will see that this does disenfranchise many of the people that we are trying to help here, and that my friends in the Senate will defeat this amendment.

UNANIMOUS-CONSENT AGREEMENT

Mr. FORD. Mr. President, I ask unanimous consent that the vote on or in relation to the McCain amendment occur at 2:15.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The PRESIDING OFFICER. The Senator from Kentucky has 7 minutes 45 seconds remaining. The Senator from Arizona has 2 minutes 20 seconds.

Mr. FORD. Mr. President, I reserve the remainder of my time.

Mr. McCAIN. Mr. President, I yield myself the remaining time.

First of all, I would like to again express my appreciation to my friend from Kentucky for his efforts to make voting accessible to all Americans and for doing everything he can to increase participation, which is one of our most valued aspects of democracy.

I take exception to his assertion that the disabled community is in opposition. In fact, we talked to the Disabled American Veterans yesterday. After we put in this clause that "if a person is disabled, then he can be registered at that place," their objection was removed.

I would like to clarify that the only people, according to this amendment, who would be able to—if they request—register to vote at the place where they are receiving financial assistance, are those who are disabled.

Mr. President, I hope that we can do a better job of agreeing on this particular issue, as well as others, so that perhaps we can get legislation signed by the President and enacted into law. I think motor-voter is a good concept and one that, with some refinement, can be a very important asset in increasing voter participation.

Mr. President, I have no further comments, and I yield the remainder of my time.

Mr. FORD. Mr. President, we made a special effort in S. 250 to accommodate the spirit of the attempt to give everybody an opportunity. We have some in-home service that citizens receive, and this amendment would affect services that were provided to disabled Americans in their homes. The committee amendment provides that in-house services must be included in agency-based registration.

So this amendment would eliminate that almost entirely. As I say, this amendment is contrary to the whole spirit of this bill. S. 250 seeks to make registration convenient for all eligible citizens. We are seeking to eliminate the hooks and ladders which this amendment puts in, adds to, that prevents people from registering to vote.

The McCain amendment would reinstate the barriers, but only for the poor, only for the unemployed, and only for the disabled.

Why should we put more hooks and ladders in for just the poor, the unemployed and the disabled? Everybody else is home free.

So I say to my colleagues this is in my opinion contrary to the spirit and the desire of those of us who would like to see everyone have an opportunity to vote, and let us not try to prevent that if we possibly can as it relates to amendments to the bill.

Mr. President, at some point I will move to table.

Would the Senator agree to allow me to offer a tabling motion and that would come at 2:15?

Mr. McCAIN. That would be agreeable to me, Mr. President.

Mr. FORD. If the Senator will yield, if we can agree to it now we may as well go ahead and get it done.

The PRESIDING OFFICER. Is the Senator from Kentucky offering an motion to table the amendment?

Mr. FORD. Mr. President, I yield back the remainder of my time.

The PRESIDING OFFICER. All time has expired. The Senator from Kentucky.

Mr. FORD. Mr. President, I move to table the amendment by the Senator from Arizona and he has agreed to it.

Mr. McCAIN. The vote to take place at 2:15.

Mr. FORD. Yes. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. Under the previous unanimous-consent request a recorded vote will occur on the motion to table the McCain amendment at 2:15 p.m. today.

Mr. FORD. Mr. President, I suggest the absence of a quorum and ask unanimous consent that the time be equally charged to both sides on the bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. FORD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. FORD. Mr. President, I take this time off the time on the bill so I might inform my colleagues where we are.

As soon as we have clearance—and I think it will be soon—we will have an amendment that we can agree to by the Senator from Florida, Senator GRAHAM.

We have several colloquies we can put into the RECORD. I understand my colleague, Senator MCCONNELL, will be here shortly, and we will have that amendment.

We are going to try to set the vote on the amendments at 2:15, to start right after the party conferences, those that we have been able to work out this morning or have gotten to a point where they are ready to be voted on.

AMENDMENT NO. 1826

(Purpose: To ensure that voters receive correct ballots)

Mr. FORD. Mr. President, on behalf of Senator GRAHAM, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Kentucky [Mr. FORD], for Mr. GRAHAM, proposes an amendment numbered 1826.

Mr. FORD. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 19, strike lines 22 through 25 and insert the following:

(B) If State law permits the registrant to vote in the current election upon oral or written affirmation by the registrant of the new address at a polling place described in subparagraph (A)(ii)(II), voting at the former polling place as described in subparagraph (A)(i) and at a central location as described in subparagraph (A)(ii)(I) need not be provided as alternative options.

Mr. FORD. Mr. President, this amendment provides that a registered voter who has not responded to an address verification card, conducted as part of the State's general program, vote at his new polling place if permitted by State law, if the registered voter changed address within the same registrar's jurisdiction and congressional district.

This eliminates the provision which would permit a registered voter to vote at his former polling place or a designated central location.

Mr. GRAHAM. Mr. President, if the goals of the legislation are to simplify registration procedures, increase registration opportunities, and increase voter participation, then why create a situation in which voters might vote only for Federal candidates.

As currently written, the committee substitute to S. 250 allows voters who have moved within their congressional district, and who have failed to return a change of address card, to change voting records and vote at their former polling place on election day.

While this sounds reasonable because former polling places would have registration information on file, some States: Florida, Maryland, Oregon, and Virginia, do not permit voters to vote in precincts or districts in which they do not legally reside.

In these States, the practical effect of the former polling place provision would be to force voters to either have to go to two polling places or to vote only for Federal candidates.

Certainly, this was not the intent of this legislation to have voters vote solely for Federal candidates.

Mr. President, that is why I worked with Florida Supervisors of Elections, the American Civil Liberties Union, the Disabled and Able to Vote, the National Association for the Advancement of Colored People, and the NAACP Legal Defense and Education Fund to develop the compromise I am offering today.

The amendment permits States that allow registrants who have moved to appear at a new polling place, to affirm orally or in writing the address of the new residence, and to vote in the current election to opt out of providing the former polling place option.

Mr. FORD. Mr. President, this amendment has been agreed to on both sides.

I yield back my time.

The PRESIDING OFFICER. If there is no objection, all time is yielded back.

The question is on agreement to the amendment.

The amendment (No. 1826) was agreed to.

Mr. FORD. Mr. President, I yield to my distinguished colleague, the Senator from Wisconsin, for the purpose of a question.

Mr. KOHL. Mr. President, I would like to ask my colleague from Kentucky a question about the exemption clause of the motor-voter bill. Would the Senator from Kentucky explain the exemption contained in S. 250?

Mr. FORD. Mr. President, the act does not apply to any State in which one or both of the following situations exist: First, that there is no requirement for any voter to register to vote; and/or second, that all voters in the State may register to vote at the polling place at the time of voting in a general election.

Mr. KOHL. I thank my colleague. If he will yield for an additional question. In my State of Wisconsin, jurisdictions with a population over 5,000 are required to have same-day registration, while jurisdictions under 5,000 may choose between either having no registration requirements at all or complying with all State laws on registration, including same-day registration. Am I correct in understanding the exemption, as explained by the Senator from Kentucky, that Wisconsin would be exempt under the act?

Mr. FORD. Let me respond to the Senator from Wisconsin by saying that we have not examined all the statutes of the States nor have we attempted to interpret each of those statutes to determine which States would be exempt and which would not. We have made the language on exemptions very specific. In order for any State to be exempt from the act, each jurisdiction in the State must have either no requirement for registration for any voter, or it must permit any voter to register and vote at the polling place on election.

As long as one or the other exemption requirements applies to each voter in Wisconsin, then Wisconsin would be exempt. Let me emphasize the fact that the exemptions are very specific. Therefore, I would recommend to the Senator from Wisconsin, and to any other Senator who may have a question as to whether his or her State is exempt from the requirements of the bill, that those Senators discuss this matter with the respective election officials.

Mr. KOHL. I thank the Senator for his courtesy and for responding to my questions. I have discussed this with State election officials and their understanding comports with mine. Based on the language of the bill, language which the Senator from Kentucky kindly modified after I discussed it with him, Wisconsin would be exempt.

Mr. FORD. Mr. President, we are going to run out of time as it relates to the time on the bill, and I am a little bit disturbed that we are beginning to eat up that time and no one is here to present amendments. It gets a little bit frustrating, and I understand that. I have been here before.

Mr. President, I ask unanimous consent that the time under the next quorum call be charged equally to both sides.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. FORD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MCCONNELL. Mr. President, is the Senator from Kentucky correct that there is an amendment by Senator MCCAIN currently pending?

The PRESIDING OFFICER. That amendment has been laid aside until 2:15, at which time a vote will take place on a motion to table.

Under the previous order the junior Senator from Kentucky is protected with a right to offer one or both of two amendments, each of which will be allocated 30 minutes equally divided.

Mr. McCONNELL. Mr. President, after discussing this with my friend and colleague from Kentucky, Senator FORD, who is managing this bill for the majority, it will be my intention to discuss two separate amendments, lay them down, and it is our hope that we could vote on all three at 2:15.

AMENDMENT NO. 1827

(Purpose: To combat public corruption)

Mr. McCONNELL. Mr. President, since the McCain amendment is already laid aside, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Kentucky [Mr. McCONNELL] proposes an amendment numbered 1827.

Mr. McCONNELL. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. without objection, it is so ordered.

The amendment is as follows:

At the end of the amendment, add the following:

TITLE II—PUBLIC CORRUPTION

SEC. 201. SHORT TITLE.

This title may be cited as the "Anti-Corruption Act of 1992".

SEC. 202. PUBLIC CORRUPTION.

(a) OFFENSES.—Chapter 11 of title 18, United States Code, is amended by adding at the end the following new section:

"§ 226. Public corruption

"(a) STATE AND LOCAL GOVERNMENT.—

"(1) HONEST SERVICES.—Whoever, in a circumstance described in paragraph (3), deprives or defrauds, or endeavors to deprive or to defraud, by any scheme or artifice, the inhabitants of a State or political subdivision of a State of the honest services of an official or employee of the State or political subdivision shall be fined under this title, imprisoned not more than 10 years, or both.

"(2) FAIR AND IMPARTIAL ELECTIONS.—Whoever, in a circumstance described in paragraph (3), deprives or defrauds, or endeavors to deprive or to defraud, by any scheme or artifice, the inhabitants of a State or political subdivision of a State of a fair and impartially conducted election process in any primary, run-off, special, or general election—

"(A) through the procurement, casting, or tabulation of ballots that are materially false, fictitious, or fraudulent or that are invalid, under the laws of the State in which the election is held;

"(B) through paying or offering to pay any person for voting;

"(C) through the procurement or submission of voter registrations that contain false material information, or omit material information; or

"(D) through the filing of any report required to be filed under State law regarding an election campaign that contains false material information or omits material information,

shall be fined under this title, imprisoned not more than 10 years, or both.

"(3) CIRCUMSTANCES IN WHICH OFFENSE OCCURS.—The circumstances referred to in paragraphs (1) and (2) are that—

"(A) for the purpose of executing or concealing a scheme or artifice described in paragraph (1) or (2) or attempting to do so, a person—

"(i) places in any post office or authorized depository for mail matter, any matter or thing to be sent or delivered by the Postal Service, or takes or receives therefrom any such matter or thing, or knowingly causes to be delivered by mail according to the direction thereon, or at the place at which it is directed to be delivered by the person to whom it is addressed, any such matter or thing;

"(ii) transmits or causes to be transmitted by means of wire, radio, or television communication in interstate or foreign commerce any writings, signs, signals, pictures, or sounds;

"(iii) transports or causes to be transported any person or thing, or induces any person to travel in or to be transported in, interstate or foreign commerce; or

"(iv) uses or causes the use of any facility of interstate or foreign commerce;

"(B) the scheme or artifice affects or constitutes an attempt to affect in any manner or degree, or would if executed or concealed affect, interstate or foreign commerce; or

"(C) in the case of an offense described in paragraph (2), an objective of the scheme or artifice is to secure the election of an official who, if elected, would have any authority over the administration of funds derived from an Act of Congress totaling $10,000 or more during the 12-month period immediately preceding or following the election or date of the offense.

"(b) FEDERAL GOVERNMENT.—Whoever deprives or defrauds, or endeavors to deprive or to defraud, by any scheme or artifice, the inhabitants of the United States of the honest services of a public official or a person who has been selected to be a public official shall be fined under this title, imprisoned not more than 10 years, or both.

"(c) OFFENSE BY AN OFFICIAL AGAINST AN EMPLOYEE OR OFFICIAL.—

"(1) CRIMINAL OFFENSE.—Whoever, being an official, public official, or person who has been selected to be a public official, directly or indirectly discharges, demotes, suspends, threatens, harasses, or in any manner discriminates against an employee or official of the United States or of a State or political subdivision of a State, or endeavors to do so, in order to carry out or to conceal a scheme or artifice described in subsection (a) or (b), shall be fined under this title, imprisoned not more than 5 years, or both.

"(2) CIVIL ACTION.—(A) Any employee or official of the United States or of a State or political subdivision of a State who is discharged, demoted, suspended, threatened, harassed, or in any manner discriminated against because of lawful acts done by the employee or official as a result of a violation of this section or because of actions by the employee on behalf of himself or herself or others in furtherance of a prosecution under this section (including investigation for, initiation of, testimony for, or assistance in such a prosecution) may bring a civil action and obtain all relief necessary to make the employee or official whole, including—

"(i) reinstatement with the same seniority status that the employee or official would have had but for the violation;

"(ii) 3 times the amount of backpay;

"(iii) interest on the backpay; and

"(iv) compensation for any special damages sustained as a result of the violation, including reasonable litigation costs and reasonable attorney's fees.

"(B) An employee or official shall not be afforded relief under subparagraph (A) if the employee or official participated in the violation of this section with respect to which relief is sought.

"(C)(i) A civil action or proceeding authorized by this paragraph shall be stayed by a court upon certification of an attorney for the Government that prosecution of the action or proceeding may adversely affect the interests of the Government in a pending criminal investigation or proceeding.

"(ii) The attorney for the Government shall promptly notify the court when a stay may be lifted without such adverse effects.

"(d) DEFINITIONS.—As used in this section—

"(1) the term 'official' includes—

"(A) any person employed by, exercising any authority derived from, or holding any position in the government of a State or any subdivision of the executive, legislative, judicial, or other branch of government thereof, including a department, independent establishment, commission, administration, authority, board, and bureau, and a corporation or other legal entity established and subject to control by a government or governments for the execution of a governmental or intergovernmental program;

"(B) any person acting or pretending to act under color of official authority; and

"(C) any person who has been nominated, appointed, or selected to be an official or who has been officially informed that he or she will be so nominated, appointed, or selected;

"(2) the term 'person acting or pretending to act under color of official authority' includes a person who represents that he or she controls, is an agent of, or otherwise acts on behalf of an official, public official, and person who has been selected to be a public official;

"(3) the terms 'public official' and 'person who has been selected to be a public official' have the meanings stated in section 201 and also include any person acting or pretending to act under color of official authority;

"(4) the term 'State' means a State of the United States, the District of Columbia, Puerto Rico, and any other commonwealth, territory, or possession of the United States; and

"(5) the term 'uses any facility of interstate or foreign commerce' includes the intrastate use of any facility that may also be used in interstate or foreign commerce.".

(b) TECHNICAL AMENDMENTS.—(1) The chapter analysis for chapter 11 of title 18, United States Code, is amended by adding at the end the following new item:

"226. Public corruption.".

(2) Section 1961(1) of title 18, United States Code, is amended by inserting "section 226 (relating to public corruption)," after "section 224 (relating to sports bribery),".

(3) Section 2516(1)(c) of title 18, United States Code, is amended by inserting "section 226 (relating to public corruption)," after "section 224 (bribery in sporting contests),".

SEC. 203. INTERSTATE COMMERCE.

(a) IN GENERAL.—Section 1343 of title 18, United States Code, is amended—

(1) by striking "transmits or causes to be transmitted by means of wire, radio, or television communication in interstate or foreign commerce, any writings, signs, signals, pictures, or sounds" and inserting "uses or causes to be used any facility of interstate or foreign commerce"; and

(2) by inserting "or attempting to do so" after "for the purpose of executing such scheme or artifice".

(b) TECHNICAL AMENDMENTS.—(1) The heading of section 1343 of title 18, United States Code, is amended to read as follows:

"§ 1343. Fraud by use of facility of interstate commerce".

(2) The chapter analysis for chapter 63 of title 18, United States Code, is amended by amending the item relating to section 1343 to read as follows:

"1343. Fraud by use of facility of interstate commerce.".

SEC. 204. NARCOTICS-RELATED PUBLIC CORRUPTION.

(a) OFFENSES.—Chapter 11 of title 18, United States Code, is amended by inserting after section 219 the following new section:

"§ 220. Narcotics and public corruption

"(a) OFFENSE BY PUBLIC OFFICIAL.—A public official who, in a circumstance described in subsection (c), directly or indirectly, corruptly demands, seeks, receives, accepts, or agrees to receive or accept anything of value personally or for any other person in return for—

"(1) being influenced in the performance or nonperformance of any official act; or

"(2) being influenced to commit or to aid in committing, or to collude in, or to allow or make opportunity for the commission of any offense against the United States or any State,

shall be guilty of a class B felony.

"(b) OFFENSE BY PERSON OTHER THAN A PUBLIC OFFICIAL.—A person who, in a circumstance described in subsection (c), directly or indirectly, corruptly gives, offers, or promises anything of value to any public official, or offers or promises any public official to give anything of value to any other person, with intent—

"(1) to influence any official act;

"(2) to influence the public official to commit or aid in committing, or to collude in, or to allow or make opportunity for the commission of any offense against the United States or any State; or

"(3) to influence the public official to do or to omit to do any act in violation of the official's lawful duty,

shall be guilty of a class B felony.

"(c) CIRCUMSTANCES IN WHICH OFFENSE OCCURS.—The circumstances referred to in subsections (a) and (b) are that the offense involves, is part of, or is intended to further or to conceal the illegal possession, importation, manufacture, transportation, or distribution of any controlled substance or controlled substance analogue.

"(d) DEFINITIONS.—As used in this section—

"(1) the terms 'controlled substance' and 'controlled substance analogue' have the meanings stated in section 102 of the Controlled Substances Act (21 U.S.C. 802);

"(2) the term 'official act' means any decision, action, or conduct regarding any question, matter, proceeding, cause, suit, investigation, or prosecution which may at any time be pending, or which may be brought before any public official, in such official's official capacity, or in such official's place of trust or profit; and

"(3) the term 'public official' means—

"(A) an officer or employee or person acting for or on behalf of the United States, or any department, agency, or branch of Government thereof in any official function, under or by authority of any such department, agency, or branch of Government;

"(B) a juror;

"(C) an officer or employee or person acting for or on behalf of the government of any State, territory, or possession of the United States (including the District of Columbia), or any political subdivision thereof, in any official function, under or by the authority of any such State, territory, possession, or political subdivision; and

"(D) any person who has been nominated or appointed to a position described in subparagraph (A), (B), or (C), or has been officially informed that he or she will be so nominated or appointed.".

(b) TECHNICAL AMENDMENTS.—(1) Section 1961(1) of title 18, United States Code, is amended by inserting "section 220 (relating to narcotics and public corruption)," after "Section 201 (relating to bribery),".

(2) Section 2516(1)(c) of title 18, United States Code, is amended by inserting "section 220 (relating to narcotics and public corruption)," after "section 201 (bribery of public officials and witnesses),".

(3) The chapter analysis for chapter 11 of title 18, United States Code, is amended by inserting after the item for section 219 the following new item:

"220. Narcotics and public corruption.".

Mr. MCCONNELL. Mr. President, the amendment before us, the Anti-Corruption Act, has passed the Senate as part of the last two crime bills. Cosponsored by Senator BIDEN, this has been a bipartisan bill.

This legislation is critical, particularly if the mandatory motor-voter bill is to take effect. Although the motor-voter sponsors have made some effort to alleviate the fraud potential inherent in the underlying bill, increased election fraud is still a serious threat.

This amendment is supported by the Attorney General, the Criminal Division of the Justice Department and the Senate Judiciary Committee.

The Anti-Corruption Act is the product of Senator BIDEN's and my efforts to develop a comprehensive law enforcement response to the problems of election fraud and public corruption, especially in the wake of the Supreme Court's McNally decision.

This amendment restores much of what was lost in terms of jurisdictional authority needed to go after corrupt officials. In addition, this amendment does a great deal more to enhance the Federal Government's ability to combat election fraud.

Mr. President, it is imperative that the Federal Government be given the authority to prosecute election fraud offenders in Federal court. That is what Congress did in the Voting Rights Act of 1965. It used the Federal Government's power to protect people's voting rights from entrenched local discrimination.

Public corruption and election fraud undermine the legitimacy and integrity of democratic government.

Faced with the McNally decision which risked the Federal Government's entire anticorruption effort, during the 100th Congress I joined forces with the Justice Department and members of the Judiciary Committee to reverse that decision. We were largely successful.

Nevertheless, when the 101st Congress convened, Senator BIDEN and I felt there was more that needed to be done. The result is the amendment before us.

Those who abuse the public trust and seek to defraud the Government are clever in their deceit. They are further aided by a void stemming from uncertainty over whether the Federal Government can investigate and prosecute all acts of election fraud.

This amendment makes every act of election fraud, at every level of government, a Federal offense.

It raises the maximum penalty for both election fraud and public corruption to 10 years in the Federal penitentiary and a $10,000 fine. This amendment also will greatly expand the jurisdictional basis for Federal prosecutors to investigate all forms of public corruption and punish the wrongdoers.

I cannot stress enough the importance of this legislation. In some parts of the country, if you are caught buying or selling votes, you go to see your friend the judge and get a slap on the wrist.

This amendment assures that anyone caught in election shenanigans will be facing a Federal grand jury and a ticket to Federal prison.

This should have a chilling effect on fraud. At the least, those who are not deterred will be put on ice for awhile.

Mr. President, I ask the amendment I just offered be laid aside.

The PRESIDING OFFICER. Is there objection?

Mr. FORD. Mr. President, could we debate this and yield back the remainder of time?

Mr. MCCONNELL. Mr. President, I withdraw my request.

Mr. FORD. I appreciate my colleague for doing that. That keeps it in a little better order.

The PRESIDING OFFICER. Did the junior Senator from Kentucky yield the floor?

Mr. MCCONNELL. I yield the floor.

The PRESIDING OFFICER. The senior Senator from Kentucky is recognized.

Mr. FORD. Mr. President, my colleague makes a good argument, and let me just say that in our bill as it is presently before the Senate, it provides Federal authority for prosecuting election fraud. I do not think there is any question about that.

S. 250 gives Federal prosecutors the right to prosecute in Federal court for any fraud of elections at any level, State or local. So now we want to get in and go a little further. It seems that people just cannot keep the Federal Government out of the State and local business. They just have to have Big Brother there, looking over their shoulder, and saying you cannot operate it unless the Feds are involved.

This amendment places severe criminal sanctions on a broad group—and I underscore broad group—of public officials, officials or employees, without clearly defining the nature of the offense and the standard of conduct.

I think it is important that we leave it so vague that they could use anything, here, to go after a local official or employee. It criminalizes the act of any public official or employee who "deprives or defrauds, or endeavors to deprive or defraud, by any scheme or artifice," citizens of the right to have the affairs of the State or local subdivision conducted on the basis of complete, true, and accurate material information.

That is a broad statement. I am not a lawyer. Of course, my colleague is. I think it is an advantage not to be a lawyer. Maybe you can put some common sense into the law.

But this vague language, in my opinion, threatens every public official or employee with criminal charges for speech not to be considered true or complete.

Think about that a little bit, now, in making your mind up as it relates to this amendment.

It restricts the free speech of candidates and nominees as well as public officials. This amendment does not clarify the meaning of complete, true, and accurate material information.

It also penalized the "procurement or submission of voter registrations that contain false material information, or omit material information."

This language is much broader than S. 250, and could encourage a variety of mischievous prosecutions of community and civic leaders, attempting to do a good job, attempting to register voters, who might have inadvertently omitted material information such as a birth date.

That may be stretching it a little bit, but under the language, since it is not set out, we are not defining the nature of the offense or the standard of conduct. Such as a birth date is left out. Or provided information which they did not know to be false. They were taking it from the individual, expecting them to be honest and forthright.

Such over broad antifraud statutes could be used to thwart the legitimate activities of civic leaders to register eligible citizens.

We have heard a lot about sending post cards out to masses of people who are maybe not the best educated in the world, in poorer districts, to intimidate them if they go to the polls and vote; lo and behold, they may have the Federal Government down on their back. They are subject to 10 years in a Federal penitentiary.

If I did not know anything about the law, and I got that letter or that postcard, I would be scared to death, too, and probably would not go to the polls and vote.

So here we are again, trying to make an effort to thwart the ability to register people, to get them involved in participatory democracy, and we are saying we want to bring the Feds in and we want to look over your shoulder, without defining the offense.

This amendment would also federalize—I underscore federalize—Big brother being there again, State and local official reporting requirements. It says the State and local cannot handle it themselves; we have to have the Federal Government in it. I have been hearing around here a long time, "Get us out," but here is one that is putting us in, such as State campaign finance filing by making the filing of such reports that contain false material information or omit material information subjected to Federal punishment, up to 10 years in jail. That is your local operation, that is your State operation, but we have to inject the Federal Government in and the possibility you might go to Federal prison for 10 years.

There is no requirement that it be willful and knowing. I always heard if you do something on purpose, premeditated, then that is another thing. But you leave out willful and knowing in this amendment. So it is so broad, so vague that the Feds can come in any way they want to and make a case.

It reminds me of the time—I said I was not a lawyer—I turned around and asked a lawyer what we ought to do. We were sitting at a civic club meeting, and the board meeting was going on. A question came up, and I said to the lawyer, "Which way should we go on this one?" He said, "Go either way and we'll make one heck of a case." That is what we have here. We can make a heck of a case out of anything, and we allow it to be wide open because there is no requirement that it be willful and knowing.

The amendment goes beyond election-related crimes. We are talking about elections here, and we ought to confine our legislation to elections. But, in my opinion, this amendment goes well beyond election-related crimes. It includes several provisions relating to fraud through interstate commerce, narcotics offenses. What does that have to do with our elections, whether you made a mistake or stuffed the ballot box or whatever it might be?

This provision goes beyond election-related crimes. And it is true that this provision was adopted by the Senate during the consideration of the crime bill by unanimous consent. There was no desire to fight this. But this was on the broader crime bill, not just on elections, but on the broader crime bill. During the conference on the crime bill, the House objected to this provision, and it was subsequently dropped from the conference.

So what does this amendment mean? This is really a killer amendment. If this amendment is taken and we stand on it and will not allow it to be taken out of the bill, then the House is not going to accept it. If the House does not accept it, we do not have a bill. So, in my opinion, this is a killer amendment. And I hope that my colleagues will not support it because we do provide Federal authority for prosecuting election fraud. S. 250 gives Federal prosecutors the right to prosecute in Federal court for any fraud of elections at any level, State or local. I think that is going far enough instead of going into the board terms, as this amendment apparently does.

I reserve the remainder of my time, Mr. President.

The PRESIDING OFFICER. Who yields time? The senior Senator from Kentucky has 5 minutes, 45 seconds remaining. The junior Senator from Kentucky has 10 minutes and 45 seconds remaining.

Mr. McCONNELL addressed the Chair.

The PRESIDING OFFICER. The junior Senator from Kentucky.

Mr. McCONNELL. Mr. President, I find it somewhat curious that my friend from Kentucky advocated the bill which completely tromps on States' rights in terms of voting procedures. I argue that this amendment interferes with States rights in another area. States rights to do what? To engage in election shenanigans?

Mr. President, this is a measure that has passed the Senate twice. It is designed to go after fraud. The senior Senator from Kentucky is correct, it is a broader amendment than simply election fraud, but it certainly deals with election fraud and simply gives the Federal Government the kind of authority that it needs in this particular area.

This amendment, Mr. President, has been developed by a bipartisan group of Senators, including the chairman and the ranking member of the Senate Judiciary Committee, as well as the Justice Department and U.S. attorneys all across the country. In short, this amendment is state-of-the-art thinking about public corruption and election fraud. The best legal minds in the country, both Republican and Democrat, have been involved in crafting this measure.

My friend, the senior Senator from Kentucky, has argued that the definitions in this bill are somehow vague. Yet the truth is that the concept of honest services and other legal terms in this bill have been carefully developed by years of statutory and case law.

Mr. President, I do not see the need to prolong this, other than to repeat the argument that this is a worthwhile measure that has met the approval of the Senate on two separate occasions. It is a state-of-the-art proposal in this particular area. This bill is the best chance of getting it passed. It seems to me the crime bill is probably going nowhere.

I hope my friend from Kentucky will see this as an amendment that will strengthen the bill, not hurt the bill. Obviously, if the House conferees object to it, as they did on the crime bill, they could kill it once again. But I do not understand what the problem is here. We all realize that the measure before us has a significant chance of increasing election fraud. Both sides profess to have an interest in not increasing the incidence of election fraud. My proposal is a sound proposal. It has twice cleared the Senate. It is supported by the Justice Department, supported by Criminal Division.

It is hard for this Senator to understand how this amendment could gut the underlying proposal. It seems to me clearly that it is a useful addition to it. I do not support the underlying bill. There is no secret about that. But I do not offer this amendment to kill the underlying bill. If the underlying bill does become law, I would like to see it strengthened in this particular area.

Mr. President, that completes my observations about the amendment. I do not know whether Senator FORD would like to continue the discussion further. If not, I will be happy to lay down another amendment.

Mr. President, I yield the floor.

The PRESIDING OFFICER. Do the Senators wish to yield back their time on the amendment?

Mr. FORD. With the Senator's consent, I will move to table at 2:15; we will get a unanimous-consent agreement that a vote be taken up at 2:15 and set aside this amendment and then the Senator can bring up his other one.

Mr. McCONNELL. If the Senator from Kentucky propounds that agreement, it is certainly agreeable with me.

Mr. FORD. Mr. President, I move to table this amendment and ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

UNANIMOUS-CONSENT AGREEMENT

Mr. FORD. Mr. President, I ask unanimous consent that this amendment be set aside and that a vote occur on or in relation to amendment 1827 following the vote previously ordered to occur at 2:15.

The PRESIDING OFFICER. Is there objection? Hearing none, a record vote will occur on the motion to table the first McConnell amendment after the vote to table the McCain amendment previously scheduled for 2:15 p.m.

AMENDMENT NO. 1828

(Purpose: To discontinue application of the bill in States in which the voter turnout in 1996 does not exceed the voter turnout in 1992 by at least 2 percent)

Mr. McCONNELL. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report the amendment.

The assistant legislative clerk read as follows:

> The Senator from Kentucky [Mr. McCONNELL] proposes an amendment numbered 1828.

Mr. McCONNELL. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

> At the end of the bill add the following:
>
> **SEC. 14. SUNSET PROVISION.**
>
> After the date on which the chief election official of a State certifies to the Federal Election Commission that the percentage of persons who were eligible to vote in that State in the general election for Federal office in 1996 that voted in the 1996 election did not exceed by at least 2.0 percentage points the percentage of persons who were eligible to vote in that State in the general election for Federal office in 1992 who voted in the 1992 election, this Act shall not apply in that State.

Mr. McCONNELL. Mr. President, the second amendment I am offering is really quite simple. All this amendment does is require that the additional voter registration measures we are forcing the States to adopt actually work. And if they do not work, then the States are free to no longer comply with these requirements.

Those who support the motor-voter bill have argued that the burden of registration effectively excludes people from the political process by preventing people from registering and voting. The proponents of liberalized voter registration point to the decreased voter turnout as proof of the need for this costly and burdensome legislation. These arguments certainly seem to make sense, but they are completely invalidated by numerous studies that have been conducted on this very issue.

As I mentioned in an earlier statement on this bill last week, a study by the Bipartisan Committee for the Study of the American Electorate found the following:

> Declining voter participation cannot be attributed to problems in registration and voting law since it has occurred during a time when registration and voting law generally has been altered to make registration and voting easier.

This study concludes that the motor-voter bill is utterly misdirected. "The nature and scope of the nonvoting problem in America is such that creating a will to participate is by far the larger enterprise," the study goes on, "since the number of Americans who voluntarily avoid the ballot box is far greater than those who are blocked by legal, procedural, or administrative impediment." Again that was the conclusion of the Bipartisan Committee for the Study of the American Electorate.

So, Mr. President, the entire alleged purpose of the motor-voter bill to increase voter participation by making it easier to register is an absolute sham. Nevertheless, it appears we are going to pass this bill. So the purpose of this amendment that I have offered is to relieve States of their expensive obligations under this bill when these measures fail to increase voter turnout as they are expected.

The amendment provides that if voter turnout as a percentage of the eligible voting age population does not increase by at least 2 percent once the new voter registration procedures are adopted, then any State which does not experience such an increase may rescind the voter procedures mandated by this bill and go back to the system they had before.

Again, all my amendment requires is that this bill work. If it does not work, then this grand experiment will be brought to an end. That hardly seems a draconian requirement to make especially with regard to this bill. Essentially what we are saying here is if it does not prove to be what it was reported to be, it does not work, let us give States an opportunity to go back to the current system.

We never rescind anything around here, Mr. President. We pass things and they go on forever. It seems to me it would be a useful precedent to say that at least on one piece of legislation it ought to prove it is going to work, and if it demonstrably does not work, then that is it, rather than forcing this down the throats of the States, giving them no option other than, interestingly enough, same-day registration, an option that is in this bill.

Talk about election fraud. Under this bill, if a State chose not to go to the massive expenditures to adopt motor voter, they could simply go to same-day registration and, boy, that would be a disaster in a lot of States including mine and in many of the big cities that have had a history of election fraud.

But that is not what my amendment is about. My amendment simply requires that this bill do what it purports to do, that it in fact increases voter registration by only 2 percent, and if that does not happen, then a State can go back to the current procedures that they employ.

Mr. President, I yield the floor.

The PRESIDING OFFICER (Mr. KERRY). Who yields time?

The Senator from Kentucky.

Mr. FORD. I have never seen anybody or anyone or any group of people so fearful of the American people. They are trying all kinds of amendments to defeat this piece of legislation and using a percentage increase. This bill has never been purported to increase voter turnout. It never has.

I have said time and time again we cannot force people to vote. The right to vote includes the right not to vote.

Let me ask you about a 2-percent increase. I do not have a calculator here so I will use small figures. Say we have 100 people registered to vote and we had a 36-percent turnout, but we register 100 more under this bill so we have 200 and we have a 36-percent turn out. If you have a 36 percent turnout of 200, that is 72 people voting instead of 36. You have doubled the number of people. The percentage then, as I understand this amendment, would prevent us—that would sunset this legislation even though we doubled the turnout. The increased percentage must exceed the turnout percentage of the 1992 elections by at least 2 percent.

So I do not see how you can win on that if you are even but yet you double the participation in the election. The purpose of S. 250 is not to legislatively mandate a higher turnout. I have never said that, that I can recall. No legislation can do that. No legislation can mandate a higher turnout.

We get a higher turnout under this bill and we lose because the percentage is the same. The purpose of S. 250 is to make registration more convenient so that if you want to vote you can. If you want to vote, you can. That is all. We cannot force people to vote. The right to vote includes the right not to vote. You do not have to register. You can decline it. Wherever you might be registered, you can just decline it. But when a person wants to vote, wants to participate, he or she should be permitted to vote so long as he or she is registered.

So, Mr. President, S. 250 will make sure that once you are registered, you remain on the rolls of eligible voters so long as you remain eligible to vote.

I do not want to prolong the time on the Senate floor as it relates to this particular amendment, but it is difficult for me to see how this amendment does anything but try to stymie those of us who are trying to give the general public an opportunity to participate in leadership. I think we will make it more convenient, and I think we will see a larger turnout just from the fact if you have the same percentage in 1992 of 100 and you have the same percentage in 1994 or 1996 of 200, the percentage is the same but you double the number of people who participate. And so I think that is an important aspect of this legislation, and I hope my colleagues will join me in tabling this amendment.

I reserve the remainder of my time, Mr. President.

The PRESIDING OFFICER. Who yields time?

Mr. FORD. Mr. President, I ask unanimous consent that time be equally charged.

The PRESIDING OFFICER. Without objection, that is the regular order. Time will be charged equally to both sides.

The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. McCONNELL. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. McCONNELL. Mr. President, I do not want to unduly extend this debate. My friend from Kentucky misunderstands the purpose of my amendment. It does not require a higher turnout as a percentage of those registered to vote. Rather, it requires the higher turnout as a percentage of those eligible to vote, the nondisqualified voting age population.

As to the purpose of the underlying measure, the majority report accompanying this year's motor-voter bill states under "Purposes:" "* * * enhances the participation of eligible citizens as voters in elections for Federal office."

And in the 1989 report accompanying the bill that year, the committee's findings state that while there may be no conclusive proof that an increase in voters rolls will automatically or necessarily result in increase in voter turnout, it is indisputable that it will increase the number of persons eligible to vote.

"There are also significant indications that most of those who are eligible to vote do so," said the majority report. The most common excuse given by individuals for not voting is that they are not registered.

The Congressional Research Service has indicated that only approximately 61 percent of those eligible to vote are registered. So that even with an enthusiastic electorate, participation by eligible voters would be unimpressive. It has been found, however, that over three-quarters of those who do register do actually vote at least in Presidential elections.

Mr. President, I thought the whole purpose of this legislation was to increase turnout. I guess we can argue about that, but I certainly thought that was the idea.

My amendment again is really designed to make the bill work. If it does not do what it is advertised to do, it does not increase turnout, then it seems to me States ought to have an opportunity to walk away from this mandated expense.

As we all know, a number of States have chosen to go to motor-voter already. They have that option today. I do not have any problem when State X wants to undergo the expense and engage in the motor-voter approach. But to nationalize this issue, to nationalize, to federalize, to mandate the expense, it seems to me, is inappropriate.

My amendment is just, again, quite simply saying let us make sure the bill works, and if it does not work, give States an opportunity to walk away from it, an experiment that was mandated for them by us.

Mr. President, I yield the floor.

The PRESIDING OFFICER. Who yields time?

Mr. FORD. Mr. President, it seems that we find ourselves here on opposite sides in trying to limit campaign expenditures, trying to help people find an easier way or make it easier for people to register to vote. I still say we can double the turnout, and the percentage would be the same because the amendment that is presented by my colleague says eligible voters.

I guess you take eligible voters and that would be under the legislation, or it would be eligible in the State, or eligible in the county, whatever it is. I am not sure about the definition of "eligible" in this amendment.

But if you have 100,000 more and you had 36 percent of the first 100,000, and 36 percent of the 200,000 look how many more people would vote. But the percentage would be the same. I think it may be inadvertent on my colleague's point about the number of increase rather than percentage.

So if you have a number of increase, it would make it more palatable. I do not think we are here today to force people to vote. I think it is their right and they need to have the same right not to vote or to vote.

So I do not know whether my friend wants any more time. If he does not, I will reserve the remainder of my time.

The PRESIDING OFFICER. If no one yields time, the time will be charged equally to both sides.

Mr. McCONNELL addressed the Chair.

The PRESIDING OFFICER. The Senator from Kentucky.

Mr. McCONNELL. Mr. President, let me repeat that my amendment does not require a higher turnout as a percentage of those registered. Rather, it requires a higher turnout as a percentage of those eligible to vote.

There is some observation about the eligibility issue. The meaning of eligible voter as is commonly accepted in the statutory and case law is anyone who has reached the statutory voting age and has not been disqualified for stipulated reasons. I would be glad to stipulate that the commonly accepted meaning be included in legislative history for the sake of clarity if there were some concern about which folks we are talking about here in this bill.

My own view is that eligible voters are an ascertainable group. It is frequently those folks who are frequently segmented out in the political polls that are taken all across the country. Those are the people who are in fact eligible to vote.

So I think we can probably figure out who eligible voters are.

Fundamentally, Mr. President, just to repeat, and then I will be finished, this amendment is designed to see to it that the bill does what it purports to do. I do not think there is any question that the purpose of this amendment, as stated often frequently repetitively, is to increase voter turnout.

If it does not increase voter turnout by at least 2 percent, which seems to me is not asking too much, then States ought to have an opportunity to walk away from this mandated expense and go back to a system that they think is appropriate for their particular circumstances.

It could well be, Mr. President, that in the coming years, more and more States will adopt motor-voter. Many of them have already. More than 20 have adopted this on their own. They obviously decided to incur the expense. They thought it made sense in their particular States.

There are, however, a lot of others who resist this because of the expense, because they do not think it makes any sense, and I think that at the very least, if we are going to mandate that States do something which they had the option to do today and some choose not to, at least we ought to make sure it works. Clearly increasing voter participation is, I thought, what this bill was all about.

So, Mr. President, I have nothing further to say about my amendment. I do not know whether Senator FORD is ready to yield back our time. I am prepared to do that if he is.

The PRESIDING OFFICER. Who yields time?

Mr. FORD. Mr. President, I am prepared to yield back the remainder of my time on this amendment and, with the agreement of my colleague, I will ask the same as I did for the other amendment.

Mr. McCONNELL. Mr. President, I yield back the remainder of my time.

The PRESIDING OFFICER. All time is yielded back.

Mr. FORD. Mr. President, with the agreement of my colleague, I move to table his amendment and ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

Mr. FORD. Mr. President, I ask unanimous consent that the vote on amendment 1828 occur after the first amendment of Senator McCONNELL. First is the amendment of Senator McCAIN; the second will be the first amendment of Senator McCONNELL; and the third will be the second amendment of Senator McCONNELL. They will occur and follow in that sequence.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. FORD. Mr. President, I suggest the absence of a quorum, and I ask unanimous consent that the time be equally charged on the time of the bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. FORD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

RECESS UNTIL 2:15 P.M.

The PRESIDING OFFICER. Under the previous order, the Senate will stand in recess until the hour of 2:15 p.m.

Thereupon, at 12:29 p.m., the Senate recessed until 2:15 p.m.; whereupon, the Senate reassembled when called to order by the Presiding Officer [Mr. WOFFORD].

NATIONAL VOTER REGISTRATION ACT OF 1991

The Senate continued with the consideration of the bill.

AMENDMENT NO. 1825

The PRESIDING OFFICER. Under the previous order, the question is on agreeing to the motion to lay on the table the amendment, No. 1825. The yeas and nays have been ordered.

The clerk will call the roll.

The bill clerk called the roll.

Mr. FORD. I announce that the Senator from Texas [Mr. BENTSEN], the Senator from New Mexico [Mr. BINGAMAN], the Senator from Iowa [Mr. HARKIN], and the Senator from Georgia [Mr. NUNN] are necessarily absent.

Mr. SIMPSON. I announce that the Senator from Florida [Mr. MACK] is necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber who desire to vote?

The result was announced—yeas 55, nays 40, as follows:

[Rollcall Vote No. 91 Leg.]

YEAS—55

Adams
Akaka
Baucus
Biden
Boren
Bradley
Breaux
Bryan
Burdick
Byrd
Conrad
Cranston
Daschle
DeConcini
Dixon
Dodd
Durenberger
Exon
Ford
Fowler
Glenn
Gore
Graham
Hatfield
Heflin
Inouye
Jeffords
Johnston
Kennedy
Kerrey
Kerry
Kohl
Lautenberg
Leahy
Levin
Lieberman
Metzenbaum
Mikulski
Mitchell
Moynihan
Packwood
Pell
Pryor
Reid
Riegle
Robb
Rockefeller
Sarbanes
Sasser
Shelby
Simon
Specter
Wellstone
Wirth
Wofford

NAYS—40

Bond
Brown
Bumpers
Burns
Chafee
Coats
Cochran
Cohen
Craig
D'Amato
Danforth
Dole
Domenici
Garn
Gorton
Gramm
Grassley
Hatch
Helms
Hollings
Kassebaum
Kasten
Lott
Lugar
McCain
McConnell
Murkowski
Nickles
Pressler
Roth
Rudman
Sanford
Seymour
Simpson
Smith
Stevens
Symms
Thurmond
Wallop
Warner

NOT VOTING—5

Bentsen
Bingaman
Harkin
Mack
Nunn

So the motion to lay on the table the amendment (No. 1825) was agreed to.

Mr. FORD. Mr. President, I move to reconsider the vote by which the motion to table was agreed to.

Mr. GLENN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 1827

The PRESIDING OFFICER. The question is on the motion of the Senator from Kentucky [Mr. FORD] to lay on the table amendment No. 1827, offered by Mr. McCONNELL, of Kentucky. On this question, the yeas and nays have been ordered, and the clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. FORD. I announce that the Senator from Texas [Mr. BENTSEN], the Senator from New Mexico [Mr. BINGAMAN], the Senator from Iowa [Mr. HARKIN], and the Senator from Georgia [Mr. NUNN] are necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber who desire to vote?

The result was announced—yeas 57, nays 39, as follows:

{Rollcall Vote No. 92 Leg.}

YEAS—57

Adams
Akaka
Baucus
Boren
Bradley
Breaux
Bryan
Bumpers
Burdick
Byrd
Conrad
Cranston
Daschle
DeConcini
Dixon
Dodd
Durenberger
Exon
Ford
Fowler
Glenn
Gore
Graham
Hatfield
Heflin
Hollings
Inouye
Jeffords
Johnston
Kennedy
Kerrey
Kerry
Kohl
Lautenberg
Leahy
Lieberman
Metzenbaum
Mikulski
Mitchell
Moynihan
Packwood
Pell
Pryor
Reid
Riegle
Robb
Rockefeller
Roth
Sanford
Sarbanes
Sasser
Shelby
Simon
Symms
Wellstone
Wirth
Wofford

NAYS—39

Biden
Bond
Brown
Burns
Chafee
Coats
Cochran
Cohen
Craig
D'Amato
Danforth
Dole
Domenici
Garn
Gorton
Gramm
Grassley
Hatch
Helms
Kassebaum
Kasten
Levin
Lott
Lugar
Mack
McCain
McConnell
Murkowski
Nickles
Pressler
Rudman
Seymour
Simpson
Smith
Specter
Stevens
Thurmond
Wallop
Warner

NOT VOTING—4

Bentsen
Bingaman
Harkin
Nunn

So the motion to lay on the table the amendment (No. 1827) was agreed to.

Mr. FORD. Mr. President, I move to reconsider the vote.

Mr. LEVIN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 1828

The PRESIDING OFFICER (Mr. WIRTH). Under the previous order, the question now occurs on the motion to table amendment number 1828.

The yeas and nays have been ordered and the clerk will call the roll.

The legislative clerk called the roll.

Mr. FORD. I announce that the Senator from Texas [Mr. BENTSEN], the Senator from New Mexico [Mr. BINGAMAN], and the Senator from Iowa [Mr. HARKIN] are necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber who desire to vote?

The result was announced—yeas 61, nays 36, as follows:

[Rollcall Vote No. 93 Leg.]

YEAS—61

Adams
Akaka
Baucus
Biden
Boren
Bradley
Breaux
Bryan
Bumpers
Burdick
Byrd
Cohen
Conrad
Cranston
Daschle
DeConcini
Dixon
Dodd
Durenberger
Exon
Ford
Fowler
Glenn
Gore
Graham
Hatfield
Heflin
Hollings
Inouye
Jeffords
Johnston
Kennedy
Kerrey
Kerry
Kohl
Lautenberg
Leahy
Levin
Lieberman
McCain
Metzenbaum
Mikulski
Mitchell
Moynihan
Nunn
Packwood
Pell
Pryor
Reid
Riegle
Robb
Rockefeller
Sanford
Sarbanes
Sasser
Shelby
Simon
Specter
Wellstone
Wirth
Wofford

NAYS—36

Bond
Brown
Burns
Chafee
Coats
Cochran
Craig
D'Amato
Danforth
Dole
Domenici
Garn
Gorton
Gramm
Grassley
Hatch
Helms
Kassebaum
Kasten
Lott
Lugar
Mack
McConnell
Murkowski
Nickles
Pressler
Roth
Rudman
Seymour
Simpson
Smith
Stevens
Symms
Thurmond
Wallop
Warner

NOT VOTING—3

Bentsen
Bingaman
Harkin

So the motion to lay on the table the amendment (No. 1828) was agreed to.

Mr. MITCHELL. Mr. President, I move to reconsider the vote by which the motion to lay on the table was agreed to.

Mr. FORD. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. KENNEDY addressed the Chair.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KENNEDY. Mr. President, will the Senator from Kentucky yield me 7 minutes.

Mr. FORD. I yield the Senator some time off the bill. How much time does the Senator wish?

Mr. KENNEDY. Seven minutes.

Mr. FORD. Seven minutes.

The PRESIDING OFFICER. The Senator from Massachusetts is recognized for 7 minutes.

Mr. KENNEDY. Mr. President, I strongly support the National Voter Registration Act. The right to vote is the cornerstone of our democracy. Without it, all our other rights are in danger. We are proud of our democracy, and our history has been distinguished by the continuing struggle to expand the franchise to include all Americans.

In the past two centuries, some of the most important amendments to the Constitution have enlarged the right to vote:

The 15th amendment in 1870 prohibited voting discrimination because of race.

The 17th amendment in 1913 provided for direct popular election of Senators.

The 19th amendment in 1920 prohibited voting discrimination because of sex.

The 23d amendment in 1961 granted citizens of the District of Columbia the right to vote in Presidential elections.

The 24th amendment in 1964 prohibited the use of poll taxes to restrict the right to vote.

And the 26th amendment in 1971 granted the right to vote to citizens 18 years of age or older.

Although the ideal of broad-based voter participation has been firmly incorporated into the Constitution, registration procedures adopted in many States have had the effect—and often the intent—of denying the right to vote to large numbers of citizens, especially racial, religious, and ethnic minorities.

The turn-of-the-century registration laws that swept the country had the good-Government purpose of preventing ballot fraud.

But those laws also served the ulterior motive of reducing access to the ballot box for the waves of new immigrants reaching our shores.

Under these laws, voters were frequently required to register many months before election day, and registration was frequently further restricted by limiting the number and the hours of registration sites.

In 1959, the first report on voting rights by the U.S. Commission on Civil Rights revealed a disturbing gap between democratic principles and actual practice with respect to voter registration.

In March 1963, President Kennedy created the President's Commission on Registration and Voting Participation to study the reasons for low voter turnout and recommend solutions. Concerning registration, the Commission found:

> Restrictive legal and administrative procedures in registration and voting are disfranchising millions.

The words of the Constitution are not always self-enforcing, and in many cases, it is up to Congress to enact statutes to carry out the intent of the Constitution. In 1965, Congress took a giant step in that direction, when it passed the Voting Rights Act to prohibit practices that limit the right to vote on account of race or color.

Nevertheless, for millions of Americans, today, cumbersome and inefficient registration procedures pose insurmountable barriers to the exercise of the fundamental right to vote. As the Citizens' Commission on Civil Rights found in 1988, "substantial barriers to registration and voting continue to exist in many areas of the country * * * it appears that discriminatory practices inhibit the participation of citizens in the electorial process on account of race, sex, age, income level, and physical disability."

The legacy of these antiquated voter registration laws continue to plague us. In the last Presidential election in 1988, only 50 percent of the voting age population actually voted. In fact, the United States has one of the lowest voter turnout rates among all the major democracies of the world—24th out of 25, according to one study.

Although low voter turnout in recent years has other causes as well, it is clear that the barriers posed by voter registration requirements are a significant factor. In one survey, 37 percent of nonvoters in 1988 said they could not vote because they were not registered; and two-thirds of that group said they would have voted if they were registered.

When we compare the voting rates of registered voters, the United States fares better among other major democracies, ranking 11th out of 24. Thus, although registration reform will not raise voter turnout to the highest levels in other countries, it is likely to increase voter participation; one study estimates that easing registration requirements would permit as many as 13 million additional persons to vote.

The National Voter Registration Act is a thoughtful, balanced measure to ease voter registration procedures. At the heart of the bill is the requirement that States adopt so-called motor-voter, mail, and agency-based registration.

Automatic, motor-voter registration can register up to 90 percent of eligible voters. Today, 25 States and the District of Columbia currently permit some form of motor-voter registration.

Motor-voter will have a major impact on voter registration, but it cannot do the job alone, since many eligible voters do not drive. For that reason, the bill requires States to permit registration at certain government agencies, especially those that deal with less well-off members of the public; such as welfare and unemployment agencies and those that serve persons with disabilities. In addition, it encourages States to permit registration at other agencies that serve the general public. The bill also requires States to permit registration by mail, a practice now used by 25 States and the District of Columbia.

Finally, the bill also reaches an appropriate balance on the important issues of verification of registration and prevention of voter fraud. It bars States from purging persons from the registration rolls for failing to vote. At the same time, it permits States to engage in uniform, nondiscriminatory procedures to verify that voters continue to reside in the jurisdiction. But those procedures must assure that voters who change residences are given the opportunity to vote if they have not moved outside the jurisdiction. To deal with fraud, the bill strengthens and extends Federal criminal penalties for fraud in the voter registration process.

It is regrettable that this legislation has engendered so much partisan opposition. The electoral process is too fundamental, and the need to assure full participation in that process is too great, to allow the issue to become embroiled in partisan politics.

Let every eligible American vote, and let us restore America to its rightful place as the world's leading democracy. I urge my colleagues to pass this important legislation.

I congratulate and pay tribute to the Senator from Kentucky for his work and perseverance on this measure, and I urge President Bush to sign it into law.

Mr. President, I suggest the absence of a quorum.

Mr. FORD. Mr. President, will the Senator withhold?

Mr. KENNEDY. I withhold.

Mr. FORD. Mr. President, I ask unanimous consent that under the quorum call it not be charged to either side.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. FORD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. FORD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HATFIELD. Will the floor manager please yield for a question?

Mr. FORD. I am pleased to yield to the Senator from Oregon for a question.

Mr. HATFIELD. A question has been raised about language in the committee report regarding the Voting Rights Act of 1965. It suggests that use of the National Change of Address Program would be deemed to be in compliance with the requirements of the bill that a voting list verification program be uniform, nondiscriminatory, and in compliance with the Voting Rights Act of 1965. Is it the intent of the committee that S. 250 would insulate all State or local programs using the NCOA from challenge under the Voting Rights Act of 1965?

Mr. FORD. No. The committee did not intend to insulate State or local list verification programs that used the NCOA from challenge under the Voting Rights Act of 1965. The bill is quite clear in this regard. It provides in section 11(c):

> That the rights and remedies established by this section are in addition to all other rights and remedies provided by law, and neither the rights and remedies established by this section nor any other provision of this Act shall supersede, restrict, or limit the application of the Voting Rights Act of 1965.

And, that—

> Nothing in this Act authorizes or requires conduct that is prohibited by the Voting Rights Act of 1965.

Mr. President, we have an opportunity to get out of session tonight well before 8 o'clock as under the unanimous-consent agreement if my colleagues will come forward and offer their amendments so we might be able to consider them.

What I intend doing is after each amendment has been debated fully it be set aside, and each following amendment would be set aside also. When we reach that point where we have no more amendments, then I will ask the majority leader to come and make the motion that we move to vote on those en bloc or back to back.

So I hope that in order to get home at a reasonable hour tonight my colleagues will come to the Senate floor.

There are no Democratic amendments to this legislation, Mr. President. They all come from the other side. I hope the other side will move judicially so we might be able to move quickly on this bill, and then we will have final passage in the morning.

Under the circumstances, I ask unanimous consent that under the quorum call it not be charged to either side.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. FORD. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. NICKLES. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 1829

(Purpose: To put off the effective date until January first of the year after the year in which Congress enacts legislation authorizing and appropriating funds to pay the costs of implementing the Act)

Mr. NICKLES. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

> The Senator from Oklahoma [Mr. NICKLES] proposes an amendment numbered 1829.

Mr. NICKLES. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

> On page 28, strike lines 9 through 17 and insert the following:
>
> (a) IN GENERAL.—Subject to subsection (b), this Act shall take effect—
>
> (1) with respect to a State that on the date of enactment of this Act has a provision in the constitution of the State that would preclude compliance with this Act unless the State maintained separate Federal and State official lists of eligible voters, on January 1, 1996; and
>
> (2) with respect to any State not described in paragraph (1), on January 1, 1993.
>
> (b) FUNDING.—(1) Not later than 180 days after the date of enactment of this Act, a State may submit to the Committee on Rules and Administration of the Senate and the Committee on House Administration of the House of Representatives an estimate of the costs that the State and each political subdivision of the State will incur in implementing this Act.
>
> (2) This Act shall not take effect until January 1 of the year following the year in which Congress enacts—
>
> (A) an Act authorizing payment to State and local governments of the costs of implementing this Act in the amounts estimated by the Committee on Rules and Administration of the Senate and the Committee on House Administration of the House of Representatives in consultation with the States under paragraph (1); and
>
> (B) an Act making appropriations in the amounts necessary to make the payments described in subparagraph (A).

Mr. NICKLES. Mr. President, the amendment that I send to the desk is very simple. I will quote from the amendment:

> This bill will not take effect until January 1 of the year following the year in which Congress enacts—(A) an Act authorizing payment to State and local governments of the cost of implementing this Act in the amounts estimated by the Committee on Rules and Administration of the Senate and the Committee on House Administration of the House of Representatives in consultation with the States under paragraph (1); and (B) an Act making appropriations in the amounts necessary to make the payments described in subparagraph (A).

Mr. President, this amendment simply says that this act shall not become effective until Congress authorizes and appropriates money to cover the costs incurred by the States and localities, as estimated by those local communities in working with the Rules Committees in the House and the Senate.

In other words, we should not be placing an expensive mandate on the State and local governments to implement this registration procedure without paying for it.

I had the pleasure of serving in the Oklahoma legislature for a couple of years, and I remember always being upset when the Congress would pass some mandate and require that we spend a lot of money; a lot of times money that we did not have.

The State of Oklahoma, after the 1988 Presidential election, ranked third with 91 percent of our voting age population registered to vote. Yet, we would still have to comply with this bill, and it would be very expensive. At this time I would like to read an excerpt from a letter sent to me from Lance Ward, Secretary of the Oklahoma State Election Board:

> I estimate costs of this bill to be more than 10 times what Oklahoma now pays for its fine in-person registration system. This additional cost, which I forecast would exceed $1.3 million, estimate attached, is more than one-third the total annualized appropriation to the State election board, including elections.

I do not know if the figure $1.3 million is completely accurate. Other States have made other estimates. Many of the estimates in other States are much greater. The State of California estimates to comply with this bill would cost them $20 million. They might prefer to put that $20 million in economic development in Watts or some other area. They might want to put it into clean air or economic development. Maybe they do not want to spend valuable resources on this mandate.

Florida has estimated—this bill will cost the State—$6.4 million. Illinois estimated it would cost them $30 million. South Carolina, $2.8 million. And Virginia, $5 million. Again, I do not know if those numbers are accurate. Each individual State comes up with an estimate.

CBO estimates this bill would cost the States and localities $20 to $25 million per year for the first 5 years, and they also estimate an initial start-up cost of $60 to $70 million to computerize the registration list.

Whether it is $25 million or $70 million or the State figures I just cited, we should not be mandating things on State, local and county governments without providing the resources to do it. I have heard many of my colleagues talk about our desire not to be imposing mandates on State and local governments, but we do it time and time again, without really having that much of an idea how much it would cost. In this case, we have some estimates of the cost; although they are not total or complete.

My amendment is very simple. It says the bill would not become effective until we authorize and appropriate the money to the States, the counties and local governments to implement this Act.

Mr. President, my amendment is very simple and straightforward. I hope the Senate will concur. I might conclude by saying that this amendment is supported by the National Association of Counties, as well as many other local and State officials. So I urge my colleagues to support this amendment.

Mr. FORD addressed the Chair.

The PRESIDING OFFICER. The Senator from Kentucky.

Mr. FORD. Mr. President, I have always found that if you are against something, its costs are exorbitant. If you are for something, it does not cost very much. Somewhere in between is probably more accurate. But my friend from Oklahoma criticizes this bill because it costs the States, and he referred to California. I want my colleague to listen about California for just a minute. But the opponents criticize S. 250, the voter registration bill, because they claim that the costs are prohibitive, that this bill will pass along unfunded Federal mandates to the States.

I am aware of the many cost estimates that have been thrown around, and absolutely they have been thrown around during the debate on this bill. They say that the Governors are opposed to it, and that is absolutely not true. The National Governors' Association has not come out against this legislation, and we know at least 22 secretaries of state that are for it. So we have to be very careful about how we start throwing associations and names around.

Mr. President, we have a cost estimate for this bill. As my colleagues well know, the usual means of determining the costs for a bill is through analysis by the Congressional Budget Office. The CBO did a thorough analysis of the costs associated with this bill, which included contracting State and local election officials to assess the impact of this bill. I wish that some of my colleagues would take a moment to read the cost estimate included in the committee's report because I think they will find it very enlightening.

So, Mr. President, I ask unanimous consent that a letter, consisting of 10 pages, from the CBO be printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

CONGRESSIONAL BUDGET OFFICE,
Washington, DC, May 20, 1991.

Hon. WENDELL H. FORD,
Chairman, Committee on Rules and Administration, U.S. Senate, Washington, DC.

DEAR MR. CHAIRMAN: The Congressional Budget Office has prepared the attached cost estimate for S. 250, the National Voter Registration Act of 1991. Enactment of S. 250 would not affect direct spending or receipts. Therefore, pay-as-you-go procedures would not apply to the bill.

If you wish further details on this estimate, we will be pleased to provide them.

Sincerely,
ROBERT D. REISCHAUER.

CONGRESSIONAL BUDGET OFFICE COST ESTIMATE

1. Bill number: S. 250.
2. Bill title: National Voter Registration Act of 1991.
3. Bill Status: As ordered reported by the Senate Committee on Rules and Administration, April 24, 1991.
4. Bill purpose: S. 250 would create a national system of voter registration procedures for elections for federal office. Responsibility for implementing the system would fall largely to the states, with the federal government responsible for enforcements, as well as some financial and technical assistance.

REQUIREMENTS FOR STATES

Under the national system of voter registration, most states (except those with election day registration and those with no registration requirement at all) would be required to provide the following methods of registration:

Motor-Voter: When someone applies for a driver's license (new, renewal, or change of address) at the state motor vehicle authority, the application procedure would have to include the opportunity to register to vote. An individual would have to decline in writing on an application form to avoid registering by this means, or would have to sign an attestation, under penalty or perjury, that the individual is eligible to register to vote.

Mail Registration: Each state would make available through various sources a form, prescribed by the Federal Election Commission (FEC), that applicants could complete and mail to the election official to register for federal elections.

Agency Registration: Each state would have to designate some state and federal offices as well as private sector locations (such as public libraries, unemployment offices, banks, fishing and hunting license bureaus, or post offices) to distribute and collect applications for voter registration. Such locations would then forward the applications to the appropriate election official.

Currently, the federal government has little involvement with voter registration. Each state has its own laws governing registration, and in practices vary widely even among local election jurisdictions within a state. S. 250 would mandate that states provide the specified registration methods consistently in all jurisdictions.

In addition, S. 250 would mandate that any state programs used to update voter registration lists shall be uniform and nondiscriminatory and may not remove someone from the list for not voting. The bill would permit a state, if it determines a voter has moved, to remove the voter from the list only after sending a forwardable notice with a return card that would allow the voter to confirm the correct address.

Finally, each state would have to designate a chief state official responsible for implementing the state's functions under S. 250.

REQUIREMENTS FOR THE FEDERAL GOVERNMENT

S. 250 would require the U.S. Postal Service to provide election officials with a postal rate subsidy for any mailings that the bill requires the officials to conduct, such as the registration confirmation notice and the registration update notice. The bill authorizes the appropriation of funds sufficient to reimburse the Postal Service for its losses in providing the subsidy. If the Congress does not appropriate the necessary amounts, then the Postal Service would no longer offer the subsidy.

The bill also would require the FEC to provide information to the states regarding their responsibilities and to report to the Congress once every two years on the impact of the registration procedures required by the bill. The FEC also would have a develop a uniform application form to be used by states for mail registration.

In addition, S. 250 would authorize the Attorney General to bring civil actions in court to enforce the provisions of the bill. Individuals also would be allowed to ask the court for relief from any violations of the bill's provisions.

5. Estimated cost to the Federal Government:

[By fiscal year, in millions of dollars]

	1992	1993	1994	1995	1996
Payment to the Postal Service for revenue forgone:					
Estimated authorization level	4.0	4.0	4.5	4.5	4.5
Estimated outlays	4.0	4.0	4.5	4.5	4.5
Federal Election Commission:					
Estimated authorization level	0.2	0.2	0.2	0.2	0.2
Estimated outlays	0.2	0.2	0.2	0.2	0.2
Bill total:					
Estimated authorized level	4.2	4.2	4.7	4.7	4.7
Estimated outlays	4.2	4.2	4.7	4.7	4.7

The costs of this bill fall within budget functions 370 and 800.

Basis of estimate: Based on the total number of change-of-address actions filed with the Postal Service, CBO expects the postal subsidy could amount to no more than $3 million annually—probably in the vicinity of $2 milion—to cover a portion of the cost of mailing registration update notices. In addition, CBO estimates that officials would mail about 25 million voter confirmation notices, based on election officials' reports that the number of registration applications amounts to 20 percent of the total number of registered voters in the jurisdiction. (There are about 120 million registered voters nationwide). Assuming an average subsidy of 7.3 cents per piece of mail, subsidizing the mailing of these confirmation notices would cost about $2 million annually at current rates. CBO assumes that an increase in postal rates will occur in 1994, at which time the cost of this subsidy would increase.

Based on information from the FEC, CBO estimates that the additional staff and associated expenses necessary to develop a mail registration form and to provide assistance to the states would cost approximately $200,000 annually, beginning in 1992. The requirements imposed on states and localities would become effective beginning January 1, 1993, unless provisions in a state's constitution conflict with implementing S. 250. In such cases, a state would not have to comply with S. 250 until January 1, 1994.

6. Pay-as-you-go considerations: The Budget Enforcement Act of 1990 sets up pay-as-you-go procedures for legislation affecting direct spending or receipts through 1995. CBO estimates that enactment of S. 250 would not affect direct spending or receipts. Therefore, pay-as-you-go procedures would not apply to the bill.

7. Estimated cost to State and local governments: S. 250 would require states to provide three types of voter registration for federal elections beginning in 1993: motor/voter, mail-in, and agency registration. The bill also would mandate that states use a uniform and nondiscriminatory program for maintaining accurate lists of eligible voters.

Consistent with CBO's usual procedures for estimating the cost effects of legislation, this estimate compares the cost to states of complying with the bill's provisions to the cost of their current practices under existing law. Few state and local governments currently employ all the methods required by the bill for registering and maintaining voters on the rolls. In addition, without S. 250, states and localities are unlikely to replace their existing practices with those outlined in the bill. Therefore, the costs states would incur in changing their registration procedures would be directly attributable to enactment of the bill.

SUMMARY OF COSTS

Direct Costs: If the bill is enacted, state and local governments would have to pay for the cost of complying with the bill's registration provisions. For the additional staff, postage, and printing expenses associated with the expected increase in registrations, especially through motor/voter, CBO estimates that it would cost states and localities an average of $20 million to $25 million a year for the first five years of the program. Added costs would be somewhat lower than the average in federal election years, and above the average in other years, since the procedures required by the bill would have the effect of smoothing the current election-year peaks in registration costs. Some of these expenses would begin in 1992, the year before the bill's provisions take effect, as the states prepare to offer the new registration methods.

Although the bill would not directly require it, some states may decide to acquire, expand, or upgrade computer systems to facilitate implementation of the bill. To the extent that state and local governments make such changes in computer technology, their costs could increase further. For example, we expect that one-time costs could amount to $60 million to $70 million to computerize the registration lists of all the jurisdictions that currently do not have computers. We cannot predict how many jurisdictions would do so, or how many that now have computers would choose to change their system.

Another provision that would require most states to make a change from current practices affects the polling place where a registrant may be permitted to vote. Under S. 250, if a registrant has changed addresses within a jurisdiction without notifying the registrar, but the new and old addresses are covered by different polling places, then the registrant would have the option of voting at the old or new polling place, or some other polling place that has a list of registered voters. Election officials have indicated that this requirement would be quite difficult to implement without a computerized registration list. Without such a capability, it might not be possible to fully meet this requirement, so the cost to election officials of this provision cannot be estimated at this time.

Offsets to Costs: Because S. 250 would authorize the Postal Service to provide a rate subsidy to election officials for mailings required by the bill, state and local governments would be able to shift some of the costs they incur now to the federal government. S. 250 would require officials to notify registrants as to the outcome of their application and to contact those whom the officials plan to drop from the rolls because of a change in address. (Most officials already take both of these actions.) CBO estimates that the postal subsidy for these mailings would total about $4 million annually. Thus, upon enactment of S. 250, state and local election officials would save approximately $4 million annually in postage costs.

Other Costs: To the extent that S. 250 is successful in increasing the number of registered voters in all jurisdictions, state and local governments likely would face other costs that are not directly associated with implementing the bill's provisions. For example, if more people are registered, then presumably voter turnout during elections would increase. Because election officials try to maintain a certain ratio of voters per polling place, officials might have to add new polling places, voting machines, and poll workers. However, these officials would take similar steps because of growth or migration patterns, and it would be difficult to separate the bill's effect on increased turnout from other contributing factors.

Certain states with specialized election laws would encounter some secondary effects of the bill. California law, for example, requires states and local officials to mail all voters on the registration list a sample ballot and an explanation of all ballot initiative issues before each election. If enactment of S. 250 results in more people registered, then the cost of such special mailings will be greater. On the other hand, the bill's provisions that encourage improved list-cleaning would result in more accurate voter registration lists, and election officials would save money by not having to mail voting materials to or prepare polling places for people who no longer would be on the lists. We have not estimated the total costs or savings from such effects in the various states, which would depend in part on how successful this legislation would be accomplishing its goals. California, which has some of the most extensive requirements relating to communications with registered voters, has estimated that it costs between $4 and $5 per registered voter to print ballots, print labels, mail sample ballots, and provide polling places. Most other states have lower costs, because they do not have all these requirements mandated by law.

Because S. 250 would allow individuals to sue for relief from violation of the bill's provisions, state and local governments and officials are potentially liable to pay fines and court and attorney fees if they lose a lawsuit. Such costs would not result directly from the bill, but rather from court cases that CBO cannot predict.

CURRENT LAW

Under current law, each state sets its own rules or guidelines for registering to vote in federal elections, and many states allow a wide range in practice among decentralized, local election jurisdictions (usually counties or cities and towns). Just over half the states already have mail-in registration, and about one-fourth of the states have some form of motor/voter registration. States and local jurisdictions pay the costs of registering voters, and the federal government does not currently assist them with these costs.

DATA COLLECTION

Because voting registration practices vary so widely, the incremental cost of implementing new procedures in the nation's 18,000 election jurisdictions is difficult to determine. In preparing this estimate, CBO assumed that local jurisdictions within a state generally follow registration guidelines set out by the state (even though there are some variations). We then compared the states' current guidelines with the requirements in the bill. (CBO relied on state-by-state summaries of registration practices prepared by various election information clearinghouses.)

In so doing, CBO surveyed the election officials in just over half of the states (as well as about two dozen counties of varying sizes). We collected cost information from some states that already provide one or more of the registration procedures mandated in the bill. In addition, some states provided CBO with the fiscal notes prepared for their state legislatures when they were considering one of these options. We also contacted about half of the 14 states that currently do not offer any of the bill's registration methods for their assessment of the bill's likely impact.

ASSUMPTIONS

Based on this information about the general registration practices in each state and the steps each state would have to take under S. 250, CBO makes the following assumptions regarding implementation that could affect the costs to state and local governments:

In most states, motor/voter would become the primary method of registering voters. Because most people have a driver's license and are required to renew it periodically, a motor/voter system eventually would provide most people with a convenient opportunity to register, especially after a change of address.

Although completing a driver's license application at the state department of motor vehicles (DMV) would be the most common way people would apply for registration, local election officials would remain largely responsible for maintaining accurate voter lists.

The several states with constitutional provisions that would conflict with the bill, such as requiring voters to sign an oath in person in front of a registrar, would change their laws to be consistent with S. 250. Otherwise, those states would have to maintain separate registration rolls and conduct federal elections separate from other elections. This estimate does not include any cost for such separate elections.

COSTS OF REGISTRATION PROVISIONS

Motor/Voter: DMV Costs: S. 250 would require states to include a voter registration application form as part of an application for a state driver's license. The bill language suggests that states use a consolidated form, but also allows them the flexibility of using two forms. CBO assumes that states could use two forms if they desire, because the committee's report language emphatically declares the committee's intent to allow this option to states. Thus, states that already have a two-form motor/voter process would not have to change, and states that would have to decide how to set up a motor/voter process could have a choice.

Based on the experience of the states that already have motor/voter, it appears that the additional cost to states of implementing motor/voter registration would result mainly from hiring additional staff to handle the extra paperwork. For example, state DMV's would need more employees at high traffic locations to continue to process applicants in the same amount of time as they currently do. For the 34 states that do not now have some form of motor/voter, the cost of such additional employees and related expenses could range from $20 million to $25 million annually during the first five years of implementation. Since most states require renewal of driver's license every four years, costs would decrease in later years, because most people would have had an opportunity to register and only those who move would have to update their registration.

Motor/Voter: Election Official Costs: Once the DMV receives an application, it probably would forward a copy to the local election official to process the registration, as is current practice in the states that now have motor/voter. While CBO expects that officials in sparsely populated jurisdictions would be able to absorb small increases in the number of applications, others would face increased costs. In especially populous jurisdictions, election officials would have to hire more staff to handle the likely increase in applications and to check for duplicate registrations (although some states with motor/voter report these are less than they had originally anticipated). Counties we contacted report that the number of registration applications they handle annually amounts to about 20 percent of the number of registered voters in the county (there are about 125 million registered voters nationwide). Based on information from counties in states that currently have motor/voter, it appears that the workload could increase by 20 percent because of people registering who otherwise would not have registered, duplicate registrations, and ineligible applications.

Assuming the incremental cost for a county election office of handling an additional application is $1.50, then local jurisdictions, in aggregate, would have to pay an additional $5 million to $10 million annually. Some of these costs would only be incurred during the first few years. Once most people are on the rolls and the number of unregistered voters decreases, use of the motor/voter system would decrease as voters would only register if they have moved.

Such costs, however, would be somewhat offset by a reduction in the cost of part-time employees hired to handle the increased workload around each registration deadline. Officials in some states with motor/voter, such as Colorado and Michigan, report that receiving forms from the DMV evenly over the year rather than in a last-minute pre-election rush has allowed them to reduce their part-time hires and use their full-time staff more efficiently. Based on information from several localities that hire part-time staff during election years, we expect local officials nationwide could save about $10 million in a presidential election year and about $7 million in non-presidential election years by reducing part-time hires. (There would be no savings in non-election years because no part-time help is necessary.)

The total costs that election officials would face would be offset further by the postal rate subsidy authorized by S. 250. While the bill requires election officials to notify applicants of the outcome of their registration application, it also would provide a discount of about 43 percent for notices mailed by third class. Because most states already mail such notices to applicants, the notification requirement would not result in additional costs, but the subsidy would shift about $2 million of postage costs currently incurred by election officials to the federal government.

Motor/Voter Computer Costs: Rather than forwarding an application from the DMV to a county registrar, a possible alternative, untested thus far, would be to transmit the voter information electronically. The cost of adding registrants to a jurisdiction's list would be lower if the voter data were transferred to computer by tape or other device rather than entered by hand. Some states have indicated that they would probably implement the motor/voter requirement by switching their record-keeping from paper to computers, and arranging for electronic transfer of data from the DMV system to the voter registration system. Some state officials have suggested that record-keeping would be improved if election officials used signature digitizers to store voters' signatures on the computer, but this would cost extra. Although the bill would not mandate states to computerize, in some instances states or counties might decide computerization would be the best action, even though it would require a significant one-time investment in equipment.

CBO has no information on which to base an estimate of how many counties would computerize or how many more states would create a statewide registration system. (Currently, 21 states have one.) Based on data from Election Data Services, it appears that jurisdictions already use computers to maintain lists for about 70 percent to 80 percent of the registered voters in the country. Aside from jurisdictions that might wish to change their existing computer systems, jurisdictions could potentially purchase new equipment to computerize the remaining one-fourth of the nation's voters.

We have examined the costs of existing registration and election systems and have determined that it costs between one dollar and two dollars per vote record for a computer system. Jurisdictions with small populations (less than 100,000) would have to pay close to two dollars, and jurisdictions with larger populations would have to pay less. For example, a county with 75,000 registered voters could expect to pay in the neighborhood of $150,000 for an elections system. A state with 7 million registered voters would pay about $7 million for a basic statewide system. Computerizing the registration lists for the 30 million to 35 million people in jurisdictions currently without computers could cost up to $60 million to $70 million.

Mail-In and Agency Registration: Because most voters (we assume 80 percent to 90 percent) eventually would register through the motor/voter system, mail-in and agency registration would serve as alternate means for those few remaining voters who do not have a driver's license. In those states that currently provide one or both of these methods, the number of registrations received from these sources would decrease over time as voters register instead through the DMV, and would, after the first few years, eventually generate from $5 million to $10 million in annual savings that would partially offset increased costs of motor/voter. If all states that currently do not have mail-in registration were to implement it along with the other two methods, it would cost them about $1 million to $2 million annually because they would not use mail-in registration as much as states that currently have mail-in registration do.

Almost all states report that they have some form of agency or satellite registration, which in some states means a voter has to swear an oath in front of a deputy registrar at one of several county offices. S. 250 envisions a somewhat expanded type of agency registration in which forms are available at a variety of locations where voters can complete and submit them (or else take them home and mail them in). Again, this would not be a major source of registering voters, and the costs are not expected to be significant in aggregate, although some additional training costs might be necessary to expand the pool of people able to assist voters in completing the forms. Only those states that currently have just a deputy registrar system would have to print extra forms to be available throughout the jurisdiction, but these costs probably would be offset by the reduced amount of work for the registrars and clerks who would not have to register as many voters in person.

COSTS OF VOTER CONFIRMATION PROVISIONS

Because voters usually do not notify election officials of address changes, the names and addresses of outdated registrants often accumulate on the rolls. Election officials revise registration lists to clean out those who have moved, died, or are otherwise ineligible to vote in that jurisdiction. S. 250 would prescribe that whatever method a state uses to maintain accurate registration rolls, it should be uniform and nondiscriminatory. Further, the bill would prohibit states from removing registrants from the list simply for not voting.

Current Law: All states now employ some procedure for updating lists at least once every two years (except four states that review lists every four years), though practices may vary somewhat from county to county. About 20 percent of the states canvass all voters on the list. The remaining 80 percent do not contact all voters, but instead target only those who did not vote in the most recent election (using not voting as an indication that an individual might have moved). Of these, about five states simply drop the non-voters from the list without notice. These states could not continue this practice under S. 250.

Whether states canvass all those on the list or just the non-voters, most send a notice to assess whether the person has moved. In about 30 states, election officials also provide voters with a way to update or prevent removal from the registration list.

National Change of Address System: S. 250 suggests, but does not require, an approach election officials can use to make sure that their list cleaning method is uniform and nondiscriminatory. Instead of using non-voting as an indication that a voter has changed addresses, an election official could contact only those who have actually moved, and at their new addresses. By using the National Change of Address (NCOA) system of the U.S. Postal Service, election officials could directly identify those who have moved and would send those people a forwardable notice with a pre-addressed, postage paid card that outlines the registration options available and allows people to respond to the officials. While an elections jurisdiction would have to pay a vendor licensed by the Postal Service to do a computer match of the registration list and the NCOA list (costing $2 to $8 per 1,000 addresses matched), these costs probably would be offset by reducing the postage and printing costs that officials currently pay for less-focused canvassing. Several pilot studies of this system in California and Oregon, sometimes called Project MAIL, report that counties would save money by significantly reducing the number of notices sent out.

Postal Rate Subsidy: Whether election officials decide to use this NCOA approach or choose their current or other method for list cleaning (as long as it is uniform, nondiscriminatory, and does not drop for nonvoting), their postal costs associated with this process would decrease if S. 250 is enacted. The bill authorizes a postal rate subsidy for mailings associated with the list cleaning requirement, thereby shifting costs from the states to the federal government. The ultimate amount of this shift would depend on the number of notices mailed. We have no data on the amount of mail election officials currently send out to update their lists. However, if most states adopt the NCOA approach, the number of changes of address, about 40 million annually, would represent the maximum possible number of matches between the registration rolls and the NCOA list. With an average third class subsidy of about 7.3 cents per piece of mail, the cost of this subsidy is unlikely to exceed $3 million annually. In fact, it is likely to be less—probably in the vicinity of $2 million—because not everyone on the NCOA list will be on a registration list, some changes of address are temporary only, and officials will update their lists through other methods such as motor/voter. When voters move within a state and get a new driver's license, they also would be updating their voting registration, thereby reducing the number of voters that officials will have to contact to determine whether they are recorded on the rolls accurately.

8. Estimate comparison: None.

9. Previous CBO estimate: None.

10. Estimate prepared by: James Hearn,

11. Estimate approved by: C.G. Nuckols for James L. Blum, Assistant Director for Budget Analysis.

Mr. FORD. Mr. President, I think it is important to compare the CBO cost analysis with some of the cost estimates referred to by the opponents of this legislation. If you read this letter, it also says there is a cost savings, a cost savings in this piece of legislation, for the States. If you go by driver's licensing, you get your license by month, so everybody in January comes in, everybody in February comes in, everybody in March comes in. It is an even flow instead of the way we have it now, everybody rushing in at the last minute to try to get registered. You hire extra help. You make mistakes. All these things occur instead of making it consistent. And it does reduce the cost, according to CBO.

Now, we have heard about the $20-million estimate for California. I chaired the hearing of the committee on this bill. The committee received testimony from country court clerk Tony Bernhart. He testified, as the Senator from Oklahoma said, that the estimate for California was $20 million. And you know what he included in the cost estimate? The cost for the general administration of the election process. He threw the whole State's cost in. Do you know what he included in that? Voting booths. You already do that. That is part of his $20 million. He included ballot boxes. That is included in his $20 million. Flags for precincts. You already do that. Signs he has to put up. He already does that. Tables, additional rosters, and the cost for staffing at the polling places. I thought they did that now. I thought that was in their costs now. But that is included in the cost estimate for California. You use any kind of estimate you want to or throw a lot of things into a cost to try to make it look bad if you are against allowing the American people to participate in democracy.

So suddenly here we are. We said all these cost are in there. Basically this county clerk argued that because California would experience an increase in the registration rolls, the Federal Government should pick up the tab for the maintenance of a larger vote roll. Of course, we are going to have more people register. That is the intent here. What is wrong with that? What is wrong with that? But do not start throwing flags and polling booths and all those things into a cost estimate, when they are already paying for those things.

Here is a letter from the county clerk of Cook County and he says:

> As clerk of Cook County, Illinois, I am responsible for the conduct of elections and voter registration in suburban Cook County. That is the second largest county in the country. Of all the factors that discourage voting, the easiest to remedy are cumbersome registration procedures. The National Voter Registration Act will remove these unnecessary barriers to citizen participation. It will reach more than 90 percent of eligible voters. It will help me do the job I was elected to do.

That is the county clerk of the second largest county in the United States. And he goes on to say:

> In the long run the year-around registration available through motor voters mail-in and agency-based registration have proven to be less costly—less costly—than the traditional registration methods. These methods save money by distributing registration over the entire year.

So, Mr. President, this is just another one of those—well, I really do not know what to call it. It is a fantasy, I think, as it relates to cost. When you say the overall costs, then, what is overall cost? You are putting in all the costs they have and want Big Brother to pay for. Sure, they want the Federal Government to pick up the tab for what they ought to be doing under the Constitution now. I do not blame them. But I do not think we ought to give it to them.

But if you want to kill this bill, if you want to stop average citizens out there from having an opportunity to be registered so that they can exercise their frustration—the frustration can be exercised at the polls and there is more power there than any other place I know. So, I ask you what is wrong with having the citizens registered in my opinion, for very little additional costs.

I want to just quote part of an editorial from the New York Times on October 23, 1991, that opponents of the motor-voter measure exaggerate its cost and the chance for increased voting fraud. What cannot be exaggerated is the cost to democracy of standing still. How much cost is that?

So, we find that the prohibitive cost is really a nonissue. The real issue, Mr. President, is whether we will establish a national and uniform registration process that will enfranchise virtually all eligible citizens. We should not be content with the current restrictive practices that set up barriers to the ability of people to get to ballot box.

Mr. President, people in this country are frustrated by a system they feel no longer represents their interests. They are restless. They have seen the devastation that results when the people feel that the system has failed. Mob rule and anarchy are not the answers. The resolution, Mr. President, should be at the ballot box.

Mr. President, one of the buzz words we hear from the President's administration is individual empowerment. Individual empowerment. The solution to the problems in the inner city, the solution to unemployment, the solution to so many of the problems that face our Nation is individual empowerment. I cannot think of any more important way to empower people than to make sure they have access to the voting booth. The right to vote is the greatest means of individual empowerment in the world. This bill will ensure that all eligible citizens have a right to vote. This bill makes registration convenient and accessible to all eligible voters regardless of race, income or physical condition. What could be more democratic? What could be more vital to the interest of the republican form of government?

Mr. President, we can put no price on the value of democracy, and I believe that the National Voter Registration Act of 1991 will go a long way to assure that voting rolls are kept current and accurate so they can serve as vehicles to facilitate full participation in our elections rather than obstacles to full participation of all our citizens. It will assure that they have they opportunity to exercise their right to vote. The right to vote will be readily available to all qualified citizens, not a prize reserved for those who demonstrate the stamina and endurance to overcome the obstacles that are there now—that are put up—to prevent them from registering to vote.

So, Mr. President, the opponents to this legislation say it will cost too much to increase the numbers of eligible people to register and vote. They say that S. 250 costs too much to make an effort to increase voter participation. If that is what this bill is going to do, then I say, What price is democracy, Mr. President? What price is democracy?

I reserve the remainder of my time.

The PRESIDING OFFICER (Mr. GRAHAM). Who yields time?

The Senator from Oklahoma.

Mr. NICKLES. Mr. President, I appreciate my colleague's remarks, and the Senator from Kentucky has spoken well. I noticed, in doing a little bit of homework, my colleague introduced a resolution in January of 1989 that I think was an outstanding resolution to the Budget Act, one that I would like to cosponsor with my colleague. The purpose of the bill is to amend the Congressional Budget Act of 1974 to minimize the impact on State and local governments of unexpected provisions of legislation proposing the imposition of large unfunded costs on such governments, and for other purposes.

I think it is a very good bill. I think my colleague from Kentucky is exactly right in introducing it. I hope that he would pursue it. That is the reason I am pursing the same philosophy on this legislation because I think it is important that we not pass legislation on States and counties without funding them.

A lot of States—my State included—and a lot of counties are having a hard time making their budgets meet. I know a lot of counties in Oklahoma are having an especially hard time.

We have a debate going on in the State of Oklahoma right now on whether we can fund welfare services. It is a serious issue. They are talking about raising taxes and whether or not they can fund welfare services.

And yet this bill is going to require our State to spend at least $1.3 million, maybe more, who knows. And my guess is, this is not in the priority of our State because we had a 91-percent registration rate in the 1988 election. We do a pretty good job with the system that we have right now.

Mr. FORD. Will the Senator yield?

Mr. NICKLES. I am happy to yield.

Mr. FORD. Mr. President, you only have 9 percent of your people left to register?

Mr. NICKLES. Ninety-one percent after the 1988 election.

Mr. FORD. Ninety-one percent of all eligible voters in the State of Oklahoma are registered to vote, and it is going to take over a million to get the other 9 percent?

Mr. NICKLES. If the Senator would yield, I am not sure just by passage of your legislation that you are going to get the other 9 percent.

Mr. FORD. You do not have to. They can turn it down. They do not have to register. They have the right to say no. That seems like an extraordinary cost when you already have it in place and you only have 9 percent and it cost over a million dollars.

Mr. NICKLES. Mr. President, my colleague's legislation is going to mandate, even though our State has done an outstanding job; it is going to mandate that the State of Oklahoma will have to enact this legislation at a great cost even if we are just talking about 9 percent of the voting population. This act is going to duplicate a lot of things already done. It would be very expensive. That is my point.

We are going to be mandating on the States a lot of expense which a lot of States have figured out more economic ways to accomplish. In my State, we register voters through voter registrars, who volunteer, spend time at State fairs, county fairs, football games, schools. We have a massive voter registration effort. It is quite successful. And it is quite economical.

Mr. President, I am concerned about putting unnecessary and expensive costs on States and counties. I mentioned in my earlier remarks that many of the Governors share my concern. I have a letter that was written by two representatives of the National Governors Association, Terry Branstad of Iowa, who I believe was the head of the Governors Association in 1989, and Gerald Baliles of Virginia—written June 2, 1989 in regards to the Motor-Voter bill introduced in the 101st Congress which is almost identical to the legislation we are considering today.

This letter was addressed to Senator FORD, chairman, Committee on Rules and Administration.

DEAR CHAIRMAN FORD: Governors, perhaps more than anyone else, are aware of the nation's record of low voter turnout in recent elections. As Governors we have tried to expand the number of registered voters and encouraged a large turnout on election days. This past February, the Governors approved a policy statement supporting efforts to increase voter registration and participation.

These efforts, however, should not be packaged in the form of unfunded, prescriptive mandates by the federal government. The mandates outlined in legislation (S. 874) pending before the Rules and Administration Committee would create unnecessary and costly administrative burdens for states. In some instances, they could prove counter productive.

We are particularly concerned with the requirement of simultaneous application for voter registration and motor vehicle driver's license. In most states, these applications are processed by separate agencies. In many cases states would need to purchase expensive computer equipment to centralize their files and process the information. Allowing states to provide separate voter registration forms and assistance at motor vehicle offices or other state agencies would fulfill the legislation's intent without the administrative or cost burdens.

So Mr. President, this is the Governors saying do not mandate this on us. We want to increase registration. We want to do it, but let the States do it in the most cost-effective way. It is clear that a Federal mandate is not the most cost-effective way in many, many States.

Mr. President, I ask unanimous consent that this letter by the 2 Governors, representing the National Governors Association, be printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

JUNE 2, 1989.

Hon. WENDELL H. FORD,
Chairman, Committee on Rules and Administration, U.S. Senate, Washington, DC.

DEAR CHAIRMAN FORD: Governors, perhaps more than anyone else, are aware of the nation's record of low voter turnout in recent elections. As Governors we have tried to expand the number of registered voters and encourage a large turnout on election days. This past February, the Governors approved a policy statement supporting efforts to increase voter registration and participation.

These efforts, however, should not be packaged in the form of unfunded, prescriptive mandates by the federal government. The mandates outlined in legislation (S. 874) pending before the Rules and Administration Committee would create unnecessary and costly administrative burdens for states. In some instances, they could prove counter productive.

We are particularly concerned with the requirement of simultaneous application for voter registration and motor vehicle driver's license. In most states, these applications are processed by separate agencies. In many cases states would need to purchase expensive computer equipment to centralize their files and process the information. Allowing states to provide separate voter registration

forms and assistance at motor vehicle offices or other state agencies would fulfill the legislation's intent without the administrative or cost burdens.

In addition, if state voter registration officials were granted access to the U.S. Postal Service's change of address system, the state motor vehicle offices would not need to be involved with the automatic change of address requirements.

The requirement for states to conduct mass mailings once every two years will be expensive. The cost could be reduced if franking privileges were extended for all registration and election materials sent by mail.

Finally, at least three states have constitutional requirements that guide state and local election procedures. Enactment of S. 874 would force these states to set up dual election procedures, one for federal and one for state elections, until a time they could amend their constitutions. In the meantime, voters would be confused and disenchanted with the different registration and voting procedures. The confusion at election time could undermine the public's confidence in the election system.

We hope that you will take these concerns into mind and grant states the flexibility and funding to fulfill the requirements outlined in S. 874.

With kindest regards, we are

Sincerely,

GERALD L. BALILES,
Governor of Virginia.
TERRY BRANSTAD,
Governor of Iowa.

Mr. NICKLES. Mr. President, I also have a letter from the National Association of Counties, dated May 19, 1992.

I ask unanimous consent that this letter be printed in the RECORD as well.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

NATIONAL ASSOCIATION
OF COUNTIES,
Washington, DC, May 19, 1992.

Hon. DON NICKLES,
U.S. Senate, Hart Senate Office Building, Washington, DC.

DEAR SENATOR NICKLES: On behalf of the National Association of Counties, I am pleased to go on record in support of your amendment to S. 250, providing a process for compensating states and local governments for the additional state and local costs of implementing the National Voter Registration Act of 1991.

We appreciate your leadership in protecting state and local governments from assuming a major unfunded mandate.

Sincerely,

LARRY E. NAAKE,
Executive Director.

Mr. NICKLES. Mr. President, this amendment is very clear; it is very simple.

The Senator from Kentucky at one point argued this is not going to cost the States very much; it is not going to be very expensive; a lot of States already have large voter registration and therefore the incremental costs are not much. If the cost is not much, maybe we should go ahead and pay for it. If the cost is expensive, maybe we should pay for it too. A lot of States cannot afford expensive Federal mandates telling them to do in many cases what they are doing very well.

I personally am opposed to it. I would not support an appropriation for the motor-voter bill. I do not think this is a Federal function. But if we are going to mandate it on the States, if we are going to mandate this on the counties, I think we should provide the funding to do so.

The PRESIDING OFFICER. Who yields time?

Mr. FORD addressed the Chair.

The PRESIDING OFFICER. The Senator from Kentucky.

Mr. FORD. Mr. President, my colleague referred to a piece of legislation that I introduced and I am still for it. But that amendment would not apply to this legislation because the CBO estimate is well below that.

There is nothing in this bill that mandates computerization. They talk about all these new computers. It is not mandated in this bill.

The District of Columbia instituted motor-voter and gets along very well, and at the cost of about 6 cents a person. The principal cost is the administration of the programs, not the cost of the forms.

CBO shows that a State can save $10 million—think about that—the States can save about $10 million in an election year by not having to hire additional staff. So everybody comes in here with the costs. You are against the bill, so the cost goes high. I said that earlier.

There is nothing mandated here about computerization; nothing mandated in here that we are to put it on computer. And if you are that far along, 91 percent of the eligible voters, then all they have to do is check no. They do not have to register. It is a simple thing.

So I think what we have here is one or two people in an association writing letters that they are against it.

When you look at the head of the National Association of Secretaries of State, the Secretary of State from Mississippi, he likes this and he has written a letter of endorsement for it. He said it would be even better than the new program they are going to. So you begin to look at all of what the costs will be and look how California tried to skew their costs. I think if we put it in place that you will find that the American people will participate.

Mr. President, I ask unanimous consent to have printed in the RECORD a letter from the office of the county clerk of Cook County, setting out that it would reduce the cost of the second largest county in this country.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

OFFICE OF THE
COUNTY CLERK,
Chicago, IL, May 18, 1992.

Hon. WENDELL H. FORD,
Senate Russell Office Building, Washington, DC.

DEAR SENATOR FORD: I strongly urge members of the U.S. Senate to vote in support of Senate 250, the National Voter Registration Act.

As the Clerk of Cook County, Illinois, I am responsible for the conduct of elections and voter registration in suburban Cook County—the second largest county in the nation. Of all the factors that discourage voting, the easiest to remedy are cumbersome registration procedures. The National Voter Registration Act will remove these unnecessary barriers to citizen participation. It will reach more than ninety percent of eligible voters. It will help me do the job I was elected to do.

Experience in numerous states has shown that simplifying and facilitating voter registration leads to increased voter registration and increased voter turnout. The number of voters increased by an average of seventeen percent in seven states that adopted motor voter alone, between the 1986 and 1990 Congressional elections. In suburban Cook County, this would mean an increase of 150,000 voters.

Some have argued that mail-in registration would lead to voter fraud. But two large states, Texas and California, have already adopted mail-in registration without experiencing problems. I believe that the protections and penalties against fraud contained in the Act would allow us to successfully administer its provisions here in Cook County.

The issue of cost is of particular concern to me. The Cook County Clerk's Office, like many local government entities today, is striving to provide the highest quality of service while emphasizing fiscal responsibility. In the long run the year-round registration available through motor-voter, mail-in and agency-based registration have proven to be less costly than traditional registration methods. These methods save money by distributing registration over the entire year. They allow election authorities to use full-time staff more efficiently and productively and reduce the need for part-time hires. Cost-wise, the National Voter Registration Act makes good sense.

What is the significance of passing the National Voter Registration Act? By removing obstacles to registration and voting, we are sending an invitation to every eligible voter in America. We are saying that their voices matter, that their opinions count. At a time when public faith in the electoral process and the leaders it produces is not high, this is an important message.

In closing, I ask the U.S. Senate not to miss this chance, and to vote in favor of Senate 250, the National Voter Registration Act.

Sincerely,

DAVID ORR,
Cook County Clerk.

Mr. FORD. I reserve the remainder of my time.

The PRESIDING OFFICER. Who yields time?

The Senator from Oklahoma.

Mr. NICKLES. Mr. President, I will be very brief and I will be finished and I will be happy to vote.

Just to read from the committee report concerning costs, it says:

DIRECT COSTS

If the bill is enacted, State and local governments would have to pay for the cost of complying with the bill's registration provisions. For the additional staff, postage, and printing expenses associated with the expected increase in registrations, especially through motor-voter, CBO estimates it would cost states and localities an average of

$20 million to $25 million a year for the first 5 years of the program.

That is $100 to $125 million just for the first 5 years alone.

Additionally, I might add, in the second paragraph they say:

> For example, we expect that one-time costs could amount to $60 million to $70 million to computerize the registration lists of all the jurisdictions that currently do not have computers.

Again, I did not make this up. This is coming from CBO; it is in the committee report.

Mr. FORD. Mr. President, will the Senator yield?

Mr. NICKLES. I will be happy to yield.

Mr. FORD. We are just saying that if you want to computerize, that is what it would cost. We are not mandating computerization in this bill.

Mr. NICKLES. I appreciate the Senator's comment.

I do not think there is any dispute from my colleague from Kentucky that the annual cost from CBO is that this act would be $20 to $25 million.

We do have State estimates that are much, much higher than that. Some States' estimates are higher than the total cost estimated by CBO. For instance, Illinois estimates the act will cost them $30 million, and California estimates $20 million. Maybe the Senator is exactly right that they threw in things that should not be included but the fact remains this act will cost the States money that they do not have in many cases. The cost to my State is estimated to be $1.3 million, but it happens to be $1.3 million that the State of Oklahoma does not feel that they should be forced to spend.

So, for that reason, I hope my colleagues will adopt this amendment.

The PRESIDING OFFICER. Who yields time?

Mr. FORD. Mr. President, I may not have very much time left, but let me just say this. You add up all the costs but you never subtract the savings. He just mentioned the savings of $10 million in a Presidential election year. They never subtract those costs from the original cost. So it is much less than what the Senator from Oklahoma said. It will not be nearly as much as he said.

I am ready to yield back the remainder of my time.

I yield back the remainder of my time.

Does the Senator want to yield his back?

Mr. NICKLES. Mr. President, I yield back the remainder of my time.

Mr. FORD. Mr. President, I move to table the amendment by the Senator from Oklahoma.

Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

Mr. FORD. Mr. President, I ask unanimous consent that this amendment be set aside, and the next amendment be allowed to be considered.

The PRESIDING OFFICER. Without objection, it is so ordered. The amendment is set aside.

Mr. FORD. Mr. President, I do not know how many other amendments we will have and who will be coming to the Senate floor, but I ask unanimous consent that the time under the quorum call not be charged to either side.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. FORD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. HATFIELD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HATFIELD. Mr. President, I yield myself 5 minutes from the bill from Senator STEVENS' time.

The PRESIDING OFFICER. The Senator may proceed.

Mr. HATFIELD. Mr. President, I rise again today to support the National Voter Registration Act of 1991 as one of its Republican cosponsors. I only repeat what has been said many times, but just perhaps to give it a little different perspective.

As we review the poor voter turnout over the last few years, I would like to just take 1988 as an example when only half of this Nation's eligible population took part in electing a President. During the 1990 congressional elections, the turnout of eligible voters was 36 percent, the lowest since 1942 and the second lowest since 1798.

It is interesting, Mr. President, these statistics drew jeers from the leaders of China's Tiananmen Square crackdown. Referring to the dismal turnout in our 1990 elections, the official Chinese Communist newspaper commented:

> Some people hold American democracy in the highest esteem, believing it to be the model for the free, democratic system. Actually, the American people don't care about their democratic rights or hold them in high regard.

Mr. President, in the 101st Congress, I withheld approval initially from the National Voter Registration Act, because I considered that the Senate Rules Committee should look at what I thought to be a fatal flaw in the bill. The Rules Committee and the chairman, the chief author of this bill, Senator FORD, did take another look at this bill, and we began to see where we had to strengthen the protection of the voters who do turn out. In other words, we want to liberalize the registration system to draw more voters into the process, but we certainly did not want in any way to create the possibility of fraudulent votes being cost. So this bill was changed to provide for purging of the voting rolls and to require mail registrants to vote in person the first time.

Additionally, we set offenses for violating this procedure as a Federal crime with penalties up to 5 years in jail. So particularly for my friends who think tough laws, particularly capital punishment, deter crime, we have used that tactic to try to make sure that we have protected the integrity of the voters.

Mr. President, I would like to also suggest again that this is not just some kind of theory. I am awfully proud to say that since I first spoke on this bill, we had at that time, because Oregon had adopted a motor voter registration program, in the first 4 months that I reported previously we added over 49,000 registrants in our process. Today, after a 6-month report, that has jumped to over 72,000 new registered voters in the State of Oregon provided through the State motor vehicle division.

Let me also go to those who are on the firing line. We have had big praise of this from the State elections officials. And now let me take a little rural community, so to speak, as compared to, say, the major populated center of Oregon, Coos County, down on the far southwestern coast of my State. There a county clerk said, "We need to publicize motor-voter more. We need to get the word out about what a wonderful opportunity this is."

I cannot, therefore, cover this more broadly than using my State as an example, from the election officials, from those who are the new voter registrants, those who see this escalation of voter registration as the first step toward a higher voter turnout.

Mr. President, let me say that in those congressional elections, with only 36 percent national average turnout, Oregon had 72 percent turnout. So we are a State that has higher than the national average of turnout. And at the same time we have found that liberalizing the registration procedure has added to those who turn out to vote as well as those who are added to the polls.

In addition, this legislation authorizes the States to provide for uniform mail registration and registration in person, either at an appropriate registration office, or at a Federal, State, or private sector location. Mr. President, the State of Oregon has had a mail registration system since 1975 and the distinguished Governor of Oregon, Barbara Roberts, testified before the Senate Rules Committee about the effectiveness and efficiency of our State's program. In the 17 years that Oregonians have been registering to vote by mail, not once has their been a single case of fraud or fraudulent voting.

Mr. President, I believe this legislation will also bring a much greater degree of uniformity to voter registration throughout the country. It should not be any more difficult to register in one State than it is in another; unfortunately, our country suffers from a patchwork of registration restrictions and regulations which vary greatly from State to State.

Currently 29 States, and the District of Columbia, have some form of agency-based voter registration as part of their election laws.

As I stated earlier, Oregon recently overwhelmingly passed and implemented motor-voter legislation, with only one vote in each House opposed to the bill. And I must say, Mr. President, this is not the first time my State has passed this legislation. We passed it in 1989 as well, however it was contingent upon impending Federal legislation. Because Congress did not act, my State went back and passed the bill again on their own, this time without a Federal role. I consider them, as usual, ahead of their time. It is high time that the Federal Government followed the lead of several innovative States in giving the National Voter Registration Act of 1991 strong bipartisan support.

Finally, I am convinced that S. 250 will lead to increased voter turnout. People are much more likely to participate once they have overcome the hurdle of registration. By providing a fast, convenient method of registration, citizens will be far more likely to sign up and to take part in the electoral process.

The bottom line, Mr. President, is that voter registration is an administrative mechanism, and, as such, should be as convenient as possible for our citizens. We must remember that the purpose of the election process is not to test the fortitude and determination of the voter, but to discern the will of the majority.

The National voter Registration Act of 1991 is not the cure to all that ails our elections process. It does, however, remove many of the administrative barriers to voter registration. Combined with campaign reform, voter education, and programs to increase voter turnout, this legislation will provide a positive step in establishing a fully representative democracy in the United States.

Mr. President, I look forward tomorrow to the vote that passes this bill, and, hopefully, it will find the same experience we have found in the State of Oregon as a beneficiary of this procedure.

The PRESIDING OFFICER. The Senator from Texas.

AMENDMENT NO. 1830

(Purpose: To provide mandatory minimum penalties for voter intimidation and for depriving the public of a fair and impartial election)

Mr. GRAMM. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The bill clerk read as follows:

The Senator from Texas [Mr. GRAMM] proposes an amendment numbered 1830.

Mr. GRAMM. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 27, strike line 5 and all that follows through page 28, line 7, and insert the following:

(a) OFFENSE.—Chapter 29 of title 18, United States Code, is amended by inserting before section 592 the following new section:

"§ 591. Voter intimidation; depriving the public of a fair and impartial election

"(a) OFFENSE.—A person who in any election for Federal office—

"(1) knowingly and willfully intimidates, threatens, or coerces, or attempts to intimidate, threaten, or coerce, any person for—

"(A) registering to vote, or voting, or attempting to register to vote;

"(B) urging or aiding any person to register to vote, to vote, or to attempt to register or vote; or

"(C) exercising any right under this Act; or

"(2) knowingly and willfully deprives, defrauds, or attempts to deprive or defraud the residents of a State of a fair and impartially conducted election process, by—

"(A) the procurement or submission of voter registration applications that are known by the person to be materially false, fictitious, or fraudulent under the laws of the State in which the election is held; or

"(B) the procurement, casting, or tabulation of ballots that are known by the person to be materially false, fictitious, or fraudulent under the laws of the State in which the election is held,

shall be punished in accordance with subsection (b).

"(b) MANDATORY MINIMUM PENALTIES.—A person who violates subsection (a)—

"(1) shall be imprisoned not less than 1 year and fined not more than $100,000;

"(2) if the person is a State or local government official with duties relating to the registration of voters or the conduct of elections, shall be imprisoned not less than 3 years and fined not more than $100,000; and

"(3) if the person is a Federal, State, or local official (other than an official described in paragraph (2)) holding an elective office (without regard to whether the person was elected to that office or was appointed to complete the term of a predecessor), shall be imprisoned not less than 5 years and fined not more than $100,000."

(b) TECHNICAL AMENDMENT.—The chapter analysis for chapter 29 of title 18, United States Code, is amended by inserting before the item relating to section 592 the following new item:

"591. Voter intimidation; depriving the public of a fair and impartial election.".

Mr. GRAMM. Mr. President, this is a very simple amendment. I remind my colleagues that Senator MCCONNELL's amendment earlier today tried to broaden the jurisdiction of the Justice Department to prosecute voter fraud in State and local elections, to broaden the scope of its involvement in order to try to prevent voter fraud, which, unfortunately, is still a problem in many areas of our country. That amendment was defeated. This amendment simply seeks to give teeth to the penalties proposed for the election-related violations that are cited in the bill.

It is true that under the bill before us a person can be sent to prison for up to 5 years at the discretion of the court, but there is no minimum mandatory sentence. One of our problems in deterring voter fraud and encouraging vigorous prosecution is that, in many cases, people are not going to jail for engaging in voter fraud. Quite frankly, Mr. President, the fact that we continue to have voter fraud in 1992 is an incredible indictment of our country and of our election system. There are many of us today who are concerned that by eliminating one step in the traditional registration and voting process we are going to encourage voter fraud.

I can remember one effort to purge the voter rolls in a hotly contested congressional district that turned up some 251 people registered to vote whose stated address was a vacant lot. We are not talking about some abstract concept. We are talking about real life examples that occur in every election.

So the objective of my amendment is very simple. It says that if you are found guilty of committing voter fraud, as defined in the existing bill before us, during the conduct of a Federal election, we have a minimum 1-year mandatory sentence in prison for any person convicted of that offense and up to a $100,000 fine. If the person convicted is an election official, that is, if they are a person who is an election judge who has been appointed by the county judge or is a person who has an official position in administering the election, that mandatory sentence becomes 3 years in prison. It also carries the potential for up to a $100,000 fine. And if you are an office holder, if you are a city councilman, a county commissioner, a county judge, a district attorney, a Member of Congress, then there would be a minimum mandatory sentence of 5 years in prison.

So I believe that this is an effective set of penalties. I think quite frankly we need them if we are to have a system where we do not go through a two-step procedure. I think it is important that this bill have teeth in it. I hope my colleagues will adopt this amendment.

I am concerned, given the voting pattern that has been established on other amendments, that this will probably not be accepted. But I think it is eminently reasonable. I think it would be very helpful in deterring people from engaging in practices where if there is not voter intimidation it gets very close to it, and in deterring people who might otherwise engage in outright fraud by voting under other people's names and through other activities that undermine the integrity of the entire election process.

So I ask my colleagues to look at this amendment. I cannot be here on the floor having heard my dear colleague from Oregon talk about voter turnout without saying at least one word about it.

I would like to see more Americans participate. I would like to see us find a way to induce more Americans to take an interest in what is happening in their country. I guess there are some ways to look at nonvoter participation. Quite frankly, I am not convinced that Americans choose to not vote simply because they have to register to vote.

I think you can argue two things. I think historically many Americans have not voted because they did not think their vote counted, or maybe they were happy with what was happening in Government. I think you would have a hard time making the second argument today in the 1992 elections. It may very well be, if we Members of the Senate and other people running for public office gave people a clearer vision, gave them a clearer choice, that more people would turn out and vote. I think that is something that we ought to all be committed to in the election process.

Obviously, part of the freedom to vote is a freedom not to vote. I think if we are going to encourage people to become involved we will have to convince them that there is a difference between the candidates that are running, and that their vote can make a difference. Being one Member who was elected to the House by 122 votes, and if 62 people had voted the other way I would have lost, I am a person who believes that every vote counts. I am delighted that the 62 voted my way. To the people who would have voted against me, had they gone to the polls, I am just as glad they did not. To the people who would have voted for me but who did not vote, I wish they would have turned out and voted.

In any case, if we could have a clear increase in voter participation, I think the whole country would benefit.

I would have to say, Mr. President, that I have very real doubts about requiring, as this bill does, the welfare office and other offices that are handing out benefits to be engaged in the process of registering voters. I think that invites voter intimidation. I think it invites a conflict of interest. If this were a real motor-voter bill where we were simply going to register people through driver's license applications, I would find the legislation more appealing. But the fact that we are going to have the welfare office, the fact that we are going to have other State agencies and other Federal agencies, potentially registering people to vote I think creates a tremendous potential conflict of interest. I think it is probably not good policy.

But to just simply reiterate my amendment here today which is not trying to correct all of the wrongs in this bill, it simply says this: We recognize that there will be a greater potential for voter fraud. We set up three categories, an individual citizen that commits voter fraud in a Federal election and who is convicted, will go to prison for 1 year; they can be fined up to $100,000; an election official who commits voter fraud will go to prison for 3 years and can be fined up to $100,000; and an officeholder who commits voter fraud will go to prison for 5 years and can be fined up to $100,000.

I hope my colleagues will see the wisdom of this amendment and will adopt it. I yield the floor.

Mr. FORD. Mr. President, every amendment that has been offered, has been offered by individuals who oppose the bill in toto. They do not want this bill. They do not like this bill. And there must be a reason that they are opposed to it.

I do not understand why they are opposed to a piece of legislation that gives at least 90 percent of the people an opportunity to be registered, and as my colleague says, if they do not want to vote they have a right not to vote. But if they decide not to vote, they are not taken off the rolls. So the right to vote is the same as the right not to vote.

You can like 90 percent of it or you like 99 percent of it, but they vote no. I thought we had a pretty decent bill. I listened to my colleague from Oregon, Mr. HATFIELD, as he talked about his not signing onto this legislation. Once we put the list verification provisions into the bill, which he and many others thought were adequate, he became a prime sponsor, a prime Republican sponsor of this legislation. And the penalties that we talked about, argued about, took testimony about in the Rules Committee, finally came down with, this bill has the same penalties as set forth in the Voting Rights Act for registration offenses, a 5-year maximum, and a fine up to $10,000.

That does not suit my colleague from Texas, the junior Senator. He wants to make it mandatory, and up to $100,000.

I thought that our bill S. 250 covered the same offenses as the Gramm amendment. And what is the concern here? Have the current penalties been too ineffective? Maybe so. I do not think so. I am not aware of any compelling reasons for the changes proposed by the Senator from Texas.

S. 250 gives discretion to determine a term of imprisonment up to 5 years. The severity of the penalty can be based on the particular facts in each case. I do not see anything wrong with that. Mandatory—I understand that in the crime bill, if you are using drugs or kill a police officer, there is a mandatory death penalty. I understand all of those things. That is the severity laid out in the crime bill. But here we are not giving any discretion to the judge or the jury, the individual's peers, to listen to the arguments and to dispense justice in whatever manner they want based on the severity of the particular facts in the case.

I do not have a law degree. I am sometimes at a loss to understand all of the law. I try to understand what is fair in the language, as I read it.

I have a letter here from Dick Molpus, the secretary of state of Mississippi. He says that "During a heated public debate on the merits of mail-in registration my office conducted an extensive nationwide study of voter registration with particular emphasis on determining the potential for fraud during registration. We could find no evidence of registration fraud. The U.S. Postal Service confirmed that it had virtually no instances of registration fraud. In other words, mail-in voter registration is effective and safe." That is part of their bill.

"As my State's chief election officer, I also believe the motor-voter system will be effective and safe. I have enclosed a copy of our study on voter registration for your review." This letter is addressed to me. "Public officials such as you and I must search for ways to help Americans participate in their Government."—not restrain them, not have hoops, ladders and barriers and things to crawl over, just to have the right to vote. That last line in his letter says "I believe mail-in and motor-voter registration are two such ways for us to help Americans participate in their Government."

Every amendment that has been offered today has been offered by those who oppose the bill. I understand what they are trying to do. They are trying to amend the bill so that it will not be palatable to those who are supporting it, and may not like it after that; anything to have a killer amendment on this bill.

I have tried to work as best I can with all of those who have amendments. There are just some I cannot accept, because this is so important to all of us.

I said earlier that some of us have talked about individual empowerment. Well, it seems to me that the ability to empower here is through the ballot box. If they are frustrated and unhappy with Government, they still do not have an opportunity to register, unless they jump through all the hoops and over the barriers to get to the registrar's office, or wherever it might be. They work 6 days a week. Are you going to have it open on Sunday? Of course not. Are you going to have it open at night? Of course not.

So what we do here, if you have the ability to be registered with your driver's license, I think it is a great step forward. One of the buzz words that I mentioned earlier that we hear from the President's administration is the "individual empowerment," the solution to problems in the inner cities, the solution to unemployment, and the solution to so many of the problems that face our Nation, is individual empowerment.

Mr. President, I cannot think of any more important way to empower people than to make sure they have access to the voting booth—the right to vote. That is the greatest means of individual empowerment.

But we are saying, no, you have to go through the same old way. We do not want to help; we do not want to encourage or make it accessible.

This bill makes registration convenient, accessible to all eligible voters, regardless of race, income, or physical condition. What could be more democratic or more vital to the interest of our republican form of government?

Now we come along and say that we are making everything mandatory. Well, that eliminates the ability of our peers to make a decision based on the facts in the case and the severity of the penalty which will be administered, based on those facts in a particular case.

So I understand that we do not want any fraud. I am very much opposed to it, also. But when you take into consideration that every item in the Senator's amendment is in our bill, he just does two things: One, he makes the penalty mandatory and increases the fine by 10 times, from a $10,000 fine up to $100,000. We cover the same penalties as set forth in the Voting Rights Act for our registration offenses.

So, Mr. President, I hope my colleagues will vote against this amendment, and I hope that the Senator from Texas will allow me to offer a motion to table, and then we can set it aside and move on to other amendments.

I reserve the remainder of my time.

Mr. GRAMM. Mr. President, I had not intended to go into any long discussion here, but there are a few additional points I want to make.

First of all, I have always believed that other than insuring equal access to the process that the responsibility for the administration of elections was primarily a State matter. I think that is how the Founders viewed it. Many States already have mail-in voter registration. I am for that. If this bill were really just a motor-voter bill, my guess is that given the ability to purge the list or to challenge names on the list, I would probably be for it.

But this bill is not just a motor-voter bill. In fact, I never cease to be amazed around here that we pick names to try to determine the outcome of the debate. What is motor-voter about having every welfare official in every State of the Union registering people to vote?

My colleagues on the left-hand side of this Chamber say they are trying to help the process. But as I look at their whole election package, it is hard for me to believe that it is the process they seek to help. I am afraid, maybe I am cynical, I think they are trying to help themselves.

I start with taxpayer funding of elections. The House, under great pressure, was just forced to shut down the House bank, and now we have an effort supported by the Democratic Members of the House and the Senate to open a big campaign bank, to have taxpayer funding of elections. Maybe that is to help the public, but I do not think so.

Then we have the effort to make Puerto Rico and the District of Columbia States. I do not think that is aimed at helping the general public. I think that has another political objective.

And then we have the effort to repeal the Hatch Act, which would allow professional career Government employees to be involved in politics.

Maybe that has the objective of helping the general public, but I do not think so.

Now we have a bill that would not empower people to vote, which is something they have a right to do. It is not a bill that just has motor-voter, where if you get your driver's license, you become registered. I am not sure that I object to that. But I do object to the fact that we are setting up a procedure for every welfare office in every State in the Union to register people to vote.

It is interesting that we include that in our mandates, and yet we do not mandate that the tax office register taxpayers to vote. I wonder if there is a political difference between people that are pulling the wagon and people that are riding in the wagon. I wonder if somehow it is assumed the voting patterns of those two groups are the same. I think not.

In any case, I realize my colleague will move to table. I hope people will look at this amendment and decide to support it. I think there is ample evidence that although we have significant vote fraud in America, very few people are going to prison. I think when you look at how sacred the ballot box is, when you look at the incredible cynicism in our country about elections you will agree that my amendment requiring that if somebody engages in vote fraud, they spend a year in prison, is not cruel and inhumane; the fact that an official conducting the election who would engage in vote fraud would go to jail for 3 years is, I think, not unreasonable, and the fact that an elected official would go to jail for 5 years for voter intimidation or vote fraud is exactly the kind of deterrent we need, if we are not going to have the ability to go through a double step process which the country has used historically to try to hold down vote fraud, which is that people had to register and then the voter registration list is available, and then they go in to vote, and they have to be registered in order to vote.

So I think we need these enhanced penalties, and I hope we can get them.

I yield the floor.

Mr. FORD. Mr. President, I think we veered far beyond the amendment that is before us here, and I am perfectly willing to do that. We talked about this conspiracy that is going on. One is that they say the taxpayers are going to pay for elections. They do not want that. But the President of the United States, at the end of this election cycle, will have received more taxpayers' money than any other individual in the history of this country. He will have received $200 million to run for President and Vice President of this country. Now, they worry about soft money and the President in the Bush-Quayle campaign last year received 249 $100,000 contributions from individuals and corporations; perfectly legal, but they do not like that for us. Then there is a fellow who gave $400,000 to the other party, who sat on the platform. They cannot figure out who he is, where he is from, or how he got his money. But that individual gave $400,000. I wonder what he is expecting in return.

And they are worried about the Hatch Act because you are a Government employee; you are not a citizen anymore; you cannot participate. All we want is the individual to have an opportunity to vote. He has just the same right not to vote as he has to vote. But why put him through all the hoops and barriers to prevent him from having an opportunity to vote?

As I have said before, it is like the baseball season. I have some favorite teams I check every morning to see how they came out last night. But as we get closer to the World Series I become more interested. When the World Series comes I would like to watch it or go see it. But if I do not get a ticket early, I do not get in. So that is the way it is with politics. A lot of people are not interested in the Presidential races right now; they are not interested maybe in local races right now; but as it gets closer to November and they decide, they listen to the issues and they would like to cast their vote one way or the other, but they do not have a ticket to the series. They are not registered to vote.

So why not let the individual citizens out there have the opportunity—make it easier for them to participate in democracy? I cannot understand why it is, all this negative attitude toward trying to help citizens have an opportunity or empower them to change this institution, to change the direction of this country, and we find out, no, we do not want that; we want to do everything we can to prevent it.

Mr. President, I yield back whatever remainder of the time I have. Does the Senator from Texas yield back his time?

The PRESIDING OFFICER. He has not at this point.

Mr. FORD. Mr. President, I ask unanimous consent that I might yield back the time of the distinguished Senator from Texas on this amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

The time is yielded back.

Mr. FORD. I yield back the remainder of my time. With the agreement of the Senator from Texas, I move to table his amendment and ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is not a sufficient second.

Mr. FORD. I ask unanimous consent that the time of the quorum call be charged to neither side.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. FORD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. FORD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. FORD. Mr. President, now that my counterpart from the other side is here, I renew my request to table the Gramm amendment and ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

Mr. FORD. Mr. President, I ask unanimous consent that the amendment by Senator GRAMM be set aside.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 1831

Mr. SIMPSON. Mr. President, I send an amendment to the desk and ask that it be read.

The PRESIDING OFFICER. The clerk will report the amendment.

The legislative clerk read as follows:

> The Senator from Wyoming [Mr. SIMPSON] proposes an amendment numbered 1831.

Mr. SIMPSON. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

> Section 5 is amended by inserting at the end the following new subsection:
>
> "(e) EFFECTIVE DATE.—The provisions of this section shall not take effect until the Attorney General certifies to the Chairman and Ranking Minority Members of the Committees on the Judiciary of the Senate and of the House of Representatives and the Committee on Rules and Administration of the Senate that sufficient procedures exist to prevent voting by ineligible noncitizens.".

Mr. SIMPSON. Mr. President, I have been listening to the debate for several days, several months, actually. And I know that S. 250 is a well-intentioned bill, intended to encourage more citizens to register to vote in Federal elections. However, I fear that the bill is likely to have the unintended consequences of allowing noncitizens, citizens of foreign countries, and even illegal aliens to register to vote. I know my colleagues are not advocating that noncitizens should be allowed to vote in Federal elections; I am well aware of that. But voting is a traditional right of citizenship. In fact, according to the Congressional Research Service, all 50 States have required citizenship to vote in Federal and State elections since 1922.

I think we can all agree that the rights to vote is one of the few privileges which is reserved originally for U.S. citizens. While it is true that this bill does not mandate that noncitizens be allowed to vote in Federal elections, it does facilitate the registration of noncitizens. Without a system to verify citizenship or immigration status, I think citizenship requirements cannot be properly enforced.

Right now in this country and in certain States in the country we have serious problems. Noncitizens can easily obtain driver's licenses and all an illegal alien needs to do to obtain a drivers license is to present identification. That identification is often fraudulent. A legal alien, legal in their immigration status, but not eligible to vote can use legitimate documents to obtain a driver's license. Neither alien applicant is eligible to vote and yet both are able to register to vote under S. 250. Anyone within this country, I share with my colleagues, as most know, anybody in this country can buy a birth certificate, a passport and a green card, and impressive ones at that, for a few dollars to a few thousand dollars.

With fraudulent documents so easily obtainable under this bill, anyone, including illegal aliens, can apply for and receive a driver's license and a voter registration card. In fact, by registering through the mail, there is not even the requirement to use any documents, fraudulent or otherwise, to identify the applicant as to his or her citizenship.

The minority views of the Rules Committee report to S. 250 address this very point. And I quote from the minority views of the Rules Committee:

> Illegal aliens have used easy availability of voter registration cards as a means to gain entry into the United States. Voter registration cards have also been used to gain access to Federal and State benefits and even to obtain jobs with the Federal Government.

A Federal grand jury sitting in Chicago investigating vote fraud in 1982 and 1986, reported:

> Many aliens register to vote so they can obtain documents identifying them as U.S. citizens. However, the number of aliens who actually voted is undocumented. We have learned that these aliens use their voter cards to obtain a myriad of benefits from Social Security to jobs with the Defense Department.

That is from the minority views of the Rules Committee report.

While the U.S. attorney was unable to document the extent of the alien voter fraud problem, the Immigration and Naturalization Service was able to identify the problem in the later election, and I quote:

> In 1989, the Immigration and Naturalization Service surveyed a Florida special election and found that in the election 11 percent of all ballots of foreign-born voters sampled were cast by noncitizens. Furthermore, the INS reported that there is reason to believe that in this Federal election the incidence of illegal alien voting among all ballots examined was as high as 24 percent.

Those are from the minority views of the Rules Committee.

While section 5 of the bill does require that the applicant attest that he or she meets all eligibility requirements, including citizenship, this is not enough. Without actual verification with the Immigration and Naturalization Service on the immigration or citizenship status of the individual, there is no basis to challenge the attestation.

An employee of a State motor vehicle department cannot and should not attempt to identify noncitizens by simply looking at the person or at the application. Imagine what is there for the potential of abuse. A State motor vehicle department employee should not be doing that. Only the Immigration Service can verify citizenship status.

Eligibility requirements for voter registration are already very loosely enforced in some jurisdictions with motor-voter programs. Let me share with you one example that is extraordinary.

A policy analysis organization conducted an informal experiment to see how well the District of Columbia—and I remind you the District of Columbia is a motor-voter jurisdiction—they wanted to find out how they applied their own eligibility requirements. So the organization applied for voter registration for two fictitious persons with Hispanic surnames, the Hispanic equivalents of John Doe, on these forms. And one person—these are fictitious persons—indicated that he was unsure of his immigration status. The other person specified that he was not a citizen. In both instances, the District of Columbia issued voter registration cards, no questions asked.

Now, that experiment tells us that the motor-voter system fails to discover ineligible persons, even illegal aliens, and it even fails to discover nonexistent persons. Clearly, this bill in its present form makes it significantly easier for noncitizens to vote.

So this amendment simply provides that the effective date—I am not out to pull a whizzer, pull the rug, or crater this bad bill, which is going to get cratered fast enough when it gets to the President anyway. And there are enough horses here to sustain the vote. So we want to remember where this all goes, and I hope that sustainment of the veto will take place, and I think it will.

But this provides that if this extraordinary piece of legislation should ever go on the statute books, the effective date of the provision allowing the simultaneous application for a driver's license and voter registration be delayed for this length of time: "until the Attorney General certifies that sufficient procedures exists to prevent voting by ineligible noncitizens."

I think the amendment is as straightforward as it sounds. It merely delays the effective date until the Attorney General has determined that sufficient procedures are in place to prevent those not eligible to vote from registering to vote. If, in fact—please hear this—if, in fact, such safeguards are put into place by the States, there need not be any significant delay in the bill's implementation. My amendment does not require that the Attorney General determine the procedures. If all of the States create procedures which are sufficient safeguards to prevent noncitizens from voting, then certification should occur.

Now, that is the essence of this amendment. I have been involved in immigration activities for many years. Oddly enough, the man that got me involved in this was at the time the senior Senator from Kentucky, Dee Huddleston. He was the only person on the floor of the U.S. Senate speaking with common sense about the need to do something about illegal immigration and legal immigration—Senator Dee Huddleston, Democrat, of Kentucky. And it was very constructive for me to work with him over the years. Then, of course, he was replaced in this body by the present junior Senator from Kentucky, who, of course, is our able, very able Senator McCONNELL.

So the irony is the senior Senator from Kentucky and the present junior Senator from Kentucky and the former senior Senator from Kentucky have an interesting panoply of opinions in this particular area. But, Dee Huddleston was of tremendous resource to me when suddenly I came on the scene with regard to my activities with regard to legal and illegal immigration.

So I think if we are going to have—I know that this is a pretty sweeping partisan activity going on here; we are picking up our 40 votes or 38 or 39. But I do not think it has a thing to do with partisanship.

The right to vote is a pretty sacred thing. And I have a humble opinion that those who vote should be citizens of the United States. And as we begin to dilute that, all sorts of things occur, a dilution of our system: Biculturalism, which has never assisted any other country on Earth and certainly will not assist ours.

And I am not talking about bigotry and xenophobia. I have been through all of that. They cannot pin that one on me. I have the whole hammer throw on that one, the dump truck and the whole works. But I think voting is a traditional right of citizenship. And I would like to assure that, if for some reason this bill became law, certainly we ought to have a certification from the Attorney General. And it is a one-paragraph presentation that this be done in this way, to assure that the votes of citizens are not diluted by those who should not be voting in the United States, in the elections that affect us so deeply. That is the purpose of the amendment.

The PRESIDING OFFICER. Who yields time?

Mr. SIMPSON. Mr. President, I have completed my initial remarks and I ask the status of time on this amendment.

The PRESIDING OFFICER. The Senator from Wyoming controls 2 minutes and 9 seconds, and the time under the control of the Senator from Kentucky is 17 minutes.

Mr. SIMPSON. I reserve the remainder of my time and yield the floor.

The PRESIDING OFFICER. Who yields time? The Senator from Kentucky.

Mr. FORD. Mr. President, my friend—and he is my friend, from Wyoming—refers to the former Senator from Kentucky, my good friend, Senator Walter "Dee" Huddleston. I am not sure that Senator Huddleston, at the time when I was here—and we worked very closely together—that he ever got involved in voter registration. He was trying to prevent illegal aliens from entering the country. That is kind of where he was coming from.

He thought English ought to be our language, or American—and that sort of thing. But I do not believe that he was too deeply involved in whether they were registered to vote. He had enough just in trying to get people interested in it. Of course we all know that Congressman MAZZOLI, on the House side, worked very closely with the Senator from Wyoming [Mr. SIMPSON], as it relates to the immigration bill.

S. 250 includes procedures which are already proven effective, I think, so that only eligible citizens register to vote. Registration applications must include an attestation clause that sets out each requirement of eligibility to vote, including citizenship. And this is signed under the penalty of perjury. I think that is pretty severe.

An effective antifraud device used by most States is the sending of notice to each applicant as to the disposition of the application, and S. 250 requires such a notice. The amendment that is offered by the Senator from Wyoming would permit the Attorney General to veto the motor-voter provisions of this bill. This raises a question whether anyone in the administration should have line-item veto authority over this bill. I think not. I think not.

Let us look at some of the States—at least the ones I know. I could go back and do a lot of research. But I heard weeks and weeks of testimony, year in and year out, to get to this point. You heard the distinguished Senator from Oregon, from that side of the aisle, Mr. HATFIELD, talk about how well this had worked in Oregon; about the increase of almost 80,000 new people who had been put on the rolls. I do not mean they are going to have 80,000 more people vote, but they have 80,000 more people on the rolls. And Oregon has a large immigrant population. They have not experienced any aliens registering to vote; or that problem. Oregon also has mail and motor-voter.

New York, Texas, California have mail registration. They have not reported any problem with illegal aliens registering.

The Florida case cited by Senator SIMPSON, I wonder—Florida does not have motor-voter. I do not understand why the Florida case was injected into this debate, since they do not have motor-voter or mail. So what is the relationship? I am unaware of any registrar requiring papers of citizenship to register anywhere, any time, for anything. The bill requires an attestation clause which must include the statement of citizenship.

So, Mr. President, I hope that my colleagues will do what they have been doing.

You know, I just want to make one point. We are told, every time we have something that they do not like, that 34 on that side do not like, we lose 66 to 34. The President is going to deep six this. The President is going to veto this.

One of these days we are going to veto him. Everything we try to do to help the citizen have an opportunity to exercise his or her right as an American citizen, they do not want it. We want to put a cap on expenditures in campaigning and they do not want it. We are trying to give a greater opportunity to participate in the political judgment of this country. They do not want it. And if it passes, the President is going to veto it. It is a threat we get all the time.

Well, the threat is going to backfire one of these days. Even that side is going to get tired of following the bell cow.

So when you lose and you get 66 votes in this Chamber, it is kind of tough. But I just would like for you to look at this application for a D.C.

motor vehicle operator's permit and voter registration.

> Section 9, voter declaration. I swear or affirm that I am a citizen of the United States. I live in the District of Columbia—

And so forth and so forth.

> I am not in jail on a felony conviction, have not been judged mentally incompetent. I do not claim the right to vote anywhere outside of D.C.

"I am a citizen" it says. Yet, you want to give the Attorney General of the United States, appointed by the fellow who is going to veto this bill anyhow, give him line-item veto—I am going to hear something on this, I know that.

Mr. President, since he has 2½ minutes, I reserve the remainder of my time.

The PRESIDING OFFICER. Who yields time? The Senator from Wyoming.

Mr. SIMPSON. Mr. President, we see the spirit and energy in my colleague from Kentucky. He really loves this stuff. There is no one more delightful or more partisan in the whole body than the Senator from Kentucky. He has learned the trade well. You just load this stuff on the wagon and try to ship it to the White House, knowing it will blow up in the President's face and somebody has to do the heavy work. And I am very glad to do it right here.

Motor-voter, Hatch Act, you name it—ship it down there, load it up, see if it will detonate—somewhere, hopefully under the President's chair. I have been through all that.

If you want a good bill, a fair bill, an honest bill, one that is conducive of eligible voter enfranchisement, why is it a problem to seek assurances that only eligible voters are certified to the benefits of this bill?

I do not see anything wrong with it. Talk about marching in lock step. What we will do here and what we do here, I just heard the Senator say I hope people will come forward and do, I believe the phrase is, do what they have been doing, which is step up to the well and be sure to fall in line. We know that game, too. So let us have some more of it. The public is not fooled by it one whit.

I reserve the remainder of my time.

The PRESIDING OFFICER. Who yields time? The Senator from Kentucky has 8 minutes 8 seconds under his control. The Senator from Wyoming has 33 seconds under his control.

Mr. FORD addressed the Chair.

The PRESIDING OFFICER. The Senator from Kentucky is recognized.

Mr. FORD. Mr. President, I do not know whether that was a compliment or not coming from my friend that I was the most partisan individual in the Chamber. I do not think that is true. I am not nearly as tall as he is. So that makes him more than I am.

If I am partisan, I am partisan for the ability of the American citizen to have an opportunity to cast a vote and not to try to deter them from having an opportunity to vote. What is the fear of trusting the American people? What is the vote of fear here? Every amendment we have received this afternoon has been from someone who is opposed to the legislation: I do not like it; I am not going to vote for it, if you accept my amendment; if this passes, the President is going to veto it. What is the fear? What is the fear?

So if I am partisan, I come down on the side of the general public, of the citizens I represent, to give them the right to participate.

So, Mr. President, I am going to yield back the remainder of my time. I understand the Senator from Wyoming has about 30 seconds left. He can say a lot in 30 seconds and then I will have an opportunity to table, this his agreement. I yield back the remainder of my time.

The PRESIDING OFFICER. The Senator from Wyoming is recognized.

Mr. SIMPSON. Mr. President, I hear the Senator from Kentucky. He wants to enfranchise American citizens to vote. That is what he says. So do I. That is exactly what my amendment does, but it is only for American citizens and if anyone can tell me how an amendment like that can be rejected, then we are back to the real issue of this bill. What is it really? I will tell you, it is an extraordinary approach to open the electoral system to people who never should be in the system, and we are not talking about anybody losing anything. This bill does not require a check with the Immigration and Naturalization Service, and the INS is the only one who can verify citizenship status without actual verification with the INS; there is no basis to challenge nor to bring perjury charges. This is where we are. I know the result of this amendment. I have been here 13 years and I know how the old roller works, but I think we ought to look at this and not think about conference and all the rest of it. If you want American citizens to vote, and that is what I want and that is what the Senator from Kentucky wants, then let us limit it only to American citizens. This is bizarre.

The PRESIDING OFFICER. Does the Senator yield back the remainder of his time?

The Chair informs the Senator the time has in fact expired.

Mr. FORD. Mr. President, with the agreement of the distinguished minority whip, I move to table his amendment and ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

Mr. FORD. Mr. President, I ask unanimous consent that this amendment be set aside so we might entertain the Specter amendment.

The PRESIDING OFFICER. Without objection, it is so ordered. Who seeks recognition?

Mr. SPECTER. I suggest the absence of a quorum.

Mr. FORD. Mr. President, I ask that the order for the quorum call be withheld because it would have been charged directly to the last few minutes I have on the bill, and the Senator from Wyoming does have an amendment he wishes to offer.

The PRESIDING OFFICER. The Senator from Wyoming is recognized.

AMENDMENT NO. 1832

Mr. SIMPSON. Mr. President, I send an amendment to the desk and ask that it be stated.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Wyoming [Mr. SIMPSON] proposes an amendment numbered 1832.

Mr. SIMPSON. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

Insert at the end of the bill the following new section:

"SEC. . PILOT PROGRAM ON USE OF CERTAIN DRIVERS' LICENSES AS DOCUMENTS ESTABLISHING BOTH EMPLOYMENT AUTHORIZATION AN IDENTITY.

"(a) IN GENERAL.—The Attorney General shall establish a pilot program under which, in the case of up to three States which provide for the issuance of drivers' licenses (and related identification documents) in accordance a system described in subsection (b), a driver's license or similar identification document issued by the State in accordance with subsection (b) shall be treated, for purposes of section 274A(b) of the Immigration and Nationality Act, as a document described in paragraph (1)(B) of such section.

"(b) SYSTEM REQUIREMENTS.—The system for the issuance of licenses or documents must—

"(1) be in a form which is resistant to counterfeiting and tampering, such as tamper-proof laminates and photographs, holograms, or magnetic stripes containing such data as physical characteristics,

"(2) include on the driver's license or other form of identification the applicant's Social Security account number, which number the State has confirmed with the Social Security Administration as being the number issued to the applicant, and

"(3) require that an applicant for a driver's license or other form or identification be issued a temporary driver's license or other form of identification upon demonstrating qualification therefore, and that the driver's license or other form of identification be mailed to the residence address of the applicant after a waiting period of no more than 30 days in which the State has used reasonable means to confirm the identification information presented by the applicant.

"(c) REPORT.—Not later than 3 years after the date of the enactment of this Act, the Attorney General shall report to the Congress on the performance of the pilot program under this section and on whether such program should be extended (on a voluntary or mandatory basis) to all States.

"(d) AUTHORIZATION.—There are authorized to be appropriated up to $5 million to carry out the purposes of this section for each of fiscal years 1993, 1994, and 1995.".

Mr. SIMPSON. Mr. President, I appreciate the courtesy of my friend from Kentucky because I have had this amendment on the list with regard to a driver's license pilot program. At the conclusion of my remarks, and I know Senator SPECTER has an amendment and we want to conclude this bill, I will withdraw the amendment because I am informed by the chairman of the Immigration Subcommittee of the Senate, my friend TED KENNEDY, Senator KENNEDY of Massachusetts, is prepared to hear the views of all representatives of the interested groups on this issue, and he encourages the legislative process to further examine this important issue. So we will be doing that in the Senate Subcommittee on Immigration matters.

Let me just refer my colleagues to what this amendment does. It provides for a three State, 3-year pilot program to develop a system for the issuance of counterfeit-resistant driver's licenses. A driver's license must—it must—use a document form which is resistant to counterfeiting and tampering.

My amendment suggests several possible forms: Tamperproof laminates, some of which allow the underlying document to disintegrate if removed, or magnetic stripes currently used on credit cards which can contain data such as height, weight, birth date, eye color, hair color, other identifying information, and holograms which are not easily reproduced without the assistance of sophisticated technology. It has to include a check of the Social Security number with the Social Security Administration to confirm the number was issued to the applicant. It must require that only a temporary card be issued until reasonable means are used to verify identification and the information given by the applicant. The verification and issuance of the driver's license must occur within 30 days.

My amendment also requires the Attorney General to issue a report on whether or not the pilot program should be extended on a voluntary or mandatory basis to all States. The report is to be issued no later than 3 years after enactment. Finally, my amendment authorizes for up to $5 million for each of the 3 years, fiscal 1993, 1994, and 1995, to carry out the pilot program.

Let me reiterate, this is a temporary pilot program. It is intended to explore the feasibility of using currently available technology and current documents to provide tamperproof identification. It does not create a national I.D. card. I have been through all that once before, too. Book, page, hymn number, with oak leaf clusters and all the rest. It pertains only to State-issued driver's licenses. It does not create a national data base to store personal information. The State of California, realizing the terrible turmoil in that State, which is evident daily with regard to illegal immigration, with regard to illegal use of legal documents, the State of California themselves have currently determined to use many of the types of technology that this pilot program will allow.

The California driver's license currently being phased in through the renewal process uses such safeguards as a hologram, visible if tilted to the light, a magnetic stripe containing physical information such as height, weight, eye and hair color and a special treated logo embodied in the paper seen only under special light and destroyed if the laminate is removed.

My amendment will allow up to three States to try these and other technologies to make their driver's licenses more resistant to counterfeiting and fraudulent use. A secure driver's license is increasingly important for the enforcement of Government programs and commercial operations.

Check cashing is effectively dependent upon producing a driver's license. Identification to obtain public benefits, to confirm eligibility, to buy and drink alcohol, and to take a new job, complying then with employer sanctions, all use driver's licenses as a verification of identification.

The use of counterfeit documents costs the State of California millions, and it costs the State governments untold millions of dollars in benefits given—and I use that word "given"—to ineligible persons. I am concerned that the problem of counterfeit documents will continue to grow and that we must test the feasibility of using available technologies for identification.

Some States like California in their extremity have already recognized the value of producing and the vital need to produce secure documents.

My amendment would provide an opportunity for three more States to explore the available technology. I do not believe we will have difficulty in finding three to volunteer with a 3-year program. The amendment is a step forward toward developing and using counterfeit-resistant documents and will help to address the very serious problem in United States of the widespread and growing use of fraudulent documents to obtain jobs, receive benefits, to buy arms—the list goes on and on. I urge my colleagues to look carefully at that amendment.

I would also say that I indeed have been through this debate at a different level with regard to the legal immigration bill previous times, and it was very unfortunate that it then went to the House floor and we had to get an additional rule because the debate turned into an ugly debate about identification and Nazis and tattoos and other things which were totally inappropriate and unbecoming. Some of my colleagues, very fine, thoughtful progressive Democrats and Republicans, were appalled that the debate took that level. Nevertheless, we dropped it the last time. We should not drop it again. But it is not appropriate here and I want to withdraw it at this time.

I thank the Senator from Kentucky. As I named all those remarkable Kentuckians who have been involved in immigration over the years, I certainly would never omit my friend and sidekick through it all, Congressman ROMANO MAZZOLI. It was a great honor and privilege and one of the great treats of my legislative life to join with him in working for years on appropriate legislation which at one time was called the Simpson-Mazzoli bill and then the Simpson-Rodino bill.

I thank the senior Senator from Kentucky.

I withdraw the amendment with the assurance that the chairman of the Immigration and Refugee Subcommittee of the Senator Judiciary Committee will be reviewing this and that all representatives and groups will be heard as we deal with a very serious issue.

I thank the Chair. I yield the floor.

The PRESIDING OFFICER. Without objection the request to withdraw the amendment of the Senator from Wyoming is agreed to.

The amendment (No. 1832) was withdrawn.

The PRESIDING OFFICER. Who seeks recognition?

Mr. SPECTER addressed the Chair.

The PRESIDING OFFICER. The Senator from Pennsylvania [Mr. SPECTER] is recognized.

AMENDMENT NO. 1833

(Purpose: To modify the provision requiring notice to registration applicants of the disposition of their applications by requiring States to reject registration applications that are returned undelivered)

Mr. SPECTER. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report the amendment.

The legislative clerk read as follows:

The Senator from Pennsylvania [Mr. SPECTER] proposes an amendment numbered 1833.

Mr. SPECTER. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

Strike section 8(a)(2) and insert the following:

(2) require that—

(A) the appropriate State election official shall send notice of the disposition of the application, by first class mail marked "do not forward, return to sender," which notice—

(i) if the State election official determines that the applicant has properly completed the application and is legally qualified to register, shall indicate that the application has been accepted and indicate the effective date of the applicant's registration; and

(ii) if the State election official determines that the applicant has not properly completed the application or is not legally qualified to register, shall indicate that the application has been rejected and state the reason for rejection; and

(B) if a notice of acceptance of an application is returned undelivered, the State election official shall reject the application.

For purposes of this section 8(a)(2), the United States Postal Service shall exercise due diligence and make all reasonable efforts to deliver voter registration mail to the addressee and, failing delivery, promptly to return such mail to the sender.

Mr. SPECTER. Mr. President, in reviewing this legislation, I have expressed concern about the opportunities for fraud. I do believe that the opportunity to be enrolled as a voter ought to be extended to as many Americans as possible and I have consistently worked for an extension of the Voting Rights Act so that we may have the broadest representative democracy possible.

During my tenure as district attorney of Philadelphia, I noted many, many cases of vote fraud and, having seen that problem on a large scale in the rough-and-tumble politics of the city of Philadelphia, I know that vote fraud does exist very broadly.

An area of enormous opportunity for vote fraud exists in mail registration where no one appears in person but the form is simply mailed in.

I have tried, in discussions with the distinguished chairman of the Rules Committee, Senator FORD, to find some area where a safeguard would be presented. I have filed a number of possible amendments and would prefer to see a registered letter or a certified letter with return receipt requested, signed by the mail registrant, so that there could be a verification and a check that the individual lived at the address noted in order to try to provide some verification of the mail registration.

After discussing these issues with Senator FORD and after many, many discussions in the course of the past week with my staff and his staff, I have decided to reduce my request to a letter being sent out by first-class mail to a registration applicant. If the letter is returned to the Voter Registration Commission, then the applicant would not be deemed to be a registered voter.

I believe, Mr. President, that this is a very minimal requirement. It would require the State election official to send notice of the disposition to the registration applicant. It calls for the Postal Service to exercise due diligence, making reasonable efforts to deliver the voter registration mail to the addressee, and promptly to return such mail to the State failing the delivery, and to strike the mail registration if that letter is returned which evidences the absence of the punitive registrant at that address.

The bill provides that a State may by law require a person to vote in person on the first occasion. I believe that the opportunity for fraud is very extensive under this provision. I have tried to work this out with the sponsor of the bill. Absent some provision for safeguards, this is not a measure I can support. Candidly, I am surprised that this kind of minimal step is unacceptable to the sponsors. That being the case, there is no alternative but to call for a vote.

Recognizing the party-line voting which has occurred here, by and large, again there is little question about the outcome of the vote, but I simply cannot support this legislation when this kind of a loophole exists and especially in the context where I consider it unacceptable to have even this kind of a minimal amendment taken by the sponsors of the bill.

I inquire of the Chair, how much time do I have remaining?

The PRESIDING OFFICER. The Chair informs the Senator from Pennsylvania, 10 minutes 17 seconds.

Mr. SPECTER. I yield the floor.

Mr. FORD addressed the Chair.

The PRESIDING OFFICER. The Senator from Kentucky [Mr. FORD] is recognized.

Mr. FORD. I have done the best I could to accommodate everyone on this piece of legislation. There are some things I just cannot do.

(Mr. WELLSTONE assumed the chair.)

Mr. FORD. This happens to be one of those that I feel we should not do. I am accused of being a partisan. I see the votes both ways; not anymore partisan on one side than it is on the other.

I have heard a lot about how much this piece of legislation is going to cost. We have required in S. 250 that notice be sent to the applicant telling him of the disposition of the registration application. That costs about 9 cents a letter. What my friend from Pennsylvania is asking us to do is add 20 cents per letter, and the cost then multiplies by the factor of better than three. He is saying that good mail delivery is a criteria for registering to vote. I do not have anything against the U.S. Postal Service or those employees that work so hard to see that our mail gets through. But none of us are perfect.

So in drafting our bill we have sought to develop standards, while at the same time permitting States the flexibility to develop procedures that meet their concerns, and based on their experiences. This not only supersedes that or overrides that objective; it also adds additional cost.

This amendment would impose Federal requirements for acceptance of an application. The bill leaves the specific requirements for acceptance or rejection of a registration application to State law. The amendment does not define "properly completed" or "qualified" to vote. That is the problem here. Not only does this create additional cost for postage but it also creates additional cost for employees.

In my opinion, this amendment is counter to an objective of the bill; that is to set out standards and leave as much of the details to the States as possible, and leave the administration of the program to the States.

This amendment conditions acceptance of a registration application on the Postal Service rather than the applicant meeting the State requirements.

So, Mr. President, I regret it, I would like to work out something. It is unfortunate the Senator from Pennsylvania and I, and those that are attempting to put this package together, were not able to do so.

There are five specific provisions in the bill which serve as protection against fraud. Written attestation clause on all applications that the applicant meets the eligibility requirements to vote; signature of the application under the penalty of perjury. The State may require by law that a first-time voter who registers by mail make a personal appearance to vote. That was one of the things we put in, debated, and worked out in the committee before we sent the bill to the Senate floor.

The act requires that each applicant is given notice of the disposition of his or her voter registration application. And many States use this notice provision as a means of detecting fraudulent registrations. The State does it. Federal criminal penalties would apply to any person who knowingly and willfully engages in fraudulent conduct.

I think we have fraud protection in the bill that is adequate. Then we allow the States to make their own judgment as to how much further they would like to go, and the conditions of acceptance of an application.

So, Mr. President, I will have to oppose this amendment, and hope that my colleagues will follow suit.

I reserve the remainder of my time.

Mr. SPECTER. Mr. President, I ask my distinguished colleague from Kentucky if he would be willing to respond to a question.

Mr. FORD. If it is not too tough.

Mr. SPECTER. If you know, you know; if you do not know, you do not know. I do not ask tough questions.

Mr. FORD. I am sorry. I forgot that.

Mr. SPECTER. My question relates to what subsidy is in existence generally for bulk mail.

Mr. FORD. I am not sure of the amount. But it is better than half and probably about a third. It comes from revenue foregone. It comes out of the pool.

Mr. SPECTER. So how much would that be? If you say that bulk mail was 9 cents a letter, would it be about a 10-cent subsidy?

Mr. FORD. Twenty cents.

Mr. SPECTER. 20 cent subsidy?

Mr. FORD. Yes.

Mr. SPECTER. I ask that question because when you deal with a 20 cent subsidy, if that is correct—and I ask the distinguished chairman of the Rules Committee because he deals with this—I know there is a subsidy. I believe the bill provides for a subsidy.

Mr. FORD. That is correct.

Mr. SPECTER. But if you take a 20 cent subsidy, say the bulk mail costs 9 cents, that is precisely the cost of first class mail. Right now there is a charge of 9 cents and there is a 20 cent subsidy. What this Senator is asking for is first-class mail which would cost 29 cents. So that is a question of who is paying for it. It is costing 29 cents to deliver that letter, however you categorize it, bulk or first class.

When the Senator from Kentucky says it imposes a duty on the Postal Service, I believe that is his contention. That really is a very minimal duty. All you are saying is "Send it back to the State agency." When the Senator from Kentucky recites the five safeguards, and if you analyze them beyond simply deciding them, they do not amount to much when the Senator from Kentucky says that a State may require a personal appearance. You hardly need a Federal statute to say what the State may do. The State could do that without this bill by saying that the State may require a personal appearance. It has some significance if the statute said a State "must" require a personal appearance. They can do it without this provision.

When you talk about the attestation clause and the signature calling for a penalty of perjury, you talk about Federal penalties for fraudulent practices. That all boils down to one remedy of taking action against somebody who makes a false statement. But that is not a very effective remedy. It is not realistic for the district attorney of the State to go out and track down all of these people who may have registered fraudulently and bring a criminal prosecution. I know because that was my business for more than a decade.

When you talk about the applicant being given notice, that is not a safeguard at all. The amendment which I have offered would provide a safeguard. You have to send it back to the State.

When the Senator from Kentucky says that the bill allows the States to develop their own procedures for dealing with fraud, if the point is to allow the States to develop their own procedures, then why not allow the States to make their own decision as to how somebody is going to be registered?

I agree with the thrust of the bill that it is appropriate for the Federal Government in regard to voting rights to say to the States that they ought to broaden the opportunity for registration. But, by the same token, it is an appropriate thing for the Federal Government to say the States and not leave it as a matter of States rights. It is similarly appropriate for the Federal Government to say, "Take a reasonable safeguard against fraud." So it is hardly an argument of any weight, at least as I see it, to say we ought to allow the States to develop their own practices, when the very basis of this legislation is to reject that concept and to have the Federal Government come in and say what the States ought to be doing.

When the Senator from Kentucky said he is accused of being partisan, he is not being accused of being partisan by this Senator. When the Senator points out the party line votes, he will find that this Senator has crossed party lines on a number of occasions in trying to move this legislation along rejected some of the amendments which were offered today. I voted to table two of the three amendments which were voted on earlier this afternoon. So I am a little bit disappointed that, when there is a request for a minimal change of this sort, it be so summarily rejected for what I fail to see as a logical reason. The cost factor disappears when you add the bulk mail cost of the subsidy, so there is no cost factor. Talking about allowing the States to develop their own practices does not make any sense in the context of a bill which is directed to the contrary of that proposition.

The safeguards realistically are nonexistent, unless you are going to have an investigation on each one of these matters, which is a practical impossibility, given the occupation and business of district attorneys and prosecuting attorneys going after major crimes—robbery, burglary, rape, and other serious offenses. So here you have some way of getting a return receipt as a minimal safeguard. If you believe that the Postal Service is not any good at delivering the letter, then they are probably not any good at sending it back to the State either. But I believe that unfairly and inaccurately states the caliber of our Postal Service. I think the Postal Service can make the delivery. I think the Postal Service can return it to the State.

I think it is fair to say that the qualification for registering to vote does not depend on mail delivery, as the Senator from Kentucky says. Not at all. The criterion is receipt by a registration applicant who lives at a given address. This is a minimal verification. I hope that somebody who is inclined to support the motion to table would take a look at this one, because the merits cry out for adding this amendment to the bill.

I yield the floor with the inquiry of how much time I have?

The PRESIDING OFFICER. The Senator has 2 minutes, 39 seconds remaining.

Mr. FORD. Mr. President, how much time do I have?

The PRESIDING OFFICER. The Senator from Kentucky has 9 minutes, 17 seconds remaining.

Mr. FORD. Mr. President, the Senator from Pennsylvania always makes good points, but it is my judgment that we have laid out the fraud protections that are adequate. We are not imposing the additional 20 cents per letter on the local effort. We do not pay it. The Postal Service, under our bill, just sends it out as third-class mail at the same cost as a nonprofit organization about 9 cents per piece.

Mr. President, I have no additional arguments, except that we want to leave it up to the States and do not want to cost them any more money. We have five distinct fraud protection items in the bill. We sought to develop standards while at the same time permitting the States flexibility to develop procedures that meet their concerns based on their experiences. So I am ready to yield back my time if the Senator from Pennsylvania is ready to yield back his time.

Mr. SPECTER. I will yield back time after another brief colloquy, if I may have it. I am at a loss to understand why there is any additional cost in a first-class mailing, which cost 29 cents.

Mr. FORD. Let me just say to the Senator, we do not pay the post office. They just accept it as third-class mail under S. 250. If you require them to send it out first class, local registrars would be required to pay the 29 cents postage. The Senator is increasing the cost on local people and on State people. I am trying to prevent that. You are actually adding the 20 cents at the local level and not at the Federal level. We are giving them automatically the lower rate provided to nonprofit organizations under this law. S. 250 does not give them 29 cents. The Postal Service just mails these based on the categories they now have. I guess we could mandate that they return it under this, but we would find that a 48-hour delay or 2-week delay, whatever they do to you once in a while, would be imposed.

Under the Senator's amendment, you are adding about 20 cents a letter, to the cost paid by local and State governments. The subsidy provided to nonprofit organizations is about one-half of the difference between third-class rate, and the lower rate they pay.

Mr. SPECTER. I understand the Senator from Kentucky. He is saying there is a subsidy by virtue of the fact that there is revenue lost, from what the Senator said. So in each letter that goes bulk, there is revenue lost to the Federal Government of 20 cents. May I inquire if I am correct about that?

Mr. FORD. Very simply, under the Senator's amendment, local and State governments would have to pay the full first-class rate—29 cents. Under S. 250, they would only have to pay about 9 cents.

Mr. SPECTER. My point is that we have already developed on the record that there is 20 cents revenue forgone from the Federal Government as a subsidy. So would the Senator from Kentucky accept the amendment if we provided that the first-class mail would cost 9 cents, which is, in effect, what we are doing at the present time?

Mr. FORD. I cannot agree to that, because we are giving them the benefit of the Federal subsidy for third-class mail provided to nonprofit organizations. A first-class mail subsidy is not provided to nonprofit groups, and once you open that door, other groups will also want it. I think that would be wrong. I do not see anything wrong with what we are doing. That is where you and I disagree. The Senator is trying to say to me now that the bill should give first-class for 9 cents. I am just not in a position to accept that proposal.

Mr. SPECTER. Mr. President, I understand that the Senator from Kentucky is not in a position to accept the amendment. He is not supposed to accept it. What I am simply trying to develop here is that there is no substantive basis for his argument on cost. It costs 29 cents to deliver that piece of mail. You can pay 29 cents or 9 cents bulk mail, a 20-cent subsidy by the Federal Government. I think this colloquy has demonstrated that the business of additional cost is vacuous, and will not hold.

And there is no real reason why this amendment ought not be either accepted, if not adopted.

I yield the floor with the inquiry of how much time remains?

The PRESIDING OFFICER. The Senator from Pennsylvania has 2 minutes and 29 seconds remaining, and the Senator from Kentucky has 3 minutes and 49 seconds.

Who seeks recognition?

Mr. FORD. I am ready to yield back my time if the Senator from Pennsylvania is ready to yield back his.

Mr. SPECTER. I think that is one thing the Senator from Kentucky and I agree on.

Mr. FORD. Will the Senator allow me to make a motion to table his amendment?

Mr. SPECTER. Now?

Mr. FORD. We can wait until a little later or do it now.

Mr. SPECTER. It is just a matter of when. I do not object.

Mr. FORD. Mr. President, I move to table the amendment of the Senator from Pennsylvania and ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

Mr. FORD. Mr. President, I ask unanimous consent that the vote in relation to the Specter amendment occur upon the disposition of the Simpson amendment; that the votes previously set aside occur starting immediately; and that the first vote in the series be 15 minutes and each succeeding vote be 10 minutes in length.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 1829

The PRESIDING OFFICER. The question is on the motion of the Senator from Kentucky to lay on the table the amendment numbered 1829 of the Senator from Oklahoma [Mr. NICKLES].

On this question, the yeas and nays have been ordered and the clerk will call the roll.

The bill clerk called the roll.

Mr. FORD. I announce that the Senator from Texas [Mr. BENTSEN], the Senator from New Mexico [Mr. BINGAMAN], the Senator from Illinois [Mr. DIXON], and the Senator from Idaho [Mr. HARKIN] are necessarily absent.

The PRESIDING OFFICER (Mr. DASCHLE). Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 55, nays 41, as follows:

[Rollcall Vote No. 94 Leg.]

YEAS—55

Adams
Akaka
Baucus
Biden
Bradley
Breaux
Bryan
Bumpers
Burdick
Byrd
Conrad
Cranston
Daschle
DeConcini
Dodd
Durenberger
Exon
Ford
Fowler
Glenn
Gore
Graham
Hatfield
Heflin
Inouye
Jeffords
Johnston
Kennedy
Kerrey
Kerry
Kohl
Lautenberg
Leahy
Levin
Lieberman
McCain
Metzenbaum
Mikulski
Mitchell
Moynihan
Nunn
Packwood
Pell
Pryor
Reid
Riegle
Robb
Rockefeller
Sarbanes
Sasser
Shelby
Simon
Wellstone
Wirth
Wofford

NAYS—41

Bond
Boren
Brown
Burns
Chafee
Coats
Cochran
Cohen
Craig
D'Amato
Danforth
Dole
Domenici
Garn
Gorton
Gramm
Grassley
Hatch
Helms
Hollings
Kassebaum
Kasten
Lott
Lugar
Mack
McConnell
Murkowski
Nickles
Pressler
Roth
Rudman
Sanford
Seymour
Simpson
Smith
Specter
Stevens
Symms
Thurmond
Wallop
Warner

NOT VOTING—4

Bentsen
Bingaman
Dixon
Harkin

So the motion to lay on the table the amendment (No. 1829) was agreed to.

The PRESIDING OFFICER. The majority leader is recognized.

Mr. MITCHELL. Mr. President, may I have the attention of the Senate, please.

The PRESIDING OFFICER. The Senate will be in order.

Mr. MITCHELL. Mr. President and Members of the Senate, there are 3 votes remaining. By a prior agreement they will be limited to 10 minutes. It is an imposition on other Senators for any Senator not to be present and voting during the 10-minute period. These votes will complete action this evening and I encourage my colleagues to remain in and around the Senate floor so that we do not have the problem of 95 Senators waiting for 1 Senator who walked off somewhere else and inconvenienced everyone. This will complete action today.

After these votes occur there will be no further votes this evening. There will be a vote on final passage at 10 a.m. in the morning. I implore my colleagues to demonstrate some courtesy to their colleagues by remaining so we can complete action on these votes promptly.

AMENDMENT NO. 1830

The PRESIDING OFFICER. The question is on the motion to lay on the table the amendment (No. 1830) offered by the Senator from Texas [Mr. GRAMM]. The yeas and nays have been ordered. The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. FORD. I announced that the Senator from Texas [Mr. BENTSEN], the Senator from New Mexico [Mr. BINGAMAN], the Senator from Illinois [Mr. DIXON], and the Senator from Iowa [Mr. HARKIN] are necessarily absent.

The result was announced, yeas 57, nays 39, as follows:

[Rollcall Vote No. 95 Leg.]

YEAS—57

Adams
Akaka
Baucus
Biden
Boren
Bradley
Breaux
Bryan
Bumpers
Burdick
Byrd
Chafee
Conrad
Cranston
Daschle
DeConcini
Dodd
Durenberger
Exon
Ford
Fowler
Glenn
Gore
Graham
Hatfield
Heflin
Inouye
Jeffords
Johnston
Kennedy
Kerrey
Kerry
Kohl
Lautenberg
Leahy
Levin
Lieberman
Metzenbaum
Mikulski
Mitchell
Moynihan
Nunn
Packwood
Pell
Pryor
Reid
Riegle
Robb
Rockefeller
Sanford
Sarbanes
Sasser
Simon
Specter
Wellstone
Wirth
Wofford

NAYS—39

Bond
Brown
Burns
Coats
Cochran
Cohen
Craig
D'Amato
Danforth
Dole
Domenici
Garn
Gorton
Gramm
Grassley
Hatch
Helms
Hollings
Kassebaum
Kasten
Lott
Lugar
Mack
McCain
McConnell
Murkowski
Nickles
Pressler
Roth
Rudman
Seymour
Shelby
Simpson
Smith
Stevens
Symms
Thurmond
Wallop
Warner

NOT VOTING—4

Bentsen
Bingaman
Dixon
Harkin

So the motion to lay on the table the amendment (No 1830) was agreed to.

Mr. FORD. Mr. President, I move to reconsider the vote by which the motion was agreed to.

Mr. EXON. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 1831

The PRESIDING OFFICER. The question now is on agreeing to the motion to table amendment No. 1831 offered by the Senator from Wyoming [Mr. SIMPSON]. The yeas and nays have been ordered. The clerk will call the roll.

The legislative clerk called the roll.

Mr. FORD. I announce that the Senator from Texas [Mr. BENTSEN], the Senator from New Mexico [Mr. BINGAMAN], the Senator from Illinois [Mr. DIXON], and the Senator from Iowa [Mr. HARKIN], are necessarily absent.

The result was announced—yeas 54, nays 42, as follows:

[Rollcall Vote No. 96 Leg.]

YEAS—54

Adams
Akaka
Baucus
Biden
Boren
Bradley
Breaux
Bryan
Burdick
Byrd
Conrad
Cranston
Daschle
DeConcini
Dodd
Durenberger
Exon
Ford
Fowler
Glenn
Gore
Graham
Hatfield
Heflin
Inouye
Jeffords
Johnston
Kennedy
Kerrey
Kerry
Lautenberg
Leahy
Levin
Lieberman
McCain
Metzenbaum
Mitchell
Moynihan
Nunn
Packwood
Pell
Reid
Riegle
Robb
Rockefeller
Sanford
Sarbanes
Sasser
Shelby
Simon
Specter
Wellstone
Wirth
Wofford

NAYS—42

Bond
Brown
Bumpers
Burns
Chafee
Coats
Cochran
Cohen
Craig
D'Amato
Danforth
Dole
Domenici
Garn
Gorton
Gramm
Grassley
Hatch
Helms
Hollings
Kassebaum
Kasten
Kohl
Lott
Lugar
Mack
McConnell
Mikulski
Murkowski
Nickles
Pressler
Pryor
Roth
Rudman
Seymour
Simpson
Smith
Stevens
Symms
Thurmond
Wallop
Warner

NOT VOTING—4

Bentsen
Bingaman
Dixon
Harkin

So the motion to lay on the table amendment (No. 1831) was agreed to.

Mr. MITCHELL. Mr. President, I move to reconsider the vote by which the motion to table was agreed to.

Mr. FORD. I move to lay that motion on the table.

The motion to table was agreed to.

ORDER OF PROCEDURE

Mr. MITCHELL. Mr. President, I ask unanimous consent that the vote on final passage on S. 250 now set for 10 a.m. tomorrow morning be set at 11 a.m. tomorrow morning.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MITCHELL. Mr. President, I ask unanimous consent that following the conclusion of the vote on final passage of S. 250 at 11 a.m. tomorrow morning, the Senate proceed to the consideration en bloc of Senate Concurrent Resolution 120, and Senate Resolution 298, submitted earlier today by Senator BYRD and others, both of which relate to declaring an article of amendment to be the 27th amendment to the U.S. Constitution; that no amendments be in order to either of these resolutions; that there be no further time for debate; and that there be no intervening action or debate prior to the vote on adoption of these two resolutions.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MITCHELL. Mr. President, I ask unanimous consent that it be in order to ask for the yeas and nays on this vote.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MITCHELL. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

Mr. MITCHELL. Senators then should be aware that at 11 a.m. tomorrow there will be back-to-back votes on the final passage of the pending bill, and on the resolutions relating to the 27th amendment to U.S. Constitution.

I yield the floor.

NATIONAL VOTER REGISTRATION ACT

The Senate continued with the consideration of the bill.

AMENDMENT NO. 1833

The PRESIDING OFFICER. The question occurs on the motion to table amendment No. 1833 offered by the Senator from Pennsylvania [Mr. SPECTER]. On this question, the yeas and nays have been ordered, and the clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. FORD. I announce that the Senator from Texas [Mr. BENTSEN], the Senator from New Mexico [Mr. BINGAMAN], the Senator from Illinois [Mr. DIXON], and the Senator from Iowa [Mr. HARKIN], are necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber who desire to vote?

The result was announced—yeas 56, nays 40, as follows:

[Rollcall Vote No. 97 Leg.]

YEAS—56

Adams
Akaka
Baucus
Biden
Boren
Bradley
Breaux
Bryan
Bumpers
Burdick
Byrd
Conrad
Cranston
Daschle
DeConcini
Dodd
Durenberger
Exon
Ford
Fowler
Glenn
Gore
Graham
Hatfield
Heflin
Inouye
Jeffords
Johnston
Kennedy
Kerrey
Kerry
Kohl
Lautenberg
Leahy
Levin
Lieberman
Metzenbaum
Mikulski
Mitchell
Moynihan
Nunn
Packwood
Pell
Pryor
Reid
Riegle
Robb
Rockefeller
Sanford
Sarbanes
Sasser
Shelby
Simon
Wellstone
Wirth
Wofford

NAYS—40

Bond
Brown
Burns
Chafee
Coats
Cochran
Cohen
Craig
D'Amato
Danforth
Dole
Domenici
Garn
Gorton
Gramm
Grassley
Hatch
Helms
Hollings
Kassebaum
Kasten
Lott
Lugar
Mack
McCain
McConnell
Murkowski
Nickles
Pressler
Roth
Rudman
Seymour
Simpson
Smith
Specter
Stevens
Symms
Thurmond
Wallop
Warner

NOT VOTING—4

Bentsen
Bingaman
Dixon
Harkin

So the motion to lay on the table the amendment (No. 1833) was agreed to.

Mr. FORD. Mr. President, I move to reconsider the vote.

Mr. COHEN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

IN SUPPORT OF VOTER REGISTRATION REFORM

• Mr. BENTSEN. Mr. President, many American citizens have lost faith in our political system. They have tuned out of this year's campaign and will probably not vote in the fall.

It is a sad commentary on our system of Government when about half of our eligible voters fail to exercise that precious right. It weakens our democracy when large numbers of people leave the crucial choices to others.

We can take a step forward today, Mr. President, by approving S. 250. We can make it a bit easier for the two out of five Americans who are eligible to vote but are not registered. We can give millions of disenfranchised citizens a chance to be heard and counted.

This is a reasonable proposal, not a radical one. More than half the States already have voter registration by mail. At least 26 States provide registration materials when people apply for new or renewal driver's licenses. The costs have been nominal and the problems negligible.

The experience of Texas and other States has convinced me that we should expand this ease of access to voting booths nationwide.

The State of Texas adopted registration by mail in 1975. In the first 2 years, the number of registered voters surged by 20 percent. In subsequent years, Texas broadened opportunities to register at State agency offices. Today, you can get a postage-paid voter registration card at the local 7-Eleven or Wal-Mart.

At the start, of course, there were concerns about fraud and abuse. But the facts from two decades' experience prove the critics wrong. There are instances of improper registration, as there are with in-person registration, but I am advised that the Texas Secretary of State's office has found far more fraud in absentee voting by mail than in registration by mail.

To deal with the possibility of abuse, this bill makes it a Federal criminal offense to procure or submit false registrations or to procure, cast, or tabulate fraudulent ballots. Violators would face up to 5 years in prison. Surely that tough penalty would help deter abuse.

I understand that some groups are concerned about the cost of implementing these reforms at the State and local level. Frankly, I think that a lot of the cost estimates are inflated—worst-case analyses, as if a full-time voter registrar were given a desk in every library or every State or county office open to the public. That isn't required and wouldn't occur. In the State of Texas, you don't have to deal with a government bureaucrat because you can pick up the form at a neighborhood store. In addition, a nonprofit State-run corporation receives contributions from businesses to pay for printing costs and public service announcements to spur registration.

Mr. President, voting is not the highest priority for most people except maybe a couple of times every year or two. Often people discover only when they go to vote that they are not currently registered. Maybe their names were purged when they missed voting last time. Maybe they moved but never got around to reregistering because they were running between two different jobs. Maybe they didn't want to wait in line in the crush just before the big primary.

There are many reasons why little things can get in the way of registering and voting. This bill would help to remove some of the small impediments that can have large consequences on public participation in the electoral process. Similar procedures work already in Texas, and they would help nationwide.•

Mr. BRADLEY. Mr. President, I rise as a cosponsor to support S. 250, the National Voter Registration Act of 1991.

The political process holds the key to empowerment in this country. Voter registration and active participation remain the critical link. The history of American democracy is a history of broadening the vote: When the Constitution was adopted, the only Americans who had the vote were white males with property. In the 1830's, it, was extended to white males without property and in the 1860's to black males. It was not until the 1920's that the franchise was extended to women. In 1965, the Voting Rights Act was passed to protect the right to vote which had been illegally withheld from blacks in the South for generations, and in 1971, the right to vote was extended to those 18 years of age or older. The latest attempt at strengthening our democracy is in the tradition of those farsighted efforts.

Mr. President, we are a representative democracy. Every Member of this body holds his or her position because the citizens of his State put him in office. In turn, we represent the constituents of our States. But if only 36 percent of voting-aged Americans voted in the congressional elections of 1990, who are we representing? If we truly are a government of the people and by the people, shouldn't we aim for 100-percent participation? As lawmakers, it is our duty to do what we can to strengthen our democracy.

Barely half of all eligible voters participated in the 1988 Presidential election—the lowest rate in the last 64 years. This phenomenon can be addressed by changing our outmoded registration process. The process makes voting a painful task rather than a natural right. Voters no longer see it as an opportunity to opine within the system. Instead, they view the complexity of the system as a reason to stay out.

Simply stated, those who register vote. In the 1988 elections, 86 percent of those who registered voted. However, if 40 percent of the voting-aged population woke up on election day and wanted to vote, they could not vote because they are not registered. In a 1990 study, the GAO recognized that difficulties involved in registration have affected voter turnout, suggesting that Congress consider making registration more convenient and accessible.

Difficulties in voter registration abound, Mr. President. The Board of Elections in some municipalities select registration deputies and decide when and where registration sites will be located. This can limit access to a wide variety of people. Registrar deputization can be a broad-scale voting impediment. While some Board of Elections accept most volunteer deputies, others make the process a taxing one by requiring extensive training, swear-ins, and complicated applications. Depending on the Board of Election's criteria, this process can be highly subjective.

States with minimal registration qualifications have high voting turnouts. For example, Minnesota allows citizens to register the day they vote—same day registration. Minnesota has the highest voter participation rate in the country: 66 percent. Conversely, Arizona law mandates that a voter must register 50 days before an election. Arizona's voter turnout in the last Presidential election was an embarrassing 45 percent.

This country places a premium on mobility as a form of freedom and opportunity. A University of Michigan study shows that one-third of all adults have not lived in the same address for more than 2 years. When people move, voter registration is not placed on the top of their priority list. Often a citizen's name is purged or removed from a voter registration list if he or she has not voted within 4 years. Likewise, some States do not even have mail-in registration. College students whose home State is Florida, for example, cannot mail in their voter registration form. Should going away to college preclude the possibility of having a political voice or casting a vote?

Finally, if poverty was not enough, there exist registration procedures and practices which prevent the poor from voting. Impediments such as opening registration sites only during regular work hours or making registration sites inaccessible by public transportation leave a large segment of our society without representation. Have we forgotten those who earn an hourly wage? Have we forgotten those who do not have access to a car?

S. 250 addresses all of the problems I just listed and establishes a clear, uniform registration process. Every citizen who renews or changes his address on a drivers license will also have the option of registering to vote. This registers and enfranchises 90 percent of our voting-age population.

This bill also provides for voter registration at other government agencies, such as welfare, unemployment and vocational rehabilitation offices. For disabled citizens or low-income citizens who are less likely to have driver's licenses, agency registration is an important vehicle for political empowerment. S. 250 also provides for mail-in registration which will allow students and other citizens unable to reach a registration site to vote.

Opponents of this bill base their arguments on three issues: fraud, ineffectiveness, and cost. In May 1991, the Congressional Budget Office estimated that the cost of implementing this legislation at $20 to $25 million nationwide for each of the first 5 years. This is a small sum when compared to the benefit derived from providing citizens with the most basic element of democracy, the ballot.

To address the cries of fraud and ineffectiveness, we must look and learn from example. To date, 25 States and the District of Columbia have motor voter registration. Not one has experienced significant fraud. Not one program has proven ineffective. In my own State of New Jersey, voter registration has increased with the enactment of motor-voter and agency-based registration.

Mr. President, it is our duty as lawmakers to respond expeditiously to a system which discourages voters from participating in the democratic process. Through the ballot, an active citizenry can voice change peacefully and not feel that the path of change requires violence. In the wake of the recent riots in Los Angeles, we should all respect how important it is to make people believe that they have a stake in their society. I agree with many of my colleagues that Americans must also be educated on the benefits of democracy. Perhaps if we made election day a national holiday or instituted universal, same-day registration, more Americans would come to appreciate and use the special power they have. But S. 250, the National Voter Registration Act, is a good step in that direction. It promotes empowerment, eliminates obstacles to the registration process, and secures us all the basis for a sustainable democracy.

Mr. FORD. Mr. President, I urge the adoption of the committee substitute, as amended.

The PRESIDING OFFICER. The question is on agreeing to the committee amendment in the nature of a substitute, as amended.

The committee amendment, as amended, was agreed to.

The PRESIDING OFFICER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed for a third reading, and was read the third time.

Mr. FORD. Mr. President, I ask for yeas and nays on final passage.

The PRESIDING OFFICER. Is there a sufficient second.

There is a sufficient second.

The yeas and nays were ordered.

MORNING BUSINESS

Mr. FORD. Mr. President, I ask unanimous consent that we go into morning business with Senators permitted to speak therein.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Arkansas is recognized.

Mr. BUMPERS. Mr. President, I thank you very much for recognizing me. I am going to speak for 10 or 15 minutes, but I am willing to allow my friend from Arizona to go first with the understanding that I be recognized when he is finished. I ask unanimous consent that the Senator from Arizona be granted 5 minutes and after that we come back to me.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DECONCINI. Mr. President, I thank the Senator from Arkansas for letting me proceed here particularly when I know the subject matter he is going to speak on is his favorite subject matter, the hard rock mine. I appreciate it.

The PRESIDING OFFICER. The Senator from Arizona is recognized.

Mr. DECONCINI. I thank the Chair.

(The remarks of Mr. DECONCINI pertaining to the submission of Senate Resolution 300 are located in today's RECORD under "Submission of Concurrent and Senate Resolutions.")

The PRESIDING OFFICER. Under the unanimous-consent agreement, the Senator from Arkansas is now recognized.

Mr. BUMPERS. Mr. President, I thank you very much.

REFORMATION OF 1872 MINING LAW

Mr. BUMPERS. Mr. President, I am not going to repeat many of the arguments I have made on this floor many times on how desperately the 1872 mining law of this country needs to be reformed, but just review the bidding.

Let me start off by saying everybody knows that the people of this country are very angry. I personally believe that they have a right to be angry but sometimes I think they may be angry about the wrong things.

They ought to be angry because politicians have a tendency to tell them what they want to hear, and the reason they tell them that is because they do not trust them with the truth.

But, Mr. President, in my opinion, the people of this country are not angry about this unbelievably outrageous legislation passed and signed by Ulysses Grant and which is still on the books and which is probably the most outrageous rape and pillage of the Federal lands ever in the history of the United States and maybe even the world. And the reason they are not angry about this is because they do not know about it.

Mr. President, I have fought this lonely battle now for about 4 or 5 years. Two years ago I lost a small portion of this battle by 2 votes, 48 to 50, after a very spirited, prolonged debate.

I dare say there were perhaps 15 Western Senators who spoke against my proposal, and I am not—do not misunderstand me—complaining, but it was just one of those issues my father used to say: "everybody's business is nobody's business." Not one single Senator, other than myself, has ever taken the floor of the Senate to speak in opposition to what is going on in this country. So I will summarize it, and I will not be very long.

Right now, anybody in this Chamber, indeed any American citizen, can go to the Western part of the United States—it does not necessarily have to be in the West—and stake a mining claim, put up four stakes, 20 acres, and it is yours for all intents and purposes. As long as you annually certify to the Bureau of Land Management that you are trying to find marketable hard rock minerals on that 20-acre tract, you do not have to touch it, you do not even have to put a spade in it. All you have to do is certify that you spent $100 in time or money trying to develop the claim.

Mr. President, there are 1,200,000 claims pending in the country right now—1,200,000 claims. And every year these claimants just certify to the BLM that they put $100 worth of effort in that claim and it is theirs for another year.

Now, Mr. President, you nor I nor any other American citizen is limited to 20 acres for a claim. You can file as many 20-acre claims as you want. If you file 25 of them, you have 500 acres in your name.

Mr. President, somebody who owns a mining claim, if they can convince the Bureau of Land Management that it has commercially producible minerals, can then apply for what is called a patent. Most people would call it a deed. And this is the most incredible part of this whole process. If you have 500 acres of land and you convince the BLM that you have commercially minable minerals, you can literally demand a deed to that 500 acres for $2.50, or the princely sum of $1,250. There are some claims that you have to pay $5 for, so it is conceivable that somebody would have to pay $2,500 for a 500-acre claim.

But, Mr. President, we have given away Federal lands since 1872 for $2.50 an acre, lands the size of the State of Connecticut. That is small potatoes, compared to what I am about to get to. Once the Bureau of Land Management gives a claimholder a deed to his claim, they never check it again. So what happens to it? Anything can happen to it. The GAO did a study of this and found that one person in Colorado bought 160 acres for $2.50 an acre and within weeks sold off 40 acres for something like $13,000 an acre to a developer. These claims are also sold for ski slopes and used for summer homes. And in some instances, claimants actually mine the land.

But BLM does not care what they do with it. They do not care whether they mine it or whether they sell it or what. Three or 4 years ago, a family got a deed to about 1,700 acres of land on the Oregon national seashore. I think they paid $2.50 an acre for it. Incidentally, the commercially minable mineral was sand. But it was supposed to be some kind of special sand. When it was discovered that this was in the Oregon national seashore, and the environmentalists and conservationists began to raise cain about it, the Bureau of Land Management started negotiating for the land back. Do you know what the family wanted for what they just paid about $11,000? Do you know what they wanted for it back? They wanted $11 million, and they are still negotiating.

The State of Nevada produces about 3 billion dollars' worth of gold every year off lands that have been given away by the Federal Government. Would you like to take a guess as to what the royalties on that 3 billion dollars' worth of gold is to the U.S. Treasury? You guessed it—zip—zero—not a dime.

Would you like to know, Mr. President, what cleaning up just 50 Superfund sites left by these mining companies, who often are not even required to put up a bond, who walk off, leave an unmitigated environmental disaster—would you like to know what it is going to cost the taxpayers of this country to clean up those 50 Superfund sites? Somewhere between $7.5 and $50 billion.

Would you like to know who owns these mines? For example, in Nevada, $3 billion worth of gold being mined on lands that the United States sold to mining companies for $2.50 an acre, 3 billion dollars' worth, and 50 percent of it goes to British-owned mining companies. One mine in this country, in Nevada—Newmont, produces $650 million worth of gold a year. And Sir James Goldsmith owns 49 percent of that mine. You tell me what other country on Earth would allow such a bizarre result?

Mr. President, the reason I really came over here this evening to speak about this is because we have another unmitigated disaster. It may be too late to do anything about it.

Mr. President, 2 years ago I lost on this issue by two votes. Last year I lost by 1 vote. But 2 years ago, when I lost the vote by two votes, the Stillwater Mining Co., in Montana, which is owned jointly by the Manville Corp. and Chevron Resources—4 days after that vote, they applied for 25 patents on 2,036 acres of land at $5 per acre. They will pay $10,180 for the land, $21,050 for processing mineral surveys, and $5,250 to reimburse BLM for its paperwork.

So, Mr. President, Stillwater Mining Co. will pay a total of $20 an acre for the 2,036 acres. And that 2,036 acres has lying underneath it, $32 billion worth of platinum and palladium. And they will be able to mine, at today's prices anyway, $32 billion worth of palladium and platinum under lands that they paid $20 an acre for. That will cash out at $20 million an acre, and the U.S. Government will not get 1 red cent in royalty.

It is just so incredible I cannot believe it. I cannot believe that we allow people to demand a deed for Federal lands for $2.50 an acre, get a deed to it, and do whatever they want to with it. They mine it oftentimes without even putting up reclamation bonds. They are not required in many instances to reclaim the land. And we have anywhere from $7.5 to $50 billion worth of cleanup expenses to prove that. And they mine $4 billion worth of minerals a year off this land and do not pay 1 red cent for it and walk off and leave that unmitigated ecological disaster for the taxpayers of this country to pick up. And nobody cares.

I care. I would not be over here at this hour of the evening talking about it if I did not care.

But, going back from whence I came, if the people across the country ever really begin to catch onto this pillage that goes on unabated and that, seemingly, is impossible to stop, I think they would just go berserk, and correctly so. And when they see things like that, and you hear all the newspapers reporting it—at least the polls show—they will ask what are those guys doing up there? And you add this on top of their feelings about a whole host of other things?

Mr. President, I am going to have another go at the 1872 mining law this year. We hope to mark this up in the Energy Committee soon. If we do not succeed there, we will go through the appropriations process, as we did last year. But if I lose again this year—I lost by one vote last year, two votes the year before—surely we will be able to prevail on at least a part of this year. But if we do not, I will be back at the same old stand next year.

One of these days the people of the country are going to catch on to what is going on with Federal lands and how they are being suckered. You talk about the S&L bailout. You think about the S&L bailout compared to $7.5 to $50 billion just to clean up the mess.

One final note, Mr. President, about the Newmont Mining Co., that I mentioned a moment ago that is 49 percent owned by Sir James Goldsmith. They are taking, alone, about $670 million worth of gold a year out of Nevada, but when that same mining company mines gold on private lands—you guessed it, they pay 12-percent royalties on every ounce of gold they take off private land and swear that if they have to pay the U.S. Government a 5-percent royalty, they will all go broke.

If enough Senators keep buying into that every year, we cannot get it stopped. Do you know what this reminds me of? It reminds me of Lucy holding the ball for Charlie Brown every fall, swearing she is going to hold it for him this time. Every year we hear bogus claims, arguments about all the people who are going to be laid off.

Mr. President, in Arizona right now there are 11,000 copper miners. In 1980, there were 23,000 copper miners in Arizona, and the cost of producing copper in Arizona in that same period of time has gone from $1 to 60 cents. So because of technology, workers are losing their jobs anyway. But this is one time that as sensitive as I am to the economy and jobs and the plight of people who do not have jobs, we cannot, in good conscience, allow this operation to continue another day.

Mr. President, I yield the floor.

RECOGNITION OF JANNET CARMICHAEL

Mr. REID. Mr. President, I am delighted to recognize the installation early next month of Jannet M. Carmichael as president of the American Society of Hospital Pharmacists as the society's 49th annual meeting in Washington, DC. Her presidency is a source of great pride to her fellow Nevadans because of her affiliation with two of Nevada's, and America's, strongest medical facilities.

Ms. Carmichael serves as clinical pharmacy coordinator at the Veterans' Administration Medical Center in Reno, and is an associate professor at the University of Nevada School of Medicine.

The ASHP was founded in 1942 and is the professional association representing pharmacists in the hospital, home care, and managed care settings. With more than 25,000 members throughout the 50 States, the society has extensive publishing, educational, and accreditation programs benefiting the Nation's health.

Ms. Carmichael comes to her new position with a wealth of experience in clinical pharmacy. Active in ASHP, she was also a member of the Nevada State Board of Pharmacy and the first board of directors of the Nevada Society of Hospital Pharmacists Association.

She has an active clinical and educational practice with experience on a variety of editorial panels. She is the author of numerous journal articles on clinical pharmacy and therapeutics. Ms. Carmichael completed her bachelors of science degree with high distinction at the University of Iowa. She also received a doctor of pharmacy degree, magna cum laude, from the University of the Pacific. Further, Ms. Carmichael taught at the University of Iowa, where she was an adjunct faculty member, and at the University of North Carolina.

Mr. President, I congratulate Ms. Carmichael on her new position, and look forward to working with her. I have every reason to believe that ASHP will continue to make its expertise available to Congress on health care issues during her administration.

A TRIBUTE TO JOAN AND DON DIAMOND

Mr. DECONCINI. Mr. President, I am honored to come to the floor to recognize two individuals who have spent a lifetime serving Tucson, AZ. Joan and Donald Diamond have worked tirelessly for the past 27 years to make Tucson and the State of Arizona a better place to live.

Their contributions to the development of the community of Tucson include the Jewish Community Center, an institution which has served Tucson for 35 years. The center provides a modern and comprehensive facility with services for child care, youth, and the elderly. These services are not limited to the Jewish community but are open to all Tucsonians.

The philanthropy and hard work of Joan and Don Diamond was recognized at Diamond Jubilee held in their honor on May 16, 1992. And in the true Diamond tradition, Joan and Don requested that the proceeds from this event benefit children throughout the community. In 1991, the Jewish Community Center, on a nonsectarian basis, awarded scholarships in excess of $113,000 to needy youth. These scholarships have been expanded by the generosity of Joan and Don who established the Diamond Perpetual Scholarship Fund.

Honoring individuals of the caliber of Joan and Don is a happy task indeed. Their friends created a journal filled with expressions of affection and appreciation which was presented to the Diamonds during the celebration. I feel privileged to have been asked to add my own expression of gratitude to these very special friends. Tucson and the State of Arizona have been greatly enriched by the generosity and humanity of Joan and Don Diamond.

CENTENNIAL CELEBRATION OF CONGREGATION B'NAI DAVID

Mr. LEVIN. Mr. President, I would like to bring to the attention of my colleagues the anniversary of one of Detroit's oldest religious institutions: the centennial celebration of Congregation B'nai David, a distinguished and devoted assembly of individuals in the city of Southfield brought together by individuals of learning and piety.

Founded on May 9, 1892, by 11 Jews of Russian origin, Congregation B'nai David is the largest traditional Jewish congregation in the Detroit area, numbering close to 600 families. It was Detroit's first such congregation and has been popularly known as the Russische Shul, drawn from the huge wave of Jews emigrating from Russia during the era of its foundation.

Its name, Congregation B'nai David, was adopted in 1932, when those carrying on the activities of the congregation decided to dissolve its original name, Congregation Beth David, and reorganize into the present congregation.

Today, the synagogue of Congregation B'nai David, completed in 1966 in time for the high holidays, has attracted nationwide attention and is probably one of the most outstanding religious edifices in the country.

In 1966, James Clarkson, then mayor of the city of Southfield, in honor of the devotion and distinction of the congregation, proclaimed the dates of December 9 to 11 as Congregation B'nai David Days.

On December 7, 1966, the Michigan State Senate passed a resolution recognizing "with grateful appreciation the significant contributions to the Community of Man toward unity, peace, and progress" by the members of Congregation B'nai David.

In view of the service and guidance provided by this congregation to its members, the city of Southfield, and its friends everywhere, I congratulate Congregation B'nai David on its centennial.

CRISIS IN THE BALKANS

Mr. KERRY. Mr. President, I rise for the purpose of calling attention to the ongoing tragedy in the Balkans.

Unlike natural disasters, the tragedy unfolding in Bosnia-Hercegovina is strictly man made. It is a product of hate and aggression on the part primarily of Serbian leaders, and of timidity and confusion on the part of international observers. It has provided an early, and thus far, immensely disappointing test of world peacekeeping capabilities following the conclusion of the cold war. It may, moreover, establish a dangerous precedent regarding the use of force to settle ethnic disputes unless greater steps to resist Serbian aggression are taken soon.

Throughout the past year, Serbian President Slobodan Milosevic repeatedly has misled former United States Secretary of State Cyrus Vance and others engaged in international peacekeeping missions to the region. Over and over again, the world has been assured of Serbia's peaceful desires, of its interest in cease fires, and of its benign intentions first toward Slovenia, then Croatia and now Bosnia-Hercegovina. Each time, President Milosevic has lied, and each time, innocent civilians have died as a result of those lies. It is for these reasons that yesterday's announcement of a 21-day truce in Bosnia provides little grounds for optimism or hope.

The fact is that President Milosevic and Bosnian Serb leader Radovan Karadzic have been perpetrating large-scale cold-blooded murder in Bosnia-Hercegovina and calling it self-defense. They have conjured up the myth that Bosnian Serbs are being persecuted in that Republic and that they are somehow defending western civilization from a potential tidal wave of Islamic fundamentalism. In fact, they are carving up the one Republic in former Yugoslavia where a real commitment to interethnic cooperation had previously existed.

Serbia's present leaders do not reflect the Serbian people, as a whole, nor do they do justice to the legitimate concerns raised by Serbians about interethnic violence in the past. The fact is that President Milosevic and his allies have, through their deception and aggression, forfeited any claim to trust from former friends and adversaries alike. The international community, including the United States, has a responsibility to resist and oppose the forces in Belgrade in every way it can. After all, the illusion that what happens in Sarajevo is irrelevant to what happens in the outside world should have been shattered 78 years ago.

From the beginning, the United States reaction to events in Yugoslavia has been passive, timid, and ineffectual. The State Department was slow to recognize that Yugoslavia's breakup into separate republics was an inevitable consequence of the end of the Communist rule. The administration was slow to lend diplomatic support to Slovenian and Croatian claims for independence. And the United States appears now virtually to have given up hope for restraining further violence in Bosnia-Hercegovina.

Although I understand the difficulties involved, I believe there is too much at stake for the United States to continue its passive role. The humanitarian stakes alone, the simple fact that thousands of innocent, peace-loving people at risk for no good reason, is grounds for addressing this issue loudly, repeatedly, and at the highest possible level.

Also, we should remember that the United States, more than any other country, has a stake in a stable and peaceful world order. If Serbia emerges from the current fighting with all its goals achieved, the precedent for future Serbias in other countries and other contexts will have been set. The United States is not all-powerful and we cannot police the world; but we remain by far the strongest military force on Earth and we have a capacity to influence international diplomatic and economic policy that is without equal. Even barring the possibility of direct military intervention, there is a great deal we can do.

First, I urge the President to speak out personally on this issue. It is not enough for second or third tier officials at the State Department to express concern about the violence. The level of killing and the magnitude of suffering have long since reached the point where Presidential involvement is urgently required.

Second, the President should make full use of the United Nations, the CSCE, world financial institutions, and the international business community to put pressure on Serbia to change its ways. It is not enough to talk about the limitations of economic embargoes; the point is to try our best. The United Nations can make it plain, through a Security Council resolution, that the world will never accept, nor allow Serbia to profit from, the fruits of international aggression. The Serbian business community should understand that it will never have normal relations with the outside world as long as the present policies are pursued. And Serbian leaders should be warned that those who commit war crimes are liable to be prosecuted as war criminals, and that their official status may provide no long-term protection from personal accountability and punishment.

Finally, the President should work with the international community to develop a strategy and means for international humanitarian intervention in Bosnia-Hercegovina. The goal of such an intervention should not necessarily be to confront Serbian military forces or to impose a cease-fire. A less ambitious, but still important, goal would be simply to see that the International Red Cross and other humanitarian agencies are allowed to function, in accordance with international law, and that basic supplies are made available to the people. The urgency of this goal was underlined just yesterday when Red Cross vehicles in Sarajevo came under fire, killing one and wounding three.

Mr. President, the difficulty of bringing peace to an area as far away and as ordinarily remote from American concerns as the Balkans does not absolve us from the need to act, nor does it eliminate our capacity to influence events. It is a cliche of history that all it takes for evil to prosper is for good men and women to do nothing. We have no guarantee that a more vigorous and aggressive policy toward Serbia and Bosnia-Hercegovina will succeed, but can be sure that the present policy of timidity and inaction will fail. The time has come to do more; to do all we can; and to press our allies and friends to join with us in an effort to stop the killing and start the healing in Bosnia and throughout the region.

SMALL BUSINESS WEEK

Mr. PRESSLER. Mr. President, I rise today to salute the engine that drives America's economy—small business. Last week was Small Business Week 1992. In my State of South Dakota, 99.2 percent of all businesses are small businesses. In fact, only 18 South Dakota businesses have more than 500 employees. In honor of Small Business Week, I wish to pay tribute to the business men and women who make such enormous contributions to South Dakota's and America's economy.

This year, Small Business Week was particularly special to South Dakota. The Small Business Administration selected Ted Waitt of North Sioux City, SD, for the singular honor of 1992 Young Entrepreneur of the Year. Mr. Waitt is the president and founder of Gateway 2000, which manufactures and markets IBM-compatible computers. Last year, his company was named the fastest growing company in the United States by Inc. magazine. Mr. Waitt has stated that the favorable business climate in South Dakota has helped give his company a competitive edge in the marketplace. Recently, I addressed the Senate on the details of a meeting I had in The Netherlands. During that meeting, I learned that Gateway 2000 has a global vision. I was truly impressed to learn that Ted Waitt is making a name for himself, his company and South Dakota far from America's heartland.

I also want to comment the efforts of Leroy and Shelly Knuth of Madison, SD. The Knuths were selected by the Small Business Administration as the 1992 South Dakota Small Business Persons of the Year. They own the Rosco Manufacturing Co., which specializes in the manufacturing and distribution of highway construction equipment. Rosco currently maintains 33 dealerships across the United States and 2 in Canada. These South Dakotans and other award recipients who are being recognized by the Small Business Administration this week demonstrate the success of small business in America.

By coincidence, many of my colleagues and I hosted senior citizen interns last week. Evelyn Peterson of Brookings, SD, interned in my office. Older workers are a particularly valuable resource for small businesses. In 1988, over two-thirds of older workers were hired by companies with fewer than 25 employees. A recent study conducted for the Small Business Administration found that small firms offer more part-time work opportunities for older people. Small businesses take advantage of a large pool of experienced employees to help fill the gaps in our labor force.

Last Wednesday, I offered a successful amendment to the Russian aid bill during markup in the Senate Foreign Relations Committee. That amendment clarified the active role American small businesses will play in our technical assistance programs for the countries emerging from the former Soviet Union. The expertise of our small businesses can expand efforts of U.S. products and services overseas. We should continually explore opportunities for small businesses in the global marketplace.

Small Business Week is a special time for recognizing the jobs, products and revenues small businesses contribute to our Nation's economy. As a member of the Senate Small Business Committee, I will continue my efforts to support and protect the American small business community.

A MESSAGE TO THE REPUBLIC OF CHINA ON TAIWAN

Mr. SHELBY. Mr. President, I would like to take this opportunity to acknowledge the second anniversary of the Lee Teng-hui Presidency in the Republic of China on Taiwan. May 20, 1992, marks the second anniversary of President Lee's administration and I would like to wish him great success as he continues to lead this vital island nation to a greater prosperity and democracy.

As both the United States and the Republic of China on Taiwan look to the future, I hope we can work together to promote international cooperation that will be mutually beneficial. In this era of increasing international trade competition, I look forward to working with the Taiwan Government to promote free and fair trade and eliminate trade barriers. President Lee and the people of Taiwan should be commended for their political and economic accomplishments over the last few years and I wish them good luck in the future.

THE KILLING OF PRO-DEMOCRACY DEMONSTRATORS IN THAILAND

Mr. KENNEDY. Mr. President, yesterday evening, in a brutal show of force, members of Thailand's military junta fired upon unarmed pro-democracy demonstrators, killing at least 21 protesters and wounding over 400 others. This violent and unconscionable assault on the constitutional freedoms and basic human rights of the Thai people is inexcusable, and the world community should speak with one voice in condemning the government's brutality.

The use of deadly force against unarmed protesters is an affront not only to the people of Thailand, but to all friends of freedom and democracy. It is critical at this important time for the United States to stand with the Thai people in their struggle to restore democracy and respect for human rights.

The Government of Thailand should immediately halt its use of excessive and lethal force against unarmed demonstrators. It should release all individuals detained for the peaceful expression of their views, including students and opposition leaders such as Gov. Chamlong Srimuang. In addition, it should fulfill its commitment to the Thai people to free and fair elections leading to peaceful, democratic rule. In the meantime, the United States should continue to withhold all military and economic assistance to the military regime. This assistance was cut off at the time of the coups in February 1991, and the cutoff should be maintained until these commitments have been fulfilled.

Just as the nations in this hemisphere opposed the recent coups in Haiti and Peru, the international community must condemn the military junta in Thailand. We should do all we can to ensure that democracy and respect for human rights are restored as quickly as possible for the Thai people.

CRAZY HORSE MALT LIQUOR

Mr. ADAMS. Mr. President, I rise today to express mixed feelings of disappointment and anger that the Hornell Brewing Co. of Baltimore has rejected a request from the Oglala Sioux Tribe that the company discontinue marketing Crazy Horse Malt Liquor. This product, sold in a 40-ounce bottle, contains more than the alcohol found in a normal six-pack of beer, and closely resembles the packaging associated with whiskey and other grain spirits. In a hearing this morning before the House Select Committee on Children, Youth, and Families, Surgeon General Antonia C. Novello cited this product as the latest example of irresponsible behavior by some segments of the alcohol industry whose pursuit of profits is devoid of any semblance of ethical considerations.

Those of us who represent States with native American populations living on reservations and in urban centers are well aware of the devastating impact that alcohol has had on those communities. How could any responsible brewer insult the memory of the great Oglala Sioux spiritual leader, and tempt the current native American youth of this country, through a slick media campaign promoting this product? That such crass and offensive behavior could occur in the very year this Nation is attempting to commemorate the 500th anniversary of the voyage of Columbus through a year of reconciliation with native Americans adds insult to the injury.

I understand that Mr. Mike Her Many Horses, executive director of the Oglala Sioux Tribe has called for a nationwide boycott of all products of the Hornell Brewing Co. until Crazy Horse Malt Liquor is removed from distribution. In light of the company's rejection of requests by tribal leaders, the Bureau of Alcohol, Tobacco and Firearms, and members of the South Dakota congressional delegation, such a consumer boycott appears well justified.

It is my sincere hope that the Hornell Brewing Co. will reconsider its position, and will come to realize what is painfully obvious to many of us: the good name and memory of Crazy Horse should not be desecrated on a malt liquor product.

I ask unanimous consent that the testimony of Mr. Mike Her Many Horses, together with a recent editorial column from the New York Times appear in the RECORD following these comments.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

REMARKS OF MICHAEL HER MANY HORSES

Good morning Madam Chairman and members of the Committee. My name is Michael Her Many Horses. I am the Executive Director of the Oglala Sioux Tribe and a past member of the Oglala Sioux Tribal Council. The Pine Ridge Sioux Indian Reservation is the second largest Indian reservation in the United States. The Oglala Lakota are the largest band of the Great Sioux Nation. The Great Sioux Nation is composed of twentyone distinct reservations in five states and two Canadian provinces. In addition the Great Sioux Nation has thousands of members living in major metropolitan areas in the U.S. and Canada not to mention hundreds living overseas. The Oglala Lakota have a legacy of being peaceful, spiritual people who live in harmony with the earth. The Oglala Lakota also have a legacy of fighting to protect themselves, their elderly, their children, their land, and their way of life. The Oglala played a major role in the war of 1868 in which the Kakota Nation defeated the Army of the United States which resulted in the Fort Laramie Treaty of 1868. A young warrior distinguished himself in that war. His name was Crazy Horse. Eight years later the U.S. Government violated the 1868 Treaty which caused the war of 1876. Again in the major battles between the Lakota and the U.S. Army, Crazy Horse was a major leader. The following year, after he and his followers of men, women, elderly, and children were relentlessly pursued and attacked, he was forced to surrender for the good of his starving people. Soon after he was murdered, stabbed by a soldiers bayonet. Crazy Horse's friend, Touch-the-Clouds, remembers Crazy Horse's allying cry in battle: "It is a good day to fight: a good day to die! Strong hearts, brave hearts, to the front! Weak hearts and cowards, to the rear." Touch-the-Clouds was once quoted as saying that "Crazy Horse had the reputation among the whites and Indians generally of being a man of his word, and never breaking a promise." And there was more to Crazy Horse. The following is an interpretation of Crazy Horse's comments following his vision which he received during spiritual rites. ". . . . for we are doomed to an everlasting poverty and despair unless we can contrive some means of protecting our freedom. We should come to our sense and try reviving some of the sane traditions of our grandfathers if we expect to survive through this new era that has been introduced by the greedy White Man. I for one will make every effort to uphold our primitive traditions and to fight for our liberty to the last. . .".

This is the man, the Oglala, who we remember today. Even now we still carry on his philosophy of fighting for what is right for the Oglala people. Now we must fight to defend his honor and to protect our people from falling victim to those who would assail the mental and physical health of our people and other Indian people. Crazy Horse has always purposely lived away from the wicked influence of the White People of his era. He knew what would befall his people when ravaged by the influence of alcohol. Now, in another era, White People are crassly using his honor and his name to profit through the sale of liquor. In an era when we are fighting the effects of alcohol on our people, when we are still fighting, as did he, for our sacred Black Hills, when we are fighting to maintain our culture and traditions, we now have to deal with people of the same mentality from the last century. In 1924 we were made citizens of the United States. Why are our civil rights not protected? Why are people allowed to continually degrade our people and our cultures? This is the National Year of Reconciliation between Indians and the rest of America. The Oglala Lakota Nation and the Great Sioux Nation call upon your Committee, the Congress and all of the States to extinguish this racism. The Oglala Lakota Nation will call upon all Tribes and Indians to unite in an unyielding campaign against the company that markets this liquor. The lines are drawn. This company has insulted and denigrated a revered leader of our Tribe. This company is exploiting an Indian nation and all Indian people who are already suffering from alcohol abuse. Let it be known, that in the spirit of the Oglala people, we will fight until we have won because we cannot be defeated.

[From The New York Times, Apr. 21, 1992]

NOBLE SAVAGES? WE'LL DRINK TO THAT

(By Michael Dorris)

CORNISH, N.H.—People of proclaimed good will have the oddest ways of honoring American Indians. Sometimes they dress themselves up in turkey feathers and paint—"cultural drag," my friend Duane Bird Bear calls it—and boogie on 50-yard lines.

Presumably they hope this exuberant if ethnographically questionable display will do their teams more good against opponents than those rituals they imitate and mock did for 19th century Cheyenne and Nez Perce men and women who tried, with desperation and ultimate futility, to defend their homelands from invasion.

Sometimes otherwise impeccably credentialed liberals get so swept up into honoring Indians that they beat fake tom-toms or fashion their forearms and hands into facsimiles of the axes European traders used for barter and attempt, unsuccessfully, to chop their way to victory.

Everywhere you look such respects are paid: the street names in woodsy, affluent subdivisions; mumbo-jumbo in ersatz male-bonding weekends and Boy Scout jamborees; geometric fashion statements, weepy anti-littering public service announcements. In the ever popular noble-savage spectrum, red is the hot, safe color.

For centuries, flesh and blood Indians have been assigned the role of a popular-culture metaphor for generations. Today, their evocation instantly connotes fuzzy images of Nature, the Past, Plight or Summer Camp. Warbonneted apparitions pasted to football helmets or baseball caps act as opaque, impermeable curtains, solid walls of white noise that for many citizens block or distort all vision of the nearly two million native Americans today.

And why not? Such honoring relegates Indians to the long-ago and thus makes them magically disappear from public consciousness and conscience. What do the 300 federally recognized tribes, with their various complicated treaties governing land rights and protections, their crippling unemployment, infant mortality and teenage suicide rates, their manifold health problems have in common with jolly (or menacing) cartoon caricatures, wistful braves or raventressed Mazola girls?

Perhaps we should ask the Hornell Brewing Company of Baltimore, manufactures of the Original Crazy Horse Malt Liquor, a product currently distributed in New York with packaging inspired by, according to the text on the back, "the Black Hills of Dakota, steeped in the History of the American West, home of Proud Indian Nations, a land where imagination conjures up images of blue clad Pony Soldiers and magnificent Native American Warriors."

Whose imagination? Were these same blue—clad lads who perpetrated the 1890 massacre of 200 captured, freezing Dakota at Wounded Knee? Are Pine Ridge and Rosebud, the two reservations closet to the Black Hills and, coincidentally, the two countries in the United States with the lowest per capita incomes, the Proud Nations?

In the "steeping" a bald allusion to the fact that alcohol has long constituted the No. 1 health hazard to Indians? Virtually every other social ill plaguing native Americans—from disproportionately frequent traffic fatalities to arrest statistics—is related in some tragic respect to ethanol, and many tribes, from Alaska to New Mexico, record the highest percentage in the world of babies born disabled by fetal alcohol syndrome and effect. One need look no further than the Congressionally mandated warning to pregnant women printed in capital letters on every Crazy Horse label to make the connection.

The facts of history are not hard to ascertain: the Black Hills, the "paha sapa," the traditional holy place of the Dakota, were illegally seized by the Government, systematically stripped of their mineral wealth—and have still not been returned to their rightful owners. Crazy Horse, in additional to being a patriot to his Oglala people, was a mystic and a religious leader murdered after he voluntarily gave himself up in 1887 to Pony Soldiers at Fort Robinson, Neb. What, then, is the pairing of his name with 40 ounces of malt liquor supposed to signify?

The Hornell brewers helpfully supply a clue. The detail of the logo is focused on the headdress and not the face; it's pomp without circumstance, form without content. Wear the hat, the illustration seems to offer, and in the process fantasize yourself more interesting (or potent or tough or noble) than you are. Play at being a "warrior" from the "land that truly speaks of the spirit that is America."

And if some humorless Indians object, just set them straight. Remind them what an honor it is to be used.

LONETREE LANDFILL

Mr. PRESSLER. Mr. President, I ask unanimous consent that an article entitled, "SDDS Woos Indians to Rescue Lonetree," as it appeared on the front page of the Rapid City Daily Journal on May 14, 1992, be printed in the RECORD. I also ask that an editorial on the same subject from the Sioux Falls Argus Leader appear in the RECORD.

Mr. President, since 1989 a company named South Dakota Disposal Systems Inc. [SDDS] has been trying to develop a large landfill in my State that would accept out-of-State garbage. The people of South Dakota rejected this proposal in a statewide referendum in 1990, thereby sending a strong message to this company. Next, SDDS tried to win through the court system. That attempt failed too.

Recently, the company contacted officials of the Lower Brule, Rosebud, and Oglala Sioux Tribes in South Dakota with a proposal that I feel is underhanded. The proposal would allow the tribes to purchase hundreds of acres of land the SDDS owns south of Edgemont, SD, for the sum of $1.

The tribes would then be asked to place this land under their jurisdiction, thus circumventing the rejection of the proposed landfill by the people of South Dakota and the judicial system. After the proposed landfill is completed, the selected tribe or tribes would be paid $3 for each ton of garbage placed in the landfill.

Mr. President, I have requested a meeting with the Secretary of the Interior to discuss this proposal. In my judgment, it would be wrong to confer trust status on lands acquired by an Indian tribe for the specific purpose of circumventing the clearly stated opposition of the voters of South Dakota. I will urge the Secretary of the Interior to deny authorization of trust status for such land.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the Sioux Falls (SD) Argus Leader, May 15, 1992]

LONETREE OWNERS SINK TO NEW LOW

Is there anything the owners of the proposed Lonetree landfill won't try? Apparently not, judging from their latest attempt to circumvent the wishes of most South Dakotans and turn an area near Edgemont into a national dumping ground.

The company behind the project, South Dakota Disposal Systems, Inc., has used questionable political and legal tactics before. This is a new low.

Company officials have contacted several American Indian tribes in South Dakota about taking over ownership of the project site and letting the corporation build the dump, which would accept baled garbage from other states. If all went according to plan, Lonetree owners would sidestep state jurisdiction and the participating tribe could make a nice profit.

Sen. Larry Pressler, R-S.D., deserves credit for exposing and criticizing this questionable scheme.

"Regardless of how one feels on the merits of the Edgemont dump issue, I think backdoor tactics to circumvent the wishes of the people of South Dakota are outrageous," Pressler said Wednesday. "This issue has been debated by the people and the people have voted. Trying to sneak through what couldn't be done publicly simply is not the way we do business in South Dakota."

Kim Marie Kiepke, president of the environmental group ACTion for the Environment, also had appropriately harsh words for company president Hunter Swanson and his company.

"This is about the sneakiest tactic yet," she said. "Waste management laws on reservations are almost non-existent. . . . The people have said repeatedly, 'We're not the nation's dumping ground,' and Hunter Swanson refuses to listen."

For the dump plan to work, the participating tribe would have to convince the U.S. secretary of interior to place the acquired land in trust, a step that would give jurisdiction to the tribal and federal governments. State government would have a say only if gambling were involved, according to Larry Long, South Dakota's chief deputy attorney general.

Pressler said he already had contacted the interior secretary's office to request that the off-reservation dump site not be placed in trust "should this proposal slither far enough along" to make it to the department.

As Pressler also noted, it's disgusting that corporations and the federal government do not invest in reservations except when something like garbage is at stake. Nonetheless, we hope South Dakota tribes reject this blatant attempt at environmental and jurisdictional exploitation.

Tribal and state governments need to work together to convince businesses to bring good, clean jobs to reservations and other parts of South Dakota, not other states' waste.

[From the Rapid City Daily Journal, May 14, 1992]

SDDS WOOS INDIANS TO RESCUE LONETREE

(By Kevin Woster)

PIERRE.—Beaten at the election box and stymied in the courts, developers of the controversial Lonetree landfill near Edgemont now are looking for help in their development plans from Sioux Indian tribes.

But what they got on Wednesday was strong opposition from Sen. Larry Pressler, R-S.D.

Pressler said his office had learned that South Dakota Disposal Systems (SDDS) President Hunter Swanson had contacted officials of the Lower Brule, Rosebud and Oglala Sioux tribes with a proposal to save Lonetree. In it, Pressler said, the tribes could purchase hundreds of acres of SDDS land south of Edgemont for $1, then contract with SDDS to operate the landfill and share in the revenue.

If the land were placed in Indian trust status, it essentially could be outside state jurisdiction and free of the initiative and referendum process that has stalled the project so far.

Pressler said the proposal was a "diabolical" scheme to deny the public control over whether millions of tons of trash from other states should be buried in South Dakota. He said it targeted Indian reservations because of their special jurisdictional status and troubled economic conditions.

"The trouble is, this circumvents the law," Pressler said. "It's a sneaky, backhanded way. . . . They're feeding on a problem. They say they're trying to help economic development, when all they're trying to do is get a dump.

"They're rather greasy types who are trying to do a deal," he said.

But Swanson said he simply was trying to build a landfill that was found to be environmentally safe and in the public interest by a state environmental board that regulates such operations. Lonetree was granted a disposal permit by the state Board of Minerals and Environment in 1989.

But the permit and a five-year renewal never were used. Opponents took the issue to court and brought it to the 1990 general election, where SDDS lost. The project is on hold facing a second public vote this November.

Swanson said he did not plan to fight any more political campaigns.

"I think we're going to be clogged up with initiatives and referendums that could stretch on to the horizon," he said. "And I'm just not going to play that game."

Instead, the tribes could help build Lonetree and SDDS could help the tribes with a growing trash disposal problem, Swanson said. And the $3 a ton disposal fees that SDDS would have paid to the state would go instead to the tribe, Swanson said.

Lonetree is projected to bury up to 1.5 million tons a year, earning the tribes up to $4.5 million annually.

"We've had some conversations with the tribes. Nothing more than that," Swanson said. "We're looking for alternatives. And I think the other alternative might be to change jurisdictions."

Swanson would not confirm which tribes he had contacted. He said that even under tribal control the landfill would be operated to meet all state and federal regulations.

Indian reservations are becoming focal points for prospective waste disposal sites. A larger multistate landfill was proposed for Rosebud Reservation land by RSW Inc. but was beaten by local opposition.

And the Lower Brule Tribe has applied for a $100,000 study grant to examine the possibility of storing radioactive waste.

Swanson said he wasn't interested in locating his landfill—which would accept only municipal garbage—on existing reservation land because transportation wouldn't be adequate. The Lonetree site is bisected by the Burlington Northern Railroad line connecting Wyoming coal fields with eastern states.

Pressler said he had sent Interior Secretary Manuel Lujan a letter informing him of the SDDS proposal to the tribes and opposing it.

"I told him that the Indian trust status should not be misused like this," Pressler said.

Tribal chairmen for the Lower Brule, Rosebud and Oglala Sioux tribes could not be reached for comment Wednesday evening.

REPUBLIC OF CHINA'S WORLD ROLE EXPANDS

Mr. PRESSLER. Mr. President, despite United States diplomatic recognition of the People's Republic of China, our true friends and democratic allies in the Republic of China on Taiwan continue to achieve important successes. For example, May 20 is the second anniversary in office of democratically elected President Lee Teng-hui.

Peaceful transition of power in a democratic context is one of the hallmarks of a developed country. The increasingly representative Government of Taiwan, combined with the enormous economic growth and prosperity that typifies the Republic of China, probably cannot be duplicated in many other nations. High standards of hard work, individual initiative, and devotion to traditional Chinese values are responsible for Taiwan's dramatic success, both in economic development and political modernization.

The Republic of China is reaching out to the new republics which have been liberated from the former Soviet Union. For example, Mr. President, the Republic of China has established representative offices in Belarus, Ukraine, and Russia. Similar offices in other republics are expected soon. Free trade is the goal of these Republic of China representatives, which makes a lot more sense in the long run than foreign aid.

I am delighted to have a number of good Chinese friends, including some who are high officials in the Government of the Republic of China on Taiwan. I wish them well, particularly President Lee Teng-hui and Foreign Minister Frederick Chien.

THE BUSH ADMINISTRATION'S ANNOUNCEMENT OF PELL GRANT SHORTFALLS

Mr. PELL. Mr. President, I notify my colleagues of a most alarming situation that we must remedy without delay.

The Bush administration has indicated that it underestimated by over $1 billion the cost of the Pell Grant Program for fiscal years 1991 and 1992. Whereas the President's 1993 budget, submitted to Congress in January, included $332 million for estimated Pell grant shortfalls, the administration now tells us of additional shortfalls of $521 million for fiscal year 1991 and $610 million for fiscal year 1992.

This is unsettling news, to say the least. As bad as the news is, it must not immobilize us. Quite the contrary, it should move us to immediate action, for it is imperative that we make every effort to solve this problem now and ensure that it is not compounded in the future.

My greatest fear is that current shortfalls will be paid for at the expense of next year's needy students. We must not allow this to happen. It would be an unspeakable tragedy if students were cut out of Federal aid programs just at a time when more and more are entering school and proving unable to afford higher educational costs.

Indeed, the unexpected increase in the Pell Grant Program is due to a marked rise both in enrollments and in the number of eligible students. The administration's latest figures indicate that Pell applicants for this school year will total 6,942,000, an increase of 8 percent over last year. Moreover, the number of Pell recipients will increase to approximately 4,027,000, which represents a nearly 13-percent increase over the previous school year.

Although I am concerned that the administration's prior calculations were so low, I am not surprised that it failed to predict such extraordinarily high figures. It has been slow to recognize the depth and severity of the national recession—a recession that is reflected not only in the Pell Grant Program but in other Federal student aid programs as well. For instance, the Congressional Budget Office indicates that loan volume, which remained relatively stable for about 5 years, has risen to approximately $1 billion over last year's levels.

How can we account for such rapid growth in the need for student aid? According to CBO, the answer is simple: the recession has been severe, and certainly far more severe than anyone predicted. Most of the growth in the loan programs, for example, has been among students attending public institutions. As fiscally strapped States have been forced to cut back subsidies to their public institutions of higher education, tuition at these schools has risen. In many cases, tuition at State schools now exceeds $10,000. Students, therefore, are not only more likely to be eligible for Federal aid programs, but they are also far more prone to participate in such programs. Additionally, individuals are far more apt to enter school when they are having difficulty obtaining secure employment or when they have lost a job, situations which have become all too common in this recession.

Given the condition of the economy and the increased need of students across the country, it is imperative that we not decrease future funding for student aid to cover the immediate shortfalls. On the contrary, we should be increasing and expanding our student aid programs to assist more poor and middle-income families who are finding themselves unable to put their children through school.

Over the past year, my colleagues and I on the Labor and Human Resources Committee have been working hard to address these needs. Through the reauthorization of the Higher Education Act, we have sought to improve the size and structure of our student aid programs, and we have succeeded in producing a bipartisan bill that passed the Senate overwhelmingly.

We are now preparing for the House-Senate conference, during which I believe we will be able to resolve the differences between the House and Senate bills. Included in both bills is an expansion of the Pell Grant Program and Stafford Student Loan Program to assist more hard-pressed middle-income families, and to ensure that lack of wealth shall impede no one from obtaining the higher education of his or her choice. There are few major points of disagreement in the two bills, and I look forward to an amicable conference and to the bill's being signed into law this summer.

If we do not find a way to cover the Pell grant shortfalls, however, we run the risk of dismantling the hard-earned gains for the middle class that we have won through the reauthorization process. Just as we can no longer deny the extent of the recession, we must not ignore the needs of our postsecondary students. It is essential, therefore, that we address the Pell grant shortfalls without denying access to student aid in the coming years. We must acknowledge the reality of the recession, and work together to ensure that it does not take its toll on future students.

REMARKS OF SURG. GEN. ANTONIA NOVELLO, PROVIDENCE COLLEGE

Mr. PELL. Mr. President, on Sunday, May 17, I attended the 74th commencement exercises at Providence College in Rhode Island and had the pleasure of hearing an excellent commencement address by the Surgeon General of the United States, Dr. Antonia Novello.

Dr. Novello's message to the graduates was timely, enduring, and eloquent. She called upon the graduates to be aware of the need for service to the community, citing what she described as a "spiritual vacuum in America's society today."

Dr. Novello said, "We are in need of a little more heart, a little more brotherhood, less personal greed, more personal good, more service to others."

The recent violence in Los Angeles, she said, is "a grim reminder that America is at war at home. We seem to have lost our sense of what is really important to people. * * * If we are to remain a beacon to the world, of freedom, justice, and equal opportunity, we must first deliver on that promise to our own citizens."

Mr. President, Dr. Novello's address was both thought-provoking and inspiring, and I ask that the full text of her address be printed at this point in the RECORD.

There being no objection, the remarks were ordered to be printed in the RECORD, as follows:

COMMENCEMENT ADDRESS BY SURG. GEN. ANTONIA NOVELLO, PROVIDENCE COLLEGE, MAY 17, 1992

Good Morning. President Cunningham, honored guests, members of the graduating class of Providence College of 1992, faculty of this college, parents, friends, ladies and gentlemen—I am honored that you have invited me here today to share this most significant day. You will come to think of this day as one of the proudest and most unforgettable days of your lives.

I was pleased to learn that I was chosen by the honorary degree committee to be your commencement speaker and receive a doctoral degree honoris causa at the Seventy Fourth Commencement Exercises of the college. I am extremely proud, honored and grateful to be considered for an honorary degree from this, your alma mater.

It is an honor I accept with gratitude, and one which I will do everything within my power to live up to.

Those of you graduating today are graduating from a college with an excellent reputation—a college known all over the country for its superb faculty and for graduates who excel in the fields of arts, sciences and so many other fields. Established over 75 years ago I am sure that the Order of Preachers of the Providence of St. Joseph, would be extremely proud of what your college has become today: a graduating class of 1,200 consisting of 915 undergraduates, 122 from the school of continuing education, 163 from the graduate school, and 298 graduating with honors.

But most importantly a graduating class representing 41 states and 24 foreign countries.

Providence College is rich in tradition and heritage. It is small enough to be personal, large enough to be powerful."

So what better than to invite the first woman Surgeon General of this land to share some thoughts with you on your graduation day—my office is like your University, small but powerful in messages and responsibilities.

Since becoming Surgeon General I have travelled to many cities and countries, and I have met many people. I have met the brightest and the most fortunate—and I have met many others who are less fortunate and lack even the most basic of necessities.

But the one key fact that continues to ring true is that each one of us in spite of the odds, has a most wonderful opportunity to make a difference. As new college graduates, that point is especially true for you today.

Whether or not each one of you will reach the pinnacle of success in your personal path or professional lives, is a relative matter, shaped by internal and external influences throughout your lives, and the goals that you have set for yourselves. Setting your goals is extremely important. After all, if you don't know where you're going, you're already there.

Set your goals high, but plan realistically and thoughtfully. Dare to reach for the stars, but remember that while getting there is important, how you get there matters most. Remember that even failure can be a useful experience, because there are things you will learn along the way that will shape your life.

That is why, it is such a joy for me to join you today in celebrating this outstanding institution and to share your pride in these fine young men and women who will now carry your legacy into the future—your graduating class of 1992.

I stand before you today to do three things: to congratulate you, to counsel you, and to challenge you.

Congratulations. Today marks both an end and a beginning for you. It is the end of your student life—a time when your efforts and responsibilities were wholly concentrated on your studies. It is also the beginning of your life as an educated, responsible adult citizen.

A beginning. Your education, like life itself, is a journey, not a destination.

Many of you will proceed to advanced education. Some of you will continue your education outside of an academic setting. You have been well prepared to tackle anything by this College and its distinguished faculty.

Your parents, instructors, and peers have helped to shape your aspirations, and this wonderful institution has provided you with the means to get there. However, let me say to you, do not get overly comfortable or complacent in your position.

Think about it. After four years of all-night cramming for exams, much of what you've learned will soon be obsolete. Have no fear. You have learned to learn. You can and must continue to do so.

It troubles me that so much of higher education must be spent in the drudgery of memorizing facts and dates—and so little time spent on such things that would fall under the umbrella of pure common sense.

Now, facts are necessary. They are the building blocks of our knowledge. Without them, judgment is impossible, honesty is irrelevant, and compassion is fraudulent . . . but facts change.

Consider that five years from today, most of the science and technology you have learned so far will have changed dramatically. Even worse, in 10 years you probably won't remember more than 10% of all the facts you have had crammed into your heads. So start practicing a healthy skepticism, because so much of what you have been taught, while accurate or accepted now, may not stand the test of time.

So then, what is the true purpose of your education? Not the accumulation of facts that have been given to you. Something much more precious: A habit of mind, a philosophy of life, a way of being.

Cherish this gift. It is what will set you apart, give you dignity, and make your life precious not only to you but to the others you meet. It is important that you continue to question, to challenge ideas, to test new ones, for this is truly how we learn and how life advances.

Socrates said that if he was wiser than all the rest of Ancient Greece, it was only because he knew what he didn't know.

That is why I prefer to evaluate people not so much on the answers they give, but on the questions they ask.

Dear graduates, the decades ahead will be filled with societal and technological changes that will challenge the best among you. And for some of the challenges you will not be prepared. In fact, none of us here will be prepared.

No matter what career path you choose, you will be at the center of ever more complex questions. Dealing with such questions will require that you maintain your curiosity and continue to study arts, science and technology, balanced by a lifelong interest in the humanities and compassion for our fellow human beings.

As I said before, you are embarking on a journey that literally has no destination—except that you do your very best on behalf of your society and your fellow man.

Ten years from now, our society will require understanding of technological developments coupled with sensitivity to humane and ethical issues of life. Some of these issues will not directly affect you, but they affect your friends and families. You will be one of the problem solvers.

The number of people trained to speak out to teach, to clarify and to advise the community on increasingly complicated issues is decreasing. Consequently, the demands on each one of you to be knowledgeable on the issues of the day will be great, no matter what career path you take.

All of this will occur at a time when the gap between the so called educated and lay person is ever-widening. Therefore, no matter what path you choose, you will be forced to be guide, voice, adviser, and you will be one with considerable power in your community. Cherish that trust.

So, I congratulate you on this your graduation day. By all means do accept the responsibilities given to educated men and women.

Now for my counsel. Your chosen path will be what you make it, what you think of it, and what you aspire for it to be.

I want you to dream to reach, and to be prepared for opportunities that will surely come to you.

It also helps, of course, to be lucky but, I'll tell you another secret. For me luck is when preparation meets opportunity. Therefore, the harder you'll work I assure you, the luckier you will be.

We must remember that our work defines us as human beings. As it has been said, "much of the good and the bad you will ever do in this world will come through your work."

How will you view it? Robert Bella, in Habits of the Heart describes three types of work: First, there's the job, where the goal is simply making money and supporting your family.

Then there's the career, where you trace your progress through various appointments and achievements. Finally, there's the calling, the ideal blending of activity and character that makes work inseparable from life.

My young friends, I hope you are not just looking for a job. I hope you are not just planning a career. I hope each and everyone of you has a calling—a calling true to yourself, and true to your heartfelt aspirations.

I know that you will do well. Your teachers have seen to that. But I pray you will do good.

A word of caution, dear friends, from one who sat in your seat a number of years ago, the world owes us nothing. To expect the world to treat you fairly because you're a good person and a graduate of this college is like expecting a raging bull not to charge you because you're a vegetation.

Do not wait for anyone to direct you on what you can do for yourself and above all remember it is not what you say but how you perform.

The road to success has no short cuts or fast lanes. Do not take anything for granted. Be persistent, have initiative and pay attention to detail. There can be no eluding your responsibility to give something back to the community and to thank all those who helped to make it possible for you to graduate today.

So work hard, and avoid Kuschner's pillars of despair: complacency, mediocrity, and indifference. And beware those enemies of tranquility: avarice, ambition, envy, anger, and pride.

Will you strive to be happy in your work? I hope so. But how will you do it? Riches, fame, and power will not make you happy or sleep better at night. In fact, the happiest people I know are those who go about their everyday lives—doing good things for other people—without asking what's in it for me?

We must remember that service is the rent you pay for living. Not when you have reached your life's goal, but while working toward achieving it.

My friends, there is a spiritual vacuum in America's society today. There is too much what can I get, rather than what can I give. We are in need of a little more heart, a little more brotherhood, less personal greed, more personal good, more service to others.

Your chosen professions, you see, offer many paths to happiness. But I caution you not to be simply good at your chosen profession—first and foremost, be good men and good women. Remember, you can get all A's and still flunk at life.

There will be times when competing demands on your life may not let you find out who you really are. But my friends never for a moment think that life heavy on demands and low in reweards is not worth living. Never give up. All in life is not about winning. Do not be afraid of failure or criticisms. Whast matters is getting up, not how many times you fall. Whenever you get to your wits end, that is where God lives, and that is the time the tide will turn and you will see the light.

So, do not forget to put balance in your lives: family, friends, leisure times, hobbies, social causes, volunteerism, and religion. Only by maintaining your own health—physical, mental, and spiritual—will you be able to make a difference in the lives of others.

Now, the challenges:

All of us will be living in a much different world in the very near future.

In a country of 250 million people, with more than 15 percent of our population African-American, more than 10 percent Hispanic, almost one-in-five of our citizens being under 12 years of age, and more than one-in-ten over 65, we definitely need to recognize that our personal roles will have to change in order to accommodate the shifts in demographics and the needs of the emerging communities.

All of us must consider the reality of this new society and develop culturally sensitive, and culturally responsible practices.

The educated person of the future must work to become skilled in areas that might not have been emphasized in their curriculum. They must work in places they never thought to find themselves in, and they must care for and work with people they may never have dreamed existed.

In my professional field of medicine, for example, many studies have shown that early detection, intervention, immunization, and behavior change could significantly reduce many of the leading causes of death and disability. You will find similar challenges in each of your fields.

It is estimated that we could eliminate 45 percent of deaths from cardiovascular disease, 23 percent of deaths from cancer and more than 50 percent of the disabling complications of diabetes by adopting new and healthier lifestyles.

Still another challenge deals with children: your own and the children in your community. It cannot be denied that the *overall* health profile of American children has improved dramatically during this century. Childhood diseases that struck terror in the hearts of parents—such as polio, diphtheria and scarlet fever—have been virtually eradicated through improved public health measures.

But like a picture-perfect apple with a worm inside, dramatic *disparities* lurk beneath the surface of this rosy picture of progress. And we need to start addressing them.

Every 8 seconds a child drops out, every 26 seconds a child runs away, every 13 seconds a child is abused, every 64 seconds a teenager has a baby, every 7 minutes a minor is arrested for drug offense and every 53 minutes a child dies of the effects of poverty.

Far too many of our children are succumbing to the weight of poverty and the modern scourges brought on by substance abuse, AIDS, abandonment, despair and neglect.

These disparities today are as devastating as the epidemics of yesterday. To address them we must be flexible but quick remembering that money alone will not keep them safe. Children do what we do, not what we tell them to do. So let us teach them by example.

I want to share with you now the challenge that has become very personal to me during my career not only as a physician, but now as the Surgeon General, and that is the issue of AIDS!

Never think for a moment that you will pass unaffected by AIDS. It will affect all our communities, our lives, our health care system, in short our entire society.

No other public health problem in modern history has had the impact that AIDS has had upon our society. While many of us in the health professions had hoped early on that AIDS would simply fade away, or be rapidly contained, we are now finding ourselves faced with the grim reality of the second decade of AIDS.

For the year 2000, the WHO projects that there will be a cumulative total of about 40 million HIV infections in men, women and children.

And by the end of the decade, it is expected that more than 10 million children will be orphaned as their mothers or both parents die of AIDS.

Ten million orphaned children, sadly, will have to bear the stigma of the disease, even if they escape the virus. With increasing heterosexual transmission of the AIDS virus, the HIV epidemic our society faces will be the greatest medical challenge of our time.

The urgency of reaching large numbers of persons in our communities who are not yet infected, but may be at high risk, will increasingly be a major challenge for all of us whether as individuals or as health professionals.

I urge you to remember that behind the statistics of AIDS, there are human beings in need of our compassion and care.

Still another challenge for the future is the issue of violence.

All of us are used to thinking that the issue of violence is the providence of other groups—the police, the courts, politicians, the media, the church. I would suggest however, that this thinking needs revision.

Violence in this country is one subject that we know will not simply go away because we wish it to. It permeates every corner of our land—it destroys our cities, it destroys our communities, and it destroys our families.

Certainly the recent calamity in Los Angeles must stand as a grim reminder that America is at war at home. We seem to have lost our sense of what is really important to people. We as a society, must search for new solutions to preserve the unique vision of our great nation. If we are to remain a beacon to the world, of freedom, justice and equal opportunity, we must first deliver on that promise to our own citizens.

Young people, particularly those who are poor or who are members of minority groups, who have been excluded from many of the opportunities that this country offers, are at the highest risk of violence.

We could debate whether it is poverty or race that so intensifies patterns of morbidity and mortality, that so darkens the picture for violence, but at this point in time, suffice it to say that this country simply must stop accepting violence as a way of life.

Violence is legitimately a public health issue, and will be both your challenge and mine. We must stop the violence by eliminating its causes at their very roots.

Another challenge: Access to care. It is well known that in many areas of our country, particularly in some rural areas and in economically-deteriorating urban areas, an inadequate supply of medical personnel and insurance coverage, makes for an underserved group of people.

Access to care in these places is usually denied for very simple reasons: No one is there to provide it, or no one can afford it, or no one knows how to go about obtaining it.

In the final analysis, we must care for all Americans. Our superb level of medicine must be available to all who need it—be they a Puerto Rican living in New York or on the Island, a homesteader in Alaska, a baby with AIDS in a boarder's ward in Los Angeles, a farmer in Iowa, a family on a far-flung island of Hawaii, a shipbuilder in Rhode Island, or a banker on Wall Street.

The biggest challenge for the future is to create a true "under one roof, comprehensive, family based, community centered" high quality health care delivery system, one that is user friendly, and that is more than anything accessible, affordable, accountable, efficient and secure.

I am sure you can see that the challenges of tomorrow are many and formidable. But as I look out at the Class of 1992, I am encouraged. Sitting before me I see our new generation of lawyers to be, teachers, researchers, health care workers, communicators, business administrators, and public policy makers. I believe you are ready to meet the challenges that lie in wait for you.

Today you stand on the shoulders of the faculty of this school. Just as they stood on the shoulders of colleagues who went before them and just as others one day will stand on your shoulders. An unbroken chain of academic excellence.

Yes, this is your day. But it is also a proud day for your teachers and administration. Before they congratulate you, handing you, the diploma, I invite you to congratulate and thank them. I invite you now, as new graduates, to begin the lifelong habit of giving something back to your community. Please stand, turn around and give a heartfelt burst of applause to your alma mater and your parents, those whose hard work, sacrifice, and love have brought you to this day.

The late Joseph Campbell advised that to live well, you should follow your bliss."

I invite you now to follow your bliss wherever it leads. You are the best and the brightest.

We are very proud of you. Make us prouder still.

And now I charge you to go out into this world with celebration and great joy. Have courage. Hold on to what is good. Do more than I asked of you. In doing so, do not lose your sense of who you really are, what your roots are, who helped you in getting to this point, and most importantly, do not forget the impact of this institution in molding your life and professional future.

Providence College graduates of the Class of 1992—may you think clearly, act decisively, and care tenderly.

Thank you very much and God Bless you.

DEMOCRACY IN TAIWAN AND HONG KONG

Mr. BOREN. Mr. President, I have recently returned from a trip to Taiwan, along with my friend, the Chairman of the Foreign Relations Committee, Senator PELL. I rise today to speak briefly about my impressions from that trip.

I believe the government of President Lee Teng-Hui and Premier Hau Pei-Tsun deserves great credit for the movement toward greater democracy in Taiwan over the past several years. Since 1987, when martial law was lifted, there has been a steady, if sometimes controversial, process of political liberalization in Taiwan. Last December, for the first time, every seat in the National Assembly was opened to popular elections. The opposition Democratic Progressive Party captured 66 out of 325 seats, running on a platform advocating independence for Taiwan. This is a position which had been tantamount to sedition just 5 years ago. By the end of 1992, all remaining restrictions on political debate will hopefully have been lifted.

President Lee understands that there is more to democratization than the ringing rhetoric of public rallies. Building democracy requires thoughtful leadership. It requires a sense of proportion, purpose, and careful planning. Now, as the National Assembly begins to revise the constitution and to consider the merits of direct presidential elections, it is clear that Taiwan is committed to democratization. On the eve of the 2-year anniversary of President Lee's inauguration, I congratulate him.

The lesson from Taiwan is simple, Mr. President: Economic growth and political freedom must go hand in hand. The marketplace liberties which have fueled Taiwan's spectacular economic growth are of a piece with the civil liberties which are at the core of any healthy democracy. Taiwan's governing party, the Kuomingtang, recognized this reality in 1987 and embarked on a deliberate and well-conceived course to wider political participation. As other Asian countries experience similar economic success, they would do well to heed this lesson.

In particular, I hope the ruling elites in Beijing will face up to this lesson as they proceed with more market experiments in southern China.

Mr. President, while in Asia, I was also able to visit Hong Kong. I was struck immediately by the intensity of activity in the city and the appearance that people there were concerned almost exclusively with commerce and profits. During my visit, however, I was fortunate to meet with Mr. Martin Lee, the dedicated leader of the forces of democracy in Hong Kong. His party captured 17 out of the 18 Legislative Council seats opened to free elections last year, indicating that the people of Hong Kong do indeed care about more than money making. But he is having a tough time, Mr. President. It appears that powerful interests in both Hong Kong and Beijing have a mutual interest in limiting the influence of people like Martin Lee.

These interests would like to see that political freedoms do not interrupt good business deals. They would like the people of Hong Kong to work hard and increase output—but to be silent and passive.

I believe the United States should make its principles clear here, Mr. President. There is so much promise for democracy in Asia. As the British prepare to withdraw from Hong Kong, who else can provide moral leadership but the United States? Who else will reassure the citizens of Hong Kong—citizens who came out by the millions during the Tiananmen crisis—that they will not be forgotten? The United States should articulate its support for democracy in Hong Kong, and its expectation that political freedoms will not be curtailed there when sovereignty shifts. To that end, I support and have cosponsored the bill offered by the Senator from Kentucky, which would preserve Hong Kong's current status under United States laws when the colony is returned to China.

We should also make it clear that we support the direct election of all members of the Legislative Council of Hong Kong prior to 1997. The people of Hong Kong, by voting for 17 of 18 candidates who advocated direct elections, sent a clear message that they favor such an approach. It is disappointing that the outgoing British Governor of Hong Kong appointed opponents of direct elections to nearly all of the remaining seats in the 60-member Council—essentially nullifying the will of the electorate. He also unwisely and unfairly excluded Mr. Lee from the Executive Council.

This accommodationist approach will not help Hong Kong in the long run. If the entire Legislative Council is elected prior to 1997, it will have legitimacy in the eyes of the world as a truly democratic institution. It will be much more difficult for the new Governor to stifle a democratically elected Council than an appointed Council which already does not speak for the majority.

The United States should make clear its deep disappointment to Prime Minister Major and express the hope that the newly appointed Governor, Chris Patten, will follow a different course. I would add that Mr. Patten is an excellent choice for this critical time in Hong Kong. I have had the privilege of knowing him since our days together at Oxford University. He is a person of great ability and personal conviction.

The bottom line, Mr. President, is that economic freedom and political repression can not coexist over the long term. One necessarily erodes the foundation for the other.

With the end of the cold war, it is true, Mr. President, that America must gird itself for more fierce trade competition. I have spoken often about the need to turn our attention from military to economic strength. But I believe there are greater principles than just buying and selling. America represents more than that. In Taiwan, in Hong Kong, and across the globe, the United States has a unique responsibility to encourage the forces of responsible democracy.

Let us not forget that—and let us not let others forget it either.

TELEMARKETING

Mr. PRESSLER. Mr. President, on April 10, 1992, the Federal Communications Commission [FCC] issued a Notice of Proposed Rulemaking [NPRM] to carry out the Telephone Consumer Protection Act of 1991. Last year I worked closely with Chairman ED MARKEY on the House side and with my chairman of the Senate Commerce Committee, Senator ERNEST HOLLINGS, to craft legislation to give consumers protection from the scourge of unrestricted telemarketing.

The legislation we worked together on passed both Houses of Congress unanimously. The intent of Congress was clear. Consumers should have the ability to choose not to receive telemarketing phone calls.

The FCC's current NPRM appears to ignore the abusive telemarketing practices Congress has tried to remedy through legislation. The clear intention of our legislation was to allow consumers to put an end to live operator phone calls. As I read this NPRM, it appears the FCC does not intend to fully implement our legislation. The direction this rulemaking is headed would gut our bill.

A national database with the names of consumers choosing not to receive telemarketing calls would be the most effective method of privacy protection. The FCC needs to recognize that the protection a national database would provide is the standard against which all other alternatives should be considered.

It is unbelievable that the current NPRM considers the option of imposing time of day restrictions to be equivalent in effectiveness to the creation of a national database.

Mr. President, I voiced these concerns with FCC Chairman Al Sikes just today. Chairman Sikes assured me that the FCC intends to promulgate tough regulations to carry out our legislation. I am pleased that Chairman Sikes shares my concern.

I will be closely monitoring this proceeding to ensure that the bureaucratic interpretation of this legislation does not water down our intention to provide consumers with relief from telemarketers. If it appears that this proceeding will not provide the expected relief I will offer an even tougher telemarketing bill.

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. McCathran, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations and a treaty which were referred to the appropriate committees.

(The nominations and treaty received today are printed at the end of the Senate proceedings.)

MESSAGES FROM THE HOUSE

At 2:16 p.m., a message from the House of Representatives, delivered by Ms. Goetz, one of its reading clerks, announced that the House has passed the following joint resolution, without amendment:

S.J. Res. 254. A joint resolution commending the New York Stock Exchange on the occasion of its bicentennial.

The message also announced that the House has passed the following bills, in which it requests the concurrence of the Senate:

H.R. 2039. An act to authorize appropriations for the Legal Services Corporation, and for other purposes;

H.R. 2056. An act to amend the Tariff Act of 1930 to require that subsidy information regarding vessels be provided upon entry within customs collection districts and to provide effective trade remedies under the countervailing and antidumping duty laws against foreign-built ships that are subsidized or dumped;

H.R. 4111. An act to amend the Small Business Act to provide additional loan assistance to small businesses, and for other purposes;

H.R. 4384. An act to amend title 5, United States Code, to provide that employees of the Veterans Health Administration excluded from subchapter II of chapter 75 of such title as a result of the enactment of Public Law 101–376 be restored to coverage under such subchapter, and for other purposes; and

H.R. 5132. An act making dire emergency supplemental appropriations for disaster assistance to meet urgent needs because of calamities such as those which occurred in Los Angeles and Chicago, for the fiscal year ending September 30, 1992, and for other purposes.

The message further announced that pursuant to the provisions of section 203(b)(1)(G) of Public Law 102–166, the majority leader and the minority leader appoint the following Members to serve as members of the Glass Ceiling Committee on the part of the House: Mrs. LOWEY of New York, and Ms. MOLINARI.

MEASURES REFERRED

The following bills were read the first and second times, and referred as indicated:

H.R. 2056. An act to amend the Tariff Act of 1930 to require that subsidy information regarding vessels be provided upon entry within customs collection districts and to provide effective trade remedies under the countervailing and antidumping duty laws against foreign-built ships that are subsidized or dumped; to the Committee on Finance.

H.R. 4111. An act to amend the Small Business Act to provide additional loan assistance to small businesses, and for other purposes; to the Committee on Small Business.

H.R. 4384. An act to amend title 5, United States Code, to provide that employees of the Veterans Health Administration excluded from subchapter II of chapter 75 of such title as a result of the enactment of Public Law 101–376 be restored to coverage under such subchapter, and for other purposes; to the Committee on Governmental Affairs.

H.R. 5132. An act making dire emergency supplemental appropriations for disaster assistance to meet urgent needs because of calamities such as those which occurred in Los Angeles and Chicago, for the fiscal year ending September 30, 1992, and for other purposes; to the Committee on Appropriations.

MEASURES READ THE FIRST TIME

The following bill was read the first time:

H.R. 2039. An act to authorize appropriations for the Legal Services Corporation, and for other purposes.

ENROLLED BILL PRESENTED

The Secretary of the Senate reported that on today, May 19, 1992, he had presented to the President of the United States the following enrolled bill:

S. 838. An act to amend the Child Abuse Prevention and Treatment Act to revise and extend programs under such Act, and for other purposes.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, which were referred as indicated:

EC–3274. A communication from the President of the United States, transmitting, pursuant to law, a report, dated May 15, 1992, on the status of efforts to obtain compliance by Iraq with the resolutions adopted by the United Nations Security Council; to the Committee on Foreign Relations.

EC–3275. A communication from the Archivist of the United States, transmitting, pursuant to law, a list and copies of resolutions of ratification of States of the Union whose legislatures have ratified the article of amendment to the Constitution relating to the compensation of Members of Congress; to the Committee on the Judiciary.

EC–3276. A communication from the Secretary of the Senate, transmitting, pursuant to law, a full and complete statement of the receipts and expenditures of the Senate, showing in detail the items of expense under proper appropriations, the aggregate thereof, and exhibiting the exact condition of all public moneys received, paid out, and remaining in his possession from October 1, 1991 through March 31, 1992; ordered to lie on the table.

REPORTS OF COMMITTEES SUBMITTED DURING RECESS

Under the authority of the order of the Senate of May 14, 1992, the following reports of committees were submitted on May 15, 1992:

By Mr. RIEGLE, from the Committee on Banking, Housing, and Urban Affairs, without amendment:

S. 2733: An original bill to improve the regulation of Government-sponsored enterprises (Rept. No. 102–282).

By Mr. BURDICK, from the Committee on Environment and Public Works, without amendment:

S. 2734: An original bill to provide for the conservation and development of water and related resources, to authorize the United States Army Corps of Engineers civil works program to construct various projects for improvements to the Nation's infrastructure, and for other purposes (Rept. No. 102–283.)

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. BYRD, from the Committee on Appropriations, with amendments:

H.R. 5132. A bill making dire emergency supplemental appropriations for disaster assistance to meet urgent needs because of calamities such as those which occurred in Los Angeles and Chicago, for the fiscal year ending September 30, 1992, and for other purposes.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second time by unanimous consent, and referred as indicated:

By Mr. JOHNSTON (for himself, Mr. BREAUX, Mr. SHELBY, Mr. HEFLIN, Mr. COCHRAN, and Mr. HELMS):

S. 2735. A bill to establish a national research program to improve the production and marketing of sweetpotatoes and increase the consumption and use of sweetpotatoes by domestic and foreign consumers; to the Committee on Agriculture, Nutrition, and Forestry.

By Mr. LIEBERMAN (for himself and Mr. DODD):

S. 2736. A bill to prohibit the Secretary of Health and Human Services from taking any action with respect to certain alleged violations of the requirements of title IV of the Social Security Act; to the Committee on Veterans' Affairs.

By Mr. CRANSTON (by request):

S. 2737. A bill to amend title 38, United States Code, to consolidate the accounts used to fund the housing loan programs for veterans, and for other purposes; to the Committee on Veterans Affairs.

S. 2738. A bill to amend title 38, United States Code, to make certain improvements in the educational assistance programs for veterans and eligible persons, and for other purposes; to the Committee on Veterans' Affairs.

By Mr. DURENBERGER:

S. 2739. A bill to extend the existing suspension of duty on certain in line roller skate boots; to the Committee on Finance.

By Mr. CRANSTON (for himself, Mr. DECONCINI, Mr. ROCKEFELLER, Mr. GRAHAM, and Mr. AKAKA):

S. 2740. A bill to amend title 38, United States Code, to revise and improve the provision and evaluation of preventive health services by the Department of Veterans Affairs, and for other purposes; to the Committee on Veterans Affairs.

By Mr. SMITH (for himself, Mr. GRAHAM, and Mr. RUDMAN):

S. 2741. A bill to provide for the taxation of real property forfeited to the Department of Justice prior to the seizure of such property; to the Committee on Finance.

By Mr. BREAUX (for himself and Mr. BOREN):

S. 2742. A bill to establish a voluntary national system of occupational certification and to encourage the formation of youth skills training and education partnerships; to the Committee on Finance.

By Mr. McCAIN (for himself and Mr. THURMOND):

S. J. Res. 307. A joint resolution designating the month of July 1992 as "National Muscular Dystrophy Awareness Month"; to the Committee on the Judiciary.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. BYRD (for himself, Mr. MITCHELL, Mr. GRASSLEY, Mr. DOLE, Mr. BOREN, Mr. STEVENS, and Mr. THURMOND):

S. Res. 298. A resolution declaring an article of amendment to be the Twenty-seventh Amendment to the Constitution of the United States; ordered held at the desk.

By Mr. CRANSTON (for himself, Mr. PELL, Mr. HELMS, Mr. ROBB, Mr. KENNEDY, Mr. SIMON, Mr. SASSER, Mr. DODD, Mr. WOFFORD, Mr. KERRY, Mr. LEVIN, Mr. BIDEN, Mr. MOYNIHAN, Mr. JEFFORDS, Mr. MCCAIN, Mr. DIXON, Mr. RIEGLE, Mr. SARBANES, Mr. BUMPERS, Mrs. KASSEBAUM, Mr. SANFORD, Mr. KOHL, Mr. LUGAR, Mr. KERREY, and Mr. MITCHELL):

S. Res. 299. A resolution expressing condemnation of the repression of democracy and human rights in the Kingdom of Thailand; considered and agreed to.

By Mr. DECONCINI (for himself, Mr. GORE, and Mr. D'AMATO):

S. Res. 300. A resolution relating to suspension of assistance and cooperative programs with the former Yugoslavia; to the Committee on Foreign Relations.

By Mr. BYRD (for himself, Mr. MITCHELL, Mr. GRASSLEY, Mr. DOLE, Mr. BOREN, Mr. STEVENS, and Mr. THURMOND):

S. Con. Res. 120. A concurrent resolution declaring an article of amendment to be the Twenty-seventh Amendment to the Constitution of the United States; ordered held at the desk.

By Mr. BYRD:

S. Con. Res. 121. A concurrent resolution declaring the time for ratification to have lapsed for four proposed articles of amendment to the Constitution of the United States; to the Committee on the Judiciary.

By Mr. PELL:

S. Con. Res. 122. A concurrent resolution recognizing the 50th anniversary of the Battle of the Coral Sea, paying tribute to the United States-Australian relationship, and reaffirming the importance of cooperation between the United States and Australia within the region; to the Committee on Foreign Relations.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. JOHNSTON (for himself, Mr. BREAUX, Mr. SHELBY, Mr. HEFLIN, Mr. COCHRAN, and Mr. HELMS):

S. 2735. A bill to establish a national research program to improve the production and marketing of sweetpotatoes and increase the consumption and use of sweetpotatoes by domestic and foreign consumers; to the Committee on Agriculture, Nutrition, and Forestry.

NATIONAL SWEETPOTATO RESEARCH PROGRAM

• Mr. JOHNSTON. Mr. President, I rise today, to introduce legislation that will have a significant and far-reaching impact on the sweetpotato industry in this country, and that will also be of great benefit to domestic and foreign consumers of sweetpotatoes, who as a result of this bill will enjoy sweetpotatoes that are more nutritious, better grown, and more efficiently processed and brought to market.

As my colleagues from sweetpotato-producing States know, sweetpotatoes are not only delicious but highly nutritious, ranking third among vegetables in total nutritional value. Furthermore, U.S. production of sweetpotatoes is a $300 million industry. This bill would benefit that industry, as well as sweetpotato consumers, by establishing a National Sweetpotato Research Program to be implemented by the Agricultural Research Service, which would issue research grants on a competitive basis to land-grant colleges and institutions throughout the country.

The research sponsored through the program would focus on six major areas, each critically important to the future of the sweetpotato industry. Areas targeted for research include crop disease and pest resistance, environmentally compatible management technologies, integrated crop management, environmentally responsible chemical usage, and technology for better and more efficient harvesting, grading, storage and processing of sweetpotatoes.

I wholeheartedly urge my colleagues to support this legislation. It will not only prove beneficial to producers and consumers of sweetpotatoes, but also aid the American agricultural support industry as a whole by working to expand further the already growing market for sweetpotatoes.•

By Mr. LIEBERMAN (for himself and Mr. DODD):

S. 2736. A bill to prohibit the Secretary of Health and Human Services from taking any action with respect to certain alleged violations of the requirements of title IV of the Social Security Act; to the Committee on Finance.

RELIEF UNDER TITLE IV OF THE SOCIAL SECURITY ACT

Mr. LIEBERMAN. Mr. President, in a little more than 3 years in this Chamber, I never introduced a special relief bill on behalf of a constituent. Until now.

I hope that, when my colleagues hear about the circumstances facing Sandra Rosado and her family in New Haven, CT, they will agree special relief is needed, and will join me as a cosponsor of this legislation.

Sandra Rosado's family, which consists of her mother, Cecilia Mercado, and seven brothers and sisters, has been on welfare for the past 12 years. Sandra dreamed of furthering her education so she could escape the poverty that surrounds her. So she found work at a neighborhood community center, helping run an after-school basketball program and operating a small candy store.

By working hard and saving every penny she could scrape together, Sandra built up $4,964.11, which she intended to use for a college education. Her brother Angel, inspired by her example, also found a job and saved nearly $1,000 for college.

But the State government found out about the savings accounts of these teenagers during an audit, and Cecilia Mercado was told that Sandra and Angel would have to spend the money they saved, because families receiving Aid to Families with Dependent Children payments could not have more than $1,000 in savings.

So Sandra had to spend her hard-earned savings on clothes, jewelry, and all the other things she intentionally had forgone in pursuit of her dream of a college education, and a better life.

As if that was not bad enough, then came the real kicker: a bill arrived for Cecilia Mercado from the State demanding that she pay the State $9,342 in penalties. That figure represents the welfare payments the family received during the time Sandra and Angel had accumulated their savings. Ms. Mercado found legal assistance and challenged the State's order. She won initially, but last week the State won on appeal to the State supreme court, which ruled that Ms. Mercado, who remains poor, must pay the penalty.

The ruling that requires Cecilia Mercado to pay the State nearly $10,000 because her daughter and son were saving money for college may be based on the law, but it certainly is not fair. This outrageous situation highlights what is wrong with the welfare system. Too often welfare rules discourage work and destroy families. Recipients lose not just the power to succeed but the will to succeed, and so remain dependent on poor from generation to generation. We have given them no investment in our system. Welfare must be reformed to reflect our society's most important and effective values. Opportunity must be afforded, and hard work rewarded, families strengthened. Poor people must be empowered instead of enslaved, as they too often are by the current welfare system.

I am working on legislation that would allow and encourage families on welfare to find work and to save for such worthwhile goals as higher education, or a downpayment on a house. We must change the system to give people a chance to do what they really want to do: to improve their lives, to make a break from the cycle of poverty that oppresses them.

Sandra Rosado wants to make that break. But welfare reform legislation will not help her family avoid the nearly $10,000 bill that the government says they owe—the same government that advised her to spend the money she had saved for college on clothes and jewelry instead. That is why this gross inequity requires special relief legislation, which would direct the Federal Department of Health and Human Services to waive the family's penalty in this case.

I am asking my colleagues to help me pass this bill because it will correct one terrible injustice, and because it will drive home the point that existing welfare rules make no sense.

And, by giving Sandra Rosado and her family justice in their case, we can send a message that change is in the wind, so more young people like Sandra Rosado around the country will be given the incentive to work hard, save, further their education, and find the quality of life that is the essence of the American Dream.

There may be others like Sandra Rosado, driven by the desire to improve their lives, who have worked tirelessly to save a few dollars, unknowingly breaking the welfare rules in the process. And, tragically, there are probably many other young people who share Sandra Rosado's desire, but who know all too well that their work will not be rewarded. If welfare rules will not allow them to save for their future, their desire to work, which government ought to be encouraging, is crushed, and that is why this special bill is necessary and why I hope we will also join together to reform too many of the existing rules of welfare which gives too few of the people on welfare an investment in our system.

Mr. President, Sandra Rosado's story is eloquently portrayed in a page one article in the New York Times from last Friday, May 15. I ask unanimous consent that the text of this article and the text of the bill be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 2736

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, Notwithstanding any other provision of law, the Secretary of Health and Human Services shall not take any action, including the imposition of any penalty or collection of any funds, with respect to any alleged violation of the requirements of title IV of the Social Security Act at issue in *Mercado v. Department of Income Maintenance,* decided May 12, 1992, by the Connecticut Supreme Court, Docket #14388.

[From the New York Times, May 13, 1992]

WELFARE'S LIMIT ON SAVINGS FOILS ONE BID TO BREAK CYCLE

(By Constance L. Hays)

NEW HAVEN.—Working part time at a community center, Sandra Rosado saved $4,900 to go to college and to escape the web of welfare that is all her family has known since they moved here 12 years ago.

But her thrift and industry have led to a bureaucratic nightmare for Miss Rosado and her family. First state officials, who discovered her savings account, told her mother to spend the money so the family could remain eligible for the Aid to Families with Dependent Children program. Then Federal authorities ordered the mother, Cecilia Mercado, to repay $4,342 in benefits she received while her daughter's money was in the bank.

The case, which has been in and out of state courts as Mrs. Mercado challenged the order, highlights what critics across the political spectrum say is a major flaw in American social policy toward the poor—a rule that limits a welfare family's assets.

Under Federal law, people who receive assistance under the Aid to Families with Dependent Children program become ineligible if their assets exceed $1,000. Such assets include property, like cars, and children's bank accounts.

"The rationale is that the public shouldn't be supporting families that have their own resources," said Michael Sherraden, an associate professor of social work at Washington University in St. Louis, whose 1991 book, "Assets and the Poor," has been cited by Housing Secretary Jack Kemp and others seeking new ways to alleviate poverty. "But it's a very short-sighted policy. Savings are the way that families get out of poverty. So this policy doesn't make much sense."

Mr. DODD. Mr. President, I rise today in support of legislation that would alleviate an injustice that capsulizes everything that is wrong with our welfare system today. When we have a system that chokes off initiative and stifles hope, all in the name of keeping tight rein on welfare recipients, then we have gone down the wrong road. If we truly value work and education, if we truly see them as the way out of welfare dependency, then we have to build a system that signals these values—not one that places roadblocks in the way of young people who want a better life.

Sandra Rosado, who lives in New Haven, CT, is a responsible young woman, as full of initiative as she is of dreams of a better future. Sandra's family received assistance from the Aid to Families with Dependent Children [AFDC] Program, but Sandra wanted a different life for herself. So, while she attended high school, she got a job as well. She took the money she earned and put it in a savings account. Those savings were to be the means of fulfilling her dream of being the first in her family to attend college. She encouraged her younger brother to do the same. Who in this body would argue that this is not exactly the kind of behavior we want to encourage if we are to avoid welfare dependency?

Over a decade ago, when Ronald Reagan swept into office promising to slash welfare expenditures, the Omnibus Budget Resolution Act of 1981 made it Federal policy to discourage initiative such as Sandra's. I am glad to say that I was one of only 14 Senators who voted against that juggernaut of a bill. Among other things, it reduced to $1,000 the amount of assets AFDC families could have and still qualify for benefits. In 1992, Sandra Rosado's savings of almost $5,000 obviously far exceeded that amount. When the State welfare officials found out, they had no choice but to take action against the family. Sandra's family now owes over $9,000 in welfare benefits the law says it didn't deserve.

Today, my colleague from Connecticut, Senator LIEBERMAN, and I are introducing a special relief bill to remedy that situation for Sandra Rosado's family. It would ensure that the family is not liable for AFDC payments received while Sandra and her brother, unbeknownst to their mother, were creating a nest egg for their future. I hope our Senate colleagues will see fit to help reverse what can only be viewed as a terrible injustice. I should emphasize that officials at the Connecticut Department of Income Maintenance concur with the need to right this wrong. Their hands have been tied, however, by the letter of the law.

But our hands are not tied, Mr. President, and it is time for us to get our message about welfare straight. We ought to be saying that staying in school and doing well will be rewarded. We ought to be saying that working hard for a dream is a trait we value. But instead we are signaling that hard work is futile and nothing is so important as making sure a poor family doesn't get too much in benefits. We hear a lot of rhetoric about a lack of initiative on the part of the poor. But our policies say that it is better for young people who work to spend their earnings on clothes and perfume than to save for the education that could be their ticket out of poverty. In essence, we are saying that while we abhor prolonged welfare dependency and don't want to create a cycle of dependency, we're going to make it as hard as we can for families to escape.

As chairman of the Subcommittee on Children, Family, Drugs, and Alcoholism, I have held a series of hearings in this Congress on the state of the American family and the struggles of families to provide for their children. The disincentives to work built into our welfare system, together with the lack of support for families who do work, are major barriers for families seeking to make a better life for their children.

The case of Sandra Rosado crystallizes the need to take a hard look at how Federal policy addresses the needs of poor children and families. We have to look first within our welfare system and see that, although it may not actually cause dependency, it certainly doesn't do much to help people get off. We also have to look outside the system and recognize that we give working families very little support—which makes it all the more difficult for a family with marginal earnings capacity to make the break with welfare.

Sandra Rosado's story already has one happy ending. She was able to win a scholarship and is now attending college. But many other children remain, children for whom hopes already dimmed by poverty are even more diminished by policies that discourage them from taking any initiative.

Three levels of action are needed, Mr. President. First, we have to eliminate the possibility that Sandra Rosado's family will be penalized because she wanted to go to college and wasn't going to bank on someone else making that possible. The special relief bill that we are introducing would do that. In addition, in an effort to find a speedy solution for this particular case, I have written to Jo Anne Barnhart, Assistant Secretary for the Administration for Children and Families, asking for her help in allowing the State of Connecticut to forego recoupment of welfare payments in the case of Sandra Rosado's family.

Second, we have to make sure that other young people don't have their hopes of continuing their education dashed because their families are not allowed to accumulate assets. I plan to make every effort to move legislation to accomplish that objective.

But frankly, Mr. President, tinkering with the treatment of assets is just a tiny part of the solution. Ultimately, we have to take a broader look at how our current welfare system views work and search for creative answers, both for families who must turn to public assistance and for working families who, despite their efforts, are on the bottom rung of the economic ladder. The Democratic Task Force on Welfare Reform, which was established by the distinguished majority leader and of which I am a member, is exploring these questions. I believe that legislation such as the Child Care and Development Block Grant, on which I worked for many years, and the Family Support Act, which emphasized education and training in preparation for leaving welfare, has laid the groundwork for the kind of support families need. I hope my colleagues will help us take the first step by supporting the legislation we are proposing.

By Mr. CRANSTON (by request):

S. 2737. A bill to amend title 38, United States Code, to consolidate the accounts used to fund the housing loan program for veterans, and for other purposes; to the Committee on Veterans' Affairs.

CONSOLIDATION OF ACCOUNTS USED TO FUND THE HOUSING LOAN PROGRAM

• Mr. CRANSTON. Mr. President, as chairman of the Veterans' Affairs Committee, I have today introduced, by request, S. 2737, a bill to amend title 38, United States Code, to consolidate the accounts that fund the housing loan programs for veterans. The Secretary of Veterans Affairs submitted this legislation by letter dated May 7, 1992, to the President of the Senate.

My introduction of this measure is in keeping with the policy which I have adopted of generally introducing—so that there will be specific bills to which my colleagues and others may direct their attention and comments—all administration-proposed draft legislation referred to the Veterans' Affairs Committee. Thus, I reserve the right to support or oppose the provisions of, as well as any amendment to, this legislation.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD at this point, together with the transmittal letter, and section-by-section analysis.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 2737

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That except as otherwise expressly provided, whenever in this Act an amendment or repeal is expressed in terms of an amendment or repeal of a section or other provision, the reference shall be considered to be made to a section or other provision of title 38, United States Code.

ACCOUNT CONSOLIDATION

SEC. 2. Subchapter III of chapter 37 is amended by:

(a) striking out sections 3723, 3724, and 3725 in their entirety; and

(b) inserting after section 3721 the following new section:

"§3722. Veterans Housing Loan Fund

"(a) There is hereby established in the Treasury of the United States a fund known as the Veterans Housing Loan Fund.

"(b) The Veterans Housing Loan Fund shall be available to the Secretary, without fiscal year limitation, for all housing loan operations under this chapter, consistent with the Federal Credit Reform Act of 1990.

"(c) There shall be deposited in the Veterans Housing Loan Fund:

"(1) All money as of September 30, 1992, in: (A) the revolving fund established by section 513 of the Servicemen's Readjustment Act of 1944; (B) the Loan Guaranty Revolving Fund established by section 7(a) of Public Law 86-665; and (C) the Guaranty and Indemnity Fund established by section 302(a)(1) of Public Law 101-237;

"(2) All money hereafter appropriated for such Fund;

"(3) All amounts received by the Secretary on or after October 1, 1992, as fees (A) collected under section 3729 of this title, or (B) any other provision of law or regulation established by the Secretary imposing fees on persons or other entities participating in the housing loan program under this chapter; and

"(4) All amounts received by the Secretary on or after October 1, 1992, incident to housing loan operations under this chapter including, but not limited to, collections of principal and interest, proceeds from the sale, rental, use, or other disposition of property acquired under this chapter, and proceeds from the sale of notes pursuant to section 3733(a)(3) of this title.".

CONFORMING AMENDMENTS

SEC. 3. (a) Section 3711(k) is amended by striking out "and section 3723 of this title" both places it appears.

(b) Section 3720(e) is amended by:

(1) striking out "(1)"; and

(2) striking out paragraph (2) in its entirety.

(c) Section 3727(c) is amended by:

(1) striking out "funds" and inserting in lieu thereof "fund";

(2) striking out "sections 3723 and 3724" and inserting in lieu thereof "section 3722"; and

(3) striking out "title, as applicable." and inserting in lieu thereof "title.".

(d) Section 3729(a)(1) is amended by striking out "(c)(1)" and inserting in lieu thereof "(c)".

(e) Section 3729(c) is amended by:

(1) striking out "(1)"; and

(2) striking out paragraphs (2) and (3) in their entirety.

(f) Section 3733(a)(6) is amended by:

(1) striking out "Loan Guaranty Revolving" and inserting in lieu thereof "Veterans Housing Loan"; and

(2) striking out "3724(a)" and inserting in lieu thereof "3722".

(g) Section 3733(e) is amended by:

(1) striking out "of——" and further striking out clauses (1) and (2), and inserting in lieu thereof "of the Veterans Housing Loan Fund established by section 3722 of this title, and"; and

(2) striking out "revolving" both places it appears following the text inserted by clause (1) of this subsection.

(h) Section 3734 is amended by:

(1) striking out in the catchline "Loan Guaranty Revolving Fund and the Guaranty

and Indemnity" and inserting in lieu thereof "Veterans Housing Loan";

(2) striking out in subsection (a)(1) "Loan Guaranty Revolving Fund and the Guaranty and Indemnity" and inserting in lieu thereof "Veterans Housing Loan";

(3) striking out in subsection (a)(2) "funds" and inserting in lieu thereof "fund";

(4) striking out in subsection (b) "each" and inserting in lieu thereof "the"; and

(5) striking out in paragraph (2) of subsection (b) subparagraphs (B), (C), and (D) in their entirety, and redesignating subparagraphs (E), (F), and (G), as (B), (C), and (D), respectively.

(i) Section 3735(a)(3)(A)(i) is amended by striking out "Loan Guaranty Revolving Fund and the Guaranty and Indemnity" and inserting in lieu thereof "Veterans Housing Loan".

(j) The table of sections for subchapter III of chapter 37 is amended by:

(1) striking out the items relating to sections 3722, 3723, 3724, and 3725 and inserting in lieu thereof:

"3722. Veterans Housing Loan Fund.
"[3723. Repealed.]
"[3724. Repealed.]
"[3725. Repealed.];" and

(2) striking out in the item relating to section 3734 "Loan Guaranty Revolving Fund and the Guaranty and Indemnity" and inserting in lieu thereof "Veterans Housing Loan".

EFFECTIVE DATE

SEC. 4. This Act shall take effect October 1, 1992.

SECTION-BY-SECTION ANALYSIS

SECTION 2—ACCOUNT CONSOLIDATION

Subsection (a) would repeal sections 3723, 3724, and 3725, which currently provide for the Direct Loan Revolving Fund (DLRF), the Loan Guaranty Revolving Fund (LGRF), and the Guaranty and Indemnity Fund (GIF), respectively. The LGRF currently funds all home loans guaranteed by VA prior to January 1, 1990, and all manufactured home loans guaranteed by VA regardless of date. The GIF funds all home loans guaranteed beginning calendar year 1990. The DLRF funds direct loans to veterans pursuant to section 3711. Under the statute, the funds did not pay the administrative expenses associated with operating those programs. That restriction, however, was superseded by the Federal Credit Reform Act of 1990, Pub. L. No. 101-508, §13201.

Subsection (b) would add a new section 3722, which would establish a new Veterans Housing Loan Fund in the Treasury of the United States (hereafter Fund). The Fund will provide financing for all VA housing loan operations, without fiscal year limitation, consistent with the Federal Credit Reform Act of 1990. In addition to appropriations, the Fund would receive all collections associated with the loan programs beginning October 1, 1992, including repayments of loans, proceeds of asset sales, and fees. In addition, the entire balance in the LGRF, GIF, and DLRF as of September 30, 1992, will be transferred to the Fund.

SECTION 3—CONFORMING AMENDMENTS

Subsections (a)–(j) would make conforming amendments to other provisions of chapter 37.

SECTION 4—EFFECTIVE DATE

Would make this bill effective October 1, 1992.

SECRETARY OF VETERANS AFFAIRS,
Washington, DC, May 7, 1992.

Hon. DAN QUAYLE,
President of the Senate,
Washington, DC.

DEAR MR. PRESIDENT: Transmitted herewith is a draft bill "To amend title 38, United States Code, to consolidate the accounts used to fund the housing loan programs for veterans, and for other purposes." This is one of the Administration's legislative proposals to implement the President's program. I request that this measure be referred to the appropriate committee and promptly enacted.

Currently, three funds exist in the Treasury of the United States to finance the housing loan programs of the Department of Veterans Affairs (VA). We are proposing to consolidate these into one new fund known as the Veterans Housing Loan Fund. Consolidating these funds will simplify recordkeeping and budgeting, and reduce accounting errors.

The enactment of the Federal Credit Reform Act in 1990 provided a uniform method for budgeting Federal loan programs. The Credit Reform Act superseded a number of provisions in current VA law (e.g., the budgeting of administrative expenses, and the elimination of the Government contribution to the Guaranty and Indemnity Fund). We believe continuing the pre-Credit Reform accounts serves no useful function, and creates an unintended burden in implementing credit reform. We, therefore urge consolidation of the existing accounts. We will, however, maintain the ability to separately track GIF loan activity.

Enactment of this proposal will produce no program costs and insignificant administrative savings (e.g., less tan $100,000 per fiscal year).

A detailed section by section analysis of the draft bill and an analysis showing the changes proposed to be made in existing law by the draft bill are also enclosed.

On May 24, 1991, we transmitted a draft bill entitled the "Veterans' Housing Amendments Act of 1991." That bill proposed a number of amendments to the housing loan guaranty program to reduce administrative regulation, reduce the risk and costs of this program, and enhance revenues. We are pleased to note that a number of these proposals were enacted by the first session of the 102nd Congress. Items which have already been enacted include:

a. Extension of the lender review of appraisal program;

b. technical correction regarding proposed construction;

c. time limit for housing debt waiver;

d. certificates of veteran status for HUD benefits; and

e. technical correction regarding lobbying reporting.

Other proposals have already been resubmitted or modified in accordance with the President's FY 1993 budget. These are contained in sections 2, 3, 4, and 5 of the draft Veterans Home Loan Improvement Act of 1992 we submitted to the Congress on February 25, 1992. We again urge enactment of the budget items we recently transmitted.

In addition, we urge consideration of the following two items submitted last year:

a. Permit a veteran to refinance the full outstanding balance, provided it does not exceed the value of the property securing the loan of a conventional or FHA loan with a VA loan at a lower interest rate (section 5(a)–(d) of 1991 draft bill).

b. Repeal section 3704(e) of title 38, United States Code, which prohibits VA from guaranteeing loans for newly constructed residences in areas not served by public or community water and sewage systems where local officials certify that the establishment of such systems is feasible.

We are advised by the Office of Management and Budget that there is no objection to the submission of this draft bill to Congress, and that its enactment would be in accord with the program of the President.

Sincerely yours,
EDWARD J. DERWINSKI.•

By Mr. CRANSTON (by request):

S. 2738. A bill to amend title 38, United States Code, to make certain improvements in the educational assistance programs for veterans and eligible persons, and for other purposes; to the Committee on Veterans' Affairs.

VETERANS' EDUCATIONAL ASSISTANCE IMPROVEMENTS ACT OF 1992

• Mr. CRANSTON. Mr. President, as chairman of the Veterans' Affairs Committee, I have today introduced, by request, S. 2738, the proposed Veterans' Educational Assistance Improvements Act of 1992. The Secretary of Veterans Affairs submitted this legislation by letter dated April 23, 1992, to the President of the Senate.

My introduction of this measure is in keeping with the policy which I have adopted of generally introducing—so that there will be specific bills to which my colleagues and others may direct their attention and comments—all administration-proposed draft legislation referred to the Veterans' Affairs Committee. Thus, I reserve the right to support or oppose the provisions of, as well as any amendment to, this legislation.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD, together with the transmittal letter, and enclosed section-by-section analysis.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 2738

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE: REFERENCES TO TITLE 38, UNITED STATES CODE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "Veterans' Educational Assistance Improvements Act of 1992."

(b) REFERENCES TO TITLE 38.—Except as otherwise may be specifically provided, whenever in the Act an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of title 38, United States Code.

(c) TABLE OF CONTENTS.—The table of contents of this Act is as follows:

TABLE OF CONTENTS

Sec. 1. Short title; references to title 38, United States Code; table of contents.
Sec. 2. Provision for Permanent Program of Trial Work Periods and Vocational Rehabilitation for Certain Veterans With Total Disability Ratings.

Sec. 3. Provision for Permanent Program of Vocational Training for Certain Pension Recipients.
Sec. 4. Pilot Program of Nonpay or Nominal Pay Training in the Private Sector.
Sec. 5. Continuity of Service for Montgomery GI Bill Eligibility.
Sec. 6. Clarifying Amendment to Montgomery GI Bill Active Duty Program "Open Period".

SEC. 2. PROVISION FOR PERMANENT PROGRAM OF TRIAL WORK PERIODS AND VOCATIONAL REHABILITATION FOR CERTAIN VETERANS WITH TOTAL DISABILITY RATINGS.

(a) IN GENERAL.—(1) Section 1163(a) is amended—

(A) In paragraph (1), by—

(i) striking out "during the" and inserting in lieu thereof "during and after the initial"; and

(ii) striking out "a period of 12 consecutive months" and inserting in lieu thereof "the period described in paragraph (3) of this subsection";

(B) In paragraph (2)(B), by inserting "initial" before "program"; and

(C) By adding at the end the following new paragraph:

"(3) The period referred to in paragraph (1) of this subsection for maintaining an occupation shall be 12 consecutive months in the case of a qualified veteran who begins such occupation during the initial program period of 6 consecutive months if the veteran begins his or her occupation after the initial program period."

(2) Section 1163(b) is amended by striking out "During the program period, the" and inserting in lieu thereof "The".

(3) Section 1163(c)(1) is amended by striking out "In the case" and all that follows through "providing—" and inserting in lieu thereof the following:

"The Secretary shall provide to each qualified veteran awarded a rating of total disability described in subsection (a)(2)(A) of this section, at the time notice of each such award is given to the veteran, a statement containing—".

(b) CLERICAL AMENDMENT.—(1) The table of sections at the beginning of chapter 11 is amended by striking out "1163. Temporary Program" and inserting in lieu thereof "1163. Program".

(2) The catch line at the beginning of section 1163 is amended by striking out "Temporary program" and inserting in lieu thereof "Program".

(c) EFFECTIVE DATE.—The amendments made by this section shall be effective on the date of enactment of this Act.

SEC. 3. PROVISION FOR PERMANENT PROGRAM OF VOCATIONAL TRAINING FOR CERTAIN PENSION RECIPIENTS.

(a) IN GENERAL.—Section 1524 is amended—

(1) By amending subsection (a) to read as follows:

"(a) A veteran awarded pension may apply for vocational training under this section and, if the Secretary makes a preliminary finding on the basis of information in the application and otherwise on file with the Department of Veterans Affairs that, with the assistance of a vocational training program under subsection (b) of this section, the veteran has a good potential for achieving employment, the Secretary shall provide the veteran with an evaluation to determine whether the veteran's achievement of a vocational goal is reasonably feasible. Any such evaluation shall include a personal interview by a Department of Veterans Affairs employee trained in vocational counseling unless, in the Secretary's judgment, such an evaluation is not feasible or not necessary to make the determination required by this subsection.";

(2) In subsection (b), by striking out paragraph (4); and

(3) By amending subsection (d) to read as follows:

"(d) Notwithstanding section 1525 of this title, a veteran who pursues a vocational training program under subsection (b) of this section shall have the benefit of the 3-year health-care eligibility protection provisions of section 1525 without regard to whether the veteran's entitlement to pension is terminated by reason of income from work or training (as defined in subsection (b)(1) of that section) during or after the program period applicable to such section."

(b) CONFORMING AMENDMENTS.—Chapter 15 of such title I amended—

(1) In the table of sections of such chapter, by striking out "1524. Temporary program" and inserting in lieu thereof "1524. Program";

(2) In the catch line at the beginning of section 1524, by striking out "Temporary program" and inserting in lieu thereof "Program"; and

(3) In section 1525(a) by—

(A) Inserting "(except as provided in section 1524(c) of this title)" after "program period"; and

(B) Striking out "such chapter" and inserting in lieu thereof "chapter 17 of this title".

(c) EFFECTIVE DATE.—The amendments made by this section shall be effective as of January 31, 1992.

SEC. 4. PILOT PROGRAM OF NONPAY OR NOMINAL PAY TRAINING IN THE PRIVATE SECTOR.

(a) IN GENERAL.—Section 3115 is amended—

(1) in subsection (a)(1), by—

(A) inserting "(A)" after "(1)"; and

(B) striking out "training or work experience" the first place it appears and inserting in lieu thereof the following:

"on-job training or work experience; or

"(B) during the three-year period beginning on October 1, 1992, subject to subsection (c) of this section, conduct a pilot program for using any other public or any private entity or employer to provide on-job training,";

(2) in subsection (b), by—

(A) amending paragraph (1) by striking out "(a)(1)" and inserting in lieu thereof "(a)(1)(A)";

(B) amending paragraph (3) by striking out "of a State or local government agency"; and

(C) amending paragraph (4) by striking out "of the training" and all that follows through "agencies" and inserting in lieu thereof "(to include on-site monitoring) of on-job training and work experience provided under such subsection (a)(1)"; and

(3) by adding at the end the following new subsection:

"(c) The Secretary shall not approve, nor enter into any contract, agreement, or cooperative arrangement under subsection (b)(3) of this section providing for pursuit of any program of on-job training under subsection (a)(1)(B) of this section which commences after the later of (1) September 30, 1995, or (2) if a written vocational rehabilitation plan for such training for a veteran is executed prior to September 30, 1995, within a reasonable period of time as determined by the Secretary, not exceeding six months, after execution of such plan."

(b) CONFORMING AMENDMENT.—Section 3108(c)(2) is amended by striking out "in a Federal, State, or local government agency" and inserting in lieu thereof "using the facilities of a Federal, State, or local government agency or of any other entity or employer".

(c) EFFECTIVE DATE.—The amendments made by this section shall be effective on October 1, 1992.

SEC. 5. CONTINUITY OF SERVICE FOR MONTGOMERY GI BILL ELIGIBILITY

(a) IN GENERAL.—Section 3011 is amended by adding at the end the following new subsection:

"(e) Whenever in this chapter active duty service is required to be consecutive, continuous, and/or without a break, such required continuity of service shall not be considered broken by any period during which an individual is assigned by the Armed Forces to a civilian institution as described in section 3002(6)(A) of this title, notwithstanding that the period of such assignment is not active duty for purposes of this chapter.".

(b) EFFECTIVE DATE.—The amendment made by this section shall be effective on October 19, 1984.

SEC. 6. CLARIFYING AMENDMENT TO MONTGOMERY GI BILL ACTIVE DUTY PROGRAM "OPEN PERIOD"

(a) IN GENERAL.—Section 3018(b)(3)(B) is amended—

(1) by striking out "or (iii)" and inserting in lieu thereof "(iii)"; and

(2) by inserting after "hardship" and before the semicolon the following:

", or (iv) a physical or mental condition that was not characterized as a disability and did not result from the individual's own willful misconduct but did interfere with the individual's performance of duty, as determined by the Secretary of each military department in accordance with regulations prescribed by the Secretary of Defense or by the Secretary of Transportation with respect to the Coast Guard when it is not operating as a service in the Navy".

(b) EFFECTIVE DATE.—The amendments made by this section shall be effective on October 19, 1984.

SECTION-BY-SECTION ANALYSIS

SHORT TITLE; REFERENCES TO TITLE 38, UNITED STATES CODE

Section 1

Subsection (a) provides that the draft bill may be cited as the "Veterans' Educational Assistance Improvements Act of 1992."

Subsection (b) provides that, unless otherwise specified, whenever in the draft bill an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of title 38, United States Code.

Subsection (c) sets forth the table of contents for the draft bill.

Section 2

This section would amend section 1163 of title 38 to modify and make permanent the current temporary program of trial work periods and vocational rehabilitation for certain veterans with total disability ratings authorized by that section.

This temporary program was established in 1984 and initially ran from February 1, 1985, through January 31, 1989. It was intended as a test to motivate service-disabled veterans awarded a total rating based on Individual Unemployability (IU) to either participate in a vocational rehabilitation program, or utilize existing skills to secure employment.

As motivation, the program required that a veteran awarded an IU rating during the program period had to undergo an evaluation to determine rehabilitation potential or risk termination of the award. If achievement of a vocational goal was found reasonably feasible, an individualized written rehabilitation plan was developed for and with the veteran.

While failure to cooperate in or complete the plan could result in reconsideration of the veteran's continued eligibility for the IU rating based on evaluation findings, successful program pursuit would protect the IU rating unless and until the veteran maintained substantially gainful employment for 12 consecutive months. (Veterans awarded the IU rating before commencement of the program period could request an evaluation and voluntarily participate in a rehabilitation program.)

Public Law 100-687 (Nov. 18, 1988) extended the program through January 31, 1992, and made it completely voluntary after study results showed that those whose participation was voluntary displayed the greatest motivation and the best outcomes. It maintained the trial work period feature of rating protection.

The amendments made by this section would make the section 1163 program permanent, but with a programmatic adjustment: the trial work period protection would be reduced from 12 to 6 consecutive months of substantially gainful employment.

Conceptually, the trial work period feature is consistent with current rehabilitation philosophy and practice, and clearly is an essential element of the program. A six-month period of protection will provide sufficient time to establish a sound adjustment to employment. Hence, the proposed adjustment.

With this improvement, it is appropriate that this program, which has been shown to have positive results, should be made permanent.

Section 3

This section would amend 38 U.S.C. §1524(a)(4) to delete the termination date for the vocational training program for certain veterans awarded VA pension benefits, as well as the program's requirement that veterans under age 45 participate in an evaluation of vocational potential. Further, this section would provide that a personal interview by a VA counselor is not required as part of the veteran's evaluation when such an interview is not practical or necessary for the feasibility determination. Last, the section would maintain, as a permanent feature of the program, protection of health-care eligibility for program participants whose pension is terminated by reason of income from work or training as described in 38 U.S.C. §1525.

Congress established this temporary program of vocational training for certain new pension recipients in 1984. The program period initially ran from February 1, 1985, through January 31, 1989, and later was extended through January 31, 1992. Under current law, a veteran below age 45 awarded pension during the program period had to participate in an evaluation of his or her vocational potential, unless VA found the veteran was unable to do so for reasons beyond his or her control. If the evaluation disclosed that it was reasonably feasible for the veteran to achieve a vocational goal, the veteran was offered a program of vocational rehabilitation as provided under chapter 31, with certain restrictions.

The section 1524 temporary program clearly has been beneficial. VA finds that approximately one-third of the veterans provided an evaluation are capable of pursuing a vocational program and becoming suitably employed. Further, the proportion of veterans with earnings is an estimated four times higher for veterans who pursue a vocational training program under VA auspices than for veterans who are otherwise capable but do not elect to do so.

VA also has found, however, that providing required evaluations for veterans under age 45 imposes a major administrative burden without commensurate benefit to the veteran or the Government. In fact, a substantially higher proportion of veterans who can participate in the program on a voluntary basis do so in comparison with veterans for whom participation in an evaluation is required. Reducing the administrative burden by eliminating the mandatory requirement for evaluation will impose program effectiveness and conserve staff time without impairing a veteran's access to program services. VA does not believe that reinstatement of the vocational training program is warranted unless this change is made.

Additionally, while the provision affording each veteran the opportunity for a personal interview with a VA employee trained in vocational counseling is retained for the permanent program, an exclusion is made for cases where it is apparent that such an interview would not be productive or where information plainly shows that achievement of a vocational goal is not reasonably feasible.

Finally, the health-care eligibility protection feature is a valuable incentive to program participation and its retention is in the veteran's and the Government's interest.

Section 4

This section would amend section 3115(a)(1) of title 38 to establish a 3-year pilot program that would expand the types of facilities the Secretary could use to provide on-job training at no or nominal pay for veterans as part of their vocational rehabilitation programs under chapter 31 of title 38. The purpose of the pilot program would be to ascertain whether use of the additional (e.g., private sector) facilities to provide such on-job training is feasible, will significantly expand training and employment opportunities, and will result in permanent and stable employment for disabled veterans.

Public Law 100-689 authorized VA to use facilities of Federal agencies and certain State and local agencies to provide nonpay or nominal pay training or work experience as all or part of a veteran's chapter 31 vocational rehabilitation program. Generally, veterans participating in such on-job training become employed in the position for which they trained by the agency providing the training. This, thus, is a valuable tool in providing increased employment opportunities for disabled veterans.

Under the pilot program created by this amendment, the facilities of any private sector entity or employer, as well as of any public entity or employer other than enumerated in the existing statute, also could be used for these purposes.

The pilot program would run from October 1, 1992, to September 31, 1995. However, while no individual would be permitted to begin an on-job training program under the pilot program after September 31, 1995, an individual who began such training during the program period would be allowed to continuously pursue the training program to completion.

Participants in training under the pilot program would be authorized chapter 31 subsistence allowance at the same rates (i.e., the institutional rates under section 3108(b)) as are currently authorized for nonpay or nominal pay training or work experience in a Federal, State, or local agency under section 3115(a)(1). Moreover, the same administrative requirements (procurement of facilities, monitoring of training, and ensuring the training is in the veteran's and Government's best interest) as apply to the latter training would apply to the pilot program.

The pilot program enacted by this section would be effective October 1, 1992.

Section 5

This section would add a subsection (e) to section 3011 of title 38 to provide that a period during which a chapter 30 Montgomery GI Bill (MGIB) participant is assigned full time by the Armed Forces to a civilian institution for educational pursuit will not be considered a break in the continuity of the individual's active duty service.

Under existing law, an MGIB participant's initial period of obligated active service must be continuous to establish entitlement under that program. Chapter 30 also variously requires continuous active duty service without a break, as well as consecutive years of active duty for eligibility in other areas; e.g., inservice enrollment, "open period" enrollment, and supplemental educational assistance. However, the term "active duty" as defined by section 3002 of title 38 expressly excludes a period when an individual is assigned full time to a civilian institution for substantially the same course of education offered to civilians. Consequently, an MGIB participant who is assigned to such an institution during the period of active duty service required to establish chapter 30 entitlement loses that entitlement.

This amendment would prevent an MGIB participant from being so divested of entitlement under the MGIB. It should be emphasized, however, that the amendment deems that the period of assignment to a civilian institution shall not interrupt the continuity of the active duty required to establish MGIB entitlement; it does not deem such assignment to be "active duty" countable toward meeting entitlement requirements.

Section 6

This section would enable individuals who enrolled as MGIB participants during the "open period" provided under section 3018 to become entitled to educational assistance thereunder when separated early from the obligated period of military service due to certain physical or mental conditions impeding satisfactory military performance.

Public Law 101-510 authorized most chapter 30 MGIB participants to establish entitlement under that chapter based on a period of otherwise qualifying active duty or Selected Reserve service from which they were separated early for a physical or mental condition, not the result of the individual's own willful misconduct which, though not characterized as a disability, nevertheless, prevented the individual from satisfactorily performing his or her military duties. This provision inadvertently excluded individuals who became MGIB participants under section 3018. The amendment made by this section would correct that oversight.

THE SECRETARY OF VETERANS AFFAIRS,
Washington, April 23, 1992.

The Hon. DAN QUAYLE,
President of the Senate, Washington, DC

DEAR MR. PRESIDENT: There is transmitted herewith a draft bill "To amend title 38, United States Code, to make certain improvements in the vocational rehabilitation and educational assistance programs for veterans, and for other purposes." I request that this measure be referred to the appropriate committee and promptly enacted.

This measure, entitled the "Veterans' Educational Assistance Improvements Act of 1992," would make a number of amendments to improve the vocational rehabilitation and education benefit programs administered by the Department of Veterans Affairs. The former amendments include two proposals which would reinstate, amend, and make permanent both the Temporary Program of Trial Work Periods and Vocational Rehabilitation for Certain Veterans with Total Disability Ratings and the Temporary Program of Vocational Training for Certain Pension Recipients, as well as a proposal to establish a 3-year pilot program of nonpay or nominal pay training in the private sector for service-disabled veterans as part of their vocational rehabilitation programs.

Please note that VA submitted legislation during the last session of this Congress that included provisions to make the above-mentioned temporary programs permanent, but the session ended without enactment of such legislation or legislation extending the programs. As a result, both programs lapsed as of January 31, 1992. Accordingly, the provisions for permanency of such programs contained in this measure have been redrafted to account for the lapse.

The measure's education benefit proposals would make two amendments to improve the chapter 30 Montgomery GI Bill. The first would clarify the continuity of active duty service required for program eligibility. The second would make a technical amendment to conform the discharge provisions for "Open Period" enrollees with those for other program participants.

The effect of this draft bill on the deficit is:

[In thousands of dollars]

Fiscal year:	*Outlays*
	Outlays
1992	....
1993	314
1994	548
1995	816
1996	782
1997	748
1992–97	3,208

The Omnibus Budget Reconciliation Act of 1990 (OBRA) requires that all revenue and direct spending legislation meet a pay-as-you-go requirement. That is, no such bill should result in an increase in the deficit; and, if it does, it must trigger a sequester if it is not fully offset. Since the Veterans' Educational Assistance Improvements Act of 1992 would increase direct spending, it must be offset.

The President's FY 1993 Budget includes several proposals that are subject to the pay-as-you-go requirement. Considered individually, the proposals that increase direct spending or decease receipts would fail to meet the OBRA requirement. However, the sum of all of the spending and revenue proposals in the President's Budget would reduce the deficit. Therefore, this bill should be considered in conjunction with the other proposals in the FY 1993 Budget that together meet the OBRA pay-as-you-go requirement.

We are advised by the Office of Management and Budget that there is no objection to the submission of this draft bill to the Congress and that its enactment would be in accord with the program of the President.

Sincerely yours,

EDWARD J. DERWINSKI.•

By Mr. DURENBERGER:

S. 2739. A bill to extend the existing suspension of duty on certain in-line roller skate boots; to the Committee on Finance.

EXTENSION OF DUTY SUSPENSION ON CERTAIN IN-LINE ROLLER SKATE BOOTS

• Mr. DURENBERGER. Mr. President, today I rise to introduce legislation which would extend the duty suspension on certain boots that are incorporated into in-line roller skates manufactured and assembled in the United States.

This legislation would help overcome an unfair competitive advantage that importers of fully assembled roller skates currently have against domestic manufacturers.

Rollerblade, Inc., a Minnesota corporation, manufactures in-line roller skates. Some of the roller skate components used by this company are domestically sourced and others are imported.

Prior to the original duty suspension in 1989, skate boots imported for roller skates carried a 6-percent duty. These skate boots are not usable in the form in which they enter the country. Instead, they must go through a manufacturing process to have wheel supports attached.

Rollerblade's domestic competitors import finished roller skates from abroad. As a finished product, these roller skates enter the United States duty-free. This clearly enables domestic competitors who import finished products to gain an unfair, and unintended, competitive advantage against a company that is creating manufacturing jobs in the United States. That makes no sense.

That is why I am reintroducing this legislation that would extend for 2 years, a duty suspension which has redressed this competitive disadvantage by reclassifying these boots as duty-free roller skate parts.

Mr. President, I ask unanimous consent that the full text of the legislation I am introducing be reprinted in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2739

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. EXTENSIONS OF EXISTING SUSPENSION OF DUTY.

Heading 9902.64.02 (relating to skating boots for use in the manufacture of in-line roller skates) of the Harmonized Tariff Schedule of the United States is amended by striking out "12/31/92" and inserting "12/31/95".

SEC. 2. EFFECTIVE DATE.

The amendment made by section 1 applies to goods entered, or withdrawn from warehouse for consumption, after December 31, 1992.•

By Mr. CRANSTON (for himself, Mr. DECONCINI, Mr. ROCKEFELLER, Mr. GRAHAM, and Mr. AKAKA):

S. 2740. A bill to amend title 38, United States Code, to revise and improve the provision and evaluation of preventive health services by the Department of Veterans Affairs, and for other purposes; to the Committee on Veterans' Affairs.

VETERANS PREVENTIVE HEALTH ACT

• Mr. CRANSTON. Mr. President, as chairman of the Committee on Veterans' Affairs, I have introduced today, S. 2740, the proposed Veterans Preventive Health Act of 1992. I am pleased that committee members DENNIS DECONCINI, JOHN D. ROCKEFELLER IV, BOB GRAHAM, and DANIEL K. AKAKA have joined me in introducing this measure.

The purpose of this legislation is to improve the health and quality of life of veterans by enhancing Department of Veterans Affairs preventive health services and establishing a new entity within VA for the promotion and dissemination of research pertaining to the efficacy of various preventive measures.

BACKGROUND

Mr. President, preventive health efforts have existed for centuries. Indeed, so much of preventive health is second nature now that we no longer identify it as such. As a result of separate plumbing lines for sewage and drinking water, we do not worry about cholera, a scourge of cities in previous centuries. Nor do we worry about contracting many avoidable infections in hospitals, because health-care professionals now maintain strict sterile procedures. Vaccines developed out of military need now protect service members—and the public at large—from tetanus, typhoid, and yellow fever, which claimed many more lives than combat injuries in some earlier wars. Most clinicians have never seen a case of smallpox; the disease has been eradicated from the planet, except for what is kept in one vial in a lab to be used to make vaccine just in case there is an outbreak.

Although modern science has not conquered all infectious diseases, we know how to prevent nearly all of them. What we have not yet learned is how to prevent the chronic diseases that plague us as we grow older, such as heart disease, stroke, and cancer. At this point in our knowledge, we lack information on how to prevent some disease processes associated with aging. However, nutritional counseling, smoking cessation programs, and other preventive health services seem to help delay or ameliorate the discomforts of these processes.

Mr. President, we also know much about prevention of other diseases. Oat bran, low-fat dairy products, and broccoli are associated with reduced rates of some cancers. Routine blood pressure and cholesterol screenings, together with medical and personal responses to abnormal results, are associated with reduced rates of cardiovascular disease. We need to learn more about how these associations work. We also must heed empirical evidence regarding the efficacy of preventive interventions while we await explanations as to why they succeed.

In this time of vigorous debate regarding the fate of our Nation's health-care system, prevention may be the one thing on which all parties can agree. For example, last year, my esteemed colleagues Senator LLOYD BENTSEN and Representative DAN ROSTENKOWSKI introduced companion measures, S. 1231 and H.R. 2565, which would extend Medicare coverage for certain additional screening examinations. Many of the 26 health-care reform proposals introduced during the 102d Congress recommend expansion of preventive health services.

My own activity relating to preventive health services in VA dates back to 1976. That year, I first introduced legislation to authorize VA to furnish preventive health services. Three years later, in 1979, provisions I introduced establishing VA's first preventive health services pilot program were enacted in section 105 of Public Law 96-22. That pilot program required VA to furnish preventive health services to veterans with service-connected disabilities rated at 50 percent or greater and veterans receiving VA care for treatment of a service-connected disability. In 1983, provisions were enacted in section 106 of Public Law 98-160 which extended the preventive health services pilot program through fiscal year 1988. Public Law 96-160 also required VA to furnish each entitled veteran at least one preventive health service per year and authorized VA to furnish preventive services to all veterans receiving VA care.

In implementing Public Law 98-160, VA required each VA health-care facility to designate a preventive medicine coordinator. VA also established the preventive medicine field advisory group, a group of VA health-care professionals who serve as a liaison between VA health-care facilities and VA central office, advise VA's Chief Medical Director [CMD] regarding preventive health services, and select an annual VA health promotion initiative for implementation VA-wide. Although the legislative requirement for the preventive health services pilot program expired on September 30, 1988, VA has continued to furnish a variety of preventive health services, including annual health promotion initiatives.

Concerned that VA not curtail preventive health services programs in times of tight budget constraints, in 1989 I introduced provisions in S. 1306 which would have extended the pilot program through fiscal year 1994, expanded the categories of veterans entitled to preventive health services, required VA to furnish all entitled veterans with at least two preventive health services per year, and required the CMD to designate a VHA official as Director of Preventive Health and Health Promotion Programs. The Committee reported those provisions as section 214 of S. 13, the proposed "Veterans Benefits and Health-Care Act of 1989," but, due to conflicts with the House Committee on Veterans' Affairs over other health-care issues, we were unable to secure their enactment that year. The committee reported the preventive health provisions each succeeding year but has not been able to reach agreement with the House.

The legislation I am introducing today constitutes, I believe, a significant improvement over the prior measures reported by the committee. The earlier legislation focused solely on the furnishing of preventive services to veteran patients, whereas this bill encompasses both clinical practice and research. Clinical practice of preventive care is in and of itself a worthy endeavor. However, it benefits only those veterans receiving preventive health services. Clinical research on preventive health services, on the other hand, benefits both current and future VA patients, by enabling VA to determine which preventive health services are most effective. VA preventive health services research would benefit nonveterans as well, as VA research findings may have implications for the furnishing of preventive health services by non-VA providers.

Ongoing support for preventive care has also been demonstrated by VA officials. VA's current CMD, Dr. James W. Holsinger, Jr., has maintained preventive health services programs, such as the Preventive Medicine Program's annual preventive initiative, and has advocated the expansion of such services. As Dr. Holsinger stated at his 1990 confirmation hearing, in arguing that future health-care costs for Vietnam-era veterans in particular could be reduced if VA were to provide them with preventive health services, "[I]f I could deal with them while they are in their current age groups on a preventive basis, I could help to reduce our costs markedly when they hit age 65 and on."

Yet, for all the rhetoric advocating preventive health services, there is surprisingly little incontrovertible medical evidence to support claims about their overall effectiveness, especially with regard to the cost effectiveness of specific interventions. The legislation I have introduced today would provide an opportunity for VA to use its vast medical and administrative resources and large patient population to ascertain the effectiveness of specific preventive health services. VA operates the Nation's largest health-care system. It thus is well-suited for conducting the sort of large-scale, long-term outcomes research, at multiple facilities where desirable, that is necessary for comprehensive evaluations of preventive measures. In addition, the close affiliation of many VA medical centers with major medical schools supports a cadre of highly esteemed medical researchers, including scholars in the field of preventive health services research.

SUMMARY OF PROVISIONS

Mr. President, the provisions of the bill would:

First, require the Chief Medical Director [CMD] to establish within the Veterans Health Administration [VHA] a National Center for Preventive Health Care [Center].

Second, require the Director of the Center to acquire, maintain, and disseminate current information on VA and non-VA clinical practices and research concerning preventive health services; monitor implementation of the recommendations of the Advisory Committee on Preventive Health Care, which I describe shortly; facilitate cooperative research concerning health outcomes resulting from various preventive services; advise VA health-care personnel regarding the conduct of preventive health services activities and research; and issue annual reports to the CMD and the public regarding VA's preventive health services activities and research findings.

Third, authorize the appropriation of $2,500,000 annually to fund the Center's research, clinical, educational, and administrative activities.

Fourth, require the Secretary to establish a Preventive Health Advisory Committee [Advisory Committee] which would include members, appointed by the Secretary upon the recommendation of the CMD, who have demonstrated interest and expertise in research, education, and clinical activities related to the provision of preventive health services, including both persons who are and who are not employees of the Federal Government and representatives of veterans who receive health services from VA.

Fifth, require the Advisory Committee to advise the Secretary, through the CMD, regarding general development in preventive health services research and clinical activities, as well as the initiation, enhancement, modification, and discontinuation of the furnishing of specific preventive health services; respond to requests of the Secretary or the CMD for information on specific research and clinical activities; and submit to the Secretary, through the CMD, an annual report and any other reports the Committee considers appropriate.

Sixth, require the Secretary to submit to the appropriate committees of Congress within 90 days of receiving them, the reports of the Advisory Committee—other than the annual report, which would be transmitted with the Secretary's annual report to Congress—together with the Secretary's comments and recommendations.

Seventh, require the Secretary to submit an annual report to the Committees on Veterans' Affairs of the Senate and House of Representatives, which would include information concerning the types of preventive health services furnished by VA, the resources used to furnish those services, and the number of veterans furnished such services; the means by which VA addressed the specific preventive health services needs of particular groups of veterans; the coordination of the furnishing of preventive health services within VA; the integration of preventive health services into VA training programs for health-care professionals; VA's participation in cooperative preventive health efforts with other governmental and nongovernmental entities; specific VA research concerning the long-term relationships among screening activities, treatment, and morbidity and mortality outcomes; the cost effectiveness of specific preventive health services; preventive health services research carried out by VA employees or using VA funds, equipment, office space, or other support services; the membership, activities, and report of the Advisory Committee; and an accounting of the expenditure of funds by the Center.

Eighth, revise the definition of the preventive health services that VA is authorized to furnish to include expressly periodic medical and dental examinations (including screening for high blood pressure, glaucoma, high cholesterol, and colorectal and gender-specific cancers), and patient health education (including education relating to nutrition, stress management, physical fitness, and stopping smoking).

THE NEED FOR A NATIONAL CENTER FOR PREVENTIVE HEALTH

Mr. President, in light of VA's stated commitment to preventive health services, one might ask whether additional legislation is necessary. In my view, VA's current efforts, although certainly well-intentioned, need to be strengthened. With the exception of the annual preventive initiatives, most preventive interventions are performed in a sporadic and unsystematic manner. Overworked clinicians have little time to counsel patients or explore symptom patterns and, thus, offer only limited preventive services such as rudimentary tests of vital signs and perfunctory dietary advice.

A preventive medicine program office was established in VA in 1985. However, no funds are dedicated specifically to preventive health services nor is there an official in VA Central Office with sole responsibility for implementing VA's preventive health goals. Each VA medical center is required to have a designated preventive medicine coordinator [PMC]. However, designation as a PMC does not constitute a full-time position but rather the assumption of additional duties which the individual may or may not have sufficient time to perform.

The enactment of legislation establishing a VA National Center for Preventive Health would be a significant contribution to, and make clear the Congress' strong interest in, the improvement and expansion of the promising preventive health services programs currently operated by VA. It would signal to the rest of the health-care community, as well, Congress' firm belief in VA's potential to become a leader in preventive health research. By requiring the dissemination of findings of VA-sponsored research in annual reports to the Congress and to the public, we would foster VA's growth as a national health-care resource and promote greater interaction among VA and non-VA clinicians and researchers.

NATIONAL CENTER ACTIVITIES

Mr. President, this bill would give the Secretary the structure with which to build a leading preventive health research, education, and clinical practice resource center. The legislation would also give the Secretary, the Chief Medical Director, and the Director of the Center the authority to determine how to achieve the goals set forth in this legislation, goals which I am certain the Secretary and the Chief Medical Director already share.

I will now discuss examples that illustrate the kinds of research and clinical activities the Center would promote. Mr. President, every man is at risk of prostate cancer. The American Cancer Society estimates that 132,000 men in the United States will be diagnosed with it this year, and a quarter of those will die because of it. Similarly, women in the United States are threatened by breast, ovarian, and uterine cancers. Further research is needed to determine which screening tests, or combinations of tests, are most effective in facilitating diagnosis of such cancers at early stages and, thus, delay or avoid loss of life from those cancers. Additional questions concern the frequency with which tests should be repeated and the stages in the progression of illnesses at which intervention would be most effective. Now is the time to give VA the tools with which to further our understanding of relationships among screening for disease, education about modifying or eliminating risky behaviors, counseling regarding the management of early symptoms, treatment of early disease manifestations, measures of morbidity such as days lost from work, or days in the hospital, or kinds of medications required, and, finally, mortality rates.

Most importantly, the Center would focus on service-disabled veterans, whose care constitutes VA's primary mission. Treatment options in the immediate post-trauma period are a kind of secondary prevention. For example, research, in which VA was involved, has demonstrated that injections of methylprednisolone within 8 hours of spinal-cord trauma can actually prevent catastrophic neurological damage.

VA researchers and clinicians are also making great strides in understanding and treating the medical developments of spinal-cord-injured veterans. Certain conditions, such as urinary tract infections and kidney damage, develop in unique ways in this population. The National Center for Preventive Health could facilitate research into early recognition of symptoms or ongoing treatment to postpone further complications. VA is beginning to gain experience with the challenges faced by aging spinal-cord-injured persons. VA is perhaps the only institution that could coordinate and study the care of large numbers of these individuals. Our Nation cannot afford to squander the opportunity to explore ways, through clinical research and the training of clinicians, to help make the adjustments to aging-related afflictions more comfortable and less disruptive to the activities and enjoyment of life for spinal-cord-injured persons.

There are some conditions for which science offers no current hope of prevention, such as Alzheimer's disease. However, preventive health services may have a role in maintaining the highest possible functioning following the onset of the disease. VA's resources—its leadership in geriatric assessment and research and its aging patient population—enable it to study the long-term effects of counseling of patients and family caretakers on the delay of functional decline and subsequent decreased quality of life and increased medical and maintenance costs.

Another area in which I believe the Center could lead VA concerns osteoporosis, a condition that is very prevalent among aging women. The Center's impetus could generate collaboration among VA researchers in endocrinology and orthopedic rehabilitation, along with the collaborative study of women patients at many VA medical centers. Because the Center could enhance communications among research groups within and outside VA, the results of these cooperative studies would be beneficial to all women at risk of contracting this debilitating and disfiguring condition.

As various studies have pointed out, women veterans are not proportionally represented among the veterans whom VA's health-care system serves. Partly because of my urging and partly because of the growing participation of women in today's military, I believe this will change. VA must be ready with appropriate clinical services and research projects to meet the needs and concerns of the increasing numbers of women veterans.

ADVISORY COMMITTEE

Mr. President, VA benefits from several advisory committees that help it deal with diverse issues, including numerous technical and ethical dilemmas. Over the years VA officials have relied upon many of the recommendations made by these advisory committees to enhance the range and quality of health services furnished by VA health care professionals. The Geriatric and Gerontology Advisory Committee, the Advisory Committee on Women Veterans, and the Special Committee on Post-Traumatic Stress Disorder, for example, have served to further VA and congressional goals in the areas on which they focus.

The legislation I have introduced today would establish another important group to assist the Secretary and the Chief Medical Director. The Preventive Health Advisory Committee would encompass medical clinicians and researchers, other preventive clinicians, health services researchers, as well as representatives of veterans who are furnished health care services in VA facilities. It could serve as a conduit for information concerning the theory and practice of preventive health services in non-VA institutions. Furthermore, the Secretary could turn to the Advisory Committee for guidance and advice on matters or in situations where the ethical decisions are not clearly evident.

EDUCATION OF CLINICIANS

Mr. President, I emphasize that the concepts and practices of preventive health services should be integrated into the education of health professionals. According to the Association of American Medical Colleges, half of all physicians practicing in the United States received at least some of their training in a VA medical center. VA also trains nurses, physical therapists, psychologists, chaplains, podiatrists, and optometrists. By emphasizing the concepts and practice of preventive health services in its training programs, VA can enhance the quality of care furnished to veterans served by these clinicians and the patients—both veterans and nonveterans—these clinicians will serve in the future. As a Nation we understand that we need to learn more about perfecting surgical interventions; we need, also, to learn much about how to design successful behavioral interventions. VA has responsibility to train the subspecialist who will perform cardiac catheterizations. It also has responsibility to train the internist or health educator who will influence behavior regarding smoking and diet.

CONCLUSION

Mr. President, the committee is scheduled to consider this legislation at a hearing on June 4, 1992. I look forward to working with the members of the committee in the development of this legislation.

We are all familiar with the old adage that an ounce of prevention is worth a pound of cure. Medical research indicates that this is true with respect to certain conditions such as high blood pressure and high cholesterol. But evidence in support of preventive measures for many other conditions remains inconclusive. As the Nation's largest health care system, VA is extremely well suited to carry out the breadth and scope of research necessary to assess the effectiveness of various preventive measures. The approach to preventive services incorporated in this legislation would not only advance those broad research goals but would also enhance the furnishing of preventive health services to our Nation's veterans. In this era of escalating health care costs and scarce budget resources, our Nation has a compelling need to determine the efficacy and effectiveness of all health services, including preventive measures. We must strive to ensure that VA and other health care providers furnish those preventive services that help avoid costly pounds of cure.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2740

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Veterans Preventive Health Act of 1992".

SEC. 2. IMPROVEMENT OF PREVENTIVE HEALTH SERVICES.

(a) IN GENERAL.—The text of section 1762 of title 38, United States Code, is—

(1) transferred to section 1701 of such title; and

(2) redesignated as paragraph (9) of such section 1701.

(b) IMPROVEMENT.—Such paragraph (9) is amended—

(1) by striking out "For the purposes of this subchapter, the term 'preventive health-care services' means" and inserting in lieu thereof "The term 'preventive health services' means";

(2) by redesignating paragraphs (1), (2), (3), (4), (5), (6), (7), (8), (9), (10), and (11) as subparagraphs (A), (B), (C), (D), (E), (F), (G), (H), (I), (J), and (K), respectively; and

(3) by striking out subparagraphs (A) and (B) (as so redesignated) and inserting in lieu thereof the following:

"(A) periodic medical and dental examinations (including screening for high blood pressure, glaucoma, high cholesterol, and colorectal and gender-specific cancers);

"(B) patient health education (including education relating to nutrition, stress management, physical fitness, and stopping smoking);".

(c) CONFORMING AMENDMENT.—Section 1701(6)(A)(i) of title 38, United States Code, is amended by striking out "preventive health-care services as defined in section 1762 of this title," and inserting in lieu thereof "preventive health services,".

(d) EFFECTIVE DATE.—The amendments made by subsections (a), (b), and (c) shall take effect on the date of the enactment of this Act.

SEC. 3. REPEAL OF PILOT PROGRAM.

(a) REPEAL.—Subchapter VII of chapter 17 of title 38, United States Code, is repealed.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 17 of such title is amended by striking out the matter relating to subchapter VII.

(c) EFFECTIVE DATE.—The amendments made by subsections (a) and (b) shall take effect on the date of the enactment of this Act.

SEC. 4. NATIONAL CENTER FOR PREVENTIVE HEALTH.

(a) ESTABLISHMENT.—(1) Subchapter II of chapter 73 of title 38, United States Code, is amended by adding at the end the following new section:

"§ 7318. National Center for Preventive Health

"(a)(1) The Chief Medical Director shall establish and operate in the Veterans Health Administration a National Center for Preventive Health (hereafter in this section referred to as the 'Center').

"(2) The head of the Center is the Director of Preventive Health (hereafter in this section referred to as the 'Director').

"(3) The Chief Medical Director shall provide the Center with such staff and other support as may be necessary for the Center to carry out effectively its functions under this section.

"(b) The purposes of the Center are as follows:

"(1) To provide a central office for monitoring and encouraging the activities of the Veterans Health Administration with respect to the provision, evaluation, and improvement of preventive health services.

"(2) To promote the expansion and improvement of clinical, research, and educational activities of the Veterans Health Administration with respect to such services.

"(c) In carrying out the purposes of the Center under this section, the Director shall—

"(1) develop and maintain current information on clinical activities of the Veterans Health Administration relating to preventive health services, including activities relating to—

"(A) the on-going provision of regularly-furnished services; and

"(B) patient education and screening programs carried out throughout the Administration;

"(2) develop and maintain detailed current information on research activities of the Veterans Health Administration relating to preventive health services;

"(3) in order to encourage the effective provision of preventive health services by Veterans Health Administration personnel—

"(A) ensure the dissemination to such personnel of any appropriate information on such services that is derived from research carried out by the Administration; and

"(B) acquire and ensure the dissemination to such personnel of any appropriate information on research and clinical practices relating to such services that are carried out by researchers, clinicians, and educators who are not affiliated with the Administration;

"(4) encourage and monitor the implementation within the Veterans Health Administration of the recommendations on preventive health services of the Advisory Committee on Preventative Health Services established under section 7319 of this title;

"(5) ensure transmission to the Advisory Committee of inquiries of the Secretary or the Chief Medical Director, and the responses of the Advisory Committee to such inquiries;

"(6) facilitate the optimal use of the unique resources of the Department for cooperative research into health outcomes by initiating recommendations, and responding to requests of the Chief Medical Director and the Director of the Medical and Prosthetic Research Service, for such research into preventive health services; and

"(7) provide advisory services to personnel of Department health-care facilities with respect to the planning or furnishing of preventive health services by such personnel.

"(d) In this section, the term 'preventive health services' has the meaning given such term in section 1701(9) of this title.".

(2) The table of sections at the beginning of such chapter is amended by adding after the item relating section 7317 the following:

"7318. National Center for Preventive Health.".

(b) POSITION OF DIRECTOR OF CENTER.—

(1) POSITION.—Subsection (a) of section 7306 of title 38, United States Code, is amended—

(A) by redesignating paragraph (7) as paragraph (8); and

(B) by inserting after paragraph (6) the following new paragraph (7):

"(7) The Director of the National Center for Preventive Health, who shall be responsible to the Chief Medical Director for the operation of the Center.".

(2) CONFORMING AMENDMENT.—Subsection (c) of such section is amended in the second sentence by striking out "and (4)" and inserting in lieu thereof "(4), and (7)".

(c) ANNUAL REPORT.—(1) Not later than August 31, 1993, and on an annual basis thereafter, the National Center for Preventive Health established under subsection (a) shall issue a report on the programs, activities, and findings of the Department of Veterans Affairs on preventive health services during the 12-month period preceding the date of the report to health-care professionals and organizations that have an interest in the provision of such services.

(2) In this subsection, the term 'preventive health services' has the meaning given such term in section 1701(9) of title 38, United States Code (as added by section 2).

(d) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated $2,500,000 to the Department of Veterans Affairs for each fiscal year after fiscal year 1992 for the purpose of permitting the National Center for Preventive Health established under section 7318 of title 38, United States Code (as added by subsection (a)), to carry out research, clinical, educational, and administrative activities under such section 7318.

SEC. 5. ADVISORY COMMITTEE ON PREVENTIVE HEALTH SERVICES.

(a) ESTABLISHMENT.—Subchapter II of chapter 73 of title 38, United States Code (as amended by section 4), is further amended by inserting after section 7318 (as added by such section 4) the following new section:

"§ 7319. Preventive Health Services Advisory Committee

"(a) The Secretary shall establish a Preventive Health Services Advisory Committee (hereafter in this section referred to as the 'Committee').

"(b)(1) The membership of the Committee shall be appointed by the Secretary, upon the recommendation of the Chief Medical Director, from individuals who are not employees of the Department, and shall include individuals who are not employees of the Federal Government and who have demonstrated interest and expertise in research, education, and clinical activities related to the provision of preventive health services, and at least one representative of veterans who receive health-care services from the Veterans Health Administration.

"(2) The Secretary, upon the recommendation of the Chief Medical Director, shall invite appropriate representatives of other departments and agencies of the Federal Government to participate in the activities of the Committee.

"(3) The Secretary shall provide the Committee with such staff and other support as may be necessary for the Committee to carry out effectively its functions under this section.

"(c)(1) The Committee shall—

"(A) identify for the Secretary—

"(i) the types of preventive health services that are appropriate for particular groups of veterans; and

"(ii) the areas of inquiry within the field of such services that the Committee determines to be suitable for the pursuit of new or additional clinical research by the Department;

"(B) make recommendations to the Secretary on

"(i) various means of initiating, enhancing, modifying, or discontinuing the provision of preventive health services by the Department in order to ensure that such groups of veterans are provided with appropriate preventive health services; and

"(ii) various means of ensuring the continued provision of preventive health services by the Department;

"(C) advise the Secretary on general developments in the fields of research and clinical activities related to preventive health services; and

"(D) respond to requests of the Secretary or the Chief Medical Director for information on specific research and clinical activities and ethical matters related to such activities.

"(2) The Committee shall transmit any identifications, recommendations, and advice to the Secretary under subparagraphs (A), (B), and (C) of paragraph (1) through the Chief Medical Director.

"(d)(1) Not later than August 1, 1993, and on an annual basis thereafter, the Committee shall submit to the Secretary a report on the activities of the Committee with respect to the matters referred to in subsection (c)(1) during the 12-month period preceding the date of the report.

"(2) The Committee shall submit to the Secretary, through the Chief Medical Director, such reports in addition to the reports referred to in paragraph (1) as the Committee considers appropriate with respect to the matters referred to in subsection (c)(1). Not later than 90 days after receipt of a report under this paragraph, the Secretary shall transmit the report, together with the Secretary's comments and recommendations thereon, to the appropriate committees of the Congress.

"(e) In this section, the term 'preventive health services' has the meaning given such term in section 1701(9) of this title.".

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 7318 the following:

"7319. Preventive Health Services Advisory Committee.".

SEC. 6. REPORTS.

(a) REPORTS.—Not later than October 31, 1993, and on an annual basis thereafter, the Secretary of Veterans Affairs shall submit to the Committees on Veterans' Affairs of the Senate and House of Representatives a report including the following:

(1) A description of the programs and activities of the Department of Veterans Affairs with respect to preventive health services during the 12-month period preceding the date of the report, including—

(A) the programs conducted by the Department—

(i) to educate veterans with respect to health promotion and disease prevention; and

(ii) to provide veterans with preventive health screenings and other clinical services, with such description setting forth the types of resources used by the Department to conduct such screenings and services and the number of veterans reached by such screenings and services;

(B) the means by which the Secretary addressed the specific preventive health services needs of particular groups of veterans (including veterans with service-connected disabilities, elderly veterans, low-income veterans, institutionalized veterans, and veterans who are at risk for mental illness);

(C) the manner in which the provision of such services was coordinated with the activities of the Medical and Prosthetic Research Service of the Department and the National Center for Preventive Health;

(D) the manner in which the provision of such services was integrated into training programs of the Department, including initial and continuing medical training of medical students, residents, and Department staff;

(E) the manner in which the Department participated in cooperative preventive health efforts with other governmental and private entities (including State and local health promotion offices and not-for-profit organizations);

(F) the specific research carried out by the Department with respect to the long-term relationships among screening activities, treatment, and morbidity and mortality outcomes; and

(G) the cost effectiveness of such programs and activities, including an explanation of the means by which the costs and benefits (including the quality of life of veterans who participate in such programs and activities) of such programs and activities are measured.

(2) A specific description of research activities on preventive health services carried out during that period using employees, funds, equipment, office space, or other support services of the Department, with such description setting forth—

(A) the source of funds for such activities;

(B) the articles or publications (including the authors of such articles and publications) in which such activities are described;

(C) the Federal, State, or local governmental entity or private entity, if any, with which such activities were carried out; and

(D) the clinical, research, or staff education projects for which funding applications were submitted (including the source of the funds applied for) and upon which a decision is pending or was denied.

(3) With respect to the Preventive Health Services Advisory Committee established under section 7319 of title 38, United States Code (as added by section 5 of this Act)—

(A) the membership list of the Advisory Committee during the 12-month period preceding the date of the report;

(B) a description of matters referred by the Secretary or the Chief Medical Director of the Department to the Advisory Committee during that period;

(C) the most recent annual report submitted to the Secretary by the head of the Advisory Committee;

(D) the comments and recommendations of the Secretary, after consultation with the Chief Medical Director, with respect to that annual report; and

(E) a description of any activities of the Department to carry out any proposals or recommendations contained in that annual report.

(4) An accounting of the expenditure of funds during that period by the National Center for Preventive Health established under section 7318 of title 38, United States Code (as added by section 4 of this Act).

(b) DEFINITION.—In this section, the term "preventive health services" has the meaning given such term in section 1701(9) of title 38, United States Code (as added by section 2 of this Act).●

By Mr. BREAUX (for himself and Mr. BOREN):

S. 2742. A bill to establish a voluntary national system of occupational certification and to encourage the formation of youth skills training and education partnerships; to the Committee on Finance.

YOUTH SKILLS TRAINING AND EDUCATION PARTNERSHIPS ACT

● Mr. BREAUX. Mr. President, I rise to introduce as a free standing bill the identical text of a provision adopted earlier by the Senate in its version of H.R. 4210, the Tax Fairness and Economic Growth Act.

This bill would encourage businesses to develop youth apprentice programs that would enable high school students to develop a skill at the same time they are getting their college degree. It is a shocking statistic that more than 60 percent of high school students never go to, or complete college. Yet, expenditures on education and training on behalf of post-high school age noncollege bound youth is only one-seventh of the total governmental expenditures on college bound youth.

Investing in human capital is critical to long-term competitiveness. Countries such as Germany, Japan, and Sweden have programs to provide the transition from school to work that are much more extensive than those in the United States.

The goal of this legislation is to provide skill training opportunities for noncollege bound youth. Under the bill, students would have the opportunity to graduate from high school with marketable skills.

BILL SUMMARY

Apprentice training combines on the job training with classroom instruction. Therefore, youth apprenticeship programs require a partnership between businesses and schools.

The bill would establish a new nonprofit organization (section 501) to foster partnerships between local businesses and local education for the purpose of establishing apprenticeship programs—the nonprofit lifts the administrative burden of running a program off the shoulders of business and education systems.

The success of this program depends upon the participation of the business community. Participating businesses would receive a deduction equal to 150 percent for contributions to the tax exempt organization set up as an apprentice program.

The board of directors of the nonprofit is to consist of:

First, employers contributing funds to the organization.

Second, participating school representatives.

Third, State and local government leaders.

Students would receive high school training, to meet regular graduation requirements, plus additional skill training needed for the apprenticeship. Upon graduation, apprentices will receive a high school diploma and will have a skill.

An example of an apprenticeship program: During the 9th and 10th grades, students may visit businesses to determine whether they want to pursue an apprenticeship program. Should they choose apprenticeship, during the 11th and 12th grades, they would spend part of their time working in the business receiving training and part of their time in high school receiving classroom training.

Earlier this year, I introduced similar legislation, the so called leap bill—leading employers into apprentice programs. Since that bill was introduced, I have been working with other Senators to revise and improve that legislation. This bill reflects the results of those efforts.

I hope that as the Congress considers a domestic urban agenda this year it will consider this proposal carefully as a measure to give hope to all students, not just those who are college bound.●

By Mr. McCAIN (for himself and Mr. THURMOND):

S.J. Res. 307. Joint resolution designating the month of July 1992 as "National Muscular Dystrophy Awareness Month"; to the Committee on the Judiciary.

NATIONAL MUSCULAR DYSTROPHY AWARENESS MONTH

● Mr. McCAIN. Mr. President, I rise today to call the attention of my colleagues to a joint resolution I am introducing. This resolution would designate the month of July 1992 as "National Muscular Dystrophy Awareness Month."

Mr. President, some 250,000 Americans are affected by one of the nine different forms of muscular dystrophy, and thousands more will be diagnosed this year as having the disease. These Americans come from all walks of life, and ages, all income levels. In short, the disease does not discriminate in whom it afflicts.

Currently, there are no proven cures or treatments for muscular dystrophy. Nevertheless, in recent years advances in genetic research have allowed scientists to isolate the genes responsible for the two most common forms of muscular dystrophy and the chromosomes areas for other forms of the disease. Finding the causes of and cures for the various forms of muscular dystrophy will not only prevent the disease from further robbing more and more Americans of their full mobility and their lives, but will also have an impact on the progress of developing cures for other neuromuscular diseases and disorders.

Mr. President, it has been demonstrated time and time again that raising public awareness for a specific issue can have far-reaching implications for the way in which our Nation responds to certain crises. It is my strong hope that a majority of my colleagues will add their names as cosponsors of this resolution, and that by creating National Muscular Dystrophy Awareness Month this body can play a small role in the fight against this disease that affects so many.

Again, Mr. President, I urge my colleagues to joint Senator Thurmond and myself in this effort. I ask unanimous consent that the resolution be printed in the RECORD.

There being no objection, the joint resolution was ordered to be printed in the RECORD, as follows:

S.J. RES. 307

Whereas approximately 250,000 Americans are affected by muscular dystrophy, a progressive, disabling disease which causes muscles to weaken and waste away irreversibly and which is often fatal;

Whereas muscular dystrophy can strike persons of any age, sex, race, economic level, or geographical region and thousands of Americans will be diagnosed this year as having muscular dystrophy;

Whereas nine forms of muscular dystrophy have been identified, namely, Duchenne, myotonic, Becker, limb-girdle, congenital, facioscapulohumeral, oculopharyngeal, distal, and Emery-Dreifuss muscular dystrophies;

Whereas Duchenne muscular dystrophy, the most common and fatal form of the disease, strikes boys between ages 2 and 6 and eventually affects all voluntary muscles;

Whereas myotonic muscular dystrophy, the most common form of the disease striking adults, has a variety of symptoms and can shorten life span;

Whereas there are no proven cures or treatments for any form of muscular dystrophy and a large proportion of people affected by the disease become mobility impaired or ventilator-dependent;

Whereas thousands of young people and adults affected by muscular dystrophy have become productive, successful citizens;

Whereas recent advances in genetic research have enabled scientists to locate the genes responsible for the two most common forms of muscular dystrophy and the chromosome areas for other forms;

Whereas knowledge about the causes of muscular dystrophy will have an impact on developing cures not only for muscular dystrophy but also for other neuromuscular diseases and disorders such as heart disease;

Whereas finding the causes of, and the cures for, all forms of muscular dystrophy will prevent the disease from robbing hundreds of thousands of Americans of full mobility and their lives; and

Whereas raising public awareness of muscular dystrophy will facilitate the discovery of a cure: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the month of July 1992 is designated as "National Muscular Dystrophy Awareness Month". The President is authorized and requested to issue a proclamation calling upon the people of the United States to observe the month with appropriate programs, ceremonies, and activities.•

ADDITIONAL COSPONSORS

S. 4

At the request of Mr. BENTSEN, the names of the Senator from Hawaii [Mr. INOUYE], the Senator from Pennsylvania [Mr. WOFFORD], and the Senator from California [Mr. SEYMOUR] were added as cosponsors of S. 4, a bill to amend titles IV, V, and XIX of the Social Security Act to establish innovative child welfare and family support services in order to strengthen families and avoid placement in foster care, to promote the development of comprehensive substance abuse programs for pregnant women and caretaker relatives with children, to provide improved delivery of health care services to low-income children, and for other purposes.

S. 316

At the request of Mr. CRAIG, the name of the Senator from North Carolina [Mr. HELMS] was added as a cosponsor of S. 316, a bill to provide for treatment of Federal pay in the same manner as non-Federal pay with respect to garnishment and similar legal process.

S. 649

At the request of Mr. BREAUX, the name of the Senator from Ohio [Mr. GLENN] was added as a cosponsor of S. 649, a bill to amend the Internal Revenue Code of 1986 to repeal the luxury tax on boats.

S. 781

At the request of Mr. SARBANES, the name of the Senator from Arizona [Mr. DECONCINI] was added as a cosponsor of S. 781, a bill to authorize the Indian American Forum for Political Education to establish a memorial to Mahatma Gandhi in the District of Columbia.

S. 846

At the request of Mr. PRYOR, the name of the Senator from Florida [Mr. GRAHAM] was added as a cosponsor of S. 846, a bill to amend title XIX of the Social Security Act to establish Federal standards for long-term care insurance policies.

S. 1231

At the request of Mr. BENTSEN, the name of the Senator from Vermont [Mr. JEFFORDS] was added as a cosponsor of S. 1231, a bill to amend title XVIII of the Social Security Act to provide for coverage of colerectal screening examinations and certain immunizations under part B of the Medicare Program, and for other purposes.

S. 1423

At the request of Mr. DODD, the name of the Senator from Alabama [Mr. SHELBY] was added as a cosponsor of S. 1423, a bill to amend the Securities Exchange Act of 1934 with respect to limited partnership rollups.

S. 1463

At the request of Mr. BREAUX, the name of the Senator from Hawaii [Mr. INOUYE] was withdrawn as a cosponsor of S. 1463, a bill to amend the Federal Water Pollution Control Act to establish a comprehensive program for conserving and managing wetlands in the United States, and for other purposes.

S. 1677

At the request of Mr. DASCHLE, the name of the Senator from Hawaii [Mr. AKAKA] was added as a cosponsor of S. 1677, a bill to amend title XIX of the Social Security Act to provide for coverage of alcoholism and drug dependency residential treatment services for pregnant women and certain family members under the Medicaid Program, and for other purposes.

S. 1731

At the request of Mr. MCCONNELL, the name of the Senator from South Carolina [Mr. THURMOND] was added as a cosponsor of S. 1731, a bill to establish the policy of the United States with respect to Hong Kong after July 1, 1997, and for other purposes.

S. 1838

At the request of Mr. PRYOR, the name of the Senator from Connecticut [Mr. DODD] was added as a cosponsor of S. 1838, a bill to amend title XVIII of the Social Security Act to provide for a limitation on use of claim sampling to deny claims or recover overpayments under medicare.

S. 1866

At the request of Mr. KENNEDY, the names of the Senator from Colorado [Mr. WIRTH], the Senator from Oregon [Mr. HATFIELD], the Senator from Georgia [Mr. FOWLER], and the Senator from Ohio [Mr. GLENN] were added as cosponsors of S. 1866, a bill to promote community based economic development and to provide assistance for community development corporations, and for other purposes.

S. 2064

At the request of Mr. HATFIELD, the names of the Senator from Texas [Mr. BENTSEN] and the Senator from Iowa [Mr. GRASSLEY] were added as cosponsors of S. 2064, a bill to impose a 1-year moratorium on the performance of nuclear weapons tests by the United States unless the Soviet Union conducts a nuclear weapons test during that period.

S. 2162

At the request of Mr. HARKIN, the name of the Senator from Pennsylvania [Mr. WOFFORD] was added as a cosponsor of S. 2162, a bill to amend the International Financial Institutions Act to advocate and promote policies to encourage developing countries to reduce military and military-related expenditures and to dedicate an equitable allocation of resources for health and education, and for other purposes.

S. 2180

At the request of Mr. GRASSLEY, the name of the Senator from Kansas [Mrs. KASSEBAUM] was added as a cosponsor of S. 2180, a bill to provide greater access to civil justice by reducing costs and delay, and for other purposes.

S. 2197

At the request of Mr. GRAHAM, the name of the Senator from Arizona [Mr. DECONCINI] was added as a cosponsor of S. 2197, a bill to promote a peaceful transition to democracy in Cuba through the application of appropriate pressures on the Cuban Government and support for the Cuban people.

S. 2239

At the request of Mr. PRYOR, the name of the Senator from Tennessee [Mr. SASSER] was added as a cosponsor of S. 2239, a bill to amend the Internal Revenue Code of 1986 to provide additional safeguards to protect taxpayer rights.

S. 2277

At the request of Mr. COHEN, the name of the Senator from Wisconsin [Mr. KASTEN] was added as a cosponsor of S. 2277, a bill to amend the Public Health Service Act to facilitate the entering into of cooperative agreements between hospitals for the purpose of enabling such hospitals to share expensive medical or high technology equipment or services, and for other purposes.

S. 2312

At the request of Mr. MCCAIN, the name of the Senator from Indiana [Mr. COATS] was added as a cosponsor of S. 2312, a bill to amend the Federal Aviation Act of 1958 to enhance competition at, and the provision of essential air service with respect to high-density airports, and for other purposes.

S. 2318

At the request of Mr. BENTSEN, the names of the Senator from Vermont [Mr. JEFFORDS], the Senator from South Dakota [Mr. PRESSLER], and the Senator from Alabama [Mr. SHELBY] were added as cosponsors of S. 2318, a bill to amend title XVIII of the Social Security Act to make technical corrections relating to the Omnibus Budget Reconciliation Act of 1990.

S. 2319

At the request of Mr. NICKLES, the name of the Senator from Wyoming [Mr. WALLOP] was added as a cosponsor of S. 2319, a bill to require analysis and estimates of the likely impact of federal legislation and regulations upon the private sector and State and local governments, and for other purposes.

S. 2362

At the request of Mr. McCAIN, the names of the Senator from Alabama [Mr. SHELBY] and the Senator from Rhode Island [Mr. CHAFEE] were added as cosponsors of S. 2362, a bill to amend title XVIII of the Social Security Act to repeal the reduced Medicare payment provision for new physicians.

S. 2365

At the request of Mr. NICKLES, the name of the Senator from Ohio [Mr. GLENN] was added as a cosponsor of S. 2365, a bill to amend title XVIII of the Social Security Act to repeal the reduced medicare payment provision for new physicians.

S. 2373

At the request of Mr. BOREN, the names of the Senator from New Mexico [Mr. BINGAMAN], and the Senator from Arizona [Mr. DeCONCINI] were added as cosponsors of S. 2373, a bill to amend the Job Training Partnership Act to establish a community works progress program, and a national youth community corps program, and for other programs.

S. 2387

At the request of Mr. LEAHY, the names of the Senator from Hawaii [Mr. INOUYE], the Senator from Vermont [Mr. JEFFORDS], the Senator from Minnesota [Mr. WELLSTONE], and the Senator from Hawaii [Mr. AKAKA] were added as cosponsors of S. 2387, a bill to make appropriations to begin a phase-in toward full funding of the special supplemental food program for women, infants, and children [WIC] and of Head Start programs, to expand the Job Corps Program, and for other purposes.

S. 2389

At the request of Mr. BRADLEY, the name of the Senator from Arizona [Mr. DeCONCINI] was added as a cosponsor of S. 2389, a bill to extend until January 1, 1999, the existing suspension of duty on Tamoxifen citrate.

S. 2394

At the request of Mr. HARKIN, the name of the Senator from Nebraska [Mr. EXON] was added as a cosponsor of S. 2394, a bill to amend title XVIII of the Social Security Act and title III of the Public Health Service Act to protect and improve the availability and quality of health care in rural areas.

S. 2400

At the request of Mr. PRYOR, the names of the Senator from Nebraska [Mr. EXON] and the Senator from Louisiana [Mr. BREAUX] were added as cosponsors of S. 2400, a bill to amend title XVIII of the Social Security Act to extend special payments under part A of medicare for the operating costs of inpatient hospital services of hospitals with a high proportion of patients who are medicare beneficiaries.

S. 2407

At the request of Mr. D'AMATO, his name was added as a cosponsor of S. 2407, a bill to amend the Board for International Broadcasting Act of 1973 to establish a program for radio broadcasting to the peoples of Asia.

S. 2484

At the request of Mr. KASTEN, the names of the Senator from California [Mr. SEYMOUR], the Senator from Louisiana [Mr. BREAUX], the Senator from North Carolina [Mr. HELMS], the Senator from Texas [Mr. GRAMM], and the Senator from Arizona [Mr. DeCONCINI] were added as cosponsors of S. 2484, a bill to establish research, development, and dissemination programs to assist State and local agencies in preventing crime against the elderly, and for other purposes.

S. 2489

At the request of Mr. DOMENICI, the name of the Senator from Michigan [Mr. LEVIN] was added as a cosponsor of S. 2489, a bill to amend the Stevenson-Wydler Technology Innovation Act of 1980 to establish the National Quality Commitment Award with the objective of encouraging American universities to teach total quality management, to emphasize the importance of process manufacturing, and for other purposes.

S. 2509

At the request of Mr. NICKLES, the name of the Senator from Hawaii [Mr. INOUYE] was added as a cosponsor of S. 2509, a bill to provide grants to establish an integrated approach to prevent child abuse, and for other purposes.

S. 2514

At the request of Mr. BUMPERS, the name of the Senator from North Carolina [Mr. SANFORD] was added as a cosponsor of S. 2514, a bill to amend the Internal Revenue Code of 1986 to allow taxpayers a bad debt deduction for certain partially unpaid child support payments and to require the inclusion in income of child support payments which a taxpayer does not pay, and for other purposes.

S. 2624

At the request of Mr. GLENN, the names of the Senator from Illinois [Mr. DIXON], the Senator from Illinois [Mr. SIMON], the Senator from New York [Mr. D'AMATO], and the Senator from Vermont [Mr. LEAHY] were added as cosponsors of S. 2624, a bill to authorize appropriations for the Interagency Council on the Homeless, the Federal Emergency Management Food and Shelter Program, and for other purposes.

S. 2639

At the request of Mr. NICKLES, the name of the Senator from Colorado [Mr. BROWN] was added as a cosponsor of S. 2639, a bill to amend the Internal Revenue Code of 1986 to provide a partial exclusion of dividends and interest received by individuals.

S. 2658

At the request of Mr. BIDEN, the name of the Senator from North Dakota [Mr. BURDICK] was added as a cosponsor of S. 2658, a bill to authorize the Secretary of Commerce to make grants to States and local governments for the construction of projects in areas of high unemployment, and for other purposes.

S. 2667

At the request of Mr. HEFLIN, the names of the Senator from Nebraska [Mr. KERREY] and the Senator from Mississippi [Mr. COCHRAN] were added as cosponsors of S. 2667, a bill to amend the Federal Food, Drug, and Cosmetic Act to clarify the application of the Act with respect to alternate uses of new animal drugs and new drugs intended for human use.

S. 2671

At the request of Mr. GRAHAM, the names of the Senator from Nebraska [Mr. EXON], the Senator from California [Mr. SEYMOUR], and the Senator from Pennsylvania [Mr. WOFFORD] were added as cosponsors of S. 2671, a bill to amend title 23, United States Code, to make technical corrections.

S. 2678

At the request of Mr. KASTEN, the name of the Senator from Arizona [Mr. DeCONCINI] was added as a cosponsor of S. 2678, a bill to provide assistance to communities to improve drug abuse resistance education programs, and for other purposes.

S. 2680

At the request of Mr. PRYOR, the names of the Senator from Louisiana [Mr. JOHNSTON] and the Senator from Mississippi [Mr. COCHRAN] were added as cosponsors of S. 2680, a bill to amend title XVIII of the Social Security Act to require the Secretary of Health and Human Services to consult with State medical societies in revising the geographic adjustment factors used to determine the amount of payment for physicians' services under part B of the medicare program, to require the Secretary to base geographic-cost-of-practice indices under the program upon the most recent available data, and for other purposes.

S. 2698

At the request of Mr. PRYOR, the names of the Senator from Nebraska [Mr. EXON] and the Senator from Iowa [Mr. GRASSLEY] were added as cosponsors of S. 2698, a bill to amend title XVIII of the Social Security Act to provide for enhanced enforcement of the billing limits established under part B of such title, and for other purposes.

S. 2704

At the request of Mr. BYRD, the names of the Senator from Alabama [Mr. SHELBY], the Senator from South Carolina [Mr. HOLLINGS], and the Senator from Michigan [Mr. RIEGLE] were added as cosponsors of S. 2704, a bill to prevent any foreign person from purchasing or otherwise acquiring the LTV Aerospace & Defense Co.

S. 2711

At the request of Mr. GLENN, the names of the Senator from Illinois [Mr. DIXON], the Senator from Kentucky [Mr. FORD], and the Senator from Hawaii [Mr. AKAKA] were added as cosponsors of S. 2711, a bill to ensure the fair treatment of members of the Selected Reserve of the Ready Reserve of the Armed Forces who are adversely affected by certain reductions in the size of the reserve components of the Armed Forces.

S. 2719

At the request of Mr. PRYOR, the name of the Senator from Louisiana [Mr. BREAUX] was added as a cosponsor of S. 2719, a bill to require the U.S. Trade Representative to take action authorized under section 301 of the Trade Act of 1974 against certain foreign countries in retaliation for the imposition by such countries of a ban on the importation of rice and rice products of the United States, and for other purposes.

S. 2728

At the request of Mr. KENNEDY, the name of the Senator from Connecticut [Mr. DODD] was added as a cosponsor of S. 2728, a bill to make emergency supplemental appropriations to provide emergency short-term assistance for American youth and meet the urgent needs for the fiscal year ending September 30, 1992, and for other purposes.

SENATE JOINT RESOLUTION 18

At the request of Mr. SIMON, the names of the Senator from Florida [Mr. GRAHAM] and the Senator from Wisconsin [Mr. KOHL] were added as cosponsors of Senate Joint Resolution 18, a joint resolution proposing an amendment to the Constitution relating to a Federal balanced budget.

SENATE JOINT RESOLUTION 247

At the request of Mr. DOLE, the name of the Senator from South Dakota [Mr. PRESSLER] was added as a cosponsor of Senate Joint Resolution 247, a joint resolution designating June 11, 1992, as "National Alcoholism and Drug Abuse Counselors Day."

SENATE JOINT RESOLUTION 257

At the request of Mr. LAUTENBERG, the names of the Senator from Wisconsin [Mr. KASTEN], the Senator from Hawaii [Mr. INOUYE], the Senator from Indiana [Mr. COATS], the Senator from Florida [Mr. GRAHAM], and the Senator from South Carolina [Mr. HOLLINGS] were added as cosponsors of Senate Joint Resolution 257, a joint resolution to designate the month of June 1992, as "National Scleroderma Awareness."

SENATE JOINT RESOLUTION 270

At the request of Mr. THURMOND, the names of the Senator from Utah [Mr. HATCH], the Senator from Arkansas [Mr. BUMPERS], and the Senator from Ohio [Mr. GLENN] were added as cosponsors of Senate Joint Resolution 270, a joint resolution to designate August 15, 1992, as "82d Airborne Division 50th Anniversary Recognition Day."

SENATE JOINT RESOLUTION 284

At the request of Mr. SPECTER, the names of the Senator from California [Mr. SEYMOUR], the Senator from South Carolina [Mr. THURMOND], the Senator from Delaware [Mr. ROTH], the Senator from Virginia [Mr. WARNER], the Senator from Illinois [Mr. DIXON], the Senator from California [Mr. CRANSTON], the Senator from Delaware [Mr. BIDEN], the Senator from Alabama [Mr. SHELBY], and the Senator from Ohio [Mr. METZENBAUM] were added as cosponsors of Senate Joint Resolution 284, a joint resolution designating August 4, 1992, as "National Neighborhood Crime Watch Day."

SENATE JOINT RESOLUTION 288

At the request of Mr. LIEBERMAN, the names of the Senator from Virginia [Mr. WARNER], the Senator from Rhode Island [Mr. PELL], the Senator from New Jersey [Mr. BRADLEY], the Senator from South Carolina [Mr. HOLLINGS], the Senator from Ohio [Mr. METZENBAUM], the Senator from Alabama [Mr. HEFLIN], the Senator from Missouri [Mr. BOND], and the Senator from Hawaii [Mr. AKAKA] were added as cosponsors of Senate Joint Resolution 288, a joint resolution designating the week beginning July 26, 1992, as "Lyme Disease Awareness Week."

SENATE JOINT RESOLUTION 295

At the request of Mr. DECONCINI, the names of the Senator from Alaska [Mr. STEVENS], the Senator from Michigan [Mr. LEVIN], the Senator from North Dakota [Mr. BURDICK], the Senator from Mississippi [Mr. COCHRAN], and the Senator from Montana [Mr. BURNS] were added as cosponsors of Senate Joint Resolution 295, a joint resolution designating September 10, 1992, as "National D.A.R.E. Day."

SENATE JOINT RESOLUTION 302

At the request of Mr. LAUTENBERG, the names of the Senator from Washington [Mr. ADAMS], the Senator from North Dakota [Mr. BURDICK], the Senator from New York [Mr. D'AMATO], the Senator from Massachusetts [Mr. KENNEDY], the Senator from Indiana [Mr. COATS], the Senator from Nevada [Mr. REID], the Senator from Illinois [Mr. DIXON], the Senator from Minnesota [Mr. DURENBERGER], the Senator from Ohio [Mr. GLENN], the Senator from Connecticut [Mr. LIEBERMAN], the Senator from Alaska [Mr. MURKOWSKI], and the Senator from South Carolina [Mr. HOLLINGS] were added as cosponsors of Senate Joint Resolution 302, a joint resolution proposing an amendment to the Constitution relating to the election of the President and Vice President of the United States.

SENATE CONCURRENT RESOLUTION 113

At the request of Mr. MOYNIHAN, the names of the Senator from Florida [Mr. MACK], the Senator from Illinois [Mr. DIXON], the Senator from New Jersey [Mr. BRADLEY], the Senator from Iowa [Mr. GRASSLEY], the Senator from Arizona [Mr. DECONCINI], the Senator from Florida [Mr. GRAHAM], the Senator from South Dakota [Mr. PRESSLER], the Senator from Virginia [Mr. ROBB], the Senator from Illinois [Mr. SIMON], and the Senator from New York [Mr. D'AMATO] were added as cosponsors of Senate Concurrent Resolution 113, a concurrent resolution concerning the 25th anniversary of the reunification of Jerusalem.

SENATE RESOLUTION 279

At the request of Mr. DASCHLE, the name of the Senator from Ohio [Mr. GLENN] was added as a cosponsor of Senate Resolution 279, a resolution to prohibit the provision to members and employees of the Senate, at Government expense, of unnecessary or inappropriate services and other benefits.

SENATE RESOLUTION 291

At the request of Mr. ROTH, the name of the Senator from Arizona [Mr. DECONCINI] was added as a cosponsor of Senate Resolution 291, a resolution on Japan's participation in United Nation's peacekeeping operations.

SENATE CONCURRENT RESOLUTION 120—DECLARING AN ARTICLE OF AMENDMENT TO BE THE 27TH AMENDMENT TO THE CONSTITUTION OF THE UNITED STATES

Mr. BYRD (for himself, Mr. MITCHELL, Mr. GRASSLEY, Mr. DOLE, Mr. BOREN, Mr. STEVENS, and Mr. THURMOND) submitted the following concurrent resolution; which was ordered held at the desk by unanimous consent:

S. CON. RES. 120

Whereas two-thirds of each House of the First Congress duly proposed in 1789 an article of amendment to the Constitution of the United States to provide that "No law, varying the compensation for the services of the Senators and Representatives, shall that effect, until an election of Representatives, shall have intervened.";

Whereas if duly ratified this proposed amendment on the effective date of laws varying the compensation of Members of Congress would be the twenty-seventh amendment to the Constitution of the United States;

Whereas pursuant to Senate Resolution 295, 102d Congress, the Archivist of the United States has communicated to the Senate, with copies of all the resolutions of ratification in his office, a list of States of the Union whose legislatures have ratified the proposed article of amendment on the effective date of laws varying the compensation of Members of Congress;

Whereas the legislatures of the States of Maryland, North Carolina, South Carolina, Delaware, Vermont, Virginia, Ohio, Wyoming, Maine, Colorado, South Dakota, New Hampshire, Arizona, Tennessee, Oklahoma, New Mexico, Indiana, Utah, Arkansas, Montana, Connecticut, Wisconsin, Georgia, West Virginia, Louisiana, Iowa, Idaho, Nevada, Alaska, Oregon, Minnesota, Texas, Kansas, Florida, North Dakota, Alabama, Missouri, Michigan, New Jersey, and Illinois, being three-fourths and more of the several States of the Union, have ratified the proposed article of amendment to the Constitution of the United States on the effective date of laws varying the compensation of Members of Congress: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That the article of amendment to the Constitution of the United States on the effective date of laws varying the compensation of Members of Congress, duly proposed by two-thirds of each House of the First Congress and ratified by three-fourths and more of the several States of the Union, has become valid, to all intents and purposes, as a part of the Constitution of the United States, and shall be known as the twenty-seventh amendment.

SEC. 2. The Secretary of the Senate shall provide a copy of this resolution to the Archivist of the United States.

SENATE CONCURRENT RESOLUTION 121—DECLARING THE TIME FOR RATIFICATION TO HAVE LAPSED FOR FOUR PROPOSED ARTICLES OF AMENDMENT TO THE CONSTITUTION OF THE UNITED STATES

Mr. BYRD submitted the following concurrent resolution; which was referred to the Committee on the Judiciary:

S. CON. RES. 121

Whereas on September 25, 1789, two-thirds of each House of the First Congress duly proposed an article of amendment to the Constitution of the United States concerning the size of the House of Representatives;

Whereas the legislatures of only ten of the several States of the Union ratified the said amendment, and no State has ratified the amendment since November 3, 1791;

Whereas, on May 1, 1810, two-thirds of each House of the Eleventh Congress duly proposed an article of amendment to the Constitution of the United States concerning the acceptance of titles of nobility from foreign governments;

Whereas the legislatures of only twelve of the several States of the Union ratified the said amendment, and no State has ratified the amendment since December 10, 1812;

Whereas, on March 2, 1861, two-thirds of each House of the Thirty-sixth Congress duly proposed an article of amendment to the Constitution of the United States to protect the institution of slavery from abolition by the Constitution and the Congress;

Whereas the legislatures of only two of the several States of the Union ratified the said amendment, and no State has ratified the amendment since January 10, 1862;

Whereas, on January 31, 1865, two-thirds of each House of the Thirty-eight Congress duly proposed an article of amendment to the Constitution of the United States outlawing slavery, which became the Thirteenth Amendment to the Constitution on December 6, 1865, upon the ratification of it by the legislatures of three-fourths of the several States of the Union;

Whereas, on June 2, 1924, two-thirds of each House of the Sixty-eighth Congress duly proposed an article of amendment to the Constitution of the United States concerning the regulation of child labor;

Whereas only twenty-seven of the several States of the Union ratified the said amendment, and no State has ratified the amendment since October 1, 1937: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That the periods for ratification of the four amendments proposed by the First, Eleventh, Thirty-sixth, and Sixty-eighth Congresses, which are described in the preamble to this resolution, are hereby declared to have lapsed without any of them having been ratified by the legislatures of three-fourths of the several States of the Union.

SEC. 2. These amendments are no longer subject to ratification as a part of the Constitution.

SEC. 3. The Secretary of the Senate shall communicate this resolution to the Archivist of the United States and to the legislature of each of the several States.

SENATE CONCURRENT RESOLUTION 122—RELATIVE TO THE 50TH ANNIVERSARY OF THE BATTLE OF THE CORAL SEA

Mr. PELL submitted the following concurrent resolution; which was referred to the Committee on Foreign Relations:

S. CON. RES. 122

Whereas in 1992 the United States and Australia are commemorating the 50th anniversary of the Battle of the Coral Sea, during which a joint American and Australian naval force first began to turn back the tide of aggression, thereby securing Australia from invasion and greatly enhancing allied morale and resolve;

Whereas the alliance between the United States and Australia during World War II was formalized in the 1951 Security Treaty commonly referred to as the "ANZUS Treaty", which provides that the United States and Australia will act to meet the common danger in the event of an armed attack in the Pacific against either country;

Whereas the alliance between the United States and Australia has been characterized by an extraordinary degree of cooperation that includes information sharing, combined exercises, joint training and educational programs, and joint facilities;

Whereas the relationship between the United States and Australia goes well beyond security cooperation, and is based on common values and beliefs, such as respect for international law, human rights, and the fundamental concepts underlying the democratic process;

Whereas this relationship is strengthened by a long tradition of friendship, as well as cultural and educational exchanges; and

Whereas the United States and Australia share a wide range of common interests in Asia and the Pacific, such as growth and liberalization of international trade, as well as regional cooperation on economic development, environmental protection, and the peaceful settlement of disputes: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That on the occasion of the 50th anniversary of the Battle of the Coral Sea, the Congress—

(1) pays tribute to the relationship between the United States and Australia, and looks forward to the continued growth and development of this relationship;

(2) reaffirms the importance of security cooperation between the United States and Australia and the importance of their mutual security commitments; and

(3) expresses its strong support for continued close cooperation between Australia and the United States on economic and security issues in Asia and the Pacific.

Mr. PELL. Mr. President, this month marks the 50th anniversary of the Battle of the Coral Sea during which a joint American and Australian naval force began to push back aggression in the South Pacific. this battle secured Australia from invasion and greatly bolstered allied morale and resolve.

Today, I am submitting a concurrent resolution to acknowledge the 50th anniversary of this historic battle and to pay tribute to the United States-Australian relationship. A similar resolution has been introduced in the House. Cooperation between the United States and Australia continues to be a significant pillar in maintaining peace in the Pacific rim.

Recently, I had the unique opportunity of visiting Port Moresby in Papua New Guinea. Once the target of Japanese attacks, Port Moresby stood in the way of a Japanese invasion of Australia. The Japanese were thwarted only through the determined efforts of Australian forces and Papuan war carriers on the Kokoda Trail, American carrier-based planes at the Battle of Coral Sea, and allied units at Milne Bay.

Mr. President, I would like to request unanimous consent to introduce into the RECORD, following my remarks, a statement made by the American Ambassador to Papua New Guinea on the occasion of the ANZAC Day/World War II Memorial Service on April 25, 1992.

In 1951, the United States, Australia, and New Zealand formalized a mutual security arrangement known as the ANZUS Treaty. This treaty provides that the United States, New Zealand, and Australia will act together to meet any common danger in the event of armed attack in the Pacific. Through the years, this mutual security commitment has been reinforced through information sharing, joint training and educational programs, combined exercises, and joint facilities.

We also share many common interests with Australia and New Zealand in Asia and the Pacific. We are members of Asian Pacific Economic Cooperation [APEC]. This regional forum allows us to express our interests in economic growth and international trade liberalization in the Pacific rim. We also work together for regional cooperation on economic development, environmental protection, and conflict resolution.

I ask my colleagues to join me in recognizing the significance of our strong history of cooperation by supporting this joint resolution.

There being no objection, the remarks were ordered to be printed in the RECORD, as follows:

REMARKS OF AMBASSADOR ROBERT WILLIAM FARRAND, ANZAC DAY/WORLD WAR II MEMORIAL SERVICE, ELA BEACH MEMORIAL

Prime Minister Namaliu, Prime Minister Keating, Minister of Defense Cooper, distinguished guests, ladies and gentlemen, I hope you will understand when I say that ANZAC Day, a solemn and venerable tradition in Australia, New Zealand, and PNG, is not well known in the United States. But this year—1992—ANZAC Day takes on real and added significance for Americans. This year ANZAC Day coincides with the 50th anniversary of our joint campaign during WWII to meet the Challenge of a determined foe who had occupied portions of New Guinea on the road to Australia and New Zealand.

The citizens and territory of Papua New Guinea suffered grievously during WWII. Rabaul was occupied and turned into an enormous military and naval base. Bougainville and parts of the Solomon Islands became stepping stones for the adversary's push to the south. Most ominously, however, he drove repeatedly and determinedly on Port Moresby.

But it was not to be.

Turned back by U.S. carrier-based planes at the Battle of the Coral Sea, repulsed on the Kokoda Trail by Australian diggers, and thwarted at Milne Bay by Allied units, the enemy was prevented from ever taking Port Moresby. The landing of U.S. Marines on Guadalcanal on August 7, 1942, diverted critical supplies and men who would otherwise have advanced down the Kokoda Trail, at the same time, aircraft of the Royal Australian Air Force and United States Army Air Corps bombed enemy ships and supply lines.

The brave war carriers of Papua New Guinea played a vital role guiding, supplying, and evacuating wounded allied soldiers from the battlefields. Virtually all of the U.S. soldiers, sailors, and airmen—whether they came from the cornfields of Iowa, the mountains of West Virginia, the streets of New York City or the bayous of Louisiana—were newcomers to the South Pacific and to the incredible hardships of tropical warfare. Young civilians rushed into uniform, they had had little training and no previous battle experience. But in hand-to-hand combat for Buna, Gona, Pt. Sanananda, and Salamaua—battles fought at the same time as the epic struggle for Guadalcanal—they showed that allied troops, for the first time in WWII, could pull together in common cause to defeat a common foe.

We gather here today to pay tribute to the allied fighting men—Australians, New Zealanders, Americans, and the loyal Papua New Guineans who were at their side—to all those who fell in battle during World War II on the ground, at sea, and in the skies over this fair land which is now the independent state of Papua New Guinea.

In the words of Abraham Lincoln, who spoke on a similar occasion at a battlefield near Gettysburg 129 years ago: "* * * we cannot consecrate, we cannot hallow this ground. The brave men, living and dead, who struggled here have consecrated it far above our poor power to add or detract."

They will not be forgotten.

SENATE RESOLUTION 298—DECLARING AN ARTICLE OF AMENDMENT TO BE THE 27TH AMENDMENT TO THE CONSTITUTION OF THE UNITED STATES

Mr. BYRD (for himself, Mr. MITCHELL, Mr. GRASSLEY, Mr. DOLE, Mr. BOREN, Mr. STEVENS, and Mr. THURMOND) submitted the following resolution; which was ordered held at the desk by unanimous consent:

S. RES. 298

Whereas two-thirds of each House of the First Congress duly proposed in 1789 an article of amendment to the Constitution of the United States to provide that "No law, varying the compensation for the services of the Senators and Representatives, shall take effect, until an election of Representatives shall have intervened.";

Whereas if duly ratified this proposed amendment on the effective date of laws varying the compensation of Members of Congress would be the Twenty-seventh Amendment to the Constitution of the United States;

Whereas pursuant to Senate Resolution 295, 102d Congress, the Archivist of the United States has communicated to the Senate, with copies of all the resolutions of ratification in his office, a list of States of the Union whose legislatures have ratified the proposed article of amendment on the effective date of laws varying the compensation of Members of Congress;

Whereas the legislatures of the States of Maryland, North Carolina, South Carolina, Delaware, Vermont, Virginia, Ohio, Wyoming, Maine, Colorado, South Dakota, New Hampshire, Arizona, Tennessee, Oklahoma, New Mexico, Indiana, Utah, Arkansas, Montana, Connecticut, Wisconsin, Georgia, West Virginia, Louisiana, Iowa, Idaho, Nevada, Alaska, Oregon, Minnesota, Texas, Kansas, Florida, North Dakota, Alabama, Missouri, Michigan, New Jersey, and Illinois, being three-fourths and more of the several States of the Union, have ratified the proposed article of amendment to the Constitution of the United States on the effective date of laws varying the compensation of Members of Congress: Now, therefore, be it

Resolved, That the article of amendment to the Constitution of the United States on the effective date of laws varying the compensation of Members of Congress, duly proposed by two-thirds of each House of the First Congress and ratified by three-fourths and more of the several States of the Union, has become valid, to all intents and purposes, as a part of the Constitution of the United States, and shall be known as the Twenty-seventh Amendment.

SEC. 2. The Secretary of the Senate shall provide a copy of this resolution to the Archivist of the United States and to the House of Representatives.

SENATE RESOLUTION 299—RELATING TO THE CONDEMNATION OF THE REPRESSION OF DEMOCRACY AND HUMAN RIGHTS IN THE KINGDOM OF THAILAND

Mr. CRANSTON (for himself, Mr. PELL, Mr. HELMS, Mr. ROBB, Mr. KENNEDY, Mr. SIMON, Mr. SASSER, Mr. DODD, Mr. WOFFORD, Mr. KERRY, Mr. LEVIN, Mr. BIDEN, Mr. MOYNIHAN, Mr. JEFFORDS, Mr. MCCAIN, Mr. DIXON, Mr. RIEGLE, Mr. SARBANES, Mr. BUMPERS, Mrs. KASSEBAUM, Mr. SANFORD, Mr. KOHL, and Mr. LUGAR) proposed the following resolution; which was considered and agreed to:

S. RES. 299

Whereas on February 23, 1991, a military coup overthrew the democratically elected government of the Kingdom of Thailand;

Whereas on February 23, 1991, the United States suspended military and economic assistance to Thailand under section 513 of the Foreign Operations, Export Financing, and Related Programs Appropriations Act of 1991, which prohibits assistance to any country whose elected head of government is deposed by military coup or decree;

Whereas on February 24, 1991, coup leaders announced that they would organize democratic elections within six months and then step down;

Whereas on December 7, 1991, Thailand's council-appointed National Legislative Assembly adopted a controversial constitution permitting the appointment of the Senate's 270 members and the election of 360 members of the National Assembly's lower house;

Whereas on March 22, 1991, general elections were held in Thailand reinstating an elected lower house of the National Assembly;

Whereas on April 7, 1992, General Suchinda Kraprayoon was appointed Prime Minister following his nomination by five newly elected pro-military parties;

Whereas on May 4, 1992, peaceful demonstrations against General Suchinda's appointment as nonelected Prime Minister began in Bangkok, with as many as 100,000 people participating;

Whereas on May 9, 1992, the coalition government's parties agreed to consider constitutional amendments on five issues, including the appointment of the Prime Minister from the elected parliament;

Whereas on May 17, 1992, peaceful demonstrations resumed with more than 120,000 people protesting General Suchinda's appointment as non-elected Prime Minister;

Whereas unarmed demonstrators were met with police force when they pushed past a barricade, igniting violent unrest leading to the death of at least 10 protesters, the injury of hundreds, and the arrest and detention of at least 200 others;

Whereas Prime Minister Suchinda has declared a State of Emergency in Bangkok and surrounding provinces, banning public meetings of more than 10 people, imposing strict press censorship, and giving authorities the power to arrest any person deemed a threat to national security: Now, therefore be it

Resolved, That it is the sense of the Senate that—

(1) the Government of Thailand should restore promptly respect for human rights and democratic rule by taking the following steps;

(a) cease immediately the use of excessive and lethal force against unarmed pro-democracy demonstrators;

(b) act promptly to lift the state of emergency and other expanded military powers;

(c) release all those detained for the peaceful expression of their views, including students and opposition leaders such as Governor Chamlong Srimuang;

(d) allow all those detained since May 18, 1992 immediate access to attorneys, medical personnel and international humanitarian organizations to ensure that no one is subjected to abuse or ill-treatment;

(e) declare an amnesty for all those facing criminal charges, since the February 1991 military coup, for expressing peacefully their views; and

(f) fulfill its stated commitment to the people of Thailand to peaceful negotiations and elected rule;

(2) the United States Government suspend joint military exercises with Thailand; and

(3) the United States Secretary of State should convey these recommendations to the

Thai authorities at the highest level and confirm that no United States economic or military assistance will be provided until a duly elected government is fully installed and human rights are respected.

SENATE RESOLUTION 300—RELATIVE TO THE FORMER YUGOSLAVIA

Mr. DECONCINI (for himself, Mr. GORE, and Mr. D'AMATO) submitted the following resolution; which was referred to the Committee on Foreign Relations:

S. RES. 300

Whereas the Socialist Federal Republic of Yugoslavia (hereinafter "the former Yugoslavia"), with which the United States has maintained diplomatic relations, ceases to exist;

Whereas it is for the people of the constituent republics and provinces of the former Yugoslavia to determine their future, either alone or with each other at the EC-sponsored Conference on Yugoslavia, in a manner that accords with the ten principles of the Conference on Security and Cooperation in Europe (CSCE) guiding relations between states;

Whereas these principles include, inter alia, refraining from the threat or use of force, the territorial integrity of states, the inviolability of frontiers, the equal rights and self-determination of peoples, and respect for human rights and fundamental freedoms, including those of members of national minorities;

Whereas Serbia and Montenegro have decided to maintain ties in the form of a new "Federation of Yugoslavia";

Whereas this new entity does not meet the criteria for recognition, especially in its gross violation of human rights and fundamental freedoms, including those of members of national minorities;

Whereas Serbia, Montenegro and officials of the former Yugoslavia have instigated, supported, threatened and used force against the other republics in the form of aggression by irregular forces and the Yugoslav National Army;

Whereas Serbia has unilaterally removed the autonomous status of the provinces of Kosovo and Vojvodina, against the will of the people residing in those provinces; and

Whereas these actions have led to violence of unprecedented scale in post-World War II Europe in terms of loss of life, displaced persons and refugees, and destruction of property,

Whereas the United States and other concerned countries have sought to suspend the participation of Yugoslavia in the deliberations and decisions of the CSCE; Now, therefore, be it

Resolved, That the United States should

(1) suspend all U.S. Government assistance and cooperative programs with the former Yugoslavia;

(2) move to prevent the new Yugoslavia from gaining access to benefits and assets available to the former Yugoslavia including Most-Favored-Nation (MFN) status;

(3) urge the European Community and other members of the Conference on Security and Cooperation in Europe (CSCE) and the United Nations to take immediate action to impose more comprehensive sanctions against the former Yugoslavia such as an oil embargo;

(4) urge the European Community and other members of the CSCE and the United Nations to immediately cease all negotiations between international financial institutions and the former Yugoslavia and to immediately freeze all available credit lines to the former Yugoslavia;

(5) take no action to recognize the "Federal Republic of Yugoslavia" proclaimed by Serbia and Montenegro until such time as that republic meets the same EC criteria for recognition applied to the other republics of the former Yugoslavia and Serbia ceases its aggression against Bosnia-Hercegovina withdraws its forces from that republic and guarantee the territorial integrity of Bosnia-Hercegovina;

(6) require that diplomatic representation by the former Yugoslavia in the United States be placed on the same level as current United States diplomatic representation in the former Yugoslavia is;

(7) continue to press for the full suspension of the Yugoslav seat from the deliberations and decisions of the CSCE as well as other international bodies;

(8) take immediate steps with the European Community and other members of the CSCE and the United Nations to establish a "security zone" around the capital of Sarajevo to ensure the delivery of international humanitarian assistance to the people of Bosnia-Hercegovina and as an indication of our continuing support for the legitimate government of Bosnia-Hercegovina;

(9) insist that Serbia restore the autonomy of Kosovo and Vojvodina and respect that status in its laws and policies, including democratic self-government;

(10) press all the new states created from the former Yugoslavia to respect all ten CSCE principles guiding relations between states in their relations with each other.

Mr. DECONCINI. Mr. President, I am introducing a resolution today with my distinguished colleagues, Senator GORE and Senator D'AMATO which advocates several steps we should be immediately taking with respect to the former Yugoslavia. Congressman HOYER is introducing the same resolution in the House.

Mr. President, 56 years ago Emperor Haile Selassie of Ethiopia went before the League of Nations to plead for help against Mussolini's invasion of his country. As I listen day after day to accounts of the brutal slaughter of innocent Bosnians by Serbian and former Yugoslav military forces, I am reminded of Selassie's words which continue to haunt the world to this day. He said:

> I assert that the issue is, a question of collective security; of the value of promises made to small states that their integrity and independence shall be respected and assured in a word, it is international morality at stake.
>
> I ask the great powers who have promised the guarantee of collective security to small states: What measures do they intend to take? What answer am I to take back to my people?

Today, once again, the Western democracies have no answers. We are still afraid to act. We are still bound by the impotence of political self-interests at all levels: domestically as well as internationally. Our perspective is still clouded by our perpetual arrogance in assuming we know more about countries than their own leaders do. Yesterday, we saw Croatia overrun. Today, it is Bosnia. Tomorrow, it will very likely be Kosovo and then Macedonia, a country whose independence we have still not had the decency to recognize.

In January of this year, when the Bosnian Foreign Minister told me the situation was getting desperate, I called Cyrus Vance, special United Nations envoy to Yugoslavia, and asked him about the possibility of sending in a peacekeeping group to try and prevent a rerun of the violence then occurring in Croatia. Mr. Vance's response was that he and others did not perceive the threat to be serious and at any rate the United Nations could not act until force had been used.

Perhaps that was the reality of our infamous new world order, but could we not have and can we not now act in several ways to isolate Serbia? Foreign Minister Silajdzic urged that thought be given to creating a security zone around Sarajevo in order to ensure the safe transport of desperately needed humanitarian aid. As the Foreign Minister said,

> Have we reached the point that we can simply watch the whole population starve?

We should also be using our influence with the European Community and other CSCE and United Nations member countries to immediately freeze all lines of credit to the former Yugoslavia through international financial institutions, such as the World Bank, the International Monetary Fund, and others. It is incredible to me that we are still allowing these credit lines to finance the Belgrade government. And, surely there is a stronger package of sanctions we could actively take a role in putting together. Finally, why is it that we have recalled our Ambassador to the former Yugoslavia but we still accept the presence in Washington of an ambassador from the new Federal Yugoslavia—a country we do not recognize?

I would agree with those who did nothing to isolate Milosevic months ago that our options now are severely limited. But as the slaughter, the Hitleresque purification of Moslem and Croatian villages not to mention the horrific refugee problem continues unabated, let us at least act swiftly to isolate the current Government in Belgrade. Let us at least stop our pitiful attempts at rationalizing a do-nothing policy which has made a final mockery of the so-called new world order.

Mr. President, history will judge the reasons why we have, so far, had no answers for the Foreign Minister to take to his people; but in the name of basic humanity let us now make a more honest effort to find some. I urge my colleagues to support this resolution.

AMENDMENTS SUBMITTED

NATIONAL VOTER REGISTRATION ACT

MCCAIN AMENDMENT NOS. 1824 AND 1825

Mr. MCCAIN proposed two amendments to the bill (S. 250) to establish national voter registration procedures for Federal elections, and for other purposes, as follows:

AMENDMENT NO. 1824

In section 13 of the Act, paragraph 2, strike "1993" and insert in lieu thereof "1994".

AMENDMENT NO. 1825

At the end of Section 7 of the Act, add:

(d) RESTRICTIONS ON AGENCY REGISTRATION.—No agency designated under this Act shall register any individual who receives direct financial aid from that agency.

(1) If an agency described in paragraph (d) is requested by an individual to register that person to vote, the agency must refer that individual to an agency designated in this section and from which the individual does not receive direct financial aid.

(2) EXCEPTION TO PARAGRAPH (d).—If the individual noted in paragraph (d) has or claims to have a disability as defined by the Americans With Disabilities Act of 1990 (P.L. 101-332), that individual must be

(A) referred to another agency designated in this section and from which the individual does not receive direct financial aid, that the individual agrees is both convenient and accessible under the standards of the Americans With Disabilities Act of 1990 (P.L. 101-336), or

(B) if no such agency designated under (d)(2)(A) exists, any agency designated by this Act may register such individual.

(3) Direct financial aid is defined as food or nutrition aid or income assistance aid dispersed by any agency.

GRAHAM AMENDMENT NO. 1826

Mr. FORD (for Mr. GRAHAM) proposed an amendment to the bill S. 250, supra, as follows:

On page 19, strike lines 22 through 25 and insert the following:

(B) If State law permits the registrant to vote in the current election upon oral or written affirmation by the registrant of the new address at a polling place described in subparagraph (A)(ii)(II), voting at the former polling place as described in subparagraph (A)(i) and at a central location as described in subparagraph (A)(ii)(I) need not be provided as alternative options.

MCCONNELL AMENDMENT NOS. 1827 AND 1828

Mr. MCCONNELL proposed two amendments to the bill S. 250, supra, as follows:

AMENDMENT NO. 1827

At the end of the amendment, add the following:

TITLE II—PUBLIC CORRUPTION

SEC. 201. SHORT TITLE.

This title may be cited as the "Anti-Corruption Act of 1992".

SEC. 202. PUBLIC CORRUPTION.

(a) OFFENSES.—Chapter 11 of title 18, United States Code, is amended by adding at the end the following new section:

"§ 226. Public corruption

"(a) STATE AND LOCAL GOVERNMENT.—

"(1) HONEST SERVICES.—Whoever, in a circumstance described in paragraph (3), deprives or defrauds, or endeavors to deprive or to defraud, by any scheme or artifice, the inhabitants of a State or political subdivision of a State of the honest services of an official or employee of the State or political subdivision shall be fined under this title, imprisoned not more than 10 years, or both.

"(2) FAIR AND IMPARTIAL ELECTIONS.—Whoever, in a circumstance described in paragraph (3), deprives or defrauds, or endeavors to deprive or to defraud, by any scheme or artifice, the inhabitants of a State or political subdivision of a State of a fair and impartially conducted election process in any primary, run-off, special, or general election—

"(A) through the procurement, casting, or tabulation of ballots that are materially false, fictitious, or fraudulent or that are invalid, under the laws of the State in which the election is held;

"(B) through paying or offering to pay any person for voting;

"(C) through the procurement or submission of voter registrations that contain false material information, or omit material information; or

"(D) through the filing of any report required to be filed under State law regarding an election campaign that contains false material information or omits material information,

shall be fined under this title, imprisoned not more than 10 years, or both.

"(3) CIRCUMSTANCES IN WHICH OFFENSE OCCURS.—The circumstances referred to in paragraphs (1) and (2) are that—

"(A) for the purpose of executing or concealing a scheme or artifice described in paragraph (1) or (2) or attempting to do so, a person—

"(i) places in any post office or authorized depository for mail matter, any matter or thing to be sent or delivered by the Postal Service, or takes or receives therefrom any such matter or thing, or knowingly causes to be delivered by mail according to the direction thereon, or at the place at which it is directed to be delivered by the person to whom it is addressed, any such matter or thing;

"(ii) transmits or causes to be transmitted by means of wire, radio, or television communication in interstate or foreign commerce any writings, signs, signals, pictures, or sounds;

"(iii) transports or causes to be transported any person or thing, or induces any person to travel in or to be transported in, interstate or foreign commerce; or

"(iv) uses or causes the use of any facility of interstate or foreign commerce;

"(B) the scheme or artifice affects or constitutes an attempt to affect in any manner or degree, or would if executed or concealed affect, interstate or foreign commerce; or

"(C) in the case of an offense described in paragraph (2), an objective of the scheme or artifice is to secure the election of an official who, if elected, would have any authority over the administration of funds derived from an Act of Congress totaling $10,000 or more during the 12-month period immediately preceding or following the election or date of the offense.

"(b) FEDERAL GOVERNMENT.—Whoever deprives or defrauds, or endeavors to deprive or to defraud, by any scheme or artifice, the inhabitants of the United States of the honest services of a public official or a person who has been selected to be a public official shall be fined under this title, imprisoned not more than 10 years, or both.

"(c) OFFENSE BY AN OFFICIAL AGAINST AN EMPLOYEE OR OFFICIAL.—

"(1) CRIMINAL OFFENSE.—Whoever, being an official, public official, or person who has been selected to be a public official, directly or indirectly discharges, demotes, suspends, threatens, harasses, or in any manner discriminates against an employee or official of the United States or of a State or political subdivision of a State, or endeavors to do so, in order to carry out or to conceal a scheme or artifice described in subsection (a) or (b), shall be fined under this title, imprisoned not more than 5 years, or both.

"(2) CIVIL ACTION.—(A) Any employee or official of the United States or of a State or political subdivision of a State who is discharged, demoted, suspended, threatened, harassed, or in any manner discriminated against because of lawful acts done by the employee or official as a result of a violation of this section or because of actions by the employee on behalf of himself or herself or others in furtherance of a prosecution under this section (including investigation for, initiation of, testimony for, or assistance in such a prosecution) may bring a civil action and obtain all relief necessary to make the employee or official whole, including—

"(i) reinstatement with the same seniority status that the employee or official would have had but for the violation;

"(ii) 3 times the amount of backpay;

"(iii) interest on the backpay; and

"(iv) compensation for any special damages sustained as a result of the violation, including reasonable litigation costs and reasonable attorney's fees.

"(B) An employee or official shall not be afforded relief under subparagraph (A) if the employee or official participated in the violation of this section with respect to which relief is sought.

"(C)(i) A civil action or proceeding authorized by this paragraph shall be stayed by a court upon certification of an attorney for the Government that prosecution of the action or proceeding may adversely affect the interests of the Government in a pending criminal investigation or proceeding.

"(ii) The attorney for the Government shall promptly notify the court when a stay may be lifted without such adverse effects.

"(d) DEFINITIONS.—As used in this section—

"(1) the term 'official' includes—

"(A) any person employed by, exercising any authority derived from, or holding any position in the government of a State or any subdivision of the executive, legislative, judicial, or other branch of government thereof, including a department, independent establishment, commission, administration, authority, board, and bureau, and a corporation or other legal entity established and subject to control by a government or governments for the execution of a governmental or intergovernmental program;

"(B) any person acting or pretending to act under color of official authority; and

"(C) any person who has been nominated, appointed, or selected to be an official or who has been officially informed that he or she will be so nominated, appointed, or selected;

"(2) the term 'person acting or pretending to act under color of official authority' includes a person who represents that he or she controls, is an agent of, or otherwise acts on behalf of an official, public official, and person who has been selected to be a public official;

"(3) the terms 'public official' and 'person who has been selected to be a public official' have the meanings stated in section 201 and also include any person acting or pretending to act under color of official authority;

"(4) the term 'State' means a State of the United States, the District of Columbia, Puerto Rico, and any other commonwealth, territory, or possession of the United States; and

"(5) the term 'uses any facility of interstate or foreign commerce' includes the intrastate use of any facility that may also be used in interstate or foreign commerce.".

(b) TECHNICAL AMENDMENTS.—(1) The chapter analysis for chapter 11 of title 18, United States Code, is amended by adding at the end the following new item:

"226. Public corruption.".

(2) Section 1961(1) of title 18, United States Code, is amended by inserting "section 226 (relating to public corruption)," after "section 224 (relating to sports bribery),".

(3) Section 2516(1)(c) of title 18, United States Code, is amended by inserting "section 226 (relating to public corruption)," after "section 224 (bribery in sporting contests),".

SEC. 203. INTERSTATE COMMERCE.

(a) IN GENERAL.—Section 1343 of title 18, United States Code, is amended—

(1) by striking "transmits or causes to be transmitted by means of wire, radio, or television communication in interstate or foreign commerce, any writings, signs, signals, pictures, or sounds" and inserting "uses or causes to be used any facility of interstate or foreign commerce"; and

(2) by inserting "or attempting to do so" after "for the purpose of executing such scheme or artifice".

(b) TECHNICAL AMENDMENTS.—(1) The heading of section 1343 of title 18, United States Code, is amended to read as follows:

"§ 1343. Fraud by use of facility of interstate commerce".

(2) The chapter analysis for chapter 63 of title 18, United States Code, is amended by amending the item relating to section 1343 to read as follows:

"1343. Fraud by use of facility of interstate commerce.".

SEC. 204. NARCOTICS-RELATED PUBLIC CORRUPTION.

(a) OFFENSES.—Chapter 11 of title 18, United States Code, is amended by inserting after section 219 the following new section:

"§ 220. Narcotics and public corruption

"(a) OFFENSE BY PUBLIC OFFICIAL.—A public official who, in a circumstance described in subsection (c), directly or indirectly, corruptly demands, seeks, receives, accepts, or agrees to receive or accept anything of value personally or for any other person in return for—

"(1) being influenced in the performance or nonperformance of any official act; or

"(2) being influenced to commit or to aid in committing, or to collude in, or to allow or make opportunity for the commission of any offense against the United States or any State,

shall be guilty of a class B felony.

"(b) OFFENSE BY PERSON OTHER THAN A PUBLIC OFFICIAL.—A person who, in a circumstance described in subsection (c), directly or indirectly, corruptly gives, offers, or promises anything of value to any public official, or offers or promises any public official to give anything of value to any other person, with intent—

"(1) to influence any official act;

"(2) to influence the public official to commit or aid in committing, or to collude in, or to allow or make opportunity for the commission of any offense against the United States or any State; or

"(3) to influence the public official to do or to omit to do any act in violation of the official's lawful duty,

shall be guilty of a class B felony.

"(c) CIRCUMSTANCES IN WHICH OFFENSE OCCURS.—The circumstances referred to in subsections (a) and (b) are that the offense involves, is part of, or is intended to further or to conceal the illegal possession, importation, manufacture, transportation, or distribution of any controlled substance or controlled substance analogue.

"(d) DEFINITIONS.—As used in this section—

"(1) the terms 'controlled substance' and 'controlled substance analogue' have the meanings stated in section 102 of the Controlled Substances Act (21 U.S.C. 802);

"(2) the term 'official act' means any decision, action, or conduct regarding any question, matter, proceeding, cause, suit, investigation, or prosecution which may at any time be pending, or which may be brought before any public official, in such official's official capacity, or in such official's place of trust or profit; and

"(3) the term 'public official' means—

"(A) an officer or employee or person acting for or on behalf of the United States, or any department, agency, or branch of Government thereof in any official function, under or by authority of any such department, agency, or branch of Government;

"(B) a juror;

"(C) an officer or employee or person acting for or on behalf of the government of any State, territory, or possession of the United States (including the District of Columbia), or any political subdivision thereof, in any official function, under or by the authority of any such State, territory, possession, or political subdivision; and

"(D) any person who has been nominated or appointed to a position described in subparagraph (A), (B), or (C), or has been officially informed that he or she will be so nominated or appointed.".

(b) TECHNICAL AMENDMENTS.—(1) Section 1961(1) of title 18, United States Code, is amended by inserting "section 220 (relating to narcotics and public corruption)," after "Section 201 (relating to bribery),".

(2) Section 2516(1)(c) of title 18, United States Code, is amended by inserting "section 220 (relating to narcotics and public corruption)," after "section 201 (bribery of public officials and witnesses),".

(3) The chapter analysis for chapter 11 of title 18, United States Code, is amended by inserting after the item for section 219 the following new item:

"220. Narcotics and public corruption.".

AMENDMENT NO. 1828

At the end of the bill add the following:

SEC. 14. SUNSET PROVISION.

After the date on which the chief election official of a State certifies to the Federal Election Commission that the percentage of persons who were eligible to vote in that State in the general election for Federal office in 1996 that voted in the 1996 election did not exceed by at least 2.0 percentage points the percentage of persons who were eligible to vote in that State in the general election for Federal office in 1992 who voted in the 1992 election, this Act shall not apply in that State.

NICKLES AMENDMENT NO. 1829

Mr. NICKLES proposed an amendment to the bill S. 250, supra, as follows:

On page 28, strike lines 9 through 17 and insert the following:

(a) IN GENERAL.—Subject to subsection (b), this Act shall take effect—

(1) with respect to a State that on the date of enactment of this Act has a provision in the constitution of the State that would preclude compliance with this Act unless the State maintained separate Federal and State official lists of eligible voters, on January 1, 1996; and

(2) with respect to any State not described in paragraph (1), on January 1, 1993.

(b) FUNDING.—(1) Not later than 180 days after the date of enactment of this Act, a State may submit to the Committee on Rules and Administration of the Senate and the Committee on House Administration of the House of Representatives an estimate of the costs that the State and each political subdivision of the State will incur in implementing this Act.

(2) This Act shall not take effect until January 1 of the year following the year in which Congress enacts—

(A) an Act authorizing payment to State and local governments of the costs of implementing this Act in the amounts estimated by the Committee on Rules and Administration of the Senate and the Committee on House Administration of the House of Representatives in consultation with the States under paragraph (1); and

(B) an Act making appropriations in the amounts necessary to make the payments described in subparagraph (A).

GRAMM AMENDMENT NO. 1830

Mr. GRAMM proposed an amendment to the bill S. 250, supra, as follows:

On page 27, strike line 5 and all that follows through page 28, line 7, and insert the following:

(a) OFFENSE.—Chapter 29 of title 18, United States Code, is amended by inserting before section 592 the following new section:

"§ 591. Voter intimidation; depriving the public of a fair and impartial election

"(a) OFFENSE.—A person who in any election for Federal office—

"(1) knowingly and willfully intimidates, threatens, or coerces, or attempts to intimidate, threaten, or coerce, any person for—

"(A) registering to vote, or voting, or attempting to register or vote;

"(B) urging or aiding any person to register to vote, to vote, or to attempt to register or vote; or

"(C) exercising any right under this Act; or

"(2) knowingly and willfully deprives, defrauds, or attempts to deprive or defraud the residents of a State of a fair and impartially conducted election process, by—

"(A) the procurement or submission of voter registration applications that are known by the person to be materially false, fictitious, or fraudulent under the laws of the State in which the election is held; or

"(B) the procurement, casting, or tabulation of ballots that are known by the person to be materially false, fictitious, or fraudulent under the laws of the State in which the election is held,

shall be punished in accordance with subsection (b).

"(b) Mandatory Minimum Penalties.—A person who violates subsection (a)—

"(1) shall be imprisoned not less than 1 year and fined not more than $100,000;

"(2) if the person is a State or local government official with duties relating to the registration of voters or the conduct of elections, shall be imprisoned not less than 3 years and fined not more than $100,000; and

"(3) if the person is a Federal, State, or local official (other than an official described in paragraph (2)) holding an elective office (without regard to whether the person was elected to that office or was appointed to complete the term of a predecessor), shall be imprisoned not less than 5 years and fined not more than $100,000."

(b) Technical Amendment.—The chapter analysis for chapter 29 of title 18, United States Code, is amended by inserting before the item relating to section 592 the following new item:

"591. Voter intimidation; depriving the public of a fair and impartial election.".

SIMPSON AMENDMENTS NOS. 1831 AND 1832

Mr. SIMPSON proposed two amendments to the bill S. 250, supra; as follows:

Amendment No. 1831

Section 5 is amended by inserting at the end the following new subsection:

"(e) Effective Date.—The provisions of this section shall not take effect until the Attorney General certifies to the Chairmen and Ranking Minority Members of the Committees on the Judiciary of the Senate and of the House of Representatives and the Committee on Rules and Administration of the Senate that sufficient procedures exist to prevent voting by ineligible non-citizens.".

Amendment No. 1832

Insert at the end of the bill the following new section:

"SEC. . PILOT PROGRAM ON USE OF CERTAIN DRIVERS' LICENSES AS DOCUMENTS ESTABLISHING BOTH EMPLOYMENT AUTHORIZATION AN IDENTITY.

"(a) In General.—The Attorney General shall establish a pilot program under which, in the case of up to 3 States which provide for the issuance of drivers' licenses (and related identification documents) in accordance a system described in subsection (b), a driver's license or similar identification document issued by the State in accordance with subsection (b) shall be treated, for purposes of section 274A(b) of the Immigration and Nationality Act, as a document described in paragraph (1)(B) of such section.

"(b) System Requirements.—The system for the issuance of licenses or documents must—

"(1) be in a form which is resistant to counterfeiting and tampering, such as tamperproof laminates and photographs, holograms, or magnetic stripes containing such data as physical characteristics;

"(2) include on the driver's license or other form of identification the applicant's Social Security account number, which number the State has confirmed with the Social Security Administration as being the number issued to the applicant; and

"(3) require that an applicant for a driver's license or other form or identification be issued a temporary driver's license or other form of identification upon demonstrating qualification therefor, and that the driver's license or other form of identification be mailed to the residence address of the applicant after a waiting period of no more than 30 days in which the State has used reasonable means to confirm the identification information presented by the applicant.

"(c) Report.—Not later than 3 years after the date of the enactment of this Act, the Attorney General shall report to the Congress on the performance of the pilot program under this section and on whether such program should be extended (on a voluntary or mandatory basis) to all States.

"(d) Authorization.—There are authorized to be appropriated up to $5 million to carry out the purposes of this section for each of fiscal years 1993, 1994, and 1995.".

SPECTER AMENDMENT NO. 1833

Mr. SPECTER proposed an amendment to the bill S. 250, supra, as follows:

Strike section 8(a)(2) and insert the following:

(2) require that—

(A) the appropriate State election official shall send notice of the disposition of the application, by first class mail marked "do not forward, return to sender," which notice—

(i) if the State election official determines that the applicant has properly completed the application and is legally qualified to register, shall indicate that the application has been accepted and indicate the effective date of the applicant's registration; and

(ii) if the State election official determines that the applicant has properly completed the application and is legally qualified to register, shall indicate that the application has been rejected and state the reason for rejection; and

(B) if a notice of acceptance of an application is returned undelivered, the State election official shall reject the application.

For purposes of this section 8(a)(2), the United States Postal Service shall exercise due diligence and make all reasonable effort to deliver voter registration mail to the addresses and, failing delivery, promptly to return such mail to the sender.

NOTICES OF HEARINGS

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. JOHNSTON. Mr. President, I would like to announce for my colleagues and the public that a hearing has been scheduled before the Committee on Energy and Natural Resources.

The purpose of the hearing is to receive testimony on S. 2527, a bill to restore Olympic National Park and the Elwha River ecosystem and fisheries in the State of Washington.

The hearing will take place on June 4, 1992 at 9:30 a.m. in room SD-366 of the Dirksen Senate Office Building, First and C Streets, NE., Washington, DC.

Because of the limited time available for the hearing, witnesses may testify by invitation only. However, those wishing to submit written testimony for the printed hearing record should send their comments to the Committee on Energy and Natural Resources, United States Senate, Washington, DC 20510, Attention: Tom Jensen or Dana Sebren Cooper.

For further information, please contact Tom Jensen or Dana Sebren Cooper of the committee staff at 202/224-2366 or 202/224-4531.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON AGRICULTURE, NUTRITION, AND FORESTRY

Mr. FORD. Mr. President, I ask unanimous consent that the Senate Committee on Agriculture, Nutrition, and Forestry be allowed to meet during the session of the Senate on Tuesday, May 19, 1992, at 2:30 p.m., in SR-332, to hold a hearing on nominations pending before the committee.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON ARMED SERVICES

Mr. FORD. Mr. President, I ask unanimous consent that the Committee on Armed Services be authorized to meet on Tuesday, May 19, 1992, at 2:30 p.m., in closed session, to receive testimony on the Department of Defense special access programs and procedures, in review of S. 2629, the Department of Defense authorization bill for fiscal year 1993.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. FORD. Mr. President, I ask unanimous consent that the Committee on Energy and Natural Resources be authorized to meet during the session of the Senate, 9:30 a.m., May 19, 1992, to receive testimony on issues pertaining to the refining sector of the petroleum industry.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON MINERAL RESOURCES DEVELOPMENT AND PRODUCTION

Mr. FORD. Mr. President, I ask unanimous consent that the Subcommittee on Mineral Resources Development and Production Subcommittee of the Committee on Energy and Natural Resources be authorized to meet during the session of the Senate, 1:30 p.m., May 19, 1992, to receive testimony on S. 907, legislation to amend section 7 of the Mineral Leasing Act governing certain federal coal lease royalty rates.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FOREIGN RELATIONS

Mr. FORD. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Tuesday, May 19, at 2 p.m. to hold an ambassadorial nomination hearing.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON GOVERNMENTAL AFFAIRS

Mr. FORD. Mr. President, I ask unanimous consent that the Governmental

Affairs Committee be authorized to meet on Tuesday, May 19, at 10 a.m. for a hearing on the subject: "S. 1958, Reauthorization of GSA and S. 2619, Multiple Award Program.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON LABOR AND HUMAN RESOURCES

Mr. FORD. Mr. President, I ask unanimous consent that the Committee on Labor and Human Resources be authorized to meet during the session of the Senate on Tuesday, May 19, 1992, at 10 a.m. for a hearing on the need for improved regulatory authorities for the Food and Drug Administration.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON SMALL BUSINESS

Mr. FORD. Mr. President, I ask unanimous consent that the Small Business Committee be authorized to meet during the session of the Senate on Tuesday, May 19, 1992, at 2:30 p.m. The Committee will hold a full committee hearing on the Price Waterhouse study of the SBA's 7(a) Guaranteed Business Loan Program.

The PRESIDING OFFICER. Without objection, it is so ordered.

ADDITIONAL STATEMENTS

HONORING "ACCESS" ON ITS 21ST ANNIVERSARY

• Mr. LEVIN. Mr. President, Metropolitan Detroit is home to 300,000 Arab-Americans—the largest concentration of Arab-Americans in the United States. It includes talented and learned professionals, dedicated men and women of Egyptian, Iraqi, Jordanian, Lebanese, Palestinian, and Yemeni descent. The continuing regional conflicts in the Middle East have resulted in an ever increasing influx of immigrants in recent years. They have picked Michigan, where we recently celebrated Michigan Arab Culture Week, to call their new home.

One vital resource open to all who wish to resettle or already live in the Detroit area is the Arab Community Center for Economic and Social Services [ACCESS] of Dearborn, MI.

ACCESS is a nonprofit, nonsectarian community organization that started as the dream of a small group of volunteers over 21 years ago. What began as a small office in the back of a store has developed into a crucial community organization with 4 offices and over 50 employees, and a strong core of volunteers.

ACCESS helps more than 15,000 families each year, regardless of ability to pay or ethnic background. It has a firm nondiscrimination policy and takes pride in the wide variety of people it services. ACCESS provides much needed services in the areas of family and teen counseling, social services, education, employment, immigration, language and cultural programs, and medical assistance. ACCESS plays a critical role in providing food and housing assistance through its emergency food and rent/mortgage programs; it helps feed the homeless and find them temporary shelters. It is the central organization for aid in southwest Wayne County, an area that has been severely hurt by the current hard economic times.

ACCESS prides itself on facilitating a better understanding among all people. The center provides an atmosphere where new arrivals can learn about everyday life in America, while it helps students, teachers, human service professionals, health care providers, and other citizens to understand Arabic culture.

In 1987, ACCESS established the Arab Folk Heritage Museum, which reflects the diversity of Arab traditions, cultural heritage and the history of the Arab-American community. Its performance series features presentations of traditional Arabic folk dance and music, often performed at local community events and schools. Its artisan training program provides classes and individual instruction in traditional Arabic music and other art forms.

Throughout its history, ACCESS has always found the strength to pull together in times of local adversity and global conflicts. The staff has dealt with the prejudices of those unfamiliar with their purpose and the Arabic culture, especially during heightened tensions caused by world events. It has overcome personal attacks, arson, and the brutal murder of one of its members. Indeed, with the worsening economy, ACCESS finds itself helping more and more people every year despite budget cuts by local and State institutions and the resulting loss of staff.

For 21 years the staff of the Arab Community Center for Economic and Social Services have been committed and caring, helping thousands of people to become productive citizens. ACCESS serves as a great role model for others to follow in the pursuit of social, educational, and financial betterment. ACCESS has become a center of hope and resolution for people in need. The tremendous heart and compassion demonstrated by its employees and volunteers has affected all those who have walked through the doors of its four centers.

As ACCESS continues to lend its helping hand to those who need it most in our society, I am certain this spirit of giving and commitment will inspire others to remain supportive of their important work.

The Arab-American community has become an important part of the mosaic that we call America. The day-to-day efforts of the staff of ACCESS has had a beneficial ripple effect that extends well beyond the boundaries of Dearborn or Detroit or Michigan. It has proven to be a worthwhile investment in our own future.•

FORD PRODUCTIVITY AWARD

• Mr. BOND. Mr. President, I rise today to urge my colleagues in the Senate to join me in paying tribute to a remarkable work force which has put its manufacturing facility in the spotlight. I am speaking of the employees of the Kansas City Assembly Plant of the Ford Motor Co.

In 1982, the Senate established the U.S. Senate Productivity Award to recognize companies and organizations which have displayed superior productivity; to promote the importance of productivity to the United States' role in the global economy; and to recognize these companies, organizations, and individuals who set such a high standard of excellence to which others may aspire.

As Governor of Missouri and now as a U.S. Senator I believe in the importance of studying, recognizing, and sharing with others the successes of superior companies. I have organized an informal panel of authorities from the academic and business community who are uniquely qualified to assess productivity. The Hawthorn Foundation of Missouri has joined me in the selection and presentation of this award because of the foundation's longtime commitment to assisting and honing Missouri's competitive edge in all areas of commerce.

This panel has nominated the Ford Motor Co., Kansas City assembly plant and its United Auto Workers Union Local 249 to receive the 1992 U.S. Senate Productivity Award for the State of Missouri. I congratulate and commend Local 249 for its prestigious harbour report ranking as the No. 1 truck manufacturing facility in the Nation for the production of the F Series truck and No. 4 ranking in the country for efficiency in the production of the Tempo/Topaz car. The F Series truck is currently the No. 1 selling vehicle in North America and one of Ford's leading exports.

The workers at the Claycomo plant have what it takes to compete in a global market. The American auto industry should hold in high esteem the reputation that Ford and local 249 has earned in Kansas City. Originally opened to produce the Model T in 1912 as the first auto manufacturing facility outside the Detroit area, it has evolved into one of the finest manufacturing plants in the world.

The United Auto Workers together with Ford Motor Co. are committed to providing the best employee support services in American industry. Ford provides education and financial planning programs; health and safety training; and the comprehensive UAW-Ford Education, Development and Training Program to enhance workers' knowledge about the auto industry and increase employee involvement. The employee support services provide for family counseling, health risk assessment, child care services, fitness centers, and parenting education. The joint commitment of the UAW and Ford to work together for quality is most impressive.

Ford and its employees have recognized and made a commitment to what it takes to provide quality products and quality of life. The employee and management dedication is in large part responsible for the high productivity level the Claycomo Plant displays.

Truly, "Quality is Job One" at the Kansas City, Claycomo, Ford plant. The expertise and loyalty of a well-trained and educated work force will ensure that the Claycomo plant will be building top quality cars and trucks well into the future. I take great pride in representing a state that has such a fine work force—

I congratulate the Ford Motor Co.'s Kansas City assembly plant as the 1992 Missouri recipient of the U.S. Senate Productivity Award.•

PROMOTING ECONOMIC DEVELOPMENT

• Mr. WIRTH. Mr. President, promoting economic development is one of our leading responsibilities as Senators. We all work to encourage economic activity and bring new jobs and businesses to our States. Unfortunately, economic development in the United States often bypasses some communities, leaving many of our residents without the employment opportunities that other Americans take for granted when the economy is healthy. Too many of our citizens and communities continuously face even in good times the difficulties and hardships that most Americans only consider a possibility during a recession.

The recent events in Los Angeles only underscore the importance of economic development in low-income areas. Does anyone doubt that the riots owe as much to the community's economic circumstances as to the shocking verdict in the Rodney King case? In order to prevent future outbreaks of violence in our cities, and to rebuild those parts of Los Angeles affected by the riots as well as our other aging core cities, we need to foster economic development in those areas and build stronger links between communities and the businesses that serve them.

Similarly, many rural areas in my home State of Colorado and throughout the Nation are struggling. The steady reduction in farm employment continues to draw people away from many rural communities and we need to encourage economic development in those areas as well.

Today I am cosponsoring S. 1866, the National Community Economic Partnership Act. This legislation, introduced by Senator KENNEDY, provides an important component of our efforts to assist economic development in both our cities and rural areas. S. 1866 is designed to build on the success of Community Development Corporations (CDC's) in supporting housing and small business in many low-income areas of the country.

CDC's are private, nonprofit organizations that work to stimulate and support development in low-income communities. They seek to concentrate their efforts on a small, defined geographic area. The number of CDC's have increased significantly in recent years. While most CDC's have concentrated their efforts on housing, we are now seeing more and more organizations become involved in helping launch new small businesses in low-income areas.

Local, community-based organizations can do a great deal to help build an active, vibrant economy in disadvantaged areas. I believe these organizations can be more effective than economic development projects or programs that are established in a community by the Government or an outside entity. The community involvement that CDC's bring to a business or an economic development project gives an area's residents a greater stake in a program's success than they might have in a Government-led effort, particularly in areas where there is significant mistrust of Government.

The legislation includes several provisions that would help CDC's support economic development and which are targeted to CDC's that serve low-income individuals and communities. First, it authorizes funds for lines of credit that CDC's would use to establish revolving loan funds. The loan funds will be used to provide technical and financial assistance to businesses in the areas served by the CDC. Recipients of funds from a CDC would have to find local matching funds and CDC's must reinvest any profits within the community. Second, S. 1866 authorizes a grant program for CDC's. Grants would be provided to assist CDC's in improving their management and operating capacity, or to support CDC's administration of their programs. An additional grant program would be available to assist new CDC's that have only completed one or two community economic development projects to establish revolving loan funds.

I believe that CDC's—and revolving loan funds—can contribute significantly to spurring economic development in low-income areas. That's why I am cosponsoring S. 1866. However, I do have some reservations about the legislation. Specifically, I am concerned that it creates a new independent agency to administer the programs that the proposal would establish.

We already have many Government agencies that are involved in economic development. The overlap is evident in the Board that S. 1866 would create for the new entity, a board that includes five Cabinet Secretaries and the head of the Small Business Administration. I am concerned that passage of S. 1866 in its present form would unnecessarily add another agency to the mix.

CDC's are an excellent tool to leverage private investment and encourage economic development. Their local focus and community involvement will help residents develop their economy from the ground up. Many elements of S. 1866 would help CDC's bring jobs and economic vitality to low-income areas. I hope that they will receive attention as we look to encourage economic development in both urban and rural areas.•

SECOND ANNIVERSARY OF THE PRESIDENT OF THE REPUBLIC OF CHINA

• Mr. SEYMOUR. Mr. President, many of my California constituents and their friends from the Republic of China on Taiwan will be celebrating President Lee Teng-hui's second anniversary in office on May 20, 1992. I welcome this milestone since President Lee has taken specific steps to bring his nation closer to the goal of a fully democratic government.

Taiwan also continues to amaze the world as one of the famous Asian Tigers of market economics, free trade, and productivity growth.

On the eve of President Lee's second anniversary in office, therefore, I would like to wish him success as Taiwan continues to rely on the path of democratic capitalism.•

THE RIGHT DIRECTION TOWARD MALAWI

• Mr. DECONCINI. Mr. President, last week the World Bank and major Western aid donors, meeting in Paris, took a significant step in a bold direction by freezing all but humanitarian and drought related assistance to the government of "President for Life" Hastings Kamuzu Banda of Malawi for 1992–93.

In so doing, the donors wisely articulated a new level of linkage of financial assistance to human and civil rights and internal political conditions. I am heartened that the increasing focus on human rights and democratization by the world community—initially codified in the 1974 Helsinki Accords and in United States Government policy under President Carter—is becoming institutionalized and a standard part of international discourse. Also, this concept is being broadened beyond the Conference on Security and Cooperation in Europe [CSCE] process and Europe to situations globally.

In August 1991, I had the opportunity to raise the issue of multiparty democracy with Malawian officials during a visit to that country's capital of Lilongwe. I was disturbed that my mild suggestion that multiple parties be allowed to form was met with loud protests and criticism.

Some in the media have likened Banda's rule of Malawi to that of Kim Il Sung of North Korea. While this characterization may be extreme, the similarities between the two regimes are striking. For instance, in response to a carefully worded pastoral letter issued by Malawi's seven Roman Catholic bishops and monsignors in March which noted several areas of concern such as bribery and nepotism and the monopoly of mass media and censorship which prevent the expression of dissenting views, the church leaders were arrested and interrogated. An executive committee of the ruling party reportedly planned to have the signers of the letter killed. Apparently, President Banda personally stepped in to prevent the killings from occurring. The fact that the church publicly took a stand on the government's actions was a telling expression of the depth of popular political concern.

The disingenuous comments of Malawi's ambassador to the United States, Robert B. Mbaya, that no opposition party exists in Malawi and that the one party existing—the Malawi Congress Party—is a mass movement, and the people of Malawi join it freely, are clearly contradicted by the pastoral letter as well as recent riots in various parts of the country which have left more than 38 people dead. Attacks on the ruling party's headquarters in the capital and destruction of banners depicting the image of President Banda—erected in honor of his birthday—also belie government statements that the people of Malawi do not want a multiparty, democratic system.

Last year, the World Bank suspended assistance to Kenya because of government corruption, in addition to human rights abuses by the government of President Moi. Now the Bank, and other donors, have upped the ante and sent the clear signal to Malawi and fellow aid recipients that autocratic, nonparticipatory systems of government will come under closer scrutiny, and that gross, systematic human rights violations will no longer be tolerated.

What is unfortunate about the situation in Malawi is that the country has been a model of political stability and relative economic prosperity in an unstable part of Africa for decades. The Malawian economy is stronger than many of its neighbors in southern Africa. This is especially impressive in that it has undertaken—at a great political and ecological cost—the tremendous additional burden of sheltering and feeding tens of thousands of refugees fleeing Mozambique's civil war. With all of its internal problems, Malawi deserves credit for taking on this major humanitarian responsibility.

The bottomline remains, however, that the people of Malawi deserve, and have earned, an opportunity for an independent voice in the running of their government and their affairs. Stifling alternate political voices can only lead to unnecessary suffering, economic disruption, and, potentially, increasing violence.

This need not happen, however. Last October, in an act of true statesmanship with the well being of his country foremost in his mind, Zambia's former President Kenneth Kaunda allowed multiparty elections and ensured a peaceful transfer of power to the popularly elected President Frederick Chiluba. The same can occur in Malawi if only President Banda and those around him, will allow the people of Malawi the chance to peacefully express their yearning for a democratic future.•

DRUNK DRIVING DESTROYS LIVES

• Mr. COATS. Mr. President, I rise today to pay tribute to a group of Hoosiers who are taking the lead in the war against drunk driving. The Munster High School chapter of Students Against Driving Drunk and Drugs [SADD] joined forces with the local community to send the young people of northwest Indiana a poignant message: Drunk driving destroys lives. With the assistance of Mr. Tom Rogan of Calumet Monument Co. The Munster police and fire departments, the local florists, and the school faculty, SADD students held a week-long campaign to raise drunk driving awareness and to promote responsible behavior during the school's spring prom.

The first event was the creation of a symbolic cemetery on the school's front lawn. Tom Rogan held a vigil for 48 hours, placing a granite tombstone donated by Calumet Monument Co. on the lawn every 20 minutes to represent deaths caused by drunk drivers. Afterward, SADD volunteers were selected every 20 minutes to represent the victims of the accident.

The next day a mock drunk driving accident was staged at the school. The Munster firefighters, paramedics, and police officers participated in rescue efforts to exhibit to students and community members how devastating a drunk driving accident can be. Finally, all community florists agreed to place prom cards in prom flower boxes as a reminder for teenagers to stay sober.

These prom week activities are creative examples of the diligent service that Munster SADD students, as well as SADD organizations throughout the Nation, provide to their schools. What makes the Munster efforts particularly inspiring, however, is that the entire community pulled together to save lives. The Munster business leaders, civil servants, school faculty, and students deserve our praise and admiration for their commitment to preventing drunk driving. These dedicated Hoosiers serve as an inspiration to all Americans to behave responsibly and stop drinking and driving.•

ADDRESS TO CENTER FOR NAVAL ANALYSES CONFERENCE BY SENATOR CARL LEVIN

• Mr. NUNN. Mr. President, last week the Center for Naval Analyses [CNA] held its annual conference with the theme "Strategy and Priorities for a New ERA." The CNA, which is an independent, nonprofit, federally funded research and development center sponsored by the Department of the Navy, is celebrating its 50th year as the Nation's oldest civilian operations research organization. The CNA, as is its custom, assembled a distinguished group of Congressmen, present and former officials, academics, and journalists to discuss America's role in the coming world, the tensions between international and domestic priorities, and the purposes of military forces, their size and shape.

One of the highlight's of this year's conference was an address by our colleague, the distinguished Senator from Michigan, CARL LEVIN. His address entitled "New Approaches to International Security" is timely and thought provoking and deserving of our careful consideration. It reflects, as does all of Senator LEVIN'S work, a comprehensive and innovative approach to this important issue and I ask that it be printed in the RECORD.

The address follows:

NEW APPROACHES TO INTERNATIONAL SECURITY

(Address by Senator Carl Levin)

We are living in a time of breathtaking change. The task of understanding those changes and fostering a new international environment of peace and democracy is supremely challenging. The current state of domestic politics and economics in the United States adds to that challenge. But I believe we are up to it if we'll display vision and hard-headed realism—the kind that the Center for Naval Analyses has provided so much of over the years.

Many of you have already begun to apply your skills to the new realities we're facing, especially the changed military threats. In a few short months, it has already become a cliche to say "the Cold War is over." I'm happy for that, but I'm afraid too many of our policies seem frozen in the past.

Here are some new realities: We no longer face a massive monolithic enemy force bent on world domination. The threat of nuclear war has declined significantly. The Warsaw Pact is history and the Soviet Union is history. The former Red Army is divided and shrinking. No armed force in the former Soviet Union is poised for, or capable of a sudden, massive attack through the Fulda Gap or anywhere else. Moscow isn't fomenting armed revolutions around the globe, and it isn't deploying nationwide strategic defenses or new, state-of-the-art radars. Both superpowers have reduced forward deployments of weapons and troops, eliminated hair-trigger postures and have vastly increased warning time.

Here are some other relevant facts: The overwhelming military victory of Desert Storm against what was the fourth-largest army in the world demonstrated the effectiveness and vast superiority of the weapons and forces of the western alliance. The Gulf War dramatized the power of a multi-national coalition. And it left the U.S. the undisputed military superpower on the planet.

All those facts add up to an enormous opportunity we never expected to have, one of those rare moments in history when we might be able to build an effective system of international security. This evening, I would like to make the case for U.S. leadership in developing a new approach. I believe we should be working out new collective arrangements to prevent emerging threats from developing and to eliminate threats where they do develop. The U.S. should take the lead in building the institutions that can carry out these tasks, and we should shape our own military forces to support these new goals.

If that sounds too general for you, let me offer some specific examples: the international community now may be united enough for the first time in modern history to enforce peace in places like Yugoslavia and Azerbaijan. It may be united enough for the first time in modern history to forcefully prevent states like Libya and Iran from deploying weapons of mass destruction.

Taking these kinds of actions is much more complicated than just stating that it is possible. But it is feasible, at least under a number of conditions: two of those are that democracy needs to survive in Russia, and the U.S. Needs to lead now in the creation of international coalitions that can act in new ways.

THE NEW THREATS

Now that I've taken you to the bring, and perhaps taken some of you over the brink—let me step back for a moment to look at some major new threats, very different from the Cold War that has dominated threat analysis for decades. Perhaps the greatest threat lies in proliferation of ballistic missiles, and nuclear, chemical and biological weapons. Just a few nuclear weapons in the hands of a Khaddafi or a terrorist group would pose a greater danger to us than the 30,000 nuclear weapons in Gorbachev's arsenal did.

Proliferation challenges us around the globe. It is at the heart of some of our most vexing foreign policy problems, and it is taking increasingly serpentine routes. China has been selling missiles and nuclear technology to Iran and other countries. Brazil sold German equipment to Iraq to produce weapons grade uranium and now may be exporting the same know-how to Iran. Recently, there were new reports that the Saudis transferred U.S.-made bombs to Iraq in 1986. Many are paying lip service to the proliferation problem, but not acting to prevent it.

A second set of threats lies in historic antagonists who acquire modern, offensive, conventional military power. There is growing unrest and armed conflict in newly independent regions where old disputes have emerged as central, dictatorial control disappears. Yugoslavia represents a sobering challenge to international peacekeeping efforts because of the religious and cultural factions that exist there. Bosnia-Hercegovina may sound like an exotic, faraway place, but we Americans have short memories. Sarajevo was the flashpoint in the powder keg of ethnic and nationalistic rivalries that exploded into world war in 1914 after the assassination there of Archduke Ferdinand.

It is a new world with new threats, but these threats are not intractable, proliferation is not inevitable, and security crises can be managed before they erupt into civil war. With Russia and the United States now acting together, there are dramatic new openings for international action—the possibilities are truly tremendous.

OLD THINKING

Unfortunately, the United States has not risen to the leadership challenge. We knew Yugoslavia was a trouble spot. We saw it coming. But the community of nations didn't take action to prevent hostilities. Now, while the world watches, the bloodshed continues and could spread. Who knows where the fighting will escalate next? Perhaps Armenia and Azerbaijan?

Nor have we modified our defense plans to address emerging threats.

Look at the Pentagon's proposed Base Force plan for 1997. It was crafted before the breakup of the Soviet Union and the end of communism there, before many of the force reductions in the former Warsaw Pact and before large nuclear weapons cuts by Presidents Bush and Yeltsin.

This Base Force is premised on Cold War threats that are gone, maybe not forever, but for a long time. We should watch the Russian situation closely, of course, and work for the survival of democracy there. But we need to look ahead. Unfortunately, the Base Force wasn't designed for action to address new threats such as proliferation of weapons of mass destruction or the outbreak of ethnic and nationalist civil wars.

The Administration seems to accept proliferation as inevitable, undeserving of urgent attention or fresh approaches. Take the ballistic missile proliferation threat as an example. The Pentagon misses no opportunity to warn that 10 to 15 countries may gain ballistic missile capability before the end of the decade, and could threaten the continental United States and U.S. forces and interests abroad. The attack of Iraqi SCUD missiles on U.S. troops in Riyadh and on Israeli citizens last year is frequently invoked as the shaped of things to come.

But the Pentagon has offered Congress no coordinated plan to prevent these countries from acquiring missiles. They do not suggest strengthening the Missile Technology Control Regime (MTCR) or give any progress report on the Enhanced Proliferation Control Initiative the Administration trumpeted just a year ago.

The Administration offers Star Wars, but their system would, at best, provide only partial coverage against ballistic missiles, and leave us just as vulnerable as we are now to cruise missiles, planes, boats or suitcases carrying weapons.

$5.3 billion is requested for SDI this year, while we spend less than one percent of that sum on actual efforts to stop the spread of missiles and their technology.

No, the Pentagon's priorities are not yet responsive to the changed world and its new threats.

It's time for some fundamental changes. We need a foreign policy that articulates a positive vision, a security strategy for making that vision reality, and the right military forces to support that strategy.

PREVENTION AND ACTION

Our vision remains the protection and expansion of political and economic freedom. Isolationism as a strategy won't support that vision—the world is too small. Neither can we enforce our will alone through massive military superiority—we alone cannot sustain, politically or economically, the world policeman role.

But the U.S. can and should lead in the creation of an international fire brigade to stop these threats at their source. Our strategy should be to mobilize collective international action to prevent proliferation and to keep the peace. To succeed, it must be multi-lateral and broad-based.

The United Nations and its Security Council could be one basic institution for much of what I advocate, but they will need to become much stronger institutions. The United States is the only nation today with the political power to lead this effort and the military strength to help enforce it.

To try to prevent proliferation we'll need strong international agreements to control sensitive technologies and to restrict the international arms trade. We'll need agreed-upon enforcement regimes with teeth: tough inspection provisions and political or economic sanctions when necessary. And, as a last resort, we'll need the multilateral military means to destroy offensive forces before they are used. This last element is crucial. Some previous efforts, like the League of Nations, failed for lack of capability and will to enforce its resolutions.

And we must apply the same approach to crisis management in regions of ethnic and nationalistic conflict, and also be prepared to act militarily with others to keep the peace. There are situations where the international community would be wise to intervene—where the security of a region is threatened or where human rights violations are massive.

Awesome responsibilities attend that duty: the responsibility to do all we can to prevent hostilities that would justify intervention; the responsibility to use political and economic means first, reserving military force as a last resort; the responsibility to intervene collectively, as needed, in the common interest.

This raises complex questions about sovereignty, but we did apply some of these principles in Iraq, where the United Nations determined that the invasion of Kuwait and the subjugation of the Kurds were not "internal affairs."

Now it is time to build an international regime which can intervene with multilateral military forces to disarm combatants and enforce peace if prevention fails.

Chapter VII of the United Nations Charter allows the Security Council to create a standing U.N. military force "for the purposes of maintaining international peace and stability." Until now, the U.N. has only authorized ad hoc coalitions to defeat international aggression in Korea and Iraq. But under the Charter, the U.N. can establish a military force, comprised of national units designated by its members, to be "on call" to the Security Council to deter aggression, stop hostilities, or carry out humanitarian missions.

There is growing support for implementing this provision of the Charter. French President Mitterand, for example, has already offered to make 1000 troops available for enforcement duties within two days after passage of a Security Council resolution, and lend more forces within a week. The Charter would give the Military Staff Committee of Permanent Five Security Council members the authority to direct a U.N. force, and that committee could invite other U.N. members, like Germany and Japan, to join it. The U.S. would have a veto, or course, on any action of the Security Council.

Additional rules for the command and deployment of U.N. forces need to be determined, but the important point remains: the U.N.'s founders built a structure for Security Council intervention to maintain peace and stability. Now we have an unprecedented international environment and the seeds of an international consensus that we utilize Chapter VII of the U.N. Charter.

In January, the U.N. Security Council asked the Secretary General to make recommendations by July for ways of strengthening the UN's capacity "for preventative diplomacy, for peacemaking and for peacekeeping." Russia, China, Britain, France and the U.S. joined the other current Council members to agree in principle that the end of the Cold War presents us with the best opportunity, since the U.N. was founded 46 years ago, to realize its goals.

This is an extraordinary development, an effort the U.S. should be leading. But in a year when the U.N. is expanding its peacekeeping operations with a major effort in Cambodia and some belated effort in Yugoslavia, the U.S. is not only failing to lead the way to fully implement Chapter VII, we are not even current on our peacekeeping dues. We owed $380 million as of December, more than any other nation, and we're not planning to pay that off until 1996. Congress appropriated only 75 percent of our share for new U.N. peacekeeping operations this year.

This is terribly short-sighted. The cost of all U.N. peacekeeping efforts this year will be $2.7 billion. Compare that to the $1.5 billion per day that Desert Storm cost. The U.N. staff in New York that monitors over 48,000 peacekeeping personnel around the globe numbers only 15. Marrick Golding, the head of U.N. peacekeeping, warned Congress last month that delinquent payments from the U.S. and other countries could cause a major crisis, preclude new peacekeeping operations, endanger existing ones and cause strong resentment among U.S. allies.

We must pay our peacekeeping dues, and we can legitimately pay them out of the defense budget. The defense community should welcome such a change. This isn't foreign aid. It is an investment in collective action for our own security, an expense shared with other nations. Collective action can be effective where unilateral U.S. action might be attacked as an attempt at hegemony, especially in the less-developed world. International coalitions advancing a common interest have more political credibility to apply pressure against individual nations that seek weapons of mass destruction or harbor aggressive intentions. What such coalitions have lacked up to now is teeth.

There is no inconsistency in the U.S. leading collective international action and maintaining a strong military so we can act unilaterally in our own interest where necessary. That's a false dichotomy.

In fact, we need a strong military to help provide the teeth necessary for international enforcement of anti-proliferation policies against rogue nations, and to lead or contribute to international peacekeeping and Security Council enforcement efforts. And, first and foremost, we need to maintain the forces to act on our own when necessary.

Both for our contribution to an international peacekeeping force and for our own requirements against future regional contingencies and threats to our fundamental interests, our military forces must be strong. They must be highly mobile, well-trained, ready and equipped for their roles. We will need more lift capacity, and CONUS-based forces with pre-positioned equipment near areas where conflict is expected. We must preserve the technological edge in weaponry that proved itself so well in Desert Storm, and must protect the most vulnerable sectors of our industrial base.

Our forces can be smaller than the Cold War Base Force proposed by the Pentagon. We can reduce the number of troops based permanently overseas and eliminate weapons systems that give us redundant capability. Greater warning time and reduced threat of prolonged, large wars should yield savings in inventories and materials stockpiles.

And we need to define security more broadly than we have. In addition to traditional defense expenditures, we must add legitimate security investments like U.N. peacekeeping contributions; anti-proliferation intelligence, monitoring, and enforcement; and strengthening institutions for confidence-building and conflict resolution like CSCE.

Even with those investments, the potential defense savings for us and other nations are substantial if we will construct cooperative security regimes that effectively prevent proliferation of threats, and reorient our military to meet new threats.

There are indications this year, though, that we'll end up spending too much money for military forces built to defend against the enemies we've already defeated, but inadequately prepared to prevent new threats from developing and to address them if they do.

ANTI-PROLIFERATION POLICIES

There are other actions the U.S. can take to prevent another Iraq from getting the weapons of mass destruction that could threaten us and its neighbors.

We should announce an immediate halt to explosive nuclear testing as the Russians and the French have, and start negotiating agreements to ban such tests permanently. We pledged 23 years ago in the Nuclear Non-Proliferation Treaty to do so.

We should try to turn our unilateral halt in the production of fissile materials for nuclear weapons into a permanent multilateral ban.

We should be pushing other nations aggressively for more intrusive monitoring and inspections of weapons production facilities, instead of dragging our feet. It's time to share safe and secure techniques for dismantling and storing nuclear weapons, and to develop cooperative intelligence efforts with our former Cold War adversaries to track and detect proliferation.

We should beef up the International Atomic Energy Agency (IAEA), which has earned so much praise tracking down Saddam Hussein's arsenal. With a total nuclear safeguards budget of just $68 million, it is starved for resources. We have already assigned it new responsibilities and may have to add more soon in North Korea, China and France, but this budget has had no real growth since 1984.

And we need to toughen and expand the non-proliferation regimes we have, adding stronger economic and political sanctions for violators, including trade sanctions, export/import restrictions or even blockades. Our own research laboratories and private industry should be developing new verification and monitoring technologies to track weapons and their components.

SEIZING THE MOMENT

I have tried tonight to outline some new directions for change, not a precise blueprint. We don't need toothless idealism based on paper resolutions and hopes for restraint. We need an international military force that the Security Council or an expanded NATO can authorize to prevent proliferation, keep the peace or enforce peace. A force that is willing and able to act. A thick blue line that can make the difference between international peace and endless wars.

The U.S. cannot implement it alone, and we cannot implement it overnight. There are many challenges to implementation: We need to share with many nations the cost of creating and maintaining the systems, institutions and forces needed to monitor and enforce anti-proliferation and peacekeeping regimes.

We need agreements on command of forces, perhaps the most difficult issue of all, next to agreements on when claims of sovereignty will be overridden by a Security Council decision that international peace and security require collective action under Chapter VII.

Even if we secure broad international agreement on the details of such a regime, there will be a transition period that must be carefully managed.

But we don't need to take a leap of faith. We led NATO to deter Soviet aggression throughout the Cold War. Now the Russians can be partners in efforts for peace. We led an international coalition to retaliate against Saddam Hussein's invasion of Kuwait. Now the U.S. must lead a global effort to actively prevent proliferation.

The revolutionary changes taking place around us have created a moment of unimagined opportunity.

We have a domestic consensus for protecting American security more efficiently, and for investing in a revitalization of those things which can make us truly strong here at home. We have, at the same time, the seeds of an international consensus that cooperative action to maintain peace and prevent proliferation is both desirable and achievable. The world is too small for us to disengage. Our security demands involvement and vision. Mankind has long dreamed of true collective security. Now it is within our grasp. But only the United States can lead us to it. God help us if we squander this opportunity.•

THE ECONOMIC EQUITY ACT OF 1992

• Mr. PACKWOOD. Mr. President, I am pleased to be a cosponsor of the Economic Equity Act of 1992. As this bill is reintroduced, I am inspired to review the long history of this very important legislation. In 1981, Senators DURENBURGER, HATFIELD, and I, along with a number of our distinguished colleagues, first introduced the Economic Equity Act. Our goal was to eliminate economic discrimination against women in the Armed Forces, to halt insurance discrimination, and to bring about enforcement of alimony and child support laws. The bill was assembled with the assistance of a variety of women's groups, including the League of Women Voters, National Federation of Business and Professional Women, National Women's Political Caucus, Older Women's League, the National Council of Negro Women, and several others.

Two things strike me as I think back to that time in 1981 when we first undertook to remedy economic inequities for women through the reform of Federal laws and regulations. The first and most troublesome thing is that we are still fighting some of the same battles that we faced in 1981 and which have been reflected in the Economic Equity Act in every Congress since. In 1990, women earned only 72 cents for every dollar earned by a man. Households headed by women still represent a shockingly large proportion of those beneath the poverty level in this country.

The second thing that strikes me as I reflect back on the history of the Economic Equity Act, and this is the heartening aspect, is that the women's groups and the members of both the Senate and the House who have supported this legislation, have exhibited a wonderful, steady persistence which has served our cause well.

In each session of Congress since the act was first introduced, we have scored victories by passing significant pieces of the package. We have made private pensions more equitable for women, made individual retirement accounts available to married women who do not work outside the home, improved access to pensions and medical care for former military spouses, amended the estate and gift tax so that women are not taxed on gifts or bequests from resources they own jointly with their husbands, and strengthened child support enforcement. In the 101st Congress alone, nine Economic Equity Act bills became law. These bills addressed such issues as vocational education, displaced homemakers, transitional housing, prenatal services, domestic violence, disabled widows and widowers, immigration reform for battered spouses and increased funding for Social Security Block Grants and Maternal and Child Health Block Grants. As we make gains in each of these important areas, the act has been revised to add new components so that we are continually moving toward the goal of equal economic rights for women. the Economic Equity Act is a dynamic piece of legislation, and one that is the product of some of the best thinking available among women's organizations and Members of Congress about what measures will truly advance the cause of economic rights for women.

This year's package contains some excellent proposals. I am very pleased to be a cosponsor of S. 1856, the Pay Equity Technical Assistance Act, which would provide a resource to employers to identify and work toward the elimination of wage disparities based on gender. This legislation would benefit not only working women and their families, but also the economy by improving the purchasing power of a great number of American households.

I am also a cosponsor of S. 2062, the Equal Remedies Act which would remove the caps on damages for employment discrimination based on sex, disability, religion or national origin. This issue is especially important and timely because as our Nation moves toward the year 2000, our work force will be made up increasingly of women, minorities and the disabled.

Each of these bills is a small but important part of the effort. Just as each brick is necessary to a building, each gain we make is critical to our ultimate goal: the elimination of all economic discrimination against women.

Many times over the past years, as I have had the privilege of working for women's rights, women across the country have expressed their appreciation to me. They have also confided their discouragement that achieving equality is such a long and laborious process. Many have worked very actively for a very long time, and are understandably weary of the struggle to achieve a status they should be able to take for granted.

I understand and sympathize with their concerns. However, I would remind them, and at the same time remind myself, that Rome was not built in a day. The bias in the law and society that has resulted in the feminization of poverty took more than a few years to build, and it will take more than a few years to correct. Our persistence is being rewarded. The Economic Equity Act has alreadyaccomplished a great deal. I believe we can look forward to further successthis session.•

NOTICE OF DETERMINATION BY THE SELECT COMMITTEE ON ETHICS UNDER RULE 35, PARAGRAPH 4, PERMITTING ACCEPTANCE OF A GIFT OF EDUCATIONAL TRAVEL FROM A FOREIGN ORGANIZATION

• Mr. SANFORD. Mr. President, it is required by paragraph 4 of rule 35 that I place in the CONGRESSIONAL RECORD notices of Senate employees who participate in programs, the principal objective of which is educational, sponsored by a foreign government or a foreign educational or charitable organization involving travel to a foreign country paid for by that foreign government or organization.

The select committee received a request for a determination under rule 35 for Kevin Shaw Kellems, a member of the staff of Senator LUGAR, to participate in a program in Taiwan, sponsored by the Chinese Culture University, from May 24–31, 1992.

The committee has determined that participation by Kevin Shaw Kellems in this program, at the expense of the Chinese Culture University, is in the interest of the Senate and the United States.

The select committee received a request for a determination under rule 35 for Hank Snyder, a member of the staff of Senator DURENBERGER, to participate in a program in Taiwan, sponsored by the Tamkang University, from May 23 to May 30, 1992.

The committee has determined that participation by Hank Snyder in this program, at the expense of the Tamkang University, is in the interest of the Senate and the United States.

The select committee received a request for a determination under rule 35 for Mr. Gray Maxwell, a member of the staff of Senator JEFFORDS, to participate in a program in Mexico, sponsored by the Mexican Business Coordinating Counsel, from May 24 to May 27, 1992.

The committee has determined that participation by Mr. Maxwell in this program, at the expense of the Mexican Business Coordinating Counsel, is in the interest of the Senate and the United States.

The select committee received a request for a determination under rule 35 for Suzanne Ramos, a member of the staff of Senator KENNEDY, to participate in a program in Mexico, sponsored by the Mexican Business Coordinating Counsel, from May 24 to May 27, 1992.

The committee has determined that participation by Ms. Ramos in this program, at the expense of the Mexican Business Coordinating Counsel, is in the interest of the Senate and the United States.

The select committee received a request for a determination under rule 35 for Ms. Becky Chapman, a member of the staff of Senator D'AMATO, to participate in a program in Mexico, sponsored by the Mexican Business Coordinating Counsel, from May 24 to May 27, 1992.

The committee has determined that participation by Ms. Chapman in this program, at the expense of the Mexican Business Coordinating Counsel, is in the interest of the Senate and the United States.

The select committee received a request for a determination under rule 35 for Marc Solomon, a member of the staff of Senator DANFORTH, to participate in a program in Taiwan, sponsored by the Chinese Culture University, from May 25 to May 31, 1992.

The committee has determined that participation by Mr. Solomon in this program, at the expense of the Chinese Culture University, is in the interest of the Senate and the United States.

The select committee received a request for a determination under rule 35 for John Trasvina, a member of the staff of Senator SIMON, to participate in a program in Mexico, sponsored by the Mexican Business Coordinating Council, Consejo Coordinador Empresarial [CCE], from May 25–29, 1992.

The committee has determined that participation by John Trasvina in this program, at the expense of the CCE, is in the interest of the Senate and the United States.

The select committee received a request for a determination under rule 35 for John Trasvina, a member of the staff of Senator SIMON, to participate in a program in Mexico, sponsored by the Mexican Business Coordinating Council, Consejo Coordinador Empresarial [CCE], from December 8–11, 1992.

The committee has determined that participation by John Trasvina in this program, at the expense of the CCE, is in the interest of the Senate and the United States.

The select committee received a request for a determination under rule 35 for Ms. Jo Ellen Urban, a member of the staff of Senator RIEGLE, to participate in a program in Singapore, sponsored by the United States-Asia Institute, from May 23 to May 31, 1992.

The committee has determined that participation by Ms. Urban in this program, at the expense of the United States-Asia Institute, is in the interest of the Senate and the United States.•

COSPONSORSHIP OF NUCLEAR TESTING MORATORIUM—S. 2064

• Mr. CHAFEE. Mr. President, I have joined as a cosponsor of S. 2064, the Nuclear Testing Moratorium Act, and I would like to outline briefly my reasons for doing so.

In recent years, as the former Soviet Union teetered and then finally collapsed, all of us in the Senate have been seeking to realign our strategic compasses. We have been asking ourselves, "What are our defense requirements now that our former adversary has become a friend?" This question is of particular urgency for those of us serving on committees that are in the process of making far-reaching budgetary decisions regarding national security programs.

Of course the administration has been asking itself a similar question. In November, the President signed National Security Directive 29, mandating a complete review of U.S. intelligence requirements and organization. Last month, in summarizing the results of this comprehensive review, the Director of Central Intelligence said:

> The Commonwealth of Independent States emerged as the region of greatest concern, particularly its internal political and economic developments, proliferation of weapons of mass destruction, and control of nuclear weapons.
>
> Also amongst the highest priorities were intelligence on the proliferation of nuclear, chemical, and biological weapons, and the means to deliver them.

At another point in his statement the Director of Central Intelligence expressed concern about, "* * * the danger of war—nuclear war—between India and Pakistan" as well as "nuclear programs in North Korea" and "nuclear programs in Iran and Algeria."

In sum, this comprehensive study, involving over 20 Federal agencies and departments, concluded that the most serious remaining threats to United States national security are stability in the nuclear-armed republics of the former Soviet Union, and the closely related issue of the proliferation of weapons of mass destruction.

Most of us will agree that nuclear proliferation is not only a continuing threat, but an increasing threat due to the instability in the territories of the former Soviet Union. Fortunately, a number of important steps are being taken to help the new Republics manage weapons reductions and find jobs for nuclear weapons scientists. And the United States is working closely with other members of the international community to help the new Republics make the transition to market economy. In one important area, however, United States policies are in conflict with those of our allies and our new friends in Russia.

As my colleagues know, last October President Gorbachev announced a 1-year nuclear testing moratorium. He also urged the United States to resume negotiations aimed at achieving a comprehensive nuclear test ban treaty. His successor, President Boris Yeltsin, has maintained the nuclear testing moratorium and will reportedly be urging President Bush to negotiate an end to nuclear testing when he visits the United States next month. Adding to this momentum, the French Government announced a nuclear test moratorium of its own last month. Yet, despite these positive developments, the administration has indicated that it intends to continue testing at the normal rate of some five to eight nuclear explosions per year.

It is in this context that I have cosponsored S. 2064, which would require the U.S. Government to suspend testing for 1 year unless a test is conducted in the Commonwealth of Independent States. I took this step because I believe that continued testing exacerbates the very problems the administration has identified as the most pressing that we now face overseas: Instability in the former Soviet Union and the related issue of nuclear proliferation.

Testing, as noted earlier, only adds to the insecurities of the Russian military and thereby to Boris Yeltsin's problems. That in itself should give us pause, since Boris Yeltsin may be the only figure in Russia with sufficient stature to manage peacefully the complex process of transforming that vast, heavily armed and diverse country. I ask my colleagues to consider how we might view Russian nuclear weapons tests if our roles were reversed and it was the United States that had stopped testing and was experiencing military and political turmoil. I think it is fair to say that it would certainly heighten the fears and suspicions of our senior military officials, if not the general population.

With regard to the issue of proliferation, continued testing puts the United States in the untenable position of trying to have it both ways. How can we justify, much less successfully implement, a policy that claims a right for the United States that we want to deny to developing nations? During the cold war we made our case by reference to the Soviet threat. Now that the cold war is over, and the Russians and French have stopped testing, how will we justify a policy that seeks to maintain an international double-standard? Clearly, continued testing will make it more difficult to achieve an extension of the Non-Proliferation Treaty in 1995.

In sum, I believe that in the current strategic environment continued testing is not only costly and unnecessary but counterproductive.

The administration has advanced the argument that testing is required in order to develop safer warhead designs. Even so, there is still no reason we cannot undertake negotiations aimed at achieving a comprehensive test ban treaty when such tests are completed. There is also no reason why the President could not announce a hiatus in testing in order to give momentum to negotiations aimed at achieving a comprehensive test ban.

Mr. President, during the cold war, in the absence of a comprehensive test ban treaty, some tests were necessary to maintain nuclear deterrence and keep the peace. Today, however, this expensive and environmentally risky activity is not only unnecessary but counterproductive. As the Director of Central Intelligence has indicated, the nuclear peril we face today stems from weapons proliferation, not weapons modernization.

Successful negotiation of a Comprehensive Test Ban Treaty would be an important step that would strengthen United States-Russian cooperation on nuclear proliferation and other security issues. A test ban treaty, or a moratorium and serious negotiations, would also strengthen existing barriers to proliferation and increase the prospects for measures to guard against the spread of nuclear weapons. Because Congress does not have the authority to mandate negotiations, I am supporting this legislation as useful alternative. My cosponsorship of S. 2064 underscores my views regarding the need to pursue vigorously a comprehensive test ban.•

THE BLACK SUITCASE MYSTERY

• Mr. BOND. Mr. President, today I would like to recognize a group of outstanding fifth grade students and their school librarian, Mrs. Gail Elliott Thomas, at the Mark Twain Elementary School in Brentwood, MO. Mrs. Thomas recently was honored as one of 15 people to receive the 1992 Continental Cablevision Educator Award for a unique project entitled, "In Touch With Our Past." The award recognizes her for the use of cable television to educate students.

Mrs. Thomas began a project to teach students about the events during World War II. Utilizing a program from the Discovery Channel, students were able to learn about B-24 Liberator bombers. Students studied magazines, military books, pamphlets, military paraphernalia and music—all from the 1940s. In addition, she gave students a chance to have hands-on experience with a black suitcase, which was the inspiration to the project. The suitcase belonged to Thomas' great aunt, Hazel Rich. Hazel's son, George Elliott Rich, became the main character in what Thomas and her students referred to as "The Black Suitcase Mystery."

The small, black suitcase held letters and other mementos which Hazel Rich received from George, Thomas' second cousin, and a World War II hero. He died at age 23 in a crash of a B-24 Liberator during a bombing mission over Germany. The items in the suitcase were memories from the past, and Thomas and the fifth graders at Mark Twain Elementary were able to go back in time. They learned not only about the war, but the experiences of what many families went through of loved ones going to fight for the freedom of their country. All of these experiences and emotions, half a century old, were preserved in this special time capsule. Through the exploration of the contents in the suitcase and their research with books, magazines and veterans of World War II, the fifth graders were able to relive the forties and bring a lot of memories back to life.

Last December, the Mark Twain Elementary School staff and fifth grade students concluded their study with a special World War II evening which coincided with the 50th anniversary of the bombing of Pearl Harbor. Members of the Brentwood Historical Society, along with others from the Brentwood community, gathered together to reminisce about their lives during World War II.

"The Black Suitcase Mystery" was both a history lesson and a personal genealogy project. It was through the extensive research of the letters, homemade Valentines, and other mementos, including a 1942 wedding photo, that helped the students get closer to solving the mystery. Some of the letters to George were from Wanda Bee, who as his bride. George and Wanda were married shortly before he left for Italy on the "Purple Shaft," a B-24 Liberator bomber.

The question that arose from The Black Suitcase Mystery was what happened to Wanda? Thomas and the fifth grade students used all their resources from the suitcase to help them track down George's widow, Wanda B. Dilley. Thomas even requested the help of the television show, "Unsolved Mysteries" to help find the last piece of this mysterious puzzle.

As with any good story, there is a happy ending. Thomas and the students contacted Wanda's high school, where she attended her 50th class reunion in 1990. They obtained Wanda's address from the high school and invited her to speak at Mark Twain Elementary School on May 21, 1992, to commemorate Memorial Day.

Mrs. Thomas and the fifth grade students at Mark Twain Elementary serve as models for others to follow in developing and encouraging innovative projects for our children's education. The story of "The Black Suitcase Mystery" certainly was of personal significance, affecting the lives of not only the students but also the community of Brentwood. This project has helped to keep the memories alive of our Nation's history and more importantly, has encouraged more student involvement in exciting educational lessons such as Thomas'.

We are quickly coming upon the 21st century and education is now taking on a more technological approach. This can make learning fun, and this can enhance excellence in education. I am pleased to hear that this innovative project has become the demonstration program for a Department of Education High Technology grant.

Mr. President, I ask my colleagues of the U.S. Senate to join me in congratulating Mrs. Gail Elliott Thomas for receiving the 1992 Cablevision Educator Award for her unique approach to educating students; and to the fifth grade students at Mark Twain Elementary School for their hard work, enthusiasm and dedication to education. I extend my best wishes to Mark Twain Elementary School for successin all their future endeavors.•

S. 2387, THE EVERY FIFTH CHILD ACT

• Mr. CHAFEE. Mr. President, I am pleased to join in cosponsoring S. 2387, the Every Fifth Child Act. Simply stated, this measure calls for increased appropriations to expand the Job Corps Program and to begin a phase-in toward fully funding the Special Supplemental Food Program for Women, Infants, and Children [WIC] and Head Start.

Most children growing up today are happy, healthy, and secure, and for these young people, opportunities seem endless. But an increasing number of children are less fortunate, and for them the future holds many daunting obstacles and little hope.

Today, one in five children in the United States lives in poverty. Although the causes of childhood poverty often are complex, its outcomes, such as unmet health care needs, difficulties in school, and lifetimes of limited opportunity, are all too clear.

If our Nation is to remain competitive well into the next century, we must help today's young people develop the skills they will need to lead productive and successful lives.

We must provide them with guidance to help them overcome challenges and to realize their goals—because they will become tomorrow's parents and workers upon whom our Nation's future depends.

The Every Fifth Child Act strengthens our Nation's commitment to children by calling for substantial increases in funding for WIC, Head Start, and the Job Corps Programs in fiscal year 1993. In addition, the measure expresses the Sense of the Congress that WIC should be fully funded by 1996, Head Start by 1998, and that 50 additional Job Corps Centers should be established by the year 2000.

These programs have enjoyed tremendous support from Congress and President Bush. Last month, by a vote of 93 to 0, the Senate adopted an amendment Senator DECONCINI and I authored urging members of the Appropriations Committee to provide $3 billion for WIC next year—the same amount called for in S. 2387. President Bush's requests for these programs also are steps in the right direction, but I believe we must go a little further in fiscal year 1993 if we intend to provide full funding for WIC and Head Start and to expand access to the Job Corps Program.

Mr. President, earlier this year, both the House and Senate reaffirmed their support for the discipline imposed by the Budget Enforcement Act of 1990, by voting against an amendment to take down the so-called firewall governing the limits on military and domestic spending in the Federal budget for fiscal year 1993. As you know, this amendment would have allowed reductions in Defense spending to be used for domestic programs, rather than to reduce the deficit as called for by the Budget Enforcement Act.

I voted against the amendment, and it was not an easy choice. It is clear that we need to resolve urgent domestic problems such as the lack of adequate health care, housing, and education. The budget agreement does not prevent us from working within the domestic discretionary cap to identify programs that have proven to be effective and deserve to be given priority during the appropriations process.

S. 2387 sends an important message to the Appropriations Committee as it begins to assign funding levels within the domestic discretionary cap for the coming fiscal year: that Congress must work to increase funding for WIC, Head Start, and the Job Corps—that these programs must be priorities.

Why do these programs merit increased funding? We know beyond a shadow of a doubt that these three programs are successful. We know, for example, that for every $1 invested, WIC saves about $3 in costs associated with long-term health care and developmental problems. A USDA study documented that for every pregnant woman who participated in WIC, the Government saved between $277 and $598 in Medicaid costs in the first 60 days after the birth of her child, compared with costs for a pregnant woman who did not participate.

Not too long ago we celebrated the 26th sixth anniversary of Head Start with the encouraging news that those children who participate are more likely to stay in school and to receive their high school diploma. The Job Corps has enjoyed similar success in helping over 1½ million young people further their education. In 1989, 67 percent of all Job Corps graduates found employment, and 17 percent went on to pursue advancing training.

Sadly, however, these worthwhile programs serve far fewer than those eligible: WIC serves only 55 percent of the eligible population, Head Start only 28 percent, and the Job Corps approximately 15 percent. These gaps in coverage represent an enormous missed opportunity, considering the proven effectiveness of these programs.

Mr. President, S. 2387 lays down an invaluable blueprint as Congress works to provide full funding for WIC and Head Start and to expand access to the Job Corps Program. Together these programs go a long way toward improving opportunities for our children and ensuring our Nation's competitiveness in the global marketplace. I urge my colleagues to join us in cosponsoring this proposal.●

A CONSTITUTIONAL ANSWER TO DEFICITS

● Mr. SIMON. Mr. President, more and more people are recognizing that a constitutional amendment is needed to force fiscal responsibility.

I wish that were not the case. But it is.

We will be voting soon on the proposal.

I ask unanimous consent to insert into the RECORD a Chicago Tribune editorial, which comments on it. What is not said is that the Tribune formerly opposed a constitutional amendment and now favors it.

The Stephen Chapman column is a superb column because it seems to me it hits the nail right on the head for what needs to be done.

It is simply common sense. I ask to insert both into the CONGRESSIONAL RECORD at this point.

The material follows:

[From the Chicago Tribune, May 10, 1992]

A CONSTITUTIONAL ANSWER TO DEFICITS

The federal government borrows an average of $1 billion a day to feed its addiction to spending, the result of a shameful failure of leadership by the White House and Congress. The national debt is close to $4 trillion, and the government can't even begin to whittle it down until it halts the destructive, 23-year run of deficit budgets.

Congress won't do it. The lackluster leadership can't make a budget decision that might raise the hackles of a special-interest group. So Congress goes its merry way, guaranteeing that the budget has something for everyone and borrowing to pay the tab.

The White House won't do it. Despite President Bush's vow to achieve a balanced budget, his administration each year has submitted budgets that require heavy deficit spending.

It's quite clear that the federal government won't get its financial house in order simply through its own sense of responsibility. Something more is needed.

The Senate is expected to vote soon on a constitutional amendment to require a balanced budget. Such an amendment, first proposed in 1936, has been close to approval for the last 10 years, but each effort has fallen short of the two-thirds majority in each chamber needed to send it to the states for ratification.

This measure is fraught with dangers, but, sadly, it seems to be the only prayer the country has of wrenching government out of its profligate ways.

Support comes with a sense of tragedy. Because Congress and the President haven't carried out the trust placed in them to run the nation responsibly, we have to alter the nation's basic charter of government.

Two versions of the balanced-budget amendment are under discussion in the Senate. one, which is sponsored by Sen. Paul Simon (D-Ill.) and has bipartisan co-sponsorship, provides that "[t]otal outlays of the United States for any fiscal year shall not exceed total receipts to the United States for that year. . . ."

The president would have to send Congress a proposed budget that meets that requirement, and Congress, in turn, would have to pass a balanced budget.

Two exceptions are allowed: when the nation is engaged in a military conflict "which causes an imminent and serious military threat to national security," or when three-fifths of each house votes to approve a specific deficit amount.

Sen. Robert Kasten (R-Wis.) would add a provision, supported by President Bush, that would also require a three-fifths vote for any tax increase.

Restraints of this sort may seem attractive to voters, but they ought to understand the implications. For Congress and the president to abide by them will mean substantial spending cuts or tax increases or both. And with a constitutional amendment in place, the White House and Congress would not be able, in effect, to simply move the goalposts.

Just to give a sense of the magnitude of the cuts or tax increases that might be required: This year's deficit is projected at $399 billion; the defense budget, frequently and justifiably spoken of as the source of potential savings, is about $290 billion. In other words, we could wipe out the Pentagon and still be more than $100 billion short of a balanced budget.

The most troubling aspect of a balanced-budget amendment is that Congress and the president might shirk their responsibility even in the face of the constitutional mandate. That would invite lawsuits and the probability that the federal judiciary would be drawn into the thorniest part of the political thicket. That prospect can leave no one sanguine.

That will not happen as long as no president is so brazen as to present a grossly unbalanced budget in blatant violation of the Constitution and his oath of office, and as long as Congress does not tempt a crisis.

Neither ought people to be economically naive. By now, virtually everyone recognizes that Lord Keynes was right: It can make economic sense to run a deficit. When the practice becomes untethered from economic reason, however, it can become a prescription for ruin. That, arguably, is what has happened in Washington over the last dozen or so years.

The balanced-budget amendment does not forbid deficits. It merely raises the threshold that Congress must reach to run one. Sadly, that has become necessary because the standard of fiscal responsibility has fallen so low.

One immediate, pernicious result of supporting the amendment could be to let Congress and the president off the hook this year. Tough decisions on balancing the budget could be stalled for years, until the amendment goes into effect. It may take several years for the required 38 states to ratify the amendment.

If, in the meantime, Congress and the White House use this to wash their hands of any significant steps to reduce the deficit, they will deserve to be routed from office. It is just that prospect of more years of unchecked, irresponsible borrowing and spending that makes it necessary for such a radical measure as this.

[From the Chicago Tribune, May 10, 1992]

A BALANCED-BUDGET MEASURE: NOT FOR CRACKPOTS ANYMORE

(By Stephen Chapman)

When the campaign for a balanced-budget amendment to the Constitution began in 1975, the proposal was dismissed as the primitive idea of reactionary crackpots. That was in those prehistoric times when a federal budget deficit of $53 billion was a scandal. The advocates warned then that without this amendment, we could expect to see more $53 billion deficits. They were wrong. Not since 1979 has the deficit fallen that low.

Today, the people who look like crackpots are those who say we can continue to tolerate oceans of federal red ink. That's why the balanced-budget movement is finally within reach of victory.

Both houses of Congress are scheduled to consider amendments soon, and House Democratic leader Richard Gephardt says that "in all likelihood" the measure will pass by the required two-thirds majority. From there it will go to the states, 38 of which are needed to ratify it. The states should be receptive. Since 1975, 32 legislatures have passed resolutions calling for a constitutional convention (a more drastic step) to consider the proposal.

The language of the amendment is straightforward. Each year, Congress and the president would have to approve a budget in which outlays don't exceed receipts, unless each house votes by a three-fifths majority to run a deficit. In one version, the same super-majority would be needed to raise taxes. If a declaration of war is in effect, the requirements wouldn't apply.

No one can seriously quarrel with the purpose. With the complete breakdown of federal fiscal discipline since 1981, the national debt has grown by $2.9 trillion, or more than $11,000 for every man, woman and child in America. Every day, the government spends a billion dollars more than it takes in.

When the deficits of 1980s began, it was possible to assume they were a transient phenomenon caused by a passing policy stalemate and a deep recession. Instead, they have become a permanent way of bridging the gap between what the electorate demands from the government and what it concedes to the government. The public has discovered that to enjoy $100 billion in federal programs, it needn't pay $100 billion, but only the interest on that amount.

In the short run, this is a highly attractive approach, but in the long run, it leaves us spending a quarter of the budget to service the debt. It also puts us deeper in the hole all the time.

Deficit-financed programs may be light as a feather on the backs of today's taxpayers, but they will weigh heavily on tomorrow's. Long before our retirement years, we are all living at our children's expense.

Amending the Constitution to end this would force us and our leaders to do what we should have done long before—stop making governments expenditures that we don't value enough to pay for in full. It would also brake the expansion of the government's powers and responsibilities. If Americans had to pay for all the government they get, they'd want less.

The usual rejoinder is that there is nothing now to stop us from electing leaders who will make such painful choices. "What people are looking for is a substitute for political will," snipes Rep. Barney Frank, a Massachusetts Democrat. Yes, they are—and if you don't have the political will to stop running $400 billion deficits, heaven knows you'd better have a substitute.

A more serious criticism is that this is a terribly weak substitute, which Congress and the president may be able and willing to defeat by accounting chicanery or outright defiance. In that case, the amendment could be useless.

But running a deficit is one thing and violating the Constitution is another. Voters won't look kindly on politicians who spurn such a clear obligation. For some years, if not forever, our elected officials probably won't dare to transgress against the newest part of our most sacred national document.

If politicians prove reckless, they could force the issue into the courts, raising the prospect that unelected judges will end up making decisions that only democratically accountable leaders should make. This is the gravest danger created by the amendment—a risk alarming enough that it may elicit scrupulously responsible conduct by the elected branches of government. If not, we may have a serious problem.

But better to incur that potential hazard than to accept the actual harm being done by our addiction to deficits. Passing a balanced-budget amendment may be an imperfect solution. Not passing it is a grim guarantee that the irresponsibility of the recent pass is only the beginning.•

TRIBUTE TO WILLIAMSBURG

• Mr. McCONNELL. Mr. President, I rise today to recognize Williamsburg, a town in southeastern Kentucky.

Williamsburg is a peaceful town nestled in the rolling wooded hills near the southern part of the Daniel Boone National Forest. The town offers such genteel sights as an art deco theater, stately college buildings, historic homes and a soon to be civic center. Citizens are very aware of the needs of their surrounding area. While most enjoy relatively prosperity, Williamsburg's citizens are committed to doing as much as they can for their less privileged neighbors. This spirit of community and goodwill that is so prevalent in Williamsburg is something to be recognized and commended.

Williamsburg is also the home of Cumberland College, a Baptist-affiliated institution. The Cumberland students, taught to participate in Christian good will, do their part to contribute to community. Mountain Outreach, an organization to help the area's homeless, was conceived and started by two Cumberland students in 1981. Since the time of its conception, Mountain Outreach has grown to help countless families in Whitley County.

The help and caring that the townspeople of Williamsburg display throughout the year deserves recognition from this national body.

Mr. President, I ask that the following article from the Louisville Courier Journal be submitted into the CONGRESSIONAL RECORD.

The article follows:

WILLIAMSBURG

(By Kirsten Haukebo)

"This is no Dogpatch, U.S.A. People want things nice and neat and clean," Cumberland College President James H. Taylor wrote in his 1988 history of the college and Williamsburg, "A Bright Shining City Set on a Hill."

Williamsburg, a genteel island of historic homes, stately college buildings and sprawling lawns, certainly doesn't resemble the hick town of comics-page fame.

It has a well-educated, gracious mayor, whose current favorite projects include renovation of an art deco movie theater and construction of a civic center. Clean-scrubbed Cumberland students play volleyball and form walking clubs when they aren't studying or attending convocation at the Baptist-affiliated college.

But residents are well aware of the needs of surrounding Whitley County, which are as great as any county in the 5th Congressional District, one of the nation's poorest. Williamsburg's response to that need is unusual for such a tiny place. The town has at least eight aid organizations, including two that have been recognized by President Bush and first lady Barbara Bush:

Mountain Outreach, one of President Bush's "Points of Light," was conceived by two Cumberland College students during a drive through a rural part of the country in 1981: Robert Day and David Emmert were deeply affected by what they saw: families living in school buses and badly substandard houses.

That fall the group's first student volunteers cleaned and repaired two homes, using their own money. Today Mountain Outreach is funded by church groups, individuals and foundations. Families who once lived in chicken coops, buses and shacks now have clean, basic homes, said director Rick Rieffer.

Whitley County Communities for Children began in 1985 and receives funding from the Barbara Bush Foundation for Family Literacy. The nonprofit organization focuses on helping young families through education, counseling, prenatal care and aid to small farms.

Specific programs include a "school on wheels," a large motor home that brings education to people in remote areas, and "Bright Futures," a teen-age dropout-prevention program.

The main reason for the proliferation of charities is the great need, said B.J. Canupp, assistant to the president at Cumberland College. But there's little doubt that the college, which urges students to engage in Christian good works, has been an influence over the years.

Cumberland was built on three hills overlooking Williamsburg during the late 1800s. At the turn of the century, the college advertised its low cost ("$150 a year, possibly less") and the fact that there were no saloons in town.

There still are no saloons—and, for that matter, few other forms of entertainment in the dry town. That forces college students to be creative, according to student Gary Strunk, who was reared in a Detroit suburb. "My freshman year, I didn't have a car. We'd walk all the time, hiking basically, just for something to do," he said.

Even shopping is limited. There's a Wall-Mart, of course, but storefronts remain empty on the courthouse square. Williamsburg's big brother in Whitley County—Corbin—seems to have attracted most of the retail growth.

These days, there are two main reasons to venture downtown, according to Beverly Woliver: to go to the courthouse or see a lawyer. Woliver, an adult education coordinator for the communities for children organization, recently counted seven law offices on the square.

Even City Hall is no longer downtown although through no fault of city government. An arson fire in the early hours of Feb. 24 damaged a stairwell and the ceiling of the upper floor of the building. No one was hurt and all records and computer systems were saved. Restoration is expected to cost about $150,000.

(That wasn't the first time arson wreaked havoc downtown. Older residents still have vivid memories of an explosion that burned four or five businesses. On a July evening in 1933, someone poured gasoline inside a clothing store and set the place on fire. That was bad enough, but directly above the store was a National Guard office with piles of ammunition that ignited, recalls Nell Davis.)

Mayor Marcella Mountjoy and other city employees have moved into offices at a tourist information center. Meetings are held in a gymnasium in the back of the building. Williamsburg police have their headquarters in the building's kitchen, which has at least one drawback according to Sgt. Troy Sharp: "I go on a diet and they give me a kitchen."

FAMOUS FACTS AND FIGURES

Academy Award-winning actress Patricia Neal was born near Williamsburg, in Paclard, a mining camp that no longer exists. Her father worked in the office of the Southern Coal and Coke Co. Neal was born there in 1926, but her family moved to Knoxville three years later. She won an Oscar for best actress for her role in the 1963 film "Hud," in which she co-starred with Paul Newman.

Two other acclaimed woman lived in Williamsburg: "Aunt Julia" Marcum was the first woman to get a U.S. pension for personal service in time of war, according to the Kentucky Historical Society. During the Civil War, her home in Tennessee was a depot for Southerners going north to join the Union Army. Marcum was badly injured defending her home against marauders. Marcum wasn't born in Williamsburg, but lived there for many years after the war. Beth Bates made history in 1982 and '83 by becoming the first girl in Kentucky to score in a high school football game. Bates played for Williamsburg High School, and her accomplishments were noted by Sports Illustrated and other national and regional media.

Williamsburg and Whitley County are named for William Whitley, a Revolutionary War soldier and pioneer who was known as the "guardian" of the Wilderness Road. But Whitley, also known as a skillful Indian fighter, didn't live in the area. He settled in what is now Crab Orchard, in Lincoln County.

Population (1990): Williamsburg, 5,493. Whitley County, 33,326.

Per Capita Income (1988): $10,006, or $2,825 below the state average.

Jobs in county (1988): Manufacturing 1,386; wholesale/retail, 2,742; services, 2,127; state/local government, 1,371; contract construction, 218; mining, 703.

Big employers: Lion Apparel, 260 employees; Cumberland College, 231; Firestone Industrial Products, 179.

Media: Newpapers—The Whitley Republican (weekly), Radio—WEKC-AM (country) and WEZI-AM (country).

Transportation: Air—Whitley County Airport, one paved runway, Nearest commercial air service-is McGhee Tyson Airport in Knoxville, Tenn., 79 miles south of Williamsburg, Rail—CSX rail service, Roads: interstate 75, U.S. 25W, and Ky, 92.

Education: Williamsburg Independent Schools, 981 students; Whitley County Schools, 3,873. Cumberland College, 1,671.

Topography: Whitley County has rolling, wooded hills and lies in the southern part of the Daniel Boone National Forest.•

CONGRATULATING NORA COLLINS LEIBOLD

• Mr. JOHNSTON. Mr. President, I am always very proud when members of my staff continue their education, and today is no exception. Nora Collins Leibold, my research assistant, recently became Dr. Leibold—having successfully passed her linguistics comps at Georgetown University.

My association and friendship with Nora—and her husband Art—dates back to the days when I was a young lawyer just starting out in my hometown of Shreveport. Art was also a young lawyer and our paths crossed through our involvement with the American Bar Association.

Our paths crossed again in the early 1980's and I ask Nora to come and work for me on the Hill. As my chief researcher, Nora quickly earned the reputation of being the office "speech police" as she diligently urged other staff members to provide her with the data, reports, and drafts that were needed to get the job done.

I must say that as Nora worked toward her doctorate, my prepared remarks became increasingly more linguistically correct. I can often envision Nora cringing at my extemporaneous remarks.

Nora has been on a brief sabbatical while she completed her dissertation. I am thrilled that is now finished and proud that she passed her comps on the first try. I am even more delighted that she will again be in the office on a regular basis as her presence has been sorely missed. I am sure my colleagues join me in congratulating Dr. Leibold on her accomplishment and welcoming her back to the Hill.•

THE LIBERAL CASE FOR A BUDGET AMENDMENT

• Mr. SIMON. Mr. President, Michael Kinsley has written an excellent column, "The Liberal Case for a Budget Amendment." Obviously, I believe its message.

The reality is, in the last 10 years discretionary nondefense expenditures have dropped 12 percent, while defense spending has gone up 36 percent, entitlements 51 percent; and the great growth is in gross interest—105 percent.

If those of us who want to do things in the area of education, health care, and other social needs expect to improve the situation, we simply have to cap the growth on interest.

I urge my colleagues who did not read Michael Kinsley's column in the Washington Post to read it.

I ask to insert it into the RECORD at this point.

The column follows:

[From the Washington Post, May 14, 1992]

THE LIBERAL CASE FOR A BUDGET AMENDMENT

(By Michael Kinsley)

"It is the Congress that tells the executive how to spend every dime," said President Bush, attacking "the spending habits of the Congress" at a Bush-Quayle fund-raiser the other day.

To call this hoary Republican bluff is one reason I'm for Sen. Paul Simon's balanced budget constitutional amendment. Each year, it declares, "the President shall transmit to the Congress a proposed budget . . . in which total outlays do not exceed total receipts." Neither Ronald Reagan nor George Bush has ever come close.

The amendment also would require Congress to enact a deficit-free budget, unless a three-fifths majority in both houses voted not to. Congress, terrified of the sour public mood, is near-certain to pass some kind of balanced budget amendment next month. But voting for a balanced budget amendment is not just a desperate short-term political expedient. For Democrats, it is good long-term politics.

The voters are hypocrities about federal spending: hating it in general, cherishing it in the particular. The deficit is the concrete expression of this voter hypocrisy. Politicians of both parties cater to it. But by and large, it is Republicans who since 1980 have made this hypocrisy the central feature of American politics and Republicans who have benefited politically from it.

A balanced budget amendment, if it worked, might lead to lower spending or higher taxes or some combination. But at least it would lead to an honest debate. That would not just be hygienic. It would be helpful to the party that's been losing the dishonest debate of the past decade.

Of course, mere partisan advantage is not a good enough reason to amend the Constitution. There are those who think that the goal of a balanced budget is neither necessary nor wise. And there are those who support the goal but doubt the means.

The argument against the desirability of a balanced budget has many byways, but the main point is the traditional Keynesian one that the stimulus of a deficit should be available during recessions: The proper goal is balance over the course of an economic cycle. Simon's three-fifths escape clause is intended to allow for deficits during bad times. If exercised promiscuously, this escape clause could make the amendment worthless. But the medicine is there if needed.

What's driven some liberals to support a balanced budget amendment, however, is the realization that deficit spending has become a medicine we Americans can't be trusted with. We use it when we're sick, then when we're healthy we just increase the dosage. When, inevitably, we get sick again, even gargantuan does don't have their usual therapeutic effect. Even to use this drug properly in the future, we first will have to clear it out of our system.

The deficit also makes the new forms of government activism nearly impossible. If liberal politics is to be anything more than a holding action ("reactionary liberalism," in Kevin Phillips's devastating phrase), the nation's deficit addiction must first be cured.

As a general rule the Constitution ought to dictate the procedures of democracy and the protection of individual rights, not specific policy outcomes. As Justice Holmes famously put it, "a constitution is not intended to embody a particular economic theory. . . . It is made for people of fundamentally differing views."

But have you read the Constitution lately? Many of its clauses address concerns that now seem trivial. See the Third Amendment, about quartering soldiers. We should only be so lucky that fiscal responsibility seems a passe issue in future years. And the balanced budget amendment, despite its name, is arguably procedural, not substantive. It doesn't mandate a balanced budget, but amends the legislative process to counteract the current bias against one.

Robert Reischauer, head of the Congressional Budget Office, calls the balanced budget amendment a "cruel hoax" on the public because—like Gramm-Rudman before it—it substitutes procedures for substance. It allows politicians to pretend they're addressing the deficit while actually putting off the painful slicing for later. (The amendment takes effect two years after ratification by the states, which also could take years.)

Reischauer is right that the amendment is a hoax on the public, which is not being told what a balanced budget would actually entail. But is it a cruel hoax? It would be if the three-fifths escape clause because a routine exercise. But if the amendment actually produced genuine fiscal discipline, even four or five years down the road, it would be a kind hoax, not a cruel one—sort of like enticing a beloved relative into a drug treatment program.

It is cowardly, to be sure, for today's politicians to support a balanced budget amendment instead of actually taking action toward a balanced budget. But the cowardice will catch up with them one way or another. They'll either have to face the music in four or five years or retire in order to avoid it. In fact, the balanced budget amendment could make that other constitutional cure-all—term limits—superfluous.•

ENTITLEMENTS FOR THE WEALTHY

• Mr. DASCHLE. Mr. President, I wish to call to the attention of my colleagues an interesting article that recently appeared in the Atlantic Monthly, entitled "The Next New Deal." This timely and enlightening article by Neil Howe and Phillip Longman calls for comprehensive reform of our trillion-dollar system of Federal entitlements, which favors the rich over the poor, the old over the young, consumption over savings, and in other ways makes no economic or social sense.

The authors ask why the public tolerates a system that distributes most of its benefits to the well-off. They cite a 1990 CBO report, based on merged data from the Census Bureau and the Internal Revenue Service, that has yet to be made public. According to the authors:

> The CBO research demonstrates, in fact, that the most affluent Americans actually collect slightly more from the welfare state than do the poorest Americans. It shows that, in 1990, U.S. households with incomes over $100,000 received on average $5690 worth of federal cash and in-kind benefits, while the corresponding figure for U.S. households with incomes under $10,000 was $5,560.

They add:

> These numbers destroy any ideological myths Americans may cling to about who gets what from government.

From 1980 to 1989, in constant dollars, the average Federal benefit received by households with incomes under $10,000 declined by 7 percent. During those same 11 years, among households with incomes over $200,000, the real value of average benefits received—mostly Social Security, Medicare, and Federal pensions—fully doubled. This huge disparity represents only comparisons of direct outlays. When we include the value of entitlements conveyed through the Tax Code, the bias in favor of the well-off becomes even more pronounced.

Mr. President, the authors of this article have done an effective job of summarizing the historical perspective of tax expenditures in our country.

A tax expenditure is a benefit received as a result of exemptions from taxation. Although the Government publishes estimates of the cost of different tax expenditures, this form of spending still attracts comparatively little attention. That must change. The dollar amounts involved and their social and economic effects are too large to ignore. In fact, they ought to be considered as part of the budget.

As the country struggles with a crippling national debt, we have heard calls to cut Federal entitlements—welfare, Social Security, et cetera. If we are to bring our Federal budget under control, we will indeed have to reassess spending levels in all categories of the budget. However, that process alone will not free future generations of Americans from inheriting, what Fred Goldberg, Deputy Treasury Secretary for Tax Policy, labels as "a bankrupted government." Every tax expenditure must also be reassessed and rejustified as serving some greater national purpose in order to be continued.

I never cease to be amazed by those who decry the dollars spent on programs that serve the poor and nmiddle-class, who have made welfare a dirty code word and the scapegoat for many of the Nation's woes, yet demand special Government subsidies in the form of tax breaks for themselves or the special interest groups they represent. Somehow they are unable to make the connection between their request for Government assistance and welfare. Their request is somehow noble and patriotic and assistance for others is somehow sinister.

We must not limit our review of Federal entitlement spending only to the traditional social programs. It must extend to tax expenditures, as well.

Mr. President, with the permission of the publisher and the authors, I ask that the full text of the copyrighted Atlantic Monthly article be printed in the RECORD following my remarks.

The article follows:

[From the Atlantic Monthly, April 1992]

THE NEXT NEW DEAL

(By Neil Howe and Phillip Longman)

With the coming of the next New Deal, Americans will look back and marvel at what became of our old welfare state—that tangle of inequity and dysfunction once known as federal entitlements. Why did the public tolerate a system that wound up distributing most of its benefits to the well-off? And how did the economy survive its costs?

History books will not doubt concentrate on a few choice examples of the conditions that finally forced a wholesale reform. Readers may learn, for instance, that by 1991 the federal government's largest housing subsidy program was providing an average of $3,000 a year to each of the six million wealthiest households in America, while offering nothing to the 36 million Americans in poverty.

To qualify for this particular benefit, called the home-mortgage deduction, you had to borrow using your first or second home as collateral. And the more you borrowed, even if it was to finance a chalet in Aspen—or just a ski trip to Aspen—the more subsidy you would receive from other taxpayers. By 1991 the cost of the home-mortgage deduction had risen to $37 billion, of which 81 percent went directly to households with incomes over $50,000. Meanwhile, economists bemoaned the anemic U.S. personal savings rate, which in the late 1980s fell to its lowest level since the 1930s.

The U.S. health-care system a quarter century after the announcement of the Great Society will also provide future historians with rich examples of the conditions that led to the next New Deal. How to explain that the U.S. economy staggered under the highest per capita health-care costs on earth, and still 23 million Americans under the age of thirty-five were uninsured for any medical care at all?

Stranger yet was what happened to these uninsured Americans, and to everyone else, if they happened to live to be sixty-five. After that birthday a citizen, regardless of income, became entitled to take part in a program called Medicare, which would pay for everything from CAT scans to pacemakers, from chiropractic to orthopedic recliners. In 1991 Medicare spent nearly $19 billion subsidizing the health care of households earning $50,000 or more. That year government experts projected that the mounting cost of Medicare would cause the program to collapse within fifteen years, and that if current trends continued, total health-care spending would rise to an economy-shattering 44 percent of the gross national product by 2030. No one listened.

Gold-plated pensions for federal employees will also no doubt be held up by future historians as emblematic of the decadence of late-twentieth-century political culture. By what accident of history were military and civil-service retirees with incomes over $100,000 collecting $9.2 billion from the U.S. Treasury in 1991? For half this sum the official poverty rate for all American elderly could have been reduced to zero. At the very least, Congress could have done something about the $1.4 trillion in unfunded federal pension liabilities on the books. But the House of Representatives was busy with other business at the time—such as voting itself a controversial pay hike that would later be remembered for its explosive impact on pension costs. Retiring in 1991, a typical congressman looked forward to $1,098,735 in lifetime benefits; by 1993 the figure had risen to $1,523,263.

Finally, there was the program originally designed to offer all Americans what President Franklin Roosevelt's brain trusters called "a floor of protection" against destitution in old age. But over the course of more than half a century Social Security and evolved into something radically different. By 1991 the system was distributing more than $55 billion a year, or more than a fifth of its benefits, to households with incomes above $50,000 a year. For that much money the government could have provided every American with cradle-to-grave insurance against poverty—including the one American child in twenty who lived in a household reporting a cash income during 1991 of less than $5,000.

For many years the worsening inefficiency and inequity of the U.S. social-welfare system seemed to make little impression on American political opinion. Political leaders as diverse as Newt Gingrich, George Bush, Bill Clinton, and Daniel Patrick Moynihan expressed alarm at the moral hazard of providing welfare benefits to poor unwed mothers. But few political leaders worried about the moral hazard—and incomparably larger cost—of subsidizing home-equity loans for rising young stockbrokers, granting free medical care, PX cards, and half pay for life to ex-colonels at age forty-two, passing out farm payments to affluent agribusiness owners, or writing checks to globe-trotting senior citizens which got forwarded to Bermuda. It was convenient to assume that free lunches corrupted only the underclass.

As the 1990–1992 recession lingered, forcing local governments to cut teachers' pay, ignore the raving homeless, and fence off sagging bridges, state governors turned to Washington, where politicians shrugged their shoulders and pointed to a budget bursting with entitlement programs running on autopilot. Meanwhile, ordinary Americans wondered what was happening to their nation's public sector. It could afford neither to build for the future nor to care for the needy—despite unprecedented borrowing, a near-record level of taxation, and sinking defense outlays that by the fall of 1992 had reached their lowest share of GNP since Harry Truman ran for President. With the vaunted post-Cold War "peace dividend" evaporating, the United States found itself unable to invest adequately in either its infrastructure or its children. Eventually people began to talk of another Great Depression, before the coming of the next New Deal.

A WELFARE STATE FOR THE AFFLUENT

Rudolf Goldscheid, the Socialist economist, once observed, "The budget is the skeleton of the state stripped of all misleading ideologies." By now federal entitlement spending has become so pervasive in American life—not just among the poor but most notably among the middle class and the affluent—that one cannot make sense of our politics or the condition of our economy without considering how this spending rearranges the nation's resources and defines our choices as a society.

Ever since the early 1980s, when the United States lost control of its fiscal policy, the term "entitlements"—referring to all federal benefit payments to individuals—has been part of the American political lexicon. Today the twelve-digit numbers that first worried budget experts back in the late 1970s look positively quaint—although events have proved that the growth of entitlements is indeed the leading cause of the nation's long-term structural deficits. This year the cost of federal benefits is larger than was the entire federal budget when Ronald Reagan arrived in Washington with a mandate to slash the welfare state.

All told, entitlements have become a trillion-dollar river. The main current includes more than $700 billion in direct outlays, received by at least one member of roughly half of the nation's households. These expenditures account for more than 45 percent of all federal spending, and are more than twice as large as the amount consumed by defense. Another flow of nearly $200 billion is distributed in the form of tax subsidies to individuals, such as the home-mortgage deduction and the exclusion for employer-paid health care. These explicit breaks in the tax code are the moral and fiscal equivalent of the government's simply mailing a check. To pay for them, other people's taxes have to be raised, other benefits have to be cut, or the deficit has to be increased.

The accumulating burden is not about to ease. Our economy shows no sign of "outgrowing" the cost of entitlements, as many partisans of Reagonomics, along with many liberals, once hoped. Though the relative cost typically rises and falls with the business cycle, it has always emerged from each new recession larger than it emerged from the last. In fiscal year 1992 federal benefit outlays alone will exceed 12 percent of GNP, the second highest level ever. Including tax benefits, the total cost of federal entitlements amounts to well over 15 percent of GNP, and Congress now projects that it will climb steadily through the late 1990's. For the first time, the economy should not expect any post-recession relief.

Who benefits from this spending? Until recently no one really knew. Budget experts, to be sure, have always pointed to a few eyebrow-raising numbers. Consider the fact that of all federal benefit outlays, only a quarter flows through programs that require any evidence of financial need—and that even this "means-tested" quarter includes such middle-class staples as student loans and VA hospital care. Consider also that only one of every eight federal benefit dollars actually reaches Americans in poverty. But reliable income figures for all recipient households have simply not been available. Cash-income surveys conducted by the Census Bureau are plagued by high rates of underreporting (especially by the wealthy). Tax return data from the Internal Revenue Service are more accurate, but do not cover the entire population (especially the poor).

Several years ago, however, growing curiosity on Capitol Hill persuaded the nonpartisan Congressional Budget Office to try to unravel the mystery. By merging the Census and IRS data sources, CBO economists ultimately arrived at reliable and comprehensive estimates of benefits by household income. The estimates were circulated behind closed doors during the 1990 budget summit and have since been updated—though they have never yet been published. The benefit-income statistics we cite throughout this article are based on these CBO estimates, which cover about 80 percent of all federal benefit outlays.

These numbers destroy any ideological myths Americans may cling to about who gets what from government. They offer an accurate glimpse of that "skeleton of the state"—which has too long been locked in the political closet.

The CBO research demonstrates, in fact, that the most affluent Americans actually collect slightly more from the welfare state than do the poorest Americans. It shows that last year U.S. households with incomes over $100,000 received, on average, $5,690 worth of federal cash and in kind benefits, while the corresponding figure for U.S. households with incomes under $10,000 was $5,560. Quite simply, if the federal government wanted to flatten the nation's income distribution, it would do better to mail all its checks to random addresses. The problem is not that poverty programs don't target the poor. More than 85 percent of the benefits from AFDC, SSI, and food stamps do indeed go to households with incomes under $20,000. But their impact is neutralized by all the other programs, which tilt the other way and are, of course, much greater in size.

The trend over time is also unsettling. Liberals sometimes attribute the growing disparity of income in America to Reagan-era cuts in targeted poverty programs. Among the very poorest households that is indeed one cause. From 1980 to 1991, in constant dollars, the average federal benefit received by households with incomes under $10,000 declined by seven percent. Yet liberals typically overlook the gentrification of America's untargeted nonpoverty programs, which has been pushing even more powerfully to widen the gap between rich and poor. During those same eleven years, among households with incomes over $200,000 the real value of average benefits received (mostly Social Security, Medicare, and federal pensions) fully doubled.

But thus far we have been considering only direct outlays. When we include the value of entitlements conveyed through the tax code, the bias in favor of the well-off becomes even more pronounced.

TAX EXPENDITURES AND OTHER SUBSIDIES

Such tax subsidies date back to 1918, when patriotic fervor for U.S. troops in Europe was running high. Political leaders in Washington felt they should do something dramatic to reward the doughboys. Facing a tight budget, Congress hesitated to raise veterans' benefits directly. But then someone on Capitol Hill took a look at the five-year-old federal income-tax system and came up with a nifty idea: Why not "raise" veterans' benefits simply by exempting such benefits from the tax?

Over the years many more "tax expenditures" have followed, nearly all of them—like the first—created entirely off budget, without estimating eventual cost and far from the scrutiny that normally accompanies direct appropriations. Several, including the exemptions for Social Security benefits and for employer-paid health care, were created not by Congress but by offhand IRS rulings in the 1930s and 1940s. At the time, no one paid them much notice, because tax rates were low, Social Security benefits were modest, and company health plans were rare. But in fiscal year 1992 these two rulings alone are costing the federal government nearly $90 billion, which is more than the Pentagon's total budget for weapons procurement.

Though tax expenditures as a political art were invented during the First World War, the term itself dates back only to the mid-1960s, when it was coined by Stanley S. Surrey, a Harvard Law don who served as assistant secretary of the Treasury for tax policy in the Kennedy and Johnson Administrations. In the course of his battles with Congress over tax policy, Surrey was struck by the fact that Congress was increasingly using selective tax reductions for specific groups of people, rather than direct appropriations, as a means of distributing public resources.

Surrey's favorite example was the deduction for medical expenses. He explained that this tax provision had precisely the same impact, both on the budget and on the public, as a multibillion-dollar benefit program that heavily favored the very rich (because they pay taxes at the highest rates) and that entirely excluded the very poor (because they don't pay taxes at all). There was indeed only one big difference: the same Congress that created the tax provision would never dare to create the benefit program.

Although the tax-expenditure concept has been widely accepted by economists over the past thirty years, it strikes many Americans the wrong way. A common complaint is that the concept somehow assumes that government "owns" all your income before doing you the favor of letting you keep part of it. This is not the case. The concept simply assumes that each person owes the government according to a general rate schedule superimposed on every person's ability to pay. Whatever violates such equal treatment is deemed the equivalent of a benefit outlay—the same, that is, as a check in the mail.

From the dogmatic insistence that there is no such thing as a tax expenditure, any number of absurdities must follow: for instance, that a public policy exempting all circus clowns from paying income taxes would not be a public benefit to circus clowns—who would simply be keeping more of "their own" money. Who cares if keeping more of "their" money means taking more of someone else's? Or if it means bankrupting everyone's kids? The ultimate thrust of this line of reasoning is to deny that a society can consent to and act upon any equitable principle of public sacrifice. Accordingly, all taxation is inherently unjust, and though cheating on your taxes may be legally wrong, it cannot be morally wrong.

It is no surprise that many well-off Americans, uneasy about their nation's loss of fiscal discipline, find consolation in this pugnacious illogic. What is surprising is to hear conservatives leading the chorus. Back in the early 1970s, strange to say, many of these same intellectuals pushed Nixon's ill-fated "negative income tax" the very premise of which is that less tax is the precise equivalent of more income. But during the 1980s they have become the preachers of a selective civic virtue—austerity for targeted benefits to the poor and indulgence toward shotgun tax favors to the affluent.

Today, even though the government publishes estimates of the cost of different tax expenditures, this form of spending still attracts comparatively little attention. But by now the numbers involved, and their social and economic effects, are too large to ignore. Honest people can and do differ over what constitutes a genuine tax expenditure, as opposed to "equitable" treatment—say, for investment income or charitable donations. According to some, ability to pay should be measured by what a person earns; according to others, by what a person consumes. But even if we confine our list of tax expenditures to those that contradict any principle of ability to pay—that is, to those that nearly all economists can agree on—the total fiscal cost comes to at least $170 billion. Those tax expenditures arbitrarily reward millions of lucky people for such endeavors as financing a built-in sauna, hiring an au pair, or getting the boss to pay for the therapist.

This spending is regressive in the strictest sense of the word. Even when poorer households qualify for these benefits (and often they do not), what they receive is smaller, relative to their income, than what goes to the affluent. According to the congressional Joint Committee on Taxation, for example, last year the average value of the mortgage-interest deduction for taxpayers with incomes over $100,000 was $3,469. In contrast, the same deduction was worth an average of only $516 for taxpayers in the $20,000 to $30,000 bracket who qualified to take the benefit—and of course many, including renters and those who opted for the standard deduction, did not.

When we add together all the tax expenditures and all the direct outlays for which we have 1991 income data—and this is about 80 percent of each type of entitlement—an unambiguous picture emerges. On average, households with incomes under $10,000 collected a total of $5,690 in benefits. On average, households with incomes over $100,000 collected $9,280. In terms of total fiscal cost, moreover, the aggregate amounts received by the non-needy in 1991 were staggering. One half (at least $400 billion) of all entitlements went to households with incomes over $30,000. One quarter (at least $200 billion) went to households with incomes over $50,000. These are the facts—regardless of what our political folktales might say.

How did our entitlement system wind up delivering most of its benefits to people who are clearly not in need? Obviously, the overall spending pattern does not conform to any master plan. Congress never passed a "Comprehensive Welfare for the Well-Off Act." Rather, the system we see today is the inadvertent legacy of thousands of why-not-please-everybody votes on Capitol Hill—together with economic and demographic trends that no one anticipated.

Nor does any conspiracy lie behind the way Americans have chosen over the past decade to finance the growth of entitlements. They have done so through deficit spending—the result of a persistent ideological deadlock between cutting spending and raising taxes. Each side, unfortunately, has reason to regret the outcome. On the one hand, those who prevented significant reform in the welfare state have worsened any prevailing trend toward inequity by income and class. On the other hand, those who urged that it is better to finance the welfare state through debt than through taxes have burdened Americans with a new layer of inequity by age and generation.

These are the conditions leading to the coming of the next New Deal—a new deal that is needed to restore both fairness and efficiency to our trillion-dollar entitlement budget. The U.S. social-welfare system has by now come to resemble a ramshackle mansion on a hill, with squeaky back stairways and barren hallways leading to musty, sealed-off chambers.

Open this door and behold the federal railroad retirement system—a Christmas gift from Congress to the railroad industry in 1935, still chugging after all these years, at an annual cost of $7.8 billion. That crowing in the pantry is the sound of $50,000, on average, in direct federal payments being snatched up by each of the 30,000 biggest-grossing farmers in America. Not one of them looks like Pa Joad. And down this hall you'll find the bonanza-baby nursery, filled with Americans born from 1910 through 1916, whose Social Security benefit levels are higher than those of anyone born before or after. Can anyone remember why? What about that thumping noise? Maybe it's the so-called one-percent "kicker" from the 1970s, which still inflates civil-service pensions.

This is a structure, leaky and drafty and wildly expensive to heat, that was tolerably suited to its previous owners but now requires radical remodeling. What would FDR, architect of the original New Deal, have said if he had learned that by 1991 a fifth of American children would be living in poverty—still ill housed and ill nourished—while a fifth of the dollars spent by major federal benefit programs went to households earning $50,000 or more?

Fortunately, the system can be made to work again. But before the next New Deal can happen, Americans will have to start viewing entitlements as a whole, and debating comprehensive reforms.

WELFARE FOR THE WELL-OFF

Even if our current entitlement system were sustainable well into the twenty-first century—and it is not—most Americans would still have good reason to demand a new deal. Consider how little we as a nation are getting back for the money we are spending: no national health-insurance plan, no maternity benefits or family allowances such as are available in Germany and France, no guarantee against falling into poverty or even becoming homeless—in old age or at any other time of life.

In 1990, for example, the federal government handed out an average of $11,400 worth of benefits to every American aged sixty-five or over—more than ten times what it gave to each child—yet 3.7 million senior citizens still languished below the poverty line. Many of the latter receive a "means-tested" benefit—Supplemental Security Income. But for an elderly person living alone in 1990 the federal SSI program offered a maximum cash benefit of 74 percent of the poverty level, or $4,632 annually. That same year, while 18 million Americans earning less than $15,000 at full-time, year-round jobs "contributed" their FICA dollars, a CEO and spouse could retire and expect to receive more than $24,000 annually in tax-sheltered Social Security and Medicare benefits, in addition to their corporate pension and "medigap" plan, and sundry forms of private investment income.

Why doesn't the welfare state do a better job of actually insuring against poverty? The bottom-line reason is that we divert too many resources to the affluent.

The most stunning illustrations of welfare for the well-off come in the form of entitlements conveyed through the tax code. Consider, for example, the exclusion from taxation of most Social Security income along with the insurance value of Medicare benefits, which together cost the Treasury about $34 billion last year. The households that receive the largest favor are those with the most income. In fact, both these tax expenditures may be regarded as especially insidious forms of back-door spending, since they simply add to the already top-heavy distribution of Social Security and Medicare benefits. For the 37 percent of senior citizens who regularly vacation abroad, these tax subsidies are enough to pay for a few extra days of shopping in tropical ports of call. But they do little for another 40 percent of senior citizens who owe no tax on their Form 1040 because they aren't as well off. This is why every other major industrial nation regards all or nearly all of its social-insurance benefits as taxable income.

The same point applies to the child-care credit, which cost the government more than $3 billion last year. Households with incomes below $10,000 received virtually no benefit from this tax subsidy. Those with incomes above $50,000, however, received $1.2 billion to help pay for nannies and other child-care expenses.

For the really big bucks, take a look at the exclusion for employer-paid health care. Under this provision, those Americans fortunate enough to receive health-care insurance from their employers are allowed to exclude the value of their insurance from both income and payroll taxation. Last year this single tax expenditure cost the U.S. Treasury $60 billion in forgone revenue.

Who benefited? Obviously, no one among the 35 million people not covered by any form of health insurance or among the 32 million people who pay for their plans out of their own pockets. These 67 million Americans are twice as likely to live in poverty as are all other Americans. But that is only part of the inequity. Among households that were covered by employer-paid health-care plans, the average benefit for those in the highest income brackets was many times larger than the average for those in the lowest income brackets. Moreover, most economists agree that such large subsidies encourage their beneficiaries to overconsume health-care services, and thus put even more inflationary pressure on a system already in crisis. Who will argue with an employer who offers a "Gold Plan" package that provides generous coverage for every medical contingency, from orthodontia to nose jobs to psychoanalysis, as long as it's tax-free?

It is much the same story with most other entitlements conveyed through the tax code. Not only are they inequitable in their distribution of benefits but also they contribute to gross distortions in how the U.S. economy allocates resources. In addition to overconsuming health care, for example, affluent Americans tend to overconsume powder rooms and swimming pools and vacation homes at the expense of more-productive investments—thanks to the mortgage deduction and other tax subsidies for owner-occupied real estate. One result of all these tax favors: the hospitals and homes of Grosse Point and other affluent suburbs of Detroit are far more luxurious than any to be found in, say, the suburbs of Yokohama or Stuttgart. But only in Detroit do the suburbs surround a burned-out, deindustrializing core.

Not coincidentally, every major industrial society except the United States pays for little (or none) of its health care with tax-sheltered insurance, and tightly restricts (or prohibits) any deductions for interest on home mortgages.

To the rule that says most tax subsidies go to the wealthy, there is one exception: the Earned Income Tax Credit. First enacted in 1975, the EITC is the closest America has ever come to a negative income tax. But its effect on the overall picture is negligible. Even after including the EITC with all the other tax expenditures mentioned above, the bottom line is still that the rich receive by far the largest benefits.

Households with incomes below $10,000, for example, receive an average of $131 a year from all these tax-subsidy programs combined. Middle-class households do better: those with incomes in the $30,000 to $50,000 range receive tax benefits averaging $1,483. But it is the truly affluent who receive the greatest subsidy: the average benefit for households with incomes over $100,000 is $3,595 a year, or nearly thirty times what goes to households most in need.

THE WEIGHT OF REALITY UPON IDEOLOGY

Why have Americans put up for so long with such flagrant malfunctioning of their social-welfare system? Part of the explanation must lie in today's political culture, which by the standards of FDR's crusading generation has remained exceptionally cautious in its thinking about the major institutions of the welfare state, and preoccupied with mere process issues. Meanwhile, as the decades have passed, the earth has been slowly shifting beneath the major monuments of the first New Deal. The old assumptions will not hold.

When Social Security first started paying out benefits, for example, the elderly were by far the most destitute age group in American society. As recently as 1969, 25 percent of American elderly were officially designated "poor"—as were only 14 percent of children under age eighteen. Today the relative positions of the very old and the very young are just about reversed: in 1990, 12 percent of the elderly and 21 percent of children were poor. Other indicators, such as noncash income, financial assets, and homeownership rates, also show that the typical elderly household is now considerably better off than the typical young family. At the same time, as we have seen, millions of the elderly continue to live in poverty. And yet Social Security continues to distribute none of its benefits on the basis of need.

We live in a world radically different from that of FDR's generation. How touching it is for the historian to read that the New Deal planners once projected that Social Security's survivors' and unemployment benefits would steadily reduce means-tested family assistance. The assumption, of course, was that widows were the only single mothers struggling to raise children. That 13 million children would be living with single nonwidowed mothers in 1990 was simply unthinkable. And how maddening it is for today's married woman to learn that she won't receive Social Security benefits based on her earnings unless she makes at least half her husband's salary throughout her working life. It should come as no surprise that a social-welfare system designed to serve the America of Benny Goodman and Norman Rockwell now stands in need of serious structural repair.

We also live in a world radically different from that of the Johnson and Nixon presidencies, when the steepest increases in entitlement spending took place. In that era renowned economists wrote books about the "challenge of abundance" and testified before Congress about how Americans would soon enjoy a twenty-two-hour workweek. In 1972, on the eve of Social Security's largest single benefit hike, the system's actuaries projected that henceforth real U.S. wages would forever rise at the rate of 56 percent every two decades—an assumption that made almost anything affordable. Looking back, that sort of economic euphoria seems as dated as "2001: A Space Odyssey." What has in fact happened over the twenty years have grown by hardly more than four percent. Polls indicate that most Americans are no longer confident that today's children will do as well economically as their parents—and indeed they will not, unless the country frees up the resources it needs to undertake wide-scale investments in improving productivity.

Sixty years after the New Deal there is virtually no connection between the patterns of entitlement spending and any coherent public purpose. So why is reform so often regarded as impossible?

Part of the reason is ideological. Throughout the Reagan years the lure of supply-side economics persuaded many conservatives that reforming entitlements was no longer necessary; with tax cuts and deregulation, the nation could simply "outgrow" them. The party that once fought losing battles against the New Deal could thereby dish the Whigs and painlessly rid itself of its plutocractic reputation. Liberals, meanwhile, have been slow to grasp how an ideal that was once taken as the nation's highest expression of community has evolved into a system that serves the interests of economic royalists at the expense of the common man.

Today reality is gradually wearing away these ideological misconceptions. Still, the reform of any single entitlement program is blocked by highly organized special-interest groups, from the gray-power and pension lobbies to the agribusiness, construction, and health-care industries. Even affluent beneficiaries who may be uncomfortable accepting government money don't like feeling singled out for sacrifice. The Palm Beach retiree, for example, won't go along with higher taxes on his Social Security benefits just so that the yuppie down the street can get another tax break.

What is needed is a comprehensive approach to entitlement reform—one that cuts not only direct spending but also tax expenditures for the well-off. In this way entitlement reform could avoid becoming a contest between generations. By putting every form of government spending on the table, America could also end that long-running, sterile debate between those who want to cut spending and those who want to cut taxes. Genuine reform could at last be what it should be: a more equitable and productive redirection of the nation's limited resources.

THE PEACE DIVIDEND IS NOT ENOUGH

But couldn't we get by, many readers will ask, with just staying the course? Won't the end of the Cold War free up enough resources so that we won't need to take on entitlement reform?

The short answer is no. A world at peace won't be enough to right the nation's fiscal imbalance.

As we mentioned earlier, benefit outlays accounted for 45 percent of all federal spending in calendar year 1991. Yet this conventional measure of the cost of entitlements, large as it is, underestimates their practical importance. First, it includes only the benefits themselves, not the cost of administering them. Add on a minimal five percent overhead, and the total rises to 48 percent of the budget. Second, a fair measure would compare entitlements only with other types of spending that are adjustable, not with spending that is entirely beyond anyone's control. So let's subtract net interest payments on the national debt ($199.4 billion) and last year's payments on the S&L bailout ($101.8 billion). Both are obligations that must be met in order to avoid a devastating financial panic. Now the total rises to 60 percent of the budget. Finally, let's figure in the $170 billion in benefit-like tax expenditures. This pushes that total up to just over 65 percent of the budget.

The bottom line might be summarized this way: Entitlements, defined as the full cost of both direct and tax-code benefits, amount to two thirds of the federal spending over which government has some control.

A large part of the remaining third is defense spending. The cuts now scheduled will help, but along they are clearly insufficient. Consider that even eliminating the entire Marine Corps would not defray the annual cost of military pensions. In fact, even if the Department of Defense were abolished and all the armed forces disbanded, the U.S. Treasury would still not be able to pay this year's bills without borrowing. As for the small corner of the budget still dedicated to "discretionary" civilian projects—everything from running parks, regulating polluters, and sheltering runaway children to building highways, testing superconductors, and arresting drug traffickers—as a share of GNP that corner has been smaller since the late 1980s than at any other time since the late 1950s. It is unlikely that Americans could achieve major savings in this catchall budget area without curtailing some of the vital core services they expect from government. Most policy discussions instead favor more of this type of spending, which no doubt would already be larger today were it not perpetually crowded out by the metastasizing of universal benefits.

Another question, still sometimes heard in post-Reagan America, is "Why reform entitlements or even worry about the deficit when we can always just raise taxes?" But the answer is clear enough: The revenue option won't work because it won't happen. One can find many polls showing that most Americans favor the concept of a means test for benefits. But one cannot find any poll showing that more than a small minority of Americans favor a large, general-purpose tax hike.

This anti-tax sentiment is linked to widespread cynicism about government, especially the federal government, which should make many liberals think twice before dismissing entitlement reform. Quite simply, those who want more taxes and bigger budgets must first demonstrate that government can apply commonsense priorities to the money it is already spending. Anyone waiting for public attitude to change spontaneously should take a closer look at America's rising generation of voters under thirty—not just at their Republican sympathies, which incline them against taxes anyway, but at their intense distrust of unkeepable promises, breakable chain letters, and crocodile tears. What the typical new voter most distrusts, in short, is just the sort of rhetoric that still enshrouds our welfare state.

UNFAVORABLE DEMOGRAPHICS

Each decade, since the first New Deal, from the 1930s through the 1980s, entitlement spending has grown faster than the economy.

Under our current system it is certain to do so in future decades as well, especially once the oldest members of the enormous postwar Baby Boom generation begin reaching retirement age, just sixteen years from now. Today more than 60 percent of all federal benefit spending flows to the 12 percent of Americans who are age sixty-five or older. As long as the welfare state allocates most benefits on the basis of seniority alone, the cost will grow geometrically as the size of the elderly population increases. In combination with the aging of the population, improvements in medical technology will likely cause per capita health-care costs to continue growing several times as fast as per-worker GNP.

Demographic data easily numb the mind, but one can gain an intuitive sense of what all this means for government spending by considering just how favorable demographic trends have been for the United States in recent years. During the 1980s the 76 million members of the Baby Boom generation moved into their prime productive years—old enough to have mastered job skills but too young to retire. The result was an automatic surge in federal revenue—especially since the women of this generation have been far more likely than their mothers to work for wages, and therefore to contribute taxes.

Meanwhile, demographics have also been favorable to the spending side of the budget. The growth rate of the retirement-age population has actually been slowing down since the mid-1990s, owing to the declining birth rates of the late 1920s. Yet the United States is still running enormous budget deficits. What will happen when these favorable demographic trends turn into unfavorable trends, beginning around 2010?

Since 1960, federal benefit outlays alone have grown from roughly five percent to 12 percent of GNP. No one knows, of course, what the future may bring. But if one adopts the economic, demographic, and medical assumptions used by the Social Security Administration and the Health Care Financing Administration, the total cost will rise much further over the next fifty years, perhaps to 21 percent of GNP (best case) or to 30 percent of GNP (most plausible case). And this assumes not a single new program or eligibility provision. Outlays of this magnitude would threaten to crowd out not only all forms of public and private investment but also any hope that government might respond to new social needs. Ultimately, even huge tax hikes would merely cover the growing cost of programs whose original intentions had long been forgotten.

Well before we reach such nightmare fiscal scenarios, moreover, the income inequity of the U.S. welfare state will become painfully obvious. Look ahead to the year 2000, when today's unusually affluent Americans in their fifties begin to retire. This is a cohort of lifelong upward mobility whose average household wealth in retirement (according to the economists Frank Levy and Richard Michel) is likely to exceed that of all living Americans born either before or after them. Then consider the position of today's young adults—handicapped by unstable family backgrounds, an inferior education, and stagnating entry-level wages. By the year 2000, while raising families amid growing talk of yet another hike in the payroll tax, they will cast searching eyes at the abundance of their elders. In her recent book "Social Insecurity" the former Social Security commissioner Dorcas Hardy does not hesitate to link the issues of age, income, and race. "As we move into the next century," she asks, "will the minorities of this country—immigrants and otherwise—come to see the Social Security system as a mechanism by which the government robs their children of a better future, in order to support a group of elderly white people in a retirement that is both too luxurious and too long?"

Take it from someone who once ran the system: the entitlement crisis is not about to go away if we just ignore it.

A COMPREHENSIVE REFORM

Overhauling the U.S. welfare state so that it serves our national goals will entail enormous changes, most likely including a wholesale restructuring of the U.S. health-care system. But in the meantime we Americans can make federal entitlements much more equitable, and free up the resources we need to cut our fiscal deficits and boost our national savings, by acting on a simple if far-reaching principle. The principle is that one's benefits should be proportional to one's need—whether the subsidy comes in the form of health insurance or a farm subsidy or a mortgage-interest deduction or a Social Security check.

How might such a principle be applied to the existing welfare state, and how much money would it save? Any reform package should satisfy the three most common objections to a cost-control effort. First, it should not reduce the income of any household that is anywhere near the poverty line. More precisely, the half of all U.S. households that report incomes over $30,000 should be asked to bear nearly all the extra burden.

Second, any reform package should adjust benefits according to a graduated scale, so that middle- and upper-income households do not become net losers just because they happen to rise a few dollars above a certain threshold. Nor should earning a high income become a disqualification for receiving any subsidy. To preserve the universal character of our major entitlement programs, members of every household, regardless of income, should still stand to gain some benefits, albeit in proportion to their needs.

Third, any comprehensive reform must take into account the quasi-contractual nature of at least some entitlement programs. This last proviso is the toughest to accommodate, but not as tough as is sometimes thought.

Strongly rooted in American political folklore, for example, is the idea that Social Security recipients are only "getting their money back," that Social Security is an "inviolable contract," and so forth. But such claims have no financial or even legal basis, however much certain politicians and interest groups may claim otherwise. True enough, the original Social Security Act of 1935 included a "money back" guarantee (with some interest) on all employee contributions, and called for benefit levels to be calculated on the basis of the lifetime covered wages earned by each individual. But the guarantee was eliminated by Congress in 1939, and the link between benefit levels and years of participation, after being weakened in 1939, was entirely discarded in 1950.

Ever since, the U.S. Supreme Court has repeatedly ruled that no covered worker retains any right, contractual or otherwise, over taxes paid into the system. In fact, the Social Security Administration keeps no direct records of how much each person contributes. It just keeps records of each person's wage history, to which a politically determined benefit formula is applied when that person retires. Today's retirees, as it happens, receive benefits worth two to ten times that they would have earned had they invested all their lifetime Social Security taxes (both their own and their employer's) in Treasury bonds. Meanwhile, largely because of the very steep increases in Social Security taxes in recent years, most economists agree that under current law Social Security will not offer large categories of younger participants anything approaching a fair market return on what they paid into the system.

So there is no reason that Social Security benefits for the well-off cannot be reduced if a majority of Americans decide that their collective resources should be used for different purposes. The same is true for civil-service and military pensions, although here the case is much stronger that an implied contract exists between well-off pensioners and the government.

Before the 1970s federal employees worked for lower wages than their counterparts in the private sector. One reason they did so was the expectation of receiving government pensions far more generous than any offered by private-sector employers. Even today, no private pension offers benefits at such an early age, at such a high percentage of pay, with such lenient provisions for disability, or with such generous indexing. Moreover, because these government pension programs were never funded on an actuarially sound basis, current taxpayers are now unjustly stuck with a huge tab for yesterday's unwise policy. Still, these benefits are part of the compensation that was promised at the time—a distinction that makes a moral if not a legal difference and ought to limit benefit reductions even to the most affluent federal pensioner.

Applying our simple principle would not require a big new bureaucracy. All means-testing could be achieved exclusively through tax returns, much as we now handle the limited taxation of Social Security for households with adjusted gross incomes over $25,000. Each filer would be required to enter all benefits received, which could be checked against federal records. Above certain limits the total would trigger a "benefit-withholding" liability, which the filer would send back to the IRS along with any outstanding income-tax liability. As a practical matter, federal benefits could be withheld just as wages are withheld, based on a tax filer's previous experience.

How would benefit-withholding rates be set? Here are a few illustrative options, with estimates of how much money they would have saved in calendar year 1991 alone.

For all cash and in-kind entitlement programs except federal-employee pension plans: Withhold 7.5 percent of any benefits that cause total households income to exceed $30,000, and withhold an additional five percent at the margin for each additional $10,000 in household income. The maximum reduction of benefits would be 85 percent, applicable to households with incomes of $190,000 or more. Total savings: $33.5 billion.

For civil-service and military pensions: Same as above, but with a much lower maximum withholding rate, in deference to the quasi-contractual nature of these benefits. The maximum reduction of benefits would be 25 percent, for households earning $70,000 a year or more. Total savings: $7.6 billion.

For all major entitlement benefits conveyed through the tax code except benefit exclusions: Limit the amount of such tax expenditures received by upper-income households to the average expenditures per household within the $30,000 to $50,000 bracket. In 1991, for example, this would have limited the total allowable mortgage-interest deduction to roughly $2,500. Total savings: $34.7 billion.

For benefit tax exclusions: Get rid of all income thresholds and make Social Security just as taxable as any other cash income—except for 15 percent of pre-reform benefits. This untouched residual will offer, to even the wealthiest of today's retirees, at least a five percent tax-free return on all contributions they have personally paid into the system. Also, for households with incomes from $30,000 to $50,000, phase out half of the tax exclusion on the insurance value of Medicare (net of Medicare Part B premiums). Total savings: $16.9 billion.

Altogether, these provisions, if they had been in place in 1991, would have freed up $93 billion in the federal budget. To be sure, no one would advocate instituting all of them in one year, especially in a bad recession year. But imagine that they were phased in over four years—starting, say, in 1993. Assuming that income brackets were adjusted for inflation, and using official budget and revenue projections, total annual savings would rise to $149 billion by 1996. That would be enough to ensure that the next recovery is a genuine investment-led expansion, not another borrow-and-consume bacchanalia.

The budget savings could be considerably higher. The figures noted here reflect only about 80 percent of all federal entitlements and tax expenditures, those for which income distributions are known. The extra 20 percent included, total budget savings in 1996 could rise to more than $186 billion. Furthermore, trimming subsidies to the affluent reduces their incentive to take advantage of available benefits. Thus, to the extent that it would prompt middle- and upper-income Americans to forgo benefits altogether—for example, by retiring later, or by opting for less tax-sheltered health insurance and housing—the measure would clearly save taxpayers more than the amount a static calculation would indicate.

Because all the savings would be collected through the tax code, a single piece of legislation, falling under the jurisdiction of the tax committee in each house, would be sufficient to implement the reform. Imagine doing the same job by amending every benefits statute: the process would snake through dozens of committees, grind on for years if not decades, and ultimately be undone by interest groups.

This approach also has the virtue of treating all Americans fairly, according to their individual circumstances, unlike most other reform proposals—for example, limiting all cost-of-living adjustments (COLAs). Even a COLA freeze that discriminated against large monthly benefits would lead to obvious inequities. For a widow receiving no income other than one large Social Security check, a COLA may be essential to keep food on the table. For a triple-dipping federal pensioner receiving the minimum Social Security benefit, that same COLA may be just enough to cover the annual rise in greens fees at the club. An income-based approach takes account for the difference. Unlike most government agencies, moreover, the Internal Revenue Service is well trained in tracking dollars no matter how far they travel. Even the farm subsidy that filters down through five partnerships before appearing as personal income will have to show up, earmarked, on someone's Form 1040.

Politically, this approach balances the sacrifices asked of elderly and working-age Americans, without raising tax rates and without burdening the poor or even most of the middle class. Moreover, the plan would reduce specific programs in rough proportion to their overall size in the budget. Roughly half the savings would come from Social Security and Medicare and the related taxation of benefits. An additional 40 percent would come from other programs and tax expenditures, especially employer-paid health care and mortgage interest. Another eight to nine percent would come from federal pensions.

Would such a reform in and of itself constitute another New Deal? Hardly. The measures it would compromise are, however, the essential preconditions for the next New Deal. Without them the United States will simply see more and more of its options as a nation crowded out by the compounding costs of our subsidies to the well-off.

As always, every area of federal spending should be scrutinized. Missionless bombers must be cut. Pork-barrel waterways must be eliminated. Welfare programs targeting the poor must undergo further changes, to require the able-bodied to work and to reduce the cycle of dependency. But none of these areas is where the big money is, and it is not by reforming them that the United States will free up the resources it needs to build a more just and productive society in the next century.

Whatever one's vision of that new society—whether it includes a national health service or means-tested health vouchers, a negative income tax or a 15-percent flat tax, green cars running on hydrogen or mag-lev trains humming from city to city—to get something new, one must give up something old. A society that cannot find the resources to pay for sixty-cent tuberculosis vaccinations for ten-year-olds must ask itself why it is offering subsidized health care and housing to millionaires. Call it a rendezvous with destiny.•

CIVIL RIGHTS COMMISSION HEARING ON RACIAL AND ETHNIC TENSIONS IN AMERICAN COMMUNITIES

• Mr. SIMON. Mr. President, one of the ways that we can make sense of and move forward from the aftermath of the Rodney King verdict in Los Angeles is to have serious discussions on the issues of civil rights and community responsibilities in America.

Immediately after the verdict was announced in the King case, I wrote to John Dunne, head of the Civil Rights Division, urging him to quickly complete the Department of Justice investigation. I also wrote to Arthur Fletcher, chairperson of the U.S. Commission on Civil Rights. At its height from the late 1950's to 1980, the Commission was rightfully regarded as the conscience of the Nation on civil rights matters. When it studied issues and made recommendations to the President and Congress, they led to the enactment of critical legislation. Most recently, under Arthur Fletcher, the Commission once again has begun to make some important moves in these areas.

The Civil Rights Commission undertook last year a series of hearings on racial and ethnic tensions in American communities. To its credit, the Commission is examining the changing face of America and the new and different prescriptions that may be necessary to combat the ills of racism.

In addition to hearings in Los Angeles and Chicago already planned for later this year, the Commission will be meeting in Washington, DC, on Thursday and Friday, May 21 and 22. The hearings this week will take place at the Office of Personnel Management [OPM] Auditorium and are subtitled: "Poverty, Inequality and Discrimination—A National Perspective."

The Commission is establishing a constructive and wide-ranging dialog with a diverse group of community leaders. During the 2 days of hearings, the Commission will hear from educators, researchers, authors, journalists, and others.

The public sector witnesses include the Director of the Community Relations Service of the Justice Department, a governor of the Federal Reserve Board, and the section chief of Uniform Crimes Reporting Service of the FBI. The Commission will also hear from respected community organizations such as the Anti-Defamation League of B'Nai B'rith, National Urban League, NAACP, National Council of La Raza and Japanese American Citizens League. I ask that the full agenda of the Commission hearing be printed immediately following my remarks.

Mr. President, the Commission's activities and deliberations regarding racial and ethnic tensions are an important step in achieving solutions and I encourage my colleagues to send staff members to the Commission's hearings and follow the important work of the Commission in the coming days.

The hearing schedule follows:

RACIAL AND ETHNIC TENSIONS IN AMERICAN COMMUNITIES: POVERTY, INEQUALITY, AND DISCRIMINATION—A NATIONAL PERSPECTIVE

HEARING SCHEDULE

Thursday, May 21, 1992

8:00 am: Registration.

8:30 am: Opening Statement: Chairman Arthur A. Fletcher.

8:45 am: Statement on Commission Rules: Vice-Chairman Charles Pei Wang.

9:00 am: Panel One—Overview Panel I: Racial and Ethnic Tensions—Part 1.

Ellis Cose, Editorial Page Editor, New York Daily News, author of A Nation of Strangers: Prejudice, Politics, and the Populating of America;

Joe Feagin, Professor of Sociology, University of Florida;

Andrew Hacker, Professor of Political Science, Queens College, City University of New York; author of Two Nations: Black and White, Separate, Hostile, Unequal;

Arthur Kropp, President, People for the American Way; and,

Clarence Page, columnist, Chicago Tribune.

11:00 am: Coffee Break.

11:15 am: Panel Two—Overview Panel II: Racial and Ethnic Tensions—Part 2.

Arthur Flemming, Chairman, Citizens Commission for Civil Rights and National Education Commission;

Edward A. Hailes, Jr., Counsel, National Association for the Advancement of Colored People (NAACP);

Charles Kamasaki, Vice President, Office of Research, Advocacy, and Legislation, National Council of LaRaza;

John Kromkowski, President, National Center for Urban Ethnic Affairs; and,

Daphne Kwok, Executive Director, Organization of Chinese Americans, Inc.

1:15 pm: One hour lunch break.

2:15 pm: Panel Three—Hate Incidents.

Howard Ehrlich, Director of Research, National Institute Against Prejudice and Violence;

Grace Flores Hughes, Director, Community Relations Service U.S. Department of Justice;

Ruth Lansner, National Commissioner and Chairman, National Legal Affairs Committee, Anti-Defamation League of B'nai B'rith;

Danny Welch, Director, Klanwatch; and,

Harper Wilson, Section Chief, Uniform Crimes Reporting Section Federal Bureau of Investigation.

4:15 pm: Coffee Break.

4:30 pm: Panel Four—Changing Demographics.

Nancy Denton, Professor of Sociology, State University of New York at Albany; co-author, American Apartheid; Segregation and the Making of the Underclass (forthcoming);

Evelyn Hu-Dehart, Director, Center for the Study of Ethnicity and Race in America, University of Colorado;

William O'Hare, Director of Population & Policy Research, University of Louisville; and,

Gary Sandefur, Institute for Research on Poverty.

6:30 pm: Adjourn.

Friday, May 22, 1992

8:00 am: Commission Meeting.

8:45 am: Announcements: Chairman Arthur A. Fletcher.

9:00 am: Panel Five—Multiculturalism.

Mary Futrell, Senior Consultant, Quality Education for Minorities Network;

Robert Royal, Vice President and Olin Fellow, Ethics & Public Policy Center;

Joan Scott, Professor of Social Science, Institute for Advance Studies; and,

Roger Wilkins, Professor of History, George Mason University.

11:00 am: Coffee Break.

11:15 am: Panel Six—Socioeconomic Factors: Part 1.

Larry Lindsey, Governor, Federal Reserve Board;

Charles Murray, Bradley Fellow, American Enterprise Institute, and author of *Losing Ground: American Social Policy, 1950–1980* (New York: Basic Books, 1948); and,

Paul Peterson, Professor of Government, Harvard University.

1:15 pm: One hour lunch break

2:15 pm: Panel Seven—Socioeconomic Factors: Part 2.

Timothy Bates, Professor of Economics, New School for Social Research;

Catherine Bessant, Senior Vice President and Director of Community Investment, Nations Bank;

Allen Fishbein, General Counsel, Center for Community Change; and,

Billy J. Tidwell, Director of Research, National Urban League

4:15 pm: Coffee Break.

4:30 pm: Panel Eight—Civil Rights.

Ira Glasser, Executive Director, American Civil Liberties Union;

Dennis Hayashi, Executive Director, Japanese American Citizens League;

Milton Morris, Vice President, Office of Research, Joint Center for Political and Economic Studies;

Louis Nunez, President, National Puerto Rican Coalition; and,

Stanly Sue, Director, National Research Center on Asian American Mental Health.

6:30 pm: Closing Remarks: Chairman Arthur A. Fletcher.

6:35 pm: Adjourn.•

TRIBUTE TO MISS EDDIE JONES

• Mr. JOHNSTON. Mr. President, in my hometown of Shreveport, LA, the name "Miss Eddie Jones" is synonymous with many things.

Miss Eddie means public service. At 87—as a member of the Caddo Parish Commission—she's the oldest elected official in the State of Louisiana. She has devoted her life to helping the less fortunate members of our community and serves as an outstanding role model to all of us.

Miss Eddie means energy. She is chairman of the board of directors of the Association for Community Training, an organization which contributes over $500,000 annually to Caddo Parish's neediest residents for essential services.

She initiated the first free lunch program for black children in Caddo Parish and was awarded the Allendale YWCA's Outstanding Achievement Award for leadership and community service. She authored "The PTA Among Negroes in Caddo Parish" and is president of the Lakeside Neighborhood Advisory Council of the Caddo Community Action Agency.

Miss Eddie means love. She has touched the lives of thousands of people in our community, always putting the needs of others before her own. As she always says, "If I'm doing it for you, I'm doing it for God."

We will miss Miss Eddie's active role in parish government, but we look forward to many, many more years of her leadership in countless community organizations.•

STATEMENT OF SENATOR PATRICK LEAHY

• Mr. LEAHY. Mr. President, my Senate public financial disclosure report is on file with the Secretary of the Senate's Office of Public Records. I am adding additional material relating to my net worth, beyond what is required by the U.S. Senate.

Senate Salary	$105,508
Additional income (interest, investments, et cetera, as reported on Senate public financial disclosure report	1,693
Total income	107,201
Taxes (Federal, State, real estate)	30,789
Charitable contributions	1,525
Designations to charitable organizations	3,000
Total charitables	4,525
Equity in Middlesex, VT	213,815
Equity in Washington, DC, area residence	300,312
Value of personal property (cars, furniture, books, savings accounts, et cetera)	38,500•

TRIBUTE TO PAUL COOK

• Mr. MCCONNELL. Mr. President, I rise today to recognize an outstanding Kentucky educator who has dedicated 32 years of his career to Western Kentucky University. Dr. Paul Cook, Western's executive vice president for administration and technology, will retire June 30.

Paul Cook first came to Western Kentucky University as a student—he earned an A.B. degree in history in 1958, and was awarded a master's degree in educational administration in 1959. He then taught public school in Caverna and Fort Knox, KY, before accepting a position as a supervising teacher at Western's College High in 1960. At that time, Dr. Cook had no intention of launching a lengthy career at WKU—he wanted to go into public school administration, and hoped to eventually be a school superintendent.

However, Dr. Cook stayed on at Western. He moved into a full-time teaching position in the history department in 1964, was made an assistant professor in 1965, and became an associate professor in 1972. During those years, he also acted as an administrative assistant to the dean of faculties (1964–65), director of the community college (1967–69), and assistant dean of special programs (1969–70). He became assistant to then-President Dero Downing (1970–75), and served as assistant to the president for resources management and budget director (1975–85) and interim president (1985–86).

Paul Cook has seen many changes at Western Kentucky University over the years. He has worked under several different presidents, and has seen the school's enrollment increase substantially. The campus itself has also expanded significantly to accommodate more students during Dr. Cook's tenure, as has the composition of Western's student body. Since Dr. Cook began teaching at Western, the number of women attending has gone up by 20 percent; the number of nontraditional students has also steadily increased.

To most students, faculty, staff, and administrators, Dr. Paul Cook is as much of a fixture at WKU as the school's mascot, Big Red. He is known by students as a friendly, down-to-earth vice president who always takes time to stop and talk and shake hands as he walks around campus. With his experience, Dr. Cook has been an administrator to whom others turn for support and advice. Western president Thomas Meredith said of Dr. Cook, "I have never been associated with anyone of higher integrity. I will miss his expertise and knowledge, but most of all I will miss his friendship."

While the Bowling Green community will miss Dr. Cook's presence in his Wetherby Administration Building office, his retirement may increase his prominent role in civic activities. He is currently chairman of the board of directors of the medical center at Bowling Green and Commonwealth Health Corp., and is a member of the board of directors of the Tourism and Economic Development Council. He has also served on various other boards, including the Bowling Green-Warren County Chamber of Commerce and the Bowling Green-Warren County partnership for a Drug-Free Workplace. Dr. Cook says he hopes to continue his involvement in the community after he retires, and also plans to spend more time with his grandchildren and fulfilling church responsibilities.

Mr. President, I commend Dr. Paul Cook for his outstanding service to Western Kentucky University. He has played a major role in making Western the quality institution that it is today. His influence, expertise, and kindness will certainly be missed by students, faculty, staff, and fellow administrators.

Please enter the following article from the Bowling Green Daily News into the RECORD.

[From the Messenger Inquirer, May 3, 1992]

WKU MAINSTAY NOTES CHANGES

(By Evans Donnell)

Paul Cook lets a smile cross his face.

It's the end of another long day for Western Kentucky University's executive vice president as he looks out his Wetherby Administration Building office window as students walk by outside.

Cook has seen many students come and go in the 32 years he's been at Western—32 years that will come to an end when he retires June 30—and he's also seen changes at the institution.

"I think students are more serious about getting an education and getting a job than ever before," he said.

The increasing numbers of non-traditional, female and black students have been some of the changes Cook has seen since he left his teaching job at Fort Knox High School and came to Western.

Cook turns 59 today. He was 27 when he joined Western's faculty in 1960 as a supervising teacher in the Training School.

"I was a young guy when I came here. As I looked at the university and my credentials, I didn't see much of a future for me (at Western)," Cook said.

He thought his future was in the area of public school administration.

"I could see myself as a school superintendent somewhere . . . in the future," Cook said.

His thoughts about leaving Western began to change in 1964, when he was made a full-time instructor in the history department. He became an assistant professor in 1965 before becoming an associate professor in 1972.

He was administrative assistant to the dean of faculties in 1964–65, director of the Community College from 1967–69 and assistant dean of special programs from 1969–70.

In 1970, Cook became assistant to then-President Dero Downing and served in that capacity for five years. He then served as assistant to the president for resources management and budget director from 1975–85.

Cook has twice been a candidate for president. He was interim president from September 1985 until January 1986, between the administrations of Donald Zacharias and Kern Alexander.

"One of the best things that happened to me and my family was for me not to become president. The more you watch people who serve in those roles, what it does to their health, to their schedules, you wonder whether it would have been worth it or not.

"I think, particularly over the last decade or so, I've had an ideal job," Cook said.

His favorite times have usually been those when there were no budget crunches like the $6.1 million shortfall this year. Budget worries are one of the reasons Cook said he is looking forward to retirement.

"(There) won't be good times for the next five years. I really think it will be the '96–'98 biennium before higher education in Kentucky can expect much new money. That was a factor in my decision to retire. I've had about all the experience I want with budget cuts," he said.

His family kept him going through the good and bad times at Western.

"When it's time to go, it's time to go. If I'd wanted to work full-time, I would've stayed here. That could change, but I don't see working full-time," Cook said.

Part-time consulting work might interest him, though. Traveling with his wife, Rose, might be another way to spend his retirement.

Spending more time with his two grandchildren and doing work with his church, Twelfth Street Church of Christ, will be retirement priorities as well.

"I'll stay busy," Cook said.●

MEASURES HELD AT THE DESK

Mr. FORD. Mr. President, I ask unanimous consent that Senate Concurrent Resolution 120 and Senate Resolution 298 remain at the desk pending disposition.

Mr. THURMOND. I have no objection.

EXECUTIVE SESSION

EXECUTIVE CALENDAR

Mr. FORD. Mr. President, I ask unanimous consent that the Senate proceed to executive session to consider the following nominations:

Calendar 580. Jerome H. Powell, to be an Under Secretary of the Treasury; and

Calendar 581. John C. Dugan, to be an Assistant Secretary of the Treasury.

I further ask unanimous consent that the nominees be confirmed, en bloc, that any statements appear in the RECORD as if read, that the motions to reconsider be laid upon the table, en bloc, that the President be immediately notified of the Senate's action, and that the Senate return to legislative session.

Mr. THURMOND. No objection.

The PRESIDING OFFICER. Without objection, it is so ordered.

The nominations considered and confirmed en bloc are as follows:

DEPARTMENT OF THE TREASURY

Jerome H. Powell, of New York, to be an Under Secretary of the Treasury, vice Robert R. Glauber, resigned.

John Cunningham Dugan, of the District of Columbia, to be an Assistant Secretary of the Treasury, vice Jerome H. Powell.

LEGISLATIVE SESSION

The PRESIDING OFFICER. Under the previous order, the Senate will return to the consideration of legislative business.

REMOVAL OF INJUNCTION OF SECRECY—TREATY DOCUMENT NO. 102–30

Mr. FORD. Mr. President, as in executive session, I ask unanimous consent that the injunction of secrecy be removed from the Convention for the Conservation of Anadromous Stocks in the North Pacific Ocean, Treaty Document No. 102–30, transmitted to the Senate today by the President; and ask that the treaty be considered as having been read the first time; that it be referred, with accompanying papers, to the Committee on Foreign Relations and ordered to be printed; and that the President's message be printed in the RECORD.

Mr. THURMOND. No objection.

The PRESIDING OFFICER. Without objection, it is so ordered.

The message of the President is as follows:

To the Senate of the United States:

With a view to receiving the advice and consent of the Senate to ratification, I transmit herewith the Convention for the Conservation of Anadromous Stocks in the North Pacific Ocean, with Annex, which was signed by the United States of America on February 11, 1992, in Moscow. I transmit also, for the information of the Senate, the report of the Department of State with respect to the Convention.

This Convention establishes a new organization, the North Pacific Anadromous Fish Commission (NPAFC), which will contribute significantly to the conservation of anadromous fishery resources and ecologically related species in the high seas area of the North Pacific Ocean. The Commission will serve as an effective forum for closer international coordination of North Pacific fishery enforcement activities on the high seas.

Canada, Japan, the Russian Federation, and the United States cooperated in the development of the Convention, which will enter into force following ratification, acceptance, or approval by all four of these signatory States. It is anticipated that the Convention will enter into force before the end of 1992 or by early 1993. It is important that the United States and the other concerned States ratify the Convention quickly so that we may operate under its beneficial framework as soon as possible.

I recommend that the Senate give early and favorable consideration to the Convention and give its advice and consent to ratification.

GEORGE BUSH.

THE WHITE HOUSE, *May 19, 1992*.

AUTHORIZING APPROPRIATIONS FOR THE LEGAL SERVICES CORPORATION

Mr. FORD. Mr. President, am I correct in my understanding that we have received from the House H.R. 2039, the Legal Services Reauthorization Act of 1992.

The PRESIDING OFFICER. The Senator is correct.

Mr. FORD. Mr. President, on behalf of Senator KENNEDY, I ask that H.R. 2039 be read for the first time.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

A bill (H.R. 2039) to authorize appropriations for the Legal Services Corporation, and for other purposes.

Mr. FORD. Mr. President, I ask for its second.

The PRESIDING OFFICER. Is there objection?

Mr. THURMOND. Mr. President, I object.

The PRESIDING OFFICER. Objection is heard.

Mr. FORD. The bill will be placed in that section of the calendar for items read the first time?

The PRESIDING OFFICER. The Senator is correct.

THE CALENDAR

Mr. FORD. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration, en bloc, of Calendar Nos. 433 and 460; that the committee amendment, where appropriate, be agreed to; and the resolution and concurrent resolution be agreed to; the motions to reconsider be laid upon the table, en bloc; that the preambles, where appropriate, be agreed to; further, that any statements relating to these calendar items appear at the appropriate place in the RECORD, and the consideration of these items appear individually in the RECORD.

Mr. THURMOND. No objection.

The PRESIDING OFFICER. Without objection, it is so ordered.

EMERGENCY HUMANITARIAN SITUATION IN SOMALIA

The Senate proceeded to consider the resolution (S. Res. 258) expressing the sense of the Senate regarding needed action to address the continuing state of war and chaos and the emergency situation in Somalia, which had been reported from the Committee on Foreign Relations, with an amendment on page 4, line 7, strike "such as", through and including line 9.

The amendment was agreed to.

The resolution, as amended, was agreed to.

The preamble was agreed to.

The resolution, as amended, with its preamble, is as follows:

S. RES. 258

Whereas factional fighting continues to destroy the capital city of Mogadishu, and Somalia has been divided into separate spheres of influence with no recognized national government;

Whereas at least one-half of Somalia's population of eight million is considered at risk, about one-half million people are facing immediate starvation, and an unknown number of starvation deaths have already occurred, yet the provision of the needed level of humanitarian assistance is said to be blocked by the fighting in Mogadishu;

Whereas substantial numbers of needy Somalis live in areas which are relatively peaceful and secure, such as portions of the rural northwest, northeast, south, and central regions;

Whereas the United States Department of State, commendably, condemned the violence in Somalia in the strongest terms and has urged all parties to the conflict to adopt a cease-fire, and the call for a cease-fire has also been made by the United Nations, the Organization of African Unity, the Arab League, and numerous other states and organizations, but none of these appeals has yet met with success;

Whereas the visit of United Nations Undersecretary James Jonah to Somalia on January 3-4, 1992, revealed that the leaders of nearly all Somali factions are favorably disposed toward the United Nations role in promoting national reconciliation;

Whereas, on January 23, 1992, the United Nations Security Council, commendably, instituted an international arms embargo and requested the appointment of a special coordinator for humanitarian assistance, but the United Nations has not yet developed a field plan for its activities, nor made arrangements to send a full-time, experienced, and neutral negotiations team to Somalia to implement the Security Council's call for a political settlement; and

Whereas, on January 31, 1992, the United Nations Security Council held a special summit for world leaders which supported the strengthening of the United Nations role in preventive diplomacy, peacemaking, and peacekeeping, as well as encouraged the United Nations Secretary General to identify potential threats to peace, and Somalia represents an immediate challenge for this stronger mandate: Now, therefore, be it

Resolved, That it is the sense of the Senate that the President should—

(1) again urge all parties to conflict in Somalia to declare an immediate cease-fire so that negotiations may proceed and the needs of wounded and hungry civilians may be addressed;

(2) urge the United Nations to remain committed to the diplomatic and peacekeeping tasks in Somalia which fall under its mandate;

(3) urge the United Nations, as a matter of highest priority, to facilitate the distribution of emergency assistance, in conjunction with private voluntary organizations and in a manner which assures that it will reach those in need rather than being used as an additional weapon of war, to those areas of Somalia which are peaceful, and to explore options for assisting people in nonsecure areas;

(4) urge the United Nations to appoint mediators who will seek to identify the root causes of the violence in Somalia and the political goals of the combatants, so as to facilitate the achievement of the earliest possible cease-fire; and

(5) encourage, as well, other neutral mediation efforts, including those by Somali leaders not involved in the conflicts, by nongovernmental organizations and by regional organizations.

SEC. 2. The Secretary of the Senate shall transmit a copy of this resolution to the President.

CONDEMNING THE ACTIONS OF THE MILITARY REGIME IN BURMA

The concurrent resolution (S. Con. Res. 107) condemning the involvement of the military regime in Burma, also known as the Union of Myanmar, in the ongoing, horrifying abuses of human rights, the trafficking of illicit drugs, and the mass buildup of military arms for domestic repression, was considered and agreed to.

The preamble was agreed to.

The concurrent resolution, with its preamble, is as follows:

S. CON. RES. 107

Whereas, since 1962, Burma, known as the Union of Myanmar, has been ruled by a military dictatorship;

Whereas the founding of the State Law and Order Restoration Council (SLORC) in 1988 signalled a crackdown against pro-democracy demonstrators and anti-government insurgents;

Whereas independent human rights organizations, the United Nations Human Rights Commission, the United States Department of State, and other groups documented widespread and continuing human rights violations against students and others exercising their basic rights to freedom of expression, association, and assembly;

Whereas those organizations agree that SLORC abuses against the people include egregious actions such as arbitrary arrests, torture sometimes leading to the death of those in custody, compulsory labor such as forced portering for the military, and unfair trials before military tribunals;

Whereas the United Nations Human Rights Commission on March 3, 1992 voted a unanimous resolution condemning Burma for human rights violations and appointing a special rapporteur to give a public report to the next meeting of the United Nations General Assembly and Human Rights Commission;

Whereas the United States Department of State classifies Burma as having one of the worst human rights records in the world;

Whereas in democratic elections held on March 27, 1990, the Burmese people voted by an overwhelming majority for the representatives of the National League for Democracy;

Whereas the National League for Democracy is led by the 1991 Nobel Peace Prize winner Daw Aung San Suu Kyi who has been under house arrest since July 1989;

Whereas the United States recognizes the individuals who won the 1990 elections as the legitimate representatives of the Burmese people;

Whereas despite the clearly expressed will of the people of Burma, the military regime headed by generals Saw Maung and Ne Win has refused to transfer power to the people's elected representatives;

Whereas according to the 1992 International Narcotics Control Strategy Report published by the Department of State, the production of illicit drugs in Burma has doubled since the formation of the SLORC in 1988;

Whereas, according to the same Department of State report, Burma is the world's largest source of illicit opium and heroin, producing 60 percent of the world's supply;

Whereas, since 1989, the SLORC has provided both military and economic support to drug trafficking groups and allows them to produce and trade illicit drugs at their will;

Whereas the majority of all opium and heroin produced in Burma is exported to the United States;

Whereas drug use in the United States has contributed to or directly caused the death of thousands of Americans, especially young people and the urban poor;

Whereas the SLORC military regime used proceeds from the sale of illegal narcotics to purchase $1,200,000,000 of arms in 1991 from the People's Republic of China;

Whereas it has been reported that the SLORC purchased these arms through the Chinese Polytechnologies Corporation which is managed by Deng Xiaoping's son-in-law;

Whereas the Chinese arms purchased by the Burmese military regime include tanks, jet fighters, rocket launchers, assault rifles, armored personnel carriers, patrol boats, anti-aircraft guns, and other assorted arms;

Whereas the SLORC uses Chinese arms to wage war against the pro-democracy forces, including groups such as the Democratic Alliance of Burma and the All Burma Student Democratic Front;

Whereas SLORC armed suppression includes the murder of thousands, the rape of women and young girls, and the enslavement of men, women, and children as porters in Burma army campaigns against minorities and pro-democracy forces;

Whereas the SLORC uses Chinese arms to wage war against ethnic minorities and religious groups, including the Karen, Kachin, and Rohingya;

Whereas, in July 1991, the European Community announced a total arms embargo against Burma;

Whereas, in December 1991, the European Community announced withdrawal of military attaches from Burma;

Whereas SLORC suppression of human rights is forcing tens of thousands of Burmese people to flee to Bangladesh and Thailand;

Whereas, in March 1992, United Nations Secretary General Boutros-Ghali declared the mass exodus of tens of thousands of Burmese people to Bangladesh as threatening to regional stability and called upon the Burmese military regime to rectify the causes of the tragic situation there; and

Whereas the cycle of narcotics sales and arms purchases must be broken: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That it is the sense of the Congress that—

(1) the President should seek an international arms embargo against the Burmese military regime until power has been transferred to a legitimate, democratically elected government; and

(2) the President should instruct the Secretary of State to call privately and publicly for an end to China's military sales and economic support to the Government of Burma until such time as all political prisoners are unconditionally released (including Daw Aung San Suu Kyi), martial law is lifted, and the results of the May 1990 elections are fully implemented.

SEC. 2. The Secretary of the Senate shall transmit a copy of this concurrent resolution to the President.

DIRE EMERGENCY SUPPLEMENTAL APPROPRIATIONS

Mr. FORD. Mr. President, on behalf of Senator MITCHELL, I move that the Senate proceed to the consideration of H.R. 5132, the dire emergency supplemental appropriations bill reported earlier today.

The PRESIDING OFFICER. The question is on agreeing to the motion.

Mr. THURMOND. No objection.

The motion was agreed to.

Mr. FORD. Mr. President, I move to reconsider the vote by which the motion was agreed to.

Mr. THURMOND. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

EXPRESSING CONDEMNATION OF THE REPRESSION OF DEMOCRACY AND HUMAN RIGHTS IN THE KINGDOM OF THAILAND

Mr. CRANSTON. Mr. President, I send to the desk a resolution and ask for its immediate consideration. It has been cleared on both sides of the aisle.

The legislative clerk read as follows:

A resolution (S. Res. 299) expressing condemnation of the repression of democracy and human rights in the Kingdom of Thailand.

The PRESIDING OFFICER. Is there objection to the immediate consideration of the resolution?

There being no objection, the Senate proceeded to consider the resolution.

Mr. CRANSTON. Mr. President, I rise today to submit a resolution condemning the Government of Thailand's use of police and military force against unarmed pro-democracy demonstrators. The resolution also calls for the continued suspension of United States economic and military assistance to Thailand. I am joined today by a number of my colleagues, Senators PELL, HELMS, ROBB, KENNEDY, SIMON, SASSER, DODD, WOFFORD, LEVIN, BIDEN, SARBANES, MOYNIHAN, JEFFORDS, MCCAIN, RIEGLE, KERRY, DIXON, BUMPERS, and KASSEBAUM. I ask the remainder of my colleagues to join in denouncing the violence in Thailand.

The events over the past 2 days are reprehensible. Peaceful demonstrators were met by lethal bullets and blows as they attempted to circumvent a police barricade blocking access to the Government House. The death toll is difficult to ascertain at this point, but the State Department and news reports indicate that at least 10 people have been killed by security forces.

Over 100,000 protestors had descended upon Bangkok to display their opposition to the appointment of Gen. Suchinda Kraprayoon as nonelected Prime Minister of Thailand. The tremendous size of demonstrations, the largest in Thailand since 1973, indicates Thai citizens' frustration with military dominance of Thai politics.

Reports streaming out of Bangkok describe security forces opening fire on the crowd, storming the Royal Thai Hotel searching for demonstrators, and arresting hundreds of non-violent demonstration participants. Human rights groups report that at least 1,300 people have been arrested at this point and are being held at Bangkhen Police Academy.

Mr. President, I understand that Ambassador David Lambertson made clear to the Thai authorities today that the United States believes the current situation should be resolved peacefully. The resolution I am offering outlines the Senate's concern for the restoration of democracy and human rights in Thailand. The resolution calls for an end to the use of force, the fair treatment of those who have been detained, the suspension of joint military exercises with Thailand, and the continued suspension of economic and military aid to Thailand.

According to the State Department's 1991 annual human rights report on Thailand, "events in 1991 clearly demonstrate that the right of Thai citizens to change their Government through democratic processes can still be negated easily by military intervention." Mr. President, we must send a message to the Thai military Government that their disrespect and abuse of their citizens political rights will not be ignored. I ask my colleagues to support this resolution and send this timely signal.

Mr. HELMS. Mr. President, I am pleased to be identified as an original cosponsor of Senate Resolution 299, even though the subject of the resolution is a sad one—the deaths and serious injury of so many young people in Thailand.

Essentially, Mr. President, the people of Bangkok have declared that enough is enough—enough of a Thai military which, as an editorial in today's Wall Street Journal put it, has "deprived Thailand of a normal political and economic system."

The Thai military has the wrong kinds of friends—the Red Chinese, the Khmer Rouge, and the Burmese military dictators—and it shows. Firing on unarmed demonstrators in Bangkok last night reminds the world of Tiananmen Square in 1989, Burma in 1988 and Cambodia in 1975.

Mr. President, people of Thailand desire to participate in the world-wide move to liberty and democracy. They do not desire to be ruled by persons not of their own choosing.

The resolution before us calls on the Thai authorities to lift the state of emergency, and restore democracy and human rights to the people of Thailand. Specifically, it calls for the prompt release of all who have been arrested or detained, and fulfillment of the commitment to the people of Thailand to peaceful negotiations and elected rule.

The people of Thailand deserve nothing less.

Mr. President, I ask unanimous consent that the editorial from today's Wall Street Journal be printed in the RECORD at the conclusion of my remarks.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

[From the Wall Street Journal, May 19, 1992]

BANGKOK AT THE BARRICADES

The sudden turn to mass bloodshed and violence in Thailand is startling.

Thailand has made its mark in modern Asia mostly as an easygoing country with fine beaches, a lively capital and a way of absorbing, without too much fuss, whatever troubles come along. For years it has been a bright spot of relative freedom a first haven for refugees from neighboring Burma, Laos and Cambodia. Through years of military grappling over politics, Thailand has derived great stability from the fact that there is a King, Bhumibol Adulyadej, who enjoys the deep respect of his people. And in the past decade, Thailand's once-plodding economic growth rate has begun to soar, boosting the country toward the ranks of Asia's little dragons.

Now, however, the extraordinarily violent and deadly turn of democratic protests in Bangkok has shocked a great many people, such as the Hong Kong acquaintance who told us yesterday "I thought the Thais were a tolerant people." They are. They have built themselves a significant middle class and the foundations of an Asian tiger economy. But for the past 60 years, which have brought 17 coups or attempted coups, the Thais have also had to carry the burden of a military intent on encroaching on the civilian functions of their government. The military's behavior deprived Thailand of a normal political and economic system, and the resulting tensions have now exploded. The military's decision to open fire on its own people has shaken the world.

Protests have been flaring this month after "elections" in March culminated in the April appointment of the unelected Prime Minister Suchinda Kraprayoon. As army commander last year, Mr. Suchinda led the peaceful coup against an elected government. On Sunday, people by the hundreds of thousands demonstrated in Bangkok, and late that night many marched on the Prime Minister's office. Soldiers opened fire. hundreds were wounded and at least eight were killed. Hundreds more were arrested Monday, including the leader of the democracy movement, former governor of Bangkok Chamlong Srimuang. Undeterred, demonstrators gathered again, and again received army fire. Late last night, vehicles were burning and scores of wounded were bleeding in the lobby of a hotel near Bangkok's Democracy Monument. Early yesterday, Mr. Suchinda declared a state of emergency in Bangkok and its neighboring provinces, saying it was for "the safety of the people" and "the security of the country."

The comparisons that come to mind this week are deeply unflattering to Mr. Suchinda and his partners. The scenes now coming from Bangkok evoke those of Burma, 1988; Tiananmen Square, 1989. The tragedy here is that the actions of the Suchinda government are likely to do tremendous damage to Thailand's development. It puts the Thais on the road to pariah status in the developing world.

The original excuse for last year's coup was to clean up corruption. That, however, would require deregulating the Thai economy, and especially it would require eliminating the military's large role in business, such as teak trading. But Mr. Suchinda's approach to government has shown little interest in civilian-led free-market practices.

Nor do national security interests justify the military's outsized role in Thailand's politics. There is no direct threat from abroad. The junta in neighboring Burma is preoccupied with the chore of continuing to repress the Burmese. The Thai people themselves show no evidence of needing to be cared for by their military. It has been almost two decades since major violence erupted in Bangkok.

In considering what to do next, Thailand's civilian and military power brokers might want to review the fortunes of nations that have for better or worse lived through similar crises these past few years. In the Philippines and South Korea, dictators resigned and ushered in democratic rule. In Taiwan, President Chiang Ching-kuo, faced with an organizing opposition, threw out martial law. His successor, President Lee Teng-hui, continued to liberalize Taiwan's political life.

In opting for democratization, all these countries earned a new measure of world respect. There have also been the true beginnings of a more mature political process, in which a democratic vote helps ensure a more stable process of political debate and succession. Most recently, there was an election in which Filipinos got a chance to choose new leaders largely by going to the ballot-box instead of fighting soldiers in the streets. In the two countries where the leadership did not back down, Burma and China, the result has been world contempt and more domestic misery.

Now, Thais are dying in Bangkok's streets. They are making this sacrifice for the cause of civilian rule and the chance to build a free and democratic nation.

Mr. MOYNIHAN. Mr. President, we witness once again the battle for democracy. This time in Thailand. The people again confront a military that claims to be their protectors. Instead it kills them.

The facade of growing democracy in Thailand cracked last February when the military ousted the elected Government. That didn't shock us. It certainly disheartened us. Military coups are the pattern in Thailand. And military domination of civilian authorities the history. But until last February, democracy was growing. A relatively free press, its safeguard.

A military-controlled constitution and a military-dominated election in April first produced a prime minister candidate known as a narcotics trafficker. That fact, when publicized, seemed sufficiently embarrassing to the military junta in power that it decided to maintain control itself. The head of the junta, the leader of the coup, Gen. Suchinda, appointed himself Prime Minister.

This was too much for the Thai people to tolerate. Hence the demonstrations for democracy. The violence. Hundreds murdered and injured by the military.

If we didn't recognize it before, we ought to now. We have no alliance with a regime that would do this to its own people. Quite inexplicably, even while Thailand was under a military junta, the United States continued a joint military exercise with the Thai military. An exercise known as Cobra Gold. Finally, today, after the 3 days of death and injury, the administration suspended the exercise. I trust that means canceled the exercise.

It is long since past the time that we dealt openly and accurately with the Thai military. Its corruption, drug trafficking, rapaciousness toward its neighbors in Cambodia and Burma, is more than incidental or isolated. It is endemic. It also threatens our interests. And democracy. And that is now clear for all the world to see.

As the Wall Street Journal wrote in its editorial today, instead of the path of democratizing neighbors such as South Korea, Taiwan, and the Philippines, the Thai military has chosen the examples of unreconstructed oppression in Burma and China. Gen. Suchinda now invites the same contempt from the world community.

The PRESIDING OFFICER. The question is on agreeing to the resolution.

The resolution (S. Res. 299) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, is as follows:

S. RES. 299

Whereas on February 23, 1991, a military coup overthrew the democratically elected government of the Kingdom of Thailand;

Whereas on February 23, 1991, the United States suspended military and economic assistance to Thailand under Section 513 of the Foreign Operations, Export Financing, and Related Programs Appropriations Act of 1991, which prohibits assistance to any country whose elected head of government is deposed by military coup or decree;

Whereas on February 24, 1991, coup leaders announced that they would organize democratic elections within six months and then step down;

Whereas on December 7, 1991, Thailand's council-appointed National Legislative Assembly adopted a controversial constitution permitting the appointment of the Senate's 270 members and the election of 360 members of the National Assembly's lower house;

Whereas on March 22, 1991, general elections were held in Thailand reinstating an elected lower house of the National Assembly;

Whereas on April 7, 1992, General Suchinda Kraprayoon was appointed Prime Minister following his nomination by five newly elected pro-military parties;

Whereas on May 4, 1992, peaceful demonstrations against General Suchinda's appointment as non-elected Prime Minister began in Bangkok, with as many as 100,000 people participating;

Whereas on May 9, 1992, the coalition government's parties agreed to consider constitutional amendments on five issues, including the appointment of the Prime Minister from the elected parliament;

Whereas on May 17, 1992, peaceful demonstrations resumed with more than 120,000 people protesting General Suchinda's appointment as non-elected Prime Minister;

Whereas unarmed demonstrators were met with police force when they pushed passed a barricade, igniting violent unrest leading to the death of at least 10 protestors, the injury of hundreds; and the arrest and detention of at least 200 others;

Whereas Prime Minister Suchinda has declared a state of emergency in Bangkok and surrounding provinces, banning public meetings of more than 10 people, imposing strict press censorship, and giving authorities the power to arrest any person deemed a threat to national security; Now, therefore be it

Resolved, That it is the sense of the Senate that—

(1) The Government of Thailand should promptly restore respect for human rights and democratic rule by taking the following steps;

(a) Cease immediately the use of excessive and lethal force against unarmed pro-democracy demonstrators;

(b) Act promptly to lift the State of Emergency and other expanded military powers;

(c) Release all those detained for the peaceful expression of their views, including students and opposition leaders such as Governor Chamlong Srimuang;

(d) Allow all those detained since May 18, 1992 immediate access to attorneys, medical personnel and international humanitarian organizations to ensure that no one is subjected to abuse or ill-treatment;

(e) Declare an amnesty for all those facing criminal charges, since the February 1991 military coup, for expressing peacefully their views; and

(f) Fulfill its stated commitment to the people of Thailand to peaceful negotiations and elected rule;

(2) the United States Government suspend joint military exercises with Thailand; and

(3) the United States Secretary of State should convey these recommendations to the Thai authorities at the highest level and confirm that no United States economic or military assistance will be provided until a duly elected government is fully installed and human rights are respected.

Mr. CRANSTON. Mr. President, I move to reconsider the vote by which the resolution and the preamble were agreed to.

Mr. FORD. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

ORDERS FOR TOMORROW

Mr. BUMPERS. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in recess until 10:15 a.m., Wednesday, May 20; that following the prayer, the Journal of proceedings be deemed approved to date; that the time for the two leaders be reserved for their use later in the day; that there then be a period for morning business not to extend beyond the hour of 11 a.m., with Senators permitted to speak therein for up to 5 minutes each, with the following Senators recognized for the time limits specified: Senator GORE for up to 20 minutes; Senators GRASSLEY and GORTON for up to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

RECESS UNTIL 10:15 A.M. TOMORROW

Mr. BUMPERS. Mr. President, if there is no further business to come before the Senate today, I now ask unanimous consent that the Senate stand in recess, as previously ordered.

There being no objection, the Senate, at 7:56 p.m., recessed until Wednesday, May 20, 1992, at 10:15 a.m.

NOMINATIONS

Executive nominations received by the Senate May 19, 1992:

DEPARTMENT OF COMMERCE

GREGORY F. CHAPADOS, OF ALASKA, TO BE ASSISTANT SECRETARY OF COMMERCE FOR COMMUNICATIONS AND INFORMATION, VICE JANICE OBUCHOWSKI, RESIGNED.

EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

EVAN J. KEMP, JR., OF THE DISTRICT OF COLUMBIA, TO BE A MEMBER OF THE EQUAL EMPLOYMENT OPPORTUNITY COMMISSION FOR A TERM EXPIRING JULY 1, 1997. (REAPPOINTMENT)

DEPARTMENT OF JUSTICE

ROBERTO MARTINEZ, OF FLORIDA, TO BE U.S. ATTORNEY FOR THE SOUTHERN DISTRICT OF FLORIDA FOR THE TERM OF 4 YEARS, VICE LEON B. KELLNER, RESIGNED.

DEPARTMENT OF ENERGY

JERRY JAY LANGDON, OF TEXAS, TO BE A MEMBER OF THE FEDERAL ENERGY REGULATORY COMMISSION FOR THE TERM EXPIRING JUNE 30, 1996.

WILLIAM C. LIEDTKE, III, OF OKLAHOMA, TO BE A MEMBER OF THE FEDERAL ENERGY REGULATORY COMMISSION FOR THE TERM EXPIRING JUNE 30, 1997, VICE CHARLES A. TRABANDT, TERM EXPIRING.

DEPARTMENT OF STATE

WILLIAM ARTHUR RUGH, OF MARYLAND, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF CAREER MINISTER, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE UNITED ARAB EMIRATE.

IN THE ARMY

THE FOLLOWING-NAMED OFFICER TO BE PLACED ON THE RETIRED LIST IN THE GRADE INDICATED UNDER THE PROVISIONS OF TITLE 10, UNITED STATES CODE, SECTION 1370:

To be general

GEN CROSBIE E. SAINT, [redacted] U.S. ARMY.

THE FOLLOWING-NAMED OFFICERS, ON THE ACTIVE DUTY LIST, FOR PROMOTION TO THE GRADE INDICATED IN THE U.S. ARMY IN ACCORDANCE WITH SECTIONS 624 AND 628, TITLE 10, UNITED STATES CODE. THE OFFICERS IDENTIFIED WITH AN ASTERISK ARE ALSO BEING NOMINATED FOR APPOINTMENT IN THE REGULAR ARMY IN ACCORDANCE WITH SECTION 531, TITLE 10, UNITED STATES CODE.

ARMY NURSE CORPS

To be colonel

MARY T. DEARDORFF, [redacted]

MEDICAL CORPS

To be major

*LINDSEY G. PETERSON, [redacted]
*WILLIAM O.J. SMITH, [redacted]
*WAYNE A. STOUTENGER, [redacted]
*MARK J. TEDESCO, [redacted]

MEDICAL SERVICE CORPS

To be major

ROBERT W. PIPKIN, [redacted]

THE FOLLOWING-NAMED ARMY NATIONAL GUARD OF THE U.N. OFFICERS FOR PROMOTION IN THE RESERVE OF THE ARMY OF THE UNITED STATES, UNDER THE PROVISIONS OF TITLE 10, U.S.C., SECTIONS 593(A); AND 3385:

ARMY PROMOTION LIST

To be colonel

ROBERT C. HUGHES, JR., [redacted]
ROBERT B. JAMES, JR., [redacted]
WESLEY L. JOHNSON, [redacted]
GARY C. JONES, [redacted]
JOHN R. RUNNER, II, [redacted]
JERRY D. SANDERS, [redacted]
LARRY W. TRIPHAHN, [redacted]

DENTAL CORPS

To be colonel

WILLIAM C. BOSWELL, JR., [redacted]

ARMY PROMOTION LIST

To be lieutenant colonel

LOUIS P. BALDRIDGE, [redacted]
HAROLD W. BILLINGSLY, [redacted]
MITCHELL L. BROWN, [redacted]
JON A. CALVERT, [redacted]
BILLIE M. COOPER, [redacted]
JAMES A. COZINE, [redacted]
ROBERT L. DANMYER, [redacted]
ALBERTO J JIMENEZ, [redacted]
JOHN L LAW, JR., [redacted]
RANDY E MANNER, [redacted]
BILLY N SANFORD, [redacted]
ADRIAN J SERAFINI, JR., [redacted]
PAUL W SKINNER, [redacted]
ALBIN A TIMM, JR., [redacted]
BERT WHITTINGTON, JR., [redacted]

MEDICAL CORPS

To be lieutenant colonel

LARRY F. WILSON, [redacted]

IN THE MARINE CORPS

THE FOLLOWING-NAMED U.S. NAVAL ACADEMY GRADUATES FOR PERMANENT APPOINTMENT TO THE GRADE OF SECOND LIEUTENANT IN THE U.S. MARINE CORPS, PURSUANT TO TITLE 10, U.S. CODE, SECTION 531:

THOMAS P ADISSI, [redacted]
CHRISTOPHER B ANDERSON, [redacted]
SHANNON D ANDERSON, [redacted]
JON J ANTONELLI, [redacted]
MICHAEL D BACHMEIER, [redacted]
WILLIAM D BENSCH, [redacted]
GOERGE P BOTOULAS, [redacted]
ROBERT W BRUCE, [redacted]
MICHAEL C CHRISTIAN, [redacted]
WILLIAM P COFFIN, [redacted]
RICHARD COLLYER, [redacted]
MICHAEL A DAVIS, [redacted]
CURTIS D DIAZ
PAUL DRAKE, [redacted]
FRANKLIN C DUNN, [redacted]
PAUL K EWING, [redacted]
VINCENT H FONTENOT, [redacted]
DANIEL L GARDNER, [redacted]
MICHAEL W HANEY, [redacted]
SCOTT J KISH, [redacted]
DANIEL J LADRECH, [redacted]
DEMETRIUS F MAXEY, [redacted]
MATTHEW J MCDIVITT, [redacted]
JASON L MORRIS, [redacted]
ERIC G OLSON, [redacted]
ANTHONY R OREFICE, [redacted]
ROBERT L OSVOLD, [redacted]
SCOTT B PEARSON, [redacted]
DANIEL W PRATHER, [redacted]
JEFF P ROTENBERGER, [redacted]
ANDREW T SALUNGA, [redacted]
JENNIFER E SHAAR, [redacted]
GLEN F SHARLUN, [redacted]
MARK D SMITH, [redacted]
SAMUEL D SNOW, [redacted]
VANCE E STONE, [redacted]
JOSEPH D VINSO, [redacted]
SAMUEL E WALKER, [redacted]
JOSEPH K WHITE, [redacted]

THE FOLLOWING-NAMED U.S. MILITARY ACADEMY GRADUATES FOR PERMANENT APPOINTMENT TO THE GRADE OF SECOND LIEUTENANT IN THE U.S. MARINE CORPS, PURSUANT TO TITLE 10, U.S. CODE, SECTION 541 AND 5585:

DAVID A ABKE, [redacted]
GIORGIO F CALDARONE, [redacted]
RHETT B GRINER, [redacted]
THOMAS G MCCANN, [redacted]
MATTHEW P PASULKA, [redacted]
JOHN S PAYNE, II, [redacted]

IN THE AIR FORCE

THE FOLLOWING OFFICERS FOR PROMOTION AS RESERVES OF THE AIR FORCE, UNDER THE PROVISIONS OF SECTIONS 593, 8366, AND 8372, OF TITLE 10, UNITED STATES CODE. PROMOTIONS MADE UNDER SECTION 8372 AND CONFIRMED BY THE SENATE UNDER SECTION 593 SHALL BEAR AN EFFECTIVE DATE OF 5 MARCH 1992 AND PROMOTIONS MADE UNDER SECTION 8366 SHALL BE EFFECTIVE UPON COMPLETION OF 7 YEARS OF PROMOTION SERVICE AND 21 YEARS OF TOTAL SERVICE, UNLESS A LATER PROMOTION EFFECTIVE DATE IS REQUIRED BY SECTION 8372(C), OR THE PROMOTION EFFECTIVE DATE IS DELAYED IN ACCORDANCE WITH SECTION 8380(B) OF TITLE 10.

CHAPLAIN CORPS

To be lieutenant colonel

ABRAHAM A ENGELBERG, [redacted]
LOWELL M JACKSON, [redacted]
ROBERT LEE JARRETT [redacted]
CARL L KAMMERAAD, [redacted]
RAYMOND P MATHIS, JR. [redacted]
WILLIAM C MOORE, [redacted]
DONALD W MUSSER, [redacted]
PATRICK L NICHOLSON, [redacted]
SAMUEL S SACUS, [redacted]
DAVID J SPARKS, [redacted]
MARK J SPENCE, [redacted]

JOHN M TINCHER, [redacted]
EDWIN J VOSS, II, [redacted]
DENNIS A WALKER, [redacted]

JUDGE ADVOCATE CORPS

To be lieutenant colonel

BARRY P ALLEN, [redacted]
ARMAND R R BEEDE, [redacted]
GAIL E BOLIVER, [redacted]
RAY M BOURGEOIS, [redacted]
BENJAMIN R CHAPPELL, [redacted]
ANTHONY A COCHET, [redacted]
STEPHEN M COLLINS, [redacted]
PAUL W. CREASY, [redacted]
MILTON C DAVIS, [redacted]
JAMES H DEATLEY, [redacted]
RUSSELL G EDGAR, JR, [redacted]
WILLIAM H ELLIS, JR, [redacted]
DOUGLAS R EVERLEY, [redacted]
JOHN E FITZGIBBONS, [redacted]
DAVID K FRANK, [redacted]
ALFRED H HALL, [redacted]
JOHN H HARTE, III, [redacted]
THOMAS F HENNESSY, III, [redacted]
JOHN C HINE, [redacted]
CHARLES P HOLLIFIELD, [redacted]
DENNIS L HUFSTADER, [redacted]
THOMAS L JACOBS, [redacted]
ROBERT S JAEGERS, [redacted]
RUSSELL T KING, JR, [redacted]
JOSEPH F LARSON, II, [redacted]
ALAN F LEHMAN, [redacted]
EDWARD M LIVINGSTON, [redacted]
ROCCO J MAFFEI, JR, [redacted]
LINDA J MEAD, [redacted]
WALTER S MICHAEL, JR, [redacted]
GARY D MILLER, [redacted]
THOMAS MIRCZAK, [redacted]
JAMES N MULLOY, JR, [redacted]
JOSEPH S NORTHROP, [redacted]
GRAYDON V OLIVE, III, [redacted]
EDWARD J QUINN, JR, [redacted]
DONALD G REHKOPF, JR, [redacted]
DAVID C RIDER, [redacted]
PHILIP M SCHNEIDER, [redacted]
STEPHEN D SMITH, [redacted]
CHARLES M STINGER, [redacted]
TERESA J STREMEL, [redacted]
WILLIAM D TALBERT, [redacted]
ROBERT T TAYLOR, [redacted]
JOHNNY S UNPINGCO, [redacted]
ROBERT H WILDE, [redacted]
WILLIAM A WOODFORD, [redacted]
ROGER L YOUNG, [redacted]

THE FOLLOWING OFFICERS FOR RESERVE OF THE AIR FORCE APPOINTMENT, IN THE GRADE INDICATED, UNDER THE PROVISIONS OF SECTION 593, TITLE 10, UNITED STATES CODE:

RETIRED RESERVE—LINE OF THE AIR FORCE

To be lieutenant colonel

THOMAS H. STOWE, [redacted]
DAVID P. WITMER, JR. [redacted]

THE FOLLOWING OFFICER FOR RESERVE OF THE AIR FORCE APPOINTMENT, IN THE GRADE INDICATED, UNDER THE PROVISIONS OF SECTION 593, TITLE 10, UNITED STATES CODE, WITH A VIEW TO DESIGNATION UNDER THE PROVISIONS OF SECTION 8067, TITLE 10, UNITED STATES CODE, TO PERFORM THE DUTIES INDICATED.

READY RESERVE—MEDICAL CORPS

To be lieutenant colonel

KEITH R. GABRIEL, [redacted]

CONFIRMATIONS

Executive Nominations Confirmed by the Senate May 19, 1992:

DEPARTMENT OF THE TREASURY

JEROME H. POWELL, OF NEW YORK, TO BE AN UNDER SECRETARY OF THE TREASURY.

JOHN CUNNINGHAM DUGAN, OF THE DISTRICT OF COLUMBIA, TO BE AN ASSISTANT SECRETARY OF THE TREASURY.

THE ABOVE NOMINATIONS WERE APPROVED SUBJECT TO THE NOMINEES' COMMITMENT TO RESPOND TO REQUESTS TO APPEAR AND TESTIFY BEFORE ANY DULY CONSTITUTED COMMITTEE OF THE SENATE.

HOUSE OF REPRESENTATIVES—*Tuesday, May 19, 1992*

The House met at 12 noon.

The Chaplain, Rev. James David Ford, D.D., offered the following prayer:

As the psalmist has prayed, "Lord, Thou has been our dwelling place in all generations. Before the mountains were brought forth, or even Thou hadst formed the Earth and the world, from everlasting to everlasting, Thou art God."

At the dawn of every morning until the last light of day, we are grateful, O God, that Your grace is ever with us. Though the world may tremble with divisions and pain, we know too that Your power was present at the beginning of all time and Your Spirit nourishes us on the daily path of life. Amen.

THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

PLEDGE OF ALLEGIANCE

The SPEAKER. Will the gentleman from California [Mr. DOOLITTLE] come forward and lead the House in the Pledge of Allegiance.

Mr. DOOLITTLE led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Hallen, one of its clerks, announced that the Senate had passed a bill of the following title, in which the concurrence of the House is requested:

S. 2342. An act to amend the act entitled "An act to provide for the disposition of funds appropriated to pay judgment in favor of the Mississippi Sioux Indians in Indian Claims Commission dockets numbered 142, 359, 360, 361, 362, and 363, and for other purposes", approved October 25, 1972 (86 Stat. 1168 et seq.).

The message also announced that pursuant to sections 1928a–1928d, of title 22, United States Code, as amended, the Chair, on behalf of the Vice President, appoints Mr. HEFLIN, and Mr. AKAKA, as members of the Senate delegation to the North Atlantic Assembly Spring Meeting during the 2d session of the 102d Congress, to be held in Banff, AB, Canada, May 14–18, 1992.

CLEAN AIR ACT PERMITS

(Mr. WAXMAN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WAXMAN. Mr. Speaker, the President has apparently decided to rewrite the Clean Air Act to include a massive new loophole that Congress explicitly rejected. That loophole would allow polluters to increase emissions without notifying the public, as the law expressly now requires.

Leading experts from the lead counsel at the Environmental Protection Agency, the Comptroller General, and the Department of Justice have concluded that this loophole is not lawful. The President of the United States took an oath of office to faithfully enforce the laws. This law was passed by the Congress and signed by this President. For him to now create loopholes that were expressly rejected by the Congress not only does an enormous amount of harm to the environmental objectives of protecting public health and the environment, but it does an enormous amount of harm to the idea that this is a nation of laws and not men.

The decision will now come from Bill Reilly, the Environmental Protection Agency Administrator. That is where the lawful decision must be made. We urge Mr. Reilly to reject this recommendation by the President and those who would advise him to increase loopholes to increase pollution.

CALLING FOR A PERFORMANCE AUDIT OF HOUSE OF REPRESENTATIVES

(Mr. DOOLITTLE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DOOLITTLE. Mr. Speaker, we need more accountability in the way we spend money, the way, that is, that the House spends money from its legislative appropriation accounts.

In the February 5, 1992, CONGRESSIONAL RECORD, there is a record of a transfer of $314,000 to renovate so-called vacated space in the Capitol Building. Looking into this transfer, I have come to find out that this money was supposed to be used to repair sagging steps on the east side of the Capitol, which are still sagging. Members may have seen them as they came in to the Chamber this morning.

Instead, this money is being used to renovate vacated space in the Capitol.

The vacated space referred to in the CONGRESSIONAL RECORD is actually the offices of the Democratic Steering and Policy Committee. Apparently the steps will continue to sag.

Mr. Speaker, as one Member of Congress I would like to know how our money, that is the money of the people that I represent, is being spent. I urge full disclosure of the legislative appropriations accounts and a performance audit of the House of Representatives.

CLEAN AIR ACT IMPLEMENTATION

(Mr. SIKORSKI asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SIKORSKI. Mr. Speaker, 1½ years ago, George Bush stood in the Rose Garden of the White House and signed into law sweeping changes in America's Clean Air Act. We were all happy for the fanfare. Many in this body worked long and hard for a decade for those amendments. For a decade we had to fight special interests that sought to slash, and dash, and dice, and stall and kill clean air proposals aimed at healing the worst threats to the health and safety of over 100 million Americans. For a decade, the American public had a role in the process, an opportunity to hear and be heard on a law that will greatly affect their kids' lives.

But George Bush and his faithful sidekick, DAN QUAYLE, have now rewritten the 1990 Clean Air Act without bothering to do it legally, without bothering with the concerns of the American people, without bothering with the legal and scientific opinion of the Environmental Protection Agency. Every Member, Republican and Democrat, should be troubled by this action.

The administration is willfully ignoring statutory language and delivering a huge election year payoff to America's biggest polluters and campaign contributors and turning our constitutional process on its head.

Mr. President, the American people want clean air, not fanfare, not photo ops, and not payoffs to polluters, clean air.

THE MADISON AMENDMENT

(Mr. SMITH of Texas asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SMITH of Texas. Mr. Speaker, almost 203 years ago, James Madison, proposed a constitutional amendment prohibiting Congress from giving itself a midterm pay raise.

The required 38 States now have ratified this provision and yesterday the national Archivist ruled that it has become our 27th amendment.

I strongly support the enactment of this amendment.

Three years ago, I joined together with a number of other Members to sponsor a bill to require Congress to take this action.

The amendment will require a delay of any approved congressional pay raise until after the next election.

This will give citizens an opportunity to express their views at the polls before a pay raise goes into effect.

I look forward to casting my vote in favor of the resolution endorsing our 27th amendment.

GEORGE BUSH—THE ENVIRONMENTAL DISASTER PRESIDENT

(Mr. SMITH of Florida asked and was given permission to address the House for 1 minute and to revise and extend his remarks).

Mr. SMITH of Florida. Mr. Speaker, we all remember when George Bush promised to be the environmental President.

But it's clear now that President Bush has compiled one of the worst environmental records of any 20th century President.

Two years ago, President Bush attempted to fulfill a campaign promise by signing a clean air bill. The ink was not even dry before he started to gut it.

While campaigning in Texas, he announced he would relax controls on emissions from powerplants.

While campaigning in Michigan, he said he would permit higher benzene emissions.

And just last week the President rewrote the reporting requirements under the Clean Air Act, despite protests from his own Environmental Protection Agency that his action was illegal.

Unfortunately, the President's failure to enforce the Clean Air Act is just the tip of the globally heated and melting iceberg.

Four years ago, President Bush promised no net loss of wetlands: Then he changed the official definition, effectively removing half of America's wetlands from Federal Government protection.

At the direction of President Bush, the United States weakened the international treaty to control CFC's and the depletion of the ozone layer. Prior to the Rio conference.

Last week, administration officials decided to override the Endangered Species Act and permit logging on about 1,700 acres of Federal land in Oregon, endangering the spotted owl and failing to provide any long-term solution to America's need for jobs.

Mr. Speaker, George Bush is not the environmental President. George Bush is the environmental disaster President.

LAWRENCE WELK: WUNNERFUL, WUNNERFUL

(Mr. ROTH asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ROTH. Mr. Speaker, Lawrence Welk was America's No. 1 musicmaker in an era when America was No. 1 in all areas of human endeavor. His name will always remind us of a time when wholesome entertainment was cherished by all Americans.

From his humble beginnings in Strasburg, ND, he took his champagne music into over 30 million American homes each Saturday night for 26 years. It was an incredible achievement.

Lawrence Welk started his career with few advantages other than natural ability, and a strong moral code. His success again demonstrates what a person in America can achieve with self-confidence and courage, persistence, and initiative.

Lawrence Welk once said, "There's no greater joy than standing in front of a band and having it play to perfection." That says a lot about the man and his music.

Lawrence Welk's life exemplifies the American dream. Thanks to hard work and perseverance, America rewarded him with 26 years of television success. And we all enjoyed the bubbles while we tapped, clapped, and danced along the way.

CONGRESS SHOULD LEAD THE WAY BY PASSING FEDERAL WORK FORCE FAMILY LEAVE ACT

(Mr. DARDEN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DARDEN. Mr. Speaker, as the administration and Congress remain deadlocked on whether to grant family and medical leave to all American workers, Congress needs to take action right here on the home front. We need to mandate family and medical leave to all 3 million Federal employees of the executive branch and our own employees in the legislative branch as well.

□ 1210

One of the biggest criticisms the American people have about Congress is that we pass laws they must adhere to but Congress often exempts itself. I believe that before we attempt to mandate leave policies for private American businesses we must make ourselves and the Federal Government adopt these policies first.

That is why today I am introducing the Federal Work Force Family Leave Act.

Mr. Speaker, recent studies confirmed that the Federal Government has fallen behind many private employers who already grant leave for workers to care for sick family members and for early child care. Unlike previous legislation which would dictate the leave policies for many private American businesses, my bill, the Federal Work Force Family Medical Leave Act, applies only to our own employees and Federal workers.

Mr. Speaker, let us show private enterprise the way by setting the example.

LET US START REPRESENTING AGAIN

(Mr. HEFLEY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. HEFLEY. Mr. Speaker, I do not have to tell you or anybody in this Chamber that the people across America are mad, and they are mad at us.

Yes, it has crystallized in the anger over the bank and the restaurant and things like that, but even more so, I think they are mad at us because we are not taking the title of "Representative" seriously. They do not feel that we are representing their interests here in these Chambers.

We are not getting anything done that they would like to see us get done. For instance, as I go to town meetings all over the country and as the polls are run, we know that 80 percent of American people want a balanced-budget amendment and have for some time. We know that 70 percent of the American public say they want a line-item veto. It comes up at every town meeting that any of us hold. And, yet, we are not producing that.

These are things we could do, and we could do it right now. We could do it now. There is no problem, there is no hindrance to it. Let us start representing again, taking our title seriously.

NO INTELLIGENT LIFE LEFT IN CONGRESS

(Mr. TRAFICANT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. TRAFICANT. Mr. Speaker, President Bush said the economy is getting better, and to in fact stabilize it, he is embarking on a new significant economic endeavor. President Bush wants a free-trade agreement with Chile.

That is right, Mexico is not enough. The President is absolutely convinced that we will strengthen our economy by having free-trade agreements with countries that hire workers at 30 cents an hour.

Now, when you look at that, the President's plan will do two things. The good news is American companies will begin to invest hundreds of billions of dollars back into manufacturing. The bad news is the American companies will invest hundreds of billions of dollars in Chile and in Mexico.

Meanwhile, the Land of the Rising Sun says, "Do not take away our free ride for trade or we will retaliate."

Members of Congress, take a look at our balance of payments, and I think it would be wise for the American people to say, "Beam me up, Scotty, there is no intelligent life left in the Congress."

SUGGESTED ELIMINATION OF LSO'S SPECIAL INTEREST CAUCUSES

(Mr. WALSH asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WALSH. Mr. Speaker, I rise today to address the issue of LSO's or legislative service organizations. Congress, as you know, is divided into committees with legislative jurisdiction. Everyone agrees we have too many committees and subcommittees. Further, we have select committees with no legislative responsibility. They have nice sounding names that impress our constituents, but really do nothing but give us a platform to talk.

Beneath these layers of our mammoth bureaucracy we have LSO's. These, for the uninitiated, are our special interest caucuses. Organizations like the Sunbelt Caucus, Populist Caucus, Border Caucus, Arts Caucus, are supported with taxpayer funds. Do we really need these? Can we afford them? What do they do? They tend to mix public funds with private donations. Staffing is comingled and this creates turf battles with committees of jurisdiction.

I do not think we can afford them, other than for State delegations which have a need to coordinate activities. Let us eliminate all LSO's on the way toward streamlining our operations here. Let us get back to basics, to the committee structure that has served our Nation well for 200 years.

AN ENVIRONMENTAL DISASTER

(Mr. ECKART asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ECKART. Mr. Speaker, President George Bush claims to be the President of change, and we are delighted to hear that. We know that he has changed his position on abortion; he has changed his position on taxes; and now he has changed his mind about clean air.

Yes, this same environmental President who trumpeted the accomplishments of the previous Congress in ensuring cleaner and better air for ourselves and our children now, with his willing accomplice sneaking around in the dark of night, caters to the people with the real power in America, the corporate moneyed interests, and has undone what this Congress did and which he trumpeted with such great fanfare of protecting the Nation's environment.

His clean air bill now becomes his clean air folly, and the failure of this administration to fulfill the fundamental promise of ensuring a brighter future and a better tomorrow for ourselves and our children has been sullied by the tawdry accomplices, the Vice President's Competitiveness Council, in the back rooms of the White House.

This environmental President is truly an environmental disaster, and the mitigation he owes the American people will come due on election day.

OPPOSING CONFERENCE REPORT ON ALCOHOL, DRUG ABUSE, AND MENTAL HEALTH REORGANIZATION ACT

(Mr. JAMES asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. JAMES. Mr. Speaker, I rise today to urge my colleagues to oppose the conference report on the Alcohol, Drug Abuse, and Mental Health Reorganization Act.

Mr. Speaker, Florida has the fourth largest population of any State in the Union. Yet with all the problems that come with a population of more than 13 million, this conference report cuts Florida out of an estimated $16.5 million, retroactively.

This bill will require Florida to give up funds it was previously told it could spend. We want to pass a good bill, Mr. Speaker. This one is simply unfair.

And the impact on Florida, Mr. Speaker, will be devastating. More than 1,300 inpatient rehab clients will be put out on the street; 2,400 people will no longer receive outpatient treatment.

Mr. Speaker, we cannot simply turn these people away and expect them to become productive members of society. This conference report is unfair to the State of Florida. I urge my colleagues to oppose it.

A SAD DAY FOR AMERICA

(Mr. KENNEDY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. KENNEDY. Mr. Speaker, last evening after I had finished dinner with my two young sons, we turned on the television to watch the national news, and in that program, once again, came the assassination of my uncle.

But this was a different one. In this program not only did my children and I have to bear witness to my uncle's killing once again, as we have had to do hundreds of times, as I have had to do, watch my father killed hundreds of times, but this time the national news of this country chose to publish the autopsy photographs of my uncle.

I want the people of this Chamber to know how outrageous an act I feel that was, how harmful to my family I feel that was, how harmful I hope that the American people feel that was.

This does nothing to further the cause of the investigation of President Kennedy's murder. Our family has spoken loud and clear and said that we want whatever records that this Chamber and that the Senate feel are necessary to conduct an investigation to be made available to the public.

We asked for one thing, which was that the autopsy photographs remain private as a part of our family. It is the most private request, and last night the national news chose to break that request.

It is a sad day for America.

□ 1220

URGING OPPOSITION TO CONFERENCE REPORT ON S. 1306, ALCOHOL, DRUG ABUSE AND MENTAL HEALTH ADMINISTRATIVE REORGANIZATION ACT

(Mr. GOSS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GOSS. Mr. Speaker, the Alcohol, Drug Abuse and Mental Health Administrative Reorganization Act, scheduled for consideration under suspension of the rules today, would reorganize Florida's allocation, cutting our share by $16.5 million.

Mr. Speaker, there are only 4 more months left in fiscal year 1992, and changes of this magnitude would be devastating to people in our State. Florida is the ultimate provider State. We rank dead last—No. 56 of 56 States and territories in Federal return on our tax dollars. Florida is the fastest growing, large State.

Florida is under enormous pressure to care for a burgeoning immigrant population. These individuals have needs for drug, alcohol, and mental health services, too. We are not talking about discretionary spending, either. These changes would mean we are going to have problems meeting federally mandated, State requirements. What should we tell these people who come to treatment centers desperate for help? That our funds have dried up? Sorry, try another State?

Mr. Speaker, enough is enough.

I urge all who care about fairness and effective service delivery to oppose the conference report on S. 1306, the Alcohol, Drug Abuse and Mental Health Administration.

PROGRESS AFTER 200 YEARS

(Mr. DEFAZIO asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DEFAZIO. Mr. Speaker, in recent months this institution has been shaken by public criticism. The American public has tilted the Capitol dome back like a big rock and taken a critical look at what lies underneath. Let us show the American people that not all that lies underneath this dome burrows in the ground when shown the light of day.

This Congress is an honorable body with many hard working Members. We can eradicate the aura of privilege that has hung over this Chamber for 200 years. Two hundred years ago James Madison started something which we have the honor of carrying to completion today, if we so vote. James Madison saw something wrong with Members of Congress increasing their own salaries, unchecked by their constituencies.

Adoption of this much delayed amendment to the Constitution will prevent a future Congress from raising its own pay until a recorded vote has been held and an election has intervened.

This is progress, after 200 years of delay.

Mr. Speaker, I urge my colleagues to join with me in voting to approve this amendment. Let us show that the Constitution is truly a living document that represents the will of the people of this country.

A SALUTE TO THE GORDON-PIATT ENERGY GROUP OF WINFIELD, KS

(Mr. NICHOLS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. NICHOLS. Mr. Speaker, today I rise to salute a company in my district, the Gordon-Piatt Energy Group located in Winfield, KS.

I am saluting the Gordon-Piatt Energy Group because they have been named the recipient of the national Subcontractor of the Year Award from the Small Business Administration.

Since their founding in 1949, the Gordon-Piatt Energy Group has earned worldwide recognition for the excellence of their work ethic and the superior quality, delivery and competitive pricing of their products.

The Gordon-Piatt Energy Group was nominated for the award by the Beech Aircraft Corp. of Wichita who wanted the 202 skilled employees of this company to receive the recognition they deserve.

Again, congratulations to the employees of this outstanding Kansas company for their dedication and commitment to being the best.

WHAT IS AN ANCIENT FOREST?

(Mr. RAVENEL asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. RAVENEL. Mr. Speaker, do you know what an ancient forest is? It is a place never before defiled by man, where trees of great age and girth reach hundreds of feet toward the heavens and are nourished by their fallen brothers, a home for diverse creatures great and small and a comfort for the human soul. Only a remnant of these cathedral woodlands yet remain, mostly in the public domain. But now another portion of these precious places has been condemned to death by chain saw, fire, bulldozer, and erosion, never to exist again as now. To save a thousand jobs is the excuse but won't the jobs be gone after the butchery? Of course they will. Shame on the death squad and those who convened it. Reverse with an executive order this outrage against nature, Mr. President, lest you be held personally responsible at the polls.

TIME TO GET RID OF POLITICAL ACTION COMMITTEES

(Mr. MAZZOLI asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MAZZOLI. Mr. Speaker, it may be a little strong for some tastes to compare special interest political contributions, political action committee contributions, to fungus, particularly to the giant fungi we now find are underlying the forest floors.

But, just as these giant fungi, which stretch over hundreds of acres, undermine the forest floor and weaken the healthy vegetation in the forests, special interest political action contributions have undermined citizen confidence in the government and they have weakened the political process.

Mr. Speaker, political action committees were invented in order to level the playing field and to make political races more competitive. But, a Federal Election Commission study of the first quarter of 1992 contributions found that of the $44 million political action committees gave in the first quarter of this year, $43 million went to incumbents, only $1 million to challengers.

Before it is too late, Mr. Speaker, in order to save the political process, we have to get rid of political action committees.

WRONGFUL U.S. POLICY ENCOURAGES BLOODLETTING IN THE BALKANS

(Mr. ROHRABACHER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ROHRABACHER. Mr. Speaker, the Serbian army has killed 1,300 people in the last 45 days in Bosnia-Herzegovina. First it was Slovenians, then it was thousands of Croatians, now, it is the Muslims', in Bosnia, turn to die. Next in line, no doubt, will be ethnic Albanians in Kosova.

Mr. Speaker, 15,000 to 20,000 people have been killed so far in the former Yugoslavia. Most of them civilians including many women and children.

Serbia's strongman, Slobo Milosevic, and his henchmen are responsible for this killing spree. When the fighting ends, and it will end, Milosevic and his Communist conspirators should be tried as war criminals. They are guilty of crimes against humanity.

Milosevic's psychopathic frenzy is communism's last bloody bout with Western civilization in Europe. Just as the Nazis were held responsible, we should hold these Serbian gangsters responsible. They are proving again that there is no difference between nazism and communism except the shape of the lapel pin.

Unfortunately, our own Government has acquiesced to the bloodletting in the Balkans. That acquiesence, too, is a disgrace. Those in our Government who have shaped this policy of total inaction if not neutrality, in the face of murderous aggression are wrong and will be held accountable.

□ 1230

CONFERENCE REPORT ON S. 1306 UNFAIR TO FLORIDA

(Mr. BENNETT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BENNETT. Mr. Speaker, it is a great thing to live in a growing State but sometimes hurtful, as far as being assisted by the Federal Government is concerned. As to the alcohol, drug abuse, and mental health bill which will be before us this afternoon, I hope you will not vote for the conference report, because it is very unfair to the State of Florida. Actually it cuts deeply in these particular fields where we have a need for greater funds.

Due to the way in which the formula is arranged, growing States like Florida, California, Texas are hurt by this matter, and I sincerely hope you will vote against the conference report this afternoon so that we can correct this.

CATHOLIC SCHOOLS OF LIMA, OH, COMMENDED FOR STRONG FIGHT AGAINST DRUGS, ALCOHOL

(Mr. OXLEY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. OXLEY. Mr. Speaker, I rise today to recognize the positive addiction antidrug abuse program of the Catholic schools of Lima, OH, following the occasion of their 10th Annual Positive Addiction Week.

Positive addiction is a vibrant program that helps keep young people from becoming involved with alcohol and illegal drugs by stressing the benefits of remaining drug free, in addition to spelling out the very real dangers of drug abuse. By emphasizing the good things in students' lives, such as athletics, academic achievement, and community values, positive addiction reaffirms the knowledge that drugs have no place in the lives of the physically and intellectually vigorous.

Mr. Speaker, last week the Select Committee on Narcotics Abuse and Control, on which I serve, held a hearing on community-based antidrug initiatives. Community-based efforts are not a substitute for Federal action, but neither can Federal dollars substitute for community and school-based activism.

I want to commend the students and faculty of the Lima Catholic schools for their commitment to the fight against drugs and underage drinking.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. MFUME). The Chair would advise persons seated in the gallery that they are here as guests of the House, and that any act of approval or disapproval of the proceedings is not allowed.

PLEASE VOTE AGAINST THE CONFERENCE REPORT ON S. 1306

(Mr. SHAW asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SHAW. Mr. Speaker, the first thing after the one minutes today, we are going to be discussing a bill which is, I think, perhaps misnamed. It will be the conference report on S. 1306, the Alcohol, Drug Abuse, and Mental Health Reorganization Act, which is the first suspension vote that we will have.

Mr. Speaker, I would ask all of our colleagues to take not only a close look at this bill but after you do so, for God's sake please vote against it. This is one of the worst pieces of legislation that I have ever seen.

I cannot believe that we are bringing it up under suspension. What this does, this is a needle exchange program. We are going to the taxpayers across this country and say for the first time the Federal Government is not only opting out of the drug abuse business but we are going to go over to parks and give needles, we are going to go across America and give needles to those who abuse drugs.

Now needless to say, Mr. Speaker, AIDS is a problem, the spread of disease is a problem. We know that. But it would be a bigger problem for us in the Federal Government, for the Congress of the United States to condone the use of drugs by financing the use of the needles and actually taking them out and making them available to those who abuse the laws of this country and those who abuse drugs.

Vote against the first suspension.

THE CANCER WEAPON AMERICA NEEDS MOST

(Mr. SANDERS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SANDERS. Mr. Speaker, the New York Times today ran a full-page ad entitled, "The Cancer Weapon America Needs Most." And what the ad does is describe an article which will soon be appearing in Reader's Digest in support of H.R. 4206, the Cancer Registry Amendment Act of 1992 which I introduced in the House and Senator PATRICK LEAHY of Vermont introduced in the Senate.

Mr. Speaker, H.R. 4206 will give our country vitally needed information upon the scourge of cancer which now impacts one of three Americans, and it will give us information about the epidemic of breast cancer which is sweeping this Nation, especially New England.

Mr. Speaker, the good news is, the Senate has already passed this legislation; the conference committee between the House and the Senate has passed the legislation.

It will come before the floor of the House next week. Let us all work together, pass this legislation and strike a real blow against this killer disease.

SPACE SHUTTLE "ENDEAVOUR": MAIDEN VOYAGE MADE IN STYLE

(Mr. LEWIS of Florida asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. LEWIS of Florida. Mr. Speaker, this past week has been a triumphant one for the American space program.

The space shuttle *Endeavour* made its maiden voyage—and made it in style.

The heroic retrieval of the satellite was a source of pride for millions of Americans and taught our astronauts valuable lessons for the future.

Personally, however, I was most moved by the reaction of the students from Mississippi and Georgia who shared in naming the orbiter the *Endeavour*.

Six years ago when my amendment passed the House to create the nationwide name the orbiter contest I never dreamed over 70,000 students would participate and submit over 6,000 proposals.

It was worth the wait. As I saw the tears of those young people I said a silent thank you.

Thank you for caring about the future of our country and making the effort to be a part of it.

We are all proud of you.

UNITED STATES SPECIAL FORCES COMMENDED FOR BRAVERY IN SIERRA LEONE OPERATION

(Mr. SISISKY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SISISKY. Mr. Speaker, I rise today to pay tribute to the professionalism and bravery of the United States Special Forces who recently evacuated 359 American citizens from the West African country of Sierra Leone. I want to personally commend Col. Bill Tamgney and Lt. Col. Stan Florer, who were responsible for planning and executing this top-flight operation.

John Crowley, a constituent from Chesapeake, VA, was one of the Americans rescued from Sierra Leone after a military rebellion erupted on April 29. Mr. Crowley, who is vice president of Earl Industries in Portsmouth, VA, kept a diary of his harrowing experience. As published in the Virginian Pilot and Ledger-Star, the final entry in Mr. Crowley's remarkable account reads: "Sunday, May 3—We are in the air! * * * This whole operation was extremely professional! The Army and Air Force personnel were first class." Afterward, he said, "I was pretty proud to be an American."

Our first class military operations in Sierra Leone and elsewhere should make us all proud to be Americans. We can all take inspiration from the skill and courage that the men and women of our armed services exhibit day in and day out. We must never take for granted the freedoms we enjoy as Americans, nor forget the vital role of our armed services in protecting those freedoms for all of us.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. MAZZOLI). Pursuant to the provisions of clause 5 of rule I, the Chair announces that he will postpone further proceedings today on each motion to suspend the rules on which a recorded vote or the yeas and nays are ordered, or on which the vote is objected to under clause 4 of rule XV.

Any votes ordered on the first three suspensions will be postponed until after debate has concluded on all motions to suspend the rules. If a vote is ordered on the final suspension, the ratification of the 27th amendment to the Constitution, the vote will be postponed until Wednesday, May 20, 1992.

CONFERENCE REPORT ON S. 1306, ADAMHA REORGANIZATION ACT

Mr. WAXMAN. Mr. Speaker, I move to suspend the rules and agree to the conference report on the Senate bill S. 1306 to amend title V of the Public Health Service Act to revise and extend certain programs, to restructure the Alcohol, Drug Abuse and Mental Health Administration, and for other purposes.

□ 1240

The Clerk read the title of the Senate bill.

(For conference report and statement, see proceedings of the House of May 14, 1992, at page 11319.)

The SPEAKER pro tempore (Mr. MAZZOLI). Pursuant to the rule, the gentleman from California [Mr. WAXMAN] will be recognized for 20 minutes, and the gentleman from Virginia [Mr. BLILEY] will be recognized for 20 minutes.

The Chair recognizes the gentleman from California [Mr. WAXMAN].

GENERAL LEAVE

Mr. WAXMAN. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the conference report now under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. WAXMAN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, on behalf of the House conferees, I am pleased to present the conference report on S. 1306, the ADAMHA Reorganization Act. Passage of this landmark legislation represents an important continuation of the Federal Government's leadership in the fields of addictive and mental disorders.

First and foremost, the legislation provides for the reorganization of the Alcohol, Drug Abuse and Mental Health Administration. Under the legislation the three ADAMHA national research institutes will be transferred to the National Institutes of Health. All service-related activities of the institutes, including clinical training and program evaluation activities, are transferred to the new Substance Abuse and Mental Health Services Administration. Under the proposal, three new centers—the Center for Mental Health Services, Center for Substance Abuse Prevention, and Center for Substance Abuse Treatment Improvement—will be established to administer the Federal Government's substance abuse prevention, treatment, and mental health services programs.

The legislation also provides for the first comprehensive reform of the Federal alcohol, drug abuse and mental health services block grant. The conference agreement reflects the original House proposal to establish two discrete block grants: one for mental health services and one for substance abuse services. In addition, the funding formal for allotting block grant funds between the States is revised to more accurately target funds to those populations most in need. Under the agreement, the relative population at risk will be taken into account as well as the State's fiscal capacity and the cost of providing services.

In addition to extending expiring programs, the legislation establishes several new initiatives. For example, in the mental health area a new categorical program is authorized to develop systems of care to assist severely disturbed children and adolescents. The gentleman from California [Mr. MILLER] deserves special recognition for his leadership—and that of the Select Committee on Children, Youth and Families, in promoting this initiative. Combined with related incentives in the mental health services block grant, the legislation will help put the needs of this vulnerable population back on the national agenda.

In the substance abuse area I want to highlight three important initiatives. The conference agreement provides for establishment of new categorical programs, to establish treatment programs for expectant mothers, to provide financial assistance to trauma centers impacted by drug-related violence, and finally to establish a first rate, national treatment demonstration program in the National Capital area. The agreement represents the culmination of 3 years of work by many Members and I'd like to recognize several for their contributions.

The gentleman from Illinois [Mr. DURBIN] was of great assistance in advocating establishment of residential treatment programs to help reduce the number of infants born exposed to drugs. The agreement responds forcefully to the continuing problem of women being denied access to drug and alcohol abuse treatment programs because they are pregnant. Under the legislation, new residential treatment programs will be established that can provide the child care and prenatal services that these women need. In addition, the legislation prohibits the denial of treatment services to women because of their pregnancy and makes the States responsible—as a condition of receiving block grant funds—for assuring the availability of appropriate care.

The gentleman from Texas [Mr. COLEMAN] and the gentleman from California [Mr. LOWERY] were tireless advocates for including trauma care centers as full partners in the fight against illicit drugs. The legislation authorizes a new program of grants to assist financially troubled trauma centers, particularly those serving large undocumented populations.

The gentleman from Virginia [Mr. MORAN], first as mayor of Alexandria, and now as a colleague, provided eloquent testimony of the need to channel new drug treatment resources into the National Capital area and make it an example of quality for the Nation. Under the agreement, the Department of Health and Human Services will allocate $25 million over 3 years to better organize and improve the availability of drug treatment in Washington and the surrounding jurisdictions of Maryland and Virginia.

Passage of the legislation is also necessary to implement the recommendations of the President's national drug control strategy. The legislation: First, establishes a new treatment capacity expansion program; and second, provides greater State accountability for the use of Federal substance abuse block grant funds through the preparation of State substance abuse prevention and treatment plans.

Finally, I want to say a few words about the importance of this legislation in the fight against AIDS. It has become increasingly clear that AIDS and substance abuse are public health threats that are integrally linked. The conference agreement recognizes this reality. New provisions are provided to require the provisions of interim treatment services—including interim methadone at the option of the State and only if the State health officer certified that such treatment would not reduce the availability of comprehensive treatment services—to all intravenous drug abusers seeking assistance and to begin, on a limited basis, the provision of intervention services to IV drug users infected with HIV. In view of the skyrocketing rates of HIV among many drug using populations, it is essential that HIV risk reduction methods be incorporated into all drug treatment programs.

Mr. Speaker, I urge support for the conference agreement.

Mr. Speaker, I reserve the balance of my time.

Mr. BLILEY. Mr. Speaker, I yield myself 5 minutes.

Mr. Speaker, despite significant strides that have been made in the reduction of illicit drug abuse, many problems associated with substance abuse still remain. Among the problems that continue to plague the country:

Each year an estimated 375,000 babies are born exposed to cocaine and other drugs;

Fetal alcohol syndrome [FAS] affects as many as 1 to 3 infants per 1,000 live births;

Nearly 50 percent of Federal prison inmates and 75 percent of State prison inmates have used drugs. In major cities, as many as 80 percent of those surveyed who were arrested for serious crimes tested positive for drug use; and

IV drug use now accounts for almost a third of the people infected with AIDS and is the primary cause of transmission of AIDS to newborns. Over half of the heterosexuals infected with HIV have contracted the virus through sex with an IV drug user.

These few statistics demonstrate the need for an effective program of substance abuse treatment. In light of this, I am pleased that a compromise could be reached on the reauthorization of the alcohol, drug abuse, and mental health administration [ADAMHA].

One of the major objections that the minority has had with the House bill is that it placed a number of onerous set-asides, earmarks, and taps on the block grant to fund new categorical programs. This shifting of moneys from the block grant to set-asides and categorical grant programs significantly reduces the flexibility of States to address the critical needs of their populations.

To increase State flexibility in administering the block grant, the conference agreement has eliminated the set-aside for drug abusers and narrowed the existing set-aside for women. In addition, the taps on substance abuse and mental block grants have been eliminated or considerably narrowed.

Also, I am pleased to state that this conference report meets the administration's goal to reorganize the agencies of ADAMHA. This legislation transfers the three research institutes to the National Institutes of Health [NIH]. The remaining agencies are reconstituted as the Substance Abuse and Mental Health Services Administration, with the responsibility for Federal treatment and prevention programs. Also, a new center for mental health services has been created.

Mr. Speaker, I ask my colleagues to support this bill.

Mr. Speaker, I would like to engage the gentleman from California [Mr. WAXMAN] in a colloquy, if he would consent.

Mr. WAXMAN. If the gentleman will yield, absolutely.

Mr. BLILEY. Mr. Speaker, I am concerned that one of the block grant enforcement provisions in the conference report would give complainants a right to participate in noncompliance hearings that is broader than the right they currently enjoy. Under current law, complainants may present evidence at a hearing, but may not participate as parties. I do not believe that the conferees intended to give complainants the right to participate as parties, but the conference report provisions are somewhat ambiguous and might be misconstrued to expand the participation rights of non-Federal entities. Will the chairman confirm that we did not intend to expand such rights?

Mr. WAXMAN. Mr. Speaker, will the gentleman yield?

Mr. BLILEY. I yield to the gentleman from California.

Mr. WAXMAN. The gentleman is correct.

Mr. BLILEY. Am I therefore correct that if the conference report is enacted into law, non-Federal entities should not be permitted to participate as parties in noncompliance hearings?

Mr. WAXMAN. I agree with the gentleman's statement.

Mr. BLILEY. Mr. Speaker, I thank the gentleman from California [Mr. WAXMAN], and, Mr. Speaker, I reserve the balance of my time.

Mr. WAXMAN. Mr. Speaker, I yield 2 minutes to the gentleman from Oklahoma [Mr. SYNAR] who was a lead sponsor of a very important provision in the legislation dealing with cigarette control.

Mr. SYNAR. Mr. Speaker, let me first of all take this opportunity to thank both the gentleman from California [Mr. WAXMAN] and the gentleman from Virginia [Mr. BLILEY] for the excellent job they have done of holding the House position during the conference. Particular recognition ought to also go to Ripley Forbes on the staff who did an excellent job putting this together.

Mr. Speaker, I am pleased to rise in support of the conference report on the Community Mental Health and Substance Abuse Services Act.

The conference report includes three provisions which demonstrate the Congress' commitment to eliminating tobacco use among adolescents.

In almost every jurisdiction in this country, it is illegal for young people to purchase tobacco products. Yet, 3,000 teenagers being smoking every day.

Clearly the law is not being enforced.

The conference report requires states to: First, enact laws prohibiting those under 18 from purchasing tobacco products; and second, that States enforce those laws.

It is completely appropriate that provisions relating to adolescent tobacco use be included as part of the reauthorization of funding for substance abuse treatment and prevention.

Adolescent tobacco use has been linked to use of other illicit drugs like marijuana and crack cocaine.

Tobacco use teaches kids how to resolve their problems through chemicals. The nicotine in cigarettes is an addictive drug.

The ready availability of tobacco products sends kids the false message that tobacco use is OK.

The provisions in the conference report are an important step in the fight to eliminate adolescent tobacco use and to protect the health of our children.

I want to thank my colleagues, HENRY WAXMAN and TOM BLILEY, for working with me on this provision and for holding to the House position during the conference. I want to particularly thank Ripley Forbes for his assistance.

□ 1250

Mr. BLILEY. Mr. Speaker, I yield 2 minutes to the gentleman from Florida [Mr. BILIRAKIS] a member of the committee.

Mr. BILIRAKIS. Mr. Speaker, I thank the gentleman from yielding this time to me.

Mr. Speaker, as a Floridian, I rise to express my reluctance and strong opposition to the bill before us today. S. 1306 would have a serious and irreparable effect on Florida's alcohol, drug abuse, and mental health service programs. According to the Florida Department of Health and Rehabilitative Services, Florida could lose $16.5 million in fiscal year 1992. What this means is simplistic terms is that as a result of this bill, Florida will have to give back $16.5 million of their grant award money, with only 4 months left in the grant year. This, Mr. Speaker, is unsound and unfair financial practice.

For mental health programs, there will be a reduction of $4 million. This will result in services not being available to an estimated 3,436 seriously emotionally disturbed individuals who require a range of community support services to live in their community.

The reduction of $12.5 million for substance abuse programs is even more severe. It will result in services not being available to an estimated 1,383 alcohol and drug abusing-addicted individuals requiring a range of community-based treatment services. The full range of community-based treatment programs will be affected, both by reducing capacities of some programs and closure of others.

As far as my congressional district is concerned, the service loss in Pasco and Pinellas Counties, both in my district, will exceed $1 million. The Pasco-Pinellas Alcohol, Drug Abuse, and Mental Health Planning Council and the Development Center of Pasco, which provides mental health, alcohol, and drug abuse services, have indicated to me that the impact on these services would be severe—several local services would virtually be eliminated. I am submitting with this statement for the RECORD a more detailed account of how these reductions would affect the people of Florida.

Mr. Speaker, this conference report needs some work. Florida has numerous urban areas which have been struggling to combat drug abuse and due to Federal funding, progress is being made. However, if funding is reduced for a State like Florida, which is considered to be a high growth State, what will happen in the future? It is my belief that this legislation must be reviewed by the conference committee, once again, so that Florida's concerns can be addressed. Until then, I must oppose this legislation.

STATE OF FLORIDA, DEPARTMENT OF HEALTH AND REHABILITATIVE SERVICES,
Tallahassee, FL, May 18, 1992.
Congressman MICHAEL BILIRAKIS,
Rayburn House Office Building,
Washington, DC.

DEAR SENATOR BILIRAKIS: This is to provide you with information specific to Florida's Alcohol, Drug Abuse and Mental Health (ADM) Program to be used on Tuesday and Wednesday, May 19 and 20, when the House and Senate are scheduled to consider the Conference Report on S. 1306, the Alcohol, Drug Abuse and Mental Health Reorganization Act.

The loss of $16,505,000 in the Federal Fiscal Year 1992 ADM Block Grant award will have a serious and irreparable effect on Florida's ADM service delivery system. This reduction is occurring simultaneously with shortfalls in the projected amount for Florida's general revenue collections. Substantial state funding reductions for ADM services are proposed by the Legislature for state fiscal year 1992–93 to maintain a balanced budget. It is unlikely that state revenues will be available to makeup the funding loss in the ADM Block Grant. Consequently, the loss of $16 million significantly diminishes the continued availability of services to citizens who desperately need them.

For mental health programs, the reduction of $4 million will result in services not being available to an estimated 3,436 seriously emotionally disturbed individuals requiring a range of community support services in order to live in their community. The reduction of $12.5 million for substance abuse programs is even more severe. It will result in services not being available to an estimated 1,383 alcohol and drug abusing/addicted individual requiring a range of community-based treatment services. The full range of community-based treatment services will be effected, both by reducing capacities of some programs and closure of others.

The attached summary provides additional details about the effect of the reductions. Certainly, a reduction of this magnitude will manifest a negative consequence on virtually every one the issues of concern in the conference bill. It will damage our ability to improve efforts directed toward the special populations identified in the bill and to comply with the many assurances the bill requires of states.

We consider it unconscionable to place a retroactive effective date of October 1991 for implementation of the new formula. Literally taking back $16 million of Florida's grant award, with only four months in the grant year left to obligate the funds under statutory requirements of a one year obligation period, is unsound and unfair financial practice. As you are aware, states have been under considerable pressure to draw down funds during the current grant year. In effect, this has forced Florida into an accelerated spending rate, when compared to the pro rata amount we would have spent based on the federal fiscal year 1991 award amount, to comply with federal statute. Now the bill would require us to give up funds the previous statute required us to obligate.

We would appreciate any change you can accomplish to improve our funding situation. Most ideal would be either to alter the formula approved in the bill, or to obtain an amendment which would change the hold harmless effective date to the original FFY 1992 allocation level, rather than the 1991 funding level. If this is not possible, at a minimum, it is desirable that an amendment be added to the bill to stipulate that the FFY 1992 grant awards will not be revised. In this case, the effective date for implementing the new formula needs to be FFY 1993, consistent with all other provisions of the bill.

We respectfully appreciate your efforts on behalf of obtaining changes which would minimize the effect of S. 1306 on Florida's ADM system. Please let me know if I can assist further in this respect.

Sincerely,

ROBERT B. WILLIAMS,
Secretary.

SUBSTANCE ABUSE SERVICES: ADAMHA BLOCK GRANT REDUCTION

The reductions of $12,502,538 in ADAMHA Block Grant funding for Substance Abuse Services in FY 1992–93 and the future are as follows:

Impact on continuation base funding, $7,439,702:

Residential Services—These services include detox, short and long term residential and half-way house services. This will eliminate 202 beds providing services to approximately 1,383 clients for a total of $4,529,764.

Outpatient Services—These services include counseling, testing, methadone treatment, aftercare, case management and day treatment services. This will eliminate services to approximately 2,416 clients for a total of $1,509,938.

Over 3,000 clients are currently on waiting lists statewide for residential and outpatient services at this time. As a result of the above reductions, statewide waiting lists will increase by over 100%.

Loss of Florida Addiction Treatment Center, the only statewide facility exclusively for substance abusers with mental health problems (dually diagnosed). This loss results in 450 clients not receiving services.

Based on the above reductions, 64% of all clients statewide, 2,719, are criminal justice involved. Without the benefit of substance abuse treatment, these clients will likely continue criminal activity.

Approximately 32% of all clients statewide are at risk for HIV as a direct result of their substance abuse. Given the sex for drugs trade and sharing of injection equipment, these high risk individuals are increasingly in danger of both contracting and spreading this disease. Based on the above reductions, 1,360 clients at high risk of, or infected with, HIV will not receive needed substance abuse treatment.

Impact on new services, $5,062,836

Residential Services—$3,797,127 in anticipated funding, now eliminated, could have served approximately 1,161 additional clients in 170 beds.

Outpatient Services—$1,265,709 in anticipated funding, now eliminated, could have served approximately 2,024 additional clients in outpatient programs.

ADULT MENTAL HEALTH: ADAMHA BLOCK GRANT REDUCTION

The following summarizes the estimated impact of a $4,002,463 reduction in the ADAMHA Trust Fund on Adult Mental Health Services:

Reduced Service Units—An estimated 86,358 service units will be lost leaving 3,436 individuals unserved.

Service Center Reductions—The block grant reduction will impact adult mental health's ability to provide the following services: assessment; clozaril; day/night; intervention services in the jails; outpatient treatment; overlay services to nursing homes and adult congregate living facilities; and all levels of community residential services.

Additionally, this ADAMHA block grant reduction could place the department out of compliance with the Johnson vs. Bradley stipulated agreement and with the Sanbourne vs Chiles negotiations. This could result in a federal court takeover of adult mental health services in Florida and resulting in a multi-million dollar additional cost to the state's taxpayers.

Most adult mental health major initiatives will be set back particularly the reduction of the state mental health treatment licensed bed capacity to 15 licensed beds to 100,000 population. By reducing the ability of communities to serve people with serious mental illness, increased utilization can be expected in mental health institutions and crisis stabilization units, all of which are already over capacity.

Also, this current reduction could cause Florida to lose additional ADAMHA Block Grant by forcing the state to be out of compliance with Public Law 99–660.

Mr. WAXMAN. Mr. Speaker, I yield 2 minutes to the gentleman from Washington [Mr. MCDERMOTT].

Mr. MCDERMOTT. Mr. Speaker, first I want to commend the work of the chairman of the subcommittee and the ranking member for this conference report.

Mr. Speaker, I rise in support of the conference report. This bill makes major improvements in our mental health and substance abuse programs. I am especially proud of the new provisions on comprehensive mental health services for children with serious emotional disturbances.

I also urge Members to support the language on interim methadone maintenance. I respect the concerns the gentleman from New York [Mr. RANGEL] has raised about this provision. Anyone involved in drug treatment will agree that methadone alone does not amount to real, effective treatment for heroin addiction. You have to provide other services.

But the AIDS virus is spreading faster among intravenous drug users than any other group. Sharing a needle with an infected person is the easiest way to get AIDS, because the virus enters the bloodstream directly. Anyone who has sex with an IV drug user is at high risk of infection. Those are the hard realities we must face.

Those realities are too urgent to justify forcing addicts to wait for real treatment slots to open up, when methadone can reduce their dependence on heroin, and on the shared needles that spread AIDS virus. I am ready to vote the money for real treatment for everyone who needs it, to eliminate the waiting lists. So is the gentleman from New York.

But we must not put people at daily risk of their lives while we wait until we can provide money for effective treatment. We must not abandon people without any help, just because we cannot provide all the help we know they need immediately.

I know that my colleague from New York does not want to abandon people who need help. I respect his sincerity and his lifelong dedication to the war against narcotics. But interim methadone maintenance can save lives. It can be provided responsibly, under medical supervision. I must, respectfully, ask my colleagues on this floor to vote for the conference report.

Mr. BLILEY. Mr. Speaker, I yield 1 minute to the gentleman from Wyoming [Mr. THOMAS].

Mr. THOMAS of Wyoming. Mr. Speaker, I thank the ranking member for yielding this time to me, and I rise in strong support of the conference report which reauthorizes the alcohol, drug abuse, and mental health services block grant.

This bill adds another level of defense to our communities so they may continue to fight against drug abuse with prevention and treatment.

I want to particularly thank the chairman and the ranking member for striking some of the burdensome set-asides that have been in this bill in the past. I introduced a bill to reduce the required percentage States must spend on intravenous drug use, which Chairman WAXMAN agreed to, and I want to thank him for that.

This piece of legislation was part of the rural health caucus' program, and the group that has come together in the conference report has strengthened that position. Rural areas will greatly benefit from the added flexibility.

While this bill still requires States to treat drug users, it does not micromanage the block grant programs. The result is that there will be much less stress on compliance and more on education.

Mr. Speaker, I urge my colleagues to support the conference report.

Mr. WAXMAN. Mr. Speaker, I yield 2 minutes to the gentleman from New York [Mr. SCHUMER].

Mr. SCHUMER. Mr. Speaker, I thank the chairman for yielding time to me, and I commend him for his leadership on this issue.

I rise in support of the conference report, and I would like to address two provisions that I think are of particular importance to the war on crime and on drug abuse. The first deals with drug treatment in the prisons.

The bill authorizes demonstration programs that provide treatment for substance abuse for prison inmates through fiscal year 1994. One cannot underestimate the importance of this issue. Our Subcommittee on Crime and Criminal Justice has found that when prisoners are given drug treatment, particularly therapeutic drug treatment, in the prisons, the recidivism rate plummets, thereby reducing crime and reducing cost to the Government.

The programs that are in the bill are those that we have in the crime bill. We have an allowance to give mandatory drug treatment in the prisons to every Federal prisoner. Unfortunately, those are being held up by the filibuster in the Senate. Therefore, this bill does not have as much money, but it is something, and it is, I think, something that Republicans and Democrats and liberals and conservatives can all agree upon, because it is not only economic but it reduces costs.

The bill also extends the authorization for the high-risk substance abuse prevention grants program. This is another crucial part of crime prevention. We have to have tougher sentences, and we have them. We have to have enough prisons to put the criminals in, and we are getting there. But unless we do something about what is fundamentally wrong with the people who are committing crime, people who are just going in and coming out, we are not going to succeed. The programs here, targeting high-risk youths and providing an ounce of prevention of medicine, are worth a pound of cure later when it may be too late if we do not do something.

Mr. Speaker, I want to thank the gentleman from California [Mr. WAXMAN], and the committee for their leadership, and I ask for passage of this fine bill.

Mr. BLILEY. Mr. Speaker, I yield 2 minutes to the gentleman from Louisiana [Mr. HOLLOWAY].

Mr. HOLLOWAY. Mr. Speaker, I thank the gentleman for yielding this time to me.

Mr. Speaker, this to me is a shameful bill that we bring up on suspension. With something that is as important as this, I do not understand why we do not simply take it up in a few minutes and go from there.

I want to first of all criticize the drug control policy department for its inactivity as this bill proceeded through subcommittee and committee. We saw it as a danger. We saw that exactly what we are facing today could be a part of this bill, and until last week we saw very little action from the Department. But I do want as part of the record to read the opening paragraph of the statement of Bob Martinez, the drug czar, and then I would like to submit it as part of the record. This is what it says:

> The Congress has before it legislation permitting the use of Federal funds for needle exchange programs. Enacting this legislation would be shameful; indeed it would be morally bankrupt. It would mean that Federal tax dollars would pay for the needles addicts use to inject illegal drugs.

□ 1300

I think that basically sums up my standing before us here today. It is sad that I have to vote against a bill that has important parts to it, addressing mental health and addressing the issue that we have of illegal drugs being used in this country. But I have to on the basis that I do not believe the taxpayers of this country intend for us to pay for needles to pass out to drug users and addicts. How do you convince a drug addict to come forward and get treatment when the Federal Government itself is handing needles out to them and paying for them?

Mr. Speaker, so I think this issue is very big before us today. I think every Member of this House should vote against this report, and I think we should send it back and change it.

Mr. Speaker, for the RECORD I include the statement by Bob Martinez, the Director of National Drug Control Policy.

DRUG CZAR URGES CONGRESS TO RETAIN PROHIBITION AGAINST FUNDS FOR NEEDLE EXCHANGE PROGRAMS

WASHINGTON.—The Congress has before it legislation permitting the use of Federal funds for needle exchange programs. Enacting this legislation would be shameful; indeed it would be morally bankrupt. It would mean that Federal tax dollars would pay for the needles addicts use to inject illegal drugs.

Despite the likelihood that dispensing needles will mean more drug addiction and more death, and despite the fact that there is precious little evidence that such programs actually stop the spread of AIDS, Congress will soon consider legislation to rescind the current statutory prohibition on the use of Federal funds for this purpose.

Rather than support such dangerous gimmicks as needle exchange, Federal funds should be used to back programs of demonstrated value. For instance, many cities have successfully used aggressive outreach programs both to educate IV drug users about the dangers of the HIV virus and to get them to enter drug treatment programs. I would hope that Congress would help promote this proven alternative by continuing to forbid the use of Federal funds for needle exchange programs.

Providing free needles to drug addicts only helps them die sooner, because it makes it more difficult to get these desperate individuals the treatment they need. How can Government convince an addict to enter treatment while it is providing him with free needles? And how can the Government continue to convince others that drug use is wrong at the same time it is facilitating drug use by the most desperate and seriously ill addicts? Surely the answer is not to increase the number of infected needles in our urban environment, where children and others may come in contact with them.

I urge Congress to retain the prohibition against using Federal funds for needle exchange programs. And I urge them to act quickly on the Administration's request for more treatment slots in those areas of the country where treatment shortages exist.

Needles exchange programs are an admission of defeat, a throwing in of the towel. We can do better than this.

Mr. WAXMAN. Mr. Speaker, I am pleased to yield 2 minutes to the gentleman from Georgia [Mr. ROWLAND], a very important member of the subcommittee.

Mr. ROWLAND. Mr. Speaker, I thank the chairman and commend him on the work he has done on this legislation.

Mr. Speaker, I rise today in support of the conference report on S. 1306, community mental health and substance abuse services. This bipartisan initiative has resulted in an improvement in our efforts to combat mental illness and substance abuse. These are growing problems to which we must structure innovative solutions.

This legislation will create an Office of Rural Mental Health which will coordinate the activities of Federal, public, and nonprofit private entities to ensure that the mental health needs of rural adults and children are addressed and that these individuals receive needed services.

Under the provisions of this bill, all States must provide tuberculosis services. The number of tuberculosis cases in this country are growing at an unbelievable rate, posing an increasing public health threat to citizens across the country and to health care workers who are increasingly coming into contact with undiagnosed cases of tuberculosis. I have spoken with officials in my own State of Georgia who are very concerned that aggressive diagnosis and treatment of tuberculosis be forthcoming.

Mr. Speaker, this conference report represents one step in the strong stand we must take to deal with the health care problems that weaken both our urban and rural communities. I urge the passage of the S. 1306 conference report.

The SPEAKER pro tempore (Mr. MAZZOLI). The gentleman from California [Mr. WAXMAN] has 8½ minutes remaining, and the gentleman from Virginia [Mr. BLILEY] has 11 minutes remaining.

Mr. BLILEY. Mr. Speaker, I yield 1 minute to the gentleman from Florida [Mr. GOSS].

Mr. GOSS. Mr. Speaker, I thank the distinguished gentleman from the nearby Commonwealth for yielding.

Mr. Speaker, I would like to be able to rise in support of S. 1306 because it has a lot of good material in it that is going to do a lot of good for needs that we have in our Nation that have been well-identified. Unfortunately, it also has a fatal flaw of unfairness in it. It has retroactively taken away from our fourth most populous State, which has many, many well-documented needs in this area, funds which are critical for us to do our job down there, to the point it has alerted the Governor and the whole delegation.

Mr. Speaker, we are very concerned. We believe the appropriate solution would be to pull this bill and send it back for some retroactive work so this unfairness is removed and we can all go forward together on it.

Just in my own district we are going to lose one detox center. We are going to have the closing of beds in one of our major cities, have outpatient counseling closed down in another area, and residential treatment in another area. We have over 4,000 clients who are going to lose services and over 40 employees will be laid off down in my part of the world.

Mr. Speaker, I do not think this is fair, and I do not think this is what the committee nor the conference intended. I think we need to go back and resolve this matter, because I do think there is a better answer.

Mr. Speaker, I therefore will vote no and urge the sponsors to do that.

Mr. WAXMAN. Mr. Speaker, I yield 1 minute to the gentleman from Florida [Mr. SMITH].

Mr. SMITH of Florida. Mr. Speaker, I thank the gentleman for yielding, and I certainly want to commend him on the job he has done over the years on this issue.

Unfortunately, I have to take exception to this particular bill because the bill authorizes many excellent substance programs, but they are all negated, Mr. Speaker, by the devastating changes in the block grant allocation formula.

If Congress approves this conference report, Florida will lose approximately $16.5 million retroactive to October 1, 1991. Such a reduction would have a devastating effect on our alcohol, drug abuse, and mental health programs.

Mr. Speaker, we are not talking about an unfair allocation under a new formula. We are not talking about what we think Florida ought to get. This is what Florida has been getting in the face of a rising population, rising drug abuse problems, rising alcohol problems, a rising number of residents, and something anybody hardly ever talks about, Mr. Speaker, a rising problem among the elderly. Elderly drug abuse is one of the major concerns now in Florida.

All of these programs would be absolutely devastated. In fact, Florida would have to give back money.

Mr. Speaker, I urge my colleagues to reverse this unfair issue and vote no on this bill. Let us send it back and keep the formula the way it was.

Mr. BLILEY. Mr. Speaker, I yield myself 1 minute.

Mr. Speaker, I do so at this time to point out to my colleagues and friends from Florida that when this bill passed through the other body, both Senators supported this bill which contained the funding allocations for Florida as currently in the conference report. That is my understanding.

So I would point that out to Members, because this bill has many important features. It has been a long time since we have been able to get an authorizing bill through. So I would hope that they would, in light of that, in light of the action of their two Senators, remove their obligations.

Mr. Speaker, I reserve the balance of my time.

Mr. WAXMAN. Mr. Speaker, I yield 1 minute to the gentleman from Virginia [Mr. MORAN].

Mr. MORAN. Mr. Speaker, today, I would like to join my colleagues in support of the conference report and to thank Chairman WAXMAN and the other conferees for the hard work and dedication they have given to this bill.

Among many other programs, this legislation would specifically fund the establishment of a model program in the Washington metropolitan region for providing comprehensive treatment services for substance abuse.

The committee has aptly chosen Washington, DC, for this demonstration project because the substance abuse problem here is so acute. The best weapon in the war on drug and alcohol abuse is early and effective treatment. While the Washington metropolitan region does have some of the best programs, they are not nearly enough to meet demand. The Washington metropolitan region currently exceeds national averages in both alcohol use and drug abuse. Conservative estimates, using federally approved formulas, put the demand for drug treatment at 62,191 while more than 328,000 individuals currently need alcohol treatment. This great demand for services have overwhelmed the ability of local government to provide drug and alcohol treatment and, as a result, a majority of residents in the area must wait more than 4 weeks to be admitted to a treatment program.

Substance abuse programs only work if the individual is a willing participant. Similarly, these programs are only effective if they can reach out and help individuals when they first seek treatment—before they have time to go home and rethink their predicament. If we force these individuals onto 1-month waiting lists, we risk losing the men and women who need our service the most. We risk losing them to the crack dealers and the other merchants of death who can provide their services any time, day or night.

I applaud the conference report we are considering today because it mitigates the problems of substance abuse in this region by establishing a model treatment program in the Washington metropolitan area. This program ensures, to the extent practical, that all individuals seeking drug and alcohol abuse treatment can be provided with this important service on a timely basis. By providing education and employment assistance for patients, this program will also give the Washington region the tools to end the cycle of unemployment and limited opportunities that often cause individuals to fall into substance abuse.

The Washington metropolitan region greatly needs this program as the entire Nation needs the other provisions contained in this important bill. I appreciate the efforts of the committee to keep this project in this conference report.

Mr. BLILEY. Mr. Speaker, I yield 1 minute to the gentleman from Florida [Mr. STEARNS].

Mr. STEARNS. Mr. Speaker, this bill would be a disaster for the State of Florida in its efforts to provide much needed services in the drug abuse and mental health area. The loss of $16.5 million in block grants will have a serious impact on Florida's ability to provide these drug abuse and mental health services. These are funds which were granted to the State of Florida. And it is unacceptable to place a retroactive effective date of October 1991 for implementation of the new formula.

The reduction of $12.5 millon in substance abuse services will likely result in the closing of the Florida Addiction Treatment Center, which is the only statewide facility supporting those with substance abuse and mental health problems.

Over 3,000 clients are currently on waiting lists statewide for services and the proposed reduction in these funds will cause this list to double.

Approximately 32 percent of all clients statewide are at risk for HIV as a direct result of their substance abuse. These high risk individuals, if they do not receive these critical services, will continue to pose a health threat to the general public.

The loss of $4 million of mental health services will greatly impact the ability of communities to serve people with serious mental illness by adding to the already existing problem of overcapacity in mental health institutions.

I urge my colleagues to reject this bill and send it back to the conferees with instructions to modify the bill to retain the current grant structure for the State of Florida.

Mr. WAXMAN. Mr. Speaker, I yield such time as he may consume to the gentleman from Florida [Mr. JOHNSTON].

Mr. JOHNSTON of Florida. Mr. Speaker, not to be redundant, but I rise to regrettably and strongly urge the defeat of this bill. It is very unfair and very detrimental to the State of Florida.

Mr. WAXMAN. Mr. Speaker, I yield 1 minute to the gentleman from Florida [Mr. PETERSON].

□ 1310

Mr. PETERSON of Florida. Mr. Speaker, I thank the gentleman for yielding time to me.

I also regrettably rise in opposition to this conference report. Otherwise, in this report some very good things have been done by our chairman.

Clearly, as has been heard by my Florida colleagues, the State of Florida is unfairly admonished for doing a good job in this area in the past. The formula used for the block grant positions and programs will impact Florida in a fatal manner.

Added to the negative process is the fact that this is retroactive to October 1991. In fact, the State of Florida will have to reimburse the Federal Government for programs they have already delivered on.

We must look at this very seriously. We must take this conference report, refer it back to the conference for these necessary corrections and bring it back to the full House and then pass it so that we can get on with the business of addressing the mental health and substance abuse needs of this country.

Mr. BLILEY. Mr. Speaker, I yield 1 minute and 30 seconds to the gentleman from Minnesota [Mr. RAMSTAD].

Mr. RAMSTAD. Mr. Speaker, reluctantly, I rise today to urge my colleagues not to pass this conference report on the Suspension Calendar today.

This vote today is not about reauthorizing the ADAMHA Program. I do not know of any Member who is opposed to the crucial work that ADAMHA is doing to reduce the problems of alcoholism and drug abuse in America. Having been personally involved in substance abuse issues for many years, I take a back seat to no one in my support for reauthorizing ADAMHA.

It is my concern about substance abuse, however, that leads to my opposition to the present conference report, which would allow, for the first time, the use of Federal funds for needle exchange programs.

I have heard virtually every public official, including Members of this body, call drug abuse and addiction the most critical problem facing America. Yesterday, former health secretary Joseph Califano called addiction our country's No. 1 health problem.

And he is right. The 5.5 million Americans who are chemically dependent need treatment services, not a Government-administered needle program. Federal funds should be used to get people off drugs, not to facilitate drug abuse.

But, last year, Congress reduced the President's request for drug treatment funds by $134 million. As a result, there were 16,000 fewer Federal drug treatment slots and 64,000 fewer State and local treatment slots for those who need them. And yet, there is money available for the distribution of needles?

If we're serious about reducing the spread of AIDS in this country, let's support programs that save lives, not destroy lives. Proposals such as aggressive outreach programs to educate intravenous drug users about the dangers of the HIV virus and, most importantly, higher funding for drug treatment programs to get people off drugs for good are the real keys to preventing the spread of AIDS through IV drug use.

Mr. Speaker, there has been a lot of talk this election year about combating the drug abuse problem in our country. But the American people will be watching what we do, not what we say. It's time to turn rhetoric into action. I urge my colleagues to support funds for drug treatment, not needle exchange, and to vote against passing the conference report on the Suspension Calendar today.

Mr. WAXMAN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I want to make a clarification to Members who might think there is a Government-funded needle exchange program in this legislation. That is absolutely incorrect. This bill does not provide for such a program whatsoever. However, if the States choose to do so, that is up to them, and some States may and other States may not. I do not want any Member to think that we have a Government-funded program for needle exchanges.

Mr. Speaker, I yield 1 minute to the gentleman from Florida [Mr. BACCHUS].

Mr. BACCHUS. Mr. Speaker, I thank the gentleman for yielding time to me. I thank him for his leadership on this and so many other issues.

Mr. Speaker, I rise today in strong opposition to S. 1306, the conference report that reauthorizes the Alcohol, Drug Abuse, and Mental Health Administration. I am deeply concerned about a provision in the report that would result in a $16.5 million reduction in Florida alone; that includes $12.5 million for critically needed substance abuse programs and $4 million in mental health funds. I strongly urge the conferees to reconsider this report, which is retroactive to October 1, 1991, so that States' awards for this fiscal year are held harmless from a third quarter retroactive reduction.

Florida, like many States, is facing a severe budget crisis. Services are being cut while State and local administrators are forced to stretch public funds to meet substance abuse and mental health needs in one of our fastest growing States. A reduction in ADAMHA funds 8 months into this fiscal year would be a devastating blow to our ability to maintain the current marginal levels of critically needed alcohol, drug abuse, and mental health services. This conference report is the Federal Government's abandonment of the people in Florida who rely on these services.

Let me point out the direct impact this report will have on Florida. Substance abuse services in this fiscal year in Florida will lose more than $12.5 million. The continuing base funding of residential services and outpatient services will be cut by nearly $7.5 million. In other words, 202 beds providing detox, short- and long-term residential treatment will be lost as a result of this report. Moreover, nearly 2,500 individuals who rely on counseling, testing, and methadone treatment will be denied services. Today, more than 3,000 clients are on waiting lists statewide for residential and outpatient services. These waiting lists will grow by more than 100 percent if this bill is approved.

Here is another alarming fact: Approximately 32 percent of all clients in Florida are at risk for HIV as a direct result of their substance abuse. Given the sex-for-drugs trade and sharing of needles, these high risk individuals are increasingly in danger of both contracting and spreading AIDS. Based on the above reduction, 1,360 clients at high risk of HIV or infected with HIV will not receive substance abuse treatment.

As to the impact on mental health funding, the formula in the conference report will reduce by $4 million the Florida trust fund on adult mental health services. This will result in a direct loss of 86,358 service units, leaving 3,436 individuals unserved. Should this report become law, the adult mental health program in Florida will no longer provide day and night intervention services in the jails or outpatient treatment. Services to nursing homes and adult congregate living facilities and all levels of community residential services will suffer.

Mr. Speaker, Florida already ranks first among the States in the crime per capita rate, first among the States in cocaine trafficking, second among the States in pediatric AIDS cases, and third among the States in cumulative AIDS cases. ADAMHA funds account for one-fourth of Florida's resources for alcohol and other drug abuse programs. Florida simply does not have additional State funds to continue funding these badly needed programs. The State has been counting on this Federal money. The State has planned for this Federal money. A retroactive reduction is unfair to Florida, and I adamantly oppose this conference report.

Mr. WAXMAN. Mr. Speaker, I yield 1 minute to the gentleman from Illinois [Mr. DURBIN].

Mr. DURBIN. Mr. Speaker, each year in America 375,000 babies are born who have been exposed to illegal substances before birth. That is 1 out of every 10 newborns. The cost for caring for these children is enormous. Hundreds of millions of dollars in hospital costs and literally billions of dollars for health care, foster care, special education and other special services are the legacy of these unfortunate infants.

There is one aspect of this conference report that I think is an important step forward in remedying this problem and I suggested it to the committee.

The gentleman from California, Chairman WAXMAN, and the gentleman from Virginia [Mr. BLILEY] have been kind enough to include it, and I think it is very important. It will provide for residential treatment of those mothers who are addicted and want to have a drug-free pregnancy. It gives them a chance to get out of the crack-infested neighborhoods into a residential treatment program to get off of drugs and to give birth to a healthy baby.

What an important investment this is. For all the criticism of this bill, and we certainly have heard enough of it today, there are many positive aspects. To think that by moving forward on this grant program we will give some of these 375,000 babies a chance, I think is an important reason to vote for the conference report.

Mr. Speaker, I would like to call to the attention of my colleagues the provision of this conference report that establishes a new grant program to provide comprehensive residential treatment services to substance-abusing pregnant and postpartum women and their children.

It has been my pleasure to work on this provision with the chairman of the subcommittee, Mr. WAXMAN, and I would like to thank him for his support.

Mr. Speaker, 375,000 babies are born each year in the United States who were exposed to illegal drugs before birth—1 out of every 10 newborns. The cost of caring for them is enormous: hundreds of millions of dollars in hospital costs each year just to stabilize them immediately after birth, and billions of dollars annually for health care, foster care, special education, and other social services they will need as they grow up.

For many addicted pregnant women, only a long-term residential treatment program can provide the services they need, including counseling, child care, room and board for the women and their children, and other services. Many women need to be able to get away from the environment that nurtures their drug use. A residential treatment program provides the support system they need to stop their drug use and focus on their recovery.

According to the Institute of Medicine, the clients of longer term residential treatment programs end virtually all illicit drug taking and other criminal behavior while in residence. They also demonstrate lower drug use and criminal activity and greater social productivity after discharge than they did before admission and than other individuals who did not receive similar treatment. As a result, the Institute of Medicine included residential treatment programs for pregnant women and their children in its core strategy for addressing our Nation's drug treatment needs.

Unfortunately, many of our Nation's residential treatment programs currently refuse to serve pregnant women or refuse to make provision for their children. As a result, pregnant women who desperately need treatment, languish on the waiting lists for the few programs that are available. While they look for a program that has an opening and will accept them, they and their children suffer the continuing effects of their addiction.

This measure will help change that tragic reality by establishing a grant program offering to addicted pregnant women and their children the opportunity for comprehensive treatment in a residential setting in which the children are allowed to reside with their mother.

The legislation spells out the comprehensive list of services that must be provided so that programs will deal with the women and children's full range of needs. For example, services for women must include health care, AIDS and domestic violence counseling, training in parenting, involvement of other family members as appropriate, counseling on obtaining employment, and planning and counseling to assist re-entry into society both before and after discharge. Similarly, services for children must include health care, child care, counseling as appropriate, and other social services to help them overcome the effects of maternal addiction.

This residential treatment grant program and a related outpatient program for pregnant women are jointly authorized at a funding level of $100 million in 1993, and such sums as necessary in 1994. Emphasis is given to the residential treatment program, including additional funding from the block grant and potential funding from the special drug asset forfeiture fund. It is my hope that we will soon see many women and their children given a new lease on life because of the residential treatment services authorized in this program.

Mr. WAXMAN. Mr. Speaker, I yield myself such time as I may consume.

I want to close the debates by indicating to my colleagues that this conference report received the support, unanimously, of all the conferees, both the House and the Senate on a bipartisan basis. I know we could not make every State happy with the funding formula, and it is obvious that the Members from the State of Florida are particularly aggrieved.

In 1991, the Department of Health and Human Services notified each State that its allotment for fiscal year 1992 would likely change. The States were notified about this fact and that there might be a change, not to ask for money back in the fourth quarter of this fiscal year.

The funding formula, the allocation formula is the best we could do. I think it is a fair one.

I would urge Members to support the legislation. We have done the best we can on a number of difficult issues. I think we have a product that we can support with pride.

Mr. Speaker, I reserve the balance of my time.

Mr. Bliley. Mr. Speaker, I yield myself such time as I may consume.

I, too, would like to urge all Members to support this. We could go back to conferences and work for many days and come back. We will never have a funding formula 100 percent satisfactory to every State in the Union.

I would like to point out, particularly to the Members on this side of the aisle, that contained in this legislation are reorganization policies of ADAMHA that the Secretary of HHS and the administration desperately want. As the gentleman from California said, this was unanimously approved by the Members from the other body on the conference committee and by the Members from this body.

Therefore, I would urge in the best legislative spirit for those minor differences we may have, put them aside and vote for this legislation which is needed for this vital program for this country.

Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. WAXMAN. Mr. Speaker, I yield 2 minutes to the gentleman from Indiana [Mr. SHARP], a member of our Committee on Energy and Commerce.

Mr. SHARP. Mr. Speaker, I thank the gentleman for yielding time to me, and I want to praise the efforts of the gentleman from California, Chairman WAXMAN, with the assistance of the gentleman from Virginia, [Mr. BLILEY]. They have done an extremely important job on a complex set of issues.

All of us know we have a terrible problem of drug abuse, alcoholism, a greater need to do more on mental health treatment in this country. And we are very limited on resources.

We have heard a lot today about the battle of the allocation of funds. I come from a State where we were at risk of losing significant funds, at risk of having to cut back services that are in existence now.

I appreciate the efforts of the committee to see to it that no State is cut back from the 1991 levels, that we can sustain what we are doing now even through all of us know we have a lot more to do.

There was no simple answer to this problem. The committee, I know, struggled mightily with trying to be fair and equitable across the country, and it is a miserable task. But they have succeeded in making sure that all programs and all services have a chance to go forward.

I appreciate that very much and want to praise their efforts and strongly endorse the committee's bill.

□ 1320

Mr. WAXMAN. Mr. Speaker, before yielding back our time I want to mention the hard work by our subcommittee staff, Rip Forbes and Tim Westmoreland and of the full committee staff, Dave Keaney, and from the minority staff Howard Cohen, and from the Office of Legislative Counsel Peter Goodlow. I want to thank them all for their strong efforts in working on this legislation.

Mr. RANGEL. Mr. Speaker, I rise in opposition to the conference report on S. 1306, the ADAMHA Recognition Act.

I supported H.R. 3698, the House version of the bill, when it came to the floor back in March. Although the conference report provides important authorizations for a number of critically needed substance abuse treatment and prevention programs, I have decided, with great reluctance, that I cannot support it.

The conference report includes highly controversial and unwise provisions relating to the treatment of intravenous drug users that represent a major departure from Federal treatment policy. These provisions were not passed as part of the House or Senate versions of the ADAMHA authorization bill. They were inserted in the bill in conference without opportunity for debate by the Members of the House. In my view, the inclusion of these provisions make the entire bill unsupportable.

S. 1306 would require the Secretary of Health and Human Services to issue regulations permitting methadone maintenance treatment programs to provide so-called interim, or minimum, maintenance treatment to narcotic addicts seeking treatment when programs have insufficient capacity to admit addicts into treatment. Interim, or minimum, maintenance involves dispensing methadone to drug addicts without providing any, or just minimal, drug counseling and other rehabilitative services such as education, vocational training and employment counseling that are essential to helping addicts recover and lead productive, drug-free lives.

Interim maintenance has been called no frills methadone maintenance, an unfortunate misnomer because what it cuts out are nonessential frills but the very heart of treatment services. Interim maintenance is not treatment. It is the antithesis of treatment. S. 1306 puts the Government's stamp of approval on a policy that says the mere distribution of a highly addictive substitute for heroin is an adequate response to addiction.

The purpose of the interim maintenance provisions, according to the bill, is to reduce the spread of HIV and AIDS by intravenous drug users. Unquestionably, intravenous drug abuse is a major factor in the spread of AIDS. I do not doubt that those who put the minimum maintenance provisions in the bill were well-intentioned. The problem with minimum maintenance is that it is not effective.

Methadone maintenance is not a magic bullet for narcotics addiction. When used properly as part of a comprehensive treatment program providing a broad array of counseling and rehabilitation services, methadone can help addicts stop using illicit narcotics and start rebuilding their lives. In too many cases, however, methadone had failed to live up to its early promise because of funding cutbacks, growing client loads, lack of oversight and supervision by Federal and State agencies, and in some cases mismanagement and unscrupulous behavior by program operators. In a 1990 report on methadone maintenance to the select committee, the GAO concluded that many programs are not effectively treating heroin addiction. In addition to other problems, many patients continue to use heroin and other drugs, primarily cocaine, which continues to put them at risk of contracting and spreading the AIDS virus. GAO strongly recommended against interim maintenance, finding that the provision of methadone without counseling or rehabilitative services would not significantly reduce heroine use.

Interim maintenance has been considered and rejected by the very agencies that would have to administer it under S. 1306. In 1989, the Food and Drug Administration and the National Institute on Drug Abuse in the Department of Health and Human Services published a proposed rule in the Federal Register to authorize interim methadone maintenance for the same reason given in S. 1306—to reduce the spread of HIV and AIDS. After extensive hearings on the record, FDA and NIDA concluded that interim maintenance would not be effective and decided to withdraw their proposal. This decision was announced by former NIDA Director, Bob Schuster, at a June 1990 select committee hearing.

Drug abuse treatment providers, and methadone maintenance programs in particular, overwhelmingly opposed the FDA/NIDA proposed interim maintenance rule. They feared that interim maintenance would be unresponsive to patients' complex needs, would undermine public funding for comprehensive treatment and further erode public support for a fragile treatment system already weakened by years of underfunding and neglect.

Ironically, if the HHS Secretary fails to issue regulations for interim maintenance within 180 days, S. 1306 requires the proposed rule rejected by NIDA, FDA and the treatment community to go into effect.

The bill does not require programs to provide minimum methadone maintenance, and no program could provide interim maintenance if the chief public health officer of the State objects. Other provisions of the bill, however, require a State, as a condition of receiving its Federal substance abuse block grant funds, to agree that it will assure access to treatment for any intravenous drug user within 14 days after treatment is requested or within 120 days if no program has space for the individual and if interim services are provided. Because treatment capacity is already severely limited in many parts of the country, States and drug treatment programs may feel pressured to accept interim maintenance as a low-cost alternative to the loss of Federal treatment dollars. With Federal block funds comprising less than one-third of public treatment funding, this becomes a case of the tail wagging the dog.

We desperately need to both expand and improve the quality of drug treatment in our country. Interim maintenance may temporarily expand treatment capacity but only at the expense of treatment quality, and it will not be effective in reducing the spread of AIDS.

Improving and expanding drug treatment, and reducing the spread of AIDS by IV drug users, requires a long-term commitment of additional resources to provide comprehensive drug abuse treatment services. There are no cheap or quick solutions. Federal mandates on access to treatment and interim maintenance will not work and ultimately will prove to be counter productive.

The inclusion of interim maintenance in S. 1306 is bad drug abuse policy, bad public health policy, and bad legislative procedure. These provisions should be stripped from the conference report. I urge my colleague to vote against S. 1306.

Ms. PELOSI. Mr. Speaker, today we consider legislation which would provide the necessary framework for community mental health and substance abuse services. This conference report responds to the input of experts in the fields of mental health and substance abuse treatment—and responds directly to the input of the Institute of Medicine.

The legislation begins the planning process for comprehensive treatment of pregnant women and injection drug users.

This legislation is also essential to improve our national response to the HIV epidemic. Years of prevention research sponsored by Federal agencies have been converted into HIV prevention services which will make a difference in rates of new HIV infections in this country. We cannot wait any longer to authorize these vital programs. Each day that we wait will be counted in increased cost to the Government and—more importantly—increased number of lives needlessly lost to AIDS.

I commend Chairman DINGELL and Chairman WAXMAN on this conference report. I urge my colleagues to agree to the conference report.

Mrs. MORELLA. Mr. Speaker, I rise in support of S. 1306, the conference report on community mental health and substance abuse services.

This legislation will provide the authority for a number of critical substance abuse prevention and treatment programs. I am particularly pleased that the conferees retained language providing for residential substance abuse treatment for pregnant women. This provision embodied legislation introduced by my good friend and colleague, Congressman DURBIN; I am an original cosponsor of the bill.

Our failure to provide residential treatment for pregnant women has had a tragic impact on our Nation. An estimated 375,000 drug-affected babies are born every year, many with serious medical problems. The cost of providing medical treatment and foster care for these children is far greater than the cost of residential substance abuse treatment for pregnant women. Hospital care for drug-affected newborns alone totaled $121 million in Maryland in 1989. The cost of providing hospital and foster care services through age 5 for the 9,000 cocaine-exposed children in only 8 major cities in 1989 totaled $500 million. This cost does not include special education programs and services needed after the age of 5.

And yet, two-thirds of the hospitals surveyed in 1989 by the Select Committee on Children, Youth and Families reported that they had no place to refer pregnant addicts for treatment. This bill authorizes grants for residential treatment, providing these women with the services needed to regain control over their lives, and preventing damage to their children. Society will benefit from the contributions of these women and their children, and we will avoid the enormous costs of caring for addicted infants.

S. 1306 also reauthorizes a number of demonstration projects to fund innovative programs of treatment and outreach that are critical in our efforts to prevent the spread of HIV disease, as well as to provide substance abuse treatment where it is most needed. This demonstration project funding has been one of the only means of reaching women at high risk of contracting HIV. This program must be supported and expanded.

Mr. Speaker, I commend Chairman WAXMAN and the members of the committee for their efforts, and I urge my colleagues to join me in supporting this legislation.

Mr. PETERSON of Florida. Mr. Speaker, I rise in strong opposition to the conference report on S. 1306, the Alcohol, Drug Abuse, and Mental Health Administration block grant program.

If this conference report is approved by Congress, the State of Florida will lose approximately $16.5 million of our share of the block grant. To make matters worse, this loss is retroactive to October 1, 1991. Florida would have to give back $16.5 million with only 4 months left in the current fiscal year.

Of this cut, $4 million would be cut from mental health programs, which will result in an elimination of services to an estimated 3,536 seriously emotionally disturbed individuals requiring a range of community support services in order to be productive members of society.

The remainder of the cut would come in the form of a $12.5 million reduction in grants for substance abuse programs in Florida. This will result in elimination of services for an estimated 1,383 alcohol and drug abusing/addicted individuals requiring a wide range of community-based treatment services.

Mr. Speaker, I am unaware of this type of cut ever being imposed on a State before. It is unacceptable for this legislation to place a retroactive effective date for implementation of the new formula. This bill is literally reneging on a $16.5 million obligation to the State of Florida. It is an unsound and unfair financial practice to take back $16.5 million of Florida's grant award with only 4 months remaining in the grant year left to obligate the funds under statutory requirements of a 1 year obligation period.

Mr. Speaker, I urge my colleagues in the strongest possible terms to oppose this bill by voting "no" on the conference report on S. 1306.

Mr. BENNETT. Mr. Speaker, I am in strong opposition to S. 1306, the conference report that reauthorizes the Alcohol, Drug Abuse, and Mental Health Administration. This report changes the formula which determines how much funding a State is granted for substance abuse and mental health services. The new formula is more favorable to rural States, not growing urban States like Florida. Our State stands to lose $7.5 million in substance abuse funds, and $4 million in mental health funds without any overall reduction in Federal spending. In other words, Florida is getting the raw end of the deal.

And it gets worse, because this legislation would be retroactive to October 1, 1991, Florida would lose funding that was already earmarked in this fical year for substance abuse and mental health services. Given the severe budget crisis currently facing Florida, such a reduction halfway through the fiscal year will exacerbate this problem and deal a devastating blow to Florida's ability to maintain the current marginal levels of critically needed alcohol, drug abuse, and mental health services to the many persons unable to afford private care and who do not qualify for Medicaid or Medicare.

Passage of this legislation as reported by the conference would mean a loss of much needed substance abuse services for Florida, including detox, short- and long-term residential and halfway house services, counseling, and methadone treatment. Over 3,000 clients are currently on waiting lists statewide for substance abuse services at this time. As a result of this conference report, statewide waiting lists will increase by 100 percent. Because 64 percent of substance abuse service clients statewide are involved in criminal justice matters, and 32 percent of substance abuse clients are at risk for HIV as a direct result of their abuse, these services are essential to curbing crime as well as curbing the spread of the HIV virus in the State of Florida.

This conference report would also result in a reduction of funding for mental health services in Florida. With these reductions an estimated 3,436 individuals would not receive mental health treatment. Adult mental health services will no longer be able to provide services to nursing homes and adult congregate living facilities, nor provide intervention services in the jails.

Mr. Speaker, because of the budget crisis facing Florida today, even though the Governor is raising taxes and cutting spending on unneeded programs, additional State funds to continue funding these badly needed programs cannot be found. The State is relying on this Federal money to assist its efforts to combat drug abuse and the spread of AIDS. To cut the money Florida has already been granted, while increasing it for other States without the same demonstrated need as Florida has, in irresponsible. I oppose this conference report.

Mr. LOWERY of California. Mr. Speaker, I would like to take this opportunity to thank the manager of this bill, Mr. WAXMAN, for his efforts and cooperation in ensuring that the measure I introduced, H.R. 4285, the Trauma Care Center Alien Compensation Act of 1992, stayed intact throughout the House and Senate conference. I would also like to thank the conferees for their support of this important piece of legislation. I introduced this same measure last Congress, with the intention of assisting State and local governments in the maintenance and improvement of regional systems in trauma care. Based upon recent Congressional Budget Office estimates of the undocumented alien population and the Census Bureau's estimates of yearly growth in this targeted population—approximately 6 million undocumented aliens and alien workers will be potential users of America's health care systems in 1992. Of the 6 million undocumented aliens present in the country, approximately

1.8 million will utilize some form of health care services available to the population at large, and of that, 40 percent of the costs incurred will be attributable to emergency medical services.

My legislation establishes a program of formula grants to compensate in whole or in part, certain trauma care centers for unreimbursed costs incurred by treating undocumented aliens. It is my understanding that the conferees realize the crisis facing our Nation's trauma care centers and authorized $100 million to assist them for the fiscal year 1993. Under my provision, trauma care centers must prove that at least 15 percent of their unreimbursed trauma care costs are attributable to undocumented aliens. Furthermore, trauma care centers must prove that they attempted to track down the patient to recover the costs. But once they have demonstrated to the Secretary of Health and Human Services that a genuine effort at recouping the costs of trauma care provided has been attempted, assistance from the Federal Government will be provided. While the formula may be subject to change, it is estimated that the 15 percent figure will address the most dramatic needs of the various trauma care centers throughout the country—enabling them to keep their doors open.

This problem is not a new one. In 1977, the House Committee on Interstate and Foreign Commerce, and the House Subcommittee on Health and Environment held hearings on five separate pieces of legislation which would have authorized the Public Health Service to provide financial assistance to medical facilities for trauma and medical emergency treatments provided to indigent and undocumented aliens. More recently, on September 11, 1985, the House Subcommittee on Immigration, Refugees, and International law held similar hearings on this exact issue. I do not think it is necessary for me to stand here on the floor and praise the virtues of trauma care centers and the role they play in saving lives. Without immediate treatment, many trauma patients die within the first hour of sustaining their injury. States such as California and Florida have set up trauma care network systems to ensure that State of the art surgical services would be available during the critical 60-minute period in which trauma patients must receive medical treatment or quite possibly die.

However, the financial viability of trauma centers is under tremendous strain. My legislation is but one response to the plea for Federal assistance from various hospitals and trauma care centers throughout the country.

While undocumented aliens are not the sole reason for the untimely closings and financial problems facing many of our Nation's trauma care centers, these individuals receive approximately 18 percent of our Nation's uncompensated emergency care. If the Federal Government ever gets around to implementing an effective immigration policy and regaining control of our international borders, the costs associated with this bill will decrease significantly.

I am pleased that the House and Senate conferees found that there is a proper role for the Federal Government to assist State and local governments with the costs of providing uncompensated trauma care to undocumented aliens. The costs of providing emergency medical services to undocumented aliens are increasing the already heavy burden shouldered by county taxpayers. Cities such as San Diego, Los Angeles, Houston, Tucson, Miami, and El Paso are treating a growing number of uninsured, undocumented trauma patients. The closing of over 60 trauma care centers in recent years is clear and convincing evidence that the time for Federal assistance is now. Closing trauma care centers is literally a matter of life and death.

I realize that there are larger financial problems facing our Nation's trauma care centers. However, it is my belief that a limited measure at this time is all that is possible in light of today's budget environment.

But Mr. Speaker, I know with certainty that this beginning will save lives. It may be a child hit by a car, a heart attack patient, or an innocent victim of some senseless crime. We may not know who these benefactors will be, but we can know that our good efforts today will preserve life tomorrow.

Before I close, I wish to thank the chairman of the Energy and Commerce Committee, Mr. DINGELL; the chairman of the Subcommittee on Health and Environment, Mr. WAXMAN; the ranking minority member, Mr. LENT; and the members of the House and Senate conference for ensuring the viability and integrity of this much needed measure. Thank you.

I yield back the balance of my time.

Mr. CHANDLER. Mr. Speaker, I rise today to express my support for the efforts of the Alcohol, Drug Abuse, and Mental Health Administration [ADAMHA]. The key services that are covered under this reauthorization help individuals and their families overcome alcoholism, substance abuse, and the difficulties associated with mental health problems. These services enable individuals to live productive lives and, in some instances, save lives.

The conference report before us today reorganizes ADAMHA and separates the existing block grant into two separate block grants: the substance abuse prevention and treatment block grant and the community mental health services block grant. While I support the intent of the reauthorization, I have two concerns.

First, I would like to address the issue of the three research programs of ADAMHA being transferred to the National Institutes of Health [NIH]. Under the conference report, research on drug abuse, alcohol abuse, and alcoholism and antiaddictive medications are all transferred to the NIH. I do not have a fundamental objection to the research being administered by the NIH. However, I do want to ensure that research in treatment services continues to remain a priority. Treatment providers play a critical role in the recovery process. I will be carefully watching to ensure that the NIH dedicates the appropriate attention to treatment services research. Therefore, I would urge my colleagues to do the same.

Another point that I feel needs to be addressed is the authority for inpatient treatment services when medically necessary, in the substance abuse capacity expansion grants provisions. Both the House and Senate bills contained this critical provision, however the conference report does not include such a provision. Failure to address this tissue in the conference report adversely affects access to a range of treatment services for alcohol and drug dependent individuals.

Mr. Speaker, it is my understanding that the conference report's failure to include inpatient treatment under the capacity expansion grants was merely a drafting error. It has also come to my attention that this error will be addressed in a future technical corrections bill. Therefore, I would urge the chairman of the Health and Environment Subcommittee to expeditiously address this matter.

In conclusion, I would like to reiterate my support for the reauthorization of the community mental health and substance abuse services. I would urge my colleagues to join me in supporting the conference report before us today.

Mr. YOUNG of Florida. Mr. Speaker, I rise in opposition to the conference report on S. 1306, the Alcohol, Drug Abuse, and Mental Health Administrative Reorganization Act, which would cause irreparable damage to alcohol, drug abuse, and mental health programs throughout Florida.

Not only does this legislation dramatically alter the formula under which Federal alcohol, drug abuse, and mental health block grant funds are awarded to the States, but it retroactively changes the formula effective October 1, 1991. Combined, these changes in the formula mean Florida will lose more than $16 million in Federal funds which are planned for use in the final quarter of the current fiscal year for substance abuse treatment and mental health programs.

Pinellas County, FL, which I represent, has developed a number of nationally recognized model programs in these areas. The retroactive loss of Federal support will force many of these programs to close or substantially reduce the numbers of people they serve.

Operation PAR and Gulf Coast Jewish Family Services would be especially impacted by this unfair change in law and redistribution of funds. Operation PAR runs a number of outpatient and residential substance abuse treatment programs including an in-jail substance abuse program which would be eliminated. Florida already has a waiting list of 3,000 persons seeking outpatient and residential services. The impact of bill will be a doubling in the size of this waiting list.

Gulf Coast Jewish Family Services would have to eliminate its geriatric caregiver support team which provides support for the families of mental health patients. This will drive up the cost to families and the Federal and State government by forcing families to rely more heavily on nursing homes and other institutional care facilities to provide these services at much greater cost.

Florida is 1 of 12 States which will lose funds under these new formulas and the dropping of any protection offered by a hold harmless provision which would prevent the recapture of funds awarded to the States earlier this year. Given the financial situation of Florida and the other State governments, it is doubtful that the State can find available funds to offset this reduction in Federal support.

State officials advise me that in Florida's case, the $12 million reduction in Federal support for substance abuse programs will result in a loss of services for 1,400 alcohol and drug abusing and addicted individuals seeking community based help. The $4 million in lost mental health funding will mean 3,500 seriously disturbed individuals will not receive the support they require to remain in their communities and not in more expensive institutional settings.

Mr. Speaker, through my work on the House Appropriations Subcommittee which funds our Nation's substance abuse and mental health programs, I am aware of the urgent need to provide greater, not less, support for these community based programs which provide innovative services that help thousands of American families. Public and private agencies throughout the State of Florida, and particularly in Pinellas County which I represent, have developed a number of exceptional programs to combat the problems of drug abuse and mental illness. Their work and innovation are threatened by this conference report today and I would urge my colleagues in the House to reject this legislation. We should send it back to conference where it can be revised so that it does not unfairly and retroactively penalize Florida and the 11 other States that would lose Federal support in the current year for a number of important ongoing programs.

Ms. NORTON. Mr. Speaker, the ever-increasing need for mental health and drug abuse treatment in our country is one issue on which there is little disagreement. The conference report reflects an important consensus on this urgent issue.

Even though national statistics indicate a decrease in the numbers of people abusing drugs and alcohol, this remains a national problem of staggering proportions. The Metropolitan Washington Council of Governments has documented the dreary fact of the drug crisis in the Washington, DC, area in its January 1992 report "Public Substance Abuse Treatment Services: A Critical Resource." In its study COG reports that over 13,000 calls per year are made to the Washington Area Council on Alcoholism and Drug Abuse from individuals trying to conquer substance dependency, and 49 percent of these were from District of Columbia residents. Publicly funded treatment services were provided for 40,000 clients in the Washington Metropolitan Area in 1991—a sizable number indeed. Yet these services reached only one-third of the region's estimated substance abusing population.

One of the most urgent needs is increased funding for public and community-based treatment service providers. The conference agreement moves us in the right direction on this front by providing for appropriations of $25 million over fiscal years 1993, 1994, and 1995 for grants for a model comprehensive program for treatment of substance abuse. I am particularly pleased that the National Capital area has been designated as a demonstration site for this program.

I am also grateful that Chairman WAXMAN has included a provision addressing the acute problems of the Nation's trauma centers, which have also become casualties on the frontline of the drug war. An astounding 91 trauma centers have closed their doors since 1985 primarily because of high uncompensated care costs. Last year Washington Hospital Center's nationally recognized trauma center, MedSTAR, lost $10 million in uncompensated care costs. The conference agreement establishes a crucial grant program to assist trauma care centers in defraying uncompensated health care costs resulting from drug-related violence. When awarding the trauma center grants, we should be careful to balance the resources geographically, mindful of the economic hardship suffered not only by those hospitals along the Mexican border but by public and private hospitals in cities across the United States that have been hard hit by drug-related violence.

Left unattended or underfunded, mental health and drug abuse problems will continue to drain the Nation's resources, diminish our morale and undermine our competitiveness. I urge my colleagues to give full support to this legislation.

Mr. COLEMAN of Texas. Mr. Speaker, I rise today with very conflicting feelings about this conference report. On the one hand, passage of the conference report will represent the successful conclusion of a long struggle I have undertaken with a number of other Members, notably Mr. WAXMAN and Mr. LOWERY, to see the crisis with our Nation's trauma centers addressed. The conference report authorizes $100 million in emergency grants to help keep trauma centers open. Those grant dollars are badly needed—trauma centers around the Nation are struggling with an increasing caseload of victims of violence and the growing fiscal worry of uncompensated care. Trauma centers along the United States-Mexico border are burdened with the additional responsibility of providing emergency care to undocumented persons, and we were able to address that problem in the report as well.

However, I am outraged by the fact that the authors of the conference report have seen fit to radically alter the block grant formula for funding of alcohol, drug abuse, and mental health services in a way that significantly jeopardizes those programs in Texas. The fact that the new formula diverts to other States funds that Texas expected to receive in 1993 and beyond poses enough of a threat. But the authors of this report couldn't wait until 1993 to grab the funds—they want to apply the formula change in the last quarter of fiscal year 1992. So now, despite the fact that the State wrote its budget for the year with a total allotment of $90 million promised to the State, despite the fact that it will imperil the lives of thousands of Texans currently receiving alcohol, drug abuse, or mental health services, the authors of the conference report want to reallocate $10 million away from Texas in the final quarter of this year. These actions can only be attributed to greed.

So now I am faced with a difficult decision. Do I do what is right for the trauma centers not only in Texas, but throughout the Nation? Or do I stand up against greed and for the futures of those Texans who will be dropped from drug treatment programs or from mental health programs. I'll tell you, Mr. Speaker, I just don't know.

Mr. WAXMAN. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore (Mr. MAZZOLI). The question is on the motion offered by the gentleman from California [Mr. WAXMAN] that the House suspend the rules and agree to the conference report on the Senate bill, S. 1306.

The question was taken.

Mr. BILIRAKIS. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 5 of rule I, and the Chair's prior announcement, further proceedings on this motion will be postponed.

COMMERCIAL WHALING MORATORIUM

Mr. STUDDS. Mr. Speaker, I move to suspend the rules and agree to the concurrent resolution (H. Con. Res. 177) calling for a United States policy of strengthening and maintaining indefinitely the current International Whaling Commission moratorium on the commercial killing of whales, and otherwise expressing the sense of the Congress with respect to conserving and protecting the world's whale, dolphin, and porpoise populations, as amended.

The Clerk read as follows:

H. CON. RES. 177

Whereas whales are marine resources of great aesthetic, educational, and scientific interest and are a vital part of the marine ecosystem;

Whereas the International Whaling Commission adopted in 1982 an indefinite moratorium on commercial whaling, which was scheduled to go into effect in 1986, establishing zero global catch limits for 11 species of whales;

Whereas despite the moratorium on commercial whaling, thousands of whales have been killed since its inception by the commercial whaling nations;

Whereas there remain uncertainties as to the status of whale populations due to the difficulty of studying them, their slow reproductive rate, and the unpredictability of their recovery even when fully protected;

Whereas the consequences of removing whale populations from the marine ecosystem are not understood and cannot be predicted;

Whereas whales are subject to increasingly grave environmental threats from nonhunting causes, such as pollution, loss of habitat, oil spills, and the use of large-scale driftnets, which underscore the need for special safeguards for whale protection;

Whereas in addition, many of the more than 60 species of small cetaceans are subject to direct commercial harvest;

Whereas there is significant widespread support in the international community for the view that, for scientific, ecological, aesthetic, and educational reasons, whales should no longer be commercially hunted;

Whereas efforts made at the 1991 meeting of the International Whaling Commission to overturn the moratorium on commercial whaling were defeated; and

Whereas there is concern that, at future International Whaling Commission meetings, some countries will again press for an immediate resumption of commercial whaling on some stocks: Now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That it is the sense of the Congress that—

(1) United States policy should promote the conservation and protection of whale, dolphin, and porpoise populations;

(2) toward that goal, the United States should work to strengthen and maintain an International Whaling Commission moratorium on the commercial killing of whales, and work toward a similar moratorium on the direct commercial harvest of dolphins and porpoises;

(3) the United States should work to strengthen the International Whaling Commission by reaffirming its competence to regulate direct commercial whaling on all cetaceans, and should encourage the Commission to utilize the expertise of its Scientific Committee by seriously considering the Committee's recommendations; and

(4) in so promoting the conservation and protection of the world's whale populations, the United States should make the fullest use of diplomatic channels, appropriate domestic and international law, and all other available means.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Massachusetts [Mr. STUDDS] will be recognized for 20 minutes, and the gentleman from Alaska [Mr. YOUNG] will be recognized for 20 minutes.

The Chair recognizes the gentleman from Massachusetts [Mr. STUDDS].

Mr. STUDDS. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, today I am pleased to bring before my colleagues House Concurrent Resolution 177, introduced by Mr. YATRON last March. The resolution expresses the sense of the Congress that the United States should work to strengthen and maintain the current global moratorium on the commercial slaughter of whales.

For hundreds of years, whales have been the targets of huge commercial harvests. In the early part of this century, technological developments like harpoons fired from cannons and huge factory ships that could process hundreds of whale carcasses at sea led to an unprecedented slaughter, and by the end of World War II more than 44,000 whales were being killed annually in the Antarctic Ocean alone. No other group of animals has been subjected to such relentless hunting for profit, nor brought so close to the brink of extinction.

In 1986 the International Whaling Commission, which governs whaling issues worldwide and in which the United States plays a leading role, voted to establish a global moratorium on commercial whaling. The purpose of the moratorium was to provide the nations of the world with time to determine the true status of whale populations and to decide whether whaling should begin again.

The whaling nations of the world, led by Japan, are now pressuring the International Whaling Commission to lift the moratorium. Mr. Speaker, the American people will not stand for that, and we cannot—and will not—allow it to happen. Whales continue to be threatened by marine pollution and habitat destruction. In some cases, they have not recovered in spite of decades of protection. In Massachusetts Bay, for example, the North Atlantic right whale—the most endangered of all the world's large whales—had its population of more than 50,000 animals decimanted to fewer than 350 by the beginning of this century. Even though right whales have been protected from commercial whaling since the 1930's, their population has not grown. Mr. Speaker, they and others like them need more time.

Living whales have far greater value as marine resources than they do as steaks for the Japanese dinner plate. In southeastern Massachusetts, the old tradition of hunting whales for profit has been replaced by a new enterprise—watching whales for profit. This industry brings almost 2 million whalewatchers to Massachusetts Bay each year, with a resulting tourism income for the State of over $1 billion annually. We take the protection of our whales seriously in Massachusetts, Mr. Speaker, and we believe the rest of the world should do the same.

The annual meeting of the International Whaling Commission will take place next month in Scotland. At that meeting, the whaling nations will put up a strong fight for the resumption of commercial whaling. We must arm our own delegation with the ability to fight equally hard to stop them. I urge my colleagues to support House Concurrent Resolution 177 and pass it now so that the other body can act on it in time for the Whaling Commission meeting in June.

Finally, Mr. Speaker, I would like to express my support for a proposal to be offered by the Government of France at the International Whaling Commission meeting next month. That proposal would create a southern ocean whale sanctuary in the Antarctic, which is a critical feeding ground for many endangered species of whales. The Antarctic marine ecosystem has been severely damaged by human exploitation during the past century, and international sanctuary status would greatly contribute to its recovery and conservation as the planet's single most productive marine environment.

Mr. YOUNG of Alaska. Mr. Speaker, I yield 2 minutes to the gentleman from South Carolina [Mr. RAVENEL].

Mr. RAVENEL. Mr. Speaker, right now, as I speak, the continued existence of the most magnificent mammals ever to live on Earth, the great whales, rests in the heart and mind of the American President, George Bush. Will he instruct the United States delegates to the International Whaling Commission, soon to meet in Glasgow, Scotland, to insist on continuing the ban on the commercial slaughter of whales? Or, will he instruct them to wimp out under pressure from Japan, Norway, and Iceland, whose greed would turn these greatest of God's creatures into dog food and cosmetics? The American people are waiting and watching you, Mr. President. Whether the whales of this world are driven to extinction is up to the immediate decision of one man, and that man is you.

Mr. STUDDS. Mr. Speaker, I yield 3 minutes to the gentleman from Pennsylvania [Mr. YATRON], the author of the concurrent resolution.

Mr. YATRON. Mr. Speaker, I thank my chairman for yielding me the time.

Mr. Speaker, it is longstanding U.S. policy to promote the protection of whales and cetaceans. House Concurrent Resolution 177, as amended, strongly reaffirms this position. It calls on the United States to strengthen the International Whaling Commission, maintain the moratorium on commercial whale killing, and to make full use of diplomatic channels and international law to achieve these ends.

The Foreign Affairs Committee unanimously approved House Concurrent Resolution 177 in October and the Committee on Merchant Marine and Fisheries recently amended and approved the resolution as well. The House and Senate have passed similar legislation in the past.

Mr. Speaker, there remain great uncertainties regarding the status of whale populations. Unfortunately, a few nations have killed whales in defiance of the IWC while actively seeking an end to the moratorium. The plight of cetaceans—dolphins and porpoises—is no less serious.

It has come to the committee's attention, after the passage of this legislation, that the Government of France has proposed establishing a sanctuary for whales in the southern ocean around Antarctica. The sanctuary would prohibit commercial whaling in this region, which serves as feeding grounds to many species of large whales. According to the French proposal, the implementation of this protected region will hopefully foster the rehabilitation of a precious and fragile ecosystem which has been severely damaged by man's exploitation.

Though this proposal is not contained in House Concurrent Resolution 177, I hope that the administration seriously considers cosponsoring the French proposal prior to the convening of the International Whaling Commission meeting in June.

Mr. Speaker, I want to commend Chairman FASCELL of the Foreign Affairs Committee for his leadership on this issue. Let me also commend the ranking minority member of the Foreign Affairs Committee, Congressman BROOMFIELD and the ranking minority member of the Subcommittee on Human Rights, Congressman BEREUTER for their cooperation and leadership in protecting marine mammals. I also want to acknowledge the leadership of Chairman JONES of the Merchant Marine and Fisheries Committee, ranking member Congressman DAVIS, and Congressman STUDDS for facilitating the passage of this legislation.

I ask for the adoption of House Concurrent Resolution 177, as amended, at this time.

Mr. YOUNG of Alaska. Mr. Speaker, I yield 2 minutes to the gentleman from Michigan [Mr. BROOMFIELD].

Mr. BROOMFIELD. Mr. Speaker, I support this resolution, which expresses the sense of Congress in favor of greater international protection for all types of whales.

First of all, however, I wish to commend the chief sponsor of the resolution, Mr. YATRON, the chairman of the Subcommittee on Human Rights and International Organizations. Congressman YATRON has been steadfast in his concern for protecting whales and other living natural resources, and has offered a similar resolution during each Congress in recent years.

In view of his announced retirement from Congress, which will be a real loss to the country, I'm sure all my colleagues would agree he's a real whale of a fella.

I also commend the chairman of the full committee, DANTE FASCELL, for assisting in the consideration of this measure. Credit is also due Congressman BEREUTER, the ranking Republican member of the subcommittee.

Essentially, this resolution calls for continuation of the moratorium on commercial whaling that has been in effect for several years as a result of action by the International Whaling Commission. The parties to the IWC will be meeting again in June, so this recommendation is as timely as it is important.

Another valuable element of the current resolution is that it advocates additional efforts to ensure that dolphins and porpoises, as well as other small species of whales, are given adequate consideration by the IWC. The threats to such animals does not come primarily from direct harvesting, but rather from other activities, including tuna fishing and the use of drift nets. Nevertheless, the IWC could play a stronger role in assisting in the conservation of dolphins and other small whales.

Finally, Mr. Speaker, I have been informed that—as in previous years—this resolution has the support of the State Department. Passage of this resolution will help the U.S. Government achieve our conservation objectives during the upcoming negotiations in the International Whaling Commission.

☐ 1330

Mr. YOUNG of Alaska. Mr. Speaker, I yield 2 minutes to the gentleman from California [Mr. LAGOMARSINO].

Mr. LAGOMARSINO. Mr. Speaker, today I am rising in support of House Concurrent Resolution 177, which calls for a permanent extension of the International Whaling Commission's ban on commercial whaling.

I join in commending GUS YATRON for his tireless efforts on behalf of this cause. GUS, we will miss you.

I have long believed that the ocean and its marine life are invaluable resources which must be protected. As a senior member of the Foreign Affairs Committee, I've actively supported permanent protections for marine mammals. In the past I've introduced legislation calling for the establishment of a drift net-free zone in the South Pacific, and I have pushed for tough economic sanctions against countries which refuse to abide by drift net and whaling bans.

As my colleagues may know, the current 10-year moratorium expires in June 1992. By passing this resolution, Congress will send a strong message to Japan and other whaling countries that the United States will continue its efforts to protect the world's whale and dolphin populations.

Mr. Speaker, I urge my colleagues to send Tokyo a message and vote for this bill.

Mr. YOUNG of Alaska. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of this resolution and urge its adoption.

As the Members are aware, the International Whaling Commission has for some years imposed a moratorium on the commercial harvesting of whales. This moratorium will be discussed again at the June meeting of the Commission. The resolution before us today supports a continued position of maintaining the moratorium in effect.

I want to note that, while the resolution discusses direct commercial take of dolphins and porpoises, it does not affect subsistence harvest of small whales. Native Alaskans have harvested Beluga whales for subsistence for hundreds of years. The Beluga populations are in good shape and Native Alaskans themselves share in the responsibility of ensuring that overharvest does not occur. The last thing we need is an international bureaucracy trying to manage the traditional way of life of Native Alaskans.

I want to thank my colleagues on the majority for recognizing this concern and deleting language which would have disrupted the centuries old subsistence lifestyle.

Mr. Speaker, I urge adoption of the resolution.

Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. STUDDS. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I note, however, the gentleman from Alaska remains uncommended. This cannot be allowed. I hereby commend him. I thank the gentleman.

Mr. JONES of North Carolina. Mr. Speaker, I rise in support of House Concurrent Resolution 177, maintaining the commercial whaling moratorium.

This resolution was introduced by Mr. YATRON, and was approved by the Foreign Affairs Committee last year. The International Whaling Commission will meet in late June, and House Concurrent Resolution 177 is intended to provide direction for the United States position at that meeting.

With respect to small whales and dolphins, I would like to clarify that the resolution refers only to direct commercial harvests, and not to subsistence use, public display, scientific research, or incidental takes in the commercial fisheries.

Mr. Speaker, I urge my colleagues to support this important resolution.

Mr. BEREUTER. Mr. Speaker, this Member is pleased to rise in support of House Concurrent Resolution 177. It sends the important message that the past practice of commercial whaling, which drove many species of whales to the brink of extinction, must not be allowed to resume.

This Member would note the role of the chairman of the Subcommittee on Human Rights and International Relations, the gentleman from Pennsylvania [Mr. YATRON]. As the ranking member of that subcommittee, this Member can testify to the tireless efforts of the gentleman from Pennsylvania in support for marine mammals. As a number of nations seek ways to gut the International Whaling Commission [IWC] moratorium, the gentleman from Pennsylvania has repeatedly raised the call to protect the whales. This Member would note that, were it not for GUS YATRON, marine mammals would be under far greater threat.

Mr. Speaker, the subcommittee has held several hearings regarding the IWC and international fishing practices. We have learned about the effectiveness of the whaling moratorium that has been in place for the past 10 years. We have also learned how some nations, principally Japan, continued to whale under the guise of scientific study. It is interesting that this scientific harvest inevitably ended up on Japanese dinner tables.

Now the Japanese and others want the moratorium to come to an end. They argue that the moratorium has served its purpose, the whale populations are up, and commercial whaling is now viable. This, Mr. Speaker, is pure nonsense. If the moratorium is lifted, the fragile whale populations will once again go into free fall, and we will once again be faced with the dire situation we faced in the past.

House Concurrent Resolution 177 simply calls upon the administration to recognize the value of the whaling moratorium, and work to strengthen the international protections for whales and other marine mammals. As an original cosponsor of this resolution, this Member urges its unanimous adoption.

Mr. STUDDS. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore (Mr. MAZZOLI). The question is on the motion offered by the gentleman from Massachusetts [Mr. STUDDS] that the House suspend the rules and agree to the concurrent resolution, House Concurrent Resolution 177, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended, and the concurrent resolution, as amended, was agreed to.

The title was amended so as to read: "Concurrent Resolution calling for a United States policy of strengthening and maintaining an International Whaling Commission moratorium on the commercial killing of whales, and otherwise expressing the sense of the Congress with respect to conserving and protecting the world's whale populations.".

A motion to reconsider was laid on the table.

PROPOSED CONSTITUTIONAL AMENDMENT RELATING TO MEMBERS' COMPENSATION

Mr. BROOKS. Mr. Speaker, I move to suspend the rules and agree to the concurrent resolution (H. Con. Res. 320) declaring the ratification of the proposed amendment to the Constitution relating to compensation for Representatives and Senators.

The Clerk read as follows:

H. CON. RES. 320

Resolved by the House of Representatives (the Senate concurring), That Congress declares that the proposed article of amendment providing as follows:

> "No law, varying the compensation for the services of the Senators and Representatives, shall take effect, until an election of Representatives shall have intervened."

has been ratified by a sufficient number of the States and has become a part of the Constitution.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Texas [Mr. BROOKS] will be recognized for 20 minutes, and the gentleman from New York [Mr. FISH] will be recognized for 20 minutes.

The Chair recognizes the gentleman from Texas [Mr. BROOKS].

Mr. BROOKS. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I am pleased to present to the House a resolution expressing this body's sense that the requisite steps for ratifying the proposed amendment relating to compensation for Representatives and Senators have been met.

That the Constitution is a living document that engages us as forcefully today as it did the founders over 200 years ago is no better illustrated than by the pending resolution. As the 102d Congress considers this resolution, it does so by reflecting on the work product of the First Congress of the United States. At that time, the Members earnestly considered the proper procedures by which their own compensation should be set. Thus, during the Congress' first formal meeting, the House chose to set compensation at $6 a day for Members of both the House and Senate—only to have the other body raise its own compensation to $7 daily.

In an attempt to set out orderly procedures and to avoid any appearance of impropriety, an amendment to the Constitution was offered by James Madison as the second of 12 proposed amendments to the Constitution. Consistent with article V of the Constitution, the 12 amendments were sent out to the several States following their adoption by two-thirds of both Houses. Ten of those amendments were ratified effective December 15, 1791, and are known to us as the Bill of Rights.

Two others, including the one that is the subject of the resolution before us today, took just a bit longer to work their way through the ratification process. Nearly 203 years later, Madison's second amendment, first ratified by Maryland in 1789, has finally received the requisite approval by the States under article V of the Constitution.

Beyond these basic precepts of Congress proposing amendments and States ratifying them, the Constitution speaks only to Congress' broad power to establish the method of ratification—which Congress has repeatedly exercised through requirements such as time limitations on ratification by the States. The First Congress' resolution proposing a constitutional amendment affecting Members' compensation contained no conditions which the ratification process has not satisfied.

I believe that the straightforward words of article V make it clear that the proposal which was first offered by Mr. Madison two centuries ago has become the 27th amendment to the Constitution of the United States. The resolution before us today simply underscores Congress' conviction—consistent with our constitutional powers—that adoption has indeed occurred.

Mr. Speaker, I hope all Members will, through their votes today, affirm that our predecessors in 1789 offered wisdom by which this body can live in 1992 and beyond.

Mr. Speaker, I would like to observe that it is particularly of some minor interest really that my ancestors were in the Revolution and fought in the Revolution in 1776, and I know that the gentleman from New York [Mr. FISH], the Republican minority leader of the Committee on the Judiciary who is taking the extra time, has ancestors who had a very distinguished record in fighting for this country when we were liberated from England in 1776.

□ 1340

So, Mr. Speaker, I think it is kind of interesting that the great-great grandchildren of such people are participating in the ratification of Madison's amendment.

Mr. Speaker, I hope that all Members will through their votes today affirm—or tomorrow, as I believe it is going to be put off—affirm that our predecessors in 1789 offered wisdom by which this body can still live in 1992 and beyond.

Mr. FISH. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, James Madison's proposed amendment to prevent congressional pay raises from taking effect until after an intervening election is held was one of the 12 original articles of amendment submitted to the States for ratification in 1789. Ten of those 12 articles of amendment were ratified by the States to become what is not popularly known as the Bill of Rights.

Because over 200 years have elapsed since Madison's pay raise amendment was first proposed, questions have arisen with respect to the validity of the amendment.

The issue before us is the reasonableness of the ratification period. The Supreme Court in *Coleman* v. *Miller*, 307 U.S. 433 (1939) set forth objective standards and criteria for determining reasonableness. The principal guideline to be followed by the Congress is to determine whether the issue remains vital and sufficiently contemporaneous so that debate and legislative consideration should be allowed to continue, or whether the proposed amendment has become a dormant issue which can no longer respond to the needs and objectives which generated its initial proposal.

The High Court in Coleman held that the reasonable time issue calls for an essentially political judgment as it involves "relevant conditions, political, social and economic * * *." These are the factors Congress must look to in deciding whether these conditions have:

> So far changed since the submission [of the amendment] as to make the proposal no longer responsive to the conception which inspired it or whether conditions were such as to intensify the feeling of need and the appropriateness of the proposed remedial action. 307 U.S. at 453-454.

This amendment, although first proposed and ratified in 1789, clearly remains "responsive to the conception which first inspired it". The purpose of the amendment—to prevent representatives from increasing their salaries without an opportunity by the electorate to judge whether the increase is justified—has the same meaning, the same goal, the same aim and the same intended effect when it was ratified in 1992 as it did when it was first ratified in 1789. The rash of recent ratifications testifies that the amendment is vital and contemporaneous.

Under article V, once an amendment has been ratified by three-fourths of the State legislatures, the Constitution does not require that any further action be taken in order to insure the validity of the amendment. Where, however, as in this instance, there may be lingering concerns as to the validity of the amendment, it is appropriate for the Congress to resolve such doubts and recognize the ratification of the 27th amendment.

At my request, specific language incorporating the text of the amendment ratified by the States was added to the resolution to avoid any unintended ambiguity about our actions here today. I urge my colleagues to support this resolution.

Mr. BROOKS. Mr. Speaker, I yield 3 minutes to the gentleman from California [Mr. EDWARDS], the distinguished chairman of the subcommittee that handles these matters on the Committee on the Judiciary and a longstanding member of that committee.

Mr. EDWARDS of California. Mr. Speaker, I thank my chairman for yielding me this time.

Mr. Speaker, the pay amendment has overwhelming support both in Congress and among the States. I supported the congressional pay legislation in 1989 which accomplished much the same goal as this amendment. And I will certainly support the resolution before us today. In addition, to the extent that there may be lingering doubt as to the issue of COLA's or the issue of pay increases initiated by Congress, I urge our leadership to address those issues promptly through legislation.

But there is another, broader issue here that must not be lost sight of—and that is the Constitution itself. The House may decide today to make an exception to the principle of contemporaneous consensus that has been a guiding constitutional principle for most of this century. But it should be clear that this is an exception, not a precedent.

There are other proposed amendments with no time deadlines—including one that would enshrine slavery in our Constitution. It is all very well to say, "Oh, that's a dead letter. No one thinks that one—or any of the others—will be resurrected now." But many said the same thing about this amendment over the years.

I call my colleagues' attention to an editorial in Saturday's New York Times, which I would like to insert in the RECORD at this point. The editorial urges Congress, in accepting this amendment, to put the others to rest. I understand the Senator from West Virginia has a resolution to that effort pending in the other body. I would urge my colleagues to follow this advice and the lead of the other body.

Mr. Speaker, I include the article from the New York Times of May 16, 1992, as follows:

[From the New York Times, May 16, 1992]

THE AGELESS 27TH AMENDMENT

The National Archivist, Don Wilson, has announced he will certify ratification of the constitutional amendment on Congressional pay. Since the Constitution says amendments "shall be valid" when ratified by three-fourths of the states, he is simply confirming the obvious: that 38 states have approved. But serious questions remain.

The amendment is a sensible declaration that when the members of Congress vote themselves a raise, they can't have it until after the next election. That ingeniously blocks challengers from complaining, because the raise goes to whoever wins.

What's wrong about the amendment is the 203-year lapse between the first ratification in 1789 and the 38th last week. If it was O.K. to stretch ratification of the pay amendment over two centuries, then why not give the same leeway to future proposals—including the balanced-budget amendment now percolating?

The Supreme Court said in 1921 that ratifications "must be sufficiently contemporaneous" to reflect the current popular will, "which, of course, ratification through a long series of years would not do." Congress had already begun setting deadlines, usually seven years, starting in 1919 with the amendment that established Prohibition. In 1939 the court affirmed Congress's authority to do so, and added that Congress's word was final.

But no deadline was attached to the pay amendment. To some scholars and members of Congress, the only relevant fact is that the pay amendment has 38 ratifications—and that's that. But this leaves the deadline issue to be rehashed.

If Congress says nothing about the pay amendment, it invites renewed debate on whether future proposals need deadlines. More ominously, inaction would suggest there is no time limit on state legislatures' petitions for a new constitutional convention.

The "contemporaneous" standard has worked well for 71 years. If Congress wants to make an exception for the pay amendment, so be it. But it should do so by joint resolution, accepting this amendment's ratifications but writing finis to four other proposed amendments—all outdated or redundant—including a pro-slavery proposal dating from 1861.

The Republic won't stand or fall on this issue. But in its eagerness to accept an amendment that gives members the aura of financial discipline, Congress can exercise constitutional discipline too.

Mr. FISH. Mr. Speaker, I yield 3 minutes to the gentleman from Ohio [Mr. BOEHNER].

Mr. BOEHNER. Mr. Speaker, I thank my colleague, the gentleman from New York, for yielding me this time, and congratulate him and the gentleman from Texas for the resolution that is before us today that puts Congress on record in affirmation of our belief that 38 States, the necessary number of States required, have in fact ratified the original Madison amendment creating the 27th amendment to our Constitution.

Mr. Speaker, 202 years ago James Madison when he first proposed this amendment said that there is some seeming impropriety in allowing three men to put their hands into the public Treasury at will, to pull money from the Treasury freely and put it into their own pockets. He said that there is a seeming indecorum in such practice, so therefore he proposed this amendment.

Madison never really believed that the amendment was necessary, but the true wisdom and enlightenment of those people who put together our Constitution once again is reflected in the wisdom of this amendment.

At the time, only six States ratified the amendment. It was not until 1873 that the seventh State ratified the amendment, and that was my home State of Ohio. Their ratification in 1873 was the direct result of a pay raise that Congress gave itself midterm during that year. The needed States to ratify was not until 1978. Since 1978, 33 States have ratified this amendment.

This amendment today and our affirmation thereof is a very important step in the long process of Congress showing the American people that we are willing to be accountable.

In 1989, when the House last gave itself a pay raise, it inserted the words of Madison in the 1989 Ethics in Government Act and abided by it. The pay raise was voted on. The Members stood before election and the raise did not take effect until the beginning of this 102d Congress.

Unfortunately, the other body did not abide by such rules.

This makes it clearer to everyone in America that no longer in this country are we going to have midnight pay raises.

Mr. Speaker, I want to thank my colleagues in the freshman class on both sides of the aisle who participated in bringing this amendment to light once again and working with the 15 remaining States as of last year who had not ratified it. Since last fall we have been working with eight States around the country, and as you know, several weeks ago the necessary three that we needed to ratify this amendment came into effect.

The gentleman from California mentioned the issue of COLA's. Certainly James Madison when he wrote this amendment 203 years ago never thought of the idea of COLA's, annual cost-of-living adjustments. I think it is clear to me that COLA's under the passage of this amendment will no longer be allowed.

Certainly, if not legally, the spirit of this amendment makes it clear that there should now be no increase in the compensation for Members of Congress unless there is a vote of the people.

Mr. BROOKS. Mr. Speaker, I yield 1 minute to the distinguished gentleman from Kentucky [Mr. MAZZOLI].

Mr. MAZZOLI. Mr. Speaker, I thank the gentleman for yielding me this time.

I have just been informed by the distinguished Parliamentarian of the House that the only other time that the House has done this, debated a concurrent resolution of this nature, was in 1868 when in order to clarify the ratification process of the 14th amendment, the House produced, as we are today to be voted on tomorrow, a concurrent resolution.

□ 1350

So this is very historic and certainly quite unusual. I think it is appropriate that the gentleman from Texas has brought out this concurrent resolution.

It clarifies the situation about the contemporaneousness of the ratification settling any lingering doubt about the 203 years that have elapsed from the Madison proposal to the ratification. But also it makes a lot of good substantive sense, that there be an intervening election. It sanitizes the actions of the House and the actions of the other body, and,

Mr. Speaker, I think it makes the idea of pay changes more acceptable to the American people. So I salute this resolution both because of its historical precedent and also because of its plain common sense.

Mr. FISH. Mr. Speaker, I yield 2 minutes to the gentleman from Virginia [Mr. ALLEN].

Mr. ALLEN. Mr. Speaker, never again will the American taxpayers permit the arrogance which they have been shown over the past 38 years of Democratic leadership in this House. The public has demanded reform and has insisted on the elimination of the perks which have plagued this body.

There are too many career politicians who are too comfortable in Washington and have forgotten about the people back home. The frustration of Americans about the performance of Congress is apparent and well justified. The House bank scandal and the failure of Congress to pass a budget in a timely manner have only served to increase Americans' disgust. Given the ridiculous follies of this Congress, no other perk inflames the American people more than an unmerited pay raise.

In 1789, James Madison, whose district I am privileged to represent, stated,

> There is a seeming impropriety in leaving any set of men without control to put their hand into the public coffers to take out money to put into their pockets; there is a seeming indecorum in such power which leads me to propose a change.

So he proposed a constitutional amendment to restrict congressional pay raises.

That amendment states:

> No law varying the compensation for the services of the Senators or Representatives shall take effect, until an election of Representatives shall have intervened.

The American people agree that Members of Congress have had their hands in the coffer for too long. This month the Madison amendment received final ratification and became the 27th amendment to the Constitution. This is a success for the concept of accountability to the taxpayers, but it demonstrates how this representative body has failed the trust of the people we are here to represent.

As Thomas Jefferson wrote:

> In questions of power let no more be heard of confidence in man, but bind him down from mischief by the chains of the Constitution.

Mr. Speaker, we must begin to rebuild the American trust. End the mischief and confirm the ratification of the 27th amendment to the Constitution.

Mr. BROOKS. Mr. Speaker, I yield 2 minutes to the distinguished gentleman from Texas [Mr. PICKLE].

Mr. PICKLE. Mr. Speaker, I applaud the decision of the Archivist of the United States, Dr. Donald Wilson, on his decision to certify the ratification of the 27th amendment to our Constitution, the Congressional Compensation Amendment of 1789. It makes good common sense that any effort to raise the pay of Members should take effect only after an intervening election takes place. I have long supported that approach and I am pleased that it will now be set out in the Constitution. I hope that Members will support the resolution agreeing with the Archivist that the amendment should indeed become part of the Constitution.

As Members may know, this amendment was not ratified overnight. It has taken 202 years for the required three-fourths of the States to ratify the amendment. That meant long, hard work by many people. Perhaps no one worked harder for the ratification of the amendment than a constituent of mine, Mr. Gregory Watson of Austin, TX. Mr. Watson discovered the existence of the amendment when doing research as an undergraduate at the University of Texas, and found that only eight States had ratified it as of 1982. Mr. Watson proceeded to embark upon a one-man crusade to have the amendment approved by the remaining States. He worked to have the Texas Legislature approve the 27th amendment, which it did in May 1989, and corresponded with State lawmakers in New Jersey, Missouri, Alabama, Michigan, Illinois, and others. In large part, because of Gregory Watson's doggedness and determination, these States approved the amendment within the past 3 weeks.

Mr. Speaker, I applaud the work of Gregory Watson in helping to make the ratification of the 27th amendment a reality. On May 7, the day that the final and determinative State of Michigan ratified the amendment, I submitted an article from the Austin American Statesman along with my remarks to recognize this historic event and my constituent's role in bringing it about. Today, I would like to submit for the RECORD two additional newspaper articles, one from the Houston Post and one from the Weatherford Democrat, discussing Mr. Watson's persistence. I am proud of the role my constituent has played in helping see this amendment all the way to the Constitution.

[From the Houston Post, May 8, 1992]

PERSISTENCE PAYS OFF ON AMENDMENT

(By Mary Lenz)

AUSTIN.—Thanks to Gregory Watson, 535 elected officials may have to work a little harder for salary hikes. In fact, they could have to face the voters before they collect.

Watson has spent his leisure hours over the past 10 years working to win passage of an amendment to the U.S. Constitution forbidding midterm pay raises for the U.S. Congress.

He said when Michigan ratified the amendment Thursday: "It made me feel wonderful. Today is literally the happiest day of my 30-year life."

Watson, a legislative aide to Rep. Ric Williamson, D-Weatherford, came across the amendment when he was writing a paper in his government class at the University of Texas at Austin in 1982. At that time, only eight states had ratified it.

Watson read that the founding fathers had set no deadline for passing the amendment. His research also turned up a U.S. Supreme Court ruling in 1939 that any amendment without a deadline is still pending business.

That's why most amendments sent out for votes since 1917 have included a deadline for passage, Watson said.

"I got a grade of C on the paper. The professor told me there was no hope that the amendment would be ratified," Watson said.

"I began immediately sending out letters to members of the legislatures in those states that had not yet ratified the amendment," Watson said. "My first success story came in 1983 and that was the state of Maine."

A Georgia native who has worked for Williamson since 1985, Watson said he spent $5,000 of his own money and hours of his time on the effort.

[From the Weatherford (TX) Post, May 8, 1992]

CONGRESSIONAL PAY AMENDMENT RATIFIED

AUSTIN.—In 1982, Gregory Watson received a grade of C for a college paper in which he argued that an amendment to the U.S. Constitution that was proposed in 1789 was still pending before state legislatures.

"The professor told me this amendment could not pass. I was disgusted," Watson said.

On Thursday, Michigan became the decisive 38th state to ratify the amendment that bars Congress from giving itself a midterm pay raise.

Since writing that paper, Watson, an aide to state Rep. Ric Williamson, has spent much of his spare time prodding other state legislatures to adopt the amendment.

He listened to the Michigan vote over the telephone by calling the office of that legislature's clerk.

"I feel sheer joy," he said. "I was born in Michigan, and I'm particularly delighted that they passed the amendment."

He also feels protective about the measure—an amendment authored by James Madison, the principal architect of the U.S. Constitution and, later, the nation's fourth president.

"If anyone else told you that they dreamed it up, they are a liar," Watson said of efforts to add it to the Constitution.

Madison believed there was "a seeming indecorum" in the power to raise one's own pay. He said any raise voted by Congress should not take effect until after the subsequent house election.

While researching his government paper at the University of Texas-Austin, Watson stumbled onto Madison's idea. At that time, Watson said, members of Congress had just voted themselves a special tax break.

"It struck me that that was a very sneaky backdoor pay raise, and I felt that it was time to do something," he said.

Over the years, Watson, now 30, wrote state lawmakers across the nation, urging them to introduce the resolution through their legislatures. He estimates about a year of his life, and $5,000 of his money has been spent on the project.

"In April 1983, the first success story was in Maine. Then in April 1984, it was Colorado. Then it began to snowball," he said. Texas ratified the amendment in 1989.

Now the question is whether there is any legal backing to an amendment that took so long to ratify.

Watson has no doubts.

"My position is the amendment has been ratified today," he said.

Only a member of Congress can challenge it in court, and Watson wondered aloud which congressman would file such a lawsuit.

As far as his dubious former government professor, he said, "I don't know where she is now. But it proves those academicians are badly out of touch with the real world."

Mr. FISH. Mr. Speaker, I yield 3 minutes to the gentleman from California [Mr. LAGOMARSINO].

Mr. LAGOMARSINO. Mr. Speaker, I thank the gentleman for yielding this time to me.

Mr. Speaker, the best test of an idea is time, and time has clearly come down on the side of James Madison's lost amendment. Madison is known as the father of the U.S. Constitution, and the ratification of his congressional compensation amendment by the States clearly demonstrates both the timeless and timely quality of his thinking. The concerns prompting it are as valid today as they were when Congress adopted it in 1789 and sent it to the States for ratification.

The fact that this amendment has withstood the test of time is the best argument for its ratification. In fact, it's more popular today than it was in Madison's time—precisely because we have witnessed the potential for abuse of Congress' power to determine its own compensation. No one should have unchecked power to set their own salary. It's a clear case of conflict of interest.

It was this concern which led me to join with our former colleague—now Senator—TOM HARKIN, and current colleague, the gentleman from Texas, Mr. Archer, in 1976 in reviving Madison's congressional pay amendment. Only seven States had ratified it at that time—six in the 2 years following its submission and one, Ohio, in 1873, nearly a century later.

In 1977, I reintroduced Madison's amendment as House Joint Resolution 57 on the first day of the 95th Congress, and have reintroduced it in each subsequent Congress. The small wave we made then has since grown into a groundswell and then a tidal wave, as Wyoming becomes the eighth State to ratify in 1978, followed by Maine in 1983, Colorado in 1984, then a damburst of States starting in 1985 to the present—aided in no small way by repeated attempts, most of them successful, by this body to raise its pay.

Mr. Speaker, I strongly believe that an election is a contract between the officeholder and the voters, and that you should be willing to serve for the agreed-upon compensation until the contract is renewed, in our case 2 years later. That's why I have voted against every attempt to raise our pay, and have donated my share of the increase to charity. I felt the 1989 Ethics in Government Act was a watershed, in that Congress finally recognized the logic of Madison's amendment by statutorily requiring an intervening election before the effective date of any future pay raise. However, the Senate quickly made it obvious why a constitutional amendment was needed, by overriding the statutory provision and voting itself an immediate pay raise shortly after the 1990 election. On that day, the amendment's ultimate ratification was assured. Congress, in fact, had no more to say about it.

So there is a very good argument to be made, in my opinion, that this vote today on the House floor is meaningless from a legal point of view. The Madison amendment has either been ratified or it has not been ratified—I happen to believe it has been ratified—but in any event, Congress was discharged from its duty in this regard over 202 years ago, in 1789, when it approved the amendment and sent it to the States for ratification.

In fact, about the only point still to be determined is the question of whether the amendment applies to or allows an automatic cost of living raise, as was provided for in the 1989 act. My advice, Mr. Speaker, is to concede defeat and observe the clear intent of the amendment. I, for one, will not accept any cost of living increase until an election has intervened.

In conclusion, Mr. Speaker, I will vote for this resolution, since it adds the final imprimatur of the 102d Congress to the Madison ratification marathon. But I see it merely as a gesture of affirmation, since I am convinced that the race has already been won, regardless of what we may do. And that, as they say, is history, thanks to James Madison and his wonderful idea that every action of Congress should ultimately be held accountable to the voter. In this House, as it was said long ago, the people do rule.

Mr. BROOKS. Mr. Speaker, I yield 3 minutes to a distinguished member of the Committee on Appropriations and a distinguished lawyer, the gentleman from Iowa [Mr. SMITH].1

☐ 1400

Mr. SMITH of Iowa. Mr. Speaker, the principal issue here is not whether or not there must be a delay until after the next election before a pay raise can be granted. That has already been established. The House has followed that procedure and virtually all agree on that principle. But the principle of contemporary consensus, the principle that certain procedures should be followed in amending the Constitution is too important to ever waive just because it appears popular at the moment. The Constitution is a very, very special document that should very seldom be amended and then only under the procedures outlined in the Constitution. The Constitution contemplates that Congress will write the proposal and two-thirds of the States would ratify it. Of course, they contemplated that people living in the same time period would participate in both the authority and the ratification. That is a principle that is far too important to every waive, and a mere resolution that it would supposedly prevent the same procedure being followed with other amendments pending since Civil War times is meaningless. Such a resolution could be overridden at any time by a mere majority vote of the Congress.

In addition to that, the amendment that we are talking about has been misrepresented widely in the news. It has been widely misrepresented here today. This amendment is not only about pay raises. It is about varying pay either up or down. It prohibits reductions in pay as well as increases in the same term, and in view of the 1980 case of United States versus Will, it clearly applies to increases resulting from automatic adjustments. In that case, the court said a COLA could not be denied the court because of the constitutional provision relating to courts. Now that there is a constitutional provision relating to Congress, the congressional COLA could not be denied either when the Member is elected, their pay scale, including the provision for a COLA was set, and it now cannot "vary" either up or down during that term. The elimination of the COLA for Congress which was the subject of the Will case could not be applied to either Congress or the courts in the future. That is not only the spirit of the new constitutional amendment, it is the plain reading of the amendment when interpreted consistent with the precedent and interpretation in the Will case.

At the same that the Constitution was adopted, the fear was that there would be powerful interests and wealthy people who would try to control the Government, try to interfere with the independence of judges by reducing their pay. This amendment does not just apply to pay raises. It applies to pay reductions. It says, The Congress cannot "vary" the pay during a term of office. "Vary" is not synonymous with "raise" or "increase".

Now in the case of article III, it says that judges' pay shall not be diminished. It is very specific. It shall not be diminished during their term of office, which is life. Hamilton wrote in The Federalist, he said, "In the general course of human nature, a power over a man's subsistance amounts to a power over his will." They were afraid that people, wealthy people, powerful people, remembering back to what had happened in England, would try to control the Government, try to control the independence of the courts by eliminating those who could not serve without adequate compensation or could be influenced by threatening to reduce the subsistence that depended upon. So they were not just interested in pay raises. They were talking about varying the compensation in any way.

So, Mr. Speaker, the amendment has been widely misrepresented, both in the press and here on the floor as only affecting pay raises and not prohibiting reductions in a COLA. I think the principal of contemporary consensus is a principal we should not make an exception for. We are not going to raise pay effective in this term anyway, but this constitutional amendment would also mean no Congress could reduce pay either during a term of office, and that includes, I think, the COLA's as set forth in United States versus Will.

Mr. FISH. Mr. Speaker, I yield myself 1 minute.

Mr. Speaker, normally I would be yielding to my colleague, the gentleman from New Jersey [Mr. ZIMMER], but I think the appropriate place to respond to my friend is right now.

Mr. Speaker, it has been stated that we are making an exception today. Both in the late 1970's, 1978 when we considered the extension of time in which to ratify the equal rights amendment and voted to extend that from 7 to 10 years, and today the principle has been laid down and accepted, the Supreme Court principle with respect to reasonableness, and that is contemporaneous and vital, and I submit that we are not making any exception to the guidelines today. Since 1983, 32 States have ratified the Madison amendment. That is within 9 years, well within the normal 10-year span that we could have named for any ratification. I submit that number of States to show an interest in the 1980's and 1990's is a clear example that this issue is both contemporaneous and vital.

Mr. Speaker, I yield 3 minutes to the gentleman from New Jersey [Mr. ZIMMER].

Mr. ZIMMER. Mr. Speaker, I rise in support of the resolution. I am proud to do so, having played some small role in the ratification of the Madison amendment, first as a member of the New Jersey Legislature, where I sponsored the ratification solution, unfortunately not with immediate success, and then as a Member of the freshman class of the 102d Congress, which on both sides of the aisle has lobbied effectively to make sure that 38 States ratified the amendment. New Jersey became No. 39, but I am pleased that it was mentioned in the certification by the U.S. Archivist this week.

The question of contemporaneous approval has been brought up, and it has been one that has been debated by scholars over the years, but I think in this case, with this amendment, it is quite clear that what Mr. Madison was proposing is every bit as fresh today as it was more than 200 years ago. Certainly there are amendments that were proposed to the Constitution that are now obsolete and archaic, such as the amendment limiting the population of a congressional district to 5,000 people, the amendment enshrining the inviability of slavery in the Constitution and the amendment permitting the Federal Government to enact child labor laws. These are no longer necessary. In some cases they are completely moot or irrelevant.

However, Mr. Speaker, there could be nothing more relevant than Mr. Madison's idea. What Mr. Madison gave as his explanation for this amendment is something that I hear from my constituents at my town meetings every time I go back to my district, and I believe that the idea is contemporaneous and the rationale behind the ratifications is exactly the same as the rationale more than 200 years ago.

What Madison and what the ratifiers of this amendment wanted to protect the public against was the ultimate congressional perk—the ability to raise our own salaries without consulting with our employers, the people who elected us.

So, Mr. Speaker, I am delighted to be here as part of this process that recognizes the final ratification of the great work that James Madison began more than 200 years ago.

Mr. BROOKS. Mr. Speaker, I yield 2 minutes to the gentleman from Ohio [Mr. APPLEGATE].

Mr. APPLEGATE. Mr. Speaker, I appreciate the time that the gentleman from Texas [Mr. BROOKS] has given to me.

Mr. Speaker, I think when I walked in here earlier I heard wrong. The gentleman from Kentucky [Mr. MAZZOLI], my friend, said that his amendment would be easier for the people to accept, and I would agree with that. But I am going to say this, that I do not think people are going to accept any kind of a raise for Congress as long as Congress continues to sit on their rear ends and do nothing for the people, to have this continuously denigrate this system, to spend time arguing about bounced checks and who is using what perks, and we do not address the issues or come up with any resolutions of the issues that are really facing this country today.

What are we going to do about the economy? What are we going to do about health issues? What are we going to do about helping the poor? What are we going to do about getting our country on line again?

That is what the people want to know. They would not mind giving a pay raise.

I support the Madison amendment because I think it makes good sense, and I say this: Most States do that already, and I served in the Ohio Legislature, and that is the way we did it there. But I would like to see the CEO's in this country who operate the big companies, I would like to see them limited because they are making so much money.

Mr. Speaker, five of the top CEO's in the country who control the corporations, each one of them makes more money than all of the Members of Congress put together, all 535. The man from Coca-Cola made $86 million last year; from Heinz, $75 million; from Medco, $35 million, and Nicholas Nicholas from Time-Warner made $80 million, and this year they fired him. They told him to get out of town, and they gave him $24 million to go along with him.

Mr. Speaker, that is the way they work it, and I would like to see limits for the CEO's in this country. Bring them back down to earth, and then maybe we can get a little bit more common sense and a little better perspective of what is going on.

I support this amendment. It makes very good sense.

Mr. FISH. Mr. Speaker, I have no further requests for time and yield back the balance of my time.

Mr. BROOKS. Mr. Speaker, I yield 2 minutes to the gentleman from Colorado [Mr. SKAGGS].

Mr. SKAGGS. Mr. Speaker, I am pleased to be able to vote today to remove any question about the validity of the final ratification by the States of the new 27th amendment to the Constitution of the United States. This amendment, written by James Madison in 1789, states:

> No law, varying the compensation or the services of the Senators and Representatives shall take effect, until an election of Representatives shall have intervened.

This amendment is a good idea whose time, after 203 years, has finally come. It was originally suggested by Mr. Madison as one of a group of 12 amendments to the Constitution; 10 of the 12 were quickly ratified by the necessary vote of three-quarters of the State legislatures and became the Bill of Rights.

Although it has taken over two centuries for the pay raise amendment to finally make it into the Constitution, that does not diminish the fact that it belongs there. For Congress to raise its own pay in midterm is at best unseemly and at worst evades its accountability to the people who elect it.

I've worked on this issue since I arrived in Congress, and even before. I served in the Colorado General Assembly, whose members have long been prohibited by our State constitution from raising their own pay until there is an intervening election. I voted in 1984 for the ratification of this amendment to the U.S. Constitution.

After I came to Congress, I introduced legislation to provide that any congressional pay raise be deferred until the start of the Congress following the one in which it is enacted and to require that any vote on a pay raise be made by a recorded vote. In May 1989, I wrote to the presiding officers of each of the 24 State legislatures that had not yet ratified Mr. Madison's amendment, urging them to do so. Nine colleagues joined in that correspondence.

Consistent with my effort to change the law on congressional pay, I have taken personal actions in advance to conform to the intent of this amendment. Since I was sworn in as a Member of Congress in 1987 I have donated any pay raise taking effect between elections to educational, health care, child care, and other community programs, including this year's I will donate the cost-of-living increase. Altogether, by the end of this year, I will have donated $33,000, the full amount of these pay increases, to various charities in Colorado. Whatever the legal experts may say about the effect of the new 27th amendment on automatic cost-of-living increases, I will continue to donate to charity any congressional pay increase, including a cost-of-living increase, that takes effect before I've again been held accountable to the voters in an election.

I therefore have no question about the importance of changing the current system of setting congressional salaries the way the 27th amendment does. I've seen the difference it makes to people, for them to see Members of Congress who are elected to a job paying one salary, not changing their pay during that term in office.

This is an important reform that will help restore the public's trust in Congress and help us deal with the congressional salary issue in a responsible manner. Given the modern sentiment about Congress, Mr. Madison's idea is, if anything, even more significant today than it was in 1789.

Mrs. BOXER. Mr. Speaker, I support the 27th amendment to the Constitution which would require an intervening election before a congressional pay raise would be permitted to go into effect. Allowing citizens to have a say in whether or not a Member of Congress is fulfilling his or her obligations to the people—before becoming eligible for a pay raise—is a matter of vital importance. Thus, I believe it is necessary that we enshrine that principle in our Constitution. With this action we are saying to the American people, "We believe you are in the best position to determine whether we are doing our jobs well enough to merit additional compensation."

Ms. SNOWE. Mr. Speaker, I rise to express my support for the 27th amendment to the Constitution and for the resolution supporting the amendment which is before us today.

Mr. Speaker, the author of this amendment explained the need for it quite clearly back in 1789 when he said:

> But there is a seeming impropriety in leaving any set of men without control to put their hand into the public coffers, to take out money to put in their pockets.

Making any congressional pay raise prospective in nature is as valid an idea today as it was in 1789. I only regret that it has taken 202 years for this issue to be settled.

For my part, I started trying to convince Congress this was a good idea back in 1981 when I first introduced legislation which included provisions requiring a recorded vote on any salary increase for Congress and which prohibited an increase from going into effect until the start of the succeeding Congress. I introduced this legislation for five Congresses until similar provisions were included in the passage of the Government Ethics Reform Act of 1990.

Changes in the President's income are, by law, prospective. Why should Congress be any different?

Mr. OWENS of Utah. Mr. Speaker, I rise in strong support of efforts to affirm the ratification of the 27th amendment.

At the time of the 1989 pay raise, this amendment was the guiding principle behind my actions. I did not accept that raise as my own income until the beginning of the 102d Congress. Until that time, I put all my additional income to student scholarships. The 27th amendment, and my actions behind the pay raise, were also consistent with the wishes of the Utah Legislature, which ratified the bill on February 26, 1986, and I unequivocally support its passage.

Mr. Speaker, the only legitimate point of contention is the issue of contemporaneity. Courts have ruled, understandably, that ratification of an amendment must be indicative of the will of the people at the time of enactment. As we are the representatives of the will of the people, we can clear up this legal matter simply by affirming ratification of the amendment on the House floor. After all, we are the representatives of the will of the people.

Mr. Speaker, the 27th amendment is as timely now as it was in 1789. Had it been ratified 200 years ago, the Founding Fathers would have spared their modern-day successors a great deal of headache. In affirming the legitimacy of the amendment, we have an opportunity to affirm to the American people that we don't always act out of our own self-interest, but for the sake of good government.

Mr. KYL. Mr. Speaker, I rise in support of the resolution, House Concurrent Resolution 320.

The ratification process has taken a great deal longer than James Madison ever envisioned—203 years. But, the proposed amendment, which has now been ratified by 40 States, is as relevant today as it was 203 years ago.

The new 27th amendment will ensure that Members of Congress cannot vote themselves a pay raise and accept that raise without first standing accountable to the voters at election time.

I had sponsored legislation, the Honest Compensation Act, 3 years ago that included a nearly identical provision requiring an intervening election before a pay raise could take effect. The idea is a simple one: To require accountability to the public Congress serves.

I am pleased to rise today in support of the resolution which recognizes that a prohibition on midterm pay raises for Members of Congress has now been added to the law of the land, the U.S. Constitution.

Mr. RINALDO. Mr. Speaker, I rise in support of the bill to affirm the ratification of the 27th amendment to the Constitution. The amendment will prevent any pay raise that Congress votes for itself from taking effect until after an intervening election.

We are taking up this measure because of the length of time that has passed since the first States ratified the new amendment. At least when a constitutional amendment has been around for over 200 years, no one can say that there has been insufficient time for debate on it.

Some questions have been raised about the validity of State ratifications that took place in the late 18th century, and whether these votes reflect contemporary sensibilities. No one who remembers the public outrage over the most recent congressional pay raise, however, can doubt that modern Americans feel the same way that their forefathers did on this issue.

The spectacle of Members of Congress raising their own pay is repugnant to most Americans, and no matter what we are paid, many people feel that it is too much. Very few other Americans have the ability to set their own pay, and they resent the virtually unlimited discretion that we have had to increase our own salaries. They don't care how infrequently we raise our pay or how much private-sector executives with similar responsibilities are compensated.

At the same time, the Constitution requires that the compensation for Members of Congress must "be ascertained by law." Since there is no other tribunal making Federal law, Congress effectively is required to establish the salaries for its Members, according to the Constitution.

Various efforts to set up independent commissions to determine the appropriate salary for Members have not been enough to overcome the public's revulsion at the sight of us passing another raise for ourselves. The new 27th amendment to the Constitution will help to overcome the perception that sitting Members are benefiting directly from a vote on raising congressional pay. Since no Member is guaranteed reelection, those who pass a pay raise may never get to receive it, according to the new amendment. This modification in the pay raise procedures should help to overcome the public's suspicion that congressional salary increases are motivated only by greed and self-interest.

Approving this measure is one more step that we can take to reinstill our constituents' confidence in Congress as an institution where they are represented. I urge my colleagues to join me in passing this important legislation.

Mr. CLAY. Mr. Speaker, in view of the apparent ratification of Mr. Madison's proposed amendment to the Constitution, relating to the compensation of Members of Congress, I believe it timely to express my views on the effects of such amendment. The amendment provides that: "No law, varying the compensation for the services of the Senators and Representatives, shall take effect, until an election of Representatives shall have intervened."

Under existing law there are three methods by which the pay of Members of Congress may be adjusted. The Committee on Post Office and Civil Service, which I chair, has jurisdiction, along with the Committee on House Administration, over legislation dealing with Members' pay and has been intimately involved in the development of the statutory provisions governing the adjustment of Members' pay.

Obviously, the salaries of Members of Congress may be adjusted by the enactment of legislation specifically changing the rates of pay. This was the method employed by Congress prior to 1967 to effect changes in Members' pay. This method also was utilized as recently as 1989 when, pursuant to the provisions of the Ethics Reform Act of 1989, Public Law 101–194, the salaries of Members of the House were increased. There can be little argument that the Madison amendment would clearly apply to any adjustment in Members' pay resulting from the future enactment of legislation, and that such an adjustment could not take effect until an election of Representatives has intervened.

In order to establish some degree of rationality and timeliness in the process of adjusting the salaries of Members, Federal judges, and top-level executives, the Congress, in 1967, enacted legislation which established a Commission on Executive, Legislative and Judicial Salaries—commonly referred to as the Quadrennial Commission. This legislation, section 225 of the Federal Salary Act of 1967, Public Law 90–206, was developed and reported by the Committee on Post Office and Civil Service.

The purpose of the Commission was to conduct quadrennial reviews of the rates of pay of Members, judges, and executives and recommend appropriate adjustments in those rates to the President. The President, in turn, is required to submit to the Congress his own recommendations, based on the Commission's report.

Originally, the Act provided that the President's recommendations would become effective automatically, unless within approximately 30 days after submission, the Congress enacted a statute establishing different rates of pay, or one of the Houses of Congress disapproved the recommendations.

In 1989, Congress substantially amended the provisions of section 225 of the Federal Salary Act of 1967. Section 701 of the Ethics Reform Act of 1989 established a new Citizens' Commission on Public Service and Compensation in place of the former Commission and substantially altered the Commission's procedures. Most significantly, the Act now requires that the President's pay recommendations must be approved by the enactment of a bill or joint resolution passed by a recorded vote in both Houses and, if so approved, the salary increases may not take effect until there has been an intervening election of Representatives (section 225 (i)).

In the recent mad rush to embrace the Madison amendment, many of its proponents have conveniently overlooked the fact that the Congress has already adopted that same policy with respect to any future pay adjustments resulting from the Quadrennial Commission's review and recommendations.

The third method of adjusting salaries of Members of Congress involves the annual pay comparability increases that are provided to most Federal employees. In 1975, the Congress enacted the Executive Salary Cost-of-Living Adjustment Act (Public Law 94–82) which was developed and reported by the Committee on Post Office and Civil Service. This act provided for automatic adjustments in the rates of pay of executives, judges, and Members of Congress equal to the overall average percentage of the annual comparability adjustments in the rates of pay under the General Schedule. In 1989, Congress changed the method by which the annual comparability adjustments for Members and top officials will be determined (section 704 of the Ethics Reform Act of 1989). Under present law, the rate of adjustment will correspond to the percent of change in the Employment Cost Index (ECI), less one-half of 1 percent. The ECI is the quarterly index of wages and salaries for private industry, as published by the Bureau of Labor Statistics. The effective date of the pay adjustments for Members and other top officials will correspond to the effective date of the adjustments in the pay rates under the General Schedule.

As noted earlier, these adjustments, based on the ECI, are automatic and do not require the approval or any other action of the Congress to take effect. In view of this fact and since the comparability adjustments are effected pursuant to legislation enacted by the Congress in 1975, as amended in 1989, I firmly believe that the Madison amendment has no application to such annual adjustments.

I do appreciate that other Members may have a different opinion, and I expect that legislation will be proposed to clarify the applicability of the Madison amendment to the annual ECI adjustments for Members of Congress. I strongly believe, however, that any legislation proposing to make additional changes in the pay comparability provisions applicable to Members of Congress or other top officials should not be considered in the House until the Committee on Post Office and Civil Service has been afforded the opportunity to thoroughly consider and approve such legislation.

□ 1410

Mr. BROOKS. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mr. MAZZOLI). The question is on the motion offered by the gentleman from Texas [Mr. BROOKS] that the House suspend the rules and agree to the concurrent resolution, House Concurrent Resolution 320.

The question was taken.

Mr. FISH. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to the provisions of clause 5 of rule I and the Chair's prior announcement, further proceedings on this motion will be postponed until Wednesday, May 20, 1992.

GENERAL LEAVE

Mr. BROOKS. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include therein extraneous material on the concurrent resolution just considered.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Before moving to the next order of business the Chair wishes to clarify the announcement made earlier today.

As to any votes ordered on the Suspension Calendar, with regard to any item other than the matter just taken up by the House on which the vote was postponed until tomorrow, any other votes will be postponed until the end of legislative business today.

DISPOSAL OF COBALT FROM THE NATIONAL DEFENSE STOCKPILE

Mr. BENNETT. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 4880) to reduce the stockpile requirement for, and authorize the disposal of, cobalt from the National Defense Stockpile.

The Clerk read as follows:

H.R. 4880

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. REDUCTION IN STOCKPILE REQUIREMENT FOR COBALT.

Pursuant to section 3(c)(4) of the Strategic and Critical Materials Stock Piling Act (50 U.S.C. 98b(c)(4)), the National Defense Stockpile Manager may reduce the stockpile requirement for the quantity of cobalt to be stockpiled under that Act to 40,446,597 pounds.

SEC. 2. AUTHORIZATION FOR THE DISPOSAL OF COBALT.

The table of authorized disposals in section 3301(b)(2) of the National Defense Authorization Act for Fiscal Years 1992 and 1993 (Public Law 102–190; 105 Stat. 1583) is amended by inserting after the item relating to bismuth the following new item:

"Cobalt ....LB 6,000,000".

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Florida [Mr. BENNETT] will be recognized for 20 minutes, and the gentleman from South Carolina [Mr. SPENCE] will be recognized for 20 minutes.

The Chair recognizes the gentleman from Florida [Mr. BENNETT].

Mr. BENNETT. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, H.R. 4880 would reduce the stockpile requirement for cobalt to 40.4 million pounds, and authorize the sale of 6 million pounds of cobalt consistent with recent assessments of the requirements of cobalt for the national defense. Any sale of cobalt would be required to be carried out under current law, that provides that sales shall be conducted so as to avoid undue market disruption.

The Strategic and Critical Materials Stock Piling Act—(50 USC 98 et seq.)—provides that significant changes in national defense stockpile goals can only be made by law. Additionally, authorization for the sale of stockpiled materials must be made by law.

A recent study by the Department of Defense reevaluated stockpile requirements and concluded that the quantity of cobalt necessary for national defense has declined as a result of changes in the anticipated threat. The study concluded that a quantity of 40.4 million pounds of cobalt in the stockpile is sufficient for a 3-year war scenario, and that the current inventory of cobalt, 53.2 million pounds, could be reduced.

On March 12, 1992, the Acting General Counsel of the Department of Defense transmitted to the Speaker of the House a legislative proposal to reduce the goal quantity of cobalt to 40.4 million pounds and to authorize the sale of 6 million pounds of cobalt.

Cobalt is presently in short supply in the world market because of a supply disruption, and sale of excess cobalt at this time can be expected to result in very advantageous prices. In addition, sale now can be expected to alleviate shortages of cobalt and help assure adequate supplies of cobalt are available.

Mr. Speaker, I urge that the House pass H.R. 4880.

Mr. Speaker, I reserve the balance of my time.

Mr. SPENCE. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, Chairman BENNETT has ably explained the effect of this legislation, and I concur fully with his remarks. The political problems in Zaire, the world's largest supplier of cobalt, have curtailed supplies of cobalt in 1991 and probably in 1992.

DOD has determined that the national defense stockpile has an excess supply of 12.8 million pounds of cobalt on hand. H.R. 4880 would authorize the disposal of only 3 million pounds annually for a 2-year period.

The Seapower and Strategic and Critical Materials Subcommittee recently held a hearing on this legislation, and heard testimony from various administration witnesses who all supported this disposal of cobalt. These witnesses included: Colin McMillan, Assistant Secretary of Defense for Production and Logistics; John D. Morgan, Chief of Staff, Bureau of Mines; and John A. Richards, Deputy Assistant Secretary of Commerce for Industrial Resource Administration.

We have an opportunity to receive an excellent return on our investment in cobalt, and I urge the passage of this bill.

Mr. Speaker, I reserve the balance of my time.

Mr. BENNETT. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. SPENCE. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Florida [Mr. BENNETT] that the House suspend the rules and pass the bill, H.R. 4880.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. BENNETT. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include therein extraneous material on the bill just passed.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Florida?

There was no objection.

AIRPORT AND AIRWAY SAFETY, CAPACITY, AND INTERMODAL TRANSPORTATION ACT OF 1992

Mr. FROST. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 457 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 457

Resolved, That at any time after the adoption of this resolution the Speaker may, pursuant to clause 1(b) of rule XXIII, declare the House resolved into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 4691) to amend the Airport and Airway Improvement Act of 1982 to authorize appropriations for fiscal years 1993 and 1994, and for other purposes, and the first reading of the bill shall be dispensed with. After general debate, which shall be confined to the bill and the amendments made in order by this resolution and which shall not exceed two hours, with one hour to be equally divided and controlled by the chairman and ranking minority member of the Committee on Public Works and Transportation, with thirty minutes to be equally divided and controlled by the chairman and ranking minority member of the Committee on Ways and Means, and with thirty minutes to be equally divided and controlled by the chairman and ranking minority member of the Committee on Science, Space, and Technology, the bill shall be considered for amendment under the five-minute rule. It shall be in order to consider the amendment in the nature of a substitute recommended by the Committee on Public Works and Transportation now printed in the bill, as modified by the amendment printed in part 1 of the report of the Committee on Rules accompanying this resolution, as an original bill for the purpose of amendment under the five-minute rule, said substitute shall be considered by title instead of by section and each title shall be considered as having been read, and all points of order against said substitute, as modified, are hereby waived. It shall be in order to consider en bloc the amendments printed in part 3 of the report of the Committee on Rules, if offered by Representative Walker of Pennsylvania or his designee, and said amendments en bloc shall not be subject to a demand for a division of the question in the House or in the Committee of the Whole. After the disposition of all other amendments to said substitute, as modified, it shall be in order to consider the amendment printed in part 2 of the report of the Committee on Rules, if offered by Representative Rostenkowski of Illinois or his designee, and all points of order against said amendment are hereby waived. Said amendment shall not be subject to amendment, or to a demand for a division of the question in the House or in the Committee of the Whole, except for pro forma amendments for the purpose of debate. Upon disposition of said amendment no further amendment to the amendment in the nature of substitute, as modified, shall be in order. At the conclusion of the consideration of the bill for amendment, the Committee shall rise and report the bill to the House, and any Member may demand a separate vote in the House on any amendment adopted in the Committee of the Whole to the bill or to the amendment in the Committee of the Whole to the bill or to the amendment in the nature of a substitute made in order as original text by this resolution. The previous question shall be considered as ordered on the bill and amendment thereto to final passage without intervening motion except one motion to recommit with or without instructions.

☐ 1420

The SPEAKER pro tempore (Mr. MAZZOLI). The Chair recognizes the gentleman from Texas [Mr. FROST] for 60 minutes.

Mr. FROST. Mr. Speaker, for purposes of debate only, I yield 30 minutes to the gentleman from California [Mr. DREIER], pending which I yield myself such time as I may consume. Mr. Speaker, all time yielded during the debate on House Resolution 457 is yielded only for purposes of debate.

Mr. Speaker, House Resolution 457 is a modified open rule providing for the consideration of H.R. 4691, a bill to amend the Airport and Airways Improvement Act of 1982 to authorize appropriations for fiscal years 1993 and 1994. The rule provides for 2 hours of general debate. One hour of the debate time is to be equally divided and controlled by the chairman and ranking minority member of the Committee on Public Works and Transportation. Thirty minutes of the second hour is to be equally divided and controlled by the chairman and ranking minority member of the Committee on Ways and Means, and the final 30 minutes of debate time is to be equally divided and controlled by the chairman and ranking minority member of the Committee on Science, Space, and Technology.

Mr. Speaker, H.R. 4691 was reported from the Committee on Public Works and Transportation and authorizes funding of programs within that committee's jurisdiction in fiscal years 1993 and 1994. The Committee on Science, Space, and Technology was not referred H.R. 4691, but did report H.R. 4557, the Federal Aviation Administration Research, Engineering, and Development Authorization Act of 1992, which contains matters relating to aviation research within the jurisdiction of that committee. In addition, Mr. Speaker, the Committee on Ways and Means reported a committee amendment which creates a revenue-related title to H.R. 4691.

The rule recommended by the Committee on Rules provides that when the bill is considered for amendment under the 5-minute rule that it shall be in order to consider the amendment in the nature of a substitute recommended by the Committee on Public Works and now printed in the bill. The rule further provides that the amendment in the nature of a substitute shall be considered as modified by the amendment consisting of the text of H.R. 4557 recommended by the Science Committee which is printed in part 1 of the report accompanying House Resolution 457 and that the modified text shall be considered as original text for the purpose of amendment. Mr. Speaker, this is a complicated way of saying that the Committee on Rules has combined the text of the two reported bills for the purpose of consideration.

The rule also provides that the substitute, as modified, will be considered by title rather than by sections, with each title considered as having been read. House Resolution 457 also waives all points of order against the substitute as modified.

The rule provides for the en bloc consideration of the amendments printed in part 3 of the report accompanying this rule, if those amendments are offered by the gentleman from Pennsylvania [Mr. WALKER] or his designee. The Walker en bloc amendments are not subject to division in the House or in the Committee of the Whole. The rule also provides that after the disposition of all other amendments, that it shall then be in order to consider the amendment recommended by the Committee on Ways and Means which is printed in part 2 of the report accompanying House Resolution 457. This amendment is to be offered by the gentleman from Illinois [Mr. ROSTENKOWSKI] or his designee, and all points of order against the amendment are waived by the rule. The Ways and Means Committee amendment is not subject to amendment, except for pro forma amendments, nor is it subject to a demand for a division of the question. After disposition of the Ways and Means Committee amendment, no further amendments to the substitute as modified are in order under the rule.

Finally, Mr. Speaker, the rule provides that at the conclusion of the consideration of the bill for amendment, the committee shall rise and report the bill to the House, and that any Member may demand a separate vote in the House on any amendment adopted in the Committee of the Whole to the bill or to the amendment in the nature of a substitute made in order as original text by House Resolution 457. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions.

Mr. Speaker, H.R. 4691, as modified, would provide authorization for 2 fiscal years to establish a number of programs to fund airport development and improvements to the Nation's aviation infrastructure to meet the needs of the 1990's. The bill provides authorization for $19.3 billion for aviation programs during fiscal years 1993 and 1994. Aviation programs include grants for airport development and airport planning, airway facilities and equipment, Federal Aviation Administration operations, and aviation weather services. Additional funds are authorized in both fiscal year 1993 and 1994 for aviation research.

Mr. Speaker, H.R. 4691 is important legislation and needs to be acted on by the House. I urge adoption of the rule so that we may proceed to the consideration of this most needed legislation.

Mr. DREIER of California. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I thank my good friend, the gentleman from Texas [Mr. FROST], for yielding to me.

Mr. Speaker, I want to commend Chairman ROE and the ranking Republican member, JOHN PAUL HAMMERSCHMIDT, for their tremendous work on the Public Works and Transportation Committee. They will be sorely missed when they retire this year.

I also want to commend them, along with the chairman and ranking Republican member of the Science, Space, and Technology Committee, for supporting this modified open rule request.

In fact, of the three open rules provided this year, two have been requested by the chairman and ranking member of the Committee on Science, Space, and Technology.

I would like to suggest that we expand the jurisdiction of the Science, Space, and Technology Committee so that more bills can be considered under open rules.

I am concerned, however, about the way this rule treats the Rostenkowski amendment regarding the 10-percent airline ticket tax. The 1990 budget agreement increased the airline ticket tax from 8 percent to 10 percent through 1995. But it earmarked the increase for deficit reduction, through the end of 1992. Granted, this amendment would extend the deficit reduction earmark through 1995, so it is not a new tax increase provision.

But many of us opposed the 1990 budget agreement, and would happily vote to repeal this and other tax increases. In fact, last month, I introduced a bill to repeal $154 billion of the income tax and excise tax increases enacted as part of that budget agreement.

Unfortunately, this rule does not permit amendments to repeal the airline ticket tax increase as an alternative. The rule does, however, allow the distinguished ranking Republican member of the Science and Technology Committee, BOB WALKER, to offer an en bloc amendment to bring the funding levels in the bill in line with the President's request.

I urge my colleagues to support that amendment, I urge adoption of the rule.

Mr. Speaker, for the RECORD I include the statement of administration policy.

STATEMENT OF ADMINISTRATION POLICY

H.R. 4691—AIRPORT AND AIRWAY SAFETY, CAPACITY, AND INTERMODAL TRANSPORTATION ACT OF 1992

The Administration supports House passage of H.R. 4691, but will seek Senate amendments to:

Delete the linkage between the authority to levy Passenger Facility Charges and specified levels of contract authority.

Delete the provision creating a commission to study the airline industry. The industry has already been, and continues to be, the subject of comprehensive and objective studies.

Authorize the Federal Aviation Administration (FAA) to institute a new program to hire retired military controllers at low-activity air traffic control towers. This will provide a cost-effective means of staffing selected low-activity locations while offering military retirees alternative employment at a time of downsizing. (Low-activity towers are no longer used as training facilities for air traffic controllers. This eliminates the expense of relocating controllers into higher activity facilities at the conclusion of their training.)

Authorize the FAA to increase its involvement in intermodal airport access improvements and in the local intermodal transportation planning process.

Pay-As-You-Go Scoring: H.R. 4691 provides permanent spending authority for certain fees currently collected by the FAA. This would increase direct spending. Therefore, it is subject to the pay-as-you-go requirement of the Omnibus Budget Reconciliation Act (OBRA) of 1990. No offsets to the direct spending increases are provided in the bill. A budget point of order applies in both the House and the Senate against any bill that is not fully offset under CBO scoring. If, contrary to the Administration's recommendation, the House waives any such point of order that applies against H.R. 4691, the effects of this legislation would be included in a look back pay-as-you-go sequester report at the end of the Congressional session.

OMB's preliminary scoring estimates of this bill are presented in the table below. Final scoring of this legislation may deviate from these estimates. If H.R. 4691 were enacted, final OMB scoring estimates would be published within five days of enactment, as required by OBRA. The cumulative effects of all enacted legislation on direct spending will be issued in monthly reports transmitted to the Congress.

Estimates for pay-as-you-go

[In millions of dollars]

Outlays:	
1992	—
1993	0.4
1994	.4
1995	.4
1996	.4
1997	.4
1992-97	2.0

Mr. Speaker, I yield 1 minute to my friend, the gentleman from Pennsylvania [Mr. CLINGER].

Mr. CLINGER. Mr. Speaker, I thank the gentleman for yielding.

Mr. Speaker, I rise in strong support of this rule. As the gentleman from California [Mr. DREIER] has indicated, this is an open rule. It does allow any and all amendments. The only restriction is on the amendment to be offered by the chairman of the Committee on Ways and Means, the gentleman from Illinois [Mr. ROSTENKOWSKI], which is in essence correcting a drafting mistake that was made when the reauthorization bill was passed 2 years ago which directed that the increase in the ticket tax would be dedicated to deficit reduction, and, because of a drafting error, it was instead allocated to the aviation trust fund. This merely corrects that and says that those funds will now be dedicated to deficit reduction.

Mr. Speaker, that is the only exception, as I understand it. The rule is open, and I would join the gentleman from California [Mr. DREIER] in commending the openness of this rule and hope that we can see the precedent established here continue.

Mr. DREIER of California. Mr. Speaker, I am happy to yield 2 minutes to my good friend, the gentleman from Ohio [Mr. GRADISON], a member of the Committee on Ways and Means.

□ 1430

Mr. GRADISON. Mr. Speaker, I thank the gentleman for yielding time to me.

Mr. Speaker, I do not rise to question the rule or indeed this legislation but merely to warn my colleagues of a possible sequester of all mandatory accounts in fiscal year 1993 and beyond if this bill is passed in its present form.

Section 202 of the bill would provide new permanent spending authority from certain fees currently collected by the FAA. This spending authority would be used for pilot and aircraft foreign repair stations certifications.

I am not opposed to the policy behind this provision, but I would hope that in conference the provision would be made subject to the normal appropriations process. Both CBO and OMB estimate that section 202 would result in direct spending of about $440,000 per year, beginning in fiscal year 1993 through 1997. Thus, the 5-year cumulative effect is over $2 million. This direct spending is subject to pay-as-you-go rules under the Budget Enforcement Act of 1990. Granted, this is not a large amount of money in terms of the total deficit, but Members should be aware that passage of this bill would lead to an across-the-board cut in mandatory accounts within the pay-as-you-go category, which are subject to such sequester.

Such accounts would include Medicare, Medicaid, and agricultural support payments, unless offsetting savings are enacted in some other program before the Congress adjourns.

Mr. Speaker, I would urge that section 202 of this bill either be dropped in its present form or be made subject to the normal appropriations process as the conferees meet to work out the conference agreement on this very important reauthorization bill.

Mr. DREIER of California. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I thank the gentleman from Ohio for his important contribution. I would like to say that we do support this modified open rule. We have concerns, as I said, about the Committee on Ways and Means provisions.

I should say, once again, that we are very enthused on this side about the prospect of having what is I known as the 5-minute rule. We have had calls that have come from staff members to our office stating, "How does my Member handle being recognized under an open rule?"

Once again, we will have Members seeing that, and I urge adoption of this rule.

Mr. HAMMERSCHMIDT. Mr. Speaker, I support this rule.

I was pleased to join with Chairman ROE, Chairman OBERSTAR, and the ranking subcommittee member, Mr. CLINGER, in their request for an open rule on the bill reported by the Committee on Public Works and Transportation. The Rules Committee has proposed to grant that request here.

The bill that is the subject of this rule is a good one and all Members will have an opportunity to offer amendments if they choose to do so.

I would urge the adoption of this rule by the House.

Mr. DREIER of California. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mr. MAZZOLI). Without objection, the previous question is ordered on the resolution.

There was no objection.

The resolution was agreed to.

A motion to reconsider was laid on the table.

The SPEAKER pro tempore. Pursuant to House Resolution 457 and rule XXIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the consideration of the bill, H.R. 4691.

□ 1434

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 4691) to amend the Airport and Airway Improvement Act of 1982 to authorize appropriations for fiscal years 1993 and 1994, and for other purposes, with Mr. BARNARD in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. Pursuant to the rule, the bill is considered as read the first time.

The gentleman from New Jersey [Mr. ROE] will be recognized for 30 minutes; the gentleman from Arkansas [Mr. HAMMERSCHMIDT] will be recognized for 30 minutes; the gentleman from Illinois [Mr. ROSTENKOWSKI] will be recognized for 15 minutes; the gentleman from Texas [Mr. ARCHER] will be recognized for 15 minutes; the gentleman from California [Mr. BROWN] will be recognized for 15 minutes; and the gentleman from Pennsylvania [Mr. WALKER] will be recognized for 15 minutes.

The Chair recognizes the gentleman from New Jersey [Mr. ROE].

Mr. ROE. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, the Public Works and Transportation Committee is bringing before the House today the Airport and Airways Safety, Capacity, and Intermodal Transportation Act of 1992 which will merge our aviation system into the national intermodal transportation system we began to create last year.

Our Aviation Subcommittee Chairman JIM OBERSTAR, and the ranking republican member, BILL CLINGER, deserve high praise and compliments for their work on this outstanding, visionary legislation. I also want to thank the committee's ranking Republican member, JOHN PAUL HAMMERSCHMIDT, for his assistance. I also want to pay my compliments to the staff of the Aviation Subcommittee for their very capable assistance.

This legislation, H.R. 4691, will continue the development of the national intermodal transportation system which we began last year with the Intermodal Surface Transportation Efficiency Act of 1991. We are bringing the same concepts of intermodality, coordination and interconnections to the aviation system.

H.R. 4691 authorizes funding for the expansion and modernization of our aviation system to meet the needs of the 1990's. It also begins the process of merging our aviation system into a single national intermodal transportation system that is absolutely essential for our Nation to remain competitive in the global economy.

The need for expansion and modernization of the aviation system are clear and well-documented. Passenger enplanements are expected to increase during the decade of the 1990's from 454 million in 1990 to 732 million in 2000, a 61-percent increase.

H.R. 4691 authorizes a total of $19.3 billion for the aviation system for fiscal years 1993 and 1994, of which $14.5 billion is from the airport and airways trust fund, supported by a ticket tax and other use-related taxes paid by the users of the aviation system.

It should be made absolutely clear that this is a trust fund supported program. Fully 75 percent of the funds authorized in this bill are derived from the aviation trust fund. General revenues are used only for one-fourth of the program to cover a part of the Federal Aviation Administration's operations.

At the levels authorized in H.R. 4691, full use will be made of the $5 billion contributed each year to the aviation trust fund by the users of the aviation system. In addition, the outrageous and unacceptable $7.5 billion balance in the trust fund will be drawn down by $1.1 billion.

The bill authorizes $4.1 billion from the trust fund for development and expansion of the Nation's airports. If we do not make this investment in airport expansion, we will cost our economy billions of dollars in lost productivity and we will further undermine our ability to compete in the global economy.

Currently, 23 of the Nation's top 100 airports are unacceptably congested but many more are likely to be congested by the end of the decade because of enormous growth in passenger and cargo traffic that is projected.

In addition to increasing capacity through the expansion and construction of airports, we can improve the efficiency and safety of the entire system and accommodate additional traffic through a modernized air traffic control system. This legislation authorizes $5.6 billion for the Federal Aviation Administration to proceed with its modernization program.

The committee has also decided that now is the time for a comprehensive, thorough and detailed examination of the condition of the entire aviation system. We cannot wait any longer while the number of U.S. airlines continues to dwindle.

We have created a national commission to promote a strong and competitive airline industry, to examine the financial condition of the airline industry, the adequacy of competition and the legal impediments to a financially strong and competitive industry. The commission is to report back to Congress early next year.

Our committee is deeply concerned about the condition of the Nation's airlines. We do not believe that the Congress can stand by and do nothing as one airline after another disappears from the airways.

On another major issue concerning expansion of our aviation system, the implementation of passenger facility charges authorized in 1990 has been discussed at length in committee. We discussed the plan of the Port Authority of New Jersey and New York for a $2.5 billion program to improve ground transportation to its three airports: Newark International, La Guardia, and Kennedy. The Port Authority is planning to use revenue from its passenger facility charge, as well as locally generated funds for this ambitious program.

I fully and strongly endorse the Port Authority's position on this issue. The Port Authority's program complies with the letter and the spirit of the law regarding the use of PFC funds for ground transportation improvements. It should not be blocked or frustrated by the FAA or any other national bureaucracy in violation of existing law. It simply doesn't make any sense and it is no good to anybody to have a great airport if our citizens can't get to it.

It should also be made clear that there is no legal authority to hold the Port Authority PFC application hostage to any dispute over noise policy.

The noise issue will be addressed further by my colleague from New Jersey, Mr. RINALDO, who will offer an amendment to the Science, Space, and Technology committee title.

I would also like to address the Ways and Means Committee's technical amendment to take the added revenue from the 1990 tax increase for fiscal year 1991 and 1992 out of the trust fund and place them in the general fund. Our committee will not object to this change because it is clear that the Ways and Means amendment conforms to the 1990 agreement.

However, I want to emphasize that we maintain our strong philosophical objection to the use of transportation-related user fees for general revenue purposes. We regard the use of the aviation taxes for the general fund as a one-time agreement. In the future, there must be no exceptions to the longstanding policy that all revenues received from users of the transportation system should be placed in the trust fund and used for transportation purposes.

H.R. 4691 is legislation that is absolutely critical to our Nation's ability to compete in the global marketplace. It means improved movement of people and goods, increased economic development and great productivity growth. I urge the Members of the House to vote for H.R. 4691.

□ 1440

Mr. Chairman, I reserve the balance of my time.

Mr. HAMMERSCHMIDT. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, the last reauthorization of the aviation programs was a major piece of legislation. It included both the passenger facility charge and the national noise policy.

The reauthorization bill we consider today will not have such far-reaching provisions. It is more in the nature of fine-tuning.

Nevertheless, it does make some important changes to existing law that will help airports and the aviation system. For example:

It will increase funding for the airport improvement program, the facilities and equipment program, and the operations of the FAA;

It will provide more money for cargo airports, former military airports, and airports beset by problems of aviation noise; and,

It will make it easier for airports to meet the costs imposed by Federal mandates such as environmental laws and the Americans With Disabilities Act.

It should also be noted that this is a well-balanced bill, one that is fair to both large airports and small airports.

For example, it raises the maximum entitlement for large airports from $16 to $22 million. At the same time, it also raises the minimum entitlement for small airports from $300,000 to $400,000. The bill increases funding for large airports through the cargo entitlement and noise set-aside, while, at the same time, it gives small airports new opportunities to fund improvements to their terminals and parking lots.

Probably the most important balance struck between large and small airports is embodied in the linkage provision. That provision links continuation of the passenger facility charge to full funding for airport improvements and essential air service.

I recognize that some airports are concerned about this provision. However, it seems only fair that if large airports can get the billions of dollars raised through the PFC, small airports should be able to get a small essential air service in place.

One of the more contentious provisions in this bill involves disadvantaged business enterprises. Currently, the law provides that, to the maximum extent practicable, 10 percent of a primary airport's concessions involving sales of consumer products, such as food, beverages, and printed materials, be owned or controlled by DBE's. This bill would expand the current set-aside to include services as well.

While this expansion is controversial, it is not without some key limitations. One important limitation is that the provision would not cover fixed-based operators, airlines or their suppliers. Another is that a company could not be required to change its corporate structure to help the airport meet the 10-percent goal. Nor could an airport place a business at a competitive disadvantage if it were not practical for that business to enter into joint ventures, partnerships, subleases, or direct ownership arrangements.

Finally, it should be noted that the bill specifically provides that the Secretary of Transportation may issue a national rule authorizing the use of vendor programs for certain industries at all airports. This would permit concessions and service companies to use their purchases from suppliers to meet the 10 percent minority goals. Such a rule should be issued for the car rental industry and for other companies which operate as unified national concerns at airports.

In conclusion, Mr. Chairman, I was pleased to join with Chairman ROE, Chairman OBERSTAR, and Mr. CLINGER in cosponsoring this legislation. They all really did some heavy lifting to get such a good bill to the House floor so expeditiously. I now urge this body to support it as well.

Mr. ROE. Mr. Chairman, I yield 5 minutes to the gentleman from Minnesota [Mr. OBERSTAR], the distinguished chairman of our Subcommittee on Aviation, who has done an outstanding job in his leadership throughout his term here in Congress.

Mr. OBERSTAR. Mr. Chairman, I thank the chairman of our full committee, the gentleman from New Jersey [Mr. ROE], and I want to return the compliment. The chairman of the full committee has devoted an enormous amount of time and his exuberant energy to the study of the issues of aviation, the only subcommittee I think on the Committee on Public Works and Transportation that he has not at one time or another chaired, only because he was chairing another full committee at the time that aviation really came into focus. But, Mr. Chairman, you have given us enormously of your time, your energy, and the latitude to bring forth out of subcommittee a bill that meets the needs of aviation, and you have backed both the gentleman from Pennsylvania [Mr. CLINGER] and myself in our endeavors, and we greatly appreciate that.

We are given to miss your energy and your initiative and your enthusiasm for the Nation's infrastructure next year as you leave this body to go on to other pursuits. They will be ones I am sure that will be close to the growth of America and the ways that the underpinnings of this society, its great infrastructure, make possible, and we know that you will be leading a fight in other ways and other capacities toward those purposes.

I also want to express my appreciation to the gentleman from Arkansas [Mr. HAMMERSCHMIDT], the ranking member of the full committee for his kind words, and for the splendid partnership and for his dutiful participation in every one of the hearings that we have had on the subcommittee. The gentleman from Arkansas has always been there and given us his interest, his support, and the benefit of his many years of experience in this body, and his wisdom.

To my friend and colleague, the gentleman from Pennsylvania [Mr. CLINGER], with whom I have served for 10 years in the capacity of chair and ranking member in partnership, first on the Subcommittee on Economic Development, then on the Subcommittee on Investigations and Oversight, and now on the Subcommittee on Aviation. To him I say thank you for your diligence, your participation, and for being a willing victim of the hearings that we have endlessly had. At times I am sure the gentleman sees more of the subcommittee than he does of his own family. But it has produced a splendid result, of which we can both be justifiably proud.

And I say to the gentleman from New Jersey, our chairman, thank you for recognizing our dedicated and able staff who are really superb. They deserve every bit of commendation which you so justly already lavished upon them.

"Every airport in this country is crowded and overcrowded. The Nation's airports must expand or aviation will come to a halt." So said Mayor Joseph Hartsfield, the mayor of Atlanta, at a hearing of a House Committee on Aviation in 1958. Mayor Hartsfield was appealing for a public program, a Federal Government program of support for aviation at the dawn of the jet age.

"There is a need to expand capacity at the Nation's airports and to double their number and size by the year 1975." So said the Chairman of President Eisenhower's Commission to Study Aviation, also in 1958.

□ 1450

Both predictions, both observations, were on the mark, and just in the nick of time. For once, the Nation heard, the Congress responded, the executive branch participated, and we did launch a program of Federal support for airports.

In 1958 only seven States in the United States had any kind of public support for aviation. It was mostly an issue for cities and countries where local economic development was important and where local leadership saw aviation as a way to stimulate jobs, growth, and economic expansion.

In 1958, at the threshold, the dawn of the jet age, the Federal Government became a partner with localities, and in every decade since then there has been a need to expand capacity at the Nation's airports and to enhance the ability of the Nation's air traffic control system to move aircraft safely and in greater numbers through the system.

The legislation we bring to the House today continues that initiative.

Two years ago we were at a similar crossroads. In 1990, the FAA reported that there were 114 million hours of delay at the Nation's airports, crossing air travelers well over $5 billion. It was estimated then that if the delay could be reduced just 1 hour a day, it would save the Nation's airlines $80,000 a day and save air travelers a commensurate amount of money.

This subcommittee set about dealing with the problem, addressing it. We undertook a survey, the gentleman from Pennsylvania [Mr. CLINGER] and I, with the airport and aviation interests across this country, to determine what were the capacity needs on the physical side of airports, what were the air traffic control requirements, what did we need to do from 1990 to the end of this decade to enhance capacity, reduce congestion, and make airports more efficient and keep our airlines competitive.

The legislative that we amend today is the base line that came out of those discussions, expanding investment to the Airport Improvement Program, committing the Nation to a $25 billion program of modernization of the air traffic control system over the balance of the decade, spending what we anticipate will be more than $20 billion in AIP funds, and additional passenger facility charge funds on airport capacity expansion and enhancement and in upgrading the professionalism of the air traffic control system by investing more resources in the personnel of air traffic control. Some $5.5 billion in passenger facility charge generated money is being invested, is being invested in airport expansion. Airports of all sizes are proposing passenger facility charge programs to expand airports. Examples are:

Baltimore/Washington: $144 million.
Buffalo: $190 million.
St. Louis: $138 million.
Las Vegas: $500 million.
Nashville: $151 million.
Midland, TX: $188 million.
Philadelphia; $76 million.
Phoenix: $188 million.
New Denver: $2.33 billion.
Twin Falls, Idaho: $270 million.

I could go on and on, but airports are thinking big, and I applaud them for this. FAA will closely scrutinize these applications, but it is clear that actions of the Congress in 1990 are making a lot of airport capacity expansion happen that would not be taking place otherwise.

The Committee on Appropriations has kept its commitment with this committee to invest funds in the airport improvement side as have the Office of Management and Budget and the Department of Transportation.

We have begun, but the job ahead of us is enormous. It cannot be done with wishes. It cannot be done with promises. It can only be done ultimately backing a ready mix truck up to the runway, pouring concrete, and expanding and enhancing our Nation's runways, taxiways, and parking aprons, and that is what ultimately this legislation does. It keeps the momentum going on airport capacity expansion, enhancement, and competition in the Nation's airways.

Mr. HAMMERSCHMIDT. Mr. Chairman, I yield such time as he may consume to the gentleman from Pennsylvania [Mr. CLINGER], the distinguished ranking member of the Subcommittee on Aviation.

Mr. CLINGER. Mr. Chairman, I thank the gentleman, my ranking member, the gentleman from Arkansas [Mr. HAMMERSCHMIDT], for yielding me this time.

Mr. Chairman, I want to join with those in echoing the sentiments of those who have said how much we are going to miss our chairman, the gentleman from New Jersey [Mr. ROE], and our ranking member, the gentleman from Arkansas [Mr. HAMMERSCHMIDT], who have provided such outstanding leadership for this committee over the many years and the many contributions they have made to some extraordinarily significant pieces of legislation in the last 2 years, specifically the ice tea legislation of last year, and this legislation carrying on the airport improvement program that was enacted 2 years ago.

They deserve enormous credit for the leadership that they have provided, and certainly the support that they have provided to my chairman, the gentleman from Minnesota [Mr. OBERSTAR], and myself, and to the gentleman from Minnesota [Mr. OBERSTAR], who has indicated that I have been his Sancho Panza to his Don Quixote on some of these issues over the years, and it has been a real delight and pleasure to work with him. Sometimes we have tilted at windmills, but quite often we have accomplished much and made some real contributions to better transportation, and most of that is due to his hard-driving energy and creativity in addressing these issues.

He has superbly outlined what we have in this bill, and the fact that we are building on a revolutionary program that we adopted 2 years ago with the PFC's and with the noise component. We have really made some dramatic changes in aviation policy.

I represent a rural area, and I think the thing that I like about this bill is that it recognizes that we need a national aviation policy, not one that just focuses on the larger cities but recognizes that our smaller communities, smaller cities are going to need to have good airport services, good aviation services, both cargo and passenger, if they are going to participate in ongoing economic development in this country.

So what this bill does is provide that kind of assurance to these smaller communities, and the smaller airports are going to share in the programs provided by this bill.

The airport improvement program is going to provide up to 75-percent funding for eligible construction activities at airports for items such as runways, taxiways, and terminal buildings, but I hasten to point out that even these seemingly small airport projects can quickly, and indeed do, run into millions of dollars of costs in the construction of a runway to serve commuter aircraft, and the type of airports that I represent can easily exceed $5 million.

Mr. Chairman, consequently, smaller communities have had a difficult time in the past in raising the 25-percent remaining share required for these projects. This bill changes the matching ratio for smaller airports and raises the Federal share to 85 percent for eligible projects. It also makes a couple of significant exceptions for small airport terminals, making eligible the entire terminal building. That is an addition to what we have provided 2 years ago, including areas that will be used to house concessions as well as nonrevenue parking lots.

Mr. Chairman, the bill also continues a program that is very near to my heart and, I know, to the gentleman from Arkansas [Mr. HAMMERSCHMIDT] and others, and that is the essential air service program at the existing funding levels.

The bill also links the Secretary's authority to approve passenger facility charge applications with full funding for essential air service. We think that that is an important provision to ensure that we have the kind of commitment to the smaller airports that require the essential air service.

Mr. Chairman, these features are going to build on reforms which I indicated were begun 2 years ago, and in the last authorization bill. More than ever small communities are reliant on air service in order to attract new industry, create jobs, and improve the quality of life for all of its citizens, and for these reasons, I would strongly urge support for this bill.

Mr. ROE. Mr. Chairman, I yield 2 minutes to the distinguished gentleman from Pennsylvania [Mr. BLACKWELL], a respected member of this committee.

Mr. BLACKWELL. Mr. Chairman, I rise today to strongly support H.R. 4691, the Airport and Airway Safety, Capacity, and Intermodal Transportation Act of 1992. This legislation, approved by the Committee on Public Works and Transportation on which I am privileged to serve, reauthorizes and strengthens airport development programs. These programs will generate thousands of jobs directly through airport construction projects and other work to maintain and enhance the capacity and safety of our air transportation system.

Mr. Chairman, I want to commend Chairman ROE and Chairman OBERSTAR for their outstanding leadership on this legislation. I am especially grateful for their assistance with report language that I sponsored to clarify that pre-bid conferences and technical assistance are allowable costs under the Airport Improvement Program, and to encourage the use of such conferences and assistance for the benefit of disadvantaged business enterprise [DBE] contractors and subcontractors. Disadvantaged business enterprises as well as airports should gain from this language.

The provisions of H.R. 4691 will also generate thousands of additional jobs because they will improve our intermodal transportation system. The international dimension of our economy will continue to increase, making convenient access to global markets critical to our Nation's future. H.R. 4691 will improve the integration of our air transportation system with other modes of transportation, to form intermodal networks. These intermodal networks will greatly improve our competitiveness for jobs to produce for the international marketplace.

Mr. Speaker, I have carefully reviewed and fully support the proposed amendments that are being offered to H.R. 4691 by my colleagues. Mr. Chairman, I urge my colleagues to join with me in support of this great legislation.

□ 1500

Mr. HAMMERSCHMIDT. Mr. Chairman, I yield 4 minutes to the gentleman from Pennsylvania [Mr. SHUSTER], a distinguished member of the committee.

Mr. SHUSTER. Mr. Chairman, last year this committee and this Congress passed the largest infrastructure bill in the history of our country. It was thanks in large measure to the tremendous leadership of the chairman, the gentleman from New Jersey [Mr. ROE], and the ranking member, the gentleman from Arkansas [Mr. HAMMERSCHMIDT], that we were able to come together to pass legislation that aimed at the 21st century, that aimed at improving surface transportation, highways and public transit across America.

Now today the Committee on Public Works and Transportation under the same leadership and the subcommittee leadership of the gentleman from Pennsylvania [Mr. CLINGER] and the gentleman from Minnesota [Mr. OBERSTAR], once again bring to this floor legislation that every Member of this body, Republican and Democrat, conservative and liberal, can be very proud to support.

Why? Because this is legislation that will improve our Nation's aviation system for years to come. Indeed, this legislation perhaps more than ever in the past is balanced legislation which not only provides the so badly needed funding for our great urban airports, but also provides funding so badly needed for our smaller cities and rural areas.

I would say to my colleagues in particular from rural America that you can be very proud to support this legislation because it does indeed provide for the adequate funding which rural America so badly needs.

For the first time, we have increased by one-third the minimum funding available to small airports and for the first time we have said that terminals as well as nonrevenue producing parking areas can also be eligible for funding, and for the first time we have increased the Federal share of funding for terminals from 75 to 85 percent. So rural America can indeed participate fully as we develop our Nation's aviation system looking to the 21st century, not a disconnected system of only large urban areas being taken care of, but an integrated, interconnected system where rural and urban America are able to interface with each other and provide better aviation for the future of our country.

Indeed, yes, particularly for those fiscal conservatives who do not like to support many spending programs, here is one we all can support because most of the funding for this program comes out of the aviation trust fund, the fairest form of taxation there is, the people who get the benefit pay the tax and a deficit-proof program whereby the only money that can be spent is the money that can be spent is the money that is available in the aviation trust fund to be spent.

So we should come together, Mr. Chairman, and overwhelmingly support this legislation and send it to the Senate and on to the President so we can get on with providing America with an improved aviation transportation system as we move to this next century.

Every Member can indeed be proud to say he has made a positive contribution in this Congress to the betterment of the future of our country.

Mr. ROE. Mr. Speaker, I yield 4 minutes to the gentleman from Illinois [Mr. LIPINSKI], a distinguished member of the committee.

Mr. LIPINSKI. Mr. Chairman, I rise in support of this legislation.

I would like to compliment the chairman of the committee, the gentleman from New Jersey [Mr. ROE], and the ranking Republican on the full committee, the gentleman from Arkansas [Mr. HAMMERSCHMIDT], on the full committee. I am sorry that we will not be working in the future together. Both these gentleman are retiring, and I am going to miss them personally. They have contributed a great deal to this committee in the time that I have been on it.

I would also like to congratulate the subcommittee chairman, the gentleman from Minnesota [Mr. OBERSTAR], and the ranking minority member, the gentleman from Pennsylvania [Mr. CLINGER], for all the work they did on behalf of this legislation.

Mr. Chairman, I am pleased to see that H.R. 4691 funds the Airport Improvement Program at levels higher than present law.

The $2 billion for fiscal year 1993 and the $2.1 billion for fiscal year 1994 are clear indications that the Public Works Committee believes in continuing a strong Federal investment in our Nation's aviation system.

I can only hope that our colleagues on the appropriations committee and in the other body will share our commitment on this subject.

Over the next 2 years, the authorized funding levels will continue to spend down the aviation trust fund, something that I have always encouraged. Again, it is my hope that the full funding authorized in this bill will be appropriated.

There has been considerable discussion on the merits of continuing to link the passenger facility charge program with the full funding requirements of the AIP and essential air service programs.

When this bill was before the full committee, I offered an amendment designed to protect the future of the PFC program.

This was necessary because the strict linkage provisions of the bill would certainly have jeopardized the city of Chicago's third airport project and the future projects of other airports.

My amendment was overwhelmingly adopted by the full committee and if left intact, will accomplish what it was designed to do—protect Chicago and any other city that has its PFC approved before the end of fiscal year 1993.

The concept of linkage as a means of ensuring the full funding of two other programs is still retained in this bill.

However, I do not agree that this is the best way to insure full funding of either the AIP or the EAS program. The PFC is a means for this Nation's airports to increase their capacity and to increase their capabilities at the same time. This in turn will lead to new employment opportunities and help to further pull our economy out of its present recession.

However, the benefits derived from PFC's can never be realized if the program continues to be jeopardized. In the future, I would encourage the leadership to remove the PFC linkage altogether. All three programs should be allowed to stand alone—on their own merits.

Let me move away from the linkage issue for a moment to say that I am pleased the bill contains language which encourages the continued development of tiltrotor aircraft.

I would like to strongly urge the Secretary of Defense to discontinue his current policy of refusing to spend funds that have been both authorized and appropriated by Congress. The military development of the V-22 Osprey must be allowed to continue and it is up to the Department of Defense to ensure that the will of Congress is carried out.

I am just one of many who desire to see the civilian applications of this highly promising technology explored further. Unfortunately, the Secretary's continued impoundment of the program's funding virtually guarantees the cancellation of the military tiltrotor program. If the military program is terminated, whatever civilian benefits this aircraft might provide will continue to be prevented from reaching the American people.

The Nation needs this technology to be further developed. I for one, do not intend to sit quietly by and watch some other country develop and market tiltrotor aircraft just because we have dropped the ball. Already, Japanese firms have begun to realize the potential benefits of tiltrotor technology and I fear that this American invention will soon go the way of the video cassette recorder.

Think of it: In just a few years, Americans will be forced to purchase tiltrotor technology from our overseas competitors. At the same time, the American aerospace industry will be forced to continue to lay off American workers.

Mr. Chairman, at this point I would like to have a recent article from the Philadelphia Inquirer inserted into the RECORD. It details Japan's interest in America's tiltrotor program. Again, I would like to thank my colleagues on the committee, and especially the committee chairmen and ranking members for their leadership. I urge my colleagues to support the substitute bill.

Mr. Chairman, I include the following article from the Philadelphia Inquirer of Sunday, April 12, 1992, as follows:

THE OSPREY: INVENTED IN UNITED STATES, BUILT BY JAPAN?

(By Mark Thompson)

FORT WORTH, TX.—When Japan's powerful minister of international trade and industry toured the United States in 1990, he asked to see only one thing being built by Americans. Hikaru Matsunaga wanted a glimpse of Boeing and Bell Helicopter's radical new aircraft, the V-22 Osprey, a hybrid combining the best of helicopters and turboprops.

He came away impressed.

"If you produce this aircraft, I guarantee you we will buy it," he told his hosts after touring the Bell factory here. "If you do not, I guarantee you we will build it."

The Japanese are keeping that promise.

As the Pentagon and Congress argue over whether the United States can afford the revolutionary plane, a tiny Japanese firm has set up shop just 15 miles from the Texas plant and is hiring key Bell workers to build its own version. Other parts of the craft are being made by Boeing workers in Ridley Township, Delaware County.

Supporters of the aircraft worry that it may become the equivalent of the video-cassette recorder—a technology worth billions of dollars invented in the United States but perfected and sold worldwide by the Japanese.

Taiichi Ishida, whose grandfather, Taizo, transformed Toyota Motor Corp. from a small automaker to worldwide dominance, has hired former Bell officials as his company's president, vice president and chief engineer, key designer, and top pilot.

The allure of the plane is its ability to take off like a helicopter and then fly like an airplane, cruising at more than 300 m.p.h., up to three times the speed of conventional choppers.

Both engines on the craft's fixed wings can be pointed upward, allowing it to take off and land like a helicopter, but tilt forward once airborne so it can fly like an airplane. In the Japanese version, the entire wing with its attached engines is positioned upward on takeoff, then swivels to the normal horizontal position of a fixed-wing aircraft.

Such aircraft would be ideal for the roughly 4 of every 10 U.S. commercial flights that are 300 miles or less, experts say.

"I am fully convinced that the civil tilt rotor or tilt wing will eventually become a reality," said James Muldoon of the Port Authority of New York and New Jersey. "The United States can either develop and export this technology or end up buying it back from overseas."

Buying it back is looming as the more likely option.

Last week, the former Federal Aviation Administration official responsible for monitoring development of both aircrafts said he believed the Japanese version, the Ishida TW-68, would be approved by the U.S. government for commercial sale before the American model is.

"Mr. Ishida has a bundle of money," said Jim Honaker, who was in charge of tilt-aircraft certification for the FAA until he retired a month ago. "Bell has slowed down and almost stalled, while Ishida is pressing right on."

Honaker's conclusion—backed by officials at both Bell and Ishida—is surprising. V-22s have been flying for more than three years; the first flight of Ishida's aircraft is at least four years away.

The Marines are paying Bell and its partner, the Boeing Co., nearly $2 billion to build six V-22 prototypes designed to ferry troops from ship to shore. The companies were relying on a Pentagon order for 657 V-22s to convince commercial airlines of their value.

But now the Pentagon wants to kill the V-22, a decision supported by President Bush, as a way to dent the military budget.

Frank Gaffney Jr., a former Pentagon official who now heads the Center for Security Policy, an independent military think tank, believes Defense Secretary Dick Cheney is being shortsighted.

"A premium should be applied in those Defense Department deliberations to programs that offer multiple benefits for the country—broader, perhaps, than just the parochial interest of the department," he said.

Cheney's decision takes on additional significance as the U.S. aerospace industry feels the effect of defense-budget cuts and the lingering recession. A tilt-rotor program could revitalize the industry. The U.S. government predicts a global market for nearly 5,000 of the planes by 2010.

Congressional supporters have kept it alive, barely, by funneling money to it over Cheney's objections.

"The tilt-rotor will be build," said Rep. Pete Geren (D., Tex.), whose district is home to both Bell and Ishida. "The only question is whether the hull is going to read 'Made in the U.S.A.' or 'Made in Japan.'"

"Ishida has made a deliberate effort to steal the technology away from us after we've invested nearly $3 billion in it," said Rep. Curt Weldon (R., PA.), whose district is home to the Boeing V-22 plant in Ridley Township, Delaware County. "We're in danger of losing the next aviation breakthrough and having the Japanese sell it back to us."

Ishida's president, J. David Kocurek, who worked on the V-22 during his 10 years at Bell, said the company "did not start up to compete with Bell." but Kocurek acknowledged that Ishida's proximity and links to Bell had been "an emotional problem."

Kocurek downplays the idea of cut-throat competition.

"Is it really any different from putting a Ford dealership across the street from a Chevy dealership?" he said as engineers a floor below built mockups of the TW-68.

Kocurek believes that designing the Ishida craft from the ground up for the commercial market gives it an important edge over Bell. Unlike the V-22, Ishida's craft is being made small enough to operate from existing heliports.

The company's low overhead—there are only 25 employees now—and pioneering mindset mean it can produce an airplane for half the cost of an established commercial airplane builder. "That's our real advantage, Kocurek said.

Smallness and simplicity also mean lower price: About $6 million for the 14-seat TW-68 compared with about $18 million for the 31-seat V-22. But Kocurek says his smaller aircraft could be expanded quickly if the market warranted it.

Most important, the TW-68 isn't dependent on government money. That's because it has access to the deep pockets of Taiichi Ishida, whose grandfather, Taizo, ran Toyota from 1950 to 1971.

Although the V-22 program will cost an estimated $2.5 billion. U.S. officials estimate the cost of developing the TW-68 at "close to $1 billion." Ishida officials suggest, without being specific, that it will be only half that much.

Taizo Ishida founded the secretive Ishida Group, of Nagoya, Japans conglomerate that remains the largest holder of Toyota stock. Five years ago, Ishida officials began studying ways to build an aircraft that wouldn't require Japan to turn as much of its crammed islands into airports.

In Texas, they found Cecil Haga who left his V-22 job in 1988 after 2-years at Bell to design tilt-wings of his own. In 1990, the Ishida Group created Ishida Aerospace Research to build Haga's TW-68 design. Work on the first model begins this summer.

Ishida plans on flying its first TW-68 in 1996 and winning FAA approval to sell it by 1998.

Meanwhile, Cheney and Congress remain at loggerheads over the V-22's fate.

"That standoff does run the risk that sooner or later we'll have something of a train wreck here," Cheney recently said. "We address it one way in the Pentagon, the Congress addresses it a different way, and at this point we've got a deadlock."

□ 1510

Mr. HAMMERSCHMIDT. Mr. Chairman, I yield 3 minutes to the gentlewomen from New York [Ms. MOLINARI], a distinguished member of the committee.

Ms. MOLINARI. I thank the gentleman for yielding this time to me.

Mr. Chairman, I rise today in support of H.R. 4691. This legislation builds on the work the Committee on Public Works and Transportation enacted earlier this Congress. At the close of the last session, we passed the intermodal Surface Transportation Efficiency Act. H.R. 4691 builds on the philosophy espoused in that legislation and will continue our efforts to revolutionize the Nation's transportation network.

The New York metropolitan area depends on its three major airports for travel and commerce. It is essential that the movement of people and goods to and from these airports is as efficient as possible. H.R. 4691 addresses this vital link and merges our airport and airway system with the overall intermodal system. The bill will enable the Port Authority of New York and New Jersey to vastly improve access to Newark, La Guardia, and JFK.

While New Yorkers depend on the efficient operation of area airports, they expect the airport operators, users, and regulators to respect their needs. Unfortunately, when it comes to aircraft noise, the industry and the FAA have turned a deaf ear to the concerns of their neighbors.

The Port Authority of New York and New Jersey is seeking to address the aircraft noise problems that impact communities surrounding its three airports. Yet, in a desperate attempt to thwart this proposal and deny relief to the most noise-impacted people in the United States, the FAA has blatantly distorted the intent of the Airport Noise and Capacity Act of 1990.

The gentleman from New Jersey, [Mr. ROE], the gentleman from Minnesota [Mr. OBERSTAR], the gentleman from Arkansas [Mr. HAMMERSCHMIDT], and the gentleman from Pennsylvania [Mr. CLINGER] allowed us to craft report language that properly refutes the revisionism of the FAA. The Aviation Subcommittee staff has done an excellent job in documenting the legislative history of the 1990 act. The language in the accompanying report illustrates that the FAA has no authority to withhold approval of the Port Authority's PFC proposal because of the Port Authority's plans to place local restrictions on stage 2 aircraft.

The law here is clear. The FAA has no authority to refuse to approve a PFC on the grounds that the FAA does not approve of an airport's restriction on stage 2 aircraft. The 1990 act recognizes that it is permissible for local airport operators to enact local stage 2 restrictions. Congress allowed for local restrictions because the national plan provides no assurance that particular airports will receive any benefit from the national standard. The national noise standards call only for a phaseout on a national basis and do not require any reduction in noisy aircraft operated at particular airports. Complimentary local restrictions will ensure that all airports share in the benefits.

The quality, efficiency, and responsiveness of our aviation industry and infrastructure will be key factors in competing in the global market of the 21st century. H.R. 4691 will ensure that our Nation's airports are ready to meet the challenges of this demanding marketplace. To secure this competitive edge, I urge my colleagues to support H.R. 4691.

Mr. Chairman, this legislation, H.R. 4691, is just one reason why serving on the Committee on Public Works and Transportation is so fulfilling. The gentleman from New Jersey [Mr. ROE], the chairman, and the ranking member, the gentleman from Arkansas [Mr. HAMMERSCHMIDT], are two more very special reasons. Mr. Chairman, I am grateful to serve under their leadership this past year.

The CHAIRMAN. The Chair will announce that the gentleman from New Jersey [Mr. ROE] has 8 minutes remaining, and the gentleman from Arkansas [Mr. HAMMERSCHMIDT] has 16 minutes remaining.

Mr. ROE. Mr. Chairman, I yield 2 minutes to the distinguished gentleman from Virginia [Mr. MORAN].

Mr. MORAN. I thank the gentleman for yielding this time to me.

Mr. Chairman, I rise today in support of H.R. 4691, the Airport and Airway Safety, Capacity, and Intermodal Transportation Act of 1992.

This legislation is a great step forward in supporting our Nation's aviation program and infrastructure and will provide much relief to the airport that we all use—National Airport—as well as the numerous neighborhoods which surround it and lie in its flight paths.

When northern Virginians think of our two major airports—National and Dulles—we unfortunately don't think of the economic growth or convenience they bring to our region. Rather, we primarily think of noise. Therefore, while we maintain our vigilance that noise restrictions are followed or against an expansion of slots, I am pleased that this legislation addresses a number of issues related to noise.

First, I thank the Public Works and Transportation Committee for addressing the issue of noise submission by increasing the percentage of Airport Improvement Program funds which can be used for noise abatement from 10 percent to 12.5 percent. Second, I urge my colleagues to support those amendments which will help to alleviate aircraft noise through increased soundproofing of homes, research into the quieter jet engines, and ensuring that the FAA consider the effect of noise in approving airport expansion plans.

I am also pleased that the committee increased funding to allow the FAA to increase employment of air traffic controllers to 18,128 by 1993. Over the past year I have heard from a number of constituents who are air traffic controllers complaining about the shortage of such personnel and their concern that the current system is at maximum capacity. Finally, I am encouraged that funding for conversion of former military airports to civilian use has been increased as well—anything we can do to affect conversion of our defense infrastructure to civilian use is certainly in the best interest of our Nation.

H.R. 4691 is a far-reaching bill. It addresses important issues such as safety, business development, and oversight, and I urge my colleagues to support it.

Mr. HAMMERSCHMIDT. Mr. Chairman, I reserve the balance of my time.

Mr. ROE. Mr. Chairman, I yield 1 minute to the distinguished gentleman from Texas [Mr. LAUGHLIN], a member of the committee.

Mr. LAUGHLIN. Mr. Chairman, I rise in support of this legislation and would like to compliment the chairmen of the subcommittee and the full committee, Mr. OBERSTAR and Mr. ROE, and the ranking minority members of the subcommittee and full committee, Mr. CLINGER and Mr. HAMMERSCHMIDT, for the outstanding job they did in fashioning this bipartisan legislation.

I would also like to take this opportunity to address a matter of particular concern to me that has been resolved by an amendment which I offered in committee and which was adopted with bipartisan support. I am referring to the very laudable program that encourages disadvantaged business enterprises to participate in airport concession activities.

The committee took the step of clearly and unambiguously expanding the DBE program to include airport concession services as well as products, opening up a new horizon of opportunity for minority businesses at airports. In doing so, the committee recognized that there are situations in which common sense and basic fairness dictate that flexibility in meeting DBE goals is necessary.

Accordingly, the Secretary of Transportation is given the discretion to authorize certain concessionaires to use vendor programs, under which goods and services are purchased from minority enterprises, instead of requiring such concessionaires to provide for minority participation through joint ventures, partnerships, subleases, and other arrangements. As a practical matter this would have disruptive and harmful business consequences for some concessionaires and involve subsidization by some concessionaires of their direct competitors. These vendor programs bring significant social and economic benefits throughout the minority community by enhancing business opportunities and stimulating employment. They are widely recognized as a valuable tool in assisting minority economic development.

The committee bill recognizes that airlines have unique business and operational characteristics and, therefore, airlines are exempted from the DBE program. Car rental companies, whose operations are national in scope, have many of the same characteristics, and in my view are a good example of where flexibility is needed to achieve DBE goals. Like airlines, car rental firms are fundamentally different from other airport businesses.

They are capital intensive; utilize 800 numbers and a national reservation system that accounts for up to 90 percent of their business. Additionally, they have many national accounts; market and advertise nationally in intense competition with each other; purchase and maintain large fleets of mobile equipment used in interstate commerce; and operate their location on a uniform basis to ensure quality and efficiency for their customers. Like airlines, the business and operational characteristics of car rental firms do not vary from location to location. I hope and expect that the Secretary will recognize these realities and promptly promulgate a rule which would allow car rental firms to comply with any DBE requirements that might be imposed by an airport through vendor programs and thereby avoid the administrative nightmare that would ensue if this national issue were to be decided on the basis of political consideration at individual airports.

Car rental companies have varied ownership characteristics. If flexibility were not allowed for car rental companies, a DBE rule that could be implemented satisfactorily and fairly to one company could cause manifest hardship on another company to the detriment of its employees, shareholders, and the economy.

A lack of flexibility would also destroy the ability of car rental firms to participate meaningfully and effectively in a program designed to bring real and lasting benefits to the minority community. For this reason, I offered an amendment in committee, which was adopted with unanimous bipartisan support, to ensure that the law does not require a business to change its corporate structure—that is, to transfer corporate assets or engage in joint ventures, partnerships, subleases, or comparable arrangements—to meet the goals of the DBE program. This means quite clearly that in the case of car rental firms, these changes in corporate structure cannot be required as a condition of eligibility for participation in the bidding process for airport concessions. Likewise, since car rental firms cannot reasonably and feasibly change their corporate structure on an airport-by-airport basis, they should not be penalized in the bidding process for not doing something that they cannot reasonably and feasibly do.

I would expect this recognition and reality to be reflected very clearly in the new rule which the Secretary will issue, and that all methods of compliance with DBE goals will be equally valid for purposes of competing in the bidding process. In this way, the important goals of the DBE program can be achieved without harming businesses and their employees.

Mr. Chairman, again, I commend the fine work of the leadership and my other colleagues on the committee and urge support of the legislation.

Mr. ROE. Mr. Chairman, I yield 2 minutes to the distinguished chairman of our Subcommittee on Transportation, the gentleman from California [Mr. MINETA].

Mr. MINETA. Mr. Chairman, I thank the gentleman for yielding this time to me.

Mr. Chairman, I rise in strong support of H.R. 4691, the Airports and Airways Safety, Capacity, and Intermodal Transportation Act of 1992.

Mr. Chairman, I wish to commend the gentleman from New Jersey, Chairman ROE, and the gentleman from Arkansas, the ranking Republican member, Mr. HAMMERSCHMIDT, for their very long years of leadership on aviation issues on the Committee on Public Works and Transportation.

Mr. Chairman, the Congress has an opportunity to day to approve legislation that will greatly enhance our entire transportation system. This action is so necessary, particularly at this time when Americans from coast to coast and the entire Congress are finally focused on the future of our Nation's roads, waterways, and transit systems.

And at this time, when the country is at long last zeroed in on transportation, I commend Chairman OBERSTAR and the ranking minority member, Mr. CLINGER, of the Aviation Subcommittee for their efforts to increase awareness and support for improving our Nation's infrastructure.

Congressmen OBERSTAR and CLINGER understand that our world is changing and changing rapidly.

If American businesses can't make their deadlines in today's international marketplace because their personnel are tied up on airport runways bogged down by congested skies, America loses.

If the American people can't move around to different cities and regions because they don't have adequate transportation alternatives, valuable work time and quality family time is lost. Again, America loses.

1991 was a landmark transportation year because of the passage of the Intermodal Surface Transportation Act. But, Mr. Chairman, that was only the beginning.

We must continue that commitment to all modes of our national transportation network. We must remain vigilant if the opportunities we applaud today are to become transportation realities tomorrow.

The aviation policy reauthorization legislation is the cornerstone of Federal aviation policy and will affect issues which promise to be some of the most important transportation issues of the decade.

I applaud the aviation spending levels authorized in the committee bill. It is vitally important that we begin to spend trust fund moneys if we are to adequately provide for much needed modernization of our air traffic control system and airport development.

Mr. Chairman, the United States needs and deserves an aviation system that can bring us safely and smoothly into the 21st century. I urge my colleagues to support this legislation, which helps us further achieve our transportation goals.

The CHAIRMAN. The Chair will advise that the gentleman from Arkansas [Mr. HAMMERSCHMIDT] has 16 minutes remaining, and the gentleman from New Jersey [Mr. ROE] has 3 minutes remaining.

Mr. HAMMERSCHMIDT. Mr. Chairman, I yield 3 minutes to a distinguished member of the committee, the gentleman from California [Mr. PACKARD].

Mr. PACKARD. Mr. Chairman, I am pleased to rise in support of this legislation. The aviation industry is of the utmost importance to our economy. This legislation allows us to meet the future needs of our aviation system while spending down the aviation trust fund.

The establishment of the airport and airway trust fund in 1970 provided a mechanism for maintaining capital development, improving safety, and advancing technology at the country's airports.

The growing surplus in the trust fund has been a great cause for concern among many members of this committee, including myself. I am pleased to see that we are making headway into spending down this large sum.

The bill before us today is a 2-year reauthorization of programs under the Federal Aviation Administration. The increase in funding levels is necessary to meet future needs, and the trust fund will be reduced from $7.4 billion in fiscal year 1992 to $6.5 billion in fiscal year 1994. This represents our commitment to improving our airport and airway system.

I have a continuing interest in this Nation's aviation system. In the past I have introduced legislation which would enact a new system of planning, so that we may better identify needs and fund those needs. I also believe that we should encourage the privatization of airports as a means not only of freeing up funds for public entities but also in an attempt to provide more efficient service to the public. I plan to introduce soon legislation which would allow for demonstration programs to privatize selected airports.

As a member of the Public Works and Transportation Committee, I commend Chairman ROE, Congressman OBERSTAR, chairman of the Aviation Subcommittee, and my colleagues Congressmen HAMMERSCHMIDT and CLINGER for their work on this bill. I urge my colleagues to support the bill. Thank you.

□ 1520

Mr. HAMMERSCHMIDT. Mr. Chairman, I yield 2 minutes to the gentlewoman from Michigan [Mrs. COLLINS], a distinguished member of the committee.

Mrs. COLLINS of Michigan. Mr. Chairman, I rise to add my support to final passage of H.R. 4691, the aviation reauthorization for fiscal year 1993 and fiscal year 1994. As a member of the Public Works and Transportation Committee, I was pleased to have played a part in the creation of this exceptional reauthorization. I would like to pass along my thanks to Chairmen ROE, ROSTENKOWSKI, BROWN, and particularly Chairman OBERSTAR, for their fine work on this important legislation.

I was gratified that I was able to contribute to improving the execution of the disadvantaged business program by the inclusion of a measure that holds the Department of Transportation accountable for implementing airport disadvantaged requirements. Under this measure, DOT will be compelled to implement disadvantaged business requirements within 180 days of the passage of this act. Regulations carrying out enforcement of opportunities for disadvantaged businesses in airport concessions and airport services would have to be issued by DOT.

I am also pleased that H.R. 4691 clarifies rules related to DBE participation and increases the size of businesses that can qualify for participation in the Department of Transportation DBE Program. For these reasons and more, I plan to support final passage of this reauthorization.

Mr. HAMMERSCHMIDT. Mr. Chairman, I yield 4 minutes to the gentleman from Indiana [Mr. BURTON] for the purposes of a colloquy with the chairman of the subcommittee, the gentleman from Minnesota [Mr. OBERSTAR].

Mr. BURTON of Indiana. Mr. Chairman, I thank the gentleman from Arkansas [Mr. HAMMERSCHMIDT] for yielding this time to me.

Mr. Chairman, I would like to make a brief comment about reliever airports before I engage the gentleman from Minnesota [Mr. OBERSTAR] in a colloquy, if it is all right with everyone involved.

Mr. Chairman, private and public reliever airports provide alternative landing sites for general aviation and other aircraft that might otherwise use commercial service airports.

These reliever airports are providing an essential service by reducing congestion at large primary commercial airports.

Reliever airports account for the majority of takeoff and landings in many metropolitan areas.

Federal funding for planning and capital development of these reliever airports is provided through the Airport Improvement Program [AIP].

The Airport Improvement Program is funded from the Airport and Airway Trust Fund, and Congress reaffirmed priority for reliever airports in 1987 by mandating that 10 percent of airport investment funds be reserved for improvements or construction of reliever airports.

Unfortunately, unlike public reliever airports, privately owned relievers have not been reimbursed for eligible project costs incurred before a grant has been awarded by the FAA.

However, public relievers can be and have been reimbursed for the same types of expenditures.

Privately owned relievers are providing the same type of public service as other reliever airports but are not being reimbursed for these expenditures.

There are approximately 40 private reliever airports through the United States.

Under the Airport Improvement Program, there is no differentiation made between public and privately owned reliever airports with regard to reimbursements.

There needs to be a clarification made as to the intent of this legislation.

An even playing field needs to be established between privately-owned and public reliever airports because both are providing the same essential air service to the public.

Clarification of this language would result in no new costs to the Federal Government.

The Airport and Airway Trust Fund currently has a surplus of $7.4 billion.

The aviation reauthorization will bring down the surplus to $6.5 by fiscal year 1994.

Clarification of this provision essentially clarifies eligible project costs.

Reimbursements to private relievers will come in the form of credits on future incurred costs.

So, Mr. Chairman, I would like to now ask the gentleman from Minnesota [Mr. OBERSTAR], if I may, in a colloquy, just one question: Does the FAA, in the administration of its airport grant provision, make a distinction between privately owned and public reliever airports for reimbursement of land costs incurred prior to a grant agreement?

Mr. OBERSTAR. Mr. Chairman, will the gentleman yield?

Mr. BURTON of Indiana. I yield to the gentleman from Minnesota.

Mr. OBERSTAR. Mr. Chairman, I appreciate the gentleman from Indiana [Mr. BURTON] raising this issue. As he has already elaborated, it is a complex subject and should be further explained, and there has been confusion about this matter.

Airport project formulation costs—which include land acquisition costs—noise compatibility program costs, and costs incurred under a letter of intent, are allowable costs that can be incurred by private and public airport sponsors, prior to a grant agreement being executed. There is no distinction between these two categories of airports, as the gentleman from Indiana [Mr. BURTON] has pointed out. All other costs must, of course, be incurred after grant execution by both private and public sponsors.

The FAA's interpretation of its reimbursement authority also provides that the lands value can be used as a sponsor's share or donation to a project up to the amount of the sponsor's share of the project costs, and we will work with the gentleman to see that the FAA lives by that interpretation.

Mr. BURTON of Indiana. Mr. Chairman, I am very happy to hear that, and I appreciate the clarification.

Mr. HAMMERSCHMIDT. Mr. Chairman, I yield 3 minutes to the gentleman from Colorado [Mr. CAMPBELL] for the purposes of a colloquy.

Mr. CAMPBELL of Colorado. Mr. Chairman, as the gentleman knows, I have been concerned for some time concerning the safety of general aviation operations at certain mountain airports particularly during nighttime hours. At Sardy Field, the commercial service airport serving Aspen, CO, the Pitkin County commissioners have had in place for many years a prohibition on nighttime operations by general aviation operators because they are convinced that there is a safety problem there that FAA has not addressed by regulations.

Specifically, the FAA requires airline pilots who fly into Sardy Field, an airport 9,000 feet above sea level that is surrounded by mountains on three sides, to have special pilot training and specialized aircraft equipment because of the increased risk of accidents in the mountain terrain. In contrast, FAA does not require general aviation pilots—some of whom may be air taxi operators with paying passengers—to meet the same requirements at these mountain airports.

I have considered offering an amendment to the pending bill that would mandate an independent study on this issue by the General Accounting Office. I understand that the chairman is willing to request GAO to conduct such a study should the study of this issue presently being conducted by the FAA prove to be unsatisfactory.

Mr. OBERSTAR. Mr. Chairman, will the gentleman yield?

Mr. CAMPBELL of Colorado. I yield to the gentleman from Minnesota.

Mr. OBERSTAR. Mr. Chairman, I thank the gentleman from Colorado [Mr. CAMPBELL] for raising this issue and in this context. As the gentleman knows, we have been very much aware of the unique problem at this airport, and the gentleman has been very greatly concerned and responsive to the citizens in the area, and, as a general aviation pilot, the gentleman himself is very much aware of the technical difficulties in operating in this particular surrounding where there is mountainous terrain on three sides.

The FAA is now under way with a study of the airport at Aspen to determine whether the mountainous conditions warrant flying restrictions at night. That study should be available in the next few months. I want to review that study, my staff wants to review that study, and the gentleman, I know, wants to review it, and so do general interests. When that study is available, and if we are not satisfied and the gentleman is not satisfied this is a full answer to the problem, then we will be very willing to, and commit to the gentleman now to, ask the GAO to evaluate that report and conduct its inquiry into the matter focusing specifically on the safety questions that the gentleman has so very thoroughly elaborated.

Mr. Chairman, we look forward to working with the gentleman from Colorado [Mr. CAMPBELL] and to drawing upon his expertise as a general aviation pilot concerned with safety, as well as with the economic well-being, of the people in the area served by this airport.

Mr. DE LUGO. Mr. Chairman, I rise to commend the distinguished chairman of the Public Works and Transportation Committee, BOB ROE; the distinguished chairman of the Aviation Subcommittee, JIM OBERSTAR; along with JOHN PAUL HAMMERSCHMIDT, ranking minority member of the full committee, and BILL CLINGER, ranking minority member of the Aviation Subcommittee, for their work in bringing H.R. 4691, the Airport and Airway Safety, Capacity, and Intermodal Transportation Act of 1992, to a successful conclusion on the House floor today.

This legislation will indeed guarantee that this country leads the world with its aviation infrastructure as we approach the 21st century.

Also, I especially want to thank these gentlemen for their support of my amendment to this bill as provided in section 119 through both the subcommittee and the full committee, as well as on the floor today, which requires the Federal Aviation Administration to continue to operate, rather than to contract out to a private company, the St. Thomas and St. Croix airport towers, in my district, the U.S. Virgin Islands, at least through 1994. The people who fly in and out of these airports can now be assured that safety will not be compromised.

Mr. SMITH of Florida. Mr. Chairman, H.R. 4691 expands the 1982 law establishing a disadvantaged business enterprise [DBE] program to include service industries that operate on an airport.

I believe that the committee's bill may cause some confusion about the need to strike the necessary balance between encouraging further minority entrepreneurship and protecting those concessionaires that operate as unified, national companies.

Integrated, capital-intensive companies, such as rental car industry, cannot operate effectively if forced to conduct business differently at various airports. Yet, H.R. 4691 may be read to require these service companies show on an airport-by-airport basis that joint ventures are impractical before providing relief.

That relief is contained in language allowing the Secretary of Transportation to issue a regulation authorizing the use of vendor programs for certain industries at all airports. I hope that the Secretary issues such a rule to cover the rental car industry. A national vendor rule is better than an airport-by-airport determination of the appropriateness of a joint venture.

In many instances, these service companies would have to change their corporate structure to comply with DBE requirements. A business should not be forced to change from a subchapter S corporation to a public corporation when an acceptable alternative approach exists.

I hope that this matter can be clarified and corrected before we vote on the final version of the aviation authorization bill.

Mr. Chairman, when my home city of Austin, TX began planning for a new airport, I realized that new opportunities would arise in the Airport Improvement Program [AIP]. I have always felt that we should be spending more of the surplus in the aviation trust fund for airport development and improvement. It is my firm belief that AIP is not adequately funded.

I am glad to see that under this bill funding for the Airport Improvement Program will increase over the next 3 years and the airport and airways trust fund will decline from $7.5 billion in 1992 to $4.2 billion in 1994. While we are clearly moving in the right direction, we have to recognize that we must do much more in the future for airports in this country. It is astonishing to me that the last airport built in this country was Dallas-Fort Worth some 18 years ago. Our current aviation system is in dire need of new airports and/or expanded capacity. We must be more active in our planning and expenditures for future expansion of our airports. Future economic development is more and more dependent on first-rate transportation links. This bill is a strong step in the right direction.

Costs are continuing to rise, and our appropriations must reflect the enormous costs in airport construction.

□ 1530

Mr. HAMMERSCHMIDT. Mr. Chairman, I have no further requests for time, and I reserve the balance of my time.

Mr. ROE. Mr. Speaker, I have no further requests for time, and I reserve the balance of my time.

The CHAIRMAN. Pursuant to the rule, the gentleman from North Carolina [Mr. VALENTINE] will be recognized for 15 minutes, and the gentleman from Pennsylvania [Mr. WALKER] will be recognized for 15 minutes.

The Chair recognizes the gentleman from North Carolina [Mr. VALENTINE].

Mr. VALENTINE. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I rise in support of title III of this bill. As chairman of the Subcommittee on Technology and Competitiveness, FAA research, engineering, and development comes under our jurisdiction.

Title III authorizes appropriations for the FAA research, engineering, and development for fiscal years 1993 and 1994. We have had 2 years of hearings and meetings with the universities, industry, and the FAA leading up to consideration of this bill.

The title III authorization for RE&D represents a substantial increase over the President's request simply because the request is not adequate for FAA to discharge its responsibilities.

The administration's request for FAA RE&D was $230 million. Title III authorizes $297,300,000, the amount the Department of Transportation requested from OMB to fund these programs.

The largest increases are in air traffic management and security, areas where the subcommittee has pressed FAA for better performance. Capacity and air traffic management, FAA's first priority, is increased by about $30 million, over request. We have growing congestion in the carrier system and have driven general aviation into decline.

The word neglect best describes the current situation. Here, technology has not kept pace with demand.

We recommend that safety, security, and human factors be increased a total of another $30 million. This research protects human life. The toll of life from equipment failure, terrorists, and plain human error has declined over the years, but it can still be significantly reduced given the determination and resources.

One hundred percent of FAA's R&D expenditures come from the bloated trust fund. The Treasury Department is now hoarding over $15 billion collected to improve air travel. We are not wastrels. This authorization is just one-third of the surplus growth of $888 million of the trust fund in fiscal year 1991.

We have been entrusted with funds collected to improve air safety, airport security, and air transport efficiency and I, for one, want to make sure these tax dollars are spent for their intended purpose or else not collected at all.

Title III levels of funding are expected to revitalize a moribund R&D program in FAA that has not had adequate funding to meet its R&D requirements since 1986. This authorization level was recommended, in testimony before our subcommittee, by the most knowledgeable people in aviation. They helped establish the research priorities contained in this title and they view increasing funding as proposed in the bill to be critical to the safety and efficiency of future air travel.

In addition I would like to include in the RECORD a letter from Norman Augustine, Chairman of the FAA R&D plan review panel of the FAA Research, Engineering and Development Advisory Committee attesting to the support of his panel for the level of this authorization. Furthermore, Don Fuqua of the Aircraft Industries Association and 10 other important air transportation trade associations strongly support this authorization, and I will submit their letters for the RECORD.

Title III is intended to help recapture an eroding FAA capability and to add to FAA's share of sustaining the international competitive capability of our most favorable balance of trade industry. Therefore, I urge my colleagues to support strengthening this most important research and development program.

Mr. Chairman, I would like to read for the RECORD an excerpt addressed to me as the chairman of the Subcommittee on Technology and Competitiveness from Mr. Norman R. Augustine. He says:

> In summary, based upon the rather extensive review conducted last year, the R&D Plan Review Panel would like to support increased spending to at least the $297 million level which has been proposed. Please feel free to contact me should I be able to provide any additional information on behalf of our committee.

Mr. Chairman, a letter addressed to me from Mr. Don Fuqua says in pertinent part:

> I was pleased to learn that you reported out a bill with increased funding for the FAA's RE&D activities. The FY 1993 level of $297.3 million and the FY 1994 level of $236 million will allow the agency to fulfill its mission.

Mr. Chairman, I include for the RECORD the letters just quoted from as well as other memoranda referred to earlier.

MARTIN MARIETTA CORP.,
Bethesda, MD, April 28, 1992.

Hon. TIM VALENTINE,
House of Representatives,
Washington, DC.

DEAR REPRESENTATIVE VALENTINE: It is my understanding that a hearing will take place on the 28th of April at which time the FAA Science, Space and Technology Budget will be addressed and that it would be helpful for you to have the views of the members of the R&D Plan Review Panel of the FAA Research, Engineering and Development Advisory Committee. Although the committee was established by the FAA principally to advise that organization, I can certainly share with you the findings of our group. They are generally consistent with the recommendation for $297M R&D funding for the FAA.

Our committee concluded that the FAA Technology Budget was significantly underfunded in comparison with the objectives which have been set and with the challenges begin faced. This is particularly true with regard to the matter of handling the air traffic volume anticipated for the next decade. To deal with the projected capacity safely and without significant delays will require major infusions of new technology. This technology is in considerable part the product of the FAA's research and development program but as compared with other government and private organizations it would appear that for many years the FAA budget has significantly underinvested in technology.

In summary, based upon the rather extensive review conducted last year, the R&D Plan Review Panel would most assuredly support increased spending to at least the $297M level which has been proposed. Please feel free to contact me should I be able to provide any additional information on behalf of our committee.

Sincerely,

NORMAN R. AUGUSTINE.

AEROSPACE INDUSTRIES ASSOCIATION,
Washington, DC, April 24, 1992.

Hon. TIM VALENTINE,
Chairman, Subcommittee on Technology and Competitiveness, House of Representatives, Washington, DC.

DEAR MR. CHAIRMAN: I was pleased to learn that you reported out a bill with increased funding for the FAA's RE&D activities. The FY 1993 level of $297.3 million and the FY 1994 level of $336 million will allow the agency to fulfill its mission.

As you know from my testimony before the subcommittee, AIA felt that the levels requested by the administration were insufficient. With the predicted increased demand for air travel, and the length of time it takes to move a product from development to service, it would be tragic not to increase RE&D spending now.

The subcommittee's recognition of the importance of human factors research is particularly commendable since this field is essential to improved design, operation and maintenance. In addition, AIA appreciates the subcommittee's increased level of support for aircraft safety technology, particularly for the aircraft hardening program.

Mr. Chairman, I applaud your subcommittee's actions, and look forward to working with you on continued efforts to make our air transportation system safer and more efficient.

Sincerely,

DON FUQUA.

MAY 18, 1992.

Hon. THOMAS S. FOLEY,
Speaker, House of Representatives, Longworth House Office Building, Washington, DC.

DEAR MR. SPEAKER: This week, the House will consider the FAA reauthorization measure, H.R. 4691. The associations listed below strongly support the FAA mission to ensure continued improvement in the safety and efficiency of the nation's airspace and airports. Given this commitment, we request that you support the legislation, particularly the $297.3 million level of funding allocated in the bill for Research, Engineering and Development (RE&D).

The government predicts that demand for air travel will grow by more than 50% by the end of the decade. However, the FAA, RE&D Advisory Committee, made up of independent experts, stated in its November 1991 report that current plans to modernize and enhance the nation's air traffic management and control system will meet only half of the requirements that will accompany the predicted increase.

In aviation it takes a long time between the birth of an idea and the introduction of a resulting product into service. Failure to adequately fund RE&D now, will result in severe constraints down the road.

Congress must ensure that the U.S. remains the world's leader in civil aviation by funding research, engineering and development activities at the committee-approved level.

Respectfully,

Aerospace Industries Association, Aircraft Owners and Pilots Association, Airports Association Council International, Air Traffic Control Association, Air Transport Association, American Association of Airport Executives, General Aviation Manufacturers Association, Helicopter Association International, National Aircraft Resale Association, National Air Carrier Association, National Business Aircraft Association.

AIR TRAFFIC CONTROL
ASSOCIATION, INC.
Arlington, VA, May 7, 1992.

Hon. JAMIE L. WHITTEN,
Chairman, Committee on Appropriations, Capitol Building, Washington, DC.

Re: Federal Aviation Administration's Research, Engineering and Development Appropriation.

DEAR MR. WHITTEN: The Air Traffic Control Association, Inc. ("ATCA") is a professional association of thirty six years standing which has as its goal advancements in the science and profession of air traffic control and aviation safety. ATCA's membership consists of air traffic controllers, airway facilities technicians, managers and other persons, companies and organizations engaged in the development, maintenance, operation and use of the national airspace system.

ATCA urges you to support the Subcommittee mark up of $297.3 million for FAA's Research, Engineering and Development program. This amount is necessary to support the initial level of RE&D activities required for FAA to begin preparing to satisfy aviation needs of the next century. Not only must FAA meet new challenges arising from the emergence of a worldwide consensus that a global ATC system is desirable, but the agency must continue to intensify RE&D activities in other critical areas such as security, aircraft structural integrity, cabin safety, capacity and human factors. With demand for innovative aviation technologies and products constantly escalating, FAA cannot simply continue to "do more with less."

Sincerely,

GABRIEL A. HARTL,
President.

Mr. Chairman, I reserve the balance of my time.

The CHAIRMAN. The gentleman from Pennsylvania [Mr. WALKER] is recognized for 15 minutes.

□ 1540

Mr. WALKER. Mr. Chairman, I rise in support of title III to H.R. 4691. At the appropriate time, I will offer an amendment to this title to reduce the authorization levels contained in the present bill and an amendment that I hope we will have agreement on on both sides so that we can move it quickly.

The Science Committee amendment consists of a 2-year aviation research title reported out of the Science, Space, and Technology Committee.

I am pleased that this research title has been incorporated into the main text of H.R. 4691, and I appreciate the cooperation of Chairman ROE and Mr. HAMMERSCHMIDT to ensure that this title was included. I would also like to commend TOM LEWIS for his ability to balance his fiscal conservatism with his dedication to aviation safety. In particular, he has been a moving force on the committee in his drive to focus the FAA's attention on long-term research in order to prevent airline tragedies in the first place.

The Science Committee has closely followed the Federal Aviation Administration's research programs and worked to ensure that the agency focuses on a wide range of programs vital to aviation safety, including weather, aircraft safety, security, and human factors. Again, I am pleased that we have been able to contribute to this legislation.

Mr. Chairman, I reserve the balance of my time.

Mr. VALENTINE. Mr. Chairman, I yield such time as he may consume to the gentleman from California [Mr. BROWN], the distinguished chairman of the full committee.

Mr. BROWN. Mr. Chairman, I thank the gentleman for yielding time to me.

I want to commend the gentleman from North Carolina [Mr. VALENTINE] and the ranking minority member, the gentleman from Florida [Mr. LEWIS] for the work they have done on the R&D title of this bill. It is a good title and it complements the extremely good work which the Committee on Public Works and Transportation has done on the major portion of the bill.

We have tried to work in very close cooperation with them to add what we have both agreed was a very important research and development component to our national aviation program.

Mr. Chairman, I just want to try and emphasize again the context in which we are working. We are faced with a situation where leaders in every walk of life, in government, in industry, education, all recognize that we have underinvested in the basic infrastructure of our country. I do not think there is any partisan difference on that.

We have neglected our highways, our airways, our total transportation system. We have allowed our research and development efforts to lag behind our competitors. As a result of this, we see our national ability to compete severely impacted in an adverse way and our capability to increase productivity, which is the fundamental problem in our economy, has been handicapped.

This bill, and particularly, in my opinion, the research and development section, but all of the bill, strikes a major blow for increased investments in infrastructure necessary to the productivity of the Nation.

I am going to say this over and over again: We will only get out of the economic mess that we are in by increasing our productivity as a nation. We have to do better than 1-percent growth. We have got to move back up to 2 percent or 3 percent or 4 percent. We will not do that unless we invest in productivity improving infrastructure, including research and development. This is what we have tried to do in this bill. This is what our committee, the Committee on Science, Space, and Technology, has committed itself to doing in every arena that we have the opportunity to do so.

While we have some differences with the minority, I think in most cases the minority agrees with this philosophy, a philosophy of growth as a way to put this Nation back in the leadership position that it once enjoyed and which we hope it will enjoy again in the not-too-distant future.

Mr. Chairman, I rise in support of title III of H.R. 4691, the FAA Research, Engineering, and Development Authorization Act of 1992, as reported by the Science, Space, and Technology Committee, as a part of the Airport and Airway Safety, Capacity, and Intermodal Transportation Act of 1992.

Title III provides for a 2-year authorization of appropriations for the Federal Aviation Administration for research, engineering, and development. It authorizes new research, engineering and development budget authority for fiscal year 1993 in the amount of $297,300,000 and for fiscal year 1994 in the amount of $336 million. These levels are what is required, in the opinion of the committee and of the Department of Transportation, to allow adequate funding for fiscal years 1993 and 1994 of the national air space plan begun in 1981 to restore the efficiency and reliability of the air traffic control and peripheral systems.

The NAS plan, now called the FAA aviation system capital investment plan, is funded from the airport and airway trust fund. Over the life of the plan, the committee has authorized the funding of modernization studies and development of advanced systems to meet the near- and long-term commitments of the FAA NAS plan. Since 1986 appropriations have fallen short of that goal and have not been adequate and have led to major slippage in FAA's efforts to modernize air traffic control and safety technology.

Title III provides for the continued development of air traffic management technology and for increasing emphasis on the human interfaces of the traffic management system. Additional emphasis is placed upon the protection of human life through reliability, security, and safety research.

The trust fund balance is at an unprecedented $15 billion level and is growing. This sum represents the difference between the modern air traffic system we have promised the traveling public and the antiquated system we force them to use. We have increased the tax on the users of air transport, but have not delivered the promised benefits.

This authorization has the unqualified support of the aviation industry who suffer most from a lagging growth of air traffic capacity.

The U.S. air transport system is only as productive as the air traffic management system, and the air traffic management system is only as productive as our support of its growing requirements. Title III permits us once again to begin meeting that responsibility.

I urge my colleagues to support a strengthened FAA research and development program both here and in the appropriations legislation which will follow.

Mr. WALKER. Mr. Chairman, I have no further requests for time, and I yield back the balance of my time.

Mr. VALENTINE. Mr. Chairman, I yield myself such time as I may consume.

Let me say this, because if I do not, I am afraid that I will forget to say it sometime later on.

I want to take this opportunity to express my appreciation to our colleague, the ranking member of our subcommittee, the gentleman from Florida [Mr. LEWIS], who is not here but is engaged at some other place doing the Lord's work, and also to publicly and in this place thank the distinguished chairman of our Committee on Science, Space, and Technology, the gentleman from California [Mr. BROWN], for his support through these ordeals, and to express appreciation to the distinguished chairman of my other committee, who will depart from this place in a few months, not until December, some of us perhaps sooner, and to express to him my appreciation for his work on this legislation and for his many past courtesies to me, and to thank our staff, and the gentleman from Arkansas [Mr. HAMMERSCHMIDT], who also will be leaving us.

Mr. Chairman, I have no further requests for time, I yield back the balance of my time.

The CHAIRMAN. Pursuant to the rule, the gentleman from Illinois [Mr. ROSTENKOWSKI] is recognized for 15 minutes, and the gentleman from Texas [Mr. ARCHER] is recognized for 15 minutes.

Inasmuch as they are not present for their time, the Chair recognizes the gentleman from Arkansas [Mr. HAMMERSCHMIDT].

Mr. HAMMERSCHMIDT. Mr. Chairman, I have no further request for time, and I yield back the balance of my time.

Mr. ROE. Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN. All time for general debate has expired.

Pursuant to the rule, the amendment in the nature of a substitute now printed in the reported bill, as modified by the amendment printed in part 1 of House Report 102-521, shall be considered by titles as an original bill for the purpose of amendment and each title is considered as read.

It shall be in order to consider en bloc the amendments offered by the gentleman from Pennsylvania [Mr. WALKER] or his designee, printed in part 3 of House Report 102-251. Said amendments en bloc shall not be subject to a demand for a division of the question.

After disposition of all amendments to the substitute, as modified, it shall be in order to consider the amendment printed in part 2 of House Report 102-251 if offered by the gentleman from Illinois [Mr. ROSTENKOWSKI] or his designee. Said amendment shall not be subject to amendment or to a demand for a division of the question, except for pro forma amendments for the purpose of debate.

Upon disposition of said amendment, no further amendment to the amendment in the nature of a substitute, as modified, is in order.

The Clerk will designate section 1.

The text of section 1 is as follows:

H.R. 4691

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Airport and Airway Safety, Capacity, and Intermodal Transportation Act of 1992".

The CHAIRMAN. Are there any amendments to section 1?

If not, the Clerk will designate section 2.

The text of section 12 is as follows:

SEC. 2. FINDINGS.

Congress finds that—

(1) the Nation's aviation system must be part of an intermodal transportation system consisting of hubs and interconnections with other forms of transportation that will move people and goods in the fastest, most efficient manner;

(2) our Nation's airports are our interconnections with the global economy; expanded flight capacity and greatly improved ground access for passengers and cargo are essential to our Nation's ability to compete in the international marketplace;

(3) without significant additional financial resources, the Nation's airports will be unable to accommodate fully the growing aviation and ground traffic demands of the 1990's;

(4) 27 of the Nation's top 100 airports are now unacceptably congested and the resulting delays in flights are costing our economy billions of dollars a year in lost productivity and undermining the Nation's ability to compete in the global economy;

(5) unless the capacity of our airports is increased substantially, the problem of flight delays will escalate dramatically and, by the year 2000, 40 major airports will be congested and incurring more than 20,000 hours of flight delay a year;

(6) the Nation must undertake an airport improvement and development program costing at least $7,000,000,000 a year over the next decade just to prevent the problem of airport delay from growing worse in the 21st century;

(7) neither State, local, nor Federal Government can independently finance the needed airport and intermodal development and there must be a combined effort relying on all levels of government;

(8) both the Federal airport improvement program and local passenger facility charge programs are essential to funding the development, as part of an intermodal transportation system, of airports (including necessary ground access eligible for funding under such programs) which meet our Nation's needs;

(9) the Nation's air traffic control system must be modernized with the highest advanced technology to enable it to continue to move traffic safely and efficiently and the necessary development and procurement of capital equipment will cost at least $18,000,000,000 over the next decade;

(10) the modernization of the air traffic control system will result in productivity and safety benefits of $257,000,000,000 over the life of the equipment purchased; these benefits include the value of time saved by airline passengers, reductions in airline operating costs, and reduced government expenditures and benefits from increased safety;

(11) there will need to be a continuing increase in staffing for the air traffic control system to enable controllers to handle, safely and efficiently, the increased workload which will arise as air transportation grows over the next decade;

(12) the Federal Government must play a major role in developing our aviation system; full use must be made of the more than $5,000,000,000 which aviation users contribute to the Airport and Airway Trust Fund each year and the $7,400,000,000 surplus which has accumulated in the Trust Fund;

(13) although survival of a strong and competitive airline industry is essential to our Nation's economic future—the Nation's airlines are in a financial and competitive crisis which threatens our entire aviation system and our Nation's ability to move people; major airlines have lost more than $6,000,000,000 over the past 2 years; many airlines have merged or discontinued operations; and new entry into the industry has ceased;

(14) the opportunities for new entrants and financially weak airlines to compete successfully can be maximized by the development of new airport capacity, particularly terminal facilities and gates, which will facilitate the ability of new airlines to compete against the airlines which now dominate the facilities at major hub airports;

(15) investment in the aviation transportation infrastructure of the United States will pay immediate and long-term dividends in jobs and economic productivity and provide the foundation for the Nation's continued leadership in the global economic competition of the 21st century;

(16) infrastructure investment differs significantly from other forms of government spending because it creates new wealth for the Nation;

(17) the wealth and economic strength of the United States is in the Nation's infrastructure which provides the foundation for all aspects of life;

(18) failure to invest in the transportation infrastructure, including aviation, has placed the United States in danger of becoming a service-oriented economy, rather than having a strong and independent manufacturing-based economy;

(19) the creation of a national intermodal transportation system is central to the transportation issues of the coming decades and will create the new wealth of the Nation to provide the funds for the Nation to meet the challenges of the 21st century;

(20) our Nation should devote greater efforts to integrating the aviation system with highway and mass transit facilities providing access to airports;

(21) transportation planning, taking account of commerce and land-use patterns, must be improved at all levels and local officials must have a significant role in transportation decisions affecting their areas;

(22) failure to develop an improved intermodal transportation system for the 1990's and the 21st century will result in continuing the two decade trend of decline in United States competitiveness in the global economy and the accompanying decline in the Nation's standard of living;

(23) the safety of the traveling public is of paramount national importance; and

(24) aircraft deicing is an important element of aviation safety and past aircraft incidents suggest that both the Federal Government and private industries should focus on methods to improve aircraft deicing procedures and facilities.

The CHAIRMAN. Are there any amendments to section 2?

If not, the Clerk will designate title I.

The text of title I is as follows:

TITLE I—AIRPORT AND AIRWAY IMPROVEMENT ACT AMENDMENTS

SEC. 101. NATIONAL TRANSPORTATION POLICY.

Section 502 of the Airport and Airway Improvement Act of 1982 (49 U.S.C. App. 2201) is amended by adding at the end the following:

"(c) National Transportation Policy.—

"(1) It is a goal of the United States to develop a national intermodal transportation system that moves people and goods in an efficient manner. The Nation's future economic direction is dependent on its ability to confront directly the enormous challenges of the global economy, declining productivity growth, energy vulnerability, air pollution, and the need to rebuild the Nation's infrastructure.

"(2) United States leadership in the world economy, the expanding wealth of the Nation, the competitiveness of the Nation's industry, the standard of living, and the quality of life are at stake.

"(3) A national intermodal transportation system is a coordinated, flexible network of diverse but complementary forms of transportation which moves people and goods in the most efficient manner. By reducing transportation costs, these intermodal systems will enhance United States industry's ability to compete in the global marketplace.

"(4) All forms of transportation, including aviation and other transportation systems of the future, will be full partners in the effort to reduce energy consumption and air pollution while promoting economic development.

"(5) An intermodal transportation system consists of transportation hubs which connect different forms of appropriate transportation and provides users with the most efficient means of transportation and with access to commercial centers, business locations, population centers, and the Nation's vast rural areas, as well as providing links to other forms of transportation and to intercity connections.

"(6) Intermodality and flexibility are paramount issues in the process of developing an integrated system that will obtain the optimum yield of United States resources.

"(7) The United States transportation infrastructure must be reshaped to provide the economic underpinnings for the Nation to compete in the 21st century global economy. The United States can no longer rely on the sheer size of its economy to dominate international economic rivals and must recognize fully that its economy is no longer a separate entity but is part of the global marketplace. The Nation's future economic prosperity depends on its ability to compete in an international marketplace that is teeming with competitors but where a full one-quarter of the Nation's economic activity takes place.

"(8) The United States must make a national commitment to rebuild its infrastructure through development of a national intermodal transportation system. The United States must provide the foundation for its industries to improve productivity and their ability to compete in the global economy with a system that will move people and goods faster in an efficient manner.".

SEC. 102. AIRPORT IMPROVEMENT PROGRAM.

(a) Authorization of Appropriations.—Section 505(a) of the Airport and Airway Improvement Act of 1982 (49 U.S.C. App. 2204(a)) is amended—

(1) by striking "and" following "1991,"; and

(2) by inserting before the period at the end of the first sentence the following: ", $15,916,700,000 for fiscal years ending before October 1, 1993, and $18,016,700,000 for fiscal years ending before October 1, 1994".

(b) Obligational Authority.—Section 505(b)(1) of such Act is amended by striking "1992" and inserting "1994".

SEC. 103. AIRWAY IMPROVEMENT PROGRAM.

(a) Authorization of Appropriations.—Section 506(a)(1) of the Airport and Airway Improvement Act of 1982 (49 U.S.C. App. 2205(a)(1)) is amended—

(1) by striking "and" following "1991" and inserting a comma; and

(2) by inserting before the period at the end of the first sentence the following: ", $8,200,000,000 for fiscal years ending before October 1, 1993, and $11,100,000,000 for fiscal years ending before October 1, 1994".

(b) Capital Investment Plan Augmentation.—Section 506(a)(2) of such Act is amended to read as follows:

"(2) Capital Investment Plan Augmentation.—If the Secretary determines that it is necessary to augment or substantially modify elements of the Airway Capital Investment Plan submitted to Congress under section 504 of this title (including a determination that it is necessary to establish more than 23 area control facilities), there is authorized to be appropriated from the Trust Fund for fiscal year 1994 to carry out such augmentation or modification $100,000,000. Amounts appropriated under this paragraph shall remain available until expended.".

(c) Other Expenses.—

(1) Extension.—Section 506(c)(4) of such Act is amended—

(A) in the paragraph heading by striking "–1992" and inserting "–1994"; and

(B) by striking "and 1992" and inserting ", 1992, 1993, and 1994".

(2) Conforming Amendment.—Section 506(e)(5) of such Act is amended by striking "1992" and inserting "1994".

(d) Weather Services.—Section 506(d) of such Act is amended by striking the second sentence and inserting the following new sentence: "Expenditures for the purposes of carrying out this subsection shall be limited to $35,596,000 for fiscal year 1993 and $37,800,000 for fiscal year 1994.".

SEC. 104. FAA OPERATIONS.

Section 106(k) of title 49, United States Code, is amended—

(1) by striking "and" and inserting a comma; and

(2) by inserting before the period at the end the following: ", $4,634,500,000 for fiscal year 1993, and $5,014,500,000 for fiscal year 1994".

SEC. 105. LINKAGE WITH PASSENGER FACILITY CHARGES PROGRAM.

Paragraph (4) of section 1113(e) of the Federal Aviation Act of 1958 (49 U.S.C. App. 1513(e)(4)) is amended by striking "under this subsection on or before" and all that follows through the period at the end of such paragraph and inserting the following: "under this subsection—

"(A) on or before September 30, 1993—

"(i) if, during fiscal year 1993, the amount available for obligation under section 505 of the Airport and Airway Improvement Act of 1982 is less than $2,000,000,000; or

"(ii) if, during fiscal year 1993, the amount available for obligation under section 419 of this Act is less than $38,600,000; or

"(B) on or before September 30, 1994—

"(i) if, during fiscal year 1994, the amount available for obligation under section 505 of the Airport and Airway Improvement Act of 1982 is less than $2,100,000,000; or

"(ii) if, during fiscal year 1994, the amount available for obligation under section 419 of this Act is less than $38,600,000.

The provisions of this paragraph shall not affect the authority of the Secretary to approve the imposition of a fee or the use of revenues derived from a fee imposed pursuant to an approval made under this subsection by a public agency which has received an approval to impose a fee under this subsection prior to September 30, 1993, in the case of subparagraph (A) or prior to September 30, 1994, in the case of subparagraph (B), regardless of whether such fee is being imposed on the date set forth in such subparagraph.".

SEC. 106. APPORTIONMENTS.

(a) INCREASE FOR CARGO HUBS.—Section 507(a)(2) of the Airport and Airway Improvement Act of 1982 (49 U.S.C. App. 2206(a)(2)) is amended—

(1) by striking "3 percent" and inserting "4 percent"; and

(2) by striking "(but not to exceed $50,000,000)".

(b) LIMITS.—Section 507(b)(1) of such Act is amended by striking "$300,000 nor more than $16,000,000" and inserting "$400,000 nor more than $22,000,000".

SEC. 107. MILITARY AIRPORTS.

(a) SET-ASIDE.—Section 508(d)(5) of the Airport and Airway Improvement Act of 1982 (49 U.S.C. App. 2207(d)(5)) is amended by inserting after "1992" the following: ", not less than 2.25 percent of the funds made available under section 505 in fiscal year 1993, and not less than 2.5 percent of the funds made available under section 505 in fiscal year 1994".

(b) DESIGNATION.—Section 508(f)(1) of such Act is amended—

(1) by striking "not more than 8"; and

(2) by striking the second sentence.

(c) CONSTRUCTION OF PARKING LOTS, FUEL FARMS, AND UTILITIES.—

(1) FUNDING.—Section 508(f) of such Act is amended by adding at the end the following new paragraph:

"(6) FUNDING FOR CONSTRUCTION OF PARKING LOTS, FUEL FARMS, AND UTILITIES.—Not to exceed $4,000,000 per airport of the sums to be distributed at the discretion of the Secretary under section 507(c) for fiscal years 1993 and 1994 may be used in the aggregate by the sponsor of a current or former military airport designated by the Secretary under this subsection for construction, improvement, or repair of airport surface parking lots, fuel farms, and utilities.".

(2) CONFORMING AMENDMENT.—Section 513(c) of such Act is amended by inserting after "this section" the following: "and section 508(f)(6) of this title".

SEC. 108. NOISE SET-ASIDE.

Section 508(d)(2) of the Airport and Airway Improvement Act of 1982 (49 U.S.C. App. 2207(d)(2)) is amended by adding at the end the following new sentence: "If the Secretary finds that one or more units of local government in the areas surrounding primary airports have adopted control measures that ensure or are likely to ensure land use compatible with such airports, the Secretary shall make available to carry out such planning and programs to sponsors of such airports and to such units of local government not less than an additional 2.5 percent of the funds made available under section 505.".

SEC. 109. MAXIMUM OBLIGATION OF THE UNITED STATES.

Section 512(b) of the Airport and Airway Improvement Act of 1982 (49 U.S.C. App. 2211(b)) is amended by striking the period at the end of paragraph (3) and inserting the following: "; except that, for fiscal year 1993 and thereafter, the maximum obligation of the United States may be increased for an airport, other than a primary airport, by an amount not to exceed 25 percent of the total increase in allowable project costs attributable to an acquisition of land or interests in land, based on current credible appraisals or a court award in a condemnation proceeding.".

SEC. 110. DISADVANTAGED BUSINESS ENTERPRISE.

(a) ASSURANCE.—Section 511(a)(17) of the Airport and Airway Improvement Act of 1982 (49 U.S.C. App. 2210(a)(17)) is amended by inserting after "or other consumer products" the following: "or which provide ground transportation, baggage carts, automobile rentals, or other consumer services".

(b) ADMINISTRATION OF DBE ASSURANCE.—Section 511 of such Act is further amended by adding at the end the following new subsection:

"(h) ADMINISTRATION OF DBE ASSURANCE.—

"(1) MANAGEMENT CONTRACTS; PURCHASE OF GOODS AND SERVICES.—In administering subsection (a)(17) of this section, the Secretary may allow an airport operator or owner to meet the 10 percent goal set forth in such subsection by including businesses operated through management contracts or by including the purchase of goods or services which are used in a business conducted on the airport, if the Secretary finds that it would not be practicable for such business to be included toward compliance with such goal through direct ownership arrangements. In appropriate cases, the Secretary may determine, by regulation, that the inclusions specified in the preceding sentence will be allowed for particular types of businesses at all airports.

"(2) LIMITATION WITH RESPECT TO CORPORATE STRUCTURE.—Nothing in this subsection and subsection (a)(17) of this section shall require a corporation to change its corporate structure to provide for direct ownership arrangements in order to meet the requirements of this subsection and subsection (a)(17).

"(3) EXCLUSION OF AIR CARRIER SERVICES.—Air carriers in providing passenger or freight-carrying services and other businesses that conduct aeronautical activities at an airport shall not be included in the 10 percent goal set forth in subsection (a)(17) of this section for participation of small business concerns at the airport.".

(c) BASIC PROGRAM.—Section 505(d)(2)(A) of such Act (49 U.S.C. App. 2204(d)(2)(A)) is amended by striking "$14,000,000" and inserting "$16,015,000".

(d) REGULATIONS.—Not later than the 180th day following the date of the enactment of this Act, the Secretary of Transportation shall issue regulations to carry out sections 511(a)(17) and 511(h) of the Airport and Airway Improvement Act of 1982, as amended by subsections (a) and (b) of this section, relating to the disadvantaged business enterprise assurance.

SEC. 111. TERMINAL DEVELOPMENT.

(a) ALLOWABLE PROJECT COSTS.—Section 513(b)(1) of the Airport and Airway Improvement Act of 1982 (49 U.S.C. App. 2212(b)(1)) is amended by adding at the end the following new sentence: "In the case of a commercial service airport which annually has .05 percent or less of the total enplanements in the United States, the Secretary may approve, under the preceding sentence as allowable project costs of a project for airport development at such airport, terminal development in revenue-producing areas and construction, reconstruction, repair, and improvement of nonrevenue-producing parking lots if the sponsor certifies that no project for needed airport development affecting safety, security, or capacity will be deferred by such approval.".

(b) FEDERAL SHARE.—Section 513(b)(5) of such Act is amended by inserting before the period at the end the following: "; except that the United States share of project costs allowable for any project under such paragraph at a commercial service airport which annually has .05 percent or less of the total enplanements in the United States shall be 85 percent".

SEC. 112. LETTERS OF INTENT.

Section 513(d)(1) of the Airport and Airway Improvement Act of 1982 (49 U.S.C. App. 2212(d)(1)) is amended by adding at the end the following new subparagraph:

"(G) OTHER CONSIDERATIONS.—A letter of intent issued under this paragraph shall not condition the obligation of any funds on the imposition of a passenger facility charge.".

SEC. 113. CONTROL TOWER AND NAVIGATIONAL AIDS RELOCATION; MEETING MANDATES OF CERTAIN FEDERAL LAWS; AIRCRAFT DEICING SITES.

Section 503(a)(2) of the Airport and Airway Improvement Act of 1982 (49 U.S.C. App. 2202(a)(2)) is amended—

(1) by striking "and" at the end of subparagraph (C);

(2) by striking the period at the end of subparagraph (D) and inserting a semicolon; and

(3) by adding at the end the following new subparagraphs:

"(E) the relocation of an air traffic control tower and any navigational aid (including radar) if such relocation is necessary to carry out a project approved by the Secretary under this title;

"(F) any construction, reconstruction, repair, or improvement of an airport (or any purchase of capital equipment for an airport) which is necessary for compliance with the responsibilities of the operator or owner of the airport under the Americans with Disabilities Act of 1990, the Clean Air Act, and the Federal Water Pollution Control Act with respect to the airport, other than construction or purchase of capital equipment which would primarily benefit a revenue producing area of the airport used by a nonaeronautical business; and

"(G) any acquisition of land for, or work necessary to construct, a pad suitable for deicing aircraft prior to takeoff at a commercial service airport, including construction or reconstruction of paved areas, drainage collection structures, treatment and discharge systems, appropriate lighting, and paved access for deicing vehicles and aircraft; except that such term does not include the costs of aircraft deicing equipment, aircraft deicing fluids, or storage facilities for such equipment and fluids.".

SEC. 114. EXTENSION OF STATE BLOCK GRANT PILOT PROGRAM.

(a) EXTENSION.—Section 534(a) of the Airport and Airway Improvement Act of 1982 (49 U.S.C. 2227(a)) is amended by striking "1992" and inserting "1994".

(b) PARTICIPATING STATES.—Section 534(b) of such Act is amended—

(1) by striking "3" and inserting "7"; and

(2) by adding at the end the following new sentence: "The 7 States to be selected for participation in the program in fiscal years 1993 and 1994 shall include the 3 States selected for the participation in the program in fiscal year 1992 (Illinois, Missouri, and North Carolina).".

(c) REPORT.—Section 534(d) of such Act is amended by striking "1992" and inserting "1995".

SEC. 115. EXTENSION OF CERTAIN RESTRICTIONS ON CONTRACT AND GRANT AWARDS.

(a) PROHIBITION AGAINST FRAUDULENT USE OF "MADE IN AMERICA" LABELS.—Section 9130 of the Aviation Safety and Capacity Expansion Act of 1990 (49 U.S.C. App. 2226b) is amended by

inserting ", section 106(k) of title 49, United States Code, or the Airport and Airway Improvement Act of 1982 (other than section 506(b))" after "subtitle".

(b) FOREIGN GOVERNMENTS DISCRIMINATING AGAINST U.S. PRODUCTS.—Section 9131 of such Act (49 U.S.C. App. 2226c) is amended by inserting ", section 106(k) of title 49, United States Code, or the Airport and Airway Improvement Act of 1982 (other than section 506(b))" after "subtitle".

SEC. 116. ACQUISITION OR CONSTRUCTION OF FACILITIES FOR ADVANCED TRAINING OF MAINTENANCE TECHNICIANS FOR AIR CARRIER AIRCRAFT.

(a) GRANTS.—The Administrator of the Federal Aviation Administration may make grants to not to exceed 4 vocational technical institutions for the purpose of acquiring or constructing facilities to be used for the advanced training of maintenance technicians for air carrier aircraft.

(b) ELIGIBILITY CRITERIA.—The Administrator may only make a grant under this section to a vocational technical educational institution if such institution has a training curriculum which prepares aircraft maintenance technicians who hold an airframe and power plant certificate issued under subpart D of part 65 of title 14 of the Code of Federal Regulations to maintain, without direct supervision, air carrier aircraft.

(c) LIMITATION ON AMOUNTS OF GRANTS.—The maximum amount of Federal funds which a vocational technical educational institution may receive, in the aggregate, through grants made under this section shall be $5,000,000.

(d) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated, from the Airport and Airway Trust Fund, such sums as may be necessary for carrying out this section for fiscal years 1993 and 1994. Such sums shall remain available until expended.

SEC. 117. AIR TRAFFIC CONTROLLER STAFFING.

The Administrator of the Federal Aviation Administration shall develop and submit annually to the Committee on Public Works and Transportation of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate a report containing the staffing standards used to determine the number of air traffic controllers needed to operate the air traffic control system of the United States, a 3-year projection of the number of air traffic controllers needed to be employed to operate such system to meet such standards, and a detailed plan for employing such controllers, including projected budget requests.

SEC. 118. MINIMUM NUMBER OF AIR TRAFFIC CONTROLLERS.

The Administrator of the Federal Aviation Administration shall hire such additional persons as are necessary to make the number of persons employed in the air traffic control work force of such Administration on September 30, 1993, not less than 18,128.

SEC. 119. LIMITATION ON PRIVATIZATION OF OPERATION OF CERTAIN AIRPORT CONTROL TOWERS.

The Administrator of the Federal Aviation Administration shall not enter into any contract on or before September 30, 1994, with a private person for operation of an airport control tower at any airport which in fiscal year 1990 had 5,500 or more air carrier operations and 40,000 or more air taxi operations unless the owner or operator of such airport first agrees, in writing, to the Administrator entering into such contract.

SEC. 120. STUDY ON REFLECTORIZATION OF TAXIWAY AND RUNWAY MARKINGS.

(a) STUDY.—The Secretary of Transportation shall conduct a study to determine whether the safety benefits derived from the reflectorization of runways and taxiways of all military airfields under Federal Specification TT-B-1325B should be extended to runways and taxiways of public use airports.

(b) REPORT.—Not later than December 31, 1992, the Secretary shall transmit to Congress a report on the results of the study conducted under this section, together with recommendations concerning requirements for upgraded reflectorization of runways and taxiways at public use airports.

SEC. 121. LANDBANKING AND OPTIONS TO PURCHASE LAND.

(a) STUDY.—The Secretary of Transportation shall conduct a study on the following types of projects:

(1) LANDBANKING.—The purchase of land for airport development to be carried out more than 5 years after the date of the purchase.

(2) OPTIONS TO PURCHASE.—The purchase of options to purchase land for airport development.

(b) CONTENT.—In conducting the study under subsection (a), the Secretary shall examine the following:

(1) ELIGIBILITY FOR FUNDING.—Whether or not the projects described in paragraphs (1) and (2) of subsection (a) should be eligible for funding under the Airport Improvement Program.

(2) CONDITIONS.—If the projects described in paragraphs (1) and (2) of subsection (a) become eligible for funding under the Airport Improvement Program—

(A) whether or not certain limitations should be imposed on such projects;

(B) whether or not priority should be afforded to the funding of such projects in relation to other airport development projects; and

(C) whether or not certain environmental requirements should be imposed on such projects.

(c) REPORT.—Not later than December 31, 1993, the Secretary shall transmit to Congress a report on the results of the study conducted under subsection (a), together with any appropriate recommendations for legislative and administrative action.

SEC. 122. LIGHTING SYSTEMS FOR AIRCRAFT OBSTRUCTIONS AND AIRPORT RUNWAYS.

(a) STUDY.—The Secretary of Transportation shall conduct a study to assess the current Federal program for monitoring the installation and operation of lighting systems for aircraft obstructions and airport runways.

(b) REPORT.—Not later than 180 days after the date of the enactment of this Act, the Secretary shall transmit to the Committee on Public Works and Transportation of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate a report containing the results of the study conducted under this section, together with recommendations on methods to ensure that the best available technologies are utilized in lighting systems described in subsection (a).

SEC. 123. ECONOMIC BENEFITS OF AIRPORT DEVELOPMENT PROJECTS.

(a) STUDY.—The Secretary of Transportation shall conduct a study to assess the economic benefits of carrying out airport development projects in areas designated as "redevelopment areas" under section 401 of the Public Works and Economic Development Act of 1965.

(b) REPORT.—Not later than 1 year after the date of the enactment of this Act, the Secretary shall transmit to Congress a report containing the results of the study conducted under subsection (a), together with recommendations on whether or not airport development projects in areas described in subsection (a) should receive priority consideration in the distribution of grants under the Airport Improvement Program.

The CHAIRMAN. Are there amendments to title I?

AMENDMENT OFFERED BY MR. OBERSTAR

Mr. OBERSTAR. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. OBERSTAR: Page 27, after line 21, insert the following new section:

SEC. 124. SOUNDPROOFING OF CERTAIN RESIDENTIAL BUILDINGS IN AREAS SURROUNDING AIRPORTS.

During the 2-year period beginning on the date of the enactment of this Act, the Secretary may make grants under section 104(c)(2) of the Aviation Safety and Noise Abatement Act of 1979 for projects to soundproof residential buildings—

(1) if the operator of the airport involved received approval for a grant for a project to soundproof residential buildings under section 301(d)(4)(B) of the Airport and Airway Safety and Capacity Expansion Act of 1987;

(2) if the operator of the airport involved submits updated noise exposure contours, as required by the Secretary; and

(3) if the Secretary determines that the proposed projects are compatible with the purposes of the Aviation Safety and Noise Abatement Act of 1979.

Mr. OBERSTAR (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from Minnesota?

There was no objection.

Mr. OBERSTAR. Mr. Chairman, this amendment will prevent unnecessary delays in soundproofing residences which are severely impacted by aviation noise.

Under existing law, grants for noise abatement projects, such as soundproofing residences, cannot be awarded until an airport has completed an extensive planning process known as the part 150 process. In 1987, we asked the Federal Aviation Administration to undertake a study of the need for simplification of the part 150 process. During the study period, we allowed FAA to permit certain airports to undertake noise abatement programs without going through a part 150 study. This exemption was in effect for 18 months. During that period FAA made grants to several airports to allow them to begin programs of soundproofing residences.

In 1989, FAA issued a report recommending simplification of the part 150 process. Unfortunately, FAA has taken no action to implement these recommendations.

We do not believe that airports which began residential soundproofing programs under the prior exemption should be cut off in midstream while waiting for FAA to simplify the part 150 process. Accordingly, the amendment now before us permits airports which began residential soundproofing programs under the 1987 exemption to continue to receive grants for soundproofing residences for 2 years.

It is unfortunate that this amendment is needed. Had FAA acted in a more timely fashion, a continued exemption might have been unnecessary.

In conclusion, Mr. Chairman, I believe this amendment will facilitate an important program to reduce the impact of aviation noise. I urge adoption of the amendment.

☐ 1550

Mr. HAMMERSCHMIDT. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I rise in support of the gentleman's amendment which would permit airport operators to obtain funding for residential soundproofing without a part 150 noise abatement study. The legislation before the House has several provisions to mitigate the impact of aircraft noise on surrounding residents. The amendment which the gentleman offers would supplement our efforts by extending mitigation measures to homes which otherwise may not benefit from the AIP program.

Clearly, there may be instances where community efforts to deal with noise would be stymied if the part 150 process were required prior to money being made available for soundproofing.

Mr. Chairman, this is a good amendment, one which extends our efforts to reduce the impact of noise and I urge my colleagues to support it.

Mr. CHAIRMAN. The question is on the amendment offered by the gentleman from Minnesota [Mr. OBERSTAR].

The amendment was agreed to.

AMENDMENT OFFERED BY MR. OBERSTAR

Mr. OBERSTAR. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. OBERSTAR: Page 19, strike lines 18 through 23 and insert the following:

SEC. 113. AIRPORT DEVELOPMENT DEFINED.

(a) AIRCRAFT DEICING EQUIPMENT. —Section 503(a)(2)(B) of the Airport and Airway Improvement Act of 1982 (49 U.S.C. App. 2202(a)(2)(B)) is amended—

(1) by striking "or" at the end of clause (v);

(2) by inserting "or" after the semicolon at the end of clause (vi); and

(3) by inserting after clause (vi) the following:

"(vii) aircraft deicing equipment and structures (other than aircraft deicing fluids and storage facilities for such equipment and fluids);"

(b) CONTROL TOWER AND NAVIGATIONAL AIDS RELOCATION; MEETING MANDATES OF CERTAIN FEDERAL LAWS; AIRCRAFT DEICING FACILITIES.—Section 503(a)(2) of such Act is further amended—

Page 21, line 4, strike the semicolon and all that follows through the final period on line 7 and insert the following:

, but excluding acquisition of aircraft deicing equipment and fluids and construction and reconstruction of storage faculties for such equipment and fluids.".

Mr. OBERSTAR (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from Minnesota?

There was no objection.

Mr. OBERSTAR. Mr. Chairman, the purpose of this amendment is to build upon another provision already in the pending bill offered by the ranking member of the subcommittee, my colleague from Pennsylvania [Mr. CLINGER] relative to deicing.

The provision which is now in the bill provides for acquisitions of land for or work necessary to construct the path for deicing aircraft, for drainage and collection structures, for a treatment and discharge system, for lighting and paved access for deicing vehicles.

We recognize in putting this amendment into the bill that deicing is a critical matter at airports, particularly those in northern climates, and as a result of very splendid work by my colleague from Pennsylvania [Mr. CLINGER], we have language in the bill to help airports do those things that are necessary to support deicing. But we need to go one step further, and that is to provide funding or to assure that airports have the authority to build the aircraft deicing equipment; that is, the structure in place to deice aircraft, not fluids, not storage facilities for those fluids, but the structure itself to deice aircraft. And this may be of different kinds. It may be a portable, it may be a fixed in place, it may be a structure in place that has hydraulic lift systems to accommodate larger or smaller aircraft. The Paris airport, Charles de Gaulle Airport, has such a structure in place. The UPS facility at Louisville, KY, has such a permanent, fixed deicing structure.

We ought to have the capacity to deice aircraft at all northern tier airports, and to do so in an expeditious manner that minimizes aircraft delay, but assures at the maximum point in the departure procedures that an aircraft is deiced, not waiting at the gate, but at the end of the taxiway just before an aircraft is cleared for takeoff and begins the takeoff roll. That is the most important point at which deicing should take place. That is the experience that the French have had at Charles de Gaulle. That is the experience that UPS has had at Louisville.

At the end of this month there will be a major deicing conference conducted by the FAA in cooperation with the National Transportation Safety Board, and aviation authorities from throughout the world will come and participate in this conference. The report of that conference will have a number of recommendations. One of them most surely will include a reference to this kind of flexible deicing structure closest to the point of takeoff as possible.

We want to be sure that FAA law makes it possible for airports around this country to actually act upon those recommendations. That is what this amendment will do. I think it is important for safety in aviation, and I think it is a vitally important action for us to take in this committee to assure that airports will have the requisite authority to build the facilities they need to deice aircraft.

I urge adoption of the amendment.

Mr. CLINGER. Mr. Chairman, I rise in support of the amendment and would like to commend my chairman for the amendment because I think it builds upon, as indicated, the amendment that was added in committee to recognize what is clearly a serious problem facing aviation, specifically facing safety considerations in aviation.

The tragic accident at LaGuardia really points out the very urgent need to improve deicing facilities and procedures. As Chairman OBERSTAR indicated, the FAA is planning a sort of a comprehensive conference at the end of this month to consider where we need to be going and what we need to be doing to ensure that the deicing procedures are affected.

What this amendment will do is to provide a tool which can be incorporated into those considerations. It does not tie the hands of the FAA. It merely makes eligible for AIP funding the deicing equipment which will be a part of that.

Currently each carrier is responsible for its own maintaining and deicing of their own aircraft. They purchase their own equipment, they man that equipment, they keep it in their own facilities. Deicing typically occurs at or near the gate area, and that may or may not be the best place. As the chairman has indicated, at Charles de Gaulle and others it is much closer to the end of the runway where they are about to take off.

The FAA, as I have said, is convening a symposium, and I think we will have a clear indication how they ought to be doing in coming out of that conference. As Chairman OBERSTAR indicated, I did offer an amendment during committee consideration of H.R. 4691 to permit as an eligible activity Federal assistance for construction of concrete pads and associated collection and environmental systems for use to deice aircraft, and this amendment will expand that eligibility to include the purchase of actual deicing equipment, which I think is a very important and welcome addition.

There is some question in my mind, Mr. Chairman, about liability for deicing aircraft where the airport operator owns and presumably operates equipment for use by individual carriers. But I think it is a concern that we will address as we have done on the road. Obviously these are things that have had to be considered, but despite this reservation, I believe the amendment is a very major step in the right direction in encouraging much greater emphasis on deicing aircraft by making purchase of equipment an eligible activity, and will go a long way toward improving safety in this very vital area.

□ 1600

Mr. HAMMERSCHMIDT. Mr. Chairman, will the gentleman yield?

Mr. CLINGER. I am happy to yield to the gentleman from Arkansas.

Mr. HAMMERSCHMIDT. Mr. Chairman, I rise in support of the gentleman's amendment which would make equipment and structures used to deice aircraft eligible for airport improvement program grants. The unfortunate accident that occurred recently at LaGuardia Airport has prompted us to analyze the adequacy of deicing procedures and equipment at airports around the country.

If we adopt the gentleman's amendment, airport sponsors would be permitted to apply for grants for this equipment to assure that adequate deicing facilities are available.

Mr. Chairman, this amendment will make an important safety contribution and I urge my colleagues to support it.

Mr. OBERSTAR. Mr. Chairman, will the gentleman yield?

Mr. CLINGER. I am happy to yield to the gentleman from Minnesota.

Mr. OBERSTAR. Mr. Chairman, the gentleman has rightly pointed out a matter that slipped my mind, the question of legal responsibility. Those are matters that will be discussed at the conference and which we will hear in hearings that we will hold as we have agreed to do subsequent to that conference.

The FAA further advises that they believe there is statutory authority for them to be flexible enough to finance this type of facility.

I just do not want us to be in the position, after we pass this bill, after it is through conference, after the FAA conference on deicing is concluded, to find that we need yet to do some additional legislative step to make it legal to build these things, and so the point that the gentleman rightly raises are matters that will be explored at the conference and in our hearing subsequent. I appreciate his raising it.

Mr. CLINGER. Mr. Chairman, the gentleman is exactly right. We need to provide this additional prior to the conference, because we will not really have an opportunity to address it after the conference in this legislation.

Mr. ROE. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I rise in strong support of this amendment.

I will not take the time now, but I want to highly compliment the chairman, the gentleman from Minnesota [Mr. OBERSTAR], and the gentleman from Pennsylvania [Mr. CLINGER], for their bringing up this amendment and having worked as hard as they did on it, because it is an extremely important amendment, and particularly for those of us from the Northeast who recognize, as was mentioned, the Federal Aviation Administration will soon hold an important conference on deicing in view of the recent accident at Guardia Airport which was a major catastrophe.

I think this amendment will ensure that funding will be available to help airports purchase their necessary equipment, and I rise in strong support, Mr. Chairman. I urge all of our Members to support this amendment.

Mr. MINETA. Mr. Chairman, I rise in support of the amendment to permit the use of Federal Airport Improvement Program [AIP] funds for the acquisition of aircraft deicing equipment and associated support structures which is being offered by the chairman of the Subcommittee on Aviation.

During the consideration of the Federal Aviation Administration [FAA] research and development bill by the Science, Space and Technology Committee, I offered an amendment requiring a study to review and enhance methods of deicing. I am pleased that this amendment was included in the final package.

My earlier amendment also requires the Secretary to undertake research to develop new techniques and to develop more efficient fluids and technologies for deicing.

The amendment now being offered by the gentleman from Minnesota strengthens the efforts to find efficient and effective ways of preventing the tragedies caused by aircraft deicing inadequacies.

Safety experts have suggested that improving runway traffic conditions so that the airplanes do not have to wait so long could foster the biggest improvements. As the technologies for deicing facilities are advanced, the Oberstar amendment will ensure that these types of projects are AIP eligible.

I urge my colleagues to support this amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Minnesota [Mr. OBERSTAR].

The amendment was agreed to.

Mr. DEFAZIO. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I had an amendment at the desk, but I do not intend to offer it. I intended to offer that amendment to section 1 which would have required that the FAA Administrator fly aboard commercial aircraft whenever practicable. The intent of my amendment is to improve the Administrator's firsthand knowledge of what it is like for 450 million passengers a year who fly on aircraft in the United States of America.

The Administrator certainly needs to keep his or her skills up to date in terms of performing as a private pilot and experiencing the system as a pilot, but more crucial to most Americans who fly is what is it like inside the cabin of a commercial airliner. What experiences can you gain from that?

Last year I made 31 transcontinental flights. That is over 185,000 miles aboard commercial aircraft. I learned a lot. I learned a lot from talking to fellow passengers, flight attendants, and others.

It was first flying in a 757 that I found out about the placement of seats in a type 1 exit row, now called death row by flight attendants. It was talking to flight attendants where I first became fully aware of the problems in accessing type 3 window exits, the problems of carry-on baggage, the problems of seat pitch, and the discomfort experienced by people on planes.

All of these things are under the control of the FAA and the FAA Administrator, and I believe that it would behoove the Administrator to, as much as possible and practicable in the conduct of his, or in the future, his or her job, to experience the things that average Americans experience rather than being in the rear of one of the FAA's four executive aircraft or on the flight deck even of one of those executive aircraft. That is not the reality for most Americans.

I understand that OMB is developing guidelines for executive travel for members of the administration, and I am going to strongly urge, given that, that OMB look closely not only at the question of whether or not it is personal or work-related, but whether or not travel by commercial aircraft would benefit a member of the administration in the day-to-day conduct of their job and strongly suggest that in the case of the FAA Administrator that that would be the case, and given that review by OMB, I intend to withdraw my amendment.

Mr. OBERSTAR. Mr. Chairman, will the gentleman yield?

Mr. DEFAZIO. I yield to the gentleman from Minnesota.

Mr. OBERSTAR. Mr. Chairman, I appreciate the gentleman's willingness to withhold offering his amendment at this time.

The gentleman's concern is well placed and well stated. I concur that the Administrator of the Nation's premier aviation regulatory body ought to travel like the rest of the folks do in the system, in the cabin. I would recommend that the Administrator, and I would go further to say that the Secretary of Transportation ought to spend more time aboard commercial aircraft in the B or E seats, that is, the center seats in those crowded rows, as the gentleman has already pointed out, and that if you need a little space and you have some work to do, it is a tough place to sit aboard an aircraft.

It would be very good for the Administrator and for the Secretary of Transportation to travel there with the folks. I think time spent in line at a ticket counter or at the checkout counter just before getting on board an aircraft would do a lot of good for those folks. They would see how people travel and what their concerns are and listen to them a little bit.

But I do want to point out also that the inspector general of the Department of Transportation undertook an analysis of the tenure of Admiral Busey as FAA Administrator and found no complaints whatever. In fact, they gave him praise for his very careful balance of use of the FAA aircraft, limiting it to official business activities.

It is important for the Administrator to get into the air traffic control system, flying an aircraft, hearing the problems in the air traffic control system, seeing the congestion problems on approach and on departure, so there is a legitimate role for the Administrator in flying in the system and seeing firsthand.

The point the gentleman from Oregon is making though is that of a much different nature, and that is to see how the rest of the world lives. I would extend that to the Secretary of Transportation as well.

Mr. DEFAZIO. Mr. Chairman, I thank the gentleman for his kind words, and I would withdraw my amendment.

AMENDMENT OFFERED BY MR. BUSTAMANTE

Mr. BUSTAMANTE. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. BUSTAMANTE: Page 27, after line 21, insert the following new section:

SEC. 124. LAREDO INTERNATIONAL AIRPORT, LAREDO, TEXAS.

Section 313(c)(2)(C) of the Airport and Airway Safety and Capacity Expansion Act of 1987 (101 Stat. 1531) is amended by striking "20 years" and inserting "40 years".

Mr. BUSTAMANTE. Mr. Chairman, my amendment is a technical correction of an original 1987 amendment which I offered and which was adopted to Public Law 100-223, the Airport and Airway Safety and Capacity Expansion Act of 1987.

The original intent of that 1987 amendment was to allow the city of Laredo to grant leases at below fair market value at the former Laredo Air Force Base as an economic incentive to attract aviation investment there.

Incidentally, that original 1987 amendment was adopted on voice vote with the support of both the majority and minority. That same 1987 amendment stipulated, however, that the city of Laredo could only grant leases for no longer than 20 years.

Unfortunately, this Federal limitation on term length unintentionally preempted Texas State law, which allows municipal airports to grant leases up to a maximum of 40 years.

As a result of this unintended Federal preemption of Texas State law, aviation investors have been reluctant to locate at the Laredo International Airport because most of them prefer a minimum lease term of 40 years. That is the average term length for Texas investors to fully amortize their capital expenditures on aviation-related investments.

The purpose of my amendment is solely to increase the current term length to leases the city of Laredo grants. The increase in term length would be from 20 years to 40 years in conformance with State law.

I urge my colleagues to support this noncontroversial, technical corrections amendment.

LOREDO, TX,
March 30, 1992.

Re Airport and Airway Safety and Capacity Expansion Act of 1987, title III—miscellaneous provisions, Sec. 313, release of certain conditions (C) Laredo International Airport, Laredo, TX.

Hon. ALBERT BUSTAMANTE,
U.S. Representative,
Washington, DC.

DEAR CONGRESSMAN BUSTAMANTE: The purpose of this letter is to request your assistance in introducing the necessary legislation to allow for longer term leases at the Laredo International Airport.

I understand that H.R. 4691 to reauthorize the Airport Improvement Program will soon be considered by Congress. A markup to H.R. 4691 would resolve the issue regarding the term of airport leases.

The intent of the above referenced 1987 Amendment was to encourage the leasing of airport property in support of industrial development in Laredo, Texas, more specifically at the Airport. The leasing of airport property would create employment opportunities and generate revenue for the operation, maintenance and development of the Airport.

The 1987 Amendment is restricting the development of Airport properties.

The reason is the limitation to 20 year lease terms. This limitation is discouraging the private sector from leasing airport property and investing in the development of the airport.

Investors prefer minimum lease terms of 40 years. Investors need the longer lease term to fully amortize their investment. State law allows the term of airport leases to be for up to 40 years. The City can live with the 40 year term allowed by the State of Texas.

The City requests that the 1987 Amendment be amended by: deleting the reference to 20 years or less in Condition (C). The amended paragraph (C) to read as follows;

(C) Property to which such release applies may only be rented or leased if compensation which is not less than—

and adding a third subparagraph (iii) to Condition (C) to read;

(iii) and fair market value is received in the case of a rental or lease agreement for a term of more than 20 years.

The amendment herein proposed is in keeping with the spirit and the original intent of the 1987 Amendment.

Approval of the proposed amendment to the 1987 Amendment will help the City generate rental revenues for needed Airport improvements and help create employment opportunities in our community.

Thank you for your assistance. I look forward to working with you to help resolve this most important issue. Please call me at (512)-791-7300 if you need additional information.

Sincerely,

PETER H. VARGAS,
City Manager.

Mr. ROE. Mr. Chairman, will the gentleman yield?

Mr. BUSTAMANTE. I yield to the gentleman from New Jersey.

Mr. ROE. Mr. Chairman, we have reviewed this amendment. It is a revision, and one could say a partial technical adjustment. It simply extends the time of a period of leasing on some economic development programs at an airport site or contiguous to an airport from 20 years to 40 years. We have no objection to the amendment.

Mr. HAMMERSCHMIDT. Mr. Chairman, will the gentleman yield?

Mr. BUSTAMANTE. I yield to the gentleman from Arkansas.

Mr. HAMMERSCHMIDT. Mr. Chairman, I rise in support of the gentleman's amendment which would amend existing law regarding deed restrictions on airport property at Laredo, TX. The amendment would permit the airport to lease certain airport property at reduced rates for up to 40 years, instead of the 20 years permitted under the existing statute.

This amendment is more in the nature of a technical amendment and I see no problem with its adoption.

I urge my colleagues to support the amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Texas [Mr. BUSTAMANTE].

The amendment was agreed to.

The CHAIRMAN. Are there further amendments to title I? If not, the Clerk will designate title II.

The text of title II is as follows:

TITLE II—FEDERAL AVIATION ACT AMENDMENTS

SEC. 201. PROCUREMENT REFORM.

(a) IN GENERAL.—Section 303 of the Federal Aviation Act of 1958 (49 U.S.C. App. 1344) is amended by adding at the end the following new subsections:

"(g) LIMITED SOURCES OF PROCUREMENT.—The Administrator shall have the same authority as the Administrator would have under section 2304(c)(1) of title 10, United States Code, if the Federal Aviation Administration were an agency listed under section 2303(a) of title 10, United States Code.

"(h) CONTRACT TOWER PROGRAM.—The Administrator may enter into a contract, on a sole source basis, with a State or political subdivision thereof for the purpose of permitting such State or political subdivision to operate an airport traffic control tower classified as a level I visual flight rules tower by the Administrator if the Administrator determines that the State or political subdivision has the capability to comply with the requirements of this subsection. Any such contract shall require that the State or political subdivision comply with all applicable safety regulations in its operation of the facility and with applicable competition requirements in the subcontracting of any work to be performed under the contract.".

(b) CONFORMING AMENDMENT.—The portion of the table of contents contained in the first section of such Act relating to section 303 is amended by adding at the end the following:

"(g) Limited sources of procurement.

"(h) Contract tower program.".

SEC. 202. CREDIT FOR FEES.

Section 313(f)(4) of the Federal Aviation Act of 1958 (49 U.S.C. App. 1354(f)(4)) is amended by inserting "or as a charge permitted under section 334 of title 49, United States Code," after "subsection".

SEC. 203. AVIATION SECURITY TRAINING.

Section 316(c) of the Federal Aviation Act of 1958 (49 U.S.C. 1357(c)) is amended by inserting "(1)" after "(c)" and by adding at the end the following new paragraph:

"(2) REIMBURSEMENT FOR CERTAIN EXPENSES.—At the discretion of the Administrator, reimbursement may be made for travel, transportation, and subsistence expenses for the security training of non-Federal domestic and foreign security personnel whose services will contribute significantly to carrying out civil aviation security programs under this section. To the extent practicable, air travel reimbursed under this paragraph shall be conducted on United States air carriers.".

SEC. 204. NOTICE OF CONSTRUCTION.

Section 1101(a) of the Federal Aviation Act of 1958 (49 U.S.C. App. 1501(a)) is amended—

(1) by inserting after "of the construction or alteration," the following: "or the establishment or expansion,";

(2) by inserting after "or of the proposed construction or alteration," the following: "or of the proposed establishment or expansion,"; and

(3) by inserting "or sanitary landfill" after "structure".

SEC. 205. NATIONAL COMMISSION TO PROMOTE A STRONG AND COMPETITIVE AIRLINE INDUSTRY.

(a) FINDINGS.—Congress finds the following:

(1) The Nation's airlines must be part of an intermodal transportation system that will move people and goods in the fastest, most efficient manner.

(2) The Nation's airlines provide our connections with the global economy; a strong airline industry is essential to our Nation's ability to compete in the international marketplace.

(3) The Nation's airlines are in a state of financial distress, having lost more than $6,000,000,000 in 1990 and 1991. These losses threaten the ability of our airlines to accommodate the growing aviation traffic demands of the 1990's which threaten to undermine our Nation's ability to compete in the global economy.

(4) Because of the airline industry's financial distress and the absence of government policies to promote competition, there has been a precipitous decline in the number of major airlines. Of the 22 airlines which entered the industry following airline deregulation, only 2 are now operating. The rest have either gone out of business or merged with other carriers.

(5) Concentration in the airline industry has advanced rapidly in the past few years. The top 4 major airlines now control 67 percent of aviation traffic and the top 7 airlines now control 91 percent of aviation traffic. Three major airlines, carrying 19 percent of aviation traffic, are in chapter 11 bankruptcy and their survival is in doubt.

(6) The continued success of a deregulated airline system requires the spur of effective actual and potential competition to force airlines to provide high quality service at the lowest possible fares.

(7) Further reductions in the number of major airlines may leave the industry without sufficient competition to ensure a continuation of the benefits consumers have received under airline deregulation.

(b) ESTABLISHMENT.—There is established a commission to be known as the "National Commission to Ensure a Strong Competitive Airline Industry" (in this section referred to as the "Commission").

(c) FUNCTIONS.—The Commission shall make a complete investigation and study of the financial condition of the airline industry, the adequacy of competition in the airline industry, and legal impediments to a financially strong and competitive airline industry. Based on such investigation and study, the Commission shall recommend those policies which need to be adopted to achieve the national goal of a strong and competitive airline system which will facilitate the ability of our Nation to compete in the global economy, provide adequate levels of competition and service at reasonable fares at cities of all sizes, and provide a stable work environment for its employees.

(d) SPECIFIC MATTERS TO BE ADDRESSED.—The Commission shall specifically investigate and study the following:

(1) FINANCIAL CONDITION OF AIRLINE INDUSTRY.—The Commission shall determine the current financial condition of the airline industry and how the industry's financial condition is likely to change over the next 5 years. The issues to be considered shall include the following: the profits or losses likely to be achieved by the airline industry over the next 5 years: whether or not any profits realized will be adequate to permit airlines to acquire the capital equipment necessary to meet the demand of the traveling public in a safe and efficient manner, while complying with environmental regulations; and whether or not any major airlines are likely to fail or sell major assets in order to survive.

(2) ADEQUACY OF COMPETITION.—The Commission shall investigate the current state of competition in the airline industry, how the structure of airline industry competition is likely to change over the next 5 years, and whether or not the expected level of competition will be sufficient to continue the consumer benefits of airline deregulation.

(3) LEGAL IMPEDIMENTS TO A FINANCIALLY STRONG AND COMPETITIVE AIRLINE INDUSTRY.—The Commission shall examine whether the Federal Government should take any legislative or administrative actions to improve the financial conditions of the airline industry or to enhance airline competition. The matters to be investigated shall include whether or not any changes are needed in the legal and administrative policies which govern—

(A) the initial award and the transfer of international airline routes;

(B) the allocation of slots at high density airports;

(C) the allocation of gates, particularly at airports dominated by 1 or a limited number of airlines;

(D) frequent flier programs;

(E) airline computer reservations systems;

(F) the rights of foreign investors to invest in United States airlines;

(G) the taxes and user fees imposed on United States airlines;

(H) the regulatory responsibilities imposed on United States airlines;

(I) the bankruptcy laws of the United States and related fitness rules administered by the Department of Transportation as they apply to airlines; and

(J) the obligations of failing airlines to meet pension obligations.

(4) INTERNATIONAL AVIATION POLICY.—The Commission shall investigate whether or not the policies and strategies followed by the United States in international aviation are promoting the ability of United States airlines to achieve long-term competitive success in international markets. The matters to be investigated shall include the following: the Government's general negotiating policy; the desirability of multilateral rather than bilateral negotiations; whether or not foreign countries have developed the necessary infrastructure of airports and airways to enable our airlines to provide the service needed to meet the demand for aviation service between the United States and such countries; the rights granted foreign airlines to provide service in United States domestic markets ("cabotage"); and the rights granted foreign investors to invest in United States airlines.

(e) MEMBERSHIP.—

(1) APPOINTMENT.—The Commission shall be composed of 11 members as follows:

(A) 3 members appointed by the President.

(B) 2 members appointed by the Speaker of the House of Representatives.

(C) 2 members appointed by the minority leader of the House of Representatives.

(D) 2 members appointed by the majority leader of the Senate.

(E) 2 members appointed by the minority leader of the Senate.

(2) QUALIFICATIONS.—Members appointed pursuant to paragraph (1) shall be appointed from among individuals who are experts in transportation policy (including representatives of Federal, State, and local governments and other public authorities owning or operating airports) and organizations representing airlines, passengers, shippers, airline employees, aircraft manufacturers, general aviation, and the financial community.

(3) TERMS.—Members shall be appointed for the life of the Commission.

(4) VACANCIES.—A vacancy in the Commission shall be filled in the manner in which the original appointment was made.

(5) TRAVEL EXPENSES.—Members shall serve without pay but shall receive travel expenses, including per diem in lieu of subsistence, in accordance with sections 5702 and 5703 of title 5, United States Code.

(6) CHAIRMAN.—The Chairman of the Commission shall be elected by the members.

(f) STAFF.—The Commission may appoint and fix the pay of such personnel as it considers appropriate.

(g) STAFF OF FEDERAL AGENCIES.—Upon request of the Commission, the head of any department or agency of the United States may detail, on a reimbursable basis, any of the personnel of that department or agency to the Commission to assist it in carrying out its duties under this section.

(h) ADMINISTRATIVE SUPPORT SERVICES.—Upon the request of the Commission, the Administrator of General Services shall provide to the Commission, on a reimbursable basis, the administrative support services necessary for the Commission to carry out its responsibilities under this section.

(i) OBTAINING OFFICIAL DATA.—The Commission may secure directly from any department or agency of the United States information (other than information required by any statute of the United States to be kept confidential by such department or agency) necessary for the Commission to carry out its duties under this section. Upon request of the Commission, the head of that department or agency shall furnish such nonconfidential information to the Commission.

(j) REPORT.—Not later than May 1, 1993, the Commission shall transmit to Congress a final report on the results of the investigation and study conducted under this section.

(k) TERMINATION.—The Commission shall terminate on the 180th day following the date of transmittal of the report under subsection (j). All records and papers of the Commission shall thereupon be delivered by the Administrator of General Services for deposit in the National Archives.

The CHAIRMAN. Are there amendments to title II?

AMENDMENT OFFERED BY MR. DORGAN OF NORTH DAKOTA

Mr. DORGAN of North Dakota. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. DORGAN of North Dakota: Page 36, after the period on line 9, insert the following: "Members appointed pursuant to paragraph (1) shall be appointed in a manner such that the interests of both large hub airports and small airports with commercial air service will be taken into consideration.".

Mr. DORGAN of North Dakota. Mr. Chairman, I shall not take but a minute. The amendment is self-explanatory.

I support the concept of a commission, but I want to make sure, however, that such a commission would take into consideration the interests of smaller airports, the more rural areas of the country.

Mr. ROE. Mr. Chairman, will the gentleman yield?

Mr. DORGAN of North Dakota. I am happy to yield to the gentleman from New Jersey.

Mr. ROE. Mr. Chairman, we have reviewed the gentleman's amendment, and we think it is an added important amendment. We agree with the gentleman about the whole idea of the Commission reviewing the situation of the aviation industry in the Nation is to just bring into all of these factors, and the gentleman is adding an important amendment, and the committee is in acceptance of the gentleman's amendment.

□ 1610

Mr. HAMMERSCHMIDT. Mr. Chairman, will the gentleman yield?

Mr. DORGAN of North Dakota. I yield to the gentleman from Arkansas.

Mr. HAMMERSCHMIDT. Mr. Chairman, I concur with the statement of the committee chairman, and I support the amendment.

Mr. DORGAN of North Dakota. Mr. Chairman, I appreciate that. My point is simply to make that more explicit in the law. I appreciate very much the cooperation of the majority and the minority.

Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN. The question is on the amendment offered by the gentleman from North Dakota [Mr. DORGAN].

The amendment was agreed to.

Mr. SWETT. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I rise today in strong support of this legislation to reauthorize and strengthen programs of the Federal Aviation Administration. I want to commend Chairman ROE, Chairman OBERSTAR, Mr. HAMMERSCHMIDT, and Mr. CLINGER for their outstanding bipartisan leadership on this bill, and at this time I would ask the chairman to engage in a colloquy with me regarding section 122 of H.R. 4691.

This section directs the Secretary of Transportation to conduct a study of the current Federal program for monitoring the installation and operation of lighting systems for aircraft obstructions and airport runways. It further requires that the Secretary provide a report to Congress detailing the findings of this study. The concern which prompts this review is that, while the FAA determines specifications for these lighting systems, the responsibility for ensuring that they operate to specification throughout their life cycle is either less developed within FAA or falls to another agency entirely. The purpose of the study is to determine how the FAA can improve internal programs and cooperative efforts with other agencies to ensure that lighting systems are installed and operated—throughout their life cycle—in a manner that conforms to FAA specifications and adequately protects the flying public.

Is this explanation consistent with the committee's intent in adopting section 122 of the bill?

Mr. OBERSTAR. Mr. Chairman, will the gentleman yield?

Mr. SWETT. I yield to the gentleman from Minnesota.

Mr. OBERSTAR. Mr. Chairman, the gentleman from New Hampshire is the farsighted author of section 122 and has thoroughly explained it here on the floor, as he did in the committee.

The committee has elaborated on that matter in its committee report. The gentleman's statement is thoroughly consistent with the purpose of the specific legislative language, and I totally concur. The gentleman is correct.

Mr. SWETT. Mr. Chairman, I thank the committee chairman.

AMENDMENT OFFERED BY MR. ENGEL

Mr. ENGEL. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. ENGEL: Page 32, line 16, after the period insert the following: "In carrying out such study and investigation the Commission shall take into account aircraft noise abatement, a priority established by Congress by enactment of the Airport Noise and Capacity Act of 1990.".

Mr. ENGEL. Mr. Chairman, I rise today along with my colleague, Congressman HYDE, in offering an amendment to H.R. 4691, the aviation reauthorization bill of 1992. Our amendment would mandate that the 11-member Commission, established in the current bill to examine the competitiveness of the airline industry, must take into account the priorities set by Congress in the Airport Noise and Capacity Act of 1990, which made airplane noise abatement a national priority.

The current version of the bill establishes an 11-member Commission to examine the airline industry and to make recommendations in helping to create a healthy and competitive industry that is able to compete internationally, provide adequate competition and services at reasonable fares throughout the United States, and provide a stable work environment for airline employees. More specifically, the bill requires the Commission to closely examine the financial condition of the airline industry, the current adequacy of competition in the industry, existing legal impediments to a financially strong and competitive industry, and the impact of U.S. international aviation policies.

While I wholeheartedly agree with the premise of this provision, especially in light of the industry's current situation, I must urge my colleagues not to lose sight of the national priorities previously set forth by the Airport Noise and Capacity Act of 1990. As a Member representing a metropolitan area, I can attest to the severity of the airplane noise problem. On a daily basis, the quality of life for millions of Americans is adversely affected by the deafening noise of low-flying jet airplanes over primarily residential areas.

Therefore, the Commission's emphasis must be placed equally on strengthening the airline industry and on a national aviation noise policy. Our amendment would require that the Commission take this priority into consideration when making its recommendations.

Mr. Chairman, I urge my colleagues to support this amendment.

Mr. ROE. Mr. Chairman, will the gentleman yield?

Mr. ENGEL. Certainly, I yield to the gentleman from New Jersey.

Mr. ROE. Mr. Chairman, we have reviewed the amendment. Of course, I do want to hear from the distinguished gentleman, but we have reviewed the amendment. It is an important addition to what this Commission will be studying, and we would accept the gentleman's amendment.

Mr. HYDE. Mr. Chairman, will the gentleman yield to me?

Mr. ENGEL. I yield to the gentleman from Illinois.

Mr. HYDE. Mr. Chairman, I just want to take this opportunity to salute the gentleman from New York [Mr. ENGEL] for his very prudent amendment emphasizing that this important Commission, as it pursues its legitimate quest for competitiveness for our airlines, also bears in mind the Airport Noise and Capacity Act of 1990.

Airport noise is painfully inflicted on millions of people who are fortunate or not so fortunate enough to live right around an airport. As I have said, and as this amendment abundantly makes clear, the quality of life is very important along with the competitiveness of airlines.

So Mr. Chairman, the gentleman has done a very fine thing and I am very pleased to support him, and I thank the committee chairman and the ranking member for their support.

Mr. HAMMERSCHMIDT. Mr. Chairman, will the gentleman yield?

Mr. ENGEL. Certainly, I yield to the gentleman from Arkansas.

Mr. HAMMERSCHMIDT. Mr. Chairman, I support the amendment of the gentleman from New York.

I congratulate him and the gentleman from Illinois [Mr. HYDE].

Mr. Chairman, we accept the amendment on this side.

Mr. ENGEL. Mr. Chairman, I thank the committee chairman and the ranking member and the gentleman from Illinois and everyone for their cooperation and support.

Mr. Chairman, I yield back the balance of my time.

Mrs. MORELLA. Mr. Chairman, as the Representative of the 8th Congressional District of Maryland, which has been impacted by airport noise, I appreciate the opportunity to rise in support of the Engel-Hyde amendment.

The aviation reauthorization provides for an 11-member Commission charged with the responsibility of taking a close look at the aviation industry. That Commission, then, must make recommendations regarding ways in which to improve the industry to compete on a global basis, to provide improved services and more reasonable fares for passengers, and to improve working conditions for airline employees.

The Engel-Hyde amendment would require that the 11-member Commission also would take into consideration aircraft noise abatement.

Airport noise is undeniably serious. It is an invisible pollutant that causes stress, hearing loss, and impaired health. Many Americans have experienced the damage firsthand as they have had to endure constant, daily overflights of their homes and their neighborhoods. Unlike landfills and oilspills, noise is an invisible pollutant. All the same, the hazards are just as real.

Maryland residents, especially my constituents in the Great Falls area, are experiencing an increase in noise—on a daily and nightly basis—from flights from both National and Dulles airports that follow the Potomac River upon takeoff. There is no doubt that aircraft noise creates a negative impact upon the quality of life in the communities along the take-off routes of Washington's two major airports.

Mr. Chairman, I urge my colleagues to support the Engel-Hyde amendment to make consideration of aircraft noise abatement a priority among the issues to be examined by the 11-member Commission established by the aviation reauthorization bill. This amendment will help aviation remain a good neighbor to the communities it serves, not only in the Greater Washington area, but across the Nation.

The CHAIRMAN. The question is on the amendment offered by the gentleman from New York [Mr. ENGEL].

The amendment was agreed to.

Mr. OWENS of Utah. Mr. Chairman, I ask unanimous consent to offer an amendment to title I, notwithstanding the fact that it has been passed in the reading.

The CHAIRMAN. Is there objection to the request of the gentleman from Utah?

There was no objection.

AMENDMENT OFFERED BY MR. OWENS OF UTAH

Mr. OWENS of Utah. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. OWENS of Utah: Page 27, insert new section:

SEC. 124. STUDY OF SMALL AIRPORT RUNWAY MAINTENANCE.

(a) STUDY.—The Secretary of Transportation shall conduct a study to assess the ability of airports which annually enplane .05 percent or less of total enplanements in the United States to finance the maintenance of runways, aprons and taxiways constructed under the Airport Improvement Program, whether or not it would be desirable to make maintenance of runways, aprons, and taxiways eligible to receive grants under the Airport Improvement Program, and whether or not the result of making such maintenance eligible would be to reduce the long term costs of airport development.

(b) REPORT.—Not later than one year after the date of enactment of this Act, the Secretary shall transmit to Congress a report containing the results of the study conducted under subsection (a), together with recommendations.

Mr. OWENS of Utah (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from Utah?

There was no objection.

Mr. OWENS of Utah. Mr. Chairman, I am deeply grateful for the assistance of the gentleman from Minnesota, chairman of the Aviation Subcommittee, and the chairman of the full committee.

Mr. Chairman, my amendment is as simple as it is sensible. It directs the Secretary of Transportation to conduct a study to assess the ability of small airports to finance the maintenance of runways, aprons, and taxiways constructed under the Airport Improvement Program. The Secretary is also directed to recommend whether or not we would save money by allowing AIP grants to be awarded for runway maintenance, instead of using AIP money to totally replace a deteriorated runway, as is current practice.

I am fully aware of the tremendous needs facing this Nation's airports. And sadly, we do not have sufficient resources to meet all of these needs. For that reason, I am not requesting at this time to expend the already scarce resources in this bill on yet another program, though I believe it to be worthwhile.

But Mr. Chairman, the small airports in America are getting the short end of the stick. Most of these airports perform vital commercial, medical, and communications functions in rural or sparsely populated areas. Yet these airports, unlike the large airports, are barely able to scrape together the money to stay in operation. Large airports may get most of the glory, but the smaller airports literally maintain America's lifeline.

Airports in St. George, Moab, Logan, and 60 other locations in Utah face a heavy financial burden, especially in this tough budget climate. Under the current regulations, the Airport Improvement Program only grants money for capital projects and requires participating airports to spend their own resources on pavement maintenance. Small airports, while fully complying with this regulation and spending their own funds on maintenance, run out of money before they are able to repair runways, aprons, and taxiways. This results in more frequent replacement of pavement, which, of course, costs more money. I believe that we would actually save money by allowing AIP money to be used for repair and renovation of small airports.

Large airports, like many of those on the East Coast, prefer to receive AIP funds for capital projects, like terminal, facility and runway construction and expansion. For these airports, this makes sense. But for the smaller airports that are as important to their communities as the large airports are to the big cities they service, the current AIP regulations are counterproductive.

Mr. Chairman. I include the following article from the Deseret News of February 6–7, 1992:

[From the Deseret News, Feb. 6–7, 1992]

SMALL UTAH AIRPORTS SEEKING MORE MONEY FOR MAINTENANCE

Do Utahans view private planes and the small, often rural, airports that accommodate them as "toys for rich people?"

If they do, they couldn't be more wrong, said John W. Wolfe, manager of the Ogden-Hickley Airport and past president of the Utah Airport Operators Association.

Speaking for the Airport Operators, Wolfe told the Utah Air Travel Commission this week that more than half of Utah's general aviation, as it is termed, is related to business, not pleasure, and is vitally important to the economies of the state's smaller communities.

But many of Utah's small airfields are not getting the money they need—particularly for maintaining runways and taxiways—to keep them viable, Wolfe told the Air Travel Commission, the organization responsible for improving Utah's air service under the Utah Department of Transportation, Salt Lake City Corp. and the Salt Lake Area Chamber of Commerce.

Wolfe came to the commission's monthly meeting Wednesday to ask its support for a plan to modify existing rules of the federal Airport Improvements Fund (AIP) or perhaps create a separate program.

Under current rules, said Wolfe, AIP does not allow grant money for pavement maintenance although differences of interpretation among Federal Aviation Administration district offices of the "no-maintenance policy" have resulted in "some variety" in how it is enforced.

What these small airports need most, he said, are the construction materials to make the repairs—about 50 percent of the total cost. Many, he noted, have the street equipment and personnel needed to do the work if they had the materials.

It sounds simple, but it's not, said Wolfe. AIP airport rehabilitation grant money is tied to a requirement that each airport spend some of its own money toward pavement maintenance—again, with widely varying FAA interpretation of exactly what this means.

The result, said Wolfe, is that many small airports do little or nothing to maintain their pavement. Instead, they wait until it deteriorates to the point that it requires complete renovation, thus qualifying for AIP rehabilitation grant money.

Louis Miller, director of airports of Salt Lake City, told Wolfe he would likely have more success trying to amend the current law than attempting to get a completely new law written. He advised Wolfe to immediately contact Utah's congressional delegation on the matter as legislation is currently being discussed in Washington, DC.

For their part, commissioners voted to back Wolfe and other small-airport managers in their attempt to change the way federal money is allocated to general aviation airports, Wolfe said he would contact Utah's congressional delegation as well as the American Association of Airport Executives, Alexandria, VA., a major U.S. advocate for general aviation.

Mr. OBERSTAR. Mr. Chairman, will the gentleman yield?

Mr. OWENS of Utah. Yes, I yield to the gentleman from Minnesota.

Mr. OBERSTAR. Mr. Chairman, the gentleman has stated the case. The law currently prohibits the practice that the gentleman proposes to be studied.

The gentleman is offering a very valuable service to rural America, showing his continuing interest in and concern for communities who recognize that if they are going to grow, they have to have an airport and that airport has to be maintained. It is the very strong continuing interest of this committee in seeing that airport facilities are maintained. The gentleman's amendment will go a long way to assuring that. The study contained in this proposal will be a very valuable and useful one. I commend the gentleman for offering it and am prepared to accept it.

Mr. HAMMERSCHMIDT. Mr. Chairman, will the gentleman yield?

Mr. OWENS of Utah. Yes; I yield to the gentleman from Arkansas.

Mr. HAMMERSCHMIDT. Mr. Chairman, I concur with the statement just made by the distinguished chairman of the subcommittee and with the statement made by the gentleman who is offering the amendment, and I support it.

Mr. OWENS of Utah. Mr. Chairman, I thank the gentleman.

Mr. ROE. Mr. Chairman, will the gentleman yield?

Mr. OWENS of Utah. I am glad to yield to the gentleman from New Jersey, the committee chairman.

Mr. ROE. Mr. Chairman, the gentleman from Minnesota has stated the case clearly, as has the author of the amendment, and the committee has no objection to it.

(Mr. OWENS of Utah asked and was given permission to revise and extend his remarks.)

The CHAIRMAN. The question is on the amendment offered by the gentleman from Utah [Mr. OWENS].

The amendment was agreed to.

The CHAIRMAN. Are there further amendments to title II?

If not, the Clerk will designate title III.

The text of title III is as follows:

TITLE III—RESEARCH, ENGINEERING, AND DEVELOPMENT

SEC. 301. SHORT TITLE.

This title may be cited as the "Federal Aviation Administration Research, Engineering, and Development Authorization Act of 1992".

SEC. 302. AVIATION RESEARCH AUTHORIZATION OF APPROPRIATIONS.

Section 506(b)(2) of the Airport and Airway Improvement Act of 1982 (49 U.S.C. App. 2205(b)(2)) is amended by striking subparagraph (A) and all that follows and inserting in lieu thereof the following:

"(A) for fiscal year 1993—

"(i) $14,734,000 solely for management and analysis projects and activities;

"(ii) $97,218,000 solely for capacity and air traffic management technology projects and activities;

"(iii) $30,701,000 solely for communications, navigation, and surveillance projects and activities;

"(iv) $6,116,000 solely for weather projects and activities;

"(v) $7,309,000 solely for Airport Technology projects and activities;

"(vi) $44,218,000 solely for aircraft safety technology projects and activities;

"(vii) $52,163,000 solely for system security technology projects and activities;

"(viii) $34,941,000 solely for human factors and aviation medicine projects and activities;

"(ix) $4,500,000 for environment and energy projects and activities; and

"(x) $5,400,000 for innovative/cooperative research projects and activities; and

"(B) for fiscal year 1994, $633,300,000, less the aggregate of amounts appropriated pursuant to subparagraph (A).

Not less than 15 percent of the amount appropriated pursuant to this paragraph shall be for long-term research projects, and not less than 3 petcent of the amount appropriated under this paragraph shall be available to the Administrator for making grants under section 312(g) of the Federal Aviation Act of 1958.".

SEC. 303. DE-ICING STUDY.

Not later than 6 months after the date of enactment of this Act, the Secretary of Transportation shall report to the Congress on the feasibility of requiring commercial airports and/or commercial airlines to employ portable equipment to de-ice commercial aircraft immediately prior to takeoff by placing de-icing equipment close to the departure end of the active runway. In addition, the Secretary shall undertake research to develop new techniques and to develop more efficient fluids and technologies for de-icing.

SEC. 304. USE OF DOMESTIC PRODUCTS.

(a) PROHIBITION AGAINST FRAUDULENT USE OF "MADE IN AMERICA" LABELS.—(1) A person shall not intentionally affix a label bearing the inscription of "Made in America", or any inscription with that meaning, to any product sold in or shipped to the United States, if that product is not a domestic product.

(2) A person who violates paragraph (1) shall not be eligible for any contract for a procurement carried out with amounts authorized under this title, including any subcontract under such a contract pursuant to the debarment, suspension, and ineligibility procedures in subpart 9.4 of chapter 1 of title 48, Code of Federal Regulations, or any successor procedures thereto.

(b) COMPLIANCE WITH BUY AMERICAN ACT.—(1) Except as provided in paragraph (2), the head of each agency which conducts procurements shall ensure that such procurements are conducted in compliance with sections 2 through 4 of the Act of March 3, 1933 (41 U.S.C. 10a through 10c, popularly known as the "Buy American Act").

(2) This subsection shall apply only to procurements made for which—

(A) amounts are authorized by this title to be made available; and

(B) solicitations for bids are issued after the date of enactment of this Act.

(3) The Secretary of Transportation, before January 1, 1994, shall report to the Congress on procurements covered under this subsection of products that are not domestic products.

(c) DEFINITIONS.—For the purposes of this section, the term "domestic product" means a product—

(1) that is manufactured or produced in the United States; and

(2) at least 50 percent of the cost of the articles, materials, or supplies of which are mined, produced, or manufactured in the United States.

AMENDMENT OFFERED BY MR. RINALDO

Mr. RINALDO. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. RINALDO: Redesignate section 304 of the bill as section 305 and insert after section 303 of the bill the following new section:

SEC. 304. AIRCRAFT NOISE RESEARCH PROGRAM.

(a) ESTABLISHMENT.—The Administrator of the Federal Aviation Administration and the Administrator of the National Aeronautics and Space Administration shall jointly conduct a research program to develop new technologies for quieter subsonic jet aircraft engines and airframes.

(b) GOAL.—The goal of the research program established by subsection (a) is to develop by the year 2000 technologies for subsonic jet aircraft engines and airframes which would permit a subsonic jet aircraft to operate at reduced noise levels.

(c) PARTICIPATION.—In carrying out the program established by subsection (a), the Administrator of the Federal Aviation Administration and the Administrator of the National Aeronautics and Space Administration shall encourage the participation of representatives of the aviation industry and academia.

(d) REPORT TO CONGRESS.—The Administrator of the Federal Aviation Administration and the Administrator of the National Aeronautics and Space Administration shall jointly submit to Congress, on an annual basis during the term of the program established by subsection (a), a report on the progress being made under the program toward meeting the goal described in subsection (b).

Mr. RINALDO (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from New Jersey?

There was no objection.

Mr. RINALDO. Mr. Chairman, my amendment to the research, engineering, and development title of the Airport and Airway Safety, Capacity, and

Intermodal Transportation Act of 1992 would direct the Administrator of the FAA and the Administrator of NASA to jointly conduct a research program to develop new technologies for quieter jet aircraft engines and airframes.

Noise generated by jet aircraft represents a significant and steadily growing environmental problem in the United States. Millions of Americans living near airports across the country are subjected to a daily barrage of jet thunder, with very limited prospects for relief in the future.

Congress recognized the problem of aircraft noise through the passage of legislation in 1990 to phase out the operation of older, noisy stage II jet aircraft by the end of the decade. However, this is only a partial solution to the problem, and any noise relief that is achieved will likely be temporary as the air transport industry continues to expand in the future to meet the growing demand for air travel.

The projected growth in air traffic through the year 2000 and beyond virtually assures a corresponding growth in the problem of aircraft noise. To solve this problem, we need to implement an aggressive, long-term research agenda to develop technologies that will permit future generations of aircraft to operate at noise levels significantly below what is currently attainable.

It is for this reason that I am offering this amendment, which directs the Administrator of the FAA and the Administrator of NASA to jointly conduct and manage a research program to develop new technologies for quieter jet aircraft engines and airframes. The goal of the program is to develop jet aircraft technology—ready for industry application by the year 2000—that will permit aircraft to operate at reduced noise levels. With additional resources focused on noise abatement research, a 4- or 6-decibel decrease relative to current stage III aircraft noise levels could be achieved by the end of the decade.

My amendment is based upon the recommendations put forth by the Aircraft Noise Abatement Working Group in their November 1991 report to the FAA Research, Engineering, and Development Advisory Group. The working group report contains recommendations on specific areas of research and levels of funding, and emphasizes that the research effort should be a cooperative one involving the FAA, NASA, the aerospace industry, and the academic community.

I believe the report offers a rational and straightforward blueprint for achieving long-term aircraft noise reduction. The FAA and NASA are already conducting important research into quieter subsonic aircraft technology, although the current level of funding committed to this effort is very small, and similar research is ongoing within the aviation industry. My amendment will put noise research on a fast track, calling for an enhanced Federal commitment to aircraft noise abatement by creating a sustained and coordinated research program to expedite the availability of quieter aircraft for the future. Ultimately, this effort will benefit noise impacted communities on the ground, as well as enhance the long-term competitiveness of the air transport industry.

I strongly urge my colleagues to vote in favor of the Rinaldo amendment.

□ 1620

Mr. VALENTINE. Mr. Chairman, will the gentleman yield?

Mr. RINALDO. I yield to the gentleman from North Carolina.

Mr. VALENTINE. Mr. Chairman, we have reviewed, for our part, the amendment of the gentleman from New Jersey [Mr. RINALDO] and believe that it improves the bill. We would be happy to accept it.

Having said that, it is my belief that this country contains a significant population. Many people have moved up beside these airports after the airports have been in existence for a long time, and, as soon as they get settled in their houses, the first thing they do is begin to complain about the noise.

But we accept the amendment of the gentleman from New Jersey [Mr. RINALDO].

Mr. WALKER. Mr. Chairman, will the gentleman yield?

Mr. RINALDO. I yield to the gentleman from Pennsylvania.

Mr. WALKER. Mr. Chairman, I thank the gentleman from New Jersey [Mr. RINALDO] for yielding, and I simply want to say that we, too, have reviewed the amendment on our side, and agree with the gentleman and support his amendment.

Mr. RINALDO. I thank the gentleman from Pennsylvania.

Mr. ROE. Mr. Chairman, will the gentleman yield?

Mr. RINALDO. I yield to the gentleman from New Jersey.

Mr. ROE. Mr. Chairman, I want to pay high regard to my distinguished colleague, the gentleman from New Jersey [Mr. RINALDO] who has been really one of the true leaders, not only in New Jersey on this critical issue of noise at airports, but all across the Northeast United States, and I strongly support his amendment because I think it is a very important step in the right direction. So, I compliment the gentleman and rise in strong support of his amendment.

Mr. RINALDO. Mr. Chairman, I thank the gentleman from New Jersey [Mr. ROE], the dean of the New Jersey delegation.

Mr. CLINGER. Mr. Chairman, will the gentleman yield?

Mr. RINALDO. I yield to the gentleman from Pennsylvania.

Mr. CLINGER. Mr. Chairman, I would like to add my support to the amendment which I think is a very good and important addition to our bill.

As my colleagues know, at the present time technology has only taken us so far, and we are only going to have what is called stage three quietness, but we need to go beyond that, and, as the gentleman who represents an urban area recognizes, this is a continuing source of annoyance, it is a continuing source of dismay to people who live in and around these airports.

So, Mr. Chairman, I think it is very important that we do move toward developing a technology which is going to allow us to have quieter aircraft in the future, so I would support the amendment of the gentleman from New Jersey [Mr. RINALDO].

Mr. RINALDO. Mr. Chairman, I thank the gentleman from Pennsylvania [Mr. CLINGER] for his kind remarks and support, and I yield back the balance of my time.

The CHAIRMAN. The question is on the amendment offered by the gentleman from New Jersey [Mr. RINALDO].

The amendment was agreed to.

AMENDMENTS EN BLOC OFFERED BY MR. WALKER

Mr. WALKER. Mr. Chairman, I offer amendments en bloc.

The Clerk read as follows:

Amendments en bloc offered by Mr. WALKER: Page 1, line 15, strike "$14,734,000" and insert in lieu thereof "$12,700,000".

Page 1, line 17, strike "$97,218,000" and insert in lieu thereof "$72,900,000".

Page 2, line 1, strike "$30,701,000" and insert in lieu thereof "$29,400,000".

Page 2, line 4, strike "$6,116,000" and insert in lieu thereof "$8,100,000".

Page 2, line 6, strike "$7,309,000" and insert in lieu thereof "$5,600,000".

Page 2, line 8, strike "$44,218,000" and insert in lieu thereof "$47,700,000".

Page 2, line 10, strike "$52,163,000" and insert in lieu thereof "$38,300,000".

Page 2, line 12, strike "$34,941,000" and insert in lieu thereof "$34,000,000".

Page 2, line 15, strike "$4,500,000" and insert in lieu thereof "$6,500,000".

Page 2, line 17, strike "$5,400,000" and insert in lieu thereof "$4,800,000".

Page 2, line 19, strike "$633,300,000" and insert in lieu thereof "$557,000,000".

Mr. WALKER (during the reading). Mr. Chairman, I ask unanimous consent that the amendments en bloc be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

MODIFICATIONS OFFERED BY MR. WALKER TO THE AMENDMENTS EN BLOC OFFERED BY MR. WALKER

Mr. WALKER. Mr. Chairman, I ask unanimous consent that the amendments offered en bloc by Mr. WALKER be modified.

The CHAIRMAN. The Clerk will report the modifications.

The Clerk read as follows:

Modifications offered by Mr. WALKER to the amendments offered by Mr. WALKER:

In subparagraph (A)(i) of the matter proposed to be inserted in Section 506(b)(2) of the Airport and Airway Improvement Act of 1982 by section 302 of the bill, strike "$14,734,000" and insert in lieu thereof "$14,700,000".

In subparagraph (A)(ii) of such matter, strike "$97,218,000" and insert in lieu thereof "$87,000,000".

In subparagraph (A)(iii) of such matter, strike "$30,701,000" and insert in lieu thereof "$28,000,000".

In subparagraph (A)(iv) of such matter, strike "$6,116,000" and insert in lieu thereof "$7,700,000".

In subparagraph (A)(v) of such matter, strike "$7,309,000" and insert in lieu thereof "$6,800,000".

In subparagraph (A)(vi) of such matter, strike "$44,218,000" and insert in lieu thereof "$44,000,000".

In subparagraph (A)(vii) of such matter, strike "$52,163,000" and insert in lieu thereof "$41,100,000".

In subparagraph (A)(viii) of such matter, strike "$34,941,000" and insert in lieu thereof "$31,000,000".

In subparagraph (A)(ix) of such matter, strike "$4,500,000" and insert in lieu thereof "$4,500,000".

In subparagraph (A)(x) of such matter, strike "$5,400,000" and insert in lieu thereof "$5,200,000".

In subparagraph (B) of such matter, strike "$633,000,000", less the aggregate of amounts appropriated pursuant to subparagraph (A)", and insert in lieu thereof "$297,000,000".

Mr. WALKER (during the reading). Mr. Chairman, I ask unanimous consent that the modifications to the amendments en bloc be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

The CHAIRMAN. Is there objection to the request of the gentleman from Pennsylvania that the en bloc amendments be modified?

There was no objection.

Mr. WALKER. Mr. Chairman, this is now a consensus amendment, and I think it should be supported by the entire membership. The provision, as it came to the floor in this bill, authorizes more than $600 million over 2 years for FAA research, engineering and development programs. This represented about a 30-percent increase above what the President had asked for, and even the President's numbers reflected the fact that FAA research and development activities have experienced quite a bit of growth in recent years. Back in fiscal year 1988, the authorization for this account was $150 million. A few short years later that amount is up by about 53 percent.

While I know there are some who would like to see a larger authorization because the fund comes out of the aviation trust fund, the fact remains that for the present anyhow this trust fund is on budget, and any expenditures from that fund contribute either to the loss of funding in some other areas or to the Federal deficit. My amendment would make changes in line items within the provision of the Committee on Science, Space, and Technology to reduce the overall funding levels to $270 million in fiscal year 1993, providing an inflation increase over the current authorization, and then a $297 million fund for fiscal year 1994.

Mr. Chairman, I think we have worked out a variety of problems on this, and it does reflect a responsible level of funding to proceed with, and I would ask that the amendment be approved.

Mr. OBERSTAR. Mr. Chairman, will the gentleman yield?

Mr. WALKER. I yield to the gentleman from Minnesota.

Mr. OBERSTAR. Mr. Chairman, I understand that an agreement had been reached between the gentleman from Pennsylvania [Mr. WALKER], and the gentleman from North Carolina [Mr. VALENTINE], and the gentleman from California [Mr. BROWN] and others, but I just want to understand. As I look at one element of the gentleman's amendment, the reduction in funding of systems security technology. The President's request was at $36.3 million. The bill, as reported, was at $52.2 million. The compromise comes to $41.1 million. What I want to understand is whether the gentleman has any specific research projects that are going to be affected by these reductions.

The amendments of the Committee on Science, Space, and Technology are very specific as to programs, and I am just speaking for my capacity, having served on the President's Commission on Aviation, Security and Terrorism and the author, along with the gentleman from Arkansas [Mr. HAMMERSCHMIDT] of the bill that is now law that governs security systems. I just want to understand what it is that will be affected. Is it going to be further work on explosive detection systems? Sniffer-systems? Just what is the effect of the amendment of the gentleman from Pennsylvania?

Mr. WALKER. Mr. Chairman, let me say to the gentleman that I do not believe there are going to be any reductions in programs. The gentleman has to realize that the President's request was for $36 million. The committee expanded that considerably in its presentation. I personally was for higher figures in this account, and it represents a compromise on my part, but the fact is that the figure is now at about $41 million, which represents a $5 million increase over what the President requested.

So, I do not say that there have to be cuts in programs. There will be some things that we might otherwise be able to do that will not be reflected in this account, but I would say to the gentleman that this is an increase, not a reduction.

Mr. OBERSTAR. Mr. Chairman, that is not my point. My point is to understand. Is the $41 million to be applied by the FAA; does the FAA have discretion under the amendment of the gentleman from Pennsylvania to shift those funds to those programs within this account that it gives the highest priorities, such as explosive detection systems versus weapons detection or airport security access controls?

Mr. WALKER. Well, there is a certain amount of discretion in this under my amendment. We are giving overall spending authority under my amendment. Now there is, indeed, report language in some things that will specify particular programs, but they are still within a $41 million account, and it is going to be considerable discretion for FAA to determine what priorities they want to put that money into.

□ 1630

So I do not think there is a problem here with this particular money. I realize the gentleman might have liked a higher figure, but this is done in order to bring it into some kind of balance.

Mr. OBERSTAR. Mr. Chairman, as long as there is flexibility within the account, I think the agency would be able to recognize and accommodate priorities, but I was concerned, the way this amendment was drawn, that it might be very restrictive.

Mr. WALKER. Mr. Chairman, I do not believe that there are any restrictions on the money as the amendment is drawn. As I say, there are in fact items within the committee report and there are some other things that might be directed, but that will still leave a considerable flexibility, and there is no intent whatsoever in the amendment to limit any kind of flexibility the agency would have.

Mr. OBERSTAR. I am very pleased that the gentleman is for a higher level of funding, because of all the items in this section of the bill, I think the matter of security is one that, in my judgment, has the highest priority. I think the higher level of funding is important for the FAA to continue the work of protecting passengers and aircraft. We will just work through the appropriations process.

Mr. WALKER. As the gentleman knows, this is research money that is not affected at all by the security programs that are ongoing within the airports.

Mr. OBERSTAR. Mr. Chairman, I thank the gentleman.

Mr. VALENTINE. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I rise for the purpose of stating that on our part we accept the gentleman's amendment. Indeed, we acquiesced in the unanimous-consent request to reform his amendment.

We have been negotiating the points raised by the gentleman from Pennsylvania [Mr. WALKER] and the gentleman from Florida [Mr. LEWIS], the ranking member of the subcommittee, and we have with some reluctance agreed to come to the position which has been described and which is in form now in the amendment which is before the body.

I want to say finally that we did this, Mr. Chairman, in an effort to try to preserve what has been, I think, a realistic, bipartisan approach on the Committee on Science, Space, and Technology to critical problems facing our Nation.

We feel that there are many areas in this body where politics is and should be the order of the day, but when it comes to the safety of those of us who travel from airport to airport in this country and what we do to further the cause of public education and whether we authorize and appropriate enough money to see that the FAA can keep up with the technology, that they can implement the latest technologies, that is not an appropriate matter for partisan politics.

So we have agreed in that spirit and in the hope that our colleague, the distinguished ranking member of our subcommittee, the gentleman from Florida [Mr. LEWIS], the gentleman from Pennsylvania [Mr. WALKER], and others will join us in approaching the appropriators. We are talking about authorizing and approaching those Members who hold the purse strings in a solid front in a bipartisan effort to ask them to fund this in keeping with the amendment.

With that, I say again, Mr. Chairman, that we accept the gentleman's amendment.

Mr. LEWIS of Florida. Mr. Chairman, I move to strike the last word.

Mr. Chairman, the bipartisan amendment offered by Mr. BROWN and Mr. WALKER makes a strong policy statement that this body supports an aggressive FAA research program.

I want to thank Chairman BROWN and ranking member WALKER for their efforts in developing this amendment.

I would also like to thank the subcommittee chairman, the gentleman from North Carolina [Mr. VALENTINE], for his hard work and for his support of FAA R&D.

The amendment establishes funding for aviation safety as a high priority. I, and other Members, have fought for several years to establish a long-term research program that has as a goal the prevention of accidents by detecting the causes before the disaster occurs.

With the support of Members from both sides of the aisle, we have a much greater chance of getting the Appropriations Committee to agree with us.

I urge all Members to support this amendment.

The CHAIRMAN. The question is on the amendments en bloc, as modified, offered by the gentleman from Pennsylvania [Mr. WALKER].

The amendments en bloc, as modified, were agreed to.

AMENDMENT OFFERED BY MR. ROSTENKOWSKI

Mr. ROSTENKOWSKI. Mr. Chairman, I offer an amendment which is provided for under the rule.

The Clerk read as follows:

Amendment offered by Mr. ROSTENKOWSKI: At the end of the bill, add the following new title:

TITLE IV—EXTENSION OF AIRPORT AND AIRWAY TRUST FUND

SEC. 401. EXTENSION OF AIRPORT AND AIRWAY TRUST FUND.

(a) IN GENERAL.—Paragraph (1) of section 9502(d) of the Internal Revenue Code of 1986 (relating to expenditures from Airport and Airway Trust Fund) is amended

(1) by striking "October 1, 1992" and inserting "October 1, 1994", and

(2) by striking in subparagraph (A) "(as such Acts were in effect on the date of the enactment of the Aviation Safety and Capacity Expansion Act of 1990)" and inserting "or any Act which contains only provisions which are substantially identical to provisions contained in H.R. 4691 of the 102d Congress, as reported by the Committee on Public Works and Transportation or H.R. 4557 of the 102d Congress, as reported by the Committee on Science, Space, and Technology (as such Acts were in effect on the date of enactment of the last-enacted Act referred to in this subparagraph)".

SEC. 402. CLARIFICATION OF TRUST FUND REVENUES.

(a) IN GENERAL.—Paragraph (1) of section 9502(e) of the Internal Revenue Code of 1986 (relating to special rules for transfers into trust fund) is amended to read as follows:

"(1) INCREASES IN TAX REVENUES BEFORE 1993 TO REMAIN IN GENERAL FUND.—In the case of taxes imposed before January 1, 1993, the amounts required to be appropriated under paragraphs (1), (2), and (3) of subsection (b) shall be determined without regard to any increase in a rate of tax enacted by the Revenue Reconciliation Act of 1990."

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect as if included in section 11213 of the Revenue Reconciliation Act of 1990 on the date of the enactment of such Act.

Mr. ROSTENKOWSKI (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from Illinois?

There was no objection.

The CHAIRMAN. Pursuant to the rule, the amendment is not subject to amendment or to a demand for a division of the question.

The gentleman from Illinois [Mr. ROSTENKOWSKI] is recognized for 5 minutes in support of his amendment.

Mr. ROSTENKOWSKI. Mr. Chairman, I rise in support of the Ways and Means Committee amendment to H.R. 4691, the Airport and Airway Safety, Capacity, and Intermodal Transportation Act of 1992.

America needs renewed investment in its aviation system, and H.R. 4691 is a strong and welcome response to that need. It establishes a comprehensive program that will enable America's airports and airways to meet our air transportation needs in the coming years. It funds programs that are critical to improving the safety of air travel. It recognizes the important role our Nation's airports and airways play as part of an overall transportation system that will enable us to successfully compete in the global economy. And, importantly, the program established by H.R. 4691 will create critically needed jobs for those Americans who desperately want to work.

The Ways and Means Committee amendment is necessary to make this bill work. It extends authority to spend out of the airport and airway trust fund and allows expenditures to be made for the purposes envisioned by the Committee on Public Works and the Committee on Science, Space, and Technology. Without this amendment, expenditures generally could not be made out of the trust fund beyond fiscal 1992. Thus, it is imperative that the Ways and Means Committee amendment be incorporated into the authorization bill.

The Ways and Means Committee amendment also includes a technical correction that already has passed the House in H.R. 1555, the Technical Corrections Act of 1991. This technical correction is necessary in order to reflect the conference agreement on the 1990 Budget Act with respect to the increases in the air passenger and air cargo taxes that were provided by that act. Due to a statutory drafting error, revenues from these increases in the aviation excise taxes currently are being transferred to the trust fund. However, the 1990 conferees agreed to retain the revenue from these increases in the aviation taxes in the general fund through 1992.

Mr. Chairman, I believe that H.R. 4691 is important for the improvement of our country's airports and airways, for global competitiveness, for economic stimulation and job creation, and for the safety of the traveling public. I strongly urge support for the Ways and Means Committee amendment.

In addition, Mr. Chairman, I would like to point out that I am greatly concerned by the provision in this bill that links passenger facility charge authority to the funding levels for the Aviation Improvement Program and the Essential Air Service Program.

I can find no justification to tie the fate of the vitally important PFC Program to the ultimate funding levels of these two aviation programs. I strongly believe that the linkage provision should be stricken entirely. Other ways—without endangering PFC's—can be found to protect the funding levels of these important aviation programs.

I hope that this issue can be addressed and resolved in conference.

Mr. LEWIS of Florida. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, I rise in strong opposition to the Rostenkowski amendment and in support of maintaining some integrity in the airport and airway trust fund.

As we all know, the aviation trust fund is currently on-budget as a gimmick to make the deficit seem smaller. Not only is this dishonest from a budget standpoint, it has a real effect.

Funds that have been put in the trust fund by aviation users have to go through the normal appropriations process. Therefore, they must compete with other programs.

As a supporter of aviation safety programs, it sickens me to see these funds sitting in limbo, being used to mask the deficit.

To add insult to injury the budget summit increased these taxes and tried to earmark the funds for general Government spending.

Due to a technical drafting error the funds are inadvertently still going into the trust fund. This amendment will correct that drafting mistake.

Mr. Chairman, it is bad enough that people believe their airline ticket fee is being used for aviation safety when it is masking the deficit.

This amendment is worse. It takes part of these funds and allows them to be used for more Government spending. I do not know about your constituents, but mine do not believe the problem with this country is a lack of taxes or too little Government spending.

This House should be forthcoming. We are using a budget and tax gimmick to further our appetite for further Government spending.

Make no mistake, this is a vote to create a tax out of a user fee.

If you believe aviation fees should go to aviation safety and improvement, join me in opposing this amendment, and cosponsor my bipartisan legislation, H.R. 2693, which would repeal this tax and take the trust fund off budget.

□ 1640

If you believe aviation fees should go to aviation safety and improvement, join me in opposing this amendment and cosponsor my bipartisan legislation, H.R. 2693, which would repeal this tax and take the trust fund off budget.

Mr. HAMMERSCHMIDT. Mr. Chairman, I rise in support of the amendment.

Mr. Chairman, I support this amendment. It would simply make a technical change with respect to the aviation taxes. It is my understanding that the minority side in the Ways and Means Committee also supports it.

I would also like to say that I am sympathetic to the effort of the gentleman from Florida [Mr. LEWIS] to stop the diversion of aviation taxes.

The gentleman is not alone in his concern about this diversion from the trust fund to the general fund. In the long run, this could have a negative impact on funding for aviation projects.

However, this issue was decided 2 years ago in the Budget Reconciliation Act. At that time, it was decided that some of the aviation taxes would be deposited into the general fund rather than the trust fund.

I did not necessarily agree with that at the time. But that was what the Congress and the President decided. It was part of the larger overall budget agreement.

As it turned out, however, the actual language of the statute did not reflect this agreement in this respect. Therefore, the taxes that were supposed to go into the general fund continued to flow into the trust fund.

Now, the Ways and Means Committee wants to correct the legal language to reflect what was actually decided in 1990. Regardless of what one thinks of that decision, I cannot object to this amendment that would conform the law to the budget agreement.

Mr. ROE. Mr. Chairman, I move to strike the requisite number of words.

Mr. ROSTENKOWSKI. Mr. Chairman, will the gentleman yield?

Mr. ROE. I yield to the gentleman from Illinois.

Mr. ROSTENKOWSKI. Mr. Chairman, in response to the gentleman from Florida, the Ways and Means Committee amendment is necessary to make the authorization bill work. Without the amendment, expenditures could not be made out of the airport trust fund for the purposes contemplated by the Committee on Public Works and Transportation and the Committee on Science, Space, and Technology.

The amendment does not increase aviation taxes at all. There should be no increase in ticket prices as a result of the amendment.

The amendment has no budgetary effects whatsoever. There would be no increase or decrease in revenue as a result of the amendment.

The technical correction that transfers money from the airport trust fund to the general fund is necessary to effect the conference agreement from the 1990 budget agreement. As part of the 1990 budget agreement, the conferees agreed to increase the air passenger and air cargo taxes, and to retain in the general fund through 1992, the revenues attributable to those increases. This was part of a comprehensive deficit reduction package. Due to an error in drafting the statute, revenues attributable to the 1990 increases in the aviation taxes are being transferred to the airport trust fund. The technical correction merely provides that the revenues attributable to the 1990 aviation tax increases should be retained in the general fund through 1992.

The technical correction already has passed the House in the Technical Corrections Act of 1991.

I urge support for the amendment.

Ms. HORN. Mr. Chairman, I rise today in strong support of H.R. 4691, the Airport and Airway Safety, Capacity, and Intermodal Transportation Act of 1992.

As many of my colleagues and my constituents are well aware, our airports are suffering ever-increasing delays due to inclement weather or simple overcrowding, and safety concerns are rising as overworked air traffic controllers struggle with outdated equipment to manage more and more flights. I believe, Mr. Chairman, H.R. 4691 responds to these needs.

This bill authorizes $4 billion in appropriations from the aviation trust fund for 2 more years of Airport Improvement Program [AIP] funding. Similarly, under this bill, more than $5 billion will be invested in the FAA's facilities and equipment program, to modernize our airways system and help reduce air traffic delays. Finally, H.R. 4691 provides $9 billion for FAA operations and maintenance over 2 years, to provide the skilled manpower necessary to keep our rapidly expanding air traffic system operating smoothly and safely.

These outlays are of special importance to my constituents as our airport, Lambert-St. Louis International, currently suffers from more than 20,000 hours of annual delays when inclement weather reduces the airport to one serviceable runway.

In addition to increasing airline operating costs by millions of dollars, these delays have a ripple effect throughout the air traffic system as connecting flights are delayed across the country. To correct this, the city of St. Louis, in coordination with the FAA, the airlines, and other local users, is planning an extensive expansion program to reduce expensive operating delays.

The FAA is currently evaluating the proposed plan's environmental impact statement, and, once FAA approval is received, St. Louis will begin modernizing its airfield. Funding for this project will come from a variety of sources, including passenger facility charges, local user-supplied funding, and a letter of intent from the FAA promising future funding from AIP discretionary funds.

Mr. Chairman, this project is vital to improving our Nation's air traffic system, reducing delays, and potential emergency situations through a program of modernization and expansion. I greatly appreciate the subcommittee chairman's efforts in crafting this bill and bringing it to the floor so projects similar to St. Louis' upgrading can proceed secure in the knowledge that funding will be available.

I would also like to take a moment to thank the distinguished subcommittee chairman, Mr. OBERSTAR, for continuing the State block grant program which has allowed Missouri to channel millions of much-needed funds to numerous small airports around the State. Although slow to get started, Missouri's block grant program eventually performed well above expectations and directors of small airports in my district look forward to working with the program in the future.

Mr. Chairman, I reiterate my strong support for H.R. 4691 and commend this House for recognizing that only through consistent investment in our infrastructure can we prepare this nation for the next century.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Illinois [Mr. ROSTENKOWSKI].

The amendment was agreed to.

The CHAIRMAN. Are there any further amendments to the bill?

If not, the question is on the committee amendment in the nature of a substitute, as modified, as amended.

The committee amendment in the nature of a substitute, as modified, as amended, was agreed to.

The CHAIRMAN. Under the rule, the Committee rises.

Accordingly, the Committee rose; and the Speaker pro tempore [Mr. DURBIN] having assumed the chair, Mr. BARNARD, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 4691) to amend the Airport and Airway Improvement Act of 1982 to authorize appropriations for fiscal years 1993 and 1994, and for other purposes, pursuant to House Resolution 457, he reported the bill back to the House with an amendment adopted by the Committee of the Whole.

The SPEAKER pro tempore. Under the rule, the previous question is ordered.

Is a separate vote demanded on any amendment to the committee amendment in the nature of a substitute as modified, adopted by the Committee of the Whole? If not, the question is on the amendment.

The amendment was agreed to.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

The SPEAKER pro tempore. The question is on the passage of the bill.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. ROE. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The vote was taken by electronic device and there were—yeas 410, nays 2, not voting 22, as follows:

[Roll No. 127]

YEAS—410

Abercrombie
Ackerman
Alexander
Allard
Andrews (ME)
Andrews (NJ)
Andrews (TX)
Annunzio
Applegate
Archer
Armey
Aspin
Bacchus
Baker
Ballenger
Barnard
Barrett
Barton
Bateman
Beilenson
Bennett
Bentley
Bereuter
Berman
Bevill
Bilbray
Bilirakis
Blackwell
Bliley
Boehlert
Boehner
Bonior
Borski
Boucher
Brewster
Brooks
Browder
Brown
Bruce
Bryant
Bunning
Burton
Bustamante
Byron
Callahan
Camp
Campbell (CO)
Cardin
Carper
Carr
Chandler
Chapman
Clay
Clement
Clinger
Coble
Coleman (MO)
Coleman (TX)
Collins (IL)
Collins (MI)
Combest
Condit
Conyers
Cooper
Costello
Coughlin
Cox (CA)
Cox (IL)
Coyne
Cramer
Cunningham
Darden
Davis
de la Garza
DeFazio
DeLauro
DeLay
Dellums
Derrick
Dickinson
Dicks
Dingell
Dixon
Dooley
Doolittle
Dorgan (ND)
Dornan (CA)
Downey
Dreier
Duncan
Durbin
Dwyer
Dymally
Early
Eckart
Edwards (CA)
Edwards (TX)
Emerson
Engel
English
Erdreich
Espy
Evans
Ewing
Fascell
Fawell
Fazio
Fields
Fish
Flake
Foglietta
Ford (MI)
Ford (TN)
Frank (MA)
Franks (CT)
Frost
Gallegly
Gallo
Gaydos
Gejdenson
Gekas
Geren
Gibbons
Gilchrest
Gillmor
Gilman
Gingrich
Glickman
Gonzalez
Goodling
Gordon
Goss
Gradison
Green
Guarini
Gunderson
Hall (OH)
Hall (TX)
Hamilton
Hammerschmidt
Hancock
Hansen
Harris
Hastert
Hayes (IL)
Hayes (LA)
Hefley
Hefner
Henry
Herger
Hertel
Hoagland
Hobson
Hochbrueckner
Holloway
Hopkins
Horn
Horton
Houghton
Hoyer
Hubbard
Huckaby
Hughes
Hunter
Hutto
Hyde
Inhofe
Ireland
Jacobs
James
Jefferson
Jenkins
Johnson (CT)
Johnson (SD)
Johnson (TX)
Johnston
Jones (NC)
Jontz
Kanjorski
Kaptur
Kasich
Kennedy
Kennelly
Kildee
Kleczka
Klug
Kolbe
Kolter
Kostmayer
Kyl
LaFalce
Lagomarsino
Lancaster
Lantos
LaRocco
Laughlin
Leach
Lehman (CA)
Lehman (FL)
Lent
Levin (MI)
Lewis (CA)
Lewis (FL)
Lewis (GA)
Lightfoot
Lipinski
Livingston
Lloyd
Long
Lowery (CA)
Lowey (NY)
Luken
Machtley
Manton
Martin
Martinez
Matsui
Mavroules
Mazzoli
McCandless
McCloskey
McCollum
McCrery
McDade
McDermott
McEwen
McGrath
McHugh
McMillan (NC)
McMillen (MD)
McNulty
Meyers
Mfume
Michel
Miller (CA)
Miller (OH)
Miller (WA)
Mineta
Mink
Moakley
Molinari
Mollohan
Montgomery
Moody
Moorhead
Moran
Morella
Morrison
Mrazek
Murphy
Murtha
Myers
Nagle
Natcher
Neal (MA)
Neal (NC)
Nichols
Nowak
Nussle
Oakar
Oberstar
Obey
Olin
Olver
Ortiz
Orton
Owens (NY)
Owens (UT)
Oxley
Packard
Pallone
Panetta
Parker
Pastor
Patterson
Paxon
Payne (NJ)
Payne (VA)
Pease
Pelosi
Penny
Perkins
Peterson (FL)
Peterson (MN)
Petri
Pickett
Pickle
Porter
Poshard
Price
Quillen
Rahall
Ramstad
Rangel
Ravenel
Ray
Reed
Regula
Rhodes
Richardson
Ridge
Riggs
Rinaldo
Ritter
Roberts
Roe
Roemer
Rogers
Rohrabacher
Ros-Lehtinen
Rose
Rostenkowski
Roth
Roukema
Rowland
Roybal
Russo
Sabo
Sanders
Sangmeister
Santorum
Sarpalius
Savage
Sawyer
Saxton
Schaefer
Scheuer
Schiff
Schroeder
Schulze
Schumer
Sensenbrenner
Serrano
Sharp
Shaw
Shays
Shuster
Sikorski
Sisisky
Skaggs
Skeen
Skelton
Slattery
Slaughter
Smith (FL)
Smith (IA)
Smith (NJ)
Smith (OR)
Smith (TX)
Snowe
Solarz
Solomon
Spence
Spratt
Staggers
Stallings
Stark
Stearns
Stenholm
Stokes
Studds
Stump
Sundquist
Swett
Swift
Synar
Tallon
Tanner
Tauzin
Taylor (MS)
Taylor (NC)
Thomas (CA)
Thomas (GA)
Thomas (WY)
Thornton
Torres
Torricelli
Towns
Traficant
Traxler
Unsoeld
Upton
Valentine
Vander Jagt
Vento
Visclosky
Volkmer
Vucanovich
Walker
Walsh
Washington
Waters
Waxman
Weiss
Weldon
Wheat
Whitten
Williams
Wilson
Wise
Wolf
Wolpe
Wyden
Wylie
Yates
Yatron
Young (AK)
Young (FL)
Zeliff
Zimmer

NAYS—2

Atkins
Crane

NOT VOTING—22

Allen
Anderson
Anthony
AuCoin
Boxer
Broomfield
Campbell (CA)
Dannemeyer
Donnelly
Edwards (OK)
Feighan
Gephardt
Grandy
Hatcher
Jones (GA)
Kopetski
Levine (CA)
Markey
Marlenee
McCurdy
Pursell
Weber

□ 1708

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. OBERSTAR. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on H.R. 4691, the bill just considered and passed.

The SPEAKER pro tempore (Mrs. COLLINS of Michigan). Is there objection to the request of the gentleman from Minnesota?

There was no objection.

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 3030

Mr. ROWLAND. Madam Speaker, as a sponsor of this legislation, I ask unanimous consent that the name of the gentleman from Texas [Mr. WILSON] be removed as a cosponsor of H.R. 3030.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Georgia?

There was no objection.

□ 1710

CONFERENCE REPORT ON S. 1306, ADAMHA REORGANIZATION ACT

The SPEAKER pro tempore (Mrs. COLLINS of Michigan). The pending business is the question of suspending the rules and agreeing to the conference report on the Senate bill, S. 1306.

The Clerk read the title of the Senate bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from California [Mr. WAXMAN] that the House suspend the rules and agree to the conference report on the Senate bill, S. 1306, on which the yeas and nays are ordered.

The vote was taken by electronic device, and there were—yeas 264, nays 148, answered "present" 1, not voting 21, as follows:

[Roll No. 128]

YEAS—264

Abercrombie
Ackerman
Alexander
Andrews (ME)
Andrews (NJ)
Annunzio
Applegate
Aspin
Atkins
Barnard
Bateman
Beilenson
Bentley
Berman
Bevill
Bilbray
Blackwell
Bliley
Boehlert
Bonior
Borski
Boucher
Brewster
Browder
Brown
Bruce
Bustamante
Byron
Callahan
Campbell (CO)
Cardin
Carper
Carr
Chandler
Clement
Clinger
Collins (IL)
Collins (MI)
Condit
Conyers
Cooper
Costello
Coughlin
Cox (IL)
Coyne
Cramer
Darden
DeFazio
DeLauro
Dellums
Derrick
Dickinson
Dicks
Dingell
Dixon
Dooley
Dorgan (ND)
Downey
Durbin
Dwyer
Dymally
Eckart
Edwards (CA)
Engel
Erdreich
Espy
Evans
Fazio
Flake
Foglietta
Ford (MI)
Ford (TN)
Frank (MA)
Franks (CT)
Gallegly
Gallo
Gaydos
Gejdenson
Gilchrest
Gilman
Glickman
Gonzalez
Gordon
Green
Guarini
Hall (OH)
Hamilton
Hammerschmidt
Harris
Hayes (IL)
Hefner
Hertel
Hoagland
Hobson
Hochbrueckner
Horn
Horton
Houghton
Hoyer
Hubbard
Hughes
Jacobs
Jefferson
Jenkins
Johnson (CT)
Johnson (SD)
Jones (NC)
Jontz
Kanjorski
Kaptur
Kasich
Kennedy
Kennelly
Kildee
Kleczka
Kolbe
Kolter
Kostmayer
LaFalce
Lagomarsino
Lancaster
Lantos
Leach
Lehman (CA)
Lent
Lewis (CA)
Lewis (GA)
Lipinski
Lloyd
Long
Lowery (CA)
Lowey (NY)
Luken
Machtley
Manton
Marlenee
Martinez
Matsui
Mavroules
McCloskey
McDade
McDermott
McGrath
McHugh
McMillan (NC)
McMillen (MD)
McNulty
Mfume
Miller (CA)
Miller (OH)
Miller (WA)
Mineta
Mink
Moakley
Molinari
Mollohan
Montgomery
Moody
Moran
Morella
Morrison
Mrazek
Murphy
Murtha
Nagle
Natcher
Neal (MA)
Neal (NC)
Nowak
Nussle
Oberstar
Obey
Olin
Olver
Orton
Owens (NY)
Owens (UT)
Oxley
Pallone
Panetta
Parker
Pastor
Patterson
Payne (NJ)
Payne (VA)
Pease
Pelosi
Penny
Perkins
Peterson (MN)
Pickett
Poshard
Price
Quillen
Rahall
Ray
Reed
Richardson
Rinaldo
Roemer
Rose
Rostenkowski
Rowland
Roybal
Russo
Sabo
Sanders
Sangmeister
Savage
Sawyer
Saxton
Scheuer
Schumer
Serrano
Sharp
Shays
Sikorski
Sisisky
Skelton
Slattery
Slaughter
Smith (IA)
Smith (NJ)
Solarz
Spence
Spratt
Staggers
Stark
Stokes
Studds
Sundquist
Swett
Swift
Synar
Tallon
Tanner
Taylor (MS)
Thomas (GA)
Thomas (WY)
Thornton
Torres
Torricelli
Towns
Traficant
Traxler
Unsoeld
Upton
Valentine
Vento
Visclosky
Volkmer
Walsh
Waters
Waxman
Weiss
Wheat
Whitten
Williams
Wise
Wolpe
Wyden
Yates
Yatron
Young (AK)

NAYS—148

Allard
Allen
Andrews (TX)
Archer
Armey
Bacchus
Baker
Ballenger
Barrett
Barton
Bennett
Bereuter
Bilirakis
Boehner
Brooks
Bryant
Bunning
Burton
Camp
Chapman
Clay
Coble
Coleman (MO)
Coleman (TX)
Combest
Cox (CA)
Crane
Cunningham
Davis
de la Garza
DeLay
Doolittle
Dornan (CA)
Dreier
Duncan
Early
Edwards (TX)
Emerson
English
Ewing
Fascell
Fawell
Fields
Fish
Frost
Gekas
Geren
Gibbons
Gillmor
Gingrich
Goodling
Goss
Gradison
Gunderson
Hall (TX)
Hancock
Hansen
Hastert
Hayes (LA)
Hefley
Henry
Herger
Holloway
Hopkins
Huckaby
Hunter
Hutto
Hyde
Inhofe
Ireland
James
Johnson (TX)
Johnston
Klug
Kyl
LaRocco
Laughlin
Lehman (FL)
Lewis (FL)
Lightfoot
Livingston
Martin
Mazzoli
McCandless
McCollum
McCrery
McEwen
Meyers
Michel
Moorhead
Myers
Nichols
Ortiz
Packard
Paxon
Peterson (FL)
Petri
Pickle
Porter
Ramstad
Rangel
Ravenel
Regula
Rhodes
Ridge
Riggs
Ritter
Roberts
Rogers
Rohrabacher
Ros-Lehtinen
Roth
Roukema
Santorum
Sarpalius
Schaefer
Schiff
Schroeder
Schulze
Sensenbrenner
Shaw
Shuster
Skaggs
Skeen
Smith (FL)
Smith (OR)
Smith (TX)
Snowe
Solomon
Stallings
Stearns
Stenholm
Stump
Tauzin
Taylor (NC)
Thomas (CA)
Vander Jagt
Vucanovich
Walker
Washington
Weber
Weldon
Wilson
Wolf
Wylie
Young (FL)
Zeliff
Zimmer

ANSWERED "PRESENT"—1

Levin (MI)

NOT VOTING—21

Anderson
Anthony
AuCoin
Boxer
Broomfield
Campbell (CA)
Dannemeyer
Donnelly
Edwards (OK)
Feighan
Gephardt
Grandy
Hatcher
Jones (GA)
Kopetski
Levine (CA)
Markey
McCurdy
Oakar
Pursell
Roe

☐ 1727

The Clerk announced the following pair:

On this vote:

Mr. AuCoin and Mr. Anthony for, with Mr. Broomfield against.

Mr. HUNTER changed his vote from "yea" to "nay."

So (two-thirds not having voted in favor thereof) the motion was rejected.

The result of the vote was announced as above recorded.

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF HOUSE RESOLUTION 194

Mr. BUNNING. Mr. Speaker, I ask unanimous consent that my name be removed from the list of cosponsors of House Resolution 194.

The SPEAKER pro tempore (Mr. HOYER). Is there objection to the request of the gentleman from Kentucky?

There was no objection.

APPOINTMENT OF CONFEREES ON H.R. 3033, JOB TRAINING REFORM AMENDMENTS

Mr. PERKINS. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H.R. 3033) to amend the Job Training Partnership Act to improve the delivery of services to hard-to-serve youth and adults, and for other purposes, with Senate amendments thereto, disagree to the Senate amendments, and agree to the conference requested by the Senate.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Kentucky?

There was no objection.

The SPEAKER pro tempore. Without objection, the Chair appoints the following conferees: Messrs. FORD of Michigan, WILLIAMS, PERKINS, ANDREWS of New Jersey, OLVER, GOODLING, GUNDERSON, and HENRY.

There was no objection.

☐ 1730

COMMUNICATION FROM THE HONORABLE JOE KOLTER, MEMBER OF CONGRESS

The SPEAKER pro tempore (Mrs. COLLINS of Michigan). laid before the House the following communication from the Honorable JOE KOLTER, Member of Congress:

HOUSE OF REPRESENTATIVES,
Washington, DC, May 20, 1992.

Hon. THOMAS S. FOLEY,
Speaker, U.S. House of Representatives, Washington, DC.

DEAR MR. SPEAKER: I have previously notified you of my receipt of a subpoena issued by the United States District Court for the District of Columbia.

After consultation with the General Counsel to the Clerk, I have determined that compliance with the subpoena is consistent with the privileges and rights of the House.

Sincerely,

JOE KOLTER,
Member of Congress.

COMMUNICATION FROM THE HONORABLE DAN ROSTENKOWSKI, MEMBER OF CONGRESS

The SPEAKER pro tempore laid before the House the following communication from the Honorable DAN ROSTENKOWSKI, Member of Congress:

WASHINGTON, DC,
May 19, 1992.

Hon. THOMAS S. FOLEY,
Speaker, U.S. House of Representatives, Washington, DC.

DEAR MR. SPEAKER: I have previously notified you of my receipt of a subpoena issued by the United States District Court for the District of Columbia.

After consultation with counsel, I have determined that compliance with the subpoena is consistent with the privileges and rights of the House.

Sincerely,

DAN ROSTENKOWSKI,
Member of Congress.

COMMUNICATION FROM THE HONORABLE AUSTIN J. MURPHY, MEMBER OF CONGRESS

The SPEAKER pro tempore laid before the House the following communication from the Honorable AUSTIN J. MURPHY, Member of Congress:

HOUSE OF REPRESENTATIVES,
Washington, DC, May 18, 1992.

Hon. THOMAS S. FOLEY,
Speaker, U.S. House of Representatives, Washington, DC.

DEAR MR. SPEAKER: I have previously notified you of my receipt of a subpoena issued by the United States District Court for the District of Columbia.

After consultation with the General Counsel to the Clerk, I have determined that compliance with the subpoena is consistent with the privileges and rights of the House.

Very truly yours,

AUSTIN J. MURPHY,
Member of Congress.

COMMUNICATION FROM THE SERGEANT AT ARMS OF THE HOUSE

The SPEAKER pro tempore laid before the House the following communication from the Sergeant at Arms of the House of Representatives:

WASHINGTON, DC,
May 18, 1992.

Hon. THOMAS S. FOLEY,
Speaker, U.S. House of Representatives, Washington, DC.

DEAR MR. SPEAKER: I have previously notified you of my receipt of a subpoena issued by the United States District Court for the District of Columbia.

After consultation with the General Counsel to the Clerk, I have determined that compliance with the subpoena is consistent with the privileges and rights of the House.

Sincerely,

WERNER W. BRANDT,
Sergeant at Arms.

COMMUNICATION FROM THE CLERK OF THE HOUSE

The SPEAKER pro tempore laid before the House the following communication from the Clerk of the House of Representatives:

WASHINGTON, DC,
May 18, 1992.

Hon. THOMAS S. FOLEY,
The Speaker, U.S. House of Representatives, Washington, DC.

DEAR MR. SPEAKER: I have previously notified you of my receipt of a subpoena issued by the United States District Court for the District of Columbia.

After consultation with the General Counsel to the Clerk, I have determined that compliance with the subpoena is consistent with the privileges and rights of the House.

Sincerely,

DONNALD K. ANDERSON,
Clerk, U.S. House of Representatives.

BEIJING AUTHORITIES HARASS REPORTER

(Mr. PEASE asked and was given permission to address the House for 1 minute and to revise and extend his remarks, and to include extraneous material.)

Mr. PEASE. Mr. Speaker, I would like to submit for the RECORD, an article from yesterday's Washington Post describing an incident involving a Post journalist, Lena Sun, who was allegedly detained and harassed by Chinese authorities. This piece notes that the experience of Lena Sun represents one in series involving Beijing officials' questionable treatment of Western journalists.

I bring this matter to the attention of my colleagues because we are now approaching that time in the year at which the President decides whether or not to extend most-favored-nation status [MFN] to the People's Republic of China [PRC]. Since the massacre of pro-democracy demonstrators in Tiananmen Square in June 1989, the United States House of Representatives has repeatedly voted for legislation requiring that the President grant MFN to China on a conditional basis.

If journalists in the People's Republic of China are being detained and followed and questioned when they attempt to tell the truth about what is happening to Chinese dissidents, I would assert that the need is still strong for sending a message to Beijing by conditioning preferential trade status on human rights progress.

Mr. Speaker, I include the article from the Washington Post, as follows:

[From the Washington Post, May 18, 1992]

BEIJING AUTHORITIES HARASS REPORTER—POST BUREAU SEARCHED, NOTES SEIZED

Chinese security agents searched the office of Washington Post Beijing correspondent Lena H. Sun yesterday, confiscating notebooks and personal papers. The Washington Post protested to Chinese authorities; the State Department said it also had protested. This is Sun's account;

BEIJING May 17—"We are from the Beijing State Security Ministry," said one man in Chinese. "We would like to talk to you."

The search of my office began today after four Chinese men and a woman, in civilian clothes, rang the bell of my apartment in the same building. When I opened the door, they pushed their way in before I could say a word.

Those words from the police official turned what was supposed to be a Sunday afternoon with my family into a three-hour ordeal that included breaking open a locked drawer in my office safe, confiscation of personal papers and two notebooks related to stories I had written, interrogation about my relationship with a Chinese friend, and virtual house arrest for my husband and 2-year-old son.

One of the notebooks had extensive notes about a dog zoo outside Beijing. Another item confiscated was a letter from a foreign friend. A third item was a list, in English and Chinese, of family members of prominent Chinese dissidents, some of whom are still in jail.

The police accused me of violating Chinese laws and engaging in activities "incompatible" with my status as a foreign journalist. They decided to specify those activities. In answer to their statements, I said I had spend my time here trying to collect and present as fully and accurately as possible news about China.

One policeman filmed the proceedings, taking pictures of me, the safe and the papers. Shortly after the police arrived, two officials from the U.S. Embassy tried to come into my office, but two unarmed uniformed police officers prevented them from entering and me from leaving. I was told I could not use the telephone. When my husband called several times to see whether I was all right, I was told I could not talk to him until the proceedings were over. Once or twice when the telephone rang, a police official picked it up and hung up.

A few hours after the police left, I found the rear left tire of my office jeep had suddenly gone flat. Additional guards were also posted at the gates of our compound, which houses only diplomats and foreign journalists.

The episode comes at a time when Western journalists have been under increasing harassment by Chinese authorities even as officials are trumpeting a new era of reform and opening to the outside world.

New York Times bureau chief Nicholas D. Kristof has been summoned twice by the Chinese Foreign Ministry in the last two months for articles the ministry characterized as "vicious slanders of the Chinese government," Kristof said. One article was about the unpopularity and political future of Premier Li Peng. The other was a long interview with labor leader Han Dongfang, in which Han described how he was tortured after he was arrested and imprisoned as part of the June 4, 1989, Chinese army crackdown on demonstrators for democracy.

It is widely believed that the authorities delayed for more than a month the issuing of a resident's visa to Kristof's infant son as retaliation for Kristof's articles. Because of disagreements over arrangements for a trip to China by New York Times Executive Editor Max Frankel in which the Chinese seemed to want to limit the participation of Kristof and his journalist wife, Sheryl WuDunn, Frankel has postponed the visit.

A correspondent for the British Broadcasting Corp., James Miles, was detained on the eve of the May 1 Labor Day holiday for attempting to report on a protest in Tiananmen Square by several European labor activists. He was released after several hours, but authorities refused to return his official journalist pass. A few days later, when he went on an arranged, Foreign Ministry-approved reporting trip outside Beijing, he was told after he arrived that his visit had to be canceled. He has since been accused of taking part in the demonstration, which Miles denies.

Journalists, including myself, have also been closely followed, especially on officially approved reporting trips outside Beijing. Wall Street Journal bureau chief James McGregor and Reuter bureau chief David Schlesinger were tailed while they were in the coastal city of Wenzhou last week. About the same time, the Toronto Globe and Mail correspondent, Jan Wong, and a Dutch reporter were followed while they were in remote Qinghai province, which is adjacent to Tibet.

During a trip to the coastal province of Fujian in late February, Wong and I were followed around the clock by plainclothes men on foot and by car. We were filmed as we were leaving Fuzhou, the provincial capital.

One woman, a prostitute who talked to us in the city of Xiamen, a special economic zone that is hoping to attract more foreign investment, was arrested two days after speaking with us. Other Chinese acquaintances were interrogated for talking with us.

During the episode today, the police officials in my office and the ones guarding my husband and son in the apartment 13 floors below kept in constant communication via walkie-talkie with unidentified others who apparently were their superiors.

The police were, on the whole, courteous, and quite concerned about following strict procedures. Several lengthy arguments broke out, however, whenever I refused to sign papers such as ones showing what had been taken from the office, or when I asked for copies of what I had signed or asked them any questions.

Almost all of the conversation was in Chinese. One official, Wang Guangfu, who said he was the interpreter, had only a minimal grasp of English.

After they had confiscated my papers and two notebooks, Wang spoke into the walkie-talkie:

"Come in Zero-Four, this is Zero-Two. We have basically achieved our objective." He told the unidentified person that the talks had not gone "very smoothly."

The man who appeared to be in charge gave his name as Dong Xiaohua. A short man who wore a Western suit, he produced an identification card that said he was 37 years old and a section chief of the Beijing City State Security Ministry. (The Ministry of State Security is China's equivalent of the former Soviet KGB secret service.)

In addition to Dong and Wang, there was a third man who was the cameraman, a fourth man who took notes of the proceedings and made out a list of the items taken from the office, and a fifth person, a young woman who seemed to serve no role. Two uniformed police officers blocked any movement into the office, and two men with walkie-talkies were in my apartment watching my husband and son.

My husband asked for permission to leave the apartment several times. Each time, he was told by one of the men, in English, that he would not be allowed to do so. My son was frightened and confused by what was happening, particularly the presence of the two strangers in his home.

The English-speaking police official told my husband: "You should put your heart back into your stomach."

"He kept repeating that phrase," my husband said. "I don't know what he meant. It was surreal."

Meanwhile, upstairs in the office, Dong produced a search warrant, showing what he claimed to be authority to search my three-room office. It was clear from the start, however, that they were interested only in the contents of my office safe.

I was asked to open the safe, and two locked drawers inside the safe. I agreed to do so because they had a search warrant, and because they made clear that if I refused, they would use other means to gain access.

When I could not open one of the drawers because I did not have the key, they radioed for help. Several minutes later, another unidentified man carrying a maroon tool bag came into the office. With a few well-placed strikes of a hammer against a nail, he broke open the lock. The drawer was empty.

In addition to taking papers from the safe, the police also rifled through several notebooks in a nearby set of drawers, flipping through them page by page, before confiscating two of them.

It was only then that they began to question me about my relationship with a former classmate at Beijing University, where I had been a history student in 1977–78. The classmate, Dong said, had been arrested, and was under investigation. When I asked whether my classmate had been formally charged with a crime, he snapped, "You don't need to know such things."

"Your attitude has some problems," Dong said. "You have not been cooperative enough."

It is not clear what will happen next. The officials directed all of my inquiries to the Foreign Ministry, the organ in charge of overseeing foreign journalists. None of the responsible officials could be reached for comment tonight.

PRESERVE THE ENDANGERED SPECIES ACT

(Mr. McDERMOTT asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. McDERMOTT. Mr. Speaker, last week the administration proposed overriding the Endangered Species Act to allow the extinction of the northern spotted owl in major portions of the Northwest.

I would like to share with my colleagues an editorial that appeared recently in the Seattle Times.

It says:

> The problem is not overzealous protection of a bird.
>
> The problem is over-exploitation of natural resources * * *.
>
> Even if the owl were allowed to become extinct, the forests that once, kept mill towns employed soon will be gone.

We all are concerned about jobs—in the Northwest and in the rest of the country. But the fact is that timber jobs have already been lost due to overcutting of the forests—not because of the Endangered Species Act.

The fact is that timber communities must face the inevitable task of economic diversification. The fact is that our efforts to help them do so have been rejected by this administration. And the fact is that gutting the Endangered Species Act will never bring back harvest levels of the last decade.

The Northwest must prepare for a different future, not squander its limited resources in a futile effort to recapture the past. I urge my colleagues to help us do so.

[From the Seattle Times, May 10, 1992]

GUTTING THE ACT WILL NOT PUT LOGGERS INTO JOBS

When politicians like Rep. Rod Chandler have no answers for distressed timber towns, they blame the spotted owl and the Endangered Species Act. Chandler has stepped to the front of the anti-regulation, property-rights movement by proposing to gut the act, or in his words "put people on equal footing with plants and animals."

Not only is blaming the Endangered Species Act shortsighted, it completely ignores the real reasons why forest communities are dying. And by ignoring the causes, those communities are doomed to permanent decline.

The problem is not overzealous protection of a bird. The problem is over-exploitation of natural resources so that people, animals and plants dependent on those resources are no longer sustainable. Boom-and-bust cycles in the forest industry, overseas competition and automation reduced timber jobs in Oregon, for example, by 17 percent between 1979 and 1989—long before the spotted owl became a household word.

Like the owl, mill towns are facing the consequences of the destruction of once-plentiful old-growth forests. Even if the owl were allowed to become extinct, the forests that once kept mill towns employed soon will be gone.

The only solution is intelligent management of resources before resource-based economies and species reach the brink of catastrophe. Only by protecting ecosystems early in the game can communities avoid clashing with the Endangered Species Act, the law of last resort.

Some 639 threatened or endangered plant and animal species have been granted federal protection. Since 1979, the U.S. Fish and Wildlife Service has evaluated 121,000 projects for impact on endangered species. Only a tiny percentage—668 projects—have required some modification. This fact, of course, has been completely ignored by critics bent on destroying the law.

The spotted owl case admittedly is different from other endangered species cases. It involves an entire ecosystem, not just one creature. But its lessons are instructive. Had conservation of woodland species been a consideration in federal timber sales, the owl population would not have been allowed to dwindle to 3,000 pairs in millions of acres.

The same myopic mismanagement is happening with the nation's wetlands. Nearly a third of all endangered species live in wetland habitats. Yet more than half of the 220 million acres of original wetlands have been destroyed, and 300,000 acres are being filled annually.

At some point, a once-common frog or reed will be found to be on the verge of extinction and living on land slotted for shopping mall or housing development. Again, the debate will be frogs vs. jobs. Years of litigation may resuscitate the critter, but will not bring back lost habitat or strengthen the local economy.

It need not play out this way. Proper land-use policies would protect a species before its population drops. Creating ecological reserves would ensure a range of habitat so no one site would be locked up by an endangered species. Making biodiversity a goal in federal resource management would dampen the tilt toward short-term profits.

Destroying the Endangered Species Act will not build thriving communities or forestall ecological disaster. On this issue in particular, lawmakers must take the long view.

NATIONAL SMALL BUSINESS WEEK, 1992

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Virginia [Mr. SISISKY] is recognized for 5 minutes.

Mr. SISISKY. Madam Speaker, the name ANDY IRELAND is, as many people know, synonymous with small business. Few Members of this distinguished body have displayed as strong a commitment to this country's small businesses, or have so zealously guarded small business interests, as our respected colleague, Mr. IRELAND.

I have known ANDY since coming to Congress in 1983. As chairman of the Small Business Subcommittee on Exports, Tax Policy, and Special Problems, I had the pleasure of having ANDY serve as the subcommittee's ranking minority member, and later as the ranking Republican on the full committee. Over this period we have developed a strong friendship as well as a productive working relationship, and I will miss him dearly when he retires at the close of the 102d Congress.

The great thing about ANDY—and this is something that I will remember for a long time—is the affable, bipartisan way he approaches his work. No matter how difficult the issue, he is always ready to lend his assistance in the most congenial and personable way in an effort to find real solutions to problems facing small business.

You can always count on ANDY to take the reasonable and responsible position. You can always count on ANDY to be genuinely interested in the plight of small companies and in finding ways to aid them. And you can always count on ANDY's enthusiastic advocacy of small business concerns.

One of these concerns, and one of the more pressing, in my opinion, is the lack of access for small business to export financing. For many years, ANDY has championed efforts to make the Export-Import Bank more accessible and responsive to the small business exporting community. Indeed, Representative IRELAND was instrumental in establishing Eximbank's small business set-aside program, and has continued to watch the program closely to ensure that Eximbank meets congressional mandates.

Largely as a result of Mr. IRELAND's vigilance and the continued interest of my subcommittee, the Eximbank recently announced a new initiative designed to improve small business access to export financing. It includes, for example, the creation of a small business division at the Bank; an increase in its guarantee of working capital loans from 90 to 100 percent; and a pledge by the Bank to iron out some of the wrinkles in its loan guarantee program. At first glance, this promising new program seems to be a real victory for the small exporters in this country, and it is entirely fitting and appropriate that Mr. IRELAND is able to see the fruits of his labor prior to leaving this prestigious body.

When ANDY and I met with Eximbank officials to discuss this new proposal, we were both pleased by the Eximbank's enhanced awareness of the tremendous enthusiasm and exporting potential of our small business community. We both expressed gratification over the fact that Eximbank was finally acknowledging the real need for our country's smaller exporters for adequate exporting financing. I am saddened, however, to think that ANDY and his eagle eye for banking detail will not be here to follow the progress of this initiative in the years to come.

I firmly believe that this new Eximbank Program is, in large part, a product of a new consensus that has emerged regarding American small business. More and more, people are waking up to what ANDY IRELAND has known all along: that small business is crucial to the health and stability of our economy; that small business is the largest source of new jobs; and that small business will likely be the primary force that pulls this country out of recession.

As always, I commend our Nation's small entrepreneurs for the important role they play. They indeed are deserving of our recognition, and I applaud each and every man and woman who has chosen to pursue the goal of running one's own business. After all, small business people deserve credit for most of the innovation and technological breakthroughs in our economy. They not only brave the risks of building their own businesses, but also create new jobs in the process. And it is small businesses who embody the distinctively American spirit of entrepreneurship.

As I have said many times, it is hard to overstate the importance of small business to our Nation. They are the backbone of our economy and are indeed deserving of our commendation.

THE IMPORTANCE OF THE PRIVATE SECTOR

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Wyoming [Mr. THOMAS] is recognized for 5 minutes.

Mr. THOMAS of Wyoming. Madam Speaker, I rose last week to talk about an area that I think is of extreme importance to us, and that is overregulation, or excessive regulation. I got going so well that I used my time before I was finished, so I am back for the second exciting installment of that issue.

Let me review just a moment. It seems to me that surely the most important thing that faces us in this Congress is to do what we can to encourage and enrich the economy, that what we really need are jobs for everyone who is willing to work. Other activities such as health care and the deficit are not going to be solved unless we indeed have a strong private sector. The private sector is where jobs are created. The private sector is where wealth is created. The Government does not create wealth. We have to take wealth from the private sector in order to have Government activities.

I talked a little bit about the cost of regulation, the fact that regulation costs about $450 billion a year that is borne, of course, by all of us; $115 billion in the environmental area; $28 billion simply in safety regulation; $230 billion in economic readjustment, and $100 billion in paperwork.

I talked a little bit about the appropriate role of Congress, and there is one, of course, of Government to regulate. We do need a referee in the private sector, but we simply have overregulated and we have not done much about it. We continue, in fact, to add more and more regulation.

One of the problems, of course, is that each time there is something we have to deal with, the Congress is inclined to put more regulation on. We are inclined to fix it through regulation.

To compound the problem we have, of course, agencies that when they write the rules go beyond, often go beyond the spirit of the rule and make the regulations even more onerous than they were before.

I suggest, Madam Speaker, that we really ought to take a look at each time we pass a law in this place. We ought to take a look at what it costs, what it means in terms of regulations, what it means in terms of overregulation, that we ought to take a look at OLYMPIA SNOWE's bill and say that if we are going to mandate rules and regulations on local government, that there ought to go with it some money.

Every time I go to Wyoming I meet with small towns and local governments who say, "Look, we simply can't afford to do the kinds of things that you have laid on us. We simply cannot afford to treat the solid waste dumps, for example, in a town of 400 the same as you do in Boston, MA," and that is kind of a one-fits-all kind of thing that we have put on it.

So I hope we will say and join with our colleague, the gentleman from Maine, and say that if we are going to have mandates, that you have to fund them.

I think we ought to find a way as well to say whether or not we are going to preempt State law and local law. There is a legitimate reason, of course, for the Federal Government to preempt local law in some instances, but we do not say what our intentions are and we end up in court spending a great deal of money, and all this law requires is that when you preempt local statutes, if that is your intention, you say so. We go through it once a year and take care of it.

Finally, it seems to me that we do need to have a mechanism for determining whether or not the regulation is in keeping with the spirit of the statute. I am afraid we go far beyond it. Even in our little legislature in Wyoming, one of the most volunteer groups in this country, we have a council that reviews the administrative and agency rules and regulations to see if they indeed fit.

So Madam Speaker, I think we continue to talk about how we want to do something with small business, how we want to develop jobs in this country, how we want to get the economy going, and at the same time we lay on the very economy that we want to get going excessive regulations. I suggest that we ought to stop talking about it and that we ought to do something about it.

□ 1740

THE NUCLEAR WEAPONS REDUCTION ACT OF 1992

The SPEAKER pro tempore (Mrs. COLLINS of Michigan). Under a previous order of the House, the gentleman from California [Mr. STARK] is recognized for 5 minutes.

Mr. STARK. Madam Speaker, for nearly half a century, the Soviet Union was the greatest single threat to United States national security. During that time, nuclear weapons served the important strategic purpose of deterring Soviet aggression. It was a risky policy—failure of deterrence would have meant the almost certain destruction of civilization and possibly the human race—but it paid off in the end. We kept the Soviets from invading Western Europe, Japan, the Persian Gulf, or other areas of strategic importance, until finally the U.S.S.R. collapsed under the weight of its own contradictions. Now the cold war is over, the Soviet Union has disbanded, and its successor states are progressing rapidly toward political and economic reform.

These developments are so significant and profound that they call for a complete reexamination of U.S. strategic nuclear doctrines. What role, if any, do nuclear weapons now play in advancing U.S. national security, and how large an arsenal do we need?

The United States and the former Soviet Union currently have more than 10,000 strategic warheads each. The START agreement would reduce those numbers to 9,500 for the United States and 7,000 for the former Soviet republics. President Bush has proposed further reductions to about 4,500 for each side and President Yeltsin has called for cuts down to about 2,500 each. In a major report issued last August—before the attempted coup in the Soviet Union—the National Academy of Sciences proposed that 1,000–2,000 warheads could provide an adequate deterrent. But the most important question remains what are we seeking to deter?

There are three arguments for maintaining a nuclear arsenal of any size. All three have some limitations.

1. INSURANCE AGAINST RENEWED HOSTILITIES FROM THE FORMER SOVIET REPUBLICS

We cannot know for certain how reform will develop in the former Soviet republics. Right now the signs appear mostly positive, but no one foresaw how rapidly the old regime would break down. There are still thousands of hardliners holding positions throughout the former Soviet bureaucracies. And economic reform could cause years of pain and hardship, possibly leading to political instability. As former President Gorbachev said recently, "we have evaded a major war, but as it appears, we are sinking into chaos of conflicts of a different order."

But even with these uncertainties, we should still seize the opportunity to make significant, verifiable reductions in our nuclear arsenals. Should a hostile relationship reemerge with Russia in the near term, it would be in our interests to be facing a smaller, more survivable nuclear arsenal, perhaps in the range of 2,500 to 1,000 warheads located mostly on submarines and bombers. Even a much smaller United States arsenal could destroy hundreds of military targets all across the former Soviet Union.

2. A DETERRENT AGAINST AGGRESSION BY TERRORIST REGIMES LIKE IRAQ AND NORTH KOREA

This is a much more dubious argument. Nuclear weapons failed to deter Iraq from invading Kuwait or subsequent ignoring U.N. demands to withdraw. Nuclear weapons didn't prevent Iran from holding 52 Americans hostage for more than a year. And nuclear weapons have failed to prevent either of these countries, or others like Syria and Libya, from providing support for terrorist activities all over the world. The problem is that nuclear weapons are simply not a credible threat except in the most dire of circumstances, such as in retaliation of a nuclear attack. Perhaps explicitly and publicly targeting certain problem countries would make the deterrent more credible, but would also give these regimes added incentive and rationale to build nuclear weapons of their own. At the first U.N. special session on disarmament in 1978, the Carter administration explicitly pledged that the United States would never use nuclear weapons against a non-nuclear state not engaged in armed aggression supported by a nuclear power. This "negative security assurance" has been reconfirmed by the Reagan and Bush Administrations and should be maintained. Massive conventional firepower pinpointed at military targets, such as that used at times in the gulf war, is a more credible deterrent with fewer political problems.

3. DETERRENT AGAINST EMERGING NUCLEAR WEAPON STATES

Nuclear proliferation is a real threat to U.S. national security—probably the leading threat, now that the cold war is over. Besides the five declared nuclear powers—the United States, former Soviet Union, China, France, and Britain—three other countries—India, Pakistan, and Israel—either have nuclear weapons or could build them on short notice. A number of other countries, including Iraq, North Korea, Iran, Libya, Algeria, South Africa, Brazil, and Argentina are pursuing or have recently pursued a nuclear weapons capability. Additionally, with the dissolution of the Soviet Union, Ukraine, Belarus, and Kazakhstan are now all potential nuclear weapon states in addition to Russia. It also remains quite possible that some of the approximately 30,000 Soviet warheads might have been transferred to countries like Iran or Iraq.

The United States must undertake aggressive new non-proliferation policies to address these various threats. Clearly an immediate priority must be getting nuclear weapons out of the non-Russian former Soviet Republics and ensuring that all former Soviet warheads are accounted for. We also need to strengthen and create international regimes to prevent countries—especially the former Soviet Republics—from transferring nuclear equipment, material, technology, and expertise to other countries wishing to build the bomb. These efforts include more comprehensive and better-enforced export controls, stricter International Atomic Energy Agency [IAEA] safeguards on civilian nuclear facilities, and a phase-out of plutonium and highly enriched uranium for civilian uses. The U.N. Security Council should be empowered to enforce these measures through sanctions and, if necessary, military force.

The policy priority should be preventing proliferation from occurring in the first place, rather than on addressing once it happens. But, in all probability further proliferation will take place and the United States must be able to respond. Fortunately, it should take several decades before any country aside from Israel or India [and possibly Pakistan] can build a large number of nuclear weapons or the long-range ballistic missiles to deliver them. Even a few nuclear weapons could present a tremendous security threat, such as a terrorist strike, but such threats are largely undeterrable. The United States will have to maintain a nuclear force large enough to balance that of any emerging nuclear weapon state which has the capability of targeting the United States. An eventual reduction of the United States and Russian arsenals down to about 1,000 warheads, with additional lower caps placed on the arsenals of France, Britain, and China, would give the United States a significant deterrent against Russia while still having enough additional warheads to balance any other country's arsenal for the foreseeable future.

At this time, nuclear weapons do not serve a strategic purpose for the United States, except possibly to deter China from attacking our allies in the Far East—an unlikely scenario. Russia and the other former Sovier Republics are not, at this moment, our enemies. France, Britain, and Israel are not even potential enemies. Our relationship with India and Pakistan is at times shaky but not openly hostile and neither of these countries have the current capability of delivering nuclear weapons to targets of vital United States strategic importance. No other country in the world is close to having more than a handful of nuclear warheads of relatively low yield, which we could more than balance with advanced conventional firepower.

In spite of this, the United States will need to maintain a nuclear arsenal of some size for the foreseeable future as insurance against further proliferation and changing political developments, most specifically the possible reemergence of a hostile relationship with one or more of the former Soviet Republics. In the meantime, we should begin negotiations to make significant and continuous reductions in the number nuclear weapons in all countries, through a stage-by-stage process.

STAGE ONE

As a first, immediate state, the United States should undertake initiatives to help ensure that all nuclear weapons are withdrawn from the non-Russian former Soviet Republics. At the same time, we should pursue an agreement with Russia to reduce our respective nuclear arsenals to 2,500 strategic warheads each and eliminate all tactical nuclear weapons. The eliminated warheads should be immediately deactivated and subsequently dismantled, with materials and components stored under bilateral or multilateral controls.

STAGE TWO

Following the conclusion of such a pact, the United States should pursue subsequent negotiations with Russia, France, Britain, and China to reduce the United States and Russian arsenals down to 1000 warheads, with lower caps for the other countries.

FURTHER STAGES

After this subsequent agreement, the United States should undertake negotiations with Russia, France, Britain, and China to make additional stage-by-stage reductions in each countries' nuclear arsenals.

Concurrent with these state-by-stage reductions, the United States should also undertake negotiations to achieve a worldwide, verifiable agreement to end, by 1995, the production of plutonium and highly enriched uranium for weapons purposes and to place existing stockpiles of such materials under bilateral or multilateral controls. We should also seek to negotiate a comprehensive test ban by 1995, leaving time for a few more nuclear tests for weapons-safety purposes. These agreements, if adequately enforced, would at the least freeze the development of nuclear weapons programs in India, Israel, Pakistan, and other countries not yet party to the Non-Proliferation Treaty.

To buttress these measures, we should also seek an agreement to phase out the use of plutonium and highly enriched uranium for even civilian purposes. A worldwide, total delegitimation of weapons-grade material would make it far more difficult for any country to develop the bomb, clandestinely or otherwise. Any smoke would point to fire.

It should be possible to move fairly quickly through the first two reduction stages, down to 1,000 warheads each for the United States and Russia. The pace at which subsequent stages shall occur will depend on a number of factors, including: Advances in verification, safeguard, and export control methods and technologies; increased participation in the Nuclear Non-Proliferation Treaty and other non-proliferation regimes like the nuclear suppliers group and the missile technology control regime; strengthened and improved political relations among all countries; and the degree to which further multilateral nuclear arms reductions will enhance rather than hinder United States national security.

The last point should be obvious, but serves as a reminder that arms control is not an end in itself, but a means of assuring our security interests.

As political and economic reform takes root in Russia and the other former Soviet Republics, and the United States develops closer ties with these countries, the possibility of renewed hostilities will become increasingly remote. It is quite possible that in 10 or 15 years we will view Russia much the way we view France today, as a close ally with whom we have occasional friction. Without Russia as an enemy and with very strict controls in place to prevent other countries from acquiring nuclear weapons or cheating on agreements, no country would need more than a few dozen nuclear weapons to have an adequate deterrent against a remote, but possible, break-out country.

Down the road a number of years, it's possible to imagine a scenario in which each of the current nuclear weapon states maintains a handful of warheads under joint national and international control. With the necessary strict measures in place, it would be difficult for any country to build more than a handful of weapons clandestinely in any reasonable period of time. If a small break-out did occur the nuclear weapon states could retake full control of their small arsenals and the U.N. Security Council could employ sanctions or even military force against the break-out country in question. In a worse case scenario, we could simply restart the arms race at that time, taking advantage of our technological superiority.

Today, Madam Speaker, I am introducing along with my colleague Mr. EVANS, the Nuclear Weapons Reduction Act of 1992. This legislation requires the President to pursue the policy goals laid out above: a quick agreement to cut United States and Russian nuclear forces down to 2,500 warheads, a subsequent agreement to cut down to 1,000 warheads on each side, with further stage-by-stage reduction in the nuclear forces of all countries taking place, with the pace determined by certain specific criteria. The bill also calls for a worldwide ban, by 1995, on the production of plutonium and highly-enriched uranium for military purposes and significantly strengthen and expand multilateral regimes to prevent countries from acquiring, or helping other nations to acquire, nuclear weapons. This legislation provides the blue print for achieving a safer, saner world for future generations.

For 50 years, nuclear weapons worked to our strategic advantage—they were our great equalizer against overwhelming Soviet conventional forces in Europe and elsewhere. Today, nuclear weapons are other countries' great equalizer against our conventional superiority. To the extent that we can reduce and eventually eliminate the bomb, we should. It is in our interests.

H.R.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Nuclear Weapons Reduction Act of 1992".

SEC. 2. FINDINGS.

The Congress finds that—

(1) despite favorable developments in United States relations with the republics of the former Soviet Union, a major threat to the security of the United States and the world remains nuclear weapons, whether in the hands of former Soviet republics or governments in areas in which regional conflicts are occurring;

(2) proposals by the President of the United States and the President of the Russian Federation to reduce strategic nuclear arsenals to levels of about 4,700 and 2,500 respectively, while commendable as intermediate stages, would leave in the possession of 1 or more former Soviet republics and the United States, should a hostile relationship reemerge, arsenals far larger than are necessary to deter nuclear attack;

(3) the case of Iraq demonstrates the need to improve significantly the current system of controls to prevent nonnuclear-weapon states from developing nuclear weapons;

(4) concurrent with these new nuclear dangers, opportunities for achieving worldwide reduction and control of nuclear weapons and materials are now greater than at any time since the emergence of nuclear weapons 50 years ago; and

(5) it is imperative in the security interests of both the United States and the world community for the President and the Congress to act immediately to seize these opportunities while they still exist.

SEC. 3. UNITED STATES POLICY.

It shall be the goal of the United States to—

(1) significantly and continuously reduce the number of nuclear weapons in all countries through a stage-by-stage process, the pace of which shall be contingent on several factors, including—

(A) advances in verification, safeguard, and export control methods and technologies;

(B) increased participation in the Treaty on the Non-Proliferation of Nuclear Weapons;

(C) strengthened and improved political relations among all countries; and

(D) the degree to which further multilateral nuclear arms reductions will enhance rather than hinder United States national security;

(2) achieve, through negotiations with former Soviet republics, the elimination of all nuclear weapons in all the former Soviet republics, except for the Russian Federation, as soon as possible;

(3) reach agreement as soon as possible with the Russian Federation to reduce the number of nuclear weapons in each country's arsenal to an intermediate level of approximately 2,500 warheads;

(4) as soon as possible after such an agreement is reached, begin negotiations with the Russian Federation, the United Kingdom, France, and the People's Republic of China to further reduce the number of nuclear weapons to approximately 1,000 warheads each for the Russian Federation and the United States, with lower levels for the United Kingdom, France, and the People's Republic of China;

(5) after such a subsequent agreement is reached, conduct negotiations with the Russian Federation, the United Kingdom, France, the People's Republic of China, and other countries, to make further stage-by-stage reductions in each country's nuclear arsenals consistent with paragraph (1);

(6) provide immediate United States assistance that would be available to securely disable, transport, store, and ultimately dismantle former Soviet nuclear weapons and missiles for such weapons, and to identify alternative employment opportunities for former Soviet nuclear weapons designers and technicians;

(7) achieve a worldwide, verifiable agreement to end by 1995 the production of plutonium and highly enriched uranium for weapons purposes and to place existing stockpiles of such materials under bilateral international controls; and

(8) significantly strengthen and expand multilateral regimes to prevent countries from developing, or assisting other countries to develop, nuclear weapons or their components, and strengthen and create international mechanisms to enforce these regimes.

SEC. 4. BIANNUAL REPORTS.

By January 1 and July 1 of each year, the President shall report to the Congress on the actions taken to date and the actions planned for the next 6 months—

(1) by the United States, the Russian Federation, and other former Soviet republics to achieve the policy objectives set forth in paragraphs (2), (3), and (6) of section 3; and

(2) by the United States and other countries to achieve the policy objectives set forth in paragraphs (1), (4), (5), (7), and (8) of section 3.

These reports shall be unclassified, with a classified appendix if necessary.

THE FORMULATION OF ENERGY RESEARCH AND DEVELOPMENT POLICIES

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Michigan [Mr. WOLPE] is recognized for 60 minutes.

Mr. WOLPE. Madam Speaker, we debated the Energy Security Act of 1980 during my first term in the House. That legislation was intended to reduce our Nation's vulnerability to an oil supply disruption. Now—during my last term in this body—we are about to consider comprehensive energy legislation for the first time in 12 years. In the interim, our Nation has continued to be dangerously overdependent upon foreign oil.

The Investigations and Oversight Subcommittee of the Committee on Science, Space, and Technology, which I chair, has held a series of hearings in the past 6 months to examine the formulation of energy research and development policy at the Department of Energy.

I have taken this special order this evening to share my views on how the Federal Government establishes its energy research and development priorities based upon both the hearings and my involvement in energy policy over the last 14 years. While this may seem like a rather dry topic to some, it is a matter of considerable significance in determining if our tax dollars are being invested in a manner that will most efficiently and effectively ensure the future energy security of our Nation.

We spend billions of dollars every year on energy research and development. I have long contended that priorities for the expenditure of such funds should be determined by using objective criteria to compare competing energy investments to determine how we can most effectively reduce our dependence upon petroleum.

Unfortunately, it has been my experience that such spending priorities have not been determined by a dispassionate analysis of the energy needs of the Nation, but by parochial interests in Congress, the ideological interests of the Reagan and Bush administrations, the institutional interests of the Federal bureaucracy, and the special interests of large energy corporations.

On April 30, my subcommittee held a hearing that drove this point home. The hearing reviewed an internal Department of Energy analysis that actually attempted to use objective criteria to determine which energy investments would be best on the merits without regard to political sensitivities. To me, the results of this process are not surprising, but—considering the source—they are nothing short of astonishing.

This internal DOE analysis demonstrates that an energy R&D program's funding level is inversely proportional to its ability to contribute to the Nation's energy needs. In other words, the higher the funding level, the lower the potential energy contribution. The lower the funding level, the higher the potential energy contribution.

After DOE applied objective criteria to compare competing energy technologies, energy efficiency, and renewable energy technologies—which have been perennially underfunded—came out at the top of the rankings. Nuclear fission, fusion, and fossil technologies—which have enjoyed multibillion-dollar taxpayer subsidies—came out at the bottom.

After comparing the recommendations made in this internal DOE analysis with the President's own budget proposal, it is crystal clear that the public interest continues to be shunted aside in favor of special interests.

BACKGROUND

The prosperity enjoyed by America in the postwar period was in large part due to ample supplies of cheap oil. In his Pulitzer Prize-winning history of oil entitled "The Prize," Daniel Yergin states that, and I quote: "During the 1950's and 1960's, the price of oil fell until it became very cheap, which also contributed to the swelling of consumption."

As a result of cheap oil, consumption in the United States tripled between 1948 and 1972—from 5.8 million to 16.4 million barrels per day. The number of automobiles in America increased from 45 million in 1949 to 119 million in 1972. Yergin makes the following observation on the impact of cheap oil on postwar America:

> The inexorable flow of oil transformed anything in its path. Nowhere was that transformation more dramatic than in the American landscape. The abundance of oil begat the proliferation of the automobile, which begat a completely new way of life. This was indeed the era of Hydrocarbon Man.

As America greatly increased its consumption of petroleum in the 1950's and 1960's, it did so at a time when the United States itself was one of the world's leading producers. During most of this period the United States had a sizable surplus in domestic production capacity. But by 1970, that surplus capacity had largely disappeared. Domestic production peaked in 1971 and began to decline.

With declining domestic production—and steadily growing consumption—America began to import sizable quantities of oil. Net imports rose from 2.2 million barrels per day in 1967 to 6 million barrels per day by 1973. Imports as a share of consumption rose from 19 to 36 percent from 1967 to 1973.

But the era of unparalleled economic growth suddenly and dramatically came to an end in 1973. The economic consequences of our Nation's growing dependence on oil from the Middle East sent shockwaves across America as the 1973 Arab oil embargo sent prices soaring. The price of oil rose from $2.90 per barrel in mid-1973 to $11.65 in December 1973. These price increases that resulted from what is now known as the first oil shock fueled inflation and curtailed productivity.

There is no doubt that 1973 is a watershed year in tracing the decline of America's standard of living and competitive position in the international marketplace. Our collective inability to forge a national consensus on policies to reduce our dependence upon petroleum in the ensuing years has contributed to that decline.

President Nixon responded to the first oil shock by launching Project Independence with the goal of making America independent of foreign energy sources by the end of the 1970's. But the immediate crisis subsided and complacency set in.

THE ENERGY SECURITY ACT OF 1980

The beginning of my service in Congress coincided with the fall of the Shah of Iran and the second oil shock in 1979. The price of oil soared from $13 to $34 per barrel.

Long gasoline lines filled with angry constituents caused Congress to debate national energy policy in a crisis atmosphere. I remember one of our colleagues saying that we had to do something, even if it was wrong. And that's exactly what we did.

As a naive freshman Member, I suggested that we adopt objective criteria to determine where we should focus increased energy R&D spending. I suggested that we identify those R&D investments that would most quickly, cheaply, and cleanly reduce our dependence upon petroleum. My suggestion was met by glazed eyes and deafening silence.

Instead, we passed the Energy Security Act of 1980 and created the Synthetic Fuels Corporation—or SFC. We gave the SFC a $20 billion lump sum appropriation to move technologies directly from the laboratory to the market place. We decided to create a commercial industry out of thin air. Not surprisingly, engineering, construction, and petrochemical interests were lining up outside the SFC in hopes of getting their hands on some of that $20 billion.

It was a fiasco. The SFC produced almost nothing. What it did produce was neither cheap nor clean. After a long fight, MIKE SYNAR, Jim Broyhill, VIN WEBER, and I—with the help of many others—were able to kill it in 1986, but only after it had squandered about $8 billion of the taxpayers' money.

During this time, I was also active in the protracted—but ultimately successful—fight to cancel the Clinch River breeder reactor. Clinch River was an effort to develop advanced nuclear technology to produce electricity.

However, the project had a price tag in excess of $8 billion; the technology would not have been commercially viable until the middle of the next century at the earliest; and the project would have used plutonium, which raises serious national security concerns due to the possible proliferation of weapons grade materials.

The project was finally canceled when it became clear that the nuclear industry had no interest in putting its own money into the project to help the American taxpayer cover huge cost overruns.

THE DO-NOTHING POLICY OF THE REAGAN ADMINISTRATION

Despite the panic that led to the Energy Security Act, the election of Ronald Reagan in November 1980 removed energy policy from the national agenda. This lack of action—or even debate—reflected two facts: First, that the world was awash in a glut of oil; and second, that ideologues in the Reagan White House equated energy policy with industrial policy.

In the view of the Reagan White House, our dependence upon imported oil was not a threat to national security.

In the view of the Reagan White House, the billions of dollars that was drained from our economy every year to pay for that imported oil was not a threat to our economic security.

In the view of the Reagan White House, the inflow of imported oil was simply the natural reaction of the marketplace to the laws of supply and demand. And they placed their ideological—almost religious—devotion to free markets ahead of concerns about the national or economic security of America.

The Reagan administration advocated what could be termed a do-nothing energy policy. Federal R&D programs to encourage the development of new energy efficiency and renewable energy technologies were the major victims of the Reagan administration's do-nothing approach.

In constant 1992 dollars, Federal support for energy efficiency dropped from $949 million in fiscal year 1980 to just $100 million in fiscal year 1988.

In constant 1992 dollars, Federal support for renewable energy dropped from $1.1 billion in fiscal year 1980 to just $102 million in fiscal year 1988.

As a result of these reductions in Federal support, the Nation lost an opportunity to develop the technologies that are best able to meet the Nation's energy needs in an economic and environmentally sound manner.

But the Reagan administration energy policy was not always ideologically consistent. Except, perhaps, in its dedication to doing nothing. For example, despite the waste of billions of tax dollars, the Reagan administration would do nothing to abolish the Synfuels Corporation or the Clinch River project. David Stockman was an eloquent critic of both of these boondoggles while a Member of this body, but he was silent as soon as he became the Director of the Office of Management and Budget.

While Stockman tried to drastically curtail domestic spending, these programs were off limits. It's not hard to see the influence of parochial and special interests. The Clinch River project was located in the State of Senate Majority Leader Howard Baker. And the Chairman of the Board of the Synfuels Corporation was a major contributor to the Heritage Foundation.

BUSH LAUNCHES THE NATIONAL ENERGY STRATEGY

As a result of the Reagan administration's do-nothing policy, neither this body nor the Nation gave serious thought to energy issues during the 8 years of the Reagan Presidency. All of that changed in July 1989, when President Bush launched an effort to develop a national energy strategy—or NES. Both the President and Secretary Watkins deserve credit for taking action to put the issue of energy policy back on the national agenda. In his speech announcing the development of the NES, the President stated:

> We cannot and will not wait for the next energy crisis to force us to respond. Our task—our bipartisan task—is to build the national consensus necessary to support this strategy * * *.

And I would emphasize that the President launched this highly commendable effort a full year before the Iraqi invasion of Kuwait. But, unfortunately, like so many other efforts at DOE during the tenure of Secretary Watkins, good intentions have not led to any tangible results or accomplishments.

THE GULF WAR

In August 1991, President Bush appeared very prescient when, for the third time in less than 20 years, the Iraqi invasion of Kuwait once again demonstrated our continuing over-dependence on petroleum. The President hadn't waited for the crisis to respond; the development of the administration's national energy strategy was well under way.

The administration's national energy strategy acknowledges the necessity of addressing U.S. oil vulnerability. The NES states:

> One of the keys to ensuring future energy security is reducing U.S. oil vulnerability. Technological advancements are one of the best ways to achieve this, and the National Energy Strategy calls for increasing investments for technology research and development (R&D) in areas with the greatest potential for reducing oil vulnerability.

I could not agree more. We must increase investments in R&D in areas with the greatest potential for reducing oil vulnerability in the cheapest, cleanest, and quickest manner possible.

But we are also living in an era of $400 billion budget deficits. We cannot afford to develop every energy technology that comes down the pike. Spending decisions should be based upon hard-nosed analysis of which energy investments will provide the most bang for the buck.

Unfortunately, past spending decisions have not been based upon such analysis, but rather on the pressures of parochial, institutional, and special interests. As a result, we have poured billions of dollars into the ill-conceived development of nuclear power and synthetic fuels.

The gulf war had once again focused our attention on our overdependence on petroleum. I saw the confluence of the gulf war and the development of the NES as a tremendous opportunity to define a new role for the Government in the energy market place.

This new role would fall between the Reagan administration's do-nothing approach and the big government/special interest approach that led to boondoggles such as the Clinch River breeder reactor and the Synfuels Corporation.

It was an opportunity to break with past practice and actually base our energy policy on an analysis of the Nation's energy needs, rather than ideological purity or the influence of various powerful interests.

Unfortunately, the opportunity was squandered. The NES was roundly panned when it was publicly released in February 1991.

THE PROMISE OF THE NES

Secretary of Energy James D. Watkins appeared before the Committee on Science, Space, and Technology on February 26, 1991, in support of the national energy strategy.

In response to a question, Secretary Watkins indicated that, "* * * we have a comprehensive analysis to back up the Strategy * * * and we will share with you that analysis base, and hope that we would be able to find new harmony and dialogue * * *."

After reviewing the Secretary's testimony and the national energy strategy document itself, the subcommittee staff began to examine the NES in early March.

On March 22, 1991, I took the Secretary up on his offer to share the comprehensive analysis that backs up the NES. I sent the Secretary a letter containing a series of questions and requested background analysis.

While DOE answered the questions and provided publicly available documents, the Department refused to provide any comprehensive analysis.

After extensive correspondence with the Department in pursuit of the documents, the subcommittee met on August 1, 1991, and voted to give me the authority to issue a subpoena during the August recess if the requested documents were not forthcoming in 2 weeks.

The subpoena was never delivered. The Department provided all requested documents before the deadline. The documents that I will quote from were received by the subcommittee from DOE in response to the threat of a subpoena.

When Secretary Watkins appeared before the Science Committee in February 1991, he attempted to portray the NES as the flawless product of extensive public participation, state-of-the-art computer modeling, expert analysis, and innovative public policy.

However, our investigation into the development of the NES revealed otherwise. Public participation was severely curtailed. The modeling process consisted of feeding highly questionable assumptions into crude modeling tools and was not subjected to meaningful outside review to confirm the validity of its assumptions and conclusions.

And as for innovative policy proposals, the administration's energy strategy clearly comes up short. Developed during the Persian Gulf crisis, the NES offered a rare opportunity to develop a national consensus on policies to reduce U.S. oil vulnerability.

However, the only clear policy proposals in the NES are the resurrection of the nuclear industry and opening the Alaska National Wildlife Refuge to oil production—neither of which could make a lasting contribution to reducing our dangerous overdependence upon petroleum.

In a letter to the Secretary, I asked how much oil displacement would result from the Department's advanced nuclear technology programs. The Department responded that, "No oil savings are expected from these options since little oil is used in electricity generation now and even less oil use is expected in the future."

I applaud the Department for candidly admitting that nuclear energy can do nothing to reduce our oil vulnerability. This directly contradicts that often repeated claim of nuclear supporters that nuclear power is needed to reduce dependence on imported oil.

As for drilling in the Alaska National Wildlife Refuge, there is no guarantee that any oil would be found there. If it were, such reserves wouldn't equal more than 6 months of current U.S. consumption.

The U.S. Senate wisely concluded that the relatively small amount of petroleum potentially available from ANWR wasn't worth the risk of possible environmental damage resulting from such drilling.

PUBLIC PARTICIPATION IN THE NES PROCESS

After reviewing extensive internal DOE documents, our subcommittee held a hearing in October 1991 to review the 18-month process that led to the release of the national energy strategy in February 1991.

The NES was developed on two separate tracks that were intended to come together at the end. The first track consisted of the interagency analysis of the policy options that would be included in the NES.

The second track was the effort to use computer modeling to project the impact of various policies on the supply and demand of energy over the next 40 years.

The hearing demonstrated that the NES suffered from inadequate public review of both of these efforts.

As a result of our investigation, I am personally convinced that Secretary Watkins had the best of intentions when he launched the development of the administration's national energy strategy. The process began with an honest commitment to seeking the active involvement of the American people in the development of the NES as a means of forging the national consensus on energy policy that has been so elusive over the last 20 years.

The Secretary began by holding public hearings across the Nation to solicit the views of the American people on the future direction of U.S. energy policy. In fact, Secretary Watkins made it clear that no policy options would be considered in the NES that had not been raised in the public hearings.

An official Secretary of Energy notice dated September 5, 1989, clearly spells out the Secretary's commitment to full public participation in the NES process. Let me read a portion of this notice:

> Our plan is to have a skeletal structure of the National Energy Strategy in place by late this summer; to complete about December 1989 the series of public hearings now under way in order to obtain a broad range of inputs from all interested parties; to collate their inputs and produce a first draft of the strategy by April 1, 1990; to allow 6 months for public comment; and to present in final draft form to the President by December 1990 our best recommendations for his eventual adoption as the National Energy Strategy.

The Secretary clearly intended to make a draft strategy available to the American people by April 1, 1990. The American people were to be given 6 months to comment on that draft before it was sent to President Bush for final approval. But something clearly happened between September 1989 and April 1990 to curtail public participation in the development of the NES.

When the Department issued its interim report in April 1990, it did not contain a draft strategy. The American people were never given a draft strategy for public comment as originally envisioned by Secretary Watkins. The interim report was simply a compilation of public comments gathered after conducting 15 public hearings that received testimony from 375 witnesses from 43 States.

However, the interim report contained one conclusion from the public hearings that should be noted:

> The loudest single message was to increase energy efficiency in every sector of energy use. Energy efficiency was seen as a way to reduce pollution, reduce dependence on imports, and reduce the cost of energy.

At some point prior to the planned issuance of the draft strategy, the troika apparently caught wind of the direction that the NES might take if DOE continued to place a premium on public participation in the process. The troika is a term used within the administration to refer to the Office of Management and Budget, the Department of the Treasury, and the Council of Economic Advisers.

The differences between the troika and DOE on the direction of national energy policy is a case study in bureaucratic infighting between ideologues and pragmatists.

By launching the development of the national energy strategy, President Bush indicated a break with the Reagan administration's do-nothing energy policy. The President saw the need for a more active Federal Government role in addressing the Nation's energy needs.

But the troika represented a viewpoint within the administration that saw no need to stray from the do-nothing approach of the Reagan administration. The troika was heavily involved in the development of the NES through the Economic Policy Council—or EPC. The EPC is an interagency group that coordinates administration policy on economic issues.

At the time of the development of the NES, the EPC was chaired by the Secretary of the Treasury.

Some members of the EPC were ideologically opposed to the approach to policy inherent in some of the policy options proposed by DOE. This internal split within the administration is readily apparent in an internal DOE document dated July 12, 1990:

> * * * DOE's view of some issues and the view of other members of the EPC were 180 degrees apart. For example, DOE's view is that petroleum imports represent a risk to national security and economic growth; however, other EPC members see imports as normal market operations.

In the narrow view of the troika, the primary goal in establishing any public policy is limiting the role of the Government in the marketplace. Concerns about the national security implications of imported oil are entirely beside the point. DOE, on the other hand, viewed oil imports as a serious problem that should be addressed by the activities of the Federal Government.

The troika clearly held the upper hand in this internal disagreement over the roper role of Government in the energy marketplace. As the protectors of ideological purity, the troika determined the political correctness of energy policy options under consideration within the administration during the development of the NES.

The commitment of the troika to the Reagan administration's approach to energy policy is readily apparent in a memo from a staffer at the Treasury Department to a staffer at DOE.

This memo states:

> * * * I want to put on paper some of my concerns about the NES process * * * The documents we're seeing continue to emphasize intervention in the energy markets, sug-

> gesting a return to the control-by-bureaucracy of the 1970's. The options handed out yesterday in almost every case suggest that current energy policy is wrong, and needs to be fixed, preferably by the Government * * *. The NES process continues to rely excessively on Secretary Watkins' public hearing process * * * I suggest that we abandon the current plan and not base the analysis solely on the options presented in the public hearings * * * I understand that you have your orders from the Secretary. But he should know that Treasury will very likely oppose any energy strategy that looks like the current list of options, whether they came from public hearings or not.

A LACK OF VISION

As a result of the ideological litmus test imposed on the troika, the administration was left without a consistent vision of what a national energy strategy was supposed to accomplish. What remained was a warmed-over version of the status quo entirely lacking in innovative policy proposals.

Despite the fact that the Iraqi invasion of Kuwait had once again demonstrated our vulnerability to oil supply disruptions, such concerns were not the focus of the NES policy options.

The only overriding theme or clear policy direction that could be discerned from the policy options under discussion was keeping the government out of the energy marketplace.

The one glaring exception was nuclear power. The troika seemed to have no objection to an industrial policy designed to overturn an overwhelming verdict of the market place if its goal was to revive the moribund nuclear power industry.

But it must be emphasized that DOE was not the only agency participating in the interagency process that considered the Nation's continuing oil vulnerability to be a significant concern.

For example, in October 1990—in the midst of Operation Desert Shield—the Department of Defense offered the following comments to DOE concerning the policy options under consideration by the EPC:

> * * * the Deputy Secretary of Defense recommended that the NES better focus the security issues and articulate clear policy options to moderate America's long-term oil dependency * * * The current package of options lacks structure or strategy * * * At the present juncture, with world events highlighting our nation's energy vulnerabilities, a true strategy is essential.

The National Security Council echoed the concerns of Department of Defense in their comments on the NES:

> * * * we continue to believe that EPC principals will be hampered in their discussion of the options by the lack of a clear statement of U.S. goals and objectives.
>
> From a national security perspective, NSC staff believes that the U.S. should have the following goals and objectives: Reduce the role of oil in the energy supply mix; increase energy diversity and efficiency in all sectors of the economy, but particularly in transportation; remove market barriers to the development of non-oil energy resources; improve mechanisms, nationally and internationally, to respond to energy supply disruptions.
>
> The options, as presented, make it difficult to determine which policy objectives we are trying to attain.

Despite expressing such concerns, the Department of Defense and the National Security Council were not able to make America's oil vulnerability a central focus of the NES policy options.

And they were not alone in thinking that the NES policy options under review within the administration came up short. A member of the Secretary of Energy's advisory board found them lacking as well.

She recommended that Secretary Watkins take a draft strategy back to the American people for comment as a way to reach a public consensus. Let me read from her advice to DOE:

> This approach—producing a strategic framing of the question with a not-as-yet-complete set of integrated options—will provide the basis for the next important step: taking integrated option sets out for public comment and review. That process will tap expertise outside the federal government to provide the President with the best analysis this country can produce, to build understanding of the options, and to reach a general consensus among the public about the choices.
>
> The Secretary has taken the first step to an open process during the hearings. However, asking advice in general is different from asking advice about specific choices; advice gotten from people one at a time is different from that gotten when groups of people representing many points of view discuss specific options and trade-offs. Those discussions can lead to a policy that is based on thorough review and creative thinking and that has the general credibility needed for implementation.

Unfortunately, the Secretary failed to heed her advice to stick to his original plan for full public participation in the NES process. While the Secretary began that process with extensive public hearings, the public was effectively closed out when it came time to actually review the policies that would be included in the NES.

The Department anticipated criticism of its curtailment of public involvement. In a memo to the Secretary, a DOE staffer observes that:

> From the start, our NES development process has emphasized a commitment to public involvement. To some, our credibility on this point hinges upon whether the public is given the opportunity to review the NES Options Analysis before we go to the President in December.

To maintain the pretense of public involvement, DOE conducted a series of public workshops on the NES policy options. But there were no public announcements of these workshops. Attendance at these public events was by invitation only. And invitations were extended to a limited number of people.

It is hard for DOE to argue that such a process involved the American people in the final—and crucial—stage of the development of the NES.

In my opinion, the public was closed out of the debate over specific energy policy options for two reasons. First, it is hard to develop a public consensus when the administration itself could not even reach an internal consensus on a meaningful package of policy options.

An in-depth public debate over the administration's policy options would only serve to expose the lack of any real substance in the administration's strategy.

Second, there is strong evidence that the kind of energy policy that would receive broad public support would be anathema to many within the administration for political and ideological reasons.

As I indicated earlier, the primary message coming out of the public hearing was widespread support for increasing energy efficiency.

A recent poll indicates that 62 percent of the American people believe that energy efficiency and renewable energy should be the Federal Government's highest funding priorities for meeting the Nation's energy needs. By contrast, only 3 percent cited coal as our highest priority for only 11 percent cited nuclear power.

To conservative ideologues within the Bush administration, the energy priorities of the American people sounded like a repudiation of Ronald Reagan and an embrace of the environmental movement. To avoid political embarrassment and ideological heartburn, it was easier to leave the American people out of the process.

It should be noted that the Department of Energy was successful in getting some policy options before the Cabinet that would encourage energy efficiency and renewable energy. A few politically savvy people within the Department apparently understood the need for some semblance of balance in the NES. They had heard the voice of the American people at the public hearings. They knew there was considerable public support for energy efficiency and renewable energy. They understood that a strategy based on building more nuclear reactors and drilling in wildlife refuges would be dead on arrival if it did not also contain meaningful provisions to encourage energy efficiency and renewable energy.

But the troika principles apparently succeeded in persuading the President to strike such provisions from the final NES that was unveiled to the American people. As a result, the administration delivered a strategy entirely lacking in balance that was, in fact, dead on arrival.

THE NES MODELING PROCESS

While the consideration of the policy options was underway, another equally important effort was taking place simultaneously. The comprehensive analysis referred to by the Secretary in his testimony before the Science Committee was based upon an ambitious effort to use computer models to project the impact of the NES to the year 2030.

The use of computer modeling in policymaking can be very useful. But it can also be used to create a false aura of scientific infallibility around a faulty policymaking exercise. Such models are only as valid as the assumptions that underlie them. And once again, the credibility of the policies proposed in the NES has been severely undermined by a lack of adequate public involvement in the process.

The issue of uncertainty is a central concern when using computer models in policy development—particularly when projections are made over a 40-year period. Uncertainty can arise in at least three ways in this kind of energy modeling process.

First, uncertainty can result from shortcomings in the model itself.

Second, the outcome of energy modeling is highly dependent upon the technology cost and performance assumptions that are fed into the model.

Third, uncertainty is created by the assumptions that are adopted concerning the anticipated impact of proposed changes in policy on energy supply and demand.

The subcommittee's investigation revealed serious shortcomings in the NES modeling process that call into question the administration's claims concerning the impact of the adoption of NES policies on the Nation's energy supply over the next 40 years.

But the subcommittee was not alone in its concern. In January 1991, the National Research Council issued an advisory report on the NES modeling process.

While this report contains praise for the Department, it also contains numerous caveats. For example, the report warns:

> * * * it is important for the decisionmakers who will be using the results of the NES analyses to appreciate the limited power of the existing set of models used for evaluating policy choices. It would be misleading to assign too much quantitative precision to the results of the model runs or to presume that the models incorporate a great deal of relevant detailed information that can enhance judgments about the future impacts beyond a decade or two.
>
> Policymakers should appreciate the important role that a priori assumptions and simplifications, and the off-line contributions made by the NES Modeling Subgroups in shaping the excursions and scenarios, which to a great extent dictated the results of the model runs.

To put it another way, it is important for all of us in this body to understand that the results of this effort were dictated by the assumptions that were fed into the computer.

And the most important assumptions are those that include estimates of the cost of energy provided by a given technology and how efficiently that technology will perform from a technical standpoint during the next 40 years.

In the NES process, the Department's Energy Information Administration was responsible for gathering this cost and performance data from DOE's three program offices; fossil energy, nuclear energy, and conservation and renewable energy.

These assumptions would be inputted into the model, which would then determine the extent of future penetration of each of these new technologies into the marketplace.

It is clearly in the institutional interest of the program offices to supply assumptions that are as optimistic as possible, so as to increase the market share—and thereby the funding—of their programs.

The minutes of the January 24, 1990, meeting of the EIA Electricity Subgroup illustrate the institutional forces at work here.

> Several people brought up the potential problem concerning the costs and performance of the advanced technologies * * * The fear is that without some guidelines or rigorous review, the program office could bias the data to benefit their programs. One suggestion was to develop probability ranges for the costs of particular technologies and test the impact. Another suggestion was to have the database and results reviewed by outside experts.

In an internal memo, one of the program officer staff put it a little more colorfully: "independent review activities are important to assure a consistent treatment of technology performance, lest the exercise degenerate into a liar's contest."

However, despite these warnings from its own staff, the Department of Energy failed to subject these assumptions to the rigorous review of experts outside of DOE. The crucial assumptions underlying the strategy were not available for public review until long after the NES itself had been publicly released. There is, therefore, no way to assure the American people that the outcome of the modeling process is not biased on behalf of the institutional interest of the DOE bureaucracy.

I applaud President Bush and Secretary Watkins for launching the national energy strategy, but, unfortunately, a great opportunity has been lost. The NES could have been a dramatic turning point in America's energy policy. By involving the American people in the process, we had the chance to overcome and influence of the various interests that have traditionally exerted undue influence on U.S. energy policy.

But leaving the American people out of the NES process has destroyed any credibility that the strategy could have had. This has rendered it useless as a means to achieve public consensus on national energy policy.

Although the NES must be judged a failure, there were some hardworking and dedicated individuals within DOE who were trying to salvage something from the wreckage. Their efforts were the subject of the subcommittee's April 30 hearing on the development of energy research and development priorities within DOE.

THE SPRING PLANNING PROCESS

The same 1989 Secretarial notice that started the public hearing process, also set in motion an effort to integrate the goals of the NES into the annual DOE budget process. The Department's Office of Policy, Planning and Analysis was given the responsibility to carry out this effort.

In the spring of 1991, the DOE policy office began a process to use objective criteria to make recommendations to Secretary Watkins for the fiscal year 1993 DOE budget. This effort—known within the Department as the Spring planning process—was designed to determine what fiscal year 1993 energy and science program funding priorities would be if they were made on the merits, without regard to political sensitivities.

On April 30, 1992, we held a second hearing to review the results of this process. This hearing focused upon a single DOE document. Although the Department declined to participate in our hearing, we did not feel compelled to threaten a subpoena this time. This internal document is so illuminating that departmental witnesses were not necessary to appreciate its meaning.

The document in question is a memorandum to Secretary Watkins dated July 15, 1991 that accompanied the policy office's budget recommendations for DOE's fiscal year 1993 budget. I will read a paragraph from the cover memo that describes the purposes of the policy office's effort:

> Altogether, this package reflects the results of a considerable effort to develop, *on the merits*, program planning priorities in tune with the NES. Political sensitivities can be applied later, but you need to know, first, what seems to be right based on the merits, determined in accordance with criteria carefully selected and applied as uniformly as humanly possible across all relevant program elements (emphasis in original).

It is interesting to compare the results of this exercise with the actual fiscal year 1993 DOE budget. Such a comparison reveals a huge disparity between recommendations determined on the merits, and the administration's fiscal year 1993 budget, which apparently reflects political sensitivities.

Unfortunately, the policy office's recommendations were totally ignored by Secretary Watkins. But, in spite of the Secretary's lack of interest, this effort is the most promising development in the formulation of national energy policy that I have witnessed since I arrived in Congress.

While it may sound like simple common sense to the American people, the thought of setting spending priorities based on the merits without regard to political sensitivities is a truly revolutionary notion when it comes to Federal energy R&D policy. This effort deserves the attention of the Members of this body and the American people. I will, therefore, take a few minutes to describe the methods and the results of DOE's spring planning process.

USING OBJECTIVE CRITERIA

To implement this effort to determine what is right based on the merits, the DOE policy office combined similar DOE programs into what are termed "program planning units." These planning units were then assigned to one of three portfolios that each represent a goal of the NES.

The first portfolio contains planning units that are intended to reduce our Nation's vulnerability to an oil supply disruption. The second portfolio contains planning units that are intended to improve the economic efficiency of electric technologies. The third portfolio contains planning units that are intended to encourage basic science.

I will restrict my comments today to the oil vulnerability and electricity portfolios.

The policy office used objective criteria to compare competing planning units within these two portfolios. Programs were competed against each other on the basis of the following five criteria:

First, contribution to energy needs; second, contribution to economic growth; third, environmental impact; fourth, technical risk; and fifth, market risk. This process resulted in a score for each program planning unit that was used to rank them within the oil vulnerability and electricity portfolios.

HIGHLIGHTS OF THE RANKING PROCESS

The rankings of the program planning units within the portfolios—determined on the merits—is very revealing:

The oil vulnerability portfolio contains 16 planning units. The five highest ranking planning units are all within the Office of Conservation and Renewable Energy. The planning unit entitled "Coal Liquids"—which was the focus of the panic that created the Synthetic Fuels Corporation—is ranked 15th out of the 16 planning units in the oil vulnerability portfolio.

This portfolio contains no programs from the Office of Nuclear Energy, another acknowledgement of the fact that nuclear energy—a source of electricity—cannot displace petroleum.

The electricity portfolio includes 23 program planning units. The six highest ranking programs are all within the Office of Conservation and Renewable Energy. The seven lowest ranking are fossil, fusion and all nuclear fission programs.

PE'S RECOMMENDATIONS AND THE FISCAL YEAR 1993 DOE BUDGET REQUEST

Based on the scores and rankings, the policy office divided the programs within the portfolios into the categories of "Emphasized," "Same," and "De-Emphasized." The policy office determined that "Emphasized" programs merited increased funding. Stable funding was proposed for programs in the "Same" category. "De-emphasized" programs were targeted for spending cuts.

The policy office recommended two fundamental shifts in spending: from de-emphasized programs to emphasized programs within portfolios; and a shift from the electricity to the oil vulnerability portfolio.

I would like to briefly compare the policy office's recommendations for these two portfolios with the administration's actual fiscal year 1993 DOE budget request. I'll start with the oil vulnerability portfolio.

THE OIL VULNERABILITY PORTFOLIO

The policy office recommends a shift in funding to benefit programs to reduce oil vulnerability. This reflects a continuing national concern about our Nation's continuing overdependence on petroleum.

But despite rhetoric in the NES and the policy office's recommendations, the President's fiscal year 1993 DOE budget actually proposes a $185 million—or 14 percent—cut from fiscal year 1991 appropriated levels for programs in the oil vulnerability portfolio.

The question before us is this: if the administration wants to cut oil vulnerability programs, where do they propose to spend the money? The answer can be found by looking at the electricity portfolio.

THE ELECTRICITY PORTFOLIO

The policy office's primary recommendation emerging from this process was a shift in funding from the electricity portfolio to the oil vulnerability portfolio. The administration's fiscal year 1993 budget request completely reverses this recommendation. While the oil vulnerability portfolio fell by 14 percent compared to fiscal year 1991 levels in the administration's budget, the electricity portfolio actually increases by 8 percent.

This itself raises questions, but this is all the more troubling when you examine where within the electricity portfolio the administration wants to spend the money.

Of the 23 planning units in the electricity portfolio, the policy office's process concluded that 12 of these of planning units be deemphasized. These 12 planning units include the clean coal program and the fusion program. And, despite the fact that the revival of the nuclear industry is the cornerstone of the NES, all of the Department's nuclear energy programs are included in the de-emphasized category.

The policy office recommended that, as a group, these 12 deemphasized planning units be cut by 22 percent from their fiscal year 1991 appropriated levels. However, when its budget was submitted to Congress, the administration proposed that these 12 low-priority planning units actually receive an 18-percent increase.

In dollar terms, these 12 planning units in the de-emphasized category are proposed to receive an increase of $239 million over fiscal year 1991 levels. By contrast, the programs in the emphasized category in this portfolio only received a $17 million increase.

Amazingly, in the administration's budget proposal, these 12 low-priority programs are proposed to receive 74.2 percent of the funding in the electricity portfolio and 27.5 percent of the combined spending in the three portfolios.

By far the most dramatic funding numbers in the internal DOE memo concerns the clean coal program. On the merits, the policy office recommended that the Clean Coal program be de-emphasized and proposed a fiscal year 1993 funding level of $213 million.

This represents a 173-percent cut from the fiscal year 1991 appropriated level. And Secretary Watkins cut the program even further—to $200 million—before the DOE budget was sent to OMB. But at OMB, Director Darman—the administration's guardian against wasteful spending—awarded the program a $300 million increase over Secretary Watkin's recommendation.

So instead of a 173-percent cut, the administration provided the program a 30-percent increase over fiscal year 1991 appropriated levels. So much for fiscal responsibility at OMB.

AN OBVIOUS DISCONNECT

After reviewing the oil vulnerability and electricity portfolios, there is a obvious disconnect between the DOE policy office's recommendations and the administration's actual fiscal year 1993 budget:

The policy office concluded that, on the merits, programs to reduce our Nation's oil vulnerability should be increase. But the President's budget proposed to cut these programs by $185 million;

The policy office concluded that, on the merits, 12 electricity programs should be deemphasized. But the President's budget proposed that these 12 low-priority programs receive a $239 million increase.

The effort of the policy office in the spring of 1991 to establish spending priorities on the merits was clearly ignored when the administration sent its fiscal year 1993 DOE budget to Congress.

Despite the findings of its policy office, the administration proposes to cut programs to reduce our Nation's oil vulnerability so it can continue to pour huge sums into electricity technologies that rate at the absolute bottom of the list when they are compared on the merits with other technologies.

But these low-priority programs in the electricity portfolio enjoy strong support from parochial interests in

Congress, the institutional interests of the DOE bureaucracy, and the special interests of large energy corporations.

It must be understood that such special interest spending has two major costs. First, as noted earlier, there is considerable evidence that the American public strongly supports increased Federal efforts to support energy efficiency and renewable energy resources. These very sentiments have now been confirmed on the merits by DOE's own internal analysis. If the Federal Government continues to ignore both public opinion and the kind of analysis performed in the spring planning process, the American public will become even more cynical about the Federal Government's ability to establish public policies that are in the public interest.

And the second major cost of such special interest spending is its impact on our Nation's energy future. As we all know, we are facing severe budgetary problems. Every dollar that is spent on low priority special interest programs diverts scarce resources away from the kind of investments that will promote energy security, economic growth, and environmental protection. We simply cannot afford such wasteful spending in terms of either fiscal policy or energy policy.

The internal DOE analysis reveals that investments in energy efficiency and renewable energy technologies will clearly provide the most bang for the buck.

When looking at the dramatic decline in Federal investment in these technologies in the 1980's, it is impossible to escape the conclusion that we have squandered a tremendous opportunity. I am forced to wonder, where would we be right now as a nation if we had continued a strong commitment to developing these technologies?

I don't doubt that our economy would be more efficient due to efforts to curtail the wasteful use of energy. I don't doubt that we would have developed a whole host of new technologies that could be marketed to the rest of the world. And I don't doubt that our environment would be cleaner than it is today.

But energy efficiency and renewable energy technologies simply do not enjoy an organized political constituency in Congress or in the country. Their benefit is too dispersed to engender strong political support.

When budgets get tight and decisions over priorities have to be made, the parochial and special interests are well represented, while policies that may be in the best interest of the Nation lack the political constituency necessary to protect them.

CONCLUSION

In closing, I would emphasize that the 1991 spring planning process was, in fact, a success. The fact that it failed to influence the administration's budget proposal this time does not mean that such efforts should be abandoned. Such efforts should be given the strong support of Members of Congress and by the American people.

Many in DOE probably feel that the 1991 spring planning process has opened up a Pandora's box that was best left shut.

They probably feel that such an effort should not have occurred in the first place and should not be repeated. They probably feel that it was better to continue to base budget decisions on political considerations and pretend that they were based on the merits, rather than actually trying to achieve that end.

The subcommittee has not been able to determine if such an effort is underway for the formulation of the DOE's fiscal year 1994 request. There are probably many in DOE who would argue against putting anything on paper again that can be discussed at a public hearing or on the floor of the House.

I would, however, encourage the Department to take a very different course. Not only should they continue this process, they should throw the process open to the scrutiny of the American people. If we have learned anything from our review of the NES, it is the importance of public involvement in the process.

We will be debating a comprehensive energy bill on the floor of the House tomorrow. I urge the American people to closely watch that debate and let their elected officials know what they think. It is only with such participation that we can reduce the influence of special interests and allow us to forge a true national consensus on energy policy.

□ 1840

GLOBAL CLIMATE CHANGE

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California [Mr. DOOLITTLE] is recognized for 60 minutes.

Mr. DOOLITTLE. Madam Speaker, it has been announced that President Bush will attend the Earth Summit in Rio de Janeiro, Brazil, during the first week of June, and therein presumably sign a compromise agreement to limit emission of greenhouse gases. I would like to observe at this point, Madam Speaker, for the listening audience either in the Chamber or out there over C-SPAN wondering why there are so few people. This is the way the House operates today and has been for some time. There are many occasions when, during the regular order of debate, there are not many more people than we have here today. We who take the well of the House to speak are hopeful that our message will reach out to those of our constituents around the United States who may be listening. It is with that thought in mind that I take up this hour on the subject, the general subject, of global climate change or the so-called greenhouse effect.

Although there are at this stage no numerical limits and no deadlines in the proposed agreement to be entered into apparently by the United States in Rio, the general framework will be set. From then on, it is expected that there will be steady pressure to put limits on carbon dioxide, the greenhouse gas that is released when fossil fuels are burned.

Now, I think it is interesting, in light of this most recent announcement, that today in the Washington Post and other newspapers, I think, around the country there have been some discussions about what is happening to global warming. It is just a little different than the predicate that has been laid for this June conference.

Today in the Washington Post we read:

> The global warming trend of recent years appears to have reversed course late last year sending the Earth into a period of global cooling that could continue for the next 2 to 4 years, a panel of scientists convened by the American Geophysical Union reported yesterday.

Interestingly enough, the article goes on to explain that the resulting cooling effect is now estimated to be about twice as powerful as the warming effect caused by all the carbon dioxide put into the atmosphere since the beginning of the industrial revolution. Think about that for a minute, the resulting cooling effect is expected to be twice as powerful as the warming effect caused by all the carbon dioxide put into the atmosphere since the beginning of the industrial revolution.

Madam Speaker, I think that is an amazing fact that I wish to emphasize to make a point about the concern over global warming, and even more so about the proposed remedies thereto.

It turns out that the cause of this decrease by 1 degree, they are saying, in the temperature is Mount Pinatubo, which, it turns out, gave us the most violent eruption since Krakatoa erupted in 1885: Mount Pinatubo.

Now, Pinatubo dumped about 25 million tons of sulfur compounds into the atmosphere. It is producing the volcanic version of acid rain. The result of that is that the Sun cannot penetrate as effectively, and so the temperature is dropping.

It is not the first time that volcanoes have caused dramatic climate change, and, by the way, the scientists have observed that we appear to be at the apex of a volcanic period of activity in this country. I think just those of us who read the newspapers kind of get a feeling for this as various volcanoes have erupted in recent years, whether it is Mount St. Helens or the volcano in Mexico.

It is interesting to see these natural phenomena occur. It certainly makes one appreciate the power of nature.

One such volcano which holds the record for being the largest ever was Tambora, which was also in Indonesia and erupted in 1815. Tambora, it is said in this article, caused such climatic cooling that more than 90,000 people died from crop failures, and the year after the eruption became known as the year without a summer. This is interesting. In parts of the United States, for example, it snowed several times during the summer of 1816.

So clearly volcanoes can have a major and dramatic and relatively immediate impact upon the Earth's climate.

Mr. DELAY. Madam Speaker, will the gentleman yield?

Mr. DOOLITTLE. I am happy to yield to the gentleman from Texas.

Mr. DELAY. Madam Speaker, I am so glad the gentleman is bringing this special order on global warming, because I hope during this special order that we can point out some myths, some misconceptions, and outright mistruths that are out there in the global-warming debate.

One of the issues that the gentleman brings up, and I think that the point, another point, that needs to be made is that what most people think, at least reading their newspapers and watching televisions and certainly a lot of the public service programs on their PBS channel, is that man is putting out these greenhouse gases, whether they be carbon dioxide or chlorofluorocarbons or hydrocarbons or those kinds of things, and man is the culprit in causing this global-warming phenomenon, when in fact nature, as the gentleman is trying to make the point, that nature, whether it be through volcanoes or energies put out by the oceans or clouds, nature puts out 20 times the greenhouse gases than man does.

So all of these huge expenses that people are calling for and changing man's attitude in putting carbon dioxide into the atmosphere is one-twentieth, would have one-twentieth of the effect on the atmosphere that nature puts out in the atmosphere, and I just wanted to make that point, that man is not driving the global warming.

Certainly there are things that we can do that we know have an effect, but in no way is man the driving force in what is happening in global warming. Indeed, global warming is a phenomenon that keeps the Earth warm.

If we did not have a natural phenomenon of warming our world, we would be, I think it is, 200 degrees below zero in Fahrenheit as a temperature of this Earth, so it is a natural phenomenon of warming the globe. Now, man has certain effect on that, but it is the arrogance of man to think that he can change the world by changing nature, and I think nature adapts quite well.

□ 1850

Mr. DOOLITTLE. Well, Madam Speaker, I appreciate the gentleman making that observation. The gentleman is quite correct that except for the atmosphere we have, we would be just about like the Moon, which at night I think the temperature drops to about minus 227 degrees Fahrenheit and during the daytime the temperature is at about 200 degrees Fahrenheit, so it is a dramatic temperature swing.

It is the atmosphere, of course, that protects this planet. For those who have seen the program, I will mention it. For those who have not, I will encourage you to see it at the Smithsonian Institution. It is a great film at the Air and Space Museum called "Blue Planet" that very graphically and beautifully portrays this Earth from outer space and gives people an opportunity to see the effect of that atmosphere and how this Earth stands out in such contrast to the other planets in our solar system with its life-sustaining oceans which give rise to the atmosphere and with the ability to sustain all manner of life as a result of that.

But the gentleman is quite correct that nature far and away is the biggest supplier of carbon dioxide. In fact, an interesting statistic, it is believed that termites perhaps are the biggest contributors, with some 50 billion tons a year of carbon dioxide methane released into the atmosphere by their activities, which is something that seemingly goes on without people even really being aware.

It is indeed true that nature accounts for almost all the so-called greenhouse gases that are being released into the atmosphere.

Now, I was alluding to the article in the Washington Post, and I should tell you where this article references, instead of having us warm up like we have all been taught to believe since 1988 at least, now it turns out the Earth is in a cooling trend.

Now, the gentleman who just made this forecast is one James E. Hansen, not to be confused with our distinguished colleague, the gentleman from Utah, but James E. Hansen is the Director of NASA's Goddard Institute for Space Studies in New York City. He came up with some models.

I think this is going to lead into what I eventually would like to talk about, and that is the danger in attempting to make predictions, because they are after all predictions and predictions are uncertain by their nature.

Mr. Hansen is telling us that based on his model the Earth is going to get cooler in 2 to 4 years by 1 degree.

Now, it is interesting that this is the same man who in 1988 announced to the world that we were presently in the period of global climate change, that we were warming up and that this was due to the increased emissions of carbon dioxide. This became the basis for some very onerous legislation in terms of amendments to the Clean Air Act, legislation that is a drag on the U.S. economy.

Happily, President Bush and others have relaxed somewhat. They have been severely criticized by members of the Democrat Party today on the floor of the House, but I am very proud and wish to commend the Vice President for his role and the President for making some minor changes in this onerous legislation, which I believe is falsely based on inaccurate models and bad assumptions. So today I think it is interesting that we see the reference to Mr. Hansen.

Now, it is true that we have higher amounts of carbon dioxide in the atmosphere today than before. We do not really necessarily know why that is the case.

You have heard mention of increased volcanic activity, I mean in terms of billions of tons of material ejected into the atmosphere, and it is entirely possible that has a significant impact.

You have as well the influence of the oceans. Interestingly enough, apparently, Mr. Hansen's model did not take into account the impact of the oceans.

Now, I find that remarkable, especially coming from California where we witnessed the dramatic impact of something called El Nino, which melted the snow pack in northern California in about 3 days' time, and we had enormous floods.

Of course, since then, we have been in a drought, I am sorry to say, but the snow pack was melted by El Nino; so I became aware of El Nino. I think that many people around the country are aware of the rather dramatic impact that oceans and their temperatures and currents and so forth can have on the climate.

Also, we have to take into account sunspots and the impact the Sun has. There are studies that suggest there is a direct impact by these sunspots. They are of irregular duration, but on the average I think it is about 11 years. Depending on what is happening there, our climate is affected.

Then there is the so-called heat-island effect where urban areas when vegetation is removed and replaced with concrete and asphalt and so forth, those urban areas are warmer.

Perhaps some of you have actually directly experienced this, I know I have in a small town when coming from the outskirts it was cooler and then getting upon a rise in this town, all of a sudden it became quite a bit warmer. It was fairly dramatic. That is the heat-island effect. That is not recognized in some of these models.

Then the reality, of course, is that plants use carbon dioxide. If you have more carbon dioxide, it creates a more favorable growth climate, and when the growth climate is more favorable you get more plants and trees.

Now, these models do not take into account the increased carbon dioxide removing features of having these added plants and trees around.

One thing that is very interesting about this, really for the amount of carbon dioxide that we have in our atmosphere, the increased amount, going back, oh, about a century, we should have had a global climate change of between 2 and 4 extra degrees, but actually over the last 50 years analyzing the whole thing, there appears to have been no increase in global climate change. That is very interesting particularly because two-thirds of the increases in carbon dioxide have occurred since 1940 and for there to have been no increase in the temperature despite that leaves us to puzzle, and that is the point I want to make, Madam Speaker, that we have a few facts laid before us and that is all we have. It is hard to draw cause and effect and reputable scientists do not. Experts in their field do not, but people who have an ax to grind, who are not experts in their field and maybe have the title "doctor" in front of their names or have a political agenda to advance, do not mind taking disparate facts and putting two and two together and showing that they have five, and that in my view is what has been happening when it comes to all the proposed changes to be made to our environmental laws based on disparate facts and incomplete information.

Mr. DELAY. Madam Speaker, will the gentleman yield?

Mr. DOOLITTLE. I yield to the gentleman from Texas.

Mr. DELAY. I might take just a moment here, Madam Speaker, because the gentleman makes such a great point and I think the American people need to understand that what we have facing us is a very real possibility that if the environmental extremists get their way by using bad science to make environmental policy, not just for the United States but for the world, because that is their design, they set up this Earth summit in Rio de Janeiro just to facilitate their goal of manipulating the economies of the world, because their goal is to have a world order, if you will, that mandates whether you can turn on your electricity or not, that mandates what kind of standard of living you will have.

□ 1900

Now, the developing countries are countries that are looking at the possibility of getting huge infusions of moneys, particularly from the United States, to cut their greenhouse gas emissions or to get free environmental technology, and that is their goal, and they are basing it on, at the very kindest, incomplete science, incomplete science that is coming from scientists I call doomsday sayers.

Madam Speaker, it was not too long ago when I was getting out of college, and I remember Dr. Stephen Schneider who at the time was calling for an Earth catastrophe called the ice age. He was telling us that within 10 years we would all be freezing to death, and we would not be able to grow our food to feed the world and that we had to take drastic measures right then as an insurance policy against the ice age. Now it is very ironic that the same Dr. Schneider just a couple of weeks ago testified in front of a committee here in the House and was calling for a catastrophe of global warming that was going to happen. Now I say, "Dr. Schneider, you either have an ice age, or you have global warming. Which is it?"

And I can also remember, Madam Speaker, about the same time a doomsday sayer by the name of Dr. Paul Ehrlich who wrote a book back in the early 1970's called Population Bomb, and he claimed in this prediction that, if we continued the world population explosion, by 1992 we would be having starvation worldwide, including the United States, because we would have too many people on this Earth and this Earth could not sustain that kind of population.

Then we get into smaller predictions of bad science where we almost killed the apple-growing industry in this country because we scared the world, the consumers, that Alar was going to cause cancer from eating apples, and it was not too long ago that the artificial sweeteners were taken off the market because that was going to cause cancer.

The gentleman referred to the Clean Air Act where we just recently passed an acid rain title that is going to cost Americans billions of dollars on a program to eliminate acid rain that flies in the face of a 10-year study that cost $600 million which was done by hundreds of scientists, and their conclusion? The same. Within 2 months of the passage of the Clean Air Act they said that there is no acid rain crisis in the United States, yet we have made environmental policy based on bad science or, at the very least, incomplete science, and if I could just take a few minutes of the gentleman's time to say maybe I am just a naive Texan, but I have always thought environmental policy should correspond with good science.

Madam Speaker, unfortunately in recent years the congressional actions have not been driven by good science, but instead by science by press release. Obviously the media are drawn to bad news, whether it is real, eminent or imaginary, and that is the news which grabs the front page headlines of newspapers, and lead stores of television reports and cover stories of national magazines. It is the focus of the attention of our constituents and the people of the United States. Now good news, if covered at all, is relegated to a relatively undesirable location in media coverage which does not hold the attention of our constituents.

One classic example recently of this phenomenon of bad science was the coverage of an alleged monstrous ozone hole over North America made in a NASA science by press release announcement on February 3. This announcement of impending disaster received as much media attention as the outbreak of the riots in Los Angeles. This disaster was predicted based upon NASA's readings of chlorine monoxide and bromine monoxide levels and not any actual readings of ozone depletion. Now NASA's one caveat to their hysteria was that the ozone depletion might occur under certain conditions, and as Dr. Patrick Michaels noted, NASA issued this science by press release knowing full well that these certain conditions in our atmosphere would require that the Rocky Mountains and the Himalaya Mountains fall flat and that much of our continental land would have to sink in order to get cold enough in the stratosphere. But on April 30, NASA finally admitted that no ozone hole ever materialized, however it was difficult for Americans to learn about this from the media as this announcement received only slightly more attention than, say, looting in my hometown of Sugerland, TX.

Madam Speaker, it just boggles my mind, and I gave a speech to a seminar just yesterday at the Columbia Institute, and a staff member of the Energy and Commerce Committee that is a great advocate for policies to stop global warming made the statement, and it is the tone now, now that we are seeing that science is refuting some of this desperate claims by press release scientists, that now that we are seeing some of the science coming out and coming forward that is disputing these claims, now they are saying:

> Well, that's all irrelevant. Just because you have some science, there is the potential out there that we are going to have this catastrophe, and, therefore, because of the potential, we have to have an insurance policy.

In fact, the staffer on the Energy and Commerce Committee used the analogy that my home will probably never burn, but must in case that it may burn, we buy a homeowner's policy as insurance against my house burning. Well, if we carry that analogy to fit the catastrophe claims by press release scientists and environmental extremists, then that analogy would be that we are going to spend trillions and trillions of dollars just in the United States to buy a global climate change insurance policy, and then we are going to have to take people's homes and remove all electricity, remove all gas, because of the potential of a fire. We will have to take out the stove, and the heater, and the furnace and the air-conditioner, remove those because of the potential of the fire, and build steel walls to reinforce the walls and a steel roof because of the potential burning, and then sit in the middle of the house waiting for the fire to happen in the dark. That is the analogy that we are talking about here.

Madam Speaker, that is very dangerous, very destructive, and we better not proceed without good science.

Mr. TAYLOR of North Carolina. Madam Speaker, will the gentleman yield?

Mr. DOOLITTLE. I yield to the gentleman from North Carolina.

Mr. TAYLOR of North Carolina. Madam Speaker, I appreciate the statements made by the two gentlemen. I think it is particularly of concern that there is so much stress on being politically correct on this subject and so little stress on having open, intelligent debate on this subject.

As my colleagues know, all of us are going to face environmental challenges for the rest of this century and on into the next century, as far as we can see. It would be foolish for any of us to think we did not have environmental challenges.

But how many times can we make the errors that the gentlemen just outlined costing the economy billions of dollars and then say, "Oops, let's start over again"? We have to have debate. We have to have intelligence.

I can give the gentlemen an example of what just happened in my area of western North Carolina where the Park Service ruled that they were going to place a 120-mile no industrial pollution or no additional industrial permits, unless with stringent examinations, within a 120-mile radius around the Great Smokey Mountain Park. Now our environmental council that I started some years ago had had a study in the area already, and we knew that 85 percent of our air pollution comes from well outside the area. Only 15 percent is created in the area. So the 120-mile radius would not do very much to stop pollution in the outside area, and yet that was a regulation, 120 miles. I asked the regulators in committee why they picked that distance, 120 miles versus 50 miles or 1,000 miles, and the response was that was generally about the number of bureaucrats they had to work for a 120-mile radius. It had nothing to do with whether or not the clean air was being disturbed inside that 120-mile area. In fact the evidence showed it was coming from well outside that.

□ 1910

So our district was faced with the worst of both worlds—economic stagnation by that regulation on the one hand, and on the other hand the 85 percent of the pollution affecting our area continued to come in from the outside. The regulations had no relevance to the problem that we had, yet anyone who made an effort to debate that question was not politically correct and was accused of being an enemy of the environment.

And what happens to enemies of the environment? I would like to refer you to the recent report of the League of Conservation Voters, when the president of that organization, a former liberal Democrat Presidential candidate in 1988 who now chairs that organization, said in this message, "We must hunt out the enemies of the environment and send them into oblivion."

Now, I would like to quote the old country song that was out not too long ago: "You know, there ain't no good guys, there ain't no bad guys, just you and me, and we just can't agree."

That is a lot of what is before us in the environmental debate. We have different points of view of how to solve the problem, and, as the gentlemen have pointed out in their statements, we cannot waste the resources doing the wrong thing for long periods of time. So we need to encourage, not discourage, open debate and questioning of every proposition that comes before this body. We need not to go about looking for enemies that we can hunt out and obliterate. We need to encourage open, intelligent debate in these subjects.

The rating that the organization I mentioned a moment ago gave was based on several things, and I think it is indicative of the shallow approach toward this very serious question of trying to meet environmental challenges.

First of all, there were 100 points. There were 13 subjects that made up the 100 points. I failed to say votes, because they were not votes. That was the problem.

The first four were based on failing to cosponsor legislation. Now, whether you knew that legislation existed or not was irrelevant. You already started 32 points behind if you failed to cosponsor those four bills.

Then a fifth point dealt with the letter between two Representatives that was sent to a third. If you did not find that letter and sign it you were gigged another eight points. So now you are 40 percent behind about things you did not know anything about.

A fifth one dealt with the fact that you may have cosponsored another piece of legislation, but if you did not know about it, then you would have saved yourself eight points. So we are up to almost 50 percent, and we are talking about matters that might be in a handful of people. It is nothing that has to do with how this body voted or decided different questions.

Then the letter, the message from the president of the conservation organization, stated that what we needed to do was to listen to the local people, that Congress was far behind the local communities in this matter. So the next four votes that they criticized you on dealt with four measures in before Congress.

All four of those the local representatives were against.

One of them dealt with a national monument that neither the National Government wanted, the local county commissioners did not want it, and the local Congressmen did not want it. But if you did not vote for it, against their wishes, you received a negative eight points. In other words, you were downgraded again.

Another dealt with the wild and scenic river, that a poll showed 80 percent of the people wanted further study on. The Congressmen from that district wanted further study on it. But if you voted against the designation now, here again you lost another eight points.

Then there was another piece of legislation that dealt with China. If you failed to vote to give China $100 million for their Draconian population abortion-control measures, then you lost another eight points.

So we are already in nearly 80 points, 84 points to be exact, and we have not hit anything that I would consider important to the environment. Yet that was a definite measure.

The final two bills did deal with the environment, one dealt with grazing, and it was not a question of whether or not you were for raising grazing fees, you had to raise them to the level that most people felt would stop grazing on the Bureau of Land Management property altogether. That I think was most unreasonable.

The final one dealt with voting to set aside $145 million, taking it away from the space planet program, which was 18 percent of that budget, in order to supplement the space station budget, which many people thought was just as necessary. But if you voted to make that shift, then you were stricken the last 8 percent you had.

Based on that, you could make a zero in the eyes of the League of Conservation Voters. None of those issues were strong environmental issues we are talking about. Most of them were set issues that you would have to do a great deal of research on to even know they were going on, to find out whether you cosponsored the bill or signed this particular letter.

Now, what I am saying to the gentlemen is this; At a time when the public looks at this body for honesty, when it looks to this body to give open debate, to help grapple with situations and come up with good decisions, here is a rating organization that has based its whole rating on obscure, isolated situations that do not encourage public debate and discussion of genuine environmental topics.

If you cannot depend on that rating organization to be truthful to the people about what is being discussed and debated and the real issues of the environment here, then you are going to discourage—all across this country—true debate. Because if you speak out against any of those items, or if you raise the question that some of those items really are not environmental, then you become an enemy, quote, of the environment, subject to obliteration.

That is the leadership that we are getting in this area. It is going to be disastrous in the long term for the environment and the people of this country.

Mr. DOOLITTLE. Mr. Speaker, I appreciate the remarks of the gentleman from North Carolina [Mr. TAYLOR]. If I might just take off from where he left off, these ratings will then be packaged very nicely and delivered the final week of this fall campaign as a nice little hit upon their intended victims, because it is intended to obliterate the victim. They are going to reveal to the world that John Doe had a zero rating by the League of Conservation Voters; ergo, he does not care about the environment; ergo, he should be defeated at the polls.

That has been constructed in such a way as to advance the interests of liberal Democrats and to hurt those of a more conservative persuasion. So I would just like to call that to the attention of people. When we get to this November, those of you who are following this debate, think back to the discussion that has ensued, to the types of phony issues that have been drawn in to construct the so-called environmental rating by this organization, and just remember when the hit piece comes by the liberal Democrats seeking election, just remember to look a little beyond the superficial representations and realize what really the ratings are based upon.

I would like to get back to my thesis about predictions, Madam Speaker.

Now, Mr. Hansen in 1988, and he is the NASA scientist who introduced the current preoccupation nationally, globally, with global warming, he predicted that, "1988 would be the warmest year on record, unless there is some remarkable improbable cooling in the remainder of the year."

Well, practically as he was speaking, this remarkable improbable cooling was going on, in that the eastern tropical Pacific Ocean underwent a remarkable cooling, a sudden drop in temperature of 7 degrees. We do not know why. We have not had any legislation to try and fix that, thank goodness. But nevertheless, there was a drop, a sudden drop of 7 degrees in the eastern tropical Pacific Ocean. It is believed that that caused one of our colder winters in the history of this country, the winter of 1988–89.

That is an interesting development of a fact concerning a prediction. La Nina, as distinguished from El Nino, was the phenomenon that caused that temperature drop.

Now, the gentleman from North Carolina [Mr. TAYLOR] alluded to environmental groups. Madam Speaker, I would just like to take a few moments and make some comment about those, and then largely read a series of quotes.

Madam Speaker, I am citing as my source an outstanding work called Trashing the Planet by Dixie Lee Ray. "How Science Can Help Us Deal with Acid Rain, Depletion of the Ozone, and Nuclear Waste, Among Other Things."

I commend this book to anyone interested in getting an accurate picture of where we stand on environmental issues and what are the different components of which they are made.

□ 1920

Dr. Ray is a scientist and I think has some very compelling things to share with the public. She has extracted out some different quotes from so-called environmental leaders, and I think it would be instructive just to review a few of those. These leaders have a reverence for the purity of nature, many of them. Mother Nature is almost revered by many, almost achieving a metaphysical proportion. Many of them construct scare stories of looming man-made catastrophe.

Quoting Dr. Ray:

> They say that our environmental problems are so serious as to threaten a continuation of life on earth.

That, I think, is kind of the thrust of the global climate change. Some of the more outlandish predictions refer to the melting of the icecaps and the resultant flooding of the coastlines around the world. It is rather dramatic, good movie material.

> They say that our environmental problems are so serious as to threaten the continuation of life on Earth or, if that is not true, that we should at least pretend that it is.

Now, let these individuals speak for themselves. Stewart Brand, writing in the Whole Earth Catalog:

> We have wished, we ecofreaks, for a disaster or for a social change to come and bomb us into the stone age where we might live like Indians in our valley with our localism, our appropriate technology, our gardens, our home-made religions, guilt free at last.

David Foreman, author of "A Field Guide to Monkey Wrenching" and founder of Earth First:

> We must reclaim the roads and the plowed land, halt dam construction, tear down existing dams, free shackled rivers and return to wilderness millions and tens of millions of acres of presently settled land.

Paul Watson, founder of Greenpeace:

> I got the impression that instead of going out to shoot birds, I should go out and shoot the kids who shoot birds.

Jonathan Schell, author of "Our Fragile Earth":

> Now, in a widening sphere of decisions, the costs of error are so exorbitant that we need to act on theory alone, which is to say on prediction alone. It follows that the reputation of scientific prediction needs to be enhanced, but that can happen paradoxically, only if scientists disavow the certainty and precision that they normally insist on.

I might insert, so now we have the politically correct doctrine for scientists. They have got to remove those shackles and become a little more flexible.

Continuing with the quote:

> Above all, we need to learn to act decisively to forestall predicted perils, even while knowing that they may never materialize. We must take action in a manner of speaking to preserve our ignorance. There are perils that we can be certain of avoiding only at the cost of never knowing with certainty that they were real.

This, of course, is what the gentleman from Texas was talking about in terms of attempting to remove all risk, for example, of fire in one's home. It is impossible unless one removes the technology that serves us so well.

Richard Benedick, an employee from our own State Department, working on assignment for the Conservation Foundation:

> A global climate treaty must be implemented, even if there is no scientific evidence to back the greenhouse effect.

I might add, this gentleman would be very well received in the Halls of Congress or in Rio de Janeiro, very well received.

Stephen Schneider, I think we have heard him quoted once before today, proponent of the theory that CFC's or chlorofluorocarbons are depleting the ozone.

> We have to offer up scary scenarios, make simplified, dramatic statements and make little mention of any doubts we may have. Each of us has to decide what the right balance is between being effective and being honest.

This man should run for office.

A spokesman for the Government Accountability Project, an offshoot of the Institute for Policy Studies, made this statement:

> Let's face it, we don't want safe nuclear power plants. We want no nuclear power plants.

I might add that that, pending the wishes of others,

> We don't want any dams, we don't want any logging efforts, we don't want any form of energy that is technologically feasible for us to harness.

Let it be something out there that is kind of in the theoretical stage, that is not capable of being actually used.

I would like to quote now, here is one that we hear a lot from, far-left winger Helen Caldicott, Australian pediatrician. There is a great scientist who advised us on scientific facts, a pediatrician. Speaking for the Union of Concerned Scientists:

> Scientists who work for nuclear power or nuclear energy have sold their soul to the devil. They are either dumb, stupid or highly compromised.

Listen to this, as she continues,

> Free enterprise really means rich people get richer and they have the freedom to exploit and psychologically rape the Earth. Cuba is a wonderful country. What Castro has done in superb.

Does that not chill the marrow of one's bones? I misquoted this.

> Free enterprise really means rich people get richer and they have the freedom to exploit and psychologically rape their fellow human beings in the process. Capitalism is destroying the earth.

I realized I left out that choice tidbit, "capitalism is destroying the earth. Cuba is a wonderful country, and what Castro has done is superb.

I suppose she thinks Saddam Hussein is a great guy, too.

Now, Paul Ehrlich. I cannot resist this because we have all listened to Paul Ehrlich's foolish predictions for several decades now, and we never hear this guy being called to task, other than what the gentleman from Texas mentioned earlier.

Stanford University biologist:

> We've already had too much economic growth in the United States. Economic growth in rich countries like ours is the disease, not the cure.

I wonder who has been listening to him.

Mr. DELAY. Madam Speaker, if the gentleman will continue to yield, I will tell my colleague who has been listening to him. He is a very regular guest on the Tonight Show and is held out there all the time as this great scientist. I believe he is a professor emeritus or certainly a professor with tenure at Stanford University.

He is constantly paraded all around this country, if not the world, as the foremost authority on the environment and apocalypse now.

Mr. DOOLITTLE. He certainly is. Quoting Dixy Lee Ray in this book:

> Paul Ehrlich deserves special attention because his views sum up the antihuman trends of political environmental thought.

Madam Speaker, listen to this:

> Trends that frequently manifest themselves in predictions of global famine or plans for draconian measures to halt or reverse population growth. In The Population Bomb, Ehrlich predicted that the "battle to feed humanity is over. In the 1970's the world will undergo famines. Hundreds of millions of people are going to starve to death in spite of any crash programs embarked upon now. Population control is the only answer.

□ 1930

I mean, that is laughable, looking back. I remember the time this was taken so seriously on the university campuses. We had to immediately address the issue of population control.

Continuing on quoting Dixy Lee Ray:

> Of course, that inevitable mass starvation did not happen, unless you were unlucky enough to have it imposed upon you by a communist government in Ethiopia. But Ehrlich has persisted in his predictions. He predicted a global famine in 1985. and was wrong. Now he says that the population of the United States.

And I have to read this because I find this another fascinating prediction, now he says that:

> The population of the United States will shrink from 250 million to about 22.5 million before 1999 because of famine and global warming.

Dr. Ehrlich, did you see the Washington Post today? I mean, this is amazing.

All right, listen to this, quoting Dixy Lee Ray:

> He still recommends reducing population by force, saying "Several coercive proposals deserve serious consideration, mainly because we will ultimately have to resort to them unless current trends in birth rates are revised." Among Ehrlich's coercive proposals for the United States are deindustrialization, liberalized abortion, and tax breaks for people who have themselves sterilized. Ehrlich has many supporters in the environmental movement.

Now, Kenneth Boulding, originator of the "Spaceship Earth" concept.

Mr. DELAY. Madam Speaker, will the gentleman yield?

Mr. DOOLITTLE. I yield to the gentleman from Texas.

Mr. DELAY. Madam Speaker, I think what the gentleman read is very important and speaks directly to what we are talking about. Dr. Paul Ehrlich called for deindustrialization of this country. Now, that is a big word, but if we implemented what the Paul Ehrlichs of the world wanted us to implement by signing the treaty that they would have us sign, or have the President sign in Rio, it would call for deindustrialization, because what it would do is, it would mandate things such as a carbon tax. That is a tax on the burning of carbon fuels, petroleum, coal, and others, which would mean the doubling in price of electricity and energy in this country alone, which would mean the immediate loss of jobs because deindustrialization would come because companies would have to shut down because they could not afford the energy costs to run those companies.

In fact, a recent study was just released that pointed out that if we implemented what the environmental extremists wanted us to implement, we would immediately see the loss of 700,000 jobs in the United States, and in my home State of Texas they predict 74,000 jobs lost in Texas.

What deindustrialization means is the loss of the lifestyle of the United States as we know it. These people want us to lower our standard of living; to, if you will, redistribute wealth around the world, so that people will not be able to live the life style that they are enjoying today in the United States.

Mr. DOOLITTLE. I certainly appreciate the gentleman making that observation. When I hear the term "deindustrialization" I think about other countries that have pursued that kind of an ideal. I am thinking about Cambodia, for example, where they attempted to achieve the pure ideal of Marxism, and the tremendous cost in human lives and suffering that was occasioned there by it.

I tell the gentleman, I read some of these quotes and it is astounding when we hear these quotes. I want to get them out in the RECORD so that people can become aware and examine a little more critically the statements of some of these people, like Paul Ehrlich or Helen Caldicott, or others.

Here is Kenneth Boulding, originator of the "Spaceship Earth" concept: "The right to have children should be a marketable commodity." There is a free enterpriser of a different stripe. Continuing the quote, "a marketable commodity, bought and traded by individuals but absolutely limited by the state."

Now, David Brower, of Friends of the Earth, "Childbearing should be a punishable crime against society unless the parents hold," and, oh yes, the thing the liberals love the most, "unless the parents hold a government license. All potential parents should be required to use contraceptive chemicals, the government issuing antidotes to citizens chosen for childbearing." Absolutely amazing.

All right. Now, His Royal Highness, Prince Philip of the United Kingdom, just to not confine our quotes to people from the United States, which we got Helen Caldicott from Australia, let us now go to the mother country, the United Kingdom. Prince Philip is the leader of the World Wildlife Fund.

He stated recently that were he to be reincarnated, he would wish to return as a "killer virus, to lower human population levels." Yes, this is the Duke of Edinburgh, husband of Queen Elizabeth, who wishes that were he to be reincarnated, he wishes he could return as a killer virus to lower human population levels. There is a philanthropist in the full environmental sense of the word, I suppose, utterly frightening.

Now, the Green Party, the Green Party of West Germany. We now have a Green Party in the State of California, I am sorry to announce. Carl Amery has said that,

> We in the Green movement aspire to a cultural model in which the killing of a forest will be considered more contemptible and more criminal than the sale of 6-year-old children to Asian brothels.

There is a great humanitarian, concerned for all our welfare.

Madam Speaker and ladies and gentlemen, I find these statements shocking, so revealing. Look what we are coming up to. We have talked about the danger of using inadequate facts with insufficient data to make dramatic policy changes, yet the President of the United States, I am sorry to say, is going to Rio de Janeiro, Brazil, in June for the purpose of signing some sort of an agreement among the nations of the world, sponsored by the United Nations, to limit the amount of greenhouse gases released into the atmosphere, despite the fact that there has been no discernable increase in warming over the 50-year period.

Indeed, when we take into account the so-called heat islands in the urban centers, it probably means that the temperature has actually cooled. Here we have, and I hope we can send to the President, this copy of the Washington Post, and get the underlying reports that it is based on, saying that things are actually getting cooler. Maybe we ought to send him a note and urge this conference be postponed for about 4 years.

Mr. DELAY. Madam Speaker, will the gentleman yield?

Mr. DOOLITTLE. I am happy to yield to the gentleman.

Mr. DELAY. The gentleman was talking about the heat-island effect. What the gentleman is referring to is a phenomenal lack of good scientific method in just measuring the temperatures on Earth, because what the gentleman has been circling around is the fact that the temperatures that are being taken by the global climatologists that believe in global warming are temperatures that are taken on land. There are no temperatures being taken in the oceans of the world, and I just find that absolutely amazing. A sixth grade science student knows if we are going to make such apocalyptic predictions, that at least we ought to take the temperatures over a long period of time of the oceans, not just the temperatures on land. And frankly, they are convenient temperatures, because they are temperatures taken around cities that produce this heat island effect.

Mr. DOOLITTLE. The gentleman is so correct in quoting Dr. Lee here, referencing Jim Hansen, the great progenitor, I guess, or the one who has popularized the global warming theory. Quoting Dr. Lee,

> Dr. Hansen did not consider the possibility of La Nina—

Which was the 7-degree drop in the eastern tropical Pacific Ocean.

> He did not consider the possibility of La Nina—

And listen to this—

> because his computer program does not take sea temperatures into account, yet the oceans cover 73 percent of the Earth's surface. When people, including scientists, talk global, it is hard to believe they can ignore 73 percent of the globe, but obviously they sometimes do. It is all the more astonishing to ignore ocean-atmosphere interactions, especially in the Pacific, when it is well established that El Nino has profound and widespread effects on weather patterns and temperatures.

□ 1940

Well, does it not follow that El Nino may also, indeed some atmospheric scientists credit the severe winter of 1988–89 totally to a temperature drop in the tropical Pacific.

Madam Speaker, I hope what we have said tonight may shed a little light on reality in this conference in Rio when the ecofreaks and the promoters of extreme environmentalism get down there and clamor or march for new taxes and severe laws to be implemented. Let us just remember that we had better understand the causes of the global climate change before we make extreme legislation based on that.

I want to end by quoting a gentleman who was once the Under Secretary of State for this country and in the first part of the 20th century, and at one time was also Ambassador to Mexico. His name is J. Ruben Clark, Jr. and this is what he had to say:

> Tyranny has never come to live with any people with a placard on his breast bearing his name. He always comes in deep disguises, sometimes proclaiming an endowment of freedom, sometimes promising help to the unfortunate and downtrodden, not by creating something for those who do not have, but by robbing those who have. But tyranny is always a wolf in sheep's clothing, and he always ends by devouring the whole flock, saving none.

Madam Speaker, as we conduct the policy of this great country I hope we will bear this important quote in mind, particularly with reference to the environmental issues and some of the extreme, onerous and outlandish recommendations being made in the name of the environment.

With that, Madam Speaker, I yield back the balance of my time.

PERMISSION FOR COMMITTEE ON RULES TO RULE ON H.R. 776, NATIONAL ENERGY POLICY

Mr. FROST. Madam Speaker, I ask unanimous consent that the Committee on Rules may have until midnight tonight to file a rule for the energy bill, H.R. 776, currently under consideration in the Rules Committee.

Mr. QUILLEN. Madam Speaker, the minority has no objection.

The SPEAKER pro tempore (Mrs. COLLINS of Michigan). Is there objection to the request of the gentleman from Texas?

There was no objection.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. GRANDY (at the request of Mr. MICHEL) for May 19, 20, and 21 on account of a family medical emergency.

Mr. ANTHONY (at the request of Mr. GEPHARDT) for today through May 21 on account of necessary leave.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. THOMAS of Wyoming) to revise and extend their remarks and include extraneous material:)

Mr. DOOLITTLE, for 60 minutes, on May 20.

Mr. MACHTLEY, for 30 minutes, today.

Mr. THOMAS of Wyoming, for 5 minutes, today.

Mr. RIGGS, for 5 minutes today, and 60 minutes each day, on May 20 and 21.

(The following Members (at the request of Mr. WOLPE) to revise and extend their remarks and include extraneous material:)

Ms. KAPTUR, for 5 minutes each day, today and on May 20 and 21.

Mr. STARK, for 5 minutes, today.

Mr. ANNUNZIO, for 5 minutes, today.

Mr. SISISKY, for 5 minutes, today.

Mrs. COLLINS of Michigan, for 5 minutes, on May 20.

Mr. AUCOIN, for 5 minutes, on May 20.

Mr. WOLPE, for 60 minutes, today.

Mr. WEISS, for 5 minutes, on May 20.

Mr. FALEOMAVAEGA, for 60 minutes, on May 26.

(The following Member (at his own request) to revise and extend his remarks and include extraneous material:)

Mr. DOOLITTLE, for 60 minutes, today.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

(The following Members (at the request of Mr. THOMAS of Wyoming) and to include extraneous matter:)

Mr. KOLBE.

Mr. YOUNG of Alaska.

Mr. RINALDO.

Mr. GOODLING in two instances.

Mr. BALLENGER in two instances.

Mr. PORTER in two instances.

Mr. GILMAN.

Mr. SOLOMON in two instances.

Mr. GREEN of New York.

Mr. FIELDS.

Mr. MICHEL.

Mr. ROHRABACHER.

Ms. MOLINARI.

Mr. SMITH of New Jersey.

(The following Members (at the request of Mr. WOLPE) and to include extraneous matter:)

Mr. ACKERMAN.

Mr. DYMALLY.

Mr. BILBRAY.

Mr. LANTOS in two instances.

Mr. SKELTON in three instances.

Mr. SISISKY.

Mr. ROE.

Mr. SWETT.

Mr. TANNER.

Mrs. BOXER.

Mr. ASPIN.

Mr. STARK.

Mr. EDWARDS of California.

Mrs. KENNELLY.

Mr. KOSTMAYER.

Mr. Conyers.
Mr. Richardson.
Mr. Levine of California.
Mr. Lipinski.
Mrs. Lowey of New York.

SENATE BILL REFERRED

A bill of the Senate of the following title was taken from the Speaker's table and, under the rule, referred as follows:

S. 2342. An act to amend the Act entitled "An Act to provide for the disposition of funds appropriated to pay judgment in favor of the Mississippi Sioux Indians in Indian Claims Commission dockets numbered 142, 359, 360, 361, 362, and 363, and for other purposes", approved October 25, 1972 (86 Stat. 1168 et seq.); to the Committee on Interior and Insular Affairs.

ADJOURNMENT

Mr. FROST. Madam Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 8 o'clock and 44 minutes p.m.) under its previous order, the House adjourned until tomorrow, Wednesday, May 20, 1992, at 11 a.m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

3539. A letter from the Secretary of Education, transmitting notice of final funding priorities—Technology, Educational Media, and Materials for Individuals with Disabilities Program, pursuant to 20 U.S.C. 1232(d)(1); to the Committee on Education and Labor.

3540. A letter from the Secretary of Labor, transmitting a draft of proposed legislation to improve enforcement of the Employee Retirement Income Security Act of 1974, by adding certain provisions with respect to the auditing of employee benefit plans; to the Committee on Education and Labor.

3541. A letter from the Secretary of Agriculture, transmitting the 1991 annual report of the Department on its hazardous waste management activities; to the Committee on Energy and Commerce.

3542. A letter from the Assistant Secretary of State for Legislative Affairs, transmitting copies of the original report of political contributions of Joseph Charles Wilson IV, of California, to be Ambassador to the Gabonese Republic and to the Democratic Republic of Sao Tome and Principe; of Donald Herman Alexander, of Missouri, to be Ambassador to the Kingdom of the Netherlands, and members of their families, pursuant to 22 U.S.C. 3944(b)(2); to the Committee on Foreign Affairs.

3543. A letter from the Director, Office of Financial Management, General Accounting Office, transmitting the fiscal year 1991 annual report of the Comptrollers General Retirement System, pursuant to 31 U.S.C. 9503(a)(1)(B); to the Committee on Government Operations.

3544. A letter from the Office of Enforcement, Environmental Protection Agency, transmitting a copy of a final rule as it pertains to lender liability under CERCLA, pursuant to 42 U.S.C. 9655(a); jointly, to the Committees on Energy and Commerce and Public Works and Transportation.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. ASPIN: Committee on Armed Services. H.R. 5006. A bill to authorize appropriations for fiscal year 1993 for military functions of the Department of Defense, to prescribe military personnel levels for fiscal year 1993, and for other purposes; with amendments (Rept. 102–527). Referred to the Committee of the Whole House on the State of the Union.

Mr. DERRICK: Committee on Rules. House Resolution 459. Resolution providing for the consideration of H.R. 776, a bill to provide for improved energy efficiency (Rept. 102–528). Referred to the House Calendar.

PUBLIC BILLS AND RESOLUTIONS

Under clause 5 of rule X and clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. COSTELLO:

H.R. 5198. A bill to amend the Federal Election Campaign Act of 1971 to control House of Representatives campaign spending, and for other purposes; to the Committee on House Administration.

By Mr. CUNNINGHAM:

H.R. 5199. A bill to amend title 10, United States Code, and title XVIII of the Social Security Act to permit the reimbursement of expenses incurred by a medical facility of the uniformed services or the Department of Veterans Affairs in providing health care to persons eligible for care under Medicare; jointly, to the Committees on Armed Services, Ways and Means, Energy and Commerce, and Veterans' Affairs.

By Mr. BROOMFIELD:

H.R. 5200. A bill to amend the Foreign Assistance Act of 1961 with respect to the activities of the Overseas Private Investment Corporation; to the Committee on Foreign Affairs.

By Mr. DARDEN:

H.R. 5201. A bill to entitle Federal employees to family leave in certain cases involving a birth, an adoption, or a serious health condition and to temporary medical leave in certain cases involving a serious health condition, with adequate protection of the employees' employment and benefit rights; jointly, to the Committees on Post Office and Civil Service and House Administration.

By Mr. FRANK of Massachusetts:

H.R. 5202. A bill to require the Federal Communications Commission to take actions to prevent long distance toll fraud, and for other purposes; to the Committee on Energy and Commerce.

By Mr. GOODLING (for himself and Mr. Ballenger):

H.R. 5203. A bill to extend and amend the Rehabilitation Act of 1973, to improve rehabilitation services for individuals with disabilities, to modify certain discretionary grant programs providing essential services and resources specifically designed for individuals with disabilities, to change certain terminology, and for other purposes; to the Committee on Education and Labor.

By Mr. LEWIS of Georgia:

H.R. 5204. A bill to authorize the rehabilitation and expansion of the African American Panoramic Experience Center within the Martin Luther King, Junior, Historic Site and Preservation District; to the Committee on Interior and Insular Affairs.

By Ms. MOLINARI (for herself, Mr. Owens of New York, Mr. Goodling, Mr. Fawell, Mr. Payne of New Jersey, Mr. Ballenger, and Mr. Martinez):

H.R. 5205. A bill to amend the Child Abuse Prevention and Treatment Act with respect to issues of confidentiality and accountability; to the Committee on Education and Labor.

By Mr. ROEMER (for himself, Mr. Brown, Mr. Valentine, Mr. Swett, Ms. Horn, Mr. Olver, and Mr. Thornton):

H.R. 5206. A bill amending the Stevenson-Wydler Technology Innovation Act of 1980 to make improvements in the Malcolm Baldrige National Quality Award, and for other purposes; to the Committee on Science, Space, and Technology.

By Mr. SANDERS:

H.R. 5207. A bill to provide that elections for President, Vice President, and Members of the Congress be held on Saturday and Sunday; to the Committee on House Administration.

By Mrs. SCHROEDER (for herself, Mr. Studds, Mr. Frank of Massachusetts, Mr. Weiss, Mr. Mineta, Mr. Kennedy, Mr. Abercrombie, Mr. Towns, Mr. AuCoin, Ms. Norton, Mr. Stark, Mr. Waxman, Mr. Conyers, Mr. Green of New York, Mr. Matsui, Mr. Dellums, Mr. Edwards of California, Mr. Scheuer, Mr. Roybal, Mr. Washington, Ms. Pelosi, Mr. Kostmayer, Mr. Hayes of Illinois, Mr. Feighan, Mr. McDermott, Mr. Sabo, Mr. Gonzalez, Mr. Atkins, Mrs. Unsoeld, Mr. Evans, Mr. DeFazio, Mr. Berman, and Mr. Martinez):

H.R. 5208. A bill to prohibit discrimination by the Armed Forces on the basis of sexual orientation; to the Committee on Armed Services.

By Mr. STARK (for himself and Mr. Evans):

H.R. 5209. A bill to establish a program of world nuclear security; to the Committee on Foreign Affairs.

By Mr. LEVINE of California (for himself and Mr. Wolf):

H.J. Res. 486. Joint resolution designating September 10, 1992, as "National D.A.R.E. Day"; to the Committee on Post Office and Civil Service.

By Mr. OWENS of Utah:

H.J. Res. 487. Joint resolution to designate June 10, 1992, through June 16, 1992, as "International Student Awareness Week"; to the Committee on Post Office and Civil Service.

By Mr. BROOKS:

H. Con. Res. 320. Concurrent resolution declaring the ratification of the proposed amendment to the Constitution relating to compensation for Representatives and Senators; considered under the suspension of the rules and postponed until May 20, 1992.

MEMORIALS

Under clause 4 of rule XXII, memorials were presented and referred as follows:

433. By the SPEAKER: Memorial of the Legislature of the State of California, rel-

ative to Radio Free Asia; to the Committee on Foreign Affairs.

434. Also, memorial of the Legislature of the State of Missouri, relative to a national health policy; jointly, to the Committees on Energy and Commerce and Ways and Means.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII,

Mr. RICHARDSON introduced a bill (H.R. 5210) for the relief of Haydee Josphine McBride; which was referred to the Committee on the Judiciary.

ADDITIONAL SPONSORS

Under clause 4 of rule XXII, sponsors were added to public bills and resolutions as follows:

H.R. 75: Mr. McCrery.

H.R. 78: Mr. Marlenee.

H.R. 258: Mr. McCrery.

H.R. 431: Mr. McCrery.

H.R. 755: Mr. Franks of Connecticut and Mr. Rogers.

H.R. 784: Mr. Mavroules.

H.R. 911: Mr. Gallegly, Mr. Dornan of California, and Mr. Jones of North Carolina.

H.R. 951: Mr. Blackwell, Mr. Torricelli, Mr. Dwyer of New Jersey, Mr. Peterson of Minnesota, and Mr. Johnston of Florida.

H.R. 1124: Mr. Cramer and Mr. Pastor.

H.R. 1130: Mr. Williams and Mrs. Mink.

H.R. 1241: Mr. McMillan of North Carolina, Mr. Kostmayer, and Mr. Franks of Connecticut.

H.R. 1269: Mr. Glickman.

H.R. 1300: Mr. Sabo.

H.R. 1468: Mr. Bacchus.

H.R. 1472: Mr. Towns.

H.R. 1502: Mr. Clay, Mr. Beilenson, Mr. Spence, and Mr. Morrison.

H.R. 1536: Mr. Skeen.

H.R. 1665: Mr. Sanders.

H.R. 1987: Mr. Matsui and Mr. Moran.

H.R. 2070: Mr. Gejdenson and Mr. McCloskey.

H.R. 2248: Mr. Hoagland.

H.R. 2258: Mr. Jefferson and Mr. Wyden.

H.R. 2355: Mr. Levine of California, Mr. Feighan, and Mr. Berman.

H.R. 2559: Mr. Levine of California.

H.R. 2782: Mr. Kennedy, Mr. Peterson of Minnesota, Mr. Hoagland, and Mr. Campbell of Colorado.

H.R. 2879: Ms. Kaptur and Mr. Sanders.

H.R. 3015: Mr. Hughes.

H.R. 3138: Ms. Horn.

H.R. 3164: Mr. Torres and Mr. Clinger.

H.R. 3220: Mr. Mrazek.

H.R. 3250: Mr. Hertel, Mr. Levin of Michigan, and Mr. Clay.

H.R. 3360: Mr. Franks of Connecticut, Mr. Sikorski, Mr. Gilchrest, Mr. Vander Jagt, Mr. Bryant, Mr. Lantos, Mr. Horton, and Mr. Hoagland.

H.R. 3369: Mr. Engel.

H.R. 3450: Mr. Ackerman, Mr. Jefferson, Mr. Shays, Mr. Torres, and Mr. Wyden.

H.R. 3555: Mr. Hatcher.

H.R. 3598: Mr. Rahall and Mr. Taylor of North Carolina.

H.R. 3625: Mr. Murphy.

H.R. 3748: Mr. Hoagland.

H.R. 3836: Mr. Hughes.

H.R. 3986: Mr. Waxman.

H.R. 4025: Mr. Skeen and Mr. Wylie.

H.R. 4045: Mr. Manton, Mr. Owens of Utah, Mr. de Lugo, Mr. Clay, and Mr. Kennedy.

H.R. 4057: Mr. Fields.

H.R. 4083: Mrs. Meyers of Kansas, Mr. Ortiz, Mr. Spence, Mr. Hatcher, Mr. Carper, and Mrs. Patterson.

H.R. 4127: Mr. Inhofe.

H.R. 4161: Mr. Manton.

H.R. 4168: Mr. McCollum.

H.R. 4206: Mr. Ackerman.

H.R. 4312: Ms. DeLauro, Mr. Bonior, Mr. Lewis of Georgia, Mr. Jefferson, and Ms. Waters.

H.R. 4406: Mr. Barton of Texas.

H.R. 4414: Mr. Holloway and Mr. Carper.

H.R. 4476: Mr. Jefferson.

H.R. 4498: Mr. Roemer.

H.R. 4533: Mr. Matsui.

H.R. 4537: Mrs. Boxer and Mr. Atkins.

H.R. 4725: Mr. Hoagland.

H.R. 4748: Mr. Jefferson and Ms. Norton.

H.R. 4761: Mr. Yatron.

H.R. 4790: Mr. Chandler.

H.R. 4831: Mr. Boehlert.

H.R. 4896: Mr. Bryant.

H.R. 4897: Mr. Blaz and Mr. Weber.

H.R. 4902: Mr. Hughes.

H.R. 5014: Mr. English, Mr. Solomon, Mr. Towns, Mr. Jones of North Carolina, Mr. Coleman of Missouri, and Mr. Poshard.

H.R. 5019: Mr. Schiff, Mr. Thomas of Wyoming, Mr. Ballenger, and Mr. Riggs.

H.R. 5034: Mr. Hughes and Mr. LaFalce.

H.R. 5116: Mrs. Boxer, Ms. Kaptur, Mr. Orton, and Mr. Vento.

H.R. 5117: Mr. Sabo, Mr. Vento, Mr. Towns, Mr. Hochbrueckner, and Ms. Slaughter.

H.R. 5162: Ms. Slaughter and Mr. Martinez.

H.J. Res. 143: Mr. Edwards of Oklahoma.

H.J. Res. 351: Mr. Bruce.

H.J. Res. 391: Mr. Gaydos, Mr. Clinger, Mr. Ballenger, and Mr. Valentine.

H.J. Res. 399: Mr. Hobson, Mr. Bustamante, Mr. Bilbray, Mr. Bennett, Mr. Coble, Mr. Dornan of California, and Mr. de la Garza.

H.J. Res. 411: Mr. McCollum, and Mr. Grandy.

H.J. Res. 426: Ms. Horn.

H.J. Res. 431: Mr. Vander Jagt, Mr. Mfume, Mr. Dicks, Mr. Engel, Mr. Swett, Mr. Volkmer, Mr. Sundquist, Mr. Lewis of Georgia, Mr. Carper, Mr. Thomas of Wyoming, Mr. Serrano, and Mr. Durbin.

H.J. Res. 442: Mr. Mineta, Mr. Duncan, Mr. Morrison, Mr. Huckaby, Mr. Wolpe, Ms. DeLauro, Mr. Richardson, Mr. Johnson of South Dakota, Mr. Montgomery, Mr. Hubbard, Mr. Harris, Mr. Sabo, Mr. Blackwell, Mr. Chapman, Mr. Fawell, Mr. Schumer, Mr. Rinaldo, Mr. Volkmer, Mr. Rowland, Mr. Schaefer, Mr. Wylie, Mr. Thomas of Georgia, Mr. Cooper, Mr. McNulty, Mr. Solarz, Mr. Conyers, Mr. Tanner, Mr. Sundquist, Mr. Burton of Indiana, Mr. Stump, Mr. Brewster, Mr. Bunning, Mr. Sarpalius, Mr. McMillen of Maryland, Mr. Stearns, Mr. Hoyer, Mr. Applegate, Mr. Bateman, and Mr. Perkins.

H.J. Res. 444: Mr. Pallone, Mr. Rahall, Mr. Wyden, Mr. Ritter, Mr. Coughlin, Mr. Green of New York, Mr. Ravenel, Mr. Mavroules, Mr. Gilchrest, Mr. Duncan, Mr. Swift, Mr. Mazzoli, and Mr. Vento.

H.J. Res. 445: Mr. de Lugo, Mr. Hammerschmidt, Mr. Bennett, Mr. Hoyer, Mr. Johnson of South Dakota, Mr. Hutto, Mr. Lewis of California, Mr. Lantos, Mr. Lewis of Florida, Mr. Dingell, Mr. McCollum, Mrs. Kennelly, Mr. Torricelli, Mr. McDade, Mr. McHugh, Mrs. Meyers of Kansas, Mr. Neal of Massachusetts, Mr. Owens of New York, Mr. Oberstar, Mr. Paxon, Mr. Yatron, Mr. Volkmer, Mr. Tauzin, Mr. Traficant, Mr. Spence, Mr. Savage, Mr. Sanders, Mr. Wylie, Mr. Tallon, Mr. Levin of Michigan, Mr. Torres, Mr. Fawell, Mr. Coyne, Mr. Skeen, Mr. Aspin, and Mr. Synar.

H.J. Res. 470: Mr. Sisisky, Mr. Jacobs, Mr. Engel, and Mr. Vento.

H.J. Res. 478: Mr. Miller of Washington, Mr. Miller of Ohio, Mr. Ritter, Mr. Guarini, Mr. Emerson, Mrs. Vucanovich, Mr. Hunter, Mr. Mrazek, Mr. Hubbard, Mr. Towns, Mr. Boehlert, Mr. Montgomery, Mr. Fish, Mr. Sisisky, Mr. Moorhead, and Mr. Kleczka.

H.J. Res. 479: Mr. Fields, Mr. Franks of Connecticut, Mr. Bilirakis, Mr. Hubbard, Mr. Bereuter, Mr. Camp, Mr. Erdreich, Mr. Blaz, and Mr. Skeen.

H.J. Res. 482: Mr. Reed, Mrs. Mink, Mr. Applegate, Mr. Guarini, Mr. Martin, Ms. Horn, Mr. Lipinski, Mr. Boehlert, Ms. Molinari, Mr. Montgomery, Mr. Towns, Mr. Walsh, Mr. Nowak, and Mr. Engel.

H.J. Res. 483: Mr. Livingston and Mrs. Mink.

H. Con. Res. 92: Mr. Horton and Mr. Montgomery.

H. Con. Res. 156: Mr. Moran, Mr. Williams, and Mr. Packard.

H. Con. Res. 180: Mr. Andrews of New Jersey.

H. Con. Res. 192: Mr. Dingell, Mr. Lowery of California, Mr. Levine of California, Mr. Thomas of Wyoming, Mr. Yates, Ms. Pelosi, Mr. Wolf, Mr. Burton of Indiana, Mr. Hochbrueckner, Mr. Clinger, Mr. Ritter, Mr. Schumer, Mr. Torres, and Mr. Johnson of Texas.

H. Con. Res. 248: Mr. Porter.

H. Con. Res. 282: Mr. Cox of Illinois, Mr. Volkmer, Mr. Mineta, Mr. Mavroules, Mr. Spence, Mr. Owens of Utah, Mr. Carper, Mr. Neal of Massachusetts, Mr. Slattery, and Mr. Bustamante.

H. Con. Res. 317: Mr. Payne of Virginia, Ms. Horn, Mr. Ritter, Mr. Allard, Mr. Oxley, Mr. Livingston, Mr. Schaefer, and Mr. Wilson.

H. Res. 271: Mr. Clay, Mr. Owens of Utah, and Mr. Moody.

H. Res. 321: Mr. Moran.

H. Res. 372: Mr. Dellums, Mr. Yates, Mr. Swett, Mr. Towns, Mr. Sikorski, Mr. McGrath, Mr. Dornan of California, and Mrs. Lowey of New York.

H. Res. 399: Mr. Cramer, Mr. Lipinski, Mrs. Lowey of New York, Ms. Molinari, Mr. Montgomery, Mr. Sisisky, Mr. Walsh, and Mr. Wilson.

H. Res. 404: Mr. Fields.

DELETIONS OF SPONSORS FROM PUBLIC BILLS AND RESOLUTIONS

Under clause 4 of rule XXII, sponsors were deleted from public bills and resolutions as follows:

H.R. 3030: Mr. Wilson.

H. Res. 194: Mr. Bunning.

EXTENSIONS OF REMARKS

CAPITAL BUDGETING AND A BALANCED BUDGET AMENDMENT

HON. WAYNE OWENS

OF UTAH

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 19, 1992

Mr. OWENS of Utah. Mr. Speaker, today I submitted testimony to the Committee on the Budget in which I focused not on a balanced budget amendment itself, but on its aftermath. Specifically, I outlined how a capital budgeting plan could and should be incorporated into a postamendment budget process.

Make no mistake about it, I support a balanced budget amendment. But the current budget structure is procedurally biased against physical and human capital investments in the domestic discretionary budget. These structural flaws will only be exacerbated under a balanced budget amendment. My testimony outlines these concerns. Regardless of the type of balanced budget amendment we have, we must immediately shift the debate toward the tough decision of its aftermath.

Capital budgeting should be an integral part of that debate. I have introduced two capital budgeting proposals, H.R. 3914 and H.R. 4420, and other Members have introduced similar legislation. I urge my colleagues to read this testimony, which is included at the end of these remarks, and give capital budgeting serious consideration.

TESTIMONY OF HON. WAYNE OWENS

Thank you, Mr. Chairman, for holding these important hearings and for the opportunity to submit testimony for the Committee's consideration.

I won't dwell on my support for Mr. Stenholm's Amendment, because its passage might very well be a mere formality. In 1986, when I campaigned to return to Congress after a twelve-year absence, I opposed a Balanced Budget Amendment on the basis that all it takes to balance the budget is courage and tough decisionmaking. When I first served one term in 1973–74, that was indeed, the case. But since that time, the budget process and the challenges facing budgetmakers have changed dramatically, and I saw no other choice but to convert.

For the purposes of today's testimony, I will assume that a Balanced Budget Amendment will be enacted this year. But like you, Mr. Chairman, I believe we must put an end to the pervasive sentiment that a Balanced Budget Amendment is a panacea for our nation's fiscal woes. And like you, I believe that the Congress must have a concrete plan for the aftermath of its passage. We will have a narrow window of opportunity before final ratification to begin the process of real deficit reduction, and we must have some guide of action before year's end.

Enactment of an Amendment, though a good first step, does not in itself correct the procedural and structural flaws of the Federal budget. To try to focus attention on these flaws, I have introduced two bills, the Capital Budgeting Act of 1991 (H.R. 3914) and the Capital Budgeting Act of 1992 (H.R. 4420). The focus of this testimony will be on H.R. 4420. Absent its enactment, I am hopeful that it can, at a minimum, prove to be something of a guideline for future deficit reduction initiatives.

BILL SUMMARY

H.R. 4420 bill is similar to legislation introduced by Senator Kohl in the 101st Congress, (S. 1572) but with some important additions and revisions.

The Capital Budgeting Act of 1992 directs the President, in his annual budget request, to divide the unified budget into capital and operating accounts. The capital account includes the nonadministrative expenditures of the Federal government vital to our nation's economic health. These expenditures include commercial infrastructure, education and job training, and civilian research and development. The operating account includes all other operating and consumptive expenditures, including transfer payments, deposit insurance, defense and international spending.

The bill further directs the Budget Committee to submit, to the House, legislation which would require the eventual elimination of deficits in the operations account. Were this submitted legislation fully implemented, the operations account would be held in balance annually, and the total annual deficit would equal the total of the investments in the capital account. The government would be able to borrow a limited amount only for the long-term investments mentioned earlier.

Without quality control measures, the capital account has the potential to become a dangerous pork barrel loophole. But compared to the gross gimmickry and manipulation of today's budget process, that in itself should not dissuade us from capital budgeting. To address these concerns, the bill directs the Government Operations Committee to submit, to the House, legislation to implement a regular GAO evaluation of the value and usefulness of items in the capital account.

Finally, the Committee on Rules is directed to report legislation establishing rules facilitating the enforcement of the accounting standards put forth by this bill. Some rules that could be considered are, for example, points of order against consideration of operations expenditures placed in the capital account; and against capital expenditures that have not undergone scrutiny by the GAO.

GAO and CBO have disagreed strongly on the merits of a capital budgeting system for the Federal government. H.R. 4420 is designed to address the criticisms put forth by CBO and other opponents of the GAO's capital budgeting approach. some of the provisions to address these concerns are as follows:

(1) Previous capital budgeting proposals have exclusively targeted toward "brick and mortar" investments. I have included certain "human capital" expenditures in the capital account, such as education and job training.

(2) Previous proposals have included defense expenditures in the capital account. It is my intention that no defense expenditures whatsoever are included in the capital account under H.R. 4420. There might be legitimate exceptions to this rule, the one that comes to mind being an elementary school at a military base. But a defense structure which might be categorized as "capital" because of its useful life does not have the economic impact of a road, bridge, airport or wastewater system. Besides, the Congress has yet to show an unwillingness to fund such defense projects.

(3) Critics rightly note that the capital account has the potential to invite a great deal of gimmickry. Quality control measures would be needed to maintain the integrity of the capital account. As mentioned above, the GAO would be incorporated into scrutinizing all items in the capital account, and rules could be enacted which enforce the provisions of capital budgeting on the House floor. Admittedly, these are very broad directives, but if a system of capital budgeting is enacted, it must have these and other safeguards against abuse.

Another admitted shortcoming of H.R. 4420 is that it does not specify, outright, the bookkeeping behind the capital account. In the case of physical infrastructure, this oversight can easily be addressed. Mr. Wise, the distinguished member of this Committee, has put forth a useful proposal in H.R. 4558, The Infrastructure Investment Accounting Act. H.R. 4558 would alter the way that investments in physical infrastructure are paid for by paying for infrastructure over the course of its useful life rather than all at once. Federal bookkeeping currently undervalues the lasting worth of physical infrastructure, thus exacerbating our nation's underinvestment in roads, bridges, airports, and water systems.

R&D facilities and equipment could be treated in a similar manner. There are other programs, such as certain student loan programs, which I would like to see in the capital account. However, the "useful life" of this sort of human investment is difficult to quantify. So, the accounting rules would need to be the topic of extensive debate and consultation.

In and of themselves, this obstacle should not dissuade the Congress from investigating the "human capital" component of H.R. 4420 as an option. Should the Congress opt to consider the potential of capital budgeting, we should keep in mind that the role of the Federal government in promoting economic growth is inherently different than that of state governments and businesses. While we should carefully scrutinize which specific expenditures fall under the capital account, we should not simply impose the bookkeeping procedures of a state government or large corporation.

RESTRUCTURING FEDERAL ACCOUNTS

First, I would like to focus specifically on Section 3 of that bill, which deals primarily with the presentation of the President's budget.

Section 3 of H.R. 4420 requires that the budget presented by the President be divided into operating and capital accounts. The capital account includes the non-administrative expenditures in commercial infrastruc-

---

• This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

ture, civilian R&D, and education and job training. No defense spending, no entitlement programs, no administrative expenditures and no interest payments would be incorporated into the capital account.

Mr. Chairman, the programs that helped to facilitate private sector growth in the post-war era—transportation, public works, education and research and development—were woefully neglected in the 1980s. Citizens for Tax Justice points out that as a percentage of the Federal budget, education and training dropped 40% from FY 1980 to FY 1990. Transportation spending declined 32% in that same period. When the President put forth his proposal for $70 billion in R&D in the State of the Union address, he failed to acknowledge that about one-half of that $70 billion goes toward military R&D.

However, these facts are not made clear in the President's budget. We are told frequently by OMB and CBO that our expected $368 billion deficit for FY 1992 is adequate economic stimulus. We are told by others that it is "pork barrel" and other discretionary spending that is driving the budget deficit. In reality, we don't know what we're borrowing for. It could be for transfer payments, farm subsidies, a highway, or an ammunition dump. Federal accounts do not differentiate.

Moreover, many of the primary reasons for the increases in outlays over the past decade—such as entitlements, deposit insurance, certain defense projects and interest on the debt—stem from demographic changes and failures in private-public sector interaction, such as S&L failures and health insurance costs. Increases in these kinds of outlays have little of the "multiplier effect" that is supposed to be the trademark of countercyclical fiscal policy.

For whatever reason—perhaps the lack of a bully pulpit, or lack of political will—the Congress has not made these points clear to the American public. Section 3 of H.R. 4420 addresses this problem by requiring that the President report and inform us outright of how much the Federal government actually intends to spend on the programs of the Federal government that are truly "investments."

The capital budget, as defined in H.R. 4420, includes those investments of the Federal government which are integral to economic growth—commercial infrastructure, education and job training and civilian research and development. Only by highlighting how much we actually spend (or don't spend) on these programs can we educate voters on where our legitimate budget-cutting opportunities lie. And only by educating voters can we muster the political will to enact sound deficit reduction policies.

The mere existence of a capital account, to a degree, can help alleviate the pork barrel tendencies that inevitably result from a shrinking pie of infrastructure investment dollars. However, the definition of "capital," as put forth in H.R. 4420, would undoubtedly have to be narrowed significantly. Some pork barrel tendencies could be addressed independently of capital budgeting through expedited rescission. Nevertheless, safeguards are needed. All investments in the capital account which are in the form of grants should be need- and merit-based.

In previous budget presentations, OMB has included certain capital investment information as an appendix to its annual budget request. (See FY 1992 "Budget of the United States Government," Historical Tables—Part 7, pp. 87-99) I believe, however, that such a presentation should be the rule, not the exception, and by dividing the unified budget in such a manner we can establish a sound framework for future deficit reduction initiatives.

CAPITAL BUDGETING AND DEFICIT REDUCTION

Section 3, in itself, merely alters the unified budget such that it differentiates between operating and capital expenditures. But it goes without saying that sound fiscal policy does not necessarily follow sound budget presentation.

Capital budgeting is not inconsistent with the goal of long-term deficit reduction. In fact, it makes for sound deficit reduction strategies. I direct you to section 5 of H.R. 4420 which specifically addresses the issue of deficit reduction. Section 5 expressly "passes the buck" to you, Mr. Chairman, to eliminate deficits in the operating account. Capital budgeting still requires major spending cuts and prioritization, and does not simply transfer our $368 billion deficit into a special account.

The General Accounting Office stated as far back as 1989 that the current budget "makes no distinction between operating expenses and capital investments, which leads to unsound deficit reduction strategies and creates a budget bias against capital investments." (GAO/AFMD–98–52: A Capital Budgeting Proposal) Under a Balanced Budget Amendment, this bias will be exacerbated further if we have not taken steps to rethink and restructure Federal accounts.

Much has been said about the seemingly conflicting goals of deficit reduction and Federal investment. Though I voted against tearing down the so-called "firewalls," I agree that targeted Federal investment is critical to the economic growth—the very growth that must ensue if we are to grow our way out of our $400 billion deficit. Capital budgeting breaks the stalemate of the current budget structure. It forces the Congress to substantially reduce the deficit while, at the same time, allowing the Federal government legitimate avenues to make pro-growth investment into the economy.

CAPITAL BUDGETING AND A BALANCED BUDGET AMENDMENT

Our colleague from Kansas, Jim Slattery, on C–Span, made a critical point regarding the downside of a Balanced Budget Amendment—the end result of this debate could simply be a three-fifths requirement to deficit-spend. If we're going to deficit-spend in the future, (as I expect will have to be done in the short term) we should make certain to borrow only for those programs which truly constitute investments in our economy. Mr. Chairman, one of the worse things that could happen, under enactment of a Balanced Budget Amendment, would be to lump every Federal program into one pit, and let the constituency of each program "duke it out." Unless we change the current system of accounting, this is exactly what will happen.

H.R. 4420 was not drafted under the assumption that a Balanced Budget Amendment would be in existence upon its enactment. The two are nevertheless quite compatible. The process whereby spending is classified as "capital" could be made subject to a super-majority vote. Such a process, in addition to disciplining the kinds of expenditures that fall under the capital account, facilitates the same kind of deficit reduction that we hope will result from a Balanced Budget Amendment.

For the sake of argument, let us assume that a capital budgeting system, in which the operating account is balanced, is enacted before ratification of a balanced budget amendment. According to my friend from Texas, Mr. Stenholm, this will likely take five years or so.

Assuming that the capital account is kept in check, and has reduced the deficit, the much-feared initial economic impact of a BBA is much less than it would be under the current course of events. Granted, significant deficit reduction between now and then, by any means, would accomplish the same end. But under a system of capital budgeting, the impact on legitimate domestic discretionary spending programs would not be as great as it would be under the current system of accounts.

Were an effective capital budgeting system in place, voters might very well tolerate our utilizing the Amendment's supermajority escape clause. We often forget that although 49 states have balanced budget requirements, nearly all of them, through either statute or constitution, are allowed to go into debt in one way or another. Some are allowed a specific amount of debt, others have established pseudo-governmental entities such as port authorities and economic development trusts. The important difference between our own Federal debt and debt at the state level is as much psychology as it is substance—voters know what the state is borrowing for. The Federal government should be subject to the same standard.

In the absence of a formal capital budgeting system, a capital budgeting format should nevertheless serve as a guide for credible deficit reduction strategies. If a Balanced Budget Amendment passes this year, we must quickly take action to differentiate and prioritize between those programs which are truly investments and those which are not. H.R. 4420 is, if nothing else, a statement of what those priority programs should be.

Capital budgeting does not have the gut-level appeal of a Balanced Budget Amendment. Nevertheless, a number of Members have introduced other capital budgeting proposals, and many others have expressed interest. For this reason, I hope that the Committee will, sometime soon, give this and other such proposals serious consideration.

THE HUMAN TOUCH

HON. ROBERT H. MICHEL

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 19, 1992

Mr. MICHEL. Mr. Speaker, I would like to bring to the attention of our colleagues the wonderful work of one of my constituents Nancy Affolter.

Nancy is vice president and chief executive officer of Behavioral Health Advantages, Inc. [BHA] and she has a different approach to business management. She uses a softball approach in a hardball business world.

At this point I would like to insert into the RECORD an article by Elaine Hopkins of the Peoria Journal Star, "Playing Hardball With a Soft Touch," which describes the outstanding work of Nancy Affolter.

Nancy Affolter wants employers to motivate their workers with love instead of fear.

Employees are not just another expense, she said. They represent a company's greatest resource and investment.

Replacing them is expensive. Nurturing them, to encourage their loyalty and creativity can pay dividends, she said.

But loving them doesn't mean just being nice, Affolter said. It means providing both leadership and certain benefits. Enter Affolter's company: Behavioral Health Advantages Inc., and her career, selling a new approach to business management.

Affolter is vice president and chief executive officer of BHA, a for-profit affiliate of Human Service Center and its management parent, Fayette Cos. BHA works with employers to provide employee-assistance programs and managed care for mental health and chemical dependency programs.

Affolter also is a senior instructor at Leadership Development Center, where she teaches leadership skills.

She takes a softball approach to a hardball world, using a disarming smile while applying the talents of a therapist to tame the corporate and industrial jungle. Local lions purr their appreciation.

"She's an impressive lady," said Gary Lindsay, manager of welfare benefits at Keystone Steel & Wire Co. "She's always there if we need help. She works with everyone."

"She's an energetic, outgoing person," said Doug Scott, senior vice president of Jefferson Bank's commercial banking division.

Scott knows Affolter as a board member of Human Service Center and through her work with his company. "She has her feet on the ground and the best interest of the community at heart," he said.

Affolter's transition from kitchen to boardroom took more than a decade, and involved juggling marriage, motherhood, college and fulltime work.

"A lot of things you look back on, and say, 'How did I do that?'" she said.

Pekin native Affolter married at age 19 and became the mother of four children, now ranging in age from 19 to 25.

Baking cookies wasn't enough for Affolter. "I didn't question that role, but felt I should do more with my life." she said.

By the time her youngest child turned 4 and even though she had been a part-time college student all along, she was suffering from "terminal cabin fever," she said.

She and a friend began an antiques and furniture refinishing shop. But then, the fun turned into hard work, she recalled, and they sold the business, at a profit.

She began working at Human Service Center while completing a college degree in organizational development. By 1983, she was marketing and managing employee-assistance programs there, and working with Leadership Development Center, a separate company founded by several Peoria-area organizations, including Fayette Cos.

Both roles deal with "the human side of the business equation," Affolter said.

That human side matters, she believes. Companies recognizing it will benefit. A key employee may think twice before jumping ship to work for a competitor. A worker may spot and report a detail that can save thousands of dollars.

"I believe you can't move ahead in the global economy with a half-hearted commitment from your people," she said.

"Warm fuzzies" aren't required, she said. But employees want direction, clear expectations, fair evaluation, recognition and involvement in things that affect them.

Affolter trains managers to operate this way, by teaching leadership skills, team building, goal setting and planning.

Employee-assistance plans help workers with personal problems, from divorce to alcoholism or drug abuse, she said—effective plans can save money for an employer by resolving problems before they become unmanageable and expensive.

When these benefits are covered by insurance, costs can get out of hand. So Affolter's firm also helps manage costs. She works with a four-person staff to monitor care from a network of discount providers.

"Good care does not have to be the most expensive care," she said. Here, a no-nonsense approach pays off. This program tries to match human problems with appropriate remedies. Long-term therapy rarely qualifies.

In 80 percent of the cases, an initial assessment and six counseling sessions will resolve problems to the extent that the person can work, she said.

She may also train supervisors in how to encourage a worker to get help. When a supervisor intervenes, 90 percent of employees will respond, she said. That's after they may have ignored pleas from a spouse, family, friends or clergy.

That intervention could save the worker's job or life, she said. Most repay that intervention with loyalty.

Keystone's Lindsay agrees: "I know a number of people who have gone from the pits to being good employees and community members. I've seen guys turn their lives around."

Affolter "has been a key part of helping put this together," he said.

POLICE EMERALD SOCIETY OF WESTCHESTER HOSTS BIENNIAL INSTALLATION AND AWARDS DINNER DANCE

HON. NITA M. LOWEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 19, 1992

Mrs. LOWEY of New York. Mr. Speaker, I rise today to pay tribute to three of Westchester's finest citizens. I join the Police Emerald Society in honoring three special people from the Gaelic community—the Honorable Judge W. Dennis Donovan, Maire Bell Deiana, and Guss Hayes.

These three citizens work every day to make the Westchester community a better place. Maire Bell Deiana emigrated from Ireland and brought with her an unwavering belief in public service. In addition to her 20 years with the Eastchester savings division of Southhold Savings, she has been an active member of many community organizations. The worthwhile causes to which she has devoted her time and energy include the Mount Vernon Police Bullet Proof Vest Fund, the Mount Vernon PBA, the Mount Vernon Irish Association, the Leukemia Society of Westchester, the Muscular Dystrophy Association, and the Earthquake Relief Fund. In addition, she has been a proud and giving member of the parish of St. Peter and Paul Church, and a past president of Sacred Heart Altar and Rosary Society of Mount Vernon. These many worthy organizations have greatly benefited from her good works and, through them, Ms. Deiana has left a lasting and positive mark on the people of Westchester.

Guss Hayes also brought special talents with him from Ireland. His musical gifts are widely admired, and he is a well known entertainer. He has put his talents to work in support of a new community center, and to aid Ennisymon Hospital. Just as he has worked to maintain strong ties to his native Ireland, He has worked tirelessly to maintain Irish traditions in Westchester County. He successfully operates one of New York's most popular Irish restaurants. Mr. Hayes has served as president and director of the American-Irish Association of Westchester, chairman of the Irish Heritage Day Festival, and aide to the grand marshal of the Yonkers St. Patrick's Day Parade. He was also named Irishman of the Year in 1986.

Judge W. Denis Donovan has also taken an active role in the life of our community. His legal career has taken him from private practice to several judgeships. In 1974 he was elected to the Family Court of Westchester County. Then, in 1982, Judge Donovan was elected to a fourteen-year term on the New York State Supreme Court. He has responded to many needs here in Westchester County, serving as trustee of St. Gregory the Great Church in Harrison, president of St. Gregory the Great Holy Name Society, lecturer for the Harrison Knights of Columbus, and an active leader of Family and Children's Services of Westchester. Indeed, Judge Donovan has given of himself to better the quality of life in Westchester.

These individuals are indeed worthy of the honors bestowed on them by the Police Emerald Society of Westchester. I look forward to working with the Police Emerald Society of Westchester to recognize the contributions of Irish-Americans and to support their many important activities.

By applying in their own lives the values that the Police Emerald Society of Westchester represents, Maire Deiana, Guss Hayes, and Judge W. Denis Donovan have enriched the lives of their families and their communities. Their examples reflect the strengths of their Irish heritage. It is truly a privilege to join many others in paying tribute to Judge Donovan, Maire Bell Deiana, Guss Hayes, and to all members of the Police Emerald Society of Westchester. I know that my colleagues join me in wishing them the best.

TRIBUTE TO HERSHEL L. HAY

HON. IKE SKELTON

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 19, 1992

Mr. SKELTON. Mr. Speaker, today I pay tribute to an outstanding citizen of Lexington, MO, Hershel L. Hay, who passed away recently at the age of 66. Hershel was a good friend through the years and was an asset to our mutual hometown.

I knew Hershel through the Boy Scouts of America. Hershel was a member of the Mic-O-Say Tribe for 44 years and a recipient of the Silver Beaver Award. His contribution to the community did not end at the Boy Scouts though, he was also involved in the Lions Club, Optimists Club, Masonic Lodge in Lexington, and the Lexington United Methodist Church.

Born in Springfield, MO, Hershel first moved to Clinton and then on to Lexington, where he lived for 46 years. He was a general merchandiser for Mattingly Bros. in Lexington for 26 years and also the city marshal from 1980 to 1986.

He is survived by his wife Dorothy, a son, a daughter, and four grandchildren. A good and decent man, Hershel Hay will be missed not only by his many friends and family, but also the community of Lexington that he served for so many years.

TRIBUTE TO MARIANN NEUBERGER

HON. JOHN EDWARD PORTER

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 19, 1992

Mr. PORTER. Mr. Speaker, today I would like to honor a woman who selflessly gives of herself to benefit others. Ms. Mariann Neuberger, founder of the Deerfield Lions Lights, volunteers her time, energy, and heart to offer support to local blind residents.

The need for the Deerfield Lions Lights support group was obvious, but it did not become a reality for local residents until 1984, when Ms. Neuberger greeted her first members. Once a month this small but tightly-knit group meets to have dinner and share their heartfelt experiences.

The extra lengths Ms. Neuberger takes to reach those in need and the generosity she shows should not go unnoticed. For example, she makes sure transportation is provided for those group members who find it difficult to get to the meetings. Ms. Neuberger works hard to provide an outlet for a special group of people who otherwise may not have had the opportunity to come together and share their experiences.

The friendships and support that have emerged as a result of the Deerfield Lions Lights have helped to brighten the days of each and every member. As the support group's membership expands from its original two members, more and more individuals will come together to form strong united friendships and rejoice in the many rewards of the group. Creating this self-help group required initiative and foresight on the part of the founder. My fellow colleagues, please join me in honoring a truly remarkable woman—Ms. Mariann Neuberger.

CONGRESSMAN BALLENGER COSPONSORS THE ADMINISTRATION'S BILL TO REAUTHORIZE THE REHABILITATION ACT AMENDMENTS OF 1973

HON. CASS BALLENGER

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 19, 1992

Mr. BALLENGER. Mr. Speaker, today I am cosponsoring the administration's bill to reauthorize the Rehabilitation Act Amendments of 1973 which my colleague, Mr. GOODLING is introducing. This bill reauthorizes programs under the Rehabilitation Act Amendments of 1973 which provide employment opportunities to individuals with disabilities. Such programs have been very successful in returning individuals with disabilities to the work force and making them independent.

The major provisions of the administration's bill focus on improved accountability particularly in the State Grant Program where the majority of the funds are spent, increased consumer choice both in determining what job or career they pursue and what services are provided to reach their goal, better coordination between special education and vocational rehabilitation, and incentives for business to participate in the rehabilitation process.

First, the administration's bill improves accountability by requiring that evaluation standards and performance indicators for the title I, Vocational Rehabilitation State Grant Program be developed and implemented. The standards and indicators would include outcome and other related measures of program performance and would be developed with input from State vocational rehabilitation agencies, related professionals and consumer organizations, and recipients of vocational rehabilitation services. I support this provision and believe such standards will result in improved services for individuals with disabilities.

Second, the bill makes several changes to the act to allow for greater consumer choice in the provision of rehabilitation services. The bill would emphasize the consumer's role in the rehabilitation process and would ensure full consumer participation in the individualized written rehabilitation plan [IWRP], particularly in regard to the selection of the vocational objective to be attained and the services to be provided. In addition, the bill authorizes a consumer choice demonstration project which will allow other models to be tested that increase consumer choice in the rehabilitation process. Since becoming the ranking member of the Subcommittee on Select Education, I have strongly supported more consumer choice in the rehabilitation process and I will work with Congressman GOODLING and other Members to ensure that these provisions are included in a bipartisan House bill.

The bill also parallels provisions in the Individuals with Disabilities Education Act [IDEA] to improve coordination between special education and vocational rehabilitation programs so that students in special education can receive vocational rehabilitation services in order to better transition from school to work. In addition, the bill provides incentives to private business by authorizing a demonstration program to give grants to business and industry in order to upgrade the skills of underemployed workers with disabilities so that they have the knowledge and skills necessary to adapt to emerging new technologies and work methods in order to successfully compete and advance in employment.

While I support the majority of the proposals in the administration's bill, I am opposed to the specific provision which will increase the State match. Currently, the States must provide 20 percent of the dollars for this program in order to receive Federal support. In these hard economic times when States are facing major budget cuts, I do not believe the State match for this program should be increased. I oppose this provision and will not seek to include it in a bipartisan House bill.

Mr. Speaker, I believe the administration has proposed some very constructive and innovative changes to the Rehabilitation Act which will improve rehabilitation services to individuals with disabilities. Although I plan to work for a broader reauthorization of the act than this bill proposes, I believe it represents a good first step and I am hopeful that a majority of these proposals will be included in a bipartisan House bill.

THE ADMINISTRATION'S IRAQ GATE SCANDAL

HON. TOM LANTOS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 19, 1992

Mr. LANTOS. Mr. Speaker, just 1 year ago, Americans were flush with the glow of the military victory over Saddam Hussein. Parades were held in the largest of cities and in the smallest of hamlets. New York and Washington were trying to outdo each other in the splendor of their competing celebrations of victory.

This year, however, we are wallowing in the sordid aftermath of the revelations of the misguided administration policy that brought about that war. We have been treated to details of how the administration bent over backwards in its misguided effort to support the regime of Saddam Hussein on the very eve of the Iraqi invasion of Kuwait.

Mr. Speaker, William Safire summarized this squalid tale of policy run amuck in an excellent article that appeared in yesterday's issue of the New York Times. I ask that this article be placed in the RECORD, and I urge my colleagues to read it carefully.

CRIMES OF IRAQGATE

(By William Safire)

WASHINGTON.—Americans now know that the war in the Persian Gulf was brought about by a colossal foreign-policy blunder: George Bush's decision, after the Iran-Iraq war ended, to entrust regional security to Saddam Hussein.

What is not yet widely understood is how that benighted policy led to the Bush Administration's fraudulent use of public funds, its sustained deception of Congress and its obstruction of justice.

As the Saudi Ambassador, Prince Bandar, was urging Mr. Bush and Mr. Baker to buy the friendship of the Iraqi dictator in August 1989, the F.B.I. uncovered a huge scam at the Atlanta branch of the Lavoro Bank to finance the buildup of Iraq's war machine by diverting U.S.-guaranteed grain loans.

Instead of pressing the investigation or curbing the appeasement, the President turned a blind eye to lawbreaking and directed another billion dollars to Iraq. Our State and Agriculture Department's complicity in Iraq's duplicity transformed what could have been dealt with as "Saddam's Lavoro scandal" into George Bush's Iraqgate.

The first element of corruption is the wrongful application of U.S. credit guarantees. Neither the Commodity Credit Corporation nor the Export-Import Bank runs a foreign-aid program; their purpose is to stimulate U.S. exports. High-risk loan guarantees to achieve foreign-policy goals unlawful endanger that purpose.

Yet we now know that George Bush personally leaned on Ex-Im to subvert its charter—

not to promote our exports but to promote relations with the dictator. And we have evidence that James Baker overrode worries in Agriculture and O.M.B. that the law was being perverted: Mr. Baker's closest aid, Robert Kimmett, wrote triumphantly, "your call to . . . Yeutter . . . paid off." Former Agriculture Secretary Clayton Yeutter is now under White House protection.

Second element of corruption is the misleading of Congress. When the charge was made two years ago in this space that State was improperly intervening in this case, Mr. Baker's top Middle East aide denied it to Senate Foreign Relations; meanwhile, Yeutter aides deceived Senator Leahy's Agriculture Committee about the real foreign-policy purpose of the C.C.C. guarantees. To carry out Mr. Bush's infamous National Security Directive 26, lawful oversight was systematically blinded.

Third area of Iraqgate corruption is the obstruction of justice. Atlanta's assistant U.S. Attorney Gail McKenzie, long blamed here for foot-dragging, would not withhold from a grand jury what she has already told friends: that indictment of Lavoro officials was held up for nearly a year by the Bush Criminal Division. The long delay in prosecution enabled James Baker to shake credits for Saddam out of malfeasant Agriculture appointees.

When House Banking Chairman Henry Gonzalez gathered documents marked "secret" showing this pattern of corruption, he put them in the Congressional Record. Two months later, as the media awakened, Mr. Bush gave the familiar "gate" order; stonewall.

"Public disclosure of classified information harms the national security," Attorney General William Barr instructed the House Banking Committee last week. ". . . in light of your recent disclosures, the executive branch will not provide any more classified information"—unless the wrongdoing is kept secret.

"Your threat to withhold documents," responded Chairman Gonzalez, "has all the earmarks of a classic effort to obstruct a proper and legitimate investigation . . . none of the documents compromise, in any fashion whatsoever, the national security or intelligence sources and methods."

Mr. Barr, in personal jeopardy, has flung down the gauntlet. Chairman Gonzalez tells me he plans to present his obstruction case this week to House Judiciary Chairman Jack Brooks, probably flanked by Representatives Charles Schumer and Barney Frank, members of both committees.

"I will recommend that Judiciary consider requiring the appointment of an independent counsel," says Mr. Gonzalez, who has been given reason to believe that Judiciary—capable of triggering the Ethics in Government Act—will be persuaded to act.

Policy blunders are not crimes. But perverting the purpose of appropriated funds is a crime; lying to Congress compounds that crime; and obstructing justice to cover up the original crime is a criminal conspiracy.

U.S. MILITARY POLICY ON SEXUAL ORIENTATION

HON. BARNEY FRANK

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 19, 1992

Mr. FRANK of Massachusetts. Mr. Speaker, I was very pleased recently to read the joint statement of the American Nurses Association, American Psychiatric Association, American Psychological Association and National Association of Social Workers in opposition to the wholly unjustified policy of the military in excluding gay men and lesbians from serving their country in the Armed Forces. I think it is particularly relevant that these four organizations which are composed of people who work to keep our society generally healthy join in opposing this policy. Mr. Speaker, because this is such an important subject I ask that the joint statement of these four organizations be printed here along with letter they recently sent to Secretary Cheney.

U.S. MILITARY POLICY ON SEXUAL ORIENTATION

(Joint statement of the American Nurses Associations, American Psychiatric Association, American Psychological Association, and National Association of Social Workers)

Our professional organizations have a commitment to the public interest. The national security of the United States and the well-being of the personnel assigned as active or Reserve/Guard members of the U.S. military services are important concerns of the public. The members of our associations include members of the uniformed services as well as civilian employees of the U.S. Department of Defense (DoD). Our organizations work with our military members in their clinical, administrative, and scientific roles. Our organizations also work with the Congress on behalf of our military members and other military beneficiaries.

Although DoD policy states that homosexuality is incompatible with military service, the Department has provided no rational or empirical basis for its policy. Our organizations assert that there is no sound rational or scientific basis for this policy. We believe that the DoD policy is contrary to the public interest by excluding qualified individuals from serving in the military and fostering widescale discrimination and prejudice.

We call on the Secretary of Defense to expeditiously change the policies of the Department of Defense to permit all qualified individuals regardless of sexual orientation to serve within the Armed Forces.

[Agreed to on May 5, 1992, by Barbara K. Redman, Ph.D., R.N., F.A.A.N., Executive Director, American Nurses Association, Melvin Sabshin, M.D., Medical Director, American Psychiatric Association, Raymond D. Fowler, Ph.D., Chief Executive Officer, American Psychological Association, and Mark G. Battle, A.C.S.W., Executive Director, National Association of Social Workers.]

AMERICAN PSYCHOLOGICAL ASSOCIATION,
May 8, 1992.

Hon. RICHARD B. CHENEY,
Secretary of Defense,
The Pentagon, Washington, DC.

DEAR MR. SECRETARY: We are writing on behalf of the American Nurses Association, the American Psychiatric Association, the American Psychological Association, and the National Association of Social Workers. We are deeply concerned about the U.S. Department of Defense (DoD) policy that homosexuality is incompatible with military service, and with the discriminatory practices that are associated with implementation of such a policy.

You have stated publicly that the Department has no plan to review or amend the policy. We urge that you reconsider that position. Recent public opinion polls do not support DoD's concerns that rescinding the policy would harm public acceptability of military service or recruitment and retention. Furthermore, you have made public statements that repudiate that aspect of the policy regarding breaches of security.

We expect that the outcome of a thorough review of the policy would be its rescission. The results of public opinion polls and the several DoD studies completed in the past support our expectation. We believe the policy should be rescinded as expeditiously as possible and our concerns are sufficiently great that we have begun to raise the issue with the Congress, as well.

We respectfully request an opportunity to meet with you at your earliest convenience in order to discuss how we can assist the Department in addressing our concerns.

Sincerely,

Raymond D. Fowler, Ph.D, Chief Executive Officer, American Psychological Association.

Barbara K. Redman, Ph.D., R.N., F.A.A.N., Excutive Director, American Nurses Association.

Melvin Sabshin, M.D., Medical Director, American Psychiatric Association.

Mark G. Battle, A.C.S.W., Executive Director, National Association of Social Workers.

F. WILLA DAVIS CLUB HONORS THREE SPECIAL CITIZENS

HON. NITA M. LOWEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 19, 1992

Mrs. LOWEY of New York. Mr. Speaker, it gives me great pleasure to join many others as the F. Willa Davis Woman's Club honors Ms. Mable Walters-Norman, Rev. Allen Paul Weaver, and Ms. Rakel Smith. As the club celebrates its 83d anniversary, it pays tribute to three special citizens whose lives are vibrant examples of the strong values of community service that has been the driving force behind this fine organization.

Throughout Mable Walters-Norman's distinguished career in social work, she has played a crucial role in strengthening the family ties that form our community. Since receiving her masters in social work 10 years ago, Ms. Walters-Norman has committed herself to constant service on behalf of individuals facing personal challenges. She has been ready, willing, and able to provide her experience and guidance to young and old alike. She has worked for the Mount Vernon Housing Association, Multi Services in Co-Op City, the office for the aging in New Rochelle, Central Westchester Mental Health Clinics, the Women's Center of the county department of corrections, and in private practice. Ms. Walters-Norman is presently devoting her talents to the New Rochelle Guidance Center as a psychotherapist. Her numerous volunteer activities, including the Westchester Self-Help Clearing House, AIDS-related community service, and the black women's health project, among others, have given many Westchester citizens the ability to help themselves deal constructively with the challenges of their lives.

Rakel Kiyah Smith, too, has exemplified the spirit of self-improvement and service to her community. While still a teenager, she has developed unmistakable leadership skills and a conviction to achieve her best. She plans to attend Norfolk State University and pursue a career in international law. She clearly has the talents and determination to succeed there and in any endeavors she may pursue. In high school, she has been a leader, serving as president of the Black Culture Club and participating in scholarship activities. Rakel has worked to encourage others to succeed and to ensure a safe environment conducive to academic achievement in New Rochelle. She has served with the Coalition for Mutual Respect to build lasting bridges between people throughout our community. She understands the importance, particularly at times like these, of bringing people together to achieve shared goals. Rakel Smith and her dedication to others offer real hope for a promising future for all of us.

Rev. Allen Paul Weaver, Jr., has served the New Rochelle community for the past 12 years as pastor of the Bethesda Baptist Church. In that capacity, he has given support to his parishioners in many ways. Reverend Weaver's leadership and dedication extend far beyond his own church. He has been a powerful and effective force for understanding in our community. Reverend Weaver is a member of the Inter-Religious Council of New Rochelle, the YMCA Board of Directors, and the Black Caucus of American Baptist Churches USA. He has held leadership positions with the Baptist Ministers' Conference of Greater New York. It has been my privilege over the years to work closely with Reverend Weaver on a number of endeavors and to know him well as a man of compassion, understanding, and commitment.

The F. Willa Davis Woman's Club has proven itself time and again to be committed to freedom and basic human rights for people the world over. They have spoken out forcefully on behalf of those who have fled Haiti's political and economic repression, and in doing so have set an example for all.

On this, their 83d anniversary, we pay tribute to the F. Willa Davis Woman's Club for their constant commitment to bringing people together and improving the quality of life for others. By applying in their own lives the values of this highly respected organization, Mabel Walters-Norman, Rakel Smith, and Rev. Allen Paul Weaver have given added meaning to the lives of many in our community. It has been an honor to work side by side with the F. Willa Davis Club and its honorees in behalf of shared values and principles. We all celebrate the wealth of their abilities and the strength of their convictions. I know that my colleagues join me in wishing them the best.

ZEE SHULTZ IS SENIOR CITIZEN OF THE YEAR

HON. GERALD B.H. SOLOMON

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 19, 1992

Mr. SOLOMON. Mr. Speaker, on May 14 the Warren County Office for the Aging honored its senior citizen of the year, Zee Shultz of Queensbury, NY. I could not think of a more deserving recipient.

She is a perfect example of what President Bush means by a thousand points of light. She is well known in the area for her volunteer work.

A local kidney dialysis unit probably would not exist if it had not been for Zee Shultz. She also was instrumental in establishing Emergency Lodging, Inc., a temporary housing service for displaced persons. She also helps arrange lodging for homeless youths through a local host program.

But that is not all, Mr. Speaker. Through the Red Cross, Zee Shultz has helped military families, worked at bloodmobiles, and been among the first to respond whenever there was a fire or other disaster. She is always picking up, storing, or delivering furniture for those in need. In addition, she established a monthly luncheon program through the Blind Association, and personally makes sure that rides are provided.

Inmates at Comstock Correctional Facility and their families have also been the beneficiaries of her commitment to making life a little better for many people.

Mr. Speaker, Zee Shultz has touched the hearts of many people. The Greater Glens Falls Senior Center is enormously proud of her, and so am I.

That is why I take great pride in asking Members to join me today in paying our own tribute to Zee Shultz, a point of light, and a great American.

JUST BY CROSSING THE BORDER

HON. FORTNEY PETE STARK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 19, 1992

Mr. STARK. Mr. Speaker, The "Talk of the Town" column in the April 20, 1992 New Yorker magazine was its usual excellent self when it described the debate about the Canadian health care system.

A lot of people in the Bush administration who have outstanding taxpayer-subsidized health insurance—or in some cases first dollar coverage in military hospitals—spend a lot of time bad mouthing the Canadian system.

I do not know about other congressional offices, but in the last year, I have had several constituents inquire how they could move to Canada in order to get help with their health problems. An inquiry like that is as sad as one can get.

As the column says:

Surely we should have learned by now what happens to ideological systems that begin to deny facts that their people can discover for themselves just by crossing a border.

The column follows:

THE TALK OF THE TOWN—NOTES AND COMMENT

A friend who used to live in Canada writes: Listening to the talk in the year's Presidential campaign, I've been baffled when I hear politicians explain how unsuccessful the Canadian healthcare system is, and how wretched it makes Canadians. In February, for example, President Bush admitted that the American health-care system—which leaves more than thirty-five million Americans without any health insurance at all—was imperfect, but he also said that the American system was "the best in the entire world," while a system of socialized medicine like Canada's, in which the government provides universal medical coverage, would be "a cure worse than the disease." The President said that if we tried to impose a Canadian-style system it would lead to long waits for surgery, and disastrous costs. "When you nationalize health care," he explained, "you push costs higher, far higher." In a similar vein, Newt Gingrich, the House Republican whip, told the American people that "the Canadian model controls costs by letting people die." And Senator Tsongas said that he might be dead today if he had been living in Canada, because the bone-marrow transplant that he needed when he was sick with cancer would have been unavailable there.

All this seemed so out of step with my own memory that I wondered if some terrible logjam had overcome the Canadian system in the years since I left, and decided to make a call to an old family doctor and friend, Samuel O. Freedman; he is the former dean of the McGill medical school and the current director of the research institute at the Jewish General Hospital in Montreal, and he is almost legendary in Montreal for his reasoned good sense on all kinds of issues. When I got him on the phone, I asked him if he had been following the American campaign and the debate about health insurance.

"I have, and it's bizarre," he said, with what was for him unusual fervor. "It says something very strange about the nature of American politics, since just everything that has been said about Canadian medical care—Well, I wouldn't want to call it a lie, but there must be an incredible fund of willful ignorance at work. Take Senator Tsongas, for instance. I just can't figure out why he would say that about the bone-marrow transplant. As it happens, the two doctors who did the pioneering work that made that kind of transplant possible are good friends of mine. Both are Canadians; both work in Toronto, as the Ontario Cancer Institute; and both did their work with help from the Canadian government. Of course the operation is available here. Then, there was President Bush saying that you had to wait six months for heart surgery in British Columbia. B.C. had delays like that years ago, but there's simply no way that British Columbia has those kinds of waits anymore—the system is pretty good at responding to problems. The trouble with our system isn't that people don't have enough access to health care. If anything, it's that they have too much access to health care; they're inclined to go to the doctor too often, get too much minor surgery, and so on—have too much faith in doctoring. Over Doctoring, we call it.

"And when Mr. Bush says that costs are higher in a system like Canada's, I'm not sure where he's getting his figures. The costs in a single-payer system, like ours, are lower, because there's only one insurer—the government—and that cuts down on paperwork and administrative duplication, and all that. Canadian medical costs are about nine per cent of the G.N.P., compared with about twelve per cent in the States. More important, we end up spending about twenty per cent less per capital on health care than you do, and we're still ahead in the two most crucial public-health indicators—life expectancy and infant mortality. It's true that taxes are higher here, but when you figure in the real costs of the American system—the burden on the G.N.P., and the high costs to employers who have to provide insurance, and so on—over all, this is really a much cheaper system. And the irony is the more and more private insurance companies in America, trying to contain costs, have test managed-care programs, in which you don't have any choice about what doctor you see, while here you do.

"It's true that Canadian doctors make less money than American doctors, but that was true before our Medicare system went into effect. There are probably doctors here who wish they were making more, but how much do you really need? There are plenty of doctors—you're talking to one—who are just grateful every day to be out of that damned business of billing and collecting.

"Of course, the government is involved in medical care here. There's no denying that. The Quebec government may say, 'Well, we've got five magnetic-resonance imagers in the Montreal hospitals. We just don't need another—can't afford another.' But that doesn't mean that people don't have access to M.R.I. What it does mean is that we won't be spending our money competing with each other while downstairs in the emergency room we're turning away people who aren't insured.

"You know, it's not just a question of health care. We have a system here that is really accepted by the whole spectrum of political opinion. We have conservatives who are as far to the right on most issues as any American conservative, but they're just as staunchly for the Medicare system as anybody. It has become a national value—the principle that everybody who needs medical care can get it, and nobody asks you if you're rich or poor, or where you work. Knowing that everybody gets the same care helps to hold a society together—it makes everybody feel equally valued. There aren't many things in the world that just work—that just make sense. I mean, here are two contiguous countries, and one has a system that everybody is more or less happy with and the other doesn't, and yet the one that doesn't is determined not to learn anything from the one that does. I don't understand it."

Doctor Freedman is too well-mannered and uncontentious—in a way, too Canadian—to say so, but it occurred to me after I talked to him that the reason President Bush and Representative Gingrich, and even Senator Tsongas, were misrepresenting Canadian health care was simple. To admit that it is better than ours would be to admit that there are important things (other than fighting wars) that governments can do uniquely well, and for the past decade the whole ideological structure of American "conservatism" has depended on constant, relentless reiteration of the claim that all government is necessarily evil. The Bush Administration has come to depend for its continued political existence on successfully turning American minds against any conception of the state as the guarantor of the common welfare, and has managed to make even the most conventional arguments for social compassion sound like the entering wedge of totalitarianism. But what defeated Communism, after all, was not capitalism alone but socialism, too—the demonstration, throughout the countries of Western Europe in particular (whose situation the Eastern Europeans could so easily compare with their own), that it was possible for a government to protect a prospering free-market economy and still operate as a kind of mutual-insurance society, providing everybody with protection in the face of life's inevitable costs and disasters. The compulsion that drives President Bush to distort the facts about Canadian health care suggests that official American policy is in the process of becoming what conservatives, in discussing the Soviet Union, used to call "a total ideology"—a system blindly convinced of its absolute truth, and yet so fragile in its relationship to reality that it is incapable of considering even the most obvious reform. Surely we should have learned by now what happens to ideological systems that begin to deny facts that their people can discover for themselves just by crossing a border.

BEST WAYS TO STAY HEALTHY

HON. ROBERT A. ROE

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 19, 1992

Mr. ROE. Mr. Speaker, as you and my colleagues are aware the State of New Jersey is home to several of the Nation's most prominent pharmaceutical companies in the world. In fact the State of New Jersey's pharmaceutical companies contribute to a considerable percentage of the world's research and development for new products that help cure diseases. These products are used by people in temporary situations, others use these pharmaceutical products in their daily lives; but they are not just pharmaceuticals that cure problems but many of these products prevent conditions from occurring.

To help prevent many conditions and diseases, pharmaceutical companies have for many years funded research and development of vitamins and minerals. Recent studies have shown that these investments were worth the money. In the April 29, 1992, CONGRESSIONAL RECORD my distinguished colleague and friend Congressman DEAN GALLO submitted for the RECORD an article from Time Magazine entitled "The New Scoop on Vitamins." This article included several important studies recently done on the use of vitamins and minerals in our daily lives and the benefits of these products. As I stated earlier, much of this research is being conducted in my home State by world renowned companies.

As you will see in the following article entitled "Best Ways to Stay Healthy" from U.S. News and World Report's May 4, 1992 edition, vitamins look better than ever. From this special report American's can see the benefits of medicine, nutrition, fitness, and today's current trends in well-being:

[From U.S. News and World Report magazine, May 13, 1992]

BEST WAYS TO STAY HEALTHY

(By Joanne Silberner)

The very best way to keep your health is to not take it for granted. As this year's guide demonstrates, research on new ways to head off disease is proceeding apace on all fronts. In medicine, scientists are exploring the potential of "chemopreventives," or drugs and vitamins and substances in food that seem able to prevent all manner of diseases. Cancer researchers are scrambling to bring out more accurate blood screens that can pick up tumors at their tiniest, most curable stage. Until the tests are more reliable, though, you may want to submit cautiously to screens like PSA test for prostate cancer. The meat industry is answering the call to heart-healthy eating by introducing lower-fat products; of the 800 cookbooks published each year, a third now take a healthy approach. And here's good news for all you guilt-ridden would-be joggers; it now seems you may barely need to break a sweat to lower your risk of developing a number of killers, including heart disease, colon cancer, and diabetes.

This Wednesday, the National Cancer Institute will launch a groundbreaking study. The hypothesis: that regular doses of the drug tamoxifen can protect healthy women against breast cancer. The 16,000 women who participate will test one of medicine's greatest hopes—that certain drugs and vitamins can actually stop killer diseases before they start.

Chemoprevention, as the approach is called, is still an infant science, but test results so far have practitioners impressed. Doctors across the country are already advising healthy men to pop an aspirin every other day because of a 1988 Harvard University study suggesting that such a practice cuts the risk of heart attacks nearly in half. And researchers are scrambling to find the next magic potion. In 1980, the National Cancer Institute spent $6 million on chemoprevention research. This year that figure will rise to $74 million as the institute's scientists work on a wish list of more than 1,000 substances—from unpronounceable man-made chemicals to vitamins C and E—they think have the potential to shield people from all sorts of cancers.

Many of the compounds under study occur naturally in fruits and vegetables. Tamoxifen, by contrast is a drug, one that has made a name for itself in preventing the recurrence of tumors in women who have had breast cancer. Structurally, it is similar to the hormone estrogen, which many breast cancer cells thrive on, and it gets in the way of estrogen that otherwise would bind to these cells. Deprived of the real thing, the cells fail to divide. Though researchers have worried that tamoxifen might nullify some of estrogen's desirable qualities, two recent studies show that elsewhere in the body, the drug acts like estrogen: It lowers blood cholesterol and slows the bone loss that comes with old aging.

Women interested in participating in the trial can contact the National Cancer Institute at (800) 422-6237. Healthy women 60 or older are needed, and so are women ages 35 to 59 who are at a heightened risk, perhaps because their mothers or sisters had breast cancer. The NCI will supply the names of local testing sites, where you can find out whether you are eligible. Half of the group will take two tamoxifen tablets a day: the other 8,000 will get a placebo—and they won't know which group they're in. The study is slotted to last at least five years, though it could end earlier if sufficiently dramatic differences in breast cancer rates show up.

Doctors already can prescribe the drug to healthy women, since it is on the market. But tamoxifen can bring on hot flashes and vaginal discharge or dryness, and scientists have noted liver damage in rodents fed high doses of the drug. Moreover, while women in the trial will get the drug free, others will pay up to $100—perhaps more—a month.

Meanwhile, the evidence mounts for compounds that cost little. Here are the most promising:

Aspirin: Last December, the American Cancer Society reported that in its ongoing study of more than 650,000 adults, those who took aspirin 16 or more times a month for any reason had a 40 percent lower risk of colon cancer than did people who took no aspirin. Nobody knows why, exactly, but that's not stopping many medical experts from adding yet another entry to aspirin' growing portfolio. The drug is believed, for instance, to prevent the formation of blood clots that can cause heart attacks. It may also help prevent thrombotic stroke, which is caused by a clot in the brain blood vessel. Still, it is not a good idea to put yourself on a steady diet of aspirin without doctor's guidance. Its anticlotting property can allow a small rip in a brain blood vessel to go unrepaired, leading to another kind of stroke called a hemorrhagic stroke. And as yet, it is not known whether aspirin protects women as well as men from heart disease and stroke.

Beta Carotene: If aspirin is the wonder drug, researchers are coming to view beta carotene as the miracle vitamin—or, more accurately, vitamin precursor. The compound, which turn into vitamin A in the body, is found in some fruits and in dark-green and orange vegetables like spinach, sweet potatoes and carrots. The chemical is an antioxidant which means it sops up highly reactive oxygen molecules in the body that might damage DNA or protein, thereby setting the stage for cataracts and cancer: the same molecules can also turn relatively benign cholesterol particles into real artery-cloggers.

Beta carotene appears to have the power to neutralize reactive oxygen. At a conference in February on the health effects of vitamins, Charles Hennekens, a physician at Brigham & Women's Hospital in Boston, described the heart attack, stroke and death rates among a group of several hundred doctors. Those who took 50 milligrams of beta carotene every other day experienced half the problems of those who didn't. A recent study by Johns Hopkins University researchers linked high levels of beta carotene with a lower incidence of lung cancer. And several reports have shown that it can prevent the recurrence of tumors of the mouth and throat.

The compound is so newly appreciated that the government has yet to set a level for how much people should get. Paul Lachance of the department of food science at Rutgers University calculates the recommended daily allowance (RDA) for beta carotene at 6 mg a day, about what you'd get from a quarter of a pound of carrots or sweet potatoes. Nutrition surveys show the average American gets only 1.5 mg a day. While it might seem wise to take a beta carotene supplement, there is reason to wait for the outcome of several trials. Supplements can lower the body's blood level of vitamin E—another suspected "chemopreventive."

Why not just take plenty of vitamin A? For one thing, vitamin A is not an antioxidant. And researchers are reluctant to experiment with high doses of vitamin A, since too much can cause headaches, vomiting, and liver damage.

Folic acid: Extra doses of the B vitamin folic acid be on the menu soon for women trying to get pregnant, and eventually for everyone. Recent studies have shown that low levels of folic acid during the weeks just before and just after conception are associated with spina bifida, a birth defect in which the spinal cord fails to close, and anencephaly, where the brain fails to develop. A study run by Britain's Medical Research Council and published last summer showed that 4 mg a day of folic acid, 10 times the current RDA of 400 micrograms for pregnant women, cuts the incidence of spina bifida and anencephaly by more than 70 percent in women who have already had one affected fetus. The Centers for Disease Control now recommends the 4 mg dosage for these women while they're trying to conceive. Some doctors have already begun prescribing folic acid for all their patients attempting to have a baby.

The compound has partisans outside obstetrics. Two University of Alabama studies have shown that women with precancerous cervical cells and smokers with precancerous lung cells have lower-than-normal levels of folic acid, suggesting that higher levels are somehow protective. Surveys reveal that Americans get only half the RDA of 200 micrograms for men and 180 micrograms for women, so most people could stand more leafy vegetables and legumes.

Vitamin C: Vitamin C may have the longest resume of all the vitamins. Recently it has been associated with an increase in blood levels of "good" cholesterol, which lowers the risk of heart disease, and a decrease in the levels of "bad" cholesterol, which raises the risk, and there's at least some anecdotal evidence that it heads off colds. In December, researchers at the University of California at Berkeley showed that men who consumed less than the RDA of 60 mg produced sperm with damaged DNA. At least in the test tube, vitamin C's antioxidant qualities halt the early steps of hardening of the arteries. And a University of California at Berkeley epidemiologist who pored over 90 large-scale studies of vitamin intake and cancer incidence concluded that the evidence was "very convincing" that vitamin C protects against cancers of the digestive tract, cervix, rectum, breast and lung.

Vitamin E: The popularity of vitamin E, another antioxidant, stems in part from a 1990 Tufts study showing that 800 mg a day reversed the immune system damage that comes with aging. A 1991 report by Swiss and Finnish researchers on heart disease in 16 European regions showed that a person's vitamin E intake was a stronger indicator of heart health than his or her cholesterol level. Tests at the University of Texas Southwestern Medical Center show that high doses of vitamin E staunch the first step of hardening of the arteries.

An as-yet-unpublished Finnish analysis of several studies on vitamin E suggests it decreases the incidence of colorectal cancer, too. On the other hand, the Finns found that it seemed to be associated with a slightly heightened risk of cervical cancer. Nutritional surveys have shown that the average E intake under 10 mg, while the RDA is 12 mg for women and 15 mg for men. Green leafy vegetables, nuts, wheat germ, and vegetable oils are high in E.

While the research proceeds, there is a powerful incentive for the public to take stock of its eating habits. Several government surveys have shown that on any given day, fewer than 1 in 10 Americans regularly eat the recommended five daily servings of fruits and vegetables. Half of the elderly consume less than 75 percent of the vitamins RDAs.

Diet first: Some people—pregnant women, the elderly, smokers, and children—may have nutritional deficits and could benefit from a conversation about supplements with their doctor or a nutritionist. But for everyone else, the most carefully formulated vitamin pill can't beat diet rich in fruit and vegetables. "To ignore diet and just use supplements is like putting on a seat belt and driving like a maniac," says vitamin researcher Paul Jacques of Tufts University. And while vitamins and minerals in RDA amounts generally are not harmful, self-prescribing can result in dangerous doses. Benjamin Sachs, chief of obstetrics at Beth Israel Hospital in Boston, has had several patients with chronic fatigue syndrome who had treated themselves with high doses of multivitamins. The women got so much vitamin A that their fetuses grew stunted limbs.

Moreover, fruits and vegetables hold undiscovered secrets. Beta carotene wasn't even listed among the most popular supplements a mere five years ago. And earlier this year, researchers from Johns Hopkins identified what may be the next beta carotene; a substance in broccoli, called sulforaphane, that shows potential as a shield against cancer. Relying on pills to make up for poor eating habits will leave you a step behind the scientists who themselves are at best a step behind Mother Nature.

BEST WISHES TO PRESIDENT LEE TENG-HUI OF THE REPUBLIC OF CHINA ON TAIWAN

HON. BENJAMIN A. GILMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 19, 1992

Mr. GILMAN. Mr. Speaker, I am pleased to rise today to commend President Lee Teng-Hui of the Republic of China on Taiwan for his untiring commitment to democracy. Since his swearing in on May 20, 1990, President Lee has kept up the economic and political pace set by his predecessor, former President Chiang Ching-Kuo.

Taiwan stands today as a model of democracy and free market ideals. Recently, Taiwan has embarked on a $300 billion, 6-year national development plan. This plan supports many worthy projects such as public housing, highway improvements, and oil refineries. This endeavor has created many new jobs and has spurred on economic growth.

The Taiwanese people have transformed their once unproductive island into one of the fastest growing countries in the world. This can be attributed to the hard work of its citizens, free markets, and democratic leadership. Taiwan has one of the highest standards of living in Asia. President Lee's goal is to raise the per capita income to that of Western nations before the end of the century.

Under the leadership of President Lee, I am confident that Taiwan will continue to prosper both economically and politically in the future.

Mr. Speaker, I invite my colleagues to join me in expressing a heartfelt congratulations to President Lee Teng-Hui for his past successes, future goals, and his commitment to freedom and democracy.

WESTCHESTER'S HOPE FOR THE HOMELESS DINNER: CREATIVITY TAKES ON A CRITICAL CHALLENGE

HON. NITA M. LOWEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 19, 1992

Mrs. LOWEY of New York. Mr. Speaker, tonight is an important night in Westchester County. It is a night when good people from throughout the county join together to help meet a major challenge: Helping the homeless of our county begin their lives again, helping them find housing and helping them find the means to be self-sustaining.

Westchester County has the highest per capita homeless rate in New York State. Too often, people turn away from problems of that magnitude, seeing little reason for hope. However, thanks to the leadership of Rev. Peter Larom, his Grace Church Community Center, and a coalition of other groups, there is hope.

These individuals are fighting to find answers to the tragedy of homelessness. They have given of themselves to tackle this problem, and they have captured the attention of our entire community. The Hope for the Homeless Dinner has been an important unifying force in our community, and it has generated important financial support for a wide range of organizations who share a deep commitment to helping the least fortunate in our society.

It has been my privilege to work closely with many of those involved in tonight's event as I have worked hard to ensure that Federal policies and priorities are more responsive to the homeless. Their suggestions and cooperation have been important factors in several of my legislative initiatives, including my amendment separating Westchester from New York City in determining eligibility for Federal housing assistance. Their leadership and understanding of the causes, both societal and programmatic, have made an important contribution to addressing myriad aspects of the housing dilemma in Westchester County.

Indeed, those who have worked so hard on tonight's dinner have been tireless in their advocacy on behalf of the homeless in Westchester County. They have truly been a conscience for the county. They understand how critically important it is for our Government—and our society as a whole—to reshape our priorities to meet real needs of real people.

Building on a 6-year tradition of strong support from local and national leaders, tonight's dinner will feature Andrew Cuomo, chairman of the New York City Commission on the Homeless and the driving force behind HELP, and special honoree, Arthur Ashe. Recipients of the Mickey Leland Award, named in honor of our late colleague and friend from the State of Texas, will be Jane Perkinson of SHORE, Rev. G. Franklin Wiggins of Mt. Olive Baptist Church in Peekskill, NY, and the Learning Center at the Coachman.

OFFICER KILLED IN LINE OF DUTY

HON. BILL RICHARDSON

OF NEW MEXICO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 19, 1992

Mr. RICHARDSON. Mr. Speaker, I would like to take this opportunity to recognize Mr. and Mrs. Roman Martinez whose son, Jerry Martinez, was killed in the January 1991, massacre in Chimayo, NM. Mr. and Mrs. Martinez came to Washington this week for a memorial service at Arlington Cemetery for their son.

Rio Arriba County Deputy Jerry Martinez was among seven people killed in the shooting spree, after responding to a report of gunshots. A graduate of Espanola High School, Jerry had been with the Rio Arriba County Sheriff's office since 1985. He loved his job, despite the risks involved, and was well respected by the community.

In response to the war on crime, our Nation has focused on the perpetrators and the punishment: Criminals, sentencing guidelines, and incarceration. In doing so, we often lose sight of those on the front lines, the State and local police who respond on a daily basis to hazardous situations in which their lives may be in jeopardy. With crime raging through urban areas and overwhelming rural law enforcement, it is vital to focus our attention on the needs of our Nation's police force. Without such support, the numbers of police killed in the line of duty will continue to soar.

Mr. Speaker, I ask that you and my colleagues join me in offering sympathy to Mr. and Mrs. Martinez for the suffering they have endured during the past year and a half. I would also ask you to join me in sympathy to the families of all State and local police who were killed or wounded in the line of duty last year.

RETIREES DISPLAY ART WORKS AT NORTH KENDALL EXHIBIT

HON. ILEANA ROS-LEHTINEN

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 19, 1992

Ms. ROS-LEHTINEN. Mr. Speaker, I would like to acknowledge the organizers and the participants of the arts and crafts exhibition of the Sunrise Club. The Sunrise Club is a retirement community in North Kendall whose members with varying artistic abilities displayed their works during an art exhibit recently. Works ranging from knitting, needlepoint, and macrame to oil paints and photography were on display. In addition, the drama club entertained members of the community who visited the exposition. Marti Ostrander of the Miami Herald reports:

> Mary Cheathan Napier, 83, writes poetry, sews and knits up a storm.
>
> "I learned to knit at the age of 6, during World War I. I used to make all my own clothes and most of my husband's," said the former nurse, showing her handiwork: knit coats, shirts, even a man's jacket.
>
> Ten years ago, Helen Goldman, 90, started painting as a hobby. "I'm not Grandma Moses, but seriously, I started painting because I was bored and wasn't in business anymore." She works in oils and pastels.
>
> Napier and Goldman will be among more than 20 residents of the Sunrise Club, a retirement community at 9100 North Kendall Dr., who will display their talents today at an arts and crafts exhibition that's open to the public.
>
> "We are amazed at how much talent and art is here," said Martin Holtz, co-entertainment director at Sunrise Club.
>
> "It started out as something much smaller, and now it's turned into a major event," said Gary Dubler, Holtz's counterpart.
>
> The two put the show together after noticing how many residents had decorated their apartments with art and craft items.
>
> "When I asked one of the residents who had painted the beautiful landscape on the wall, she said she had, and that's how the idea to create an art show started," Holtz said.
>
> Tess Goldwater and Rose Aisen will have the largest exhibits in the show. Goldwater knits, crochets, quilts, needlepoints and works with macrame and crewel.
>
> "I'm 83 and have been doing this all my life," she said. She was a teacher for the handicapped and came to Miami 25 years ago.
>
> Aisen works with plastic needlepoint, designing and creating toilet paper holders, tissue holders, calendars, purses, pot holders and Christmas ornaments.
>
> Other exhibitors will include artists Ann Kendall, Estelle Berman, Jennie Appelrouth, Marjorie Dunne and Ernie Schoman. Their works feature landscapes, photographs and antique portraits.

I am pleased that the members of the Sunrise Club opened their exhibition to the public and I congratulate them on their wonderful works of art. By combining their talents, they produced a wonderful program for others in our community to enjoy. In addition, I would also like to extend many congratulations to Martin Holtz and Gary Dubler who directed this event.

SUPPORT FOR THE ADAM MANN CHILD ABUSE AND NEGLECT PROTECTION ACT

HON. WILLIAM F. GOODLING

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 19, 1992

Mr. GOODLING. Mr. Speaker, I want to express my support for Representative SUSAN MOLINARI's bill, the Adam Mann Child Abuse and Neglect Protection Act. I am pleased to be an original cosponsor of this important piece of legislation.

I commend Representative MOLINARI and Representative MAJOR OWENS, the chairman of the Select Education Subcommittee, for working together to come up with this bipartisan bill that makes minor, but important, amendments to the Federal Child Abuse Prevention and Treatment Act [CAPTA]. I know that this bill is a result of several hearings on the subject of child abuse. In the course of these hearings it has become clear that in many cases the confidentiality laws protecting against the disclosure of child abuse records have actually impeded the protection of the child. It is the protection of the child, as well as the integrity of the family, that should be the focus of these laws.

This bill would help in that respect by amending CAPTA's confidentiality requirement so that States would have to allow for interagency sharing of information regarding child abuse. This will create greater efficiency, and thus greater protection for the child.

I would like to stress, however, that in the pursuit of protecting the child the integrity of the family not be trampled. This bill achieves this balance by allowing the disclosure of identifying information if it is in the interest of protecting the child, but only if there is a substantiated allegation of child abuse. For example, unsubstantiated reports of a child abuse from an anonymous reporter or from a spouse in a custody battle would not be within the realm of the information which would be allowed to be disclosed in the interest of protecting the child.

I also would like to commend Representative MOLINARI for including a sense of the Congress that all States should create interagency, multidisciplinary teams to review the death of a child, or serious cases of child abuse before the child dies. Several States already have established these review teams, but they only conduct an investigation after the child dies. It makes sense that serious cases of child abuse that are not being handled adequately by the child protection services should be reviewed and remedied before the child dies.

Again, Mr. Speaker, I am honored to be an original cosponsor of this bill which will help address the needs of the far too many children in this country who are abused or neglected.

75TH ANNIVERSARY OF GREEK ORTHODOX CHURCH OF THE ANNUNCIATION

HON. NICHOLAS MAVROULES

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 19, 1992

Mr. MAVROULES. Mr. Speaker, I am pleased to advise my colleagues that the Greek Orthodox Church of the Annunciation in Newburyport, MA, will be celebrating the 75th anniversary of its founding on May 24.

For background, the Greek Orthodox community of Newburyport was chartered on February 14, 1917. The Greek immigrants who settled in Newburyport formed the Hellenic Orthodox Church of Saints Peter and Paul on Sunday, December 8, 1918. Their initial meeting was held at Malta Hall on State Street, but they did not have their own building, nor did they have a full-time priest. They began meeting at the chapel of St. Paul's Episcopal Church and at the hall of the Unitarian Church. By April 1923, there were 108 parishioners who gathered at the firehouse to elect a board of directors. In 1 year the board raised over $6,000. With the newly raised funds the board purchased the Second Presbyterian Church at Park and Harris Streets which had recently been put up for auction. The church, built in 1796 by Leonard Smith, was a historically important structure connected with many important names from Newburyport's past, including Timothy Dexter, who donated the bell for the church steeple.

The church was renamed the Annunciation of the Theotokos Greek Church in 1923, and, after much restoration and redecoration in the Eastern Orthodox liturgical tradition, the first divine liturgy was performed on March 25, 1925.

In 1983, a fire destroyed the church and with it the ambitious plans of a restoration committee that had been formed in 1979. It was decided that they would rebuild in a modern style which reflected the architectural traditions of the Orthodox Church.

Miraculously, several holy items were spared from burning. The firemen pulled from the ashes the font that has been used by the founders of the church to baptize their children, the chalice they used to receive Holy Communion, and many other sacred articles. The firemen placed the warm articles one by one into the waiting hands of the members of the parish, who formed a human chain that passed the sacred articles to safety. These items were kept in the parishioners households during the rebuilding and transferred to the new church upon its completion to resume their liturgical function in church ceremonies.

On Sunday, May 24, 1992, His Grace Bishop Methodios of Boston will celebrate a full hierarchical liturgy reflective of the ancient and rich traditions of the Orthodox faith at the Greek Orthodox Church of the Annunciation. The church maintains its historical role as a vibrant part of the life of the city of Newburyport.

Mr. Speaker, I know my colleagues join me in wishing parishioners of the Greek Orthodox Church of the Annunciation a 75th anniversary full of God's blessings and gracious wishes for the future.

TRIBUTE TO BATRICE GLEN

HON. BUD CRAMER

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May, 19, 1992

Mr. CRAMER. Mr. Speaker, I rise today to recognize Batrice Glen upon her retirement from the Boeing Co., in Huntsville, AL.

She began her career with the Army in Huntsville in 1953. Those were the early days of our Nation's missile program which was led by a brilliant young German-born scientist by the name of Werhner von Braun. Batrice followed the von Braun team from the Army Ballistic Missile Agency to the newly established National Aeronautics and Space Administration's Office of Manned Space Flight in the early sixties.

During the 21 years she spent with the Army and NASA, she witnessed firsthand the development of increasingly sophisticated rocket systems from the Redstone and Pershing era to the Saturn rocket system which powered the first men to the Moon. She worked closely with such esteemed scientists as Arthur Rudolph and Eberhard Rees as well as von Braun. It was truly an amazing period of time.

In 1973 she brought this wealth of experience to the Boeing Co. in Huntsville. Boeing's more recent endeavors include the building of the living quarters and laboratories for America's first permanently manned presence in space, space station *Freedom*.

Batrice has also spend much of her time giving to the Huntsville Community. She is active in the Association of the U.S. Army, Space Club, Chamber of Commerce, NASA alumni, Historic Huntsville, and Constitution Hall Park.

I want to take this opportunity to wish Batrice and her husband Don the very best for the future. I know her retirement years will be especially fulfilling and productive.

INTRODUCTION OF THE ADAM MANN CHILD ABUSE AND NEGLECT PROTECTION ACT

HON. SUSAN MOLINARI

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 19, 1992

Ms. MOLINARI. Mr. Speaker, today I am introducing the Adam Mann Child Abuse and Neglect Protection Act. I am introducing this legislation after a number of tragic cases of child abuse were brought to my attention. In addition, I informally convened a hearing on child abuse in New York City, and attended a second hearing held by the Select Education Subcommittee, chaired by MAJOR OWENS. Chairman OWENS should be commended for his past and future dedication and work on behalf of abused and neglected children in our Nation. During both of these hearings I became painfully aware that the child protection system in our country is failing our children.

Last year, according to the National Committee for the Prevention of Child Abuse, an estimated 1,383 children in this country died from abuse or neglect. Since 1985, reported child fatalities have increased by 57 percent nationwide. The number of overall reports of child abuse and neglect grew to almost 2.7 million in 1991—a 31-percent increase since 1985. These numbers are astounding. Each number represents an innocent child who is defenseless against cruel and harmful treatment.

Since numerous appalling child abuse and neglect cases have been brought to my attention, I titled the legislation I am introducing the Adam Mann Child Abuse and Neglect Protection Act. I do so in order to honor the short and tragic life of Adam Mann. Adam Mann was a young boy who recently died as a result of continuous child abuse in New York City. The appalling negligence of the child protection services involved in this case was brought to light in a shocking and insightful Frontline documentary. The Adam Mann case and the thousands of other child abuse and neglect cases show that too many children are still falling through the cracks, often to their deaths.

We have a long way to go to reach the desired level of effectiveness in identifying and preventing cases of child abuse. I firmly believe that it is a problem requiring multidisciplinary and interagency cooperation. In fact, during the hearings, expert witnesses, and families of the children the system was designed to protect repeatedly cited two major problems regarding the child protection system: confidentiality laws and the lack of accountability in the child protection services.

Currently, the Federal Child Abuse Prevention and Treatment Act [CAPTA] requires the States to keep child abuse records confidential in order to receive grants under the act. Some States have passed strict confidentiality laws, or strictly interpret existing confidentiality laws in response to the Federal mandate. My legislation would amend the Federal law to require States to provide for interagency sharing of child abuse records to facilitate a more comprehensive, coordinated approach by States in protecting children against child abuse.

In addition, my bill would express the sense of Congress that States should create autonomous, interagency, multidisciplinary teams to review cases of death thought to have been caused by child abuse, or egregious cases of suspected child abuse—before the child dies—when the child's case is not being handled adequately by the child protection services. These review teams would then make recommendations regarding an individual case or on systemic changes that are necessary. Currently eight States have established, by statute, review teams that examine only child fatalities. This bill expresses the sense of Congress that these review teams should go a step further and also examine serious child abuse cases before the child dies.

I believe that systemic changes are needed to address the growing problem of child abuse. In attempting to change the system, we must ask ourselves: Why are child protective services—typically the name for the State agency responsible for investigating child abuse/neglect—not properly fulfilling their mandate of protecting the child?

Over and over again, we find that there is dearth of information sharing between the principal Government departments and agencies with a vested interest in the welfare of families and children. Federal and State confidentiality laws are central to the ability of these agencies to share essential information pertaining to a particular child abuse case. The confidentiality laws currently in place can prevent officials in one Government agency from passing on vital information to officials in another agency.

Basically, these laws are meritorious. But recently, these provisions have come under increased criticism as being ineffective in protecting children. They are frequently criticized for preventing disclosure of pertinent information, and are frequently cited as causes for the potential loss of Federal funding.

I do not advocate the repeal of confidentiality laws. I respect the compelling need for privacy in family matters. And, I believe the necessity to protect families against unnecessary public disclosure of private information is equally important in the debate surrounding confidentiality laws. However, I strongly believe they unnecessarily and sometimes tragically prevent life saving information from being shared.

I do not think that a change in the confidentiality laws will be the panacea to end child abuse or neglect. However, I firmly believe that serious systemic changes and increased funding are both necessary to make a significant difference to the suffering children of our Nation.

We need to take seriously our responsibility to protect our children. Unfortunately, the answers to how we make Government more responsive are not as concrete as they should be. Upon hearing the statistics for reported child abuse, neglect and deaths, I know all my colleagues agree with me that the numbers are horrific. Please join me in rejecting the status quo and in challenging the system that is failing our children. Join me in cosponsoring the strongly supporting passage of this important legislation.

WILLIAM A. CORMIER SERVED SALEM CENTRAL SCHOOLS WITH DISTINCTION FOR 27 YEARS

HON. GERALD B.H. SOLOMON

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 19, 1992

Mr. SOLOMON. Mr. Speaker, imagine the dedication and ability it takes to be a high school principal for 27 years. That is the accomplishment of William A. Cormier, who has served the Salem Central School District since 1965, and will be honored at a June 13 retirement dinner.

For once, let's talk about what's right with American public schools. Salem Central is one of those positive things, and no small part of the credit for that goes to Mr. Cormier.

Mr. Cormier played an active role on the Effective Schools Committee, in implementing the gifted program at Salem, the Regents Action Plan, Roots of Liberty, and the Bicentennial Constitution Celebration. During his years, attendance improved significantly, a reflection on his commitment to excellence and his ability to mediate the many conflicts arising in school administration. Other highlights of his career include service as a consultant to the Hudson City School System and a 1974 article in The Journal entitled "Follow the Yellow Brick Road." He was a member of the Washington County BOCES Committee for the Gifted, New York State Association for Supervision and Curriculum Development, School Administrators Association of New York State, and the National Association of Secondary School Principals.

His contribution to the community has been equally significant. He has been the town and village historian, a member and officer of the Dr. Asa Fitch Historical Society, the Salem Rotary Club, the parish council of Holy Cross Catholic Church, past member of the Salem Bicentennial Committee, and the Proudfit Building Restoration Committee.

Mr. Cormier graduated from the University of Massachusetts in 1957 and earned a graduate degree from Cornell University in 1965. Additional graduate level courses were completed at the University of Iowa, College of St. Rose, and SUNY/Plattsburgh. Before coming to Salem, he was an English teacher and secondary principal at Sherwood Central School in Aurora.

Mr. Speaker, I remember being taught so many years ago that the difference between the words "principle" and "principal" is that the second word ended in "pal." I think of that long-ago lesson when I think of Mr. Cormier, who has been such an asset to his school district and to his community. His wife Sara, and his three children, William, Robert, and Rebecca are all very proud of him. So am I.

And so, let us rise in tribute of our own to this outstanding public servant, William A. Cormier of Salem Central Schools. May his retirement years be long and enjoyable.

TRIBUTE TO S. SGT. RODGER F. DEWEY

HON. JIM KOLBE

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 19, 1992

Mr. KOLBE. Mr. Speaker, S. Sgt. Rodger F. Dewey, U.S. Marine Corps, will soon be completing his tour of duty at the Department of the Navy's Congressional Liaison Office located in the House of Representatives. I would like to take this opportunity to recognize and thank him for his service to the U.S. Congress.

Rodger has been serving as the Marine Corps administrative chief with distinction since June 1989. He was selected for this sensitive assignment based on his prior performance. During his tenure, he has flawlessly answered thousands of congressional inquiries involving very sensitive issues. He is well known and respected by my colleagues on both sides of the aisle. In addition, Rodger competently executed numerous congressional staff delegation trips to various Marine Corps activities, promoting the Marine Corps' image.

On a personal note, Rodger has made the climb to the top of the Capitol Dome with me, overcoming a considerable and common fear of heights that affects many of us. It is that determination not to be daunted by any challenge that confronts him that I, and many others, admire so much in Rodger.

S. Sgt. Rodger Dewey possesses the intelligence and drive to succeed in whatever he tries. Rodger's talent and his dedication to his duties will be missed by all of us. Rodger, we all wish you "fair winds and following seas."

VETFEST

HON. CHARLES WILSON

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 19, 1992

Mr. WILSON. Mr. Speaker, on Sunday, May 24, the Houston chapter of the Texas Association of Vietnam Veterans will be celebrating "Vetfest," an affair to honor hospitalized veterans of all wars. For 4 years now, this dedicated group of veterans, friends, and family members has joined to bring Memorial Day festivities to veterans who are confined to veterans hospitals. It is loyal, caring people like this who make America the great Nation that it is today. "Vetfest" is a wonderful idea, one that I hope will expand to eventually reach the over 170 veterans hospital areas nationwide. I respectfully submit for the RECORD, to recognize this important event, the following proclamation:

PROCLAMATION

Whereas those courageous men and women who served in the Armed Forces of the United States of America and are now residing in Veterans' Administration facilities across the country, are not free to enjoy the celebration of Memorial Day that they earned with their sacrifice, dedication, and love of country; and

Whereas The Texas Association of Vietnam Veterans, Houston chapter, have avowed that they will not forget or abandon those veterans, but will honor them to the best of its ability; and

Whereas TAVV has chosen and dedicated each Sunday preceding Memorial Day to be Vetfest, and prepare accordingly to take the celebration into the VA facility; and

Whereas TAVV comes together with all other veterans' organizations and veteran volunteers from every conflict on foreign soil to serve those who served in uniform, and

Whereas TAVV offers their time and caring to make this Vetfest as special as possible for those most special of people, with food, festivity, and faithful service to celebrate with those whose time of service we commemorate on Memorial Day: Now, therefore be it

Resolved, That the Congress of these United States of America, under this sponsorship of Congressman Charlie Wilson, encourages all Members of Congress to place into record this day of caring along with TAVV's pledge to persist until each VA facility across this great land has also joined in our mission, and honors properly those who keep us free.

TRIBUTE TO THE MEMORY OF FLOYD "TUT" FANN

HON. BUD CRAMER

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 19, 1992

Mr. CRAMER. Mr. Speaker, I rise today to pay a most fitting tribute to the memory of a courageous leader, prominent citizen and dear friend, Mr. Floyd "Tut" Fann.

A World War II veteran and hero, Tut served in the European Theater with the 736th Tank Battalion. This gallant soldier, who was wounded during the Battle of the Bulge, held the greatest admiration and love for his fellow comrades. Because of his genuine respect for veterans, he dedicated his life to the fight for their rights.

During his last days, Tut was working diligently to establish a veteran's home in Huntsville, AL, so that the veterans in his hometown could receive medical care without moving far away from family and friends.

A member of the American Legion, Post 237, Tut served locally in all offices and as commander for two terms. He also extended his service to the State and national levels by acting as first division commander, department commander for the State of Alabama and later as alternate national executive committeeman.

Tut was also a member of the Military Order of the Purple Heart; Disabled American Veterans; Veterans of Foreign Wars, La Societe Des 40 Hommes Et 8 Chevaux; Army, Navy, and Air Force Veterans in Canada-United States.

It is no wonder that Tut Fann was honored as Veteran of the Year in 1985. His efforts to help other veterans were exemplary. As his devoted wife Esther said, "Tut was a friend to all." rising above his depression-era childhood days to sit in high places with people in all statures of life, he loved people and wanted to help them.

Henry David Thoreau said;

> If a man does not keep pace with his companions, perhaps it is because he hears a different drummer. Let him step to the music he hears. However measured or faraway.

Tut Fann heard the loudest music from the drums of military service and veterans affairs. We, who knew him, are thankful he heard the music he did. He was a great man who made a difference in so many people's lives.

I appreciate the opportunity to pay homage to such a wonderful man, devoted husband, and loving father. He will be missed by all, but never forgotten.

TRIBUTE TO SALLIE HAILEY

HON. IKE SKELTON

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 19, 1992

Mr. SKELTON. Mr. Speaker, over the Easter district work period, I was saddened to learn of the death of one of Missouri's outstanding people. I had grown up in the country adjacent to the home of Sallie Hailey and was privileged to know her and to witness her leadership and service to the community, her Democratic Party, and her State.

Sallie Hailey was a tireless worker. She and her husband had owned an insurance agency in Marshall, MO. She was elected as county commissioner in Saline County, and as mayor of her beloved Arrow Rock. She was appointed director of the Missouri Department of Business and Administration. She was past president of the Missouri Federation of Women's Democratic Clubs and was past chairman of Missouri's Fourth Congressional District and the Saline County Democratic Central Committee. She was a member of the Daughters of the American Revolution, the Women's Jefferson Democratic Club, the Friends of Arrow Rock and the Arrow Rock Federated Church.

Sallie Hailey dedicated her life to the service of others. She was recognized as a leader in all of her endeavors, and was recognized by all who knew her as a truly great lady. She will be missed. I offer this record so it may serve as a model of service for others to emulate.

A TRIBUTE TO PRINCIPAL PAUL NILSEN

HON. JOHN EDWARD PORTER

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 19, 1992

Mr. PORTER. Mr. Speaker, as the 1991–92 school year draws to a close this spring, citizens in one Chicago suburb will be saying goodbye to a good friend who has given a great deal of himself to the community. As a veteran in the field of education, Mr. Paul Nilsen has given 20 years of dedicated service as principal of Central School in Wilmette, IL. In June he will retire from his position and bring to a close an era in this north shore community.

As Central School's principal, Mr. Nilsen is involved with everything that goes on under the school's roof. Over the years, he has watched thousands of children work hard to solve arithmetic problems, master their reading skills, or learn their ABC's. As a prominent leader of the school, Mr. Nilsen never lost sight of the impact that he and the school had on his students and their ability to become functioning members of society. Mr. Nilsen has done an admirable job of shaping the lives of so many young people.

Among the lives he has impacted, one particular young student at Central School stands out. A special child who attended the school was diagnosed with AIDS in 1987, and the Nation focused on Central School and Mr. Nilsen. In the face of this tragic situation, Principal Nilsen worked tirelessly to educate and inform the public about AIDS and dispel the many misconceptions that surround the disease. Controversy was extinguished and the school was able to function under its normal routine due to Mr. Nilsen's efforts. Without the exemplary leadership of Mr. Nilsen, unnecessary disruption among teachers and students alike may have occurred and learning, the primary objective of the school, would have taken a back seat.

Before Mr. Nilsen began his career in education, he learned in other ways what it was like to work with the public. As an ordained minister of two churches, he was very involved in the community which he served. Later he earned his master's degree in educational psychology at Northwestern University, and discovered the joys of teaching.

The rewards of teaching are many and Mr. Nilsen has had his share as principal for two decades. Watching children learn and grow is a special treat for anyone, but observing as many children as Mr. Nilsen has over a 20-year period has undoubtedly left him with many memories. All those who knew Mr. Nilsen will miss him and the difference that he made in the field of education. Please join me in honoring a fine community leader—Mr. Paul Nilsen.

TOM PAINE-NEW ROCHELLE UNIT OF B'NAI B'RITH HONORS DR. RICHARD H. KAUFMAN

HON. NITA M. LOWEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 19, 1992

Mrs. LOWEY of New York. Mr. Speaker, I am pleased to rise in honor of Dr. Richard H. Kaufman, as he is honored by the Tom Paine-New Rochelle Unit of B'nai B'rith. Dr. Kaufman is a respected leader who has taken an active part in the civic life of our community. He has devoted his time and considerable talents on behalf of the UJA Federation, Synagogue Beth

El, and the Tom Paine-New Rochelle Unit of B'nai B'rith. In all of these activities, Dick Kaufman and his wife, Rosalind, have exemplified B'nai B'rith's spirit of dedication to the community.

It has been my privilege in the Congress to work on a number of areas of concern to Dr. Kaufman. As Dick Kaufman has worked to help Jews from the former Soviet Union and elsewhere around the globe find the means to reach their homeland in Israel, I have worked to ensure that our Government has done its part to be supportive and cooperative in that endeavor. His willingness to assume critical leadership roles in the Jewish community testifies to the strength of his convictions and to the ideals of B'nai B'rith. He has indeed been an inspiration to me and to many others as we have worked to make the dream of life in Israel a reality for Jews escaping repression and turmoil. I know that my colleagues join me in paying tribute to Dick Kaufman's contributions.

CONGRATULATIONS TO FATHER CAPISTRAN POLGAR ON HIS 25TH JUBILEE OF ORDINATION TO THE PRIESTHOOD

HON. CHRISTOPHER H. SMITH

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 19, 1992

Mr. SMITH of New Jersey. Mr. Speaker, I rise today to record my comments on a special milestone achieved by a very special individual. On Saturday, May 30, 1992, family, friends, and parishioners will come together in recognition of the 25th Jubilee of Ordination to the Priesthood of Father Capistran Polgar.

Father Capistran is pastor of the Holy Assumption Church in the Village of Roebling within the riverfront of Florence Township along the banks of the Delaware River. Capistran Polgar was born in New Brunswick, NJ, on May 16, 1940, to Michael and Magdalen Polgar. He had the benefits of a full Catholic education from New Brunswick's St. Ladislaus Grammar School to high school at Saint Francis Seminary in Cincinnati, OH. Destined for the priesthood, Capistran attended Duns-Scotus College of South Field, MI, and then his seminary studies at St. Leonard's College, Centerville, OH.

Father Capistran began his lifelong service to others with his ordination on June 2, 1967. Shortly after he arrived in Roebling to assume the position of assistant pastor at Holy Assumption Church. The parish was then, as it remains today, a very active place of worship and an energetic part of the community of which it is part. Father departed New Jersey nearly 3 years later to become retreat master at the Franciscan Retreat House in DeWitt, MI. Holy Assumption did not lose Father Capistran Polgar as he returned to become pastor on July 5, 1979.

Since that time, Father Capistran has become an invaluable source of parish stability and an articulate spiritual leader. In these times of community turbulence and societal confusion, Mr. Speaker, the steady hand of Father Capistran serves as a example of how positive leadership can nurture the quiet strength of a community be that community civil or religious. Those who know him well know him as a person of many talents. He is counselor. He is administrator. He is publisher. He is teacher.

Those who have heard Father deliver his homilies, those who join him at scripture studies, those who have the benefit of spiritual conversation know that he is first and foremost a student of his vocation. His articulate interpretations of the Catholic Church and its teachings reflect the refined appreciation for subtle detail that makes him also a lover of classical music and opera.

In closing, Mr. Speaker, let me say that it is a privilege for me to be able to recall the life and achievements of Father Capistran Polgar. A gentle man who shepherds his flock with a steady hand. No truer verse portrays the dedicated life of Father Capistran Polgar than Matthew 16:18 wherein Jesus says * * * "You are Peter, a stone, and upon this rock I will build my church."

Father Capistran has served as rock upon which the foundation of the Holy Assumption Parish has been strengthened over the years he has been its pastor. As important, perhaps, is that the parish community has been and continues to be an important part of the community that surrounds it. The principles taught by Father Capistran Polgar are no more evident than in his individual actions. He is a spiritual and community leader. I know that those who join him for his 25th Jubilee appreciate this fact more than I can say. I want to extend my personal congratulations and best wishes to this fine and deserving person.

SUPPORT PRODEMOCRACY DEMONSTRATORS IN THAILAND (SIAM)

HON. BENJAMIN A. GILMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 19, 1992

Mr. GILMAN. Mr. Speaker, for the last few days the world has once again witnessed a brutal dictatorship violently repress its own citizens who peacefully demonstrate for democratic reforms. Bangkok is awash in blood from attempts by the army to crush the people's calls for Prime Minister Suchinda's resignation. It brings little comfort to know that the commander in chief of the army also happens to be his brother-in-law.

Our Nation has a long and close relationship with Thailand's military leaders who have run the Government since taking charge under the guise of a constitutional monarchy in the 1930's. From 1946 to 1990 we supplied over $1.07 billion of economic assistance and $2.31 billion of military assistance to Thailand. For fiscal year 1991 the figures are $3.2 million in economic assistance and $685,000 in military assistance. Many of Thailand's civilian leaders have been educated in American universities and a good number of military personnel have trained here in United States defense institutions.

Unfortunately, Thailand's military leaders have developed even closer relationships with the notorious Khmer Rouge, the state law and order restoration council [SLORC] of Burma and the Communist Chinese government. Some general's are reaping enormous personal fortunes for themselves in the drug trade in the golden triangle, the environmental rape of Burma's teak forests and the Chinese arms flows to the Khmer Rouge.

Mr. Speaker, the United States stands much to lose if we do not become more actively involved in promoting democratic rule in that area of the world. The drug trade is destroying our cities, Communist ballistic missiles are destabilizing the middle east and products made by forced labor is flooding our shores. Accordingly, I hope the military government of Thailand steps down and allows the people of Thailand to run their country under a democratic system. One that promotes human rights and a market economy.

SHE DID NOT QUIT

HON. WILLIAM (BILL) CLAY

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 19, 1992

Mr. CLAY. Mr. Speaker, I would like to share with my colleagues the outstanding record of Mrs. Ruth B. Johnson, a retired St. Louis public school teacher who "did not quit".

In June 1991, after 37 year of service with St. Louis Public Schools, Mrs. Ruth B. Johnson retired; but she did not quit. She had served the students and teachers of the district in many different roles: classroom teacher, chapter I teacher—math and reading; inservice project coordinator; staff development presenter; administrative assistant; and instructional coordinator. In all of these positions, Mrs. Johnson was a superb role model and exemplary educator. She continuously acquired knowledge—A.B., Stowe Teachers College; M.E., University of Illinois; Computer programming, Webster University; and so forth. She inspired students to explore their interests; she practiced patience, demonstrated dignity, communicated caring, and promoted her students' academic progress; consequently, when she retired she did not quit.

As instructional coordinator at Irving Elementary School, Mrs. Johnson organized and coordinated the Promethians' Volunteer Program for boys in grades four and five. In this special program, members of the Promethians Club visited the school on a regular schedule to serve as role models and to encourage students to strive for academic excellence. Mrs. Johnson also provided self-esteem activities for fourth and fifth grade girls and involved the Promethians in special activities and trips which she arranged for the students. When Mrs. Johnson retired, the students feared that their special programs would end; however, Mrs. Johnson retired but she did not quit.

As a retiree, Mrs. Johnson is very involved in her neighborhood—President, Kingsbury Square Association and Secretary, Skinker DeBaliviere Community Council—is committed to St. Philip's Lutheran Church—Community Involvement Committee, Assistant Recreation Director, former Sunday School Superintendent, and so forth. She is also an elegant and glamorous wife to Herbert, a nurturing and supportive mother to Michael and Deborah, a loving daughter to Mrs. Elizabeth Blanchard and a doting grandmother to Sean Michael. In addition, she reads, travels, and collects music boxes.

In the course of Mrs. Johnson's career, she has collected a variety of accolades and awards which include the Iota Phi Lambda Apple for the Teacher Award and Delta Sigma Theta Sorority Miss Congeniality Award. Among her most treasured awards is the respect and devotion she receives from the students at Irving School.

Although she has retired, Mrs. Johnson returns to Irving School each week to coordinate the Promethians' Volunteer Program for the students. She organizes activities, contracts and schedules speakers and role models, and accompanies the students on trips to the State capital and other places of interest. She enjoys utilizing her knowledge and skills in ways that will enhance the educational experiences of children. In return, the children are very happy and grateful that when Mrs. Johnson retired, she did not quit.

LEGISLATIVE ELECTIONS IN KURDISTAN

HON. MEL LEVINE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May, 19, 1992

Mr. LEVINE of California. Mr. Speaker, today, in northern Iraq, the Kurdish people are voting to establish a national legislature for the first time. Despite the hardship of their plight, the Kurds of Iraq are displaying their commitment to an enlightened form of government that is the exception, not the rule, in the Middle East. For this, the Kurdish people deserve our deepest admiration, respect, and most of all, support.

The administration, however, views the Kurds in a different light. To the Bush-Baker team, the Kurds of Iraq are one of the most visible examples of its failed and misguided policy toward Saddam Hussein. Instead of seizing the opportunity to encourage democratic practices in a region that has been particularly resistant to human rights concerns and political freedoms, the Bush administration has tried to downplay the elections in Kurdistan.

A.M. Rosenthal describes the administration's activity in an article that appeared in Friday's New York Times. This administration should be ashamed of itself. By trying to sweep the failures of its previous Iraq policy under the rug, it is exacerbating the misery and displacement of the Kurds.

THE ABSENT AMERICANS

The chance was lying there for weeks—the opportunity for the United States to make a gesture in support of a people it had betrayed.

It was a chance important politically, and important morally, and cost-free. No announcement has been made yet, but the United States has taken its decision. It has refused.

The opportunity was for the U.S. to do what other countries are doing—send observers to witness as the Kurdish people carry out an astonishing political gamble.

On May 17 about one million Kurds are expected to vote, choosing a legislative assembly. Never before has there been an election like it—by a persecuted people, in the midst of a war for their survival, in the face of the enemy, within range of his guns.

The Kurds are a Muslim, non-Arab people scattered through Iraq, Turkey, Iran, Syria, and some of the southern republics of the former Soviet Union. Now and then one western or mideastern nation or another decides the Kurds might be useful as pawns in one war or another.

During the gulf war President Bush mused aloud about wishing the Iraqi people would rid him of Saddam Hussein. The Kurds, trusting America, rose against the man who had murdered all the years of his reign.

So, after Saddam was defeated, the U.S. allowed him to keep and use the helicopters, artillery and divisions he needed to try to destroy the Kurds altogether. He failed that time, but the sight of Kurds dying in the mountain passes shocked the world, for a while.

The Kurds now hold part of the Iraqi areas where they seek self-government-autonomy, not statehood.

According to U.S. sources, Saddam has been told that still another fullscale attack against the Kurds will bring U.S. reprisals. He does not seem terrified. The same sources also say that he has doubled the size of his forces ranged against the Kurds.

The Kurds, we are often reminded by some of the American specialists who built up Saddam Hussein, are a quarrelsome, fractious lot. Perhaps, but maintaining unity and delicacy under centuries of massacre can be a bit difficult.

Anyway, the Kurds will hold an election in the midst of ongoing war day-to-day danger and deprivation. The Kurds say that Saddam's blockade means that they get only about 25 percent of the food and supplies available to other Iraqis.

The Kurds thought the U.S. might like to witness such an election. They asked the U.S. to send observers, as it has for elections in Nicaragua, Bangladesh, Albania, Namibia, Chile, among other places.

The State Department said no. Why, Saddam Hussein might say American were involved in the election. And one fellow on the Iraqi desk actually trotted out the "Arab streets" again and how they might rise if the U.S. dared send observers.

Then the Department began warning off Congressional aids and other Americans who planned to go privately.

They were told that it would be dangerous. Saddam Hussein may try same election-day nastiness. But as one Californian said after Los Angeles, that did not freeze his blood.

The Americans were also warned they could be prosecuted under an executive order barring commerce with Iraq. That neatly lumps Saddam and his victims together as the enemy, which must tickle him.

Representative Lee Hamilton of Indiana tried to get the State Department to allow private Americans to go. Back came a letter from Assistant Secretary of State Janet G. Mullins saying that if the Kurds wanted observers, let them go ask any of the "growing number of democracies around the world." She wrote it, unembarrassed. I have the letter and will cherish it.

One Administration official said observers had been vetoed because Turkey, which has problems with Turkish Kurds, would be upset. Apparently he did not have the late news:

A few Americans who were warned off are going anyway—among them Mike O'Callaghan, the former Governor of Nevada, an amputee of the Korean War; but the U.S. Government will be studiously absent.

For the Kurds, official witness would have meant that the Bush Administration was not only acknowledging their willingness to gamble on democracy but giving them some respect and dignity. Those things seem to have value to those fractious Kurds.

FORMER GOVERNOR JERRY BROWN URGES SUPPORT FOR THE U.S. CONFERENCE OF MAYORS

HON. JOHN CONYERS, JR.

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 19, 1992

Mr. CONYERS. Mr. Speaker, former California Governor and Democratic Presidential candidate Jerry Brown recently made an important statement to the Congress in an open letter to Senate Majority Leader MITCHELL, Speaker FOLEY, and Majority Leader GEPHARDT. I would like to have it reprinted in the CONGRESSIONAL RECORD.

Governor Brown's letter underscores the importance of "tearing down the walls" around the defense budget to give Congress the flexibility to shift funds from the Pentagon budget to domestic programs and deficit reduction. His letter underscores the desperate need to enact the Local Partnership Act and send critical funding directly to our cities and units of local government. It is a letter we would do well to listen to closely.

Mr. Speaker, I have the distinct honor and privilege of working closely with the U.S. Conference of Mayors, its president, Ray Flynn of Boston, New York Mayor David Dinkins, Atlanta Mayor Maynard Jackson, and others who see the urban crisis firsthand on a daily basis. It is a remarkable step for the mayors to make a pilgrimage to Washington to implore the Congress to act against the decade of neglect the Reagan and Bush administrations have visited upon our cities. Our cities have become seething pots of rage, unemployment, drugs, homelessness and hopelessness, and it is our duty to respond to their demise.

The text of Governor Brown's letter follows:

MAY 14, 1992.

Hon. GEORGE MITCHELL,
Majority Leader, U.S. Senate.
Hon. THOMAS FOLEY,
Speaker, U.S. House of Representatives.
Hon. RICHARD GEPHARDT,
Majority Leader, U.S. House of Representatives.

GENTLEMEN: As elected representatives of the people and as leaders of * * * the Congress, you are called to a higher purpose than most.

You are now called to put aside mere politics. I speak to you, not for myself, but for those whose voices have been stilled by unemployment, by drugs, by poverty, by guns and violence. I speak to you for those who have lost all hope, who did not elect you because they cannot vote in their despair and futility. You must hear them. The hour has come.

When our second largest city explodes in riots and insurrection not seen since Civil War days, something is profoundly wrong. As Mayor Raymond L. Flynn of Boston said, "no one is on our side."

The usual tepid response of photo opportunity and budget crumbs won't work anymore. The suffering, the injustice has gone too far. As the party of the forgotten Americans and the representatives of those who lack the power and concentrated wealth of our adversaries, we must stand and deliver in this historic moment of crisis.

During the last six months, I have traveled across our country and seen the hardships of our fellow citizens living in the other America—the America that has been abandoned by systematic disinvestment and federal neglect. In Detroit, Milwaukee, New York, Philadelphia, Pittsburgh, Chicago, Camden, Youngstown, Akron, Manchester and dozens of other cities, I encountered subhuman conditions: burnt-out buildings, rubble strewn about as small children play nearby, crack dealers openly plying their trade, hundreds of empty factory buildings and demoralized communities where good-paying jobs are only dim memories.

This kind of moral and financial destruction must stop. If (we) are to remain faithful to (our) founding ideas and deserve the continued support of those who have believed in (our) principles, (we) must now meet this urban crisis head on.

The U.S. Conference of Mayors has set out a seven-point plan to aid our cities. It must be adopted now.

Tens of billions are going to weapons systems, military deployment and foreign aid that are now of lower priority than investment in our cities.

It is unconscionable for (us) to vote funds for these favored programs and deny the desperate plea of our nation's mayors and the defenseless people they represent. No amount of political rhetoric or insider budget agreements will obscure (our moral) bankruptcy if we abandon our core constituency in this hour of need.

Look around you. Look at the people with whom you consort on a daily basis. Are any unemployed? Are any homeless? Are any unbathed? Are any unarticulate? Are any poor? The people who are not present, those are the people for whom you have a solemn responsibility. The people who will never walk where you walk, nor dine where you dine, not sit where you sit. They are the very ones for whom you must now rise up.

Don't tell about defeats on the floor. Don't tell them about votes impossible to get. Don't tell them about vetoes by the President. Don't tell them that you can't raise the deficit. Don't tell them about the firewalls around defense. Don't tell them of your fears of not getting reelected. Don't tell them that you fear the wrath of your peers.

These excuses have no meaning when your belly is empty, when your bed is the pavement, when your child wastes from a disease, when your son lies dead in a pool of blood in the street. For shame, when can you claim honor when you see what you see. How can you hold your heads up when you know what you know.

We the people see clearly. We see you all. And we know. And we grow impatient.

Figure it out. Pass the legislation that the mayors have begged and pleaded for their neglected cities. Get it done. You have the power. You have the brains. You have the political skills. You know the system. We know you know how to get it done. You did it for Desert Storm. You do it for foreign aid. You do it for the B–2 bomber * * * for the Seawolf submarine * * * for the S&L bailout. Do it now for your countrymen and women and for the children.

Rise above the politics of the past. Rise to the trust invested in you. Rise to the promise of your youth.

Remember why you came to Government. You came to serve the people. We are waiting. But we will not wait forever.

Respectfully,

EDMUND G. BROWN, Jr.

TRIBUTE TO THE PEACE OFFICERS WHO LOST THEIR LIVES IN 1991

HON. JOHN S. TANNER

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 19, 1992

Mr. TANNER. Mr. Speaker, I rise today to acknowledge the sacrifice of those peace officers who lost their lives during 1991, and to pay respects to the families and loved ones they left behind.

As I am sure you know, this past week has been National Police Week 1992. During this time not only are the lives that were lost remembered and memorialized, but also the survivors of those officers are counseled on how to deal with their grief.

One of these families is from Jackson, TN, in my congressional district. The officer who lost his life on May 24, 1991, was Madison County Sheriff Deputy Douglas Gene Nanney. Members of his family in town this week for the ceremonies are his widow, Christy Nanney, and his parents, Betty and Bobby Nanney. Nanney was the first Madison County sheriff's deputy killed in the line of duty in more than 20 years.

Nanney had been on the force since March 1990. He graduated from Memphis State University and served in the Army from August 1984 to February 1988.

All too often we take for granted those men and women who go out every day and put their lives on the line to protect us. Being a law enforcement officer has always been a dangerous profession but these days, unfortunately, it gets more so daily. We must honor these officers who serve us and who are willing to make the ultimate sacrifice in the effort to maintain peace and harmony in our communities.

I salute the peace officers of our country, both those that have lost their lives and those who continue to serve us. In particular, I honor Officer Douglas Gene Nanney and the members of his family who miss him dearly each day.

SINK A TAX—SAVE A BOAT OWNER

HON. DON YOUNG

OF ALASKA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 19, 1992

Mr. YOUNG of Alaska. Mr. Speaker, last week the House held its own version of the famous Boston Tea Party to protest taxation without representation. By a vote of 339 to 8, the House passed legislation phasing out the repressive boat user tax which would impose financial burdens on our Nation's boat owners without providing a single extra penny for Coast Guard services. I was proud to be one of those 339 right-thinking Members.

Under the existing law, over 4 million boat owners are subject to taxation just because they happen to own a boat. It doesn't matter if you are rich or poor, it doesn't matter what color you skin may be, it doesn't matter what church you attend—if you own a boat, you pay. To make matters worse, the money raised doesn't go to the Coast Guard, which enforces boating safety laws; it doesn't go to NOAA, which prints nautical charts. The money goes straight to the Treasury, where it can be spent on anything. In fact, the extra burden of collecting this ill-conceived tax could cost the Coast Guard up to 50 percent of what is actually collected. Thus, the Coast Guard gets no more money, but has to spend more to collect a tax which provides no particular benefit to those paying. Who knows what that will mean to this arm of our Nation's defense.

Finally, to add insult to injury, any boat owner not paying the tax is subject to a $5,000 fine. Where will this lead? Will every American who owns a car have to pay a special tax or face being fined? How about everyone who owns a refrigerator, or a lawn mower, or a red necktie? Once you take a class of Americans and single them out for special mistreatment, you set in motion the same chain of events that led to the first Boston Tea Party and the American Revolution.

Mr. Speaker, I have been particularly troubled by this tax because of its extra effect on my State of Alaska. In the State with the longest coastline, but fewer paved roads than Montgomery County, MD, boating is not only a prime means of recreation, but also the only means of transportation for some of our citizens. This regressive tax can have a greater impact on my State than on any other.

It is for this reason, Mr. Speaker, that I was proud to be a supporter of H.R. 2056 during the House vote last week. Even more important, I am pleased that I have been able to work with my colleagues on the Alaska delegation, Senator STEVENS and Senator MURKOWSKI, to gain their support in the other body for phasing out the boat tax. Alaskans are united in seeking an end to taxation without representation. It is time to scuttle the boat tax once and for all.

A TRIBUTE TO DR. PATRICIA A. GUTH

HON. PETER H. KOSTMAYER

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 19, 1992

Mr. KOSTMAYER. Mr. Speaker, I rise today to recognize one of my constituents, Dr. Patricia A. Guth, of Perkasie, PA, who will be retiring from the Pennridge, PA school district on June 30, 1992, after 38 years of excellent service in the field of public education. At a time when many are losing faith in our education system, Dr. Guth serves as a shining example of an educator who is truly committed to the welfare and development of our youth.

Dr. Guth has deservedly received many commendations and honors in recognition of her contributions to the Pennridge school district. In 1990, she was named outstanding educator of the year by the Bucks County Drug and Alcohol Commission acknowledging her achievements as the founder and administrative representative to the Pennridge community action team, a community drug and alcohol prevention agency. She has also received recognition for her outstanding development of a remedial reading skills program which has proven to be highly effective.

Many projects prepared by Dr. Guth were funded through competitive grants, and they provided unique educational opportunities for her students. One of the more outstanding projects was a community outreach program which provided nutrition and consumer education for senior citizens.

Dr. Guth served as a consultant for staff development programs in school districts in Pennsylvania and surrounding States. She also served as president of the Bucks County Association for Supervision and Curriculum Development.

Dr. Guth reaffirmed her leadership abilities through her post-doctoral studies in educational administration and educational technology at Lehigh University. These studies afforded her the opportunity to integrate computer technology into the curriculum to teach computer literacy as a required course.

She was very instrumental in implementing a student assistance program in Pennridge School District, the first school district in the area to have a student assistance program in operation in all schools. Dr. Guth has presented workshops on the student assistance programs for at risk students in other school districts and at professional conferences.

Among her many community service activities, Dr. Guth is committee chairperson for the American Red Cross, volunteer solicitor for the Heart Fund drive, and member of the Bucks County coordinated child care council.

Further demonstrating her commitment to the community, as a member of the St. Paul's United Church of Christ in Sellersville, PA, Dr. Guth serves on the scholarship committee.

Mr. Speaker, these are just a few of Dr. Guth's outstanding contributions to the Commonwealth of Pennsylvania. But as you can see by the ones I have cited, Dr. Guth deserves all commendation and I ask my colleagues to join me in paying tribute to this outstanding individual who hails from the congressional district I am privileged to represent. It is my pleasure to join the citizens of Bucks County in wishing her continued happiness and success.

RETIREMENT OF JUDGE CHARLES B. BLACKMAR

HON. IKE SKELTON

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 19, 1992

Mr. SKELTON. Mr. Speaker, today I pay tribute to a dedicated Missourian, Judge Charles B. Blackmar, who retired from the Missouri Supreme Court on April 1, 1992. Judge Blackmar was appointed to the Missouri Supreme Court in 1982 by Gov. Christopher S. Bond and was retained in office for a 12-year term in 1984.

Born in Kansas City, he was educated in the Kansas City public schools before going on to attend both Princeton University and the University of Michigan Law School, where he served as the associate editor of the Michigan Law Review. Judge Blackmar received his A.B. degree summa cum laude in 1942, J.D. degree in 1948 and honorary LL.D. degree from St. Louis University in 1991.

He served in the U.S. Army from 1942 to 1946, reaching the rank of first lieutenant. While in the military, he was awarded the Silver Star, Purple Heart, Bronze Star, and Combat Infantry Badge.

Judge Blackmar's accomplishments in the legal field are notable. He practiced law from 1948 to 1966 in Kansas City. During that time, he also worked as a professional lecturer at the Kansas City University—now University of Missouri-Kansas City—School of Law from 1949 to 1957. In addition, he served as special assistant attorney general of Missouri, 1969–77; a professor of law at St. Louis University, 1966–82; professor emeritus at that institution, 1983; professional labor arbitrator, 1967–82; plus author and coauthor of numerous law books and articles. He also was the recipient of the Equal Justice Award for Legal Services of Eastern Missouri in 1983 and last year received a special award from the Missouri Bar in recognition of his efforts to encourage greater pro bono service by Missouri lawyers.

Active in church and community affairs, Judge Blackmar is a member of Central Christian Church, Moberly; Phi Beta Kappa; the Order of the Coif; the American Law Institute; the National Academy of Arbitrators; and SCRIBES, which he served as president in 1986–87. In addition, he is a former chairman of the Fair Public Accommodations Commission of Kansas City and a former member of the Kansas City Human Relations Commission.

Mr. Speaker, I know my colleagues in the House will want to join me in commending Judge Charles B. Blackmar for the outstanding public and legal service he has given to the State of Missouri.

COMMUNITY MENTAL HEALTH AND SUBSTANCE ABUSE SERVICES

HON. TOM LEWIS

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 19, 1992

Mr. LEWIS of Florida. Mr. Speaker, Florida stands to lose 16 million vital Federal dollars for substance abuse and mental health treatment programs under the conference report on Community Mental Health and Substance Abuse Services. Coupled with the loss in matching State funds, Florida's programs will be devastated.

Year after year, Congress continues to meddle with the allocation formula and year after year Florida is required to fight for its funding allocation.

What is worse this time, is that the reduction will take place immediately. The conference report contains an unacceptable provision for a retroactive effective date of October 1991 for implementation of the new formula. This means Florida's fourth quarter funding cycle will be hit leaving a void in services budgeted for the summer.

Make no mistake, I support treatment funding for substance abuse and mental health programs. Unfortunately, I cannot support reauthorization of a program that robs so much from the State of Florida.

TRIBUTE TO ANTHONY MARUSZAK AND VFW POST NO. 2729

HON. WILLIAM O. LIPINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 19, 1992

Mr. LIPINSKI. Mr. Speaker, I rise today to recognize Anthony S. Maruszak, commander of the Rhine Post of the Veterans of Foreign Wars [VFW]. As commander of VFW Post 2729, Mr. Maruszak has been a role model and leader in his southwest Chicago community.

Anthony Maruszak served in the United States military from 1951 to 1953 in Korea with the Corps of Engineers. He joined the VFW when he was discharged in 1953 and became commander of Kenneth Copley Post 512. When that post disbanded, Tony Maruszak joined the Rhine Post, which is located just down the street from my office on South Archer Avenue in Chicago. In 1977 and 1978, he served as the third district commander. In this position, Tony organized bingo at the Rhine Post and the St. Camillus and Pfc. Ted Stempien Posts.

In recent years Mr. Maruszak has continued his involvement with the VFW. He received the Ray McDonald Community Achievement Award in 1984 and is still the Third District's Parade Marshal today. He has served as post commander since 1989 and was the chairman of the National Organization for Conventions in Chicago.

In addition to his work with the VFW, Tony Maruszak has a distinguished professional career and a wonderful family. He worked for Sears Roebuck for many years and now works for the Department of Veterans Affairs in Hines, IL. Mr. Maruszak has been married for over 35 years to Helen Louise and has two grown children, Barbara Ann and Michael John. In addition, he is the proud grandfather of Jack William.

Through Anthony Maruszak's leadership, the Rhine VFW Post 2429 has excelled in all its activities. As the post and its Ladies Auxiliary prepare for their installation of officers on May 23, 1992, I am pleased to commend them for their tremendous contributions to our community. Below is a list of each of the officers and chairmen of the post and auxiliary. I hope my colleagues will join me in saluting Tony Maruszak and the Rhine VFW Post and wishing them the best in the years to come.

VFW POST NO. 2729

Master of ceremonies: Joseph Pindel, Past Commander of Rhine Post 1978–79.

Installing Officer: John J. Sibick, Past Commander of Rhine Post, 1979–81

POST ELECTED OFFICERS

Commander, Anthony S. Maruszak.

Senior Vice Commander, Anthony Kania.

Junior Vice Commander, Steve M. Dziekan.

Quartermaster, Louis J. Pavlovic.
Post Advocate, Fred Grzenia.
Post Chaplain, Frank Ochenkowski.
Post Surgeon, Joseph Sendra.
Trustee #1, Charles J. Wollscheid.
Trustee #2, Frank S. Waligora.
Trustee #3, Frank Paczkowski.

APPOINTED CHAIRMEN

Adjutant, Joseph Strava.
Community Service, Steve Formusa.
Employment Officer, Theorore Tomaszek.
Guard, John Nieckula.
Hospital, Edward Lattyak.
National Home, John J. Sibick.
Officer of the Day, George J. Rojewski.
Service Officer, Joseph Sendra.
Youth Activities, Edward Lattyak.
POW/MIA, James Mulhearn.
Voice of Democracy, Chester A. Kozlowski.
Legislative, Frank S. Waligora.
Mistress of Ceremonies: Dolores Pencak, Past President Rhine Auxiliary.
Installing Officer: Carla Kirkland, Past Third District President, Past President Chicago Ridge Auxiliary.

OFFICERS

President, Diane M. Pencak.
Senior Vice President, Barbara Moon.
Junior Vice President, Pearl Koslowski.
Secretary, Dolores Pencak.
Treasurer, Eunice Gac.
Chaplain, Angeline Nowinski.
Conductress, Marie Ernst.
Guard, Adeline Rusin.
Patriotic Instructress, Lorraine Paczkowski.
Historian, Minnie Andrews.
Trustee #1, Bea Worhol.
Trustee #2, Helen Maruszak.
Trustee #3, Rose Adamik.
Flag Bearer, Joan Rauth.
Banner Bearer, Sally Jamrose.
Color Bearer #1, Rose Adamik.
Color Bearer #2, Helen Maruszak.
Color Bearer #3, Minnie Andrews.
Color Bearer #4, Helen Wollscheid.
Musician, Dorothy Sibick.

APPOINTED CHAIRMANSHIPS

Americanism/Loyalty/MIA-POW, Lorraine Paczkowski.
Blood Bank, Eunice Gac.
Cancer.
Child Assistance, Helen Wollscheid.
Community, Helen Formusa.
Hospital & Nursing Home, Angeline Nowinski.
Legislative, Rose Adamik.
Membership, Barbara Moon.
National Home, Pauline Lattyak.
VFW/PAC, Bea Worhol.
Publicity, Helen Maruszak.
Poppy, Dorothy Sibick.
Rehabilitation, Pearl Koslowski.
Safety and Drug Abuse, Barbara Moon.
Social, Joan Rauth.
VOC/Youth Activities.
Home Post of: Anthony S. Maruszak, Past 3d District Commander 1977–78.
Dorothy Sibick, Past 3d District President 1984–85.
Barbara A. Moon, 3d District President 1991–92.

PAST POST COMMANDERS

*Loe Spychalski, 1932–43.
*Joseph Kulawiak, 1943–44.
*Pasquali Notarangelo, 1944–45.
*Leo Spychalski, 1945–47.
Stanley Knapik, 1947–49.
*Walter Prokey, 1949–55.
James T. Sullivan, 1955–56.
*George A. Mars, 1956–57.
Ray Zawwislak, 1957–58.
*Nicholas A. Carpita, 1958–60.
Ralph R. Matul, 1960–61.
Frank S. Waligora, 1961–63.
Thaddeus S. Mizera, 1963–64.
James Frencl, 1964–66.
Benjamin Bankowski, 1966–67.
*Stanley Drobut, 1967–69.
Robert Benda, 1969–71.
Steve Wachowicz, 1971–72.
Mr. William E. Vogt, Jr., 1972–73.
*Walter Prokey, 1973–74.
Benjamin Bankowski, 1974–75.
Anthony Petrushkevich, 1975–76.
Anthony Laniewski, 1976–78.
Joseph C. Pindel, 1978–79.
John J. Sibick, 1979–81.
Charles J. Wollscheid, 1981–82.
Florian Szpyt, 1982–84.
Walter V. Nowinski, 1984–87.
Thaddeus S. Mizera, 1987–88.
Florian Szpyt, 1988–89.
Anthony S. Maruszak, 1989–91.
Richard Rusin, 1991–92.

PAST AUXILIARY PRESIDENTS

*Virginia Knapik, 1952–57.
Rose Tenza, 1957–59.
Patricia Piekarz, 1959–61
Patricia Lewandowski, 1961–62.
*Virginia Knapik, 1962–63.
Rose Tenza, 1963–64.
*Lora Waligora, 1964–66.
Gloria Sucevich, 1966–68.
*Jean Waligora, 1968–70.
Josephine Opoka, 1970–71.
Frances Mechenes, 1971–73.
*Jean Waligora, 1973–74.
Dolores Pencak, 1974–76.
Dorothy Sibick, 1976–78.
Helen Maruszak, 1978–80.
Helen Wollscheid, 1980–82.
Dorothy Laniewski, 1982–83.
Barbara Maruszak Moon, 1983–85.
*Jean Waligora, 1985–86.
Cecelia Szypt, 1986–87.
Christine Durkeiwicz, 1987–88.
Barbara Moon, 1988–89.
Helen Maruzak, 1989–91.
Diane Pencak, 1991–92.

*Deceased.

SUPER KIDS VIE AT LABS

HON. BILL RICHARDSON

OF NEW MEXICO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 19, 1992

Mr. RICHARDSON. Mr. Speaker, our Nation's laboratories are playing an important role in helping educate our Nation's young people. Hundreds of high school students in New Mexico recently competed in the second annual Supercomputer Challenge at the Los Alamos and Sandia National Laboratories and the U.S. Air Force's Phillips Laboratory. More than 100 teams of budding computer scientists researched scientific problems, learned basic computer functions and programming languages, and ran their programs on the world's most powerful computers at our labs.

I am proud to report that a team from my district, Espanola Valley High, won top honors at the challenge. But in reality, all the teams were winners as student participants saw first hand the incredible capabilities at our labs and the students may now be more interested in pursuing a computer/scientific/technical career in their college studies.

The Supercomputer Challenge is featured in a news article which follows. I urge my colleagues to review the article and join me in congratulating the students and our Federal labs for undertaking such a worthwhile endeavor.

[From the Los Alamos, National Laboratory News Bulletin, May 8, 1992]

ESPANOLA VALLEY WINS SUPERCOMPUTING CHALLENGE

Five Espanola Valley High School students created an artificial organism inside a Los Alamos supercomputer, then watched the organism evolve and increase its intellectual powers.

Months of research and programming paid off April 30 as the Espanola Valley team captured the top prize in the second annual New Mexico Supercomputing Challenge held at the Laboratory.

Espanola Valley High won a DECstation 5000/200 PX loaded with AVS, C++ and FORTRAN software donated by Digital Equipment Corp. and the KHOROS graphical interface developed at the University of New Mexico. The five teams members Francisco Vigil, Javier Sandoval, Richard Sena, Adrian DeVargas and Benjamin Padilla—each took home a $1,000 savings bond.

Judges also awarded the four-year Amy Boulanger Scholarship to Vigil for individual excellence, based on a report he wrote about the project and letters of recommendation from his teacher, Peter Conrad, and technical coach, Pat McGee of Computer Graphics (C-6). The renewable Boulanger Scholarship will provide Vigil $2,000 a year for expenses at any four-year college or university in New Mexcio.

"I didn't know that much about computers when I first started," said Vigil, a senior. "Because of the Supercomputing Challenge, I now plan to attend New Mexico State to get a degree in computer engineering and work for NASA."

The Espanola Valley team competed against 127 teams of budding computer scientists from more than 50 New Mexico schools. The teams researched scientific problems, learned basic computer functions and programming languages, and ran their programs on the world's most powerful computers at Los Alamos, Sandia National Laboratories and the U.S. Air Force's Phillips Laboratory. Scientists from the federal laboratories and university and college faculties provided coaching.

"The second annual Supercomputer Challenge furthers our goal of spreading computer science throughout the state of New Mexico," said John Jenkins, executive planning officer of Computer and Information Resources and Technology at UNM. Jenkins coordinated judging for the event.

"The Challenge recognizes the talented young people we have here affords them the experience of working with supercomputers at New Mexico's federal laboratories," Jenkins said.

Principal sponsors of the event were the three laboratories, UNM and New Mexico Technet, a nonprofit, statewide computer network that links New Mexico's national laboratories, universities and many private businesses.

At an awards ceremony at Los Alamos Civic Auditorium, the students received videotaped congratulations from U.S. Sen. Pete Domenici, R-N.M. They also heard praise from Terry Boulanger of Technet and Warren "Pete" Miller, associate director for research and education (ADRE).

"The students' projects indicate a level of sophistication in using supercomputers that is nothing short of remarkable," Miller said, "I hope we're seeing some of the Los Alamos computing division's staff of the future."

The students heard about opportunities in the computing profession from Irene Qualters, vice president for software development with supercomputer manufacturer Cray Research Inc.

"Programs like the Supercomputing Challenge are designed to enable the youth of today, building on the tools that are available today, to become the giants of tomorrow in science and engineering," Qualters said.

The Espanola Valley team programmed the artificial mind for its organism and the rules governing its behavior into one of Los Alamos' Cray-YMP supercomputers. Using a genetic algorithm in a program known as the Learning Classifier System, the organism, called "The Critter" by the students, evolved by learning survival skills such as finding food and avoiding predators within a simulated environment.

"It is at solving questions concerning the natural world that computers prove most efficient. The speed of their simulations can replace numerous hours of traditional scientific observation," the EVHS team wrote in describing the winning project. "The theory of evolution—the evolution of intelligence, specifically—is one of those species of problems that can be evaluated by a supercomputer."

Potential applications for the EVHS program are in the development of more intelligent robotic devices or learning more about the behavior of biological organisms.

"The concept can find application in any problem of science requiring an evolving intellect," the team wrote.

Second prize in the contest went to Bill Gruner, a Moriarty High School junior who worked with teacher Dega Paterson and coach David Shirley. Gruner modified a Los Alamos computer code that calculates heat distribution in human tissues. The computer model shows surgeons how to use radio-frequency hyperthermic treatments to heat and help destroy some malignant tumors. (See story, April 10 Newsbulletin.)

Gruner won a $500 savings bond and Moriarty High received an IBM personal computer and software.

Honorable mention trophies went to three teams:

Del Norte High School—Babak Razani, Jeremy Giron and Jennifer Niver—"The Simulation of Fractal Growth Using the Diffusion-Limited Aggregation Process."

Los Alamos High School—Bob Steinke, Chris Lubek, Nathan Stark, Michael Dewey and Graham Ollis—"Human Genome Project Analysis."

Los Alamos High School—David Hay, Eric Salzman, Matt Moses and Bob Springer—"The Congressional Redistricting of New Mexico."

Three students also received one-year, $2,000 scholarships to UNM, NMSU or the New Mexico Institute of Mining and Technology for their individual work during the Challenge. They were Deborah Vitale of Highland High School, Charles Stanhope of Alamogordo High School and James Anderson of the Albuquerque Public Schools Career Enrichment Center.

Judges for the contest were scientists in a variety of fields from research laboratories and universities in the region. They were selected before the Supercomputing Challenge began last October and visited high schools and regional computing centers to follow the teams' progress.

The judges scored the students on the scientific content of their projects, effectiveness of their approach, creativity and clarity.

Other co-sponsors for this year's Challenge were NMSU and New Mexico Institute of Mining and Technology; Cray Research Inc., Digital Equipment Corp., Thinking Machines Corp., Aquila Technologies and IBM; and the Greater Albuquerque Chamber of Commerce, KOB-TV, KMBA Radio and the Albuquerque Tribune.

MOUNT VERNON POLICE: STANDING UP FOR THEIR COMMUNITY

HON. NITA M. LOWEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May, 19, 1992

Mrs. LOWEY of New York. Mr. Speaker, I rise today to join the city of Mount Vernon, NY, in paying tribute to the police force of that fine city. It is a well-deserved tribute in recognition of the service that these men and women give to their neighbors each and every day of the year. Just as they understand the important of law and order in our society, they have a strong appreciation for the rights and liberties that make our Nation special.

Indeed, the police of Mount Vernon are there to enforce the law when the need arises. They know it is their duty and obligation to protect the lives and property of the people who live and work in Mount Vernon. But this is a police force that does not wait for a problem to arise. Under the leadership of Mayor Ron Blackwood, Commissioner of Public Safety John DeLeo, Deputy Commissioner Clyde Isley, and Police Chief Mike Craparo, the Mount Vernon Police Department has made a special effort to practice preventive law enforcement. Their presence throughout the community and their willingness to work with the citizens of Mount Vernon through a variety of educational and outreach programs is making a real difference in the quality of life in Mount Vernon.

We, in the Congress, have a responsibility to listen to and work with the women and women on the beat in communities like Mount Vernon as we develop Federal law enforcement policies. Most certainly, our role in this endeavor must be to support them in their selfless service to all of us for whom Mount Vernon is an important part of our lives.

I would like to extend special congratulations to those officers of the Mount Vernon force who are receiving special recognition today:

RECIPIENTS OF THE MERITORIOUS POLICE DUTY BAR

Sgt. Joseph Hunce, Sgt. Daniel Salottolo, Officer Roger Bock, Officer Thomas Campone, Officer George Ossipo, and Officer Anthony Rozzi.

RECIPIENTS OF THE EXCELLENT POLICE DUTY BAR

Lt. Richard Duncan, Sgt. William Cooke, Sgt. Michael DeAddio, Sgt. John Roland, Sgt. Walter Roland, Officer Roger Bock, Officer Dermid Corbalis, Officer Paul Fertig, Officer Learie Johnston, Officer Matthew Lombardo, Officer Gregory Paci, Officer Thomas Reynolds, and Officer Paul Roland.

RECIPIENTS OF THE LIFE SAVING DUTY BAR

Sgt. Samuel Olivieri, Sgt. Walter Roland, Detective Thomas Gormley, Officer Michael DeGrego, Officer Barbara Giangrant, Officer Matthew Lombardo, Officer Thomas Gallagher, and Officer Anthony Rozzi.

RECIPIENTS OF THE CIVILIAN AWARD

Mr. Mickie Dwyer, Mr. Kenneth Henry, and New York City Detective Michael Carew.

They are indeed impressive representatives of the qualities every single member of the Mount Vernon police force embodies. They should know that we understand the depth of their commitment, and that we appreciate the challenges they undertake on our behalf.

INTRODUCTION OF THE MILITARY FREEDOM ACT OF 1992

HON. PATRICIA SCHROEDER

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 19, 1992

Mrs. SCHROEDER. Mr. Speaker, one Vietnam veteran's tombstone inscription reads, "When I was in the military they gave me a medal for killing two men and a discharge for loving one."

For the first 150 years of our country's history, gay and lesbian Americans served in our country's military. And for the past 50 years, these same Americans, regardless of their conduct, devotion, and their accomplishments have been told they need not apply to any branch of the Armed Forces. Fortunately, this has not stopped brave, patriotic gay and lesbian Americans from serving their country. But there brave Americans put themselves at risk twice every time they answer a call to service. First, they put their lives on the line for their country. Second, they risk being disgracefully cashiered if their sexual orientation is discovered. We should be thankful that they have ignored this stupid policy. Our Nation's defense has gained the service of thousands of good soldiers and sailors. You will hear from these veterans today.

Department of Defense Directive 1332.14, which says homosexuality is incompatible with military service, is un-American because it judges people by their being rather than their conduct and because it arbitrarily excludes and denies Americans equal opportunities, particularly women, who are three times more likely than men to be investigated and discharged under this policy

We have waited patiently for the courts to overturn this ban on the grounds that it is unconstitutional. We have appealed to the President and the Secretary of Defense with the argument that one's sexual orientation is irrelevant, and that the military is being denied skilled, valued personnel. Even Lawrence Korb, former Assistant Secretary of Defense for Manpower in the Reagan administration, and officials within Army headquarters have argued for repeal. Those pleas have all gone unanswered. Now, Congress must take it upon itself to change the policy.

We can be silent about this invidious discrimination no more: Silence is tantamount to complicity in the perpetuation of prejudice, discrimination, and fear.

Today I am joined by 24 of my colleagues, gay and lesbian veterans from three wars, and representatives of the military freedom project, a group of organizations fighting to repeal the ban, in introducing the Military Freedom Act of 1992, which will end the arbitrary elimination of individuals because of their sexual orientation.

A TRIBUTE TO REV. FRANK E. STRASSFELD

HON. GARY L. ACKERMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 19, 1992

Mr. ACKERMAN. Mr. Speaker, I rise today to pay tribute to Rev. Frank E. Strassfeld, clergyman at the Hollis Hills Jewish Center in Hollis Hills, Queens County, NY. Reverend Strassfeld is being honored this weekend by a grateful congregation for over 40 years of service to the center.

Born in Poland, and having lived in Germany until the age of 13, Frank Strassfeld emigrated to the United States in 1935. He was educated at the Yeshiva Torah V'da'at, and later served in the U.S. Armed Forces as a paratrooper in the 11th Airborne Division in the South Pacific. Reverend Strassfeld began work at the Hollis Hills Jewish Center in 1950.

Since joining the center, the reverend's warm and generous personality has permeated all facets of life for the members of the center, and the residents of Hollis Hills. His record of service should serve as an example and an inspiration to us all. He has served as clergyman in charge of religious services and daily activities. He has instructed many young Bar and Bat Mitzvah candidates, and has been a leader of religious services at the Samuel Field Young Men and Young Women's Hebrew Association [YM-YWHA], as well as the Nathan I. Nagler Queens B'nai B'rith House, and the Booth Memorial Silvercrest Convalescent Home. All of this stands as testimony of his dedication to the service of congregation members of all ages.

I can attest, Mr. Speaker, to such dedication and warmth of Reverend Strassfeld because I have experience it myself many times. I, and the rest of my family, have been members of the Hollis Hills Jewish Center for many years, and have had the privilege of discovering firsthand the love, dedication, and commitment that Reverend Strassfeld has for his congregation, and for others in the Queens community. It has been both a great privilege and a great joy to watch Frank Strassfeld go about his work with a jubilance unlike that of any man or woman that I know.

It will be my privilege to join those who honor Rev. Frank Strassfeld this weekend. I know that he will continue to serve those members of his congregation, and the community of Queens, as well with the love and devotion so characteristic of him. It is unfortunate that there are not more people in the world such as Frank Strassfeld, for he touches the lives of those around him so deeply with a sense of inspiration.

Mr. Speaker, I ask all of our colleagues in the House to rise and join me in honoring Rev. Frank Strassfeld for his service, dedication, and continued good works.

TRIBUTE TO RABBI STANLEY M. KESSLER

HON. BARBARA B. KENNELLY

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 19, 1992

Mrs. KENNELLY. Mr. Speaker, I rise today to honor Rabbi Stanley M. Kessler, an outstanding clergyman, educator, and citizen, who will retire in June 1992, after 38 years of service to Hartford and the Beth El Temple. In thanks for his dedication and tireless service, family and friends will gather to pay tribute on May 29, 1992, to this remarkable civic and religious leader.

Always a dedicated citizen, Rabbi Kessler served in the U.S. Air Force for nearly 3 years during the Second World War. His valor was demonstrated as he flew 18 missions over Europe as a member of an air crew of the 15th Air Force.

Rabbi Kessler has not only committed his life to scholarly and religious pursuits, he has been a prominent advocate of human rights at home and abroad. He was a freedom rider in the 1960's civil rights movement, and participated in demonstrations in Birmingham, AL, in 1963, and Selma, MS, in 1965. In addition, he has served on the human rights commission of the city of Hartford, the board of directors of the Community Renewal Team, the board of directors of the Urban League, and the human rights commission of the State of Connecticut.

His talents have taken him to the pages of the Hartford Courant, where he has written extensively about Israel and the Jewish community, always endeavoring to promote understanding between the people of the United States and the Middle East. He has traveled widely, including visits to the Soviet Union, the Far East, India, South Africa, South America, Iran, Lebanon, and Egypt. He has been to Israel over 30 times since its creation in 1948.

While energetically serving Hartford and applying himself to scholarship, Rabbi Kessler has always been a faithful servant and steward of the Jewish community. He is a past national chairman of the rabbinic cabinet of the United Jewish Appeal, and he is on the board of governors of the Synagogue Council of America. He holds life tenure with Beth El Temple of West Hartford, where he has served since 1954. Upon retirement he will be honored with the title of Rabbi Emeritus.

Mr. Speaker, I ask my colleagues to join me and the residents of the First District of Connecticut in saluting this leader of vision, dedication, and great accomplishments. My best wishes to Rabbi Kessler as he accepts new challenges and celebrates his achievements.

CAMEROON RETURNS TO MULTIPARTY DEMOCRACY

HON. MERVYN M. DYMALLY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 19, 1992

Mr. DYMALLY. Mr. Speaker, Cameroon has recently joined the growing number of African countries which are returning to the multiparty democracy which they practiced in the early 1960's. I would like to share with the Members of this House a letter sent to me by Prime Minister Sadou Hayatou on their parliamentary elections.

> DEAR CONGRESSMAN: I am pleased to inform you about Cameroon's progress in its transition to a more pluralistic democracy. My government believes that is of special importance to communicate directly with you about Cameroon's first multiparty elections in several decades because democratization is one of the new cornerstones of U.S. foreign policy.
>
> After two postponements at the request of the opposition parties, legislative elections were held on March 1, 1992 in the presence of fifty international observers. The U.S. did not send a special observer team but personnel from your Embassy participated in election observation. The observers concur that the elections were transparent, free and fair.
>
> Sixty percent of the electorate voted.
>
> Thirty two parties participated in these elections and four have won seats in the National Assembly making multi-party democracy an irreversible reality in our country. This new pluralist assembly was sworn in on March 10, 1992. The official results are RDPC 88 seats, UNDP 68 seats, UPC 18 seats, MDR 6 seats.
>
> This strong showing by the opposition parties proves that President Paul Biya was right to insist that the democratic legitimacy of any political party can only be ascertained by going to the polls and that the Cameroonian electorate was politically mature enough to vote its preference. It is unfortunate that other party leaders did not have this same faith and convinced their party militants to miss this historic moment. We recognize that this attitude, too, can be accommodated in a democracy.
>
> The U.S. has been a constant friend and adviser during this transitional period. Your National Democratic Institute visited us in September and made recommendations on the electoral code and the general process of transition. We have appreciated the constructive nature of our dialogue.
>
> We look forward to the continued support and friendship of the U.S. as we work to strengthen our democratic institutions and to revitalize our economy. I would sincerely welcome any comments or requests for additional information about our recent elections.

I hope that all of my colleagues will join me in saluting this important first step which Cameroon has taken toward a return to multiparty democracy and wishing them well as they continue.

THE SAFE DRINKING WATER ACT

HON. PATSY T. MINK

OF HAWAII

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 19, 1992

Mrs. MINK. Mr. Speaker, I would like to bring to the attention of this House, comments sent to me by the State of Hawaii Department of Health relative to the unrealistic expectation that Congress has regarding the ability of the States to meet the requirements of the Safe Drinking Water Act and the EPA without funding the costs of these requirements with Federal appropriations.

The following letter expresses the frustration of well-intentioned State officials who cannot meet the requirements being imposed without Federal funds to help them comply.

I respectfully insert the text of the letter at this point:

STATE OF HAWAII,
DEPARTMENT OF HEALTH,
Honolulu, HI, April 22, 1992.

HON. BARBARA A. MIKULSKI,
Chairwoman, VA, Hud and Independent, Agencies Subcommittee, Senate Committee on Appropriations, Washington, DC.

DEAR MADAM CHAIR: I am writing you again to reiterate deep concerns about the growing disparity between federally mandated requirements and funding levels available to the state's to enforce these mandates. I am sure that you have received many such letters which express similar concerns from areas all over the nation. This developing gulf between legal requirements and the ability to accomplish them is already so large that further regulations are meaningless because they are beyond the capacities of states to implement, and their intended health protection benefits are consequently lost.

The Safe Drinking Water Act Amendments of 1986 called upon the U.S. Environmental Protection Agency (EPA) to take giant strides in a number of areas to improve public health protection through increasing the stringency and level of drinking water regulations. Since that time, EPA has promulgated the Lead Ban, Public Notification Rule, Fluoride Rule, Volatile Organic Chemical Rule, Surface Water Treatment Rule, Total Coliform Rule, Lead and Copper Rule and the Phase II Synthetic Organic Chemical/Inorganic Chemical Rule. Each of these rules employs different approaches to address their own primary concerns. Further, Congress passed the Lead Contamination Control Act which requires all states to test both water coolers and school distribution systems for lead contribution without appropriating a single dollar for the effort. Each succeeding rule appears to become more complex, and less reasonable than the previous rule. This is reflective, in part, of the difficulty of regulating the various contaminants which enter the water systems at different points bringing with them different characteristics, hazards, and treatment requirements. It, unfortunately, also reflects a severe loss of touch with reality by the EPA. Their expectations as to what should be done and when it could be done are in many cases only realistic based on an assumption of unlimited resources, a condition that very few if any states or water suppliers enjoys. A good example of this is EPA's proposal that Phase V monitoring be initiated with Phase II monitoring on January 1, 1993. The EPA projects that Phase V regulations will be finalized in September 1993. This means that they want monitoring to begin nine months prior to the existence of regulations (assuming that there is no further delay in promulgation). These regulations were originally scheduled to be completed by June 1989.

The State of Hawaii still faces a number of regulations, such as the Disinfection By-Products Rule, the Radionuclide Rule, Phase V Synthetic Organic Chemical/Inorganic Chemical Rule, and the Mandatory Groundwater Disinfection Rule. The SDWAA also called upon EPA to add 25 new contaminants to the regulated list every three years. As with some of the other regulations, this requirement is some years behind schedule. It appears that although EPA has not been able to meet its own projected deadlines, it expects states to meet the deadlines that they set.

Sufficient funding to do those things already adopted as regulations does not exist. States are currently beset by problems of shortages of resources on one hand and demands for strict application of current rules on the other. To further complicate matters, the complex and, in some instances, unreasonable regulations consume extreme amounts of time to understand and implement. The differences in their approaches to drinking water quality have even, to some degree, put them at odds with each other.

A study conducted jointly by the U.S. EPA Office of Groundwater/Drinking Water and the Association of State Drinking Water Administrators reviewed the resource needs of the states and demonstrated that the funding levels were short by several hundred million dollars for the regulations in 1988. This shortage identified both start-up and annual costs of $180 million and $150 million, respectively. Since that time, the number of regulations has increased, and the states have also suffered budgetary cutbacks. ASDWA reports that more 33 states suffered budget deficits last year and that the funding of many state drinking water programs was affected. In Hawaii, although we were not adversely impacted last year, our Safe Drinking Water Branch has been asked to plan for an initial 7% reduction in state general funds for the fiscal year beginning on July 1, 1992. Additional reductions may be required.

Hawaii has made much progress in the area of funding. Originally, we struggled to make our 25% state matching share of approximately $80,000. This year, our funding level is just over $910,000 which does not include laboratory support services. In total, the State now pays for just over 80% of the total costs for administering a safe drinking water program based on federal mandates. Even this sizable increase has not been sufficient to enable full administration of the program as required by the U.S. EPA. Hawaii's experience has been much the same as other states which now average about 67% of the total safe drinking water program cost. This, taken in concert with the reductions described above, make the State unable to support further increases in program requirements without federal assistance.

Safe drinking water is truly one of the most important products of government service. Its protection is a major public health protection dealing with a directly consumable commodity which is required to sustain life. Its importance to the health and well being of the nation far exceeds many other environmental issues, which have been funded in far greater levels. We believe that safe drinking water has been taken for granted for too long, and that protection of drinking water has entered a crisis condition because of this neglect.

It is our understanding that a number of environmental organizations have also identified drinking water quality as one of the most important issues to public health in the United States. As you know, it has received relatively insignificant amounts of federal support when compared the other environmental programs receiving billions of dollars for waste water treatment plants or superfund clean-up costs.

We strongly support the ASDWA request to raise the President's FY-93 budget from $58.9 million for PWSS grants to $100 million. Although this increase will not by any means fully fund the required efforts, it may be able to meet short term needs in drinking water program administration.

Thank you for the time taken to understand the nature of the problem we as primary states face, and for the consideration (hopefully favorable) of this request. We would greatly appreciate any support you could provide for adequate funding of state drinking water programs.

Very truly yours,
JOHN C. LEWIN, M.D.,
Director of Health.

TRIBUTE TO WILLIAM "T.J." MURPHEY FOR HIS EFFORTS TO FEED THE HUNGRY

HON. W.G. (BILL) HEFNER

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 19, 1992

Mr. HEFNER. Mr. Speaker, Christmas, the season of love and giving, becomes an especially joyous holiday for many of the less fortunate and needy people in Concord, NC. With food donations from different businesses, 62-year-old William "T.J." Murphey has volunteered to cook meals for the needy in Concord every Christmas Day for over 25 years. Murphey, along with the help of friends, coworkers, and even out-of-State volunteers, provides each Christmas a warm, homecooked meal to hundreds of people who otherwise would go unfed during the holiday season. Murphey continues the tradition set by his mother during the years of the Great Depression to help those in need by feeding the hungry. His annual Christmas dinner is much appreciated by the thousands of people he has helped over the years, and his fellow townspeople are also thankful for his dedication in helping the needy in their area.

Each year Murphey holds a barbecue to thank those who have volunteered their time. In return, many of the volunteers use this opportunity to show their gratitude for Murphey's generosity. This year's barbecue is on Saturday, June 6, and I would like to take this time to recognize Mr. Murphey and commend him for his commitment and devotion for spending his Christmases cooking to benefit others. Certainly, it is encouraging to hear about people who use their gifts to promote the welfare of their fellow citizens, and thus we are thankful for people like "T.J." Murphey.

FORMAL DEDICATION AT POLYTECHNIC UNIVERSITY

HON. BILL GREEN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 19, 1992

Mr. GREEN of New York. Mr. Speaker, I rise to pay tribute to one of New York's finest institutions, Polytechnic University, an outstanding school. On May 28, 1992 the Polytechnic University will formally dedicate its new Dibner Library of Science and Technology/New York State Center for Advanced Technology in Telecommunications at the heart of Metrotech.

Among the special guests attending the ceremony will be Dr. D. Allan Bromley, Director of Office of Science Technology Policy at the White House and honorary chairman of the dedication. President George Bush and New York's Governor, Mario Cuomo, also have been invited to participate.

Metrotech is the 16-acre, $1 billion academic/industry park that has created an economic renaissance in a once depressed urban area of downtown Brooklyn. It has created 16,000 new jobs and has developed advanced telecommunications and information technologies. As the ranking minority member of the House Appropriations Subcommittee that funds the U.S. Department of Housing and Urban Development [HUD], the agency responsible for the distribution of urban development grants, I was instrumental in ensuring that Metrotech received two of those grants.

I ask my esteemed colleagues to join me in offering sincere congratulations to the Polytechnic University. With the addition of the new library, I am confident that the Polytechnic University will build on its past achievements and will continue to be a leader in the field of science and technology.

IBM HONORED FOR POLLUTION PREVENTION EFFORTS

HON. DON EDWARDS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 19, 1992

Mr. EDWARDS of California. Mr. Speaker, I am pleased to call to the attention of my colleagues an award received on May 13 by IBM's San Jose manufacturing facility for their pioneering work in CFC reductions.

In 1987, IMB's San Jose disk drive development and manufacturing operations for its U.S. mainframe computers was one of the world's largest users of chlorofluorocarbons [CFC's]. As my colleagues know, CFC's are linked with the serious environmental problem of ozone depletion.

IBM immediately began efforts to eliminate CFC's and in April 1988 formed a CFC elimination task force with the mission of reducing emissions as quickly as possible while replacing CFC's in the manufacturing process.

In the last 5 years, the facility has substituted aqueous cleaning and hot air drying technologies for CFC processes and reported emissions have dropped by 95 percent. The company projects a complete elimination of CFC usage in San Jose processes by the end of this year. IBM has also made a concerted effort to share this technology with other companies to assist them in eliminating CFC use, becoming in the process a national leader in aqueous cleaning technology.

For this noteworthy accomplishment, IBM is one of the 1992 recipients of the Environmental Protection Agency's pollution prevention awards. The award was presented by EPA Administrator William K. Reilly to Dr. June Andersen, the manager of environmental programs at the San Jose plant, Arthur J. Hedge, Jr., IBM's vice president for environmental affairs, and other IBM representatives.

I'm sure my colleagues join me in congratulating IBM for this well-deserved award.

IN HONOR OF FATHER BEN FRANZINELLI AND 40 YEARS OF SERVICE TO THE PRIESTHOOD

HON. JAMES H. BILBRAY

OF NEVADA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 19, 1992

Mr. BILBRAY. Mr. Speaker, it is my pleasure to bring to the attention of my fellow Members the service and the devotion of Fr. Ben Franzinelli. I believe that there is no more fitting time to honor his service than the 40th anniversary of his ordination into the priesthood.

For over 30 of those years, Father Ben has been a resident of Las Vegas and a credit to this community. While serving as associate pastor in a number of churches, he has also managed to involve himself in the political world by becoming the first Roman Catholic priest in Nevada elected to political office by serving on the Nevada State Board of Education. He has also served as a member of the Clark County Juvenile Court probation committee.

Throughout this period he was instrumental in establishing outreach programs to the poor and minority populations of the city. This ultimately led to being assigned the task of establishing a new parish in these hard hit areas at a time when funds were at their lowest. This assignment became Holy Family Parish. Father Ben took the innovative step of transposing a saloon into a church every Sunday for 3 years. Eventually, with the help of entertainer Bing Crosby, Father Ben was able to move the church from the saloon and build the buildings that became the church. Despite a devastating fire, his work on behalf of that church continues.

Recently, as head of the Medjugorje Information Center, Father Ben has not only brought to the United States the messages that are being received from the Blessed Mother in Medjugorje, Yugoslavia, but the tragedy that is currently unfolding in that country. He has not only brought to my attention the sheer slaughter that the Serbian forces have brought on the rest of the region but also the need for the U.S. Government to denouce the continuing aggression in the area.

Father Ben's life has truly been remarkable, and after 40 years in the priesthood he continues to bring his devotion and caring to our community in Las Vegas. I ask my fellow Members to join me in honoring Fr. Ben Franzinelli and join me in the hope that we will be able to be blessed with his presence for years to come.

REGARDING THE APEX MUSEUM IN ATLANTA, GA

HON. JOHN LEWIS

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 19, 1992

Mr. LEWIS of Georgia. Mr. Speaker, I am introducing legislation today that will authorize $12.5 million for the rehabilitation and expansion of the African-American Panoramic Experience Center [APEX] and will include the APEX in the Martin Luther King, Jr. Historic Site and Preservation District in Atlanta, GA.

The APEX is located at the gateway to the Martin Luther King, Jr. Historic Site and Preservation District in Atlanta, GA. The APEX has proposed to renovate and expand their present facility to establish a new national museum on African-American history and culture, the APEX II. This comprehensive museum will serve as an international center to showcase the historical, cultural, artistic, scientific, and athletic achievements of a diverse population of African-Americans, through galleries, multimedia presentations, and exhibitions that reflect African and American life. The expansion of a national museum on African history and culture will enable all Americans, and those who visit our country from abroad, to better understand and appreciate the significant contributions made by African-Americans to American and world history.

In addition, the Fulton County African-American Research Library, which is under construction adjacent to the APEX, has been designated by Fulton County to serve as the primary location in the Atlanta region for conducting research related to African-American studies.

The location of the APEX is unique. The King Historic Site is the 10th most visited National Park site in the country and the most visited attraction in Atlanta. The National Park Service has expressed an interest in establishing a visitors center on the first floor of this new structure.

I believe that the APEX will be instrumental in ensuring that the story of all Americans is told.

TRIBUTE TO CENTRAL SWING, INC.

HON. LES ASPIN

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 19, 1992

Mr. ASPIN. Mr. Speaker, I rise today to recognize the talent and efforts of a special group of students in Wisconsin. This group is Central Swing, Inc. [CSI], a student choral group at Westosha Central High School in Paddock Lake, WI. On December 26, 1992, these students will begin an incredible, week-long journey that will take them to Moscow, Russia to be the first swing choir from the West to perform at the Kremlin.

Central Swing, Inc. was selected for this trip by the International Fine Arts Institute, a nonprofit organization that provides educational opportunities for gifted students around the world.

CSI is made up of 23 singers and dancers as well as a full stage combo. The group sings and dances a variety of popular tunes including pop, folk, jazz, and swing hits of yesterday and today. Their fully choreographed performance also includes medleys of patriotic and nostalgic songs. They will perform at the Moscow Circus as well as the Kremlin and proceeds from their shows will benefit children affected by the Chernobyl nuclear disaster.

I enthusiastically commend Central Swing, Inc. for undertaking this endeavor. This will be an incredible opportunity for these students to learn about Russia and experience first-hand the extraordinary changes that have occurred in the past year. While we, in Congress, debate reform of America's educational system, these students are traveling abroad on a trip that will give them an education that they simply could not get in any classroom.

SYRIAN JEWRY

HON. JACK FIELDS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 19, 1992

Mr. FIELDS. Mr. Speaker, March 14, 1992, marked the day of remembrance for the four young Jewish girls who were murdered in their attempt to escape from Syria. In remembering these young girls fleeing persecution, we also must remember the 4,000 Jews who remain trapped and oppressed in Syria.

Syrian Jews live in fear and isolation from the rest of society. They are singled out for unique persecution. Jews cannot vote or hold an office in the government, and they are barred from certain professions and educational opportunities. Syrian police control the purchase, sale, and transfer of Jewish property. In addition, Jews are the only minority in Syria whose religion is identified in their internal passports.

Of all the rights denied to Syrian Jews, the most serious of these is denial of the right to emigrate. Those who are caught leaving the country are imprisoned without charges or a trial and are then beaten and tortured.

The Syrian Government must live up to its international obligation and extend the right of free emigration of all of its Jewish citizens.

CONGRATULATIONS TO PRESIDENT LEE TENG-HUI

HON. DANA ROHRABACHER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 19, 1992

Mr. ROHRABACHER. Mr. Speaker, on the occasion of the President of the Republic of China on Taiwan's second anniversary in office on May 20, 1992, I wish to extend my personal congratulations to President Lee Teng-hui.

Taiwan's progress toward democracy and economic prosperity gives hope to all Chinese for a better tomorrow. During a time of political upheaval throughout the world, President Lee has provided a steady hand to the people of Taiwan, guiding them toward a more democratic and prosperous future. President Lee has encouraged constitutional reform and proven himself to be a true friend of democracy.

On behalf of my colleagues, I would like to take this opportunity to wish President Lee much luck in his efforts to bring about a better tomorrow for his countrymen and all his neighbors in the Far East.

NEW HAMPSHIRE HONORS HARRY SPANOS

HON. DICK SWETT

OF NEW HAMPSHIRE

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 19, 1992

Mr. SWETT. Mr. Speaker, I rise today to pay tribute to Harry Spanos of Newport, NH, for his years of dedicated public service and commitment to our special way of life here in New Hampshire. When the people of Newport gather this week for their annual town meeting, it will mark the last time that Harry Spanos, a hometown boy who went on to become a well-known lawyer and public servant, raps his gavel in his role as Newport town moderator.

For 30 years Spanos has overseen the proceedings at Newport's annual town meeting to uphold one of the country's purest forms of democracy and to make sure that every citizen got the opportunity to speak his or her mind.

Mr. Speaker, although Harry Spanos' tenure as town moderator is ending, his long held commitment to public service remains strong. Spanos currently sits as a judge of probate in Sullivan County, where he has served since 1980. Before that, Harry Spanos was an associate justice of the Newport district court from 1968 to 1972.

Mr. Speaker, he also represented the people in Newport in both the State house of representatives and the State senate and in 1976 was the Democratic gubernatorial nominee.

Mr. Speaker, I ask my colleagues to join me in paying tribute to Harry Spanos for his years of dedication and commitment to others.

CONGRESSMAN GOODLING INTRODUCES THE ADMINISTRATION'S BILL TO REAUTHORIZE THE REHABILITATION ACT AMENDMENTS OF 1973

HON. WILLIAM F. GOODLING

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 19, 1992

Mr. GOODLING. Mr. Speaker, today I am introducing the administration's bill to reauthorize programs under the Rehabilitation Act of 1973. I believe this legislation represents a good first step toward providing improved vocational rehabilitation services to individuals with disabilities with increased consumer control and better accountability.

The Vocational Rehabilitation Act is the only program that provides comprehensive rehabilitation services to individuals with disabilities that enable them to seek employment and find a job. It is a program that has been highly successful in providing job opportunities to individuals with disabilities by making them more independent and productive taxpaying citizens. For every rehabilitation dollar invested in an individual with a disability, between $3 and $11 is returned.

The administration's bill has three central themes which are improved accountability particularly in the State Grant Program, increased consumer choice, and improved rehabilitation services for individuals with the most severe disabilities.

To improve accountability, the bill would require the development and implementation of evaluation standards and performance indicators for the title I, Vocational Rehabilitation State Grant Program. The standards and indicators would include outcome and other related measures of program performance and would be developed with input from State vocational rehabilitation agencies, related professionals and consumer organizations, and recipients of vocational rehabilitation services. I support this approach and believe such standards will result in better program effectiveness.

The bill makes several changes to the act to allow for greater consumer choice in the provision of rehabilitation services. The bill would emphasize the consumer's role in the rehabilitation process and would ensure full consumer participation in the individualized written rehabilitation plan [IWRP], particularly in regard to the selection of the vocational objective to be attained and the services to be provided. In addition, the bill authorizes a consumer choice demonstration project which will allow other models to be tested that increase consumer choice in the rehabilitation process. I support these provisions but will seek to ensure that strong quality controls are contained in the consumer choice demonstration program to ensure that people with disabilities receive rehabilitation services from qualified providers.

The bill also improves programs that provide opportunities to individuals with the most severe disabilities, specifically in supported employment programs. Supported employment has been quite successful in employing individuals with severe disabilities who had never had the opportunity for employment. The administration's bill would ensure that supported employment will be a vocational outcome when vocational rehabilitation counselors are assessing whether there is a reasonable expectation that their client will become employed in order to determine his eligibility for the program.

While I am generally supportive of the administration's bill to reauthorize these important programs, I am opposed to the specific provision which will increase the State match to this program. Currently, the States must provide 20 percent of the dollars for this program in order to receive Federal support. In these hard economic times when States are facing severe fiscal constraints, I do not believe the State match for this program should be increased. Many States cannot meet the match now and an increase would mean that individuals with disabilities who can work if given the necessary services and supports will not be served. I oppose this provision and will not seek to include it in a bipartisan House bill that is currently being developed.

Although I plan to work for a broader reauthorization of the act than this bill proposes, I do believe this bill represents a good starting point for debate on the reauthorization and I am hopeful that a majority of these proposals will be included in a bipartisan House bill.

TRIBUTE TO SIX AP PHYSICS STUDENTS OF BALLOU SENIOR HIGH SCHOOL

HON. ELEANOR HOLMES NORTON

OF THE DISTRICT OF COLUMBIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 19, 1992

Ms. NORTON. Mr. Speaker, I rise to document in the official RECORD of this body, the academic achievements of six District of Columbia students of the Ballou Senior High School, which is located in Ward Eight. The six students—Hanifi Bramble, Tamera Bynum, Adrienne Chichester, Dorothya Grant, Cindy Hamilton and Cecil Moore—competed with 1,000 students from 250 of the Nation's high schools. These bright and talented young people received top honors in the national Advanced Placement Physics by satellite competition. Their achievement is the best answer to the attention that so often is focused on the negative activities of a small group of our youth.

I am also pleased to commend the special efforts of their instructor, Mr. Shokrollah Momen. Momen's performance as an instructor of AP Physics was truly outstanding, especially when one takes into account the fact that he had little time to acclimate himself to the modern method of instructing students in AP Physics in conjunction with video programming.

The program is sponsored by Oklahoma State University through its arts and science teleconferencing service. This innovative approach to teaching, which is often defined as distance learning systems, consists of videos which are transmitted via satellite. The result is interactive instruction from one central location to several geographically separate units. The contest judged the overall performance of students on a national first-semester standardized test.

Mr. Speaker, I invite my colleagues to join me as I commend the administrators, Mr. Momen, and especially these six young students for their academic achievement.

INTRODUCTION OF H.R. 5115, THE MEDICARE BENEFICIARY FINANCIAL PROTECTION ACT

HON. JAMES A. McDERMOTT

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 19, 1992

Mr. McDERMOTT. Mr. Speaker, Congress has acted in recent years to reform Medicare payment systems, to control program costs, and to improve health care for senior citizens. Among the major reforms is the adoption of a physician fee schedule, designed to simplify payments, control costs, and provided incentives for primary health care.

A major part of physician payment reform involves setting limits on what doctors can charge their Medicare patients. As we restrained the growth of Medicare's payments to physicians, we also limited "balance billing" of patients above the amounts Medicare approves for payment. These limits are meant to protect patients against physician overcharges resulting from Medicare cost controls.

The billing limits are now being phased in with the fee schedule. This year, physicians may not charge their patients more than 20 percent above the Medicare-approved amount for most services, and next year the limit will be 15 percent over the approved amount. The Physician Payment Review Commission estimates that this limit will reduce balance billing charges by three-fourths.

But current law fails to specify that doctors must refund excess charges. And there is evidence that thousands of senior citizens have been overcharged for Medicare services, in violation of current balance-billing limits. The Health Care Financing Administration sent letters to 8,000 physicians last year about overbilling. It does not appear that doctors have deliberately overcharged their patients. But there has been inadequate understanding and communication about the new limits, among physicians, beneficiaries, Medicare carriers, and within the Health Care Financing Administration itself.

The Administration is beginning to take corrective action to inform patients and doctors about the limits on physician charges, but legislation is needed both to clarify that beneficiaries are not liable and to require more effective communication about the limits. Therefore I have introduced H.R. 5115, the Medicare Beneficiary Financial Protection Act, to make sure that older Americans get the protection from excess charges that Congress intended them to have. I am honored that Congressmen PETE STARK, JIM MOODY, and BEN CARDIN have joined me in sponsoring this bill.

This legislation is based on the recommendations of the Physician Payment Review Commission. It makes clear that patients are not liable for excess charges, and it requires doctors to refund any overcharge within 30 days of written notification from a patient, carrier, or HCFA. Doctors have a right to contest refund claims.

The act also requires Medicare carriers to monitor compliance with these charge limits on a case-by-case basis and to notify patients and doctors of all overcharges. A doctor who fails to refund an overcharge, or who knowingly and willfully overcharges patients on a repeated basis, can be fined or barred from the Medicare Program.

I hope Congress will enact this bill, but I also hope its refund and sanction provisions will not have to be used. I believe that physicians want to comply with balance billing limits, and that any noncompliance has been the result of misunderstanding and inaccurate information from HCFA and some insurance carriers. But it is important to clarify that beneficiaries are entitled to refunds, and to assure that doctors and patients have adequate notice of the limits. I urge my colleagues to join me in supporting this legislation.

I also encourage my fellow doctors to join the majority of their colleagues in becoming Medicare "participating physicians." These physicians receive a higher payment from Medicare if they agree to limit their charges to Medicare-approved amounts. The number and percentage of physicians who participate has increased each year, and I hope this trend will continue. I look forward to working with my colleagues in Congress and the medical community, and with the millions of older Americans who depend on Medicare, to strengthen this essential program and make health care more affordable for all Americans.

SUMMARY OF PROVISIONS OF H.R. 5115: MEDICARE BENEFICIARY FINANCIAL PROTECTION ACT

Sec. 1. Short title.

Sec. 2. Clarifies that Medicare beneficiaries are not liable for physicians' charges in excess of amounts authorized under Medicare physician fee schedule. Requires physicians to refund excess charges to beneficiaries within 30 days. Authorizes civil penalties against physicians who deliberately and repeatedly overcharge beneficiaries, or who fail to make timely refunds.

Sec. 3. Effective in 1993 (when simplified Medicare fee schedule takes effect), requires Medicare to notify beneficiaries and physicians, in writing, of charge limits, any excess charges, and physician's duty to refund excess charges to beneficiary.

Sec. 4. Requires Medicare carriers to monitor compliance with physician charge limits on a case-by-case basis, and to notify physicians with overcharges of the requirement to make refunds.

H.R. 5115

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Medicare Beneficiary Financial Protection Act of 1992".

SEC. 2 REQUIRING NON-PARTICIPATING PHYSICIANS TO REFUND AMOUNTS PAID IN EXCESS OF LIMITING CHARGES.

(a) IN GENERAL.—Section 1848(g)(1) of the Social Security Act (42 U.S.C. 1395w-4(g)(1)) is amended to read as follows:

"(1) LIMITATION ON ACTUAL CHARGES FOR UNASSIGNED CLAIMS.—

"(A) NO LIABILITY FOR AMOUNTS BILLED IN EXCESS OF LIMITING CHARGES.—No individual enrolled under this part who is furnished physicians' services for which payment is not made on an assignment-related basis under this part (on or after January 1, 1991) may be liable for any amounts billed for such services in excess of the limiting charge described in paragraph (2).

"(B) REFUND OF AMOUNTS PAID IN EXCESS OF LIMITING CHARGES; SANCTIONS.—If a nonparticipating physician knowingly and willfully bills on a repeated basis for services described in subparagraph (A) an actual charge in excess of the limiting charge described in paragraph (2) or knowingly and willfully fails to refund on a timely basis any payment made by or on behalf of an individual for such services in excess of the limiting charge, the Secretary may apply sanctions against such physician in accordance with section 1842(j)(2).

"(C) TIMELY BASIS FOR REFUNDS.—A refund under subparagraph (B) is considered to be made on a timely basis only if—

"(i) in the case of a physician who does not request reconsideration or seek appeal on a timely basis, the refund is made within 30 days after the date the physician receives notice from the individual, the carrier, or the Secretary of the requirement to provide the refund; or

"(ii) in the case in which such a reconsideration or appeal is taken, the refund is made within 15 days after the date the physician receives notice of an adverse determination on reconsideration or appeal.".

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall apply with respect to physicians' services provided on or after January 1, 1991.

SEC. 3. NOTICE TO PATIENTS OF LIMITATIONS ON CHARGES AND AVAILABILITY OF REFUNDS.

(a) IN GENERAL.—Section 1848(g) of the Social Security Act (42 U.S.C. 1395w4(g)) is amended by adding at the end the following new paragraph:

"(8) PROVIDING BENEFICIARIES WITH NOTICE OF LIMITATIONS ON LIABILITY.—With respect to physicians' services furnished on or after January 1, 1993, the Secretary shall provide each individual receiving from a nonparticipating physician services for which payment is not made on an assignment-related basis under this part a written notice describing—

"(A) the amount of the limiting charge applicable to the service (as described in paragraph (2));

"(B) the absence (under paragraph (1)(A) of any liability of the individual for charges in excess of the limiting charge; and

"(C) the requirement (under paragraph (1)(B)) that the physician refund on a timely basis any amounts paid by the individual for the service in excess of the limiting charge.".

(b) EFFECTIVE DATE.—The amendment made by subsection shall take effect on the date of the enactment of this Act.

SEC. 4. REQUIRING CARRIERS TO CONDUCT PREPAYMENT SCREENING OF SERVICES FURNISHED BY NONPARTICIPATING PHYSICIANS; NOTIFICATION TO PHYSICIANS OF EXCESS CHARGES.

(a) IN GENERAL.—Section 1842(b)(3) of the Social Security Act (42 U.S.C. 1395u(b)(3)) is amended—

(1) by striking "and" at the end of subparagraph (G);

(2) by striking "and" at the end of subparagraph (H); and

(3) by inserting after subparagraph (H) the following new subparagraph:

"(I) if it makes payment with respect to physicians' services furnished by nonparticipating physicians—

"(i) to determine prior to making payment for such a service whether the amount charged by the physician for the service exceeds the limiting charge applicable to the service under section 1848(g)(2), and

"(ii) if, pursuant to clause (i), it determines that the amount charged by the physician for the service (in the case of physicians' services furnished on or after January 1, 1993) exceeds such limiting charge, to provide the physician with written notice of the requirement under section 1848(g)(1)(B) that the physician refund on a timely basis any amounts paid by the patient for the service in excess of such limiting charge: and".

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall take effect on the date of the enactment of this Act.

TRIBUTE TO COL. NORMAN E. SCHAEFER

HON. MATTHEW J. RINALDO

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 19, 1992

Mr. RINALDO. Mr. Speaker, on June 18, 1992, Col. Norman E. Schaefer, of Summit, NJ, will retire from the U.S. Air Force after 49 years of service.

Colonel Schaefer's military career began during World War II when he entered service as an Army private on August 16, 1943. He served in the Infantry and Chemical Warfare Service before transferring to the Army Air Force.

Upon discharge from active duty on March 9, 1946, he reenlisted in the Army Air Force Reserve and was assigned to troop carrier units. In 1947 he made the transition from Army olive drab to Air Force blue when the U.S. Air Force became an independent service.

On August 10, 1950, Colonel Schaefer received a direct commission as a second lieutenant and was assigned to intelligence duties. While serving in the Air Force Reserve he earned a B.A. from Wagner College, an M.A. from Columbia University and his doctor of medicine from Cornell University Medical College.

Although he had completed his medical studies in 1957, Colonel Schaefer remained a line officer until 1976 when he transferred to the Medical Corps. Thereafter, he served as Mobilization Augmentee to the Chief of Otolaryngology at Malcolm Grow USAF Medical Center, Andrews Air Force Base for 7 years.

In January 1983, Colonel Schaefer assumed command of the 33rd Medical Service Squadron, 514th Military Airlift Wing, McGuire Air Force Base, NJ and has continued in that assignment. He is a rated flight surgeon on flying status in C–141 aircraft. His decorations include the Meritorious Service Medal with one oak leaf cluster.

Colonel Schaefer was recalled to active duty in January 1991, for Operation Desert Shield/Desert Storm. He commanded a patient staging facility at Ramstein Air Base, Germany.

I congratulate Colonel Schaefer on his outstanding record of service to the United States. After 49 years in the Air Force, he plans to devote full time to his family and medical practice. I extend to him, his wife Irene and daughter Carolyn my best wishes for the future.

SENATE—*Wednesday, May 20, 1992*

(Legislative day of Thursday, March 26, 1992)

The Senate met at 10:15 a.m., on the expiration of the recess, and was called to order by the Honorable RICHARD H. BRYAN, a Senator from the State of Nevada.

PRAYER

The Chaplain, the Reverend Richard C. Halverson, D.D., offered the following prayer:

Let us pray:

* * * *judgment is turned away backward, and justice standeth afar off: for truth is fallen in the street, and equity cannot enter.*—Isaiah 59:14.

Eternal God, true and righteous and just in all Your ways, Isaiah the prophet reveals the essential connection between truth and judgment, justice, and equity. Grant us wisdom to understand the indissoluble union between truth and justice. When truth is relative, justice, judgment, and equity are sacrificed. No absolute truth, judgment is turned away, justice disappears, and equity is eliminated.

Father of mercies, open our eyes to see that, as standards for weights and measures, as rules for traffic and games and order, truth is indispensable to justice and equity. Give us the humility and grace to accept this reality and to seek the truth which sets us free.

In the name of Him who is Truth incarnate. Amen.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore [Mr. BYRD].

The assistant legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, May 20, 1992.

To the Senate:

Under the provisions of rule I, section 3, of the Standing Rules of the Senate, I hereby appoint the Honorable RICHARD H. BRYAN, a Senator from the State of Nevada, to perform the duties of the Chair.

ROBERT C. BYRD,
President pro tempore.

Mr. BRYAN thereupon assumed the chair as Acting President pro tempore.

RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, there will now be a period for the transaction of morning business not to extend beyond the hour of 11 a.m. with Senators permitted to speak therein for not to exceed 5 minutes each.

Further, under the previous order, the Senator from Tennessee [Mr. GORE] is recognized to speak for a period of up to 20 minutes.

The Chair recognizes the Senator from Tennessee.

Mr. GORE. I thank the Chair.

(The remarks of Mr. GORE and Ms. MIKULSKI pertaining to the introduction of Senate Joint Resolution 308 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

THE 27TH AMENDMENT TO THE CONSTITUTION

Mr. GRASSLEY. Mr. President, I am a cosponsor of a resolution put forth by Senator BYRD, our distinguished President pro tempore, which deals with the subject of the 27th amendment to the Constitution. We are going to be voting on that issue this morning. I am glad that we are moving forward with this resolution.

Along the same line as what Senator BYRD is doing, I introduced a separate concurrent resolution last week that would declare the 27th amendment to be a part of our Constitution. That language of the 27th amendment has been floating around the country in reality for 202 years, since it was proposed by James Madison and adopted by the First Congress with the necessary two-thirds vote. It was ratified by a few States immediately, and recently by the several States, mostly since 1978. Finally, it was declared a part of our Constitution by the Archivist.

The Archivist has received the papers of certification from at least 38 ratifying States to this amendment. He has now notified the Senate concerning those papers. The Archivist made a decision that he has the constitutional power to make that the ratification, even after 202 years, and effectively make this a part of our Constitution.

So in an effort to make this crystal clear and in pursuit of the goal of clarity, I joined Senator BYRD in support of the resolution that we will be voting on, which puts the Senate on the record regarding this crucial amendment to the Constitution.

I do not think the importance of this day can be minimized at all. I have personally waged many battles in the past decade and a half, not only against congressional pay raises, but probably more often and more legitimately, against the various schemes of Congress—schemes to avoid accountability for pay raises—like having them without a vote.

Now, of course, this change in process is a part of the Constitution. As a result, a change will take place in the nature of any pay raise debate and all because of this long-awaited amendment that James Madison first proposed in the First Congress.

The text of the amendment that Madison proposed and which is now a part of our Constitution simply says:

> No law varying the compensation for the services of Senators and Representatives shall take effect, until an election of Representatives shall have intervened.

It is as simple as saying Congress can vote itself a pay raise, but there must be an election by the people where, if the people want to make an issue out of the raise, they can do it and reject the very people who presumably voted for the pay raise.

Now the resolution that we are voting on today does not add anything to the ratification process. It simply affirms what I believe is already true: That this amendment became law when the 38th State voted in favor of its ratification. Since that 38th State ratified, 2 other States have also ratified, making the total number 40.

However, I think there is a reason that the Senate needs to act by this resolution and that reason is to ward off any legal attacks that might come on the issue of timeliness. The question is whether or not, after 202 years from its proposal to the Constitution by James Madison, the requisite three-fourths of the States ratification will be considered contemporaneous ratification. Since the 1920's, Congress has regularly put in proposed constitutional amendments a statement that they must be ratified by the three-fourths of the States within 7 years.

However, the Supreme Court made clear in 1939 in the Coleman decision that Congress has the authority to say whether the timeliness standard has been met. So I believe the constitutional standard has been met by the 38th State ratification, and the Senate is acting to go on record in support of the timeliness of this ratification.

I think many of us in this body are pleased to be able to follow in the steps of Madison as supporters of what is a very good idea, and an idea that is part of the Constitution of the State of Iowa, in which State legislators cannot raise their pay without an intervening election.

I believe this is the will of the people. I believe it will require more responsible governance on our part. I also believe that it will result in a more measured response on the part of Members who might otherwise be hasty on this issue. So I am pleased that the Senate will act on this resolution with the promptness that it deserves.

I yield back the remainder of my time.

The ACTING PRESIDENT pro tempore. The Senator from Kentucky [Mr. FORD].

EXTENSION OF MORNING BUSINESS

Mr. FORD. Mr. President, I ask morning business be extended by 3 minutes.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

ORDER OF PROCEDURE

Mr. FORD. Mr. President, I ask unanimous consent that on the upcoming votes on Senate Resolution 298 and Senate Concurrent Resolution 120, the one vote count as two separate rollcall votes.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

TRUST THE VOTERS

Mr. FORD. Mr. President, S. 250 is about to be voted on. S. 250 has one major objective, to expand the opportunity for eligible citizens to register and vote, making it easier and more convenient to register.

The record is clear. In States with motor-voter registration, more citizens are registered and more citizens vote. The bill is a prodemocracy bill. It offers the poor, the disenchanted, and the handicapped the opportunity to participate in the election process. The opportunity to vote should be made as easy as possible.

Those who trust the people—and I underscore that, those who trust the people—support this bill. It says, "Let us expand access to the ballot box to all qualified people. Let the rich and the poor, the able and the handicapped, the young and the old, all make decisions on who should represent them."

What the opponents of this bill have said is that they do not trust the American people. They do not trust the American people. They want a restricted electorate. They want the current low turnouts.

I do not have those fears, Mr. President. I believe in democracy. I trust the judgment of the people in my State. They all should have a fair opportunity to register and vote.

Last, let me make one point. Some people around here think the most fundamental way to participate in politics is giving money. It is no coincidence that many who oppose campaign finance reform oppose the motor-voter bill. I think the most fundamental way to participate in politics is by voting. It is a mistake to oppose limits on giving money and also oppose making voters' voting easier. This sends exactly the wrong message to the American people.

Let us hope that President Bush does not also send this wrong message with the veto pen. Because in this bill we have the voting fraud provisions. Civil enforcement through injunction or declaratory relief may be brought by the U.S. Attorney General or a person with notice to the chief election official of the State. The rights and remedies established by the act are in addition to any other rights and remedies provided by law and no provision shall supersede, restrict, or limit the application of the Voting Rights Act of 1965.

Nothing in this act authorizes or requires conduct that is prohibited by the Voting Rights Act of 1965.

Mr. President, Federal criminal penalties will apply for registration offenses which are knowingly and willfully done.

The ACTING PRESIDENT pro tempore. The Senator from New Jersey is recognized.

Mr. BRADLEY. Mr. President, I ask unanimous consent I be given 5 minutes.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered. The Senator is recognized.

A SAD DAY FOR THE PARTY OF LINCOLN

Mr. BRADLEY. Mr. President, this is a sad day for the party of Lincoln. This is a vote that seeks to broaden the franchise, to allow more people to exercise their fundamental right in a democracy. It is a scandal that in America today, this November, if one-third of the voting age population of this country wanted to cast a vote for President of the United States, they would be denied the right to do so because they are not registered. They are not registered because obstacles have been put in the path of their registration. This bill seeks to eliminate some of those obstacles—not all; some. Yet it is being resisted and opposed on the other side in almost lockstep.

The history of our country is a history of broadening participation in the democratic process. When the Constitution was written, the only people who were allowed to vote were white males with property. In the 1830's the right to vote was extended to white males without property.

In the 1860's it was given to black males.

In 1920, for the first time in American history, the vote was given to women.

In the 1970's it was given to young people, ages 18 to 21.

In the 1960's it was broadened so that people of color would not be excluded. Yet today, at the point of democratic triumph around the world, still one-third of the voting age population of America would be denied the right to vote if they chose to vote this November.

For the party of Lincoln to claim the legacy of the broadened franchise, represented by the accomplishments of Lincoln, they can no longer object and oppose efforts to broaden that franchise more fully. This is a simple issue, but it is an issue that is deeper than simple politics. If you cannot have access to the ballot box, if you cannot get registered to exercise your right, then your voice is not heard. And voices are not being heard across this country today, voices of those who feel more and more disenfranchised.

This is a simple change. It is not as far as I would like to go, but a simple change. It should not be opposed. It should be supported. And the party of Lincoln—for it to be the party of Lincoln—should change its position and support this bill and seek to further broaden that franchise or it will lose the legacy embodied in the work of Abraham Lincoln. It is as simple as that.

I yield the floor.

Mr. BUMPERS. Mr. President, I ask unanimous consent I be permitted to proceed for 2 minutes.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered. The Senator from Arkansas is recognized.

EXPAND THE VOTING FRANCHISE

Mr. BUMPERS. I thank the Chair and I thank the distinguished floor manager for his indulgence.

Mr. President, I have not spoken on this bill. I favor it. It is not perfect. I am very pleased it does not have same-day registration. I always had difficulty with that. I am not saying I would never support that, but the idea of people being allowed to vote on the same day they register, on the day of the election, has always been troubling to me.

But, as the Senator from New Jersey has eloquently pointed out, this country has been better off every time we have expanded the voting franchise. We are not expanding the voter franchise here to women or to an ethnic group. What we are doing is saying we are going to do everything in the world to pique your interest in the political process, because people who write and understand this thing know that our political process is threatened as never before.

The principal point I want to make is encouraging people to vote is only one part of the equation. The second part is to make sure they know what they are voting on.

You go to London and you crawl in a cab and a London cabbie can tell you what John Major said that day.

It is really a sort of awesome thing to behold, how sophisticated the electorate in Great Britain is. Thomas Jefferson envisioned not only the right to vote, but he talked endlessly about voting intelligently.

So, Mr. President, this bill, I hope, will pass, and I hope the President will sign the bill. He may not. But I want to say to all my colleagues and to all the American people, this is really one part of the equation, and a relatively small one, and the much greater part of it is to pique the curiosity of our youngsters and everybody else in our country about how we got where we are. As Winston Churchill said, "It is a lousy system except for all the others." We simply have to do a better job of making it work, and the way we do that is to somehow or another pique the curiosity of our people and in the educational system. Let them know they have grave responsibilities. The Constitution provides endless rights, and I tell every graduating class I speak to, "You also have responsibilities."

I yield the floor.

Mr. RIEGLE. Mr. President, I rise today to voice my support for S. 250, the motor-voter bill. One of the most fundamental rights of all Americans is the right to vote. Facilitating and encouraging participation in the election process is vital to our democracy. While nonvoters increasingly mirror voters in demographic distribution, they often differ in political orientation. A true democracy represents all these citizens, not a preselected group of registered voters.

The cost of implementing a nationwide motor-voter system has been cited as a reason against supporting this legislation. When examining long-term statistics, it is evident that applying motor-voter registration methods result in real savings for State and local governments. The Congressional Budget Office estimates that a streamlined voter registration process would save $10 million in a Presidential year and $7 million in a non-Presidential year. On average, before motor-voter techniques are put into effect, the cost of registering one voter is between $1 and $15—after motor-voter is implemented that cost decreases to between 3 and 33 cents per voter.

Nationally, voter participation has been declining. Scarcely more than half those eligible voted in the 1988 Presidential election, reflecting the lowest turnout for a Presidential election in 64 years. Our lack of participation is also appalling when compared with voter participation in other democracies. In a study of voter turnout in 28 democracies around the globe, on average, the United States had the lowest turnout. While countries such as Australia and Belgium had up to 95 percent participation, the United States fared poorly with at times only 37 percent of the electorate showing up to vote.

I speak from the position of having seen this system in operation in my home State of Michigan for over 15 years. In 1976, Michigan was the first state to implement a motor-voter system. A CRS study measuring the percentage registration of the voting age population found that between 1948–88 Michigan's voter registration increased by 11.8 percent. Today, 95 percent of voter registration is conducted through these methods. And, by 1994, Michigan is expected to have fully computerized its voter registration process—making it a highly efficient and effective system for tracking eligible voters.

I am not suggesting motor-voter legislation is the end-all cure to the apathetic or disillusioned American electorate. Yet, I do believe this legislation is an important and necessary tool to involving a greater number of Americans in the democratic process. According to a New York Times editorial on October 31, 1991, motor-voter legislation has the potential to increase the number of eligible voters from 60 to 90 percent of the voting age population.

Nearly 70 million Americans do not participate in the present system because they are not registered to vote. As elected officials we have a responsibility to encourage our constituents to take an active role in the decision-making process of this country. Implementing motor-voter legislation is a cost-effective means to helping citizens exercize their right to vote. The time has come to ensure that the American political process represents the needs of all American citizens.

Mr. HARKIN. Mr. President, I rise in support of S. 250, the National Voter Registration Act. This legislation will make the fundamental right to vote more accessible to millions of Americans. In particular, this legislation will result in significant increases in voting by individuals with disabilities.

My proudest day in the U.S. Senate was when President Bush signed the Americans With Disabilities Act into law. I know it was also the proudest day for a great many friends and colleagues on both sides of the aisle. It was a historic day. A day when all Americans—young and old; rich and poor; black and white; those with disabilities—came together on the White House lawn to rededicate ourselves and this great Nation to the common pursuit and realization of the American dream.

The ADA bestows first-class citizenship upon Americans with varying disabilities of all ages in our country. The ADA will open up America's marketplace like never before. It will enable American consumers with disabilities to buy the shoes they want, to buy clothes and groceries wherever they want to shop. And, in doing do, it makes people with disabilities a force that our marketplace must deal with, a force that the marketplace must come to better respond to and be held accountable by.

Mr. President, I rise today to support the passage of S. 250, because like the ADA, S. 250 will make Americans with disabilities a force that those of us who run for office in our country must come to better reckon with, respond to, respect and be held accountable by.

S. 250 is designed to streamline the voter registration process by permitting individuals to sign up at any public service agency in their State. In doing do, it will open up American democracy's greatest marketplace—that of the polling place—to those with disabilities as well.

Americans with disabilities have historically faced many barriers to both signing up to vote and casting a ballot. In 1990, for example, a young woman with cerebral palsy in Rhode Island was denied her right to register when a local official objected to her ability to sign the application on the dotted line. S. 250 would not eliminate all these barriers but it would put an end to a great many.

The intent behind S. 250 is a simple one but the results it would produce would be sweeping. Voter turnout in our Nation is at an all time abysmal low. One reason for this that is the antiquated barriers to voter registration are immense. This is particularly true for the poor, the young, older Americans, and those with disabilities.

S. 250 would attack the problem at its root. It would enable people with disabilities and their families—as well as millions of others—to sign up and register to vote at State motor vehicle offices, vocational rehabilitation and protection and advocacy programs. It would permit nonprofit organizations of and for people with disabilities like independent living and parent training centers to sign up new voters as well.

S. 250 would help to increase the number of registered voters with disabilities and reverse the dangerous decline in voter turnout over last decades.

I urge my colleagues to support the National Voter Registration Act.

MOTOR-VOTER MADNESS

Mr. McCONNELL. Mr. President, the simplest way to describe where we are today and where we are headed is: Two done, one to go.

Last week, Senate Republicans and President Bush saved America from the taxpayer-financed campaign act which, in the wake of the House Bank scandal, Democrats offered up as reform.

In reality, of course, it was more of a smokescreen.

In fact, it was a thoroughly discredited legislative fossil that had veto written all over it.

Today marks round 2: The Democrats will pass the motor-voter bill in another partisan effort to paint the President as antireform and antidemocracy.

This bill will be vetoed. Democrats knew it when they brought it up. No reasonable attempt to craft a bipartisan bill—the Republican alternative was dismissed out of hand on a partisan vote, as were all subsequent votes on Republican amendments.

Several of these amendments dealt with election fraud. In opposition, it was said that one I offered, the Anti-Corruption Act, was a killer amendment. The Anti-Corruption Act a killer amendment—how does that sound?

Mr. President, that was the best chance this bill had to pass. In fact, several Members on this side of the aisle argued against offering the amendment because it made S. 250 a better bill.

Voting that amendment down certainly sealed the fate of motor-voter for this Congress. It is history.

Mr. President, as I said: Two down, one to go.

Having wasted weeks on campaign finance and motor-voter bills—exercises in election-year politics—the Senate can now look forward to Hatch Act reform.

You do not have to be the National Enquirer's Jeane Dixon to know how that debate is going to go or the fate of the Hatch Act bill DOA—dead on arrival.

Politically correct veto bait is obviously the order of the day in the U.S. Senate. Nothing exemplifies this phenomenon better than the motor-voter bill. In a lengthy statement last week I delineated the shortcomings of the bill with particular emphasis on election fraud, a problem we have had a lot of difficulty with in my State.

Some wonder why Republicans oppose a bill that would register 90 percent of the electorate.

Republicans would be very pleased to see that result. That is not the problem. What concerns us is the prospect of 110 percent of the electorate voting on election day. We have had counties in my State in which that happened. More people have voted than there were people who lived there. That is one of the critical issues confronting us here.

The Justice Department has reviewed this bill in great detail and found it to be an engraved invitation to those who rig elections and buy votes. Of particular concern is an escape hatch that many States could be forced to adopt.

In other words, they feel they cannot afford motor-voter. It is too expensive. They can go to same day registration or, listen to this, no registration at all. I think there is only one State that has no registration at all. All of the rest think that it is at least some hedge against cheating. I can assure, you, Mr. President that measures like these would have a devastating effect on ballot integrity in certain parts of my State, in various areas of the South, and some big cities around our country. The vote-buyers and election-stealers would salivate at the prospects.

Mr. President, what good is the franchise—as my Democratic friends like to refer to it—if your vote is diluted through fraud?

It diminishes the vote of everyone.

With the expanded franchise under the Democrats bill, the question will not be how many burgers are sold, but rather, how many votes are sold.

The second major problem with this bill, that its proponents simply brush aside, is cost.

Cost is not an inconsiderable problem for States who must—by law—balance their budgets.

Granted, to those of us who have become accustomed to treating millions of dollars as mere decimal points, this is not a big problem.

But the fact is that this bill imposes millions of dollars in new costs on the States, yet it does not ante up a penny to offset the tax increases, or the cuts that States will have to make in social services.

Why then, does this bill pay for itself? I do not know; Republicans asked that question of the campaign finance bill, also.

The other side is making a habit of passing big-ticket spending measures without ever figuring out how to pay for them. In fact, when I look at the motor-voter bill and the campaign finance bill, my thought is this: The House bank lives on.

And we have a new meaning to the legislative term "bill." Not only will Congress pass it—they will stick you with it.

Mr. President, most States cannot pass their debts on to their children; thus, they are rather concerned about this cost factor. Republicans share their concern. But the majority just keeps writing more rubber checks.

Finally, the question must be asked—why? Why this bill? As I have said on many occasions to the collective dismay of professional reformers, this bill is a: Solution in search of a problem.

Unquestionably, this bill would make registering easier. Let us not, however, confuse easier with better.

It is not particularly hard, at present, to register. It is not particularly hard at present to register and as a matter of fact over 20 States have adopted motor-voter now.

Two or three weeks out, one has to have a fleeting thought about the upcoming election and perhaps go down to the courthouse or the library to register.

Not too hard. Yet, registration procedures such as going to a centralized location prior to a certain date serve an essential purpose—to protect the integrity of the electoral process.

The motor-voter bill was drafted under the presumption that registering in that manner is too hard and therefore is the reason why voter turnout has been dropping.

But, Mr. President, while turnout has been dropping—over the last 30 years—registration has been getting easier.

The Congressional Research Service studied States with motor-voter registration. Conclusion: There is no evidence that motor-voter increases turnout.

The General Accounting Office studied voter registration and turnout in Europe and Latin America. Conclusion: Coercion and bribery are the only sure means of increasing turnout.

The bipartisan Committee for the Study of the American Electorate studied voter registration and turnout. Conclusion: "Declining voter registration cannot be attributed to problems in registration and voting law. * * *."

Mr. President, the Senate should conclude that this bill is a waste of taxpayer's money and a waste of the Senate's time.

The White House should not waste anytime with this proposal—auto-pen the veto message and shoot it back up here so we can be done with it and get on to matters the American people really care about.

If my colleagues are really concerned about turnout we could revisit the campaign finance issue and free up the political parties to get Americans interested in politics.

While turnout has been going down for the last 30 years, and voter registration has gotten easier, the political parties have been supplanted in the political process.

If we want to do something meaningful to increase voter turnout, let us turn the parties loose to register voters and convince them that there is a compelling reason to turn out on election day.

Mr. President, people should put in perspective the soaring rhetoric and crocodile tears over low turnout they have been hearing on this floor. The same Senators who profess so much concern over low turnout voted last week for a bill that gutted the parties' ability to conduct grassroots politics: voter registration and get-out-the-vote activities.

Does that demonstrate sincere concern about turnout? You be the judge.

The Republican campaign finance reform bill, by contrast, strengthens the political parties and fosters competition. It alone would do far more to increase turnout than this motor-voter bill.

In conclusion it is my hope that we will move beyond this spate of rubber-check legislating, finish the politically correct speeches, and move on to deal seriously with the problems that face our election process, and the issues that really concern the American people.

Mr. SPECTER. Mr. President, after considerable reflection, I have decided to vote for the so-called motor-voter legislation because, on a close call, I believe that extending the franchise outweighs the dangers of fraud in this bill.

During my tenure in the Senate, I have consistently supported expansion of the voting rights laws to extend the vote to as many Americans as possible. This particular bill has been very troublesome for me because of the openings for fraudulent voting. When I was district attorney of Philadelphia in the late 1960's and early 1970's, I saw the grave problems in voter fraud and the difficulty of effective law enforcement.

As noted in my floor statement yesterday, I was disappointed that the bill's sponsors were unwilling to accept my amendment on mail-in registration which would have disqualified a mail-in applicant if the verifying letter sent to his/her address was returned to the State where the addressee was unknown. As also noted in that floor statement, it would have been preferable had the bill required that a mail-in registrant vote in person in the first election after registration.

The debate on my amendment, and on other amendments related to fraud, should have the therapeutic effect of alerting law enforcement officers to the dangers of vote fraud, especially in the context of mail-in registration where absentee ballots are used.

I opposed the amendment to impose a mandatory sentence for fraudulent registration because I believe that would discourage prosecuting attorneys from bringing such cases where the sentence was so severe. The extended discussion on other enforcement provisions, including increased penalties and the dangers of noncitizen voting, should further put State law enforcement officers on notice on these important matters. It may be that the States will be persuaded on their own to institute safeguards, such as my amendment on mail-in registration.

For these reasons, on balance, I am voting for the bill.

Mr. DURENBERGER. Mr. President, I rise today in support of the National Voter Registration Act, better known as the motor-voter bill. As a cosponsor of this legislation, I strongly urge this body to take a stand against one of the greatest threats to our Republic—voter indifference. The motor-voter bill will facilitate voter registration, tearing down a barrier to participation in our political process. And that, I think we can all agree, is a noble goal.

This bill provides a mechanism to reach American citizens. By providing voter registration at locations visited by millions of citizens each year, this bill will significantly decrease the number of disenfranchised voters.

The lack of voter participation in this country is absolutely alarming. In the 1988 Presidential election, 70 million Americans were not registered to vote. Only about half of the voting age population bothered to cast their ballots. Among those 18 to 20 years old, only a third bothered to vote. And in the 1990 congressional elections, national voter turnout was a pitiful 36 percent.

But at the same time, the evidence suggests that most people who have registered to vote actually do vote. According to Bureau of Census estimates, voter turnout of registered voters in Presidential elections hovers around 85 to 90 percent. The motor-voter bill addresses one of the main obstacles to voter participation—failing to register.

The National Voter Registration Act has three main provisions. The first section requires States to treat a driver's license application or renewal as an application for voter registration. Most States require licenses to be renewed every few years. By providing voter registration forms as part of the driver's license application, we will tap into that reservoir of potential voters.

The second section of this bill requires States to use a mail-in voter registration form promulgated by the Federal Election Commission. Alternatively, States whose applications meet Federal guidelines may use their own mail voter registration form. To avoid potential fraud, a state may require people who registered by mail to show up in person the first time they vote.

The third provision of this bill designates certain State, Federal, and private sector locations to distribute and process voter registration applications. All offices providing public assistance, unemployment compensation, vocational rehabilitation, and State-funded programs that afford services primarily to persons with disabilities, will be equipped to register voters.

Mr. President, we established the programs that these Government agencies provide to serve and help people. I believe we would be doing a disservice to them if we did not make it convenient for them to register to vote. When waiting in line, filling out forms, or before meeting with a counselor, these individuals will have an opportunity to give something back to society. They will have an opportunity to register to vote and lend their voice to the political process.

Mr. President, if you ask most people why they did not vote in the last election, they would probably give one of two answers. The first is that they did not believe that their one vote makes a difference. We need to educate them that their vote does make a difference, but that problem will have to be tackled another day.

The second, and more likely, response from nonvoters is that they simply did not have the time to register. Americans are busy people. We work long hours, we have bills to pay, children to raise, families to care for. When registering to vote is inconvenient, some people just can't find the time to do it.

In Minnesota, we recognized the importance of making it convenient for people to register to vote. We implemented same-day voter registration a few years ago. Subsequently, we have had the highest voter turnout of any State in the Nation. It's hard to argue with success.

Mr. President, when more Americans vote, we renew the lifeblood of the political process. Instead of alienating our citizens by erecting barriers to voting, we must tear down those obstacles. We must continue to find ways to capture the interest of our electorate. From a public policy point of view, we all benefit from increased participation in the electoral process.

Mr. President, for these reasons, I am a cosponsor of this legislation. I encourage my colleagues to support increased voter participation by supporting final passage of the motor-voter bill.

Mr. DOLE. Mr. President, my remarks today will be brief. We have discussed this issue for years. Everyone knows if they are voting up or down. And everyone knows that this bill is going to pass. And everyone knows that the President will veto the bill, and the veto will be sustained.

Let us face it, this bill is in bad need of a tuneup. It is a lemon, a money-guzzling clunker that ought to be junked, not enacted into law. So when the smoke clears on this motor-voter clunker, you will not see reform, just the status quo by stalemate the Democrats are insisting on.

I think all of us—even supporters of this bill—can agree that it needs repairs. The States, counties, and local governments have all expressed concerns with the legislation. Yet, as we saw yesterday, the Democrats refused to allow good-faith improvements to be made.

Last week, Senator STEVENS offered substitute legislation. It was more flexible, it cost far less, it beefed up Federal and State efforts to combat election fraud, and it would have been signed by the President.

But, once again, the Democrats opted for the status quo rather than true reform.

As I have said before, Mr. President, no one knows how much this bill is going to cost, but it is certain to be a big case of sticker shock for the States, to the tune of hundreds of millions of dollars. But since the costs are passed along to the States, my friends on the other side of the aisle do not appear to be concerned.

I just wish that, in passing this legislation, they would also have the courage to tell the States how they should pay for it. Should they cut their education budgets? Should they cut law enforcement? How about child nutrition programs?

The vast majority of States have already adopted or are studying motor-voter programs. These programs are designed to meet the individual needs of the States, and they are ones they have determined they can afford.

But Uncle Sam knows best, we are told. And Uncle Sam is going to tell the States what works, and they have to find a way to pay for it.

And once again, Mr. President, an American public starving for change will have been served another plate of warmed-over status quo.

Mr. SIMON. Mr. President, I wish to commend my friend the Assistant Majority Leader WENDELL FORD for his leadership and diligence on this important legislation.

Passage of the motor-voter bill has taken more than one Congress. In the 101st Congress, as chairman of the Constitution Subcommittee, I held a hearing on and cosponsored the Equal Access to Voting Act of 1989. The reforms embodied in the motor-voter bill that we will pass today directly address the barriers to voter registration and participation that significantly hamper our ability to carry out our democratic principles.

When we advance the right to vote, we advance our Nation. As Justice Black wrote in one of the celebrated voting rights cases:

> No right is more precious in a free country than that of having a voice in the election of those who make the laws; other rights, even the most basic, are illusory if the right to vote is undermined.

Most recently, the Los Angeles riots after the Rodney King verdict demonstrated what happens when people lose hope. We need to do whatever we can to restore faith in our institutions and encourage people to channel their messages through legal means. Removing barriers to voter participation is one way to do so.

Mr. President, I am pleased that in my home State of Illinois there is strong support for the motor-voter legislation. Obviously, nothing that comes before us gets universal support or opposition. A number of the vigorous and active county clerks in Illinois support the changes in S. 250.

As David Orr, Cook County clerk stated recently:

> More than ninety percent of eligible voters would be reached by the National Voter Registration Act. Now, approximately 178 million Americans are eligible to vote yet 70 million people are not registered to vote. This act helps those not registered to have easier access to the registration process. In suburban Cook County, this would mean an increase of 150,000 voters.

During the debate over motor-voter, other local election officials came forward in support of the changes. In Henry County, county clerk Martha Sawyer stated:

> I'm in favor of anything that would get people to vote. I don't look forward to the administrative headaches but I think we absolutely should try to make voting accessible to everyone. Of course, we're going to have to roll up our shirt sleeves and dig in also.

And Dick Liebovitz, Rock Island County clerk said.

> I have no problems with mail-in registration. Scott County has mail in registration and there seems to be no problems with it.

Some have suggested that this bill is costly. In fact, the opposite is true. It is estimated that deputy registrars cost anywhere from $1 to $15 per voter registered. Motor-voter programs average between 3 cents and thirty three cents cost per voter registered. And, Mr. President, we can not afford the costs to this society when people do not participate in the civic process.

Later this year, I will be bringing to the floor my legislation to extend the life of section 203 of the Voting Rights Act, its language assistance provisions. On a cost effective basis, the Voting Rights Act has been successful in enfranchising U.S. citizens who are not fully proficient in English. Although the Voting Rights Act is not a part of the bill that we will pass today, I am hopeful that it, too, will have the support of our colleagues on both sides of the aisle so that democracy and participation are enhanced for all Americans.

Mr. BAUCUS. Mr. President, I rise today in support of S. 250, the National Voter Registration Act of 1991.

Over the past 30 years, America has been faced with the painful reality of declining public involvement in the political process. Last year we celebrated the 20th anniversary of the 26th amendment to the Constitution granting 18- to 20-year-olds the right to vote. The 26th amendment was passed by Congress and ratified by the States faster than any other constitutional amendment in the history of the Union.

And yet this year, it is likely that less than 50 percent of all qualified voters will turn out on election day to choose the next President of the United States. The causes of the dramatic decline in voter participation have been debated by experts for years.

But the fact remains that fewer and fewer Americans feel as if their vote counts. This disturbing trend must be stopped, and we must again, as individuals and as a nation, dedicate ourselves to becoming active participants in our democratic form of self-government.

Last Congress, I voted against cloture on a similar bill, S. 874, because the bill did not address a number of my concerns, such as funding for local conversion costs, an overly restrictive purging process of voter lists, and overly prescriptive forms for registration.

Since that time a great deal of work has been done on this measure. For instance, I would like to thank Senator FORD and Senator HATFIELD for recognizing the need for a more flexible, properly funded program. And while I may not be in complete agreement about certain specific components of the bill, I am certain that passage of S. 250 is in the best interest of our Democracy. This bill can have a tangible, positive impact on voter participation in America.

Without question, the implementation of this bill is going to mean that current policies will need to change in a number of States, including Montana. However, the sponsors and the committee have developed a piece of legislation that mitigates most potential problems while at the same time retaining the integrity and positive values of the motor-voter program.

Now is the time for us to act. Over 90 percent of all eligible voters in this country have a drivers license or State ID card. And yet less than 45 percent of all qualified voters between 18 and 24 are registered to vote. If the provisions of S. 250 will allow us to franchise even half of these people into the election process, the impact will be enormous. Such participation may well help ease the frustration that many feel with the political process today.

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER (Mr. ROBB). The period for morning business is now closed.

NATIONAL VOTER REGISTRATION ACT

The PRESIDING OFFICER. Under the previous order, the Senate will proceed to vote on final passage of S. 250, which the clerk will report.

The legislative clerk read as follows:

> A bill (S. 250) to establish national voter registration procedures for Federal elections, and for other purposes.

The PRESIDING OFFICER. The question is, Shall the bill, as amended, pass? The yeas and nays have been ordered. The clerk will call the roll.

The legislative clerk called the roll.

Mr. FORD. I announce that the Senator from Texas [Mr. BENTSEN], is necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 61, nays 38, as follows:

[Rollcall Vote No. 98 Leg.]

YEAS—61

Adams
Akaka
Baucus
Biden
Bingaman
Boren
Bradley
Breaux
Bryan

Bumpers
Burdick
Byrd
Conrad
Cranston
Daschle
DeConcini
Dixon
Dodd
Durenberger
Exon
Ford
Fowler
Glenn
Gore
Graham
Harkin
Hatfield
Heflin
Inouye
Jeffords
Johnston
Kasten
Kennedy
Kerrey
Kerry
Kohl
Lautenberg
Leahy
Levin
Lieberman
Metzenbaum
Mikulski
Mitchell
Moynihan
Nunn
Packwood
Pell
Pryor
Reid
Riegle
Robb
Rockefeller
Sanford
Sarbanes
Sasser
Shelby
Simon
Specter
Wellstone
Wirth
Wofford

NAYS—38

Bond
Brown
Burns
Chafee
Coats
Cochran
Cohen
Craig
D'Amato
Danforth
Dole
Domenici
Garn
Gorton
Gramm
Grassley
Hatch
Helms
Hollings
Kassebaum
Lott
Lugar
Mack
McCain
McConnell
Murkowski
Nickles
Pressler
Roth
Rudman
Seymour
Simpson
Smith
Stevens
Symms
Thurmond
Wallop
Warner

NOT VOTING—1

Bentsen

So, the bill (S. 250), as amended, was passed, as follows:

S. 250

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "National Voter Registration Act of 1992".

SEC. 2. FINDINGS AND PURPOSES.

(a) FINDINGS.—The Congress finds that—

(1) the right of citizens of the United States to vote is a fundamental right;

(2) it is the duty of the Federal, State, and local governments to promote the exercise of that right; and

(3) discriminatory and unfair registration laws and procedures can have a direct and damaging effect on voter participation in elections for Federal office and disproportionately harm voter participation by various groups, including racial minorities.

(b) PURPOSES.—The purposes of this Act are—

(1) to establish procedures that will increase the number of eligible citizens who register to vote in elections for Federal office;

(2) to make it possible for Federal, State, and local governments to implement this Act in a manner that enhances the participation of eligible citizens as voters in elections for Federal office;

(3) to protect the integrity of the electoral process; and

(4) to ensure that accurate and current voter registration rolls are maintained.

SEC. 3. DEFINITIONS.

As used in this Act—

(1) the term "election" has the meaning stated in section 301(1) of the Federal Election Campaign Act of 1971 (2 U.S.C. 431(1));

(2) the term "Federal office" has the meaning stated in section 301(3) of the Federal Election Campaign Act of 1971 (2 U.S.C. 431(3));

(3) the term "motor vehicle driver's license" includes any personal identification document issued by a State motor vehicle authority;

(4) the term "State" means a State of the United States and the District of Columbia; and

(5) the term "voter registration agency" means an office designated under section 7(a)(1) to perform voter registration activities.

SEC. 4. NATIONAL PROCEDURES FOR VOTER REGISTRATION FOR ELECTIONS FOR FEDERAL OFFICE.

(a) IN GENERAL.—Except as provided in subsection (b), notwithstanding any other Federal or State law, in addition to any other method of voter registration provided for under State law, each State shall establish procedures to register to vote in elections for Federal office—

(1) by application made simultaneously with an application for a motor vehicle driver's license pursuant to section 5;

(2) by mail application pursuant to section 6; and

(3) by application in person—

(A) at the appropriate registration site designated with respect to the residence of the applicant in accordance with State law; and

(B) at a Federal, State, or nongovernmental office designated under section 7.

(b) NONAPPLICABILITY TO CERTAIN STATES.—This Act does not apply to a State described in either or both of the following paragraphs:

(1) A State in which there is no voter registration requirement for any voter in the State with respect to an election for Federal office.

(2) A State in which all voters in the State may register to vote at the polling place at the time of voting in a general election for Federal office.

SEC. 5. SIMULTANEOUS APPLICATION FOR VOTER REGISTRATION AND APPLICATION FOR MOTOR VEHICLE DRIVER'S LICENSE.

(a) IN GENERAL.—(1) Except as provided in subsection (b), each State motor vehicle driver's license application (including any renewal application) submitted to the appropriate State motor vehicle authority under State law shall serve as an application for voter registration with respect to elections for Federal office.

(2) An application for voter registration submitted under paragraph (1) shall be considered as updating any previous voter registration by the applicant.

(b) DECLINATION TO REGISTER.—(1) An applicant for a State motor vehicle driver's license may decline in writing to be registered by means of the motor vehicle driver's license application.

(2) No information relating to a declination pursuant to paragraph (1) may be used for any purpose other than voter registration.

(c) FORMS AND PROCEDURES.—(1) Each State shall include a voter registration application form for elections for Federal office as part of an application for a State motor vehicle driver's license.

(2) The voter registration application portion of an application for a State motor vehicle driver's license—

(A) may not require any information that duplicates information required in the driver's license portion of the form (other than a second signature or other information necessary under subparagraph (C));

(B) shall include a means by which an applicant may decline to register to vote pursuant to subsection (b);

(C) may require only the minimum amount of information necessary to—

(i) prevent duplicate voter registrations; and

(ii) enable State election officials to assess the eligibility of the applicant and to administer voter registration and other parts of the election process;

(D) shall include a statement that—

(i) states each eligibility requirement (including citizenship);

(ii) contains an attestation that the applicant meets each such requirement; and

(iii) requires the signature of the applicant, under penalty of perjury; and

(E) shall be made available (as submitted by the applicant, or in machine readable or other format) to the appropriate State election official as provided by State law.

(d) CHANGE OF ADDRESS.—Any change of address form submitted in accordance with State law for purposes of a State motor vehicle driver's license shall serve as notification of change of address for voter registration with respect to elections for Federal office for the registrant involved unless the registrant states on the form that the change of address is not for voter registration purposes.

SEC. 6. MAIL REGISTRATION.

(a) FORM.—(1) Each State shall accept and use the mail voter registration application form prescribed by the Federal Election Commission pursuant to section 9(a)(2) for the registration of voters in elections for Federal office.

(2) In addition to accepting and using the form described in paragraph (1), a State may develop and use a mail voter registration form that meets all of the criteria stated in section 9(b) for the registration of voters in elections for Federal office.

(3) A form described in paragraph (1) or (2) shall be accepted and used for notification of a registrant's change of address.

(b) AVAILABILITY OF FORMS.—The chief State election official of a State shall make the forms described in subsection (a) available for distribution through governmental and private entities, with particular emphasis on making them available for organized voter registration programs.

(c) FIRST-TIME VOTERS.—(1) Subject to paragraph (2), a State may by law require a person to vote in person if—

(A) the person was registered to vote in a jurisdiction by mail; and

(B) the person has not previously voted in that jurisdiction.

(2) Paragraph (1) does not apply in the case of a person—

(A) who is entitled to vote by absentee ballot under the Uniformed and Overseas Citizens Absentee Voting Act (42 U.S.C. 1973ff-1 et seq.);

(B) who is provided the right to vote otherwise than in person under section 3(b)(2)(B)(ii) of the Voting Accessibility for the Elderly and Handicapped Act (42 U.S.C. 1973ee-1(b)(2)(B)(ii)); or

(C) who is entitled to vote otherwise than in person under any other Federal law.

SEC. 7. VOTER REGISTRATION AGENCIES.

(a) DESIGNATION.—(1) Each State shall designate agencies for the registration of voters in elections for Federal office.

(2) Each State shall designate as voter registration agencies—

(A) all offices in the State that provide public assistance, unemployment compensation, or related services; and

(B) all offices in the State that provide State-funded programs primarily engaged in providing services to persons with disabilities.

(3)(A) In addition to voter registration agencies designated under paragraph (2), each State shall designate other offices within the State as voter registration agencies.

(B) Voter registration agencies designated under subparagraph (A) may include—

(i) State or local government offices such as public libraries, public schools, offices of city and county clerks (including marriage license bureaus), fishing and hunting license bureaus, government revenue offices, and offices not described in paragraph (2)(B) that provide services to persons with disabilities; and

(ii) Federal and nongovernmental offices, with the agreement of such offices.

(4)(A) At each voter registration agency, the following services shall be made available:

(i) Distribution of mail voter registration application forms in accordance with paragraph (6).

(ii) Assistance to applicants in completing voter registration application forms.

(iii) Acceptance of completed voter registration application forms for transmittal to the appropriate State election official.

(B) If a voter registration agency designated under paragraph (2)(B) provides services to a person with a disability at the person's home, the agency shall provide the services described in subparagraph (A) at the person's home.

(5) A person who provides service described in paragraph (4) shall not—

(A) seek to influence an applicant's political preference or party registration;

(B) display any such political preference or party allegiance; or

(C) make any statement to an applicant or take any action the purpose or effect of which is to discourage the applicant from registering to vote.

(6) A voter registration agency that is an office that provides service or assistance in addition to conducting voter registration shall—

(A) distribute with each application for such service or assistance, and with each recertification, renewal, or change of address form relating to such service or assistance—

(i) the mail voter registration application form described in section 9(a)(2); or

(ii) the office's own form if it is substantially equivalent to the form described in section 9(a)(2),

unless the applicant, in writing, declines to register to vote;

(B) to the greatest extent practicable, incorporate in application forms and other forms used at those offices for purposes other than voter registration a means by which a person who completes the form may decline, in writing, to register to vote in elections for Federal office; and

(C) provide to each applicant who does not decline to register to vote the same degree of assistance with regard to the completion of the registration application form as is provided by the office with regard to the completion of its own forms.

(7) No information relating to a declination to register to vote in connection with an application made at an office described in paragraph (6) may be used for any purpose other than voter registration.

(b) Federal Government and Private Sector Cooperation.—All departments, agencies, and other entities of the executive branch of the Federal Government shall, to the greatest extent practicable, cooperate with the States in carrying out subsection (a), and all nongovernmental entities are encouraged to do so.

(c) Transmittal Deadline.—(1) Subject to paragraph (2), a completed registration application accepted at a voter registration agency shall be transmitted to the appropriate State election official not later than 10 days after the date of acceptance.

(2) If a registration application is accepted within 5 days before the last day for registration to vote in an election, the application shall be transmitted to the appropriate State election official not later than 5 days after the date of acceptance.

SEC. 8. REQUIREMENTS WITH RESPECT TO ADMINISTRATION OF VOTER REGISTRATION.

(a) In General.—In the administration of voter registration for elections for Federal office, each State shall—

(1) ensure that any eligible applicant is registered to vote in an election—

(A) in the case of registration with a motor vehicle application under section 5, if the valid voter registration form of the applicant is submitted to the appropriate State motor vehicle authority not later than the lesser of 30 days, or the period provided by State law, before the date of the election;

(B) in the case of registration by mail under section 6, if the valid voter registration form of the applicant is postmarked not later than the lesser of 30 days, or the period provided by State law, before the date of the election;

(C) in the case of registration at a voter registration agency, if the valid voter registration form of the applicant is accepted at the voter registration agency not later than the lesser of 30 days, or the period provided by State law, before the date of the election; and

(D) in any other case, if the valid voter registration form of the applicant is received by the appropriate State election official not later than the lesser of 30 days, or the period provided by State law, before the date of the election;

(2) require the appropriate State election official to send notice to each applicant of the disposition of the application;

(3) provide that the name of a registrant may not be removed from the official list of eligible voters except—

(A) at the request of the registrant;

(B) as provided by State law, by reason of criminal conviction or mental incapacity; or

(C) as provided under paragraph (4);

(4) conduct a general program that makes a reasonable effort to remove the names of ineligible voters from the official lists of eligible voters by reason of—

(A) the death of the registrant; or

(B) a change in the residence of the registrant, in accordance with subsections (b), (c), and (d);

(5) inform applicants under sections 5, 6, and 7 of—

(A) voter eligibility requirements; and

(B) penalties provided by law for submission of a false voter registration application; and

(6) ensure that the identity of the voter registration agency through which any particular voter is registered is not disclosed to the public.

(b) Confirmation of Voter Registration.—Any State program or activity to protect the integrity of the electoral process by ensuring the maintenance of an accurate and current voter registration roll for elections for Federal office—

(1) shall be uniform, nondiscriminatory, and in compliance with the Voting Rights Act of 1965 (42 U.S.C. 1973 et seq.); and

(2) shall not result in the removal of the name of any person from the official list of voters registered to vote in an election for Federal office by reason of the person's failure to vote.

(c) Voter Removal Programs.—(1) A State may meet the requirement of subsection (a)(4) by establishing a program under which—

(A) change-of-address information supplied by the Postal Service through its licensees is used to identify registrants whose addresses may have changed; and

(B) if it appears from information provided by the Postal Service that—

(i) a registrant has moved to a different residence address in the same registrar's jurisdiction in which the registrant is currently registered, the registrar changes the registration records to show the new address and sends the registrant a notice of the change by forwardable mail and a postage prepaid pre-addressed return form by which the registrant may verify or correct the address information; or

(ii) the registrant has moved to a different residence address not in the same registrar's jurisdiction, the registrar uses the notice procedure described in subsection (d)(2) to confirm the change of address.

(2)(A) A State shall complete, not later than 90 days prior to the date of a primary or general election for Federal office, any program the purpose of which is to systematically remove the names of ineligible voters from the official lists of eligible voters.

(B) Subparagraph (A) shall not be construed to preclude—

(i) the removal of names from official lists of voters on a basis described in paragraph (3) (A) or (B) or (4)(A) of subsection (a); or

(ii) correction of registration records pursuant to this Act.

(d) Removal of Names From Voting Rolls.—(1) A State shall not remove the name of a registrant from the official list of eligible voters in elections for Federal office on the ground that the registrant has changed residence unless the registrant—

(A) confirms in writing that the registrant has changed residence to a place outside the registrar's jurisdiction in which the registrant is registered; or

(B)(i) has failed to respond to a notice described in paragraph (2); and

(ii) has not voted or appeared to vote (and, if necessary, correct the registrar's record of the registrant's address) in an election during the period beginning on the date of the notice and ending on the day after the date of the second general election for Federal office that occurs after the date of the notice.

(2) A notice is described in this paragraph if it is a postage prepaid and pre-addressed return card, sent by forwardable mail, on which the registrant may state his or her current address, together with a notice to the following effect:

(A) If the registrant did not change his or her residence, or changed residence but remained in the registrar's jurisdiction, the registrant should return the card not later than the time provided for mail registration under subsection (a)(1)(B). If the card is not returned, affirmation or confirmation of the registrant's address may be required before the registrant is permitted to vote in a Federal election during the period beginning on the date of the notice and ending on the day after the date of the second general election for Federal office that occurs after the date of the notice, and if the registrant does not vote in an election during that period the registrant's name will be removed from the list of eligible voters.

(B) If the registrant has changed residence to a place outside the registrar's jurisdiction in which the registrant is registered, information concerning how the registrant can continue to be eligible to vote.

(3) A voting registrar shall correct an official list of eligible voters in elections for Federal office in accordance with change of residence information obtained in conformance with this subsection.

(e) PROCEDURE FOR VOTING FOLLOWING FAILURE TO RETURN CARD.—(1) A registrant who has moved from an address in the area covered by a polling place to an address in the same area shall, notwithstanding failure to notify the registrar of the change of address prior to the date of an election, be permitted to vote at that polling place upon oral or written affirmation by the registrant of the change of address before an election official at that polling place.

(2)(A) A registrant who has moved from an address in the area covered by one polling place to an address in an area covered by a second polling place within the same registrar's jurisdiction and the same congressional district and who has failed to notify the registrar of the change of address prior to the date of an election, at the option of the registrant—

(i) shall be permitted to correct the voting records and vote at the registrant's former polling place, upon oral or written affirmation by the registrant of the new address before an election official at that polling place; or

(ii)(I) shall be permitted to correct the voting records and vote at a central location within the same registrar's jurisdiction designated by the registrar where a list of eligible voters is maintained, upon written affirmation by the registrant of the new address on a standard form provided by the registrar at the central location; or

(II) shall be permitted to correct the voting records for purposes of voting in future elections at the appropriate polling place for the current address and, if permitted by State law, shall be permitted to vote in the present election, upon confirmation by the registrant of the new address by such means as are required by law.

(B) If State law permits the registrant to vote in the current election upon oral or written affirmation by the registrant of the new address at a polling place described in subparagraph (A)(ii)(II), voting at the former polling place as described in subparagraph (A)(i) and at a central location as described in subparagraph (A)(ii)(I) need not be provided as alternative options.

(3) If the registration records indicate that a registrant has moved from an address in the area covered by a polling place, the registrant shall, upon oral or written affirmation by the registrant before an election official at that polling place that the registrant continues to reside at the address previously made known to the registrar, be permitted to vote at that polling place.

(f) CHANGE OF VOTING ADDRESS WITHIN A JURISDICTION.—In the case of a change of address, for voting purposes, of a registrant to another address within the same registrar's jurisdiction, the registrar shall correct the voting registration list accordingly, and the registrant's name may not be removed from the official list of eligible voters by reason of such a change of address except as provided in subsection (d).

(g) CONVICTION IN FEDERAL COURT.—(1) On the conviction of a person of a felony in a district court of the United States, the United States attorney shall give written notice of the conviction to the chief State election official designated under section 10 of the State of the person's residence.

(2) A notice given pursuant to paragraph (1) shall include—

(A) the name of the offender;

(B) the offender's age and residence address;

(C) the date of entry of the judgment;

(D) a description of the offenses of which the offender was convicted; and

(E) the sentence imposed by the court.

(3) On request of the chief State election official of a State or other State official with responsibility for determining the effect that a conviction may have on an offender's qualification to vote, the United States attorney shall provide such additional information as the United States attorney may have concerning the offender and the offense of which the offender was convicted.

(4) If a conviction of which notice was given pursuant to paragraph (1) is overturned, the United States attorney shall give the official to whom the notice was given written notice of the vacation of the judgment.

(5) The chief State election official shall notify the voter registration officials of the local jurisdiction in which an offender resides of the information received under this subsection.

(h) REDUCED POSTAL RATES.—(1) Subchapter II of chapter 36 of title 39, United States Code, is amended by adding at the end the following:

"§ 3629. Reduced rates for voter registration purposes

"The Postal Service shall make available to a State or local voting registration official the rate for any class of mail that is available to a qualified nonprofit organization under section 3626 for the purpose of making a mailing that the official certifies is required or authorized by the National Voter Registration Act of 1992."

(2) Section 2401(c) of title 39, United States Code, is amended by striking "and 3626(a)-(h)" and inserting "3626(a)-(h), and 3629".

(3) Section 3627 of title 39, United States Code, is amended by striking "or 3626 of this title," and inserting ", 3626, or 3629 of this title".

(4) The table of sections for chapter 36 of title 39, United States Code, is amended by inserting after the item relating to section 3628 the following new item:

"3629. Reduced rates for voter registration purposes."

(i) PUBLIC DISCLOSURE OF VOTER REGISTRATION ACTIVITIES.—(1) Each State shall maintain for at least 2 years and shall make available for public inspection and, where available, photocopying at a reasonable cost, all records concerning the implementation of programs and activities conducted for the purpose of ensuring the accuracy and currency of official lists of eligible voters, except to the extent that such records relate to a declination to register to vote or to the identity of a voter registration agency through which any particular voter is registered.

(2) The records maintained pursuant to paragraph (1) shall include lists of the names and addresses of all persons to whom notices described in subsection (d)(2) are sent, and information concerning whether or not each such person has responded to the notice as of the date that inspection of the records is made.

(j) DEFINITION.—For the purposes of this section, the term "registrar's jurisdiction" means—

(1) an incorporated city, town, borough, or other form of municipality;

(2) if voter registration is maintained by a county, parish, or other unit of government that governs a larger geographic area than a municipality, the geographic area governed by that unit of government; or

(3) if voter registration is maintained on a consolidated basis for more than one municipality or other unit of government by an office that performs all of the functions of a voting registrar, the geographic area of the consolidated municipalities or other geographic units.

SEC. 9. FEDERAL COORDINATION AND REGULATIONS.

(a) IN GENERAL.—The Federal Election Commission—

(1) in consultation with the chief election officers of the States, the heads of the departments, agencies, and other entities of the executive branch of the Federal Government, and representatives of nongovernmental entities, shall prescribe such regulations as are necessary to carry out this Act;

(2) in consultation with the chief election officers of the States, shall develop a mail voter registration application form for elections for Federal office;

(3) not later than June 30 of each odd-numbered year, shall submit to the Congress a report assessing the impact of this Act on the administration of elections for Federal office during the preceding 2-year period and including recommendations for improvements in Federal and State procedures, forms, and other matters affected by this Act; and

(4) shall provide information to the States with respect to the responsibilities of the States under this Act.

(b) CONTENTS OF MAIL VOTER REGISTRATION FORM.—The mail voter registration form developed under subsection (a)(2)—

(1) may require only such identifying information (including the signature of the applicant) and other information (including data relating to previous registration by the applicant), as is necessary to enable the appropriate State election official to assess the eligibility of the applicant and to administer voter registration and other parts of the election process;

(2) shall include a statement that—

(A) specifies each eligibility requirement (including citizenship);

(B) contains an attestation that the applicant meets each such requirement; and

(C) requires the signature of the applicant, under penalty of perjury; and

(3) may not include any requirement for notarization or other formal authentication.

SEC. 10. DESIGNATION OF CHIEF STATE ELECTION OFFICIAL.

Each State shall designate a State officer or employee as the chief State election official to be responsible for coordination of State responsibilities under this Act.

SEC. 11. CIVIL ENFORCEMENT AND PRIVATE RIGHT OF ACTION.

(a) ATTORNEY GENERAL.—The Attorney General may bring a civil action in an appropriate district court for such declaratory or injunctive relief as is necessary to carry out this Act.

(b) PRIVATE RIGHT OF ACTION.—(1) A person who is aggrieved by a violation of this Act may provide written notice of the violation to the chief election official of the State involved.

(2) If the violation is not corrected within 90 days after receipt of a notice under paragraph (1), or within 20 days after receipt of the notice if the violation occurred within 120 days before the date of an election for Federal office, the aggrieved person may bring a civil action in an appropriate district court for declaratory or injunctive relief with respect to the violation.

(3) If the violation occurred within 30 days before the date of an election for Federal office, the aggrieved person need not provide notice to the chief election official of the State under paragraph (1) before bringing a civil action under paragraph (2).

(c) ATTORNEY'S FEES.—In a civil action under this section, the court may allow the prevailing party (other than the United States) reasonable attorney fees, including litigation expenses, and costs.

(d) RELATION TO OTHER LAWS.—(1) The rights and remedies established by this section are in addition to all other rights and remedies provided by law, and neither the rights and remedies established by this section nor any other provision of this Act shall supersede, restrict, or limit the application of the Voting Rights Act of 1965 (42 U.S.C. 1973 et seq.).

(2) Nothing in this Act authorizes or requires conduct that is prohibited by the Voting Rights Act of 1965 (42 U.S.C. 1973 et seq.).

SEC. 12. CRIMINAL PENALTIES.

A person, including an election official, who in any election for Federal office—

(1) knowingly and willfully intimidates, threatens, or coerces, or attempts to intimidate, threaten, or coerce, any person for—

(A) registering to vote, or voting, or attempting to register or vote;

(B) urging or aiding any person to register to vote, to vote, or to attempt to register or vote; or

(C) exercising any right under this Act; or

(2) knowingly and willfully deprives, defrauds, or attempts to deprive or defraud the residents of a State of a fair and impartially conducted election process, by—

(A) the procurement or submission of voter registration applications that are known by the person to be materially false, fictitious, or fraudulent under the laws of the State in which the election is held; or

(B) the procurement, casting, or tabulation of ballots that are known by the person to be materially false, fictitious, or fraudulent under the laws of the State in which the election is held,

shall be fined in accordance with title 18, United States Code, or imprisoned not more than 5 years, or both.

SEC. 13. EFFECTIVE DATE.

This Act shall take effect—

(1) with respect to a State that on the date of enactment of this Act has a provision in the constitution of the State that would preclude compliance with this Act unless the State maintained separate Federal and State official lists of eligible voters, on January 1, 1996; and

(2) with respect to any State not described in paragraph (1), on January 1, 1994.

Mr. MITCHELL. Mr. President, I move to reconsider the vote by which the bill, as amended was passed.

Mr. FORD. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

DECLARING AN ARTICLE OF AMENDMENT TO BE THE 27TH AMENDMENT TO THE CONSTITUTION OF THE UNITED STATES—SENATE RESOLUTION 298 AND SENATE CONCURRENT RESOLUTION 120

The PRESIDING OFFICER. Under the previous order, the Senate will now vote en bloc on Senate Concurrent Resolution 120 and Senate Resolution 298. The yeas and nays have been previously ordered, and the clerk will call the roll.

The assistant bill clerk called the roll.

Mr. FORD. I announce that the Senator from Texas [Mr. BENTSEN] is necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber who desire to vote?

The result was announced—yeas 99, nays 0, as follows:

The result was announced—yeas 99, nays 0, as follows:

[Rollcall Vote Numbered 99 and 100 Leg.]

YEAS—99

Adams
Akaka
Baucus
Biden
Bingaman
Bond
Boren
Bradley
Breaux
Brown
Bryan
Bumpers
Burdick
Burns
Byrd
Chafee
Coats
Cochran
Cohen
Conrad
Craig
Cranston
D'Amato
Danforth
Daschle
DeConcini
Dixon
Dodd
Dole
Domenici
Durenberger
Exon
Ford
Fowler
Garn
Glenn
Gore
Gorton
Graham
Gramm
Grassley
Harkin
Hatch
Hatfield
Heflin
Helms
Hollings
Inouye
Jeffords
Johnston
Kassebaum
Kasten
Kennedy
Kerrey
Kerry
Kohl
Lautenberg
Leahy
Levin
Lieberman
Lott
Lugar
Mack
McCain
McConnell
Metzenbaum
Mikulski
Mitchell
Moynihan
Murkowski
Nickles
Nunn
Packwood
Pell
Pressler
Pryor
Reid
Riegle
Robb
Rockefeller
Roth
Rudman
Sanford
Sarbanes
Sasser
Seymour
Shelby
Simon
Simpson
Smith
Specter
Stevens
Symms
Thurmond
Wallop
Warner
Wellstone
Wirth
Wofford

NAYS—0

NOT VOTING—1

Bentsen

So, the resolutions (S. Res. 298 and S. Con. Res. 120) were agreed to.

The preambles were agreed to.

The resolutions, with their preambles, read as follows:

S. RES. 298

Whereas two-thirds of each House of the First Congress duly proposed in 1789 an article of amendment to the Constitution of the United States to provide that "No law, varying the compensation for the services of the Senators and Representative, shall take effect, until an election of Representatives shall have intervened.";

Whereas if duly ratified this proposed amendment on the effective date of laws varying the compensation of Members of Congress would be the Twenty-Seventh Amendment to the Constitution of the United States;

Whereas pursuant to Senate Resolution 295, One Hundred Second Congress, the Archivist of the United States has communicated to the Senate, with copies of all the resolution of ratification in his office, a list of States of the Union whose legislatures have ratified the proposed article of amendment on the effective date of laws varying the compensation of Members of Congress; and

Whereas the legislatures of the States, of Maryland, North Carolina, South Carolina, Delaware, Vermont, Virginia, Ohio, Wyoming, Maine, Colorado, South Dakota, New Hampshire, Arizona, Tennessee, Oklahoma, New Mexico, Indiana, Utah, Arkansas, Montana, Connecticut, Wisconsin, Georgia, West Virginia, Louisiana, Iowa, Idaho, Nevada, Alaska, Oregon, Minnesota, Texas, Kansas, Florida, North Dakota, Alabama, Missouri, Michigan, New Jersey, and Illinois, being three-fourths and more of the several States of the Union, have ratified the proposed article of amendment to the Constitution of the United States on the effective date of laws varying the compensation of Members of Congress: Now, therefore, be it

Resolved, That the article of amendment to the Constitution of the United States on the effective date of laws varying the compensation of Members of Congress, duly proposed by two-thirds of each House of the First Congress and ratified by three-fourths and more of the several States of the Union, has become valid, to all intents and purposes, as a part of the Constitution of the United States, and shall be known as the Twenty-Seventh Amendment.

SEC. 2. The Secretary of the Senate shall provide a copy of this resolution to the Archivist of the United States and to the House of Representatives.

S. CON. RES. 120

Whereas two-thirds of each House of the First Congress duly proposed in 1789 an article of amendment to the Constitution of the United States to provide that "No law, varying the compensation for the services of the Senators and Representatives, shall take effect, until an election of Representatives shall have intervened.";

Whereas if duly ratified this proposed amendment on the effective date of laws varying the compensation of Members of Congress would be the Twenty-Seventh Amendment to the Constitution of the United States;

Whereas, pursuant to Senate Resolution 295, One Hundred Second Congress, the Archivist of the United States has communicated to the Senate, with copies of all the resolutions of ratification in his office, a list of States of the Union whose legislatures have ratified the proposed article of amendment on the effective date of laws varying the compensation of Members of Congress; and

Whereas the legislatures of the States of Maryland, North Carolina, South Carolina, Delaware, Vermont, Virginia, Ohio, Wyoming, Maine, Colorado, South Dakota, New Hampshire, Arizona, Tennessee, Oklahoma, New Mexico, Indiana, Utah, Arkansas, Montana, Connecticut, Wisconsin, Georgia, West Virginia, Louisiana, Iowa, Idaho, Nevada, Alaska, Oregon, Minnesota, Texas, Kansas, Florida, North Dakota, Alabama, Missouri, Michigan, New Jersey, and Illinois, being three-fourths and more of the several States of the Union, have ratified the proposed article of amendment to the Constitution of the United States on the effective date of laws varying the compensation of Members of Congress: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That the article of amendment to the Constitution of the United States on the effective date of laws varying the compensation of Members of Congress, duly proposed by two-thirds of each House of the First Congress and ratified by three-fourths and more of the several States of the Union, has become valid, to all intents and purposes, as a part of the Constitution of the United States, and shall be known as the Twenty-Seventh Amendment.

SEC. 2. The Secretary of the Senate shall provide a copy of this resolution to the Archivist of the United States.

Mr. GLENN. Mr. President, I move to reconsider the vote and to lay that motion on the table.

The motion to lay on the table was agreed to.

MORNING BUSINESS

Mr. GLENN. Mr. President, I ask unanimous consent that there now be a period for the transaction of morning business with Senators permitted to speak therein.

The PRESIDING OFFICER. Without objection, it is so ordered.

There will now be a period for morning business.

Who seeks recognition?

Mr. COCHRAN addressed the Chair.

The PRESIDING OFFICER. The Chair recognizes the Senator from Mississippi.

THE 27TH AMENDMENT TO THE CONSTITUTION

Mr. COCHRAN. Mr. President, I rise to comment on the adoption of Senate Resolution 298 and Senate Concurrent Resolution 120 which the Senate has just approved.

I take this time to congratulate the distinguished Senator from West Virginia [Mr. BYRD] for taking the lead in developing a strategy for certifying on the part of the Senate the validity of the adoption of the 27th amendment to the Constitution.

Several days ago I took the floor to urge the Congress to act expeditiously to express itself on this issue so there could be no misunderstanding as to whether or not, in the view of the Senate and the House as well, the ratification process had been undertaken in accordance with the terms of the Constitution. I am glad to see us take this action today, because it certainly sets at rest any question as to whether or not the Senate feels that the ratification process is valid.

I have reviewed the remarks that were made on the floor of the Senate yesterday by Senator BYRD. He very clearly and thoroughly sets out the factual situation and the reasons for the Senate taking the action which it has just taken. I hope now the other body will respond in the same fashion and specifically approve Senate Concurrent Resolution 120. By doing so, the Congress will have spoken with one voice that the 27th amendment to the Constitution is duly ratified.

The question, of course, in the minds of some is whether or not the lengthy period of time that has expired between the initial adoption by Congress of the resolutions to amend the Constitution in some way impairs the later ratification of the amendment by the requisite number of States.

It seems clear that under the decisions the Supreme Court has reached in the past on this issue the final arbiter of questions on ratification is the Congress. Therefore, it is important that the Congress speak with one voice. We have adopted a Senate resolution expressing the sense of the Senate that the process is completed; is valid; and the Constitution is duly amended.

We have also invited the House to join us in this resolution by adopting contemporaneously a concurrent resolution which, when agreed to by the House, will clearly express the sense of Congress on this subject.

In this instance it is particularly important that both Houses act to express themselves clearly, because the amendment goes to a power of the Congress. It restricts a congressional action by saying that no salary increases shall be given effect unless enacted by a prior Congress. That is the crux of the issue that is resolved in this constitutional amendment, and it is important for both Houses to say that it is the law of the land, that it is a part of the U.S. Constitution now.

I hope the House will say that and say it soon.

MADISON AMENDMENT ON CONGRESSIONAL PAY

Mr. NICKLES. Mr. President, when Michigan became the 38th State to ratify the so-called Madison amendment to the Constitution, it set into motion the process of making the amendment a part of this founding document. Today, the Senate is considering a resolution which declares this amendment relating to congressional pay to be the 27th amendment to the Constitution of the United States.

That amendment, one of the original 12 proposed, reads as follows:

> Article II. No law varying the compensation for the services of Senators and Representatives shall take effect, until an election of Representatives shall have intervened.

This is a fair and equitable approach in handling congressional pay. This is attested to by the fact that the framers of our Constitution seriously considered its inclusion. Today, Congress faces a tremendous credibility gap and this is one reform that can help bridge that gap.

By requiring a pay increase to go into effect after the ensuing election of Representatives, Members will not benefit from that raise until the voters have spoken.

This amendment, named after its author James Madison, was first introduced on September 25, 1789, along with 11 other amendments that were proposed for inclusion in the just-created Constitution. Ten of these amendments were adopted and are known as the Bill of Rights.

When the amendment was first considered by the States, it fell four States short needed for inclusion in the Constitution. We now have the opportunity to see this amendment added as part of the Constitution and restore some of the integrity to our representative form of government.

I applaud the swift action taken by the leadership of both Houses and my colleagues adoption of this amendment.

REGARDING THE 27TH AMENDMENT

Mr. SANFORD. Mr. President, under the Constitution, the Senate has the final responsibility to determine whether an amendment has been ratified by three-quarters of the States. Therefore, I am pleased to support the ratification of the 27th amendment to the Constitution. I am even more proud, however, that the North Carolina Legislature was the second State to ratify this amendment two centuries ago.

This is certainly a historic moment, because it is unlikely that any other proposed amendment will require or be permitted to linger for 200 years before ratification. What is more important, though, is that although this proposed amendment is more than 200 years old, its principles still live. The public wants to be sure that its elected public servants do not use their office for their own personal enrichment.

North Carolina voters know that I voted against last year's congressional pay raise that took effect in mid-term. That legislation would not have been constitutional had this amendment been in effect at the time of that vote since there was not an intervening election between the time of that vote and effective date of the pay raise.

As a footnote to history, today the Senate also decided to declare that four other proposed and pending amendments which were outdated, but which did not have expiration dates, were to be considered to have lapsed. Those amendments, proposed between 1789 and 1924, which of course did not become law, dealt with the size of the House of Representatives, nobility, slavery, and child labor, all being issues that Congress ultimately addressed in legislation as times dictated the need to do so.

Mr. President, an important aspect of the adoption and ratification of this amendment is how efficiently the States and the Congress can act when there is a common goal. I hope that we can act with similar clarity of purpose in the other important issues that face this Congress and the American people.

Mr. HELMS. Mr. President, I am delighted to cosponsor two resolutions (S. Con. Res. 120 and S. Res. 298), both of which recognize the validity of the 27th amendment to the U.S. Constitution. This amendment, initially proposed by James Madison in 1789, provides that, "No law, varying the compensation of the Senators and Representatives, shall take effect, until an election of Representatives shall have intervened."

North Carolina was the second State to ratify Madison's proposed constitutional amendment—on December 22, 1789—3 days after Maryland ratified it.

At the time of ratification, North Carolina's congressional delegation—to whom North Carolinians of the day assumed the amendment would soon apply—had not yet been seated in Congress. North Carolina was not represented at the First Session of Congress, March 4–September 29, 1789, because North Carolina had not itself ratified the Constitution. The delay was due—as all schoolchildren in North Carolina are taught—or should be taught—to our State's forefathers' reluctance to approve the Constitution without a bill of rights. After receiving assurances that a bill of rights would be forthcoming, North Carolina did, in fact, ratify the Constitution on November 21, 1789.

One month later, Mr. President, the North Carolina General Assembly proceeded to ratify what has, at long last, become the 27th amendment—the second in a series of constitutional amendments ratified at that time. Several of these amendments became part of what we now know as the Bill of Rights.

North Carolina's representatives then packed to go to New York, I would imagine, fully expecting that their own pay would not—and could not—be raised without an intervening election. Unfortunately, 203 years passed before the requisite number of States followed the lead of North Carolina and Maryland.

James Madison, author of this sensible amendment, recognized that the ability of Congress to raise its own pay without an intervening election would create, in his words, "A seeming indecorum." That was an understatement. Congress has proved Mr. Madison to be correct time and time again.

The wisdom of Mr. Madison's proposal has become clearer, not dimmer, with the passage of time, and I congratulate the Michigan Legislature for having put the amendment over the top, albeit, 203 years after North Carolina did so.

Mr. ROTH. Mr. President, the action that the Senate is taking today regarding the ratification of the 27th constitutional amendment is significant. The Senator from West Virginia is to be commended for his efforts in bringing these resolutions to a vote.

Normally, the Senate's role is to legislate. Legislation, of course, can be erased by future legislation. The action we take today is different. It is indelible. It is final.

It is also a very important precedent. Senate adoption of these resolutions means that a proposed constitutional amendment, once believed ineffective through the passage of time, can be revived and ratified. We owe it to posterity, to the Constitution that has served us so well, and the American public to say why. While the Senate reaches the right result today, I regret that some questions are left unanswered.

The problem is not the policy embodied in the 27th amendment. In fact, part of the problem is that there is no opposition to the policy, so that the Senate has not given this subject the deliberation it so richly deserves.

If a proposed amendment need not be ratified by the requisite number of States contemporaneously, a fact we now declare by these resolutions, then why cannot the States ratify other long-forgotten amendments? Then why cannot the States ratify even the expired amendments—those which failed ratification before a congressionally imposed deadline—in the hope that Congress would later extend the deadline?

I am troubled by these questions for several reasons. At a minimum, the Senate should consider—in addition to the action taken today—withdrawing all prior proposed amendments which are not governed by any Congressionally imposed deadline and which have not been ratified to make clear that these proposals, many of which are controversial, are not now ratifiable.

Finally, I wish to express my opinion, as the former chairman of the Committee on Governmental Affairs that established the present office of the Archivist, that the functions of that office under section 106(b) of title I, United States Code, are ministerial only: To count the number of ratifications of an amendment and not to act as a constitutional tribunal to "decide doubtful questions" of law. In my opinion, the Constitution does not provide the executive branch a role in the amendment process except where Congress might seek to provide ancillary procedures to the amendment-making process by statute, which, of course, must be submitted to the President for approval.

The PRESIDING OFFICER. Does any Senator seek recognition?

Mr. COCHRAN. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. SHELBY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Alabama [Mr. SHELBY] is recognized.

Mr. SHELBY. Mr. President, I ask unanimous consent that I may proceed for 10 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator is recognized accordingly.

VETERAN HEALTH CARE

Mr. SHELBY. Mr. President, it is said that war is hell. Well, if this is so, then peace for veterans in our VA hospitals is a hotter and deeper hell than the hell of war.

Three months ago I came to this floor to ask the support of my colleagues in stopping what I thought was the ill-conceived rural health care initiative. At that time I noted that the Department of Veterans Affairs medical system was in such poor shape, that to suggest that we treat the rural poor in these facilities was the equivalent of robbing Peter to pay Paul. Our Nation's veterans suffer indignity after indignity in these underfunded, poorly staffed facilities. Yet, our veterans secretary suggests that we should heap another insult on our veterans by opening up their health care system to the general population. While I am a firm believer in the need for comprehensive rural health care facilities, I remain convinced that using the veterans hospitals for this purpose is absolutely indefensible.

Two recent events only serve to reinforce my claim that the VA hospitals are in deplorable shape and that until we treat our veterans in these facilities with some form of human dignity and kindness, we cannot possibly admit nonveterans to these facilities. Last week it was reported in the press in Washington that the bodies of three veteran patients were found on the grounds of the Salem, VA, VA hospital. One patient had been missing for 15 years. Another had hanged himself, and a third patient had died of exposure. The most horrifying aspect of this story is that the hospital staff and administration had little awareness of, or concern for, their disappearance. One patient's dietary and medication chart was still being filled out regularly a month after the patient had disappeared.

In a separate event, the VA has admitted responsibility for at least 8 deaths as the result of poor surgery techniques at its North Chicago facility. This is not surprising, since off the top of my head I can recall three recent cases that my office in Alabama has handled involving botched VA surgery. One constituent's arm was left useless after a seemingly unnecessary shoulder operation. Another was left a quadriplegic after spinal surgery.

Another was discharged with internal bleeding and malnutrition after surgery.

Mr. President, I could go on for hours telling VA horror stories. All of my colleagues hear and handle thousands of these cases a year. But these two recent events only continue to point up the problems in the VA medical system. Many patients seem to be in more danger in the hospitals than they were in combat. At least in combat they had some means to defend themselves. Veterans trust the VA medical system with their lives and defer to the judgment of its physicians and staff. Time after time this trust is rewarded with slipshod, third-rate care, abuse and neglect.

I found the story about the Salem, VA, hospital particularly disturbing, since it was one of the two hospitals slated to participate in the Rural Health Care Initiative, the other being Tuskegee, AL. I cannot understand how a hospital that does not even know that its patients have disappeared is supposed to be a model for integrated and creative health care delivery. VA hospitals cannot even provide adequate care for their present clientele, yet the Secretary wants to open them up to the general public. I say that this idea moves beyond the ridiculous into the absurd.

The claim has been made by the Secretary that these hospitals are underutilized and must expand their population pool to nonveterans. On the surface the actual patient numbers might vindicate his claim. Yet, demographics provided by the Department of Veterans Affairs itself show that the number of veterans over 70 will increase by 200 percent in the next two decades.

Our World War II population is now at the age when it will require the most intensive and comprehensive health care. Our Korean veterans will reach that point in the next decade and our Vietnam veterans the decade after that. It would seem, Mr. President, that these hospitals should be more utilized than at any point in their history.

Why, then, are they under capacity? The answer is rather simple. Over the past 10 years, a consistent effort has been conducted by the Department and its predecessor, the VA, to limit veterans access to the VA medical system. This limitation has been carried out in a variety of ways.

First, the VA has made it exceedingly difficult for patients to prove service connected disabilities.

Second, the VA has raised the level of disability required for certain treatments.

Third, the VA has increasingly required more and more patient reimbursement for drugs and medical treatment.

Fourth, the VA is virtually unwilling to admit that collateral medical conditions result from service related injuries.

And finally, the VA has stonewalled admitting service related disabilities for radiation exposure and agent orange exposure, because to do so would open a Pandora's box of new benefit payments and medical claims. The net result of this limitation has been to make free medical care available to only the most poor and most severely disabled veterans.

Our present Veterans Secretary seems more concerned with continuing these practices rather than acting as an advocate for veterans, as he is supposed to do.

While some blame must lay with the President and Congress for inadequate funding for veterans programs, the Secretary is only exacerbating the present difficulties. He seems more interested in justifying the dismantling of the VA medical system and serving the needs of nonveterans than in correcting the indignities that veterans suffer in the hospitals under his stewardship. He places himself in conflict with the very constituency that he is appointed to serve.

I would suggest, Mr. President, that if the Secretary continues to criticize and work against our Nation's veterans, then the President should find someone who will be more responsive to their needs. Otherwise horror stories like Salem and North Chicago, IL, will continue and veterans will continue to be excluded from their hospitals, while the public pronouncements about the need to open the hospitals to other patients will continue.

We are placing our veterans in a tarpaper and tin shack, and then telling them to share their meager dwellings with their unfortunate neighbors. This policy is cynical and unjust, especially when the Department of Veterans Affairs works to exclude veterans from their own medical system.

Mr. President, this trend must change. I am today calling for a nationwide, comprehensive investigation into our VA hospital system, its problems with patient care, and its system of benefit provision that is so weighted against our veterans. The situation in these hospitals is a national disgrace and I am determined to do something about it.

Mr. President, I yield the floor and I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. Wofford). The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

The PRESIDING OFFICER. The Senator from Arkansas.

Mr. PRYOR. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

THE ELECTORAL COLLEGE

Mr. PRYOR. Mr. President, today I would like to take just a very few moments of the time of my colleagues to make two or three observations and then to pose a question regarding the electoral college.

We are going to be hearing a great deal about the electoral college in the weeks and months ahead, especially as it appears that there will be a third-party candidate that looms before us. As we all know, if no candidate for President receives a majority of the electoral college votes, 270 to be exact, of 538 votes, the President will be selected in the House of Representatives. The Vice President will be chosen by the U.S. Senate. That possibility should send a shiver down the spine of each Member of the Congress.

The 12th amendment to the Constitution, ratified on the 25th day of September, 1803, replaced the original third paragraph of the first section of the second article of the Constitution regarding the electoral college and the election of the President and the Vice President.

The 12th amendment, Mr. President, states the contingency if no Presidential candidate receives an electoral majority. I would like to quote from the 12th amendment:

> The person having the greatest number of votes for President, shall be the President, if such number be a majority of the whole number of electors appointed; and if no person have such majority, then from the persons having the highest numbers not exceeding three on the list of those voted for as President, the House of Representatives shall choose immediately, by ballot, the President.

That, Mr. President, is the language of the 12th amendment.

The 12th amendment also goes on further to outline the responsibilities of this body, the Senate, if no candidate receives an electoral majority. Once again I quote from the 12th amendment:

> THE PERSON HAVING THE GREATEST NUMBER OF VOTES
>
> As vice-president, shall be the vice president, if such number be a majority of the whole number of electors appointed, and if no person have a majority, then from the 2 highest numbers on the list, the Senate shall choose the vice president; a quorum for the purpose shall consist of two-thirds of the whole number of Senators, and a majority of the whole number shall be necessary to a choice.

That, Mr. President, also is the language from the 12th amendment.

What this language is saying is that 51 Senators would elect the Vice President.

Mr. President, my question for the day is this: Assuming that scenario or that environment, assuming the Senate must choose one of two individuals to become Vice President when those names would be placed before this body—at that time then could a Senator or Senators, filibuster the selection of Vice President? That is my question for the moment.

The 12th amendment clearly states that the House must immediately vote to select the President after the electoral votes are opened and counted. But there is no mention of the word "immediate" or any time reference at all in the class that dictates the Senate selection of the Vice Presidency.

Even if somehow the answer to my question is no, in other words that one individual could not filibuster, or a group of individuals could not filibuster, the Senate still might conduct a disappearing quorum and delay the vote indefinitely. And we must realize that a two-thirds quorum is constitutionally necessary on this vote as clearly set out by the 12th amendment.

I pose these observations and these questions to this body, not because I assume it will happen—I hope this does not happen—but because it could happen under our chaotic method of selecting our Nation's two highest leaders.

The electoral college opens the door to mischief and to possible constitutional disaster. With the Presidential election approaching, and only a few months away, the three candidates evenly matched in the very early national polls. Incidentally, that means absolutely nothing because these polls today are totally ignoring the realities and the numbers of the electoral college and the winner-take-all rule.

Mr. President, there are two States that do not have the winner-take-all rule. One is the State of Maine, the other is the State of Nebraska, where there is a proportional representation of the number of votes by congressional district reflected in the electoral college. But almost nightly, or two or three times every week now, we will pick up the Washington Post or the New York Times, or watch one of the major networks, and it will say "Perot with 30-something percent, Clinton at 20-something percent, Bush at 20-something percent."

But, Mr. President, that reflects for that moment the popular mood. That reflects for that moment the possible popular vote. But the popular vote does not choose the President of the United States. This offers the danger of a constitutional crisis. It is looming. It is possible, and we in the Senate and the House need to begin correcting the system to keep that possibility from occurring.

Mr. President, it is far too late in the day to change our method of selecting our President before this year's election. We all know that. But it is the responsibility, I think, of this body, to inform the American voters of the possibilities that await them before they go into the voting booth on November 3. With all respect, Mr. President, I encourage my distinguished colleagues, with their experience, their knowledge of politics, constitutional law, and of the current election system, to join me in trying to bring to the forefront, to the American voters, these possibilities that confront us as a country because of our archaic electoral college.

Mr. President, some 2 weeks ago, I introduced Senate Joint Resolution 297 which calls for the abolition of the electoral college and would replace that antiquated system with a direct popular vote. Since that time, Mr. President, we have seen several interesting articles on this subject.

I ask unanimous consent, Mr. President, to first print in the RECORD, as we build a record during this year on the electoral college, an article from Time magazine, May 25, 1992 entitled "Electoral Roulette."

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From Time Magazine, May 25, 1992]

ELECTORAL ROULETTE

(By Laurence I. Barrett)

WASHINGTON.—Each time an independent Presidential prospect rises above asterisk standing, an alarm shrieks on Capitol Hill. Sure enough, Ross Perot's strong showing in polls has prompted dozens of legislators to ask the Congressional Research Service for a memorandum on the roles the House and Senate play if no ticket wins a majority of the 538 electoral votes. The dry legalisms make the process sound easy: the House would pick the President from the top three candidates, while the Senate would select the Vice President from the leading two. But the politics of the issue are more complex and potentially scary.

Iowa Congressman Jim Leach sees possible deadlock in the House and weird maneuvering in the Senate. "The chemistry cannot be understood in advance," he warns. Arkansas Senator David Pryor fears a "constitutional crisis" in which a discredited Congress would be seen as usurping the voters' will. That happened after 1824 election, when the House chose John Quincy Adams over Andrew Jackson in a four-way contest. As recently as 1968, when George Wallace ran as an independent, the country had a close call. Had Wallace won about 60,000 more votes in three states, neither Richard Nixon nor Hubert Humphrey would have won an electoral majority.

If the popular vote in November sets up a stalemate, it is possible that the candidates would try to woo some of the Electoral College members, who meet in their respective state capitals in mid-December to cast their official votes. These electors are local political activists who run on slates chosen by each candidate's organizations. Though some states try to bind electors to vote for their nominee, these laws are not enforced when electors bolt. Still, party and personal loyalty would probably keep the vast majority faithful.

If the election goes to the House, the Democrats would have a nominal advantage. Conventional wisdom suggests that partisanship would also steer each chamber of Congress. But that might not hold. In the present House, Democratic-controlled delegations outnumber Republican ones by a ratio of 3 to 1.

But it is the new House, elected in November, that would deal with the question. The G.O.P. is likely to gain seats in the fall, so more state delegations may be evenly split. Because each state has only one vote and a majority of 26 states is required, a decision could be elusive.

California Democrat Howard Berman predicts that many members would be torn among three choices: following their party, their home districts or the way their state voted. As Berman sees it, Perot could benefit if Bill Clinton fares poorly in the popular vote. "A lot of members," Berman says, "might prefer this diamond in the rough to four more years of gridlock with Bush." To some legislators, every option could taste like political hemlock. Ducking the decision equals cowardice. Backing a candidate unpopular at home risks constituents' wrath. Crossing party lines imperils any politician's future in public office.

In the absence of a verdict in the House, the Vice President selected by the Senate would serve as President starting Jan. 20. He would become the actual President if the House stalemate lasted indefinitely. Each Senator has a vote, and a majority of the 100-member body is necessary. On Jan. 6, when the action would start, Dan Quayle would still be Vice President. In his constitutional role as president of the Senate, he could preside over the session dealing with his fate. Legal experts are uncertain, however, whether Quayle could cast a decisive tie-breaking vote on this question, as he can on legislation.

Democrats are expected to maintain control in the new Senate. But if the Democratic ticket runs third in the national election, its vice-presidential candidate would not be considered by the Senate, which must pick between the top two. The wildest scenario kicking around the Capitol envisions the Bush and Perot slates coming in first and second, the House deadlocking and Senate Democrats preventing action in their chamber. They could avoid an unpalatable choice between the G.O.P. and Perot's forces by refusing to provide the necessary quorum. In that most improbable event the Speaker of the House (currently Tom Foley) would take over as President. Occupying the White House under such dubious circumstances would be nothing less than a political nightmare.

Even in the absence of an important independent candidate, the vagaries of the Electoral College system permit the victory of a nominee who runs second in the popular vote. That occurred in 1888 and almost happened again in 1976. Because Perot's effort has focused attention on the process, Pryor has reintroduced a constitutional amendment providing for popular election of the President and Vice President. The House approved that proposal in 1969, but the Senate quashed it. Today's lawmakers, and the country at large, may pay a high price for that rejection next January.

Mr. PRYOR. Mr. President, on Tuesday, May 12—the interest is growing in this issue—Mr. Paul Starr, who is a sociology professor at Princeton University, wrote, I think, a rather remarkable article on the op-ed page of the Washington Post: "An Electoral Fantasy."

I think it is an article that, without reservation, I would recommend to my colleagues to read and think about. I ask unanimous consent that Mr. Starr's article be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the Washington Post, May 12, 1992]

AN ELECTORAL FANTASY

(By Paul Starr)

WASHINGTON, January 19, 1993.—The strange series of events that led to the choice of America's first black president this week can undoubtedly be traced to developments in two places on opposite sides of the Earth—the Persian Gulf and south-central Los Angeles.

The gulf war produced so great a surge of popularity for President Bush in the first half of 1991 that many leading Democrats decided to pass up the race, leaving the field to candidates little known to the public and, therefore, especially vulnerable to scandal.

And the gulf war, of course, brought Gens. Norman Schwarzkopf and Colin Powell to national attention.

With a weakened Democratic field, the race was open to Ross Perot's independent candidacy, which many mistakenly discounted as a spring fever that would dissipate by the fall. But in June, when Perot recruited Gen. Schwarzkopf as his running mate and drew even with the president in the polls, it was obvious that this year's election would be unlike any other.

Perot's choice of Gen. Schwarzkopf led to the president's entirely unexpected decision in the summer to dump Vice President Dan Quayle and replace him with Colin Powell. With the Los Angeles riots still much on the nation's mind, many observers considered the president's choice to be a bold stroke that would ensure his reelection. It didn't work out that way.

In a sense, the observers who predicted last spring that third candidates typically collapse as presidential elections approach were not entirely wrong; they were just wrong to assume that the "third" candidate would be Perot. Instead, Clinton began to go into a free fall, which he reversed only with his flawless peformance in the two debates in October.

But even so, Perot succeeded in winning Texas, New Mexico, California and Colorado, drawing off enough electoral votes to prevent either Bush or Clinton from securing a majority in the electoral college. That threw the election into the House.

For the House of Representatives, the responsibility could not have come at a worse time. The outgoing House, reeling from scandal, had more lame-duck members than ever in recent history. On the morning after the election, Speaker Tom Foley declared that the old House would choose the new president "immediately" after the meeting of the electoral college—only to backtrack within 24 hours in the face of a hailstorm of constitutional and political criticism.

But the new House, meeting on Jan. 3, was also soon paralyzed. With 138 new members and the overthrow of the Democratic leadership, the House proved to be a far more chaotic body than anyone had supposed.

To elect a president required a majority in 26 state delegations. And with five state delegations either split three ways or evenly divided, none of the candidates was able to get support from 26—especially after Perot's memorable speech on New Year's Day denouncing the "corrupt deal" that he charged President Bush had secretly proposed to key House Democrats.

Before Perot's speech, hardly anyone had taken notice of the 20th Amendment's provision that the Senate proceed separately with the election of the vice president and, in the absence of a choice by the House, that the vice president assume the office of president.

With the Senate split 50-50 as a result of Republican victories in November, the choice of the new president lay, in a supreme irony, with Vice President Quayle. Dumped from the ticket, he ended up with the power to make his successor the next president.

Unless the House suddenly breaks its stalemate tonight, Gen. Powell will be inaugurated tomorrow at noon.

Mr. PRYOR. Finally, Mr. President, even this morning in the Washington Post on the editorial page, Mr. Lloyd N. Cutler, known to all of us in this body as a very, very fine attorney who was the White House counsel to former President Jimmy Carter, wrote an article entitled: "Election 1992: The Plot Thickens." The subhead is: "You Aren't Going To Believe This."

Mr. Cutler goes through a myriad of mind-boggling possibilities that loom out to grab us as we approach this electoral season, as we approach our decision as to who will be the next President of the United States.

Mr. President, I ask unanimous consent that Mr. Cutler's article be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the Washington Post, May 20, 1992]

ELECTION 1992: THE PLOT THICKENS—YOU AREN'T GOING TO BELIEVE THIS

(By Lloyd N. Cutler)

The best-kept secret in the American Constitution is the 12th Amendment. It provides that if no presidential candidate receives a majority of the electoral votes, the new House of Representatives decides the winner. That has happened only once, in the four-way race among John Quincy Adams, Andrew Jackson, Henry Clay and William H. Crawford in 1824. In 1992, judging by current polls, it can well happen again.

If George Bush, Bill Clinton and Ross Perot each win some of the 538 electoral votes on Nov. 3, but none of them wins the required majority of 270, we will have to wait until sometime after Congress convenes in January 1993 before we will know the identity of the next president. The same applies to the identity of the next vice president. Under the 12th Amendment, the new House of Representatives will choose among the three top finishers in number of electoral votes for president and elect one of them president. At the same time, the new Senate will choose among the two top finishers in number of electoral votes for vice president (which are counted separately) and elect one of them vice president.

All this sounds simple enough. But wait. Under the 12th Amendment, the House will not ballot on a one-representative, one-vote basis, as it normally does. It will ballot on a one-state, one-vote basis, with each state voting by a caucus of its representatives. A majority of the states (26) is needed to elect the president.

The one-state, one-vote system creates an infinite variety of fascinating possibilities. Pundits and political junkies will have the time of their lives calculating the potential permutations and outcomes. The candidates, the parties, the PACs and the new Congress will go out of their minds wheeling and dealing to tilt the system one way or another.

Here are just a few of the myriad possibilities:

The 26 least populous states, with only 16 percent of the total population, could elect the next president over the opposition of 24 states with 84 percent of the population.

If the new House has the same party makeup as the present House, there will be 31 state delegations with a Democratic majority, 10 with a Republican majority, eight dead-even and one (Vermont) with a single independent member. That sounds great for the Democrats, but wait again. In 24 state delegations, the margin one way or the other is only one or two votes. In those states, as in the eight dead-even states and Vermont (33 out of the 50), the switch of a single representative's vote could swing the state one way or another or create a tied caucus, which would prevent the tied state from voting.

In addition to the 33 state delegations that could switch sides if deals are cut that change one or two votes, the members from states with clear Democratic or Republican majorities are far from certain to vote on party lines. Suppose you are elected or reelected as a Democratic member from Indiana (with a current 8-2 Democratic margin), but George Bush wins the Indiana popular vote with Bill Clinton running second or third. Would you have the political courage to cast your Indiana caucus ballot for Clinton?

For all these reasons, whoever finishes first in the popular or electoral vote is no sure thing to be elected by the House. Andrew Jackson had a 3-2 plurality over John Quincy Adams in popular votes and a 15-vote margin over Adams in electoral votes, but the House elected Adams president. All the same, if Clinton can finish first, second or even a close third in the popular or electoral vote, he probably has the best change of being elected by the strongly Democratic House.

Are you still with me?

To complicate matters further, remember that at the same time the House elects the president, the Senate elects the vice president. The Senate decides on a one-man, one-vote basis, and in the present Senate, the Democrats have a 57-43 margin. Will the Senate wait until the House has selected a president and then meekly ratify the House's choice by electing the president-elect's chosen running mate as vice president? Or will the Senate prove its independence and equality with the House by electing a vice president of a different party from the president-elect? If so, would the next president allow the vice president to represent him even at funerals?

Don't stop reading yet. Like the plot of a Verdi opera, the 12th and 20th amendments contain even more bizarre twists. If the House has not elected a president by Inauguration Day (changed by the 20th Amendment from March 4 to Jan. 20) then the vice president chosen by the Senate "shall act as president," even though the House may later elect a president who ran on a different ticket from that of the Senate-elected vice president. And if the House has not elected a president and the Senate has not elected a vice president by Jan. 20, then under the 20th Amendment "the Congress may by law provide" who shall act as president. Congress has passed such a law, and it provides that the speaker of the House, who will almost certainly be a Democrat, shall act as president.

Enough already? The plot has one more twist. Can the speaker of the House constitutionally "act as president" unless he resigns as speaker and as a member of the House? Under Article I, Section 7, "no person holding any office under the United States shall be a member of either house during his continuance in office." Isn't "acting as president" holding an office under the United States? If so, is it worth resigning from the House to serve a few days or weeks as president? The present speaker's reply would be a resounding yes, because the most satisfying position in the United States is that of ex-president.

We like to think of our Constitution as the finest instrument of government ever devised. Come next January, will we say: "except for the 12th Amendment"?

Mr. PRYOR. Mr. President, finally, I want to thank the Chair for recognizing me. During the course of the next several weeks, maybe as much as twice a week, I will be taking the floor of the Senate and talking about this issue. I hope to remind our citizens out there in the country as to what we are faced with this fall and what our responsibilities are.

As I mentioned sometime ago, the last debate of any significance on the floor of this Senate on this matter was in the early part of 1979 when a majority, a simple majority of the Members of this body, Republican and Democrat alike, voted to do away with the electoral college, but it did not receive the necessary number of votes that is required under the Constitution. I think 51 votes were cast for doing away with the electoral college and having a direct popular vote.

I think, Mr. President, it is time now that we revisit this issue, we all rethink our positions, and we try to ascertain, by utilizing all of those who are wise in these issues and these concerns, whether it is not our responsibility at this time to remove the electoral college and to supplant it with a direct election for President of the United States.

Let me also say, Mr. President—I was not going to say this, but some people have already asked me: "Are you doing this for your Governor back in Arkansas who is running for President?" The answer is no. Senate Joint Resolution 297 would have no impact on the 1992 elections. I hope that will dispel that issue very quickly.

Mr. President, I am doing it, I hope, for all of our citizens and for our system, so that we might avoid this crisis that looms ahead should someone not get the required number of votes in the electoral college to keep the House of Representatives from choosing our next President and this body from choosing our Vice President.

I thank the Chair and I yield the floor. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. COATS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

INTERSTATE SHIPMENT OF TRASH

Mr. COATS. Mr. President, I had intended today during the debate on the urgent supplement to offer an amendment dealing with the subject of interstate shipment of trash. This is not a subject that is new to this body. I stood on the floor several times discussing a problem which affects many of our States, and that is the very significant amount of trash that is being shipped interstate—from one State to another, often on a long-haul basis.

Each of our States faces significant problems with disposing the waste we create on an annual basis. Many States, like Indiana, are taking responsible steps to put in place 10 and 20-year plans to deal with the whole subject of waste, in the most expeditious, environmentally sound, and cost-effective way of disposing of this waste.

Some States have found themselves in situations where the easiest, at least interim, measure is to load it on trucks and trains and ship it long haul, dumping it in waste disposal facilities in States several hundred miles, sometimes thousands of miles from the point of origin.

Some time ago, I introduced legislation on this floor that gave States the authority to stop this unwanted trash, either by direct ban or by assessing a fee to remove the economic incentive. That was a contentious debate. I do not believe the Senate had focused on that issue before certainly not in recent history. But as we detailed the problems, many Members discovered that, yes, their States were also potential targets or actual targets of unwanted out-of-State trash.

The problem arises because the Constitution of the United States prohibits States from taking unilateral action to either ban or place reasonable restrictions on out-of-State waste because the Supreme Court has classified trash as legitimate item of commerce. States are prohibited under the commerce clause in the Constitution from taking steps that would, in my opinion, impose even the most reasonable of restrictions on the shipment of that trash.

Whatever actions our State and other States have taken are immediately restrained by the courts and struck down as violative of the commerce clause.

Whatever constitutional actions those States could take are so limited that they are not effective in stopping the flow of trash.

So we discovered in our research that only Congress could specifically grant States the authority to take action relative to the interstate transfer of municipal waste.

My amendment, which I originally offered, was designed to do exactly that. It was offered in September 1990, and this Senate in a bipartisan vote of 68 to 31 adopted that measure, sending a very strong message to States unwilling to dispose of their own waste that the days of pass-the-trash were numbered.

Unfortunately, that legislation which was attached to an appropriations bill was stripped in conference and we were unable to get that legislation signed into law. I regret the action that was taken in conference because I think a clear majority of the Senate and Members of the House of Representatives support giving their States, giving their Governors, giving their elected officials a say in how much trash they will receive, how they will receive it, and under what conditions.

My legislation is not designed to stop the flow of trash between States totally. It may make economic sense, it may make political sense for States to enter into agreements with each other restricting the flow of trash, monitoring, regulating, limiting, putting some conditions on the flow of trash.

But it does make sense in many instances, particularly where you have urban communities that spill over State lines, for there to be reciprocal arrangements.

All the coast amendment attempted to do was to put our Governor at the table with the Governor of the State that is shipping the trash. The State that is receiving the trash needs to be at the bargaining table with the State that is generating the trash. We want them to work out agreements.

In some cases those Governors may say we cannot take any more; we have enough problems of our own; we do not have any more room or our landfill capacity is declining rapidly and therefore we are going to have to put a moratorium on the shipment of out-of-State trash into our States. Other States may say it makes economic sense in a particular region to receive out-of-State waste.

Subsequent to that initial legislation in September of 1990, which as I said passed the Senate on a bipartisan basis—I think 27 Members of the Democratic Party joined a number of Members of the Republican Party to pass this and give it 68 votes—we introduced a second approach which made communities the first line of defense against out-of-State trash.

We wanted to give local communities that were actually receiving the trash the right to say no or yes. That second bill provided communities, local jurisdictions, with the right to negotiate for receipt of trash or petition the Governor saying we do not want it. If a local landfill was receiving trash and it was overwhelming the ability of that local community to dispose of its own trash, we gave them the right to say no to that trash.

We provided a safety net for Governors so that they could take a look at the State as a whole and make a determination that if their State was receiving over certain amount of trash, they could impose an overall percentage in terms of the total that they would received.

We also required States to plan responsibly for their own environmental future by enacting a 10-year plan to dispose of waste, whether through landfills, recycling, incineration, or other alternative methods.

Both of these bills were consistent because both essentially said the people who receive the waste ought to have a right to say no or these are the conditions under which we will receive it. Both solutions clearly solved the problem that exists today, and that is a one-way flow of trash from exporting States to importing States without importing States having any say in the matter.

On the second approach, I worked very closely with my colleagues to come up with a compromise which adequately protected the interests of all the importing States. We do not want to play this game of pass-the-trash. it will do no good simply for Indiana to say we have solved our problem, simply to create a significant problem for a neighboring State like Kentucky, Ohio, or others. It will do no good for the States that are currently receiving most of the waste—Virginia, Pennsylvania, Ohio, and Indiana—to provide protections for themselves only to find that we now have a problem in Kentucky, in Missouri, Illinois, New Mexico, and Kansas.

It was the ideas emboded in my second approach that the Environment and Public Works Committee took up and debated at length—I believe they are not in their 22d day of markup on the Resource Conservation Recovery Act. It was that second approach which formed the basis of a provision which dealt with this whole question of the shipment of interstate waste.

I then took the particular provision that the committee had incorporated into their markup bill and made some modifications because it did not completely address the problem as it exists in Indiana and a number of other States.

In working with other Senators from other States, we made three modifications to the committee bill.

No. 1, we provided authority to all States to freeze imports at 1991 levels at grandfathered facilities to assure that no State becomes a target for out-of-State trash simply because they have facilities that meet the criteria under the committee proposal.

We also closed a loophole to subject expansions of grandfathered facilities to local consent.

And last, we gave additional authority to the largest importing State, which is Pennsylvania, which imports, as I understand, more than 3 million tons of trash a year, to further limit those imports at grandfathered facilities.

Now, as many of my colleagues are aware, last September I entered into an agreement with Senator BAUCUS, the chairman of the Subcommittee on Environmental Protection.

We pledged to set April 30 as a deadline for addressing this interstate issue within the context of the Resource Conservation Recovery Act. I wanted to give the process a chance to work. The Senate was aware of the problem. The chairman approached me and he said let us work this through the system, let us use the committee process. We will address your concerns. And we entered into that agreement.

Obviously, if the committee supports it and we have bipartisan support we avoid the need to attach the amendment to some other bill which then may get stripped later on. This supplemental bill was an example of that. I will speak a little more of that in a moment.

It was an agreement made in good faith by the chairman. I appreciate his hard efforts. I think both of us have lived up to the spirit of our agreement. But as we now know, it is May 20. The RCRA legislation has not been reported out of committee. So I was looking for a vehicle with which to offer my amendment, having felt that I complied in good faith with the agreement.

Today's supplemental is obviously a bill that is going to be passed and signed into law by the President. Obviously, I had no assurance that if my amendment were offered it would survive procedural hurdles of being legislation on an appropriations bill and other procedural restrictions that might be placed on it.

I was not sure it was going to make it through conference. In fact, I was reasonably assured, by a number of Members here, that it would not make it through conference. So it obviously was not my first choice. But I am frustrated in my ability to get this legislative body to take action on a ticking time bomb that affects not only the State of Indiana but many of the States in this country.

However, just minutes before I was about to offer the amendment on the supplemental, I was assured by Senator BAUCUS that the committee would today report out the legislation which incorporates many of the changes that I have asked for and which were incorporated in my amendment, and that he, the chairman, and the committee would work with me in making those further modifications which addressed concerns that we had about the provision marked up in committee.

I have checked with members on both sides of that committee, and been assured by them that indeed RCRA may very well be reported out today, and that they would join with me in addressing this issue.

So, with those assurances, I indicated that I would withhold offering my amendment, and I plan to do so. At 2:30 today, Senator BAUCUS and I will be standing on this floor to discuss in a colloquy exactly what I have described, and the process by which we will go forward with this particular legislation.

But I just want my colleagues to know that this is not something that can be delayed. It has to be acted on this year. And if the RCRA bill cannot be brought to the floor for debate and passage in a reasonable amount of time that would allow them to go over to the House and be passed and signed into law this year, we will have to look for another vehicle with which to attach this legislation, a vehicle that has the assurance that it will be signed, that it will survive the legislation process, can be addressed in the House of Representatives, signed into law, and arrive at the President's desk to become enacted.

It has been 4 years since RCRA expired, 3 years since I first introduced legislation on this subject, 7 months since our agreement, and almost a month past our deadline. Time is running out.

I will continue to work closely with my colleagues on this issue. The amendment that I was going to offer today was a workable compromise that addressed the needs of many of our States that import unwanted out-of-State trash. It adopts the compromise forged by the Environment Committee last week. It has a few very important modifications necessary to protect additional States from becoming selected targets for out-of-State trash, and accomplishes, I think, the goals that our States want to accomplish.

We face a ticking clock, as I said, in Indiana, and many States do. We have 5 years of landfill capacity left. During 1991, nearly a million and a half tons of trash produced in other States were buried in Indiana soil. That is 2,904,496,000 pounds of garbage not generated by Hoosiers, not the stuff we put out in the garbage bags ourselves. We have a responsibility to take care of that. Our State is fulfilling that responsibility. But nearly 3 billion pounds of garbage are generated by some other States and shipped into our State, and we cannot say a word about it.

We had 150 landfills in 1980 in Indiana; today, 70. Another 31 are scheduled to close in the next 5 years.

So while we have a declining capacity to take even our own generated waste, we are being overwhelmed by importation of out-of-State waste.

We will never be able to meet our responsibility to provide safe, efficient, effective, environmentally sound disposal for our own waste if we are overwhelmed with waste from other States.

There is a shell game going on in Indiana because as one community convinces landfill operators not to take waste, it simply is shifted down the road to the next county or to the next landfill—pass the trash has become a very popular game not only in Indiana but a number of States.

We cannot control our future if we cannot control our borders. It is absolutely essential with time running out that we give States the authority to control both our borders and our futures.

I think the amendment that I have proposed is a reasonable bill. It takes the interests, the very real problems that exist with exporting States, and the very real problems that exist with importing States, and it seems to strike an effective compromise and an effective balance in terms of how to deal with that.

It does not ban all out-of-State shipments. It does not affect interstate shipments of hazardous waste, medical wastes, or recyclables. We want to encourage recycling. If the facility at one State is established for the purpose of recycling, then it makes sense to shift wastes from other States into that facility for that purpose. But it gives local government the authority to petition the Governor for relief from out-of-State waste. It grandfathers landfills that accepted waste in 1991 and that meet State standards for environmentally sound facilities. It provides that no landfill can become a target for out-of-State trash by allowing a freeze of volumes at those grandfathered facilities at 1991 levels. I think it is good legislation. I think it is something we need to move on.

I am pleased the chairman is willing to come to the floor at 2:30 this afternoon to discuss this with me how we can move forward on a cooperative basis and a bipartisan basis to address a very real problem.

I appreciate my colleagues' support and understanding of an issue that has become increasingly a problem for many States.

Again, what we are attempting to do is simply allow the importing State to sit at the bargaining table and to have some say in what it can receive, what it legitimately wants to receive, and what it legitimately is unable to receive.

This is a national problem. It needs a national solution. I believe the Coats bill provides that solution. It has been negotiated through months and months and years of patient, painstaking negotiation to produce what I think is an effective piece of legislation.

So I look forward to the day in the near future when we can, on this floor, effectively deal with this problem and give our States some authority to act on a very critical national problem.

I yield the floor, and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. BOREN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BOREN. Mr. President, I want to congratulate my friend from Indiana, Senator COATS, for his hard work and fine leadership on the issue of interstate trash. I share his concern that the committee draft of the RCRA bill has not provided enough assurances to States or local governments that the trash will stop.

Oklahoma generates less than 5.5 million tons of municipal waste a year. New York and New Jersey, by comparison, ship over 7.9 million tons of waste out of their State in a single year, over 53 percent of the total amount of interstate garbage. Much of this waste ends in small towns or rural communities.

In the past few months alone, 6 companies have proposed to dispose or incinerate out-of-State waste in 15 different locations throughout Oklahoma. But Oklahoma has an average landfill capacity of just 5 years. The out-of-State trash pouring into our Oklahoma's landfills reduces its capacity to be environmentally responsible and handle its own waste. If we are going to preserve our environment, we cannot allow responsible States to become a dumping ground for others.

As landfills fill up around the country and the cost of waste disposal continues to increase, I believe we must deal with this problem on a national level. I appreciate the sincere efforts of Senator BAUCUS and Senator CHAFEE to address this serious issue in committee and look forward to working with them, but I want to stress that a solution is needed this year. My State cannot afford to wait much longer.

Mr. DOLE. Mr. President, was leader time reserved?

The PRESIDING OFFICER. Yes, it was.

SALUTE TO NORM HODGES

Mr. DOLE. Mr. President, several years ago, I had the pleasure of rising on this floor to congratulate Norm Hodges from Kansas City, KS.

I did so because the organization that Norm founded—Good Men—had just received another national award for their work in rebuilding homes and rebuilding lives.

Today, I am saddened to share the news that Norm passed away on May 16.

Norm devoted much of his life to fighting for those who had been on the outside looking in for far too long.

While his accomplishments were many, many knew Norm best through his work in founding and leading 20 Good Men.

Although Norm's organization may have started with 20 people, it quickly grew to over 3,000 volunteers—men, women, and organizations throughout the Kansas City, KS, community who dedicated themselves to helping others.

I cherish the memories from a day in 1989 when Norm lead a delegation to Washington to receive one of those national awards I mentioned.

Although Norm was more than worthy of this recognition, he wanted the spotlight to shine on others. Therefore, he brought along the team of General Motors union members who provided the labor for many projects.

He brought along city leaders who gave critical support to his mission.

And he brought along Leola Johnson. Leola's big smile told the story of her thanks for her newly renovated home, the excitement of her first flight and the thrill of her first trip to Washington.

Norm's efforts made the dreams of Leola Johnson and many others come true. Norm's own dream was to have 20 Good Men organizations throughout the Nation.

And I believe the best way to honor and remember Norm is to do what we can to make his dream a reality.

Mr. President, I ask unanimous consent that an editorial from the May 19 Kansas City Star be printed in the RECORD following my remarks.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

NORMAN HODGES

Those who can, do. Those who can't, probably never heard of Norman Hodges. The selfless Hodges founded 20 Good Men, an organization dedicated to improving living conditions for poor, elderly and disabled persons in Kansas City, Kan. He very quietly touched many lives.

What began with 20 people has since expanded to a clearinghouse from which about 3,000 individuals and organizations could be called upon when needed. Hodges believed that if people—starting with 20 good men—pulled together, they could make a difference.

He was right. And he spread this wisdom and spirit from Los Angeles, where he was raised, to Kansas City, Kan., where he lived until his death last Saturday of an apparent heart attack.

Some people would call this way of thinking old-fashioned. What if it was? It worked. Hodges, a Chicago native, knew he could count on people, if nothing else. He knew of skilled workers, anxious to share their trades with people appreciative of their talents. He knew that formerly incarcerated people needed apprenticeship and opportunities in order to make it on the outside. There were retirees with itchy and empty hands.

Hodges and friends had more sweat equity than anything else. Neighborhoods from California to Kansas were made better for it. Hodges was recognized by former President Richard Nixon for his help in rebuilding riot-torn Watts. Most recently, Donnelly College named him recipient of its Delta Award for distinguished community leadership and service.

Hodges believed that neighbors don't stand by while disadvantaged neighbors await help via a bureaucracy slow to respond. A good man, Hodges, pitched in wherever he could and encouraged 19 others to join him.

SALUTING KANSAN BILL KOCH, AMERICA'S CUP CHAMPION

Mr. DOLE. Mr. President, I rise today to recognize the outstanding achievement of a Kansas native. On Saturday in the seas off San Diego, Bill Koch and his racing yacht *America-Cubed* kept the America's Cup in America's hands.

Despite my State's tremendous water recreation resources, you do not normally associate international America's Cup class boat racing with Kansas. But Bill Koch of Wichita has demonstrated what American ingenuity can accomplish. He defied the experts, most of whom predicted he would not win the defender qualifying series, much less defeat the even heavier financed challenger from Italy. But, despite all the odds and all the predictions, Bill Koch's investment paid off with the help of the world's finest all-American technology, a talented crew, and the self-confidence that is the hallmark of one of America's most successful entrepreneurs.

And while Bill has been spending more of his time lately on the waters of the Atlantic and Pacific rather than on the waters of the Arkansas River, KS, remained an inspiration for Bill's racing syndicate. With boats named *Jayhawk, Kanza* and of course, *America*, it is clear that Kansas was the wind that filled Bill Koch's sails. Of course, Bill's welcome to sail a victory lap any time at Wilson Lake, Tuttle Creek, Perry or Milford Lake, Cheyenne Bottoms, or anywhere else in Kansas he wants to.

Mr. President, I know all my colleagues join me in congratulating Bill Koch of Wichita, KS, and all those associated with *America-Cubed* for keeping the world's oldest sports trophy the America's Cup, in America.

Mr. President, I reserve the remainder of my time and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. LEAHY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. KERREY). Without objection, it is so ordered.

Mr. LEAHY. Mr. President, what is the parliamentary situation?

The PRESIDING OFFICER. We are in morning business.

Mr. LEAHY. I thank the Chair. I am going to speak on an issue which I believe will be of interest to the Presiding Officer and, I hope, others; I hope to the administration.

(The remarks of Mr. LEAHY pertaining to the introduction of S. 2752 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

Mr. LEAHY. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. LEAHY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered. The Senator from Vermont is recognized.

AN ALICE-IN-WONDERLAND SITUATION

Mr. LEAHY. Mr. President, I just glanced at something in the paper about the administration's response to the problems in our cities, and I was struck by it, also as I read the most recent speech given on that, just how the problems of our cities are being approached. I come from a rural State and I do not tend to be an automatic expert on it, but the administration has so far blamed the problems of our cities on Lyndon Johnson and now on the fictional character Murphy Brown, all of this in a speech entitled, "Taking Responsibility."

It is an Alice-in-Wonderland situation. How they can say this takes responsibility for the administration's actions by blaming a fictional character and a dead President is more than I can understand.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BYRD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered. The senior Senator from West Virginia, the distinguished President pro tempore, is recognized.

Mr. BYRD. Mr. President, what is the pending business? Has morning business been closed?

The PRESIDING OFFICER. The pending business is morning business.

IRRESPONSIBLE CONGRESS? HERE'S TODAY'S BOXSCORE

Mr. HELMS. Mr. President, the Federal debt run up by the U.S. Congress stood at $3,919,427,296,852.30, as of the close of business on Monday, May 18, 1992.

As anybody familiar with the U.S. Constitution knows, no President can spend a dime that has not first been authorized and appropriated by the Congress of the United States.

During the past fiscal year, it cost the American taxpayers $286,022,000,000 just to pay the interest on spending approved by Congress—over and above what the Federal Government collected in taxes and other income. Averaged out, this amounts to $5.5 billion every week, or $785 million every day.

On a per capita basis, every man, woman, and child owes $15,259.06, thanks to the big spenders in Congress for the past half century. Paying the interest on this massive debt, averaged out, amounts to $1,127.85 per year for each man, woman, and child in America—or, to look at it another way, for each family of four, the tab—to pay the interest alone, comes to $4,511.40 per year.

What would America be like today if there had been a Congress that had the courage and the integrity to operate on a balanced budget?

MONROE SCHOOL DEDICATION

Mr. DOLE. Mr. President, last weekend I was privileged to be present at the dedication of the Monroe Elementary School in Topeka, KS, as a national historic landmark. The Monroe Elementary School and its companion, the Sumner Elementary School, are associated with one of the most important cases ever to come before the Supreme Court—Brown versus Board of Education of Topeka, which ended legal segregation in our country.

You can tell a great deal about a country by how it deals with its mistakes. Does it cover them up and forget them? Or does it admit to them, learn from them, and work for a better future?

Americans not only admit their mistakes, they make National Historic Landmarks out of them.

The system of segregated schools in Kansas and elsewhere, as well as the treatment of minorities, is not a bright chapter in our Nation's history.

But one thing about Americans is that we're always working to improve ourselves and our country. Linda Brown and her family were trying to improve America when she attempted to enroll in what was an all-white school.

And lawyers John and Charles Scott were trying to improve America when they initiated the legal action that would become the most important civil rights case in American history.

All those who played a role in advancing the case dreamed of a Nation where schoolchildren—and all people—were not divided by race.

They dreamed of a Nation where the doors of life, liberty, and the pursuit of happiness were open to all, and not slammed shut on some.

They dreamed of a Nation that built bridges and not walls, they believed that the Constitution provided that nation, and the Supreme Court said they were right. It was a shining moment in history that everyone in America should be proud of.

I ask unanimous consent that a statement made by Harry Butowsky of the National Park Service at Sunday's dedication be printed in the RECORD. It is a an excellent description of the Brown case and its tremendous importance to our country.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

STATEMENT BY HARRY BUTOWSKY, NATIONAL PARK SERVICE

It is a pleasure to be here today to participate at the dedication of the Monroe Elementary School as a National Historic Landmark. With this recognition, the Monroe Elementary School joins a select group of properties, that over the past 50 years, have been determined, by the Secretary of the Interior, to be significant in the history of the United States of America.

National Historic Landmarks are special properties: they teach us about our past, they commemorate and illustrate our history and culture, they are by definition nationally significant sites that rank in importance with any historical unit of the National Park System.

In the years since the inception of the National Historic Landmarks Program only a limited number of properties have been so designated. National Historic Landmarks are identified by theme or special studies, prepared by professional historians. They are recommended by the National Park System Advisory Board and are designated by the Secretary of the Interior under the authority of the Historic Sites Act of 1935.

In the case today, the Monroe Elementary School represents a property that has been determined, through a process of independent study and review, to be important in the Constitutional History of the United States of America. The Monroe Elementary School and its companion, the Sumner cases ever to come before the Supreme Court of the United States—*Brown* v. *Board of Education of Topeka*, a case that illustrates for all Americans the principles upon which our constitutional heritage and liberties are based.

This heritage dates back to 1776, when Thomas Jefferson wrote in the Declaration of Independence these immortal words: "We hold these truths to be self evident, that all men are created equal, that they are endowed by their Creator with certain inalienable rights, that among these are life, liberty and the pursuit of happiness. That to secure these rights governments are instituted among men, deriving their just powers from the consent of the governed. That whenever any government becomes destructive of these ends, it is the right of the people to alter or abolish it, and to institute a new government.

These words not only served to justify the American Revolution against Great Britain in 1776, but also served to define us as a nation. They formed the basis for all subsequent American History including the constitutional history of the United States. These words also form the cornerstone upon which our human rights policies to the other nations of the world are founded.

After the Constitution was completed and the Bill of Rights adopted, Tench Cox, an observer of these proceedings and early supporter of the Constitution wrote, "There is no spirit of arrogance in the new federal Constitution. When experience has taught us its mistakes, the people whom it preserves, absolutes all powerful, can reform and amend them."

What Tench Cox was telling us was that the Constitution as written was not a perfect document. The preservation of our liberties is the responsibility of each new generation of Americans through the continual interpretation and if necessary, revision, of the basic document.

THE CONSTITUTION EVOLVES

The evolution of Constitutional doctrine, as foreseen by Tench Cox, took place many times in American History. The most significant of these changes took place in the years after the Civil War when reform minded Republicans sought to insure that the newly freed slaves enjoyed the same measure of equality and opportunity that white Americans enjoyed. Through their control of the Congress, the Republican Party initiated programs designed to accomplish these ends. In 1865 and 1866, Congress funded the Freedman's Bureau to feed, clothe, and protect the ex-slaves and passed civil rights acts to outlaw varied forms of segregation. In addition, Congress passed the 13th Amendment [1865] to outlaw slavery, the 14th Amendment [1868] to extend Federal citizenship to blacks, and the 15th Amendment [1870] to protect the black man's right to vote. Congress backed up these efforts with the passage of a comprehensive Civil Rights Act in 1875.

In spite of these efforts, the tide of events was running against the effort to secure full civil equality for the ex-slaves. In state after state in the South, the conservative white leadership of the Democratic Party regained control of the political machinery, and through a process of legislation and intimidation, eliminated African American participation in the political process and instituted a policy of racial segregation. After 1977, support for civil rights from the Congressional and Executive Branches of government waned and African Americans turned to the courts to fight for and secure their civil rights.

The key to this effort to secure full civil and political rights for African Americans rested squarely on the 14th Amendment to the Constitution, which states, "No State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any State deprive any person of life, liberty, or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws."

The author of that first clause in the Fourteenth Amendment, U.S. Representative John Bingham of Ohio, fully intended that the Bill of Rights should limit the power of the individual states as well as that of the federal government. Only the federal government, acting under the authority of the 14th Amendment and the various civil rights acts, could guarantee the full civil and political equality of the ex-slaves. From time to time, before the Civil War, the states had denied the equal protection of the laws to citizens. The 14th Amendment, Bingham believed, changed all that and nationalized civil rights, but it did so in a way that respected the traditional federal state relationship. Although the states would continue to be the principal regulators of personal liberty and civil rights, they would now do so under the supervision of the federal government.

Even with the 14th Amendment and the various civil rights acts, enormous obstacles still impeded federal civil rights enforcement and for all practical purposes the question of civil rights was dropped from the national agenda after the Civil War. The ultimate abandonment of civil rights for all Americans was announced by in the Supreme Court in 1896 with the case *Plessy* v. *Ferguson*, in which the Supreme Court found no constitutional objection to a Louisiana law requiring separate railway coaches for whites and blacks, if blacks were furnished accommodations equal to whites. Formal racial classification was legitimized.

Not all Americans agreed with this decision. Justice John Marshall Harlan, then serving on the Supreme Court, did not agree with the majority opinion of the court in the *Plessy* decision when he wrote "Our Constitution is color-blind and neither knows nor tolerates classes among our citizens. In respect to civil rights, all citizens are equal before the law.

THE MODERN CIVIL RIGHTS STRUGGLE

Many other American's soon echoed the words of Justice Harlan. In 1903, Mr. William Reynolds did not agree with this position. Mr. Reynolds, an African American living in Topeka, Kansas tried to enroll his son in a school set aside for whites. He was refused and brought suit against the board of education. The Supreme Court of Kansas, citing *Plessy* v. *Ferguson* and other cases denied Mr. Reynolds the right to enroll his son in a while school. The legal basis of segregation in the Topeka elementary schools was affirmed.

After Mr. Reynolds filed and lost his case other Americans took up the struggle. Dr. W.E.B. Dubois from Massachusetts, Mary Mcloud Bethune from Virginia, Isaiah T. Montgomery from Mississippi, Mrs. Ida Wells-Barnett from Chicago, and the citizens of Boley Oklahoma and countries others, all fought for years to make the works of Thomas Jefferson a reality.

After the end of the Second World War the forces of change were felt here in America and in Topeka. Returning African American servicemen joined a small but growing elite of teachers, lawyers and professionals to challenge the system of segregation. In Topeka, the leaders in this movement. Such as Charles Scott, an attorney from the Washburn Law School, Mrs. Lucinda Todd, a former school teacher, Mrs. Inza Brown, a legal secretary, Mrs. Mamie Luella Williams a teacher from the Monroe Elementary School, and McKinley Burnett, head of the Topeka NAACP were determine to change the system.

The focal point of this effort eventually settled on the segregated public schools of Topeka. In 1950, Mr. Burnett and Mrs. Todd, wrote to the New York headquarters of the NAACP indicating their willingness to go to court to test the Kansas law that permitted segregation. With the encouragement of the New York headquarters of the NAACP, local attorneys Charles Bledsoe and John and Charles Scott drew up the legal papers to challenge the system of segregation in the elementary schools.

Before the suit could be filed however plaintiffs were needed. One of the first plaintiffs was Lucinda Todd, the NAACP branch Secretary. Joining Mrs. Todd in the suite were twelve other plaintiffs. These were: Rev. Oliver Brown, Mrs. Richard Lawton, Mrs. Sadie Emanuel, Mrs. Lucinda Todd, Mrs. Iona Richardson, Mrs. Lena Carper, Mrs. Marguerite Emmerson, Mrs. Shirley Hodison, Mrs. Allen Lewis, Mrs. Darlene Brown, Mrs. Shirla Fleming, Mrs. Andrew Henderson, Mrs. Vivian Scales.

The case was officially filed with the United States District Court for Kansas on February 28, 1951. Its title was *Brown* v. *Board of Education of Topeka*.

CONCLUSION

By the fall of 1952 the Supreme Court had on its docket cases from four states, Kansas, South Carolina, Virginia, Delaware, and from the District of Columbia, challenging the constitutionality of racial segregation in public schools. In several of these cases the facts showed that both the black and white schools were as equal with respect to buildings, salaries, teachers and other tangible factors as could be expected. The issue before the Court was the constitutionality of segregation per se—the question whether the doctrine of *Plessy* v. *Ferguson* should be affirmed or reversed.

The five cases were argued before the Court in December 1952. The death of Chief Justice Vinson caused the cases to be reargued in December 1953, after the appointment of Earl Warren as Chief Justice. On May 17, 1954, the Court issued its historic decision in which it concluded that separate educational facilities are inherently unequal. After sixty years, *Plessy* v. *Ferguson* was overturned.

FINAL SUMMARY

This decision, in *Brown* v. *Board of Education of Topeka*, written by Chief Justice Earl Warren, was momentous. The social and ideological impact of the case can not be overestimated. The decision was unanimous with only a single opinion of the Court. The issue of the legal separation of the races was settled. Segregation was a violation of the Fourteenth Amendment of the Constitution and was unconstitutional. By denying African American children the right to freely enroll in their local schools, the Board of Education of Topeka, Kansas, started the chain of events that led to the Supreme Court and the case of *Brown* v. *Board of Education of Topeka*. The Sumner elementary School and the Monroe Elementary School symbolize both the harsh reality of discrimination permitted by the Plessy decision in 1896 and the promise of equality embodied in the Fourteenth Amendment to the Constitution that was realized after 1954.

Today, these schools stand as monuments to generations of Americans who refused to accept the denial of their basic civil rights as first proposed by Thomas Jefferson in 1776 and guaranteed by the Constitution of the United States. Tench Cox was correct in his observations of the Constitution in 1787. It is the responsibility of each new generation of Americans to interpret and if necessary amend the Constitution to see that our basic civil liberties are safeguarded and preserved.

Today, as we dedicate the Monroe Elementary School as a National Historic Landmark, let us remember the constitutional principles for which it stands—in the words of Justice John Marshall Harlan—"Our Constitution is color-blind and neither knows nor tolerates classes among our citizens. In respect to civil rights, all citizens are equal before the law." Let us also remember the previous generations of Americans who fought to preserve these principles.

The greatness of our Constitution, as historians like to say, demands that we be ever vigilant in the preservation of our liberties. Through the preservation of both the Monroe and Summer Elementary Schools let us ensure that the next generation of Americans will remember their Constitutional birthright to liberty and equality, and justice for all.

CUBAN INDEPENDENCE DAY

Mr. MACK. Mr. President, 90 years ago today, Cuba declared her independence from Spain. Today should be a day of celebration, but we cannot celebrate independence without freedom. Today, instead, is a day of defiance, of sadness, of hope, of solidarity, and of renewed commitment to the liberation of the Cuban people.

In the past year the suffering of the Cuban people has increased. Sometimes the brutality of the Castro regime is mind-numbing. Who can comprehend the brutality of a regime that would send government thugs to drag Maria Elena Cruz, a poet and leader of a nonviolent human rights group, from her apartment, beat her, and stuff documents she had written into her mouth? When Elizardo Sanchez Santa Cruz, president of the Cuban Commission for Human Rights and National Reconciliation, spread the word of this attack, he too was besieged by a Government-backed mob.

The Washington Post, in an editorial entitled "Thuggery in Havana" wrote of this incident:

> Such is the condition of communism in Cuba . * * * In Havana the doctrine remains official gospel, enforced finally by the resources of a totalitarian state. The few citizens brave enough to attempt any independent political activity face organized thuggery. (12/3/91)

Today we also remember in our hearts and in our prayers a man who, after languishing 30 years in prison, cannot leave Cuba to join his family. Mario Chanes de Armas fought at Castro's side in 1953, yet when he saw Castro imposing upon Cuba a new tyranny, he spoke out and was sentenced to 30 years in prison. This July, he was released from prison—but Castro himself has said he will not let Mario leave Cuba to join his family. We must not rest until Mario is free and reunited with his family.

Mario Chanes de Armas is not Castro's only hostage. About a year ago Major Orestes Lorenzo of the Cuban Air Force landed his Mig-23 in Florida and asked for political asylum. Now Major Lorenzo's wife Vicky and children Reyniel and Alejandro have been granted visas to come to the United States. But the Cuban Government has informed them that they may not leave Cuba. We must continue to work for freedom of emigration and the reunification of the Lorenzo family.

Also this year, more revelations have emerged concerning the Cuban regime's abuse of psychiatry. Jose Luis Alvarado, just 16 years old, tried to flee Cuba by gaining asylum in the Colombian Embassy. He failed, and the Cuban Government sent him to Havana's Psychiatric Hospital where he was given electroshock treatment and psychotropic drugs.

Roberto Bahamonde, a human rights activist who has been repeatedly denied the right to emigrate, was also sent to the same psychiatric ward. There he saw beatings, insane inmates wandering around naked, and walls and floors covered with excrement. When his wife complained to the hospital director, she was told there was nothing he could do—that ward was under the control of the state security police.

The horror stories, tragically, go on and on. It is little wonder that the number of people risking their lives on tiny rafts and small boats in a desperate grasp for freedom is increasing. Look at the numbers: In 1988, 59 people made it to Florida by boat. In 1989, 391. In 1990, 467. Then last year, the number increased almost 5 times, to over 2,400. This year, about 500 have survived the crossing as of May 1, which means that about 3,000 or more could arrive by the end of the year.

These figures are a testament to tremendous courage and unbelievable suffering. Who knows how many have died trying to escape Castro's tyranny? What suffering must people endure to lead them to risk their lives to gain freedom?

I believe it is time for the world to not simply sit back and watch as the Cuban people suffer. The U.S. economic embargo is the most important factor putting pressure on the Castro regime to reform—it should be strengthened and expanded. But the United States should not be alone in this. It is time for the United Nations to impose sanctions on Cuba, particularly following Cuba's refusal to allow the U.N. Human Rights Commission investigator into Cuba. If the United Nations can impose sanctions on Libya, Iraq, and South Africa, it can certainly impose sanctions on Cuba, the worst violator of human rights and international law in this hemisphere.

When I think of the rafteros—those people, young and old, black and white, poor and privileged—who risk all for freedom, I think of the words of the great Cuban patriot Jose Marti:

> Like bones to the human body, the axle to the wheel, the wing to the bird, and the air to the wing, so is liberty the essence of life. Whatever is done without it is imperfect.

No one understands this better than the Cuban people. On this day, let us work and pray that next year at this time, if not sooner, Cuba will be free and independent at last.

FOREIGN RELATIONS COMMITTEE REPORTS SERBIAN SANCTIONS BILL

Mr. PRESSLER. Mr. President, this morning the Foreign Relations Committee unanimously reported out a revised version of S. 1793, sanctions against the Government of Serbia. I commend Chairman PELL and ranking Republican Senator HELMS for making this progress possible. As a cosponsor of the original legislation, introduced last fall by Senator D'AMATO, I was gratified that Congress is beginning to make progress in formulating U.S. policy toward the Belgrade regime.

The bill imposes air carrier sanctions against Serbia and outlines a number of conditions which must be met before relations with the United States can be normalized.

The Foreign Relations Committee has no problems with the people of Serbia. They live under a dictatorial regime that is hardline, militarist, and Communist. A number of fledgling democratic opposition groups, including some with ties to the Orthodox Church and others associated with moves to restore the monarchy, deserve and need U.S. encouragement.

But until Serbians replace their rules, sanctions must be applied against the government of the Federation of Serbia and Montenegro, which was proclaimed on April 27, 1992, but is not recognized by the United States.

S. 1793 is a modest but solid beginning. On March 20, I introduced S. 2376, the Former Yugoslavia Act of 1992, to begin concrete United States actions against the Serbian Government now that the former Yugoslavia has ceased to exist. S. 1793 also recognizes that Yugoslavia is dissolved.

The issue presented by Serbian regime's aggression against its neighbors is urgent. That is why I offered an amendment in committee that "military aggression by troops, police, or guerrilla forces of the Federation of Serbia and Montenegro against Bosnia-Hercegovina, Kosova, or other territories of the former Socialist Federal Republic of Yugoslavia constitutes a threat to international peace and security which should be actively opposed bilaterally and in appropriate international bodies by representatives of the United States Government." This theme should be preserved in the committee's report to accompany the bill.

Like Senators DOLE, HELMS, D'AMATO, and Chairman PELL, I believe that unless the international community stops Serbian military and paramilitary aggression, its next victims may be the citizens of Kosova. Kosova, illegally occupied by troops of the former Yugoslavia, could readily be turned into a murderous nightmare of genocidal proportions if Serbian government shock troops proceed as they have in Croatia and Bosnia-Hercegovina.

In committee, I was only partially successful in offering my amendment that would have substantially raised the visibility of the threat to citizens of Kosova. The committee felt it was more important at this moment to focus on the Serbian regime's clear and present threat to Bosnia.

I am very pleased, Mr. President, that the committee incorporated another of my amendments as section 7(a)(5) of S. 1793, as reported. A number of international activities have been harassed or blocked by Serbian authorities. My amendment conditions normal relations on assurances that Serbian officials "are not interfering with United Nations peacekeeping operations or international observer missions or with humanitarian relief efforts" anywhere in the former Yugoslavia.

One final word of praise, Mr. President, to the Republican leader, Senator BOB DOLE, for his tireless, effective advocacy of a sensible policy to promote a peaceful outcome in the former Yugoslavia. I am proud to have been involved with him in those efforts.

I urge the Senate quickly to consider and pass S. 1793 and urge the administration to take effective steps to put Milosevic and his dictatorship on notice that further military aggression in the Balkan region is absolutely unacceptable.

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Is there further morning business? If not, morning business is closed.

DIRE EMERGENCY SUPPLEMENTAL APPROPRIATIONS, FISCAL YEAR 1992

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

A bill (H.R. 5132) making dire emergency supplemental appropriations for disaster assistance to meet urgent needs because of calamities such as those which occurred in Los Angeles and Chicago, for the fiscal year ending September 30, 1992, and for other purposes.

The Senate proceeded to consider the bill which had been reported from the Committee on Appropriations, with amendments; as follows:

(The parts of the bill intended to be stricken are shown in boldface brackets and the parts of the bill intended to be inserted are shown in italics.)

H.R. 5132

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for the fiscal year ending September 30, 1992, and for other purposes, namely:

SMALL BUSINESS ADMINISTRATION

DISASTER LOANS PROGRAM ACCOUNT

For an additional amount for the cost of direct loans, $169,650,000, to remain available until expended, of which **[**$58,895,000**]** *$50,895,000* shall be available only to the extent that a Presidential designation of a specific dollar amount as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985 is transmitted to the Congress, to subsidize additional gross obligations for the principal amount of direct loans not to exceed $500,000,000, and in addition, for administrative expenses to carry out the disaster loan program, an additional $25,000,000, to remain available until expended, which may be transferred to and merged with appropriations for "Salaries and expenses": *Provided*, That Congress hereby designates these amounts as emergency requirements for all purposes of the Balanced Budget and Emergency Deficit Control Act of 1985.

DEPARTMENT OF JUSTICE

FEDERAL BUREAU OF INVESTIGATION

SALARIES AND EXPENSES

The language under this heading in the Departments of Commerce, Justice, and State, the Judiciary, and Related Agencies Appropriations Act, 1992 (Public Law 102–140; 105 Stat. 788–789), is amended by deleting the following: "of which not to exceed $500,000 is authorized to be made available for making payments or advances for expenses arising out of contractual or reimbursable agreements with State and local law enforcement agencies while engaged in cooperative activities related to terrorism and drug investigations", and inserting in lieu thereof: "of which not to exceed $5,000,000 is authorized to be made available for making payments or advances for expenses arising out of contractual or reimbursable agreements with State and local law enforcement agencies while engaged in cooperative activities related to terrorism, violent crime and drug investigations".

FEDERAL EMERGENCY MANAGEMENT AGENCY

DISASTER RELIEF

For emergency disaster assistance payments necessary to provide for expenses in presidentially declared disasters under the Robert T. Stafford Disaster Relief and Emergency Assistance Act, an additional amount for "Disaster relief", $300,000,000, to remain available until expended: *Provided*, That Congress hereby designates this amount as an emergency requirement for all purposes of the Balanced Budget and Emergency Deficit Control Act of 1985.

DISASTER ASSISTANCE DIRECT LOAN PROGRAM ACCOUNT

The limitation on direct loans in the current fiscal year for the "Disaster assistance direct loan program account" is increased, within existing funds, by $22,000,000 to not exceed $28,000,000.

[This Act may be cited as the "Dire Emergency Supplemental Appropriations Act, 1992, for Disaster Assistance To Meet Urgent Needs Because of Calamities such as Those Which Occurred in Los Angeles and Chicago".**]**

DEPARTMENT OF LABOR

EMPLOYMENT AND TRAINING ADMINISTRATION

TRAINING AND EMPLOYMENT SERVICES

For an additional amount for "Training and Employment Services", $700,000,000, to be available for obligation for the period July 1, 1991, through June 30, 1992, to carry out part B of title II of the Job Training Partnership Act: Provided, That notice of eligibility of funds shall be given by June 15, 1992: Provided further, That these funds shall be available only to the extent an official budget request that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, is transmitted to the Congress: Provided further, That from the funds appropriated herein the Secretary shall first allocate to Guam, the Virgin Islands, American Samoa, the Trust Territory of the Pacific Islands, the Northern Mariana Islands, and entities eligible under section 401 of the Job Training Partnership Act, the same percentage of funds as were available to such areas and entities for the summer youth program in the fiscal year preceding the fiscal year for which the determination is made; the remainder of sums appropriated for summer youth employment and training programs for purposes of this Act shall be allotted among the States by—

(1) first alloting the amount so that—

(A) 50 percent of the amount shall be allotted on the basis of the relative number of economically disadvantaged adults, as defined in accordance with section 4(8) of such Act, within each State, as compared to the total number of such economically disadvantaged adults in all States;

(B) 25 percent shall be allotted on the basis of the relative concentration of such economically disadvantaged adults within each State as compared to the total concentration of such economically disadvantaged adults in all States; and

(C) 25 percent shall be allotted on the basis of the relative number of unemployed individuals, as defined in accordance with section 4(25) of such Act, who reside in each State as compared to the total number of such unemployed individuals in all States; and

(2) adjusting the sums so allocated—

(A) to ensure that each State with a teenage youth unemployment rate above the 1991 average teenage youth unemployment rate, as calculated by the Bureau of Labor Standards, shall receive not less than the State would have received if such amount had been allotted in accordance with section 201(b) of such Act; and

(B) by reducing the sums received by States not described in subparagraph (A) on a pro rata basis.

DEPARTMENT OF JUSTICE

GENERAL ADMINISTRATION

EMERGENCY "WEED AND SEED" PROGRAM FUND

For necessary expenses to implement "Weed and Seed" program activities, $250,000,000, to remain available until expended for intergovernmental agreements, including cooperative agreements and contracts, with state and local law enforcement agencies engaged in the investigation and prosecution of violent crimes and drug offenses in "Weed and Seed" designated communities, and for either reimbursements or transfers to appropriation accounts of the Department of Justice and other Federal agencies which shall be specified by the Attorney General to execute the "Weed and Seed" program strategy: Provided, That the Attorney General with the cooperation of the Secretaries of Labor, Education, Health and Human Services, Transportation, Agriculture and Housing and Urban Development and the Director of the Office of National Drug Control Policy shall implement the "Weed and Seed" program by providing local communities funds, through intergovernmental agreements or contracts, technical assistance and related information to coordinate new or existing public and private neighborhood revitalization programs: Provided further, That any amounts obligated from appropriations under this heading may be used under the authorities available to the organizations receiving reimbursements or transfers from this appropriation: Provided further, That these funds shall be available only to the extent an official budget request that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, is transmitted to the Congress: Provided further, That the Committees on Appropriations of the House and Senate shall be provided quarterly reports on the obligation and expenditure of the funds appropriated under this heading.

DEPARTMENT OF HEALTH AND HUMAN SERVICES

ADMINISTRATION FOR CHILDREN AND FAMILIES

HUMAN DEVELOPMENT SERVICES

For an additional amount for "Human Development Services," $250,000,000, to carry out the Head Start Act, which shall be made available to Head Start agencies operating Head Start programs on the date of the enactment of this Act, for the purposes of assisting the agencies to provide, during the summer months, Head Start services, including services through family literacy projects: Provided, That for the purpose of this Act, no part of any amount appropriated under this Act or any other provision of Federal law shall be used to enforce the limitation specified in section 640(b) of such Act with respect to such amount: Provided further, That notice of eligibility of funds shall be given by June 15, 1992: Provided further, That these funds shall be available only to the extent an official budget request that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, is transmitted to the Congress.

DEPARTMENT OF EDUCATION

COMPENSATORY EDUCATION FOR THE DISADVANTAGED

For an additional amount for "Compensatory Education for the Disadvantaged," $250,000,000, to carry out programs and projects in each of the 50 States during the summer months that meet the educational needs of educationally deprived children identified in accordance with section 1014 of the Elementary and Secondary Education Act of 1965, including programs and projects related to arts and drama, academic subjects, literacy, community services, recreation, conflict management, and dropout prevention: Provided, That these funds shall be available only to the extent an official budget request that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, is transmitted to the Congress: Provided further, That for the purpose of this Act, such amount shall be expended by first reserving for each State $500,000 of such amount to carry out such programs and projects, and by allocating the remainder of such amount in accordance with section 1005 of such Act: Provided further, That for the purpose of this Act—

(1) a sum equal to not less than 75 percent of the amount each State receives under this heading shall be made available to carry out such programs and projects through local educational agencies, as defined in section 1471(12) of such Act, that—

(A) serve the largest central city, as defined by the Director of the Bureau of the Census, in a State; or

(B)(i) enroll more than 25,000 students; and

(ii) serve such a city that has a population of not less than 125,000 and is within a metropolitan statistical area, as defined by the Bureau of the Census; and

(iii) have a higher percentage of children in poverty than the State average percentage of children in poverty; and

(2) the remaining amount each State receives under this heading shall be made available to carry out such programs and projects through local educational agencies, as defined in section 1471(12) of such Act, that for the purpose of this Act—

(A) have a lower per pupil expenditure than the average per pupil expenditure within the State; and

(B) have a higher percentage of children in poverty than the State average percentage of children in poverty,

except that the sum described in paragraph (1) may be altered if the chief State school officer and the State board of education agree to such alteration and publish the reasons and the objective criteria used to determine, that other such local educational agencies have a greater need: Provided further, That children enrolled in private elementary and secondary schools may participate in programs and projects assisted under this heading in accordance with section 1017 of the Elementary and Secondary Act: Provided further, That the intrastate formula should take into account the number of students served with these funds: Provided further, That notice of eligibility of funds shall be given by June 15, 1992.

DEPARTMENT OF THE TREASURY

FEDERAL LAW ENFORCEMENT TRAINING CENTER

SALARIES AND EXPENSES

For an additional amount for "Salaries and expenses", $1,500,000 for law enforcement training activities of the Center, to remain available until expended.

BUREAU OF ALCOHOL, TOBACCO AND FIREARMS

SALARIES AND EXPENSES

For an additional amount for "Salaries and expenses", $5,500,000 for the hiring, training and equipping of not less than 200 additional full-time equivalent positions for violent crime task forces and for increased costs associated with the Los Angeles riot, to remain available until expended.

UNITED STATES CUSTOMS SERVICE

OPERATION AND MAINTENANCE, AIR AND MARINE INTERDICTION PROGRAMS

(RESCISSION)

Of the funds made available under this heading in Public Law 102–141, $3,400,000 are rescinded.

UNITED STATES MINT

SALARIES AND EXPENSES

(RESCISSION)

Of the funds made available under this heading in Public Law 102–141, $500,000 are rescinded.

BUREAU OF THE PUBLIC DEBT

SALARIES AND EXPENSES

(RESCISSION)

Of the funds made available under this heading in Public Law 102–141, $800,000 are rescinded.

UNITED STATES SECRET SERVICE

SALARIES AND EXPENSES

(RESCISSION)

Of the funds made available under this heading in Public Law 102–141, $1,765,000 are rescinded.

EXECUTIVE OFFICE OF THE PRESIDENT

OFFICE OF NATIONAL DRUG CONTROL POLICY

SALARIES AND EXPENSES

(RESCISSION)

Of the funds made available under this heading in Public Law 102–141, $1,000,000 are rescinded.

This Act may be cited as the "Dire Emergency Supplemental Appropriations Act, 1992, for Disaster Assistance To Meet Urgent Needs Because of Calamities Such as Those Which Occurred in Los Angeles and Chicago".

Mr. BYRD addressed the Chair.

The PRESIDING OFFICER. The pending question is the first committee amendment.

Mr. BYRD. Mr. President, I ask unanimous consent that the committee amendments be agreed to, en bloc, and that the bill, as thus amended, be regarded for purposes of amendment as original text, provided that no points of order shall have been considered to have been waived if the request is agreed to.

The PRESIDING OFFICER. Without objection, it is so ordered.

The committee amendments were agreed to en bloc.

Mr. BYRD. Mr. President, the dire emergency supplemental appropriations bill, H.R. 5132, before us today provides a total of $1,944,185,000 in emergency supplemental appropriations to meet the urgent needs in Los

Angeles and Chicago and in other urban areas.

In large measure, unfortunately, this legislation is a reaction to the recent riots in Los Angeles.

While I agree that we must do what we can to help rebuild those neighborhoods, I am concerned about the conflicting message that our action today may send. By providing these emergency funds, an impression may be left that looting, rioting, killing, burning, pillaging, and other acts of violence will be rewarded by the Federal Government. It is extremely important that we communicate loud and clear that these actions solve nothing and must not be tolerated.

In reality, the end result of those days of violence destroyed the homes and businesses and cost the livelihoods of the people who live there. There are a lot of small towns and communities around this Nation which have serious economic problems, and the people of those small towns, and large towns as well, and cities, have not resorted to violence and riots to solve their problems.

We were all, of course, astonished at the outcome of the jury—and shocked. I personally could not understand why somebody among the policemen was not found guilty of something. I was also appalled at the countless times that the media played back the videotape of the policemen beating of Rodney King. And after it was repeated and repeated and repeated—I myself saw it scores of times—I felt that the media, to a degree, was doing a disservice in that it could not help but create antipathy and engender bitterness toward police all over this country, and would also serve to elevate and exacerbate passions on the part of minorities in this country toward police and would make it very difficult to have a fair trial and an honest, objective verdict.

So I think the media went beyond its responsibility to that degree and, to a certain extent, must help bear the responsibility for what happened.

I, of course, was not on the jury, but, as one observer, I could not understand the verdict that was rendered by the jury. I was astonished by it. I was disappointed by it. I was shocked by it. I felt that surely there were enough policemen there to have overcome the one man without using excessive force. Nevertheless, the jury verdict was no excuse for the rioting, the pillaging, the dragging of people out of cars and beating them, the robbing, the breaking of windows, the looting, the killing that followed.

I also think that the police, the security forces, should have been out earlier, and should have acted with more firmness, and I think the same can be said with respect to those who were responsible for sending in the Federal security forces.

There is always a criminal element that is just awaiting the opportunity to pillage and riot and loot and burn, and their passions had been whipped up to a frenzy by the repeated media display of this despicable act on the part of the policemen, brutalizing the victim. I do not attempt to pass judgment except to say that I was surprised at the jury's verdict.

That all having been said, however, I think it has to be also said that riots cannot be rewarded, and some people will, I am sorry, in all probability feel that they are being rewarded and that the way to get the attention of the Federal Government is to brutalize other people and go on a rampage of destruction.

We need to address the problems of all the communities across the land, including those of inner cities. As a result of the events, the Nation's attention has again been called to the neglect of our communities throughout the Nation.

According to a May 18 article in Business Week, last year an estimated 36,000 people lived in poverty. About 42 percent of those living in poverty live within concentrated areas within our cities. While poverty rates have been on the increase, Federal aid to cities has decreased by nearly 64 percent below the 1980 level.

Although the funding in this bill does not provide long-term solutions, it does attempt to address some of the immediate problems facing Los Angeles and Chicago as well as problems facing other cities throughout the country. That is what this bill is about. This bill is not about pandering to criminal elements that will seize upon any opportunity to destroy.

This bill is about providing some of the resources necessary to address the immediate need for loan and disaster assistance programs and making resources available not just to Los Angeles, but also to other cities, and to provide opportunities for young people who are caught in a web of poverty.

In response to the May 2, 1992, declaration of disaster for Los Angeles, and the April 15 Presidential declaration of disaster for Chicago, the bill provides a total of $194,650,000 for the Small Business Administration. This includes $169,650,000 for the disaster loan account and $25 million for administrative expenses related to administering the disaster assistance program.

The bill also increases the limitation on the Small Business Administration direct loans to $500 million for FEMA, the Federal Emergency Management Agency; $300 million is provided for disaster relief; and, the limitation on disaster assistance direct loans is increased to $22 million to enable FEMA to lend to an eligible applicant or State the portion of assistance for which the State is responsible under the cost-sharing provisions of the Stafford Act.

In addition, the bill includes language that would allow the Federal Bureau of Investigation to expand its initiative to implement FBI-sponsored task forces to combat violent crime. Preliminary investigations by the FBI in Los Angeles indicate that a significant portion of the violence that recently occurred in that city was perpetrated by gang members. The FBI task force approach will coordinate investigative resources and personnel from Federal, State, and local agencies against violent street gangs. There are currently four FBI-led task forces in Los Angeles addressing gang violence.

This language provides no new budget authority, but does increase the limitations from $500,000 to $5 million on paying overtime and other costs of participating State and local law enforcement agencies.

In addition, the language expands the authority for these payments to include investigations involving violent crime. The funding and provisions outlined thus far for FEMA, SBA, and the FBI, were included in the House-passed dire emergency supplemental appropriations bill.

In addition to the above, this bill also includes an amendment offered by myself and Senators HATFIELD, HARKIN, AND SPECTER to provide an additional $1.450 billion in emergency funding to provide early intervention, education, training, and job programs, for our youth during the summer months. The amendment has the support of Senators KENNEDY and HATCH, chairman and ranking member of the Senate Labor Committee.

Of the $1.450 billion, $250 million is provided for the so-called Weed and Seed Program. Weed and seed is a comprehensive multiagency approach to law enforcement and community revitalization. The amendment will allow the Attorney General to enter into cooperative agreements with the Departments of Labor, Health and Human Services, Housing and Urban Development, Education and Agriculture, to allow for a coordinated approach in areas of high poverty and crime to both reduce crime and deliver health, education, training and services.

Seven hundred million dollars is provided for summer youth employment for a summer jobs program. We are currently serving about 530,000 young people, about one-half the number served nearly a decade ago. This additional funding will provide summer jobs and training for an additional 500,000 youths between the ages of 14 and 19.

Two hundred and fifty million dollars is provided for a Head Start summer program. About 95 percent of the Head Start Program is closed for the summer months. The funding provided by this amendment will provide an estimated 200,000 disadvantaged children with services. It will also provide jobs to the estimated 36 percent of Head

Start parents, mostly women, who teach in Head Start programs.

It is said that Head Start is one of the most cost-effective programs focused on breaking the cycle of poverty and giving low-income children the full opportunity to enter school ready to learn. One of the Great Society programs, Head Start provides comprehensive development services to children and their families. Services include comprehensive health services such as immunizations and physical and dental exams and treatments, as well as meals.

Recent studies purport to show that for every dollar invested in Head Start, $4.75 is saved in later special education, crime, welfare, and other costs.

I must say I do not have a great deal of faith in such studies. I cannot see how such studies can credibly claim to show that for every dollar invested in a particular program, $4.75 or $4.50 or $4.25 or whatever is saved in later special education, crime, welfare, and other costs. I do not believe such studies are necessarily and indubitably factual. I think it is quite a leap of faith, to take on face value these studies that claim that such programs save, for every dollar invested, a precise amount of money down the road, $4.75 in this case.

Having said that, I am nevertheless a supporter, have been a supporter of Head Start, and I still am. I believe that there is some good, perhaps a lot of good, that results from the program. But I am not one who is willing to embrace, without question, a given program and take at face value such definite dollar amounts in savings over a period of years. Who knows? They might be greater. They might be less. But that is not the point here.

I am supportive of the program, believe it is a good one, and perhaps in the future we will know more about the true results.

Two hundred and fifty million dollars is provided for a Chapter I Summer School Program. Many school districts operate summer programs for disadvantaged students enabling them to attain academic progress during the school year. These funds will make it possible to expand those programs and initiate other programs to serve an additional 550,000 youths between the ages of 6 to 18 years.

Finally, we have included $1.5 million in salaries and expenses for the law enforcement training center and $5.5 million for salaries and expenses of the Bureau of Alcohol, Tobacco and Firearms. These supplemental amounts are more than offset by rescissions in accounts under the jurisdiction of the Treasury Subcommittee.

All of the funds provided in the House-passed bill, and the proposed committee amendment are either offset or have been designated as emergencies by the Congress, and must, under the budget agreement, also be designated as emergencies by the President before being obligated.

It is the President's choice but this ensures that there will be no sequester as a result of these appropriations, and that none of the associated outlays will be scored against the Appropriations Committees' discretionary caps.

I urge Senators to support the committee's recommendation, and I also urge Senators to refrain from offering amendments which are not of an emergency and time-sensitive nature. That is not to say that Senators will not offer amendments. They certainly have a right to do so. But we do need to complete action on this bill, and if necessary get to conference with the House if we are to have any chance of completing congressional action on this emergency legislation this week.

AMENDMENT NOS. 1834, 1835, 1836, 1837, EN BLOC

Mr. BYRD. I have four technical amendments that have been cleared on both sides. I send these four amendments to the desk and ask that they be considered and agreed to en bloc, and that the motion to reconsider be laid on the table.

The PRESIDING OFFICER (Mr. SANFORD). Without objection, it is so ordered.

The amendments, considered and agreed to en bloc, are as follows:

AMENDMENT NO. 1834

(Purpose: To make technical corrections to the bill)

On page 4, line 20 after "Congress:" insert: "*Provided further*, That Congress hereby designates these amounts as emergency requirements for all purposes of the Balanced Budget and Emergency Deficit Control Act of 1985:".

AMENDMENT NO. 1835

(Purpose: To make technical corrections to the bill)

On page 7, line 18 after "Congress:" insert: "*Provided further*, That Congress hereby designates these amounts as emergency requirements for all purposes of the Balanced Budget and Emergency Deficit Control Act of 1985:".

AMENDMENT NO. 1836

(Purpose: To make technical corrections to the bill)

On page 8, line 22 after "Congress" insert: ": *Provided further*, That Congress hereby designates these amounts as emergency requirements for all purposes of the Balanced Budget and Emergency Deficit Control Act of 1985".

AMENDMENT NO. 1837

(Purpose: To make technical corrections to the bill)

On page 9, line 17 after "Congress:" insert: "*Provided further*, That Congress hereby designates these amounts as emergency requirements for all purposes of the Balanced Budget and Emergency Deficit Control Act of 1985:".

Mr. BYRD. Mr. President, if I may retain my recognition before I yield the floor, I want to acknowledge the cooperation and support and the fine work of the distinguished Senator from Oregon [Mr. HATFIELD], the ranking member on the Appropriations Committee. He is always considerate, careful, cooperative, knowledgeable, dedicated, and I not only admire him greatly, but I am honored by the opportunity to share with him in our capacities. As a former chairman of the Appropriations Committee, he brings to the committee a superior knowledge and also an understanding of the importance of cooperation on that committee between the chairman and the ranking member, and between the two parties.

We do not have partisanship on the Appropriations Committee. I am not saying that I am above partisanship, but I do know that in the deliberations of the committee, I try to lay aside all thoughts of partisanship and work with Senators on both sides of the aisle for the good of the Senate and the good of the country. I feel that Mr. HATFIELD approaches his responsibilities in the same light. I thank him and I thank all members on both sides.

I also thank the staff. We have an excellent staff. We try to thank them each time we bring a bill to the floor, but our thanks ought to be repeated again and again.

I yield the floor.

Mr. HATFIELD addressed the Chair.

The PRESIDING OFFICER. The Senator from Oregon is recognized.

Mr. HATFIELD. Mr. President, I am pleased to join Senator BYRD in offering this dire emergency supplemental appropriation. I appreciate very much the kind remarks made by the chairman.

Mr. President, I sometimes wonder if the body fully appreciates the fact that the Appropriations Committee does function under many restrictions. I think probably one of the greatest restrictions we have is our size. For anyone to chair a committee of 29 members indeed immediately brings to mind the difficulty, I think, of a committee that large and of that complexity.

We have to have a quorum that equals the total size of most of the other committees. Then when you get the spread of philosophies on both the majority and the minority side, it is indeed an exercise in international diplomacy that calls for a consensus on any issue. It speaks well of the leadership of our chairman that we are able to bring this bill to the floor today.

Mr. President, I will be very brief. The chairman of the committee has aptly summarized the provisions of this bill which is now before us. This supplemental provides emergency funding for SBA and FEMA in response to recent calamities in Los Angeles, Chicago, and an additional $1.45 billion for Head Start, Summer Jobs, Chapter I Education Programs, and the President's Weed and Seed Program, as enumerated in the legislation Senators KENNEDY and HATCH introduced last week.

Mr. President, I want to make a very strong emphasis on the fact that Senator BYRD and I modified the Kennedy-Hatch proposal, as now incorporated in this supplemental. We modified it with the fact that we said these additional funds that are provided in the Kennedy-Hatch amendment could only be spent if the President joined the Congress in declaring an emergency. I think that is a very important point to keep in mind. It is not just an addition of so much money to what the President requested, but it gives to the President that very powerful role to play in whether he spends that money.

I might say that in discussing this modification with the head of the OMB, Mr. Darman, he found that it was very helpful for Senator BYRD and for me to offer this modification of the Kennedy-Hatch amendment.

I understand that some of the $1.45 billion recommended here on this particular amendment that I have been talking about may not be spent in time to address critical youth employment needs this summer, even if the President does join in declaring an emergency. However, I do think it is appropriate that we provide the opportunity to respond.

Mr. President, I understand that there are Senators who wish to offer amendments. However, it is my understanding and hope that the other body will accept this bill, as we finalize and report this bill, to avoid a conference. If we are to get this measure through the Senate and on to the President before the upcoming recess, as we should, we must move with dispatch.

Mr. President, one final point. I think the chairman made it very clear today that violence and rioting is not to be rewarded. I have heard some of the same comments that I am sure all of my colleagues have heard, which have been extended to me by communications from my constituents and others, that they do not want their tax money being used to reward violence and rioting.

Well, we have to distinguish between those who are the perpetrators of this kind of action that none of us can condone in any way, and those who are the victims. Let me say that from my perspective, we are addressing two factors here. We are trying to address some of the causes, and this is no panacea. We must take much more profound and far more comprehensive action to address all of the causes in a cause-effect relationship. But we are at least making a movement in the direction of addressing the causes. Second, we certainly are intending in this legislation, in this appropriation, to address some of the needs of those who were the victims. So I want to make the same distinction as to what this bill is and what it is not that our chairman has made in his opening eloquent statement.

Mr. LOTT. Will the distinguished Senator from Oregon yield to me for questions for the purpose of clarification?

Mr. HATFIELD. Yes, I will.

Mr. LOTT. First, I do not believe that the House included the approximately $1.45 billion for Head Start, Compensatory Education, Summer Youth Employment, and Operation Weed and Seed programs in their bill. Their's was just under $500 million; is that correct?

Mr. HATFIELD. That is correct. The Senate added that.

Mr. LOTT. Is the $494.7 million in the House strictly for emergency disaster-type assistance through FEMA and SBA for Los Angeles and Chicago?

Mr. HATFIELD. The Senator is correct.

Mr. LOTT. What is the breakdown on that? Approximately? How much for Los Angeles and how much for Chicago?

Mr. HATFIELD. We have not specified the distinction between the allocation to Chicago and the allocation to Los Angeles. That would be up to the President and the agencies involved.

Mr. LOTT. As I understand it, this additional $1.45 billion would be available, of course, to help in Los Angeles. But, it is not limited to Los Angeles. It applies nationwide for a number of programs that are specified, is that correct?

Mr. HATFIELD. The Senator is correct.

Mr. LOTT. Explain to me, if you would, how the President would handle this and the actions that he could or could not take. For instance, on the Los Angeles disaster assistance part of it, would he declare that an emergency and therefore put it outside the budget agreement?

Mr. HATFIELD. He already indicated his desire to create that situation for the budgetary requirements.

Mr. LOTT. But with regard to the additional $1.45 billion, are you saying he could, in effect, pick and choose? In other words, he could declare funds for a particular category—let us just say employment training services—as an emergency and then these funds could be spent and they would be outside the budget agreement, too? But, he would have the latitude of saying some other programs, like the compensatory education for example, might not be an emergency and therefore might not be spent. Is that correct?

Mr. HATFIELD. The Senator is correct.

Mr. LOTT. I think that is good for him to have that additional authority, but I still worry. This means when he declares any of the appropriations an emergency that it does not have to be paid for by other cuts in discretionary programs.

Mr. HATFIELD. The Senator is correct.

Mr. LOTT. I assume it would not have to be paid for with additional revenues either. It would be just be declared emergency appropriations and added to the deficit; is that correct?

Mr. HATFIELD. The Senator is correct.

Mr. LOTT. I thank the distinguished Senator from Oregon for those clarifications. Because this occurred yesterday, I believe, I had not been able to get a complete list of the proposed appropriations until a few minutes ago. I thank him for responding.

The PRESIDING OFFICER. The Senator from Mississippi.

Mr. LOTT. Can I be recognized under the time here?

Mr. HATFIELD. Would the Senator withhold one minute?

Mr. LOTT. I am delighted to withhold.

Mr. HATFIELD. As I have the floor, I ask for the yeas and nays on the final passage.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

Mr. HATFIELD. I thank the Chair and yield the floor.

The PRESIDING OFFICER. The Senator from Mississippi.

Mr. LOTT. Mr. President. I recognize what capable and distinguished leadership we receive from the two Senators who have just spoken on the floor here today, the distinguished Senator from West Virginia, the chairman of the committee; and distinguished Senator from Oregon [Mr. HATFIELD]. They are very capable and experienced and when they see a problem, they grab hold of it and try to act on it. That is the way it should be.

Knowing of their leadership and also knowing how much they mean to all of us, I hesitate to tread out into this water at all. Forgive me for a minute for explaining my position and how I am probably going to vote later on here today.

I am from a State that is prone to natural disasters. My own hometown has been devastated by hurricanes. My own home has been significantly damaged by hurricanes and tornadoes. We are in the tornado alley. There are floods. It seems like once or twice a year Mississippi has a natural disaster, and the Federal Government always comes to our aid.

When people are flat on their backs without water, without electricity, maybe even without food, and without adequate insurance—or maybe no insurance—the Government has always acted through the Federal Emergency Management Administration, the Small Business Administration, and the Farmers Home Administration, to help our people, poor as they are, to get back on their feet and begin to try to move forward with their lives. For that, I am eternally grateful. I do believe the Federal Government has a role in this area.

When people are hit, through no fault of their own, and innocent men and women lose their homes and businesses, that clearly is an occasion when the Federal Government should move in. The Government should provide quick, immediate and thorough assistance to try to put them back on their feet in such a way that they can either get a grant or a loan and get going again. So I support that for Los Angeles as well.

I have had some calls from people saying "What do you mean you going to reward the rioters in Los Angeles?" I am not about to try to reward the rioters. But what about those innocent men and women who lost their homes and businesses and industries through no fault of their own? They need some help. I think we ought to help them, and I will vote for that.

I am a little more hesitant when it comes to Federal assistance to Chicago. I do not know all the details of how that happened and who was culpable or if there was some sort of negligence. But even if there was negligence on the part of some person or Government officials—and I do not know really if that is true—there are still people who were innocently damaged or wiped out. So although I have some concerns about it, I am prepared to include that in this bill.

But the problem with supplemental appropriation bills is that they always seem to grow beyond the original intent.

So, while I was prepared to vote for a bill similar to what the House voted for, I now see $1.45 billion-plus added to this bill which was described earlier as the emergency supplemental appropriations bill. It has now become the dire emergency supplemental appropriations bill, and we have added to it $1.45 billion which is going to be added to the deficit. A great deal of those proposed additional appropriations are for programs that are already funded to significant degrees, with substantial increases in their funding this year over last year. I question whether we should add this $1½ billion more, and I fear that this may slow down the whole process.

Yes, we need to get this bill through conference and to the President tomorrow. Maybe you can pop it right through the conference. Knowing the two Senators on the floor, I bet you can because you will provide real leadership.

But I feel like I am in a very awkward position now because the Senate Appropriations Committee has added a lot of money to fund lots of programs. I do not think this has been sufficiently thought through. I have doubts about some of these programs anyway, regardless of their good intentions. As the distinguished Senator from West Virginia said, we are not always real sure what the result will be.

I do not think we have had a coordination between the House and the Senate, Republicans and Democrats, Congress and the President as to where this money is coming from, where it is going to, and whether or not these are the priorities that we need.

Yes, we need to do it quickly; but we should vote on the FEMA and SBA direct disaster grants and loans directly, and then look at the other programs later on.

I have to say, Mr. President, I was surprised, even shocked, last night when I saw that another $1½ billion really had been added to this so-called dire emergency supplemental. I think it was a mistake. I will vote against it in this form.

I wish we had kept our eye on the target for now—the real dire emergency supplemental disaster assistance for Los Angeles, and perhaps even Chicago. Then, after thought and coordination and proper hearings—still in a relatively short time—if we decided we really needed to, we could consider adding appropriations for these other programs in a coordinated way.

I think it is a mistake. We are going to add $2 billion more to the deficit and $1.5 billion of that is something that appeared yesterday afternoon.

Thank you, Mr. President. I yield the floor.

The PRESIDING OFFICER. The Senator from Oregon.

Mr. HATFIELD. Mr. President, I understand the Senator's concern and frankly the committee has shared that concern.

As the Senator from Mississippi may note, there was a bipartisan leadership conference at the White House on two occasions in hammering out this package and continuing relationship with the White House through the OMB and White House representatives.

Let me just respond briefly by saying this, that the President is given great latitude on this $1.45 billion as we had our little colloquy a while ago and spelled out some of the examples of that latitude and that discretion. But let me also say that some of these moneys in that $1.45 billion really are in anticipation of the President's request for the fiscal year 1993 budget for increases in some of these same programs.

In other words, this is money that may be what we can say "upfront money" on what we anticipate will be acted upon in the 1993 bills when we get into the 1993 process. But what we are trying to do is to meet a timeframe and the urgency of this summer. This is a key and very, very sensitive time in this whole picture of Los Angeles, and we have to sort of, in a sense, say let us provide through the supplemental appropriations the flexibility for the President to take some initiative here before the 1993 appropriations bills are completed, in areas, education, and other such things, summer jobs programs, that we anticipate have already been indicated, in many instances the President desires to see increases take place, in those programs in the regular 1993 cycle.

I, therefore, am able to defend this action on giving that kind of latitude to the President to get a jump-start, so to speak, from the appropriations timeframe, in order to meet the emergency or the situation that may exist and have indications could exist this summer.

Mr. BYRD. Mr. President, I support the statement just made by the distinguished Senator from Oregon. I am glad that he responded as he did to the distinguished Senator from Mississippi. The first month of the summer is just 30 days away, and communities all over the country indeed have been making their plans for the summer. And if they hope to make plans for summer jobs for youth, they need to know that there is going to be a possibility of getting some Federal assistance.

It is a time-sensitive matter. It would not be wise, I think, to wait until the regular appropriations bills come through for an item of this kind. Communities need to know how they can plan. The administration needs to know what it has with which to work.

So I thank the Senator from Oregon and also support his statement.

I hope that Senators who have amendments, if they have amendments, will come to the floor and offer them. I hope even more that they will not come to the floor and offer any amendments whatever so that the Senate can act on the legislation.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. BYRD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

BALANCED BUDGET AMENDMENT

Mr. BYRD. Mr. President, one of West Virginia's leading newspapers, the Charleston Gazette, today published a thought-provoking opinion piece on the proposed balanced-budget constitutional amendment entitled, "Balanced-budget amendment a smoke screen." An accompanying editorial, entitled "Phony amendment," suggests that such an amendment to the Constitution would be a fiasco.

Today's Washington Post also carried an editorial, "Majorities are Cheaper," condemning balanced-budget amendments to the Constitution as "the ultimate expression of the irresponsible governance that they purport to condemn."

I commend the authors of these items for their efforts to educate the public as to the real impact of a balanced-budget amendment to the Constitution.

Mr. President, I have been reading press accounts for some time now suggesting that Congress is on the way toward passage of a balanced-budget constitutional amendment this year.

It has been, I think, pretty much accepted as conventional wisdom that the oracle has spoken and that the proposed constitutional amendment is not only well on its way but is a foregone conclusion—that it is in the bag.

From reading many of these articles, one could draw the conclusion that such an amendment has virtually unanimous support in the Congress, and that its enactment is only a matter of time.

Mr. President, I hope that such predictions do not become a self-fulfilling prophecy before we have even begun debate—and we are going to have debate—in the Senate on the issue of a balanced budget amendment to the Constitution. We are going to have debate.

This is a matter that I believe merits careful examination, careful consideration, and careful elaboration. A constitutional amendment requiring a balanced Federal budget sounds like a neat, clean, simple solution to a particularly complex problem, but, unfortunately, there is no fast and easy and painless solution to a problem of the magnitude of our Nation's budget deficit.

The Federal Government has many responsibilities that it is forced to meet under the Constitution. The danger of a tightly drawn balanced-budget amendment is that it could put a straitjacket on the budget process, and tie the hands of Congress and the President in their efforts to meet national needs and priorities, emergencies, disasters, as well as their ability to deal with recessions or a threat to national security. Conversely, an amendment with sufficient escape hatches to respond to any conceivable emergency would be little more than an empty gesture on the part of Congress.

Additionally, it would take several years at best for any such amendment to be ratified by the requisite number of States and begin to have an influence on the Federal budget. And the influence that would be had on the Federal budget, I am sorry to say, would, in all likelihood, be the converse of what is being prophesied by some. And let us not forget that once an item is written into that Constitution, if it fails to meet the expectations and hopes, then the people's faith in the institution and in their government will once more be dashed. And it will require a number of years to repeal that amendment in the Constitution, if that should occur. It would take several years, at best, for any such amendment to be ratified by the requisite number of States and begin to have an influence on the Federal budget.

Of course, those of us who are running in 2 years, myself included—if it is the Lord's will and the will of the people of West Virginia—it would be an easy out for us. I could vote for this constitutional amendment knowing that the real problems will not occur until after my reelection because the amendment would not have been ratified by the requisite number of States. But I could go back home to West Virginia and say I voted for a constitutional amendment on the balanced budget, knowing full well that its ratification is still some way off, also knowing full well that the people have, once more, been hoodwinked by the politicians but that that would also be beyond the pale of my election.

Interestingly, the President currently has all the authority needed to send a balanced budget to Congress, but neither President Reagan nor President Bush has ever sent a balanced budget to Congress. I believe that we in the Senate owe it to our constituents, owe it to the Nation, owe it to ourselves, and owe it to our children and their children to take a close look at the real impact of a balanced budget constitutional amendment before marching lockstep in support of it.

I urge my colleagues not to rush to get in line to make a commitment publicly to support this monstrosity, but to take their time. There will always be time enough, time enough to declare their support for it. I hope that, in the meantime, they will see better of it and think better of it. But I implore my colleagues not to rush to get to the head of the line to commit themselves to something that the Nation itself will undoubtedly come to regret if such amendment ever became a reality.

I urge my colleagues not to commit themselves to support this amendment. Think about it. Listen to the debate. And I urge our colleagues to let us debate it fully. I have been around here 34 years. When I came here, there were lengthy debates in this body. There were episodes to which we sometimes refer as "filibusters" in this body. We saw and heard extended debate. My Senate colleagues in those days were very hesitant to rush to cut off debate on matters of national significance, matters of such far-reaching importance.

When I came to this body I said I would never vote for cloture on anything—never. And I maintained that position for quite a while. Then I came to the conclusion that one should never say "never," and should judge each issue as it came along. Later, as majority leader it was my responsibility to try to stop some of the filibusters after a reasonable time. But I remember no legislative or constitutional matter during those years that was as far-reaching as the forthcoming issue will be.

Unlimited debate is one of the cornerstones on which this institution, the U.S. Senate, rests. And I hope that Senators will let those of us who want to express our concerns about this amendment—I hope they will not rush to shut off that debate. Let us alert the Nation. That is the purpose of unlimited debate. Give the Nation time to be fully informed about the issue and give Senators time to thoroughly study and debate it.

After all, this will be a matter of profound importance to this institution and to, at least, some of us in this institution who love it, and who believe that this institution is the pillar, indeed, of the constitutional system, and who do not want to see that pillar destroyed. This institution is the representative branch of Government. We are directly elected by the people.

Abraham Lincoln once said that the President was directly elected by the people. Abraham Lincoln was wrong. The President is not directly elected by the people. The President is elected by the electors, who are elected by the people. And there are instances in which Presidential candidates who received more votes from the people than did their opponents, nevertheless got the fewer of the electoral votes and were not elected President. Benjamin Harrison, as I remember, got a higher percentage of the popular vote than did Cleveland—No, I think it was the opposite. Benjamin Harrison received fewer popular votes but was elected President. And that was not the only instance.

Once the power is shifted from the representative branch of Government to the executive branch and to the judiciary—as will be the case if we ever see a balanced budget amendment incorporated into the Constitution—then ours will no longer be a representative government. We are the people's elected representatives, and such a constitutional amendment will result in a massive shift of power, not just to the executive but also the judiciary, as many of us will point out in the course of what I consider will be a thorough debate. And that shift will signal the end of our representative democracy. That will be quite an earthquake, quite a massive shift of power.

I hope that our colleagues will arrive at a carefully reasoned decision on this proposal. I take occasion today to sound the alarm so that everyone will be on notice that the support for a constitutional amendment on a balanced budget is not, indeed, unanimous, and that its adoption is not, indeed, a foregone conclusion, notwithstanding what some of the columnists and political pundits may say. This is still the United States Senate, the great forum of constitutional liberty, the protector of minority views. And there are some of us who intend to have our say before the die is cast.

Mr. President, I ask unanimous consent to print in the RECORD the op-ed from the Charleston Gazette, which I referred to, "Balanced-Budget Amendment a Smoke Screen"; the editorial from the Charleston Gazette today entitled "Phony Amendment," and the editorial from the Washington Post of today entitled "Majorities Are Cheaper."

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the Charleston Gazette, May 20, 1992]

BALANCED-BUDGET AMENDMENT A SMOKE SCREEN

(By Jerry Spiegler)

The proposed balanced-budget amendment to the U.S. Constitution is a political smoke screen.

Recent federal budgets have been funded with large amounts of borrowed money. Early on, this was not so bad because the extra money in circulation stimulated consumers and made the economy grow. Later it became bad because it took more and more borrowing just to pay the interest on all that accumulated debt. This is where we are today. Deficit spending no longer provides the same degree of stimulation because the interest payments on the extra debt offset the positive effects of the spending. Now we just transfer resources from one part of the economy to another without achieving the growth we once did.

Half the $4 trillion national debt is owed to various levels of government, much of it to the Social Security Trust Fund and state pension funds. About a quarter is owed to banks and other private domestic investors. The last quarter is owed to foreigners. We will pay about $220 billion in interest on the national debt this year and about $55 billion will go out of the country. Since the interest on the debt must be paid, there is no leeway to balance the budget by eliminating debt service.

This year debt service will equal about 15 percent of all federal spending.

National defense is certainly an important goal, especially when so many jobs are tied to it. Defense spending amounts to about 20 percent of the federal budget. While there may be both reason and room to cut back here, let's also remember that in the short term a lot of jobs are lost. This is not an easy choice.

Taken together, debt service and defense amount to 35 percent of spending. What about the other 65 percent? Direct benefit payment programs for individuals account for 41 percent of the budget of which Social Security takes half or 21 percent. The rest includes Medicare, Medicaid, food stamps, aid to families with dependent children, farm subsidies, federal emergency programs, veterans programs, federal employee pension and benefit plans, and the federal portion of unemployment benefits. That leaves only 24 percent of the budget. Federal Deposit Insurance takes 6 percent, other federal programs take 6 percent and the last 12 percent goes into grants to states and localities.

There is simply not that much room to cut deep enough to make a significant difference in the short run. In order to balance the budget either spending must be reduced nearly 25 percent, revenues must be raised, or some combination. Clearly, an overhaul of national priorities along with the policies and programs to carry them out is called for.

Will a balanced-budget amendment change these numbers? Certainly not. Will a balanced- budget amendment force Congress and the president to rearrange national priorities? Not for at least another five years, the expected duration of the ratification process. What happens to the national debt in the meantime? What happens to the economy? Do the American people want to change priorities? If so, they have not yet articulated new goals. Will a balanced budget amendment hasten this process? Perhaps, but the competition for limited resources is likely to be fierce and divisive.

In the near term, a balanced budget amendment is likely to produce what the Gramm-Rudman-Hollings law, the various budget summits, and the 1990 Budget Agreement did the illusion of action without substantive change.

The solution to budget deficits is not a balanced budget amendment. Such an amendment is the solution for worried politicians who want to go into the November elections looking like they are doing the right thing without making voters angry by taking away or reducing popular spending programs.

These are some of the "right things" which need to be done to develop a balanced federal budget:

Reduce the size and scope of the federal government. Eliminate waste and fraud in all spending programs. Create means-testing for upper-income Social Security recipients. Curtail or eliminate cost-of-living adjustments for all spending programs without exception. Set reasonable eligibility requirements for all personal benefit programs and strictly enforce them. Eliminate double-dipping. Replace federal pension and benefit programs with the same ones every other citizen is covered by: Social Security and Medicare. Restructure the military to make it even more efficient.

Obviously, the list of ways to streamline and focus spending is much longer than these suggestions. The choices aren't easy or popular. But we must remember that there are no easy ways left to get out of the budget mess. Like democracy itself, setting budget priorities is a messy, contentious process with winners and losers. There are no guarantees and it often takes a long time to get it right.

Unless the people of this country are willing to be unselfish, to make sacrifices, and to make courageous choices, balanced budgets will continue to elude us as they have for the last 24 years. The choice is ours to make. If we put the budget on autopilot, it will only work for us when the economy grows faster than the debt. As long as the debt grows faster, global forces will continue to impose restrictions on our economy. As the people of the Kanawka Valley know all too well, such economic forces can be brutal.

[From the Charleston Gazette, May 20, 1992]

PHONY AMENDMENT

It took two centuries for America's national debt to reach $1 trillion. Then came the Reagan-Bush era, and the debt soared to $4 trillion—$16,000 for every man, woman and child in the nation.

During the 11 years under Presidents Reagan and Bush, the U.S. government has lived beyond its means. It spends $4 for each $3 collected. The difference must be borrowed—which gobbles up much of America's investment capital, plus loans from overseas.

The madness is peaking in the current fiscal year, with outgo expected to exceed income by $400 billion. The accumulated debt now is so huge that interest on it will cost $220 billion this year. One estimate predicts next year's cost at $295 billion.

Congress deserves part of the blame because members blindly approved President Reagan's trillion-dollar military buildup and his tax cuts for the wealthy. Ever since, the budget imbalance has been attacked through emergency tax increases and various deficit-reduction plans—all of them inadequate. The failure has made Congress members look like posturing incompetents.

Now, squirming under public contempt, members are trying to enhance their image by advocating a constitutional amendment to ban imbalance budgets. But this is only election-year phoniness. The balanced budget amendment would be as much a fiasco as the other failed cures.

On the facing page, Charleston financier, Jerry Spiegler explains some of the reasons why the amendment would flop. Here are some others:

The amendment probably couldn't take effect until around 2000. In the meantime, would America be ravaged by yearly deficits like the current $400 billion one? If so, the nation would be damaged severely. But if these interim deficits don't occur, that means Congress and the president are capable of balancing the budget without an amendment.

As Spiegler says, major items of federal spending—interest on the debt, Social Security, Medicare, Medicaid, the military, federal pensions, interstate highways and many others—would remain in the budget when the amendment finally took effect. Could the White House and Congress agree to wipe out $400 billion worth of programs, causing mass layoffs and perhaps triggering a depression? Or could they agree on a $400 billion tax increase? Or a combination of cut and increase? Or would Congress vote to override the amendment and continue deficit spending?

Most likely, attempts to comply with the amendment would break down, and chaos would result.

But that's in the future. Right now in the 1992 election year, Congress members know they can make themselves look good to voters by supporting the amendment. The chief purpose of the proposal isn't to balance the federal budget—it's to gain favorable publicity and win re-election.

[From the Washington Post, May 20, 1992]

MAJORITIES ARE CHEAPER

The balanced budget amendments to the Constitution on which Congress may soon vote aren't balanced budget amendment at all. They are abandonments of majority rule and responsibility whose effect will be a further evaluation of congressional minorities—the very splinter groups whose single-mindedness and log-rolling influence are said to be the bane of Congress now. The history of many reforms is that they boomerang. And in any case, procedural reform is not a substitute for political will. The effect of these efforts to atone for past political failure is as likely to be an increase in the deficit as it is a decline.

These ill-considered proposals are misnamed. They do not mandate that the budget be balanced; they simply require more votes—typically three-fifths of both houses—to unbalance it. Forty percent plus one in either house can hold the entire government hostage; that's the shift to minority rule. The theory is that the holdouts, whoever they may be in a given year, will use their increased power to keep the deficit down. But precedent suggests the opposite outcome, that they will use the power to ratchet the deficit up. To assemble the voters for a budget, even more interest groups than now will have to be satisfied. The price of passage will go up, not down.

In terms of governance, the peril of failing to include a certain group—of cutting instead of increasing it's subsidy—will be greater, not less. Majorities are cheaper. Nor will the price exacted always be fiscal; to pass a budget, a rider on an issue having nothing to do with the budget may be required. A limited form of minority rule already exists in the Senate, which tends to pride itself on its accommodative procedures. When have they finally held the deficit down?

It already takes a three-fifths vote in the Senate to break a filibuster. When was the last filibuster against an unbalanced budget? The Constitution already requires a two-thirds vote in both houses to override a presidential veto. When was the last time the veto was used to enforce a balanced budget? If George Bush is so in favor of a balanced budget, why doesn't he submit one? Why didn't Ronald Reagan before him, while also urging passage of an amendment?

These balanced budget amendments have not been thought through. (Among other effects, they would squeeze the states that would be called upon to ratify them, but that's another story.) The budget ought to be put on the path toward balance just now, but the way to do that is to increase taxes or cut spending. The amendments would do neither. They carefully postpone both steps while at the same time providing cover for past postponements. They represent a major change in our constitutional system, whose discipline they are as likely to weaken as to strengthen. The president and Congress alike are using the Constitution for short-term political purposes, as a fig leaf. The country deserves better than that. These amendments are the ultimate expression of the irresponsible governance that they purport to condemn. They ought to be shot down.

Mr. BYRD. I yield the floor.

Mr. KENNEDY addressed the Chair.

The PRESIDING OFFICER. The Senator from Massachusetts.

DIRE EMERGENCY SUPPLEMENTAL APPROPRIATIONS—FISCAL YEAR 1992

The Senate continued with the consideration of the bill.

Mr. KENNEDY. Mr. President, first of all, I want to express my appreciation, and I know I speak also for Senator HATCH, to the chairman of the Appropriations Committee and the ranking minority member, Senator BYRD and Senator HATFIELD, for the inclusion of an amendment which is time sensitive. I will develop that point after I make a general comment about the bill before us.

I believe deeply that the inclusion of this amendment is not a handout but a helping hand to the millions of families that are attempting to bring their families up in the inner cities. Most importantly, no matter what your view about what happened out in Los Angeles or the difficult challenges that cities are facing in this country, we recognize the real hope for those cities, for America, is in its children. This program has been targeted toward children, children of an early age, and also those who would learn from a job experience some of the values that come from that particular endeavor.

At the outset, I want to express my appreciation to the chairman and the ranking minority member and to the committee which added the $1.45 billion for time-sensitive job, education and community programs that can make a difference for the Nation's cities this summer.

More than $1 billion of these funds are targeted for inner-city youth.

Under the bill before us, an additional 200,000 3- to 5-year-old will be served in summer Head Start programs. An additional 550,000 6- to 18-year-olds will be served in summer school programs for elementary and secondary school pupils. The summer job program will be doubled, and will be able to serve an additional 500,000 young men and women. And substantial new resources will be available for the Justice Department's innovative Weed and Seed Program to combat inner city crime, and seed a variety of desperately needed urban services.

Last week, I joined with Senator HATCH in calling for this bipartisan initiative, and we hope that this measure will go to President Bush this week, before Congress adjourns for the Memorial Day recess. Unless we act immediately, the opportunity will be lost to expand these vital initiatives in time for this summer.

Important as this first step is, it cannot be the only step. We need to continue to work together on an effective additional response in follow-on legislation to deal with other urgent aspects of the urban crisis.

Immediate, additional invests are needed in program such as community development block grants, which provide the Nation's mayors with resources for a range of projects such as housing rehabilitation in poor neighborhoods, job-creating public works, and community projects such as senior citizen centers and Head Start centers.

Just this afternoon, I had an opportunity to talk with a mayor of one of our fine cities in Massachusetts. He indicated that if he was just able to maintain the public schools open from 3 o'clock, the time that they close, until maybe 10 or 11 o'clock at night, what a positive impact that would have for young people who are interested in sports or interested in music or interested in other kinds of activities. These young people would be able to utilize those facilities in which the public has already invested. Many mayors need to have some small additional resources because of the belt-tightening that is taking place in the cities across this country.

That is something that we ought to support.

We also need a stronger commitment to community development corporations which have been effective in creating jobs and revitalizing neighborhoods in Los Angeles, New York, and other cities. One of the first CDC's will soon celebrate its 25th anniversary—the Bedford-Stuyvesant Redevelopment Corporation in New York City, which was founded by Senators Robert Kennedy and Jacob Javits. Another of the oldest and most successful CDC's is the East Los Angeles Community Union, which will play a major role in the redevelopment of the riot corridor.

Community development corporations provide immediate job training and job opportunities. They also promote lasting stability by ensuring that impoverished areas develop the anchors that middle class neighborhoods take for granted—including strong community organizations, corner banks, thriving local businesses, safe parks and decent housing. The Labor Committee is currently preparing legislation to expand and improve the current programs, and it should be part of our larger urban initiative.

Private firms, too, must make a greater commitment to invest in the Nation's cities. The private sector, community groups and Federal, State, and local governments must work in partnership to revitalize our urban centers. Each has a major role to play. Private sector support means a commitment to provide loans to rebuild devastated neighborhoods and businesses and to continue to provide insurance to areas in which there has been unrest.

In law enforcement, the emphasis should be on additional aid to State and local authorities. We should insist on the enactment of clear nationwide police training standards and Federal enforcement authority, to reduce the likelihood of excessive use of force, and to root out the disastrous effects of race discrimination in all aspects of the criminal justice system. The Police Corps, which is authorized in the stalled crime bill, is an excellent idea; it can bring new recruits and new perspectives to police departments across the country.

Finally, we must bring a new sense of commitment to address the long-run domestic challenges we face. A decade of neglect has red-lined the entire Nation—not just our cities. We have seen too much disinvestment in the vital areas such as education, job training, housing, health care, and research and development.

Last January, as part of our effort to end the recession and stimulate a strong economic recovery, I called for a Federal program of $210 billion of new investments over the next 7 years to rebuild America's strength in these fundamental areas. I proposed to pay for these selected, targeted invest in America programs by reductions in defense spending. In the wake of the Rodney King verdict and its aftermath, the need is more urgent than ever, and it is more important that ever that we begin to meet these needs now.

I commend the leadership of Senator MITCHELL and, again, I express my appreciation for the cooperation fashioning a bipartisan beginning, which I hope will be expanded to include a good deal more.

Mr. President, I want to point out precisely why providing funds for these programs is time sensitive. Ninety-five percent of the Head Start programs will close between this week and the end of the first week in June; 95 percent of all of the Head Start programs that are in operation will be closed down. Only about 5 percent of the Head Start programs continue during the course of the summer.

So if we are going to be serious about coming to grips with the problems of some of the children who live in the inner cities—although it is not just restricted to the larger cities, there is also provision in here for some of the smaller cities and even a small State minimum—we must act now.

In the Chapter I Education Program, virtually every school district closes the second or third week in June. And the local education agencies need a few weeks' lead time to rehire teachers and expand the summer programs. The provision provides additional funds for chapter I programs will serve 550,000 young people over the course of this summer.

With regard to the summer jobs program, they start the week after public schools close and the Department of Labor says that June 5 is the drop-dead date, so to speak, after which it would not be feasible to get the funds out to the States and in turn to the cities and rural communities.

It is an interesting fact, Mr. President, that the summer job opportunities dropped dramatically in the 1980's, with the current appropriation less than 75 percent of the 1981 appropriation in nominal dollars. With the cost of inflation, we are currently serving just about half as many young people, about 530,000 annually, as a decade ago.

So all we would really be doing is bringing the number of summer jobs up to what they were a decade ago.

And then there is the Weed and Seed Program which affects children and their families directly. The concept is to weed out the crime and seed the community with a new sense of hope and opportunity. The early results of this program, which has been developed by this administration, for which the administration deserves credit, have been extremely positive.

So, Mr. President, I think there are other time-sensitive programs as well that could be done this summer. I have spoken about those programs at other times in the Senate, which, quite frankly, I wish we would have been able to include in this program.

But on both sides of the aisle we recognize that the real future of the cities and communities of the country is children. The Kennedy-Hatch amendment is targeted to 3-year-olds all the way up to 18-year-olds and include the early intervention and confidence building that takes place with the Head Start Program, the enriched summer programs under chapter I, both of which have been evaluated extensively and both of which have demonstrated very positive results. The only real criticism of these programs is that there is not further mentoring or further support for those young people as they go through high school, and we have addressed that in the higher education bill which is pending and which will be passed before the end of the session.

So, Mr. President, I am very hopeful that this supplemental appropriation will be passed. I am very hopeful the President will be willing to accede to what has been, to date, a bipartisan effort. We want to try to keep it that way. The reason these programs have been chosen is because, as I mentioned before, their time-sensitive nature. They could not possibly be effective if we were to go over in to June before action. These programs are tried and tested. This is a minimal program but it can make some difference in terms of hope for children in our society. I hope we can move toward early passage of this legislation.

Mr. WOFFORD. I would like to compliment my colleagues for taking the leadership to provide additional funds in this legislation for summer youth programs throughout the country. The crisis of youth that I saw during a recent visit to south-central Los Angeles exists throughout the country.

The most constructive immediate way I know to respond to this crisis of our young is to engage them in organized work in which they contribute to their communities. I believe that in expanding summer youth employment and training programs priority should be given to programs, such as youth conservation and service corps, that offer productive work with visible community benefits and that give participants a mix of work experience, training, and support services.

Summer jobs should be more than make work. I believe that States should be encouraged to expand or to establish summer programs that emphasize discipline and teamwork, and provide the opportunity to acquire citizenship skills such as problem-solving, self-reliance, leadership, and initiative.

Do my colleagues join me in encouraging such programs?

Mr. KENNEDY. I thank my colleague from Pennsylvania for his comments. I certainly share his views.

As he is aware, the Senate recently acted to improve the JTPA Program. The Labor Committee's report accompanying this legislation specifically encouraged the involvement of JTPA participants in youth corps programs. In particular, the committee encouraged linkages of the JTPA with youth corps programs where citizenship skills are a central feature of the program, such as those programs authorized by the National and Community Service Act.

It is my hope that communities be encouraged to use the funds provided by this legislation for such programs. I look forward to working with my friend and colleague from Pennsylvania in this regard.

Mr. BYRD. I thank my colleagues for their work on expanding opportunities for youth. I join them in decrying make work programs and join them in encouraging youth programs that will promote discipline, teamwork, and citizenship. We do indeed need to improve the skills and opportunities for youth throughout the country.

Mr. COATS addressed the Chair.

The PRESIDING OFFICER. The Senator from Indiana.

Mr. COATS. Mr. President, the Senator from Montana has joined me on the floor, and we would like to enter into a very brief colloquy with the acquiescence of the manager of this bill.

Earlier I had indicated that I would offer an amendment to the supplemental appropriations bill dealing with the interstate shipment of trash. Subsequent to that time, I have had a discussion with the chairman of the Subcommittee on Environmental Protection, who has reported to me that legislation dealing with this issue would be reported out of his committee, and I believe subsequent to that conversation that has indeed happened. So we were planning to take a little bit of time today to outline that legislation and where we might go from here.

We have been engaged in fairly intense negotiations now for nearly 7 months attempting to resolve this very important issue not only for my State but for a number of States. I believe we have made very significant progress. There are some remaining concerns I and a few other Members have with the legislative product as reported by the committee. I think there is an indication we can continue negotiations and hopefully move forward to address the issue of interstate shipment of solid waste.

I would at this time, Mr. President, yield to the Senator from Montana, the chairman of the subcommittee, for his comments on this. I then have a few questions, and I believe there may be two or three other Senators who would like to speak on this issue.

The PRESIDING OFFICER. The Senator from Montana.

Mr. BAUCUS. Mr. President, I thank the Chair and also thank the Senator from Indiana.

Mr. President, earlier today, the Environment Committee favorably reported the reauthorization of the Resource Conservation Act. Included in this bill is an amendment authored by myself and Senator CHAFEE to give Governors conditional authority to restrict out-of-State municipal waste.

The amendment was the result of a long struggle to find an acceptable compromise. Senator COATS first raised this issue over 2 years ago. And it is in part due to Senator COATS' persistence to find a solution to this issue that the Environment Committee has adopted a compromise.

The amendment does not give everyone everything that they wanted. We all had to give a little. But we now have a workable solution to the problem of interstate transportation of solid waste. This amendment was agreed to by all the concerned Senators on the Committee—Senators CHAFEE, WARNER, WOFFORD, LAUTENBERG, MOYNIHAN, and METZENBAUM. We also consulted extensively with the Senator from Indiana and other interested Senators who are not on the committee. And I believe that this amendment also represents a basis that will be acceptable to them.

The amendment is complicated because it tries to accommodate the interests of many members and because it recognizes that interstate waste is not just an issue in one or two States, but the entire Nation.

Mr. President, some 15 million tons of municipal waste are shipped out-of-State each year by 43 States. Forty-two States also import some waste. The point is, nearly every State relies on other States to handle some portion of their waste.

The problem is that some states are importing far more than their fair share. And some States are exporting far more than what they should.

Our challenge has been to find a solution that will reduce exports, and yet give exporting States some time to site new, in-State capacity.

The interstate amendment that the Environment Committee adopted yesterday accomplishes this in a responsible and fair manner without disrupting contracts now in force.

Let me briefly explain the amendment.

First, it grants States authority that they do not now legally have. That is, it allows a Governor to prohibit and limit out-of-State waste at landfills and incinerators subject to certain conditions.

There are two primary conditions that must be met before a Governor can impose limitations on out-of-State waste.

First, a Governor must receive a written request to restrict out-of-State waste, from both the local government that is home to the landfill or incinerator, and the local solid waste planning unit, if any exists under State law.

Second, a Governor may not impose any restrictions that would result in the breach of an existing waste contract.

Once these two conditions have been met, a Governor may ban waste at any landfill or incinerator that did not receive out-of-State waste in 1991.

At those facilities that did receive waste during 1991, a Governor may ban waste at any facility that does not meet the State standards for operating such sites.

Moreover, Governors of States that received large amounts of municipal waste—more than 1 million tons in 1991, which include Virginia, Pennsylvania, Ohio, and Indiana, may impost additional restrictions.

First, with or without a local request, a Governor of one of these four States may freeze at 1991 levels the amount of out-of-State municipal waste received by any facility.

Second, if requested by the local government, a Governor in one of these States may require that out-of-State waste be disposed of in a landfill that meets the State's requirements for newly constructed landfills.

Alternatively, the Governor may limit the amount of out-of-State waste received to 30 percent at any landfill that took more than 100,000 tons of out-of-State waste in 1991, if that accounted for at least 30 percent of the total amount of waste received at the landfill.

Finally, in an effort to encourage all Sates to upgrade their landfills, beginning on January 1, 1995, a Governor will lose authority to restrict out-of-State waste unless one of two actions are met.

Either all operating landfills in the State must meet EPA's design and locational standards for new, environmentally sound landfills. Or, landfills that do not meet these standards must be on an enforceable schedule to shut down prior to January 1, 2000.

These are the key elements in the amendment the committee adopted. I know that it does not give everyone everything they want.

In fact, one of the major objections to this is that the Governor does not have unconditional authority. Instead, the Governor must first receive a request by the local government before imposing interstate restrictions.

But it is really the local government and its citizens that must bear the brunt of living next door to a landfill and putting up with the odor and truck traffic. If the local community doesn't object to accepting out-of-State waste, than it should be less of a problem for the State.

Mr. President, I again want to commend the Senator from Indiana and the other Senators who worked with me to craft this proposal.

It took a little longer than I first anticipated, but I believe that it is a fair and balanced compromise. One that serves an important national interest, and one that will serve the interests of my colleagues.

I look forward to working with the Senator from Indiana, the majority leader, and my other colleagues to see this issue get to the floor in a timely fashion this year.

As the Senator from Indiana said, earlier today the Senate Committee on Environment and Public Works did report out the Resource Conservation Act, which included a quite complicated interstate amendment that is covering the interstate transport of solid waste between States. That amendment was in the bill basically because interstate transportation of solid waste is such an important issue to so many States. Approximately 43 States export solid waste to some other State. And about the same number of States import solid waste. I am talking about garbage here—garbage into their own States.

In addition, it is clear that States want to manage landfills as much as they possibly can, so we have two competing interests involved. On the one hand, the States want to control their own destiny the best they can, and on the other hand virtually all States export and import garbage. Sometimes in States like Oregon and Washington, which are close together, say around the Portland area, there is a lot of interstate transportation of garbage back and forth between States. Take the District of Columbia. Here is Maryland, and Virginia next door. Garbage trucks oftentimes do cross State lines. So we have to fashion a solution.

I commend the Senator from Indiana for bringing up this issue at an earlier date. At that time he and I and others in an attempt to resolve this issue agreed it probably made sense to postpone Senate consideration until sometime around April 30. This is now a few days after April 30.

In the meantime, as the Senator knows, the Environment and Public Works Committee has been working very diligently to address this issue. It is an issue between exporting and importing States. Some like importing garbage, some do not like to import garbage. It is a bit complicated. We have worked out a resolution. We consulted diligently with Senators who are primarily concerned with this issue.

I see the Senator from New Jersey on the floor, Senator LAUTENBERG has been one of the stalwarts in working out a solution. He comes from a State which is basically known as an exporting State. The Senator from Indiana is basically from an importing State. I must say that on the committee we are represented both by importing States and by exporting States, as the Senator well knows.

I must say, in addition, we consulted with the Senator from Indiana as the Environment and Public Works Committee has to try to fashion a reasonable solution. And because the committee has reported out the Resource Conservation Act reauthorization which does include a very thoughtful interstate provision, it just seems to make most sense for the Senate to follow the usual orderly process, that is, when the bill gets to the floor of the Senate, if the Senator from Indiana or other Senators wish to have amendments, the committee will certainly fully consider them and try to work with Senators to further refine and improve upon the bill.

I must say I commend the Senator for his very diligent work here. He is one Senator who has worked very hard, very conscientiously to help all of us come up with a solution here. And I very much compliment the Senator's diligence, his persistence, his, I must say, almost singlemindedness to this issue, and it has helped move the process along.

I fully expect us to take up the reported bill at a later date, in the next several, who knows, weeks, or it could be a couple of months. I urge the Senator and other Senators to watch the process, to work with the process. There are many more days left within which we can pass the bill out of the Senate and work with the House. If at a much later date it becomes more clear that that is becoming less likely, then we will cross that bridge when we get there, but we are not at that bridge yet. I strongly urge us to wait, not to act now because it is going to upset a process which is very delicate.

Another complication is the tension between Governors and municipalities. Governors of States obviously would like to be the entity that determined whether or not out-of-State garbage comes into their States. I must say there are conflicting interests there because sometimes local communities in those States have contrary points of view. So there is a tension there between the Governor and the municipality.

It seems only reasonable that if the local municipality, which is the community which bears the burden of receiving garbage, wants to receive garbage—it is a revenue raiser and they do not mind having trucks go through their community and dump garbage as long as the tipping fee meets the municipality's need—maybe they should have more say on whether that garbage comes to that community than the Governor of the State. But, of course, the Governor of the State has an interest in working out a solid waste plan within the State, working with the various communities in the State.

So the amendment being crafted is an attempt to bridge that tension, to deal with both sides of it, and, as the Senator knows, it is a good-faith effort, and I think it accomplishes the result about as well as can be accomplished.

Mr. COATS. If the Senator will yield for a couple of questions, first, I would like to say for the record that the Senator from Montana indicated to me many months ago that he would operate in good faith, and he has done exactly that. I thank him for that. He has been diligent in negotiating with us on what is a difficult, complicated issue.

I believe we are close to a solution which acknowledges the very real problems that exist on both sides of this equation with respect to exporting and importing States. We are trying to resolve that. It is not easy to do. I think we have made very significant progress in that regard.

I believe the committee has proceeded in good faith and they are reporting out the Resource Conservation and Recovery Act today with this provision included, which is important.

I would just say to the Senator from Montana that while we are in the spring of the year, the time is moving on and when one looks forward to the number of legislative days left, given the two parties' conventions, this being an the election year, and so forth, there are not that many days remaining.

My real concern is that we are able to successfully accomplish a resolution to this problem in this legislative year. So I would hope that we could move forward with every bit of due diligence to recognize the fact that you will not have many days to legislate on this floor. I urge the majority leader and all of those who determine the schedule to advance legislation on the interstate waste issue.

Given the fact that there are some specific concerns relative to the committee bill that affects certain of our States, which the Senator has acknowledged he would be willing to work with us to resolve, I would like to be able to bring a bill to the floor that has those issues resolved so that we do not have to go through the amendment process. I think it is something we can sit down and continue to negotiate. I would ask the Senator for his assurance that we could at least do that.

Then I would ask that he recognize that this is an issue of such importance that a solution needs to be reached this legislative session, and that we have to do that in a timely enough basis so that the House of Representatives can likewise act. We can then conference the bill and get a piece of legislation on to the President's desk for signature this year.

My concern is that because this is attached to a broader bill, RCRA, that there are provisions in there that prevent its being called up on the floor or prevent its successful passage by this body or the other body. Therefore, I would like to have some idea that if it appears RCRA is not going to be the vehicle with which we can deal with this interstate trash issue this year, we can agree to find an appropriate manner in which to move forward this legislation. I think many of us from importing States feel this is something that has to be resolved this year.

Mr. BAUCUS. If I might answer the Senator's question.

Mr. COATS. It is a long question. I apologize.

Mr. BAUCUS. I can assure the Senator that RCRA will be the vehicle dealing with the interstate transport this year. I am exercising every effort at my command to help make that happen. I know the Senator from Indiana and all Senators work in good faith so we can bring the RCRA bill up and work out the differences as he says he does in the ordinary process of Senate deliberation.

I also understand and agree that this is a very critical issue to the States. There are many other critical issues, too—education, health care legislation, budget deficit, aid to cities, racial tensions—I could go on and on with issues which I think are even more important to our country.

But certainly interstate transport is an issue as important as well, and we will use every effort in good faith to resolve it this year.

I thank the Senator.

Mr. COATS. Mr. President, I would just respond to the Senator by saying that in my looking at the calendar, at the timetable. I would think that if this body cannot act on this legislation, if we cannot act before the July recess, we will find ourselves in the position where we will not have the time to enact similar legislation on the House side, resolve it, and have it on the President's desk.

So I hope that we could come to a resolution of this issue as soon as practical after we return from the Memorial Day break. That will give us about 3½ weeks or so in June to address the issue. After that, I am afraid there will be very, very little time to address the interstate waste issue.

As the Senator said, there are many important issues on our plate. We have been working on this now for three years. Our landfill capacity is declining to the point where if we wait for a new Congress to address this, the problem will be resolved. It will be resolved because Indiana is going to fill up with out-of-State trash, and we will be put in the position of "passing the trash" west.

So we have to take action now on a bipartisan basis. It is unanimous among our delegation. I know that is true of many States. I believe this has to go forward in a bipartisan way and be resolved as quickly as possible.

Mr. SIMPSON addressed the Chair.

The PRESIDING OFFICER (Mr. LIEBERMAN). The Senator from Wyoming [Mr. SIMPSON] is recognized.

Mr. SIMPSON. Mr. President, even though I recognize there is no time limitation, I will take 3 minutes to comment on this issue.

Today, we reported out a RCRA bill and that is done. The bill deals primarily with the interstate shipment of garbage and recycling. Senator BAUCUS has worked doggedly and valiantly to get that bill reported. The core measure was difficult enough, and what happened in the amending process was even more difficult as to what happened, and the one this morning with regard to really an obfuscation of the $140 million facility with one that makes this bill fundamentally flawed.

I do not expect the bill in its present form to be considered. And that is not in any sense in derogation or criticism of Senator BAUCUS because he has done everything he could. I know how he works because I worked with him on clean air and other things. He is a splendid person to work with.

But the driving force behind all of this was the Senator from Indiana, his efforts to develop the legislation that will deal with the interstate shipment and the disposal of municipal waste, and I think we should act on that issue this year. We should move on interstate provision independently of the general RCRA legislation that has so many controversial provisions.

So I simply would urge the EPW Committee to work with Senator COATS, as the chairman has done in the past, the chairmen of the subcommittee and the chairman of the full committee, Senator BURDICK, in order to ensure that the importing States are adequately protected.

Senators COATS, SPECTER, WARNER, and METZENBAUM have all worked diligently to craft an interstate waste amendment which would ensure the protection of the States that have been receiving these huge quantities of garbage from other States.

But the problem has been brought about because some State and local governments have been unable to make or will not make the tough decisions necessary to site new landfills or incinerators. They do not want this, they do not want that. The people come to the council meeting or the commissioner meeting, they never get anything done, and they bring it here.

Those areas are taking the easy way out by shipping their trash to other States where it is placed in the landfills.

So, part of the solution to the problem is increased recycling, part of the solution is increased incineration, siting new landfills in States that now are exporting large amounts of garbage, and finally the other part of the equation is protecting State and local governments from having to accept garbage they do not want. Senator COATS has been a leader in this regard. I look forward to working with him in getting an interstate waste provision enacted into law this year.

I thank the Chair.

Several Senators addressed the Chair.

The PRESIDING OFFICER. The Chair recognizes the Senator from New Jersey.

Mr. LAUTENBERG. Mr. President, as a member of the Environment and Public Works Committee that dealt with RCRA this morning, and passed it out early this afternoon for consideration on the floor, I want to briefly discuss the provisions regarding interstate transport of garbage which are included in the RCRA amendments.

I first want to express my appreciation and, admiration for the work that Senator BAUCUS, as chairman of the subcommittee, and Senator CHAFEE, who is ranking member of the Environment Committee, did in resolving so many issues.

The committee may be accused of sending out to sea a leaking ship that perhaps will be deterred from reaching its destination, but the fact is that we have floated this vessel, and it contains a lot of good cargo. If we examine it and decide that there is merit in much of what has been done, even through we may occasionally disagree, we have a chance to come up with legislation that deals with the acute problems that we have in this country in terms of disposing of these mountains of trash which exist in virtually every state in the country.

So, having said that, I want to address the problem that Senator COATS from Indiana has expressed many times here on the floor, over which we have had some sharp disagreement. I did not like the commercials that were shown in Indiana with this kind of portly guy from New Jersey chomping on this cigar, dumping his ashes and his trash on Indiana. We have respect for Indiana. Indiana has excellent educational institutions of higher learning. Many New Jersey students go there for their education and play football, and other sports. They make a contribution to the institutions, and I am sure they are welcome.

I understand Senator COATS' concern.

But the interstate waste provisions in the bill, as presented, are critical to my State. We are one of the smallest States in the country. New Jersey is the most densely populated State in the country. We have an acute waste disposal problem, created largely because we accepted so much from States around us, particularly Pennsylvania. We tried through the courts to ban those shipments of waste, but the Supreme Court ruled against us. Philadelphia was dumping on New Jersey, to use the expression. But there it was, and it is very obvious that on a State-by-State basis these problems cannot be solved. It is a national problem, and we have to solve it with a national solution.

If we don't adopt a national solution, we could create enormous environmental problems by forcing environmentally damaging waste control programs.

New Jersey cannot be suddenly cast adrift. The RCRA amendments recognize that fact and provide a national response sensitive to the environmental needs of all States.

Senator BAUCUS has described the provisions of the compromise. Very briefly, the bill gives exporting States time to reduce exports. But it also ensures that there will be limits on the amount of trash that a State has to import and that those exporting States have to reduce their shipments of garbage. I have no argument with that.

There are provisions in this compromise which I am not happy about, which will cause New Jersey to make changes in its waste management program. But a compromise, as we know around here, means that each side has to give something in order to achieve an agreement. Even at today's markup, the committee agreed to a provision to give the Governors of Indiana and Ohio authority to limit out-of-State garbage at large landfills to 30 percent of the waste previously disposed of at that landfill. This will allow these States to maintain landfill capacity for their own States' trash disposal.

New Jersey has publicly pledged to become self-sufficient in garbage management. We have already significantly reduced exports. New Jersey has the most aggressive recycling programs in the country, and we continue to expand our recycling programs and to develop additional capacity. We have been willing to work with other States; as a matter of fact, more than willing. We have forced waste haulers who would shift garbage illegally out of State to stop it. Waste haulers have to get an approval from New Jersey if they want to ship trash out of State.

New Jersey worked out an agreement with Indiana to stop these illegal shipments. As a result, New Jersey has stopped 12 companies already from shipping garbage to Indiana. New Jersey is taking enforcement action against those companies. New Jersey is also negotiating a similar agreement with Ohio.

So I hope that my colleagues will review the committee's work. It provides a reasonable solution. It is one that addresses the problems of all States, perhaps not perfectly, but that is the nature of compromise.

So I hope that we will have support when RCRA arrives here on the floor. If there is to be a further discussion or amendment, so be it. But I appreciate the fact that Senator BAUCUS, the chairman of the Subcommittee on Environment, that is dealing with this, and the Senator from Indiana [Mr. COATS] are saying, OK, we will continue to work together to try to effect a compromise that permits each of our States to achieve the goals that they want. I believe that the committee approach achieves this compromise.

I yield the floor.

Mr. McCONNELL. Mr. President, I compliment Senator CHAFEE's diligent efforts to forge a consensus on the contentious interstate waste issue. Now that the Environment Committee has concluded its mark up, I urge the Senate to take up this issue as soon as possible. States are in dire need of the authority to restrict the flow of trash into their States so that they may take charge of their own environmental destinies.

Mr. President, while I am supportive of the general purpose of the committee's markup, there are several provisions which could have an adverse impact on Kentucky.

First, the committee's version requires a State to have imported 1 million tons of trash in 1991 before authorizing a Governor to restrict out-of-State trash to certain grandfathered landfills. Because Kentucky happened to import a relatively small amount of trash in 1991, my State is shut out of the most important protections afforded by the committee's proposal.

This will leave Kentucky easy prey to garbage transporters who will be shut out of the four States that meet the 1 million ton threshold. By protecting only States which are currently being deluged, Kentucky may once again become a haven for out-of-State waste.

By broadly exempting interstate compacts from restriction by States, the committee leaves a large number of landfills in many States subject to only limited restrictions. By grandfathering landfills, rather than landfill cells, the bill allows grandfathered landfills to expand their capacity to accept out-of-State waste. Thus, the landfills in my State which are not subject to full protection, can be expanded to import enormous amounts of solid waste.

Mr. President, although well intentioned, the committee markup falls short of ensuring that Kentucky can control the flow of waste over its borders.

My colleague from Indiana has modified the committee's language to address these concerns. He has proposed changes to allow the Governors of all States to freeze the amount of out-of-State waste taken at certain grandfathered facilities at 1991 levels. This will ensure that States which imported less than 1 million tons in 1991 will not become the new dumping grounds for waste that was previously going to the four large importing States. The Senator from Indiana also has eliminated the ability of grandfathered facilities to expand their frailties to accept out-of-State waste.

While essentially identical to the committee's version, the enhancements made by the Senator from Indiana are necessary to protect States like Kentucky.

Mr. SPECTER. Mr. President, I am going to take a few moments to comment on a measure which was the subject of discussion by the distinguished Senator from Montana [Mr. BAUCUS] and the distinguished Senator from Indiana [Mr. COATS] and the distinguished Senator from Wyoming [Mr. SIMPSON] with respect to interstate trash.

Mr. President, I was prepared to sponsor an amendment with Senator COATS and Senator McCONNELL which would act to correct the inequities of trash and garbage shipments. However, the decision was made not to offer that amendment because the Committee on the Environment and Public Works reported out the RCRA bill today which addresses that subject, and it was thought not advisable to offer that amendment within a few hours after the committee had reported out the bill.

This is a very important matter nationally, and it is a matter of extreme urgency to my State of Pennsylvania because of the 12 million tons of garbage and municipal waste shipped in interstate commerce, 3.5 million tons end up in Pennsylvania. The existing committee bill addresses that to some extent by reducing the amount which a State like Pennsylvania would have to take, and it is my intention to offer an amendment which would reduce that amount even further, and there is considerable support, as I understand it, within the committee for these amendments.

The issue has been on my agenda for more than 3 years, since I visited Scranton, PA, back in 1989 and found an enormous problem with interstate shipment of garbage from out of State which was collected on the highways, which was causing enormous odors, causing traffic congestion and enormous problems in Scranton. Shortly after that, my distinguished colleague, Senator Heinz, and I introduced, on October 13, 1989, Senate bill 1754 to address this issue.

We then moved on an amendment offered by Senator COATS in September 1990 to pending legislation, the District of Columbia appropriations bill, and the amendment was passed 68 to 31 which would have improved the situation. The amendment however, was dropped in conference.

Since that time, Mr. President, I have cosponsored legislation with the distinguished Senator from Virginia [Mr. WARNER] Senate bill 2386, to address this problem.

I believe that we have to act very promptly, and I understand there may be some holds on the RCRA bill. It would be my hope that action on the RCRA bill would be scheduled promptly so that this issue could be addressed in this Congress.

The decision was made, as I say, not to move on the matter today. But I think it is fair to say that there will be a movement by a number of Senators, including this Senator, to move on an amendment to other legislation if we cannot bring the RCRA bill to the floor shortly after we return in June. It would be my hope in that matter to try to work out some schedule where these issues could be addressed in a systematic manner by the Senate. But very often as a procedural matter the amendments have to be offered on another vehicle, on some other legislation, in order to move the matter along.

I commend the members of the Environment and Public Works Committee for the work which they have done addressing this issue of interstate waste in a manner which advances the cause, not totally to the satisfaction of this Senator. I commend Senator COATS on his leadership on this issue and the work which has been done by members of the committee generally.

I do think we have to address in a comprehensive way, reasonably promptly, not today, especially not to put it on this important legislation, but to address it one way or another shortly after we return from the Memorial Day recess.

Mr. DOMENICI addressed the Chair.

The PRESIDING OFFICER. The Senator from New Mexico is recognized.

Mr. DOMENICI. Mr. President, I have been waiting for a while, but I notice a couple of Senators that want to speak to the colloquy issue of interstate transportation of solid waste. Frankly, if they could indicate to me that they are not going to speak very long, I would be glad to accommodate, with the consent of the Chair. I want to speak about the underlying bill. Frankly, I do not want to wait all afternoon to do it, but I will wait a little while. I will speak at some length, because I have some very serious procedural arguments about it that I think everybody ought to hear. Might I ask——

Mr. DODD. Mr. President, I just respond to the Senator from New Mexico. I want to address the underlying substance of the bill as well. My remarks are not terribly long, but I want to talk about what the distinguished chairman of the Appropriations Committee is trying to do with this supplemental appropriation bill. I would hope that we might get to the substance as well. I am interested in the same issue. If the Senator from Kentucky, or others, want to continue the debate on this matter raised here, I do not want to abbreviate that. It is a legitimate issue to talk about. If that is concluded, then I will seek recognition, Mr. President, to address the substance of the bill before us as well.

Mr. DOMENICI. Mr. President, might I propose the following: I ask unanimous consent that Senator MCCONNELL have 5 minutes to speak on whatever he desires, and then Senator SPECTER succeed that with 5 minutes, and then the Senator from New Mexico be recognized for a time on the underlying bill pending.

The PRESIDING OFFICER. Is there objection?

Mr. DODD. Mr. President, reserving the right to object, I have been waiting, as well, almost an hour here. I want to take some time to talk about the substance of the bill as well.

Mr. DOMENICI. Mr. President, I would add, certainly if the Senator desires to follow me in this consent order, I ask that it be in order that he do that.

Mr. DODD. How long does he intend—he said, speak at some length.

Mr. DOMENICI. I will not speak long.

Mr. BYRD. Mr. President, reserving the right to object, I wonder if the distinguished Senator from New Mexico would merely make the request that the Senator from Kentucky have 5 minutes if he wishes and the Senator from Pennsylvania have the 5 minutes he wishes, and then, after that, if we could go by the rule and let the Senator who first seeks recognition in the opinion of the Chair be recognized. Senator HATFIELD may want to be recognized. I might want to. I want to see the Senator from New Mexico proceed, but I hesitate to see us start lining up for quite a long period here of speakers.

Mr. DOMENICI addressed the Chair.

The PRESIDING OFFICER. Does the Senator modify his request?

Mr. DOMENICI. I believe I sought unanimous consent. If there is objection, I withdraw it.

The PRESIDING OFFICER. Is there objection?

Mr. LAUTENBERG. Mr. President, I will then propose a unanimous consent that gives the Senator from Kentucky 5 minutes, the Senator from Pennsylvania 5 minutes, and then we get to the bill on an as-recognized basis. I have an amendment. I have been here a long time. I did enter into this discussion.

The PRESIDING OFFICER. Has the Senator from New Mexico withdrawn his request?

Mr. DOMENICI. Mr. President, I still have the floor. I withdraw my request, and I will proceed.

The PRESIDING OFFICER. The Senator has the floor.

Mr. DOMENICI. I regret my friends are not here, but neither do I want to wait all afternoon. I wanted to accommodate. But let us proceed.

I yield to the Senator from Kentucky.

FEDERAL ASSISTANCE IN ADDRESSING URBAN CRISIS

Mr. DOMENICI. Mr. President, in response to the disaster in Los Angeles, we are considering a proposal today which is characterized as a short-term first step in addressing the crises in our cities. I am concerned by the misperception of what this bill would accomplish.

The Hatch-Kennedy proposal which was incorporated into the bill reported yesterday by the Appropriations Committee, would add $1.45 billion to the emergency fund package endorsed by the President and passed by the House.

The money is designated for worthwhile programs—programs I unequivocally support. However, we should recognize that these funds are not targeted specifically to Los Angeles, but rather spread across every State, diminishing the significance of their impact.

We are already spending $8.9 billion for these programs in 1992, and the President has requested an additional $850 million for 1993.

Department of Labor officials have indicated that while the supplemental funds for the Summer Youth Employment Program could be obligated in part, it is already too late for most of the States to incorporate it into this summer's programs. Other programs funded by this provision—Head Start, Chapter I Education and the new Weed and Seed Program—would use only a small fraction of the supplemental funds during this fiscal year.

I question whether we are only contributing to the cynicism of the American people by once again creating expectations which clearly will not be met by this bill.

These programs have proven themselves and absolutely should play an important role in addressing the problems facing our inner cities. I simply question whether it is more appropriate to support these programs during the regular appropriations process which is in progress, rather than in this emergency disaster bill.

A DECADE OF ABANDONMENT?

Big city mayors and others have pointed to the tragedy in Los Angeles as the manifestation of a decade of neglect of our cities by the Reagan-Bush administrations.

They base their criticism on the decline of direct Federal-aid programs to the cities, such as general revenue sharing. As a result, the mayors argue, the cities' fiscal conditions are abysmal and the quality of city life continues to decline.

However, from 1981 to 1992, Federal grants to State and local governments grew a nominal 98 percent.

The much maligned decade of the eighties in fact was a time of enormous economic growth. During that time, our economy created 19 million new nonagricultural jobs.

During the 1980's, State and local revenues grew from $390 billion to $800.5 billion in 1990.

State and local government expenditures grew from $363.2 billion in 1980 to $765 billion in 1990.

State and local government employment continued to rise throughout the 1980's. The number of State and local public employees grew at a rate of 14.7 percent as the country's population grew only 9 percent.

State and local governments expanded services dramatically during the boom of the 1980's, when revenues were plentiful and the caseloads of income security programs were reduced.

All Federal spending for poverty programs has doubled over the past 10 years—contrary to what many would have us believe.

The safety net remains intact.

While we have spent money relentlessly, in fact, State and local governments have felt the pinch as a greater proportion of the Federal aid provided has been in the form of entitlements—significantly diminishing the discretion of State and local officials to spend as they see appropriate.

In 1981, entitlement programs such as food stamps, AFDC and particularly Medicaid, comprised 25.1 percent of Federal dollars going to State and local governments; in 1992, those same programs have grown to consume 55.5 percent of State and local grants.

Financial constraints on cities to respond to social needs will not be eased by spending $1.45 billion, but ultimately, as in the case of the Federal budget, by controlling the growth of entitlement spending and Federal mandates.

Having said that, it remains apparent: If increased spending alone were the answer, the sociological urban problems would not have continued to plague our country. If only the remedy could be bought.

Ultimately, achieving a higher quality of life for the residents of our inner cities will depend on Americans' ability to instill values, a work ethic, and hope in our young people.

Government programs will never substitute for the guidance and nurturing of an intact family. All the job-training initiatives the Federal Government can provide will not benefit the individual with no work ethic and no hope for the future.

The Vice President spoke correctly yesterday in San Francisco. We must return this country to the values that foster a sense of personal responsibility, initiative, and hope.

To the extent that Government programs can assist that effort, we will provide that assistance. But it is readily apparent to the American people that many of our existing programs of assistance have not been successful.

Last week in a Banking Committee hearing on the plight of Los Angeles and other cities, our colleague Senator WOFFORD made reference to the slogan used in the 1930's by the Civilian Conservation Corps: "serve, earn and learn."

Senator WOFFORD is correct in his views that we would be well served to take the best of programs of the past, evaluate new approaches and develop a plan of action.

Only by laying down our political arms and coming to the table with open minds and new initiatives can we hope to contribute to a solution.

Mr. President, I rise to discuss the pending urgent supplemental appropriations bill. Let me make a couple points at the outset and then proceed with some details to explain it.

Mr. President, I believe, with the ominous resonance in the air that we are going to consider a constitutional amendment to balance the budget, it is very interesting that what we have before us today is a bill that tries to make an emergency out of a nonemergency. No doubt about it. Congress signed a budget agreement with the President and then adopted that agreement in law, and it is very, very clear. It acknowledges that there will be unforeseen emergency situations when, Congress will not have to pay for what it spends. The pay-as-you-go rule does not apply. The discretionary spending caps do not apply because there is an emergency.

Mr. President, Congress asked that "emergency" be defined, and I do not want to go into all the definitions, but let me suggest it is absolutely clear that the funding of ongoing programs is not an emergency by definition.

Now, Mr. President, I do not want to sound like I am opposed to helping the inner cities of America, I certainly want to stand on the floor and vote for some emergency help to rebuild burned-down Los Angeles if we can.

Mr. President, let me explain to the Senate what it means to take a litany of ongoing programs, two-thirds of a year having expired, and come to the floor and say we pick out Head Start, Chapter I Education, Summer Jobs, and Weed and Seed, all ongoing programs, we pass a bill and we say, we want to fund these ongoing programs with some additional money.

We are very soon going to pass appropriations bills to fund them anew for another year. In fact, we will be on those bills within 6 weeks and finish with them by October for a new round of funding for these programs.

Now, Mr. President, just listen to this. We are going to add to these programs $250 million in budget authority for Head Start, $250 million for Chapter 1 Education, $700 million for the Summer Jobs Program, $250 million for Weed and Seed, and we are saying in this appropriation bill that these amounts are added to the ongoing programs. But if the President declares any of these, or each of these, to be an emergency, it is an emergency, and the money can be spent outside the domestic discretionary spending cap and the Federal debt increased.

Let me tell you how neatly this makes a shamble out of the budget agreement. Think for a minute what we can do next year and the year after under this budget agreement if we do this. We will have the regular appropriations, and we will tell everybody we reached our caps, we are not spending more than we should, and we are really trying to control this deficit. And then we come along a quarter into the year, half way through the year, and we say, "Well, we want to send a new signal to our constituents. We want to tell our constituents that we are more for them than we ever were. We just decided we want to spend more money on their programs, and we surely want them to know we are going to vote for more money."

So we start an urgent supplemental down the line. It has those nice names, those words, "urgent supplemental." But we go through the litany of appropriated accounts, and we take 10 of them that are very popular. We could use some more money in them. Let us put it in and let it pass—knowing full well that we already paid for the ongoing programs, we did our very best with the taxpayers' money to fund them. But we will pass this new one and say to the President, "If you declare it an emergency, it is; if you don't, it isn't."

You know what we have just done? We have turned the appropriating process not an authorizing process. We can pick and choose and add anything we want, break all the budgets in the world and say, "If the President agrees, it is an emergency and it can be spent, and, yes, best of all, we do not have to pay for it."

You know, we were in appropriations during the markup of the rescission bill, and one of the staff members that understands this very well, I say to my good friend from Connecticut, had a little box with six cups of coffee. I had asked him to get me a cup of coffee, and I gave him enough money for only two. He came back with six. He had part of the rhetoric of declaring emergencies and not paying for things. He put down the six cups and said, "Do not worry, we will just declare it an emergency, and you do not have to pay for them."

Well, Mr. President, we are taking ongoing programs that apply no more to Los Angeles than they do to Philadelphia, and no more to Philadelphia than they do to any other city in America, and we are declaring an emergency about programs that we have already funded, and we are going to fund again in 3 months. We have just essentially wreaked havoc with the budget agreement of accountability.

If we pass the constitutional amendment to balance the budget—and I share with the distinguished Senator from West Virginia, who told the U.S. Senate awhile ago, "Do not be so sure that it is the right thing to do." But I can just see in this bill how we are going to wreak havoc with the balanced budget even if we pass the constitutional amendment. We are going to find ways like this to just fund ongoing programs which, by definitions, are not to be emergencies, which we are going to fund again in 3 months, and say to the President, "If you declare, so they are." And we are, in the meantime, going to tell our constituents we voted for them, even though they violate the Budget Act, and we violate our agreement on balancing our budget. We do not have to pay for them. They are free. But that old President, if he does not agree, it is his fault.

Well, I do not think anybody had that in mind when we put into law the declaration of emergencies.

Mr. President, if we had not funded these programs in the last 5 to 6 years with enormous increases, I might come here to the floor and say, "Two-thirds of a year having passed, maybe we ought to put more in than we did the beginning of the year, and maybe we should not wait 3 months until we have another appropriation."

In fact, maybe I should wear my budget hat, because I see another issue here.

You see, we have a cap for next year on how much we can spend. And I will make a wager that if the President declares all of these emergencies, and we spend the money for 1993, we will reduce the spending in these programs so we can spend the money somewhere else, because we will say we already appropriated more.

Let us not appropriate so much, and we will spend the money somewhere else. In fact, I would lay odds on it if in fact that indeed occurs and the present programs are funded under the emergency, we will not add to that funding next year but rather take credit for it and spend the money somewhere else rather than on the deficit.

Having said that, I just want to make sure that nobody thinks that the Senator from New Mexico came down here to discuss these issues merely on the issue of whether we ought to abuse our budget process, as we are going to do; wreak havoc with the notion of paying for programs that we cannot afford; throwing out the window the idea of living within the spending caps and of paying as you go, which has been given so much credit as being an important part of the budget reform agreement.

I want to discuss for a minute where these programs have been over the last few years. Since almost everyone chooses to blame President Bush and this administration for almost everything and anything occurring in America, let me just list here where funding for the chapter I programs for education for the disadvantaged, has been.

In the last 5 years, fiscal year 1986 through fiscal year 1991, that program has increased 57 percent, from $3.5 billion in fiscal year 1986 to $5.6 billion in fiscal year 1991, almost 60 percent. To hear some who talk about President Bush's recommendations in education, you would think that program was cut.

Head Start. Certainly, we could always use more funding, but if you talk about fiscal year 1986 to fiscal year 1991, Head Start has been increased 97.6 percent, from $1.040 billion to $2.055 billion.

Those are just two of the programs in this bill. Looking at the particular year that we are in, fiscal year 1992, the President would add another $600 million, or 27.2 percent to the Head Start Program in the fiscal year 1993 appropriations bill that Congress will be considering soon. We will complete fiscal year 1992 by October 1 of this year, and we will again replenish Head Start Program, for which there is a new request for a rather substantial increase.

Much the same is true for chapter 1 education programs. I gave you the numbers, and they will increase again in 1993, such that Head Start by 1993, from fiscal year 1986 to fiscal year 1993, will have gone up 169 percent, and chapter 1 will have gone up 76.6 percent if we approve the President's budget request. Now I know those who are listening and Senators who are interested really probably believe these kind of programs have been cut over the decade of the 1980's, plus the last 3 years. I gave you just the last 5 or 6 years with reference to these programs.

Now, Mr. President, I have some additional remarks as to what happened to the tax collections in our major cities during the decade of the 1980's. I choose not to talk about them at length today, other than to suggest that it is valuable to review developments starting in 1982 when America came out of the recession, the recession preceding this last one, and went on a 6½ to 7-year sustained growth period.

We now have kind of revisionist history. We are now being told that the 1980's were bad times for America. We have now sold the American people the idea that we surely do not want times like that again. We have seniors graduating from college today and people are saying, where will they work? In 1984, 1985, 1986, 1987, seniors graduated from college across America. Young men and women got master's degrees. Guess what? There was almost a job for everyone that wanted one because America was growing, the economy was prospering, opportunity was there in abundance. Some even joked about the 19 million new non-agricultural jobs that were produced.

I understand that the additional growth in America and the additional jobs in America during that period of time was the equivalent of the economy of West Germany during one of those years, all by itself. And yet we are being told we surely do not want those times again.

Frankly, I believe that any city in America would welcome 1986 or 1987, 1988. Their revenues were booming. They added many, many employees to their cities' civil services. They tried to add services across the board. And, yes, as a rule of thumb the revenues of the cities doubled during that period of time. In fact, in some areas and for some cities, it even went up far more than that.

I am not critical today. I understand running a city. A long time ago I was mayor of the largest city in New Mexico—Albuquerque. It was a great job. I thoroughly enjoyed it. It was one of those nonpaying jobs in those days. I understand what it is to have to keep civil servants happy with their jobs, create some mobility, create innovative programs. I understand all that.

But, frankly, I am trying to make a point that we better come up with some new ideas for the cities of America. I am not harking back to any era. I am merely saying we spent a lot of money in the decade in the 1980's.

In fact, I will insert in the RECORD for those who are interested in facts, how much the budget of the United States put into programs for the States and cities. The States may not give the cities the kind of money that they want from the programs we give to the cities, but our programs for States and cities went up, not down; up immensely. I ask that the numbers be printed in the RECORD.

There being no objection, the table was ordered to be printed in the RECORD, as follows:

Decade of S&L Federal Expenditures and Employment State and Local Governments—Grants to State and Local Governments

Year:	*Billions*
1981	$94.8
1982	88.2
1983	92.7
1984	97.2
1985	105.5
1986	112.6
1987	108.0
1988	114.6
1989	121.1
1990	134.5
1991	[1] 160.5
1992	[1] 188.0
Growth rates 1981–92 (percent)	98.3
Average annual growth rate (percent)	6.4

[1] Modified estimates from "Grants-in-Aid Programs: Selected Discretionary & Entitlements Appropriations 1990 to 1992; Federal Funds Information for States—FFIS. Issued December 1991.

Source: "Federal Expenditures by State for Fiscal Year 1990"; issued March 1991. U.S. Department of Commerce. Bureau of Census. "The Employment Situation"; U.S. Dept. of Labor, Bureau of Labor Statistics.

Mr. DOMENICI. Mr. President, overall Federal spending to assist the poor went from $103.1 billion in fiscal year 1981, to $170 billion in fiscal year 1989, and to an estimated $250.2 billion in fiscal year 1992. Spending on the social safety net programs, the means tested entitlements increased from $51.6 billion in fiscal year 1981 to $84.1 billion in fiscal year 1989, and to an estimated $147.9 billion in fiscal year 1992.

If you believe those who are spreading the history as they see it for the decade of the 1980's, you would think programs for the needy were cut in America. We even hear one repeated so often, most Americans believe it is absolutely true, and that is that we cut housing 80 percent in America. I heard it said by mayors the other day.

We did not cut housing 80 percent in America. We cut a number called budget authority for housing by 80 percent. We actually increased the number of housing units that are going to the needy in America from 3.4 million to 4.6 million. That cannot be an 80-percent cut. It seems to me it is a 1.2-million increase on a 3.4-million base. But you also would have to repeat that every day from now until November for anyone in this country to believe it. But it happens to be true. In fact, on that one I think we ought to get it certified by an auditor or an auditing firm so we could circulate it, because it is true.

So I came here today not to suggest that we do not have some very large problems in our cities. We do. I certainly do not suggest that we not quickly adopt that part of this bill that provides emergency SBA loans and FEMA-type assistance, that is emergency disaster assistance to Los Angeles. We ought to do that. And, yes, maybe we even ought to consider some new ways to help our cities. I am even open to that.

But I do not believe we ought to send to the President a bill that adds $1.45 billion to ongoing programs that serve all of the cities, not just Los Angeles, in the name of an emergency when we are going to appropriate regular annual funding for those same programs in 3 or 4 months. And, yes, indeed, let me suggest there is one program that everybody will come to the floor and say we really need: the Summer Jobs Program.

I want to tell the Senate an interesting anecdote about that. The first report we got from the Congressional Budget Office said that the funding in this bill for the Summer Jobs Program was going to be free. It would be difficult to spend anything in fiscal year 1992—nothing according to their first report.

CBO then issued a new one. Do you know why the first estimate said nothing would be spent? Because, they said, if you look at this program, summer is already upon us. It will be extremely difficult to spend any of this money in time. We will not get any help out this summer. I guess anybody convinced them that maybe we would spend some.

But I just raised the point because nobody ought to assume that with June upon us, summer upon us, that we are really going to get that much money into our cities. But we are going to surely tell them that we passed the bill, and the President ought to declare this funding an emergency.

The PRESIDING OFFICER. The Chair recognizes the Senator from Connecticut [Mr. DODD].

Mr. DODD. Mr. President, first let me begin by commending the distinguished chairman of the Appropriations Committee, Senator BYRD, for bringing this package forward. Everyone here is aware of the riots in Los Angeles and the flooding in Chicago that have created a dire emergency need.

But I would like to support this supplemental because it provides aid to more than those two cities. In fact, the very areas the distinguished Senator from New Mexico has addressed in his remarks, I think, make this package more attractive. There is help here for other cities that did not go through the tragedy that Los Angeles did; but that, frankly, could have. And anyone who suggests that Los Angeles was a unique case does not appreciate what has been going on in urban areas across the country.

Including funding for summer Head Start and for summer jobs in this bill is a step that I think will be appreciated this summer. It will enable communities across our country to put young people to work.

The substance of my remarks here this afternoon will be addressed to this particular issue: jobs. In my view there is nothing that is more important that we can do to reverse our nation's urban problems than to put people to work.

It is a tragedy that it took the deaths of 58 Americans in the streets of Los Angeles to restore the plight of our cities to its rightful place in our Nation's agenda. For the past decade, attempts have been made to sweep many of these urban problems, large and small, beneath the carpet. Regrettably we are now paying a price, for that neglect.

Americans of course will long remember the violent images of the Rodney King verdict and its aftermath. None of us will forget the videotape of Mr. King being savagely beaten by police officers, for example. I have talked to a number of our police chiefs in the State of Connecticut who were just as shocked as many across this country over the beating and the subsequent verdict.

Nor, Mr. President, are we going to forget the images of whole city blocks engulfed in flames. Scenes of Americans looting and pillaging are vivid in America's minds and will be for years to come. And I do not know anyone who did not recoil in horror at the sight of men and women gone mad with hate and rage, beating an innocent truck driver, Reginald Denny, nearly to death as the Nation looked on in utter horror.

Mr. President, the violence on all sides has been widely condemned, and rightly so. I join with others in denouncing it. But this afternoon I would like to move on from that violence, to examine what is behind it, and to talk about what we might do to begin to address our nation's urban problems.

The plight of our cities is not new. For a full generation now, Republican and Democratic mayors, city council members, residents—most of whom could not care less about Democratic or Republican politics—have sounded the alarm over and over again. Policemen, educators, business men and women, have all warned about the crisis in our cities. But as we now painfully recognize, their pleas have by and large been ignored.

Over the last 12 years, spending on urban programs—programs that would help cities to get back on their feet—has been slashed to the bone.

Between 1981 and 1993, community development block grants suffered real cuts of 54 percent. Urban development assistance was eliminated entirely. Mass transit was hacked by 50 percent. Employment and training programs were cut by 54 percent. Even waste water treatment was slashed by 58 percent.

The unrest and discontent in urban areas are the bitter fruits of this neglectful policy. It is proof in my mind that the problems of Americans in cities are national problems and that efforts to ignore them will only sow the seeds of future disasters, and engender tragedies like that of south central Los Angeles.

For the past two decades our cities have been losing unskilled jobs at unbelievable rates. Just consider this. Between 1970 and 1984, Boston lost fully 25 percent of the jobs that required less than a high school diploma, while the number of jobs requiring a higher education grew by 33 percent. And Boston is not unique.

In the next few years, less than 1 percent of jobs in this country will be available to people with less than a high school diploma. And only 20 to 25 percent of our jobs will be available to people with no education beyond high school. As a result, today we are looking at a situation vastly different than that of a generation ago. The critical first rung of the ladder of economic opportunity is now missing for many Americans.

It used to be that Americans started their climb toward the middle class by working day in and day out for a lifetime, if necessary, at jobs that required little or no education or training. The stories of our parents and grandparents and great-grandparents who came to this country, not knowing the language—or ever learning it, for that matter—and how hard they worked, are romantic. True as they are, however, they could not happen today, because the type of jobs that those immigrants took in the streets of this country no longer exist.

Disappearance of unskilled jobs has also caused soaring unemployment in our cities, particularly among young men. And with unemployment come serious social ills, including higher crime rates and higher rates of poverty.

Residents of our cities not only find themselves without jobs, however. They also find themselves increasingly isolated from the mainstream of society. The neighborhoods they inhabit grow more and more impoverished. More and more churches, synagogues, shops, community centers, and other institutions that form the backbone of city neighborhoods are closed down and boarded up and gone forever.

Unemployment and social isolation taken together are at the heart of the cycle of despair that has become so deeply rooted in our cities.

Last week during her testimony before the Senate Banking Committee, Mayor Carrie Saxon Perry of Hartford, CT, the capital of our State, reported the story of an 11-year-old boy she met in the wake of the Los Angeles riots. As she told it the boy snuggled up to her and said: "Mayor, I have no faith in my future."

Mr. President, that child's words must be a warning to us all. And unfortunately that child is not the exception. If that child and other children have no hope in their future, then what hope can we have as a Nation?

We must ask ourselves who loses if the problems of Americans in our cities continue to go unaddressed:

I ask you, who loses when a child drops out of school; 1,500 do every single day? That is 400,000 children every year who leave school and never go back, and so as a result fail to get the full education they need.

Who loses when they drop out?

Who loses when thousands are out of work and unemployment opportunities are almost nonexistent.

Who loses if housing in our cities is fit only for vermin?

Who loses if there is no job training and no health coverage?

Who loses when another young American falls victim to drugs or substance abuse?

Who loses when another young child is gunned down in a senseless cycle of violence?

Mr. President, it is not just the residents of urban America who lose. It is not just the dropout. It is not just the unemployed: It is not just the homeless. It is not just the sick or the addict or the innocent child, Mr. President. In my view, all of America loses.

We all lose when we fail to give every American child the full opportunity to achieve his or her potential. And, Mr. President, we all lose when our Nation tries to compete in a demanding international economy when the talents of so many Americans go wasted.

Mr. President, the problems of our inner cities are tough and they are unyielding. I begin by stating the obvious. There is no panacea. The problems are not going to be solved in a supplemental appropriations bill. They are not going to be solved in a visit or a speech.

What is needed is sustained and comprehensive effort, and I want to emphasize the word "sustained." This is not a problem we are going to solve this year with some quick appropriations.

In fact, Mr. President, I will argue that the ultimate solutions really do lie with our cities and towns. They do not lie with Washington. We can help; we can be supportive; we can be of assistance. But if we suggest to the American public that Washington, the President, or the Congress has the bromide that will solve our urban problems, we will make the same tragic mistakes we have made in the past.

Mr. President, there are a number of tools that we can help provide to the people who live in our cities, in order to break the cycle of poverty.

Mr. President, in my view the most important tool that we can provide to empower people across this country is a job. It is as simple as that. There are no cure-alls for the litany of urban ills that I have stated. But nothing will do more—no social program, no well meaning grant, no subsidy program, nothing—Mr. President, nothing is as good a social program as the economic opportunity of a good job. And providing jobs will ultimately do more to solve our urban problems than anything else.

Mr. President, the problem is that we can train and educate people, but if there are no jobs for them, then their education and training in many ways is little more than a cruel hoax.

So, Mr. President, I believe that empowerment starts with the creation of job opportunities in distressed areas. I strongly support enterprise zones as a good first step in that process.

The Presiding Officer and I can testify to the success of enterprise zones at a local level. Recently, Mr. President, I visited the science park enterprise zone in your hometown of New Haven. And I saw community revitalization in action. There, a number of high-tech manufacturers have set up shop and generated jobs for the community, and Connecticut's 10 other enterprise zones have similar records of success.

Mr. President, we also need to consider a reprise of such programs as the National Youth Administration, the Works Projects Administration, and the Conservation Corps programs.

In fact, Mr. President, if I can digress for a second, when my father left law school in 1932, his first job was as State director of the National Youth Administration in Connecticut. That was a New Deal program. It was designed to put unemployed young people back to work.

Mr. President, the country has changed dramatically since 1932 or 1933. But the idea of employment, of putting people to work in this country doing constructive things, is no less important in 1992 than it was 60 years ago when my father took his first job.

I recall him telling his six children the stories of people who literally walked miles to the NYA office in New Haven, CT, seeking any kind of work so they could provide for their families.

I strongly urge, Mr. President, that we once again rethink those ideas and see if we cannot come up with some creative programs that will take young people and put them to work. There are thousands of things they can do.

When I left college in 1962, 30 years ago, I took a job as a Peace Corps volunteer. Many of my friends and classmates went to work with VISTA programs. In fact, Senator ROCKEFELLER went to West Virginia for the very first time as a VISTA volunteer.

The Peace Corps was designed to help people in other countries, and I learned a lot from it. VISTA was a domestic Peace Corps. But thousands of people benefited, and those who benefited the most were the people who went to work in those programs.

Have we reached a point where we can no longer be creative and imaginative in finding ways to put young people to work? What about the young people we saw looting? I presume many of them are not bad kids? What they did was bad but they are not born bad. They are not instinctively bad. Why not offer them the opportunity of a job, in a hospital, or in a park, or perhaps rehabbing dilapidated housing? There are thousands of things they can do. Should we not try to strive to put people to work, and teach them the values and skills of employment? Nothing will do more, in my view, in the final analysis to solve so many of our urgent social problems.

Empowerment also means bolstering and preventing the disintegration of our families. Today, we hear a lot of talk, and a lot of preaching. I wish I could legislate that all families remain intact. But I cannot.

What we can do is provide the kind of incentives that make it possible for families to stick together.

We have been told over and over again, Mr. President, that nothing is more damaging to families, and nothing contributes more to their breakup than the economics of joblessness. I know there are other reasons in other cases. But in every survey I have ever seen of families and why they do not stay together having no way to put food on the table is the leading contributing factor.

So again I come back to the same thing: Jobs. If we can put people to work, we will be keeping families together. That is why child care programs are so important. Poor women trying to provide for children on their own need to be able to take a job without fearing for the well-being of their children.

Empowerment also means overhauling our welfare system. Every one of us ought to be trying to do what we can to reform the welfare system. But we must do it by making reforms to encourage education and work—not by dismantling the program because of anecdotal stories about individuals who abuse the program.

Mr. President, in that regard, I want to take a moment to recount a story that occurred in the state of Connecticut last week. Many of my colleagues may have seen it, and that was the story of Sandra Rosado, a teenager from New Haven, CT, who worked part time to earn money to go to college. She saved $5,000. Her mother was a welfare recipient. When bureaucrats found out about Sandra's job they fined her mother $9,000.

Something is wrong with a system that discourages people like Sandra Rosado from taking the initiative to go out and earn money to provide for a college education. We are on the verge of fixing that particular problem with legislation which has been introduced by Senator LIEBERMAN, my colleague from Connecticut, and I. Still, the Sandra Rosado case is another glaring example of problems with the current welfare system.

Empowerment also requires reform of our health care system; 35 million Americans are currently without health insurance. Small businesses are being crippled by the cost of premiums. Thirteen million children are without any health care programs at all. Many of our older citizens are frightened to death that the meager programs they have will not meet the staggering health problems they face.

Mr. President, empowerment also requires that Americans be able to walk our streets free from the fear of being challenged by someone with a knife or a gun. It also requires that our local law enforcement agencies receive the proper funding so that we might have more police on our streets, not just to catch the criminals but to stop the crimes from happening in the first place.

Mr. President, empowerment means expanding the availability of substance abuse and treatment programs to enable individuals to get help and turn their lives around.

Last but not least, empowerment means education. Throughout our Nation's history, there has been no more vital tool for climbing the ladder of opportunity than education, and so it remains today.

For success, we must begin education at the earliest age by expanding Head Start. I highly commend the Senator from West Virginia, the chairman of the Appropriations Committee, and others who have worked so hard to include money in this emergency supplemental appropriation to expand the summer Head Start Program. I hope also that we will eventually be able to expand Head Start funding to cover the thousands of underprivileged children not currently served. By so doing, we will set them off on the right foot for a lifetime of education.

We must also undertake the radical reform necessary to ensure that all children have access to quality education in our public school system. We also must train and prepare our youth for employment. They must be provided with the skills as well as the experience through summer job programs so that they have a real incentive to stay off the streets and to do something constructive.

This is an ambitious agenda. It will require a long-term commitment from the President and all of the Congress to accomplish. But we are taking an important first step in that direction by considering this dire emergency supplemental appropriations bill this afternoon, and I am pleased to join as a cosponsor of it.

This measure provides critical Federal Emergency Management Agency and Small Business Administration assistance needed to rebuild Chicago and Los Angeles. But, as I said at the outset of these remarks, Mr. President, it will also provide vital education and work experience this summer to thousands of young Americans living in cities across the country. It includes money to expand education programs for disadvantaged students, to provide additional assistance for summer jobs, and to expand the summer Head Start Program.

I would like to take a moment to highlight this Head Start initiative. As chairman of the Subcommittee on Children and Families, Head Start has long been a particular interest of mine; and as I noted earlier, its full funding is vital if we are to strengthen our Nation's educational system.

The creators of Head Start recognized the usefulness of offering a year-round program for Head Start. They understood that extension of services through the summer helps provide children with helpful and stimulating activities during the summer months. They also understood that without summer Head Start, the gains that many students make in the school year are lost during those summer days.

The problem, Mr. President, has been that funding levels to this point have permitted less than five percent of all Head Start Programs in the country to operate year round. The Head Start piece of today's supplemental bill begins to remedy that shortfall and brings us closer to the goal of offering Head Start in the most effective way possible to children and families.

In my judgment, it is criminal in my view that our schools go virtually unused all summer. Those facilities ought to be utilized. It would be a great help to parents. And it would also be a boon to students.

Mr. President, beyond today's bill, the ambitious agenda we have outlined will require Congress and the President to work together. I am encouraged by ongoing meetings that have occurred in the last few days between the President and congressional leaders. I hope that the give and take on both sides will not end once people think that the press or others are no longer interested in this issue. Rather, it must be a sustained effort.

Mr. President, one of the most powerful moments of the riots in Los Angeles came when Rodney King stepped in front of the cameras and pled for calm. He asked a simple question, Mr. President: "Can't we all get along?"

If we are going to get along in this country, we have to realize that the fate of all Americans is tied up in the fate of people who live in our cities.

If we are to get along, we have to recognize we have an obligation not only to ourselves but to our ideals and our Nation, to empower people—people who are without work, without education, without the means of seeing that a job becomes something that is a reality in their lives and not just a sometime thing at best.

If we are to get along, Mr. President, Congress and the President must make a concerted, long-term effort to address our urban problems.

We have a fundamental choice to make. We can roll up our sleeves and set to work on the problems of our cities, or we can put our heads in the sand and hibernate until the next riot. It may not happen this year or next year, Mr. President or the following year, but if we fail to respond to the events of the past few weeks in a thoughtful, intelligent way, it will happen again.

If we fail to learn the lessons from Los Angeles, we will be condemned to witness a repeat of those recent tragic events.

We can embrace optimism and work to smooth our Nation's rough edges or we can follow the pessimists who tell us that urban problems are too difficult, or that somehow Lyndon Johnson is responsible. We could go back further, and blame Franklin Roosevelt and Abraham Lincoln as well. Because they are in some measure to blame as well for having tried to bring people together in this country.

In a sense what Lincoln did in 1860, what Franklin Roosevelt did in the 1930's, and what Lyndon Johnson did in the 1960's is what Rodney King was talking about. "They were trying to see to it that everyone in this great Nation got along. All we are suggesting today with this supplemental bill is a short-term effort to make it possible for us to do that. To get along together.

Mr. President, I yield the floor.

Mr. LAUTENBERG addressed the Chair.

The PRESIDING OFFICER (Mr. CONRAD). The Senator from New Jersey.

AMENDMENT NO. 1838

Mr. LAUTENBERG. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report the amendment.

The bill clerk read as follows:

The Senator from New Jersey [Mr. LAUTENBERG] proposes an amendment numbered 1838.

Mr. LAUTENBERG. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

At the appropriate place, insert:

DEPARTMENT OF TRANSPORTATION

FEDERAL HIGHWAY ADMINISTRATION

FEDERAL TRANSIT ADMINISTRATION

For fiscal year 1992, funds provided under section 133, of title 23, United States Code; funds provided under section 1008, of Public Law 102–240; and, funds provided under section 9 of the Federal Transit Act shall be exempt from requirements for any non-Federal share and payback otherwise required: Provided, That such funds shall be obligated not later than September 30, 1992.

Mr. LAUTENBERG. Mr. President, we are about to consider emergency aid for Los Angeles and Chicago, to try to help get those communities back on their feet.

What we witnessed in Los Angeles these last couple of weeks sent a chill through all of us. Although the looting and the vandalism and the conflagration that took place was mostly focused in there, it sent a message across the country that we have to listen to, regardless of what State we come from.

Mr. President, I do not think we should be intimidated by those who would loot, vandalize, abuse, assault. That is not what this bill is in response to. This supplemental is in response to a problem that exists across America today.

The supplemental, as proposed, has a lot of very good programs in it. One need only look at the bill itself and see what we are talking about: small business support to help small businesses get back on their feet, to be able to borrow funds at favorable interest rates; funds to get the Federal Emergency Management Agency in there to try to provide some relief. We have even asked for extra appropriations for the FBI so that they can come in and make sure that those who violated the law are appropriately prosecuted; and for the Department of Labor, so that they can do some training and employment services.

We have included an amendment introduced by Senators KENNEDY and HATCH that deals with the problems of children, to give them an appropriate kind of start. That includes Head Start and other educational opportunities, to help get young people trained so that they can get a job, have a place to go each day, and get a salary check at the end of the week. That is what gives the people the pride, dignity, and the purchasing power to lift themselves and their families out of the morass of poverty and ignorance and despair that so many dwell in.

But, Mr. President, as we consider these programs, I see a void in those programs that have been offered that should appropriately be filled by some job programs for adults, people who would like to get to work immediately. We can do it without having a cost allocated to the Federal Government because of programs that are already established. I will get into that in just a moment. It deals with urban infrastructure.

Mr. President, what we heard here on the floor from respected colleagues is a kind of derision of emergency as a definition of a problem—emergency here, emergency there, all kinds of emergencies. Mr. President, we respond to emergencies often here, sometimes over my personal objection because I did not agree with that particular emergency at that moment, but there is no doubt about it—that events occur that have even the most fiscally conservative Senator getting up and saying, "This is an emergency." We have to save democracy in Kuwait, Saudi Arabia. We have to spend our money just as quickly as we can to protect those little islands of democracy, freedom, and liberty. What a farce that was. But it did not cause us not to spend money on what was called an emergency.

Mr. President, may I remind my colleagues that we had an emergency in the savings and loan industry. The President stood up and he said, this is an emergency, take it off the balance sheet, hide it from the budget, get it out of the view of the American public, shove the hundreds of millions of dollars in there that we need to take care of this. That was an emergency, and every citizen in this country is going to pay for it for a long time to come.

The people in my State shipped money to States like Texas where failing savings and loans were screaming out for help for their depositors, which we owed them under the insurance plan. Some of them were not even insured, but we felt, in the interest of the financial stability of the community, we have to ship the money in. That was an emergency.

Mr. President, we find emergencies all over the place. We gave Iraq aid by way of a loan guarantee even as it was preparing for the invasion of Kuwait.

Now, Mr. President, everyone knows that in order, it is said, to preserve our international leadership, we are going to provide money to the Russian Republic and some of the other Republics that emerged from the collapse of the Soviet Union. Emergency aid, that is what we have to do.

We had better look in the mirror and see what we have to do back here at home in order to protect the strength and viability of our own country. We rank 55th in terms of per capita spending on infrastructure.

President Bush, with all the fanfare of the cameras standing by, signed ISTEA, the surface transportation bill, in Dallas, TX, right alongside of a worker in a hard hat. What did that imply? Work, jobs, get America back on its feet even as the recession was dragging us down. We all hope and we believe there is a little bit of light at the end of the tunnel, but it is not a very bright light. Suddenly housing starts fell flat on their faces in the last month. As the housing goes, it is said, so goes much of the Nation's economy. But we are not out of the woods yet.

But when that bill was signed in December, it was said this will get America back to work. $151 billion over 6 years to create over 2 million jobs, help rebuild America, help fix those potholes, help fix those bridges, help make it possible for people to get to work, reduce congestion, reduce dependence on foreign oil, reduce the pollution that contaminates our society and costs us billions of dollars in repair and in health. Emergencies come up regularly.

So, Mr. President, I offer this amendment because it is a very simple addition that has, according to CBO, no budgetary impacts. It says we want to stimulate targeted investment in urban infrastructure, to promote long-term improvements in economic productivity, and to create jobs now.

Earlier this year, the U.S. Conference of Mayors issued a two-volume report. They listed thousands of infrastructure projects in 506 cities that are ready to go, awaiting funding. According to that report, over 400,000 jobs could be generated by implementation of those projects. But many of those projects and the jobs that go with them are put on hold because of the inability of the State and local governments to provide the required matching funds.

To get the transportation projects off the drawing board and onto the streets, my amendment would exempt certain fiscal year 1992 funding from matching requirements to allow the Federal funds to be drawn down, and put people to work quickly, even if the States and localities cannot afford to put up the 20-percent match.

Yes, we are going to be excusing that portion of their contribution, but what we will do is get people to work on long-term beneficial projects that should have been taken care of years ago. It will put people who are waiting for jobs, who have the skills, back to work. It will take projects off the shelf and put them into place.

This amendment, again, simply removes the matching requirements for fiscal year 1992 from the following programs authorized by the Intermodal Surface Transportation Efficiency Act.

First, for the Flexible Surface Transportation Program. Under this program, 62½ percent of the funds are allocated within a State based on population. Therefore, urban areas are assured of receiving a significant portion of the funding.

Second, the Congestion Mitigation and Air Quality Improvement Program. Funds in this program are distributed based on nonattainment of air quality standards and are, therefore, targeted at metropolitan areas.

Third, the Section 9 Formula Transit Program. This is the program that helps fund the development of rail and bus transportation so that people can get to work with a degree of convenience, not having to use cars, not having to have private transportation. This includes capital and operating assistance, and is of critical importance to the urban areas.

Each of these programs can provide direct and immediate benefits to distressed urban areas. They are funded at a total of about $5.8 billion in 1992. These programs, if they are fully implemented, can result in the creation of over 280,000 jobs; but only if the funds are spent. This amendment will help ensure that the funds will be spent, that the projects will go forward, and that the more than 280,000 men and women are put to work immediately.

Last week, mayors from around the country came to Washington to make their case. They pleaded for assistance; they pleaded for assistance now. They proposed a plan for as much as $35 billion to get the cities of America back on their feet.

No one laughed at them; no one scoffed at their targets. But, in the current political climate, it's difficult to see this happening. But the mayors and urban residents were here, marching down the street. It was said that there were some 100,000 people in that parade. There were over 1,000 people from the city of Newark alone, one of the poorest and largest cities in my State. They pointed out that, in many cases, they simply do not have the resources to come up with the required 20-percent matching share.

They cannot come up with the match because of the continuing recession, the recession that has been ignored for too long by this administration. Their economies are depressed, tax bases have declined, while demands of all sorts on Government services have continued to grow.

One does not have to be a rocket scientist to see what is happening to local governments, with the burgeoning caseload of AIDS patients, for the development of programs to deal with drug addiction, for housing for the homeless, or for education and health care. The cities are under siege. I am not talking about the kind of physical siege that we saw in Los Angeles, but the kind of financial siege that will destroy them and ultimately render them inoperative.

These cities just do not have the money. Like many working families suffering under these difficult economic times, they are simply out of money; they are tapped out. And because of that, entire projects are being held up. They cannot put up the 20 percent and they, therefore, will not be able to spend the 80 percent the Federal Government is going to distribute either.

Mr. President, we included matching requirements in the ISTEA Program for several reasons. We wanted to ensure that State and local governments have a stake in those programs. We wanted to ensure that Federal funds are used wisely. But today, we are facing a fiscal emergency. Last weekend's march on Washington confirmed that. What our urban areas need now is a major infusion of capital investment. What our economy needs is to build for the future, while employing today.

This amendment would help ensure that those investments are made. I want to emphasize that this would not be make-work spending. We are not simply going to have people picking up leaves or debris in the streets. We are going to do repairs, build and fix roads, open bridges, and make it possible for commerce to move smoothly, for people to get back and forth to work. It is really an investment.

We have heard economists testify that investing in transportation infrastructure is highly productive: For every dollar spent, we get a $2 gain in our gross domestic product.

Mr. President, there was a report issued recently from 100 of the country's top economists, several of them Nobel laureates. They said that more important than reducing the deficit—and there is not anybody here who wants to increase the deficit, no matter what assertions are made in the heat of political dialogue, the most important thing for America right now, in terms of dealing with our economic problems, is to invest in infrastructure. We are 55th in per capita spending on infrastructure. That ranks us with some of the Third World nations on the globe. Japan invests roughly 23 times what we do on infrastructure, on a relative basis. Germany invests about 15 times as much as we do.

Go see their highways and trains and what they do to move traffic along, what they do to expand airports at enormous expense, because they know that otherwise they cannot compete in this very competitive international environment.

We have been delinquent. And, once again, I remind everybody of the flourish with which the President signed this bill. The President is a careful man who does not take many daring steps. I assume his advisers were there to give him information. They said: Mr. President, sign this bill, this is a good one for us; politically, functionally, and financially it is good for the country. Apparently, they were not around 30 days later when he sent up a budget that immediately cut about 20 percent off of the first year's investment in ISTEA.

So we are saying, OK, it is time to do that extra little bit, to get people to work, show that we are serious about investing in our communities, show that we can do the infrastructure job that is required of us.

Mr. President, for every $1 billion invested in infrastructure, it is said that as many as 50,000 jobs are created. This amendment would help ensure that those investments are made and that the benefits of those investments are realized.

Once again, I want to note that CBO has reviewed this amendment. They confirm that there is no budgetary impact.

Targeted investment in infrastructure creates jobs, economic growth, and should be a part of any supplemental aid package.

I urge my colleagues to support this amendment. I have reviewed this proposal with the chairman of the subcommittee on infrastructures of the Committee on Environment and Public Works on which I serve, Senator MOYNIHAN. He is fully behind it.

Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

At the moment there is not a sufficient second.

The Senator from New Mexico.

Mr. DOMENICI. Mr. President, I say to the distinguished Senator from New Jersey I certainly would concur in the yeas and nays but I do not believe the two of us are enough. I wanted to say that I do have on our side an objection so that is why I am wondering who on the committee of jurisdiction wants to come down and address the amendment. We will do it, however, as is most accommodating to the Senator. I need to get hold of that Senator. If we can do that right now maybe he can come down here. Would that be all right?

Mr. LAUTENBERG. Mr. President, I appreciate the comments of the Senator from New Mexico. We had alerted the Senator who had some concern about this. And the way to resolve the issue, as the good Senator knows, is to have it voted upon and that will determine the outcome.

Now if the Senator thinks it can be resolved beforehand, I am willing to have this on a voice vote. Perhaps we can note the absence of a quorum and give us a chance to see if we can resolve that.

Mr. DOMENICI. Mr. President, before we do that if I might just respond for a moment, I am fully aware we can resolve it by a yea and nay vote, or a voice vote, but I thought if the Senator who opposes it wants to say a few words it might be appropriate that he say it before we vote.

Mr. LAUTENBERG. Absolutely.

Mr. DOMENICI. Mr. President, it is in that context that I concur in the absence of a quorum request.

Mr. LAUTENBERG. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. KERRY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. KERRY. Mr. President, I rise in support of this emergency bill, and I congratulate the cosponsors, my colleague, the senior Senator from Massachusetts and the junior Senator from Utah, for taking the initiative and for pulling together a consensus, at least on this initial response, of the U.S. Senate to the urban crisis in America.

If there is a solution to the problems that we face, both as a Nation and as an institution, especially in domestic policy, it really is going to begin with a willingness on the part of the Members of both parties to work together in order to solve these problems and get things done. And I think that is what this emergency funding measure is designed to do.

But I would say that the emergency to which we are responding, Mr. President, was not made in Los Angeles and it was not a product of the Rodney King verdict. It is in fact, a state of emergency that exists in this country to a greater or lesser degree in all cities across America. And it is an emergency that concerns all Americans—not just minorities or the residents of urban areas or particularly the mayors who have been visiting us so recently pleading with us to respond.

This bill, as we know, includes $700 million for inner-city jobs which will be vital this coming summer. It includes $250 million for Head Start, which we have all known has been vital for as long as we have been here in this Congress. it includes $20 million for Chapter I education programs, something we have been talking about for the 8 years that I have been here but never adequately funding. And it includes $250 million for the President's Weed and Seed Program. Each of these funding programs is on target and each is needed desperately. Each is long overdue. And the total price of what we are doing here with this emergency supplemental is about one-third the price tag that we are spending this year on star wars alone, and it is about equal to the cost of two Stealth bombers.

The funding issue is obviously important, so let us be clear. There is a fundamental difference between spending billions for something like the B-2 bomber and spending that same amount of money for child immunization or for Head Start.

We all know that if you buy a bomber, you get a bomber.

But if you change the life of a young kid in a city who needs help who is not going to get it otherwise, you get a citizen.

Now I do not know how you measure those savings, Mr. President. You can find a lot of different ways to try to do it. I suppose you could count the crimes that might have been committed by somebody but now are not going to be committed. You might try to put a value on the difference to society of having somebody who is going to make responsible as opposed to irresponsible choices in his or her life, not only about the community around them but about themselves and about whether or not they might have a child as a single parent, or about staying in school, or about drugs—a whole host of choices.

It seems to me we get an enormous return whenever a person makes those choices wisely versus somebody not making them because they did not have Head Start or they did not have a chance at a job or they did not have an opportunity to grow up in a neighborhood with a responsible role model. And it is high time that we in the U.S. Senate understood the value of that, not just talk about it in our speeches, but understood the value of it and actually implement it in the programs that we pass here.

A lot of academics have tried to measure the difference in value of these kinds of investments. There are plenty of studies that will tell us to the penny how much we save per child in Head Start, or per child immunized from disease, or per youngster enrolled in the Job Corps. And these studies are important and they are convincing, but we really do not need those studies.

All you have to do is look around you in Washington, DC, or any of our other major cities in the country and we will understand that we have been neglecting our children, neglecting our cities for the past decade, and we are going to pay a very heavy price as a nation, not just in terms of civil disorder which everybody is obviously fearful of, but in terms of our whole fiber as a nation, of our ability to continue to grow as a democracy, to set an example to the rest of the world that is trying to be like our democracy, and, equally as importantly, simply to compete with a lot of other nations that are doing a better job of making the kinds of choices that we have been ignoring.

Now, there are some who will argue that the bill on the floor today may be too much of a response to the problems that we face in our cities; that it may even be something of a "reward" for the fact that there was a riot. I think it is really important for us not to fall subject to that kind of simple approach to this kind of complicated problem.

It is very easy to play to everybody's universal condemnation of random violence. But if we use that as an excuse to continue the kind of neglect that we have had for the last few years, we will hurt only the children of America; not as blacks, or Hispanics, or Asians, or Koreans, but as American citizens, people who have a right to expect that they will share in the dream of this country.

I think the sponsors of this bill would be the first to want to distinguish—I have heard them try to do that—between those who talk about rewards versus those who really talk about the things that are necessary as an ingredient of nation-building.

We need a lot more than what this bill provides; an extraordinary amount more than what this bill provides. No one should leave this institution for Memorial Day weekend believing that the U.S. Senate has somehow adequately responded to the needs of our Nation and of our Nation's cities today.

Money is not a sufficient solution, clearly. It is not half of what we need. But rhetoric about values and warnings about Murphy Brown are, in the absence of more money, no solution to our problems at all.

The Federal Government has reduced its share of municipal government expenditures from 17 percent 12 years ago to 6 percent today. We have reduced money for housing in real terms by 82 percent; for job training by 63 percent; for community development by 40 percent; and for social service and community service block grants by 40 percent.

So at the same time as we have ripped away these programs—anywhere from 40 percent, in real terms, to 80 percent—we have simultaneously seen the tax base of the cities gutted by virtue of economic stagnation as well as by the States themselves that have, in some cases, pulled out their support.

So there is a clean linkage, inescapable, unavoidable, between money and the problems we currently see in our cities.

Let me say also that it is outrageous that we now have people flocking to gun shops across this country because they do not think the police are going to be able to protect them. But the fact is that, not long ago, we had three police officers per violent crime in this Nation, while today we have three violent crimes per police officer. We have literally witnessed a kind of unilateral disarmament in the face of increased crime in America. Those who claim to care the most about law and order have been among those who have led the charge in this process of disarmament.

There is a lot of talk around here about the importance of community policing. That is a great idea, but it requires money. I am one of the cosponsors of a plan which has been bogged down for more than a year in a disgraceful deadlock over the crime bill. That plan would create a police corps that would put some 20,000 more officers on the streets of this country. It is a great idea, but it is not free.

The same is true of Head Start to aid schools, and job training. These are all going to require an investment of resources. How much? I think that is what the U.S. Senate ought to really be asking itself. How much is it going to take to create citizens again? How much is it going to take to create community in America? How much is it going to take to restore the values that everybody talks about, values that come from education, values that come from families that are today nonexistent because of other problems that government is unwilling to face up to?

I think we have a lot to think about as we consider this dire emergency supplemental appropriation today. I have said that money is not all that we need. We also need imagination. We need creativity. And we need to develop some new approaches to many of these problems. We want community participation, not big government. We do not want a whole new set of government institutions which chew up all of the administrative dollars in the effort to try to reach people. We have learned some lessons, I hope, from those experiments. We want incentives, not entitlements. We want to motivate people to take charge of their own lives, not make it easy for them to avoid the hard choices and thereby fall into lives of dependency and complacency.

One of the most positive things that is beginning to emerge from the last few years is a new consensus on many of these points. We may finally see enterprise zones this year. We may see proposals which some of us have supported strongly to encourage those who are leaving the military involuntarily to take their skills and go into the cities.

It is my personal belief we should be prepared to take some of the money we are spending today on people of talent in the military and, rather than put them in the unemployment line and ignore the cities, put them to employed use in the cities, either teaching or policing or counseling or building, using the skills we have taught them in the military and using the talents that they have acquired. Many of them, having come out of those very urban centers and gained a skill, could go back with renewed credibility to help pass that on to other people.

If we truly care about this problem and want to deal with the issue of conversion from the military, we ought to be doing that in the next weeks in the U.S. Senate.

We may finally, even, develop a workable means for enabling all qualified high school students to finance a college education. And, we will continue to bang away at devising a welfare system that really works.

Obviously we are a long way off from that last goal, but there are a lot of good experiments underway at the State level. There is an understanding that we have to bring the American male back into the picture through mandated child support payments or other means of tracking those child supports so there is an incentive and an encouragement and a statement by government of the value of people staying together and being part of a family.

We need to respond to the problem of long-term dependence. And we have to see to it that there are real and definable and understandable incentives for people at the lower end of the income scale to go to work.

We do need more resources and we need more creativity. But we also need the courage to deal honestly with the issue of race. We need the courage to admit up front that one of the reasons the cities have been neglected over the past decade is a feeling on the part of many Americans that it is basically a minority problem, a black problem; it is a them problem.

We need the courage in both parties to admit that the political dialog on race over the past 2 decades has been an intellectual wasteland of exploitation on the one hand and rationalization on the other. One side exploits fears and the other side exploits resentments. What is the result in the end? More fear, more resentment, and greater neglect. That is not leadership and that is, quite frankly, cowardice. I think the American people have come to understand that too well. That is one of the reasons they hold their leaders and this institution in such current disrespect.

If we are serious about urban problems, then we have to deal with racism in America. We cannot simply brush aside the studies that document continued widespread discrimination in employment and housing. We cannot simply ignore what the Rodney King verdict says to black Americans or what so many minorities already know about the differences in treatment that they receive—not only from police, but from cab drivers, from shop-keepers, from personnel officers and from others. We simply cannot allow the stereotypes that have been exploited—whether it is about blacks or Asians or Koreans or whites—we cannot allow those stereotypes to continue unchallenged, especially among our younger citizens. And we cannot, especially, expect that to happen and then somehow believe we are going to have a livable country or a competitive country when the predominant part of the work force in the next 10 years will be minorities and women and immigrants.

In talking about racism in Los Angeles a few days ago, President Bush said that, "we have to teach right from wrong and Government cannot do that."

But the fact is that political leaders must at least do their share to teach right from wrong or others will do it for us, and we have seen that happening.

If we do not teach understanding, then others will teach hate.

If we do not teach unity, then others will teach division.

If we do not teach our citizens to care about their communities, about their country, and about children other than their own, then we will find ourselves adrift in a sea of callousness and cynicism; and we will find ourselves raising a generation of revolutionaries on the one hand and vigilantes on the other. We will become not a nation inspired by the holy star of freedom, but a nation crucified on the iron cross of fear.

Mr. President, the first sounds many of our children hear in the cities of America today are police sirens and ambulance sirens, hovering helicopters, and gunfire. There are kids barely in their teens who have lost more classmates than I lost buddies in Vietnam. The life expectancy for men in some of our cities is lower than it is in Bangladesh and nationally, young black men die in America at a rate faster than any other group of Americans, other than those over the age of 85, and faster than in any American war in our history.

All that death and all that suffering and all that unfairness is avoidable. It does not have to be.

Let historians debate how we got to where we are, but let them also record that this Congress and this President came together in an election year to put the country ahead of the partisan political concerns that have consumed us.

Let them record that this was the year that all Americans came to understand that urban problems are not simply the responsibility of mayors or the police or the leader of minority communities. The simplest law of geography tells us that we cannot have a suburb without a city. The simplest law of economics tells us we cannot compete if a quarter of our young people are dropouts, convicts, parollees, or dead. The simplest law of history tells us that a house divided against itself cannot stand. And the simplest rule of all tells us that we cannot turn our backs on our fellow citizens and hope to salvage either our standard of living or our souls.

I yield the floor.

Mr. SPECTER addressed the Chair.

The PRESIDING OFFICER. The Senator from Pennsylvania.

Mr. SPECTER. Mr. President, I support the provision to provide an additional $1.45 billion to assist our Nation's distressed cities. This proposal will provide the Summer Youth Jobs Program with $700 million; Head Start with $250 million; Chapter I of education, $250 million; and $250 million on weed and seed; in addition to the other requests for FEMA and the Small Business Administration.

I was pleased to have the distinguished chairman of the Appropriations Committee submit the amendment on behalf of himself and the ranking member, Senator HATFIELD, as well as the chairman of the Subcommittee on Labor, Health, Human Services, and Education, Senator HARKIN, and myself as the ranking Republican member.

Mr. President, I also support the amendment offered by the distinguished Senator from New Jersey [Mr. LAUTENBERG] which would provide for the waiver of local matching funds on Federal infrastructure development projects. I believe that these measures are an important addition to our efforts to deal with the problems of the cities and the problems of the economy, although they are only starters.

I believe that there is a need for substantial additional legislation on enterprise zones, illustratively, for the cities and for urban areas as well, for increases in job training, and for considerable activity on long-range attention to the pressing problems of America's cities and the American economy generally.

Shortly after the riots in Los Angeles, the mayor of Philadelphia, Ed Rendell, and I talked about assessing the needs of that city. On Monday, May 4, I joined the mayor with his regular meeting with the Philadelphia delegation in Congress where we discussed the many pressing matters facing our Nation's cities. A subsequent meeting was held on the following Monday, May 11, attended by the Philadelphia delegation, including my distinguished colleague, Senator WOFFORD and myself.

From those meetings, we concluded that the No. 1 priority was the issue of summer youth jobs. I had an opportunity to discuss that matter with officials in the administration and was pleased to see, on the following Thursday, May 14, Senator KENNEDY and Senator HATCH offer the legislation for

$1.45 billion, which covers the items just enumerated.

Coincidentally, the mayors from the League of Cities and Conference of Mayors were in town last Friday, May 15. There have customarily been meetings with the mayors and Democratic Senators. At the request of Mayor Rendell, a meeting was asked for at a breakfast last Monday, attended by a number of Republican Senators—Senator DOLE, Senator DURENBERGER, Senator KASTEN, Senator DANFORTH, and myself—with a number of mayors, including Mayor Rendell of Philadelphia; Mayor Althans of York; Mayor Flynn of Boston; Mayor Jackson of Atlanta; Mayor Soglin of Madison; Mayor O'Connor of San Diego; and Mayor Carey of Newburgh, NY, to discuss the pressing problems of the cities. So I believe that in directing our attention as we have, principally with the $700 million for summer youth jobs, we attacked the core problem. Mayor Flynn, of Boston, put it succinctly when he said that his concerns on keeping the lid of Boston involved kids and cops, and that is summer youth jobs.

I am hopeful we will move this bill very promptly. I do express some concern about how we are going to pay for the bill. It is my hope that there may be funds from the rescission package, which is working its way through the Congress, to cover these expenditures and more.

When we talk about summer youth jobs in an appropriation of $700 million, that is more than is currently appropriated. About $690 million is on the books at the present time. So when you take a city like Philadelphia, illustratively, when you have 5,500 summer youth jobs and Mayor Rendell has outlined the need for at least 2,200 more on a waiting list, those 2,200 can be accommodated, and there are more than 3,000 in addition, with the additional funds which would be available for the city of Philadelphia. Philadelphia now gets $4.97 million, I am advised, out of the total appropriation of approximately $690 million. so the $700 million will give Philadelphia, again illustratively, more than $5 million.

There would similarly be funds available for Pittsburgh, other cities in Pennsylvania, and cities across the country, including smaller cities like those in the Lehigh Valley, Allentown, Bethlehem, and Easton, which I visited this past Monday to get an assessment of the needs there. Mayo Goldsmith of Easton. Mayor Smith of Bethlehem, and Mayor Daddona of Allentown echoed the sentiments that I have heard that summer youth jobs are at the top of the list.

So I think this is important legislation, and I am pleased to see it moving forward.

In supporting the amendment offered by the distinguished Senator from New Jersey [Mr. LAUTENBERG] to waive the local match, I believe that is important to move ahead with the highway and transit moneys which have passed this Congress. When we authorized the $155 billion on the Intermodal Surface Transportation and Efficiency Act last year, we did so both for highways and mass transit, leaving substantial flexibility with the States and the regions to decide how to best deliver these allocations. That bill is indispensable to rework the infrastructure of the United States and also to provide desperately needed funding to transit propane.

Those commitments have already been paid for. They have been paid for out of the highway and transit trust funds, which are supported by a gasoline tax. There has consistently been a significant surplus in the highway trust fund. We have already bought and paid for that. I introduced a measure in the budget bill last year to take the highway fund off budget so that instead of having billions of dollars which, by bookkeeping system, is allocated to offset the size of the Federal deficit. Where we allocate funds in trust for the development and maintenance of our Nation's highways and mass transit, they ought to be used for highways and mass transit. Anybody but the Federal Government who used trust funds for a purpose other than that which intended can be prosecuted for fraud and conversion.

So that when we set aside those moneys in trust, they ought to be used for that purpose. And where local government cannot afford the match, these projects ought to go forward. These Federal dollars are tremendously important for the infrastructure and also very important to put people to work, but they are not job creation. They are items which have been deemed very necessary, very vital, but they have the corollary effect immediately of putting people to work. So I think that the amendment offered by the Senator from New Jersey is well-founded.

I thank the Chair and yield the floor.

Mr. LAUTENBERG addressed the Chair.

The PRESIDING OFFICER. The Senator from New Jersey.

Mr. LAUTENBERG. I thank the Chair. I thank the distinguished Senator from Pennsylvania for supporting this amendment, for making it known that the mayor of the city of Philadelphia, Mayor Rendell, has lent his support to it. And I would also like to call attention to those gathered that the mayor of Boston, Mayor Flynn, who is the president of the Conference of Mayors, gives this amendment his support as well. As a matter of fact, he said to me on the telephone last night that it lent a certain degree of urgent support that he was looking for in this supplemental. He lent his support because he thought it would be an immediate stimulant. And though he is disappointed we are not proposing all of the funding, he was happy to see this amendment proposed.

While we have enough people on the floor, Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER (Mr. ADAMS). Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

Mr. LAUTENBERG. Mr. President, I want to go on and respond to comments by the distinguished Senator from Pennsylvania in which he identified the area of investment in jobs for youth as being so critical, investment in our children as being so important. I certainly agree.

Mr. President, to summarize, this amendment is jobs, let us say, for adults. This amendment will provide immediate relief in many areas for the jobless. This will free up the remainder of whatever has not yet been spent this year of $5.8 billion. The $5.8 billion translates to an equivalent of somewhere around 280,000 jobs.

Further, not only does it put people to work, this is getting on with the job that we must do in this country, and that is to rebuild our infrastructure so that we can move people and goods with efficiency, not contaminate our air any further, reduce our dependence on foreign oil, get jobs going that will be decent paying, and have people understand that perhaps there is a future for them, that perhaps there is a light at the end of the tunnel. It will provide an immediate stimulus.

Senator MOYNIHAN is the prime cosponsor of this amendment, Mr. President. He is the chairman of the Subcommittee on Infrastructure within the Environment and Public Works Committee, on which I also sit.

Now, I want to make it clear so that there is no doubt, CBO has reviewed my amendment and they have confirmed that it would have no impact on the budget. So therefore, Mr. President, I think what we have is a total win for America. It is of the kind of investment that this emergency calls for.

So I think we ought to move ahead with this. The supplemental bill is a good one. This, I think, adds an impetus to it that will make it even more appealing for all of my colleagues. I hope that is the case.

I yield the floor.

Mr. CHAFEE addressed the Chair.

The PRESIDING OFFICER. The Senator from Rhode Island.

Mr. CHAFEE. Mr. President, I wonder if the distinguished Senator from New Jersey would be kind enough to remain because I have a couple of questions I would like to address to him if I might.

First of all, in connection with the amendment of the Senator from New Jersey, I think it is important to point out that under the existing law the match is as follows: The Federal Government puts up 80 percent, and the locals—it can be the State or it can be the city—puts up 20 percent.

The rationale for that, Mr. President, is as follows. By requiring that the locals put up something, it means that a more careful prioritization, or more careful attention to what should be built, is given. I have had the experience, as many have here, of being a Governor. When we found out that a program was 90-10, 90 percent Federal, 10 percent local, there was a casualness involved, a feeling, oh, well, the Federal Government is paying for most of it. So what is the worry?

We just passed the surface transportation bill at the end of last year. So it was a very short time ago that we passed this legislation of which the distinguished Senator from New Jersey was one of the key authors.

So in connection with that legislation, we had what we thought was a very modest local share, 20 percent. there are many programs, as you know, which are way less—less Federal contribution, 75 percent, 65 percent, and so forth.

We thought this was fair. We thought it would accomplish two goals: One, the first goal that I mentioned, that it would cause the locals to pay careful attention to what they wanted to spend the money on, what was worthwhile since they had to come up with 20 percent.

The second rationale for the 20 percent, if you want to call it match or contribution by the locals, was that it made the money go further.

Obviously, if you have the Federal Government working from a set lump sum and provide that for a project, they will pay 80 percent and the locals will pay 20 percent, that means this lump sum of money will be able to go further.

Putting it another way, I think the Senator from New Jersey would readily concede that under his amendment the amount that will be built will be 20 percent less. In other words, we are very anxious to get on with these infrastructure improvements, and we need many of them. But under his program there will be 20 percent less built.

In looking over the categories he has chosen, I think they are good categories. If I were doing what he proposes, I would support these two categories; namely, the congestion mitigation, which deals with the improvement of the air quality, and the second deals with surface transportation.

I know the Senator has carefully thought about these matters because these he selected out of a series I think of eight programs that we have under the Surface Transportation Act.

So my first question to the Senator is as follows: Is it his intention to extend this further? In other words, I think we would be on a slippery slope if we extended this say to the national highway system. Are we setting some kind of a precedent here? Is it the Senator's intention to restrict it to this? Is it going to extend to interstate maintenance, for example? That would be my question to the Senator from New Jersey.

Mr. LAUTENBERG. Mr. President, I thank my colleague from Rhode Island.

I want it known that the Senator from Rhode Island worked as diligently as anyone to help get the ISTEA legislation passed. In no way am I attaching any doubt on his views of what we have to do with our transportation infrastructure. But in response to the question about whether or not we look to extend this, the answer is absolutely not. This is attached to this bill because it is emergency funding.

While we have been looking, examining ways of helping—and I went through a review of the bill's components earlier—the one thing that seemed to be a missing ingredient in the supplemental was something that would put people to work immediately.

This will do that. And because in my conversations with mayors, who said they just do not have the 20 percent available for the match, we said all right, in support of an emergency, we will waive it this year.

Mr. President, I would like to point out that any States that have already put in money are not going to be disadvantaged by having advanced their money early. Everybody is playing on the same level field. This does not favor cities over rural areas.

What I see happening is that we will be waiving $1.4 billion, in round terms, out of a total bill that will be in the neighborhood of $180 billion when you add the 20-percent non-Federal match to the $150 billion that is authorized in ISTEA; $1.4 billion is still a lot of money. When it is targeted to the areas that it would be under the bill, I think it is going to be very helpful.

It is true that one reason we put the 20-percent matching requirement in ISTEA is to make the communities think more thoroughly about that which they are going to do.

I want to point out to the Senator that no matter what happens, these communities will still have to do the enhanced planning requirements of ISTEA. They still have to pass all of the same tests that help protect against waste.

Mr. CHAFEE. Mr. President, I point this out: The Senator from New Jersey is quite right when he says it is $1.4 billion out of $186 billion. I want to also point out that $186 billion is over the 6 years.

So while it is true that this is a modest amount out of the grand total out of 1 year's expenditure, of course if you divide 6 into the 186, it would be a more significant amount.

But I am encouraged by what the Senator indicated. It is not his intention to have this a precedent and to apply, for example, to the other categories—the bridge categories, the interstate maintenance that I mentioned previously, the National Highway System. So I am reassured by those comments.

Mr. President, before closing, I would like to comment about the work that Senator COATS has done in connection with the interstate transportation of solid waste. That was mentioned by the Senator from Pennsylvania.

As a member of the Environment and Public Works Committee, I want to say that the work that Senator COATS has done in trying to resolve this very, very difficult issue—which he has been working on for some 3 years now, I believe, certainly more than 2 years—is extremely commendable.

I am glad that we are able to arrive at a conclusion that seems to have the approval of the Senators from New Jersey, New York, Pennsylvania, Ohio, and across Indiana—Virginia likewise, all States affected plus others which were likewise affected.

Trying to work out this compromise was extremely difficult. If there is ever a case of pushing in a balloon and having it come out somewhere else, this was that situation. If we tried to do something to help those States that were receiving the trash, we were encountering legitimate difficulties by those States that were exporters.

So I am happy we were able to resolve this. I give a lot of credit to everybody involved, but especially to Senator COATS, who has been tackling and dealing with this issue for so many years.

I thank the Chair.

Mr. SYMMS addressed the Chair.

The PRESIDING OFFICER. The Senator from Idaho.

Mr. SYMMS. Mr. President, the pending amendment of my good friend from New Jersey waives, as I understand it, the State and local match requirements for certain highway and transit program funds.

I first say that if we waive the matching fund on a temporary basis because a State, or what have you, had a problem coming up with matching money in a short-term situation, with the agreement that they paid it back through the program, so that it came out even, that would be one thing, because as a matter of fact, in the transportation bill, we made provisions for those kinds of temporary match waivers in highway programs in order to get those funds out and allocate and apportion those funds out and get the contracts started and get the roads and the transit projects underway. That is one thing.

But this amendment, as I understand it, would authorize a permanent waiver of non-Federal match for some of these fiscal year 1992 funds.

I want to make two points to my colleagues so that they understand exactly what it is that the Senator from New Jersey is asking. In a general philosophical sense, the concept of ISTEA was that we would try to raise the match. In fact, the administration, President Bush, Secretary Skinner, at the time their policy was that they wanted to even have a higher local and State match, so that there would be more local and State input into the decisionmaking process, because I think any of the Senators that have been in here that have been Governors and have been involved in the process from the States' point of view, there is a general tendency in the States that say: we will get this free money from Washington, and they are much less concerned about how they spend that then the money they actually have to go out their own constituents and raise the tax money.

So any area where you get 100 percent Federal funding totally at the control of the local people, whether it is the Governor or the county commissioner, or whoever it is, there is a tendency to be a little more free and easy with that so-called free money, and the decisions that come down sometimes are not as good as when the State matches. That is a basic fundamental principle that is behind ISTEA, that we try to increase the match.

Well, we told the administration—and as the ranking member of the subcommittee, I told the administration—early on that our States simply cannot meet the matching requirements that the President had asked for. In the theory of a civics class, any group of civics students, government students, or public administrators would tell you that the President had the right policy. From a practical standpoint, we simply did not think we could go as far as he went.

So most of this bill is based on an 80–10 basis, for the most part. Part of it is 90–10, 80 percent Federal, 20 percent State match. It encourages good, responsible planning and thought to the way the dollars are allocated and spent.

If we are going to just waive this, two things will happen: No. 1, you will have a little less discern and less accountability on the part of those people who spend these Federal dollars that they did not have to be responsible to raise the revenue for.

So in the long run of taking this policy, it is very bad policy. It should not be done, and I oppose it for that reason.

No. 2, though, what will happen is that you are going to get less roads and less transit projects built if you could lever the Federal dollars with higher State matches, as the President wanted to do.

I told him at the outset that we cannot do that; we do not have the votes. It may be good policy, but we have a lot of States like mine in the West that are huge geographical States with low population, and they are strained right now with the highest gas taxes in the country, and they simply cannot put up any more money. But, in theory, if you lever the Federal dollars and force the States to put up a higher percentage of the match, you get more roads built and get them built better because the States are very concerned about where they build them, how they spend the money, and they watch it very carefully.

So what we are going to have here, this is a lousy policy. The Senate may well do this, but it is lousy policy to do this. It encourages sloppy workmanship and dissemination and lack of accountability of these funds, because it is so-called free money that comes from Washington. We know there is no free lunch, and it is our own constituents paying the fuel taxes.

The other thing is that the States do not put up the match, so they do not get that extra 20 percent roads built or 20 percent transit built or whatever the case may be. You do not have the State match.

So I think this is a very bad precedent. It may be a small part of this overall project, but this is a lousy precedent for this Senate to be taking, and this Senator wants to be on record in opposition to this amendment.

I yield the floor.

Mr. LAUTENBERG addressed the Chair.

The PRESIDING OFFICER. The Senator from New Jersey.

Mr. LAUTENBERG. We have heard some of the concerns of my friend from Idaho and expressed by others as well. I remind everybody here that this is emergency spending. We are not talking about long-term policy. We are talking about delinquent States.

We are talking about preventive medicine here. We are talking about catching up with some of our competition outside of our borders who invest appropriately in their infrastructure. We are talking about the implementation of the bill that the President of the United States signed with gusto in December, saying it was a great bill, $151 billion plus 20 percent match, some 188 billion.

There is an emergency and this amendment will put people to work immediately. All of the required planning programs still apply.

There is nothing footloose and fancy free, and, Mr. President, I urge that we vote.

Mr. SYMMS. Mr. President, if my colleague will yield on that, I reemphasize if we had in the Senator's amendment that we were going to have those States pay this match back even if it were 2 years from now, this Senator would say it is probably bad policy, but I will not object to it.

Since the Senator is waiving it permanently, that is my objection. I understand all the Senator's arguments about moving ahead and getting people to move ahead, do not stop the projects. I do not disagree with the motive. I think the Senator will have to admit it is poor policy.

Mr. LAUTENBERG. Mr. President, once again, in all due respect, I think it was lousy policy to put that money in the savings and loans bailout. That was terrible policy and we did it with rules that permit us not to charge it to the budget. It is off there somewhere in the middle of the smoke and mirrors.

I think it was terrible policy to jump in to save the democracies—I use the word facetiously—in Saudi Arabia and Kuwait. I am not sure it is good policy now to start putting out money that we are not going to get back for Russia and other republics.

So, Mr. President, we make decisions all the time around here about where we think it is good to employ our resources.

I would tell you that this one is carefully thought out. Again I remind my colleagues: CBO says there is no budgetary impact.

So I ask for the vote, Mr. President.

Mr. BYRD. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. The yeas and nays have been ordered, the Chair will state to the Senator from West Virginia.

Mr. GRASSLEY. Mr. President, the Lautenberg amendment would exempt the match requirement under the Intermodal Surface Transportation Efficiency Act for fiscal year 1992. The bottom line to this amendment is that less money would be spent on the infrastructure requirements that our Nation needs to address.

We need more investment at all levels to prevent the decay of conditions of our country's highways, bridges and transit systems. We know that the needs of our transportation system far exceed the projected resources.

A matching share requirement is an essential device for increasing investment. At every level of government, priorities will be set regarding transportation spending. States must set these priorities using a portion of their own funds. The best decisions regarding highway and transit projects at the local level result when State and local areas have a financial interest vested in them. This is especially true when determining priorities.

The more local investment in transportation projects—the more local commitment—the more likely this money will be spent efficiently. There is a vested interest by localities and States to get the most out of their money. If we allow the match to be waived, this efficiency will be waived with it.

State highway capital investment already exceeds Federal matching requirements. The average State share of total Federal and State capital outlays on all roads has increased from 43 percent in 1986 to 47 percent in 1989. Over this 4-year period, State spending increased about 11 percent.

By eliminating the necessary match on transportation projects, we would be eliminating millions of dollars that would otherwise be spent on transportation projects by States and localities. In addition, the Federal spending without a local match requirement would be less efficient spending.

In my home State of Iowa, less would be spent on the extremely important projects that are absolutely necessary for the growth of the Iowa economy. Projects such as the Avenue of the Saints, the Highway 63 corridor, the Highway 20 corridor, and the Des Moines-Burlington corridor, just to name a few.

Iowa is able to come up with the required 20-percent match for fiscal year 1992. The Iowa Department of Transportation and the local communities in Iowa had the foresight to plan ahead and are prepared to commit the necessary monies in order to provide the match requirement for Federal transportation spending.

In fact, if monies available because of the inability of other parts of the country to come up with the match requirement, the State of Iowa will be able to provide a 20-percent match for these reapportioned moneys. Iowa would be able to increase the Federal dollars that come to our State because they have planned ahead. If this amendment were to become law, it would mean less money for the State of Iowa.

This amendment is not good for Iowa's transportation infrastructure needs and it is not good for the America's infrastructure needs. It is for these reasons that I will vote "no" on this amendment.

The PRESIDING OFFICER. Is there any further debate?

There being no further debate, the Chair will put the question. The question is on agreeing to the amendment of the Senator from New Jersey. On this question, the yeas and nays have been ordered, and the clerk will call the roll.

The legislative clerk called the roll.

Mr. FORD. I announce that the Senator from Texas [Mr. BENTSEN] is necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 59, nays 40, as follows:

[Rollcall Vote No. 101 Leg.]

YEAS—59

Adams
Akaka
Baucus
Biden
Boren
Bradley
Breaux
Bryan
Bumpers
Burdick
Byrd
Coats
Conrad
Cranston
D'Amato
Daschle
Dodd
Exon
Ford
Fowler
Glenn
Gore
Graham
Harkin
Hatfield
Heflin
Hollings
Inouye
Jeffords
Johnston
Kennedy
Kerrey
Kerry
Kohl
Lautenberg
Leahy
Lieberman
Metzenbaum
Mikulski
Mitchell
Moynihan
Nunn
Packwood
Pell
Pryor
Reid
Riegle
Robb
Rockefeller
Sarbanes
Sasser
Shelby
Simon
Specter
Stevens
Warner
Wellstone
Wirth
Wofford

NAYS—40

Bingaman
Bond
Brown
Burns
Chafee
Cochran
Cohen
Craig
Danforth
DeConcini
Dixon
Dole
Domenici
Durenberger
Garn
Gorton
Gramm
Grassley
Hatch
Helms
Kassebaum
Kasten
Levin
Lott
Lugar
Mack
McCain
McConnell
Murkowski
Nickles
Pressler
Roth
Rudman
Sanford
Seymour
Simpson
Smith
Symms
Thurmond
Wallop

NOT VOTING—1

Bentsen

So the amendment (No. 1838) was agreed to.

Mr. LAUTENBERG. Mr. President, I move to reconsider the vote.

Mr. MOYNIHAN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The Senator from Montana.

Mr. BAUCUS. Mr. President, this past weekend I visited a small community in my home State of Montana called Grass Range. I had the opportunity to attend the town's high school graduation where 11 young men and women were getting ready to face life's challenges.

Grass Range, MT, may seem light years away from the burned out streets of Los Angeles or the crack infested ghettos of Washington, DC. Yet I believe the problems affecting our cities affect us all.

Drugs, crime, racism, AIDS, domestic violence, illiteracy, pollution, and traffic congestion have ruined the quality of life for millions of Americans.

These problems tear at the moral fibre of the entire Nation. They undermine our competitiveness. They embarrass us. And they cost each and every one of us hard-earned tax dollars.

It would be easy to think of Montana as an island; a place where we need not care about such problems. But it would also be wrong. Those of us fortunate enough to live in Montana cannot turn a blind eye toward the problems and discontent facing urban America.

In his book, "The Disuniting of America," historian Arthur Schlesinger, Jr., talked about the centrifugal forces of our society which are tearing this country apart.

We are all conscious of them. Whether it is as seemingly small as 100 cable channels on our television sets, or as fundamental as the racial and ethnic divisions which have had such a tragic impact on Los Angeles, and others of our Nation's cities.

And here in Washington, we are all too conscious of the political divisions which separate us and immobilize us in gridlock. Nobody seems willing to look for solutions, and very little gets done.

Our country has some serious problems, problems that can be solved only if we can work together. Yet, the forces pulling us apart seem stronger than ever. Indeed, the fabric of our society, and our political institutions, already so fragile, seems close to rupture.

We are one nation. We must face our problems together. We must respect each others' different backgrounds, concerns, and points of view.

Fortunately, in Montana we have avoided most of the difficulties facing our big cities. However, we face problems of our own. And just as we Montanans cannot ignore the cities' problems in good conscience, neither can the residents of urban areas think that the problems of rural areas are none of their concern.

Every year, too many of Montana's young people are forced to leave the State to find work. Our State and local governments must struggle to make ends meet and provide essential services.

Increasingly, we see high paying jobs disappear only to be replaced with minimum wage service sector and tourism jobs; and you cannot raise a family on those low wages.

And there is a more immediate need. This year, the farmers and ranchers in my State, and indeed the whole Northwest, seem on the verge of the most severe drought in many years. The winter was warm and dry. And the spring saw very little rain.

Unless the weather changes, our farmers and ranchers are going to need drought assistance to survive. They are going to need the help, and the understanding, of Members representing more urban areas.

Now, before the distinguished chairman of the Appropriations Committee has heartburn, this is not a plea to add drought assistance to this bill.

It is, instead, a plea to remember that we are all in this together; that just as the death of one man diminishes us all, so to do the problems of any one part of our country, diminish our Nation.

So, Mr. President, today I will cast my vote in support of this supplemental appropriations bill, because after 12 years of neglect and indifference we must finally begin to address the problems that plague our cities and our country.

It is only when we come together as one country and one people will we be able to begin to restore the confidence of the American people that we truly are one nation, indivisible, with liberty and justice for all.

I yield the floor.

Mr. McCONNELL. Mr. President, the Senate's consideration of H.R. 5132 coincides with an interesting article in today's Washington Post. I think the headline says it all: "Many L.A. Riot Suspects Found To Have Criminal Backgrounds: Records Check Challenges Assumptions About Motives."

According to this article:

> The statistics [on arrests and background checks] appear to contradict the initial assumption by many people that thefts, minor assaults and curfew violations were committed by people motivated solely by despair and anger after the King case verdict * * *.

Who were the rioters? Deputy City Attorney John Wilson breaks down the lawbreakers into three categories: professional criminals, illegal aliens, and first time offenders who were caught up in the melee. The deputy district attorney at the Los Angeles County D.A.'s office lends support to Wilson's assertion—40 percent of the felony cases he is handling involve defendants with criminal pasts.

I bring these findings up because I sympathize with the anger at the verdict in the Rodney King case, and understand the calls for reform in major urban areas. But I have to wonder if the bill we are considering today rewards hooliganism and violence.

I fear that this bill may be a nearly $2 billion message to the American people: that if you want to destroy your neighborhoods—to loot, rob, and kill—Uncle Sam will reach into his wallet and bail you out. The fact is, Uncle Sam's wallet is filled with IOU's.

I do not profess to have a magic elixir for the ills of urban poverty, but throwing taxpayers' dollars at inner-city problems is not a solution. We are all familiar with the stagnation that accompanies generational welfare.

We need to use this occasion to encourage small businesses to rebuild; to again provide employment opportunities and services to economically depressed neighborhoods. It is estimated that 10,000 businesses were damaged or destroyed by rioting in L.A., and some 40,000 people lost their employment. Where is the justice for these Americans, Mr. President?

Enterprise zones and the privatization of public housing will go a long way in helping the poor. There are already 2,200 enterprise zones in America, which have created 258,000 jobs and generated some $28 billion in investment in depressed communities. I firmly believe that if we can bring industry and pride to poor areas, and if we can encourage a sense of community and family, we will expand opportunities for countless citizens.

In using the L.A. riots as a catalyst to focus on the plight of the urban poor, we must not neglect the needs of the rural poor, or divert resources from struggling rural areas in order to make up for bad policies and destructive behavior in certain areas. The people who live in the towns and farming communities of Kentucky face problems just as pressing and real as those facing the inner cities of L.A. or New York. Job creation, education, health care and even crime are no less important to citizens of rural America as they are to the intended beneficiaries of this special legislation.

Above all, we must not reward random violence or incompetent government with Federal financial windfalls. If we pursue such a policy, we do a grave disservice to all those communities across America, large and small, that have worked hard to control crime, maintain good race relations, control government spending, provide quality services and maintain their economic base through probusiness policies.

THE WEED AND SEED PROGRAM

Mr. KENNEDY. Mr. President, the amendment Senator HATCH and I have offered would earmark $250 million for the Weed and Seed Program within the Department of Justice. At this time I would like to express my understanding regarding certain aspects of the program, and then ask the distinguished chairman of the Appropriations Committee whether or not he believes my understanding is correct.

Operation Weed and Seed is a multiagency program targeting violent crime, drug abuse, and gang activity in high-crime neighborhoods. The program seeks to weed out crime and then seed target neighborhoods with crime prevention and drug abuse prevention programs. The law enforcement component of this program provides assistance in arresting, prosecuting, and incarcerating offenders, with particular emphasis on gang leaders, violent criminals, and drug dealers. Operation Weed and Seed law enforcement funding is used for community policing, improved security, drug suppression, and coordination among State, local, and Federal agencies.

But despite the fact that it is administered within the Department of Justice, Weed and Seed contains a significant social service component. In addition to Federal and State law enforcement programs, Weed and Seed provides human services such as drug abuse prevention and treatment, education, recreation, and family services. The program also seeks to bring public and private resources to bear on economic development in targeted high-crime neighborhoods.

Operation Weed and Seed pilot programs have been in operation in Philadelphia, PA, Kansas City, MO, and Trenton, NJ. The Justice Department extended the program to 16 more cities earlier this year, including Chelsea, MA. The drug problem in Chelsea is acute; but, like a number of other cities, Chelsea offers the kind of foundation for community involvement that can make Weed and Seed work.

The administration's fiscal year 1993 budget submission for Weed and Seed indicates that a major share of the funding is for social service programs, although there is not a significant amount of new money for these programs. Since we are adding new money to the Weed and Seed effort, it seems to me vital that a major share of the new money be spent on such seeding activities as education, housing, and community development.

It is especially important that drug treatment programs be funded with this new money. Enduring gains in the battle against drug abuse will only be made when we offer treatment to all addicts who need and would benefit from it. The criminal justice side of the Weed and Seed Program will create new demand for drug treatment programs in the Weed and Seed neighborhoods, and it would be counterproductive to leave addicts on long waiting lists for treatment. The Congress will very shortly authorize the Capacity Expansion Grant Program, and either this program or the ADAMHA Block Grant Program would be a suitable vehicle for dispersing such funds.

Does the chairman of the Appropriations Committee agree with my overall description of the program?

Mr. BYRD. The Senator's description of the Weed and Seed Program is accurate.

Mr. KENNEDY. And does the Senator concur in the view that a majority of the newly appropriated funds should be used for social service programs, including drug treatment?

Mr. BYRD. I share the Senator's view of this matter.

EMERGENCY WEED AND SEED PROGRAM FUND

Mr. HOLLINGS. Mr. President, I rise today in support of the $250 million in additional funding provided the Weed and Seed Program in the bill before us, H.R. 5132. This innovative program is a comprehensive, multiagency approach to combating violent crime, drug use, and gang activity in high-crime neighborhoods throughout the country.

In a nutshell, the way the program works is by weeding out criminals in designated neighborhoods through stepped-up arrest and prosecution and then seeding the neighborhoods for redevelopment with a range of education, rehabilitation, and juvenile support programs.

The concept of Weed and Seed has been tested and the results have been encouraging. The Subcommittee on Appropriations which I chair, Commerce, Justice, State, and the Judiciary, began funding the Weed and Seed Program as a demonstration project in Philadelphia, PA, in fiscal year 1989. In fiscal year 1991, we added 3 more demonstration sites and this year expanded the program to 16 more cities.

The key factor in the success of the Weed and Seed Program is the act of will by the local community to revitalize itself. Once the local authorities have designated a particular neighborhood, then Federal, State, and local criminal justice and social service agencies coordinate and target existing and potential new resources to that neighborhood.

Weeding, Mr. President, is accomplished through the use of intensive law enforcement efforts to remove violent criminals and eliminate drug activity from an area and prevent criminal activity from returning to the neighborhood. Under the program, the local U.S. attorney coordinates with State and local law enforcement officials to target and prosecute the most violent, repeat offenders, drug traffickers, and members of street gangs.

The bridge between the weed and the seed portions of the strategy is equally important and is accomplished through community policing. Local police departments are encouraged to implement community policing in each of the targeted sites. Under this approach, law enforcement works closely with residents of the community to develop solutions to the problems of violent and drug-related crime in their neighborhood. These activities focus on increasing police visibility and developing cooperative relationships between the police and the local citizens. This strategy supports suppression activities and provides a bridge to prevention, intervention, and treatment as well as the neighborhood reclamation and revitalization components.

Mr. President, the concept of seeding is accomplished by implementing and focusing a broad array of existing and new social, economic, and recreational programs in these targeted neighborhoods. For the most part, the funding for the seeding portion of this program is provided by Federal agencies other than the Department of Justice. However, I expect that at least $15 million of the Department of Justice's allocation of these new moneys will be distributed through the Office of Justice Programs in the form of grants to support seeding activities, such as the expansion of existing or the creation of new Boys and Girls Clubs, community policing projects which include education and prevention, Outreach, youth sports, and the establishment of safe haven-type alternatives for youths.

Upon enactment of this amendment, $250 million will be provided the Attorney General to carry out an expanded Weed and Seed Program. Not only does this amendment authorize the Attorney General to enter into cooperative agreements with State and local law enforcement agencies engaged in the investigation and prosecution of drug and violent crime in Weed and Seed designated communities, it permits him to reimburse or transfer moneys to appropriation accounts of other Federal agencies to execute the seed portion of the Weed and Seed Program strategy.

And, while $250 million is provided directly to the Attorney General to carryout the Weed and Seed Program, I expect that these moneys will be allocated on a prorated basis in line with the President's fiscal year 1993 budget request of $110 million in new appropriations. Under this approach, the Department of Justice would receive $68,500,000; the Department of Labor $36,250,000; the Department of Health and Human Resources $86,250,000; the Department of Housing and Urban Development $34 million; the Department of Education $22,750,000; and the Department of Agriculture $2,250,000.

Mr. President, the Department of Justice's share of the emergency Weed and Seed funding will allow full funding for the 20 existing projects and permit an additional 30 communities to be designated and supported through the Weed and Seed Program strategy. I am confident that Attorney General Barr is committed to making this program work, but it can only work and bring significant results in rebuilding our neighborhoods if the agencies work together and provide the critical element of seeding once the criminals have been cleared out.

Mr. DECONCINI. Mr. President, H.R. 5132 contains several provisions which affect the funding of programs under the jurisdiction of the Treasury, Postal Service, and General Government Subcommittee. The bill provides additional funding of $5.5 million for salaries and expenses of the Bureau of Alcohol, Tobacco and Firearms [ATF]. ATF has lead jurisdiction in firearms, arson, and explosives violations and has expended extraordinary effort during the past few weeks investigating criminal acts committed during the Los Angeles riot and trying to bring calm to those areas hardest hit. Of the funds provided in this bill, it is the intent of the committee that $5 million be immediately made available to hire 200 additional ATF agents and support personnel for expanding violent crime task forces in urban areas across the country including, but not limited to, the following areas: Los Angeles, CA, 15 FTE's; New York, NY, 10 FTE's; Chicago, IL, 10 FTE's; Miami, FL, 10 FTE's; Washington, DC/Baltimore, MD, 20 FTE's; San Francisco, CA, 10 FTE's; Albuquerque, NM, 5 FTE's; Cleveland, OH, 10 FTE's; Phoenix, AZ, 7 FTE's; and Tucson, AZ, 5 FTE's. The remaining $500,000 is provided to cover the increased costs of overtime, travel, per diem, and related expenses associated with the Los Angeles investigations. To offset these costs, the committee has made reductions in coinage production activities of the U.S. Mint; from lower-priority activities of the Bureau of the Public Debt and the U.S. Secret Service; and from unobligated balances in the U.S. Customs Service's air interdiction program, and the Office of National Drug Control Policy. In addition, the bill contains an additional $1.5 million for salaries and expenses of the Federal Law Enforcement Training Center [FLETC]. These funds are needed to meet the increased demand for basic law enforcement training provided by the center in fiscal year 1992. An offsetting reduction has been made in the Secret Service salaries and expenses account to fund the increased requirements of the center in fiscal year 1992.

Mr. BIDEN. Mr. President, I rise in support of this emergency supplemental appropriations bill. In addition to providing much-needed resources to the Los Angeles area so devastated by the riots of a few weeks ago, Chairman BYRD, Senator HOLLINGS, and the other members of the Appropriations Committee have delivered dollars to address the epidemic of crime, drugs, and violence that plagues the entire Nation.

The administration recently offered a Weed and Seed plan to address this problem. While this plan calls for coordination of law enforcement, drug treatment and prevention, and community development programs, the administration's plan does not go nearly far enough. Quite simply, the administration plan adds few new dollars to the front lines of the fight against drugs and crime.

Chairman BYRD, Senator HOLLINGS, and the other members of the Appropriations Committee have addressed this shortfall. Let there be no mistake—the $250 million provided by this legislation would be the single, key aspect to the Weed and Seed Program. Instead of playing an empty shellgame of reallocating, repackaging, and renaming existing resources, this bill provides the real dollars desperately needed on the streets and in the neighborhoods devastated by the scourge of drugs, crime, and violence.

The $250 million provided by this legislation will more than double the administration's commitment to State and local law enforcement—adding the equivalent of 1,000 police officers to the communities hit so hard by drugs and violence. This legislation also offers $15 million of these new resources to the children in such danger of turning to drugs and crime—alternatives such as boys' and girls' clubs, a program that has a proven to reduce juvenile crime and gang activity among nearly every child involved in a club.

This legislation also provides an additional $180 million to the other necessary components of a comprehensive, all-fronts assault on drugs and crime. This will mean more drug treatment, more programs for public housing projects, and more drug prevention and education programs—valuable programs, going right where they are needed.

Mr. President, much more remains to be done, but this legislation makes an impressive stride forward. Chairman BYRD, Senators HOLLINGS and RUDMAN, and the other members of the Appropriations Committee deserve great credit for their actions. I urge the Senate to adopt this legislation without delay.

The PRESIDING OFFICER (Mr. AKAKA). The Senator from New York is recognized.

Mr. MOYNIHAN. Mr. President, may I first express the appreciation of a Senator from a very urban State for the remarks of the Senator from Montana, which were thoughtful and generous, as he is thoughtful and generous, and very much to the point. I hope it rains.

AMENDMENT NO. 1839

(Purpose: To partially restore obligation authority authorized in the Intermodal Surface Transportation Efficiency Act of 1992)

Mr. MOYNIHAN. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from New York [Mr. MOYNIHAN] proposes an amendment numbered 1839.

Mr. MOYNIHAN. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

At the appropriate place, insert the following:

SEC. . RESTORATION OF OBLIGATIONAL AUTHORITY.

(a) IN GENERAL.—$369,000,000 of the reduction in obligation authority for fiscal year 1992 required by section 1004 of the Intermodal Surface Transportation Efficiency Act of 1991 (Public Law 102-240) as a result of the enactment of section 1095 of the Intermodal Surface Transportation Efficiency Act of 1991 is restored for programs subject to the obligation ceiling.

(b) CLARIFICATION.—Section 1095 of the Intermodal Surface Transportation Efficiency Act of 1991 is amended in the first sentence by inserting ", subject to appropriations," after "is authorized".

Mr. MOYNIHAN. Mr. President, this amendment is cleared on both sides of the aisle. Its purpose is to restore $369 million in surface transportation funds to be obligated in the remainder of this fiscal year, which is to say between now and next October. The money goes to all States in accordance with the established formula. There are no offsets or other matters. The Office of Management and Budget approves and supports the measure, as does the Budget Committee for which I express my appreciation, and for the managers of the bill.

I might just add that there is $42 million for California in this bill. I see the distinguished Senator from New Mexico has risen. That is a sizable sum and there are purposes to which it can be put in southern California today.

Mr. DOMENICI addressed the Chair.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. DOMENICI. Mr. President, I might say to my friend from New York, I have previously cosponsored an identical bill—it had cleared the Senate—in an effort to rectify a situation that has a budget impact that apparently was not intended. It was not accepted by the House. This is an effort on his part, as I understand it, to put it on this bill to see if we can pass it.

Mr. MOYNIHAN. Precisely. The Senator is correct.

Mr. DOMENICI. I hope we adopt it, and I ask unanimous consent that I be added as a cosponsor since I was the one who urged the Senator to make this correction.

Mr. MOYNIHAN. I so request that the Senator from New Mexico be added as a cosponsor.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HATFIELD. Mr. President, as a comanager of the bill, we are prepared on both sides to accept the Moynihan-Domenici amendment.

The PRESIDING OFFICER. If there is no further debate, the question is on agreeing to the amendment No. 1839.

The amendment (No. 1839) was agreed to.

Mr. MOYNIHAN. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. HATFIELD. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. MOYNIHAN. Mr. President, I would like to once again thank the distinguished Republican manager for his unfailing graciousness. I hope this helps Oregon, too.

I yield the floor.

Mr. DASCHLE addressed the Chair.

The PRESIDING OFFICER. The Senator from South Dakota is recognized.

AMENDMENT NO. 1840

(Purpose: To express the sense of Congress that the President should exercise his authority to make emergency designations for rural agricultural disasters, as well as for the urban disasters in Chicago and Los Angeles)

Mr. DASCHLE. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from South Dakota [Mr. DASCHLE], for himself, Mr. CONRAD and Mr. RIEGLE, proposes an amendment numbered 1840.

Mr. DASCHLE. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

At the appropriate place, insert the following new section:

SEC. . RURAL AGRICULTURAL DISASTERS.

(a) FINDINGS.—Congress finds that—

(1) like the residents of Chicago and Los Angeles who have suffered severe losses due to recent disasters, agricultural producers suffered severe losses as a result of natural disasters during the 1990 through 1992 crop years;

(2) repeated operating losses due to natural disasters have placed agricultural producers in financial stress and have caused increased loan delinquencies to agricultural lenders;

(3) the economics of communities in affected areas have been depressed as a result of crop failures; and

(4) the matter under the heading "COMMODITY CREDIT CORPORATION" of chapter III of title I of Public Law 102-229 (105 Stat. 1712) grants the President the authority to declare $755,000,000 as emergency appropriations for agricultural disasters during the 1990 through 1992 crop years.

(b) SENSE OF CONGRESS.—It is the sense of Congress that the President should exercise the authority referred to in subsection (a)(4) to make emergency designations for rural agricultural disasters, as well as the urban disasters in Chicago and Los Angeles.

Mr. DASCHLE. Mr. President, there is a perception held by many in rural America that their emergency needs have largely been ignored. A major cause for this view arises from the President's failure to provide assistance to disaster stricken agricultural producers. At the close of the last session of Congress, a supplemental appropriations bill was enacted that appropriated $1.75 billion for agricultural disasters in 1990-92. The $995 million was made available to producers through a direct appropriation by Congress. An additional $755 million is subject to an emergency declaration by the President, exempting the expenditure from the requirements of the 1990 Budget Reconciliation Act.

An emergency declaration has not yet been made, nor is there a willingness to do so. At the same time, he has indicated that he is willing to declare emergency status for the Chicago and Los Angeles incidents. Producers in disaster affected areas around the country are angered that the President and Congress seem eager to redress urban ills, while ignoring the difficulties experienced by rural communities as a result of natural disasters.

The concerns of agricultural producers are real. Farmers across the country have experienced severe disasters in 1990 and 1991. Virtually every State in the country has been affected in one way or another. Floods and disease destroyed southern crops, while drought affected crop and livestock yields in the West, the Corn Belt, and the South. USDA estimated that producers would have been eligible for over $3.5 billion in claims for disasters in 1990 and 1991, but only $995 million has been expended. In 1992, threatening conditions exist in large areas of the plains and other parts of the country. Disaster payments, even when fully funded, are not intended to make a producer whole. They do not take the place of a good crop. Rather, they merely attempt to keep a farm going through difficult times.

The $755 million we are asking the President to release would be available for crop losses for one of the years 1990, 1991, or 1992, at a producer's option; however, producers who received benefits from the $995 already appropriated by Congress would not be eligible for additional benefits for the year in which payments were previously provided to the producer. Consequently, the $755 in emergency funds would be used to address billions of dollars in losses resulting from disasters over a 3-year period that have not yet received Federal assistance.

The effects of disaster conditions are beginning to become evident through increased loan delinquencies and foreclosures. For example, the Farm Credit Bank of Omaha has reported that delinquencies on short-term commercial loans have increased 38 percent from 1991 to 1992, due in large part to disaster conditions in areas they service. Also, farmers aren't the only people who suffer when crops fail. Business activity in rural communities has declined because it is impossible to sell products to customers who do not have an income.

The people in Los Angeles and the farms of the United States are asking the same question. How much more can we take? Year after year of low grain prices, year after year of disasters, year after year of low Government support while at the same time our major competitor, the EC, continues to spend money on agriculture and rob more market share from our producers.

The level of frustration in rural America is real. They are looking for a way to show that frustration, but they have yet to find a way. They are frustrated because everywhere they turn they see empty farms, empty homes, and empty stores on main street. Small towns that once thrived are turning into ghost towns, right now today in the modern West, not the storybook West.

This resolution does not attempt to belittle the needs of residents of Los Angeles and Chicago, nor does it request the President to exceed authorities he currently has. It merely asks that rural issues be treated with the same regard as urban issues by calling on the President to release congressionally authorized agricultural disaster assistance.

Mr. President, the purpose of this particular amendment is to state that it is the sense of the Senate that the supplemental that this body passed last year appropriating $1.75 billion for agricultural disasters for the period 1990 to 1992 be fully implemented; that the additional $755 million that is subject to an emergency declaration by the President exempting the expenditure requirements of the 1990 Budget Reconciliation Act be implemented.

There are a number of dire needs in rural America, Mr. President, needs that have not been addressed, needs that ought to be addressed, needs that we are reminded exist as a result of the consideration of this legislation as it pertains to urban America.

We need to send the appropriate message that whether it is a riot in the middle of Los Angeles or a crop disaster in the middle of South Dakota or Mississippi, that we have the same kind of dedication and purpose in determining the needs, in recognizing our responsibility and advocating programs and assistance which deal with those needs effectively. That was the purpose of the supplemental legislation that was passed last year. The purpose of this amendment is simply to remind the President and those in the Congress of our continued responsibility to meet those needs effectively.

With that, Mr. President, I urge its adoption. As I understand, it does enjoy the support of both sides of the aisle. I hope it will be supported.

The PRESIDING OFFICER. Is there further debate?

The Senator from Oregon.

Mr. HATFIELD. Mr. President, again, speaking on behalf of the comanagers of the bill, both sides are willing to accept this amendment.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment (No. 1840) was agreed to.

Mr. HATFIELD. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. DASCHLE. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. CRANSTON. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. HATFIELD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 1841

Mr. HATFIELD. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The bill clerk read as follows:

The Senator from Oregon [Mr. HATFIELD], for Mr. CRANSTON, (for himself and Mr. SEYMOUR), proposes an amendment numbered 1841.

Mr. HATFIELD. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

SEC. . Subsection (b) of section 125 of title 23, United States Code is amended by striking "on the Federal-aid highway systems including the Interstate System" in two places and inserting in each place "on Federal-aid highways".

Mr. HATFIELD. Mr. President, this is an amendment presented on behalf of Senator SEYMOUR and Senator CRANSTON. It is a technical correction in relation to Federal-aid highways. It has been cleared on both sides of the aisle. I urge its adoption.

The PRESIDING OFFICER. Is there further debate?

If not, the question is on agreeing to the amendment.

The amendment (No. 1841) was agreed to.

Mr. HATFIELD. Mr. President, I move to reconsider the vote.

Mr. FORD. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. HATFIELD. Mr. President, we are trying to identify any remaining amendments Members may wish to offer to this, the dire emergency supplemental. We are reaching a point where the yeas and nays have been ordered for final passage, and I am very hopeful, if Members do have amendments, they will soon come to the floor and present those amendments so we may consider them.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. HATFIELD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 1842

Mr. HATFIELD. Mr. President, I send to the desk a group of technical amendments and ask for their immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Oregon [Mr. HATFIELD] proposes an amendment numbered 1842.

Mr. HATFIELD. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 10, line 3, insert "four" between "largest" and "central"; and strike "city" and insert "cities".

On page 10, line 8, insert "central" before "city".

On page 10, strike lines 20–22.

On page 10, line 23, strike "B".

On page 10, line 25, strike the "," and on page 11, strike lines 1 through the word "need" on line 6.

On page 11, line 11, strike "should take into account" through "these funds" on line 12 and insert in lieu thereof "shall be allocated on the basis of the number of Chapter I eligible students participating in the program, adjusted for the cost of transportation".

Mr. HATFIELD. Mr. President, these are four technical amendments having to do with the incorporation of the so-called Kennedy-Hatch amendment to the dire supplemental. These have been cleared with the sponsors of the amendment, Mr. KENNEDY and Mr. HATCH. They have been cleared with the staff on both sides of the aisle, and the comanagers of the bill.

I ask they be adopted en bloc.

The PRESIDING OFFICER. Without objection, they will be considered en bloc.

The question is on agreeing to the amendment.

The amendment (No. 1842) was agreed to.

Mr. HATFIELD. Mr. President, I move to reconsider the vote.

I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. HATFIELD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. LIEBERMAN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 1843

(Purpose: Expressing the sense of the Senate that the Congress should adopt Federal enterprise zone legislation)

Mr. LIEBERMAN. Mr. President, I have an amendment which I send to the desk.

The PRESIDING OFFICER. The clerk will report.

The bill clerk read as follows:

The Senator from Connecticut [Mr. LIEBERMAN], for himself and Mr. KASTEN, proposes an amendment numbered 1843.

Mr. LIEBERMAN Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

At the end of the bill add the following new section:

SEC. . SENSE OF THE SENATE WITH RESPECT TO FEDERAL ENTERPRISE ZONES.

(a) FINDINGS.—The Senate finds that—

(1) The crisis of poverty and high unemployment in America's inner cities and rural areas demands an appropriate and timely response from Congress;

(2) Manufacturing and industry has largely disappeared from many U.S. inner cities which, in turn, led to the severe decline in good high-wage jobs, wholesale trade, retail businesses, and a large source of local tax revenues;

(3) Encouraging small and medium-sized businesses, which create the majority of new jobs in the U.S. economy, to locate and invest in poor neighborhoods is one of the keys to revitalizing urban America;

(4) Enterprise zones will help convince businesses to build and grow in poor neighborhoods; they will give people incentives to invest in such businesses and to hire and train both unemployed and economically disadvantaged individuals; they will create jobs and stimulate entrepreneurship and they will help restore the local tax revenue base to these communities;

(5) Enterprise zones have been tested in 37 States since 1982 and have proven to be successful, having generated capital investments in poor neighborhoods in excess of $28 billion and having created more than 258,000 jobs; and

(6) Enterprise zones have been endorsed by, among others, the National Governors Association, the National Council of State Legislators, the Council of Black State Legislators, the Conference of Mayors, and the Conference of Black Mayors.

(b) SENSE OF THE SENATE.—It is the Sense of the Senate that

(a) Enterprise zones are a vital, proven tool for inner-city revitalization; and

(2) Congress should adopt Federal enterprise zone legislation and that such legislation should include the following provisions:

(A) Competitive designation which will maximize State and local participation;

(B) Tax incentives addressing both capital and labor costs;

(C) Tax incentives aimed at attracting investment in small businesses; and

(D) Tax incentives to encourage the hiring and training of economically disadvantaged individuals;

Mr. LIEBERMAN. Mr. President, this is an amendment which I offer along with the Senator from Wisconsin [Mr. KASTEN] who has been a cosponsor with me, I with him, in the interest of enterprise zone legislation beginning with our service together on the Small Business Committee of this Senate.

Mr. President, we are obviously not the only two Members of this body who support enterprise zone legislation. In fact, it commands wide support among Members of both sides of the aisle in the Senate, similarly in the House of Representatives, and similarly among groups in our population who care about the future and well-being of our cities.

This sense-of-the-Senate amendment, this resolution, is aimed at making a point which is that when we come back in June, having adopted the supplemental appropriation responding to the short-term needs and then begin to look to respond affirmatively to the longer term needs of America, urban and rural poor, enterprise legislation should be a component of that response.

Mr. President, the problems revealed in the aftermath of the riots in Los Angeles, poverty, disorder within our cities, are clearly not going to be resolved with a single program. But enterprise zone legislation holds the hope of beginning to turn around a cycle of poverty, despair, unemployment within our central cities and rural poor areas that can bring hope back to those areas.

Mr. President, if you look at the problems of the cities of America, they are multifaceted. But one key problem is the exit of business—manufacturing first then commercial—from the central cities of our country, taking with them not only jobs but the essence of, the strength of the urban tax base. Once those jobs and those tax-producing businesses left, taxes were raised on the remaining residential properties, often forcing hard-pressed middle-classed homeowners, looking at a rising local property tax bill and diminishing services, to exit the central city, compounding the problems of the city.

There are a lot of other solutions with which we need to deal to the problems of urban America and poverty. But unless we break the cycle that I have just described and begin to give businesses, manufacturing and commerce, an incentive to come back to the central city and rebuild the tax base and create jobs for economically disadvantaged people there, then we are never really going to make any progress in dealing with the problems of urban America.

The great thing about enterprise zones is that we know this is an idea that works; it is not just theory. There are approximately 37 States in the country which now have enterprise zone legislation, and it has created tens of thousands of jobs, brought in hundreds of millions of dollars of new investment into the disadvantaged areas of those States. It has done it without what is probably the single sweetest incentive the law could provide, and that is tax credits and incentives under Federal taxation. It has done it primarily with State tax and in some cases regulatory incentives.

So this is an idea that works, and it is an idea that commands a broad base of political support within the Congress and outside. It is supported by various advocacy groups for cities, for the poor. What I am saying, therefore, it is not only an idea which works but it is an idea that we can adopt on a bipartisan basis. And, of course, we know the President supports the concept and will sign the bill.

So I hope this Senate will go on record as making the adoption of enterprise zone legislation a priority for our longer term response to the problems of urban America which I hope we will adopt in June when we return. I urge adoption of the amendment.

Mr. HATFIELD. Mr. President, first I would say that we are prepared to accept the Senator's sense-of-the-Senate resolution.

I want to commend the Senator from Connecticut for his very eloquent statement on the value of enterprise zones. The Senator said that this was going to be achieved through broad bipartisan support. He has not just said words. He has demonstrated his actions now, and he is very much on target.

This has been one of the major planks of President Bush's administration. It has been stated, requested many times by the President of the United States, and has especially been articulated by the Secretary of Housing and Urban Development, Mr. Jack Kemp. I have heard many times when Secretary Kemp has said what we must do is not only bring the job opportunities to that neighborhood, to that area of our great cities, but to give them the sense that they have not only employment, but they have a stake in the neighborhood.

Then Secretary Kemp was followed up many times about bringing home ownership to those same people who are being employed by these business activities so that they have a stake not only in their home as a part of the neighborhood, but in their job as a part of the neighborhood, recreating in this country a sense of community which we cannot legislate but we can facilitate and help embody through such an enterprise zone concept.

Senator LIEBERMAN has brought our attention I think to one of the very important tools, not a panacea, not the total answer, but as a building block that I would love to see this Senate and the Congress respond to the requests of the President and Secretary Kemp in bringing this to reality; and the Congress as well as on a bipartisan basis of support. It is going to take the Congress, both Houses of the Congress, and the White House, working together as well to achieve this very worthy goal.

I want to commend the Senator from Connecticut, and say we are ready to accept this very forward-looking sense-of-the-Senate resolution on our side of the aisle.

Mr. LIEBERMAN. Mr. President, I thank the Senator from Oregon for his kind words.

The Senate has already adopted enterprise legislation three times in various forms. So hopefully we are on the verge, within a matter of weeks, of adopting a plan; but at this time seeing it also adopted by the House and going to the President for his signature.

The PRESIDING OFFICER. Is there further debate on amendment 1843?

Mr. KASTEN. Mr. President, I am pleased to join my good friend and colleague from Connecticut, Senator LIEBERMAN, in offering this important sense-of-the-Senate amendment on enterprise zones.

In the wake of the Los Angeles riots, America is demanding action from both Congress and the President to empower those in our distressed inner cities.

We believe it is time to stop the partisan gamesmanship. It is time to stop the finger-pointing. It is time to break through the ideological conflicts.

The American people are sick and tired of hearing us debate whether the Great Society of 1960's or Reaganomics of the 1980's is to blame for the crisis in our inner cities.

We think it is time to act—and act quickly on something that will actually work. The Lieberman-Kasten amendment calls for the Congress to adopt Federal urban and rural enterprise zone incentives before July 4, 1992.

Like all Americans I watched on television as the streets of Los Angeles erupted in an inferno of anger and hopelessness.

There are no easy answers to these problems. It took America a long time to get in the mess we are in today when it comes to race relations—and it will take some time before we get out.

But we will never get out if we refuse to take the first small steps toward full empowerment of minorities and poor people in this country. We cannot afford to divide America between a class of property owners and a class of the dispossessed.

We have to get to work on this—and fast. We need to let the people in the inner cities know that they are first-class citizens—people who have rights and dignity. They need hope, they need jobs, and they need entrepreneurial opportunities.

It is the future generation that is most at stake. The poverty rate is 13.5 percent—but children under 18 make up 40 percent of those living in poverty. That is why Senator JOE LIEBERMAN and I are renewing our effort to target economic growth where it is needed the most through enterprise zones. Enterprise zones are the key to empowering the people of these blighted areas.

The people of inner city Los Angeles—central city Milwaukee—inner-city Bridgeport—need to become a working part of America. We can get the ball rolling by encouraging small businesses to invest in these areas through enterprise zone tax incentives.

New plants and factories and stores mean a new kind of life for inner city residents—a life that includes a better standard of living and a future to look forward to.

The goal of enterprise zones is to make sure that each individual has a full-time, private sector job. A job with a future, not a dead-end, make-work Government job.

Specifically, this sense-of-the-Senate amendment calls for the kind of enterprise zone bill that will really work—that will really spark our inner city economies.

We need to provide the strongest incentives we can so that job-creating small businesses will take the risk and locate in these areas.

We should eliminate the capital gains tax for all enterprise zone investments.

We ought to provide a tax deduction of up to $100,000 a year for the purchase of stock in companies located in an enterprise zone, with a lifetime cap of $500,000;

We must reduce the tax penalty of moving from welfare to work by providing a tax credit for zone employees of up to 7.5 percent for the first $13,000 of wages.

The main objection to enterprise zones is the cost. But the experience from successful State enterprise zone-tax incentives indicate that they actually pay for themselves, as more tax-paying small businesses create more taxpaying jobs.

During the 1984–88 period, New Jersey's enterprise zone program added about $1.90 in tax revenue for every one dollar it cost in tax breaks.

In my view, enterprise zones will not cost the Government.

Repealing the capital gains tax for people who live, work, save, and invest in our poorest cities would not lose tax revenue, because—by definition—there are no capital gains occurring in our poorest inner cities.

Enterprise zones-tax incentives will help us create jobs. For as long as I have been in the Senate, I have been pressing for enactment of enterprise zone legislation.

There is already broad bipartisan support for enterprise zones. Both Democrats and Republicans, liberals, and conservatives who appreciate the problem of the inner cities know that economic growth—economic empowerment—is the answer.

Let me quote a couple of liberal Washington Post columnists:

In an article entitled "Even a Liberal Is Ready To Try Kemp's Enterprise Zones," Richard Cohen wrote—and I quote:

> Back in 1988, when Jack Kemp was campaigning for the Republican nomination, he cornered me in a small plane and over the roar of the engine yelled, "Enterprise Zones." I was a liberal, he knew, and so instead of asking me if I agreed with him, he asked something else instead: Would I simply be willing to try enterprise zones to see if they worked? After the Los Angeles riots, here's my answer: I'll try anything.

William Raspberry, another Post columnist wrote—and again I quote:

> Whatever we do to rebuild Los Angeles, let's do it in a way that maximizes the creation of jobs.

Raspberry goes on to describe a tax incentive-based proposal to attract small businesses and risk capital into the Los Angeles riot area.

I ask unanimous consent to include these articles at this point in the RECORD:

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the Washington Post, May 6, 1992]

CHANGE ONE TAX

(By William Raspberry)

President Bush, through his spokesman Marlin Fitzwater, has blamed the Los Angeles riots on the "social welfare policies of the '60s and '70s." It's a low blow, crassly political (by Fitzwater's own admission), and it overlooks the contributions of a dozen Reagan-Bush years to the despair and anger that exploded last week.

But even the champions of the policies the White House castigates as "failed" have to admit they didn't quite work as billed. Both they and Bush ought to be thinking of ways to use the immediate crisis to fashion effective new policies. Paul Pryde, a Washington economic consultant, suggests a possibility.

"The easiest thing in the world is call for more government spending, more government action," says Pryde, "and I won't say that the government doesn't need to be involved. What I will say is that we need to figure out what are the key things we want to accomplish and then put our minds to figuring out the best way of accomplishing those things."

The first part is easy: jobs. Creating gainful employment for the residents of South Central Los Angeles and inner cities across America is more important than getting white people to acknowledge their racism, getting Korean shopkeepers to be more respectful of their black customers or getting Bush to find some spark of humanity to moderate his political calculations in the aftermath of the Rodney King verdict.

It isn't failed social policies but failed economics—the removal of jobs to the suburbs or out of the country—that accounts for so much of the hopelessness in America's ghettos. It is the lack of jobs that makes it more profitable for a pregnant teenager to marry the welfare department than the father of her child. The result: thousands upon thousands of single-family households, impoverished not just by loss of a husband's income but also by the loss of a father's presence.

Even the violence played out on TV last week (and before the eyes of innercity residents every week) is, in my opinion, at least partly a result of the absence of fathers to moderate their sons' behavior, and that absence is tied directly to joblessness.

So, yes: Whatever we do to rebuild Los Angeles, let's do it in a way that maximizes the creation of jobs.

And how do you do that? Don't look to Pryde for the usual nostrums of government money thrown around to create pretend jobs, although he would agree that the jobs created by the building itself ought to go preferentially to the residents of the affected neighborhoods. Pryde is talking about something else:

"For once, why can't we build in what we know about job creation? The first thing we know is that most new jobs come not from the corporate giants but from the creation and expansion of small local firms. The second thing we know is that businesses form, locate and expand on their ability to attract risk capital. The problem for black would-be entrepreneurs is their inability to attract private capital."

And the cure, says Pryde, is incentive. "The only incentive in the entire tax code for investing in minority enterprise is the rule that gives broadcast owners a tax benefit for selling to minorities, and as a result there's been a significant increase in the number of broadcast properties owned by blacks. How might we do the same thing for other types of entrepreneurial activity?

"One simple change in the tax code would do it: If you invest in a company in the riot area [or in officially established enterprise zones] you can deduct the amount of the investment from your taxable income. That would immediately spark investment. And if you also don't pay taxes on the gains from these investments for a time . . . well, you see what would happen."

What would happen, Pryde is convinced, is that people with money to invest would shift to these favored investments. Investment brokers would form pools—limited partnerships and other arrangements—to handle the investments and, because they would earn a percentage of the profits, they would be motivated to put together sound deals.

"The interesting thing," says Pryde, "is that once you made the change in the tax code, the government wouldn't have to be involved. The arrangements would be between private citizens. There'd be no observable change—except that deals would start to get done."

And banks, prompted by the increase in inner-city equity, would modify their lending policies; jobs and business opportunities would increase, and residents, at least perceiving "the system" as reasonably fair, would reduce the level of their rage.

The problem with Pryde's scheme is not that it is poorly conceived, but that it is dull. It is not the stuff of rallies and political slogans, he acknowledges. "If somebody proposed spending a billion and a half dollars for a Department of Black Entrepreneurship, everybody would sing Hosanna. Here is something that could be done primarily within the market place and without huge amounts of government money. Shouldn't we at least be thinking about it?"

[From the Washington Post, May 8, 1992]

Even a Liberal Is Ready

(By Richard Cohen)

Back in 1988, when Jack Kemp was campaigning for the Republican nomination, he cornered me in a small plane and over the roar of the engine yelled, "Enterprise zones." I was a liberal, he knew, and so instead of asking me if I agreed with him, he asked something else instead: Would I simply be willing to try enterprise zones to see if they worked? After the Los Angeles riots, here's my answer: I'll try anything.

So, probably, would most Americans. But the political establishment has gone off in a different direction. Several of its more prominent members—and no one is more prominent than George Bush himself—seem more interested in assigning blame for the L.A. riots than in figuring out where we go from here. Worse, they keep trying to round up the usual suspects. For conservatives, everything comes down to a lack of values; for liberals, it's all economics. For me, though, it's a bit of both.

First the conservatives. He had not blamed the Great Society for the problems of the inner city and stuck to what we call "values," White House spokesman Marlin Fitzwater might have been to something. To the chagrin of Marxists (should there be any left), economics alone cannot account for the riots. Consider just one fact: Most of the poor neither looted nor burned nor did anything other than cross their fingers and hope they would be left alone.

Writing in the Wall Street Journal, James Q. Wilson of UCLA noted that of the 5,438 people initially arrested by the Los Angeles police, some were black, some were Hispanic, but not a single one was Japanese American. Now, why was that? The answer cannot be that the Japanese were not the victims of discrimination (during World War II, they were incarcerated in concentration camps), nor that they were always affluent. The answer must have something to do with culture—a term that embraces the concept of values.

I, for one, once recoiled at the term "values" because to me it smacked of snobbery and racism and was contemptuous of history—slavery and Jim Crow, for instance. The term was often used by those who maintained that the poor were poor because, in a sense, they chose to be poor. It reeked of pernicious social Darwinism once used to justify racism and discrimination.

But conservatives, too, have some reassessing to do. The loudest if not the most authentic voice of that movement, Patrick J. Buchanan, not only amplified Fitzwater's remarks but called for a return to the good old civic religion which included, in his faculty memory, the teaching of religion itself.

But Buchanan and his ilk (including Bush and Fitzwater) ought to at least consider some of the economic data. In just about ever way measurable, South Central L.A. is a blighted area. Upward of 40 percent of young black males (16 through 19) are unemployed. More than 70,000 manufacturing jobs disappeared from 1978 to 1982 alone. While some maintain that Hispanics and Asians seem more motivated to seek work than young, black inner-city males, it is also true that no one can work at jobs that don't exist—or reach those that do without public transportation.

But possibly the most critical trend is one that the Los Angeles inner city shares with those of other American cities: The black middle class and the black working class are getting out. South Central L.A. lost 48,000 black residents during the last decade. Washington, D.C., continues to hemorrhage its black middle class. While in the suburbs blacks have median household incomes in the $41,000 range, in Washington itself the figure is $24,624. Harlem, once glorious, is now one boarded-up building after another.

The upshot—in Washington, Los Angeles, New York and about any city you can name—is that the black ghetto has gotten poorer and poorer and more and more unstable. When the middle class leaves, more than people go. So, too, do institutions—churches, clubs, schools and, maybe most important, role models. The inner city is a calamity born of success—the desegregation of the suburbs and the blossoming of the black middle class.

In the meantime, what's been left behind needs tending to. It needs the values that conservative prescribe and the economic programs that liberals advocate and a fair amount of just plain experimenting—of the sort Kemp would attempt. What it does not need—what we no longer can afford—is the childish assignment of blame that President Bush and others have been engaged in.

Listen to the country, guys: There's a job to be done, and if you don't do it, we'll get people who will.

Mr. KASTEN. Mr. President, I ask unanimous consent that an article written by Senator LIEBERMAN and myself be entered in the RECORD:

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the Christian Science Monitor, May 19, 1992]

Enterprise Zones: "Greenlining" for Growth

(By Joseph I. Lieberman and Bob Kasten)

The startling verdict in the Rodney King case may have been the spark that ignited the Los Angeles riots, but the flammable material—unemployment, illiteracy, drugs—has been gathering in most American cities for decades.

Poverty does not justify crime; in fact, the poor are more often victims of crime. But in the wake of the recent violence, with law and order restored, the economic and social ills of inner-city Los Angeles and other poor regions of our country remain. It is those problems to which we must turn if we want our urban neighborhoods to be places of peace and prosperity once again.

It is clear that the old answers of the left and the right won't suffice. Neither pouring money into people's pockets, nor raining nightsticks down on their heads is the answer to what ails urban America. We must stop the finger-pointing and blame-assigning and get to work solving the problem of poverty in America.

Enterprise zones are a good idea that we know work and can pass Congress. What poor people need most is jobs. Not dead-end, make-work government jobs paid for by taxpayers, but full-time, upwardly mobile, private-sector jobs. With jobs, the poor can get off welfare and out of public housing, can find better health care and save for a home, or education for their kids. Jobs equal hope, which is in short supply in south-Central L.A., Milwaukee, Bridgeport, Conn., and most other American cities, and in many poor, rural areas as well.

Encouraging businesses to invest in poor neighborhoods to create jobs is not an easy task. But enterprise zones can get us started. It's an idea with roots in England, and was first promoted here by then Reps. Jack Kemp and Bob Garcia, a conservative and a liberal, more than a decade ago. We believe enterprise zones will target economic growth where it is needed most. Not by law or by regulation, but by making investments along poverty-stricken streets so financially attractive that businesses will not be able to resist.

Actually, there are already more than 2,200 enterprise zones in America, created by 37 states in their impoverished urban and rural regions. With only state and local incentives to offer businesses, those zones have generated capital investments in poor neighborhoods in excess of $28 billion and created more than 258,000 jobs. What we propose, through our Enterprise Zone Job-Creation Act, is to add federal incentives to 50 enterprise zones around the country, such as:

A zero capital-gains rate for the sale of a business that has existed in a zone for at least two years;

A tax deduction of up to $50,000 a year for the purchase of stock in small companies located in an enterprise zone (up to a lifetime cap of $250,000); and

A 5 percent tax credit to low-income enterprise zone employees (up to $625 per worker per year).

The combination of federal, state, and local tax incentives will attract businesses to poor areas, will encourage people to invest in such businesses, and will stimulate businesses to hire and train unemployed and economically disadvantaged people. The resulting economic growth in depressed cities and rural areas will restore the tax base of those communities, while reducing the demand for expensive social services.

There is a price tag to create federal enterprise zones—it will cost $1.7 billion in lost tax revenues over a five-year period. But that price is worth bearing, especially when one considers the nearly $800 million cost of a couple of days of rioting in just one American city. There is also the likelihood that enterprise zones will, by virtue of the economic growth they stimulate, generate new revenues for local, state, and federal governments. As businesses thrive in enterprise zones, they will pay more taxes. And the poor people they hire as workers will no longer use as many tax dollars for their food, housing, and other basic needs. Poor communities in America, for too long "redlined" by banks and other businesses, must now be "greenlined" for growth, so that those who live there can be given the tools to succeed.

We hope that the crisis in Los Angeles, which has illuminated the crisis in poor neighborhoods across this land, will shed light in the halls of Congress, where enterprise-zone bills have languished for too long, it is time to break through the partisan stalemate, break through the ideological conflicts, and pass enterprise-zone legislation. As President John Kennedy said during the civil rights crisis in 1963: "We face a moral crisis as a country and as a people. . . . It cannot be quieted by token moves or talk. It is a time to act. Those who do nothing are inviting shame, as well as violence. Those who act boldly are recognizing right, as well as reality."

We don't pretend that enterprise zones alone will solve the crisis of the poor in America. Racism, disease, drug abuse, crime will all require new approaches. But enterprise zones are a start. They do work in the states, the laboratories of democracy, and they will work even better with federal incentives. So let's seize the moment, drop the politics, and get something done.

Mr. KASTEN. Cohen and Raspberry are not conservative supply-siders. They are self-proclaimed liberals who are willing to look at new incentive-based approaches to joblessness.

Talk to Mayor Tom Bradley in Los Angeles. Talk to the inner-city people in Wisconsin, where State enterprise zones are already showing promise. They will tell you that those communities need to be greenlined for growth—and that means enterprise zones. Now more than ever before, it is time to give new approaches a chance.

Enterprise zones are only part of the solution. We need to promote educational choice in our schools, reform our welfare system to encourage work, and bring the dream of home ownership to public housing tenants.

The saddest legacy of the L.A. riots would be if white America were to retreat into a self-protective shell, as if it is a question of defending a peaceful "us" against a rioting "them."

In America, there is no us versus them. There is only us. And we need to do all we can to start including those who are excluded from prosperity under the current system.

The only long-term prescription for prosperity, racial harmony, and social peace is economic empowerment at the neighborhood level. Today, we are throwing away far too many human resources in the inner city. It is time for a serious and fundamental change in how we look at this resource. And that's what the enterprise zone proposal is all about.

If we do not pass enterprise zones within the next 45 days or so, I am afraid that we will be waiting for another 10 years.

In the meantime, the people in our inner cities will continue to lose jobs, continue to lose hope, and continue to lose faith in America—and the American dream.

It is time for the Senate to send a message of hope to the unemployed and underemployed people in our poor neighborhoods that we will act on enterprise zone legislation by July 4, 1992.

A vote for the Lieberman-Kasten sense-of-the-Senate amendment is a vote to keep that hope alive. It is a vote to give enterprise zones a try. It is a vote to begin the process of bringing jobs to our inner cities.

I yield the floor.

Mr. DOMENICI. Mr. President, I, too, rise as my colleague from Oregon, Senator HATFIELD, has to congratulate and commend the Senator from Connecticut.

I talked a bit on the floor 3 or 4 hours ago about some of the proposals in this so-called urgent supplemental. Obviously, I do not see eye to eye with some of them. But I made a statement, and then I did not complete it because I thought I would wait for another time.

What I said was, surely we must do something, and probably it must be something we are not now doing. I said it had better be innovative and different.

I am very pleased that the new Senator from Pennsylvania [Mr. WOFFORD] has been speaking that way. He testified before one of the committees that I am on. He has been there. He is, too, saying we had better do some things different about the inner cities—new and innovative things.

One of the things, without question, that is part of the past 12, 15, or 18 years, that is now a truism about American economics, is that those who are undereducated, and who have not sought to become educated in the basics, get the worst jobs. In fact, much of the evidence of the decade plus the last 2 or 3 years is confused because some assigned the decade in a macroeconomic sense where the wealth went. And many say the poor did not get enough of the wealth.

The big truism is that part of that is that those who are undereducated are poor, for the most part. That means immigrants, that means dropouts, that means young people, who have for some reason or another not had family support and any discipline, have chosen to sidestep the process of getting their talents developed, are less apt to get good jobs.

Mr. President, that means that is one of our problems in the inner city. And it probably says we had better do two things we are not doing. One is we had better say to them if you get educated and trained, there is a job. You cannot have one without the other because you cannot ask the private sector to go there and hire people unless they can do the job. You cannot ask the young person or the unemployed or the underemployed to get trained because if they do it over and over and there is no job, it is frustration instead of optimism. So one thing we ought to try is the enterprise zone concept.

But I do want to remind the Senate that the thing we ought to do, that is over the top of all of this, is do what we can to adopt policies that permit America's economy to grow. Enterprise zones without an American economy that is growing will, perhaps, work for a little while, or in an isolated manner. But if they truly are taking jobs from other parts of America, where there are not a growing inventory of jobs, it just will not work for very long.

So I want to try the enterprise zones. I hope we can tie to it real training and real jobs from the area for the enterprise zone businesses. That is not easy to do. You cannot tell private business you are private, you are entrepreneurs, you own and operate your business, but do it our way. They are just not going to do that with their own money. They are there to make money. That may surprise people—whether it is a bakery or a new manufacturer. I know the Senator from Connecticut knows that.

So I rise to indicate my support, and hopefully it will not be just this resolution but will lead to the legislation before we leave here this year that will start the ball rolling in the way suggested.

Mr. BYRD. Mr. President, I support the amendment. I do not believe we need a rollcall vote. I wonder if the Senate may proceed with a vote.

The PRESIDING OFFICER. Is there further debate on the amendment? If not, the question is on agreeing to the amendment offered by the Senator from Connecticut, amendment 1843.

The amendment (No. 1843) was agreed to.

Mr. LIEBERMAN. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. FORD. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. BYRD. Mr. President, do any Senators know of an amendment that may be called up?

Mr. WELLSTONE. Mr. President, I just wanted to mention to the Senator from West Virginia that I have one or two amendments. I am just waiting to hear from Senator BRADLEY who will be back in touch with me very soon. We will let you know. We will not delay at all.

Mr. BYRD. Very well. I thank the Senator.

Mr. DOMENICI. Mr. President, I heard from the distinguished minority leader that he, Senator DOLE, or someone in his stead, had an amendment. But I have not had a chance to ask him in the last 15 or 20 minutes. He told me that awhile ago.

Mr. BYRD. I wonder if we could ascertain whether or not there are other amendments. It would be desirable if we could complete action on this bill at a reasonably early hour today, and hopefully be able to go to the rescission bill tomorrow early.

I suggest the the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. DASCHLE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

ADDITIONAL COSPONSOR

Mr. DASCHLE. Mr. President, I ask unanimous consent that the distinguished Senator from Iowa [Mr. HARKIN] be added as a cosponsor to the amendment that I offered this afternoon.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DASCHLE. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. ADAMS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ADAMS. Mr. President, I take this time to compliment the chairman of the Appropriations Committee and the ranking member for having brought this bill to the floor. I think it is a very historic bill in many ways, and a very important bill we are going to be discussing tomorrow; and at that time, we will go into it at greater length, the problems of the job situation in the United States and how we can move our country forward.

This bill is an emergency bill, the first step of trying to see to it that people throughout the United States know that there is hope, know there is a chance for a job.

The Lautenberg amendment is well stated to be an amendment to take care of adults, to show that there is an opportunity for jobs by accelerating the transit program and other related transportation programs. I think this is an excellent start.

We must also be taking care of our younger people, and this was the Kennedy-Hatch amendment, which is to say that we will have summer jobs this summer. And we are trying to advance fund this, and I hope the President will declare this to be an emergency, because we have the emergency of Chicago, and we have the emergency of Los Angeles. But the emergency of Los Angeles can be repeated if we do not take steps to meet the basic root problem of joblessness in our big cities among our youth. So we have that piece also in this puzzle that we are trying to push forward.

I hope that we will pass this bill tonight, and I hope the President will declare the necessary emergencies, so that we will begin to provide jobs for our people, and that we will look toward a type of Marshall plan—call it WPA, call it CCC, or call it anything you wish—but the type of plan where we begin to give jobs for people and give hope to them.

I hope that tomorrow we will also look at the long-range planning that is necessary for this country, where we will look toward a conversion from a cold war, or in effect, a war economy, a transition to a peace economy, and that in the course of that, this emergency bill that we pass today begins to mark the underpinning for a longer range program.

I still believe that it is very necessary that governments be involved in the manner in which people have their jobs, people have security, people have confidence in where and how they are going. Maybe this is because many of us grew up in the Depression, and thereafter, and were in World War II and saw the Government assist the people. We also know that the other nations with whom we compete, whether they be Germany or the European market or Japan in the Asiatic market, use their governments to great effect to produce jobs for their people and planning and organization for the direction for which their economy moves.

We have not chosen to do this. I am not saying that we should have a completely directed economy like Japan. I do not believe a country of our size will operate on that type of basis. But I do think that it is possible for this country to do some planning and to do some help through its Government agencies to see to it that the private sector operates both fairly, efficiently, and with a great deal of heart—not greed, but heart—toward its workers, toward its consumers, and toward the people of this country, who are dependent upon the great economic engine for their livelihood and for their quality of life.

I hope, therefore, that we will begin to do more both planning and Government assistance as we go along. Many of us have seen this done very well by governments. I know it is in vogue now to say government is bad or government cannot help, or that government is inefficient. Governments are not supposed to run every operation in the country. Governments are not supposed to be efficient. Governments are supposed to help private business by giving it direction and strategic planning and some assistance, as we are trying to do in this bill, when there has been a breakdown. I think this applies to many areas, and the summer youth program is one of them, a program to assist people to obtain jobs; and the transit program is another.

We discussed this morning the education program, and I think the education program—I would not do what the President has suggested, taking $500 million and building 500 schools. I would take it and put it in five cities. Pick five cities and take your $500 million and put $100 million in each one and get a result; rebuild some of those schools and give hope to those areas. That is what this bill is really all about.

It has two parts. One is to give direct aid where we have had the disaster of the riots in certain cities, and the second part is to look at the future to prevent them from occurring again. Both adult jobs and summer youth jobs. I hope, as chairman of the Subcommittee on the District of Columbia, to work with the Mayor, board of trade here, and others to see to it that summer jobs are available in this city in sufficient quantity for the youth of this city. This is having heart in government, and I think this is the thing that is very necessary.

Again, I compliment the chairman of the Appropriations Committee, the ranking member, and the leadership for bringing this bill to the floor. But I think we should understand what we are doing. This is not a mechanical thing. This is not just waiving a percentage. This is an attempt by Government to say to its people: We are reaching out a hand, and we are trying to give you something that gives you an opportunity to participate in this society. And that is the great hallmark of America. I hope that we never forget it, and I hope that we have more days like today where we attempt to do something about it.

I think we can do a great deal more. I hope the President will sign this bill, and I hope he will recognize the emergency nature of all of the parts of it. As the Senator from Montana said, I hope he recognizes that there will be other bills that will come before us for other parts of the country. We are all in this together. We are one and, as one, the Government is our only common touchstone among all of these various businesses, all of these various geographic areas, all of these various States. The Federal Government should step up to its responsibility, as it is doing tonight. I hope it will do it tomorrow and the day after that and the day after that.

I thank the Chair for its time, and I yield the floor.

Mr. BYRD addressed the Chair.

The PRESIDING OFFICER. The President pro tempore [Mr. BYRD].

UNANIMOUS-CONSENT AGREEMENT

Mr. BYRD. I ask unanimous consent that the 3-day layover requirement provided in section 1017(d)(4) of the Congressional Budget Act of 1974 be waived for the consideration of the conference report on H.R. 4990.

The PRESIDING OFFICER. Is there objection?

Mr. HATFIELD. Reserving the right to object, and I shall not object, let me just make a few comments, if the chairman will permit me to do this, as an explanation of sort of the feeling we have as to the importance of this unanimous-consent request.

First of all, I recount the fact that we are hoping to wind up on this supplemental. We have reached a finality of our rescission conference with the House of Representatives, so the Appropriations Committee really has two unfinished bills. Between now and our recess for the Memorial Day weekend, we have to complete these two bills.

I understand further that, under the Budget Act, if we did not gain unanimous consent, we could motion up the question in order to waive the 3-day requirement. I want to say, just as one leader of the bill, that we are bending; the chairman and I and other members of the committee are bending every effort to clean up this very important piece of business, dire supplemental and the rescission package coming along.

And if we can get these amendments completed we will have this out of our agenda very quickly. But we still have to get the 3-day rule waived. Therefore, I will not object, and I am very hopeful our colleagues on our side of the aisle will cooperate fully on both this particular bill and the rescission bill once it is either brought up by unanimous consent or motioned up restraining any efforts to amend on rescission matters. So I will not object.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BYRD. Mr. President, I thank the distinguished Republican counterpart on the Appropriations Committee, Mr. HATFIELD.

May I say to Mr. HATFIELD that I intend to oppose any amendment to the rescission bill. I hope that we can finish the pending measure soon and go home for the evening. My wife has the shingles, and had a very severe bout with the shingles and I need to be home with her. And both of us will be joined later this evening by our little dog Billy Byrd, and then on tomorrow I hope to finish action on the rescissions bill.

I have not opposed amendments to this bill, but I will oppose amendments to the rescission measure unless there is something that I do not see now that makes it absolutely necessary for me to support in order to get that bill through. And I do not foresee that.

I think we ought to act on that bill tomorrow and I hope no Senators will offer amendments. We have acted in good faith in the Appropriations Committee on this side, we have acted in good faith in the Appropriations Committee's conferences that have taken place on the rescissions bill, and we have worked hard. We have produced a good product. It is a product of compromise. It was not everything I like but that is the way with compromises.

So I join in the expression of intentions and wishes by the Senator from Oregon [Mr. HATFIELD]. And I assure him that, as I say, I will do everything I can to get the rescissions bill passed tomorrow, hopefully without any amendments, so that we can send it on down to the President.

Mr. HATFIELD. Mr. President, will the Senator yield a minute?

Mr. BYRD. I yield.

Mr. HATFIELD. I would like to add a further dimension to the Senator's request that we finish this very quickly. The Senator, the chairman of the committee indicated about his wife being home where she has been ill and he wants to be with her.

I would like to also say this is my grandson's 6th birthday. I would like to spend a little time before he has to go to bed tonight and get him ready to go to school tomorrow. I would like to add that dimension to get our colleagues here to complete the business on this bill.

Mr. BYRD. I certainly can appreciate the Senator's desire to be with his grandson on his birthday.

Mr. President, I have in the past moved third reading, and I have made threats to make that motion, and they did not prove to be empty threats last year on one particular occasion that Senators will well remember.

I say at this point just to urge Senators if they have amendments that they come to the floor now while there is an opportunity to offer them and get their amendments debated and acted on.

I yield the floor.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. SEYMOUR. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SEYMOUR. Mr. President, I am very pleased that the Senate is acting today to provide needed funds for the Nation's disaster assistance programs.

And I want to recognize and thank the distinguished chairman of the Appropriations, Senator BYRD, and Senator HATFIELD, the ranking member, for their efforts to move this legislation expeditiously.

Three short weeks ago, beginning on the evening of April 29 this Nation was plunged into several days of the most destructive and bloody civil unrest in more than a century.

The wonders of electronic media gave the entire world the opportunity to watch as hoodlums, hooligans, and thugs proceeded to tear apart south-central Los Angeles and the greater Los Angeles area.

And when it was over—after a combined force of over 10,000 National Guardsmen, Federal, State and local law enforcement officers was able to prevail and establish law and order—Los Angeles looked to begin picking up the pieces.

The toll from these few short days of pillaging and rioting has been tremendous:

At least 58 deaths and over 2,300 injuries.

Over 5,300 structure fire calls.

City of Los Angeles estimates $33 million in extraordinary costs to respond to the rioting. LAPD put in almost 200,000 hours of overtime to respond at a rough cost of $21 million. And this is just the beginning. Local and State officials are still adding up the costs.

We saw entire communities go up in flames. Businesses that took years of sweat and hard work to build were destroyed. Livelihoods were destroyed. Property was pillaged. This was the most senseless and mindless looting and killing and burning we have seen in over a century.

Now, the time has come for the Nation to join hands—the political leadership to join hands on both sides of the aisle to help heal the wounds. We all recognize this fact, Members from both sides of the aisle, the President, and others have stated that we must move forward.

This supplemental appropriations bill is a necessary first step. And let me underline that this is just the first step. This is not a debate about urban policy. This is a bill that will ensure the Federal Government can make good on its obligations under Federal disaster assistance programs.

The funding in this bill will go into the Federal Emergency Management Agency and the Small Business Administration disaster assistance accounts to help all communities that have experienced disaster this year. It may come as a surprise to many, but the President has already declared 27 disasters this year. Just last evening the President declared a Federal disaster in response to major flooding in Virginia. This bill will help those Virginia communities.

Just a quick glance shows that 19 States and territorial possessions will benefit from this supplemental appropriations bill, including communities in Massachusetts, Maine, Washington, New Hampshire, Iowa, Texas, and Minnesota to name but a few.

Since the fiscal year began, California has seen the Oakland fires, Ventura floods, and the Humboldt earthquake devastate California's communities. The State of California and local governments are simply without the resources to respond to all of the needs created by these events.

And now Los Angeles. This supplemental appropriations bill is needed to help innocent victims of the Los Angeles riots; the families and shopowners and community residents who have seen their communities and livelihoods torn apart. We cannot turn a blind eye toward them and let this bill become hostage to a larger debate on urban policy. The time will come for that debate.

Let us take a lesson from the hundreds of volunteers that flooded the streets of Los Angeles, with brooms and shovels, to start the cleanup. Hollywood celebrities took up positions next to burned-out shopowners and suburbanites. People from all walks of life and others joined in and helped the firefighters respond to hundreds of fires in the L.A. area. Mr. President, this is what America stands for: helping people when they are down, lending a helping hand to those who are in need.

They saw the urgency of the situation and went to work immediately to effect change. They went to work to make a difference for their communities. Let us show them that we can do the same.

Mr. President, this supplemental appropriations bill is not the cure-all for Los Angeles or any other community that has been designated a natural disaster. It is a first start to help honest-to-good people get their lives back together.

I want to echo the remarks Chairman BYRD made at the outset of this debate. We are not here to condone or reward the lawlessness that occurred in Los Angeles. Like you, Mr. President, I was appalled and shocked—the entire Nation was disgusted—by the absolutely senseless beating of an innocent truck driver. I do not want one penny of the American taxpayer's hard-earned money to go to reward the looters or arsonists. Let us be clear, this bill will not do that, and I intend to clarify this point at a later time.

Finally, Mr. President, I am concerned with the additional $1.45 billion in funding this bill would provide to a series of programs that are, at this point, unrelated to the disaster assistance process. These are issues that should be debated in a larger context, not as a part of this vehicle. I am also concerned that this $1.45 billion is not offset, it is simply an add-on to the already too large deficit.

I understand the very good intention behind this provision of the bill. All of us agree, Mr. President, that if we are to have an urban initiative, it must be done very quickly. The programs work and they deserve our support. But they must be addressed in a larger context, not as a part of a disaster assistance bill, and we must do so in a fiscally responsible manner.

Mr. President, this is important legislation to the State of California and the Los Angeles community. I urge my colleagues to give it their full support.

Mr. WELLSTONE addressed the Chair.

The PRESIDING OFFICER (Mr. FORD). The Senator from Minnesota.

Mr. WELLSTONE. I thank the Chair.

Mr. President, I had throughout this day given a lot of consideration to proposing several amendments. To make a long story short, these amendments would have provided some additional funding for the kind of package of resources that we have now developed to respond to our cities. One amendment would have taken several billion from rescissions, military budget, defense budget, and transferred that money, in addition to the package that Senator BYRD and Senator KENNEDY have offered.

The reason I considered that amendment with Senator BRADLEY from New Jersey, and indeed another amendment which went in the same direction, is that I believe that while this emergency supplemental appropriations bill is important, alongside the concerns and circumstances of people that live in our cities, it really is very little.

I want to, in a moment, defer to the Senator from New Jersey and then maybe speak in reaction to some of what he will have to say on the floor.

But I just want to hold up here, Mr. President, this survey of U.S.A. public works projects to fight the recession now, compiled by the U.S. Conference of Mayors. I have to tell you, maybe when the mayors say that in order to really respond to the pain in our cities and urban America they need $40 billion, that is too much, maybe it is $30 billion, but it certainly is a lot more than $2 billion.

Mr. President, I will support this emergency supplemental appropriations bill, but I do not believe we will be able to respond to joblessness, to homelessness, to children who do not have opportunities, to housing, and to so many pressing needs in urban America with so little by way of resources. This is important, but I want so much for it only to be the first step.

So, Mr. President, let me just say at the beginning that I think we will not be able to respond to our cities, we will not be able to invest in our own domestic economy, we will not be able to generate jobs and opportunities for people, and we will not be able to provide real educational opportunities for young people in our country until we have some real reduction in the defense budget, until we bring the wall down, and until we waive that budget agreement of 1990.

The Senator from New Jersey and myself did not introduce the amendment because the votes would probably not have been there tonight. But I am telling you something, Mr. President. I believe the votes will be there.

Mr. President, I apologize to the Senator from New Jersey—I am talking a little more at the beginning, but it is hard to stop—if he will just let me complete this thought.

Mr. President, when I woke up this morning, I looked at the front page of the paper and there was a quote from one of the leaders in our country, talking about how the problem in the cities is the values of the poor, the values of the poor that live in the city. I wonder about the values of those people in power who are pretty good when it comes to photo opportunities, but not so good when it comes to substantive public policy that will make a difference.

Mr. President, I just feel so strongly that we must get out of this straitjacket, we must be able to govern, we must be able to respond to what has happened in Los Angeles and other cities. And even if it had not happened, we still ought to be listening to people and seeing what is happening in our urban communities, and understanding that until we invest in people, until we invest in our communities, we will not do well as a nation. We will not do well. I think the key to that will be to keep a strong defense, but transfer some money from a $290 billion or thereabouts military budget to our cities, to our rural communities, to our own people.

I think that is going to be next on the agenda. It has to be, otherwise what we are doing is way too little.

Mr. BRADLEY addressed the Chair.

The PRESIDING OFFICER. The Senator from New Jersey.

Mr. BRADLEY. Mr. President, the subject we are debating today is whether money should be spent to provide summer jobs for kids in urban areas. I will support this bill. I think it is an important bill. It is a kind of Band-Aid, but it is needed, and I think that it will pass overwhelmingly.

The question is, Are we going to do more? Are we going to expend the resources necessary to begin to make a difference in urban America in the prospects for jobs, in the efforts to confront and reduce violence, and in efforts to strengthen the families of urban America?

That will cost money. The question is, Where will the money come from?

We happen to be at a unique historical circumstance where the end of the cold war allows us to use resources which were used for defense expenditures to protect our Nation from an obvious military threat and instead use that money here at home to protect ourselves against the threat that exists here at home in terms of violence on the streets, family disintegration, and the need to create jobs.

We cannot seem to do that, however, because of the Budget Act of 1990, a provision of which was the capping folly on a decade of follies. It was the so-called budget wall which says that if you cut defense spending, you need 60 votes to take that defense spending and use it on domestic programs. Only 51 votes to increase taxes, however. But to cut defense spending and use that money for pressing domestic needs, it takes 60 votes.

That was an agreement entered into by few people in this body, but ratified by the majority of this body. This was an agreement entered into a good faith, even though it was wrong, and I said so at the time.

Subsequent to that, of course, came the end of communism in the Soviet Union and the end of the Soviet Union.

Subsequent to that, of course, came Los Angeles and a new focus on the needs of urban America. Yet here we are, locked in this straitjacket of a making in the fall of 1990, before the end of the cold war and before a new focus on the needs of urban America.

I began to try to tear down that wall in the spring of 1991. We did not do too well then. In the spring of 1992 we came back and tried again. And the last attempt to break the walls down so we could take money from defense and use it in nondefense was made March 26 of this year. We got 50 votes. We need 60 votes. If we do not get 60 votes, we will not be able to get the resources that are needed to deal with the problems of urban America—60 votes. So we need 10 more votes.

In the next month, during which time an urban initiative will be put together and an attempt will be made to try to achieve bipartisan support for that, we simply need to get those 10 additional votes. Otherwise, at a time where the needs are clear, we will have tied ourselves, like Gulliver with the Lilliputians, in the binds of arcane procedure. And the country will suffer.

So it is a very simple proposition. Do we take money that was meant to counter the threat that no longer exists and use that money here at home to counter the threats to the well-being of all of us, represented by the combination of joblessness, violence on the streets, and deteriorating family structure in our cities?

I can assure the Senator from Minnesota that I will be with him, and I will be working to try to get those 10 additional votes. Frankly, it is incumbent upon any Senator who talks about the needs of urban America, or who cares about the lives in urban America, to do everything he or she can, to not only produce those votes but to make sure that they are counted voting the breaking down these walls.

Mr. President, tonight is not a night to celebrate a great accomplishment. It is just a little beginning, a Band-Aid. But it is clearly a time to try to put the Senate on record as to what is before us, what the needs are, and what is required to make a difference.

I yield the floor.

The PRESIDING OFFICER. The Senator from Minnesota.

Mr. WELLSTONE. Mr. President, let me just thank the Senator from New Jersey.

I think our position has been made pretty clear. I think it is the position of many Senators. I thank Senator BYRD for his leadership.

I am going to be very pleased to vote for this. I just want to make sure when I go back to Minnesota and I meet with kids and I meet with people in our communities, whether they be urban or rural, that I am able to say to them, look, I know we are not yet responding in full—and I do not want to just tell them it is because of a budget agreement. That does not mean anything to people. People want to know whether or not we are really going to respond to their concerns, to what really faces them, staring them in the face.

I support the sentiments of Senator BRADLEY. I am pleased he spoke tonight. I hope with Senator BRADLEY, Senator WIRTH, who just came in, and many other Senators—60 at least—we will be able, the sooner the better, to really have some reductions in the defense budget and transfer that to our own domestic economy in so many areas where we now need to get strong.

In the last analysis, real strength begins at home.

The PRESIDING OFFICER. The Senator from Florida.

Mr. GRAHAM. Mr. President, I send an amendment to the desk.

Mr. WIRTH. Will the Senator withhold for a moment?

Mr. GRAHAM. I will withhold.

The PRESIDING OFFICER. The Senator from Colorado.

Mr. WIRTH. Mr. President, if I might be recognized just for a minute, I thank the distinguished Senator from Florida for withholding. I just want to note again on the issue of the walls, if there is anything that we are here to do, as we have said in this debate, over and over and over again, it is to make decisions about national priorities.

The cold war is over. Here we are, beginning to focus at last on some domestic priorities, a very significant and pressing need. Yet we are trying to have it—in many ways—both ways, by saying what we are going to do is to put this on the further deficit. We are going to pass this debt on and not pay for it. We ought to be paying for it. I think most people in this country know how we ought to do it. Our job now is to get the 60 votes to make sure we can do that.

There is a lot of work to be done, but I look forward to working with the Senator from New Jersey, the Senator from Minnesota, the chairman of the committee, and others to do everything we can to get those 60 votes.

I once again thank the Senator from Florida, and I yield the floor.

The PRESIDING OFFICER (Mr. WELLSTONE). The Senator from Florida has the floor.

AMENDMENT NO. 1844

(Purpose: To amend title 23, United States Code, regarding advance construction)

Mr. GRAHAM. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Florida [Mr. GRAHAM] proposes an amendment numbered 1844.

Mr. GRAHAM. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

Insert the following at the appropriate place.

SECTION 1. TECHNICAL CORRECTIONS.

Section 115 of title 23, United States Code, is amended—

(1) by striking the heading of subsection (a) and inserting the following new heading:

"SUBSTITUTE, CONGESTION MITIGATION AND AIR QUALITY IMPROVEMENT, SURFACE TRANSPORTATION, BRIDGE, PLANNING, AND RESEARCH PROJECTS.";

(2) in subsection (a)—

(A) by striking clause (i) of paragraph (1)(A) and inserting the following new clause:

"(i) has obligated all funds apportioned or allocated to it under section 103(e)(4)(H), 104(b)(2), 104(b)(3), 104(f), 144, or 307 of this title, or";

(B) by striking subparagraph (A) of paragraph (2) and inserting the following new subparagraph:

"(A) prior to commencement of the project the Secretary approves the project in the same manner as the Secretary approves other projects, and"; and

(C) by striking paragraph (3);

(3) in the heading of subsection (b), by striking "PRIMARY" and inserting "NATIONAL HIGHWAY SYSTEM";

(4) in paragraph (1) of subsection (b), by striking "Federal-aid primary system" and inserting "National Highway System"; and

(5) in subsection (c), by striking "152,".

(6) by striking subsection (d) of section 115 and inserting the following new subsection:

"(d) LIMITATION ON ADVANCED FUNDING.—The Secretary may not approve an application under this section unless an authorization for section 103(e)(4), 104, 144, or 307 of this title, as the case may be, is in effect for the fiscal year for which the application is sought beyond the currently authorized funds for each state. No applications may be approved which will exceed the State's expected apportionment of such authorizations."

Mr. GRAHAM. Mr. President, the amendment I have offered is the essence of legislation I have earlier introduced. It relates to a subject very close to that which was raised by the amendment previously adopted by the Senator from New Jersey, Senator LAUTENBERG.

Since 1956, in our highway program, there has been a concept of advanced construction. Essentially, that concept said that if a project had been approved by the U.S. Department of Transportation, that a State could commence construction on that project and, when it reached the fiscal year in which the Federal Government was prepared to fund that project, we would be eligible for the regular Federal/State match.

It does not add any additional cost to the Federal Government. It does not result in any additional income to the States. What it does allow is for States to manage their transportation funds in a way in which they can accelerate projects as rapidly as possible.

This item continued this provision for advanced construction which was in the Federal highway law from 1956 until the adoption of the 1991 Surface Transportation Act. Most of those involved in that act state that it was an oversight, an error that it was not continued. This provision has the strong support of State highway officials, the Governors, and the Federal Highway Administration and the Secretary of the Department of Transportation.

I understand that this amendment has been cleared. I urge its adoption.

Mr. BYRD. Mr. President, will the Senator yield?

Mr. GRAHAM. I yield.

Mr. BYRD. Mr. President, I am advised all sides have cleared this amendment as well as have the authorizing committees.

I, therefore, am ready to proceed to a vote, and I am glad to accept it.

Mr. GRAHAM. I appreciate that very generous statement by the chairman and ask, Mr. President, if there is no further debate, the amendment be agreed to.

The PRESIDING OFFICER. If there be no further debate, the question is on agreeing to the amendment.

The amendment (No. 1844) was agreed to.

Mr. GRAHAM. Mr. President, I move to reconsider the vote.

Mr. FORD. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The Senator from Pennsylvania is recognized.

AMENDMENT NO. 1845

(Purpose: To provide supplemental appropriations for the national and community service State grant program)

Mr. WOFFORD. Mr. President, for myself and Senator MIKULSKI, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Pennsylvania [Mr. WOFFORD], for himself and Ms. Mikulski, proposes an amendment numbered 1845.

Mr. WOFFORD. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendmend is as follows:

Beginning on page 4 line 7 strike all through page 6 line 11 of the bill and insert the following:

DEPARTMENT OF LABOR

(a) SUMMER YOUTH EMPLOYMENT AND TRAINING PROGRAMS.—For an additional amount to carry out part B of title II of the Job Training Partnership Act, $675,000,000: *Provided*, That such amount shall be expended by —

(1) first allocating the amount so that—

(A) 50 percent of the amount shall be allotted on the basis of the relative number of economically disadvantage adults, as defined in accordance with section 4(8) of such Act, within each State, as compared to the total number of such economically disadvantage adults in all States;

(b) 25 percent shall be allotted on the basis of the relative concentration of such economically disadvantaged adults within each State as compared to the total concentration of such economically disadvantaged adults in all States; and

(C) 25 percent shall be allotted on the basis of the relative number of unemployed individuals, as defined in accordance with section 4(25) of such Act, who reside in each State as compared to the total number of such unemployed individuals in all States; and (2) adjusting the sums so allocated—

(A) to ensure that each State with a teenage youth unemployment rate above the 1991 average teenage youth unemployment rate, as calculated by the Bureau of Labor Standards, shall receive not less than the State would have received if such amount had been allotted in accordance with section 201(b) of such Act; and

(B) by reducing the sums received by States not described in subparagraph (A) on a pro rata basis.

(b) NATIONAL AND COMMUNITY SERVICE.—For an additional amount to carry out title I of the National and Community Service Act of 1990, $25,000,000.

Mr. WOFFORD. Mr. President, this amendment I just sent to the desk will provide $25 million to the Commission on National and Community Service. This year that commission received requests for over $226 million with only $67.5 million to distribute. These are projects in every State that are ready to go, to engage young people in projects that would make a difference in their community and in their lives.

This amendment would not add any new money to this bill. It would reduce the $700 million provided to the summer youths program and assign that $25 million to these youth corps programs which have proved themselves an effective way to transform the lives of the young people while making a contribution through work to their communities.

I have talked with Senator KENNEDY and Senator HATCH, and they support this amendment. I understand that it is supported on both sides of the aisle.

Mr. BYRD. Mr. President, I am personally glad to accept this, but I think we have to clear it on the other side of the aisle first, if the Senator will momentarily—I think if he will just give us a few minutes to clear it on the other side of the aisle.

Mr. President, in the meantime, if the Senator will allow us——

Mr. WOFFORD. I yield the floor.

Mr. BYRD. Mr. President, has the Senator yielded the floor?

The PRESIDING OFFICER. The Senator from West Virginia is recognized.

Mr. BYRD. I thank the Chair. Mr. President, I ask unanimous consent that the amendment may temporarily be laid aside and that the Senator from Florida may be allowed to offer his amendment with the understanding that, as soon as we can get clearance from the Republican cloakroom, that the amendment of the Senator from Pennsylvania has been agreed to over there, that the Senator from Florida then yield so that the Chair may put the question.

The PRESIDING OFFICER. Without objection, it is so ordered. The Senator from Florida is recognized.

AMENDMENT NO. 1846

(Purpose: To express the sense of the Senate concerning the use by the Secretary of Education of certain data from the 1990 decennial census in making allocations under part A of chapter 1 of title I of the Elementary and Secondary Education Act of 1965)

Mr. MACK. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Florida [Mr. MACK] proposes an amendment numbered 1846.

Mr. MACK. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

At the appropriate place, insert:

GENERAL PROVISIONS

SEC. . It is the sense of the Senate that the Secretary of Education should utilize the most recent satisfactory data available, including data contained in the 1990 decennial census as compiled by the Bureau of the Census if available, in making allocations under part A of chapter 1 of title I of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 2711 et seq.).

Mr. MACK. Mr. President, the amendment I am offering is a sense-of-the-Senate resolution that in essence says that the Secretary of Education should use 1990 census data in allocating chapter 1 funds for the 1992 allocation. The reason that this has come forward is because several weeks ago the Secretary of Education made the decision to make the allocation based on 1980 census data because at that time he was of the opinion and had received information that the census data would not be available to him until August of this year and that would be too late for the allocation to be made.

Subsequently, I have learned that this information will be available to the Secretary on May 29, and so the sense-of-the-Senate resolution that I am offering basically says that since this information is going to be available, that the Secretary ought to use that in allocating these funds to the States.

Again, the reason I am offering this is because it is in line with a consensus, if you will, that has been established here for some time; and that is that the allocation of dollars in many different programs ought to be done on the basis of the most recent and satisfactory census data.

As you can understand, a State like mine, that grows as rapidly as it does—between 1980 and 1990, for example, we had a 33-percent increase in the population of my State. Therefore, we would see the State of Florida losing a substantial amount of money if this approach were not to be followed. In fact that dollar number is probably close to $50 million.

Again, Mr. President, this is very straightforward. It is just saying now that we have the information, that the 1990 census information will be available in the next couple of weeks, it is the sense of the Senate that information ought to be used in the allocation of chapter 1 funds for 1992. I yield the floor.

The PRESIDING OFFICER. Is there any further debate?

Mr. BYRD. Mr. President, I do not believe this amendment has been cleared on the other side. So if we can withhold any further action on the amendment by Mr. MACK until we can get clearance on the other side of the aisle and vote, and if no Senator seeks recognition, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BUMPERS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BUMPERS. Mr. President, has the amendment of the Senator from Florida been set aside?

The PRESIDING OFFICER. The amendment of the Senator from Florida is the pending question.

Mr. BUMPERS. Mr. President, let me just say I am waiting to get a little piece of technical information and make a technical correction amendment that I intend to offer in a few moments, hopefully subsequent to the disposition of the amendment of the Senator from Florida. If there is nobody else here to speak, we might as well utilize the time by discussing it a little. Does the Senator from Florida have any objection to that?

Mr. MACK. I wonder if the Senator will repeat that.

Mr. BUMPERS. My question is, as long as there is nobody here to debate the amendment of the Senator from Florida right now—apparently they are waiting for some clearance on the other side of the aisle and I thought pending the time the Senator receives clearance that I might just discuss my amendment and not offer it, to save a little time when I do offer it.

Mr. MACK. I certainly have no objection as long as we have the ability to come back to the two amendments that have been offered and are waiting to be cleared.

Mr. BUMPERS. Technically, I should ask unanimous consent to do that.

The PRESIDING OFFICER. The Senator from Arkansas has been recognized and may proceed.

Mr. BUMPERS. Mr. President, my amendment in a sense is carrying water for the President. This bill contains an appropriation which will allow $350 million additional to what SBA has on hand right now, an additional $350 million in disaster relief to take care of the problem in Los Angles and Chicago. There is an additional $50,895,000 in the bill that is considered to be a contingency fund.

Mr. President, bear in mind that when we appropriate money to the Small Business Administration either for disaster relief, the 7(a) Guaranteed Loan Program, or the Microloan Program, we get a big bang for the buck. For example, my amendment would take this $46,895,000 of the contingency disaster money, and that will fund almost $1 billion in 7(a) guaranteed loans.

Mr. President, that is the principal function of the Small Business Administration. The 7(a) program is the program under which banks loan money.

The banks put up normally 10 to 20 percent of the loan, and the Government puts up an 80- to 90-percent guarantee. And since most of those loans are performing loans, OMB allows us to take this $46 million and convert it into almost $1 billion in loans.

Now, the administration is probably going to submit a request to this body in the immediate future for $1.45 billion, but pending that happy time and to make sure we do not run out of money in that program, I am asking the Senate tonight to take this $46,895,000 and put it into the 7(a) program to make sure that when July 20 comes we have an additional $1 billion to loan.

Now, also, Mr. President, I invite all of my colleagues to take a look at this three-page list which I have put on every desk in the Senate. This will tell you why I am doing this. We appropriated last year enough money to put $3.5 billion into the 7(a) loan program. That money is virtually already gone. We anticipate the program is going to require over $5 billion this year. But look at this chart and you will see why.

Now, a lot of things have happened. The recession is the primary culprit. The second culprit is the banks are not loaning very much money. Small business people are having the most difficult time they have ever had borrowing money.

But let me just read some of these figures to show you the difference between 1991 and 1992. In Boston, these 7(a) loans for 7 months so far this year are up 59.2 percent; Providence, RI, 128 percent; Concord, NH, 160 percent. You look at the cities in your respective States, and you will see what the demand is, and if we do not do this tonight, the 7(a) loan programs are going to come to a halt right in the middle of a recession when small business people need this money the most.

Now, Mr. President, the second part of my amendment takes an additional $9 million and puts it into the Microloan Program. The Microloan Program so far is one of the most successful small loan programs in the country. We got the idea from a program in Chicago and one in Pine Bluff, AR, the same city for which the horse that won the Preakness was named. There are several of these programs around the country.

Here is the way they work, Mr. President. Somebody has a good idea and no money. The banks will not loan him money because he has no collateral. We found that in Pine Bluff, AR, for example, you could loan $5,000 to a woman who wanted to run a catering business. She was struggling, making a little money, occasionally hiring a couple other people. They loaned her, I believe, $5,000 from what was called the good-faith fund. She is paying that loan back and just getting along fine.

Senator MITCHELL came and testified before our committee when we had hearings on the Microloan Program. The State of Maine has an exceptional Mircoloan Program.

Now, my point is this, Mr. President. People who have no collateral and really no business experience have no place to go to get money, no matter how good an idea they have. We have this program up and running. We have 35 what we call intermediaries who are going to make the loans for the SBA. The $5 million that we are transferring out of this contingency fund will fund almost $30 million in microloans.

Now Mr. President, that is all we do here. But when the authorization bill comes before the Small Business Committee, I intend to target some of that money for counties that have had a pervasive unemployment rate of 10 percent or more for the preceding 5 years.

Let me go back to the $1 billion for the 7(a) Guaranteed Loan Program. I think there is some dismay in this country about all the attention that is being paid in Congress to Los Angeles and Chicago. When you vote for this small appropriation, which will fund $1 billion in 7(a) loans, you are saying to the American people, "We are not forgetting the rest of the country; we are going to provide loans for you, too." And when you vote, hopefully, for this small appropriation for the Microloan Program, you are saying, "You people who cannot take advantage of the Job Training Partnership Act because you do not have any employers to participate, we are giving you this microloan opportunity so you can start your own business." And we intend to target areas like the Delta of Louisiana-Arkansas-Mississippi-Tennessee. We are going to target those areas, many of whose counties have 10 percent or more unemployment. And we are going to target people who are on welfare.

Now, Mr. President, the thing that made this whole Microloan Program so attractive and the reason Senator MITCHELL came over and testified strongly in favor of it and the reason it passed out of our committee unanimously is because we heard case after case of where a $2,000 to $5,000 loan took somebody off welfare.

If you want to give people a piece of the rock, here is a program that is sort of embryonic so far as we are concerned; we are just starting with it. But I can tell you in Mississippi, Arkansas, Louisiana, and that area of the Delta and this is not to diminish the problems in Los Angeles, but I can tell you the unemployment rate is higher and poverty is more pervasive in areas like the Delta. I see the senior Senator from Mississippi on the Senate floor. He knows this like I know it. I am not trying to denigrate the problems of the inner city. I am just saying rural America is suffering, too. So here is an opportunity to do something. It is not a grandiose scheme.

Finally, Mr. President, none of this money can be spent until the President declares an emergency, and incidentally, none of the $1.4 billion in here for the jobs program can be spent either. Until he does that, this money cannot be spent. And it is the same way with my amendment. The money I am taking out of the contingency disaster aid bill cannot be spent unless the President OK's it by declaring it an emergency. The $5 million will generate $30 million in microloans. Incidentally, there is $4 million in technical assistance because so many of these people never have been in business and they need technical assistance. Neither of those amounts can be spent either until the President says OK.

So I want to say to all the people on the other side of the aisle, when you vote for this, you are saying to your constituents, "We are concerned about you, too, not just Los Angeles and Chicago." And you are saying to people in rural areas, "We have not forgotten you either." And, finally, people on the other side of the aisle, when you go to vote, bear in mind the President has to sign off on this by declaring an emergency.

Now, it seems to me that this is the best of all worlds, Mr. President, and I will offer this amendment without much further debate after we dispose of the amendment of the Senator from Florida. I thank him very much for his indulgence.

Ms. MIKULSKI addressed the Chair.

The PRESIDING OFFICER. The Senator from Maryland is recognized.

Ms. MIKULSKI. Was the Chair about to take a vote on the Mack amendment?

The PRESIDING OFFICER. The pending question is the Mack amendment.

Ms. MIKULSKI. If the Chair is about to take a vote on that, I will withdraw my comments.

The PRESIDING OFFICER. The Senator may proceed.

AMENDMENT NO. 1845

Ms. MIKULSKI. Mr. President, I wish to rise in support of the Wofford-Mikulski amendment that would take that million dollars out of the JTPA and put it into the National Service Commission focused on youth service work.

Mr. President, that might sound like, gosh, why are you taking money out of job training to put into national service when everything is needed? Well, that is true. What I will tell you is that the summer youth corps projects are uneven in the way that they are run nationwide. And by placing that million dollars in the national service component, title I(c) of the national service bill, focusing on youth corps, we are going to do a couple of things.

First of all, we are going to give a summer job to kids so they learn the skills, work ethic and get some more enriched academic training so that while we give them a job today they learn what they need to know to be able to get a job tomorrow. It is a specific, immediate, realizable public investment in young people to put them to work this summer so that they can learn what the skills integrated with an academic background means.

Too often Youth Corps work has meant make-work projects. They rake a leaf here, drink a Coke there, rake another leaf, do a little bit of light lifting, and then they go home.

In the Youth Corps projects that we are talking about in the national service program, No. 1, students will learn and develop through active participation in thoughtfully organized service experiences that will meet real community needs and coordinate with the community and nonprofit groups.

This will be integrated into a student's learning curriculum in which they will have structured time to learn academic skills and work in a way that will enhance either their full participation in school or be able to move to a GED.

It will also provide students with opportunities to use new skills in real-life situations in their own communities. We will be saying yes to the kids who say no. We will be saying yes to the kids who said no to drugs. We will be saying yes to the kids who said no to riots. We will be saying yes to kids who say no in terms of getting into deviant or even criminal behavior.

But we will be saying yes, this is an opportunity for you if you say no to all of those other activities.

In that process we will be sending funds through community service projects not only to the big cities but also to the small towns where they need this.

I know that this modest public investment over this summer will result in many young people being able to provide community service, learn skills, enhance their reading, writing, and mathematics skills.

Also, Mr. President, for once the poor will not feel like they are beneficiaries of a program. They will not feel like tin-cup kids out there waiting for some other do-good program. They will be actually working in their own communities. They will have a sense of being a contributor, being a producer, being what voluntarism is all about.

What they are going to learn is a work ethic, and they will learn a volunteer ethic. They will learn how, when we say yes to the kids who say no, it is going to mean something for their future, and for their community's future.

I think this is a very modest investment to accomplish those goals.

I would like to salute the junior Senator from Pennsylvania who comes having had much experience in running these programs in local communities. He brings an added contribution, a practical know-how to this. I thank him for moving this amendment. I am happy to lend my support on this, and I think we are going to do a lot of good for a lot of kids that are going to mean a lot of things in the future.

Mr. President, I yield the floor.

Several Senators addressed the Chair.

The PRESIDING OFFICER. The Senator from Georgia is recognized.

Mr. NUNN. Mr. President, I will just take a moment.

I rise in support of the Wofford amendment, and I would like to be listed as a cosponsor.

I applaud the remarks of the Senator from Maryland, and I know, had I heard them, I would applaud the remarks of the Senator from Pennsylvania because I very much agreed with this amendment.

Mr. President, I believe that all of us would agree that we should provide some kind of help for the immediate and tangible difference in our urban communities. We would all agree we should make a special effort to improve educational opportunities for our young people. I think we all agree that we should help people in low-income neighborhoods to empower themselves through community improvement efforts based on their own assessment of community needs.

I think we would also all agree that we should find ways to deliver social services in urban areas that cut through bureaucratic procedures to reduce administrative costs. And I also believe we would all agree that we need to draw private businesses, private nonprofit corporations, churches, synagogues, community groups, and volunteers from all walks of life into the efforts to address our social problems.

I think we would further agree that we need to unite all of our people, rich and poor, black and white, urban and suburban, in a common effort reflecting our common citizenship and our mutual obligations.

We should all agree that any initiative that satisfies all of these criteria simultaneously at a relatively low cost is a must for this particular package of legislation.

Mr. President, I believe that this amendment will put money where it can be spent very quickly, in a very meaningful way, because the process has been underway for 2 years under the legislation which I sponsored.

We now have, under former Congressman McCloskey, a series of applications that have come in with innovative ways to pilot project this program. I believe that they have received about six times the amount of applications that are good, sound applications for a youth program, than they can possibly fund in this national service concept.

So I think this $25 million can be allocated quickly. It can be done not only quickly. It can be done after a 2-year process has been gone through to make sure it is going to be very meaningful work and very meaningful projects.

Mr. President, encouraging community and national service efforts in our cities will do more long-range good and build more long-term capacity for community self-improvement than any one measure we can take. It will represent a priceless dual investment in our future—through the service performed by volunteers, and through the positive impact on volunteers themselves, whether we are talking about the work ethic and civic consciousness earned by an occasional volunteer or the college education earned by a full-time national service volunteer.

To cite just one specific example of what volunteers could do—most of you know about President Jimmy Carter's landmark effort called the Atlanta project, aimed at systematically addressing social problems at the grassroots level in 13 low-income neighborhoods in and around Atlanta.

Volunteers could be recruited from those neighborhoods—deployed at solving their own community's problems—taught work skills, team spirit, tolerance, and self-esteem—and then given the opportunity for higher education or job training through benefits they earned with their own sweat equity. If any Senator can think of a more creative, more synergistic effort we could take to help nongovernment urban efforts like the Atlanta project—please let me know about it.

If we are serious about doing everything we can as quickly as we can, Mr. President, then including funding for community and national service is not the last place we should look, but the very first place we should start.

This amendment I hope will be accepted by the Senate.

Mr. BYRD addressed the Chair.

The PRESIDING OFFICER. The Senator from West Virginia is recognized.

AMENDMENT NO. 1846

Mr. BYRD. Mr. President, the amendment offered by Mr. MACK has been cleared on the other side of the aisle. I am willing to go forward with it on a voice vote. Let the record show that I am opposed to it.

I do not ask for the yeas and nays. So if we could dispose of that amendment, then we will be down to the amendment by Mr. WOFFORD.

The PRESIDING OFFICER. Could I ask the Senator from West Virginia whether he asks for the yeas and nays?

Mr. BYRD. No.

The PRESIDING OFFICER. Is there any further debate on the amendment? If not, the question is on agreeing to the amendment of the Senator from Florida.

The amendment (No. 1846) was agreed to.

Mr. COCHRAN. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. BOND. I move to lay that motion on the table.

AMENDMENT NO. 1845

Mr. BYRD. Mr. President, the amendment by Mr. WOFFORD and Senator MIKULSKI is the pending amendment. That has been cleared on this side. It is awaiting clearance on the other side. I hope we can get clearance soon. Otherwise, I will ask for the yeas and nays on it and we will try to have a vote on it.

I hope we can avoid the yeas and nays and save time.

The PRESIDING OFFICER. Is there further debate?

Mr. SEYMOUR addressed the Chair.

The PRESIDING OFFICER. The Senator from California is recognized.

Mr. SEYMOUR. Mr. President, is it in order to send an amendment to the desk?

The PRESIDING OFFICER. The pending question is the amendment offered by the Senator from Pennsylvania.

Amendments are in order to that amendment. But additional amendments can be only offered by unanimous consent.

Mr. SEYMOUR. Mr. President, I ask unanimous consent to offer an amendment.

Mr. BYRD. Mr. President, I temporarily object, and I do not intend to prolong that objection.

The PRESIDING OFFICER. Objection is heard.

Mr. BYRD. I think Senator BUMPERS should at least be on the floor because he had stood in line and would have offered his amendment earlier but for the fact that two amendments were pending. He did not speak on his amendment. If he has no objection, I certainly have no objection.

Mr. SEYMOUR. Mr. President, I yield to the chairman of the Appropriations Committee.

The PRESIDING OFFICER. The Senator from Missouri is recognized.

Mr. BOND. Mr. President, as this discussion proceeds, I want to add my support to those who are supporting the amendment of the Senators from Pennsylvania, and Maryland. I had some ideas and observations that I wanted to share with my colleagues as we debate this particular amendment, and this supplemental bill, because I believe that there has been far too much rhetoric from pundits and candidates as of late, and instead, we need to take a look at some of the significant achievements that have occurred in recent years.

Too often these past weeks, liberals blame the LA riots on the Reagan-Bush administration's decade of neglect, ignoring or oblivious to the fact that we spend more in inflation-adjusted dollars on antipoverty programs now than we did in 1968, in the midst of the Great Society. During these past 30 years an entire infrastructure of advocates and bureaucrats has been built up around the poor and the homeless. Many have taken over the issues of housing, health care, nutrition, and education and have developed a single test for success: Did we get more money? If the answer is yes, then the program, policy, or idea is successful. Unfortunately, the question does it work? Either never comes up, or is conveniently ignored.

Similarly, conservatives wrongfully blame President Johnson and the Great Society for the plight of young city dwellers, claiming we have wasted $2 trillion since the 1960's. They conveniently ignore the indisputable successes of the War on Poverty, a vibrant growing black middle class, a 60 percent reduction in infant mortality, one-third decline in the poverty rate, and a narrowing of the gap between minorities and whites in the unemployment rate. These are real successes and should not be overlooked. Unfortunately, with all of the attention focused on finger-pointing and defensive reactions, the reasoned voices, such as that of Mayor Emanuel Cleaver, of Kansas City, and others, are being drowned out.

Mr. President, I ask unanimous consent that a column which appeared in the Kansas City Star by the mayor of Kansas City be included in the RECORD after my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. BOND. Mr. President, the fact is, if there were ever a time for an honest evaluation of the plight of our cities and the programs designed to aid them, this is the time. The public wants pragmatic solutions and results-driven approaches, not rhetoric or partisan finger pointing. A little honest analysis would show that we do have the building blocks for creative solutions in place. We know what approaches work, and what fail. We find success when a lean, nonbureaucratic Government intervention that meets the pragmatic test is at work. Programs like Parents as Teachers, public housing reform, and enterprise zones, which I know from experience in my State work and school-to-work transition programs work. They work because they foster family, community, private enterprise, and self sufficiency.

Straightforward ideas sometimes are rejected initially. The public housing reforms that I proposed 2 years ago were objected to. They found no great supporters. Some felt they were an attack on public housing, instead of an effort to make public housing work. But my approach was simple. How can we make public housing serve the residents, rather than get caught in a finger pointing cascade of accusations from both sides saying it does not work because they are at fault?

Programs meeting the "does this work?" test all exhibit strong partnerships between the public and private sectors. And yet, these straightforward ideas that work are often rejected politically because they have the smallest constituencies—they challenge both the liberal and conservative orthodoxies which assume either that nothing works or that current programs would work if only we pumped more money into them.

As one who has made housing issues and particularly public housing a priority during my time in the Senate I can speak from experience that having an open-minded view of what can be accomplished is not necessarily viewed as a plus. For example, as we entered the 1990 housing bill reauthorization debate I had two major goals: First, to recognize there were unmet needs which deserved attention and second, to improve the programs to insure the tenants were being served.

This novel approach won me no adherents from either side: in fact, the public housing authority directors were very distrustful of a Republican looking to change public housing policy. But we kept at it, arguing that some PHA's were poorly run, that we needed mechanisms to protect the residents in these cases. I also argued that a housing labyrinth which had no lines of responsibility and thus no accountability was a recipe for disaster—HUD, city officials, PHA officials, and advocates all pointing fingers, while the residents of public housing continued to suffer the poor condition and the waiting lists for others lengthened. My solution was fairly simple. I proposed a set of objective criteria to measure a PHA's effectiveness, and a mechanism to take them over if they failed. I coupled this with a formula for a steady funding stream for modernization and rehabilitation which would not penalize residents while the bickering went on.

Many saw my proposals as a Republican effort to discredit the program. Eventually, however, I received an award from the Public Housing Authority Directors Association for my efforts to make public housing work. That meant both reforms and adequate funding.

Last Friday I had a meeting with inner-city leaders in Kansas City who are seeking answers to the pressing problems there. I told them I wanted to hear again what they thought would work, but noted we cannot measure the success of any program simply by the money spent on it. Instead we must measure success by success.

And they agreed—spending in the right place, on the right programs is the key. Specifically they noted the most successful of the social programs are the ones that use Federal dollars to encourage local, private, and nonprofit investments.

As Congress has attempted to deal with social programs over the last 20 years, one lesson is clear: When the Feds go it alone, the program fails. Many a good idea has been killed in the implementation phase, simply because it did not generate enough commitment or was subject to competing demands on the local level. We have seen what happens to neighborhoods when local investment fails.

Government programs cannot substitute for capital investment which creates jobs. One proper role for the Government is to combat redlining. I have supported the Community Reinvestment Act, which requires banks to help meet the credit needs of the entire community, because of my belief in the critical importance of private investment in our city neighborhoods. I have also supported efforts to strengthen antidiscrimination laws that apply to both bank lending and loan purchases by the secondary market agencies like Fannie Mae. Access to credit should not be arbitrarily denied because of the race of the loan applicant or the location of the property and it is the Government's job to see that these laws are vigorously enforced.

Another mechanism to spur private investment is enterprise zones. Enterprise zones create jobs and stimulate investment in needy communities. According to Business Facilities magazine, State-level enterprise zones in 1989 generated over 184,000 jobs, sustained almost 170,000 other jobs, and brought in 18 billion dollars' worth of new capital investment. As Governor of Missouri I recommended and signed into law enterprise zone legislation which has brought thousands of jobs and tens of millions of dollars of investment into the zones. Despite this success, Congress has not enacted enterprise zone legislation. In fact, to my recollection, we have not even debated the issue on the floor of the Senate since I arrived in 1987.

We must also do a better job of preparing inner-city youth to take jobs in their own neighborhoods. This is really an 18-year process. The first step is to get them ready to attend school.

Parents as Teachers is an innovative early childhood/parent education program which teaches parents how to maximize a child's language, social and motor skills so that they enter school ready to learn. Many in Missouri are familiar with the program—and its success in ensuring school readiness. In my view it is superior to Head Start because it emphasizes that parents are ultimately responsible for the education and positive development of their children—not Government or the schools. And PAT gives parents the tools they need to encourage positive, healthy development in their children. Yet how we have struggled against both conservative and liberal coalitions to obtain even modest Federal funding for demonstration projects for this novel, proven-effective approach.

Once they enter school, we must keep them there. The Census Bureau reports that high school dropouts are three times as likely to be poor than highschool graduates, and twice as likely to have low-wage jobs than highschool graduates. Hardly surprising, but this points out the desperate need to keep kids in school in inner-city areas, like Kansas City, where the drop-out rate approaches 50 percent. This Nation's cities need more school-to-work transition programs like Jobs for America's Graduates. These programs provide kids with an incentive to stay in school—job skills and job search assistance, and provide them with a connection between what they're learning and the real world. Teamwork and partnership are evident in these programs, which rely on the combination of Government funds and local business involvement. Today I am cosponsoring the administration's Youth Apprenticeship Program, introduced by Senator DOLE, which would direct funds to school-to-work transition programs like Jobs for America's Graduates.

In the meantime I am pleased that this bill calls for an additional $700 million for the Summer Youth Program. Both Kansas City and St. Louis desperately need Federal money to supplement their efforts to put inner-city youth to work this summer. Providing these kids with jobs is one antidote to escalating tension.

The simple answer is that we must spend more on what works and less on what does not. An example of the latter category is the current foster care system. Few people are aware of the fact that thousands of children across America are removed from their families each year, not because of abuse or neglect, but simply because of inadequate housing. Several thousand dollars are then spent to keep them in foster care. This is absurd. Yet until this year, Government has failed to adopt the more obvious solution of providing special housing assistance to those families. I worked with Senator BARBARA MIKULSKI to secure $50 million to begin a pilot project in 11 States called Family Unification. This type of bipartisan effort is essential if we are to achieve success in other areas of urban need.

Finally, as a society we must come to terms with the fact that government cannot do everything. Government can reinforce, but not replace, family, community, and private enterprise. The best social program is still a job; the best social services agency is still the family. Of far more importance than Government programs operating at the margins are the choices made by individuals, behavior modeled by parents and witnessed by children, and values transmitted from this generation to the next. Government should help make this possible, then get out of the way.

Mr. President, I urge my colleagues to join in support of the Wofford amendment.

EXHIBIT 1

WORKING TOGETHER

(By Emanuel Cleaver)

For the past two decades this country has placed race relations at the bottom of the American agenda. Rather than building on the success and, yes, the failures of our past efforts, we instead chose to relegate progress made to be the back burner.

While it is convenient and easy in our society to do this, recent events have clearly shown what occurs by ignoring and neglecting our social ills.

In many respects this country is still segregated. Many of our children will come into adulthood without developing friendships or relationships across racial or cultural lines.

For those left behind in the ghetto or in the barrio, crime, unemployment and poverty are everyday reminders that the first step on the career ladder is out of reach, compounding a sense of hopelessness.

We, as Americans, are challenged to create a society that is inclusive, not exclusive. We must create a society in which our cultural, ethnic, religious and racial differences are embraced as enhancing our character.

This must happen if we, as a nation, are to move forward together. Locally, it is imperative if Kansas City is to achieve world-class status.

Kansas City is not alone in having long-term problems in this area. It is a national problem calling for national solutions. There are, however, some things that can be accomplished by local citizens working together to confront these issues. My feeling is that we have an opportunity to forge some unique relationships at the neighborhood level that will pay a dividend to the city.

Among several actions that needed to be taken in the face of strained race relations, I announced that formation of a Human Rights Commission. The commission is intended to be an anti-riot program. In fact, it had been on the drawing board for some time. It is intended to and will spearhead the city's efforts to improve race relations, understand the problems of civil and human rights and bring interested and affected parties together to work toward solutions.

The Commission will be composed of seven outstanding citizens who are knowledgeable and interested in making a difference in the area of human rights.

In order to broaden participation within the commission, the members will also establish task forces in the areas of youth, media, education, business, law enforcement and a host of others. This will be done to allow individuals with expertise and knowledgeable in a particular area to bring their skills to bear on the problem.

The commissions as a whole and the individual task forces will conduct hearings, give reports and take action to address problems. It will not and cannot be just another commission that fails to act on its own recommendations. Neither, however, will it reinvent the wheel.

Kansas City has numerous organizations that are actively working to improve race relations, increase cultural awareness and solve the problem of hopelessness.

The Urban League and Full Employment Council are busy training and placing people in jobs. Harmony in a World of Difference is working to promote cultural awareness. They and others have been hard at work tackling these problems before they became fashionable. The trouble is that they work with limited budgets and could have a greater impact with more resources.

The Human Rights Commission is not meant to replace these organizations or other civil rights groups. It is meant to supplement their activities and enhance them.

Unless Kansas City deals with the question of race today it will be a crisis tommorrow. Through the Human Rights Commission, I believe we have an opportunity to bring these issues to the forefront of the public's awareness. If we do that, I fear the consequences.

Mr. BYRD. Mr. President, it is my understanding that the other side is not ready to vote on the amendment by Mr. WOFFORD, and the effort is still going forward to try to clear that.

Mr. COCHRAN. We are trying to clear that amendment. We have not been able to clear that at this time, but we are continuing to try.

Mr. BYRD. Mr. President, I ask unanimous consent that the pending Wofford amendment may be set aside temporarily, that Mr. BUMPERS may be allowed to proceed on his amendment, upon which he has already spoken.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

AMENDMENT NO. 1847

Mr. BUMPERS. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Arkansas [Mr. BUMPERS] proposes an amendment numbered 1847.

Mr. BUMPERS. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 2, line 2 of the bill strike from "Disaster" through to and including "1985" on line 18, and insert in lieu thereof the following:

DISASTER LOANS PROGRAM ACCOUNT

For an additional amount for the cost of direct loans, $118,755,000, to remain available until expended to subsidize additional gross obligations for the principal amount of direct loans not to exceed $350,000,000, and in addition, for administrative expenses to carry out the disaster loan program, an additional $20,000,000, to remain available until expended, which may be transferred to and merged with appropriations for "Salaries and expenses": *Provided*, That Congress hereby designates these amounts as emergency requirements for all purposes of the Balanced Budget and Emergency Deficit Control Act of 1985.

BUSINESS LOANS PROGRAM ACCOUNT

For an additional amount for the cost of section 7(a) guaranteed loans (15 U.S.C. 636(a)), $46,895,000, to remain available until expended, and for an additional amount for the cost of direct loans authorized under the Microloan Demonstration Program (15 U.S.C. 636(m)), $5,000,000, to remain available until expended, and in addition, for grants in conjunction with such direct loans, $4,000,000, to remain available until expended and to be merged with appropriations for "Salaries and expenses": *Provided*, That these funds shall be available only to the extent an official budget request that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Control Act of 1985, is transmitted to the Congress: *Provided further*, That Congress hereby designates these amounts as emergency requirements for all purposes of the Balanced Budget and Emergency Deficit Control Act of 1985.

Mr. BUMPERS. Mr. President, we have already debated this amendment. I think it is cleared on both sides of the aisle.

The PRESIDING OFFICER. Is there further debate on the amendment?

Mr. COCHRAN. Mr. President, the distinguished Senator from Arkansas has made a very compelling argument in support of this amendment. It does provide very needed assistance to areas of the country that were not contemplated, I think, when this bill was first passed in the House and sent over here to the Senate. We do not have an objection to the passage of the amendment, as offered by the Senator.

I might have to say, though, that in looking at the wording of the amendment, if there is a finding that an emergency exists on the part of the Congress and under the Budget Enforcement Act, it requires a similar finding on the part of the President in order to trigger the allocation of funds under this amendment.

This is an invitation to offer an amendment under this procedure on a wide range of subjects. We have seen that now brought to the attention of the Senate tonight on the subject of disaster assistance for farmers. I have no doubt, if we stay here longer tonight, we will probably see other amendments generated along this same line.

I have no quarrel with this amendment, but it is just to point out that it provides an opportunity for the President to be put in an awfully awkward position when he had reached agreement with the Congress on the budget enforcement account that was codified in the Budget Enforcement Act.

Having said that and made that observation, he reached the agreement with Congress knowing that that was a possibility. I suppose that he now lives with that decision and, from a political standpoint, that may not be to his advantage. Having said that, we have no objection, and we do not oppose the adoption of the amendment.

Mr. BYRD. Mr. President, as the manager of the bill on this side, I am happy to accept the amendment.

Mr. HOLLINGS. Mr. President, I rise in support of the amendment by my good friend, the Senator from Arkansas. His amendment will provide almost $1 billion in additional Small Business Administration section 7(a) business loan guarantees, and will provide an additional $29.6 million in microloans.

The demand for the SBA Business Loan Guarantee Program is up all around the country. And, we find ourselves in a situation where the section 7(a) program could be shut down by July.

Mr. President, this situation has not occurred through any fault of the Congress. Quite the contrary, we rejected the credit cuts that were proposed by the administration's fiscal year 1992 budget. The Office of Management and Budget got its wish. It put SBA's credit programs on-budget—requiring appropriations pursuant to the Budget Enforcement Act—and then it cut them. In fiscal year 1992, the Commerce, Justice, and State Subcommittee had to add $215 million to the President's budget request for SBA business loan programs in order to keep these programs functioning. Without this action, the section 7(a) program would have been shut down a long time ago.

The Reagan administration tried to terminate SBA programs outright. At least they were upfront. Instead, this administration proposes fees, increasing the risk to banks, and Washington Monument offsets—all the while professing its support for small business. And this present shortfall was hastened when the administration conveniently decided to initiate a new program this January in New England to convert to SBA guarantees loans at banks that had failed.

Senator BUMPERS has put the burden back where it belongs—on the White House. This amendment gives the President the ability to keep the section 7(a) program going. It seeks not just to provide temporary employment for the summer of 1992, but instead to create long-term jobs. I urge its adoption.

Mr. KASTEN. Mr. President, I rise in support of the amendment offered by the chairman of the Small Business Committee. This amendment would provide additional funding for the Small Business Administration's Guaranteed Business Loan and Microloan Programs.

These programs are critical to promoting private sector job creation across America.

As the ranking member of the Small Business Committee, I am proud to have worked with Senator BUMPERS in creating the Microloan Program last year. And I look forward to working with the chairman in carrying out the original intent of the Microloans Program by targeting this program to our economically distressed inner cities.

These high unemployment and poverty stricken areas truly need access to credit so that low income and minority small entrepreneurs can prosper and create jobs.

The PRESIDING OFFICER (Mr. HARKIN). Is there debate on amendment 1847?

If not, the question is on agreeing to the amendment.

The amendment (No. 1847) was agreed to.

Mr. BUMPERS. Mr. President, I move to reconsider the vote.

Mr. BYRD. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 1845

Mr. BYRD. Now, Mr. President, the pending amendment before the Senate is Mr. WOFFORD's amendment. I ask unanimous consent that it may temporarily be laid aside so that a Senator may call up an amendment.

May I also say that I hope that we can reach an understanding soon as to the remaining amendments so that we will know precisely how many amendments remain to be called up.

Mr. COCHRAN. Mr. President, I can now say that we have cleared the Wofford amendment, and we are able to agree to that.

Mr. BYRD. Very well, I thank the distinguished Senator.

Mr. President, that amendment is acceptable on this side, and we are ready to vote on that amendment.

The PRESIDING OFFICER. Is there further debate on amendment 1845?

If not, the question is on agreeing to the amendment.

The amendment (No. 1845) was agreed to.

Mr. COCHRAN. Mr. President, I move to reconsider the vote.

Mr. WOFFORD. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. BYRD. Mr. President, I yield the floor.

Mr. SEYMOUR addressed the Chair.

The PRESIDING OFFICER. The Senator from California [Mr. SEYMOUR] is recognized.

AMENDMENT NO. 1848

(Purpose: To prohibit the use of funds to provide assistance to persons arrested or subject to pending charges for, or convicted of, riot-related crime in the City or County of Los Angeles, California)

Mr. SEYMOUR. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The amendment will be stated.

The assistant legislative clerk read as follows:

The Senator from California [Mr. SEYMOUR] proposes an amendment numbered 1848.

Mr. SEYMOUR. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

GENERAL PROVISIONS

SEC. 101. (a) IN GENERAL.—None of the funds made available in this Act may be used to provide any grant, loan, or other assistance to any person who—

(1) is under arrest for;

(2) is subject to a pending charge of committing; or

(3) is convicted of committing,

a riot-related crime in the City or County of Los Angeles, California, during the period of unrest occurring April 29 through May 9, 1992. All appropriate Federal agencies shall take the necessary actions to carry out the provisions of this section.

(b) APPLICANTS CERTIFY.—Any applicant for aid provided under this Act shall certify to the Federal agency providing such aid that the applicant is not a person described in subsection (a) or acting on behalf of such person.

(c) DEFINITION.—For purposes of this section, the term "riot-related crime" means any Federal or State offense committed in connection with rioting, including murder, arson, looting, theft, assault, and vandalism.

Mr. SEYMOUR. Mr. President, I offer this amendment along with my good friend the distinguished Senator from Texas [Mr. GRAMM], to simply clarify who it is we are helping in this important supplemental appropriations bill.

This amendment simply states that no funds in this appropriations bill may be made available to any person who is convicted of committing a riot-related crime in the city and county of Los Angeles and, furthermore, no funds shall be made available to any individual who is arrested or indicted until that individual is cleared of any wrongdoing.

Mr. President, there seems to be some confusion as to who we are helping in this supplemental aid bill. To me, it is very clear who we are helping. We are helping the citizen who stayed home rather than loot and pillage but went to work the next day to find that his or her job was gone. We are helping the store owners, those who ran the mom-and-pop shops who watched years of hard work wiped out in a matter of minutes, livelihoods turned into stinging smoke and burning ash. We are here to resolve livelihoods, not reward rioters, looters, arsonists, and murderers. We are here to help the law-abiding citizens and not the law breakers. We are here to help the good people of Los Angeles.

The amendment before us is designed to erase any doubt that exists that the results of this amendment may stray beyond our intentions. This amendment puts teeth into our good intentions, to make sure that not one penny of the taxpayer's money goes to those who destroyed both lives and livelihoods in Los Angeles.

This is a very simple amendment, Mr. President. It simply makes real our good intentions. It ensures the results of this supplemental bill will match our intentions and, for that reason, I strongly urge my colleagues to support this important amendment to the bill.

Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is not a sufficient second at the moment.

Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. Is there further debate on amendment No. 1848 by the Senator from California?

Mr. BYRD. Mr. President, there are some Senators on both sides of the aisle who are not necessarily close by. So, I suggest that if we could get up another amendment——

Mr. SYMMS. Mr. President, I have an amendment, and I am ready to go.

Mr. BYRD. Mr. President, I ask unanimous consent that the pending amendment be temporarily laid aside so that Mr. SYMMS may offer an amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 1849

Mr. SYMMS. Mr. President, I call up an amendment which is at the desk.

The PRESIDING OFFICER. The clerk will report the amendment.

The assistant legislative clerk read as follows:

The Senator from Idaho [Mr. SYMMS] proposes an amendment numbered 1849.

Mr. SYMMS. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

SEC. . CONTROL OF OUTDOOR ADVERTISING.

Section 131(n) of title 23, United States Code, is amended by adding at the end the following new sentence: "Funds apportioned to a State under section 104 of this title shall not be treated for purposes of the preceding sentence as being available to the State for making such a payment except to the extent that the State, in its discretion, expends such funds for such a payment.".

Mr. SYMMS. Mr. President, it will not take long to explain this amendment. I will not speak very long on it because the issue is very simple. In the Intermodal Surface Transportation Efficiency Act, commonly known as ISTEA, we allowed the States for the first time to use the regular highway construction funds to pay for the removal of nonconforming billboards. These are not illegal billboards which are erected illegally and must be removed without payment. Rather, these are billboards which were erected legally but subsequently became nonconforming under the Highway Beautification Act. And Congress requires that States pay the owners when these signs are taken down.

Mr. President, I find it unfortunate to have to offer this amendment because the Federal Highway Administration has interpreted the statutory language to require—I repeat "to require"—that the States use their highway funds to remove nonconforming signs.

Mr. President, as a member of the transportation conference committee I can flatly say that the Federal Highway Administration interpretation is totally contrary to the intent, and I believe contrary to the intent of the majority, contrary to my intent, and I believe contrary to the intent of the conferees. What we intended—and this is the important part, I hope my colleagues who are in the Chamber will get this point—what we intended was to allow the States to use their regular highway funds to pay for the removal of nonconforming billboards at the discretion of the States.

In other words, if the States choose to do this, they may use their highway funds to take down these billboards. That is fine. If they do not choose to do so, they do not have to.

This amendment simply clarifies the statute so that the use of highway construction funds to pay for the removal of billboards will indeed be a matter left to the discretion of the States.

Mr. President, in addition to this, I would like at the end of my remarks to print in the RECORD a letter from the office of Senator HARRY REID to Secretary Andrew Card, signed by three other Senators, and a letter initiated in the other body by what they call the big four in the House which deal with highways to the Honorable Andrew Card which goes into detail and explains why this amendment is necessary, signed by Congressman ROE, Congressman HAMMERSCHMIDT, Congressman MINETA, and Congressman SHUSTER.

I ask unanimous consent at the end of my remarks that those two letters be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. SYMMS. In addition, I would like to print in the RECORD the job and infrastructure impacts of using Federal highway funds to remove nonconforming billboards. If the Federal Highway Administration interpretation in the March 6 regulation which we have all objected to sticks and holds into law, there will be a total of 98,000 nonconforming billboards removed at a cost of $1.2 billion, and jobs lost in infrastructure would range somewhere between 19,000 and 48,000 and the miles of road not built, lane miles, would be somewhere between 4,557 miles and 11,000 miles.

Mr. President, I wish to call this to the attention of Senators. I will pass this out so Senators can look up their State. I have already heard from my State. What is happening is, because of this interpretation, which was not what was the intent of the Congress, now they are threatening to withhold highway funds from States.

Our State DOT's are calling us saying "What in the world is going on? We thought we had this issue settled by Congress. It was worked out." We had these votes on the floor. I apologize to my colleagues to have to offer this amendment, but it is the only way I know how to get the intent of Congress enforced with the Federal Highway Administration.

Mr. President, I ask my colleagues that are interested—they can look up their respective States of how many jobs will be impacted. It is a considerable amount.

Another job loss, besides those highway jobs that are lost, is many of these nonconforming signs—I repeat they are not illegal signs, they are nonconforming—are the lifeblood of small mom and pop stores, communities and businesses that are off of the respective highways. It is the way people find out that those businesses are available, and without those signs those people lose jobs. So I hope that my colleagues would accept this amendment and we would this way be able to work this out agreeably at the Department of Transportation.

Mr. President, I ask unanimous consent to have this job data printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

THE JOB AND INFRASTRUCTURE IMPACTS OF USING FEDERAL HIGHWAY FUNDS TO REMOVE NONCONFORMING BILLBOARDS

State	Signs to remove	Cost (Ind. est.)	Cost (DOT est.)	Job lost	Lane miles not rehabed
Wisconsin	10,195	$124,389,195	47,427,140	1,924–5,046	474–1,243
Pennsylvania	7,688	93,801,233	35,764,576	1,449–3,805	357–938
Texas	7,535	91,934,535	35,052,820	1,421–3,731	350–919
Florida	6,584	80,331,384	30,628,768	1,242–3,260	308–803
Kansas	5,396	65,836,596	25,102,182	1,019–2,671	251–658
Indiana	5,340	65,153,340	24,841,680	1,006–2,643	248–651
Tennessee	3,704	45,192,504	17,231,008	698–1,831	172–451
Arizona	3,514	42,874,314	16,347,128	661–1,737	163–428
Ohio	3,481	42,471,681	16,193,612	653–1,721	161–424
North Carolina	3,296	40,214,496	15,332,992	621–1,632	153–402
Missouri	3,221	39,299,421	14,984,092	604–1,591	149–392
South Dakota	3,036	37,042,236	14,123,472	572–1,502	141–370
Michigan	2,989	36,468,789	13,904,828	564–1,477	139–364
Alabama	2,959	36,102,759	13,765,268	556–1,465	137–361
California	2,884	35,187,684	13,416,368	544–1,425	134–351
Georgia	2,563	31,271,163	11,923,076	483–1,266	119–312
Oklahoma	2,494	30,429,294	11,602,088	470–1,234	116–304
New York	2,314	28,233,114	10,764,728	434–1,144	107–282
Virginia	2,164	26,402,964	10,066,928	406–1,071	100–264
South Carolina	1,971	24,048,171	9,169,092	369–974	91–240
Illinois	1,950	23,791,950	9,071,400	365–962	90–237
Nebraska	1,805	22,022,805	8,396,860	336–893	83–220
Wyoming	1,642	20,034,042	7,638,584	308–812	76–200
Maryland	1,450	17,691,450	6,745,400	272–714	67–176
Mississippi	1,077	13,140,477	5,010,204	203–531	50–131
Arkansas	1,060	12,933,060	4,931,120	198–523	49–129
Colorado	965	11,773,965	4,489,180	178–475	44–117
New Mexico	965	11,773,965	4,489,180	178–475	44–117
Montana	748	9,126,348	3,479,696	138–369	34–91
Kentucky	677	8,260,077	3,149,404	125–332	31–82
Louisiana	629	7,674,429	2,926,108	117–308	29–76
New Jersey	491	5,990,691	2,284,132	113–239	22–59
Iowa	461	5,624,661	2,144,572	85–227	21–56
North Dakota	359	4,380,159	1,670,068	64–174	16–43
Idaho	142	1,732,542	660,584	24–69	6–17
New Hampshire	135	1,647,135	628,020	24–64	6–16
Delaware	103	1,256,703	479,156	16–48	5–12
Connecticut	85	1,037,085	395,420	15–40	4–10
Rhode Island	71	866,271	330,292	12–32	3–9
Minnesota	60	732,060	279,120	8–28	3–7
West Virginia	47	573,447	218,644	8–20	2–6
Massachusetts	42	512,442	195,384	7–20	2–5
Washington	32	390,432	148,364	5–15	1–4
Oregon	14	170,814	65,128	2–6	6–2
Nevada	12	146,412	55,824	2–5	5–1.5
Alaska	0	0	0	0	0
District of Columbia	0	0	0	0	0
Hawaii	0	0	0	0	0
Maine	0	0	0	0	0
Puerto Rico	0	0	0	0	0
Utah	0	0	0	0	0
Vermont	0	0	0	0	0
Total	98,350	[1]428	[2]1.2	18,499–48,610	4,557.1–11,980.5

[1] Millions.

[2] Billions.

Source: American Road & Transportation Builders Association analysis.

EXHIBIT 1

U.S. SENATE,
Washington, DC, April 1, 1992.

Hon. ANDREW CARD,
Secretary of Transportation, Washington, DC.

DEAR SECRETARY CARD: As Senators who participated in the debate on the Intermodal Surface Transportation Efficiency Act of 1991, we must take issue with the guidance published in the March 6, 1992, Federal Register by the Federal Highway Administration. These guidelines are completely contrary to the intent of Congress when it passed the bill. If followed, the guidelines would erode state flexibility, drain funds from other important surface transportation programs, and cost many thousands of jobs.

In its guidance, FHWA erroneously concludes that ISTEA requires states to begin the immediate removal of nonconforming signs, and it gives them two years to complete the job. That was never the intent of the legislation.

The ISTEA simply made nonconforming sign removal eligible for funding under the federal-aid highway program. Our intent was clearly to give the states the flexibility to use their federal-aid highway funds for removal of nonconforming signs if they chose to do so.

We gave no deadline for the removal of nonconforming signs. Had we intended that states be required to remove these signs within two years, we would have said so, and we would have stated it explicitly, as we did in setting a 90-day deadline for the removal of illegal signs.

In addition to taking from the states the flexibility to decide how to spend their highway funds, the FHWA's proposed deadline would take funds away from important highway, transit, highway safety, congestion mitigation, and air quality improvement programs. By doing so, it would undermine the job creation potential of the ISTEA. Many thousands of jobs would go unfilled.

It is shocking that a federal agency in this administration would propose an action that is well beyond the intent of Congress and do so in a way that robs states of the flexibility they want, need, and deserve. In addition to burdening states with new requirements, the FHWA guidance has a damaging impact on business and, in this case, many tourist-related small businesses. All of this comes at a time when we can ill afford to create additional problems for the American economy.

For all of these reasons, we demand that action be taken to rescind this guidance as quickly as possible.

Sincerely,

HARRY REID.
TOM DASCHLE.
JOHN BREAUX.
STEVE SYMMS.

COMMITTEE ON PUBLIC WORKS AND TRANSPORTATION,
Washington, DC, March 30, 1992.

Hon. ANDREW CARD,
Secretary, Department of Transportation, Washington, DC.

DEAR MR. SECRETARY: We are writing to express our strong disagreement with a proposed interpretation of the Federal Highway Administration regarding outdoor advertising provisions in the Intermodal Surface Transportation Efficiency Act of 1991 (ISTEA). In a March 6, 1992 notice, FHWA indicates that it will require States to remove all nonconforming signs within 2 years. This result is completely contrary to the intent of Congress in passing ISTEA, and in addition, it is inconsistent with the language of ISTEA when read in its entirely.

The amendments made by ISTEA permit, but do not require, the use of highway apportionments for removal of nonconforming signs. Specifically, a new sentence added to the law states that ". . . a State *may* use any funds apportioned to it under section 104 of this title for removal of any sign, display, or device lawfully erected which does not conform to this section" (emphasis added). This approach is consistent with the overriding theme of the bill: flexibility by the States in the use of transportation funds. The bill provides States with an unprecedented amount of discretion in spending funds on a wide range of transportation activities. The Congress felt it to be of paramount importance to reduce the Federal mandates in transportation decisionmaking and to permit the States to make funding choices among the many competing projects.

Congress retained the requirement that cash compensation be paid when nonconforming signs are removed. At the same time, Congress included billboard removal among the eligible purposes for apportioned funds in order to allow those States that want to aggressively remove nonconforming signs to do so. In taking this action Congress believed that it was taking a step forward in meeting the goals of the Highway Beautification Act by giving the States the tools they would need if they chose to remove the signs.

It is important to note that we included in the bill a requirement that 10 percent of the surface transportation program funds be spent for activities like billboard removal ("transportation enhancements") that might otherwise have difficulty competing for funds. We were clearly trying to find ways to encourage States to use their discretion to achieve the goals of the Beautification Act, in lieu of an approach that would have mandated removal of nonconforming signs. We would not have needed to provide this encouragement if we had in fact provided such a mandate.

Simply put, an interpretation like that now proposed by FHWA was never proposed, suggested, or discussed. Indeed, such a proposal would have been rejected as inconsistent with the thrust of the legislation and the intent of the Congress in dealing with the issue of billboards. Not surprisingly, various FHWA documents produced after the enactment of ISTEA failed to mention this interpretation. For example, a January 9, 1992 memo to Regional FHWA Administrators indicates that "states may want to consider giving some priority in the use of * * * funds" for sign removal (emphasis added). The March 6 notice itself states that "we do not believe that the Congress intended that the removal of signs take precedence over all other title 23 projects and programs". What is surprising is that FHWA would propose a policy that would have the opposite effect, namely to require expenditures for billboard removal ahead of other projects.

The FHWA position is premised on section 131(n) of title 23, United States Code, which states that signs are not required to be removed if the Federal share of the compensation is not available. The FHWA view is that the authority to use apportioned funds for billboard removal makes them available within the meaning of section 131(n).

Another reading of this language is that funds are not available for purposes of section 131(n) until the State, in the exercise of its discretion in the use of its apportioned funds, chooses to make them available. The opportunity to use these funds for sign removal, based upon State choice, is quite different from the availability of funds that were previously appropriated under section 131(m) for billboard removal; those appropriated funds were dedicated to sign removal and could be used for no other purpose. this reading, and not the FHWA reading, is consistent with the language of the statute that makes the funding for sign removal permissive.

Very significant support for this reading is also found in the fact that the Congress did not repeal section 131(n). Indeed, the retention of this section is incompatible with the FHWA interpretation. If funds are now automatically available for billboard removal, as the FHWA has stated, then there would be no need to retain a condition providing for what happens when funds are not available. Courts are compelled to give meaning to all provisions in statutes. This condition only has meaning if there are circumstances in which funds are not available for sign removal. As we have suggested, our intention was to give the State the choice of making those funds available for removal of nonconforming signs, and that should be clear from the Act when read in its entirety.

The proposed FHWA interpretation would be a dramatic change in federal policy toward billboard removal. It is inconceivable that Congress could have legislated such a change without even mentioning that result. Nowhere in the legislative history is there any discussion of this result. Instead, all discussion is of discretion in the use of funds for this purpose. In contrast to the treatment of illegal signs, which the statute explicitly requires to be removed within a time certain, no mention is made of requiring the removal of nonconforming signs. Surely, if we had meant to require the removal of these signs we would have done so explicitly and would have provided a phase-in of the requirement.

In summary, by making removal of nonconforming signs an eligible purpose for the use of apportioned funds, the Congress provided States with an important tool for meeting the goals of the Highway Beautification Act. But we always intended that this tool be used in the discretion of the State. States for which removal of nonconforming signs is a high priority will be able to use their apportionments as quickly as they wish for this purpose. By the same token, those States for which this is a low priority will be able to choose to fund their higher priority highway or transit projects.

For all these reasons, we believe that the FHWA notice of March 6 is contrary to the ISTEA and should be rescinded.

With highest regards,

Sincerely,

ROBERT A. ROE,
Member of Congress.
JOHN PAUL HAMMERSCHMIDT,
Member of Congress.
NORMAN Y. MINETA,
Member of Congress.
BUD SHUSTER,
Member of Congress.

Mr. PRESSLER. Mr. President, I rise today to support the amendment offered by my colleague from Idaho.

Under current law, the Surface Transportation Act allows States to use regular construction funds to pay for the removal of nonconforming billboards. The Federal Highway Administration has interpreted this to require that States use these funds for that purpose. This was not the intention of the law. The amendment offered tonight clarifies this intent by allowing States to use construction funds for this purpose only if they want to do so. If the States want to use these funds for other purposes, such as the construction of roads, they will also have that option.

I am pleased to support this technical amendment, which will give States the flexibility to determine how to best use their construction funds. Thank you, Mr. Chairman.

Mr. CHAFEE addressed the Chair.

The PRESIDING OFFICER. The Senator from Rhode Island.

Mr. CHAFEE. Mr. President, first of all, I want to say that I think the Federal Highway Administration has done the right thing in enforcing or attempting to enforce the law. And, by the way, there is no enforcement yet under it. What they are doing is sending out some potential rules under it as they interpret the law. And they would give the States 2 or perhaps as many as 5 years to take down nonconforming boards. So I think they are correct in doing that. However, we have been over this many times in the past and I know what the situation is here on the floor of the Senate as regards to this billboard situation.

I must say, we made considerable progress under the Surface Transportation Act of 1991 in providing that Federal highway moneys can be used to take down nonconforming boards. And even under the interpretation of the Senator from Idaho, that money would still be available at the option of the Senate. The difference is whether it is mandatory or whether it is optional.

I would prefer it be mandatory, get these nonconforming boards down once and for all. But I know what the sentiment was in the conference. Indeed I can only say the Senator from Idaho is accurate in his interpretation of what the belief was in the conference that we held. Nonetheless, I applaud the Federal Highway Administration for having the courage to stand up to the billboard lobby. But I think that the Senator from Idaho has given an accurate interpretation of what the belief was when we drafted the bill.

So I do hope that the States will move ahead. Every State has the option to go ahead and take down these nonconforming boards.

Mr. SYMMS. Mr. President, if I could just comment. I thank the Senator for his comments. Senator CHAFEE was a bulldog, literally, in that conference. He finally, at one point in the scenic highway section, had the conferees agreeing with no new billboards. I think Senator CHAFEE deserves that commendation. I appreciate his comments on the accuracy of this and I hope the committee could accept this amendment.

Mr. CHAFEE. Mr. President, I am not in favor of it, but I do not want to carry this on any further. I am not going to object to it.

Mr. GRAHAM addressed the Chair.

The PRESIDING OFFICER. The Senator from Florida is recognized.

Mr. GRAHAM. Mr. President, would the Senator from Idaho, the sponsor of this amendment, respond to a question?

Mr. BYRD addressed the Chair.

The PRESIDING OFFICER. The Senator from Florida has the floor.

Mr. GRAHAM. I yield to the Senator from West Virginia.

The PRESIDING OFFICER. The Senator from West Virginia is recognized.

Mr. BYRD. Mr. President, we are temporarily, or at least momentarily, trying to get some advice from the appropriators on the subcommittee that has jurisdiction to see if we might go ahead and accept this amendment. So if we might defer action on the amendment for the moment and have the amendment temporarily set aside so another Senator can call up an amendment.

Mr. SYMMS. That is fine.

Mr. BYRD. Mr. President, I do not have the floor. The Senator from Florida has the floor.

Mr. GRAHAM. Mr. President, while we are in this position, would the Senator from Idaho be willing to respond to a short question on this amendment?

Mr. SYMMS. Yes.

Mr. GRAHAM. Mr. President, the amendment states that: "Funds apportioned to a State under section 104 of this title shall not be treated for purposes of the preceding sentence as being available to the State for making such a payment except to the extent that the State in its discretion expends funds for such a payment."

Is it the Senator's intention that a State would still have the authority to expend Federal highway funds for this purpose, but it would be at the State's election as to whether to do so; it could not be directed or mandated by the U.S. Highway Administration or Department of Transportation?

Mr. SYMMS. Yes, the Senator is correct. That is my interpretation. I can read right from the United States Code. No sign, display, or device shall be required to be removed under this section if the Federal share of the just compensation to be made upon removal of such sign, display, or device is not available to make such payment.

But the money is available. If the State chooses to do it, they may do it. What we are saying is the Federal Highway Administration has no authority to direct that they must do it.

Mr. GRAHAM. I thank the Senator.

I yield the floor.

Mr. BYRD. Mr. President, on this side, I am advised that we are ready to accept the amendment by Mr. SYMMS.

Mr. CHAFEE. Mr. President, might I ask another question of the Senator from Idaho?

As you know, this is a very tricky section. We have had a lot of experience with these sections referring back to the highway beautification section.

Again, following up on what the Senator from Florida said, there is no question whatsoever under the amendment of the Senator from Idaho, his interpretation of it, that highway funds can be used to take down nonconforming billboards should the State so choose to use those funds?

Mr. SYMMS. That is correct. That is my interpretation.

The PRESIDING OFFICER. Is there further debate on the amendment? If there is no further debate, the question is on agreeing to amendment No. 1849 offered by the Senator from Idaho.

The amendment (No. 1849) was agreed to.

Mr. SYMMS. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. NICKLES. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 1848

The PRESIDING OFFICER. The question occurs on the amendment, No. 1848, offered by the Senator from California [Mr. SEYMOUR].

Mr. BYRD. Mr. President, I ask unanimous consent that Mr. HOLLINGS be added as an original cosponsor to the amendment offered by the junior Senator from California prohibiting the use of funds in this bill to assist persons arrested on pending charges for riot-related crime in the city of Los Angeles.

The PRESIDING OFFICER. Without objection, it is so ordered.

Several Senators addressed the Chair.

The PRESIDING OFFICER. The Senator from Minnesota.

Mr. DURENBERGER. Mr. President, I rise in opposition to the amendment offered by the distinguished Senator from California [Mr. SEYMOUR].

Mr. President, I do not believe that any of the emergency funds provided in this bill should be made available to a person who participated in the looting, burning and murdering that took place in Los Angeles after the verdict in the case involving the assaults on Rodney King. Nor do I think that any U.S. Senator wants these funds to go to any of these criminals.

However, this amendment flies in the face of our Nation's two-century tradition of jurisprudence. In America, an individual is innocent until proven guilty by a jury of his peers. That is arguably the single most important protection that citizens of a free society can be guaranteed against an arbitrary and abusive police state.

The standard set out in this amendment is not innocent until proven guilty. The standard is guilty until cleared. Under this amendment, none of these funds can be provided to a person who was arrested for a riot-related crime in Los Angeles between April 29, and May 9. Arrested, Mr. President. Arrested by the Los Angeles Police Department.

Since when do we impose penalties on people who have not yet received the benefit of a fair and impartial jury trial? Do the Members of this body believe that every single person who was arrested during those violent days was guilty? And yet, this amendment would stigmatize the innocent along with the guilty.

Moreover, Mr. President, what is a riot-related crime? Under this amendment it "includes an offense committed in connection with rioting, including murder, arson, looting, theft, assault and vandalism."

After the LA riots started, the mayor of Los Angeles declared a dawn to dusk curfew. Many citizens, some intentionally, others inadvertently, violated that curfew and were arrested. Charges are still pending against those individuals. Are these riot-related crimes because the curfew resulted from the riots?

Even if a person was convicted of violating the curfew, should that conviction preclude the individual from receiving Federal funds?

Mr. President, the sweep of this amendment is far too broad. I urge my colleagues to reject this amendment.

Mr. BIDEN. Mr. President, I would like to point out to all Senators that if the Seymour amendment to this bill were adopted, numerous important provisions would be eviscerated.

Most importantly, the Seymour amendment would hamstring local law enforcement's efforts to use the $250 million provided by this bill for the Weed and Seed Program. For example, the Seymour amendment would prohibit local law enforcement from using Weed and Seed dollars to put offenders—if they were rioters—in boot camp prisons. And, the Seymour amendment would prohibit local law enforcement from using Weed and Seed dollars to target rioters with antigang enforcement efforts.

Quite simply, local law enforcement will need to use Weed and Seed dollars—particularly the weeding funds—to target the thugs and criminals involved in the Los Angeles riots. The Seymour amendment would prohibit the use of these dollars to arrest, prosecute and punish these dangerous criminals. Such a prohibition cannot stand.

The PRESIDING OFFICER. The Senator from West Virginia.

Mr. BYRD. Mr. President, I ask unanimous consent the amendment by the distinguished Senator from California be temporarily laid aside so Senators may be informed on both sides of the aisle that there may be one or more rollcall votes in the reasonably near future.

The PRESIDING OFFICER. Without objection, the amendment by the Senator from California, amendment No. 1848, is temporarily laid aside.

AMENDMENT NO. 1850

(Purpose: To provide a limitation on the effective date)

Mr. GRAHAM. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The bill clerk read as follows:

The Senator from Florida [Mr. GRAHAM] proposes an amendment numbered 1850.

On page 4, between lines 6 and 7, insert the following new section:

LIMITATION

SEC. 101. Notwithstanding any other provision of law, the appropriations authorized under this Act shall not become effective until such time as legislation is enacted and becomes effective that rescinds funds appropriated prior to the date of enactment of this Act for fiscal year 1992 in an amount at least equal to the aggregate amount of appropriations authorized under this Act.

The PRESIDING OFFICER. The Senator from Florida.

Mr. GRAHAM. Mr. President, there are many laudatory purposes in this act. We are dealing with emergency issues to be funded through the Federal Emergency Management Agency, through the Small Business Administration, and a number of laudatory social and economic programs.

There is a fundamental question, and that is, Who should pay for these programs? If we adopt the position that these should be treated as an emergency outside of our current budget restraints, what we are essentially saying is that these programs are important enough for us to get the benefits of the current spending but for our grandchildren to pay for by an addition to the Federal budget deficit. I do not consider that to be an acceptable transfer of responsibility to the next generation of Americans.

What I have proposed is a linkage of current proposals to rescind appropriations already embedded in the 1992 Appropriations Act, that is for the current fiscal year, to link the rescission of a sufficient number of those currently authorized accounts which, in aggregate, would have to equal or exceed any funding under this act.

As you know, Mr. President, this Chamber has already passed such a rescission bill. I hope that soon we will have the opportunity to vote on a rescission bill that has emerged from conference. I want to see that rescission bill goes into effect, has the force of law, actually deletes current appropriations, and reduces the level of spending in an amount at least equal to any new spending that we are now about to ask be appropriated. That is, at least, a statement that we are not going to add, by this action, to the already some $400 billion of deficit that will be 1992's gift to the future of America. We will say that we will discipline ourselves to the extent that we will rescind current spending as a precondition to the appropriation of any new spending under this act.

I believe it is also important that we look at a couple of policy issues within the proposed appropriations. One of those policy issues is the bill, as it came from the House, focused on emergency spending in SBA and the Federal Emergency Management Agency. I am concerned that there appears to have been a pattern in recent years of the President systematically asking for substantially less money in these programs than their history would indicate is required. As an example, in 1985, the President requested for the disaster relief fund, $100 million. We actually had expended in the previous year $243 million and would expend in 1985, $191 million. In 1986 the President asked for $194 million for disaster relief. We actually expended $335 million. In 1987, the request, $100 million; expenditures, $219 million.

There has been a consistent pattern that goes forward up until the current fiscal year of requests that have consistently been significantly less than the pattern of expenditure. The consequence is we are asked, year after year, to pass supplemental appropriations bills, adding them to the Federal deficit, unfunded, in order to make up the gap. I believe that is a practice that we need to reverse.

Second, the programs that have been added to this bill since it has been in the Senate, such as the job training programs, Chapter I programs, Head Start—all very positive programs—these are not programs we expect to disappear after the summer of 1992. These are long-term commitments. I know the President has been one of the strongest advocates for full funding of these programs, particularly the Head Start Program. I do not think we want to send the signal that this increase in Head Start that we will be authorizing here is a one summer only phenomenon and will be crushed after the summer of 1992. Rather, we want it to be presented as a new commitment to our children, especially to the children in our cities, that these programs will be available on an expanded basis and, hopefully, soon for all eligible children.

Therefore, Mr. President, since we cannot fund these programs forever by just adding them to the deficit, why not start now by saying that these programs will be funded by the discipline of terminating, through rescission, appropriations that are already authorized in an amount at least equal to that which we will now appropriate under this legislation?

Thank you, Mr. President.

The PRESIDING OFFICER. The Senator from West Virginia.

Mr. BYRD. Mr. President, I regret to have to oppose this amendment. I thought I indicated to the distinguished Senator from Florida that I would oppose it. Having said that, I recognize his right to call up the amendment, but I will have to oppose this amendment.

First of all, there is no assurance that the President will sign a rescission bill. We on the Appropriations Committee, on both sides in this body and on both sides in the other body, have worked hard, have worked conscientiously, diligently, and with great dedication, and, I think, with reason to develop a rescission bill. We have completed our conference, and the rescission bill that is the work product of the conference rescinds over $8 billion.

I do not have any assurance the President will sign that bill. I hope he does. But I call to the attention of Senators that if the President were not to sign that rescission bill, then this amendment, if adopted, would prohibit the obligation of any funds in the act, not just the funds that were added in the committee by the Byrd/Hatfield amendment, but would prohibit the obligation of any funds in the act, the funds that the President requested, until rescissions are enacted to cover them.

So, Senators ought to be aware of what they are doing in voting on or in relation to this amendment. If they vote for this amendment they are saying the bill that we have spent all afternoon on today and which the House has acted on and which we marked up yesterday in the Appropriations Committee is in limbo until such time as rescissions are enacted by both Houses and signed into law by the President. So, if Senators want to kill the supplemental appropriations bill, this in one way to do it—vote for this amendment. I shall oppose it, and I shall move to table it at the appropriate time.

Mr. President, I do not yield the floor for the moment. If the Senator, my friend, would just—I want to see what Senator HATFIELD has to divulge to me in confidence.

Mr. President, I do not want to delay the Senator from Oklahoma, if he wishes to call up an amendment. I ask unanimous consent that the pending amendment be laid aside.

Mr. NICKLES. If the Senator will yield, I want to speak on his amendment for a moment and then I will be happy to speak on my amendment as well.

Mr. BYRD. Mr. President, I yield the floor.

Mr. NICKLES addressed the Chair.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. NICKLES. Mr. President, I wish to compliment my colleagues, Senator GRAHAM from Florida and Senator BROWN from Colorado, for their work on this amendment. I understand Senator BROWN was close to proposing the same amendment. I think it is an excellent amendment. Before we pass this urgent supplemental that includes a lot of money for a lot of programs that are not in the urgent category, we should rescind at least that amount of money.

In other words, let us not be creating or adding to the deficit.

I compliment my colleague from Florida. I compliment my colleague from Colorado. I think this is an excellent amendment. I hope it will be adopted. It is an important amendment. This is an amendment that says we will not be adding to the deficit by this urgent supplemental. I hope that is the case.

So, again, I compliment my colleague from Florida, and I ask unanimous consent to be added as a cosponsor to this amendment.

Mr. BYRD. Mr. President, will the Senator from Oregon get recognition and yield to me?

Mr. HATFIELD addressed the Chair.

The PRESIDING OFFICER. Without objection, the request of the Senator from Oklahoma is granted. The Senator from Oregon.

Mr. HATFIELD. I yield to the Senator from West Virginia.

Mr. BYRD. Mr. President, I suggest we alert our colleagues who are off the Hill to come back to the Hill because I anticipate a rollcall vote in the near future.

Mr. HATFIELD. Mr. President, I, too, will have to oppose this amendment. Let me suggest that this amendment really has a rather devious possibility—not devious perhaps, but unexpected possibility—of the President being able to use one veto and veto two bills. I do not think that is a procedure that we want to open up.

It seems to me that when the President has the rescission package that we will act on tomorrow, and if he should decide to veto that rescission package tomorrow once it is placed on his desk, he then, in effect, would be vetoing the supplemental appropriations bill. Two for one.

I think we have heard many times about trying to keep the balance among the three branches of Government, and I really feel that the amendment invites mischief. I do not care whether it is a Democratic President and a Republican Congress or a Republican President and a Democratic Congress, as we are now constituted. I just think the Congress ought to protect, jealously protect the mixing of powers as well as the separation of powers.

No bill can become law unless it passes two Houses of the Congress and is signed by the President. The President has an option to veto a bill, but one bill at a time, not two for one. This is not a discount sale we are engaged in. And this process invites, I say, from my perspective, political mischief.

I could give all kinds of examples out of this kind of a procedure if we allow this procedure to take precedent here tonight that could involve major policy questions, as well as financial matters in the appropriations process.

Let us not link two bills as we are doing. This is dangerous. I just cannot help but feel that maybe the proponents of this have not thought this out clearly. I think when we begin to tamper with the process that involves the mixing of powers between the legislative branch and executive branch, we better make certain that we are not yielding, or that we are not violating, the basic authority that we have under the Constitution to be a check and balance.

Bear in mind, the President could veto the rescission package, once enacted tomorrow, and in vetoing that, he has, in effect, by this provision, been able to veto the supplemental appropriations bill. But you say, oh, the President wants the supplemental appropriations bill. That is neither here nor there. The point is we are giving him, we are delegating, we are abdicating authority and power to the Presidency that I think we would live to regret, and I am not speaking to the merits of the components of either bill. You can argue for or against the rescission package, you can debate for or against the supplemental, but let us keep them unlinked in the sense the President has to act independently on each one.

Mr. BROWN addressed the Chair.

The PRESIDING OFFICER. The Senator from Colorado.

Mr. BROWN. Mr. President, I rise in favor of the Graham amendment, and I ask unanimous consent that I be added as a cosponsor.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BROWN. Mr. President, it may be that the experience of the distinguished Senator from Florida in State government has led him to this process. Whether it is simply sound judgment on his part or that experience in making budgets balance on the State level that brought him to this point, I do not know. I do know this is a good amendment. It is a responsible and honest amendment.

Mr. President, it is the way our States in this Nation balance their budgets. Unlike the Federal Government, most States make their budgets balance and the way they do it when they find emergencies or important events that come about during the year is by setting priorities.

All this amendment says is this Senate is going to set priorities. It says that we are going to decide that there is some spending that is more important than other spending. This is responsible, it is reasonable and it is the example followed by most of the States in this Nation. What we are suggesting is, that because we want money to deal with the emergencies related to the disasters in Los Angeles and Chicago, we are going to find other spending that is less important, and we are going to honor the budget resolution.

The amendment of the Senator from Florida says nothing more than this: That when we set budget targets, we mean it. We are going to abide by them and we are going to do a responsible job of legislating. Some very distinguished Members of this Chamber have expressed concerns about this amendment. They have pointed out that the rescissions that have been passed by this Chamber and by the House have not yet finally received the President's signature. I think that is a reasonable observation. It is certainly an accurate one. The 1992 rescission bill has not been enacted at this point. Is it possible the President could veto it? Yes, of course, it is. But I would like to point out that the amendment is not dependent upon that specific rescission bill.

The language is very clear. It states: "Legislation is enacted and becomes effective that rescinds funds appropriated prior to the date of the enactment of this Act for fiscal year 1992."

We are not tied to one particular rescission bill. We are tied to the concept of making sure that if we are going to increase spending in this country, that we subtract it from somewhere else in the budget. There is flexibility under this amendment, but the bottom line is we are going to honor the concept of sticking within our budget limits.

Mr. President, in the last decade, there is not a single year, not one year that the Congress of the United States has abided by the budget targets it set.

Is there an American in this country who believes this Congress is serious about meeting its budget targets? I do not think so. I think all they have to do is look at what we have done in the past. Every single year we set targets and every single year this Congress exceeds them.

This amendment says we are going to have honesty in budgeting. This amendment says we are going to live by what we said. This amendment says we are going to cut enough spending to provide for the additional spending that is proposed in this bill.

I suppose a legitimate question would be are there enough rescissions to provide for the large amount of money proposed to deal with this emergency? For those who have asked, I think it is worth looking at the fact that the President requested rescinding budget authority in the amount of almost $7.9 billion; that the House-passed version, which was the lowest version, came up with almost $5.8 billion, and that the Senate-passed version, the one that this body passed, is $8.267 billion.

I suppose an additional question could be asked, where does it lie in terms of 1992? The Senate version, the one this body has already passed, rescinded $2.699 billion in authority. Mr. President, I did not think it was nearly large enough. Some of the Members may recall I offered an amendment that would have rescinded an additional $61 million. They were, incidentally, programs that I cannot imagine anyone would oppose eliminating. Certainly no one came on this floor and said what great programs they were.

The fact is they were not great programs. The fact is this Nation can abide by its budget; can honor its word; can live within its budget.

This amendment is much more important than simply the money that is involved in this bill. This amendment involves integrity in the budgeting process.

I support that integrity, and I salute the Senator from Florida for his efforts to make sure this country and this body honors its word with regard to the budget.

Mr. GRAMM addressed the Chair.

The PRESIDING OFFICER. The Senator from Texas.

Mr. GRAMM. Mr. President, I would like to take this opportunity to speak in favor of both amendments that are pending, and let me start with the amendment of our dear colleague from California, Senator SEYMOUR.

Mr. President, I had an opportunity to be in California last weekend, and on Saturday night I met with leaders of the Korean-American community to talk about the riots and to talk about the impact it had on them with the destruction of some 2,200 businesses. The people I talked to were very concerned about what was happening with the congressional response to the riots.

They made it very clear to me they were concerned we were responding with legislation that has been used historically to deal with floods and hurricanes and earthquakes where everybody in an area is equally a victim, when in fact in this case there were people who were real victims, people who were brutalized, people whose stores were looted, people whose stores were burned down, there were people who were affected indirectly by these events, and then there were the people who imposed these costs on the people who lived and worked and invested in Los Angeles, CA.

The concern expressed to me was that the initial programs which were available for disaster assistance were all available on a needs basis. Their concern was that many of the people who owned the stores that were burned down, many of the people who bore the heaviest burden of the cost, did not qualify for any of these programs and were not eligible for the benefits.

They were deeply concerned, as many of our fellow citizens are, Mr. President, that we were going to respond by throwing a whole bunch of money at this problem and much of the money was going to go to the people who burned the stores down; that much of the money was going to go to the people who imposed costs on other people; and that maybe they, the people who invested sweat equity by working 16, 18 hours a day, people who had saved, and scrimped, and worked a lifetime to build a business, were not going to benefit.

Mr. President, the amendment offered by Senator SEYMOUR is an effort to deal with this problem. What the amendment says is, if you were engaged in criminal activity in these riots, you cannot qualify for disaster relief because you participated in imposing the disaster on Los Angeles, CA.

Now, I know there are many here who are saying, or who believe that this was the result of people who were in despair, people who were angry, and there is no doubt, tragically, that there was some of that. But I ask colleagues in looking at this amendment to look at some cold hard facts. The Attorney General tells me that of the first 5,000 people who were arrested in Los Angeles, CA, during these riots, one-third were illegal aliens. Of the first 5,000 that were arrested, one-third were illegal aliens.

Now, we have new data on a sample of 1,000 people who were arrested and charged. Out of that 1,000 people who were picked up, many of them on simple misdemeanor charges, 257 of them were out on parole or probation after felony convictions; 25.7 percent of the 1,000 people that were selected in this random sample of the people who were arrested were people who were out on the streets after felony convictions.

Mr. President, these are hardened criminals; these are people who took advantage of the circumstances; and these are not the people the American taxpayer wants to spend money to help. These are people the American taxpayers wants put in jail and kept there.

I thank our dear colleague from California for giving us an opportunity to vote to assure that none of the taxpayers' hard-earned money is going to go to people who took advantage of the situation, who burned and looted and killed in Los Angeles, CA. I think this amendment is excellent, and I commend the distinguished Senator from California for his leadership.

Mr. President, I also want to endorse the amendment of our colleague from Florida, Senator GRAHAM, and our colleague from Oklahoma, Senator NICKLES. It may well be some people say this is an amendment that creates a two-part legislative process, and they are right; it creates a two-part legislative process. One part is pay and the other part is go.

Now, there are some people who want to go but who do not want to pay. What this amendment says very simply is that we have a $400 billion deficit, and before we go out and spend a lot of money we do not have, maybe we ought to look at the Federal budget and out of a $1.5 trillion budget find some programs we do not need, that we can rescind, that we can terminate or cut in order to pay for these benefits we are handing out. So I strongly support this amendment.

Finally, Mr. President, let me say that I am concerned about this supplemental appropriations bill. We started out with a bill fairly modest in scope. We now have a bill that costs $1.94 billion. What we have done is exactly what critics of the Congress said we were going to do. If you listened to the critics after the riot, they predicted what Congress was going to do was not start a single new program, not bring forward a single new idea but what we were going to do was respond by simply throwing money at the problem.

I submit, Mr. President, that is exactly what we are doing, throwing almost $2 billion of money on programs which, to one degree or another, are already in effect. We are not adopting enterprise zones. We are not addressing fundamentally new initiatives. I support many of the things on which we are spending money. The Weed and Seed Program is a good program, but we do not see any new and powerful ideas which did not exist in law before this crisis occurred. All we see is an effort to respond as Congress always responds—by spending more and more money we do not have.

Now, I know we are going to have some who are going to respond by saying, well, there is a little catch in this bill. The little catch is unless the President declares it is an emergency, he does not have to spend the money.

Mr. President, obviously, there are many here who hope he will declare it an emergency and will spend the money, and there are also some who I suspect hope he will not, so that if he does not they can blame him by saying he is holding back this much-needed aid.

I think if we are going to spend $1.9 billion, that we ought to go back into our annual Federal budget and take the money away from something that is not as important. I suspect if we were doing that, we would be spending a lot less than $1.9 billion. I think the amendment that requires us to pay for this program in order to fund it is important.

Finally, I would like to suggest that the President has an alternative other than busting the budget, or other than not declaring an emergency, and thereby putting himself in the position where some could go out and say if only George Bush were not holding up assistance we could have this money.

I would like to suggest that if the President decides to sign this bill, that he sign it and send rescissions to the Senate with proposed spending cuts to pay for it and say to us, you make the cuts and I will spend the money. I suspect if he did that, there would be many who would not be willing to make the cuts but who would like to spend the money.

So I want to thank our colleague from Florida. I certainly want to thank our colleague from California. I hope the Seymour amendments gets 100 votes in the Senate. It deserves 100 votes. I appreciate the leadership that is being provided here tonight on these important issues.

I yield the floor.

Mr. BYRD addressed the Chair.

The PRESIDING OFFICER. The Senator from West Virginia.

Mr. BYRD. The distinguished Senator from Texas expressed the wish that the President would send up some additional rescissions. I know of one or two I hope he will send up. One would deal with the superconductor super collider, and another would deal with the spaceship. And there are some other rescissions that perhaps we ought to think about adding when the President sends up another request.

We did not do anything to the Senators from Texas in the last rescission bill but the Senator so much desires that the President send up additional rescissions.

I suggest we take a closer look at the next group of rescissions that are sent up, and remember those Senators who have urged the President to send more and more rescissions up so as to balance the budget.

Of course rescissions will never balance the budget, even if they rescind the entire domestic discretionary fund.

The President has never sent up a balanced budget. This President has not. His predecessor has not.

To those who continue to criticize the Congress for spending, let me say to the distinguished Senators that since 1945 up to 1991, the various Presidents—I hope all Senators will get this; take down the figures—have requested $11,710,201,833,552. All the Presidents, beginning with 1945. Take down these figures—Congress has appropriated during those years $11,521,432,604,188.

What is the difference? To Congress' credit, Congress appropriated $188,769,229,364 less than the combined requests of all the Presidents, Republican and Democrat.

Where are those who want to challenge me on those figures? Where are those who wish to blame the Congress for spending? Where are they? Challenge the figures. I stated them from memory. I did not have them written down in front of me, but they are there.

So I hope we will at least have some people who are watching through that electronic eye up there and who are listening and who will hear what has just been said.

The Congress, I think, has acted responsibly. But there are those in this body—and John Heywood in the 1500's or early 1600's, I think it was, said, "It is a foule byrd that fyleth his owne nest."

I am sorry, I continue to be sorry, there are Members of this body who stand up on the floor and castigate the Congress of which we are Members and blame the Congress for the deficit. There is enough blame to go around. Congress can share some of the blame, but the Presidents can send up balanced budgets if they wish. Why have they not done it?

Mr. President, I am ready to vote on the amendment by Mr. GRAHAM.

Mr. NICKLES. Will the Senator yield the floor for a second?

Mr. BYRD. Yes.

Mr. NICKLES. I have an amendment. We have two amendments stacked right now. If the Senator would like to, I would be happy to take up my amendment, and my discussion of my amendment will not take very long. I have been waiting for some time to offer the amendment.

Mr. BYRD. What is the pending amendment?

The PRESIDING OFFICER. First of all, the Seymour amendment No. 1848 has been temporarily set aside and the pending amendment is No. 1850 of Senator GRAHAM of Florida.

Mr. BYRD. So the vote would occur on the Graham amendment?

The PRESIDING OFFICER. On the Graham amendment.

Mr. BYRD. If Senators are ready, I am ready to vote on the amendment. I hope that Senators will vote the amendment down.

Several Senators addressed the Chair.

The PRESIDING OFFICER. The Senator from Texas.

Mr. GRAMM. Mr. President, there is no Member of this body that I have a higher regard for than the distinguished Senator from West Virginia. But I want to respond to the comments that he has made.

First of all, my point is that we have added almost $1.5 billion to the initial emergency appropriation. We can say that it is somebody else's fault. We can say Presidents have asked for more spending in the past than Congress has provided, but the bottom line is we have provided $1.449 billion of additional spending on this bill.

Second, let me make it clear that I am proud to be a Member of the U.S. Senate. I am proud to represent Texas, but this is not my nest. Texas is my nest, And I am here to represent my State.

Finally, let me say that if I have committed myself to anything in 14 years, it is to fiscal responsibility.

I am for a balanced budget amendment to the Constitution. I was a leader in the effort to enact the Gramm-Rudman law which forced tough spending choices. I think it is important that we look at the space program, that we look at the SSC, that we look at science and technology. My own belief is that I believe we overinvest in programs that have a return in the next election. I think this is one of those programs, and I think we underinvest in programs that have a return in the next generation.

But I do not love spending money, and I am very happy to put every program I support on the table with every other program supported by every other Member of this Senate, and require fiscal restraint and require programs to compete against each other. I am willing to accept the results and live with them.

But I am deeply concerned that we are here tonight adding another $1.5 billion of spending above the level we started out with. And we are doing it in such a way that if the President declares it as an emergency, then it does not count against the binding spending constraints we have in place, and if he does not declare it as an emergency, then there will be those who say that we could have spent that money but for the President.

There are many lessons in history, and we can appeal to them to make our own case, and I have appealed to those lessons on many occasions myself. But I believe the bottom line is this: We are asking tonight for $1.5 billion more than the President asked for. And so no matter how you want to add that up, that still adds up to spending.

I think it is important that if we want to spend that money, we find a way to pay for it. I am willing to put my programs, and programs that other people support, into the hat, go through them and debate them, set priorities, and if we want these programs, pay for them. I might add, however, that I am not going to vote for this bill. I did not put this $1.5 billion of additional spending in here. It was added. And I feel the people who added it have an obligation to say how they would like to pay for it. I did not put it in there, but I am willing to participate in trying to come up with a way of paying for it, if others are willing to do so.

I yield the floor.

Mr. KOHL. Mr. President, most people said two things in the aftermath of the Los Angeles riots. First, they said "we understand the frustration and the anger which greeted the Rodney King verdict and initiated the disturbances." But second, they said that "no matter how great the provocation, there is no justification for the looting and violence which took place."

We need to say the same things about the bill before us today.

First, I understand the need to offer the kind of help and hope to urban areas that this bill does. But second, no matter how great the need, there is no justification for—and ultimately no real help provided by—spending money we do not have.

Indeed, the fact that we have spent money we do not have is, in part, why we have problems in our cities and towns and villages. The deficit is a major cause of reduced economic growth: That means fewer jobs, fewer opportunities, fewer avenues to escape poverty. The deficit also destroys our ability to fund needed governmental programs: The money we spend on interest payments is money we cannot spend on the very programs this bill seeks to fund, programs like summer jobs and Head Start. The deficit is both a cause of the urban problems we face and a barrier to responding to them.

Those problems need to be addressed: They are serious and they are real. In fact, they are so serious that, if we had to, we would find the money to pay for the solutions we need.

But given our rules, we do not have to. We have an escape clause—we can declare an emergency and then we do not have to pay for anything.

Well, Mr. President, a lot of my constituents think they have an emergency: People who are hurt by the luxury tax; people who can't get a decent education for their kids; people who live in fear of crime in their neighborhoods; people who see their family farms threatened by declining prices and increasing costs. They all think they face an emergency. And they are. But when they come to me for help, I have to say "I agree with you—but the PAYGO rules say that before I can help you, I have to find a way to pay for the aid you want." How can I keep saying that, how can they keep believing it, after this bill passes. Why won't they listen to me, very politely I'm sure, and then say "Mr. Senator, I hear you, but how come you didn't have to pay for a $2 billion package to respond to the urban emergency?"

Well, Mr. President, the Graham amendment gives me a way to answer that question. We will pay for the emergency spending in this bill by linking that spending to the enactment into law of either the recision package already approved by the House and the Senate or some other mechanism for reducing spending or raising revenues to offset the costs of this bill.

Mr. President, there is a need to help people—and there is a need to pay for the help we provide. This amendment lets us do just that. I am pleased to support it.

Mr. GRAHAM addressed the Chair.

The PRESIDING OFFICER. The Senator from Florida.

Mr. GRAHAM. Mr. President, I do not consider the amendment that I offered to represent a conflict between political institutions, between the Executive and the Congress. We both have responsibilities under the Constitution for the future of this Nation. We both have responsibilities for the prudent fiscal management of this Nation.

I do believe, however, Mr. President, that there are conflicts which this amendment raises. The most fundamental conflict is an intergenerational conflict. I suggest that when the history of the 1980's is written, one of the ways in which it will be written will be that there was a massive transfer of this generation's responsibilities to our grandchildren, in area after area, whether it is the underfunding of our infrastructure, a failure to provide adequately for educational system, or the massive Federal budget deficit, of over $3 trillion that we have accumulated in the past 12 years; all of those represent obligations of this generation which we have chosen to transfer to our grandchildren. The issue here tonight is: Are we going to make yet another deposit in that transfer of generational responsibilities?

I have no particular breach for the concept contained in this amendment as to the method of avoiding such a transfer to our grandchildren. There are other options. We could do it by having someone come forward with a tax bill, which would say here is how we are going to raise the approximately $2 billion that we now propose to spend. Unless I missed it, I did not see anybody propose such a tax bill.

Or, Mr. President, we could take another approach, which would be essentially an across-the-board cut. We can say: let us reduce all programs, the most meritorious and the least worthy, by an amount which will aggregate to the approximately $2 billion that we now propose to spend.

Not only has no one come forward with such a proposal, I would think it would be dubious public policy and an avoidance of our responsibilities to make discrete judgments as to relative levels of importance.

So the amendment that I offered is a simple one. It says that if we are going to spend 2 billion new dollars of these programs, if we think these are more worthy, then let us find $2 billion in currently authorized areas of spending, and let us terminate them. That is not different than what families would have to do if they faced an immediate emergency that required spending beyond what they had previously budgeted. It would not be different than what most local or State governments are required to do, if they operate under the discipline of living within a balanced budget.

Mr. President, I said there was a conflict, and the most basic is that between generations. There is another conflict, and that is the conflict of political integrity. In a few weeks, we are going to be debating a balanced budget constitutional amendment. Some of us are going to be advocating that amendment. It seems to me that if we are going to say that a concept of a balanced budget is an idea of such importance and value, that it should be embedded in our U.S. Constitution, we are going to face the question of when you had to show your fidelity to that concept, without the lash of a constitutional amendment, what did you do?

Here is one of those times when we are being asked to be tested. So the conflict is going to be: Do we think this is a good idea as a matter of theory, or do we think it is a good idea as a matter of today's fiscal practice?

Mr. President, I think this is a pivotal question. I, for one, will say the resolution of this is going to have a great deal to do with my support for this supplemental appropriations bill, because I think the time has come and long since passed when we can continue to operate on the basis that everything that we think is desirable is good enough for our grandchildren to pay for.

Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

Mr. BYRD. Mr. President, I ask unanimous consent that upon the disposition of the amendment by Mr. GRAHAM, the Senate, without further debate, motion, amendment, or action of any kind, proceed to vote on the amendment by Mr. SEYMOUR.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The PRESIDING OFFICER. Is there further debate on the Graham amendment?

The yeas and nays have been ordered. The clerk will call the roll.

The legislative clerk called the roll.

Mr. FORD. I announce that the Senator from Texas [Mr. BENTSEN] and the Senator from Arkansas [Mr. PRYOR], are necessarily absent.

Mr. SIMPSON. I announce that the Senator from Kansas [Mrs. KASSEBAUM] is necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 45, nays 52, as follows:

[Rollcall Vote No. 102 Leg.]

YEAS—45

Bingaman
Bond
Brown
Bryan
Chafee
Coats
Cochran
Cohen
Conrad
Craig
DeConcini
Dole
Durenberger
Gorton
Graham
Gramm
Grassley
Heflin
Helms
Hollings
Jeffords
Kasten
Kohl
Lott
Lugar
Mack
McCain
McConnell
Metzenbaum
Murkowski
Nickles
Nunn
Pressler
Robb
Roth
Rudman
Sanford
Shelby
Simpson
Smith
Symms
Thurmond
Wallop
Warner
Wirth

NAYS—52

Adams
Akaka
Baucus
Biden
Boren
Bradley
Breaux
Bumpers
Burdick
Burns
Byrd
Cranston
D'Amato
Danforth
Daschle
Dixon
Dodd
Domenici
Exon
Ford
Fowler
Garn
Glenn
Gore
Harkin
Hatch
Hatfield
Inouye
Johnston
Kennedy
Kerrey
Kerry
Lautenberg
Leahy
Levin
Lieberman
Mikulski
Mitchell
Moynihan
Packwood
Pell
Reid
Riegle
Rockefeller
Sarbanes
Sasser
Seymour
Simon
Specter
Stevens
Wellstone
Wofford

NOT VOTING—3

Bentsen
Kassebaum
Pryor

So the amendment (No. 1850) was rejected.

Mr. MITCHELL. Mr. President, I move to reconsider the vote.

Mr. BYRD. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. MITCHELL. Mr. President, may I have the attention of the Senate.

Mr. President and Members of the Senate, under a previous order there will now be a vote on an amendment proposed by the distinguished Senator from California, Senator SEYMOUR. Prior to that vote, the chairman of the Appropriations Committee will propound a unanimous-consent agreement request. If the agreement is approved, it will identify and limit the amendments to the bill, and the vote on the Seymour amendment will be the last vote this evening. We will return and there will be a vote at 9:30 a.m. on a resolution relating to Yugoslavia, reported this week by the Foreign Relations Committee. And then we will complete action on this bill.

If the request is not agreed to then we will, regrettably, have to remain and see how much further progress we can make on the bill.

I have discussed this with both the chairman of the committee and the distinguished Republican leader. It is my hope that our colleagues will permit the agreement to be entered which will then enable the succeeding vote to be the last vote this evening and will also enable us to complete action on this bill during the day tomorrow.

Mr. President, I yield to the distinguished Republican leader.

Mr. DOLE. I hope that can be accomplished. I understand the agreement will be propounded soon.

Mr. MITCHELL. Mr. President, I want to withdraw one statement. I said the vote will be at 9:30. I will have to discuss that further with the distinguished Republican leader and the chairman. It will not be any earlier than 9:30. It may be a little bit later depending upon some other factors which we have to discuss. An announcement will be made prior to the time we go out of session on that. There will be a vote first thing in the morning, no earlier than 9:30, possibly a little bit later than that.

Mr. President, I yield to the distinguished chairman.

UNANIMOUS-CONSENT AGREEMENT

Mr. BYRD. Mr. President, I thank the distinguished majority leader.

I ask unanimous consent that further amendments on the pending bill be limited to the following amendments: an amendment by Mr. THURMOND dealing with stricter penalties for those involved in riots, with a proposed time limit thereon of 10 minutes to be equally divided; an amendment by Messrs. SEYMOUR and DOLE, flexibility for summer jobs, time limit to be 20 minutes equally divided and controlled in the usual form; an amendment by Mr. LOTT and Mr. DOLE to strike the Kennedy-Hatch provisions, with a time limit thereon to be 30 minutes equally divided and controlled in accordance with the usual form; an amendment by Mr. NICKLES dealing with Davis-Bacon, time limit thereon 30 minutes to be equally divided and controlled in accordance with the usual form; an amendment by Mr. DOLE dealing with Bosnia, 10 minutes to be equally divided and controlled in accordance with the usual form; and an amendment by Mr. GRAHAM of Florida dealing with summer jobs, time limit thereon to be 30 minutes equally divided and controlled in accordance with the usual form; an amendment by Mr. SPECTER on the same subject, summer jobs, 30 minutes to be equally divided and controlled in accordance with the usual form; that there be no motion to reconsider with instructions.

On the Thurmond amendment, I amend the proposed request to provide for 20 minutes to be equally divided instead of 10 minutes to be equally divided.

The PRESIDING OFFICER. Is there objection?

Mr. METZENBAUM. Mr. President, reserving the right to object, and I very well may, does the agreement preclude the raising of points of order with respect to these amendments when they are offered?

Mr. BYRD. Mr. President, I ask unanimous consent that no points of order be waived by virtue of the agreement just entered into.

Mr. METZENBAUM. That satisfies part of my concern.

But with respect to the Thurmond amendment, I believe that 20 minutes is an inadequate time. I would like to suggest that there be 40 minutes.

Mr. BYRD. Mr. President, I ask unanimous consent that the time on the amendment by Mr. THURMOND be limited to 40 minutes equally divided and controlled in accordance with the usual form instead of 20 minutes as previously requested.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. BYRD. Mr. President, did I say that there be no motion to reconsider? I meant no motion to recommit with instructions.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. BYRD. Mr. President, I thank all Senators. I thank both leaders, and I believe, as the majority leader has indicated, there will be one rollcall vote on the amendment by Mr. SEYMOUR, after which if Senators wish to remain and debate any of the amendments, I will be willing to stay around and accommodate them.

I yield the floor.

AMENDMENT NO. 1848

The PRESIDING OFFICER. The question is now on agreeing to the Seymour amendment No. 1848. The yeas and nays have been ordered.

The clerk will call the roll.

The assistant bill clerk called the roll.

Mr. FORD. I announce that the Senator from Texas [Mr. BENTSEN], the Senator from Arkansas [Mr. PRYOR], and the Senator from West Virginia [Mr. ROCKEFELLER] are necessarily absent.

Mr. SIMPSON. I announce that the Senator from Kansas [Mrs. KASSEBAUM] is necessarily absent.

The result was announced—yeas 68, nays 28, as follows:

[Rollcall Vote No. 103 Leg.]

YEAS—68

Akaka
Baucus
Bond
Boren
Breaux
Brown
Bryan
Bumpers
Burdick
Burns
Byrd
Coats
Cochran
Cohen
Conrad
Craig
D'Amato
Danforth
Daschle
DeConcini
Dixon
Dole
Domenici
Exon
Ford
Fowler
Garn
Glenn
Gorton
Graham
Gramm
Grassley
Harkin
Hatch
Helms
Hollings
Inouye
Johnston
Kasten
Kohl
Lieberman
Lott
Lugar
Mack
McCain
McConnell
Mikulski
Murkowski
Nickles
Nunn
Packwood
Pressler
Reid
Riegle
Robb
Roth
Sanford
Seymour
Shelby
Simon
Simpson
Smith
Stevens
Symms
Thurmond
Wallop
Warner
Wofford

NAYS—28

Adams
Biden
Bingaman
Bradley
Chafee
Cranston
Dodd
Durenberger
Gore
Hatfield
Heflin
Jeffords
Kennedy
Kerrey
Kerry
Lautenberg
Leahy
Levin
Metzenbaum
Mitchell
Moynihan
Pell
Rudman
Sarbanes
Sasser
Specter
Wellstone
Wirth

NOT VOTING—4

Bentsen
Kassebaum
Pryor
Rockefeller

So the amendment (No. 1848) was agreed to.

Mr. MITCHELL. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. HATFIELD. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. DIXON. Mr. President, I rise today in support of H.R. 5132, the dire emergency supplemental appropriations bill, which contains emergency relief funding for the Chicago underground flood disaster and the riots in Los Angeles.

On April 13, 1992, Chicago was hit with a major flood, caused by a break in a tunnel wall crossing under the Chicago River. This tunnel system extends for more than 50 miles in the central city area, and more than 250 million gallons of water poured into the 100 year-old system, resulting in water levels of 20 to 30 feet and more in building basements throughout the downtown Chicago area.

Both Governor Edgar of Illinois and President Bush declared Chicago a disaster area, and I am pleased that the House and Senate included this necessary funding in the bill.

Mr. President, the disasters that took place in Chicago and Los Angeles are not natural occurrences, such as tornadoes, hurricanes, or earthquakes. However, the economic and physical losses because of these disasters—the flood in Chicago and the riots in Los Angeles—are, indeed, very real to the people in these cities.

Just like the riots in Los Angeles, the flood in Chicago affected the entire Nation, not just the folks within the city limits. The Chicago flood of 1992 closed the Chicago Board of Trade and the Chicago Mercantile Exchange, futures markets that serve not just the city, but the entire world.

City Hall, Sears Tower, department stores, hotels, restaurants, and other businesses were all closed because of the flood. In addition, the closed mass transit stations resulted in traffic congestion and major highway detours. Residents, commuters, and visitors alike faced the results of the flood.

The city of Chicago estimates that the flood of 1992 has caused more than $50 million in damage and emergency costs to the city and other public agencies, including the Chicago Transit Authority. This does not even begin to take into consideration the economic and physical losses to businesses in Chicago.

While the distinguished mayor of Chicago, Richard M. Daley, was quick to respond to this disaster by deploying equipment and people to fight the flooding, the damage done was extraordinary. Chicago's underground tunnel system is in dire need of repair and replacement. The century-old network of tunnels that lies beneath the loop area in Chicago needs to be repaired and protected in order to prevent any potential repetition of this type of disaster.

The funds in this dire emergency supplemental appropriations bill are desperately needed to get this major city in our country back on its feet.

I commend my friend from West Virginia, the chairman of the Appropriations Committee, and the ranking member from Oregon, on their leadership on this bill and for providing these necessary relief funds.

I urge my Senate colleagues to support H.R. 5132, and the funding for disaster relief.

Thank you, Mr. President.

Mr. HARKIN. Mr. President, I rise in support of H.R. 5132, the dire emergency supplemental appropriations bill before the Senate today. The bill provides a total of $1,944,185,000 in funding to meet the emergency needs of Los Angeles, Chicago, and other urban areas. Included in that amount, is an amendment I cosponsored in full committee to provide $1,450,000,000 for a number of initiatives which were formulated in the wake of the civil disturbances in Los Angeles. This bill before us today provides funding for a number of Great Society programs that have proven to be effective.

Mr. President, Los Angeles was a wake up call, and we can't afford to hit the snooze bar and roll over again. Today, more than ever, our urban agenda must include a commitment to the long-term programs which have helped others climb out of poverty and make such a difference in millions of American lives.

In the past 10 years, the number of children living in poverty in California alone, for example, increased 84 percent, while the total number of children in that State grew by only 21 percent. In fact, if we made a city of all the poor children in California under age 18, it would be the second largest city in the State, ranking behind only Los Angeles. Many of those youngsters live in Los Angeles.

What can we do to help these children? That was the question I asked at hearings of my Labor, Health and Human Services and Education Appropriations Subcommittee the past few weeks. During those hearings, I heard testimony from a number of big-city mayors, including Mayor David Dinkins of New York City, Mayor Mike White of Cleveland, and Mayor Norm Rice of Seattle. I also heard from a number of noted economists, including Drs. Jeff Faux, Ray Marshall, and Alan Blinder. And in each case, I heard the same three answers every time I asked what can we do to help out children: early intervention, education, and job opportunities for our youth.

The message is simple: give children a job, and chances are, they will find their own way out of poverty. But to be able to succeed in those jobs, they need an education first.

A few weeks ago, the President used the children of the Challengers' Boys' and Girls' Club in Los Angeles as a backdrop for a speech on children. Problem is, by the time many of those children are at the age of 6 or 7, they do not start school ready to learn, because the stimulation and nutrition just weren't there. That's why the Head Start program is so important to them: because it gets children prepared to start school ready to learn—which I might remind you, Mr. President, is the first goal of the President's Education 2000 Plan. Yet, in Los Angeles today, for example, only 25 percent of the children who need Head Start receive it. This bill provides $250 million for summer Head Start programs, to serve about 200,000 more children. We know it works.

But unfortunately, many children haven't gone through Head Start, and find themselves falling behind in school. As a result, they're in need of remedial reading, remedial math and other programs to help them keep pace with other students and graduate to become productive members of our work force. That's where chapter I

"Compensatory Education for the Disadvantaged" comes in. This bill adds $250 million to chapter I, which will be provided to each of the 50 States, and the territories to carry out summer education and work programs. Again, we know this program works. It will also give kids ages 6 to 18 something constructive to do away from the drug dealers and criminals and other temptations of the streets, and add to the chances of success in the coming school year.

In that same vein, $700 million is provided in this bill for the Summer Youth Employment Program. This funding will provide an additional 500,000 summer jobs for kids 14 to 19 years of age. Many Members in this body probably worked a summer job of one sort or another when they were in school. I worked many of them, and I can tell you it gave me pride and taught me responsibility. These kids deserve the same chance. Little wonder the three mayors testified before my subcommittee to the effectiveness of the program and the need for summer jobs—give kids something to do and you not only improve their chances of becoming productive members of society, but you reduce the temptations of the streets.

We know how dangerous those streets are. All you need to do is walk about eight blocks from this very building, and you'll see how dangerous urban streets can be: drugs, violence, crime. This bill tries to address that, by providing $250 million to the Department of Justice for weed and seed programs. This funding will not only provide assistance to urban areas for such programs as community policing, but will also provide a concentrated effort to targeted urban areas to provide education, training, and social services.

Again, Mr. President, we know all of these programs work. In fact, all of the these programs have four things in common: They're successful, they're cost effective, they reach people in need, and they require no great new bureaucracies to implement. The framework has been there since the days of the Great Society. They have proven track records of providing children in need with services when they need it.

And while they do not singlehandedly provide a long-term solution to what ails our urban areas, they are desperately needed as a first step to begin to address some of the problems facing our urban areas. A more comprehensive program is certainly needed to make up more than a decade of disinvestment by the Reagan and Bush administrations. For now, I urge my colleagues to support this bill.

Mr. SEYMOUR. Mr. President, I rise to seek clarification from the distinguished Chair of the VA-HUD-Independent Agencies Appropriations Subcommittee, Senator MIKULSKI, regarding the administration of Federal disaster relief programs for fire and nonfire disaster victims in the Los Angeles area.

Ms. MIKULSKI. I am pleased to respond to Senator SEYMOUR's request for clarification. As my colleagues know, the bill before us, H.R. 5132, appropriates funds to address the Nation's disaster relief needs, including the aftermath of the riots and civil disturbance in the city of Los Angeles and the county of Los Angeles. Based on a request from Gov. Pete Wilson of California, President Bush declared a major disaster for the city and county of Los Angeles. The President's declaration was based on the Stafford Act's definition of a major disaster.

Mr. SEYMOUR. Mr. President, that is my understanding as well. As a result of President Bush's declaration, a wide range of disaster assistance programs are now available to the victims. This Federal assistance includes temporary housing assistance, grants for lost personal property to the extent they cannot repay a SBA loan, disaster unemployment, crisis counseling, and disaster assistance loans through the Small Business Administration.

As I know my friend from Maryland would agree, these tragic events have caused widespread suffering and need. We were all witnesses to the tension and anger. It has taken extraordinary measures from all levels of government to sustain a fragile calm in the area and to provide a foundation for long-term recovery. We must now ensure that relief is provided to those in need.

Ms. MIKULSKI. The Senator from California's point is well taken. FEMA officials have interpreted the Stafford Act broadly to be inclusive, rather than exclusive, in providing assistance to both individuals and governments in the Los Angeles area. I believe it would be extremely difficult to distinguish between fire or fire-related consequences and those civil disturbances occurring with the fire but not as a direct consequence of the fire.

Mr. SEYMOUR. What the Senator from Maryland is saying then, is that a part of the funds we are appropriating today will be available to individuals, families and businesses in California who were affected by riots and looting as well as those who were affected by fire. The fires were a central part of and integrally related to the civil disturbance.

Ms. MIKULSKI. Precisely. I want to ensure Senator SEYMOUR that the legislative intent behind this appropriation is to make no distinction in the administration of Federal disaster relief programs between fire and non-fire victims of the Los Angeles disaster.

Mr. SEYMOUR. I concur with the assessment made by the distinguished Chair of the VA-HUD-Independent Agencies Appropriations Subcommittee. We are all in agreement that in administering these funds, the responsible Federal agencies are not to make distinctions between fire and non-fire disaster victims.

Mr. President, I thank my distinguished colleague from Maryland, Senator MIKULSKI, for helping make this important clarification, and I appreciate her efforts to bring this urgently needed FEMA and SBA funding bill to the Senate for consideration.

Mr. CRANSTON. I greatly appreciate the assurances of the Senator from Maryland that the funds appropriated in this bill for disaster assistance programs are intended to provide assistance to both fire and nonfire victims of the Los Angeles disaster. This is very helpful to all those who suffered losses. I thank the Senator for the clarification.

UNANIMOUS-CONSENT AGREEMENT—S. 474

Mr. MITCHELL. Mr. President, I ask unanimous consent that when the Senate considers Calendar No. 381, S. 474, Professional and Amateur Sports Protection Act, that it be considered under the following limitation: that it be in order for Senator DECONCINI to modify the committee-reported substitute; that there be 90 minutes of debate on the bill and committee substitute, as modified, if modified, inclusive; with 60 minutes equally divided and controlled between Senators DECONCINI and HATCH, and 30 minutes under the control of Senator GRASSLEY; that the agreement be in the usual form; that the only amendment in order, other than the committee-reported substitute, as modified, if modified, be one offered by Senator GRASSLEY regarding a 2-year window for States to opt out of coverage under the bill, on which there be 2 hours debate on the amendment, with 1 hour under the control of Senator GRASSLEY and 30 minutes each under the control of Senators DECONCINI and HATCH; that when all time is used or yielded back on the Grassley amendment, the Senate proceed to vote on or in relation to the amendment; that upon disposition of the Grassley amendment, and all time on the bill is used or yielded back, the Senate proceed to vote on the committee substitute, as amended, if amended, to be followed immediately by third reading and passage of the bill; that all of the above occur without intervening action or debate; that no motion to recommit be in order.

The PRESIDING OFFICER (Mr. EXON). Is there objection to the unanimous request? Without objection, it is so ordered.

The text of the agreement is as follows:

Ordered, That when the Senate proceeds to the consideration of S. 474, the Professional and Amateur Sports Protection Act, that it be in order for the Senator from Arizona (Mr.

DeConcini) to modify the committee-reported substitute.

Ordered further, That there be 90 minutes for debate on the bill and the committee substitute, as modified, if modified, inclusive, with 60 minutes to be equally divided and controlled by the Senator from Arizona (Mr. DeConcini) and the Senator from Utah (Mr. Hatch), and with 30 minutes to be under the control of the Senator from Iowa (Mr Grassley).

Ordered further, That the only amendment in order, other than the committee-reported substitute, as modified, if modified, be one offered by the Senator from Iowa (Mr. Grassley) regarding a two-year window for states to opt out of coverage under the bill, on which there shall be 2 hours for debate, with 1 hour under the control of the Senator from Iowa (Mr. Grassley) and 30 minutes each under the control of the Senator from Arizona (Mr. DeConcini) and the Senator from Utah (Mr. Hatch).

Ordered further, That when all time is used or yielded back on the Grassley amendment, the Senate proceed to vote on, or in relation to, the amendment.

Ordered further, That upon disposition of the Grassley amendment, and all time on the bill is used or yielded back, the Senate proceed to vote on the committee substitute, as amended, if amended, to be followed immediately by third reading and passage of the bill, and that all of the above occur without intervening action or debate.

Ordered further, That no motion to recommit be in order.

Ordered further, That the agreement be in the usual form.

DIRE EMERGENCY SUPPLEMENTAL APPROPRIATIONS, FISCAL YEAR 1992

The Senate continued with the consideration of the bill.

Mr. HATFIELD. Mr. President, I have two unfinished pieces of business on the appropriations supplemental that we have acted upon today.

AMENDMENT NO. 1845, AS CORRECTED

Mr. HATFIELD. First of all, on behalf of Senator WOFFORD, I would like to send to the desk a correction for his amendment 1845.

Mr. President, what happened in this case was that the amendment was debated and discussed and accepted, but Senator WOFFORD mistakenly sent the wrong piece of paper to the desk. I am now sending the actual working of that amendment. Further, I ask unanimous consent that Senators MIKULSKI, NUNN, and SPECTER be added as original cosponsors.

The PRESIDING OFFICER. Without objection, the amendment is agreed to.

The amendment (No. 1845), as corrected, is as follows:

Page 4, line 11, strike "$700,000,000" and insert in lieu thereof "$675,000,000".

On Page 12 after line 3 insert the following:

NATIONAL AND COMMUNITY SERVICE

For an additional amount to carry out title I, section C of the National and Community Service Act of 1990, $25,000,000: *Provided*, That these funds shall be available only to the extent an official budget request that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, is transmitted to the Congress: *Provided further*, That Congress hereby designates these amounts as emergency requirements for all purposes of the Balanced Budget and Emergency Deficit Control Act of 1985.

Mr. HATFIELD. Mr. President, on behalf of Senator BYRD and myself as the managers of this bill, I would like to lay down for the first amendment to be on the road to completion of this bill the Nickles amendment on the Davis-Bacon issue, on which there is 30 minutes equally divided, and Senator NICKLES will be ready to take that up the first part of the morning when we return to the bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 1851

(Purpose: To waive the provisions of the Davis-Bacon Act and the Service Contract Act of 1965 with respect to any construction or repair project which receives financial assistance under this act)

Mr. HATFIELD. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Oregon [Mr. HATFIELD] for Mr. NICKLES, proposes an amendment numbered 1851.

Mr. HATFIELD. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 13, after line 2, insert the following:

GENERAL PROVISIONS

SEC. 101. Notwithstanding any other provision of law, the Act of March 3, 1931 (commonly referred to as the Davis-Bacon Act (40 U.S.C. 276a et seq.)) and the Service Contract Act of 1965 (41 U.S.C. 351 et seq.) shall not apply to any construction or repair project which receives financial assistance under this Act.

MORNING BUSINESS

Mr. FORD. Mr. President, I ask unanimous consent that the Senate now proceed to morning business, with Senators allowed to speak therein.

The PRESIDING OFFICER. Is there objection to the unanimous-consent request? Without objection, it is so ordered.

IMPLEMENTATION OF THE CLEAN AIR ACT

Mr. MITCHELL. Mr. President, the Clean Air Act of 1990 requires that the public be informed of increases in emissions above the permitted levels before any such increases occur.

President Bush reportedly decided last week that the public need not be informed ahead of time about emissions increases above permitted levels at major industrial sources of air pollution.

His decision is inconsistent with the law. It is also inconsistent with a legal opinion of the former General Counsel at the Environmental Protection Agency, E. Donald Elliott, who concluded that public comment is required by law. Most States already provide for public comment before they grant any permit changes. Such public comment is the norm, not the exception.

Who is the President representing when he tries to shut out the public? He is surely not representing the American people.

Unfortunately, the President may require States to follow his lead. These regulations may require States to eliminate public notice and comment before emissions are increased as part of their required State permit program.

There were other, better options available.

Not all increases in emissions must result in increases above the permitted level.

As drafted by the EPA, the regulations would have authorized a company to increase its emissions at one place and decrease them elsewhere, so the overall level of permitted emissions would not increase. But this was not enough to placate the special interests to whom the President has now capitulated.

The administration's position takes the country back to an earlier time when the concept of public involvement in such decisions was seen as unnecessary. Today it is the foundation of most of our environmental statutes, including the Clean Air Act.

In the 18 months since the Clean Air Act was proudly signed into law by the President, his administration has missed 35 statutory deadlines. The toxic air pollutant standards would control over 1 billion pounds of toxic chemical releases into the air every year. This rule was finished by EPA last December 24, but the White House still will not allow it to be issued.

The President claims to be giving a hand to industry, but he fails to accurately count the cost: the cost in lives cut short due to pollution, the cost in lost worker productivity, the cost in lost jobs.

The Clean Air Act can create jobs, but it must be effectively implemented in order to do so. A study conducted for the EPA estimated that revenues in the pollution control industry will increase by $4 to $6 billion annually in the next 3 years. Between 1995 and the year 2000 these revenues are expected to increase by $7 and $9 billion annually. Cumulatively, this is $50 to $70 billion in increased revenues by the year 2000.

Cleaner air and more jobs are an irresistible combination. But administration seems intent on forgoing both benefits. I am disappointed that the President has chosen to shut the public out of the process.

The Environmental Protection Agency is required by law to issue the permits regulations within 1 year after enactment of the 1990 Clean Air Act Amendments, or by November 15, 1991. It is unfortunate that the delay in issuing these rules has also resulted in shutting out the public in a manner contrary to the law.

I hope that EPA Administrator Reilly will yet issue regulations that comply with the law.

Mr. FORD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant bill clerk proceeded to call the roll.

Mr. FORD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AUTHORIZATION FOR MAJORITY LEADER TO PROCEED TO H.R. 4990

Mr. FORD. Mr. President, I ask unanimous consent that the majority leader, upon consultation with the Republican leader, may at any time proceed to the consideration of conference report on H.R. 4990.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDING THE NATIONAL SCHOOL LUNCH PROGRAMS

Mr. FORD. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of S. 2759, introduced earlier today by Senators LEAHY, HARKIN, and others; that the bill be deemed read the third time, passed; that the motion to reconsider be laid upon the table; that any statements in relation to this item be placed into the RECORD at the appropriate place.

The PRESIDING OFFICER. Without objection, it is so ordered.

So the bill (S. 2759) was deemed read a third time and passed, as follows:

S. 2759

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Homeless Children Nutrition Improvement Act of 1992".

SEC. 2. HOMELESS CHILDREN'S FEEDING PROJECTS.

(a) IN GENERAL.—Section 18(c) of the National School Lunch Act (42 U.S.C. 1769(c) is amended—

(1) by inserting before "private nonprofit" each place it appears in paragraphs (2)(A), (2)(B), and (5)(A) the following: "State, city, local, or county governments, other public bodies, or"";

(2) in paragraph (3)(A), by adding at the end the following new sentences: "The projects shall receive reimbursement payments for meals and supplements served on Saturdays, Sundays, and holidays, at the request of the sponsor of any such project. The meal pattern requirements of this subparagraph may be modified as necessary by the Secretary to take into account the needs of infants.";

(3) in paragraph (5)(A), by striking "and not less than $350,000 in each of the fiscal years 1991, 1992, 1993, and 1994," and inserting "and not less than $350,000 in each of the fiscal years 1991 and 1992, $650,000 in fiscal year 1993, and $800,000 in fiscal year 1994,"; and

(4) by adding at the end the following new paragraph:

"(7) The Secretary shall advise each State of the availability of the projects established under this subsection for States, cities, counties, local governments and other public bodies, and shall advise each State of the procedures for applying to participate in the project.".

(b) OTHER MEANS.—The Secretary of Agriculture may conduct demonstration projects other than those required under section 18(c) of the National School Lunch Act (42 U.S.C. 1769(c)) to identify other effective means of providing food assistance to homeless children residing in temporary shelters.

Mr. FORD. Mr. President, I move to reconsider the vote.

Mr. HATFIELD. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

IMPROVING CERTAIN PROGRAMS FOR CHILD NUTRITION

Mr. FORD. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of S. 2760, introduced earlier today by Senators LEAHY, MCCONNELL, and others; that the bill be deemed read a third time, passed; that the motion to reconsider be laid upon the table; that any statements in relation to this item be placed in the RECORD at the appropriate place.

The PRESIDING OFFICER. Without objection, it is so ordered.

So the bill (S. 2760) was deemed read a third time and passed, as follows:

S. 2760

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Child Nutrition Improvements Act of 1992".

SEC. 2. PURPOSE.

The purpose of this Act is to promote breastfeeding and improve other child nutrition programs.

SEC. 3. BREASTFEEDING PROMOTION PROGRAM.

The Child Nutrition Act of 1966 (42 U.S.C. 1771 et seq.) is amended by adding at the end the following new section:

"SEC. 21. BREASTFEEDING PROMOTION PROGRAM.

"(a) IN GENERAL.—The Secretary shall from amounts received under subsection (d), establish a breastfeeding promotion program to promote breastfeeding as the best method of infant nutrition, foster wider public acceptance of breastfeeding in the United States, and assist in the distribution of breastfeeding equipment to breastfeeding women.

"(b) CONDUCT OF PROGRAM.—In carrying out the program described in subsection (a), the Secretary may—

"(1) develop or assist others to develop appropriate educational materials, including public service announcements, promotional publications, and press kits for the purpose of promoting breastfeeding;

"(2) distribute or assist others to distribute such materials to appropriate public and private individuals and entities; and

"(3) provide funds to public and private individuals and entities, including physicians, health professional organizations, hospitals, community based health organizations, and employers, for the purpose of assisting such entities in the distribution of breastpumps and similar equipment to breastfeeding women.

"(c) COOPERATIVE AGREEMENTS.—The Secretary is authorized to enter into cooperative agreements with Federal agencies, State and local governments, and other entities to carry out the program described in subsection (a).

"(d) GIFTS, BEQUESTS, AND DEVISES.—

"(1) IN GENERAL.—The Secretary is authorized to solicit, accept, use, and dispose of gifts, bequests, or devises of services or property, both real and personal, for the purpose of establishing and carrying out the program described in subsection (a). Gifts, bequests, or devises of money and proceeds from the sales of other property received as gifts, bequests, or devises shall be deposited in the Treasury and shall be available for disbursement upon order of the Secretary.

"(2) CRITERIA FOR ACCEPTANCE.—The Secretary shall establish criteria for determining whether to solicit and accept gifts, bequests, or devises under paragraph (1), including criteria that ensure that the acceptance of any gifts, bequests, or devises would not—

"(A) reflect unfavorably on the ability of the Secretary to carry out the Secretary's responsibilities in a fair and objective manner; or

"(B) compromise, or appear to compromise, the integrity of any governmental program or any officer or employee involved in the program.".

SEC. 4. CHILD CARE CLARIFICATION.

The second sentence of section 17(a) of the National School Lunch Act (42 U.S.C. 1766(a)) is amended by inserting after "25 percent" the following: "of its enrolled children or 25 percent of its licensed capacity, whichever is less, and".

SEC. 5. EXTENSION OF DEMONSTRATION PROJECTS.

Section 17(p) of the National School Lunch Act (42 U.S.C. 1766(p)) is amended by adding at the end the following new paragraph:

"(5) Notwithstanding paragraph (4)(B), the Secretary shall continue until September 30, 1994, the two pilot projects established under this subsection to the extent, and in such amounts, as are provided for in advance in appropriations Acts.".

Mr. FORD. Mr. President, I move to reconsider the vote.

Mr. HATFIELD. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDING THE CHILD NUTRITION ACT OF 1966

Mr. FORD. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of S. 2761, introduced earlier today by Senators LEAHY, GRASSLEY, and others; that the bill be deemed read a third time, passed; that the motion to reconsider be laid upon the table; that any statements in relation to this item be placed into the RECORD at the appropriate place.

The PRESIDING OFFICER. Without objection, it is so ordered.

So the bill (S. 2761) was deemed read a third time and passed, as follows:

S. 2761

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "WIC Farmers' Market Nutrition Act of 1992".

SEC. 2. PURPOSE.

The purpose of this Act is to authorize grants to be made to State programs designed to provide resources to women, infants, and children who are nutritionally at risk in the form of fresh nutritious unprepared food (such as fruit and vegetables) from farmers' markets.

SEC. 3. WIC FARMERS' MARKET NUTRITION PROGRAM.

Subsection (m) of section 17 of the Child Nutrition Act of 1966 (42 U.S.C. 1786(m)) is amended to read as follows:

"(m)(1) Subject to the availability of funds appropriated for the purposes of this subsection, and as specified in this subsection, the Secretary shall award grants to States that submit State plans that are approved for the establishment or maintenance of programs designed to provide recipients of assistance under subsection (c), or those who are on the waiting list to receive the assistance, with coupons that may be exchanged for fresh nutritious, unprepared foods at farmers' markets, as defined in the State plans submitted under this subsection.

"(2) A grant provided to any State under this subsection shall be provided to the chief executive officer of the State, who shall—

"(A) designate the appropriate State agency or agencies to administer the program in conjunction with the appropriate nonprofit organizations; and

"(B) ensure coordination of the program among the appropriate agencies and organizations.

"(3) The Secretary shall not make a grant to any State under this subsection unless the State agrees to provide State, local, or private funds for the program in an amount that is equal to not less than 30 percent of the total cost of the program, which may be satisfied from State contributions that are made for similar programs.

"(4) Subject to paragraph (6), the Secretary shall establish a formula for determining the amount of the grant to be awarded under this subsection to each State for which a State plan is approved under paragraph (6), according to the number of recipients proposed to participate as specified in the State plan. In determining the amount to be awarded to new States, the Secretary shall rank order the State plans according to the criteria of operation set forth in this subsection, and award grants accordingly. The Secretary shall take into consideration the minimum amount needed to fund each approved State plan, and need not award grants to each State that submits a State plan.

"(5) Each State that receives a grant under this subsection shall ensure that the program for which the grant is received complies with the following requirements:

"(A) Individuals who are eligible to receive Federal benefits under the program shall only be individuals who are receiving assistance under subsection (c), or who are on the waiting list to receive the assistance.

"(B) Construction or operation of a farmers' market may not be carried out using funds—

"(i) provided under the grant; or

"(ii) required to be provided by the State under paragraph (3).

"(C) The value of the Federal share of the benefits received by any recipient under the program may not be—

"(i) less than $10 per year; or

"(ii) more than $20 per year.

"(D) The coupon issuance process under the program shall be designed to ensure that coupons are targeted to areas with—

"(i) the highest concentration of eligible individuals;

"(ii) the greatest access to farmers' markets; and

"(iii) certain characteristics, in addition to those described in clauses (i) and (ii), that are determined to be relevant by the Secretary and that maximize the availability of benefits to eligible individuals.

"(E) The coupon redemption process under the program shall be designed to ensure that the coupons may be—

"(i) redeemed only by producers authorized by the State to participate in the program; and

"(ii) redeemed only to purchase fresh nutritious unprepared food for human consumption.

"(F)(i) Except as provided in clauses (ii) and (iii), the State may use for administration of the program in any fiscal year not more than 15 percent of the total amount of program funds.

"(ii) During the first fiscal year for which a State receives assistance under this subsection, the Secretary shall permit the State to use 2 percent of the total program funds for administration of the program in addition to the amount the State is permitted to use under clause (i). During any fiscal year other than the first fiscal year for which a State receives assistance under this subsection, on the showing by the State of financial need, the Secretary may permit the State to use not more than 2 percent of the total program funds for administration of the program in addition to the amount the State is permitted to use under clause (i).

"(iii) The provisions of clauses (i) and (ii) with respect to the use of program funds for the administration of the program shall not apply to any funds that a State may contribute in excess of the funds used by the State to meet the requirements of paragraph (3).

"(G) The State shall ensure that no State or local taxes are collected within the State on purchases of food with coupons distributed under the program.

"(6)(A) Each State that received assistance under the demonstration program authorized by this subsection in a fiscal year ending before October 1, 1991, shall receive assistance under this subsection if the State complies with the requirements established by this subsection, as determined by the Secretary.

"(B)(i) Subject to the availability of appropriations, if a State provides the amount of matching funds required under paragraph (3), the State shall receive assistance under this subsection in an amount that is not less than the amount of such assistance that the State received in the most recent fiscal year in which it received such assistance.

"(ii) If amounts appropriated for any fiscal year pursuant to the authorization contained in paragraph (10) for grants under this subsection are not sufficient to pay to each State for which a State plan is approved under paragraph (6) the amount that the Secretary determines each such State is entitled to under this subsection, each State's grant shall be ratably reduced, except that (if sufficient funds are available) each State shall receive at least $50,000 or the amount that the State received for the prior fiscal year if that amount is less than $50,000.

"(C) In providing funds to serve additional recipients in a State that received assistance under this subsection in the previous fiscal year, the Secretary shall consider—

"(i) the availability of any such assistance not spent by the State during the program year for which the assistance was received;

"(ii) documentation that justifies the need for an increase in participation; and

"(iii) demonstrated ability to satisfactorily operate the existing program.

"(D)(i) A State that desires to receive a grant under this subsection shall submit, for each fiscal year, a State plan to the Secretary at such time and in such manner as the Secretary may reasonably require.

"(ii) Each State plan submitted under this paragraph shall contain—

"(I) the estimated cost of the program and the estimated number of individuals to be served by the program;

"(II) a description of the State plan for complying with the requirements established in paragraph (5); and

"(III) criteria developed by the State with respect to authorization of producers to participate in the program.

"(iii) The criteria developed by the State as required by clause (ii)(III) shall require any authorized producer to sell fresh nutritious unprepared foods (such as fruits and vegetables) to recipients, in exchange for coupons distributed under the program.

"(E) The Secretary shall establish objective criteria for the approval and ranking of State plans submitted under this paragraph.

"(F) In approving and ranking State plans submitted under this paragraph, the Secretary shall—

"(i) favorably consider a State's prior experiences with this or similar programs;

"(ii) favorably consider a State's operation of a similar program with State or local funds that can present data concerning the value of the program;

"(iii) require that if a State receiving a grant under this section applies the Federal grant to a similar program operated in the previous fiscal year with State or local funds, the State shall not reduce in any fiscal year the amount of State and local funds available to the program in the preceding fiscal year after receiving funds for the program under this subsection;

"(iv) give preference to State plans that would serve areas in the State that have—

"(I) the highest concentration of eligible persons;

"(II) the greatest access to farmers' markets;

"(III) broad geographic areas;

"(IV) the greatest number of recipients in the broadest geographical area within the State; and

"(V) any other characteristics, as determined appropriate by the Secretary, that maximize the availability of benefits to eligible persons; and

"(v) take into consideration the amount of funds available and the minimum amount needed by

"(iii) require that if a State receiving a grant under this section applies the Federal grant to a similar program operated in the previous fiscal year with State or local funds, the State shall not reduce in any fiscal year the amount of State and local funds available to the program in the preceding fiscal year after receiving funds for the program under this subsection;

"(iv) give preference to State plans that would serve areas in the State that have—

"(I) the highest concentration of eligible persons;

"(II) the greatest access to farmers' markets;

"(III) broad geographic areas;

"(IV) the greatest number of recipients in the broadest geographical area within the State; and

"(V) any other characteristics, as determined appropriate by the Secretary, that maximize the availability of benefits to eligible persons; and

"(v) take into consideration the amount of funds available and the minimum amount needed by each applicant State to successfully operate the program.

"(G)(i) An amount equal to 45 to 55 percent of the funds available after satisfying the requirements of subparagraph (B) shall be made available to States participating in the program that wish to serve additional recipients, and whose State plan to do so is approved by the Secretary. If this amount is greater than that necessary to satisfy the approved State plans for additional recipients, the unallocated amount shall be applied toward satisfying any unmet need of States that have not participated in the program in the prior fiscal year, and whose State plans have been approved.

"(ii) An amount equal to 45 to 55 percent of the funds available after satisfying the requirements of subparagraph (B) shall be made available to States that have not participated in the program in the prior fiscal year, and whose State plans have been approved by the Secretary. If this amount is greater than that necessary to satisfy the approved State plans for new States, the unallocated amount shall be applied toward satisfying any unmet need of States that desire to serve additional recipients, and whose State plans have been approved.

"(iii) In any fiscal year, any funds that remain unallocated after satisfying the requirements of clauses (i) and (ii) shall be reallocated in the following fiscal year according to procedures established pursuant to paragraph (10)(B)(ii).

"(7)(A) The value of the benefit received by any recipient under any program for which a grant is received under this subsection may not affect the eligibility or benefit levels for assistance under other Federal or State programs.

"(B) Any programs for which a grant is received under this subsection shall be supplementary to the food stamp program carried out under the Food Stamp Act of 1977 (7 U.S.C. 2011 et seq.) and to any other Federal or State program under which foods are distributed to needy families in lieu of food stamps.

"(8) For each fiscal year, the Secretary shall collect from each State that receives a grant under this subsection information relating to—

"(A) the number and type of recipients served by both Federal and non-Federal benefits under the program for which the grant is received;

"(B) the rate of redemption of coupons distributed under the program;

"(C) the average amount distributed in coupons to each recipient; and

"(D) any other information determined to be necessary by the Secretary.

"(9)(A) The Secretary shall submit to the Committee on Education and Labor of the House of Representatives and the Committee on Agriculture, Nutrition, and Forestry of the Senate a compilation of the information collected under paragraph (8).

"(B) The compilation required by subparagraph (A) shall be submitted on or before April 1, 1994.

"(10)(A) There are authorized to be appropriated to carry out this subsection $3,000,000 for fiscal year 1992, $6,500,000 for fiscal year 1993, and $8,000,000 for fiscal year 1994.

"(B)(i)(I) Except as provided in subclause (II), each State shall return to the Secretary any funds made available to the State that are unobligated at the end of the fiscal year for which the funds were originally allocated. The unexpended funds shall be returned to the Secretary by February 1st of the following fiscal year.

"(II) Notwithstanding any other provision of this subsection, a total of not more than 5 percent of funds made available to a State for any fiscal year may be expended by the State to reimburse expenses incurred for a program assisted under this subsection during the preceding fiscal year or may be retained by the State to reimburse expenses expected to be incurred for such a program during the succeeding fiscal year.

"(ii) The Secretary shall establish procedures to reallocate funds that are returned under clause (i). Funds that remain unexpended at the end of any demonstration project authorized by this subsection (as it existed on September 30, 1991) shall be reallocated in a similar manner.

"(11) For purposes of this subsection:

"(A) The term 'coupon' means a coupon, voucher, or other negotiable financial instrument by which benefits under this section are transferred.

"(B) The term 'program' means—

"(i) the State farmers' market coupon nutrition program authorized by this subsection (as it existed on September 30, 1991); or

"(ii) the farmers' market nutrition program authorized by this subsection.

"(C) The term 'recipient' means a person or household, as determined by the State, who is chosen by a State to receive benefits under this subsection, or who is on a waiting list to receive such benefits.

"(D) The term 'State agency' has the meaning provided in subsection (b)(13), except that the term also includes the agriculture department of each State.".

SEC. 4. EFFECTIVE DATE.

The amendment made by section 3 shall be effective as of October 1, 1991.

Mr. FORD. Mr. President, I move to reconsider the vote.

Mr. HATFIELD. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. HARKIN. Mr. President, I am pleased that we are again passing legislation to reauthorize the Farmers Market Program within the Special Supplemental Food Program for Women, Infants, and Children. This is really an outstanding program to provide coupons to help participants in the WIC Program improve their diets by purchasing fresh fruits and vegetables from local markets. By encouraging WIC participants to try fresh fruits and vegetables, the program increases sales at farmers markets and builds a base of repeat customers who return to purchase fresh fruits and vegetables even after the coupons have been expended.

I want to thank and commend Chairman LEAHY for his leadership and diligent efforts to see that this legislation reauthorizing the program is enacted. I am pleased to be an original cosponsor of this legislation, just as I was pleased that we were able to include in the Hunger Prevention Act of 1988 legislation that I had authored to establish the program.

Since that time, I have worked to increase funding for the program so that more WIC participants can take advantage of the benefits provided by the Farmers Market Program. This year, the funding for the program is $3 million. Under this reauthorization program, the authorization level will be raised to $6.5 million, allowing additional States to take part in the program.

The program provides coupons worth $10 to $20 to WIC participants for use at farmers markets. States participating in the WIC Farmers Market Program must contribute 30 percent of the total cost in order to receive Federal grants. In Iowa, the program will serve some 35,000 WIC participants who will redeem coupons at 57 participating farmers markets.

In view of the benefits of the WIC Farmers Market Program, I am dismayed that the administration has opposed reauthorizing or further funding the program. I can only hope that the administration will not carry through its unwarranted threats against this outstanding program.

COMMONWEALTH SCIENTISTS IMMIGRATION AND EXCHANGE ACT

Mr. FORD. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar Number 438, S. 2201, a bill to authorize the admission to the United States of certain scientists of the Commonwealth of Independent States as employment-based immigrants under the Immigration and Nationality Act; that the committee reported substitute amendment be agreed to; the bill be deemed read for a third time, that the bill be passed and the motion to reconsider be laid upon the table.

The PRESIDING OFFICER. Without objection, it is so ordered.

So, the committee amendment in the nature of a substitute was agreed to and the bill was deemed read for a third time and passed, as follows:

SECTION 1. SHORT TITLE.

This Act may be cited as the "Commonwealth and Baltic Scientists Immigration and Exchange Act of 1992".

SEC. 2. PURPOSES.

(a) IN GENERAL.—The purposes of this Act are—

(1) to deter the proliferation of expertise in nuclear, chemical, biological, or other high technology fields which may be applied to defense projects in Third World countries; and

(2) to enhance American competitiveness with foreign economies.

(b) CONSTRUCTION.—Nothing in this Act may be construed to affect adversely the employment, wages, or working conditions of workers in the United States.

SEC. 3. DEFINITIONS.

For purposes of this Act—

(1) the term "Baltic states" means the sovereign nations of Latvia, Lithuania, and Estonia;

(2) the term "Commonwealth of Independent States" includes the sovereign nations of Armenia, Azerbaijan, Belarus, Kazakhstan, Kyrgyzstan, Moldova, Russia, Tajikistan, Turkmenistan, Ukraine, and Uzbekistan;

(3) the term "eligible Commonwealth and Baltic scientists" means aliens—

(A) who are nationals of any of the sovereign nations of the Commonwealth of Independent States or the Baltic states; and

(B) who are scientists or engineers who have expertise in nuclear, chemical, biological or other high technology fields or who are working on nuclear, chemical, biological or other high-technology defense projects, as defined by the Attorney General; and

(4) the term "Soviet threat reduction funds" means funds which were transferred under section 221 of the Soviet Nuclear Threat Reduction Act of 1991 (Public Law 102–228) for use in reducing the Soviet military threat in accordance with that Act.

SEC. 4. WAIVER OF JOB OFFER REQUIREMENT.

The requirement in section 203(b)(2)(A) of the Immigration and Nationality Act (8 U.S.C. 1153(b)(2)(A)) that an alien's services in the sciences, arts, or business be sought by an employer in the United States shall not apply to any eligible Commonwealth or Baltic scientist who is applying for admission to the United States for permanent residence in accordance with that section.

SEC. 5. CLASSIFICATION OF COMMONWEALTH SCIENTISTS AS HAVING EXCEPTIONAL ABILITY.

(A) IN GENERAL.—The Attorney General shall designate a class of eligible Commonwealth and Baltic scientists, based on their level of expertise, as aliens who possess "exceptional ability in the sciences", for purposes of section 203(b)(2)(A) of the Immigration and Nationality Act (8 U.S.C. 1153(b)(2)(A)), whether or not such scientists possess advanced degrees.

(b) REGULATIONS.—The Attorney General shall prescribe regulations to carry out subsection (a).

(c) LIMITATION.—Not more than 750 eligible Commonwealth and Baltic scientists (excluding spouses and children if accompanying or following to join) within the class designated under subsection (a) may be allotted visas under section 203(b)(2)(A) of the Immigration and Nationality Act (8 U.S.C. 1153(b)(2)(A)).

(d) TERMINATION.—The authority of subsection (a) shall terminate 4 years after the date of enactment of this Act.

SEC. 6. INTERNATIONAL EXCHANGE PROGRAMS.

It is the sense of the Congress—

(1) eligible Commonwealth and Baltic scientists should be given priority consideration for all United States Government exchange and scholarship programs which were available, before December 25, 1991, to students and citizens of the former Union of Soviet Socialist Republics for which such scientists would otherwise have been eligible;

(2) the President should make every effort to define existing programs broadly enough to accommodate eligible Commonwealth and Baltic scientists seeking graduate education in the commercial applications of their field or specialty; and

(3) the President should make every effort to permit eligible Commonwealth and Baltic scientists to apply for graduate exchange programs that would cross-train them in another specialty, including business law.

SEC. 7. POLICY ON USE OF SOVIET THREAT REDUCTION FUNDS.

It is the sense of the Congress that, in making available Soviet threat reduction funds—

(1) priority should be given to ensure that eligible Commonwealth and Baltic scientists are gainfully employed in the Commonwealth of Independent States, or in the Baltic states, as the case may be, in research and other projects which would enhance the objectives of nonproliferation of weapons of mass destruction, without affecting the jobs of American scientists

(2) the byproducts of such research and other projects should be designed to enhance American competitiveness and to provide financial returns to the taxpayer to the greatest extent possible; and

(3) priority should be given to the creation of educational fellowships and other internships for eligible Commonwealth and Baltic scientists with American industry in order to train such scientists in commercial and business applications of their specialties for the purpose of facilitating the process of economic reform in the Commonwealth of Independent States and the Baltic States.

The title was amended so as to read: "A bill to authorize the admission to the United States of certain scientists of the Commonwealth of Independent States and the Baltic states as employment-based immigrants under the Immigration and Nationality Act, and for other purposes.".

Mr. KENNEDY. Mr. President, as chairman of the Subcommittee on Immigration and Refugee Affairs, I was delighted to support this legislation introduced by Senator BROWN and Senator DOLE, and I moved it expeditiously through the Subcommittee and the Judiciary Committee.

This bill is a good piece of legislation both substantively as well as symbolically. It offers a statement of hope to some Soviet scientists who have been thrown out of professional jobs because the current economic turmoil in the former Soviet Union. And it is a small symbol of America's concern to help the people of Russia and the other Republics in whatever way we can.

This bill is a small step in that direction.

Mr. President, this legislation simply relaxes some immigration criteria and procedures for admitting as immigrants scientists from the former Soviet Union. The bill limits to 750 the number of scientists covered, but this should be sufficient to accommodate the initial numbers in need.

Again, this bill simply expedites their admission as immigrants under the provisions of The Immigration Act of 1990 and existing laws. All the scientists covered by this bill would be eligible under the law's high-skilled provisions. It just temporarily puts a small number of Soviet scientists to the head of the line.

Finally, this bill is in our interest as well. Noted Soviet scientists who now feel they must leave their country because they do not have jobs should be able to come here, instead of to Iraq or Libya.

Mr. FORD. Mr. President, I move to reconsider the vote.

Mr. HATFIELD. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

EXPORT RESTRICTIONS ON ITEMS WITH POTENTIAL USE IN CHEMICAL AND BIOLOGICAL WEAPONS—MESSAGE FROM THE PRESIDENT—PM 240

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States; which was referred to the Committee on Banking, Housing, and Urban Affairs:

To the Congress of the United States:

On November 16, 1990, in light of the dangers of the proliferation of chemical and biological weapons, I issued Executive Order No. 12735 and declared a national emergency under the International Emergency Economic Powers Act (50 U.S.C. 1701 *et seq.*).

The proliferation of chemical and biological weapons continues to pose an unusual and extraordinary threat to the national security and foreign policy of the United States.

Section 204 of the International Emergency Economic Powers Act and section 401(c) of the National Emergencies Act contain periodic reporting requirements regarding activities taken and money spent pursuant to an emergency declaration. The following report is made pursuant to these provisions.

The three export control regulations issued under the Enhanced Proliferation Control Initiative are fully in force and have been used to control the export of items with potential use in chemical or biological weapons or their delivery systems.

Over the last 6 months, the United States has continued to address actively the problem of the proliferation and use of chemical and biological weapons in its international diplomatic efforts.

The membership of the Australia Group of countries cooperating against chemical and biological weapons proliferation grew from 20 to 22 members when Finland and Sweden were welcomed into the Group in December 1991.

At the same December 1991 Australia Group meeting, all member countries confirmed that they had implemented or were implementing export controls on all 50 identified chemical weapons precursors. Almost all Australia Group members agreed at the meeting to impose controls on a common list of dual-use chemical equipment. In the first major Australia Group involvement in biological weapons nonproliferation, the December meeting also produced a draft list of biological organisms, toxins, and equipment to consider for export controls. This list was further refined by an Australia Group experts' meeting in March 1992, the first intersessional meeting held by the Australia Group, and will be considered for adoption by the June 1992 Australia Group plenary.

Encouraging progress can also be reported in the steps taken by countries outside the Australia Group, including several Eastern European countries and Argentina, to establish effective chemical and biological export controls comparable to those observed by Australia Group members.

Finally, the March 31, 1992, report regarding expenditures under the declaration of a national emergency to deal with the lapse of the Export Administration Act in Executive Order No. 12730 also includes measures related to the Enhanced Proliferation Control Initiative. Pursuant to section 401(c) of the National Emergencies Act, there were no additional expenses directly attributable to the exercise of authorities conferred by the declaration of the national emergency.

GEORGE BUSH.

THE WHITE HOUSE, *May 20, 1992.*

WAIVER OF CERTAIN PROVISIONS OF THE TRADE ACT WITH RESPECT TO ALBANIA—MESSAGE FROM THE PRESIDENT—PM 241

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States; which was referred to the Committee on Finance:

To the Congress of the United States:

Pursuant to section 402(c)(2)(A) of the Trade Act of 1974, as amended (the "Act") (19 U.S.C. 2432(c)(2)(A)), I have determined that a waiver of the application of subsections (a) and (b) of section 402 with respect to Albania will substantially promote the objectives of section 402. A copy of that determination is enclosed. I have also received assurances with respect to the emigration practices of Albania required by section 402(c)(2)(B) of the Act. This message constitutes the report to the Congress required by section 402(c)(2).

Pursuant to section 402(c)(2), I shall waive by Executive order the application of subsections (a) and (b) of section 402 of the Act with respect to Albania.

GEORGE BUSH.

THE WHITE HOUSE, *May 20, 1992.*

MESSAGES FROM THE HOUSE

At 11:31 a.m., a message from the House of Representatives announced that the House disagrees to the amendments of the Senate to the bill (H.R. 3033) to amend the Job Training Partnership Act to improve the delivery of services to hard-to-serve youth and adults, and for other purposes; it agrees to the conference asked by the Senate on the disagreeing votes of the two Houses thereon, and appoints Mr. FORD of Michigan, Mr. WILLIAMS, Mr. PERKINS, Mr. ANDREWS of New Jersey, Mr. OLVER, Mr. GOODLING, Mr. GUNDERSON, and Mr. HENRY as managers of the conference on the part of the House.

ENROLLED JOINT RESOLUTION SIGNED

The message also announced that the Speaker has signed the following enrolled joint resolution, in which it requests the concurrence of the Senate:

S.J. Res. 254. Joint resolution commending the New York Stock Exchange on the occasion of its bicentennial.

The enrolled joint resolution was subsequently signed by the President pro tempore [Mr. BYRD].

At 6:50 p.m., a message from the House of Representatives, delivered by Ms. Goetz, one of its reading clerks, announced that the House has passed the following bill, in which it requests the concurrence of the Senate:

H.R. 4691. An Act to amend the Airport and Airway Improvement Act of 1982 to authorize appropriations for fiscal years 1993 and 1994, and for other purposes.

MEASURES REFERRED

The following bill was read the first and second times by unanimous consent, and referred as indicated:

H.R. 4691. An Act to amend the Airport and Airway Improvement Act of 1982 to authorize appropriations for fiscal years 1993 and 1994, and for other purposes; to the Committee on Commerce, Science, and Transportation.

ENROLLED JOINT RESOLUTION PRESENTED

The Secretary of the Senate reported that on today, May 20, 1992, he had presented to the President of the United States the following enrolled joint resolution:

S.J. Res. 254. Joint resolution commending the New York Stock Exchange on the occasion of its bicentennial.

PETITIONS AND MEMORIALS

The following petitions and memorials were laid before the Senate and were referred or ordered to lie on the table as indicated:

POM-362. A joint resolution adopted by the Legislature of the State of Virginia; to the Committee on Appropriations.

"HOUSE JOINT RESOLUTION NO. 154

"Whereas, the Commonwealth's fiscal problems are severe, ongoing, and likely to affect, to some degree, all actions by the 1992 Session and many future sessions of the General Assembly; and

"Whereas, exacerbating an already serious situation is the federal government's instance on imposing on the states a steadily increasing number of mandates, without providing the federal funding necessary to implement the mandates; and

"Whereas, in such vital as health care, transportation, education, and criminal justice, the federal government has imposed mandates that significantly increase costs and create severe fiscal pressure on already overburdened state governments and

"Whereas, the federal government's fondness for requiring compliance with a growing number of statutory and regulatory requirements, even though frequently serving valid purposes, has made the budgetary problems of states already facing declining revenues even more difficult; and

"Whereas, the imposition of further mandates, in areas such as Medicaid, could well cripple the states' ability to respond to the real and pressing needs of their citizens; and

"Whereas, in the past, as much as 28 percent of the Commonwealth's federal taxes were returned by the federal government, but the figure has now declined to between 12 and 13 percent; and

"Whereas, the combination of increasing mandates and decreasing federal funding places the Commonwealth in the impossible position of trying to do more with less; now, therefore, be it

"Resolved by the House of Delegates, the Senate concurring, That the General Assembly hereby memorialize the Congress of the United States to impose no more mandates on the Commonwealth and the several states unless federal funding, sufficient to pay for implementing the mandates, is also provided; and, be it

"Resolved further, That the Clerk of the House of Delegates transmit copies of this resolution to the Speaker of the House of Representatives, the President of the United States Senate, and the members of the Virginia congressional delegation, so that they may be apprised of the sense of the General Assembly of Virginia."

POM-363. A joint resolution adopted by the Legislature of the State of Virginia; to the Committee on Armed Services:

"HOUSE JOINT RESOLUTION NO. 369

"Whereas, as part of its force reduction, the National Guard Bureau has selected the 276th Engineer Battalion of the Virginia National Guard for deactivation during 1992; and

"Whereas, given recent events in Eastern Europe and elsewhere, such a force reduction effort is both appropriate and necessary; and

"Whereas, the decision to make one of the best units among the first to be eliminated is nevertheless highly questionable; and

"Whereas, the 276th Engineer Battalion is clearly one of the best, recently named by the U.S. First Army as the best of the twelve such units in the First Army area; and

"Whereas, the 276th Engineer Battalion is also one of the oldest in the nation, tracing its lineage back to the First Virginia Regiment, once commanded by George Washington and Patrick Henry; and

"Whereas, this clearly superior and historic unit has performed yeoman service to the citizens of Virginia as the single most capable and effective unit in the state to respond to civil emergencies caused by floods and other natural disasters; and

"Whereas, the 276th Engineer Battalion has served the citizens of the Commonwealth in diverse and valuable ways and in all areas of the state; and

"Whereas, the Governor of Virginia, L. Douglas Wilder, has expressed serious reservations regarding the decision to eliminate the 276th Engineer Battalion; now, therefore, be it

"Resolved by the House of Delegates, the Senate concurring, That the General Assembly hereby strongly urge the reconsideration of the decision to eliminate the 276th Engineer Battalion as part of the nationwide force reduction program; and, be it

"Resolved further, That the Clerk of the House of Delegates transmit copies of this resolution to the President of the United States, the Speaker of the House of Representatives, the President of the United States Senate, the members of the Virginia Congressional delegation, the United States Secretary of Defense, the Secretary of the Army, and the Chief of the National Guard Bureau so that they may be apprised of the sense of the General Assembly of Virginia."

POM-364. A joint resolution adopted by the Legislature of the State of Virginia; to the Committee on Commerce, Science, and Transportation:

"HOUSE JOINT RESOLUTION NO. 212

"Whereas, the Joint Subcommittee Studying Measures to Ensure Virginia's Economic Recovery pursuant to House Joint Resolution No. 433 (the "Economic Recovery Commission") has made a number of recommendations to implement its plan; and

"Whereas, leadership in high technology fields is one of the areas where the Commonwealth can make great strides, while attempting to maximize advantages it already possesses in terms of higher education and preexisting business; and

"Whereas, Virginia's heretofore recognized excellence in the field of fiber optics represents a logical area in which to concentrate further efforts to differentiate Virginia from the other states; and

"Whereas, the Economic Recovery Commission believes that making Virginia the first state to complete a statewide fiber optics digital communications system, connecting our homes, classrooms, and businesses in an interactive, highly productive network, would greatly advance Virginia's economic vitality and pre-position Virginia as the preeminent state in which to do business in the twenty-first century; and

"Whereas, the technology exists today to extend such a fiber-optics network to every home in the Commonwealth with a telephone; now, therefore, be it

"Resolved by the House of Delegates, the Senate concurring, That the United States Congress be hereby memorialized to approve legislation that will (i) promote telecommuting, telemarketing, and fiber-optics classroom initiatives; (ii) promote competition which has been the catalyst for the explosion of technological development in telecommunications and a plethora of advanced services to meet consumer and business needs; and (iii) protect the efforts of those businesses which make the investments necessary to implement widespread state-of-the-art communications network systems; and, be it

"Resolved further, That the Clerk of the House of Delegates transmit copies of this resolution to the Speaker of the United States House of Representatives, the President of the Senate of the United States, and the members of the Virginia delegation to the United States Congress that they may be apprised of the sense of the General Assembly of Virginia in this matter."

POM-365. A joint resolution adopted by the Legislature of the State of Virginia; to the Committee on Finance:

"HOUSE JOINT RESOLUTION NO. 40

"Whereas, the small issue industrial revenue bond program grants tax-exempt status to interest paid on bonds issued in accordance with federal law; and

"Whereas, by allowing attractive, below prime rate financing for manufacturers and other industries, this program has provided an excellent financial incentive for industrial development in Virginia; and

"Whereas, by providing an excellent financial incentive for industrial development, the industrial revenue bond program has assisted in the creation of countless new jobs in Virginia over the years; and

"Whereas, House Bill No. 1186 has passed the U.S. House of Representatives and will extend the small issue industrial revenue bond program for anther five years beyond its expiration date of December 31, 1991; now, therefore, be it

"Resolved, by the House of Delegates, the Senate concurring, That Congress is hereby memorialized to extend the expiration date on the industrial revenue bond program for another five years and to broaden the program to encompass sports facilities; and, be it

"Resolved further, That the Clerk of the House of Delegates transmit copies of this resolution to the Speaker of the U.S. House of Representatives, the President of the Senate, and the members of the Virginia delegation to the United States Congress that they may be apprised of the sense of the Virginia General Assembly in this matter."

POM-366. A joint resolution adopted by the Legislature of the State of Virginia; to the Committee on Finance:

"HOUSE JOINT RESOLUTION NO. 99

"Whereas, the shipbuilding and ship repair industries are of fundamental importance to the nation's economy; and

"Whereas, the United States Government has eliminated funding for the construction differential subsidy program, thereby ending direct subsidization of commercial shipbuilding in the United States; and

"Whereas, the international market for shipbuilding and ship repair continues to be distorted by a wide array of foreign subsidies, including direct grants, preferential financing, and other direct and indirect government assistance; and

"Whereas, the existing United States trade laws and trade agreements provide limited redress to domestic shipbuilders for the trade-distorting subsidies and dumping practices of foreign shipbuilding; now, therefore, be it

"Resolved by the House of Delegates, the Senate concurring, That the General Assembly urge the Congress of the United States to pass HR 2056 (Shipbuilding Trade Reform Act of 1991) and S. 1361 (Shipbuilding and Repair Industry Free Trade Act of 1991); and, be it

Resolved further, That the Clerk of the House of Delegates transmit copies of this resolution to the Speaker of the House of Representatives, the President of the United States Senate, and the Virginia congressional delegation so that they may be apprised of the sense of the General Assembly of Virginia."

POM-367. A joint resolution adopted by the Legislature of the State of Virginia; to the Committee on Finance:

"HOUSE JOINT RESOLUTION NO. 161

"Whereas, in 1990 Congress enacted legislation that requires pharmaceutical manufacturers to give state Medicaid programs rebates on drugs; and

"Whereas, the federal legislation requires state Medicaid programs to cover all of the drugs of manufacturers who have agreements with the federal government to provide such rebates on their drug products; and

"Whereas, state Medicaid programs are also required to cover without restriction all new drugs for the first six months following the drug's approval by the U.S. Food and Drug Administration; and

"Whereas, the legislation also prohibits state Medicaid programs from reducing the dispensing fees paid to pharmacists for four years; and

"Whereas, the legislation also removed the states' ability to (i) use a review program for new drugs to determine whether the Medicaid program should cover a new drug which has a less expensive, appropriate, available and acceptable alternative, (ii) restrict the use of an expensive drug if a clinical evaluation indicates that a less costly acceptable alternative is available, and (iii) set lower dispensing fees; and

"Whereas, these restrictions greatly hamper the Commonwealth's efforts to contain the rising cost of drugs covered through the Medicaid program; and

"Whereas, the Commonwealth can demonstrate excess costs already incurred by the requirement to cover drugs for which less expensive, acceptable alternatives are available; and

"Whereas, the Commonwealth has experienced dramatic increases in drug costs for non-Medicaid state agencies, indicating a potential cost shift to compensate for the Medicaid rebate program which simply made available to the Medicaid program discounts which were already available to other favored purchasers; and

"Whereas, provisions that the Virginia General Assembly enacted to contain drug costs in Virginia's Medicaid program have been superceded by the federal legislation; and

"Whereas, the Commonwealth is greatly concerned about the rapidly escalating costs associated with the Medicaid program and believes that states should have a certain amount of flexibility so that the costs of the Medicaid program can be controlled; now, therefore, be it

"Resolved by the House of Delegates, the Senate concurring, That the United States Congress is urged to reexamine the relevant provisions of the U.S. Code relating to Medicaid payment for covered outpatient drugs in light of the difficulty that Virginia and other states have had in containing costs for pharmaceutical products and to give states more flexibility in implementing cost containment measures by removing certain provisions that restrict the ability of states to purchase drugs in a cost effective manner; and, be it

"Resolved further, That the Clerk of the House of Delegates transmit copies of this resolution to the Speaker of the United States House of Representatives, the President of the Senate of the United States, and the members of the Virginia delegation to the United States Congress that they may be apprised of the sense of the General Assembly of Virginia in this matter."

POM-368. A joint resolution adopted by the Legislature of the State of Virginia; to the Committee on Finance:

"HOUSE JOINT RESOLUTION NO. 201

"Whereas, the Virginia Department of Social Services seeks to promote self-reliance and family responsibility through community-based services for individuals receiving public assistance; and

"Whereas, families who find employment encounter significant barriers in achieving the transition from public assistance to independence; and

"Whereas, such barriers deter individuals from seeking and maintaining employment; and

"Whereas, some individuals receiving Aid to Dependent Children and Food Stamps are believed to be drug dependent, to misuse their public assistance and to require innovative programs to enable them to become responsible and self-sufficient; and

"Whereas, the use of debit cards and electronic benefit transfer holds promise for promoting responsibility and self-sufficiency in a cost-effective manner for individuals receiving public assistance; and

"Whereas, the federal government, while allowing states to use electronic benefit transfer, has denied states the opportunity to operate a cost-effective system for the electronic delivery of benefits because of Regulation E of the Federal Reserve Board; now, therefore, be it

"Resolved by the House of Delegates, the Senate concurring, That the United States Congress be hereby memorialized to allow states greater latitude in the administration and delivery of Aid to Dependent Children and Food Stamps through innovative programs that facilitate independence and promote greater personal and family responsibility among recipients of such assistance; and, be it

"Resolved further, That the Clerk of the House of Delegates transmit copies of this resolution to the Speaker of the House of Representatives, the President of the Senate of the United States, and the members of the Virginia delegation to the United States Congress that they may be apprised of the sense of the General Assembly in this matter."

POM-369. A joint resolution adopted by the Legislature of the State of Virginia; to the Committee on Finance:

"HOUSE JOINT RESOLUTION NO. 250

"Whereas, a federal commission established by the then U.S. Secretary of Labor Elizabeth Dole recommended that Congress adopt legislation to ensure the continued provision of health benefits to retired coal miners who receive such benefits from the United Mine Workers of America (UMWA) Health and Retirement Funds; and

"Whereas, such legislation, introduced by Senator Jay Rockefeller of West Virginia (S. 1989) and Congressman John Murtha of Pennsylvania (H.R. 4013), would require all companies to pay a fair share of the cost of providing health benefits to their former employees and place an equitable fee on the entire coal industry to pay for the cost of "orphan" retirees who have no company to pay for such benefits; and

"Whereas, approximately 9,408 Virginia citizens receive their health care from the UMWA Health and Retirement Funds; and

"Whereas, the Rockefeller/Murtha legislation has been endorsed by both labor and management in the coal industry; now, therefore, be it

"Resolved by the House of Delegates, the Senate concurring, That the General Assembly strongly support S. 1989 and H.R. 4013 which would provide continued health care benefits for Virginia's coal miners and that the Congress of the United States be urged to enact this legislation into law; and, be it

"Resolved further, That the Clerk of the House of Delegates prepare copies of this resolution for presentation to the Speaker of the House of Representatives, the President of the United States Senate, and the members of the Virginia congressional delegation so that they may be apprised of the sense of the General Assembly of Virginia."

POM-370. A joint resolution adopted by the Legislature of the State of Virginia; to the Committee on the Judiciary:

"HOUSE JOINT RESOLUTION NO. 62

"Whereas, the national debt and annual deficits have reached astronomical levels; and

"Whereas, the national budget process has proven inadequate, as currently structured, to check the appropriation and spending practices of the national legislature; and

"Whereas, the President's veto power has been weakened by the practice of both parties enacting multipurpose, multibillion dollar appropriations measures; and

"Whereas, the granting of line item veto power would restore a proper constitutional balance between the executive and legislative branches, would enable the President to veto items of dubious merit and harmful fiscal impact, and would still reserve to the Congress the right to restore any vetoed item by a two-thirds vote; and

"Whereas, the Commonwealth of Virginia is on record as supporting the granting of line item veto power to the President by its approval of House Joint Resolution No. 168 in 1977, and the reasons for pursuing this constitutional revision are stronger and more persuasive now than ever before; and

"Whereas, the General Assembly in 1977 called for a constitutional convention to propose the amendment to grant the President line item veto power, but the alternative and proven method to amend the United States Constitution is by the Congress first proposing an amendment and the states then ratifying the amendment; now, therefore, be it

"Resolved by the House of Delegates, the Senate concurring, That the General Assembly of Virginia request the Congress of the United States to propose an amendment to the Constitution of the United States to provide the power to the President to veto line items of appropriation measures; and, be it

"Resolved further, That the General Assembly request the legislatures of the several states to apply to Congress for the proposal of this amendment to the Constitution of the United States; and, be it

"Resolved finally, That copies of this resolution be sent by the Clerk of the House of Delegates to the Speaker of the United States House of Representatives and to the President of the Senate of the United States, to each of the senators and representatives from Virginia, and to the legislatures of the several states, attesting to the adoption of this resolution."

POM-371. A joint resolution adopted by the Legislature of the State of Virginia; to the Committee on the Judiciary:

"HOUSE JOINT RESOLUTION NO. 156

"Whereas, for over 200 years, the flag of the United States has symbolized our nation; and

"Whereas, on June 14, 1777, the Continental Congress resolved that the flag represents the United States and its ideals of liberty and justice for all its citizens; and

"Whereas, the flag served to unite the 13 colonies and obtain recognition of America's national sovereignty; and

"Whereas, during the British attack on Fort McHenry in the War of 1812, the flag inspired Francis Scott Key to compose the song which became our national anthem; and

"Whereas, at the end of the War Between the States, the American flag again stood for the indestructible union of the United States; and

"Whereas, during the First World War, thousands of Americans died on foreign soil fighting for the American cause symbolized by the flag; and

"Whereas, during the Second World War, thousands of Americans again followed the flag into battle, where many lost their lives in an effort to preserve freedom; and

"Whereas, the flag served to boost the morale of American soldiers in the Korean and Vietnam conflicts, as they fought to preserve democracy; and

"Whereas, Americans of every state, political party, race, creed, and national origin regard the flag as the unifying symbol of the pluralism evident in the United States; and

"Whereas, on June 21, 1989, the Supreme Court reached a 5-4 decision in the case *Texas* v. *Gregory Lee Johnson* holding that physical desecration of the American flag is constitutionally protected free speech; and

"Whereas, the Supreme Court recognized in its decision that "the flag is constant in expressing beliefs Americans share, belief in law and peace and that freedom which sustains the human spirit," and that "the flag as readily signifies this Nation as does the combination of letters found in 'America'"; and

"Whereas, on June 11, 1990, the Supreme Court, again by a 5-4 decision, in *United States* v. *Eichman* held that the Flag Burning Act of 1989 was unconstitutional as applied to prosecute defendants for burning the flag and thus overturned the attempt by Congress to respond by statute to protect the flag; and

"Whereas, a majority of both houses of Congress in 1990 then voted to propose a constitutional amendment to enable the states and Congress to enact legislation to ban desecration of the flag, but the vote of 254 to 177 in the House and 58 to 42 in the Senate fell short of the two-thirds majority vote required for Congress to submit the amendment to the states; and

"Whereas, the General Assembly of Virginia has recognized the unique status the American flag holds in the eyes of United States citizens by prohibiting the desecration of the flag pursuant to the Virginia Uniform Flag Act (§18.2-486 et seq.); now, therefore, be it

"Resolved by the House of Delegates, the Senate concurring, That the General Assembly of the Commonwealth of Virginia memorialize the Congress of the United States to propose an amendment to the United States Constitution for ratification by the states, specifying that Congress and the states have the power to prohibit the physical desecration of the flag of the United States, thereby recognizing the status the flag holds as the unique symbol of nationhood and national unity; and, be it

"Resolved further, That the Clerk of the House of Delegates transmit copies of this resolution to the Speaker of the United States House of Representatives, the President of the United States Senate, and the members of the Virginia delegation to the United States Congress in order that they may be apprised of the sense of the General Assembly of Virginia."

POM-372. A joint resolution adopted by the Legislature of the State of Virginia; to the Committee on the Judiciary:

"HOUSE JOINT RESOLUTION NO. 231

"Whereas, equal rights for women should be constitutionally guaranteed; and

"Whereas, there still exist today discriminatory practices against women in this society; and

"Whereas, statutes passed to protect women against discrimination can be repealed or weakened; and

"Whereas, thirty-five states ratified the original Equal Rights Amendment; and

"Whereas, the overwhelming majority of Americans continue to support an Equal Rights Amendment to our Constitution; and

"Whereas, the Equal Rights Amendment was introduced in the Congress of the United States on January 11, 1991; now, therefore, be it

"Resolved by the House of Delegates, the Senate concurring, That the General Assembly urge the Congress of the United States to expeditiously pass the Equal Rights Amendment so that the process of state ratification can begin as quickly as possible; and, be it

"Resolved further, That copies of this resolution be sent by the Clerk of the House of Delegates to the Speaker of the House of Representatives, the President of the United States Senate, the Chairman of the House Judiciary Committee, the Chairman of the Senate Judiciary Committee and to each member of the Virginia congressional delegation so that they may be apprised of the sense of the General Assembly of Virginia."

POM-373. A joint resolution adopted by the Legislature of the State of Michigan; to the Committee on the Judiciary:

"SENATE JOINT RESOLUTION E

"Resolved by the Senate and the House of Representatives of the state of Michigan, That the first Congress of the United States of America, at its session, in both houses, by a constitutional majority of two-thirds of both houses has made the following proposition to amend the constitution of the United States:

"'Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, two thirds of both Houses concurring, that the following [Article] be proposed to the Legislatures of the several States, . . . which [Article], when ratified by three fourths of the said Legislatures, to be valid to all intents and purposes, as part of the said Constitution, viz.:

"'[An Article] in addition to, and Amendment of the Constitution of the United States of America, proposed by Congress, and ratified by the Legislatures of the several States, pursuant to the fifth Article of the original Constitution.'

"'Article the second . . . No law, varying the compensation for the services of the Senators and Representatives, shall take effect, until an election of Representatives shall have intervened.'

"Therefore, in the name of, and on behalf of, the people of the state of Michigan, we ratify, approve, and assent to the proposed amendment to the constitution of the United States.

"Resolved further, That certified copies of this joint resolution be transmitted by the governor of the state of Michigan, to the president of the United States, the archivist of the United States, the president of the Senate of the United States, and the speaker of the House of Representatives of the United States."

POM 374. A concurrent resolution adopted by the Legislature of the State of New Hampshire; to the Committee on Labor and Human Resources:

"HOUSE CONCURRENT RESOLUTION 24

"Whereas, there is a crisis in medical care and insurance throughout the country due to escalating costs; and

"Whereas, the individual states are finding the problem cannot be solved locally; now, therefore be it

"Resolved by the House of Representatives, the Senate concurring:

"That the President be urged to establish a commission to review access to the current health care system and provide recommendations regarding a system of uniform access to health care throughout the country, including various levels of entry to the system and access by all; and

"That the commission include representatives from the medical field, representatives from the insurance industry, members of the general public, members of the business community, and members of the United States Congress; and

"That it shall be the commission's duty to develop a health program addressing and making recommendations with regard to issues of universal access to health care for all Americans, cost containment, and a choice of programs including comprehensive benefits; and

"That Congress be urged to enact a national health program adopting the recommendations of the commission; and

"That copies of this resolution, signed by the speaker of the house of representatives and president of the senate be transmitted to the President of the United States, to the President of the United States Senate, to the Speaker of the United States House of Representatives, and to each member of the New Hampshire congressional delegation."

POM-375. A joint resolution adopted by the Legislature of the State of Virginia; to the Committee on Veterans' Affairs:

"Whereas, because of the high incidence of federal military installations and contracting industries located in the Commonwealth, 657,651 veterans of the armed services now live in Virginia; and

"Whereas, an additional 90,000 veterans of Operation Desert Storm also live in the state; and

"Whereas, medical facilities for veterans are now located only in Salem, Hampton, and Richmond; and

"Whereas, the health of many of these veterans is declining as a result of advancing age and health problems associated with their service in the military; and

"Whereas, travel to available veterans' medical facilities is difficult and inconvenient for those who live in Northern Virginia; and

"Whereas, it is estimated that approximately 220,000 veterans live within a 50-mile radius of the proposed Northern Virginia site; and

"Whereas, construction of a veterans' medical center in Northern Virginia has been authorized by the federal government but the project has never been started; and

"Whereas, it appears that such a facility is urgently needed and that land for such a facility is currently available and is already federally owned; and

"Whereas, a similar resolution was adopted by the 92nd National Convention of the Veterans of Foreign Wars during its national meeting held in August of 1991; now, therefore, be it

"Resolved by the House of Delegates, the Senate concurring, That the Congress of the United States is hereby memorialized to give serious consideration to the construction of a veterans' medical facility in the Northern Virginia area; and, be it

"Resolved further, That the Clerk of the House of Delegates transmit copies of this resolution to the Speaker of the United States House of Representatives, the President of the United States Senate, and the members of the Virginia delegation to the United States Congress in order that they may be apprised of the sentiment of the General Assembly of Virginia."

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. PELL, from the Committee on Foreign Relations, without amendment:

S. 2743. An original bill to deter and punish aggression against the newly independent countries of the defunct Socialist Federal Republic of Yugoslavia, and to promote human rights within the newly constituted Republic of Yugoslavia.

EXECUTIVE REPORTS OF COMMITTEES

The following executive reports of committees were submitted:

By Mr. PELL from the Committee on Foreign Relations:

Teresita Currie Schaffer, of New York, a Career Member of the Senior Foreign Service, Class of Minister-Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Democratic Socialist Republic of Sri Lanka, and to serve concurrently and without additional compensation as Ambassador Extraordinary and Plenipotentiary to the Republic of Maldives.

(Contributions are to be reported for the period beginning on the first day of the fourth calendar year preceding the calendar year of the nomination and ending on the date of the nomination.)

Nominee: Teresita Currie Schaffer.

Post: Ambassador to Sri Lanka and the Maldives

Contributions, amount, date, and donee:

1. Self: None.
2. Spouse: Howard B. Schaffer, none.
3. Children and spouses names: Michael C. Schaffer, none; Christopher S. Schaffer, none.
4. Parents names: Francis Currie, died 1979; Teresita S. Currie, none.
5. Grandparents names: Susie Sparre, died 1969; Pehr Sparre, died 1983.
6. Brothers and spouses names: Francis S. Currie, March 31, 1987, $250 to Senator Bradley's 1990 Primary Campaign; May 4, 1988, $250 to Senator Bradley's 1990 Primary Campaign; April 6, 1989, $500 to Senator Bradley's 1990 Primary Campaign and $500 to Senator Bradley's 1990 General Election Campaign. Spouse, Christine Lachaze Currie, June 4, 1990, $500 to Senator Bradley's Primary Campaign; Patrick R. Currie, none; spouse, Carol H. Currie, none; Peter L.S. Currie, none; spouse, Elizabeth M. Currie, none.

7. Sisters and spouses names: Julie G. Currie, none.

Kenton Wesley Keith, of Missouri, a Career Member of the Senior Foreign Service, Class of Minister-Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the State of Qatar.

(Contributions are to be reported for the period beginning on the first day of the fourth calendar year preceding the calendar year of the nomination and ending on the date of the nomination.)

Nominee: Kenton Wesley Keith.

Post: Ambassador to the State of Qatar.

Contributions, amount, date, and donee:

1. Self: None.
2. Spouse: None.
3. Children and spouses names: Vincent Keith (unmarried), none; Pamela Keith (unmarried), none.
4. Parents names: James Keith, father (deceased); Gertrude Keith, mother, none.
5. Grandparents names: Frank Keith (deceased); Gertrude Keith (deceased); Nora Hooker (deceased).
6. Brothers and spouses names: Gerren Keith (brother), none; Laura Keith (spouse), none.
7. Sisters and spouses names: Stephanie Keith (sister), none.

(The above nominations were approved subject to the nominees' commitment to respond to requests to appear and testify before any duly constituted committee on the Senate).

By Mr. BURDICK from the Committee on Environment and Public Works:

Christian R. Holmes IV, of California, to be Chief Financial Officer, Environmental Protection Agency.

Christian R. Holmes IV, of California, to be an Assistant Administrator of the Environmental Protection Agency.

Kenneth C. Rogers, of New Jersey, to be a Member of the Nuclear Regulatory Commission for the term of five years expiring June 30, 1997.

(The above nominations were approved subject to the nominees' commitment to appear and testify before any duly constituted committee on the Senate.)

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second time by unanimous consent, and referred as indicated:

By Mr. PELL:

S. 2743. An original bill to deter and punish aggression against the newly independent countries of the defunct Socialist Federal Republic of Yugoslavia, and to promote human rights within the newly constituted Republic of Yugoslavia; from the Committee on Foreign Relations; placed on the calendar.

By Mr. DASCHLE:

S. 2744. A bill to amend the Internal Revenue Code of 1986 to allow Indian tribes to receive charitable contributions of inventory; to the Committee on Finance.

By Mr. DOLE (for himself, Mr. HATCH, Mr. SEYMOUR, Mr. BOND, Mr. JEFFORDS, and Mr. THURMOND):

S. 2745. A bill to promote youth apprenticeship, and for other purposes; to the Committee on Labor and Human Resources.

By Mr. INOUYE (for himself, Mr. MCCAIN, Mr. DECONCINI, and Mr. LIEBERMAN):

S. 2746. A bill to extend the purposes of the Overseas Private Investment Corporation to include American Indian Tribes and Alaska Natives; to the Select Committee on Indian Affairs.

By Mr. PELL:

S. 2747. A bill to authorize certain uses of real property acquired by the Architect of the Capitol for use by the Librarian of Congress and for other purposes; to the Committee on Rules and Administration.

S. 2748. A bill to authorize the Library of Congress to provide certain information products and services, and for other purposes; to the Committee on Rules and Administration.

By Mr. SEYMOUR:

S. 2749. A bill to grant a right of use and occupancy of a certain tract of land in Yosemite National Park to George R. Lange and Lucille F. Lange, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. BOREN (for himself and Mr. NICKLES):

S. 2750. A bill to amend the act entitled "An Act conferring jurisdiction on certain courts of the United States to hear and render judgment in connection with certain claims of the Cherokee Nation of Oklahoma", approved December 23, 1982; to the Committee on the Judiciary.

By Mr. JOHNSTON:

S. 2751. A bill to establish additional Under Secretary and Assistant Secretary positions within the Department of Energy; to the Committee on Energy and Natural Resources.

By Mr. LEAHY (for himself, Mr. DASCHLE, Mr. KOHL, Mr. WOFFORD, Mr. ROCKEFELLER, and Mr. HARKIN):

S. 2752. A bill to establish a Reform Commission to review the field structure of the United States Department of Agriculture, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

By Mr. MOYNIHAN:

S. 2753. A bill to extend until January 1, 1996, the existing temporary suspension of the duty on Diphenyldichlorosilande and phenyltrichlorosilane; to the Committee on Finance.

By Mr. WIRTH:

S. 2754. A bill to clarify authorities of the Secretary of Agriculture is considering and issuing certain special use permits on National Forest System lands; to the Committee on Energy and Natural Resources.

By Mr. MOYNIHAN:

S. 2755. A bill to direct the Secretary of Defense to provide grants to States to provide technical and financial assistance to defense-dependent contractors; to the Committee on Armed Services.

By Mr. SIMON:

S. 2756. A bill to provide for the liquidation of certain entries of dog and cat treats as free of certain duties; to the Committee on Finance.

By Mr. MOYNIHAN (for himself and Mr. D'AMATO):

S. 2757. A bill to correct the Harmonized Tariff Schedule of the United States as it applies to certain electric toothbrushes and parts thereof; to the Committee on Finance.

By Mr. THURMOND:

S. 2758. A bill to authorize the Department of Justice to pay State and local property taxes on forfeited real property; to the Committee on the Judiciary.

By Mr. LEAHY (for himself, Mr. HARKIN, Mr. DASCHLE, and Mr. CONRAD):

S. 2759. A bill to amend the National School Lunch Act to improve the nutritional well-being of children under the age of 6 living in homeless shelters, and for other purposes; considered and passed.

By Mr. LEAHY (for himself, Mr. MCCONNELL, and Mr. DASCHLE):

S. 2760. A bill to improve certain nutrition programs, to improve the nutritional health of children, and for other purposes; considered and passed.

By Mr. LEAHY (for himself, Mr. GRASSLEY, Mr. HARKIN, Mr. CONRAD, and Mr. DASCHLE):

S. 2761. A bill to amend the Child Nutrition Act of 1966 to authorize grants to be made to State programs designed to provide resources to persons who are nutritionally at risk in the form of fresh nutritious unprepared food (such as fruit and vegetables) from farmers' markets, and for other purposes; considered and passed.

By Mr. GORE (for himself, Ms. MIKULSKI, Mr. LEAHY, Mr. KERRY, Mr. WOFFORD, Mr. CRANSTON, Mr. MITCHELL, Mr. SIMON, Mr. DODD, Mr. ADAMS, Mr. SARBANES, Mr. MOYNIHAN, Mr. KOHL, Mr. KENNEDY, Mr. WIRTH, Mr. LIEBERMAN, Mr. INOUYE, Mr. SANFORD, Mr. AKAKA, and Mr. ROCKEFELLER):

S.J. Res. 308. A joint resolution adopting certain principles on general rights and obligations with respect to the environment, to be known as the "Earth Charter," and urging the United Nations Conference on Environment and Development, meeting in June 1992, to adopt the same; to the Committee on Foreign Relations.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. SIMON (for himself, Mr. PELL, Mr. CRANSTON, and Mr. KENNEDY):

S. Res. 301. A resolution relating to ongoing violence connected with apartheid in South Africa; to the Committee on Foreign Relations.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. DASCHLE:

S. 2744. A bill to amend the Internal Revenue Code of 1986 to allow Indian tribes to receive charitable contributions of inventory; to the Committee on Finance.

INTERNAL REVENUE CODE AMENDMENTS

• Mr. DASCHLE. Mr. President, I am introducing legislation that would expand the current inventory charitable donation rule to include Indian tribes. This proposal is short and simple.

Under current law, companies may obtain a special charitable donation tax deduction under Internal Revenue Code section 170(e)(3) for contributing their excess inventory to the ill, the needy, or infants. While not limited to any particular type of company or inventory, this deduction commonly is used by food processing companies whose excess food inventories otherwise would spoil. Indian tribes have had difficulty obtaining these donations, however, because of an ambiguity in the law as to whether or not donating companies may deduct donations to people on Indian reservations.

The current language in section 170(e)(3) requires charitable donations of excess inventory to be made to organizations that are described in section 501(c)(3) of the Code and exempt from taxation under section 501(a). While Indian tribes are exempt from taxation, they are not among the organizations described in section 501(c)(3). Accordingly, it is not clear that a direct donation of excess inventory to an Indian tribe would qualify for the charitable donation deduction under section 170(e)(3).

Ironically, the Indian Tribal Government Tax Status Act found in section 7871 provides that an Indian tribal government shall be treated as a State for purposes of determining tax deductibility of charitable contributions made pursuant to section 170. Unfortunately, the act does not expressly extend to donations made under section 170(e)(3) because that provision technically does not include States as eligible donees, either.

Mr. President, it is well documented that a disproportionate number of the ill and the needy, many of whom are infants, can be found on Indian reservations. No one would argue that it is not within the intent of section 170(e)(3) to allow contributions to these people to qualify for the special charitable donation deduction in that section of the Code. That is what the bill I am introducing today would do. By allowing companies to make qualified contributions to Indian tribes under section 170(e)(3), the bill would clearly further the intended purpose of both Internal Revenue Code section 170(e)(3) and the Indian Tribal Government Tax Status Act.

I strongly encourage my colleagues to take a close look at this bill and consider supporting this worthy and reasonable measure.

Mr. President, I ask that the full text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2744

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. CHARITABLE CONTRIBUTIONS OF INVENTORY TO INDIAN TRIBES.

(a) IN GENERAL.—Section 170(e)(3) of the Internal Revenue Code of 1986 (relating to special rule for certain contributions of inventory or other property) is amended by adding at the end the following new subparagraph:

"(D) SPECIAL RULE FOR INDIAN TRIBES.—

"(i) IN GENERAL.—An Indian tribe (as defined in section 7871(c)(3)(E)(ii)) shall be treated as an organization eligible to be a donee under subparagraph (A).

"(ii) USE OF PROPERTY.—For purposes of subparagraph (A)(i), if the use of the property donated is related to the exercise of an essential governmental function of the Indian tribal government, such use shall be treated as related to the purpose or function constituting the basis for the organization's exemption."

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply to taxable years beginning after December 31, 1991.•

By Mr. DOLE (for himself, Mr. HATCH, Mr. SEYMOUR, Mr. BOND, Mr. JEFFORDS, and Mr. THURMOND):

S. 2745. A bill to promote youth apprenticeship, and for other purposes; to the Committee on Labor and Human Resources.

NATIONAL YOUTH APPRENTICESHIP ACT OF 1992

Mr. DOLE. Mr. President, when it comes to ensuring a strong economy and a bright and prosperous future for American workers, some investments in our Nation's infrastructure are more worthwhile than others. One of the most important things that we can do is to invest in our youth, and in this connection, I am pleased, along with the distinguished Senator from Utah [Mr. HATCH], the distinguished Senator from Missouri [Mr. BOND], the distinguished Senator from Vermont [Mr. JEFFORDS], and the distinguished Senator from South Carolina [Mr. THURMOND] to introduce the National Youth Apprenticeship Act of 1992.

This legislation, part of President Bush's plan to prepare the American work force for the challenges of the next century, would for the first time establish a national framework for implementing comprehensive youth apprenticeship programs.

There is widespread agreement that the time has come to strengthen the connection between the academic subject matters taught in our schools and the demands of the modern, high-technology workplace. This concept has been successfully applied in other countries through the coordination and integration of school and workplace disciplines and the time has come to incorporate such practices into our own education system.

Under this proposal, the main elements of a youth apprenticeship program are defined to facilitate the development of a nationwide program providing a transition from school to work. This model, based on partnerships among business, schools, and labor organizations, is keyed to be sensitive to the needs of students and the community. This will ensure that the apprenticeship programs produce results by linking the skills and training acquired to the real-world needs of local employers.

The model provides that a student could enter a youth apprenticeship program in the 11th or 12th grade. Before reaching these grades, students would receive career and academic counseling to inform them of—and prepare them for entry into—apprenticeship programs.

Particular programs may be completed upon graduation from high school or may continue for up to 2 years of postsecondary education. In addition to the high school diploma, a youth apprentice would receive a certificate of competency based on national standards that would provide employers with an objective basis on which to evaluate the individual's skills.

The program is intended to attract and develop high-quality, motivated, students. In order to be certified under the Act, apprentices would be required to have received academic instruction, structured job training, and on-the-job work experience. Standards of academic achievement would apply to all academic instruction, including the required instruction in the core subjects of English, mathematics, science, history, and geography.

Mr. President, the key to success for America is flexibility and responsiveness to a rapidly changing world. The economic challenges we face today are like no others we have ever seen: We have a truly global economy where product differences and costs are easily recognized and measured.

In this connection, we have an obligation to our youth to prepare them for the future.

This bill is an important step in meeting that obligation, and I urge my colleagues to carefully review this important legislation and to lend their support to its passage.

Mr. President, I ask unanimous consent that the complete text of the National Youth Apprenticeship Act of 1992 and a statement in explanation thereof be included in the Record.

There being no objection, the material was ordered to be printed in the Record, as follows:

S. 2745

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "National Youth Apprenticeship Act of 1992".

SEC. 2. FINDINGS AND PURPOSES.

(a) Findings.—The Congress finds that—

(1) a significant proportion of youth in the United State lack the necessary skills to meet employer requirements for entry level positions;

(2) the American workplace is changing in response to new technology and heightened international completion, and the jobs of the future will demand different and higher level skills for which too many of our youth are not currently trained;

(3) work-based learning models are effective approaches to preparing youth, beginning at the secondary school level, for high-wage, high-skilled employment;

(4) three-fourths of American youth do not earn college degrees, and many of those who do not could benefit from a more structured method of attaining job skills, knowledge and abilities; and

(5) the United States lacks a comprehensive approach towards helping youth make the transition from school to the workplace.

(b) Purposes.—The purposes of this act are to—

(1) establish a nationally recognized system for the youth apprenticeship approach to learning, while allowing States to customize the model to economic, demograhic, and other local conditions;

(2) establish a formal process that engages the business community in partnerships with education to develop the capacity of workplaces to serve as learning sites in order to ensue that youth apprentices acquire academic and work-based competencies and become skilled, flexible entry-level workers;

(3) encourage small and medium-size businesses and labor organizations to participate in youth apprenticeship programs;

(4) encourage the public sector to participate in youth apprenticeship programs;

(5) motivate the nation's young people to remain in school, improve their basic skills, and become productive citizens by providing the opportunity to gain marketable skills while establishing a relationship with a prospective employer;

(6) prepare the youth of the United States for employment in high-wage, high-skilled occupations;

(7) provide for high achievement standards in order to instill pride, self-esteem, and purpose in youth apprentices;

(8) establish a systematic transition for youth apprentice students from school to work by linking the academic curriculum with a curriculum of work-site experience and learning; and

(9) enhance the youth apprentice's prospects for immediate employment after leaving school in positions that provide significant opportunity for continued education and career development.

SEC. 3. DEFINITIONS.

For the purpose of this Act, the following definitions apply—

(1) The term "youth apprenticeship program" means a program that—

(A) integrates academic instruction and work-based learning;

(B) provides for work-site learning and paid work experience;

(C) is offered to students beginning in the 11th or 12th grade;

(D) is intended to—

(i) result in receipt of a high school diploma and an approved certificate of competency, and,

(ii) lead, as appropriate, to entry into a postsecondary program, a program registered under the National Apprenticeship Act, or permanent employment;

(E) is certified as meeting national youth apprenticeship criteria; and

(F) otherwise meets the requirements of this Act.

(2) The term "youth apprenticeship agreement" means the written agreement between the employer, local educational agency, student, and parent which defines the parties' respective roles and responsibilities under the program.

(3) The term "youth apprentice" means a student who is at least 16 years of age, who is currently enrolled in a public or private secondary school as defined in paragraph (21) of section 1471 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 2891(21)), and who is participating in a certified youth apprenticeship program, which meets the requirements of this Act.

(4) The term "employer" means any person or organization employing a youth apprentice under a certified youth apprenticeship program.

(5) The term "State" means any of the several States, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, Guam, the Northern Mariana Islands, American Samoa, and the Trust Territory of the Pacific Islands.

(6) The term "Governor" means the chief executive of any State.

(7) The term "local entity" means a local educational agency as defined in paragraph (12) of section 1471 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 2891(12)), or a public or private sector entity designated by the State to administer youth apprenticeship programs at the local level instead of, or in cooperation with the local educational agency.

(8) The term "private industry council" means a private industry council established under section 102 of the Job Training Partnership Act.

(9) The term "workplace mentor" means the individual at the work site who instructs the apprentice, critiques performance, challenges the apprentice to perform well and works in cooperation with classroom teachers.

SEC. 4. PROGRAM RESPONSIBILITIES AND ADMINISTRATION.

(a) The Federal, State, and local responsibilities in establishing the means for employers, local education agencies, labor organizations, and other appropriate entities to develop and implement youth apprenticeship programs under the national youth apprenticeship criteria established by section 5 are set forth in subsections (b) through (d) of this section.

(b) Federal Functions.—

(1) There is established an interagency committee, composed of the Secretaries of Labor, Education, and Commerce, which shall be chaired by the Secretary of Labor, and which shall—

(A) establish procedures for submission and review of plans prepared by participating States in accordance with subsection (c) of this section, including measures to ensure that States are not required to prepare plans which unnecessarily duplicate plans submitted under programs contained in section 8 of this Act, or under any other programs whose resources contribute to a youth apprenticeship program under this Act; and

(B) determine, not later than 60 days after the date on which a plan is submitted under the procedures established under subparagraph (A), whether the plan meets the requirements of the national criteria for youth apprenticeship plans provided by section 5 of this Act and incorporates the safeguards provided by section 7 of this Act, and shall inform the State that the plan has been approved, or that it has not been approved, together with the reasons therefore, and the steps the State may take to remedy such plan in order to receive certification upon resubmission.

(2) The Secretary of Labor shall perform the following functions in consultation with the interagency committee established pursuant to paragraph 1 of this subsection—

(A) promulgate regulations, as appropriate;

(B) establish procedures for determining whether States and local entities are complying with the national criteria for youth apprenticeship established by section 5 of this Act, and the safeguards provided by section 7 of this Act;

(C) monitor State activities under this Act;

(D) collect data, evaluate results, and review the use of funds authorized in accordance with subsections (c), (d), and (e) of section 8 of this Act;

(E) provide policy guidance and technical assistance;

(F) recognize outstanding youth apprenticeship programs and the achievements of outstanding youth apprentices, and disseminate information regarding exemplary youth apprenticeship models and State and local practices;

(G) provide resources and technical assistance to States to develop and implement a youth apprenticeship program and carry out functions under subsection (c)(2) of this section; and

(H) carry out a program of research and demonstration activities on youth apprenticeship issues.

(c) State Functions.—The Governor of a participating State shall—

(1) submit a biennial State plan for youth apprenticeship programs to the Secretary of Labor under the procedures established pursuant to subsection (b)(1)(A) of this section, which plan shall include the following—

(A) a description of any enabling legislation the Governor intends to propose to carry out the plan;

(B) a statement identifying the authority designated under paragraph 2 of this subsection to carry out the responsibilities provided in such paragraph, and a description of the plan for carrying out such responsibilities;

(C) a description of the Federal, State, local, and other resources the State intends to commit to implement the plan;

(D) the timetable to be followed in implementing youth apprenticeship programs;

(E) a plan for providing that all population groups including women and minority groups have the opportunity to participate in youth apprenticeship programs; and

(F) the procedures by which the State will assure that youth apprenticeship programs comply with the national criteria for youth apprenticeship established by section 5 of this Act, and the safeguards provided by section 7 of this Act.

(2) designate the appropriate State authority, which shall include appropriate representatives from the agencies responsible for matters concerning education, labor, and commerce, to—

(A) develop guidelines for the designation of local entities;

(B) develop guidelines for identifying and including in youth apprenticeship programs those industries, occupations, and employers offering likelihood of long term employment;

(C) certify that the programs of local entities meet the national criteria for youth apprenticeship programs established by section 5 of this Act, meet applicable education and labor standards, and incorporate the safeguards provided by section 7 of this Act;

(D) provide technical assistance and other support to local entities and employers as is necessary to develop and operate acceptable youth apprenticeship programs; and

(E) collect and maintain participation and other data on, monitor, and evaluate youth apprenticeship programs.

(d) Local Functions.—

(1) local entities shall ensure that youth apprenticeship programs are developed and operated in conformity with the national youth apprenticeship criteria provided by section 5 of this Act, applicable education and labor standards, and the safeguards established by section 7 of this Act;

(2) participating schools shall provide for career exploration opportunities, and for academic development to meet the requirements for entry and participation in youth apprenticeship programs;

(3) local employers, in collaboration with labor organizations where appropriate, shall employ youth apprentices, assist participating schools in ensuring that curriculum content, to the extent appropriate, are relevant to the workplace, take primary responsibility for ensuring the success of worksite learning and work experience, and provide information to the local schools concerning the performance of each youth apprentice; and

(4) local private industry councils shall review and approve local youth apprenticeship programs to ensure that the programs meet local labor market demands, and provide youth apprentices with broad-based competencies and transferable skills that facilitate career progression within the industries or trades in which the student is trained and employed.

SEC. 5. NATIONAL YOUTH APPRENTICESHIP CRITERIA.

(a) A youth apprenticeship program of instruction which merges learning in the classroom and in the workplace through meeting the national youth apprenticeship criteria set forth in subsections (b) through (f) of this section.

(b) Academic Instruction.—Academic instruction shall consist of—

(1) a program of study which meets State education standards;

(2) instruction to attain academic proficiency in at least the five core subjects of English, mathematics, history, science, and geography consistent with voluntary national standards; and

(3) where appropriate, modifications to curriculum components to increase the relevance of instruction to the workplace.

(c) Work-Based Learning.—Work-based learning shall consist of—

(1) instruction in occupationally specific knowledge, skills, and abilities, based on appropriate nationally accepted industry standards;

(2) a planned program of structured job training, including tasks to be mastered;

(3) development of sound work habits and behaviors; and

(4) instruction in general workplace competencies, including, where appropriate, the ability to manage resources, work productively with others, acquire and use information, understand and master systems and work with technologies.

(d) Work-Site Learning and Experience.—Work-site learning and experience shall compose at least 20 percent of the time, as defined by the school the individual attends, the youth apprentice would otherwise be in school during the first school year, and at least 40 percent of the time, as defined by the school the individual attends, the youth apprentice would otherwise be in school during the second year, and shall consist of—

(1) helping the youth apprentice achieve the academic requirements in subsection (b) of this section;

(2) helping the youth apprentice achieve the work-based learning requirements in subsection (c) of this section;

(3) paid work experience; and

(4) otherwise fulfilling the employer commitments in the agreement in subsection (e) of this section.

(e) Agreement.—A youth apprenticeship agreement shall include the following components—

(1) a commitment by youth apprentices to achieve stated academic performance standards, to remain in school, to maintain good attendance, to avoid alcohol and drug abuse, and to meet worksite requirements;

(2) a commitment by parents or guardians to support efforts by the youth apprentice to fulfill academic and work site commitments;

(3) a commitment by employers, in collaboration with labor organizations where appropriate, to help the youth apprentice acquire necessary skills and knowledge in an orderly sequence, to make available to the youth apprentice job progression through normal skill levels, to provide a workplace mentor, to provide feedback to the school on individual progress, and to make reasonable efforts to employ the youth apprentice upon successful completion of the program, subject to the safeguards provided by section 7 of this Act;

(4) a commitment by the local educational agency to provide, to the extent feasible, the youth apprentice with the appropriate support to promote successful completion of the program, and to ensure close coordination between academic instruction, work-based learning, and worksite experience;

(5) a provision setting forth the educational outcomes of successfully completing the program which—

(A) shall include receipt of a high school diploma and an approved certificate of competency, specifying the standards under which such certificate is awarded, and

(B) may include, as appropriate, receipt of a postsecondary degree, entry in a postsecondary program, or entry into a program registered under the National Apprenticeship Act.

(6) a provision setting forth the wage scale, and a schedule of hours of work throughout the program including hours of work during school, after school, and during school breaks; and

(7) a provision for modification and termination of the agreement.

(f) Information and Guidance.—A formal method for advising the youth apprentice of—

(1) occupational and career opportunities, work experience requirements, and any decision necessary for exercising options for postsecondary education and career-specialization, including formal registered apprenticeship programs under the National Apprenticeship Act;

(2) the methods and frequencies of assessing achievement of job related competencies and performance in the workplace; and

(3) the job description.

SEC. 6. ALTERNATIVE PROGRAM COMPONENTS.

(a) A local entity may design programs using the tech-prep education program model, as authorized by part E, title III of the Carl D. Perkins Vocational and Applied Technology Education Act (20 U.S.C. 2394 *et seq.*), for the academic instruction component and for any classroom instruction for the job training component of a youth apprenticeship program, in order to enhance opportunities for youth apprentices to enter into programs leading to an associate degree or certificate in an occupational field or program.

(b) A local entity may design programs to incorporate, as appropriate, vocational education models authorized by section 235 of the Carl D. Perkins Vocational and Applied Technology Act (20 U.S.C. 2342), as amended by section 8(c)(1) of this Act. Local entities are also encouraged to use State and local vocational education funds in support of youth apprenticeship programs.

(c) A local entity may design programs which provide for formal connections to other tech-prep programs and to postsecondary education and training.

SEC. 7. SAFEGUARDS.

The following safeguards shall apply to youth apprenticeship programs under this Act—

(1) No youth apprentice shall displace any currently employed worker (including a partial displacement, such as a reduction in the hours of nonovertime work, wages, or employment benefits).

(2) No youth apprenticeship program shall impair existing contracts for services or collective bargaining agreements, except that no program under this Act which would be inconsistent with the terms of a collective bargaining agreement shall be undertaken without the written concurrence of the labor organization and employer concerned.

(3) No youth apprentice shall be employed or job opening filled—

(A) when any other individual is on temporary layoff, with the clear possibility of recall, from the same or any substantially equivalent job, or

(B) when the employer has terminated the employment of any regular employee or otherwise reduced its workforce with the intention of filling the vacancy so created with a youth apprentice.

(4) Youth apprentices must be provided with adequate and safe equipment and a safe

and healthful workplace in conformity with all health and safety standards of Federal and State law.

(5) No individual shall be excluded from participation in, denied the benefits of, subjected to discrimination under, or denied employment in the administration of or in connection with any youth apprenticeship program on the basis of race, color, religion, sex, national origin, age, handicap, or political affiliation, or belief.

(6) No member of any private industry council shall participate in any decision under this Act to approve a youth apprenticeship program under section 4(d)(3) of this Act where such a decision would affect the member's own financial interests, those of the member's spouse, minor children, or partners, or those of any organization in which the member is an officer, director, trustee, partner, or employee. This section does not prohibit the provision of advice and recommendations on policy matters which uniquely affect a class of entities in which the member has a financial interest.

(7) Such other safeguards as the Secretary may deem appropriate in order to ensure that youth apprentices are afforded adequate supervision by fully skilled adult workers, or, otherwise, to further the purposes of this Act.

SEC. 8. RELATIONSHIP TO OTHER LAWS.

(1) Section 14(a) of the Fair Labor Standards Act of 1938 (29 U.S.C. 214) is hereby amended to read as follows:

"(a) The Secretary, to the extent necessary in order to prevent curtailment of opportunities for employment, shall by regulations or by orders provide for the employment of youth apprentices enrolled in a certified program under the National Youth Apprenticeship Act of 1992, of learners, of apprentices, and of messengers employed primarily in delivering letters and messages, under special certificates issued pursuant to regulations of the Secretary, at such wages lower than the minimum wage applicable under section 6 and subject to such limitations as to time, number, proportion, and length of service as the Secretary shall prescribe."

(2) The Secretary of Labor shall ensure that youth apprentices receive the same protections, and otherwise are treated, as student-learners under regulations issued pursuant to section 3(1) of the Fair Labor Standards Act of 1938 (29 U.S.C. 203(1)).

(b) VOCATIONAL EDUCATION.—

(1) Section 235(c) of the Carl D. Perkins Vocational and Applied Technology Act (Carl D. Perkins Act) (20 U.S.C. 2301 et seq.) is amended—

(A) by redesignating respectively subparagraphs (G) through (N), as (H) through (O); and

(B) by inserting the following new subparagraph (G)—

"(G) youth apprenticeship programs;".

(2) A tech-prep education program, authorized by part E, title III of the Carl D. Perkins Vocational and Applied Technology Education Act (20 U.S.C. 2394 et seq.), may serve as the classroom portion of the academic and work-based learning components for the job training component of a youth apprenticeship program;

(3) A youth apprenticeship program may be an appropriate cooperative demonstration program or project within the meaning of section 420A of the Carl D. Perkins Vocational and Applied Technology Education Act (20 U.S.C. 2024a).

(c) JOB TRAINING.—

(1) Youth apprenticeship programs are education and training programs for purposes of state education coordination and grants under section 123 of the Job Training Partnership Act (29 U.S.C. 1533).

(2) To the extent consistent with law, and otherwise appropriate, youth programs carried out under part A and part B of title II of the Job Training Partnership Act should be merged with programs carried out under this Act.

(d) ELEMENTARY AND SECONDARY EDUCATION.—Subsection (b) of section 1011 of the Elementary and Secondary Education Act of 1965 is amended—

(1) in paragraph (6), by striking out "and" at the end thereof;

(2) in paragraph (7), by striking out the period at the end thereof, and inserting, in lieu thereof, a semicolon and "and"; and

(3) by adding at the end thereof the following new paragraph—

"(8) youth apprenticeship programs established according to the provisions of the National Youth Apprenticeship Act of 1992.".

SEC. 9. STUDIES AND REPORTS.

(a) The Secretary of Labor, in consultation with the Secretary of Education and the Secretary of Commerce through the interagency committee established pursuant to section 4 of this Act, shall conduct studies—

(1) to evaluate the initial and continuing impact of activities undertaken pursuant to this Act on individuals, schools, and employers;

(2) to examine the use in support of this Act by States and localities of Job Training Partnership Act funds and Federal and State vocational education funds, and funds under the Elementary and Secondary Education Act of 1965, and any other Federal, State, local, or private resources; and

(3) to evaluate such other issues as the interagency committee deems appropriate.

(b) Not later than 2 years from the date of enactment of this Act, the Secretary of Labor shall submit an initial report to the President on the results of the studies conducted pursuant to subsection (a) of this section. The secretary may make such other reports as the Secretary shall deem necessary.

SEC. 10. AUTHORIZATION OF APPROPRIATIONS.

(a) Of the amounts appropriated for the training and employment services account in the Department of Labor for the period beginning July 1, 1993 through June 30, 1994, not to exceed $50,000,000 shall be available for the fiscal year ending September 30, 1993 to carry out program activities under this Act, including—

(1) assistance to States in developing a comprehensive plan for youth apprenticeship for submittal to the Secretary of Labor;

(2) assistance to States for the implementation of approved plans; and

(3) research and demonstration activities on youth apprenticeship program issues, which shall consist of no more than 10 percent of the funds appropriated pursuant to this subsection.

(b) Of the amounts appropriated for the training and employment services account in the Department of Labor for the period beginning July 1, 1993 through June 30, 1994, not to exceed $5,000,000 shall be available for the fiscal year ending September 30, 1993 for the studies and reports undertaken pursuant to section 9 of this Act.

SEC. II. EFFECTIVE DATE.

This Act shall take effect upon enactment.

STATEMENT IN EXPLANATION OF THE NATIONAL YOUTH APPRENTICESHIP ACT OF 1992

The National Youth Apprenticeship Act would establish a national framework for implementing the youth apprenticeship approach as a high quality learning alternative to help our youth make the transition from school to the workplace. The proposal encourages business and labor to become active partners in education, by linking school and work in a program of contextual learning and work experience during the last two years of high school, with options for postsecondary study.

SECTION-BY-SECTION ANALYSIS

Section 1 of the bill provides that this Act is entitled the "National Youth Apprenticeship Act of 1992."

Section 2 contains the findings and purposes of the Act. The findings recognize the need to raise skill levels and provide a more systematic approach to preparing youth for the transition from school to the workforce. Youth Apprenticeship provides an effective model of work-based learning as an alternative for the three quarters of youth who do not receive college degrees. The purposes define the essential objectives of a youth apprenticeship program as: establishing a nationally recognized system for the youth apprenticeship approach to learning while allowing flexible implementation; developing the capacity of workplaces as learning sites; preparing youth for high-wage, high-skilled employment; engaging employers, labor, and the public sector in youth apprenticeship programs; and motivating youth to achieve high standards at school and the workplace with new work-influenced curricula and concrete prospects for employment and training after high school.

Section 3 defines the essential terms connected with youth apprenticeship programs. The following terms, unique to this bill, are defined. A "youth apprenticeship program" is a program offered to students that begins in the 11th and 12th grades; meets national standards and criteria; integrates academic instruction and work-based learning; and includes worksite learning and paid work experience. A "youth apprenticeship agreement" means the written agreement between the employer, local educational agency, student, and parent which defines the parties' respective roles and responsibilities under the program. A "youth apprentice" is a student who is at least 16 years of age, who is currently enrolled in a public or private secondary school, and who is participating in a certified youth apprenticeship program which meets the requirements of this Act. The term "local entity" is a local educational agency as defined in section 1471(12) of the Elementary and Secondary Education Act of 1965, or a public or private sector entity designated by the State to administer youth apprenticeship programs at the local level instead of, or in cooperation with the local educational agency. A "workplace mentor" is the individual at the worksite who instructs the apprentice, critiques performance, challenges the apprentice to perform well and provides feedback to the classroom teachers.

Section 4 defines Federal, State and local responsibilities for establishing and administering youth apprenticeship programs. The Federal functions are defined in section 4(b). Section 4(b)(1) establishes an interagency committee, to be chaired by the Secretary of Labor, and composed of the Secretaries of Labor, Education and Commerce to: (1) establish procedures for submission and review of plans prepared by participating States; (2) ensure that States are not required to prepare and submit unnecessarily duplicative plans; and (3) determine, within 60 days of submission of a State plan for the implementation of local youth apprenticeship programs, whether the plan meets the national criteria for youth apprenticeship and other requirements of this Act.

Under section 4(b)(2) the Secretary of Labor, in consultation with the interagency committee, shall: promulgate regulations, as appropriate; establish procedures for monitoring States' compliance with the national criteria and the safeguards; collect data and evaluate results; provide policy guidance and technical assistance; recognize outstanding youth apprenticeship programs and disseminate information on exemplary programs and practices; provide resources and technical assistance to States to develop and implement a youth apprenticeship program and carry out functions under section 4(c)(2); and carry out a program of research and demonstration activities on youth apprenticeship issues.

The State functions are identified in section 4(c). Under section 4(c)(1) the Governor prepares and submits a biennial plan for implementing youth apprenticeship in his or her state. The plan must describe the following:

(1) any proposed youth apprenticeship legislation;

(2) a statement identifying the authority designated under section 4(c)(2) to carry out the responsibilities provided thereby, and a description of the plan for carrying out such responsibilities;

(3) a description of the Federal, State, local, and other resources the State intends to commit to the plan;

(4) the timetable to be followed in implementing youth apprenticeship programs; and

(5) a plan for providing that all population groups, including women and minorities, have the opportunity to participate in youth apprenticeship programs.

Additional State responsibilities are listed under section 4(b)(2). The Governor designates the state authority (which shall include appropriate representatives from agencies responsible for matters concerning education, labor, and commerce) to certify that local youth apprenticeship programs meet national criteria, to develop guidelines for local entities regarding the administration of local programs, to identify industries, occupations and employers offering the likelihood of long-term employment, to provide technical assistance and other support to local entities and employers, and to collect and maintain participation and other data on, monitor, and evaluate youth apprenticeship programs.

Section 4(d) identifies the local responsibilities. Section 4(d)(1) provides that local entities shall have the responsibility of ensuring that local youth apprenticeship programs are developed and operated in conformity with national youth apprenticeship criteria, applicable education and labor standards and the safeguards provided by section 7 of this Act. Section 4(d)(2) provides that participating schools shall provide for career exploration opportunities, and for academic development to meet the requirements for entry and participation in youth apprenticeship programs. Under section 4(d)(3), local employers, in collaboration with labor organizations where appropriate, (1) employ youth apprentices; (2) assist schools in ensuring that curriculum content, to the extent appropriate, is relevant to the workplace; and (3) provide to the schools formal feedback concerning the workplace performance of youth apprentices. Under section 4(d)(4), local private industry councils review local youth apprenticeship programs to ensure they meet the demands of the local labor market, and provide youth apprentices with broad-based competencies and transferrable skills.

Section 5 contains the national youth apprenticeship criteria. Section 5(a) provides that a youth apprenticeship program creates a comprehensive program of instruction that integrates learning in the classroom and in the workplace and meets the national youth apprenticeship criteria for academic instruction, work-based learning, worksite learning and work experience, a youth apprenticeship agreement and information and guidance to youth apprentices. Section 5(b) provides that the academic instruction component of a youth apprenticeship program: (1) meets state educational standards; (2) includes the five basic subject areas of English, mathematics, science, history and geography; and (3) where appropriate, modifies curriculum components to increase the relevance of instruction to the workplace. Section 5(c) provides that the work-based learning component of a youth apprenticeship program consists of instruction in general workplace skills, including, where appropriate, the ability to manage resources, work productively with others, acquire and use information, understand and master systems and work with technologies. Work-based learning also includes instruction in occupationally specific knowledge, skills, and abilities, based on appropriate nationally accepted industry standards; a planned program of structured job training tasks to be mastered; and development of sound workplace habits and behavior. Section 5(d) stipulates that at least 20% of the time the youth would otherwise be in school during the first school year of the program, and 40% of the second school year shall consist of paid work experience designed to achieve the academic and work-based competencies described in section 5 (b) and (c), and otherwise designed to fulfill the employer commitments undertaken in the agreement entered into under section 5(e).

Section 5(e) requires a youth apprenticeship agreement among youth apprentices, parents or guardians, employers and the school. In the agreement, youth apprentices commit to achieve stated academic performance standards, to remain in school and maintain good attendance, to avoid alcohol and drug abuse, and to abide by worksite requirements. Parents or guardians pledge to support efforts by youth apprentices to fulfill academic and worksite commitments. Employers, in collaboration with labor organizations where appropriate, commit to help the youth apprentice acquire necessary skills and knowledge in an orderly sequence, to provide for job progression through normal skill levels, to provide a workplace mentor, to provide feedback to the school on individual progress, and to make reasonable efforts to employ the youth apprentice upon successful completion of the program. The employer retains the right to determine whether the youth apprentice has attained the level of skill proficiency required by the employer's needs. Local educational agencies also commit, to the extent feasible, to providing support to youth apprentices until the successful completion of the program as well as ensuring close coordination among academic, work-based learning and worksite experience portions of the program. The agreement also describes the diploma and certificate to be earned; provides, as appropriate, for receipt of a postsecondary degree, entry in a postsecondary program, or entry into a program registered under the National Apprenticeship Act; and includes a work schedule, a wage scale and provisions for modification and termination.

Section 5(f) describes procedures for providing youth apprentices with information on career opportunities, post-secondary connections, available certificates and diplomas, achievement assessment procedures and a job description.

Section 6 describes alternative program components. Youth apprenticeship programs may be linked to Carl Perkins tech-prep programs and/or include other formal connections to postsecondary education and training. Section 6 also provides that a local entity may design programs to incorporate vocational education models, and that such entities are encouraged to use State and local vocational education funds in support of youth apprenticeship programs.

Section 7 lists the following seven basic safeguards: youth apprentices may not displace current workers; youth apprenticeship programs may not impair existing collective bargaining agreements; youth apprentices may not be employed when any other individual is on layoff from a substantially equivalent job or when the employer has reduced its workforce with the intention of filling the vacancy so created with a youth apprentice; youth apprentices must be provided adequate and safe equipment and a safe and healthful workplace in conformity with all health and safety standards of Federal and State law; no individual may be excluded from participation in or denied employment in the administration of a youth apprenticeship program on the basis of race, color, religion, sex, national origin, age, handicap, or political affiliation, or belief; no member of a private industry council shall participate in any decision to approve a youth apprenticeship program where there would be a conflict of interest; and such other safeguards the Secretary of Labor may deem appropriate in order to ensure that youth apprentices are afforded adequate supervision by fully skilled adult workers, or, otherwise to further the purposes of the Act.

Section 8 details this Act's relationship with existing legislation. Section 8(a) addresses the Fair Labor Standards Act. Section 8(a)(1) amends section 14(a) of the Fair Labor Standards Act of 1938 to provide that youth apprentices enrolled in certified youth apprenticeship programs may be employed, under regulations or orders of the Secretary of Labor, at wages lower than the minimum wage and subject to such limitations as to time, number, proportion and length of service as the Secretary of Labor shall prescribe. Section 8(a)(2) provides that the Secretary of Labor shall ensure that youth apprentices receive the same protections, and otherwise are treated, as student-learners under regulations issued pursuant to section 3(l) of the Fair Labor Standards Act of 1938.

Section 8(b) addresses the Carl D. Perkins Vocational and Applied Technology Education Act. Under section 8(b)(1), section 235 of that Act is amended to include youth apprenticeship programs among the allowable uses for basic state grants for vocational education. Section 8(b)(2) authorizes the use of "Tech Prep" (Title III of the Act) for the classroom portion of the academic and work-based learning components of a youth apprenticeship program. Section 8(b)(3) refers to section 420A of Carl Perkins and authorizes the use of discretionary funds by the Secretary of Education to support innovative uses of State vocational education funds in support of youth apprenticeship programs. Section 8(c) defines coordination with the Job Training Partnership Act (JTPA), including section 123, State education and coordination grants and youth programs under titles IIA and IIB. Section 8(d) amends the Elementary and Secondary Education Act, section 1011(b) to authorize local educational agencies (as defined in the Act) to allow the use of the 5% set aside for the development of youth apprenticeship programs.

Section 9 requires the Secretary of Labor, in consultation with the interagency committee, to conduct studies to evaluate the (1) impact of activities of the act on individuals, schools, and employers, (2) the usage of State JTPA and vocational education funds, and (3) such other issues as the committee deems appropriate. An initial report is due two years after the day of enactment.

Section 10(a) provides that of the amounts appropriated for the training and employment services account in the Department of Labor for the period beginning July 1, 1993 through June 30, 1994, not to exceed $50,000,000 shall be available for the fiscal year ending September 30, 1993 to carry out program activities under the Act, including: (1) assistance to States in developing the comprehensive plan for youth apprenticeship; (2) assistance to States for the implementation of approved plans; and (3) research and demonstration activities on youth apprenticeship program issues, to consist of no more than 10 percent of the funds appropriated under section 10(a). Section 10(b) provides that of the amounts appropriated for training and employment services account in the Department of Labor for the period beginning July 1, 1993 through June 30, 1994, not to exceed $5,000,000 shall be available for the fiscal year ending September 30, 1993 for the studies and reports undertaken pursuant to section 9 of this Act.

Section 11 provides that the Act shall take effect upon the date of enactment.

By Mr. INOUYE (for himself, Mr. McCAIN, Mr. DECONCINI, and Mr. LIEBERMAN):

S. 2746. A bill to extend the purposes of the Overseas Private Investment Corporation to include American Indian Tribes and Alaska Natives; to the Select Committee on Indian Affairs.

OVERSEAS PRIVATE INVESTMENT CORPORATION INDIAN ELIGIBILITY ACT OF 1992

• Mr. INOUYE. Mr. President, I rise today to introduce the Overseas Private Investment Corporation Indian Eligibility Act of 1992. The purpose of this act is to extend the authority of the Overseas Private Investment Corporation [OPIC] to include American Indians and Alaska Natives.

As chairman of the Select Committee on Indian Affairs, I am keenly aware of the barriers that exist to economic development in Indian country. Together with Vice Chairman McCAIN and our other distinguished colleagues on the committee, we are constantly seeking creative and cost-effective ways of encouraging private sector investment in Indian economies. Today, such an innovative concept is proposed for introduction.

The primary mission of the Overseas Private Investment Corporation is to promote private investment in less developed countries in order to improve U.S. competitiveness and create American jobs. OPIC provides loans, loan guarantees and political risk insurance to projects in less developed countries whose per capita incomes are less than approximately $4,300.

Unfortunately, most American Indian tribes suffer the same conditions as lesser developed countries. Per capita income in Indian reservation areas is between $2,000 and $3,000. The largest Indian tribes, the Navajo Nation, for example, had a per capita income of $2,400 according to the 1980 census. Current unemployment within the Navajo Nation is 36.5 percent overall, and reaches 80 percent in some areas on the reservation, depending on the season.

Many areas within Indian country have little or no infrastructure, which serves as one of many disincentives to potential investors. Other investors hesitate to invest in Indian country because of political uncertainties and unwillingness to submit to the jurisdiction of tribal courts. And, perhaps one of the greatest barriers to capital formation for tribes is the trust status of their lands, which limits the assets that are available to pledge as collateral.

Barriers to investment in Indian country are very similar to those that exist for less developed countries. This legislation creates a logical extension of OPIC's current authority. OPIC facilitation of private investment in American Indian communities would dramatically increase investment in Indian country, thereby creating American jobs in Indian communities and in surrounding neighbor States.

With this authority, OPIC would have the discretion to offer its services to American Indian projects. OPIC would not be required to provide its services and current OPIC guidelines will apply.

Many Indian tribes would be able to avail themselves immediately of OPIC assistance. For example, one Indian tribe is currently considering a proposal to enter into a joint venture with an airplane manufacturing company. This $10 million project to produce single-engine transport planes for export would employ up to 300 skilled and semiskilled workers.

I would like to stress that extension of OPIC's authority in this manner would not require the creation of a new bureaucracy nor the appropriation of new Federal dollars. This legislation is also narrowly crafted to assure that there is no intention to have tribes seek foreign aid under any other Government assistance programs.

This legislation provides an opportunity to create American jobs, enhance U.S. competitiveness and provide meaningful opportunities for American Indians by attracting private sector investment to Indian economies. I urge my colleagues to support this legislation.•

Mr. McCAIN. Mr. President, I rise today to join the distinguished chairman of the Select Committee on Indian Affairs, Senator INOUYE, to introduce the Overseas Private Investment Corporation Indian Eligibility Act of 1992. This act is designed to increase private investment on Indian lands by applying the programs and policies that OPIC has successfully used to encourage private investment in countries around the world.

Indian tribes have tried for several years to encourage private investment on their lands. For the most part, these efforts have met with little success. Private investors have been reluctant to do so for a variety of reasons, including a total unfamiliarity with Indian tribal governments, the lack of reservation infrastructure, the legal status of Indian lands, and concerns about contract dispute resolution. While some government programs already exist to address the financial aspects to tribal economic development, these programs do not provide the link to the private sector that the Overseas Private Investment Corporation [OPIC] offers.

Over the years OPIC loans, guarantees and political risk insurance have provided a certain level of comfort to industries operating in foreign countries. I believe this model can also be successfully put to use on Indian reservations. Moreover, OPIC's opportunity bank can lead to the creation of ventures between tribes and industries that could not occur today, largely because of the low level of interaction between Indian tribes and American industry.

While American Indians and Alaska Natives are not foreign nations, and we do not seek to treat them as such under this legislation, it is a well established principle that Indian tribes do have a special political relationship with the Federal Government based upon the U.S. Constitution, treaties, and Federal laws. Moreover, the Federal Government long ago accepted certain obligations in exchange for lands ceded to the United States pursuant to treaties entered into with the various Indian tribes.

I believe that some of my colleagues may suggest that rather than extending OPIC's authority in this manner, a domestic OPIC Program should be created. While I am not opposed to that idea, it seems clear to me that current budget constraints will not permit that goal to be realized for the foreseeable future. At the same time, by limiting the application of OPIC to Indian tribes, we can begin to learn valuable lessons for future domestic application, and can also begin to immediately provide proven and cost-effective support for those Indian tribes which are seeking to develop a stronger relationship with the private sector.

Clearly the Congress will need to take bold and innovative steps to alleviate the unconscionable levels of poverty and despair which exists on Indian reservations today. I believe the application of the OPIC Program to Indian reservations is one step we ought to take immediately. I urge my colleagues to support the Overseas Private Investment Corporation Indian Eligibility Act of 1992.

By Mr. PELL:

S. 2747. A bill to authorize certain uses of real property acquired by the Architect of the Capitol for use by the Librarian of Congress and for other purposes; to the Committee on Rules and Administration.

AUTHORIZATION OF CERTAIN USES OF REAL PROPERTY FOR USE BY THE LIBRARIAN OF CONGRESS

Mr. PELL. Mr. President, I rise today at the request of the Librarian of Congress, Dr. James H. Billington, in my capacity as chairman of the Joint Committee on the Library, to introduce legislation to extend authorization for certain uses of the former St. Cecilia facility which was purchased by the Architect of the Capitol for the Library of Congress.

The original legislation authorizing the purchase of the 6th and East Capitol facility (Public Law 101-520, November 5, 1990; 104 Stat. 2272) permitted use of the property for a day care center for children of Library of Congress and other legislative branch employees, and for staff training and development programs for Library of Congress employees.

However, because of increasing space demands, the Library needs to expand the authorization to include: First, use of the facility for external training programs including those designed to serve Congressional staff); second, general assembly and education programs of the Library; third, temporary living quarters for visiting scholars using the Library's collections or participating in the Library's programs; and fourth, the establishment of a special deposit account with the Treasurer of the United States for funds generated from these uses.

This legislation is needed to enable the Library of Congress to make its vast resources more accessible to the American people. It is also required to ensure that the Architect of the Capitol can complete the necessary renovations to the property with minimal disruption in the scheduled opening and operations of the day care center.

Mr. President, I ask unanimous consent that the full text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2747

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. USES OF THE SPECIAL FACILITIES CENTER.

(a) IN GENERAL.—In addition to uses currently authorized by law, the special facilities center shall be available for use by the Librarian of Congress for—

(1) external training;

(2) general assembly and education programs of the Library;

(3) temporary living quarters and common areas for visiting scholars using the Library's collections or participating in the Library's programs; and

(4) such other purposes as may be directed by the Librarian, subject to the approval of the Joint Committee on the Library.

(b) DEFINITION.—For the purposes of this Act, the term "special facilities center" means the property authorized to be acquired by the Architect of the Capitol for the Library of Congress under the provisions of Public law 101-562 (104 Stat. 2780) and authorized to be used by the Librarian of Congress under the provisions of the Legislative Appropriations Act, 1991 (Public Law 101-520; 104 Stat. 2272).

SEC. 2. AUTHORITY TO SET RATES AND COLLECT PAYMENT.

The Librarian of Congress is authorized to—

(1) establish equitable rates for the use of the special facilities center by visiting scholars and others authorized under this Act; and

(2) accept payment for such use from the patrons of the special facilities center.

SEC. 3. ACCOUNT WITH THE TREASURER OF THE UNITED STATES.

(a) IN GENERAL.—There is established in the Treasury of the United States a special deposit account in the name of the Librarian of Congress, into which shall be deposited all amounts received as a result of fees from visiting scholars and other utilizing the special facilities center as provided in this Act and such other amounts as may be appropriated for the special facilities center.

(b) DISBURSEMENTS.—Disbursements from the special deposit account shall be—

(1) made by the librarian of Congress, or such employee of the library as he may designate, for necessary expenses for the operation of the facilities, including personal services and consultants; and

(2) subject to audit by the General Accounting Office at such times and in such manner as the Comptroller General may direct.

(c) SUBJECT TO APPROPRIATION.—Obligations for activities authorized under this Act are limited to the amounts specified in the appropriations Act for any fiscal year.

By Mr. PELL:

S. 2748. A bill to authorize the Library of Congress to provide certain information products and services, and for other purposes; to the Committee on Rules and Administration.

LIBRARY OF CONGRESS FUND ACT OF 1992

Mr. PELL. Mr. President, in my capacity as chairman of the Joint Committee on the Library, I am today introducing at the request of the Librarian of Congress legislation to authorize the Library of Congress to establish a separate revolving fund for the provisions of certain information products and services and for other purposes.

An earlier version of this bill was introduced as S. 1416 on June 27, 1991, and referred to the Committee on Rules and Administration. Since its introduction, the Library of Congress has held extensive discussions with representatives of the library community and with representatives of the information and publishing industries. The Library's responsiveness to these consultations has resulted in changes substantive enough to warrant a new bill.

The Librarian of Congress has requested this legislation to accomplish three purposes; To update the limited authority given in the 1902 law under which the Library of Congress provides bibliographic products and services to the Nation's libraries. This is a vital service which the Library estimates is saving U.S. libraries $370 million in this fiscal year by distributing centralized cataloging records for materials the libraries would otherwise have to catalog themselves.

The second purpose is to make library information products and services more readily available to Federal, State, and local government agencies, foreign governments, as well as libraries, schools at all levels, industry, business, and other organizations and individual. To do so, the Library's authority to be compensated for such products and services and to utilize the moneys received must be clarified, particularly to take account of the impact of modern electronic information processing. An adequate administrative mechanism does not exist under current law to allow the Library to fulfill many requests it receives from businesses, law firms, and others without detriment to core services provided through appropriated funds.

So the third purpose of the legislation is to create the modern administrative mechanism—a revolving fund—through which the Library can establish and recover its costs for providing new products and services designed to meet the specialized information needs of individuals or discrete groups and to protect the provision of core services. The General Accounting Office has recommended the creation of such a revolving fund.

Strong controls are provided in the legislation for the operation of the Library of Congress revolving fund; obligations for fund service activities are limited to the total amounts specified in the appropriations process. The bill directs the Librarian to report on fund activities and financial transactions annually and provides for a General Accounting Office audit. The Librarian of Congress will publish notice of new fund service activities in the Federal Register and provide an ample public comment period.

This legislation is necessary if the Library of Congress is to continue to perform its unique supporting and leadership role in the network of libraries which nurture this country's intellectual and cultural heritage and foster its future. This legislation is timely if the Library of Congress is to fulfill the unmet information needs of the individuals and organizations who seek its unparalleled resources.

Mr. President, I send this bill to the desk for appropriate referral and ask unanimous consent that a section-by-section analysis prepared by the Library of Congress be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

SECTION-BY-SECTION ANALYSIS OF S. 2748, LIBRARY OF CONGRESS FUND LEGISLATION

SECTION 1. Short Title.

The act may be cited as the "Library of Congress Fund Act of 1992."

SEC. 2. Findings and Purposes.

Established in 1800 to serve the Congress, the Library of Congress also serves the Nation by providing access to its collections and reference services in several ways: for example, on site to visitors and researchers; through interlibrary loan; and through acceptance of telephone and mail inquiries. The legislation affirms that the Library of Congress, through appropriated funds, continues to provide core services at no cost to users and to the Nation's libraries.

In 1902, the Library of Congress was first authorized to serve the Nation's libraries by producing and distributing catalog cards. These cards establish and describes the author, title, and physical characteristics of a book and contain subject headings and a classification number to enable researchers to locate books by author, title, or topic. Over the years, the Library of Congress has expanded its catalog card service by producing and distributing additional bibliographic and technical information products and services. In addition to the print format, the Library has utilized other formats to distribute these products, e.g., magnetic tapes and CD-ROMs, and has recovered the distribution costs for providing these. The first purpose of the legislation is to update the authority given in the 1902 law under which the Library provides these bibliographic information services and products. As an indication of the importance of this centralized cataloging activity, the Library of Congress estimates that in FY 1992 it will save the Nation's academic and public libraries over $370 million in cataloging costs they would otherwise expend by creating their own cataloging records.

The second purpose is make library information products and services more readily available by clarifying and defining the Library's authority to be compensated for these information services and products. For example, the Law Library is often asked to provide analytical research reports; because no administrative mechanism now exists for the Library to be compensated, such requests must be refused.

To remedy this lack, the third purpose is to provide the modern administrative mechanisms through which the Library may establish and recover its costs for providing new library products and services designed to meet the specialized information needs of individuals or discrete groups of persons or entities. The establishment of such mechanisms was recommended to the Librarian by the General Accounting Office. In providing new specialized products or services, the intent is to fulfill needs unmet by the private information sector, rather than to compete with this sector.

TITLE I—LIBRARY PRODUCTS AND SERVICES

SEC. 101. Definitions.

The legislation defines three categories of information products and services provided by the Library of Congress as follows: (1) "core library products and services" means domestic interlibrary loan and information products and services in any format customarily provided by libraries to users at no charge; (2) "national library products and services" means information products and services, in any format, used by libraries and library organizations, which play a role in maintaining and improving library services throughout the Nation; and (3) "specialized library products and services" means customized information products and services which exceed core services, which are not national library products and services, and which are designed to respond to the information needs of individuals or discrete groups of persons or entitles. Some examples are: an analytical report on the ramifications of "Europe 1992" on international law done at the request of a law firm; and preservation of an item belonging to an individual and not being donated to the Library.

Some products and services may be part national and part specialized. A current (1992) example is American Memory, a pilot program which uses advanced technologies to disseminate copies of Library of Congress collections to remote locations throughout the United States. The program converts archival and primary-source material relating to American culture and history into electronic form. The first collections prepared include a collection of 1,000 Civil War photographs, a group of nearly 400 rare pamphlets written by African Americans between 1820 and 1920, and a set of printed broadsides from the Continental Congress. In time, these electronic collections may become an online resource, but currently the material is on laser videodisc and compact disc (CD-ROM disc format) for use with stand-alone microcomputers. American Memory is currently funded in part through appropriated monies and in part through nonappropriated monies. When the Library expands this product/service beyond the pilot phase, the costs to be recovered will include the full packaging, distribution, and production costs, but only to the extent that they are not funded by appropriations.

The legislation defines 'distribution costs' to mean costs sustained by the Library of Congress, over and above the costs of services funded by appropriations, to package and distribute national library products and services. Consistent with current law, costs for acquiring and cataloging the Library's collections are excluded from distribution costs. Furthermore, the existing requirement to charge an additional ten percent over and above distribution costs is excluded in this legislation.

This section also defines 'production and distribution costs' as full cost recovery of specialized products and services and covers the research, development, production and distribution costs, including salaries and benefits, materials and supplies, inventory obsolescence, travel, operation and maintenance, depreciation, and related administrative costs.

Sec. 102. National Library products and services.

In addition to clarifying the authority of the Librarian of Congress to recover the distribution costs associated with furnishing national library products and services, this section repeals the antiquated 1902 authority for the sale of catalog cards and other bibliographic information and makes funds available until expended.

Sec. 103. New Fund service activities.

The Library will publish such proposed activities in the Federal Register, give the public 45 days to comment, and publish the Library's final decision on a new specialized library product or service in the Federal Register. This section mandates that any new Fund service activity will be established only according to the provisions in section 202(a).

TITLE II—LIBRARY OF CONGRESS REVOLVING FUND FOR SPECIALIZED PRODUCTS AND SERVICES

The legislation establishes full cost recovery for the production and distribution of specialized library products and services sold via a Library of Congress Revolving Fund. This practice embodies the principles of 31 U.S.C. 9701: "It is the sense of Congress that each service or thing of value provided by an agency to a person is to be self-sustaining to the extent possible." In the case of specialized services, the production costs are not paid from appropriated funds.

The Library currently provides a variety of these types of services via "Gift Revolving Funds," the most notable of which, the Photoduplication Service, has existed since 1938. However, the General Accounting Office in its August 1991 report, "First Audit of the Library of Congress Discloses Significant Problems", recommended the establishment of a separate revolving fund to handle these types of activities. This legislation reflects the Librarian's implementation of that recommendation.

Sec. 201. Definitions.

Sec. 201 defines the "Library of Congress Revolving Fund" as that fiscal resource established in the United States Treasury to enable the Library of Congress to conduct a cycle of operations in which expenditures generate income, which is then credited directly to that resource. "Fund service activities" means the specialized library information products and services authorized by this Act, e.g., gift shop items and training in preservation methods, in addition to any other activities lawfully assigned by the Librarian of Congress to the Fund service units under section 301 of this Act.

"Fund service units" means those organizational entities that, at the direction of the Librarian of Congress, are partially or fully sustained through the collection of fees credited to the Fund.

Sec. 202. Library of Congress Revolving Fund.

Sec. 202 establishes the Library of Congress Revolving Fund in the Treasury as a 'no year' fund to carry out Fund service activities; this means that money remains available in the Fund until expended. However, obligations for Fund service activities are limited to the total amounts specified in the appropriations act for any fiscal year. The section also sets forth the sources of the Fund capital, authorizes the Librarian to furnish specialized library products and services and to set fees to recover the costs of same.

It also prohibits commingling of Fund service unit accounts and gives the Librarian authority to invest available portions of the Fund in U.S. public debt securities; provides for the deposit of unobligated and unexpended balances into the Treasury; directs the Librarian of Congress to report on Fund activities and financial transactions annually; and provides for a General Accounting Office audit of revolving fund activities.

TITLE III—GENERAL STANDARDS AND LIMITATIONS

Sec. 301. Preservation of security classification.

Through its Federal Research Division, the Library undertakes to supply information products and services on a cost-reimbursable basis to Federal agencies, among them defense-related agencies. This section ensures that the Librarian of Congress will respect and preserve the security classification of any information certified as being essential in the interest of national defense. Nothing in this legislation will modify or limit any statute pertaining to the classification of information.

Sec. 302. Application of act.

This section sets out the exceptions: the legislation does not apply to the operations of the Copyright Office or the Congressional Research Service; nor does it permit the Library to impose redistribution fees on domestic end users of national library products and services; nor does it in any way modify the Library of Congress distribution of publications to Federal depository libraries as required by Chapter 19 of Title 44. The section also provides that the Library is not required to charge fees for services and products acquired through reciprocal exchange agreements.

Sec. 303. Regulations.

This section institutes a strong review process for establishing new Fund service activities. While the Library of Congress is not subject to the Administrative Procedure Act, it will hereafter follow the rule-making notification procedure of the Administrative Procedure Act for new Fund service activities it proposes to undertake following enactment of this Act.

By Mr. SEYMOUR:

S. 2749. A bill to grant a right of use and occupancy of a certain tract of land in Yosemite National Park to George R. Lange and Lucille F. Lange, and for other purposes; to the Committee on Energy and Natural Resources.

USE AND RIGHT OF OCCUPANCY OF A CERTAIN TRACT OF LAND IN YOSEMITE NATIONAL PARK

• Mr. SEYMOUR. I rise today to introduce legislation to provide a lifetime tenancy for Mr. George Lange and his wife Lucille in Foresta, which is located in Yosemite National Park, CA.

Mr. and Mrs. Lange are the only fulltime residents of Foresta, and have owned the property on which they live since 1957. In 1976, the couple sold their home to the National Park Service with what they thought was the understanding that they would have lifetime occupancy rights.

Following the 1990 fires in Yosemite, when many of the more than 80 homes in Foresta were destroyed, the Park Service decided to evict the Langes in order to use their home for ranger housing. The couple has been notified that they will be evicted in June of this year.

Mr. President, I believe the eviction of the Langes is neither necessary nor fair. The lack of adequate ranger housing in Yosemite is a very real problem. The Park Service has requested more than $5.2 million for fiscal year 1993, and will request an additional $7.6 million in the future to begin construction of 118 new units of ranger housing for Yosemite. Clearly, the eviction of a 75-year-old man and his wife from their home will do little to address the ranger housing shortage in Yosemite.

Mr. President, I urge my colleagues to support this measure, and look forward to the speedy enactment of this legislation by the Senate.•

By Mr. BOREN (for himself and Mr. NICKLES):

S. 2750. A bill to amend the act entitled "An Act conferring jurisdiction on certain courts of the United States to hear and render judgment in connection with certain claims of the Cherokee Nation of Oklahoma", approved December 23, 1982; to the Committee on the Judiciary.

CHEROKEE, CHOCTAW, AND CHICKASAW NATIONS OF OKLAHOMA CLAIMS ACT

• Mr. BOREN. Mr. President, today I am introducing a bill for myself and Senator NICKLES, which would enable the Choctaw, Chickasaw, and Cherokee nations to seek compensation from the United States for damages caused by the construction of the McClellan-Kerr navigation project on the Arkansas River in Oklahoma.

In 1970, the Supreme Court ruled that the nations owned a portion of the land on which the project had been constructed. The nations' title is held in trust by the United States and is based on treaties and fee patent directly from the United States to them. The decision vesting title in the nations is the only one in the history of the Supreme Court in which the United States was held to have conveyed land under navigable waters to any private party, let alone an Indian tribe.

The McClellan-Kerr project was authorized in 1946 and completed in 1971. The planning and construction of the project took place in ignorance of the nations' ownership of the riverbed and the United States has never compensated the nations for its use and occupation of the riverbed. After repeated but unsuccessful attempts to negotiate for just compensation from the United States following the Supreme Court's 1970 decision, the nations eventually persuaded Congress to enact legislation in 1982, Public Law 97-385, that authorized them to sue the United States under the fifth amendment, and to make claims under the Indian Claims Commission Act of 1946, based on fair and honorable dealings that are not recognized by an existing rule of law or equity. So far, the courts have never reached the damages issue; instead it appears that the navigational servitude has been used as a defense to the Nation's claims. After 9 years of litigation, they face the challenge and expense of returning to the Supreme Court a third time in their struggle for compensation.

Senator NICKLES and I believe that the fair and honorable dealings cause of action authorized by Public Law 97-385 was intended to enable an adjudication of any damages that could be shown to have occurred to the three Nations at the hand of the United States. That has not happened. In an effort to disentangle the Nations from the constitutional issues that have overtaken their damages claim, and consistent with the administration sensitivity to Government interference with private property rights, a bipartisan Oklahoma House delegation introduced H.R. 4209. That bill would acknowledge that the Nations should be compensated, yet still require them to return to court to prove any damages caused by the construction of the McClellan-Kerr project. This bill is intended to accomplish the same objective.

I note especially that this bill does not authorize any expenditure of funds to pay a judgment. Should this bill be enacted and the nations prevail in their damages claim, the bill requires that payment would be contingent on a subsequent authorization of an appropriation for that purpose.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD immediately following this statement.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2750

Be enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Cherokee, Choctaw, and Chickasaw Nations of Oklahoma Claims Act of 1992".

SEC. 2. AUTHORIZATION

The Act entitled "An Act conferring jurisdiction on certain courts of the United States to hear and render judgment in connection with certain claims of the Cherokee Nation of Oklahoma", approved December 23, 1982 (Public Law 97-385), is amended—

(1) in subsection (a)—

(A) by striking "and" the second place it appears;

(B) by striking "jurisdiction is hereby conferred" through "Arkansas River Navigation System", and inserting in lieu thereof the following: "the navigational easement of the United States, and the decisions in United States against Cherokee Nation of Oklahoma, 480 U.S. 700 (1987), and Cherokee Nation of Oklahoma against United States, 937 F2d 1539 (10th Cir. 1991), the Secretary of the Treasury shall pay, to such extent and in such amounts as are provided in advance in appropriations Acts, to the Choctaw, Chickasaw, and Cherokee Nations, respectively, such sums as shall be determined in valuation proceedings brought in the United States Claims Court or the United States District Court for the Eastern District of Oklahoma for damages resulting from the use and occupation by the United States of that portion of the bed and banks of the Arkansas River owned by each such respective Nation pursuant to treaties with the United States as confirmed by the decision in Choctaw Nation against Oklahoma, 397 U.S. 620 (1970)";

(C) by striking "Cherokee domain" and inserting in lieu thereof the following: "each such Nation's respective domain";

(D) by striking "consent of said Cherokee Nation" and inserting in lieu thereof the following: "consent of such Nation";

(E) by striking "and also on any claim which the Cherokee Nation of Oklahoma" and inserting in lieu thereof the following: "and also on any claim which each such Nation";

(F) by striking "Cherokee Nation tribal lands" and inserting in lieu thereof the following: "such Nation's tribal lands";

(G) by striking "said Cherokee Nation of Oklahoma therefor" and inserting in lieu thereof the following: "such Nation therefor";

(H) by striking "being held by said Cherokee Nation" and inserting in lieu thereof the following: "being held by such Nation";

(I) by striking "said Cherokee Nation in fee simple" and inserting in lieu thereof the following: "such Nation in fee simple"; and

(J) by striking the subsection designation; and

(2) by striking subsection (b).•

By Mr. JOHNSTON:

S. 2751. A bill to establish additional Under Secretary and Assistant Secretary positions within the Department of Energy; to the Committee on Energy and Natural Resources.

ADDITIONAL UNDER SECRETARY AND ASSISTANT SECRETARY POSITIONS IN THE DEPARTMENT OF ENERGY

• Mr. JOHNSTON. Mr. President, today I am introducing a bill to provide authority for additional positions at the Department of Energy. The bill calls for an additional two Under Secretaries and three Assistant Secretaries at the Department of Energy.

Under existing law, the Department of Energy is authorized to have one Under Secretary and eight Assistant Secretaries. The Department has an annual operating budget of approximately $17 billion and over 159,000 full time equivalent employees. The Secretary divides the daily management of activities between the Deputy Secretary and the Under Secretary. In all other major agencies, these functions are left to the Under Secretaries. Most other agencies have more than one Under Secretary. For example, at the Department of Commerce, which only has $3 billion in programs, there are six Under Secretaries. The Department of Energy also faces a shortage of Assistant Secretary positions.

Since the Department's establishment in 1978, new mission priorities have arisen creating the need for additional Assistant Secretaries. For example, the increased emphasis in environmental restoration and waste management, which has grown from $500 million in fiscal year 1989 to a requested $5 billion in fiscal year 1993, necessitated the redesignation of the Director of that activity to an Assistant Secretary. Since the Department is limited to a total of eight Assistant Secretaries, this also meant that an activity having the rank of Assistant Secretary had to be redesignated to a Director in order to accommodate the new Assistant Secretary for Environmental Restoration and Waste Management.

Creating additional Assistant Secretary positions would bring the Department in line with the management structures of other agencies. For example, the following offices within the Department are not headed by Assistant Secretaries but correspond to offices in other departments that are headed by Assistant Secretaries: the Office of Administration and Human Resources; the Office of the Chief Financial Officer; the Office of Policy, Planning and Analysis; the Office of Procurement and Program Management; and the Office of Public Affairs.

The additional Assistant Secretary positions will help the Department to better manage its programs for several reasons. The position of Assistant Secretary is a significant recruitment tool in trying to attract technically qualified people. The designation permits the individual to operate on an appropriate footing with the Office of Management and Budget, other Executive Agencies, and the Congress. Finally, the designation allows for Secretarial review of the nominee for the position.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD at this point.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2751

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

(a) UNDER SECRETARIES.—(1) Section 202(a) of the Department of Energy Organization Act (42 U.S.C. 7132(a)) is amended by striking "Under Secretary" and inserting in its place "Under Secretaries".

(2) Section 202(b) of the Department of Energy Organization Act (42 U.S.C. 7132(b)) is amended to read as follows—

"(b) There shall be in the Department three Under Secretaries and a General Counsel, who shall be appointed by the President, by and with the advice and consent of the Senate, and who shall perform functions and duties the Secretary prescribes. The Under Secretaries shall be compensated at the rate for level III of the Executive Schedule under section 5314 of title 5, United States Code, and the General Counsel shall be compensated at the rate provided for level IV of the Executive Schedule under section 5315 of title 5, United States Code.".

(b) ASSISTANT SECRETARIES.—Section 203(a) of the Department of Energy Organization Act (42 U.S.C. 7133(a)) is amended by striking "eight Assistant Secretaries" and inserting in its place "eleven Assistant Secretaries".•

By Mr. LEAHY (for himself, Mr. DASCHLE, Mr. KOHL, Mr. WOFFORD, Mr. ROCKEFELLER, and Mr. HARKIN):

S. 2752. A bill to establish a Reform Commission to review the field structure of the United States Department of Agriculture, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

REFORM COMMISSION ACT OF 1992

Mr. LEAHY. Mr. President, as chairman of the Senate Agriculture, Nutrition, and Forestry Committee, I have looked at a number of the things the Department of Agriculture does around the country. We have held hearings on this issue. We have held informal meetings.

What I see is a department too steeped in tradition. I see a Department of Agriculture which harkens in its staffing back to the days when 30 or 40 percent of America was directly involved in agriculture, not the less than 5 percent we see today. The number of farmers has gone down, the number of ranchers has gone down, growers, producers. But, boy, the number of Agriculture Department employees has not gone down. It has skyrocketed. In some areas, in fact, there are more employees paid out of Washington than there are farmers that they are supposed to be working for.

So today I challenge the administration to invest 100 days to save American taxpayers $100 million—100 days, we save $100 million. I am introducing a bill to give the Department of Agriculture a new blueprint for restructuring the future. My bill will allow USDA to restructure its future. It will give the Department of Agriculture no choice but action. It will also force USDA into a diet.

USDA must be revitalized. Once my bill passes, the commission has 100 days to report back to the Secretary of Agriculture and get the job done once and for all. My bill, called the Reform Commission, gives USDA an extended plan. Let me tell you what we do.

The bill gives the Department of Agriculture orders for action, not a choice, but orders, and it forces them to go on a diet. The Reform Commission gives USDA an extended plan to review all areas of the Department, not just ag research facilities.

This legislation, based on the successful Department of Defense base closing commission, would require the Department of Agriculture to create a bipartisan commission to decide which field offices are to be closed, reorganized, consolidated, or integrated, and report back to the Secretary within 100 days. Consolidation of the Department of Agriculture must and will occur, not only because it will save money and help reduce the deficit but because it will provide better services to farmers and consumers.

By refusing to heed its own advice, let alone the advice of Congress, the Department of Agriculture is costing the taxpayers millions of dollars annually. To meet the challenges of the 21st century, the Department of Agriculture has to change and the changes need to be now. They are moving too slowly to cut waste. The Department has to adopt a long-term, comprehensive reform strategy to cut waste.

At a time when the U.S. military is downsizing and most private sector businesses are cutting back to survive the recession, the Department of Agriculture keeps on going. It is time for them to go on a diet. Here are some examples.

Fairfield County, Connecticut—not thought of as the breadbasket of America—Fairfield County, Connecticut, is not what we see when we look at pictures of bountiful harvests coming in. Fairfield County, Connecticut, is a bedroom community of New York City. But it has a full-time ACSC office, as does every other Connecticut county.

The Fairfield County office of the Department of Agriculture wrote 37 program payment checks last year. They have an office open every week to write one check. Sixteen of those weekly checks were for less than $100. One of the larger of these Agriculture checks—one for $3,500—went to the Ox Ridge Hunt Club to help defray the costs of a $14,900 loading dock to help dispose of horse manure for the members of the hunt club.

This is not what we think of when we think of agriculture. This is not what we think of when we think of the Department of Agriculture out trying to take care of the agricultural needs of the country, going into an urban bedroom community to help pay for somebody's hunt club.

Let us move down the eastern seaboard for another example. Along South Carolina's seaboard is an area roughly 135 miles long by 75 miles wide. In it, the Department of Agriculture has—now get this—314 farm agency employees in 38 offices to service 4,100 farms, fewer than half of which 1,603, were eligible for Federal farm payments. Thus, on average, you have a USDA employee there for every 5 farms eligible for Federal payments, and fewer than 25 miles separate most of the local farm agency offices.

One town, Dillon, which has a population of 6,000 people, has four separate Department of Agriculture agencies, and they are all located at different street addresses.

You would think it was for a whole State. It is for one small town.

Along a 70-mile stretch of super highway, I-10, in Louisiana, are Lake Charles, Jennings, Crowley, and Lafayette. USDA employees in this stretch number approximately 132. Farms enrolled in Federal crop programs in this area number about 845. Washington sent somebody down there for every 6 farms.

It makes no sense for USDA to have over 7,000 field offices in everyone of the Nation's 3,076 counties. These offices were built in an age when the average speed of travel was 15 miles per hour. Even the Department of Agriculture knows it is more than that now. This mammoth field structure is no longer necessary.

Ironically, it has not been necessary for many years.

The Department of Defense, had a similar problem. The military found that its base structure, once suitable in the era of biplanes, was rendered obsolete in the era of smart bombs and ICBM's. To fix the problem, the Secretary of Defense established a base-closing commission to study the base structure, and make recommendations for consolidation or closure.

This concept worked with closing military bases. We can use the same concept in closing unnecessary Department of Agriculture field offices. We need the kind of credibility and objectivity that the military commission had so that farmers and taxpayers both are guaranteed this is not an issue of partisan politics. And I assure you, it is not a Democratic issue or a Republican issue. We can work at closing these offices. We can make it work—to save hundreds of millions of dollars—but only if it is done in an objective, bipartisan way.

The Department of Agriculture can use these guidelines to successfully identify the field offices that need to be restructured and revitalized and do it in a nonarbitrary fashion, do it in a bipartisan fashion. And in addition, USDA can use these guidelines to make corresponding changes needed right downtown in its own headquarters here in Washington, DC.

So far USDA has refused to use the tools Congress has given them. The 1990 farm bill created a facilities commission to review agriculture research facilities, and make recommendations for closures. USDA opposed the commission in the farm bill, and even though we passed it, and even though the President signed it into law, they still refuse to use it.

Time is of the essence. The longer this restructuring is delayed, the greater the risk of turning this into an election year issue.

I am tired of people standing on this floor, or in the Government, saying we have to save the taxpayers' money. But when you give them a way to do it they ignore it. It does not make a heck of a lot of sense to me. It certainly does not make much sense to the people in Vermont.

So I hope the USDA will finally agree to use the Reform Commission offered here to do what even the administration has admitted needs to be done. They have not done it, but they have admitted it, and that is to revitalize the U.S. Department of Agriculture.

I might say, USDA streamlining is not a new topic of discussion. We had the Voorhis bill introduced in Congress calling for USDA to restructure.

The distinguished Presiding Officer may not recollect that bill right off the top of his head, and I will tell him why. This bill was introduced when I was 5 years old. I do not even know if the distinguished Presiding Officer was born. It was back in 1945. I understand the distinguished Presiding Officer was 2 years old and I was 5 years old in 1945.

Do you know what it was doing? It called for USDA to restructure. It cited, the same way we do today almost 50 years later, that modifications were necessary within the USDA field structure to meet the changing demands of developing rural communities.

Numerous studies, including several conducted by the administration itself, have recommended bold and necessary structural reform for the U.S. Department of Agriculture. Rather than act on these studies, the administration puts them in the back shelves. They do nothing but collect dust.

Because of the growing gap between the needs of the U.S. economy, the U.S. agriculture industry and the Department of Agriculture, the Department itself, has become a tremendous frustration to farmers. USDA must completely reevaluate its design and mission to help the American farmer and rancher reevaluate how to advance American agriculture and agricultural products in markets that are growing increasingly competitive.

The reform commission is a tool that can help successfully achieve that goal.

Mr. President, I hope this legislation and these words will remind not only those who run some of these field offices, but those here in Washington who allow them to continue, that times have changed. We have telephones now. We have fax machines. We have cars. People even fly on airplanes. We do not need to have so many field offices. In some areas they could have the employees line up within earshot of each other and holler a message across the State.

We will give them the telephones. We will give them the fax machines. But we will not give them the OK to have four separate offices and four separate fiefdoms, all in one little town. We will not let them have offices that send out a check every 10 days or so—checks that average, incidentally, far less than what it costs to keep the office open. We could actually save money by putting money in a big barrel and asking people to come by and pick it up whenever they want. It would cost a lot less money.

We need to work on this. I hope the administration will accept my challenge. Everyone wants to talk about how to save money. In 100 days with this one item alone, we can save the American taxpayers $100 million. Back where I come from, that is not a bad return on your money.

By Mr. MOYNIHAN:

S. 2755. A bill to direct the Secretary of Defense to provide grants to States to provide technical and financial assistance to defense-dependent contractors; to the Committee on Armed Services.

INDUSTRIAL DEFENSE INNOVATION ACT

• Mr. MOYNIHAN. Mr. President, I rise to introduce a bill that will address problems facing much of our defense industry as we begin the post-cold-war era. Today some 3 million people are employed in the defense industry, and another million civilians work for the Department of Defense. Just 3 months ago the Office of Technology Assessment issued a report that estimates that by 2001, 1.7 million of these jobs may be lost. And with them would go perhaps a million or more jobs that rely on the spending power of defense employees.

Many of these people will not find openings in other companies working on similar defense contracts. While their skills are not obsolete, there will simply not be enough demand for them, and they will end up taking lower paying jobs that do not make use of their talents. Many companies themselves are facing hard times, and their futures are uncertain, too.

The bill I will introduce today will help both companies and employees, and do so efficiently and quickly. Governor Cuomo has seen to it that the New York State government is already working with New York defense contractors to find new markets for their products, both at home and overseas, so that they can continue in business just as they have been, or nearly so. Where there is not much prospect for new markets, State programs are helping these companies develop new products. Either way, these defense-dependent companies are able to keep their work forces in place. Governor Cuomo has developed a sound approach, and it can be replicated across the country. Indeed, many other States are working with their defense industry, and providing us an important opportunity.

The key is to provide assistance as soon as possible, before the Pentagon contracts run out and the workers must be let go. Trying to reassemble a work force when a new product is developed 2 years hence will not be easy, and is obviously less desirable than keeping the current one intact. By providing funds directly to the States, this bill allows immediate action through existing programs that are already successful. By utilizing State programs, it avoids the time and bureaucracy involved in setting up programs in one or more Federal Agency.

State governments are quite capable of discerning the needs of their industries and companies, and of what will help them most. I believe we should take advantage of that capability.

This bill also provides the States with funds to award to companies for worker retraining programs which provide the industrially literate work force necessary to manufacture new products and compete in new markets. Again, existing State programs are doing this now, enabling companies to keep their employees on the job, and sparing the employees from the disruption of losing their jobs, then going through a retraining program, and then looking for work, perhaps in an entirely new field.

Mr. President, our defense contractors have the potential to prosper in the coming years, but they must adapt to the changing market. I believe this bill provides the most timely means of helping them, and that is the key to its, and their, success. I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2755

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Industrial Defense Innovation Act of 1992".

SEC. 2. DEFINITIONS.

For purposes of this Act, the following definitions apply:

(1) DEFENSE-DEPENDENT CONTRACTOR.—The term "defense-dependent contractor" means a business that, in at least 2 years out of the 7-year period ending on the date of the award of technical or financial assistance under section 5, has received at least 50 percent of its gross income from contracts or subcontracts to provide defense material or services to the Department of Defense.

(2) SECRETARY.—The term "Secretary" means the Secretary of Defense.

(3) STATE.—The term "State" means each of the several States, the District of Columbia, American Samoa, the Federated States of Micronesia, Guam, the Republic of the Marshall Islands, the Commonwealth of the Northern Mariana Islands, the Commonwealth of Puerto Rico, Palau, and the Virgin Islands.

SEC. 3. AUTHORIZATION OF APPROPRIATIONS.

(a) IN GENERAL.—There is authorized to be appropriated for fiscal years 1993, 1994, and 1995 not more than $1,000,000,000 to carry out this Act.

(b) AVAILABILITY.—Amounts appropriated under subsection (a) shall remain available until expended.

SEC. 4. ALLOCATION OF GRANTS.

From amounts appropriated under section 3 for any fiscal year, the Secretary shall allocate such amount for grants to States which meet the requirements of section 5 as follows:

(1) 50 percent in the ratio which the population of each State bears to the total population of all the States, as shown by the latest available Federal census; and

(2) 50 percent in the ratio which the dollar amount of defense procurement contracts awarded in each State for fiscal year 1991 bears to the total dollar amount of defense procurement contracts awarded in all the States for fiscal year 1991, as determined by the Bureau of the Census.

SEC. 5. APPLICATION.

(a) IN GENERAL.—To receive a grant in a fiscal year under section 4, a State shall submit to the Secretary prior to such fiscal year an application in such form and containing such information as the Secretary may require, including, but not limited to—

(1) the certifications required under subsection (b);

(2) identification of the impact of defense cuts on the State, regions within the State, and particular communities;

(3) need for services among defense firms;

(4) State and local efforts to address needs;

(5) overall strategic plan for carrying out a comprehensive assistance program; and

(6) assurances satisfactory to the Secretary that the State will use amounts from a grant only for the eligible activities under section 6.

(b) CERTIFICATIONS.—The State shall certify to the satisfaction of the Secretary that—

(1) the State will provide funds from its revenues in an amount equal to $1 for every $10 of Federal funds from such grant for the purpose of providing technical and financial assistance to defense-dependent contractors;

(2) the State will maintain its aggregate expenditures from all other sources for programs which provide technical and financial assistance to defense-dependent contractors at or above the average level of such expenditures in the 2 fiscal years preceding the date of the enactment of this Act;

(3) the State will require each defense-dependent contractor receiving financial assistance under section 6 to provide funds in an amount equal to and not less than $1 for every $1 of funds provided to the contractor in those cases where the State provides direct financial assistance under such section for the purpose of supplementing such funds; and

(4) the State will submit to the Secretary a report describing the use of such grant, including—

(A) the number of defense-dependent contractors which received technical or financial assistance from such grant; and

(B) any other information the Secretary determines to be appropriate.

SEC. 6. ELIGIBLE ACTIVITIES.

(a) IN GENERAL.—A State shall use amounts from a grant under section 4 only to provide technical and financial assistance to defense-dependent contractors doing business in such State in accordance with the allocation requirements under subsection (b).

(b) STATE ALLOCATION.—The State will allocate amounts received from a grant under section 4 in accordance with the following requirements:

(1) 40 percent of amounts received from the grant will be reserved by the State to provide technical and financial assistance to defense-dependent contractors to make quality and productivity improvements and expand markets through various activities, including—

(A) developing and carrying out strategic planning for diversification into commercial markets and industrial modernization;

(B) developing and carrying out advanced manufacturing processes, practices and techniques, and best commercial practices, including, but not limited to, assistance to redesign, refit and preserve production lines or capabilities which use manufacturing technologies that have critical defense applications;

(C) transferring advanced manufacturing technologies and best commercial practices;

(D) assessing export potential and under taking export marketing programs;

(E) identifying civilian markets and developing commercial marketing expertise;

(F) sporting manufacturing extension services;

(G) fostering supplier networks and other forms of collaboration among businesses to improve competitiveness;

(H) assistance in developing new products and technologies and adapting existing products and technologies for commercial use, including support for State small business innovation research programs and entrepreneurial initiatives and ventures to develop new commercial uses from defense technologies;

(I) market expansion assistance, including support for export trade, and procurement assistance centers that are recognized by the Small Business Administration;

(J) strategic financing assistance for export, new product development, the commercialization of new technologies, and working capital reburied for diversification; and

(K) planning development and design of projects for new commercial uses in critical technology areas such as high speed transportation technology, digital communications, and optical electronics; and

(2) 60 percent of amounts received from the grant will be reserved by the State to provide technical and financial assistance to defense-dependent contractors to undertake human resource development initiatives essential for industrial modernization and the fulfillment of improved competitiveness strategies, including—

(A) developing and carrying out high performance workplace systems and employee involvement and participative management systems to—

(i) reduce overspecialization;

(ii) foster flexible work organization;

(iii) increase teamwork among workers across functional work units; and

(iv) expand employees' roles as partners with management in planning and managing change;

(B) developing and carrying out company and industry-specific training for workers required for the introduction of advanced manufacturing technologies and other industrial modernization initiatives;

(C) developing and carrying out work force literacy programs for industrial modernization; and

(D) developing and carrying out programs to encourage employee ownership.

SEC. 7. REPORT.

Not later than January 1, 1995, the Secretary shall submit to the Congress a report containing—

(1) a compilation of the information contained in the State reports received by the Secretary pursuant to section 5(b)(4); and

(2) an evaluation of the effectiveness of the grant program.●

By Mr. THURMOND:

S. 2758. A bill to authorize the Department of Justice to pay State and local property taxes on forfeited real property; to the Committee on the Judiciary.

PROPERTY TAXES ON FORFEITED REAL PROPERTY

Mr. THURMOND. Mr. President, I rise today to introduce a bill that is desperately needed and widely supported throughout the country. This bill will permit the Justice Department to pay State and local taxes on real properties forfeited under Federal asset forfeiture laws. The Courts have held that, under the supremacy clause, the United States is not required to pay State and local taxes without clear and express statutory authority to do so. Currently, there is no such authority for the Justice Department to pay these taxes on forfeited real property.

Under the Justice Department's asset forfeiture program, real properties that are forfeited require that no taxes be paid from the time of the original purchase of the forfeited property. This even sometimes requires State and local jurisdictions to pay back previously collected taxes. This is burdensome on State and local taxing authorities, provokes needless litigation between the United States and State and local governments, and complicates the marketing of forfeited property.

Mr. President, the Department of Justice's Executive Office for Asset Forfeiture has worked tirelessly to ensure that the Federal asset forfeiture law is applied fairly, objectively, and efficiently as possible. The Department of Justice has no interest in putting any undo or needless hardships on State and local governments through the nonpayment of tax liens.

Mr. President, Mr. Cary Copeland, Director and Chief Counsel for the Executive Office for Asset Forfeiture, supports this legislation. I know some have expressed concerns over the effect the enactment of this bill might have on pending forfeiture cases. I am more than willing to address these concerns.

I have been, and will continue to be, a strong supporter of the Federal asset forfeiture law. The United States has used civil asset forfeiture to fight crime successfully for many years. It is clearly constitutional. However, only recently we started using asset forfeiture on a large scale in our efforts in fighting the drug war. In this short time it has proven to be very successful in recovering the assets of drug kingpins and traffickers.

Federal forfeiture law is a very important weapon for law enforcement to use in fighting to keep illicit drugs off our streets and out of our children's hands. This proposal will allow law enforcement to continue their excellent work while furthering the interest of States and local governments. It is in the interest of the Federal Government, the States, and law enforcement that this measure be passed by the Senate.

Mr. President, I ask unanimous consent that the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2758

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

"Section 524 of title 28, United States Code, is amended—

(1) by redesignating subsection (c)(1)(H) to be subsection (c)(1)(I); and

(2) by inserting a new subsection (c)(1)(H) as follows:

"(H) the payment of State and local property taxes on forfeited real property that accrued between the date of the violation giving rise to the forfeiture and the date of the forfeiture order; and"

By Mr. GORE (for himself, Ms. MIKULSKI, Mr. LEAHY, Mr. KERRY, Mr. WOFFORD, Mr. CRANSTON, Mr. MITCHELL, Mr. SIMON, Mr. DODD, Mr. ADAMS, Mr. SARBANES, Mr. MOYNIHAN, Mr. KOHL, Mr. KENNEDY, Mr. WIRTH, Mr. LIEBERMAN, Mr. INOUYE, Mr. SANFORD, Mr. AKAKA, and Mr. ROCKEFELLER):

S.J. Res. 308. Joint resolution adopting certain principles on general rights and obligations with respect to the environment, to be known as the "Earth Charter", and urging the U.N. Conference on Environment and Development, meeting in June 1992, to adopt the same; to the Committee on Foreign Relations.

EARTH CHARTER RESOLUTION

Mr. GORE. Mr. President, it is a pleasure to take the floor this morning with my colleague, the Senator from Maryland [Ms. MIKULSKI], because the two of us are introducing a Senate joint resolution entitled the Earth Charter resolution.

Mr. President, the joint resolution is also cosponsored by the majority leader, Senator MITCHELL, by the Senator from Colorado, Mr. WIRTH, who has been an active partner to me in all these matters; also by Senator LEAHY, Senator JOHN KERRY, Senator WOFFORD, Senator CRANSTON, Senator SIMON, Senator DODD, Senator ADAMS, Senator SARBANES, Senator MOYNIHAN, Senator KOHL, Senator KENNEDY, Senator LIEBERMAN, Senator INOUYE, Senator SANFORD, and Senator AKAKA. Others who wish to cosponsor the Earth Charter resolution, who would like to be original cosponsors of it, should contact either Senator MIKULSKI or me or our offices today.

The hopes and visions of the world community of what will be accomplished at the Earth summit in Rio next month have been drastically diminished. Yes, President Bush is now going to attend the Earth summit, but the price he extracted from the rest of the world and, indeed, from our children and grandchildren is quite high. He insisted that all meaning be drained out of the treaties that are supposed to be signed at Rio.

Two years ago preparations for this event were undertaken with the hope that the community of nations would join together in global partnership to ensure sustainable development for all and to ensure the continuity and quality of life now and for future generations. It was intended that the nations gathering at the Earth summit would signal their resolve by concluding several legal documents:

First, a binding and meaningful convention to stabilize and ultimately reduce emissions of carbon dioxide and other greenhouse gases.

Second, a binding and meaningful convention or treaty to ensure the sustainable management of all forests. That means those in the northern Hemisphere as well as those in the Southern Hemisphere.

Third, a bold agenda, Agenda 21, that would chart the course toward development and economic productivity according to a pattern that is nondestructive of the natural resource base.

Fourth, a strong convention or treaty to protect the biodiversity that we are increasingly realizing is critical to human health and welfare as well as being valuable in its own right.

And, finally, and perhaps most importantly, fifth, an Earth charter. This was intended to be a proclamation from the highest levels of government, heads of State, that they recognize that nations and people share a common goal to promote environmentally sound, sustainable development for all, and that they resolve to attain this goal by reforming policies at home and by working with other nations in a spirit of good faith and global partnership.

In other nations, there may be the unquestioned assumption that the head of State is preeminent in the scheme of governance for that country. That is not the case in our country. We have three coequal branches of government, and if the Executive fails in the challenge of leadership, then the legislative branch also speaks for the American people.

We are now confronted in the legislative branch of government with an abdication of leadership on the part of President Bush. So how should we respond? First of all, with an assessment of what has occurred on the road to Rio. Apparently President Bush meant what he said in an interview earlier this year when he informed the country that he would do absolutely anything to be reelected. The "environmental President" became, in the words of a recent editorial—a goal subordinated to the wish to be the reelected President—the "I'll do anything to get reelected" President.

In any event, the attitude has had a devastating impact on the preparation for the Earth summit. Let me briefly list them.

We now have a climate change treaty that is deprived of any commitments whatsoever. It has the nice language in it, and it is better to have even a meaningless treaty than to have a bitter and divisive shouting match at Rio, just as it is better for the President to go than to stay at home. But it is unfortunate in the climate change negotiation that President Bush confronted the rest of the world with the choice of failure and catastrophe. Given that choice, mere failure was the preferable option because it does the least damage to the efforts to get a climate change treaty that actually does something in the future.

Second, what about the biodiversity treaty? Vice President QUAYLE has a problem with that one, and he has now objected, in very strong terms, and we have learned that the negotiation underway in Nairobi right now is in a state of uproar because every other nation in the world is listening to the objections from the Bush-Quayle administration negotiators on ideological points that industry has urged them to raise. And it looks now as if we may not have a biodiversity treaty at all.

Third, what about Agenda 21? It has not been agreed to yet. It is incomplete, and those portions of it that are going to be contained are so watered down that they barely resemble the earlier versions. Maybe they will get agreements at Rio on Agenda 21. I hope so.

Fourth, what about the forest convention? The administration said it wanted that convention to apply only to tropical forests, not to forests in the Northern Hemisphere. Their policy is to have a taxpayer subsidy of the clearcutting of areas in our national forests. We sell 500-year-old trees for the price of a cheeseburger and force the taxpayer to subsidize this whole enterprise. It is completely unsustainable. The Forest Service supervisors have told the public, "This is crazy. We are supposed to be stewards of the national forests. We are watching them being ripped apart. We ought to stop this." The supervisors who say that are punished for speaking out in behalf of the forests. So there is no forest convention.

Finally, what about the Earth Charter? Unfortunately, the chances that this document will be signed in Rio are remote indeed. Again, one of the major reasons that progress toward concluding the Earth Charter hit rough waters was the opposition of the Bush administration. According to their negotiators, the phrase "sustainable development" is not of sufficient importance to warrant the signing of a charter which is a broad statement of environmental rights and principles.

So, the substantive agreements that will be signed at Rio fall far short of our original hopes and anticipations. That is why it is critically important that we see Rio as only the first step in an enduring process, and that is why Senator MIKULSKI and I have come to the floor this morning to join with our other colleagues who are cosponsoring this initiative to have the Earth Charter passed by the legislative branch of government and sent to the President for his signature.

Much as the Universal Declaration on Human Rights set out the rights and principles that are intended to guarantee the humane and equitable treatment of all people, the rights and principles that are set out in the Earth Charter will unite the nations of the world in a commitment to establish and respect the basic rights related to the environment.

The 17 principles of the Earth Charter expressed in this resolution are included in full in the text of the resolution. Let me refer to them just briefly.

First, they recognize the integral connection between environmental protection and economic and social development;

Second, that nations and people share a responsibility to promote sustainable development;

Third, that respect for human rights is fundamental;

Fourth, that all people share in the benefits of a clean environment and responsible development and that all people have a responsibility to preserve those benefits for future generations;

Fifth, that nations can exploit their own natural resources but are responsible for ensuring that their activities do not damage the environment of other nations;

Sixth, that lack of full scientific certainty should not alone postpone preventive or precautionary action;

Seventh, that all people at every level—local, national, regional, and international—should cooperate toward these ends in good faith;

Eighth, that nations should consider the special situation and needs of developing countries in achieving sustainable development and provide appropriate assistance;

Ninth, that environment and development objectives and policies should be integrated with economic and trade policy;

Tenth, that a commitment to peace and security for all nations and people is fundamental to achieving sustainable development;

Eleventh, that nations and people should work to eliminate or reduce harmful patterns of reduction and consumption;

Twelfth, that sustainable development depends on a world public that is educated, literate, and well informed.

Thirteenth, that open and free markets are fundamental;

Fourteenth, that polluters should bear the costs of pollution prevention and control measures introduced by public authorities, and that markets should reflect full economic accounting of environmental costs and benefits;

Fifteenth, that democratic laws, institutions and procedures are essential;

Sixteenth, that all nations and all people should make the elimination of poverty an essential task in their efforts to achieve sustainable development;

Seventeenth, that sustainable development requires technological and financial assistance to developing countries, and those nations with adequate means should take steps cooperatively to provide such assistance as may be appropriate.

In conclusion, Senator MIKULSKI and I believe that a real commitment to achieving sustainable patterns of development is needed now and at the highest levels of Government. The adoption in this body of the Earth Charter is essential. The adoption of the Earth Charter by the nations attending the Earth summit, whether in Rio, or as the first post-Rio objective, would be a significant milestone toward that end. The principles and objectives expressed in this joint resolution are of vital importance to the future of this country and the health and vitality of our country.

I ask our colleagues on both sides of the aisles to consider supporting this joint resolution.

Mr. President, I ask unanimous consent that the text of the joint resolution be printed in the RECORD.

There being no objection, the joint resolution was ordered to be printed in the RECORD, as follows:

S.J. RES. 308

Whereas the Earth is a dynamic but fragile whole in which all ecosystems are interdependent;

Whereas the United States recognizes the scale, depth, and pace of human-induced changes to the environment and is determined to increase human understanding of those changes and the capacity for anticipating, responding, and adapting to them; and

Whereas the United States recognizes the mutual interdependence of all nations and peoples and the need for communities to live together in balance with the environment to ensure sustainable development for all and the continuity and quality of life now and for future generations: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the Congress hereby (1) adopts the following principles on general rights and obligations with respect to the environment, to be known as the "Earth Charter", and (2) urges the nations participating in the United Nations Conference on Environment and Development at Rio de Janeiro in June 1992 to adopt the same rights and obligations as a separate and free standing Earth Charter:

PRINCIPLE 1.—Environmental protection and economic and social development ultimately cannot be achieved at the expense of each other. Environment and development goals should be pursued simultaneously, in an integrated fashion.

PRINCIPLE 2.—Nations and people share a common goal to promote environmentally sound, sustainable development for all. They should seek to attain this goal by individual and collective action, contributing in accordance with their respective responsibilities and capacities with high special regard for the needs of economically disadvantaged nations and people.

PRINCIPLE 3.—Respect for human rights is fundamental to sustainable development, in particular the rights to—

(A) associate with others and freely express views;

(B) publish and distribute information;

(C) participate in public debates; and

(D) have fair and effective access to legal and administrative redress and remedy of grievances.

PRINCIPLE 4.—All people should share in the benefits of a clean environment and responsible economic and social development, including the sustainable management of natural resources, and recognize the need to preserve those benefits for future generations.

PRINCIPLE 5.—Nations have the sovereign right to exploit their own natural resources but bear the responsibility to ensure that activities within their jurisdiction or control do not cause damage to the environment of other nations or of areas beyond the limits of national jurisdiction.

PRINCIPLE 6.—Nations should adopt precautionary and preventive approaches when planning and undertaking activities, in order to anticipate, prevent and attack the causes of environmental degradation. Lack of full scientific certainty should not be a reason in itself for postponing effective measures to prevent environmental degradation.

PRINCIPLE 7.—All people should cooperate in good faith and in a spirit of global partnership at the local, national, regional and international levels to achieve sustainable development. In cases of environmental emergency, nations should provide each other with timely notification and assistance.

PRINCIPLE 8.—Nations should consider the special situation and needs of developing countries in achieving sustainable development and provide appropriate assistance.

PRINCIPLE 9.—Environment and development objectives and policies should be integrated with economic and trade policies, including through appropriate harmonization of the international regimes for international trade and environmental protection.

PRINCIPLE 10.—A commitment to peace and security for all nations and people is fundamental to the achievement of sustainable development.

PRINCIPLE 11.—Nations and people should seek to eliminate or reduce unsustainable patterns of production and consumption.

PRINCIPLE 12.—Sustainable development is dependent on a world public that is educated, literate, and well-informed. Individuals, groups and organizations should have access to information relevant to environment and development, held by national authorities, including information on products and activities which have or are likely to have significant impact on the environment, information on hazardous materials and activities in their communities, information on environmental monitoring and information on environmental protection measures undertaken.

PRINCIPLE 13.—Open and free markets at the national, regional and international levels are fundamental to the achievement of sustainable development. Markets should reflect full economic accounting of environmental costs and benefits and market forces and mechanisms, and other economic instruments should be harnessed to achieve sustainable development goals.

PRINCIPLE 14.—Polluters should bear the costs of carrying out pollution prevention and control measures introduced by public authorities. These costs should be reflected in the cost of goods and services that cause pollution in production and/or consumption to encourage rational use of scarce environmental resources and to avoid distortion in international trade and investment. Markets should reflect full economic accounting of environmental costs and benefits.

PRINCIPLE 15.—Democratic laws, institutions and procedures are essential to the achievement of sustainable development. Nations should establish open and democratic forms of decisionmaking affecting economic and social development and environmental protection, and facilitate the broad participation of individuals, groups and organizations in that decisionmaking. Individuals, groups and organizations with a cognizable legal interest should have access to judicial and administrative procedures for redress and remedy of wrongful actions effecting environment and development.

PRINCIPLE 16.—In addition to its corrosive affects on social and economic well-being and development, poverty is a major contributor to environmental degradation. All nations and all people should make the elimination of poverty an essential task of their efforts to achieve sustainable development.

PRINCIPLE 17.—The achievement of sustainable development requires technological and financial assistance to developing countries, and those nations with adequate means should take steps to provide such assistance as may be appropriate.

Ms. MIKULSKI. Mr. President, I, too, rise today to introduce the joint resolution affirming the principles of the Earth Charter to be considered by the nations of the world in Rio de Janeiro. I am pleased to join with my esteemed colleague, Senator GORE of Tennessee, who is really an outstanding international leader on the environment and has continued to advocate the cause of the environment for many years.

Senator GORE recently conducted a multiday seminar here on the theological underpinnings of the concept of preservation of the environment. Senator GORE has also taken specific and immediate and realizable actions in the area of legislation to preserve the environment, and today he and I join to introduce a joint resolution affirming the principles of the Earth Charter.

Mr. President, I rise to introduce this joint resolution as a point of national honor. I do not want 140 nations of the world to gather and look at the United States and think that we have no clear position on affirming the principles to preserve this planet, and at the same time, promote economic growth worldwide. It requires national honor that somewhere in the United States of America and its political leadership, there is a cadre of people who will stand up and provide the leadership that joins with the nations of the world to affirm these principles.

The purpose of this joint resolution is to send a clear message to the world community that the United States of America is united and committed to saving our environment and to urge other countries to make that same commitment.

In a conversation with Father Tom Berry, an ecotheologian who was at the meeting organized by Senator GORE, Father Berry said to me, "Senator Mikulski, we have to be tireless in our pursuit to preserve this planet Earth, because remember this: The planet Earth can get along without people, but people cannot get along without the planet Earth." Therefore, we need to affirm those principles to preserve this environment.

It is possible, I do believe, to develop our nations in a responsible way. I believe it is possible for people to build, live, and work and still protect the environment. I believe that we can invent the policies and the technologies necessary to do that. But we cannot invent an attitude, unless we have guiding principles, and that is the point of the Earth Charter. These are principles that the United States of America and other countries in the world should be able to agree to, and not only agree to, but to live by them. The Earth Charter is simply a resolution of principles, simple, sound, and essential. This is what they say:

That sustainable development is important for every country; that concern for the environment should be part of our economic decisionmaking; and that we must preserve this planet for the next generation.

By evaluating these principles into a freestanding Earth Charter, we make a statement of commitment which says we are all in this together, and that we all have to solve global environmental problems together. We have come together on other issues in the past. When the United Nations was formed, people of the world gathered, and in December 1948, 48 countries signed the Declaration of Human Rights, and for the first time the world said that not only are all men created equal, but all women are created equal. And we banded together to make sure we all followed the principles of human rights and humane treatment of all people, and the advocacy of democracy around the world. A signature on the dotted line to the principles of the Earth Charter are also a statement of responsibility.

Mr. President, it is not just those heads of State that will be attending the Earth summit who are responsible to the adherence of these principles. We need to turn to the private sector, and we need to turn to ordinary people as a way to do this. Every day, as individuals, we all carry with us the responsibility of convening our own Earth summit, whether it is in our factories, whether it is in our corporations, or whether it is in our communities. We have the responsibility to use less energy by turning off the lights, by making sure we recycle newspapers; and we have a responsibility in the private sector and in the Government, as well, to develop new technologies to prevent pollution and to clean it up. That is what we have.

We have to come together as a country, too. For example, preserving the beauty of the Chesapeake Bay in my own State is not just an American responsibility or a responsibility of the watermen who live off the sea; it is the responsibility of other States and other regions in our country. We have become technically advanced, and we are realizing that what is done upstream does not just affect the area around the outflow, but areas miles away. We know that pollution that comes out of a smokestack in one area could affect the water supply of another area. The responsibility does not stop when we reach our borders. Pollution knows no boundaries, and no one stops water pollution at the border and checks its passport. Air pollution does not have to pass through customs. So, therefore, it is not only the laws of one community. It has to be the laws of all communities.

Mr. President, the playing field is getting smaller, but to take responsibility is getting bigger. We need a new attitude that says that the preservation of this planet is important enough to put in our policy decisions at every level.

Mr. President, we need a new way of accounting. We now only count that which generates cash. We need to take a look at that which also performs other utilitarian needs to preserve our life.

Mr. President, if you look at a tree, it only counts as having value when it is cut down and turned into timber. But the intrinsic purpose that God created it for—to provide beauty and oxygen and affect our water and our very way of life—is not counted. I believe we need to start counting what does count. We do not count air or water or even the work of voluntarism.

Mr. President, are you aware that in the gross national product, we will count those who make hula hoops or pornographic movies, but we will not count the work of those who deliver Meals on Wheels, or Boy Scout or Girl Scout leaders. I think we need to start counting that which does count, and I am advocating a whole new idea that says we need to provide an economic value to water and to air, so it is factored as capital in our cost of production.

Today is not the day to go into new technical concepts. Today is to talk about leadership. Mr. President, we do need leadership. What is leadership? Leadership is not passing agendas and five-point programs. Leadership creates a state of mind. Leadership invests a psychic energy to make something possible and take action. That is why we need leadership from the President of the United States on the environment, to create a state of mind that this is an important thing to do, to invest the psychic energy to make it possible, and to advocate actions so that we can take those steps both within our own country and within the world.

What if the President of the United States will not affirm those principles and provide that leadership? I am happy to introduce this joint resolution and as a U.S. Senator joining with Senator GORE to be a President by proxy. We will provide the leadership if there is none. We will try to create the psychic energy where there needs to be and we will take action where we can to advance this agenda.

We are here today to bring responsibility back into bloom and to move it forward. And we cannot wait for the leadership we need. We are going to take charge now, and with this charter we are taking the first step.

What we do to the environment is just not our problem. It is everyone's problem.

Mr. President, these are principles that should be in every country and community to live by, and I urge my colleagues to read this resolution and to support its cause. National honor demands no less of the U.S. Senate.

Mr. GORE. Mr. President, thank you.

Let me compliment my colleague, the Senator from Maryland, on a very powerful, very well thought out, and very well-presented set of remarks.

Her phrase "a point of national honor" is one which I think we should all contemplate because we are at a turning point. The nations of the entire world are gathering in one place at one time to chart a new course. In the post-cold war world, the saving of the Earth's environment will become the central organizing principle. All our efforts and policies and programs must be framed with an awareness of this central challenge.

But at a time when the rest of the world is looking to us for leadership, we have not been providing it. As a coequal branch of Government, we in the Congress can speak out and take action. I hope very much that adoption of the Earth Charter will be the first step taken by the world after the meeting at Rio de Janeiro to keep the momentum going.

I wish to thank my colleague, Senator MIKULSKI, also for the specific idea of employing the Earth Charter in a resolution and bringing it forward to this Chamber to provoke a debate and to set the stage for action.

Of course, Senator MIKULSKI has provided tremendous leadership on the appropriations subcommittee which is responsible for the environment, saving the taxpayers' money by reorganizing a much more effective approach toward saving the environment. I congratulate her for that.

In closing, let me just say we not only can achieve the principles embodied in the Earth Charter but we would fail to achieve them at our peril. They are not only consonant with economic health, but they are a prerequisite to economic health.

Did you notice, Mr. President, 2 weeks ago, the new study which showed 35 percent of U.S. exports now go to developing countries? The principal crisis being faced in many of those countries is now to organize for economic progress without destroying the environment. In Mexico City, for example, they are shutting factories down, not because of the economy, but because they are choking to death in the pollution. They are desperate to buy the new products and processes which will facilitate the reopening of factories without destroying the environment. We should be providing those machines and processes and creating the millions of new jobs here at home to do so. Passage of the Earth Charter is a step in that direction.

ADDITIONAL COSPONSORS

S. 448

At the request of Mr. SYMMS, the name of the Senator from Indiana [Mr. COATS] was added as a cosponsor of S. 448, a bill to amend the Internal Revenue Code of 1986 to allow tax-exempt organizations to establish cash and deferred pension arrangements for their employees.

S. 709

At the request of Mr. HATCH, the name of the Senator from New York [Mr. D'AMATO] was added as a cosponsor of S. 709, a bill to amend the Internal Revenue Code to allow a deduction for qualified adoption expenses, and for other purposes.

S. 1504

At the request of Mr. INOUYE, the name of the Senator from Connecticut [Mr. DODD] was added as a cosponsor of S. 1504, a bill to authorize appropriations for public broadcasting, and for other purposes.

S. 2027

At the request of Mr. CHAFEE, the name of the Senator from Mississippi [Mr. COCHRAN] was added as a cosponsor of S. 2027, a bill to amend title XVIII of the Social Security Act to eliminate the annual cap on the amount of payment for outpatient physical therapy and occupational therapy services under part B of the medicare program.

S. 2116

At the request of Mr. RIEGLE, the name of the Senator from Mississippi [Mr. COCHRAN] was added as a cosponsor of S. 2116, a bill to improve the health of children by increasing access to childhood immunizations, and for other purposes.

S. 2365

At the request of Mr. NICKLES, the name of the Senator from Mississippi [Mr. COCHRAN] was added as a cosponsor of S. 2365, a bill to amend title XVIII of the Social Security Act to repeal the reduced medicare payment provision for new physicians.

S. 2385

At the request of Mr. RIEGLE, the name of the Senator from Illinois [Mr. SIMON] was added as a cosponsor of S. 2385, a bill to amend the Immigration and Nationality Act to permit the admission to the United States of nonimmigrant students and visitors who are the spouses and children of United States permanent resident aliens, and for other purposes.

S. 2400

At the request of Mr. PRYOR, the name of the Senator from Montana [Mr. BURNS] was added as a cosponsor of S. 2400, a bill to amend title XVIII of the Social Security Act to extend special payments under part A of medicare for the operating costs of inpatient hospital services of hospitals with a high proportion of patients who are medicare beneficiaries.

S. 2509

At the request of Mr. NICKLES, the name of the Senator from Minnesota [Mr. DURENBERGER] was added as a cosponsor of S. 2509, a bill to provide grants to establish an integrated approach to prevent child abuse, and for other purposes.

S. 2522

At the request of Mr. SIMON, the name of the Senator from Arkansas [Mr. BUMPERS] was added as a cosponsor of S. 2522, a bill to direct the United States Sentencing Commission to make sentencing guidelines for Federal criminal cases that provide sentencing enhancements for hate crimes.

S. 2560

At the request of Mr. SIMON, the names of the Senator from Massachusetts [Mr. KERRY], the Senator from Arizona [Mr. DECONCINI], the Senator from West Virginia [Mr. ROCKEFELLER], and the Senator from Vermont [Mr. JEFFORDS] were added as cosponsors of S. 2560, a bill to reclassify the cost of international peacekeeping activities from international affairs to national defense.

S. 2624

At the request of Mr. GLENN, the names of the Senator from Nevada [Mr. REID], the Senator from West Virginia [Mr. ROCKEFELLER], and the Senator from Alabama [Mr. SHELBY] were added as cosponsors of S. 2624, a bill to authorize appropriations for the Interagency Council on the Homeless, the Federal Emergency Management Food and Shelter Program, and for other purposes.

S. 2632

At the request of Ms. MIKULSKI, the name of the Senator from Pennsylvania [Mr. WOFFORD] was added as a cosponsor of S. 2632, a bill to establish the National Environmental Technologies Agency.

S. 2711

At the request of Mr. GLENN, the name of the Senator from Connecticut [Mr. DODD] was added as a cosponsor of S. 2711, a bill to ensure the fair treatment of members of the Selected Reserve of the Ready Reserve of the Armed Forces who are adversely affected by certain reductions in the size of the reserve components of the Armed Forces.

S. 2715

At the request of Mr. WOFFORD, his name was added as a cosponsor of S. 2715, a bill to require the Secretary of Veterans Affairs to carry out demonstration projects to determine the feasibility and desirability of installing telephones in Department of Veterans Affairs health-care facilities for use by patients of such facilities.

S. 2728

At the request of Mr. KENNEDY, the name of the Senator from Alabama [Mr. SHELBY] was added as a cosponsor of S. 2728, a bill to make emergency supplemental appropriations to provide emergency short-term assistance for American youth and meet the urgent needs for the fiscal year ending September 30, 1992, and for other purposes.

SENATE JOINT RESOLUTION 182

At the request of Mr. KASTEN, the name of the Senator from Wyoming [Mr. SIMPSON] was added as a cosponsor of Senate Joint Resolution 182, a joint resolution proposing a Balanced Budget Amendment to the Constitution of the United States.

SENATE JOINT RESOLUTION 231

At the request of Mr. THURMOND, the names of the Senator from Michigan [Mr. LEVIN], and the Senator from Ohio [Mr. GLENN] were added as cosponsors of Senate Joint Resolution 231, a joint resolution to designate the month of May 1992, as "National Foster Care Month."

SENATE JOINT RESOLUTION 251

At the request of Mrs. KASSEBAUM, the name of the Senator from Mississippi [Mr. LOTT] was added as a cosponsor of Senate Joint Resolution 251, a joint resolution to designate the month of May 1992 as "National Huntington's Disease Awareness Month."

SENATE JOINT RESOLUTION 257

At the request of Mr. LAUTENBERG, the names of the Senator from Iowa [Mr. GRASSLEY], the Senator from Missouri [Mr. DANFORTH], the Senator from Illinois [Mr. SIMON], the Senator from Louisiana [Mr. JOHNSTON], the Senator from Nebraska [Mr. KERREY], the Senator from Idaho [Mr. SYMMS], and the Senator from Georgia [Mr. FOWLER] were added as cosponsors of Senate Joint Resolution 257, a joint resolution to designate the month of June 1992, as "National Scleroderma Awareness."

SENATE JOINT RESOLUTION 270

At the request of Mr. THURMOND, the name of the Senator from Ohio [Mr. METZENBAUM] was added as a cosponsor of Senate Joint Resolution 270, a joint resolution to designate August 15, 1992, as "82d Airborne Division 50th Anniversary Recognition Day."

SENATE JOINT RESOLUTION 273

At the request of Mr. SEYMOUR, the names of the Senator from Delaware [Mr. ROTH], and the Senator from North Dakota [Mr. CONRAD] were added as cosponsors of Senate Joint Resolution 273, a joint resolution to designate the week commencing June 21, 1992, as "National Sheriffs' Week."

SENATE JOINT RESOLUTION 287

At the request of Mr. SIMON, the names of the Senator from North Carolina [Mr. SANFORD], the Senator from Arkansas [Mr. BUMPERS], the Senator from Michigan [Mr. LEVIN], the Senator from West Virginia [Mr. ROCKEFELLER], the Senator from Ohio [Mr. METZENBAUM], the Senator from Ohio [Mr. GLENN], and the Senator from New York [Mr. D'AMATO] were added as cosponsors of Senate Joint Resolution 287, a joint resolution to designate the week of October 4, 1992, through October 10, 1992, as "Mental Illness Awareness Week."

SENATE JOINT RESOLUTION 295

At the request of Mr. DECONCINI, the names of the Senator from Kentucky [Mr. FORD], the Senator from Ohio [Mr. METZENBAUM], the Senator from Alabama [Mr. HEFLIN], the Senator from Arizona [Mr. MCCAIN], the Senator from Kentucky [Mr. MCCONNELL], the Senator from Kansas [Mr. DOLE], the Senator from Rhode Island [Mr. PELL], the Senator from Nevada [Mr. REID], the Senator from North Dakota [Mr. CONRAD], the Senator from Delaware [Mr. ROTH], the Senator from Colorado [Mr. BROWN], and the Senator from California [Mr. SEYMOUR] were added as cosponsors of Senate Joint Resolution 295, a joint resolution designating September 10, 1992, as "National D.A.R.E. Day."

SENATE JOINT RESOLUTION 297

At the request of Mr. PRYOR, the name of the Senator from Nevada [Mr. REID] was added as a cosponsor of Senate Joint Resolution 297, a joint resolution proposing an amendment to the Constitution to provide for the direct popular election of the President and Vice President of the United States.

SENATE JOINT RESOLUTION 301

At the request of Mr. LAUTENBERG, the names of the Senator from Washington [Mr. ADAMS], the Senator from North Dakota [Mr. BURDICK], the Senator from New York [Mr. D'AMATO], the Senator from Massachusetts [Mr. KENNEDY], the Senator from Indiana [Mr. COATS], the Senator from Nevada [Mr. REID], the Senator from Illinois [Mr. DIXON], the Senator from Minnesota [Mr. WELLSTONE], the Senator from Michigan [Mr. LEVIN], the Senator from Maryland [Mr. SARBANES], the Senator from Virginia [Mr. ROBB], the Senator from Hawaii [Mr. INOUYE], the Senator from Rhode Island [Mr. PELL], the Senator from Florida [Mr. GRAHAM], the Senator from Illinois [Mr. SIMON], the Senator from North Dakota [Mr. CONRAD], the Senator from Ohio [Mr. METZENBAUM], and the Senator from Connecticut [Mr. DODD] were added as cosponsors of Senate Joint Resolution 301, a joint resolution designating July 2, 1992, as "National Literacy Day."

At the request of Mr. LAUTENBERG, the names of the Senator from Minnesota [Mr. DURENBERGER], the Senator from Ohio [Mr. GLENN], the Senator from Connecticut [Mr. LIEBERMAN], the Senator from Alaska [Mr. MURKOWSKI], and the Senator from South Carolina [Mr. HOLLINGS] were withdrawn as cosponsors of Senate Joint Resolution 301, supra.

SENATE JOINT RESOLUTION 302

At the request of Mr. LAUTENBERG, the names of the Senator from Washington [Mr. ADAMS], the Senator from North Dakota [Mr. BURDICK], the Senator from New York [Mr. D'AMATO], the Senator from Massachusetts [Mr. KENNEDY], the Senator from Indiana [Mr. COATS], the Senator from Nevada [Mr. REID], and the Senator from Illinois [Mr. DIXON] were withdrawn as cosponsors of Senate Joint Resolution 302, a joint resolution proposing an amendment to the Constitution relating to the election of the President and Vice President of the United States.

SENATE JOINT RESOLUTION 305

At the request of Mr. SIMON, the names of the Senator from Hawaii [Mr. AKAKA], the Senator from Texas [Mr. BENTSEN], the Senator from Oklahoma [Mr. BOREN], the Senator from Colorado [Mr. BROWN], the Senator from Arkansas [Mr. BUMPERS], the Senator from Rhode Island [Mr. CHAFEE], the Senator from Ohio [Mr. GLENN], the Senator from Iowa [Mr. GRASSLEY], the Senator from Hawaii [Mr. INOUYE], the Senator from Massachusetts [Mr. KENNEDY], the Senator from Wisconsin [Mr. KOHL], the Senator from New Jersey [Mr. LAUTENBERG], the Senator from Ohio [Mr. METZENBAUM], and the Senator from Arkansas [Mr. PRYOR] were added as cosponsors of Senate Joint Resolution 305, a joint resolution to designate October 1992 as "Polish American Heritage Month."

SENATE JOINT RESOLUTION 307

At the request of Mr. MCCAIN, the name of the Senator from New York [Mr. D'AMATO] was added as a cosponsor of Senate Joint Resolution 307, a joint resolution designating the month of July 1992 as "National Muscular Dystrophy Awareness Month."

SENATE CONCURRENT RESOLUTION 113

At the request of Mr. MOYNIHAN, the names of the Senator from Rhode Island [Mr. PELL], the Senator from Tennessee [Mr. GORE], the Senator from Delaware [Mr. ROTH], and the Senator from Maryland [Ms. MIKULSKI] were added as cosponsors of Senate Concurrent Resolution 113, a concurrent resolution concerning the 25th anniversary of the reunification of Jerusalem.

SENATE CONCURRENT RESOLUTION 120

At the request of Mr. GRASSLEY, the name of the Senator from Indiana [Mr. COATS] was added as a cosponsor of Senate Concurrent Resolution 120, a concurrent resolution declaring an article of amendment to be the Twenty-seventh Amendment to the Constitution of the United States.

At the request of Mr. BYRD, the name of the Senator from North Carolina [Mr. HELMS] was added as a cosponsor of Senate Concurrent Resolution 120, supra.

At the request of Mr. NICKLES, his name was added as a cosponsor of Senate Concurrent Resolution 120, supra.

SENATE RESOLUTION 280

At the request of Mr. GORE, the names of the Senator from New Mexico [Mr. BINGAMAN], and the Senator from Ohio [Mr. METZENBAUM] were added as cosponsors of Senate Resolution 280, a resolution to express the sense of the Senate concerning the tropical rain forests of Malaysia.

SENATE RESOLUTION 289

At the request of Mr. D'AMATO, the names of the Senator from Arkansas [Mr. BUMPERS] and the Senator from Hawaii [Mr. AKAKA] were added as cosponsors of Senate Resolution 289, a resolution honoring the "Righteous Gentiles" of the Holocaust during World War II.

SENATE RESOLUTION 298

At the request of Mr. GRASSLEY, the name of the Senator from Indiana [Mr. COATS] was added as a cosponsor of Senate Resolution 298, a resolution declaring an article of amendment to be the Twenty-seventh Amendment to the Constitution of the United States.

At the request of Mr. BYRD, the name of the Senator from North Carolina [Mr. HELMS] was added as a cosponsor of Senate Resolution 298, supra.

At the request of Mr. NICKLES, his name was added as a cosponsor of Senate Resolution 298, supra.

SENATE RESOLUTION 300

At the request of Mr. GORE, the name of the Senator from Wisconsin [Mr. KOHL] was added as a cosponsor of Senate Resolution 300, a resolution relating to suspension of assistance and cooperative programs with the former Yugoslavia.

SENATE RESOLUTION 301—RELATING TO ONGOING VIOLENCE IN SOUTH AFRICA

Mr. SIMON (for himself, Mr. PELL, Mr. CRANSTON, and Mr. KENNEDY) submitted the following resolution; which was referred to the Committee on Foreign Relations.

S. RES. 301

Whereas more than 11,000 people have died in South Africa as a result of political violence since 1984, and more than one-half of these have died since the release of Nelson Mandela from prison in 1990;

Whereas the negotiations by the Convention for a Democratic South Africa (CODESA) on the formation of a transitional government that will lead to a new constitution and a nonracial, democratic government could be undermined by the continuing violence;

Whereas the terror perpetuated by the ongoing political violence jeopardizes the willingness of South Africans to participate in the transition process and compromises the climate for free political participation by all South Africans; and

Whereas credible evidence has been presented to the Goldstone Commission of Inquiry into Public Violence and Intimidation, South African human rights organizations, Amnesty International, and others that members of South African security force units have trained, armed, and funded paramilitary groups involved in committing and instigating violence, and perhaps continue to do so: Now, therefore, be it

Resolved, That (a) the Senate hereby—

(1) notes with dismay the killings in South Africa and condemns this senseless violence; and

(2) urges the Government of South Africa to take effective steps to end the violence and protect all South African citizens regardless of race, color, or creed.

(b) It is the sense of the Senate that the President should prepare and transmit to the Senate a report on—

(1) the nature of the violence in South Africa and the role that the various participants are playing in the ongoing violence; and

(2) the impact of this violence on South Africa's transition to democracy.

Mr. SIMON. Mr. President, today I submit a resolution on South Africa and the continuing violence taking place there. This so-called black-on-black violence has claimed thousands of lives, among them those of many local and regional black leaders, and created a climate of fear and mistrust. It poses a serious threat to the transition to majority rule currently underway. It is, therefore, essential that in addition to condemning the violence, we look at its causes and implications, and urge the Government of South Africa to pursue effective measures of stopping these attacks and protecting its people.

I would like to ask unanimous consent to introduce into the RECORD, along with the resolution, an article which appeared in the Washington Post. The article rightly expresses concern about the terrible legacy the violence will leave behind for South Africa's youth and the post-apartheid period. It also details serious allegations which have been made about the involvement of South African security forces and of leaders of the Inkatha Freedom Party in promoting the violence. Evidence of this involvement has been presented to the Goldstone Commission, South Africa's own independent commission of inquiry into the violence, and to various human rights groups. I think we in the United States also need to know what, if anything, has been the South African Government's role in this violence, and to have clear information on how and why the violence has come about, and so the resolution asks the President to send to the Senate a report which describes the role of the various participants in the violence, and the impact of the violence on the democratic transition.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

A LOOK AT . . . SOUTH AFRICA'S SHOWDOWN AFTER THE VOTE: CAN SOUTH AFRICA ESCAPE THE VIOLENCE?

(By Jennifer Kibbe)

With just two days before South Africa's whites vote in the referendum on their future, the world's attention is focused on whether the right-wing Conservative Party will be able to round up enough support to force President de Klerk from office and to stall or abort the ongoing negotiations between the National Party government and the African National Congress (ANC).

De Klerk's announcement of the referendum seems to have been a well-calculated ploy to call the Conservative Party's bluff and cut it out of the picture before it could derail his plans. The impression among political observers in South Africa is that, although it may be close, de Klerk is not really at risk of losing the referendum. (Conservatives have won the last three white parliamentary by-elections, but have been helped in those contests by gerrymandering.)

Yet even as attention is drawn to these developments, the violence rages. And the violence—a far more serious threat to the country's future than the upcoming referendum—has been virtually ignored in the general mood of optimism surrounding negotiations at the Conference for a Democratic South Africa. Not only is the question of who is behind the violence critical to assessing the "levelness" of the negotiations playing field, but no agreement at the national level will matter if it continues unabated.

During the last week of January, 23 people were killed in attacks on black commuter trains on the Reef, the region around Johannesburg. The next week, while ANC and Inkatha Freedom Party (IFP) supporters celebrated a truce in a township in battle-scarred Natal province, eight people were killed and 100 homes were razed in a clash between them in another. The week following that, eight more were killed and a dozen homes razed in a Soweto neighborhood—an incident one newspaper called a "full-scale weekend war" between hostel-dwellers and township residents.

On the surface, the intense rivalry and antagonism between the ANC and Chief Gatsha Buthelezi's IFP appears to be the major cause and manifestation of the violence. The conflict between these two groups has often been interpreted as an ethnic clash between the overwhelmingly Zulu IFP—which is based in the KwaZulu homeland in Natal—and the Xhosa-dominated ANC.

However, information I gathered during a research trip to South Africa this fall, combined with recent revelations in the South African press, suggests that the South African government has been exploiting the violence for its own purposes. Closer analysis also reveals that the political violence feeds, and is fed by, a number of other factors, including the alienation of migrant workers from township communities; the frustration of unemployed and radicalized black youth; turf battles between rival "warlords"; competition for resources; and common criminal violence.

While violence has festered in Natal since 1984, primarily between supporters of Inkatha and those of the ANC, it sprang up in July 1990 in the townships on the Reef in a particularly virulent way. In the next 18 months, the violence caused 4,879 deaths—a rate of nine a day. Despite the signing of a national peace accord by the ANC, the IFP and the government in mid-September, the violence claimed more than 1,000 more lives in the ensuing five months.

Both the ANC and the IFP have been at fault in different instances, but there is increasing evidence of the involvement of IFP leaders in several attacks. Two IFP central committee members were convicted of murder last year and a third was ousted after a series of charges were leveled against him for his role in various incidents.

The evidence of IFP involvement has led many independent analysts in South Africa, including Anton Steenkamp, an attorney and former executive director of the Independent Board of Inquiry into Informal Repression, to argue that Buthelezi has been using the violence as a way to establish the IFP as a national presence and to force de Klerk and Mandela to include him in negotiations.

With recent polls putting Buthelezi's support in the urban black community between 2 and 5 percent (compared with 62 to 68 percent for the ANC), any negotiations that led to some system of proportional representation would relegate Buthelezi and the IFP to the sidelines. In the words of Max du Preez, editor of Vrye Weekblad, a liberal Afrikaans newspaper, "Buthelezi's secret to support is killing people, and [his attitude is], 'If you don't take me seriously, I'll go kill some more.'"

Beyond the question of the IFP's role, one of the most disturbing questions about the ongoing violence is whether a government-linked "third force" is fueling or even directing it.

Over the past six months, there has been a growing acknowledgment by academics, human rights spokesman and the mainstream press that such a force is involved. One telling pattern has been the many incidents of indiscriminate violence, as in the notorious train massacres, in which masked killers hack or shoot people whose political affiliations cannot possibly be apparent to them. Numerous studies have noted that the only possible motive can be to disrupt black communities.

These attacks have attacked additional suspicion of organized third-force involvement because they are often carried out with a military precision of that suggests a high degree of planning and professionalism. Another pattern that points to coordinated outside involvement has been the large number of assassinations of both ANC and IFP local and regional leaders. The assassination campaign leaves the distinct impression of an attempt to disable the two organizations by eliminating the most effective and experienced leaders, and to sow more violence by aborting the local peace initiatives many of them have been involved in.

Until the last few months, most observers across the political spectrum had concluded that, at the very least, the third force consisted of renegade white rightists, including some members of the security forces. But a growing body of evidence is coming to light that points to direct and organized government involvement.

The Weekly Mail, a Johannesburg English newspaper, has been published results of a lengthy investigation into charges made against the government and the IFP by Mbongeni Khumalo, a former leader of the Inkatha Youth Brigade and close associate of Buthelezi, by Ben Conradie, an educationist who said he had been working for a military-intelligence front organization, and two young members of a black township gang, the Black Cats, who alleged they had been trained by the IFP to undermine the ANC in their township.

The picture that emerges from the paper's interviews with these figures (as well as from other documents in the Mail's possession) is one of the South African Defense Force's Department of Military Intelligence (MI) working through an array of front organizations to promote and provoke diversions within black politics. The motive: to oppose the ANC and promote so-called moderate black organizations more acceptable to the state.

Some of the most damaging allegations concern the training of 200 Inkatha members by the South African Defense Force in 1986. When de Klerk acknowledged this during last summer's "Inkathagate" scandal, he said they were trained solely for "security and VIP protection." However, according to Kumalo, the 200 were actually trained in assassination techniques and guerrilla warfare and were used in hit squads "to ensure there is no political opposition to Inkatha and its leaders. If anyone emerges as an opponent, they are rubbed out."

The allegations laid out in the Weekly Mail are currently being investigated by a special judicial commission set up under the terms of the national peace accord. Even if the allegations against MI and the security forces are true, it remains very much an open question as to whether de Klerk has been orchestrating their actions or has just been hesitant to clamp down for fear of alienating the right wing in the police and military. One thing, though, is clear: Up to this point, the violence has served de Klerk's interests because it has undermined the ANC.

The question of Pretoria's involvement in the violence and how high up it goes is critical. If the government is so compromised, it would put into question the popular assumption that South Africa's transition to full democracy is inevitable.

Whoever is culpable, though, the pervasive violence has proven to be a very blunt weapon whose effects have not been limited to a specific target. It has fostered a culture that South Africans will have to live and die with for the foreseeable future.

Already, it manifests itself in countless ways. Many members of the security forces continue to see all blacks as the enemy and to operate with the attitude that any force is justified in the defense of national security. In the white community, the level of fear has been steadily rising, as crime skyrockets. Continuing episodes of what the government and often the media, term "black on black" violence has caused even some white liberals to rethink the faith in a future majority government.

But the culture of violence has had the most devastating effect in the already beleaguered black community, where it has become self-perpetuating. According to the independent Project for the Study of Violence, violence against woman, children and the elderly has skyrocketed in the last 18 months.

Two unrest monitors in the Pietermaritzburg area, Anne Truluck of Black Sash and Radley Keys of the Democratic Party, underscore that a generation of young adults has witnessed the cheapening of human life on a massive scale. Truluck described the widespread need for counseling for youths with post-traumatic stress disorder; and Keys talks about girls "who have been raped out of existence in the name of the struggle" and boys "who have been made to do unspeakable things." Many have been seen and experienced so many atrocities that they "have gone completely blank."

Futhermore, because of apartheid's legacy of allowing the security forces to act with impunity, it will be, in Truluck's estimation, "impossible to ever get [blacks] to trust the police or the process of law again." The implications for whatever future government emerges from the negotiations are profoundly disturbing. As one community activist put it, "A whole generation has been raised on violence—they are ready for the fire."

AMENDMENTS SUBMITTED

DIRE EMERGENCY SUPPLEMENTAL APPROPRIATIONS, FISCAL YEAR 1992

BYRD AMENDMENT NOS. 1834 THROUGH 1837

Mr. BYRD proposed four amendments to the bill (H.R. 5132) making dire emergency supplemental appropriations for disaster assistance to meet urgent needs because of calamities such as those which occurred in Los Angeles and Chicago, for the fiscal year ending September 30, 1992, and for other purposes, as follows:

AMENDMENT NO. 1834

On page 4, line 20 after "Congress:" insert: "*Provided further*, That Congress hereby designates these amounts as emergency requirements for all purposes of the Balanced Budget and Emergency Deficit Control Act of 1985:".

AMENDMENT NO. 1835

On page 7, line 18 after "Congress:" insert: "*Provided further*, That Congress hereby designates these amounts as emergency requirements for all purposes of the Balanced Budget and Emergency Deficit Control Act of 1985:".

AMENDMENT NO. 1836

On page 8, line 22 after "Congress:" insert: "*Provided further*, That Congress hereby designates these amounts as emergency requirements for all purposes of the Balanced Budget and Emergency Deficit Control Act of 1985:".

AMENDMENT NO. 1837

On page 9, line 17 after "Congress:" insert: "*Provided further*, That Congress hereby designates these amounts as emergency requirements for all purposes of the Balanced Budget and Emergency Deficit Control Act of 1985:".

LAUTENBERG AMENDMENT NO. 1838

Mr. LAUTENBERG proposed an amendment to the bill H.R. 5132, supra, as follows:

At the appropriate place, insert:

DEPARTMENT OF TRANSPORTATION

FEDERAL HIGHWAY ADMINISTRATION

FEDERAL TRANSIT ADMINISTRATION

For fiscal year 1992, funds provided under section 133, of title 23, United States Code; funds provided under section 1008, of Public Law 102–240; and, funds provided under section 9 of the Federal Transit Act shall be exempt from any requirements for any non-Federal share and payback otherwise required: *Provided*, That such funds shall be obligated no later than September 30, 1992.

MOYNIHAN (AND DOMENICI) AMENDMENT NO. 1839

Mr. MOYNIHAN (for himself and Mr. DOMENICI) proposed an amendment to the bill H.R. 5132, supra, as follows:

At the appropriate place, insert the following:

SEC. . RESTORATION OF OBLIGATIONAL AUTHORITY.

(a) IN GENERAL.—$369,000,000 of the reduction in obligation authority for fiscal year 1992 required by section 1004 of the Intermodal Surface Transportation Efficiency Act of 1991 (Public Law 102–240) as a result of the enactment of section 109 of the Intermodal Surface Transportation Efficiency Act of 1991 is restored for programs subject to the obligation ceiling.

(b) CLARIFICATION.—Section 1095 of the Intermodal Surface Transportation Efficiency Act of 1991 is amended in the first sentence by inserting ", subject to appropriations," after "is authorized".

DASCHLE (AND OTHERS) AMENDMENT NO. 1840

Mr. DASCHLE (for himself, Mr. CONRAD, Mr. RIEGLE, and Mr. HARKIN) proposed an amendment to the bill H.R. 5132, supra, as follows:

At the appropriate place, insert the following new section:

SEC. . RURAL AGRICULTURAL DISASTERS.

(a) FINDINGS.—Congress finds that—

(1) like the residents of Chicago and Los Angeles who have suffered severe losses due to recent disasters, agricultural producers suffered severe losses as a result of natural disasters during the 1990 through 1992 crop years;

(2) repeated operating losses due to natural disasters have placed agricultural producers in financial stress and have caused increased loan delinquencies to agricultural lenders.

(3) the economics of communities in affected areas have been depressed as a result of crop failures; and

(4) the matter under the heading "COMMODITY CREDIT CORPORATION" of chapter III of title I of Public 102–229 (105 Stat. 1712) grants the President the authority to declare $755,000,000 as emergency appropriations for agricultural disasters during the 1990 through 1992 crop years.

(b) SENSE OF CONGRESS.—It is the sense of Congress that the President should exercise the authority referred to in subsection (a)(4) to make emergency designations for rural agricultural disasters, as well as the urban disasters in Chicago and Los Angeles.

SEYMOUR (AND CRANSTON) AMENDMENT NO. 1841

Mr. HATFIELD (for Mr. SEYMOUR, for himself and Mr. CRANSTON) proposed an amendment to the bill H.R. 5132, supra, as follows:

SEC. . Subsection (b) of section 125 of title 23, United States Code is amended by striking "on the Federal-aid highway systems including the Interstate System" in two places and inserting in each place "on Federal-aid highways".

HATFIELD AMENDMENT NO. 1842

Mr. HATFIELD proposed an amendment of the bill H.R. 5132, supra, as follows:

On page 10, line 3, insert "four" between "largest" and "central"; and strike "city" and insert "cities."

On page 10, line 8, insert "central" before "city".

On page 10, strike lines 20–22.

On page 10, line 23, strike "B".

On page 10, line 25, strike the "," and on page 11, strike lines 1 through the word "need" on line 6.

On page 11, line 11, strike "should take into account" through "these funds" on line 12 and insert in lieu thereof "shall be allocated on the basis of the number of Chapter I eligible students participating in the program, adjusted for the cost of transportation".

LIEBERMAN (AND KASTEN) AMENDMENT NO. 1843

Mr. LIEBERMAN (for himself and Mr. KASTEN) proposed an amendment to the bill H.R. 5132, supra, as follows:

At the end of the bill add the following new section:

SEC. . SENSE OF THE SENATE WITH RESPECT TO FEDERAL ENTERPRISE ZONES.

(a) FINDINGS.—The Senate finds that—

(1) The crisis of poverty and high unemployment in America's inner cities and rural areas demands an appropriate and timely response from Congress;

(2) Manufacturing and industry has largely disappeared from many U.S. inner cities which, in turn, led to the severe decline in good high-wage jobs, wholesale trade, retail businesses, and a large source of local tax revenues;

(3) Encouraging small and medium-sized businesses, which create a majority of new jobs in the U.S. economy, to locate and invest in poor neighborhoods is one of the keys to revitalizing urban America;

(4) Enterprise zones will help convince businesses to build and grow in poor neighborhoods; they will give people incentives to invest in such businesses and to hire and train both unemployed and economically disadvantaged individuals; they will create jobs and stimulate entrepreneurship; and they will help restore the local tax revenue base to these communities;

(5) Enterprise zones have been tested in 37 States since 1982 and have proven to be successful, having generated capital investments in poor neighborhoods in excess of $28 billion and having created more than 258,000 jobs; and

(6) Enterprise zones have been endorsed by, among others, the National Governors Association, the National Council of State Legislators, the Council of Black State Legislators, the Conference of Mayors, and the Conference of Black Mayors.

(b) SENSE OF THE SENATE.—It is the Sense of the Senate that—

(1) Enterprise zones are a vital, proven tool for inner-city revitalization; and

(2) Congress should adopt Federal enterprise zone legislation and that such legislation should include the following provisions:

(A) Competitive designation which will maximize State and local participation;

(B) Tax incentives addressing both capital and labor costs;

(C) Tax incentives aimed at attracting investment in small businesses; and

(D) Tax incentives to encourage the hiring and training of economically disadvantaged individuals;

GRAHAM (AND OTHERS) AMENDMENT NO. 1844

Mr. GRAHAM (for himself, Mr. NICKLES, and Mr. BROWN) submitted an amendment to the bill H.R. 5132, supra, as follows:

Insert the following at the appropriate place.

SECTION 1. TECHNICAL CORRECTIONS.

Section 115 of title 23, United States Code, is amended—

(1) by striking the heading of subsection (a) and inserting the following new heading: "SUBSTITUTE, CONGESTION MITIGATION AND AIR QUALITY IMPROVEMENT, SURFACE TRANSPORTATION, BRIDGE, PLANNING, AND RESEARCH PROJECTS.";

(2) in subsection (a)—

(A) by striking clause (i) of paragraph (1)(A) and inserting the following new clause:

"(i) has obligated all funds apportioned or allocated to it under section 103(e)(4)(H), 104(b)(2), 104(b)(3), 104(f), 144, or 307 of this title, or";

(B) by striking subparagraph (A) of paragraph (2) and inserting the following new subparagraph:

"(A) prior to commencement of the project the Secretary approves the project in the same manner as the Secretary approves other projects, and"; and

(C) by striking paragraph (3);

(3) in the heading of subsection (b), by striking "PRIMARY" and inserting "NATIONAL HIGHWAY SYSTEM";

(4) in paragraph (1) of subsection (b), by striking "Federal-aid primary system" and inserting "National Highway System"; and

(5) in subsection (c), by striking "152,".

(6) by striking subsection (d) of section 115 and inserting the following new subsection:

"(d) LIMITATION ON ADVANCED FUNDING.—The Secretary may not approve an application under this section unless an authorization for section 103(e)(4), 104, 144, or 307 of this title, as the case may be, is sought beyond the currently authorized funds for each State. No applications may be approved which will exceed the State's expected apportionment of such authorizations."

WOFFORD (AND OTHERS) AMENDMENT NO. 1845

Mr. WOFFORD (for himself, Ms. MIKULSKI, Mr. SPECTER, and Mr. NUNN) submitted an amendment to the bill H.R. 5132, supra, as follows:

Beginning on page 4, line 7, strike all through page 6, line 11 of the bill and insert the following:

DEPARTMENT OF LABOR

(a) SUMMER YOUTH EMPLOYMENT AND TRAINING PROGRAMS.—For an additional amount to carry out part B of title II of the Job Training Partnership Act, $675,000,000: *Provided*, That such amount shall be expended by—

(1) first allocating the amount so that—

(A) 50 percent of the amount shall be allotted on the basis of the relative number of economically disadvantaged adults, as defined in accordance with section 4(8) of such Act, within each State, as compared to the total number of such economically disadvantaged adults in all States;

(B) 25 percent shall be allotted on the basis of the relative concentration of such economically disadvantaged adults within each State as compared to the total concentration of such economically disadvantaged adults in all States; and

(C) 25 percent shall be allotted on the basis of the relative number of unemployed individuals, as defined in accordance with section 4(25) of such Act, who reside in each State as compared to the total number of such unemployed individuals in all States; and

(2) adjusting the sums so allocated—

(A) to ensure that each State with a teenage youth unemployment rate above the 1991 average teenage youth unemployment rate, as calculated by the Bureau of Labor Standards, shall receive not less than the State would have received if such amount had been allotted in accordance with section 201(b) of such Act; and

(B) by reducing the sums received by States not described in subparagraph (A) on a pro rata basis.

(b) NATIONAL AND COMMUNITY SERVICE.—For an additional amount to carry out title I of the National and Community Service Act of 1990, $25,000,000.

MACK AMENDMENT NO. 1846

Mr. MACK submitted an amendment to the bill H.R. 5132, supra, as follows:

At the appropriate place, insert:

GENERAL PROVISIONS

SEC. . It is the sense of the Senate that the Secretary of Education should utilize the most recent satisfactory data available, including data contained in the 1990 decennial census as compiled by the Bureau of the Census if available, in making allocations under part A of chapter 1 of title I of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 2711 et seq.).

BUMPERS AMENDMENT NO. 1847

Mr. BUMPERS submitted an amendment to the bill H.R. 5132, supra, as follows:

On page 2, line 2 of the bill, strike from "Disaster" through to and including "1985" on line 18, and insert in lieu thereof the following:

DISASTER LOANS PROGRAM ACCOUNT

For an additional amount for the cost of direct loans, $118,755,000, to remain available until expended to subsidize additional gross obligations for the principal amount of direct loans not to exceed $350,000,000, and in addition, for administrative expenses to carry out the disaster loan program, an additional $20,000,000, to remain available until expended, which may be transferred to and merged with appropriations for "Salaries and expenses": *Provided*, That Congress hereby designates these amounts as emergency requirements for all purposes of the Balanced Budget and Emergency Deficit Control Act of 1985.

BUSINESS LOANS PROGRAM ACCOUNT

For an additional amount for the cost of section 7(a) guaranteed loans (15 U.S.C. 636(a)), $46,895,000, to remain available until expended, and for an additional amount for the cost of direct loans authorized under the Microloan Demonstration Program (15 U.S.C. 636(m)), $5,000,000, to remain available until expended, and in addition, for grants in conjunction with such direct loans, $4,000,000, to remain available until expended and to be merged with appropriations for "Salaries and expenses": *Provided*, That these funds shall be available only to the extent an official budget request that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Control Act of 1985, is transmitted to the Congress: *Provided further*, That Congress hereby designates these amounts as emergency requirements for all purposes of the Balanced Budget and Emergency Deficit Control Act of 1985.

SEYMOUR (AND OTHERS) AMENDMENT NO. 1848

Mr. SEYMOUR (for himself, Mr. GRAHAM, and Mr. HOLLINGS) submitted an amendment to the bill H.R. 5132, supra, as follows:

GENERAL PROVISIONS

SEC. 101. (a) IN GENERAL.—None of the funds made available in this Act may be used to provide any grant, loan, or other assistance to any person who—

(1) is under arrest for;

(2) is subject to a pending charge of committing; or

(3) is convicted of committing,

a riot-related crime in the City or County of Los Angeles, California, during the period of unrest occurring April 29 through May 9, 1992. All appropriate Federal agencies shall take the necessary actions to carry out the provisions of this section.

(b) APPLICANTS CERTIFY.—Any applicant for aid provided under this Act shall certify to the Federal agency providing such aid that the applicant is not a person described in subsection (a) or acting on behalf of such person.

(c) DEFINITION.—For purposes of this section, the term "riot-related crime" means any Federal or State offense committed in connection with rioting, including murder, arson, looting, theft, assault, and vandalism.

SYMMS (AND PRESSLER) AMENDMENT NO. 1849

Mr. SYMMS (for himself and Mr. PRESSLER) submitted an amendment to the bill H.R. 5132, supra, as follows:

SEC. . CONTROL OF OUTDOOR ADVERTISING.

Section 131(n) of title 23, United States Code, is amended by adding at the end the following new sentence: "Funds apportioned to a State under section 104 of this title shall not be treated for purposes of the preceding sentence as being available to the State for making such a payment except to the extent that the State, in its discretion expends such funds for such a payment.".

GRAHAM (AND OTHERS) AMENDMENT NO. 1850

Mr. GRAHAM (for himself, Mr. NICKLES and Mr. BOND) submitted an amendment to the bill H.R. 5132, supra, as follows:

On page 4, between lines 6 and 7, insert the following new section:

LIMITATION

SEC. 101. Notwithstanding any other provision of law, the appropriations authorized under this Act shall not become effective until such time as legislation is enacted and becomes effective that rescinds funds appropriated prior to the date of enactment of this Act for fiscal year 1992 in an amount at least equal to the aggregate amount of appropriations authorized under this Act.

NICKLES AMENDMENT NO. 1851

Mr. HATFIELD (for Mr. NICKLES) proposed an amendment to the bill H.R. 5132, supra, as follows:

On page 13, after line 2 insert the following:

GENERAL PROVISIONS

SEC. 101. Notwithstanding any other provision of law, the Act of March 3, 1931 (commonly referred to as the Davis-Bacon Act (40 U.S.C. 276a et seq.)) and the Service Contract Act of 1965 (41 U.S.C. 351 et seq.) shall not apply to any construction or repair project which receives financial assistance under this Act.

NOTICES OF HEARINGS

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. JOHNSTON. Mr. President, I would like to announce that the Committee on Energy and Natural Resources will hold a hearing on the safety of nuclear power plants in the Former Soviet Union and Eastern Europe.

The purposes of the hearing is to receive testimony on the safety of Soviet-designed nuclear power plants and on the technical and financial assistance being offered by Western nations to help improve the safety of these plants.

The hearing will take place on Tuesday, June 16, 1992, at 9:30 a.m., in room SD-366 of the Dirksen Senate Office Building, First and C Streets, NE, Washington, DC.

Those wishing to submit written testimony for the printed hearing record should send their comments to the Committee on Energy and Natural Resources, U.S. Senate, Washington, DC 20510.

For further information, please contact Sam Fowler of the committee staff at 202/224-7569.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON AGRICULTURE, NUTRITION, AND FORESTRY

Mr. FORD. Mr. President, I ask unanimous consent that the Senate Committee on Agriculture, Nutrition, and Forestry, be allowed to meet during the session of the Senate on Wednesday, May 20, 1992, at 3 p.m., in SR-332., to hold a hearing on the nominations of James B. Huff, Sr., of Mississippi, to be Administrator of the Rural Electrification Administration, Betty Jo Nelsen, of Wisconsin, to be an Assistant Secretary for Food and Consumer Services and a member of the Board of Directors for the Commodity Credit Corporation, Duane Acker, of Virginia, to be an Assistant Secretary for Science and Education, and Daniel Sumner, of North Carolina, to be an Assistant Secretary for Economics and a member of the Board of the Commodity Credit Corporation.

For further information please contact Brigid Dunne of the Agriculture Committee staff at X4-2035.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FOREIGN RELATIONS

Mr. FORD. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Wednesday, May 20, at 2 p.m. to hold an ambassadorial nomination hearing.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS

Mr. FORD. Mr. President, I ask unanimous consent that the full Committee on Environment and Public Works be authorized to meet during the session of the Senate on Wednesday, May 20, beginning at 9:30 a.m., to conduct a business meeting to continue markup of S. 976, the Resource Conservation and Recovery Act Amendments of 1992; public buildings prospectuses; and pending nominations—Christian Holmes [EPA] and Kenneth Rogers [NRC].

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FOREIGN RELATIONS

Mr. FORD. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Wednesday, May 20, at 10 a.m. to hold a business meeting to markup S. 1793, legislation to restrict United States assistance for Serbia or any part of Yugoslavia controlled by Serbia until certain conditions are met.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON LABOR AND HUMAN RESOURCES

Mr. FORD. Mr. President, I ask unanimous consent that the Committee on Labor and Human Resources be authorized to meet during the session of the Senate on Wednesday, May 20, 1992, at 10 a.m., for a hearing on The High Skills, Competitive Workforce Act and the Youth Apprenticeship Act: Making the School-to-Work Transition.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON COMMERCE, SCIENCE AND TRANSPORTATION

Mr. FORD. Mr. President, I ask unanimous consent that the Committee on Commerce, Science and Transportation be authorized to meet during the session of the Senate on May 20, 1992, at 9:30 a.m. on the nomination of Karl A. Erb to be an Associate Director of the Office of Science and Technology Policy.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. FORD. Mr. President, I ask unanimous consent that the Committee on Energy and Natural Resources be authorized to meet during the session of the Senate, 2:30 p.m., May 20, 1992, to receive testimony on S. 2631, the Used Oil Energy Production Act.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON GOVERNMENTAL AFFAIRS

Mr. FORD. Mr. President, I ask unanimous consent that the Governmental Affairs Committee be authorized to meet on Wednesday, May 20, at 9 a.m. for a hearing on the subject: the integrity and effectiveness of the offices of inspectors general.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON VETERANS' AFFAIRS

Mr. FORD. Mr. President, the Committee on Veterans' Affairs would like to request unanimous consent to hold a hearing to consider oversight of implementation of Court of Veterans Appeals decisions on May 20, 1992, at 9:30 a.m. in room 418 of the Russell Building.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON COMMERCE, SCIENCE AND TRANSPORTATION

Mr. FORD. Mr. President, I ask unanimous consent that the Committee on Commerce, Science and Transportation, be authorized to meet during the session of the Senate on May 20, 1992, at 2 p.m. on global change research: global warming and the oceans.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON INTERNATIONAL FINANCE AND MONETARY POLICY

Mr. FORD. Mr. President, I ask unanimous consent that the Subcommittee on International Finance and Monetary Policy of the Committee on Banking, Housing, and Urban Affairs be authorized to meet during the session of the Senate, Wednesday, May 20, 1992, at 10 a.m. to conduct a hearing on U.S. export programs.

The PRESIDING OFFICER. Without objection, it is so ordered.

SELECT COMMITTEE ON INTELLIGENCE

Mr. FORD. Mr. President, I ask unanimous consent that the Select Committee on Intelligence be authorized to meet during the session of the Senate on Wednesday, May 20, 1992, at 2 p.m. to hold a closed hearing on intelligence matters.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON STRATEGIC FORCES AND NUCLEAR DETERRENCE

Mr. FORD. Mr. President, I ask unanimous consent that the Subcommittee on Strategic Forces and Nuclear Deterrence of the Committee on Armed Services be authorized to meet on Wednesday, May 20, 1992, at 2 p.m., in open session, to receive testimony on programs and architectures for ballistic missile defense, in review of S. 2629, the Department of Defense authorization bill for fiscal year 1993.

The PRESIDING OFFICER. Without objection, it is so ordered.

ADDITIONAL STATEMENTS

LOSS OF A GENTLEMAN

• Mr. SIMON. Mr. President, all of us in the Senate know and respect our colleague, Senator ALAN DIXON, who recently lost the Illinois Democratic primary contest to Carol Moseley Braun.

Whichever side of the aisle we are on, we have come to have high regard for our colleague, to work with him, and to learn the practicality that he brings to this body. It is in no sense any disrespect to Carol Braun when we say that we feel a sense of loss in knowing that Senator DIXON will not be with us here on the floor or the Senate in the years to come.

One of the Illinois newspapers, the Champaign News-Gazette, had an editorial after Senator DIXON's defeat, written by John Foreman, that summarized the high regard many of us have for my colleague.

I ask to put the editorial into the RECORD at this point.

The editorial follows:

LOSS OF A GENTLEMAN

(By John Foreman)

In their understandable passion to throw the rascals out, Illinois Democrats threw out one who wasn't.

Sen. Alan Dixon, who spent a lifetime in politics and never lost an election, fell Tuesday in a quirky upset at the hands of Carol Moseley Braun, a candidate relatively unknown outside Chicago. . . .

In a one-on-one race with either of his challengers, Dixon would have won handily—as usual. Hofeld's barrage drained off just enough votes to let Braun claim victory with less than 40 percent of the vote.

And whatever Braun promises, Dixon was a proven pro, a moderate man who placed practicality above partisanship and served both the state and the nation well. He will leave office without a blemish on a 40-year political career. Few can say as much.

In a gracious concession speech, Dixon said he is through with elective office. Let's hope he reconsiders.

When we still must cope with so many scoundrels, we can hardly afford to lose one of the good guys.•

SENATOR COHEN'S THOUGHTFUL ANALYSIS OF THE NATION'S PROBLEMS

• Mr. LUGAR. Mr. President, I rise today to comment on remarks made earlier this month by my friend and colleague, Senator WILLIAM COHEN, at the Maine Republican State Convention in Augusta, ME. Senator COHEN eloquently described the most significant problems facing our Nation, and the pitfalls those of us in Government encounter as we try to address these serious concerns. I take this opportunity to insert his statement for the RECORD. I encourage each of my colleagues to take the time to read this thoughtful and thought-provoking analysis.

The statement follows:

STATEMENT BY SENATOR WILLIAM S. COHEN, MAINE REPUBLICAN STATE CONVENTION, AUGUSTA, ME, MAY 1, 1992

In ordinary times, I would use my few minutes before you to speak of some issues before the Senate, to discuss our prospects in the coming election, to commend President Bush's and Barbara Bush's leadership, to celebrate our party's strengths and the common issues that unite rather than divide us as Republicans.

But I think we all know these are not ordinary times. Indeed, we seem to be living in that age envisioned by the poet Yeats who wrote that:

"Turning in the widening gyre the falcon could no longer hear the falconer, things fall apart, the center cannot hold—the best lack all conviction and the worst are full of passionate intensity."

A little more than a year ago, the American people joined hands and prayers in support of the young men and women who were sent off to war in the Persian Gulf.

All of us stood in awe of President Bush's leadership and of the courage and professionalism demonstrated by America's finest as they drove a ruthless dictator back to his bunker in Baghdad.

And when the war was over, we treated our sons and daughters to the kind of welcome home reserved for the heroes they were—the kind of welcome home we should have given to the veterans who came home from Vietnam and Korea.

A year ago, we stood as one nation—rich and poor, black and white—to confront a common enemy—an enemy of freedom, of decency, and of humanity. And we felt the surge of pride at the fluttering of Old Glory from every flagpole, and that wonderful spinal shiver as Lee Greenwood sang that he was "Proud to be an American."

Today, we are a nation facing a different enemy—one that does not wear a uniform or carry a gun. An enemy more elusive, deceitful and dangerous than Saddam Hussein. An enemy that has confounded us and left us divided, angry and demoralized.

An enemy that has persuaded us that as a nation we have lost our way, and most importantly our will to do what is necessary to prevail.

The enemy is a clever, constantly changing chameleon. It wears the face of poverty, of greed and avarice, of indifference, of closed businesses, of moral bankruptcy. It releases the poisonous vapors of racial hatred, of hopelessness and despair, of drug-fueled violence and of environmental degradation. It is an enemy that makes everyone blameworthy and no one responsible.

It is the enemy within us—the voice that seeks private gain over public good, that promotes special interests at the expense of the nation's well-being.

This enemy has produced the paradox of allowing so-called "non-political" populists on the right and the left to be held out as political saviors, encouraging millions to abandon the wisdom of common sense and to yearn for the man on the white horse who can liberate us from our tormentors.

The enemy of our Republic is the loss of faith in our institutions, in our ability to govern, to discipline our appetites, to postpone, to save, to invest, to defer gratification. Today, we no longer measure the future in years or even months, but in moments, as if we were moths or butterflies, and we are buffeted by random images which cause us to confuse all motion with true meaning.

Every one of us knows that the despair and anger aimed at politicians at all levels goes well beyond the usual good-natured grumbling about elected leaders that has always taken place in living rooms and general stores throughout Maine and the nation.

This time, it's different. This time, the anger and frustration I hear is not good-natured. It is very real and very deep.

People are frightened over the prospect of losing their jobs and their homes, of being terrorized by faceless and brutish regulators who accuse them of being guilty of performing their obligations on non-performing loans, of facing exploding health care and nursing home costs, and high-priced prescription drugs. They believe—as did Yeats—that things are falling apart. That the center can no longer hold.

I'm convinced that these reactions go much deeper than the public disgust over bounced checks or unpaid restaurant bills or the use of military aircraft by cabinet officers. The perquisites of those in office are powerful symbols and their abuse should not be minimized in significance—but they are mere superficial lacerations compared to the malignancy that lurks in the body politic of this nation.

Deep down, we all know what the problem is—a problem that goes to the very heart of our ongoing national experiment with self-government.

We are spending far more than we can afford or are willing to pay for. We have been treating the federal treasury as if it were a giant buffet that offers an inexhaustible supply of delights on a no-money-down and no-credit-limit basis.

We have been irresponsibly gorging ourselves at this fiscal table without any concern for the predictable health consequences.

Let me stay with the metaphor for a moment because I believe that the failure to discipline ourselves fiscally is symptomatic of a mind-set that adds another dimension to the catastrophe that awaits us.

Most of us are legitimately concerned with the issues of health and education. We know that our children have to be educated on how to be healthy and we also know that they have to be healthy if they are going to be educated. The motto of a sound mind and a sound body comes to mind. But let's measure the gap between what we profess and what we practice:

A 1989 University of Maine study of physical fitness levels among Maine school children showed that 72 percent of the Maine boys and 64 percent of Maine girls were below the national norm for cardiovascular fitness. The same study found that 82 per cent of Maine boys and 75 percent of Maine girls had a higher percentage of fat than the national norm: 23 percent of Maine high school seniors use tobacco; 54 percent of Maine seniors reported getting drunk monthly, weekly or daily; 41 percent of Maine seniors reported driving a car while drinking alcohol or using marijuana; one in 13 Maine teens becomes pregnant every year. We have the highest pregnancy rate among white teenagers in the country. We have the second highest adolescent suicide rate in New England.

The easy thing to do is to blame the teachers or the school system or the superintendent. But the right thing to do is to look within ourselves, within our homes, within our hearts and judge whether we are measuring up to our responsibilities as parents, as role models, as motivators. The fault lies not with the schools or with the superintendents or Dear Brutus with the stars but with ourselves.

We are living in an instant coffee, drive through, quick-fix, fast-food, channel-flipping MTV society where waiting two minutes at McDonalds seems like an intolerable burden. Each one of us bears a large measure of responsibility for our current troubles.

But this fast food mentality, this frenetic dedication to pursuing material goals and goods has corroded our ability to formulate public policy. It is in times like this that we have to pause and hold up the lamp of history and review the words and values that have endured over the centuries.

More than 200 years ago, James Madison both recognized and feared the very quandary we face today: that government should reflect the will of the people. But what are we to do when what appears to be the will of the people—such as lower taxes and greater benefits—predictably will lead to disastrous results. Madison placed his hope in legislators who would "refine the public's view and discern the country's true interest."

Let's listen to those words again.

We should "refine the public's views and discern the country's true interests."

It is on this demanding but sensible standard that Congress must be weighed and found wanting.

It is no easy task to refine the public's view as we are constantly bombarded by mixed and contradictory demands such as lower taxes, higher benefits, more safety, less regulation. But the difficulty of the task is no excuse for the abdication of responsibility. And if we are not always able to refine the public's view, we must be faithful to discerning the path of the country's true interest.

We are too often unwilling to say no to well organized and even well meaning special interest groups whose political clout, as we all know too well, is replacing that of political parties.

We need to fundamentally adjust the way we conduct the public's business.

Those of us in Congress have to be willing to tell the American people what they need to know, not just what they want to hear.

We have to stop worrying about pleasing enough different groups to win reelection, and start worrying about what's best for the country.

The public has a role to play as well. If you insist on judging your Representative or Senator mostly on whether he or she has "brought home the bacon," don't be surprised if that continues to produce short-term thinking that will continue to undermine our national will.

Or, to quote Thelma and Louise, "you get what you settle for."

We must look inward and recognize some basic truths:

If we don't control our appetites, they will control us.

Instead of a self-indulgent society obsessed with rights and entitlements, we should refocus our attention on our responsibilities and obligations as citizens.

We will have to endure some modest pain now to avoid crippling pain later.

We will have to reduce our deficit now and remove the ball and chain that we have placed around the necks of our children in the form of $400 B annual deficits.

To move toward these goals, we will have to seriously consider some changes that have been long thought to be politically suicidal. I will mention only a few because the list is lengthy.

We must closely examine and curtail the growth of so-called "entitlement" programs which have become so deeply ingrained in our way of life and make some tough choices about what we demand and what we can afford. And that would include asking whether older Americans at certain income levels should be willing to contribute more or receive less.

We must insist that able-bodied individuals be willing to work or be educated or retrained in order to receive welfare—not to punish the poor, but to break the cycle of welfare dependency.

We must demand that subsidies to wealthy farmers be curtailed or eliminated, that capital gains tax advantages be targeted to promote long-term investment and new capital intensive businesses rather than simply adding to the deficit and raising interest rates.

There are no "off limits," no special preserves for the rich. One cannot bear witness to the savings and loan debacle, the corporate merger and take-over mania of the 1980s and conclude anything but that greed and golden parachutes came at the expense of the shareholder investors and the taxpayers of this country.

Although I have been reluctant to weave economic policy into the fabric of our Constitution, I believe that the time has come to mandate a balanced federal budget and place responsibility directly upon the shoulders of those elected to govern, whether that balance must come through lower budgets, higher taxes or a combination of the two. We can no longer run up staggering bills and tell our children and grandchildren to pay them.

Finally, we must be willing to reduce and reshape the forces and industries that comprise our national defense structure. But I want to urge a note of caution here. When talking about the deficit, there is a regular cry of "take it out of the defense budget," followed by a whisper of "but don't close our bases or shipyards, cancel our weapons contracts or reduce our guard or reserve units."

With the fall of the Soviet empire, and the collapse of the Berlin Wall, there is a compelling need to shift our defense priorities so that we can develop lighter, faster, more mobile and technically equipped fighting forces to protect our interests here and abroad.

But ladies and gentlemen, as a party and a people, we must be committed to doing so in a responsible manner. We should be willing to resist the siren call of those on the left and right who insist that we return to a continental cocoon and watch world events unfold on CNN.

What was once the Soviet Union may no longer pose a military threat to the West, but because one danger has been removed, it does not mean that the world is no longer dangerous.

Missile and nuclear technology is proliferating and reaching the hands of fundamentalist regimes who hold little good will toward America.

We can not afford to become disengaged or walk away from the world because the world is not going to walk away from us. There is no need or reason for the United States to become the world's policeman. But we cannot ever afford to become a prisoner of world events.

There are other issues that we must address, none more important than the need for improving our educational system so that we can produce the scientists, mathematicians, physicians, farmers, technicians and laborers who will allow us to compete and prosper in the 21st century.

And equal in importance is facing up to the need to provide a comprehensive health care program that will help provide affordable insurance coverage to all Americans, impose workable cost controls and maintain the high quality of care that we now provide.

The AIDS epidemic not only threatens to overwhelm our health care system, but also desensitize us to the human suffering involved to the victims and to their families. Rather than find fault, we need to find a cure for this epidemic as quickly as possible.

This is an election year, and there will be those who seek to paint our party as the friend of the comfortable and the contented, the ally of the fortunate and the favored.

To survive and prosper as a party, we must make choices that send the signal that Republicans are eager to engage in creative thinking and do not just mindlessly embrace the status quo.

We must be willing to reexamine old habits and to take some risks. As St. Thomas Aquinas observed 700 years ago, "If the highest aim of a captain were simply to preserve his ship, he'd just keep it in port forever." We must aim higher.

It is mere child's play to hurl bricks and chunks of cement at our institutions and leadership. It is far more difficult to provide the answers to tough and demanding social and economic problems.

While there are no simple answers to complex problems, there are some simple truths to which we can turn for guidance.

The American tradition has offered each individual the ideal of hard work, competitive achievement and self-fulfillment and freedom. And that freedom is being destroyed by oppressive regulations, reckless spending and a ruinous deficit.

Our strength and greatness has been found in an opportunity society, not a guarantee society, in a work-oriented country, not a welfare state. And we must reward those who save, invest and produce and not passively watch their savings dissolve and their dreams disappear under the debris of political neglect or mismanagement.

There is one final observation that I want to offer:

The sight of mobs, looters, rioters gone mad in our cities can only produce disgust, regret and anger on the part of those who are peaceful and respectful of the rule of the law.

Those who have taken to the street to engage in mob violence to express their rage over the verdict in the Rodney King case should expect no sympathy and should be treated with no leniency.

But I would be remiss if I did not also take this opportunity to say that if we expect the people of this nation to be guided by the hand of justice, then justice must be done.

No fair-minded person can conclude after watching the beating delivered to Rodney King that it was anything but a brutal, inhumane, excessive use of force. To say—as one juror did—that Rodney King was in control of the situation and that his action dictated the level of violence that we all witnessed reflects either a pathetic naivete or a morally bankrupt mentality. Justice Brandeis reminded us many years ago that "when government becomes a law breaker it breeds contempt for the law. It invites every man to become a law unto himself; it invites anarchy." It doesn't matter if the government wears a blue pin-striped suit or a police badge.

We are the party of Abraham Lincoln and we should never allow a system to develop in this nation that permits one rule of law for blacks and another for whites. And it is my fervent hope that President Bush and the Justice Department will move quickly to restore the belief that we are one nation under God and under one rule of law.

A political philosopher spoke to a reunion of his Harvard classmates on the eve of World War II. "You took the good things for granted. Now you must earn them again . . . For every right that you cherish, you have a duty that you must fulfill. For every hope you entertain, you have a task that you must perform. For every good that you wish to preserve, you will have to sacrifice your comfort and your ease. There is nothing for nothing any longer."

Those words are as imperative today as they were more than 50 years ago when we faced a mechanized evil in Europe.

Today, the monster is on American soil, destroying our prosperity and our dreams.

That monster will not be defeated until each of us in this state and nation recognizes what the Republican Party has known—there is nothing for nothing any longer. And if we want to take the country back to the path of its true interest—we are going to have to lay aside our personal differences and present a united message and party to the American people.•

HAWAII'S CHAMPION SWIMMERS

• Mr. INOUYE. Mr. President, I rise today to recognize the achievements of eight swimmers from Hawaii who, in the spirit of Hawaii's great athletes, recently participated in the Junior National, Senior National and Olympic Trials swimming competitions.

Since the turn of the century, Hawaii has produced a number of international swimming champions. It was during the 1912 Olympics that the world was introduced to Duke Kahanamoku who brought home a gold medal for the United States with his winning performance in the 100 meter freestyle. Soon after his Olympic debut, Kahanamoku set his first of five world records in the 100 meter freestyle, and gained the title as the world's fastest swimmer. Duke Kahahamoku swam in a total of four Olympic Games and won five medals.

In the years following Duke Kahanamoku's victories, Hawaii produced a number of talented swimmers. Of significant note were those who were coached, trained and nutured by Soichi Sakamoto, recognized the world over as one of the greatest teachers of swimming. Coach Sakamoto's pupils began their swimming careers by training in the irrigation ditches of the Puunene sugarcane fields on the Island of Maui. It was an act of improvisation that Sakamoto's swimmers swam in the ditches, and amazingly developed training techniques still used today. Swimming for a specified time period against the current of the ditch, and then allowing the swimmer to rest while they returned with the flow, developed into what is referred today as interval training.

Even more remarkable was the concept of coaching a swimmer while he remained stationary against the current. This technique, referred today as flume training, has only recently been recognized and used by the U.S. National Swim Team. The achievements of Sakamoto's swimmers were far greater than that of defeating the Puunene ditch currents. Of the numerous athletes he trained, Kiyoshi "Keo" Nakama, Jose Balmores, halo Hirose, Fujiko Katsutani and Chic Miyamoto aspired to national and international competitions and carried the spirit of aloha to all corners of the globe. Soichi Sakamoto was decades ahead of his time, and introduced to the world Hawaii's talented swimmers.

Although these talented athletes brought great pride to Hawaii and the United States, it was a young Hawaiian swimmer by the name of Bill Smith that held a special place in Soichi Sakamoto's heart. At a young age, Smith was stricken with typhoid fever which left him unable to move his arms or legs. His father, a Honolulu police officer, sent him to Sakamoto for therapy reasons. Within 2 years, Smith had become a most powerful swimmer. At his swimming debut on May 23, 1941, Bill Smith shattered three world marks in the 880-, 900-, and 1,000-yard freestyle events. Adding to the excitement already felt in Hawaii from his previous day's performance, Smith concluded the second day's competition with three additional world best times in the 550-, 700-, and 800-yard freestyles, making him the greatest middle-distance swimmer in the world.

Mr. President, the swimmers I recognize today exhibit the spirit and commitment to excellence in performance that has long existed in Hawaii's athletes. It gives me great pleasure to recognize them, and to acknowledge their individual achievements.

Ms. Kathy Lyn Allen, daughter of Richard and Kay Allen, recently competed in the U.S. Olympic Trials in the 200/400-meter individual medley events, and the 100/200-meter butterfly events. Kathy received consolation final honors for her performance in the 200-meter butterfly.

Ms. Celeste Jacroux, daughter of George and Pauline Jacroux, competed in the 500/1,000-yard freestyle events, as well as the 200-yard butterfly at the U.S. Junior National Swimming Championships.

Ms. Jodi Jackson, daughter of Steve and Nan Jackson, competed in the 100/200-yard butterfly events, and the 200-yard individual medley at the Junior National Championships. Jodi received consolation honors in the 100-yard butterfly.

Ms. Keiko Price, daughter of Ellis and Carol Price, competed in the 50-, 100-, and 200-yard freestyle events at the Junior National Championships.

Ms. Soo Yon Sung, daughter of Sa Young and Byung Sung, competed in the 100-yard backstroke at the Junior National Championships.

Mr. John "JR" Allen, son of Richard and Kay Allen, swam in the 100/200-yard backstroke events at the Junior National Championships.

Mr. John Flannigan, son of Jack and Robin Flannigan, competed in the 500-yard freestyle and the 200-yard backstroke at the Junior National Championships.

Mr. Kevin Loo, son of David and Diane Loo, swam in the 200/400-yard individual medley events at the Junior National Championships.

Mr. President, it is my privilege and honor to salute the achievements of these talented young swimmers from the State of Hawaii.•

TAIWAN CELEBRATES MAY 20, 1992

• Mr. CONRAD. Mr. President, I rise to note that today, May 20, 1992, marks the second anniversary of President Lee Teng-hui's first term in office and I wish to join my colleagues in wishing President Lee good fortune and the Republic of China continuing political stability and economic prosperity.

When visiting Taiwan several years ago, I was able to spend some time with President Lee. I was impressed. Since then, he has proven to be a successful leader of his nation. Under his leadership, Taiwan's economy has continued to grow, and Taiwan has had an impressively low unemployment rate. Just as important has been the steady progress toward more political freedom and democracy. Taiwan could serve as a model for reform in mainland China.

Our trade relationship with the Republic of China is one that is highly valued by the United States and mutually beneficial. While there have been some trade disagreements between our countries, as there are disagreements between any group of friends, we appreciate Taiwan's willingness to negotiate in good faith with us on these issues.

I would also like to acknowledge Ambassador Ding Mou-shih, Taiwan's representative in the United States. Much of the cooperative attitude and spirit between our countries is directly attributable to his presence. Ambassador Ding and his staff have made the working relationship between our two countries amiable and productive. I look forward to continued strong relations between the United States and the Republic of China.•

LISTEN TO OUR FUTURE

• Mr. SIMON. Mr. President, I have spoken out many times in the past couple of months about the unfortunate prevalence of hate crimes in our society. Now more than ever, in the wake of the Rodney King verdict and the ensuing violence in Los Angeles, we need to acknowledge the reality of racial and ethnic tensions in urban areas. We can no longer afford to ignore this problem. The unfortunate and tragic violence that erupted in Los Angeles is not just frustrating and dismaying. It is also indicative of the deeper problems that plague our Nation—the poverty, crime, the racial tensions, and the despair.

The Monday after the Los Angeles outburst, I chaired a hearing about the problems of Latinos in the Hispanic neighborhoods of Chicago. The one word I heard over and over again was hopelessness.

Mr. President, the Rodney King verdict exposed the true extent of this hopelessness. It is not just a problem, it is an epidemic.

I recently heard from a fifth grade class at the Robert Fulton School in Chicago. These 11 and 12-year-olds wrote to President Bush, expressing their thoughts and reactions to the Rodney King case. Their teacher, Ms. Marcia Williams, forwarded copies of these letters to me because these fifth graders wanted as many people as possible to hear what they had to say.

"Are African Americans people too? Don't we deserve the same kind of justices, the same opportunities?"

"I saw what happened to Rodney King on T.V. I was hurt and still am."

"This just shows me that the police, the courts, America doesn't see me as an equal partner."

"When will black people get the same chances and opportunities: Our country had let me down."

"It is obvious justice is only for whites, not for blacks. When will things change?"

Mr. President, we must now ask the question: "How can we do better?" We must take the time to listen to one another—to listen to those whom we may not ordinarily see or come in contract with. I ask to insert into the RECORD at this point, the full text of each of the letters I received. These letters express the frustrations of the fifth grade students at the Robert Fulton School. I would like to share their concerns with my colleagues. It is time to listen to what our future is saying.

The letters follow:

MAY 4, 1992.

DEAR PRESIDENT BUSH: I saw the Rodney King verdict. I was displeased with the decision, but I was also displeased with the reaction in L.A.

The four white officers should not have gone as far as they did with trying to arrested Mr. King.

But this just shows me the police, the courts, America doesn't see me as an equal partner.

Sincerely

DEMETRIK JOMES.

MAY 4, 1992.

DEAR PRESIDENT BUSH: I am a student at the Robert Fulton School. My name is Parnell Higgins. I am 10 years old, and in the fifth grade.

What I saw in L.A., was not right. It is not right for people to be taken out of their cars and beaten. However, it was not right at all for the policemen to have beaten Rodney King the unjust way that they did.

I saw what happened to Rodney King on T.V. I was hurt and still am.

No one should hurt anyone like that, and get away with it.

Sincerely,

PARNELL HIGGINS.

MAY 4, 1992.

DEAR PRESIDENT BUSH: What I saw and heard on the news that took place in L.A., was awful. Is America saying black people can't be treated fairly?

When will black people get the same chances and opportunities? Our country has let me down.

Sincerely,

ISIAH WASHINGTON.

MAY 4, 1992.

DEAR PRESIDENT BUSH: My name is Latoya Renee Whitehead and I attend Robert Fulton School. I dislike the way this case was handled concerning Rodney King.

I believe the four policemen who beat up on Rodney King had no right to do so. The only reason they did so was because he was a black man and only because he was a black man! It is obvious justices is only for whites, not for blacks. When will things change?

Sincerely,

LATOYA WHITEHEAD.

MAY 4, 1992.

DEAR PRESIDENT BUSH: I feel betrayed and outraged concerning the Rodney King verdict.

I am a young African Americans male, 12 years old. I have seen many injustices, in my life time.

I live in a community where things are not as good, as other communities.

I attend Fulton School on the southwest of Chicago. Our school lacks basic supplies like books, paper & pens. Yet you are willing to send money to Russia!

Mr. Bush, when are you going to help us? Are African Americans people too? Don't we deserve the same kind of justices, the same of opportunites?

Thank you for listening.

Sincerely,

MARVIN L. COOKS.

MAY 4, 1992.

DEAR PRESIDENT BUSH: My name is Aiesha Williams. I go to Robert Fulton School and I am in the 5th grade.

I don't like the way the Black people don't have the supplies in our school.

White people get every thing they need. We are tired of torn up shades, broken down desk and chairs, as well not enough books in our classroom. We want our schools to look the way schools should look. An environment where education can be a true learning experience.

Thank you!

Sincerely,

AIESHA LIYNETTE WILLIAMS.

MAY 4, 1992

DEAR PRESIDENT BUSH: My name is Christina Reyes Brown. I attend Robert Fulton School.

I think that those 6 white policemen had no right to beat Rodney King like a dog. It was not right for the jury to be all white. They should have let Rodney King tell his side of the story.

The reason there is so much crime is because you have taken every tool that was used to help people help themselves.

The money you give to other countries could be used for our country to help the people here.

Sincerely,

CHRISTINA BROWN.

MAY 4, 1992.

DEAR PRESIDENT BUSH: I think you're wrong because you give to your people and take from ours. I am a African American 11 year old girl. All I see is things going wrong for black people. The Rodney King trial showed me that it is all right for six Police Officers to beat a blackman. Mr. Bush that is why there was rioting in 13 cities. We are sick of all these racism. We are sick of being treated like animals. We won't tolerate it anymore.

Mr. Bush have you ever visited a black inner city school or community? They look like pig pens, but the white community are clean. White schools have everything they need and more.

Next everyone says for black people to get jobs and make something of themselves. How, when there no jobs to get?

I guess its like they say "you can't teach an old dog new tricks." Mr. Bush however I hope America is not an old dog. Put our money where your mouth is!

Sincerely,

SYLVIA MATHLOCH•

COMMENDING RUBY HIRAISHI, OUTSTANDING EDUCATOR

• Mr. INOUYE. Mr. President, President Lyndon Johnson once said:

> At the desk where I sit, I have learned one great truth. The answer for all our national problems—the answer for all the problems of the world—comes down to a single word. That word is "education."

Mr. President, it is most fitting that I rise today to commend Ruby Hiraishi, an outstanding educator from the State of Hawaii who was recently selected to receive the prestigious National Distinguished Principal Award from the National Association of Elementary School Teachers and the U.S. Department of Education.

Ms. Hiraishi, principal of Kapunahala Elementary School, has been an educator and administrator in the Hawaii public school system for almost 30 years. A graduate of the University of Hawaii, she also taught and held administrative positions at Kaneohe, Olomana and Hauula schools. Ms. Hiraishi was nominated and selected by her fellow principals through a statewide search process conducted by the Hawaii Elementary and Middle School Administrators' Association. I wholeheartedly concur with Ms. Hiraishi's belief that the school environment should be a nurturing, fun and challenging place where every person experiences growth and success.

The students of Kapunahala Elementary School are fortunate to have Ms. Hiraishi's dedication and commitment to educational excellence. Together with her high caliber faculty, she creates a setting which promotes good values, while encouraging the students' quest for knowledge and their desire to learn. As a proud product of Hawaii's public school system, I have fond memories of special teachers and administrators of days long past who sparked within me a passion for learning which has guided me through the years.

We place in the hands of our educators the monumental responsibility of educating Hawaii's and our Nation's future leaders. This is an awesome task we lay before them, with which I believe must also be laid our gratitude, support, and recognition.

Mr. President, it is my privilege and honor to join the students, parents, and faculty of Kapunahala Elementary School in saluting Ruby Hiraishi for her selection as Hawaii's 1992 recipient of the National Distinguished Principal Award.•

REGARDING THE TRUTH IN SAVINGS REGULATIONS

• Mr. MURKOWSKI. Mr. President, last year I offered an amendment to the banking bill (S. 543) to strike a provision in title V known as the Truth in Savings Act. I opposed this provision because it seemed like needless regulatory overkill that would increase the cost of doing business while doing nothing to improve the safety and soundness of the banking system.

WHAT THE PROVISION REQUIRES

Let me remind my colleagues what this provision requires. The Truth in Savings Act mandates that banks provide in account schedules the fees and interest rates applicable to the deposit accounts and places limitations on the manner in which institutions can calculate interest. Advertisements are subject to similar requirements.

This sounds simple enough. Many of my colleagues seemed confident that a provision this simple could not cost much to implement. In fact, my colleagues pointed out that most banks already provided this service so it would not cost much to mandate this service.

COSTS ARE REAL

Unfortunately, this is not the case. Ensuring that the account schedule fits exactly into the one required by the legislation imposes costs: lawyers will have to review the new law and existing account schedules and advertisements; new accounts schedules will have to be designed in the format required by the law as it is highly unlikely that any bank currently discloses and advertises fees in exactly the manner that would be required; old schedules will have to be retrieved and new ones distributed. Banks will have to audit compliance and prepare for examinations on compliance.

This process will have to be repeated every time the bank changes the terms of the account, or develops a new advertisement, or designs a new product. The potential liability for violations, even for technical and harmless ones, adds to the cost.

Unfortunately, the Senate voted to adopt the truth in savings provision on a 55–42 vote.

PREDICTION PROVES CORRECT

Mr. President, I regret to inform my colleagues that my predictions about the cost of implementing this simple provision are proving correct. The Federal Reserve has recently published proposed regulations to implement the Truth in Savings Act. New regulation DD implements this simple provision in 132 pages of highly technical boilerplate.

The total estimated cost of implementing the Truth in Savings Act is a whopping $278 million. I would recommend that my 55 colleagues that voted for this harmless provision should take the time to read these new regulations and see what they have created.

The estimated cost and proposed regulation follows:

Estimated cost of applying truth-in-savings, 1991

State:	*Millions*
	Millions
Alabama	$3.6
Alaska	.4
Arizona	3.3
Arkansas	2.1
California	27.6
Colorado	2.4
Connecticut	6.6
Delaware	3.7
Dist. of Col	1.4
Florida	12.9
Georgia	5.8
Hawaii	1.6
Idaho	.8
Illinois	14.9
Indiana	5.3
Iowa	3.3
Kansas	2.8
Kentucky	3.6
Louisiana	3.6
Maine	1.3
Maryland	4.8
Massachusetts	11.5
Michigan	8.3
Minnesota	4.8
Mississippi	2.1
Missouri	5.9
Montana	.7
Nebraska	1.9
Nevada	1.0
New Hampshire	1.6
New Jersey	10.3
New Mexico	1.2
New York	35.7
North Carolina	5.9
North Dakota	.7
Ohio	9.8
Oklahoma	2.6
Oregon	2.2
Pennsylvania	15.5
Rhode Island	1.6
South Carolina	2.1
South Dakota	1.2
Tennessee	4.4
Texas	15.6
Utah	1.1
Vermont	.7
Virginia	6.1
Washington	4.5
West Virginia	1.7
Wisconsin	4.3
Wyoming	.5
Puerto Rico and territories	1.6
United States	278.9

FEDERAL RESERVE SYSTEM

12 CFR Part 230

[Regulation DD; Docket No. R–0753]

TRUTH IN SAVINGS

Agency: Board of Governors of the Federal Reserve System.

Action: Proposed rule.

Summary: The Board is publishing for comment a new regulation, Regulation DD, to implement the Truth in Savings Act. The act requires depository institutions to disclose fees, interest rates and other terms concerning deposit accounts to consumers before they open accounts. The act requires depository institutions that provide periodic statements to consumers to include information about fees imposed, interest earned and the annual percentage yield on those statements. The act imposes substantive limitations on the methods by which institutions determine the balance on which interest is calculated. Rules dealing with advertisements for deposit accounts are also included in the law.

Dates: Comments must be received on or before June 10, 1992.

Addresses: Comments, which should refer to Docket No. R-0753, may be mailed to Mr. William W. Wiles, Secretary, Board of Governors of the Federal Reserve System, 20th Street and Constitution Avenue NW., Washington, DC 20551. Comments addressed to Mr. Wiles may also be delivered to the Board's mail room between 8:45 a.m. and 5:15 p.m. weekdays, and the security control room outside of those hours. Both the mail room and the security control room are accessible from the courtyard entrance on 20th Street between Constitution Avenue and C Street NW. Comments may be inspected in room B-1122 between 9 a.m. and 5 p.m. weekdays, except as provided in §261.8 of the Board's rules regarding the availability of information, 12 CFR 261.8.

For Further Information Contact: Leonard Chanin, Senior Attorney, or Jane Ahrens, Kurt Schumacher, or Mary Jane Seebach, Staff Attorneys, Division of Consumer and Community Affairs, at (202) 452-2412 or (202) 452-3667; for the hearing impaired only, contact Dorothea Thompson, Telecommunications Device for the Deaf, at (202) 452-3544, Board of Governors of the Federal Reserve System, Washington, DC 20551. For information about the Board's proposed action concerning the recordkeeping and disclosure requirements under the Paperwork Reduction Act only, contact Frederick J. Schroeder, Federal Reserve Board Clearance Officer, Division of Research and Statistics, Board of Governors of the Federal Reserve System, Washington, DC 20551, at (202) 452-3829, or Gary Waxman, OMB Desk Officer, Office of Information and Regulatory Affairs, Office of Management and Budget, New Executive Office Building, room 3208, Washington, DC 20503, at (202) 395-7340.

Supplementary Information: (1) Background. The Truth in Savings Act (contained in the Federal Deposit Insurance Corporation Improvement Act of 1991, Public Law No. 102-242, 105 Stat. 2236) was enacted in December 1991. The statute directs the Board to issue final regulations by September 19, 1992, and provides that the statutory provisions and rules adopted by the Board shall apply six months after that date. Rather than delay action under the rulemaking moratorium issued by the President, due to the statutory timetable for implementing the act and the need for adequate time for public comment, the Board is going forward with the rulemaking process at this time.

The Board is proposing regulations for comment, and expects to adopt final implementing regulations by September 19, 1992. Compliance with the law would be mandatory by March 19, 1993.

The purpose of the statute and proposed regulation is to assist consumers in comparing deposit accounts offered by depository institutions, principally through the disclosure of fees, the simple interest rate, the annual percentage yield, and other account terms whenever a consumer requests the information and before an account is opened. The statute and regulation also require that fees and other information be provided on any periodic statement the institution sends to the consumer. Rules are set forth for the information contained in advertisements of deposit accounts and advance notice to account holders of adverse changes in terms. The statute and regulation place one substantive restriction on institutions' practices, that is, how institutions determine the account balance on which interest is calculated.

The Board is publishing proposed sample disclosure forms and model clauses to assist institutions in preparing their account disclosures. They appear in appendix B to the proposed regulation.

The Board is requesting comment on whether to eliminate the existing rules in Regulation Q (12 CFR Part 217), that require disclosures (§217.4) and that regulate advertisements for interest-bearing accounts at member banks (§217.6). As discussed more fully in the advertising section below, the Board solicits comment on whether Regulation Q's advertising rules should be eliminated or retained as part of Regulation DD. The Board has consulted with the other federal financial regulatory agencies as directed in section 269(a)(1) of the statute, and the agencies are considering whether to retain or eliminate their existing rules dealing with advertisments for deposit accounts.

(2) Proposed regulatory provisions. The Truth in Savings Act is quite detailed and, for the most part, the proposed regulation mirrors the statutory requirements. The statute recognizes that implementation of a comprehensive scheme such as this may require some adjustments and, in section 269(a)(3), it authorizes the Board to make "such classification, differentiations, * * * adjustments and exceptions * * * as, in the judgment of the Board, are necessary or proper to carry out the purposes of this Act, to prevent circumvention or evasion of the requirements of this Act, or to facilitate compliance with the requirements of this Act." The statute also authorizes the Board to vary the requirements with regard to several particular types of accounts.

The section-by-section description which follows points out those provisions that differ in any significant way from the statute—for example, creating an exception to a statutory provision, adding a disclosure, or departing significantly from the language of the statute—and explains why the differences exist. In addition, the section-by-section description in many cases indicates possible alternatives to the positions reflected in the proposed regulation and solicits comment on these alternatives. In those cases where the statute is not specific and parallel rules would be beneficial, the Board has borrowed definitions and provisions from other consumer regulations (for example, Regulation Z (12 CFR Part 226), which implements the Truth in Lending Act, and Regulation E (12 CFR Part 205), which implements the Electronic Fund Transfers Act).

Section 230.1—Authority, Purpose, Coverage and Effect on State Laws

Paragraph (c)—Coverage

The paragraph on coverage reflects the fact that the act and proposed regulation cover depository institutions, as defined in section 19(b)(1)(A) of the Federal Reserve Act (12 U.S.C. 461). Thus the regulation would cover depository institutions such as national banks, state member banks, thrift institutions, and nonmember banks and savings banks, whether federally insured or not. This regulation does not apply to credit unions; those entities will be covered by rules issued by the National Credit Union Administration (NCUA). The act provides that the NCUA shall prescribe substantially similar regulations for credit unions within 90 days of the effective date of regulations established by the Board.

Securities brokers and dealers are not considered depository institutions under the act and proposed regulation. However, if advertisements for deposit accounts are placed by brokers and dealers who are deposit brokers, as that term is defined in section 29(g)(1) of the FDIC Act, they are subject to the advertising rules set forth in section 230.8. (See the supplemental information accompanying the definition of "advertisement.")

Paragraph (d)—Effect on State Laws

Section 273 of the act provides a narrow standard for preemption of state laws. To be preempted, a state law must be inconsistent with the disclosure provisions of the act and the implementing provisions of the regulation. A state law is preempted only to the extent of the inconsistency. While the statute refers only to disclosure requirements, the Board requests comment on whether the same standard should apply to all provisions of the law, including the payment of interest provision.

Section 230.2—Definitions

Paragraph (a)—Account

Section 274(1) of the statute defines an account as "any account offered to 1 or more individuals or an unincorporated nonbusiness association of individuals by a depository institution into which a customer deposits funds, including demand accounts, savings accounts, time accounts, and negotiable order of withdrawal accounts." The Board is proposing to define account as any deposit account available to, or held by, a consumer. The regulation would cover interest-bearing as well as noninterest-bearing accounts. It would include all accounts offered to consumers by depository institutions, whether those accounts are federally or state insured or uninsured. The Board solicits comment on whether the regulation should be limited to insured deposit accounts.

The Board does not believe the Congress intended to cover certain other accounts that may be offered by or through depository institutions, such as mutual fund accounts. Both the findings and purpose provisions of the statute speak of "deposit accounts" offered by institutions, and all of the examples listed in the statutory definition are the more traditional type of deposit accounts.

Similarly, the term "account" would not include a consumer's interest in the securities or obligations of a depository institution or any other entity that are being held by the institution on the consumer's behalf, or offered by the institution to the consumer. For example, the purchase of a government security or an annuity through a depository institution would not be an "account" subject to the regulation.

Some institutions permit consumers to open accounts denominated in a foreign currency. Typically, these accounts are offered as money market accounts, though certificates of deposit may be designated as foreign currency accounts. A consumer may purchase one or more of several currencies, depending on the institution's program. Such accounts are eligible for deposit insurance, but are not insured for losses resulting from exchange rate fluctuations. Institutions may or may not pay interest on these accounts. These accounts may be subject to capital gains or losses due to fluctuations in exchange rates.

When such accounts are offered to or held by consumers (as opposed to businesses), the Board believes they meet the definition of an account and are covered by the regulation. In light of the risk of loss of principal for these accounts and the fact that they are not traditional accounts, consumers may not fully understand how they operate. Thus the Board is proposing special disclosure and advertising rules for these accounts. These proposals are discussed in the supplemental information accompanying section 230.4(b)(9) and 230.8(a).

Paragraph (b)—Advertisement

Under the act, each "advertisement, announcement, or solicitation" relating to an account at a depository institution must comply with specified rules. The act does not define advertisement. Under the Board's proposal, an advertisement (which includes any announcement or solicitation) is defined in the same manner as that term is defined under the Board's Regulation Z. Thus, an advertisement would be any commercial message appearing in any medium (for example, newspaper, television, or radio) if it directly or indirectly promotes the availability of an account.

The Board requests comment on whether some of the savings instrument "rate sheets" that are currently published in newspapers, periodicals, or trade journals should be considered "advertisements." Some rate sheet publishers gather information by simply calling various depository institutions and inquiring about their current rates; to this extent, they do not appear to be the type of commercial message intended to be covered.

The statute cover advertisements "initiated by a depository institution or deposit broker." The Board is proposing to define "advertisement" without regard to the party initiating it. In light of this approach, the Board does not have a definition of deposit broker in the proposed regulation, apart from the reference in section 230.1(c). The Board solicits comment on whether deposit brokers who place advertisements that refer to deposit accounts at depository institutions should be covered by the advertising rules. The question arises since the regulation only covers deposit accounts offered by depository institutions to consumers. If a third party, such as a deposit broker, opens an account (such as a large certificate of deposit) at an institution in its own name and then offers its own accounts to the public, the certificate of deposit does not appear to be a consumer account. (Tax information, for example, would be reported in the name of the third party.) Thus, an advertisement placed by a third party for its own accounts is not an advertisement for a consumer account. (This circumstance is clearly different from a third party who acts as an agent for a consumer and opens an account for the consumer at an institution—which would be covered by the regulation.) The Board solicits comment on whether nonagent third parties who advertise their own accounts based on accounts at a depository institution should be covered by the advertising rules.

Paragraph (c)—Annual Percentage Yield

The Board proposes that the regulation incorporate a definition of the annual percentage yield substantially the same as that stated in the act. The act defines annual percentage yield as "the total amount of interest that would be received on a $100 deposit, based on the annual rate of simple interest and the frequency of compounding for a 365-day period, expressed as a percentage calculated by a method which shall be prescribed by the Board in regulations." The proposal does not incorporate the reference to a $100 deposit, since the annual percentage yield calculation can be performed with any amount of principal, and the Board believes reference to $100 might be confusing, especially for accounts that have a higher minimum balance requirement to earn interest or that have a tiered rate structure.

In computing the annual percentage yield, the statute requires institutions to use a basis of 365 days. The Board believes this provision requires institutions to calculate an annual percentage yield by using a 365-day year. The Board proposes that the term "annual percentage yield" be used in both advertisements and disclosures to ensure uniformity and facilitate easy comparisons. (If multiple annual percentage yields are stated, for example, for tiered rate accounts, the term "annual percentage yields" may be used.)

Paragraph (e)—Bonus

The Board proposes to define the term "bonus" to encompass any cash, premium, gift, award, or other consideration (except interest due to the application of a periodic rate) regardless of the form the payment takes. Thus, it is intended that anything of value that is given or offered to a consumer, aside from interest, would be a bonus for the purposes of this regulation. Under the proposal an item could be a bonus if a depository institution gave or offered such a premium to a third party, rather than to the consumer.

Paragraph (f)—Business Day

The Board is proposing to define business day as one during which the offices of the institution are open for carrying on substantially all business functions. This definition is the same one used in other regulations of the Board (such as Regulation Z and Regulation E) and the Board believes this same approach would work well for this regulation.

Paragraph (g)—Consumer

The act does not define the term "consumer." It is clear from the act and legislative history that the protections were intended to apply only to consumer purpose—and not business purpose—accounts. For instance, in section 262, strengthening "the ability of the consumer to make informed decisions regarding deposit accounts" is among the act's goals. Moreover, the statutory definition of an "account" is expressly limited to those "offered to 1 or more individuals or an unincorporated nonbusiness association of individuals . . ."

The Board proposes to use the term "natural person" rather than "individual" and to add the term "primarily for personal, family, household, or other non-business purposes" to the definition. A similar definition has worked well in Regulation Z in determining whether credit is for a consumer purpose, and the Board believes it would be equally helpful in determining coverage for deposit products.

The statute does not expressly exclude from coverage accounts held by, or offered to, individuals operating businesses in the form of a sole proprietorship. The Board proposes to *not* cover such accounts, on the grounds that the act is aimed at protecting consumers. On the other hand, an account held by or offered to an unincorporated association of natural persons (such as a softball team or a book club) would be a consumer account covered by the proposed regulation if that account is primarily for non-business purposes. The Board does not believe an account held by an incorporated, not-for-profit organization is covered by the law, since the act limits its protection to unincorporated associations.

If the legal holder of an account is a natural person, and the account is primarily for a personal, family, household, or other non-business purpose, it would be covered by the regulation. The Board requests comment on whether the regulation should cover an account such as a custodial account, in which a natural person (or unincorporated nonbusiness association of persons) is a beneficial owner but the legal holder (the custodian) may or may not be a consumer. There may be circumstances where the act's purposes are served by requiring disclosures for accounts held by custodians that are not natural persons. There may be other custodial accounts, however, such as those held by institutional investors (for example, a pension plan administrator) for numerous consumers, where disclosures are not needed.

Paragraph (h)—Depository Institution and Institution

Section 274(6) of the act defines a "depository institution" as that term is defined in "clauses (i) through (vi) of section 19(b)(1)(A) of the Federal Reserve Act." The Federal Reserve Act includes in its definition any insured bank or any bank that is eligible to apply to be insured under the Federal Deposit Insurance Act (FDIA). The FDIA definition of an insured bank includes a foreign bank that has an insured branch as well as any other bank with deposits insured in accordance with the FDIA. Based on these definitions, the Board believes the statute's coverage is very broad, and covers both state and federally chartered institutions, regardless of whether or not the institution is insured (by federal, state, or private insurance). Foreign banks that meet this definition also would be covered.

As discussed in section 230.1, the proposed regulation does not apply to credit unions.

Paragraph (i)—Interest

This definition states that bonuses and similar offers do not constitute interest for purposes of the regulation. This differs from the interpretation of the rule in Regulation Q (12 CFR 217.2(d)), which does include bonuses as part of its definition of interest, due to the prohibition of paying interest on demand accounts, and the fact that in that context a bonus is the equivalent of interest. The proposed definition makes clear that a depository institution's practice of charging higher fees to non-account holders than to account holders does not make the differential "interest." Also, an institution's absorption of expenses incident to providing a normal banking function or its forbearance from charging a fee in connection with a service is not considered to be a payment of interest.

Paragraph (j)—Periodic Statement

The statute does not define "periodic statement," although the term, or similar term "account statement," is used in two provisions (sections 266 and 268). Section 266(e) of the statute (which requires a notice to be given to existing account holders) refers to account statements provided on a quarterly basis. The Board has looked to this provision and to requirements in other regulations in defining periodic statement. For example, Regulation E requires a periodic statement to be provided monthly if electronic transfers have taken place, but at least quarterly if no transfer has occurred. In addition, Regulation Z generally provides that periodic statements must be provided at the end of any billing cycle—which must be at least quarterly—for open-end credit accounts. The Board believes this approach has worked well and proposes to define periodic statement as one sent on a quarterly or more frequent basis. The Board solicits comment on whether this is an appropriate time interval, or whether a narrower or broader definition is more appropriate. The Board also solicits comment on whether a longer time interval should be applied to statements sent on accounts such as time deposits.

An example of a periodic statement is a monthly statement for a NOW account which sets forth account information, such as a listing of transactions. On the other hand, regularly providing general service information to consumers which does not discuss specific transaction activity or other aspects of a particular consumer's account (for example, a quarterly newsletter describing services and other deposit accounts) would not be considered a periodic statement.

If an institution sends a periodic statement due to other legal requirements (for example, if the account can be accessed by electronic fund transfers and is covered by Regulation E), then such a statement would be a periodic statement for purposes of this regulation. Also, if an institution provides a combined statement containing both credit and deposit account activity, such a statement would be covered by the periodic statement rules.

Paragraph (k)—Simple Interest Rate

Section 274(3) of the statute defines the "annual rate of simple interest" as "the annualized rate of interest paid with respect to each compounding period, expressed as a percentage." The Board is proposing to simplify the phrase and reword the definition to clarify that the "simple interest rate" is the rate of interest paid without regard to compounding, shown as an annual figure and expressed as a percentage.

Section 274(3) of the act also provides that the simple interest rate may be referred to as the "annual percentage rate." The Board is proposing to require that institutions refer to this figure using the term "single interest rate" and to permit institutions to use the term "annual percentage rate" only in addition to the term "simple interest rate" and only for account disclosures (not in advertisements).

The Board believes it is essential to assist consumers in comparing accounts to require the use of standardized terminology in this area. The Board believes it may be confusing for prospective account holders to see the same figure labeled as the "simple interest rate" in some advertisements and disclosures and as the "annual percentage rate" in others. Also, the term "annual percentage rate," as required to be disclosed under Regulation Z, is commonly understood by consumers to encompass the *total cost* of credit—including both interest *and other finance charges.* The Board is concerned that consumer confusion may result if the term "annual percentage rate" is used to designate a simple interest rate for the consumer's deposit account at a depository institution, if the same terminology is used to designate a rate that includes both simple interest and, for example, points, for the consumer's mortgage loan with the same institution. Since the potential for confusion is greatest in advertisements, the Board proposes to permit use of the term "annual percentage rate" only in the account disclosures and then only in addition to the term "simple interest rate." In no cases would an institution be required to refer to the simple interest rate as the annual percentage rate.

Paragraph (m)—Stepped Rate Account

The act defines "multiple rate" accounts, and authorizes the Board to adjust its general annual percentage yield disclosure rules to ensure that meaningful disclosures are provided for such accounts. The Board proposes to define "stepped rate" and "tiered rate" accounts, both of which would be "multiple rate" accounts under the statute. While both accounts involve multiple rates, the characteristics of each have different implications for calculating and disclosing the annual percentage yield.

The Board proposes to define stepped rate accounts as those in which two or more simple interest rates (known at the time the account is opened) will take effect in succeeding periods. An example of a stepped rate account is a one-year certificate of deposit in which a 5.00% simple interest rate is paid for the first six months, and 5.50% for the second six months.

Paragraph (n)—Tiered Rate Account

The Board proposes to define tiered rate accounts as those in which two or more simple interest rates paid on the account are determined by reference to a specified balance level. An example of a tiered rate account is one in which an institution pays 5.00% simple interest rate on balances below $1,000, and 5.50% on balances $1,000 and above. There are two types of tiered accounts which are described more completely in appendix A, Part I, (D).

Paragraph (o)—Variable Rate Account

The statute does not define variable rate accounts, but section 265 of the act authorizes the Board to adjust its annual percentage yield disclosure rules for such accounts. The legislative history accompanying the law also indicates that modifications to the act's advance notice requirement for changes in terms were contemplated for variable rate accounts (see discussion of proposed section 230.5 below). The Board requests comment on how variable rate accounts may best be defined to further the purpose of the act. Two alternative definitions are included in the proposed regulation.

Classifying an account as a "variable rate" has two implications: (1) the Board is proposing certain additional account disclosures for those accounts in section 230.4(b)(1)(ii); and (2) the Board is proposing to exempt rate decreases on a variable rate account from the change in terms rule (see the discussion of changes in terms in section 230.5).

A variable rate account clearly would include one with rates based on either an external or an internal index—for example, if an institution tied rate changes to the 1-year Treasury bill or to the institution's own "prime" rate. The majority of institutions, however, currently set rates based on a variety of factors and do not tie changes to an identifiable index.

The first alternative in the proposed regulation would define a variable rate account narrowly, as one tied to an index (either an external or an internal index).

The Board solicits comment on whether the definition of a variable rate account should be broader, so as to encompass all accounts which, pursuant to an account agreement, permit the institution to change the rate at the election of the institution. The Board is aware that most if not all institutions routinely include a contractual right to change rates in their account agreements (other than time deposits), although in some cases the right is seldom exercised and holders of such accounts likely consider the account to be fixed rate. The Board is concerned that, if the definition of a variable rate account encompasses all such situations, consumers who view their accounts as essentially fixed rate accounts would not receive advance notice of rate changes.

One way to deal with this is reflected in the second alternative in the proposed regulation. It would treat as fixed rate those accounts where the institution contracts to provide at least a 30-day advance written notice of rate changes. This would provide a way for institutions that prefer to offer—and consumers who prefer to hold—"fixed-rate" accounts to do so, while providing the advance notice the Congress intended. In other cases, where the institution does not commit itself to a 30-day notice, the accounts would be variable rate accounts, and would not require advance notice when rates changed. For those accounts in which the institution does not guarantee the rate for at least 30 days, it would be required to give full disclosure of the variable rate feature when the accounts are opened (under proposed section 230.4(b)(1)(ii)).

The Board considered a variety of other approaches to defining a variable rate account. For example, it could be viewed as one in which the institution expressly provides for the option to change the rate at a specified frequency, such as every week or every month. Adoption of such an approach may not be effective in distinguishing between fixed and variable rates, however, since institutions could add such a "variable rate feature" by simply modifying their agreements to reflect such a right without changing their pricing practices in any way.

Another alternative considered was to define as variable rate accounts those in which the rate had in fact changed a specified number of times during a specified prior period. Although such an approach has the appeal of being based on actual experience, the Board is concerned that compliance would be complicated and cumbersome.

The Board expressly solicits comment on the two alternatives reflected in the proposal, the advantages and disadvantages of each, and any other alternatives.

Section 230.3—General Disclosure Requirements

Paragraph (a)—General

Section 264 of the act requires depository institutions to maintain a written schedule of fees, interest rates and other terms applicable to each class of accounts offered by the depository institution. The statute requires the disclosures to be written in "clear and plain language." The proposed regulation requires information to be disclosed "clearly and conspicuously," the standard required by other regulations adopted by the Board, such as Regulation Z. The Board believes that use of a commonly used and understood standard facilitates compliance with the law and carries out the act's requirement that disclosures be written in clear and plain language. For uniformity, the format requirement of "clear and conspicuous" would apply to all disclosures provided to consumers, including the change in terms notice and information given on periodic statements, and not just the account opening disclosures. The Board also proposes to include a provision requiring disclosures to reflect the legal obligation between the parties in order to provide guidance about the basis for disclosures; this parallels the standard used in Regulation Z. The proposal would require that disclosures be provided in a form the consumer can retain, since that seems to be clearly what the Congress intended in order to facilitate comparison shopping. Disclosures need be made only as applicable. Therefore, disclosures for noninterest bearing accounts would not include disclosure of an annual percentage yield, simple interest rate, or any other disclosures that pertain to interest calculations.

The Board is not proposing a rule dealing with the use of estimates in making disclosures. Regulation Z contains such a provision since many fees are not within the control of the lender, and since the timing of a transaction may not be precisely known when disclosures are required to be provided. Regulation E does not contain a rule permitting estimates, and it seems more analogous to this regulation on this question. Since the fees to be disclosed are those established by the institution and are not a function of the amount deposited by the consumer, the Board does not believe a rule on estimates is needed. The Board solicits comment on this issue.

The proposed regulation provides depository institutions with flexibility in designing the order of the disclosures, so long as the information is presented in a format that allows consumers to readily understand the terms of their own accounts. The disclosures required by the regulation may be made on more than one page and may use both the front and reverse sides, as long as the pages are part of one document. Institutions could use inserts to a document or fill in blanks to show current rates. Since rates may change on a frequent basis and rate information needs to be current, the Board believes requiring such information to be preprinted in a document could impose substantial costs and burdens on institutions, with no particular benefit to consumers.

In designing the account disclosures, depository institutions have several alternatives. Institutions could prepare a single document that contains disclosures for all accounts offered, or prepare different documents for different types of accounts. For example, institutions may provide a single document for all transaction accounts, such as NOW and demand deposit accounts. Institutions that choose to combine information about accounts would have to clearly indicate the terms that apply to the account selected by the consumer. (See, for example, the approach taken in B-3 Sample Form, in Appendix B.) Institutions may provide disclosures for each type of account, such as a document that describes all time deposits offered. The regulation also would permit institutions to provide disclosures describing a single account product; for example, an institution offering three different NOW accounts may provide a separate document for each account. In all of these situations, the Board proposes to permit depository institutions to include in the document containing the account disclosures contract terms and other disclosures that relate to the account, such as disclosures required by Regulation E or by Regulation CC (12 CFR part 229), which implements the Expedited Funds Availability Act.

The regulation does not require any particular type size or typeface, nor does it require any term to be stated more conspicuously than any other term in the account disclosures. Sections 230.4(b), 230.6(a) and 230.8 of the regulation would require the "annual percentage yield" (and, in some cases, the "simple interest rate") to be so labeled in account disclosures, periodic statements and advertisements. Apart from this, there is no required terminology.

Finally, the act and regulation do not contain any special requirements regarding whether disclosures may be made in a foreign language rather than in English. Regulation Z allows creditors in Puerto Rico the option of providing disclosures in Spanish, so long as those that do so furnish disclosures in English upon request. The Board requests comment on whether the purposes of the act would be furthered by permitting institutions to deliver disclosures in other languages (in Puerto Rico or elsewhere), provided that disclosures in English are furnished upon request.

Paragraph (b)—Multiple Consumers

The Board proposes that in the case of an account held by more than one consumer, institutions could provide the account disclosures to any consumer who holds the account. Similarly, if the account is held by a group or organization, depository institutions may provide the disclosures to any one individual who represents or acts on behalf of the group.

Paragraph (c)—Oral Responses to Inquiries

The Board is proposing to add this rule to the regulation, which has no counterpart in the statute. Since consumers may call institutions to obtain rate information, the Board believes it is important for uniformity and comparison shopping that any rates quoted be stated as an annual percentage yield. The regulation would also permit institutions to state the simple interest rate, but would prohibit any other rate. An approach similar to this is used in Regulation Z.

Section 230.4—Account Disclosures

The statute requires institutions to maintain an "account schedule" that is provided to consumers before an account is opened, and under certain other circumstances. The Board proposes to use the more general and commonly understood terminology of "disclosures" (rather than schedule) in connection with the information required to be provided to consumers.

Paragraph (a)—Delivery of Account Disclosures

Paragraph (a)(1)—Account opening. Section 266 of the act requires account disclosures to be provided before an account is opened or a service is rendered. The act also allows the disclosures to be sent within 10 days of "the initial deposit" if the consumer is not physically present when the deposit is accepted and the disclosures have not been provided previously. To simplify the timing rules, the proposed regulation applies the 10-day rule to the provision of services, as well as to opening accounts, and defines the period as 10 business days rather than calendar days. The Board solicits comment on whether business days or calendar days should be used in setting forth the timing rules.

The statute suggests that institutions are required both to "maintain" a schedule and to provide it to consumers in the designated circumstances. The Board believes that by providing disclosures as required by the act and regulation, institutions satisfy the statutory requirement to "maintain" a schedule. Thus, the regulation would not place an independent duty on institutions to "maintain" schedules or disclosures.

The Board believes the provision requiring disclosures to be given before a service fee is imposed covers the infrequent circumstance where a fee is assessed for a service prior to the opening of an account. For example, if an institution obtained a copy of a consumer's credit report and charged the consumer for the report prior to opening the account, the institution would have to provide the consumer with the account disclosures prior to assessing the fee. This provision, however, does not require institutions to give disclosures to existing account holders prior to imposing a service fee connected with the account, such as for stopping payment on a check or transferring funds into or out of an account by wire.

If an account is opened or a service is requested by means such as telephone, wire transfer or mail, the account disclosures must be mailed or delivered within 10 business days of the time the account is opened or service is provided. This timing rule would apply, for example, if a consumer opens a time deposit by mailing in the funds. Institutions would comply with the provision if the account disclosures are mailed or delivered to the consumer at the address shown on the records of the depository institution.

The statute states that disclosures need not be provided to the absent consumer if the disclosures were previously provided. The Board believes that institutions may rely on this provision only if the disclosures previously provided contained information about fees, interest rates, and other terms of the account that are still current. The Board requests comment on whether it would be desirable to specify a time limit, for example, 60 days, beyond which prior disclosures would be deemed not to be current—even if they have not changed.

Paragraph (a)(2)—Requests. The act requires that the account disclosures be made available to any person upon request. The proposal implements the act by requiring depository institutions to mail or deliver the disclosures no later than three business days following receipt of a consumer's oral or written request. Requests are likely to come from consumers who are comparison shopping for accounts. While a timing rule of 10 days (business or calendar days) may be appropriate when providing written disclosures to a consumer who has already decided to open an account by mail or telephone, the Board believes it would be more consistent with the act's goals if a consumer's request for account disclosures were fulfilled within a shorter time period, since it is likely the consumer is shopping for an account. Three business days is a timing rule used in Regulation Z for certain transactions, and the Board believes that the rule would work well for this regulation. The Board solicits comment on whether it is necessary to establish a specific time period in which institutions must respond to requests for disclosures, and whether the appropriate period should be three business days or longer, such as 10 business days. (Of course, when the consumer is present at the institution and requests information about an account, the disclosures must be given at that time.)

The Board believes an institution would *not* have a duty to provide account disclosures if a consumer merely asks about current rates for an account. For example, the common practice of telephone inquiries about rates and yields on certificates of deposit would not trigger an institution's duty to send disclosures to the caller—so long as the consumer does not ask for such information to be sent.

Paragraph (a)(3)—Renewals of time deposits.—Paragraph (a)(3)(B)—Time deposits that renew automatically. The renewal of a time deposit is the equivalent of opening another account, and requires a set of disclosures about the new account, as stated in paragraph (a)(3)(A) of this section. The act requires account disclosures to be provided to consumers at least 30 days prior to the maturity of a time deposit that is renewable without notice from the consumer ("automatically renewable" or "rollover" time deposits). The proposed regulation requires depository institutions to mail or deliver the account disclosures described in §230.4 to such consumers, but creates an exception for short-term time deposits. The proposed regulation would not require institutions to provide an advance copy of disclosures for automatically renewable time deposits with a maturity of three months or less. In such cases, institutions would provide disclosures no later than 10 business days after the account is renewed.

The legislative history accompanying the act recognizes that the Board may wish to establish special rules for short-term time deposits. (See the Committee Report accompanying H.R. 2654, of the Committee on Banking, Finance and Urban Affairs, September 12, 1991.) Two policy reasons for providing advance notice to consumers with automatically renewable time deposits are: (1) To remind the consumer that the account is nearing maturity and that funds will be reinvested for a set period of time (thus limiting access to funds) if the consumer does not act; and (2) to give the consumer an opportunity to comparison shop before reinvestment occurs. The Board believes consumers with short-term accounts do not have the same need of a reminder of impending maturity as do those with longer term instruments. Furthermore, a consumer may derive little or no benefit by receiving a second virtually identical set of disclosures, for example, 15 days after purchasing a 45-day certificate of deposit. In addition, compliance with a 30-day advance notice requirement would literally be impossible for very short-term instruments (such as 7-day certificates of deposit).

The Board solicits comment on whether the proposed exception from advance disclosures should be made for short-term accounts, and, if so, whether a three-month period is the appropriate cutoff.

The Board considered other alternatives for creating an exception from the advance disclosures for short-term automatically renewable deposits, such as a tiered approach. For example, institutions could be required to give account disclosures 30 days prior to maturity for deposits with a maturity greater than six months, 15 days for accounts with a maturity between one and six months, and no advance disclosures for accounts less than one month. The Board solicits comment on this tiered approach, as well as the timing requirements and cutoffs that might be used in such an approach.

One problem presented by the 30-day advance disclosure requirement for both short- and long-term accounts is that the simple interest rate and the annual percentage yield generally will not be known at the time disclosures must be given. The Board does not believe the statute requires institutions to "lock in" or guarantee the rates for an account at the time of the advance notice. The Board proposes as an alternative to stating the simple interest rate and the annual percentage yield in effect at the time the advance notice is sent, that institutions instead state that the simple interest rate and the annual percentage yield for the account have not yet been determined, the dates when they will be determined, and a telephone number the consumer can call to obtain the simple interest rate and the annual percentage yield that will be paid when the account is renewed. The Board believes this approach would facilitate comparison shopping.

The Board considered an alternative approach: requiring institutions to provide consumers with an annual percentage yield that is current when the notice is provided, but that may change before the time deposit renews. The Board is concerned, however, that consumers might believe the annual percentage yield disclosed in an advance notice would be the annual percentage yield applicable for the renewed account. Since the annual percentage yield could fluctuate between the time the disclosures are sent and the renewal date, stating the rate at the time of mailing could thus be misleading. The Board believes consumers would be better served by receiving the actual annual percentage yield that will apply, even if they must contact the institution to do so. Furthermore, since consumers who received an advance annual percentage yield would likely have to call the institution to determine the current annual percentage yield at the time of renewal anyway, the alternative of including the most recent annual percentage yield appears to be of little benefit to consumers.

Institutions with short-term time deposits proposed to be exempt from the advance disclosure rule would still be required to provide disclosures under the general rule (within 10 business days after the account is renewed). The Board proposes, however, that if institutions choose to provide advance account disclosures 30 days prior to the rollover date for those accounts, additional disclosures would *not* have to be provided at renewal—even if the exact simple interest rate and annual percentage yield had not been disclosed earlier. The Board solicits comment on this proposal.

Paragraph (a)(3)(C)—Time deposits that renew by consumer request. For non-automatically renewable time deposits (that is, those that are renewed only if the consumer affirmatively requests the institution prior to or at maturity to renew the account), institutions would provide account disclosures in accordance with the normal timing rules—within 10 days of renewal if not done in person.

Paragraph (b)—Content of Account Disclosures

Paragraph (b)(1)—Rate information—Paragraph (b)(1)(A)—Annual percentage yield and simple interest rate. Institutions would be required to disclose the "annual percentage yield," using that term, computed in accordance with Appendix A, Part I. Institutions also would be required to disclose the "simple interest rate," using that term, and would be permitted to use the term "annual percentage rate" in addition to the simple interest rate. (See the discussion in the supplementary information accompanying §230.2 (c) and (k) regarding the proposal to use standardized terminology for these figures.) Institutions must also disclose the period of time the simple interest rate will be in effect. This requires institutions to state the length of time, if any, the institution guarantees that this rate will continue to be paid after the account is opened. If an institution does not guarantee a rate for any period of time beyond the day the account is opened, the Board does not propose to require that fact to be stated, since the variable rate disclosures would reflect this fact.

If an institution sets a minimum balance to earn interest, for example $400, the institution would *not* have to state that the annual percentage yield is 0% for those days the balance in the account drops below $400.

In the case of stepped rate accounts, each simple interest rate and the period of time each will be in effect would be provided. For example if an institution offered a 1-year certificate of deposit with a simple interest rate of 5.00% for the first six months and 5.50% for the second six months, it would disclose both simple interest rates, the corresponding annual percentage yield (5.39%, assuming interest is compounded daily), and the fact that each simple interest rate would be in effect for successive six month periods. An institution offering tiered rate accounts would disclose each simple interest rate along with the corresponding annual percentage yield (or range of annual percentage yields if appropriate) for that specified balance level. For example, if an institution pays a 5.00% simple interest rate for balances below $1,000 and a 5.50% simple interest rate for balances $1,000 or above, both rates would have to be provided, as well as the annual percentage yields that would apply to the account. (See Appendix A for the calculation of the annual percentage yields for stepped rate and tiered rate accounts.)

Paragraph (b)(1)(B)—Variable rates. The statute does not expressly require specific additional disclosures for variable rate accounts. (See the supplemental information to §230.2(o), where a variable rate account is defined.) Sections 264(d) and 265(2) of the act, however, recognize that the Board may wish to prescribe specific disclosures for variable rate accounts. The Board proposes to require certain basic information about a variable rate feature in the account disclosures. These disclosures are similar to the abbreviated variable rate requirements for open-end credit found in Regulation Z.

Institutions offering variable rate accounts would be required to state that the simple interest rate and annual percentage yield may change. They would also have to explain how the simple interest rate is determined. For example, if the simple interest rate is tied to the 1-year Treasury bill plus or minus a specified margin, the index must be clearly identified and the specific margin stated. If "variable rate account" is defined broadly (see the discussion of §230.2(o) above), an institution that contractually reserves the right to change rates and does not tie changes to an index would disclose that rate changes are solely within the institution's discretion. Depository institutions would also be required to explain the frequency with which the simple interest rate may change. For example, if the institution retains the right to change the rate on a weekly or monthly basis, that would be stated. Institutions that reserve the right to change rates at any time would state that fact.

If the deposit contract places any limits on the amount the simple interest rate will change at any one time or for any period, that would be stated. For example, if the institution places a floor or ceiling on rates or provides that a rate may not decrease or increase more than a specified amount during any time period that would be disclosed.

The proposed regulation refers to the simple interest rate rather than the annual percentage yield in discussing the variable rate disclosures. The Board believes this is more accurate since changes in the annual percentage yield derive from changes in the simple interest rate.

Paragraph (b)(2)—Time requirements. This provision requires institutions to state any time requirement for time deposits, that must be met to obtain the annual percentage yield. Thus, an institution would state the maturity date for certificates of deposit.

Paragraph (b)(3)—Compounding and crediting. The proposed regulation requires institutions to disclose the frequency with which interest is compounded and credited. If the frequency of either would change if the consumer does not meet a minimum time requirement, or under any other circumstance, such frequency would also have to be disclosed. (See the supplemental information accompanying §230.7(b) for a discussion of crediting practices.)

Paragraph (b)(4)—Balance information— Paragraph (b)(4)(A)—Minimum balance requirements. This provision requires institutions to disclose any minimum balance required to open the account, to avoid the imposition of fees, or to obtain the annual percentage yield. For example, if an institution provides that a $3 fee will be assessed if the average daily balance drops below $500, that provision would have to be disclosed. Institutions would also have to describe the method they use to determine that balance. The explanation of the balance computation methods can be combined with the disclosure under paragraph (b)(4)(B) if the methods are the same. Institutions would not be required to describe the method used to determine the balance needed to open the account, since it is simply the dollar amount that must be deposited by the consumer.

Paragraph (b)(4)(B)—Balance computation method. Institutions would be required to describe the method used to determine the balance on which interest is paid. (See discussion of section 230.7(a) regarding permissible balance computation methods.) Thus, if the institution uses the daily balance method it would state that it uses the daily balance method and could describe it as one in which interest is computed by applying a periodic rate to the principal balance in the account each day. If it uses the average daily balance method the institution would state that and describe the method as one in which interest is computed by applying a periodic rate to the average balance in the account for the period or cycle, with the average balance calculated by adding the balance in the account for each day of the period or cycle, and dividing that sum by the number of days in the period or cycle.

The Board solicits comment on whether institutions also should be required to disclose when they begin to accrue interest on noncash deposits. For example, some institutions begin to pay interest on the day such a deposit is received by the institution (sometimes called the "ledger balance" method). Others begin paying interest no later than the business day specified in section 606 of the Expedited Funds Availability Act and its implementing Regulation CC (the "collected balance" method).

Paragraph (b)(5)—Fees. The statute requires disclosure of fees that may be assessed against the "account holder" as well as against the account. The Board believes the wording of the proposal, which requires disclosure of all fees that may be assessed in connection with the account, captures the same information required by the statute.

The statute requires the Board to specify, in the regulation, which fees must be disclosed. Since the proposal requires all fees assessed in connection with the account to be disclosed, the Board is not proposing to list in the regulation every fee that might be imposed. The proposed regulation does not mandate terminology for fees, and the Board does not believe that all fees could be identified by name in the regulation in any event. Institutions use different names to describe the same type of fee. For example, a monthly fee imposed regardless of the consumer's balance or activity might be identified as a "monthly service" fee, a "monthly maintenance" fee, or simply "monthly" fee.

The proposed regulation requires institutions to state the "conditions" under which the fee may be imposed. The Board believes that typically the name and description of the fee will satisfy this requirement. For example, if an institution charges a $.25 fee for each ATM withdrawal from an account, and describes it in that manner, no further information need be provided.

While the Board believes any attempt to list all fees by name would be ineffective, the Board is providing guidance as to the types of fees that are and are not "assessed in connection with the account." Fees that may be assessed in connection with the account would include, for example, maintenance fees, fees charged for each check written on an account, fees to obtain or use an access device (such as a debit card), fees due to lack of account activity for any period of time, wire transfer fees, and fees to have checks printed. The type of fee required to be disclosed under this section is a broader category than the "maintenance or activity fee" discussed in the advertising rules in section 230.8(a). For example, under section 230.4(b)(5), institutions would disclose fees relating to checks that have been returned unpaid and fees to stop payment on a check, even though these would not be deemed an "activity" or "maintenance" fee for purposes of section 230.8(a).

Fees that may be charged to a consumer for services unrelated to the account—and that would be assessed against nonaccount holders—such as fees to purchase a cashier's check or to lease a safe deposit box are not required to be disclosed. Such fees need not be disclosed even if the amount of the fees differ for account and nonaccount holders.

Paragraph (b)(6)—Transaction limitations. The statute requires institutions to disclose the "terms and conditions * * * and account restrictions" applicable to accounts. The Board believes this requires institutions to state any limitations on the number or amount of deposits or withdrawals, or checks that may be written on an account for any time period. If an institution does not permit withdrawals or deposits (for example, for a time deposit) that fact would have to be stated.

Paragraph (b)(7)—Early withdrawal penalties. Proposed section 230.4(b)(7) implements section 264(c)(10) of the statute. The act requires institutions to disclose any requirement relating to the nonpayment of interest, including any early withdrawal penalty. The statute places no limitation on how early withdrawal penalties are calculated. The Board proposes to limit this requirement to time deposits, although the statute does not explicitly do so, since an early withdrawal contemplates a maturity date, which exists only in time deposits.

Section 264(c)(9) of the statute requires institutions to provide a statement, if applicable, that interest that has accrued but not been credited to the account at the time of a withdrawal will not be paid (or credited) due to the withdrawal. The regulation does not contain a parallel provision because, to the extent this is read to refer to a practice other than the imposition of early withdrawal penalties, it appears to conflict with section 267 of the statute. As discussed below in connection with section 230.7(a), section 267 of the statute requires institutions to calculate interest on the full amount of principal in the account each day and prohibits calculating interest using methods such as the "low balance" method. The Board believes the Congress did not intend the disclosure provisions of section 264 to be interpreted as overriding the general rule regarding payment of interest. Thus, the Board believes institutions may not fail to pay interest on amounts withdrawn, and so this disclosure is inapplicable. As stated above, however, institutions may impose early withdrawal penalties on time deposits and may use any method they choose to calculate the amount of the penalty. (Model clause B–1(h), in appendix B, provides three examples of how early withdrawal penalties may be determined.)

Paragraph (b)(8)—Renewal policies. For time deposits, the Board proposes to require institutions to include a statement of whether or not the account will automatically renew at maturity. The statute does not expressly mandate disclosures of an institution's policies about renewal, but does require institutions to disclose the "terms and conditions" applicable to accounts generally. In addition, section 264(d) of the act recognizes that the Board may wish to require information to be given regarding renewal policies for time deposits.

The Board believes it is important for consumers to be informed whether a time deposit will automatically renew or whether the consumer must contact the institution at a later time to renew an account, since time deposits limit the consumer's access to his or her funds in a way other accounts do not. The Board also proposes to require institutions to disclose what will happen to funds after maturity if the consumer does not renew the account, in the case of "non-rollover" accounts. For example, an institution might disclose that the funds will be placed in a non-interest bearing account. The Board solicits comment on whether institutions also should be required to disclose whether the rollover account has a "grace period" (a period after maturity during which the consumer may withdraw the funds without being assessed a penalty) and the length of such a period.

Paragraph (b)(9) Potential loss of principal. As discussed in the definition of "account" in §230.2, the Board believes accounts denominated in a foreign currency that are offered to or held by consumers are covered by the statute. The Board believes that in light of potential changes in exchange rates, consumers are especially in need of certain disclosures to ensure they are aware of how these products operate. Any significant decline in the value of the currency may result in a loss of principal for the consumer, which is typically not a risk associated with other accounts covered by the law.

For these—and any other accounts offered—that involve the risk of loss of principal (other than when that "loss" is due to an early withdrawal penalty for a time deposit), the Board proposes to require institutions to disclose this fact. Thus for foreign currency accounts, institutions would state that fluctuations in exchange rates of foreign currencies may result in a loss of principal. The Board solicits comment on whether institutions should also state that any such loss is not covered by deposit insurance.

Paragraph (c)—Notice to Existing Account Holders. Section 226(e) of the act requires institutions to include a notice on or with any regularly scheduled periodic statement sent to existing account holders "within" 180 days of issuance of the regulation. Section 269(a) of the act provides that regulations adopted by the Board shall take effect six months after they are published in final form. Section 269(a)(4) of the act provides the law "shall not apply with respect to any depository institution before the effective date of regulations prescribed by the Board." Despite the language in section 226(e), the Board believes the general rule that compliance duties do not begin until six months after the Board has adopted final regulations should apply to the notice given to existing account holders as well as to all other provisions. Otherwise, institutions would be required to include a notice to existing account holders prior to the effective date of the regulation. The Board believes requiring institutions to provide this notice before disclosures are required to be available could be confusing to consumers who might request the disclosures. Furthermore, consumers who open accounts before the effective date of the regulation but after the mailing date of the periodic statement in which the notice was sent would not receive disclosures or be alerted to their availability. The Board therefore proposes to require institutions to give the notice on or with the first periodic statement sent to existing account holders after the effective date of the final regulation. The Board solicits comment on this approach.

The notice required by this section need only be provided once and informs current account holders that they may wish to request terms and conditions about the account. If the institution receives a request, it would provide the account disclosures described in §230.4, including the current simple interest rate and annual percentage yield for the consumer's account. As an alternative to including this notice on a periodic statement, the Board proposes to permit institutions to send the account disclosures themselves, as long as they are sent with the periodic statement.

The statute requires that the notice state both that the account holder has a right to request disclosures *and* that he or she may wish to make such a request. The proposal merely requires a statement that the account holder may wish to request the disclosures.

Section 230.5—Advance Notice of Change in Terms and Advance Notice of Maturity

Paragraph (a)—Change in Terms

Section 266(c) of the act requires institutions to send a 30-day advance notice to the consumer of any change in the items required to be disclosed in the account disclosures *if* the change might reduce the annual percentage yield or adversely impact the consumer. The proposed regulation requires a written notice describing the change and its effective date to be sent 30 days before the effective date of the change. For example, if an institution increases the minimum balance required to earn interest or to avoid imposition of a fee or increases the fee it charges for stop payment orders, an advance notice must be provided. The notice must be given whenever a change occurs after the account disclosures are given. The rule would apply to *all* accounts, not solely accounts opened after the effective date of the regulation.

The notice requirement applies only to items required to be included with the account disclosures. For example, if an institution reduces any grace period for rollover certificates of deposit—a term not required to be stated under proposed section 230.4(b)—a change in terms notice would not be required. (See the discussion of whether any grace period should be disclosed in section 230.4(b)(8), however.) If a combined disclosure statement for two types of accounts was initially provided (and indicated which terms applied to each account), and the institution later changed a term for one of the accounts, the change in terms notice would need only be given to those consumers holding that type of account, and not the holders of the second type of account.

The Board solicits comment on whether an exception to the change in terms notice requirements should be made for rate changes that occur in variable rate accounts. Section 265 and 269 of the act authorize the Board to make exceptions to the act's requirements for variable rate accounts, and the Committee report accompanying H.R. 2654 of the House Committee on Banking, Finance and Urban Affairs indicates the change in terms requirement was not intended to apply to changes in the simple interest rate (and corresponding changes in the annual percentage yield) for variable rate accounts. (See discussion of this issue in section 230.2(o).) The Board believes that requiring an advance change in terms notice for changes to the simple interest rate in variable rate accounts may be very burdensome to institutions, and may reduce the products available to consumers. As discussed earlier under section 230.4(b)(1)(B), the Board is proposing to require institutions to disclose certain information about variable rate features, so consumers will be aware of the potential for rate changes and how often they can occur. In addition, where periodic statements are sent for accounts (such as for NOW or money market accounts), the consumer will receive information about the annual percentage yield that will reflect rate changes that occurred. Commenters are requested to address the advantages and disadvantages of requiring an advance notice of rate changes for variable rate accounts.

The Board is concerned, however, that in cases where periodic statements are not sent for variable rate accounts—such as a passbook savings account—considerable time may pass before consumers learn about rate changes on their accounts. Thus, the Board solicits comment on whether institutions should be required to send a notice after the rate is decreased on a variable rate account, if periodic statements are not furnished. Comment is also requested on whether the subsequent notice requirement should extend to variable rate time deposits where the consumer has agreed to keep funds on deposit until maturity. Comment is requested on the appropriate time period for sending such a notice, such as within 30 days after an adverse change.

In addition to variable rate accounts, there is another situation in which the Board is proposing that a change in terms notice not be required. As discussed earlier, institutions must provide account disclosures 30 days before maturity for rollover time deposits. (See discussion of section 230.4(a)(3)(B).) Since the Board is not proposing to require institutions to state the exact simple interest rate and annual percentage yield with the other disclosures, the Board believes a change in terms notice should not be required if the simple interest rate and the annual percentage yield change from the date the disclosures are provided to the date the consumer opens the account. Of course, if other terms change, the 30-day notice would have to be provided.

Paragraph (b)—Notice of Maturity for Certain Time Deposits

As discussed earlier under section 230.4(a)(3)(B), the act requires that account disclosures be provided to consumers 30 days prior to the maturity of an automatically renewable time deposit. The act does not address whether any notice or disclosures should be provided to consumers prior to the maturity of a time deposit that renews only upon the consumer's request at the time of maturity. The Board is proposing to require a brief advance notice to be sent to consumers holding such time deposits. The proposed notice would require depository institutions to identify the maturity date of the time deposit and explain to the consumer what will happen to the funds after maturity if the consumer does not renew the account. The Board believes it is important for consumers to receive a notice of pending maturity, especially since a periodic statement or other reminder may not be provided. The rule would apply to existing time deposits as of the effective date of the regulation.

The Board would not require such a notice for short-term time deposits, however, since there does not seem to be a need for a reminder in such cases. The proposal uses the same definition of short-term time deposit (three months or less) as is used in section 230.(4)(a)(3)(B) dealing with account disclosures for automatically renewable time deposits. It also uses the same timing rule; that is, notices must be mailed or delivered at least 30 days and not more than 60 days before maturity. Of course, if the time deposit is renewed, the disclosures required by section 230.4 must be provided to the consumer prior to renewal (or within 10 business days thereof, if the consumer does not renew in person at the institution).

The Board solicits comment on whether such a prematurity notice should be provided, whether an exception for short-term deposits is appropriate, and whether a short-term time deposit should be defined as three months or less.

Section 230.6—Periodic Statement Disclosures

Section 268 of the act requires depository institutions to include specific information on or with each periodic statement provided to consumers. The Board does not believe the act requires periodic statements to be sent by an institution, but requires that if an institution sends a periodic statement certain information must be included. (The statute does not define a periodic statement. See the definition in section 230.2(j) above.) This requirement applies to existing accounts as of the effective date, as well as to new accounts opened after the effective date.

The information listed in this section would be given only to the extent applicable; for example, a periodic statement for a noninterest bearing account would not include interest or an annual percentage yield.

Paragraph (a)—Annual Percentage Yield Earned

The annual percentage yield calculation as used for both advertising and account disclosures is an annualized rate that reflects the frequency of compounding, but it is not based on an actual account balance. The act requires that "the annual percentage yield earned" be included on the periodic statement. Several options were considered by the Board in determining what would be the most appropriate way of calculating this figure for the periodic statement. While the Board proposes the first method discussed below, other alternatives are set forth.

Annual percentage yield earned reflecting relation of interest to the average daily balance.

The Board proposes to require that the annual percentage yield reflect the relation between the interest actually earned during the statement period to the average daily balance for the period. This figure would not reflect any fees imposed during the statement period or bonuses earned. The figure would show true interest earnings for a particular period by showing the relationship between the actual interest earned and the actual balance maintained during that period. It would also capture all rate changes that occurred.

This method would produce a single composite annual percentage yield for tiered rate accounts, demonstrating the effect of the institution's tiering method on total earnings. Thus, institutions that pay a lower simple interest rate on deposits up to a certain level, and a higher rate only on amounts above the cutoff figure, would show a lower annual percentage yield for a given balance than would institutions that pay the same higher rate for the entire balance in the account if the balance exceeds the cutoff figure.

In spite of these advantages, this method has drawbacks. This approach would not provide a figure the consumer could use to verify earnings for the period if multiple rates were used. The figure also would not show rate fluctuations during the period.

This method would produce, however, a single figure that shows the true interest earnings for the period. Thus the impact of minimum balance requirements to earn interest, tiering structure, as well as differing rates applied during the cycle, would all be reflected in a single yield figure.

Annual percentage yield earned as a net earnings figure. A second option would require the annual percentage yield to represent a new earnings figure by taking the total interest paid during the period, adding cash bonuses paid, subtracting all fees imposed during the period, and dividing the difference by the average daily balance for the period to obtain a percentage figure.

The calculation might be more realistic and useful to the consumer to see what happened during a particular cycle, as compared to an annual percentage yield that factors in only interest. This method presents several problems, however. This option raises the issue of whether *all* fees required to be disclosed should be factored into the annual percentage yield. For example, should a stop payment fee or a fee for writing a check on insufficient funds be included in the calculation? If not, there would appear to be no simple test for determining which fees should be reflected in the computation of the annual percentage yield. Including fees in the calculation could mean that for some periods there might be a 0% (or even a negative) annual percentage yield. This approach would raise difficult issues about including the value of bonuses—particularly those paid in merchandise. Finally, the Board believes that using the same terminology to describe different types of annual percentage yield figures (one on periodic statements and another in advertisements and opening account disclosures) would be confusing to the consumer since different information would be factored into the calculation—only one taking into account fees and bonuses.

Like the first alternative, this approach does not provide the consumer with a way to verify that the rate was correctly applied to the account. It also does not show rate fluctuations within the period for accounts where rates change. Comparing the annual percentage yield earned with the annual percentage yield advertised by other institutions would be difficult, if not impossible, since the annual percentage yield in advertisements and account disclosures is calculated without regard to any fees or bonuses.

Annual percentage yield earned reflecting historical rate information. A third option considered by the Board would use the same general annual percentage yield calculation for the periodic statement as is used for advertising and initial disclosures. This figure would not take into account the precise amount of interest earned or the relation of the interest to the actual balance in the account during the period, or the imposition of fees or payment of bonuses. Thus, the annual percentage yield would simply reflect the institution's most recent simple interest rate plus any compounding frequency for the account.

This third option would provide the most accurate description of fluctuating rates during a period by detailing the rates applied during the cycle. The annual percentage yield could easily be compared with the advertised rates of other institutions and would require only one approach for the annual percentage yield calculation for opening disclosures, advertising and periodic statements.

This method has its drawbacks as well. It would be even less useful to the consumer than the first two alternatives to verify earnings for the period, since it would not reflect factors such as minimum balance requirements (and the statute does not require balance information to be given on the periodic statement). In addition, this method might require providing multiple annual percentage yields (possibly a large number for an account that had both variable and tiered rates) that could be confusing to consumers and burdensome to institutions. Arguably this figure would not show the annual percentage yield "earned" as contemplated by the statute. Finally, it would not provide information about the impact of a tiered rate structure on the consumer's actual earnings.

Proposal. The option proposed to be used by the Board is the first one described above, an annual percentage yield that shows the relationship between the interest earned and the balance in the account for the cycle. The proposal carries over the general concept of the annual percentage yield used in advertising and the opening account disclosures which measures only the interest earned. In the periodic statement, however, it would show the relation between the actual interest earned and the balance because that information is known at that time. This approach would show in a single figure how well the consumer's account performed during the period, reflecting the true rate earned on tiered accounts, the impact of rate changes, and the effect of minimum balance requirements, while avoiding the difficulties that could be produced if fees and bonuses were factored in. It also calls for similar computations to those for other annual percentage yields, which will ease the ability of consumers to understand and compare accounts among institutions. The Board solicits comment on all three options with special consideration given to which of the three approaches will most effectively communicate to consumers the appropriate information on earnings for the statement period. The Board also solicits comment on whether the disclosure on the periodic statement should be identified as the "annual percentage yield earned" rather than the "annual percentage yield" to distinguish it from the yields stated in advertisements and opening account disclosures.

Paragraph (b)—Amount of Interest Paid

The proposed regulation requires the periodic statement to include a dollar figure for the amount of interest that has been paid during the statement period. The figure would not include accrued interest that has not been credited to the account during the period, since the consumer has no access to the funds.

The Board proposes that any cash bonuses paid to the consumer during the statement period not be included in the total interest figure, although comment is requested on this issue. Since the Board is not proposing to include any bonus in the annual percentage yield calculation, the Board believes including it in an interest figure on the periodic statement would be confusing to consumers. (It could be shown separately on the statement, of course, as additional information.) The Board solicits comment on whether the regulation should require use of the term "interest" for purposes of this disclosure.

Paragraph (c)—Fees Imposed

The periodic statement would include all fees of the type required to be disclosed under section 230.4(b)(5) that were imposed during the statement period. For example, a monthly maintenance fee, NSF charge, or stop payment fee would have to be disclosed. Fees not imposed in connection with the account, such as those for a cashier's check or lease of safe deposit box, could be included in the periodic statement as additional information, at the institution's option. The regulation would not require fees imposed in connection with a credit account to be disclosed—for example, a fee imposed for accessing an overdraft feature on a checking account—since they are related to a credit feature and currently required to be disclosed under Regulation Z.

Section 268(3) of the act requires disclosure of the "amount of any fees or charges imposed," without specifying whether the fees should be totaled or itemized. The Board considered different methods for disclosing fees. The regulation could require: (1) A single figure showing the total amount of fees; (2) an itemization of fees (perhaps also requiring the date the fee was imposed); (3) both an itemization and a total of fees; or (4) at the institution's option, an itemization, a total, or a combination of these approaches.

The Board believes requiring all institutions to provide an itemization of fees by type is the most desirable approach, and that is reflected in the proposal. A listing of all fees would enable consumers to see the types and amount of fees imposed during the cycle. The Board proposes to permit fees of the same type to be grouped together. For example, all ATM charges imposed during the cycle or all per-check fees could be stated as a single figure, or shown separately.

Comment is requested on whether the regulation should also require the periodic statement to include a total fees figure or even a net earnings figure—that is, the total interest earned less any fees imposed. The latter might be desirable, especially since the Board is recommending that the annual percentage yield calculation not factor in fees.

Paragraph (d)—Number of Days in Period

The proposal tracks the statutory language in requiring that the total number of days in the statement period be given on the periodic statement. The Board requests comment on whether providing the beginning and ending dates for the period would provide adequate information to consumers (assuming it is clearly stated whether or not both of these days are included as part of the period).

Section 230.7—Payment of Interest

Paragraph (a)—Permissible Methods

Section 230.7(a) implements section 267(a) of the statute. The statute provides that interest on interest-bearing accounts shall be calculated by institutions "on the *full amount of principal in the account for each day* of the stated calculation period" at the rate disclosed (emphasis added). Although a literal reading of this language might appear to require institutions to calculate interest by using a daily balance calculation method (also known as the day-in-day-out method or day-of-deposit-to-day-of-withdrawal method), the legislative history confirms that the Congress considered the average daily balance method an acceptable alternative to the daily balance method. The Board proposes to allow both methods.

The legislative history states that the provision is intended to prohibit institutions from using certain other balance computation methods, such as the "low balance" or "investable balance" method of computing interest. The investable balance method of paying a disclosed rate on only 88% of the funds deposited by the consumer, for example, was clearly one target of the legislation. The low balance method pays a disclosed rate only on the lowest amount of principal in the account on any day in the period. The Committee report accompanying H.R. 2654 (the bill passed by the House in 1991, which contains language identical to that in the law as enacted) discusses the provision as follows:

"Thus, institutions would not be permitted to calculate interest on the "investable balance" or other balances that are less than the full amount deposited * * *. [It is] Congressional intent to prohibit calculation methods such as the low balance, FIFO and LIFO (First In First Out and Last in First Out) that do not meet the criteria stipulated in [this] section * * * . It is the Committee's intent that [this] section * * * be construed broadly to prohibit the use of any other methods that do not pay the same amount of interest, based on the full amount of principal in the account each day, as do either the average daily balance or daily balance methods."

Average daily balance method. Since the statutory language itself is ambiguous with regard to use of the average daily balance method, the Board solicits comment on whether institutions should be permitted to use this method.

Evidence indicates that a substantial number of banks use either the daily balance or the average daily balance method to calculate interest. While most banks use the daily balance method, between 8% and 36% (depending on the type of account) use the average daily balance method. One survey found that for NOW accounts, 91% to 95% of all banks use either a daily balance or average daily balance method. For money market accounts, 88% to 93% use one of these methods, and for savings accounts, 90% to 99%.[3]

The Board believes permitting institutions to use either the daily balance method or the average daily balance is consistent with the purpose of the legislation which requires that consumers be paid interest on the full amount of principal in the account each day. It also comports with the Committee report accompanying H.R. 2654 as quoted above. In addition, the statute requires disclosure of the balance computation method, which would be unnecessary if only one method were allowed.

Both methods require institutions to compute interest by applying a periodic rate to the full amount of principal in the account each day.[4] In the daily balance method the institution applies a periodic rate to the exact daily balance. In the average daily balance method the institution adds the full amount of principal in the account each day of the period or cycle, divides that figure by the number of days in the period or cycle, and applies a periodic rate to the result. Assuming the same compounding and crediting frequency, the interest calculated under either method would be identical in an account with little or no account activity in the period. In most cases, even where there is significant account activity, both methods will produce the same or substantially the same amount of interest. In some instances the daily balance method produces a slightly higher return, and in other situations the average daily balance method produces a slightly higher return. In all cases, under the proposed annual percentage yield calculation for the periodic statement, any differences in these methods would be captured by that figure.

Tiered rate accounts. There is one circumstance in which the daily balance and average daily balance methods can produce more significant differences in interest: tiered rate accounts. To illustrate this point, assume daily compounding occurs for the following account:

Simple interest rate (percent)	Deposit balance to earn rate (with the rate paid on the full balance)
5.00	$.01–<$5,000.
6.00	$5,000 and higher.

The two methods can produce differences in interest, depending on account activity—in particular, depending on whether the average daily balance falls above or below the break point, in this case, $5,000.

For purposes of illustration, assume the principal balance in the account for January and February is $5,000 for the first 20 days of each month and $4,000 for the remaining days of the month. (interest remains on deposit until the end of each month.) The daily balance method produced $22.52 in January and $20.86 in February. The average daily balance method produces $19.77 in January and $18.12 in February. In this example the daily balance method generates more interest ($2.75 and $2.74 per month) because the average daily balance falls below the break point of $5,000. As a second illustration, assume the balance in the account for each month is $4,500 for the first 20 days of the month and $6,500 for the remaining days of the month. In this example the average daily balance method generates more interest ($2.49 and $2.48 per month) because the average daily balance falls above the break point.

As these examples illustrate, in some instances for tiered rate accounts, the daily balance method produces a higher return, and in other situations the average daily balance method produces a higher return.

In spite of these differences, the Board believes institutions should be permitted to use either the daily balance or the average daily balance method. First, in many cases the two methods produce the same or a substantially similar return. Second, where the results differ, neither one consistently produces a higher return. Third, under the proposed APY calculation for the periodic statement, any differences in these methods would be captured by that figure. Fourth, institutions will disclose the method they use under section 230.4(b) so that consumers who prefer one method over the other have the necessary information on which to base their choices. Fifth, the legislative history accompanying the legislation contemplates the use of either method. Finally, requiring institutions to use a daily balance method could impose significant costs on some institutions that would have to change from the average daily balance method without any real benefit to consumers.

Minimum balance and tiered balance requirements. In addition to prohibiting use of the low balance method of balance calculation, the Board believes section 267(a) prohibits use of a "low balance" type of method to determine if a consumer has met a minimum balance requirement to earn interest.[5] Institutions are permitted under the law to set minimum balance requirements that must be met for the consumer to earn interest, or to earn a specified rate for tiered balance accounts. For example, an institution may choose to pay a 5.00% simple interest rate on an account only for those days a minimum balance of $500 is maintained. The Board believes that statute further permits an institution to provide that it will not pay interest on the account for those days the balance drops below the required minimum balance.

The Board does not believe, however, that the statute permits an institution to provide that the consumer does not earn any interest for a given period unless the consumer maintains a minimum balance for the entire period. For example, under the proposal an institution may not provide that a consumer will earn a 5.00% simple interest rate only if the consumer maintains a minimum balance of $500 for each day of a specified period or cycle. Such a practice, in effect, uses a low balance computation method to calculate whether interest is earned on an account. Permitting such a practice would enable an institution to refuse to pay interest even if—under the example above—a consumer maintained a $10,000 balance for 29 days in a cycle, but permitted the balance to drop below $500 for one day in the same cycle.

Similarly, the Board does not believe institutions would be permitted to refuse to pay interest on a portion of a balance once a consumer has met any required minimum balance. If an institution sets its minimum balance requirement to earn interest, for example, at $300 and a consumer deposits $500, the institution must pay the stated simple interest rate on the full $500, and could not pay interest only on $200 of that deposit. The Board believes that this would be contrary to the statutory requirement and the intent of the Congress to require payment of interest at the disclosed rate on the full amount of principal in the account each day.

---

[3] Retail Banking Report, 1990-1991, American Bankers Association, p. 49.

[4] Since the act and regulation require interest to be paid each day funds remain on deposit, the rate the Board proposes to permit institutions to apply is a daily rate of 1/365 of the simple interest rate for 365 days (or, at the institution's option, 1/366 of the simple interest rate for 366 days during a leap year). The Board also proposes to permit institutions to apply 1/365 of the simple interest rate for 365 days in a leap year, but requests comment on this proposal.

[5] The discussion of this provision addresses only the payment of interest as it relates to the minimum balance requirement. For discussion of the assessment of fees and minimum balance requirements, see the supplemental information accompanying section 230.4(b)(4)(A).

A related issue arises with regard to tiered rate accounts and calculation of the balance on which interest is paid. For example, assume an institution pays and discloses a 5.00% simple interest rate on deposit balances below $5,000, and a 6.00% simple interest rate on balances of $5,000 and above. The Board believes the statute would *not* permit an institution to pay the $5.00% rate for the entire cycle if the balance dropped below $5,000 for a few days during the cycle. For example, assume a consumer maintained a $10,000 balance for 29 days in a cycle, but permitted the balance to drop to $4,999 for two days. The Board does not believe the statute would permit the institution to pay only 5.00% on $10,000 for 29 days, since the full amount of principal in the account for 29 days was actually $10,000 and should earn the stated 6.00% rate. The Board solicits comment on all of these issues.

Minimum balance requirements and balance computation provisions. Comment is also requested on related technical points. For example, should institutions be required to use a daily balance method to determine whether a minimum balance requirement to earn interest has been met, or may an average daily balance method be used instead (given that both methods are proposed to be allowed for purposes of calculating interest)? May institutions use both a minimum balance and an average daily balance measurement in determining whether a consumer has met the minimum balance requirement to earn interest? For example, should an institution be permitted to apply both a $500 daily balance and a $700 average daily balance requirement to determine whether interest is paid on an account for a particular day? Should institutions be permitted to calculate interest using one method and establish the minimum balance by use of a different method? For example, should an institution be permitted to use the daily balance method to compute interest but require a consumer to meet a minimum balance by averaging a month's daily balances? In commenting on these provisions, commenters should address the specific advantages and disadvantages to consumers and institutions for all of these issues.

Paragraph (b)—Compounding and Crediting Policies

Section 230.7(b) of the proposed regulation implements section 267(b) of the statute. It provides that section 230.7(a) does not mandate the frequency of any compounding. Thus institutions may compound bi-annually, annually, quarterly, monthly, daily, continuously, or on any other basis. The compounding frequency is required to be disclosed under proposed section 230.4(b)(3) and is factored into the computation of the annual percentage yield. (See the discussion of the annual percentage yield in the supplemental information accompanying appendix A.)

Section 230.7 also does not mandate a specific crediting policy. Thus institutions could credit interest earned on the account on an annual, semi-annual, quarterly, monthly, or other basis. The institution's crediting policy must be disclosed under section 230.4(b)(3). An institution may credit or post interest to the account at any frequency, thus establishing the intervals at which the consumer can withdraw such interest. Establishing crediting policies, however, does not permit an institution to treat accrued but uncredited interest as unearned. Because the statute and proposed regulation require that interest accrue based on the full balance in the account each day, the consumer's underlying right to such interest cannot be altered. Thus, the institution may not refuse to pay interest that has accrued, even if the consumer withdraws some of the principal in the account prior to the time the interest would be credited. This, of course, does not require an institution to pay interest for those days the consumer fails to meet a minimum balance requirement. Nor does this provision require the institution to permit the consumer to withdraw interest that is earned but not yet credited. If the consumer withdraws funds or closes an account before interest is credited, the institution may delay payment of the accrued interest until the crediting date. Finally, for time deposit accounts, institutions may assess a penalty for early withdrawal, as discussed in the supplemental information accompanying section 230.4(b)(7).

Paragraph (c)—Date Interest Begins to Accrue.

Section 267(c) of the statute requires that institutions must begin to accrue interest for all accounts no later than the business day specified in section 606 of the Expedited Funds Availability Act (EFAA) (12 U.S.C. 4005), subject to subsection 606 (a) and (b). Thus, the Truth in Savings Act provides that the accrual of interest rules in the EFAA apply to nontransaction accounts, such as certificates of deposit, as well as to transaction accounts covered by the EFAA. The EFAA and the Board's implementing Regulation CC generally require an institution to begin accruing interest when the institution receives "provisional" credit. The Board believes a consistent rule is essential for determining the principal balance on which interest accrues. The Board proposes to permit institutions to use the methods set forth in Regulation CC for determining the principal balance. If an institution accrues interest on funds represented by a deposited check that is later returned due to insufficient funds on deposit, or for another reason, the institution would not be required to pay interest for the time period the check was outstanding.

While the EFAA establishes the time institutions must *begin* to accrue interest, because of the general rule in section 267(a) of the Truth in Savings Act that interest must be computed on the full amount of principal in the account for each day, the Board believes institutions must accrue interest on funds up to the date of withdrawal from the account. Thus, if a check written by the consumer on an account is debited from the account by the account-holding institution on a Wednesday, the institution must accrue interest on those funds on deposit through Tuesday. (Because the check is debited on Wednesday, the balance in the account that day has been reduced. Thus, the Board believes the institution need not pay interest for Wednesday.)

Section 230.8—Advertising

This section of the proposal incorporates the advertising provisions of section 263 of the act. While the act's disclosure rules apply to accounts of all depository institutions, section 263(a) of the act's advertising provisions are phrased in terms of accounts offered by insured depository institutions. (Section 263 (b) and (c) of the advertising provisions, however, are not limited to insured depository institutions.) The Board's proposal would apply all of the advertising provisions to all depository institutions, whether insured or not. The Board believes that the act's purposes are furthered if all deposit account advertisements provide uniform disclosures to compare accounts, and does not believe it desirable for only some advertising rules to apply to uninsured depository institutions.

The Board requests comment on whether certain provisions from the Board's Regulation Q (as noted below) should be included in this regulation, and removed from Regulation Q.

Paragraph (a)—Misleading or Inaccurate Advertisements

The statute and regulation prohibit institutions from making misleading or inaccurate advertisements. Since section 271 of the act extends the possibility of civil liability to advertising violations, the Board is interested in construing the term "misleading" appropriately. The Board solicits comment on whether examples of what constitute "misleading or inaccurate statements" in advertising beyond the two in the regulation should be provided in the supplementary information accompanying the publication of the Board's final rule. The Board also request commenters to provide specific examples.

Use of the term "profit". The Board also requests comment on whether institutions should be permitted to refer to interest paid on an account as "profit," or if the use of the term in advertisements could mislead customers. The Board's Regulation Q (12 CFR 217.6(f)) and the advertising rules for deposit accounts of the other federal regulatory agencies have for years prohibited use of that term in deposit account advertisements on the grounds that the term implies a return on an investment, something typically associated with nondeposit accounts.

Advertising "free" accounts. Section 263(c) of the act prohibits an institution from advertising an account as a free or no-cost account if: (1) A regular service or transaction fee may be imposed; (2) a fee may be imposed if any minimum balance requirement is not met; or (3) a fee is imposed if the consumer exceeds a specified number of transactions. The proposed regulation captures these rules, but provides a different organizational approach. Institutions would not be permitted to describe any account as "free" or "no-cost" (or words of similar meaning) if any "maintenance or activity" fee might be imposed on the account. A maintenance or activity fee includes, for example, periodic service charges; per check fees; fees imposed to deposit, withdraw or transfer funds; and fees to receive copies of checks written on the account. It also includes fees imposed if a minimum balance requirement is not met or if a transaction limit is exceeded. A maintenance or activity fee would not include fees such as stop payment fees or fees for returned checks, or fees unrelated to the account such as a fee for purchasing a cashier's check or traveller's checks.

Potential loss of principal. The Board proposes one additional disclosure beyond those in the statute, for advertisments for deposits that involve the risk of loss of principal, such as those denominated in a foreign currency (as discussed in section 230.2 in the definition of "account"). To ensure that consumers are not misled about such accounts, the Board believes any advertisement should state that fluctuations in the exchange rate of foreign currencies could result in a loss of principal. The Board requests comment on whether institutions also should state that any such loss is not covered by deposit insurance. As with all advertisements, institutions would be prohibited from stating any rate or yield figure in advertisements unless it is stated as an annual percentage yield.

Furthermore, the annual percentage yield stated would not factor in any value derived from currency fluctuations. A figure that reflected fluctuations in exchange rates would factor in information fundamentally different from that used for other deposit account offerings, and could lead consumers to be confused about the yield when comparing accounts. The Board solicits comment on whether institutions should be permitted to provide an example to illustrate potential returns on such a product based on currency fluctuations. If such an example were permitted, the Board believes all institutions should use a standardized length of time in calculating such a return. The Board requests comment on what amount of time should be used, and whether more than one example should be provided to show both a short-term and a longer-term effect of currency fluctuations on such an account.

Paragraph (b)—Permissible Rates

Section 263(a) of the act provides that a reference to a specific interest rate, yield, or rate of earnings in an advertisement triggers a duty to state certain additional information, including the annual percentage yield. The proposed regulation requires that if any rate or yield is stated it must be the "annual percentage yield," using that term. The Board requests comment on whether institutions should be permitted to use the abbreviation "APY" in advertisements, given the space and time constraints typically involved in advertisements.

Except for the simple interest rate, as explained below, no other rate or yield (such as an "average" or "aggregate" percentage yield) could be included in an advertisement. The Board believes that allowing institutions to state rates or yields in addition to the annual percentage yield would conflict with the act's stated purpose of providing uniform disclosures to enable consumers to compare accounts. Also, the Board is concerned that permitting other rates to be stated in addition to the annual percentage yield would result in advertisements with a confusing array of terms and numbers.

The Board believes, however, that the act permits the simple interest rate to the stated in advertisements in addition to the annual percentage yield. Thus, the Board's proposal allows the simple interest rate, using that term, to appear in conjunction with (but not more conspicuously than) the annual percentage yield. (The standard of allowing simple interest rates but limiting their prominence is one that is in Regulation Z.) The proposed regulation would not permit institutions to refer to the simple interest rate as the "annual percentage rate" in advertisements. (See the discussion of this issue in the supplementary information accompanying section 230.2(k).)

Paragraph (c)—Advertisement of Terms That Require Additional Disclosures

Section 263(a) of the act requires additional information to be provided in deposit account advertisements if the advertisement refers to a specific rate of interest, yield, or rate of earnings. The act also imposes special format rules in certain cases to ensure that a consumer's attention is drawn to terms such as any differences in the annual percentage yield if a minimum balance is not met. The proposal generally follows the act's approach for the format and content of advertisements, but simplifies the order of the information provided.

The proposed regulation provides that a reference to an annual percentage yield "triggers" advertising disclosures. Since other rates are not permitted (except for the simple interest rate, which in turn requires a statement of the annual percentage yield), the regulation does not include any other "rate triggers." (See, however, the discussion of bonuses in section 230.8(d).)

There is no requirement that deposit account advertisements state an annual percentage yield figure. Stating other information in advertisements—such as "one, three, and five year CDs available" or "high rates available"—does not trigger the duty to state other terms of the account. The Board requests comment on whether a reference to a rate such as "we pay the rate available for 90-day U.S. Treasury bills" is so closely akin to stating a specific rate that the advertising disclosures should be triggered.

Special rules apply to tiered rate accounts: if an institution states an annual percentage yield in an advertisement, it would have to state all of the annual percentage yields, including those required to be shown as a range, as well as the corresponding minimum balance requirements. (See appendix A for annual percentage yield calculations for tiered rate accounts.) For example, assume an institution pays a stated simple interest rate only on that portion of the balance within the following specified balance levels (that is, Tiering Method B described in appendix A), and compounds interest daily:

Simple interest rate (percent)	Deposit balance required to earn rate
5.25	$.01– <$2,500.
5.50	$2,500– <$15,000.
5.75	$15,000–$100,000

Computing the figures in accordance with Appendix A, the institution would have to state the following annual percentage yields:

Annual percentage yield	Balance required
5.39	$.01– <$2,500.
5.39–5.61	$2,500– <$15,000.
5.61–5.87	$15,000–$100,000.

If a trigger term is stated, the advertisement must provide the disclosures listed in paragraph (c) in a clear and conspicuous manner.

Paragraph (c)(1)

The regulation would require institutions that advertise variable rate accounts to state that the rate may change after the account is opened. Although the act does not expressly require the statement, section 265(2) authorizes the Board to prescribe modifications for advertising rules relating to the annual percentage yield on variable rate accounts. The Board believes that a brief statement alerting the consumer to possible changes in the annual percentage yield is necessary in advertisements.

Paragraph (c)(2)

The act and proposed regulation require that advertisements that state the annual percentage yield also state the period during which accounts with that annual percentage yield will be offered. For example, if an institution only guarantees its rates for a week, its advertisement might state "this annual percentage yield is available from June 1 through June 8."

Paragraph (c)(5)

This paragraph implements section 263(a)(3) of the act. It requires that advertisements state any time requirement necessary to earn the advertised yield. The Board proposes to limit this provision to time deposits. If an institution advertises a one-year certificate of deposit, it would state that time period. It also requires advertisements to state any lower annual percentage yield that will be earned if funds are withdrawn prior to meeting the minimum time requirement.

The Board solicits comment on whether to incorporate the current rule contained in Regulation Q (12 CFR 217.6(d)) that addresses deposits with time requirements greater than one year. That rule requires that, if a time requirement is greater than one year, the advertisement must state that period in equal prominence to the annual percentage yield, along with any lower annual percentage yield that will apply if funds are withdrawn prior to maturity.

Paragraph (c)(6)

The act requires deposit account advertisements to contain a statement that "fees or other conditions" could reduce the "yield" on the account. The proposed regulation requires the statement but uses the term "earnings" rather than yield. The act does not mandate terminology, and the Board believes the term earnings more accurately conveys the impact of fees on the account, since in no event does the annual percentage yield take fees into account. The Board proposes to require this statement if an institution can impose any of the maintenance and activity fees discussed in section 230.8(a) (discussing "free" accounts). Thus, for example, the statement would appear on advertisements for interest-bearing transaction accounts that impose a monthly service charge or a fee if a minimum balance is not maintained.

The Board solicits comment on whether the phrase "or other conditions" should be retained as part of the notice. Are there account terms other than fees that should be communicated by this statement?

Paragraph (c)(7)

The Board proposes that advertisements for time deposits with stated maturities of less than one year include a statement that the disclosed annual percentage yield assumes all funds will be on deposit for a full year at the initial simple interest rate. The act does not expressly require such a statement, but section 265 of the act authorizes the Board to modify disclosure requirements relating to advertising annual percentage yields for accounts with an annual percentage yield guaranteed for less than a year. The Board believes the statement would be an important reminder to consumers that the annual percentage yield is calculated on a certain assumption (that is, that the funds remain on deposit for one year, at the initial advertised rate) which may not, in fact, occur. The Board requests comments on whether the statement should be required, and whether it should be limited to accounts with stated maturities, such as certificates of deposit. Should the statement also be required in advertisements for transaction accounts and savings accounts, for example, since actual account activity in such cases also may not correspond to the one-year assumption on which the annual percentage yield is based?

Paragraph (c)(8)

The act requires that advertisements include a statement that an interest penalty will be imposed for early withdrawal. The Board's Regulation Q and the deposit account advertising rules of the other federal financial regulatory agencies currently require a similar notice, but limit it to advertisements for time deposits. The act is not so limited. The Board requests comment on whether the statement should be required only for time deposits containing provisions for possible early withdrawal penalties (the position reflected in the proposed regulation), or whether it should be required in other cases. For example, some accounts offer bonuses that may be "reclaimed" if funds are withdrawn before an agreed upon date. Some non-time deposits assess a fee if a consumer closes the account within 30 days of account opening. The Board requests comment on whether a disclosure under section 230.8(c)(8) should be required in cases such as these.

The terminology of the proposed disclosure is similar to the act, but does not include the word "interest" (or "substantial," as is required by Regulation Q). The Board requests comments whether either term should be required in the statement.

Paragraph (d)—Bonuses

The proposed regulation treats bonuses as a trigger term. If a bonus is advertised, an explanation of the conditions that must be met for bonuses to be paid and when they will be paid also must be stated, along with the annual percentage yield and the items listed in paragraph (c) of this section. Although the act does not expressly require the bonus disclosures, the Board believes the additional information is consistent with the act's purpose to provide uniform disclosures to compare accounts, and requests comments on the proposal. The Board is concerned that consumers may be misled if full information is included in advertisements about interest earnings while bonus "earnings" are not explained.

Possible limited exemption for broadcast and other media. Section 263(b) of the act authorizes the Board, if it finds the disclosures to be unnecessarily burdensome, to exempt "broadcast and electronic media and outdoor advertising" from stating any initial deposit requirement, or stating that fees or other conditions could reduce the return. The statute limits any relaxation of the advertising rules to these two disclosures. The Board solicits comment on whether such an exemption should be made and, if so, why these disclosures place an unnecessary burden on depository institutions. The Board also requests comment on the merits of an additional exemption for the statement for accounts with a maturity of less than one year that the annual percentage yield assumes that funds remain on deposit for a full year at the initial rate (a provision not in the statute).

Although the statute is quite specific in the categories of advertising that can qualify from a relaxation of requirements, there may be other comparable situations that perhaps should be treated similarly. For example, should an exemption be considered for advertisements inside a depository institution, such as lobby boards, since consumers can obtain account disclosures during business hours?

Section 230.9—Enforcement and Record Retention

Paragraph (c)—Record Retention

The Board proposes to require institutions to retain records regarding their compliance with their responsibilities under the proposed regulation for a minimum of two years after disclosures are required to be made. Two years is the period commonly used under the Board's other consumer regulations (for example, Regulations Z and E). Furthermore, given the frequency of examinations by the enforcement agencies, a record retention requirement of this length should allow an institution's examiners adequate review of pertinent documentation during periodic examinations.

The Board contemplates that records may be stored by use of microfiche, microfilm, magnetic tape, or other methods capable of accurately retaining and reproducing information. The institution need not retain disclosures in hard copy, as long as it retains enough information to reconstruct the required disclosures or other records.

APPENDIX A—ANNUAL PERCENTAGE YIELD CALCULATION

Appendix A establishes the rules that institutions would use to calculate the annual percentage yield. The proposed appendix contains two main parts: Part I discusses the calculations for advertisements and account disclosures, and Part II deals with periodic statement calculations. The Board is proposing only two annual percentage yield formulas in Part I: a "general" formula that can be used for all types of accounts and a "simple" formula that can be used for those accounts that have a maturity of one year, or that have an unstated maturity. The appendix provides several examples to illustrate how these formulas work. The appendix explains the general rules and describes how they should be applied in more complicated accounts, such as stepped rate and tiered rate accounts. If an account has two types of features, such as variable and tiered rates, all applicable rules would have to be followed. Part II contains a single formula for calculating the annual percentage yield on periodic statements, with no special rules for multiple rate accounts.

The appendix provides that the annual percentage yield shall reflect only interest, and may not include the value of any bonuses. Factoring in the value of a bonus would add significant complexity to the calculation of the annual percentage yield. For example, the value would have to be established as well as when the merchandise is provided to the consumer. If a cash bonus is given, assumptions would have to be made about whether the bonus is deposited and whether interest is accrued on the sum. The Board solicits comment on this proposal to exclude all bonuses from the calculation.

The proposed annual percentage yield calculation also excludes any amounts that are determined by circumstances that may or may not occur. For example, an institution may provide earnings to the consumer based on changes in certain stock market indicators (from the date an account is opened to the date it matures or is closed, for example) or on foreign currency fluctuations. The annual percentage yield for these and similar types of accounts would exclude such potential earnings. Similarly, if an institution chooses to pay .01% additional interest for each point scored in a future sporting event, that potential would not be reflected in the annual percentage yield. Such features would be disclosed as variable rate features under proposed § 230.4(b)(1)(B). (To the extent the institution paid such interest on the account, the annual percentage yield on the periodic statement would capture this interest.)

The Board is proposing that institutions calculate the annual percentage yield by rounding the figure to the nearest one-hundredth of one percentage point, and showing it to two decimal places. Thus, if an institution calculated an annual percentage yield to be 5.644%, that figure would be rounded down and shown as 5.64%; 5.645% would be rounded up and disclosed as 5.65%. The Board believes it is necessary to show annual percentage yields to two decimal places to enable consumers to adequately compare accounts.

The Board solicits comment on whether a tolerance for accuracy should be provided for calculating the annual percentage yield. The statute does not expressly provide a tolerance. The appendix includes a proposed tolerance of 1/20 of 1 percentage point (.05%). The Board is not proposing to use the same tolerance for the annual percentage rate found in Regulation Z (1/8 of one percentage point for regular transactions, or 1/4 of one percentage point for irregular transactions). First, the Truth in Lending Act itself provides for a 1/8 percent tolerance and authorizes the Board to designate a tolerance for more complex transactions. Second, the calculation of the annual percentage rate is more complicated than the calculation of the annual percentage yield, since the annual percentage rate factors in fees paid by the consumer (as well as interest), the frequency and amount of the consumer's payments, the timing of disbursements from the creditor to the consumer, and other factors. Such complexities are not present in the annual percentage yield calculation. The Board solicits comment on whether a tolerance is needed at all, and, if so, whether 1/20 of 1 percent would be an appropriate one.

PART I. ANNUAL PERCENTAGE YIELD FOR ACCOUNT DISCLOSURES AND ADVERTISING PURPOSES

A. General rules

In general, the annual percentage yield reflects the relationship between the amount of interest to be earned by the consumer for the term of the account (including any compounding of interest) and the amount of principal assumed to have been deposited to earn that amount of interest. Institutions would be required to calculate the annual percentage yield based on the actual number of days in the term of the account. If an account has an unstated maturity, institutions would calculate the annual percentage yield based on an assumed term of 365 days.

For time deposits that are offered in multiples of months, the Board proposes to permit institutions to base the number of days on either the actual number of days during the applicable period, or the number that would occur for any actual sequence of that many calendar months. For example, if an institution offers a six-month certificate of deposit, the institution could calculate the annual percentage yield based on the number of days in a particular six-month period, or in any six-month period. The Board believes this will minimize the need of institutions to recalculate the annual percentage yield on an ongoing basis. The Board proposes, however, that institutions that choose to use this permissive rule would have to use the same number of days to calculate the interest figure used in the annual percentage yield formula (where "Interest" is divided by "Principal"). Thus, the institution with the six-month certificate of deposit above could base the annual percentage yield calculation on any number of days from 181 to 184, since various six-month periods could contain that range of days. If the institution chose to use 181 days as the "Days in Term," it must also use 181 days to compute the "Interest" figure used in the formula. An institution would not be permitted to use 181 as the "Days in Term" and use an "Interest" figure based on 183 days. (The amount of interest paid by the institution would have to be based on the actual number of days in the account due to the requirement to pay interest on the principal in the account each day. See section 230.7 of the regulation.)

D. Accounts With Tiered Rates (Different Rates Apply Depending on Balance Level)

Due to the nature of tiered rate accounts (in which the simple interest rate paid on the account is determined by reference to specified balance levels), the Board believes special rules are required to enable consumers to compare annual percentage yields for such accounts.

The appendix sets out the two basic methods of tiering used by institutions to calculate the interest they will pay on such accounts. In the first method (shown in the appendix as "Tiering Method A"), an institution pays the applicable "tiered" interest rate on the entire amount of the deposit. For accounts of this type, institutions must state the annual percentage yield that applies to each balance tier. In the example given in the appendix, this results in three separate annual percentage yields to be disclosed—one for each tier. Other than the fact that multiple annual percentage yields must be stated for these types of accounts, each annual percentage yield is calculated according to the general rule in the appendix.

In the second method of calculating interest on tiered rate accounts (shown in the appendix as "Tiering Method B"), institutions do not pay the applicable tiered intertest rate on the entire amount of the deposit, but only on the portion of the deposit balance that falls within each specified tier. For institutions that compute interest in this manner, a range of annual percentage yields must be provided for each tier, other than for the first tier—to accurately reflect how interest is paid. The low end of each range is figured on the highest balance in the tier. This approach requires an assumed balance for the highest tier in cases where the balance in the account is not limited. The appendix is written with an assumed high balance of $100,000. The Board solicits comment on what the high end of each range should be. Several alternatives exist: Using any limit established by the institution in its account agreement; permitting any amount to be used if a limit is not set forth in an agreement; or using $100,000, since that is the current amount for which accounts are federally insured.

PART II. ANNUAL PERCENTAGE YIELD FOR PERIODIC STATEMENTS

The annual percentage yield calculation for the periodic statement is similar to that used for advertising and opening account disclosures. The annual percentage yield is transaction specific for the periodic statement. It reflects the relationship of the interest actually paid and credited to the consumer's account during the period and the average daily balance in the account for the period. Thus, the annual percentage yield factors in the actual number of days in the statement period, as well as the actual interest and principal. It uses the same basic general formula as used in Part I, but reflects the actual interest earned and average daily balance during the period covered by the statement.

Appendix B—Model Clauses and Sample Forms

The model clauses and sample forms in Appendix B are intended for optional use by financial institutions to aid compliance with the disclosure requirements of sections 230.4 (account disclosures) and 230.5 (change in terms). Section 269(b) of the act provides that institutions that use these forms and clauses will be in compliance with the disclosure provisions of the act. In addition, use of any modified model form or clause will also be considered in compliance as long as the institution does not delete information required by the act of rearrange the format so as to affect the substance, clarity, or meaningful sequence of the forms and clauses.

As discussed in the supplemental information to section 230.3(a), the proposal provides for flexibility in designing the format of the disclosures. Institutions can either prepare a single document that contains disclosures for several accounts offered or prepare individual disclosures for each type of account.

The Board requests comment on what additional model forms and clauses should be included in Appendix B. For example, a model form for periodic statements was not included with the proposal since the disclosure requirements only duplicate of slightly augment the information currently provided. Comment is requested on whether such a model form is necessary.

1. B-1 MODEL CLAUSES

Clause (a)(ii) contains alternative language for disclosing how the annual percentage yield is determined in variable rate accounts. This reflects the alternative definitions of a variable rate account proposed in section 230.2(o).

Clause (a)(iv) contains alternative language for describing tiered rate accounts. As explained in Appendix A, there are two types of tiered rate accounts. The first type pays the same higher rate on the entire balance in the account if the balance exceeds the cutoff figure. The second type of tiered rate account pays a lower simple interest rate on deposits up to a certain cutoff level, and a higher rate only on amounts above the cutoff level. An institution must provide the disclosure that describes its method of calculating interest.

Clauses (d)(i)—(iii) contain alternatives for disclosing any minimum balance requirements associated with the account. The regulation requires that the disclosures state any minimum balance that is required to open the account, avoid the imposition of fees or obtain the annual percentage yield disclosed. If a fee is incurred for not maintaining a minimum balance, it may be stated either with this disclosure or with other fees (of both).

Clause (f) contains a model format for use in disclosing fees. Institutions would be required to disclose either the amount of any fees that may be imposed in connection with the account or provide an explanation of how the fee will be determined. In addition, the disclosure must state the conditions under which the fee may be imposed if that is not clear from name and description of the fee. (See discussion of section 230.4(b)(5) regarding examples of fees that may be assessed in connection with the account.)

Clause (g) contains model language for disclosing transaction limitations. If a fee is imposed for exceeding the established limitation, it may either be stated with this disclosure or with other fees (or both).

Clauses (h) (early withdrawal penalty) and (i) (renewal policy) would be required only for time deposits.

2. B-3 SAMPLE FORM

This sample illustrates the use of one general multi-purpose disclosure form for several accounts offered by an institution. The disclosures are for a money market account. Through the use of check marks, the disclosure clearly indicates which fees and terms apply to the money market account. A chart is included to illustrate one method of presenting information for multiple accounts. Institutions could either have the form preprinted (and marked accordingly) for each account listed, or have the information filled out at the time the account is opened. The fee shown in this sample (as well as in B-4) are based on average charges for particular services found in various national studies.

3. B-4 AND B-5 SAMPLE FORMS

These samples illustrate individual disclosures for two different types of accounts (a certificate of deposit and a NOW account).

4. SAMPLES B-6 AND B-7

These samples illustrate the requirements for advertisements, found in section 230.8 of the proposed regulation. Specifically, the samples demonstrate how a certificate of deposit and a money market account could be advertised in compliance with the regulation. The advertisement for the money market account shows how an institution that pays the simple interest rate on the *entire deposit* would state the annual percentage yields. (This method is discussed in Appendix A as "Tiering Method A.") Since civil liability applies to violations of the advertising requirements, the Board is proposing to include sample forms for institutions for advertising. Comment is requested on whether sample advertisements should be included at all and, if so, whether the samples provided are useful.

Appendix C—Effect on State Laws

This appendix outlines the standards and process used for state law determinations.

Appendix D—Issuance of Staff Interpretations

The Board is proposing to use the same method of providing interpretations to the regulation as for Regulations B, E, and Z. An official staff commentary is expected to be issued in proposed form after the proposed regulation becomes effective in the spring of 1993. Such a proposal would be issued in final form after an opportunity for public comment, with an immediate effective date but with compliance not becoming mandatory for another six months—likely sometime in 1994. Thereafter, periodic updates of the official staff commentary would be contemplated.

The Board has established a pattern for updating several of its consumer regulation commentaries: publish changes for public comment in the autumn, with final rules effective the following spring, but optional until the next October. The Board proposes to follow this pattern with its official staff commentary to this new regulation and solicits comment on whether this approach would be helpful. If the public felt that issuance of so many proposals at the same time would be difficult to deal with, the Board could adopt a different schedule for this regulation—for example, publishing the proposed interpretations for comment in the spring with final versions adopted in the fall.

Effective Date: Institutions will have to provide disclosures to any consumer who opens an account after the effective date of the regulations. Institutions also will have to provide disclosures for any time account renewed after the effective date, even if the account was an automatically-renewable one and had been opened prior to the effective date. Similarly, periodic statement disclosures and change in term notices would have to be provided, as applicable, to all accounts—including those opened prior to the effective date. Finally, the Board believes the substantive provision regarding the payment of interest will apply to existing accounts as of the effective date; it is not limited to new account holders.

(3) FORM OF COMMENT LETTERS

As discussed above, comment letters should refer to Docket No. R-0753. The Board requests that, when possible, comments be submitted using a standard typeface with a type size of 10 or 12 characters per inch. This will enable the Board to convert the text into machine-readable form through electronic scanning, and will facilitate automated retrieval of comments for review.

(4) ECONOMIC IMPACT STATEMENT

The Board's Division of Research and Statistics has prepared an economic impact statement on the proposed regulation. A copy of the analysis may be obtained from Publications Services, Board of Governors of the Federal Reserve System, Washington, DC, 20551, or by telephone at (202) 452-3245.

(5) LIST OF SUBJECTS IN 12 CFR PART 230

Advertising, Banks, Banking, Consumer protection, Deposit accounts, Interest, Interest rates, Federal Reserve System, Truth in savings.

(6) PAPERWORK REDUCTION ACT

In accordance with section 3507 of the Paperwork Reduction Act of 1980 (44 U.S.C. 35; 5 CFR 1320.13), the proposed information collection will be reviewed by the Board under the authority delegated to the Board by the Office of Management and Budget after consideration of the comments received during the public comment period.

A detailed description of the proposed recordkeeping and disclosure requirements (including the reasons for them, the institutions that would be subject to them, and how frequently disclosures may be required) is contained elsewhere in this notice.

The information collection is mandatory (105 Stat 2236, 2334). The requirements will apply to both large and small institutions. The impact on small institutions will depend upon the extent of the disclosures and the options for compliance offered by the final regulations. Model disclosure forms in the regulation will somewhat ease compliance burdens on institutions. (The proposed model forms and clauses are set forth in Appendix B.)

The following information about paperwork burden relates only to the effect of the proposal on state member banks. Institutions that will be subject to Regulation DD other than state member banks are supervised by other federal agencies: the Federal Deposit Insurance Corporation, the Office of the Comptroller of the Currency, and the Office of Thrift Supervision. For purposes of the Paperwork Reduction Act, these agencies will report their own estimates of the paperwork burden imposed by the Truth in Savings requirements.

The Board preliminarily estimates that the disclosure requirement will result in a one-time reporting burden of 206,000 hours and an annual reporting burden of 1,560,160 hours for state member banks.

Proposed information collection

Report title: Recordkeeping and Disclosure Requirements in Connection with Regulation DD (Truth in Savings).

Report number: Not applicable.

OMB docket number: 7100-0255.

Frequency: As needed.

Reporters: State member banks.

	No. of records subject to requirement	Estimated time per response	=	Estimated total no. of hours of annual reporting burden
Notice to Existing Accountholders (one time burden)	8,240,000	1.5 min		206,000
Complete Disclosures:				
Upon Request	907,000	3 min		45,375
New Accounts	2,750,000	2 min		91,667
Rollover CDs	800,000	1 min		13,334
Notice for Non-Rollover CDs	267,000	1 min		4,450
Change in Terms	1,100,000	1 min		18,334
Periodic Statements	82,500,000	1 min		1,375,000
Advertising	12,000	60 min		12,000

Pursuant to authority granted in section 269 of the Truth in Savings Act (Pub. L. No. 102-242) the Board proposes to create a new regulation in 12 C.F.R. 230.

1. The authority citation for Part 230 would read:

AUTHORITY: Sec. 269, Truth in Savings Act, Pub. L. No. 102-242, 105 Stat. 2236

2. Part 230 would be added to read as follows:

PART 230—TRUTH IN SAVINGS

230.1 Authority, purpose, coverage and effect on state laws.
230.2 Definitions.
230.3 General disclosure requirements.
230.4 Account disclosures.
230.5 Advance notice of change in terms and advance notice of maturity.
230.6 Periodic statement disclosures.
230.7 Payment of interest.
230.8 Advertising.
230.9 Enforcement and record retention.
Appendix A—Annual percentage yield calculation
Appendix B—Model clauses and sample forms
Appendix C—Effect on state laws
Appendix D—Issuance of staff interpretations.

§230.1 Authority, purpose, coverage and effect on state laws.

(a) *Authority.* This regulation, known as Regulation DD, is issued by the Board of Governors of the Federal Reserve System to implement the Truth in Savings Act of 1991, contained in the Federal Deposit Insurance Corporation Improvement Act of 1991 (Pub. L. No. 102-242, 105 Stat. 2236) ("the act"). Information collection requirements contained in this regulation have been approved by the Office of Management and Budget under the provisions of 44 U.S.C. 3501 et seq. and have been assigned OMB No. 7100-0255.

(b) *Purpose.* The purpose of this regulation is to enable consumers to make informed decisions about deposit accounts at depository institutions. The regulation requires depository institutions to provide disclosures of the terms and conditions on which interest is paid and fees are assessed against deposit accounts so that consumers can make meaningful comparisons among depository institutions.

(c) *Coverage.* This regulation applies to depository institutions except for credit unions. In addition, the advertising rules in section 230.8 apply to any person who advertises a deposit account offered by a depository institution, including deposit brokers as defined in section 29(g)(1) of the Federal Deposit Insurance Corporation Act (12 U.S.C. 1831f).

(d) *Effect on state laws.* State law requirements that are inconsistent with the disclosure requirements of the act and this regulation are preempted to the extent of the inconsistency. Additional information on inconsistent state laws and the procedures for requesting a preemption determination from the Board are set forth in Appendix C.

§230.2 Definitions.

For purposes of this regulation, the following definitions apply:

(a) "*Account*" means a deposit account held by or offered to a consumer by a depository institution. It includes accounts such as time deposits and demand, savings, and negotiable order of withdrawal accounts.

(b) "*Advertisement*" means a commercial message, appearing in any medium, that promotes directly or indirectly the availability of, or a deposit in, an account.

(c) "*Annual percentage yield*" means the total amount of interest paid on an account, based on the simple interest rate and the frequency of compounding for a 365-day period, expressed as a percentage, calculated according to the rules in Appendix A.

(d) "*Board*" means the Board of Governors of the Federal Reserve System.

(e) "*Bonus*" means a premium, gift, award, or other consideration, whether in the form of cash, credit, merchandise, or any equivalent, given or offered to a consumer in exchange for opening, maintaining, or renewing an account of depositing funds in an existing account.

(f) "*Business day*" means a day on which the offices of a depository institution are open to the public for carrying on substantially all business functions.

(g) "*Consumer*" means a natural person (or unincorporated non-business association of persons) who holds an account primarily for personal, family, household, or other non-business purposes, or to whom such an account is offered.

(h) "*Depository institution* and *institution*" mean an institution defined in section 19(b)(1)(A)(i)-(vi) of the Federal Reserve Act (12 U.S.C. 461), except credit unions defined in section 19(b)(1)(A)(iv). The term includes state and federally chartered banks, state and federally chartered savings associations, and state and federally chartered savings banks and mutual savings banks.

(i) "*Interest*" means any payment to a consumer or to a consumer's account for the use of funds in an account. For purposes of this regulation, the term does not include the payment of a bonus, the waiver or reduction of a fee, or the absorption of expenses.

(j) "*Periodic statement*" means a statement setting forth account information that is provided to a consumer on a regular basis four or more times a year.

(k) "*Simple interest rate*" means the rate of interest paid without regard to compounding, shown as an annual figure and expressed as a percentage. For purposes of the account disclosures in section 230.4(b)(1)(A), the rate may be referred to as the "annual percentage rate" in addition to being referred to as the "simple interest rate."

(l) "*State*" means a state, the District of Columbia, the Commonwealth of Puerto Rico, and any territory or possession of the United States.

(m) "*Stepped rate account*" means an account that has two or more simple interest rates that take effect in succeeding periods and are known when the account is opened.

(n) "*Tiered rate account*" means an account that has two or more simple interest rates that are determined by reference to a specified balance level.

(o) "*Variable rate account*" [Alternative one] means an account in which the simple interest rate may change after the account is opened, as long as that rate is determined by reference to an index.

[Alternative two] means an account in which the simple interest rate may change after the account is opened, except if the institution contracts to give at least 30 days advance written notice of rate changes.

§230.3 General disclosure requirements.

(a) *General.* Depository institutions shall make the disclosures required by section 230.4 through 230.6, as applicable, clearly and conspicuously in writing and in a form that the consumer may keep. Disclosures for each account offered by an institution may be presented separately or they may be combined with disclosures for the institution's other accounts, as long as the applicable information is clear. The disclosures shall reflect the legal obligation between the consumer and the depository institution.

(b) *Multiple consumers.* If an account is held by more than one consumer, disclosures may be made to any one of the consumers.

(c) *Oral responses to inquiries.* In an oral response to a consumer's inquiry about interest rates payable on its accounts, the depository institution shall state the "annual percentage yield," using that term. The "simple interest rate," using that term, also may be stated. No other rate may be stated.

§230.4 Account disclosures.

(a) *Delivery of account disclosures.*

(1) *Account opening.* The depository institution shall provide the account disclosures to the consumer before an account is opened or a service is provided, whichever is earlier. An institution is deemed to have provided a service when a fee required to be disclosed is assessed. If the consumer is not present at the institution when the account is opened or a service is provided and has not already received the disclosures, the institution shall mail or deliver the disclosures no later than ten business days after the account is opened or the service is provided, whichever is earlier.

(2) *Requests.* A depository institution shall provide the account disclosures to any consumer upon request. If the request is made in writing or by telephone, the institution shall mail or deliver the disclosures no later than three business days after it receives the request.

(3) *Renewals of time deposits*—

(A) *Disclosures required.* The renewal of a time deposit is a new account requiring account disclosures.

(B) *Time deposits that renew automatically.* In the case of time deposits with a maturity of more than three months that automatically renew at maturity without a request from the consumer, the institution shall mail or deliver the account disclosures at least 30 days but not more than 60 days before maturity. For time deposits with a maturity of three months or less, the institution shall mail or deliver the account disclosures no later than ten business days after the account is renewed.

(C) *Time deposits that renew by consumer request.* In the case of time deposits that renew only if requested by the consumer, if the consumer is not present at the institution when the request is made, the institution shall mail or deliver the account disclosures no later than ten business days after the account is renewed.

(b) *Content of account disclosures.* Account disclosures shall include the following:

(1) Rate information—(A) *Annual percentage yield and simple interest rate.* The "annual percentage yield" and the "simple interest rate," using those terms, and the period of time the simple interest rate will be in effect. In the case of stepped rate and tiered rate accounts, all annual percentage yields and simple interest rates must be included.

(B) *Variable rates.* In the case of variable rate accounts:

(i) The fact that the simple interest rate and annual percentage yield may change;

(ii) How the simple interest rate is determined;

(iii) The frequency with which the simple interest rate may change; and

(iv) Any limitation on the amount the simple interest rate may change.

(2) *Time requirements.* In the case of time deposits, any time requirement to obtain the annual percentage yield disclosed.

(3) *Compounding and crediting.* The frequency with which interest is compounded and credited.

(4) *Balance information.*

(A) *Minimum balance requirements.* Any minimum balance required to:

(i) Open the account;

(ii) Avoid the imposition of fees; or

(iii) Obtain the annual percentage yield disclosed.

Except for the balance to open the account, the disclosure shall include an explanation of how the balance is determined for these purposes.

(B) *Balance computation method.* An explanation of the method (as permitted by section 230.7) used to determine the balance on which interest is paid.

(5) *Fees.* The amount of any fee that may be imposed in connection with the account (or an explanation of how the fee will be determined) and the conditions under which the fee may be imposed.

(6) *Transaction limitations.* Any limitations on the number or dollar amount of withdrawal or deposits.

(7) *Early withdrawal penalties.* In the case of time deposits, a statement that a penalty will be imposed for early withdrawal and the conditions under which such a penalty may be assessed. The annual percentage yield and simple interest rate that will apply if the time requirement is not met shall also be stated.

(8) *Renewal policies.* In the case of time deposits, a statement of whether or not the account will renew automatically at maturity. If the account will not renew automatically, an explanation of what will happen to the funds after maturity if the consumer does not renew the account shall also be stated.

(9) *Potential loss of principal.* In the case of an account that involves the risk of loss of principal, a statement of that fact.

(c) *Notice of existing account holders.* Depository institutions shall include a notice on or with the first periodic statement provided to existing account holders after March ____ 1993. The notice shall state that the account holder may request account disclosures containing terms, fees, and rate information for the account. Alternatively, institutions, may include the applicable account disclosures (as described in paragraph (b) of this section) instead of the notice with the periodic statement.

§230.5 Advance notice of change in terms and advance notice of maturity.

(a) *Change in terms.* A depository institution shall give advance notice to affected consumers of any change in a term required to be disclosed under section 230.4 if the change may reduce the annual percentage yield or adversely affect the consumer. The notice describing the change shall state the effective date of the change and shall be mailed or delivered at least 30 days before the effective date. The notice is not required for changes in the simple interest rate and corresponding changes in the annual percentage yield for variable rate accounts.

(b) *Notice of maturity for certain time deposits.* For time deposits with a maturity of more than three months that renew only if requested by the consumer, the depository institution shall give advance notice to consumers that the deposit is about to mature. The notice shall state the maturity date and describe what will happen to the funds after maturity if the consumer does not renew the time deposit. The notice shall be mailed or delivered at least 30 days but not more than 60 days before maturity.

§230.6 Periodic statement disclosures.

If a depository institution mails or delivers a periodic statement, the statement shall include the following disclosures:

(a) *Annual percentage yield earned.* The "annual percentage yield," using that term, earned during the statement period, calculated according to the rules in Appendix A, Part II.

(b) *Amount of interest paid.* The dollar amount of interest paid during the statement period.

(c) *Fees imposed.* Fees required to be disclosed under section 230.4(b)(4) imposed during the statement period. The fees shall be itemized by type and disclosed as dollar amounts.

(d) *Number of days in period.* The total number of days in the statement period.

§230.7 Payment of interest.

(a) *Permissible methods.* Depository institutions shall calculate interest on the full amount of principal in an account for each day by use of either the daily balance method or the average daily balance method.[1]

(b) *Compounding and crediting policies.* This section does not prohibit or require institutions to use any particular frequency of compounding or crediting of interest.

(c) *Date interest begins to accrue.* Interest shall begin to accrue not later than the business day specified for interest-bearing accounts in section 606 of the Expedited Funds Availability Act (12 U.S.C. 4005 *et seq.*).

§230.8 Advertising.

(a) *Misleading or inaccurate advertisements.* An advertisement shall not be misleading or inaccurate and shall not misrepresent a depository institution's deposit contract. An advertisement shall not refer to or describe an account as "free" or "no cost" (or contain a similar term) if any maintenance or activity fee may be imposed on the account. In the case of an account that involves the risk of loss of principal, that fact shall be stated.

---

[1] Under the daily balance method, interest is calculated by applying a periodic rate to the full amount of principal in the account each day. Under the average daily balance method, interest is calculated by applying a periodic rate to the average balance in the account for the period. The average balance is determined by adding the full amount of principal in the account for each day of the period and dividing that figure by the number of days in the period.

(b) *Permissible rates.* If an advertisement states a rate of return, it shall state the rate as an "annual percentage yield," using that term. The advertisement shall not state any other rate, except that a "simple interest rate," using that term, may be stated in conjunction with, but not more conspicuously than, the annual percentage yield.

(c) *Advertisement of terms that require additional disclosures.* If the annual percentage yield is stated in an advertisement, the advertisement shall state the following information, to the extent applicable, clearly and conspicuously:

(1) For variable rate accounts, a statement that the rate may change after the account is opened.

(2) The period of time the annual percentage yield is in effect.

(3) The minimum balance required to earn the advertised annual percentage yield. For tiered rate accounts, the minimum balance requirement shall be stated for each tier and shall be stated in close proximity and with equal prominence to the applicable annual percentage yield.

(4) The minimum deposit required to open the account, if it is greater than the minimum balance necessary to earn the advertised annual percentage yield.

(5) The minimum time required to obtain the advertised annual percentage yield, together with any lower annual percentage yield that will apply if the deposit is withdrawn prior to that time.

(6) A statement that fees or other conditions could reduce the earnings on the account.

(7) In the case of time deposits with a stated maturity of less than one year, a statement that the annual percentage yield assumes that the funds will remain on deposit for a full year at the rate provided for in the deposit contract.

(8) In the case of time deposits, a statement that a penalty may be imposed for early withdrawal.

(d) *Bonuses.* If a bonus is stated in an advertisement, the advertisement shall state:

(1) The "annual percentage yield," using that term;

(2) The information in paragraph (c) of this section;

(3) The conditions that must be met in order to qualify for the bonus; and

(4) When the bonus will be paid.

§230.9 Enforcement and record retention.

(a) *Administrative enforcement.* A violation of the act or this regulation is subject to administrative sanctions as provided in section 270 of the act. Compliance is enforced by the agencies listed in that section.

(b) *Civil liability.* Section 271 of the act contains the provisions relating to civil liability for failure to comply with the requirements of the act and this regulation.

(c) *Record retention.* A depository institution shall retain evidence of compliance with this regulation for a minimum of two years after the date disclosures are required to be made. The administrative agencies responsible for enforcing the regulation may require depository institutions under their jurisdiction to retain records for a longer period if necessary to carry out their enforcement responsibilities under section 270 of the act.

APPENDIX A—ANNUAL PERCENTAGE YIELD CALCULATION

The annual percentage yield (APY) is a measurement of the amount of interest an institution pays on an account, expressed as an annualized rate.[1] The annual percentage yield is based on a 365-day year.[2] Part I of this appendix discusses the annual percentage yield calculations for account disclosures and advertisements, while Part II discusses annual percentage yield calculations for periodic statements.

The annual percentage yield shall be calculated and expressed as a rate rounded to the nearest basis point (one-hundredth percentage point) and shown to two decimal places. The annual percentage yield shall be considered accurate if it is not more than five basis points (1/20 of one percentage point) above or below the annual percentage yield determined in accordance with the rules in this appendix.

PART I. ANNUAL PERCENTAGE YIELD FOR ACCOUNT DISCLOSURES AND ADVERTISING PURPOSES

In general, the annual percentage yield for account disclosures under §§230.4 and 230.5 and for advertising under §230.8 is an annualized rate that reflects the relationship between the amount of interest that would be earned for a 365-day year and the amount of principal used to calculate that interest. Special rules apply to accounts with tiered interest rates.

A. General Rules

The annual percentage yield shall be calculated by the formula shown below, which reflects, on an annualized basis, the relationship between the amount of interest earned by the consumer for the term of the account and the amount of principal assumed to have been deposited to earn that amount of interest. Institutions shall calculate the annual percentage yield based on the actual number of days for the term of the account. For accounts without a stated maturity date (such as a typical savings or transaction account), the calculation shall be based on an assumed term of 365 days. In determining the total interest figure to be used in the formula, institutions shall assume that all principal and interest remain on deposit for the entire term, and that no other transactions (deposits *or* withdrawals) occur during the period.

The annual percentage yield is to be calculated by use of the following general formula:

$$APY=100[(1+\text{Interest/Principal})^{(365/\text{Days in term})}-1]$$

"Principal" is the amount of funds assumed to have been deposited at the beginning of the account.

"Interest" is the total dollar amount of interest earned on the Principal for the term of the account.

"Days in term" is the actual number of days in the term of the account.

When the "days in term" is 365 (that is, where the stated maturity is 365 days or where the account does not have a stated maturity), the APY can be calculated by use of the following simple formula:

$$APY=100\ (\text{Interest/Principal})$$

EXAMPLES: (1) If an institution would pay $61.68 in interest for a 365-day year on $1,000 deposited into a NOW account, the APY is 6.17%. Using the general formula above:

$$APY=100[(1+61.68/1{,}000)^{(365/365)}-1]$$

$$APY=6.17\%.$$

Or, using the simple formula above (since the term is deemed to be 365 days):

$$APY=100(61.68/1{,}000)$$

$$APY=6.17\%$$

(2) If an institution pays $30.37 in interest on a $1,000 six-month certificate of deposit (where the six-month period used by the institution contains 182 days), the APY is 6.18%. Using the general formula above:

$$APY=100[(1+30.37/1{,}000)^{(365/182)}-1]$$

$$APY=6.18\%$$

B. Stepped Rate Accounts (Different Rates Apply in Succeeding Periods)

For accounts with two or more fixed simple interest rates to be applied in succeeding periods (where the rates are known at the time the account is opened), an institution shall assume each simple interest rate is in effect for the length of time provided for in deposit contract.

Examples: (1) If an institution offers a $1,000 6-month certificate of deposit on which it pays a 5% simple interest rate, compounded daily, for the first three months (which contain 88 days), and a 5.5% simple interest rate, compounded daily, for the next three months (which contain 91 days), the total interest for six months is $26.10, and the APY is 5.39%. Using the general formula above:

$$APY=100\ [(1+26.10/1{,}000)^{(365/179)}-1]$$

$$APY=5.39\%$$

(2) If an institution offers a $1,000 2-year certificate of deposit on which it pays a 6% simple interest rate, compounded daily, for the first year, and a 6.5% simple interest rate, compounded daily, for the next year, the total interest for two years is $133.13, and the APY is 6.45%. Using the general formula above:

$$APY=100\ [(1+133.13/1{,}000)^{(365/730)}-1]$$

$$APY=6.45\%$$

C. Variable Rate Accounts

For variable rate accounts without an introductory premium or discounted rate, an institution must base the calculation only on the initial simple interest rate in effect when the account is opened (or advertised), and assume that this rate will not change during the year.

Variable rate accounts with an introductory premium or discount rate must be treated like stepped rate accounts. Thus, an institution shall assume that: (1) The introductory simple interest rate is in effect for the length of time provided for in the deposit contract; and (2) the variable simple interest rate that would have been in effect when the account is opened or advertised (but for the introductory rate) is in effect for the remainder of the 365-day year.

For example, if an institution offers an account on which it pays a 7% simple interest rate, compounded daily, for the first three months (which contain 88 days), while the variable simple interest rate that would have been in effect when the account was opened was 5%, the total interest for a 365-day year for a $1,000 deposit is $56.35, and the APY is 5.64%. Using the simple formula:

$$APY=100\ (56.35/1{,}000)$$

$$APY=5.64\%$$

D. Accounts With Tiered Rates (Different Rates Apply Depending on Balance Level)

For accounts in which the simple interest rate paid on the account is determined by specified balance levels, the institution must calculate the annual percentage yield in accordance with the method described below that it uses to calculate interest. In all cases, an annual percentage yield (or a range of annual percentage yields, if appropriate) must be disclosed for each balance tier.

---

[1] The annual percentage yield reflects only interest and does not include the value of any cash bonus, merchandise, or other items that may be provided to the consumer to open, maintain, increase or renew an account. Interest or other earnings are not to be included in the annual percentage yield if such amounts are determined by circumstances that may or may not occur.

[2] Institutions may calculate the annual percentage yield based on a 365-day or a 366-day year in a leap year.

For purposes of the examples discussed below, assume the following:

Simple interest rate (percent)	Deposit balance required to earn rate
5.25	$.01 up to but not exceeding $2,500.
5.50	2,500 up to but not exceeding $15,000.
5.75	15,000 and higher.

Tiering Method A

Under this method, an institution pays on the full balance in the account the stated simple interest rate that corresponds to the applicable deposit tier. For example, if a consumer deposits $8,000, the institution pays the 5.50% simple interest rate on the entire $8,000.

When this method is used to determine interest, only one annual percentage yield will apply to each tier. Within each tier, the annual percentage yield will not vary with the amount of principal assumed to have been deposited.

For the simple interest rates and deposit balances assumed above, the institution will state three annual percentage yields—one corresponding to each balance tier. Calculation of each annual percentage yield is similar for this type of account as for accounts with a single fixed interest rate. Thus, the calculation is based on the total amount of interest that would be received by the consumer for each tier of the account for a 365-day year and the principal assumed to have been deposited to earn that amount of interest.

First tier. Assuming daily compounding, the institution will pay $53.90 in interest on a $1,000 deposit. For the first tier, the APY is 5.39%. Using the general formula:

$APY=100\ [(1+53.90/1{,}000)^{(365/365)}-1]$
$APY=5.39\%$

Using the simple formula:

$APY=100\ (53.90/1{,}000)$
$APY=5.39\%$

Second tier. The institution will pay $452.29 in interest on a $8,000 deposit. Thus, the annual percentage yield for the second tier is 5.65%. Using the simple formula:

$APY=100\ (452.29/8{,}000)$
$APY=5.65\%$

Third Tier. The institution will pay $1,183.61 in interest on a $20,000 deposit. Thus, the annual percentage yield for the third tier is 5.92%. Using the simple formula:

$APY=100\ (1{,}183.61/20{,}000)$
$APY=5.92\%$

Tiering Method B

Under this method, an institution pays the stated simple interest rate only on that portion of the balance within the specified tier. For example, if a consumer deposits $8,000, the institution pays 5.25% on only $2,499.99 and 5.50% on $5,500.01 (the amount that exceeds the cutoff level between the first and second tiers).

The institution that computes interest in this manner must provide a range that shows the lowest and the highest annual percentage yields for each tier (other than for the first tier, which, like the tiers in Method A, has the same annual percentage yield throughout). The low annual percentage yield is calculated based on the total amount of interest earned for a 365-day year assuming the *minimum* principal required to earn the simple interest rate for that tier. The high annual percentage yield is based on the amount of interest the institution would pay on the *highest* principal that could be deposited to earn that same simple interest rate. If the account does not have a limit on the amount that can be deposited, the highest principal for the top tier shall be deemed to be $100,000.

For the amounts assumed above, the institution would state a total of five annual percentage yields—one figure for the first tier and two figures stated as a range for the other two tiers.

First tier. Assuming daily compounding, the institution would pay $53.90 in interest on a $1,000 deposit. For this first tier, the annual percentage yield is 5.39%. Using the simple formula:

$APY=100\ (53.90/1{,}000)$
$APY=5.39\%$

Second tier. For the second tier the institution would pay between $134.75 and $841.45 in interest, based on assumed balances of $2,500 and $14,999.99, respectively. For $2,500, interest would be figured on $2,499.99 at 5.25% simple interest rate plus interest on $.01 at 5.50%. For the low end of the second tier, therefore, the annual percentage yield is 5.39%. Using the simple formula:

$APY=100\ (134.75/2{,}500)$
$APY=5.39\%$

For $14,999.99, interest is figured on $2,499.99 at 5.25% simple interest rate plus interest on $12,500 at 5.50% simple interest rate. For the high end of the second tier, the annual percentage yield is 5.61%. Using the simple formula:

$APY=100\ (841.45/14{,}999.99)$
$APY=5.61\%$

Thus, the annual percentage yield range that would be stated for the second tier is 5.39% to 5.61%.

Third tier. For the third tier, the institution would pay between $841.45 and $5,871.78 in interest, based on assumed balances of $15,000 and $100,000, respectively. For $15,000, interest would be figured on $2,499.99 at 5.25% simple interest rate, plus interest on $12,500 at 5.50% simple interest rate, plus interest on $.01 at 5.75% simple interest rate. For the low end of the third tier, therefore, the annual percentage yield is 5.61%. Using the simple formula:

$APY=100\ (841.45/15{,}000)$
$APY=5.61\%$

For $100,000, the assumed high end of the third tier, interest would be figured on $2,499.99 at 5.25% simple interest rate, plus interest on $12,500 at 5.50% simple interest rate, plus interest on $85,000.01 at 5.75% simple interest rate. For the high end of the third tier, therefore, the annual percentage yield is 5.87%. Using the simple formula:

$APY=100\ (5{,}871.78/100{,}000)$
$APY=5.87\%$

Thus, the annual percentage yield that would be stated for the third tier is 5.61% to 5.87%.

PART II. ANNUAL PERCENTAGE YIELD FOR PERIODIC STATEMENTS

The annual percentage yield for periodic statements under §230.6 is an annualized rate that reflects the relationship between the amount of interest actually paid and credited to the consumer's account during the period and the average daily balance in the account for the period.

The annual percentage yield shall be calculated by using the following formula:

$APY=100\ [(1+\text{Interest earned}/\text{Balance})^{(365/\text{Days in period})}-1]$

"Balance" is the average daily balance in the account during the period covered by the statement.

"Interest earned" is the actual amount of interest accrued and credited to the account for the period covered by the statement.

"Days in period" is the actual number of days for the period covered by the statement.

For example, if an institution pays $5.25 in interest for a period containing 30 days, and the average daily balance for the period is $1,000, the APY is 6.58%. Using the formula above:

$APY=100\ [(1+5.25/1{,}000)^{365/30)}-1]$
$APY=6.58\%$

APPENDIX B—MODEL CLAUSES AND SAMPLE FORMS

B-1—Model Clauses for Account Disclosures (Section 230.4(b))
B-2—Model Clause for Change in Terms (Section 230.5(a))
B-3—Sample Form (Multiple Accounts)
B-4—Sample Form (NOW account)
B-5—Sample Form (Certificate of Deposit)
B-6—Sample Form (Certificate of Deposit Advertisement)
B-7—Sample Form (Money Market Account Advertisement)

B-1—Model Clauses for Account Disclosures

(a) Rate Information

(i) *Fixed rate:* The simple interest rate for your account is ______% with an annual percentage yield of ______%. You will be paid this rate [for ______] [until ______].

(ii) *Variable rate:* The simple interest rate for your account is ______% with an annual percentage yield of ______%. You will be paid this rate [for ______] [until ______].

Your simple interest rate and annual percentage yield may change.

Determination of Rate

The simple interest rate for your account is based on [*index*] [plus] [minus] a margin of ______.

We may change the simple interest rate for your account based on market or other factors.

Frequency of Rate Change

We may change the simple interest rate for your account [every______] [at any time we choose].

Limitations on Rate Changes

The simple interest rate for your account will never change by more than ______% each ______.

The simple interest rate will never be [less] [more] than ______%.

(iii) *Stepped rate accounts:* The simple interst rate for your account is ______%. You will be paid this rate [until ______] [for ______]. After that time, the simple interest rate for your account will be ______%, and you will be paid this rate [until ______] [for ______]. The annual percentage yield for your account is ______%.

(iv) *Tiered rate accounts:* If your [daily balance] [average daily balance] is below $______, the simple interest rate for your account will be ______% with an annual percentage yield of ______%.

If your [daily balance] [average daily balance] is $______ or more, the simple interest rate paid on the entire balance in your account will be ______% with an annual percentage yield of ______%.

The simple interest rate that will be paid for only that portion of your [daily balance] [average daily balance] that exceeds $______ is ______%. The annual percentage yield for the excess balance will range from ______%

to ______%, depending on the balance in the account.

You will be paid these rates [for ______] [until ______].

(b) Time Requirements

To earn the annual percentage yield listed above, your entire deposit must remain on deposit [until ______].

(c) Compounding and Crediting

Interest will be compounded [on a ______ basis] [every ______].

Interest will be credited to your account [on a ______ basis] [every ______].

(d) Minimum Balance Requirements

(i) *To open the account.* You must deposit $______ to open this account.

(ii) *To avoid imposition of fees.* A minimum balance fee [of $______] will be imposed every ______ if your account does not have a [daily balance] [average daily balance] of at least $______ for ______.

(iii) *To obtain the annual percentage yield disclosed.* You must maintain a minimum [daily balance] [average daily balance] of $______ to earn the annual percentage yield listed above. You will earn interest for every day during the period that your account equals or exceeds the minimum balance requirement.

(e) Balance Computation Method

(i) *Daily balance method.* The balance on which interest is computed for your account is determined by the daily balance method, which applies a periodic rate to the full amount of principal in the account each day.

(ii) *Average daily balance method.* The balance on which interest is calculated for your account is determined by the average daily balance method, which applies a periodic rate to the average balance in the account for the period. The average daily balance is calculated by adding the full amount of principal in the account for each day of the period and dividing that figure by the number of days in the period.

(f) Fees

The following fees may be assessed against your account:

______ $______
______ $______
______ $______
______ (if ______) $______
______ %______ of ______

(g) Transaction Limitations

You may only make ______ withdrawals from your account each statement cycle—______ by check and ______ otherwise. The minimum withdrawal is $______.

You may only make ______ deposits into your account each statement cycle.

You may only make ______ ATM [withdrawals from] [deposits into] your account each statement cycle.

You may only make ______ preauthorized transfers [from] [into] your account each statement cycle.

You may not make deposits into or withdrawals from this account until the maturity date.

(h) Early Withdrawal Penalty

We will impose a penalty if you withdraw [any] [all] of the deposited funds before the maturity date. The fee imposed will equal ______ months of interest.

A penalty of $______ will be charged if you withdraw [any] [all] of the deposited funds before the maturity date.

If [any] [all] of the deposit is withdrawn before [the end of] that time, the simple interest rate paid on the remaining funds in your account will be ______% with an annual percentage yield of ______%.

(i) Renewal Policy

(i) *Automatically renewable.* This account will automatically renew at maturity.

(ii) *Renewal upon notice from consumer.* The account will not renew automatically at maturity. If you do not renew the account, your deposit will be placed in a [______ account for which interest will be paid based on the simple interest rate in effect at that time] [noninterest-bearing account].

(j) Potential Loss of Principal

Changes in the [*description of feature*] may result in a loss of principal.

B-2—Model Clauses for Change in Terms

On ______, the cost of [*description and fee*] will increase to $______.

On ______, the annual percentage yield for your account will decrease to ______%.

On ______, the minimum balance required to avoid imposition of a fee will increase to $______.

B-3—Sample Form (Multiple Accounts)

BANK ABC—DISCLOSURE OF INTERST AND CHARGES

This disclosure contains information about your:

—Now Account
—Passbook Savings Account
X Money Market Account
—1 Year Certificate of Deposit (CD)
—2 Year Certificate of Deposit (CD)

Fees

The following fees and penalties may be assessed against your account:

X Fee per month for not maintaining a $500 minimum balance every day	$6.00
—Fee for every check you write on the account	.25
X Fee for each ATM withdrawal	.25
X Fee for each ATM deposit	1.00
X Fee for a stop payment order	12.50
X Fee for checks presented against insufficient funds	15.00
X Fee for each wire transfer (incoming or outgoing)	10.00
X Fee for writing more than 3 checks per month	6.00
X Fee for making more than 6 (total) withdrawals per month	8.00
—Fee for set up to gain access to computerized home banking	6.00
X Fee for check printing (200 checks) (depending on style selected)	12.00 to 18.00
X Fee per month for access to telephone bill payment plan	3.00
X Fee for assistance with reconciling bank statements (hourly rate)	17.00
X Fee for a photocopy of monthly statement or Form 1099	4.00
—Fee for making a transaction without an account passbook	1.75
—Penalty for early withdrawal (1 year CD)	50.00
—Penalty for early withdrawal (2 year CD)	100.00

Rate Information (Current Rates are Listed Below)

—Your simple interest rate and annual percentage yield are fixed.

X Your simple interest rate and annual percentage yield are fixed.

X Your simple interest rate and annual percentage yield may change. The simple interest rate for your account is based on the 6 Month Treasury bill plus a margin of .25%. This rate may change daily. The simple interest rate will never be less than 3%.

Minimum Balance To Avoid a Fee

X A fee will be imposed every month if your account does not have a minimum daily balance of $500 for each day of the month

Compounding and Crediting Policies

X Interest will be compounded on a daily basis

X Interest will be credited to your account on the last day of each month

—Interest will be credited to your account on the last day of each month and at maturity

Transaction Limitations

X You may only make 6 withdrawals from your account each month—3 by check and 3 otherwise. The minimum withdrawal is $100

—You may not make deposits or withdrawals from this account until the maturity date

Early Withdrawal Penalty

—A penalty will be charged if you withdraw any of the deposit before the maturity date

Renewal Policy

—The account will not renew automatically at maturity. If you do not renew the account, your deposit will be placed in a noninterest-bearing account

Time Requirements

—To earn the annual percentage yield listed above, your entire deposit must remain on deposit until [______]

Additional disclosures for your account are included in the attached chart.

ADDITIONAL DISCLOSURES ABOUT YOUR ACCOUNT

	Annual percentage yield (percent)	Simple interest rate (percent)	Period of time the simple interest rate is in effect	Minimum balance to open the account	Minimum daily balance to earn interest[1]	Method to determine balance on which interest is paid[1]
NOW Account	4.08	4.00	Rate may change daily	$100	$100	Daily balance method.
Passbook Savings Account	3.56	3.50	30 days from account opening	$100	$100	Daily balance method.
Money Market Account	4.60	4.50	Rate may change daily	$100	$100	Daily balance method.
1 year Certificate of Deposit	5.34	5.20	Until maturity	$1,000	$1,000	Daily balance method.
2 year Certificate of Deposit	5.97	5.80	Until maturity	$1,000	$1,000	Daily balance method.

[1] The balance on which interest is paid is determined by the daily balance method, which applies a periodic rate to the full amount of principal in the account each day.

B-4—Sample Form (NOW Account)

Bank XYZ—Disclosure of Interest and Charges NOW Account

Fees

The following fees and penalties may be assessed against your account:

Fee per month for not keeping a $500 minimum balance	$6.00
Fee for every check you write on your account	.25
Fee for an ATM card (annual fee)	10.00
Fee for each ATM withdrawal	.25
Fee for each ATM deposit	1.00
Fee for a stop payment order	12.50
Fee for checks presented against insufficient funds (NSF)	15.00
Fee for printing checks (per 200)	12.00 to 18.00
Fee to establish a preauthorized transfer	3.00
Fee for not providing taxpayer ID number	7.00
Fee for bank-by-mail kit	5.00
Fee to hold a periodic statement at branch	15.00

Rate Information

The simple interest rate for your account is 5.00% with an annual percentage yield of 5.13%. You will be paid this rate until 9-1-92.

Your simple interest rate and annual percentage yield may change.

We may change the simple interest rate for your account based on market or other factors at any time.

The simple interest rate will never be less than 3%.

Minimum Balance Requirements

You must deposit $100 to open this account.

A minimum balance fee will be imposed for every month your account does not have an average daily balance of $500.

You must maintain an average daily balance of $100 to earn the annual percentage yield listed above.

Balance Computation Method

The balance on which interest is paid for your account is determined by the average daily balance method, which applies a periodic rate to the average balance in the account for the period. The average daily balance is calculated by adding the full amount of principal in the account for each day of the period and dividing that figure by the number of days in the period.

Compounding and Crediting

Interest for your account will be compounded daily and credited to your account balance on the last day of each month.

B-5—Sample Form (Certificate of Deposit)

XYZ Savings Bank—Disclosure of Interest and Charges; 1 Year Certificate of Deposit

Rate Information

The simple interest rate for your account is 6.00% with an annual percentage yield of 6.18%. You will be paid this rate until the maturity date of the certificate.

Time Requirement

To earn the annual percentage yield listed above, your entire deposit must remain on deposit until June 28, 1993.

Minimum Balance Requirements

You must deposit $1,000 to open this account.

You must maintain a minimum daily balance of $1,000 to earn the annual percentage yield listed above.

Balance Computation Method

The balance on which interest is paid for your account is determined by the daily balance method, which applies a periodic rate to the full amount of principal in the account each day.

Transaction Limitations

You may not make deposits or withdrawals from this account until the maturity date.

Early Withdrawal Penalty

If you withdraw any funds before the maturity date, a penalty of $50 will be charged to your account.

Renewal Policy

This account will be automatically renewed at maturity. Even after it is renewed, you may withdraw the funds within 10 days without being charged a penalty.

Compounding and Crediting

Interest for your account will be compounded daily and credited to your account balance on the last day of each month and at maturity.

B-6—Sample Form (Certificate of Deposit Advertisement)

Bank XYZ—Always Offers You Competitive CD Rates

Account	Annual percentage yield
5 Year Certificate	6.31
4 Year Certificate	6.07
3 Year Certificate	5.72
2 Year Certificate	5.52
1 Year Certificate	4.54
6 Month Certificate[1]	4.34
90 Day Certificate[1]	4.21
The annual percentage yields are effective 3/9/92 through 3/16/92..	Funds must remain on deposit until maturity to earn the advertised yield.

[1] The annual percentage yield assumes funds will remain on deposit for a full year at the advertised rate. A penalty may be imposed for early withdrawal. The minimum daily balance to open the account and to earn interest is $1,000.

For more information call: 202-123-1234, Bank XYZ. Deposits insured to $100,000 by FDIC.

B-7—Sample Form (Money Market Account Advertisement)

The Prime Dollars In The Market Are In Money Market Accounts With Bank XYZ

	Annual percentage yield
Accounts with a balance of $5,000 or less.	5.07%[1]
Accounts with a balance over $5,000	5.57%[1]
The annual percentage yields are available April 15 through April 20.	Fees or other conditions could reduce the earnings on the account.

[1] The rates may change after the account is opened.

For more information call: 202-123-1234, Bank XYZ; founded 1899. Deposits insured to $100,000 by FDIC.

APPENDIX C—EFFECT ON STATE LAWS

(a) Inconsistent Disclosure Requirements

State law requirements that are inconsistent with the disclosure requirements of the act and this regulation are preempted to the extent of the inconsistency. A state law is inconsistent if it requires a depository institution to make disclosures that contradict the requirements of the federal law. A state law is also contradictory if it requires the use of the same term to represent a different amount or a different meaning than the federal law, or if it requires the use of a term different from that required in the federal law to describe the same item.

(b) Preemption Determinations

A depository institution, state, or other interested party may request the Board to determine whether a state law requirement is inconsistent with the federal requirements. A request for a determination shall be in writing and addressed to the Secretary, Board of Governors of the Federal Reserve System, Washington, DC 20551. Notice that the Board intends to make a determination (either on request or on its own motion) that will be published in the FEDERAL REGISTER, with an opportunity for public comment unless the Board finds that notice and opportunity for comment would be impracticable, unnecessary, or contrary to the public interest and publishes its reasons for such decision. Notice of a final determination will be published in the FEDERAL REGISTER and furnished to the party who made the request and to the appropriate state official.

(c) Effect of Preemption Determinations

After the Board determines that a state law is inconsistent, a depository institution may not make disclosures using the inconsistent term.

(d) Reversal of Determination

The Board reserves the right to reverse a determination for any reason bearing on the coverage or effect of state or federal law. Notice of reversal of a determination will be published in the FEDERAL REGISTER and a copy furnished to the appropriate state official.

APPENDIX D—ISSUANCE OF STAFF INTERPRETATIONS

Officials in the Board's Division of Consumer and Community Affairs are authorized to issue official staff interpretations of this regulation. These interpretations provide the protections afforded under section 271(f) of the act. Except in unusual circumstances, interpretations will not be issued separately but will be incorporated in an official commentary to the regulation, which will be amended periodically. No staff interpretations will be issued approving depository institutions' forms, statements, or calculation tools or methods.

By order of the Board of Governors of the Federal Reserve System, April 2, 1992.

JENNIFER J. JOHNSON,
Associate Secretary of the Board.

AN AWARD FOR PATRICIA M. ZELL

• Mr. INOUYE. Mr. President, a few days ago I had the great pleasure of attending the annual awards banquet of the American Indian Resources Institute, an event attended by several hundred Native Americans from across this country. Among the distinguished service awards presented at the event, one may be of special interest to my colleagues on the Select Committee on Indian Affairs and to my other colleagues in this body.

Before calling your attention to that award, I want to join my friends in Indian country in applauding the other honorees: the later Robert Newlin, Inupiat Eskimo of Noorvik, AK, the former chairman of the board of the NANA Regional Corp., and village leader, awarded a Posthumous Distinguished Service Award; Larry E. Echohawk, a Pawnee, a former Idaho legislator, now Idaho's elected attorney general, the 1992 Distinguished Achievement Award; Franklin D. Ducheneaux, Cheyenne River Sioux, the long-time counsel on Indian affairs for the House Interior and Insular Affairs Committee, a 1992 Distinguished Service Award; and Paul J. Bernal of

Taos Pueblo, who fought for more than 20 years for the return of the Blue Lake area to the Taos Pueblo, the 1992 Allan Houser Lifetime Achievement Award.

In manifold ways these persons made very important contributions to protecting the rights and advancing the interests of American Indians and other Native Americans, and the honors bestowed upon them were clearly earned and well deserved.

The honoree who may be of especial interest in this body, however, was Patricia M. Zell, a Navajo who is today staff director and majority counsel to the Select Committee on Indian Affairs, a post to which I appointed her in early 1991. Although the tribute paid Patricia included her service in this position, her presenter, Billy Frank, Jr., the Chairman of the Northwest Indian Fisheries Commission, reached nearly 20 years to describe her vigor and intelligence, and the respect for Indian rights she exhibited when they first met.

Mr. President, Members of this body who are afforded honors may sometime react as I do to such awards, grateful that our efforts are noticed, but troubled that staff contributions to what we are doing are too often overlooked. This may be why I was so moved at hearing the tribute to Patricia's personal attributes and her accomplishments last week as she was awarded a 1992 Distinguished Service Award, and why I thought it important to inform my colleagues.

Mr. President, I request that the brief portrayal of Patricia Zell contained in the program of the 1992 American Indian Achievement Awards dinner be printed following my remarks.

The tribute follows:

PATRICIA M. ZELL, 1992 DISTINGUISHED SERVICE AWARD RECIPIENT

Although she rarely mentions it, Patricia Zell's decision to put aside a Ph.D. in clinical psychology in favor of a career in law not only changed her life, but also has proved to be a boon to the American Indian community which has benefited enormously from her many talents. The trail that led her to her current position of Staff Director and Chief Counsel to the Senate Select Committee on Indian Affairs began when she worked for the American Indian Policy Review Commission from 1975 to 1977, serving as the research director for the Task Force on Tribal Government and later as a member of the staff that prepared the Commission's final report.

In 1977, Patricia accepted a staff position with the U.S. Commission on Civil Rights, where she worked on the Investigation into the Administration of Justice by the State of Washington as it affects Native Americans and was a contributor to the Commission's 1981 publication entitled "Indian Tribes: A Continuing Quest for Survival."

In 1978, Patricia joined the staff of the Senate Select Committee on Indian Affairs as a professional staff member and also began her legal studies at Georgetown University, earning a Juris Doctor in 1981. After graduation from Georgetown, she worked for a year as a staff attorney with the American Indian Lawyer Training Program before returning in 1982 to the Senate Select Committee on Indian Affairs to serve as a staff attorney. In 1985, she began serving as the editor of the Indian Law Reporter.

In 1986, the then new Chairman of the Committee, Senator Daniel Inouye, recognizing the innate abilities and political adroitness of this soft-spoken Navajo woman, appointed Patricia as Chief Counsel to the Committee. In December 1990 Patricia also assumed the duties of Staff Director.

From professional staff member to her now dual position of Staff Director and Chief Counsel, Patricia Zell has helped shape a legislative landscape that is more friendly to the rights and concerns of American Indians than it has ever been before.•

BUDGET SCOREKEEPING REPORT

• Mr. SASSER. Mr. President, I hereby submit to the Senate the budget scorekeeping report prepared by the Congressional Budget Office under section 308(b) of the Congressional Budget Act of 1974, as amended. This report serves as the scorekeeping report for the purposes of section 605(b) and section 311 of the Budget Act.

This report shows that current level spending exceeds the budget resolution by $6.5 billion in budget authority and by $6.1 billion in outlays. Current level is $2.9 billion above the revenue floor in 1992 and $0.7 billion below the revenue floor over the 5 years, 1992–96.

The current estimate of the deficit for purposes of calculating the maximum deficit amount is $354.4 billion, $3.2 billion above the maximum deficit amount for 1992 of $351.2 billion.

The report follows:

U.S. CONGRESS,
CONGRESSIONAL BUDGET OFFICE,
Washington, DC, May 19, 1992.

Hon. JIM SASSER,
Chairman, Committee on the Budget, U.S. Senate, Washington, DC.

DEAR MR. CHAIRMAN: The attached report shows the effects of Congressional action on the budget for fiscal year 1992 and is current through May 15, 1992. The estimates of budget authority, outlays, and revenues are consistent with the technical and economic assumptions of the Concurrent Resolution on the Budget (H. Con. Res. 121). This report is submitted under Section 308(b) and in aid of Section 311 of the Congressional Budget Act, as amended, and meet the requirements for Senate scorekeeping of Section 5 of S. Con. Res. 32, the 1986 First Concurrent Resolution on the Budget.

Since my last report, dated May 12, 1992, there has been no action that affects the current level of budget authority, outlays or revenues.

Sincerely,
ROBERT D. REISCHAUER,
Director.

THE CURRENT LEVEL REPORT FOR THE U.S. SENATE, 102D CONG., 2D SESS. AS OF MAY 15, 1992

[In billions of dollars]

	Budget resolution (H. Con. Res. 121)	Current level [1]	Current level +/− resolution
On-budget:			
Budget authority	1,270.7	1,277.2	+6.5
Outlays	1,201.7	1,207.8	+6.1
Revenues:			
1992	850.5	853.4	+2.9
1992–96	4,836.2	4,835.5	−.7
Maximum deficit amount	351.2	354.4	+3.2
Debt subject to limit	3,982.2	3,795.0	−187.2
Off-budget:			
Social Security outlays:			
1992	246.8	246.8	
1992–96	1,331.5	1,331.5	
Social Security revenues:			
1992	318.8	318.8	
1992–96	1,830.3	1,830.3	

[1] Current level represents the estimated revenue and direct spending effects of all legislation that Congress has enacted or sent to the President for his approval. In addition, full-year funding estimates under current law are included for entitlement and mandatory programs requiring annual appropriations even if the appropriations have not been made. The current level of debt subject to limit reflects the latest U.S. Treasury information on public debt transactions.

Note.—Detail may not add due to rounding.

THE ON-BUDGET CURRENT LEVEL REPORT FOR THE U.S. SENATE, 102D CONG., 2D SESS., SENATE SUPPORTING DETAIL FOR FISCAL YEAR 1992 AS OF CLOSE OF BUSINESS MAY 15, 1992

[In millions of dollars]

	Budget authority	Outlays	Revenues
ENACTED IN PREVIOUS SESSIONS			
Revenues			853,364
Permanents and other spending legislation	807,567	727,184	
Appropriation legislation	686,331	703,643	
Mandatory adjustments [1]	(1,041)	1,105	
Offsetting receipts	(232,542)	(232,542)	
Total previously enacted [2]	1,260,314	1,199,389	853,364
ENACTED THIS SESSION			
Emergency unemployment compensation extension (Public Law 102–244)	2,706	2,706	
American Technology Preeminence Act (Public Law 102–245)			(3)
Technical Correction to the Food Stamp Act (Public Law 102–265)	(3)	(3)	
Further continuing appropriations, 1992 (Public Law 102–266) [4]	14,178	5,724	
Total enacted this session	16,884	8,430	(3)
PENDING SIGNATURE			
Extend certain expiring veterans' programs (S. 2378)	(4)	(4)	
Total current level	1,277,196	1,207,817	853,364
Total budget resolution [5]	1,270,713	1,201,701	850,501
Amount remaining:			
Over budget resolution	6,483	6,116	2,863
Under budget resolution			

[1] Adjustments required to conform with current law estimates for entitlements and other mandatory programs in the concurrent resolution on the budget (H. Con. Res. 121).

[2] Excludes the continuing resolution enacted last session (Public Law 102–145) that expired Mar. 31, 1992.

[3] Less than $500,000.

[4] In accordance with section 251(a)(2)(D)(i) of the Budget Enforcement Act, the amount shown for Public Law 102–266 does not include $107,000,000 in budget authority and $28,000,000 in outlays in emergency funding for SBA disaster loans.

[5] Includes revision under section 9 of the concurrent resolution on the budget (see p. S4055 of "Congressional Record" dated Mar. 20, 1992).

Note.—Detail may not add due to rounding.•

COMMUNITY NURSING CENTERS

• Mr. INOUYE. Mr. President, today I would like to draw attention to a long unrecognized source of health care, community nursing centers. Recently the National League for Nursing conducted a nationwide study, funded by the Metropolitan Life Foundation, documenting the valuable work these centers have been doing to provide care to clients of all backgrounds and incomes, but especially to the homeless, indigent, chronically ill and underserved of this Nation.

These centers have proliferated within the past 5 years suggesting a profound acceptance by the American public for the services provided by them. In 1990, when the data were collected, there were approximately 250 centers nationwide. These centers have proven that an alternative health care source can and should be part of the answer to high-quality care for a reasonable cost. While cost will vary somewhat based on location and time in existence for a particular center, overall cost has been estimated at $78 to $54 per client visit. One center in Atlanta is able to provide an all-inclusive health care visit for an average of $40. This includes needed medications and laboratory tests. How many of our traditional fee-for-service providers can boast the same?

Types of services provided in these centers and documented by the National League for Nursing include physicals and checkups, ambulatory and outpatient care, immunization and infusion therapy, home care to the acute, chronic, and terminally ill and respite care to children. These centers receive only 24 percent of their funding from Medicaid-Medicare and another 19 percent from private insurance. The remaining 57 percent comes from various sources, such as from the institution to which the center is affiliated, or private donations.

Nurse practitioners and other nonphysician professionals are providing this country a valuable service with relatively little support from the Federal Government. It is time that we take a closer look at these alternative resources in all of our health care legislation, as a potential solution to our health care deficit and enact legislation which does not discriminate against nonphysician health care professionals.•

SEVENTY-FIFTH ANNIVERSARY OF UNITED WAY OF BUFFALO

• Mr. MOYNIHAN. Mr. President, I rise to inform my colleagues that this year marks the 75th anniversary of the United Way of Buffalo and Erie County. This fine institution is dedicated to helping the community by aiding the elderly, the unemployed, the disabled, abused and neglected children, recovering substance abusers, and others in need.

The United Way performs an invaluable service to the people of Buffalo and Erie County. Its contributions to the region are deeply felt, and greatly appreciated. I commend its staff and volunteers on their efforts to improve the quality of life for the disadvantaged, and I wish them all much continued success.•

OPPOSING THE CONTINUED FORCIBLE RETURN OF THE VIETNAMESE BOAT PEOPLE FROM HONG KONG

• Mr. D'AMATO. Mr. President, I rise today to oppose the continued forcible return of the Vietnamese boat people from Hong Kong to Vietnam.

With the signing of an agreement on May 12, 1992, Britain and Hong Kong agreed to terms with Vietnam providing for the forced repatriation of Vietnamese nationals who have sought refuge in Hong Kong. Since the end of the Vietnam war, over 1.5 million Vietnamese boat people have fled the oppression of a Communist dictatorship which was imposed upon them. The current agreement between Britain and Vietnam authorizes the forcible return of 54,000 boat people currently being held in detention camps in Hong Kong.

As we witness the expansion of democracy throughout the former Soviet Union and Eastern Europe, we must not forget that oppression continues in Vietnam. On November 9, 1991, the first 59 Vietnamese refugees were returned kicking and screaming to Vietnam in anticipation of brutal treatment upon their return. We must not allow any more refugees to be subjected to the same treatment and deprived of those basic human rights which the United States has so vehemently defended.

In forcibly returning the boat people to Vietnam, the British authorities are subjecting these people to reprisal from an oppressive regime and probable inhuman treatment. They will be subject to political reeducation, widespread discrimination, and forced labor.

In sitting idly by, we simply condone activities which subject others to a life of oppression. The return of the Vietnamese boat people is a deplorable act on the part of British authorities and impedes efforts by the international community to defend personal freedom and liberty. These actions are an affront to democratic principles and must not be tolerated. The Vietnamese boat people must not be thrown back into the fire of Communist Vietnam.•

PRESIDENT LI TENG-HUI'S SECOND ANNIVERSARY IN OFFICE

• Mr. BURNS. Mr. President, 2 years ago, on May 20, 1990, President Li Teng-hui of the Republic of China on Taiwan, was sworn in as the eighth President of that island nation. Much economic and political progress has been made in those 24 months. Economically, Taiwan has continued its growth; in fact, the Asian Development Bank estimated that Republic of China's 1992 economic growth will reach 7.8 percent. Politically, Taiwan has been fostering the growth of a number of political parties and in the continuing process of constitutional reform.

Taiwan's goal, as announced by Premier Hau Peits'un, is to build itself into a high-quality society, one that is economically and politically advanced and one that can serve as a development model for mainland China and as a respected member of the international community.

On the eve of President Li Teng-hui's second anniversary in office, which is May 20, 1992, I truly hope that Taiwan will soon realize its stated goal of becoming a high-quality society, worthy of admiration.

To President Li Teng-hui, Foreign Minister Fredrick Chien, and Ambassador Dong Mou-shih and the people of Taiwan, I send my congratulations.•

Mr. FORD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. FORD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDERS FOR THURSDAY, MAY 21, 1992

Mr. FORD. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in recess until 9 a.m., Thursday, May 21; that following the prayer, the Journal of the proceedings be deemed approved to date and the time for the two leaders be reserved for their use later in the day; that there then be a period for morning business not to extend beyond 10:30 a.m., with Senators permitted to speak therein for up to 5 minutes each, with the following Senators recognized for the time limits specified: Senators WOFFORD and ADAMS for up to 15 minutes each; Senators SANFORD, ROTH, SIMPSON, and GORTON for up to 10 minutes each; and a total of 20 minutes for Senators DASCHLE and LEVIN; further, that at 10:30 a.m., Thursday, the Senate proceed to the consideration of Calendar 467, S. 2743, the Yugoslavia Sanctions Act of 1992; that immediately after the bill is reported by the clerk, without intervening action or debate, the bill be deemed read three times and the Senate proceed to vote on final passage.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. FORD. Mr. President, I now ask unanimous consent that it be in order to request the yeas and nays on final passage.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. FORD. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

RECESS UNTIL 9 A.M. TOMORROW

Mr. FORD. Mr. President, I do not know of any other Senator who wishes to speak.

I ask unanimous consent that the Senate now stand in recess under the previous order.

There being no objection, the Senate, at 10:17 p.m., recessed until Thursday, May 21, 1992, at 9 a.m.

HOUSE OF REPRESENTATIVES—*Wednesday, May 20, 1992*

The House met at 11 a.m.

Rabbi Herbert Morris, Beth-Israel-Judea Congregation, San Francisco, CA, offered the following prayer:

Let us pray: In these morning hours of life renewed, we pause to give thanks to God of all creation and to ask for a blessing.

A blessing for you who are the Representatives of our United States—called upon to be our leaders. Men and women especially chosen in this land of freedom to continue and to create the laws of fairness, justice, and equality among us all. We are so many and so diverse—a nation of all races, beliefs, and opinions. We stand in need of understanding; ourselves, our fellow citizens, our world.

In the words of a modern American educator and teacher, Solomon Sacks:

"Some pray gifts, truly divine
Some ask for power, only Thine.
Would'st Thou me, a blessing impart,
Grant me, O Lord, an understanding
heart." Amen.

THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

Mr. BUNNING. Mr. Speaker, pursuant to clause 1, rule I, I demand a vote on agreeing to the Speaker's approval of the Journal.

The SPEAKER. The question is on the Chair's approval of the Journal.

The question was taken; and the Speaker announced that the ayes appeared to have it.

Mr. BUNNING. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 287, nays 115, answered "present" 1, not voting 31, as follows:

[Roll No. 129]

YEAS—287

Ackerman
Alexander
Anderson
Andrews (ME)
Andrews (NJ)
Andrews (TX)
Annunzio
Applegate
Archer
Aspin
Atkins
Bacchus
Barnard
Bateman
Beilenson
Bennett
Berman
Bevill
Bilbray
Bonior
Borski
Boucher
Brewster
Brooks
Broomfield
Browder
Brown
Bruce
Bryant
Bustamante
Byron
Callahan
Campbell (CO)
Cardin
Carper
Carr
Chapman
Clement
Clinger
Coleman (TX)
Collins (IL)
Collins (MI)
Combest
Condit
Conyers
Cooper
Costello
Cox (IL)
Coyne
Cramer
Darden
de la Garza
DeFazio
DeLauro
Dellums
Derrick
Dicks
Dingell
Dixon
Dooley
Dorgan (ND)
Downey
Dreier
Durbin
Dwyer
Dymally
Early
Eckart
Edwards (TX)
English
Erdreich
Espy
Evans
Ewing
Fascell
Fazio
Feighan
Fish
Flake
Foglietta
Ford (MI)
Ford (TN)
Frank (MA)
Frost
Gaydos
Gejdenson
Gephardt
Geren
Gibbons
Gillmor
Gilman
Glickman
Gonzalez
Gordon
Green
Guarini
Gunderson
Hall (OH)
Hall (TX)
Hamilton
Hansen
Harris
Hatcher
Hayes (IL)
Hayes (LA)
Hefner
Hertel
Hoagland
Hochbrueckner
Horn
Horton
Hoyer
Hubbard
Huckaby
Hughes
Hutto
Jefferson
Johnson (SD)
Johnson (TX)
Johnston
Jones (NC)
Jontz
Kanjorski
Kaptur
Kasich
Kennedy
Kennelly
Kildee
Kleczka
Klug
Kolter
Kopetski
Kostmayer
LaFalce
Lancaster
Lantos
LaRocco
Laughlin
Lehman (CA)
Lehman (FL)
Levin (MI)
Lewis (GA)
Lipinski
Lloyd
Long
Lowey (NY)
Luken
Markey
Martinez
Matsui
Mavroules
Mazzoli
McCloskey
McCurdy
McDermott
McGrath
McHugh
McMillen (MD)
McNulty
Mfume
Miller (CA)
Mineta
Mink
Moakley
Mollohan
Montgomery
Moody
Moorhead
Moran
Morrison
Mrazek
Murtha
Myers
Nagle
Natcher
Neal (MA)
Neal (NC)
Nichols
Nowak
Oberstar
Obey
Olver
Ortiz
Orton
Owens (NY)
Owens (UT)
Oxley
Packard
Pallone
Panetta
Parker
Pastor
Patterson
Payne (VA)
Pease
Pelosi
Penny
Peterson (FL)
Peterson (MN)
Petri
Pickett
Pickle
Porter
Poshard
Price
Rahall
Ravenel
Ray
Reed
Rhodes
Richardson
Rinaldo
Ritter
Roemer
Rose
Rostenkowski
Roth
Rowland
Roybal
Russo
Sabo
Sanders
Sangmeister
Santorum
Sarpalius
Savage
Sawyer
Scheuer
Schiff
Schulze
Schumer
Serrano
Sharp
Shaw
Sisisky
Skaggs
Skeen
Skelton
Slattery
Slaughter
Smith (FL)
Smith (IA)
Smith (NJ)
Snowe
Solarz
Spence
Spratt
Staggers
Stallings
Stark
Stenholm
Stokes
Studds
Swett
Swift
Synar
Tallon
Tanner
Tauzin
Taylor (MS)
Thomas (GA)
Thornton
Torres
Torricelli
Towns
Traficant
Traxler
Unsoeld
Valentine
Vander Jagt
Vento
Visclosky
Volkmer
Washington
Waters
Waxman
Weiss
Wheat
Whitten
Williams
Wilson
Wise
Wolpe
Wyden
Wylie
Yates
Yatron

NAYS—115

Allard
Allen
Armey
Baker
Ballenger
Barrett
Barton
Bereuter
Bilirakis
Bliley
Boehlert
Boehner
Bunning
Burton
Camp
Campbell (CA)
Chandler
Clay
Coble
Coleman (MO)
Cox (CA)
Crane
Cunningham
Dannemeyer
Davis
DeLay
Dickinson
Doolittle
Dornan (CA)
Duncan
Emerson
Fawell
Franks (CT)
Gallegly
Gallo
Gekas
Gingrich
Goodling
Goss
Hancock
Hastert
Hefley
Henry
Herger
Hobson
Holloway
Hopkins
Hunter
Hyde
Inhofe
Ireland
Jacobs
James
Johnson (CT)
Kolbe
Kyl
Lagomarsino
Leach
Lent
Lewis (CA)
Lewis (FL)
Lightfoot
Lowery (CA)
Machtley
Martin
McCandless
McCollum
McCrery
McDade
McEwen
McMillan (NC)
Meyers
Michel
Miller (OH)
Miller (WA)
Molinari
Murphy
Nussle
Paxon
Quillen
Ramstad
Regula
Ridge
Riggs
Roberts
Rogers
Rohrabacher
Ros-Lehtinen
Roukema
Saxton
Schaefer
Schroeder
Sensenbrenner
Shays
Shuster
Sikorski
Smith (OR)
Smith (TX)
Solomon
Stearns
Stump
Sundquist
Taylor (NC)
Thomas (WY)
Upton
Vucanovich
Walker
Walsh
Weber
Weldon
Wolf
Young (AK)
Young (FL)
Zeliff
Zimmer

ANSWERED "PRESENT"—1

Edwards (CA)

NOT VOTING—31

Abercrombie
Anthony
AuCoin
Bentley
Blackwell
Boxer
Coughlin
Donnelly
Edwards (OK)
Engel
Fields
Gilchrest
Gradison
Grandy
Hammerschmidt
Houghton
Jenkins
Jones (GA)
Levine (CA)
Livingston
Manton
Marlenee
Morella
Oakar
Olin
Payne (NJ)
Perkins
Pursell
Rangel
Roe
Thomas (CA)

□ 1131

So the Journal was approved.

The result of the vote was announced as above recorded.

PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore (Mr. McNULTY). Will the gentleman from Ohio [Mr. APPLEGATE] kindly come forward and lead the House in the Pledge of Allegiance?

Mr. APPLEGATE led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

□ This symbol represents the time of day during the House proceedings, e.g., □ 1407 is 2:07 p.m.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

RABBI HERBERT MORRIS WELCOMED

(Mr. LANTOS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. LANTOS. Mr. Speaker, it is an honor and a privilege to welcome Rabbi Herbert Morris as guest chaplain today. A pillar of San Franciso's religious community, his is a voice of unity and understanding. Rabbi Morris has led Congregation Beth Israel-Judea in San Francisco for 20 years. He is a source of inspiration and guidance to thousands in the bay area.

A former Navy chaplain stationed in the Far East, Rabbi Morris was commended by the Navy for outstanding work with naval personnel of all religions. He holds a doctorate from Hebrew Union College and has enjoyed great success as a college educator and a guest lecturer.

The recipient of many honors and awards for his life's work, Rabbi Morris is known by many as the host of the CBS television program "Mosaic." In that capacity, he characteristically emphasized the vital importance of tolerance and unity in our heterogeneous society.

Mr. Speaker, at a time when so many seem so willing to exploit differences among people for short-term gain, Rabbi Morris has dedicated his life to building bridges of understanding between all men and women. It is an honor to have such a profoundly caring and devoted man among us today.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. HUBBARD). The Chair announces that for 1 minute this day, there will be 10 1 minutes on each side of the aisle.

STATUS OF THE CONTINGENT FUND

(Mr. SANTORUM asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SANTORUM. Mr. Speaker, here we go again.

Mr. Speaker, the House of Representatives is treating themselves differently than we treat the rest of the Government and certainly differently than the American public.

We now find out of the Speaker's slush fund, or a contingent fund of the House of Representatives, $46 million left over from 1991 spending that does not get returned to the Treasury, that does not go back to the American public to reduce the deficit, but is kept here on the Hill to use for whatever purposes that the leadership of the House of Representatives sees fit. We think that is wrong. We think that should end, and we think those moneys that are left over should be audited.

The public should know what this money is being spent for. Why do we need this money, and what is it being used for?

Today, after the 1 minute, I am going to introduce a resolution to have these accounts audited so that the public will know what this money is being spent for. Mr. Speaker, this procedure must end, and it must be open and accountable to the American public.

MORE BAD NEWS FOR AMERICAN FAMILIES

(Mr. HOAGLAND asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. HOAGLAND. Mr. Speaker, last weekend, we were greeted with more bad news on the economy: From 1979 to 1991, real dollar earnings for the median worker in this country dropped 7.3 percent. Researchers found less than one-half of this decline was due to the recession; nearly 5 percent of the drop occurred before 1989, the onset of the recession. The study, conducted by the Economic Policy Institute, also found that the only people whose income went up were men with postgraduate education, about a 12th of the male work force. And surprisingly, other college-educated men saw their incomes decline.

This study comes on the heels of others last year that show that average working Americans saw their real dollar incomes reduced 8.7 percent from 1979 to 1989 while the salaries of the wealthy jumped 12.3 percent. The income of the richest one percent of Americans grew by a whopping 113 percent while the income of America's poorest fell 10 percent.

As a result, in many families, both spouses must work just to make ends meet. This, in turn, has opened a family time deficit. A recent study shows that since 1960, children have lost 10 to 12 hours per week with their parents. A different study shows that the average worker in America is spending 6 more hours per week on the job than he or she did in 1973. Finally, since 1970 the number of working mothers with children under age 6 grew by 27 percent.

These are distressing statistics for American families.

Our economy is hamstrung by a $400 billion Federal deficit and our growing national debt now approaching $4 trillion. These are unfathomable numbers. But they are numbers that are robbing working families of a good wage and good life for their children.

NO-YEAR ACCOUNTS

(Mr. DELAY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DELAY. Mr. Speaker, we have a new language in the House, new terms. The new term is "no-year accounts." It is no longer the Speaker's slush fund or something like the Speaker's slush fund; what we are looking at is no-year accounts.

No-year accounts are those accounts of rolling over moneys from 1 year to the next to spend on items and projects within the House of Representatives. There is no direct accounting.

In fact, some people said that we do have audits. Well, let me show you an audit by the GAO of House accounts: 12 pages long.

Let me show you an audit of the Farmers Home Administration, that spends about the same money as the House of Representatives: 104 pages long.

There is no way to track how we are spending money in the U.S. House of Representatives without a good audit. We need to eliminate no-year accounts. We need an independent audit of how we are spending money in the House of Representatives and let the people know what we are spending their money on.

□ 1140

WE NEED AN ENVIRONMENTAL PRESIDENT

(Ms. DELAURO asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. DELAURO. Mr. Speaker, because of the President, the public will soon lose its right to know about increased air pollution. People will lose that right when the administration changes regulations requiring public notice and comment before companies change the amount of pollution they emit.

In 1990, the Congress passed sweeping legislation to clean the Nation's air. The Clean Air Act was signed into law, and we had a self-proclaimed environmental President. In the year and a half since then, he has violated the act 35 times by failing to issue needed regulations.

And now he is expected to issue final regulations that will seriously undermine public confidence in the law and remove important public participation in its enforcement.

But the Clean Air Act is not the only environmental issue he is trying to thwart. He is blocking worldwide cooperation on global warming, as well.

First, he earned worldwide criticism for hesitating to go to the Earth summit. Then, he rejected target dates for decreasing global warming. So even though he says he will go to the conference, there will not be much to talk about once he is there.

Our country needs a President who will not just proclaim his support, but actively work to reclaim the environment. I call on the President to start working with Congress and enforce the law.

INTRODUCTION OF THE AVIATION NOISE LIMITATION ACT OF 1992

(Mr. ZIMMER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ZIMMER. Mr. Speaker, today I will introduce the Aviation Noise Limitation Act. My bill would require the Federal Aviation Administration to measure aircraft noise on the basis of its actual impact on people rather than abstract and irrelevant mathematical formulas.

The bill calls for the FAA to take into account population density and background noise and to treat residential areas differently from industrial areas when planning air routes. It is one thing to live in an urban or an industrial area where aircraft noise is lost in the din of the background noise, but it is quite another to live far from these areas where the only background noise is the wind and the noise of a low-flying aircraft can have a shattering impact.

My bill eliminates the illogical annual averaging of noise on which the FAA currently bases its regulations. Instead the bill mandates that aircraft noise may not be more than 6 decibels above the average background noise during any 1-hour period and that aircraft noise may not exceed 70 decibels in any single instance.

Mr. Speaker, I encourage all my colleagues to support this bill.

BELIEVERS OF TERM LIMITS SHOULD GO HOME

(Mr. WASHINGTON asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WASHINGTON. Mr. Speaker and Members, several days ago in the local paper here which we have on Capitol Hill I read an article about term limits and Members of Congress who were getting involved in term limits. Personally I do not think that term limits is the way to go. I think the people have the intelligence in my district to decide whether I served long enough in Congress.

But that is not the issue. It is an issue upon which people in general in a democracy may differ. But what I find interesting about it is the disingenuousness and the hypocrisy involved in people who served more than 12 years in Congress already who want to pass a constitutional amendment to limit people to 12 years in Congress.

Mr. Speaker, I say to my colleagues, "If they think that serving 12 years in Congress is such a good idea, why don't they voluntarily practice what they preach? Go home if you think that 12 years is enough for a Member of Congress to serve. Go home. How in the world can you sign a petition to discharge an idea to get it out here on the floor of the Congress so you can vote for it when you've already violated it? Go home if you believe in term limitations of 12 years. Go home."

THE BALANCED BUDGET AMENDMENT

(Ms. SNOWE asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. SNOWE. Mr. Speaker, the gentleman from Texas [Mr. STENHOLM], the gentleman from Oregon [Mr. SMITH], the gentleman from Delaware [Mr. CARPER], and I have just filed the discharge petition for House Joint Resolution 290, the balanced budget amendment.

I strongly urge all of the 278 Members of the House who have expressed their support for this important bill by cosponsoring it, to join with us in this effort to bring a balanced budget amendment to the House floor for a vote by signing the petition.

We've waited since fiscal year 1969 for a budget that was balanced or in surplus. In that time, we've tried every statutory structure, process or gimmick possible, and they've been given ample time to work. And obviously, the statutory approach has been a miserable failure.

We have also been told that it is simply a matter of political willpower. Unfortunately, our friend will has not been seen around the Congress for some time now, and meanwhile, the deficits keep getting larger, not smaller.

It is time for the discipline and requirements that only a constitutional balanced budget amendment can deliver. Constitutional amendments work. Anything short of an amendment, the Congress will find a way around.

The absence of any such constitutional balanced budget amendment has yielded $400 billion deficits, and a national debt of $3.4 trillion. This spending binge has placed the United States on a dangerous and uncharted economic course—we have no way of knowing how bad things might get, if we continue without the balanced budget amendment.

At a point in time when the economy might be starting to recover, it is time for the Congress to take the most important step it can for ensuring future prosperity. It is time, in short, to adopt the balanced budget amendment.

Sign the discharge petition to bring House Joint Resolution 290, the balanced budget amendment, to the House floor.

JAPAN MAKES 50 PERCENT OF OUR CARS AND DUMPS MINIVANS ON OUR MARKET

(Mr. TRAFICANT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. TRAFICANT. Mr. Speaker, Mitsubishi makes cars for Chrysler. Toyota makes cars for GM. Mazda makes cars for Ford. And, to boot, Japan makes 50 percent of all cars sold in America.

But that is not enough for Japan, so Japan illegally dumps minivans in our markets, destroying the American van sales.

Is it any wonder that the Japanese trade surplus rose 14 percent last month, all at the expense of Uncle Sam?

Congress does nothing. The President does nothing. The trade reps do nothing. The Commerce Department does nothing.

The bottom line is: The American worker is getting ripped off big time by both Japan and Uncle Sam. There will not be a job left in this country if we continue to wimp out against a bunch of cheaters stealing our country's freedom.

Think about it.

DRASTIC STEPS NEEDED IMMEDIATELY TO RESTORE ACCOUNTABILITY TO CONGRESSIONAL FINANCES

(Mr. DOOLITTLE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DOOLITTLE. Mr. Speaker, the gentleman from Pennsylvania shortly will introduce his privileged motion, which he referred to in his 1 minute, concerning the requested audit of the House accounts. This will be, I understand, a key vote used by Citizens Against Government Waste in making their legislative rankings.

I have before me a report published by the Heritage Foundation entitled "Congress' Billion Dollar Slush Fund," and, if I may quote from this report, "Drastic steps are needed immediately to restore accountability to congressional finances," and then they make a couple of recommendations.

Mr. Speaker, one is to bump no-year funding. There is no possible excuse for rolling over funding indefinitely. Congress should be able to determine its funding needs and work within a reasonable budget. The accumulated no-year accounts will soon create a huge undesignated slush fund accessible to a few congressional leaders and ripe for abuse. No-year accounts should be limited to the few specific accounts which merit them, such as specific projects of the Architect of the Capitol that may extend over an indefinite period of time and, second, commission a truly independent audit of all congressional accounts.

□ 1150

URGING SPEEDY PASSAGE OF 27TH AMENDMENT TO THE CONSTITUTION

(Mr. SWETT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SWETT. Mr. Speaker, as an architect I have studied the creations of civilizations that have been made over the millenia. As a resident of New Hampshire, my perspective of the history of this country spans four centuries. From my perspective, 200 years is a very short amount of time. Therefore, I am grateful for the speedy passage of our Nation's newest amendment to the Constitution.

I believe the 27th amendment is proof not only of the wisdom and foresight of our country's Founders but also the ongoing vitality of our democratic institutions. It sends the right message to the American people. I trust that our vote later today will send the very same message.

Our democracy is in some ways embattled, and a numbing and pervasive cynicism hangs too heavily over the Chamber and this city, but if we have the opportunity to hew to the principles upon which this great Nation was built, I am certain our country will soon enjoy a renaissance of freedom and progress worthy of the brave men and women who launched our great experiment with democracy over two centuries ago.

Mr. Speaker, I have returned my pay raise to the good people of New Hampshire. This amendment gives all Americans authority over any future pay raises.

MEMBERS URGED TO SIGN DISCHARGE PETITION ON BALANCED BUDGET AMENDMENT

(Mr. SMITH of Oregon asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SMITH of Oregon. Mr. Speaker, I rise to urge my colleagues to sign the discharge petition to allow floor consideration of the Stenholm-Smith balanced budget amendment.

With a $4 trillion debt and $400 billion deficit weighing on their future, the American people have concluded that Congress is incapable of exercising the political will to reduce the deficit without a constitutional requirement to do so.

And they are right. Mr. Speaker, this Congress spends a lot of time talking about making tough choices, but cannot seem to get around to making any.

Unless we require that the budget be balanced, we will continue down the destructive path of taxing and spending, wasting the opportunity we have today, and mortgaging what opportunities our children might have in the future.

Mr. Speaker, that is what the Stenholm-Smith balanced budget amendment is about.

I urge my colleagues to immediately sign the discharge petition on the Stenholm-Smith balanced budget amendment.

FILING A DISCHARGE PETITION TO ALLOW FOR THE BALANCED BUDGET CONSTITUTIONAL AMENDMENT

(Mr. STENHOLM asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. STENHOLM. Mr. Speaker, today BOB SMITH, TOM CARPER, OLYMPIA SNOWE, and I have filed a discharge petition which will bring to the House floor a rule allowing for the consideration of House Joint Resolution 290, the balanced budget constitutional amendment. This rule will provide for a fair and open debate on all of the issues surrounding a balanced budget amendment.

Some of our colleagues, particularly some on my side of the aisle, may wonder why we are taking this route. I would direct them to the 119 Democrats and 159 Republicans of this body who have sensed the urgency of finally gaining some control of a Federal debt which is reaching frightening proportions. I would direct them to the American public, which is fed up with having 60 percent of its personal income taxes going to making interest payments, rather than providing valuable services. I would point them to their own children and grandchildren, on whose backs we have laid a burden which we ourselves were never asked to carry.

There are some who would argue that we don't need a constitutional amendment, that we just need political will. I would remind those folks of the success, or lack thereof, that all past statutory efforts have brought us in reducing our deficit.

There are some who would argue that a constitutional amendment won't really accomplish anything. To those folks, I would point out that just the talk of a vote on an amendment has spurred committee hearings, editorials, internal debate, and a raised level of consciousness about the debt that never would have happened otherwise.

To all of the naysayers, I would urge that you stop being part of the problem and become part of the solution, just as 278 of your colleagues have done. The first step to being part of that solution is in signing the discharge petition today.

REPEAL OF LUXURY TAX WOULD MEAN MORE JOBS FOR AMERICANS

(Mr. NICHOLS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. NICHOLS. Mr. Speaker, today I rise to urge you to bring the Armey-Nichols-Tauzin bill to repeal the luxury tax before this body so we can put Americans back to work.

As we all now know, this so-called luxury tax—passed as part of the 1990 budget agreement—turned out to be devastating to working men and women, costing more than 25,000 jobs.

This body is continually passing legislation to extend unemployment benefits, yet does nothing about creating jobs. The unemployed workers of America do not want a handout, they want a paycheck. Let us give them jobs.

Congress created this tax, and only Congress can repeal it. Already, we have 169 cosponsors for the bill repealing this tax, as well as the full support of the President. Yet, there is no action because some political egos are at stake here in the House.

Do something, Mr. Speaker, to get this bill to the floor for a vote so these unemployed Americans can get back to work.

A CRITIQUE OF THE BALANCED BUDGET AMENDMENT

(Mr. CARPER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. CARPER. Mr. Speaker, the gentleman from Texas [Mr. STENHOLM], and the gentleman from Oregon [Mr. SMITH], and the gentlewoman from Maine [Ms. SNOWE] earlier today announced the discharge petition which we hope will set in motion an historic debate and vote, hopefully a positive and an affirmative vote, on the 28th amendment to our Constitution.

I believe a considerable amount of disinformation has been spread about our proposed amendment. I want to take just a moment to explain what it says and what it does not say.

This is not an amendment to mandate a balanced budget every single year. This is not an amendment that is designed to put our country in an economic straightjacket. This amendment does not become effective next year.

Rather, beginning in fiscal year 1997, the Congress and the President would be compelled to agree on the basic building block of our budget, that is, the revenue estimate. Beginning in fiscal year 1997, the President must begin proposing a balanced budget, something we have not seen for a long time. Beginning in 1997, the Congress cannot unbalance that budget absent a three-fifths rollcall vote in the House and the

Senate. Beginning in 1997, the Congress cannot raise the debt ceiling absent a three-fifths rollcall in the House and the Senate. And, absent a rollcall vote in the House and in the Senate, and the approval of a majority of the Members of each, we cannot raise taxes.

I believe the keys to restoring our fiscal sanity are incorporated in this amendment, first, by ensuring that the leadership that has been lacking from our executive branch, from the President, will be provided. Second, by better ensuring that future budgets will be built on the strong foundation of realistic revenue estimate. And third, by making clear that absent a three-fifths majority in the Congress to unbalance the budget and to raise the debt ceiling, our budgets, beginning in fiscal year 1997 must be balanced.

ADOPTION OF ENERGY BILL PROVISIONS GIVES PROMISE OF MORE JOBS

(Mr. SMITH of Texas asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SMITH of Texas. Mr. Speaker, no bill is more important to producing jobs in our Nation than the energy bill. And no provision is more important in this bill than tax relief for the independent producer.

Since the mid-1980's, the oil industry has lost over 300,000 jobs.

But Congress has remained silent.

And while we have lost these American jobs, we have paid more than $55 billion for oil from Iran, Saudi Arabia, and Kuwait. That's over half our trade deficit.

In short, we have sacrificed American jobs for Arabian welfare.

By ignoring the needs of the independent producer, we have lost more than 1.7 million barrels per day in oil, and brought domestic production levels to their lowest point in 40 years.

By adopting the alternative minimum tax [AMT] reforms, we can begin to reverse this trend. We can start returning to work the thousands of individuals who have been forced to leave this industry—roughnecks, geologists, oilfield crews, and truck drivers.

Congress should adopt the Ways and Means Committee's provisions to reduce the AMT burden on the independent producer.

Mr. Speaker, among the many provisions of the national energy strategy, few are more important to domestic energy security than repealing the 1986 tax reform provisions that placed intangible drilling costs and percentage depletion as preference items under the alternative minimum tax [AMT].

On February 19, I introduced legislation, H.R. 4274, to repeal the 1986 AMT reform legislation that crippled the oil industry. Fortunately, we were able to work out a compromise in H.R. 776 so that independents could receive up to $1 billion in tax relief over the next 5 years. This is critical for independent producers.

Unlike other small businesses, independent oil and gas producers are not allowed to deduct ordinary business expenses incurred in the drilling of a well. This results in an effective tax rate under the AMT of about 70 percent for oil and gas producers versus the regular 34 percent for nonpetroleum businesses.

This punitive tax treatment of the oil and gas industry has resulted in the loss of more than 1.7 million barrels per day in oil, and brought domestic production levels to their lowest point in 40 years. Since the mid-1980's, the oil industry has lost over 300,000 jobs.

The AMT contributed to the ruin of almost half our domestic oil production. Studies show that if these AMT penalties were removed, the industry could mobilize 1,200 rigs—compared to the recent record low of 653.

AMT relief has been a top priority of independent producers for several years. This tax relief is expected to total $1 billion over the next 5 years for independent producers.

Another harmful provision to the oil industry is the tax to finance filling the strategic petroleum reserve. Rejected by the House Ways and Means Committee, this provision would impose the equivalent of a $15 billion tax on oil importers, refiners, and eventually, on consumers.

Studies show that the U.S. trade deficit for crude oil will almost triple to $139 billion in only 8 years.

By adopting the House Ways and Means Committee's energy provisions in H.R. 776, we can begin to reverse this trend and begin to put back to work the 300,000 individuals who have been forced to leave this industry—roughnecks, roustabouts, geologists, oilfield crews, and truck drivers.

Yet AMT relief is just one of the battles in the war to revitalize the domestic oil industry.

Another concern to the independent producer is the increasing regulatory compliance costs. Congress must ensure that oilfield wastes are exempted from RCRA and that they still will be regulated by State agencies.

It is ironic that the drilling muds that some Members would like to have regulated by RCRA are in fact so clean that farmers often use them to cultivate their crops.

The House must adopt the Ways and Means Comittee's provisions to reduce the AMT burden on the independent producer. And we must reject mandatory contributions to the strategic petroleum reserve.

WELFARE RULES MILITATE AGAINST COLLEGE-BOUND WOMAN

(Mrs. PATTERSON asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. PATTERSON. Mr. Speaker, on May 16, the Spartanburg Herald-Journal ran a story from the Associated Press wire about a young woman who has felt first-hand the stone wall of Federal bureaucracy.

According to the story, Sandra Rosado, of New Haven, CT, had a dream of going to college. But, with her family on welfare, the funds for continuing her education were scarce. In an effort to help herself, Sandra began secretly saving some of her small earnings in an effort to help pay her way to college and out of the Nation's welfare system.

Her reward for her initiative has been notification that her mother must pay back more than $9,000 in welfare benefits because the family is not allowed to have assets of more than $1,000. Sandra's college savings pushed the family's assets past the welfare system's eligibility limit.

Mr. Speaker, Federal assistance to the poor is a desperately needed program. But stories like this one only weaken our faith in that system.

By the way, Sandra is going to college, part-time on a scholarship. Her family was allowed to remain on welfare only after she depleted her college savings. The shameful moral of the story seems to be that the system only helps those who do not help themselves.

☐ 1200

SUPPORT THE NIH CONFERENCE AGREEMENT

(Mrs. JOHNSON of Connecticut asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. JOHNSON of Connecticut, Mr. Speaker, I am pleased that President Bush has recognized the promise that fetal tissue research holds for millions of Americans by proposing a federally funded tissue bank. I am also pleased to see Dr. Mason quoted in today's New York Times as agreeing that such research does not demand a large supply of tissue. So let us lay aside the false issues of the research providing an incentive for abortions and unite to assure the future of this very important research effort.

Unfortunately, the administration's tissue bank proposal has serious problems. First, every woman in America knows that miscarriages are caused by a defect in the fetus. Pregnancies that result in miscarriage do so because the fetus either is inadequate genetically, is infected, or has been oxygen starved.

Second, miscarriages happen unexpectedly. When a pregnancy is miscarried, the fetus is expelled in a way that exposes it to bacteria as it passes through the woman's body. Tissue from ectopic pregnancies is often not of the correct gestational age, and is often damaged as well. We cannot run the risk of implanting damaged cells into people's brains.

Third, the figures quoted by the administration in support of the bank ignore the reality of approaching a woman who has just miscarried about donating the tissue. At Yale University, only about 40 percent of the women they approach were willing to give the consent necessary for the donation of tissue.

A federally sponsored bank will not overcome these basic, practical realities with research involving tissue from miscarriages and ectopic pregnancies. Such a bank has existed at Yale University for 4 years. Despite their efforts and their strong incentives to succeed, Yale has been unable to collect a single tissue from miscarriages or ectopic pregnancies. By funneling the estimated $3 to $4 million into a Federal bank that is neither necessary nor useful, we will continue to stifle this promising area of research and needlessly delay the discovery of a cure for Parkinson's disease, childhood diabetes, and the 156 genetic problems that cause needless abortions. Please support the NIH conference agreement.

AWARD OF EXCELLENCE FOR GOVERNMENT AGENCIES AND NONPROFIT ORGANIZATIONS

(Ms. KAPTUR asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. KAPTUR. Mr. Speaker, our national Malcolm Baldrige Quality Award has proven to be an exceptional measure of excellence and competitiveness in America. Today I will introduce legislation to expand the Malcolm Baldrige Quality Award to create a parallel award of excellence for Government agencies and not-for-profit organizations.

The Malcolm Baldrige Award has compelled an entire generation of U.S. companies to improve and tighten their quality management and operational practices and to meet the high standards that the award demands in an effort to qualify for the prestigious title of becoming a Malcolm Baldrige Award-winning company.

We should expand the reach of such a positive force. It is time we applied this proven success story to raise standards and morale by recognizing excellence within Federal, State, and local government, as well as not-for-profit organizations such as hospitals, libraries, and educational organizations.

Increasing quality and pride in the workplace and delivering better service to the American people is everyone's job. If America could increase productivity in the not-for-profit and Government sectors by 10 percent, imagine what a contribution to making a stronger America that would be.

AMERICA'S ENERGY POLICY

(Mr. ZELIFF asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ZELIFF. Mr. Speaker, nobody knows better than the ratepayers of New Hampshire about the huge electric rate increases caused by a flawed nuclear licensing procedure.

A $1 billion capital project became a $5 billion fiasco at Seabrook, primarily because of the drawn out licensing process. Safety was not improved, and the utility went bankrupt. The ratepayers of New Hampshire and New England continue to get socked in the pocketbook every month when they pay their electric bills, because of the advocacy obstructionism in the nuclear licensing process.

Yes; I will vote for an improved, rational nuclear licensing process, where the appeals are made before, not after, the plan is constructed. I will do this so that other States will not get stuck with huge electric bills to pay interest costs on completed nuclear plants while obstructionists bring frivolous lawsuits aimed at stopping nuclear construction.

I am supporting a plan that does not weaken nuclear plant safety and allows us full, timely, and cost-effective public involvement.

A safe, thorough, effective licensing process must be a part of America's energy policy.

REPAYMENT OF INDIVIDUAL RETIREMENT ACCOUNT WITHDRAWALS

(Mr. NEAL of Massachusetts asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. NEAL of Massachusetts. Mr. Speaker, during the past few months, Congress and the administration have failed to reach an agreement on a middle-class tax package and an economic growth package. We all have acknowledged that these have been difficult financial times. The middle class has been hit hard by this recession.

Many individuals have had to make early withdrawals from their individual retirement accounts in order to meet ordinary expenses. These individuals were penalized an additional 10 percent tax penalty for making an early withdrawal from their individual retirement account. In addition, these individuals have lost part of their savings and they are limited in the amount they are able to recontribute to their IRA.

I am introducing legislation that would allow an individual who received a distribution from an individual retirement account and paid the additional tax to make recontributions to their IRA. The legislation requires that the distribution be made during a 4-year period beginning on the date 2 years before the date of enactment. The individual would be able to make recontributions for a period of 5 years. However, the recontribution cannot exceed the distribution.

The purpose of this legislation is to put individuals in the same position they were before they made their early withdrawals. Individuals that used their savings during these trying economic times should have the opportunity to restore their savings. We need to encourage individuals to save.

Let us support legislation that will assist those who were affected by the recession.

WE NEED AN OCS TITLE IN ENERGY BILL

(Mr. GOSS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GOSS. Mr. Speaker, a debate on a comprehensive energy strategy for this country would be incomplete without dealing with our offshore gas and oil reserves and the continued pressure to open up some of our most sensitive coastal waters to offshore drilling. That is why I was pleased that the Merchant Marine and Fisheries Committee presented an OCS title to the energy bill before us today.

By providing for extensive leasing and drilling moratoria, the OCS title offers us time—time to explore the numerous energy options available to us today.

Until we truly make an effort to balance these options against the Nation's energy demands and conservation concerns, it makes no sense to take unnecessary drilling risks in some of our Nation's most sensitive waters.

The State of Florida and others have much to gain from an OCS title—long-term protection of our sparkling waters and white beaches, which further translates into long-term protection of our State's economy. But these benefits are not just peculiar to Florida. They are of value to the whole Nation. By buying time to explore more options, the OCS title offers the United States an opportunity to find a win-win solution.

COSTS OF BALANCED BUDGET AMENDMENT MUST BE CONSIDERED

(Mr. APPLEGATE asked and was given permission to address the House for 1 minute.)

Mr. APPLEGATE. Mr. Speaker, I hear that the discharge petition for the balanced budget amendment is up here. I know that the vast majority of people in this country say we should balance the budget because it makes good fiscal commonsense, and I am not sure what I am going to do at the time. But I want you to know that you are not going to get off cheap, because your taxes are going to be increased or your spending is going to be cut for favorite programs.

Yes, I heard that 15 percent of the budget goes to pay the interest on the national debt, and that is true. But I will tell you, it is going to continue, because you are still going to be paying

15 percent, and you are going to have to pay more money in order to balance the budget.

Now, we are in a time period when our cities are being destroyed and our infrastructure is breaking down, the bridges, roads, sewers, and water projects. There are less people getting educated. People are paying more for health and they are getting less. More people are going hungry.

So are these the people, are these the communities, that are going to get hit if we balance the budget?

Who is pushing it? The rich are pushing it, because they know they are going to benefit ultimately. But they do not have to worry about Medicaid and Medicare, Social Security, black lung, and veterans compensation. They do not have to worry about all these things.

Mr. Speaker, all I am saying is we should take a very, very hard and commonsense approach to this balanced budget amendment, because it is going to be a very, very difficult one, and it is going to be very tough for any of the Members to vote against.

☐ 1210

WELLSTON'S PRIDE SEEN IN DEPOT PROJECT

(Mr. MILLER of Ohio asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MILLER of Ohio. Mr. Speaker, this Sunday I will have the distinct pleasure to join the citizens of Wellston, OH, for a service to dedicate the community's renovated C&O railroad station. After years of hard work and communitywide cooperation, this historic building—which is more than 100 years old—will soon be fully restored for use by the good people of Wellston and Jackson County as a community center.

In addition to being very impressed by the project itself, I am equally impressed by the spirit of those who made it possible—virtually everyone in Wellston. Under the impressive leadership of local civic organizations—especially the Wellston Rotary Club and its project chairman, Carl Dahlberg—and with the coordination of Mayor John Carey, this impressive project has moved from the drawing board to become a reality. The formal ceremony Sunday will be the icing on the cake.

The town—with a population of 6,500, and located in the heart of Appalachia, OH—raised more money in private donations—$100,000—than was invested by the Federal Government. Wellston is understandably proud of what it has achieved, and I am honored to be a part of a ceremony celebrating the very best in can-do accomplishments.

HERE ARE THE FACTS ABOUT THE HOUSE ACCOUNT

(Mr. FAZIO asked permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. FAZIO. Mr. Speaker, the comments of the gentleman from Texas [Mr. DELAY] and the gentleman from Pennsylvania [Mr. SANTORUM] about slush funds are highly inaccurate.

In fact, I have heard more accurate stories from the National Enquirer. This latest Republican political orchestration is not only irresponsible, it is inaccurate across-the-board.

Here are the facts:

House accounts are audited frequently by the GAO, and those audits are public. No funds are ever reprogrammed without the express consent of the minority. The House balance of unexpended funds is a prudent operating procedure and is minute compared to many executive agencies, including the White House, which has 26 percent of its 1991 funds available while the House will have only 3.8 percent of its appropriations from that year.

I look forward to airing the facts on this latest effort to embarrass this House and tie it in knots for partisan political gain. This effort will not succeed, but it continues to be counter to the truth.

WHAT HAPPENS TO MONEY SAVED FOR AMERICAN TAXPAYERS FROM MEMBERS' OFFICES?

(Mr. BOEHNER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BOEHNER. Mr. Speaker, last year I and many Members of this House did not use all the funds that were allocated for running our offices. In my case, I turned $170,000 back to what I thought was going to the Treasury to help offset the budget deficit. But, no, that money does not go back to the Treasury. It stays right here in the House.

Now what happens to that money that stays here is anybody's guess. It is reprogrammed; it is a contingent fund. I do not know.

As a Member of this institution, I believe that I have a right to know what happens to the money that I am trying to save for the taxpayers along with many other Members who do not expend all of their funds.

I think that we ought to change the rules. The money ought to go back to the Treasury, and the fact is we do not need to have a contingent fund or whatever else it is called. And if we are going to have it, there ought to be a full and accurate accounting of those funds that are there.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. HUBBARD). The Chair would advise those in the gallery to please refrain from applause at any time.

REMOVAL OF MFN STATUS FOR MILOSEVIC

(Mr. WOLF asked and was given permission to address the House for 1 minute and to revise and to extend his remarks.)

Mr. WOLF. Mr. Speaker, thousands of innocent women and children are being slaughtered and killed in Serbia today. I am going to introduce a resolution to withdraw the most-favored-nation status from Milosevic in Serbia, similar to what the House did several years ago when Ceausescu was doing the barbaric things in Romania. We withdrew MFN.

Today I hope that more Members, all Members of the Congress would join in this resolution whereby we could take MFN away from Milosevic, who is a Communist and who is killing innocent Croats, innocent Serbs and also innocent Moslems in Serbia. So when given an opportunity today, I hope Members will read the Dear Colleague letter and join us when we can overwhelmingly vote to withdraw and take away MFN from Serbia.

PRIVILEGES OF THE HOUSE—RESOLUTION PROVIDING FOR INTEGRITY IN THE FINANCIAL MANAGEMENT OF THE HOUSE

Mr. SANTORUM. Mr. Speaker, I offer privileged resolution.

The SPEAKER pro tempore (Mr. MCNULTY). The Clerk will report the rsolution.

The Clerk read the resolution, as follows:

H. RES. 460

Whereas the reputation of the House has been besmirched by the manner in which financial records of the House have been maintained; and

Whereas required audits of House accounts have not been performed; and

Whereas the procedure used for expenditures under the House contingent fund were regarded by Congress as a "scandal" when used by the United States Air Force in its "M Account"; and

Whereas the $16 million budget of the Capitol Preservation Commission has not been subjected to a required audit by the General Accounting Office according to a study by the Heritage Foundation; and

Whereas the reprogramming of monies under said accounts has not been made public or widely shared with the membership of the House: Now, therefore, be it

Resolved, That the Speaker is directed to have performed complete financial and performance audits of the Capital Preservation Commission account and the House Contingent account; And be it further

Resolved, That the Speaker shall have said audits done by an independent third party; And be it further

Resolved, That said audits shall be completed within 90 days and the results of said audits shall be provided to the full membership of the House.

The SPEAKER pro tempore. The Chair has examined the gentleman's resolution. Before the Chair rules on whether the resolution constitutes a question of privilege, the Chair recognizes the gentleman from Pennsylvania [Mr. SANTORUM] on the question of whether his resolution constitutes a question of privilege.

Mr. SANTORUM. Mr. Speaker, we have heard some of the comments of the 1-minute speeches. There have been reports in the newspapers and allegations made as to improprieties or potential improprieties conducted within the contingent funds of the House, that there was, in fact, no audit conducted of the Capitol preservation account that was required as reported by the Heritage Foundation, that these are allegations that do bring into question some of the doings here in the House of Representatives. And as a result, I think it rises to a question of privilege and would request that this resolution be made in order.

The SPEAKER pro tempore. The Chair recognizes the gentleman from Pennsylvania [Mr. WALKER].

Mr. WALKER. Mr. Speaker, the test for a question of privilege is whether or not there are allegations of wrongdoing contained within the resolution and whether or not those questions of wrongdoing do, in fact, reflect upon the integrity of the House of Representatives. In this case, there are two allegations of alleged wrongdoing. In the case of the Capitol Preservation Commission, the law does require an audit by the General Accounting Office. According to a recent study by the Heritage Foundation, said audit has not been done.

So, therefore, that does constitute a question of improper conduct. And so, therefore, it should be permitted.

Beyond that, the method in which the House contingent account has been run, namely, multiyear authorizations and expenditures, was, in fact, regarded by Congress as an unacceptable means of expenditure, when it involved the U.S. Air Force and its so-called M account.

Furthermore, these procedures have recently been characterized by the Wall Street Journal, a national publication, as "Congress having arranged special treatment for itself and shielded its operations from public scrutiny."

We do have now an allegation by a major national news source that what we are doing here constitutes wrongdoing in the public realm. So in that case, allegations of wrongdoing in the public domain also raise a question of privileges before the House.

□ 1220

So for those reasons, I would say that the gentleman's resolution is in order and should be debated by the House.

The SPEAKER pro tempore. Does the gentleman from California [Mr. FAZIO] desire to be heard on the question of whether the resolution constitutes a privilege of the House?

Mr. FAZIO. Mr. Speaker, I would like to be heard on this so-called privileged resolution.

My remarks are in two categories. Specifically, as I look at the resolution there is a reference to the failure to audit the Capitol Preservation Commission. That is the only real allegation of any specificity in the resolution. And I might try to place on the record some facts that obviously eluded the Heritage Foundation, which is the source of the information which was just presented by the two gentleman from Pennsylvania.

The Preservation Commission audit has begun and is ongoing. Of course, the General Accounting Office is required, and I agree with the gentleman from Pennsylvania [Mr. WALKER], to do so under the law in which the Preservation Commission was created. Section 804 of Public Law 100-696 asked that an audit be done on an annual basis.

But the Commission, which was authorized in 1988, did not hold its first meeting until 1991, and no financial activities were undertaken until later. And so it was impossible effectively for any financial audit to be performed until activities took place and expenditures were made in February 1991.

We believe that the ongoing Commission audit is the first opportunity to look at any activity of any consequence which took place under the purview of the Commission, and in my view, when the GAO is able to allocate sufficient resources, given the other responsibilities they have been given by this institution in other areas, they will complete this audit and it will be available to us, just as the law requires.

The other comments made by the gentleman from Pennsylvania [Mr. WALKER] relate to articles in the Wall Street Journal, Heritage Foundation reports, and I suppose we could say articles that appeared in the Washington Times, all of which are repeating rumors and innuendoes which are circulated by all of these entities on a regular basis. There is no factual content to the resolution otherwise.

There, obviously, is an effort here to inflame public concern about the way the House operates. The House record of doing audits is a good one, and I suppose that is why no other entity or activity other than the Preservation Commission was cited with any specificity in the resolution.

So it is clearly an inappropriate occasion for these issues to be brought before the House. There will be ample opportunity to discuss these matters on other legislation that will come before us during the remainder of this year.

There is no question that this issue has been before us before and been discussed in the context of the legislative branch appropriation bill, and in reference to the Iran-Contra investigation when the whole subject of contingent fund expenditures of the House of Representatives was discussed in great depth with the minority whip, Mr. GINGRICH.

Mr. Speaker, at a subsequent point in the RECORD I will include a series of audits which have been conducted of the legislative branch activities going back to the 1st of October of 1987, and we will provide this to make sure that all of the audits which have been performed are available in the RECORD so those who seem to be unable to find them will know where to go to obtain them so that in the future their comments can be made more accurately.

The SPEAKER pro tempore (Mr. MCNULTY). The Chair is prepared to rule. A question of the privileges of the House may not be invoked to effect a change in the rules of the House or their interpretation. Similarly a question of the privileges of the House may not invoke to effect a change in the operation of law.

The instant resolution does not allege a deviation from or violation of the duly constituted procedures of the House affecting the range of account activity addressed in the resolution after its resolving clause. Rather, with respect to almost the whole of that range, the resolution takes issue with the very adequacy of the procedures under existing law and rule. It does not confine itself to the redress of an abuse of existing rules. Rather it proposes to change and add to such rules, including the new auditing requirements of rule LIII, as adopted in House Resolution 423 on April 9, 1992 by requiring a comprehensive financial and performance audit of all contingency accounts within 90 days.

An assertion that the reputation of the House is besmirched because it does not follow a particular course of action suggested as an improvement in its operation does not present a question affecting the rights of the House collectively, its safety, dignity, or the integrity of its proceedings under the precedents. That such an assertion may have been echoed in a major financial publication does not change the matter. On this point the opinion of Speaker Colfax on April 21, 1868—which is recorded in Hinds' Precedents, volume 3, section 2639—on the subject of general charges concerning the proceedings of the House—in that instance in a newspaper—is aptly quoted:

> If this proposition could be entertained as a question of privilege, the House of Representatives would or could have resolutions

upon questions of privilege before them every day, because probably not a day elapses without some newspaper in the country making a general charge against the Congress or some of its Members. These charges must be specific charges. A general charge that some conduct has been scandalous and unjust, the Chair will rule is not a question of privilege * * *.

The preamble of instant resolution does not present a predicate for a question of the privileges of the House. As Speaker pro tempore Cox noted in the precedent of September 20, 1888, which is recorded in Hinds' Precedents, volume 3, section 2601, there is no allegation of impropriety. Similarly, the matter after its resolving clause merely proposes what amounts to a new rule for audits of all House accounts without alleging improper conduct with respect to all those accounts.

Therefore, the Chair rules that the resolution does not constitute a question of the privileges of the House.

Mr. SANTORUM. Mr. Speaker, I respectfully appeal the ruling of the Chair.

Mr. GEPHARDT. Mr. Speaker, I move to lay the appeal on the table.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Missouri [Mr. GEPHARDT] to lay on the table the appeal of the ruling of the Chair.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. SANTORUM. Mr. Speaker, I object to the vote on the ground that a quorum is not present to make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 262, nays 149, not voting 23, as follows:

[Roll No. 130]

YEAS—262

Abercrombie
Ackerman
Alexander
Anderson
Andrews (ME)
Andrews (NJ)
Andrews (TX)
Annunzio
Applegate
Aspin
Atkins
Bacchus
Barnard
Beilenson
Bennett
Berman
Bevill
Bilbray
Bonior
Borski
Brewster
Brooks
Browder
Brown
Bruce
Bryant
Bustamante
Byron
Campbell (CO)
Cardin
Carper
Carr
Chapman
Clay
Clement
Coleman (TX)
Collins (IL)
Collins (MI)
Combest
Condit
Conyers
Costello
Cox (IL)
Coyne
Cramer
Darden
Davis
de la Garza
DeFazio
DeLauro
Dellums
Derrick
Dickinson
Dicks
Dingell
Dixon
Donnelly
Dooley
Dorgan (ND)
Downey
Durbin
Dwyer
Dymally
Early
Eckart
Edwards (CA)
Edwards (TX)
English
Erdreich
Espy
Evans
Fascell
Fazio
Feighan
Flake
Foglietta
Ford (MI)
Ford (TN)
Frank (MA)
Frost
Gaydos
Gejdenson
Gephardt
Geren
Gibbons
Glickman
Gonzalez
Gordon
Guarini
Hall (OH)
Hall (TX)
Hamilton
Hammerschmidt
Harris
Hatcher
Hayes (IL)
Hayes (LA)
Hefner
Hertel
Hoagland
Hochbrueckner
Horn
Hubbard
Huckaby
Hughes
Hutto
Jacobs
Jefferson
Jenkins
Johnson (SD)
Johnston
Jones (NC)
Jontz
Kanjorski
Kaptur
Kennedy
Kennelly
Kildee
Kleczka
Kolter
Kopetski
Kostmayer
LaFalce
Lancaster
Lantos
LaRocco
Laughlin
Lehman (CA)
Lehman (FL)
Levin (MI)
Lewis (GA)
Lipinski
Lloyd
Long
Lowey (NY)
Luken
Manton
Markey
Martinez
Matsui
Mavroules
Mazzoli
McCloskey
McCurdy
McDermott
McGrath
McHugh
McMillen (MD)
McNulty
Mfume
Michel
Miller (WA)
Mineta
Mink
Moakley
Mollohan
Montgomery
Moody
Moran
Mrazek
Murphy
Murtha
Natcher
Neal (MA)
Neal (NC)
Nowak
Oberstar
Obey
Olin
Olver
Ortiz
Orton
Owens (NY)
Owens (UT)
Pallone
Panetta
Parker
Pastor
Patterson
Payne (NJ)
Payne (VA)
Pease
Pelosi
Penny
Perkins
Peterson (FL)
Peterson (MN)
Pickett
Pickle
Poshard
Price
Rahall
Rangel
Ray
Reed
Rhodes
Richardson
Roemer
Rose
Rostenkowski
Rowland
Roybal
Russo
Sabo
Sanders
Sangmeister
Sarpalius
Savage
Sawyer
Saxton
Scheuer
Schroeder
Schumer
Serrano
Sharp
Sikorski
Sisisky
Skaggs
Skelton
Slattery
Slaughter
Smith (FL)
Smith (IA)
Solarz
Spratt
Staggers
Stallings
Stark
Stenholm
Stokes
Studds
Swett
Swift
Synar
Tallon
Tanner
Tauzin
Taylor (MS)
Thomas (GA)
Thornton
Torres
Towns
Traficant
Traxler
Unsoeld
Valentine
Vento
Visclosky
Volkmer
Waters
Waxman
Weiss
Wheat
Whitten
Williams
Wilson
Wise
Wolpe
Wyden
Yates
Yatron
Young (AK)

NAYS—149

Allard
Allen
Archer
Armey
Baker
Ballenger
Barrett
Barton
Bateman
Bentley
Bereuter
Bilirakis
Bliley
Boehlert
Boehner
Broomfield
Bunning
Burton
Callahan
Camp
Campbell (CA)
Chandler
Clinger
Coble
Coleman (MO)
Coughlin
Cox (CA)
Crane
Cunningham
Dannemeyer
Doolittle
Dornan (CA)
Dreier
Duncan
Emerson
Ewing
Fawell
Fields
Fish
Franks (CT)
Gallegly
Gallo
Gekas
Gilchrest
Gillmor
Gilman
Gingrich
Goodling
Goss
Gradison
Green
Gunderson
Hancock
Hansen
Hastert
Hefley
Henry
Herger
Hobson
Holloway
Hopkins
Horton
Hunter
Hyde
Inhofe
Ireland
James
Johnson (CT)
Johnson (TX)
Kasich
Klug
Kolbe
Kyl
Lagomarsino
Leach
Lent
Lewis (CA)
Lewis (FL)
Lightfoot
Lowery (CA)
Machtley
Marlenee
Martin
McCandless
McCollum
McCrery
McDade
McEwen
McMillan (NC)
Meyers
Miller (OH)
Molinari
Moorhead
Morrison
Myers
Nichols
Nussle
Oxley
Packard
Paxon
Petri
Pursell
Quillen
Ramstad
Ravenel
Regula
Ridge
Riggs
Rinaldo
Ritter
Roberts
Rogers
Rohrabacher
Ros-Lehtinen
Roth
Roukema
Santorum
Schaefer
Schiff
Schulze
Sensenbrenner
Shaw
Shays
Shuster
Skeen
Smith (NJ)
Smith (OR)
Smith (TX)
Snowe
Solomon
Spence
Stearns
Stump
Sundquist
Taylor (NC)
Thomas (CA)
Thomas (WY)
Upton
Vander Jagt
Vucanovich
Walker
Walsh
Weber
Weldon
Wolf
Wylie
Young (FL)
Zeliff
Zimmer

NOT VOTING—23

Anthony
AuCoin
Blackwell
Boucher
Boxer
Cooper
DeLay
Edwards (OK)
Engel
Grandy
Houghton
Hoyer
Jones (GA)
Levine (CA)
Livingston
Miller (CA)
Morella
Nagle
Oakar
Porter
Roe
Torricelli
Washington

☐ 1250

The Clerk announced the following pair:

On this vote:

Mr. Anthony for, with Mr. Grandy against.

Messrs. LEWIS of Florida, JOHNSON of Texas, MCCANDLESS, and LENT changed their vote from "yea" to "nay."

Mr. RHODES changed his vote from "nay" to "yea."

So the motion to table was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

LEGISLATIVE BRANCH AUDITS

Mr. FAZIO. Mr. Speaker, I ask unanimous consent to include at this point in the RECORD the audits to which I made reference earlier in addressing the Chair on the question of whether House Resolution 460 constitutes a question of privilege.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. FAZIO. Mr. Speaker, the documents referred to are as follows:

LEGISLATIVE REVIEWS PRODUCTS

FISCAL YEAR 1988

Reports

AFMD–88–1, 12/16/87—Financial Audit: Senate Recording and Photographic Studios Revolving Fund for 1987 and 1986.

AFMD–88–6, 1/8/88—Financial Audit: House Office of the Sergeant at Arms—Periods Ended 6/30/87 and 12/31/86.

AFMD–88–7, 2/8/88—Financial Audit: Senate Building Beauty Shop Statements—4-Month Period Ended 6/30/86.

AFMD–88–8, 2/8/88—Financial Audit: Senate Building Beauty Shop Statements—6-Month Period Ended 12/31/86.

AFMD–88–9, 1/21/88—Financial Audit: House Stationery Revolving Fund Statements—June 30, 1987 and 1986.

AFMD–88–22, 11/3/88—Financial Audit: Environmental and Energy Study Conference Financial Statements for 1986 and 1985.

AFMD–88–29, 3/28/88—Financial Audit: House Office Equipment Service Schedules for Fiscal Year 1987.

AFMD–88–38, 4/18/88—The White House Office: Fiscal Year 1986 Appropriated Fund Expenditures Were Properly Made.

AFMD–88–39, 4/18/88—Unvouchered Expenditures: Presidential and Vice Presidential Fiscal Year 1986 Expenditures Were Proper.

AFMD–88–41, 5/27/88—Financial Audit: Statement of Accountability of the House Finance Office for Fiscal Year 1987.

AFMD–88–46, 6/7/88—Financial Audit: Senate Barber Shops Revolving Fund for the Years Ended December 31, 1987 and 1986.

AFMD–88–50, 7/15/88—Financial Audit: Senate Restaurants Revolving Fund for Fiscal Years 1987 and 1986.

AFMD–88–59, 9/7/88—Financial Audit: House Beauty Shop Revolving Fund Financial Statements for 1987 and 1986.

AFMD–88–61, 8/2/88—Financial Audit: Financing Corporation's 1987 Financial Statements.

AFMD–88–64, 8/26/88—Financial Audit: House Recording Studio Revolving Fund for 1987 and 1986.

AFMD–88–73 9/30/88—Financial Audit: Senate Building Beauty Shop Statements For the Year Ended 12/31/87.

Testimony

T–AFMD–8–15, 6/28/88—The Congressional Award Program: Dennis J. Duquette, before the Subcommittee on Select Education, House Committee on Education and Labor.

FISCAL YEAR 1989

Reports

AFMD–89–2, 2/3/89—Financial Audit: Environmental and Energy Study Conference Financial Statements for 1987 and 1986.

AFMD–89–9, 11/17/88—Financial Audit: House Office of the Sergeant at Arms—Periods Ended 6/30/88 and 12/31/87.

AFMD–89–10, 12/14/88—Financial Audit: House Stationery Revolving Fund Statements—June 30, 1988 and 1987.

AFMD–89–11, 12/23/88—Financial Audit: Attending Physician Revolving Fund for the 16-Month Period Ended 1/31/88.

AFMD–89–12, 1/11/89—Financial Audit: Senate Recording and Photographic Studios Revolving Fund for 1988 and 1987.

AFMD–89–14, 11/14/88—Congressional Award Program: Problems at the National Level Must Be Solved If the Program Is to Progress.

AFMD–89–29, 12/21/88—Revolving Fund: Office of Attending Physician Revolving Fund Can Be Terminated.

AFMD–89–40, 3/27/89—Financial Audit: House Interparliamentary Groups' Financial Statements for 1987.

AFMD–89–55, 5/18/89—Financial Audit: House Office Equipment Service Schedules for Fiscal Year 1988.

AFMD–89–57, 6/2/89—Financial Audit: Senate Restaurants Revolving Fund for Fiscal Years 1988 and 1987.

AFMD–89–61, 3/29/89—Financial Audit: House Child Care Center Financial Statements for the Year Ending August 31, 1988.

AFMD–89–77, 6/29/89—Financial Audit: House Recording Studio Revolving Fund for 1988 and 1987.

AFMD–89–81, 7/10/89—Financial Audit: House Beauty Shop Revolving Fund Financial Statements for 1988 and 1987.

AFMD–89–86, 7/27/89—Financial Audit: Senate Barber and Beauty Shops Revolving Fund for 1988.

AFMD–89–93, 8/15/89—Financial Audit: Statement of Accountability of the House Finance Office for Fiscal Year 1988.

AFMD–89–110, 9/26/89—Financial Audit: Civic Achievement Award Program Financial Statements for September 30, 1988 and 1987.

FISCAL YEAR 1990

Reports

AFMD–90–2, 10/13/89—Financial Audit: Environmental and Energy Study Conference Financial Statements for 1988 and 1987.

AFMD–90–3, 12/18/89—Financial Audit: House Interparliamentary Groups' Financial Statements for 1988.

AFMD–90–4, 11/30/89—Financial Management: Costs Verified for Extending Chilled Water and Steam Lines to Union Station.

AFMD–90–28, 2/7/90—Financial Audit: House Office of the Sergeant at Arms—Periods Ended 6/30/89 and 12/31/88.

AFMD–90–29, 11/8/89—Financial Audit: Senate Recording and Photographic Studios Revolving Fund for 1989 and 1988.

AFMD–90–38, 2/15/90—Financial Audit: Northeast-Midwest Congressional Coalition Financial Statements for 1988.

AFMD–90–45ML, 1/5/90—GPO Management Letter for Fiscal Year 1989.

AFMD–90–54, 3/29/90—Financial Audit: House Stationery Revolving Fund Statements—June 30, 1989 and 1988.

AFMD–90–65, 4/23/90—Financial Audit: House Child Care Center Financial Statements for the Years Ending 8/31/89 and 8/31/88.

AFMD–90–83, 9/28/90—Vouchered Expenditures: Selected Executive Office of the President Expenditures for Fiscal Year 1988 Were Proper.

AFMD–90–84, 9/28/90—Unvouchered Expenditures: Presidential and Vice Presidential Expenditures for the Periods Reviewed Were Proper.

AFMD–90–86, 7/6/90—Financial Audit: House Office Equipment Service Schedules for Fiscal Year 1989.

AFMD–90–87, 8/23/90—Financial Audit: Service America Corporation's 1988 Operation of the House Restaurant System.

Reports

AFMD–91–1, 11/8/90—Financial Audit: U.S. Government Printing Office's Financial Statements for Fiscal year 1989.

AFMD–91–2, 11/7/90—Financial Audit: Northeast-Midwest Congressional Coalition Financial Statements for 1989 and 1988.

AFMD–91–4, 2/27/91—Financial Audit: Environmental and Energy Study Conference Financial Statements for 1989 and 1988.

AFMD–91–11, 9/18/91—Financial Audit: House Office of the Sergeant at Arms—Periods Ended 6–30–90 and 12–31–89.

AFMD–91–13, 8/22/91—Financial Audit: First Audit of the Library of Congress Discloses Significant Problems.

AFMD–91–23ML, 6/17/91—Financial Audit: Senate Barber and Beauty Shops Statements for the Year Ended 12–31–89.

AFMD–91–25, 4/30/91—Financial Audit: Congressional Award Foundation Financial Statements for 1989.

AFMD–91–28, 2/27/91—Capitol Police: Administrative Improvements and Possible Merger with the Library of Congress Police.

AFMD–91–30ML, 2/15/91—Government Printing Office Management Letter for Fiscal year 1989.

AFMD–91–47, 3/21/91—Financial Audit: House Stationery Revolving Fund Statements—June 30, 1990 and 1989.

AFMD–91–51, 4/18/91—Financial Audit: House Interparliamentary Groups' Financial Statements for 1989 and 1988.

AFMD–91–59, 4/26/91—Financial Audit: House Child Care Center Financial Statements for the Years Ending 8/31/90 and 8/31/89.

AFMD–91–67, 7/19/91—Financial Audit: Statement of Accountability of the House Finance Office for Fiscal Year 1990.

AFMD–91–75, 8/14/91—Financial Audit: House Office Equipment Service Schedules for Fiscal Year 1990.

Reports

AFMD–92–32, 12/27/91—Financial Audit: House Beauty Shop Revolving Fund Statements for 1990 and 1989.

Testimony

T–AFMD–92–2, 11/12/91—First Financial Audit of the Library of Congress: Brian P. Crowley, before the Subcommittee on Libraries and Memorials, House Committee on House Administration.

Letters

AFMD–92–14R, 1/30/92—House Contingent Fund: To the Honorable Newt Gingrich, House Republican Whip.

AFMD–92–17, 2/18/92—Financial Audit: U.S. Senate Health Promotion Fund's Financial Statements for 1990.

AFMD–92–55R—Cash and Cash Management Procedures at the House Post Office: To the Honorable Donnald K. Anderson Clerk of the House of Representatives.

COMPREHENSIVE NATIONAL ENERGY POLICY ACT

Mr. DERRICK. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 459 and ask for its immediate consideration.

The Clerk read the resolution as follows:

H. RES. 459

Resolved, That at any time after the adoption of this resolution the Speaker may, pursuant to clause 1(b) of rule XXIII, declare the House resolved into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 776 to provide for improved energy efficiency, and the first reading of the bill shall be dispensed with. All points of order against consideration of the bill are hereby waived. After general debate, which shall be confined to the bill and the amendments made in order by this resolution and which shall not exceed five hours, with one hour to be equally divided and controlled by the chairman and ranking minority member of the Committee on Energy and Commerce, with thirty minutes to be equally divided and controlled by the chairman and ranking minority member of the Committee on Foreign Affairs, with thirty minutes to be equally divided and controlled by the chairman and ranking minority member of the Committee on Government Operations, with thirty minutes to be equally divided and controlled by the chairman and ranking minority member of the Committee on Interior and Insular Affairs, with thirty minutes to be equally divided and controlled by the chairman and ranking minority member of the Committee on the Judiciary, with thirty minutes to be equally divided and controlled by the chairman and ranking minority member of the Committee on Merchant Marine and Fisheries, with thirty minutes to be equally divided and controlled by the chairman and ranking minority member of the Committee on Public Works and Transportation, with thirty minutes to be equally divided and controlled by the chairman and ranking minority member of the Committee on Science, Space, and Technology, and with thirty minutes to be equally divided and controlled by the chairman and ranking minority member of the Committee on Ways and Means, the bill shall be considered for amendment under the five-minute rule. It shall be in order to consider an amendment in the nature of a substitute consisting of the text of the "Committee

Print, May 19, 1992, Comprehensive National Energy Policy Act" as an original bill for the purpose of amendment under the five-minute rule, said substitute shall be considered as having been read, and all points of order against said substitute are hereby waived. No amendment to said substitute shall be in order except the amendments printed in the report of the Committee on Rules accompanying this resolution or by subsequent order of the House. The amendments printed in the report of the Committee on Rules shall be considered in the order and manner specified in the report and shall be considered as having been read. Said amendments shall be debatable for the period specified in the report, equally divided and controlled by the proponent and a Member opposed thereto. Said amendments shall not be subject to amendment except as specified in the report. All points of order against the amendments printed in the report are hereby waived.

SEC. 2. No further amendments shall be in order except as subsequently ordered by the House.

The SPEAKER pro tempore (Mr. MCNULTY). The gentleman from South Carolina [Mr. DERRICK] is recognized for 1 hour.

Mr. DERRICK. Mr. Speaker, for the purpose of debate only, I yield the customary 30 minutes to the gentleman from Tennessee [Mr. QUILLEN], pending which I yield myself such time as I may consume. During consideration of this resolution, all time yielded is for the purpose of debate only.

Mr. DERRICK. Mr. Speaker, House Resolution 459 is the first of two rules providing for consideration of H.R. 776, the Comprehensive National Energy Policy Act. This rule will allow the House to begin consideration of the first seven titles of H.R. 776 and the issue of nuclear plant licensing. The Rules Committee expects completion of second rule sometime today so that the House can complete consideration of this legislation by tomorrow.

The rule before us now provides for 5 hours of general debate with 1 hour equally divided and controlled by the chairman and ranking minority member of the Energy and Commerce Committee, with the remaining time allocated in 30-minute blocks to each of the following committees: Foreign Affairs; Government Operations; Interior and Insular Affairs; Judiciary; Merchant Marine and Fisheries; Public Works and Transportation; Science, Space and Technology; and Ways and Means. The time controlled by each committee will be equally divided and controlled by the chairman and ranking minority member of each of the eight committees of jurisdiction.

The rule makes in order the amendment in the nature of a substitute consisting of the text of the Committee Print, May 19, 1992, Comprehensive National Energy Policy Act as an original bill for the purpose of amendment. The rule waives all points of order against consideration of the bill and the substitute.

For those titles under consideration today, the rule makes in order only amendments printed in the report of the Committee on Rules. The amendments will be considered in the order and manner specified in the report as well as the time specified in the report, equally divided and controlled by a proponent and a Member opposed. The amendments will not be subject to amendment except as specified in the report. All points of order against the amendments are waived. Finally, the rule states that no further amendments will be in order except as subsequently ordered by the House.

Mr. Speaker, this rule will allow the House to begin consideration of H.R. 776, the Comprehensive National Energy Policy Act. Last year when Iraq invaded Kuwait, the price of oil quickly rose to over $40 a barrel. Rising oil prices worsened the economic problems already facing our Nation and the Persian Gulf war soon focused our attention on the need to improve this country's future energy security.

Presently 43 percent of the energy consumed in the United States is petroleum based. Today we import over half of the oil consumed in this country. Not since 1947 has the United States been energy independent. We cannot allow ourselves to remain vulnerable to energy supply disruptions. We must secure a more stable energy future and H.R. 776 will help us achieve this goal.

H.R. 776 includes provisions to promote energy efficiency and decrease our dependence on foreign oil. The bill fosters the production of alternative fuels and would lower the oil share of the trade deficit, which was $50 billion in 1991. Under the alternative fuel provisions, oil imports would decrease by 780,000 barrels per day in just 10 years. The natural gas pipeline reforms would also reduce imports by almost 300,000 barrels a day. This would keep $10 billion per year in the U.S. economy that would otherwise flow overseas.

H.R. 776 also promotes energy conservation and requires the Federal Government to use energy more efficiently. The bill encourages public utilities to reduce demand for energy. It establishes efficiency standards for lights, electric motors, showerheads, commercial heating and cooling equipment.

The bill encourages competition in the generation of wholesale electricity and would increase the size of the strategic petroleum reserve. In addition the bill supports new supply technologies that use sunshine, wind, geothermal heat, and biomass as fuels. Finally the bill would increase research on clean-burning coal technologies.

Mr. Speaker, House Resolution 459 is a carefully crafted rule that will allow the House to begin considering legislation to help us secure a stable energy future for our Nation. I urge my colleagues to support the rule and the bill.

Mr. Speaker, I reserve the balance of my time.

□ 1300

Mr. QUILLEN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, as I have stated several times before in this session, I am opposed to having two-part rules. I believe we waste a tremendous amount of our time by having such rules because the second rule generally includes additional debate time. I will, however, reluctantly go along with this process on this occasion because it is what the leadership wants and I am told that it is the only way to complete consideration of the bill in the next 2 days. I do want it known, though, that I think this process needs to be stopped.

Mr. Speaker, this is one of the most important pieces of legislation to move through Congress this year. Ten committees were involved in writing this bill. Many of the disagreements between the committees have been resolved. Some major stumbling blocks remain and hopefully will be resolved by the amendments allowed by this rule and any subsequent rule.

Mr. Speaker, we must implement a national energy strategy. I believe in exploring the use of alternative sources of energy. In fact, during the energy crisis of the 1970's, I introduced legislation to create a commission to grant exclusive franchises for the exploration and the commercial development of geothermal energy and for the right to market any such energy in its natural state. I believe it is a viable alternative for us.

Mr. Speaker, I do have great concerns over the requirement that vehicle fleets operate their vehicles on alternative fuels. The goal of the program is to reduce the demand for petroleum by switching large numbers of vehicles to nonpetroleum fuels. Liquefied petroleum gas [LPG] is specified as one of the fuels that may be used, and propane is the LPG that seems to be best suited as a vehicle fuel.

Propane is used for residential and commercial heating. Petrochemical feedstocks account for more than percent of the propane consumed in the United State. Agriculture is highly dependent on propane for drying corps, heating greenhouses and poultry houses, and other uses.

The increased demand for propane will most likely drive up the prices, and as we all know, the costs will be passed on to the consumer. With other nonpetroleum-based alternative fuels more widely available, there is no justification for a mandated program that will force a rapid rise in demand for propane. This will cause significant economic injury to traditional markets that lack an economically viable alternative.

Mr. Speaker, one amendment which will be voted on today is the Clement-Barton amendment. I am a cosponsor of their bill and, of course, support their amendment. Their amendment is a substitute for the nuclear energy plant licensing and relicensing provisions reported by the Committee on Interior and Insular Affairs. Their language contains licensing reform provisions identical to those passed by the Senate earlier this year. Reforming the licensing process is perhaps the most critical step to revitalizing the nuclear energy option and to reestablishing public and investor confidence for advanced nuclear energy plants while at the same time enhancing public participation in the licensing process. I urge Members to support this amendment.

Mr. Speaker, I would also like to point out that the administration strongly supports the enactment of comprehensive national energy legislation. It has noted that certain provisions would not be acceptable. These are: the imposition of new taxes; the imposition of inflexible and burdensome regulatory review procedures; provisions that would effectively prevent the construction and relicensing of nuclear powerplants; restrictions on oil and gas development on the Outer Continental Shelf; mandating market shares for certain fuels; and limiting economic growth by mandating targets and timetables for greenhouse gas emission levels. If these provisions are included in the bill, the President's advisers would recommend a veto.

Mr. Speaker, again I very reluctantly support this rule, but I believe we should pass it and get down to completing action on this important legislation.

Mr. Speaker, I yield 5 minutes to the gentleman from California [Mr. DREIER].

Mr. DREIER of California. Mr. Speaker, I thank the distinguished Republican chairman emeritus of the Committee on Rules, the gentleman from Tennessee [Mr. QUILLEN] for yielding me this time, and I would like to associate myself with his remarks.

Clearly, Mr. Speaker, this is a controversial rule. We are not all enthused about it, but I have decided to support the rule after hours yesterday upstairs in the Committee on Rules and then a caucus, a bipartisan caucus, which went into the evening.

We have what for me is virtually an unprecedented situation. The committees of jurisdiction came with their packages to the Committee on Rules, and we basically had the responsibility to try and fashion a structure whereby we could have equal and fair treatment of all those committees here on the House floor. Like the gentleman from Tennessee [Mr. QUILLEN] I am very opposed to this process of having split rules whereby we have one rule that allows for part of the general debate and consideration of some amendments and then another rule which considers other parts of the bill. The reason I am opposed to that, Mr. Speaker, is that we have seen great lapses between the time for the debate, so if a Member wants to follow the debate, he or she has a very difficult time doing that with the split rule procedure.

So, I, too, will oppose this in the future and hope that this will not be a pattern which we will see here.

One of the most important amendments which we are going to consider and one of the things I am pleased about in this rule is that we are going to allow for consideration of what is known as the Barton-Clement amendment, and that is the measure which will finally bring us to a position where we will once again allow the energy industry in this country to move toward putting nuclear facilities, nuclear power facilities, on line.

One of the things that we found, Mr. Speaker, is that nuclear energy is clearly the cleanest, safest, most cost-effective energy source known to man, and I find it very tragic that, when we look at France and juxtapose that to the United States, the licensing process here in the United States takes nearly three times the amount of time it does to get a nuclear powerplant on line in France.

There are many people who have decried the imbalance of trade, and unfortunately we got bad news this morning on the imbalance of trade. So, when we look at the fact that the Japanese are utilizing American technology to get nuclear power facilities on line in less than 5 years, and due to the incredible burden which the United States Government has imposed on the private energy industry, we have seen it take as much as 20 years for the licensing and regulatory process to get a facility on line.

So, Mr. Speaker, it seems to me that consideration of that amendment is a very positive move, and I hope that we are able to proceed with this bill, get it to the President's desk so that we can finally have a coherent energy policy, and then, again, not in the future have what are known as split rules.

So, I urge support of the rule, and I thank the gentleman from Tennessee [Mr. QUILLEN], my friend, for yielding me this time.

□ 1310

Mr. DERRICK. Mr. Speaker, for purposes of debate only, I yield 3 minutes to the distinguished gentleman from California [Mr. MILLER].

Mr. MILLER of California. Mr. Speaker, while I commend my colleagues on the Rules Committee, and especially Chairman MOAKLEY, for their yeoman efforts to produce a fair and workable rule, I would like the RECORD to show that I am disappointed that the rule does not provide for consideration of title XV of the Interior Committee amendment.

Title XV would have imposed some simple procedures on agencies and the executive offices operating under the authority of this act. While the procedures were simple, they would have gone a long way to establishing openness and reestablishing trust in the operation of the Federal Government.

Mr. Speaker, my colleagues are familiar, no doubt, with the so-called President's Council on Competitiveness, presided over by Vice President QUAYLE. And my colleagues are familiar with the free-wheeling mandate granted the Council by the President to basically inject itself into important environmental and other significant decisions. The problem, of course, is that normally this kind of regulatory decisionmaking is made in the open, under public scrutiny and with public participation. We may not like any given governmental decision, but thanks to regulatory and statutory protection, at least we know generally how those decisions were made.

The Council on Competitiveness basically slams the door on open Government. Important policy is reviewed and influenced in the back room with no public accountability and no revelation of who, representing what interests, may have been a party to the Council's intervention.

Mr. Speaker, the Congress has spent decades prying open the processes of Government because the public demanded it and deserved it. The Quayle council ought not be allowed to thwart these efforts.

That is why, Mr. Speaker, the Interior Committee adopted title XV, which would have pulled back the shades on the operation of the Quayle council on rules and regulations issued under this energy bill. The title would have required that the Council on Competitiveness—or OMB when performing similar functions—to make public with whom it communicated outside Government and list the documents and other communications it received from those sources on any given review. We were just asking for disclosure and, given the significance of the kinds of issues we are going to be dealing with under this act, that kind of disclosure is extremely important.

We are not going to be able to deal with this issue in this debate, but I ask my colleagues to join with me to pursue this issue in the future.

Mr. QUILLEN. Mr. Speaker, I yield 3 minutes to the gentleman from Texas [Mr. BARTON].

Mr. BARTON of Texas. Mr. Speaker, I thank the gentleman for yielding me this time.

Mr. Speaker, this afternoon or early this evening we are going to have an historic opportunity. That opportunity is going to be the opportunity to make it in order that at least the option of additional nuclear power generation be seriously considered in this country.

In 1989 the Nuclear Regulatory Commission adopted a rulemaking, rulemaking 52, that basically did away with the two-step licensing procedure we had used since the early 1950's to construct and operate nuclear powerplants. In its place they put in a three-part plan.

No. 1, they made it possible to preselect the site where you would build a nuclear powerplant. No. 2, they made it in order to precertify the design of the reactor and the component parts that make up that plant.

And, No. 3, they made it in order to go to a one-step licensing process where you get the construction and operating permit to construct and operate the powerplant, but they did this in a rulemaking. It is not a law; it is a rulemaking.

That rulemaking has been challenged in Federal court. The district court of appeals has upheld the challenge that the rulemaking was not appropriate. That decision is now under appeal at the full five-judge level of the District of Columbia Circuit Court of Appeals.

Consequently, the U.S. Senate, in its energy bill, put in a one-step licensing amendment that was passed, and that is part of the Senate energy bill.

The gentleman from Tennessee [Mr. CLEMENT] and I have the identical language that is in the Senate bill. That language has been made in order by the Rules Committee by an amendment as a substitute for the Miller section of the energy bill that deals with nuclear power licensing.

I would strongly urge every Member of this House to pay attention to that debate. I would strongly urge every Member of this House to vote for the Barton-Clement substitute. It at least gives the option to consider nuclear power again in this country.

I would point out that our current electrical generation is 22 percent generated by nuclear powerplants. We have 110 operating plants in this country. We have one plant that was in operation for 30 years and has recently been mothballed.

Around the world, in Japan, France, West Germany, and Great Britain, those countries are using American technology, American contractors, and American equipment to build nuclear powerplants. We are the only major industrialized Nation in the world that is not seriously considering a nuclear option. We have an historic opportunity this evening to revitalize that option.

Mr. Speaker, I would strongly urge Members to vote for the Clement-Barton amendment.

Mr. DERRICK. Mr. Speaker, I yield 2 minutes and 45 seconds to the gentleman from Ohio [Mr. TRAFICANT].

Mr. TRAFICANT. Mr. Speaker, I thank the gentleman for yielding time to me.

This is a good rule, and this is a good bill, and I am hoping that one of my amendments will be adopted in the second stage. Since I do not have very much time, I will try to answer a few questions. Chairman DERRICK is hard on the sheriff today.

I would like to say that this is a great bill, because if America is going to be truly free, America cannot be held hostage at some point to the whims of political dictators and monarchs overseas that control our energy. We have to develop a national energy strategy to truly develop an independent America that can create an economy that will afford and provide economic mobility and opportunity.

With that in mind, I have several provisions in this bill that I think are very good. We had money in here for Western oil shale, and my language changes it to make sure that Western and Eastern oil shale both get the same attention. There is enough oil just in Ohio alone, trapped in shale rock, to provide 40 years of oil flow for America without a drop from any other State or any other country. It is close to the surface. It will create jobs. The cost of oil shale is now being reduced to less than $30 per barrel. It used to be $65 a barrel. It is still higher than these cheaper imports, but it is good news for America.

The second point is that we have great coal reserves. Much of it has a pollutant, and that is sulfur, so we cannot sell it. We have farmers who are being paid not to grow crops. I have some language in here that directs the Secretary of Energy in R&D to investigate the potential of coprocessing and blending farm crop distillates, probably ethanol and other grain derivatives, with coal. It has been proven by Dr. Savage of Ohio University that this would reduce the sulfur emissions and pollutants in our coal. It will make our coal more saleable. It will create jobs in mining. We would utilize our coal, and instead of paying our farmers not to grow, we would let them grow and let them make a buck. That is the American way.

Finally, dealing with fuel cells and the new programs of the future, we had basically most of the money going to one company. That is a fine company, but its major emphasis in solid oxide fuel cells was in fact the tubular mode, and we opened it up to provide every possible opportunity under fuel cells, including monolithic and planar fuel cells, to be investigated in research.

Finally, I have a little buy American amendment to the research and development section which the Committee on Science, Space, and Technology put in under the great leadership of Chairman BROWN. I am asking Chairman DERRICK and the gentleman from Tennessee [Mr. QUILLEN] to consider the buy American language and the fraudulent labeling language to the entire bill, because there is money in this bill for it. This is good language for the bill, and it is good procurement policy.

Mr. Speaker, let us move the bill on. We do not need monarchs and dictators controlling American energy and possibly taking our economy hostage.

□ 1320

Mr. QUILLEN. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. DERRICK. Mr. Speaker, I have no further requests for time, and I move the previous question on the resolution.

The previous question was ordered.

The resolution was agreed to.

A motion to reconsider was laid on the table.

The SPEAKER pro tempore (Mr. MCNULTY). Pursuant to House Resolution 459 and rule XXIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for consideration of the bill, H.R. 776.

The Chair designates the gentleman from Colorado [Mr. SKAGGS] as chairman of the Committee of the Whole, and requests the gentleman from Kansas [Mr. GLICKMAN] to assume the chair temporarily.

□ 1322

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 776) to provide for improved energy efficiency, with Mr. GLICKMAN (Chairman pro tempore) in the chair.

The Clerk read the title of the bill.

The CHAIRMAN pro tempore. Pursuant to the rule, the bill is considered as read the first time.

The gentleman from Indiana [Mr. SHARP] will be recognized for 30 minutes; the gentleman from California [Mr. MOORHEAD] will be recognized for 30 minutes; the gentleman from Florida [Mr. FASCELL] will be recognized for 15 minutes; the gentleman from Michigan [Mr. BROOMFIELD] will be recognized for 15 minutes; the gentleman from Michigan [Mr. CONYERS] will be recognized for 15 minutes; the gentleman from Pennsylvania [Mr. CLINGER] will be recognized for 15 minutes; the gentleman from California [Mr. MILLER] will be recognized for 15 minutes; the gentleman from Alaska [Mr. YOUNG] will be recognized for 15 minutes; the gentleman from Texas [Mr. BROOKS] will be recognized for 15 minutes; the gentleman from New York [Mr. FISH] will be recognized for 15 minutes; the gentleman from North Carolina [Mr. JONES] will be recognized for 15 minutes; the gentleman from Michigan [Mr. DAVIS] will be recognized for 15 minutes; the gentleman from New Jersey [Mr. ROE] will be recognized for 15 minutes; the gentleman from Arkansas [Mr. HAMMERSCHMIDT] will be recognized for 15 minutes; the gentleman from California [Mr. BROWN] will be recognized for 15 minutes; the gentleman from Pennsylvania [Mr.

WALKER] will be recognized for 15 minutes; the gentleman from Illinois [Mr. ROSTENKOWSKI] will be recognized for 15 minutes; and the gentleman from Texas [Mr. ARCHER] will be recognized for 15 minutes.

The Chair recognizes the gentleman from Indiana [Mr. SHARP].

Mr. SHARP. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, today, we will debate legislation that will take giant steps toward easing this Nation's oil addiction and put us on a firm course toward a more secure energy future. Seldom does the House consider a bill so complex, one that touches so many aspects of our lives.

After three energy price shocks in the last two decades, each followed by a recession, there is widespread agreement about the importance of energy to our Nation's economic health. There is also broad agreement on two other formerly divisive principles: First, there is an appropriate goal for Government in energy policy, and that role is somewhere between the overly interventionist policies of the 1970's and the laissez faire policies of 1980's. Second, sound energy security policy can be consistent with sound environmental policy.

These areas of agreement have helped the Energy and Commerce Committee put together an energy bill that has broad bipartisan support. H.R. 776 was approved by the committee by a vote of 42 to 1, and I thank my colleagues on both sides of the aisle for their hard work and support. Companion legislation in the Senate, which benefited from the same agreement on principles, was passed by a vote of 94 to 4. And the legislative process was started on a bipartisan basis because the administration's national energy strategy departed from previous policies and was based on these general principles. In recent weeks several other committees have also acted and the floor managers for those committees will speak to their additions.

During the next couple of days, we will disagree about some specific elements of the bill. As is often the case in the legislative process, most of our time, and most of the media's attention, will be devoted to the areas where we disagree. I therefore think it is worth noting at the outset how widespread the consensus is that underlies this bill.

This consensus was the result of over a year's work, including 27 days of hearings and 9 days of markups in the subcommittee. With broad, bipartisan participation, we struggled with and worked out many contentious problems. The full Energy and Commerce Committee resolved some additional problems. As a result, some very significant provisions are not in dispute today, including the strongest energy efficiency provisions ever, the most significant rewrite of electricity laws since the 1930's, and a broad array of incentives to substitute alternative domestic fuels for gasoline made from imported oil.

There will be contention today over several amendments, but do not be misled—this bill is the most important energy legislation we have considered in almost 15 years, and most of it has near unanimous support.

Why are we bringing this energy bill before the House? After all, we won the gulf war. Gasoline prices are extremely low—in fact, gas costs less right now than bottled water.

But in fact, the Nation is inexorably becoming more dependent on imported oil. If we don't stop our slide back into dependency, we expect to import 70 percent of our oil, our primary energy supply, by the year 2000. Increasing percentages will come from the Middle East, where Saddam Hussein is still in power, Iran is rearming, Arab-Israeli relations remain tense, political and religious disputes abound, and poor, populous nations exist side-by-side with some of the richest in the world. In these circumstances, can we afford to be complacent?

There's no need to tell my colleagues what we face if another oil price shock occurs. Last year's invasion of Kuwait, the embargo of Kuwaiti and Iraqi oil, and fear of a wider war caused oil prices to double within 2 months. In part because the strategic petroleum reserve was too small, the President refused to sell oil to limit the price shock. The cost to the U.S. economy was $200 billion, helping to push us into the current recession. Over 1 million Americans lost jobs as a result.

We can never hope to be free of imported energy supplies. But we can substantially reduce our dependency, reduce the risk to our economy, reduce the deficit, protect consumers, and begin to control our own energy future.

That is what H.R. 776 promises.

If fully funded and implemented, H.R. 776 will reduce oil imports by nearly 3 million barrels per day by the year 2010, save the equivalent of another 2 million barrels per day in electricity and other fuels, and cut significantly the energy-related emissions of carbon dioxide—the chief greenhouse gas.

Before I discuss individual provisions of the bill, I want to note some overarching themes that run through the bill. One is the commitment to reducing our vulnerability to the economic devastation of oil price shocks. In the long term that means reducing demand and developing domestic alternatives to imported oil. In the short run it means filling the strategic petroleum reserve and making it more usable.

A second theme is the use of the market both to advance our energy security goals and also to protect consumers. In the alternative fuels section, for example, we do not try to pick the fuel that will be used; we leave it up to the market. There are mandates and a strong Government role to ensure that we move away from imported petroleum, but we allow the market to choose what portion of the replacement fuels or vehicles will be natural gas, ethanol, methanol, propane, or other fuels. In the electricity section we rely increasingly on competition and market forces to bring consumers the best deal while continuing to rely on regulation where natural monopolies exist.

Another theme is the assignment of costs to the user of a fuel rather than to all taxpayers. Economists call this internalizing externalities; we more often refer to user fees or polluter pays. In the tradition of the NRC, FERC, and pipeline safety user fees previously passed by the Congress, we establish an oil set-aside—the economic equivalent of a user fee—to allow oil users to pay for filling the strategic petroleum reserve. We also require nuclear utilities rather than all taxpayers to pay for the commercial share of the cleanup of uranium enrichment facilities.

A fourth theme is taking the long view. Solar and biomass will not replace large amounts of electricity generation in the 1990's, but we establish some joint ventures and incentives that can position renewables to make significant contributions to our energy supply in the 21st century. Likewise, electric vehicle programs, efficiency incentives for buildings, clean coal technology demonstrations, and utility least cost planning requirements are included for their long-term benefits as well as their immediate contributions.

A fifth theme is a commitment to environmental improvement in the context of energy security. This is most obviously demonstrated in the titles on energy efficiency, renewables, and alternative fuels. But it is also evident in the focus on using coal cleanly, ensuring funding for cleanup of uranium enrichment facilities, and building new natural gas pipelines. And although there is an important greenhouse warming title involving voluntary reductions, the largest immediate reductions in greenhouse gases will occur as a result of the various policies throughout the bill.

The centerpiece of H.R. 776 is energy efficiency. According to the interim report of the President's national energy strategy, following months of hearings, "the single loudest message, from the American people, was to increase energy efficiency in every sector." Yet the single loudest criticism of the President's proposal was its inadequate focus on the more efficient use of energy resources.

H.R. 776 promotes energy efficiency in five major ways, and I am pleased that our minority worked closely with us in developing these initiatives. They include: First, improving the efficiency of buildings; second, requiring the Federal Government to use energy more efficiently; third, encouraging public utilities to reduce demand for energy; fourth, establishing minimum efficiency standards for lights, electric motors, showerheads, commercial heating and cooling equipment; and fifth, improving industrial energy efficiency.

The bill also contains significant new support for renewable energy, which can be a major contributor to our long-term energy future. The bill promotes both the domestic demonstration and use, and the export, of these solar, geothermal, wind, and biomass technologies. I am particularly pleased that the Ways and Means Committee green package complements and completes the package passed by the Energy and Commerce Committee. Their proposal includes production and investment tax credits for renewables and several conservation incentives. Together all these provisions make a strong start toward ensuring that renewable technologies will provide a large share of our energy in the next century.

Replacing gasoline with alternative fuels such as natural gas, electricity, methanol, ethanol, and propane is the portion of the bill that will take the biggest bite out of oil imports. With a combination of incentives and mandates, the bill aims to replace 10 percent of gasoline with alternatives by the year 2000, and 30 percent by 2010. If these measures are not on a path by 1998 that will achieve these goals, the Secretary of Energy must undertake a rulemaking on additional private fleet requirements.

These measures will help us strike at our Nation's largest oil problem area: The nearly 200 million cars and trucks on U.S. highways that each day consume a volume of fuel equivalent to all our oil imports, or about one-seventh of the entire world's oil supply. The provisions will encourage development of all alternative fuels and build on the transition to clean fuels begun with passage of the Clean Air Act amendments in 1990. We attempt to be fuel neutral, giving all alternatives an equal chance to win acceptance in the marketplace.

These provisions will require that alternative fuel providers—such as utilities, pipelines, and producers—buy and use alternative fueled vehicles in their own businesses. They require that Federal fleets purchase alternative-fueled vehicles starting at 10 percent of new vehicles in 1993 and increasing to 50 percent in 1998. They provide for a commercial demonstration program for electric vehicles and infrastructure. And they include many other incentives and programs such as a school bus and urban bus program, local and State incentives, fueling facility incentives, and a low-interest loan program for small business fleets.

The most important feature of the bill in terms of energy emergencies—if fact the only element that can help prevent OPEC-induced price shocks and recessions—is the strategic petroleum reserve. The SPR is a stockpile of oil that the Government can sell to meet consumer needs during an energy emergency.

The bill will fill SPR more rapidly, seeking to achieve the 1 billion barrel reserve that Congress mandated in 1990. It will also give the President explicit authority to use this oil to prevent severe economic harm during the next crisis.

It puts the reserve on a pay-as-you-go basis by establishing a back-up oil set-aside requirement for importers and refiners. Aside from its major benefits to energy security, this provision will reduce the deficit by $1.5 billion over the next 5 years, according to the CBO.

Oil prices doubled during the embargo in 1990, leading to a loss of $200 billion in GNP and a million jobs. Using SPR cannot prevent oil supply disruption, but it can discourage them, and it can blunt price increase. It is a cheap insurance policy against the most potent cause of recession.

So what is the debate about?

Although there has always been strong bipartisan support in Congress for the SPR, money is getting harder and harder to come by. The administration pays lip service to the SPR, but actions speak louder than words. They refuse to spend previously appropriated funds to buy oil. They have sought no appropriations for oil this year, and have even transferred some money out of the SPR account. They have failed to negotiate an oil-leasing arrangement with an exporting country. They refuse to accept oil in payment of the Saudi war debt. So H.R. 776 includes an alternative way to fill the SPR.

The bill provides for an oil industry set-aside. Importers of oil and oil refiners must set aside 1 percent of their oil for the SPR. They retain title to the oil and will get any profits that come from its sale. For administrative simplicity, they can also send cash in lieu of oil, letting the Department of Energy purchase the oil for them.

The oil industry is lobbying hard against this provision, saying it will cost billions. Of course, hundreds of millions of barrels of oil will cost billions of dollars. But if they don't pay, the taxpayers will. The companies are free to try to pass the cost—about a half-cent a gallon—on to oil consumers. And the companies will receive the proceeds when the oil is sold. This approach has been endorsed, among others, by several environmental groups, by the American Jewish Congress, by the Congressional Black Caucus, by the Community Action Foundation, and many others. Although the oil industry is accurate in saying the proposal is opposed by the oil industry, these endorsements belie the claim that it is anticonsumer.

Although the Energy and Commerce Committee approved this provision by a voice vote, a coalition led by the administration and the oil industry voted in the Ways and Means Committee to strike it from Chairman ROSTENKOWSKI's recommendation. I believe that everyone who spoke against our proposal spoke in favor of filling the SPR. But, significantly, they offer no alternative. We have structured our proposal so that any alternative that fills the SPR at a rate of 150,000 barrels per day will preempt the set-aside. But if nothing else works, if the SPR is not otherwise going to be filled, the set-aside will be in effect.

A motion to strike this provision will be offered again during our consideration of the bill. I urge my colleagues not to give in to oil industry pressure. If you support the SPR, support this provision. When the next oil crisis comes, this is the single vote your constituents will look to in order to determine what you did to protect them.

Your vote on SPR will also be an important vote on the deficit. As Budget Committee Chairman LEON PANETTA recently wrote to all of us, if you are concerned about the budget deficit, you should oppose the oil industry's effort to strike this provision. Next month we will vote on a constitutional amendment to require a balanced budget in a few years; here is an opportunity to reduce the deficit by $1.5 billion now.

H.R. 776 takes on another tough fiscal issue in reforming the uranium enrichment program of the Department of Energy [DOE]. The uranium enrichment provisions are a fair share proposal that has been endorsed by the National Taxpayers Union, uranium producers, environmentalists, and labor. They will also reduce taxpayer outlays by about $150 million per year for 15 years, for a total of over $2 billion.

In the past, DOE provided fuel to Government and civilian nuclear powerplants. Although DOE was required by law to recover the cost of providing this service, it lost billions of dollars by charging below market prices. Government estimates of unrecovered costs range from $3 billion according to DOE to over $11 billion according to the GAO.

In addition, DOE faces another $20 billion in environmental costs when these old fuel plants are shut down and cleaned up. The President has proposed a cleanup fee in his fiscal year 1993 budget, assessing nuclear utilities half the cleanup costs.

Plainly, it is now time to get DOE out of the nuclear fuel business. The bill does this by establishing a more businesslike Government corporation which could eventually be privatized. Proceeds from the corporation would go to the Treasury.

In addition, H.R. 776 sets up a 15-year cleanup fund for the decontamination and decommissioning of current DOE fuel plants. The Government and utilities would pay into the fund in proportion to their past use of the facilities. The utilities' share would be collected through a special annual assessment.

This proposal is a compromise proposal—different than the one that passed the Energy and Commerce and Interior Committees. It is a modification of the President's own proposal, and it incorporates an overall $2.5 billion cap, indexed to inflation, on the utilities' share of the costs. This is a variation of the cap proposed by Mr. KOSTMAYER in the Energy and Interior Committees and adopted by the Ways and Means Committee.

If the corporation succeeds, it will pay the costs. However, if it fails, this bill would provide safeguards that the taxpayer will not get stuck with the considerable costs of decontamination and decommissioning at these fuel plants.

H.R. 776 will also introduce sweeping changes to the electricity industry, increasing competition among suppliers and thereby lowering prices to consumers. It is worth noting that this provision, which amends two fundamental New Deal era statutes and had been expected to be very controversial, passed the Energy and Commerce Committee handily and has taken on the character of a consensus item as the bill moved to the floor.

First the bill reforms the Public Utility Holding Company Act of 1935 [PUHCA] to permit independent power generators to produce electricity for sale to utilities. PUHCA very successfully stemmed abuses that had been rampant in the utility industry. However, it has become clear that the act is limiting the growth of competition in electricity generation that would give utilities more options for meeting the demand for power and give consumers more protection. This bill combines a tightly drawn exemption of independent power producers from PUHCA with a variety of protections against the exercise of monopoly power by utilities.

Second, the bill amends the Federal Power Act to ensure that independent power producers can get their product to market. The bill strengthens FERC's authority to order utilities to transmit electricity on a nondiscriminatory basis, providing fairly priced service to those seeking service and fair compensation to those providing the service. Many utilities already have found it profitable to provide transmission service on an open access basis, and this new authority should spur even greater compliance with the Federal Power Act's original antidiscriminatory intent.

H.R. 776 also contains the first major legislative action specifically aimed at curbing energy-related emissions that contribute to global warming. Recent news stories have focused on the negotiations on an international agreement, but this bill takes several steps to get us ahead of the curve. It is based on the recommendation of the National Academy of Sciences that the United States should take no-cost and low-cost actions now to reduce emissions of greenhouse gases while deferring more expensive steps until better information is available.

In the areas of energy efficiency, encouragement of natural gas use, alternative fuels, the export of clean coal technologies, renewable energy use, recovery of coal seam methane, and in the establishment of an accounting system to allow industries to keep track of greenhouse gas reductions for credit against any future regulatory program, we make a good start on this problem.

H.R. 776 also encourages the use of clean, domestic natural gas by streamlining pipeline construction; it promotes the transfer of U.S. clean coal technology abroad, characterization of a potential safe nuclear waste disposal site, and more.

The bill doesn't solve the energy problem. Neither the President, nor the Congress, nor the public is willing to support the massive energy tax increases, subsidies, regulations, or changes in lifestyle that would be necessary to dramatically reduce our dependence on foreign oil below today's level of 45 percent.

But our inability to cut oil imports should not prevent us from taking steps to halt their expected increase to 70 percent or more, and the inclusion of exclusion of debate about controversial provisions should not stop the legislative process.

The House should pass this energy bill.

□ 1330

The CHAIRMAN pro tempore (Mr. GLICKMAN). The Chair recognizes the gentleman from New York [Mr. LENT].

Mr. LENT. Mr. Chairman. I yield myself such time as I may consume.

Mr. Chaiman, I yield myself such time as I may consume.

Mr. Chairman, I rise in support of H.R. 776, the Comprehensive National Energy Policy Act. I want to commend the leadership of the gentleman from Indiana [Mr. SHARP], chairman of the Subcommittee on Energy and Power, and the ranking member, the gentleman from California [Mr. MOORHEAD], of the Subcommittee on Energy and Power, for their leadership, as well as the distinguished chairman of the full committee, the gentleman from Michigan [Mr. DINGELL], for their leadership in bringing this measure to the floor and giving us this opportunity, after many years, to act on a comprehensive national energy bill.

Mr. SHARP. Mr. Chairman, will the gentleman yield?

Mr. LENT. I yield to the gentleman from Indiana.

Mr. SHARP. Mr. Chairman, I just want to praise the efforts of the gentleman from New York as the senior Republican on the Committee on Energy and Commerce. He vigorously worked with us. His staff did. We tried to work across the aisle here, and I believe we did on 90 percent of what came out of the Committee on Energy and Commerce.

We had very strong agreement. It would not have been that way without his efforts and certainly the efforts of the gentleman from California [Mr. MOORHEAD].

Mr. LENT. Mr. Chairman, I thank the gentleman for his remarks. I would remind everyone in the gallery and in the Chamber that the bill came out of our Committee on Energy and Commerce on a bipartisan vote of 42 to 1. That is how well-received this legislation was in its original form.

Back in July 1989, President Bush had the vision to bring energy issues to the forefront by instructing his administration to develop a national energy strategy. I am, therefore, pleased that we are taking this next step toward implementing the President's energy strategy and improving America's energy security.

I am very proud, frankly, of the role House Republicans did play in developing this important piece of legislation. House Republicans took the lead in the energy area when we developed an energy plan and introduced it as H.R. 5735 in September 1990.

□ 1340

Although there was not enough time remaining in that session to complete action on that bill, a Republican energy task force was created to craft a bill for this session. The result of that work was H.R. 1543, much of which was incorporated into H.R. 776 when it was approved last October by the Energy and Power Subcommittee.

The need to act now on a sound energy policy cannot be overemphasized. It is presently estimated that by the year 2010 we will produce 7.8 million barrels of oil per day, while consuming 22.6 million barrels. This means that we could be dependent on imported oil for almost three-quarters of the oil that we consume in the next 20 years. The economic and geopolitical implications of that forecast are staggering.

In developing this legislation our goal has been constant: To develop a comprehensive energy policy which balances production and conservation. I believe this bill does that. It encourages more efficient energy use, renewable energy and natural gas, alternative fuels and clean coal. It also greatly reduces regulatory barriers and increases competition in the power generation markets. These are all positive steps to increasing our energy security.

So whether we be Republican or Democrat, we Americans share a common interest in a sound energy policy. A sound energy policy is a crucial part of a sound economy, and I think most of us in this Chamber recognize that. Our current economic situation makes it impossible to leave our economy hostage to future political developments in overseas markets. During Operation Desert Storm we once again saw the strategic importance of oil and America's dependence on the continued flow of oil. A sound energy policy will prevent future armed conflict and periodic economic shocks due to energy disruptions.

Finally, I want to alert my colleagues to a number of amendments which could undermine this importance piece of legislation. There will be an amendment that has been incorporated as original text of the bill, that would stop almost all offshore drilling. There is a provision in the bill which would make it even more difficult for the licensing of an American nuclear plant, despite the fact that nuclear power is responsible for the generation of some 20 percent of all of our electricity. And there are a number of amendments that, as they come up, I will ask my colleagues to support because they further promote the sound energy policy which we hopefully will be enacting today and tomorrow.

In conclusion, Mr. Chairman, I urge that my colleagues support H.R. 776.

Mr. SHARP. Mr. Chairman, I yield 2 minutes to the gentleman from Maryland [Mr. MCMILLEN], an integral player in this legislation on the subcommittee.

Mr. MCMILLEN of Maryland. Mr. Chairman, I rise in support of H.R. 776, the National Energy Policy Act. I commend the subcommittee chairman, Mr. SHARP for his skill and dedication in putting together this carefully crafted piece of legislation, and also my commendations to Mr. DINGELL for his role in rapidly moving this bill and guiding it through the rules process.

It has been over a year since the gulf war. This event brought the energy issue to the forefront of the American consciousness. And yet, only slightly over a year later, I hear criticism that the American people are no longer aware of the energy problems this Nation faces, and that there is no will to take comprehensive action to get out of the energy rut we are stuck in.

I disagree. I believe that the American people understand the links that exist between energy and national security today more than ever.

The people also understand gimmicks. They know that quick fix solutions, like that proposed by the President to increase domestic oil production by drilling in environmentally sensitive areas, are not real, long-term solutions.

The bill that is before us today is a balanced approach for creating an improved energy strategy which will steer the Nation in a new direction—toward a secure and environmentally sound energy future.

The foundation of H.R. 776 is conservation and diversification. We need to conserve our natural resources through increased efficiency and we need to protect our national security by diversifying the fuel sources we are dependent upon.

There will be the critics who say that this legislation is no good because it is lacking one provision or another. To them I say, rather than highlighting what this bill does not accomplish, let's take a hard look at how far this legislation will take us from where we are today.

Currently, we are still importing over half of the oil that we consume in this country, much of which comes from the Persian Gulf region. We are still relying on the same fuel sources—alternative fuels and renewable energy sources have not become a serious component of our energy mix. The legislation before us today will change this.

H.R. 776 makes major gains in energy efficiency, saving millions of barrels of oil per day.

The alternative fuel provisions in the bill will create new markets for alternatives to oil.

H.R. 776 streamlines and simplifies the construction and regulation of new gas pipelines, making this clean-burning fuel more accessible to consumers.

Finally, this legislation reforms the electricity industry—increasing competition in the power generation market. At the same time, the bill seeks to create greater access to transmission services for new power sources. This increased access is balanced with the need to protect utility consumers who have subsidized the building of transmission systems.

The electricity title of H.R. 776 is perhaps the most sweeping change that is made in the bill. It is for this reason that it is so very important that native load customers be protected. I am hopeful that the conference committee will continue to make this a top priority as they work to mesh this bill with the Senate version.

My time is limited, so I cannot go into all the good things that are a part of this legislation. I will summarize by saying that this is a comprehensive bill, which stands on its own merits. H.R. 776 is a bill that I am pleased to be associated with, and one that this Congress can take pride in passing.

While there is going to be honest debate today about what the new energy direction for this country should be, I am hopeful that the one point of agreement will be that the current policy must change. We have tried the energy policy of increased production and cheap oil, and it has lead us to war and has subjugated us to the unstable political winds of far-off nations.

H.R. 776 lays out a solid, balanced, energy plan for this country. It is the product of hours of labor and the synthesis of many differing points of view. Support H.R. 776 and show the American people that we do learn from the past and that we are committed to a better future.

Mr. LENT. Mr. Chairman, I yield 5 minutes to the gentleman from California [Mr. MOORHEAD], the distinguished ranking minority member of the Committee on Energy and Power.

Mr. MOORHEAD. Mr. Chairman, I first want to commend the chairman of the Subcommittee on Energy and Power, the gentleman from Indiana, PHIL SHARP, for the marvelous job he has done on this legislation, as well as the gentleman from New York, NORMAN LENT, and the gentleman from Michigan, JOHN DINGELL, all of whom have been very heavily involved as this bill has progressed.

Mr. SHARP. Mr. Chairman, will the gentleman yield?

Mr. MOORHEAD. I yield to the gentleman from Indiana.

Mr. SHARP. Mr. Chairman, I want to more than reciprocate to the gentleman from California. His role in this has been critical, especially in achieving the effective conservation efficiency provision, and especially the historic changes in the electricity section of the law. He has played a vital role, and I really appreciate his strong work in the committee and his cooperation.

Mr. MOORHEAD. Mr. Chairman, for several years now many of us have been actively working towards a constructive and comprehensive National Energy Policy Act. Unfortunately, it did not seem to move very rapidly through the Congress until early last year when six of us were called to the White House, Senators JOHNSTON and WELLSTONE from the Senate, the gentleman from Michigan [Mr. DINGELL], the chairman of our Committee on Energy and Commerce, the gentleman from Indiana [Mr. SHARP], chairman of the Subcommittee on Energy and Power, the gentleman from New York [Mr. LENT], and myself.

At that time we discussed the elements that should go into a Comprehensive National Energy Policy Act, and as a result, a few weeks later a piece of legislation was introduced that we have worked on in the months since that time.

Mr. Chairman, I am pleased to join with my colleagues on both sides of the aisle to rise in support of H.R. 776, the Comprehensive National Energy Policy Act.

I believe all Americans will benefit from the sound energy policies embodied in this bill. This bill will create jobs, fuel economic growth, further reduce harmful emissions, encourage greater use of domestic energy sources and, importantly, reduce our dangerous dependence on foreign oil.

Importantly, this bill will mean that we will import less oil in the future, because the bill will help us shift our reliance away from oil to other fuels, particularly those produced here at home. For example, our use of renewable energy sources, such as solar, wind, biomass, and geothermal energy, is increased by almost 10 percent by the provisions in this bill that encourage the greater use of this environmentally benign energy source. This bill also promotes the use of natural gas and other alternative fuels in our transportation sector, this Nation's largest consumer of petroleum products.

Another positive change in this bill is reform of the way electric utilities are regulated. Changes in the Public Utility Holding Company Act will mean increased competition in electric generation and transmission, improving overall efficiency in the industry. Transmission access is crucial to PUHCA reform and the only way electric consumers can benefit from increased competition in the wholesale electricity markets.

H.R. 776 was reported out of the Energy and Commerce Committee by a 42-to-1 vote. Since then nine committees have received referrals of the bill and eight have reported out amendments to H.R. 776. Most of these amendments have been incorporated into the bill as a result of staff negotiations; however, some important differences remain. A lot of hard work went into crafting a bill which could achieve full bipartisan support.

Thus, I urge my colleages to support H.R. 776.

□ 1350

Mr. SHARP. Mr. Chairman, I yield 5 minutes to the gentleman from Michigan [Mr. DINGELL], the distinguished chairman of the full Committee on Energy and Commerce who, I think everybody knows, is the linchpin of the activities on this bill, and indeed in the House of Representatives. He and his staff have been profoundly involved from day one on this legislation, indeed for the last 20 years.

Mr. DINGELL. Mr. Chairman, I would like to begin by paying appropriate tribute to my very good friend, the able and industrious chairman of the Energy and Power Subcommittee, the gentleman from Indiana [Mr. SHARP]. In his usual careful, thoughtful and deliberative manner, he and his capable staff have toiled long and hard to bring us to where we are today, with a national energy strategy in this legislation which is balanced, economically sound, and which will take long steps to improve this Nation's energy security. Most importantly, it will give a major boost to energy conservation in this country.

I also want to commend my dear friend, the gentleman from New York [Mr. LENT], the ranking Republican member of the Energy and Commerce Committee who has worked long and hard and wisely to bring us to where we are; and also the gentleman from California, Mr. CARLOS MOORHEAD, the ranking Republican member on the Subcommittee on Energy and Power. Because of the hard work and the extraordinary wisdom and labor of these two fine Members of this body, and because of their assistance and the hard work which they gave to help the committee craft a fine piece of bipartisan legislation that has wide support on both sides of the aisle, not only I but this Congress owe them a great vote of gratitude.

The committee produced a bill which was approved by a vote of 42 to 1 in the committee. It followed a favorable vote of 21 to 1 in the subcommittee of the gentleman from Indiana [Mr. SHARP]. Clearly it was bipartisan, and clearly the leadership of the gentleman from Indiana [Mr. SHARP] and the gentleman from California [Mr. MOORHEAD] and the gentleman from New York [Mr. LENT] contributed to this result.

This legislation has not been without difficulties. Never before in the history of this body has so large a bill been sequentially referred to so many committees, and never before have nearly one-third of the Members of this body been a part of the process before the legislation reached the floor. The base text of the bill now includes provisions worked out by our committee under the leadership of Mr. SHARP, Mr. LENT, and Mr. MOORHEAD with eight other committees: the Committee on Foreign Affairs, the Committee on Government Operations, the Committee on Interior and Insular Affairs, the Committee on the Judiciary, the Committee on Merchant Marine and Fisheries, the Committee on Public Works and Transportation, the Committee on Science, Space and Technology, and the Committee on Ways and Means. And I want to commend the members and the chairmen and ranking minority members of those committees. They worked cooperatively and in a remarkable spirit of good humor.

I also want to commend the Rules Committee and the Speaker for helping us to bring this bill to the floor under a rule that perhaps is not perfect, but certainly is fair. I want to commend the Speaker for his support in this Congress for enactment of an energy bill, and also to point out that over the last year and a half he has provided guidance and leadership in helping us to get where we are today. I look forward to his continued support as we try to deal with the difficult and complicated parliamentary and procedural questions that confront us.

The legislation before us contains a number of important provisions that will benefit our Nation. As I have said, the conservation title in which the gentleman from Indiana [Mr. SHARP] had such great interest, makes enormous strides toward increasing efficiency in routine daily activities and in the infrastructure of the Nation. Streamlining the approval process for natural gas pipelines will help to ensure that those who are in need of this valuable resource will be able to secure it from those who wish to sell it. The coal provisions will assist in developing new technology for that important energy source.

The alternative fuels section, consistent with the recently passed Clean Air Act amendments, will help this Nation get more alternatively fueled vehicles on the road. Changes to the Public Utility Holding Company Act are a particular triumph on the part of the subcommittee led by the gentleman from Indiana [Mr. SHARP] and the gentleman from California [Mr. MOORHEAD]. They will change significantly electricity regulation and enable this Nation to respond to the increasingly competitive nature of that market. Reorganization of the Uranium Enrichment Enterprise will ensure its proper and profitable operation.

Finally, and of critical importance to this legislation, is a mechanism for filling the strategic petroleum reserve that will ensure the existence of a stable domestic supply of a vital resource absolutely essential to our economic and industrial well-being.

The Energy and Commerce-reported amendment will also help us to begin to break the impasse that has existed with regard to the handling of long-term storage of our nuclear high-level waste, something that has been stalling the development of nuclear energy in this country, and that has been inhibiting our energy independence and inhibiting even more our ability to respond to the difficult technology demands of the Clean Air Act and the need to clean our air so that we can comply with that particular law.

Our bill is a remarkable working document reflecting these policies. It is crafted as a result of the significant understanding between the Committee on Energy and Commerce, the Speaker, and others that the basic bill would be the Committee on Energy and Commerce bill, amended in the Rules Committee to give us a working print that would include agreed-upon amendments that have been adopted in negotiations between the Energy and Commerce Committee and other committees. That agreement has largely been carried forward in the document we have before us.

Passage of this legislation will demonstrate to the American people that when faced with great difficulty this body is able to move forward to accomplish important national goals for the benefit of the Nation and the people. I urge my colleagues to support this legislation. I will have other comments to make with regard to amendments that will be offered later. I hope my colleagues will receive me as graciously and as gracefully as they have now.

Again I thank my friend for yielding me the time.

Mr. LENT. Mr. Chairman, I yield 2 minutes to the distinguished gentleman from Findlay, OH, Mr. OXLEY, a distinguished member of the committee.

Mr. OXLEY. Mr. Chairman, I am pleased that we have this opportunity to consider the Comprehensive National Energy Policy Act. It is the culmination of 2 years of negotiations and hearings, and I am happy to say that we have made great strides in the areas of energy efficiency, conservation, coal, renewable energy, and alternative fuels. However, I feel that certain areas exist which need much improvement.

The Persian Gulf war reminded us that our energy resources are less than secure. Our energy consumption has increased dramatically in the last 5 years and our domestic production has decreased. The administration's national energy strategy addressed these problems by offering us constructive solutions for our long-term energy security and H.R. 776 builds upon the foundation laid by the President's energy strategy.

This bill, however, embodies a major omission by not addressing the issue of increased domestic production. The battle for domestic energy security must be fought on many fronts. Simply speculating that alternative fuels will fill the void of fossil fuels later in the next century will not cure our unfortunate dependence on foreign oil today and in the near future.

This bill lacks incentives and provisions for increased domestic production. It does not encourage environmentally sensitive production in the Outer Continental Shelf or the Arctic National Wildlife Refuge. These are critical elements in any domestic energy policy which seeks to guarantee our citizens the secure future which they deserve.

Furthermore, this bill also seeks to address the critical need to fill the strategic petroleum reserve by imposing a set-aside tax upon the oil refiners and importers. This may accomplish the goal of filling the reserve. However, it is our constituents that will have to bear the burden of this through higher prices on fuel and fuel-derived products.

It is my hope that we will be able to address these issues in the future, since it seems likely that this body will, yet again, avoid tackling these very controversial and critical issues.

I am pleased with the approach that this bill adopts towards certain fossil fuels, such as coal. The coal policy title is of special interest to my home State of Ohio.

These provisions seek to make better use of America's, and Ohio's, vast coal resources. The United States has approximately 470 billion tons of minable coal. This bill increases the exportation of coal and clean coal technology, as well as increase the use and efficiency of clean coal technology at home. It accomplishes these goals without the excessive funding and unrealistic goals which marred previous resource recovery programs.

While this bill is far from perfect, we have overcome many of the obstacles to a consensus on energy policy. We have not learned from all of the lessons of the past, but we have tried to strike a balance between producers and consumers, between free-market approaches and regulation, between environment and the economy.

□ 1400

Mr. SHARP. Mr. Chairman, I yield 2 minutes to the distinguished gentleman from Washington [Mr. SWIFT] for a colloquy.

Mr. SWIFT. Mr. Chairman, I rise to enter into a colloquy with the gentleman from Indiana and the gentleman from California. I commend both of them for their efforts to understand and address the legitimate concerns of the Pacific Northwest with regard to how this bill will relate to existing statutory authority for the Bonneville Power Administration.

Unfortunately, I have one remaining concern about the transmission access provisions relating to the BPA. Utilities in the Northwest and California came together to support the transmission access provisions related to BPA in H.R. 776. This legislation provides the framework to further strengthen utility relationships between the Northwest and California.

I am concerned, however, that the report language further explaining the intent of these provisions was inadvertently omitted from the Energy and Commerce Committee's report on H.R. 776. I have a copy of that language, and I am including that in the RECORD at this point.

Furthermore, I want to request the House conferees make every possible effort to assure the BPA transmission provision is adopted by the conference committee, and this explanatory language be included as written in the statement of managers in the conference committee report.

SECTION 723

BPA has set policies from time to time for furnishing transmission service on the Federal Columbia River Transmission System. BPA has done so under the laws which define its authority and obligations concerning transmission, which laws remain fully effective and applicable. It is expected that, when the FERC exercises its authority under section 211 or 213 to require BPA to provide transmission service, it will do so consistent with the laws governing BPA. Transmission contracts entered into in accordance with BPA's policies which are in existence on the date of enactment of this Act are unaffected by the FERC's new authority to order access to transmission controlled by BPA. Similarly, BPA's short-term transmission service allocation methodology for economy energy trades is also unaffected by the FERC's new authority to order access to transmission controlled by BPA. However, the FERC is not bound by the transmission policy choices BPA has made or may make in the future as to new firm transmission service requests.

A primary BPA obligation under the laws that define BPA's authority and obligations is to provide transmission service over available capacity for its customers within the Pacific Northwest as that region is defined in 16 U.S.C. section 839a(14). Historically, Bonneville Power Administration has built most of the intraregional bulk transmission facilities in the Pacific Northwest. This was done on the basis of a regional consensus and the understanding that BPA would make these transmission facilities available for transmission of power for BPA's power and transmission customers located in the Pacific Northwest. The utilities of the Pacific Northwest have relied and continued to rely on that transmission. BPA's use of its transmission system for firm transmission service contracts for generating resources serving BPA customer loads within the Pacific Northwest is not affected by any new authority under this Act to provide access for interregional arrangements.

The FERC shall now issue any order for transmission services under section 211 or 213 which is likely to cause the uncompensated spill of water from federal or non-federal reservoirs which otherwise could be used to generate electric energy, because of its displacement from a transmission system by energy transmitted under such an order. Such spill shall be deemed contrary to the public interest unless full compensation is provided to those entities suffering such spill. Nothing in the preceding sentences should be understood to limit such ability as the FERC may otherwise have under this Act to prevent or compensate other adverse impacts that may result from an order issued under section 211, this section or section 213.

Rates for transmission services provided by BPA under an order issued under section 211 or 213 are to be established by BPA and reviewed by the FERC through the same process and using the same statutory requirements as are applicable to all other transmission rates established by BPA, with the additional requirement that such rates for transmission services must also be just and reasonable and not unduly discriminatory or preferential as determined by the FERC, taking into account BPA's other statutory authorities and responsibilities. Nothing in the Federal Power Act or BPA's organic legislation should be construed to prohibit the FERC from approving rates, terms and conditions for transmission services pursuant to section 211 which provide for the recovery of any increased costs or lost revenues due to foregone sales or purchases or other operating impacts resulting from such services, provided that similar approvals are in general accorded to utilities subject to sections 205 and 206.

BPA may establish rates of general applicability for FERC-ordered transmission service which, once approved by the FERC, will not be subject to review in individual cases but will be periodically reviewed and, as appropriate, revised along with BPA's general wholesale power and transmission rates. BPA may also establish, and the FERC may approve, terms and conditions of general applicability and sufficient specificity for FERC-ordered transmission services.

BPA's rates, terms and conditions for transimission services ordered by the FERC may differ from those required by the FERC of other entities subject to this Act. However, the effect of any transmission services ordered for BPA than for other entities subject to the FERC's transmission service orders pursuant to this Act with respect to: (1) overall cost recovery by the transmitting utility, and (2) economic impact on the transmitting utility.

The FERC has the responsibility to implement this Act, including section 212(h), and to consider and apply BPA's other federal statutes.

Mr. SHARP. Mr. Chairman, will the gentleman yield?

Mr. SWIFT. I am happy to yield to the gentleman from Indiana.

Mr. SHARP. I appreciate the gentleman yielding.

The language the gentleman referenced relating to BPA was, indeed, inadvertently left out of the Energy and Commerce Committee report on H.R. 776. I certainly will work to assure the House position on the issue is adopted in the conference, and that the language be included in the statement of managers in the conference committee report.

Mr. MOORHEAD. Mr. Chairman, will the gentleman yield?

Mr. SWIFT. I am happy to yield to the gentleman from California.

Mr. MOORHEAD. Mr. Chairman, I agree that the language referenced by the gentleman from Washington should have been included in the Energy and Commerce report. I, too, will work with him to assure that the BPA transmission provisions are adopted in conference and that explanatory language is included in the statement of managers.

Mr. SWIFT. Mr. Chairman, I thank both of the gentlemen very, very much for their understanding and cooperation.

Mr. LENT. Mr. Chairman, I yield 3 minutes to the gentleman from Texas [Mr. FIELDS].

Mr. FIELDS. Mr. Chairman, as a Representative from Houston, the energy capital of the world, I am extremely troubled with the crisis facing our domestic energy industry today and therefore the crisis facing America. I would like to take this opportunity to relay to you some facts and figures that paint a very disturbing picture for the future of this country.

During the 1980's, 23 major U.S. energy companies were forced to lay off more than 600,000 employees, a far greater number of lost jobs than occurred in the U.S. auto industry.

From 1987-91, the U.S. dependence on foreign oil to meet our total oil needs increased from 27 percent to 46 percent.

In 1989, for the first time, U.S. energy companies spent more money in foreign exploration and development than they spent in the United States. Since then, the gap between overseas and domestic spending has widened.

Among 18 major domestic oil companies, the percentage of their exploration and development budgets used for foreign exploration and development increased from 20 percent in 1985 to 60 percent in 1990.

According to the Department of Energy, the United States spends about $120 million a day to buy imported oil. Foreign oil is the single largest component of the Nation's trade deficit. In 1991, the United States spent $56 billion to purchase imported crude oil, and that represented nearly one-half of the Nation's total trade deficit.

But it is not just the majors that have been adversely affected by exploration and development restrictions enacted in this country in recent years; the impact is felt among the independent energy companies as well. From 1981–85, independents spent $21 billion a year for exploration and development. Since then they have averaged about $7 billion a year.

Mr. Chairman, I could go on and on with similar statistics. Almost every day, there is a news story about additional job losses, more domestic companies making contracts overseas, more domestic resources being placed off limits, and more misinformation on the environmental consequences of developing our Nation's energy resources. The need for a comprehensive energy policy that provides both energy and economic security through conservation and greater production is long overdue.

We have before us today a bill with a number of the components necessary for a comprehensive energy policy. I commend Chairman DINGELL, Mr. LENT, Chairman SHARP, Mr. MOORHEAD and the other Members who have worked so diligently to bring this bill to the floor. It is not easy reconciling the regional and philosophical differences that arise when energy policy is considered.

While there are many provisions in the original text of H.R. 776 that I support, I was hopeful that some changes could be made that would expand our domestic production as well as increase energy efficiency. First, the set aside requirements for the strategic petroleum reserve; second, the proposed expansion of OCS moratoria; third, the impact of the changes in the electricity title on Texas; and fourth, the possibility of usurping States' rights to protect their property holders and natural resources, are just some of the serious concerns I have with H.R. 776 in its present form, and with some of the amendments which have been proposed to it.

While there are several amendments I would have liked to offer to H.R. 776, I am hopeful that the Rules Committee will allow me to offer my peril point amendment. This bipartisan amendment is a straightforward attempt to deal with the serious problem of our growing dependence on foreign crude oil. If enacted, my amendment would allow the President to lease certain OCS moratoria areas if several stringent conditions were met. These conditions are:

First, the level of oil imports must exceed 50 percent for more than 4 consecutive months, as determined by the Energy Information Agency;

Second, the President can only lease those OCS planning areas that have undergone sufficient environmental review to fully comply with the National Environmental Policy Act; and

Third, the Minerals Management Service must certify that a proposed planning area has significant quantities of oil or gas resources.

Mr. Chairman, the President should have this authority and I am hopeful that the House will have an opportunity to work its will on this proposal. What I am suggesting will not endanger our environment but it may well protect our national security.

While I support efforts to promote the use of alternative fuels, energy efficiency and conservation, these provisions are only part of the energy security solution. Legislation that promotes the exploration and development of our energy resources in addition to the other components, would increase jobs, decrease the trade deficit, increase our energy security, lessen negative environmental consequences, and improve our overall economy. Legislation that ignores the need to promote exploration and development, no matter how well intended, will accomplish none of those goals.

I will say it again: There is an energy crisis in America. And while it may not be as obvious as the gas lines of the 1970's were, it is far more dangerous because we are systematically destroying any incentive to invest and to find the domestic energy resources we will need to survive in the future. As a native Texan who understands the importance of our domestic energy industry and, as a member of the House Energy and Commerce Committee for the past decade, I must say regrettably, that this bill, without some changes, is simply the latest nail in the coffin of America's energy independence.

Mr. SHARP. Mr. Chairman, I yield 3 minutes to the gentleman from Alabama [Mr. HARRIS], who is deeply involved in this bill and who is a contributing member of our subcommittee, especially on the issues relating to coal.

Mr. HARRIS. Mr. Chairman. I rise today in strong support of House Resolution 776, the National Energy Policy Act. I would like to congratulate both Chairman JOHN DINGELL and ranking Republican, Mr. NORMAN LENT and our subcommittee Chairman Mr. PHIL SHARP and the ranking Republican, Mr. CARLOS MOORHEAD for their hard work on this omnibus legislation.

As a member of the Energy and Power Subcommittee, I have been involved in the development of this legislation from its inception. I believe it is time to move this country toward a sensible energy policy and secure energy future. This legislation will accomplish both of these goals.

This 12 title bill contains important improvements that will ensure that our Nation efficiently uses all forms of energy, including coal, fossil fuels, nuclear, and renewable energy. The efficient use of energy will not only help our economy, but also lower our dependence on imported oil. This, in turn, will lower our trade deficit.

One title of the bill is devoted to one type of energy, coal. Coal is produced in Alabama. Coal is readily available in this country at a very reasonable price. Key provisions in this title include expansion of the Clean Coal Technology Program, which has been so successful in promoting the use of this fuel. New technologies which have been jointly developed with the financial help of industry will ensure that coal remains part of the solution, both here in the United States, as well as the world.

In terms of another energy source, natural gas, this legislation will encourage wider use of natural gas by approving provisions that will streamline the building of natural gas pipelines. In addition, reforms to the Public Utilities Holding Companies Act [PUHCA] may offer new opportunities for independent power producers to use more natural gas.

In my home State of Alabama, there is currently a boom in development of coalbed methane. This natural gas is trapped within the rich coal fields of the Black Warrior basin. Capturing this methane makes coal mines safer, as well as preventing the release of an important greenhouse gas, methane. The National Academy of Sciences recommended that the United States make a concerted effort to reduce greenhouse gases. Coalbed methane production is a good start toward this effort.

I am especially pleased that today's bill contains an amendment that was adopted at subcommittee level about the ownership of this coalbed methane gas. We need to do everything we can to ensure that Alabama's resources are widely available at a reasonable price. I know some of my colleagues in the Northeast would like to buy our natural gas, and Alabama is happy to oblige.

Probably the most contentious part of the omnibus legislation is contained in title IV. Title IV would amend the Public Utilities Holding Companies Act [PUHCA] to encourage more development of independent power producers.

During the committee's markup I successfully offered an amendment to help level the playing field for registered holding companies. My amendment ensures that registered holding companies can use leveraged financing for their independent power producers [IPP's] in the same manner as other companies. The Securities and Exchange Commission will review these projects to ensure that the parent organization does not risk its financial integrity by these investments. I look forward to working in the conference to ensure that my amendment is included in the final bill. I want to ensure that the SEC is given adequately flexibility to review IPP's.

Another issue that I am concerned about is nuclear energy. The bill today contains an important provision that ensures that the site characterization study at Yucca Mountain will continue on schedule. This study will determine whether Yucca Mountain is a suitable site for disposal of high level nuclear waste. The disposal of this waste is an important issue to resolve.

Later today, I will be supporting an amendment offered by my colleague, Congressman CLEMENT. The amendment will reform the licensing procedures for the startup of a nuclear powerplant. I believe that nuclear power should be a viable option for the future.

I urge my colleagues to support this omnibus bill. The time to act is now.

□ 1410

Mr. LENT. Mr. Chairman, I yield 2 minutes to the gentleman from Alabama [Mr. CALLAHAN], a member of the Committee on Energy and Commerce.

Mr. CALLAHAN. Mr. Chairman, I rise in support of the Comprehensive National Energy Policy Act as Reported by the Energy and Commerce Committee.

Although our committee's bill is far from perfect, it is a meaningful approach to meeting America's future energy needs. The bill is a balanced approach to the reduction of our dependence on foreign oil. It promotes conservation, efficiency, and renewable energy. It enhances alternative energy programs and encourages greater use of natural gas, an abundant and clean fuel. It responsibly addresses greenhouse warming and high-level radioactive waste. The bill makes significant strides with respect to alternative vehicle fuels and helps ensure that our most abundant source of energy—coal—will be burned cleanly.

Although these provisions represent a good balance between our economic growth and environmental concerns, there are areas of the bill that I do not support. Specifically, the 1-percent strategic petroleum reserve set-aside requirement on importers and refiners is an unwarranted new tax on businesses and consumers. We should support the Ways and Means Committee on this issue and strike the set-aside.

I also urge my colleagues to support the Clement-Barton amendment on nuclear power plant licensing reform. If you believe as I do that nuclear energy should be an option in the future, vote "yes" on Clement-Barton.

Mr. LENT. Mr. Chairman, I yield 2 minutes to the gentleman from Florida [Mr. BILIRAKIS], a member of the committee.

Mr. BILIRAKIS. Mr. Chairman, it is plain that we as a nation must secure a greater degree of energy independence if we are to remain economically stable and competitive both at home and abroad.

This will take a comprehensive effort at all levels of our society: individual citizens, business, and industry both small and large, and Government. Today, we have the opportunity to fulfill the Federal Government's part of this bargain as we participate in crafting a true, comprehensive national energy policy—something our Nation has needed for some time.

I support the spirit of the legislation before us, H.R. 776, as it represents a crucial step toward a more energy secure future for our Nation. It is not a perfect vehicle, and we will have the opportunity today to amend several points in the bill that I feel need to be addressed. However, it does represent a good faith effort towards the national energy policy called for by President Bush.

While this legislation reaches into virtually every sector of energy production, demand and development, I am particularly pleased with energy efficiency language contained in title I—language that will apply energy saving appliance standards to a broad spectrum of electric motors, lighting and industrial equipment, and showerheads.

I was particularly pleased to work with a number of my colleagues in crafting separate energy efficiency standards legislation, and later within the Energy and Commerce Committee to incorporate these standards into the omnibus legislation that we are considering today.

We should be pleased and feel fortunate that we can advance the energy interests of our Nation—in a dramatic manner—simply by making the most efficient use possible of our energy resources.

A prime example of both the energy and conservation savings possible in this title may be found in its provisions relating to the efficient use of water. In my home State of Florida, water conservation has come to be a way of life. Residents in many parts of the State, in what are known as water use caution areas, routinely experience drought conditions. Water audits, state-of-the-art leak detection methods, lawn sprinkling bans and other measures are frequent reminders of the severity of the State's water crisis.

The Florida Water Conservation Act of 1983 required the implementation of water-efficient fixtures that reduced water flow rates to a maximum of 3 gallons per minute.

Yet, even these economies now lag behind current technological capability. Accordingly, many water conservation authorities now recommend water fixtures with a maximum flow rate of 2.5 gallons/minute, the standard for showerheads in the legislation that we will consider today.

Hand in hand with such conservation measures goes energy efficiency because reduced flow rates mean that less energy is used to heat the water. Water heating accounts for nearly 17 percent of residential energy use and some 40 percent of residential hot water use flows through showerheads. Obviously, substantial energy savings could be made through this simple conservation method, and over a 15-year period it could save consumers approximately $8 billion.

However, as I noted earlier, H.R. 776 is much more than a water conservation bill. Indeed, its efficiency title alone extends these energy savings through similar standards for lamps, motors and industrial equipment.

Making the energy efficiency standards in the legislation a National benchmark will result in billions of dollars of additional savings in energy costs and will dramatically reduce energy consumption.

The goals of energy efficiency, energy security and energy independence are sought and supported by all Americans. These goals are achievable, affordable and, most importantly, effective. I support them wholeheartedly.

Mr. LENT. Mr. Chairman, I yield 1 minute to the gentleman from Tennessee [Mr. CLEMENT].

Mr. CLEMENT. Mr. Chairman, I rise in support of the amendment offered by myself and the gentleman from Texas [Mr. BARTON].

I also rise in support of H.R. 776, the National Energy Policy Act that I know the Committee on Energy and Commerce has devoted much time and attention to.

I support the Clement-Barton amendment for a number of reasons. We have not substantially updated the nuclear regulatory process since the early 1950's. No nuclear plants have been ordered since 1978.

We are entering the 21st century and we are not prepared. We must reduce our dependence on foreign oil.

The previous "design-as-you-go" licensing process is no longer capable of addressing the public's concern that a proposed nuclear energy plant can be constructed and operated safely. The new process under the Clement-Barton substitute amendment is predictable and allows for full public participation.

We are moving at a time where energy and energy dependence is critically important for us all. That is why we need to support the Clement-Barton amendment.

Mr. SHARP. Mr. Chairman, I yield 1 minute to the gentleman from Michigan [Mr. WOLPE].

Mr. WOLPE. Mr. Chairman, I thank the gentleman for yielding me this time.

Mr. Chairman, I rise in strong support of the language of H.R. 776 concerning the reform of the Public Utility Holding Company Act. My specific concern relates to the issue of self-dealing. You do not have to look beyond the actions of the Consumers Power Co. and CMS Energy, its parent company in my own State of Michigan, to understand the terrible abuses that can result from self-dealing.

Self-dealing has been central to the corporate strategy of CMS Energy for the last 5 years. This strategy has its origins in Consumers Power's abandoned Midland nuclear plant. Consumers began the Midland nuclear facility in 1967 and abandoned it in 1984 at a cost of $4.1 billion. Due to imprudence on the part of the company, the public service commission allowed Consumers to recover less than $1 billion of the $4.1 billion.

In January 1987 Consumers launched an effort to recoup some of their huge investment in Midland. They announced that they were going to convert the abandoned nuclear plant into an electric generating facility fueled by natural gas known as the Midland Cogeneration Venture [MCV] Consumers Power is a 49 percent owner of MCV.

In May 1987 Consumers created a holding company known as CMS Energy. Consumers is now a regulated subsidiary of CMS, whilc MCV is not subject to State regulation. In 1987 Consumers also signed a 35-year contract to purchase electricity from MCV. Consumers agreed to pay MCV approximately 6 cents per kilowatt hour.

An independent power producer in Michigan has tried to sell Consumers electricity at 4 cents per kilowatt hour for a 30-year period, but they refuse to do business with him.

Consumers would prefer to buy power from themselves at above market prices regardless of its impact upon their customers. In an official order reviewing this purchase, the public service commission found that Consumers had negotiated with itself and lost. And when the company lost, so did the ratepayers.

The independent power producer has testified that if Consumers were to buy power from him at 4 cents instead of MCV for 6 cents, electric consumers could save $2 billion over that 30-year period. While this self-dealing may help the shareholders of CMS Energy recover some losses due to the mismanagement of the Midland nuclear project, it would be more equitable to rate payers—and more productive for the Michigan economy—if that $2 billion remained in the pockets of the company's customers.

Before 1935, most abuses by utility holding companies were caused when such entities operated across State lines and thereby thwarted effective regulation by State regulators. CMS Energy currently has an exemption from PUHCA because most of its business is within the State of Michigan.

But as a result of the outrageous corporate behavior of CMS over the past 5 years, the public service commission recently took the extraordinary step of formally requesting the Securities and Exchange Commission to revoke or condition CMS exemption from PUHCA.

While I think the Commission will ultimately prevail in its struggle to protect Michigan consumers from CMS's corporate strategy, it would be hard to predict the outcome if PUHCA were significantly weakened and CMS Energy was a holding company operating freely across State lines.

I therefore support the PUHCA reform language contained in H.R. 776 and encourage House conferees to oppose any efforts to weaken this language in conference with the Senate.

I want to congratulate the gentlemen from Indiana [Mr. SHARP] and the members of the committee for the self-dealing provision included in this legislation. My hope is that we will hang tough in the conference committee and preserve that.

Mr. LENT. Mr. Chairman, I yield 1 minute to the gentleman from Texas [Mr. BARTON], a member of the Committee on Energy and Commerce.

Mr. BARTON of Texas. Mr. Chairman, in 1973 the last nuclear powerplant was ordered in this country that has actually been built, 1973, 19 years ago. Since that time, 248 nuclear powerplants have been ordered and built in the rest of the world.

□ 1420

There are currently under construction 85 nuclear powerplants around the world. Why has this country not ordered or built a new powerplant for nuclear power since 1973? The answer, for example, is to my left. These are the documents for one hearing proceeding for one nuclear powerplant for which there was no controversy over the construction, and the safety issues.

This is a noncontroversial hearing record for one plant.

In this country it can take as long as 20 years to construct, license, and begin the operation of a nuclear powerplant. For that reason, Congressman BOB CLEMENT and I are offering an amendment on the bill tonight to go to a one-step licensing reform. I would hope that the Congress would adopt it.

Mr. LENT. Mr. Chairman, I yield 1 minute and 15 seconds to the gentleman from Illinois [Mr. HASTERT].

Mr. HASTERT. I thank the gentleman for yielding this time to me.

Mr. Chairman, ladies and gentlemen of the House, I want to commend first of all the chairman of our committee, the ranking members of our committee and subcommittee, and certainly the chairman of the subcommittee, the gentleman from Indiana [Mr. SHARP], for their long and diligent work that went into this bill.

When you start to think what our energy future is in this country——

Mr. SHARP. Mr. Chairman, will the gentleman yield?

Mr. HASTERT. I yield to the chairman of the subcommittee, Mr. SHARP.

Mr. SHARP. I thank the gentleman for yielding and apologize for interrupting at this point.

Mr. Chairman, there is no member of our subcommittee who has spent more time listening to the hearings, participating in this process, than the gentleman from Illinois [Mr. HASTERT]. He made enormous contributions along the way, especially his intimate understanding of the electric utility industry. I certainly appreciate the gentleman's work.

Mr. HASTERT. I thank the chairman for his comments.

But what we need is a long-term energy future in this country, both in our ability to take energy out of the ground, petroleum, to generate energy with coal, and nuclear, and natural gas, and to take all these things into focus and to be able to move that energy which involves PUHCA reform, transmission, access, and many, many issues of very, very difficult concepts.

It has been, certainly, not a perfect bill, but a perfect bill that we can live with, a bill we can move forward within this country and certainly bring forward a least-cost energy plan.

Mr. LENT. Mr. Chairman, may I inquire how much time remains?

The CHAIRMAN. The gentleman from New York [Mr. LENT] has 7 minutes remaining.

Mr. LENT. Mr. Chairman, I yield 2 minutes to the gentleman from Florida [Mr. GOSS].

Mr. GOSS. Mr. Chairman, I thank the gentleman for yielding this time to me.

Mr. Chairman, it was no small feat that brought us to this moment—getting a grip on our Nation's energy needs and focusing in on a long-term strategy to meet those needs has been a monumental challenge. I wish to commend my colleagues on the many committees of jurisdiction who have negotiated in good faith to bring us to this point.

When we talk about an energy strategy—we have to face headon our dependence on oil. There is no doubt oil has brought wonderful benefits, but it has exacted a serious cost on our society—and it will continue to do so unless we try to diversify our energy resources and better control our energy demands. We need to explore alternative fuels, develop market-based incentives to expand production of the most promising alternatives—such as natural gas—and promote greater national understanding for the merits of conservation. And we need to be careful about what the decisions we make today will mean for the future of our finite resources. For example, I have often come to this podium to urge my colleagues not to dive headlong into a risky and ill-advised policy of exploiting our sensitive coastal waters in search of ever more oil. When it comes to the Gulf of Mexico waters off Florida's coast, we do not even know how much oil we could find—experts have predicted that area would yield no more than a few days' supply.

Mr. Chairman, the energy bill we are discussing today and tomorrow includes within it a title on the Outer Continental Shelf—and measures to extend a ban on future lease sale activity in the Eastern Gulf of Mexico until at least the year 2000. What we are asking for in this provision is time—time to make sure that we take the proper course in charting our Nation's energy future—and time to ensure that we find a true balance among the trio of crucial and not necessarily competing interests of meeting our energy needs, preserving our finite resources, and promoting lasting economic and national security. Mr. Chairman, I urge my colleagues to join me in support of these important OCS provisions—not just because they're good for Florida and other coastal States—but because they are right for our Nation.

Mr. LENT. Mr. Chairman, as I understand it, this gentleman has 5 minutes remaining, and I would like to reserve that 5 minutes until such time as all general debate has been completed.

The CHAIRMAN. The gentleman from New York [Mr. LENT] reserves his time until the end of general debate.

Mr. SHARP. Mr. Chairman, I would like to use 1 more minute of the time that I have remaining and then would reserve the balance of my time, which I believe leaves me with 4 minutes after we use this 1 minute. Mr. Chairman, is that correct?

Mr. CHAIRMAN. The gentleman is correct.

Mr. SHARP. Mr. Chairman, I yield 1 minute to the gentleman from Arkansas, pending which I yield myself such time as I may consume.

Mr. Chairman, Congressman BILL ALEXANDER has been a leader on energy issues for two decades. He first called for the establishment of a national energy policy such as the one we are considering today in 1973.

From 1978 to 1980 Mr. ALEXANDER served as member of the National Alcohol Fuels Commission which issued a report on alcohol fuels in 1980.

In 1985 he was successful in negotiating a joint research agreement for sharing alternative fuels research between the University of Arkansas and the Brazilian Institute of Technology of Sao Paulo, Brazil.

In 1989, Mr. ALEXANDER hosted the International Conference on Alternative Transportation Fuels and the Environment at Arkansas State University in his home State.

In 1990, Mr. ALEXANDER was a participant at the World Energy Conference in Toronto, Canada to promote the increased use of alternative energy and has been asked to return to address this group next month.

Last year he addressed the United Nations Intergovernmental Conference on Science and Technology for Development.

Congressman ALEXANDER currently serves as one of the four congressional members of the U.S. Alternative Fuels Council, which was established as an advisory group to aid in fulfilling the requirements of the U.S. Alternative Motor Fuels Act of 1988.

Mr. ALEXANDER is also the chief congressional supporter of the south coast alternative fuels demonstration project, a comprehensive and objective demonstration of five different alternative fuels now underway in California.

Mr. ALEXANDER. Mr. Chairman, I thank the gentleman from Indiana for his remarks. It has been a pleasure to work with Mr. SHARP to formulate a national energy policy. I rise today as a cosponsor and in further support of H.R. 776, the Comprehensive National Energy Policy Act. The enactment of a comprehensive national energy policy is long overdue.

As a boy growing up in Arkansas, I enjoyed many experiences that taught me valuable lessons I have used throughout adult life. I would like to share one experience with you which has shaped my views on energy policy.

At age 14 I worked as a farm hand and tractor driver for my father who farmed Island 35, a small tract of land in the middle of the Mississippi River near Osceola, AR. Each day we had to ferry across the river all of the supplies we planned to use. Occasionally, we would begin to run low on gasoline for farm trucks. Instead of going across the river for more fuel in order to address the emergency of a low gas supply, I would travel to the south point of the island to the alternative fuel processing plant, otherwise known as Silver Dad's still. From the still I would acquire 20 gallons of alcohol which I would later blend with tractor fuel. Gasohol worked just fine.

This lesson came back to me in 1973, while serving here in Congress following the first OPEC oil embargo against the United States. Most Americans realized the vulnerability of the United States as they waited in line at the service station to buy fuel to go to work. Our Nation was paralyzed.

I continue to be concerned about our Nation's ever increasing dependence on foreign oil. The Department of Energy projects that imports of petroleum will reach 9.8 million barrels per day by the year 2000 and 11.6 million barrels per day by 2010. Assuming an average price of $25 per barrel from now to then, that would lead to an import bill of about $615 billion from 1993 through 2000 and about $1.5 trillion from 1993 through 2010.

A national energy policy will reduce our Nation's dependence on foreign oil. A heavy burden on our economy will be lessened. The alternative energy produced will revive a depressed economy in the farm sector as well as natural gas regions and coal States. This national energy policy will open up the $100 billion transportation fuel market to farmers. It will put farmers in the fuel business and increase farm income. Had we established a national energy policy in the 1980's impressive savings would have occurred, maybe enough savings to have avoided the current recession.

The enormous cost of importing energy is not the only drag on our balance of payments. The cost of security should also be considered.

I include as a reference to my remarks the summary of a General Accounting Office study which estimates the United States cost of protecting foreign oil supplies in the Persian Gulf, about $3 per gallon.

If assistance provided to the Persian Gulf region from 1980 to 1990 was approximately $420 billion, and imports totaled 140 billion gallons, the additional cost of imported gasoline that consumers do not see at the pump is about $3 per gallon.

It is critical that this House move now to adopt an effective, long-term energy policy. Passage of H.R. 776 gives us the opportunity to do this.

DOMESTIC GASOLINE CONSUMPTION

	Barrels/day	Gallons/day	Gallons/year
Year:			
1980	6,579,000	276,000,000	100,740,000,000
1981	6,588,000	277,000,000	101,105,000,000
1982	6,539,000	275,000,000	100,375,000,000
1983	6,622,000	278,000,000	101,470,000,000
1984	6,693,000	281,000,000	102,565,000,000
1985	6,831,000	287,000,000	104,755,000,000
1986	7,034,000	295,000,000	107,675,000,000
1987	7,206,000	303,000,000	110,595,000,000
1988	7,336,000	308,000,000	112,420,000,000
1989	7,328,000	308,000,000	112,420,000,000
1990	7,235,000	304,000,000	110,960,000,000

Note.—Approximate total consumption, 1980–90: 1,165,000,000,000 gallons (Data provided by Energy Information Administration).

The Congressional Research Services advises that from 1980 to 1990, imports from the Persian Gulf region comprised approximately 12 percent of total gasoline consumption—about 140,000,000,000 gallons.

REAL COST OF A GALLON OF GASOLINE

GAO reports the following costs for protecting foreign oil supplies during the years 1980–90:

	Millions
Military activities (SW Asia-dedicated)	$21,400
Military activities (SW Asia-oriented)	5,800
Other contingencies and mobility programs	272,600
Kuwaiti reflagging operation	240
Operations Desert Shield and Storm	61,000
Military assistance to strategic SW Asia countries	30,800
Economic assistance to strategic SW Asia countries	28,000
Multilateral financial aid (U.N. and World Bank)	6,626
U.S. aid for energy activities	130
Multilateral aid for energy activities (World Bank)	466
Total	427,062
Total, excluding multilateral aid	419,970

If assistance provided to the Persian Gulf region from 1980 to 1990 was approximately $420 billion, and imports totaled 140 billion gallons, the additional cost of imported gasoline that consumers don't see at the pump is about $3 per gallon.

Mr. SHARP. Mr. Chairman, I reserve the balance of my time.

The CHAIRMAN. At this time, then, all remaining time allotted to the Committee on Energy and Commerce has been reserved.

Pursuant to the rule, the next allotment of time is available to the Committee on Foreign Affairs. The Chair is advised that that committee on both the majority and minority side do not wish to take the time allotted to them.

Under an agreement of the leadership on both sides, that time will be deemed to have been yielded back, as will any other debate time not consumed in order by the committees designated in the rule.

At this time, under the rule, the Committee on Government Operations is entitled to be recognized.

The Chair recognizes the gentleman from Oklahoma [Mr. SYNAR].

Mr. SYNAR. Mr. Chairman, I would like to divide my time with the gentleman from Pennsylvania.

The CHAIRMAN. Under the rule, that is in order.

Mr. SYNAR. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, today, the House meets to debate H.R. 776, the Comprehensive National Energy Policy Act.

I rise in support of this legislation and commend all committees who worked so long and hard to craft the first real action on energy by this body in over a decade.

While I am sure that none of us considers this bill perfect, it is a significant first step—and one that we can build on to produce even stronger legislation in the future.

The legislation is pathbreaking for many reasons.

First, we have taken important actions to eliminate cumbersome and inappropriate regulations that impede energy production and distribution.

These include reforms in electricity and gas and oil pipelines, both in construction and operation.

Second, we recognize for the first time, the potential global warming implications of our energy decisions by establishing a new program to recognize voluntary reductions by industry of the gases which contribute to global climate change.

Third, we have given a big boost to the use of our cleanest fuel—natural gas, through: increased use of alternative fuel vehicles; reform of the Public Utility Holding Company Act; reform of gas pipeline certification; research into new uses of gas; and, important tax breaks for producers as well as for natural gas vehicles and infrastructure.

Finally, the bill puts the Federal Government once again in a leadership role in energy policy.

The Committee on Government Operations considered amendments to subtitle B of title I of H.R. 776 which addresses energy conservation goals and programs for Federal agencies as well as to title III which deals with use of alternative fuels by the Federal fleet.

The committee held two oversight hearings on energy conservation and alternative fuels in the 101st Congress and two more in the 102d Congress in addition to the legislative hearing held on H.R. 776 on April 28, 1992.

The committee's energy amendments included items dealing with the Federal fleet, procurement of energy efficient products and improvements in Federal energy conservation programs.

At the urging of the House leadership we met numerous times to arrive at compromise positions among our committee, and the Committee on Public Works and Energy and Commerce.

As a result of these negotiations we have arrived at consensus on amendments already offered as part of the original text as well as two amendments which I understand will be included in a broader package to be offered on Thursday.

These two amendments substitute for the energy efficiency revolving fund and energy performance contracting amendments reported out by Government Operations.

As the energy crises of the 1970's taught us, even small disruptions in the U.S. energy supply can cause huge disruptions to our economy, lifestyle, and peace of mind.

The Government Operations Committee believes that increased energy efficiency can solve many of these problems while reducing the emissions which contribute to air pollution and global warming.

Best of all, Federal energy efficiency also makes good common sense since it saves significant sums for the hard-pressed U.S. taxpayers.

The Federal Government should also set an example of efficiency since it is the nation's biggest energy user and the biggest energy waster.

All together, the Federal Government uses over 2 percent of all energy consumed in the United States.

And while the Federal Government made some progress in reducing Federal energy use in the last 15 years, this progress has been eroded in the last 2 years.

The reason for this inadequate performance is simple—lack of up-front money to get the job done.

The two amendments to be offered as part of the broader package on Thursday are intended to tear down the financial barriers to conservation investment and make the Federal Government the leader in energy efficiency once again.

The first deals with expanded authorization for energy services contracts. This amendment would expand existing authority for Federal agencies to enter into contracts with private sector energy service companies.

Performance contracting for services is a well established interest of the Government Operations Committee and is part of our general procurement authority founded on our jurisdiction over the Federal Property and Administrative Services Act of 1949.

Current Federal procurement procedures for these contracts are so cumbersome that only a handful have been completed in the last 6 years.

However, these contracts are widely used by State and local government agencies with more than 1,500 such contracts signed in the past 4 years.

They provide a no-cost alternative for conservation investments which would otherwise be dependent on scarce appropriations.

Under this authority, energy service companies would privately finance, install, maintain and monitor energy conserving modifications in Federal facilities.

The amendment establishes a detailed procedure for expediting energy service contracts including a procedure for certifying energy service companies in advance and processing unsolicited bids that such companies may initiate.

These contracts, which enjoy strong support in the administration, offer the best hope for jump-starting our lagging Federal conservation program.

The second deals with a study of Federal energy efficiency funding. This amendment directs the Secretary of Energy after consultation with other relevant Federal agencies to conduct a study of financing options for Federal energy and water conservation investments including the level of Federal investments necessary to comply with the act and funding mechanisms such as a revolving fund.

□ 1430

Mr. Chairman, I reserve the balance of my time.

Mr. CLINGER. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I rise today to support, strongly support, the two Government Operations Committee amendments which the gentleman from Oklahoma [Mr. SYNAR] has alluded to. These amendments were indeed negotiated at the eleventh hour on a bipartisan basis and are now supported by both the Committee on Energy and Commerce and the Committee on Public Works and Transportation, on which I also serve.

I would also join with all who have commended the leadership of the Committee on Energy and Commerce and the many others who have had the vision to bring together so many committees, so many disparate points of view, so many issues that were contentious and difficult to resolve, and to resolve those so that we indeed are going to have, for the first time in I think the country's history, a comprehensive energy policy in this country. So, to the gentleman from New York [Mr. LENT], the gentleman from Michigan [Mr. DINGELL], the gentleman from California [Mr. MOORHEAD] and all others, heartiest congratulations.

Mr. Chairman, the two Government Operations Committee amendments which we are discussing here are to title I and address Federal energy efficiency. This particular title is extremely important because the Federal Government is indeed the Nation's largest consumer of energy and, therefore, the potential for savings, both in terms of energy and in terms of money in what we can do in the Federal Government, are enormous. It not only reduces pollution and preserves scarce nonrenewable sources, but could indeed save billions of dollars annually. Energy expenditures in Federal buildings alone amount to about $4 billion annually. It is estimated that there is an unrealized potential savings of about 25 percent, and that would translate into about $1 billion per year.

Mr. Chairman, that is no mean amount to save in these days of very, very rigid fiscal constraints. Experts indicate to us that indeed this goal is in reach, but agencies have faced problems in coming up with the upfront capital to work toward achieving these savings.

The purpose of our two Government Operations Committee amendments is to help save taxpayer dollars by helping the government move more quickly to install energy efficiency technologies and to address this problem which arises because of the lack of funding, the inability to put into effect the savings because we do not have the money to fund them.

The first provision simply provides an option, only an option. It is not mandatory for Federal agencies to procure private contractors at no cost to the Federal Government who would then be authorized to install energy efficiency devices in Federal buildings. Prior contractors guarantee a certain amount of savings to the Federal Government in establishing this contract, and their profit from the exercise is taken from the savings. However, once the contract is completed, the government would get all of the savings at no net cost. This is used widely, Mr. Chairman, by both State and local governments as a means to achieve energy conservation and has created literally thousands of private sector jobs, and, at no cost, we cannot lose.

It seems to me, Mr. Chairman, it is indeed a win/win situation. This amendment has strong bipartisan support along with support from the administration, from myriad environmental groups and also from private industry.

□ 1440

In fact, the Committee on Energy and Commerce did initially include this provision in their original version of H.R. 776, but because of the jurisdictional thicket that arose around this and the contention surrounding it, it was taken out. But only because of jurisdictional concerns, not in any sense because of any substantive objections with the purpose of the amendment.

The second provision has been substantially modified to address the concerns of the administration as well as the other House committees. Rather than implementing a Federal revolving fund for agencies to complete for funding to implement Federal efficiencies, the new amendment provides for a study of the feasibility of implementing this innovative funding mechanism. The study would also examine one of the issues that we have been grappling with for years—what are the funding options for agencies in order to implement the President's Executive order as well as being able to comply with this bill.

I am pleased to report that we have been able to negotiate these provisions with the other two sister committees. These provisions were too important to let jurisdictional concerns overtake substantive issues.

The most important issue at hand is a good, solid piece of legislation crafted in a cooperative spirit. We should not lose sight of this goal as we move through this difficult process. We ask support of these two amendments, and hope that we can achieve a sound energy policy.

Mr. Chairman, I reserve the balance of my time.

Mr. Chairman, I yield such time as he may consume to the gentleman from Wyoming [Mr. THOMAS].

Mr. THOMAS of Wyoming. Mr. Chairman, I appreciate being given a few moments to talk about this area of energy policy which is so important to me and to my State of Wyoming. I particularly want to talk about coal and low sulfur coal explicitly.

Mr. Chairman, we ought to be encouraging the development of low sulfur coal. Certainly, this is a domestic source of energy that is very useful in terms of the environment. It is clean burning coal. It would seem to me we would want to encourage the use of that domestic resource.

Instead, Mr. Chairman, the original measure included in the bill would make it more difficult to produce coal, take away some of the incentives that now exist, and add new levels of regulation.

By the way, I think it is one of the few products in this country where nearly half of the cost at the mining head is taxes. That makes it really a little difficult to have incentives to do this.

Fortunately, many of these measures as I understand it in the rule have been removed. I am pleased they have, because they had very little to do with the production of energy. They had nothing to do with more Btu's, but indeed made it more difficult to have domestic production in this country. An energy bill ought to be designed to encourage the production of energy.

I am specifically interested in the abandoned mine lands provision which I understand is in the bill or will be in the bill. I have an amendment to be considered when that becomes appropriate.

It would seem to me we ought to resist that particular extension at this time. The proposition is to extend it through the year 2010. It is now in place until 1995.

It is a major cost. I think we ought to take a look at where we are at the time 1995 rolls around in terms of the extension of that particular measure.

I think it is fair to say the reason it was put in has very little to do with the reclamation of mine lands, but rather it was designed to be a funding source for unrelated sort of project.

Mr. Chairman, I appreciate the time to comment on coal. I hope that we will see in this bill an amendment to do something about abandoned mine lands.

Mr. SYNAR. Mr. Chairman, even though the gentleman I am about to recognize was going to speak during the next period of time allocated to the Committee on Interior and Insular Affairs, since there are no further requests for time from the Committee on Government Operations, I yield 5 minutes to the gentleman from Pennsylvania [Mr. KOSTMAYER].

Mr. KOSTMAYER. Mr. Chairman, I appreciate my friend from Oklahoma yielding to me on the time of the Committee on Government Operations.

Mr. Chairman, I just want to take a minute to talk about a provision of the bill which I think is going to be pretty controversial and will be the subject of a contentious amendment later on this evening. That has to do with the way in which we license nuclear plants in this country.

In 1989, the Nuclear Regulatory Commission promulgated a rule on the licensing of nuclear plants. It will likely simplify and speed up the licensing of nuclear plants in this country.

The NRC rule promulgated in 1989 really did three things. First, it established a one-step licensing provision so that instead of having one license required for construction and then a separate license required for operation, one license was required.

Second, and I think very importantly, it required the standard design of nuclear reactors in this country. This is very important in terms of safety.

Third, there was a provision on early site permitting. Essentially this provision, which is somewhat more controversial, will allow a utility to site a nuclear plant for as much as 40 years into the future, applying for a site permit which would expire in 20 years, and then having the ability to renew that for another 20-year period.

Mr. Chairman, this was all very contentious. Some environmental groups, including the Union of Concerned Scientists, took the NRC to court because they objected to a great deal in this rule, and the NRC was upheld on almost everything. The environmentalists won one very small issue, and it is that one single issue that is at stake in the Barton-Clement amendment which we will be talking about later this evening.

Here is what it says. It says that after a plant has been built and after construction has been completed but before that plant is placed in operation, if, and only if, new serious safety-related informations comes to light, then, if the NRC, No. 1, decides that evidence is new and, No. 2, decides that a hearing is justified, they should grant a hearing prior to the operation of that plant.

It is up to the NRC to decide whether that evidence is new, and it is up to the NRC to decide whether or not to have a hearing. It does not mandate a hearing, it simply allows for a hearing.

There is in fact in current regulation, a provision for such a hearing, an NRC rule, rule 2206, but it really is deficient for a variety of reasons, primarily because it is not judicially reviewable.

In other words, if the NRC decides they cannot or are not going to provide this hearing, those who are concerned have no opportunity to go to court. It is not judicially reviewable.

So the gentleman from Tennessee [Mr. CLEMENT] and the gentleman from Texas [Mr. BARTON] and the gentleman from California [Mr. MILLER] are all in pretty much agreement on what the NRC did in 1989. But we are concerned about this one provision, and we hope that the proposal made by the gentleman from Tennessee [Mr. CLEMENT] and the gentleman from Texas [Mr. BARTON] later on in the evening will be defeated, and that the NRC, if they decide the evidence is new and they want a hearing prior to operation, subsequent to construction, they will have the right to have one.

Mr. CLINGER. Mr. Chairman, I have no further request for time, and I yield back the balance of my time.

Mr. SYNAR. Mr. Chairman, I have no further requests for time, and I yield back the balance of my time.

The CHAIRMAN. All time allotted to the Committee on Government Operations has expired, and under the rule the Committee on Interior and Insular Affairs is entitled to 30 minutes of debate, divided between the majority and minority sides.

The Chair recognizes the gentleman from California [Mr. MILLER].

Mr. MILLER of California. Mr. Chairman, I yield myself 5 minutes.

Mr. Chairman, the Interior Committee titles offer a broad range of previsions addressing nuclear energy; offshore oil and gas development; protection for coastal areas on both shores and in Alaska; coal mining and oil, coal, and gas leasing; Indian energy issues; and insular areas energy issues. The bill reflects the hard work of the committee members and subcommittee chairmen and I thank all of them for their cooperation and thoughtfulness.

The obligation of this committee and of this Congress runs well beyond the mere production of energy. Our charge is to balance the competing demands on this Nation's public resources. The Interior Committee titles are designed to avert the kinds of landmines that have plagued earlier energy policies: Delays, lawsuits, environmental disasters, and increased imports.

Equally important, the Interior Committee bill is designed to protect the rights of individuals, communities, and States to participate in the process of setting energy policy, and not just be dictated to by Washington and the energy companies. For example, the bill strikes a new balance between the right of the public to a hearing on nuclear plant licensing with the need for a timely decisionmaking process, extends whistleblower protections to Department of Energy employees who have detected hazards mismanagement at nuclear facilities, and grants the States the right to reject radioactive waste that is below the regulatory concern of the NRC.

The Interior Committee titles do not step on the rights and the safety of our citizens, communities, and States in order to streamline the licensing and relicensing of nuclear plants for the benefit of nuclear industry. Bad energy policy does not produce energy; it merely costs the taxpayers money.

In the 1970's, this Nation was forced to consider its energy production capacity and its energy consumption. We learned some hard lessons about securing our future energy needs. I am sorry to say that in the intervening years we appear to have forgotten or ignored many of those lessons.

It is still true that the United States is the most inefficient user of energy of any industrialized nation in the world. It is still true that it is far cheaper and more dependable to save a Btu than it is to produce it. It is still true that Americans consume approximately twice as much oil per year per person than do the Japanese and the Germans.

For almost 20 years we have tried to produce ourselves out of a crisis or into energy independence. During these past 20 years, our wasteful approach to energy has contributed significantly, to an often stagnant economy to a slowly declining economy while our chief competitors in the world—Japan and Germany—have combined energy efficiency with economic growth and expansion.

It is high time we memorized the lessons of the 1970's. A successful and beneficial energy policy balances conservation, efficiency, safety, and extraction. It does not just offer energy producers carte blanche access to the Nation's public resources.

This bill also reflects a commitment to environmental protection that is as strong as the commitment to energy production. The bill addresses the true cost of oil, gas, and mineral extraction including proved coal mining regulation. Lands that Native Alaskans rely upon for subsistence are protected. Energy companies are required to help pay for the cleanup of uranium enrichment facilities and for mill tailings.

The Interior Committee titles reflect the view that producing an energy policy and protecting the public interest are not mutually exclusive. And the public's interest cannot be served by the drill-at-any-cost policy that has governed much of this past century. The Interior Committee takes seriously its responsibility for reducing foreign imports and guaranteeing a stable supply of energy, while addressing the public's environmental, safety, and health concerns.

It is with the same reasoning that the committee included a title on Indian energy resources. A significant amount of the Nation's natural resources including oil, gas, coal, and uranium is located on Indian reservations. Development of these resources will allow Indian tribes to become more self-sufficient and will also help to alleviate the widespread conditions of poverty and high unemployment on many Indian reservations. Provisions in this bill will provide tribes with the technical and financial assistance they need to control the future of energy development on their reservations.

The Interior Committee amendment also includes provisions to address some of the unique energy-related problems of the insular areas for which this Nation—and the Interior and Insular Affairs Committee—has special responsibilities.

These Pacific and Caribbean islands groups face different conditions and different energy situations than the State. For example, some do not have adequate power systems.

Perhaps the most important provision would require the Interior Department to submit a report, developed in consultation with the territorial government, on how to provide electricity throughout the trust territory islands of Palau, including meeting any obligations incurred in development of the islands' existing power system.

It is a disgrace that 45 years after the United States assumed responsibility for the development of these islands, some of the people of Palau do not yet have electricity at all and many only have power a part of the day.

The United States has an obligation to help Palau at least plan how to address this problem as well as claims related to the questionable deal for the facilities that do exist that Federal officials made possible. Not helping has impeded the islands' political development.

Mr. Chairman, I am glad that this day is finally here and that the Congress will begin debate on this important bill. I am optimistic that the end result will be that the Congress will produce a comprehensive and far-reaching energy bill that will seriously address the energy needs of this country while preserving the environment, protecting the health and safety of the American people.

□ 1450

I want to commend my colleague and ranking Democrat on the Committee on Interior and Insular Affairs and subcommittee chair on the Committee on Energy and Commerce, the gentleman from Indiana [Mr. SHARP], for all of the effort that he made to bring the committees together and to provide a new energy policy, a modern energy policy for this Nation's future.

Mr. YOUNG of Alaska. Mr. Chairman, I yield myself as much time as I may consume.

Mr. Chairman, I rise in very weak and waning support for this legislation as passed by the Energy and Commerce Committee. For as long as I can remember, Members of Congress have been calling for a national energy policy. Whenever the price of energy goes up—or down—the voices of this body come down to the well and ask the President to send up a national energy policy.

Well, this President did that. President Bush sent up the most comprehensive energy package ever to come before the Congress. It represented years of work and millions of taxpayers dollars and days and days of public testimony. It was balanced. And the Congress—especially the Interior Committee—chose to ignore it.

It included conservation, but also production of domestic resources. All credible energy experts who care about the American economy agree that any effective energy policy must include both of these approaches. That means increasing conservation—preferably through the free market and research and development investments, and increasing environmentally sound domestic production of oil, gas, coal, nuclear power, hydropower, and all renewable energy sources. That means incentives for conservation, but opening ANWR in Alaska for oil and gas drilling. It also means precluding oil drilling in those areas like Alaska's Bristol Bay, which is the world's greatest salmon fishery. Like most things in life—except those passed by some committees of Congress—it means tradeoffs.

We cannot call for increased use of electric cars, and then be against new electrical generation by coal, nuclear, or other means. Where do we get the new electricity?

We cannot beat up on the President for not going to the Earth summit and then oppose nuclear power, which does not pollute. We have got to make some choices. One of the reasons the American public is so ticked off with this institution right now is that they do not think we have the guts to make tough choices. I think on the whole, this bill confirms that.

I want to talk about my constituents in Alaska for a minute, because I think they are realistic, and willing to make choices. That's why I am so proud to be their only Representative in this body. Alaska supplies the United States—primarily the west coast, with over 20 percent of their domestic oil. In California, it supplies the refineries with about half of their oil. Alaskans are strongly united in their support for opening a little slice of land next to Prudhoe Bay in the ANWR for oil and gas drilling. Reports tell us that there could be 9 billion barrels of oil there, to replace Prudhoe Bay and keep refineries in Washington State and California operating into the 21st century. They support this. What they do not support is drilling in Bristol Bay, the greatest salmon fishery in the world. There is not a lot of oil potential there, but the fishery is renewable. They are willing to ante up ANWR, so long as we don't drill in Bristol Bay. I am happy to say that Bristol Bay is protected in this legislation. I am unhappy that the Congress has knuckled under to the environmental lobby and the Canadian Government, which wants to drill on their side of the border and sell us oil, rather than have us drill for it at home. So ANWR isn't in here.

It is really a shame. If ANWR does hold 9 billion barrels of oil, it could produce over 700,000 U.S. jobs in all States of the Union. These are good jobs in the manufacturing and construction industries. It could also slow the decline of the U.S. energy industry, which is in its greatest freefall in history. Every oil company that knows how to get a passport is leaving for foreign shores. Chevron just signed a $20 billion deal to develop oil in the former Soviet Union. That's $20 billion that could be spent at home, if the Congress were willing to make the hard choices people in Alaska have made. It's not just a shame, it's a damned shame.

I would like to close with a couple of points about the Interior Committee parts of the bill. There are some good things in our package. They include the Indian energy section, and the Bristol Bay cancellation. But there is also a lot of garbage in our parts of the bill. There are a lot of provisions which don't have anything to do with energy. In fact, they are antienergy. They will only increase our dependence on foreign oil and energy, and make our economy weaker against our foreign competition. I have called it unilateral energy disarmament. That, too, is a shame.

Let us not forget what importance energy has in our economy. It is the lifeblood of all industry.

Drive up the cost of energy to steelmakers, and steelworkers will be out of work.

Drive up the cost to the poor and those on fixed income, and they will suffer.

Keep sending $50 billion plus a year to foreigners for our most important commodity, and we will get poorer fast.

This is important to our country, and we should have treated it that way.

☐ 1500

Mr. MILLER of California. Mr. Chairman, I yield 4 minutes to the gentleman from West Virginia [Mr. RAHALL].

Mr. RAHALL. Mr. Chairman, I thank the gentleman from California [Mr. MILLER], the distinguished chairman of the Committee on Interior and Insular Affairs, for yielding me this time.

Mr. Chairman, as it stands, the pending legislation contains what I view as one of the most important provisions approved by the Interior Committee: The extension of the abandoned mine reclamation fund.

In the Surface Mining Control and Reclamation Act of 1977, we sought to address the plight of people in the coal mining regions of the Nation whose lives are affected on a daily basis by the health, safety, and environmental hazards associated with abandoned mine lands.

Established by this law was an abandoned mine reclamation fund, financed by a reclamation fee assessed on every ton of mined coal. To date, under this program, many of the scars let over from past mining practices—the moonscapes, the burning refuse piles, and old mine shafts—have been reclaimed.

Lands are being contoured, revegetated, and brought back to productive uses.

Yet, when the existing authority to collect the reclamation fee expires at the end of fiscal year 1995, approximately 1.6 billion dollars' worth of high-priority health and safety threatening sites will remain unreclaimed.

The Bush administration recognizes this fact. Several weeks ago the Interior Department transmitted to the Congress a draft bill to extend the authority to collect abandoned coal mine reclamation fees for an additional 2 fiscal years, through to September 30, 1997.

However, what remains to be done cannot be accomplished by a simple 2-year extension.

This bill would extend the fee collection authority through the year 2010. The amount of money raised under this proposal should allow us to reclaim and restore all of the most pressing sites, and to make some progress in addressing those which do not threaten public health and safety, but degrade the environment.

The program financed under this measure works to save coalfield citizens from the hazards associated with abandoned coal mine lands.

But we must not forget the abandoned coal miner.

For my part, I look forward to seeing this measure passed and beginning our work to address the justifiable concerns of retired coal miners when we meet with the other body.

Finally, let me say that it is my hope that the next rule on this bill will allow me to offer the Interior Committee's coal, oil, and gas provisions.

Mr. YOUNG of Alaska. Mr. Chairman, I yield 3 minutes to the gentleman from Arizona [Mr. RHODES].

Mr. RHODES. Mr. Chairman, as has been characterized by the gentleman from Alaska [Mr. YOUNG], the provisions of this bill which were reported out of the Committee on Interior and Insular Affairs constitute nonenergy provisions. The bill reported by the Committee on Interior and Insular Affairs would not produce one additional Btu or calorie of heat or electricity or energy for this country.

In the time allotted to me I want to address myself to the provisions of the bill that relate to nuclear power, nuclear licensing, nuclear plant licensing, and nuclear plant relicensing, because I am firmly convinced that the provisions of this bill relating to licensing and relicensing, if adopted by this House and if enacted into law, would ensure that by the year 2030 there would be no, and I repeat no, production of power in this country by nuclear power plants.

The relicensing provisions are such that as a plant comes up for relicensing, as its original license expires, the plants would look at the relicensing process and what they would have to do in order to work their way through that process and make the determination that it was not economically viable for them to seek relicensing, and those plants would close. Sequentially all of the 110 nuclear plants that exist in this country will close, until in 2030 there will be none.

Likewise with the licensing for new plants, the procedures outlined in the legislation as reported out by the Committee on Interior and Insular Affairs will make it an absolute certainty that no electric utility in this country will seek a license for a new plant in this country for as long as those provisions are in effect. They are draconian, they are expensive, they will extend the current 14-year average time that it takes to get a license for a new plant to the point that no electric utility will find it to be economically feasible or viable to seek a license for a new plant.

There is an alternative that has been presented. It is the Clement-Barton amendment. It will come up later this evening, and it will provide an opportunity for the public and the Government to fully participate in a process which will lead to standardization of nuclear plant design, standardization of nuclear siting, and standardization of nuclear license application which will allow electric utilities to keep nuclear as an option in this country.

It likewise will deal with the relicensing issue so that existing plants can economically seek to be relicensed as their current licenses expire. Nuclear is currently 20 percent of the electricity mix in this country. If we can restore the public's confidence in nuclear, if we can make the licensing process so that it is economically feasible to build a new plant, if we can make the relicensing process such that existing plants can economically continue their life, it is reasonable to assume that nuclear, which is economical and nonpolluting, can become as much as 30 to 35 percent of the mix of our electricity options in this country. We should be moving to restore and to keep as a viable alternative in this country the nuclear option.

The bill from the Committee on Interior and Insular Affairs does not do it, the Clement-Barton amendment will, and I urge its support at the appropriate time.

Mr. MILLER of California. Mr. Chairman, I yield 2 minutes to the gentleman from the Virgin Islands [Mr. DE LUGO].

Mr. DE LUGO. Mr. Chairman, I thank the gentleman from California [Mr. MILLER], the chairman of our committee, for yielding time to me.

Mr. Chairman, the bill includes provisions of the Insular Areas Energy Security Act reported by the Interior and Insular Affairs Committee to address the unique energy-related needs of the insular areas.

A compromise worked out with the Energy and Commerce Committee includes agreed-upon language for all but one provision.

Title XXVII would update an existing authorization for projects to reduce insular dependence on imported oil and maximize use of indigenous renewable resources.

It would expand the current ban on considering the Marshall Islands as a site for nuclear waste disposal to all insular areas, consistent with a law that requires congressional approval for disposal in U.S. insular areas.

The compromise would also correct an oversight in developing the Marshall Islands and Micronesia into the free association and reinstate their eligibility for cleanup of PCB's in the case of power equipment installed during the United States trusteeship.

It would also require the Secretary of the Interior to submit a report on how to provide electricity throughout the Trust Territory islands of Palau, including meeting obligations related to development of the territory's power system.

Currently, some of the people of this territory that we have had an obligation to develop for 45 years still do not have electricity and others only have it part of the day.

Finally, section 1404 of title XIV of the bill would require a study of the unique needs of the insular areas for fuel during energy emergencies from the strategic petroleum reserve. This responds to requests from the government of all the U.S. insular areas.

□ 1510

Mr. YOUNG of Alaska. Mr. Chairman, I yield 3 minutes to the gentleman from Colorado [Mr. HEFLEY].

Mr. HEFLEY. Mr. Chairman, as we begin to debate today on a national energy strategy, I think it is important for us to remember how this debate began and what we hope to accomplish from an energy bill.

Seventeen months ago we questioned our dependence upon foreign oil and the consequences that we thought were entailed in that kind of dependence. We said that the public is demanding a national energy strategy, and in some sense we were right. Every recent President has made strong, powerful statements about how we need an energy strategy.

Where have we been? Why have we not been listening? Why have we not done anything up to this time, until now, where as we approach this today we have a bill over here that is 1,357 pages long that is still being written even as we speak right now, and it is going to have to be cranked out because somebody said by Memorial Day we will have an energy bill. So here we are. And I guarantee that there is not a Member of this House of Representatives that knows the scope of what is in that 1,357-page bill. But for the next 2 days we are going to have an energy bill.

If we are going to do that, we need to figure out whether we have put enough energy into the energy bill. Will this bill take us where we want to go in the next 40 years?

Last February, the President estimated that we needed 3.8 million barrels per day of oil, of new oil by the year 2010. But by mutual consent, we have already removed more than 800,000 barrels of oil a day from this bill as being just simply too controversial for us to deal with. We gritted our teeth and accepted the fact that nuclear energy was going to have to play a bigger role in the future, yet with this bill as it now stands it offers the opportunity to absolutely shut down the nuclear industry within the next 40 years.

This bill is not all bad. It will do some things with our research and development and our energy efficiency, maybe even with coal or with renewable energy. All of these things are important. But as legislators let us keep asking ourselves whether the result will do the things we want it to do, and that is provide energy for this Nation.

Where is the energy in this energy bill?

Mr. MILLER of California. Mr. Chairman, I yield 3 minutes to the gentleman from Pennsylvania [Mr. MURPHY].

Mr. MURPHY. Mr. Chairman, I thank the chairman of my Interior and Insular Affairs Committee for allowing me this opportunity to address the House on this very important issue. Let me first say, to allay the fears of some that we are acting too hastily, that I would like to read from a summary from a House support agency that was submitted to Congress 13 years ago.

> Energy has been one of the most difficult issues Congress has dealt with * * * until recently there has not even been a consensus that an energy problem exists, let alone any agreement on solution * * * The issue not only divides the country regionally, e.g., energy-producing States versus energy-consuming States, but also divides the Nation along such lines as income level and dependence on the automobile. Energy questions also directly affect the livelihood and lifestyle of millions of Americans. Thus, even when solutions are proposed, they arouse heated controversy.

That was over 13 years ago.

In the 95th and 96th Congresses in 1977, 1978, and 1979 I had the privilege of serving on the ad hoc Energy Committee, a bipartisan committee in this House which drafted the nation energy policy. That measures was adopted in those two Congresses dealing with such things as increased domestic production of our resources, conservation, renewable energy, renewable fuel resources, research and development of our coal to make it a cleaner burning fuel, research of alternate fuels, battery, electric-powered. We were moving forward.

During the 1980's the administration—and yes, this Congress—supported that administration in abandoning that national energy policy, and instead converted our Energy Department into one for the development and testing of nuclear and exotic weapons. We abandoned our energy policy for almost 12 years. It is time this Congress came back to addressing these measures. It is time that this country readdressed its priorities and said we do need a national energy policy.

That national energy policy may be developed over the coming hours and coming days, but it is time that we address it. If we stay here tonight until midnight, if we devote all day tomorrow and all of next week, it is time that we addressed the needs of the United States of America, and one of those needs is a national energy policy.

Let us get on with the work.

Mr. YOUNG of Alaska. Mr. Chairman, I yield myself my remaining time.

Mr. Chairman, I would like to compliment the gentleman who just spoke in the well, because we were involved in the same efforts back in 1976 through 1978. Unfortunately, though, the last action of this House concerning energy was in 1973 when we passed the Alaska pipeline bill. It provided all of the energy to the United States, none went overseas, 20 percent of our production and billions of dollars for this Nation.

Again, as I said in my opening statement though, this Congress has divorced the idea of production and concentrated on conservation. We cannot have it. We must have production and conservation.

As I mentioned in my statement, the original bill that was submitted, the original text is 1,357 pages long. I hold in my hand how big it was when it was reported to the House, and I now show Members how big it is at present, 1,500 pages as it came out of the Rules Committee, and they have just begun.

I want to know who is writing this bill. We have heard lately about a great deal of gridlock, about the congressional gridlock and the Presidential gridlock. I will tell Members what is wrong with this Congress right now.

In 1973 when we passed the Alaska pipeline bill, that legislation went to one committee, the Interior and Insular Affairs Committee. This chairman, the gentleman from California, in fact was not even here then. The Interior and Insular Affairs Committee handled that bill. We had a subcommittee of that committee which had hearings. We had 40-some-odd hearings and we wrote that bill in 3 months. It went to the floor of the House. We had a big debate with John Dellenback, and we won by 22 votes. It went over to the Senate and we went to conference with 14 members on the conference committee.

This bill has gone to eight committees, and now has gone to nine committees with the Rules Committee. Nine committees are writing a piece of legislation, checks and counterchecks, balances and unbalances. We have written nothing that produces one Btu. Yes, it gives the nuclear people a little bit easier way to go, especially if we pass the Clement and the Barton amendments, and yes, it helps out coal a little bit. But nothing is new in here to produce energy. We will go to conference with 84 conferees, 84 conferees, and when we finally come out with a bill, that will be this bill, Mr. Chairman, this bill I hold in my hand, and it will make one hell of a bunch of Btu's, but no more energy.

This country needs a policy that produces for those impoverished and those that do not have the jobs so that we can get this country back on a manufacturing basis. If we do not have the energy availability, it cannot happen.

So I am suggesting that what we are attempting to do here today just keeps growing and growing and growing with that group of committees that really do not have the policy that is needed for this country.

□ 1520

I am going to say to the leadership on that side that if they want to get out of this gridlock, to reform this Congress, get it into one committee, and if it concerns energy alone, put it into the Committee on Interior and Insular Affairs if that is what you want to do, so that we know who is responsible and we have a policy made. That is what we should do, Mr. Chairman.

Mr. MILLER of California. Mr. Chairman, I yield myself 2 minutes, the balance of my time.

Mr. Chairman, I must say I am shocked at the characterizations of this bill by my colleagues on the other side of the aisle.

I am dismayed that they would try to mislead our colleagues about the intent of the Committee on Interior and Insular Affairs bill or of the energy bill overall. They put great stock in the need for the Clement-Barton amendment that will be offered later this evening by suggesting that somehow if that amendment is not offered that the nuclear industry will just come crashing down.

Well, in case they have not looked around, the nuclear industry has come crashing down in this country, and the reason it has is because it has lost the confidence of the American people both with respect to the ability of the industry to operate the facilities and their overall safety of the facilities and the question of waste.

They are now saying that if we let the public in for one additional hearing in the one-stop shopping licensing procedure that this industry just will not be able to make it, that this is an industry that cannot do its business in front of the public, they cannot license these facilities in front of the public, that they cannot relicense these facilities in front of the public. So we are here set with Members on the other side of the aisle saying the only way to jump-start the nuclear industry is to keep the public out of the decision-making process. It is tragic. It is tragic that they would try to characterize the public in that fashion, that they would try to suggest that somehow that we ought to be building an energy policy without public participation.

But now after all, they are strong supporters of DAN QUAYLE's competitive council that has become a star chamber for polluters, for special interests with no public records, no documents, no suggestions of how they are doing the business, but they can override the Clean Air Act, they can override the Forest Practices Act, they can seek to override the Endangered Species Act, and now what they want to be able to do is to locate nuclear facilities without raising the issues of safety at the end of the construction of that facility.

They believe that that is the public interest. I would say if that is true that this nuclear industry has far more troubles than we had even thought of during the consideration of this legislation. I would hope that people would reject the Barton-Clement amendment and would vote for the underlying bill and let the public have some say and some participation in the development of a comprehensive energy policy.

Shame on my colleagues, shame for your mischaracterizations of this fine piece of legislation.

Mr. MICHEL. Mr. Chairman, at long last we have an energy bill on the House floor. It has been a long time coming.

Well over a year ago, the administration submitted its national energy strategy. The President recognized this as something that must be done to ensure our Nation's long-term energy independence.

Consider our growing reliance on oil imports. Imports now comprise 47 percent of our total domestic usage, compared to 31 percent in 1985.

That's a 50-percent increase in just 6 years. These imports are costing us $50 billion a year in payments abroad, which is nearly the amount of our annual trade deficit.

Furthermore, domestic oil production is now at a 30-year low, and is declining at a rate of nearly 300,000 barrels per day per year. That has cost us in excess of 400,000 jobs over the past decade.

The need for energy legislation is thus readily apparent.

The national energy strategy submitted by the President was a balanced approach. It stressed conservation, the development of renewable sources of energy, and the increased production of our Nation's fossil fuels.

Our House Republican proposal, introduced 13 months ago, embodied a similar balance.

In fact, in some areas it went a step further than the administration, in providing increased incentives for production and requirements for the use of alternative fuels such as ethanol.

What about the Comprehensive National Energy Policy Act before us today? In my view, it is like an automobile fuel gauge that reads one-half to three-quarters full. But we need a full tank to get us where we want to go. This bill needs to be topped off.

On the positive side, this legislation includes provisions designed to increase energy efficiency, to streamline the licensing of new national gas pipelines, to promote competition in the generation of electricity, to stimulate the development of renewable energy, to promote the development of clean coal technologies, and to require the increased use of alternative fuels.

Most of these are provisions, that in one form or another, were included in our House Republican energy proposal.

In particular, the alternative fuels section of this bill includes one of our Republican proposals which calls for 10 percent of our Nation's motor transportation fuels to be derived from nonpetroleum sources by the year 2000.

The bill in fact goes a step further and extends this requirement to 30 percent by the year 2010. This provision has the potential of expanding the use of ethanol by several-folds, thus benefiting our Nation's farmers and encouraging our ethanol industry.

All of these provisions effectively address the need for action in the renewable fuel and conservation areas. But we also need to stimulate increased production, and in this area, the bill is woefully negligent.

The alternative minimum tax language is the only provision designed to enhance production, but that is far outweighed by the failure to open up ANWAR, by the significant increase in outercontinental shelf areas foreclosed to production, and by the added impediments to nuclear licensing.

In fact, with these provisions, the bill will not stimulate increased production, but will actually encourage the further decline in production.

With sufficient oil reserves to last us another 70 years, it seems foolish that we do not take advantage of that to increase our energy independence, rather than moving in the other direction.

There will be floor amendments to in part help us turn things around, and I hope they are adopted.

Our obligation today is to craft an energy program that gives our constituents an energy comfort level, through energy independence, just as soon as possible.

The CHAIRMAN pro tempore (Mr. KOSTMAYER). The time of the Committee on Interior and Insular Affairs having expired, the remaining 30 minutes goes to the Committee on the Judiciary divided between the gentleman from New York [Mr. FISH], 15 minutes, and the gentleman from Texas [Mr. BROOKS], 15 minutes.

The Chair recognizes the gentleman from New York [Mr. FISH].

Mr. FISH. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, when the Judiciary Committee took referral of those parts of H.R. 776 within its jurisdiction, we found several areas of antitrust concern, which I am pleased to report have been fully resolved.

Our principal concern was found in section 722, amending section 211 of the

Federal Power Act, which authorizes the Federal Energy Regulatory Commission to issue a wheeling order requiring the wholesale transmission of electric power between utilities if certain requirements are met. The phrasing of one of the alternative requirements engaged the attention of our committee as it was written. It arguably could foster a line of antitrust jurisprudence which could diverge from that established over the years in the courts in cases brought by the Federal and State antitrust enforcement agencies and injured private parties. FERC's duties do not include antitrust enforcement, although the possible anticompetitive effects of regulated aspects of interstate utility operations do and should properly enter into its decision-making, including wheeling orders.

As reported by the Energy and Commerce Committee, section 722 is an effort to strengthen and clarify FERC's responsibility to take antitrust considerations specifically into account in its decisions. The Judiciary Committee has no quarrel whatsoever with this objective; indeed, we welcome it. But our concern is phrasing which suggests an explicit grant of statutory authority to provide relief based on the antitrust laws themselves. As stated in our report on the bill, the result could be "a FERC-made body of antitrust 'precedent' that would improperly influence, confuse, or segment the continuous development of antitrust jurisprudence in and by the courts."

The original reported text would require FERC to grant an application for a wheeling order if it maintains the reliability of the affected public utility systems, is otherwise in the public interest, and, among other alternative condition, would "(5) remedy discriminatory practices or practices that tend to create or maintain a situation inconsistent with the antitrust laws." Frankly, Mr. Chairman, this would take FERC well beyond the question of whether an antitrust violation is occurring or is imminent and would lead FERC into the area of statutory interpretation rather than just statutory application.

The Judiciary Committee amendment, which has been agreed to by the Energy and Commerce Committee, restates this alternative condition as "(5) prevent, arrest or abate discriminatory practices that are subject to the jurisdiction of the Commission." This removes the possibility that FERC could get into the business of interpreting antitrust law requirements, with the futher complication of also deciding what may "tend" to transgress the antitrust statutes.

The Judiciary Committee amendment would in no way narrow or limit FERC's new and specific responsibility to incorporate antitrust considerations into its decision-making. Together with the required public interest standard, as well as the promotion of the efficient use of facilities and resources and the promotion of competition in the wholesale power market, FERC will be both mandated and well equipped to take complete and energetic account of antitrust considerations when making its decisions.

Mr. Chairman, I greatly appreciate the willingness of the Energy and Commerce Committee to accept this amendment and the two other amendments made by the Judiciary Committee. One of those clarifies the antitrust savings clause in section 723. The other is a narrower and improved version of the bankruptcy oil and gas farmout agreement, legislation which passed this body on suspension in the last Congress and which is included in the Senate energy bill, S. 2166.

Mr. Chairman, I have no further requests for time, and I yield back the balance of my time.

Mr. BROOKS. Mr. Chairman, the bill before the House today contains two matters involving the jurisdiction of the Committee on the Judiciary. The first has to do with the authority of the Federal Energy Regulatory Commission to order, based on competitive considerations, a utility company to wheel, or transmit, power generated by another. The second has to do with the treatment under the bankruptcy laws of certain interests, commonly referred to as farmout agreements, in oil and gas drilling ventures.

Wheeling orders have played an important role in fostering a competitive environment in the wholesale markets for electrical power. Because many generators do not own their own long-range transmission lines, they must depend on the larger utility companies to sell or acquire excess power. Because the transmission lines are an essential facility, and the transmitting utility is typically an actual or potential competitor of the other generators in the area, decisions regarding whether to wheel power have historically been a focus of antitrust scrutiny. One of the leading essential facilities doctrine antitrust cases, Otter Tail Power Co. versus United States, concerned this precise matter: A refusal to wheel power.

During the past two decades, FERC's regulatory authority to issue wheeling orders under the Federal Power Act as been made more explicit. In the bill as reported by the Energy and Commerce Committee, these power wheeling provisions have been strengthened further. The Judiciary Committee fully supports the underlying purpose of these changes, but was concerned that, as originally reported, they might inadvertently alter the development of the antitrust laws themselves in this area. The Judiciary Committee therefore made some technical refinements to the language to preserve both the intent of the Energy and Commerce Committee changes and the integrity of the antitrust laws.

The Judiciary Committee also added a provision to the bill that clarifies the treatment in bankruptcy of oil and gas farmout agreements. These agreements are a traditional device for allocating risk in oil and gas exploration. A person who holds the drilling rights on a piece of property enters into a farmout agreement with another person, who helps with the drilling operation in exchange for an interest in any oil or gas that may be found. Because the oil and gas business is highly competitive and speculative, farmout agreements are often not recorded in local land records until after a well begins production.

Normally, the farmee's substantial investment of time, money, and hard work is fully protected by industry custom and practice. But if the holder of the drilling rights files for bankruptcy, there is the potential for the farmee's interest to be extinguished by the bankruptcy trustee. This would not only unjustly enrich the other creditors at the expense of the farmee; the very prospect of this happening is likely to dampen the entrepreneurial spirit of potential farmees and further retard domestic oil and gas exploration. The Judiciary Committee provision clarifies the bankruptcy code so that trustees will honor valid oil and gas farmout agreements.

I apprecicate the cooperation of the Energy and Commerce Committee in working with us to see that these matters are satisfactorily resolved.

The CHAIRMAN pro tempore. Unless the gentleman from Texas [Mr. BROOKS] seeks to use his time, that time will be regarded as having been yielded back, and the Committee on Merchant Marine and Fisheries will receive 30 minutes to be divided equally between the gentleman from North Carolina [Mr. JONES] and the gentleman from Michigan [Mr. DAVIS].

The Chair recognizes the gentleman from North Carolina [Mr. JONES].

Mr. JONES of North Carolina. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, the Committee on Merchant Marine and Fisheries worked hard on this energy bill. Most of our amendments to H.R. 776 have been incorporated in the base text.

With the cooperation of the Energy and Commerce Committee, we have made certain that the National Environmental Policy Act, one of our Nation's most important environmental laws, applies to the natural gas permitting process.

With the cooperation of the Public Works Committee, we have authorized a small but potentially significant hydropower project using the strong tides in Cape Cod Canal.

With the cooperation of the Energy and Commerce and Foreign Affairs Committees, we establish a global climate change response fund. This fund will make a portion of offshore leasing revenues available to the President to finance our share of the global efforts to address climate change issues. The framework convention on climate change is likely to be signed in Brazil next month.

With the cooperation of the Interior and Foreign Affairs Committees, we have fashioned a provision that will assure that the shipment of plutonium through United States waters is as safe as possible and consistent with international law and practice.

Finally—and importantly—with the cooperation of the Interior Committee, we have included in the bill a major provision on offshore oil and gas development.

Our outer continental shelf title will provide a small portion of the Federal revenues derived from offshore oil and gas development to coastal States to address a broad range of environmental problems.

It will also reform the OCS leasing program by requiring that scientific panels review each frontier planning area and report to the Secretary of the Interior on whether adequate environmental and other information exists before leasing can occur.

To make certain that the studies are done well, we prohibit any leasing activity in these areas before the year 2002.

But, the offshore areas of priority interest to the industry and the areas of substantial and known oil and gas reserves, are not affected by our provision.

In fact, the oil and gas reserves temporarily put off limits by this title only slightly expand on reserves already restricted by the President.

In areas of serious environmental concern—where local opposition to offshore drilling has been most intense—we direct the Secretary to cancel existing leases.

These areas include Bristol Bay, Alaska, south Florida, and in my district, off the Outer Banks of North Carolina.

I want to assure my colleagues that we did not include these cancellation provisions lightly.

But, after seeing the growing opposition to offshore drilling in the First Congressional District of North Carolina and the very real concerns that my constituents have about protecting our invaluable coastal resources, I have concluded that the best course of action is to simply end this process now.

My colleagues from Florida—and the distinguished Member from Alaska—feel the same way about their areas.

We must turn the OCS Program around and provide protection, some funds, and a new commitment to seriously consider the views of local residents.

Only then will the offshore energy resources of the Nation be developed in an environmentally and publicly acceptable way. That is what our OCS provision will accomplish.

I urge the support of my colleagues for H.R. 776.

□ 1530

Mr. DAVIS. Mr. Chairman, I yield myself 5 minutes.

Mr. Chairman, this legislation is supposed to be the framework for our national energy policy for years to come. We are supposed to be encouraging energy efficiency, encouraging the production and use of alternative fuels, and maintaining our domestic energy capabilities. I'm not sure there is a lot in this bill to reduce our dependence on foreign oil. That is too bad.

This legislation includes an OCS title which does nothing to increase our ability to maintain a domestic production base for oil and natural gas. The President set aside approximately 190 million acres of the Federal OCS so that environmentally sensitive areas would not be touched by OCS production activity. This legislation goes beyond the President's decision by locking up approximately 500 million acres, including some areas with high resource potential. This is not the right direction for us to take.

On top of that, we are creating a new revenue-sharing program which will reward even those States which are fighting the OCS program. Several of these States are also asking the Federal Government to finance the repurchase of existing leases off their shores. Why are we rewarding those States with revenues from the OCS program when they refuse to allow any activity, even if it is production of natural gas, off their shores?

I understand the need for protection of environmentally sensitive areas, but this legislation goes far beyond that. In fact, it locks up some areas, which could prove to be areas of high resource potential, that could be explored with minimal environmental impacts.

Mr. Chairman, the administration has threatened a veto of this legislation if the OCS title remains in the bill. This legislation does not need a title which is a step in the wrong direction for sound energy policy. Let's report a bill that really does look forward and give the President a bill that he can sign.

Mr. Chairman, I appreciate the opportunity to take a minute to express a few concerns about the transmission-access provisions in this bill. I would like to extend my support to the Energy and Commerce Committee for their work in crafting this technical bill. They have made great strides in addressing the transmission-access issue and I commend them for these efforts. I hope that the conferees on the bill will continue to work to resolve the remaining problems in the legislation during conference.

It is important that we address the issue of fairness in paying for transmission access. A utility's existing residential and small commercial customers should not be forced to subsidize the costs of providing transmission service to third parties. If a utility is ordered to wheel electricity from an off-line generator or to another wholesaler, the utility should be able to recover all of the direct and indirect costs of providing that service from the third party which benefits from it.

Native-load customers should not be penalized because their utility is wheeling electricity for others. Currently, H.R. 776 limits utilities to recovery of prudent costs incurred for providing transmission services. It is important that the issue of indirect costs is addressed as these costs will affect a utility's customers just as direct costs would.

In ensuring that no economic harm occurs to existing customers, the provisions in the bill which require that a utility charge the lowest reasonable transmission rate and that the rates are based on facts and circumstances present at the time could prevent utilities from recovering future cost increases associated with providing mandatory transmission services.

As this bill moves to conference, I believe we must work to protect existing customers from the increased costs of providing transmission services to third parties.

Mr. JONES of North Carolina. Mr. Chairman, I yield 2 minutes to the gentleman from Florida [Mr. HUTTO].

Mr. HUTTO. Mr. Chairman, I appreciate the committee chairman yielding me this time. I appreciate the work of the committee chairman and the ranking minority member, as well as the other committees.

Mr. Chairman, I am proud to stand here today to support the National Energy Policy Act. This Nation desperately needs a sound energy policy. Our energy needs are growing and our dependence on foreign oil is alarming. It is time to enact and implement a comprehensive plan for our natural resources.

I am especially pleased with the legislation's emphasis on energy efficiency and alternative fuels. This bill will put the Federal Government in the lead in many energy efficiency initiatives. We must get behind the energy conservation effort with full force.

I also strongly support the work of the Merchant Marine and Fisheries Committee on offshore oil lease sale moratoria. Title XXIV of this bill protects the entire State of Florida from future offshore leasing for 10 years. We must prioritize our domestic energy resources for the future.

While this legislation may not go far enough in several areas, I believe that enacting a national energy policy is critical for our continued prosperity. We need a comprehensive resource-use plan now.

Mr. DAVIS. Mr. Chairman, I yield such time as she may consume to the gentlewoman from Kansas [Mrs. MEYERS].

Mrs. MEYERS of Kansas. Mr. Chairman, today I rise in strong support of the energy efficiency title contained in H.R. 776, the Comprehensive National Energy Policy Act as reported by the

Energy and Commerce Committee. This legislation eliminates piecemeal U.S. energy policies that have resulted in wasteful energy consumption habits, and replaces them with cost-efficient energy conservation programs balanced with environmentally sound energy production. I commend ranking Republican NORMAN LENT and Chairman PHIL SHARP for crafting a bipartisan energy bill and bringing it to the House floor.

As part of the effort to develop a national energy policy, last year I introduced H.R. 1196, the Comprehensive Energy Conservation Act. The goal of my legislation was to focus America's attention on conserving energy by fostering various energy efficiency technologies as part of a comprehensive energy conservation blueprint. In particular, H.R. 1196 aided energy consumers by implementing energy conservation standards for consumer and commercial lighting, distribution transformers, electric motors, and heating, ventilating, and air-conditioning systems. These standards allowed consumers to determine the energy efficiency of the products they purchase. It also encouraged States to voluntarily update building codes and energy efficiency ratings for residential and commercial buildings.

My legislation also aggressively attacked the immense waste of energy by the Federal Government, which has the dubious distinction of being the Nation's largest single energy consumer. According to an Office of Technology Assessment report, in fiscal year 1989 the Federal Government spent $8.7 billion on direct energy purchases for its facilities and operations. By contrast, the Federal Government spent just $44.8 million on energy conservation in 1989—a mere 1.9 percent of the expenditures for energy that same year.

There are many policies Congress could enact to reduce Federal energy costs and my bill included several of them. My legislation required all Federal agencies to develop an energy conservation program consisting of projects which pay for themselves through energy savings within a 10-year period. These programs might include expanded use of efficient lighting, computer-controlled thermostats, and increase in the energy efficiency capabilities of heating and cooling systems. Second, H.R. 1196 created a financial incentive program for Federal energy managers, and it was included in H.R. 776. By being offered this carrot, energy managers will be more greatly motivated to eliminate wasteful energy consumption and develop creative programs that use energy wisely.

More importantly, the bill simplified the tangled Federal contracting procedures which currently inhibit the use of shared energy savings contracts. This simple, but innovative, energy efficiency technology is offered by private corporations, that retrofit buildings with various energy saving devices with no up-front costs whatsoever. In return, the corporations contract to receive a portion of the energy savings over a certain time period to recoup their costs and to make a profit. Currently, Federal procurement makes it difficult for Federal agencies to take advantage of the benefits of shared energy savings contracts. I'd like to take this opportunity to point out to my colleagues that the General Accounting Office concluded in a recent study that "shared energy savings contracting is a concept with the potential to save Federal agencies a substantial portion of their energy budgets."

Finally, last July 1991, the Small Business Subcommittee on Regulation, Business Opportunities, and Energy, of which I am the ranking Republican, held a hearing on H.R. 1196. Testimony before the subcommittee emphasized the positive impact energy conservation through shared energy savings and other energy efficiency standards will have on the United States. Reduced energy use saves money and will help improve the environment. After the hearing, I wrote Chairman SHARP and ranking Republican LENT, highlighting the energy conservation provisions contained in H.R. 1196 and encouraging them to incorporate its provisions in H.R. 776. I am pleased to say that many of my bill's concepts and provisions are in the bill we are considering today. My sincere thanks to Chairman SHARP and ranking Republican, Mr. LENT, for their positive response to my request.

H.R. 776 is a lengthy and complex proposal, I am pleased that energy efficiency and conservation are the core of this legislation. I believe that keeping energy conservation at the heart of any national energy policy is essential, and I commend the Energy and Commerce Committee and the numerous other committees with jurisdiction over this bill for taking such a responsible approach. Because I feel strongly that energy efficiency is an essential part of a national energy policy, I urge my colleagues to support H.R. 776.

□ 1540

Mr. JONES of North Carolina. Mr. Chairman, I yield such time as he may consume to the gentleman from North Carolina [Mr. VALENTINE].

Mr. VALENTINE. Mr. Chairman, I rise today in strong support of the energy efficiency title of H.R. 776, the National Energy Policy Act. In August of last year, DAVID PRICE and I introduced H.R. 3285, the National Energy Efficient Lighting Education Act. This legislation, which would establish 10 regional energy efficient lighting demonstration centers nationwide, has been included in the Energy and Commerce Committee-reported version of H.R. 776.

I would like to take this opportunity to thank Representative ED TOWNS for his assistance in including this important efficiency provision in H.R. 776.

Mr. Chairman, the energy efficiency title that we will consider during this debate represents a comprehensive approach to a complex problem. We are past due in our responsibility to craft an effective, responsible national energy policy.

I commend Energy and Power Subcommittee Chairman PHIL SHARP and Energy and Commerce Committee Chairman JOHN DINGELL for their work in developing this energy efficiency title.

Mr. Chairman, lighting accounts for roughly 20 percent of energy usage. There are energy efficient bulbs on the market that use much less electricity and save consumers money. Unfortunately, the lack of knowledge about these bulbs precludes widespread acceptance and usage. Energy efficiency education for both the public and private sector will lead to far greater use of these products, to reduced costs to utilities and their customers, and to real energy savings without harsh mandates or unnecessary restrictions.

Mr. Chairman, the concept of lighting centers established by this bill is supported by a wide coalition of business, environmental, and public interest organizations across the Nation. I look forward to working with my colleagues in the House and Senate to ensure passage of strong energy efficiency legislation.

Mr. Chairman, I would like to submit for the RECORD as well an article and an editorial about lighting education from the Herald-Sun in Durham, NC.

[From the Durham (NC) Herald-Sun, Mar. 14, 1992]

LIGHTING EFFICIENCY—VALENTINE'S BRIGHT IDEA

Yes, it's a cliche to say that Rep. Tim Valentine has come up with a bright idea to save money. But that's just what the 2nd District Democrat has done with his legislation to promote efficiency in lighting the nation's homes, offices and factories.

Mr. Valentine was an early convert to a new generation of energy-efficient light bulbs—most of them advanced versions of the fluorescent lamp—that use significantly less electricity to produce about as much light as the more common incandescent bulbs.

These new bulbs, though costly compared to their incandescent cousins, last much longer—some perhaps 10,000 hours, or the equivalent of 417 days of continuous use. Many tungsten-filament bulbs (the ones that die with a pop and a flash of blue-white light) last about 700 hours, or the equivalent of 30 days.

The big advantage of the new fluorescent bulbs, however, lies in their ability to produce "cold" light. According to Mr. Valentine's office, a 75-watt fluorescent bulb can provide the same amount of light as its incandescent counterpart with about 18 watts of electricity.

One fluorescent bulb, or even a few thousand, won't make much of a dent in the nation's energy budget. But fluorescent bulbs by the hundreds of millions can, and therein lies Mr. Valentine's ambition to change the way America lights up.

The comprehensive energy bill approved by the House Energy and Commerce Committee earlier this week authorizes $500,000 in federal matching grants for ten lighting efficiency centers throughout the nation. People would visit these centers to learn about new lighting technology and how it can reduce the need for electricity, in turn reducing use of fossil fuels, in turn reducing air pollution.

The whole process starts with turning on a switch. Mr. Valentine's was a serendipitous mental switch; the rest of us will find switches on walls and table lamps.

[From the Durham (NC) Herald-Sun, Mar. 14, 1992]

VALENTINE BILL ADDRESSES ENERGY EFFICIENCY

(By Lisa Richwine)

WASHINGTON—Congressional offices are filled with the latest technologies—from fax machines to laser printers—so why not energy efficient light bulbs?

That's what Rep. Tim Valentine asked his colleagues almost a year ago in a letter telling them "your lighting technology is as old as your grandmother's Victrola!"

His argument proved convincing when lawmakers included legislation he wrote to create lighting efficiency centers throughout the nation as part of a comprehensive energy bill approved by the House Energy and Commerce Committee this week.

"This legislation will foster nationwide education about energy efficient lighting products that can help us to achieve significant savings in energy and costs to the nation's homes and businesses," Valentine, a Democrat, said.

Ben Finzel, a spokesman for Valentine, said the congressman has been pushing the legislation since he realized current lighting technology could save significant amounts of energy but was not widely used.

Such innovations include fluorescent bulbs that last for 10,000 hours, compared to the traditional incandescent bulbs that last only 800 hours. Fluorescent bulbs also provide the same amount of light as 75 watt incandescent bulbs for 18 watts of energy, and their use can decrease emissions of gases that contribute to smog, acid rain and the greenhouse effect, Valentine said.

Education centers are one of the best ways to promote lighting innovations, said Lynn Schrum of the North Carolina Alternative Energy Corporation in Raleigh, which has its own demonstration center that displays various products available.

"There is nothing like actually showing someone what can be done," Schrum said. "Architects are hesitant to take risks on a specific fixture if they don't know what it's going to look like."

Valentine's provision would allocate $500,000 in federal matching grants for 10 regional lighting efficiency centers that would promote commercial use of lighting technologies. The centers would educate engineers, architects, commercial developers, building owners, office managers and other customers.

Lighting efficiency is one of many energy-saving measures included in the wide-ranging bill. Other portions aim to conserve the energy output of appliances, motors, heating and cooling equipment.

The bill's ultimate goal is to reduce U.S. dependence on foreign oil, promote energy efficiency and conservation and reduce costs.

Mr. JONES of North Carolina. Mr. Chairman, I yield myself such time as I may consume. Mr. Chairman, I would like to publicly commend the chairman of the Committee on Energy and Commerce, the gentleman from Michigan [Mr. DINGELL] for the great job he has done in bringing this bill to the floor.

Mr. Chairman, having said that, I yield back the balance of my time.

Mr. DAVIS. Mr. Chairman, I yield myself such time as I may consume, and I rise again to speak about the environment versus development issue we see in the OCS title of this bill.

Mr. Chairman, I feel that many times when we are dealing with this kind of legislation we fail to use common sense.

Let me give some examples of things that have happened in other industries which are similar to what I fear may happen because of this legislation.

We talk about less dependence on foreign oil. During the war with Iraq we all said, "We have got to do things so that we don't have to depend upon foreign nations." Yet, in the OCS title of this legislation, as I said before, we are really pitting the oil and gas industry against the environment. I am not sure we are giving the domestic industry a fair shake in being able to find or develop more sources of oil and gas.

Yesterday I met in my office with a group of forest products representatives from my congressional district. We talked about the issue of the spotted owl, and the effects that the spotted owl debate has had on the country and the economy of the country.

Many times, when we decide to protect a species like the spotted owl, I think we go overboard and do not consider all of the effects of this decision. As an example, most Americans do not know what the protection of the spotted own means to the cost of building a home in this country.

Well, the simple fact is that since January 1, every American who wants to build a home will pay an additional $5,000 for the lumber that will go into that home as a direct result of the millions of acres we set aside to protect the spotted owl.

The point is that, yes, it may be important to protect endangered species such as the spotted owl, but again you have to use common sense. If you do not use common sense, or if you fail to talk about the effects such as the resulting cost to the American people on how many jobs are lost as a result of protecting that many acres for the preservation of the spotted owl, the trade-off is too much.

We are probably not going to deal with the Endangered Species Act this Congress, but we are going to be dealing with it again in the future. We will have to be very careful when we deal with this issue to ensure we do not do more harm than good.

Many aspects of this legislation that we are dealing with here today are good and sound, but we must not forget that if we want to depend less on foreign oil and foreign sources of energy, we have got to give American companies more ability to explore and to be able to develop our resources. I do not believe this piece of legislation, especially as it relates to OCS, does this.

Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN. All time remaining allocated to the Committee on Merchant Marine and Fisheries has expired.

Pursuant to the rule, the next allotment of time accrues to the Committee on Public Works and Transportation, ½ hour to be divided equally.

The Chair recognizes the gentleman from New Jersey [Mr. ROE].

Mr. ROE. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, H.R. 776, the Comprehensive National Energy Policy Act is broad and extensive legislation which will have enormous implications on the future economic activity and quality of life of our entire Nation.

It is designed to meet the energy challenges our Nation faces in the 1990's and the 21st century.

The Public Works and Transportation Committee was assigned the important sections on transportation, pipelines, the Tennessee Valley authority, and Federal buildings, all of which have tremendous potential to contribute significantly to our Nation's energy conservation effort.

The energy problem has been with us for many years. It was the Public Works and Transportation Committee which in 1974 acted on the 55 mile per hour speed limit as an energy conservation measure in the face of the first Arab oil embargo.

That embargo, and a repeat a few years later, with the long service station lines, rising prices and public anger and frustration, should have been enough to persuade us to take bold and forthright action on energy conservation and supplies.

Unfortunately, there has been little action to prepare our Nation for an impending energy crisis. Oil used for transportation has increased by 20 percent since the first Arab oil embargo. Since 1985, oil imports have risen by more than 60 percent. By 2010, imports will total 65 percent of our oil supply.

We now use 63 percent of our oil resources for transportation, compared to 51 percent in 1973.

Reliance on imported oil, much of which is derived from unstable sources, is a threat to our Nation's economic and political security. We must take strong action to bring our Nation's energy policy under control.

Energy is a major component in the cost of every item produced by mankind. If the cost is constantly escalating, we will be unable to maintain our international competitiveness. Our economic security depends on our ability to develop cost-effective and reliable energy supplies.

The development of a national energy conservation strategy must be given the highest possible priority. It is absolutely essential for our Nation's economic future to implement policies that will reduce our dependence on unstable sources of foreign oil.

Our Nation's interests require a truly balanced policy that will consist of maximum conservation and efficiency, wherever possible, and the development of new and alternative sources of energy. A stable and secure source of energy is crucial to any future economic development and to our Nation's ability to compete in the global economy.

The matters of interest in the areas of surface transportation, water resources, and public buildings and grounds have been worked out to the satisfaction of the Public Works and Transportation Committee. I wish to compliment the subcommittee chairmen and ranking Members on all of these subcommittees for their quick action on this legislation.

I also wish to thank the other committees of jurisdiction for their cooperation, especially chairman DINGELL and the members of the Energy and Commerce Committee. Without their cooperation these matters could not have been resolved as quickly as they were. As many as possible of the resolved provisions were included in the original text of H.R. 776.

The use, development, and conservation of energy will have a major impact on the environment, economy, and quality of life of our Nation and is a matter of extreme concern for all Americans. I am pleased to support H.R. 776 as a significant step forward in developing a comprehensive energy policy of the 21st century.

□ 1550

Mr. Chairman, I reserve the balance of my time.

Mr. HAMMERSCHMIDT. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, today the House is addressing one of the most significant pieces of legislation we will consider this year, H.R. 776, the Comprehensive National Energy Policy Act. H.R. 776 will strengthen our Nation's economic well-being by helping to eliminate American dependence on foreign oil supplies.

The Committee on Public Works and Transportation was sequentially referred the bill for consideration of matters within its jurisdiction. The committee made a number of refinements and improvements on provisions relating to public buildings and grounds, surface transportation, and water resources.

I am pleased that on all the major issues where we had a conflict with one or more other committees, we have resolved our differences and agreed to substitute language that is either in the original text for amendment or in an amendment that will be offered. We appreciate specifically the cooperation of the Committees on Energy and Commerce and Government Operations in reaching agreement on these provisions.

Let me briefly review the most important of the issues that we have resolved with other committees.

On the issue of oil pipeline regulatory reform, the substitute provides that the Federal Energy Regulatory Commission shall issue a generic rule for ratemaking in order to help remove the uncertainty and unnecessary costs and delays associated with oil pipeline rate increase approval procedures.

The interested parties are to be commended for working diligently to find a compromise on a very difficult issue, in order to provide needed changes in the regulatory scheme for oil pipelines. The substitute preserves the interests of the pipeline industry, while protecting shipper interests.

Within our Water Resources Subcommittee's jurisdiction, we have added a provision which has been agreed to as part of the basic text that requires the Tennessee Valley Authority to implement a least-cost planning process, aimed at providing reliable service at the lowest cost.

The bill also contains some important changes regarding energy conservation in Federal buildings. Our committee added a requirement that energy use in Federal buildings be cut 10 percent by 1995, and 20 percent by 2005. Energy and water conservation measures with a payback period of up to 10 years must also be installed in federally owned buildings by 2005.

The committee has also agreed to language, to be included in an amendment, relating to energy savings performance contracts that are designed to help achieve energy savings in Federal buildings. In addition, a report is required on options for financing energy and water conservation measures in Federal buildings.

In summary, I believe that the matters within the jurisdiction of the Public Works and Transportation Committee have been satisfactorily resolved and that the legislation we are offering will promote the goals of energy conservation.

Mr. Chairman, I reserve the balance of my time.

Mr. ROE. Mr. Chairman, I yield 4 minutes to the distinguished gentleman from California [Mr. MINETA], chairman of our Subcommittee on Surface transportation.

Mr. MINETA. Mr. Chairman, I rise in strong support of H.R. 776, the Comprehensive National Energy Policy Act. I commend my colleagues on the Energy and Commerce Committee and the eight other committees of jurisdiction who worked vigorously to produce this most significant national energy legislation since the 1970's.

Our energy problems must be solved. We face a growing dependency on foreign oil in coming years that threatens our economy, our national security, and our environment.

With H.R. 776, we can stimulate economic growth and job creation while reducing oil imports, which account for two-thirds of our trade deficit. The legislation will help protect our environment, as we stimulate the export and commercialization of renewable energy, energy efficiency, and clean coal technologies.

I would like to express my appreciation for the incorporation in H.R. 776 of my initiative to support joint ventures in renewable energy. My provision calls for $9 million annually from fiscal year 1993 to 1995 for joint ventures to commercialize critical solar energy technology.

My initiative will specifically support utility-scale photovoltaic projects of at least 10 megawatts in the aggregate. It will provide needed financing for the solar energy industry, while reinforcing natural market forces.

Mr. Chairman, I am convinced that, if our Nation is to realize the benefits of renewable technologies, we must do a better job of supporting the transition of technologies from the laboratory to the marketplace. Federal funds should be directed toward driving down the cost of renewable energy to bolster its ability to play a meaningful role among the electricity generating options in our country. Joint venture funding is an effective vehicle in the commercialization of renewable technologies and in finding market niches for product applications.

Mr. Chairman, the Subcommittee on Surface Transportation completed action on several amendments to H.R. 776. During our hearing and review process, the subcommittee determined that there were several provisions in H.R. 776 that would adversely impact upon initiatives that were developed in the Intermodal Surface Transportation Act [ISTEA]. The Public Works Committee action was an attempt to reconcile inconsistencies between the ISTEA legislation and H.R. 776.

Additionally, Mr. Chairman, the committee addressed the issue of oil pipeline economic regulatory reform. The action has three major parts: First, it orders the Federal Energy Regulatory Commission [FERC] to establish a ratemaking methodology. Second, the provision addresses the issue of deeming rates just and reasonable. And third, FERC is directed to issue a rule to streamline its procedures relating to oil pipeline rates in order to avoid unnecessary costs and delays.

Mr. Chairman, these provisions, developed in agreement with the Energy and Commerce Committee, offer a viable and straightforward approach to achieving regulatory reform for oil pipelines.

Mr. Chairman, the Surface Transportation Committee, which I have the honor to chair, on the Committee on Public Works and Transportation, completed action on several titles of H.R. 776. We were able to reach agreement with Energy and Commerce on all provisions and I have included for the

RECORD a detailed section-by-section of our action.

In closing, let me express my thanks to the leadership of the gentleman from New Jersey [Mr. ROE], the Chair of the House Committee on Public Works and Transportation and the gentleman from Arkansas [Mr. HAMMERSCHMIDT], the ranking Republican on the full committee as well as the gentleman from Pennsylvania [Mr. SHUSTER], the ranking Republican on the Subcommittee on Surface Transportation.

I urge my colleagues to support H.R. 776 and ask unanimous consent to revise and extend my remarks.

SECTION-BY-SECTION ANALYSIS

SURFACE TRANSPORTATION

Title III—section 305

As reported by the Committee on Energy and Commerce, section 305 would exempt dedicated alternative fueled vehicles, or dual-fueled alternative fueled vehicles that are operating on alternative fuel as shown by an indicator light or other means, from high occupancy vehicle (HOV) lane restrictions in any state or local jurisdiction. The exemption does not apply to any nonattainment area that has established an (HOV) restriction in its approved State Implementation Plan for complying with the Clean Air Act, or is subject to the clean fuel vehicle requirements in section 246 of the Clean Air Act.

The Committee on Public Works and Transportation deleted 305.

Subsequent to action taken by the Committee and pursuant to negotiations with the Energy Committee and other committees, agreement was reached to delete Section 305.

Title IV—section 410

As reported by the Committee on Energy and Commerce, section 410 authorizes the Secretary of Energy to issue regulations for establishing guidelines for development of a comprehensive state alternative fuels and alternative fueled vehicle incentives program. The Secretary of Energy would be required to consult with the Administrator of EPA to invite each state to submit a comprehensive state alternative fuels and alternative fueled vehicle program. The plan must examine a number of various areas such as: the use of HOV lanes for alternative fueled vehicles and the exemption from certain state and local taxes, surcharges, or tolls for alternative fuels, or alternative fueling facilities. There was authorized $10 million per fiscal year for each of the 5 fiscal years after the date of enactment.

As reported by our Committee, section 410 was modified to eliminate the examination of the use of HOV lanes for alternative fueled vehicles and to limit the exemption from state sales tax or other state or local taxes, surcharges, or tolls with respect to alternative fueled vehicles, alternative fuels, or alternative fueling facilities to only those taxes or surcharges not dedicated for transportation purposes for consideration of a comprehensive plan. In addition, two new program elements were added for consideration of the state plan that includes services provided by municipal, county, and regional transit authorities and effects of the State plan on programs authorized by the Intermodal Surface Transportation Efficiency Act of 1991 and the amendments made by the Act. The Secretary of Energy was also required to work with the Secretary of Transportation in developing factors to determine whether to approve State plans and to provide any federal financial assistance. The Committee established a matching requirement of 20 percent of the cost of implementation of the state plan and the acquisition of alternative fueled vehicles.

Subsequent to action taken by the Committee and pursuant to negotiations with the Energy Committee and other committees, agreement was reached to accept the provisions as reported by the Committee on Public Works and Transportation with certain modifications. The modifications provided for a Federal matching requirement of at least 20 percent for a grant and a clarification of the entities that are eligible to receive a grant to include the Virgin Islands and the U.S. territories.

Section 411

As reported by the Committee on Energy and Commerce, section 411 would authorize cooperative agreements and joint ventures between the Secretary of Energy and any municipal, county, or regional transit authority in an urbanized area over 100,000 population to demonstrate the feasibility of using alternative fuels in transit buses. There was authorized $30 million per fiscal year for each of the fiscal year 1992, 1993, and 1994 to carry out the alternative fuel urban bus program.

As reported by our Committee, section 411 was modified to provide for the Secretary of Transportation to have primary responsibility for administering the alternative fuel urban bus program and to provide for the Secretary to consult with the Secretary of Energy. The Federal matching share was increased to 80 percent and the term of the authorizations was modified to begin in fiscal year 1993 and continue through fiscal year 1995.

Subsequent to action taken by the Committee and pursuant to negotiations with the Energy Committee, agreement was reached to accept the modifications reported by the Committee on Public Works and Transportation.

REGULATION

Title XIII—section 1316(a)

As reported by the Committee on Energy and Commerce, section 1316(a) would provide for a review, study, and report on rates charged for the transportation of coal, gas and oil by railroads, barges, trucks, pipelines, and conveyor belts.

Our Committee had no provision.

Subsequent to action taken by the Committee and pursuant to negotiations with the Energy and Commerce Committee, agreement was reached to further modify section 1316(a) by deleting any reference to barges and trucks. This recognized the Committee's objection based upon jurisdictional grounds and the fact that there was no reason given for including barges and trucks in the review, study, and report.

Title XVIII

As reported by the Committee on Energy and Commerce, Title XVIII included provisions relating to the economic regulation of oil pipelines. The provision had three major parts. First, it ordered the Federal Energy Regulatory Commission (FERC) to establish a ratemaking methodology with specific components. Second, it established certain rates as base rates which were deemed to be just and reasonable (in other words, legal). This applied to rates in effect for specific time periods that had not been challenged and to prospective rates approved by the FERC or agreed to pursuant to a settlement. Third, it provided for a rulemaking proceeding designed to streamline procedures pertaining to ratemaking proceedings and provided a list of specified reforms that had to be included in the new rules. It provided for certain definitions.

As reported by our Committee Title XVIII addressed the same three issues. First, it ordered the FERC to establish a ratemaking methodology, but it did not include specific components. Second, it established that certain rates which had been in effect for a year and not challenged would be presumed to be just and reasonable. Persons had 60 days to file a complaint challenging these rates. Absent such a complaint, the rates would be deemed just and reasonable. The provision did not apply to any rates set prospectively. Third, it provided for a rulemaking proceeding to streamline procedures pertinent to ratemaking proceedings, but it did not require specified procedural reforms. It also provided for certain definitions.

Subsequent to action take by the Committee and pursuant to negotiations with the Energy and Commerce Committee, agreement was reached which addressed the same three points. First, the agreement adopts the language of the Public Works Committee with respect to establishing a ratemaking methodology. Second, the agreement allows certain rates which were in effect one year prior to date of enactment to be deemed just and reasonable if they are not subject to protest, investigation or complaint. Shippers, however, may file complaints to challenge the rates if certain prescribed circumstances are shown. Third, the agreement provides for a rulemaking proceeding to streamline procedures like the Public Works' bill. It adds specific items to be addressed in the rulemaking proceeding, but it does not provide for specific procedural reforms. It also provides for certain definitions.

In addition, the agreement contains a provision dealing with the consequences of withdrawing a tariff (rate) filing or a complaint. It also has a provision encouraging the establishing of alternative resolution procedures in place of litigation and a requirement for the FERC to act promptly on rate proposals resulting from the use of such alternative procedures.

Mr. HAMMERSCHMIDT. Mr. Chairman, I yield 2 minutes to the gentleman from Oklahoma [Mr. INHOFE], the ranking member of the Subcommittee on Public Buildings and Grounds.

Mr. INHOFE. Mr. Chairman, I join my colleagues in supporting this legislation. I think, however, that it did not go as far as it should have gone, and I would hope that in the future we can carry an energy policy of this country to the point where we in the United States of America can be energy independent.

I felt very strongly during the Middle East war that we have a lot more support for some of the initiatives that could be taken locally. I did not agree with the moratoria on the Outer Continental Shelf. I feel it is going to be necessary to utilize all of our reserves here in the United States to make this possible.

In my State of Oklahoma we have lost over 60,000 jobs that we can identify over the past decade because of the energy problems that we are having in this country.

□1600

Then, of course, the entire Nation was concerned about the accident with the *Exxon Valdez*. In reality, that was a transportation accident. By taking an initiative and stopping the exploration in Alaska we are going to make it necessary to import more oil, which could cause more transportation accidents in the future.

I will say, however, that one thing that is very good about this bill is that I understand we are going to be considering a change in the alternative minimum taxes. I think this is very significant, because in 1986 the deduction of business expenses for the exploration and production of oil and gas domestically was taken away. I would hope that my colleagues would join me in the event there is an effort to take out the downward change in the alternative minimum tax during the discussion on this bill. I think that is something that is very positive about it, and perhaps can get some of our domestic producers going again.

Mr. ROE. Mr. Chairman, I yield 3 minutes to the distinguished gentleman from Oklahoma [Mr. BREWSTER], a member of the Committee on Public Works and Transportation.

Mr. BREWSTER. Mr. Chairman, I rise today in strong support of title XVIII of H.R. 776 and thank Chairman ROE for the opportunity to speak on behalf of this provision. I would also like to extend my sincere gratitude to Chairman MINETA for his efforts on this important provision of the legislation. The language on oil pipeline regulatory reforms will resolve a 10-year legislative battle without jeopardizing the delicate balance between the shippers and the oil pipelines. I would like to thank all the members of the House Public Works and Transportation Committee and the Energy and Commerce Committee, who worked so diligently to bring title XVIII to the floor.

Title XVIII orders the Federal Energy Regulatory Commission to establish a clear ratemaking methodology to replace the case-by-case methodology currently utilized by the Commission. A clear ratemaking methodology will give necessary direction and guidance to oil pipelines who seek rate changes at the Commission. Uniform standards and direction will reduce excessive and unnecessary administrative costs for both oil pipelines and the shippers.

Title XVIII will also establish just and reasonable rates to ensure that rates that have been in place prior to enactment of H.R. 776 are not exposed to arbitrary review, further reducing legal and administrative costs for oil pipelines and the Federal Government. Many of the rates at FERC have evolved over a 20-year period. Without a just and reasonable definition, all of these rates would be subject to constant review and exposed to a legal challenge at any time.

Perhaps the most significant and far-reaching aspect of title XVIII is the congressional mandate to streamline procedures pertinent to ratemaking proceedings at FERC. FERC will be required, under a strict timeframe to implement procedural reforms to reduce unnecessary and costly delays in the ratemaking process.

We are all aware of the financial drain on our economy caused by unnecessary and costly regulatory mandates placed on industry. Of course not all regulation is bad, but procedures at FERC are beyond understanding and have little or no benefit to the shippers and consumers. Current oil pipeline economic regulation by FERC is a regulatory nightmare that must be corrected by Congress. Title XVIII will go a long way in correcting the serious deficiencies in place at FERC without jeopardizing the Commission's real purpose.

Again, I thank Chairman MINETA for his leadership and for his assistance on this matter. No one knows more than I do how hard Chairman MINETA worked to address the concerns of all parties to this issue. I appreciate his hard work and thank him for working so closely with me and my colleague from Oklahoma, MIKE SYNAR in our efforts to implement true oil pipeline economic regulatory reforms.

Mr. HAMMERSCHMIDT. Mr. Chairman, I yield 2 minutes to the distinguished gentleman from Rhode Island [Mr. MACHTLEY].

Mr. MACHTLEY. Mr. Chairman, I rise in strong support of what I think is the most important bill at this time in our Nation's history, the Comprehensive National Energy Policy Act, H.R. 776. I commend the members from the many committees who have worked long and hard to bring this comprehensive energy policy to the floor.

Mr. Chairman, in this energy policy I am delighted to see that we are addressing the needed conservation. The cheapest source of energy now and in the future is always going to be conservation, and there is no adverse impact to our environment.

I appreciate the efforts of the Committee on Energy and Commerce to incorporate language into H.R. 776 from the Federal energy savings bill, a bill which I and my distinguished colleague, the gentleman from Massachusetts [Mr. MARKEY] introduced.

Mr. Chairman, the primary causes of Federal energy waste are a failure of leadership, a lack of sufficient funding for efficiency improvements, and a lack of incentives for Federal agencies themselves to set the model on conservation.

Comprehensive Federal energy legislation can provide all three of these: support, startup funding, and a spur to action.

As included in the legislation that the gentleman from Massachusetts [Mr. MARKEY] and I worked on, H.R. 776 requires Federal agencies to install cost-effective energy efficiency measures in their buildings. The measure also includes much-needed incentives to Federal agencies to model their programs on this bill.

Federal agencies would be required to use half the retained funds to implement additional energy conservation measures. The money saved through energy efficiency is money that would otherwise have been wasted.

Keeping this in mind, the Federal Energy Savings Incentives Act rewards conservation by allowing local agencies to retain half of their energy savings for employee education, day care and child care, recreation, or other morale boosters.

Mr. Chairman, a comprehensive Federal energy efficiency program could save the Federal Government over $3.5 billion. This is money that can go to needed programs. It is money that can help us in the future.

Mr. Chairman, this is an important act, and I urge all my colleagues to support H.R. 776.

Mr. HAMMERSCHMIDT. Mr. Chairman, I have no further requests for time, and I reserve the balance of my time.

Mr. ROE. Mr. Chairman, how much time is remaining?

The CHAIRMAN. The gentleman from New Jersey [Mr. ROE] has 4 minutes remaining, and the gentleman from Arkansas [Mr. HAMMERSCHMIDT] has 8 minutes remaining.

Mr. SAVAGE. Mr. Chairman, I rise in strong support of H.R. 776, the Comprehensive National Energy Policy Act.

The Subcommittee on Public Buildings and Grounds of the House Public Works and Transportation Committee received referral of title I, subtitle B of H.R. 776, matters dealing with Federal agency energy management. The subcommittee held a hearing on Wednesday, April 8, during which it received testimony from witnesses representing the General Services Administration, the Department of Energy, and members of the private sector. On Tuesday, April 28, the subcommittee marked up provisions of H.R. 776 under its jurisdiction, and reported the bill to the full committee. The full committee subsequently took action on Thursday, April 30.

The actions of the committee reinforce the Federal Government's role as a leader in energy conservation activities. The committee enhanced the overall management of energy conservation measures by Federal agencies in several ways. The committee: established realistic energy conservation requirements for Federal agencies; codified executive order requirements; provided flexibility to Federal agencies to use the savings realized from effective management practices; provided guidance regarding rebate programs and other incentive programs; and strengthened the role of the General Services Administration, the central agency responsible for management of capital assets.

Given the magnitude of the Federal Government's building inventory and its consumption of a wide variety of energy resources, the committee, through its actions, has contributed to the national goals of developing a comprehensive energy policy as well as more efficient and effective consumption of energy resources.

PARLIAMENTARY INQUIRY

Mr. ROE. Mr. Chairman, I have a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. ROE. Mr. Chairman, it is possible for us to allocate this time to the Committee on Science, Space, and Technology to add to their time?

The CHAIRMAN. The Chair would suggest to the gentleman that we have been holding each sequential committee to the use of its time in order. Perhaps if there is someone from the Committee on Science, Space, and Technology that would like to speak on your time and your member could be accommodated later by that committee, we could proceed. The gentleman from New Jersey [Mr. ROE] would have to control the time. Time allotted by the rule may not be reallocated between committees.

Mr. ROE. Mr. Chairman, I yield 3 minutes to the distinguished gentleman from California [Mr. BROWN], the chairman of the Committee on Science, Space, and Technology.

The CHAIRMAN. The gentleman from California [Mr. BROWN] is recognized for 3 minutes on the time of the Committee on Public Works and Transportation.

Mr. BROWN. Mr. Chairman, today we are starting debate on H.R. 776, the first comprehensive energy legislation we have considered in over a decade. This bill represents the hard work of nine committees and has taken over a year to bring to this stage and is a special tribute to the Energy and Commerce Committee and its able leadership. I want to compliment Chairman DINGELL and his staff and Chairman SHARP of the Energy Subcommittee for their efforts and for the very special degree of cooperation we have had with them. We started working with the Energy and Commerce Committee on this legislation last summer and that cooperative effort has carried through to today.

For our part, on the Science, Space, and Technology Committee, this bill represents one of our major efforts for this Congress, on effort which could not have succeeded without the cooperation and assistance of ranking minority member ROBERT WALKER and the other minority member of the committee. The legislation is tied into money of the themes we have been developing in the committee: Improving our competitiveness, accelerating the development of advanced technologies, and enhancing our Federal research and development effort. It also encompasses some of the broader approaches to authorization legislation that we are developing, such as longer term authorizations for large programs, setting clear goals and standards into statue against which our efforts can be judged, and ensuring that funding decisions are merit based.

On our committee's part, this legislation represents the hard work of the Subcommittee on Energy and the Subcommittee on Environment, chaired by Representative LLOYD and SCHEUER, respectively. These two Members have earned the gratitude of the committee and the Congress for their efforts. Their work over many days of hearings, months of drafting, and numerous markup sessions held in the committee has moved us to a long overdue goal: To authorize our vital research, development, and demonstration [RD&D] programs within the Department of Energy [DOE] to provide program goals, guidance, and accountability.

Mr. Chairman, the need for all of the work which has resulted in this legislation is very clear. The gulf war reminded us that we have made little progress toward reducing our energy vulnerability. With mounting fears of global warming, ozone depletion, and other global environmental problems, our current patterns of energy use are under scrutiny. And, with energy user costs growing to $440 billion per year, the need for a focused research, development, and demonstration effort on these problems becomes an economic imperative. I believe that these needs have been adequately addressed in H.R. 776.

The Science, Space, and Technology Committee titles are organized around five major goals set forth in the legislation: National energy security; enhanced energy supply and efficiency; reduction of adverse environmental effects; increased economic competitiveness; and improved international technology export and transfer. There is an attempt to break these broad goals down into more specific program directions. Most of the specific program authorizations in the legislation contain explicit program goals, some broken out into short-term up to 5 years; midterm 5 to 10 years; and long-term, beyond 10 years, goals. Most of the program authorizations also contain standard language on the development of program, plans, annual updates, and requirements, if any, for cost sharing with non-Federal partners.

The committee provisions are 5-year authorizations for broad programmatic areas of energy R&D with some smaller, specific activity authorizations within those broad areas. We felt that a 5-year focus was appropriate for the longer range focus of our RD&D programs and matches the timeframe used in the administration's national energy strategy proposal. We also aggregated our 5-year authorization numbers, again reflecting the strategic policy and priority focus which should be in a national energy strategy. This approach anticipates the amplification of these policy directions and the setting of out-year funding levels that would occur in annual authorization bills, annual views and estimates to the Budget Committee, and through formal and informal communications with the Appropriations Committee.

Authorizations are grouped by the goals of the legislation and not by traditional budget functions within DOE. This reflects our attempt to craft a goal-driven bill and not be held captive by arbitrary budgetary divisions within DOE. By using this approach, and by using longer, aggregate authorization figures, we have tried to move beyond the usual authorization approach which involves incremental change and more closely resembles an accounting exercise than a policy deliberation.

The legislation attempts to improve a number of policy and management functions within DOE. For example, the legislation outlines an orderly process for the planning and construction of facilities funded by the DOE. Any large project above $10 million would require prior authorization. Any major project above $100 million would require a prior authorization and would require submission to Congress of the construction plans, schedule, and costs, so that we could more closely monitor the project. In addition, the Secretary of DOE must report to Congress annually on its ongoing construction projects.

The legislation formalizes the research policy and planning advisory process at DOE. Currently, there are various administratively created advisory boards at DOE which operate at the direction of the Secretary. We felt that an independent, statutorily created research advisory board would be more useful in outlining DOE RD&D priorities. Along those lines, we seek to update older energy research statutes and integrate the policy and planning processes in existing law into those proposed in this legislation.

Our energy RD&D provisions proposes a steady, modest expansion of funding over 5 years. The cost of this bill, as we expect to modify it with the pending compromise amendment by Mr. WALKER, averages about $3 billion per year over 5 years, a real growth of about 5 percent per year over that period.

The investment proposed in energy RD&D in this bill is modest and needed. The integration of energy, environmental, and economic goals in this bill will provide a return to the economy many times over the taxpayer investment in this bill. The resulting technologies will allow us to generate electricity profitably with less pollution. These same technologies will move alternative fuel vehicles onto the highway, creating jobs across the country. These technologies will allow American businesses to produce goods and services using less energy, while saving money and resources. And, this bill will create export markets in the developing countries for our new energy-conserving, environmentally benign technologies. As a nation, we will be providing leadership for solving global environmental problems while at the same time helping our balance of trade and domestic economy.

There are two major initiatives contained in this bill which I want to note at this point. I also want to highlight them because they exemplify the excellent working relationship that we have had with the Energy and Commerce Committee. The first of these is legislation authorizing a research, development, and commercialization effort on electric vehicles. We have worked closely with the Energy and Commerce Committee in the consideration of the electric vehicle legislation and our compromise version is contained in title VI of H.R. 776. It is my hope that this legislation will be the base upon which a new generation of less-polluting, alternative energy vehicles will be built.

The other major proposal is a major program of research into possible health effects of electric and magnetic fields [EMF]. There has been much public controversy over the possible adverse human health effects of exposure to EMF in the 60 hertz range, from power lines, electric equipment, and appliances. We are proposing a 5-year Federal research program on this topic, with provision for an arms-length 50-percent match of non-Federal dollars. This program is vitally needed to provide a scientific base to this debate before the issue becomes polarized.

In order to speed enactment of this program, we attached to H.R. 776 legislation on EMF research which the committee had independently reported, H.R. 3953. We share jurisdiction with the Energy and Commerce Committee on this matter and I was pleased that the other committee agreed to help move this authorization along. For our part, we agreed to needed improvements that they made to our reported bill. I feel that our interaction on this issue shows how Congress can work on complex issues if there is mutual trust and respect. I want to thank Chairman DINGELL and Mr. WAXMAN, chairman of the Energy and Commerce Subcommittee on Health and the Environment for their cooperation on this matter.

In summary, Mr. Chairman, I want to stress the need for this legislation. Our economy and our environment depend upon the provisions we are considering today. I urge my colleagues to support H.R. 776.

☐ 1610

Mr. HAMMERSCHMIDT. Mr. Chairman, I have no further requests for time, and I yield back the balance of my time.

Mr. ROE. Mr. Chairman, I have no further requests for time, and I yield back the balance of my time.

The CHAIRMAN. All time allotted to the Committee on Public Works and Transportation has expired.

Under the rule, the Committee on Science, Space, and Technology is allotted 30 minutes, equally divided between the majority and minority.

The Chair recognizes the gentleman from California [Mr. BROWN].

Mr. BROWN. Mr. Chairman, I have completed my opening remarks. I am now going to yield time to the distinguished subcommittee chairperson to whom I alluded earlier in my remarks.

Mr. Chairman, I yield 5 minutes to the gentleman from Tennessee [Mrs. LLOYD].

Mrs. LLOYD. Mr. Chairman, the comprehensive package before us today is testament to the diligence of many of my distinguished colleagues. I want to thank the distinguished chairman of the Committee on Energy and Commerce, the Honorable JOHN DINGELL, for bringing the bill forward in a timely manner. I also want to express my gratitude to the distinguished chairman of the Committee on Science, Space, and Technology, the Honorable George E. Brown, whose vision and leadership during our committee deliberations on the research and development provisions of the package enabled us to bring forward the balanced agenda of energy technology efforts which are contained in the bill.

I believe it is incumbent upon us to assert a leadership role in the global society by taking our energy responsibilities seriously. We have a great opportunity this week to make a profound contribution to the economic and environmental health of mankind by enacting the comprehensive energy policy legislation.

The bill before us will improve our Nation's energy policy and lead to major advances in energy technologies. These provisions will address our Nation's energy problems and ensure a stronger economy with improved employment opportunities.

Equally important, the new energy technologies that will be developed will be available to provide clean and inexpensive energy to the less developed countries and the countries of Eastern Europe. The technologies will permit these countries to use their indigenous energy resources to further their own economic development and enhance their quality of life. By contributing to the betterment of the future of these developing countries, we will be enhancing the future of all mankind.

Energy legislation has not come easily to our Nation. We have struggled with this issue for nearly two decades. Portions of the national energy strategy which we address today reflect in good measure the information which we have gleaned from our years of work on energy research and development issues. The bill lays out a strategy for our Nation's energy research and development that holds the promise of reducing the scope and magnitude of our Nation's energy problems. From sad experience we know these problems are long term and systemic; correspondingly, the technology and policy remedies that we will consider today will not yield immediate, quick fixes.

Our persistent energy problems have been a key contributor to our Nation's economic difficulties. We import more than 42 percent of our oil as well as growing percentages of our electricity supplies. This adversely affects our balance of trade—oil imports alone cost our Nation $54 billion last year. In addition, the large volumes of oil imports from politically troubled areas of the world leaves us vulnerable to potential supply disruptions. Just a little more than 1 year ago, we lead a coalition of nations into the gulf to ensure access to oil supplies. The financial cost of our participation in the gulf war was $61 billion. More importantly, 182 Americans paid the ultimate price because of our unwillingness to address our energy problems.

The long-term and complex nature of our energy programs calls for a blueprint for long-term solutions. I believe the research and development provisions in this bill provide such long-term guidance. This will provide predictability in our research and development programs to permit the scientists, engineers and program managers to plan and execute their R&D efforts in a thoughtful manner, thereby maximizing the prospects for success.

This bill also acknowledges a shift in R&D priorities. More emphasis is placed on the technologies for conservation and renewable energy applications and the enhanced recovery of oil and gas resources. In addition, we provide a consistent focus for several exciting new technologies to enhance our ability to generate electric power. More attention is also placed on demonstration. We are aware of the need to take technology development programs to a logical point of demonstration at a scale that would permit American industry to make intelligent investment decisions.

While there is much in the bill to commend it, there are some provisions that I believe will further weaken our long-term energy posture. Of specific concern are the provisions in this bill that address the Uranium Enrichment Corporation—the fuel for 20 percent of the country's electricity. Some provisions make it questionable that the Corporation can survive financially;

even though its current cash receipts exceed appropriations by more than $200 million per year and provides jobs for more than 5,000 American workers. Other provisions in the bill raise concerns that the plants will not be permitted to operate. In short, the provisions of this bill place the proposed Enrichment Corporation in a precarious position.

Despite these short comings, I still support the overall bill because I believe it provides important direction for energy policy and technology that addresses our Nation's long-term energy needs.

The CHAIRMAN. The Chair recognizes the gentlemen from Pennsylvania [Mr. WALKER].

Mr. WALKER. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I am pleased to rise in support of the amended contribution of the Committee on Science, Space, and Technology to this bill. I want to thank the chairman of the committee, the gentleman from California [Mr. BROWN], for his spirit of compromise and cooperation that allowed us to come to the floor with a provision which is fully endorsed by both sides of the aisle on this portion of the bill.

Although I have some serious concerns with many of the proposed regulatory burdens this legislation would impose upon our country's economic growth, I am happy to announce that the budget concerns that I and 15 of my colleagues had with the Department of Energy Research and Development authorizations have been resolved. Two billion dollars of this spending has been struck from the original bill of the Committee on Science, Space, and Technology. What was a budget-busting $17.25 billion bill is now a $15.3 billion, a figure that I regard as responsible and reasonable. That represents about 4 percent real growth over the next 5 years. With good conscience, I can support that level of increase in the name of technological development to provide for our country's future energy needs.

Within this package, significant increases are provided for energy efficiency technologies and the development of renewable energy sources such as hydrogen. For example, this bill will provide a $25 million core program in hydrogen research. This is the first time we have had that level of hydrogen research, and I think it is one of the prouder moments which is within the bill and assures that this new energy option will be available for the Nation's future.

□ 1620

The next generation of nuclear fission and fusion electrical generation is also strongly endorsed. This represents a well-rounded, balanced approach consistent with President Bush's national energy strategy.

As far as budget discipline goes, the 1993 authorization of $2.5 billion is at the President's requested level and fully consistent with the budget agreement and House-passed budget resolution. This also addresses the administration's fiscal objections in the context of the veto threat.

Mr. Chairman, I take some pride in the contributions the Republicans on the Science Committee made to this legislation. We presented the Energy Technology Growth Act to support an expanding economy by maximizing U.S. energy supply and efficiency through technological innovation. The two main themes of this proposal were budget discipline and incentives to the private sector. The first goal of our legislation will be achieved with the passage of my first amendment tomorrow.

However, I hope to offer a second amendment in pursuit of the second goal which addressed a void in the House bill—the promotion of private sector technology development. A 15 percent investment tax credit to spur increased use of oil and gas enhanced recovery and exploration equipment would qualify. Private sector spending on equipment to increase accessibility and use of natural gas would also earn the credit, as would clean coal technology equipment, renewable and nuclear generating equipment, and equipment used to make alternative fueled engines. Finally, the credit could be earned for increased energy efficiency in manufactured products. This credit should generate significant economic activity and growth, resulting in an expanded revenue base. I understand that Chairman BROWN supports both amendments that I would offer tomorrow, and I hope to be able to offer the second as well as the first.

Finally, Mr. Chairman, I am disappointed that H.R. 776 does not reflect the recommendation of the Committee on Science, Space and Technology for the establishment of the Uranium Enrichment Corporation. The gentlewoman from Tennessee [Mrs. LLOYD] did a remarkable job of working on this particular section of the bill. She is to be commended for the leadership she showed in trying to produce this part of the bill in the section from the Committee on Science, Space and Technology.

However, in my mind, the way it is now structured, H.R. 776 overly burdens the Corporation with financial and regulatory requirements and limitations. The Corporation cannot become viable unless the language is changed in conference, and I am hopeful that we will get the kind of conference agreement that will work us into a situation where uranium enrichment can become a viable industry for our future.

Mr. Chairman, I reserve the balance of my time.

Mr. BROWN. Mr. Chairman, in accordance with the very innovative arrangement made between me and the gentleman from New Jersey [Mr. ROE], I am privileged to yield 3 minutes to the distinguished delegate from the District of Columbia [Ms. NORTON].

Ms. NORTON. Mr. Chairman, first, let me thank and commend the chairs of the nine House committees who have confronted the extraordinary challenge of reconciling differences on this important measure, the Comprehensive National Energy Policy Act of 1992. As a member of the Subcommittee on Surface Transportation and as vice chair of the Subcommittee on Public Buildings and Grounds, I have seen the difficulty inherent in the wide ranging and complex issues addressed to how we can best conserve our natural resources.

I especially am grateful to Chairman ROBERT ROE for his skill, diligence, and attention to this issue and the other landmark matters achieved in only 1 year of his chairmanship of the Public Works and Transportation Committee. Members of this body can only wish that there had been more years of his capable leadership now that he has decided to move on to new challenges in his personal and professional endeavors.

I am especially pleased to have been able to sit as vice chair of the Public Buildings and Grounds Committee, which has jurisdiction over the General Services Administration [GSA]. As the agency responsible for over 80 percent of Federal office space in leased and Government-owned sites, GSA has the power to make a significant difference by encouraging its tenants to achieve the 10 percent building energy reduction by 1995 required in this legislation.

This far-reaching conservation bill will have a disproportionately positive impact on the District of Columbia, since the National Capital region contains, on average, three times the square footage of GSA space located in other regions. Incentives for energy conservation should be every bit as available to the Federal Government as to the private sector. Greater energy efficiency is also good news for District utilities companies and their customers because it will help to postpone or eliminate the need for costly new electric generators.

I am especially pleased that this bill includes key provisions relating to all major U.S. energy resources, including energy efficiency, solar and renewable energy, alternative motor fuels, fossil fuels, nuclear power, and electricity. Individual legislative measures addressing these issues have long been before us. It is a great accomplishment that so many of them could be included in this single measure. Every section of our country is sure to benefit.

I strongly support H.R. 776, and I thank all my colleagues who participated. At last, we have an energy bill which is long term and comprehensive in scope. I strongly urge the support of my colleagues.

Mr. WALKER. Mr. Chairman, I yield 3 minutes to the gentleman from Pennsylvania [Mr. RITTER], whose leadership on this bill has helped result in the kind of compromise that the committee was able to achieve, and he has to be commended for the work that he did in making this bill a success.

Mr. RITTER. Mr. Chairman, I thank the gentleman from Pennsylvania. I want to commend him and our distinguished chairman, my own chairman, the gentleman from New York [Mr. SCHEUER], and the chairwoman, the gentlewoman from Tennessee [Mrs. LLOYD] for slogging it out and coming up with a pretty good bill. I think this bill overall could be, if the House acts responsibly on some of the amendments that we are going to see, a balanced national energy approach. The approach is designed to encourage conservation and development of new energy sources create new American energy and to take the place of oil and to do it in a way that does not break the budget.

Today we are still very vulnerable to an unhealthy dependence on imported energy, particularly imported oil, and the uncertainties of energy supply. The price fluctuations, disruptions of the economy, and the possibility of supply interruptions are not behind us. The programs in this bill will take us a little closer to addressing our current and future energy needs, enabling us to move toward securing energy independence or some greater modicum of energy independence than we currently enjoy.

I am particularly pleased to see initiatives in high temperature superconductivity, energy-saving metals initiatives, and a strong hydrogen research program in the bill. These are initiatives that I worked on, and I want to thank the chairman, and my chairman, the ranking member, for their cooperation on these issues.

The Committee on Science, Space, and Technology has worked together in a bipartisan manner to reach agreement on funding for important R&D programs at the Department of Energy. I think it serves as a model, and perhaps if some of the other committees in this House could work as closely in a bipartisan way, we would probably make a little more progress.

The provisions of the bill in the jurisdiction of the Committee on Science, Space, and Technology promote these new technologies to produce conventional sources of energy, renewable energies, and nuclear energy, as well as technologies designed to encourage energy efficiency. All of these are vital components to a balanced energy strategy.

I just want to say a word on our compromise. The agreement on the R&D provisions of title XXI reached by this bipartisan consensus, I believe, provide for realistic growth in energy R&D, while it establishes promising new initiatives for the development of energy technologies over the next 5 years and beyond.

Initiatives in title XXI are fiscally responsible. I am proud to support them as part of a balanced strategy that helps to implement the President's national energy strategy, and gives the American people the promise of a more secure energy future.

Mr. BROWN. Mr. Chairman, I yield 5 minutes to the distinguished gentleman from New York [Mr. SCHEUER], and I would ask him if he could read fast and let me have a minute of it back.

Mr. SCHEUER. Mr. Chairman, I just heard a remark from my colleague, the gentleman from Pennsylvania, saying that this bill in effect represents the thinking from the executive branch on energy. Indeed, Mr. Chairman, I think he flatters the executive branch too much. This bill truly is a national energy strategy. In the document that came floating down Pennsylvania Avenue to us 2 years ago, there truly was less there than met the eye.

□ 1630

That national energy strategy relied exclusively on increased use of fossil fuels, increased destruction of the environment, and increased dependence on Persian Gulf oil.

Our committee did an excellent job with tremendous bipartisan leadership from my colleague from Pennsylvania and others and crafted a truly fine national energy strategy where there was more than met the eye. This comprehensive bill before us today includes a strong and balanced R&D component as the cornerstone of a national energy strategy.

The energy efficiency and renewable energy provisions in that bill grew out of lengthy and intensive inquiry into key energy R&D issues facing the Nation. We have proposed a long overdue strengthening of our energy efficiency and renewable energy programs, including work on alternative fuels and alternative fueled vehicles. Improving energy efficiency and accelerating the development and deployment of renewable energy technologies will meet the Nation's long-term needs in a cost effective and environmentally sustainable fashion.

Studies by the Department of Energy, the Office of Technology Assessment, and the National Academy of Sciences have underscored the tremendous potential for improved efficiency in all sectors of energy use. These reports emphasize that this potential can only be achieved through a concerted research and development program conducted by industry, government, and academia.

We know that U.S. industry is at a significant disadvantage since it is less energy efficient than a number of our major trading competitors. Improved energy efficiency is crucial to our Nation's ability to compete effectively in the global economy.

The Japanese produce one unit of industrial production for every unit of energy. We use two units of energy to produce one unit of industrial production. Our energy use in terms of total output is just about half as efficient as the Japanese. That disparity places an intolerable burden on us in terms of competing successfully in the global marketplace.

Renewable energy can play a significant role in meeting U.S. energy needs. Renewable energy will enhance U.S. energy supply, and will also provide enhanced opportunities for technology exports in the emerging global trillion dollar energy marketplace. This presents an enormous target of opportunity to U.S. industry to provide sophisticated, state-of-the-art energy, science and development for the rest of the world. This bill establishes research and development programs to position us to seize these opportunities.

Efficiency gains and greater use of renewable energy will also reduce the adverse environmental impacts that result from current patterns of energy use. They make a crucial contribution to reducing emissions of greenhouse gases which destabilize the atmosphere.

We are proposing increased funding for conservation and renewable energy R&D technologies.

We propose a number of specific program initiatives in the Department of Energy's Office of Conservation and Renewable Energy which will move emerging technologies from the laboratory to the marketplace.

The bill will strengthen energy R&D through a strategy of cooperation between the public and private sectors this strategy will link basic R&D work with the market through cost sharing, cooperative agreements demonstration projects, research consortia, and joint ventures to commercialize sustainable energy technologies.

One of the most significant initiatives in this bill is the program to accelerate research, development, and demonstration of alternative fueled vehicles.

Today, 97 percent of U.S. transportation energy use is based on petroleum. Given our significant current and projected energy needs for transportation, and our growing dependence on imported oil, it is imperative that we develop alternatives to reduce our dependence on petroleum and encourage the use of cleaner, less-polluting alternatives, including natural gas.

For example, electric vehicles are a nonpolluting alternative to conventional fueled vehicles.

The bill before us today includes three key components to expedite the development and use of electric vehicles: accelerated electric vehicles and battery research and development; electric vehicle cost share commercial demonstrations; and development of suitable infrastructure.

Finally, I call your attention to the provision for research and public information programs on the problem of electric and magnetic fields.

In recent years the public has become increasingly concerned that exposure to electric and magnetic fields [EMF] may pose a threat to human health. Available scientific evidence regarding possible health effects is ambiguous.

This bill calls for the establishment of a comprehensive national research effort to assess the potential health effects of EMF, develop efficient measurement technologies and mitigation strategies should adverse health effect be determined. The bill also provides for a public information dissemination program.

The bill before us today addresses the EMF issue in a systematic cost effective and credible manner.

Mr. Speaker, I urge my colleagues to join with me in supporting H.R. 776 which could more properly be called H.R. 1776 since it promotes our long overdue independence from imported oil and environmentally destabilizing technologies.

Mr. WALKER. Mr. Chairman, I yield 2 minutes to the gentleman from Washington [Mr. MORRISON], who also provided this side of the aisle with tremendous leadership on this issue and who, I think, has contributed markedly to the final product.

Mr. MORRISON. Mr. Chairman, I thank the gentleman for yielding me the time.

I want to start, Mr. Chairman, by recalling several years ago testifying in front of Admiral Watkins and our former colleague, Henson Moore, of the Department of Energy as they started the administrative side of this national energy strategy that now comes together before us today. I challenged them at that time to come up with something that would get us started and move us in the right direction, and I am delighted to be part of this exchange today, because it represents I think the best of what I see this institution being able to perform, and that is to bring people together, different ideas, and yet we have come together with a package that can be part of America's energy future.

I pay tribute and special thanks to the gentlewoman from Tennessee [Mrs. LLOYD], who serves as my subcommittee chairman, and Chairman BROWN and Ranking Member WALKER as they have helped us walk through the minefield associated with this subject area. I think Members will be pleased as they see the detail of what we bring.

Research and development is vitally important. We have been involved in it for years. But the key is in fact to have it fit the need, and this policy I think carries us on into the next century as we look at conservation and renewables and a variety of options. And I think sound investments will be made in these as we bring them from the idea stage to the full development stage, and America can be proud of what comes from this. So again, this is a tribute to great teamwork.

There will be some changes that perhaps will be justified in the bill as it moves along, but I am pleased to recommend to my colleagues the passage of H.R. 776. In fact, we could almost say that it could be 1776, a symbol of independence for this country.

Mr. Chairman, I have served as a member of the Science Committee for almost a decade, and for the first time in 10 years we have before us a national energy strategy that is the product of the efforts of numerous committees and bipartisan collaboration. It is a bill that addressed the current and future energy needs of the American public.

The Science Committee has worked together in a bipartisan manner to bring to the floor a consensus of the entire committee. Mrs. LLOYD, the chairwoman of the Energy Subcommittee, has worked tirelessly with all members in an effort to forge ahead with a meaningful and responsible bill. We have worked together to authorize research and development programs that will take this country into the 21st century. We have conservation programs that will assist in keeping America an environmentally aware and progressive nation and we have a nuclear program that keeps nuclear energy a aware and progressive nation and we have a nuclear program that keeps nuclear energy a viable option for the future.

I want to thank Chairman BROWN and Mr. WALKER for working together to bring this important legislation to the floor. It has not always been an easy process, but we have before us today a fiscally responsible bill with emphasis programs that will give the United States a viable energy program, we have taken a look into the future and stood up to the responsibilities for the future. This bill is not just the result of this Congress, but many years of thoughtful debate and careful negotiation. I am proud to support an energy strategy that brings to the American people a program that will maintain the United States as the world leader in innovative technology and research for a better tomorrow.

Mr. BROWN. Mr. Chairman, I yield 1 minute to the distinguished gentleman from Michigan [Mr. WOLPE], chairman of our Subcommittee on Investigations and Oversight.

Mr. WOLPE. Mr. Chairman, I thank the gentleman for yielding me the time.

Mr. Chairman, I rise in strong support of H.R. 776, and section 173 of the legislation, process oriented industrial energy efficiency, which I authored, along with my colleagues, Mr. MARKEY, Mr. RINALDO, and Mr. GALLO. The legislation, included in the mark of Energy and Power Subcommittee Chairman PHIL SHARP here on the House side, was offered as an amendment to the Senate energy bill by our colleagues, Senators GORE, METZENBAUM, and JEFFORDS.

Section 173 would provide grants to States that allow their utilities to recover the cost of industrial process assessments and receive a rate of return on energy efficiency investments in their industrial clients. Grant money would be awarded to State energy offices to train industrial process assessors, or to set up programs designed to facilitate the deployment of energy efficient technologies.

Mr. Chairman, this legislation addresses an area of critical need in our efforts to ensure U.S. competitiveness in the global marketplace: the technology gap among small- and medium-sized manufacturers. Small firms comprise over 98 percent of our Nation's 358,000 manufacturers and account for the vast majority of the more than $300 billion contribution that the manufacturing sector makes to our gross national product.

The fact of the matter is that the race to deploy advanced technologies is the key to future competitiveness, and smaller firms lack the time and resources to investigate, train for, and deploy advanced technologies. While there was some progress in improving the efficiency of small firms during the last decade, the Energy Information Administration [EIA] reports that energy efficiency gains in the early 1980's came to a halt in 1985. All of this is taking place at a time when our international competitors are marshalling their resources in comprehensive industrial policies to increase their economic productivity. Japan, for example, has over 160 federally funded business assistance centers dedicated to bringing the latest technological advances from the lab to the shop floor. The results are unequivocal: Our major trade competitors are more energy efficient than we are, and they are not relenting in their efforts to further improve their productivity.

Process oriented assessments offer a win-win scenario by both increasing the productivity and competitiveness of our manufacturing sector and facilitating the conservation of energy. Utilities have the resources and their relationship with their industrial customers that will enable energy efficient technologies to reach manufacturers in every community, and thereby help to ensure the productivity and competitiveness of our manufacturing sector.

Mr. Chairman, I would like to thank Diane Duvall and Charlie Bartsch of the Northeast-Midwest Institute for their research on this legislation, as well as Jean Ann Quinn from the legislative counsel's office, David Nemtzow of Mr. MARKEY'S staff, and Rick Counihan from Mr. SHARP'S staff for their invaluable assistance in making this program a reality.

Mr. WALKER. Mr. Chairman, I yield 2 minutes to the gentlewoman from Maryland [Mrs. MORELLA].

Mrs. MORELLA. Mr. Chairman, I thank the gentleman for yielding me this time. Mr. Chairman, I believe that this energy bill points the United States in the direction that meets the needs of the present generation without prejudicing future generations' needs. I support the research and development package, which aims to reduce our dependence on foreign oil and to invest in conservation, energy efficiency, and renewable energy sources. It is clear that the United States needs to invest in R&D in these areas to remain internationally competitive. But in addition to the competitiveness issue, increased R&D will lead to a reduction in the emissions of greenhouse gases, improvement in air quality, savings for consumers and less need to build new transmission and generation plants.

I am pleased that a provision I sponsored is a part of the National Energy Policy Act, which establishes a 5-year diesel emission initiative that will help U.S. diesel manufacturers and the 600,000 jobs that are dependent on American diesel makers. Cleaner diesel emissions are a key to a cleaner environment and this research will assure that the technologies are developed to meet emissions requirements.

□ 1640

Nothing happens without hard work. I want to recognize the chairman of the full Committee on Science, Space, and Technology, the gentleman from California [Mr. BROWN], and the ranking member, the gentleman from Pennsylvania [Mr. WALKER], for their leadership in molding a bipartisan part of this very important bill.

I also want to thank the chairman of the Environment Subcommittee, the gentleman from New York [Mr. SCHEUER], as well as the ranking member, the gentleman from Pennsylvania [Mr. RITTER], for their leadership.

Mr. Chairman, I urge my colleagues to join me in support of H.R. 776.

Mr. BROWN. Mr. Chairman, I yield 1 minute to the distinguished gentleman from New Hampshire [Mr. SWETT], a member of the committee who brought with him an extensive background in energy policy issues and has been an extremely valuable member of the committee.

Mr. SWETT. Mr. Chairman, I commend the chairman and ranking members of all the committees involved for bringing to the House floor H.R. 776, the Comprehensive National Energy Policy Act. I rise today in support of this legislation.

I am pleased that we have been able to overcome partisan differences to craft this long overdue measure to help put our Nation on a path toward a more secure energy future. This legislation will help us improve our energy efficiency, lessen our dependence on imported oil, and reduce the environmental damage caused by energy use.

As a longstanding advocate of increased energy efficiency in the Federal Government, I am particularly supportive of the provisions of this bill that would require the Federal Government to become more energy efficient. The Federal Government is the Nation's largest energy consumer, yet much of this energy is currently being inefficiently utilized. The Comprehensive National Energy Policy Act will help the Federal Government to set an example in energy efficiency.

I am also pleased with provisons of this bill which will accelerate the development of alternate energy. Having worked in alternate energy development prior to coming to Congress, I understand alternate energy's tremendous potential for helping to wean us from our dependence on imported oil.

Mr. Chairman, energy is crucial to our Nation's economic health. This legislation contains provisions that will help to strengthen Armerica's economy and preserve American jobs. The United States devotes 10 percent of its GNP to energy, yet much of this money is currently being spent overseas. By 2010, this bill will have helped to keep $30 billion here in this country—money that would otherwise have gone to pay for oil imports.

Finally, I would like to express my support for the energy R&D portions of this bill which will help to make U.S. industry more energy efficient, environmentally sound, and more competitive internationally.

I am delighted that this important National Energy legislation includes the key provisions of legislation which I introduced earlier. H.R. 4425, the American Pulp and Paper Research Act. The incorporation of my efforts as well as those of my colleagues in this area are appreciated.

Mr. Chairman, I urge my colleagues to join me in voting for this important legislation which will help put our Nation on a path toward a more secure energy future.

Mr. BROWN. Mr. Chairman, I yield myself the remainder of my time to more adequately reflect my gratitude to the gentleman from Pennsylvania [Mr. WALKER] and the minority for their diligence and cooperation in working on this bill and bringing it to the stage where it is today.

As far as I know, in the section emanating from the Committee on Science, Space, and Technology, we have no major problems in the bill. I know of no significant amendments, and this is a reflection of our ability to work cooperatively together in resolving some of the differences which we had initially, resolve them in a friendly and constructive way. In some cases, I compromised more than I had wanted to, and I am sure that gentleman from Pennsylvania [Mr. WALKER] feels the same way about some of the provisions that we compromised on, but I think the final result is a tribute to his desire and the minority members of the committee to produce a good, workmanlike piece of legislation which I will assure him and the gentleman from Pennsylvania [Mr. RITTER], who referred to Admiral Watkins, that I think Admiral Watkins would really like this piece of legislation.

Mr. WALKER. Mr. Chairman, I yield myself 30 seconds to say that I appreciate the words of the chairman.

I think we have produced a good effort from our committee, and I thank him for his hard work, and also to make the point that I am going to yield in a moment to the gentleman from Texas [Mr. JOHNSON], but it was the amendment offered by the gentleman from Texas [Mr. JOHNSON] at committee that received a substantial number of votes there that I think helped to lead us toward a compromise on the spending figures on the bill. He is to be commended for raising the spending issue in a way that I think led to this kind of compromise.

Mr. Chairman, I yield 2 minutes to the gentleman from Texas [Mr. JOHNSON].

Mr. JOHNSON of Texas. Mr. Chairman, I thank the gentleman for yielding me this time.

Mr. Chairman, I appreciate the efforts of the chairman on this bill.

As you know, the energy bill was sequentially referred to Science and Space, and the committee considered provisions for energy research and development which contained the funding level of $17 plus billion, and many of the members expressed concern that the funding level was excessive.

The administration, through Secretary of Energy Watkins, stated this funding level was unacceptable and would be a barrier.

But I have to tell you that our committee chairman worked with us in an effort to initiate fiscal responsibility in the committee bill, and as the gentleman from Pennsylvania [Mr. WALKER] has commented, I did offer an amendment, and I think that our chairman was gracious enough to find a compromise position that I believe, through good-faith negotiations, has resolved the problem of giving our Nation a good space program along with a fiscally responsible bill.

I thank our chairman and the gentleman from Pennsylvania [Mr. WALKER] for your assistance.

Mr. WALKER. Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN. With that, all time allotted under the rule to the Committee on Science, Space, and Technology has expired.

Under the rule, the Committee on Ways and Means has the next allotment of 30 minutes, equally divided between the majority and the minority.

The Chair recognizes the gentleman from Illinois [Mr. ROSTENKOWSKI].

Mr. ROSTENKOWSKI. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I rise in support of H.R. 776, the Comprehensive National Energy Policy Act.

For too long, this country has been without a comprehensive energy strategy. As a consequence, we have been left vulnerable to foreign producers and to international instabilities. Our own energy-producing industries have been left to founder, while potential alternative fuel resources have not realized their full potential. Our economy has suffered, and consequently, so have our citizens.

H.R. 776 takes a significant step toward rectifying this situation. In particular, I would like to call attention to the tax title of H.R. 776, as proposed by the Committee on Ways and Means. This tax title furthers the goals of H.,R. 776 by providing tax incentives for increased energy production and alternative fuels. The tax title of H.R. 776 includes:

A tax incentive for the purchase of clean-fuel cars;

An increased income tax exclusion for employer provided mass transit passes, and a limitation on tax-free employer provided parking;

An income tax exclusion for rebates that utilities provide to their customers for participating in conservation programs;

The permanent extension of the solar and geothermal tax credits;

The creation of a new production credit for wind energy;

Relief from the minimum tax for independent oil and gas producers; and

A reduced tax burden and greater investment options for nuclear decommissioning funds.

The Ways and Means Committee tax title is fully financed, by increasing excise taxes on ozone-depleting chemicals, eliminating tax incentives for mining certain minerals that harm the environment, and by other relatively noncontroversial revenue raisers.

This tax title enjoys wide bipartisan support. The administration has indicated strong support for several of its provisions.

Finally, Mr. Chairman, I would note that H.R. 776 now contains an improved version of the original proposal to assess domestic utilities for cleanup costs at uranium enrichment sites. The original proposal, as reported by the Committee on Energy and Commerce and the Committee on Interior and Insular Affairs, would have exposed domestic utilities to unlimited liability. These liabilities would almost certainly have been passed along to the utilities' customers, in Illinois, in Pennsylvania, in New York, in fact all over the country, the proposal now contained in H.R. 776 adopts the liability caps recommended by the Committee on Ways and Means that will ensure that no region of the country bears a disproportionate share of the cleanup burden.

Mr. Chairman, the Ways and Means Committee tax title of H.R. 776 will contribute substantially toward creating a meaningful national energy policy. I urge my colleagues' support for this important bill.

□ 1650

The CHAIRMAN. Under the rule, the gentleman from Texas [Mr. ARCHER] will control 15 minutes of the time allotted to the Committee on Ways and Means.

The Chair recognizes the gentleman from Texas [Mr. ARCHER].

Mr. ARCHER. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, the amendment in the nature of a substitute incorporates most of the provisions adopted by the Ways and Means Committee. Nonetheless, the rule forces a separate vote on a crucial piece of the Ways and Means amendment: the deletion of the strategic petroleum reserve set-aside.

We should not have to vote separately on this issue; it should have been made part of the amendment in the nature of a substitute.

The strategic petroleum reserve set-aside is plainly a revenue measure under House rule X(1)(v)(3). Accordingly, it is exclusively within the jurisdiction of the Ways and Means Committee.

The set-aside is an onerous new tax imposed upon oil importers and refiners. It should be stricken. The tax unfairly targets a specific industry and raises prices on all petroleum products. A massive and regressive tax increase is the last thing this country needs, now that the economy is just getting back on track.

Other than the strategic petroleum reserve tax, H.R. 776 has some worthwhile provisions.

Title XX, added by the Ways and Means Committee, contains several energy incentive and conservation measures. One of the most important, both from an energy and an equity standpoint, is the alternative minimum tax relief for Independent oil and gas producers.

The alternative minimum tax has become an obstacle to America's energy security.

Particularly, the tax rules regarding intangible drilling costs, which are genuine out-of-pocket costs incurred by those who drill for oil and gas, create a tremendous disincentive to produce oil and gas domestically. The more you drill, the deeper you sink into the AMT. Unless independent oil and gas producers get some AMT relief, and get it soon, our tax system is going to destroy our domestic energy industry.

We need the security and the jobs that a domestic energy industry produces.

H.R. 776 is far from perfect. I hope that its imperfections can be fixed in conference. It has some important provisions that America needs, like AMT relief for independent oil and gas producers, and some provisions that America does not need, like the strategic petroleum reserve tax. I ask for your vote against the strategic petroleum reserve tax.

Mr. ROSTENKOWSKI. Mr. Chairman, I yield 3 minutes to the gentlewoman from Connecticut [Mrs. KENNELLY].

Mrs. KENNELLY. Mr. Chairman, I rise today in strong support of H.R. 776, the Comprehensive National Energy Act. I commend the committees for their diligence and cooperation in developing a national strategy for this country's energy use.

The purpose of this legislation is to enact a comprehensive national energy policy that gradually and steadily increases this Nation's energy security in cost effective and environmentally beneficial ways.

This country has faced three energy price shocks in the past two decades each followed by a serious recession. The last occurred during the Persian Gulf war last year. These shocks have underscored the need for a strong energy policy.

This bill seeks to do many things: to reduce the impending and costly rise in U.S. oil consumption; to conserve energy and use it more efficiently; to reduce our use of oil-based fuels in motor vehicles; to increase competition in the electricity, natural gas, coal, renewable energy and oil markets in order to provide new energy options and more diverse supplies; and to increase strategic oil reserves thus protecting against further economic disruptions in the world oil market.

Mr. Chairman, I am pleased that this legislation includes the so-called green title offered by the Committee on Ways and Means. I am particularly pleased to see the inclusion of employer-provided transportation benefits. This so-called van pool provision mirrors legislation I have introduced for several Congresses. Current law allows employer-provided discounts of up to $15 per month tax free to the employee for mass transit costs. In many communities, however, this is an insufficient amount to encourage employees to use mass transit. This provision would correct this inequity by raising the threshold to $60 a month and eliminating the cliff. It would correct a problem in the Tax Code and it is good energy policy as well.

This bill also includes text of my bill, H.R. 1007, which would provide that utility rebates provided to residential, commercial and industrial consumers would be excluded from gross income. I am pleased that it includes full rebates for residential consumers and partial rebates for commercial and industrial consumers. Tax policy ought not to result in poor energy policy.

In addition, many of us in the Northeast region of the country, are greatly concerned about improving our energy use and energy strategy. We in the Northeast have much to gain from this legislation. Creating a Northeast regional petroleum product reserve will protect households and businesses throughout New England and New York from price shocks and economic harm. Section 1204 will establish a 50 million barrel federally owned stockpile of petroleum products. One such product is heating oil, a vital source of heating energy during our long cold winters. I would hope that in any future emergency the President would not hesitate to release this oil in order to steady the markets and prevent sharp spikes in the price of this produce so crucial to the Northeast.

Furthermore, section 201 of this bill eases existing rules for importing natural gas thereby protecting this region's access to affordable, clean burning natural gas. I am also supportive of the transmission access provisions of H.R. 776. The balanced compromise in the bill protects those who currently control transmission in addition to those new entrants who seek access to transmission lines. However, I would oppose any effort which allows States to increase natural gas prices through prorationing.

As many of you know, the Northeast has limited traditional energy sources and the highest energy costs in the Nation. It is imperative, then, that this region use its energy efficiently and encourage the development of alternatives. As a nation we must all seek to utilize energy resources efficiently and cost effectively.

Mr. Chairman, the time has come to enact a national energy policy and we can do that today by supporting H.R. 776.

Mr. ARCHER. Mr. Chairman, I yield 3 minutes to the gentleman from Pennsylvania [Mr. SCHULZE].

Mr. SCHULZE. Mr. Chairman, I thank the gentleman for yielding me this time. Mr. Chairman, I rise in support of H.R. 776, the Comprehensive National Energy Policy Act. For too long the Nation and the Congress has struggled to develop a bipartisan national energy strategy. I believe this bill takes a major stride toward achieving that stated goal.

H.R. 776 represents a balanced energy policy based on increased domestic production, a greater emphasis on renewable energy resources and conservation measures which will decrease our dependence on foreign oil. As we look to the 21st century, energy and energy policy will play an important part in our ability to compete economically in the ever increasingly competitive global marketplace.

Moreover, we must look to an energy strategy with an eye on the environmental consequences. A greater emphasis must be placed on clean energy technology as we move to the next century.

I believe H.R. 776 meets many of these objectives. I am concerned however, over the provisions added by the Interior Committee and the Merchant Marine Committee regarding oil and gas exploration of the Outer Continental Shelf.

If we are to become less dependent on foreign energy sources, we must be able to have the opportunity to develop those resources in an environmentally safe manner which will help us reach energy independence. Natural gas is a source of clean energy which should be vigorously pursued a part of any national energy strategy.

Mr. Chairman, I urge my colleagues to support the bipartisan Comprehensive National Energy Policy Act which will guide our Nation's energy policy into the 21st century and beyond.

Mr. ROSTENKOWSKI. Mr. Chairman, I yield 4 minutes to the gentleman from North Dakota [Mr. DORGAN].

Mr. DORGAN of North Dakota. Mr. Chairman, I appreciate the gentleman yielding this time to me.

Mr. Chairman, I rise in support of this bill. There will be some amendments offered to this bill dealing with alternative energy and especially the production and encouraging the production of ethanol in this country.

This bill is an attempt to start defining a new energy policy in America. This country has been rolling along without much of a policy at all, consuming and consuming without much thought about conservation, and finally this Congress is deciding with the President, I hope, that we are going to have a different kind of energy strategy, one that encourages production in appropriate areas and one that encourages conservation.

We are going to offer a couple of amendments during the amendment process, one by my colleague, the gentleman from Minnesota [Mr. PETERSON], one by my colleague, the gentleman from Indiana [Mr. JONTZ], which deals with the production of ethanol and the use of ethanol in the Federal fleet and the use of ethanol in areas and cities in this country that have not achieved the attainment of air quality standards or compliance with air quality standards.

□ 1700

And I hope this House will consider those amendments and enact them because I think the production of ethanol in this country is an important extension of our energy supply. It makes a lot of sense to me to take a kernel of corn and extract a drop of alcohol, use it to extend our energy supply. It will reduce our trade deficit because it means we have to rely less on imported oil. It will extend our energy supply. We can use the extension of ethanol in the petroleum used in the cities to clean our air because the emissions are 20 to 25 percent less noxious than the emissions from gasoline without being enhanced by ethanol.

So that makes sense from the standpoint of energy policy.

Second, my colleague, DICK GEPHARDT, others and I hope to offer on the floor an amendment that deals with a floor price for oil. Now, I happen to think that if this country is really going to move in the right direction, we must establish a floor price on oil to try to provide a disincentive for providing more and more foreign oil.

A floor price would provide more incentive for domestic production of energy, No. 1. It would provide a disincentive for the ever-increasing supply of imported oil into this country. We could use the money to reduce the trade deficit—we could use it to reduce the trade deficit, and we could use the money to reduce the fiscal policy deficit we have. It has all of the right elements to it. I would hope that this House would start deciding that we ought to have a floor price on oil.

Behind a floor price, we will see the resurrection once again of domestic exploration in this country, and frankly I think that is necessary.

Finally, once again, Mr. Chairman, the importance of this bill I think is not only can we see the resurrection of some domestic exploration if we do the right things; this bill moves toward the resurrection and encouragement of alternative energy sources, which I think is critical to this country's energy future.

So I rise in support of the bill, look forward to its passage and look forward to the passage of some amendments that will be offered and discussed here in the later hours.

Mr. ARCHER. Mr. Chairman, I yield 4 minutes to the gentleman from California [Mr. THOMAS].

Mr. THOMAS of California. I thank my leader on the committee for yielding.

Mr. Chairman, I would request the distinguished chairman of the Committee on Ways and Means, the gentleman from Illinois [Mr. ROSTENKOWSKI], if he would engage in a brief colloquy.

Mr. Chairman, this bill is presented to us under the Rules Committee rule. It contains a provision dealing with the strategic petroleum set-aside, in which the Committee on Ways and Means had sequential referral. Because of the way in which the Energy and Commerce Committee structured this particular provision of the bill, Energy and Commerce labeled it an assessment or a fee. In the chairman's opinion, was this or was it not a tax?

Mr. ROSTENKOWSKI. Mr. Chairman, will the gentleman yield?

Mr. THOMAS of California. I yield to the chairman, the gentleman from Illinois [Mr. ROSTENKOWSKI].

Mr. ROSTENKOWSKI. I thank the gentleman for yielding.

Mr. Chairman, I certainly think one could interpret it as in the nature of a tax.

Mr. THOMAS of California. Mr. Chairman, my concern is that when other committees who do not have revenue jurisdiction are able to cleverly structure their legislation with the assistance of other support agencies such as the Congressional Budget Office, and that the Committee on Rules allows a tax, under any other name—and we do not have to go back to McCulloch versus Maryland or any other historic reference—a tax is a tax regardless of what you call it; but to the degree, Mr. Chairman, that other committees who do not have jurisdiction over tax matters are able to label the tax something else and the Committee on Rules allows that committee that does not have jurisdiction over tax matters to have original jurisdiction and the Committee on Ways and Means has to attempt to get its tax amendment into the bill, this Member, as a member of the Committee on Ways and Means, is greatly disturbed. Mr. Chairman, I am interested in the reaction of the chairman of the Committee on Ways and Means to these kinds of tactics.

Mr. Chairman, I yield to my chairman.

Mr. ROSTENKOWSKI. Well, I guess the argument will never be concluded on what a fee is and what a tax is. That, of course, is what the Committee on Rules and the leadership have determined.

In all fairness, however, another body, the Congressional Budget Office, did, as I understand it, did interpret their scoring as a fee. Now, that may be something that the Committee on Rules or the leadership and the Parliamentarian hung its hat on. But I think the argument about whether a fee is a tax or a tax is a fee will go on until such time as we get a better understanding with the leadership.

Mr. THOMAS of California. Or perhaps the leadership of a committee is willing to stand up in terms of committee jurisdiction rather than bending to pressures in terms of the way in which you package legislation, Mr. Chairman.

Obviously, we are going to attack this measure on its merits. I believe we have a superior position, and our amendment should prevail. But I am very much concerned about other committees, especially in tight financial times, deciding that they are going to take it upon themselves to perform the function of the Committee on Ways and Means. And I stand ready to help the chairman defend our jurisdiction.

Mr. ARCHER. Mr. Chairman, I have no further requests for time, and I yield back the balance of my time.

Mr. ROSTENKOWSKI. Mr. Chairman, I have no further requests for time, and I yield back the balance of my time.

The CHAIRMAN. The Committee on Ways and Means has yielded back the balance of its time.

There is remaining 9 minutes for the Committee on Energy and Commerce from earlier this afternoon.

The Chair recognizes the gentleman from Indiana [Mr. SHARP].

Mr. SHARP. I thank the chairman, Mr. Chairman, we have only a few minutes left before we begin the amending process.

Mr. Chairman, I yield myself such time as I may consume.

I just want to reiterate that what we are going to in fact not be debating on some of the more significant provisions of this bill, because they have been worked out on a bipartisan basis. They will make a difference to our energy future, on conservation, on changes in the electric utility industry, on alternative fuels, on coal provisions, on a number of fronts.

One of the issues that we will debate tomorrow which just came up in the general debate was the strategic petroleum reserve.

I think it is imperative for our energy security, for the protection of our consumers, for the protection of jobs, for the protection of our economy, that we continue to build the strategic petroleum reserve. If we have the money and we are willing to do it, to appropriate the money as we have in the past, our legislation will let that be the option.

But if that is not the case, as increasingly seems obvious, then our legislation would require the oil industry to set aside oil in the reserve, whether it is a tax or not a tax, you can argue. If we have them set aside, taxpayers will save because it will not come off of the taxpayer's back. As consumers, we will probably pay for that, but it is very minimal. It is well worth the insurance that it gets us as consumers and as jobholders in this society.

Indeed, organizations who represent the poor in this country have endorsed this proposal, saying that the costs are so minimal but the potential benefits are so great that, from the perspective of those people who are most hurting in our society, this makes sense.

But for all of us, I think it makes sense. While there may be neater, easier, better policy ways to do it, the reality is we have run out of options and if we want to protect our economy we must take this action.

Make no mistake about it, the decline of the Soviet Union is almost irrelevant from the point of view of this international security issue. This is a question, because of what goes on in the Middle East, this is a question because in the Middle East most of the world's oil is still located there. It is under the production decisions of regimes that sometimes are with us and sometimes are against us. They are under the dominance of regimes some of which come from the feudal days that we cannot be sure they will not face revolution, turmoil, warfare in that area. This has longstanding concern for the United States and for all of us as consumers and job holders.

Mr. Chairman, I think it is imperative that we make sure we advance the strategic petroleum reserve.

Mr. Chairman, I reserve the balance of my time.

Mr. LENT. Mr. Chairman, I appreciate the time that was reserved.

I yield myself such time as I may consume.

Mr. Chairman, almost 3 years ago President Bush outlined his national energy strategy, and I am very pleased that the whole House is finally about to undertake its consideration.

H.R. 776, as passed by the Committee on Energy and Commerce, will dramatically enhance America's energy security. And it provides a blueprint for taking our Nation into the 21st century.

Its final passage in committee was by a vote of 42 to 1, which amply demonstrates the overwhelming bipartisan support for an aggressive but balanced energy strategy. I wanted to take the few minutes that I have left to alert Members to the parliamentary situation concerning the very important question of nuclear licensing.

☐ 1710

Mr. Chairman, the rule we are operating under includes as original text a provision adopted in the Interior Committee on nuclear licensing. This nuclear licensing issue was not debated in the Energy and Commerce Committee, nor was it part of the legislation initially offered by the President. Unlike the Energy and Commerce bill, which moves us forward to meet new challenges, the Interior Committee provision, which is now part of the original text, takes us backward to a case-by-case, trial-and-error, design-as-you-go licensing litigation-on-top-of-litigation licensing process. In other words, it makes even more treacherous the rocky path to a license, a path which almost scuttled Seabrook, Diablo Canyon, and Palo Verde, and which did scuttle the Shoreham nuclear plant on Long Island near my district, at an enormous cost to my constituents.

So I am, therefore, gratified that the committee on rules did at least allow consideration of the Clement-Barton substitute, which is identical to the provision adopted by the other body and which cures the problem created by the Committee on Interior and Insular Affairs.

President Bush has already indicated that he will veto an energy bill containing the Interior Committee's nuclear licensing provision.

Mr. Chairman, I do not believe that a comprehensive and balanced energy bill should be jeopardized by the Interior Committee's dislike for nuclear power. The Clement-Barton amendment will probably be the very last amendment that we offer today. That vote will probably take place late tonight, and I urge my colleagues to vote yes on the Clement-Barton amendment when it comes up later tonight.

We must all work to ensure that the House passes an energy bill that the President will sign. The stakes here tonight for the American people are too high. We ought to stop pandering to the special interests, adopt the Clement-Barton amendment and provide for America's energy needs.

Mr. HUGHES. Mr. Chairman, I rise in support of H.R. 776, the Comprehensive National Energy Policy Act. While there are many provisions in this bill pertaining to a broad range of issues, I will limit my remarks to Outer Continental Shelf development, global warming, and alternative fuels.

I am pleased that this legislation promotes the implementation of several conservation measures with an eye on reducing our dependence on oil. It is clear that oil production is not a panacea to our Nation's energy ills.

Indeed we must balance our need for adequate energy resources with our desire to protect our global environment. I believe that H.R. 776 goes a long way toward this goal.

While our offshore areas have been productive and important sources of domestic energy, they are ecologically unique environments and support vital marine resources including many valuable fisheries. Accordingly, I am pleased that the OCS provisions in H.R. 776 mandate, that adequate scientific and technical information be made available prior to any leasing activity.

I also support provisions in the legislation which mandate that a percentage of OCS revenues be provided to States to be used to ameliorate the impacts from offshore development and improve their coastal resources.

In the past I have supported OCS moratoria for oil and gas development off the coast of New Jersey and many other States. I continue to support the moratoria provisions of H.R. 776. Oil development may very well be incompatible with these environmentally sensitive areas and could place at risk the superlative natural resources for what could be an inconsequential amount of oil.

Clearly, we must have a good scientific understanding of the impacts of OCS development on our coastal regions before proceeding with leasing activities.

As the leading nation in oil consumption and CO_2 production, it is our responsibility to cooperate with the international community to stabilize CO_2 production without adversely impacting a nation's ability to develop.

Accordingly, I strongly endorse the establishment of the global climate change response fund as a mechanism for the United States to contribute to international efforts to address global climate change. Clearly, our domestic and international polices must be coordinated to promote a comprehensive, long-range view that addresses the environmental degradation of the planet.

Mr. Chairman, the development of America's alternative fuel resources is the best means by which we can diminish our reliance on oil and all the difficulties and hazards associated with its use. The alternative fuels section of H.R. 776 is a forward-looking approach which can begin to yield results today. At the same time, a 10-percent alternative fuel use goal by the year 2000 is reasonable and attainable.

I am pleased that the Federal fleet will be among the first to participate in this exciting program. Combined with the mandates for private fleets and commercial demonstration programs, we can surely expect to reap innumerable benefits from the enactment of these vital provisions of H.R. 776.

I believe that any legislation to implement a comprehensive national energy policy must incorporate conservation measures and encourage the use of alternative energy sources to meet our energy needs. H.R. 776 is a step in the right direction and I urge my colleagues' support for its passage.

Mr. HUBBARD. Mr. Chairman, I rise today in support of H.R. 776, the National Energy Policy Act. First, let me congratulate Chairman JOHN DINGELL of the House Energy and Commerce Committee, ranking Republican NORM LENT, Energy and Power Subcommittee Chairman PHIL SHARP, and subcommittee ranking Republican CARLOS MOORHEAD for their successful efforts working with no less than eight other House committees to bring about the first comprehensive national energy bill in over a decade. This broad-based energy strategy, which is designed to increase energy efficiency in this country and promote increased production from renewable energy sources, is an important first step in assuring this Nation's energy self-sufficiency.

I urge my colleagues to support this bill, which means a lot to our Nation and specifically to the citizens of the First Congressional District of Kentucky—especially the uranium enrichment plant located in west Paducah and operated by Martin Marietta in a joint venture with the U.S. Department of Energy.

Title IX of H.R. 776 establishes a government corporation, known as the Uranium Enrichment Corp., to take over the Energy Department's uranium enrichment program with the goal that the Corporation could eventually be sold to private investors.

For a number of years I have been strongly committed to the uranium enrichment program, recognizing, as we all do, its vital importance to our Nation's security and well-being.

Since coming to Congress in 1974, I have seen the U.S. participation in the world market for uranium enrichment services drastically decrease to a point today where our ability to compete in world markets is seriously threatened. Seventeen years ago, the United States controlled 100 percent of the world's market for uranium enrichment services. Today, however, the U.S. uranium enrichment services receive less than half—or approximately 45 percent—of the world's uranium enrichment business; and under the current structure we are continuing to lose our already decreasing market share of the world's enrichment business.

The loss of civilian enrichment markets will have seriously harmful effects on our Nation's trade imbalance, overall energy program, and hopes for energy independence. Certainly, at a time when we are attempting to establish energy independence, we do not want to become dependent on foreign suppliers for an energy source that provides approximately 20 percent of our Nation's electricity. Most importantly, our national security is threatened with the loss of a viable source of domestic supply of enriched uranium.

In the 101st Congress I introduced legislation to create a new corporation to replace the current structure, and I am a cosponsor of two such bills in this Congress.

It is my firm belief that the best way to meet our needs is through the establishment of the uranium enrichment enterprise as a Government-owned corporation. Such a corporation would, I believe, significantly improve the Nation's competitive position and reduce the trade deficit, assure long-term supply and responsiveness to domestic enrichment customers, meet our defense needs, and remove the threat of increased taxes to support an inefficient Government-controlled enterprise.

Again, I urge my colleagues to vote "yes" on H.R. 776. It is a good bill and will go a long way toward reducing our dependence on nonrenewable foreign energy sources and assuring our Nation's energy independence.

Mr. ENGEL. Mr. Chairman, I rise in support of H.R. 776, the national energy strategy bill we are considering today. As a member of the Science, Space, and Technology Committee, I know the importance of having a comprehensive energy strategy and was pleased to be able to work on the research and development sections of this bill.

This bill includes an important section which makes both federally owned and assisted buildings eligible for near-term energy technology funding. The Federal Government owns and provides funding to many facilities which could serve as excellent laboratories for new and experimental energy-saving equipment.

The near-term energy technology program provides money for technologies which are not currently on the commercial market, including residential heat pumps, lighting fixtures, cogeneration, and other conservation equipment. These are extremely important energy-saving devices which will be very important as we move to reduce our energy consumption.

The Federal Government spends billions of dollars each year on energy costs in federally assisted programs. For example, HUD spends $2 to $3 billion per year on energy costs in section 8 housing. The decision to make both federally owned and assisted buildings available for funding under this bill could result in reduced energy costs and save the taxpayers money.

I am pleased that Congress is finally establishing a Federal energy policy. I urge my colleagues to join me in supporting this important legislation.

Mr. BLAZ. Mr. Chairman, I understand that there may be amendments considered on the floor to delete section 21206 of title XII of the Interior Committee's amendment to H.R. 776. This section would require the Environmental Protection Agency to take action on energy-related petitions submitted by insular governments within 12 months of submittal, while retaining the existing governmental safeguards.

Although section 21206 would apply to all insular areas, it is especially crucial for my home district. Guam is currently experiencing widespread power blackouts because its generating capacity has not kept pace with the explosion in power demand from the island's rapid tourism development and the infusion of military personnel and facilities from the Philippines.

Without the construction and operation of two new 35-megawatt baseload generators within the next 5 or 6 years, Guam's already tenuous power situation will degenerate completely and delibitate Guam's civilian and military communities. Unfortunately, EPA has indicated that it would take 7 years just to get through the administrative approval process because it has not yet adopted regulations implementing the relevant parts of the Clean Air Act.

My people cannot wait another 7 years. We need action soon and we need it badly. No less than the continued viability of Guam's economy and the national security interest are at stake. I strongly urge my colleagues to support this provision on the floor.

Ms. KAPTUR. Mr. Chairman, I rise in support of H.R. 776, the Comprehensive National Energy Policy Act. I would like to commend Mr. DINGELL, chairman of the full committee, and Mr. SHARP, the chairman of the Subcommittee on Energy and Power, for their dedication to bringing this legislation to the floor. The events in the Middle East brought, once again, to the forefront the need for a national energy policy in our Nation. Two-thirds of the world's oil reserves are located in the Middle East and since 1956, six wars in that region have interrupted the oil lifeline to the United States. Our oil dependency has been a destabilizing factor for the United States for the last two decades. Last year America's dependency on foreign oil caused consumers to spend over $51 billion to import energy. It is time to end this dependency and put that money to work here at home. The United States has the technology and resources available to utilize other sources of power outside of oil. We have more coal underneath the ground than the Middle East has in recoverable oil. My State of Ohio contains a large share of our country's coal reserves as does the entire Midwest. We also have agricultural byproducts to produce alcohol and agriculturally related fuels. Solar, hydrogen, and hydroelectric power are emerging technologies that should be developed and promoted as alternatives to foreign oil. I am pleased to see that we finally have a bill on the floor today which will go a long way toward increasing energy efficiency in America while decreasing our need for foreign oil.

I would like to briefly touch on a few provisions in the bill which I am particularly pleased to see. One of the most important provisions in the bill involves reform of electric utility regulation.

REFORM OF ELECTRIC UTILITY REGULATION

H.R. 776 will allow for the exemption of independent power producers from The Public Utility Holding Company Act of 1935, allowing these producers to sell their electricity on a wholesale basis to utilities and municipalities. This provision opens up the much needed availability of competition in the electric utility business. Furthermore, this provision should put utilities on notice that there is competition out there and they will be pushed to keep their rates competitive. As a Member who represents a district whose utility rates are among the highest in the Nation, I am encouraged by this provision which has the potential to give our economy and consumers more electricity supply options and lower electric rates. Toledo residents have suffered from high utility rates for too long. Among the eight largest cities in Ohio, Toledo ranks first in terms of overall utility costs and second in electric utility costs. As of January 1 of this year, the bill for the residential customer who uses 500 kilowatts a month averages $57.57—this compares to an average monthly rate of $36.07 for Cincinnati.

Because of the high rates, a committee in Toledo has been studying the advantages and disadvantages to adapting a municipal power system to lower residential rates.

ENERGY EFFICIENCY AND TECHNICAL ASSISTANCE

I would like to add my support to another provision that would provide grants to States that encourage or require utilities to provide energy efficiency and technology assistance to industries within their service area. Utilities have a vested interest in encouraging business competitiveness because their profitability is directly dependent on the economic vitality of their service areas. This provision was initiated by members of the Northeast/Midwest Coalition, who represent areas where much of our manufacturing is based. The Northeast/Midwest Institute has been working with Iowa, Pennsylvania, and my State of Ohio in setting up programs linking industrial energy efficiency and economic development. This section of the bill will provide incentives to other States to adopt similar programs.

Energy efficient improvements in the manufacturing sector have lagged because utilities are sometimes unable to recover their cost in conservation programs, as well as a lack of availability of energy efficient technologies and engineers trained in industrial process assessment. The grants to States will allow their utilities to recover the costs of industrial process assessments focusing on energy efficiency, waste reduction, and other technological improvements while also receiving a rate of return on energy efficiency investments. In order to stay competitive in the area of manufacturing, we must keep pace with an adequate level of Federal and State funding in technical and financial assistance for manufacturing. Japan, for example, provides over $80 billion in loans and loan guarantees annually to its small- and medium-sized firms for modernization and, in addition, provide free technical assistance. We need to provide incentives to industry to focus on energy efficiency which will, in turn, help America to remain competitive with Japan and Europe competitors who are far ahead of us with their energy efficiency measures.

ALTERNATIVE FUELS

America continues to import nearly half of the oil it consumes as Americans paid out over $51 billion last year for imported oil, concurrently, oil rigs in the United States have dropped from 1,194 in 1973 to 860 in 1991 and refineries from 265 in 1976 to 184 in 1991. Investment in alternative fuel lags behind.

H.R. 776 addresses this issue through its promotion of alternative fuels such as ethanol, natural gas, methanol, and electricity. This legislation also moves us sensibly toward alternatives to gasoline. H.R. 776 includes provisions setting a U.S. goal of 10 percent alternative fuel use by the year 2,000, and 30 percent by the year 2010; a requirement that alternative fuel providers buy alternative fueled vehicles and use alternative fuels in them by the year 1994; and a commercial demonstration program for electric vehicles. The Federal Government must be a leader in the alternative fuels area, as it did under the provisions of the Clean Air Act. The bill establishes a Federal fleet requirement starting at 10 percent of new Government vehicles in 1993 and increasing to 50 percent in 1998.

RENEWABLE ENERGY

Another area the bill addresses to wean America off dependence on imported oil, is in the area of renewable energy. While much research has been done on renewables such as solar, wind, biomass, and geothermal energy, we need to continue recent efforts to expand the commercial application of renewable energy. A goal of H.R. 776 is to speed technology development through commercial applications. One of the major parts of this section is to authorize joint ventures between the Federal Government and private enterprise to develop renewable energy. These joint ventures are essential to promote renewable energy and get some of these energy options into the marketplace. I was particularly interested to see the authorization of a joint venture for utility scale photovoltaic applications. Photovoltaic energy is the wave of the future and we must do all that we can to promote this energy source.

CLEAN COAL

As mentioned earlier, the State of Ohio and the Midwest are home to a large amount of our coal reserves. In the United States, we have over 1,200 years' worth of available recoverable coal reserves that can be mined and separated into clean fuels with the technologies available to us, more Btu's than the Middle East has oil. We should continue our efforts to develop clean coal technologies, especially considering the volatile Middle East. H.R. 776 allows the Department of Energy to continue its use of clean coal technologies through its authorization of rounds 6 and rounds 7 of the clean-coal technology demonstration program. Despite efforts by the administration in the past, this program has been sustained and has provided funding for many worthwhile demonstration projects. These efforts demonstrate that we can produce efficient coal. The bill also provides for a clean coal and renewable technology transfer program to countries of the world that need assistance to produce efficient, clean coal. This program will promote our largest domestic energy resource through its export. During my travels to Eastern Europe, I was taken aback by the incredible pollution, some of which is due to coal burning. The area of the world could surely benefit from the technology transfer program included in H.R. 776.

I urge passage of H.R. 776, the Comprehensive National Energy Policy Act.

Mr. KOSTMAYER. Chairman, during the markup of H.R. 776 by the Interior Committee, I offered an amendment, which was approved, requiring public disclosure of various aspects of regulatory review performed by the Office of Management and Budget, the President's Council on Competitiveness and other similar bodies. I am disappointed that the amendment will not be allowed in H.R. 776 when it is considered this week on the House floor.

The purpose of my amendment was to require OMB, the Council on Competitiveness, and similar entities be subject to the same scrutiny that other Federal agencies are required to go through to ensure that a proper and public process is utilized in the promulgation of regulations.

The Presidential regulatory moratorium has done nothing for the economy and is having an adverse effect on health, safety, and environmental programs. For example, last week the Bush administration, against the recommendation of the Environmental Protection Agency, decided to allow companies to increase pollution emissions without notifying the public.

The Council on Competitiveness, on behalf of lobbying groups for big business, works behind the scenes and under a veil of secrecy and routinely interferes with the process of rulemaking. It has refused a Freedom of Information Act request on the basis that the council is not a Government agency. Because it is chaired by the Vice President, the Council claims executive privilege further shielding it from public scrutiny.

Since the moratorium was announced in January, the scoreboard is as follows: Some 43 health, safety, and environmental regulations have been delayed; 5 health, safety, and environmental regulations have been issued—but in a weakened form; and 3 health, safety, and environmental regulations have been killed outright.

The Council has interfered in the substantive details of regulations with which it has no expertise. Detailing of regulations on wetlands, permissible exposure limits of workers to toxic wastes, and the determination of possible human carcinogens in pesticides should be left up to the experts in the Federal agencies not the Vice President's office.

How long can Congress allow so many regulations, involving everything from nursing home reform to worker exposure to cancer causing chemicals, to be jeopardized by secret actions and determinations taken by OMB and the Council? Although my amendment has been deleted from the bill, I will continue to pursue ways to bring about public disclosure of rulemaking activities by OMB and the Council. I look forward to working with the appropriate committees in developing legislation that will address this most serious problem.

Mr. ROWLAND. Mr. Chairman, I would like to commend Chairman DINGELL and Mr. SHARP, Chairman of the Energy and Power Subcommittee, for their dedication and hard work in bringing this legislation to the floor today, As with any complex legislative policy, compromise is always necessary. In that spirit, I would like to point out to my colleagues that the bill before us contains provisions that will significantly broaden the authority of the Federal Energy Regulatory Commission [FERC] to order a utility to wheel power across its lines for others. I have concerns about additional authority for the FERC, and I believe that certain precautions must be made part of this bill. H.R. 776, as currently written, purports to ban retail wheeling, which is the transmission of power to the ultimate consumer. This issue was the subject of a great deal of attention at the committee markup and many members spoke out in opposition to retail wheeling. It was made clear in the committee that the problems that can result from retail wheeling, such as stranded investments and cherry picking of retail customers, should be avoided.

But the ban on retail wheeling in H.R. 776 is not strong enough. This bill should clearly define the ultimate consumers in a way that will close this significant loophole. It should be made clear that sham arrangements cannot be made that will result in large customers bypassing the utilities to the detriment of the residential consumers.

Consequently, I would hope that our conferees will strengthen the ban on retailing wheeling at the proper time.

Mr. LAGOMARSINO. Mr. Chairman, the Congress must pass a national energy strategy that balances the need to protect America's valuable natural resources with the need to meet our country's energy demands.

During the 1980's, many Members from both sides of the aisle warned of America's dependence on imported oil. However, it wasn't until August 1990, when Saddam Hussein brutally invaded Kuwait, that the dangers of that foreign dependence became a stark reality. Clearly, our national security is directly related to our energy security.

I support this legislation's efforts to increase energy efficiency and conservation, especially in Federal Government operations. I also support efforts to encourage the use of alternative and renewable sources of energy. Any efforts to decrease our dependence on imported oil and increase our national energy security must include these measures.

However, along with conserving energy and finding new fuel sources, we must also establish a policy for the environmentally safe and responsible development of our present natural resources, including natural gas, oil, hydro, and nuclear power. Also, the public must have the right to comment, protest, support, demand changes, and help develop strategies for energy development, including the construction of new nuclear power plants and new offshore oil and gas development.

Again, I urge my colleagues to remember the importance of balance in considering this energy bill. We must establish a responsible and effective energy strategy for our country, protecting the environment while meeting our energy needs.

Mr. MCDERMOTT. Mr. Chairman, I rise in support of H.R. 776, the National Energy Policy Act. I would like to comment on a set of progressive tax provisions designed to improve energy efficiency, promote the use of clean burning fuels and renewable energy sources, and encourage the use of public transit.

I commend Chairman ROSTENKOWSKI and his staff on the Ways and Means Committee for their leadership in promoting these provisions. We have the technology and the ability to reduce the emission of greenhouse gases in the United States by the turn of the century. President Bush refuses to make a commitment to do so and resists changes that will enable the United States to reach that goal. The green tax provisions in H.R. 776 prove that if we focus on specific proposals we can reach bipartisan agreement on steps that will reduce the emission of greenhouse gases and contribute to the competitiveness of the U.S. economy.

I would also like to commend the coalition that united in support of the green tax package. It included representatives of public transit, the electric and gas utilities, environmental groups, the renewable energy industry, and producers of alternative fuels. The diversity of this coalition indicates that the public also is willing to unite behind energy proposals that protect our environment, enable us to use energy more efficiently, and increase U.S. energy independence.

This bill is an important contribution to our energy security, and I hope my colleagues will support it.

Mr. OXLEY. Mr. Chairman, I am pleased that we have this opportunity to consider the Comprehensive National Energy Policy Act. It is the culmination of 2 years of negotiations and hearings, and I'm happy to say that we have made great strides in the areas of energy efficiency, conservation, coal, renewable energy, and alternative fuels. However, I feel that certain areas exist which need much improvement.

The Persian Gulf war reminded us that our energy resources are less than secure. Our energy consumption has increased dramatically in the last 5 years and our domestic production has decreased. The administration's national energy strategy addressed these problems offered us constructive solutions for our long-term energy security and H.R. 776 builds upon the foundation laid by the President's energy strategy.

This bill, however, embodies a major omission by not addressing the issue of increased domestic production. The battle for domestic energy security must be fought on many fronts. Simply speculating that alternative fuels will fill the void of fossil fuels later in the next century will not cure our unfortunate dependence on foreign oil today and in the near future.

This bill lacks incentives and provisions for increased domestic production. It does not encourage environmentally sensitive production in the outer Continental Shelf or the Arctic National Wildlife Refuge. These are critical elements in any domestic energy policy which sees to guarantee our citizens the secure future which they deserve.

Furthermore, this bill also seeks to address the critical need to fill the strategic petroleum reserve by imposing a tax upon the oil refiners and importers. This may accomplish the goal of filling the reserve. However, it is our constituents that will have to bear the burden of this through higher prices on fuel and fuel-derived products.

It is my hope that we will be able to address these issues in the future, since it seems likely that this body will, yet again, avoid tackling these very controversial and critical issues.

I am pleased with the approach that this bill adopts towards certain fossil fuels, such as coal. The coal policy title is of special interest to my home State of Ohio. These provisions seek to make better use of America's—and Ohio's—vast coal resources. The United States has approximately 470 billion tons of minable coal. This bill increases the exportation of coal and clean coal technology, as well as increase the use and efficiency of clean coal technology at home. It accomplishes these goals without the excessive funding and unrealistic goals which marred previous resource recovery programs.

While this bill is far from perfect, we have overcome many of the obstacles to a consensus on energy policy. We have not learned from all of the lessons of the past, but we have tried to strike a balance between producers and consumers, between free-market approaches and regulation, between environment and the economy.

Mr. Chairman, one of the most dramatic policy changes found in this bill are those affecting the electric utility industry. While the industry currently provides reliable electric power at reasonable rates, the consensus was to allow increased competition in the generation and transmission of electricity. I questioned the wisdom of change at this time and remain particularly concerned about potential impact of the transmission access provisions. Throughout the legislative process, in subcommittee and full committee, many members voiced a number of concerns about the electricity title of H.R. 776. Many of those concerns and problems, such as the proper protection of native load customers and system reliability need to be further addressed in conference.

One of the concerns I've raised has to do with retail wheeling. It is Congress' intent to prevent retail wheeling of electricity. Even though the Federal Power Act prohibits retail wheeling, certain sections amended by H.R. 776 should be tightened so that no one could argue that we left the door open for indirect retail wheeling of electricity. If a few privileged customers could shift the burden of a local utility's fixed costs on to remaining customers, families and small businesses will suffer. We need to take a closer look at how we've worded the electricity title of the legislation to make sure this doesn't happen.

Finally, I know there are a number of issues we've said would be dealt with in the conference. Many of these deal with legislation included in one bill and not in the others. But, occasionally, some items become conferenceable without the full weight of consideration by either the House or the Senate. There is one such possibility out there now, that I believe is so important and far reaching to require that it not be made part of the committee effort until a great deal more is known about the proposals. The issue is regional regulation.

Last week the Senate Energy and Natural Resources Committee held a hearing on this subject. The proposal they are considering blatantly strips the States of much of their rightful authority by involving the FERC in matters such as State conservation programs. It also adds a great deal of time delay to the utility planning process and is so inflexible it can take up to 3 years to make any changes to a utilities' plans.

Mr. Chairman, we do not need to be adding any time delays or additional layers of regulation to the utility planning and regulatory process. Our conferees should be sure to stay away from this issue. We have not considered fully the consequences of such regulation and should avoid it.

Mr. BLILEY. Mr. Chairman, I am pleased that this body is moving with such businesslike speed to consider the national energy strategy. I applaud your firm leadership on this issue Mr. DINGELL, as you have successfully steered this bill through its parliamentary maze.

I also want to note the contribution of the President in moving this debate. Earlier this spring, President Bush and Admiral Watkins put forth a comprehensive national energy strategy. That was strong, innovative, and correctly relied on both emerging technologies and market principles. And here in the House, we Republicans led, by my friends Mr. LENT and Mr. MOORHEAD, built on the President's proposal and introduced our own national energy strategy.

Now I understand that some have criticized this bill as being undramatic. Well I for one think that the Congress can stand for a little less drama and stand for more common sense. I think the bill before us, though far from perfect, contains a lot of common sense. It builds on current good programs and gets us started in some proper new directions. I think this bill is worthy of this committee's support.

I think a successful energy plan must address three main points: Conservation, efficiency, and development of domestic energy sources. Now I think that all three of these principles are incorporated in a provision of particular concern to me, the reform of the Public Utility Holding Company Act. As you know, I have been working for PUHCA reform legislation for the past 4 years and am delighted that this hard work is about to pay off. I have long held that proper PUHCA reform is projobs, procompetitiveness, and proenvironment.

The Public Utility Holding Company Act [PUHCA] was passed in 1935 to protect ratepayers from real-live abuses by utilities. Over the years the law has served us well; however, the lawmakers of that day could not envision the development of the independent power producer.

In 1978 Congress passed the Public Utilities Regulatory Policies Act [PURPA] brought into existence a new entity called a nonutility cogenerator. In the decade since PURPA's enactment, over 20 percent of new electricity generating capacity has been supplied by nonutility generators. Just as important, this generation has been as reliable or more reliable than that of traditional utility generators.

And the trends would indicate an even larger role for these independent power producers. The Department of Energy estimates that even with strong conservation measures that this Nation will require from 50 to 100 gigawatts of increased electric capacity. This is equivalent to 500 to 1,000 new powerplants. By the year 2010, 40 percent of our Nation's energy demand will be electricity.

Unfortunately, we have squeezed nearly every drop of benefit out of PURPA. We are rapidly running out of suitable steam-hosts that would allow these IPP's to qualify as facilities under PURPA.

Without the benefit of a steam-host, these IPP's are forced to comply under the untenable requirements of PUHCA. Attempts by IPP's to work within this 1935 law have created what one lawyer has termed: "The PUHCA pretzel," a legal and financial labyrinth that robs the IPP of its efficiencies.

Now if this new industry is to grow to fruition, we must remove the PUHCA impediment. I recognize that PUHCA was created to address real abuses by real utilities and I do not advocate the scrapping of the law. I do believe that we can refine the law to retain the present protection for the rate payer while encouraging the benefits of increased competition.

And there are great benefits to allowing competition into the wholesale electric generating industry. The Department of Energy estimates that full-fledged competition will bring savings of nearly $2 billion per year.

Beyond these initial savings to the ratepayer will be the boon to industry. Lower energy costs means lower cost products and services. We will need every advantage when competing with Asia and a unified Europe.

Finally, let us not forget the benefits of the synergy of competition. I am reminded that not a single drug has ever been invented in a Communist country. Competition spawns innovation and technology transfer. I am convinced that our best hope for the commercialization for clean coal technology lies in the hands of the entrepreneurs. Our environment and economy can benefit from the creativity of the private sector.

The legislation today addresses PUHCA reform in a thorough and comprehensive manner. It removes the outdated barriers to competition; yet, builds on the current law to ensure maximum consumer protection. Just as noteworthy, this legislation expands on the current trend toward a more open, more efficiently utilized transmission system. This added enhancement will allow this Nation to fully enjoy the benefits of competition.

I want to commend my colleague from Louisiana, Mr. TAUZIN, and my fellow Virginian, Mr. BOUCHER, for their leadership on the issue. Their unique perspectives and individual talents have combined to make this legislation more substantial and credible. I also want to note the Herculean efforts the chairman of the Energy and Power Subcommittee, Mr. SHARP, for using his resources to push the debate toward maturation.

Mr. Chairman, while I feel this bill takes a number of positive steps, I also feel that it also takes some misdirected steps in some areas as well as not moving when we should. I am particularly dismayed by Interior Committee's practical bar on nuclear power. It is critical to this Nation that we keep our nuclear option open. I look forward to voting for the Barton-Clement amendment to correct this problem.

Mr. ROGERS. Mr. Chairman, the need for a balanced energy plan is clear. The U.S. economy is more energy intensive than any of our trading competitors. The simple fact is that we use more energy for each dollar's worth of goods and services than other nations. U.S. consumers spent nearly $440 billion this year on energy, or nearly 10 percent of our GNP on energy.

But, much of this money is spent overseas because of our continual dependence on foreign oil. In fact, the Office of Technology Assessment reports that by the year 2000 imports on foreign oil will rise from 45 percent to over 70 percent at our present rate of consumption.

That is an alarming statistic. And, it is an unwise policy decision. That is money that should be spent here in the United States on investment and jobs.

The Energy and Commerce bill will help reduce U.S. dependence on foreign oil, because it recognizes our reliance on coal as a primary energy source for the production of electricity. Coal already accounts for more than 55 percent of the Nation's electrical output. And, the demand will only grow in the years ahead.

The Office of Technology Assessment projects that the United States will need as much as 100,000 megawatts of new electrical generating capacity by the end of the decade, and as much as 320,000 megawatts by 2010.

Clearly, energy efficiency, conservation and alternative fuels play a role. But, the realities of the Nation's current and projected energy needs are clear. If America is to possess the electric generating capacity necessary for economic growth and prosperity, we must continue to develop our immense coal resources.

This year, 135,000 miners will produce 1.029 billion tons of coal. In 1990, coal power sustained the economy at one-half the cost of oil generation and at two-thirds the cost of natural gas. Mining's impact on the national economy yields 1.1 million jobs, $27 billion in personal income and over $80 billion in sales. And, the demand for energy will only grow in the years ahead.

It is critical that we use our natural resources wisely, and in a way that addresses environmental concerns. Title XIII of H.R. 776 delivers powerful incentives for the use of efficient, clean, state-of-the-art technologies for coal-fired electric power generation. Most significantly, the bill authorizes a sixth and seventh round of the Government's clean coal technology demonstration programs.

These technologies will save money and enable the United States to obtain real reduction in carbon dioxide emissions. If global warming is a serious threat, then clean coal technologies are the way to obtain true reductions in greenhouse gases.

The Energy and Commerce section also advances the state of the art in the use of coal for liquefaction. The Nation's abundant coal reserves make coal liquefaction a prime candidate to reduce our reliance on imported oil.

Finally, the measure directs the Energy Department to establish a clearinghouse on all coal based technologies that are underway at every Federal department and agency. It also directs Energy to take the lead in developing recommendations from other agencies to promote the domestic use of coal and expand export opportunities.

The question is not whether the United States will use coal in the future but rather how to utilize it in an even more efficient manner.

The House Energy and Commerce provisions move us closer to energy independence by making heavy investments in clean coal technologies, coal liquefaction, exporting initiatives, and technology transfer programs to nations that are dependent on coal.

I commend Chairman DINGELL, Mr. SHARP, and especially Congressman BOUCHER for their diligent efforts to achieve economic and energy security by bringing a balanced energy package to the floor.

Mr. McCOLLUM. Mr. Chairman, as reported from the Energy Committee, H.R. 776 would have permitted the Federal Energy Regulatory Commission to apply a new form of antitrust scrutiny to electric utilities when considering whether or not to mandate transmission access in a particular case.

As a result, the House Judiciary Committee asked for and received sequential referral of H.R. 776. The committee found that the language of the Energy Committee bill would have granted the FERC unacceptably broad, new independent antitrust enforcement authority. Accordingly, the Judiciary Committee reported an amendment that would have provided that FERC should consider whether a wheeling order would "arrest or abate discriminatory practices in the transmission of power."

Subsequently, the Judiciary Committee, in negotiations with the Energy Committee, has produced a far broader substitute which would require the FERC to consider whether a mandatory wheeling order would "prevent, arrest or abate discriminatory practices that are subject to the jurisdiction of the Commission."

While generally this new approach dealing only with discriminatory practices is far better than the antitrust approach that the Energy Committee took, I want to take a moment to point out some problems with the new language that should be addressed by the House and Senate conferees.

First, in considering a proposed wheeling order under amended section 211 of the Federal Power Act, the FERC is only concerned with the question of whether or not a wheeling order is necessary in an individual case. Further, with this legislation, we wish to encourage utilities to enter into voluntary wheeling agreements and for FERC to step in only where the wheeling party is unable to negotiate such an agreement. Thus, FERC should not be in the business of ordering wheeling solely as a means of preventing potential discrimination in any form.

The party seeking a wheeling order should have the obligation to show that there is more than simply the potential for undue discrimination and that the discrimination concerns the use of a company's transmission system. FERC should not be given the authority to determine whether discrimination in other types of arrangements, such as preferential power sales by Federal power marketing agencies—which are otherwise permitted by the FPA—or hydroelectric licensing preferences, can or should be altered by a wheeling order.

Thus, I would hope the conferees would return to the formulation that the Judiciary Committee originally adopted, in which the FERC has the obligation to arrest and abate actual discriminatory practices with respect to the transmission of power.

Second, the language adopted by the Judiciary Committee as well as the new compromise language may expand needlessly the types of discrimination covered by the Federal Power Act. As we all recognize, some forms of discrimination by sellers in a marketplace are necessary—choosing one transaction over a less rewarding transaction. This is precisely why the Federal Power Act consistently modifies the term discriminatory with the word "unduly." Thus, I would suggest that the conferees ensure that only practices that are unduly discriminatory are to be the partial basis for a wheeling order.

Mr. Chairman, the purpose of the bill is to promote greater access by third parties to the transmission grids owned by the Nation's electric utilities. To accomplish that purpose, the bill grants the FERC the authority to order a utility to transmit power for a third party if the proposed transaction is in the public interest, protects electric system reliability, and promotes one or more certain other public policy goals—including, for example, the promotion of competition.

Given the nature of the determination that FERC must make before ordering wheeling, I do not believe that the FERC also requires new independent authority to determine whether mandated transmission access would remedy speculative or benign forms of preference that a transmitting utility may give current customers. Therefore, I suggest that the conferees continue to work to improve this clearly troublesome provision.

Mr. PRICE. Mr. Chairman, I rise today in support of H.R. 776, the Comprehensive National Energy Policy Act.

Since February 1991, when President Bush released his blueprint for energy independence, the House and Senate have been working diligently to enact national energy legislation. It was no easy task to mold the President's shortsighted, production-based proposal into a balanced national strategy, and I strongly commend my colleagues who have worked so hard to craft legislation which focuses on efficiency, conservation, and the use of alternative energy sources as well as on enhanced production.

Several provisions of H.R. 776 are of particular importance to my home State of North Carolina. For the last several years, North Carolinians have been battling Mobil Oil's plans to drill off our Outer Banks. Although drilling is unprecedented in these treacherous waters and could prove devastating to the fragile coastal environment, the President's energy proposal would have increased the opportunities for drilling in such ecologically sensitive areas. In fact, the Interior Department has been proceeding with implementation of this portion of his strategy since it was released last year—despite ongoing concerns about the viability of the Mobil project.

H.R. 776 would place a 10-year moratorium on oil and gas development of most of the U.S. Outer Continental Shelf, extending protection to the entire Atlantic coast—much of which the President excluded from his 1990 moratorium order. In addition, the bill would establish panels to review existing information about the impact of OCS leasing, development, and production in each OCS region and require the Interior Department to consider the panels' findings and the environmental risks of drilling along with oil and gas potential.

Based on the findings of a similar panel which was established to evaluate environmental data on the Mobil exploration plan, H.R. 776 also directs the Interior Department to buy back the Mobil leases off the North

Carolina coast. I was an original cosponsor of OCS legislation introduced by Representative WALTER JONES, the distinguished chairman of the Merchant Marine and Fisheries Committee, and I am very pleased that the major provisions of this measure were included in the energy bill.

I am also pleased that the bill contains the key provisions of legislation sponsored by Representative TIM VALENTINE and myself to increase the use of existing energy-efficient lighting technology. H.R. 776 would establish 10 regional energy efficient lighting demonstration centers to promote the commercial application of underutilized lighting technologies. The centers would educate engineers, architects, commercial developers, building owners, office managers and other end users about lighting technologies which can help reduce our energy consumption today. I would like to thank my colleagues Representative ED TOWNS and Representative PHIL SHARP for their willingness to include this measure in the energy bill.

Mr. Chairman, H.R. 776 will lessen our economic vulnerability, reduce our dependence on foreign oil, and enable this Nation to meet its long-term energy needs. I urge my colleagues to support this long-awaited bill.

Mr. MILLER of Ohio. Mr. Chairman, in considering the comprehensive national energy policy bill, we have an opportunity here today to shape our future rather than have the future shape us.

Energy is a crucial factor to our country's development and growth. We have learned from past experience that it must be abundant, reliable, and low-cost if we are to sustain our economic growth.

We need an energy policy which considers the best interests of the United States. We need a comprehensive energy strategy which enables us to rely on America's energy resources. We need a strategy which stresses conservation, domestic oil and natural gas, nuclear power and the advancement of technology which will allow us to make use of our most abundant natural resource, coal.

Since the first oil crisis in the 1970's our economy has expanded by 50 percent; encouragingly during this same period energy consumption has risen but 10 percent. Companies have made major investments to increase efficiency, and individual consumers have become increasingly sensitive to environmental concerns and to the dwindling state of our energy reserves, but we can and must do better and I commend the provisions in title 1 of this bill.

Yes, conservation, renewable sources, and attaining greater efficiency are definitely goals that we must work toward, but we can make no mistake, when it comes to large scale energy generation we must have a fuel foundation that is secure, plentiful, and readily available and reasonably priced—that fuel foundation is coal.

The United States is rich in coal and coal can be for the United States what oil is to Saudi Arabia. Clean coal technology offers efficiency increases of up to 150 percent over conventional technology allowing us to be competitive with our international neighbors. Additionally, clean coal technology produces 20 percent less carbon dioxide than conventional technology, which goes directly to the heart of the global warming controversy and I am pleased that the bill recognizes the importance of the development of clean coal technology.

While I wholeheartedly support the intent of this bill, I regret that it does not go further with regard to stimulating our domestic oil industry. However, I do feel the bill is a beginning and am pleased that it includes alternative minimum tax relief for independent oil and gas drillers. On September 7, 1989, I submitted and am again submitting today into the CONGRESSIONAL RECORD the statement of Michel T. Halbouty, a noted geoscientist and petroleum engineer, concerning the need for a comprehensive national energy policy. His statement and call for a national energy policy is as applicable today as it was then, if not more so.

[From the Congressional Record, Sept. 7, 1989]

TRIBUTE TO MICHEL T. HALBOUTY

(Mr. MILLER of Ohio asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. MILLER of Ohio. Mr. Speaker, I would like to take this opportunity to recognize Mr. Michel T. Halbouty as one of the world's outstanding geoscientist. His many honors in the field as well as his extensive service to the industry and the Nation in many different capacities, is testimony to his standing in the scientific arena. Mr. Halbouty had the distinction of testifying before Secretary James Watkins and other Department of Energy officials a short time ago with valuable information toward the establishment of a national energy strategy. I would like to extend my remarks today to include his valuable testimony. In addition to this honor, Mr. Halbouty was recently reappointed as a member of the Office of Technology's Assessment Advisory Council. This advisory council is made up of 10 public members eminent in science, technology, and education, appointed by the Board of OTA. These members advise the Board on OTA assessments and other matters and provide us with invaluable experience from the scientific community.

STATEMENT OF MICHEL T. HALBOUTY[1]

I would like to begin my remarks by commending our Secretary of Energy, Admiral James Watkins, for having a hearing such as this regarding the United States' critical need for an energy policy strategy. The United States, unlike other major world powers, has never had a comprehensive national energy policy that worked. Each presidential administration that has tried to put together a plan of action to provide greater energy security has failed.

All too often, if the executive branch suggested a policy of action, the legislative branch refused it and did not offer a substitute that was acceptable to the executive branch. Likewise, congressional suggestions have often been ignored by the executive branch. They have see-sawed back and forth and up and down, and have accomplished nothing. I should not say nothing, because they have placed this nation's economic and strategic securities in jeopardy, and that is something—very serious.

It is long overdue for the Congress and the administration to put aside special interest and look only toward providing a comprehensive energy policy, a workable plan, that will lead to constructive and meaningful legislation. Such action must begin at the top of our federal government. Even though we have the knowledge, the technological advances, and the expertise to collate and produce our domestic energy supplies, it cannot be accomplished without proper federal management to set the guidelines. Calls for a firm national energy policy have intensified amid increased public attention to prospects for a renewed oil squeeze caused by falling U.S. production, rising consumption, and rising imports.

All of our vast domestic energy resources—petroleum, coal, nuclear, solar, hydropower, wind, and biomass, to name only a few—should be continuously researched for improved usage. However, our key resources—petroleum, coal, and nuclear energy—are not being produced in quantities or in manners adequate to meet our energy demands. I want to speak briefly on the importance of each of these resources.

Our petroleum resource base has a special place in the hierarchy of domestic energy sources. Crude oil and natural gas today supply about 66% of our entire fuel mix. Yet, unfortunately, our domestic crude oil production is declining at a precipitous rate, and our supplies of natural gas in most cases cannot immediately be substituted for oil usage. As a result, our crude oil and product imports are dramatically rising almost daily.

I will now reveal some frightening statistics. I know that the Department of Energy has all that I will cite, but it is proper and appropriate that they be emphasized and stated in this public hearing.

The impact of increased imports is demonstrated by the fact that our domestic production has dropped from 8.9 million barrels a day in 1985 to our current production of 7.5 million barrels a day, a drop of 1.4 million barrels a day. Of our production, some 1.9 million barrels a day comes from Alaska. Therefore, we are producing less than 6 million barrels a day in the conterminous U.S. and the drop is accelerating. We are now producing 500,000 barrels a day less than we did in 1988. Our imports have risen from an average of 5.1 million barrels a day in 1985 to today's average of 7.9 million barrels a day. This is a negative turnaround of an astounding 4.2 million barrels a day in just 4 years! It is incongruous that this situation can be further tolerated!

Currently, our demand is 17.2 million barrels per day. We are producing 7.5 million barrels per day and we are now importing 7.9 million barrels per day—a combined total of 15.4 million barrels a day. Our imports represent 46% of our demand. We now have a 1.8 million barrel per day deficit which must be made up from our existing crude oil stocks and our natural gas liquids production. In addition, it is possible that we could be importing close to 9 million barrels per day before the end of this year! Furthermore, it is estimated that in the lower 48 states, production has been dropping at the rate of 40,000 barrels per day each month. In a year or so, a decline will finally set in on the North Slope, which will further accentuate the import dependence. And it is estimated that by the end of 1990 the United States will be importing from 9 million to 10 million barrels per day. This is indeed frightening! This could approximate 60% of our total daily consumption.

We cannot continue to just produce our remaining reserves without trying to replace them through more exploration. It is most evident that when imports increase, exploration decreases, which in turn reduces the strength or our petroleum industry and thus jeopardizes our economic and national security.

---

[1] Chairman of the Board and Chief Executive Officer, Michel T. Halbouty Energy Co., Houston, Texas (Geoscientist and Petroleum Engineer).

Let me cite a few more statistics: In 1981 we drilled 91,600 wells. Last year we drilled 25,186. For the first quarter of 1989, the total was 5529, and there are estimates of only about 20,000 wells drilled for the year. Today there are fewer than 800 rigs running. Because of these very low rates of exploration, the independent segment of the industry has not only been decimated but virtually wiped out.

I should here remind you that the independents throughout the history of the petroleum industry have drilled 80 percent of the wells and discovered 75 percent of all the oil and gas in this country. Whereas there were once 60,000 independents actively drilling for oil and gas, there are now less than 1,000. Where there were once more than 40 major companies, there are now less than a dozen.

For more than 30 years, from one administration to another, the government has thrust one disincentive after another at the industry. These disincentives did not appear suddenly. Rather, it was a gradual process which caused a deterioration, particularly in the exploration and production segments. It is really baffling that a nation that is considered to have the most intelligent people on earth can permit this deterioration of the industry when they—the people—realized that in the long-run that whatever hurts the petroleum industry will eventually hurt them. Such thinking is irrational.

Yet there are those, many even in high places, who say "don't drill," "don't explore anymore," meaning let the U.S. petroleum exploration and production segments of the industry die. They say just keep on increasing imports—the oil is cheaper. This concept is most dangerous in that it does not take into account where our dependency lies and how it could affect our economic and strategic securities. Those who favor greater imports do not realize that we just cannot ever place this nation's destiny in the hands of others who have their own interests above ours. But, unfortunately, this is exactly what is happening. We are gradually ceding some of our liberties to those who control and own the supplies of oil that are shipped to this country.

It is evident that the appropriate and obligatory role of the federal government in our quest for energy supplies is to create an atmosphere and an energy policy which will encourage-courage the private sector to seek produce and develop all our energy sources without undue interference. The policy must provide core pieces of legislation through which we can rationally evaluate our energy-resources options. Such a policy should be truly bipartisan formulated solely for the protection and best interests of the national welfare. It must be viewed as a means of survival for this country.

From geoscientific studies of our land and water areas, it is evident that there is the potential to find as much oil and gas as we have produced to date. Much of our petroleum potential lies in our federal lands and waters. Yet we have been prevented from exploring for energy and minerals on some of these lands because of federal restraints. For example, geoscientists from industry, academia and government are in common agreement that the Coastal Plain of the Arctic National Wildlife Refuge (ANWR) is the most promising onshore petroleum frontier in the United States. Yet federal restraints prevent drilling in this region.

Our growing energy needs indicate that nuclear energy and coal will progressively have to be substituted for petroleum in the post-petroleum era. The proper long-range development of these sources has been sorely neglected.

Nuclear-generated electricity has already saved America over three billion barrels of oil, with billions more to be saved before the turn of the century. Our existing nuclear plants are preventing more than 2 million barrels of oil per day from being imported into the country. Public fear has prevented the construction of additional plants. He firmly believe reform of nuclear permitting regulations and standardization of design could revive the industry. If we were to establish one, and only one design, we could rapidly build the 100 new plants we now need, which could save us another 3 million barrels per day and thus solidify our domestic energy base.

Now let's talk about coal. Coal is the most abundant yet least utilized of our domestic energy resources. We should be using more coal than we are today, and, therefore, should be planning to use more in the future. In terms of proven reserves, we have 60 times more coal than oil on an energy equivalent basis and more than 40 times more coal than natural gas on an energy equivalent basis. Considerable research is necessary to determine the most efficient use of coal and its compliance with approved environmental standards. Coal also can make a positive contribution by becoming a major export which would be a boon to reducing our foreign deficits.

In addition to what nuclear energy and coal can provide, if we would increase our energy supply from other sources equivalent to another 2 to 3 million barrels of oil per day, we would be energy secure, and that security would increase year by year.

The invitation to participate here today stated we should give our opinion on "what should the priorities be for National Energy Strategies."

Therefore, my recommendations for priorities for the creation of an Integrated National Energy Strategy which would also serve as guidelines to form a most constructive national energy policy are as follows:

1. Enhancement of federal leasing policies to provide for more energy and minerals exploration.

2. Completion of the filling of the Strategic Petroleum Reserve.

3. Environmental controls and regulatory policies based on a scientific cost-benefit basis. Government should encourage and strongly recommend that environmentalists and industry leaders get together and both parties use every possible means to arrive at a compatible understanding and solution to a dispute or a problem or a situation instead of one or the other adopting a "go to hell" attitude or a standoffish impasse attitude.

4. Increased efforts to provide safe and economic nuclear power and encourage industry to build 100 new, standard-design plants.

5. Development of clean coal technology, greater utilization of our coal resources, and promotion of U.S. coal exports.

6. More research and development programs to fully exploit our energy alternatives, energy conservation, and enhanced oil recovery technology.

7. And, most importantly, reasonable tax measures such as:

(a) Removing oil and gas preference items from Alternative Minimum Tax computations.

(b) Providing investment tax credits for research and development activity, especially in the area of enhanced oil recovery.

(c) Allowing immediate expensing of 100% of Intangible Drilling Costs in tax calculations, and expanding the definition to include geological and geophysical costs and unrecovered surface casing.

(d) For increasing the depletion percentage for oil and gas to 22½%.

(e) Returning temporarily abandoned stripper wells to production under a 22½% preferential tax credit on all production and equipment costs.

(f) Providing a 20% exploration incentive credit on all drilling and equipment costs expended for a discovery well and for subsequent development of the new field.

If the above mentioned tax incentives are granted, it is my opinion that within 18 months of enactment there will be 2,500 rigs operating in this country, searching for, discovering and producing oil and gas from new fields and, thereby, reducing our import levels and our foreign deficit with each new discovery.

Furthermore, if all of the above mentioned recommendations are adopted, they will materially restore and sustain the nation's energy strength and security as well as set the permanent foundation for a viable, effective national energy plan for now and in the future.

I appreciate the invitation from Secretary Watkins to participate in this hearing.

Mr. Chairman, I reserve the balance of my time.

The CHAIRMAN. The gentleman from Indiana [Mr. SHARP] has 1 minute remaining.

Mr. SHARP. Mr. Chairman, I yield back the balance of my time.

Mr. LENT. Mr. Chairman, I, too, yield back the balance of my time.

Mr. SHARP. Mr. Chairman, I move that the Committee do now rise.

The motion was agreed to.

Accordingly the Committee rose; and the Speaker pro tempore (Mr. MURTHA) having assumed the chair, Mr. SKAGGS, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 776) to provide for improved energy efficiency had come to no resolution thereon.

PROPOSED CONSTITUTIONAL AMENDMENT RELATING TO MEMBERS' COMPENSATION

The SPEAKER pro tempore. The unfinished business is the question of suspending the rules and agreeing to the concurrent resolution, House Concurrent Resolution 320.

The clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Texas [Mr. BROOKS] that the House suspend the rules and agree to the concurrent resolution (H. Con. Res. 320), on which the yeas and nays are ordered.

The vote was taken by electronic device, and there were—yeas 414, nays 3, not voting 17, as follows:

[Roll No. 131]

YEAS—414

Abercrombie
Ackerman
Alexander
Allard
Allen
Anderson
Andrews (ME)
Andrews (NJ)
Andrews (TX)
Annunzio
Applegate
Archer
Armey
Aspin
Atkins
Bacchus
Baker
Ballenger
Barnard
Barrett
Barton
Bateman
Beilenson
Bennett
Bentley
Bereuter
Berman
Bevill
Bilbray
Bilirakis
Blackwell
Bliley
Boehlert
Boehner
Bonior
Borski
Boucher
Brewster
Brooks
Broomfield
Browder
Brown
Bruce
Bryant
Bunning
Burton
Bustamante
Byron
Callahan
Camp
Campbell (CA)
Campbell (CO)
Cardin
Carper
Carr
Chandler
Chapman
Clay
Clement
Clinger
Coble
Coleman (TX)
Collins (IL)
Collins (MI)
Combest
Condit
Conyers
Cooper
Costello
Coughlin
Cox (CA)
Cox (IL)
Coyne
Cramer
Crane
Cunningham
Dannemeyer
Darden
Davis
de la Garza
DeFazio
DeLauro
DeLay
Dellums
Derrick
Dickinson
Dicks
Dingell
Dixon
Donnelly
Dooley
Doolittle
Dorgan (ND)
Dornan (CA)
Downey
Dreier
Duncan
Durbin
Dwyer
Dymally
Early
Eckart
Edwards (CA)
Edwards (TX)
Emerson
English
Erdreich
Espy
Evans
Ewing
Fascell
Fawell
Fazio
Feighan
Fields
Fish
Flake
Foglietta
Ford (MI)
Ford (TN)
Frank (MA)
Franks (CT)
Frost
Gallegly
Gallo
Gaydos
Gejdenson
Gekas
Gephardt
Geren
Gibbons
Gilchrest
Gillmor
Gilman
Gingrich
Glickman
Gonzalez
Goodling
Gordon
Goss
Gradison
Green
Guarini
Gunderson
Hall (OH)
Hall (TX)
Hamilton
Hammerschmidt
Hancock
Hansen
Harris
Hastert
Hatcher
Hayes (IL)
Hayes (LA)
Hefley
Hefner
Henry
Herger
Hertel
Hoagland
Hobson
Hochbrueckner
Holloway
Hopkins
Horn
Horton
Houghton
Hoyer
Hubbard
Huckaby
Hughes
Hunter
Hutto
Hyde
Inhofe
Ireland
Jacobs
James
Jefferson
Jenkins
Johnson (CT)
Johnson (SD)
Johnson (TX)
Johnston
Jones (NC)
Jontz
Kanjorski
Kaptur
Kasich
Kennedy
Kennelly
Kildee
Kleczka
Klug
Kolbe
Kopetski
Kostmayer
Kyl
LaFalce
Lagomarsino
Lancaster
Lantos
LaRocco
Laughlin
Leach
Lehman (CA)
Lehman (FL)
Lent
Levin (MI)
Lewis (CA)
Lewis (FL)
Lewis (GA)
Lightfoot
Lipinski
Livingston
Lloyd
Long
Lowery (CA)
Lowey (NY)
Luken
Machtley
Manton
Markey
Marlenee
Martin
Martinez
Matsui
Mavroules
Mazzoli
McCandless
McCloskey
McCollum
McCrery
McCurdy
McDade
McDermott
McEwen
McGrath
McHugh
McMillan (NC)
McMillen (MD)
McNulty
Meyers
Mfume
Michel
Miller (CA)
Miller (OH)
Miller (WA)
Mineta
Mink
Moakley
Molinari
Mollohan
Montgomery
Moody
Moorhead
Moran
Morella
Morrison
Mrazek
Murphy
Murtha
Myers
Nagle
Natcher
Neal (MA)
Neal (NC)
Nichols
Nowak
Nussle
Oberstar
Obey
Olin
Olver
Ortiz
Orton
Owens (NY)
Owens (UT)
Oxley
Packard
Pallone
Panetta
Parker
Pastor
Patterson
Paxon
Payne (NJ)
Payne (VA)
Pease
Pelosi
Penny
Peterson (FL)
Peterson (MN)
Petri
Pickett
Pickle
Porter
Poshard
Price
Pursell
Rahall
Ramstad
Rangel
Ravenel
Ray
Reed
Regula
Rhodes
Richardson
Ridge
Riggs
Rinaldo
Ritter
Roberts
Roe
Roemer
Rogers
Rohrabacher
Ros-Lehtinen
Rose
Rostenkowski
Roth
Roukema
Rowland
Roybal
Russo
Sabo
Sanders
Sangmeister
Santorum
Sarpalius
Savage
Sawyer
Saxton
Schaefer
Scheuer
Schiff
Schroeder
Schulze
Schumer
Sensenbrenner
Serrano
Sharp
Shaw
Shays
Shuster
Sikorski
Sisisky
Skaggs
Skeen
Skelton
Slattery
Slaughter
Smith (FL)
Smith (NJ)
Smith (OR)
Smith (TX)
Snowe
Solarz
Solomon
Spence
Spratt
Staggers
Stallings
Stark
Stearns
Stenholm
Studds
Stump
Sundquist
Swett
Swift
Synar
Tallon
Tanner
Tauzin
Taylor (MS)
Taylor (NC)
Thomas (CA)
Thomas (GA)
Thomas (WY)
Thornton
Torres
Torricelli
Towns
Traficant
Traxler
Unsoeld
Upton
Valentine
Vander Jagt
Vento
Visclosky
Volkmer
Vucanovich
Walker
Walsh
Waxman
Weber
Weiss
Weldon
Wheat
Williams
Wise
Wolf
Wolpe
Wyden
Yates
Yatron
Young (AK)
Young (FL)
Zeliff
Zimmer

NAYS—3

Perkins
Smith (IA)
Washington

NOT VOTING—17

Anthony
AuCoin
Boxer
Coleman (MO)
Edwards (OK)
Engel
Grandy
Jones (GA)
Kolter
Levine (CA)
Oakar
Quillen
Stokes
Waters
Whitten
Wilson
Wylie

□ 1730

Mr. GILLMOR and Mr. NAGLE changed their vote from "nay" to "yea."

So (two-thirds having voted in favor thereof), the rules were suspended and the concurrent resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PERSONAL EXPLANATION

Mr. COLEMAN of Missouri. Mr. Speaker, I was unable to make the vote on House Concurrent Resolution 320, rollcall 131. Obviously as a sponsor of the Madison amendment, I am wholeheartedly in support of that. Had I been present, I would have voted aye.

PERSONAL EXPLANATION

Mr. STOKES. Mr. Speaker, during rollcall vote No. 131 on House Concurrent Resolution 320 I was unavoidably detained. Had I been present I would have voted "yes."

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF HOUSE JOINT RESOLUTION 442

Mr. YOUNG of Florida. Mr. Speaker, in order to correct an error by the Clerk, I ask unanimous consent to remove the name of my colleague, the gentleman from North Carolina [Mr. MCMILLAN] as a cosponsor of House Joint Resolution 442.

The SPEAKER pro tempore (Mr. MURTHA). Is there objection to the request of the gentleman from Florida?

There was no objection.

DESIGNATION OF VICE CHAIRMAN OF JOINT CHIEFS OF STAFF

Mr. ASPIN. Mr. Speaker, I ask unanimous consent that the Committee on Armed Services be discharged from further consideration of the Senate bill (S. 2569) to amend title 10, United States Code, to make the Vice Chairman of the Joint Chiefs of Staff a member of the Joint Chiefs of Staff; to provide joint duty credit for certain service; and to provide for the temporary continuation of the current Deputy National Security Adviser in a flag officer grade in the Navy, and ask for its immediate consideration.

The Clerk read the title of the Senate bill.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Wisconsin?

□ 1740

Mr. DICKINSON. Mr. Speaker, reserving the right to object, I do so only for the purpose of yielding to my distinguished chairman so that he may explain the bill.

Mr. ASPIN. Mr. Speaker, I thank the gentleman for yielding. S. 2569, a bill to amend title 10, United States Code, would make changes to the organization of the Joint Chiefs of Staff; authorize joint duty credit for certain service; and provide for the temporary continuation of the current deputy national security advisor in a flag officer grade in the Navy.

I intend to offer an amendment that would strike the joint duty credit and organization of the Joint Chiefs of Staff provisions of the bill—we will be addressing those issues as part of the national defense authorization bill for fiscal year 1993—and keep only the provision dealing with the continuation of the current deputy national security advisor in a flag officer grade.

This provision is necessary to allow the current Deputy for National Security Affairs, who assumed his position on December 5, 1991, to retire at his present grade. While the committee does not believe it desirable for the position of deputy national security advisor to be filled by an active duty officer, in this case, delays associated with extended hearings on the confirmation of the previous deputy to a position requiring Senate confirmation, precluded an orderly process in the relief of the current deputy from his previous active duty assignment. Due to press of current job requirements and this lack of a transition, the committee believes the statutory period in which an officer may hold the grade of admiral while awaiting retirement be extended by 3 months to June 4, 1992.

Mr. DICKINSON. Mr. Speaker, continuing to reserve my right to object, I would like to say that I certainly support the request of the gentleman from Wisconsin. The committee will be addressing the two issues being stricken from the bill, joint duty credit and vice chairman of the JCS, during the fiscal year 1993 authorization process. Neither of these two provisions is time-urgent. However, the remaining section of S. 2569 concerning the deputy national security advisor is time-urgent, and therefore justifies the chairman's unanimous-consent request, which I support.

Mr. Speaker, I withdraw my reservation of objection.

Mr. SKELTON. Mr. Speaker, reserving the right to object, but I will not object, I might say I am familiar with the motion made by the chairman of the Committee on Armed Services. I concur in it wholeheartedly. I might add that I have been spending a great deal of effort on one item that is being deleted from this dealing with the Vice Chairman of the Joint Chiefs of Staff.

This can be, in my opinion, held in the ordinary course of affairs in the present part of the defense bill that has been reported out already from the committee, so I think that it is best to handle it that way, rather than through this special legislation.

Mr. Speaker, I concur in this request, and I withdraw my reservation of objection.

The SPEAKER pro tempore (Mr. MURTHA). Is there objection to the request of the gentleman from Wisconsin?

There was no objection.

The Clerk read the Senate bill, as follows:

S. 2569

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. VICE CHAIRMAN OF THE JOINT CHIEFS OF STAFF.

(a) Designation as a Member of the Joint Chiefs of Staff.—Section 151(a) of title 10, United States Code, is amended—

(1) by redesignating paragraphs (2) through (5) as paragraphs (3) through (6), respectively; and

(2) by inserting after paragraph (1) the following new paragraph (2):

"(2) The Vice Chairman.".

(b) Conforming Amendments.—(1) Section 154 of such title is amended—

(A) in subsection (c), by striking out "such" and inserting in lieu thereof "the duties prescribed for him as a member of the Joint Chiefs of Staff and such other";

(B) by striking out subsection (f); and

(C) by redesignating subsection (g) as subsection (f).

(2) Section 155(a)(1) of such title is amended by striking out "and the Vice Chairman."

SEC. 2. JOINT DUTY CREDIT FOR EQUIVALENT DUTY IN OPERATIONS DESERT SHIELD AND DESERT STORM.

(a) In General.—(1) The Secretary of Defense, upon a recommendation made in accordance with paragraph (3), shall credit an officer of the Armed Forces of the United States who has completed service described in paragraph (2) as having completed a full tour of duty in a joint duty assignment for the purposes of chapter 38 of title 10, United States Code.

(2) Paragraph (1) applies to any officer who, after August 1, 1990, and before October 1, 1991, performed service in an assignment in the Persian Gulf combat zone that—

(A) provided significant experience in joint matters; or

(B) involved frequent professional interaction of that officer with (i) units and members of any of the armed forces other than the officer's armed force, or (ii) an allied armed force.

(3) The Secretary shall take action under paragraph (1) in the case of any officer if that action is recommended, with the concurrence of the Chairman of the Joint Chiefs of Staff, by the Chief of Staff of the Army (for an officer in the Army), the Chief of Naval Operations (for an officer in the Navy), the Chief of Staff of the Air Force (for an officer in the Air Force), or the Commandant of the Marine Corps (for an officer in the Marine Corps).

(b) Inapplicability of Certain Reporting and Policy Requirements.—Officers for whom joint duty credit has been granted pursuant to subsection (a) shall not be counted for the purposes of paragraphs (7), (8), (9), (11), or (12) of section 667 of title 10, United States Code, and subsections (a)(3) and (b) of section 662 of such title.

(c) Information on Exercise of Authority to be Included in Fiscal Year 1993 Annual Report.—The annual report submitted to Congress by the Secretary of Defense for fiscal year 1993 under section 113(c) of title 10, United States Code, shall include the following information:

(1) The total number of officers granted joint duty credit pursuant to subsection (a).

(2) The total number of such officers for each armed force.

(3) The total number of officers in each grade and each occupational specialty who have been granted joint duty credit pursuant to subsection (a).

(4) For each armed force, the total number of such officers in each grade and each occupational specialty who have been granted such credit.

(d) Definitions.—In this section:

(1) The term "joint matters" has the meaning given such term in section 668(a) of title 10, United States Code.

(2) The term "Persian Gulf combat zone" means the area designated by the President as the combat zone for Operation Desert Shield, Operation Desert Storm, and related operations for purposes of section 112 of the Internal Revenue Code of 1986.

SEC. 3. GRADE OF THE CURRENT DEPUTY NATIONAL SECURITY ADVISOR WHILE PENDING RETIREMENT IN THE NAVY.

(a) Temporary Continuation in Grade.—Notwithstanding the period of limitation contained in section 601(b)(4) of title 10, United States Code, the person who began service in the position of Deputy Assistant to the President and Deputy for National Security Affairs on December 5, 1991, shall continue to hold the grade of admiral while awaiting retirement in the Navy, except that such person may not continue to hold that grade under the authority of this section after the earlier of—

(1) the date on which he terminates service in that position; or

(2) June 4, 1992.

(b) Effective Date.—This section shall take effect as of December 5, 1991.

AMENDMENT OFFERED BY MR. ASPIN

Mr. ASPIN. Mr. Speaker, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. Aspin: Strike out sections 1 and 2 (page 2, line 1, through page 5, line 8).

Page 5, line 9, strike out "**SEC. 3.**" and insert in lieu thereof "**SECTION 1.**".

The SPEAKER pro tempore. The question is on the amendment offered by the gentleman from Wisconsin.

The amendment was agreed to.

The Senate bill was ordered to be read a third time, was read the third time, and passed.

AMENDMENT TO THE TITLE OFFERED BY MR. ASPIN

Mr. ASPIN. Mr. Speaker, I offer an amendment to the title.

The Clerk read as follows:

Amendment to the title offered by Mr. Aspin: Amend the title so as to read: "An Act to provide for the temporary continuation in office of the current Deputy National Security Advisor in a flag officer grade in the Navy.".

The amendment to the title was agreed to.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. ASPIN. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to extend their remarks on S. 2569, the Senate bill just considered and passed.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Wisconsin?

There was no objection.

PERMISSION FOR SUBCOMMITTEE ON CRIME AND CRIMINAL JUSTICE OF COMMITTEE ON JUDICIARY TO SIT DURING 5-MINUTE RULE TOMORROW

Mr. SCHUMER. Mr. Speaker, I ask unanimous consent that the Subcommittee on Crime and Criminal Justice of the Committee on the Judiciary be permitted to sit during proceedings under the 5-minute rule tomorrow, Thursday, May 21, 1992.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

There was no objection.

PERMISSION TO CONSIDER AMENDMENT NO. 1, AS MODIFIED, AT ANY TIME TODAY DURING CONSIDERATION OF H.R. 776, COMPREHENSIVE NATIONAL ENERGY POLICY ACT

Mr. SHARP. Mr. Speaker, I ask unanimous consent that amendment No. 1, printed in House Report 102-528, may be offered, in a modified form, at any time today during consideration of the bill in the Committee of the Whole House.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Indiana?

There was no objection.

COMPREHENSIVE NATIONAL ENERGY POLICY ACT

The SPEAKER pro tempore. Pursuant to House Resolution 459 and rule XXIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the further consideration of the bill, H.R. 776.

□ 1744

IN THE COMMITTEE OF THE WHOLE HOUSE

Accordingly, the House resolved itself into the Committee of the Whole House on the State of the Union for the further consideration of the bill (H.R. 776) to provide for improved energy efficiency, with Mr. SKAGGS in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. When the Committee of the Whole rose earlier this afternoon, all time for general debate had expired.

Pursuant to the rule, the amendment in the nature of a substitute consisting of the text of the committee print, May 19, 1992, Comprehensive National Energy Policy Act is considered as an original bill for the purpose of amendment and is considered as read.

The text of the amendment in the nature of a substitute is as follows:

H.R. 776

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "Comprehensive National Energy Policy Act".

(b) TABLE OF CONTENTS.—

Sec. 1. Short title; table of contents.
TITLE I—ENERGY EFFICIENCY
Sec. 101. Findings, purpose, and definition.
Subtitle A—Buildings
Sec. 111. Residential and commercial building energy efficiency codes and standards.
Sec. 112. Voluntary home energy efficiency ratings.
Subtitle B—Federal Agency Energy Management
Sec. 121. Federal energy management amendments.
Sec. 122. Intergovernmental energy management planning and coordination.
Sec. 123. Federal agency energy management training.
Sec. 124. Identification and attainment of agency energy reduction and management goals.
Sec. 125. Energy audit teams.
Sec. 126. Procurement and identification of energy efficient products.
Subtitle C—Electricity and Utilities
PART 1—ELECTRIC UTILITIES
Sec. 131. Encouragement of investments in conservation and energy efficiency.
Sec. 132. Tennessee Valley Authority least-cost planning program.
Sec. 133. Amendment of Hoover Power Plant Act.
PART 2—GAS UTILITIES
Sec. 141. Encouragement of investments in conservation and energy efficiency.
PART 3—GENERAL PROVISIONS
Sec. 151. Conservation grants to State regulatory authorities.
Subtitle D—Requirements and Information
Sec. 161. Energy efficiency labeling for windows and window systems.
Sec. 162. Voluntary standards for industrial insulation and improvement of industrial audits.
Sec. 163. Energy conservation requirements for certain commercial and industrial equipment.
Sec. 164. Energy conservation requirements for certain lamps and showerheads.
Sec. 165. Energy conservation requirements for certain other equipment and energy efficiency labeling for luminaires.
Sec. 166. Cooperative advanced appliance and equipment development.
Sec. 167. Evaluation of utility early replacement programs for appliances.
Subtitle E—Miscellaneous
Sec. 171. Commercial application of energy efficient lighting technology.
Sec. 172. Energy efficiency in industrial facilities.
Sec. 173. Process-oriented industrial energy efficiency.
Sec. 174. Miscellaneous.
TITLE II—NATURAL GAS PIPELINES
Sec. 201. Fewer restrictions on certain natural gas imports.
Sec. 202. Optional certificates for certain projects.
Sec. 203. Transportation under section 311 of the Natural Gas Policy Act of 1978.
Sec. 204. Rules in local distribution company bypass cases.
Sec. 205. Third party contracting by the Federal Energy Regulatory Commission for Natural Gas Act facilities.
Sec. 206. New rates and joint through rates.
Sec. 207. Utilization of informal rulemaking procedures.
Sec. 208. Faster issuance and review of commission orders.
Sec. 209. Streamlined certificate procedures.
Sec. 210. Expedited Federal Energy Regulatory Commission rules.
Sec. 211. Gas delivery interconnections in production areas.
Sec. 212. Gas delivery interconnections in market areas for local utilities.
Sec. 213. Technical amendments.
TITLE III—ALTERNATIVE FUELS—GENERAL
Sec. 301. Definitions.
Sec. 302. Amendments to the Energy Policy and Conservation Act.
Sec. 303. Assurance of acquisition of a variety of fueling facilities.
Sec. 304. Increased Federal fleet requirement.
Sec. 305. Use of alcohol-enhanced gasoline in Federal motor vehicles.
Sec. 306. Disadvantaged business enterprises.
TITLE IV—ALTERNATIVE FUELS—NON-FEDERAL PROGRAMS
Sec. 401. Truck commercial application program.
Sec. 402. Conforming amendments.
Sec. 403. Alternative motor fuels amendments.
Sec. 404. Vehicular natural gas jurisdiction.
Sec. 405. Public information program.
Sec. 406. Labeling requirements.
Sec. 407. Availability of fueling facilities.
Sec. 408. Data acquisition program.
Sec. 409. Federal Energy Regulatory Commission authority to approve recovery of certain expenses in advance.
Sec. 410. State and local incentives programs.
Sec. 411. Alternative fuel bus program.
Sec. 412. Certification of training programs.
Sec. 413. Alternative fuel use in nonroad vehicles and engines.
Sec. 414. Reports to Congress.
Sec. 415. Low interest loan program.
Sec. 416. Commercial application funding for alternative fueled vehicles.
Sec. 417. Prohibited acts.
Sec. 418. Enforcement.
TITLE V—AVAILABILITY AND USE OF REPLACEMENT FUELS, ALTERNATIVE FUELS, AND ALTERNATIVE FUELED PRIVATE VEHICLES
Sec. 501. Mandate for alternative fuel providers.
Sec. 502. Replacement fuel supply and demand program.
Sec. 503. Replacement fuel demand estimates and supply information.
Sec. 504. Modification of goals; additional rulemaking authority.
Sec. 505. Voluntary supply commitments.
Sec. 506. Technical and policy analysis.
Sec. 507. Fleet requirement program.
Sec. 508. Secretary's recommendations to Congress.
Sec. 509. Effect on other laws.
Sec. 510. Prohibited acts.
Sec. 511. Enforcement.
Sec. 512. Powers of the Secretary.
Sec. 513. Authorization of appropriations.
TITLE VI—ELECTRIC MOTOR VEHICLES
Sec. 601. Definitions.
Subtitle A—Electric Motor Vehicle Commercial Demonstration Program
Sec. 611. Applications.
Sec. 612. Selection of proposers.
Sec. 613. Discounts to users.
Sec. 614. Reports to Congress.
Sec. 615. Authorization of appropriations.
Sec. 616. Technology transfer program.
Subtitle B—Electric Motor Vehicle Infrastructure and Support Systems Development Program
Sec. 621. Definitions.
Sec. 622. General authority.
Sec. 623. Solicitation of joint ventures.
Sec. 624. Electric utility participation study.
Sec. 625. Authorization of appropriations.
TITLE VII—ELECTRICITY
Sec. 701. Findings and purposes.
Subtitle A—Public Utility Holding Company Act Amendments
Sec. 711. Treatment of independent power producers under PUHCA.

Sec. 712. Ownership of independent power producers and qualifying facilities.
Sec. 713. Affiliate transactions; State authorities.

Subtitle B—Federal Power Act; Interstate Commerce in Electricity

Sec. 721. Interconnection.
Sec. 722. Amendments to section 211 of Federal Power Act.
Sec. 723. Transmission services.
Sec. 724. Information requirements.
Sec. 725. Sales by independent power producers.
Sec. 726. Penalties.
Sec. 727. Definitions.

Subtitle C—State and Local Authorities

Sec. 731. State authorities.

TITLE VIII—HIGH-LEVEL RADIOACTIVE WASTE

Sec. 801. Environmental Protection Agency standards for disposal.
Sec. 802. Inflation adjustment for fees.
Sec. 803. Plan for timely payment of costs for disposal of defense waste in repository.
Sec. 804. Interim storage.

TITLE IX—URANIUM ENRICHMENT CORPORATION

Sec. 901. Establishment of the Uranium Enrichment Corporation.
Sec. 902. Conforming amendments and repealers.
Sec. 903. Restrictions on nuclear exports.
Sec. 904. Severability.
Sec. 905. Citizen suits.

TITLE X—REMEDIAL ACTION AT ACTIVE PROCESSING SITES

Sec. 1001. Remedial action program.
Sec. 1002. Regulations.
Sec. 1003. Authorization.
Sec. 1004. Definitions.
Sec. 1005. Uranium purchase reports.

TITLE XI—URANIUM ENRICHMENT HEALTH, SAFETY, AND ENVIRONMENT ISSUES

Sec. 1101. Uranium enrichment health, safety, and environment issues.
Sec. 1102. Table of contents.

TITLE XII—RENEWABLE ENERGY

Sec. 1201. Findings.
Sec. 1202. Purposes.
Sec. 1203. Renewable energy joint ventures.
Sec. 1204. Renewable energy production incentive.
Sec. 1205. Renewable energy export technology training.
Sec. 1206. Authority for States to undertake feasibility studies.
Sec. 1207. Renewable energy advancement award.
Sec. 1208. Study of export promotion practices.
Sec. 1209. Study of tax and rate treatment of renewable energy projects.
Sec. 1210. Study of rice milling energy by-product marketing.
Sec. 1211. Interagency working group.
Sec. 1212. Renewable energy commercialization.
Sec. 1213. Data system and energy technology evaluation.
Sec. 1214. Outreach.

TITLE XIII—COAL

Sec. 1301. Coal research and development relating to commercial application program.
Sec. 1302. Coal exports.
Sec. 1303. Clean coal technology export promotion and interagency coordination.
Sec. 1304. Innovative clean coal and renewable energy technology transfer program.
Sec. 1305. Conventional coal technology transfer.
Sec. 1306. Coal fired diesel engines.
Sec. 1307. Clean coal, waste-to-energy.
Sec. 1308. Nonfuel use of coal.
Sec. 1309. Coal refinery program.
Sec. 1310. Study of utilization of coal combustion byproducts.
Sec. 1311. Calculation of avoided cost.
Sec. 1312. Coalbed methane recovery.
Sec. 1313. Coalbed methane emission credits.
Sec. 1314. Ownership of coalbed methane.
Sec. 1315. Authorization of appropriations.
Sec. 1316. Establishment of data base and study of transportation rates.
Sec. 1317. Early banking of emissions credits for efficiency improvements from the application of clean coal technologies.
Sec. 1318. Metallurgical coal development.
Sec. 1319. Utilization of coal wastes.

TITLE XIV—STRATEGIC PETROLEUM RESERVE

Sec. 1401. Fill of the strategic petroleum reserve.
Sec. 1402. Fill of the refined petroleum product reserve.
Sec. 1403. Additional authority for drawdown.
Sec. 1404. Insular areas study.

TITLE XV—OCTANE DISPLAY AND DISCLOSURE

Sec. 1501. Certification and posting of automotive fuel ratings.
Sec. 1502. Increased authority for enforcement.
Sec. 1503. Studies.

TITLE XVI—GREENHOUSE WARMING—ENERGY IMPLICATIONS

Sec. 1601. Interagency coordinating council.
Sec. 1602. Report on National Academy of Sciences recommendations.
Sec. 1603. Energy inventory and forecasts.
Sec. 1604. Assessment of alternative policy mechanisms for addressing greenhouse gas emissions.
Sec. 1605. Voluntary reductions of greenhouse gases.
Sec. 1606. International energy technology transfer.
Sec. 1607. Global climate change response fund.

TITLE XVII—ADDITIONAL FEDERAL POWER ACT AMENDMENTS

Sec. 1701. Additional Federal Power Act amendments.

TITLE XVIII—OIL PIPELINE REGULATORY REFORM

Sec. 1801. Oil pipeline ratemaking methodology.
Sec. 1802. Streamlining of Commission procedures.
Sec. 1803. Protection of certain existing rates.
Sec. 1804. Definitions.

TITLE XIX—REVENUE PROVISIONS

Sec. 1901. Amendment of 1986 Code.

Subtitle A—Energy Conservation and Production Incentives

Sec. 1911. Treatment of employer-provided transportation benefits.
Sec. 1912. Exclusion of energy conservation subsidies provided by regulated public utilities.
Sec. 1913. Deductions relating to clean-fuel vehicles.
Sec. 1914. Credit for electricity produced from certain renewable sources.
Sec. 1915. Repeal of minimum tax preferences for depletion and intangible drilling costs of independent oil and gas producers and royalty owners.
Sec. 1916. Increased base tax rate on ozone-depleting chemicals.
Sec. 1917. Treatment of certain ozone depleting chemicals.
Sec. 1918. Permanent extension of energy investment credit for solar and geothermal property.
Sec. 1919. Nuclear decommissioning funds.
Sec. 1920. Facilities for production of certain fuels.
Sec. 1921. Treatment under local furnishing rules of certain electricity transmitted outside local area.

Subtitle B—Other Revenue Provisions

Sec. 1931. Repeal of exemption from communications tax for news services.
Sec. 1932. Exception from pro rata allocation of interest expense of financial institutions to tax-exempt interest for small issuers increased to $20,000,000.
Sec. 1933. Certain minerals not eligible for percentage depletion.
Sec. 1934. Disclosures of information for veterans benefits.
Sec. 1935. Disallowance of interest on certain overpayments of tax.
Sec. 1936. Information reporting with respect to certain seller-provided financing.

Subtitle C—Federal Tax Exemption for Uranium Enrichment Corporation; Limitation on Borrowing Authority

Sec. 1941. Federal tax exemption; limitation on borrowing authority.

TITLE XX—GENERAL PROVISIONS; REDUCTION OF OIL VULNERABILITY

Sec. 2001. Definitions.
Sec. 2002. Goals.

Subtitle A—Oil and Gas Supply Enhancement

Sec. 2011. Enhanced oil recovery.
Sec. 2012. Oil shale.
Sec. 2013. Natural gas supply research and development.

Subtitle B—Oil and Gas Demand Reduction and Substitution

Sec. 2021. General transportation research, development, and demonstration program.
Sec. 2022. Advanced automotive fuel economy.
Sec. 2023. Alternative fuel vehicle research, development, and demonstration program.
Sec. 2024. Biofuels research and development user facility.
Sec. 2025. Electric vehicle and battery research and development program.
Sec. 2026. Renewable hydrogen energy.
Sec. 2027. Advanced diesel emissions research, development, and demonstration program.

Subtitle C—Oil Substitution Through Coal Liquefaction

Sec. 2031. Oil substitution through coal liquefaction.

TITLE XXI—ENERGY AND ENVIRONMENT

Subtitle A—Improved Energy Efficiency

Sec. 2101. General improved energy efficiency research, development, and demonstration program.
Sec. 2102. Natural gas and electric heating and cooling technologies.
Sec. 2103. Pulp and paper research, development, and demonstration.

Sec. 2104. Advanced building research, development, and demonstration for low emission, low energy buildings by 2005.
Sec. 2105. Electric drives.
Sec. 2106. Mid-term technology demonstration program.
Sec. 2107. Steel and aluminum research.

Subtitle B—Electricity Generation and Use

Sec. 2111. Renewable energy.
Sec. 2112. High efficiency heat engines.
Sec. 2113. Nuclear energy.
Sec. 2114. Civilian nuclear waste.
Sec. 2115. Fusion energy.
Sec. 2116. Coal.
Sec. 2117. Fuel cells.
Sec. 2118. Environmental restoration and waste management program.
Sec. 2119. Efficient electric energy systems.
Sec. 2120. Electric and magnetic fields research and public information dissemination programs.

Subtitle C—Pollution Prevention, Information, and Audits

Sec. 2121. Energy efficient pollution prevention program.

TITLE XXII—ENERGY AND ECONOMIC GROWTH

Sec. 2201. National critical advanced materials initiative.
Sec. 2202. National critical advanced manufacturing technologies initiative.
Sec. 2203. Supporting research and technical analysis.
Sec. 2204. Integration of research and development.
Sec. 2205. Definitions.

TITLE XXIII—POLICY AND ADMINISTRATIVE PROVISIONS

Sec. 2301. Cooperative research and development agreements in energy technology.
Sec. 2302. Policy on capital projects and construction.
Sec. 2303. Energy research, development, and demonstration advisory board.
Sec. 2304. Amendments to existing law.
Sec. 2305. Cost sharing.
Sec. 2306. Comprehensive energy research, development, and demonstration plan and program.
Sec. 2307. Costs related to decommissioning and the storage and disposal of nuclear waste.
Sec. 2308. Use of domestic products.
Sec. 2309. Limitation on appropriations.
Sec. 2310. Renewable energy and ocean resources center.
Sec. 2311. Uncosted obligations.

TITLE XXIV—MARINE AND COASTAL ENVIRONMENT PROTECTION

Sec. 2401. Short title.

Subtitle A—Ocean and Coastal Resources Block Grants

Sec. 2411. Short title.
Sec. 2412. Definitions.
Sec. 2413. Ocean and Coastal Resources Fund.
Sec. 2414. National ocean and coastal resources block grants.
Sec. 2415. Requirements on the use of block grants.
Sec. 2416. Relationship to other law.
Sec. 2417. Local governments.
Sec. 2418. Audit.
Sec. 2419. Rules and regulations.

Subtitle B—Revisions to the Outer Continental Shelf Program

Sec. 2431. Relationship to Outer Continental Shelf Leasing Program and existing law.
Sec. 2432. Specific regional Outer Continental Shelf planning areas.
Sec. 2433. Outer Continental Shelf leasing environmental sciences review.
Sec. 2434. Restrictions and requirements applicable to specific planning areas.
Sec. 2435. Alaska OCS subsistence review.
Sec. 2436. Definitions.

Subtitle C—Environmental Studies Program

Sec. 2441. Environmental studies.
Sec. 2442. Authorization of appropriations.

Subtitle D—Miscellaneous

Sec. 2451. Cancellation of leases.
Sec. 2452. Compensation for lease buybacks.
Sec. 2453. Evaluation of development potential.

Subtitle E—Alaska Resources

PART I—TRANS-ALASKA PIPELINE

Sec. 2461. Responsibility of right-of-way holder.
Sec. 2462. Exxon Valdez settlement fund land acquisition.
Sec. 2463. Subsistence claims against Trans-Alaska Pipeline Liability Fund.
Sec. 2464. TAPS remedy not exclusive.
Sec. 2465. Utility corridor.

PART B—ARCTIC RESEARCH

Sec. 2471. Funding for Arctic research programs.

Subtitle F—Transshipment of Plutonium Through United States Ports

TITLE XXV—COAL, OIL, AND GAS

Sec. 2501. Amendment to Surface Mining Act.
Sec. 2502. Hot Dry Rock Geothermal Energy.
Sec. 2503. Hot Dry Rock Geothermal Energy in Eastern United States.

TITLE XXVI—INDIAN ENERGY RESOURCES

Sec. 2601. Short title.
Sec. 2602. Definitions.
Sec. 2603. Treatment of Indian tribes as States.
Sec. 2604. Promoting energy resource development and energy vertical integration on Indian reservations.
Sec. 2605. Indian energy resource regulation.
Sec. 2606. Indian Energy Royalty Management Commission.

TITLE XXVII—INSULAR AREAS ENERGY SECURITY

Sec. 2701. Short title.
Sec. 2702. The Insular Areas Energy Security Amendment of 1992.
Sec. 2703. Definition.
Sec. 2704. Electricity requirements in Trust Territory of the Pacific Islands.
Sec. 2705. PCB0 cleanup in Marshall Islands and Federated States of Micronesia.

TITLE XXVIII—NUCLEAR PLANT LICENSING

Subtitle A—Hearing and One-Step Licensing

Sec. 2801. Requirement of hearing on the record; judicial review.
Sec. 2802. Preoperational hearing.
Sec. 2803. Combined construction permits and operating licenses.

Subtitle B—License Renewal

Sec. 2811. Standards for renewal and scope of proceedings.
Sec. 2812. Least-cost planning requirement.

Subtitle C—Judicial Review of Enforcement Petitions

Sec. 2821. Enforcement petitions and judicial review.

TITLE XXIX—RADIATION PROTECTION

Subtitle A—Below Regulatory Concern

Sec. 2901. State authority to regulate radiation below level of nrc regulatory concern.
Sec. 2902. Revocation of related nrc policy statements.

Subtitle B—Standards for Cleanup of Contaminated Sites

Sec. 2911. Generally applicable standards for cleanup of radiologically contaminated sites.

Subtitle C—Disposal Standards at Mill Tailings Sites

Sec. 2921. Disposal standards at mill tailings sites.

TITLE XXX—MISCELLANEOUS

Sec. 3001. Powerplant and Industrial Fuel Use Act of 1978 repeal.
Sec. 3002. Alaska Natural Gas Transportation Act of 1976 repeal.
Sec. 3003. Geothermal heat pumps.
Sec. 3004. Employee protection for nuclear whistleblowers.
Sec. 3005. Renewable Energy Park Demonstration Program.
Sec. 3006. Use of energy futures for fuel purchases.
Sec. 3007. Energy subsidy study.
Sec. 3008. Tar sands.
Sec. 3009. Exemption of certain research and educational licensees from annual charges.
Sec. 3010. Amendments to title 11 of the United states Code.

TITLE I—ENERGY EFFICIENCY

SEC. 101. FINDINGS, PURPOSE, AND DEFINITION.

(a) FINDINGS.—The Congress finds that the more efficient use of energy and the greater use of renewable energy can—

(1) improve energy security and the balance of trade by reducing energy imports;

(2) improve air quality by reducing combustion of fossil fuels;

(3) reduce emissions of carbon dioxide, a major "greenhouse" gas;

(4) save consumers money through reduced energy expenditures; and

(5) improve the international competitiveness of the United States economy.

(b) PURPOSE.—The purpose of this title is to encourage the more efficient use of energy and water.

(c) DEFINITION.—For the purposes of this title, the term "Secretary" means the Secretary of Energy.

Subtitle A—Buildings

SEC. 111. RESIDENTIAL AND COMMERCIAL BUILDING ENERGY EFFICIENCY CODES AND STANDARDS.

(a) IN GENERAL.—Title II of the National Energy Conservation Policy Act (42 U.S.C. 8211-8235l) is amended by adding at the end the following new part:

"PART 6—RESIDENTIAL AND COMMERCIAL BUILDING ENERGY EFFICIENCY CODES AND STANDARDS

"SEC. 271. UPDATING OF ENERGY EFFICIENCY CODES AND STANDARDS.

"(a) TECHNICAL ASSISTANCE.—(1) Not later than 12 months after the date of the enactment of this part, the Secretary shall establish a program to provide technical assistance in the updating, implementing, and enforcing the energy efficiency provisions in residential and commercial building codes. In establishing and carrying out such program, the Secretary shall provide such assistance to State and local code officials, building professionals, and building owners and operators involved in reviewing and analyzing current model codes and standards for residential and commercial building energy efficiency, in designing appropriate code amendments, in developing code administration, compliance, and enforcement methods, or in implementing and enforcing the codes.

"(2) Such technical assistance shall include direct analytical and training support and may include grants to States, local governments, and other organizations from funds available for such purpose. States which have certified that they have met the requirements of subsections (b) and (c) shall be given a priority for grants made to implement and enforce energy efficiency provisions of building codes.

"(3)(A) The Secretary shall establish a task force to advise in the development of the program described in paragraph (1) and to review the results of such program.

"(B) The task force shall include representatives from building scientists, nonprofit groups concerned with energy efficiency in buildings, utilities, manufacturers and installers of energy efficient materials and systems, the building construction industry, the financial community, code officials, State governments, and commercial building owners, operators, and managers.

"(b) CERTIFICATION OF RESIDENTIAL BUILDING ENERGY CODE UPDATES.—(1) Not later than two years after the date of the enactment of this part, each State shall certify that it has reviewed and updated its residential building code provisions affecting energy efficiency. This certification shall include a demonstration that the State's residential building energy efficiency code provisions meet or exceed the requirements of the Council of American Building Officials' Model Energy Code of 1989.

"(2)(A) Whenever the model energy code referred to in paragraph (1) (or any successor of such code) is revised in a manner that the Secretary determines will improve energy efficiency in residential dwellings, the Secretary shall publish a notice of such determination in the Federal Register.

"(B) During any year beginning after December 31, 1995, the Secretary may, for the purpose of improving energy efficiency in residential buildings, prescribe regulations containing energy efficiency requirements that exceed the requirements of—

"(i) if no determination has been made under subparagraph (A), the model energy code referred to in paragraph (1); or

"(ii) if a determination has been made under subparagraph (A), the most recent code for which such a determination has been made.

"(C) Whenever the Secretary makes a determination under subparagraph (A) or prescribes regulations under subparagraph (B), each State shall, not later than two years after the date of the publication of such determination or regulations, certify that it has reviewed and updated its residential building code provisions affecting energy efficiency in accordance with the model energy code for which a determination has been made under subparagraph (A) or the regulations prescribed under subparagraph (B), as the case may be. Such certification shall include a demonstration that the State's building energy efficiency code provisions meet or exceed such code or regulations.

"(c) CERTIFICATION OF COMMERCIAL BUILDING ENERGY CODE UPDATES.—(1) Not later than two years after the date of the enactment of this part, each State shall certify to the Secretary that it has reviewed and updated its commercial building code provisions affecting energy efficiency. This certification shall include a demonstration that the State's code provisions meet or exceed the requirements of the American Society of Heating, Refrigerating, and Air Conditioning Engineers Standard 90.1-1989.

"(2)(A) Whenever the standard referred to in paragraph (1) (or any successor of such standard) is revised in a manner that the Secretary determines will improve energy efficiency in commercial buildings, the Secretary shall publish a notice of such determination in the Federal Register.

"(B) During any year beginning after December 31, 1995, the Secretary may, for the purpose of improving energy efficiency in commercial buildings, prescribe regulations containing energy efficiency requirements that exceed the requirements of—

"(i) if no determination has been made under subparagraph (A), the standard referred to in paragraph (1); or

"(ii) if a determination has been made under subparagraph (A), the most recent standard for which such a determination has been made.

"(C) Whenever the Secretary makes a determination under subparagraph (A) or prescribes regulations under subparagraph (B), each State shall, not later than two years after the date of the publication of such determination or regulations, certify that it has reviewed and updated its commercial building code provisions affecting energy efficiency in accordance with the standard for which a determination has been made under subparagraph (A) or the regulations prescribed under subparagraph (B), as the case may be. Such certification shall include a demonstration that the State's building energy efficiency code provisions meet or exceed such standard or regulations.

"(d) EXTENSIONS.—The Secretary shall permit extensions of the deadlines for the certification requirements of subsections (b) and (c) if a State can demonstrate that it has made a good faith effort to comply with such requirements and that it has made significant progress in doing so.

"(e) PERIODIC REVIEW.—The Secretary shall, in consultation with the appropriate Federal agencies, periodically review the technical and economic basis of the provisions in widely used building energy standards and model energy codes developed through consensus processes with broad industry and public participation, such as those developed by the American Society of Heating, Refrigerating, and Air-conditioning Engineers and the Council of American Building Officials. Based upon the Secretary's review of these codes and standards and upon ongoing research on the energy efficiency of buildings and their components, the Secretary shall—

"(1) participate in any industry process carried out to review and modify energy provisions in building standards or codes;

"(2) recommend amendments to such energy provisions; and

"(3) seek adoption of all energy efficiency measures that are technically feasible and economically justified on a life-cycle cost basis.".

(b) CLERICAL AMENDMENTS.—(1) The National Energy Conservation Policy Act is amended by adding at the end of the table of contents for title II the following items:

"PART 6—RESIDENTIAL AND COMMERCIAL BUILDING ENERGY EFFICIENCY CODES AND STANDARDS.

"Sec. 271. Updating of energy efficiency codes and standards.".

(2) The title for title II of such Act, and the heading for such title in the table of contents of such Act, are amended to read as follows:

"TITLE II—ENERGY CONSERVATION IN GENERAL".

SEC. 112. VOLUNTARY HOME ENERGY EFFICIENCY RATINGS.

(a) IN GENERAL.—Title II of the National Energy Conservation Policy Act (42 U.S.C. 8211—8235i) is amended by adding at the end the following new part after the part added by section 111 of this Act:

"PART 7—VOLUNTARY ENERGY EFFICIENCY RATINGS FOR RESIDENTIAL BUILDINGS

"SEC. 281. RATINGS.

"(a) IN GENERAL.—Not later than 18 months after the date of the enactment of this part, the Secretary shall, by rule, prescribe regulations containing procedures that may be used by State and local governments, utilities, builders, and others to assign energy efficiency ratings to residential buildings.

"(b) CONTENTS OF RULE.—The regulations prescribed under subsection (a) shall—

"(1) establish a uniform rating scale—

"(A) that measures the efficiency of energy use in residential buildings while taking into account local differences in climate and construction practices; and

"(B) that does not discriminate against different fuel types;

"(2) using the uniform rating scale established under paragraph (1), establish methods, including format and content, of labeling that indicate the estimated annual heating and cooling cost of residential buildings that would be rated pursuant to such scale;

"(3) establish procedures for implementing the rating scale and labeling referred to in paragraphs (1) and (2), including methods that take into account variance in local needs;

"(4) establish requirements and procedures for certifying the accuracy of building energy analysis tools used to determine the energy ratings made pursuant to such regulation;

"(5) establish data collection and reporting requirements for organizations operating energy rating systems pursuant to such regulation; and

"(6) establish a Federal model home energy rating system—

"(A) that shall not supersede any local energy rating system but shall be used in technical assistance efforts; and

"(B) that shall be made available for optional use, at no charge, to States, local governments, and other organizations seeking to establish home energy ratings programs.

"(c) SPECIAL RULE.—In promulgating the procedures under this section, the Secretary shall provide that the supply of energy to any residential building from solar energy shall be credited toward the energy efficiency rating of such building.

"(d) UTILIZATION.—The procedures prescribed under this section shall be designed to facilitate use of the uniform rating scale and the labeling referred to in paragraphs (1) and (2) of subsection (b) by real estate agents, builders, lenders, and agencies in the secondary mortgage markets.

"SEC. 282. TECHNICAL ASSISTANCE.

"Not later than 18 months after the date of the enactment of this part, the Secretary shall establish and begin carrying out a program, with funds available for this purpose, to provide technical assistance to State and local governments, utilities, real estate agents, builders, lenders, agencies in the secondary mortgage markets, and others utilizing energy efficiency rating systems based on the procedures promulgated under this part. Technical assistance shall include direct assistance in the form of analytical support, training, and educational materials and may include grants to State and local governments and nonprofit organizations to assist in the development of home energy ratings systems.

"SEC. 283. REPORT.

"(a) Interim Report.—Not later than 24 months after the date of the enactment of this part, the Secretary shall transmit to the President and the Congress a report detailing—

"(1) the procedures prescribed under section 281;

"(2) any problems encountered in prescribing such procedures; and

"(3) actions taken to provide technical assistance under section 282.

"(b) Final Report.—Not later than 36 months after the date of the enactment of this part, the Secretary shall transmit to the President and the Congress a final report containing—

"(1) a description of the action taken by States, local governments, and other organizations to implement the energy efficiency ratings procedures described in section 281 and any problems encountered in implementing such procedures; and

"(2) recommendations on the feasibility of requiring, as a prerequisite to receiving federally assisted mortgages, the achievement of a certain threshold rating on the uniform rating scale established under section 281.".

(b) Clerical Amendment.—The National Energy Conservation Policy Act is amended by adding at the end of the table of contents for title II the following items after the items added by section 111(b) of this Act:

"Part 7—Voluntary Home Energy
Efficiency Ratings

"Sec. 281. Ratings.
"Sec. 282. Technical assistance.
"Sec. 283. Report.".

Subtitle B—Federal Agency Energy Management

SEC. 121. FEDERAL ENERGY MANAGEMENT AMENDMENTS.

(a) Purpose.—Section 542 of the National Energy Conservation Policy Act (42 U.S.C. 8252) is amended by inserting after "use of energy" the following: "and water, and the use of renewable energy sources,".

(b) Requirements for Federal Agencies.—Section 543 of such Act (42 U.S.C. 8253(a)) is amended—

(1) in the section heading by striking "**GOALS**" and inserting "**REQUIREMENTS**";

(2) in subsection (a) by striking "Goal" and inserting "Requirement";

(3) in subsection (a)(1) by inserting before the period at the end the following: "and so that the energy consumption per gross square foot of its Federal buildings in use during the fiscal year 2000 is at least 20 percent less than the energy consumption per gross square foot of its Federal buildings in use during fiscal year 1985"; and

(4) by redesignating subsection (b) as subsection (c) and inserting after subsection (a) the following:

"(b) Energy Management Requirement for Federal Agencies.—(1)(A) Not later than January 1, 2005, each agency shall, to the maximum extent practicable, install in Federal buildings owned by the United States all energy and water conservation measures with payback periods of less than 10 years, as determined by using the methods and procedures developed pursuant to section 544.

"(B) By January 1, 1994, each agency shall submit to the Secretary a list of projects meeting such 10-year payback criterion, the energy or water that each project will save, and the total energy, water, and cost savings involved.

"(C) The Secretary may waive the requirements of this subsection for any agency for such periods as the Secretary may determine if the Secretary finds that the agency is taking all practicable steps to meet the requirements and that the requirements of this subsection will pose an unacceptable burden upon the agency. If the Secretary waives the requirements of this subsection, the Secretary shall notify the Congress promptly in writing with an explanation and a justification of the reasons for such waiver.

"(D) Any agency which has jurisdiction of more than 300 buildings and facilities may determine its list of projects for the purpose of meeting the 10-year payback criterion by undertaking a technical and economic assessment of a statistically valid random sample of buildings and facilities.

"(2)(A) An agency may exclude from the requirements of paragraph (1) any Federal building or collection of Federal buildings, and the associated energy consumption and gross square footage, if the head of such agency finds that compliance with the requirements of paragraph (1) would be impractical. A finding of impracticability shall be based on the energy intensiveness of activities carried out in such Federal buildings or collection of Federal buildings, the type and amount of energy consumed, the technical feasibility of making the desired changes, and, in the cases of the Departments of Defense and Energy, the unique character of certain facilities operated by such Departments.

"(B) Each agency shall identify and list, in each report made under section 548, the Federal buildings designated by it for such exclusion. The Secretary of Energy shall review such findings for consistency with the impracticability standards set forth in subparagraph (A), and may within 90 days after receipt of the findings, reverse a finding of impracticability. In the case of any such reversal, the agency shall comply with the requirements of paragraph (1) for the building concerned.

"(3) This subsection shall not apply to an agency's facilities that generate or transmit electric energy or to the uranium enrichment facilities operated by the Department of Energy.".

(c) Implementation.—Section 543(c) of such Act (as redesignated by subsection (b)(4) of this section) is amended—

(1) in the material preceding paragraph (1), by striking out "achieve the goal established in subsection (a)" and inserting in lieu thereof "meet the requirements of this section";

(2) by striking out paragraph (1) and inserting in lieu thereof the following:

"(1) prepare and submit to the Secretary of Energy, within nine months after the date of the enactment of the Comprehensive National Energy Policy Act, a plan describing how the agency intends to meet such requirements, including how it will—

"(A) designate personnel primarily responsible for achieving such requirements;

"(B) identify high priority projects;

"(C) take maximum advantage of contracts authorized under title VIII of this Act, of financial incentives and other services provided by utilities for efficiency investment, and of other forms of financing to reduce the direct costs to the Government; and

"(D) otherwise implement this part;";

(3) by inserting the following before the semicolon at the end of paragraph (2): "and update such surveys as needed";

(4) by striking out paragraph (3) and inserting in lieu thereof the following:

"(3) using such surveys, determine the cost and payback period of energy and water conservation measures likely to achieve the requirements of this section;

"(4) install energy and water conservation measures that will attain the requirements of this section through the methods and procedures established pursuant to section 544; and"; and

(5) by redesignating paragraph (4) as paragraph (5).

(d) Life Cycle Cost Methods and Procedures.—Section 544(a) of such Act (42 U.S.C. 8254(a)) is amended by striking out "National Bureau of Standards," in the material preceding paragraph (1) and inserting in lieu thereof "National Institute of Standards and Technology,".

(e) Identification of Funds.—Section 545 of such Act (42 U.S.C. 8255) is amended to read as follows:

"SEC. 545. BUDGET TREATMENT FOR ENERGY CONSERVATION MEASURES.

"The President shall transmit to the Congress, along with each budget that is submitted to the Congress under section 1105 of title 31, United States Code, a statement of the amount of appropriations requested in such budget, if any, on an individual agency basis, for—

"(1) electric and other energy costs to be incurred in operating and maintaining agency facilities; and

"(2) compliance with the provisions of this part, the Energy Policy and Conservation Act (42 U.S.C. 6201 et seq.), and all applicable Executive orders, including Executive Order 12003 (42 U.S.C. 6201 note) and Executive Order 12759 (56 Fed. Reg. 16257).".

(f) Incentive Program.—Section 546 of such Act (42 U.S.C. 8256) is amended—

(1) by striking "(a) In General.—" and inserting in lieu thereof "(a) Contracts.—(1)";

(2) by redesignating subsection (b) as paragraph (2) and amending it to read as follows:

"(2) The Secretary shall, not later than 12 months after the date of the enactment of the Comprehensive National Energy Policy Act and after consultation with the Director of the Office of Management and Budget, the Secretary of Defense, and the Administrator of General Services, develop appropriate procedures and methods for use by agencies to—

"(A) select and enter into contracts with energy service contractors under title VIII of this Act;

"(B) identify, verify, and utilize, on a fiscal year basis, the cost savings resulting from such contracts; and

"(C) otherwise implement the incentives referred to in paragraph (1).";

(3) by striking out subsection (c); and

(4) by adding at the end the following new subsections:

"(b) Federal Energy Efficiency Fund.—(1) The Secretary shall establish a Federal Energy Efficiency Fund to provide grants to agencies to enable them to meet the requirements of section 543.

"(2) Not later than June 30, 1993, the Secretary shall issue guidelines to be followed by agencies submitting proposals for such grants. All agencies shall be eligible to submit proposals for grants under the Fund.

"(3) The Secretary shall, on a quarterly basis, award grants from the Fund after a competitive assessment of the technical and economic effectiveness of each agency proposal. The Secretary shall give preference to those proposals that leverage utility rebates or private financing, or both, or provide for a direct commitment of agency funding.

"(4) The Secretary shall transmit to the Congress, on an annual basis, a report detailing the amount of funds awarded to each agency, the energy and water conservation measures installed with such funds, and the projected energy and water savings to be realized from installed measures.

"(5) There are authorized to be appropriated to carry out this subsection not more than $10,000,000 for fiscal year 1993, $50,000,000 for fiscal year 1994, and such sums as may be necessary for fiscal years thereafter.

"(c) UTILITY INCENTIVE PROGRAMS.—(1) Agencies are authorized and encouraged to participate in programs for energy or water conservation or the management of electricity demand conducted by gas, water, or electric utilities and generally available to customers of such utilities.

"(2) Each agency may accept any financial incentive, generally available from any such utility, to conserve energy or water or manage electricity demand.

"(3) Each agency is encouraged to enter into negotiations with electric, water, and gas utilities to design cost-effective demand management and conservation incentive programs to address the unique needs of facilities utilized by such agency.

"(4) A public utility rate commission may not prohibit an agency from participating in a program which offers financial incentives for conservation of energy or water or for management of electricity, if participation in the program is generally permitted for customers of the utility.

"(d) FINANCIAL INCENTIVE PROGRAM FOR FACILITY ENERGY MANAGERS.—(1) The Secretary shall establish a financial bonus program to reward, with funds available for such purpose, outstanding facility energy managers in agencies.

"(2) Not later than June 1, 1993, the Secretary shall issue procedures for the bonus program, including the criteria to be used in selecting outstanding energy managers. Such criteria shall include, but not be limited to, evident success in generating utility incentives and shared energy saving contracts and in the amount of energy saved by conservation projects.

"(3) Each year the Secretary shall publish and disseminate to agencies a report highlighting the achievements of bonus award winners.

"(4) There is authorized to be appropriated to carry out this subsection not more than $250,000 for each of the fiscal years 1993, 1994, and 1995.

"(e) USE OF SAVINGS.—The head of each agency (other than the Department of Defense) shall provide that an amount equal to the energy and water cost savings realized by such agency with respect to funds appropriated for any fiscal year beginning after fiscal year 1992 (including financial benefits resulting from shared energy savings contracts under title VIII and financial incentives described in subsection (c)(2)) shall be available as follows:

"(1) ⅓ of such amount shall remain available for obligation through the end of the fiscal year following the fiscal year for which the funds were appropriated. Such funds shall be available, without additional authorization or appropriation, for the implementation of additional energy and water conservation measures by the agency, as determined by the head of such agency in agreement with the Administrator of General Services.

"(2) ⅓ of such amount shall remain available for obligation through the last day of the fiscal year following the fiscal year for which the funds were appropriated, without additional authorization or appropriation, for use by the agency in the buildings or facilities at which the savings were realized, consistent with applicable law and regulations.

"(3) ⅓ of such amount shall be deposited into the general fund of the Treasury for the purposes of deficit reduction.".

(g) REPORTS.—Section 548 of such Act (42 U.S.C. 8258) is amended by adding at the end the following new subsection:

"(c) OTHER REPORTS.—(1)(A) The Secretary, in consultation with the Administrator of the Environmental Protection Agency and the Administrator of General Services, shall conduct a study on the monetary value of the environmental benefits resulting from energy and water efficiency improvements in Federal buildings. In conducting this study, the Secretary shall review—

"(i) other studies that attempt to assign monetary values to environmental benefits or damages; and

"(ii) methods used by State regulatory authorities to incorporate environmental benefits into their State's regulation of utility activities.

"(B) The Secretary, not later than 24 months after the date of the enactment of this subsection, shall transmit to the Congress a report of the findings and conclusions of such study, including a recommendation as to whether the monetary values should be included in the methods and procedures established pursuant to section 544 and used to calculate the 10-year payback required by section 543.

"(2) The Secretary, in consultation with the Administrator of General Services and the Administrator of the Environmental Protection Agency, shall conduct a study of—

"(A) the life-cycle costs and benefits to the Federal Government of replacing all existing toilets, urinals, shower heads, and faucets in buildings owned by the Federal Government with models that have lower flow rates and are commercially available;

"(B) the environmental benefits of replacing the plumbing items referred to in subparagraph (A), taking into consideration the reduced energy and water use and sewage flow resulting from such replacement; and

"(C) the impact on the plumbing industry and such industry's low-flow products of a large-scale Federal purchase of the plumbing items referred to in subparagraph (A).

"(3) The Secretary, in consultation with the Administrator of General Services, the Secretary of Housing and Urban Development, and the International District Heating and Cooling Association, shall conduct a study and evaluate legal, institutional, and other constraints to connecting buildings owned or leased by the Federal Government to district heating and district cooling systems.

"(4) The Secretary, not later than 18 months after the date of the enactment of this subsection, shall transmit to the Congress a report containing the findings and conclusions of the studies carried out under paragraphs (2) and (3), including—

"(A) recommendations about what actions the Federal Government should take to conserve water in buildings and facilities which it owns or leases; and

"(B) recommendations for the development of streamlined processes for the consideration of connecting buildings owned or leased by the Federal Government to district heating and cooling systems.".

(h) FEDERAL PROGRAMS.—Such Act is amended—

(1) by redesignating section 549 as section 551; and

(2) by inserting the following new section after section 548:

"SEC. 549. INNOVATIVE ENERGY TECHNOLOGY PROGRAM.

"(a) ESTABLISHMENT.—The Secretary, in cooperation with the Administrator of General Services, shall establish a program to promote the use of advanced commercially available energy efficiency technologies and renewable energy technologies that have not been generally used in federally owned buildings and facilities.

"(b) SELECTION CRITERIA.—The Secretary shall select proposals to be funded under this section on the basis of—

"(1) cost-effectiveness;

"(2) system reliability in a working environment;

"(3) lack of market penetration in the Federal sector;

"(4) the potential needs of the proposing Federal agency for the technology, projected over 5 to 10 years;

"(5) the potential Federal sector market, projected over 5 to 10 years;

"(6) energy conservation; and

"(7) other environmental benefits, including the projected reduction of greenhouse gas emissions and indoor air pollution.

"(c) PROPOSALS.—Federal agencies may submit to the Secretary for each fiscal year proposals for projects to be funded by the Secretary under this section. Each such proposal shall include—

"(1) a description of the proposed project emphasizing the innovative use of technology in the Federal sector;

"(2) a description of the technical reliability and cost-effectiveness data expected to be acquired;

"(3) an identification of the potential needs of the Federal agency for the technology;

"(4) a commitment to adopt the technology, if the project establishes its technical reliability and life cycle cost-effectiveness, to supply at least 10 percent of the Federal agency's potential needs identified under paragraph (3);

"(5) schedules and milestones for installing additional units; and

"(6) a technology transfer plan to publicize the results of the project.

"(d) PARTICIPATION BY GSA.—The Secretary may only select a project for funding under this section which is proposed to be carried out in a building under the jurisdiction of the General Services Administration if the project will be carried out by the Administrator of General Services. If such project involves a total expenditure in excess of $1,600,000, no appropriation shall be made for such project unless such project has been approved by a resolution adopted by the Committee on Public Works and Transportation of the House of Representatives.

"(e) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary for carrying out this section $5,000,000 for each of the fiscal years 1993, 1994, and 1995.".

(i) TECHNICAL AMENDMENTS.—(1) Section 548(a)(2) of such Act is amended—

(A) by striking "546(b)" and inserting in lieu thereof "546(a)(2)"; and

(B) by striking "546(c)" and inserting in lieu thereof "546(e)".

(2) The table of contents of such Act is amended by striking the item for section 549

and inserting in lieu thereof the following new items:

"Sec. 549. Innovative energy technology program.

"Sec. 550. Intergovernmental energy management planning and coordination.

"Sec. 551. Definitions.".

SEC. 122. INTERGOVERNMENTAL ENERGY MANAGEMENT PLANNING AND COORDINATION.

The National Energy Conservation Policy Act (42 U.S.C. 6201-8287c) is amended by inserting after section 549 the following new section:

"SEC. 550. INTERGOVERNMENTAL ENERGY MANAGEMENT PLANNING AND COORDINATION.

"(a) CONFERENCE WORKSHOPS.—The Secretary, in consultation with the General Services Administration and the Task Force established under section 547, shall hold regular, biennial conference workshops in each of the 10 standard Federal regions on energy management, conservation, efficiency, and planning strategy in the case of Federal buildings. The Secretary shall work and consult with other Federal agencies to plan for particular regional conferences. The Secretary shall invite State and local public officials, as appropriate, who have responsibilities for energy management of State and local facilities and shall seek the input of, and be responsive to, the views of such State and local officials in the planning and organization of such workshops.

"(b) FOCUS OF WORKSHOPS.—Such workshops and conferences shall focus on the following (but may include other topics relating to strategy):

"(1) Developing strategies among Federal, State, and local governments to coordinate energy management policies and to maximize available intergovernmental energy management resources within the region regarding the use of governmental facilities and buildings.

"(2) The design, construction, maintenance, and retrofitting of Federal facilities to incorporate energy efficient techniques.

"(3) Procurement and use of energy efficient products.

"(4) Dissemination of energy information on innovative programs, technologies, and methods which have proven successful in government.

"(5) Technical assistance to design and incorporate effective energy management strategies.

"(c) ESTABLISHMENT OF WORKSHOP TIMETABLE.—In the annual report required under section 548(b), the Secretary shall set forth the schedule for the regional energy management workshops for that year. Not less than 5 workshops shall be held not later than 1 year after the date of the enactment of this Act, and at least 1 such workshop shall be held in each of the 10 Federal regions every 2 years beginning after September 30, 1993.".

SEC. 123. FEDERAL AGENCY ENERGY MANAGEMENT TRAINING.

(a) ENERGY MANAGEMENT TRAINING.—(1) Each executive department described under section 101 of title 5, United States Code, the Environmental Protection Agency, the National Aeronautics and Space Administration, the General Services Administration, and the United States Postal Service shall establish and maintain a program to ensure that facility energy managers are trained energy managers as defined under subsection (e)(2). Such programs shall be managed—

(A) by the department or agency representative on the Task Force; or

(B) if a department or agency is not represented on the Task Force, by the designee of the head of such department or agency.

(2) Departments and agencies described in paragraph (1) shall encourage appropriate employees to participate in energy manager training courses. Employees may enroll in courses of study in the areas described in subsection (e)(2) including, but not limited to, courses offered by—

(A) private or public educational institutions;

(B) Federal agencies; or

(C) professional associations.

(b) REPORT TO TASK FORCE.—(1) Each department and agency described in subsection (a)(1) shall, not later than 60 days following the date of the enactment of this Act, report to the Task Force the following information:

(A) Those individuals employed by such department or agency on the date of the enactment of this Act who qualify as trained energy managers as defined in subsection (e)(2).

(B) The General Schedule (GS) or grade level at which each of the individuals described in subparagraph (A) is employed.

(C) The facility or facilities for which such individuals are responsible or otherwise stationed.

(2) The Task Force shall provide a summary of the reports described in paragraph (1) to the Congress.

(c) REQUIREMENTS AT FEDERAL FACILITIES.—(1) Not later than one year after the date of the enactment of this Act, the departments and agencies described under subsection (a)(1) shall upgrade their energy management capabilities by—

(A) designating facility energy supervisors as defined in subsection (e)(1);

(B) encouraging facility energy supervisors to become trained energy managers, as defined in subsection (e)(2); and

(C) increasing the overall number of trained energy managers within such department or agency to a sufficient level to ensure effective implementation of this Act.

(2) Departments and agencies described in subsection (a)(1) may hire trained energy managers to be facility energy supervisors. Trained energy managers, including those who are facility supervisors as well as other trained personnel, shall focus their efforts on improving energy efficiency in the following facilities—

(A) department or agency facilities identified as most costly to operate or most energy inefficient; or

(B) other facilities identified by the department or agency head as having significant energy savings potential.

(d) ANNUAL REPORT TO SECRETARY AND CONGRESS.—Each department and agency listed in subsection (a)(1) shall report to the Secretary on the status and implementation of the requirements of this section. The Secretary shall include a summary of each such report in the annual report to Congress as required under section 548(b) of the National Energy Conservation Policy Act (42 U.S.C. 8258).

(e) DEFINITIONS.—For the purposes of this section—

(1) the term "facility energy supervisor" means the employee with responsibility for the daily operations of a Federal facility, including the management, installation, operation, and maintenance of energy systems in Federal facilities which may include more than one building;

(2) the term "trained energy manager" means a person who has demonstrated proficiency, or who has completed a course of study in the areas of fundamentals of building energy systems; building energy codes and applicable professional standards; energy accounting and analysis; life-cycle cost methodology; fuel supply and pricing; and instrumentation for energy surveys and audits; and

(3) the term "Task Force" means the Interagency Energy Management Task Force established under section 547 of the National Energy Conservation Policy Act (42 U.S.C. 8257).

SEC. 124. IDENTIFICATION AND ATTAINMENT OF AGENCY ENERGY REDUCTION AND MANAGEMENT GOALS.

Section 3 of the Federal Energy Management Improvement Act of 1988 (42 U.S.C. 8253 note) is amended—

(1) in subsection (a)—

(A) by striking out "using funds appropriated to carry out this section," and inserting in lieu thereof "in consultation with the Interagency Energy Management Task Force established under section 547 of the National Energy Conservation Policy Act,";

(B) in paragraph (1), by striking out "and" after the semicolon;

(C) in paragraph (2), by striking out the period and inserting in lieu thereof "; and"; and

(D) by adding at the end thereof the following new paragraph:

"(3) determining barriers which may prevent an agency's ability to comply with section 543 of the National Energy Conservation Policy Act (42 U.S.C. 8253) and other energy management goals.";

(2) in subsection (b)(1), by striking out "Congress, within 180 days after the date on which funds are appropriated to carry out this section," and inserting in lieu thereof "the Committee on Energy and Commerce and the Committee on Public Works and Transportation of the House of Representatives, within 180 days after the date of the enactment of the Comprehensive National Energy Policy Act,"; and

(3) in subsection (d)—

(A) by striking out "Congress" and inserting in lieu thereof "Committee on Energy and Commerce and the Committee on Public Works and Transportation of the House of Representatives,"; and

(B) by adding at the end thereof "The report shall include an analysis of the probability of each agency achieving the 20 percent reduction goal by January 1, 2000, established under Executive Order No. 12759.".

SEC. 125. ENERGY AUDIT TEAMS.

(a) ESTABLISHMENT.—The Secretary shall assemble from existing personnel with appropriate expertise, and with particular utilization of the national laboratories, and make available to all Federal agencies, one or more energy audit teams which shall be equipped with instruments and other advanced equipment needed to perform energy audits of Federal facilities.

(b) MONITORING PROGRAMS.—The Secretary shall also assist in establishing, at each site that has utilized an energy audit team, a program for monitoring the implementation of energy efficiency improvements based upon energy audit team recommendations, and for recording the operating history of such improvements.

SEC. 126. PROCUREMENT AND IDENTIFICATION OF ENERGY EFFICIENT PRODUCTS.

(a) PROCUREMENT.—The Administrator of General Services, the Secretary of Defense, and the Director of the Defense Logistics Agency, each shall undertake a program to include energy efficient products in carrying out their procurement and supply functions.

(b) IDENTIFICATION PROGRAM.—The Administrator of General Services, the Secretary of

Defense, and the Director of the Defense Logistics Agency, in consultation with the Secretary of Energy, each shall implement, in conjunction with carrying out their procurement and supply functions, a program to identify and designate those energy efficient products that offer significant potential savings, using, to the extent practicable, the life cycle cost methods and procedures developed under section 544 of the National Energy Conservation Policy Act (42 U.S.C. 8254). The Secretary of Energy shall, to the extent necessary to carry out this section and after consultation with the aforementioned agency heads, provide estimates of the degree of relative energy efficiency of products.

(c) GUIDELINES.—The Administrator for Federal Procurement Policy, in consultation with the Administrator of General Services, the Secretary of Energy, the Secretary of Defense, and the Director of the Defense Logistics Agency, shall issue guidelines to encourage the acquisition and use by all Federal agencies of products identified pursuant to this section. The Secretary of Defense and the Director of the Defense Logistics Agency shall consider, and place emphasis on, the acquisition of such products as part of the Agency's ongoing review of military specifications.

(d) REPORT TO CONGRESS.—Not later than December 31 of 1993 and of each year thereafter, the Secretary of Energy, in consultation with the Administrator for Federal Procurement Policy, the Administrator of General Services, the Secretary of Defense, and the Director of the Defense Logistics Agency, shall report on the progress, status, activities, and results of the programs under subsections (a), (b), and (c). The report shall include—

(1) the types and functions of each product identified under subsection (b), and efforts undertaken by the Administrator of General Services, the Secretary of Defense, and the Director of the Defense Logistics Agency to encourage the acquisition and use of such products;

(2) the actions taken by the Administrator of General Services, the Secretary of Defense, and the Director of the Defense Logistics Agency to identify products under subsection (b), the barriers which inhibit implementation of identification of such products, and recommendations for legislative action, if necessary;

(3) progress on the development and issuance of guidelines under subsection (c);

(4) an indication of whether energy cost savings technologies identified by the Advanced Building Technology Council, under section 809(h) of the National Housing Act (12 U.S.C. 1701j–2), have been used in the identification of products under subsection (b);

(5) an estimate of the potential cost savings to the Federal Government from acquiring products identified under subsection (b) with respect to which energy is a significant component of life cycle cost, based on the quantities of such products that could be utilized throughout the Government; and

(6) the actual quantities acquired of products described in paragraph (5).

Subtitle C—Electricity and Utilities

PART 1—ELECTRIC UTILITIES

SEC. 131. ENCOURAGEMENT OF INVESTMENTS IN CONSERVATION AND ENERGY EFFICIENCY.

(a) IN GENERAL.—Section 111(d) of the Public Utility Regulatory Policies Act of 1978 (16 U.S.C. 2621(d)) is amended by inserting at the end the following new paragraphs:

"(7) LEAST-COST PLANNING.—Each electric utility shall employ least-cost planning in order to provide adequate and reliable service to its electric customers at the lowest system cost. All plans or filings of a State regulated electric utility before a State regulatory authority to meet the requirements of this paragraph shall (A) be updated on a regular basis, (B) provide the opportunity for public participation and comment, (C) provide for methods of validating predicted performance, and (D) contain a requirement that the plan be implemented after approval of the State regulatory authority.

"(8) INVESTMENTS IN CONSERVATION AND DEMAND MANAGEMENT.—The rates charged by any electric utility shall be such that the utility's prudent investments in, and expenditures for, energy conservation and load shifting programs and for other energy demand management measures which are consistent with the findings and purposes of title I of the Comprehensive National Energy Policy Act are at least as profitable (taking into account the income lost due to reduced sales resulting from such programs) as prudent investments in, and expenditures for, generation, transmission, and distribution facilities.

"(9) ENERGY EFFICIENCY IMPROVEMENTS IN POWER GENERATION AND SUPPLY.—The rates charged by any electric utility shall be such that the utility is encouraged to make investments in, and expenditures for, all cost-effective improvements in the energy efficiency of power generation and supply. In considering regulatory changes to achieve the objectives of this paragraph, State regulatory authorities and nonregulated electric utilities shall reduce or eliminate disincentives to better maintenance by electric utilities and investment by electric utilities in more efficient power generation, transmission, and distribution technologies.

"(10) INCLUSION OF EXTERNAL COSTS.—The utility's least cost plans shall include, to the greatest extent practicable, the external costs and benefits of providing electric service, including but not limited to environmental impacts, maintaining access to foreign and domestic sources of supply, employment opportunities, economic development, and health.".

(b) IMPACT ON SMALL BUSINESS.—Section 111 of such Act is amended by inserting the following new subsection at the end thereof:

"(e) SMALL BUSINESS IMPACTS.—If a State regulatory authority implements a standard established by subsection (d)(7) or (8), such authority shall (1) consider the impact that implementation of such standard would have on small businesses engaged in the design, sale, supply, installation, or servicing of energy conservation, energy efficiency, or other demand side management measures, and (2) implement such standard so as to assure that utility actions would not provide such utilities with unfair competitive advantages over such small businesses.".

(c) EFFECTIVE DATE.—Section 112(b) of such Act is amended by inserting "(or after the enactment of the Comprehensive National Energy Policy Act in the case of standards under paragraphs (7), (8), (9), and (10) of section 111(d))" after "Act" in both places such word appears in paragraphs (1) and (2).

(d) DEFINITION OF LEAST COST PLANNING.—Section 3 of such Act is amended by adding the following new paragraph at the end:

"(19) The term 'least-cost planning' means planning by use of any standard, regulation, practice, or policy by which a State regulatory agency undertakes, or requires an electric or gas utility to undertake, a systematic comparison of energy efficiency, transmission, distribution, generation and supply investment opportunities to minimize life-cycle costs of adequate and reliable utility services to customers. Least-cost planning shall take into account necessary features for system operation such as diversity, reliability, dispatchability, and other factors of risk and shall treat demand and supply resources on a consistent and integrated basis.".

(e) REPORT.—Not later than 2 years after the date of the enactment of this Act, the Secretary of Energy shall transmit a report to the President and to the Congress containing a survey of all State laws, regulations, practices, and policies under which State regulatory authorities—

(1) require least-cost planning (as defined in the Public Utility Regulatory Policies Act of 1978); and

(2) implement the provisions of paragraphs (7), (8), (9), and (10) of section 111(d) of the Public Utility Regulatory Policies Act of 1978 (as added by subsection (a) of this section).

The report shall include an analysis prepared in consultation with the Federal Trade Commission, of the competitive impact of implementation of energy conservation, energy efficiency, and other demand side management programs by utilities on small businesses engaged in the design, sale, supply, installation, or servicing of similar energy conservation, energy efficiency, or other demand side management measures and whether any unfair, deceptive, or predatory acts or practices exist, or are likely to exist, from implementation of such programs.

SEC. 132. TENNESSEE VALLEY AUTHORITY LEAST-COST PLANNING PROGRAM.

(a) IN GENERAL.—The Tennessee Valley Authority shall conduct a least-cost planning program in accordance with this section.

(b) CONDUCT OF PROGRAM.—

(1) IN GENERAL.—In conducting a least-cost planning program under subsection (a), the Tennessee Valley Authority shall employ and implement a planning and selection process for new energy resources which evaluates the full range of existing and incremental resources (including new power supplies, energy conservation and efficiency, and renewable energy resources) in order to provide adequate and reliable service to electric customers of the Tennessee Valley Authority at the lowest system cost.

(2) PLANNING AND SELECTION PROCESS.—The planning and selection process referred to in paragraph (1) shall—

(A) take into account necessary features for system operation, including diversity, reliability, dispatchability, and other factors of risk;

(B) take into account the ability to verify energy savings achieved through energy conservation and efficiency and the projected durability of such savings measured over time; and

(C) treat demand and supply resources on a consistent and integrated basis.

(3) SYSTEM COST DEFINED.—As used in paragraph (1), the term "system cost" means all direct and quantifiable net costs for an energy resource over its available life, including the cost of production, transportation, utilization, waste management, environmental compliance, and, in the case of imported energy resources, maintaining access to foreign sources of supply.

(c) PARTICIPATION BY DISTRIBUTORS.—

(1) IN GENERAL.—In conducting a least-cost planning program under subsection (a), the Tennessee Valley Authority shall—

(A) provide an opportunity for distributors of the Tennessee Valley Authority to recommend cost-effective energy efficiency opportunities, rate structure incentives, and renewable energy proposals for inclusion in such program; and

(B) encourage and assist such distributors in the planning and implementation of cost-effective energy efficiency options.

(2) ASSISTANCE.—The Tennessee Valley Authority shall provide appropriate assistance to distributors under paragraph (1)(B). Such assistance shall, where cost effective, be provided by the Tennessee Valley Authority acting through, or in cooperation with, an association of distributors. Such assistance may include publications, workshops, conferences, one-on-one assistance, financial assistance, equipment loans, technology assessment studies, marketing studies, and other appropriate mechanisms to transfer information on energy efficiency and renewable energy options and programs to customers.

(d) PUBLIC REVIEW AND COMMENT.—Before the selection and addition of a major new energy resource on the Tennessee Valley Authority system, the Tennessee Valley Authority shall provide an opportunity for public review and comment and shall include a description of any such action in an annual report to the President and Congress.

(e) EXEMPTION FROM CERTAIN REQUIREMENTS.—The Tennessee Valley Authority shall not be subject to the least-cost planning requirements contained in section 111(d) of the Public Utility Regulatory Policies Act of 1978 or any similar requirement which might arise out of the Tennessee Valley Authority's electric power transactions with the Southeastern Power Administration.

SEC. 133. AMENDMENT OF HOOVER POWER PLANT ACT.

Title II of the Hoover Power Plant Act of 1984 (42 U.S.C. 7275-76, Public Law 98-381) is amended to read as follows:

"TITLE II—INTEGRATED RESOURCE PLANNING

"Sec. 201. Definitions.
"Sec. 202. Regulations to require integrated resource planning.
"Sec. 203. Technical assistance.
"Sec. 204. Integrated resource plans.
"Sec. 205. Central Valley Project energy efficiency pilot program.
"Sec. 206. Miscellaneous provisions.

"SEC. 201. DEFINITIONS.

"As used in this title:

"(1) The term 'Administrator' means the Administrator of the Western Area Power Administration.

"(2) The term 'integrated resource planning' means planning by which a customer undertakes a systematic comparison of all practicable energy efficiency and energy supply resource options (including load-management programs and renewable energy resources) to identify least-cost options for providing reliable electric service. Integrated resource planning shall take into account necessary features for system operations, such as diversity, reliability, dispatchability, and other factors of risk.

"(3) The term 'least cost option' means an option for providing reliable electric services to electric customers which will, to the extent practicable, minimize life-cycle system costs, including adverse environmental effects, of providing such service. To the extent practicable, energy efficiency and renewable resources may be given priority in any least-cost option.

"(4) The term 'long-term firm power service contract' means any contract for the sale by Western Area Power Administration of firm capacity, with or without energy, which is to be delivered over a period of more than one year.

"(5) The terms 'customer' or 'customers' means any entity or entities purchasing firm capacity with or without energy, from the Western Area Power Administration under a long-term firm power service contract. Such terms include parent-type entities and their distribution or user members.

"(6) For any customer, the term 'applicable integrated resource plan' means the integrated resource plan approved by the Administrator under this title for that customer.

"SEC. 202. REGULATIONS TO REQUIRE INTEGRATED RESOURCE PLANNING.

"(a) REGULATIONS.—Within 1 year after the enactment of this section, the Administrator shall, by regulation, revise the Final Amended Guidelines and Acceptance Criteria for Customer Conservation and Renewable Energy Programs published in the Federal Register on August 21, 1985 (50 F.R. 33892), or any subsequent amendments thereto, to require each customer purchasing electric energy under a long-term firm power service contract with the Western Area Power Administration to implement, within 3 years after the enactment of this section, integrated resource planning in accordance with the requirements of this title.

"(b) CERTAIN SMALL CUSTOMERS.—Notwithstanding subsection (a), for customers with total annual energy sales or usage of 25 Gigawatthours or less which are not members of a joint action agency or a generation and transmission cooperative with power supply responsibility, the Administrator may establish different regulations and apply such regulations to customers that the Administrator finds have limited economic, managerial, and resource capability to conduct integrated resource planning. The regulations under this subsection shall require such customers to consider all reasonable opportunities to meet their future energy service requirements using demand-side techniques, new renewable resources and other programs that will provide retail customers with electricity at the lowest possible cost, and minimize, to the extent practicable, adverse environmental effects.

"SEC. 203. TECHNICAL ASSISTANCE.

"(a) IN GENERAL.—The Administrator shall provide technical assistance to customers to, among other things, conduct integrated resource planning, implement applicable integrated resource plans, and otherwise comply with the requirements of this title. Technical assistance may include publications, workshops, conferences, one-to-one assistance, equipment loans, technology and resource assessment studies, marketing studies, and other mechanisms to transfer information on energy efficiency and renewable energy options and programs to customers. The Administrator shall give priority to providing technical assistance to customers that have limited capability to conduct integrated resource planning.

"(b) PILOT PROGRAMS.—Within 12 months after the enactment of this section, the Administrator shall develop pilot programs to assist its customers in understanding the benefits, costs and potential of demand-side management. The Administrator shall design programs to:

"(1) develop information regarding the benefits, costs and potential of demand-side management for each major customer class;

"(2) develop information regarding the benefits, costs and potential of demand-side management that focuses on these factors on a regional or subregional basis; and

"(3) develop information that is not already otherwise available to the Administrator and its customers.

"(c) FULL SCALE PILOT PROGRAMS.—On the basis of the information developed pursuant to subsection (b) of this section and any other information available to the Administrator, the Administrator shall design full-scale, cost-effective demand-side management programs that the Western Area Power Administration and its customers may utilize.

"(d) ENVIRONMENTAL COSTS.—The Administrator shall document and make available information regarding various methodologies to quantify environmental costs, values of demand-side management, and energy supply-side resource options.

"SEC. 204. INTEGRATED RESOURCE PLANS.

"(a) REVIEW BY WESTERN AREA POWER ADMINISTRATION.—Within 1 year after the enactment of this section, the Administrator shall, by regulation, revise the Final Amended Guidelines and Acceptance Criteria for Customer Conservation and Renewable Energy Programs published in the Federal Register on August 21, 1985 (50 F.R. 33892), or any subsequent amendments thereto, to require each customer to submit an integrated resource plan to the Administrator within 12 months after such regulations are amended. The regulation shall require a revision of such plan to be submitted every 5 years after the initial submission. The Administrator shall review the initial plan in accordance with a schedule established by the Administrator (which schedule will provide for the review of all initial plans within 24 months after such regulations are amended), and each revision thereof within 120 days after his receipt of the plan or revision and determine whether the customer has in the development of the plan or revision, complied with this title. Plan amendments may be submitted to the Administrator at any time and the Administrator shall review each such amendment within 120 days after receipt thereof to determine whether the customer in amending its plan has complied with this title. If the Administrator determines that the customer, in developing its plan, revision, or amendment, has not complied with the requirements of this title, the customer shall resubmit the plan at any time thereafter. Whenever a plan or revision or amendment is resubmitted the Administrator shall review the plan or revision or amendment within 120 days after his receipt thereof to determine whether the customer has complied with this title.

"(b) CRITERIA FOR APPROVAL OF INTEGRATED RESOURCE PLANS.—The Administrator shall approve an integrated resource plan submitted as required under subsection (a) if, in developing the plan, the customer has:

"(1) Identified and accurately compared all practicable energy efficiency and energy supply resource options available to the customer.

"(2) Included a 2-year action plan and a 5-year action plan which describe specific actions the customer will take to implement its integrated resource plan.

"(3) Designated 'least-cost options' to be utilized by the customer for the purpose of providing reliable electric service to its retail consumers and explained the reasons why such options were selected.

"(4) To the extent practicable, minimized adverse environmental effects of new resource acquisitions.

"(5) In preparation and development of the plan (and each revision or amendment of the plan) has provided for full public participation, including participation by governing boards.

"(6) Included load forecasting.

"(7) Provided methods of validating predicted performance in order to determine whether objectives in the plan are being met.

"(8) Met such other criteria as the Administrator shall require.

"(c) Use of Other Integrated Resource Plans.—Where a customer or group of customers are implementing integrated resource planning under a program responding to Federal, State, or other initiatives, in evaluating that customer's integrated resource plan under this title, the Administrator shall accept such plan as fulfillment of the requirements of this title to the extent such plan substantially complies with the requirements of this title.

"(d) Compliance With Integrated Resource Plans.—Within 1 year after the enactment of this section, the Administrator shall, by regulation, revise the Final Amended Guidelines and Acceptance Criteria for Customer Conservation and Renewable Energy Programs published in the Federal Register on August 21, 1985 (50 F.R. 33892), or any subsequent amendments thereto, to require each customer to fully comply with the applicable integrated resource plan and submit an annual report to the Administrator (in such form and containing such information as the Administrator may require) describing the customer's progress to the goals established in such plan. After the initial review under subsection (a) the Administrator shall periodically conduct reviews of a representative sample of applicable integrated resource plans and the customer's implementation of the applicable integrated resource plan to determine if the customers are in compliance with their plans. If the Administrator finds a customer out-of-compliance, the Administrator shall impose a surcharge under this section on all electric energy purchased by the customer from the Western Area Power Administration or reduce such customer's power allocation by 10 percent, unless the Administrator finds that a good faith effort has been made to comply with the approved plan.

"(e) Enforcement.—

"(1) No approved plan.—If an integrated resource plan for any customer is not submitted before the date 12 months after the guidelines are amended as required under this section or if the plan is disapproved by the Administrator and a revised plan is not resubmitted by the date 9 months after the date of such disapproval, the Administrator shall impose a surcharge of 10 percent of the purchase price on all power obtained by that customer from the Western Area Power Administration after such date. The surcharge shall remain in effect until an integrated resource plan is approved for that customer. If the plan is not submitted for more than one year after the required date, the surcharge shall increase to 20 percent for the second year (or any portion thereof prior to approval of the plan) and to 30 percent thereafter until the plan is submitted or the contract for the purchase of power by such customer customer from the Western Area Power Administration terminates.

"(2) Failure to comply with approved plan.—After approval by the Administrator of an applicable integrated resource plan for any customer, the Administrator shall impose a 10 percent surcharge on all power purchased by such customer from the Western Area Power Administration whenever the Administrator determines that such customer's activities are not consistent with the applicable integrated resource plan. The surcharge shall remain in effect until the Administrator determines that the customer's activities are consistent with the applicable integrated resource plan. The surcharge shall be increased to 20 percent if the customer's activities are out of compliance for more than one year and to 30 percent after more than 2 years, except that no surcharge shall be imposed if the customer demonstrates, to the satisfaction of the Administrator, that a good faith effort has been made to comply with the approved plan.

"(3) Reduction in power allocation.—In the case of any customer subject to a surcharge under paragraph (1) or (2), in lieu of imposing such surcharge the Administrator may reduce such customer's power allocation from the Western Area Power Administration by 10 percent. The Administrator shall provide by regulation the terms and conditions under which a power allocation terminated under this subsection may be reinstated.

"(4) Suits to require enforcement.—A retail customer of any customer may bring an action against the Administrator to require the Administrator to—

"(A) immediately approve or disapprove a plan or plan revision or amendment whenever the Administrator has failed to approve or disapprove such plan or plan revision or amendment within the applicable time period specified in subsection (a); or

"(B) impose a surcharge or power allocation reduction on any customer whenever such surcharge or reduction is mandated in accordance with paragraphs (1), (2), and (3) of this subsection.

The United States District Courts shall have jurisdiction in any action under this paragraph, without regard to the amount in controversy or the citizenship of the parties, to require the Administrator to immediately approve or disapprove a plan or plan revision or amendment or to impose a surcharge or power allocation reduction on any customer, as the case may be. No action may be brought under this paragraph until 60 days after the plaintiff has given notice to the Administrator of the proposed action.

"(f) Integrated Resource Planning Cooperatives.—With the approval of the Administrator, customers within any State or region may form integrated resource planning cooperatives for the purposes of complying with this title, and such customers shall be allowed an additional 6 months to submit an initial integrated resource plan to the Administrator.

"(g) Customers With More Than 1 Contract.—If more than one long-term firm power service contract exists between the Administrator and a customer, only one integrated resource plan shall be required for that customer under this title.

"(h) Program Review.—Within 1 year after January 1, 1999, and at appropriate intervals thereafter, the Administrator shall initiate a public process to review the program established by this section. The Administrator is authorized at that time to revise the criteria set forth in section 204(b) to reflect changes, if any, in technology, needs, or other developments.

"(i) Renewable Energy.—(1) Within 12 months after the date of enactment of this title, the Administrator shall establish a Renewable Energy Joint Venture Fund to provide assistance under paragraph (2). There is authorized to be appropriated to the Administrator not more than $25,000,000 to be deposited in the Renewable Energy Joint Venture Fund. Expenditures from the Renewable Energy Joint Venture Fund shall be nonreimbursable. Not more than $5,000,000 may be expended from the fund for providing assistance to a single project.

"(2) Upon the request of a Western Area Power Administration customer, the Administrator is authorized to use amounts available in the Renewable Energy Joint Venture Fund to provide such technical and related assistance to such customer in accordance with paragraph (3) as is necessary to facilitate the development and design of cost-effective renewable energy projects by such customer.

"(3) Assistance provided under paragraph (2) may consist of grants to cover the capital costs of renewable energy projects. Such assistance shall not exceed an amount equal to 50 percent of the total capital costs of any project (including the total capital costs of any necessary transmission interconnections for such renewable energy project).

"(4) As used in this subsection, the term 'renewable energy' has the same meaning as provided by section 808 of Public Law 101-549.

"(5) The provisions of this subsection shall terminate 3 years after the enactment of the Energy Development and Environmental Protection Act.

"SEC. 205. CENTRAL VALLEY PROJECT ENERGY EFFICIENCY PILOT PROGRAM.

"(a) Energy Efficiency and Conservation Improvements.—Within 1 year after the enactment of this section, the Secretary of Energy, in cooperation with the Secretary of Interior, is directed to promulgate regulations and implement a public process whereby any entity with a long-term firm power service Central Valley Project (hereinafter referred to as 'CVP') contract may propose to the Administrator energy efficiency and conservation improvements in the CVP water delivery, power generation, transmission systems, and associated irrigation and water systems, provide all financing for such efficiency improvements, and receive 80 percent of the energy and capacity savings produced from such improvements. Any energy efficiency improvements which are approved by the Administrator under subsection (c) shall be implemented by the Administrator or by the Secretary of the Interior.

"(b) Duration of Receipt of Efficiency Savings.—An entity providing financing for an efficiency improvement referred to in subsection (a) shall receive, through a contract with the Administrator, 80 percent of all savings that result from such efficiency improvement, for a period of not more than 20 years. After such contract expires, the savings shall be made available for other project purposes as authorized by law.

"(c) Energy Efficiency Savings.—Any entity receiving energy efficiency savings under subsection (b) shall only receive 80 percent of those energy efficiency savings directly produced from efficiency improvements that they have provided financing for and that have been independently verified.

"(d) Criteria for Approval.—The Administrator shall approve any energy efficiency or conservation improvement referred to in subsection (a) based on the following criteria:

"(1) The technical feasibility of the improvement.

"(2) The amount of energy saved in relation to amount of money invested.

"(3) The lack of negative effect of the improvement on others.

"(4) The capability of the entity to finance the proposed improvements.

"(5) The degree to which participating entities have secured or can secure the necessary financing, permits, clearances, and other arrangements necessary to implement the improvements.

"(6) The lack of negative impact on the environment.

"(7) Such other criteria as may be established by the Secretary of Energy.

"(e) 20-Percent Set-Aside.—The Western Area Power Administration shall receive 20 percent of any power saved from an improvement to the CVP system. These savings shall be made available to the Secretary of the Interior to restore the fish and wildlife resources of the CVP, including using such savings to provide power to operate refuges, hatcheries, pumps or other facilities. Any power surplus to these needs shall be made available for other project purposes as authorized by law. Power supply from nonfederally financed improvements shall not be classified as project power except for the power made available to the Secretary of the Interior for fish and wildlife purposes. Any changes in CVP operation for this program shall not impact the CVP's ability to meet its other authorized purposes.

"(f) Sunset Provision.—The authority of this section shall expire 5 years following promulgation of final regulations under this section. Any contracts in place at the end of the 5-year period shall continue in effect through the term of the contract.

"SEC. 206. MISCELLANEOUS PROVISIONS.

"(a) Environmental Impact Statement.—The provisions of the National Environmental Policy Act of 1969 shall apply to actions of the Administrator implementing this title in the same manner and to the same extent as such provisions apply to other major Federal actions significantly affecting the quality of the human environment.

"(b) Annual Reports.—The Administrator shall include in the annual report submitted by the Western Area Power Administration (1) a description of the activities undertaken by the Administrator and by customers under this title and (2) an estimate of the energy savings and renewable resource benefits achieved as a result of such activities.

"(c) State Regulated Investor-Owned Utilities.—Investor-owned electric utilities whose rates and charges for the sale of electric energy are regulated by a State regulatory authority shall be exempt from the requirements of this title.".

PART 2—GAS UTILITIES

SEC. 141. ENCOURAGEMENT OF INVESTMENTS IN CONSERVATION AND ENERGY EFFICIENCY.

(a) In General.—Section 303(b) of the Public Utility Regulatory Policies Act of 1978 is amended by inserting at the end the following new paragraphs:

"(3) Least-cost planning.—Each gas utility shall employ least-cost planning, as defined in section 131(c) of this title, in order to provide adequate and reliable service to its gas customers at the lowest system cost. All plans or filings of a State regulated gas utility before a State regulatory authority to meet the requirements of this paragraph shall (A) be updated on a regular basis, (B) provide the opportunity for public participation and comment, (C) provide for methods of validating predicted performance, and (D) contain a requirement that the plan be implemented after approval of the State regulatory authority. Section 303(c) shall not apply to this paragraph tot he extent that it could be construed to require the State regulatory authority to extend the record of a State proceeding in submitting reports to the Federal Government.

"(4) Investments in conservation and demand management.—The rates charged by any gas utility shall be such that the utility's prudent investments in, and expenditures for, energy conservation and load shifting programs and for other energy demand management measures which are consistent with the findings and purposes of the Comprehensive National Energy Policy Act are at least as profitable (taking into account the income lost due to reduced sales resulting from such programs) as prudent investments in, and expenditures for, the acquisition or construction of supplies and facilities. This objective requires that (A) regulators link the utility's net revenues at least in part to the utility's performance in implementing cost-effective programs promoted by this section; and (B) regulators ensure that, for purposes of recovering fixed costs, including its authorized return, the utility's performance is not affected by reductions in its retail sales volumes.

"(5) Inclusion of external costs.—The utility's least-cost plans shall include, to the greatest extent practicable, the external impacts of providing gas service, including environmental degradation, and in the case of imported resources, maintaining access to foreign sources of supply. Such impacts will be used in determining the cost-effectiveness of demand and supply options. Regulators shall seek to avoid incentives for use of environmentally inferior unregulated fuels, and shall ensure that their treatment of external impacts is symmetrical for each fuel subject to their regulation, to avoid creation of inappropriate fuel substitution incentives.".

(b) Impact on Small Business.—Section 303 of such Act is amended by inserting the following new subsection at the end thereof:

"(d) Small Business Impacts.—If a State regulatory authority implements a standard established by subsection (b)(3) or (4), such authority shall (1) consider the impact that implementation of such standard would have on small businesses engaged in the design, sale, supply, installation, or servicing of energy conservation, energy efficiency, or other demand side management measures, and (2) implement such standard so as to assure that utility actions would not provide such utilities with unfair competitive advantages over such small businesses.".

(c) Effective Date.—Section 303(a) of such Act is amended by inserting "(or after the enactment of the Comprehensive National Energy Policy Act in the case of standards under paragraphs (3), (4), and (5) of subsection (b))" after "Act" and by striking out "standard established by subsection (b)(2)" in paragraph (2) and inserting "standards established by paragraphs (2),(3),(4) and (5) of subsection (b)".

(d) Report.—The report under section 131(d) of this Act transmitted by the Secretary of Energy to the President and to the Congress shall contain a survey of all State laws, regulations, practices, and policies under which State regulatory authorities implement the provisions of paragraphs (3), (4), and (5) of section 303(b) of the Public Utility Regulatory Policies Act of 1978 (as added by section subsection (a) of this section). The report shall include an analysis prepared in consultation with the Federal Trade Commission, of the competitive impact of implementation of energy conservation, energy efficiency, and other demand side management programs by utilities on small businesses engaged in the design, sale, supply, installation, or servicing of similar energy conservation, energy efficiency, or other demand side management measures and whether any unfair, deceptive, or predatory acts or practices exist, or are likely to exist, from implementation of such programs.

PART 3—GENERAL PROVISIONS

SEC. 151. CONSERVATION GRANTS TO STATE REGULATORY AUTHORITIES.

(a) Conservation Grants.—The Secretary of Energy is authorized in accordance with the provisions of this section to provide grants to State regulatory authorities in an amount not to exceed $100,000 per authority, for purposes of encouraging the consideration of conservation, energy efficiency resources, and other demand side management measures consistent with the purposes of this title as a means of meeting electric supply needs and to meet the requirements of paragraphs (7), (8), (9), and (10) of section 111(d) of the Public Utility Regulatory Policies Act of 1978 (as added by section 131(a) of this Act) and as a means of meeting gas supply needs and to meet the requirements of paragraphs (3), (4), and (5) of section 303(b) of the Public Utility Regulatory Policies Act of 1978 (as added by section 141(a) of this Act). Such grants may be utilized by a State regulatory authority to provide financial assistance to nonprofit subgrantees of the Department of Energy's Weatherization Assistance Program to facilitate participation by such subgrantees in proceedings of such regulatory authority to examine demand-side management.

(b) Plan.—A State regulatory authority wishing to receive a grant under this section shall submit a plan to the Secretary that specifies the actions such authority proposes to take that would achieve the purposes of this section.

(c)(1) Secretarial Action.—In determining whether, and in what amount, to provide a grant to a State regulatory authority under this section the Secretary shall consider, in addition to other appropriate factors, the actions proposed by the State regulatory authority to achieve the purposes of this section and to consider implementation of the ratemaking standards established in—

(A) paragraphs (7), (8), (9), and (10) of section 111(d) of the Public Utility Regulatory Policies Act of 1978 (as added by section 131(a) of this Act); or

(B) paragraphs (3), (4), and (5) of section 303(b) of the Public Utility Regulatory Policies Act of 1978 (as added by section 141(a) of this Act).

(2) Such actions—

(A) shall include procedures to facilitate the participation of grantees and nonprofit subgrantees of the Department of Energy's Weatherization Assistance Program in proceedings of such regulatory authority to examine demand-side management; and

(B) shall provide for coverage of the cost of such subgrantees' participation in such participation.

(d) Recordkeeping.—Each State regulatory authority that receives a grant under this section shall keep such records as the Secretary shall require.

(e) Rules.—The Secretary may prescribe such rules as may be necessary or appropriate for carrying out the provisions of this section.

(f) Definition.—For purposes of this section, the term "State regulatory authority" shall have the same meaning as provided by section 3 of the Public Utility Regulatory Policies Act of 1978 in the case of electric utilities, and such term shall have the same meaning as provided by section 302 of the

Public Utility Regulatory Policies Act of 1978 in the case of gas utilities.

(g) AUTHORIZATION.—There are authorized to be appropriated $5,000,000 for each of the fiscal years 1992, 1993, and 1994 to carry out the purposes of this section.

Subtitle D—Requirements and Information

SEC. 161. ENERGY EFFICIENCY LABELING FOR WINDOWS AND WINDOW SYSTEMS.

(a) IN GENERAL.—(1) The Secretary shall, with funds available to carry out this section, provide financial assistance to support a voluntary national window rating program that will develop energy ratings and labels for windows and window systems by December 31, 1992.

(2) The rating program shall include—

(A) specifications and guidelines that will enable all window buyers to make more informed purchasing decisions about the energy efficiency of windows and window systems; and

(B) information that will allow window buyers to assess the energy consumption and potential cost savings of alternative window products.

(3) The rating program shall be established and administered by the National Fenestration Rating Council which shall periodically report to the Congress and the Secretary on the progress being made toward establishing the program.

(b) MONITORING.—The Secretary shall monitor and evaluate the efforts of the National Fenestration Rating Council and make determinations about whether the program established within the Council is consistent with subsection (a).

(c) ALTERNATIVE SYSTEM.—(1) If the Secretary has not, by December 31, 1992, certified that a voluntary national window rating program consistent with the objectives of subsection (a) has been established, the Secretary shall, after consultation with the National Institute of Standards and Technology, develop, by December 31, 1993, testing procedures under section 323 of the Energy Policy and Conservation Act (42 U.S.C. 6293) for windows and window systems.

(2) If the Secretary develops such procedures, the Federal Trade Commission (hereafter in this section referred to as the "Commission") shall prescribe labeling rules under section 324 of such Act (42 U.S.C. 6294) for windows and window systems except that, with respect to any type of window or window system (or class thereof), the Commission may determine that such labeling is not technologically or economically feasible or is not likely to assist consumers in making purchasing decisions.

(3) For purposes of sections 323, 324, and 327 of such Act, windows and window systems shall be considered covered products under section 322 of such Act (42 U.S.C. 6292) to the extent necessary to carry out this subsection.

(4) For purposes of section 327(a) of such Act, the term "this part" includes this subsection to the extent necessary to carry out this subsection.

SEC. 162. VOLUNTARY STANDARDS FOR INDUSTRIAL INSULATION AND IMPROVEMENT OF INDUSTRIAL AUDITS.

(a) IN GENERAL.—(1) The Secretary of Energy shall, with funds available to carry out this section, develop, directly or by contract, a voluntary national program to devise standards for the proper levels of industrial insulation.

(2) The standards shall be developed in consultation with manufacturers, suppliers, and installers of insulation and with utilities and major industrial energy users.

(3) The Secretary shall issue such standards not later than December 31, 1992.

(b) RECOMMENDATIONS.—Not later than December 31, 1992, the Secretary shall, in conjunction with the development of standards under subsection (a), review the status of industrial energy auditing procedures and make recommendations for improvement as appropriate.

(c) OTHER ASSISTANCE.—The Secretary shall conduct a program of education and technical assistance concerning the standards and auditing procedures.

(d) REPORT.—The Secretary shall transmit, by December 31, 1994, a report to the Congress detailing—

(1) the standards developed and recommended changes in audit procedures; and

(2) the educational and technical assistance provided under this section, an evaluation of its effectiveness, and the responsiveness of the industrial sector to the standards.

SEC. 163. ENERGY CONSERVATION REQUIREMENTS FOR CERTAIN COMMERCIAL AND INDUSTRIAL EQUIPMENT.

(a) DEFINITIONS.—Section 340 of the Energy Policy and Conservation Act (42 U.S.C. 6311) is amended—

(1) in paragraph (1)—

(A) by redesignating subparagraph (B) as subparagraph (G); and

(B) by inserting after subparagraph (A) the following:

"(B) Small commercial package air conditioning and heating equipment.

"(C) Large commercial package air conditioning and heating equipment.

"(D) Packaged terminal air-conditioners and packaged terminal heat pumps.

"(E) Warm air furnaces and packaged boilers.

"(F) Storage water heaters, instantaneous water heaters, and unfired hot water storage tanks.".

(2) in paragraph (2)(B)—

(A) by striking out "pumps)" and inserting in lieu thereof "pumps, small and large commercial package air conditioning and heating equipment, packaged terminal air-conditioners, packaged terminal heat pumps, warm air furnaces, packaged boilers, storage water heaters, instantaneous water heaters, and unfired hot water storage tanks)"; and

(B) by striking out clauses (v) and (xi) and redesignating clauses (vi), (vii), (viii), (ix), (x), (xii), (xiii), and (xiv) as clauses (v), (vi), (vii), (viii), (ix), (x), (xi), and (xii), respectively; and

(3) by adding at the end the following:

"(8) The term 'small commercial package air conditioning and heating equipment' means air-cooled, water-cooled, evaporatively-cooled, or water source (not including ground water source) electrically operated, unitary central air conditioners and central air conditioning heat pumps for commercial application which are rated below 135,000 Btu per hour (cooling capacity).

"(9) The term 'large commercial package air conditioning and heating equipment' means air-cooled, water-cooled, evaporatively-cooled, or water source (not including ground water source) electrically operated, unitary central air conditioners and central air conditioning heat pumps for commercial application which are rated at or above 135,000 Btu per hour and below 240,000 Btu per hour (cooling capacity).

"(10)(A) The term 'packaged terminal air conditioner' means a wall sleeve and a separate unencased combination of heating and cooling assemblies specified by the builder and intended for mounting through the wall. It includes a prime source of refrigeration, separable outdoor louvers, forced ventilation, and heating availability energy.

"(B) The term 'packaged terminal heat pump' means a packaged terminal air conditioner that utilizes reverse cycle refrigeration as its prime heat source and should have supplementary heating availability by builder's choice of energy.

"(11)(A) The term 'warm air furnace' means a self-contained oil- or gas-fired furnace designed to supply heated air through ducts to spaces that require it and includes combination warm air furnace/electric air conditioning units but does not include unit heaters and duct furnaces.

"(B) The term 'packaged boiler' means a boiler that is shipped complete with heating equipment, mechanical draft equipment, and automatic controls; usually shipped in one or more sections.

"(12)(A) The term 'storage water heater' means a water heater that heats and stores water within the appliance at a thermostatically controlled temperature for delivery on demand. Such term does not include units with an input rating of 4000 Btu per hour or more per gallon of stored water.

"(B) The term 'instantaneous water heater' means a water heater that has an input rating of at least 4000 Btu per hour per gallon of stored water.

"(C) The term 'unfired hot water storage tank' means a tank used to store water that is heated externally.

"(13)(A) The term 'electric motor' means any motor which is a general purpose T-frame, single-speed, foot-mounting, polyphase squirrel-cage induction motor of the National Electrical Manufacturers Association, Design A and B, continuous rated, operating on 230/460 volts and constant 60 Hertz line power as defined in NEMA Standards Publication MG1–1987.

"(B) The term 'definite purpose motor' means any motor designed in standard ratings with standard operating characteristics or standard mechanical construction for use under service conditions other than usual or for use on a particular type of application and which cannot be used in most general purpose applications.

"(C) The term 'special purpose motor' means any motor, other than a general purpose motor or definite purpose motor, which has special operating characteristics or special mechanical construction, or both, designed for a particular application.

"(D) The term 'open motor' means a motor having ventilating openings which permit passage of external cooling air over and around the windings of the machine.

"(E) The term 'enclosed motor' means a motor so enclosed as to prevent the free exchange of air between the inside and outside of the case but not sufficiently enclosed to be termed airtight.

"(F) The term 'small electric motor' means a NEMA general purpose alternating current single-speed induction motor, built in a two-digit frame number series in accordance with NEMA Standards Publication MG1–1987.

"(G) The term 'efficiency' when used with respect to an electric motor means the ratio of an electric motor's useful power output to its total power input, expressed in percentage.

"(H) The term 'nominal full load efficiency' means the average efficiency of a population of motors of duplicate design as determined in accordance with NEMA Standards Publication MG1–1987.

"(14) The term 'ASHRAE' means the American Society of Heating, Refrigerating, and Air Conditioning Engineers.

"(15) The term 'IES' means the Illuminating Engineering Society of North America.

"(16) The term 'NEMA' means the National Electrical Manufacturers Association.

"(17) The term 'IEEE' means the Institute of Electrical and Electronics Engineers.

"(18) The term 'energy conservation standard' means—

"(A) a performance standard that prescribes a minimum level of energy efficiency or a maximum quantity of energy use for a product; or

"(B) a design requirement for a product.".

(b) TEST PROCEDURES.—(1) Section 343(a) of such Act (42 U.S.C. 6314) is amended—

(A) by striking out paragraph (1) and inserting in lieu thereof the following:

"(1) The Secretary may conduct an evaluation of a class of covered equipment and may prescribe test procedures for such class in accordance with the provisions of this section."; and

(B) by adding at the end the following new paragraphs:

"(4)(A) With respect to small commercial package air conditioning and heating equipment, large commercial package air conditioning and heating equipment, packaged terminal air conditioners, packaged terminal heat pumps, warm-air furnaces, packaged boilers, storage water heaters, instantaneous water heaters, and unfired hot water storage tanks to which standards are applicable under section 342, the Secretary shall, not later than 18 months after the date of the enactment of this paragraph, prescribe test procedures that are consistent with those generally accepted industry testing procedures or rating procedures, if any, developed by the Air-Conditioning and Refrigeration Institute or by the American Society of Heating, Refrigerating and Air Conditioning Engineers, or for storage water heaters and instantaneous water heaters, contained in American National Standard Z21.10.3, as in effect on the date of enactment of this paragraph.

"(B) If such an industry test procedure or rating procedure for small commercial package air conditioning and heating equipment, large commercial package air conditioning and heating equipment, packaged terminal air conditioners, packaged terminal heat pumps, warm-air furnaces, packaged boilers, storage water heaters, instantaneous water heaters, or unfired hot water storage tanks is amended, the Secretary shall amend the test procedure for the product as necessary to be consistent with the amended industry test procedure or rating procedure unless the Secretary determines, by rule, published in the Federal Register and supported by clear and convincing evidence, that to do so would not meet the requirements for test procedures described in paragraphs (2) and (3) of this subsection.

"(C) If the Secretary prescribes a rule containing such a determination, the rule may establish an amended test procedure for such product that meets the requirements of paragraphs (2) and (3) of this subsection.

"(5) With respect to electric motors to which standards are applicable under section 342, the Secretary shall, not later than 18 months after the date of the enactment of this paragraph, prescribe test procedures that are consistent with NEMA Standards Publication MG1-1987 and IEEE Standard 112 Test Method B for motor efficiency.".

(2) The second subsection designated as subsection (d) of section 343 of such Act (42 U.S.C. 6314(d)(1)) is amended in paragraph (1) in the material preceding subparagraph (A), by inserting after "180 days" the following: "(or, in the case of small commercial package air conditioning and heating equipment, large commercial package air conditioning and heating equipment, packaged terminal air conditioners, packaged terminal heat pumps, warm-air furnaces, packaged boilers, storage water heaters, instantaneous water heaters, and unfired hot water storage tanks, 360 days)".

(c) LABELING.—Section 344 of such Act (42 U.S.C. 6315) is amended—

(1) in subsection (a), by striking out "may" and inserting in lieu thereof "shall";

(2) in subsection (c), by striking out "may" in the material preceding paragraph (1) and inserting in lieu thereof "shall";

(3) by redesignating subsections (d), (e), (f), (g), (h), and (i) as subsections (f), (g), (h), (i), (j), and (k), respectively; and

(4) by inserting after subsection (c), the following new subsections:

"(d) Subject to subsection (h), not later than 12 months after the Secretary establishes test procedures for electric motors under section 343, the Secretary shall prescribe labeling rules under this section applicable to electric motors taking into consideration NEMA Standards Publication MG1-1987. Such rules shall provide that the labeling of any electric motor manufactured after the 12-month period beginning on the date the Secretary prescribes such labeling rules, shall—

"(1) indicate the energy efficiency of the motor on the permanent nameplate attached to such motor;

"(2) prominently display the energy efficiency of the motor in equipment catalogs and other material used to market the equipment; and

"(3) include such other markings as the Secretary determines necessary solely to facilitate enforcement of the standards established for electric motors under section 342.

"(e) Subject to subsection (h), not later than 12 months after the Secretary establishes test procedures for small commercial package air conditioning and heating equipment, large commercial package air conditioning and heating equipment, packaged terminal air conditioners, packaged terminal heat pumps, warm-air furnaces, packaged boilers, storage water heaters, instantaneous water heaters, and unfired hot water storage tanks under section 343, the Secretary shall prescribe labeling rules under this section for such equipment. Such rules shall provide that the labeling of any small commercial package air conditioning and heating equipment, large commercial package air conditioning and heating equipment, packaged terminal air conditioner, packaged terminal heat pump, warm-air furnace, packaged boiler, storage water heater, instantaneous water heater, and unfired hot water storage tank manufactured after the 12-month period beginning on the date the Secretary prescribes such rules shall—

"(1) indicate the energy efficiency of the equipment on the permanent nameplate attached to such equipment or other nearby permanent marking;

"(2) prominently display the energy efficiency of the equipment in new equipment catalogs used by the manufacturer to advertise the equipment; and

"(3) include such other markings as the Secretary determines necessary solely to facilitate enforcement of the standards established for such equipment under section 342.".

(d) STANDARDS.—Section 342 of such Act is amended to read as follows:

"STANDARDS

"SEC. 342. (a) SMALL AND LARGE COMMERCIAL PACKAGE AIR CONDITIONING AND HEATING EQUIPMENT, PACKAGED TERMINAL AIR CONDITIONERS AND HEAT PUMPS, WARM-AIR FURNACES, PACKAGED BOILERS, STORAGE WATER HEATERS, INSTANTANEOUS WATER HEATERS, AND UNFIRED HOT WATER STORAGE TANKS.—(1) Each small commercial package air conditioning and heating equipment manufactured on or after January 1, 1994, shall meet the standard levels set forth for such products in ASHRAE/IES Standard 90.1 as in effect on the date of the enactment of this paragraph, or, with respect to the equipment specified in subparagraphs (A), (B), (D), and (E), the standard levels set forth for such products in addendum a to ASHRAE/IES Standard 90.1. Such standards are as follows:

"(A) The minimum seasonal energy efficiency ratio of air-cooled three-phase electric central air conditioners and central air conditioning heat pumps less than 65,000 Btu per hour (cooling capacity), split systems, shall be 10.0.

"(B) The minimum seasonal energy efficiency ratio of air-cooled three-phase electric central air conditioners and central air conditioning heat pumps less than 65,000 Btu per hour (cooling capacity), single package, shall be 9.7.

"(C) The minimum energy efficiency ratio of air-cooled central air conditioners and central air conditioning heat pumps at or above 65,000 Btu per hour (cooling capacity) and less than 135,000 Btu per hour (cooling capacity) shall be 8.9 (at a standard rating of 95 degrees F db).

"(D) The minimum heating seasonal performance factor of air-cooled three-phase electric central air conditioning heat pumps less than 65,000 Btu per hour (cooling capacity), split systems, shall be 6.8.

"(E) The minimum heating seasonal performance factor of air-cooled three-phase electric central air conditioning heat pumps less than 65,000 Btu per hour (cooling capacity), single package, shall be 6.6.

"(F) The minimum coefficient of performance in the heating mode of air-cooled central air conditioning heat pumps at or above 65,000 Btu per hour (cooling capacity) and less than 135,000 Btu per hour (cooling capacity) shall be 3.0 (at a high temperature rating of 47 degrees F db).

"(G) The minimum energy efficiency ratio of water-cooled, evaporatively-cooled and water-source central air conditioners and central air conditioning heat pumps less than 65,000 Btu per hour (cooling capacity) shall be 9.3 (at a standard rating of 95 degrees F db, outdoor temperature for evaporatively cooled equipment, and 85 degrees Fahrenheit entering water temperature for water-source and water-cooled equipment).

"(H) The minimum energy efficiency ratio of water-cooled, evaporatively-cooled and water-source central air conditioners and central air conditioning heat pumps at or above 65,000 Btu per hour (cooling capacity) and less than 135,000 Btu per hour (cooling capacity) shall be 10.5 (at a standard rating of 95 degrees F db, outdoor temperature for evaporatively cooled equipment, and 85 degrees Fahrenheit entering water temperature for water source and water-cooled equipment).

"(I) The minimum coefficient of performance of water-source heat pumps less than 135,000 Btu per hour (cooling capacity) shall be 3.8 (at a standard rating of 70 degrees Fahrenheit entering water).

"(2) Each large commercial package air conditioning and heating equipment manufactured on or after January 1, 1995, shall meet the standard levels set forth for such products in ASHRAE/IES Standard 90.1 as in effect on the date of the enactment of this paragraph. Such standards are as follows:

"(A) The minimum energy efficiency ratio of air-cooled central air conditioners and central air conditioning heat pumps at or above 135,000 Btu per hour (cooling capacity) and less than 240,000 Btu per hour (cooling capacity) shall be 8.5 (at a standard rating of 95 degrees F db).

"(B) The minimum coefficient of performance in the heating mode of air-cooled central air conditioning heat pumps at or above 135,000 Btu per hour (cooling capacity) and less than 240,000 Btu per hour (cooling capacity) shall be 2.9.

"(C) The minimum energy efficiency ratio of water- and evaporatively-cooled central air conditioners and central air conditioning heat pumps at or above 135,000 Btu per hour (cooling capacity) shall be 9.6 (according to ARI Standard 360-86).

"(3) Each packaged terminal air conditioner and packaged terminal heat pump manufactured on or after January 1, 1994, shall meet the standard levels set forth for such products in ASHRAE/IES Standard 90.1 as in effect on the date of the enactment of this paragraph. Such standards are as follows:

"(A) The minimum energy efficiency ratio of packaged terminal air conditioners and packaged terminal heat pumps in the cooling mode shall be 10.0 — (0.16 x Capacity [in thousands of Btu per hour] EER) (at a standard rating of 95 degrees F db, outdoor temperature). If a unit has a capacity of less than 7000 Btu per hour, then 7000 Btu per hour shall be used in the calculation. If a unit has a capacity of greater than 15,000 Btu per hour, then 15,000 Btu per hour shall be used in the calculation.

"(B) The minimum coefficient of performance of packaged terminal heat pumps in the heating mode shall be 1.3 + (0.16 x the minimum cooling EER as specified in subparagraph (A)) (at a standard rating of 47 degrees F db).

"(4) Each warm air furnace and packaged boiler manufactured on or after January 1, 1994, shall meet the standard levels set forth for such products in ASHRAE/IES Standard 90.1 as in effect on the date of the enactment of this paragraph. Such standards are as follows:

"(A) The minimum thermal efficiency at the maximum rated capacity of gas-fired warm-air furnaces with capacity of 225,000 Btu per hour or more shall be 80 percent.

"(B) The minimum thermal efficiency at the maximum rated capacity of oil-fired warm-air furnaces with capacity of 225,000 Btu per hour or more shall be 81 percent.

"(C) The minimum combustion efficiency at the maximum rated capacity of gas-fired packaged boilers with capacity of 300,000 Btu per hour or more shall be 80 percent.

"(D) The minimum combustion efficiency at the maximum rated capacity of oil-fired packaged boilers with capacity of 300,000 Btu per hour or more shall be 83 percent.

"(5) Each storage water heater, instantaneous water heater, and unfired water storage tank manufactured on or after January 1, 1994, shall meet the standard levels set forth for such products in ASHRAE/IES Standard 90.1 as in effect on the date of the enactment of this paragraph. Such standards are as follows:

"(A) Except as provided in subparagraph (G), the maximum standby loss, in percent per hour, of electric storage water heaters shall be 0.30 + (27/Measured Storage Volume [in gallons]).

"(B) Except as provided in subparagraph (G), the maximum standby loss, in percent per hour, of gas- and oil-fired storage water heaters with input ratings of 155,000 Btu per hour or less shall be 1.30 + (114/Measured Storage Volume [in gallons]). The minimum thermal efficiency of such units shall be 78 percent.

"(C) Except as provided in subparagraph (G), the maximum standby loss, in percent per hour, of gas- and oil-fired storage water heaters with input ratings of more than 155,000 Btu per hour shall be 1.30 + (95/Measured Storage Volume [in gallons]). The minimum thermal efficiency of such units shall be 78 percent.

"(D) The minimum thermal efficiency of instantaneous water heaters with a storage volume of less than 10 gallons shall be 80 percent.

"(E) Except as provided in subparagraph (G), the minimum thermal efficiency of instantaneous water heaters with a storage volume of 10 gallons or more shall be 77 percent. The maximum standby loss, in percent/hour, of such units shall be 2.30 + (67/Measured Storage Volume [in gallons]).

"(F) Except as provided in subparagraph (G), the maximum heat loss of unfired hot water storage tanks shall be 6.5 Btu per hour per square foot of tank surface area.

"(G) Storage water heaters and hot water storage tanks having more than 140 gallons of storage capacity need not meet the standby loss or heat loss requirements specified in subparagraphs (A) through (C) and subparagraphs (E) and (F) if the tank surface area is thermally insulated to R–12.5 and if a standing pilot light is not used.

"(6)(A) If ASHRAE/IES Standard 90.1, as in effect on the date of enactment of the Comprehensive National Energy Policy Act, is amended with respect to any small commercial package air conditioning and heating equipment, large commercial package air conditioning and heating equipment, packaged terminal air conditioners, packaged terminal heat pumps, warm-air furnaces, packaged boilers, storage water heaters, instantaneous water heaters, or unfired hot water storage tanks, the Secretary shall establish an amended uniform national standard for that product at the minimum level for each effective date specified in the amended ASHRAE/IES Standard 90.1, unless the Secretary determines, by rule published in the Federal Register and supported by clear and convincing evidence, that adoption of a uniform national standard more stringent than such amended ASHRAE/IES Standard 90.1 for such product would result in significant additional conservation of energy and is technologically feasible and economically justified.

"(B)(i) If the Secretary issues a rule containing such a determination, the rule shall establish such amended standard. In determining whether a standard is economically justified for the purposes of subparagraph (A), the Secretary shall, after receiving views and comments furnished with respect to the proposed standard, determine whether the benefits of the standard exceed its burdens by, to the greatest extent practicable, considering—

"(I) the economic impact of the standard on the manufacturers and on the consumers of the products subject to such standard;

"(II) the savings in operating costs throughout the estimated average life of the product in the type (or class) compared to any increase in the price of, or in the initial charges for, or maintenance expenses of, the products which are likely to result from the imposition of the standard;

"(III) the total projected amount of energy savings likely to result directly from the imposition of the standard;

"(IV) any lessening of the utility or the performance of the products likely to result from the imposition of the standard;

"(V) the impact of any lessening of competition, as determined in writing by the Attorney General, that is likely to result from the imposition of the standard;

"(VI) the need for national energy conservation; and

"(VII) other factors the Secretary considers relevant.

"(ii) The Secretary may not prescribe any amended standard under this paragraph which increases the maximum allowable energy use, or decreases the minimum required energy efficiency, of a covered product. The Secretary may not prescribe an amended standard under this subparagraph if the Secretary finds (and publishes such finding) that interested persons have established by a preponderance of the evidence that a standard is likely to result in the unavailability in the United States in any product type (or class) of performance characteristics (including reliability), features, sizes, capacities, and volumes that are substantially the same as those generally available in the United States at the time of the Secretary's finding. The failure of some types (or classes) to meet this criterion shall not affect the Secretary's determination of whether to prescribe a standard for other types or classes.

"(C) A standard amended by the Secretary under this paragraph shall become effective for products manufactured—

"(i) with respect to small commercial package air conditioning and heating equipment, packaged terminal air conditioners, packaged terminal heat pumps, warm-air furnaces, packaged boilers, storage water heaters, instantaneous water heaters, and unfired hot water storage tanks, on or after a date which is two years after the effective date of the applicable minimum energy efficiency requirement in the amended ASHRAE/IES standard referred to in subparagraph (A); and

"(ii) with respect to large commercial package air conditioning and heating equipment, on or after a date which is three years after the effective date of the applicable minimum energy efficiency requirement in the amended ASHRAE/IES standard referred to in subparagraph (A);

except that an energy conservation standard amended by the Secretary pursuant to a rule under subparagraph (B) shall become effective for products manufactured on or after a date which is four years after the date such rule is published in the Federal Register.

"(b) Electric Motors.—(1) Except for definite purpose motors, special purpose motors, and those motors exempted by the Secretary under paragraph (2), each electric motor manufactured (alone or as a component of another piece of equipment) after the 60-month period beginning on the date of the enactment of this subsection, or in the case of an electric motor which requires listing or certification by a nationally recognized safety testing laboratory, after the 84-month period beginning on such date, shall have a nominal full load efficiency of not less than the following:

	"Nominal Full-Load Efficiency					
"Number of poles	Open Motors			Closed Motors		
	6	4	2	6	4	2
Motor Horsepower						
1	80.0	82.5	....	80.0	82.5	75.5
1.5	84.0	84.0	82.5	85.5	84.0	82.5
2	85.5	84.0	84.0	86.5	84.0	84.0
3	86.5	86.5	84.0	87.5	87.5	85.5
5	87.5	87.5	85.5	87.5	87.5	87.5
7.5	88.5	88.5	87.5	89.5	89.5	88.5
10	90.2	89.5	88.5	89.5	89.5	89.5
15	90.2	91.0	89.5	90.2	91.0	90.2
20	91.0	91.0	90.2	90.2	91.0	90.2
25	91.7	91.7	91.0	91.7	92.4	91.0
30	92.4	92.4	91.0	91.7	92.4	91.0
40	93.0	93.0	91.7	93.0	93.0	91.7
50	93.0	93.0	92.4	93.0	93.0	92.4
60	93.6	93.6	93.0	93.6	93.6	93.0
75	93.6	94.1	93.0	93.6	94.1	93.0
100	94.1	94.1	93.0	94.1	94.5	93.6
125	94.1	94.5	93.6	94.1	94.5	94.5
150	94.5	95.0	93.6	95.0	95.0	94.5
200	94.5	95.0	94.5	95.0	95.0	95.0

"(2)(A) The Secretary may, by rule, provide that the standards specified in paragraph (1) shall not apply to certain types or classes of electric motors if—

"(i) compliance with such standards would not result in significant energy savings because such motors cannot be used in most general purpose applications or are very unlikely to be used in most general purpose applications; and

"(ii) standards for such motors would not be technically feasible or economically justified.

"(B) Not later than one year after the date of the enactment of this subsection, a manufacturer seeking an exemption under this paragraph with respect to a type or class of electric motor developed on or before the date of the enactment of such subsection shall submit a petition to the Secretary requesting such exemption. Such petition shall include evidence that the type or class of motor meets the criteria for exemption specified in subparagraph (A).

"(C) Not later than two years after the date of the enactment of this subsection, the Secretary shall rule on each petition for exemption submitted pursuant to subparagraph (B). In making such ruling, the Secretary shall afford an opportunity for public comment.

"(D) Manufacturers of types or classes of motors developed after the date of the enactment of this subsection to which standards under paragraph (1) would be applicable may petition the Secretary for exemptions from compliance with such standards based on the criteria specified in subparagraph (A).

"(3)(A) The Secretary shall publish a final rule no later than the end of the 24-month period beginning on the effective date of the standards established under paragraph (1) to determine if such standards should be amended. Such rule shall provide that any amendment shall apply to electric motors manufactured on or after a date which is five years after the effective date of the standards established under paragraph (1).

"(B) The Secretary shall publish a final rule no later than 24 months after the effective date of the previous final rule to determine whether to amend the standards in effect for such product. Any such amendment shall apply to electric motors manufactured after a date which is five years after—

"(i) the effective date of the previous amendment; or

"(ii) if the previous final rule did not amend the standards, the earliest date by which a previous amendment could have been effective.".

(e) ADMINISTRATION, PENALTIES, ENFORCEMENT, AND PREEMPTION.—(1) Section 345(a) of such Act (42 U.S.C. 6316(a)) is amended—

(A) in the material preceding paragraph (1)—

(i) by inserting after "to this part" the following: "(other than the equipment specified in subparagraphs (B), (C), (D), (E), and (F) of section 340(1))"; and

(ii) by striking out "and sections 328" and inserting in lieu thereof ", the provisions of subsections (l) through (s) of section 325, and sections 327";

(B) in paragraph (1)—

(i) by striking out "and 324" and inserting in lieu thereof ", 324, and 325"; and

(ii) by striking out "343 and 344, respectively" and inserting in lieu thereof "343, 344, and 342, respectively";

(C) in paragraph (3), by striking out "and" at the end thereof;

(D) in paragraph (4), by striking out the period and inserting in lieu thereof a semicolon; and

(E) by adding after paragraph (4) the following new paragraphs:

"(5) section 327(a) shall be applied, in the case of electric motors, as if the National Appliance Energy Conservation Act of 1987 was the Comprehensive National Energy Policy Act;

"(6) section 327(b)(1) shall be applied as if electric motors were fluorescent lamp ballasts and as if the National Appliance Energy Conservation Amendments of 1988 were the Comprehensive National Energy Policy Act;

"(7) section 327(b)(4) shall be applied as if electric motors were fluorescent lamp ballasts and as if paragraph (5) of section 325(g) were section 342; and

"(8) notwithstanding any other provision of law, a regulation or other requirement adopted by a State or subdivision of a State contained in a State or local building code for new construction concerning the energy efficiency or energy use of an electric motor covered under this part is not superseded by the standards for such electric motor established or prescribed under section 342(b) if such regulation or requirement is identical to the standards established or prescribed under such section.".

(2) Section 345 of such Act (42 U.S.C. 6316) is amended by adding at the end the following new subsection:

"(b)(1) The provisions of section 326(a), (b), and (d), section 327(a), and sections 328 through 336 shall apply with respect to the equipment specified in subparagraphs (B), (C), (D), (E), and (F) of section 340(1) to the same extent and in the same manner as they apply in part B. In applying such provisions for the purposes of such equipment, paragraphs (1), (2), (3), and (4) of subsection (a) shall apply.

"(2)(A) A standard prescribed or established under section 342(a) shall, beginning on the effective date of such standard, supersede any State or local regulation concerning the energy efficiency or energy use of a product for which a standard is prescribed or established pursuant to such section.

"(B) Notwithstanding subparagraph (A), a standard prescribed or established under section 342(a) shall not supersede a standard for such a product contained in a State or local building code for new construction if—

"(i) the standard in the building code does not require that the energy efficiency of such product exceed the applicable minimum energy efficiency requirement in amended ASHRAE/IES Standard 90.1; and

"(ii) the standard in the building code does not take effect prior to the effective date of the applicable minimum energy efficiency requirement in amended ASHRAE/IES Standard 90.1.

"(C) Notwithstanding subparagraph (A), a standard prescribed or established under section 342(a) shall not supersede the standards established by the State of California set forth in Table C-6, California Code of Regulations, Title 24, Part 2, Chapter 2-53, for water-source heat pumps below 135,000 Btu per hour (cooling capacity) that become effective on January 1, 1993.

"(D) Notwithstanding subparagraph (A), a standard prescribed or established under section 342(a) shall not supersede a State regulation which has been granted a waiver by the Secretary. The Secretary may grant a waiver pursuant to the terms, conditions, criteria, procedures, and other requirements specified in section 327(d) of this Act.".

(3) Section 345 of such Act (42 U.S.C. 6316) is amended by striking out the section heading and inserting in lieu thereof "ADMINISTRATION, PENALTIES, ENFORCEMENT, AND PREEMPTION".

(f) TECHNICAL AMENDMENTS.—(1) Section 340(3) of such Act is amended by striking out "(3) the" and inserting in lieu thereof the following: "(3) The".

(2) Section 343 of such Act (42 U.S.C. 6314) is amended by redesignating the first subsection designated as subsection (d) as subsection (c).

(3) The table of contents of such Act is amended—

(A) by striking out the item relating to section 342 and inserting in lieu thereof the following new item:

"Sec. 342. Standards.";

and

(B) by striking the item for section 345 and inserting in lieu thereof the following new item:

"Sec. 345. Administration, penalties, enforcement, and preemption.".

SEC. 164. ENERGY CONSERVATION REQUIREMENTS FOR CERTAIN LAMPS AND SHOWERHEADS.

(a) DEFINITIONS.—Section 321(a) of the Energy Policy and Conservation Act (42 U.S.C. 6291(a)) is amended—

(1) by striking out the subsection designation;

(2) in paragraph (1)—

(A) in subparagraph (A), by inserting before the semicolon the following: "or, with respect to showerheads, water"; and

(B) in subparagraph (B), by striking out "ballasts" and inserting in lieu thereof the following: "ballasts, general service fluorescent lamps, incandescent reflector lamps, and showerheads";

(3) in paragraph (6)—

(A) in subparagraph (A), by inserting ", or, in the case of showerheads, water use," after "energy use"; and

(B) in subparagraph (B)—

(i) by striking out "(14)" and inserting in lieu thereof "(16)"; and

(ii) by striking out "325(o)" and inserting in lieu thereof "325(q)";

(4) in paragraph (7), by inserting after "to be consumed annually" the following: ", and in the case of showerheads, the aggregate retail cost of water and wastewater treatment services likely to be incurred annually,"; and

(5) by adding at the end the following new paragraphs:

"(30)(A) Except as provided in subparagraph (E), the term 'fluorescent lamp' means a low pressure mercury electric-discharge source in which a fluorescing coating transforms some of the ultraviolet energy generated by the mercury discharge into light, including only the following:

"(i) Any straight-shaped lamp (commonly referred to as 4-foot medium bi-pin lamps) with medium bi-pin bases of nominal overall length of 48 inches and rated wattage of 28 or more.

"(ii) Any U-shaped lamp (commonly referred to as 2-foot U-shaped lamps) with medium bi-pin bases of nominal overall length between 22 and 25 inches and rated wattage of 28 or more.

"(iii) Any rapid start lamp (commonly referred to as 8-foot high output lamps) with recessed double contact bases of nominal overall length of 96 inches and 0.800 nominal amperes, as defined in ANSI C78.1-1978 and related supplements.

"(iv) Any instant start lamp (commonly referred to as 8-foot slimline lamps) with single pin bases of nominal overall length of 96 inches and rated wattage of 52 or more, as defined in ANSI C78.3-1978 (R1984) and related supplement ANSI C78.3a-1985.

"(B) The term 'general service fluorescent lamp' means fluorescent lamps which can be used to satisfy the majority of fluorescent applications, but does not include any lamp designed and marketed for the following nongeneral lighting applications:

"(i) Fluorescent lamps designed to promote plant growth.

"(ii) Fluorescent lamps specifically designed for cold temperature installations.

"(iii) Colored fluorescent lamps.

"(iv) Impact-resistant fluorescent lamps.

"(v) Reflectorized or aperture lamps.

"(vi) Fluorescent lamps designed for use in reprographic equipment.

"(vii) Lamps primarily designed to produce radiation in the ultra-violet region of the spectrum.

"(viii) Lamps with a color rendering index of 82 or greater.

"(C) Except as provided in subparagraph (E), the term 'incandescent lamp' means a lamp in which light is produced by a filament heated to incandescence by an electric current, including only the following:

"(i) Any lamp (commonly referred to as lower wattage nonreflector general service lamps, including any tungsten-halogen lamp) that has a rated wattage between 30 and 199 watts, has an E26 medium screw base, has a rated voltage or voltage range that lies at least partially within 115 and 130 volts, and is not a reflector lamp.

"(ii) Any lamp (commonly referred to as a reflector lamp) which is not colored or designed for rough or vibration service applications, that contains an inner reflective coating on the outer bulb to direct the light, an R, PAR, or similar bulb shapes (excluding ER or BR) with E26 medium screw bases, a rated voltage or voltage range that lies at least partially within 115 and 130 volts, a diameter which exceed 2.75 inches, and is either—

"(I) a low(er) wattage reflector lamp which has a rated wattage between 40 and 205 watts; or

"(II) a high(er) wattage reflector lamp which has a rated wattage above 205 watts.

"(iii) Any general service incandescent lamp (commonly referred to as a high- or higher wattage lamp) that has a rated wattage above 199 watts (above 205 watts for a high wattage reflector lamp).

"(D) The term 'general service incandescent lamp' means incandescent lamps (other than miniature or photographic lamps) which can be used to satisfy the majority of lighting applications, but does not include any lamp specifically designed for—

"(i) traffic signal, or street lighting service;

"(ii) airway, airport, aircraft, or other aviation service;

"(iii) marine or marine signal service;

"(iv) photo, projection, sound reproduction, or film viewer service;

"(v) stage, studio, or television service;

"(vi) mill, saw mill, or other industrial process service;

"(vii) mine service;

"(viii) headlight, locomotive, street railway, or other transportation service;

"(ix) heating service;

"(x) code beacon, marine signal, lighthouse, reprographic, or other communication service;

"(xi) medical or dental service;

"(xii) microscope, map, microfilm, or other specialized equipment service;

"(xiii) swimming pool or other underwater service;

"(xiv) decorative or showcase service;

"(xv) producing colored light;

"(xvi) shatter resistance which has an external protective coating; or

"(xvii) appliance service.

"(E) The terms 'fluorescent lamp' and 'incandescent lamp' do not include any lamp excluded by the Secretary, by rule, as a result of a determination that standards for such lamp would not result in significant energy savings because such lamp is designed for special applications or has special characteristics not available in reasonably substitutable lamp types.

"(F) The term 'incandescent reflector lamp' means a lamp described in subparagraph (C)(ii).

"(G) The term 'average lamp efficacy' means the lamp efficacy readings taken over a statistically significant period of manufacture with the readings averaged over that period.

"(H) The term 'base' means the portion of the lamp which connects with the socket as described in ANSI C81.61-1990.

"(I) The term 'bulb shape' means the shape of lamp, especially the glass bulb with designations for bulb shapes found in ANSI C79.1-1980 (R1984).

"(J) The term 'color rendering index' or 'CRI' means the measure of the degree of color shift objects undergo when illuminated by a light source as compared with the color of those same objects when illuminated by a reference source of comparable color temperature.

"(K) The term 'correlated color temperature' means the absolute temperature of a blackbody whose chromaticity most nearly resembles that of the light source.

"(L) The term 'IES' means the Illuminating Engineering Society of North America.

"(M) The term 'lamp efficacy' means the lumen output of a lamp divided by its wattage, expressed in lumens per watt (LPW).

"(N) The term 'lamp type' means all lamps designated as having the same electrical and lighting characteristics and made by one manufacturer.

"(O) The term 'lamp wattage' means the total electrical power consumed by a lamp in watts, after the initial seasoning period referenced in the appropriate IES standard test procedure and including, for fluorescent, arc watts plus cathode watts.

"(P) The terms 'life' and 'lifetime' mean length of operating time of a statistically large group of lamps between first use and failure of 50 percent of the group in accordance with test procedures described in the IES Lighting Handbook-Reference Volume.

"(Q) The term 'lumen output' means total luminous flux (power) of a lamp in lumens, as measured in accordance with applicable IES standards as determined by the Secretary.

"(R) The term 'tungsten-halogen lamp' means a gas-filled tungsten filament incandescent lamp containing a certain proportion of halogens in an inert gas.

"(S) The term 'medium base compact fluorescent lamp' means an integrally ballasted fluorescent lamp with a medium screw base and a rated input voltage of 115 to 130 volts and which is designed as a direct replacement for a general service incandescent lamp.

"(31)(A) The term 'water use' means the quantity of water flowing through a showerhead at point of use, determined in accordance with test procedures under section 323.

"(B) The term 'ASME' means the American Society of Mechanical Engineers.

"(C) The term 'ANSI' means the American National Standards Institute.".

(b) COVERAGE.—Section 322(a) of such Act (42 U.S.C. 6292(a)) is amended—

(1) by redesignating paragraph (14) as paragraph (16); and

(2) by inserting after paragraph (13) the following new paragraphs:

"(14) General service fluorescent lamps and incandescent reflector lamps.

"(15) Showerheads, except safety shower showerheads.".

(c) TEST PROCEDURES.—Section 323 of such Act (42 U.S.C. 6293) is amended—

(1) in subsection (b)—

(A) in paragraph (3), by inserting after "energy use," the following "water use (in the case of showerheads),"; and

(B) by adding at the end the following new paragraphs:

"(6) With respect to fluorescent lamps and incandescent reflector lamps to which standards are applicable under subsection (i) of section 325, the Secretary shall prescribe test procedures, to be carried out by accredited test laboratories, that take into consideration the applicable IES or ANSI standard.

"(7)(A) With respect to showerheads manufactured after July 1, 1992, and to which standards are applicable under subsection (j) of section 325, the Secretary shall prescribe test procedures that are consistent with ASME/ANSI A112.18.1M-1989.

"(B) If the test procedure requirements of ASME/ANSI A112.18.1M-1989 are revised at any time, the Secretary shall amend the test procedures established by subparagraph (A) to conform to such revised ASME/ANSI requirements unless the Secretary determines, by rule, that to do so would not meet the requirements of paragraph (3).";

(2) in paragraphs (1) and (2) of subsection (c), by inserting "or water use" after "efficiency"; and

(3) in subsection (e)—

(A) in paragraph (1), by striking out "or measured energy use" and inserting in lieu thereof ", measured energy use, or measured water use";

(B) in paragraph (2), by striking out "energy efficiency or energy use" each place it appears and inserting in lieu thereof "energy efficiency, energy use, or water use"; and

(C) in paragraph (3), by striking out "energy efficiency or energy use" and inserting in lieu thereof "energy efficiency, energy use, or water use".

(d) LABELING.—Section 324 of such Act (42 U.S.C. 6294) is amended—

(1) in subsection (a)(2), by adding at the end the following new subparagraphs:

"(C) Not later than one year after the date of the enactment of the Comprehensive National Energy Policy Act, the Commission shall prescribe labeling rules under this section applicable to general service fluorescent lamps, medium base compact fluorescent lamps, and general service incandescent lamps. Such rules shall provide that the labeling of any general service fluorescent lamp, medium base compact fluorescent lamp, and general service incandescent lamp manufactured after the 12-month period beginning on the date of the publication of such rule shall indicate conspicuously on the packaging of the lamp, in a manner prescribed by the Commission under subsection (b), such information as the Commission deems necessary to enable consumers to select the most energy efficient lamps which meet their requirements. Labeling information for incandescent lamps shall be based on performance when operated at 120 volts input, regardless of the rated lamp voltage.

"(D)(i) The Commission shall prescribe labeling rules under this section for showerheads to which standards are applicable under subsection (j) of section 325. Such rules shall provide that the labeling of any showerhead manufactured after July 1, 1992, shall be consistent with the marking and labeling requirements of ASME/ANSI A112.18.1M-1989.

"(ii) If the marking and labeling requirements of ASME/ANSI A112.18.1M-1989 are revised at any time, the Commission shall amend the labeling rules established pursuant to clause (i) to be consistent with such revised ASME/ANSI requirements unless the Commission determines under the second sentence of subsection (b)(5) that such labeling is not technologically or economically feasible.";

(2) in subsection (a)(3), by striking out "(14)" and inserting in lieu thereof "(16)";

(3) in subsection (b)(1)(B), by striking out "(14)" and inserting in lieu thereof "(13), (15), and (16)";

(4) and in paragraphs (3) and (5) of subsection (b), by striking out "(14)" and inserting in lieu thereof "(16)"; and

(5) in subsection (c)(7), by striking out "paragraph (13) of section 322" and inserting in lieu thereof "paragraphs (13), (14), and (15) of section 322(a)".

(e) STANDARDS.—Section 325 of such Act (42 U.S.C. 6295) is amended—

(1) by redesignating subsections (i) through (q) as subsections (k) through (s); and

(2) by inserting after subsection (h) the following:

"(i) GENERAL SERVICE FLUORESCENT LAMPS AND INCANDESCENT REFLECTOR LAMPS.—(1)(A) Each of the following general service fluorescent lamps and incandescent reflector lamps manufactured after the effective date specified in the tables listed in this paragraph shall meet or exceed the following lamp efficacy and CRI standards:

"FLUORESCENT LAMPS

"Lamp Type	Nominal Lamp Wattage	Minimum CRI	Minimum Average Lamp Efficacy (LPW)	Effective Date (Months)
4-foot medium bi-pin.	>35 W	69	75.0	36
	≤35 W	45	75.0	36
2-foot U-shaped.	>35 W	69	68.0	36
	≤35 W	45	64.0	36
8-foot slimline.	65 W	69	80.0	18
	≤65 W	45	80.0	18
8-foot high output.	>100 W	69	80.0	18
	≤100 W	45	80.0	18

"INCANDESCENT REFLECTOR LAMPS

"Nominal Lamp Wattage	Minimum Average Lamp Efficacy (LPW)	Effective Date (Months)
40–50	10.5	36
51–66	11.0	36
67–85	12.5	36
86–115	14.0	36
116–155	14.5	36
156–205	15.0	36

"(B) For the purposes of the tables set forth in subparagraph (A), the term 'effective date' means the last day of the month set forth in the table which follows the date of the enactment of the Comprehensive National Energy Policy Act.

"(2) Notwithstanding section 332(a)(5) and section 332(b), it shall not be unlawful for a manufacturer to sell a lamp which is in compliance with the law at the time such lamp was manufactured.

"(3) Not less than 36 months after the date of the enactment of this subsection, the Secretary shall initiate a rulemaking procedure and shall publish a final rule not later than the end of the 54-month period beginning on the date of the enactment of this subsection to determine if the standards established under paragraph (1) should be amended. Such rule shall contain such amendment, if any, and provide that the amendment shall apply to products manufactured on or after the 36-month period beginning on the date such final rule is published.

"(4) Not less than eight years after the date of the enactment of this subsection, the Secretary shall initiate a rulemaking procedure and shall publish a final rule not later than nine years and six months after the date of the enactment of this subsection to determine if the standards in effect for fluorescent lamps and incandescent lamps should be amended. Such rule shall contain such amendment, if any, and provide that the amendment shall apply to products manufactured on or after the 36-month period beginning on the date such final rule is published.

"(5) Not later than the end of the 24-month period beginning on the date labeling requirements under section 324(a)(2)(C) become effective, the Secretary shall initiate a rulemaking procedure to determine if the standards in effect for fluorescent lamps and incandescent lamps should be amended so that they would be applicable to additional general service fluorescent and general service incandescent lamps and shall publish, not later than 18 months after initiating such rulemaking, a final rule including such amended standards, if any. Such rule shall provide that the amendment shall apply to products manufactured after a date which is 36 months after the date such rule is published.

"(6)(A) With respect to any lamp to which standards are applicable under this subsection or any lamp specified in section 346, the Secretary shall inform any Federal entity proposing actions which would adversely impact the energy consumption or energy efficiency of such lamp of the energy conservation consequences of such action. It shall be the responsibility of such Federal entity to carefully consider the Secretary's comments.

"(B) Notwithstanding section 325(n)(1), the Secretary shall not be prohibited from amending any standard, by rule, to permit increased energy use or to decrease the minimum required energy efficiency of any lamp to which standards are applicable under this subsection if such action is warranted as a result of other Federal action (including restrictions on materials or processes) which would have the effect of either increasing the energy use or decreasing the energy efficiency of such product.

"(7) Not later than the date on which standards established pursuant to this subsection become effective, or, with respect to high-intensity discharge lamps covered under section 346, the effective date of standards established pursuant to such section, each manufacturer of a product to which such standards are applicable shall file with the Secretary a laboratory report certifying compliance with the applicable standard for each lamp type. Such report shall include the lumen output and wattage consumption for each lamp type as an average of measurements taken over the preceding 12-month period. With respect to lamp types which are not manufactured during the 12-month period preceding the date such standards become effective, such report shall be filed with the Secretary not later than the date which is 12 months after the date manufacturing is commenced and shall include the lumen output and wattage consumption for each such lamp type as an average of measurements taken during such 12-month period.

"(j) STANDARDS FOR SHOWERHEADS.—(1) The maximum water use allowed for any showerhead (other than safety shower showerheads) manufactured after July 1, 1992, is 2.5 gallons per minute when measured at a flowing water pressure of 80 pounds per square inch.

"(2) If the ASME/ANSI standard for showerheads is revised at any time in a manner that the Secretary determines will improve the efficiency of water use and insure the protection of the health and safety of the public, the Secretary shall, not later than 12 months after the date of such revision, publish a final rule amending the standard established by paragraph (1) to be consistent with such revised ASME/ANSI standard. Such rule shall contain such amendment and provide that the amendment shall apply to products manufactured after a date which is one year after publication of the final rule establishing such amended standard.";

(3) in subsection (k) (as redesignated by paragraph (1) of this subsection)—

(A) in paragraphs (1) and (2), by striking out "(14)" and inserting in lieu thereof "(16)"; and

(B) in paragraphs (1) and (3), by striking out "(l) and (m)" and inserting in lieu thereof "(n) and (o)";

(4) in subsection (l) (as redesignated by paragraph (1) of this subsection), by striking out "(h)" and inserting in lieu thereof "(i)";

(5) in subsection (m) (as redesignated by paragraph (1) of this subsection)—

(A) in paragraph (1)—

(i) by striking out "and in paragraph (13)" and inserting in lieu thereof ", (13), and (14)"; and

(ii) by striking out "(h)" and inserting in lieu thereof "(i)";

(B) in paragraph (2)(C), by striking out "(l)(2)(B)(i)(II)" and inserting in lieu thereof "(n)(2)(B)(i)(II)"; and

(C) in paragraph (3)(B), by inserting "general service fluorescent lamps, incandescent reflector lamps," after "fluorescent lamp ballasts,"; and

(6) in subsection (o)(3)(A) (as redesignated by paragraph (1) of this subsection)—

(A) by striking out "(l)(2)" and inserting in lieu thereof "(n)(2)"; and

(B) by striking out "(l)(4)" and inserting in lieu thereof "(n)(4)".

(f) REQUIREMENTS OF MANUFACTURERS.—Section 326 of such Act (42 U.S.C. 6296) is amended—

(1) in subsection (b)(4), by inserting "or water use" after "consumption"; and

(2) in subsection (d)(1), by striking out "or energy use" and inserting in lieu thereof ", energy use, or, in the case of showerheads, water use".

(g) EFFECT ON OTHER LAW.—Section 327 of such Act (42 U.S.C. 6297) is amended—

(1) in subsection (a)—

(A) in paragraph (1) in the material preceding subparagraph (A), by inserting "or water use" after "energy consumption";

(B) in paragraph (1)(A), by inserting ", water use," after "energy consumption";

(C) in paragraph (1)(B), by striking out "or energy efficiency" and inserting in lieu thereof ", energy efficiency, or water use"; and

(D) in paragraph (2), by inserting before the period at the end the following: "or, with respect to showerheads, any regional authority that has jurisdiction within a State";

(2) in subsection (b)—

(A) in the material preceding paragraph (1), by striking out "or energy use of the covered product" and inserting in lieu thereof ", energy use, or water use of the covered product";

(B) by inserting before the semicolon at the end of paragraph (1) the following: ", or in the case of any portion of any regulation which establishes requirements for fluorescent or incandescent lamps or flow rate requirements for showerheads, was prescribed or enacted before the date of the enactment of the Comprehensive National Energy Policy Act"; and

(C) in paragraph (4), by inserting before the semicolon at the end the following: ", or is a regulation (or portion thereof) regulating fluorescent or incandescent lamps other than those to which section 325(i) is applicable, or is a regulation (or portion thereof) regulating showerheads other than those to which section 325(j) is applicable";

(3) in subsection (c)(1), by inserting before the semicolon at the end the following: ", except that a State regulation (or portion thereof) regulating fluorescent or incandescent lamps other than those to which section 325(i) is applicable shall be effective only until the effective date of a standard that is prescribed by the Secretary and is applicable to such lamps"; and

(4) in subsection (d)(1)—

(A) in subparagraph (A), by striking out "or energy efficiency" and inserting in lieu thereof ", energy efficiency, or water use";

(B) in subparagraph (B), by inserting "or water" after "energy"; and

(C) in subparagraph (C), by inserting "or water" after "energy" each place it appears.

SEC. 165. ENERGY CONSERVATION REQUIREMENTS FOR CERTAIN OTHER EQUIPMENT AND ENERGY EFFICIENCY LABELING FOR LUMINAIRES.

(a) STANDARDS FOR CERTAIN OTHER EQUIPMENT.—Section 346 of the Energy Policy and Conservation Act (42 U.S.C. 6317) is amended to read as follows:

"ENERGY CONSERVATION STANDARDS FOR CERTAIN OTHER EQUIPMENT

"SEC. 346. (a)(1) The Secretary shall, within 18 months after the date of the enactment of the Comprehensive National Energy Policy Act, prescribe testing requirements for those high-intensity discharge lamps, distribution transformers, and certain office equipment for which the Secretary makes a determination that energy conservation standards, or, in the case of certain office equipment, labeling, would result in significant energy savings.

"(2) The Secretary shall, within 18 months after the date on which testing requirements are prescribed by the Secretary pursuant to paragraph (1), prescribe, by rule, energy conservation standards for those high-intensity discharge lamps and distribution transformers for which the Secretary prescribed testing requirements under paragraph (1).

"(3) Any standard prescribed under paragraph (2) with respect to high-intensity discharge lamps shall apply to such lamps manufactured 36 months after the date such rule is published.

"(b)(1) The Secretary shall, within 24 months after the date of the enactment of the Comprehensive National Energy Policy Act, prescribe testing requirements for those small electric motors for which the Secretary makes a determination that energy conservation standards would be technically feasible and economically justified, and would result in significant energy savings.

"(2) The Secretary shall, within 24 months after the date on which testing requirements are prescribed by the Secretary pursuant to paragraph (1), prescribe, by rule, energy conservation standards for those small electric motors for which the Secretary prescribed testing requirements under paragraph (1).

"(3) Any standard prescribed under paragraph (2) shall apply to small electric motors manufactured 60 months after the date such rule is published or, in the case of small electric motors which require listing or certification by a nationally recognized testing laboratory, 84 months after such date. Such standards shall not apply to any small electric motor which is a component of a covered product under section 322(a) or a covered equipment under section 340.

"(c) In establishing any standard under this section, the Secretary shall take into consideration the criteria contained in section 325(n).

"(d)(1) The Secretary shall, within six months after the date on which testing requirements are prescribed by the Secretary pursuant to subsection (a) for certain office equipment, prescribe labeling requirements for such equipment.

"(2) The Secretary, within six months after the date on which energy conservation standards are prescribed by the Secretary for distribution transformers pursuant to subsection (a)(2) and, within six months after the date on which energy conservation standards are prescribed by the Secretary for small electric motors pursuant to subsection (b)(2), shall prescribe labeling requirements for such transformers and small electric motors, respectively.

"(3) The Federal Trade Commission shall, within six months after the date on which energy conservation standards are prescribed by the Secretary for high-intensity discharge lamps pursuant to subsection (a)(2), prescribe labeling requirements for such lamps.

"(e) Beginning on the date which occurs six months after the date on which a labeling rule is prescribed for a product under subsection (d), each manufacturer of a product to which such a rule applies shall provide a label which meets, and is displayed in accordance with, the requirements of such rule.

"(f)(1) After the date on which a manufacturer must provide a label for a product pursuant to subsection (e)—

"(A) each such product shall be considered, for purposes of paragraphs (1) and (2) of section 332(a), a new covered product to which a rule under section 324 applies; and

"(B) it shall be unlawful for any manufacturer or private labeler to distribute in commerce any new product—

"(i) in the case of high-intensity discharge lamps, distribution transformers, and small electric motors for which an energy conservation standard is prescribed under subsection (a)(2) or (b)(2), any such lamp, transformer, or small electric motor which is not in conformity with the applicable energy conservation standard; and

"(ii) in the case of certain office equipment to which a labeling rule is applicable under subsection (d)(1), any such office equipment which is not in conformity with the applicable labeling requirement prescribed for it under subsection (d)(1).

"(2) For purposes of section 333(a), paragraph (1) of this subsection shall be considered to be a part of section 332.".

(b) ENERGY EFFICIENCY LABELING FOR LUMINAIRES.—Part C of title III of such Act (42 U.S.C. 6311 et seq.) is amended by adding at the end the following new section:

"ENERGY EFFICIENCY LABELING FOR LUMINAIRES

"SEC. 347. (a)(1) Not later than one year after the date of the enactment of this Act, and in consultation with the National Electric Manufacturers Association, representatives of the lighting and electric utility industries, the National Institute of Standards and Technology, and other appropriate organizations, the Secretary shall provide financial and technical assistance to support the voluntary development of a national energy efficiency rating and labeling program for luminaires.

"(2) Such program shall set forth information that will enable purchasers of luminaires to make informed decisions about the energy efficiency and costs of alternative luminaires. Such information may include labels affixed to equipment in product showrooms, information printed in product catalogs and other promotional material, and other reasonable and appropriate mechanisms.

"(b) Not later than three years after the date of the enactment of this Act, the Secretary shall, by rule, establish a rating and testing program for luminaires under section 343 and 344 to meet the objectives of subsection (a). In developing such rule, if a national energy efficiency rating and labeling program was successfully developed under subsection (a), the Secretary shall adopt such program, unless the Secretary determines, by rule, that to do so would not meet the requirements of subsection (a).

"(c)(1) Beginning on the date which occurs six months after the date on which a labeling rule is prescribed for luminaires under subsection (b), each manufacturer of a luminaire to which such a rule applies shall provide a label which meets, and is displayed in accordance with, the requirements of such rule.

"(2) After the date on which a manufacturer must provide a label for a luminaire pursuant to paragraph (1), each such luminaire shall be considered, for purposes of paragraphs (1) and (2) of section 332(a), a new covered product to which a rule under section 324 applies.

"(d) For purposes of sections 343 and 344, luminaires shall be considered covered equipment under section 340 to the extent necessary to carry out this section.

"(e) There are authorized to be appropriated $750,000 for each of the fiscal years

1993 and 1994 to carry out the purposes of this section.".

(c) TECHNICAL AMENDMENT.—The table of contents of such Act is amended by striking out the item for section 346 and inserting in lieu thereof the following new items:

"Sec. 346. Energy conservation standards for certain other equipment.

"Sec. 347. Energy efficiency labeling for luminaires.".

SEC. 166. COOPERATIVE ADVANCED APPLIANCE AND EQUIPMENT DEVELOPMENT.

(a) IN GENERAL.—The Secretary of Energy shall establish and carry out a program, with funds available for such purpose, to assist utilities and appliance manufacturers in the early introduction of high-efficiency appliances and equipment. The purpose of this program shall be to promote the production and use of appliances and equipment which are substantially more efficient than required by Federal or State law.

(b) PLAN.—(1) Within 12 months after the date of enactment of this Act, the Secretary of Energy shall prepare, and submit to Congress, a plan for the program to be established under this section.

(2) Such plan shall identify candidate technologies, appliances, and equipment which meet the following criteria:

(A) The potential exists for substantial improvement in the technology's energy efficiency beyond the minimum established in Federal and State law.

(B) The potential for total energy savings at the national or regional level from widespread use of the technology is substantial.

(C) With an adequate volume of production, the technology is likely to be cost-effective for consumers.

(D) Electric, water, or gas utilities are prepared to support and promote the introduction of such appliances or equipment.

(E) Manufacturers are unlikely to undertake development and production of such appliances or equipment on their own, or development and production would be substantially accelerated by support to manufacturers.

(3) The program plan also shall—

(A) be developed in close consultation with utilities, appliance and equipment manufacturers, and other interested parties;

(B) describe the steps the Secretary of Energy will take to provide continuing coordination and assistance of utility efforts to speed the introduction of highly efficient appliances and equipment;

(C) describe proposals for the development and production of highly efficient appliances and equipment which would be jointly funded by the Secretary of Energy, utilities, and appliance manufacturers;

(D) identify methods by which Federal purchase of highly efficient appliances and equipment could assist the early introduction of such appliances and equipment and also assist utility and manufacturer efforts; and

(E) identify such additional budget authorizations as may be needed to carry out the plan.

SEC. 167. EVALUATION OF UTILITY EARLY REPLACEMENT PROGRAMS FOR APPLIANCES.

Within 1 year after the date of the enactment of this Act, the Secretary, in consultation with utilities and appliance manufacturers, shall evaluate and report to the Congress on the energy savings and environmental benefits of programs which are directed to the early replacement of older, less efficient appliances presently in use by consumers with existing products which are more efficient than required by Federal law.

Subtitle E—Miscellaneous

SEC. 171. COMMERCIAL APPLICATION OF ENERGY EFFICIENT LIGHTING TECHNOLOGY.

(a) PURPOSE.—The purpose of this section is to promote commercial application of energy efficient lighting technology.

(b) DEFINITION.—For purposes of this section, the term "energy efficient lighting" means lighting technologies, including but not limited to, advanced lighting technologies such as high intensity discharge, compact fluorescent, high efficiency fluorescent, and incandescent lamps; electronic ballasts; luminaires; day lighting strategies; shading strategies; and lighting controls, such as light sensors and continuous dimming systems.

(c) REGIONAL ENERGY EFFICIENT LIGHTING AND DEMONSTRATION CENTERS.—

(1) GRANTS FOR ESTABLISHMENT.—Not later than 12 months after the date of the enactment of this Act, the Secretary shall make grants to nonprofit institutions (or consortiums that may include nonprofit institutions, State and local governments, and utilities) to establish or enhance one regional energy efficient lighting demonstration center (hereafter in this section referred to as a "regional center") in each of the ten regions served by a Department of Energy regional support office.

(2) RESPONSIBILITIES.—Each regional center established under this subsection shall—

(A) hold special workshops for architects, lighting designers, and other professionals;

(B) prepare outreach materials and publications;

(C) provide information on energy efficient lighting technologies, design, installation, operation, and maintenance;

(D) display the latest energy efficient lighting technologies;

(E) serve as a clearing house to ensure that information about new energy efficient lighting technologies, including case studies of successful applications, is disseminated to end-users in the region; and

(F) study lighting needs of the region and make available region-specific lighting information to facilitate the adoption of cost-effective energy efficient lighting.

(3) APPLICATION.—Any nonprofit institution or consortium interested in receiving a grant under this subsection shall submit to the Secretary an application in such form and containing such information as the Secretary may require. A lighting center in existence on the date of the enactment of this section which is owned and operated by a nonprofit institution or a consortium as described in paragraph (1) shall be eligible for a grant under this subsection.

(4) SELECTION CRITERIA.—The Secretary shall select recipients of grants under this subsection on the basis of the following criteria:

(A) The capability of the grant recipient to establish a board of directors for the regional center composed of representatives from State and local governments, industry trade and professional associations, lighting manufacturers, electric utilities, electrical contractors, lighting designers, and nonprofit energy and environmental organizations.

(B) The demonstrated resources available to the grant recipient for carrying out this subsection.

(C) The demonstrated ability of the grant recipient to disseminate results of energy efficient lighting technology developments.

(D) The projects which the grant recipient proposes to carry out under the grant.

(E) The demonstrated ability of the grant recipient to carry out the responsibilities specified in paragraph (2).

(5) REQUIREMENT OF MATCHING FUNDS.—

(A) FEDERAL SHARE.—The Federal share of a grant under this subsection shall be 50 percent of the costs of establishing and operating the regional center.

(B) NON-FEDERAL CONTRIBUTIONS.—No grant may be made under this subsection in any fiscal year unless the recipient of such grant enters into such agreements with the Secretary as the Secretary may require to ensure that such recipient will provide non-Federal contributions in an amount not less than an amount equal to the Federal share. Such non-Federal contributions may be provided through donations by State governments, nonprofit institutions, foundations, corporations, electric utilities, and other non-Federal entities.

(6) ALLOCATION OF FUNDS.—Of the amounts available to carry out this subsection for any fiscal year, not more than **$500,000** shall be awarded to any regional center.

(7) TASK FORCE.—The Secretary shall establish a task force to—

(A) advise the Secretary on activities to be carried out by grant recipients;

(B) review and evaluate programs carried out by grant recipients; and

(C) make recommendations regarding possible future program modifications.

(8) MEMBERSHIP TERMS AND ADMINISTRATION OF TASK FORCE.—

(A) IN GENERAL.—The task force shall be composed of 25 members with expertise in the area of energy efficient lighting.

(B) APPOINTMENT.—Members of the task force shall be appointed by the Secretary as follows:

(i) Not less than 2 members shall be representatives from State or local energy offices.

(ii) Not less than 2 members shall be representatives from building industry trade or professional associations.

(iii) Not less than 2 members shall be representatives from engineering industry trade or professional associations.

(iv) Not less than 2 members shall be representatives from lighting manufacturers, design firms, or industry trade or professional associations.

(v) Not less than 2 members shall be representatives from electric utilities or related associations.

(vi) Not less than 2 members shall be representatives from electrical contractors or management companies.

(vii) Not less than 2 members shall be representatives from national laboratories.

(viii) Not less than 2 members shall be representatives from nonprofit energy or environmental organizations.

(C) GEOGRAPHIC REPRESENTATION.—Of the members appointed under this paragraph, the Secretary shall ensure that there is at least one member from each of the 10 regions in which a regional center is authorized to be established pursuant to paragraph (1).

(D) TERMS.—Members shall be appointed for a term of 3 years. A vacancy in the task force shall be filled in the manner in which the original appointment was made.

(E) PAY.—Members shall serve without pay. Each member shall receive travel expenses, including per diem in lieu of subsistence, in accordance with sections 5702 and 5703 of title 5, United States Code.

(F) CHAIRPERSON.—The Chairperson and Vice Chairperson of the task force shall be elected by the members.

(G) Meetings.—The task force shall meet biannually and at the call of the Chairperson.

(H) Termination date inapplicable.—Section 14 of the Federal Advisory Committee Act shall not apply to the task force.

(9) Report.—The Secretary shall transmit annually to the Congress a report containing a detailed statement of the activities of regional centers established under this subsection, including the degree to which matching funds are being leveraged from private sources to operate such centers.

(10) Authorization of appropriations.—There is authorized to be appropriated for purposes of carrying out this subsection not more than $5,000,000 for each of fiscal years 1993, 1994, and 1995.

(d) State Energy Offices.—

(1) Workshops.—State energy offices are encouraged to supplement the activities of the regional centers established under subsection (c) in providing workshops for local building owners, developers, and facility energy and financial managers regarding energy efficient lighting. Such workshops shall be conducted in cooperation with the regional center for the region in which the State is located.

(2) Grants to states.—

(A) In general.—The Secretary may provide matching grants to States for the purposes of carrying out paragraph (1).

(B) Preference.—In awarding grants under this paragraph, the Secretary shall give preference to States in which a regional center has not been established.

(C) Application.—The Secretary shall prescribe the form and procedures for States to follow in applying for grants under this paragraph.

(D) Allocation of funds.—Of the amounts available to carry out this subsection for any fiscal year, not more than $100,000 shall be awarded to any State energy office.

(3) Report.—The Secretary shall transmit to the Congress an annual report containing a detailed description of the workshops supported by State energy offices on a State-by-State basis.

(4) Authorization of appropriations.—There is authorized to be appropriated for purposes of carrying out this subsection not more than $2,000,000 for each of fiscal years 1993, 1994, and 1995.

SEC. 172. ENERGY EFFICIENCY IN INDUSTRIAL FACILITIES.

(a) Industrial Energy Savings Targets.—

(1) In general.—Not later than 18 months after the date of the enactment of this Act, the Secretary shall establish voluntary energy efficiency improvement targets for each major energy consuming industry specified in paragraph (5). The targets shall represent a percentage reduction in energy consumption per unit of production that the Secretary determines is cost effective and achievable by 1997.

(2) Targets for specific industries.—Within each major energy consuming industry specified in paragraph (5), the Secretary may also set voluntary energy efficiency improvement targets for industries specified in 3-digit or 4-digit Standard Industrial Classification code levels.

(3) Opportunity for public comment.—The Secretary shall seek input from industries affected by this section and provide an opportunity for public comment in establishing voluntary energy efficiency improvement targets.

(4) Modification of targets.—The Secretary, in consultation with the Administrator of the Energy Information Administration, shall assess the degree to which industries have achieved the targets established by this subsection and shall modify the targets every 5 years, beginning in 1997 for targets that shall become applicable in 2002.

(5) Definition.—For the purposes of this subsection, the term "major energy consuming industry" means the following industries:

(A) Food and kindred products.
(B) Textiles.
(C) Lumber and wood products.
(D) Paper.
(E) Chemicals.
(F) Petroleum.
(G) Stone, clay, and glass.
(H) Primary metals.
(I) Fabricated metal products.
(J) Transportation equipment.
(K) Such industries as the Secretary determines to be appropriate.

(b) Manufacturing Energy Consumption Survey.—Section 205(i)(1) of the Department of Energy Organization Act (42 U.S.C. 7135(i)(1)) is amended by striking out "on at least a triennial basis" and inserting in lieu thereof the following: "at least once every two years".

(c) Award Program.—The Secretary shall establish an annual award program to recognize industry associations and individual industrial companies that have significantly improved their energy efficiency.

(d) Grants.—

(1) In general.—The Secretary shall make grants to industry associations (or otherwise as the Secretary determines is appropriate) to support achievement of the voluntary energy efficiency improvement targets established under subsection (a) through educational and promotional projects.

(2) Awarding of grants.—The Secretary shall request project proposals and provide grants on a competitive basis each year. In evaluating grant proposals under this paragraph, the Secretary shall consider—

(A) potential energy savings;
(B) potential environmental benefits;
(C) the degree of cost sharing;
(D) the degree to which new and innovative technologies will be encouraged;
(E) the level of industry involvement; and
(F) estimated project cost effectiveness.

(3) Eligible projects.—Projects eligible for grants may include the following:

(A) Workshops.
(B) Training seminars.
(C) Handbooks.
(D) Newsletters.
(E) Data bases.
(F) Other activities approved by the Secretary.

(4) Limitation; cost sharing.—A grant provided under this subsection shall not exceed $250,000 and shall not exceed 75 percent of the total cost of the project for which the grant is made.

(e) Authorization.—There are authorized to be appropriated such sums as are necessary to carry out this section.

SEC. 173. PROCESS-ORIENTED INDUSTRIAL ENERGY EFFICIENCY.

(a) Definitions.—For the purposes of this section—

(1) the term "covered industry" means the food and food products industry, lumber and wood products industry, petroleum and coal products industry, and all other manufacturing specified in Standard Industrial Classification Codes 20 through 39 (or successor classification codes);

(2) the term "process-oriented industrial assessment" means—

(A) the identification of opportunities in the production process (from the introduction of materials to final packaging of the product for shipping) for—

(i) improving energy efficiency;
(ii) reducing environmental waste; and
(iii) technological improvements designed to increase competitiveness and achieve cost-effective product quality enhancement;

(B) the identification of opportunities for improving the energy efficiency of lighting, heating, ventilation, air conditioning, and building envelope systems operating outside of the production process; and

(C) the identification of opportunities for using renewable energy technology both in the production process and in the systems described in subparagraph (B);

(3) the term "Secretary" means the Secretary of Energy; and

(4) the term "utility" means any person, State agency (including any municipality), or Federal agency, which sells electric or gas energy to retail customers.

(b) Grant Program—

(1) Use of funds.—The Secretary shall make grants to States to be used for the following purposes:

(A) To promote, through appropriate institutions such as universities, nonprofit organizations, State and local government entities, technical centers, utilities, and trade organizations, the use of energy-efficient technologies in covered industries.

(B) To establish programs to train individuals (on an industry-by-industry basis) in conducting process-oriented industrial assessments and to encourage the use of such trained assessors.

(C) To assist utilities in developing, testing, and evaluating energy efficiency programs and technologies for industrial customers in covered industries.

(2) Consultation.—States receiving grants under this subsection shall consult with utilities and industry representatives, as appropriate, in determining the most effective use of such funds consistent with the requirements of paragraph (1).

(3) Eligibility criteria.—Not later than 6 months after the date of the enactment of this Act, the Secretary shall establish eligibility criteria for grants made pursuant to this subsection. Such criteria shall require a State applying for a grant to demonstrate that such State, by legislation or regulation—

(A) allows utilities to recover the prudently incurred costs of providing process-oriented industrial assessments;

(B) requires least-cost planning as provided in section 111(d)(7) of the Public Utility Regulatory Policies Act of 1978 (16 U.S.C. 2621(d)) (as added by section 131(a) of this Act);

(C) provides for investments in conservation and demand management as provided in section 111(d)(8) of the Public Utility Regulatory Policies Act of 1978 (16 U.S.C. 2621(d)) (as added by section 131(a) of this Act); and

(D) encourages utilities to provide to covered industries served—

(i) process-oriented industrial assessments; and

(ii) financial incentives for implementing energy efficiency improvements.

(4) Allocation of funds.—Grants made pursuant to this subsection shall be allocated each fiscal year among States meeting the criteria of paragraph (3) who have submitted applications 60 days before the first day of such fiscal year. Such allocation shall be made in accordance with a formula to be prescribed by the Secretary based on each such State's share of value added in industry

(as determined by the Census of Manufactures) as a percentage of the value added by all such States.

(5) Renewal of Grants.—A grant under this subsection may be renewed for 1 additional year after 2 consecutive fiscal years during which a State receives a grant under this subsection, subject to the availability of funds, if—

(A) the Secretary determines that the funds made available to the State during the previous 2 years were used in a manner required under paragraph (1); and

(B) such State demonstrates, in a manner prescribed by the Secretary, utility participation in programs established pursuant to this subsection.

(6) Coordination with other Federal Programs.—In carrying out the functions described in paragraph (1), States shall, to the extent practicable, coordinate such functions with activities and programs conducted by the Energy Analysis and Diagnostic Centers of the Department of Energy and the Manufacturing Technology Centers of the National Institute of Standards and Technology.

(c) Other Federal Assistance.—

(1) Model assessment guidelines.—Not later than 2 years after the date of the enactment of this Act, the Secretary shall, by contract with one or more nonprofit organizations expert in process-oriented industrial energy efficiency technology, establish and update as appropriate, on an industry-by-industry basis, model guidelines for conducting process-oriented industrial assessments. Such guidelines shall be made available to State governments, public utility commissions, utilities, and other interested parties.

(2) Directory.—The Secretary shall establish a nationwide directory, on an industry-by-industry basis, of organizations offering industrial energy efficiency technologies and services consistent with the purposes of this section. Such directory shall be made available to State governments, public utility commissions, utilities, industry representatives, and other interested parties.

(3) Award program.—The Secretary shall establish an annual award program to recognize utilities operating outstanding or innovative industrial energy efficiency technology assistance programs.

(4) Meetings.—The Secretary shall convene annual meetings of State energy officials, public utility commission officials, industry and utility representatives, and other interested parties for the purpose of developing strategies to—

(A) transfer information among States and utilities;

(B) encourage States to establish programs for encouraging utilities to provide energy efficiency financial and technical assistance to industry;

(C) encourage effective implementation of such programs; and

(D) provide coordination between such programs which are conducted by States and utilities and Federal programs such as those conducted by the Energy Analysis and Diagnostic Centers of the Department of Energy and the Manufacturing Technology Centers of the National Institute of Standards and Technology.

(d) Report.—Not later than 2 years after the date of the enactment of this Act, and annually thereafter, the Secretary shall submit to the Congress a report which—

(1) identifies barriers encountered in implementing this section;

(2) makes recommendations for overcoming such barriers;

(3) documents the results achieved as a result of the programs established and grants awarded pursuant to this section;

(4) reviews any difficulties encountered by industry in securing and implementing energy-efficient technologies recommended in process-oriented industrial assessments or otherwise identified as a result of programs established pursuant to this section; and

(5) recommends methods for further promoting the distribution and implementation of energy-efficient technologies consistent with the purposes of this section.

(e) Authorization.—There are authorized to be appropriated $8,000,000 for fiscal year 1993, $10,000,000 for fiscal year 1994, and $12,000,000 for fiscal year 1995 for the purposes of carrying out subsection (b).

SEC. 174. MISCELLANEOUS.

(a) Energy Information Administration.—Section 205 of the Department of Energy Organization Act (42 U.S.C. 7135) is amended by adding after subsection (i) the following new subsections:

"(j) With regard to renewable energy, the Administrator shall, annually and on a State-by-State basis, including where applicable Indian reservations, as defined in section 2602(2)—

"(1) collect and analyze data on the number of new wind machines installed, the power production of such machines, total installed capacity, kilowatt hours produced, and measures of wind turbine efficiency as the Administrator deems appropriate;

"(2) collect and analyze data on the new installed capacity of geothermal power projects, the total installed capacity, kilowatt hours produced, and measures of geothermal powerplant efficiency the Administrator deems appropriate;

"(3) collect and analyze data on the new installed capacity of biomass fueled powerplants by type of biomass fuel (including wood, municipal solid waste, agricultural residues, methane, and any others the Administrator deems appropriate), heating systems, total installed capacity, kilowatt hours produced, British thermal units produced from industrial process heating systems and other information that the Administrator deems appropriate;

"(4) collect and analyze data on shipments of solar thermal collectors (determining how much of such shipments are installed domestically by State, and estimating the amount of energy produced annually from such collectors), the amount of solar thermal electric power capacity installed each year, and the total capacity and number of kilowatt hours generated each year; and

"(5) determine the percentage of photovoltaic production exported versus the percentage installed in the United States for remote and utility connected applications.

"(k) With regard to energy use, the Administrator shall conduct surveys of residential, commercial, and industrial energy use at least once every three years and make such information available to the public on a State-by-State basis.

"(l) With regard to utility demand side management, the Administrator shall, when surveying electric utilities, collect information on demand side management programs conducted by such utilities, including information regarding the types of demand side management programs being operated, the quantity of measures installed, expenditures on demand side management programs, and estimates of energy savings resulting from such programs.".

(b) Repeal.—The National Energy Extension Service Act, title V of Public Law 95-39, is repealed.

(c) District Heating and Cooling Programs.—(1) The Secretary of Energy, in consultation with appropriate industry organizations, shall conduct a study to—

(A) assess existing district heating and cooling technologies to determine cost-effectiveness, technical performance, energy efficiency, and environmental impacts compared to alternative methods for heating and cooling buildings;

(B) estimate the economic value of benefits that may result from implementation of district heating and cooling systems but that are not currently recognized, such as reduced emissions of air pollutants, local economic development, and energy security;

(C) evaluate the cost-effectiveness, including the economic value referred to in subparagraph (B), of cogenerated district heating and cooling technologies compared to other alternatives for generating or conserving electricity; and

(D) assess, and make recommendations for reducing, institutional and other constraints on the implementation of district heating and cooling systems.

(2) Within 24 months after the date of the enactment of this Act, the Secretary shall transmit to the Congress a report containing the findings and conclusions made by the Secretary as a result of the study conducted under paragraph (1).

(3) Based on such findings and conclusions, the Secretary shall, within 24 months after the date of the enactment of this Act, establish and carry out a program, with funds available for such purpose, to—

(A) provide information to city governments, electric utilities, and others about the technical performance, efficiency, costs, environmental aspects, and other characteristics of district heating and cooling systems; and

(B) assess the prospects for implementing new or expanded district heating and cooling systems, taking into consideration the needs of local governments and electric utilities and other factors.

(4) The Secretary may provide, with funds available for such purpose, technical and financial assistance to local governments, on a cost-share basis, for the assessment and design of district heating and cooling systems.

(d) Study and Report.—(1) The Secretary of Energy shall, in consultation with the appropriate industry representatives, conduct a study to assess the cost-effectiveness, technical performance, energy efficiency, and environmental impacts of active noise and vibration cancellation technologies that use fast adapting algorithms.

(2) In carrying out such study, the Secretary shall—

(A) estimate the potential for conserving energy and the economic and environmental benefits that may result from implementing active noise and vibration abatement technologies in demand-side management; and

(B) evaluate the cost effectiveness of active noise and vibration cancellation technologies as compared to other alternatives for reducing noise and vibration.

(3) The Secretary shall transmit to the Congress, within 18 months after the date of the enactment of this Act, a report containing the findings and conclusions of the study carried out under this subsection.

(4) The Secretary may, based on the findings and conclusions of such study, carry out at least one project designed to demonstrate the commercial application of active noise and vibration cancellation technologies using fast adapting algorithms in products or equipment with a significant potential for increased energy efficiency.

TITLE II—NATURAL GAS PIPELINES

SEC. 201. FEWER RESTRICTIONS ON CERTAIN NATURAL GAS IMPORTS.

(a) Section 3 of the Natural Gas Act (15 U.S.C. 717b) is amended by inserting "(a)" before "After six months"; and by adding at the end a new subsection as follows:

"(b) With respect to natural gas which is imported into the United States from a nation with which there is in effect a free trade agreement requiring national treatment for trade in natural gas, and with respect to liquefied natural gas—

"(1) the importation of such natural gas shall be treated as a 'first sale' within the meaning of section 2(21) of the Natural Gas Policy Act of 1978;

"(2) neither the Commission nor a State may prohibit or condition the importation of such natural gas, nor treat such natural gas while it is within the United States differently than domestic natural gas, nor permit any pipeline transporting such natural gas to maintain rates, terms, or conditions of service for such natural gas different from those it maintains for domestic natural gas; and

"(3) for purposes of subsection (a), the importation of such natural gas shall be deemed to be consistent with the public interest, and applications for such importation shall be granted without modification or delay.".

(b) Section 4 of the Natural Gas Act (15 U.S.C. 717c) is amended by adding at the end the following new subsection:

"(h) In exercising its authority under this section and sections 5 and 7 of this Act with respect to the transportation rates and charges of an interstate pipeline (as such term is defined in section 2(15) of the Natural Gas Policy Act of 1978), the Commission shall base any determination of whether rates and charges are just and reasonable on costs and other relevant factors relating directly to an interstate pipeline's transportation function, and not on any factors relating to the natural gas being transported by the interstate pipeline or on rates and charges with respect to pipelines not subject to the Commission's jurisdiction.".

SEC. 202. OPTIONAL CERTIFICATES FOR CERTAIN PROJECTS.

(a) OPTIONAL CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY.—Section 7(c)(1) of the Natural Gas Act (15 U.S.C. 717f(c)(1)) is amended by adding at the end the following new subparagraph:

"(D) OPTIONAL CERTIFICATE.—

"(i) ISSUANCE.—

"(I) CONSTRUCTION OF NEW FACILITIES.—Upon application by any natural-gas company, or person which will become a natural-gas company upon completion of any proposed construction or extension, the Commission shall issue an optional certificate of public convenience and necessity for the construction, extension, and operation of, and transportation of natural gas through, open access facilities constructed after the date of enactment of this subparagraph, without requiring a hearing or further proof that the public convenience and necessity would be served by those facilities, if the requirements of this subparagraph are met.

"(II) CONVERSION OF EXISTING FACILITIES.—Upon application by any natural-gas company, or person which will become a natural-gas company upon completion of any proposed conversion or operation, the Commission shall issue an optional certificate of public convenience and necessity for the conversion and operation of existing facilities which are not subject to rate or abandonment regulation, and the transportation of natural gas through such facilities, provided that such facilities were not constructed under section 311 of the Natural Gas Policy Act of 1978 or this section, without requiring a hearing or further proof that the public convenience and necessity would be served by those facilities, if the requirements of this subparagraph are met.

"(III) NONEXCLUSIVITY.—An optional certificate issued under subclause (I) or (II) shall be nonexclusive and nonprejudicial to any other authorization under this Act or the Natural Gas Policy Act of 1978.

"(ii) CONDITIONS.—

"(I) IMPAIRMENT OF ADEQUATE SERVICE.—The Commission shall issue an optional certificate under this subparagraph unless it finds that the construction, extension, conversion, and operation of facilities will impair any certificate holder's ability to render adequate service to its customers.

"(II) ENVIRONMENTAL AND OTHER REQUIREMENTS.—The Commission shall attach to an optional certificate issued under this subparagraph conditions respecting the environment, including mitigation measures and alternate routes, and other conditions to ensure compliance with requirements under environmental and other applicable laws.

"(III) STAND ALONE PRICING.—No costs or expenses incurred in relation to the construction, extension, conversion, and operation of facilities, or the sale of facilities, covered by an optional certificate issued under this subparagraph may be included in the rates and charges of any other rate schedule filed with the Commission under this Act or the Natural Gas Policy Act of 1978.

"(IV) NO CREDITING.—The Commission shall not require the holder of an optional certificate issued under this subparagraph to credit any revenues received in relation to providing transportation under such certificate, or the sale of facilities authorized under such certificate, to any other rate filed with the Commission under this Act or the Natural Gas Policy Act of 1978.

"(V) PREVENTION OF DELAY.—Notwithstanding section 15(a) of this Act, the holder of an optional certificate issued under this subparagraph shall not participate in any proceedings (other than those it may initiate) for the construction, extension, conversion, or operation of facilities that would serve the same market served by the facilities authorized by the holder's optional certificate. The Commission may waive this subclause if the participation of the holder of an optional certificate will help expedite a proceeding.

"(VI) SEPARATE BOOKS.—The holder of an optional certificate issued under this subparagraph shall maintain a separate system of books, accounts, and records for the facilities and transportation authorized under such certificate.

"(iii) NEGOTIATION RULE.—The Commission shall ensure that all agreements between the certificate holder and all persons, including affiliates of the certificate holder, contracting for transportation utilizing facilities authorized in an optional certificate issued under this subparagraph are negotiated at arms length (or in the case of affiliates, the substantial equivalent thereof).

"(iv) PUBLIC NOTICE.—The Commission shall provide reasonable public notice of the application for the issuance of an optional certificate under this subparagraph, including notification at the time of application to the State commission for the State in which the pipeline facility will be located.

"(v) RATES REQUIRED TO BE PUBLIC.—Not later than 60 days before the commencement of transportation pursuant to an optional certificate issued under this subparagraph, or at such time as the Commission may find necessary and reasonable, the certificate holder shall file with the Commission copies of all agreements between the certificate holder and all persons, including affiliates of the certificate holder, contracting for transportation utilizing facilities authorized in the optional certificate. After the commencement of such transportation, the certificate holder shall file with the Commission, not later than 10 days before the initiation of any new transportation utilizing such facilities, a copy of any new or amended agreement entered into by the certificate holder and any person, including any affiliate of the certificate holder, contracting for transportation utilizing such facilities. The Commission shall keep and make available for public inspection all agreements required to be filed with the Commission pursuant to this clause.

"(vi) NEGOTIATED RATES DEEMED LAWFUL; EXCEPTION.—The rates, charges, classifications, or practices for the transportation of natural gas contained in the agreements filed with the Commission pursuant to clause (v) shall be deemed to be lawful within the meaning of sections 4 and 5 of this Act. If, however, the Commission, after a hearing held upon the petition of a person who has made a bona-fide offer to enter into a contract for the transportation of natural gas utilizing facilities authorized in an optional certificate issued under this subparagraph, finds that the failure to provide a requested rate, charge, classification, or practice in connection with such requested transportation is an unjustifiable, effective denial of access to such facilities, the Commission shall determine the rates, charges, classifications, or practices which allow access, and shall fix the same by order. The Commission may not order the requested transportation to the extent that it finds that transportation capacity is not available. Unless the Commission issues a final order on a petition filed pursuant to this clause within 120 days after it is filed, such petition shall be deemed denied.".

(b) NONAPPLICABILITY OF ABANDONMENT RULE.—Section 7(b) of the Natural Gas Act (15 U.S.C. 717c(b)) is amended by adding at the end the following: "This subsection shall not apply to any facility or transportation certificated pursuant to subsection (c)(1)(D) of this section.".

(c) NONAPPLICABILITY OF NATURAL GAS ACT SECTION 4 PROCEDURES.—Section 4 of the Natural Gas Act (15 U.S.C. 717c) is amended by adding the following after subsection (e):

"(f) Subsections (c), (d) and (e) of this section shall not apply to the transportation of natural gas through facilities authorized by a certificate of public convenience and necessity issued under section 7(c)(1)(D) of this Act.".

(d) NONAPPLICABILITY OF NATURAL GAS ACT SECTION 5 PROCEDURES.—Section 5(a) of the Natural Gas Act (15 U.S.C. 717d(a)) is amended by adding at the end the following: "This subsection shall not apply to any rate, charge, classification, or practice by a natural-gas company in connection with the transportation of natural gas through facilities authorized by a certificate issued under section 7(c)(1)(D) of this Act.".

SEC. 203. TRANSPORTATION UNDER SECTION 311 OF THE NATURAL GAS POLICY ACT OF 1978.

(a) AMENDMENT.—Section 311 of the Natural Gas Policy Act of 1978 (15 U.S.C. 3371) is amended—

(1) in the section head, by inserting "; **CONSTRUCTION**" after "**SALES AND TRANSPORTATION**";

(2) in the subsection head for subsection (a), by inserting "; CONSTRUCTION" after "APPROVAL OF TRANSPORTATION";

(3) by striking subsection (a)(1), and inserting in lieu thereof the following:

"(1) INTERSTATE PIPELINES.—

"(A) IN GENERAL.—The Commission may, by rule or order, authorize any interstate pipeline to transport natural gas on behalf of—

"(i) any intrastate pipeline;

"(ii) any local distribution company; or

"(iii) any other person, including such interstate pipeline.

"(B) JUST AND REASONABLE RATES.—The rates and charges of any interstate pipeline with respect to any transportation authorized under subparagraph (A) shall be just and reasonable (within the meaning of the Natural Gas Act).

"(C) NONDISCRIMINATORY TRANSPORTATION.—Any transportation authorized under subparagraph (A) shall not be unjust, unreasonable, unduly discriminatory, or preferential (within the meaning of the Natural Gas Act).

"(D) CONSTRUCTION.—60 days after notification to the State commission (as such term is defined in the Natural Gas Act) for the State in which the pipeline facility will be located, an interstate pipeline may construct facilities of any size or capacity to be used solely for transportation provided under this subsection.";

(4) by striking subsection (a)(2)(A), and inserting in lieu thereof the following:

"(A) IN GENERAL.—The Commission may, by rule or order, authorize any intrastate pipeline to transport natural gas on behalf of—

"(i) any interstate pipeline;

"(ii) any local distribution company served by an interstate pipeline; or

"(iii) any other person, including such intrastate pipeline."; and

(5) by adding at the end the following new subsection:

"(d) PROGRAMMATIC ENVIRONMENTAL IMPACT STATEMENT.—The Commission shall prepare a programmatic environmental impact statement under the National Environmental Policy Act of 1969 to accompany the regulations to implement the amendments to this section made by the Comprehensive National Energy Policy Act. The programmatic environmental impact statement shall be prepared in accordance with the regulations of the Council on Environmental Quality implementing the National Environmental Policy Act of 1969.".

(b) TABLE OF CONTENTS AMENDMENT.—The item relating to section 311 in the table of contents of the Natural Gas Policy Act of 1978 is amended to read as follows:

"Sec. 311. Authorization of certain sales and transporation; construction.".

SEC. 204. RULES IN LOCAL DISTRIBUTION COMPANY BYPASS CASES.

(a) NOTICE.—In any case where service by a natural gas company under section 7(c)(1)(D) of the Natural Gas Act or section 311 of the Natural Gas Policy Act of 1978 would displace existing service by a local distribution company, no contract for such service shall be binding on the buyer, and no such service shall commence, before 60 days after notice to the local distribution company whose service would be displaced.

(b) RECOVERY OF TAKE OR PAY COSTS.—In any case where service by a natural gas company under section 7(c)(1)(D) of the Natural Gas Act or section 311 of the Natural Gas Policy Act of 1978 displaces existing service by a local distribution company, such natural gas company shall not recover from such local distribution company any take or pay costs allocated by the Federal Energy Regulatory Commission on a volumetric basis to the recipient of the new service. Such natural gas company may not reallocate costs not recoverable from the local distribution company by reason of this subsection to any other service provided by such natural gas company, except that those costs may be included in the rates charged to the recipient of the new service.

(c) APPLICABILITY.—This section shall apply to service under section 311 of the Natural Gas Policy Act of 1978 only if such service commences or will commence after the date of enactment of this Act.

(d) DEFINITIONS.—For purposes of this section—

(1) the term "local distribution company" means—

(A) a local distribution company, as such term is defined in section 2(17) of the Natural Gas Policy Act of 1978; and

(B) a holder of a service area determination described in section 7(f)(2) of the Natural Gas Act; and

(2) the term "natural gas company" has the meaning given the term "natural-gas company" in section 2(6) of the Natural Gas Act.

SEC. 205. THIRD PARTY CONTRACTING BY THE FEDERAL ENERGY REGULATORY COMMISSION FOR NATURAL GAS ACT FACILITIES.

(a) THIRD PARTY CONTRACTING.—Section 7(c) of the Natural Gas Act (15 U.S.C. 717f(c)) is amended by adding the following after paragraph (2):

"(3) THIRD PARTY CONTRACTING.—

"(A) GENERAL RULE.—Where the Commission is required to prepare a draft or final environmental impact statement under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) in connection with applications for authority to construct, extend, or operate facilities under this Act, the Commission shall permit, at the election of the applicant, a contractor, consultant, or other person funded by the applicant to prepare such environmental impact statement for the Commission. Such contractor, consultant, or other person shall be selected by the applicant from among a list of individuals or companies determined by the Commission to be qualified to do such work. The Commission shall establish the scope of work for the environmental impact statement, and procedures to oversee the preparation of the statement and to ensure that the contractor, consultant, or other person has no financial or other potential conflict of interest in the outcome of the proceeding. To determine the scope of work, the Commission shall institute a scoping process in accordance with regulations issued by the Council on Environmental Quality.

"(B) ENVIRONMENTAL ASSESSMENTS.—Where an environmental assessment is required under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) in connection with an application for authority to construct, extend, or operate facilities under this Act, the Commission shall permit an applicant, or a contractor, consultant, or other person selected by the applicant, to prepare such environmental assessment. The Commission shall institute procedures, including preapplication consultations, to advise potential applicants of studies or other information related to such environmental assessment foreseeably required by the Commission. The Commission shall allow the filing of such environmental assessment as part of the application.

"(C) RELATIONSHIP TO OTHER LAW.—Nothing in this paragraph shall be construed to—

"(i) relieve the Commission of its responsibilities to review and approve or disapprove environmental documents or to otherwise carry out its responsibilities under the National Environmental Policy Act of 1969; or

"(ii) supersede the responsibility of any Federal agency under any Federal statute, including the National Environmental Policy Act of 1969.

"(D) FUNDS NOT CONSIDERED APPROPRIATIONS.—Funds paid to a contractor, consultant, or other person pursuant to this paragraph shall not be considered an appropriation to the Commission, except as otherwise specified in appropriations Acts.".

(b) COMMUNICATIONS WITH THE COMMISSION.—The Federal Energy Regulatory Commission, within 1 year after the date of enactment of this Act, shall amend its rules governing ex parte communications to clarify that the prohibitions contained in such rules do not apply to communications between the Commission's environmental advisory staff and other Federal and State agencies that are cooperating agencies for purposes of compliance with title I of the National Environmental Policy Act of 1969 (42 U.S.C. 4331–35). In the event of a communication between such parties, an accurate public record of all such communications shall be kept, and any party to the proceeding with respect to which such communication was made may respond in writing to such communication.

(c) NEPA COMPLIANCE.—Except as provided in sections 203(d) and 205, nothing in this title or the amendments made by this title shall be construed to modify, impair, or supersede the applicability and operation of the National Environmental Policy Act of 1969.

SEC. 206. NEW RATES AND JOINT THROUGH RATES.

(a) NOTICE OF CHANGES.—The first and third sentences of section 4(d) of the Natural Gas Act (17 U.S.C. 717c(d)) are amended by striking "thirty days' notice" and inserting in lieu thereof "sixty days' notice".

(b) JOINT RATES.—Section 4 of the Natural Gas Act (15 U.S.C. 717c) is amended by adding after subsection (f) the following new subsection:

"(g) Under such rules and regulations as the Commission may prescribe to preclude anticompetitive conduct, natural-gas companies may jointly file with the Commission rates for the sequential transportation of natural gas through their facilities.".

SEC. 207. UTILIZATION OF INFORMAL RULEMAKING PROCEDURES.

The first sentence of section 403(c) of the Department of Energy Organization Act (42 U.S.C. 7173(c)) is amended to read as follows: "Any function described in section 402 of this Act which relates to the establishment of rates and charges under the Federal Power Act or to the establishment of rates and charges, the issuance of a certificate of public convenience and necessity, or the abandonment of facilities and services under the Natural Gas Act may be conducted by rulemaking procedures.".

SEC. 208. FASTER ISSUANCE AND REVIEW OF COMMISSION ORDERS.

(a) NATURAL GAS ACT AMENDMENTS.—

(1) REHEARING.—Section 19(a) of the Natural Gas Act (15 U.S.C. 717r(a)) is amended by striking "Unless the Commission acts upon the application for rehearing within thirty days after it is filed, such application may be deemed to have been denied." and inserting in lieu thereof "Unless the Commission issues a final order on the application for rehearing within 60 days after it is filed, such application shall be deemed denied, except that the Commission may, for good cause, extend the period for rehearing an additional 90 days or, in the case of a rulemaking proceeding, an additional 120 days.".

(2) COURT REVIEW.—Section 19(b) of the Natural Gas Act (15 U.S.C. 717r(b)) is amended by striking the first and second sentences and inserting in lieu thereof the following: "Any party to a proceeding under this Act aggrieved by an order issued by the Commission in such proceeding may obtain a review of such order in the circuit court of appeals of the United States for any circuit wherein the natural-gas company to which the order relates is located or has its principal place of business, or in the United States Court of Appeals for the District of Columbia, by filing in such court, within 30 days after the order of the Commission upon the application for rehearing, a written petition praying that the order of the Commission be modified or set aside in whole or in part. The petition shall set forth specifically the ground or grounds upon which such petition is based. A copy of such petition shall forthwith be transmitted by the clerk of the court to the Chairman of the Commission and thereupon the Commission shall file with the court the record upon which the order complained of was entered, as provided in section 2112 of title 28, United States Code.".

(b) NATURAL GAS POLICY ACT OF 1978 AMENDMENTS.—

(1) REHEARING.—Section 506(a)(2) of the Natural Gas Policy Act of 1978 (15 U.S.C. 3416(a)(2)) is amended by striking "Unless the Commission acts upon such application for rehearing within 30 days after it is filed, such application shall be deemed to have been denied." and inserting in lieu thereof "Unless the Commission issues a final order on the application for rehearing within 60 days after it is filed, such application shall be deemed denied, except that the Commission may, for good cause, extend the period for rehearing an additional 90 days or, in the case of a rulemaking proceeding, an additional 120 days.".

(2) COURT REVIEW.—Section 506(a)(4) of the Natural Gas Policy Act (15 U.S.C. 3416(a)(4)) is amended by striking the second and third sentences and inserting the following in lieu thereof: "Review shall be obtained by filing a written petition, requesting that such order be modified or set aside in whole or in part, in such Court of Appeals within 30 days after the final action of the Commission on the application for rehearing required under paragraph (2). The petition shall set forth specifically the ground or grounds upon which such petition is based. A copy of such petition shall forthwith be transmitted by the clerk of the court to the Chairman of the Commission and thereupon the Commission shall file with the court the record upon which the order complained of was entered, as provided in section 2112 of title 28, United States Code.".

SEC. 209. STREAMLINED CERTIFICATE PROCEDURES.

(a) UNOPPOSED APPLICATIONS.—Section 7(c)(1) of the Natural Gas Act (15 U.S.C. 717f(c)(1)) is amended by striking subparagraph (B) and inserting in lieu thereof the following:

"(B) UNOPPOSED APPLICATIONS.—In any case not described in the proviso of subparagraph (A), the Commission shall file notice in the Federal Register of the proposed certificate of public convenience and necessity as soon as the required information in connection therewith has been received by the Commission. If no party has filed a protest or objection in response to such notice within 60 days after publication of such notice, or if all protests and objections are withdrawn, the certificate of public convenience and necessity shall, after completion by the Commission of any responsibilities under the National Environmental Policy Act of 1969, be issued.

"(C) HEARINGS; EMERGENCY CERTIFICATES.—

"(i) HEARING REQUIREMENT.—If a party has filed a protest or objection that has not been withdrawn, the Commission shall set the matter for hearing and shall give such reasonable notice of the hearing thereon to all interested persons as in its judgment may be necessary under rules and regulations to be prescribed by the Commission; and the application shall be decided in accordance with the procedure provided in subsection (e) of this section and such certificate shall be issued or denied accordingly. Within 90 days after the date of enactment of the Comprehensive National Energy Policy Act, the Commission shall institute a rulemaking to establish a procedure for dealing expeditiously with protests which do not raise material issues of fact necessitating an evidentiary hearing.

"(ii) CONCLUSIVE EVIDENCE OF NEED.—In a hearing under this subparagraph, proof of binding contractual commitments by bona fide shippers for firm natural gas service to be rendered utilizing substantially all the capacity of the facilities proposed to be constructed or extended shall be conclusive evidence of the need for such proposed service and facilities, and shall be sufficient to dismiss any claim of mutual exclusivity by another applicant.

"(iii) PHASED CERTIFICATE PROCEDURES.—In a hearing under this subparagraph, the Commission, where appropriate, may phase its consideration of issues raised in connection with the application and may issue an initial order containing preliminary findings with respect to such issues. Notwithstanding the preliminary findings in such initial order, the issuance of a certificate of public convenience and necessity shall be subject to a final order based upon the complete record of the hearing under this subparagraph.

"(iv) EMERGENCY CERTIFICATE.—The Commission may issue a temporary certificate in cases of emergency, to assure maintenance of adequate service or to serve particular customers, without notice or hearing, pending the determination of an application for a certificate, and may be regulation exempt from the requirements of this section temporary acts or operations for which the issuance of the certificate will not be required in the public interest."

(b) CERTIFICATE NOT REQUIRED FOR REPLACEMENT FACILITIES.—Section 7(c)(1) of the Natural Gas Act (15 U.S.C. 717f(c)(1)) is amended by adding at the end the following new subparagraph:

"(E) CERTAIN REPLACEMENT FACILITIES.—The replacement or repair of physically deteriorated or obsolete facilities shall not be subject to any certification requirements of this subsection if—

"(i) such replacement or repair does not result in a reduction or abandonment of service by means of such facilities;

"(ii) such replacement or repair has substantially equivalent designed delivery capacity as the particular facilities being replaced or repaired; and

"(iii) the cost of such replacement or repair does not exceed $20,000,000 per project, as adjusted pursuant to the implicit price deflator for gross national product.".

(c) PRIORITY PROJECTS.—Section 7(c)(1) of the Natural Gas Act (15 U.S.C. 717f(c)(1)) is amended by adding at the end the following new subparagraph:

"(F) PRIORITY PROJECTS.—(i) If the Chairman of the Commission finds that the national interest requires expeditious construction or extension of facilities for the transportation of natural gas—

"(I) over a specific route;

"(II) from a specific gas-producing area; or

"(III) into a specific gas-consuming market,

the Chairman may designate facilities needed to serve such route, area, or market as a priority project for purposes of this subparagraph.

"(ii) If the Chairman designates facilities as a priority project under clause (i), the Commission shall issue, within such period as the Chairman may prescribe in such designation order, a certificate of public convenience and necessity under this section to authorize one or more proposals for the construction or extension of the facilities so designated. The Commission may impose such conditions under subsection (e) as it determines the public convenience and necessity require.

"(iii)(I) The Commission shall provide public notice and reasonable opportunity, consistent with time limits under the designation order, for the presentation of alternative proposals to construct or extend facilities designated as a priority project under this subparagraph, and for presentation of written data, views, and arguments on such proposals.

"(II) Sections 556 and 557 of title 5, United States Code, shall not apply to Commission proceedings under this subparagraph.

"(III) Nothing in this subparagraph shall affect the Commission's responsibility to comply with the National Environmental Policy Act of 1969.

"(iv) Actions taken under this subparagraph, and the validity of this subparagraph, shall be subject to judicial review in the same manner as are actions and provisions under section 10(a), (b), and (c)(1) and (2) of the Alaska Natural Gas Transportation Act of 1976 (15 U.S.C. 719h(a), (b), and (c)(1) and (2)).".

SEC. 210. EXPEDITED FEDERAL ENERGY REGULATORY COMMISSION RULES.

The Federal Energy Regulatory Commission shall, within 1 year after the date of enactment of this Act, issue regulations to expedite the process by which the Commission considers applications under section 7 of the Natural Gas Act for the grant of certificates of public convenience and necessity for natural gas transportation facilities.

SEC. 211. GAS DELIVERY INTERCONNECTIONS IN PRODUCTION AREAS.

Section 7(a) of the Natural Gas Act (15 U.S.C. 717f(a)) is amended by—

(1) by striking "(a)" and inserting in lieu thereof "(a) EXTENSION OF FACILITIES.—

"(1) GENERAL RULE.—"; and

(2) inserting at the end the following new paragraph—

"(2) REQUIRED CONNECTIONS.—Upon the petition of any person, the Commission by order may direct a natural-gas company, for the sole purpose of receiving natural gas from the petitioner, to establish, at petitioner's expense, and upon such reasonable terms as the Commission may prescribe, physical connection of the natural-gas company's gas transportation facilities, including facilities constructed under section 311 of the Natural Gas Policy Act of 1978, with—

"(A) the petitioner's production or gathering facilities;

"(B) the petitioner's intrastate pipeline (as such term is defined in section 2(16) of the Natural Gas Policy Act of 1978) within a production area (as such term is defined by the Commission); or

"(C) the petitioner's pipeline certificated pursuant to subsection (c) of this section, within a production area (as such term is defined by the Commission).

The proviso in paragraph (1) shall apply to interconnections required under this paragraph.".

SEC. 212. GAS DELIVERY INTERCONNECTIONS IN MARKET AREAS FOR LOCAL UTILITIES.

Section 7(a)(1) of the Natural Gas Act, as so redesignated by section 212 of this Act, is amended—

(1) by inserting "or transport" after "facilities of, and sell"; and

(2) by inserting "or transport" after "physical connection or sell".

SEC. 213. TECHNICAL AMENDMENTS.

Section 7 of the Natural Gas Act (15 U.S.C. 717f) is amended—

(1) in subsection (b), by inserting "ABANDONMENT.—" before "No natural-gas company";

(2) in subsection (c)—

(A) by striking "(c)(1)(A)" and inserting in lieu thereof the following:

"(c) CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY.—

"(1) TRADITIONAL AND OPTIONAL CERTIFICATES.—

"(A) GENERAL RULE.—"; and

(B) by inserting "HIGH-PRIORITY CERTIFICATES.—" before "The Commission may issue" in paragraph (2);

(3) in subsection (d), by inserting "APPLICATIONS.—" before "Application for certificates";

(4) in subsection (e), by inserting "ISSUANCE OF CERTIFICATES; CONDITIONS.—" before "Except in the cases";

(5) in subsection (f)—

(A) by striking "(f)(1)" and inserting in lieu thereof the following:

"(f) SERVICE AREAS.—

"(1) COMMISSION DETERMINATION.—"; and

(B) by inserting "TRANSPORTATION EXCEPTION.—" before "If the Commission" in paragraph (2);

(6) in subsection (g), by inserting "NONEXCLUSIVITY.—" before "Nothing contained in ";

(7) in subsection (h), by inserting "EMINENT DOMAIN.—" before "When any holder"; and

(8) by conforming the indentation of each subsection, paragraph, and subparagraph to those established in section 212 of this title.

TITLE III—ALTERNATIVE FUELS—GENERAL

SEC. 301. DEFINITIONS.

For purposes of this title, title IV, title V, and title VI—

(1) the term "Administrator" means the Administrator of the Environmental Protection Agency;

(2) the term "alternative fuel" means methanol, ethanol, and other alcohols; mixtures containing 85 percent or more (or such other percentage, but not less than 80 percent, as determined by the Secretary, by rule, to provide for requirements relating to cold start, safety, or vehicle functions) by volume of methanol, ethanol, and other alcohols with gasoline or other fuels; natural gas; liquefied petroleum gas; hydrogen; electricity; and any other fuel the Secretary determines, by rule, is substantially not petroleum and would yield substantial energy security benefits and substantial environmental benefits;

(3) the term "alternative fueled vehicle" means a dedicated vehicle or a dual fueled vehicle;

(4) the term "dedicated vehicle" means—

(A) a dedicated automobile, as such term is defined in section 513(h)(1)(C) of the Motor Vehicle Information and Cost Savings Act; or

(B) a motor vehicle, other than an automobile,

that operates solely on alternative fuel;

(5) the term "domestic" means derived from resources within the several States, the District of Columbia, the Commonwealth of Puerto Rico, the United States Virgin Islands, Guam, America Samoa, the Commonwealth of the Northern Mariana Islands, or any other Commonwealth, territory, or possession of the United States, including the outer Continental Shelf, as such term is defined in the Outer Continental Shelf Lands Act, or from resources within a Nation with which there is in effect a free trade agreement requiring national treatment for trade;

(6) the term "dual fueled vehicle" means—

(A) dual fueled automobile, as such term is defined in section 513(h)(1)(D) of the Motor Vehicle Information and Cost Savings Act; or

(B) a motor vehicle, other than an automobile,

that is capable of operating on alternative fuel and is capable of operating on gasoline or diesel fuel;

(7) the term "fleet" means a group of light duty motor vehicles, located in a metropolitan statistical area or consolidated metropolitan statistical area, as established by the Bureau of the Census, with a 1990 population of more than 250,000, that are centrally fueled or capable of being centrally fueled and are owned, operated, leased, or otherwise controlled by a governmental entity or other person, by any person who controls such person, by any person controlled by such person, and by any person under common control with such person, except that such term does not include—

(A) motor vehicles held for lease or rental to the general public;

(B) motor vehicles held for sale by motor vehicle dealers, including demonstration motor vehicles;

(C) motor vehicles used for motor vehicle manufacturer product evaluations or tests;

(D) law enforcement motor vehicles;

(E) emergency motor vehicles;

(F) motor vehicles acquired and used for military purposes that the Secretary of Defense has certified to the Secretary must be exempt for national security reasons;

(G) nonroad vehicles, including farm and construction motor vehicles; or

(H) motor vehicles which under normal operations are garaged at personal residences at night;

(8) the term "fuel provider" means—

(A) any person engaged in the importing, refining, or processing of crude oil to produce motor fuel;

(B) any person engaged in the importation, production, storage, transportation, distribution, or sale of motor fuel; and

(C) any person engaged in generating, transmitting, importing, or selling at wholesale or retail electricity;

(9) the term "light duty motor vehicle" means a light duty truck or light duty vehicle, as such terms are defined under section 216(7) of the Clean Air Act (42 U.S.C. 7550(7)), of less than or equal to 8,500 pounds gross vehicle weight rating;

(10) the term "motor fuel" means any substance suitable as a fuel for a motor vehicle;

(11) the term "motor vehicle" has the meaning given such term under section 216(2) of the Clean Air Act (42 U.S.C. 7550(2));

(12) the term "replacement fuel" means the portion of any motor fuel that is methanol, ethanol, or other alcohols, natural gas, liquefied petroleum gas, hydrogen, electricity, ethers, or any other fuel the Secretary determines, by rule, is substantially not petroleum and would yield substantial energy security benefits and substantial environmental benefits; and

(13) the term "Secretary" means the Secretary of Energy.

SEC. 302. AMENDMENTS TO THE ENERGY POLICY AND CONSERVATION ACT.

(a) AMENDMENTS.—Section 400AA of the Energy Policy and Conservation Act (42 U.S.C. 6374) is amended—

(1) in subsection (a)(1)—

(A) by striking "passenger automobiles and light duty trucks" and inserting in lieu thereof "vehicles"; and

(B) by striking "alcohol powered vehicles, dual energy vehicles, natural gas powered vehicles, or natural gas dual energy vehicles." and inserting in lieu thereof "alternative fueled vehicles. In no event shall the number of such vehicles acquired be less than the number required under subsection (h).";

(2) by amending subsection (a)(3) to read as follows:

"(3)(A) To the extent practicable, the Secretary shall acquire both dedicated and dual fueled vehicles, and shall ensure that each type of alternative fueled vehicle is used by the Federal Government.

"(B) Vehicles acquired under this section shall be acquired from original equipment manufacturers. If such vehicles are not available from original equipment manufacturers, vehicles converted to use alternative fuels may be acquired if, after conversion, the original equipment manufacturer's warranty continues to apply to such vehicles, pursuant to an agreement between the original equipment manufacturer and the person performing the conversion. This subparagraph shall not apply to vehicles acquired by the United States Postal Service pursuant to a contract entered into by the United States Postal Service before the date of enactment of this subparagraph and which terminates on or before December 31, 1997.

"(C) Alternative fueled vehicles, other than those described in subparagraph (B), may be acquired solely for the purposes of studies under subsection (b), whether or not original equipment manufacturer warranties still apply.

"(D) In deciding which types of alternative fueled vehicles to acquire in implementing this part, the Secretary shall consider as a factor—

"(i) which types of vehicles yield the greatest reduction in pollutants emitted per dollar spent; and

"(ii) the source of the fuel to supply the vehicles, giving preference to vehicles that operate on alternative fuels derived from domestic sources.

"(E) Dual fueled vehicles acquired pursuant to this section shall be operated on alternative fuels unless the Secretary determines that operation on such alternative fuels is not feasible.

"(F) At least 50 percent of the alternative fuels used in vehicles acquired pursuant to this section shall be derived from domestic feedstocks. The Secretary shall issue regulations to implement this requirement. For purposes of this subparagraph, the term 'domestic' has the meaning given such term in section 301(5) of the Comprehensive National Energy Policy Act.

"(G) Vehicles acquired under this section shall be acquired from domestic manufacturers.";

(3) by adding at the end of subsection (a) the following new paragraph:

"(4) Acquisitions of vehicles under this section shall, to the extent practicable, be coordinated with acquisitions of alternative fueled vehicles by State and local governments.";

(4) in subsection (b), by inserting after paragraph (2) the following new paragraphs:

"(3)(A) The Secretary, in cooperation with the Environmental Protection Agency and the Department of Transportation, shall collect data and conduct a study of heavy duty vehicles acquired under subsection (a), which shall at a minimum address—

"(i) the performance of such vehicles, including reliability, durability, and performance in cold weather and at high altitude;

"(ii) the fuel economy, safety, and emissions of such vehicles; and

"(iii) a comparison of the operation and maintenance costs of such vehicles to the operation and maintenance costs of conventionally fueled heavy duty vehicles.

"(B) The Secretary shall provide a report on the results of the study conducted under subparagraph (A) to the Committees on Commerce, Science, and Transportation and Governmental Affairs of the Senate, and the Committees on Energy and Commerce and Government Operations of the House of Representatives, within one year after the first such vehicles are acquired, and annually thereafter.

"(4)(A) The Secretary and the Administrator of the General Services Administration shall conduct a study of the advisability, feasibility, and timing of the disposal of heavy duty vehicles acquired under subsection (a) and any problems with such disposal. Such study shall take into account existing laws governing the sale of Government vehicles and shall specifically focus on when to sell such vehicles and what price to charge.

"(B) The Secretary and the Administrator of the General Services Administration shall report the results of the study conducted under subparagraph (A) to the Committees on Commerce, Science, and Transportation and Governmental Affairs of the Senate, and the Committee on Energy and Commerce and the Committee on Government Operations of the House of Representatives, within one year after funds are appropriated for carrying out this paragraph.

"(5) Studies undertaken under this subsection shall be coordinated with relevant testing activities of the Environmental Protection Agency and the Department of Transportation.";

(5) in subsection (c)—

(A) by striking "alcohol or natural gas, alcohol or natural gas" and inserting in lieu thereof "alternative fuels, such fuels"; and

(B) by striking "alcohol or natural gas" and inserting in lieu thereof "alternative fuel" in paragraph (1);

(6) in subsection (d)(2)(B), by striking "The Secretary" and inserting in lieu thereof "To the extent that appropriations are available for such purposes, the Secretary";

(7) in subsection (g), by striking paragraphs (2) through (6) and inserting in lieu thereof the following:

"(2) the term 'alternative fuel' means methanol, ethanol, and other alcohols; mixtures containing 85 percent or more (or such other percentage, but not less than 80 percent, as determined by the Secretary, by rule, to provide for requirements relating to cold start, safety, or vehicle functions) by volume of methanol, ethanol, and other alcohols with gasoline or other fuels; natural gas; liquefied petroleum gas; hydrogen; and electricity; and any other fuel the Secretary determines, by rule, is substantially not petroleum and would yield substantial energy security benefits and substantial environmental benefits;

"(3) the term 'alternative fueled vehicle' means a dedicated vehicle or a dual fueled vehicle;

"(4) the term 'dedicated vehicle' means—

"(A) a dedicated automobile, as such term is defined in section 513(h)(1)(C) of the Motor Vehicle Information and Cost Savings Act; or

"(B) a motor vehicle, other than an automobile,

that operates solely on alternative fuel;

"(5) the term 'dual fueled vehicle' means—

"(A) dual fueled automobile, as such term is defined in section 513(h)(1)(D) of the Motor Vehicle Information and Cost Savings Act; or

"(B) a motor vehicle, other than an automobile,

that is capable of operating on alternative fuel and is capable of operating on gasoline or diesel fuel; and

"(6) the term 'heavy duty vehicle' means a vehicle of greater than 8,500 pounds gross vehicle weight rating.";

(8) by inserting after subsection (g) the following new subsection:

"(h) MINIMUM FEDERAL FLEET REQUIREMENT.—(1)(A) The Federal Government shall acquire at least—

"(i) 5,000 light duty alternative fueled vehicles in fiscal year 1993;

"(ii) 7,500 light duty alternative fueled vehicles in fiscal year 1994; and

"(iii) 10,000 light duty alternative fueled vehicles in fiscal year 1995.

"(B) The Secretary shall allocate the acquisitions necessary to meet the requirements under subparagraph (A).

"(2)(A) Of the total number of vehicles acquired by a Federal fleet, at least—

"(i) 25 percent in fiscal year 1996;

"(ii) 33 percent in fiscal year 1997; and

"(iii) 50 percent in fiscal year 1998 and thereafter,

shall be alternative fueled vehicles.

"(B) The Secretary, in consultation with the Administrator of General Services where appropriate, may permit a Federal fleet to acquire a smaller percentage than is required in subparagraph (A), so long as the aggregate percentage acquired by all Federal fleets is at least equal to the required percentage.

"(C) For purposes of this paragraph, the term 'Federal fleet' means 50 or more light duty motor vehicles, located in a metropolitan statistical area or consolidated metropolitan statistical area, as established by the Bureau of the Census, with a 1990 population of more than 250,000, that are centrally fueled or capable of being centrally fueled and are owned, operated, leased, or otherwise controlled by or assigned to any Federal executive department, military department, Government corporation, independent establishment, or executive agency, the United States Postal Service, the Congress, the courts of the United States, or the Executive Office of the President. Such term does not include—

"(i) motor vehicles held for lease or rental to the general public;

"(ii) motor vehicles used for motor vehicle manufacturer product evaluations or tests;

"(iii) law enforcement vehicles;

"(iv) emergency vehicles;

"(v) motor vehicles acquired and used for military purposes that the Secretary of Defense has certified to the Secretary must be exempt for national security reasons; or

"(vi) nonroad vehicles, including farm and construction vehicles.

"(3) The General Services Administration, and any other Federal agency that procures motor vehicles for distribution to other Federal agencies may allocate the incremental cost of alternative fueled vehicles over the cost of comparable gasoline vehicles across the entire fleet of motor vehicles distributed by such agency."; and

(9) in subsection (i)(1), by striking "$3,000,000" and all that follows and inserting in lieu thereof "$60,000,000 for fiscal year 1992, and such sums as may be necessary for fiscal years 1993 through 1998, with amounts appropriated for fiscal years 1992 through 1998 to remain available until expended.".

(b) REPEAL OF TERMINATION DATE.—Section 4(b) of the Alternative Motor Fuels Act of 1988 is repealed.

SEC. 303. ASSURANCE OF ACQUISITION OF A VARIETY OF FUELING FACILITIES.

(a) ACQUISITION OF ALTERNATIVE FUELING FACILITIES.—The Secretary shall ensure, with the cooperation of other appropriate agencies and consistent with applicable provisions of Federal law, that the maximum practicable number of a variety of alternative fueling facilities be acquired by purchase, lease, or contract, or through construction, or by other methods by the Federal Government or a joint venture in which the Federal Government is a participant. Such facilities may include facilities at commercial refueling stations and other locations.

(b) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary for carrying out this section $31,000,000 for fiscal year 1993 and such sums as may be necessary for fiscal years 1994 through 1998, to remain available until expended.

SEC. 304. INCREASED FEDERAL FLEET REQUIREMENT.

If, after January 1, 1998, the Secretary determines that the goals of replacement fuel use described in section 502(b)(2), as modified under section 504, are not likely to be achieved—

(1) the requirement for the Federal Government to acquire 50 percent alternative fueled vehicles, as established under section 400AA(h) of the Energy Policy and Conservation Act, shall be increased to a requirement of 60 percent for fiscal year 2000, 70 percent for fiscal year 2001, and 75 percent for fiscal year 2002 and thereafter; and

(2) the minimum size of Federal fleets subject to the requirements of section 400AA(h) of the Energy Policy and Conservation Act shall be 10 light duty motor vehicles.

SEC. 305. USE OF ALCOHOL-ENHANCED GASOLINE IN FEDERAL MOTOR VEHICLES.

(a) PROCUREMENT BY CONTRACT.—Whenever any Federal agency enters into a contract for the procurement of fuel for Federal motor vehicles, the Federal agency shall procure alcohol-enhanced gasoline if such gasoline is reasonably available, costs not more than any other comparable available gasoline, and complies with applicable requirements under the Clean Air Act. For the purposes of this subsection, the cost of gasoline shall be the net cost to the Federal Government of such gasoline.

(b) PURCHASES BY FEDERAL AGENCIES.—Any Federal agency that purchases fuel for Federal motor vehicles shall issue guidelines to ensure the purchase of alcohol-enhanced gasoline if such gasoline is reasonably available, costs not more than any other comparable available gasoline, and complies with applicable requirements under the Clean Air Act. For the purposes of this subsection, the cost of gasoline shall be the net cost to the Federal Government of such gasoline.

(c) EXCEPTION.—The acquisition of alternative fuel shall not be subject to the requirements of subsections (a) and (b).

(d) DEFINITIONS.—For purposes of this section—

(1) the term "alcohol-enhanced gasoline" means gasoline that is blended with alcohol or ether; and

(2) the term "Federal motor vehicle" means a motor vehicle that is owned or leased by a Federal agency and is capable of operating on alcohol-enhanced gasoline.

(e) EFFECTIVE DATE.—This section shall apply to contracts entered into, and fuel purchases made, after the expiration of 6 months after the date of enactment of this Act.

SEC. 306. DISADVANTAGED BUSINESS ENTERPRISES.

(a) GENERAL RULE.—Except to the extent that the head of each agency or department determines otherwise, not less than 10 percent of the total combined amounts obligated for contracts and subcontracts by each agency under subsection (b) shall be expended with small business concerns or other organizations controlled by socially and economically disadvantaged individuals and women, including historically Black colleges and universities and colleges and universities having a student body in which more than 20 percent of the students are Hispanic Americans or Native Americans.

(b) COVERED OBLIGATIONS.—The requirements of subsection (a) shall apply to the combined total for each agency or department of—

(1) the amounts obligated under titles I and III of this Act and the amendments made by titles I and III of this Act; and

(2) the amounts obligated for research under this Act and the amendments made by this Act.

(c) DEFINITIONS.—For purposes of this section, the following definitions shall apply:

(1) SMALL BUSINESS CONCERN.—The term "small business concern" has the meaning such term has under section 3 of the Small Business Act (15 U.S.C. 632). However, for purposes of contracts and subcontracts requiring engineering services the applicable size standard shall be that established for military and aerospace equipment and military weapons.

(2) SOCIALLY AND ECONOMICALLY DISADVANTAGED INDIVIDUALS.—The term "socially and economically disadvantaged individuals" has the meaning such term has under section 8(d) of the Small Business Act (15 U.S.C. 637(d)) and relevant subcontracting regulations promulgated pursuant thereto.

TITLE IV—ALTERNATIVE FUELS—NON-FEDERAL PROGRAMS

SEC. 401. TRUCK COMMERCIAL APPLICATION PROGRAM.

(a) ALTERNATIVE FUELED TRUCKS.—Section 400BB(a) of the Energy Policy and Conservation Act (42 U.S.C. 6374a(a)) is amended by striking "alcohol and natural gas" and inserting in lieu thereof "alternative fuels".

(b) FUNDING.—Section 400BB(b)(1) of such Act (42 U.S.C. 6374a(b)(1)) is amended to read as follows: "(1) There are authorized to be appropriated to the Secretary for carrying out this section $4,000,000 for fiscal year 1992, and such sums as may be necessary for fiscal years 1993 through 1995, to remain available until expended.".

SEC. 402. CONFORMING AMENDMENTS.

Part J of title III of the Energy Policy and Conservation Act is amended—

(1) in section 400CC(a)—

(A) by striking "alcohol and buses capable of operating on natural gas" and inserting in lieu thereof "alternative fuels"; and

(B) by striking "both buses capable of operating on alcohol and buses capable of operating on natural gas" and inserting in lieu thereof "each of the various types of alternative fuel buses";

(2) in section 400DD(d), by striking "alcohols, natural gas, and other potential alternative motor" and inserting in lieu thereof "alternative"; and

(3) in section 400DD (d) and (e), by striking "motor" each place it appears.

SEC. 403. ALTERNATIVE MOTOR FUELS AMENDMENTS.

Title V of the Motor Vehicle Information and Cost Savings Act (15 U.S.C. 2001 et seq.) is amended—

(1) in section 501(1), by striking "alcohol or natural gas" and inserting in lieu thereof "alternative fuel";

(2) in section 502(e)—

(A) by striking "alcohol powered automobiles or natural gas powered" and inserting in lieu thereof "dedicated"; and

(B) by striking "energy automobiles and natural gas dual energy" and inserting in lieu thereof "fueled";

(3) in section 506(a)(4)—

(A) in subparagraph (A)—

(i) by striking "alcohol powered automobiles or natural gas powered" and inserting in lieu thereof "dedicated"; and

(ii) by striking "alcohol or natural gas, as the case may be" and inserting in lieu thereof "alternative fuels"; and

(B) in subparagraph (B)—

(i) by striking "energy automobiles or natural gas dual energy" and inserting in lieu thereof "fueled"; and

(ii) by striking "energy automobile or natural gas dual energy automobile, as the case may be" and inserting in lieu thereof "fueled automobile"; and

(4) in section 506(b)(3)—

(A) in subparagraph (A)—

(i) by striking "energy automobiles and natural gas dual energy" and inserting in lieu thereof "fueled";

(ii) by striking "alcohol or natural gas, as the case may be" and inserting in lieu thereof "alternative fuels" in clause (i); and

(iii) by striking "alcohol or natural gas, as the case may be" and inserting in lieu thereof "alternative fuels" in clause (ii); and

(B) in subparagraph (B)—

(i) by striking "dual energy" and inserting in lieu thereof "dual fueled"; and

(ii) by striking "alcohol" and inserting in lieu thereof "alternative fuels" in clauses (i) and (ii); and

(5) in section 513—

(A) in subsection (a)—

(i) by striking "ALCOHOL POWERED" and inserting in lieu thereof "DEDICATED";

(ii) by striking "If" and inserting in lieu thereof "Except as provided in subsection (c) or in section 503(a)(3), if";

(iii) by striking "alcohol powered" and inserting in lieu thereof "dedicated";

(iv) by striking "content of the alcohol" and inserting in lieu thereof "content of the alternative fuel"; and

(v) by striking "gallon of alcohol" and inserting in lieu thereof "gallon of a liquid alternative fuel";

(B) in subsection (b)—

(i) by striking "ENERGY" and inserting in lieu thereof "FUELED";

(ii) by striking "If" and inserting in lieu thereof "Except as provided in subsection (d) or in section 503(a)(3), if";

(iii) by striking "energy" and inserting in lieu thereof "fueled"; and

(iv) by striking "alcohol" and inserting in lieu thereof "alternative fuel" in paragraph (2);

(C) in subsection (c)—

(i) by striking "NATURAL GAS POWERED" and inserting in lieu thereof "GASEOUS FUEL DEDICATED";

(ii) by striking "powered" and inserting in lieu thereof "dedicated";

(iii) by striking "natural gas" each place it appears in the first sentence and inserting in lieu thereof "gaseous fuel"; and

(iv) by adding at the end the following new sentence: "For purposes of this section, the Secretary shall determine the appropriate gallons equivalent measurement for gaseous fuels other than natural gas, and a gallon equivalent of such gaseous fuel shall be considered to have a fuel content of 15 one-hundredths of a gallon of fuel.";

(D) in subsection (d)—

(i) by striking "NATURAL GAS DUAL ENERGY" and inserting in lieu thereof "GASEOUS FUEL DUAL FUELED";

(ii) by striking "dual energy" and inserting in lieu thereof "dual fueled"; and

(iii) by striking "natural gas" each place it appears and inserting in lieu thereof "gaseous fuel";

(E) in subsection (e), by striking "alcohol powered automobile, dual energy automobile, natural gas powered automobile, or natural gas dual energy" and inserting in lieu thereof "dedicated automobile or dual fueled";

(F) in subsection (f)(2)(A)(i), by striking "alcohol powered automobiles, natural gas powered automobiles," and inserting in lieu thereof "alternative fueled automobiles";

(G) in subsection (g)—

(i) in paragraph (1)—

(I) by inserting ", other than electric automobiles," after "each category of automobiles" in subparagraph (A);

(II) by striking "energy automobiles and natural gas dual energy" and inserting in lieu thereof "fueled" in subparagraph (A);

(III) by inserting ", other than electric automobiles," after "each category of automobiles" in subparagraph (B);

(IV) by striking "energy automobiles and natural gas dual energy" and inserting in lieu thereof "fueled" in subparagraph (B);

(V) by striking "energy automobiles and natural gas dual energy" and inserting in lieu thereof "fueled" both places it appears in subparagraph (C); and

(VI) by striking "energy automobile or natural gas dual energy" and inserting in lieu thereof "fueled" in subparagraph (C); and

(ii) in paragraph (2)—

(I) by striking "energy passenger automobiles or natural gas dual energy" and inserting in lieu thereof "fueled" in subparagraph (A);

(II) by striking "alcohol powered automobiles or natural gas powered" and inserting in lieu thereof "dedicated" in subparagraph (B); and

(III) by striking "energy automobiles and natural gas dual energy" and inserting in lieu thereof "fueled" in subparagraph (B);

(H) in subsection (h)(1)—

(i) by striking subparagraphs (D) and (E) and redesignating subparagraph (C) as subparagraph (D);

(ii) by striking subparagraphs (A) and (B) and inserting in lieu thereof the following new subparagraphs:

"(A) the term 'alternative fuel' means methanol, ethanol, and other alcohols; mixtures containing 85 percent or more (or such other percentage, but not less than 80 percent, as determined by the Secretary, by rule, to provide for requirements relating to cold start, safety, or vehicle functions) by volume of methanol, ethanol, and other alcohols with gasoline or other fuels; natural gas; liquefied petroleum gas; hydrogen; electricity; and any other fuel the Secretary determines, by rule, is substantially not petroleum and would yield substantial energy security benefits and substantial environmental benefits;

"(B) the term 'alternative fueled automobile' means an automobile that—

"(i) is a dedicated automobile; or

"(ii) is a dual fueled automobile;

"(C) the term 'dedicated automobile' means an automobile that operates solely on alternative fuels; and"; and

(iii) in subparagraph (D), as so redesignated by clause (i) of this subparagraph—

(I) by striking "dual energy" and inserting in lieu thereof "dual fueled";

(II) by striking "alcohol" and inserting in lieu thereof "alternative fuel" in clauses (i), (ii), and (iii);

(III) by inserting "in the case of an automobile capable of operating on a mixture of an alternative fuel and gasoline or diesel fuel," before "which, for model years" in clause (iii); and

(IV) by striking the semicolon at the end of clause (iv) and inserting in lieu thereof a period; and

(I) in subsection (h)(2)—

(i) by striking "paragraphs (1) (C) and (D)" and inserting in lieu thereof "paragraph (1)(D)" in subparagraph (A);

(ii) by striking "energy automobiles when operating on alcohol, and by natural gas dual energy automobiles when operating on natural gas" and inserting in lieu thereof "fueled automobiles when operating on alternative fuels" in subparagraph (A);

(iii) by striking "energy automobiles or natural gas dual energy" and inserting in lieu thereof "fueled" both places it appears in subparagraph (A);

(iv) by striking "energy automobiles and natural gas dual energy" and inserting in lieu thereof "fueled" in subparagraph (A);

(v) by striking "energy" and inserting in lieu thereof "fueled" each place it appears in subparagraphs (B) and (C); and

(vi) by inserting "other than electric automobiles" after "automobiles" each place it appears in subparagraphs (B) and (C).

SEC. 404. VEHICULAR NATURAL GAS JURISDICTION.

(a) NATURAL GAS ACT AMENDMENTS.—(1) Section 1 of the Natural Gas Act (15 U.S.C. 717) is amended by inserting after subsection (c) the following new subsection:

"(d) The provisions of this Act shall not apply to any person solely by reason of, or with respect to, any sale or transportation of vehicular natural gas if such person is—

"(1) not otherwise a natural-gas company; or

"(2) subject to regulation by a State commission, whether or not such State commission has, or is exercising, jurisdiction over the sale, sale for resale, or transportation of vehicular natural gas.".

(2) Section 2 of the Natural Gas Act U.S.C. 717a) is amended by inserting after paragraph (9) the following new paragraph:

"(10) 'Vehicular natural gas' means natural gas that is ultimately used as a fuel in a self-propelled vehicle.".

(b) STATE LAWS AND REGULATIONS.—The transportation or sale of natural gas by any person who is not otherwise a public utility, within the meaning of State law—

(1) in closed containers; or

(2) otherwise to any person for use by such person as a fuel in a motor vehicle,

shall not be considered to be a transportation or sale of natural gas within the meaning of any State law, regulation, or order in effect before January 1, 1989. This subsection shall not apply to any State law, regulation, or order to the extent that such law, regulation, or order has as its primary purpose the protection of public safety.

(c) NONAPPLICABILITY OF THE PUBLIC UTILITY HOLDING COMPANY ACT OF 1935.—(1) A company shall not be considered to be a gas utility company under section 2(a)(4) of the Public Utility Holding Company Act of 1935 (15 U.S.C. 79A(a)(4)) solely because it owns or operates facilities used for the distribution at retail of vehicular natural gas.

(2) Notwithstanding section 11(b)(1) of the Public Utility Holding Company Act of 1935 (15 U.S.C. 79J(b)(1)), a holding company registered under such Act solely by reason of the application of section 2(a)(7) (A) or (B) of such Act with respect to control of a gas utility company or subsidiary thereof, may acquire or retain, in any geographic area, any interest in a company that is not a public utility company and which, as a primary business, is involved in the sale of vehicular natural gas or the manufacture, sale, transport, installation, servicing, or financing of equipment related to the sale for consumption of vehicular natural gas.

(3) The sale or transportation of vehicular natural gas by a company, or any subsidiary of such company, shall not be taken into consideration in determining whether under section 3 of the Public Utility Holding Company Act of 1935 (15 U.S.C. 79B) such company is exempt from registration.

(4) For purposes of this subsection, terms that are defined under the Public Utility Holding Company Act of 1935 shall have the meaning given such terms in such Act.

(5) For purposes of this subsection, the term "vehicular natural gas" means natural or manufactured gas that is ultimately used as a fuel in a self-propelled vehicle.

SEC. 405. PUBLIC INFORMATION PROGRAM.

The Secretary, in consultation with appropriate Federal agencies and individuals and organizations with practical experience in the production and use of alternative fuels and alternative fueled vehicles, shall, for the purposes of promoting the use of alternative fuels and alternative fueled vehicles, establish a public information program on the benefits and costs of the use of alternative fuels in motor vehicles. Within 18 months after the date of enactment of this Act, the Secretary shall produce and make available an information package for consumers to assist them in choosing among alternative fuels and alternative fueled vehicles. Such information package shall provide relevant and objective information on motor vehicle characteristics and fuel characteristics as compared to gasoline, on a life cycle basis, including environmental performance, energy efficiency, domestic content, cost, maintenance requirements, reliability, and safety. Such information package shall also include information with respect to the conversion of conventional motor vehicles to alternative fueled vehicles. The Secretary shall include such other information as the Secretary determines is reasonable and necessary to help promote the use of alternative fuels in motor vehicles. Such information package shall be updated annually to reflect the most recent available information.

SEC. 406. LABELING REQUIREMENTS.

The Federal Trade Commission, in consultation with the Secretary, the Administrator of the Environmental Protection Agency, and the Secretary of Transportation, shall, within 18 months after the date of enactment of this Act, issue a notice of proposed rulemaking for a rule to establish uniform labeling requirements, to the greatest extent practicable, for alternative fuels and alternative fueled vehicles, including requirements for appropriate information with respect to costs and benefits, so as to reasonably enable the consumer to make choices and comparisons. Required labeling under the rule shall be simple and, where appropriate, consolidated with other labels providing information to the consumer. In formulating the rule, the Federal Trade Commission shall give consideration to the problems associated with developing and publishing useful and timely cost and benefit information, taking into account lead time, costs, the frequency of changes in costs and benefits that may occur, and other relevant factors. The Commission shall obtain the views of affected industries, consumer organizations, Federal and State agencies, and others in formulating the rule. A final rule shall be issued within 1 year after the notice of proposed rulemaking is issued. Such rule shall be updated periodically to reflect the most recent available information.

SEC. 407. AVAILABILITY OF FUELING FACILITIES.

(a) IDENTIFICATION.—The Secretary, within one year after the date of enactment of this Act, shall, to the greatest extent practicable, identify a list of all private and government alternative fueling facilities that are or could be made available to the public, and shall publish such list in the Federal Register. Within one year after the publication of such list, the Secretary shall submit a report to the Congress containing recommendations on how and to what extent to make listed facilities available to the public.

(b) AVAILABILITY TO PUBLIC.—The Secretary shall, within 1 year after the date of enactment of this Act, issue regulations requiring any person regulated under State law as a natural gas utility, and any interstate pipeline under the meaning of the Natural Gas Act, to make their alternative fueling facilities available, under reasonable terms, to the public.

SEC. 408. DATA ACQUISITION PROGRAM.

(a) Not later than one year after the date of enactment of this Act, the Secretary, through the Energy Information Administration, and in cooperation with appropriate State, regional, and local authorities, shall establish a data collection program to be conducted in at least 5 geographically and climatically diverse regions of the United States for the purpose of collecting data which would be useful to persons seeking to manufacture, convert, sell, own, or operate alternative fueled vehicles or alternative fueling facilities. Such data shall include—

(1) identification of the number and types of motor vehicle trips made daily and miles driven per trip, including commuting, business, and recreational trips;

(2) the projections of the Secretary as to the most likely combination of alternative fueled vehicle use and other forms of transit, including rail and other forms of mass transit;

(3) cost, performance, environmental, energy, and safety data on alternative fuels and alternative fueled vehicles; and

(4) other appropriate demographic information and consumer preferences.

(b) The Secretary shall consult with interested parties, including other appropriate Federal agencies, manufacturers, public utilities, owners and operators of fleets of light duty motor vehicles, and State or local governmental entities, to determine the types of data to be collected and analyzed under subsection (a).

SEC. 409. FEDERAL ENERGY REGULATORY COMMISSION AUTHORITY TO APPROVE RECOVERY OF CERTAIN EXPENSES IN ADVANCE.

(a) NATURAL GAS MOTOR VEHICLES.—The Federal Energy Regulatory Commission may, under section 4 of the Natural Gas Act, allow recovery of expenses, in advance, by natural-gas companies for research, development, and demonstration activities by the Gas Research Institute for projects on the use of natural gas, including fuels derived from natural gas, for transportation, and projects on the use of natural gas to control pollutants and to control emissions from the combustion of other fuels, if the Commission finds that the benefits, including environmental benefits, to existing and future ratepayers resulting from such activities exceed all direct costs to existing and future ratepayers. To the maximum extent practicable, through the establishment of cofunding requirements applicable to each project, the Commission shall ensure that, the costs of such activities shall be provided, in part, through contributions of cash, personnel, services, equipment, and other resources, by sources other than the recovery of expenses pursuant to this section.

(b) ELECTRIC MOTOR VEHICLES.—The Federal Energy Regulatory Commission may, under section 205 of the Federal Power Act, allow recovery of expenses, in advance, by electric utilities for research, development, and demonstration activities by the Electric Power Research Institute for projects on electric motor vehicles, if the Commission finds that the benefits, including environmental benefits, to existing and future ratepayers resulting from such activities exceed all direct costs to existing and future ratepayers. To the maximum extent practicable, through the establishment of cofunding requirements applicable to each project, the costs of such activities shall be provided, in part, through contributions of cash, personnel, services, equipment, and other resources, by sources other than the recovery of expenses pursuant to this section.

(c) REPEAL.—The second paragraph of the matter under the heading "FEDERAL ENERGY REGULATORY COMMISSION, SALARIES AND EXPENSES" in title III of the Energy and Water Development Appropriations Act, 1992, is repealed.

SEC. 410. STATE AND LOCAL INCENTIVES PROGRAMS.

(a) ESTABLISHMENT OF PROGRAM.—(1) The Secretary shall, within one year after the date of enactment of this Act, issue regulations establishing guidelines for comprehensive State alternative fuels and alternative fueled vehicle incentives and program plans designed to accelerate the introduction and use of such fuels and vehicles. Such guideline shall address the development, modification, and implementation of such State plans and shall describe those program elements, as described in paragraph (3), to be addressed in such plans.

(2) The Secretary, after consultation with the Secretary of Transportation and the Administrator of the Environmental Protection Agency, shall invite the Governor of each State to submit to the Secretary a State plan within one year after the effective date of the regulations issued under paragraph (1). Such plan shall include—

(A) provisions designed to result in scheduled progress toward, and achievement of, the goal of introducing substantial numbers of alternative fueled vehicles in such State by the year 2000; and

(B) a detailed description of the requirements, including the estimated cost of implementation, of such plan.

(3) Each proposed State plan, in order to be eligible for Federal assistance under this section, shall describe the manner in which coordination shall be achieved with Federal and local governmental entities in implementing such plan, and shall include an examination of—

(A) exemption from State sales tax or other State or local taxes or surcharges (other than such taxes or surcharges which are dedicated for transportation purposes) with respect to alternative fueled vehicles, alternative fuels, or alternative fueling facilities;

(B) the introduction of alternative fueled vehicles into State-owned or operated motor vehicle fleets;

(C) special parking at public buildings and airport and transportation facilities;

(D) programs of public education to promote the use of alternative fueled vehicles;

(E) the treatment of sales of alternative fuels for use in alternative fueled vehicles;

(F) methods by which State and local governments might facilitate—

(i) the availability of alternative fuels; and

(ii) the ability to recharge electric motor vehicles at public locations;

(G) allowing public utilities to include in rates the incremental cost of—

(i) new alternative fueled vehicles;

(ii) converting conventional vehicles to operate on alternative fuels; and

(iii) installing alternative fuel fueling facilities,

but only to the extent that the inclusion of such costs in rates would not create competitive disadvantages for other market participants, and taking into consideration the effect inclusion of such costs would have on rates, service, and reliability to other utility customers;

(H) such other programs and incentives as the State may describe;

(I) whether accomplishing any of the goals in this subsection would require amendment to State law or regulation, including traffic safety prohibitions;

(J) services provided by municipal, county, and regional transit authorities; and

(K) effects of such plan on programs authorized by the Intermodal Surface Transportation Efficiency Act of 1991 and amendments made by that Act.

(b) FEDERAL ASSISTANCE TO STATES.—(1) Upon request of the Governor of any State with a plan approved under this section, the Secretary may provide to such State—

(A) information and technical assistance, including model State laws and proposed regulations relating to alternative fueled vehicles;

(B) grants of Federal financial assistance for the purpose of assisting such State in the implementation of such plan or any part thereof; and

(C) grants of Federal financial assistance for the acquisition of alternative fueled vehicles.

(2) In determining whether to approve a State plan submitted under subsection (a), and in determining the amount of Federal financial assistance, if any, to be provided to any State under this subsection, the Secretary shall take into account—

(A) the energy-related and environmental-related impacts, on a life cycle basis, of the introduction and use of alternative fueled vehicles included in the plan compared to conventional motor vehicles;

(B) the number of alternative fueled vehicles likely to be introduced by the year 2000 as a result of successful implementation of the plan; and

(C) such other factors as the Secretary considers appropriate.

(3) The Secretary, in consultation with the Administrator of General Services, shall provide assistance to States in procuring alternative fueled vehicles, including coordination with Federal procurements of such vehicles.

(4) The Secretary may not approve a State plan submitted under subsection (a) unless the State agrees to provide at least 20 percent of the cost of activities for which assistance is provided under paragraph (1).

(c) GENERAL PROVISIONS.—(1) In carrying out this section, the Secretary shall consult with the Secretary of Transportation on matters relating to transportation and with other appropriate Federal and State departments and agencies.

(2) The Secretary shall report annually to the President and the Congress, and shall furnish copies of such report to the Governor of each State participating in the program, on the operation of the program under this section. Such report shall include—

(A) an estimate of the number of alternative fueled vehicles in use in each State;

(B) the degree of each State's participation in the program;

(C) a description of Federal, State, and local programs undertaken in the various States, whether pursuant to a State plan under this section or not, to provide incentives for introduction of alternative fueled vehicles;

(D) an estimate of the energy and environmental benefits of the program; and

(E) the recommendations of the Secretary, if any, for additional action by the Federal Government.

(d) DEFINITIONS.—For the purposes of this section, the following definitions apply:

(1) GOVERNOR.—The term "Governor" means the chief executive of a State.

(2) STATE.—The term "State" means each of the several States, the District of Columbia, the Commonwealth of Puerto Rico, the United States Virgin Islands, Guam, American Samoa, the Commonwealth of the Northern Mariana Islands, and any other Commonwealth, territory, or possession of the United States.

(e) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated for carrying out this section, $10,000,000 for each of the 5 fiscal years beginning after the date of enactment of this Act.

SEC. 411. ALTERNATIVE FUEL BUS PROGRAM.

(a) COOPERATIVE AGREEMENTS AND JOINT VENTURES.—(1) The Secretary of Transportation, in consultation with the Secretary, may enter into cooperative agreements and joint ventures proposed by any municipal, county, or regional transit authority in an urban area with a population over 100,000 (according to latest available census information) to demonstrate the feasibility of commercial application, including safety of specific vehicle design, of using alternative fuels for urban buses.

(2) The cooperative agreements and joint ventures under paragraph (1) may include interested or affected private firms willing to provide assistance in cash, or in kind, for any such demonstration.

(3) Federal assistance provided under cooperative agreements and joint ventures entered into under paragraph (1) to demonstrate the feasibility of commercial application of using alternative fuels for urban buses shall be in addition to Federal assistance provided under any other law for such purpose.

(b) LIMITATIONS.—(1) The Secretary of Transportation may not enter into cooperative agreement or joint venture under subsection (a) with any municipal, county, or regional transit authority, unless such government body agrees to provide 20 percent of the costs of such demonstration.

(2) The Secretary of Transportation may grant such priority under this section to any entity that demonstrates that the use of alternative fuels for transportation would have a significant beneficial effect on the environment.

(c) SCHOOL BUSES.—The Secretary of Transportation may also provide, in accordance with such rules as he may prescribe, financial assistance to any agency, municipality, or political subdivision in an urban area referred to in subsection (a), of any State or the District of Columbia for the purpose of meeting the incremental costs of school buses that are dedicated vehicles and used regularly for such transportation during the school term. Such costs may include the purchase and installation of alternative fuel refueling facilities to be used for school bus refueling, and the conversion of school buses to dedicated vehicles. The Secretary of Transportation may provide such assistance directly to a person who is a contractor of such agency, municipality, or political subdivision, upon the request of the agency, municipality, or political subdivision, and who, under such contract, provides for such transportation.

(d) FUNDING AUTHORIZATION.—There are authorized to be appropriated not more than $30,000,000 for each of the fiscal years 1993, 1994, and 1995 for purposes of this section.

SEC. 412. CERTIFICATION OF TRAINING PROGRAMS.

The Secretary shall ensure that the Federal Government establishes and carries out a program for the certification of training programs for technicians who are responsible for motor vehicle installation of equipment that converts gasoline or diesel-fueled motor vehicles into dedicated vehicles or dual fueled vehicles, and for the maintenance of such converted motor vehicles. A training program shall not be certified under the program established under this section unless it provides technicians with instruction on the proper and safe installation procedures and techniques, adherence to specifications (including original equipment manufacturer specifications), motor vehicle operating procedures, emissions testing, and other appropriate mechanical concerns applicable to these motor vehicle conversions. The Secretary shall ensure that, in the development of the program required under this section, original equipment manufacturers, fuel suppliers, companies that convert conventional vehicles to use alternative fuels, and other affected persons are consulted.

SEC. 413. ALTERNATIVE FUEL USE IN NONROAD VEHICLES AND ENGINES.

(a) NONROAD VEHICLES AND ENGINES.—(1) The Secretary shall conduct a study to determine whether the use of alternative fuels in nonroad vehicles and engines would contribute substantially to reduced reliance on imported energy sources. Such study shall be completed, and the results thereof reported to Congress, within 2 years after the date of enactment of this Act.

(2) The study shall assess the potential of nonroad vehicles and engines to run on alternative fuels. Taking into account the nonroad vehicles and engines for which running on alternative fuels is feasible, the study shall assess the potential reduction in reliance on foreign energy sources that could be achieved if such vehicles were to run on alternative fuels.

(3) The report required under paragraph (1) may include the Secretary's recommendations for encouraging or requiring nonroad vehicles and engines which can feasibly be run on alternative fuels, to tilize such alternative fuels.

(b) DEFINITION OF NONROAD VEHICLES AND ENGINES.—Nonroad vehicles and engines, for purposes of this section, shall include nonroad vehicles and engines used for surface transportation or principally for industrial or commercial purposes, vehicles used for rail transportation, motor vehicles used at airports, vehicles or engines used for marine purposes, and other vehicles or engines at the discretion of the Secretary.

(c) DESIGNATION.—Upon completion of the study required pursuant to subsection (a) of this section, the Secretary may designate such vehicles and engines as qualifying for loans pursuant to section 415 of this title.

SEC. 414. REPORTS TO CONGRESS.

Within 6 months after the date of enactment of this Act, the Secretary shall—

(1) identify and report to Congress on purchasing policies of the Federal Government which inhibit or prevent the purchase by the Federal Government of alternative fueled vehicles; and

(2) report to Congress on Federal, State, and local traffic control measures and policies and how the use of alternative fueled vehicles could be promoted by granting such vehicles exemptions or preferential treatment under such measures.

SEC. 415. LOW INTEREST LOAN PROGRAM.

(a) ESTABLISHMENT.—Within 1 year after the date of enactment of this Act, the Secretary shall establish a program for making low interest loans, giving preference to small businesses that own or operate fleets, for—

(1) the conversion of motor vehicles to operation on alternative fuels;

(2) covering the incremental costs of the purchase of motor vehicles which operate on alternative fuels, when compared with purchase costs of comparable conventionally fueled motor vehicles; or

(3) covering the incremental costs of purchase of non-road vehicles and engines designated by the Secretary pursuant to section 413(c) of this title.

(b) LOAN TERMS.—The Secretary, to the extent practicable, shall establish reasonable terms for loans made under this subsection, with preference given to repayment schedules that enable such loans to be repaid by the borrower from the cost differential between gasoline and the alternative fuel on which the motor vehicle operates.

(c) CRITERIA.—In deciding who loans shall be made to under this subsection, the Secretary shall consider—

(1) the financial need of the applicant;

(2) the goal of assisting the greatest number of applicants; and

(3) the ability of an applicant to repay the loan, taking into account the fuel cost savings likely to accrue to the applicant.

(d) PRIORITIES.—Priority shall be given under this section to fleets where the use of alternative fuels would have a significant beneficial effect on energy security and the environment.

(e) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary for carrying out this section, $25,000,000 for each of the fiscal years 1992, 1993, and 1994.

SEC. 416. COMMERCIAL APPLICATION FUNDING FOR ALTERNATIVE FUELED VEHICLES.

(a) MOTOR VEHICLE COMMERCIAL APPLICATION PROGRAM.—The Secretary shall carry out a program of commercial application of techniques related to improving alternative fueled vehicle technology, including the following areas:

(1) Fuel injection.

(2) Carburetion.

(3) Manifolding.

(4) Advanced combustion.

(5) Power optimization.

(6) Efficiency.

(7) Lubricants, detergents, and other additives.

(8) Engine and fuel system durability.

(9) Ignition, including fuel additives to assist ignition.

(10) Multifuel engines.

(11) Emissions control, including catalysts.

(12) Advanced storage systems.

(13) Advanced fueling technology.

(14) Fuel cells.

(15) Advanced cold starting systems.

(16) The incorporation of advanced materials in these areas.

(b) COOPERATIVE AGREEMENTS AND FINANCIAL ASSISTANCE.—The Secretary may enter into cooperative agreements with, and provide financial assistance to, public entities or interested or affected private firms willing to provide 50 percent of the costs of programs under this section.

(c) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary $20,000,000 for each of the fiscal years 1992, 1993, and 1994 for carrying out this section.

SEC. 417. PROHIBITED ACTS.

It shall be unlawful for any person to violate any provision of section 407(b), or any regulation issued under such subsection.

SEC. 418. ENFORCEMENT.

(a) Whoever violates section 417 shall be subject to a civil penalty of not more than $5,000 for each violation.

(b) Whoever willfully violates section 417 shall be fined not more than $10,000 for each violation.

(c) Any person who knowingly and willfully violates section 417 after having been subjected to a civil penalty for a prior violation of section 417 shall be fined not more than $50,000 or imprisoned not more than six months, or both.

TITLE V—AVAILABILITY AND USE OF REPLACEMENT FUELS, ALTERNATIVE FUELS, AND ALTERNATIVE FUELED PRIVATE VEHICLES

SEC. 501. MANDATE FOR ALTERNATIVE FUEL PROVIDERS.

(a) IN GENERAL.—(1) The Secretary shall, before January 1, 1993, issue regulations requiring that, beginning January 1, 1994, any new light duty motor vehicle, or any other new motor vehicle weighing less than 26,000 pounds gross vehicle weight, initially owned, operated, leased, or otherwise controlled after December 31, 1993, by—

(A) a person whose principal business is producing, storing, refining, processing, transporting, distributing, importing, or selling at wholesale or retail any alternative fuel other than electricity;

(B) a person whose principal business is generating, transmitting, importing, or selling at wholesale or retail electricity; and

(C) a person—

(i) who produces, imports, or produces and imports in combination, an average of 50,000 barrels per day or more of petroleum; and

(ii) a substantial portion of whose business is producing alternative fuels,

shall be acquired or operated as provided in subsections (b) and (c).

(2)(A) Regulations issued under paragraph (1) may provide for the exemption from the requirements of paragraph (1) of any person described in paragraph (1)(A) or (B) with demonstrated gross annual revenues of less than $100,000 from such principal business for the 3 immediately preceding calendar years.

(B) Regulations issued under paragraph (1) shall provide for the exemption from the requirements of paragraph (1) of any person, in whole or in part, if such person demonstrates to the satisfaction of the Secretary that alternative fueled vehicles that meet the normal requirements of that person's principal business are not available for acquisition.

(C) Regulations issued under paragraph (1) shall provide for the exemption from the requirements of paragraph (1) of the acquisition of diesel fueled vehicles of greater than 8,500 pounds gross vehicle weight rating.

(b) MOTOR VEHICLES CAPABLE OF BEING CENTRALLY FUELED.—The regulations issued under subsection (a) shall provide that any motor vehicle described in subsection (a) that is centrally fueled or is capable of being centrally fueled shall be a dedicated vehicle.

(c) OTHER MOTOR VEHICLES.—(1) Except as provided in paragraph (2), the regulations issued under subsection (a) shall provide that any light duty motor vehicle described in subsection (a) that is not capable of being centrally fueled shall be operated on alternative fuel at least 50 percent of the time.

(2) In the case of electric motor vehicles owned by a person whose principal business is generating, transmitting, importing, or selling at wholesale or retail electricity, the Secretary may establish different standards with respect to central fueling and the percentage of alternative fuel use required.

(d) OPTION FOR ELECTRIC UTILITIES.—The Secretary shall, within 1 year after the date of enactment of this Act, issue regulations requiring that, in the case of a person whose principal business is generating, transmitting, importing, or selling at wholesale or retail electricity, the requirements of subsection (a)(1) shall not apply until after December 31, 1997, with respect to electric motor vehicles. Any person described in this subsection which plans to acquire electric motor vehicles to comply with the requirements of this section shall so notify the Secretary before January 1, 1994.

(e) ENFORCEMENT.—(1) A person who violates regulations issued under subsection (a) or (d) shall be subject to a civil penalty of not more than $10,000 per violation. Each month in which compliance has not been achieved shall be a separate violation.

(2) In determining the amount of a penalty to be assessed under this section, the Secretary or the court, as appropriate, shall take into consideration, in addition to other factors justice may require, the size of the business, the economic impact of the penalty on the business, the violator's full compliance history and good faith efforts to comply, the duration of the violation as established by any credible evidence, payment by the violator of penalties previously assessed for the same violation, the economic benefit of noncompliance, and the seriousness of the violation.

(f) REPORT TO CONGRESS.—The Secretary shall, before January 1, 1997, submit a report to the Congress providing detailed information on actions taken to carry out this section, and the progress made and problems encountered thereunder.

SEC. 502. REPLACEMENT FUEL SUPPLY AND DEMAND PROGRAM.

(a) ESTABLISHMENT OF PROGRAM.—The Secretary shall establish a program to promote the development and use in light duty motor vehicles of domestic replacement fuels. Such program shall promote the replacement of petroleum motor fuels with replacement fuels to the maximum extent practicable. Such program shall, to the extent practicable, ensure the availability of those replacement fuels that will have the greatest impact in reducing oil imports, improving the health of our Nation's economy and reducing greenhouse gas emissions.

(b) DEVELOPMENT PLAN AND PRODUCTION GOALS.—Under the program established under subsection (a), the Secretary, before October 1, 1993, in consultation with the Administrator, the Secretary of Transportation, the Secretary of Agriculture, the Secretary of Commerce, and the heads of other appropriate agencies, shall review appropriate information and—

(1) estimate the domestic and nondomestic production capacity for replacement fuels and alternative fueled vehicles needed to implement this section;

(2) determine the technical and economic feasibility of achieving the goals of producing sufficient replacement fuels to replace, on an energy equivalent basis—

(A) at least 10 percent by the year 2000; and

(B) at least 30 percent by the year 2010,

of the projected consumption of motor fuel in the United States for each such year, with at least one half of such replacement fuels being domestic fuels;

(3) determine the most suitable means and methods of developing and encouraging the production, distribution, and use of replacement fuels and alternative fueled vehicles in a manner that would meet the program goals described in subsection (a);

(4) identify ways to encourage the development of reliable replacement fuels and alternative fueled vehicle industries in the United States, and the technical, economic, and institutional barriers to such development; and

(5) determine the greenhouse gas emission implications of increasing the use of replacement fuels, including an estimate of the maximum feasible reduction in such emissions from the use of replacement fuels.

The Secretary shall publish in the Federal Register the results of actions taken under this subsection, and provide for an opportunity for public comment.

SEC. 503. REPLACEMENT FUEL DEMAND ESTIMATES AND SUPPLY INFORMATION.

(a) ESTIMATES.—Not later than October 1, 1993, and annually thereafter, the Secretary, in consultation with the Administrator, the Secretary of Transportation, and other appropriate State and Federal officials, shall estimate for the following calendar year—

(1) the number of each type of alternative fueled vehicle likely to be in use in the United States;

(2) the probable geographic distribution of such vehicles;

(3) the amount and distribution of each type of replacement fuel; and

(4) the greenhouse gas emissions likely to result from replacement fuel use.

(b) INFORMATION.—Beginning on October 1, 1994, the Secretary shall annually require—

(1) fuel providers to report to the Secretary on the amount of each type of replacement fuel that such provider—

(A) has provided in the previous calendar year; and

(B) plans to provide for the following calendar year;

(2) suppliers of alternative fueled vehicles to report to the Secretary on the number of each type of alternative fueled vehicle that such supplier—

(A) has made available in the previous calendar year; and

(B) plans to make available for the following calendar year; and

(3) such fuel providers and suppliers to provide the Secretary information necessary to determine the greenhouse gas emissions of the replacement fuels used, taking into account the entire fuel cycle.

(c) PROTECTION OF INFORMATION.—Information provided to the Secretary under subsection (b) shall be subject to applicable provisions of law protecting the confidentiality of trade secrets and business and financial information, including section 1905 of title 18, United States Code.

SEC. 504. MODIFICATION OF GOALS; ADDITIONAL RULEMAKING AUTHORITY.

(a) EXAMINATION OF GOALS.—Within 3 years after the date of enactment of this Act, and periodically thereafter, the Secretary shall examine the goals established under section 502(b)(2), in the context of the program goals stated in section 502(a), to determine if the goals under section 502(b)(2), including the applicable percentage requirements and dates, should be modified under this section. The Secretary shall publish in the Federal Register the results of each examination under this subsection and provide an opportunity for public comment.

(b) MODIFICATION OF GOALS.—If, after analysis of information obtained in connection with carrying out subsection (a) or section 502, or other information, and taking into account the determination of technical and economic feasibility made under section 502(b)(2), the Secretary determines that goals described in section 502(b)(2), including the percentage requirements or dates, are not achievable, the Secretary, in consultation with appropriate Federal agencies, shall, by rule, establish goals that are achievable, for purposes of this title. The modification of goals under this section may include changing the target dates specified in section 502(b)(2).

(c) ADDITIONAL RULEMAKING AUTHORITY.—If the Secretary determines that the achievement of goals described in section 502(b)(2) would result in a significant and correctable failure to meet the program goals described in section 502(a), the Secretary shall issue such additional regulations as are necessary to remedy such failure.

SEC. 505. VOLUNTARY SUPPLY COMMITMENTS.

The Secretary shall, by January 1, 1996, and thereafter, undertake to obtain voluntary commitments in geographically diverse regions of the United States—

(1) from fuel providers to make available to the public replacement fuels, including providing for the construction or availability of related fuel delivery systems;

(2) from owners of fleets of 10 or more motor vehicles to acquire and use alternative fueled vehicles and alternative fuels; and

(3) from suppliers of alternative fueled vehicles to make available to the public alternative fueled vehicles and to ensure the availability of necessary related services,

in sufficient volume to achieve the goals described in section 502(b)(2) or established under section 504. The Secretary shall periodically report to the Congress on the results of efforts under this section. All voluntary commitments obtained pursuant to this section shall be available to the public, except to the extent provided in applicable provisions of law protecting the confidentiality of trade secrets and business and financial information, including section 1905 of title 18, United States Code.

SEC. 506. TECHNICAL AND POLICY ANALYSIS.

(a) REQUIREMENT.—Not later than March 1, 1995, and March 1, 1997, the Secretary shall prepare and transmit to the President and the Congress a technical and policy analysis under this section. The Secretary shall utilize the analytical capability and authorities of the Energy Information Administration and such other offices of the Department of Energy as the Secretary considers appropriate.

(b) PURPOSES.—The technical and policy analysis prepared under this section shall be based on the best available data and information obtainable by the Secretary under section 503, or otherwise, and on experience under this title and other provisions of law in the development and use of replacement fuels and alternative fueled vehicles, and shall evaluate—

(1) progress made in achieving the goals described in section 502(b)(2), as modified under section 504;

(2) the actual and potential role of replacement fuels and alternative fueled vehicles in significantly reducing United States reliance on imported oil to the extent of the goals referred to in paragraph (1); and

(3) the actual and potential availability of various domestic replacement fuels and dedicated vehicles and dual fueled vehicles.

(c) PUBLICATION.—The Secretary shall publish a proposed version of each analysis under this section in the Federal Register for public comment before transmittal to the President and the Congress. Public comment received in response to such publication shall be preserved for use in rulemaking proceedings under section 507.

SEC. 507. FLEET REQUIREMENT PROGRAM.

(a) ADVANCE NOTICE OF PROPOSED RULEMAKING.—Not later than April 1, 1998, the Secretary shall publish an advance notice of proposed rulemaking for the purpose of—

(1) evaluating the progress toward achieving the goals of replacement fuel use described in section 502(b)(2), as modified under section 504;

(2) identifying the problems associated with achieving those goals;

(3) assessing the adequacy and practicability of those goals; and

(4) considering all actions needed to achieve those goals.

The Secretary shall provide for at least 3 regional hearings on the advance notice of proposed rulemaking, with respect to which official transcripts shall be maintained. The comment period in connection with such advance notice of proposed rulemaking shall be completed within 7 months after publication of the advance notice.

(b) PROPOSED RULE.—Before May 1, 1999, the Secretary shall publish in the Federal Register a proposed rule for the rule required under subsection (e), and shall provide for a public comment period, with hearings, of not less than 90 days.

(c) DETERMINATION.—(1) Not later than January 1, 2000, the Secretary shall, through the rule required under subsection (e), determine whether a fleet requirement program is necessary under this section. Such a program shall be considered necessary if the Secretary finds that—

(A) the goal of replacement fuel use described in section 502(b)(2)(B), as modified under section 504, is not expected to be actually achieved by 2010, or such other date as is established under section 504, by voluntary means or pursuant to this title or any other law without such a fleet requirement program, taking into consideration the status of the achievement of the interim goal described in section 502(b)(2)(A), as modified under section 504; and

(B) such goal is practicable and actually achievable within periods specified in section 502(b)(2), as modified under section 504, through implementation of such a fleet requirement program in combination with voluntary means and the application of other programs relevant to achieving such goals.

(2) The rule under subsection (e) shall also modify the goal described in section 502(b)(2)(B) and establish a revised goal pursuant to section 504 if the Secretary determines, based on the proceeding required under subsection (a), that the goal in effect at the time of that proceeding is inadequate or impracticable, and not expected to be achievable. Such goal as modified and established shall be applicable in making the findings described in paragraph (1). If the Secretary modifies the goal under this paragraph, he may also modify the percentages stated in subsection (e)(1) and the minimum percentage stated in subsection (e)(2) shall be not less than 10 percent.

(d) EXPLANATION OF DETERMINATION THAT FLEET REQUIREMENT PROGRAM IS NOT NECESSARY.—If the Secretary determines, based on findings under subsection (c), that a fleet requirement program under this section is not necessary, the Secretary shall, by January 1, 2000, publish such determination in the Federal Register as a final agency action, including an explanation of the findings on which such determination is made and the basis for the determination.

(e) FLEET REQUIREMENT PROGRAM.—(1) If the Secretary determines under subsection (c) that a fleet requirement program is necessary, the Secretary shall, by January 1, 2000, by rule require that, except as provided in paragraph (2), of the total number of new light duty motor vehicles acquired for a non-Federal fleet—

(A) 20 percent of the motor vehicles acquired in model year 2002;

(B) 40 percent of the motor vehicles acquired in model year 2003;

(C) 60 percent of the motor vehicles acquired in model year 2004; and

(D) 70 percent of the motor vehicles acquired in model year 2005 and thereafter,

shall be alternative fueled vehicles.

(2) With respect to model years 2003 and thereafter, and so long as the goal described in section 502(b)(2)(B), as modified under section 504, will be achieved, the Secretary may—

(A) revise the percentage requirements under paragraph (1) downward, except that under no circumstances shall the percentage requirement for a model year be less than 20 percent; and

(B) extend the time under paragraph (1) for up to 2 model years.

(3) Nothing in this section shall be construed as requiring any fleet to acquire alternative fueled vehicles or alternative fuels that do not meet the normal business requirements and practices and needs of that fleet.

(4) A vehicle operating only on gasoline that complies with applicable requirements of the Clean Air Act shall not be considered an alternative fueled vehicle under this subsection, except that the Secretary, as part of the rule under this subsection, may determine that such vehicle should be treated as an alternative fueled vehicle for purposes of this section, for fleets subject to part C of title II of the Clean Air Act, taking into consideration the impact on energy security and the goals stated in section 502(a).

(f) EXTENSION OF DEADLINES.—The Secretary may, by notice published in the Federal Register, extend the deadlines established under subsections (c), (d), and (e) for an additional 90 days if the Secretary is unable to meet such deadlines. Such extension shall not be reviewable.

(g) EXEMPTIONS.—The rule issued under subsection (e) shall provide for the prompt exemption by the Secretary, through a simple and reasonable process, of any fleet from the requirements of subsection (e), in whole or in part, if it is demonstrated to the satisfaction of the Secretary that—

(1) alternative fueled vehicles that meet the normal requirements and practices of the principal business of the fleet owner are not reasonably available for acquisition;

(2) alternative fuels that meet the normal requirements and practices of the principal business of the fleet owner are not available in the area in which the vehicles are to be operated; or

(3) in the case of local government entities, the application of such requirements would pose an unreasonable financial hardship.

(h) SUBSTITUTION.—The rule issued under subsection (e) shall permit a fleet owner to substitute, or enter into an agreement with another party to substitute, an equal number of alternative fueled vehicles not subject to the requirements of subsection (a), including vehicles purchased before the effective date of such rule, for vehicles otherwise subject to subsection (a). Such substitute vehicles shall be counted toward meeting the requirement established under subsection (e). Such substitute vehicles may include vehicles converted to alternative fueled vehicles in accordance with applicable law, except that such substitute vehicles may not be conversions of or replacements for diesel fueled vehicles. Nothing in this title or the amendments made by this title shall require a fleet owner to acquire conversion vehicles.

(i) MINIMUM FLEET SIZE.—(1) Except as provided in paragraph (2), fleet requirements established under this section shall apply to fleets of 10 or more motor vehicles.

(2) So long as the goal described in section 502(b)(2)(B), as modified under section 504, will be achieved, the Secretary may increase the minimum fleet size to which the fleet requirement program under this section applies, except that under no circumstances shall such minimum fleet size be greater than 100.

(j) Inclusion of Law Enforcement Vehicles and Urban Buses.—(1) If the Secretary determines, by rule, that the inclusion of fleets of law enforcement motor vehicles in the fleet requirement program established under this section would contribute to achieving the goal described in section 502(b)(2)(B), as modified under section 504, and the Secretary finds that such inclusion would not hinder the use of the motor vehicles for law enforcement purposes, the Secretary may include such fleets in such program. The Secretary may only initiate one rulemaking under this paragraph.

(2) If the Secretary determines, by rule, that the inclusion of new urban buses, as defined by the Administrator under title II of the Clean Air Act, in the fleet requirement program established under this section would contribute to achieving the goal described in section 502(b)(2)(B), as modified under section 504, the Secretary may include such buses in such program, if the Secretary finds that such application will be consistent with energy security goals and the needs and objectives of encouraging and facilitating the greater use of such buses by the public, taking into consideration the impact of such application on public transit entities. The Secretary may only initiate one rulemaking under this paragraph.

(3) Rulemakings under paragraph (1) or (2) shall be separate from a rulemaking under subsection (e), but may not occur unless a rulemaking is carried out under subsection (e).

(k) Consideration of Factors.—In carrying out this section, the Secretary shall take into consideration energy security, costs, safety, lead time requirements, vehicle miles traveled annually, effect on greenhouse gases, technological feasibility, energy requirements, economic impacts, including impacts on workers and the impact on consumers and fleets, the availability of alternative fuels and alternative fueled vehicles, and other relevant factors.

(l) Consultation and Participation of Other Federal Agencies.—In carrying out this section and section 506, the Secretary shall consult with the Secretary of Transportation, the Administrator, and other appropriate Federal agencies. The Secretary shall provide for the participation of the Secretary of Transportation and the Administrator in the development and issuance of the rule under this section, including the public process concerning such rule.

SEC. 508. SECRETARY'S RECOMMENDATIONS TO CONGRESS.

(a) Recommendations To Require Availability or Acquisition.—If the Secretary determines, under section 507(d), that a fleet requirement program under section 507 is not necessary, the Secretary shall so notify the Congress. If the Secretary so notifies the Congress, the Secretary shall, within 2 years after such notification and by rule, prepare and submit to the Congress recommendations for requirements or incentives for—

(1) fuel providers to make available to the public replacement fuels, including providing for the construction or availability of related fuel delivery systems;

(2) suppliers of alternative fueled vehicles to make available to the public alternative fueled vehicles and to ensure the availability of necessary related services; and

(3) motor vehicle drivers to use replacement fuels,

to the extent necessary to achieve such goals of replacement fuel use and to ensure that the availability of alternative fuels and of alternative fueled vehicles are consistent with each other.

(b) Fair and Equitable Application.—In carrying out this section, the Secretary shall recommend the imposition of requirements proportionately on all appropriate fuel providers and purchasers of motor fuels and suppliers and purchasers of motor vehicles in a fair and equitable manner.

SEC. 509. EFFECT ON OTHER LAWS.

(a) In General.—Nothing in this Act or the amendments made by this Act shall be construed to alter, affect, or modify the provisions of the Clean Air Act, or regulations issued thereunder.

(b) Compliance by Alternative Fueled Vehicles.—Alternative fueled vehicles, whether dedicated vehicles or dual fueled vehicles, and the alternative fuels for operating such vehicles, shall comply with requirements of the Clean Air Act applicable to such vehicles and fuels.

SEC. 510. PROHIBITED ACTS.

It shall be unlawful for any person to violate any provision of section 503(b) or 507, or any regulation issued under such sections.

SEC. 511. ENFORCEMENT.

(a) Whoever violates section 510 shall be subject to a civil penalty of not more than $5,000 for each violation.

(b) Whoever willfully violates section 510 shall be fined not more than $10,000 for each violation.

(c) Any person who knowingly and willfully violates section 510 after having been subjected to a civil penalty for a prior violation of section 510 shall be fined not more than $50,000 or imprisoned not more than six months, or both.

SEC. 512. POWERS OF THE SECRETARY.

For the purpose of carrying out title III, title IV, this title, and title VI, the Secretary, or the duly designated agent of the Secretary, may hold such hearings, take such testimony, sit and act at such times and places, administer such oaths, and require, by subpena, the attendance and testimony of such witnesses and the production of such books, papers, correspondence, memorandums, contracts, agreements, or other records as the Secretary of Transportation is authorized to do under section 505(b)(1) of the Motor Vehicle Information and Cost Savings Act (15 U.S.C. 2005(b)(1)).

SEC. 513. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated to the Secretary for carrying out this title $10,000,000 for each of the fiscal years 1992 through 1996, and such sums as may be necessary for fiscal years 1997 through 2000.

TITLE VI—ELECTRIC MOTOR VEHICLES

SEC. 601. DEFINITIONS.

For the purposes of this title—

(1) the term "associated equipment" means equipment necessary for the regeneration, refueling, or recharging of batteries or other forms of electrical energy used to power an electric motor vehicle;

(2) the term "comparable conventionally fueled motor vehicle" means a motor vehicle powered by an internal combustion engine that utilizes gasoline or diesel fuel as its fuel source and provides passenger capacity or payload capacity the same or similar to an electric motor vehicle, as determined by the Secretary;

(3) the term "electric motor vehicle" means a motor vehicle primarily powered by an electric motor that draws current from rechargeable storage batteries, fuel cells, or other sources of electrical current, and that may include a nonelectrical source of supplemental power;

(4) the term "price differential" means—

(A) in the case of a purchased motor vehicle, the difference between the manufacturer's suggested retail price of such motor vehicle and the manufacturer's suggested retail price of a comparable conventionally fueled motor vehicle; and

(B) in the case of a leased motor vehicle, the difference between the monthly lease payment of such motor vehicle and the monthly lease payment of a comparable conventionally fueled motor vehicle;

(5) the term "State" means each of the several States, the District of Columbia, the Commonwealth of Puerto Rico, the United States Virgin Islands, Guam, American Samoa, the Commonwealth of the Northern Mariana Islands, and any other Commonwealth, territory, or possession of the United States; and

(6) the term "user" means a person or entity that purchases or leases an electric motor vehicle.

Subtitle A—Electric Motor Vehicle Commercial Demonstration Program

SEC. 611. APPLICATIONS.

(a) The Secretary shall request proposals to demonstrate electric motor vehicles or electric motor vehicles and associated equipment in one or more metropolitan areas. The initial request for proposals shall be issued within 18 months after the date of enactment of this Act.

(b) Requests for proposals under this section shall require the proposals to include a description of the proposer, the manufacturer, the proposed users, the metropolitan area or areas, the number of motor vehicles to be demonstrated and their type, characteristics, and life-cycle costs, the price differential, the proposed discount payment, the contributions of State or local governments and other parties to the demonstration project, the domestic content of the motor vehicles, and any other information the Secretary requires to make selections under section 612.

SEC. 612. SELECTION OF PROPOSERS.

(a) After consulting with the Secretary of Transportation, the Secretary of Commerce, and the Administrator of the Environmental Protection Agency, and within 240 days after a request for proposals has been made under section 611, the Secretary may select one or more proposals to receive financial support pursuant to section 613.

(b)(1) No one project selected under this section shall receive more than 25 percent of the funds made available under section 615.

(2) A demonstration project may include electric vehicles in more than one metropolitan area and in more than one State.

(c) In determining whether to select a proposal the Secretary shall consider—

(1) the ability of the manufacturer, directly, indirectly, or in combination with the proposer, to develop, assist in the demonstration of, manufacture, distribute, sell, service, and ensure the continued availability of parts for, electric motor vehicles that are proposed to be included in the demonstration project;

(2) the geographic and climatic diversity of the metropolitan area or areas in which the demonstration project is to be undertaken, when considered in combination with other proposals or other selected demonstration projects;

(3) the suitability of the motor vehicles for their intended use;

(4) the environmental effects of the use of the proposed motor vehicles;

(5) the long-term technical and competitive viability of the electric motor vehicles;

(6) the price differential and the proposed discount payment;

(7) the extent of involvement of State or local government and other parties in the

demonstration project, and whether such involvement will permit a reduction of the Federal cost share per vehicle or will otherwise be used to leverage the Federal contribution to be provided among a greater number of electric vehicles;

(8) the proportion of domestic content of the electric motor vehicles;

(9) the safety of the electric motor vehicles; and

(10) other criteria as the Secretary considers appropriate.

(d) The Secretary shall require that—

(1) the electric motor vehicles will be used primarily in the metropolitan area or areas identified in the proposal;

(2) as a part of the demonstration project the user or users of the electric motor vehicles will provide to the proposer and the manufacturer information regarding the operation, maintenance, and usability of the electric motor vehicles for 5 years after purchase or lease;

(3) the proposer shall provide such information regarding the operation, maintenance, and use of the electric motor vehicles as the Secretary may request during the period of the demonstration project; and

(4) in the case of automobiles or light duty trucks, the number of electric vehicles to be included in the demonstration project shall be no less than 100 vehicles, except that the Secretary may select a demonstration project with fewer than 100 vehicles if the Secretary determines that selection of such a proposal will ensure that there is geographic or climatic diversity of the proposals selected and that an adequate demonstration to accelerate the development and use of electric vehicles can be undertaken with fewer than 100 electric vehicles.

SEC. 613. DISCOUNTS TO USERS.

(a) The Secretary shall provide a discount payment to a proposer reimbursing the proposer for a discount provided to users if the proposer certifies to the Secretary, in such form and at such time as may be required by the Secretary, that—

(1) electric motor vehicles have been purchased or leased by a user in accordance with the requirements of this subtitle; and

(2) the proposer has provided to the user a discount in accordance with this subtitle.

(b) Not later than 30 days after receipt from the proposer of certification which the Secretary determines satisfies the requirements of subsection (a), the Secretary shall pay to the proposer the full amount of the discount payment.

(c) The discount payment shall be—

(1) no greater than the price differential;

(2) no greater than the manufacturer's suggested retail price of a comparable conventionally fueled motor vehicle; and

(3) used by the proposer solely to reimburse the user for the purchase or lease of an electric motor vehicle.

(d) No discount payment shall be provided under this section if the actual purchase price of an electric motor vehicle, adjusted to reflect the discount payment and any additional reduction that may result from contributions provided by other parties, is more than 10 percent less than the manufacturer's suggested retail price of a comparable conventionally fueled motor vehicle.

SEC. 614. REPORTS TO CONGRESS.

(a) PROGRESS REPORTS.—The Secretary shall annually report to Congress on the progress being made, through demonstration projects supported under this subtitle, to accelerate the development and use of electric motor vehicles.

(b) REPORT ON ENCOURAGING THE PURCHASE AND USE OF ELECTRIC VEHICLES.—Within 18 months after the date of enactment of this Act, the Secretary shall submit to the Congress and the President a report on methods for encouraging the purchase and use of electric vehicles. Such report shall focus on the potential cost of purchasing and maintaining electric vehicles, including the initial cost of the batteries and the cost of replacement batteries, and shall identify methods for reducing, subsidizing, or sharing such costs. Such report shall also include recommendations for legislative and administrative measures to support and encourage the purchase and use of electric vehicles.

SEC. 615. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated to the Secretary to carry out this subtitle $50,000,000 for the 10 fiscal year period beginning with the first full fiscal year after the date of enactment of this Act.

SEC. 616. TECHNOLOGY TRANSFER PROGRAM.

(a) The Secretary shall conduct a program designed to accelerate wider application of advanced electric vehicle technology, including advanced battery technologies.

(b) The Secretary, in carrying out the program authorized by subsection (a), shall—

(1) undertake an inventory and assessment of advanced electric vehicle technologies and their commercial capability; and

(2) develop a Federal-industry information exchange program to improve technology transfer, which may consist of workshops, publications, conferences, and a data base for use by the public and private sectors.

Subtitle B—Electric Motor Vehicle Infrastructure and Support Systems Development Program

SEC. 621. DEFINITIONS.

For purposes of this subtitle—

(1) the term "infrastructure and support systems" includes support and maintenance services and facilities, electricity delivery mechanisms and methods, regulatory treatment of investment in electric motor vehicles and associated equipment, consumer education programs, safety and health procedures, and battery availability, replacement, recycling, and disposal, that may be required to enable electric utilities, automobile manufacturers, and others to support the operation and maintenance of an electric motor vehicle and associated equipment; and

(2) the term "non-Federal person" means an entity not part of the Federal Government that is organized under the laws of the United States, including—

(A) a for-profit business;

(B) a private foundation;

(C) a nonprofit organization such as a university;

(D) a trade or professional society; or

(E) a unit of State or local government.

SEC. 622. GENERAL AUTHORITY.

(a) The Secretary shall undertake a program to enter into joint ventures with one or more eligible non-Federal persons for cost-shared research, development, or demonstration of an infrastructure and support systems program or system designed to support the use of electric motor vehicles.

(b) A non-Federal person shall be eligible to participate in a joint venture under this subtitle only if it demonstrates to the satisfaction of the Secretary that it will conduct a substantial portion of its activities under the joint venture in the United States using United States labor and materials.

(c) Activities under this subtitle shall be coordinated with activities under subtitle A.

SEC. 623. SOLICITATION OF JOINT VENTURES.

(a) Not later than 1 year after funds are appropriated for such purpose under this subtitle, the Secretary shall solicit proposals for joint ventures representing geographically and climatically diverse regions of the United States. Within 240 days after proposals have been solicited, the Secretary shall select proposals and thereafter enter into negotiations in order to obtain a final agreement where possible between the Secretary and the non-Federal person or persons submitting the proposal selected by the Secretary.

(b) The infrastructure and support systems programs for which joint ventures are selected under this section may be designed to address—

(1) the ability to service electric motor vehicles and to provide or service associated equipment;

(2) the installation of charging facilities;

(3) rates and cost recovery for electric utilities who invest in infrastructure capital-related expenditures;

(4) the conduct of information dissemination programs;

(5) the development of safety and health procedures and guidelines related to battery charging, watering, and emissions; and

(6) such other requirements as the Secretary considers necessary in order to address the infrastructure and support systems needed to support electric motor vehicles.

(c) The Secretary shall require at least 50 percent of the costs directly and specifically related to any selected proposal to be provided from non-Federal sources.

(d) In the case of joint ventures activities under this title and, in the case of any existing or future joint ventures related primarily to battery technology for electric motor vehicles under other provisions of law, where the knowledge resulting from research and development activities conducted pursuant to such joint ventures is for the benefit of the participating companies (particularly domestic companies) that provide financial resources to the program, the Secretary, for a period of up to 5 years after the development of information that—

(1) results from research and development activities conducted under such joint ventures; and

(2) would be a trade secret or commercial or financial information that is privileged or confidential if the information had been obtained from a participating company,

may, notwithstanding any other provision of law, provide appropriate protections against the dissemination of such information to the public, and the provisions of section 1905 of title 18, United States Code, shall apply to such information. Nothing in this subsection provides protections against the dissemination of such information to Congress. For purposes of this subsection, a "domestic company" means an entity which is substantially involved in the United States in the domestic production of motor vehicles for sale in the United States and has a substantial percentage of its production facilities in the United States.

SEC. 624. ELECTRIC UTILITY PARTICIPATION STUDY.

The Secretary, in consultation with appropriate Federal departments and agencies, representatives of State regulatory commissions and electric utilities, and such other persons as the Secretary considers appropriate, shall undertake or cause to have undertaken a study to determine the means by which electric utilities may invest in, own, sell, lease, service, or recharge batteries used to power electric motor vehicles.

SEC. 625. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated to the Secretary to carry out this subtitle not to exceed $10,000,000 for each of the 5 fiscal years beginning after the date of enactment of this Act.

TITLE VII—ELECTRICITY

SEC. 701. FINDINGS AND PURPOSES.

(a) FINDINGS.—The Congress finds that—

(1) in 1970, 24 percent of the fuel consumed in the United States was used to produce electricity; this figure rose to 36 percent in 1990 and is projected to rise to more than 41 percent by 2010;

(2) the energy efficiency and economic efficiency of the electric utility sector and the energy security of the Nation are best served by a regulatory structure providing for freer wholesale market entry by independent power producers;

(3) the Nation's environment is best served by the encouragement and further development of independent power producers, who account for 28 percent of new electric generation capacity made available in the last 5 years in conformity with the Clean Air Act new source performance standards;

(4) the protection of the public health, safety and welfare, preservation of national security, and the proper exercise of congressional authority under the Constitution to regulate interstate commerce require a program to—

(A) enhance the Nation's energy security by increasing the potential supplies and suppliers of electric power,

(B) allow for the broadest range of options for electric utilities that need new increments of electric power,

(C) build upon the established success of the cogeneration and small power production provisions of title II of the Public Utility Regulatory Policies Act of 1978,

(D) increase the reliability of electric supplies in order to bolster the Nation's reserves of electric power, which have dwindled substantially during the last decade,

(E) deliver electricity to consumers at the lowest reasonable price, and

(F) clarify existing Federal authority to ensure that essential transmission services will be available to facilitate independent power and other wholesale sales, while maintaining reliability of service and protecting other consumer interests.

(b) PURPOSES.—The purposes of this title are to—

(1) ensure an adequate and economical supply of electricity in the United States;

(2) encourage greater use of abundant domestic resources for generating electricity;

(3) facilitate power plant ownership by those best able to build power plants at the lowest reasonable cost;

(4) encourage conservation of the fuel and capital resources used to generate electricity; and

(5) clarify Federal authority to ensure that transmission service is provided on a nondiscriminatory basis.

Subtitle A—Public Utility Holding Company Act Amendments

SEC. 711. TREATMENT OF INDEPENDENT POWER PRODUCERS UNDER PUHCA.

Title I of the Public Utility Holding Company Act of 1935 (15 U.S.C. 79 and following) is amended by adding the following new section after section 31 and by redesignating sections 32 and 33 as sections 33 and 34 respectively:

"SEC. 32. INDEPENDENT POWER PRODUCERS.

"(a) DEFINITIONS.—For purposes of this section—

"(1) INDEPENDENT POWER PRODUCER.—The term 'independent power producer' means any person determined by the Federal Energy Regulatory Commission, under rules promulgated by such Commission, to be engaged directly and exclusively in the business of owning or operating (or both owning and operating) all or part of one or more eligible facilities. No person shall be deemed to be an independent power producer under this section unless such person has applied to the Federal Energy Regulatory Commission for a determination under this paragraph. The Federal Energy Regulatory Commission shall notify the Securities and Exchange Commission whenever a determination is made under this paragraph that any person is an independent power producer.

"(2) ELIGIBLE FACILITY.—

"(A) WHOLESALE GENERATION FACILITIES.—Except as provided in subparagraph (B), the term 'eligible facility' means a facility, wherever located, that is used for the generation of electric energy exclusively for sale at wholesale. Such term includes interconnecting transmission facilities necessary to effect such sale at wholesale.

"(B) EXISTING RATE-BASED FACILITIES NOT ELIGIBLE.—No facility which is included (in whole or in part), as of the date of enactment of this section, in the rate base of a State regulated electric utility, shall be deemed to be an eligible facility notwithstanding any subsequent sale or lease of such facility by such State regulated electric utility.

"(b) EXEMPTIONS FOR INDEPENDENT POWER PRODUCERS.—An independent power producer (1) shall not be deemed to be an electric utility company under section 2(a)(3) of this Act, and (2) shall be exempt from all provisions of this Act other than the provisions of this section. The preceding sentence shall apply whether or not the independent power producer is a subsidiary company, an affiliate, or an associate company of a holding company.

"(c) COMPANIES EXEMPT UNDER SECTION 3.—Notwithstanding any other provision of this Act, a holding company that is exempt under section 3 shall be permitted, without condition or limitation under this Act, to acquire and maintain an interest in the business of one or more independent power producers.

"(d) REGISTERED HOLDING COMPANIES.—Notwithstanding any other provision of this Act, a registered holding company shall be permitted (without the need to apply for, or receive approval from, the Commission, and otherwise without condition under any other provision of this Act) to acquire and hold the securities, or interest in the business, of one or more independent power producers. Any interest in the business of one or more independent power producers by a registered holding company (regardless of where facilities owned or operated by such independent power producers are located) shall be considered to be—

"(1) consistent with the operation of an integrated public utility system; and

"(2) reasonably incidental, or economically necessary or appropriate, to the operation of an integrated public utility system: *Provided*, That—

"(A) the creation or maintenance of any relationship (including any service, sales, or construction contract) with, and

"(B) the issuance of securities to finance an acquisition of securities of, or the guarantee of securities of,

an independent power producer, by a registered holding company (or a subsidiary or affiliate company of a registered company) shall remain subject to section 6 of this Act. In determining whether to approve any action under subparagraphs (A) and (B), the Commission shall not find that the security is not reasonably adapted to the earning power or the security structure of the registered company, or that the transaction is an improper risk, unless the Commission first finds that the issuance of the security or the transaction would have a substantial adverse impact on the financial integrity of the registered company system; and *Provided further*, That in determining whether to approve the issuance or sale of a security, or any other transactions by a registered company or its subsidiaries other than those with an independent power producer, the Commission shall not consider the effect of the capitalization or earnings of any subsidiary which is an independent power producer upon the registered holding company system unless the transaction, if approved, would have a substantial adverse impact on the financial integrity of the registered holding company system. The Commission may not make any determination or finding under subparagraph (A) or (B) until the Commission has promulgated regulations with respect to the actions which would be considered, for purposes of this subsection, to have a substantial adverse impact on the financial integrity of the registered holding company system. Such regulations shall ensure that the action has no adverse impact on any utility subsidiary or its customers, or on the ability of State commissions to protect such subsidiary or customers, and shall take into account the amount and type of capital invested in independent power producers, the ratio of such capital to the total capital invested in utility operations, the availability of books and records, and the financial and operating experience of the registered holding company and the independent power producer. The Commission shall promulgate regulations under this subsection within 6 months after the enactment of the Comprehensive National Energy Policy Act.

"(e) APPLICATION OF ACT TO OTHER ELIGIBLE FACILITIES.—After the date of the enactment of this section, in the case of any person engaged directly and exclusively in the business of owning or operating (or both owning and operating) all or part of one or more eligible facilities, an advisory letter from the Commission staff under this Act or an order issued by the Commission under this Act shall not be required for the purpose, or have the effect, of exempting such person from treatment as an electric utility company under section 2(a)(3) or exempting such person from any provision of this Act.

"(f) STATE AUTHORITIES.—Nothing in this section shall be construed to affect or limit in any way any authority of any State commission to review the financial structure of any independent power producer selling electric power to a State regulated electric utility, the rates and charges of which are subject to the jurisdiction of such State commission. Nothing in this section shall be construed to eliminate or reduce any existing State jurisdiction to define or regulate electric utilities.".

SEC. 712. OWNERSHIP OF INDEPENDENT POWER PRODUCERS AND QUALIFYING FACILITIES.

Section 3 of the Federal Power Act (16 U.S.C. 791a and following) is amended by adding the following after the semicolon at the end of paragraph (17)(C)(ii) and after the semicolon at the end of paragraph (18)(B)(ii): "the ownership by a person of one or more independent power producers shall not result in such person being considered as being primarily engaged in the generation or sale of electric power within the meaning of this clause;".

SEC. 713. AFFILIATE TRANSACTIONS; STATE AUTHORITIES.

(a) AFFILIATE TRANSACTIONS.—(1) Section 205 of the Federal Power Act is amended by adding the following new subsection at the end thereof:

"(g)(1) It shall be a violation of this Act for an independent power producer to sell electric energy to a public utility if the independent power producer is an affiliate, associate company, or subsidiary company of the public utility.

"(2) As used in this subsection the terms 'affiliate', 'associate company', and 'subsidiary company' shall have the same meaning as when used in the Public Utility Holding Company Act of 1935.

"(3) This subsection shall take effect with respect to the sale of electric energy the rates and charges for which are approved or fixed by the Commission, or which the Commission permits to take effect, under section 205 or 206 after the date of the enactment of this subsection.".

(b) BOOKS AND RECORDS.—Section 201 of the Federal Power Act is amended by adding the following new subsection at the end thereof:

"(g) BOOKS AND RECORDS.—(1) Upon written order of a State Commission, a State commission may examine the books, accounts, memoranda, contracts, and records of—

"(A) an electric utility company subject to its regulatory authority under State law,

"(B) any independent power producer selling power at wholesale to such electric utility,

"(C) any subsidiary company, associate company, or affiliate of the electric utility company, and

"(D) any subsidiary company, associate company, or affiliate of the independent power producer which independent power producer sells power at wholesale to an electric utility company referred to in subparagraph (A),

wherever located, if such examination is required for the effective discharge of the State commission's regulatory responsibilities affecting the provision of electric service.

"(2) Any United States district court located in the State in which the State commission referred to in paragraph (1) is located shall have jurisdiction to issue an injunction compelling compliance with an order issued by the State commission under this subsection.

"(3) As used in this subsection the terms 'affiliate', 'associate company', 'electric utility company', and 'subsidiary company' shall have the same meaning as when used in the Public Utility Holding Company Act of 1935.".

Subtitle B—Federal Power Act; Interstate Commerce in Electricity

SEC. 721. INTERCONNECTION.

Section 210 of the Federal Power Act is amended in subsection (a) by striking "geothermal power producer" and all that follows down through "qualifying small power producer," and inserting ", or any other person generating electric energy for sale for resale" in paragraph (1).

SEC. 722. AMENDMENTS TO SECTION 211 OF FEDERAL POWER ACT.

Section 211 of the Federal Power Act (16 U.S.C. 824j) is amended as follows:

(1) The first sentence of subsection (a) is amended to read as follows: "Any electric utility, Federal power marketing agency, or any other person generating electric energy for sale for resale, may apply to the Commission for an order under this subsection requiring a transmitting utility to provide transmission services (including any enlargement of transmission capacity necessary to provide such services) to the applicant.".

(2) In the second sentence of subsection (a), strike "the Commission may" and all that follows and insert "the Commission shall issue such order if it finds that such order meets the requirements of section 212, would maintain the reliability of any electric utility system to which the order applies, would otherwise be in the public interest, and would—

"(1) conserve a significant amount of energy,

"(2) significantly promote the efficient use of facilities and resources,

"(3) promote competition in the wholesale power market,

"(4) enhance protection of the environment, or

"(5) prevent, arrest, or abate discriminatory practices that are subject to the jurisdiction of the Commission.".

(3) In subsection (b)—

(A) Strike out "other electric utility" and insert "transmitting utility" in both places such term appears.

(B) After "affected electric utility," insert "each affected transmitting utility,".

(C) Strike out "an evidentiary hearing" in the second sentence and insert "a hearing".

(4) In subsection (c)—

(A) Strike out paragraph (1).

(B) In paragraph (2) strike "which requires the electric" and insert "which requires the transmitting".

(C) In paragraph (3) strike "electric" and insert "electric utilities or transmitting".

(5) In subsection (d)—

(A) In the first sentence of paragraph (1), strike "electric" and insert "transmitting" in each place it appears.

(B) In the second sentence of paragraph (1) before "and each affected electric utility," insert "each affected transmitting utility,".

(C) In paragraph (3), strike "electric" and insert "transmitting".

(D) Strike the period in subparagraph (B) of paragraph (1) and insert ", or" and after subparagraph (B) insert the following new subparagraph:

"(C) the order to provide such transmission services requires enlargement of transmission capacity and the transmitting utility subject to the order has failed, after making a good faith effort, to obtain the necessary approvals under applicable Federal, State, and local environmental and siting laws.".

SEC. 723. TRANSMISSION SERVICES.

(a) AMENDMENTS TO SECTION 212.—Section 212 of the Federal Power Act is amended as follows:

(1) Strike subsections (a) and (b) and insert the following:

"(a) LIMITATIONS.—No order under section 211 or 213 shall require any transmitting utility to provide transmission services which will (1) unduly impair the reliability of any transmitting utility, public utility, or electric utility, affected by the order; (2) unduly impair the ability of any such utility to render adequate services to its customers; or (3) unduly economically disadvantage the customers of the transmitting utility subject to the order. Whenever the Commission finds that any proposed order under section 211 or 213 would have any effect referred to in the preceding sentence, the Commission shall issue an order requiring the transmitting utility to provide so much of the proposed wholesale transmission services as would not have any such effect.

"(b) CHARGES FOR WHOLESALE TRANSMISSION SERVICES.—(1) An order under section 211 or 213 shall require the transmitting utility subject to the order to provide wholesale transmission services at rates and charges which permit the recovery by such utility of all prudent costs incurred in connection with the transmission services and necessary associated services, including an appropriate share of the costs of any enlargement of transmission facilities (plus a reasonable rate of return on investment, as appropriate) as determined by the Commission. Orders under section 211 or 213 which provide for tariffs of general applicability shall include in such tariffs, rates, terms, and conditions for firm and nonfirm, and long and short-term transmission services. Such rates, terms, and conditions shall not be unjust, unreasonable, unduly discriminatory or preferential.

"(2) Rates, charges, terms, and conditions applicable to transmission service ordered under sections 211 or 213, to the extent practicable, based on the facts and circumstances present at the time, shall be designed to—

"(A) compensate native load customers for legitimate and verifiable economic costs of providing the transmission service,

"(B) provide the lowest reasonable transmission rates for the transmission service, and

"(C) prevent the collection of monopoly rents by the transmitting utility and promote the efficient transmission and generation of electricity.

Such rates, charges, terms, and conditions shall account for any benefits to the transmission system of providing the transmission service, and a reasonable balance among subparagraphs (A), (B), and (C).".

(2) Subsection (e) is amended to read as follows:

"(e) SAVINGS PROVISIONS.—(1) No provision of section 210, 211, 213, or 215 shall be treated as requiring any person to utilize the authority of section 210, 211, 213, or 215 in lieu of any other authority of law, or as limiting, impairing, or otherwise affecting any authority of the Commission under any other provision of law.

"(2) Sections 210, 211, 213, 214, and 215, and this section, shall not be construed to modify, impair, or supersede the operation of the antitrust laws. For purposes of this section, the term 'antitrust laws' has the meaning given in subsection (a) of the first sentence of the Clayton Act, except that such term includes section 5 of the Federal Trade Commission Act to the extent that such section relates to unfair methods of competition.".

(3) Add the following new subsections at the end thereof:

"(g) PROHIBITION ON MANDATORY RETAIL WHEELING.—No order issued under this Act shall require the mandatory transmission of electric energy directly to an ultimate consumer.

"(h) LAWS APPLICABLE TO FEDERAL COLUMBIA RIVER TRANSMISSION SYSTEM.—(1) The Commission shall have authority pursuant to section 210, section 211, this section, section 213, and section 214 to (A) order the Administrator of the Bonneville Power Administration to provide transmission service and (B) establish the terms and conditions of such service. In applying such sections to the Federal Columbia River Power System, the Commission shall assure that—

"(i) the provisions of otherwise applicable Federal laws shall continue in full force and effect and shall continue to be applicable to the system; and

"(ii) the rates for the transmission of electric power on the system shall be governed only by such otherwise applicable provisions of law and not by any provision of section 210, section 211, this section, section 213, or section 214, except that no rate for the transmission of power on the system shall be unjust, unreasonable, or unduly discriminatory or preferential, as determined by the Commission.

"(2) Notwithstanding any other provision of this Act with respect to the procedures for the determination of terms and conditions for transmission service—

"(A) when the Administrator of the Bonneville Power Administration either (i) in response to a written request for specific transmission service terms and conditions does not offer the requested terms and conditions, or (ii) proposes to establish terms and conditions of general applicability for transmission service on the Federal Columbia River Transmission System, then the Administrator may provide opportunity for a hearing and, in so doing, shall—

"(I) give notice in the Federal Register and state in such notice the written explanation of the reasons why the specific terms and conditions for transmission services are not being offered or are being proposed;

"(II) adhere to the procedural requirements of paragraphs (1) through (3) of section 7(i) of the Pacific Northwest Electric Power Planning and Conservation Act (16 U.S.C. 839(i)(1) through (3)), except that the hearing officer shall, unless the hearing officer becomes unavailable to the agency, make a recommended decision to the Administrator that states the hearing officer's findings and conclusions, and the reasons or basis thereof, on all material issues of fact, law, or discretion presented on the record; and

"(III) make a determination, setting forth the reasons for reaching any findings and conclusions which may differ from those of the hearing officer, based on the hearing record, consideration of the hearing officer's recommended decision, section 211 and this section, as amended by the Comprehensive National Energy Policy Act, and the provisions of law as preserved in this section; and

"(B) if application is made to the Commission under section 211 for transmission service under terms and conditions different than those offered by the Administrator, or following the denial of a request for transmission service by the Administrator, and such application is filed within 60 days of the Administrator's final determination and in accordance with Commission procedures, the Commission shall—

"(i) in the event the Administrator has conducted a hearing as herein provided for (I) accord parties to the Administrator's hearing the opportunity to offer for the Commission record materials excluded by the Administrator from the hearing record, (II) accord such parties the opportunity to submit for the Commission record comments on appropriate terms and conditions, (III) afford those parties the opportunity for a hearing if and to the extent that the Commission finds the Administrator's hearing record to be inadequate to support a decision by the Commission, and (IV) establish terms and conditions for or deny transmission service based on the Administrator's hearing record, the Commission record, section 211 and this section, as amended by the Comprehensive National Energy Policy Act, and the provisions of law as preserved in this section, or

"(ii) in the event the Administrator has not conducted a hearing as herein provided for, determine whether to issue an order for transmission service in accordance with section 211 and this section, including providing the opportunity for a hearing.

"(3) Notwithstanding those provisions of section 313(b) of this Act (16 U.S.C. 825l) which designate the court in which review may be obtained, any party to a proceeding concerning transmission service sought to be furnished by the Administrator of the Bonneville Power Administration seeking review of an order issued by the Commission in such proceeding shall obtain a review of such order in the United States Court of Appeals for the Pacific Northwest, as that region is defined by section 3(14) of the Pacific Northwest Electric Power Planning and Conservation Act (16 U.S.C. 839a(14)).

"(4) To the extent the Administrator of the Bonneville Power Administration cannot be required under section 211 or 213, as a result of the Administrator's other statutory mandates, either to (A) provide transmission service to an applicant which the Commission would otherwise order, or (B) provide such service under rates, terms, and conditions which the Commission would otherwise require, the applicant shall not be required to provide similar transmission services to the Administrator or to provide such services under similar rates, terms, and conditions.

"(5) The Commission shall not issue any order under section 210, section 211, this section, section 213, or section 214 requiring the Administrator of the Bonneville Power Administration to provide transmission service if such an order would impair the Administrator's ability to provide such transmission service to the Administrator's power and transmission customers in the Pacific Northwest, as that region is defined in section 3(14) of the Pacific Northwest Electric Power Planning and Conservation Act (16 U.S.C. 839a(14)), as is needed to assure adequate and reliable service to loads in that region.

"(i) EQUITABILITY WITHIN TERRITORY RESTRICTED ELECTRIC SYSTEMS.—With respect to an electric utility which is prohibited by Federal law from being a source of power supply, either directly or through a distributor of its electric energy, outside an area set forth in such law, no order issued under section 211 may require such electric utility (or a distributor of such electric utility) to provide transmission services to another entity if the electric energy to be transmitted will be consumed within the area set forth in such Federal law, unless the order is in furtherance of a sale of electric energy to that electric utility: *Provided, however*, That the foregoing provision shall not apply to any area served at retail by an electric transmission system which was such a distributor on the date of enactment of this subsection and which before October 1, 1991, gave its notice of termination under its power supply contract with such electric utility.

"(j) SHAM TRANSACTIONS.—No order may be issued under section 211 or 213 to transmit electric energy if the applicant does not have a contractual right to purchase or sell such electric energy, or does not have a contractual right to, or an ownership interest in, a generation facility, or would not utilize transmission or distribution facilities owned or controlled by it to deliver such electric energy to retail consumers, or is not a State, political subdivision thereof, or any agency or instrumentality thereof, authorized by State law to generate, transmit, or distribute electric energy.".

(b) VOLUNTARY PROVISION OF TRANSMISSION SERVICES.—Title II of the Federal Power Act is amended by adding the following new section after section 212:

"SEC. 213. VOLUNTARY PROVISION OF TRANSMISSION SERVICES.

"(a) COVERED SALES.—For purposes of this section, a sale of electric energy shall be considered a 'covered sale of electric energy' if the sale is—

"(1) subject to the jurisdiction of the Commission; and

"(2) pursuant to rates and charges which are not based on the costs of providing such energy, including a reasonable rate of return,

except that no economy sale or sale which results from economic dispatch performed by a regional power pool arrangement, each as defined by the Commission, shall be treated as a covered sale of electric energy and no sale of electric energy by a qualifying small power production facility or qualifying cogenerator shall be treated as a covered sale of electric energy.

"(b) UTILITIES TO PROVIDE WHOLESALE TRANSMISSION SERVICES.—Whenever—

"(1) any order is issued permitting any transmitting utility or any affiliate thereof to make any covered sale of electric energy, or

"(2) any order is issued under section 203 permitting a transmitting utility or any affiliate thereof to merge or consolidate with any other public utility,

the Commission shall issue an order requiring each such transmitting utility (and each affiliate thereof which provides wholesale transmission service in a service area directly affected by the covered sale, merger, or consolidation, as determined by the Commission), to provide wholesale transmission services in accordance with this section and section 212. An order under this section shall include tariffs of general applicability for the transmission services to be provided and shall include such other terms and conditions as necessary pursuant to section 212.

"(c) SAVINGS CLAUSE.—Nothing in this section shall restrict or prevent any person from seeking interconnection pursuant to section 210 or transmission service pursuant to section 211.".

SEC. 724. INFORMATION REQUIREMENTS.

Part II of the Federal Power Act is amended by adding the following new section after section 213:

"SEC. 214. INFORMATION REQUIREMENTS.

"(a) REQUESTS FOR WHOLESALE TRANSMISSION SERVICES.—Whenever any electric utility, Federal power marketing agency, or any other person generating electric energy for sale for resale requests a transmitting utility to provide wholesale transmission services and requests specific rates and charges, and other terms and conditions, unless the transmitting utility agrees to provide such services in accordance with such rates and charges and other conditions, the transmitting utility shall, within 30 days of its receipt of the request, provide such person with a written explanation of the reasons why such wholesale transmission services are not being offered in accordance with such rates and charges and other conditions.

"(b) TRANSMISSION CAPACITY AND CONSTRAINTS.—Not later than 1 year after the enactment of this section, the Commission shall promulgate a rule requiring that the information be submitted annually to the Commission by transmitting utilities regarding:

"(1) existing and planned transmission facilities;

"(2) forecasts of load growth (firm and nonfirm);

"(3) existing and planned transmission arrangements;

"(4) actual line losses;

"(5) reliability assessments; and

"(6) such other matters related to electric power transmission as the Commission finds necessary.

Such information shall be adequate to enable the Commission to carry out the purposes of this section and sections 210, and 211, and to inform potential transmission customers, State regulatory authorities, and the public of available transmission capacity and potential constraints.".

SEC. 725. SALES BY INDEPENDENT POWER PRODUCERS.

Part II of the Federal Power Act is amended by adding the following new section after section 214:

"SEC. 215. SALES BY INDEPENDENT POWER PRODUCERS.

"(a) UNLAWFUL AGREEMENTS.—The Commission shall determine, after notice and opportunity for hearing, whether any agreement for the sale of electric energy by an independent power producer would result in the granting of any undue preference or advantage or would result in any undue prejudice or disadvantage. Any such agreement that would have such an effect shall be unlawful.

"(b) DENIAL OF TRANSMISSION ACCESS.—It shall be treated as an undue prejudice or disadvantage for any transmitting utility which purchases electric energy from an independent power producer to unreasonably deny or restrict access by potential competing sellers to nondiscriminatory transmission services.

"(c) COMPETITIVE SALES.—No agreement for the sale of electric energy by an independent power producer which—

"(1) results from a competitive process established by a State regulatory authority, and

"(2) satisfies such requirements as the Commission may, by rule, establish to ensure that genuine competition exists,

shall be treated as unlawful under subsection (a) unless an aggrieved person establishes that such agreement would result in the granting of any undue preference or advantage or would result in any undue prejudice or disadvantage.

"(d) STATE AUTHORITIES.—Nothing in this section shall be construed to eliminate or reduce any existing State jurisdiction to define or regulate electric utilities.".

SEC. 726. PENALTIES.

(a) EXISTING PENALTIES NOT APPLICABLE TO TRANSMISSION PROVISIONS.—Sections 315 and 316 of the Federal Power Act are each amended by adding the following at the end thereof:

"(c) This subsection shall not apply in the case of any provision of section 211, 212, 213, 214, or 215 or any rule or order issued under any such provision.".

(b) PENALTIES APPLICABLE TO TRANSMISSION PROVISIONS.—Title III of the Federal Power Act is amended by inserting the following new section after section 316:

"SEC. 316A. ENFORCEMENT CERTAIN PROVISIONS.

"(a) GENERAL RULE.—It shall be unlawful for any person to violate any provision of section 211, 212, 213, 214, or 215 or any rule or order issued under any such provision.

"(b) CIVIL PENALTIES.—

"(1) IN GENERAL.—Any person who knowingly violates any provision of section 211, 212, 213, 214, or 215 or any provision of any rule or order thereunder shall be subject to a civil penalty, which the Commission may assess, of not more than $25,000 for any one violation.

"(2) 'KNOWINGLY' DEFINED.—For purposes of paragraph (1), the term 'knowingly' means the having of—

"(A) actual knowledge; or

"(B) the constructive knowledge deemed to be possessed by a reasonable individual who acts under similar circumstances.

"(3) EACH DAY SEPARATE VIOLATION.—For purposes of this paragraph, in the case of a continuing violation, each day of violation shall constitute a separate violation.

"(4) STATUTE OF LIMITATIONS.—No person shall be subject to any civil penalty under this paragraph with respect to any violation occurring more than 3 years before the date on which such person is provided notice of the proposed penalty under subparagraph (5). The preceding sentence shall not apply in any case in which an untrue statement of material fact was made to the Commission or a State or Federal agency by, or acquiesced to by, the violator with respect to the acts or omissions constituting such violation, or if there was omitted a material fact necessary in order to make any statement made by, or acquiesced to by, the violator with respect to such acts or omissions not misleading in light of the circumstances under which such statement was made.

"(5) ASSESSED BY COMMISSION.—Before assessing any civil penalty under this paragraph, the Commission shall provide to such person notice of the proposed penalty. Following receipt of notice of the proposed penalty by such person, the Commission shall, by order, assess such penalty.

"(6) JUDICIAL REVIEW.—If the civil penalty has not been paid within 60 calendar days after the assessment order has been made under paragraph (5), the Commission shall institute an action in the appropriate district court of the United States for an order affirming the assessment of the civil penalty. The court shall have authority to review de novo the law and the facts involved, and shall have jurisdiction to enter a judgment enforcing, modifying, and enforcing as so modified, or setting aside in whole or in part, such assessment.".

SEC. 727. DEFINITIONS.

(a) ADDITIONAL DEFINITIONS.—Section 3 of the Federal Power Act is amended by adding the following at the end thereof:

"(23) TRANSMITTING UTILITY.—The term 'transmitting utility' means any electric utility or Federal power marketing agency which owns or operates electric power transmission facilities which are used for the sale of electric energy at wholesale.

"(24) WHOLESALE TRANSMISSION SERVICES.—The term 'wholesale transmission services' means the transmission of electric energy sold, or to be sold, at wholesale in interstate commerce.

"(25) INDEPENDENT POWER PRODUCER.—The term 'independent power producer' shall have the meaning provided by section 32 of the Public Utility Holding Company Act of 1935.".

(b) CLARIFICATION OF TERMS.—Section 3(22) of the Federal Power Act is amended by inserting "(including any municipality)" after "State agency".

Subtitle C—State and Local Authorities

SEC. 731. STATE AUTHORITIES.

Nothing in this title or in any amendment made by this title shall be construed as affecting or intending to affect, or in any way to interfere with, the authority of any State or local government relating to environmental protection or the siting of facilities.

TITLE VIII—HIGH-LEVEL RADIOACTIVE WASTE

SEC. 801. ENVIRONMENTAL PROTECTION AGENCY STANDARDS FOR DISPOSAL.

Section 121 of the Nuclear Waste Policy Act of 1982 (42 U.S.C. 10141) is amended by adding at the end the following new subsection:

"(d) REINSTATEMENT AND REISSUANCE OF EPA STANDARDS.—

"(1) REINSTATEMENT.—

"(A) IN GENERAL.—Except as provided in subparagraph (B), the generally applicable environmental standards for the disposal of high-level radioactive waste, spent nuclear fuel, and transuranic waste that were contained in subpart B of part 191 of title 40, Code of Federal Regulations, as in effect on July 1, 1987, are reinstated.

"(B) EXCEPTION.—Subparagraph (A) shall not apply to sections 191.15 and 191.16 of such subpart B.

"(2) REISSUANCE.—

"(A) PROPOSED.—The Administrator shall issue and publish in the Federal Register, not later than 3 months after the date of the enactment of this subsection, proposed revisions to the standards described in subsection (a). Such proposed revisions shall include—

"(i) proposed standards governing the matters contained in sections 191.15 and 191.16 of subpart B of part 191 of title 40, Code of Federal Regulations, as in effect on July 1, 1987; and

"(ii) any other revisions that the Administrator considers to be appropriate.

"(B) FINAL.—The Administrator shall issue, not later than 9 months after the date of the issuance of the proposed revisions described in subparagraph (A), final revisions to the standards described in subsection (a).".

SEC. 802. INFLATION ADJUSTMENT FOR FEES.

Section 302(a) of the Nuclear Waste Policy Act of 1982 (42 U.S.C. 10222(a)) is amended by adding at the end the following new paragraph:

"(7)(A) In the case of any fiscal year beginning after September 30, 1992, the fee amount specified in paragraphs (2) and (3) shall be increased by an amount equal to—

"(i) such fee amount; multiplied by

"(ii) the inflation adjustment determined under subparagraph (B).

"(B) For purposes of subparagraph (A), the inflation adjustment for any fiscal year is the percentage (if any) by which—

"(i) the inflation index for the preceding fiscal year; exceeds

"(ii) the inflation index for fiscal year 1991.

"(C) For purposes of subparagraph (B), the inflation index for any fiscal year is the average of the Consumer Price Index (as published by the Department of Labor) for the 12 months in such fiscal year.".

SEC. 803. PLAN FOR TIMELY PAYMENT OF COSTS FOR DISPOSAL OF DEFENSE WASTE IN REPOSITORY.

Section 8(b)(2) of the Nuclear Waste Policy Act of 1982 (42 U.S.C. 10107(b)(2)) is amended by adding at the end the following new sentence: "Not later than 12 months after the date of the enactment of the Energy Development and Environmental Protection Act, the Secretary shall submit to the Congress a plan for the payment in full by January 1, 2010, of all amounts obligated to be paid under such arrangements with respect to such waste.".

SEC. 804. INTERIM STORAGE.

Section 135 of the Nuclear Waste Policy Act of 1982 (42 U.S.C. 10155) is amended by adding at the end the following new subsection:

"(j) APPLICABILITY TO STORAGE UNDER PRIOR AUTHORITY.—The provisions of subsection (d)(6) shall also apply to any additional storage capacity for civilian spent nuclear fuel that is provided—

"(1) by the Secretary after the date of the enactment of this subsection at any Federal site;

"(2) pursuant to any provision of law other than this section; and

"(3) pursuant to any agreement, contract, or other obligation that—

"(A) was in effect before January 7, 1983; and

"(B) authorizes or requires the Secretary to provide such storage capacity on or after such date.".

TITLE IX—URANIUM ENRICHMENT CORPORATION

SEC. 901. ESTABLISHMENT OF THE URANIUM ENRICHMENT CORPORATION.

(a) The Atomic Energy Act of 1954 (42 U.S.C. 2011 et seq.) is amended—

(1) by inserting at its beginning after

"ATOMIC ENERGY ACT OF 1954"

the following:

"TABLE OF CONTENTS

"TITLE I—ATOMIC ENERGY"; AND

(2) by adding at the end of the table of contents the following:

"TITLE II—URANIUM ENRICHMENT CORPORATION

"CHAPTER 22—GENERAL PROVISIONS

"Sec. 1201. Definitions.
"Sec. 1202. Purposes.

"CHAPTER 23—ESTABLISHMENT, POWERS, AND ORGANIZATION OF CORPORATION

"Sec. 1301. Establishment of the Corporation.
"Sec. 1302. Corporate offices.
"Sec. 1303. Powers of the Corporation..
"Sec. 1304. Board of Directors.
"Sec. 1305. Employees of the Corporation.
"Sec. 1306. Audits.
"Sec. 1307. Annual reports.
"Sec. 1308. Accounts.
"Sec. 1309. Obligations.
"Sec. 1310. Exemption from taxation and payments in lieu of taxes.
"Sec. 1311. Cooperation with other agencies.
"Sec. 1312. Applicability of certain Federal laws.
"Sec. 1313. Security.
"Sec. 1314. Control of information.
"Sec. 1315. Transition.
"Sec. 1316. Working Capital Account.

"CHAPTER 24—RIGHTS, PRIVILEGES, AND ASSETS OF THE CORPORATION

"Sec. 1401. Marketing and contracting authority.
"Sec. 1402. Pricing.
"Sec. 1403. Option to lease gaseous diffusion facilities of the Department.
"Sec. 1404. AVLIS.
"Sec. 1405. Assets, initial debt, and dividend policy.
"Sec. 1406. Patents and inventions.
"Sec. 1407. Liabilities.
"Sec. 1408. Uranium inventories.

"CHAPTER 25—PRIVATIZATION OF THE CORPORATION

"Sec. 1501. Strategic plan for privatization.
"Sec. 1502. Predeployment activities.
"Sec. 1503. Privatization.
"Sec. 1504. Restructuring of Corporation and Board.".

(b) The Atomic Energy Act of 1954 (42 U.S.C. 2011 et seq.) is further amended by adding at the end of title I the following new title:

"TITLE II—URANIUM ENRICHMENT CORPORATION

"CHAPTER 22—GENERAL PROVISIONS

"SEC. 1201. DEFINITIONS.

"As used in this title:

"(1) The term 'alternative technologies for uranium enrichment' means technologies to enrich uranium by methods other than the gaseous diffusion process.

"(2) The term 'AVLIS' means atomic vapor laser isotope separation technology.

"(3) The term 'Board' means the Board of Directors of the Corporation established under section 1305.

"(4) The term 'Corporation' means the Uranium Enrichment Corporation.

"(5) The term 'corrective actions' shall have the meaning given such term by the Administrator of the Environmental Protection Agency under section 3004(u) of the Solid Waste Disposal Act (42 U.S.C. 6924 (u)).

"(6) The term 'decontamination and decommissioning' means those activities, other than response actions or corrective actions, undertaken to decontaminate and decommission inactive uranium enrichment facilities that have residual radioactive or mixed radioactive and hazardous chemical contamination, including depleted tailings.

"(7) The term 'Department' means the Department of Energy.

"(8) The term 'response actions' shall have the meaning given the term 'response' in section 101(25) of The Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9601(25)).

"(9) the term 'releases' shall have the meaning given the term 'release' in section 101(22) of The Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9601(25)).

"(10) The term 'Secretary' means the Secretary of Energy.

"(11) The term 'uranium enrichment' means the separation of uranium of a given isotopic content into two components, one having a higher percentage of a fissile isotope and one having a lower percentage.

"SEC. 1202. PURPOSES.

"The Corporation is created for the following purposes:

"(1) To operate as a business enterprise on a profitable and efficient basis.

"(2) To maximize the long-term value of the Corporation to the Treasury of the United States and private investors.

"(3) To lease Department uranium enrichment facilities, as needed.

"(4) To acquire uranium for uranium enrichment, as needed.

"(5) To market and sell its enriched uranium and uranium enrichment and related services to—

"(A) the Department for governmental purposes; and

"(B) domestic and foreign persons, as provided in section 1303(6).

"(6) To conduct research and development as required to meet business objectives for the purposes of identifying, evaluating, improving, and testing alternative technologies for uranium enrichment.

"(7) To conduct the business as a self-financing corporation and eliminate the need for Federal Government appropriations or sources of Federal financing other than those provided in this title.

"(8) To help maintain a reliable and economical domestic source of uranium enrichment services.

"(9) To comply with laws, and regulations promulgated thereunder, to protect the public health, safety, and the environment.

"(10) To continue at all times to meet the objectives of ensuring the Nation's common defense and security, including abiding by United States laws and policies concerning special nuclear materials and nonproliferation of atomic weapons and other nonpeaceful uses of atomic energy.

"(11) To contribute to the recovery of the cost of decontamination and decommissioning of uranium enrichment facilities and costs under section 161 v.

"(12) To take all other lawful actions in furtherance of these purposes.

"CHAPTER 23—ESTABLISHMENT, POWERS, AND ORGANIZATION OF CORPORATION

"SEC. 1301. ESTABLISHMENT OF THE CORPORATION.

"(a) There is established a body corporate to be known as the Uranium Enrichment Corporation.

"(b) The Corporation shall be established as a wholly owned Government corporation subject to chapter 91 of title 31, United States Code (commonly referred to as the Government Corporation Control Act), except as otherwise provided in this title.

"SEC. 1302. CORPORATE OFFICES.

"(a) Notwithstanding subsection (b), the Corporation shall incorporate under the jurisdiction of a State of its choosing, and shall be subject to service of process and papers and venue in civil actions, only in that jurisdiction.

"(b) The Corporation shall maintain an office in the District of Columbia and may establish offices in any other place it determines necessary or appropriate in the conduct of its business.

"SEC. 1303. POWERS OF THE CORPORATION.

"In order to accomplish its purposes, the Corporation—

"(1) shall, subject to its articles of incorporation and applicable Federal and State law, have all the powers of a private corporation unless otherwise stated in this title;

"(2) shall have the priority of the United States with respect to the payment of debts out of bankrupt, insolvent, and decedents' estates;

"(3) may obtain from the Administrator of General Services the services the Administrator is authorized to provide agencies of the United States, on the same basis as those services are provided to other agencies of the United States;

"(4) shall enrich uranium, acquire enriched uranium, or provide for uranium to be enriched by others;

"(5) may conduct, or provide for conducting, those research and development activities related to uranium enrichment and related processes and activities the Corporation considers necessary or advisable to maintain the Corporation as a commercial enterprise operating on a profitable and efficient basis;

"(6) may enter into transactions regarding uranium, enriched uranium, or depleted uranium with—

"(A) persons licensed under section 53, 63, 103, or 104 of title I in accordance with the licenses held by those persons;

"(B) persons in accordance with, and within the period of, an agreement for cooperation arranged under section 123 of title I; or

"(C) persons otherwise authorized by law to enter into such transactions;

"(7) may enter into contracts with persons licensed under section 53, 63, 103, or 104 of title I, for as long as the Corporation considers necessary or desirable, to provide uranium or uranium enrichment and related services;

"(8) may enter into contracts to provide uranium or uranium enrichment and related services in accordance with, and within the period of, an agreement for cooperation arranged under section 123 of title I or as otherwise authorized by law; and

"(9) shall sell to the Department as provided in this title, without regard to section 57 e. of title I, the amounts of uranium enrichment and related services that the Department determines from time to time are required for it to—

"(A) carry out Presidential directions and authorizations under section 91 of title I; and

"(B) conduct other Department programs.

"SEC. 1304. BOARD OF DIRECTORS.

"(a) The powers of the Corporation are vested in the Board of Directors.

"(b) The Board of Directors shall consist of eleven individuals, to be appointed by the President by and with the advice and consent of the Senate. The President shall designate a Chairman of the Board from among members of the Board.

"(c) Members of the Board shall be citizens of the United States. No member of the Board shall be an employee of the Corporation or have any direct financial relationship with the Corporation other than that of being a member of the Board.

"(d)(1) Except as provided in paragraph (2), members of the Board shall serve five-year terms or until the election of a new Board of Directors under section 1604, whichever comes first.

"(2) Of the members first appointed to the Board—

"(A) two shall be appointed for one-year terms;

"(B) two shall be appointed for two-year terms;

"(C) two shall be appointed for three-year terms; and

"(D) two shall be appointed for four-year terms.

"(e) Upon the occurrence of a vacancy on the Board, the President by and with the advice and consent of the Senate shall appoint an individual to fill such vacancy for the remainder of the applicable term. No member of the Board shall serve in more than two terms.

"(f) The Board shall meet at least ten times a year. Seven members of the Board shall constitute a quorum. A majority of the Board shall adopt and from time to time may amend bylaws for the operation of the Board.

"(g) The Board shall be responsible for general management of the Corporation and shall, subject to its articles of incorporation and bylaws, have the same authority, privileges, and responsibilities as the board of directors of a private corporation.

"(h) Members of the Board shall serve on a part-time basis and shall receive per diem, when engaged in the actual performance of Corporation duties, plus reimbursement for travel, subsistence, and other necessary expenses incurred in the performance of their duties.

"(i) Members of the Board, officers, and other management level employees of the Corporation shall, as a condition of continued service or employment, comply with the conflict of interest provisions described in part A of title VI of the Department of Energy Organization Act (42 U.S.C. 7211 et seq.) in the same manner as persons who are supervisory employees of the Department are required to comply with such provisions.

"SEC. 1305. EMPLOYEES OF THE CORPORATION.

"(a) Officers and employees of the Corporation shall not be officers and employees of the United States.

"(b)(1) It is the purpose of this subsection to ensure that the establishment of the Corporation pursuant to this chapter shall not result in any adverse effects on the employment rights, wages, or benefits of employees at facilities that are operated, directly or under contract, in the performance of the functions vested in the Corporation.

"(2) Any employer (including the Corporation) at a facility described in paragraph (1) shall abide by the terms of a collective bargaining agreement in effect on April 30, 1991, at such facility until—

"(A) the earlier of the date on which a new bargaining agreement is signed; or

"(B) the end of the 2-year period beginning on the date of the enactment of this title.

"(3) Except as specifically provided in this subsection, the Corporation is subject to the provisions of the National Labor Relations Act (29 U.S.C. 151 et seq.).

"SEC. 1306. AUDITS.

"(a)(1) The financial statements of the Corporation shall be prepared in accordance with generally accepted accounting principles and shall be audited annually by an independent certified public accountant in accordance with auditing standards issued by the Comptroller General.

"(2) The Comptroller General may review any audit of the Corporation's financial statements conducted under paragraph (1). The Comptroller General shall report to the Congress and the Corporation the results of any such review and shall include in such report appropriate recommendations.

"(b)(1) The Comptroller General may audit the financial statements of the Corporation for any year in the manner provided in subsection (a)(1).

"(2) The Corporation shall reimburse the Comptroller General for the full cost of any audit conducted under this subsection, as determined by the Comptroller General.

"(c) All books, accounts, financial records, reports, files, papers, and other property belonging to or in use by the Corporation and its auditor that the Comptroller General considers necessary to the performance of any audit or review under this section shall be made available to the Comptroller General.

"(d) Activities the Comptroller General conducts under this section shall be in lieu of any other audit of the financial transactions of the Corporation the Comptroller General is required to make under chapter 91 of title 31, United States Code, or other law.

"SEC. 1307. ANNUAL REPORTS.

"(a) The Corporation shall prepare and submit an annual report of its activities to the President and the Congress. This report shall contain—

"(1) a general description of the Corporation's operations;

"(2) a summary of the Corporation's operating and financial performance, including an explanation of the decision to pay or not pay dividends;

"(3) copies of audit reports prepared under section 1305 of this title;

"(4) the information required under regulations issued under section 13 of the Securities Exchange Act of 1934 (15 U.S.C. 78m); and

"(5) an identification and assessment of any impairment of capital or ability of the Corporation to comply with this title.

"(b) The report shall be completed not later than 150 days following the close of each of the Corporation's fiscal years and shall accurately reflect the financial position of the Corporation at fiscal year end.

"SEC. 1308. ACCOUNTS.

"There is established in the Treasury of the United States a revolving fund, to be known as the 'Uranium Enrichment Corporation Fund', which shall be available to the Corporation without fiscal year limitation for carrying out its purposes, functions, and powers, and which shall not be subject to apportionment under subchapter II of chapter 15 of title 31, United States Code.

"SEC. 1309. OBLIGATIONS.

"(a)(1) The Corporation may issue and sell bonds, notes, and other evidences of indebtedness (collectively referred to in this title as 'bonds') except that the Corporation may not issue or sell bonds for the purpose of constructing new uranium enrichment facilities or conducting directly related preconstruction activities.

"(2) The Corporation may pledge and use its revenues for payment of the principal of and interest on its bonds, for their purchase or redemption, and for other purposes incidental to these functions, including creation of reserve funds and other funds which may be similarly pledged and used.

"(3) The Corporation may enter into binding covenants with the holders and trustees of its bonds with respect to—

"(A) the establishment of reserve and other funds;

"(B) stipulations concerning the subsequent issuance of bonds; and

"(C) other matters not inconsistent with this title,

that the Corporation determines necessary or desirable to enhance the marketability of the bonds.

"(b) Bonds issued by the Corporation under this section shall not be obligations of, nor shall payments of the principal thereof or interest thereon be guaranteed by, the United States.

"(c)(1) Bonds issued by the Corporation under this section shall be negotiable instruments unless otherwise specified in the bond and shall mature not more than 30 years after their date of issuance.

"(2) The Corporation may set the terms and conditions of bonds issued under this section, subject to disapproval of such terms and conditions by the Secretary of the Treasury within 15 days after the Secretary of the Treasury is notified of the following terms and conditions of the bonds:

"(A) Their forms and denominations.

"(B) The times, amounts, and prices at which they are sold.

"(C) Their rates of interest.

"(D) The terms at which they may be redeemed by the Corporation before maturity.

"(E) The priority of their claims on the Corporation's net revenues with respect to principal and interest payments.

"(F) Any other terms and conditions.

"(d) Section 9108(a) of title 31, United States Code, shall not apply to the Corporation.

"(e) The Corporation shall be considered an executive department of the United States for purposes of section 3(c) of the Securities Exchange Act of 1934 (15 U.S.C. 78c(c)).

"(f) The Corporation shall not issue or sell any bonds to the Federal Financing Bank.

"SEC. 1310. EXEMPTION FROM TAXATION AND PAYMENTS IN LIEU OF TAXES.

"(a) In order to render financial assistance to those States and localities in which the facilities of the Corporation are located, the Corporation shall, beginning in fiscal year 1998, make payments to State and local governments as provided in this section. These payments shall be in lieu of any and all State and local taxes on the real and personal property of the Corporation. All property of the Corporation is expressly exempted from taxation in any manner or form by any State, county, or other local government entity including State, county, or other local government sales tax.

"(b) Beginning in fiscal year 1998, the Corporation shall make annual payments, in amounts determined by the Corporation to be fair and reasonable, to the State and local governmental agencies having tax jurisdiction in any area where facilities of the Corporation are located. In making these determinations, the Corporation shall be guided by the following criteria:

"(1) The Corporation shall take into account the customs and practices prevailing in the area with respect to appraisal, assessment, and classification of industrial property and any special considerations extended to large-scale industrial operations.

"(2) The payment made to any taxing authority for any period shall not be less than the payments which would have been made to the taxing authority for the same period by the Department and its cost-type contractors on behalf of the Department with respect to property that has been transferred to the Corporation under section 1404 of this title and which would have been attributable to the ownership, management, operation, and maintenance of the Department's uranium enrichment facilities, applying the laws and policies prevailing immediately prior to the date of enactment of this title.

"(c) Payments shall be made by the Corporation at the time when payments of taxes by taxpayers to each taxing authority are due and payable.

"(d) The determination by the Corporation of the amounts due under this section shall be final and conclusive.

"SEC. 1311. COOPERATION WITH OTHER AGENCIES.

"The Corporation may request to use on a reimbursable basis the available services, equipment, personnel, and facilities of agencies of the United States, and on a similar basis may cooperate with such agencies in the establishment and use of services, equipment, and facilities of the Corporation. Further, the Corporation may confer with and avail itself of the cooperation, services, records, and facilities of State, territorial, municipal, or other local agencies.

"SEC. 1312. APPLICABILITY OF CERTAIN FEDERAL LAWS.

"(a) The Corporation shall conduct its activities in a manner consistent with the policies expressed in the following antitrust laws:

"(1) The Sherman Act (15 U.S.C. 1–7).

"(2) The Clayton Act (15 U.S.C. 12–27).

"(3) Sections 73 and 74 of the Wilson Tariff Act (15 U.S.C. 8 and 9).

"(b) Except as specifically provided in this title, the Corporation is subject to Federal, State, and local laws to the same extent as a privately owned corporation.

"(c) The Corporation shall be subject to, and comply with, all Federal and State, interstate, and local environmental laws and requirements, both substantive and procedural, in the same manner, and to the same extent, as any person is subject to such laws and requirements. For purposes of enforcing any such law or substantive or procedural requirements (including any injunctive relief, administrative order, or civil or administrative penalty or fine) against the Corporation, the United States expressly waives any immunity otherwise applicable to the Corporation. For the purposes of this subsection, the term 'person' means an individual, trust, firm, joint stock company, corporation, partnership, association, State, municipality, or political subdivision of a State.

"(d) Notwithstanding sections 3(5), 4(b)(1), and 19 of the Occupational Safety and Health Act of 1970 (29 U.S.C. 652(5), 653(b)(1), and 668)), the Corporation shall be subject to, and comply with, such Act and all regulations and standards promulgated thereunder in the same manner, and to the same extent, as an employer is subject to such Act. For the purposes of enforcing such Act (including any injunctive relief, administrative order, or civil, administrative, or criminal penalty or fine) against the Corporation, the United States expressly waives any immunity otherwise applicable to the Corporation.

"(e) The Act of March 3, 1931 (known as the Davis-Bacon Act) (40 U.S.C. 276a et seq.) and the Service Contract Act of 1965 (41 U.S.C. 351 et seq.) shall apply to the Corporation. All laborers and mechanics employed on the construction, alteration, or repair of projects funded, in whole or in part, by the Corporation shall be paid wages at rates not less than those prevailing on projects of a similar character in the locality as determined by the Secretary of Labor in accordance with such Act of March 3, 1931. The Secretary of Labor shall have, with respect to the labor standards specified in this subsection, the authority and functions set forth in Reorganization Plan Numbered 14 of 1950 (15 F.R. 3176, 64 Stat. 1267) and the Act of June 13, 1934 (40 U.S.C. 276c).

"(f) The Corporation is subject to the provisions of section 210 of the Energy Reorganization Act of 1974 to the same extent as an employer subject to such section.

"SEC. 1313. SECURITY.

"Any references to the term 'Commission' or to the Department in sections 161k., 221a., and 230 of title I shall be considered to include the Corporation.

"SEC. 1314. CONTROL OF INFORMATION.

"Section 552(d) of title 5, United States Code, shall apply to the Corporation, and the employees of the Corporation shall be considered employees of the Federal Government for the purposes of section 1905 of title 18, United States Code.

"SEC. 1315. TRANSITION.

"For the purpose of continuity of operations, maintenance, and authority, the Department shall detail, for up to 18 months after the date of enactment of this title, appropriate Department personnel as may be required in an acting capacity, until such time as a Board is confirmed and top officers of the Corporation are hired. The Corporation shall reimburse the Department and its contractors for the detail of such personnel.

"SEC. 1316. WORKING CAPITAL ACCOUNT.

"There shall be established within the Corporation a Working Capital Account in which the Corporation may retain all revenue necessary for legitimate business expenses related to carrying out its purposes.

"CHAPTER 24—RIGHTS, PRIVILEGES, AND ASSETS OF THE CORPORATION

"SEC. 1401. MARKETING AND CONTRACTING AUTHORITY.

"(a) The Corporation shall act as the exclusive marketing agent on behalf of the United States Government for entering into contracts for providing uranium enrichment and related services. The Department may not market uranium enrichment and related services after the date of the enactment of this title.

"(b) All contracts, agreements, and leases with the Department, including all uranium enrichment contracts and power purchase contracts, that have been executed by the Department before the date of enactment of this title and that relate to uranium enrichment and related services shall transfer to the Corporation, except that the rights and responsibilities of the Department under the settlement agreement with the Tennessee Valley Authority, filed on December 18, 1987, with the United States Claims Court, shall not transfer to the Corporation.

"SEC. 1402. PRICING.

"The Corporation shall charge prices to the Department for uranium enrichment services provided under section 1303(9) on a basis that will—

"(1) allow it to recover its costs, on a yearly basis, for providing products, materials, and services, including a proportionate share of depreciation and interest and the costs of decontamination and decommissioning of the Corporation's uranium enrichment facilities; and

"(2) provide for a reasonable profit.

"SEC. 1403. OPTION TO LEASE GASEOUS DIFFUSION FACILITIES OF THE DEPARTMENT.

"(a) The Corporation shall have the exclusive rights to an option to lease the gaseous diffusion uranium enrichment facilities and related property of the Department.

"(b) The Corporation and the Department shall set mutually agreeable terms for a lease under subsection (a), including specifying annual payments to the Department by the Corporation to be made. In setting the level of annual leasing payments, the Department and the Corporation shall take into account—

"(1) the need to maintain a viable Corporation;

"(2) the importance of maximizing revenue to the Treasury; and

"(3) the equitable treatment of utility ratepayers.

"(c) The option to lease under subsection (a) shall not include Department facilities necessary for the production of highly enriched uranium. The Secretary may grant to the Corporation access to such facilities for purposes other than the production of highly enriched uranium.

"(d) The payment of any costs of response actions or corrective actions with respect to conditions existing before the date of enactment of this title, in connection with property of the Department leased under subsection (a), shall remain the sole responsibility of the Department.

"SEC. 1404. AVLIS.

"(a) The Corporation shall have the exclusive commercial right to deploy and use any AVLIS patents, processes, and technical information owned or controlled by the Government, upon completion of a royalty agreement with the Department. In setting the level of payments under a royalty agreement, the Department and the Corporation shall take into account—

"(1) the need to maintain a viable Corporation;

"(2) the importance of maximizing revenue to the Treasury; and

"(3) the equitable treatment of utility ratepayers.

"(b)(1) As requested by the Corporation, the President shall transfer without charge to the Corporation all of the Department's right, title, or interest in and to property owned by the Department, or by the United States but under control or custody of the Department, which is directly related to and materially useful in the performance of the Corporation's purposes regarding AVLIS, including—

"(A) facilities, equipment, and materials for research, development and demonstration activities;

"(B) all other facilities, equipment, materials, processes, patents, technical information of any kind, contracts, agreements, and leases.

"(2) Facilities, real estate, improvements, and equipment related to the gaseous diffusion, and gas centrifuge, uranium enrichment programs of the Department shall not transfer under paragraph (1)(B).

"(3) The President's authority to transfer property under this subsection shall expire upon privatization under section 1603.

"(c) If requested by the Corporation, the Secretary shall provide, on a reimbursable basis, research and development of AVLIS.

"(d) The Corporation may not construct a commercial scale AVLIS production facility or engage in directly related preconstruction activities until after privatization under section 1603.

"(e) This section shall not prejudice consideration of any site as a candidate site for future expansion or replacement of uranium enrichment capacity through AVLIS.

"(f) The transfer of property, functions, and responsibilities to the Corporation under this title shall not include the transfer of liability in connection with—

"(1) the Gas Centrifuge Enrichment Project;

"(2) operations of the Department before the date of enactment of this title, including excess capacity operations; or

"(3) associated imputed interest related to paragraph (1) or (2).

"SEC. 1405. ASSETS, INITIAL DEBT, AND DIVIDEND POLICY.

"(a) The Secretary of the Treasury shall promptly transfer to the Corporation, without further appropriation, $364,000,000 in the form of a loan from balances in the Uranium Enrichment Special Fund receipt account. This amount shall be hereinafter in this title referred to as the 'Initial Debt'.

"(b) The Corporation shall pay to the Treasury within a 20-year period the amount of the Initial Debt, with interest on the unpaid balance from the date of transfer under subsection (a) at a rate equal to the average yield on 20-year Government obligations as determined by the Secretary of the Treasury on the date of enactment of this title.

"(c) Proceeds from the leasing of the gaseous diffusion uranium enrichment facilities and related property under section 1403, royalty payments under section 1404(a), retirement of Initial Debt under subsection (b) of this section, collection of accounts receivable by the Department for its Uranium Enrichment Program as of the date of enactment of this title, dividends received under subsection (e) of this section, and any balance remaining in the Uranium Enrichment Special Fund after the transfer described in subsection (a), shall be paid into the general fund of the Treasury. These payments and the special assessment described under section 1702 shall contribute to recovery of costs under section 161 v. of title I.

"(d) Except as otherwise specifically provided in this title, the Corporation shall receive no appropriations, loans, or other financial assistance from the Federal Government.

"(e) Until privatization occurs under section 1603, the Corporation shall pay as dividends to the Treasury of the United States all net revenues remaining at the end of each fiscal year not required for operating expenses or for deposit into the Working Capital Account established pursuant to section 1316.

"SEC. 1406. PATENTS AND INVENTIONS.

"The Corporation may at any time apply to the Department for a patent license for the use of an invention or discovery useful in the production or utilization of special nuclear material or atomic energy covered by a patent when the patent has not been declared to be affected with the public interest under section 153 a. of title I and when use of the patent is within the Corporation's authority. An application shall constitute an application under section 153 c. of title I subject to section 153 c., d., e., f., g., and h. of title I.

"SEC. 1407. LIABILITIES.

"Any judgment entered against the Corporation imposing liability arising out of the operation of the uranium enrichment enterprise before the date of enactment of this title shall be considered a judgment against and shall be payable solely by the Department. With regard to any claim seeking to impose such liability, the United States shall be represented by the Department of Justice.

"SEC. 1408. URANIUM INVENTORIES.

"(a) The Secretary shall transfer to the Corporation without charge all raw and commercial grade enriched uranium inventories of the Department necessary for the fulfillment of contracts transfer under section 1401(b).

"(b) The Secretary, after making the transfer required under subsection (a), shall sell all remaining inventories of raw or commercial grade enriched uranium of the Department, that is not necessary to national security needs, to the Corporation or the private sector at a fair market price. Proceeds from sales under this subsection shall be deposited into the Uranium Enrichment Special Fund described in section 1405(c).

"(c) Within one year after the date of enactment of this title, the Secretary shall submit to Congress a report containing a plan for the conversion of inventories of highly enriched uranium to commercial grade enriched uranium for commercial use. Such plan shall include—

"(1) an estimation of the potential need of the United States for inventories of highly enriched uranium;

"(2) an analysis and summary of technological requirements and costs associated with converting highly enriched uranium to commercial grade enriched uranium, including the construction of facilities if necessary;

"(3) an estimation of potential net proceeds from the conversion and sale of highly enriched uranium; and

"(4) recommendations for implementing a plan to convert highly enriched uranium to commercial grade enriched uranium.

"CHAPTER 25—PRIVATIZATION OF THE CORPORATION

"SEC. 1501. STRATEGIC PLAN FOR PRIVATIZATION.

"(a) Within 120 days after the appointment of the Board under section 1304(b), the Corporation shall prepare a strategic plan for privatization through a competitive offering to the private sector of capital stock representing full ownership in the Corporation. The plan may include—

"(1) an evaluation of market conditions together with a marketing strategy;

"(2) an analysis of enrichment technologies and the potential need for a leasing agreement;

"(3) an identification of predeployment and capital requirements for the commercialization of alternative technologies for uranium enrichment;

"(4) an estimate of potential earnings from the offering of capital stock; and

"(5) a contingency plan for providing enriched uranium and related services in the event that AVLIS deployment is determined not to be economically viable.

"(b) The Corporation shall transmit copies of the strategic plan for privatization to the President and Congress upon completion.

"SEC. 1502. PREDEPLOYMENT ACTIVITIES.

"The Corporation may begin activities necessary to prepare AVLIS for commercialization including—

"(1) completion of preapplication activities with the Nuclear Regulatory Commission;

"(2) preparation of a transition plan to move AVLIS from the laboratory to the marketplace;

"(3) confirmation of technical performance;

"(4) validation of economic projections;

"(5) completion of feasibility and risk studies; and

"(6) initiation of preliminary plant design and engineering.

"SEC. 1503. PRIVATIZATION.

"(a) Pursuant to the strategic plan prepared under section 1501, the Corporation shall prepare and execute a competitive offering to the private sector of capital stock representing full ownership in the Corporation.

"(b) The offering described in subsection (a) shall be made through an open competitive bidding process established by regulation within one year after the date of enactment of this title, and shall, if successful, transfer to the private sector all rights, privileges, and assets of the Corporation.

"(c) The Director of the Office of Management and Budget shall review the strategic plan prepared under section 1501 and shall establish a secret minimum bid acceptable for the privatization of the Corporation under this section, based on the net present value of the Corporation. Privatization shall not occur unless a qualified bidder submits a bid equal to or higher than such minimum bid.

"(d) For purposes of subsection (c), the term 'qualified bidder' means a bidder that is not a foreign government and that meets the requirements of section 1604.

"(e) Privatization shall not occur under this section until after the expiration of 3 months after the submission to Congress by the Comptroller General of a report containing an audit certifying—

"(1) that the sale of the Corporation under a bid considered acceptable will not result in any ongoing obligation or undue cost to the Federal Government; and

"(2) that the purchase price of such bid represents at least the net present value of the Corporation.

The Comptroller General shall submit to Congress a report under this subsection within 3 months after a bid under this section has been accepted.

"(f) Proceeds from the sale of capital stock of the Corporation under this section shall be deposited in the Uranium Enrichment Special Fund described in section 1405(c).

"SEC. 1504. RESTRUCTURING OF CORPORATION AND BOARD.

"(a) Within 120 days after privatization under section 1503, the Corporation shall elect a new Board of Directors, select a new Chief Executive Officer, and propose revisions to its corporate charter.

"(b) At the end of 120 days following privatization under section 1503, chapter 23 of this title shall cease to apply to the Corporation.".

SEC. 902. CONFORMING AMENDMENTS AND REPEALERS.

(a) Section 9101(3) of title 31, United States Code is amended by adding at the end the following:

"(N) the Uranium Enrichment Corporation.".

(b) The Atomic Energy Act of 1954 (41 U.S.C. 2011–2296) is amended as follows:

(1) In section 41 a. (42 U.S.C. 2061(a)) by—

(A) striking "or",

(B) striking "pursuant to under this Act" and inserting "under this title" in its place, and

(C) striking the period at the end and inserting the following in its place: "; or (3) are owned by the Uranium Enrichment Corporation.";

(2) In section 53 c.(1) (42 U.S.C. 2073(c)(1)) by—

(A) striking "grant," and inserting "or grant" in its place

(B) striking "or through the provision of production or enrichment services" both places it appears;

(3) In section 161 v. (42 U.S.C. 2201(v)), by striking "(i) prices" and all that follows through "and (iii)" in the first proviso.

(4) In section 161 w. (42 U.S.C. 2201(w)) by striking the comma after "104 b." and inserting the following in its place: ", or for a facility licensed to enrich uranium under section 1602 of title II,".

(5) In section 274 c.(1) (42 U.S.C. 2021(c)(1)) by inserting "or any uranium enrichment facility" before the semicolon at the end.

(c) Section 306 of the Energy and Water Development Appropriation Act, 1988 (Public Law 100–202, 101 Stat. 1329–126) is repealed.

SEC. 903. RESTRICTIONS ON NUCLEAR EXPORTS.

(a) FURTHER RESTRICTIONS.—

(1) IN GENERAL.—Chapter 11 of the Atomic Energy Act of 1954 (42 U.S.C. 2151 et seq.) is amended by adding at the end the following new section:

"SEC. 134. FURTHER RESTRICTIONS ON EXPORTS.—

"a. The Commission may issue a license for the export of highly enriched uranium to be used as a fuel or target in a nuclear research or test reactor only if, in addition to any other requirement of this Act, the Commission determines that—

"(1) there is no alternative nuclear reactor fuel or target enriched in the isotope 235 to a lesser percent than the proposed export, that can be used in that reactor;

"(2) the proposed recipient of that uranium has provided assurances that, whenever an alternative nuclear reactor fuel or target can be used in that reactor, it will use that alternative in lieu of highly enriched uranium; and

"(3) the United States Government is actively developing an alternative nuclear reactor fuel or target that can be used in that reactor.

"b. As used in this section—

"(1) the term 'alternative nuclear reactor fuel or target' means a nuclear reactor fuel or target which is enriched to less than 20 percent in the isotope U–235;

"(2) the term 'highly enriched uranium' means uranium enriched to 20 percent or more in the isotope U–235; and

"(3) a fuel or target 'can be used' in a nuclear research or test reactor if—

"(A) the fuel or target has been qualified by the Reduced Enrichment Research and Test Reactor Program of the Department of Energy, and

"(B) use of the fuel or target will permit the large majority of ongoing and planned experiments and isotope production to be conducted in the reactor without a large percentage increase in the total cost of operating the reactor.".

(2) CLERICAL AMENDMENT.—The table of contents of the Atomic Energy Act of 1954 is amended by adding at the end of the items relating to chapter 11 the following new item:

"Sec. 134. Further restrictions on exports.".

(b) REPORT TO CONGRESS.—

(1) IN GENERAL.—Not later than 90 days after the date of the enactment of this Act, the Chairman of the Nuclear Regulatory Commission, after consulting with other relevant agencies, shall submit to the Congress a report detailing the current disposition of previous United States exports of highly enriched uranium, including—

(A) their location;

(B) whether they are irradiated;

(C) whether they have been used for the purpose stated in their export license; and

(D) whether they have been used for an alternative purpose and, if so, whether such alternative purpose has been explicitly approved by the Commission.

(2) EXPORTS TO EURATOM.—To the maximum extent possible, the report required by paragraph (1) shall include—

(A) exports of highly enriched uranium to EURATOM; and

(B) subsequent retransfers of such material within EURATOM, without regard to the extent of United States control over such retransfers.

SEC. 904. SEVERABILITY.

If any provision of this title, or the amendments made by this title, or the application of any provision to any entity, person, or circumstance, is for any reason adjudged by a court of competent jurisdiction to be invalid, the remainder of this title, and the amendments made by this title, or its application shall not be affected.

SEC. 905. CITIZEN SUITS.

Any person affected by this title, or the amendments made by this title, shall have standing to sue to enforce its provisions. For purposes of this section, representatives of an established organization representing the interests of taxpayers shall be deemed to be a person affected.

TITLE X—REMEDIAL ACTION AT ACTIVE PROCESSING SITES

SEC. 1001. REMEDIAL ACTION PROGRAM.

(a) IN GENERAL.—Except as provided in subsection (b), the costs of decontamination, decommissioning, reclamation, and other remedial action at an active uranium or thorium processing site shall be borne by persons licensed under section 62 or 81 of the Atomic Energy Act of 1954 (42 U.S.C. 2091, 2111) for any activity at such site which results or has resulted in the production of byproduct material.

(b) REIMBURSEMENT.—

(1) IN GENERAL.—The Secretary shall, subject to paragraph (2), reimburse at least annually a licensee described in subsection (a) for such portion of the costs described in such subsection as are—

(A) determined by the Secretary to be attributable to byproduct material generated as an incident of sales to the United States; and

(B) incurred by such licensee not later than December 31, 2002.

(2) AMOUNT.—

(A) TO INDIVIDUAL ACTIVE SITE URANIUM LICENSEES.—The amount of reimbursement paid to any licensee under paragraph (1) shall be determined by the Secretary in accordance with regulations issued pursuant to section 1002 and, for uranium mill tailings only, shall not exceed an amount equal to $5.50 multiplied by the dry short tons of byproduct material located on the date of the enactment of this title at the site of the activities of such licensee described in subsection (a), and generated as an incident of sales to the United States.

(B) TO ALL ACTIVE SITE URANIUM LICENSEES.—Payments made under paragraph (1) to active site uranium licensees shall not in the aggregate exceed $270,000,000.

(C) TO THORIUM LICENSEES.—Payments made under paragraph (1) to the licensee of the active thorium site shall not exceed $40,000,000, and may only be made for off-site disposal subject to the approval of the Governor of the State in which such active thorium site is located.

(D) INFLATION ESCALATION INDEX.—The amounts in subparagraphs (A), (B), and (C) of this paragraph shall be increased annually based upon an inflation index. The Secretary shall determine the appropriate index to apply.

(E) ADDITIONAL REIMBURSEMENT.—

(i) DETERMINATION OF EXCESS.—The Secretary shall determine as of July 31, 2005, whether the amount authorized to be appropriated pursuant to section 1003, when considered with the $5.50 per dry short ton limit on reimbursement, exceeds the amount reimbursable to the licensees under subsection (b)(2).

(ii) IN THE EVENT OF EXCESS.—If the Secretary determines under clause (i) that there is an excess, the Secretary may allow reimbursement in excess of $5.50 per dry short ton on a prorated basis at such sites where the costs reimbursable under subsection (b)(1) exceed the $5.50 per dry short ton limitation described in paragraph (2) of such subsection.

(3) BYPRODUCT LOCATION.—Notwithstanding the requirement of paragraph (2)(A) that byproduct material be located at the site on the date of enactment of this title, byproduct material moved from the site of the Edgemont Mill to a disposal site as the result of the decontamination, decommissioning, reclamation, and other remedial action of such mill shall be eligible for reimbursement to the extent eligible under paragraph (1).

SEC. 1002. REGULATIONS.

Within 180 days of the date of the enactment of this title, the Secretary shall issue regulations governing reimbursement under section 1001. An active uranium or thorium processing site owner shall apply for reimbursement hereunder by submitting a request for the amount of reimbursement, together with reasonable documentation in support thereof, to the Secretary. Any such request for reimbursement, supported by reasonable documentation, shall be approved by the Secretary and reimbursement therefor shall be made in a timely manner subject only to the limitations of section 1001.

SEC. 1003. AUTHORIZATION.

(a) IN GENERAL.—There are authorized to be appropriated for purposes of this title not more than $310,000,000, to be increased annually as provided in section 1001, based upon an inflation index to be determined by the Secretary.

(b) SOURCE.—Funds described in subsection (a) shall be provided from the Fund established under section 1701 of the Atomic Energy Act of 1954.

SEC. 1004. DEFINITIONS.

As used in this title—

(1) the term "active uranium or thorium processing site" means—

(A) any uranium or thorium processing site, including the mill, containing byproduct material for which a license (issued by the Nuclear Regulatory Commission or its predecessor agency under the Atomic Energy Act of 1954, or by a State as permitted under section 274 of such Act (42 U.S.C. 2021)) for the production at such site of any uranium or thorium derived from ore—

(i) was in effect on January 1, 1978;

(ii) was issued or renewed after January 1, 1978; or

(iii) for which an application for renewal or issuance was pending on, or after January 1, 1978; and

(B) any other real property or improvement on such real property that is determined by the Nuclear Regulatory Commission or by a State as permitted under section 274 of the Atomic Energy Act of 1954 (42 U.S.C. 2021) to be—

(i) in the vicinity of such site; and

(ii) contaminated with residual byproduct material;

(2) the term "byproduct material" has the meaning given such term in section 11e.(2) of the Atomic Energy Act of 1954, (42 U.S.C. 2014(e)(2)); and

(3) the term "decontamination, decommissioning, reclamation, and other remedial action" means work performed prior to or subsequent to the date of the enactment of this title which is necessary to comply with all applicable requirements of the Uranium Mill Tailings Radiation Control Act of 1978 (42 U.S.C. 7901 et seq.), or where appropriate, with requirements established by a State that is a party to a discontinuance agreement under section 274 of the Atomic Energy Act of 1954 (42 U.S.C. 2021).

SEC. 1005. URANIUM PURCHASE REPORTS.

(a) REQUIREMENT.—By January 1 of each year, the owner or operator of any civilian nuclear power reactor shall report to the Secretary of Energy, acting through the Administrator of the Energy Information Administration, for activities of the previous fiscal year—

(1) the country of origin and the seller of any uranium or enriched uranium purchased or imported into the United States either directly or indirectly by such owner or operator; and

(2) the country of origin and the seller of any enrichment services purchased by such owner or operator.

(b) CONGRESSIONAL ACCESS.—The information provided to the Secretary pursuant to this section shall be made available to the Committee on Energy and Natural Resources of the United States Senate and appropriate committees of the United States House of Representatives by March 1 of each year.

(c) COUNTRY OF ORIGIN.—For the purposes of this section, the term "country of origin" means—

(1) with respect to uranium, that country where the uranium was mined,

(2) with respect to enriched uranium, that country where the uranium was mined and enriched; or

(3) with respect to enrichment services, that country where the enrichment services were performed.

TITLE XI—URANIUM ENRICHMENT HEALTH, SAFETY, AND ENVIRONMENT ISSUES

SEC. 1101. URANIUM ENRICHMENT HEALTH, SAFETY, AND ENVIRONMENT ISSUES.

The Atomic Energy Act of 1954 (42 U.S.C. 2011 et seq.), as amended by title IX, is further amended by adding at the end of title II the following:

"CHAPTER 26—LICENSING AND REGULATION OF URANIUM ENRICHMENT FACILITIES

"SEC. 1601. GASEOUS DIFFUSION FACILITIES.

"(a) The Nuclear Regulatory Commission, in consultation with the Department and the Environmental Protection Agency, shall, within one year after the date of enactment of this title, establish by regulation such standards as are necessary to govern the gaseous diffusion uranium enrichment facilities of the Department in order to protect the public health and safety, minimize danger to life and property, and prevent releases or substantial threats of releases to the environment. Such regulations shall take effect 6 months after issuance.

"(b)(1) The Nuclear Regulatory Commission, in consultation with the Department and the Environmental Protection Agency, shall report at least annually to Congress on the status of health, safety, and environmental conditions at the gaseous diffusion uranium enrichment facilities of the Department.

"(2) Such report shall include a determination regarding whether the gaseous diffusion uranium enrichment facilities of the Department are in compliance with the standards established under subsection (a) and all applicable laws.

"(c)(1) If the Corporation exercises the option to lease the gaseous diffusion uranium enrichment facilities of the Department under section 1403, the Nuclear Regulatory Commission shall establish a certification process to ensure that the Corporation complies with standards established under subsection (a).

"(2) The Corporation shall apply at least annually to the Nuclear Regulatory Commission for a certificate of compliance under paragraph (1). The Nuclear Regulatory Commission, in consultation with the Environmental Protection Agency, shall review any such application and any determination made under subsection (b)(2) shall be based on the results of any such review.

"(3) The requirement for a certificate of compliance under paragraph (1) shall be in lieu of any requirement for a license for any gaseous diffusion facility of the Department leased by the Corporation.

"(4)(A) The Nuclear Regulatory Commission, in consultation with the Environmental Protection Agency, shall review the operations of the Corporation with respect to any gaseous diffusion uranium enrichment facilities of the Department leased by the Corporation to ensure that public health and safety are adequately protected.

"(B) The Corporation and the Department shall cooperate fully with the Nuclear Regulatory Commission and the Environmental Protection Agency and shall provide the Nuclear Regulatory Commission and the Environmental Protection Agency with the ready access to the facilities, personnel, and information the Nuclear Regulatory Commission and the Environmental Protection Agency consider necessary to carry out their responsibilities under this subsection. A contractor operating a Corporation facility for the Corporation shall provide the Nuclear Regulatory Commission and the Environmental Protection Agency with ready access to the facilities, personnel, and information of the contractor as the Nuclear Regulatory Commission and the Environmental Protection Agency consider necessary to carry out their responsibilities under this subsection.

"(d) The gaseous diffusion uranium enrichment facilities of the Department may not be operated by the Corporation unless the Nuclear Regulatory Commission, in consultation with the Environmental Protection Agency, makes a determination of compliance under subsection (b) or approves a plan prepared by the Department for achieving compliance required under subsection (b).

"SEC. 1602. LICENSING OF AVLIS.

"Notwithstanding the amendments made by section 5 of the Solar, Wind, Waste, and Geothermal Power Production Incentives Act of 1990 (Public Law 101-575; 104 Stat. 2835), Corporation facilities for the enrichment of uranium using AVLIS shall be subject to licensing in the same manner as production and utilization facilities under section 103 and 104 b. of title I.

"SEC. 1603. LICENSING OF OTHER TECHNOLOGIES.

"(a) Corporation facilities using alternative technologies for uranium enrichment, other than AVLIS, shall be licensed under sections 53 and 63 of title I.

"(b) The Corporation shall provide for the costs of decontamination and decommissioning of any Corporation facilities described in subsection (a) in accordance with the requirements of the amendments made by section 5 of the Solar, Wind, Waste, and Geothermal Power Production Act of 1990.

"SEC. 1604. REGULATION OF RESTRICTED DATA.

"The Corporation shall be subject to this Act with respect to the use of, or access to, Restricted Data to the same extent as any private corporation.

"CHAPTER 27—DECONTAMINATION AND DECOMMISSIONING

"SEC. 1701. ESTABLISHMENT AND ADMINISTRATION OF FUND.

"(a) There is established in the Treasury of the United States an account to be known as the Uranium Enrichment Decontamination and Decommissioning Fund (referred to in this chapter as the 'Fund'). This account, and any amounts deposited in it, including any interest earned thereon, shall be available to the Secretary subject to appropriations for the exclusive purpose of carrying out this chapter.

"(b)(1) The Secretary of the Treasury shall hold the Fund and, after consultation with the Secretary, annually report to the Congress on the financial condition and operations of the Fund during the preceding fiscal year.

"(2) The Secretary of the Treasury shall invest amounts contained within the Fund in obligations of the United States—

"(A) having maturities determined by the Secretary of the Treasury to be appropriate for what the Department determines to be the needs of the Fund; and

"(B) bearing interest at rates determined to be appropriate by the Secretary of the Treasury, taking into consideration the current average market yield on outstanding marketable obligations of the United States with remaining periods to maturity comparable to these obligations.

"SEC. 1702. DEPOSITS.

"(a) The Fund shall consist of deposits in the amount of $500,000,000 per fiscal year (to be annually adjusted for inflation using the Consumer Price Index for all-urban consumers published by the Department of Labor) as provided in this section.

"(b) Deposits described in subsection (a) shall be from the following sources:

"(1) Sums collected pursuant to subsection (c).

"(2) Appropriations made pursuant to subsection (d).

"(c) The Secretary shall collect a special assessment from domestic utilities. The amount collected from each utility pursuant to this subsection for a fiscal year shall be in the same ratio to the amount required under subsection (a) to be deposited for such fiscal year as the total amount of separative work units such utility has purchased for the purpose of commercial electricity generation, before the date of enactment of this title, bears to the total amount of separative work units purchased from the Department of Energy, for all purposes before the date of enactment of this title. For purposes of this subsection, a utility shall be considered to have purchased a separative work unit from the Department if such separative work unit was produced by the Department, but purchased by the utility from another source.

"(d) There are authorized to be appropriated to the Fund, for the period encompassing 15 years after the date of enactment of this title, such sums as are necessary to ensure that the amount required under subsection (a) is deposited for each fiscal year.

"(e) The collection of amounts under subsection (c) shall cease after the earlier of—

"(1) 15 years after the date of enactment of this title; or

"(2) the collection of $2,500,000,000 (to be annually adjusted for inflation using the Consumer Price Index for all-urban consumers published by the Department of Labor) under such subsection.

"(f) Except as provided in subsection (e), deposits shall continue to be made into the Fund under subsection (d) for the period specified in such subsection.

"SEC. 1703. DEPARTMENT FACILITIES.

"(a) The National Academy of Sciences shall conduct a study and provide recommendations for reducing costs associated with decontamination and decommissioning, and shall report its findings to the Congress within 3 years after the date of enactment of this title. Such report shall include a determination of the decontamination and decommissioning required for each facility, shall identify alternative methods, using different technologies, shall include site-specific surveys of the actual contamination, and shall provide estimated costs of those activities.

"(b) The costs of all decontamination and decommissioning activities of the Department shall be paid from the Fund until such time as the Secretary certifies and the Congress concurs, by law, that such activities are complete.

"SEC. 1704. EMPLOYEE PROVISIONS.

"All laborers and mechanics employed by contractors or subcontractors in the performance of decontamination or decommissioning of uranium enrichment facilities of the Department shall be paid wages at rates not less than those prevailing on projects of a similar character in the locality as determined by the Secretary of Labor in accordance with the the Act of March 3, 1931 (known as the Davis-Bacon Act) (40 U.S.C. 276a et seq.). The Secretary of Labor shall have, with respect to the labor standards specified in this section, the authority and functions set forth in Reorganization Plan Numbered 14 of 1950 (15 F.R. 3176, 64 Stat. 1267) and the Act of June 13, 1934 (40 U.S.C. 276c).

"SEC. 1705. REPORTS TO CONGRESS.

"Within 3 years after the date of enactment of this title, and once every 3 years thereafter, the Secretary shall report to the Congress on progress under this chapter. The 5th report submitted under this section shall contain recommendations of the Secretary for the reauthorization of the program and Fund under this title.".

SEC. 1102. TABLE OF CONTENTS.

The table of contents for title II of the Atomic Energy Act of 1954, as added by section 901(a) of this Act, is amended by adding at the end the following:

"CHAPTER 26—LICENSING AND REGULATION OF URANIUM ENRICHMENT FACILITIES

"Sec. 1601. Gaseous diffusion facilities.
"Sec. 1602. Licensing of AVLIS.
"Sec. 1603. Licensing of other technologies.
"Sec. 1604. Regulation of restricted data.

"CHAPTER 27—DECONTAMINATION AND DECOMMISSIONING

"Sec. 1701. Establishment and administration of Fund.
"Sec. 1702. Deposits.
"Sec. 1703. Cost containment.
"Sec. 1704. Employee provisions.
"Sec. 1705. Reports to Congress.

"TITLE I—ATOMIC ENERGY".

Strike page 943, line 13, through page 1005, line 21.

TITLE XII—RENEWABLE ENERGY

SEC. 1201. FINDINGS.

The Congress finds that the increased use of renewable energy—

(1) has the potential to meet 50 percent of the energy needs of the United States by the year 2030;

(2) would reduce impacts on human health, air quality, and ecosystems, and reduce the potential for global warming;

(3) would rely on secure domestic resources and improve the balance of trade by reducing energy imports; and

(4) would improve the international competitiveness of the domestic renewable energy industries and of the United States economy in general.

SEC. 1202. PURPOSES.

The purposes of this title are to promote—

(1) the near-term increase in electricity production from renewable energy resources;

(2) the greater use of renewable energy for nonelectricity uses, including liquid fuels;

(3) the further advances of renewable energy technologies; and

(4) exports of United States renewable technologies and services.

SEC. 1203. RENEWABLE ENERGY JOINT VENTURES.

(a) NATIONAL GOALS AND MULTIYEAR FUNDING FOR ALCOHOL FROM BIOMASS.—Section 4(a) of the Renewable Energy and Energy Efficiency Technology Competitiveness Act of 1989 (42 U.S.C. 12003(a)) is amended—

(1) by redesignating paragraph (4) as paragraph (5); and

(2) by inserting after paragraph (3) the following new paragraph:

"(4) ALCOHOL FROM BIOMASS.—(A) In general, the goal of the Alcohol From Biomass Program shall be to advance research and development to a point where alcohol from biomass technology is cost-competitive with conventional hydrocarbon transportation fuels, and to promote the integration of this technology into the transportation fuel sector of the economy.

"(B)(i) Specific goals for producing ethanol from biomass shall be to—

"(I) reduce the cost of alcohol to 70 cents per gallon by 1997;

"(II) improve the overall biomass carbohydrate conversion efficiency to 91 percent by 1997;

"(III) reduce the capital cost component of the cost of alcohol to 23 cents per gallon by 1997; and

"(IV) reduce the operating and maintenance component of the cost of alcohol to 47 cents per gallon by 1997.

"(ii) Specific goals for producing methanol from biomass shall be to—

"(I) reduce the cost of alcohol to 47 cents per gallon by 2000; and

"(II) reduce the capital component of the cost of alcohol to 28 cents per gallon by 1995, and to 16 cents per gallon by 2000.".

(b) JOINT VENTURES.—(1) Section 6(c) of the Renewable Energy and Energy Efficiency Technology Competitiveness Act of 1989 (42 U.S.C. 12005(c)) is amended by adding at the end the following new paragraphs:

"(6) DIRECT COMBUSTION OR GASIFICATION OF BIOMASS.—(A) The Secretary shall solicit proposals for and provide financial assistance to at least one joint venture for the commercialization of technologies for the direct combustion or gasification of biomass to generate electricity in accordance with the provisions of this paragraph.

"(B) The purpose of joint ventures supported under this paragraph shall be to design, test, and demonstrate critical enabling technologies for direct combustion or gasification of biomass, including waste wood, for electric power generation in commercial applications.

"(C) There are authorized to be appropriated to the Secretary $15,000,000 for the period encompassing fiscal years 1993 through 1995, to carry out this paragraph.

"(7) UTILITY-SCALE PHOTOVOLTAIC JOINT VENTURES.—(A) The Secretary shall solicit proposals for and provide financial assistance to at least one joint venture for a utility-scale photovoltaic project of at least 10 megawatts in the aggregate.

"(B) In general, the goals of joint ventures under this paragraph shall include—

"(i) the integration of photovoltaics in transmission and delivery systems;

"(ii) the development of cost-saving adjuncts to utility delivery such as sub-station upgrades, peak power, and large-scale voltage line augmentation; and

"(iii) the incorporation of new photovoltaic innovations into standard utility rate-making practices.

"(C) Joint ventures supported under this paragraph may include participants that are considered to be end-users of the technology such as rural electric cooperatives, public utilities, investor-owned utilities, and independent power producers.

"(D) In selecting joint ventures for support under this paragraph, the Secretary shall consider giving preference to proposals for projects that would be located in States where State law would allow inclusion of the project in the rate base or would otherwise allow for favorable financial regulatory treatment or return on investment.

"(E) There are authorized to be appropriated to the Secretary not to exceed $27,000,000 for the period encompassing fiscal years 1993 through 1995, to carry out this paragraph.

"(8) ALCOHOL FROM CELLULOSIC BIOMASS TECHNOLOGY.—(A) The Secretary shall solicit proposals for and provide financial assistance to several joint ventures in order to develop commercial scale alcohol from biomass technology using available biomass feedstocks such as waste paper, agricultural residues, materials contained in industrial waste streams, wood, wood waste, and herbaceous crops. In carrying out this paragraph, the Secretary shall attempt to select projects in different regions of the United States.

"(B) The purpose of joint ventures supported under this paragraph shall be to develop and demonstrate critical enabling technologies and to provide new technologies to industry to improve the efficiency of operations as well as create new industries that have substantial prospects for encouraging energy independence.

"(C) There are authorized to be appropriated to the Secretary $80,000,000 for the period encompassing fiscal years 1993 through 1995, to carry out this paragraph.

"(9) OIL DISPLACEMENT BY SOLAR WATER HEATING.—(A) The Secretary shall solicit proposals for and provide financial assistance for joint venture for the commercialization of solar water heating technology in accordance with the provisions of this paragraph.

"(B) The purpose of joint ventures supported under this paragraph shall be to design, test, and demonstrate critical enabling technologies for solar water heating for commercial application in water heating and process heat uses that have substantial prospects for displacing the consumption of oil.

"(C) There are authorized to be appropriated to the Secretary $9,000,000 for the period encompassing fiscal years 1993 through 1995, to carry out this paragraph.

"(10) OIL DISPLACEMENT BY PHOTOVOLTAIC AND WIND ENERGY SYSTEMS.—(A) The Secretary shall solicit proposals for and provide financial assistance to at least one joint venture each for the commercialization of photovoltaic and wind energy systems, respectively, in accordance with the provisions of this paragraph.

"(B) The purpose of joint ventures supported under this paragraph shall be to design, test, and demonstrate critical enabling technologies for photovoltaic and wind energy systems for commercial application in electric power generation uses that have substantial prospects for displacing the consumption of oil.

"(C) There are authorized to be appropriated to the Secretary $15,000,000 for the period encompassing fiscal years 1993 through 1995, to carry out this paragraph.

"(11) HIGH TEMPERATURE SUPERCONDUCTING ELECTRICITY TECHNOLOGY.—(A) The Secretary shall solicit proposals for and provide financial assistance to at least one joint venture to commercialize high temperature superconducting electricity technologies in accordance with the provisions of this paragraph.

"(B) The purpose of joint ventures supported under this paragraph shall be to commercialize one or more products, such as motors, generators, transmission lines, transformers, and magnetic energy storage systems, based on high temperature superconducting technologies. Such products shall be of sufficient operational capability to demonstrate the increased energy efficiency of high temperature superconducting technologies in commercial products.

"(C) Such products shall be based on the critical enabling technologies of high temperature superconducting materials and gas-phase cooling systems operating at temperatures above 20 Kelvin (-423F).

"(D) There are authorized to be appropriated to the Secretary not to exceed $15,000,000 for the period encompassing fiscal years 1993 through 1995, to carry out this paragraph.

"(12) OIL DISPLACEMENT BY FUEL CELL TECHNOLOGY.—(A) The Secretary shall solicit proposals for and provide financial assistance to joint ventures for the commercialization of fuel cell technology for electric power generation and transportation applications in accordance with the provisions of this paragraph.

"(B) The purpose of joint ventures supported under this paragraph shall be to design, test, and demonstrate critical enabling technologies for the production of electric energy from fuel cells in order to accelerate commercial application of fuel cells that have substantial prospects for displacing the consumption of oil.

"(C) There are authorized to be appropriated to the Secretary—

"(i) $9,000,000 for the period encompassing fiscal years 1993 through 1995 for electric power generation application; and

"(ii) $9,000,000 for the period encompassing fiscal years 1993 through 1995 for transportation application,

to carry out this paragraph.

"(13) SOURCE REDUCTION TECHNOLOGY.—(A) The Secretary shall solicit proposals for and provide financial assistance to at least one joint venture for the commercialization of source reduction technology in accordance with the provisions of this paragraph.

"(B) The purpose of joint ventures supported under this paragraph shall be to design, test, and demonstrate critical enabling technologies for the development of source reduction technologies.

"(C) There are authorized to be appropriated to the Secretary $6,000,000 for the period encompassing fiscal years 1993 through 1995, to carry out this paragraph.".

(2) Section 6(d)(1) of the Renewable Energy and Energy Efficiency Technology Competitiveness Act of 1989 (42 U.S.C. 12005(d)(1)) is amended by striking "or (5)" and inserting in lieu thereof "(5), (6), (7), (8), (9), (10), (11), (12), or (13)".

SEC. 1204. RENEWABLE ENERGY PRODUCTION INCENTIVE.

(a) INCENTIVE PAYMENTS.—For electric energy generated and sold by a qualified renewable energy facility during the incentive period, the Secretary of Energy (hereinafter in this title referred to as the "Secretary") shall make, subject to the availability of appropriations, incentive payments to the owner or operator of such facility. The amount of such payment made to any such owner or operator shall be as determined under subsection (e). Payments under this section may only be made upon receipt by the Secretary of an incentive payment application which establishes that the applicant is eligible to receive such payment and which satisfies such other requirements as the Secretary deems necessary. Such application shall be in such form, and shall be submitted at such time, as the Secretary shall establish.

(b) QUALIFIED RENEWABLE ENERGY FACILITY.—For purposes of this section, a qualified renewable energy facility is a facility which generates electric energy for sale in, or affecting, interstate commerce using solar, wind, biomass, or geothermal energy, except that—

(1) the burning of municipal solid waste shall not be treated as using biomass energy; and

(2) geothermal energy shall not include energy produced from a dry steam geothermal reservoir which has—

(A) no mobile liquid in its natural state;

(B) steam quality of 95 percent water; and

(C) an enthalpy for the total produced fluid greater than or equal to 1200 Btu/lb (British thermal units per pound).

(c) ELIGIBILITY WINDOW.—Payments may be made under this section only for electricity generated from a qualified renewable energy facility first used during the 10-fiscal year period beginning with the first full fiscal year occurring after the enactment of this section.

(d) PAYMENT PERIOD.—A qualified renewable energy facility may receive payments under this section for a 10-fiscal year period. Such period shall begin with the fiscal year in which electricity generated from the facility is first eligible for such payments.

(e) AMOUNT OF PAYMENT.—

(1) IN GENERAL.—Incentive payments made by the Secretary under this section to the owner or operator of any qualified renewable energy facility shall be based on the number of kilowatt hours of electricity generated by the facility through the use of solar, wind, biomass, or geothermal energy during the payment period referred to in subsection (d). For any facility, the amount of such payment shall be determined in accordance with the following table, adjusted as provided in paragraph (2):

AMOUNT OF INCENTIVE PAYMENT

Fiscal year in which facility is first used	Amount of payment (in dollars/kilowatt hour)
First through fifth years after enactment.	$0.025
Sixth year after enactment.	$0.022
Seventh year after enactment.	$0.019
Eighth year after enactment.	$0.016
Ninth year after enactment.	$0.013
Tenth year after enactment.	$0.01

(2) ADJUSTMENTS.—The amount of the payment made to any person under this subsection as provided in paragraph (1) shall be adjusted for inflation for each fiscal year beginning after calendar year 1993 in the same manner as provided in the provisions of section 29(d)(2)(B) of the Internal Revenue Code of 1986, except that in applying such provisions the calendar year 1993 shall be substituted for calendar year 1979.

(f) SUNSET.—No payment may be made under this section to any facility after the expiration of the 20-fiscal year period beginning with the first full fiscal year occurring after the enactment of this section, and no payment may be made under this section to any facility after a payment has been made with respect to such facility for a 10-fiscal year period.

(g) FACILITIES RECEIVING OTHER ASSISTANCE.—No person shall be eligible to receive a payment under this section for energy generated at a facility for which an energy tax credit was received under the Internal Revenue Code of 1986.

(h) ALLOCATION OF FUNDS.—If funds made available for payments under this section are inadequate in any fiscal year to make the full payments authorized by this section for that year for energy generated by qualified renewable energy facilities, payments shall be made first for energy generated by those facilities which received payments under this section in prior fiscal years before any payments are made to facilities which were not eligible to receive payments in such prior fiscal years.

SEC. 1205. RENEWABLE ENERGY EXPORT TECHNOLOGY TRAINING.

(a) ESTABLISHMENT OF PROGRAM.—The Secretary, through the Agency for International Development, shall establish a program for the training of individuals from developing countries, at a location or locations in the United States, in the operation and maintenance of renewable energy and energy efficient equipment in accordance with this subsection. The Secretary and the Administrator of the Agency for International Development shall, within one year after the date of enactment of this Act, enter into a written agreement to carry out this program.

(b) PURPOSE.—The purpose of the program established under this section shall be to train individuals, including engineers and other professionals, in the system design, operation, and maintenance of renewable energy and energy efficient equipment manufactured in the United States, including equipment for water pumping, heating and purification, and the production of electric power in remote areas.

(c) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary $6,000,000 for each of the fiscal years 1994, 1995, and 1996, to carry out this section.

SEC. 1206. AUTHORITY FOR STATES TO UNDERTAKE FEASIBILITY STUDIES.

Section 362(d) of the Energy Policy and Conservation Act (42 U.S.C. 6322(d)) is amended by redesignating paragraphs (12) and (13) as paragraphs (13) and (14), respectively, and by inserting after paragraph (11) the following new paragraph:

"(12) support for prefeasibility and feasibility studies for projects that utilize renewable energy and energy efficiency resource technologies in order to facilitate access to capital and credit for such projects;".

SEC. 1207. RENEWABLE ENERGY ADVANCEMENT AWARDS.

(a) AUTHORITY.—The Secretary shall make Renewable Energy Advancement Awards in recognition of developments that advance the practical application of biomass, geothermal, hydroelectric, photovoltaic, solar thermal, ocean thermal, and wind technologies to consumer, utility, or industrial uses, in accordance with this section. Except as provided in subsection (g), Renewal Energy Advancement Awards shall include a cash award.

(b) ADVISORY PANEL.—

(1) APPOINTMENT.—Within 6 months after the date of enactment of this Act, the Secretary shall appoint an advisory panel.

(2) FUNCTIONS.—The advisory panel appointed under paragraph (1) shall—

(A) develop selection criteria under subsection (c); and

(B) make recommendations annually to the Secretary on who should receive an award under this section.

(3) MEMBERSHIP.—The advisory panel shall consist of the Secretary of Commerce and a balanced representation from the scientific, utilities, industrial, financial, environmental, and State energy official communities.

(4) TRAVEL EXPENSES.—Each member of the advisory panel shall receive travel expenses, including per diem in lieu of subsistence, in accordance with sections 5702 and 5703 of title 5, United States Code.

(5) ADMINISTRATIVE ASSISTANCE.—The Secretary shall provide the advisory panel with such staff, office space, and other administrative assistance as it may require.

(c) SELECTION CRITERIA.—The advisory panel appointed under subsection (b) shall develop criteria to be applied in the selection of award recipients under this section. Such criteria shall include the following:

(1) The degree to which the development increases the usefulness of a renewable energy technology.

(2) The degree to which the development will have a significant impact, by benefitting a large number of people, by reducing the costs of an important industrial process or commercial product or service, or otherwise.

(3) The uniqueness and ingenuity of the development.

(4) Whether the application has significant export potential.

(5) The environmental soundness of the development.

(d) SELECTION.—Beginning in fiscal year 1994, and annually thereafter for a period of 10 years, the Secretary shall select 3 to 6 developments described in subsection (a) that are worthy of receiving an award under this section, and shall make such awards. The Secretary shall adopt the recommendations of the advisory panel under subsection (b)(2)(B) unless a recommendation does not conform to the selection criteria developed under subsection (c).

(e) ELIGIBILITY.—Awards may be made under this section only to individuals who are United States nationals or permanent resident aliens, or to non-Federal organizations that are organized under the laws of the United States or the laws of a State of the United States.

(f) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary $50,000 for each of the fiscal years 1994 through 2003 for carrying out this section.

(g) AWARDS MADE IN ABSENCE OF APPROPRIATIONS.—The Secretary shall make honorary awards under this section if sufficient funds are not appropriated for financial awards in any fiscal year.

SEC. 1208. STUDY OF EXPORT PROMOTION PRACTICES.

Section 256(d) of the Energy Policy and Conservation Act (42 U.S.C. 6276(d)) is amended by adding at the end the following new paragraph:

"(3) The interagency working group, through a subworking group that is chaired by a representative of an agency or department with expertise in foreign trade barriers and that has a member who is a representative of the Department of Energy, shall conduct a study of subsidies, incentives, and policies that other countries use to promote exports of their own renewable energy technologies and products. Such study shall also identify other countries' trade barriers to the import of renewable energy technologies and products produced in the United States. The interagency working group shall report to the appropriate committees of the House of Representatives and the Senate the results of such study within 18 months after the date of enactment of the Comprehensive National Energy Policy Act.".

SEC. 1209. STUDY OF TAX AND RATE TREATMENT OF RENEWABLE ENERGY PROJECTS.

(a) The Secretary, in conjunction with State utility regulators, shall undertake a study to determine if conventional taxation and ratemaking procedures result in an economic bias for or against renewable energy power plants compared to conventional power plants.

(b) Within 1 year after the date of enactment of this Act, the Secretary shall submit a report to the Congress on the results of the study undertaken under subsection (a).

SEC. 1210. STUDY OF RICE MILLING ENERGY BYPRODUCT MARKETING.

The Department of Energy shall conduct a study to facilitate the marketing of energy by-products from rice milling.

SEC. 1211. INTERAGENCY WORKING GROUP.

(a) PURPOSES.—Section 256(d)(2) of the Energy Policy and Conservation Act (42 U.S.C. 6276(d)(2)) is amended to read as follows:

"(2) The purposes of the interagency working group are—

"(A) to promote the export of renewable energy and energy efficient products and technologies produced in the United States;

"(B) to inform other countries of the benefits of the policies that promote the use of renewable energy and energy efficient technology; and

"(C) to foster rural and urban economic development and energy self-sufficiency through the use of reliable and economical renewable energy and energy efficiency resource technologies.".

(b) DEFINITIONS.—Section 256(g) of such Act (42 U.S.C. 6276(g)) is amended to read as follows:

"(g) For purposes of this section—

"(1) the term 'renewable energy' also includes energy efficiency to the extent it is part of a renewable energy system or technology;

"(2) the term 'developing countries' includes, but is not limited to, Eastern Europe, the successor states of the former Soviet Union, and the Baltic states; and

"(3) the term 'energy efficiency resource' means a resource by which energy is saved through improvements in the efficiency of energy production, transportation, or utilization.".

SEC. 1212. RENEWABLE ENERGY COMMERCIALIZATION.

(a) IN GENERAL.—(1) The Secretary shall, with funds available for such purpose, enter into not less than 10 agreements with private lenders to pay the Federal share of the interest on loans made to qualified borrowers for the purpose of financing the manufacture, construction, or acquisition of equipment that principally utilizes a renewable energy technology.

(2) The Secretary shall enter into such agreements—

(A) indirectly through appropriate State energy offices; or

(B) directly in the case of loans made with respect to equipment for Federal facilities.

(b) FEDERAL SHARE.—The amount of the Federal share of interest on a loan referred to in subsection (a)(1) shall be determined by the Secretary on the basis of—

(1) the need of the borrower for the assistance;

(2) the degree to which financing of the project will assist in the regional diversification and commercialization of renewable energy resources in the United States; and

(3) the achievement of the purposes and goals of this Act.

(c) LOAN TERMS.—The Secretary may enter into an agreement under subsection (a)(1) to pay the Federal share of interest on a loan that—

(1)(A) has a principal amount of at least $250,000 and less than $1,000,000 and a maturity of not less than 15 years; or

(B) has a principal amount of at least $1,000,000, and a maturity of not less than 20 years;

(2) has an interest rate—

(A) of no greater than four percent above the prime rate of lending by certain financial institutions, as determined by the Secretary; or

(B) that the Secretary determines to be reasonable; and

(3) contains such other terms and conditions that the Secretary determines is appropriate.

(d) REPORT.—Not later than two years after the date of enactment of this Act and annually thereafter, the Secretary shall report to the Congress on the projects funded under this section and the progress being made toward accomplishing the purpose of this section.

(e) AUTHORIZATION.—There are authorized to be appropriated to the Secretary for fiscal years 1992, 1993, and 1994 such sums as may be necessary to carry out the purposes of this section.

(f) DEFINITIONS.—For purposes of this section—

(1) the term "qualified borrower" means—

(A) an organization involved in the production or sale, or both, of electricity, thermal energy, or other forms of energy using a renewable energy technology; or

(B) a manufacturer of renewable energy equipment planning to finance improvements in, or expansion of, facilities for the manufacture of renewable energy technologies;

(2) the term "renewable energy technology" means any technology that produces, or uses as its principal energy source, biomass, geothermal, photovoltaic, wind, or solar thermal (including solar water heating and solar industrial process preheat) energy; and

(3) the term "Federal share" means that portion of the interest on a loan financed by a private lender which is paid by the Federal Government under this section.

SEC. 1213. DATA SYSTEM AND ENERGY TECHNOLOGY EVALUATION.

(a) FUNCTIONS OF THE SECRETARY OF COMMERCE.—The Secretary of Commerce, in his or her role as a member of the interagency working group established under section 256 of the Energy Policy and Conservation Act (42 U.S.C. 6276) shall—

(1) develop a comprehensive data base and information dissemination system, using the National Trade Data Bank and the Commercial Information Management System of the Department of Commerce, that will provide information on the specific energy technology needs of developing countries, and the technical and economic competitiveness of various renewable energy and energy efficient technologies;

(2) make such information available to industry, Federal and multilateral lending agencies, nongovernmental organizations, host-country and donor-agency officials, and such others as the Secretary of Commerce considers necessary; and

(3) prepare and transmit to the Congress by not later than June 1, 1993, and biennially thereafter, a comprehensive report evaluating the full range of energy and environmental technologies necessary to meet the energy needs of developing countries while reducing the generation of carbon dioxide and other greenhouse gases, including—

(A) information on the specific energy needs of developing countries,

(B) an inventory of United States technologies and services to meet those needs,

(C) an update on the status of ongoing bilateral and multilateral programs which promote United States exports of renewable energy and energy efficient technology, and

(D) an evaluation of current programs (and recommendations for future programs) that develop and promote energy efficiency and sustainable use of indigenous renewable energy resources in developing countries to reduce the generation of greenhouse gases that may contribute to global climate change.

SEC. 1214. OUTREACH.

(a) UNITED STATES AND FOREIGN COMMERCIAL SERVICE ACTIVITIES.—The Secretary of Commerce may assign an officer or employee assigned to the United States and Foreign Commercial Service, who is experienced in renewable energy and energy efficient technology, to the offices of the United States and Foreign Commercial Service in the Pacific Rim and in the Caribbean Basin solely for the purpose of providing information concerning renewable energy and energy efficient technologies and industries of the United States to governments, industries, and others outside of the United States.

(b) TRADE MISSIONS.—The Secretary of Commerce may sponsor trade missions to help market renewable energy and energy efficient products in other countries.

(c) ACTIVITIES OF INTERAGENCY GROUP NOT AFFECTED.—Nothing in this section shall affect the activities of the interagency working group established under section 256(d) of the Energy Policy and Conservation Act (42 U.S.C. 6276(d)).

TITLE XIII—COAL

SEC. 1301. COAL RESEARCH AND DEVELOPMENT RELATING TO COMMERCIAL APPLICATION PROGRAM.

(a) ESTABLISHMENT.—(1) The Secretary of Energy (hereinafter in this title (except as provided in section 1314) referred to as the "Secretary"), in consultation with the National Coal Council and other representatives of the public as the Secretary considers appropriate, shall conduct a program of research and development relating to commercial application within the Department of Energy for advanced coal-based technologies with the goals and objectives of—

(A) achieving the control of sulfur oxides, oxides of nitrogen, air toxics, solid and liquid wastes, greenhouse gases, or other emissions resulting from coal use or conversion at levels of proficiency greater than or equal to the most effective applicable currently available commercial technology;

(B) achieving the cost competitive conversion of coal into energy forms usable in the transportation sector;

(C) demonstrating the conversion of coal to synthetic gaseous, liquid, and solid fuels;

(D) demonstrating, in cooperation with other Federal and State agencies, the use of coal-derived fuels in mobile equipment, with opportunities for industrial cost-sharing participation; and

(E) ensuring the timely commercial application of cost-effective technologies or energy production processes or systems utilizing coal which achieve greater efficiency in the conversion of coal to useful energy when compared to currently available commercial technology for the use of coal and the control of emissions from the utilization of coal, and ensuring the availability for commercial use of such technologies by the year 2010.

(2) In selecting projects under this title, other than projects under section 1304, the Secretary shall seek to ensure that, relative to otherwise comparable generating units or products, a selected project will meet one or more of the following requirements:

(A) It will significantly reduce environmental emissions.

(B) It will significantly increase the overall efficiency of the utilization of coal, including energy conversion efficiency and, where applicable, production of products derived from coal.

(C) It will be a significantly more cost-effective technological alternative, based on life cycle capital and operating costs per unit of energy produced and, where applicable, costs per unit of product produced.

Priority in selection shall be given to those projects which, in the judgment of the Secretary, more effectively meet the requirements in subparagraphs (A), (B), and (C).

(3) In administering the program authorized by this title, the Secretary shall establish accounting and project management controls that will be adequate to—

(A) control the costs of the project;

(B) ensure a high probability of success; and

(C) ensure compliance with this title.

(4)(A) Not later than 180 days after the date of enactment of this Act, the Secretary shall establish procedures and criteria for the recoupment of the Federal share of cost-shared projects authorized pursuant to this title. Such recoupment shall occur within a reasonable period of time following the date of completion of such project, but not longer than 20 years following such date.

(B) For each such project, the Secretary shall negotiate a schedule for recoupment taking into account the effect of recoupment on—

(i) the commercial competitiveness of the entity carrying out the project;

(ii) the profitability of the project; and

(iii) the commercial viability of the clean coal technology utilized.

(b) REPORT.—Within 240 days after the date of enactment of this Act, the Secretary shall transmit to the Committee on Energy and Commerce of the House of Representatives and to the Committee on Energy and Natural Resources of the Senate a report which shall include each of the following:

(1) A detailed description of ongoing research and development activities relating to commercial application regarding advanced coal-based technologies undertaken by the Department of Energy, other Federal or State government departments or agencies and, to the extent such information is publicly available, other public or private organizations in the United States and other countries.

(2) A listing and analysis of current Federal and State government regulatory and financial incentives that could further the goals of the programs established under this section.

(3) Recommendations regarding the manner in which any ongoing clean coal commercial application program might be modified and extended in order to ensure the timely demonstrations of those advanced coal-based technologies described in subsection (a) of this section so as to ensure that the goals established under this section are achieved and that such demonstrated technologies are available for commercial use by the year 2010.

(4) A detailed plan for conducting the program of research and development relating to commercial application program to achieve the goals and objectives of subsection (a), which plan shall include a description of—

(A) the program elements and management structure to be utilized;

(B) the technical milestones to be achieved with respect to each of the advanced coal-based technologies included in the plan; and

(C) the dates at which further deadlines for additional cost-sharing demonstrations shall be established.

(c) ANNUAL REPORT.—Within 1 year after transmittal of the report described in subsection (b), and annually thereafter for a period of 5 years, the Secretary shall transmit to the Congress a report that provides a detailed description of the status of development of the advanced coal-based technologies and the research and development activities relating to commercial application undertaken to carry out the programs conducted under this section.

(d) DEFINITION.—(1) As used in this title, the terms "advanced coal-based technologies" and "clean coal technologies" mean technologies that the Secretary expects to be commercially viable, within a reasonable period of time, under economic assumptions established by the Energy Information Administration, and—

(A) in the case of replacement, repowering, or new applications, the technologies are—

(i) capable of meeting applicable environmental performance standards for new power plants, or in the case of a repowering or replacement project, such environmental performance standards as would otherwise be applicable; and

(ii) except as provided in paragraph (2)(J), capable of achieving thermal conversion efficiencies equal to or greater than 40 percent, or such higher percentage as the Secretary may require;

(B) in the case of emission control technologies, the technologies are state-of-the-art technologies at achieving the objective stated in subsection (a)(1)(A); and

(C) in the case of coal refining technologies, the technologies are capable of producing energy, fuels, and products which, on a complete energy system basis, will result in environmental emissions no greater than those produced by existing comparable energy systems utilized for the same purpose.

(2) Technologies that the terms defined in this subsection refer to include the following:

(A) Coal refining technologies capable of efficiently producing or utilizing the energy contained in coal and also utilizing the byproducts thereof.

(B) Advanced pressurized fluidized bed combustion technology.

(C) Direct and indirect coal-fired turbines.

(D) Advanced integrated gasification combined cycle.

(E) Magnetohydrodynamics.

(F) Molten carbonate and solid oxide fuel cells.

(G) Emission control technologies.

(H) Cofiring coal with noncoal fuels, including natural gas.

(I) Coalbed methane production and use technologies.

(J) Other coal-based technologies or processes or systems that are capable of achieving thermal conversion efficiencies equal to or greater than 50 percent.

SEC. 1302. COAL EXPORTS.

(a) PLAN.—Within 180 days after the date of enactment of this Act, the Secretary of Commerce, in cooperation with the Secretary and other appropriate Federal agencies, shall submit to the House of Representatives and the Senate, and to the appropriate committees of each House, a plan for expanding exports of coal mined in the United States.

(b) PLAN CONTENTS.—The plan submitted under subsection (a) shall include—

(1) a description of the location, size, and projected growth in potential export markets for coal mined in the United States;

(2) the identification by country of the foreign trade barriers to the export of coal mined in the United States, including foreign coal production and utilization subsidies, tax treatment, labor practices, tariffs, quotas, and other nontariff barriers;

(3) recommendations and a plan for addressing any such trade barriers;

(4) an evaluation of existing infrastructure in the United States and any new infrastructure requirements in the United States to support an expansion of exports of coal mined in the United States, including ports, vessels, rail lines, and any other supporting infrastructure; and

(5) an assessment of environmental implications of coal exports and the identification of export opportunities for blending coal mined in the United States with coal indigenous to other countries to enhance energy efficiency and environmental performance.

SEC. 1303. CLEAN COAL TECHNOLOGY EXPORT PROMOTION AND INTERAGENCY COORDINATION.

(a) INTERAGENCY COORDINATION.—The Secretary of Commerce, in consultation with the Secretary and other appropriate Federal agencies, shall seek to facilitate and expand the export of clean coal technologies. As part of that consultation, the Secretaries shall place a high priority on the export of clean coal technologies to developing countries and countries making the transition from nonmarket to market economies.

(b) CONSULTATION.—In carrying out this section, the Secretary of Commerce, in cooperation with the Secretary and other appropriate Federal agencies, shall consult with representatives from the United States coal industry, representatives of railroads and other transportation industries, organizations representing workers, the electric utility industry, manufacturers of equipment utilizing clean coal technology, members of organizations formed to further the goals of environmental protection or to promote the development and use of clean coal technologies that are developed, manufactured, or controlled by United States firms, and other appropriate interested members of the public.

(c) DUTIES.—The Secretary of Commerce, in cooperation with the Secretary and other appropriate Federal agencies, shall—

(1) facilitate the establishment of technical training for the consideration, planning, construction, and operation of clean coal technologies by local users and international development personnel;

(2) facilitate the establishment of and, where practicable, cause to be established, consistent with the goals and objectives stated in section 1301(a), within existing departments and agencies financial assistance programs, including grants, loan guarantees, and no interest and low interest loans, to support prefeasibility and feasibility studies for projects that will utilize clean coal technologies and loan guarantee programs, grants, and no interest and low interest loans, designed to facilitate access to capital and credit in order to finance such clean coal technology projects;

(3) develop and execute programs, including the establishment of financial incentives, to encourage and support private sector efforts in exports of clean coal technologies that are developed, manufactured, or controlled by United States firms;

(4) encourage the training and understanding of clean coal technologies by representatives of foreign companies or countries intending to use coal or clean coal technologies by providing technical or financial support for training programs, workshops, and other educational programs sponsored by United States firms;

(5) educate loan officers and other officers of international lending institutions, commercial and energy attaches of the United States, and such other personnel as the Secretary of Commerce, in cooperation with the Secretary and with other appropriate Federal agencies, deems appropriate, for the purposes of providing information about clean coal technologies to foreign governments or potential project sponsors of clean coal technologies;

(6) develop policies and practices to be conducted by commercial and energy attaches of the United States, and such other personnel as the Secretary of Commerce, in cooperation with the Secretary and with other appropriate Federal agencies, deems appropriate, in order to promote the exports of clean coal technologies in those countries interested in or intending to utilize coal resources;

(7) augment budgets for trade and development programs supported by Federal agencies for the purpose of financially supporting prefeasibility or feasibility studies for projects that will utilize clean coal technologies;

(8) review ongoing clean coal technology projects and review and advise Federal agencies on the approval of planned clean coal technology projects, including those project proposals submitted in accordance with the programs authorized by section 1301 of this title, which are sponsored abroad by any Federal Government agency to determine whether such projects are consistent with the overall goals and objectives of this section;

(9) coordinate the activities of the appropriate Federal agencies in order to ensure that Federal clean coal technology export promotion policies are implemented in a timely fashion;

(10) provide for the development of—

(A) an objective comparison of the environmental, energy, and economic performance of each clean coal technology relative to conventional technologies;

(B) a list of United States vendors of clean coal technologies; and

(C) answers to commonly asked questions about clean coal technologies,

and disseminate such information to potential customers abroad; and

(11) undertake such other actions or activities, consistent with existing law and regulations, as, in the judgment of the Secretary of Commerce, in cooperation with the Secretary and other appropriate Federal agencies, may be necessary to achieve the purposes of this section.

(d) DATA AND INFORMATION.—(1) The Secretary of Commerce, in cooperation with the Secretary and other appropriate Federal agencies, shall be responsible for the development of a comprehensive data base and information dissemination system, using the National Trade Data Bank and the Commercial Information Management System of the Department of Commerce, relating to the availability of clean coal technologies and the potential need for such technologies, particularly in developing countries and countries making the transition from nonmarket to market economies.

(2) The Secretary of Commerce, through a subworking group of an interagency export promotion coordinating committee focusing on clean coal technology exports and chaired by a representative of the Department of Energy, shall provide an assessment of 10 priority foreign markets for the export of clean coal technologies that are developed, manufactured, or controlled by United States firms. Such assessment shall include—

(A) an analysis of the financing requirements for clean coal technology projects and whether such projects are dependent upon financial assistance from foreign countries or multilateral institutions,

(B) the availability of other fuel or energy resources that may be available to meet the energy requirements intended to be met by the clean coal technology projects,

(C) the priority of environmental considerations in the selection of such projects, and

(D) the technical competence of those entities likely to be involved in the planning and operation of such projects.

The Secretary of Commerce, in cooperation with the Secretary, shall make such information available to the House of Representatives and the Senate, and to the appropriate committees of each House of Congress, industry, Federal and international financing organizations, nongovernmental organizations, governments of countries where such clean coal technologies might be used, and such others as the Secretary of Commerce, in cooperation with the Secretary, considers appropriate.

(e) REPORT.—Within 180 days after the Secretary submits the report to the Congress as required by section 409 of Public Law 101-549, the Secretary of Commerce, in cooperation with the Secretary and other appropriate Federal agencies, shall provide to the House of Representatives and the Senate, and to the appropriate committees of each House of Congress, a plan which details actions to be taken in order to address those recommendations and findings made in the report submitted pursuant to section 409 of Public Law 101-549. As a part of the plan required by this subsection, the Secertary of Commerce, in cooperation with the Secretary and other appropriate Federal agencies, shall specifically address the adequacy of financial assistance available from Federal departments and agencies and international financing organizations to aid in the financing of prefeasibility and feasibility studies and projects that would use a clean coal technology in developing countries and countries making the transition from nonmarket to market economies.

SEC. 1304. INNOVATIVE CLEAN COAL AND RENEWABLE ENERGY TECHNOLOGY TRANSFER PROGRAM.

(a) ESTABLISHMENT OF PROGRAM.—The Secretary, through the Agency for International Development, shall establish a clean coal and renewable energy technology transfer program to carry out the purposes described in subsection (b). The Secretary and the Administrator of the Agency for International Development shall enter into a written agreement to carry out this program.

(b) PURPOSES OF THE PROGRAM.—The purposes of the technology transfer program under this section are to—

(1) encourage the export of United States technologies to those countries that have determined a need to construct developmentally sound facilities to provide energy derived from coal or renewable energy resources;

(2) develop markets for United States technologies and, where appropriate, United States coal resources to be utilized in meeting the energy and environmental requirements of other countries;

(3) better ensure that United States participation in energy-related projects in other countries includes participation by United States firms as well as utilization of United States technologies that have been developed or demonstrated in the United States through publicly or privately funded demonstration programs;

(4) provide for the accelerated utilization of United States technologies that will serve to introduce into other countries United States technologies intended to use coal or renewable energy resources in a cost-effective and environmentally acceptable manner; and

(5) establish a new financial mechanism to increase the involvement by the United States private sector in the financing of energy projects in developing countries and countries making the transition from nonmarket to market economies in cooperation with financing and assistance provided by the United States Government.

(c) PROGRAM REQUIREMENTS.—In order to carry out this section, the Administrator of the Agency for International Development, pursuant to the agreement required by subsection (a), and after consultation with the Trade and Development Program, and, where appropriate, in consultation with the Export-Import Bank of the United States, shall—

(1) support projects, in developing countries and in countries making the transition from nonmarket to market economies, which provide energy, in a cost-effective and environmentally-acceptable manner, using clean coal and renewable energy technology;

(2) select projects for purposes of this section only if such projects use United States technology and, where appropriate, coal resources of the United States;

(3) periodically review energy needs in countries assisted by the Agency for International Development, and explore export opportunities for the development of new energy-related projects in these countries, and keep the Congress informed of the results of these reviews;

(4) determine whether each project selected under this section is developmentally sound, as determined under the criteria developed by the Development Assistance Committee of the Organization for Economic Cooperation and Development;

(5) coordinate the activities of all offices within the Agency for International Development, and work with the Agency for International Development country missions, in developing projects for purposes of this section that provide opportunities for United States firms, consistent with the Agency for International Development's primary mission to help these countries with traditional development projects;

(6) select clean coal technology projects for purposes of this section only if such projects use technologies and equipment selected by the Secretary under subsection (d);

(7) select projects for purposes of this section only after consultations with appropriate government officials of a host country, and, as appropriate, with representatives of foreign electric utilities or other foreign entities, to determine the interest in and support for a potential energy project;

(8) receive proposals from United States firms describing clean coal and renewable energy projects which, in the view of such firms, would be projects suitable for support under this section;

(9) pursuant to the agreement required by subsection (a), and after consultation with the Secretary, publish in the Commerce Business Daily a description of each clean coal or renewable energy project identified for support under this section;

(10) within one year after the date of enactment of this Act, and at least annually thereafter, pursuant to the agreement required by subsection (a), and after consultation with the Secretary, issue a request for proposals or an invitation for bids from United States firms for the development, construction, testing, and operation of a project or projects identified in the Commerce Business Daily or establish a procedure under which the host country will issue a request for proposals or invitation for bids from United States firms for the development, construction, testing, and operation of a project or projects identified in the Commerce Business Daily;

(11) ensure that the request for proposals and invitation for bids described in paragraph (10) provides an opportunity for United States firms to propose that such firm, either directly or indirectly, will provide a portion of the cost of the project;

(12) within 120 days after receipt of proposals or bids in response to a solicitation under paragraph (10), select one or more proposals or bids;

(13) in addition to any other considerations the Administrator of the Agency for International Development, in consultation with the Secretary, deems appropriate, make the following considerations in selecting a proposal or bid—

(A) the ability of the United States firm, in cooperation with the host country, to undertake and complete the project;

(B) the degree to which the furnished equipment to be included in the project is manufactured in the United States;

(C) the degree to which the United States firm has proposed to provide a portion of the cost of the project;

(D) the long-term technical and competitive viability of the United States technology, and the ability of the United States firm to compete in the development of additional projects using such technology in the host country and in other countries; and

(E) the extent to which the proposed project meets the objectives stated in section 1301(a); and

(14) ensure that any specific application of a clean coal technology project conforms with the requirements of subsection (d)(2).

(d) SELECTION OF CLEAN COAL TECHNOLOGIES.—(1) Within six months of the date of enactment of this Act and annually thereafter, the Secretary, in consultation with the Administrator of the Agency for International Development , shall prepare a list of United States clean coal technologies eligible to be used in clean coal projects supported by this section.

(2) In developing the list under paragraph (1), the Secretary, in consultation with the Administrator of the Agency for International Development, shall select technologies which will meet one or more of the following requirements:

(A) It will significantly reduce environmental emissions.

(B) It will significantly increase the overall efficiency of the utilization of coal, including energy conversion efficiency and, where applicable, production of products derived from coal.

(C) It will be a significantly more cost-effective technological alternative, based on life cycle capital and operating costs per unit of energy produced and, where applicable, costs per unit of product produced.

Priority in selection shall be given to those technologies which, in the judgment of the Secretary, more effectively meet the requirements in subparagraphs (A), (B), and (C).

(e) AUTHORIZATION FOR PROGRAM.—There are authorized to be appropriated to the Secretary, acting through the Agency for International Development, to carry out the program required by this section, $100,000,000 for each of the fiscal years 1993, 1994, 1995, 1996, 1997, and 1998. Grants or other assistance provided with such funds may be combined with financing offered by private financial entities or other entities.

(f) UNITED STATES-ASIA ENVIRONMENTAL PARTNERSHIP.—Activities carried out under this section shall be coordinated with the United States-Asia Environmental Partnership.

(g) BUY AMERICA.—In carrying out this section, the Secretary, through the Agency for International Development and consistent with the Agency for International Development procurement guidelines, shall ensure—

(1) the maximum percentage of the cost of any equipment furnished in connection with

a project authorized under this section shall be attributable to the manufactured United States components of such equipment, and

(2) the maximum participation of United States firms.

SEC. 1305. CONVENTIONAL COAL TECHNOLOGY TRANSFER.

If the Secretary, pursuant to the agreement under section 1304(a), determines that the utilization of a clean coal technology is not practicable for a proposed project and that a United States conventional coal technology would constitute a substantial improvement in efficiency, costs, and environmental performance relative to the technology being used in a developing country or country making the transition from nonmarket to market economies, with significant indigenous coal resources, such technology shall, for purposes of sections 1303 and 1304, be considered a clean coal technology. In the case of combustion technologies, only the retrofit, repowering, or replacement of a conventional technology shall constitute a substantial improvement for purposes of this section. In carrying out this section, the Secretary, pursuant to the agreement under section 1304(a), shall give highest priority to promoting the most environmentally sound and energy efficient technologies.

SEC. 1306. COAL FIRED DIESEL ENGINES.

(a) PROGRAM.—The Secretary shall conduct a program of research and development relating to commercial application for utilizing coal-derived liquid or gaseous fuels, including ultra-clean coal-water slurries, in diesel engines. The program shall address—

(1) required engine retrofit technology;

(2) coal-fuel production technology;

(3) emission control requirements;

(4) fuel delivery and storage systems requirements; and

(5) other infrastructure required to support commercial deployment.

(b) FUNDING.—The Secretary may provide financial assistance for a project under the program conducted under subsection (a), to the extent the Secretary finds that such project—

(1) offers promise for commercial application; and

(2) will receive at least 50 percent of project funds from non-Federal sources.

(c) JOINT VENTURES.—In carrying out the program conducted under subsection (a), the Secretary may enter into joint ventures to accelerate the development and commercialization of technologies described in subsection (a).

(d) CONSULTATION.—In carrying out research and development activities relating to commercial application under this section, the Secretary shall consult with the private sector.

SEC. 1307. CLEAN COAL, WASTE-TO-ENERGY.

(a) PROGRAM.—The Secretary shall establish a program of research and development relating to commercial application with respect to the use of solid waste combined with coal as a fuel source for clean coal combustion technologies. The program shall address—

(1) the feasibility of cofiring coal and used vehicle tires in fluidized bed combustion units;

(2) the combined gasification of coal and municipal sludge using integrated gasification combined cycle technology;

(3) the creation of fuel pellets combining coal and material reclaimed from solid waste;

(4) the feasibility of cofiring, in fluidized bed combustion units, waste methane from coal mines, including ventilation air, together with coal or coal wastes; and

(5) other sources of waste and coal mixtures in other applications that the Secretary considers appropriate.

(b) FUNDING.—The Secretary may provide financial assistance for a project under the program conducted under subsection (a), to the extent the Secretary finds that such project—

(1) offers promise for commercial application; and

(2) will receive at least 25 percent of project funds from non-Federal sources.

(c) JOINT VENTURES.—In carrying out the program conducted under subsection (a), the Secretary may enter into joint ventures to accelerate the development and commercialization of technologies described in subsection (a).

(d) CONSULTATION.—In carrying out research and development activities relating to commercial application under this section, the Secretary shall consult with the private sector.

SEC. 1308. NONFUEL USE OF COAL.

(a) PLAN.—Not later than 120 days after the date of enactment of this Act, the Secretary shall submit to the Congress a plan for research and development relating to commercial application with respect to technologies for the nonfuel use of coal, including—

(1) production of coke and other carbon products derived from coal;

(2) production of coal-derived, carbon-based chemical intermediates that are precursors of value-added chemicals and polymers;

(3) production of chemicals from coal-derived synthesis gas;

(4) coal treatment processes, including methodologies such as solvent-extraction techniques that produce low ash, low sulfur, coal-based chemical feedstocks; and

(5) waste utilization, including recovery, processing, and marketing of products derived from sulfur, carbon dioxide, nitrogen, and ash from coal.

(b) JOINT VENTURES.—As part of the plan under subsection (a), the Secretary may propose specific joint ventures to accelerate the development and commercialization of technologies for nonfuel uses of coal.

(c) PLAN CONTENTS.—The plan described in subsection (a) shall address and evaluate—

(1) the known and potential processes for using coal in the creation of products in the chemical, utility, fuel, and carbon-based materials industries;

(2) the costs, benefits, and economic feasibility of using coal products in the chemical and materials industries, including value-added chemicals, carbon-based products, coke, and waste derived from coal;

(3) the economics of coproduction of products from coal in conjunction with the production of electric power, thermal energy, and fuel;

(4) the economics of coal utilization in comparison with other feedstocks that might be used for the same purposes;

(5) the steps that can be taken by the public and private sectors to bring about commercialization of technologies developed under the program recommended; and

(6) the past development, current status, and future potential of coal products and processes associated with nonfuel uses of coal.

(d) CONDUCT OF PROGRAM.—The Secretary shall conduct a program of research and development relating to commercial application under the plan described in subsection (a).

(e) FUNDING.—The Secretary may provide financial assistance for a project under the plan to the extent the Secretary finds that such project—

(1) offers promise for commercial application; and

(2) will receive at least 50 percent of project funds from non-Federal sources.

(f) CONSULTATION.—In preparing the plan and carrying out research and development activities relating to commercial application under this section, including evaluating the technical progress, feasibility, and most effective means for utilizing the results of research, the Secretary shall consult with the private sector.

SEC. 1309. COAL REFINERY PROGRAM.

(a) ESTABLISHMENT.—The Secretary, in consultation with the National Coal Council and such other representatives of the public and private sectors as the Secretary considers necessary, shall conduct a program of research and development relating to commercial application within the Department of Energy for clean coal technologies that are coal refining technologies which minimize the overall environmental impacts of coal utilization and meet the objectives of section 1301(a)(1). The program shall include technologies for refining high sulfur coals, low sulfur coals, sub-bituminous coals, and lignites to produce clean-burning transportation fuels, compliance boiler fuels, fuel additives, lubricants, chemical feedstocks, and carbon-based manufactured products, in conjunction with the generation of electricity or process heat, or the manufacture of a variety of products from coal. The goals of such program shall be the achievement of—

(1) the timely commercial application of technologies, including mild gasification, hydrocracking and other hydropyrolysis processes, and other energy production processes or systems to produce coal-derived fuels and coproducts, which achieve greater efficiency and economy in the conversion of coal to electrical energy and coproducts than currently available technology;

(2) the capability to produce a range of coal-derived transportation fuels, including oxygenated hydrocarbons, boiler fuels, turbine fuels, and coproducts, which can reduce dependence on imported oil by displacing conventional petroleum in the transportation sector and other sectors of the economy;

(3) reduction in the cost of producing such coal-derived fuels and coproducts;

(4) the control of emissions from the combustion of coal-derived fuels; and

(5) the availability for commercial use of such technologies by the year 2000.

(b) REPORT AND PLAN.—Within 120 days after the date of enactment of this Act, the Secretary shall transmit to the Congress a report which shall include—

(1) a detailed description of ongoing research and development activities relating to commercial application regarding coal refining technologies undertaken by the Department of Energy, other Federal or State government departments or agencies, and, to the extent such information is publicly available, other public or private organizations in the United States and other countries;

(2) a listing and analysis of current Federal and State government regulatory and financial incentives that could further the goals stated in subsection (a); and

(3) a detailed plan for conducting the research and development program relating to commercial application to achieve the goals stated in subsection (a), which plan shall include a description of—

(A) the program elements and management structure to be utilized; and

(B) the technical milestones to be achieved with respect to each of the coal refining technologies included in the plan.

(c) JOINT VENTURES.—Within 1 year after the transmittal of the report described in subsection (b), the Secretary shall solicit proposals from appropriate parties and may thereafter enter into agreements to conduct joint ventures with such parties to undertake commercial scale demonstration projects of coal refining processes capable of producing boiler fuels, transportation fuels, including oxygenated hydrocarbons, or other useful coal-derived by-products, from high or low sulfur coals or lignites. In designing the solicitation under this subsection, and taking into consideration the goals stated in subsection (a), the Secretary—

(1) shall establish technology classes for the various coal refining processes;

(2) may enter into joint ventures for the construction of not more than one project per technology class, but in no event less than two projects in total;

(3) shall provide that any such joint venture obtain at least 50 percent of its direct costs from non-Federal sources; and

(4) shall require that any project have a reasonable prospect of commencing commercial operation by January 1, 2000.

(d) ANNUAL REPORT.—Within 1 year after the date of enactment of this Act, and annually thereafter for a period of 5 years, the Secretary shall submit to the Congress a report that provides a detailed description of the status of development of coal refining technologies and the research and development activities relating to commercial application undertaken to carry out the program under this section.

SEC. 1310. STUDY OF UTILIZATION OF COAL COMBUSTION BYPRODUCTS.

(a) DEFINITION.—As used in this section, the term "coal combustion byproducts" means the residues from the combustion of coal including ash, slag, and flue gas desulfurization materials.

(b) STUDY AND REPORT TO CONGRESS.—(1) The Secretary shall conduct a detailed and comprehensive study on the institutional, legal, and regulatory barriers to increased utilization of coal combustion byproducts by potential governmental and commercial users. Such study shall identify and investigate barriers found to exist at the Federal, State, or local level, that may have limited or may have the foreseeable effect of limiting the quantities of coal combustion byproducts that are utilized. In conducting this study, the Secretary shall consult with other departments and agencies of the Federal Government, appropriate State and local governments, and the private sector.

(2) Not later than 1 year after the date of enactment of this Act, the Secretary shall submit a report to the Congress containing the results of the study required by paragraph (1) and the Secretary's recommendations for action to be taken to increase the utilization of coal combustion byproducts. At a minimum, such report shall identify actions that would increase the utilization of coal combustion byproducts in—

(A) bridge and highway construction;

(B) stabilizing wastes;

(C) procurement by departments and agencies of the Federal Government and State and local governments; and

(D) federally funded or federally subsidized procurement by the private sector.

SEC. 1311. CALCULATION OF AVOIDED COST.

Nothing in section 210 of the Public Utility Regulatory Policies Act of 1978 (Public Law 95-617) requires a State regulatory authority or nonregulated electric utility to treat a cost reasonably identified to be incurred or to have been incurred in the construction or operation of a facility or a project which has been selected by the Department of Energy and provided Federal funding pursuant to the Clean Coal Program authorized by Public Law 98-473 as an incremental cost of alternative electric energy.

SEC. 1312. COALBED METHANE RECOVERY.

(a) STUDY OF BARRIERS.—The Secretary, in consultation with the Administrator of the Environmental Protection Agency, shall conduct a study of technical, economic, financial, legal, regulatory, institutional, or other barriers to coalbed methane recovery, and of policy options for eliminating such barriers. Within two years after the date of enactment of this Act, the Secretary shall submit a report to the Congress detailing the results of such study.

(b) STUDY OF ENVIRONMENTAL AND SAFETY ASPECTS.—The Secretary, in consultation with the Director of the Bureau of Mines and the Administrator of the Environmental Protection Agency, shall conduct a study of the environmental and safety aspects of flaring coalbed methane liberated from coal mines. Within two years after the date of enactment of this Act, the Secretary shall submit a report to the Congress detailing the results of such study.

(c) INFORMATION DISSEMINATION.—Beginning one year after the date of enactment of this Act, the Secretary, in consultation with the Administrator of the Environmental Protection Agency, shall disseminate to the public information on state-of-the-art coalbed methane recovery techniques, including information on costs and benefits.

(d) COMMERCIALIZATION PROGRAM.—The Secretary shall establish a coalbed methane recovery commercial application program, which shall include a joint venture program, emphasizing gas enrichment technology, with at least 50 percent of the costs thereof being provided by the private sector. Such program shall address—

(1) gas enrichment technologies for enriching medium-quality methane recovered from coal mines to pipeline quality;

(2) technologies to use mine ventilation air in nearby power generation facilities, including gas turbines, internal combustion engines, or other coal fired powerplants;

(3) technologies for cofiring methane recovered from mines, including methane from ventilation systems and degasification systems, together with coal in conventional or clean coal technology boilers; and

(4) other technologies for producing and using methane from coal mines that the Secretary considers appropriate.

SEC. 1313. COALBED METHANE EMISSION CREDITS.

(a) FINDINGS.—The Congress finds that the recovery of coalbed methane gas in conjunction with coal mining operations will have a beneficial effect in promoting energy efficiency, promoting wise use of energy resources, and reducing greenhouse gas emissions and should, therefore, be encouraged by developing a coalbed methane emissions baseline, and assuring credit for such recovery in the future.

(b) COALBED METHANE REPORTING.—Following promulgation of regulations under subsection (c), any owner or operator of an underground coal mine producing more than 100,000 tons of coal in any calendar year after 1987 may, for such calendar year and any calendar year thereafter in which coal is produced from such mine, report to the Secretary the aggregate annual volume of coalbed methane gas recovered, flared, vented, or otherwise emitted into the environment during that year. Such annual report shall specify the volume of such gas which was flared, used as fuel on site, or sold into a natural gas pipeline.

(c) REGULATIONS.—Within 9 months after the date of enactment of this section, the Secretary, in consultation with the Director of the Bureau of Mines and the Administrator of the Environmental Protection Agency, shall establish by regulation the methods and procedures to be used by persons reporting under subsection (b) to measure the annual volume of coalbed methane gas recovered, flared, vented or otherwise emitted into the environment. To the maximum extent practicable, the Secretary should seek to rely on existing monitoring and estimation methods and procedures (including but not limited to techniques developed for compliance with the Coal Mine Health and Safety Act of 1969) and place priority on selecting techniques which maximize accuracy and minimize the cost to the operator.

(d) CREDITS.—For purposes of any greenhouse gas reduction program under any future law which provides credits for reductions in coalbed methane gas emissions, each person submitting annual reports to the Secretary under subsection (b) regarding the aggregate annual volume of coalbed methane gas recovered, flared, or vented, or otherwise emitted into the environment may receive credits for reductions in coalbed methane gas emissions achieved by such person after calendar year 1987 and reported under subsection (b). No credit for recovery of coalbed methane gas from any coalbed shall be valid until mining commences in such coalbed.

(e) DOE REPORTS.—Using data submitted under this section and data obtained from the Bureau of Mines, the Secretary shall publish annual reports containing the Secretary's estimate for each coal mine of the aggregate annual volume of coalbed methane gas recovered, flared, vented, or otherwise emitted into the environment.

SEC. 1314. OWNERSHIP OF COALBED METHANE.

(a) FEDERAL LANDS AND MINERAL RIGHTS.—In the case of any deposit of coalbed methane where the United States is the owner of the surface estate or where the United States has transferred the surface estate but reserved the subsurface mineral estate, the Secretary of the Interior (hereinafter referred to in this section as the "Secretary") shall act in lieu of the State Board under this section and shall have all powers and authorities necessary to take such action.

(b) AFFECTED STATES.—Not later than 180 days after the date of enactment of this Act, the Secretary, with the participation of the Secretary of Energy, shall publish in the Federal Register a list of States—

(1) in which the Secretary, with the participation of the Secretary of Energy, determines that disputes, uncertainty, or litigation exist, regarding the ownership of coalbed methane gas;

(2) in which the Secretary, with the participation of the Secretary of Energy, determines that development of significant deposits of coalbed methane gas is being impeded by such existing disputes, uncertainty, or litigation regarding ownership of such coalbed methane;

(3) which do not have in effect a statutory or regulatory procedure or existing case law permitting and encouraging the development of coalbed methane gas within that State; and

(4) which do not have extensive development of coalbed methane gas.

The Secretary, with the participation of the Secretary of Energy, shall revise such list of Affected States from time to time. Based on new case law or legislation enacted in the State after the enactment of this Act, any Affected State may petition the Secretary, with the participation of the Secretary of Energy, for a revision to remove the State from the list. Until the Secretary, with the participation of the Secretary of Energy, publishes a different list, the States of West Virginia, Pennsylvania, Kentucky, Ohio, Tennessee, Indiana, and Illinois shall be the Affected States, effective on the date of the enactment of this Act. States which have current development of coalbed methane gas and shall not be included on the Secretary's list of Affected States are Colorado, Montana, New Mexico, Wyoming, Utah, Virginia, Washington, Mississippi, and Alabama.

(c) State Agencies for Affected States.—(1) In order to provide for the expeditious and economical development of deposits of coalbed methane gas in Affected States, within 360 days after a State becomes an Affected State, each such Affected State shall establish or designate one or more State agencies or instrumentalities to administer the provisions of this section. Such agencies or instrumentalities shall hereinafter in this section be referred to as the "State Board" for the Affected State. The State shall authorize the State Board to have such powers and duties and to promulgate such regulations as may be necessary to carry out this section in that State. A person concerned with preserving the integrity of workable coal seams who is knowledgeable in underground coal mining methods and a person knowledgeable in oil and gas development activities shall be appointed to the State Board.

(2) If an Affected State has not established or designated a State Board as provided in this subsection within the 360-day period specified in paragraph (1), the Secretary, with the participation of the Secretary of Energy, shall be treated as the State Board for such State for purposes of this section. In any such case, the Secretary, with the participation of the Secretary of Energy, shall have such powers and duties and shall promulgate such regulations as may be necessary to carry out this section in that State.

(3) In implementing this section, the State Board or the Secretary, with the participation of the Secretary of Energy, as the case may be, shall—

(A) consider existing and future coal mining plans,

(B) preserve the mineability of coal seams, and

(C) provide for the prevention of waste and maximization of recovery of coal and coalbed methane gas in a manner which will protect the rights of all entities owning an interest in such coalbed methane resource.

(d) Spacing.—Except where State law in an Affected State contains existing spacing requirements regarding the minimum distance between coalbed methane wells and the minimum distance of a coalbed methane well from a property line, the State Board for each Affected State shall establish such requirements within 90 days after the date on which the State Board is established or designated.

(e) Spacing Units.—Applications to establish spacing units for the drilling and operation of coalbed methane gas wells may be filed by any entity claiming a coalbed methane ownership interest within a proposed spacing unit. Upon receipt and approval of an application, the State Board shall issue an order establishing the boundaries of the coalbed methane spacing unit. Spacing units shall generally be uniform in size.

(f) Development Under Pooling Arrangement.—Following issuance of an order establishing a spacing unit under subsection (e), and pursuant to an application for pooling filed by the entity claiming a coalbed methane ownership interest and proposing to drill a coalbed methane gas well, the State Board shall hold a hearing to consider the application for pooling and shall, if the criteria of this section are met, issue an order allowing the proposed pooling of acreage within the designated spacing unit for purposes of drilling and production of coalbed methane from the spacing unit. The pooling order shall not be issued before notice or a reasonable and diligent effort to provide notice has been made to each entity which may claim an ownership interest in the coalbed methane gas within such spacing unit and each such entity has been offered an opportunity to appear before the State Board at the hearing. Upon issuance of a pooling order, each owner or claimant of an ownership interest shall be allowed to make one of the following elections:

(1) An election to sell or lease its coalbed methane ownership interest to the unit operator at a rate determined by the State Board as set forth in the pooling order.

(2) An election to become a participating working interest owner by bearing a share of the risks and costs of drilling, completing, equipping, gathering, operating (including all disposal costs), plugging and abandoning the well, and receiving a share of production from the well.

(3) An election to share in the operation of the well as a nonparticipating working interest owner by relinquishing its working interest to participating working interest owners until the proceeds allocable to its share equal 300 percent of the share of such costs allocable to its interest. Thereafter, the nonparticipating working interest owner shall become a participating working interest owner.

The pooling order shall designate a unit operator who shall be authorized to drill and operate the spacing unit. The pooling order shall provide that any entity claiming an ownership interest in the coalbed methane within such spacing unit which does not make an election under the pooling order shall be deemed to have leased its coalbed methane interest to the unit operator under such terms and conditions as the pooling order may provide. No pooling order may be issued under this paragraph for any spacing unit if all entities claiming an ownership interest in the coalbed methane in the spacing unit have entered into a voluntary agreement providing for the drilling and operation of the coalbed methane gas well for the spacing unit.

(g) Escrow Account.—(1) Each pooling order issued under subsection (f) shall provide for the establishment of an escrow account into which the payment of costs and proceeds attributable to the conflicting interests shall be deposited and held for the interest of the claimants as follows:

(A) Each participating working interest owner, except for the unit operator, shall deposit in the escrow account its proportionate share of the costs allocable to the ownership interest claimed by each such participating working interest owner as set forth in the pooling order issued by the State Board.

(B) The unit operator shall deposit in the escrow account all proceeds attributable to the conflicting interests of lessees, plus all proceeds in excess of ongoing operational expenses (including reasonable overhead costs) attributable to conflicting working interests.

(2) The State Board shall order payment of principal and accrued interest from the escrow account to all legally entitled entities within 30 days of receipt by the State Board of notification of the final legal determination of entitlement or upon agreement of all entities claiming an ownership interest in the coalbed methane gas. Upon such final determination—

(A) each legally entitled participating working interest owner shall receive a proportionate share of the proceeds attributable to the conflicting ownership interest;

(B) each legally entitled nonparticipating working interest owner shall receive a proportionate share of the proceeds attributable to the conflicting ownership interest, less the cost of being carried as a nonparticipating working interest owner (as determined by the election of the entity under the applicable pooling order);

(C) each entity leasing (or deemed to have leased) its coalbed methane ownership interest to the unit operator shall receive a share of the royalty proceeds (as set out in the applicable pooling order) attributable to the conflicting interests of lessees; and

(D) the unit operator shall receive the costs contributed to the escrow account by each legally entitled participating working interest owner.

The State Board shall enact rules and regulations for the administration and protection of funds delivered to the escrow accounts.

(h) Approval of State Board.—No entity may drill any well for the production of coalbed methane gas from a coalbed in an Affected State unless the drilling of such well has been approved by the State Board for that State.

(i) Consent of Affected Coal Operator.—No operator of a coalbed methane well may stimulate a coal seam or known coal bearing geologic strata without the written consent of each entity which is operating, or who at the time of application for a drilling permit, has by virtue of ownership or a coal lease, the right to operate, a coal mine in a coal seam situated—

(1) within a minimum horizontal distance—

(A) of 1,500 feet from the well; or

(B) as determined by the State Board, based on evaluation of the maximum length of fracture producible in the local strata; or

(2) within a minimum vertical distance—

(A) of 200 feet of the known coal bearing geologic strata to be stimulated; or

(B) as determined by the State Board, based on evaluation of the maximum height and depth of fracture producible in the local strata.

The consent required under this subsection shall in no way be deemed to impair, abridge, or affect any contractual rights or objections arising out of a coalbed methane gas contract or coalbed methane gas lease in existence as of the effective date of this section between the coalbed methane operator and the coal operator, and the existence of such lease or contractual agreement and any extensions or renewals of such lease shall be deemed to fully meet the requirements of this section.

(j) Notice and Objection.—(1) The State Board shall not approve the drilling of any coalbed methane well unless the unit operator has notified each entity which is operating, or has the right to operate, a coal mine in any portion of the coalbed that would be affected by such well within the distances referred to in subsection (i). Any notified entity may object to the drilling of such well within 30 days after receipt of a notice. Upon receipt of a timely objection to the drilling of any coalbed methane gas well submitted by a notified entity, the State Board may refuse to approve the drilling of the well based on any of the following:

(A) The proposed activity, due to its proximity to any coal mine opening, shaft, underground workings, or to any proposed extension of the coal mine, would adversely affect any operating, inactive or abandoned coal mine, including any coal mine already surveyed and platted but not yet being operated.

(B) The proposed activity would not conform with a coal operator's development plan for an existing or proposed operation.

(C) There would be an unreasonable interference from theproposed activity with present or future coal mining operations, including the ability to comply with other applicable laws and regulations.

(D) The presence of evidence indicating that the proposed drilling activities would be unsafe, taking into consideration the dangers from creeps, squeezes or other disturbances due to the extraction of coal.

(E) The proposed activity would unreasonably interfere with the safe recovery of coal, oil and gas.

(2) In the event the State Board does not approve the drilling of a coalbed methane well pursuant to paragraph (1), the State Board shall consider whether such drilling could be approved if the unit operator modifies the proposed activities to take into account any of the following:

(A) The proposed activity could instead be reasonably done through an existing or planned pillar of coal, or in close proximity to an existing well or such pillar of coal, taking into consideration surface topography.

(B) The proposed activity could instead be moved to a mined-out area, below the coal outcrop or to some other feasible area.

(C) The unit operator agrees to a drilling moratorium of not more than two years in order to permit completion of coal mining operations.

(D) The practicality of locating the proposed spacing unit or well on a uniform pattern with other spacing units or wells.

(k) PLUGGING.—All coalbed methane wells drilled after enactment of this Act that penetrate coal seams with remaining reserves shall provide for subsequent safe mining through the well in accordance with standards prescribed by the State Board for the State in which the well is located, in consultation with any Federal and State agencies having authority over coal mine safety.

(l) NOTICE AND OBJECTION BY OTHER PARTIES.—The State Board shall not approve the drilling of any coalbed methane well unless such well complies with the spacing and other requirements established by the State Board and each of the following:

(1) The unit operator of such well has notified, or has made a reasonable and diligent effort to notify, all entities claiming ownership of coalbed methane to be drained by such well and provided an opportunity to object in accordance with requirements established by the State Board.

(2) Where conflicting interests exist, an order under subsection (f) establishing pooling requirements has been issued.

The notification requirements of this subsection shall be additional to the notification referred to in subsection (j). The State Board shall establish the conditions under which entities claiming ownership of coalbed methane may object to the drilling of a coalbed methane well.

(m) VENTING FOR SAFETY.—Nothing in this section shall be construed to prevent or inhibit the entity which has the right to develop and mine coal in any mine from venting coalbed methane gas to ensure safe mine operations.

(n) DEFINITIONS.—As used in this section—

(1) The term "Affected State" means a State listed by the Secretary, with the participation of the Secretary of Energy, under subsection (b).

(2) The term "coalbed methane gas" means occluded natural gas produced (or which may be produced) from coalbeds and rock strata associated therewith.

(3) The term "unit operator" means the entity designated in a pooling order to develop a spacing unit by the drilling of one or more wells on the unit.

(4) The term "nonparticipating working interest owner" means a gas or oil owner of a tract included in a spacing unit which elects to share in the operation of the well on a carried basis by agreeing to have its proportionate share of the costs allocable to its interest charged against its share of production of the well in accordance with subsection (f)(3).

(5) The term "participating working interest owner" means a gas or oil owner which elects to bear a share of the risks and costs of drilling, completing, equipping, gathering, operating (including any and all disposal costs) plugging, and abandoning a well on a spacing unit and to receive a share of production from the well equal to the proportion which the acreage in the spacing unit it owns or holds under lease bears to the total acreage of the spacing unit.

SEC. 1315. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated to the Secretary such sums as may be necessary for each of the fiscal years 1992 through 1998, to conduct no less than 2 additional solicitations similar in scope and amount of Federal costsharing as that provided by Public Law 101-121 for clean coal technology demonstrations to be conducted pursuant to this title.

SEC. 1316. ESTABLISHMENT OF DATA BASE AND STUDY OF TRANSPORTATION RATES.

(a) DATA BASE.—The Secretary shall review the information currently collected by the Federal Government and shall determine whether information on transportation rates for rail and pipeline transport of domestic coal, oil, and gas during the period of January 1, 1988, through December 31, 1997, is reasonably available. If he determines that such information is not reasonably available, the Secretary shall establish a data base containing, to the maximum extent practicable, information on all such rates. The confidentiality of contract rates shall be preserved. To obtain data pertaining to rail contract rates, the Secretary shall acquire such data in aggregate form from the Interstate Commerce Commission, under terms and conditions that maintain the confidentiality of such rates.

(b) STUDY.—The Secretary shall determine the extent to which any agency of the Federal Government is studying the rates and distribution patterns of domestic coal, oil, and gas to determine the impact of the Clean Air Act as amended by the Act entitled "An Act to amend the Clean Air Act to provide for attainment and maintenance of health protective national ambient air quality standards, and for other purposes.", enacted November 15, 1990 (Public Law 101-549), and other Federal policies on such rates and distribution patterns. If the Secretary finds that no such study is underway, or that reports of the results of such study will not be available to the Congress providing the information specified in this subsection and subsection (a) by the dates established in subsection (c), the Secretary shall initiate such a study.

(c) REPORTS TO CONGRESS.—Within one year after the date of enactment of this Act, the Secretary shall report to the Congress on the determination he is required to make under subsection (b). Within three years after the date of enactment of this Act, the Secretary shall submit reports on any data base or study developed under this section. Any such reports shall be updated and resubmitted to the Congress within eight years after such date of enactment. If the Secretary has determined pursuant to subsection (b) that another study or studies will provide all or part of the information called for in this section, the Secretary shall transmit the results of that study by the dates established in this subsection, together with his comments.

(d) CONSULTATION WITH OTHER AGENCIES.—The Secretary shall consult with the Administrator of the Energy Information Administration and the Chairmen of the Federal Energy Regulatory Commission and the Interstate Commerce Commission in implementing this section.

SEC. 1317. EARLY BANKING OF EMISSIONS CREDITS FOR EFFICIENCY IMPROVEMENTS FROM THE APPLICATION OF CLEAN COAL TECHNOLOGIES.

(a) The Secretary, in consultation with the Administrator of the Environmental Protection Agency, shall promulgate regulations within 18 months after the date of enactment of this section to establish baseline emissions of carbon dioxide from existing utility sources that apply clean coal technologies. For purposes of the preceding sentence, baseline emissions for sources subject to title IV of the Act entitled "An Act to amend the Clean Air Act to provide for attainment and maintenance of health protective national ambient air quality standards, and for other purposes.", enacted November 15, 1990 (Public Law 101-549), shall be based on data collected pursuant to section 821 of such Act.

(b) The Secretary, in consultation with the Administrator of the Environmental Protection Agency, shall promulgate regulations within 18 months after the date of enactment of this section to establish methodologies to measure efficiency improvements from the application of clean coal technologies to existing utility sources for the purpose of establishing credit for such improvements. Such regulations shall establish criteria to determine the heat rate of the unit, expressed in mmBtus per kilowatt hour, in the baseline year to be determined by the Administrator. Credits for any given year shall be determined as follows:

(1) If the kilowatt hours generated by the unit applying clean coal technology are greater than or equal to the kilowatt hours generated by the unit before such technologies are applied, credits shall be determined by calculating the tons of carbon dioxide emitted in the baseline year and subtracting from that amount the number determined by multiplying the tons of carbon dioxide emitted in the baseline year and the ratio of the heat rate of the unit after application of clean coal technologies to the heat rate of the unit prior to application of such technologies in the baseline year.

(2) If the kilowatt hours generated by the unit applying clean coal technologies in that

year are less than the kilowatt hours generated in the baseline year, credits shall be determined by multiplying the tons of carbon dioxide emitted by the unit after application of such technologies and the ratio of the heat rate of the unit prior to application of such technologies to the heat rate of the unit after application of such technologies and subtracting from that product the tons of carbon dioxide emitted by the unit in that year.

(c) Following the promulgation of regulations under subsections (a) and (b) any utility source may report to the Secretary baseline emissions and credits, including technology transfer incentive credits, for purposes of establishing credit for such efficiency improvements in any greenhouse gas reduction program enacted after the date of enactment of this Act.

SEC. 1318. METALLURGICAL COAL DEVELOPMENT.

(a) The Secretary shall establish a metallurgical coal utilization program (hereinafter in this section referred to as the "program") as provided under this section for the purpose of developing techniques that will lead to the greater and more efficient utilization of the Nation's metallurgical coal resources.

(b) The program referred to in subsection (a) shall include techniques and demonstration projects to facilitate the use of metallurgical coal—

(1) as a boiler fuel for the purpose of generating steam to produce electricity, including blending metallurgical coal with other coals in order to enhance its efficient application as a boiler fuel;

(2) as an ingredient in the manufacturing of steel; and

(3) as a source of pipeline quality coalbed methane.

(c) The Secretary shall take such actions as necessary to facilitate the transfer of technologies developed under this title to the private sector for commercial application.

(d) There are authorized to be appropriated such sums as are necessary to carry out the purposes of this section.

SEC. 1319. UTILIZATION OF COAL WASTES.

(a) COAL WASTE UTILIZATION PROGRAM.—The Secretary shall establish a coal waste utilization experimental program (hereinafter in this section referred to as the "program") as provided under this section for the purpose of developing techniques that will lead to the greater and more efficient utilization of coal from mining and processing wastes. Nothing in this section relates to coal ash.

(b) USE AS BOILER FUEL.—The program referred to in subsection (a) shall include techniques and demonstration projects to facilitate the use of coal from mining and processing wastes as a boiler fuel for the purpose of generating steam to produce electricity.

(c) GRANTS.—As part of the program authorized by this section the Secretary may award grants, or enter into contracts or cooperative agreements with public and private entities.

(d) TECHNOLOGY TRANSFER.—The Secretary shall take such actions as necessary to facilitate the transfer of technologies developed under this title to the private sector for commercial application.

(e) AUTHORIZATION.—There are authorized to be appropriated such sums as are necessary to carry out the purposes of this section.

TITLE XIV—STRATEGIC PETROLEUM RESERVE

SEC. 1401. FILL OF THE STRATEGIC PETROLEUM RESERVE.

(a) IN GENERAL.—Part B of title I of the Energy Policy and Conservation Act (42 U.S.C. 6231 et seq.) is amended by adding at the end the following new sections:

"FILL OF THE RESERVE BEGINNING MARCH 31, 1993

"SEC. 168. (a)(1) Subject to paragraphs (2) and (3) and subsection (g), the Secretary of Energy shall establish and implement, beginning March 31, 1993, a program for the filling of the Reserve at an average rate of 150,000 barrels of petroleum product per day during the portion of fiscal year 1993 in which this section is in effect and during each fiscal year thereafter in the manner provided in this section until the quantity of crude oil and refined petroleum product (as provided in section 160(g)) in storage within the Reserve is the greater of—

"(A) 1,000,000,000 barrels; or

"(B) the number of barrels equal to the net number of barrels of crude oil and refined petroleum product estimated by the Secretary to be imported into the United States during an average 90-day period during the fiscal year concerned.

"(2) The Secretary shall carry out the provisions of this section, section 169, and section 170 only if, and only in the total amounts, required in appropriation Acts for the purpose of carrying out such sections.

"(3) The amount of the fill rate under paragraph (1) shall be reduced by an amount equal to the amount of petroleum product stored pursuant to contracts under section 171 or obtained other than under this section.

"(b)(1) In establishing and implementing such program, the Secretary shall provide, through regulations and orders (including regulations and orders to minimize administrative and operating costs of the Reserve) issued under this section—

"(A) that each importer (as defined in section 152(2)) shall provide for the storage in the Reserve of an amount of petroleum product equal to a percentage, described in paragraph (2), of the amount of petroleum product—

"(i) which is entered into the United States for consumption, use, or warehousing during any fiscal year, or portion thereof, in which this section is in effect; and

"(ii) which is owned first by such importer at the first place of storage in the United States; and

"(B) that each person who operates a refinery in the United States shall provide for the storage in the Reserve of an amount of petroleum product equal to a percentage, described in paragraph (2), of the amount of the petroleum product received at such refinery during any fiscal year, or portion thereof, in which this section is in effect.

"(2) The percentage referred to in paragraph (1) is a percentage which the Secretary determines periodically to be sufficient, if applied uniformly to all importers described in paragraph (1)(A) and all refinery operators described in paragraph (1)(B), to produce the fill rate for the Reserve required under subsection (a).

"(c) Through regulations and orders issued under this section, the Secretary—

"(1) shall provide a credit toward an importer's requirement under subsection (b) by reducing the amount of petroleum product otherwise described in clauses (i) and (ii) of subsection (b)(1)(A) by the portion thereof which is received at a refinery in the United States, and

"(2) shall provide a credit toward a refinery operator's requirement under subsection (b) by reducing the amount of the petroleum product received at such refinery which would otherwise be taken into account under subsection (b)(1)(B) by the portion thereof which is exported from the United States or which is transferred to another refinery in the United States.

"(d)(1) The Secretary shall, subject to section 160(g) and through regulations and orders issued under this section, provide that the petroleum product required to be stored in the Reserve under this section be limited to crude oil determined to be appropriate by the Secretary.

"(2) The Secretary may, through regulations and orders, make and require arrangements necessary to assure that each importer and refinery operator to whom this section applies provide for the storage in the Reserve of an amount of such crude oil that is equivalent to the amount of petroleum product required to be stored in the Reserve by such importer or operator under this section; except that the Secretary shall require that 12 percent by volume of the petroleum product required to be so stored by each such importer or operator be refined petroleum product.

"(3) Each importer or refinery operator may elect to provide, in lieu of petroleum product, an amount equal to the cash equivalent of the amount of petroleum product required to be stored in the Reserve by such importer or operator under this section. Such amounts shall be deposited in the SPR Fill and Construction Fund established under section 170 and may be obligated and expended by the Secretary only as provided in section 170(b)(1). Title to any petroleum product acquired by the Secretary with a cash payment under this paragraph shall, until transferred, be held by the importer or operator making such payment and may be freely transferred.

"(e)(1) Each importer or refinery operator providing petroleum product as a result of the requirements of this section shall retain title to such petroleum product stored in the Reserve and may freely transfer such title.

"(2) The Secretary may authorize the use of such petroleum product by such importer or refinery operator as collateral in any financial transaction involving such importer or operator.

"(3) Such petroleum product shall not be withdrawn or distributed except as provided in section 161.

"(f)(1) When the petroleum product stored in the Reserve under this section is distributed as a result of a drawdown under section 161, the Secretary shall provide for the payment to each importer or refinery operator described in subsection (b)(1), or such importer's or operator's assignee, of the amount received for the sale of the petroleum product stored in the Reserve as a result of actions taken by such importer or operator.

"(2) In carrying out paragraph (1), the Secretary shall—

"(A) in determining which petroleum product in the Reserve has been stored there under this section, consider the first amount of petroleum product withdrawn from the Reserve (to the extent of the amount of the petroleum product stored in the Reserve under this section) to be the petroleum product stored in the Reserve under this section; and

"(B) provide for the payments to importers and refinery operators to be made on the basis of the order in which such importers and operators provided for the storage of petroleum product in the Reserve.

"(g)(1) For purposes of determining the average rate of barrels per day required to fill the Reserve under subsection (a) for any fiscal year, or portion thereof, the number of days of any drawdown and distribution of the Reserve under section 161 occurring during such fiscal year, or portion thereof in which this section is in effect, shall not be included.

"(2) For purposes of determining the amount of petroleum product that is to be provided for storage in the Reserve by any importer or refinery operator under subsection (b)(1) for any fiscal year, or portion thereof, the amount of petroleum product otherwise taken into account in determining such importer's or operator's requirement under subsection (b) during the period of any drawdown and distribution of the Reserve under section 161 occurring during such fiscal year, or portion thereof in which this section is in effect, shall not be included.

"(3) For purposes of carrying out this subsection, the Secretary shall publish in the Federal Register the beginning and ending dates of any drawdown and distribution of the Reserve under section 161.

"(h) If, at any time during the implementation of the program carried out under this section, there is insufficient storage capacity in the Reserve, the Secretary shall, using amounts appropriated from the Fund established by section 170, lease facilities necessary to provide sufficient storage capacity.

"(i) For the purposes of this section, the term 'refinery' means any facility for processing crude oil or natural gas liquids. If any crude oil or natural gas liquid is used at any place (other than on the premises where produced) before being received at a refinery, such place shall be treated as a refinery for purposes of this section.

"ASSESSMENT AND COLLECTION OF CHARGES

"SEC. 169. (a) The Secretary shall, subject to section 168(a)(2) and through regulations and orders issued under this section, assess and collect charges, beginning in the fiscal year referred to in section 168(a), from each person who has petroleum product stored in the Reserve pursuant to the program established under section 168.

"(b) The amount of the charges assessed for any person with respect to any fiscal year shall be an amount equal to the estimated net present value of the cost (during the 10-year period beginning with the first day of the fiscal year with respect to which the assessment is made) of constructing, leasing (if necessary under section 168(h)), maintaining, and administering facilities necessary for the storage of an amount of petroleum product equal to the amount of petroleum product to be stored in the Reserve during such fiscal year by such person pursuant to the program established under section 168. In making any such estimation, the Secretary shall not take into consideration any storage capacity made available for the Reserve other than under this section.

"(c) The amount of charges received under this section shall be deposited in the Fund established under section 170 and may be obligated and expended by the Secretary only as provided in that section.

"(d) The Secretary shall provide that the charges assessed under this section shall be paid by the end of the fiscal year for which they were assessed.

"SPR FILL AND CONSTRUCTION FUND

"SEC. 170. (a) There is hereby established the SPR Fill and Construction Fund in the Treasury of the United States.

"(b) Subject to section 168(d)(3), amounts received under section 168(d) and section 169 shall be deposited into the Fund established under subsection (a) as offsetting collections (as provided in subsection (c)) and may be obligated and expended, to the extent provided in appropriation Acts, only for—

"(1) the purchase of petroleum product for the purpose of filling the Reserve under section 168 or, to the extent refined petroleum product is added to the Reserve under section 160(g) as a result of section 168, under section 160(g); and

"(2) the construction, lease (if necessary under section 160(g) or section 168(h)), maintenance, and administration of storage facilities of the Reserve.

"(c) Any amount deposited into the Fund shall, to the extent provided in appropriation Acts, be used to offset any amount appropriated for—

"(1) filling the Reserve under section 168 or, to the extent refined petroleum product is added to the Reserve under section 160(g) as a result of section 168, under section 160(g); and

"(2) constructing, leasing (if necessary, under section 160(g) or 168(h)), maintaining, and administering storage facilities for the Reserve.".

(b) CONFORMING AMENDMENTS.—(1) Section 159(f) of the Energy Policy and Conservation Act (42 U.S.C. 6239(f)) is amended—

(A) by striking out "and" at the end of paragraph (4);

(B) by striking out the comma at the end of paragraph (5) and inserting in lieu thereof "; and";

(C) by inserting after paragraph (5) the following:

"(6) sections 168 and 169,";

(D) by striking out "and" at the end of subparagraph (K);

(E) by striking out the period at the end of subparagraph (L) and inserting in lieu thereof "; and"; and

(F) by inserting after subparagraph (L) the following:

"(M) require any person to comply with regulations or orders issued under section 168 or 169.".

(2) Section 160(a) of such Act (42 U.S.C. 6240(a)) is amended by inserting before the period at the end of paragraph (3) the following: ", including petroleum product provided under the program established under section 168".

(3) Section 160(c)(3) of such Act (42 U.S.C. 6240(c)(3)) is amended to read as follows:

"(3) Notwithstanding paragraph (2), beginning in the fiscal year referred to in section 168(a) and continuing until the quantity of crude oil in storage within the Reserve meets the requirements of section 168, the President shall, through the Secretary of Energy's implementation of such section, provide for the fill of the Reserve at the rate required under such section.".

(4) The table of contents of such Act is amended by adding at the end of the items for part B of title I of such Act the following:

"Sec. 168. Fill of the Reserve beginning March 31, 1993.
"Sec. 169. Assessment and collection of charges.
"Sec. 170. SPR Fill and Construction Fund.".

SEC. 1402. FILL OF THE REFINED PETROLEUM PRODUCT RESERVE.

Section 160(g) of the Energy Policy and Conservation Act (42 U.S.C. 6240(g)) is amended to read as follows:

"(g)(1) Beginning with fiscal year 1993 and continuing until the quantity of refined petroleum product in storage under this subsection is 50,000,000 barrels, the Secretary shall provide that 12 percent by volume of the petroleum product added to the Reserve during any fiscal year shall be refined petroleum product stored in a refined petroleum product reserve or reserves located in Petroleum Administration for Defense District 1A or 1B.

"(2) Through regulations and orders issued under this section, the Secretary shall provide that the refined petroleum product required to be stored in the Reserve under this subsection be limited to refined petroleum product determined to be appropriate by the Secretary.

"(3)(A) In carrying out the program established under this subsection, the Secretary may, using amounts in the Fund established under section 170, provide for the acquisition by lease or purchase of storage facilities.

"(B) In carrying out the program established under this subsection, the Secretary may not construct facilities for the storage of refined petroleum products.

"(4) Refined petroleum products stored under this subsection may be withdrawn from the Reserve—

"(A) as may be necessary to turn such products over because of changes in the physical characteristics of the product; or

"(B) on the basis of a finding made under section 161.".

SEC. 1403. ADDITIONAL AUTHORITY FOR DRAWDOWN.

(a) IN GENERAL.—Section 161(d) of the Energy Policy and Conservation Act (42 U.S.C. 6241(d)) is amended by inserting before the period the following: "or unless the President has found that such implementation would assist in relieving severe economic problems directly related to a significant increase in the price of petroleum product".

(b) CONFORMING AMENDMENTS.—(1) Section 159(e) of the Energy Policy and Conservation Act (42 U.S.C. 6239(e)) is amended by inserting before the period the following: "or to assist in relieving severe economic problems directly related to a significant increase in the price of petroleum product".

(2) Section 173(b)(1) of such Act (42 U.S.C. 6249b(b)(1)) is amended by inserting before the period the following: "or to assist in relieving severe economic problems directly related to a significant increase in the price of petroleum product".

SEC. 1404. INSULAR AREAS STUDY.

The Secretary shall undertake a study of the implications of the unique vulnerabilities of the insular areas associated with the United States to an oil supply disruption. The study shall outline how these insular areas shall gain access to vital oil supplies during times of national emergency. Such study shall be completed within 9 months from the date of enactment of this Act and shall be sent to the Congress.

TITLE XV—OCTANE DISPLAY AND DISCLOSURE

SEC. 1501. CERTIFICATION AND POSTING OF AUTOMOTIVE FUEL RATINGS.

(a) COVERAGE OF ALL LIQUID AUTOMOTIVE FUELS.—Section 201(6) of the Petroleum Marketing Practices Act (15 U.S.C. 2821(6)) is amended to read as follows:

"(6) The term 'automotive fuel' means liquid fuel of a type distributed for use as a fuel in any motor vehicle.".

(b) AUTOMOTIVE FUEL RATING.—Section 201 of such Act (15 U.S.C. 2821) is amended by adding at the end the following new paragraphs:

"(17) The term 'automotive fuel rating' means—

"(A) the octane rating of an automotive spark-ignition engine fuel; and

"(B) if provided for by the Federal Trade Commission by rule, the cetane rating of diesel fuel oils; or

"(C) another form of rating determined by the Federal Trade Commission, after consultation with the American Society for Testing and Materials (ASTM), to be more appropriate to carry out the purposes of this title with respect to the automotive fuel concerned.

"(18)(A) The term 'cetane rating' means a measure, as indicated by a cetane index or cetane number, of the ignition quality of diesel fuel oil and of the influence of the diesel fuel oil on combustion roughness.

"(B) The term 'cetane index' and the term 'cetane number' have the meanings determined in accordance with the test methods set forth in the American Society for Testing and Materials standard test methods—

"(i) designated D976 or D4737 in the case of cetane index; and

"(ii) designated D613 in the case of cetane number,

(as in effect on the date of the enactment of this Act) and shall apply to any grade or type of diesel fuel oils defined in the specification of the American Society for Testing and Materials entitled 'Standard Specification for Diesel Fuel Oils' designated D975 (as in effect on such date).".

(c) CONFORMING AMENDMENTS.—(1) Section 201 of such Act (15 U.S.C. 2821) is amended—

(A) in paragraph (1), by striking out "gasoline" and inserting in lieu thereof "fuel";

(B) in paragraph (2)—

(i) by striking out "Standard Specifications for Automotive Gasoline" and inserting in lieu thereof "Standard Specification for Automotive Spark-Ignition Engine Fuel"; and

(ii) by striking out "D 439" and inserting in lieu thereof "D4814";

(C) in paragraph (4)—

(i) by striking out "gasoline" the first place it appears and inserting in lieu thereof "automotive fuel"; and

(ii) by striking out "gasoline" the second place it appears and inserting in lieu thereof "fuel";

(D) by striking out paragraph (5) and inserting in lieu thereof the following:

"(5) The term 'refiner' means any person engaged in the production or importation of automotive fuel.";

(E) in paragraph (11)—

(i) by striking out "octane" each place it appears and inserting in lieu thereof "automotive fuel"; and

(ii) by striking out "gasoline" each place it appears and inserting in lieu thereof "fuel"; and

(F) in paragraph (16), by striking out "gasoline" each place it appears and inserting in lieu thereof "automotive fuel".

(2) Section 202 of such Act (15 U.S.C. 2822) is amended—

(A) by striking out "octane rating" and "octane ratings" each place such terms appear and inserting in lieu thereof "automotive fuel rating" and "automotive fuel ratings", respectively;

(B) in subsections (a) and (b), by striking out "gasoline" each place it appears and inserting in lieu thereof "fuel";

(C) in subsection (c)—

(i) by striking out "gasoline" each place it appears (other than the second place it appears) and inserting in lieu thereof "automotive fuel"; and

(ii) by striking out "gasoline" the second place it appears and inserting in lieu thereof "fuel";

(D) in subsection (d), by striking out "octane" and inserting in lieu thereof "automotive fuel";

(E) in subsection (e)—

(i) by striking out "gasoline" each place it appears and inserting in lieu thereof "fuel"; and

(ii) by striking out "gasoline's" and inserting in lieu thereof "fuel's";

(F) in subsections (f), (g), and (h), by striking out "gasoline" each place it appears and inserting in lieu thereof "fuel";

(G) in subsection (h), by striking out "octane requirement" each place it appears and inserting in lieu thereof "automotive fuel requirement"; and

(H) in the section heading, by striking out "OCTANE" and inserting in lieu thereof "AUTOMOTIVE FUEL RATING".

(3) Section 203 of such Act (15 U.S.C. 2823) is amended—

(A) by striking out "octane rating" and "octane ratings" each place such terms appear and inserting in lieu thereof "automotive fuel rating" and "automotive fuel ratings", respectively;

(B) in subsections (b) and (c), by striking out "gasoline" each place it appears and inserting in lieu thereof "fuel"; and

(C) in subsection (c)(3), by striking out "201(1)" and inserting in lieu thereof "201".

(e) EFFECTIVE DATE.—(1) The amendments made by this section shall become effective at the end of the one-year period beginning on the date of the enactment of this Act.

(2) The Federal Trade Commission shall, within 270 days after the date of the enactment of this Act, prescribe rules for the purpose of implementing the amendments made in this section.

SEC. 1502. INCREASED AUTHORITY FOR ENFORCEMENT.

(a) STATE LAW.—Section 204 of the Petroleum Marketing Practices Act (15 U.S.C. 2824) is amended to read as follows:

"RELATIONSHIP OF THIS TITLE TO STATE LAW

"SEC. 204. (a) To the extent that any provision of this title applies to any act or omission, no State or any political subdivision thereof may adopt or continue in effect, except as provided in subsection (b), any provision of law or regulation with respect to such act or omission, unless such provision of such law or regulation is the same as the applicable provision of this title.

"(b) A State or political subdivision thereof may provide for any investigative or enforcement action, remedy, or penalty (including procedural actions necessary to carry out such investigative or enforcement actions, remedies, or penalties) with respect to any provision of law or regulation permitted by subsection (a).".

(b) FTC ENFORCEMENT.—Section 203(e) of such Act is amended by striking out "; except that" in the second sentence and all that follows through the period and inserting in lieu thereof a period.

(c) EPA ENFORCEMENT.—Section 203(b)(1) of such Act is amended—

(1) in the matter preceding subparagraph (A), by striking out "shall";

(2) in subparagraph (A), by striking out "conduct" and inserting in lieu thereof "may conduct";

(3) in subparagraph (B), by striking out "certify" and inserting in lieu thereof "shall certify";

(4) in subparagraph (C), by striking out "notify" and inserting in lieu thereof "shall notify"; and

(5) in subparagraph (C), by striking out "discovered" and all that follows through "testing".

SEC. 1503. STUDIES.

(a) IN GENERAL.—For the purpose of making the findings, conclusions, and recommendations referred to in subsection (c)—

(1) the Administrator of the Environmental Protection Agency, in consultation with the Secretary of Energy, shall carry out a study to determine whether, and if so, how, the anti-knock characteristics of nonliquid fuels usable as a fuel for a motor vehicle (as defined in section 201(7) of the Petroleum Marketing Practices Act) can be determined; and

(2) the Federal Trade Commission, in consultation with the Administrator of the Environmental Protection Agency, shall carry out a study—

(A) to determine the need for, and the desirability of, having a uniform national label on devices used to dispense automotive fuel to consumers that would consolidate information required by Federal law to be posted on such devices; and

(B) to determine the nature of such label if it is determined under subparagraph (A) that such a need exists.

(b) IMPLEMENTATION.—(1) In carrying out studies under this section, each agency shall—

(A) publish general notice of each of the studies in the Federal Register; and

(B) give interested parties an opportunity to participate in such studies through submission of written data, views, or arguments.

(2) In carrying out the study to determine the nature of a uniform national label under subsection (a)(2)(B), the Federal Trade Commission shall—

(A) weigh the consumer, environmental, and energy saving benefits of any element of such label against the necessity for a concise, practical, and cost-efficient label; and

(B) consider as a possible element of such label a statement suggesting consumers check the vehicle's owner's manual regarding octane requirements.

(c) REPORTS.—The Administrator of the Environmental Protection Agency, the Secretary of Energy, and the Chairman of the Federal Trade Commission shall transmit to the Congress, within one year after the date of the enactment of this Act, the findings, conclusions, and recommendations made as a result of the studies carried out by such officers under this section, together with a description of the administrative and legislative actions needed to implement such recommendations.

TITLE XVI—GREENHOUSE WARMING—ENERGY IMPLICATIONS

SEC. 1601. INTERAGENCY COORDINATING COUNCIL.

Within 90 days after the date of enactment of this Act, the President shall establish an Interagency Coordinating Council, whose function shall be to coordinate the implementation of this title. Such Council shall be composed of the Secretary of Energy, the Administrator of the Environmental Protection Agency, the Secretary of Commerce, the Secretary of State, the Secretary of the Interior, and representatives of other appropriate Federal agencies.

SEC. 1602. REPORT ON NATIONAL ACADEMY OF SCIENCES RECOMMENDATIONS.

Within 1 year after the date of enactment of this Act, the President shall transmit a report to Congress that includes—

(1) an analysis of the 19 recommendations made in chapter 9 of the 1991 National Academy of Sciences report entitled "Policy Implications of Greenhouse Warming", including an analysis of the social costs and benefits of each such recommendation; and

(2) an assessment of the extent to which the United States is responding, compared with other nations, to such recommendations.

SEC. 1603. ENERGY INVENTORY AND FORECASTS.

(a) INVENTORY.—Within 1 year after the date of enactment of this Act, the Secretary of Energy (hereafter in this title referred to as the "Secretary") shall take inventory of opportunities to expand energy production and to improve the efficiency of energy production, distribution, and use for all fossil, renewable, nuclear, and efficiency options that the Secretary projects will be reliable and commercially available over the next 3 decades. Such inventory shall include—

(1) estimates of both annual and lifecycle costs, including reasonably foreseeable costs of environmental compliance;

(2) energy contributions at various cost thresholds; and

(3) supply and demand side options.

The Secretary shall update such inventory periodically as necessary.

(b) FORECAST ASSUMPTIONS.—In developing forecast assumptions for purposes of this section, the Secretary shall apply consistent standards with respect to—

(1) the specified maturity of the technology;

(2) consideration of market barriers; and

(3) expectations regarding costs over time.

(c) LIFECYCLE COSTS FOR EXISTING FACILITIES.—Estimates of lifecycle costs for existing facilities for purposes of this section shall not include investments already made, shall be based on remaining useful lifetimes, and shall provide for opportunities for plant upgrades and modernizations. All data shall be regularly updated and reviewed.

(d) BASECASE FORECASTS.—Within 1 year after the date of enactment of this Act, the Secretary shall develop basecase forecasts of national energy needs under low and high case assumptions of economic growth that bound the range of plausible outcomes. Such forecasts shall be made for both the short run (5 to 10 years) and the long run (20 to 30 years). Externalities shall not be included in the basecase analysis. Once the basecase forecasts have been constructed and tested, a reasonable representation of demand side efficiency improvements shall be incorporated to reflect growth and the replacement of aging facilities with more modern technologies.

(e) BASECASE COMPARISONS.—Within 1 year after the date of enactment of this Act, the Secretary shall compare alternative scenarios to the basecase developed under subsection (d), including the following:

(1) COST-MINIMIZING SCENARIO, LOW CASE.—Meets United States energy needs under the low forecast at the lowest lifecycle dollar cost.

(2) COST-MINIMIZING SCENARIO, HIGH CASE.—Meets United States energy needs under the high forecast at the lowest lifecycle dollar cost.

(3) COST-MINIMIZING LOW GREENHOUSE GAS EMISSIONS SCENARIO, LOW CASE.—Meets United States energy needs under the low forecast and also meets reduction goals for greenhouse gas emissions at the lowest lifecycle dollar cost.

(4) COST-MINIMIZING LOW GREENHOUSE GAS EMISSIONS SCENARIO, HIGH CASE.—Meets United States energy needs under the high forecast and also meets reduction goals for greenhouse gas emissions at the lowest lifecycle dollar cost.

The Secretary shall update comparisons under this subsection periodically as necessary.

(f) INVENTORY OF UNDEVELOPED OPPORTUNITIES.—Within 1 year after the date of enactment of this Act, the Secretary shall take inventory of United States undeveloped opportunities to expand energy production and to improve the efficiency of energy distribution and use. The Secretary shall update such inventory periodically as necessary.

(g) PUBLIC REVIEW AND COMMENT.—Not later than 90 days before the issuance of an initial inventory forecast, or comparison under this section, the Secretary shall publish a proposed inventory, forecast, or comparison and provide for public review and comment for a period of at least 30 days. The Secretary shall also provide for public review and comment before the issuance of any update to an inventory, forecast, or comparison under this section.

SEC. 1604. ASSESSMENT OF ALTERNATIVE POLICY MECHANISMS FOR ADDRESSING GREENHOUSE GAS EMISSIONS.

Within 1 year after the date of enactment of this Act, the President shall transmit a report to the Congress containing a comparative assessment of alternative policy mechanisms for reducing greenhouse gas emissions. Such assessment shall, at a minimum, include an analysis, for both the short run (5 to 10 years) and the long run (20 to 30 years) of the social, economic, energy, environmental, and agricultural costs and benefits, and the practicality, of each of the following approaches:

(1) Various systems of emission caps, including caps for all greenhouse gases and all sources of greenhouse gases as well as caps for only carbon dioxide emissions from new major sources.

(2) Federal efficiency or greenhouse gas emission standards, including power plant efficiency standards, industrial process efficiency standards, automobile fuel economy standards, appliance efficiency standards, national building standards, and methane emission standards.

(3) Emissions trading, including—

(A) trading for all greenhouse gases and all greenhouse gas sources;

(B) trading only for specified source categories; and

(C) trading only for carbon dioxide emissions.

SEC. 1605. VOLUNTARY REDUCTIONS OF GREENHOUSE GASES.

(a) ESTABLISHMENT OF SYSTEM.—Within 18 months after the date of enactment of this Act, the Secretary, in consultation with the Interagency Coordinating Council established under section 1601, shall establish by rule a national accounting system for voluntary reductions of greenhouse gases. Such rule shall include—

(1) baseline greenhouse gas emission estimates, calculated, except as provided in subsection (d), as an annual average over the period of 1986 through 1990;

(2) opportunities for entities to receive official certification of net greenhouse gas emission reductions relative to the baseline for purposes of receiving credit against any future Federal requirements that may apply to greenhouse gas emissions;

(3) the establishment of equivalency measures for reductions applicable to different greenhouse gases, taking into account differential radiative activity and atmospheric lifetimes, or applicable to different time periods;

(4) accounting of any net reductions in greenhouse gas emissions achieved in other countries by United States entities;

(5) provisions to ensure that no emissions reduction be credited more than once;

(6) provisions to ensure that an entity's baseline includes all greenhouse gas emissions from all sources under the control of such entity;

(7) annual certification, only after the greenhouse gas reduction or the greenhouse gas fixation has occurred;

(8) provisions that ensure that reductions of greenhouse gas emissions which are specifically required under this title, or any other Federal law in effect as of the date of enactment of this Act, shall not be certified;

(9) provisions which permit a person to file with the Secretary for verification such documentation as the Secretary considers appropriate for the certification of greenhouse gas emission reductions generated by such person;

(10) a requirement for a report to be published by the Secretary annually describing the amount of greenhouse gas emission reductions certified in each calendar year; and

(11) authorization and guidelines for a State agency to certify greenhouse gas emission reductions if the person providing such reductions establishes to the satisfaction of such State agency that such reductions comply with the requirements of this section, with the Secretary having, for a 90-day period following the receipt of such certification, the authority to review such State certification prior to registration in the National Greenhouse Gas Reduction Registry established under subsection (f).

(b) VOLUNTARY REDUCTIONS TO RECEIVE CREDIT.—At a minimum, the rule issued under subsection (a) shall provide for the certification of voluntary greenhouse gas emission reductions, relative to the baseline, through—

(1) fuel-switching to fuels which produce less greenhouse gas emissions from major sources;

(2) carbon fixation through planting new forests, improving forest management practices, preserving old growth forests, or planting other vegetation, but not for cutting and replanting old growth forests;

(3) the manufacture of vehicles with reduced greenhouse gas emissions, based on the statistically expected lifetime and use of the vehicles sold;

(4) the manufacture of appliances with improved efficiency, based on the statistically expected lifetime and use of the applicances sold;

(5) energy conservation measures, other than those which are exclusively information or educational in nature, and other than applicance efficiency improvements certified under paragraph (4);

(6) methane recovery from municipal landfills, wastewater treatment facilities, and sewage sludge facilities;

(7) greenhouse gas emission reductions attributable solely to the construction or operation of cogeneration facilities that replace existing industrial boilers or other thermal power produced by cogeneration;

(8) the manufacture of dedicated alternative fueled vehicles which only use fuels which, on a life cycle basis, produce fewer greenhouse gas emissions than gasoline;

(9) greenhouse gas emission reductions attributable solely to powerplant heat rate improvements through the repowering or replacement of an existing powerplant;

(10) greenhouse gas emission reductions attributable solely to replacement of specific, identifiable, existing utility sources with renewable energy sources, under the meaning of title VII of this Act;

(11) the capture and destruction of chlorofluorocarbons in the United States and other nations; and

(12) such other actions and methods as the Secretary determines would result in net greenhouse gas emission reductions.

(c) FUEL-SWITCHING RULES.—For purposes of applying subsection (b)(1), the rule issued under subsection (a) shall establish procedures for calculating fuel use, in mmBtus, and the number of pounds of greenhouse gases emitted per mmBtu for the fuel or, in the case of a mix of fuels, the weighted average amount of greenhouse gases emitted per mmBtu. For purposes of determining the amount of greenhouse gases emitted per mmBtu for each fuel or mix of fuels, such rule shall take into account the application of technological controls which reduce the amount of greenhouse gases emitted from the combustion of such fuels. Greenhouse gas emission reductions may be certified under this section only for reductions measured by—

(1) calculating the difference between the number of pounds of greenhouse gases per mmBtu of the fuel or, in the case of a mix of fuels, the weighted average of the greenhouse gases amount of per mmBtu, in the baseline period and in the year in which the switch occurs; and

(2) multiplying the amount calculated under paragraph (1) by the total number of mmBtus consumed by the source in the year in which the switch occurs.

(d) BASE PERIOD.—For purposes of certifications under subsection (b)(2), the base period for calculations shall be the 30-year period immediately preceding the date of enactment of this Act.

(e) SEPARATE CERTIFICATION RULES.—The rule issued under subsection (a) shall separately provide for certification rules with respect to each of the 4 types of carbon fixation referred to in subsection (b)(2).

(f) NATIONAL GREENHOUSE GAS REDUCTION REGISTRY.—The rule issued under subsection (a) shall create a National Greenhouse Reduction Registry for the purpose of tracking greenhouse gas emission reductions. At a minimum, such rule shall require the identification of persons who have obtained certification of greenhouse gas emission reductions under this section, their addresses, amounts reduced and the source of the greenhouse gas emission reductions.

SEC. 1606. INTERNATIONAL ENERGY TECHNOLOGY TRANSFER.

(a) IN GENERAL.—The Secretary of Commerce, in cooperation with the Secretary and with other appropriate Federal agencies, shall facilitate and expand exports of domestic energy technologies which could substantially reduce greenhouse gases and other environmental pollutants, and increase energy efficiency in other countries.

(b) DUTIES.—The Secretary of Commerce, in cooperation with the Secretary and with other appropriate Federal agencies, shall—

(1) coordinate the establishment, within existing Federal departments and agencies, of technical and financial assistance programs, including grants, loan guarantees, no interest and low interest loans, and cooperative agreements, to support the reduction of greenhouse gases through exports of domestic energy technology;

(2) coordinate, using the National Trade Data Bank and Commercial Information Management System, the development of a comprehensive interagency data base and information dissemination system with respect to the availability, efficacy, and cost effectiveness of energy technologies to substantially reduce greenhouse gases; and

(3) report to the House of Representatives and the Senate and to appropriate committees of each House annually on actions taken to implement this section.

(d) FEDERAL PROGRAM.—(1) The Secretary, through the Agency for International Development, shall establish a program to support the reduction of greenhouse gases through the export of domestic energy technology. The Secretary and the Administrator of the Agency for International Development shall enter into a formal agreement to carry out this program.

(2) In order to carry out this section, the Administrator of the Agency for International Development, pursuant to the agreement under paragraph (1), and after consultation with the Trade and Development Program, and, where appropriate, in consultation with the Export-Import Bank of the United States, shall—

(A) support projects, in developing countries and in countries making the transition from nonmarket to market economies, which provide energy, in a cost-effective and environmentally acceptable manner, using technology which reduces greenhouse gases;

(B) select projects for purposes of this section only if such projects use United States technology and, where appropriate, coal resources of the United States;

(C) determine whether each project selected under this section is developmentally sound, as determined under the criteria developed by the Development Assistance Committee of the Organization for Economic Cooperation and Development;

(D) coordinate the activities of all offices within the Agency for International Development, and work with the Agency's country missions, in developing projects for purposes of this section that provide opportunities for United States firms consistent with the Agency's primary mission to help these countries with traditional development projects;

(E) select a project only if the energy technology to which the project applies is the most cost effective technological alternative, or equal to the most cost effective alternative, on the basis of life cycle cost per unit of energy produced, for substantially reducing greenhouse gases and other environmental pollutants, and increasing energy efficiency, in the country to which the energy technology is proposed to be transferred;

(F) select a project only if appropriate accounting and project management controls will be adequate to—

(i) control the costs of the project;

(ii) ensure a high probability of success; and

(iii) ensure compliance with this section;

(G) select a project only if the project would result in a significant reduction in greenhouse gases compared to the greenhouse gases that would otherwise have been produced;

(H) in selecting projects, consider the degree to which the United States firm has proposed to provide a portion of the cost of the project.

(2) Within six months of the date of enactment of this Act and annually thereafter, the Secretary of Energy, in consultation with the Administrator of Agency for International Development, will prepare a list of eligible technologies under this subsection. In preparing such list, the Secretary shall consider fuel cell powerplants, aeroderivative gas turbines and catalytic combustion technologies for aeroderivative gas turbines; ocean thermal energy conversion technology, or anaerobic digester and storage tanks, and other technologies.

(3) The Secretary, through the Agency for International Development, and consistent with the Agency for International Development procurement guidelines, shall ensure—

(A) that the maximum percentage of the cost of any equipment furnished in connection with a project authorized under this section shall be attributable to the United States manufactured components of such equipment; and

(B) the maximum participation of United States firms.

(4) There are authorized to be appropriated to the Secretary, through the Agency for International Development, for carrying out this subsection $50,000,000 for each of the fiscal years 1993, 1994, 1995, 1996, 1997, and 1998.

SEC. 1607. GLOBAL CLIMATE CHANGE RESPONSE FUND.

(a) ESTABLISHMENT OF THE FUND.—The Secretary of the Treasury shall establish a fund in the United States Treasury known as a "Global Climate Change Response Fund" which shall act as a mechanism for United States contributions to assist global efforts in adapting and responding to climate change.

(b) DEPOSITS TO THE FUND.—(1) Subject to paragraph (2), the Secretary of the Interior shall deposit 10 percent of all royalties received under the Outer Continental Shelf Lands Act into the Global Climate Change Response Fund. Nothing in this paragraph shall reduce any amounts required to be credited to the Land and Water Conservation Fund, pursuant to the Land and Water Conservation Fund Act of 1965 (16 U.S.C. 460l-4 through 460l-11), to the Historic Preservation Fund, pursuant to the Historic Preservation Act (16 U.S.C. 470h), or distributed to coastal States under section 8(g)(2) of the Outer Continental Shelf Lands Act (43 U.S.C. 1337(g)(2)).

(2) No deposits to the Global Climate Change Response Fund shall be made until—

(A) the United States has signed the Framework Convention on Climate Change; and

(B) the United States has ratified that Convention.

(c) USE OF THE FUND.—Moneys deposited into the Fund shall be used, to the extent provided in appropriations Acts, by the President only to make contributions to any agreed-upon financial mechanism pursuant to the United Nations Framework Convention on Climate Change, including any protocol or agreement related thereto.

(d) TERMINATION.—This section shall cease to apply on September 30, 2003.

TITLE XVII—ADDITIONAL FEDERAL POWER ACT AMENDMENTS

SEC. 1701. ADDITIONAL FEDERAL POWER ACT AMENDMENTS.

(a) ANNUAL CHARGES FOR COSTS.—(1) Section 10(e)(1) of the Federal Power Act is amended by striking the semicolon after "Part" and inserting the following: ", including any reasonable costs incurred by fish and wildlife agencies and other natural and cultural resource agencies in connection with studies or other reviews carried out by such agencies for purposes of administering their responsibilities under this part;".

(2) Section 10(e)(1) is further amended by inserting after "as conditions may require:" the following proviso: "*Provided*, That, subject to annual appropriations Acts, the portion of such annual charges imposed by the Commission under this subsection to cover the reasonable costs of such agencies shall be available to such agencies (in addition to other funds appropriated for such purposes) solely for carrying out such studies and reviews and shall remain available until expended:".

(b) Clarification of Authority Regarding Fishways.—Section 18 of the Federal Power Act is amended by adding the following after the first sentence thereof: "The term 'fishway' as defined by regulation by the Commission under this section shall not be construed to limit in any way the authority of the Secretary of Commerce or the Secretary of the Interior under this section to continue to prescribe fish passage downstream and upstream and the scope thereof for any migratory or nonmigratory fish. Within 1 year after the enactment of this sentence, the Commission shall, in administering this section, review the regulatory definition of fishway and, in consultation with such Secretaries, revise such definiton to assure that no such limitation exists."

(c) Extension of Deadline.—Notwithstanding the time limitations of section 13 of the Federal Power Act, the Federal Energy Regulatory Commission, upon the request of the licensee for FERC Project No. 4031 (and after reasonable notice), is authorized, in accordance with the good faith, due diligence, and public interest requirements of such section 13 and the Commission's procedures under such section, to extend the time required for commencement of construction of such project for up to a maximum of 3 consecutive 2-year periods. This section shall take effect for such project upon the expiration of the extension (issued by the Commission under such section 13) of the period required for commencement of construction of such project.

(d) Extension of Deadline.—Notwithstanding the time limitations of section 13 of the Federal Power Act, the Federal Energy Regulatory Commission, upon the request of the licensee for FERC Project No. 6221 (and after reasonable notice), is authorized, in accordance with the good faith, due diligence, and public interest requirements of such section 13 and the Commission's procedures under such section, to extend the time required for commencement of construction of such project until July 29, 1995.

TITLE XVIII—OIL PIPELINE REGULATORY REFORM

SEC. 1801. OIL PIPELINE RATEMAKING METHODOLOGY.

(a) Establishment.—Not later than 1 year after the date of the enactment of this Act, the Federal Energy Regulatory Commission shall issue a final rule which establishes a simplified and generally applicable ratemaking methodology for oil pipelines in accordance with section 1(5) of part I of the Interstate Commerce Act.

(b) Effective Date.—The final rule to be issued under subsection (a) may not take effect before the 365th day following the date of the issuance of the rule.

SEC. 1802. STREAMLINING OF COMMISSION PROCEDURES.

(a) Rulemaking.—Not later than 18 months after the date of the enactment of this Act, the Commission shall issue a final rule to streamline procedures of the Commission relating to oil pipeline rates in order to avoid unnecessary regulatory costs and delays.

(b) Scope of Rulemaking.—Issues to be considered in the rulemaking preceding to be conducted under subsection (a) shall include the following:

(1) Identification of information to be filed with an oil pipeline tariff and the availability to the public of any analysis of such tariff filing performed by the Commission or its staff.

(2) Qualification for standing (including definitions of economic interest) of parties who protest oil pipeline tariff filings or file complaints thereto.

(3) The level of specificity required for a protest or complaint and guidelines for Commission action on the portion of the tariff or rate filing subject to protest or complaint.

(4) An opportunity for the oil pipeline to file a response for the record to an initial protest or complaint.

(5) Identification of specific circumstances under which Commission staff may initiate a protest.

(c) Additional Procedural Changes.—In conducting the rulemaking proceeding to carry out subsection (a), the Commission shall identify and transmit to Congress any other procedural changes relating to oil pipeline rates which the Commission determines are necessary to avoid unnecessary regulatory costs and delays and for which additional legislative authority may be necessary.

(d) Withdrawal of Tariffs and Complaints.—

(1) Withdrawal of tariffs.—If an oil pipeline tariff which is filed under part I of the Interstate Commerce Act and which is subject to investigation is withdrawn—

(A) any proceeding with respect to such tariff shall be terminated;

(B) the previous tariff rate shall be reinstated; and

(C) any amounts collected under the withdrawn tariff rate which are in excess of the previous tariff rate shall be refunded.

(2) Withdrawal of complaints.—If a complaint which is filed under section 13 of the Interstate Commerce Act with respect to an oil pipeline tariff is withdrawn, any proceeding with respect to such tariff shall be terminated.

(e) Alternative Dispute Resolution.—To the maximum extent practicable, the Commission shall establish appropriate alternative dispute resolution procedures, including required negotiations and voluntary arbitration, early in an oil pipeline rate proceeding as a preferred method to adjudication in resolving disputes relating to the rate. Any proposed rates derived from implementation of such procedures shall be considered by the Commission on an expedited basis for approval.

SEC. 1803. PROTECTION OF CERTAIN EXISTING RATES.

(a) Rates Deemed Just and Reasonable.—Except as provided in subsection (b)—

(1) any rate in effect for the 365-day period ending on the date of the enactment of this Act shall be deemed to be just and reasonable (within the meaning of section 1(5) of the Interstate Commerce Act); and

(2) any rate in effect on the 365th day preceding the date of such enactment shall be deemed to be just and reasonable (within the meaning of such section 1(5)) regardless of whether or not, with respect to such rate, a new rate has been filed with the Commission during such 365-day period;

if the rate so in effect has not been subject to protest, investigation, or complaint during such 365-day period.

(b) Changed Circumstances.—No person may file a complaint under section 13 of the Interstate Commerce Act against a rate deemed to be just and reasonable under subsection (a) unless evidence is presented to the Commission which establishes that a substantial change has occurred after the date of the enactment of this Act—

(1) in the economic circumstances of the oil pipeline which were a basis for the rate; or

(2) in the nature of the services provided which were a basis for the rate.

If the Commission determines pursuant to a proceeding instituted as a result of such complaint that the rate is not just and reasonable, the rate shall not be deemed to be just and reasonable. Any tariff reduction or refunds that may result as an outcome of such a complaint shall be prospective from the date of the filing of the complaint.

(c) Limitation Regarding Unduly Discriminatory or Preferential Tariffs.—Nothing in this section shall prohibit any aggrieved person from filing a complaint under section 13 or section 15(1) of the Interstate Commerce Act challenging any tariff provision as unduly discriminatory or unduly preferential.

SEC. 1804. DEFINITIONS.

For the purposes of this title, the following definitions apply:

(1) Commission.—The term "Commission" means the Federal Energy Regulatory Commission and, unless the context requires otherwise, includes the Oil Pipeline Board and any other office or component of the Commission to which the functions and authority vested in the Commission under section 402(b) of the Department of Energy Organization Act (42 U.S.C. 7172(b)) are delegated.

(2) Oil pipeline.—

(A) In general.—Except as provided in subparagraph (B), the term "oil pipeline" means any common carrier (within the meaning of the Interstate Commerce Act) which transports oil by pipeline subject to the functions and authority vested in the Commission under section 402(b) of the Department of Energy Organization Act (42 U.S.C. 7172(b)).

(B) Exception.—The term "oil pipeline" does not include the Trans-Alaska Pipeline authorized by the Trans-Alaska Pipeline Authorization Act (43 U.S.C. 1651 et seq.) or any pipeline delivering oil directly or indirectly to the Trans-Alaska Pipeline.

(3) Oil.—The term "oil" has the same meaning as is given such term for purposes of the transfer of functions from the Interstate Commerce Commission to the Federal Energy Regulatory Commission under section 402(b) of the Department of Energy Organization Act (42 U.S.C. 7172(b)).

(4) Rate.—The term "rate" means all charges that an oil pipeline requires shippers to pay for transportation services.

TITLE XIX—REVENUE PROVISIONS

SEC. 1901. AMENDMENT OF 1986 CODE.

Except as otherwise expressly provided, whenever in this title an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of the Internal Revenue Code of 1986.

Subtitle A—Energy Conservation and Production Incentives

SEC. 1911. TREATMENT OF EMPLOYER-PROVIDED TRANSPORTATION BENEFITS.

(a) Exclusion.—Subsection (a) of section 132 (relating to exclusion of certain fringe benefits) is amended by striking "or" at the end of paragraph (3), by striking the period at the end of paragraph (4) and inserting ", or", and by adding at the end thereof the following new paragraph:

"(5) qualified transportation fringe."

(b) Qualified Transportation Fringe.—Section 132 is amended by redesignating subsections (f), (g), (h), (i), (j), and (k) as subsections (g), (h), (i), (j), (k), and (l), respectively, and by inserting after subsection (e) the following new subsection:

"(f) Qualified Transportation Fringe.—

"(1) In general.—For purposes of this section, the term 'qualified transportation fringe' means any of the following provided by an employer to an employee:

"(A) Transportation in a commuter highway vehicle if such transportation is in connection with travel between the employee's residence and place of employment.

"(B) Any transit pass.

"(C) Qualified parking.

"(2) LIMITATION ON EXCLUSION.—The amount of the fringe benefits which are provided by an employer to any employee and which may be excluded from gross income under subsection (a)(5) shall not exceed—

"(A) $60 per month in the case of the aggregate of the benefits described in subparagraphs (A) and (B) of paragraph (1), and

"(B) $160 per month in the case of qualified parking.

"(3) BENEFIT NOT IN LIEU OF COMPENSATION.—Subsection (a)(5) shall not apply to any qualified transportation fringe unless such benefit is provided in addition to (and not in lieu of) any compensation otherwise payable to the employee.

"(4) DEFINITIONS.—For purposes of this subsection—

"(A) TRANSIT PASS.—The term 'transit pass' means any pass, token, farecard, voucher, or similar item entitling a person to transportation (or transportation at a reduced price) if such transportation is—

"(i) on mass transit facilities (whether or not publicly owned), or

"(ii) provided by any person in the business of transporting persons for compensation or hire if such transportation is provided in a vehicle meeting the requirements of subparagraph (B)(i).

"(B) COMMUTER HIGHWAY VEHICLE.—The term 'commuter highway vehicle' means any highway vehicle—

"(i) the seating capacity of which is at least 6 adults (not including the driver), and

"(ii) at least 80 percent of the mileage use of which can reasonably be expected to be—

"(I) for purposes of transporting employees in connection with travel between their residences and their place of employment, and

"(II) on trips during which the number of employees transported for such purposes is at least ½ of the adult seating capacity of such vehicle (not including the driver).

"(C) QUALIFIED PARKING.—The term 'qualified parking' means parking provided to an employee on or near the business premises of the employer or on or near a location from which the employee commutes to work by transportation described in subparagraph (A), in a commuter highway vehicle, or by carpool. Such term shall not include any parking on or near property used by the employee for residential purposes.

"(D) TRANSPORTATION PROVIDED BY EMPLOYER.—Transportation referred to in paragraph (1)(A) shall be considered to be provided by an employer if such transportation is furnished in a commuter highway vehicle operated by or for the employer.

"(E) EMPLOYEE.—For purposes of this subsection, the term 'employee' does not include an individual who is an employee within the meaning of section 401(c)(1).

"(5) INFLATION ADJUSTMENT.—In the case of any taxable year beginning in a calendar year after 1993, the dollar amounts contained in paragraph (2)(A) and (B) shall be increased by an amount equal to—

"(A) such dollar amount, multiplied by

"(B) the cost-of-living adjustment determined under section 1(f)(3) for the calendar year in which the taxable year begins, determined by substituting 'calendar year 1992' for 'calendar year 1989' in subparagraph (B) thereof.

If any increase determined under the preceding sentence is not a multiple of $1, such increase shall be rounded to the next lowest multiple of $1.

"(6) COORDINATION WITH OTHER PROVISIONS.—For purposes of this section, the terms 'working condition fringe' and 'de minimis fringe' shall not include any qualified transportation fringe (determined without regard to paragraph (2))."

(c) CONFORMING AMENDMENT.—Subsection (i) of section 132 (as redesignated by subsection (b)) is amended by striking paragraph (4) and redesignating the following paragraphs accordingly.

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to benefits provided after December 31, 1992.

SEC. 1912. EXCLUSION OF ENERGY CONSERVATION SUBSIDIES PROVIDED BY REGULATED PUBLIC UTILITIES.

(a) GENERAL RULE.—Part III of subchapter B of chapter 1 (relating to amounts specifically excluded from gross income) is amended by redesignating section 136 as section 137 and by inserting after section 135 the following new section:

"SEC. 136. ENERGY CONSERVATION SUBSIDIES PROVIDED BY REGULATED PUBLIC UTILITIES.

"(a) EXCLUSION.—

"(1) IN GENERAL.—Gross income shall not include the value of any subsidy provided by a regulated public utility to a customer for the purchase or installation of any energy conservation measure.

"(2) LIMITATION ON EXCLUSION FOR NONRESIDENTIAL PROPERTY.—In the case of any subsidy provided with respect to any energy conservation measure referred to in subsection (c)(1)(C), only 65 percent of such subsidy shall be excluded from gross income under paragraph (1).

"(b) DENIAL OF DOUBLE BENEFIT.—Notwithstanding any other provision of this subtitle, no deduction or credit shall be allowed for, or by reason of, any expenditure to the extent of the amount excluded under subsection (a) for any subsidy which was provided with respect to such expenditure. The adjusted basis of any property shall be reduced by the amount excluded under subsection (a) which was provided with respect to such property.

"(c) ENERGY CONSERVATION MEASURE.—

"(1) IN GENERAL.—For purposes of this section, the term 'energy conservation measure' means—

"(A) any residential energy conservation measure with respect to a dwelling unit,

"(B) any commercial energy conservation measure with respect to dwelling units in a building containing 5 or more dwelling units, and

"(C) in the case of subsidies provided on or after January 1, 1994—

"(i) any commercial energy conservation measure with respect to property other than dwelling units, and

"(ii) any specially defined energy property.

"(2) OTHER DEFINITIONS.—For purposes of this subsection—

"(A) RESIDENTIAL ENERGY CONSERVATION MEASURE.—The term 'residential energy conservation measure' has the meaning given to such term by section 210(11) of the National Energy Conservation Policy Act (as in effect on the date of the enactment of this section).

"(B) COMMERCIAL ENERGY CONSERVATION MEASURE.—The term 'commercial energy conservation measure' means any installation or modification primarily designed to reduce the consumption of petroleum, natural gas, or electricity. Such term includes the items referred to in any subparagraph of section 710(b)(5) of the National Energy Conservation Policy Act (as in effect on the day before the date of the enactment of the Conservation Service Reform Act of 1986).

"(C) SPECIALLY DEFINED ENERGY PROPERTY.—The term 'specially defined energy property' has the meaning given to such term by section 48(l)(5) of this title (as in effect on the day before the date of the enactment of the Revenue Reconciliation Act of 1990).

"(D) DWELLING UNIT.—The term 'dwelling unit' has the meaning given such term by section 280A(f)(1).

"(d) EXCEPTION.—This section shall not apply to any payment to or from a qualified cogeneration facility or qualifying small power production facility pursuant to section 210 of the Public Utility Regulatory Policy Act of 1978."

(b) CLERICAL AMENDMENT.—The table of sections for part III of subchapter B of chapter 1 is amended by striking the item relating to section 136 and inserting:

"Sec. 136. Energy conservation subsidies provided by regulated public utilities.
"Sec. 137. Cross reference to other Acts."

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to amounts received after December 31, 1992.

SEC. 1913. DEDUCTIONS RELATING TO CLEAN-FUEL VEHICLES.

(a) IN GENERAL.—Part VI of subchapter B of chapter 1 (relating to itemized deductions for individuals and corporations) is amended by adding after section 179 the following new section:

"SEC. 179A. DEDUCTION FOR CLEAN-FUEL VEHICLES AND CERTAIN REFUELING PROPERTY.

"(a) GENERAL RULE.—There shall be allowed as a deduction an amount equal to the cost of—

"(1) any qualified clean-fuel vehicle property, and

"(2) any qualified clean-fuel vehicle refueling property.

The deduction under the preceding sentence with respect to any property shall be allowed for the taxable year in which such property is placed in service.

"(b) LIMITATIONS.—

"(1) QUALIFIED CLEAN-FUEL VEHICLE PROPERTY.—

"(A) IN GENERAL.—The cost which may be taken into account under subsection (a) with respect to any motor vehicle shall not exceed—

"(i) in the case of a motor vehicle not described in clause (ii) or (iii), $2,000,

"(ii) in the case of any truck or van with a gross vehicle weight rating greater than 10,000 pounds but not greater than 26,000 pounds, $5,000, or

"(iii) $50,000 in the case of—

"(I) a truck or van with a gross vehicle weight rating greater than 26,000 pounds, or

"(II) any bus which has a seating capacity of at least 20 adults (not including the driver).

"(B) PHASEOUT.—In the case of any qualified clean-fuel vehicle property placed in service after December 31, 2001, the limit otherwise applicable under subparagraph (A) shall be reduced by—

"(i) 25 percent in the case of property placed in service in calendar year 2002,

"(ii) 50 percent in the case of property placed in service in calendar year 2003, and

"(iii) 75 percent in the case of property placed in service in calendar year 2004.

"(2) QUALIFIED CLEAN-FUEL VEHICLE REFUELING PROPERTY.—

"(A) IN GENERAL.—The aggregate cost which may be taken into account under subsection (a) with respect to qualified clean-fuel vehicle refueling property placed in service during the taxable year at a location shall not exceed the excess (if any) of—

"(i) $100,000, over

"(ii) the aggregate amount taken into account under subsection (a) by the taxpayer (or any related person or predecessor) with respect to property placed in service at such location for all preceding taxable years.

"(B) RELATED PERSON.—For purposes of this paragraph, a person shall be treated as related to another person if such person bears a relationship to such other person described in section 267(b) or 707(b)(1).

"(C) ELECTION.—If the limitation under subparagraph (A) applies for any taxable year, the taxpayer shall, on the return of tax for such taxable year, specify the items of property (and the portion of costs of such property) which are to be taken into account under subsection (a).

"(c) QUALIFIED CLEAN-FUEL VEHICLE PROPERTY DEFINED.—For purposes of this section—

"(1) IN GENERAL.—The term 'qualified clean-fuel vehicle property' means property which is acquired for use by the taxpayer and not for resale, the original use of which commences with the taxpayer, with respect to which the environmental standards of paragraph (2) are met, and which is described in either of the following subparagraphs:

"(A) RETROFIT PARTS AND COMPONENTS.—Any property installed on a motor vehicle which is propelled by a fuel which is not a clean-burning fuel for purposes of permitting such vehicle to be propelled by a clean-burning fuel, but only to the extent such property is—

"(i) an engine (or modification thereof) which may use a clean-burning fuel, or

"(ii) used in the storage or delivery to the engine of such fuel, or the exhaust of gases from combustion of such fuel.

"(B) ORIGINAL EQUIPMENT MANUFACTURER'S VEHICLES.—A motor vehicle produced by an original equipment manufacturer and designed so that the vehicle may be propelled by a clean-burning fuel, but only to the extent of the portion of the basis of such vehicle which is attributable to an engine which may use such fuel, to the storage or delivery to the engine of such fuel, or to the exhaust of gases from combustion of such fuel.

"(2) ENVIRONMENTAL STANDARDS.—Property shall not be treated as qualified clean-fuel vehicle property unless—

"(A) the motor vehicle of which it is a part meets any applicable Federal or State emissions standards with respect to each fuel by which such vehicle is designed to be propelled, or

"(B) in the case of property described in paragraph (1)(A), such property meets all applicable Federal and State emissions-related certification, testing, and warranty requirements.

"(3) ONLY INCREMENTAL COST TAKEN INTO ACCOUNT.—If a vehicle may be propelled by both a clean-burning fuel and any other fuel, only the incremental cost of permitting the use of the clean-burning fuel shall be taken into account.

"(d) QUALIFIED CLEAN-FUEL VEHICLE REFUELING PROPERTY DEFINED.—For purposes of this section, the term 'qualified clean-fuel vehicle refueling property' means any property (not including a building and its structural components) if—

"(1) such property is of a character subject to the allowance for depreciation,

"(2) the original use of such property begins with the taxpayer, and

"(3) such property is for the storage or dispensing of a clean-burning fuel (not including electricity) into the fuel tank of a motor vehicle propelled by such fuel, but only if the storage or dispensing of the fuel is at the point where such fuel is delivered into the fuel tank of the motor vehicle.

"(e) OTHER DEFINITIONS AND SPECIAL RULES.—For purposes of this section—

"(1) CLEAN-BURNING FUEL.—The term 'clean-burning fuel' means—

"(A) natural gas,

"(B) liquefied natural gas,

"(C) liquefied petroleum gas,

"(D) hydrogen,

"(E) electricity, and

"(F) any other fuel at least 85 percent of which is 1 or more of the following: methanol, ethanol, any other alcohol, or ether.

"(2) MOTOR VEHICLE.—The term 'motor vehicle' means any vehicle which is manufactured primarily for use on public streets, roads, and highways (not including a vehicle operated exclusively on a rail or rails) and which has at least 4 wheels.

"(3) COST OF RETROFIT PARTS INCLUDES COST OF INSTALLATION.—The cost of any qualified clean-fuel vehicle property referred to in subsection (c)(1)(A) shall include the cost of the original installation of such property.

"(4) RECAPTURE.—The Secretary shall, by regulations, provide for recapturing the benefit of any deduction allowable under subsection (a) with respect to any property which ceases to be property eligible for such deduction.

"(5) PROPERTY USED OUTSIDE UNITED STATES, ETC., NOT QUALIFIED.—No deduction shall be allowed under subsection (a) with respect to any property referred to in section 50(b) or with respect to the portion of the cost of any property taken into account under section 179.

"(6) BASIS REDUCTION.—

"(A) IN GENERAL.—For purposes of this title, the basis of any property shall be reduced by the portion of the cost of such property taken into account under subsection (a).

"(B) ORDINARY INCOME RECAPTURE.—For purposes of section 1245, the amount of the deduction allowable under subsection (a) with respect to any property which is of a character subject to the allowance for depreciation shall be treated as a deduction allowed for depreciation under section 167.

"(f) TERMINATION.—This section shall not apply to any property placed in service after December 31, 2004."

(b) DEDUCTION FROM GROSS INCOME.—Section 62(a) is amended by inserting after paragraph (13) the following new paragraph:

"(14) DEDUCTION FOR CLEAN-FUEL VEHICLES AND CERTAIN REFUELING PROPERTY.—The deduction allowed by section 179A."

(c) CONFORMING AMENDMENTS.—

(1) Section 1016(a) is amended by striking "and" at the end of paragraph (23), by striking the period at the end of paragraph (24) and inserting ", and", and by adding at the end thereof the following new paragraph:

"(25) to the extent provided in section 179A(e)(6)(A)."

(2) The table of sections for part VI of subchapter B of chapter 1 is amended by inserting after the item relating to section 179 the following new item:

"Sec. 179A. Deduction for clean-fuel vehicles and certain refueling property."

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to property placed in service after June 30, 1993.

SEC. 1914. CREDIT FOR ELECTRICITY PRODUCED FROM CERTAIN RENEWABLE SOURCES.

(a) IN GENERAL.—Subpart D of part IV of subchapter A of chapter 1 is amended by adding at the end thereof the following new section:

"SEC. 45. ELECTRICITY PRODUCED FROM CERTAIN RENEWABLE RESOURCES.

"(a) GENERAL RULE.—For purposes of section 38, the renewable electricity production credit for any taxable year is an amount equal to the product of—

"(1) 1.5 cents, multiplied by

"(2) the kilowatt hours of electricity—

"(A) produced by the taxpayer—

"(i) from qualified energy resources, and

"(ii) at a qualified facility during the 10-year period beginning on the date the facility was placed in service, and

"(B) sold by the taxpayer to an unrelated person during the taxable year.

"(b) LIMITATIONS AND ADJUSTMENTS.—

"(1) PHASEOUT OF CREDIT.—The amount of the credit determined under subsection (a) shall be reduced by an amount which bears the same ratio to the amount of the credit (determined without regard to this paragraph) as—

"(A) the amount by which the reference price for the calendar year in which the sale occurs exceeds 8 cents, bears to

"(B) 3 cents.

"(2) CREDIT AND PHASEOUT ADJUSTMENT BASED ON INFLATION.—The 1.5 cent amount in subsection (a) and the 8 cent amount in paragraph (1) shall each be adjusted by multiplying such amount by the inflation adjustment factor for the calendar year in which the sale occurs. If any amount as increased under the preceding sentence is not a multiple of 0.1 cent, such amount shall be rounded to the nearest multiple of 0.1 cent.

"(3) CREDIT REDUCED FOR GRANTS, TAX-EXEMPT BONDS, AND SUBSIDIZED ENERGY FINANCING.—The amount of the credit determined under subsection (a) with respect to any project for any taxable year (determined after the application of paragraphs (1) and (2)) shall be reduced by the amount which is the product of the amount so determined for such year and a fraction—

"(A) the numerator of which is the sum, for the taxable year and all prior taxable years, of—

"(i) grants provided by the United States, a State, or a political subdivision of a State for use in connection with the project,

"(ii) proceeds of an issue of State or local government obligations used to provide financing for the project the interest on which is exempt from tax under section 103, and

"(iii) the aggregate amount of subsidized energy financing under a Federal, State, or local program provided in connection with the project, and

"(B) the denominator of which is the aggregate amount of additions to the capital account for the project for the taxable year and all prior taxable years.

The amounts under the preceding sentence for any taxable year shall be determined as of the close of the taxable year.

"(c) DEFINITIONS.—For purposes of this section—

"(1) QUALIFIED ENERGY RESOURCES.—The term 'qualified energy resources' means—

"(A) wind, and

"(B) closed-loop biomass.

"(2) CLOSED-LOOP BIOMASS.—The term 'closed-loop biomass' means any organic material from a plant which is planted exclusively for purposes of being used at a qualified facility to produce electricity.

"(3) QUALIFIED FACILITY.—The term 'qualified facility' means any facility originally placed in service by the taxpayer after December 31, 1993 (December 31, 1992, in the case of a facility using closed-loop biomass to produce electricity), and before July 1, 1999.

"(d) DEFINITIONS AND SPECIAL RULES.—For purposes of this section—

"(1) ONLY PRODUCTION IN THE UNITED STATES TAKEN INTO ACCOUNT.—Sales shall be taken into account under this section only with respect to electricity the production of which is within—

"(A) the United States (within the meaning of section 638(1)), or

"(B) a possession of the United States (within the meaning of section 638(2)).

"(2) COMPUTATION OF INFLATION ADJUSTMENT FACTOR AND REFERENCE PRICE.—

"(A) IN GENERAL.—The Secretary shall, not later than April 1 of each calendar year, determine and publish in the Federal Register the inflation adjustment factor and the reference price for the preceding calendar year in accordance with this paragraph.

"(B) INFLATION ADJUSTMENT FACTOR.—The term 'inflation adjustment factor' means, with respect to a calendar year, a fraction the numerator of which is the GNP implicit price deflator for the calendar year and the denominator of which is the GNP implicit price deflator for the calendar year 1992. The term 'GNP implicit price deflator' means the first revision of the implicit price deflator for the gross national product as computed and published by the Department of Commerce.

"(C) REFERENCE PRICE.—The term 'reference price' means, with respect to a calendar year, the Secretary's determination of the annual average contract price per kilowatt hour of electricity generated from the same qualified energy resource and sold in the previous year in the United States.

"(3) PRODUCTION ATTRIBUTABLE TO THE TAXPAYER.—In the case of a facility in which more than 1 person has an interest, except to the extent provided in regulations prescribed by the Secretary, production from the facility shall be allocated among such persons in proportion to their respective interests in the gross sales from such facility.

"(4) RELATED PERSONS.—Persons shall be treated as related to each other if such persons would be treated as a single employer under the regulations prescribed under section 52(b). In the case of a corporation which is a member of an affiliated group of corporations filing a consolidated return, such corporation shall be treated as selling electricity to an unrelated person if such electricity is sold to such a person by another member of such group.

"(5) PASS-THRU IN THE CASE OF ESTATES AND TRUSTS.—Under regulations prescribed by the Secretary, rules similar to the rules of subsection (d) of section 52 shall apply."

(b) CREDIT TO BE PART OF GENERAL BUSINESS CREDIT.—Subsection (b) of section 38 is amended by striking "plus" at the end of paragraph (6), by striking the period at the end of paragraph (7) and inserting ", plus", and by adding at the end thereof the following new paragraph:

"(8) the renewable electricity production credit under section 45(a)."

(c) LIMITATION ON CARRYBACK.—Subsection (d) of section 39 is amended by redesignating the paragraph added by section 11511(b)(2) of the Revenue Reconciliation Act of 1990 as paragraph (1), by redesignating the paragraph added by section 11611(b)(2) of such Act as paragraph (2), and by adding at the end thereof the following new paragraph:

"(3) NO CARRYBACK OF RENEWABLE ELECTRICITY PRODUCTION CREDIT BEFORE EFFECTIVE DATE.—No portion of the unused business credit for any taxable year which is attributable to the credit determined under section 45 (relating to electricity produced from certain renewable resources) may be carried back to any taxable year ending before January 1, 1993."

(d) CLERICAL AMENDMENT.—The table of sections for subpart D of part IV of subchapter A of chapter 1 is amended by adding at the end thereof the following new item:

"Sec. 45. Electricity produced from certain renewable resources."

(e) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years ending after December 31, 1992.

SEC. 1915. REPEAL OF MINIMUM TAX PREFERENCES FOR DEPLETION AND INTANGIBLE DRILLING COSTS OF INDEPENDENT OIL AND GAS PRODUCERS AND ROYALTY OWNERS.

(a) DEPLETION.—

(1) Paragraph (1) of section 57(a) (relating to depletion) is amended by adding at the end thereof the following new sentence: "Effective with respect to taxable years beginning after December 31, 1992, and before January 1, 1998, this paragraph shall not apply to any deduction for depletion computed in accordance with section 613A(c).".

(2) Subparagraph (F) of section 56(g)(4) is amended to read as follows:

"(F) DEPLETION.—

"(i) IN GENERAL.—The allowance for depletion with respect to any property placed in service in a taxable year beginning after December 31, 1989, shall be cost depletion determined under section 611.

"(ii) EXCEPTION FOR INDEPENDENT OIL AND GAS PRODUCERS AND ROYALTY OWNERS.—In the case of any taxable year beginning after December 31, 1992, and before January 1, 1998, clause (i) (and subparagraph (C)(i)) shall not apply to any deduction for depletion computed in accordance with section 613A(c)."

(b) INTANGIBLE DRILLING COSTS.—

(1) Section 57(a)(2) is amended by adding at the end the following new subparagraph:

"(E) EXCEPTION FOR INDEPENDENT PRODUCERS.—

"(i) IN GENERAL.—In the case of any taxable year beginning after December 31, 1992, and before January 1, 1998, this paragraph shall not apply to any taxpayer which is not an integrated oil company (as defined in section 291(b)(4)).

"(ii) LIMITATION ON AGGREGATE BENEFIT.—The aggregate reduction in alternative minimum taxable income by reason of clause (i) for any taxable year shall not exceed 40 percent (30 percent in case of taxable years beginning in 1993) of the alternative minimum taxable income for such year determined without regard to clause (i) and the alternative tax net operating loss deduction under subsection (a)(4)."

(2) Clause (i) of section 56(g)(4)(D) is amended by adding at the end thereof the following new sentence: "In the case of a taxpayer other than an integrated oil company (as defined in section 291(b)(4)), this clause shall not apply in the case of amounts paid or incurred in taxable years beginning after December 31, 1992, and before January 1, 1998.".

(c) CONFORMING AMENDMENTS.—

(1) Subsection (h) of section 56 is amended by adding at the end thereof the following new paragraph:

"(9) SUSPENSION.—No deduction shall be allowed under this subsection for any taxable year beginning after December 31, 1992, and before January 1, 1998."

(2) Clause (ii) of section 59(a)(2)(A) is amended by striking "and the" and inserting ", section 57(a)(2)(E), and the".

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 1992.

SEC. 1916. INCREASED BASE TAX RATE ON OZONE-DEPLETING CHEMICALS.

(a) IN GENERAL.—Subparagraph (B) of section 4681(b)(1) (relating to amount of tax) is amended to read as follows:

"(B) BASE TAX AMOUNT.—The base tax amount for purposes of subparagraph (A) with respect to any sale or use during a calendar year before 1996 with respect to any ozone-depleting chemical is the amount determined under the following table for such calendar year:

"Calendar year:	Base tax amount:
1992	$1.85
1993	2.75
1994	3.65
1995	4.55."

(b) CONFORMING AMENDMENTS.—

(1) RATES RETAINED FOR CHEMICAL USED IN RIGID FOAM INSULATION.—The table in subparagraph (B) of section 4682(g)(2) (relating to chemicals used in rigid foam insulation) is amended—

(A) by striking "15" and inserting "13.5", and

(B) by striking "10" and inserting "9.6".

(2) FLOOR STOCK TAXES.—

(A) Subparagraph (C) of section 4682(h)(2) (relating to other tax-increase dates) is amended by striking "1993, and 1994" and inserting "1993, 1994, and 1995, and July 1, 1992".

(B) Paragraph (3) of section 4682(h) (relating to due date) is amended—

(i) by inserting "or July 1" after "January 1", and

(ii) by inserting "or December 31, respectively," after "June 30".

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable chemicals sold or used on or after July 1, 1992.

SEC. 1917. TREATMENT OF CERTAIN OZONE DEPLETING CHEMICALS.

(a) TREATMENT OF CERTAIN HALONS.—The table contained in subparagraph (A) of section 4682(g)(2) is amended to read as follows:

"In the case of	The applicable percentage is	
	For sales or use during 1992	For sales or use during 1993
Halon-1211	4.5	3.0
Halon-1301	1.4	0.9
Halon-2404	2.3	1.5".

(b) CHEMICALS USED FOR STERILIZING MEDICAL INSTRUMENTS.—

(1) IN GENERAL.—Subsection (g) of section 4682 is amended by adding at the end thereof the following new paragraph:

"(4) CHEMICALS USED FOR STERILIZING MEDICAL INSTRUMENTS.—

"(A) RATE OF TAX.—

"(i) IN GENERAL.—In the case of—

"(I) any use after June 30, 1992, and before January 1, 1994, of any substance to sterilize medical instruments, or

"(II) any qualified sale during such period by the manufacturer, producer, or importer of any substance, the tax imposed by section 4681 shall be the applicable percentage (determined in accordance with the following table) of the amount of such tax which would (but for this subparagraph be imposed).

In the case of sales or use during:	The applicable percentage is:
1992	90.3
1993	60.7.

"(ii) QUALIFIED SALE.—For purposes of clause (i), the term 'qualified sale' means any sale by the manufacturer, producer, or importer of any substance—

"(I) for use by the purchaser to sterilize medical instruments, or

"(II) for resale by the purchaser to a 2d purchaser for such use by the 2d purchaser.

The preceding sentence shall apply only if the manufacturer, producer, and importer, and the 1st and 2d purchasers (if any) meet such registration requirements as may be prescribed by the Secretary.

"(B) OVERPAYMENTS.—If any substance on which tax was paid under this subchapter is used after June 30, 1992, and before January 1, 1994, by any person to sterilize medical instruments, credit or refund without interest shall be allowed to such person in an amount equal to the excess of—

"(i) the tax paid under this subchapter on such substance, or

"(ii) the tax (if any) which would be imposed by section 4681 if such substance were used for such use by the manufacture, producer, or importer thereof on the date of its use by such person.

Amounts payable under the preceding sentence with respect to uses during the taxable year shall be treated as described in section 34(a) for such year unless claim thereof has been timely filed under this subparagraph."

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to sales and uses on or after July 1, 1992.

SEC. 1918. PERMANENT EXTENSION OF ENERGY INVESTMENT CREDIT FOR SOLAR AND GEOTHERMAL PROPERTY.

(a) GENERAL RULE.—Paragraph (2) of section 48(a) (defining energy percentage) is amended—

(1) by striking "Except as provided in subparagraph (B), the" and inserting "The",

(2) by striking subparagraph (B), and

(3) by redesignating subparagraph (C) as subparagraph (B)

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall take effect on June 30, 1992.

SEC. 1919. NUCLEAR DECOMMISSIONING FUNDS.

(a) REPEAL OF INVESTMENT RESTRICTIONS.—Subparagraph (C) of section 468A(e)(4) (relating to special rules for nuclear decommissioning funds) is amended by striking "described in section 501(c)(21)(B)(ii)".

(b) REDUCTION IN RATE OF TAX.—Paragraph (2) of section 468A(e) is amended—

(1) by striking "at the rate equal to the highest rate of tax specified in section 11(b)" in subparagraph (A) and inserting "at the rate set forth in subparagraph (B)", and

(2) by redesignating subparagraphs (B) and (C) as subparagraphs (C) and (D), respectively, and by inserting after subparagraph (A) the following new subparagraph:

"(B) RATE OF TAX.—For purposes of subparagraph (A), the rate set forth in this subparagraph is—

"(i) 22 percent in the case of taxable years beginning in calendar year 1994 or 1995, and

"(ii) 20 percent in the case of taxable years beginning after December 31, 1995."

(c) EFFECTIVE DATES.—

(1) SUBSECTION (a).—The amendment made by subsection (a) shall apply to taxable years beginning after December 31, 1992.

(2) SUBSECTION (b).—The amendments made by subsection (b) shall apply to taxable years beginning after December 31, 1993. Section 15 of the Internal Revenue Code of 1986 shall not apply to any change in rate resulting from the amendment made by subsection (b).

SEC. 1920. FACILITIES FOR PRODUCTION OF CERTAIN FUELS.

Subsection (f) of section 29 is amended by adding at the end thereof the following new sentence:

"For purposes of paragraph (1)(B), a facility for production of qualified fuels referred to in subparagraph (B)(ii) or (C) of subsection (c)(1) shall be treated as placed in service before January 1, 1993, if such facility is placed in service before January 1, 1996, pursuant to a written binding contract in effect on December 31, 1992, and at all times thereafter before such facility is placed in service."

SEC. 1921. TREATMENT UNDER LOCAL FURNISHING RULES OF CERTAIN ELECTRICITY TRANSMITTED OUTSIDE LOCAL AREA.

(a) IN GENERAL.—Subsection (f) of section 142 (relating to local furnishing of electric energy or gas) is amended to read as follows:

"(f) LOCAL FURNISHING OF ELECTRIC ENERGY OR GAS.—For purposes of subsection (a)(8)—

"(1) IN GENERAL.—The local furnishing of electric energy or gas from a facility shall only include furnishing solely within the area consisting of—

"(A) a city and 1 contiguous county, or

"(B) 2 contiguous counties.

"(2) TREATMENT OF CERTAIN ELECTRIC ENERGY TRANSMITTED OUTSIDE LOCAL AREA.—

"(A) IN GENERAL.—A facility shall not be treated as failing to meet the local furnishing requirement of subsection (a)(8) by reason of electricity transmitted pursuant to an order of the Federal Energy Regulatory Commission under section 211 or 213 of the Federal Power Act (as in effect on the date of the enactment of this paragraph) if the portion of the facility financed with tax-exempt bonds is not greater than the portion of the use of the facility which is in the local furnishing of electric energy (determined without regard to this paragraph).

"(B) SPECIAL RULE FOR EXISTING FACILITIES.—In the case of a facility financed with bonds issued before the date of an order referred to in subparagraph (A) which would (but for this subparagraph) cease to be tax-exempt by reason of subparagraph (A), such bonds shall not cease to be tax-exempt bonds (and section 150(b)(4) shall not apply) if, to the extent necessary to comply with subparagraph (A)—

"(i) bonds are defeased not later than the 90th day after the date such order was issued, and

"(ii) bonds are redeemed not later than the earliest date on which such bonds may be redeemed."

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply to obligations issued before, on, or after the date of the enactment of this Act.

Subtitle B—Other Revenue Provisions

SEC. 1931. REPEAL OF EXEMPTION FROM COMMUNICATIONS TAX FOR NEWS SERVICES.

(a) GENERAL RULE.—Subsection (b) of section 4253 (relating to exemption for news services) is hereby repealed.

(b) EFFECTIVE DATE.—The repeal made by subsection (a) shall take effect on January 1, 1993.

SEC. 1932. EXCEPTION FROM PRO RATA ALLOCATION OF INTEREST EXPENSE OF FINANCIAL INSTITUTIONS TO TAX-EXEMPT INTEREST FOR SMALL ISSUERS INCREASED TO $20,000,000.

(a) IN GENERAL.—Subparagraphs (C) and (D) of section 265(b)(3) are each amended by striking "$10,000,000" each place it appears and inserting "$20,000,000".

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply to obligations issued after December 31, 1992.

SEC. 1933. CERTAIN MINERALS NOT ELIGIBLE FOR PERCENTAGE DEPLETION.

(a) GENERAL RULE.—

(1) Paragraph (1) of section 613(b) is amended—

(A) by striking "and uranium" in suparagraph (A), and

(B) in subparagraph (B)—

(i) by striking "asbestos,",

(ii) by striking "lead,", and

(iii) by striking "mercury,".

(2) Subparagraph (A) of section 613(b)(3) is amended by inserting "other than lead, mercury, or uranium" after "metal mines".

(3) Paragraph (4) of section 613(b) is amended by striking "asbestos (if paragraph (1)(B) does not apply),".

(4) Paragraph (7) of section 613(b) is amended by striking "or" at the end of subparagraph (B), by striking the period at the end of subparagraph (C) and inserting ", or", and by inserting after subparagraph (C) the following new subparagraph:

"(D) mercury, uranium, lead, and asbestos."

(b) CONFORMING AMENDMENTS.—Subparagraph (D) of section 613(c)(4) is amended—

(1) by striking "lead,", and

(2) by striking "uranium,".

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 1992.

SEC. 1934. DISCLOSURES OF INFORMATION FOR VETERANS BENEFITS.

(a) IN GENERAL.—Section 6103(l)(7)(D) (relating to program to which rule applies) is amended by striking "September 30, 1992" in the last sentence and inserting "September 30, 1997".

(b) CONFORMING AMENDMENT.—Section 5317(g) of title 38, United States Code, is amended by striking "September 30, 1992" and inserting "September 30, 1997".

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect on September 30, 1992.

SEC. 1935. DISALLOWANCE OF INTEREST ON CERTAIN OVERPAYMENTS OF TAX.

(a) GENERAL RULE.—Subsection (e) of section 6611 is amended to read as follows:

"(e) DISALLOWANCE OF INTEREST ON CERTAIN OVERPAYMENTS.—

"(1) REFUNDS WITHIN 45 DAYS AFTER RETURN IS FILED.—If any overpayment of tax imposed by this title is refunded within 45 days after the last day prescribed for filing the return of such tax (determined without regard to any extension of time for filing the return) or, in the case of a return filed after such last date, is refunded within 45 days after the date the return is filed, no interest shall be allowed under subsection (a) on such overpayment.

"(2) REFUNDS AFTER CLAIM FOR CREDIT OR REFUND.—If—

"(A) the taxpayer files a claim for a credit or refund for any overpayment of tax imposed by this title, and

"(B) such overpayment is refunded within 45 days after such claim is filed,

no interest shall be allowed on such overpayment from the date the claim is filed until the day the refund is made.

"(3) IRS INITIATED ADJUSTMENTS.—Notwithstanding any other provision, if an adjustment, initiated by or on behalf of the Secretary, results in a refund or credit of an overpayment, interest on such overpayment shall be computed by subtracting 45 days from the number of days interest would otherwise be allowed with respect to such overpayment."

(b) EFFECTIVE DATES.—

(1) Paragraph (1) of section 6611(e) of the Internal Revenue Code of 1986 (as amended by subsection (a)) shall apply in the case of returns the due date for which (determined without regard to extensions) is on or after July 1, 1992.

(2) Paragraph (2) of section 6611(e) of such Code (as so amended) shall apply in the case of claims for credit or refund of any overpayment filed on or after July 1, 1992 regardless of the taxable period to which such refund relates.

(3) Paragraph (3) of section 6611(e) of such Code (as so amended) shall apply in the case of any refund paid on or after July 1, 1992 regardless of the taxable period to which such refund relates.

SEC. 1936. INFORMATION REPORTING WITH RESPECT TO CERTAIN SELLER-PROVIDED FINANCING.

(a) GENERAL RULE.—Section 6109 (relating to identifying numbers) is amended by adding at the end thereof the following new subsection:

"(h) IDENTIFYING INFORMATION REQUIRED WITH RESPECT TO CERTAIN SELLER-PROVIDED FINANCING.—

"(1) PAYOR.—If any taxpayer claims a deduction under section 163 for qualified residence interest on any seller-provided financing, such taxpayer shall include on the return claiming such deduction the name, address, and TIN of the person to whom such interest is paid or accrued.

"(2) RECIPIENT.—If any person receives or accrues interest referred to in paragraph (1), such person shall include on the return for the taxable year in which such interest is so received or accrued the name, address, and TIN of the person liable for such interest.

"(3) FURNISHING OF INFORMATION BETWEEN PAYOR AND RECIPIENT.—If any person is required to include the TIN of another person on a return under paragraph (1) or (2), such other person shall furnish his TIN to such person.

"(4) SELLER-PROVIDED FINANCING.—For purposes of this subsection, the term 'seller-provided financing' means any indebtedness incurred in acquiring any residence if the person to whom such indebtedness is owed is the person from whom such residence was acquired.".

(b) PENALTY.—Paragraph (3) of section 6724(d) (relating to specified information reporting requirement) is amended by striking "and" at the end of subparagraph (C), by striking the period at the end of subparagraph (D) and inserting ", and", and by adding at the end thereof the following new subparagraph:

"(E) any requirement under section 6109(f) that—

"(i) a person include on his return the name, address, and TIN of another person, or

"(ii) a person furnish his TIN to another person."

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 1991.

Subtitle C—Federal Tax Exemption for Uranium Enrichment Corporation; Limitation on Borrowing Authority

SEC. 1941. FEDERAL TAX EXEMPTION; LIMITATION ON BORROWING AUTHORITY.

(a) FEDERAL TAX EXEMPTION.—Subsection (l) of section 501 (relating to governmental corporations exempt from tax) is amended by adding at the end thereof the following:

"(4) The Uranium Enrichment Corporation established under section 1301 of the Atomic Energy Act of 1954.

Paragraph (4) shall cease to apply as of the first day on which any stock issued by the Uranium Enrichment Corporation is held by any person other than the Federal Government."

(b) LIMITATION ON BORROWING AUTHORITY.—

(1) Chapter 31 of title 31, United States Code, is amended by adding at the end thereof the following new subchapter:

"SUBCHAPTER III—RESTRICTION ON BORROWING AUTHORITY OF CERTAIN GOVERNMENT-RELATED CORPORATIONS

"§ 3141. Limitation on borrowing authority of Uranium Enrichment Corporation

"The Uranium Enrichment Corporation established pursuant to section 1301 of the Atomic Energy Act of 1954 may borrow (directly or indirectly) from the Treasury only to the extent, and in the manner, provided in section 1405 of such Act (as in effect on the date of the enactment of this section).".

(2) The chapter analysis for chapter 31 of title 31, United States Code, is amended by adding at the end thereof the following:

"SUBCHAPTER III—RESTRICTION ON BORROWING AUTHORITY OF CERTAIN GOVERNMENT-RELATED CORPORATIONS

"3141. Limitation on borrowing authority of Uranium Enrichment Corporation.".

TITLE XX—GENERAL PROVISIONS; REDUCTION OF OIL VULNERABILITY

SEC. 2001. DEFINITIONS.

For purposes of this title and titles XXI through XXV—

(1) the term "demonstration" means the building or assembling of facilities or equipment at appropriate scale to prove the technical feasibility of a process or technology;

(2) the term "developing country" includes the nations of Eastern Europe and the Soviet Union, or any successor entity or entities thereto;

(3) the term "long-term" means the period from 10 to 20 years in the future;

(4) the term "mid-term" means the period from 5 to 10 years in the future;

(5) the term "near-term" means the period from the present to 5 years in the future;

(6) the term "Secretary" means the Secretary of Energy; and

(7) the term "source reduction" means any practice which—

(A) reduces the amount of any hazardous substance, pollutant, or contaminant entering any waste stream or otherwise released into the environment, including fugitive emissions, prior to recycling, treatment, or disposal; and

(B) reduces the hazards to the public health and the environment associated with the release of such substances, pollutants, or contaminants,

including equipment or technology modifications, process or procedure modifications, reformulation or redesign of products, substitution of raw materials, and improvements in housekeeping, maintenance, training, and inventory control, but not including any practice which alters the physical, chemical, or biological characteristics or the volume of a hazardous substance, pollutant, or contaminant through a process or activity which itself is not integral to and necessary for the production of a product or the providing of a service.

SEC. 2002. GOALS.

It is the goal of the United States in carrying out energy supply and energy conservation research and development—

(1) to strengthen national energy security by reducing dependence on imported oil;

(2) to increase the efficiency of the economy by meeting future needs for energy services at the lowest total cost to the Nation, including environmental costs, giving comparable consideration to technologies which enhance energy supply and technologies which improve the efficiency of energy end uses;

(3) to reduce the adverse environmental consequences of energy production and use through the development of an environmentally sustainable energy system which makes possible a reduction from the 1990 level in greenhouse gas emissions from energy production and use in the United States;

(4) to maintain the technological competitiveness of the United States and stimulate economic growth through the development of critical advanced materials and technologies; and

(5) to foster international cooperation by developing international markets for domestically produced sustainable energy technologies, and by transferring environmentally sound, advanced energy systems and technologies to developing countries to promote sustainable development.

Subtitle A—Oil and Gas Supply Enhancement

SEC. 2011. ENHANCED OIL RECOVERY.

(a) PROGRAM DIRECTION.—The Secretary shall conduct a program of research, development, and demonstration on technologies to increase and accelerate the volume of oil recovered from domestic oil reservoirs in producing fields, including technologies to—

(1) improve reservoir characterization;

(2) improve analysis and field verification;

(3) field test and demonstrate advanced enhanced oil recovery processes in reservoirs the Secretary considers to be of high priority;

(4) improve enhanced oil recovery process technology for more economic and efficient oil production;

(5) study reservoir properties and how they affect oil recovery from porous media;

(6) improve techniques for meeting environmental requirements;

(7) improve data bases of reservoir and environmental conditions; and

(8) lower lifting costs on stripper wells by utilizing advanced renewable energy technologies such as small wind turbines and others.

(b) PROGRAM GOALS.—

(1) OVERALL GOAL.—The overall goal of the program established under subsection (a) is the development of technologies to increase recoverable oil resources cost effectively by approximately 76,000,000,000 barrels of oil by the year 2010, compared to 1991 levels of recoverable reserves.

(2) NEAR-TERM PRIORITIES.—The near-term priorities of the program include preserving access to high potential reservoirs, identifying available technologies that can extend well lifetimes, and developing environmental

field operations for waste disposal and injection practices.

(3) MID-TERM PRIORITIES.—The mid-term priorities of the program include developing and testing identified but unproven technologies, and transferring those technologies for widespread use.

(4) LONG-TERM PRIORITIES.—The long-term priorities of the program include developing advanced techniques to recover oil not recoverable by other techniques.

(c) ACCELERATED PROGRAM PLAN.—Within 180 days after the date of enactment of this Act, the Secretary shall prepare and submit to the Congress a plan for carrying out under this section the accelerated field testing of technologies to achieve the overall goal stated in subsection (b)(1) within 10 years after the date of enactment of this Act. The plan shall include a revised schedule of field tests, and cost estimates for the accelerated program. In preparing the plan, the Secretary shall consult with appropriate representatives of industry, institutions of higher education, Federal agencies, including national laboratories, and professional and technical societies, and with the Advisory Board established under section 2303.

(d) PROPOSALS.—Within 1 year after the date of enactment of this Act, the Secretary shall solicit proposals for conducting research, development, and demonstration activities under this section.

(e) COST SHARING.—In awarding grants, contracts, cooperative agreements, or other financial assistance under this section, the Secretary shall require that the non-Federal share of the project being assisted be at least 50 percent.

(f) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary for carrying out this section $350,000,000 for the period encompassing fiscal years 1993 through 1997.

SEC. 2012. OIL SHALE.

(a) PROGRAM DIRECTION.—The Secretary shall conduct a program of research and development on oil shale extraction and conversion, using laboratory-scale activities. The program shall include technology development for both Eastern and Western shales.

(b) PROGRAM GOALS.—The goals of the program established under subsection (a) include—

(1) supporting the development of economically competitive and environmentally acceptable technologies to produce domestic supplies of liquid fuels from oil shale;

(2) increasing knowledge of environmentally acceptable oil shale waste disposal technologies and practices;

(3) increasing knowledge of the chemistry and kinetics of oil shale retorting;

(4) increasing understanding of engineering issues concerning the design and scale-up of oil shale extraction and conversion technologies; and

(5) improving techniques for oil shale mining systems.

(c) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary for carrying out this section $60,000,000 for the period encompassing fiscal years 1993 through 1997.

SEC. 2013. NATURAL GAS SUPPLY RESEARCH AND DEVELOPMENT.

(a) PROGRAM DIRECTION.—The Secretary shall conduct a program of research, development, and demonstration to improve technologies for—

(1) the extraction of natural gas from tight gas sands and devonian shales or other unconventional sources; and

(2) secondary natural gas recovery.

(b) PROGRAM GOALS.—

(1) OVERALL GOALS.—The overall goals of the program established under subsection (a) are to improve field data and modeling of natural gas production from unconventional sources and to continue data accumulation on unconventional gas sources, including speculative sources.

(2) NEAR-TERM PRIORITIES.—The near-term priorities of the program include—

(A) a focus on recovery from conventional gas reservoirs;

(B) the consolidation of Federal data bases;

(C) the preparation of a series of maps indicating the location of domestic natural gas resources;

(D) enhanced natural gas recovery studies;

(E) the development of horizontal drilling technology; and

(F) the development of techniques for upgrading low quality natural gas.

(3) MID-TERM PRIORITIES.—The mid-term priorities of the program include—

(A) a focus on recovery from unconventional sources such as tight gas sand formations; and

(B) the developing of techniques for locating naturally fractured zones and cost-effective methods for increasing the size and gas-flow capability of fracture systems.

(4) LONG-TERM PRIORITIES.—The long-term priorities of the program include—

(A) a focus on recovery from speculative sources, including deep sediments and gas hydrates; and

(B) the development of new techniques to locate and extract natural gas.

(c) PROPOSALS.—Within 180 days after the date of enactment of this Act, the Secretary shall solicit proposals for conducting research, development, and demonstration activities under this section.

(d) COST SHARING.—In awarding grants, contracts, cooperative agreements, or other financial assistance under this section, the Secretary shall require cost sharing as provided in section 2305.

(e) COFIRING OF NATURAL GAS AND COAL.—

(1) PROGRAM.—The Secretary shall establish and carry out a program of research, development, and demonstration of cofiring natural gas with coal in utility and large industrial boilers in order to determine optimal natural gas injection levels for both environmental and operational benefits.

(2) COOPERATIVE AGREEMENTS.—The Secretary shall enter into cooperative agreements with, and provide financial assistance to, appropriate parties for application of cofiring technologies to boilers to demonstrate this technology.

(3) REPORT TO CONGRESS.—The Secretary shall, before December 31, 1995, submit to the Congress a report on the progress made in carrying out this subsection.

(f) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary for carrying out this section $300,000,000 for the period encompassing fiscal years 1993 through 1997.

(g) CONSULTATION.—In carrying out the provisions of this subtitle, the Secretary shall consult representatives of the oil and gas industry for innovative research and development proposals to improve oil and gas recovery and shall consider relevant technical data from industry and other research and information centers and institutes.

Subtitle B—Oil and Gas Demand Reduction and Substitution

SEC. 2021. GENERAL TRANSPORTATION RESEARCH, DEVELOPMENT, AND DEMONSTRATION PROGRAM.

(a) PROGRAM DIRECTION.—The Secretary shall conduct a program of research, development, and demonstration on cost effective technologies to reduce the demand for oil in the transportation sector for all vehicles, including existing vehicles, through increased energy efficiency and the use of alternative fuels. Such program shall include field demonstrations of sufficient scale and number in operating environments to prove technical and economic viability to meet the goals stated in section 2002. Such program shall include the activities required under sections 2022 through 2027, and ongoing activities of a similar nature at the Department of Energy.

(b) PROGRAM PLAN.—Within 180 days after the date of enactment of this Act, the Secretary shall prepare and submit to the Congress a 5-year program plan to guide the research, development, and demonstration activities under this subtitle. In preparing the program plan, the Secretary shall consult with appropriate representatives of industry, institutions of higher education, Federal agencies, including national laboratories, and professional and technical societies. The Secretary shall, with the advice of the Advisory Board established under section 2303, biennially update and, as part of the report required under section 15 of the Federal Nonnuclear Energy Research and Development Act of 1974 (42 U.S.C. 5914), resubmit the program plan to Congress.

(c) COST SHARING.—In awarding grants, contracts, cooperative agreements, or other financial assistance under this section, the Secretary shall require cost sharing as provided in section 2305.

(d) AUTHORIZATION OF APPROPRIATIONS.—(1) There are authorized to be appropriated to the Secretary for carrying out the program described in subsection (a), other than activities under section 2025, $1,100,000,000 for the period encompassing fiscal years 1993 through 1997, including—

(A) $100,000,000 for carrying out section 2022;

(B) $50,000,000 for carrying out section 2023;

(C) $2,500,000 for carrying out section 2024;

(D) $25,000,000 for carrying out section 2026; and

(E) $50,000,000 for carrying out section 2027, including Department of Energy National Laboratory participation in proposals submitted under subsection (d) of such section.

(2) There are authorized to be appropriated to the Secretary for carrying out section 2025—

(A) $68,000,000 for fiscal year 1993;

(B) $80,000,000 for fiscal year 1994;

(C) $85,000,000 for fiscal year 1995;

(D) $90,000,000 for fiscal year 1996;

(E) $95,000,000 for fiscal year 1997; and

(F) $100,000,000 for fiscal year 1998.

SEC. 2022. ADVANCED AUTOMOTIVE FUEL ECONOMY.

(a) PROGRAM DIRECTION.—The Secretary shall conduct a program of research, development, and demonstration, to supplement ongoing research activities of a similar nature at the Department of Energy, to accelerate the near-term and mid-term development of advanced technologies to improve the fuel economy of light-duty passenger vehicles powered by a piston engine, and hybrid vehicles powered by a combination of piston engine and electric motor.

(b) PROGRAM GOAL.—The goal of the program established under subsection (a) shall be to stimulate the development of emerging technologies with the potential to achieve significant improvements in fuel economy while reducing emissions of greenhouse gases and other air pollutants.

(c) PROPOSALS.—Within 1 year after the date of enactment of this Act, the Secretary shall solicit proposals for conducting research, development, and demonstration activities under this section, making a special effort to involve small businesses in the program.

(d) COST SHARING.—In awarding grants, contracts, cooperative agreements, or other financial assistance under this section, the Secretary shall require cost sharing as provided in section 2305, unless the Secretary finds that a lower non-Federal cost share is warranted given the technical risks involved.

SEC. 2023. ALTERNATIVE FUEL VEHICLE RESEARCH, DEVELOPMENT, AND DEMONSTRATION PROGRAM.

(a) PROGRAM DIRECTION.—The Secretary shall carry out a program of research, development, and demonstration on techniques related to improving natural gas and other alternative fuel vehicle technology, including—

(1) fuel injection;
(2) carburetion;
(3) manifolding;
(4) combustion;
(5) power optimization;
(6) efficiency;
(7) lubricants and detergents;
(8) engine durability;
(9) ignition, including fuel additives to assist ignition;
(10) multifuel engines;
(11) emissions control, including catalysts;
(12) novel gas compression concepts;
(13) advanced storage systems;
(14) advanced gaseous fueling technologies; and
(15) the incorporation of advanced materials in these areas.

(b) COOPERATIVE AGREEMENTS AND ASSISTANCE.—The Secretary may enter into cooperative agreements with, and provide financial assistance to, public or private entities willing to provide 50 percent of the costs of a program to perform research, development, and demonstration under subsection (a).

(c) DEFINITIONS.—For purposes of this section—

(1) the term "alternative fuels" includes natural gas, liquefied petroleum gas, any fuel the content of which is at least 85 percent by volume methanol, ethanol, or other alcohol, and hydrogen;

(2) the term "alternative fuel vehicle" means a motor vehicle that operates on alternative fuels; and

(3) the term "motor vehicle" includes any automobile, truck, bus, van, or other on-road or off-road motor vehicle, including a boat.

SEC. 2024. BIOFUELS RESEARCH AND DEVELOPMENT USER FACILITY.

(a) The Secretary shall establish a biofuels research and development user facility to expedite industry adoption of biofuels technologies. Such facility shall provide industry with onsite laboratory and office space to work on biofuels technologies, including production of alcohol fuels from biomass.

(b) The Secretary, through grants to such universities and colleges as the Secretary determines are qualified, shall establish a research and demonstration program with respect to the production and use of diesel fuels from vegetable oils. The program shall include—

(1) research on the economic feasibility of production of oilseed crops for biofuels purposes; and

(2) for demonstration purposes, the establishment of a mobile small-scale oilseed pressing and esterification unit and a stationary small-scale commercial oilseed pressing and esterification unit.

SEC. 2025. ELECTRIC VEHICLE AND BATTERY RESEARCH AND DEVELOPMENT PROGRAM.

(a) COOPERATIVE PROGRAM.—(1) The Secretary, consistent with the comprehensive plan described in paragraph (2), shall establish a cooperative program with the electric utility industry, the automobile industry, and such other persons or industries as the Secretary considers appropriate to conduct joint cooperative research and development projects with industry in areas of technology development such as—

(A) high efficiency electric power trains, including advanced motors, motor controllers, and hybrid power trains for vehicle range improvement;

(B) light-weight body structures for vehicle weight reduction;

(C) advanced battery technology with high energy and power for electric vehicle application;

(D) batteries and fuel cells for hybrid vehicle application;

(E) fuel cells and fuel cell systems for primary vehicle power sources; and

(F) photovoltaics for application with electric vehicle use.

The Secretary may also include any such projects that were entered into under the Federal Nonnuclear Energy Research and Development Act of 1974 (42 U.S.C. 5901-5920) or the Electric and Hybrid Vehicle Research, Development, and Demonstration Act of 1976 (15 U.S.C. 2501-2514) in the program under this subsection.

(2)(A) The Secretary shall prepare a comprehensive multi-year program plan for carrying out this section. In the preparation of such plan, the Secretary shall consult with the Administrator of the Environmental Protection Agency, the Secretary of Transportation, the Administrator of the National Aeronautics and Space Administration, the heads of other appropriate Federal agencies, representatives of the electric utility industry, electric vehicle manufacturers and the United States automobile industry, and such other public and private organizations as the Secretary considers appropriate.

(B) The comprehensive plan shall include—

(i) a prioritization of research areas critical to the commercialization of electric vehicles, including advanced battery technology;

(ii) the program elements, management structure, and activities, including program responsibilities of Federal agencies and departments;

(iii) the program strategies, including technical milestones to be achieved toward specific goals during each fiscal year, for all major activities and projects;

(iv) the estimated costs of individual program elements, including estimated costs for each of the fiscal years of the plan for each of the participating Federal agencies or departments;

(v) a description of the methods of technology transfer;

(vi) the proposed participation by non-Federal entities in the implementation of the plan; and

(vii) such other information as the Secretary considers appropriate.

(C) Not later than 180 days after the date of enactment of this Act, the Secretary shall transmit the comprehensive plan to the Congress. Such plan shall be revised and such revision transmitted to the Congress when significant changes are proposed.

(3) Not later than 240 days after the date of enactment of this Act, the Secretary shall request proposals or seek to negotiate joint cooperative research and development projects under this subsection.

(4) The contribution of the United States to any project under this section shall not exceed 50 percent.

(5) The Secretary shall conduct evaluations, arrange for tests and demonstrations necessary to support efforts undertaken pursuant to this subsection.

(b) FUEL CELLS FOR TRANSPORTATION.—(1) The Secretary shall develop and implement a comprehensive program of research, development, and demonstration of fuel cells and related systems for transportation applications through the establishment of one or more cooperative programs among industry, government, and research institutions to develop and demonstrate the use of fuel cells as the primary power source for private and mass transit vehicles and other mobile applications.

(2) Research, development, and demonstration activities under this subsection shall be designed to incorporate one or more of the following priorities—

(A) the potential for near-term to mid-term commercialization;

(B) the ability of the systems to use a variety of renewable and nonfossil fuels;

(C) emission reduction and energy conservation potential;

(D) the potential to utilize fuel cells and fuel cell systems developed under Department of Defense and National Aeronautics and Space Administration programs; and

(E) the potential to take maximum practical advantage of advances made in electric vehicle research, stationary source fuel cell research, and other research activities authorized by this title.

(3)(A) Research, development, and demonstration projects selected by the Secretary under this subsection shall have application to—

(i) passenger vehicles;
(ii) vans and utility vehicles;
(iii) light rail systems and locomotives;
(iv) trucks, including long-haul trucks, dump trucks, and garbage trucks;
(v) passenger buses;
(vi) non-chlorofluorocarbon mobile refrigeration systems;
(vii) marine vessels, including recreational marine engines; or
(viii) mobile engines and power generation, including recreational generators, and industrial and construction equipment.

(B) The Secretary shall establish programs to undertake research, development, and demonstration activities for use in at least two of the applications listed in subparagraph (A) in each of fiscal years 1993, 1994, 1995, and 1996, based on the priorities established in paragraph (2), so that by the end of the period, research, development, and demonstration activities are under way for each application. The initiatives authorized and implemented pursuant to this subsection shall be in addition to any other fuel cell programs authorized in existing law.

(c) HOLD HARMLESS.—Nothing in this section shall be construed to alter, affect, modify, or change any activities or agreements initiated prior to the date of enactment of this Act with domestic motor vehicle manufacturers through joint venture or consortium agreements regarding batteries for electric vehicles.

(d) CONSULTATION.—The Secretary shall consult with the Administrator of the Environmental Protection Agency and the Secretary of Transportation in carrying out this section.

(e) DEFINITIONS.—For purposes of this section—

(1) the term "advanced battery technology" means electro-chemical storage de-

vices, including fuel cells, and associated technology necessary to charge, discharge, recharge, or regenerate such devices, for use as a source of power for an electric vehicle, and any other associated equipment;

(2) the term "associated equipment" means equipment necessary for the regeneration, refueling, or recharging of batteries or other forms of electrical energy used to power an electric vehicle; and

(3) the term "electric vehicle" means a vehicle primarily powered by an electric motor that draws current from rechargeable storage batteries, fuel cells, or other sources of electrical current, and that may include a nonelectrical source of supplemental power.

SEC. 2026. RENEWABLE HYDROGEN ENERGY.

(a) PROGRAM DIRECTION.—The Secretary shall conduct a program of research, development, and demonstration on renewable hydrogen energy systems, to supplement ongoing activities of a similar nature at the Department of Energy, including—

(1) at least one program to develop and demonstrate a system for generating hydrogen from renewable energy sources;

(2) at least one program to assess the feasibility of existing natural gas pipelines carrying hydrogen gas, including experimentation if needed, with a goal of determining those components of the natural gas distribution system that would have to be modified to carry—

(A) more than 20 percent hydrogen mixed with natural gas; and

(B) pure hydrogen gas;

(3) at least one program to develop and demonstrate at least one hydrogen storage system suitable for electric vehicles powered by fuel cells, with emphasis on—

(A) improved metal hydride hydrogen storage;

(B) activated carbon-based hydrogen storage;

(C) high pressure compressed hydrogen; or

(D) other novel hydrogen storage techniques;

(4) at least one program to develop and demonstrate a fuel cell suitable to power an electric vehicle; and

(5) such other research and development programs as the Secretary considers necessary to carry out this section.

(b) PROPOSALS.—Within 180 days after the date of enactment of this Act, the Secretary shall solicit proposals for conducting research, development, and demonstration activities under this section.

(c) COST SHARING.—In awarding grants, contracts, cooperative agreements, or other financial assistance under this section, the Secretary shall require cost sharing as provided in section 2305.

SEC. 2027. ADVANCED DIESEL EMISSIONS RESEARCH, DEVELOPMENT, AND DEMONSTRATION PROGRAM.

(a) PROGRAM DIRECTION.—The Secretary shall initiate a program of research, development, and demonstration on diesel engine combustion and engine systems, related advanced materials, and fuels and lubricants to reduce emissions oxides of nitrogen and particulates. Activities conducted under this program shall supplement activities of a similar nature at the Department of Energy. Such program shall include field demonstrations of sufficient scale and number in operating environments to prove technical and economic viability to meet the goal stated in subsection (b).

(b) PROGRAM GOAL.—The goal of the program established under subsection (a) shall be to accelerate the ability of United States diesel manufacturers to meet current and future oxides of nitrogen and particulate emissions requirements.

(c) PROGRAM PLAN.—Within 180 days after the date of enactment of this Act, the Secretary, in consultation with appropriate representatives of industry, institutions of higher education, Department of Energy National Laboratories, and professional and technical societies, shall prepare and submit to the Congress a 5-year program plan to guide research, development, and demonstration activities under this section. The Secretary shall biennially update and, as part of the report required under section 15 of the Federal Nonnuclear Energy Research and Development Act of 1974 (42 U.S.C. 5914), resubmit the program plan to Congress.

(d) SOLICITATION OF PROPOSALS.—Within 1 year after the date of enactment of this Act, the Secretary shall solicit proposals from eligible parties, as such term is defined in section 2205(3), for conducting research, development, and demonstration activities consistent with the 5-year program plan. Such proposals may be submitted by one or more eligible parties, and may include any funding mechanisms otherwise authorized under Federal law.

(e) COST SHARING.—In awarding grants, contracts, cooperative agreements, or other financial assistance under this section, the Secretary shall require cost sharing as provided in section 2305.

Subtitle C—Oil Substitution Through Coal Liquefaction

SEC. 2031. OIL SUBSTITUTION THROUGH COAL LIQUEFACTION.

(a) PROGRAM DIRECTION.—The Secretary shall conduct a program of research and development for the purpose of developing economically and environmentally acceptable advanced technologies for oil substitution through coal liquefaction.

(b) PROGRAM GOALS.—The goals of the program established under subsection (a) shall include—

(1) improved resource selection and product quality;

(2) the development of technologies to increase net yield of liquid fuel product per ton of coal;

(3) an increase in overall thermal efficiency; and

(4) a reduction in capital and operating costs through technology improvements.

(c) PROPOSALS.—Within 180 days after the date of enactment of this Act, the Secretary shall solicit proposals for conducting research and development activities under this section.

(d) COST SHARING.—In awarding grants, contracts, cooperative agreements, or other financial assistance under this section, the Secretary shall require that the non-Federal share of the project being assisted be at least 50 percent.

(e) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary for carrying out this section $60,000,000 for the period encompassing fiscal years 1993 through 1997.

TITLE XXI—ENERGY AND ENVIRONMENT

Subtitle A—Improved Energy Efficiency

SEC. 2101. GENERAL IMPROVED ENERGY EFFICIENCY RESEARCH, DEVELOPMENT, AND DEMONSTRATION PROGRAM.

(a) PROGRAM DIRECTION.—The Secretary shall conduct a program of research, development, and demonstration on cost effective technologies to improve energy efficiency and increase the use of renewable energy in the buildings, industrial, and utility sectors. Such program shall include a broad range of technological approaches, and shall include field demonstrations of sufficient scale and number in operating environments to prove technical and economic viability to meet the goals stated in section 2002. Such program shall include the activities required under sections 2102, 2103, 2104, 2105, 2106, and 2107 and ongoing activities of a similar nature at the Department of Energy.

(b) PROGRAM GOALS.—The goals of the program established under subsection (a) shall include—

(1) in the buildings sector—

(A) to accelerate the development of technologies that will increase energy efficiency;

(B) to increase the use of renewable energy; and

(C) to improve building construction practices and materials to reduce environmental pollution in the mid-term, through the development of low emission, low energy buildings;

(2) in the industrial sector—

(A) to accelerate the development of technologies that will increase energy efficiency and thereby improve productivity;

(B) to increase the use of renewable energy; and

(C) to reduce pollution production per unit of output; and

(3) in the utility sector, to accelerate the development of technologies that will increase energy efficiency.

(c) PROGRAM PLAN.—Within 180 days after the date of enactment of this Act, the Secretary shall prepare and submit to the Congress a 5-year program plan to guide the research, development, and demonstration activities under this subtitle. In preparing the program plan, the Secretary shall consult with appropriate representatives of industry, utilities, institutions of higher education, Federal agencies, including national laboratories, and professional and technical societies. The Secretary shall, with the advice of the Advisory Board established under section 2303, biennially update and, as part of the report required under section 15 of the Federal Nonnuclear Energy Research and Development Act of 1974 (42 U.S.C. 5914), resubmit the program plan to Congress.

(d) PROPOSALS.—Within 1 year after the date of enactment of this Act, the Secretary shall solicit proposals for conducting research, development, and demonstration activities under this section.

(e) COST SHARING.—In awarding grants, contracts, cooperative agreements, or other financial assistance under this section, the Secretary shall require cost sharing as provided in section 2305.

(f) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary for carrying out this subtitle $1,400,000,000 for the period encompassing fiscal years 1993 through 1997, including—

(1) $100,000,000 for carrying out section 2102;

(2) $50,000,000 for carrying out section 2103;

(3) $100,000,000 for carrying out section 2104;

(4) $15,000,000 for carrying out section 2105;

(5) $15,000,000 for carrying out section 2106; and

(6) $18,091,000 for fiscal year 1993 for carrying out section 2107.

SEC. 2102. NATURAL GAS AND ELECTRIC HEATING AND COOLING TECHNOLOGIES.

(a) PROGRAM DIRECTION.—(1) The Secretary shall conduct a program of research, development, and demonstration for energy efficient natural gas and electric heating and cooling technologies for residential and commercial buildings.

(2) The natural gas heating and cooling program shall include research, development, and demonstration on—

(A) thermally activated heat pumps, including absorption heat pumps and engine-driven heat pumps; and

(B) other advanced natural gas technologies, including fuel cells.

(3) The electric heating and cooling program shall focus on including research, development, and demonstration on—

(A) advanced heat pumps;

(B) thermal storage; and

(C) advanced electrically driven HVAC (heating, ventilating, and air conditioning) and refrigeration systems that utilize replacements for chlorofluorocarbons.

(b) PROPOSALS.—Within 180 days after the date of enactment of this Act, the Secretary shall solicit proposals for conducting research, development, and demonstration activities under this section.

(c) COST SHARING.—In awarding grants, contracts, cooperative agreements, or other financial assistance under this section, the Secretary shall require cost sharing as provided in section 2305.

SEC. 2103. PULP AND PAPER RESEARCH, DEVELOPMENT, AND DEMONSTRATION.

(a) PROGRAM DIRECTION.—The Secretary shall conduct a program of research, development, and demonstration on advanced pulp and paper technologies. Activities under this section shall include research, development, and demonstration on energy generation technologies, boilers, combustion processes, pulping processes (excluding de-inking), chemical recovery, causticizing, source reduction processes, and other related technologies that can improve the energy efficiency of, and reduce the adverse environmental impacts of, pulp and papermaking operations. This section does not authorize research, development, and demonstration projects involving the combustion of waste paper, excluding gasification.

(b) PROPOSALS.—Within 180 days after the date of enactment of this Act, the Secretary shall solicit proposals for conducting research, development, and demonstration activities under this section.

(c) COST SHARING.—In awarding grants, contracts, cooperative agreements, or other financial assistance under this section, the Secretary shall require cost sharing as provided in section 2305.

SEC. 2104. ADVANCED BUILDING RESEARCH, DEVELOPMENT, AND DEMONSTRATION FOR LOW EMISSION, LOW ENERGY BUILDINGS BY 2005.

(a) PROGRAM DIRECTION.—The Secretary shall initiate a program of research, development, and demonstration on new technologies for integrated building design and products that will provide affordable and commercially viable low emission, low energy buildings by the year 2005, to supplement ongoing activities of a similar nature at the Department of Energy. Activities under this section shall include research, development, and demonstration on—

(1) integrated building designs, design tools, and construction techniques;

(2) advanced building components that can perform effectively in integrated building designs;

(3) advanced energy conversion systems (such as photovoltaics) for application to buildings;

(4) the use of recycled materials in building products and products that can be recycled; and

(5) demonstration of evaluation methods and tools to assess performance in operating environments.

(b) PROPOSALS.—

(1) SOLICITATION.—Within one year after the date of enactment of this Act, the Secretary shall solicit proposals for conducting research, development, and demonstration activities under this section.

(2) CONTENTS OF PROPOSALS.—Proposals submitted under this subsection shall include—

(A) evidence of knowledge of current building practices in the United States and in other countries;

(B) an explanation of how the proposal will expedite the commercialization of advanced building materials, technologies, and products, advanced construction techniques, and innovative design practices beyond those already in the marketplace;

(C) evidence of consideration of whether the unique capabilities of Department of Energy National Laboratories warrants collaboration with such Laboratories, and the extent of such collaboration proposed;

(D) evidence of collaboration with relevant industry or other groups or organizations; and

(E) a demonstration of the ability of the proposers to undertake and complete the project proposed.

(c) COST SHARING.—In awarding grants, contracts, cooperative agreements, or other financial assistance under this section, the Secretary shall require cost sharing as provided in section 2305.

SEC. 2105. ELECTRIC DRIVES.

(a) RESEARCH, DEVELOPMENT, AND DEMONSTRATION.—The Secretary shall conduct research, development, and demonstration to expedite adoption of energy efficient industrial electric drive technologies, including adjustable speed drives, high speed motors, and high efficiency motors. Activities under this section shall include the identification and development of technical information on targets of opportunity, assessment of infrastructure needs, and development of advanced technologies and processes.

(b) PROPOSALS.—Within 1 year after the date of enactment of this Act, the Secretary shall solicit proposals for research, development, and demonstration projects under this section.

(c) COST SHARING.—In awarding grants, contracts, cooperative agreements, or other financial assistance under this section, the Secretary shall require cost sharing as provided in section 2305.

SEC. 2106. MID-TERM TECHNOLOGY DEMONSTRATION PROGRAM.

(a) ESTABLISHMENT.—The Secretary, on consultation with the Secretary of Defense, the Administrator of the General Services Administration, and other appropriate Federal officials, shall establish a program for the demonstration, at federally owned or assisted buildings and facilities designated by such officials for long-term commitment to such demonstration, of emerging energy efficiency and renewable energy technologies described in subsection (b).

(b) TECHNOLOGIES.—Technologies to be demonstrated under this section shall be technologies substantially developed by the Department of Energy, or derived from research and development carried out by the Department of Energy, that are not commercially available, and shall include residential heat pumps, lighting fixtures, cogeneration, solar detoxification, and other technologies that the Secretary, after consultation with the Secretary of Defense, the Administrator of the General Services Administration, and other appropriate Federal officials, determines can improve energy efficiency and environmental conditions in Federal facilities and operations.

(c) PURPOSE OF DEMONSTRATION.—The purpose of demonstrations funded under this section shall be to determine—

(1) the technical feasibility and reliability;

(2) the economic life cycle costs;

(3) the production feasibility; and

(4) the Federal sector market potential,

of the technology to be demonstrated.

(d) COMPLETION OF DEMONSTRATION.—(1) When a demonstration project funded under this section has successfully demonstrated the cost-effective feasibility of a technology, the Federal agency involved, with assistance from the Secretary, shall effect technology transfer by publicizing the results of the demonstration.

(2) When a successfully demonstrated technology has reached a stage of production capability, the resulting product shall be listed on appropriate General Services Administration product schedules.

SEC. 2107. STEEL AND ALUMINUM RESEARCH.

(a) AMENDMENTS.—The Steel and Aluminum Energy Conservation and Technology Competitiveness Act of 1988 is amended—

(1) in section 4(b)(5), by striking "Industrial Programs" and inserting in lieu thereof "Industrial Technologies";

(2) in section 8, by inserting at the end the following new sentence: "The report submitted at the close of fiscal year 1993 shall also contain a complete summary of activities under the management plan and the research plan from the first year of their operation, along with an analysis of the extent to which they have succeeded in accomplishing the purposes of this Act.";

(3) in section 9(a)(1), by striking "and $25,000,000 for fiscal year 1991" and inserting in lieu thereof "$25,000,000 for fiscal year 1991, $17, 968,000 for fiscal year 1992, and $18,091,000 for fiscal year 1993";

(4) in section 9(b), by striking "and 1991" and inserting in lieu thereof "1991, 1992, and 1993"; and

(5) in section 11(a), by striking "or fiscal year 1991" both places it appears and inserting in lieu thereof "fiscal year 1991, fiscal year 1992, or fiscal year 1993".

(b) REPEALS.—The Renewable Energy and Energy Efficiency Technology Competitiveness Act of 1989 is amended—

(1) in section 4(c)(1)(C), by inserting "and" after "Program;";

(2) in section 4(c)(2)(C), by striking "Program; and" and inserting in lieu thereof "Program.";

(3) by striking section 4(c)(3);

(4) in section 5(1)(B), by inserting "and" after "program;";

(5) in section 5(2)(B), by striking "program; and" and inserting in lieu thereof "program."; and

(6) by striking section 5(3).

Subtitle B—Electricity Generation and Use

SEC. 2111. RENEWABLE ENERGY.

(a) PROGRAM DIRECTION.—The Secretary shall conduct a broad and comprehensive program of research, development, and demonstration to provide cost-effective options for the generation of electricity from renewable energy sources for grid and nongrid application, including field demonstrations of sufficient scale and number in operating environments to prove technical and economic feasibility for providing cost effective generation and for meeting the goal stated in section 2002(3).

(b) PROGRAM GOAL.—The goal of the program established under subsection (a) shall be the accelerated development of renewable energy technologies that can cost effectively meet at least 15 percent of United States electricity generation needs by the year 2010.

(c) PROGRAM PLAN.—Within 180 days after the date of enactment of this Act, the Secretary shall prepare and submit to the Congress a 5-year program plan to guide the research, development, and demonstration activities under this section. In preparing the program plan, the Secretary shall consult with appropriate representatives of industry, institutions of higher education, Federal agencies, including national laboratories, and professional and technical societies. The Secretary shall, with the advice of the Advisory Board established under section 2303, biennially update and, as part of the report required under section 15 of the Federal Nonnuclear Energy Research and Development Act of 1974 (42 U.S.C. 5914), resubmit the program plan to Congress.

(d) COST SHARING.—In awarding grants, contracts, cooperative agreements, or other financial assistance under this section, the Secretary shall require cost sharing as provided in section 2305.

(e) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary for carrying out this section $1,500,000,000 for the period encompassing fiscal years 1993 through 1997, of which $26,900,000 is for carrying out section 2120 for fiscal year 1993.

SEC. 2112. HIGH EFFICIENCY HEAT ENGINES.

(a) PROGRAM DIRECTION.—The Secretary shall conduct a program of research, development, and demonstration on high efficiency heat engines, including field demonstrations of sufficient scale and number in operating environments to prove the technical and economic feasibility of such engines, emphasizing advanced gas turbine cycles, and the incorporation of energy efficient materials in advanced gas turbine cycles for high efficiency electric and industrial power generation covering a range of small-, mid-, and large-scale applications, including—

(1) mechanically recuperated gas turbines;

(2) intercooled gas turbines with steam injection or recuperation;

(3) gas turbines utilizing reformed fuels or hydrogen; and

(4) high efficiency, simple cycle gas turbines.

(b) PROGRAM GOAL.—The goal of the program established under subsection (a) shall be to develop high efficiency heat engines that can achieve over 50 percent efficiency.

(c) PROGRAM PLAN.—Within 180 days after the date of enactment of this Act, the Secretary shall prepare and submit to the Congress a 5-year program plan to guide the research, development, and demonstration activities under this section. In preparing the program plan, the Secretary shall consult with appropriate representatives of industry, institutions of higher education, Federal agencies, including the Administrator of the Environmental Protection Agency and national laboratories, and professional and technical societies. The Secretary shall, with the advice of the Advisory Board established under section 2303, biennially update and, as part of the report required under section 15 of the Federal Nonnuclear Energy Research and Development Act of 1974 (42 U.S.C. 5914), resubmit the program plan to Congress.

(d) PROPOSALS.—Within one year after the date of enactment of this Act, the Secretary shall solicit proposals for conducting research, development, and demonstration activities under this section.

(e) COST SHARING.—In awarding grants, contracts, cooperative agreements, or other financial assistance under this section, the Secretary shall require cost sharing as provided in section 2305.

(f) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary for carrying out this section $125,000,000 for the period encompassing fiscal years 1993 through 1997.

SEC. 2113. NUCLEAR ENERGY.

(a) PROGRAM DIRECTION.—The Secretary shall conduct a program of research, development, and demonstration to encourage the deployment of advanced nuclear reactor technologies that to the maximum extent practicable—

(1) are cost effective in comparison to alternative sources of commercial electric power of comparable availability and reliability, taking into consideration life cycle environmental costs;

(2) facilitate the design, licensing, construction, and operation of a nuclear powerplant using a standardized design;

(3) exhibit enhanced safety features; and

(4) incorporate features that advance the objectives of the Nuclear Non-Proliferation Act of 1978.

(b) PROGRAM GOALS.—The goals of the program established under subsection (a) shall include—

(1) for the near-term—

(A) facilitate the submission, by September 30, 1995, for certification by the Nuclear Regulatory Commission, of standardized advanced light water reactor technology designs that the Secretary determines have the characteristics described in subsection (a)(1) through (4);

(B) facilitate the completion of submissions, by September 30, 1996, for preliminary design approvals by the Nuclear Regulatory Commission of standardized designs for the modular high-temperature gas-cooled reactor technology and the liquid metal reactor technology; and

(C) the evaluation, by September 30, 1996, of the actinide burn technology to determine if it can reduce the volume of long-lived fission byproducts;

(2) for the mid-term—

(A) facilitate increased efficiency of enhanced safety, advanced light water reactors to produce electric power at the lowest cost to the customer;

(B) the development of advanced reactor concepts that are passively safe and environmentally acceptable; and

(C) the completion of necessary research and development on high-temperature gas-cooled reactor technology and liquid metal reactor technology to support the selection, by September 30, 1998, of one or both of those technologies as appropriate for prototype demonstration; and

(3) for the long-term, the completion of research and development and demonstration to support the design of advanced reactor technologies capable of providing electric power to a utility grid as soon as practicable but no later than the year 2010.

(c) PROGRAM PLAN.—Within 180 days after the date of enactment of this Act, the Secretary shall prepare and submit to the Congress a 5-year program plan to guide the research, development, and demonstration activities under this section. The program plan shall include schedule milestones, Federal funding requirements, and non-Federal cost sharing requirements. In preparing the program plan, the Secretary shall take into consideration—

(1) the need for, and the potential for future adoption by electric utilities or other entities of, advanced nuclear reactor technologies that are available, under development, or have the potential for being developed, for the generation of energy from nuclear fission;

(2) how the Federal Government, acting through the Secretary, can be effective in ensuring the availability of such technologies when they are needed;

(3) how the Federal Government can most effectively cooperate with the private sector in the accomplishment of the goals set forth in subsection (b); and

(4) potential alternative funding sources for carrying out this section.

In preparing the program plan, the Secretary shall consult with appropriate representatives of industry, institutions of higher education, Federal agencies, including national laboratories, and professional and technical societies. The Secretary shall, with the advice of the Advisory Board established under section 2303, annually update and, as part of the report required under subsection (f) of this section, resubmit the program plan to Congress. Each such update shall describe any activities that are behind schedule, any funding shortfalls, and any other circumstances that might affect the ability of the Secretary to meet the goals set forth in subsection (b).

(d) FIRST-OF-A-KIND ENGINEERING.—

(1) ESTABLISHMENT OF PROGRAM.—The Secretary shall establish a program of Federal financial and technical assistance for the first-of-a-kind engineering design of standardized commercial nuclear powerplants which are included, as of the date of enactment of this Act, in the Department of Energy's program for certification of advanced light water reactor designs.

(2) SELECTION CRITERIA.—In order to be eligible for assistance under this subsection, an entity shall certify to the satisfaction of the Secretary that—

(A) the entity, or its members, are bona fide entities engaged in the design, engineering, manufacture, and construction of nuclear reactors;

(B) the entity, or its members, have the financial resources necessary for, and fully intend to pursue the design, engineering, manufacture, and construction in the United States of nuclear power plants through completion of construction and into operation;

(C) the design proposed is scheduled for certification by the Nuclear Regulatory Commission under the Department of Energy's program for certification of light water reactor designs; and

(D) at least 50 percent of the funding for the project shall be obtained from non-Federal sources, and a substantial portion of that non-Federal funding shall be obtained from utilities or entities whose primary purpose is the production of electrical power for public consumption.

(3) PROGRAM DOCUMENTS.—The Secretary shall prepare and submit to the Congress a program document for each design selected under this subsection, specifying goals and objectives, major milestones for achieving those goals and objectives, and the work products to be provided to the Secretary or made available for inspection.

(4) FUNDING LIMITATIONS.—(A) Before entering into an agreement with an entity under this subsection, the Secretary shall establish a cost ceiling for the contribution of the Federal Government for the project, and shall report such cost ceiling to the Congress.

(B) No entity shall receive assistance under this subsection for a period greater than 4 years.

(C) The aggregate funding provided by the Secretary for projects under this subsection shall not exceed $20,000,000 for any single fiscal year.

(5) STATUS REPORT.—The Secretary shall annually submit to the Congress, as a part of

the report required under subsection (h), a status report on each project receiving assistance under this subsection. Each such report shall describe the progress of the project, measured against the program document for such project submitted under paragraph (3), including a description of the entities involved in the project, the number and type of professional and other employees involved, the work products (in the form of drawings produced or specifications written, received, or inspected by the Secretary), and the extent of cost sharing.

(e) PROTOTYPE DEMONSTRATION.—

(1) SOLICITATION OF PROPOSALS.—Within 3 years after the date of enactment of this Act, the Secretary shall solicit proposals for carrying out the preliminary engineering design of not more than 2 prototype advanced nuclear reactor technologies developed by the Department of Energy, other than advanced light water reactor technologies, necessary to support a decision on whether to recommend construction of a prototype demonstration reactor with the characteristics described in subsection (a)(1) through (4). Proposals submitted under this paragraph shall be for modular design concepts of sufficient size to address requirements related to the certification of a standardized design.

(2) RECOMMENDATION TO CONGRESS.—Not later than September 30, 1998, the Secretary shall submit to Congress recommendations on whether to build no more than 2 prototype demonstration reactors under this subsection. Such recommendations shall—

(A) specify a preferred technology or technologies;

(B) include detailed information on milestones for construction and operation;

(C) include an estimate of the funding requirements; and

(D) specify the extent and type of non-Federal financial support anticipated.

In developing the recommendations under this paragraph, the Secretary shall provide for public notice and an opportunity for comment, and shall solicit the views of the Nuclear Regulatory Commission and other parties with technical expertise the Secretary considers useful in the development of such recommendations.

(3) COST SHARING.—The prototype demonstration program under this subsection shall be carried out to the maximum extent practicable with private sector funding. At least 50 percent of the funding for such program shall be non-Federal funding. The extent of non-Federal cost sharing proposed for any demonstration project shall be a criterion for the selection of the project. Any cost overruns beyond projections contained in a proposal submitted under this subsection shall be paid for with non-Federal funds.

(4) LIMITATION ON AUTHORIZATION.—No prototype demonstration project may be carried out pursuant to a recommendation under paragraph (2) unless funding has been appropriated pursuant to a report the Secretary has submitted with respect to such project pursuant to section 2402(b).

(f) ANNUAL NUCLEAR RESEARCH, DEVELOPMENT, AND DEMONSTRATION REPORT.—The Secretary, in consultation with the Advisory Board established under section 2303, shall annually submit to the Congress a report which—

(1) includes a comprehensive Federal nuclear research, development, and demonstration strategy;

(2) addresses energy supply and associated environmental problems in the immediate, short-term, mid-term, and long-term time intervals;

(3) evaluates the economic, environmental, and technological merits of each aspect of the Federal nuclear research, development, and demonstration program;

(4) includes a description of the progress made in implementing this section;

(5) includes an update of the program plan developed under subsection (c);

(6) includes an update of the program plan developed under section 2114(b); and

(7) includes the annual report required under section 2115(c).

Such report shall be submitted along with the President's annual budget request to Congress.

(g) NUCLEAR REGULATORY COMMISSION REPORT.—The Nuclear Regulatory Commission shall annually submit to the Congress, along with the President's annual budget request, a report on the certification process for standardized advanced light water reactor designs which—

(1) describes the progress of such certification process;

(2) describes the progress made in reviewing the Utility Requirements Document;

(3) includes a timetable for completion of the certification, including specific fiscal year milestones; and

(4) states resource requirements for meeting the timetable described in paragraph (3).

(h) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary for carrying out this section $600,000,000 for research and development activities, and $550,000,000 for facilities operations and maintenance, for the period encompassing fiscal years 1993 through 1997.

SEC. 2114. CIVILIAN NUCLEAR WASTE.

(a) PROGRAM DIRECTION.—The Secretary shall conduct a program of research and development on new technologies for mitigating hazards associated with high level radioactive waste and spent fuel from nuclear reactors.

(b) PROGRAM PLAN.—Within 180 days after the date of enactment of this Act, the Secretary shall prepare and submit to the Congress a 5-year program plan to guide the research and development activities under this section. In preparing the program plan, the Secretary shall consult with appropriate representatives of industry, institutions of higher education, Federal agencies, including national laboratories, and professional and technical societies. The Secretary shall, with the advice of the Advisory Board established under section 2303, annually update and, as part of the report required under section 2113(f), resubmit the program plan to Congress.

(c) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary for carrying out this section $50,000,000 for the period encompassing fiscal years 1993 through 1997.

SEC. 2115. FUSION ENERGY.

(a) PROGRAM DIRECTION.—The Secretary shall conduct a program of research and development on fusion energy technologies. The cooperative effort to develop the International Thermonuclear Experimental Reactor program (hereafter in this section referred to as "ITER") shall be the main focus of the program established under this subsection. The Secretary shall encourage the effective participation of United States industry in the ITER program, and shall seek to ensure that United States industrial technological capability will continue to be able to support ITER.

(b) PROGRAM GOALS.—The goals of the program established under subsection (a) shall include—

(1) for the near-term—

(A) fully supporting United States participation in the Engineering Design Activity of the ITER program and development of the basis for effective participation in follow-on activities of the cooperative program;

(B) planning for the construction and operation of a major new machine for fusion research and development to provide experience with long pulse fusion phenomena or other critical research and development needs;

(C) supporting the development of technological capabilities for selected technical areas critical to fusion power and providing for significant industrial participation in the development of those technologies; and

(D) continuing research and development for the Inertial Fusion Energy Program and initiating the development of the Heavy Ion Inertial Confinement Fusion Energy Experiment;

(2) for the mid-term—

(A) participation in the ITER program after completion of the Engineering Design Activity, including preconstruction and other activities for an ITER facility;

(B) continuing research and development activities in support of a broad based fusion energy program;

(C) supporting the development of technological capabilities for selected technical areas critical to fusion power and providing for significant industrial participation in the development of those technologies; and

(D) developing, constructing, and testing a Heavy Ion Inertial Confinement Fusion Energy Experiment for the Inertial Fusion Energy Program; and

(3) for the long-term—

(A) participation in the ITER program, including construction, operation, and maintenance of an appropriate United States industrial technological base; and

(B) building and testing an inertial fusion energy reactor for the purpose of power production.

(c) REPORTS.—The Secretary, in consultation with the Advisory Board established under section 2303, shall prepare a detailed plan describing the work to be performed, resources to be committed, and milestone schedules for the following subprograms:

(1) Basic fusion energy science and research to support both the Magnetic Fusion Energy program and the Heavy Ion Inertial Confinement Fusion Energy program.

(2) The ITER.

(3) The Long Pulse Fusion Reactor.

(4) An Engineering and Technology Development program with industrial participation.

(5) The development and construction of a Heavy Ion Inertial Confinement Fusion Energy Experiment.

Each year, in conjunction with the submission of the annual budget to Congress, the Secretary shall submit a detailed report describing the progress made, including science and technical advancements, the resources committed during the previous years, expenditures, contracts with industry, and performance related to scheduled milestones.

(d) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary for carrying out this section $2,200,000,000 for the period encompassing fiscal years 1993 through 1997.

SEC. 2116. COAL.

(a) PROGRAM DIRECTION.—The Secretary shall conduct a program of research, development, and demonstration on advanced technologies that use coal to generate electricity in a more efficient and environmentally acceptable manner.

(b) PROGRAM GOALS.—The goals of the program established under subsection (a) shall include the development of technologies that—

(1) reduce United States oil imports and ensure a reliable electricity supply;

(2) comply with applicable environmental requirements; and

(3) would achieve the greatest practicable reduction of emissions of harmful pollutants, including greenhouse gases.

(c) COST SHARING.—In awarding grants, contracts, cooperative agreements, or other financial assistance under this section for technologies nearing the full scale demonstration stage, the Secretary may require cost sharing as provided in section 2305.

(d) AUTHORIZATION OF APPROPRIATIONS.—(1) There are authorized to be appropriated to the Secretary for carrying out this section $1,000,000,000 for the period encompassing fiscal years 1993 through 1997.

(2) There are authorized to be appropriated to the Secretary for—

(A) Operating Expenses for Program Direction and Management Support, Cooperative Research and Development, and Fossil Energy Environmental Restoration; and

(B) Plant and Capital Equipment, $500,000,000 for the period encompassing fiscal years 1993 through 1997.

(e) REPORT TO CONGRESS.—The Secretary shall provide a report to the Congress within one year after the date of enactment of this Act, investigating the technical and economic feasibility of blending farm crop products with coal to maximize indigenous fossil fuel resources and reduce sulfur emissions. The report shall identify key technical or economic issues that may provide obstacles to widespread use of fuel blends.

SEC. 2117. FUEL CELLS.

(a) PROGRAM DIRECTION.—The Secretary shall conduct a program of research, development, and demonstration on efficient and environmentally benign decentralized power generation using fuel cells. The program may include research, development, and demonstration activities on molten carbonate, solid oxide, including tubular, monolithic, and planar technologies, and advanced concepts.

(b) PROGRAM GOAL.—The goal of the program established under subsection (a) is the development of cost-effective, efficient, and environmentally benign fuel cell systems which will operate on fossil fuels in multiple end use sectors.

(c) COST SHARING.—In awarding grants, contracts, cooperative agreements, or other financial assistance under this section, the Secretary shall require cost sharing as provided in section 2305.

(d) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary for carrying out this section $200,000,000 for the period encompassing fiscal years 1993 through 1997.

SEC. 2118. ENVIRONMENTAL RESTORATION AND WASTE MANAGEMENT PROGRAM.

(a) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary for fiscal year 1993 $70,000,000 for the Fast Flux Test Facility to maintain the operational status of the reactor, such sums to be derived from amounts appropriated to the Secretary for the environmental restoration and waste management program.

(b) LONG-TERM MISSIONS.—The Secretary shall aggressively pursue the development and implementation of long-term missions for the Fast Flux Test Facility. Within 6 months after the date of enactment of this Act, the Secretary shall submit to the Congress a report on the progress made in carrying out this subsection.

SEC. 2119. EFFICIENT ELECTRIC ENERGY SYSTEMS.

The Renewable Energy and Energy Efficiency Technology Competitiveness Act of 1989 (42 U.S.C. 12001 et seq.) is amended by inserting after section 5 the following new section:

"SEC. 5A. EFFICIENT ELECTRIC ENERGY SYSTEMS.

"The goal for the High Temperature Superconductivity Energy Systems Program shall be to promote energy efficiency by carrying out a program of research and development of high temperature superconducting electric power equipment technologies. Research efforts shall emphasize—

"(1) activities that address near-term technical projects such as the development of superconducting materials that are in practical form and have increased electrical current capacity;

"(2) improving the efficiency of materials performance at higher temperatures and at all magnetic field orientations; and

"(3) assisting the private sector with designs for more efficient electric power generation and delivery systems for commercial marketplace which are cost competitive with conventional energy systems.".

SEC. 2120. ELECTRIC AND MAGNETIC FIELDS RESEARCH AND PUBLIC INFORMATION DISSEMINATION PROGRAMS.

(a) ELECTRIC AND MAGNETIC FIELDS INTERAGENCY COMMITTEE.—

(1) IN GENERAL.—The President shall, within 2 months after the date of the enactment of this Act, establish the Electric and Magnetic Fields Interagency Committee to coordinate the efforts of the Federal Government with respect to research on the possible human health effects of electric and magnetic fields, technologies to improve the measurement and characterization of electric and magnetic fields, and techniques to assess and manage exposure to electric and magnetic fields.

(2) DUTIES.—

(A) RESEARCH AGENDA.—Not later than 6 months after the date of the enactment of this Act, the Interagency Committee, in consultation with the Advisory Committee, shall develop and submit to the Congress a comprehensive agenda for conducting research on the possible human health effects of electric and magnetic fields, with particular emphasis on electric and magnetic fields produced by electricity of the 60 Hertz frequency. The Interagency Committee, in consultation with the Advisory Committee, shall update the agenda as often as necessary and submit the updated agenda to the Congress. The agenda shall include priorities for—

(i) research on biological mechanisms by which electric and magnetic fields interact with biological systems;

(ii) research and development of technologies to improve the measurement and characterization of electric and magnetic fields;

(iii) epidemiological research on the possible human health effects of electric and magnetic fields; and

(iv) research on techniques to assess and manage exposure to electric and magnetic fields.

(B) REVIEW OF FEDERAL PROGRAM.—The Interagency Committee shall review each electric and magnetic fields research project conducted under a Federal program or funded in whole or in part with Federal funds—

(i) to ensure that the research project advances the agenda and program established under this section; and

(ii) to ensure that the research project is not unnecessarily duplicative of any other such research project.

(C) RECOMMENDATIONS ON PUBLIC INFORMATION DISSEMINATION PROGRAM.—Not later than 5 months after the date of the enactment of this Act, the Interagency Committee shall submit to the Director recommendations concerning the scope and nature of the information to be disseminated under subsection (d). The Interagency Committee shall submit to the Director updated recommendations as often as necessary.

(3) MEMBERSHIP.—The Interagency Committee shall be composed of 8 members with 1 member appointed by each of the following:

(A) The Director of the National Institute of Environmental Health Sciences.

(B) The Secretary of Energy.

(C) The Administrator of the Environmental Protection Agency.

(D) The Secretary of Defense.

(E) The Administrator of the Occupational Safety and Health Administration.

(F) The Director of the National Institute of Standards and Technology.

(G) The Secretary of Transportation.

(H) The Administrator of the Rural Electrification Administration.

(4) CHAIRPERSON.—The member of the Interagency Committee who is appointed by the Director of the National Institute of Environmental Health Sciences under paragraph (3) shall be the chairperson of the Interagency Committee. The chairperson of the Interagency Committee shall be responsible for ensuring that the duties of the Interagency Committee are carried out.

(b) NATIONAL ELECTRIC AND MAGNETIC FIELDS ADVISORY COMMITTEE.—

(1) ESTABLISHMENT.—Not later than 2 months after the date of the enactment of this Act, the President shall establish the National Electric and Magnetic Fields Advisory Committee.

(2) DUTIES.—The Advisory Committee shall—

(A) make recommendations to the Interagency Committee with respect to the formulation of the research agenda referred to in subsection (a)(2)(A); and

(B) make recommendations to the Director with respect to the research program established under subsection (c), including the preparation of solicitations for proposals to conduct research under the program.

(3) MEMBERSHIP.—The Advisory Committee shall be composed of 11 members appointed by the President from among individuals who are representative of experts in possible human health effects of electromagnetic fields, experts in the measurement and characterization of electromagnetic fields, experts in the assessment and risk management of exposure to electromagnetic fields, State regulatory agencies, State health agencies, electric utilities, electrical equipment manufacturers, labor unions, and public interest groups.

(4) TERMINATION.—The Advisory Committee shall terminate within 2 months after the Advisory Committee submits the final report required under subsection (c)(4)(C).

(c) NATIONAL ELECTRIC AND MAGNETIC FIELDS RESEARCH PROGRAM.—

(1) IN GENERAL.—Within 9 months after the date of the enactment of this Act, the Director, after considering recommendations of the Advisory Committee, shall establish a program to carry out the agenda referred to in subsection (a)(2)(A).

(2) FINANCIAL ASSISTANCE.—

(A) IN GENERAL.—The Director may provide grants and other funding and enter into contracts to conduct research projects under the program established under paragraph (1).

(B) NON-FEDERAL CONTRIBUTIONS.—

(i) IN GENERAL.—Projects selected for funding in any fiscal year under this subsection may not be conducted unless the Director receives and provides non-Federal contributions for such projects in an amount that equals at least 50 percent of the total funding for all projects to be conducted in the fiscal year.

(ii) SOLICITATION OF CONTRIBUTIONS.—The Director shall within 30 days after the date of the enactment of this Act, solicit pledges for non-Federal contributions referred to in clause (i) from non-Federal entities that are established solely to provide non-Federal contributions under clause (i) and that have no substantive involvement in the program established under this section, other than to provide the non-Federal contributions.

(3) SOLICITATION AND SELECTION OF PROPOSALS.—

(A) IN GENERAL.—Within 15 months after the date of the enactment of this Act, and as often thereafter as the Director considers to be appropriate, the Director, in coordination with the Interagency Committee, shall solicit and select proposals to conduct projects under this subsection.

(B) CONSULTATION WITH ADVISORY COMMITTEE.—In preparing solicitations for proposals to conduct projects, the Director shall consult with the Advisory Committee.

(C) PEER REVIEW PANELS.—Before a proposal to conduct a project under this subsection may be selected by the Director, such proposal must be submitted to, and evaluated by, at least one scientific and technical peer review panel constituted by the Director.

(4) REPORTS.—

(A) REPORT UPON COMPLETION OF PROJECT.—Any person who conducts a project under the program established under paragraph (1) shall, upon completion of the project, submit to the National Academy of Sciences, the Interagency Committee, and the Advisory Committee a report summarizing the research activities and findings of the project.

(B) REPORT TO INTERAGENCY COMMITTEE AND ADVISORY COMMITTEE.—The Chairman of the National Academy of Sciences shall biennially submit to the Interagency Committee and the Advisory Committee a report that evaluates the research activities that have been completed under this subsection. The report shall include recommendations to promote the effective transfer of information derived from such research projects, including the transfer to representatives of State regulatory agencies, State health agencies, electric utilities, electrical equipment manufacturers, labor unions, and public interest groups.

(C) REPORTS TO CONGRESS.—The Interagency Committee and the Advisory Committee shall each biennially submit to the Congress a report summarizing the progress of the research program established under this subsection.

(5) CONFLICTS OF INTEREST.—The Director shall include conflict of interest provisions in any grant or other funding provided, or contract entered into, under the research program established under this subsection including provisions—

(A) that require any person conducting a project under such program to disclose any other source of funding received by the person to conduct other related projects, including funding received from consulting on issues relating to electric and magnetic fields; and

(B) that prohibit a person who has been awarded a grant or contract under this program from testifying in a court of law as an expert on the specific research he is conducting under such grant or contract.

(d) ELECTRIC AND MAGNETIC FIELDS PUBLIC INFORMATION DISSEMINATION PROGRAM.—

(1) IN GENERAL.—Within 6 months after the date of the enactment of this Act, the Director shall establish a program to collect, compile, publish, and disseminate to the public information on electric and magnetic fields, with particular emphasis on electric and magnetic fields produced by electricity of the 60 Hertz frequency. The Director, in coordination with the Interagency Committee, shall ensure that the information disseminated through the program is updated as often as necessary. The program shall include information regarding—

(A) the possible human health effects of electric and magnetic fields;

(B) the types and extent of human exposure to electric and magnetic fields in various occupational and residential settings;

(C) technologies to measure and characterize electric and magnetic fields; and

(D) methods to assess and manage exposure to electric and magnetic fields.

(2) INFORMATION PAMPHLET.—The program referred to in paragraph (1) shall include the development and dissemination of a pamphlet that would be useful to the public in the assessment and risk management of exposure to electric and magnetic fields. The pamphlet shall be developed and disseminated within 2 years of the date of the enactment of this Act and shall be updated as often as necessary.

(e) DEFINITIONS.—For purposes of this section:

(1) The term "Advisory Committee" means the National Electric and Magnetic Fields Advisory Committee established under subsection (b).

(2) The term "Interagency Committee" means the Electric and Magnetic Fields Interagency Committee established under subsection (a).

(3) The term "Director" means the Director of the National Institute of Environmental Health Sciences.

(4) The term "State" means each of the 50 States, the District of Columbia, the Commonwealth of Puerto Rico, the Commonwealth of the Northern Mariana Islands, Guam, the Virgin Islands, American Samoa, the Trust Territory of the Pacific Islands, and any other commonwealth, territory, or possession of the United States.

(f) AUTHORIZATION OF APPROPRIATIONS.—

(1) GENERAL AUTHORIZATION.—There are authorized to be appropriated to the Director $60,000,000 for the period encompassing fiscal years 1993 through 1997 to carry out the provisions of this section except for the provisions of subsection (d). Any amounts appropriated pursuant to this paragraph shall remain available until expended.

(2) PUBLIC INFORMATION DISSEMINATION PROGRAM.—There are authorized to be appropriated to the Director $1,000,000 for each of fiscal years 1993 through 1997 to carry out the provisions of subsection (d). Any amounts appropriated pursuant to this paragraph shall remain available until expended.

(3) RESTRICTIONS ON USE OF FUNDS.—

(A) ADMINISTRATIVE EXPENSES OF CERTAIN FUNDING RECIPIENTS.—Of the total amount of funds provided to any institution under subsection (c), the amount of such funds that may be used for the administrative indirect costs of the institution may not exceed 26 percent of the modified direct costs of the project funded by the grant.

(B) ADMINISTRATIVE EXPENSES OF THE NATIONAL INSTITUTE OF ENVIRONMENTAL HEALTH SCIENCES.—Of the total amount of funds made available under this section for any fiscal year, not more than 5 percent of such funds may be used for authorized administrative expenses of the National Institute of Environmental Health Sciences in carrying out this section.

(C) CONSTRUCTION AND REHABILITATION OF FACILITIES AND EQUIPMENT.—Funds made available under this section may not be used for the construction or rehabilitation of facilities or fixed equipment.

Subtitle C—Pollution Prevention, Information, and Audits

SEC. 2121. ENERGY EFFICIENT POLLUTION PREVENTION PROGRAM.

(a) PROGRAM DIRECTION.—The Secretary, in consultation with the Administrator of the Environmental Protection Agency, is authorized to continue to carry out an Energy Efficient Pollution Prevention Program for the purpose of carrying out research, development, and demonstration on energy efficient pollution prevention technologies and processes, emphasizing source reduction and a systems approach to minimizing adverse environmental effects of industrial production in the most cost-effective and energy efficient manner.

(b) IDENTIFICATION OF TARGETS OF OPPORTUNITY.—Within 9 months after the date of enactment of this Act, the Secretary, in consultation with the Administrator of the Environmental Protection Agency, shall identify targets of opportunity for the demonstration of energy efficient pollution prevention technologies and processes, taking into consideration the total materials and energy cycle, and with the goal of minimizing adverse environmental effects.

(c) PROPOSALS.—Within 1 year after the date of enactment of this Act, the Secretary, in consultation with the Administrator of the Environmental Protection Agency, shall solicit proposals for research, development, and demonstration projects under this section. Proposals submitted under this subsection shall demonstrate that the proposed project includes—

(1) technically viable and replicable cost-effective approaches; and

(2) procedures for technology transfer and information outreach during and after completion of the project.

(d) COST SHARING.—In awarding grants, contracts, cooperative agreements, or other financial assistance under this section, the Secretary shall require cost sharing as provided in section 2305.

(e) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary for carrying out this section $75,000,000 for the period encompassing fiscal years 1993 through 1997.

TITLE XXII—ENERGY AND ECONOMIC GROWTH

SEC. 2201. NATIONAL CRITICAL ADVANCED MATERIALS INITIATIVE.

(a) PROGRAM DIRECTION.—The Secretary shall establish a National Critical Advanced Materials Initiative in the Office of Assistant Secretary for Conservation and Renewable Energy for the purpose of carrying out a program of research, development, and demonstration on techniques not commercially available for processing, synthesizing, fabricating, and manufacturing of critical advanced materials and associated components that have energy efficiency and renewable energy applications, to supplement ongoing activities of a similar nature at the Department of Energy. Such program shall include field demonstrations of sufficient scale and number in operating environments to prove technical and economic feasibility.

(b) PROGRAM GOAL.—The goal of the program established under subsection (a) shall be to accelerate research, development, and demonstration of critical advanced materials not commercially available to expedite the deployment of high performance energy efficient and renewable energy technologies in the industrial, transportation, and buildings sectors that can foster economic growth and competitiveness.

(c) PROGRAM PLAN.—Within 180 days after the date of enactment of this Act, the Secretary, in consultation with appropriate representatives of industry, institutions of higher education, Department of Energy National Laboratories, and professional and technical societies, shall prepare and submit to the Congress a 5-year program plan to guide research, development, and demonstration activities under this section. The Secretary, with the advice of the Advisory Board established under section 2303, shall biennially update and, as part of the report required under section 15 of the Federal Nonnuclear Energy Research and Development Act of 1974 (42 U.S.C. 5914), resubmit the program plan to Congress.

(d) PROPOSALS.—

(1) SOLICITATION.—Within 1 year after the date of enactment of this Act, the Secretary shall solicit proposals from eligible parties for conducting research, development, and demonstration activities consistent with the 5-year program plan. Such proposals may be submitted by one or more eligible parties, and may include any funding mechanisms otherwise authorized under Federal law.

(2) CONTENTS OF PROPOSALS.—Proposals submitted under this subsection shall include—

(A) an explanation of how the proposal will expedite the commercialization of critical advanced materials in energy efficiency or renewable energy in the near-term to mid-term;

(B) evidence of consideration of whether the unique capabilities of Department of Energy National Laboratories warrants collaboration with such Laboratories, and the extent of such collaboration proposed;

(C) a description of the extent to which the proposal includes collaboration with relevant industry or other groups or organizations; and

(D) a demonstration of the ability of the proposers to undertake and complete the project proposed.

(e) COST SHARING.—In awarding grants, contracts, cooperative agreements, or other financial assistance under this section, the Secretary shall require cost sharing as provided in section 2305.

(f) GENERAL SERVICES ADMINISTRATION INSERTION DEMONSTRATION PROGRAM.—The Secretary, in consultation with the Administrator of General Services, shall establish a program to expedite the use, in goods and services acquired by the General Services Administration, of critical advanced materials technologies. Such program shall include a demonstration of the use of critical advanced materials technologies in such operating environments as may be necessary to establish technical and operating reliability. The Secretary shall transfer funds to the General Services Administration for carrying out this subsection.

(g) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary—

(1) $150,000,000 for the period encompassing fiscal years 1993 through 1997 for carrying out subsections (a) through (d), including Department of Energy National Laboratory participation in proposals submitted under subsection (d), of which ⅔ shall be for energy efficiency applications and ⅓ shall be for renewable energy applications; and

(2) $15,000,000 for the period encompassing fiscal years 1993 through 1997 for carrying out subsection (f), including transferring funds to the General Services Administration.

SEC. 2202. NATIONAL CRITICAL ADVANCED MANUFACTURING TECHNOLOGIES INITIATIVE.

(a) PROGRAM DIRECTION.—The Secretary shall establish a National Critical Advanced Manufacturing Technologies Initiative in the Office of Assistant Secretary for Conservation and Renewable Energy for the purpose of carrying out a program of research, development, and demonstration on critical advanced manufacturing technologies not commercially available to improve energy efficiency and productivity in manufacturing, to supplement ongoing activities of a similar nature at the Department of Energy. Such program shall include field demonstrations of sufficient scale and number in operating environments to prove technical and economic feasibility.

(b) PROGRAM GOAL.—The goal of the program established under subsection (a) shall be to accelerate research, development, and demonstration of critical advanced manufacturing technologies to expedite improved productivity, quality, and control in manufacturing processes that can foster economic growth, energy efficiency, and competitiveness.

(c) PROGRAM PLAN.—Within 180 days after the date of enactment of this Act, the Secretary, in consultation with appropriate representatives of industry, institutions of higher education, Department of Energy National Laboratories, and professional and technical societies, shall prepare and submit to the Congress a 5-year program plan to guide research, development, and demonstration activities under this section. The Secretary, with the advice of the Advisory Board established under section 2303, shall biennially update and, as part of the report required under section 15 of the Federal Nonnuclear Energy Research and Development Act of 1974 (42 U.S.C. 5914), resubmit the program plan to Congress.

(d) PROPOSALS.—

(1) SOLICITATION.—Within 1 year after the date of enactment of this Act, the Secretary shall solicit proposals from eligible parties for conducting research, development, and demonstration activities consistent with the 5-year program plan. Such proposals may be submitted by one or more eligible parties, and may include any funding mechanisms otherwise authorized under Federal law.

(2) CONTENTS OF PROPOSALS.—Proposals submitted under this subsection shall include—

(A) an explanation of how the proposal will expedite the commercialization of critical advanced manufacturing technologies to improve energy efficiency in the building, industry, and transportation sectors;

(B) evidence of consideration of whether the unique capabilities of Department of Energy National Laboratories warrants collaboration with such Laboratories, and the extent of such collaboration proposed;

(C) a description of the extent to which the proposal includes collaboration with relevant industry or other groups or organizations; and

(D) a demonstration of the ability of the proposers to undertake and complete the project proposed.

(e) COST SHARING.—In awarding grants, contracts, cooperative agreements, or other financial assistance under this section, the Secretary shall require cost sharing as provided in section 2305.

(f) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary $50,000,000 for the period encompassing fiscal years 1993 through 1997 for carrying out this section, including Department of Energy National Laboratory participation in proposals submitted under subsection (d).

SEC. 2203. SUPPORTING RESEARCH AND TECHNICAL ANALYSIS.

(a) BASIC ENERGY SCIENCES.—

(1) PROGRAM DIRECTION.—The Secretary shall continue to support a vigorous program of basic energy sciences to provide basic research support for the development of energy technologies. Such program shall focus on the efficient production and use of energy, and the expansion of our knowledge of materials, chemistry, geology, and other related areas of advancing technology development.

(2) USER FACILITIES.—(A) As part of the program referred to in paragraph (1), priority shall be given to the planning, construction, and operation of user facilities to provide special scientific and research capabilities, including technical expertise and support as appropriate, to serve the research needs of our Nation's universities, industry, private laboratories, Federal Laboratories, and others. Research institutions or individuals from other nations shall be accommodated at such user facilities in cases where reciprocal accommodations are provided to United States research institutions and individuals or where the Secretary considers such accommodation to be in the national interest.

(B) The construction of the Advanced Photon Source at the Argonne National Laboratory is hereby authorized.

(C) The Secretary shall not change the user fee practice in effect as of October 1, 1991, with respect to user facilities unless expressly so authorized by law enacted after the date of enactment of this Act.

(D) The Secretary shall expedite the construction of the Advanced Neutron Source at the Oak Ridge National Laboratory, in order to provide critical research capabilities in support of our Nation's research initiatives for advanced materials, biotechnology, and advanced manufacturing, as well as a broad range of research. Within 90 days after the date of enactment of this Act, the Secretary shall submit to the Congress a plan for such construction, including a schedule for construction.

(3) COST SHARING.—Except as provided in a cooperative research and development agreement, the Secretary shall not require the use of non-Federal funds for research pursuant to this subsection.

(4) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary for carrying out this subsection $5,100,000,000 for the period encompassing fiscal years 1993 through 1997.

(b) UNIVERSITY AND SCIENCE EDUCATION.—

(1) The Secretary shall support programs for improvements and upgrading of university research reactors and associated instrumentation and equipment. Within 1 year after

the date of enactment of this Act, the Secretary shall submit to the Congress a report on the condition and status of university research reactors, which includes a 5-year plan for upgrading and improving such facilities, instrumentation capabilities, and related equipment.

(2) The Secretary shall develop a method to evaluate the effectiveness of science and mathematics education programs provided by the Department of Energy and its laboratories, including specific evaluation criteria.

(3)(A)(i) The Director of the Office of Energy Research shall operate an Experimental Program to Stimulate Competitive Research (hereafter in this paragraph referred to as the "Experimental Program") as part of the Department of Energy's University and Science Education Programs.

(ii) The objectives of the Experimental Program shall be—

(I) to enhance the competitiveness within the peer-review system of investigators from academic institutions in eligible States; and

(II) to increase the probability of long-term growth of competitive funding to investigators at institutions from eligible States.

(iii) In order to carry out the objectives stated in clause (ii), the Experimental Program shall provide for activities which may include (but not be limited to) competitive research awards and graduate traineeships.

(iv) The Experimental Program shall assist those States that—

(I) historically have received relatively little Federal research and development funding; and

(II) have demonstrated a commitment to develop their research bases and improve science and engineering research and education programs at their universities and colleges.

(B) For purposes of this paragraph, the term "eligible States" means States that received DOE-EPSCoR planning or traineeship grants in fiscal year 1991 or fiscal year 1992.

(C) No more than $5,000,000 of the funds appropriated to the Experimental Program in any fiscal year are authorized to be appropriated for graduate traineeships.

(c) TECHNOLOGY TRANSFER.—The Secretary shall support technology transfer activities conducted by the National Laboratories. Within 1 year after the date of enactment of this Act, the Secretary shall submit to the Congress a report on the adequacy of funding for such activities, along with a proposal for reducing the length of time required to consummate cooperative research and development agreements.

(d) FACILITIES SUPPORT FOR MULTIPROGRAM ENERGY LABORATORIES.—

(1) FACILITY POLICY.—The Secretary shall develop and implement a least cost strategy for correcting facility problems, closing unneeded facilities, making facility modifications, and building new facilities at multiprogram energy laboratories.

(2) FACILITY PLAN.—Within 1 year after the date of enactment of this Act, the Secretary shall prepare and submit to the Congress a comprehensive plan for conducting future facility maintenance, making repairs, modifications, and new additions, and constructing new facilities at multiprogram energy laboratories. Such plan shall provide for the organized conduct of facilities work in accordance with the following priorities, listed in descending order of priority:

(A) Providing for the safety and health of employees, visitors, and the general public with regard to correcting existing structural, mechanical, electrical, and environmental deficiencies.

(B) Providing for the repair and rehabilitation of existing facilities to keep them in use and prevent deterioration.

(C) Providing engineering design and construction services for those facilities which require modification or additions in order to meet the needs of new or expanded programs. Such plan shall include plans for new facilities and facility modifications which will be required to meet the Department of Energy's changing missions of the twenty-first century, including schedules and estimates for implementation, and including a section outlining long-term funding requirements consistent with anticipated budgets and annual authorization of appropriations. Such plan shall address the coordination of modernization and consolidation of facilities in order to meet changing mission requirements, and shall provide for annual reports to Congress on accomplishments, conformance to schedules, commitments, and expenditures.

(e) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary for Supporting Research and Technical Analysis, other than for Basic Energy Sciences, $900,000,000 for the period encompassing fiscal years 1993 through 1997.

SEC. 2204. INTEGRATION OF RESEARCH AND DEVELOPMENT.

(a) PROGRAM PLAN.—Within 180 days after the date of enactment of this Act, the Secretary, in consultation with appropriate representatives of industry, institutions of higher education, Department of Energy National Laboratories, and professional and technical societies, shall prepare and submit to Congress a 5-year program plan for improving the integration of basic and applied renewable energy and energy efficiency research and development within the Department of Energy. Such program plan shall include—

(1) an evaluation of current procedures and mechanisms used to integrate basic and applied renewable energy and energy efficiency research and development within the Department of Energy;

(2) an assessment of the role that the Department of Energy National Laboratories play in the integration of basic and applied renewable energy and energy efficiency research and development within the Department of Energy;

(3) an identification and evaluation of models that could enhance integration, with particular attention to combustion research and development and materials research and development at the Department of Energy National Laboratories;

(4) an identification and evaluation of new programs, mechanisms, and related policy options that could improve the integrating process, including—

(A) set aside funding for matching or leveraging basic and applied renewable energy and energy efficiency research and development programs;

(B) more formal linkages; and

(C) program coordination;

(5) recommendations for expanded research and development and new technology areas; and

(6) budget estimates for activities under this section.

(b) APPLIED RESEARCH AND DEVELOPMENT.—For purposes of this section, applied research and development includes end use engineering and technology development, but does not include commercialization.

SEC. 2205. DEFINITIONS.

For purposes of this title—

(1) the term "critical advanced manufacturing technology" means processes, equipment, techniques, practices, and capabilities that are applied for the purpose of—

(A) improving the productivity, quality, and energy efficiency of the design, development, testing, and manufacture of a product; or

(B) expanding the technical capability to design, develop, test, and manufacture a product that is fundamentally different in character from existing products and that will result in improved energy efficiency;

(2) the term "critical advanced materials" means materials that are processed, synthesized, fabricated, and manufactured to develop high performance properties that exceed the corresponding properties of conventional materials for structural, electronic, magnetic, or photonic applications, or for joining, welding, bonding, or packaging components into complex assemblies, including—

(A) advanced monolithic materials such as metals, ceramics, and polymers;

(B) advanced composite materials such as metal matrix (including intermetallics), polymer matrix, ceramic matrix, continuous fiber ceramic composite, and carbon matrix composites; and

(C) advanced electronic, magnetic, and photonic materials, including semiconductor, electrooptic, magnetooptic, thin-film, and special purpose coating materials used in technologies for energy efficiency, renewable energy, or electric power applications;

(3) the term "eligible party" includes an entity only if—

(A) the Secretary finds that the entity's participation would be in the economic interest of the United States, as evidenced by—

(i) investments in the United States in research, development, and manufacturing (including, for example, the development and manufacture of major components or subassemblies in the United States);

(ii) significant contributions to employment in the United States;

(iii) agreement with respect to any technology arising from assistance provided under this title to promote the manufacture within the United States of products resulting from that technology (taking into account the goals of promoting the competitiveness of United States industry), and to procure parts and materials from competitive suppliers; and

(iv) provision of effective protection for the intellectual property rights of the United States; and

(B) either—

(i) the entity is United States-owned; or

(ii) the Secretary finds that the entity is organized under the laws of the United States or of one of the States of the United States and has a parent company which is incorporated in a country which affords to United States-owned companies opportunities, comparable to those afforded to any other company, to participate in any program similar to those authorized under this title; affords to United States-owned companies local investment opportunities comparable to those afforded to any other company; and affords adequate and effective protection for the intellectual property rights of United States-owned companies; and

(4) the term "United States" means the 50 States of the United States, the District of Columbia, the Commonwealth of Puerto Rico, the United States Virgin Islands, Guam, the Northern Mariana Islands, and any other territory or possession of the United States.

TITLE XXIII—POLICY AND ADMINISTRATIVE PROVISIONS

SEC. 2301. COOPERATIVE RESEARCH AND DEVELOPMENT AGREEMENTS IN ENERGY TECHNOLOGY.

(a) REDUCED PROCESSING TIME.—The Secretary shall take such steps as are necessary to expedite procedures for reviewing cooperative research and development agreements entered into by the Department of Energy or its laboratories to make the administrative review process consistent with those at other Federal agencies and their laboratories.

(b) REPORT TO CONGRESS.—The Secretary shall, with the advice of the Advisory Board established under section 2303, by December 15 of each year, submit a report to Congress that—

(1) identifies cooperative research and development agreements and other agreements intended to expedite the transfer of technologies from Department of Energy laboratories that are then in effect or under negotiation;

(2) specifies the technology with respect to which each such agreement applies or will apply;

(3) identifies the resources committed by the partners to each such agreement, including Department of Energy laboratories; and

(4) provides, to the extent available, information on—

(A) the date each such agreement was proposed;

(B) the date of final approval; and

(C) the reasons for any significant time delay.

(c) COOPERATIVE RESEARCH AND DEVELOPMENT AGREEMENT FUNDING.—Program funds authorized for Conservation Research and Development and Fossil Energy Research and Development may be used for the support of customary activities related to the negotiation and execution of cooperative research and development agreements by Department of Energy laboratories.

SEC. 2302. POLICY ON CAPITAL PROJECTS AND CONSTRUCTION.

(a) REQUIREMENT OF PRIOR AUTHORIZATION.—(1) No funds are authorized to be appropriated under title XX, XXI, XXII, XXIII, or XXIV of this Act by the Secretary for any substantial construction project, substantial equipment acquisition, or major construction project unless a report on such project or acquisition has been provided to Congress in accordance with subsection (b).

(2) The Secretary may not obligate any funds for any substantial construction project, substantial equipment acquisition, or major construction project unless such project or acquisition has been specifically authorized by statute.

(3) This subsection may not be amended or modified except by specific reference to this subsection.

(b) REPORTS TO CONGRESS.—(1) Within 180 days after the date of enactment of this Act, the Secretary shall submit to the Congress a report that identifies all construction projects and acquisitions of the Department of Energy described in subsection (a) for which the preliminary design phase is completed but the construction or acquisition is not completed. Such report shall include—

(A) an estimate of the total cost of completion of the construction project or acquisition, itemized by individual activity and by fiscal year; and

(B) an identification of which construction projects or acquisitions have not been specifically authorized by statute, along with an assessment of the relation of each such construction project or acquisition to the goals stated in section 2002.

The Secretary shall annually update and resubmit the report required by this paragraph, as part of the report required under section 15 of the Federal Nonnuclear Energy Research and Development Act of 1974 (42 U.S.C. 5914).

(2) The Secretary shall, after completion of the preliminary design phase of a major construction project, submit to the Congress a report containing—

(A) an estimate of the total cost of construction of the facility;

(B) an estimate of the time required to complete construction;

(C) an estimate of the annual operating costs of the facility;

(D) the intended useful operating life of the facility; and

(E) an identification of any existing facilities to be closed as a result of the operation of the facility.

(c) DEFINITIONS.—For purposes of this section—

(1) the term "major construction project" means a project whose construction costs are estimated to exceed **$100,000,000** over the life of the project;

(2) the term "substantial construction project" means a project whose construction costs are estimated to exceed **$10,000,000**, but not to exceed **$100,000,000**, over the life of the project; and

(3) the term "substantial equipment acquisition" means the acquisition of equipment at a cost estimated to exceed **$10,000,000** for the entire acquisition.

SEC. 2303. ENERGY RESEARCH, DEVELOPMENT, AND DEMONSTRATION ADVISORY BOARD.

(a) ESTABLISHMENT.—The Secretary shall establish an Energy Research, Development, and Demonstration Advisory Board (hereafter in this section referred to as the "Advisory Board").

(b) RESPONSIBILITIES.—The Advisory Board shall provide impartial technical advice to the Secretary to assist in the development of energy research, development, and demonstration plans and reports under sections 6 and 15 of the Federal Nonnuclear Energy Research and Development Act of 1974 (42 U.S.C. 5905 and 5914), under section 801 of the Department of Energy Organization Act (42 U.S.C. 7321), and as otherwise provided in titles XX through XXIV of this Act. The Advisory Board shall also periodically review such plans and reports and their implementation in relation to the goals stated in section 2002 of this Act, and report the results of such review to the Secretary and the Congress.

(c) MEMBERSHIP.—The Advisory Board shall be composed of 11 voting members, appointed by the Secretary from among individuals who are qualified by education, training, and experience to evaluate scientific and technical information on matters referred to the Advisory Board. The membership shall represent a range of scientific and technological expertise that reflects the range of energy research, development, and demonstration programs conducted by the Department of Energy. At least 1 member shall have expertise in the environmental sciences related to the production and consumption of energy. Additionally, the Director of the Office of Energy Research shall serve as an ex officio, nonvoting member of the Advisory Board.

(d) TERMS.—(1) Except as provided in paragraph (2), voting members of the Advisory Board shall serve 3-year terms.

(2) Of the voting members of the Advisory Board initially appointed under subsection (c)—

(A) 4 shall be appointed to 2-year terms; and

(B) 3 shall be appointed to 1-year terms.

(e) CHAIRPERSON.—At the first meeting each year of the Advisory Board, the members shall elect a chairperson from among the membership, who shall serve in such position for 1 year.

(f) MEETINGS.—The Advisory Board shall meet at least once a year.

(g) PANELS.—The Advisory Board, after consultation with the Secretary, may establish such panels as the Advisory Board considers appropriate to develop information, reports, advice, and recommendations for the use of the Advisory Board in carrying out this section.

(h) COMPENSATION.—Each member of the Advisory Board who is not otherwise employed by the Federal Government shall be paid at a rate equal to the daily equivalent of the rate of basic pay payable for GS-18 of the General Schedule for each day (including travel time) during which such member is engaged in the actual performance of the responsibilities of the Advisory Board.

(i) CONFLICT OF INTEREST.—Each member of the Advisory Board shall be subject to the requirements of sections 603 and 604 of the Department of Energy Act (42 U.S.C. 7213 and 7214).

(j) REPORTS TO CONGRESS.—(1) The Advisory Board shall annually submit a report to the Congress on its activities and progress toward meeting its responsibilities under this section. Such report shall be made a part of the report required under section 15 of the Federal Nonnuclear Energy Research and Development Act of 1974 (42 U.S.C. 5914).

(2) The Advisory Board shall prepare and submit to the Congress before February 15 of each year a report on electric generating technology appropriate for demonstration. This report shall recommend—

(A) priorities for demonstration including the size and scale of the demonstration unit;

(B) cost sharing guidelines for projects that demonstrate such technologies;

(C) recommendations for levels of funding for such demonstrations; and

(D) an assessment of completed demonstration projects that identifies the problem areas and recommends improvements.

(k) TERMINATION.—The Advisory Board shall terminate 5 years after the establishment of such Board.

SEC. 2304. AMENDMENTS TO EXISTING LAW.

(a) FEDERAL NONNUCLEAR ENERGY RESEARCH AND DEVELOPMENT ACT OF 1974 AMENDMENTS.—Section 6 of the Federal Nonnuclear Energy Research and Development Act of 1974 (42 U.S.C. 5905) is amended—

(1) in subsection (a)—

(A) by striking "the Administrator" and inserting in lieu thereof "the Department of Energy Act (42 U.S.C. 7101 et seq.), and titles XX through XXV of the Comprehensive National Energy Policy Act, the Secretary, in consultation with the Advisory Board established under section 2303 of the Comprehensive National Energy Policy Act,";

(B) by striking "(to the early 1980's)" in paragraph (1) and inserting in lieu thereof "(the period up to 5 years after submission of the plan or its annual revision)";

(C) by striking "(the early 1980's to 2000)" in paragraph (2) and inserting in lieu thereof "(the period from 5 years to 10 years after submission of the plan or its annual revision)"; and

(D) by striking "(beyond 2000)" in paragraph (3) and inserting in lieu thereof "(the period beyond 10 years after submission of the plan or its annual revision)";

(2) in subsection (b)—

(A) by striking "Administrator" in paragraphs (1) and (2) and inserting in lieu thereof "Secretary, in consultation with the Advisory Board established under section 2303 of the Comprehensive National Energy Policy Act,";

(B) by inserting "Such program shall be updated and transmitted to the Congress annually as part of the report required under section 15." at the end of paragraph (1);

(C) by striking "(to the early 1980's), middle-term (the early 1980's to 2000), and long-term (beyond 2000) time intervals" in paragraph (2) and inserting in lieu thereof ", middle-term, and long-term time intervals described in subsection (a)(1) through (3)";

(D) by striking "Administrator" each place it appears in paragraph (3) and inserting in lieu thereof "Secretary";

(E) by striking "and" at the end of paragraph (3)(P);

(F) by striking the period at the end of paragraph (3)(Q) and inserting in lieu thereof a semicolon; and

(G) by adding at the end of paragraph (3) the following new subparagraphs:

"(R) to implement the Renewable Energy and Energy Efficiency Technology Competitiveness Act of 1989 (42 U.S.C. 12001 et seq.); and

"(S) to implement titles XX through XXIV of the Comprehensive National Energy Policy Act."; and

(3) in subsection (c)—

(A) by striking "Administrator" and inserting in lieu thereof "Secretary, in consultation with the Advisory Board established under section 2303 of the Comprehensive National Energy Policy Act,"; and

(B) by inserting "Such program shall be updated and transmitted to the Congress annually as part of the report required under section 15." after "and demonstration plans.".

(b) RENEWABLE ENERGY AND ENERGY EFFICIENCY TECHNOLOGY COMPETITIVENESS ACT OF 1989 AMENDMENT.—Section 9(b)(4) of the Renewable Energy and Energy Efficiency Technology Competitiveness Act of 1989 (42 U.S.C. 12006(b)(4)) is amended by inserting "and the plan developed under section 6 of the Federal Nonnuclear Energy Research and Development Act of 1974 (42 U.S.C. 5905)" after "(42 U.S.C. 7321)".

SEC. 2305. COST SHARING.

Proposals submitted under provisions of titles XX through XXIV this Act requiring cost sharing shall, except as otherwise specifically provided in those provisions, include a commitment from non-Federal sources for providing, in cash or in kind, between 20 and 50 percent of the cost of the project proposed. Each such proposal shall include a justification of the non-Federal percentage proposed. The Secretary may reduce or eliminate the non-Federal percentage requirement under this section if the Secretary determines that research under the proposal is of a more basic or fundamental nature.

SEC. 2306. COMPREHENSIVE ENERGY RESEARCH, DEVELOPMENT, AND DEMONSTRATION PLAN AND PROGRAM.

(a) ENERGY TECHNOLOGY INVENTORY AND STATUS REPORT.—As part of the National Energy Policy Plan required under section 801 of the Department of Energy Organization Act (42 U.S.C. 7321), the Secretary, with the advice of the Advisory Board established under section 2303 of this Act, shall develop an inventory and status report of technologies to enhance energy supply and to improve the efficiency of energy end uses. The inventory and status report shall include fossil, renewable, nuclear, and energy conservation technologies which have not yet achieved the status of fully reliable and cost-competitive commercial availability, but which the Secretary projects may become available with additional research, development, and demonstration. The inventory and status report shall provide, for each technology—

(1) an assessment of its—

(A) degree of technological maturity; and

(B) principal research, development, and demonstration issues, including—

(i) the barriers posed by capital, operating, and maintenance costs;

(ii) technical performance; and

(iii) potential environmental impacts;

(2) the projected time frame for commercial availability, specifying at a minimum whether the technology will be commercially available in the near-term, mid-term, or long-term, whether there are too many uncertainties to project availability, or whether it is unlikely that the technology will ever be commercial; and

(3) a projection of the future cost-competitiveness of the technology in comparison with alternative technologies to provide the same energy service.

The Secretary shall publish the proposed report for a written public comment period of at least 90 days. The Secretary shall consider such comments and include a summary thereof in the report.

(b) RESEARCH AND DEVELOPMENT PRIORITIES.—As part of the National Energy Policy Plan required under section 801 of the Department of Energy Organization Act (42 U.S.C. 7321), the Secretary shall establish comprehensive energy research, development, and demonstration program priorities to give highest priority to the development of technologies assessed in the energy technology inventory and status report that will enable the United States to meet the goals stated in section 2002 of this Act.

SEC. 2307. COSTS RELATED TO DECOMMISSIONING AND THE STORAGE AND DISPOSAL OF NUCLEAR WASTE.

(a) AWARD OF CONTRACTS.—

(1) PRIME CONTRACTORS.—In awarding contracts to perform nuclear hot cell services, the Secretary, in evaluating bids for such contracts, shall exclude from consideration costs related to the decommissioning of nuclear facilities or the storage and disposal of nuclear waste, if—

(A) one or more of the parties bidding to perform such services is a United States company that is subject to such costs; and

(B) one or more of the parties bidding to perform such services is a foreign company that is not subject to comparable costs.

(2) SUBCONTRACTORS.—Any person awarded a contract subject to the restrictions described in paragraph (1) who subcontracts with a person to perform the services described in such paragraph shall be subject to the same restrictions in evaluating bids among potential subcontractors, as the Secretary was subject to in evaluating bids among prime contractors.

(b) ISSUANCE OF REGULATIONS.—The Secretary shall issue regulations not later than 90 days after the date of the enactment of this Act to carry out the requirements of subsection (a).

(c) DEFINITIONS.—As used in this section—

(1) the term "costs related to decommissioning of nuclear facilities" means any cost associated with the compliance with regulatory requirements governing the decommissioning of nuclear facilities licensed by the Nuclear Regulatory Commission;

(2) the term "costs related to storage and disposal of nuclear waste" means any costs, whether required by regulation or incurred as a matter of prudent business practice, associated with the storage or disposal of nuclear waste;

(3) the term "nuclear hot cell services" means services related to the examination of, or performance of various operations on, nuclear fuel rods, control assemblies, or other components that are emitting large quantities of ionizing radiation; and

(4) the term "nuclear waste" means any radioactive waste material subject to regulation by the Nuclear Regulatory Commission or the Department of Energy.

SEC. 2308. USE OF DOMESTIC PRODUCTS.

(a) PROHIBITION AGAINST FRAUDULENT USE OF "MADE IN AMERICA" LABELS.—(1) A person shall not intentionally affix a label bearing the inscription of "Made in America", or any inscription with that meaning, to any product sold in or shipped to the United States, if that product is not a domestic product.

(2) A person who violates paragraph (1) shall not be eligible for any contract for a procurement carried out with amounts authorized under title XX, XXI, XXII, XXIII, or XXIV of this Act, including any subcontract under such a contract pursuant to the debarment, suspension, and ineligibility procedures in subpart 9.4 of chapter 1 of title 48, Code of Federal Regulations, or any successor procedures thereto.

(b) COMPLIANCE WITH BUY AMERICAN ACT.—(1) Except as provided in paragraph (2), the head of each agency which conducts procurements shall ensure that such procurements are conducted in compliance with sections 2 through 4 of the Act of March 3, 1933 (41 U.S.C. 10a through 10c, popularly known as the "Buy American Act").

(2) This subsection shall apply only to procurements made for which—

(A) amounts are authorized by title XX, XXI, XXII, XXIII, or XXIV of this Act to be made available; and

(B) solicitations for bids are issued after the date of enactment of this Act.

(3) The Secretary, before January 1, 1994, shall report to the Congress on procurements covered under this subsection of products that are not domestic products.

(c) DEFINITIONS.—For the purposes of this section, the term "domestic product" means a product—

(1) that is manufactured or produced in the United States; and

(2) at least 50 percent of the cost of the articles, materials, or supplies of which are mined, produced, or manufactured in the United States.

SEC. 2309. LIMITATION ON APPROPRIATIONS.

Appropriations for activities with respect to which specific amounts are authorized under title XX, XXI, XXII, XXIII, or XXIV of this Act may not be made to the extent such appropriations provide for allocations of amounts not explicitly provided for in such titles.

SEC. 2310. RENEWABLE ENERGY AND OCEAN RESOURCES CENTER.

(a) FEASIBILITY STUDY.—The Secretary of Energy shall conduct a feasibility study of establishing a national laboratory able to carry out research, development, and technology transfer activities on—

(1) solar and renewable energy;

(2) energy storage, including the production of hydrogen from renewable energy;

(3) materials applications related to energy and marine environments;

(4) other environmental and ocean resource concepts, including global climate change; and

(5) other matters as the Secretary of Energy may direct.

(b) REPORT TO CONGRESS.—Not later than 180 days after the date of enactment of this Act, the Secretary shall transmit a report on the study conducted in subsection (a) to Congress.

SEC. 2311. UNCOSTED OBLIGATIONS.

(a) REPORT.—Along with the submission of each of the President's annual budget requests to Congress, the Secretary shall submit to Congress a report which—

(1) identifies the amount of Department of Energy funds that were, as of the end of the previous fiscal year—

(A) committed uncosted obligations; and

(B) uncommitted uncosted obligations;

(2) specifically describes the purposes for which all such funds are intended; and

(3) explains the effect that information contained in the report has had on the annual budget request for the Department of Energy being simultaneously submitted.

(b) DEFINITIONS.—Within 90 days after the date of enactment of this Act, the Secretary shall submit a report to the Congress containing definitions of the terms "uncosted obligation", "committed uncosted obligation", and "uncommitted uncosted obligation" for purposes of reports to be submitted under subsection (a).

TITLE XXIV—MARINE AND COASTAL ENVIRONMENT PROTECTION

SEC. 2401. SHORT TITLE.

This title may be cited as the "Marine and Coastal Environment Protection Act of 1992".

Subtitle A—Ocean and Coastal Resources Block Grants

SEC. 2411. SHORT TITLE.

This subtitle may be cited as the "Ocean and Coastal Resources Block Grant Act".

SEC. 2412. DEFINITIONS.

For purposes of this subtitle—

(1) "block grant" means a National Ocean and Coastal Resources Block Grant;

(2) "coastal State" means the Commonwealth of Puerto Rico and any State of the United States in, or bordering on, the Atlantic Ocean, the Pacific Ocean, the Arctic Ocean, the Gulf of Mexico, Long Island Sound, or one or more of the Great Lakes;

(3) "coastal territory" means the Virgin Islands, the Northern Mariana Islands, American Samoa, or Guam;

(4) "Fund" means the Ocean and Coastal Resources Fund;

(5) "local government" means that term as defined in section 304(11) of the Coastal Zone Management Act of 1972 (16 U.S.C. 1453(11)) and, with respect to the State of Alaska, the term includes unincorporated communities, including Alaska Native villages and with respect to Indian tribes, the term includes any Indian tribe, band, nation, or other organized group or community which is recognized as eligible for the special programs and services provided by the United States to Indians because of their status as Indians;

(6) "Secretary" means the Secretary of Commerce; and

(7) "State" means any coastal State or coastal territory—

(A) for which the Secretary has approved a coastal zone management program under section 306 of the Coastal Zone Management Act of 1972 (16 U.S.C. 1455); or

(B) which the Secretary has determined is making satisfactory progress toward the development of such program which will be approvable under such section 306.

The determination made by the Secretary under subparagraph (B) shall not be made for any State for more than one fiscal year and may be renewed with respect to such State for no more than two additional fiscal years.

SEC. 2413. OCEAN AND COASTAL RESOURCES FUND.

(a) There is established in the Treasury of the United States a fund to be known as the Ocean and Coastal Resources Fund.

(b)(1) Beginning in fiscal year 1993 and in each fiscal year thereafter, the Secretary of the Treasury shall deposit into the Fund, not later than 60 days after the end of the previous fiscal year, an amount equal to 4 percent of the average amount of all sums deposited in the Treasury of the United States pursuant to section 9 of the Outer Continental Shelf Lands Act (43 U.S.C. 1338) during the three previous fiscal years.

(2) Beginning in fiscal year 1994, and in each fiscal year thereafter, the amount deposited in the Fund shall not exceed 105 percent of the amount deposited in the Fund in the prior fiscal year.

(c) As provided in advance by appropriation Acts, the Secretary shall use the total amount of any amounts deposited in the Fund during each fiscal year to carry out the purposes of, and in accordance with, the provisions of section 2414 of this Act.

SEC. 2414. NATIONAL OCEAN AND COASTAL RESOURCES BLOCK GRANTS.

(a) Subject to the provisions of section 2413(c) and this section, for fiscal year 1993 and for each subsequent fiscal year, the Secretary shall provide to each State a national ocean and coastal resources block grant from amounts paid into the Fund during such fiscal year under section 2413(b).

(b)(1) No State may receive a block grant for a fiscal year unless such State has submitted to the Secretary, and the Secretary has approved after notice and comment, a report for such fiscal year that—

(A) specifies the proposed allocation by such State of the block grant among the activities specified in section 2415(a);

(B) describes each proposed activity receiving funds provided by the block grant and the amounts proposed to be expended for each activity; and

(C) demonstrates that each proposed project is consistent with the allowable uses specified in section 2415, will benefit the coastal environment of the State, and is justified in terms of its need, design, and cost of implementation.

(2) In order to be eligible to receive a block grant pursuant to this subtitle and before submitting the report required under paragraph (1), each State shall provide opportunities for the public to review and comment on the report and shall hold at least one public hearing on such report at a site in the State convenient for encouraging maximum public participation.

(c) All amounts appropriated from the Fund in any fiscal year shall be apportioned by the Secretary as block grants to eligible States as follows—

(1) 0.25 percent for each coastal territory;

(2) 5.0 percent for each of Alabama and Mississippi;

(3) 10.0 percent for each of Alaska, California, Louisiana, and Texas;

(4) 1.75 percent for each of the remaining States; and

(5) the balance of appropriated amounts among the States in the same ratio that the volume of oil and natural gas produced from the outer Continental Shelf which is first landed in such State in the immediately preceding fiscal year bears to the total volume of oil and natural gas produced from the entire outer Continental Shelf which is first landed in all of the States in such year.

(d) The authority of the Secretary to award block grants under this subtitle shall expire on September 30, 2004. Not later than September 30, 2003, the Secretary, in consultation with the Secretary of the Interior, shall review the apportionment provided in subsection (c) and the existing and projected volume of oil and natural gas from the outer Continental Shelf landed in coastal States. Based on such review, the Secretary shall submit a report to Congress not later than December 31, 2003. The report shall include recommendations for maintaining or revising such apportionment. If a revision of such apportionment is recommended, the report shall include further recommendations for an equitable and orderly transition from the apportionment provided in subsection (c) to any new apportionment provision.

SEC. 2415. REQUIREMENTS ON THE USE OF BLOCK GRANTS.

(a) Funds received pursuant to this subtitle shall be used by the coastal States for—

(1) projects to protect, conserve, or enhance air quality, water quality, fish and wildlife habitats, or wetlands in, or in close proximity, to the State's coastal zone as identified in the State's management program under section 306(d)(2)(A) of the Coastal Zone Management Act of 1972 (16 U.S.C. 1455);

(2) projects that ameliorate adverse environmental impacts that result from the siting, construction, expansion, or operation of energy facilities in the coastal zone, above and beyond any mitigation required of permittees under current law;

(3) administrative, resource assessment, and environmental study costs the State incurs in reviewing and approving or disapproving Outer Continental Shelf lease sale, exploration, and development and production activities under any applicable law; and

(4) administrative costs of complying with this subtitle.

(b) The Secretary shall reduce any block grant, provided under this subtitle to a State, by no more than 30 percent of the amount of such State's block grant, if the Secretary makes the determination provided in section 312(c) of the Coastal Zone Management Act of 1972.

SEC. 2416. RELATIONSHIP TO OTHER LAW.

Nothing in this subtitle shall reduce any amounts required to be credited to the Land and Water Conservation Fund, pursuant to the Land and Water Conservation Fund Act of 1965 (16 U.S.C. 4601-4 to 4601-11), or to the Historic Preservation Fund, pursuant to the Historic Preservation Act (16 U.S.C. 470h), from revenues due and payable to the United States for deposit in the Treasury as miscellaneous receipts under the Outer Continental Shelf Lands Act. To the extent that the crediting of such amounts into the Land and Water Conservation Fund or the Historic Preservation Fund makes monies otherwise payable under this subtitle unavailable, payments to the States pursuant to this subtitle shall be reduced on a pro rata basis.

SEC. 2417. LOCAL GOVERNMENTS.

(a) Each State receiving a block grant in any fiscal year under section 2414(a) shall—

(1) establish an effective mechanism for consultation and coordination with its local governments with respect to the allocation of such block grant within the State; and

(2) provide to its local governments allocations from such block grant, taking into consideration the responsibilities of the local governments in carrying out activities under section 2415(a).

(b) In carrying out its responsibilities under this section, each State shall provide no less than 33⅓ percent of each block grant received under section 2414(a) to its local governments.

SEC. 2418. AUDIT.

(a) Under regulations promulgated by the Secretary, any State receiving a block grant under section 2414(a) shall, for each fiscal year that it receives such grant, submit to the Secretary a financial audit of the grant. The income derived from such grant for each fiscal year shall be included in the audit required by this section.

(b) Each audit submitted by a State under subsection (a) shall—

(1) contain a statement of all funds provided by the block grant received by such State for the fiscal year;

(2) include a statement of all financial assistance provided to such State's local governments pursuant to section 2417;

(3) be conducted by an entity which is independent of any agency or official administering or using funds provided by such block grant; and

(4) be conducted in accordance with the financial and compliance element of the standards for audit of governmental organizations, activities, and functions established by the Comptroller General of the United States.

(c) After receiving a State's financial audit under this section, the Secretary shall—

(1) make a preliminary evaluation of each audit submitted pursuant to this section. If the Secretary determines, in the preliminary evaluation of a State's audit, that all or any part of the block grant has not been used as required by this subtitle, the Secretary shall publish notice of this finding in the Federal Register. In addition, the Secretary may suspend, and place in escrow, an amount from any future block grant which is equivalent to the amount misused, pending final determination pursuant to paragraph (3);

(2) provide the State with an opportunity for a hearing; and

(3) make a final determination.

(d) If the Secretary makes a final determination under subsection (c)(3) that all or any part of such funds were not used as required by this subtitle, the Secretary shall—

(1) provide in writing to the State the reasons for the determination and the amount of funds misused; and

(2) take appropriate action to recover an amount equal to that determined to have been misused under subsection (c), including the withholding of such amount from a State's future block grant or the amount which may have been suspended under subsection (c)(1).

(e) If no appeal of the final determination is filed within 60 days following notification to the State of the final determination, any funds withheld or recovered by the Secretary under subsection (d)(2) shall be returned to the Fund.

(f) If an appeal of the final determination is filed within the 60-day period specified in subsection (e), any funds withheld by the Secretary shall be held in escrow until such time as a final determination is made of the appeal.

SEC. 2419. RULES AND REGULATIONS.

Within 180 days of enactment of this Act, the Secretary shall promulgate, pursuant to section 553 of title 5, United States Code, after notice and opportunity for participation by relevant Federal agencies, State agencies, local governments, regional organizations, and other interested parties, both public and private, such rules and regulations as may be necessary to carry out the provisions of this subtitle.

Subtitle B—Revisions to the Outer Continental Shelf Program

SEC. 2431. RELATIONSHIP TO OUTER CONTINENTAL SHELF LEASING PROGRAM AND EXISTING LAW.

(a) RELATIONSHIP TO OUTER CONTINENTAL SHELF LEASING PROGRAM.—Notwithstanding the Outer Continental Shelf Leasing Program maintained by the Secretary pursuant to section 18 of the Outer Continental Shelf Lands Act (43 U.S.C. 1344) or any lease sale schedule contained in a specific leasing program thereunder, the Secretary shall carry out such program consistent with the provisions of this subtitle.

(b) RELATIONSHIP TO EXISTING LAW.—Except as otherwise specifically provided in this Act, nothing in this Act shall be construed to affect the application of other Federal law to activities conducted on the outer Continental Shelf.

SEC. 2432. SPECIFIC REGIONAL OUTER CONTINENTAL SHELF PLANNING AREAS.

The specific regional outer Continental Shelf planning areas referred to in this subtitle shall be those so designated in the Department of the Interior Outer Continental Shelf Natural Gas and Oil Resource Management Comprehensive Program 1992–1997 Proposal, dated July 1991.

SEC. 2433. OUTER CONTINENTAL SHELF LEASING ENVIRONMENTAL SCIENCES REVIEW.

(a) ENVIRONMENTAL SCIENCES REVIEW PANELS.—

(1) ESTABLISHMENT.—An environmental sciences review panel shall be established for each of the Planning Areas described in section 2434, except that one such review panel shall be established for the South Atlantic Planning Area and the Straits of Florida Planning Area, collectively.

(2) PURPOSES.—The purposes of each review panel established under paragraph (1) shall be—

(A) to assess the adequacy of available physical oceanographic, ecological, and socioeconomic information in enabling the Secretary to carry out his responsibilities under the Outer Continental Shelf Lands Act with respect to authorizing—

(i) leasing and exploration; and

(ii) development and production,

in the area covered by such review panel;

(B) if such available information is not adequate for such purposes, to identify the additional studies required to obtain such information;

(C) to identify the potential physical oceanographic, ecological, and socioeconomic impacts of exploration and development in the area covered by such review panel;

(D) to provide for and supervise the peer review, by qualified scientists not employed by the Federal Government, of the proposed studies identified under subparagraph (B) before their submission to the Secretary and separate reviews of each research proposal designed to implement those studies; and

(E) to report to the Secretary on its findings and recommendations under this paragraph.

(3) MEMBERSHIP.—Each review panel established under paragraph (1) shall consist of—

(A) one representative each from the Environmental Protection Agency, the Minerals Management Service, the National Oceanic and Atmospheric Administration, and the United States Fish and Wildlife Service;

(B) at least one representative from each State approved by the Governor of such State in the area covered by such review panel; and

(C) three members appointed by the Secretary of Commerce from a list of individuals nominated by the National Academy of Sciences who are professional scientists in the fields of physical oceanography, marine ecology, and social science.

There shall be 4 members as described in subparagraph (B) on each review panel, except that the total representation under such subparagraph (B) on a review panel covering more than 4 States shall equal the number of States covered.

(4) COMPENSATION.—(A) Members of each review panel appointed under paragraph (3)(C), while performing official duties under this subtitle shall receive compensation for travel and transportation expenses under section 5703 of title 5, United States Code.

(B) Members of each review panel appointed under paragraph (3)(C) may be compensated at a rate to be fixed by the Secretary of Commerce, but not in excess of the maximum rate of pay for grade GS–18 provided in the General Schedule under section 5332 of title 5, United States Code, for each day such member spends performing the duties of the panel.

(b) REPORTS TO CONGRESS.—The Secretary shall, after consideration of the findings and recommendations of each review panel established under subsection (a), submit a report to the Congress—

(1) certifying that the physical oceanographic, ecological, and socioeconomic information available is sufficient to enable the Secretary to carry out his responsibilities under the Outer Continental Shelf Lands Act with respect to authorizing leasing and development in the area covered by such review panel; and

(2) including a detailed explanation of any differences between such certification and the findings and recommendations of the review panel, along with a detailed justification for each such difference.

(c) LEASING CONSIDERATIONS.—The Secretary shall, in determining whether to lease any area described in section 2434—

(1) consider the findings and recommendations of the appropriate review panel established under subsection (a) of this section; and

(2) to the extent that the Secretary disagrees with such findings and recommendations, provide substantial evidence for such disagreement.

SEC. 2434. RESTRICTIONS AND REQUIREMENTS APPLICABLE TO SPECIFIC PLANNING AREAS.

(a) NORTH ATLANTIC PLANNING AREA.—In the North Atlantic Planning Area, the following additional restrictions and requirements shall apply:

(1) No preleasing activity shall be conducted before the issuance of the first final 5-year leasing plan under section 18 of the Outer Continental Shelf Lands Act after January 1, 2002.

(2) No lease sale shall be held until after the expiration of 45 days of continuous session of Congress after the Secretary submits a report with respect to the area under section 2433(b).

(b) MID-ATLANTIC PLANNING AREA.—In the Mid-Atlantic Planning Area, the following additional restrictions and requirements shall apply:

(1) No preleasing activity shall be conducted before the issuance of the first final 5-year leasing plan under section 18 of the Outer Continental Shelf Lands Act after January 1, 2002.

(2) No lease sale shall be held until after the expiration of 45 days of continuous ses-

sion of Congress after the Secretary submits a report with respect to the area under section 2433(b).

(3)(A) The restrictions and requirements of subparagraphs (B), (C), and (D) of this paragraph shall apply only with respect to the area offshore North Carolina included within blocks numbered 246, 247, 290, 291, 334, 335, 378, 379, 422, 423, 466, 467, 510, 511, 553, 554, 555, 597, 598, 640, and 641 on protraction diagram NI 18-2 of the Universal Transverse Mercator Grid System.

(B) Notwithstanding the requirements of section 5(a)(2)(A) and (B) of the Outer Continental Shelf Lands Act (43 U.S.C. 1334(a)(2)(A) and (B)), the Secretary, within 90 days after the date of enactment of this Act, shall cancel any active leases in the area.

(C) Before the cancellation required under subparagraph (B), no exploration or development plans or permits to drill shall be approved for any such lease in existence on the date of enactment of this Act.

(D) Compensation to lessees owning leases that are canceled under subparagraph (B) shall be determined under section 5(a)(2)(C) and (D) of the Outer Continental Shelf Lands Act (43 U.S.C. 1334(a)(2)(C) and (D)).

(c) SOUTH ATLANTIC PLANNING AREA.—In the South Atlantic Planning Area, the following additional restrictions and requirements shall apply:

(1) No preleasing activity shall be conducted before the issuance of the first final 5-year leasing plan under section 18 of the Outer Continental Shelf Lands Act after January 1, 2002.

(2) No lease sale shall be held until after the expiration of 45 days of continuous session of Congress after the Secretary submits a report with respect to the area under section 2433(b).

(d) STRAITS OF FLORIDA PLANNING AREA.—In the Straits of Florida Planning Area, the following additional restrictions and requirements shall apply:

(1) No preleasing activity shall be conducted before the issuance of the first final 5-year leasing plan under section 18 of the Outer Continental Shelf Lands Act after January 1, 2002.

(2) No lease sale shall be held until after the expiration of 45 days of continuous session of Congress after the Secretary submits a report with respect to the area under section 2433(b).

(e) EASTERN GULF OF MEXICO PLANNING AREA.—(1) In the Eastern Gulf of Mexico Planning Area north of 26 degrees north latitude and east of the lateral seaward boundary between the States of Florida and Alabama, the following additional restrictions and requirements shall apply:

(A) No preleasing activity shall be conducted before the issuance of the first final 5-year leasing plan under section 18 of the Outer Continental Shelf Lands Act after January 1, 2002.

(B) No lease sale shall be held until after the expiration of 45 days of continuous session of Congress after the Secretary submits a report with respect to the area under section 2433(b).

(2) In the Eastern Gulf of Mexico Planning Area, the additional restrictions and requirements in this paragraph shall apply only with respect to the area offshore Florida, south of 26 degrees north latitude and east of 86 degrees west longitude:

(A) No preleasing activity shall be conducted before the issuance of the first final 5-year leasing plan under section 18 of the Outer Continental Shelf Lands Act after January 1, 2002.

(B) No lease sale shall be held until after the expiration of 45 days of continuous session of Congress after the Secretary submits a report with respect to the area under section 2433(b).

(C) Studies to acquire the information found inadequate by the National Research Council's report shall be completed prior to any lease sale held after January 1, 2002.

(D)(i) Notwithstanding the requirements of section 5(a)(2)(A) and (B) of the Outer Continental Shelf Lands Act (43 U.S.C. 1334(a)(2)(A) and (B)), the Secretary, within 90 days after the date of enactment of this Act, shall cancel any active leases in the area.

(ii) Before the cancellation required under clause (i), no exploration or development plans or permits to drill shall be approved for any such lease in existence on the date of enactment of this Act.

(iii) Compensation to lessees owning leases that are cancelled under clause (i) shall be determined under section 5(a)(2)(C) and (D) of the Outer Continental Shelf Lands Act (43 U.S.C. 1334(a)(2)(C) and (D)).

(f) SOUTHERN CALIFORNIA, CENTRAL CALIFORNIA, AND NORTHERN CALIFORNIA PLANNING AREAS.—In the Southern California, Central California, and Northern California Planning Areas, the following additional restrictions and requirements shall apply:

(1) No preleasing activity shall be conducted before the issuance of the first final 5-year leasing plan under section 18 of the Outer Continental Shelf Lands Act after January 1, 2002.

(2) No lease sale shall be held until after the expiration of 45 days of continuous session of Congress after the Secretary submits a report with respect to the area under section 2433(b).

(3) Studies to acquire the information found inadequate by the National Research Council's report shall be completed, and additional research on the incremental risks of an oil spill in the area shall be conducted, prior to any lease sale held after January 1, 2002.

(g) WASHINGTON-OREGON PLANNING AREA.—In the Washington-Oregon Planning Area, the following additional restrictions and requirements shall apply:

(1) No preleasing activity shall be conducted before the issuance of the first final 5-year leasing plan under section 18 of the Outer Continental Shelf Lands Act after January 1, 2002.

(2) No lease sale shall be held until after the expiration of 45 days of continuous session of Congress after the Secretary submits a report with respect to the area under section 2433(b).

(3) Studies recommended by the Pacific Northwest Outer Continental Shelf Task Force, shall be completed prior to any lease sale held after January 1, 2002.

(4) No leasing or preleasing activity shall be conducted within the area designated as the Olympic Coast National Marine Sanctuary in accordance with Public Law 100-627.

(h) NORTH ALEUTIAN BASIN PLANNING AREA.—In the North Aleutian Basin Planning Area, the additional restrictions and requirements in this paragraph shall apply:

(1) No preleasing activity shall be conducted before the issuance of the first final 5-year leasing plan under section 18 of the Outer Continental Shelf Lands Act after January 1, 2002.

(2) No lease sale shall be held until after the expiration of 45 days of continuous session of Congress after the Secretary submits a report with respect to the area under section 2433(b).

(3)(A) Notwithstanding the requirements of section 5(a)(2)(A) and (B) of the Outer Continental Shelf Lands Act (43 U.S.C. 1334(a)(2)(A) and (B)), the Secretary, within 90 days after the date of enactment of this Act, shall cancel any active leases in the area.

(B) Before the cancellation required under subparagraph (A), no exploration or development plans or permits to drill shall be approved for any such lease in existence on the date of enactment of this Act.

(C) Compensation to lessees owning leases that are cancelled under subparagraph (A) shall be determined under section 5(a)(2)(C) and (D) of the Outer Continental Shelf Lands Act (43 U.S.C. 1334(a)(2)(C) and (D)).

(i) CONTINUOUS SESSION OF CONGRESS.—In computing any 45-day period of continuous session of Congress under this section—

(1) continuity of session is broken only by an adjournment of the Congress sine die; and

(2) the days on which either House of Congress is not in session because of an adjournment of more than 3 days to a day certain are excluded.

SEC. 2435. ALASKA OCS SUBSISTENCE REVIEW.

The Outer Continental Shelf Lands Act (43 U.S.C. 1301 et seq.), as amended by section 2434(h) of this Act, is further amended by adding at the end thereof the following:

"SEC. 32. ALASKA OCS SUBSISTENCE REVIEW.—Prior to issuing any five-year program under section 18 of this Act, conducting any lease sale, or approving any plan or permit for exploration, development, or production activities in the Alaska region authorized by this Act, the Secretary shall comply with section 810 of the Alaska National Interest Lands Conservation Act (16 U.S.C. 3120). At the lease sale stage the Secretary shall fully consider the effects of exploration, development, and production upon subsistence uses.".

SEC. 2436. DEFINITIONS.

For the purposes of this subtitle—

(1) terms defined in the Outer Continental Shelf Lands Act have the meaning given such terms in that Act;

(2) the term "adequate" means sufficiently complete to enable necessary decisions to be made under the Outer Continental Shelf Lands Act, and of sufficient scientific quality to be repeatable, reliable, and valid in measurements and analysis with appropriate methods and subject;

(3) the term "National Research Council's report" means the report entitled "The Adequacy of Environmental Information for Outer Continental Shelf Oil and Gas Decisions: Florida and California" issued in 1989 by the Council's Committee to Review the Outer Continental Shelf Environmental Studies Program and supported by the President's Outer Continental Shelf Leasing and Development Task Force through Department of the Interior Contract No. 1435000130495; and

(4) the term "preleasing activities" means activities conducted before a lease sale is held, and includes the scheduling of a lease, requests for industry interest, calls for information and nominations, area identifications, publication of draft or final environmental impact statements, notices of sale, and any form of rotary drilling; but such term does not include environmental, geologic, geophysical, economic, engineering, or other scientific analyses, studies, and evaluations.

Subtitle C—Environmental Studies Program

SEC. 2441. ENVIRONMENTAL STUDIES.

Section 20(a)(1) of the Outer Continental Shelf Lands Act (43 U.S.C. 1346(a)(1)) is amended by adding at the end the following new sentence: "Such study shall include an assessment of the adequacy of available physical oceanographic, ecological, and socioeconomic information.".

SEC. 2442. AUTHORIZATION OF APPROPRIATIONS.

Section 20 of the Outer Continental Shelf Lands Act (43 U.S.C. 1346) is amended by adding at the end the following new subsections:

"(g) ADEQUACY OF INFORMATION.—For the purposes of this section, the term 'adequacy' means sufficiently complete to enable necessary decisions to be made under this Act, and of sufficient quality to be repeatable, reliable, and valid in measurements and analysis with appropriate methods and subject.

"(h) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary for carrying out this section—

"(1) $21,000,000 for fiscal year 1993;

"(2) $25,000,000 for fiscal year 1994;

"(3) $30,000,000 for fiscal year 1995;

"(4) $35,000,000 for fiscal year 1996; and

"(5) $40,000,000 for fiscal year 1997.".

Subtitle D—Miscellaneous

SEC. 2451. CANCELLATION OF LEASES.

Section 5(a)(2)(B) of the Outer Continental Shelf Lands Act (43 U.S.C. 1334(a)(2)(B)) is amended—

(1) by inserting "or pursuant to an Act of Congress" after "by the Secretary"; and

(2) by striking "five" and inserting in lieu thereof "two".

SEC. 2452. COMPENSATION FOR LEASE BUYBACKS.

Section 5(a)(2) of the Outer Continental Shelf Lands Act (43 U.S.C. 1334(a)(2)) is amended—

(1) by inserting "and" at the end of subparagraph (C); and

(2) by adding at the end the following new subparagraph:

"(D) that compensation a lessee is entitled to receive under subparagraph (C) may be made in the form of currency, forgiveness of the lessee's obligation to pay rents or royalties which would otherwise be paid to the Federal Government on another lease issued pursuant to this Act, or a combination of currency with such forgiveness.".

SEC. 2453. EVALUATION OF DEVELOPMENT POTENTIAL.

The Act of August 30, 1935 (Public Law No. 409 of the 74th Congress), is amended by inserting "The Secretary shall undertake a demonstration project to evaluate the potential for hydropower development, utilizing tidal currents;" after "Document Numbered 15, Seventy-fourth Congress;".

Subtitle E—Alaska Resources

PART I—TRANS-ALASKA PIPELINE

SEC. 2461. RESPONSIBILITY OF RIGHT-OF-WAY HOLDER.

Title II of the Trans-Alaska Pipeline Authorization Act (43 U.S.C. 1651 et seq.) is amended by adding at the end thereof the following:

"RESPONSIBILITY OF RIGHT-OF-WAY HOLDER

"SEC. 208. In addition to the existing duties to respond to, contain, and clean up oil spills within the State of Alaska, including Prince William Sound, under section 204(b) of this Act and other laws and requirements, the holder of the right-of-way shall submit an oil spill response plan for Prince William Sound to the Secretary of Transportation for approval under section 4202 of the Oil Pollution Act of 1990.".

SEC. 2462. EXXON VALDEZ SETTLEMENT FUND LAND ACQUISITION.

Title II of the Trans-Alaska Pipeline Authorization Act (43 U.S.C. 1651 et seq.), as amended by section 2401 of this Act, is amended by adding at the end thereof the following:

"EXXON VALDEZ SETTLEMENT FUND HABITAT ACQUISITION

"SEC. 209. (a) Notwithstanding any other provision of law, all amounts received by the United States in settlement of United States v. Exxon Corporation and Exxon Shipping Company (Case No. A90-015-1CR and 2CR) (Criminal Plea Agreement) shall be exclusively utilized to acquire from willing sellers land or interests in land, including timber rights, within the Chugach National Forest in the Prince William Sound region and in other Gulf of Alaska areas affected by the discharge of oil from the T/V EXXON VALDEZ, including Kenai Fjords National Park, Afognak Island, the Alaska Maritime National Wildlife Refuge, and Kodiak National Wildlife Refuge.

"(b) Notwithstanding any other provision of law, the Federal Trustees identified in the Memorandum of Agreement and Consent Decree entered into by the United States and the State of Alaska, as approved by the District Court for the District of Alaska on October 8, 1991, shall not approve any restoration plan which does not include acquisition, in addition to that required by subsection (a), as the primary component of such restoration plan.".

SEC. 2463. SUBSISTENCE CLAIMS AGAINST TRANS-ALASKA PIPELINE LIABILITY FUND.

Section 204(c)(13) of the Trans-Alaska Pipeline Authorization Act (43 U.S.C. 1653(c)(13)) is amended—

(1) by striking out "and" at the end of subparagraph (A);

(2) by striking out the period at the end of subparagraph (B) and inserting in lieu thereof "; and"; and

(3) by adding after subparagraph (B) the following:

"(C) all injuries suffered by individuals or entities due to the impact of a discharge on people engaging in subsistence.

"In order to expedite compensation, the Fund shall certify a class action claim with respect to subparagraph (C).".

SEC. 2464. TAPS REMEDY NOT EXCLUSIVE.

Section 204(c)(3) of the Trans-Alaska Pipeline Authorization Act (43 U.S.C. 1653(c)(3)) is amended by adding at the end thereof the following: "Notwithstanding any other provision of law, claim determinations or payments by the Fund shall not limit the right of any person to pursue other remedies provided by State or Federal law against parties other than the Fund for the full amount of all uncompensated damages caused by a discharge of oil.".

SEC. 2465. UTILITY CORRIDOR.

The Secretary of the Interior shall not implement the Bureau of Land Management's Record of Decision related to the Utility Corridor Management Plan, dated January 11, 1991. Notwithstanding any other provision of law, lands withdrawn by Public Land Order No. 5150 of December 31, 1971, that are owned by the United States shall not be conveyed or otherwise transferred to any other entity, but shall be retained and managed by the Secretary pursuant to applicable law.

PART II—ARCTIC RESEARCH

SEC. 2471. FUNDING FOR ARCTIC RESEARCH PROGRAMS.

(a) IN GENERAL.—There is hereby authorized to be appropriated for a period of five fiscal years, commencing in fiscal year 1994, monies not to exceed $20,000,000 annually to be used to fund high priority research projects and programs related to, among other things, understanding the long- and short-term effects of energy development and productive activities on the Arctic environment. To be eligible for funding under this section, the project or program must be identified in accordance with subsection (b).

(b) ARCTIC RESEARCH PROJECTS LIST.—(1) Not later than six months after the date of enactment of this section, the Chairman of the Interagency Arctic Research Policy Committee shall prepare, with the concurrence of the Arctic Research Commission, a list of arctic research projects and programs as described in subsection (a) which will be eligible for funding under this section.

(2) The list referred to in paragraph (1) shall be transmitted to the Congress as part of the first budget submitted by the President following enactment of this section. Thereafter, revisions of the list shall be prepared in accordance with paragraph (1) and transmitted to the Congress as part of the President's budget submission.

Subtitle F—Transshipment of Plutonium Through United States Ports

SEC. 2481. TRANSSHIPMENT OF PLUTONIUM THROUGH UNITED STATES PORTS.

(a) DENIAL OF PORT PRIVILEGES.—

(1) A vessel in transit from a foreign nation to a foreign nation that is transporting plutonium shall not be permitted entry, even under emergency circumstances, to any place in the United States and to the navigable waters of the United States, unless the container for the plutonium is certified as safe by the United States Nuclear Regulatory Commission in accordance with subsection (b).

(2) INTERNATIONAL LAW.—Paragraph (1) of this subsection applies except when denial of entry violates international law or practice.

(b) RESPONSIBILITIES OF THE NUCLEAR REGULATORY COMMISSION.—

(1) DETERMINATION OF SAFETY.—The Nuclear Regulatory Commission shall determine whether the container referred to in subsection (a) is safe for use in the transporting of plutonium by vessels and transmit to Congress a certification for the purpose of such subsection in the case of each type of container determined to be safe.

(2) TESTING.—In order to make a determination with respect to a container under paragraph (1), the Nuclear Regulatory Commission shall test such container, to the fullest extent possible, under conditions approximating a maximum credible accident involving collision, fire, and sinking, based upon actual worst case maritime accident experience.

(3) LIMITATION.—The Nuclear Regulatory Commission may not certify under this section that a container is safe for use in the transportation of plutonium by vessel if the container ruptured or released any of its contents during tests conducted in accordance with paragraph (2).

(4) EVALUATION.—The Nuclear Regulatory Commission shall evaluate the container certification required by subsection (a) in accordance with the National Environmental Policy Act of 1969 (83 Stat. 852; 42 U.S.C. 4321 et seq.) and all other applicable law.

(c) CONTENT OF CERTIFICATION.—A certification referred to in subsection (a) with respect to a container shall include—

(1) the determination of the Nuclear Regulatory Commission as to the safety of such container;

(2) a statement that the requirements of subsection (b)(2) were satisified in the testing of such container; and

(3) a statement that the container did not rupture or release any of its contents into the environment during testing.

(d) DESIGN OF TESTING PROCEDURES.—In designing the tests required by subsection (b), the Nuclear Regulatory Commission shall—

(1) convene an independent scientific panel of marine safety experts, a majority of whom shall be representatives of the Coast Guard and National Transportation Safety Board, to assist in (A) the definition of a maximum credible accident involving plutonium transport based upon a survey of maritime accidents and an assessment of the most severe conditions under which such accidents have occured and (B) the design of appropriate test procedures to replicate such conditions;

(2) provide for public notice of the proposed definition and test procedures;

(3) provide a reasonable opportunity for public comment on such definition and procedures; and

(4) consider such comments, if any, before making its final determination with respect to such definition and procedures.

(e) TESTING RESULTS: REPORTS AND PUBLIC DISCLOSURE.—The Nuclear Regulatory Commission shall transmit to Congress a report on the results of each test conducted under this section and shall make such results available to the public.

(f) INAPPLICABILITY TO MEDICAL DEVICES.—Subsections (a) through (c) shall not apply with respect to plutonium in any form contained in a medical device designed for individual human application.

(g) INAPPLICABILITY TO MILITARY USES.—Subsections (a) through (c) shall not apply to plutonium in the form of nuclear weapons or to other shipments of plutonium determined by the Department of Energy to be directly connected with the United States national security or defense programs.

(h) PAYMENT OF COSTS.—All costs incurred by the Nuclear Regulatory Commission associated with the testing program required by this section, and administrative costs related thereto, shall be reimbursed to the Nuclear Regulatory Commission by any foreign country receiving plutonium shipped through the United States in containers specified by the Commission.

(i) DEFINITION.—The term "United States" means the several States, the District of Columbia, the Commonwealth of Puerto Rico, the Commonwealth of the Northern Mariana Islands, American Samoa, Guam, the Virgin Islands, and any other territory or possession of the United States.

TITLE XXV—COAL, OIL, AND GAS

SEC. 2501. AMENDMENT TO SURFACE MINING ACT.

Section 402(b) of the Surface Mining Control and Reclamation Act of 1977 (30 U.S.C. 1232(b)) is amended by striking "1995" and inserting in lieu thereof "2010, after which time the fee shall be established at a rate to continue to provide for the deposit referred to in subsection (h)".

SEC. 2502. HOT DRY ROCK GEOTHERMAL ENERGY.

(a) USGS PROGRAM.—The Secretary of the Interior, acting through the United States Geological Survey, and in consultation with the Secretary of Energy, shall establish a cooperative Government-private sector program with respect to hot dry rock geothermal energy sources on public lands (as such term is defined in section 103(e) of the Federal Land Policy and Management Act of 1976) and lands managed by the Department of Agriculture, other than any such public or other lands that are withdrawn from geothermal leasing. Such program shall include, but shall not be limited to, activities to identify, select, and classify those areas throughout the United States that have a high potential for hot dry rock geothermal energy production and activities to develop and disseminate information regarding the utilization of such areas for hot dry rock energy production. Such information may include information regarding field test processes and techniques for assuring that hot dry rock geothermal energy development projects are developed in an economically feasible manner without adverse environmental consequences. Utilizing the information developed by the Secretary, together with information developed in connection with other related programs carried out by other Federal agencies, the Secretary, acting through the United States Geological Survey, may also enter into contracts and cooperative agreements with any public or private entity to provide assistance to any such entity to enable such entity to carry out additional projects with respect to the utilization of hot dry rock geothermal energy resources which will further the purposes of this section.

(b) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as may be necesary to carry out this section.

SEC. 2503. HOT DRY ROCK GEOTHERMAL ENERGY IN EASTERN UNITED STATES.

The United States Geological Survey, in collaboration with the Secretary of Energy, shall convene a workshop of interested governmental and private parties to discuss the regional potential for hot, dry, rock geothermal energy in the Eastern United States. The purpose of the workshop shall be to review the status of recoverability of hot-dry-rock energy in the Eastern United States and to determine what geologic, technological, and economic obstacles need to be overcome to make the utilization of hot dry rock energy feasible. The workshop shall be convened within 6 months after enactment of this Act and the United States Geological Survey shall submit a report to Congress within 6 months after the workshop containing a summary of the findings and conclusions of the workshop.

TITLE XXVI—INDIAN ENERGY RESOURCES

SEC. 2601. SHORT TITLE.

This title may be cited as the "Indian Energy Amendments of 1992".

SEC. 2602. DEFINITIONS.

For purposes of this title—

(1) except as provided in section 1104(c) and section 1105(d), the term "Indian tribe" means any Indian tribe, band, nation, or other organized group or community which is recognized as eligible for the special programs and services provided by the United States to Indians because of their status as Indians;

(2) the term "Indian reservation" includes Indian reservations; public domain Indian allotments; former Indian reservations in Oklahoma; land held by incorporated Native groups, regional corporations, and village corporations under the provisions of the Alaska Native Claims Settlement Act (43 U.S.C. 1601 et seq.); and dependent Indian communities within the borders of the United States whether within the original or subsequently acquired territory thereof, and whether within or without the limits of a state; and

(3) the term "Secretary" means the Secretary of the Department of Energy.

SEC. 2603. TREATMENT OF INDIAN TRIBES AS STATES.

(a) INVOLVEMENT OF TRIBES.—In implementing the provisions of this Act, the Secretary shall involve Indian tribes to the maximum extent possible and where appropriate and shall do so in a manner that is consistent with the Federal trust and the Government-to-Government relationship between Indian tribes and the Federal Government.

(b) TREATMENT AS STATE.—The Secretary may, whenever appropriate, treat an Indian tribe as a State for any purpose of sections 122 and 123 pursuant to such reasonable conditions as the Secretary may establish.

SEC. 2604. PROMOTING ENERGY RESOURCE DEVELOPMENT AND ENERGY VERTICAL INTEGRATION ON INDIAN RESERVATIONS.

(a) DEMONSTRATION PROGRAMS.—The Secretary of Energy, in consultation with the Secretary of the Interior, shall establish and implement a demonstration program to assist Indian tribes in pursuing energy self-sufficiency and to promote the development of a vertically integrated energy industry on Indian reservations, in order to increase development of the substantial energy resources located on such Indian reservations. Such program shall include, but not be limited to, the following components:

(1) The Secretary shall provide development grants to Indian tribes or to joint ventures which are 51 percent or more controlled by an Indian tribe to assist Indian tribes in obtaining the managerial and technical capability needed to develop the energy resources on Indian reservations. Such grants shall include provisions for management training for tribal or village members, improving the technical capacity of the Indian tribe, and the reduction of tribal unemployment. Each grant shall be for a period of 3 years.

(2) The Secretary shall provide grants, not to exceed 50 percent of the project costs, for vertical integration projects. For purposes of this paragraph, the term "vertical integration project" means a project that promotes the vertical integration of the energy resources on an Indian reservation, so that the energy resources are used or processed on such Indian reservation. Such term includes, but is not limited to, projects involving solar and wind energy, oil refineries, the generation and transmission of electricity, hydroelectricity, cogeneration, natural gas distribution, and clean, innovative uses of coal.

(3) The Secretary shall provide technical assistance (and such other assistance as is appropriate) to Indian tribes for energy resource development and to promote the vertical integration of energy resources on Indian reservations.

(b) LOW INTEREST LOANS.—

(1) IN GENERAL.—The Secretary shall establish a program for making low interest loans to Indian tribes. Such loans shall be used to promote Indian energy resource exploitation, development, and vertical integration.

(2) TERMS.—The Secretary shall establish reasonable terms for loans made under this subsection.

(c) DEFINITION.—For the purposes of this section, the term "Indian tribe" means any Indian tribe, band, nation, or other organized group or community, including any Alaska Native village or regional or village corporation as defined in or established pursuant to the Alaska Native Claims Settlement Act (43 U.S.C. 1601 et seq.), which is recognized as eligible for the special programs and services provided by the United States to Indians because of their status as Indians.

(d) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated—

(1) $10,000,000 for each of the fiscal years 1994, 1995, 1996, 1997, 1998, and 1999 to carry out the purposes of subsection (a)(1);

(2) $10,000,000 for each of the fiscal years 1994, 1995, 1996, 1997, 1998, and 1999 to carry out the purposes of subsection (a)(2); and

(3) such sums as are necessary to carry out the purposes of subsection (b).

SEC. 2605. INDIAN ENERGY RESOURCE REGULATION.

(a) GRANTS.—The Secretary is authorized to make annual grants to Indian tribes for the purpose of assisting Indian tribes in the development, administration, implementation, and enforcement of tribal laws and regulations governing the development of energy resources on Indian reservations.

(b) PURPOSE.—The purposes for which funds provided under a grant awarded under subsection (a) may be used include, but are not limited to—

(1) the training and education of employees responsible for enforcing or monitoring compliance with Federal and tribal laws and regulations;

(2) the development of tribal inventories of energy resources;

(3) the development of tribal laws and regulations;

(4) the development of tribal legal and governmental infrastructure to regulate environmental quality pursuant to Federal and tribal laws; and

(5) the enforcement and monitoring of Federal and tribal laws and regulations.

(c) OTHER ASSISTANCE.—The Secretary shall cooperate with and provide assistance to Indian tribes for the purpose of assisting Indian tribes in the development, administration, and enforcement of tribal programs. Such cooperation and assistance shall include the following:

(1) Technical assistance and training, including the provision of necessary circulars and training materials.

(2) Assistance in the preparation and maintenance of a continuing inventory of information on tribal energy resources and tribal operations. In providing assistance under this paragraph, Federal departments and agencies shall make available to Indian tribes all relevant data concerning tribal energy resource development consistent with applicable laws regarding disclosure of proprietary and confidential information.

(d) DEFINITION.—For the purposes of this section, the term "Indian tribe" means any Indian tribe, band, nation, or other organized group or community, including an Alaska Native village or regional or village corporation as defined in or established pursuant to the Alaska Native Claims Settlement Act (43 U.S.C. 1601 et seq.), which is recognized as eligible for the special programs and services provided by the United States to Indians because of their status as Indians.

(e) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated $10,000,000 for each of the fiscal years 1994, 1995, 1996, 1997, 1998, and 1999 to carry out the purposes of this section.

SEC. 2606. INDIAN ENERGY ROYALTY MANAGEMENT COMMISSION.

(a) ESTABLISHMENT.—There is hereby established the Indian Energy Taxation and Royalty Management Commission (hereafter in this Act referred to as the "Commission").

(b) MEMBERSHIP.—The Commission shall consist of—

(1) 8 members appointed by the Secretary of the Interior from recommendations submitted by Indian tribes, at least 4 of whom shall be elected tribal leaders;

(2) 3 members appointed by the Secretary of the Interior from recommendations submitted by the Governors of States that have Indian reservations with energy resources;

(3) 1 member appointed by the Secretary of the Interior from among individuals in the private sector with expertise in tribal and State taxation of energy resources;

(4) 1 member appointed by the Secretary of the Interior from individuals with expertise in oil and gas royalty management administration, including auditing and accounting;

(5) 1 member appointed by the Secretary of the Interior from recommendations submitted by national environmental organizations; and

(6) the Secretary of the Interior, or his designee.

(c) APPOINTMENTS.—Members of the Commission shall be appointed not later than 60 days following the date of the enactment of this title.

(d) VACANCIES.—A vacancy in the Commission shall be filled in the same manner as the original appointment was made. A vacancy in the Commission shall not affect the powers of the Commission.

(e) CHAIRPERSON.—The members of the Commission shall elect a Chairperson from among the members of the Commission.

(f) QUORUM.—7 members of the Commission shall constitute a quorum, but a lesser number may hold hearings.

(g) ORGANIZATIONAL MEETING.—The Commission shall hold an organizational meeting to establish the rules and procedures of the Commission not later than 30 days after the members are first appointed to the Commission.

(h) COMPENSATION.—Each member of the Commission who is not an officer or employee of the United States shall be compensated at a rate established by the Commission, not to exceed the rate of basic pay payable for level IV of the Executive Schedule under section 5315 of title 5, United States Code, for each day (including travel time) during which such member is engaged in the actual performance of duties as a member of the Commission. Each member of the Commission who is an officer or employee of the United States shall receive no additional compensation.

(i) TRAVEL.—While away from their homes or regular places of business in the performance of duties for the Commission, all members of the Commission shall be allowed travel expenses, including per diem in lieu of subsistence, at a rate established by the Commission not to exceed the rates authorized for employees under sections 5702 and 5703 of title 5, United States Code.

(j) COMMISSION STAFF.—

(1) EXECUTIVE DIRECTOR.—The Commission shall appoint an Executive Director who shall be compensated at a rate established by the Commission not to exceed the rate of basic pay payable for level V of the Executive Schedule under section 5316 of title 5, United States Code.

(2) ADDITIONAL PERSONNEL.—With the approval of the Commission, the Executive Director may appoint and fix the compensation of such additional personnel as the Executive Director considers necessary to carry out the duties of the Commission. Such appointments shall be made in accordance with the provisions of title 5, United States Code, governing appointments in the competitive service, but at rates not to exceed the rate of basic pay payable for level 15 of the General Schedule.

(3) EXPERTS AND CONSULTANTS.—Subject to such rules as may be issued by the Commission, the Chairperson may procure temporary and intermittent services of experts and consultants to the same extent as is authorized by section 3109 of title 5, United States Code, but at rates not to exceed $200 a day for individuals.

(4) PERSONNEL DETAIL AUTHORIZED.—Upon the request of the Chairperson, the head of any Federal agency is authorized to detail, on a reimbursable basis, any of the personnel of such agency to the Commission to assist the Commission in carrying out its duties under this title. Such detail shall be without interruption or loss of civil service status or privilege.

(k) DUTIES OF THE COMMISSION.—The Commission shall—

(1) develop proposals to address the dual taxation by Indian tribes and States of the extraction of mineral resources on Indian reservations;

(2) make recommendations to improve the management, administration, accounting, and auditing of royalties associated with the production of oil and gas on Indian reservations;

(3) develop alternatives for the collection and distribution of royalties associated with the production of oil and gas on Indian reservations; and

(4) develop proposals on incentives to foster the development of energy resources on Indian reservations.

(l) POWERS OF THE COMMISSION.—The powers of the Commission shall include the following:

(1) For the purpose of carrying out its duties under this section, the Commission may hold hearings, take testimony, and receive evidence at such times and places as the Commission considers appropriate. The Commission may administer oaths or affirmations to witnesses appearing before the Commission.

(2) Any member or employee of the Commission may, if authorized by the Commission, take any action which the Commission is authorized to take by this section.

(3) The Commission may secure directly from any Federal agency such information as may be necessary to enable the Commission to carry out its duties under this section.

(m) COMMISSION REPORT.—The Commission shall, within 12 months after funds are made available to carry out this section, prepare and transmit to the President, the Committee on Interior and Insular Affairs of the House of Representatives, the Select Committee on Indian Affairs of the Senate, and the Committee on Energy and Natural Resources of the Senate, a report containing the recommendations and proposals specified in subsection (k).

(n) AUTHORIZATION.—There are authorized to be appropriated to the Commission $1,000,000 to carry out this section. Such sum shall remain available, without fiscal year limitation, until expended.

(o) TERMINATION.—The Commission shall terminate 30 days after submitting the final report required under subsection (m).

TITLE XXVII—INSULAR AREAS ENERGY SECURITY

SEC. 2701. SHORT TITLE.

This title shall be cited as the "Insular Areas Energy Security Act".

SEC. 2702. THE INSULAR AREAS ENERGY SECURITY AMENDMENT OF 1992.

Section 604 of the Act entitled "An Act to authorize appropriations for certain insular areas of the United States, and for other purposes", Public Law 96-597, as amended by Public Law 98-213 (48 U.S.C. 1492), is amended by adding the following subsection—

"(g)(1) There are hereby authorized to be appropriated $2,000,000 for each fiscal year through 1998 for grants to insular area governments to carry out projects to evaluate the feasibility of, develop options for, and encourage the adoption of energy efficiency and renewable energy measures which reduce the dependence of the insular area on imported fuels and improve the quality of life in the insular area, such sums to remain available until expended.

"(2) Factors which shall be considered in determining the amount of financial assistance to be provided for a proposed energy-efficiency or renewable energy grant under this subsection shall include, but not be limited to, the following:

"(A) Whether the measure will reduce the relative dependence of the insular area on imported fuels.

"(B) The ease and costs of operation and maintenance of any facility contemplated as part of the project.

"(C) Whether the project will rely on the use of conservation measures or indigenous, renewable energy resources that were identified in the report by the Secretary of Energy pursuant to this section or identified by the Secretary as consistent with the purposes of this section.

"(D) Whether the measure will contribute significantly to the quality of the environment in the insular area.".

SEC. 2703. DEFINITION.

Section 401 of Public Law 97-425, the Nuclear Waste Policy Act of 1982 (42 U.S.C. 10241) is amended by inserting "and" after "States," the first place it appears, inserting a period after "District of Columbia", and striking the remainder of the sentence.

SEC. 2704. ELECTRICITY REQUIREMENTS IN TRUST TERRITORY OF THE PACIFIC ISLANDS.

Not later than 6 months after the date of enactment of this Act, the Secretary of the Interior shall, in consultation with the Government of Palau, submit a plan to the Committee on Energy and Natural Resources of the United States Senate and the Committee on Interior and Insular Affairs of the United States House of Representatives to extend electric service to those areas of the Trust Territory of the Pacific Islands that are not yet served or fully served and eliminate any debt incurred in the Trust Territory of the Pacific Islands relating to its electrical generating plant and related facilities. The plan shall include—

(1) an assessment of the power needs of the Trust Territory of the Pacific Islands both currently, and for the year 2000, including how electricity in the Trust Territory of the Pacific Islands will be distributed to those areas that on the date of enactment of this Act do not have electricity;

(2) an assessment of, and recommendations regarding, how these needs can be met;

(3) an assessment of, and recommendations regarding, any additional legal authority or funding which may be necessary to meet these needs; and

(4) an assessment of, and recommendations regarding, the respective roles of the Federal Government and the Government of the Trust Territory of the Pacific Islands in meeting these needs.

SEC. 2705. PCB CLEANUP IN MARSHALL ISLANDS AND FEDERATED STATES OF MICRONESIA.

Section 105(h)(1) of Public Law 99-239 is amended by adding at the end the following new paragraph:

"The programs and services of the Environmental Protection Agency regarding PCBs shall, to the extent applicable, as appropriate, and in accordance with applicable law, be construed to be made available to such islands.".

TITLE XXVIII—NUCLEAR PLANT LICENSING

Subtitle A—Hearing and One-Step Licensing

SEC. 2801. REQUIREMENT OF HEARING ON THE RECORD; JUDICIAL REVIEW.

(a) HEARING.—Section 189 a. of the Atomic Energy Act of 1954 (42 U.S.C. 2239(a)) is amended—

(1) in paragraph (1), by striking "In any" and inserting "Except as provided in paragraph (3), in any" and by striking "Commission" the first place it appears and inserting "Nuclear Regulatory Commission (in this section referred to as the 'Commission')";

(2) in paragraph (2)(A), by striking "The Commission" and inserting "Except as provided in paragraph (3), the Commission"; and

(3) by adding at the end the following new paragraph:

"(3) In any proceeding described in paragraph (1) to grant, suspend, revoke, renew, or amend any license, construction permit, or combined construction permit and operating license for a production or utilization facility licensed under section 103 or 104 b., the Commission shall grant a hearing on the record, upon the request of any person whose interest may be affected by the proceeding, and shall admit any such person as a party to such proceeding.".

(b) JUDICIAL REVIEW.—Section 189 b. of the Atomic Energy Act of 1954 (42 U.S.C. 2239(b)) is amended by striking "subsection a. above" and inserting "subsection a. or c.".

SEC. 2802. PREOPERATIONAL HEARING.

Section 189 of the Atomic Energy Act of 1954 (42 U.S.C. 2239), as amended by section 2101 of this Act, is further amended by adding at the end the following new subsection:

"c. PREOPERATIONAL NOTICE AND HEARING.—

"(1) NOTICE.—The Commission shall publish in the Federal Register notice of the expected date of fuel loading and criticality of a production or utilization facility issued a combined construction permit and operating license under section 103 or 104 b., not later than 150 days before such date.

"(2) HEARING.—During the 60-day period beginning on the date of publication under paragraph (1), the Commission shall grant a hearing on the record, upon request, to any person whose interest may be affected by the operation of the production or utilization facility that is the subject of such notice.

"(3) SCOPE.—In a hearing granted under paragraph (2), the Commission shall be limited to consideration of—

"(A) whether such facility will operate in conformity with this Act and the rules and regulations of the Commission; and

"(B) whether such facility has been constructed and will operate in conformity with any permit or license that has been issued for such facility by the Commission.

"(4) LIMITATION.—The Commission may grant a hearing under paragraph (2) to consider the issues described in subparagraph (A) of paragraph (3) only if the person requesting such hearing presents significant new information previously unconsidered by the Commission.".

SEC. 2803. COMBINED CONSTRUCTION PERMITS AND OPERATING LICENSES.

Section 185 of the Atomic Energy Act of 1954 (42 U.S.C. 2235) is amended—

(1) by striking "SEC. 185. CONSTRUCTION PERMITS.—All" and inserting the following:

"SEC. 185. CONSTRUCTION PERMITS, LICENSES, AND COMBINED LICENSES.—

"a. CONSTRUCTION PERMITS AND LICENSES.—All";

(2) by striking "Commission" the first place it appears and inserting "Nuclear Regulatory Commission (in this section referred to as the 'Commission')"; and

(3) by adding at the end the following new subsection:

"b. COMBINED LICENSES.—

"(1) IN GENERAL.—Nothing in subsection a. shall preclude the issuance by the Commission of a combined construction permit and operating license pursuant to section 161 h., provided that prior to the commencement of operation of a production or utilization facility under such a license, the Commission makes the findings described in subsection a. with respect to the facility that has applied for the combined license.

"(2) EFFECT OF EARLIER PROCEEDINGS.—The findings of any early site permit or design certification referenced in an application for a combined construction permit and operating license under paragraph (1)—

"(A) shall not be deemed conclusive, for more than 10 years from the date of issuance of such findings, with respect to the issues in a combined license proceeding; but

"(B) shall constitute rebuttable presumptions with respect to such issues.".

Subtitle B—License Renewal

SEC. 2811. STANDARDS FOR RENEWAL AND SCOPE OF PROCEEDINGS.

Section 103 c. of the Atomic Energy Act of 1954 (42 U.S.C. 2133(c)) is amended—

(1) in the first sentence, by inserting "(1)" after "c." and by inserting "in accordance with paragraphs (2) and (3)," after "renewed"; and

(2) by adding at the end the following new paragraphs:

"(2) Licenses for production or utilization facilities issued under subsection a. or section 104 b. may be renewed for a period not exceeding 20 years.

"(3) The terms of any license for a production or utilization facility issued under this section or section 104 b., and the compliance of any such facility with the terms of its license, applicable laws, and regulations, shall be considered within the scope of any license renewal proceeding under this subsection.".

SEC. 2812. LEAST-COST PLANNING REQUIREMENT.

Section 103 c. of the Atomic Energy Act of 1954 (42 U.S.C. 2133(c)), as amended by section 2111 of this Act, is further amended by adding at the end the following new paragraph:

"(4)(A) Before approving the renewal of any license for a production or utilization facility under this subsection, the Commission shall require the licensee to certify that—

"(i) the licensee has carried out least-cost planning within the preceding 3-year period; and

"(ii) the renewal of the license (including the terms of the license and the period of renewal) is in conformance with such planning.

"(B) For purposes of subparagraph (A), the term 'least-cost planning' means planning that—

"(i) includes a systematic comparison of energy efficiency, transmission, distribution, generation and supply investment opportunities to minimize life-cycle costs of adequate and reliable utility services to customers;

"(ii) takes into account necessary features for system operation such as diversity, reliability, dispatchability, and other factors of risk;

"(iii) treats demand and supply resources on a consistent and integrated basis;

"(iv) provides the opportunity for public participation and comment; and

"(v) provides for methods of validating predicted performance.".

Subtitle C—Judicial Review of Enforcement Petitions

SEC. 2821. ENFORCEMENT PETITIONS AND JUDICIAL REVIEW.

Section 189 of the Atomic Energy Act of 1954 (42 U.S.C. 2239), as amended by sections 2101 and 2102 of this Act, is further amended by adding at the end the following new subsection:

"d. ENFORCEMENT PETITIONS.—

"(1) IN GENERAL.—Any person may petition the Commission to institute a proceeding to modify, suspend, or revoke a license, or for such other action as may be proper.

"(2) STANDARDS FOR GRANTING.—The Commission shall grant any request under paragraph (1) if there is material evidence to suggest that the holder of the license with respect to which a request has been made under paragraph (1) is in significant noncompliance with the terms of its license, this chapter, or the Commission's regulations, or that conditions at the licensed facility may present undue risk to the public health and safety, or common defense and security.

"(3) JUDICIAL REVIEW.—Any Commission order denying a request under paragraph (1) shall be subject to judicial review in accordance with chapter 158 of title 28, United States Code, and chapter 7 of title 5, United States Code.".

TITLE XXIX—RADIATION PROTECTION

Subtitle A—Below Regulatory Concern

SEC. 2901. STATE AUTHORITY TO REGULATE RADIATION BELOW LEVEL OF NRC REGULATORY CONCERN.

(a) IN GENERAL.—The Atomic Energy Act of 1954 (42 U.S.C. 2011 et seq.) is amended by inserting after section 275 the following new section:

"SEC. 276. STATE AUTHORITY TO REGULATE RADIATION BELOW LEVEL OF REGULATORY CONCERN OF NUCLEAR REGULATORY COMMISSION.

"(a) IN GENERAL.—No provision of this Act, or of any other Federal law, may be construed to prohibit or otherwise restrict the authority of any State to regulate, on the basis of radiological hazard, the management, storage, incineration, or disposal of low-level radioactive waste, or other practices, materials, or emissions involving radioactivity, if the Nuclear Regulatory Commission, after January 1, 1990—

"(1) exempts such waste, practices, materials, or emissions from regulation; or

"(2) issues a regulation governing such waste, practices, materials, or emissions that reduces protection of the public health and safety (as determined by any State seeking to regulate under this subsection).

"(b) AUTHORITY TO EXCLUDE WASTE.—

"(1) COMPACTED STATES.—Any State that is a member of a compact for the disposal of low-level radioactive waste may prohibit or otherwise restrict the importation into such State, for purposes of storage or disposal in such State, of low-level radioactive waste, or other radioactive materials, generated outside the borders of the compact region of such State, if the Commission, after January 1, 1990—

"(A) exempts such waste or materials from regulation; or

"(B) issues a regulation governing such waste or materials that reduces protection of the public health and safety (as determined by such State).

"(2) NON-COMPACTED STATES.—Any State that is not a member of a compact for the disposal of low-level radioactive waste may prohibit or otherwise restrict the importation into such State, for purposes of storage or disposal in such State, of low-level radioactive waste, or other radioactive materials, generated outside the borders of such State, if the Commission, after January 1, 1990—

"(A) exempts such waste or materials from regulation; or

"(B) issues a regulation governing such waste or materials that reduces protection of the public health and safety (as determined by such State).

"(c) DEFINITIONS.—Each term used in this section that is also used in the Low-Level Radioactive Waste Policy Act shall have the meaning given such term in section 2 of such Act.".

(b) CONFORMING AMENDMENT.—The table of contents of the Atomic Energy Act of 1954 (42 U.S.C. 2011 prec.) is amended by inserting after the item relating to section 275 the following new item:

"Sec. 276. State authority to regulate radiation below level of regulatory concern of Nuclear Regulatory Commission.".

SEC. 2902. REVOCATION OF RELATED NRC POLICY STATEMENTS.

The policy statements of the Nuclear Regulatory Commission published in the Federal Register on July 3, 1990 (55 Fed. Reg. 27522) and August 29, 1986 (51 Fed. Reg. 30839), relating to radioactive waste below regulatory concern, shall have no effect after the date of the enactment of this Act.

Subtitle B—Standards for Cleanup of Contaminated Sites

SEC. 2911. GENERALLY APPLICABLE STANDARDS FOR CLEANUP OF RADIOLOGICALLY CONTAMINATED SITES.

(a) EPA REVIEW OF CONTAMINATED SITES.—

(1) IN GENERAL.—The Administrator of the Environmental Protection Agency shall—

(A) conduct a review of information available on radiologically contaminated sites to assess the number of such sites and the general levels and nature of such contamination; and

(B) not later than 9 months after the date of the enactment of this Act, submit to the Congress a report setting forth the findings of the Administrator as a result of such review.

(2) ASSESSMENTS BY OTHER FEDERAL AGENCIES.—To assist the review required under paragraph (1), the Secretary of Energy and the Nuclear Regulatory Commission shall—

(A) assess the extent of radiological contamination of sites under their respective jurisdictions; and

(B) not later than 6 months after the date of the enactment of this Act, submit to the Administrator reports setting forth their findings as a result of such assessment.

(b) ISSUANCE OF STANDARDS.—

(1) IN GENERAL.—The Administrator shall issue regulations establishing generally applicable standards for the decontamination of radiologically contaminated sites.

(2) MATTERS TO BE CONSIDERED.—In establishing the standards under paragraph (1), the Administrator shall consider—

(A) the risk to human health remaining after implementation of the standards;

(B) the cost of applying the standards, to the extent that the standards are more stringent than would be required to provide adequate protection of public health and safety;

(C) the reasonably anticipated future uses of the sites; and

(D) the cleanup criteria used by the Administrator in implementing other programs.

(3) SCHEDULE FOR ISSUANCE.—The Administrator shall publish—

(A) proposed regulations under this subsection not later than 9 months after the date of the enactment of this Act; and

(B) final regulations under this subsection not later than 18 months after the date of the enactment of this Act.

(c) INTERAGENCY ADVISORY COMMITTEE.—The Administrator shall establish and chair an interagency committee to provide information and advice in carrying out the responsibilities of the Administrator under this section.

(d) DEFINITIONS.—For purposes of this section:

(1) ADMINISTRATOR.—The term "Administrator" means the Administrator of the Environmental Protection Agency.

(2) RADIOLOGICALLY CONTAMINATED SITE.—The term "radiologically contaminated site" means a site in the United States that—

(A) is owned or operated by the Federal Government, or is licensed by the Nuclear Regulatory Commission or by an agreement State under section 274 of the Atomic Energy Act of 1954 (42 U.S.C. 2021); and

(B) is contaminated with radioactivity as a result of human activity.

Subtitle C—Disposal Standards at Mill Tailings Sites

SEC. 2921. DISPOSAL STANDARDS AT MILL TAILINGS SITES.

Section 84 of the Atomic Energy Act of 1954 (42 U.S.C. 2114) is amended by adding at the end the following new subsection:

"(d) No radioactive material may be disposed of at a site subject to Federal regulation pursuant to title II of the Uranium Mill Tailings Radiation Control Act of 1978 unless—

"(1) the Governor of the State has agreed to such disposal; or

"(2) the radioactive material to be disposed of is byproduct material as defined in section 11 e.(2) and—

"(A) the site to be used for disposal is in compliance with all applicable Federal and State regulations; and

"(B) the proposed disposal will not cause the site to fail to comply with such regulations or significantly increase the risk associated with the site to the public health, safety, and environment.".

TITLE XXX—MISCELLANEOUS

SEC. 3001. POWERPLANT AND INDUSTRIAL FUEL USE ACT OF 1978 REPEAL.

Section 403(a) of the Powerplant and Industrial Fuel Use Act of 1978 (42 U.S.C. 8373(a)) is repealed.

SEC. 3002. ALASKA NATURAL GAS TRANSPORTATION ACT OF 1976 REPEAL.

(a) REPEAL.—Section 7(a)(5) of the Alaska Natural Gas Transportation Act of 1976 (15 U.S.C. 719e(a)(5)) is repealed.

(b) ABOLITION OF OFFICE OF FEDERAL INSPECTOR OF CONSTRUCTION.—The Office of Federal Inspector of Construction for the Alaska Natural Gas Transportation System, created pursuant to the paragraph repealed by subsection (a) of this section, is abolished. All functions and authority vested in the Inspector are hereby transferred to the Chairman of the Federal Energy Regulatory Commission.

(c) REVOCATION OF CERTAIN OFI REGULATIONS.—Regulations applicable to the Office of Federal Inspector of the Alaska Natural Gas Transportation System, as set forth in chapter 15 of title 10, Code of Federal Regulations, are hereby revoked.

SEC. 3003. GEOTHERMAL HEAT PUMPS.

The Secretary shall—

(1) encourage States, municipalities, counties, and townships to allow the installation of geothermal heat pumps, and, where applicable, to permit public and private water recipients to utilize the flow of water from,

and back into, public and private water mains for the purpose of providing sufficient water supply for the operation of residential and commercial geothermal heat pumps; and

(2) not discourage any local authority which allows the use of geothermal heat pumps from—

(A) inspecting, at any reasonable time, geothermal heat pump connections to the water system to ensure the exclusive use of the public or private water supply to the geothermal heat pump system; and

(B) requiring that geothermal heat pump systems be designed and installed in a manner that minimizes the risk of contamination of the public water supply.

SEC. 3004. EMPLOYEE PROTECTION FOR NUCLEAR WHISTLEBLOWERS.

(a) INTERNAL WHISTLEBLOWERS; EMPLOYERS.—Section 210(a) of the Energy Reorganization Act of 1974 (42 U.S.C. 5851(a)) is amended—

(1) by inserting "(1)" after "SEC. 210. (a)";

(2) by striking ", including" and all that follows through "licensee or applicant,";

(3) by inserting after the dash the following new subparagraphs:

"(A) notified his employer (or an agent of such employer) of an alleged violation of this Act or the Atomic Energy Act of 1954 (42 U.S.C. 2011 et seq.);

"(B) opposed any practice made unlawful by this Act or the Atomic Energy Act of 1954;

"(C) testified before Congress or at any Federal or State proceeding regarding any provision (or proposed provision) of this Act or the Atomic Energy Act of 1954;";

(4) by redesignating paragraphs (1) through (3) as subparagraphs (D) through (F), respectively; and

(5) by adding at the end the following new paragraph:

"(2) For purposes of this section, the term 'employer' includes—

"(A) a licensee of the Commission or of an agreement State under section 274 of the Atomic Energy Act of 1954 (42 U.S.C. 2021);

"(B) an applicant for a license from the Commission or such an agreement State;

"(C) a contractor or subcontractor of such a licensee or applicant;

"(D) a contractor or subcontractor at a nuclear or radioactive waste facility of the Department of Energy; and

"(E) any other employer engaged in any activity licensed under the Atomic Energy Act of 1954.".

(b) TIME PERIOD FOR FILING COMPLAINT.—Section 210(b)(1) of the Energy Reorganization Act of 1974 (42 U.S.C. 5851(b)(1)) is amended by striking "thirty days" and inserting "1 year".

(c) DE NOVO REVIEW.—Section 210(b)(2)(A) of the Energy Reorganization Act of 1974 (42 U.S.C. 5851(b)(2)(A)) is amended—

(1) by inserting "(i)" after "(2)(A)"; and

(2) by adding at the end the following new clause:

"(ii)(I) Notwithstanding subsection (c)(2), in the event that the Secretary does not issue an order under clause (i) within the 120-day period prescribed by such clause, the complainant shall be entitled to de novo review of the complaint in any district court of the United States.

"(II) Nothing in this subparagraph shall be construed to preclude the applicability of the provisions of section 554 of title 5, United States Code, to the issuance of an order under clause (i).".

(d) AVOIDANCE OF FRIVOLOUS COMPLAINTS.—Section 210(b) of the Energy Reorganization Act of 1974 (42 U.S.C. 5851(b)) is amended by adding at the end the following new paragraph:

"(3)(A) The Secretary may determine that a violation of subsection (a) has occurred only if the complainant has demonstrated that any behavior described in subparagraphs (A) through (F) of subsection (a)(1) was a contributing factor in the unfavorable personnel action alleged in the complaint.

"(B) Relief may not be ordered under paragraph (2) if the employer demonstrates by clear and convincing evidence that it would have taken the same unfavorable personnel action in the absence of such behavior.".

(e) NONPREEMPTION.—Section 210 of the Energy Reorganization Act of 1974 (42 U.S.C. 5851) is amended by adding at the end the following new subsection:

"(h) Notwithstanding subsection (c)(2), the provisions of this section shall not be construed to preclude a complainant under this section from pursuing any right or remedy otherwise available to such complainant under any law—

"(1) contemporaneously with pursuit of relief under this section;

"(2) subsequent to the issuance of a final order by the Secretary under this section; or

"(3) subsequent to judicial review under subsection (c)(1).".

(f) POSTING REQUIREMENT.—Section 210 of the Energy Reorganization Act of 1974 (42 U.S.C. 5851) is further amended by adding at the end the following new subsection:

"(i) The provisions of this section shall be prominently posted in any place of employment to which this section applies.".

(g) EXEMPLARY DAMAGES.—Section 210 of the Energy Reorganization Act of 1974 (42 U.S.C. 5851) is further amended by adding at the end the following new subsection:

"(j) In any action brought under this section, the Secretary or, on appeal under subsection (b)(2)(A)(ii), the United States district court, shall have jurisdiction to grant all appropriate relief, including injunctive relief, compensatory, and exemplary damages.".

(h) DUTY OF NRC TO INVESTIGATE SUBSTANTIVE ALLEGATIONS.—Section 210 of the Energy Reorganization Act of 1974 (42 U.S.C. 5851) is further amended by adding at the end the following new subsection:

"(k)(1) The Commission or the Department of Energy shall not delay any investigation or proceeding by it with respect to an alleged violation of this Act or the Atomic Energy Act of 1954 (42 U.S.C. 2011 et seq.) on the basis of—

"(A) the filing of a complaint under subsection (b)(1); or

"(B) any investigation by the Secretary, or other action, under this section in response to such complaint.

"(2) A determination by the Secretary under this section that a violation of subsection (a) has not occurred shall not be considered by the Commission or the Department of Energy in its determination of whether any violation of this Act or the Atomic Energy Act of 1954 has occurred.".

(i) PROHIBITION ON PASSTHROUGH OF DAMAGES AND LEGAL COSTS.—Section 210 of the Energy Reorganization Act of 1974 (42 U.S.C. 5851) is further amended by adding at the end the following new subsection:

"(l) In the event that a complainant prevails in any action against a contractor or subcontractor of the Department of Energy under this section, no amount awarded against such contractor or subcontractor in such action, nor any amount paid by such contractor or subcontractor in legal costs related to such action, may be paid or reimbursed, directly or indirectly, by contract or otherwise, by the Department of Energy or any other Federal entity. No such amount may be considered an allowable cost under any contract with the Department of Energy.".

(j) TECHNICAL AND CONFORMING AMENDMENTS.—

(1) The title heading of title II of the Energy Reorganization Act of 1974 (42 U.S.C. 5841 et seq.) is amended to read as follows:

"TITLE II—NUCLEAR REGULATORY COMMISSION; NUCLEAR WHISTLEBLOWER PROTECTION".

(2) Section 210(b)(1) of the Energy Reorganization Act of 1974 (42 U.S.C. 5851(b)(1)) is amended—

(A) by striking "(hereinafter in this subsection referred to as the 'Secretary')" and inserting "(in this section referred to as the 'Secretary')"; and

(B) by striking "and the Commission" and inserting ", the Commission, and the Department of Energy".

(3) The second of the two sections of the Energy Reorganization Act of 1974 that is numbered 210 (42 U.S.C. 5851) is redesignated as section 211.

(k) APPLICABILITY.—The amendments made by this section shall apply to claims filed under section 211(b)(1) of the Energy Reorganization Act of 1974 (42 U.S.C. 5851(b)(1)) on or after the date of the enactment of this Act.

SEC. 3005. RENEWABLE ENERGY PARK DEMONSTRATION PROGRAM.

The Secretary shall designate a location for a Federal demonstration of integrating renewable, coal, oil, and other energy production with agriculture and manufacturing. Such location shall—

(1) be in a county with greater than 18 percent unemployment in December 1991;

(2) be in a county which lost greater than 6 percent of its population between 1980 and 1990; and

(3) have had an energy park development plan approved by a governmental body before March 10, 1992.

There are authorized to be appropriated to the Secretary $1,000,000, for providing grants, with or without a recoupment requirement, to attract new energy-related industries to the location designated under this section. The Federal share of the cost of any project funded under this section shall not exceed 20 percent of the total capital costs of the project.

SEC. 3006. USE OF ENERGY FUTURES FOR FUEL PURCHASES.

(a) FUEL STUDY.—The Secretary of Energy shall conduct a study—

(1) to ascertain if the use of energy futures and options contracts could provide cost-effective protection for Government entities (including Government purchases for military purposes and for the Strategic Petroleum Reserve) and consumer cooperatives (or any organization whose purpose is to purchase fuel in bulk) from unanticipated surges in the price of fuel; and

(2) to ascertain how such Government entities or consumer cooperatives may be educated in the prudent use of energy futures and options contracts to maximize their purchasing effectiveness, protect themselves against unanticipated surges in the price of fuel, and minimize fuel costs.

(b) REPORT.—The Secretary of Energy, no later than 12 months after the date of enactment of this Act, shall transmit the study required in this section to the Committee on Energy and Commerce of the House of Representatives and the Committee on Energy and Natural Resources of the Senate.

(c) PILOT PROGRAM.—The Secretary of Energy shall conduct a pilot program, commencing not later than 30 days after the transmission of the study required in subsection (b), to educate such governmental entities, consumer cooperatives, or other organizations on the prudent and cost-effective use of energy futures and options contracts to increase their protection against unanticipated surges in the price of fuel and thereby increase the efficiency of their fuel purchase or assistance programs.

(d) AUTHORIZATION.—There are authorized to be appropriated such sums as may be necessary to carry out this section.

SEC. 3007. ENERGY SUBSIDY STUDY.

(a) IN GENERAL.—The Secretary shall contract with the National Academy of Sciences to conduct a study of energy subsidies that—

(1) are in effect on the date of the enactment of this Act; or

(2) have been in effect prior to the date of the enactment of this Act.

(b) REPORT TO CONGRESS.—Not later than 18 months after the date of the enactment of this Act, the Secretary shall transmit to the Congress, the results of such study to be accompanied by recommendations for legislation, if any.

(c) CONTENTS.—

(1) IN GENERAL.—The study shall identify and quantify the direct and indirect subsidies and other legal and institutional factors that influence decisions in the marketplace concerning fuels and energy technologies.

(2) TOPICS FOR EXAMINATION.—The study shall examine—

(A) fuel and technology choices that are—

(i) available on the date of the enactment of this Act; or

(ii) reasonably foreseeable on the date of the enactment of this Act;

(B) production subsidies for the extraction of raw materials;

(C) subsidies encouraging investment in large capital projects;

(D) indemnification;

(E) fuel cycle subsidies, including waste disposal;

(F) government research and development support; and

(G) other relevant incentives and disincentives.

(d) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section $500,000 for each of the fiscal years 1993 and 1994.

SEC. 3008. TAR SANDS.

(a) POLICY.—It is the policy of the United States to encourage the development and production, by all means consistent with sound engineering, economic, and environmental practices, of deposits of tar sands.

(b) STUDY.—The Secretary of Energy shall, within one year after the date of enactment of this Act, submit to the Congress the results of a study which—

(1) identifies and evaluates the development potential of sources of tar sands in the United States, including tar sands waste tailings;

(2) identifies and evaluates processes for extracting oil from those identified tar sands sources; and

(3) evaluates the environmental benefits of, and the potential for coproduction of minerals and metals from, such processes.

SEC. 3009. EXEMPTION OF CERTAIN RESEARCH AND EDUCATIONAL LICENSEES FROM ANNUAL CHARGES.

(a) IN GENERAL.—Section 6101(c) of the Omnibus Budget Reconciliation Act of 1990 (42 U.S.C. 2214(c)) is amended—

(1) in paragraph (1), by striking "Any licensee" and inserting "Except as provided in paragraph (4), any licensee"; and

(2) by adding at the end the following new paragraph:

"(4) EXEMPTION.—

"(A) IN GENERAL.—Paragraph (1) shall not apply to the holder of any license for a federally owned research reactor used primarily for educational training and academic research purposes.

"(B) RESEARCH REACTOR.—For purposes of subparagraph (A), the term 'research reactor' means a nuclear reactor that—

"(i) is licensed by the Nuclear Regulatory Commission under section 104 c. of the Atomic Energy Act of 1954 (42 U.S.C. 2134(c)) for operation at a thermal power level of 10 megawatts or less; and

"(ii) if so licensed for operation at a thermal power level of more than 1 megawatt, does not contain—

"(I) a circulating loop through the core in which the licensee conducts fuel experiments;

"(II) a liquid fuel loading; or

"(III) an experimental facility in the core in excess of 16 square inches in cross-section.".

(b) APPLICABILITY.—The amendments made by this section shall apply to annual charges assessed under section 6101(c) of the Omnibus Budget Reconciliation Act of 1990 (42 U.S.C. 2214(c)) for fiscal year 1992 or any succeeding fiscal year.

SEC. 3010. AMENDMENTS TO TITLE 11 OF THE UNITED STATES CODE.

(a) DEFINITIONS.—

(1) FARMOUT AGREEMENT.—Section 101 of title 11, United States Code, is amended—

(A) by redesignating paragraph (22) and all that follows through the last paragraph (57) as paragraphs (23) through (62), respectively, and

(B) by inserting after paragraph (21) the following:

"(22) 'farmout agreement' means written agreement in which—

"(A) the owner of a right to drill, produce, or operate liquid or gaseous hydrocarbons on property agrees or has agreed to transfer or assign all or a part of such right to another entity; and

"(B) such other entity (either directly or through its agents or its assigns), as consideration, agrees to perform drilling, reworking, recompleting, testing, or similar or related operations, to develop or produce liquid or gaseous hydrocarbons on the property;".

(2) CONFORMING AMENDMENTS.—(A) Section 362(b)(6) of title 11, United States Code, is amended—

(i) by striking "section 101(34)" and inserting "section 101", and

(ii) by striking "section 101(35)" and inserting "section 101".

(B) Section 546(e) of title 11, United States Code, is amended—

(i) by striking "section 101(34)" and inserting "section 101", and

(ii) by striking "section 101(35)" and inserting "section 101".

(C) Section 548(d)(2)(B) of title 11, United States Code, is amended—

(i) by striking "section 101(34)" and inserting "section 101", and

(ii) by striking "section 101(35)" and inserting "section 101".

(D) Section 207(c)(8)(D) of the Federal Credit Union Act (12 U.S.C. 1787(c)(8)(D)) is amended—

(i) in clause (iii) by striking "section 101(24)" and inserting "section 101",

(ii) in clause (iv)(I) by striking "section 101(41)" and inserting "section 101", and

(iii) in clause (v) by striking "section 101(50)" and inserting "section 101".

(E) Section 11(e)(8)(D) of the Federal Deposit Insurance Act (12 U.S.C. 1821(e)(8)(D)) is amended—

(i) in clause (iv) by striking "section 101(24)" and inserting "section 101",

(ii) in clause (v)(I) by striking "section 101(41)" and inserting "section 101", and

(iii) in clause (viii) by striking "section 101(50)" and inserting "section 101".

(b) PROPERTY OF THE ESTATE.—Section 541(b) of title 11, United States Code, is amended—

(1) in paragraph (2) by striking "or" at the end,

(2) in paragraph (3) by striking the period at the end and inserting "; or", and

(3) by adding at the end the following:

"(4) any interest of the debtor in liquid or gaseous hydrocarbons to the extent that—

"(A) the debtor has transferred or has agreed to transfer such interest pursuant to a farmout agreement or any written agreement directly related to a farmout agreement; and

"(B) but for the operation of this paragraph, the estate could include such interest only by virtue of section 365 or 544(a)(3) of this title.

Paragraph (4) shall not be construed to exclude from the estate any consideration the debtor retains, receives, or is entitled to receive for transferring an interest in liquid or gaseous hydrocarbons pursuant to a farmout agreement.".

(c) EFFECTIVE DATE; APPLICATION OF AMENDMENTS.—(1) Except as provided in paragraph (2), the amendments made by this section shall take effect on the date of the enactment of this Act.

(2) The amendments made by this section shall not apply with respect to any case commenced under title 11 of the United States Code before the date of the enactment of this Act.

The CHAIRMAN. No amendment to the amendment in the nature of a substitute is in order except those amendments printed in House Report 102–528 or by a subsequent order of the House. Said amendments shall be considered in the order and manner specified in the report—and in the unanimous consent order of the House of today—shall be considered as read, and shall not be subject to amendment except as specified in House Report 102–528. Debate time for each amendment shall be equally divided and controlled by the proponent and an opponent of the amendment.

It is now in order to consider amendment No. 2 printed in House Report 102–528.

AMENDMENT OFFERED BY MR. HOAGLAND

Mr. HOAGLAND. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. HOAGLAND: Page 80, line 21, insert before the period the following: ", except that in the case of any State without a Statewide ratemaking authority, such term shall mean the State energy office".

The CHAIRMAN. Under the rule, the gentleman from Nebraska [Mr. HOAGLAND] will be recognized for 5 minutes, and a Member opposed will be recognized for 5 minutes.

The Chair recognizes the gentleman from Nebraska [Mr. HOAGLAND].

Mr. HOAGLAND. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman and colleagues, title I of the bill provides energy conservation grants to the States of up to $100,000 a year to be funneled through the State regulatory agency. In Nebraska we have no State regulatory agency, because we have public power in Nebraska, and we have had public power in Nebraska since the days of Congressman and Senator George Norris, one of the great political leaders of Nebraska and of America. Senator Norris, through an initiative petition, brought to Nebraska public power.

Each of the public power districts in Nebraska sets its own rates. We have no State regulatory agency. We are offering this amendment. I will offer it along with my colleague, the gentleman from Nebraska [Mr. BEREUTER].

Mr. BEREUTER. Mr. Chairman, will the gentleman yield?

Mr. HOAGLAND. I yield to the gentleman from Nebraska.

Mr. BEREUTER. Mr. Chairman, this Member would like to commend the chairman of the Rules Committee, the distinguished gentleman from Massachusetts [Mr. MOAKLEY] and the ranking minority member of the Rules Committee, the distinguished gentlemen from New York [Mr. SOLOMON] for crafting a rule for H.R. 776 that allows for the consideration of this amendment on the House floor.

This Member's colleagues from Nebraska, Mr. PETER HOAGLAND and Mr. BILL BARRETT, and this Member have drafted an amendment to resolve a problem that exists in the current version of H.R. 776 concerning the conservation grant program for State regulatory authorities.

A provision in H.R. 776 establishes a conservation grant program for State regulatory authorities to encourage demand side management activities. Under this proposed legislation, the term "State regulatory authority" is defined to mean any State agency which has ratemaking authority with respect to the sale of electric energy by any electric utility—other than such State agency. However, this definition essentially prohibits the State of Nebraska from applying for these grants.

Nebraska is the only State in which all such utilities are publicly owned, and as such they are not subject to a State agency with ratemaking authority. Consequently, the State of Nebraska is excluded from even qualifying to apply for these grants. Furthermore, it is my understanding that the exclusion of Nebraska from this grant program was simply an oversight by the Energy and Commerce Committee as no other State in the Nation has all publicly owned utilities. Our amendment resolves this problem by authorizing a State's energy office to administer the State conservation grants, but such an authorization extends only to a State that does not have statewide ratemaking authority. Under this amendment, since Nebraska is the only State without a statewide ratemaking authority, the State of Nebraska's energy office would administer the State conservation grants program in Nebraska.

Mr. Chairman, this Member urges his colleagues to vote in favor of the Hoagland-Bereuter-Barrett amendment.

□ 1750

Mr. HOAGLAND. Mr. Chairman, I yield such time as he may consume to the gentleman from Nebraska [Mr. BARRETT].

Mr. BARRETT. Mr. Chairman, I thank the gentleman for yielding me this time.

Mr. Chairman, I rise in strong support of the amendment offered by my colleague, the gentleman from Nebraska, and ask all of my colleagues to support it as well.

This amendment would make a simple correction to the bill, yet in the spirit of fairness, it is as important as any we will consider today. Its adoption will make sure that all States are entitled to apply for conservation grants provided for in section 151. Because the definition of a State regulatory authority is that of the Public Utility Regulatory Policy Act of 1978, it appears that the State of Nebraska would be ineligible to apply for these grants.

Nebraska has been served solely by public power since the 1930's. It is one of the many legacies of George Norris, who served Nebraska in this House and in the Senate. As Senator Norris envisioned, public power has been providing reliable and affordable electricity to the people of Nebraska, and has been able to accomplish this without a statewide ratesetting authority.

Mr. Chairman, I do not believe it was the intention of the bill's authors that certain States be left out. This amendment is supported by the entire Nebraska delegation and by the Governor. Its adoption is needed not only to make this legislation work as intended, it is also a matter of fairness. I ask for the support of the House.

Mr. HOAGLAND. Mr. Chairman, I yield such time as he may consume to the gentleman from Indiana [Mr. SHARP], chairman of the subcommittee.

Mr. SHARP. Mr. Chairman, I thank the gentleman for yielding me the time. First of all, I want to compliment the gentleman on his serious work on a number of energy issues that appear in this bill. But he and other colleagues from Nebraska are perfectly correct. Our intent was for all States to be able to participate.

Their State is unique because it does not have the same kind of regulatory apparatus that most of our States have, so we certainly cannot want them to be excluded, and would be very pleased to support the gentleman's amendment.

Mr. HOAGLAND. Mr. Chairman, I yield such time as he may consume to the gentleman from California [Mr. MOORHEAD].

Mr. MOORHEAD. Mr. Chairman, I thank the gentleman for yielding me the time.

This amendment recognizes the fact that Nebraska is the only State in the Union that does not have a State utility regulatory commission. The effect of that is that Nebraska cannot apply for grants to promote utility least cost planning. This amendment would permit them to do so.

It is a good amendment, noncontroversial, and the minority has no objection to it and we support it.

The CHAIRMAN. Does any Member rise in opposition to the amendment?

If not, the question is on the amendment offered by the gentleman from Nebraska [Mr. HOAGLAND].

The amendment was agreed to.

The CHAIRMAN. It is now in order to consider amendment No. 3 printed in House Report 102–528.

AMENDMENT OFFERED BY MR. KASICH

Mr. KASICH. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. KASICH: Page 30, line 4, insert after the period the following: For each installed measure for which the projected energy and water savings reported in the previous year were not realized, such report shall also set forth the percentage of such projected savings that was not realized, the reasons such savings were not realized, and proposals for, and projected costs of, achieving such projected savings in the future.

The CHAIRMAN. Pursuant to the rule, the gentleman from Ohio [Mr. KASICH] will be recognized for 10 minutes, and a Member opposed will be recognized for 10 minutes.

The Chair recognizes the gentleman from Ohio [Mr. KASICH].

Mr. KASICH. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I appreciate very much the time and the opportunity to offer this amendment. I do not intend to take the whole time. I want to begin by first of all thanking the gentleman from New York [Mr. SOLOMON] and the gentleman from California [Mr. DREIER] for their efforts before the Rules Committee, along with the gentleman from Ohio [Mr. MCEWEN]. I would also like to thank the chairman of the Rules Committee, Mr. MOAKLEY, and a number of my friends on there, the gentleman from California [Mr. BEILENSON] and the gentleman from South Carolina [Mr. DERRICK], for giving me the opportunity to bring this amendment to the floor today.

Basically what it does is to put a proposal that I have been developing on a number of authorization bills into law, and it is a concept called performance based budgeting. It is something that I believe we ought to do for the entire Federal budget.

If we are going to give money to somebody for a program for purposes of achieving a goal, we ought not to just give them the money based on what their goal is, but we ought to force them to come back and give us a report as to whether the goal has been achieved or not, called performance based budgeting.

We have now attempted to do this on several bills, and in fact have been successful in the DOD bill, where we have performance-base budgeted a $70 billion program to make sure that what the Pentagon says is going to happen with a particular program actually happens. And we have also done it with the higher education bill by setting up a mechanism whereby we can monitor money that gets put into a student loan collection program to find out whether it is working.

What we do in this bill is to performance base budget an energy section that gives grants to all of the agencies in the Federal Government to try to figure out ways in which we can conserve water and energy, and those investments, and those grants that are made to the agencies must have a payback period of less than 10 years. What the bill provides essentially is that the agencies submit a goal and a plan, but it does not close the loop. It does not say that the agencies must come back and show whether the grants actually worked in reducing energy use. So what we provide for in this amendment, and what we provide for in this bill is that the Secretary of Energy is required to come back to Congress to give us a report as to whether in fact energy savings occurred as a result of this program.

Then we have a more efficient use of ideas, a more efficient use of dollars. What this means is if one energy technique for conservation works, we ought to apply it more often, and those energy techniques that do not work ought to be junked, and we ought not to waste money on them.

I am bringing this amendment in a narrow area in the energy bill, and I deeply appreciate the ability to do this. But this is a concept that ought to be used for all programs of the Federal Government as we go through a period of time now involving the riots in Los Angeles and people are saying that the social welfare programs are not working, or they need more money or whatever. I say we have to performance-base budget them. We have to find out which programs are achieving goals and which ones are not so that we can emphasize those that work and deemphasize those that do not. We ought to do it in the Department of Defense. We are doing it in the Department of Energy. We ought to do it in the Department of Education; we ought to do it across the board. It gives us a rational way to establish priorities, a rational way in which we can spend taxpayers' money wisely, and we can design Federal budgets that are based on what works, not on theory, not on principle, not on lofty goals, but which programs actually work.

I appreciate the opportunity to offer the amendment.

Mr. Chairman, I reserve the balance of my time.

The CHAIRMAN. The Committee will rise informally to receive a message.

MESSAGES FROM THE PRESIDENT

The SPEAKER pro tempore (Mr. OBERSTAR) assumed the chair.

The SPEAKER pro tempore. The Chair will receive a message from the President of the United States.

SUNDRY MESSAGES FROM THE PRESIDENT

Sundry messages in writing from the President of the United States were communicated to the House by Mr. McCathran, one of his secretaries.

The SPEAKER pro tempore. The Committee will resume its sitting.

COMPREHENSIVE NATIONAL ENERGY POLICY ACT

The Committee resumed its sitting.

The CHAIRMAN. Does any Member rise in opposition to the amendment offered by the gentleman from Ohio [Mr. KASICH]?

Mr. KASICH. Mr. Chairman, I yield myself 20 additional seconds to say this is a concept that I have not just been involved with, but we have had a team involved in this, including the gentleman from Pennsylvania [Mr. SANTORUM], the gentleman from Washington [Mr. MILLER], and the gentleman from Texas [Mr. DELAY], all interested in pursuing this concept of performance-based budgeting.

Some Members are going to get tired of hearing me with amendments on this, but I think it is a critical way to move. If Members read the current issue of Time magazine, it talks about concepts like this for improving the efficiency of government.

Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Ohio [Mr. KASICH].

The amendment was agreed to.

AMENDMENT, AS MODIFIED, OFFERED BY MR. ATKINS

Mr. ATKINS. Mr. Chairman, pursuant to the rule, I offer an amendment, as modified by the unanimous consent request in the House.

The CHAIRMAN. The Clerk will designate the amendment, as modified.

The text of the amendment, as modified, is as follows:

Amendment, as modified, offered by Mr. ATKINS: The amendment is modified as follows:

Page 113, strike line 14 and all that follows through page 135, line 2, and insert the following (and conform the table of contents accordingly):

SEC. 164. ENERGY CONSERVATION REQUIREMENTS FOR CERTAIN LAMPS AND PLUMBING PRODUCTS.

(a) STATEMENT OF PURPOSE.—Section 2 of the Energy Policy and Conservation Act (42 U.S.C. 6201) is amended—

(1) in paragraph (6), by striking out "and" at the end;

(2) in paragraph (7), by striking out the period at the end and inserting in lieu thereof "; and"; and

(3) by adding at the end the following new paragraph:

"(8) to conserve water by improving the water efficiency of certain plumbing products and appliances.".

(b) DEFINITIONS.—Section 321(a) of the Energy Policy and Conservation Act (42 U.S.C. 6291(a)) is amended—

(1) by striking out the subsection designation;

(2) in paragraph (1)—

(A) in subparagraph (A), by inserting before the semicolon the following: "or, with respect to showerheads, faucets, water closets, and urinals, water"; and

(B) in subparagraph (B), by striking out "ballasts" and inserting in lieu thereof the following: "ballasts, general service fluorescent lamps, incandescent reflector lamps, showerheads, faucets, water closets, and urinals";

(3) in paragraph (6)—

(A) in subparagraph (A), by inserting ", or, in the case of showerheads, faucets, water closets, and urinals, water use," after "energy use"; and

(B) in subparagraph (B)—

(i) by striking out "and (14)" and inserting in lieu thereof "(15), (16), (17), and (19)"; and

(ii) by striking out "325(o)" and inserting in lieu thereof "325(r)";

(4) in paragraph (7), by inserting after "to be consumed annually" the following: ", and in the case of showerheads, faucets, water closets, and urinals, the aggregate retail cost of water and wastewater treatment services likely to be incurred annually,"; and

(5) by adding at the end the following new paragraphs:

"(30)(A) Except as provided in subparagraph (E), the term 'fluorescent lamp' means a low pressure mercury electric-discharge source in which a fluorescing coating transforms some of the ultraviolet energy generated by the mercury discharge into light, including only the following:

"(i) Any straight-shaped lamp (commonly referred to as 4-foot medium bi-pin lamps) with medium bi-pin bases of nominal overall length of 48 inches and rated wattage of 28 or more.

"(ii) Any U-shaped lamp (commonly referred to as 2-foot U-shaped lamps) with medium bi-pin bases of nominal overall length between 22 and 25 inches and rated wattage of 28 or more.

"(iii) Any rapid start lamp (commonly referred to as 8-foot high output lamps) with recessed double contact bases of nominal overall length of 96 inches and 0.800 nominal amperes, as defined in ANSI C78.1–1978 and related supplements.

"(iv) Any instant start lamp (commonly referred to as 8-foot slimline lamps) with single pin bases of nominal overall length of 96 inches and rated wattage of 52 or more, as defined in ANSI C78.3–1978 (R1984) and related supplement ANSI C78.3a–1985.

"(B) The term ‘general service fluorescent lamp’ means fluorescent lamps which can be used to satisfy the majority of fluorescent applications, but does not include any lamp designed and marketed for the following nongeneral lighting applications:

"(i) Fluorescent lamps designed to promote plant growth.

"(ii) Fluorescent lamps specifically designed for cold temperature installations.

"(iii) Colored fluorescent lamps.

"(iv) Impact-resistant fluorescent lamps.

"(v) Reflectorized or aperture lamps.

"(vi) Fluorescent lamps designed for use in reprographic equipment.

"(vii) Lamps primarily designed to produce radiation in the ultra-violet region of the spectrum.

"(viii) Lamps with a color rendering index of 82 or greater.

"(C) Except as provided in subparagraph (E), the term ‘incandescent lamp’ means a lamp in which light is produced by a filament heated to incandescence by an electric current, including only the following:

"(i) Any lamp (commonly referred to as lower wattage nonreflector general service lamps, including any tungsten-halogen lamp) that has a rated wattage between 30 and 199 watts, has an E26 medium screw base, has a rated voltage or voltage range that lies at least partially within 115 and 130 volts, and is not a reflector lamp.

"(ii) Any lamp (commonly referred to as a reflector lamp) which is not colored or designed for rough or vibration service applications, that contains an inner reflective coating on the outer bulb to direct the light, an R, PAR, or similar bulb shapes (excluding ER or BR) with E26 medium screw bases, a rated voltage or voltage range that lies at least partially within 115 and 130 volts, a diameter which exceed 2.75 inches, and is either—

"(I) a low(er) wattage reflector lamp which has a rated wattage between 40 and 205 watts; or

"(II) a high(er) wattage reflector lamp which has a rated wattage above 205 watts.

"(iii) Any general service incandescent lamp (commonly referred to as a high- or higher wattage lamp) that has a rated wattage above 199 watts (above 205 watts for a high wattage reflector lamp).

"(D) The term ‘general service incandescent lamp’ means incandescent lamps (other than miniature or photographic lamps) which can be used to satisfy the majority of lighting applications, but does not include any lamp specifically designed for—

"(i) traffic signal, or street lighting service;

"(ii) airway, airport, aircraft, or other aviation service;

"(iii) marine or marine signal service;

"(iv) photo, projection, sound reproduction, or film viewer service;

"(v) stage, studio, or television service;

"(vi) mill, saw mill, or other industrial process service;

"(vii) mine service;

"(viii) headlight, locomotive, street railway, or other transportation service;

"(ix) heating service;

"(x) code beacon, marine signal, lighthouse, reprographic, or other communication service;

"(xi) medical or dental service;

"(xii) microscope, map, microfilm, or other specialized equipment service;

"(xiii) swimming pool or other underwater service;

"(xiv) decorative or showcase service;

"(xv) producing colored light;

"(xvi) shatter resistance which has an external protective coating; or

"(xvii) appliance service.

"(E) The terms ‘fluorescent lamp’ and ‘incandescent lamp’ do not include any lamp excluded by the Secretary, by rule, as a result of a determination that standards for such lamp would not result in significant energy savings because such lamp is designed for special applications or has special characteristics not available in reasonably substitutable lamp types.

"(F) The term ‘incandescent reflector lamp’ means a lamp described in subparagraph (C)(ii).

"(G) The term ‘average lamp efficacy’ means the lamp efficacy readings taken over a statistically significant period of manufacture with the readings averaged over that period.

"(H) The term ‘base’ means the portion of the lamp which connects with the socket as described in ANSI C81.61–1990.

"(I) The term ‘bulb shape’ means the shape of lamp, especially the glass bulb with designations for bulb shapes found in ANSI C79.1–1980 (R1984).

"(J) The term ‘color rendering index’ or ‘CRI’ means the measure of the degree of color shift objects undergo when illuminated by a light source as compared with the color of those same objects when illuminated by a reference source of comparable color temperature.

"(K) The term ‘correlated color temperature’ means the absolute temperature of a blackbody whose chromaticity most nearly resembles that of the light source.

"(L) The term ‘IES’ means the Illuminating Engineering Society of North America.

"(M) The term ‘lamp efficacy’ means the lumen output of a lamp divided by its wattage, expressed in lumens per watt (LPW).

"(N) The term ‘lamp type’ means all lamps designated as having the same electrical and lighting characteristics and made by one manufacturer.

"(O) The term ‘lamp wattage’ means the total electrical power consumed by a lamp in watts, after the initial seasoning period referenced in the appropriate IES standard test procedure and including, for fluorescent, arc watts plus cathode watts.

"(P) The terms ‘life’ and ‘lifetime’ mean length of operating time of a statistically large group of lamps between first use and failure of 50 percent of the group in accordance with test procedures described in the IES Lighting Handbook-Reference Volume.

"(Q) The term ‘lumen output’ means total luminous flux (power) of a lamp in lumens, as measured in accordance with applicable IES standards as determined by the Secretary.

"(R) The term ‘tungsten-halogen lamp’ means a gas-filled tungsten filament incandescent lamp containing a certain proportion of halogens in an inert gas.

"(S) The term ‘medium base compact fluorescent lamp’ means an integrally ballasted fluorescent lamp with a medium screw base and a rated input voltage of 115 to 130 volts and which is designed as a direct replacement for a general service incandescent lamp.

"(31)(A) The term ‘water use’ means the quantity of water flowing through a showerhead, faucet, water closet, or urinal at point of use, determined in accordance with test procedures under section 323.

"(B) The term ‘ASME’ means the American Society of Mechanical Engineers.

"(C) The term ‘ANSI’ means the American National Standards Institute.

"(D) The term ‘showerhead’ means any showerhead (including a handheld showerhead), except a safety shower showerhead.

"(E) The term ‘faucet’ means a lavatory faucet, kitchen faucet, metering faucet, or replacement aerator for a lavatory or kitchen faucet.

"(F) The term ‘water closet’ has the meaning given such term in ASME A112.19.2M–1990, except such term does not include fixtures designed for installation in prisons.

"(G) The term ‘urinal’ has the meaning given such term in ASME A112.19.2M–1990, except such term does not include fixtures designed for installation in prisons.

"(H) The terms ‘blowout’, ‘flushometer tank’, ‘low consumption’, and ‘flushometer valve’ have the meaning given such terms in ASME A112.19.2M–1990.".

(c) COVERAGE.—Section 322(a) of such Act (42 U.S.C. 6292(a)) is amended—

(1) by redesignating paragraph (14) as paragraph (19); and

(2) by inserting after paragraph (13) the following new paragraphs:

"(14) General service fluorescent lamps and incandescent reflector lamps.

"(15) Showerheads, except safety shower showerheads.

"(16) Faucets.

"(17) Water closets.

"(18) Urinals.".

(d) TEST PROCEDURES.—Section 323 of such Act (42 U.S.C. 6293) is amended—

(1) in subsection (b)—

(A) in paragraph (3), by inserting after "energy use," the following "water use (in the case of showerheads, faucets, water closets and urinals),";

(B) in paragraph (4)—

(i) by inserting "or, in the case of showerheads, faucets, water closets, or urinals, water use" after "energy use";

(ii) by inserting after "such cycle" the following: ", or in the case of showerheads, faucets, water closets, or urinals, representative average unit costs of water and wastewater treatment service resulting from the operation of such products during such cycle"; and

(iii) by inserting ", water, and wastewater treatment" before the period at the end of the second sentence; and

(C) by adding at the end the following new paragraphs:

"(6) With respect to fluorescent lamps and incandescent reflector lamps to which standards are applicable under subsection (i) of section 325, the Secretary shall prescribe test procedures, to be carried out by accredited test laboratories, that take into consideration the applicable IES or ANSI standard.

"(7)(A) With respect to showerheads and faucets to which standards are applicable under subsection (j) of section 325, the Secretary shall, not later than six months after the date of the enactment of this paragraph, prescribe test procedures that are consistent with ASME A112.18.1M–1989.

"(B) If the test procedure requirements of ASME A112.18.1M–1989 are revised at any time and approved by ANSI, the Secretary shall amend the test procedures established by subparagraph (A) to conform to such revised ASME/ANSI requirements unless the Secretary determines, by rule, that to do so would not meet the requirements of paragraph (3).

"(8)(A) With respect to water closets and urinals to which standards are applicable under subsection (k) of section 325, the Secretary shall, not later than six months after the date of the enactment of this paragraph, prescribe test procedures that are consistent with ASME A112.19.6–1990.

"(B) If the test procedure requirements of ASME A112.19.6–1990 are revised at any time and approved by ANSI, the Secretary shall amend the test procedures established by subparagraph (A) to conform to such revised ASME/ANSI requirements unless the Secretary determines, by rule, that to do so would not meet the requirements of paragraph (3).";

(2) in paragraphs (1) and (2) of subsection (c), by inserting "or water use" after "efficiency"; and

(3) in subsection (e)—

(A) in paragraph (1), by striking out "or measured energy use" and inserting in lieu thereof ", measured energy use, or measured water use";

(B) in paragraph (2), by striking out "energy efficiency or energy use" each place it appears and inserting in lieu thereof "energy efficiency, energy use, or water use"; and

(C) in paragraph (3), by striking out "energy efficiency or energy use" and inserting in lieu thereof "energy efficiency, energy use, or water use".

(e) LABELING.—Section 324 of such Act (42 U.S.C. 6294) is amended—

(1) in subsection (a)(2), by adding at the end the following new subparagraphs:

"(C) Not later than one year after the date of the enactment of the Comprehensive National Energy Policy Act, the Commission shall prescribe labeling rules under this section applicable to general service fluorescent lamps, medium base compact fluorescent lamps, and general service incandescent lamps. Such rules shall provide that the labeling of any general service fluorescent lamp, medium base compact fluorescent lamp, and general service incandescent lamp manufactured after the 12-month period beginning on the date of the publication of such rule shall indicate conspicuously on the packaging of the lamp, in a manner prescribed by the Commission under subsection (b), such information as the Commission deems necessary to enable consumers to select the most energy efficient lamps which meet their requirements. Labeling information for incandescent lamps shall be based on performance when operated at 120 volts input, regardless of the rated lamp voltage.

"(D)(i) Not later than one year after the date of the enactment of the Comprehensive National Energy Policy Act, the Commission shall prescribe labeling rules under this section for showerheads and faucets to which standards are applicable under subsection (j) of section 325. Such rules shall provide that the labeling of any showerhead or faucet manufactured after the 12-month period beginning on the date of the publication of such rule shall be consistent with the marking and labeling requirements of ASME A112.18.1M–1989, except that each fitting shall bear a permanent legible marking indicating the flow rate, expressed in gallons per minute (gpm) or gallons per cycle (gpc), and the flow rate value shall be the actual flow rate or the maximum flow rate specified by the standards established in subsection (j) of section 325.

"(ii) If the marking and labeling requirements of ASME A112.18.1M–1989 are revised at any time and approved by ANSI, the Commission shall amend the labeling rules established pursuant to clause (i) to be consistent with such revised ASME/ANSI requirements unless such requirements are inconsistent with the purposes of this part or the requirement specified in clause (i) requiring each fitting to bear a permanent legible marking indicating the flow rate of such fitting.

"(E)(i) Not later than one year after the date of the enactment of the Comprehensive National Energy Policy Act, the Commission shall prescribe labeling rules under this section for water closets and urinals to which standards are applicable under subsection (k) of section 325. Such rules shall provide that the labeling of any water closet or urinal manufactured after the 12-month period beginning on the date of the publication of such rule shall be consistent with the marking and labeling requirements of ASME A112.19.2M–1990, except that each fixture (and flushometer valve associated with such fixture) shall bear a permanent legible marking indicating the water use, expressed in gallons per flush (gpf), and the water use value shall be the actual water use or the maximum water use specified by the standards established in subsection (k) of section 325.

"(ii) If the marking and labeling requirements of ASME A112.19.2M–1990 are revised at any time and approved by ANSI, the Commission shall amend the labeling rules established pursuant to clause (i) to be consistent with such revised ASME/ANSI requirements unless such requirements are inconsistent with the purposes of this part or the requirement specified in clause (i) requiring each fixture and flushometer valve to bear a permanent legible marking indicating the water use of such fixture or flushometer valve.";

(2) in subsection (a)(3), by striking out "(14)" and inserting in lieu thereof "(19)";

(3) in subsection (b)(1)(B), by striking out "(14)" and inserting in lieu thereof "(13), and paragraphs (15) through (19)";

(4) in paragraphs (3) and (5) of subsection (b), by striking out "(14)" and inserting in lieu thereof "(19)"; and

(5) in subsection (c)—

(i) in paragraph (7), by striking out "paragraph (13) of section 322" and inserting in lieu thereof "paragraphs (13), (14), (16), and (18) of section 322(a)"; and

(ii) by adding at the end the following:

"(8) If a manufacturer of a covered product specified in paragraph (15) or (17) of section 322(a) elects to provide a label for such covered product conveying the estimated annual operating cost of such product or the range of estimated annual operating costs for the type or class of such product—

"(A) such estimated cost or range of costs shall be determined in accordance with test procedures prescribed under section 323;

"(B) the format of such label shall in accordance with a format prescribed by the Commission; and

"(C) such label shall be displayed in a manner, prescribed by the Commission, to be likely to assist consumers in making purchasing decisions and appropriate to carry out the purposes of this part.".

(f) STANDARDS.—Section 325 of such Act (42 U.S.C. 6295) is amended—

(1) by redesignating subsections (i) through (q) as subsections (l) through (t); and

(2) by inserting after subsection (h) the following:

"(i) GENERAL SERVICE FLUORESCENT LAMPS AND INCANDESCENT REFLECTOR LAMPS.—(1)(A) Each of the following general service fluorescent lamps and incandescent reflector lamps manufactured after the effective date specified in the tables listed in this paragraph shall meet or exceed the following lamp efficacy and CRI standards:

"FLUORESCENT LAMPS

"Lamp Type	Nominal Lamp Wattage	Minimum CRI	Minimum Average Lamp Efficacy (LPW)	Effective Date (Months)
4-foot medium bi-pin.	>35W	69	75.0	36
	≤35W	45	75.0	36
2-foot U-shaped	>35W	69	68.0	36
	≤35W	45	64.0	36
8-foot slimline	65W	69	80.0	18
	≤65W	45	80.0	18
8-foot high output	>100W	69	80.0	18
	≤100W	45	80.0	18

"INCANDESCENT REFLECTOR LAMPS

"Nominal Lamp Wattage	Minimum Average Lamp Efficacy (LPW)	Effective Date (Months)
40–50	10.5	36
51–66	11.0	36
67–85	12.5	36
86–115	14.0	36
116–155	14.5	36
156–205	15.0	36

"(B) For the purposes of the tables set forth in subparagraph (A), the term 'effective date' means the last day of the month set forth in the table which follows the date of the enactment of the Comprehensive National Energy Policy Act.

"(2) Notwithstanding section 332(a)(5) and section 332(b), it shall not be unlawful for a manufacturer to sell a lamp which is in compliance with the law at the time such lamp was manufactured.

"(3) Not less than 36 months after the date of the enactment of this subsection, the Secretary shall initiate a rulemaking procedure and shall publish a final rule not later than the end of the 54-month period beginning on the date of the enactment of this subsection to determine if the standards established under paragraph (1) should be amended. Such rule shall contain such amendment, if any, and provide that the amendment shall apply to products manufactured on or after the 36-month period beginning on the date such final rule is published.

"(4) Not less than eight years after the date of the enactment of this subsection, the Secretary shall initiate a rulemaking procedure and shall publish a final rule not later than nine years and six months after the date of the enactment of this subsection to determine if the standards in effect for fluorescent lamps and incandescent lamps should be amended. Such rule shall contain such amendment, if any, and provide that the amendment shall apply to products manufactured on or after the 36-month period beginning on the date such final rule is published.

"(5) Not later than the end of the 24-month period beginning on the date labeling requirements under section 324(a)(2)(C) become effective, the Secretary shall initiate a rulemaking procedure to determine if the standards in effect for fluorescent lamps and incandescent lamps should be amended so that they would be applicable to additional general service fluorescent and general service incandescent lamps and shall publish, not later than 18 months after initiating such rulemaking, a final rule including such amended standards, if any. Such rule shall provide that the amendment shall apply to products manufactured after a date which is 36 months after the date such rule is published.

"(6)(A) With respect to any lamp to which standards are applicable under this subsection or any lamp specified in section 346, the Secretary shall inform any Federal entity proposing actions which would adversely impact the energy consumption or energy efficiency of such lamp of the energy conservation consequences of such action. It shall be the responsibility of such Federal entity to carefully consider the Secretary's comments.

"(B) Notwithstanding section 325(n)(1), the Secretary shall not be prohibited from amending any standard, by rule, to permit increased energy use or to decrease the minimum required energy efficiency of any lamp to which standards are applicable under this subsection if such action is warranted as a result of other Federal action (including restrictions on materials or processes) which would have the effect of either increasing the energy use or decreasing the energy efficiency of such product.

"(7) Not later than the date on which standards established pursuant to this subsection become effective, or, with respect to high-intensity discharge lamps covered under section 346, the effective date of standards established pursuant to such section, each manufacturer of a product to which such standards are applicable shall file with the Secretary a laboratory report certifying compliance with the applicable standard for each lamp type. Such report shall include the lumen output and wattage consumption for each lamp type as an average of measurements taken over the preceding 12-month period. With respect to lamp types which are not manufactured during the 12-month period preceding the date such standards become effective, such report shall be filed with the Secretary not later than the date which is 12 months after the date manufacturing is commenced and shall include the lumen output and wattage consumption for each such lamp type as an average of measurements taken during such 12-month period.

"(j) STANDARDS FOR SHOWERHEADS AND FAUCETS.—(1)(A) The maximum water use allowed for any showerhead manufactured after July 1, 1993, is 2.5 gallons per minute when measured at a flowing water pressure of 80 pounds per square inch.

"(B) When used as a component part of a showerhead, any flow restricting insert shall be mechanically retained at the point of manufacture. The requirement of the previous sentence shall not apply to showerheads which cause water to leak significantly from areas other than the spray face when the flow restricting insert is removed. For purposes of this subparagraph, the term 'mechanically retained' means that a pushing or pulling force of 8 pounds or more is required to remove the flow restricting insert.

"(2) The maximum water use allowed for any of the following faucets manufactured after January 1, 1994, when measured at a flowing water pressure of 80 pounds per square inch, is as follows:

"Lavatory faucets	2.5 gallons per minute
"Lavatory replacement aerators.	2.5 gallons per minute
"Kitchen faucets	2.5 gallons per minute
"Kitchen replacement aerators.	2.5 gallons per minute
"Metering faucets	0.25 gallons per cycle

"(3)(A) If the maximum flow rate requirements or the design requirements of ASME Standard A112.18.1M–1989, as in effect on the date of the enactment of the Comprehensive National Energy Policy Act, are amended to improve the efficiency of water use of any type or class of showerhead or faucet and are approved by ANSI, the Secretary shall, not later than 12 months after the date of such amendment, publish a final rule establishing an amended uniform national standard for that product at the level specified in the amended ASME/ANSI Standard A112.18.1M and providing that such standard shall apply to products manufactured after a date which is 12 months after the publication of such rule, unless the Secretary determines, by rule published in the Federal Register, that adoption of a uniform national standard at the level specified in such amended ASME/ANSI Standard A112.18.1M—

"(i) is not technologically feasible and economically justified under subsection (o);

"(ii) is not consistent with the maintenance of public health and safety; or

"(iii) is not consistent with the purposes of this part.

"(B) As part of the rulemaking conducted under subparagraph (A), the Secretary shall also determine if adoption of a standard for any type or class of showerhead or faucet more stringent than such amended ASME/ANSI Standard A112.18.1M would result in additional conservation of energy or water. If the Secretary so determines, such rule shall waive the provisions of section 327(c) with respect to any State regulation concerning the water use or water efficiency of such type or class of showerhead or faucet if such State regulation—

"(i) is more stringent than the standard in effect for such type or class of showerhead or faucet; and

"(ii) is applicable to any sale or installation of all products in such type or class of showerhead or faucet.

"(C) If, after any period of five consecutive years, the maximum flow rate requirements of the ASME/ANSI standard for showerheads are not amended to improve the efficiency of water use of such products, or after such period such requirements for faucets are not amended to improve the efficiency of water use of such products, the Secretary shall, not later than six months after the end of such five-year period, publish a final rule waiving the provisions of section 327(c) with respect to any State regulation concerning the water use or water efficiency of such type or class of showerhead or faucet if such State regulation—

"(i) is more stringent than the standards in effect for such product; and

"(ii) is applicable to any sale or installation of all products in such type or class or showerhead or faucet.

"(k) STANDARDS FOR WATER CLOSETS AND URINALS.—(1)(A) Except as provided in subparagraph (B), the maximum water use allowed in gallons per flush for any of the following water closets manufactured after January 1, 1994, is the following:

"Gravity tank-type toilets	1.6 gpf.
"Flushometer tank toilets	1.6 gpf.
"Electromechanical hydraulic toilets	1.6 gpf.
"Blowout toilets	3.5 gpf.

"(B) The maximum water use allowed for any gravity tank-type toilet which bears a permanent mark conspicuous upon installation consisting of the words 'Commercial Use Only' manufactured after January 1, 1994, and before January 1, 1997, is 3.5 gallons per flush.

"(C) The maximum water use allowed for flushometer valve toilets, other than blowout toilets, manufactured after January 7, 1997, is 1.6 gallons per flush.

"(2) The maximum water use allowed for any urinal manufactured after January 1, 1994, is 1.0 gallons per flush.

"(3)(A) If the maximum flush volume requirements of ASME Standard A112.19.6–1990, as in effect on the date of the enactment of the Comprehensive National Energy Policy Act, are amended to improve the efficiency of water use of any low consumption water closet or low consumption urinal and are approved by ANSI, the Secretary shall, not later than 12 months after the date of such amendment, publish a final rule establishing an amended uniform national standard for that product at the level specified in amended ASME/ANSI Standard A112.19.6 and providing that such standard shall apply to products manufactured after a date which is one year after the publication of such rule, unless the Secretary determines, by rule published in the Federal Register, that adoption of a uniform national standard at the level specified in such amended ASME/ANSI Standard A112.19.6—

"(i) is not technologically feasible and economically justified under subsection (o);

"(ii) is not consistent with the maintenance of public health and safety; or

"(iii) is not consistent with the purposes of this part.

"(B) As part of the rulemaking conducted under subparagraph (A), the Secretary shall also determine if adoption of a uniform national standard for any type or class of low consumption water closet or low consumption urinal more stringent than such amended ASME/ANSI Standard A112.19.6 for such product would result in additional conservation of energy or water. If the Secretary so determines, such rule shall waive the provisions of section 327(c) with respect to any State regulation concerning the water use or water efficiency of such type or class of low consumption water closet or low consumption urinal if such State regulation—

"(i) is more stringent than the standard in effect for such type or class of low consumption water closet or low consumption urinal; and

"(ii) is applicable to any sale or installation of all products in such type or class of low consumption water closet or low consumption urinal.

"(C) If, after any period of five consecutive years, the maximum flush volume requirements of the ASME/ANSI standard for low consumption water closets are not amended to improve the efficiency of water use of such products, or after such period such requirements for low consumption urinals are not amended to improve the efficiency of water use of such products, the Secretary shall, not later than six months after the end of such five-year period, publish a final rule waiving the provisions of section 327(c) with respect to any State regulation concerning the water use or water efficiency of such type or class of water closet or urinal if such State regulation—

"(i) is more stringent than the standards in effect for such type or class of water closet or urinal; and

"(ii) is applicable to any sale or installation of all products in such type or class of water closet or urinal.

(3) in subsection (l) (as redesignated by paragraph (1) of this subsection)—

(A) in paragraphs (1) and (2), by striking out "(14)" and inserting in lieu thereof "(19)"; and

(B) in paragraphs (1) and (3), by striking out "(l) and (m)" and inserting in lieu thereof "(o) and (p)";

(4) in subsection (m) (as redesignated by paragraph (1) of this subsection), by striking out "(h)" and inserting in lieu thereof "(i)";

(5) in subsection (n) (as redesignated by paragraph (1) of this subsection)—

(A) in paragraph (1)—

(i) by striking out "and in paragraph (13)" and inserting in lieu thereof ", and in paragraphs (13) and (14)"; and

(ii) by striking out "(h)" and inserting in lieu thereof "(i)";

(B) in paragraph (2)(C), by striking out "(l)(2)(B)(i)(II)" and inserting in lieu thereof "(o)(2)(B)(i)(II)"; and

(C) in paragraph (3)(B), by inserting "general service fluorescent lamps, incandescent reflector lamps," after "fluorescent lamp ballasts,"; and

(6) in subsection (o) (as redesignated by paragraph (1) of this subsection)—

(A) in paragraph (1), by inserting "or, in the case of showerheads, faucets, water closets, or urinals, water use," after "energy use,";

(B) in paragraph (2)(A), by inserting ", or, in the case of showerheads, faucets, water closets, or urinals, water efficiency," after "energy efficiency";

(C) in paragraph (2)(B)(i)(III), by inserting ", or as applicable, water," after "energy";

(D) in paragraph (2)(B)(i)(VI), by inserting "and water" after "energy";

(E) in paragraph (2)(B)(iii), by striking out "energy savings" and inserting "energy, and as applicable water, savings"; and

(F) in paragraph (3)(B), by inserting ", in the case of showerheads, faucets, water closets, or urinals, water, or" after "energy or";

(7) in subsection (p)(3)(A) (as redesignated by paragraph (1) of this subsection)—

(A) by striking out "(l)(2)" and inserting in lieu thereof "(o)(2)"; and

(B) by striking out "(l)(4)" and inserting in lieu thereof "(o)(4)".

(g) REQUIREMENTS OF MANUFACTURERS.—Section 326 of such Act (42 U.S.C. 6296) is amended—

(1) in subsection (b)(4), by inserting "or water use" after "consumption"; and

(2) in subsection (d)(1), by striking out "or energy use" and inserting in lieu thereof ", energy use, or, in the case of showerheads, faucets, water closets, and urinals, water use".

(h) EFFECT ON OTHER LAW.—Section 327 of such Act (42 U.S.C. 6297) is amended—

(1) in subsection (a)—

(A) in paragraph (1), in the material preceding subparagraph (A), by inserting "or water use" after "energy consumption";

(B) in paragraph (1)(A), by inserting ", water use," after "energy consumption";

(C) in paragraph (1)(B), by striking out "or energy efficiency" and inserting in lieu thereof ", energy efficiency, or water use"; and

(D) by amending paragraph (2) to read as follows:

"(2) For purposes of this section, the following definitions apply:

"(A) The term 'State regulation' means a law, regulation, or other requirement of a State or its political subdivisions. With respect to showerheads, faucets, water closets, and urinals, such term shall also mean a law, regulation, or other requirement of a river basin commission that has jurisdiction within a State.

"(B) The term 'river basin commission' means—

"(i) a commission established by interstate compact to apportion, store, regulate, or otherwise manage or coordinate the management of the waters of a river basin; and

"(ii) a commission established under section 201(a) of the Water Resources Planning Act (42 U.S.C. 1962b(a)).";

(2) in subsection (b)—

(A) in the material preceding paragraph (1), by striking out "or energy use of the covered product" and inserting in lieu thereof ", energy use, or water use of the covered product";

(B) by inserting before the semicolon at the end of paragraph (1) the following: ", or in the case of any portion of any regulation which establishes requirements for fluorescent or incandescent lamps, flow rate requirements for showerheads or faucets, or water use requirements for water closets or urinals, was prescribed or enacted before the date of the enactment of the Comprehensive National Energy Policy Act";

(C) in paragraph (4), by inserting before the semicolon at the end the following: ", or is a regulation (or portion thereof) regulating fluorescent or incandescent lamps other than those to which section 325(i) is applicable, or is a regulation (or portion thereof) regulating showerheads or faucets other than those to which section 325(j) is applicable or regulating lavatory faucets (other than metering faucets) for installation in public places, or is a regulation (or portion thereof) regulating water closets or urinals other than those to which section 325(k) is applicable";

(D) in paragraph (5), by striking out "or";

(E) in paragraph (6), by striking out the period at the end and inserting "; or"; and

(F) by adding at the end the following new paragraph:

"(7) is a regulation (or portion thereof) concerning the water efficiency or water use of low consumption flushometer valve water closets.";

(3) in subsection (c)—

(A) in the material preceding paragraph (1)—

(i) by inserting ", subparagraphs (B) and (C) of section 325(j)(3), and subparagraphs (B) and (C) of section 325(k)(3)" after "section 325(b)(3)(A)(ii)"; and

(ii) by striking out "or energy use" and inserting in lieu thereof the following: ", energy use, or water use";

(B) in paragraph (1), by inserting before the semicolon at the end the following: ", except that a State regulation (or portion thereof) regulating fluorescent or incandescent lamps other than those for which section 325(i) is applicable shall be effective only until the effective date of a standard that is prescribed by the Secretary and is applicable to such lamps";

(C) in paragraph (2), by striking out "or";

(D) in paragraph (3), by striking out the period at the end and inserting a semicolon; and

(E) by adding at the end the following new paragraphs:

"(4) is a regulation concerning the water use of lavatory faucets adopted by the State of New York or the State of Georgia before the date of the enactment of the Comprehensive National Energy Policy Act;

"(5) is a regulation concerning the water use of kitchen faucets adopted by the State of Rhode Island prior to the date of the enactment of the Comprehensive National Energy Policy Act; or

"(6) is a regulation (or portion thereof) concerning the water efficiency or water use of gravity tank-type low consumption water closets for installation in public places, except that such a regulation shall be effective only until July 1, 1997.";

(4) in subsection (d)(1)—

(A) in subparagraph (A)—

(i) by inserting "or river basin commission" after "Any State"; and

(ii) by striking out "or energy efficiency" and inserting in lieu thereof ", energy efficiency, or water use";

(B) in subparagraph (B)—

(i) by striking out "State has" and inserting "State or river basin commission has"; and

(ii) by inserting "or water" after "energy";

(C) in subparagraph (C)—

(i) in the material preceding clause (i) and in clause (ii), by inserting "or water" after "energy" each place it appears; and

(ii) by inserting before the period at the end the following: ", and, with respect to a State regulation for which a petition has been submitted to the Secretary which provides for any energy conservation standard or requirement with respect to water use of a covered product, within the context of the water supply and groundwater management plan, water quality program, and comprehensive plan (if any) of the State or river basin commission for improving, developing, or conserving a waterway affected by water supply development";

(5) in subsection (d)(5)(B)(i)—

(A) in the material preceding subclause (I), by inserting "or water" after "energy";

(B) in subclause (I), by striking "or electric energy" and inserting ", electric energy, water, or wastewater treatment"; and

(C) in subclause (II), by inserting "or water" after "energy".

(i) INCENTIVE PROGRAMS.—Section 337 of such Act (42 U.S.C. 6307) is amended—

(1) by striking out "337." and inserting "337. (a) IN GENERAL.—"; and

(2) by adding at the end the following:

"(b) STATE AND LOCAL INCENTIVE PROGRAMS.—(1) The Secretary shall, not later than one year after the date of the enactment of this subsection, issue recommendations to the States for establishing State and local incentive programs designed to encourage the acceleration of voluntary replacement, by consumers, of existing showerheads, faucets, water closets, and urinals with those products that meet the standards established for such products pursuant to subsections (j) and (k) of section 325.

"(2) In developing such recommendations, the Secretary shall consult with the heads of other Federal agencies, including the Administrator of the Environmental Protection Agency; State officials; manufacturers, suppliers, and installers of plumbing products; and other interested parties.".

The CHAIRMAN. Pursuant to the rule, and the unanimous consent request adopted earlier in the House, the gentleman from Massachusetts [Mr. ATKINS] will be recognized for 10 minutes, and a Member opposed will be recognized for 10 minutes.

The Chair recognizes the gentleman from Massachusetts [Mr. ATKINS].

Mr. ATKINS. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, this is an amendment that has been agreed to by the environmental groups, industry and labor. It is an amendment which builds on the successful Department of Energy program which sets energy efficiency standards for electric appliances. It now extends the concept for water appliances, including faucets, showerheads, and toilets.

This amendment, if adopted, within 10 years will save $15 billion for consumers in water and energy costs. It will conserve 3 percent of annual U.S. electric consumption, of total energy use, and will conserve 20 percent of our indoor water use and have virtually no effect on people lifestyles. So it is a simple, common sense amendment, and it is one that I think will go a substantial way to meeting the goals of this legislation for energy efficiency and have a benefit in substantially decreased water usage.

□ 1800

Mr. Chairman, I yield 1 minute to the gentleman from Minnesota [Mr. SIKORSKI].

Mr. SIKORSKI. Mr. Chairman, I want to commend the gentleman from Massachusetts for his legislation establishing national plumbing products efficiency and for his amendment here today.

This legislation, as he said, is consistent with energy efficient standards on electrical lighting, motors, heating and cooling equipment, shower heads. It saves billions of dollars. It saves billions of gallons of water. It saves billions of gallons of oil. It is good for consumers and taxpayers and ratepayers and businesses and the environment.

I commend the gentleman.

Mr. ATKINS. Mr. Chairman, I yield 1 minute to the gentleman from Utah [Mr. OWENS].

Mr. OWENS of Utah. Mr. Chairman, I am a cosponsor along with Mr. BILIRAKIS of Mr. ATKINS' amendment establishing water conservation standards for plumbing products. The Atkins-Owens-Bilirakis amendment promotes water conservation and saving water also saves energy. It's that simple.

In the West, vast amounts of energy are used to transport water over long distances. Nationwide, municipal wastewater plants are major users of electric power. New requirements of the Safe Drinking Water Act will necessitate more energy-intensive forms of treatment for drinking water in many communities. When all of the energy used to pump, treat and heat water is added up, the total quantities are staggering.

To give just a few illustrations:

About 25 percent of the output of the Hoover Dam, one of the largest hydroelectric dams in the country, is dedicated to pumping Colorado River water to southern California.

The California State water project uses about 4 billion kilowatt hours of electricity each year to pump water through its aqueducts.

A huge amount of energy is used to treat wastewater. It can take over 1,600 kilowatt-hours of electric power to provide treatment for 1 acre foot of municipal wastewater.

Inefficient showers, faucets and toilets waste water needlessly, draining away energy resources in the process. The water conservation standards established by the Atkins-Owens-Bilirakis amendment will result in substantial water savings that directly translates into energy savings. An added bonus of this amendment is that energy savings can save consumers money.

The Atkins-Owens-Bilirakis amendment is a significant addition to our national energy policy and an important step toward the goal of conservation of water resources. But it should not be the end of our efforts to save water.

The importance of conserving water in the West cannot be stressed enough. It is dearer than any other resource. Conservation of water provides many environmental benefits in addition to its other virtues.

We should look for other ways to promote water conservation and to enact comprehensive legislation that furthers this important goal. I had offered an additional water conservation amendment to H.R. 776 designed to promote additional water and energy conservation. Unfortunately, my amendment was not ruled in order as an amendment to this legislation. There will be other opportunities to enact water conservation legislation and I will continue to sponsor and to support amendments that further the goals of the Atkins-Owens-Bilirakis amendment. I would encourage my colleagues to join in this effort.

Mr. Chairman, I urge the adoption of this amendment.

Mr. ATKINS. Mr. Chairman, I yield 1 minute to the gentleman from California [Mr. DOOLEY].

Mr. DOOLEY. Mr. Chairman, I rise in support of the Atkins-Bilirakis-Owens amendment. This amendment would establish uniform national standards for plumbing products in the interest of saving both energy and water. The amendment will save consumer dollars, conserve energy resources, and—of special importance to California—help to better manage scarce water supplies.

As reported by the Energy Committee, the bill would solely establish a national water-saving standard for showerheads, to be administered as part of the Department of Energy's existing Appliance Energy Efficiency Program. The amendment that we are now considering will broaden the provisions of the bill by extending and establishing national standards to include other water-using plumbing products, including water closets, urinals, lavatory faucets and kitchen faucets.

The implementation of these measures are expected to produce staggering results. Indoor water use in new homes will be reduced by about 20 percent, while the water savings resulting from the gradual replacement of plumbing fixtures in existing buildings will be even greater. Without question we will see similar results in energy savings.

The State of California, particularly the California Energy Commission, has played a leadership role in developing conservation standards. Last November, most urban water agencies in California signed a historic memorandum of understanding with many State and national environmental organizations committing to implement a wide range of water conserving practices. More efficient plumbing products form a critical part of these conservation commitments by California's cities.

But even the best of the State and local conservation programs will get a significant boost from the uniform national product standards we are considering here today. The Atkins amendment establishes uniform product standards and labeling requirements that must be met by manufacturers, greatly simplifying the enforcement of the new standards. The standards apply to all newly manufactured products, whether sold at wholesale or retail, domestic or imported. I am pleased to note that all major U.S. manufacturers of plumbing products are now capable of supplying products that meet the standards contained in the bill.

Finally, I would note an additional benefit of the adoption of the amendment—a benefit that is not confined to the water-scarce Western States. Adoption of the Atkins amendment can make a significant dent in the high costs of municipal wastewater treatment that continue to face this Nation.

California alone will require an additional $12.3 billion over the next 20 years to upgrade and expand publicly owned wastewater treatment facilities. Many of these costs are directly related to the volume of wastewater flow that must be managed. Quite simply, efficient water use means more efficient wastewater treatment, and consumers—our constituents—will reap the savings.

I commend the gentleman from Massachusetts [Mr. ATKINS], for his interest in this issue, and I urge my colleague to adopt the amendment now considered.

Mr. ATKINS. Mr. Chairman, I yield 1 minute to the gentleman from Indiana [Mr. SHARP].

Mr. SHARP. Mr. Chairman, we certainly want to accept this amendment. The gentleman from Massachusetts has worked very hard on this issue and has been able to bring together the conflicting parties and work out an agreement that I think will work well as a practical matter and as a design that will save energy and save water.

Mr. ATKINS. Mr. Chairman, I yield the balance of my time to the gentleman from California [Mr. MOORHEAD].

Mr. YOUNG of Alaska. Mr. Chairman, will the gentleman yield?

Mr. MOORHEAD. I am happy to yield to the gentleman from Alaska.

Mr. YOUNG of Alaska. Mr. Chairman, I would like to make some inquiries. Is it my understanding that you are passing Federal regulations on all States whether there is a need to conserve water or not? Is there anybody willing to answer that?

Mr. ATKINS. Mr. Chairman, will the gentleman yield?

Mr. MOORHEAD. I am happy to yield to the gentleman from Massachusetts.

Mr. ATKINS. Mr. Chairman, yes, this legislation would pass national standards for water usage and would have a dramatic effect on reducing consumption of both water and energy in the country and has been endorsed by industry, by the plumbing manufacturers, by environmental groups.

Mr. YOUNG of Alaska. I do not worry about the environmental groups. I am going to ask a question: You are imposing standards on all States whether there is a need, or does it affect existing houses that have plumbing in them now? Do you have to change the plumbing, or is it new housing? I have not seen the amendment.

I am looking for answers.

Mr. ATKINS. If the gentleman will yield further, I would be happy to respond. This provides standards only on new manufactured products. It would not require any kind of retrofitting in existing housing but only for new manufactured products.

The reason that the legislation is important in all parts of the country is because absent national standards we will create a situation where each locality will establish its own standards for energy consumption and water consumption on these products, and it will make it impossible to have a national marketplace, will dramatically drive up the costs for the consumers.

Mr. YOUNG of Alaska. Mr. Chairman, again, if the gentleman will yield further, it is ironic to me that we are setting a standard when there is no need in certain areas; I understand California. The gentleman from California [Mr. DOOLEY] makes sense. I understand probably the Northeast where you have let your sewer systems and your water systems decay and you have not spent your money on it. Now you are going to have a national standard, a Federal standard, that does not make sense and that can possibly cause an increase in the cost of housing, possibly, I do not know, housing to the individuals, where by now we are talking about already increases in the cost of housing because of the spotted owl.

I do not know if anybody has really studied this. Is there additional cost or not?

Mr. ATKINS. If the gentleman will yield further, the standards are on the manufacturers of the product.

Mr. YOUNG of Alaska. They are the ones that sell them to the house builders? Is that right? Does anybody know how much more this is going to cost, or is it going to cost less?

Mr. ATKINS. If the gentleman will yield further, this will yield substantial savings to manufacturers by having a national marketplace for these products.

Mr. YOUNG of Alaska. We had that through the Volkswagen; that was the Volkswagen in the 1930's, too, standard across the board. The Federal Government setting standards in States is wrong. Now, if the State has the water and a person wants to buy that showerhead, they should have the right to buy that showerhead. What the gentleman is saying is that Big Brother knows best on this bill, and you apply it to every State, every State that does not have these standards? Is that correct?

Mr. ATKINS. If the gentleman will yield further, I will be happy to respond.

The legislation does not provide standards for any States. It provides standards for the manufacturers. The manufacturers have agreed to this, because it will lower these costs. The States have enthusiastically endorsed it, because for the States it will dramatically reduce the cost of wastewater treatment.

For the State of Alaska, even though they have plentiful water supplies, this will yield substantial savings in wastewater treatment.

Mr. MOORHEAD. Mr. Chairman, this amendment cuts Federal maximum consumption standards for showerheads, faucets, toilets, and urinals similar in format to appliance energy efficiency standards.

One of the reasons for these standards is if every State has a different set of standards, it becomes very expensive to build these products, and the cost to the consumer is much, much larger than it would be if there is one standard being set for the manufacturers for the Nation.

I was opposed to the bill in its original form, but because these standards have been worked out between industry and the environment, there is no reason to believe that they will not work. One of the reasons that the entire appliance efficiency program has worked so well in the past is that all standards have been worked out between industry and the environmentalists using accepted industry standards whenever possible.

For that reason, I support the legislation.

Mr. MARLENEE. Mr. Chairman, will the gentleman yield?

Mr. MOORHEAD. I am happy to yield to the gentleman from Montana.

Mr. MARLENEE. Mr. Chairman, I thank the gentleman for yielding to me.

I may be from a kind of backward State, and maybe I am not. Maybe we are somewhat enlightened, and maybe we have plenty of water in certain areas.

But here we are in the midst of debate talking about an energy bill, an energy policy for a Nation, extremely important, and we have an amendment that establishes the toilet police. I cannot believe that in all seriousness we are on the floor of this House establishing toilet police for the United States of America.

The CHAIRMAN. The time under the rule has expired.

No Member has risen in opposition to the amendment.

PARLIAMENTARY INQUIRY

Mr. MARLENEE. Mr. Chairman, I have a parliamentary inquiry.

The CHAIRMAN. The gentleman will state his parliamentary inquiry.

Mr. MARLENEE. Has all time for argument expired?

The CHAIRMAN. The time controlled by the proponent of the amendment has expired. No member has risen in opposition.

Mr. MARLENEE. Mr. Chairman, I rise in opposition to the amendment.

The CHAIRMAN. The gentleman from Montana [Mr. MARLENEE] will be recognized for 10 minutes.

Mr. MARLENEE. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, here we are in the United States of America, and we are threatened with an emergency crisis. We stand here debating whether we will set standards on how much water we can use per flush in a toilet, how much water will be used in a urinal, how much pressure we will have in a showerhead, and establishing the regulations to go with it. The regulations will tell us we can use 1.6 gallons per toilet flush and 1.1 gallons in a urinal.

We are in a crisis in the United States of America. We have a regulatory gridlock, and the U.S. Congress and the liberals in this Congress still do not understand the suffering and the regulatory gridlock that is taking place in ordinary America, with ordinary citizens' lives.

□ 1810

What we have here is an amendment that will raise the cost to the consumer and will treat everybody the same, regardless of whether they have a surplus of water, whether they are on a rural system, whether they have their own wells, whether they are taking their water from a cistern. It is another example of overregulation.

Mr. ATKINS. Mr. Chairman, will the gentleman yield?

Mr. MARLENEE. I am happy to yield to the gentleman from Massachusetts.

Mr. ATKINS. Mr. Chairman, the gentleman, I am afraid, is misinformed on this.

The cost will be $15 billion in savings to consumers. This legislation will establish uniform national standards.

The importance of this has been proven already in electric appliances. We presently have similar national standards for electric appliances. It will dramatically reduce energy consumption in this country by 3 percent.

The manufacturers have welcomed, and indeed have endorsed this particular regulation because it will enable them to compete. It will enable them to have a rational marketplace.

This is in fact a regulation which will promote savings for the consumers, competitiveness for our manufacturers, and considerable savings for the Government.

Mr. MARLENEE. Regaining my time, Mr. Chairman, I do not know about the people in Massachusetts, but our folks out there are saying, "Get out of my hair and off my back and let us take care of it."

If California or Massachusetts wants to establish water conservation standards, let them go to it.

Along that line, maybe if you are going in this direction we ought to eliminate swimming pools. Would that not save a lot of water? Would that not also address the caste system that we have in the United States?

We ought not to be squandering water in swimming pools.

If I want the kind of pressure in my showerhead and I have an ample amount of water, I should be able to purchase that kind of a system and install it in my home.

Get out of my hair, get off my back.

Mr. Chairman, I oppose the amendment.

Mr. ATKINS. Mr. Chairman, will the gentleman yield?

Mr. MARLENEE. I am happy to yield to the gentleman from Massachusetts.

Mr. ATKINS. I would suggest to the gentleman, Mr. Chairman, that indeed the National Rural Water Association, of which the gentleman's State of Montana is a part, supports this amendment. The reason they support the amendment is because it will have a profound impact for rural water systems, because it will reduce the pressure and increase the life of septic systems.

The gentleman is able to use any showerhead, any toilet, any urinal he wants.

Mr. MARLENEE. Except that you cannot buy it.

Mr. ATKINS. No. The only regulation is on the manufacturer of these products.

Mr. MARLENEE. That is right.

Mr. ATKINS. And the reason for that is because if the gentleman wants to have a 7-gallon toilet, when he flushes that toilet it is our tax dollars that are going to pay for treating that waste water.

Mr. MARLENEE. No. It is the municipalities' tax water. It is the rural water users' tax dollars.

I might remind the gentleman that I have just met with a number of rural water users in the State of Montana who are deeply distressed about the cost that this Congress has put on them with the Clean Water Act and the 1986 Safe Drinking Water Amendments. They are being bankrupt. They are being put out of business by having to comply with overregulation. We are driving the local communities into bankruptcy, and here is some more of it.

If you want more regulation, by all means vote for this kind of an amendment.

Mr. BILIRAKIS. Mr. Chairman, will the gentleman yield?

Mr. MARLENEE. I yield to the gentleman from Florida.

Mr. BILIRAKIS. Mr. Chairman, I thank the gentleman for yielding to me.

Mr. Chairman, as one of the authors of this amendment, I rise in support of it.

Mr. Chairman, I join my colleagues, Mr. ATKINS of Massachusetts and Mr. OWENS of Utah, in offering this water and energy conservation amendment to H.R. 776.

This amendment is supported by a number of industry trade associations, including the United Association of Plumbers and Pipefitters, the American Water Works Association, the National Association of Water Companies and the National Association of Regulatory Utility Commissioners. Also endorsing the amendment are the American Council for an Energy-Efficient Economy, the National Wildlife Federation, the Energy Conservation Coalition, National Audubon Society, and others.

As noted by my friend from Massachusetts, this amendment establishes uniform national flow-rate standards for faucets, water closets and urinals, just as they were set for showerheads in the Energy and Commerce Committee, and which already appear in the bill.

The point to all this, of course, is that substantial energy savings are possible through nothing more than making the most efficient use possible of the energy resources available to us right now. By simply being conscious of and employing technology largely already on the shelf, we will be well down the road to achieving our goal of a truly remarkable energy savings.

As was pointed out in the Energy and Commerce Committee, encouraging more widespread observance of energy efficiency, not only in regard to water, but electricity as well, can result in marked savings.

In fact, a recent study of potential electricity savings in my home State of Florida—achievable though implementation of energy efficiency standards and related conservation efforts—was conducted by the American Council for an Energy-Efficient Economy, one of the conservation advocacy groups that supports this amendment today. It was found that as much as 40 percent of the projected increase in electricity demand could be eliminated between now and the year 2010.

Thus, as many as 6½—500 megawatt—powerplants could be avoided in Florida by the turn of the century and a further 6½ in the next decade.

These statewide savings carried to the National level are even more impressive. Peak electricity demand could be cut by as much as 30,000 megawatts, the output of 40 of the Nation's largest powerplants. By 2010, implementation of these standards alone could result in annual energy savings equivalent to half the oil we import from Saudi Arabia, the United States largest supplier.

The plumbing standards in the amendment before this body now would help to capture significant energy savings on their own, and have the added benefit of encouraging the conservation of one of our most precious and fundamental resources—water.

Consumers would realize $4 billion in energy savings between 1993 and 2010 above and beyond those already in the energy bill, for a total of $15 billion.

Likewise, water will be conserved. Indoor water use will be reduced by 20 percent by implementing these standards. That is the national equivalent of water used by a 100,000-person community.

All in all, Mr. Chairman, this is a win-win proposition:

Save energy, save water, through the uniform employment of technology already available. Certainly, this must be one of the most painless ways to guide America into a more energy-efficient and energy-secure future.

I wholeheartedly urge all of my colleagues to vote for this important and effective amendment.

Mr. MACHTLEY. Mr. Chairman, will the gentleman yield?

Mr. MARLENEE. I yield to the gentleman from Rhode Island.

Mr. MACHTLEY. Mr. Chairman, I rise in support of this amendment.

I respect the gentleman's opinion that there may not be an obvious connection between water use and energy; however, the national standards which have looked at this issue have indicated that we can save $15 billion in energy costs by interrelating them.

While Montana may have a lot of water and may not be concerned about the rest of the country, in our State where we actually were the first State to introduce standards for water plumbing equipment, we have seen enormous savings.

It is in fact a good amendment and I commend the gentlemen for their work on this bill.

I think for a nation, it is critical that we have a water policy, as much as an electric policy.

Mr. MARLENEE. Regaining my time, Mr. Chairman, I would ask the gentleman, what does it cost for Kohler and American Standard and the other companies to retrofit their plants, and will that cost be passed on to the consumer?

Mr. MACHTLEY. Well, obviously it will. There have to be changes. I assume that the person who developed the buggy whip was reluctant to let go of the horse and carriage and move into automobiles, but we have to move into the generation which is going to save energy and save water; so I would suggest there is a cost associated with the equipment, but it is in the national best interest that we save and conserve water.

Mr. ATKINS. Mr. Chairman, will the gentleman yield?

Mr. MARLENEE. I am happy to yield to the gentleman from Massachusetts.

Mr. ATKINS. Mr. Chairman, I would be happy to respond to the gentleman's questions.

I would suggest to the gentleman, he asked what will this cost to manufacturers in terms of refitting other plants, and I would suggest to the gentleman that the manufacturers have endorsed this amendment. The manufacturers of plumbing products have endorsed it for two reasons, one of which there is sufficient time for them to phase and to refit their plants for their new production.

The second is that the world market is changing to energy efficient appliances.

Without these U.S. standards, U.S. companies will have a serious problem competing in the international marketplace. Their costs will be substantially higher. We will be one of the only industrialized countries in the world that does not have uniform standards for water appliances.

Mr. MARLENEE. It seems to me, Mr. Chairman, if these products are demanded by the general consumer that we ought to let the marketplace decide that. We ought to let the State of California, the State of Montana and the State of Massachusetts set their own standards.

If you want to vote for more regulation, redtape and the toilet police, then by all means vote for this amendment. If you want to vote against regulation, then vote no on this amendment.

Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN. The question is on the amendment, as modified, offered by the gentleman from Massachusetts [Mr. ATKINS].

The question was taken; and the Chairman announced that the ayes appeared to have it.

RECORDED VOTE

Mr. MARLENEE. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 328, noes 79, answered "present" 1, not voting 26, as follows:

[Roll No. 132]

AYES—328

Abercrombie
Ackerman
Alexander
Anderson
Andrews (ME)
Andrews (NJ)
Andrews (TX)
Annunzio
Applegate
Aspin
Atkins
Bacchus
Ballenger
Barnard
Bateman
Beilenson
Bennett
Bentley
Berman
Bevill
Bilbray
Bilirakis
Blackwell
Boehlert
Bonior
Borski
Boucher
Brewster
Brooks
Browder
Brown
Bruce
Bryant
Byron
Camp
Campbell (CA)
Campbell (CO)
Cardin
Carper
Carr
Chandler
Clement
Clinger
Coleman (MO)
Coleman (TX)
Collins (IL)
Collins (MI)
Condit
Cooper
Costello
Cox (IL)
Coyne
Cramer
Davis
de la Garza
DeFazio
DeLauro
Dellums
Derrick
Dicks
Dingell
Dixon
Donnelly
Dooley
Dorgan (ND)
Downey
Durbin
Dwyer
Early
Eckart
Edwards (CA)
Edwards (TX)
Emerson
Engel
English
Erdreich
Espy
Evans
Fascell
Fawell
Fazio
Feighan
Fish
Flake
Foglietta
Ford (MI)
Ford (TN)
Frank (MA)
Franks (CT)
Frost
Gallegly
Gallo
Gaydos
Gejdenson
Gekas
Gephardt
Gibbons
Gilchrest
Gillmor
Gilman
Gingrich
Gonzalez
Goodling
Gordon
Goss
Gradison
Green (NY)
Guarini
Gunderson
Hall (OH)
Hamilton
Hansen
Harris
Hastert
Hatcher
Hayes (IL)
Hayes (LA)
Hefner
Henry
Hoagland
Hobson
Hochbrueckner
Horn
Horton
Houghton
Hoyer
Huckaby
Hughes
Hutto
Hyde
Jacobs
James
Jefferson
Jenkins
Johnson (CT)
Johnson (SD)
Johnston (FL)
Jones (NC)
Jontz
Kanjorski
Kaptur
Kasich
Kennedy
Kennelly
Kildee
Klug
Kopetski
Kostmayer
LaFalce
Lagomarsino
Lancaster
Lantos
LaRocco
Laughlin
Lehman (CA)
Lehman (FL)
Lent
Levin (MI)
Lewis (FL)
Lewis (GA)
Lipinski
Lloyd
Long
Lowery (CA)
Lowey (NY)
Luken
Machtley
Manton
Markey
Martin
Martinez
Matsui
Mavroules
Mazzoli
McCandless
McCloskey
McCollum
McCrery
McCurdy
McDade
McDermott
McGrath
McHugh
McMillan (NC)
McMillen (MD)
McNulty
Meyers
Mfume
Michel
Miller (CA)
Miller (WA)
Mineta
Mink
Moakley
Molinari
Mollohan
Montgomery
Moody
Moorhead
Moran
Morella
Morrison
Mrazek
Murtha
Nagle
Natcher
Neal (NC)
Nowak
Oberstar
Obey
Olin
Olver
Ortiz
Owens (NY)
Owens (UT)
Pallone
Panetta
Parker
Pastor
Patterson
Paxon
Payne (VA)
Pease
Pelosi
Perkins
Peterson (FL)
Peterson (MN)
Petri
Pickett
Pickle
Porter
Poshard
Price
Pursell
Rahall
Ramstad
Rangel
Ravenel
Ray
Reed
Regula
Richardson
Ridge
Rinaldo
Ritter
Roe
Roemer
Ros-Lehtinen
Rose
Rostenkowski
Roukema
Rowland
Roybal
Russo
Sabo
Sanders
Sangmeister
Santorum
Sarpalius
Savage
Sawyer
Saxton
Scheuer
Schroeder
Schulze
Schumer
Serrano
Sharp
Shaw
Shays
Sikorski
Sisisky
Skaggs
Skelton
Slattery
Slaughter
Smith (FL)
Smith (IA)
Smith (NJ)
Smith (TX)
Snowe
Solarz
Solomon
Spence
Spratt
Staggers
Stallings
Stark
Stearns
Stokes
Studds
Sundquist
Swett
Swift
Synar
Tallon
Tanner
Tauzin
Taylor (MS)
Thomas (CA)
Thomas (GA)
Thornton
Torres
Torricelli
Towns
Traficant
Traxler
Unsoeld
Upton
Valentine
Vento
Visclosky
Volkmer
Walsh
Washington
Waters
Waxman
Weber
Weiss
Weldon
Wheat
Wise
Wolf
Wyden
Yates
Yatron
Young (FL)
Zimmer

NOES—79

Allard
Allen
Archer
Armey
Baker
Barrett
Barton
Bereuter
Bliley
Boehner
Broomfield
Bunning
Burton
Callahan
Coble
Combest
Coughlin
Cox (CA)
Crane
Cunningham
Dannemeyer
DeLay
Dickinson
Doolittle
Dornan (CA)
Dreier
Duncan
Ewing
Fields
Geren (TX)
Glickman
Hall (TX)
Hammerschmidt
Hancock
Hefley
Holloway
Hopkins
Hubbard
Hunter
Inhofe
Ireland
Johnson (TX)
Kolbe
Kyl
Lewis (CA)
Lightfoot
Livingston
Marlenee
McEwen
Miller (OH)
Myers
Nichols
Nussle
Orton
Oxley
Packard
Penny
Rhodes
Riggs
Roberts
Rogers
Rohrabacher
Roth
Schaefer
Schiff
Sensenbrenner
Shuster
Skeen
Smith (OR)
Stenholm
Stump
Taylor (NC)
Thomas (WY)
Vander Jagt
Vucanovich
Walker
Williams
Young (AK)
Zeliff

ANSWERED "PRESENT"—1

Leach

NOT VOTING—26

Anthony
AuCoin
Boxer
Bustamante
Chapman
Clay
Conyers
Darden
Dymally
Edwards (OK)
Grandy
Herger
Hertel
Jones (GA)
Kleczka
Kolter
Levine (CA)
Murphy
Neal (MA)
Oakar
Payne (NJ)
Quillen
Whitten
Wilson
Wolpe
Wylie

☐ 1839

Messrs. HEFLEY, GEREN of Texas, BARRETT, STENHOLM, and NICHOLS changed their vote from "aye" to "no."

Messrs. ROSE, SUNDQUIST, STAGGERS, and GEKAS changed their vote from "no" to "aye."

So the amendment, as modified, was agreed to.

The result of the vote was announced as above recorded.

☐ 1840

Mr. SHARP. Mr. Chairman, I move that the Committee do now rise.

The motion was agreed to.

Accordingly the Committee rose; and the Speaker pro tempore [Mr. SKELTON] having assumed the chair, Mr. SKAGGS, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 776) to provide for improved energy efficiency, had come to no resolution thereon.

CONFERENCE REPORT ON HOUSE CONCURRENT RESOLUTION 287, CONCURRENT RESOLUTION ON THE BUDGET—FISCAL YEAR 1993

Mr. PANETTA submitted the following conference report and statement on the concurrent resolution (H. Con. Res. 287) setting forth the congressional

budget for the U.S. Government for the fiscal years 1993, 1994, 1995, 1996, and 1997:

CONFERENCE REPORT (H. REPT. 102-529)

The committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the concurrent resolution (H. Con. Res. 287) setting forth the congressional budget for the United States Government for the fiscal years 1993, 1994, 1995, 1996, and 1997, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendment of the Senate and agree to the same with an amendment as follows:

In lieu of the matter proposed to be inserted by the Senate amendment, insert the following:

SECTION 1. CONCURRENT RESOLUTION ON THE BUDGET FOR FISCAL YEAR 1993.

(a) Declaration.—The Congress determines and declares that this resolution is the concurrent resolution on the budget for fiscal year 1993, including the appropriate budgetary levels for fiscal years 1994, 1995, 1996, and 1997, as required by section 301 of the Congressional Budget Act of 1974 (as amended by the Budget Enforcement Act of 1990).

(b) Table of Contents.—The table of contents for this concurrent resolution is as follows:

Sec. 1. Concurrent resolution on the budget for fiscal year 1993.
Sec. 2. Recommended levels and amounts.
Sec. 3. Debt increase as a measure of deficit.
Sec. 4. Display of Federal Retirement Trust Fund balances.
Sec. 5. Social security.
Sec. 6. Major functional categories.
Sec. 7. Health care costs.
Sec. 8. Sale of Government assets.
Sec. 9. Deficit-neutral reserve fund in the Senate for family and economic security initiatives in accordance with provisions of the summit agreement.
Sec. 10. Maximum deficit amount and aggregate points of order in the Senate.
Sec. 11. Clarification of the application of section 311(b) of the Congressional Budget Act in the House.
Sec. 12. Social security fire wall point of order in the Senate.
Sec. 13. Study of United States Government assistance to recipients by income category.
Sec. 14. Sense of the Senate regarding balanced budget amendment.
Sec. 15. Program budget evaluation.
Sec. 16. Sense of the Senate regarding increasing productivity.
Sec. 17. Sense of the Congress on WIC.
Sec. 18. Defense industry conversion.
Sec. 19. Budget authority-outlay ratio.

SEC. 2. RECOMMENDED LEVELS AND AMOUNTS.

The following budgetary levels are appropriate for the fiscal years 1993, 1994, 1995, 1996, and 1997:

(1)(A) Federal revenues (for purposes of comparison with the maximum deficit amount under sections 601(a)(1) and 606 of the Congressional Budget Act of 1974 and for purposes of the enforcement of this resolution).—(i) The recommended levels of Federal revenues are as follows:

Fiscal year 1993: $845,300,000,000.
Fiscal year 1994: $911,300,000,000.
Fiscal year 1995: $968,100,000,000.
Fiscal year 1996: $1,017,800,000,000.
Fiscal year 1997: $1,070,400,000,000.

(ii) The amounts by which the aggregate levels of Federal revenues should be increased are as follows:

Fiscal year 1993: $0.
Fiscal year 1994: $0.
Fiscal year 1995: $0.
Fiscal year 1996: $0.
Fiscal year 1997: $0.

(iii) The amounts for Federal Insurance Contributions Act revenues for hospital insurance within the recommended levels of Federal revenues are as follows:

Fiscal year 1993: $85,300,000,000.
Fiscal year 1994: $91,200,000,000.
Fiscal year 1995: $96,800,000,000.
Fiscal year 1996: $102,900,000,000.
Fiscal year 1997: $109,200,000,000.

(B) Federal revenues.—For purposes of section 710 of the Social Security Act (excluding the receipts and disbursements of the Hospital Insurance Trust Fund): (i) The recommended levels of Federal revenues are as follows:

Fiscal year 1993: $760,000,000,000.
Fiscal year 1994: $820,100,000,000.
Fiscal year 1995: $871,300,000,000.
Fiscal year 1996: $914,900,000,000.
Fiscal year 1997: $961,200,000,000.

(ii) The amounts by which the aggregate levels of Federal revenues should be increased are as follows:

Fiscal year 1993: $0.
Fiscal year 1994: $0.
Fiscal year 1995: $0.
Fiscal year 1996: $0.
Fiscal year 1997: $0.

(2)(A) New budget authority.—For purposes of comparison with the maximum deficit amount under sections 601(a)(1) and 606 of the Congressional Budget Act of 1974 and for purposes of the enforcement of this resolution, the appropriate levels of total new budget authority are as follows:

Fiscal year 1993: $1,264,400,000,000.
Fiscal year 1994: $1,269,400,000,000.
Fiscal year 1995: $1,309,600,000,000.
Fiscal year 1996: $1,375,100,000,000.
Fiscal year 1997: $1,468,700,000,000.

(B) New budget authority.—For purposes of section 710 of the Social Security Act (excluding the receipts and disbursements of the Hospital Insurance Trust Fund), the appropriate levels of total new budget authority are as follows:

Fiscal year 1993: $1,175,700,000,000.
Fiscal year 1994: $1,191,100,000,000.
Fiscal year 1995: $1,222,400,000,000.
Fiscal year 1996: $1,277,600,000,000.
Fiscal year 1997: $1,361,500,000,000.

(3)(A) Budget outlays.—For purposes of comparison with the maximum deficit amount under sections 601(a)(1) and 606 of the Congressional Budget Act of 1974 and for purposes of the enforcement of this resolution, the appropriate levels of total budget outlays are as follows:

Fiscal year 1993: $1,238,700,000,000.
Fiscal year 1994: $1,255,100,000,000.
Fiscal year 1995: $1,257,900,000,000.
Fiscal year 1996: $1,304,900,000,000.
Fiscal year 1997: $1,416,100,000,000.

(B) Budget outlays.—For purposes of section 710 of the Social Security Act (excluding the receipts and disbursements of the Hospital Insurance Trust Fund), the appropriate levels of total budget outlays are as follows:

Fiscal year 1993: $1,169,100,000,000.
Fiscal year 1994: $1,177,700,000,000.
Fiscal year 1995: $1,171,800,000,000.
Fiscal year 1996: $1,209,000,000,000.
Fiscal year 1997: $1,310,100,000,000.

(4)(A) Deficits.—For purposes of comparison with the maximum deficit amount under sections 601(a)(1) and 606 of the Congressional Budget Act of 1974 and for purposes of the enforcement of this resolution, the amounts of the deficits are as follows:

Fiscal year 1993: $393,400,000,000.
Fiscal year 1994: $343,800,000,000.
Fiscal year 1995: $289,800,000,000.
Fiscal year 1996: $287,100,000,000.
Fiscal year 1997: $345,700,000,000.

(B) Deficits.—For purposes of section 710 of the Social Security Act (excluding the receipts and disbursements of the Hospital Insurance Trust Fund), the amounts of the deficits are as follows:

Fiscal year 1993: $409,100,000,000.
Fiscal year 1994: $357,600,000,000.
Fiscal year 1995: $300,500,000,000.
Fiscal year 1996: $294,100,000,000.
Fiscal year 1997: $348,900,000,000.

(5) Public debt.—The appropriate levels of the public debt are as follows:

Fiscal year 1993: $4,461,200,000,000.
Fiscal year 1994: $4,860,500,000,000.
Fiscal year 1995: $5,209,400,000,000.
Fiscal year 1996: $5,553,600,000,000.
Fiscal year 1997: $5,952,900,000,000.

(6) Direct loan obligations.—The appropriate levels of total new direct loan obligations are as follows:

Fiscal year 1993: $19,400,000,000.
Fiscal year 1994: $19,500,000,000.
Fiscal year 1995: $19,300,000,000.
Fiscal year 1996: $19,400,000,000.
Fiscal year 1997: $19,700,000,000.

(7) Primary loan guarantee commitments.—The appropriate levels of new primary loan guarantee commitments are as follows:

Fiscal year 1993: $115,600,000,000.
Fiscal year 1994: $116,300,000,000.
Fiscal year 1995: $118,900,000,000.
Fiscal year 1996: $121,600,000,000.
Fiscal year 1997: $124,200,000,000.

(8) Secondary loan guarantee commitments.—The appropriate levels of new secondary loan guarantee commitments are as follows:

Fiscal year 1993: $77,200,000,000.
Fiscal year 1994: $79,700,000,000.
Fiscal year 1995: $82,400,000,000.
Fiscal year 1996: $85,200,000,000.
Fiscal year 1997: $88,100,000,000.

SEC. 3. DEBT INCREASE AS A MEASURE OF DEFICIT.

The amounts of the increase in the public debt subject to limitation are as follows:

Fiscal year 1993: $444,000,000,000.
Fiscal year 1994: $399,300,000,000.
Fiscal year 1995: $348,900,000,000.
Fiscal year 1996: $344,200,000,000.
Fiscal year 1997: $399,300,000,000.

SEC. 4. DISPLAY OF FEDERAL RETIREMENT TRUST FUND BALANCES.

The balances of the Federal retirement trust funds are as follows:

Fiscal year 1993: $966,300,000,000.
Fiscal year 1994: $1,091,100,000,000.
Fiscal year 1995: $1,226,100,000,000.
Fiscal year 1996: $1,370,000,000,000.
Fiscal year 1997: $1,523,300,000,000.

SEC. 5. SOCIAL SECURITY.

(a) Social Security Revenues.—For purposes of Senate enforcement under sections 302 and 311 of the Congressional Budget Act of 1974, the amounts of revenues of the Federal Old-Age and Survivors Insurance Trust Fund and the Federal Disability Insurance Trust Fund are as follows:

Fiscal year 1993: $328,100,000,000.
Fiscal year 1994: $350,300,000,000.
Fiscal year 1995: $371,800,000,000.
Fiscal year 1996: $395,300,000,000.
Fiscal year 1997: $419,500,000,000.

(b) Social Security Outlays.—For purposes of Senate enforcement under sections 302 and 311 of the Congressional Budget Act of 1974, the amounts of outlays of the Federal Old-Age and Survivors Insurance Trust Fund and the Federal Disability Insurance Trust Fund are as follows:

Fiscal year 1993: $260,000,000,000.
Fiscal year 1994: $271,600,000,000.

Fiscal year 1995: $282,900,000,000.

Fiscal year 1996: $294,500,000,000.

Fiscal year 1997: $306,000,000,000.

SEC. 6. MAJOR FUNCTIONAL CATEGORIES.

The Congress determines and declares that the appropriate levels of new budget authority, budget outlays, new direct loan obligations, new primary loan guarantee commitments, and new secondary loan guarantee commitments for fiscal years 1993 through 1997 for each major functional category are:

(1) National Defense (050):

Fiscal year 1993:

(A) New budget authority, $277,400,000,000.

(B) Outlays, $289,100,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

(E) New secondary loan guarantee commitments, $0.

Fiscal year 1994:

(A) New budget authority, $280,400,000,000.

(B) Outlays, $283,000,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

(E) New secondary loan guarantee commitments, $0.

Fiscal year 1995:

(A) New budget authority, $280,400,000,000.

(B) Outlays, $280,600,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

(E) New secondary loan guarantee commitments, $0.

Fiscal year 1996:

(A) New budget authority, $280,400,000,000.

(B) Outlays, $282,100,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

(E) New secondary loan guarantee commitments, $0.

Fiscal year 1997:

(A) New budget authority, $280,400,000,000.

(B) Outlays, $281,700,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

(E) New secondary loan guarantee commitments, $0.

(2) International Affairs (150):

Fiscal year 1993:

(A) New budget authority, $19,600,000,000.

(B) Outlays, $17,200,000,000.

(C) New direct loan obligations, $2,900,000,000.

(D) New primary loan guarantee commitments, $10,400,000,000.

(E) New secondary loan guarantee commitments, $0.

Fiscal year 1994:

(A) New budget authority, $19,700,000,000.

(B) Outlays, $17,900,000,000.

(C) New direct loan obligations, $2,900,000,000.

(D) New primary loan guarantee commitments, $10,400,000,000.

(E) New secondary loan guarantee commitments, $0.

Fiscal year 1995:

(A) New budget authority, $19,900,000,000.

(B) Outlays, $18,100,000,000.

(C) New direct loan obligations, $2,900,000,000.

(D) New primary loan guarantee commitments, $10,400,000,000.

(E) New secondary loan guarantee commitments, $0.

Fiscal year 1996:

(A) New budget authority, $19,600,000,000.

(B) Outlays, $18,200,000,000.

(C) New direct loan obligations, $2,900,000,000.

(D) New primary loan guarantee commitments, $10,400,000,000.

(E) New secondary loan guarantee commitments, $0.

Fiscal year 1997:

(A) New budget authority, $19,600,000,000.

(B) Outlays, $18,300,000,000.

(C) New direct loan obligations, $2,900,000,000.

(D) New primary loan guarantee commitments, $10,400,000,000.

(E) New secondary loan guarantee commitments, $0.

(3) General Science, Space, and Technology (250):

Fiscal year 1993:

(A) New budget authority, $17,100,000,000.

(B) Outlays, $16,200,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

(E) New secondary loan guarantee commitments, $0.

Fiscal year 1994:

(A) New budget authority, $17,500,000,000.

(B) Outlays, $17,000,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

(E) New secondary loan guarantee commitments, $0.

Fiscal year 1995:

(A) New budget authority, $18,100,000,000.

(B) Outlays, $17,700,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

(E) New secondary loan guarantee commitments, $0.

Fiscal year 1996:

(A) New budget authority, $18,600,000,000.

(B) Outlays, $18,300,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

(E) New secondary loan guarantee commitments, $0.

Fiscal year 1997:

(A) New budget authority, $19,600,000,000.

(B) Outlays, $19,300,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

(E) New secondary loan guarantee commitments, $0.

(4) Energy (270):

Fiscal year 1993:

(A) New budget authority, $5,900,000,000.

(B) Outlays, $5,400,000,000.

(C) New direct loan obligations, $2,000,000,000.

(D) New primary loan guarantee commitments, $200,000,000.

(E) New secondary loan guarantee commitments, $0.

Fiscal year 1994:

(A) New budget authority, $6,100,000,000.

(B) Outlays, $5,600,000,000.

(C) New direct loan obligations, $2,100,000,000.

(D) New primary loan guarantee commitments, $300,000,000.

(E) New secondary loan guarantee commitments, $0.

Fiscal year 1995:

(A) New budget authority, $6,200,000,000.

(B) Outlays, $5,300,000,000.

(C) New direct loan obligations, $2,200,000,000.

(D) New primary loan guarantee commitments, $300,000,000.

(E) New secondary loan guarantee commitments, $0.

Fiscal year 1996:

(A) New budget authority, $6,000,000,000.

(B) Outlays, $5,100,000,000.

(C) New direct loan obligations, $2,300,000,000.

(D) New primary loan guarantee commitments, $300,000,000.

(E) New secondary loan guarantee commitments, $0.

Fiscal year 1997:

(A) New budget authority, $6,200,000,000.

(B) Outlays, $4,700,000,000.

(C) New direct loan obligations, $2,400,000,000.

(D) New primary loan guarantee commitments, $300,000,000.

(E) New secondary loan guarantee commitments, $0.

(5) Natural Resources and Environment (300):

Fiscal year 1993:

(A) New budget authority, $21,100,000,000.

(B) Outlays, $20,800,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

(E) New secondary loan guarantee commitments, $0.

Fiscal year 1994:

(A) New budget authority, $22,200,000,000.

(B) Outlays, $21,700,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

(E) New secondary loan guarantee commitments, $0.

Fiscal year 1995:

(A) New budget authority, $23,100,000,000.

(B) Outlays, $22,400,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

(E) New secondary loan guarantee commitments, $0.

Fiscal year 1996:

(A) New budget authority, $23,700,000,000.

(B) Outlays, $23,000,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

(E) New secondary loan guarantee commitments, $0.

Fiscal year 1997:

(A) New budget authority, $24,600,000,000.

(B) Outlays, $23,600,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

(E) New secondary loan guarantee commitments, $0.

(6) Agriculture (350):

Fiscal year 1993:

(A) New budget authority, $16,300,000,000.

(B) Outlays, $16,100,000,000.

(C) New direct loan obligations, $8,800,000,000.

(D) New primary loan guarantee commitments, $6,600,000,000.

(E) New secondary loan guarantee commitments, $0.

Fiscal year 1994:

(A) New budget authority, $16,900,000,000.

(B) Outlays, $14,700,000,000.

(C) New direct loan obligations, $8,700,000,000.

(D) New primary loan guarantee commitments, $6,700,000,000.

(E) New secondary loan guarantee commitments, $0.

Fiscal year 1995:

(A) New budget authority, $14,800,000,000.

(B) Outlays, $12,700,000,000.

(C) New direct loan obligations, $8,200,000,000.

(D) New primary loan guarantee commitments, $6,700,000,000.

(E) New secondary loan guarantee commitments, $0.

Fiscal year 1996:

(A) New budget authority, $14,900,000,000.

(B) Outlays, $12,900,000,000.

(C) New direct loan obligations, $8,000,000,000.

(D) New primary loan guarantee commitments, $6,800,000,000.

(E) New secondary loan guarantee commitments, $0.

Fiscal year 1997:

(A) New budget authority, $15,000,000,000.

(B) Outlays, $13,200,000,000.

(C) New direct loan obligations, $8,000,000,000.

(D) New primary loan guarantee commitments, $6,900,000,000.

(E) New secondary loan guarantee commitments, $0.

(7) Commerce and Housing Credit (370):

Fiscal year 1993:

(A) New budget authority, $78,500,000,000.

(B) Outlays, $74,100,000,000.

(C) New direct loan obligations, $3,400,000,000.

(D) New primary loan guarantee commitments, $60,400,000,000.

(E) New secondary loan guarantee commitments, $77,200,000,000.

Fiscal year 1994:

(A) New budget authority, $42,600,000,000.

(B) Outlays, $36,800,000,000.

(C) New direct loan obligations, $3,500,000,000.

(D) New primary loan guarantee commitments, $62,500,000,000.

(E) New secondary loan guarantee commitments, $79,700,000,000.

Fiscal year 1995:

(A) New budget authority, $22,900,000,000.

(B) Outlays, −$13,100,000,000.

(C) New direct loan obligations, $3,600,000,000.

(D) New primary loan guarantee commitments, $64,600,000,000.

(E) New secondary loan guarantee commitments, $82,400,000,000.

Fiscal year 1996:

(A) New budget authority, $7,800,000,000.

(B) Outlays, −$41,600,000,000.

(C) New direct loan obligations, $3,800,000,000.

(D) New primary loan guarantee commitments, $66,800,000,000.

(E) New secondary loan guarantee commitments, $85,200,000,000.

Fiscal year 1997:

(A) New budget authority, $8,500,000,000.

(B) Outlays, −$26,400,000,000.

(C) New direct loan obligations, $3,900,000,000.

(D) New primary loan guarantee commitments, $69,000,000,000.

(E) New secondary loan guarantee commitments, $88,100,000,000.

(8) Transportation (400):

Fiscal year 1993:

(A) New budget authority, $41,000,000,000.

(B) Outlays, $35,500,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

(E) New secondary loan guarantee commitments, $0.

Fiscal year 1994:

(A) New budget authority, $41,800,000,000.

(B) Outlays, $37,700,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

(E) New secondary loan guarantee commitments, $0.

Fiscal year 1995:

(A) New budget authority, $42,300,000,000.

(B) Outlays, $38,800,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

(E) New secondary loan guarantee commitments, $0.

Fiscal year 1996:

(A) New budget authority, $43,100,000,000.

(B) Outlays, $39,900,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

(E) New secondary loan guarantee commitments, $0.

Fiscal year 1997:

(A) New budget authority, $46,000,000,000.

(B) Outlays, $40,300,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

(E) New secondary loan guarantee commitments, $0.

(9) Community and Regional Development (450):

Fiscal year 1993:

(A) New budget authority, $7,200,000,000.

(B) Outlays, $7,200,000,000.

(C) New direct loan obligations, $1,300,000,000.

(D) New primary loan guarantee commitments, $400,000,000.

(E) New secondary loan guarantee commitments, $0.

Fiscal year 1994:

(A) New budget authority, $7,200,000,000.

(B) Outlays, $6,800,000,000.

(C) New direct loan obligations, $1,300,000,000.

(D) New primary loan guarantee commitments, $400,000,000.

(E) New secondary loan guarantee commitments, $0.

Fiscal year 1995:

(A) New budget authority, $7,300,000,000.

(B) Outlays, $6,700,000,000.

(C) New direct loan obligations, $1,400,000,000.

(D) New primary loan guarantee commitments, $400,000,000.

(E) New secondary loan guarantee commitments, $0.

Fiscal year 1996:

(A) New budget authority, $7,500,000,000.

(B) Outlays, $6,600,000,000.

(C) New direct loan obligations, $1,400,000,000.

(D) New primary loan guarantee commitments, $400,000,000.

(E) New secondary loan guarantee commitments, $0.

Fiscal year 1997:

(A) New budget authority, $7,800,000,000.

(B) Outlays, $7,000,000,000.

(C) New direct loan obligations, $1,500,000,000.

(D) New primary loan guarantee commitments, $400,000,000.

(E) New secondary loan guarantee commitments, $0.

(10) Education, Training, Employment, and Social Services (500):

Fiscal year 1993:

(A) New budget authority, $51,900,000,000.

(B) Outlays, $49,800,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $15,200,000,000.

(E) New secondary loan guarantee commitments, $0.

Fiscal year 1994:

(A) New budget authority, $53,600,000,000.

(B) Outlays, $51,600,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $15,700,000,000.

(E) New secondary loan guarantee commitments, $0.

Fiscal year 1995:

(A) New budget authority, $55,100,000,000.

(B) Outlays, $52,900,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $16,100,000,000.

(E) New secondary loan guarantee commitments, $0.

Fiscal year 1996:

(A) New budget authority, $57,400,000,000.

(B) Outlays, $50,800,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $16,400,000,000.

(E) New secondary loan guarantee commitments, $0.

Fiscal year 1997:

(A) New budget authority, $60,400,000,000.

(B) Outlays, $57,500,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $16,600,000,000.

(E) New secondary loan guarantee commitments, $0.

(11) Health (550):

Fiscal year 1993:

(A) New budget authority, $105,200,000,000.

(B) Outlays, $104,500,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $300,000,000.

(E) New secondary loan guarantee commitments, $0.

Fiscal year 1994:

(A) New budget authority, $116,300,000,000.

(B) Outlays, $115,600,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $300,000,000.

(E) New secondary loan guarantee commitments, $0.

Fiscal year 1995:

(A) New budget authority, $129,000,000,000.

(B) Outlays, $127,800,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $300,000,000.

(E) New secondary loan guarantee commitments, $0.

Fiscal year 1996:

(A) New budget authority, $143,400,000,000.

(B) Outlays, $142,100,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $300,000,000.

(E) New secondary loan guarantee commitments, $0.

Fiscal year 1997:

(A) New budget authority, $159,200,000,000.

(B) Outlays, $157,500,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $300,000,000.

(E) New secondary loan guarantee commitments, $0.

(12–1.) Medicare (570):

Fiscal year 1993:

(A) New budget authority, $132,200,000,000.

(B) Outlays, $130,400,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

(E) New secondary loan guarantee commitments, $0.

Fiscal year 1994:

(A) New budget authority, $146,400,000,000.

(B) Outlays, $144,600,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

(E) New secondary loan guarantee commitments, $0.

Fiscal year 1995:

(A) New budget authority, $160,100,000,000.

(B) Outlays, $160,900,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

(E) New secondary loan guarantee commitments, $0.

Fiscal year 1996:

(A) New budget authority, $183,300,000,000.

(B) Outlays, $180,400,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

(E) New secondary loan guarantee commitments, $0.

Fiscal year 1997:

(A) New budget authority, $204,100,000,000.

(B) Outlays, $201,500,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

(E) New secondary loan guarantee commitments, $0.

(12-2.) For purposes of section 710 of the Social Security Act, Federal Supplementary Medical Insurance Trust Fund:

Fiscal year 1993:

(A) New budget authority, $48,500,000,000.

(B) Outlays, $47,900,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

(E) New secondary loan guarantee commitments, $0.

Fiscal year 1994:

(A) New budget authority, $54,300,000,000.

(B) Outlays, $53,400,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

(E) New secondary loan guarantee commitments, $0.

Fiscal year 1995:

(A) New budget authority, $61,300,000,000.

(B) Outlays, $60,200,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

(E) New secondary loan guarantee commitments, $0.

Fiscal year 1996:

(A) New budget authority, $70,500,000,000.

(B) Outlays, $69,200,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

(E) New secondary loan guarantee commitments, $0.

Fiscal year 1997:

(A) New budget authority, $81,200,000,000.

(B) Outlays, $79,800,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

(E) New secondary loan guarantee commitments, $0.

(13) Income Security (600):

Fiscal year 1993:

(A) New budget authority, $199,400,000,000.

(B) Outlays, $196,700,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

(E) New secondary loan guarantee commitments, $0.

Fiscal year 1994:

(A) New budget authority, $208,100,000,000.

(B) Outlays, $207,000,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

(E) New secondary loan guarantee commitments, $0.

Fiscal year 1995:

(A) New budget authority, $217,100,000,000.

(B) Outlays, $217,700,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

(E) New secondary loan guarantee commitments, $0.

Fiscal year 1996:

(A) New budget authority, $231,800,000,000.

(B) Outlays, $228,300,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

(E) New secondary loan guarantee commitments, $0.

Fiscal year 1997:

(A) New budget authority, $248,400,000,000.

(B) Outlays, $240,500,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

(E) New secondary loan guarantee commitments, $0.

(14) Social Security (650):

Fiscal year 1993:

(A) New budget authority, $5,900,000,000.

(B) Outlays, $8,600,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

(E) New secondary loan guarantee commitments, $0.

Fiscal year 1994:

(A) New budget authority, $6,500,000,000.

(B) Outlays, $9,300,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

(E) New secondary loan guarantee commitments, $0.

Fiscal year 1995:

(A) New budget authority, $7,200,000,000.

(B) Outlays, $10,100,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

(E) New secondary loan guarantee commitments, $0.

Fiscal year 1996:

(A) New budget authority, $7,900,000,000.

(B) Outlays, $10,900,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

(E) New secondary loan guarantee commitments, $0.

Fiscal year 1997:

(A) New budget authority, $8,700,000,000.

(B) Outlays, $11,900,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

(E) New secondary loan guarantee commitments, $0.

(15) Veterans Benefits and Services (700):

Fiscal year 1993:

(A) New budget authority, $35,700,000,000.

(B) Outlays, $35,200,000,000.

(C) New direct loan obligations, $1,000,000,000.

(D) New primary loan guarantee commitments, $22,100,000,000.

(E) New secondary loan guarantee commitments, $0.

Fiscal year 1994:

(A) New budget authority, $36,900,000,000.

(B) Outlays, $38,200,000,000.

(C) New direct loan obligations, $1,000,000,000.

(D) New primary loan guarantee commitments, $20,000,000,000.

(E) New secondary loan guarantee commitments, $0.

Fiscal year 1995:

(A) New budget authority, $38,100,000,000.

(B) Outlays, $38,000,000,000.

(C) New direct loan obligations, $1,000,000,000.

(D) New primary loan guarantee commitments, $20,100,000,000.

(E) New secondary loan guarantee commitments, $0.

Fiscal year 1996:

(A) New budget authority, $39,300,000,000.

(B) Outlays, $37,700,000,000.

(C) New direct loan obligations, $1,000,000,000.

(D) New primary loan guarantee commitments, $20,200,000,000.

(E) New secondary loan guarantee commitments, $0.

Fiscal year 1997:

(A) New budget authority, $40,600,000,000.

(B) Outlays, $40,500,000,000.

(C) New direct loan obligations, $1,000,000,000.

(D) New primary loan guarantee commitments, $20,300,000,000.

(E) New secondary loan guarantee commitments, $0.

(16) Administration of Justice (750):

Fiscal year 1993:

(A) New budget authority, $15,200,000,000.

(B) Outlays, $15,300,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

(E) New secondary loan guarantee commitments, $0.

Fiscal year 1994:

(A) New budget authority, $15,500,000,000.

(B) Outlays, $15,700,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

(E) New secondary loan guarantee commitments, $0.

Fiscal year 1995:

(A) New budget authority, $16,200,000,000.

(B) Outlays, $16,200,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

(E) New secondary loan guarantee commitments, $0.

Fiscal year 1996:

(A) New budget authority, $17,600,000,000.

(B) Outlays, $17,500,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

(E) New secondary loan guarantee commitments, $0.

Fiscal year 1997:

(A) New budget authority, $18,400,000,000.

(B) Outlays, $18,200,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

(E) New secondary loan guarantee commitments, $0.

(17) General Government (800):

Fiscal year 1993:

(A) New budget authority, $12,300,000,000.

(B) Outlays, $12,900,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

(E) New secondary loan guarantee commitments, $0.

Fiscal year 1994:

(A) New budget authority, $12,200,000,000.

(B) Outlays, $13,100,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

(E) New secondary loan guarantee commitments, $0.

Fiscal year 1995:

(A) New budget authority, $12,800,000,000.

(B) Outlays, $13,200,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

(E) New secondary loan guarantee commitments, $0.

Fiscal year 1996:

(A) New budget authority, $13,400,000,000.

(B) Outlays, $13,200,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

(E) New secondary loan guarantee commitments, $0.

Fiscal year 1997:

(A) New budget authority, $14,100,000,000.

(B) Outlays, $13,700,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

(E) New secondary loan guarantee commitments, $0.

(18-1.) Net Interest (900):

Fiscal year 1993:

(A) New budget authority, $242,000,000,000.

(B) Outlays, $241,900,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

(E) New secondary loan guarantee commitments, $0.

Fiscal year 1994:

(A) New budget authority, $263,700,000,000.

(B) Outlays, $263,800,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

(E) New secondary loan guarantee commitments, $0.

Fiscal year 1995:

(A) New budget authority, $283,200,000,000.

(B) Outlays, $283,200,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

(E) New secondary loan guarantee commitments, $0.

Fiscal year 1996:

(A) New budget authority, $304,600,000,000.

(B) Outlays, $304,600,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

(E) New secondary loan guarantee commitments, $0.

Fiscal year 1997:

(A) New budget authority, $329,500,000,000.

(B) Outlays, $329,500,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

(E) New secondary loan guarantee commitments, $0.

(18–2.) For purposes of section 710 of the Social Security Act, Net Interest (900):

Fiscal year 1993:

(A) New budget authority, $252,600,000,000.

(B) Outlays, $252,500,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

(E) New secondary loan guarantee commitments, $0.

Fiscal year 1994:

(A) New budget authority, $275,100,000,000.

(B) Outlays, $275,200,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

(E) New secondary loan guarantee commitments, $0.

Fiscal year 1995:

(A) New budget authority, $295,300,000,000.

(B) Outlays, $295,300,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

(E) New secondary loan guarantee commitments, $0.

Fiscal year 1996:

(A) New budget authority, $317,300,000,000.

(B) Outlays, $317,300,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

(E) New secondary loan guarantee commitments, $0.

Fiscal year 1997:

(A) New budget authority, $342,500,000,000.

(B) Outlays, $342,500,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

(E) New secondary loan guarantee commitments, $0.

(19) The corresponding levels of gross interest on the public debt are as follows:

Fiscal year 1993: $315,300,000,000.

Fiscal year 1994: $340,000,000,000.

Fiscal year 1995: $360,800,000,000.

Fiscal year 1996: $381,600,000,000.

Fiscal year 1997: $405,500,000,000.

(20) Allowances (920):

Fiscal year 1993:

(A) New budget authority, −$4,100,000,000.

(B) Outlays, −$4,800,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

(E) New secondary loan guarantee commitments, $0.

Fiscal year 1994:

(A) New budget authority, −$11,600,000,000.

(B) Outlays, −$12,400,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

(E) New secondary loan guarantee commitments, $0.

Fiscal year 1995:

(A) New budget authority, −$14,000,000,000.

(B) Outlays, −$18,100,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

(E) New secondary loan guarantee commitments, $0.

Fiscal year 1996:

(A) New budget authority, −$11,800,000,000.

(B) Outlays, −$11,700,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

(E) New secondary loan guarantee commitments, $0.

Fiscal year 1997:

(A) New budget authority, −$7,900,000,000.

(B) Outlays, −$1,900,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

(E) New secondary loan guarantee commitments, $0.

(21-1.) Undistributed Offsetting Receipts (950):

Fiscal year 1993:

(A) New budget authority, −$33,400,000,000.

(B) Outlays, −$33,400,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

(E) New secondary loan guarantee commitments, $0.

Fiscal year 1994:

(A) New budget authority, −$32,600,000,000.

(B) Outlays, −$32,600,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

(E) New secondary loan guarantee commitments, $0.

Fiscal year 1995:

(A) New budget authority, −$33,200,000,000.

(B) Outlays, −$33,200,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

(E) New secondary loan guarantee commitments, $0.

Fiscal year 1996:

(A) New budget authority, −$33,400,000,000.

(B) Outlays, −$33,400,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

(E) New secondary loan guarantee commitments, $0.

Fiscal year 1997:

(A) New budget authority, −$34,500,000,000.

(B) Outlays, −$34,500,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

(E) New secondary loan guarantee commitments, $0.

(21-2.) For purposes of section 710 of the Social Security Act, Undistributed Offsetting Receipts (950):

Fiscal year 1993:

(A) New budget authority, −$31,000,000,000.

(B) Outlays, −$31,000,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

(E) New secondary loan guarantee commitments, $0.

Fiscal year 1994:

(A) New budget authority, −$30,200,000,000.

(B) Outlays, −$30,200,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

(E) New secondary loan guarantee commitments, $0.

Fiscal year 1995:

(A) New budget authority, −$30,700,000,000.

(B) Outlays, −$30,700,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

(E) New secondary loan guarantee commitments, $0.

Fiscal year 1996:

(A) New budget authority, −$30,800,000,000.

(B) Outlays, −$30,800,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

(E) New secondary loan guarantee commitments, $0.

Fiscal year 1997:

(A) New budget authority, −$31,800,000,000.

(B) Outlays, −$31,800,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

(E) New secondary loan guarantee commitments, $0.

SEC. 7. HEALTH CARE COSTS.

It is the sense of the Congress that measures to control the growth of health care costs should be included by the committees of jurisdiction in any comprehensive health care package that they report.

SEC. 8. SALE OF GOVERNMENT ASSETS.

(a) Sense of the Congress.—It is the sense of the Congress that—

(1) from time to time the United States Government should sell assets; and

(2) the amounts realized from such asset sales will not recur on an annual basis and do not reduce the demand for credit.

(b) Budgetary Treatment.—For purposes of points of order under sections 302, 310, 311, 601(b), 602, 604, and 605 of the Congressional Budget and Impoundment Control Act of 1974, the amounts realized from sales of assets (other than loan assets) shall not be scored with respect to the level of budget authority, outlays, or revenues under those sections.

(c) Definitions.—For purposes of this section—

(1) the term "sale of an asset" shall have the same meaning as under section 250(c)(21) of the Balanced Budget and Emergency Deficit Control Act of 1985 (as amended by the Budget Enforcement Act of 1990); and

(2) the term shall not include asset sales mandated by law before September 18, 1987, and routine, ongoing asset sales at levels consistent with agency operations in fiscal year 1986.

SEC. 9. DEFICIT-NEUTRAL RESERVE FUND IN THE SENATE FOR FAMILY AND ECONOMIC SECURITY INITIATIVES IN ACCORDANCE WITH PROVISIONS OF THE SUMMIT AGREEMENT.

(a) Initiatives To Improve the Health and Nutrition of Children and To Provide for Services To Protect Children and Strengthen Families.—

(1) IN GENERAL.—Budget authority and outlays may be allocated to a committee or committees for legislation that increases funding to improve the health and nutrition of children and to provide for services to protect children and strengthen families within such a committee's jurisdiction if such a committee or the committee of conference on such legislation reports such legislation, if, to the extent that the costs of such legislation are not included in this concurrent resolution on the budget, the enactment of such legislation will not increase the deficit (by virtue of either contemporaneous or previously passed deficit reduction) in this resolution for fiscal year 1993, and will not increase the total deficit for the period of fiscal years 1993 through 1997.

(2) REVISED ALLOCATIONS.—Upon the reporting of legislation pursuant to paragraph (1), and again upon the submission of a conference report on such legislation (if a conference report is submitted), the Chairman of the Committee on the Budget of the Senate may file with the Senate appropriately revised allocations under sections 302(a) and 602(a) of the Congressional Budget Act of 1974 and revised functional levels and aggregates to carry out this subsection. Such revised allocations, functional levels, and aggregates shall be considered for the purposes of the Congressional Budget Act of 1974 as allocations, functional levels, and aggregates contained in this concurrent resolution on the budget.

(3) REPORTING REVISED ALLOCATIONS.—The appropriate committee may report appropriately revised allocations pursuant to sections 302(b) and 602(b) of the Congressional Budget Act of 1974 to carry out this subsection.

(b) ECONOMIC GROWTH INITIATIVES.—

(1) IN GENERAL.—Budget authority and outlays may be allocated to a committee or committees for legislation that increases funding for economic recovery or growth initiatives, including unemployment compensation or other, related programs within such a committee's jurisdiction if such a committee or the committee of conference on such legislation reports such legislation, if, to the extent that the costs of such legislation are not included in this concurrent resolution on the budget, the enactment of such legislation will not increase the deficit (by virtue of either contemporaneous or previously passed deficit reduction) in this resolution for fiscal year 1993, and will not increase the total deficit for the period of fiscal years 1993 through 1997.

(2) REVISED ALLOCATIONS.—Upon the reporting of legislation pursuant to paragraph (1), and again upon the submission of a conference report on such legislation (if a conference report is submitted), the Chairman of the Committee on the Budget of the Senate may file with the Senate appropriately revised allocations under sections 302(a) and 602(a) of the Congressional Budget Act of 1974 and revised functional levels and aggregates to carry out this subsection. Such revised allocations, functional levels, and aggregates shall be considered for the purposes of the Congressional Budget Act of 1974 as allocations, functional levels, and aggregates contained in this concurrent resolution on the budget.

(3) REPORTING REVISED ALLOCATIONS.—The appropriate committee may report appropriately revised allocations pursuant to section 302(b) and 602(b) of the Congressional Budget Act of 1974 to carry out this subsection.

(c) CONTINUING IMPROVEMENTS IN ONGOING HEALTH CARE PROGRAMS AND PHASING-IN OF HEALTH INSURANCE COVERAGE FOR ALL AMERICANS.—

(1) IN GENERAL.—Budget authority and outlays may be allocated to a committee or committees for legislation that increases funding to make continuing improvements in ongoing health care programs or to begin phasing-in health insurance coverage for all Americans within such a committee's jurisdiction if such a committee or the committee of conference on such legislation reports such legislation, if, to the extent that the costs of such legislation are not included in this concurrent resolution on the budget, the enactment of such legislation will not increase the deficit (by virtue of either contemporaneous or previously passed deficit reduction) in this resolution for fiscal year 1993, and will not increase the total deficit for the period of fiscal years 1993 through 1997.

(2) REVISED ALLOCATIONS.—Upon the reporting of legislation pursuant to paragraph (1), and again upon the submission of a conference report on such legislation (if a conference report is submitted), the Chairman of the Committee on the Budget of the Senate may file with the Senate appropriately revised allocations under sections 302(a) and 602(a) of the Congressional Budget Act of 1974 and revised functional levels and aggregates to carry out this subsection. Such revised allocations, functional levels, and aggregates shall be considered for the purposes of the Congressional Budget Act of 1974 as allocations, functional levels, and aggregates contained in this concurrent resolution on the budget.

(3) REPORTING REVISED ALLOCATIONS.—The appropriate committee may report appropriately revised allocations pursuant to sections 302(b) and 602(b) of the Congressional Budget Act of 1974 to carry out this subsection.

(d) INITIATIVES TO IMPROVE EDUCATIONAL OPPORTUNITIES FOR INDIVIDUALS AT THE EARLY CHILDHOOD, ELEMENTARY, SECONDARY, OR HIGHER EDUCATION LEVELS, OR TO INVEST IN AMERICA'S CHILDREN.—

(1) IN GENERAL.—Budget authority and outlays may be allocated to a committee or committees for direct spending legislation that increases funding to improve educational opportunities for individuals at the early childhood, elementary, secondary, or higher education levels, or to invest in America's children within such a committee's jurisdiction if such a committee or the committee of conference on such legislation reports such legislation, if, to the extent that the costs of such legislation are not included in this concurrent resolution on the budget, the enactment of such legislation will not increase the deficit (by virtue of either contemporaneous or previously passed deficit reduction) in this resolution for fiscal year 1993, and will not increase the total deficit for the period of fiscal years 1993 through 1997.

(2) REVISED ALLOCATIONS.—Upon the reporting of legislation pursuant to paragraph (1), and again upon the submission of a conference report on such legislation (if a conference report is submitted), the Chairman of the Committee on the Budget of the Senate may file with the Senate appropriately revised allocations under sections 302(a) and 602(a) of the Congressional Budget Act of 1974 and revised functional levels and aggregates to carry out this subsection. Such revised allocations, functional levels, and aggregates shall be considered for the purposes of the Congressional Budget Act of 1974 as allocations, functional levels, and aggregates contained in this concurrent resolution on the budget.

(3) REPORTING REVISED ALLOCATIONS.—The appropriate committee may report appropriately revised allocations pursuant to sections 302(b) and 602(b) of the Congressional Budget Act of 1974 to carry out this subsection.

(e) INITIATIVES TO MITIGATE AIRPORT NOISE, TO IMPROVE AIRPORT SAFETY, OR TO EXPAND AIRPORT CAPACITY.—

(1) IN GENERAL.—Budget authority and outlays may be allocated to a committee or committees for direct spending legislation that increases funding to mitigate airport noise, to improve airport safety, or to expand airport capacity within such a committee's jurisdiction if such a committee or the committee of conference on such legislation reports such legislation, if, to the extent that the costs of such legislation are not included in this concurrent resolution on the budget, the enactment of such legislation will not increase the deficit (by virtue of either contemporaneous or previously passed deficit reduction) in this resolution for fiscal year 1993, and will not increase the total deficit for the period of fiscal years 1993 through 1997.

(2) REVISED ALLOCATIONS.—Upon the reporting of legislation pursuant to paragraph (1), and again upon the submission of a conference report on such legislation (if a conference report is submitted), the Chairman of the Committee on the Budget of the Senate may file with the Senate appropriately revised allocations under sections 302(a) and 602(a) of the Congressional Budget Act of 1974 and revised functional levels and aggregates to carry out this subsection. Such revised allocations, functional levels, and aggregates shall be considered for the purposes of the Congressional Budget Act of 1974 as allocations, functional levels, and aggregates contained in this concurrent resolution on the budget.

(3) REPORTING REVISED ALLOCATIONS.—The appropriate committee may report appropriately revised allocations pursuant to sections 302(b) and 602(b) of the Congressional Budget Act of 1974 to carry out this subsection.

SEC. 10. MAXIMUM DEFICIT AMOUNT AND AGGREGATE POINTS OF ORDER IN THE SENATE.

Notwithstanding any other rule of the Senate, for those years in which this concurrent resolution is in effect and not superseded by adoption of a subsequent concurrent resolution on the budget, in the Senate, sections 311(a) and 605 of the Congressional Budget Act of 1974 shall not apply to any bill, resolution, amendment, motion, or conference report that—

(1) would, if introduced as a bill or resolution, be referred to the Committee on Appropriations;

(2) would not cause the appropriate allocation of new budget authority or outlays made pursuant to section 602(a) to be exceeded;

(3) would not cause the appropriate suballocation (or suballocations), if any, of new budget authority or outlays made pursuant to section 602(b) to be exceeded;

(4) would not cause the appropriate level of social security outlays to be exceeded;

(5) would not cause revenues to be less than the appropriate level of total revenues; and

(6) would not cause social security revenues to be less than the appropriate level of social security revenues.

SEC. 11. CLARIFICATION OF THE APPLICATION OF SECTION 311(b) OF THE CONGRESSIONAL BUDGET ACT IN THE HOUSE.

For fiscal years 1992 through 1995, the reference in section 311(b) of the Congressional Budget Act of 1974 to the appropriate allocation under section 302(a) shall be considered to be a reference to the appropriate allocation for the fiscal year concerned under section 602(a) of the Congressional Budget Act of 1974.

SEC. 12. SOCIAL SECURITY FIRE WALL POINT OF ORDER IN THE SENATE.

(a) ACCOUNTING TREATMENT.—Notwithstanding any other provision of this resolution, for the purpose of allocations and points of order under sections 302 and 311 of the Congressional Budget Act of 1974, the levels of Social Security outlays and revenues for this resolution shall be the current services levels.

(b) APPLICATION OF SECTION 301(i).—Notwithstanding any other rule of the Senate, in the Senate, the point of order established under section 301(i) of the Congressional Budget Act of

1974 shall apply to any concurrent resolution on the budget for any fiscal year (as reported and as amended), amendments thereto, or any conference report thereon.

SEC. 13. STUDY OF UNITED STATES GOVERNMENT ASSISTANCE TO RECIPIENTS BY INCOME CATEGORY.

(a) IN GENERAL.—It is the sense of the Congress that the Director of the Office of Management and Budget and the Director of the Congressional Budget Office (with the assistance of the Joint Committee on Taxation) should, to the extent feasible, each prepare a study, by major program or expenditure, of the dollar value of United States Government assistance under current law and regulations to recipients by income category for the most recent year for which data are available.

(b) DEFINITION.—The term "United States Government assistance" means any payment, including payments-in-kind, loans, and tax expenditures (as defined in section 3(3) of the Congressional Budget Act of 1974), made by the United States Government directly, indirectly, or through payment to another on the individual's or person's behalf.

SEC. 14. SENSE OF THE SENATE REGARDING BALANCED BUDGET AMENDMENT.

It is the sense of the Senate that the Senate should, on or before July 2, 1992, vote on a joint resolution proposing an amendment to the Constitution relating to a Federal balanced budget, and requiring the President of the United States to annually submit a balanced budget, provided that the amendment proposed in such joint resolution shall be drafted or amended so as not to exacerbate any economic recession.

SEC. 15. PROGRAM BUDGET EVALUATION.

It is the Sense of the Senate that prior to the commencement of the One Hundred Fourth Congress, each authorizing committee of the Senate should conduct a comprehensive reexamination and evaluation of existing programs under its jurisdiction which result in the expenditure of Federal dollars, and report its findings to the Senate. Such committee reports should consider the following matters—

(1) an identification of the objectives intended for the program and the problem it was intended to address;

(2) an identification of any trends, developments, and emerging conditions which are likely to affect the future nature and extent of the problems or needs which the program is intended to address;

(3) an identification of any other program having potentially conflicting or duplicative objectives;

(4) a statement of the number and types of beneficiaries or persons served by the program;

(5) an assessment of the effectiveness of the program and the degrees to which the original objectives of the program or group of programs have been achieved;

(6) an assessment of the cost effectiveness of the program;

(7) an assessment of the relative merits of alternative methods which could be considered to achieve the purposes of the program.

SEC. 16. SENSE OF THE SENATE REGARDING INCREASING PRODUCTIVITY.

(a) FINDING.—The Senate finds that—

(1) failure to meet the challenge of international economic competitiveness would seriously jeopardize our national security, standard of living, and quality of life in the coming decades; and

(2) increased productivity is the key to meeting the challenge and regaining the competitive edge the United States economy enjoyed in the past.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that funds should be allocated to allow this Nation to commit to an increase in productivity and international competitiveness through a program of long-term strategic investment in—

(1) the development of its human resources;

(2) the physical infrastructure that supports economic activity;

(3) the development and commercialization of technology; and

(4) productive plants and equipment.

SEC. 17. SENSE OF THE CONGRESS ON WIC.

(a) FINDINGS.—The Congress finds that—

(1) the Special Supplemental Food Program for Women, Infants and Children (WIC) has been invaluable to millions of needy pregnant and nursing women, infants and children at nutritional risk for nearly 20 years;

(2) President Bush has commendably recommended an increase in the WIC program for fiscal year 1993, continuing the strong bipartisan support for expanding the program to serve more of those eligible;

(3) the chairmen of five major American corporations testified last year on WIC, declaring that an increased investment in WIC is essential to the Nation's future economic growth and that "WIC can make an important contribution to ensuring that . . . we have the productive workforce we need";

(4) the CEO's called WIC "the health-care equivalent of a triple-A rated investment . . . one of the most reliable ways that Government can invest in its resources," and recommended that to achieve the national education goal established by the President and Governors that by the year 2000 all children should start school ready to learn, ". . . we need to set a related goal: Every woman, infant, and child who is eligible for WIC in 1995 and later years will be served by the program";

(5) less than 60 percent of the eligible women, infants, and children are served by the program due to funding limitations;

(6) a funding level of $3,000,000,000 in fiscal year 1993 is needed to remain on the 5-year path embarked upon by the Congress last year to reach full funding consistent with the CEO's recommendation; and

(7) a recent United States Department of Agriculture study has demonstrated that the prenatal component of WIC reduces Medicaid costs by between $1.92 and $4.21 for each dollar invested in it, and studies issued by the National Bureau of Economic Research have found WIC to be one of the most cost-effective means of reducing infant mortality and indicate WIC also may produce long-term savings in special-education costs.

(b) SENSE OF THE CONGRESS.—It is the sense of the Congress that the WIC program should be funded at $3,000,000,000 for fiscal year 1993.

SEC. 18. DEFENSE INDUSTRY CONVERSION.

(a) FINDINGS.—Congress finds that—

(1) the Office of Technology Assessment estimates that, during the period beginning in 1991 and ending in 1995, between 530,000 and 620,000 employees of private, defense-related industries in the United States will become unemployed as a result of reductions in such spending;

(2) the retraining and re-employment of such members, civilian employees, and employees of private industry is critical to the capability of the private aerospace and defense industries of the United States to develop, commercialize, and market non-defense products and technologies; and

(3) the capability of such industries to develop, commercialize, and market non-defense products and technologies will play a critical role in ensuring the long-term economic prosperity of such industries and the United States.

(b) SENSE OF CONGRESS.—It is the sense of the Congress that—

(1) no less than $1,000,000,000 in budget authority provided in this resolution for the defense function 050 for fiscal year 1993 should be made available for defense industry conversion-related activities such as those within the following programs:

(A) DEFENSE INDUSTRY WORKERS.—Job Training Partnership Act, Economic Dislocation and Worker Adjustment Assistance;

(B) COMMUNITIES.—

(i) Economic Development Administration;

(ii) Community Development Block Grants;

(iii) Small Business Administration; and

(iv) Impact aid grants to school districts; and

(C) TECHNOLOGY.—

(i) National Science Foundation education grants to engineers;

(ii) Department of Energy technology transfer;

(iii) National Institute of Standards and Technology; and

(iv) Intelligent vehicle highway system; and

(2) a meaningful percentage of the savings in Federal defense spending in fiscal years 1993 through 1997 should be made available for the establishment of programs to re-train and re-employ active duty members of the Armed Forces, civilian employees of the Department of Defense, and employees of private, defense-related industries who are involuntarily separated from such duty or become unemployed as a result of reductions in Federal spending for national defense.

SEC. 19. BUDGET AUTHORITY-OUTLAY RATIO.

It is the sense of the Congress that if in decisions among priorities, the Committees on Appropriations find that an excess of budget authority would remain after dividing all of the outlays that this resolution allocates to those committees for fiscal year 1993, then to the extent that those committees wish to utilize that excess of budget authority, those committees should favor programs that cause outlays to occur more slowly, rather than employing delays of obligations or payment shifts that would increase outlays in fiscal year 1994.

And the Senate agree to the same.

LEON E. PANETTA,
RICHARD GEPHARDT,
JAMES L. OBERSTAR,
FRANK J. GUARINI,
DICK DURBIN,
MIKE ESPY,
DALE E. KILDEE,
ANTHONY C. BEILENSON,
JERRY HUCKABY,
MARTIN OLAV SABO,
Managers on the Part of the House.

JIM SASSER,
J. BENNETT JOHNSTON,
DON RIEGLE,
J.J. EXON,
PETE V. DOMENICI,
KIT BOND,
Managers on the Part of the Senate.

JOINT EXPLANATORY STATEMENT OF THE COMMITTEE OF CONFERENCE

The managers on the part of the House and the Senate at the conference on the disagreeing votes of the two Houses on the amendment of the Senate to the concurrent resolution (H. Con. Res. 287) setting forth the congressional budget for the United States Government for the fiscal years 1993, 1994, 1995, 1996, and 1997, submit the following joint statement to the House and the Senate in explanation of the effect of the action agreed upon by the managers and recommended in the accompanying conference report:

The Senate amendment struck out all of the House resolution after the resolving clause and inserted a substitute text.

The House recedes from its disagreement to the amendment of the Senate with an amendment which is a substitute for the

House resolution and the Senate amendment.

EXPLANATION OF CONFERENCE AGREEMENT

The following tables show the functional allocations and budget aggregates included in the conference agreement over 5 years. In addition, a table follows that breaks out credit amounts by function.

CONFERENCE AGREEMENT—TOTAL BUDGET

[May 20, 1992]

	1993	1994	1995	1996	1997
Budget Authority	1,515.9	1,548.1	1,598.1	1,677.6	1,784.2
Outlays	1,500.0	1,526.2	1,539.9	1,599.0	1,723.1
Revenues	1,173.4	1,261.6	1,339.9	1,413.1	1,489.9
Deficit (−) / surplus (+)	−326.6	−246.6	−200.0	−185.9	−233.2
Debt subject to limit	4,461.2	4,860.5	5,209.4	5,553.6	5,952.9
050 National defense:					
Budget authority	277.4	280.4	280.4	280.4	280.4
Outlays	289.1	283.0	280.6	282.1	281.7
150 International affairs:					
Budget authority	19.6	19.7	19.9	19.6	19.6
Outlays	17.2	17.9	18.1	18.2	18.3
250 General science, space and technology:					
Budget authority	17.1	17.5	18.1	18.6	19.6
Outlays	16.2	17.0	17.7	18.3	19.3
270 Energy:					
Budget authority	5.9	6.1	6.2	6.0	6.2
Outlays	5.4	5.6	5.3	5.1	4.7
300 Natural resources and environment:					
Budget authority	21.1	22.2	23.1	23.7	24.6
Outlays	20.8	21.7	22.4	23.0	23.6
350 Agriculture:					
Budget authority	16.3	16.9	14.8	14.9	15.0
Outlays	16.1	14.7	12.7	12.9	13.2
370 Commerce and housing credit:					
Budget authority	82.4	43.8	22.3	9.4	11.2
Outlays	75.4	36.3	−14.0	−42.0	−25.4
400 Transportation:					
Budget authority	41.0	41.8	42.3	43.1	46.0
Outlays	35.5	37.7	38.8	39.9	40.3
450 Community and regional development:					
Budget authority	7.2	7.2	7.3	7.5	7.8
Outlays	7.2	6.8	6.7	6.6	7.0
500 Education, training, employment and social services:					
Budget authority	51.9	53.6	55.1	57.4	60.4
Outlays	49.8	51.6	52.9	50.8	57.5
550 Health:					
Budget authority	105.2	116.3	129.0	143.4	159.2
Outlays	104.5	115.6	127.8	142.1	157.5
570 Medicare:					
Budget authority	132.2	146.4	163.1	183.3	204.1
Outlays	130.4	144.6	160.9	180.4	201.5
600 Income security:					
Budget authority	199.4	208.1	217.1	231.8	248.4
Outlays	196.7	207.0	217.7	228.3	240.5
650 Social Security:					
Budget authority	306.2	323.6	341.7	360.8	381.1
Outlays	303.3	320.5	388.4	357.4	377.5
700 Veterans benefits and services:					
Budget authority	35.7	36.9	38.1	39.3	40.6
Outlays	35.2	38.2	38.0	37.7	40.5
750 Administration of justice:					
Budget authority	15.2	15.5	16.2	17.6	18.4
Outlays	15.3	15.7	16.2	17.5	18.2
800 General government:					
Budget authority	12.3	12.2	12.8	13.4	14.1
Outlays	12.9	13.1	13.2	13.2	13.7
900 Net interest:					
Budget authority	213.8	231.0	245.2	260.5	278.4
Outlays	213.7	231.1	245.2	260.5	278.4
920 Allowances:					
Budget authority	−4.1	−11.6	−14.1	−11.8	−7.9
Outlays	−4.8	−12.4	−18.2	−11.7	−1.9
950 Undistributed offsetting receipts:					
Budget authority	−39.9	−39.5	−40.5	−41.3	−43.0
Outlays	−39.9	−39.5	−40.5	−41.3	−43.0

CONFERENCE AGREEMENT—ON-BUDGET

[Including Medicare HI, May 20, 1992]

	1993	1994	1995	1996	1997
Budget authority	1,246.4	1,269.4	1,309.6	1.375.1	1,468.7
Outlays	1,238.7	1,255.1	1,257.9	1,304.9	1,416.1
Revenues	845.3	911.3	968.1	1,017.8	1,070.4
Deficit (−) / Surplus (+)	−393.4	−343.8	−289.8	−287.1	−345.7
Debt subject to limit	4,461.2	4,860.5	5,209.4	5,553.6	5,952.9
050 National defense:					
Budget authority	277.4	280.4	280.4	280.4	280.4
Outlays	289.1	283.0	280.6	282.1	281.7
150 International affairs:					
Budget authority	19.6	19.7	19.9	19.6	19.6
Outlays	17.2	17.9	18.1	18.2	18.3
250 General science, space and technology:					
Budget authority	17.1	17.5	18.1	18.6	19.6
Outlays	16.2	17.0	17.7	18.3	19.3
270 Energy:					
Budget authority	5.9	6.1	6.2	6.0	6.2
Outlays	5.4	5.6	5.3	5.1	4.7
300 National resources and environment:					
Budget authority	21.1	22.2	23.1	23.7	24.6
Outlays	20.8	21.7	22.4	23.0	23.6
350 Agriculture:					
Budget authority	16.3	16.9	14.8	14.9	15.0
Outlays	16.1	14.7	12.7	12.9	13.2
370 Commerce and housing credit:					
Budget authority	78.5	42.6	22.9	7.8	8.5
Outlays	74.1	36.8	−13.1	−41.6	−26.4
400 Transportation:					
Budget authority	41.0	41.8	42.3	43.1	46.0
Outlays	35.5	37.7	38.8	39.9	40.3
450 Community and regional development:					
Budget authority	7.2	7.2	7.3	7.5	7.8
Outlays	7.2	6.8	6.7	6.6	7.0
500 Education, training, employment and social services:					
Budget authority	51.9	53.6	55.1	57.4	60.4
Outlays	49.8	51.6	52.9	50.8	57.5
550 Health:					
Budget authority	105.2	116.3	129.0	143.4	159.2
Outlays	104.5	115.6	127.8	142.1	157.5
570 Medicare:					
Budget authority	132.2	146.4	163.1	183.3	204.1
Outlays	130.4	144.6	160.9	180.4	201.5
600 Income security:					
Budget authority	199.4	208.1	217.1	231.8	248.4
Outlays	196.7	207.0	217.7	228.3	240.5
650 Social Security:					
Budget authority	5.9	6.5	7.2	7.9	8.7
Outlays	8.6	9.3	10.1	10.9	11.9
700 Veterans benefits and services:					
Budget authority	35.7	36.9	38.1	39.3	40.6
Outlays	35.2	38.2	38.0	37.7	40.5
750 Administration of justice:					
Budget authority	15.2	15.5	16.2	17.6	18.4
Outlays	15.3	15.7	16.2	17.5	18.2
800 General government:					
Budget authority	12.3	12.2	12.8	13.4	14.1
Outlays	12.9	13.1	13.2	13.2	13.7
900 Net interest:					
Budget authority	242.0	263.7	183.2	304.6	329.5
Outlays	241.9	263.8	283.2	304.6	329.5
920 Allowances:					
Budget authority	−4.1	−11.6	−14.1	−11.8	−7.9
Outlays	−4.8	−12.4	−18.2	−11.7	−1.9
950 Undistributed offsetting receipts:					
Budget authority	−33.4	−32.6	−33.2	−33.4	−34.5
Outlays	−33.4	−32.6	−33.2	−33.4	−34.5

CONFERENCE AGREEMENT—OFF-BUDGET

[Excluding Medicare HI, May 20, 1992]

	1993	1994	1995	1996	1997
Budget authority	269.5	278.7	288.5	302.5	315.5
Outlays	261.3	271.1	282.0	294.1	307.0
Revenues	328.1	350.3	371.8	395.3	419.5
Deficit (−) / Surplus (+)	66.8	79.2	89.8	101.2	112.5
050 National defense:					
Budget authority	0.0	0.0	0.0	0.0	0.0
Outlays	0.0	0.0	0.0	0.0	0.0
150 International affairs:					
Budget authority	0.0	0.0	0.0	0.0	0.0
Outlays	0.0	0.0	0.0	0.0	0.0
250 General science, space and technology:					
Budget authority	0.0	0.0	0.0	0.0	0.0
Outlays	0.0	0.0	0.0	0.0	0.0
270 Energy:					
Budget authority	0.0	0.0	0.0	0.0	0.0
Outlays	0.0	0.0	0.0	0.0	0.0
300 Natural resources and environment:					
Budget authority	0.0	0.0	0.0	0.0	0.0
Outlays	0.0	0.0	0.0	0.0	0.0
350 Agriculture:					
Budget authority	0.0	0.0	0.0	0.0	0.0
Outlays	0.0	0.0	0.0	0.0	0.0
370 Commerce and housing credit:					
Budget authority	3.9	1.2	−0.6	1.6	2.7
Outlays	1.3	−0.5	−0.9	−0.4	1.0
400 Transportation:					
Budget authority	0.0	0.0	0.0	0.0	0.0
Outlays	0.0	0.0	0.0	0.0	0.0
450 Community and regional development:					
Budget authority	0.0	0.0	0.0	0.0	0.0
Outlays	0.0	0.0	0.0	0.0	0.0
500 Education, training, employment and social services:					
Budget authority	0.0	0.0	0.0	0.0	0.0
Outlays	0.0	0.0	0.0	0.0	0.0
550 Health:					
Budget authority	0.0	0.0	0.0	0.0	0.0
Outlays	0.0	0.0	0.0	0.0	0.0
570 Medicare:					
Budget authority	0.0	0.0	0.0	0.0	0.0
Outlays	0.0	0.0	0.0	0.0	0.0
600 Income security:					
Budget authority	0.0	0.0	0.0	0.0	0.0
Outlays	0.0	0.0	0.0	0.0	0.0
650 Social Security:					
Budget authority	300.3	317.1	334.5	352.9	372.4
Outlays	294.7	311.2	328.3	346.5	365.6
700 Veterans benefits and services:					
Budget authority	0.0	0.0	0.0	0.0	0.0
Outlays	0.0	0.0	0.0	0.0	0.0
750 Administration of justice:					
Budget authority	0.0	0.0	0.0	0.0	0.0
Outlays	0.0	0.0	0.0	0.0	0.0
800 General government:					
Budget authority	0.0	0.0	0.0	0.0	0.0
Outlays	0.0	0.0	0.0	0.0	0.0
900 Net interest:					
Budget authority	−28.2	−32.7	−38.0	−44.1	−51.1
Outlays	−28.2	−32.7	−38.0	−44.1	−51.1
920 Allowances:					
Budget authority	0.0	0.0	0.0	0.0	0.0
Outlays	0.0	0.0	0.0	0.0	0.0
950 Undistributed offsetting receipts:					
Budget authority	−6.5	−6.9	−7.3	7.9	−8.5
Outlays	−6.5	−6.9	−7.3	−7.9	−8.5

CONFERENCE AGREEMENT—ON-BUDGET

[Excluding Medicare HI, May 20, 1992]

	1993	1994	1995	1996	1997
Budget authority	1,175.7	1,191.1	1,222.4	1,277.6	1,361.5
Outlays	1,169.2	1,177.7	1,171.8	1,209.0	1,310.1
Revenues	760.0	820.1	871.3	914.9	961.2
Deficit (−) / surplus (+)	−409.2	−357.6	−300.5	−294.1	−348.9
Debt subject to limit	4,461.2	4,860.5	5,209.4	5,553.6	5,952.9
050 National defense:					
Budget authority	277.4	280.4	280.4	280.4	280.4
Outlays	289.1	283.0	280.6	282.1	281.7
150 International affairs:					
Budget authority	19.6	19.7	19.9	19.6	19.6
Outlays	17.2	17.9	18.1	18.2	18.3
250 General science, space and technology:					
Budget authority	17.1	17.5	18.1	18.6	19.6
Outlays	16.2	17.0	17.7	18.3	19.3
270 Energy:					
Budget authority	5.9	6.1	6.2	6.0	6.2
Outlays	5.4	5.6	5.3	5.1	4.7
300 Natural resources and environment:					
Budget authority	21.1	22.2	23.1	23.7	24.6
Outlays	20.8	21.7	22.4	23.0	23.6
350 Agriculture:					
Budget authority	16.3	16.9	14.8	14.9	15.0
Outlays	16.1	14.7	12.7	12.9	13.2
370 Commerce and housing credit:					
Budget authority	78.5	42.6	22.9	7.8	8.5
Outlays	74.1	36.8	−13.1	−41.6	−26.4
400 Transportation:					
Budget authority	41.0	41.8	42.3	43.1	46.0
Outlays	35.5	37.7	38.8	39.9	40.3
450 Community and regional development:					
Budget authority	7.2	7.2	7.3	7.5	7.8
Outlays	7.2	6.8	6.7	6.6	7.0
500 Education, training, employment and social services:					
Budget authority	51.9	53.6	55.1	57.4	60.4
Outlays	49.8	51.6	52.9	50.8	57.5
550 Health:					
Budget authority	105.2	116.3	129.0	143.4	159.2
Outlays	104.5	115.6	127.8	142.1	157.5
570 Medicare:					
Budget authority	48.5	54.3	61.3	70.5	81.2
Outlays	47.9	53.4	60.2	69.2	79.8
600 Income security:					
Budget authority	199.4	208.1	217.1	231.8	248.4
Outlays	196.7	207.0	217.7	228.3	240.5
650 Social Security:					
Budget authority	5.9	6.5	7.2	7.9	8.7
Outlays	8.6	9.3	10.1	10.9	11.9
700 Veterans benefits and services:					
Budget authority	35.7	36.9	38.1	39.3	40.6
Outlays	35.2	38.2	38.0	37.7	40.5
750 Administration of justice:					
Budget authority	15.2	15.5	16.2	17.6	18.4

CONFERENCE AGREEMENT—ON-BUDGET—Continued

[Excluding Medicare HI, May 20, 1992]

	1993	1994	1995	1996	1997
Outlays	15.3	15.7	16.2	17.5	18.2
800 General government:					
Budget authority	12.3	12.2	12.8	13.4	14.1
Outlays	12.9	13.1	13.2	13.2	13.7
900 Net interest:					
Budget authority	252.6	275.1	295.3	317.3	342.5
Outlays	252.5	275.2	295.3	317.3	342.5
920 Allowances:					
Budget authority	−4.1	−11.6	−14.1	−11.8	−7.9
Outlays	−4.8	−12.4	−18.2	−11.7	−1.9
950 Undistributed offsetting receipts:					
Budget authority	−31.0	−30.2	−30.7	−30.8	−31.8
Outlays	−31.0	−30.2	−30.7	−30.8	−31.8

CONFERENCE AGREEMENT—OFF-BUDGET

[Including Medicare HI, May 20, 1992]

	1993	1994	1995	1996	1997
Budget authority	340.2	357.0	375.7	400.0	422.7
Outlays	330.8	348.5	368.1	390.0	413.0
Revenues	413.4	441.5	468.6	498.2	528.7
Deficit (−) / surplus (+)	82.6	93.0	100.5	108.2	115.7
050 National defense:					
Budget authority	0.0	0.0	0.0	0.0	0.0
Outlays	0.0	0.0	0.0	0.0	0.0
150 International affairs:					
Budget authority	0.0	0.0	0.0	0.0	0.0
Outlays	0.0	0.0	0.0	0.0	0.0
250 General science, space and technology:					
Budget authority	0.0	0.0	0.0	0.0	0.0
Outlays	0.0	0.0	0.0	0.0	0.0
270 Energy:					
Budget authority	0.0	0.0	0.0	0.0	0.0
Outlays	0.0	0.0	0.0	0.0	0.0
300 Natural resources and environment:					
Budget authority	0.0	0.0	0.0	0.0	0.0
Outlays	0.0	0.0	0.0	0.0	0.0
350 Agriculture:					
Budget authority	0.0	0.0	0.0	0.0	0.0
Outlays	0.0	0.0	0.0	0.0	0.0
370 Commerce and housing credit:					
Budget authority	3.9	1.2	−0.6	1.6	2.7
Outlays	1.3	−0.5	−0.9	−0.4	1.0
400 Transportation:					
Budget authority	0.0	0.0	0.0	0.0	0.0
Outlays	0.0	0.0	0.0	0.0	0.0
450 Community and regional development:					
Budget authority	0.0	0.0	0.0	0.0	0.0
Outlays	0.0	0.0	0.0	0.0	0.0
500 Education, training, employment and social services:					
Budget authority	0.0	0.0	0.0	0.0	0.0
Outlays	0.0	0.0	0.0	0.0	0.0
550 Health:					
Budget authority	0.0	0.0	0.0	0.0	0.0
Outlays	0.0	0.0	0.0	0.0	0.0
570 Medicare:					
Budget authority	83.7	92.1	101.8	112.8	122.9
Outlays	82.5	91.2	100.7	111.2	121.7
600 Income security:					
Budget authority	0.0	0.0	0.0	0.0	0.0
Outlays	0.0	0.0	0.0	0.0	0.0
650 Social security:					
Budget authority	300.3	317.1	334.5	352.9	372.4
Outlays	294.7	311.2	328.3	346.5	365.6
700 Veterans benefits and services:					
Budget authority	0.0	0.0	0.0	0.0	0.0
Outlays	0.0	0.0	0.0	0.0	0.0
750 Administration of justice:					
Budget authority	0.0	0.0	0.0	0.0	0.0
Outlays	0.0	0.0	0.0	0.0	0.0
800 General government:					
Budget authority	0.0	0.0	0.0	0.0	0.0
Outlays	0.0	0.0	0.0	0.0	0.0
900 Net interest:					
Budget authority	−38.8	−44.1	−50.1	−56.8	64.1
Outlays	−38.8	−44.1	−50.1	−56.8	−64.1
920 Allowances					
Budget authority	0.0	0.0	0.0	0.0	0.0
Outlays	0.0	0.0	0.0	0.0	0.0
950 Undistributed offsetting receipts					
Budget authority	−8.9	−9.3	−9.8	−10.5	−11.2
Outlays	−8.9	−9.3	−9.8	−10.5	−11.2

HOUSE-PASSED (PLAN B)—TOTAL-BUDGET

[Mar. 5, 1992]

	1993	1994	1995	1996	1997
Budget authority	1,513.0	1,547.9	1,598.2	1,677.6	1,784.2
Outlays	1,497.9	1,526.0	1,539.8	1,599.2	1,723.0
Revenues	1,173.4	1,261.6	1,339.9	1,413.1	1,489.9
Deficit (−)/ surplus (+)	−324.5	−264.4	−199.9	−186.1	−233.1
Debt subject to limit	4,470.5	4,871.6	5,220.6	5,563.5	5,960.5
050 National defense:					
Budget authority	274.4	289.3	292.8	295.1	300.6
Outlays	287.2	287.2	287.4	291.5	297.0
150 International affairs:					
Budget authority	19.7	19.6	19.3	18.9	18.6
Outlays	17.4	18.2	18.1	18.1	18.0
250 General science, space and technology:					
Budget authority	17.1	17.5	18.1	18.6	19.6
Outlays	16.2	17.0	17.8	18.3	19.3
270 Energy:					
Budget authority	5.9	6.1	6.2	6.0	6.2
Outlays	5.4	5.6	5.3	5.1	4.7
300 Natural resources and environment:					
Budget authority	20.9	22.0	22.9	23.4	24.3
Outlays	20.6	21.4	22.1	22.7	23.3
350 Agriculture:					
Budget authority	16.2	16.8	14.7	14.7	14.9
Outlays	16.0	14.6	12.6	12.8	13.1
370 Commerce and housing credit:					
Budget authority	82.4	43.8	22.3	9.3	11.3
Outlays	75.4	36.3	−14.0	−42.0	−25.4
400 Transportation:					
Budget authority	41.0	41.7	42.3	43.1	46.0
Outlays	35.4	37.7	38.8	39.9	40.3
450 Community and regional development:					
Budget authority	6.9	6.9	7.0	7.2	7.5
Outlays	7.1	6.7	6.4	6.4	6.7
500 Education, training, employment and social services:					
Budget authority	51.7	53.4	54.9	57.2	60.1
Outlays	49.6	51.4	52.6	50.5	57.3
550 Health:					
Budget authority	105.2	116.2	128.8	143.2	159.0
Outlays	104.5	115.6	127.6	141.9	157.3
570 Medicare:					
Budget authority	132.2	146.4	163.1	183.3	204.0
Outlays	130.4	144.6	160.9	180.4	201.5
600 Income security:					
Budget authority	199.5	208.2	217.1	231.8	248.6
Outlays	196.7	206.5	217.5	227.9	240.6
650 Social Security:					
Budget authority	306.2	323.5	341.6	360.8	381.1
Outlays	303.2	320.5	338.4	357.4	377.4
700 Veterans benefits and services:					
Budget authority	35.3	36.5	37.7	38.9	40.1
Outlays	35.0	38.2	37.7	37.4	40.1
750 Administration of justice:					
Budget authority	15.2	15.8	16.6	18.0	18.8
Outlays	15.3	16.0	16.5	17.9	18.6
800 General government:					
Budget authority	12.3	12.2	12.8	13.6	14.3
Outlays	12.9	13.1	13.2	13.4	13.8
900 Net interest:					
Budget authority	213.8	230.9	245.1	260.4	278.3
Outlays	213.7	231.0	245.1	260.4	278.3
920 Allowances:					
Budget authority	−2.3	−4.2	−4.3	−4.3	−4.4
Outlays	−3.5	−4.2	−4.3	−4.4	−4.5
950 Undistributed offsetting receipts:					
Budget authority	−40.6	−54.7	−60.8	−61.6	−64.7
Outlays	−40.6	−51.4	−59.9	−56.4	−54.4

HOUSE-PASSED (PLAN B)—ON BUDGET

[Mar. 5, 1992]

	1993	1994	1995	1996	1997
Budget authority	1,243.5	1,269.2	1,309.6	1,375.1	1,468.7
Outlays	1,236.6	1,254.9	1,257.7	1,305.1	1,416.6
Revenues	845.3	911.3	968.1	1,017.8	1,070.4
Deficit (−) / surplus (+)	−391.3	−343.6	−289.6	−287.3	−345.6
Debt subject to limit	4,470.5	4,871.6	5,220.6	5,563.1	5,960.5
050 National defense:					
Budget authority	274.4	289.3	292.8	295.1	300.6
Outlays	287.2	287.2	287.4	291.5	297.0
150 International affairs:					
Budget authority	19.7	19.6	19.3	18.9	18.6
Outlays	17.4	18.2	18.1	18.1	18.0
250 General science, space and technology:					
Budget authority	17.1	17.5	18.1	18.6	19.6
Outlays	16.2	17.0	17.8	18.3	19.3
270 Energy:					
Budget authority	5.9	6.1	6.2	6.0	6.2
Outlays	5.4	5.6	5.3	5.1	4.7
300 Natural resources and environment:					
Budget authority	20.9	22.0	22.9	23.4	24.3
Outlays	20.6	21.4	22.1	22.7	23.3
350 Agriculture:					
Budget authority	16.2	16.8	14.7	14.7	14.9
Outlays	16.0	14.6	12.6	12.8	13.1
370 Commerce and housing credit:					
Budget authority	78.5	42.6	22.9	7.7	8.6
Outlays	74.1	36.8	−13.1	−41.6	−26.4
400 Transportation:					
Budget authority	41.0	41.7	42.3	43.1	46.0
Outlays	35.4	37.7	38.8	39.9	40.3
450 Community and regional development:					
Budget authority	6.9	6.9	7.0	7.2	7.5
Outlays	7.1	6.7	6.4	6.4	6.7
500 Education, training, employment and social services:					
Budget authority	51.7	53.4	54.9	57.2	60.1
Outlays	49.6	51.4	52.6	50.5	57.3
550 Health:					
Budget authority	105.2	116.2	128.8	143.2	159.0
Outlays	104.5	115.6	127.6	141.9	157.3
570 Medicare:					
Budget authority	132.2	146.4	163.1	183.3	204.0
Outlays	130.4	144.6	160.9	180.4	201.5
600 Income security:					
Budget authority	199.5	208.2	217.1	231.8	248.6
Outlays	196.7	206.5	217.5	227.9	240.6
650 Social Security:					
Budget authority	5.9	6.4	7.1	7.9	8.7
Outlays	8.5	9.3	10.1	10.9	11.8
700 Veterans benefits and services:					
Budget authority	35.3	36.5	37.7	38.9	40.1
Outlays	35.0	38.2	37.7	37.4	40.1
750 Administration of justice:					
Budget authority	15.2	15.8	16.6	18.0	18.8
Outlays	15.3	16.0	16.5	17.9	18.6
800 General government:					
Budget authority	12.3	12.2	12.8	13.6	14.3
Outlays	12.9	13.1	13.2	13.4	13.8
900 Net interest:					
Budget authority	242.0	263.6	283.1	304.5	329.4
Outlays	241.9	263.7	283.1	304.5	329.4
920 Allowances:					
Budget authority	−2.3	−4.2	−4.3	−4.3	−4.4
Outlays	−3.5	−4.2	−4.3	−4.4	−4.5
950 Undistributed offsetting receipts:					
Budget authority	−34.1	−47.8	−53.5	−53.7	−56.2
Outlays	−34.1	−44.5	−52.6	−48.5	−45.9

HOUSE-PASSED (PLAN B)—OFF-BUDGET

[Mar. 5, 1992]

	1993	1994	1995	1996	1997
Budget authority	269.5	278.7	288.6	302.5	315.5
Outlays	261.3	271.1	282.1	294.1	307.0
Revenues	328.1	350.3	371.8	395.3	419.5
Deficit (−)/surplus (+)	66.8	79.2	89.7	101.2	112.5
050 National defense:					
Budget authority	0.0	0.0	0.0	0.0	0.0
Outlays	0.0	0.0	0.0	0.0	0.0
150 International affairs:					
Budget authority	0.0	0.0	0.0	0.0	0.0
Outlays	0.0	0.0	0.0	0.0	0.0
250 General science, space and technology:					
Budget authority	0.0	0.0	0.0	0.0	0.0
Outlays	0.0	0.0	0.0	0.0	0.0
270 Energy:					
Budget authority	0.0	0.0	0.0	0.0	0.0
Outlays	0.0	0.0	0.0	0.0	0.0
300 Natural resources and environment:					
Budget authority	0.0	0.0	0.0	0.0	0.0
Outlays	0.0	0.0	0.0	0.0	0.0
350 Agriculture:					
Budget authority	0.0	0.0	0.0	0.0	0.0

HOUSE-PASSED (PLAN B)—OFF-BUDGET—Continued

[Mar. 5, 1992]

	1993	1994	1995	1996	1997
Outlays	0.0	0.0	0.0	0.0	0.0
370 Commerce and housing credit:					
Budget authority	3.9	1.2	−0.6	1.6	2.7
Outlays	1.3	−0.5	−0.9	−0.4	1.0.
400 Transportation:					
Budget authority	0.0	0.0	0.0	0.0	0.0
Outlays	0.0	0.0	0.0	0.0	0.0
450 Community and regional development:					
Budget authority	0.0	0.0	0.0	0.0	0.0
Outlays	0.0	0.0	0.0	0.0	0.0
500 Education, training, employment and social services:					
Budget authority	0.0	0.0	0.0	0.0	0.0
Outlays	0.0	0.0	0.0	0.0	0.0
550 Health:					
Budget authority	0.0	0.0	0.0	0.0	0.0
Outlays	0.0	0.0	0.0	0.0	0.0
570 Medicare:					
Budget authority	0.0	0.0	0.0	0.0	0.0
Outlays	0.0	0.0	0.0	0.0	0.0
600 Income security:					
Budget authority	0.0	0.0	0.0	0.0	0.0
Outlays	0.0	0.0	0.0	0.0	0.0
650 Social security:					
Budget authority	300.3	317.1	334.5	352.9	372.4
Outlays	294.7	311.2	328.3	346.5	365.6
700 Veterans benefits and services:					
Budget authority	0.0	0.0	0.0	0.0	0.0
Outlays	0.0	0.0	0.0	0.0	0.0
750 Administration of justice:					
Budget authority	0.0	0.0	0.0	0.0	0.0
Outlays	0.0	0.0	0.0	0.0	0.0
800 General government:					
Budget authority	0.0	0.0	0.0	0.0	0.0
Outlays	0.0	0.0	0.0	0.0	0.0
900 Net interest:					
Budget authority	−28.2	−32.7	−38.0	−44.1	−51.1
Outlays	−28.2	−32.7	−38.0	−44.1	−51.1
920 Allowances:					
Budget authority	0.0	0.0	0.0	0.0	0.0
Outlays	0.0	0.0	0.0	0.0	0.0
950 Undistributed offsetting receipts:					
Budget authority	−6.5	−6.9	−7.3	−7.9	−8.5
Outlays	−6.5	−6.9	−7.3	−7.9	−8.5

SENATE-PASSED RESOLUTION—TOTAL BUDGET

[Apr. 10, 1992]

	1993	1994	1995	1996	1997
Budget Authority	1,514.3	1,547.4	1,597.4	1,676.7	1,783.4
Outlays	1,500.5	1,525.4	1,539.1	1,597.9	1,722.1
Revenues	1,173.4	1,261.6	1,339.9	1413.1	1489.9
Deficit (−)/surplus (+)	−327.1	−263.8	−199.2	−184.8	−232.2
Debt subject to limit	4,463.2	4,862.3	5,211.0	5,554.7	5,953.6
050 National defense:					
Budget authority	280.4	280.4	280.4	280.4	280.4
Outlays	290.9	283.0	280.6	282.1	281.7
150 International affairs:					
Budget authority	19.0	19.3	19.4	19.2	19.2
Outlays	16.6	17.5	17.8	17.9	18.1
250 General science, space and technology:					
Budget authority	17.1	16.9	16.9	16.8	17.1
Outlays	16.3	16.7	16.9	16.8	17.1
270 Energy:					
Budget authority	6.0	6.0	5.8	5.4	5.4
Outlays	5.4	5.6	5.1	4.7	4.1
300 Natural resources and environment:					
Budget authority	21.3	21.7	21.7	21.4	21.4
Outlays	20.9	21.4	21.4	21.3	21.0
350 Agriculture:					
Budget authority	16.5	16.8	14.6	14.4	14.4
Outlays	16.1	14.7	12.5	12.6	12.7
370 Commerce and housing credit:					
Budget authority	82.4	43.7	22.1	8.9	10.6
Outlays	75.4	36.2	−14.2	−42.4	−26.0
400 Transportation:					
Budget authority	40.9	41.0	40.9	40.9	43.1
Outlays	35.2	36.6	37.1	37.1	37.3
450 Community and regional development:					
Budget authority	7.4	7.2	7.1	7.0	7.1
Outlays	7.2	7.0	6.7	6.5	6.6
500 Education, training, employment and social services:					
Budget authority	50.7	49.0	48.7	48.6	49.1
Outlays	49.8	48.9	48.3	43.8	48.2
550 Health:					
Budget authority	104.3	114.5	126.3	140.0	154.9
Outlays	104.0	114.4	125.6	139.1	153.7
570 Medicare:					
Budget authority	132.2	146.2	162.7	182.8	203.4
Outlays	130.4	144.4	160.6	179.9	200.9
600 Income security:					
Budget authority	198.6	206.2	214.1	227.6	243.2
Outlays	196.8	205.8	215.9	225.1	236.7
650 Social Security:					
Budget authority	306.2	323.6	341.7	360.8	381.1
Outlays	303.1	320.2	338.0	356.9	376.8
700 Veterans benefits and services:					
Budget authority	36.5	35.2	35.7	36.1	36.5
Outlays	35.8	36.7	35.8	34.7	36.6
750 Administration of justice:					
Budget authority	14.6	14.7	14.7	15.5	15.5
Outlays	14.8	14.9	14.8	15.6	15.5
800 General government:					
Budget authority	12.2	11.6	11.5	11.4	11.4
Outlays	12.8	12.4	11.9	11.2	11.0
900 Net interest:					
Budget authority	213.8	231.1	245.3	260.5	278.4
Outlays	213.8	231.1	245.3	260.5	278.4
920 Allowances:					
Budget authority	−5.9	1.8	8.3	20.3	34.2
Outlays	−4.9	−2.6	−0.5	15.8	34.7
950 Undistributed offsetting receipts:					
Budget authority	−39.9	−39.5	−40.5	−41.3	−43.0
Outlays	−39.9	−39.5	−40.5	−41.3	−43.0

SENATE-PASSED RESOLUTION—ON-BUDGET

[Apr. 10, 1992]

	1993	1994	1995	1996	1997
Budget authority	1,244.8	1,268.7	1,308.9	1,374.2	1,467.9
Outlays	1,239.2	1,254.3	1,257.1	1,303.8	1,415.1
Revenues	845.3	911.3	968.1	1,017.8	1,070.4
Deficit (−)/surplus (+)	−393.9	−343.0	−289.0	−286.0	−344.7
Debt subject to limit	4,463.2	4,862.3	5,211.0	5,554.7	5,953.6
050 National defense:					
Budget authority	280.4	280.4	280.4	280.4	280.4
Outlays	290.9	283.0	280.6	282.1	281.7
150 International affairs:					
Budget authority	19.0	19.3	19.4	19.2	19.2
Outlays	16.6	17.5	17.8	17.9	18.1
250 General science, space and technology:					
Budget authority	17.1	16.9	16.9	16.8	17.1
Outlays	16.3	16.7	16.9	16.8	17.1
270 Energy:					
Budget authority	6.0	6.0	5.8	5.4	5.4
Outlays	5.4	5.6	5.1	4.7	4.1
300 Natural resources and Environment:					
Budget authority	21.3	21.7	21.7	21.4	21.4
Outlays	20.9	21.4	21.4	21.3	21.0
350 Agriculture:					
Budget authority	16.5	16.8	14.6	14.4	14.4
Outlays	16.1	14.7	12.5	12.6	12.7
370 Commerce and housing credit:					
Budget authority	78.5	42.5	22.7	7.3	7.9
Outlays	74.1	36.7	−13.3	−42.0	−27.0
400 Transportation:					
Budget authority	40.9	41.0	40.9	40.9	43.1
Outlays	35.2	36.6	37.1	37.1	37.3
450 Community and regional development:					
Budget authority	7.4	7.2	7.1	7.0	7.1
Outlays	7.2	7.0	6.7	6.5	6.6
500 Education, training, employment and social services:					
Budget authority	50.7	49.0	48.7	48.6	49.1
Outlays	49.8	48.9	48.3	43.8	48.2
550 Health:					
Budget authority	104.3	114.5	126.3	140.0	154.9
Outlays	104.0	114.4	125.6	139.1	153.7
570 Medicare:					
Budget authority	132.2	146.2	162.7	182.8	203.4
Outlays	130.4	144.4	160.6	179.9	200.9
600 Income security:					
Budget authority	198.6	206.2	214.1	227.6	243.2
Outlays	196.8	205.8	215.9	225.1	236.7
650 Social Security:					
Budget authority	5.9	6.5	7.2	7.9	8.7
Outlays	8.4	9.0	9.7	10.4	11.2
700 Veterans benefits and services:					
Budget authority	36.5	35.2	35.7	36.1	36.5
Outlays	35.8	36.7	35.8	34.7	36.6
750 Administration of justice:					
Budget authority	14.6	14.7	14.7	15.5	15.5
Outlays	14.8	14.9	14.8	15.6	15.5
800 General government:					
Budget authority	12.2	11.6	11.5	11.4	11.4
Outlays	12.8	12.4	11.9	11.2	11.0
900 Net interest:					
Budget authority	242.0	263.8	283.3	304.6	329.5
Outlays	242.0	263.8	283.3	304.6	329.5
920 Allowances:					
Budget authority	−5.9	1.8	8.3	20.3	34.2
Outlays	−4.9	−2.6	−0.5	15.8	34.7
950 Undistributed offsetting receipts:					
Budget authority	−33.4	−32.6	−33.2	−33.4	−34.5
Outlays	−33.4	−32.6	−33.2	−33.4	−34.

SENATE-PASSED RESOLUTION—OFF-BUDGET

[Apr. 10, 1992]

	1993	1994	1995	1996	1997
Budget authority	269.5	278.7	288.5	302.5	315.5
Outlays	261.3	271.1	282.0	294.1	307.0
Revenues	328.1	350.3	371.8	395.3	419.5
Deficit (−) / surplus (+)	66.8	79.2	89.8	101.2	112.5
050 National defense:					
Budget authority	0.0	0.0	0.0	0.0	0.0
Outlays	0.0	0.0	0.0	0.0	0.0
150 International affairs:					
Budget authority	0.0	0.0	0.0	0.0	0.0
Outlays	0.0	0.0	0.0	0.0	0.0
250 General science, space technology:					
Budget authority	0.0	0.0	0.0	0.0	0.0
Outlays	0.0	0.0	0.0	0.0	0.0
270 Energy:					
Budget authority	0.0	0.0	0.0	0.0	0.0
Outlays	0.0	0.0	0.0	0.0	0.0
300 Natural resources and environment:					
Budget authority	0.0	0.0	0.0	0.0	0.0
Outlays	0.0	0.0	0.0	0.0	0.0
350 Agriculture:					
Budget authority	0.0	0.0	0.0	0.0	0.0
Outlays	0.0	0.0	0.0	0.0	0.0
370 Commerce and housing credit:					
Budget authority	3.9	1.2	−0.6	1.6	2.7
Outlays	1.3	−0.5	−0.9	−0.4	1.0
400 Transportation:					
Budget authority	0.0	0.0	0.0	0.0	0.0
Outlays	0.0	0.0	0.0	0.0	0.0
450 Community and regional development:					
Budget authority	0.0	0.0	0.0	0.0	0.0
Outlays	0.0	0.0	0.0	0.0	0.0
500 Education, training, employment and social services:					
Budget authority	0.0	0.0	0.0	0.0	0.0
Outlays	0.0	0.0	0.0	0.0	0.0
550 Health:					
Budget authority	0.0	0.0	0.0	0.0	0.0
Outlays	0.0	0.0	0.0	0.0	0.0
570 Medicare:					
Budget authority	0.0	0.0	0.0	0.0	0.0
Outlays	0.0	0.0	0.0	0.0	0.0
600 Income security:					
Budget authority	0.0	0.0	0.0	0.0	0.0
Outlays	0.0	0.0	0.0	0.0	0.0
650 Social security:					
Budget authority	300.3	317.1	334.5	352.9	372.4
Outlays	294.7	311.2	328.3	346.5	365.6
700 Veterans benefits and services:					
Budget authority	0.0	0.0	0.0	0.0	0.0
Outlays	0.0	0.0	0.0	0.0	0.0
750 Administration of justice:					
Budget authority	0.0	0.0	0.0	0.0	0.0
Outlays	0.0	0.0	0.0	0.0	0.0
800 General government:					
Budget authority	0.0	0.0	0.0	0.0	0.0
Outlays	0.0	0.0	0.0	0.0	0.0
900 Net interest:					
Budget authority	−28.2	−32.7	−38.0	−44.1	−51.1
Outlays	−28.2	−32.7	−38.0	−44.1	−51.1
920 Allowances:					
Budget authority	0.0	0.0	0.0	0.0	0.0
Outlays	0.0	0.0	0.0	0.0	0.0
950 Undistributed offsetting receipts:					
Budget authority	−6.5	−6.9	−7.3	−7.9	−8.5
Outlays	−6.5	−6.9	−7.3	−7.9	−8.5

CONFERENCE AGREEMENT CREDIT BUDGET SUMMARY

[Loan volume in billions of dollars]

	Fiscal years—				
	1993	1994	1995	1996	1997
150 International Affairs:					
Direct loans	2.9	2.9	2.9	2.9	2.9
Primary guarantees	10.4	10.4	10.4	10.4	10.4
270 Energy:					
Direct loans	2.0	2.1	2.2	2.3	2.4
Primary guarantees	0.2	0.3	0.3	0.3	0.3
350 Agriculture:					
Direct loans	8.8	8.7	8.2	8.0	8.0

CONFERENCE AGREEMENT CREDIT BUDGET SUMMARY—Continued

[Loan volume in billions of dollars]

	Fiscal years—				
	1993	1994	1995	1996	1997
Primary guarantees	6.6	6.7	6.7	6.8	6.9
370 Commerce and Housing Credit:					
Direct loans	3.4	3.5	3.6	3.8	3.9
Primary guarantees	60.4	62.5	64.6	66.8	69.0
Secondary guarantees	77.2	79.7	82.4	85.2	88.1
450 Community and Regional Development:					
Direct loans	1.3	1.3	1.4	1.4	1.5
Primary guarantees	0.4	0.4	0.4	0.4	0.4
500 Education: Primary guarantees	15.2	15.7	16.1	16.4	16.6
550 Health: Primary guarantees	0.3	0.3	0.3	0.3	0.3
700 Veterans:					
Direct loans	1.0	1.0	1.0	1.0	1.0
Primary guarantees	22.1	20.0	20.1	20.2	20.3
Totals:					
Direct loans	19.4	19.5	19.3	19.4	19.7
Primary guarantees	115.6	116.3	118.9	121.6	124.2
Secondary guarantees	77.2	79.7	82.4	85.2	88.1
Memoranda					
House resolution:					
Direct loans	19.3	19.5	19.5	19.7	20.1
Primary guarantees	116.2	117.3	120.3	123.4	126.4
Senate resolution:					
Direct loans	19.8	19.7	19.3	19.1	19.1
Primary guarantees	113.6	112.1	112.6	113.0	113.3
Seconary guarantees	77.2	79.7	82.4	85.2	88.1

ALLOCATIONS AMONG COMMITTEES

Sections 302(a) and 602(a) of the Congressional Budget Act of 1974 (2 U.S.C. §§633(a) & 665a (Supp. II 1990)) require the joint explanatory statement accompanying a conference report on a concurrent resolution on the budget to include an allocation, based upon that concurrent resolution as recommended in the conference report, of the appropriate levels of total outlays, total new budget authority, entitlement authority (for the House only), and Social Security outlays (for the Senate only) among each committee of the Senate and the House of Representatives that has jurisdiction over legislation providing those amounts. Section 602 further requires this allocation to include all years covered by the resolution, as well as the total for all those years. These allocations provide the basis for congressional enforcement of the resolution through points of order under the Congressional Budget Act. These allocations follow:

SENATE COMMITTEE BUDGET AUTHORITY AND OUTLAY ALLOCATIONS PURSUANT TO SECTIONS 302 AND 602 OF THE CONGRESSIONAL BUDGET ACT BUDGET YEAR TOTAL: 1993

[In millions of dollars]

Committee	Direct spending jurisdiction		Entitlements funded in annual appropriations	
	Budget authority	Outlays	Budget authority	Outlays
Appropriations	753,429	770,938	....	....
Agriculture, Nutrition, and Forestry	13,063	12,531	15,646	6,502
Armed Services	37,775	37,624	....	....
Banking, Housing, and Urban Affairs	73,772	68,502	....	....
Commerce, Science, and Transportation	2,445	130	512	509
Energy and Natural Resources	1,372	1,326	60	60
Environment and Public Works	23,908	2,076	....	....
Finance	514,516	512,140	121,007	120,730
Foreign Relations	11,441	12,148	....	....
Governmental Affairs	49,804	48,030	250	250
Judiciary	3,165	2,916	170	169
Labor and Human Resources	6,480	6,398	3,856	4,422
Rules and Administration	46	17	....	....
Veterans Affairs	1,589	1,514	18,046	18,012
Select Indian Affairs	500	497	....	....
Small Business	251	−251	....	....
Not Allocated to Committees	−247,156	−237,936	....	....
Total	1,246,400	1,238,600	159,547	150,654

SENATE COMMITTEE BUDGET AUTHORITY AND OUTLAY ALLOCATIONS PURSUANT TO SECTION 602 OF THE CONGRESSIONAL BUDGET ACT FIVE YEAR TOTALS: 1993–1997

[In millions of dollars]

Committee	Direct spending jurisdiction		Entitlements funded in annual appropriations	
	Budget authority	Outlays	Budget authority	Outlays
Agriculture, Nutrition, and Forestry	57,586	45,526	124,769	82,569
Armed Services	205,429	204,803	....	....
Banking, Housing, and Urban Affairs	156,543	9,813	....	....
Commerce, Science, and Transportation	12,973	960	2,921	2,904
Energy and Natural Resources	7,077	6,455	216	216
Environment and Public Works	121,295	9,683	....	....
Finance	3,007,712	2,993,949	740,339	739,303
Foreign Relations	52,637	56,447	....	....
Governmental Affairs	282,199	271,386	250	250
Judiciary	10,475	10,253	942	939
Labor and Human Resources	24,454	19,229	13,696	13,831
Rules and Administration	230	327	....	....
Veterans Affairs	7,637	7,792	95,676	95,465
Select Indian Affairs	2,637	2,578	....	....
Small Business	510	−1,174	....	....

SENATE COMMITTEE REVENUE AND OUTLAY ALLOCATIONS FOR SOCIAL SECURITY PURSUANT TO SECTION 301(a) (6) AND (7) OF THE CONGRESSIONAL BUDGET RESOLUTION FOR 1993–1997

[In millions of dollars]

	1993	5-yr. 1993–97
Outlays:		
Finance Committee	300,565	1,682,303
Unassigned to Committee	−40,565	−267,303
Subtotal, outlays	260,000	1,415,000
Revenues	328,100	1,865,100

ALLOCATION OF SPENDING RESPONSIBILITY TO HOUSE COMMITTEES PURSUANT TO SEC. 602(a) OF THE CONGRESSIONAL BUDGET ACT—FISCAL YEAR 1993

With Additional Assumptions Regarding Functional Distribution

[In millions of dollars]

	Budget authority	Outlays	Entitlement authority
APPROPRIATIONS COMMITTEE			
Current level (enacted law):			
050 National defense	169	169	0
150 International affairs	162	162	0
300 Natural resources and environment	1,802	1,896	0
350 Agriculture	9,420	602	0
370 Commerce and housing credit	5,039	3,039	0
400 Transportation	564	566	0
500 Education, training, employment and social services	9,238	9,879	0
550 Health	84,019	83,844	0
570 Medicare	41,730	41,730	0
600 Income security	67,832	67,529	0
650 Social Security	35	35	0
700 Veterans benefits and services	17,789	17,789	0
750 Administration of justice	292	293	0
800 General government	6,970	6,970	0
900 Net interest	89	89	0
Subtotal	245,150	234,590	0
Discretionary appropriations action (assumed legislation):			
050 National defense	278,018	289,670	0
150 International affairs	21,981	20,402	0
250 General science, space, and technology	17,273	16,448	0
270 Energy	6,154	5,723	0
300 Natural resources and environment	20,985	20,691	0
350 Agriculture	4,342	4,352	0
370 Commerce and housing credit	3,457	3,359	0
400 Transportation	14,860	35,213	0
450 Community and regional development	6,269	6,654	0
500 Education, training, employment, and social services	36,649	35,229	0
550 Health	20,485	20,084	0
570 Medicare	2,764	2,755	0
600 Income security	32,606	32,560	0
650 Social Security	0	2,672	0
700 Veterans benefits and services	16,697	16,163	0
750 Administration of justice	14,657	14,799	0
800 General government	11,010	11,411	0
920 Allowances	−2,079	−2,845	0
Subtotal	506,128	535,340	0
Discretionary action by other committees (assumed entitlement legislation):			
500 Education, training, employment, and social services	1,812	702	0
700 Veterans benefits and services	339	305	0
Subtotal	2,151	1,008	0
Committee total	753,429	770,938	0
AGRICULTURE COMMITTEE			
Current level (enacted law):			
150 International affairs	−492	−492	0
270 Energy	0	149	0
300 Natural resources and environment	540	547	0
350 Agriculture	12,112	11,437	10,891
400 Transportation	39	39	0
450 Community and regional development	753	730	0
600 Income security	0	0	1,051
800 General government	282	297	282
900 Net interest	0	0	89
Subtotal	13,233	12,707	12,312
Committee total	13,233	12,707	12,312
ARMED SERVICES COMMITTEE			
Current level (enacted law):			
050 National Defense	11,749	11,735	4
500 Education, training, employment, and social services	4	3	0
600 Income security	25,760	25,659	25,659
700 Veterans benefits and services	249	221	221
Subtotal	37,762	37,618	25,884
Committee total	37,762	37,618	25,884
BANKING, FINANCE, AND URBAN AFFAIRS COMMITTEE			
Current level (enacted law):			
150 International affairs	−587	−2,092	0
370 Commerce and housing credit	69,583	67,451	0
450 Community, and regional development	1	−129	0

ALLOCATION OF SPENDING RESPONSIBILITY TO HOUSE COMMITTEES PURSUANT TO SEC. 602(a) OF THE CONGRESSIONAL BUDGET ACT—FISCAL YEAR 1993—Continued

With Additional Assumptions Regarding Functional Distribution

[In millions of dollars]

	Budget authority	Outlays	Entitlement authority
600 Income security	50	120	0
800 General government	4	4	0
900 Net interest	2,716	2,716	0
Subtotal	71,767	68,069	0
Committee total	71,767	68,069	0
DISTRICT OF COLUMBIA COMMITTEE			
Current level (enacted law):			
750 Administration of justice	38	38	38
Subtotal	38	38	38
Committee total	38	38	38
EDUCATION AND LABOR COMMITTEE			
Current level (enacted law):			
500 Education, training, employment, and social services	3,064	3,143	3,566
600 Income security	115	106	8,597
Subtotal	3,179	3,249	12,163
Discretionary action (assumed legislation):			
500 Education, training, employment, and social services	0	0	1,472
Subtotal	0	0	1,472
Committee total	3,179	3,249	13,635
ENERGY AND COMMERCE COMMITTEE			
Current level (enacted law):			
270 Energy	0	114	0
300 Natural resources and environment	0	6	0
370 Commerce and housing credit	58	60	0
400 Transportation	11	3	0
550 Health	101	110	79,850
600 Income security	14,260	14,068	10,916
800 General government	9	8	9
Subtotal	14,438	14,369	90,775
Discretionary action (assumed legislation):			
550 Health	35	35	0
Subtotal	35	35	0
Committee total	14,473	14,404	90,775
FOREIGN AFFAIRS COMMITTEE			
Current level (enacted law):			
150 International affairs	11,029	11,742	0
600 Income security	412	413	412
800 General government	6	6	0
Subtotals	11,446	12,160	412
Committee totals	11,446	12,160	412
GOVERNMENT OPERATIONS COMMITTEE			
Current level (enacted law):			
800 General government	22	19	0
900 Net interest	62	0	0
Subtotals	84	19	0
Committee totals	84	19	0
HOUSE ADMINISTRATION COMMITTEE			
Current level (enacted law):			
500 Education, training, employment, and social services	14	13	0
800 General government	32	4	92
Subtotals	46	17	92
Committee totals	46	17	92
INTERIOR AND INSULAR AFFAIRS COMMITTEE			
Current level (enacted law):			
270 Energy	126	128	0
300 Natural resources and environment	147	98	19
450 Community and regional development	492	493	405
550 Health	6	3	0
800 General government	768	765	799
Subtotal	1,540	1,487	1,222
Committee total	1,540	1,487	1,222
JUDICIARY COMMITTEE			
Current level (enacted law):			
370 Commerce and housing credit	225	225	0
500 Education, training, employment, and social services	1,123	921	0
600 Income security	32	9	9
750 Administration of Justice	1,068	1,045	170
800 General government	465	465	250
Subtotal	2,914	2,665	429
Discretionary action (assumed legislation):			
800 General government	251	251	251
Subtotal	251	251	251
Committee totals	3,165	2,916	680
MERCHANT MARINE AND FISHERIES COMMITTEE			
Current level (enacted law):			
300 Natural resources and environment	542	479	0
370 Commerce and housing credit	64	59	0
400 Transportation	0	-65	512
600 Income security	13	5	0
800 General government	7	7	0
Subtotal	626	486	512
Committee total	626	486	512
POST OFFICE AND CIVIL SERVICE COMMITTEE			
Current leval (enacted law):			
550 Health	0	-172	3,982
600 Income security	35,487	33,951	33,951
800 General Government	14,194	14,194	0
Subtotal	49,681	47,973	37,933
Committee total	49,681	47,973	37,933
PUBLIC WORKS AND TRANSPORTATION COMMITTEE			
Current level (enacted law):			
270 Energy	1,304	947	0
300 Natural resources and environment	214	199	0
400 Transportation	23,844	0	0
450 Community and regional development	5	154	0
800 General Government	14	199	0
Subtotal	25,381	1,499	0
Discretionary action (assumed legislation):			
400 Transportation	2,000	22	0
Subtotal	2,000	22	0
Committee total	27,381	1,521	0
SCIENCE, SPACE AND TECHNOLOGY COMMITTEE			
Current level (enacted law):			
250 General science, space, and technology	21	21	0
270 Energy	16	16	0
500 Education, training, employment, and social services	1	1	0
Subtotal	38	38	0
Committee total	38	38	0
SMALL BUSINESS COMMITTEE			
Current level (enacted law):			
370 Commerce and housing credit	251	121	0
450 Community and regional development	0	-372	0
Subtotal	251	-251	0
Committee total	251	-251	0
VETERANS' AFFAIRS COMMITTEE			
Current level (enacted law):			
700 Veterans benefits and services	1,868	1,947	19,136
Subtotal	1,868	1,947	19,136
Discretionary action (assumed legislation):			
700 Veterans benefits and services	0	0	339
Subtotal	0	0	339
Committee total	1,868	1,947	19,475
WAYS AND MEANS COMMITTEE			
Current level (enacted law):			
500 Education, training, employment, and social services	0	0	5,642
550 Health	583	583	583
570 Medicare	144,490	142,682	142,665
600 Income security	34,271	33,734	68,953
650 Social Security	5,858	5,858	0
750 Administration of justice	365	365	0
800 General government	418	417	417
900 Net interest	317,561	317,561	317,561
Subtotal	503,546	501,201	535,822
Discretionary action (assumed legislation):			
500 Education, training, employment, and social services	0	0	72
Subtotal	0	0	72
Committee total	503,546	501,201	535,894
UNASSIGNED TO COMMITTEES			
Current level (enacted law):			
050 National defense	-12,536	-12,474	0
150 International affairs	-12,493	-12,522	0
250 General science, space, and technology	-194	-269	0
270 Energy	-1,700	-1,675	0
300 Natural resources and environment	-3,130	-3,115	0
350 Agriculture	-9,574	-291	0
370 Commerce and housing credit	-177	- -214	0
400 Transportation	-318	-278	0
450 Community and regional development	-320	-329	0
500 Education, training, employment, and social services	-6	-91	0
550 Health	-29	12	0
570 Medicare	-56,784	-56,767	0
600 Income security	-11,438	-11,454	0
650 Social Security	7	35	0
700 Veterans benefits and services	-1,243	-1,225	0
750 Administration of justice	-1,229	-1,272	0
800 General government	-22,152	-22,116	0
900 Net interest	-78,428	-78,465	-54,298
920 Allowances	-13	-23	0
950 Undistributed offsetting receipts	-33,400	-33,400	0
Subtotal	-245,156	-235,935	-54,298
Discretionary action (assumed legislation):			
920 Allowances	-2,000	-2,000	-2,000
Subtotal	-2,000	-2,000	0
Committee total	-247,156	-237,935	-56,298

ALLOCATION OF SPENDING RESPONSIBILITY TO HOUSE COMMITTEES PURSUANT TO SEC. 602(a) OF THE CONGRESSIONAL BUDGET ACT—FISCAL YEAR 1993—Continued

With Additional Assumptions Regarding Functional Distribution

[In millions of dollars]

	Budget authority	Outlays	Entitlement authority
Total—Current level	727,835	704,044	682,431

ALLOCATION OF SPENDING RESPONSIBILITY TO HOUSE COMMITTEES PURSUANT TO SEC. 602(a) OF THE CONGRESSIONAL BUDGET ACT—FISCAL YEAR 1993—Continued

With Additional Assumptions Regarding Functional Distribution

[In millions of dollars]

	Budget authority	Outlays	Entitlement authority
GRAND TOTALS	1,246,400	1,238,700	682,565

Note.—Totals may not add because of rounding.

ALLOCATION OF SPENDING RESPONSIBILITY TO HOUSE COMMITTEES PURSUANT TO SECTION 602(a) OF THE CONGRESSIONAL BUDGET ACT WITH ADDITIONAL ASSUMPTIONS REGARDING DISCRETIONARY CATEGORIES

[By fiscal year, in millions of dollars]

	1993	1994	1995	1996	1997	1993–97
APPROPRIATIONS COMMITTEE						
Current level:						
Budget authority	245,150	258,448	281,706	282,480	314,143	1,381,927
Outlays	234,590	250,839	272,918	274,036	306,585	1,338,968
Discretionary action:						
Defense:						
Budget authority	278,018					
Outlays	289,670					
International:						
Budget authority	21,981					
Outlays	20,402					
Domestic:						
Budget authority	206,129					
Outlays	225,268					
Subtotal:						
Budget authority	506,128	511,317	517,130	534,712	552,892	2,622,179
Outlays	535,340	536,529	538,160	556,457	575,377	2,741,863
Discretionary action by other committees:						
Budget authority	2,151	5,609	6,826	31,942	33,488	80,016
Outlays	1,008	4,841	6,395	30,988	33,028	76,260
Committee total:						
Budget authority	753,429	775,374	805,662	849,134	900,523	4,084,122
Outlays	770,938	792,209	817,473	861,481	914,989	4,157,090
AGRICULTURE COMMITTEE						
Current level (Enacted Law):						
Budget authority	13,233	13,191	10,812	5,180	2,313	44,729
Outlays	12,707	10,553	7,963	2,710	−403	33,530
Discretionary action:						
Budget authority	0	0	0	5,371	8,285	13,656
Outlays	0	0	0	4,971	7,835	12,806
Committee total:						
Budget authority	13,233	13,191	10,812	10,551	10,598	58,385
Outlays	12,707	10,553	7,963	7,681	7,432	46,336
New entitlement authority	0	0	0	6,143	9,047	15,190
ARMED SERVICES COMMITTEE						
Current level (Enacted Law):						
Budget authority	37,762	39,403	41,054	42,834	44,315	205,368
Outlays	37,618	39,272	40,935	42,715	44,233	204,773
BANKING, FINANCE AND URBAN AFFAIRS COMMITTEE						
Current level (Enacted Law):						
Budget authority	71,767	40,761	21,139	5,889	6,657	146,213
Outlays	68,069	33,287	−16,733	−45,418	−30,218	8,987
DISTRICT OF COLUMBIA COMMITTEE						
Current level (enacted law):						
Budget authority	38	40	42	44	47	211
Outlays	38	40	42	44	47	211
EDUCATION AND LABOR COMMITTEE						
Current level (enacted law):						
Budget authority	3,179	2,075	1,178	480	328	7,420
Outlays	3,249	2,179	1,235	−3,802	−88	2,773
New entitlement authority	1,472	4,202	4,933	5,326	5,631	21,564
ENERGY AND COMMERCE COMMITTEE						
Current level (enacted law):						
Budget authority	14,438	14,922	15,326	15,802	16,291	76,779
Outlays	14,369	14,936	15,158	15,628	16,051	76,142
Discretionary action:						
Budget authority	35	36	37	39	40	187
Outlays	35	36	37	39	40	187
Committee total:						
Budget authority	14,473	14,958	15,363	15,841	16,331	76,966
Outlays	14,404	14,972	15,195	15,667	16,091	76,329
FOREIGN AFFAIRS COMMITTEE						
Current level (enacted law):						
Budget authority	11,446	10,989	10,670	10,059	9,498	52,662
Outlays	12,160	11,746	11,282	10,836	10,460	56,484
GOVERNMENT OPERATIONS COMMITTEE						
Current level (enacted law):						
Budget authority	84	116	117	117	118	552

ALLOCATION OF SPENDING RESPONSIBILITY TO HOUSE COMMITTEES PURSUANT TO SECTION 602(a) OF THE CONGRESSIONAL BUDGET ACT WITH ADDITIONAL ASSUMPTIONS REGARDING DISCRETIONARY CATEGORIES—Continued

[By fiscal year, in millions of dollars]

	1993	1994	1995	1996	1997	1993–97
Outlays	19	175	113	114	114	535
HOUSE ADMINISTRATION COMMITTEE						
Current level (enacted law):						
Budget authority	46	46	46	46	46	230
Outlays	17	13	38	242	15	325
INTERIOR AND INSULAR AFFAIRS COMMITTEE						
Current level (enacted law):						
Budget authority	1,540	1,615	1,633	1,602	1,666	8,056
Outlays	1,487	1,467	1,472	1,471	1,468	7,365
JUDICIARY COMMITTEE						
Current level (enacted law):						
Budget authority	2,914	1,857	1,768	1,816	1,871	10,226
Outlays	2,665	2,011	1,813	1,798	1,827	10,114
Discretionary action:						
Budget authority	251	0	0	0	0	251
Outlays	251	0	−84	−28	0	139
Committee total:						
Budget authority	3,165	1,857	1,768	1,816	1,871	10,477
Outlays	2,916	2,011	1,729	1,770	1,827	10,253
New entitlement authority	251	0	0	0	0	251
MERCHANT MARINE AND FISHERIES COMMITTEE						
Current level (enacted law):						
Budget authority	626	648	665	684	705	3,328
Outlays	486	609	646	659	679	3,079
POST OFFICE AND CIVIL SERVICE COMMITTEE						
Current level (enacted law):						
Budget Authority	49,681	52,337	55,079	60,214	64,125	281,436
Outlays	47,973	50,390	52,877	57,934	61,467	270,641
PUBLIC WORKS AND TRANSPORTATION COMMITTEE						
Current level (enacted law):						
Budget authority	25,381	25,912	25,780	25,348	27,323	129,744
Outlays	1,499	1,626	1,691	1,151	872	6,839
Discretionary action:						
Budget authority	2,000	2,100	2,094	2,164	2,238	10,596
Outlays	22	0	0	0	0	22
Committee total:						
Budget authority	27,381	28,012	27,874	27,512	29,561	140,340
Outlays	1,521	1,626	1,691	1,151	872	6,861
SCIENCE, SPACE AND TECHNOLOGY COMMITTEE						
Current level (enacted law):						
Budget authority	38	39	39	39	39	194
Outlays	38	39	39	39	39	194
SMALL BUSINESS COMMITTEE						
Current level (enacted law):						
Budget authority	251	169	64	13	13	510
Outlays	−251	−243	−227	−228	−225	−1,174
VETERANS' AFFAIRS COMMITTEE						
Current level (enacted law):						
Budget authority	1,868	1,689	1,647	1,527	1,454	8,185
Outlays	1,947	1,845	1,692	1,588	1,547	8,619
New entitlement authority	339	809	1,292	1,803	2,323	6,566
WAYS AND MEANS COMMITTEE						
Current level (enacted law):						
Budget authority	503,546	544,621	588,598	632,196	679,728	2,948,689
Outlays	501,201	542,320	585,936	628,859	676,769	2,935,085
Discretionary action:						
Budget authority	0	0	0	176	176	352
Outlays	0	0	0	176	176	352
Committee total:						
Budget authority	503,546	544,621	588,598	632,372	679,904	2,949,041
Outlays	501,201	542,320	585,936	629,035	676,945	2,935,437
New entitlement authority	72	291	283	284	283	1,213
UNASSIGNED TO COMMITTEE						
Current level (enacted law):						
Budget authority	−245,156	−256,540	−271,850	−283,675	−297,100	−1,354,321
Outlays	−235,853	−247,409	−263,497	−276,076	−289,594	−1,312,411
Discretionary action:						
Budget authority	−2,000	−2,000	−2,000	−2,000	−2,000	−10,000
Outlays	−2,000	−2,000	−2,000	−2,000	−2,000	−10,000
Committee Total:						
Budget authority	−247,156	−258,540	−273,850	−285,675	−299,100	−1,364,321
Outlays	−347,835	−249,409	−265,497	−278,076	−291,594	−1,322,411
New entitlement authority	−2,000	−2,000	−2,000	−2,000	−2,000	−10,000
Total current level:						
Budget authority	737,835	752,337	785,513	802,696	873,581	3,951,962
Outlays	704,044	715,694	715,392	714,298	801,644	3,651,072
Total discretionary action:						
Budget authority	508,565	517,063	524,087	572,404	595,119	2,717,238
Outlays	534,656	539,406	542,508	590,602	614,456	2,821,628
Grand totals:						
Budget authority	1,246,400	1,269,400	1,309,600	1,375,100	1,468,700	6,669,200
Outlays	1,238,700	1,255,100	1,257,900	1,304,900	1,416,100	6,472,700
Total new entitlement authority	134	3,302	4,509	11,555	15,283	34,783

FUNCTION 920

The conferees recommend that several of the policies described in the House resolution and Senate amendment be considered to achieve the spending reductions set forth in this function in the conference agreement. Special consideration should be given to reductions in travel and consulting expenditures on a Government-wide basis; elimination of commissions, councils, and panels, and independent agencies that duplicate the work of larger agencies; and a modest reduction in the Federal work force through work force attrition. The conference agreement does not assume the 25 percent reduction in legislative and executive branch expenditures assumed in the Senate amendment.

REPORT LANGUAGE

The conferees intend that, to the extent that this conference report does not modify it, language in the report of the House Committee on the Budget on the concurrent resolution on the budget (H.R. Rep. No. 450, 102d Cong., 2d Sess. (1992)) and language in the description of the Senate committee-reported resolution entered into the CONGRESSIONAL RECORD in lieu of a report (138 Cong. Rec. S4903-06 (daily ed. Apr. 7, 1992)) remain as sources of legislative history on the drafters' intent on the concurrent resolution.

ECONOMIC ASSUMPTIONS

Section 301(g)(2) of the Congressional Budget Act (2 U.S.C. §632(g)(2) (1988)) calls for the joint explanatory statement accompanying the conference report on the budget resolution to set forth the common economic assumptions upon which the conference report is based. The conference agreement is based on the following economic assumptions:

CONGRESSIONAL BUDGET OFFICE ECONOMIC ASSUMPTIONS

[Calendar year, percent]

	1992	1993	1994	1995	1996	1997
Real gross domestic product	1.6	3.6	2.7	2.5	2.6	2.6
Consumer price index	3.3	3.6	3.6	3.6	3.6	3.6
3-mo. Treasury bill rate	4.4	5.1	5.2	5.4	5.5	5.6
10-yr. Treasury note rate	7.1	7.1	7.1	7.1	7.1	7.1
Unemployment rate	6.9	6.4	6.2	6.0	5.9	5.7

NUMERICAL DISPLAYS

DEFENSE-DOMESTIC-INTERNATIONAL WALLS

The House resolution sets forth recommended levels and amounts in section 2, stating that these levels are appropriate for the relevant fiscal years. The House resolution then sets forth, in sense of the House language in section 3, levels that would be appropriate if H.R. 3732 or similar legislation is not enacted into law before the Speaker appoints conferees on this resolution. H.R. 3732, the Budget Process Reform Act of 1991, would have amended section 601(a)(2)(C) of the Congressional Budget Act (2 U.S.C. §665(b)(2)(C) (Supp. II 1990)) to eliminate the separation of fiscal year 1993 discretionary appropriations into three categories (defense, domestic, and international). If enacted, the bill would have made possible the adoption of a budget resolution that used defense savings to increase spending on domestic needs without the possibility of a point of order in the Senate under section 601(b)(1) of the Congressional Budget Act (2 U.S.C. §665(b)(1) (Supp. II 1990)). On March 31, 1992, before the Speaker appointed conferees on this resolution, the House voted 187 to 238 not to pass H.R. 3732. 138 Cong. Rec. H2069 (daily ed. Mar. 31, 1992).

The Senate amendment does not set forth such a parallel presentation of levels and amounts. Before adoption of the Senate amendment, on March 26, the Senate failed to invoke cloture on the motion to proceed to a measure similar to H.R. 3732—S. 2399, the Appropriations Category Reform Act—by a vote of 50 to 48. 138 Cong. Rec. S4331 (daily ed. Mar. 26, 1992).

As Congress has not enacted H.R. 3732, S. 2399, or any similar legislation, the conference agreement sets forth only one set of recommended levels and amounts, and those levels and amounts fall within the discretionary spending limits in all categories in all applicable years.

MAXIMUM DEFICIT AMOUNTS AND THE DISPLAY OF HOSPITAL INSURANCE

The conference agreement complies with the requirement of section 606(b) and (c) of the Congressional Budget Act (2 U.S.C. §665e(b) & (c) (Supp. II 1990)) that the budget resolution not exceed the maximum deficit amount as determined under section 601(a)(1) of the Congressional Budget Act (2 U.S.C. §665(a)(1) (Supp. II 1990)).

Section 601(a)(1) defines the term "maximum deficit amount" to mean the amounts set forth in that section "as adjusted in strict conformance with sections 251, 252, and 253 of the Balanced Budget and Emergency Deficit Control Act of 1985 [Gramm-Rudman-Hollings]." Section 257(b)(3) of Gramm-Rudman-Hollings (2 U.S.C. §907(b)(3) (Supp. II 1990)) requires that, notwithstanding any other provision of law, when calculating the baseline deficit under section 253 of Gramm-Rudman-Hollings (2 U.S.C. 903 (Supp. II 1990)) for purposes of determining the adjustment to the maximum deficit amounts set forth in section 601(a)(1) of the Congressional Budget Act, "the receipts and disbursements of the Hospital Insurance Trust Fund shall be included in all calculations required by this Act [Gramm-Rudman-Hollings]." (Section 13101(e) of the Budget Enforcement Act of 1990 (Pub. L. No. 101-508, §13101(e), 104 Stat. 1388, 1388-591 to -593) amended section 257(b)(3) of Gramm-Rudman-Hollings to read as it now does.)

The requirement in section 606(b) and (c) of the Congressional Budget Act (2 U.S.C. §665e(b) & (c) (Supp. II 1990)) that the budget resolution not exceed the adjusted maximum deficit amount thus requires that the budget resolution include Hospital Insurance Trust Fund receipts and disbursements in the calculation of the deficit for purposes of comparison with the maximum deficit amount and thus, necessarily, requires calculating aggregate amounts for budget authority, outlays and revenues that include Hospital Insurance. The conferees note that this treatment of hospital insurance is consistent with amendments to the definition of budget authority in section 3(2)(B) of the Congressional Budget Act (2 U.S.C. §622(2)(B) (Supp. II 1990)) that by implication include hospital insurance obligations as budget authority for purposes of that Act, and is also similar to the treatment (in terms of displays and allocations) that budget resolutions gave the Federal Old-Age and Survivors Insurance and the Federal Disability Insurance Trust Funds in budget resolutions covering fiscal years 1987 through 1991.

The requirement that the budget resolution not exceed the adjusted maximum deficit amount also has force following adoption of the budget resolution. Compliance with the maximum deficit amount is enforced in the budget process through points of order against any legislation that would cause the maximum deficit amount to be exceeded. This is accomplished in the Senate by section 605(B) of the Congressional Budget Act (2 U.S.C. §665(d) (Supp. II 1990)) and in both Houses by points of order under Congressional Budget Act sections 302 (2 U.S.C. §633 (1988 & Sup. II 1990)) (enforcing committee spending allocations) and 311 (2 U.S.C. §642 (1988)) (enforcing budget authority, outlay and revenue totals in the resolution).

For purposes of the enforcement of this resolution through the budget process, therefore, the statement of managers also allocates total levels of spending to House and Senate Committees that include hospital insurance. The conferees intend that the House and Senate Budget Committees will advise their respective Houses as to the levels of budget authority, outlays and revenues, under section 302(g) and 311(c) of the Congressional Budget Act (2 U.S.C. §§633(g) & 642(c) (1988)), based on the totals in the resolution that include hospital insurance. The conferees also expect that any legislation affecting hospital insurance receipts and disbursements will be subject to enforcement under the Congressional Budget Act.

At the same time, the conferees note that section 710(a) of the Social Security Act (42 U.S.C. §911(a) (1988)) provides that, effective for fiscal years beginning on or after October 1, 1992, receipts and disbursements of the Hospital Insurance Trust Fund are not to be included in the totals of the President's budget or the congressional budget. In addition and effective at the same time, it provides that the disbursements of the Federal Supplementary Medical Insurance Trust Fund are to be treated as a separate major functional category of the President's budget and in the congressional budget, and that the receipts of the trust fund are to be set forth separately in those budgets. (Section 346(b) of the Social Security Amendments of 1983, Pub. L. 98-21, Title, III, §346(b), 97 Stat. 138 (Apr. 20, 1983), and section 261(b) of Gramm-Rudman-Hollings (99 Stat. at 1094) require the text of section 710(a) of the Social Security Act to have these effects for fiscal years beginning with fiscal year 1993).

In compliance with these provisions, the conferees have also included in the conference report alternative displays of budget totals excluding Hospital Insurance receipts and disbursements, and they have set forth the net disbursements of the Federal Supplementary Medical Insurance Trust Fund as a separate functional category. The conferees have also included a separate functional display of the total for Medicare and have displayed functions 900 and 950 both with and without hospital insurance. In sum, the conference agreement treats the Medicare Hospital Insurance Trust Fund much as budget resolutions treated Social Security prior to 1990.

OTHER NUMERICAL DISPLAYS

Section 3 of the Senate amendment sets forth the increase in the debt, as permitted under Congressional Budget Act section 301(b)(5) (2 U.S.C. §632(b)(5) (Supp. II 1990)).

Section 4 of the Senate amendment shows retirement trust fund balances, as permitted under section 301(b)(6) of the Congressional Budget Act (2 U.S.C. §632(b)(6) (Supp. II 1990)).

Section 5 of the Senate amendment displays, for enforcement purposes in the Senate, the levels of Social Security revenues and outlays, as required by section 301(a)(6) and (7) of the Congressional Budget Act (2 U.S.C. §632(a) (6) & (7) (Supp. II 1990)).

Section 6(19) of the Senate amendment shows the levels of gross interest consistent with the levels of net interest shown in major functional category 900, which appear in section 6(18) of the Senate amendment.

As in past years, the Senate amendment displays aggregate and functional levels for secondary loan guarantee commitments.

The House resolution sets forth none of these numerical displays

The conference agreement sets forth these miscellaneous number displays as in the Senate amendment (although the actual levels themselves change to reflect the levels recommended in the conference agreement).

Miscellaneous Language Provisions

Section 4 of the House resolution provides language with regard to health care costs, as discussed below. The Senate amendment contained no such provision.

The Senate amendment also contains a number of other miscellaneous language provisions at the conclusion of the budget resolution. Beyond the provision on health care costs, the House resolution contains no such provisions.

HEALTH CARE COSTS

In section 4 of the House resolution, the House Budget Committee strongly urges that the committees of jurisdiction include measures to control the growth of health care costs in any comprehensive health care package that they report.

The Senate amendment contains no such provision.

The conference agreement includes language on health care costs similar to that in the House resolution, stated as the sense of the Congress rather than as the recommendation of the House Budget Committee.

ASSET SALES AND LOAN PREPAYMENTS

Section 7 of the Senate amendment is a provision on asset sales similar to those in every budget resolution since that for fiscal year 1988.

This section would prevent the use for spending of the proceeds from asset sales and loan prepayments. It does this by prohibiting the counting of asset sales for purposes of the allocations to committees under sections 302, 601, and 602 of the Congressional Budget Act (2 U.S.C. §§663, 665 & 665a (1988 & Supp. II 1990)). This provision is consistent with section 257(e) of Gramm-Rudman-Hollings (2 U.S.C. §907(e) (Supp. II 1990)), which prohibits the counting of asset sales and loan prepayments for the purposes of determining whether that Act calls for across-the-board cuts. This section does not preclude asset sales or loan prepayments, nor does it determine whether an action constitutes an asset sale, a loan prepayment, or neither. It adopts the definition of those terms that exists in current law. (See Gramm-Rudman-Hollings §§250(c)(21) & 257(e); 2 U.S.C. §§900(c)(21) & 907(e) (Supp. II 1990).)

The House resolution contains no such provision.

The conference agreement also includes a provision on asset sales similar to that in the Senate amendment. The language in the conference agreement extends the prohibition of counting asset sales to sections 310, 311, 604, and 605 of the Congressional Budget Act (2 U.S.C. §§641, 642, 665c & 665d (1988 & Supp. II 1990)) and clarifies that the reference to section 601 applies to the point of order in section 601(b). The conferees thus intend the rule on asset sales to be uniform for the consideration of all bills and joint resolutions.

The conference agreement makes clear that this budget resolution provision does not supersede the Federal Credit Reform Act of 1990 (Congressional Budget Act title V; 2 U.S.C. §§661–661f (Supp. II 1990)). Participants in the budget process will continue to account for loan asset sales as provided in that Act, as non-contractual modifications. See Congressional Budget Act §502(5)(d); 2 U.S.C. §661a(5)(D) (Supp. II 1990). Under the Federal Credit Reform Act, the cost will differ from zero to the extent that the price paid to the Government differs from the net present value of the outstanding cash flow. In this regard, the more specific provisions of the Federal Credit Reform Act (id.) supersede the more general provisions on asset sales in section 257(e) of the Gramm-Rudman-Hollings (2 U.S.C. §907(e) (Supp. II 1990)).

RESERVE FUND FOR FAMILY AND ECONOMIC SECURITY INITIATIVES

Section 8 of the Senate amendment sets forth a reserve fund to provide for deficit-neutral direct-spending initiatives in four areas: (a) initiatives to improve the health and nutrition of children and to provide for services to protect children and strengthen families, (b) economic growth initiatives (including for unemployment compensation or other, related programs), (c) continuing improvements in ongoing health care programs and phasing-in of health insurance coverage for all Americans, and (d) initiatives to improve educational opportunities for individuals at the early childhood, elementary, secondary, or higher education levels, or to invest in America's children.

Specifically, section 8 provides that, in the Senate, budget authority and outlays may be allocated to a committee or committees when the committee or committees, or a committee of conference, reports legislation achieving one or more of the objectives cited in the section, and that will not increase the deficit. Upon the reporting of the legislation, and again upon the submission of a conference report, the Chairman of the Budget Committee may file with the Senate appropriately revised allocations under sections 302(a) and 602(a) of the Congressional Budget Act (2 U.S.C. §§633(a) & 665a(a) (Supp. II 1990)) and revised functional levels and aggregates to carry out this section. The conference agreement makes clear that deficit neutrality must be maintained for fiscal year 1993 and the total of the 5-year period covered by the resolution.

Section 13204 of the Budget Enforcement Act (104 Stat. at 1388–616) amended section 301(b)(7) of the Congressional Budget Act (2 U.S.C. §632(b)(7) (Supp. II 1990)) to endorse explicitly reserve funds as procedures in the Senate to implement the pay-as-you-go system of the Budget Enforcement Act. The pay-as-you-go system allows the enactment of legislation affecting direct spending and receipt, but is designed to ensure that the sum of such legislation does not increase the deficit. (See Gramm-Rudman-Hollings §252(a); 2 U.S.C. §902(a) (Supp. II 1990).)

The House resolution has no such provision.

The conference agreement contains the reserve fund language in the Senate amendment. The conference agreement also contains similar language for initiatives to mitigate airport noise, to improve airport safety, and to expand airport capacity.

MAXIMUM DEFICIT AMOUNT POINT OF ORDER

Section 9 of the Senate amendment sets forth a requirement for the affirmative vote of 60 Senators to waive or suspend section 605(b) of the Congressional Budget Act (2 U.S.C. §665d(b) (Supp. II 1990)) or to sustain an appeal of the ruling of the Chair on a point of order raised under that section. Section 605(b) prohibits the Senate from considering legislation that would cause the deficit to exceed the maximum deficit amount. The maximum deficit amount is the deficit target set forth in section 601(a)(1) of the Congressional Budget Act (2 U.S.C. §665(a)(1) (Supp. II 1990)) and adjusted pursuant to section 253(g) of Gramm-Rudman-Hollings (2 U.S.C. 903(g) (Supp. II 1990)). The most-recent adjustments appear in part 4 of the February supplement to the President's budget. (See Budget of the United States Government; Fiscal Year 1993; Supplement February 1992 pt. 4, at 9 (1992).) As adjusted there, the maximum deficit amounts are as follows:

Maximum deficit amounts

Fiscal year	*Billions*
1993	419.4
1994	304.9
1995	300.5

Section 201(B) of Gramm-Rudman-Hollings (99 Stat at 1039) added the maximum deficit amount point of order to what was then section 311(a) of the Congressional Budget Act (2 U.S.C. §642(a) (1988) (repealed 1990)). The Budget Enforcement Act moved the maximum deficit amount point of order from what used to be section 311(a) to section 605(b). (Section 13112(a)(10) of the Budget Enforcement Act (104 Stat. at 1388-607) struck the maximum deficit amount point of order from what used to be section 311(a), and section 13111 of the Budget Enforcement Act (104 Stat. at 1388-602 to -607) added what is now section 605.) The Budget Enforcement Act neglected, however, to add section 605(b) to the list of sections requiring 60 votes to waive that appears in section 904(c) of the Congressional Budget Act (2 U.S.C. §621 note (Supp. II 1990)). Consequently, while exceeding the maximum deficit amount in this context required a supermajority between 1985 and 1990, under current law, it no longer does.

Note, however, that even under current law, section 606(c) of the Congressional Budget Act (2 U.S.C. §665e(c) (Supp. II 1990)) prohibits consideration of a budget resolution that would cause the deficit to exceed the maximum deficit amount. Section 311(a) of the Congressional Budget Act (2 U.S.C. §642(a) (Supp. II 1990)) prohibits consideration of legislation that would breach the revenue and outlay aggregates in a budget resolution. Both sections 606(c) and 311(a) require 60 Senators to waive. (See Congressional Budget Act §904(c); 2 U.S.C. §621 note (Supp. II 1990).) Thus, under current law as applied, a 60-vote point of order will generally lie under section 311(a) whenever it would lie under section 605(b), unless legislation has increased revenues above the revenue floor in the budget resolution and used that revenue for increased outlays or legislation has decreased outlays below the outlay ceiling in the budget resolution and used that outlay reduction for decreased revenues.

The House resolution has no such provision.

The conference agreement does not contain the language of section 9, but sets forth an exception for appropriations bills in the Senate similar to that provided for the House under section 311(b) of the Congressional Budget Act (2 U.S.C. §642(b) (1988)). The conferees intend that this language will be effective only for the period of time that this budget resolution is effective.

CLARIFICATION OF THE APPLICATION OF SECTION 311(b) OF THE CONGRESSIONAL BUDGET ACT IN THE HOUSE OF REPRESENTATIVES

The conference agreement includes a clarification of the application of section 311(b) of the Congressional Budget Act (2 U.S.C. §642(b) (1988)), which applies only in the

House of Representatives, for fiscal years 1992 through 1995. During those years, allocations of new discretionary budget authority and new entitlement authority are made pursuant to section 602(a) of the Congressional Budget Act (2 U.S.C. §665a (Supp. II 1990)), rather than pursuant to section 302(a) of that Act (2 U.S.C. §633(a) (Supp. II 1990)). However, the Budget Enforcement Act of 1990 inadvertently failed to include language providing for such a cross-reference in the application of section 311(b) for those fiscal years. The language in this conference agreement clarifies that, for those fiscal years, section 311(b) will operate in the same manner as it did prior to the enactment of the Budget Enforcement Act.

ECONOMIC AND TECHNICAL ASSUMPTIONS

Section 10 of the Senate amendment states the sense of the Congress that the Budget Committees should be required to use the more pessimistic of either the Congressional Budget Office's or the Office of Management and Budget's set of economic forecasts. Section 10(a) finds that since the adoption of the 1990 budget agreement, deficit projections have increased by $645 billion for the sum of fiscal years 1991 through 1995 solely because of economic and technical changes. Section 10(a) also sets forth forecasts from both the Congressional Budget Office and the Office of Management and Budget of the rates of real gross domestic product growth, nominal gross domestic product growth, the gross domestic product deflator, change in the Consumer Price Index, unemployment, and 3-month Treasury bills.

The House resolution has no such provision.

The conference agreement does not contain the provision.

SOCIAL SECURITY

Section 11 of the Senate amendment sets forth two provisions designed to ensure that 60-vote hurdles impede legislation that would worsen the Social Security Trust Fund balances. Section 11(a) of the Senate amendment was designed to ensure that, during the pendency of the resolution on the Senate floor this year, no amendment could eliminate the 60-vote hurdle simply by changing the levels for Social Security in the resolution. Section 11(b) of the Senate amendment is designed to ensure that such amendments offered to future resolutions will confront a 60-vote hurdle.

Section 301(a)(6) and (7) of the Congressional Budget Act (2 U.S.C. §632(a)(6) & (7) (Supp. II 1990)) requires the budget resolution to provide two numbers for each year for Social Security enforcement in the Senate: a ceiling on outlays and a floor for revenues. Under existing law, if the budget resolution lowers the revenue floor, then legislation that cut Social Security revenues would be in order in the Senate later in the year. In addition (under sections 302(f)(2) and 311(a)(2) of the Congressional Budget Act, 2 U.S.C. §§633(f)(2) & 642(a)(2) Supp. II 1990)), if the budget resolution increases the outlay ceiling by some amount, then legislation that cuts Social Security revenues by an equal amount would also be in order in the Senate later in the year, and vice versa.

Section 11(a) provides that, notwithstanding any other provision of the resolution, the levels of Social Security outlays and revenues for this resolution shall be the current services levels, for the purpose of allocations and points of order under sections 302 and 311 of the Congressional Budget Act (2 U.S.C. §§633 & 642 (1988 & Supp. II 1990)). As the Senate did not amend these levels, the levels set forth in section 5 of the Senate amendment also reflect the current services levels.

Section 11(b) of the Senate amendment extends the "fire wall" protecting the Social Security trust fund from legislation that would worsen that fund's balances. It does so by eliminating an exception in section 301(i) of the Congressional Budget Act (2 U.S.C. §632(i) (Supp. II 1990)) to the requirement for 60 votes in the Senate to change the social Security trust fund balances.

Prior to its removal from the budget, the budget process protected the Social Security Trust Fund through points of order against increasing the deficit (*e.g.*, section 311(a) of the Congressional budget Act) and the threat of across-the-board cuts under Gramm-Rudman-Hollings as a result of increasing the deficit. To protect the Social Security Trust Fund from depletion after its removal from the calculation of the deficit, sections 13302 and 13303 of the Budget Enforcement Act (104 Stat. at 1399–623 to -627(created new points of order—called "fire walls"—generally prohibiting worsening of the balances of the Social Security Trust Fund. Budget enforcement Act section 13302 (2 U.S.C. §632 note (Supp. II 1990)) creates the point of order in the House of Representatives. Budget Enforcement Act section 13303 amended sections 301(a)(6), 301(a)(7), 301(i), 302(a)(2), 302(f)(2), and 311(a) of the Congressional Budget Act (2 U.S.C. §§632(a)(6), 632(a)(7), 632(i), 633(a)(2), 633(f)(2) & 642(a) (Supp. II 1990)) to enforce the fire wall point of order in the Senate through the mechanisms of existing points of order.

In the Senate, under current law, wavier of the fire wall points of order generally requires the affirmative vote of 60 Senators. Specifically, sections 904(c) of the Congressional Budget Act (2 U.S.C. §901 note (1988) provide that the Senate may waive or suspend sections 301(i), 302(f), and 311(a) only by the affirmative vote of three-fifths of the Members, duly chosen and sworn—that is 60 Senators. As amended by section 13208(b) of the Budget Enforcement Act (104 Stat. at 1388–619). Section 275(b) of Gramm-Rudman-Hollings provides that this supermajority requirement expires on September 30, 1995.

As amended by section 13303(b) of the budget Enforcement Act, the first sentence of section 301(i) of the Congressional Budget Act of 1974 reads:

> (i) It shall not be in order in the Senate to consider any concurrent resolution on the budget as reported to the Senate that would decrease the excess of social security revenues over social security outlays in any of the fiscal years covered by the concurrent resolution. 2 U.S.C. §632(i) (Supp. II 1990).

Section 301(a)(7) of the Congressional Budget Act (2 U.S.C. §632(a)(7) (Supp. II 1990)) implicitly defines the term "social security revenues" as "revenues of the old-age, survivors, and disability insurance program established under title II of the Social Security Act (and the related provisions of the Internal Revenue Code of 1986)." Section 301(a)(6) (2 U.S.C. §632(a)(7) (Supp. II 1990)) implicitly defines the term "social security outlays" as "outlays of the old-age survivors, and disability insurance program established under title II of the Social Security Act."

Under current law, section 301(i) does not ensure that a 60-vote hurdle stands in the way of any changes in law that worsen the Social Security Trust Fund balances, as section 301(i) does not by its terms apply to amendments from the floor to budget resolutions or to conference reports on those resolutions. Under current law, by virtue of the words "as reported" in section 301, a point of order will not lie under the section against a resolution that has been amended by an amendment that worsens the Social Security trust fund balances. This is so because of precedents in the application of similar language in section 311(a) of the Congressional Budget Act. *See* 131 CONG. REC. S8806 (June 26, 1985) (by virtue of the words "as reported," a point of order will not lie under section 311(a) against a deficit-neutral bill that has been amended by an amendment that reduces revenues below the revenue floor); Senate Precedent PRL19850626–001 (June 26, 1985) (LEGIS, Rules database); William G. Dauster, Budget Process Law Annotated 148–52 n. 488 (1991) (S. Print 102–22).

Section 11(b) of the Senate amendment applies the point of order under section 301(i) of the Congressional Budget Act to any concurrent resolution on the budget for any fiscal year (as reported and as amended), amendments thereto, or any conference report thereon. Thus, section 301(i) will apply throughout the consideration of the budget resolution.

The Senate added section 11 of the Senate amendment as an amendment during consideration of the resolution on the Senate floor.

Section 11(b) of the Senate amendment is intended to make a permanent change in the rules of the Senate. Congress may by concurrent resolution supersede the Congressional Budget Act for the purposes of its application to the Congress. Article I, section 5, clause 2 of the Constitution provides: "Each House may determine the Rules of its Proceedings . . . ." Similarly, section 904(a) of the Congressional Budget Act provides:

> The provisions of this title (except section 905) and of titles I, III, IV, V, and VI (except section 601(a)) and the provisions of sections 701, 703, and 1017 are enacted by the Congress—
>
> (1) as an exercise of the rulemaking power of the House of Representatives and the Senate, respectively, and as such they shall be considered as part of the rules of each House, respectively, or of that House to which they specifically apply, and such rules shall supersede other rules only to the extent that they are inconsistent therewith; and
>
> (2) with full recognition of the constitutional right of either House to change such rules (so far as relating to such House) at any time, in the same manner, and to the same extent as in the case of any other rule of such House. 2 U.S.C. §621 note (1988 & Supp. II 1990). See also Congressional Budget Act §301(b)(4); 2 U.S.C. §632(b)(4) (Supp. II. 1990).

The House resolution contains no provision similar to section 11 of the Senate amendment.

The conference agreement contains the language of section 11 of the Senate amendment (with a change in the section title to make clear its purpose).

FOREIGN GOVERNMENT SUBSIDIES

Section 12 states the sense of the Senate that (consistent with the trade negotiating objectives set forth in the Omnibus Trade and Competitiveness Act of 1988) the Government should not condone trade-distorting subsidies by foreign governments that materially injure United States industries. Section 12(a) finds that trade-distorting subsidies by foreign governments pressure the United States Government to provide similar subsidies and that ratification of foreign subsidies would so increase the pressure for United States subsidies as to undermine efforts to limit the growth of government spending and reduce the Federal budget deficit. The Senate added section 12 of the Senate amendment as an amendment during consideration of the resolution of the Senate floor.

The House resolution contains no provision similar to section 12 of the Senate amendment.

The conference agreement does not contain the provision.

SUBSIDIES TO THOSE NOT IN NEED

Section 13 of the Senate amendment states the sense of the Senate that the Government should not pay subsidies to those who are not in need, and calls for a study to identify such subsidies. Section 13(c) sets forth detailed requirements for the study. The Directors of the Office of Management and Budget and the Congressional Budget Office would conduct the study concurrently in consultation with the Bureau of the Census, the Internal Revenue Service, and other Government agencies. The study would estimate by agency and account, the dollar value of assistance payments from mandatory spending programs under current law and regulations to recipients by income category for the current and 5 succeeding fiscal years. Section 13(c) further directs that in determining income categories, the study use the sum of adjusted gross income plus any Government assistance not already included. The section further defines assistance payments from mandatory spending programs to exclude Social Security benefits. Finally, the section calls on the President to update the study annually as part of the President's budget submission. The Senate added section 13 of the Senate amendment as an amendment during consideration of the resolution on the Senate floor.

The House resolution contains no provision similar to section 13 of the Senate amendment.

The conference agreement contains a provision similar to that in the Senate amendment.

BALANCED BUDGET AMENDMENT

Section 14 of the Senate amendment states the sense of the Senate that the Senate should, by June 5, 1992, adopt a joint resolution proposing an amendment to the Constitution requiring a balanced budget and requiring the President annually to submit a balanced budget. The Senate added section 14 of the Senate amendment as an amendment during consideration of the resolution on the Senate floor.

The House resolution contains no provision similar to section 14 of the Senate amendment.

The conference agreement contains a provision similar to that in the Senate amendment.

If the Congress proposes by two-thirds votes of both Chambers a constitutional amendment requiring the President to submit and Congress to approve a balanced budget, the conferees believe that the President and the Congress would need vigorously to pursue reductions prior to the implementation of the balanced budget amendment to minimize the potential economic dislocation in the future years and should reduce the deficit in fiscal year 1993 by an amount consistent with the Congressional Budget Office's estimate of what is necessary to achieve a path to a balanced budget.

PROGRAM BUDGET EVALUATION

Section 15 of the Senate amendment states the Sense of the Senate that before the 104th Congress, each Senate authorizing committee should conduct a comprehensive evaluation of programs under its jurisdiction that result in the Federal expenditures and report its findings to the Senate. Section 15 calls on these reports to consider the objectives intended for the program, any trends and developments likely to affect those objectives, other programs with potentially conflicting or duplicative objectives, the number and types of beneficiaries of the program, an assessment of the effectiveness of the program, and an assessment of the merits of alternative methods. The Senate added section 15 of the Senate amendment as an amendment during consideration of the resolution on the Senate floor.

The House resolution contains no provision similar to section 15 of the Senate amendment.

The conference agreement contains a provision similar to that in the Senate amendment.

INCREASING PRODUCTIVITY

Section 16 of the Senate amendment states the sense of the Senate that funds should be allocated to increase productivity and international competitiveness through long-term investment in human resources, physical infrastructure, the development and commercialization of technology, and productive plants and equipment. The Senate added section 16 of the Senate amendment as an amendment during consideration of the resolution on the Senate floor.

The House resolution contains no provision similar to section 16 of the Senate amendment.

The conference agreement contains the language in the Senate amendment.

COMMISSION ON FEDERAL GOVERNMENT REFORM

Section 17 of the Senate amendment states the sense of the Congress that a Commission on Government Reform should be established to examine the organization and operations of the Government and recommend improvements in governmental performance while minimizing costs. The Commission should consider ways to define program missions in terms of measurable outcomes, reform personnel systems, increase program responsiveness, consolidate departments where possible, control Government payroll costs, promote new information technologies, and promote greater cooperation between the legislative and executive branches. Section 17 calls for Congress to be mandated to consider the recommendations of the commission. Section 17(a) of the Senate amendment sets forth a number of findings related to confidence in the Government and the organizational structures of Government and business. Section 17 states that there is now a crucial need to examine how the Government might apply organizational reforms to its own institutions. The Senate added section 17 of the Senate amendment as an amendment during consideration of the resolution on the Senate floor.

The House resolution contains no provision similar to section 17 of the Senate amendment.

The conference agreement does not contain the provision.

THE WIC PROGRAM

Section 18 of the Senate amendment states the sense of the Senate that the Special Supplemental Food Program for Women, Infants and Children (WIC) should be funded at $3 billion for fiscal year 1993. The following table indicates how such a level compares with other funding benchmarks:

WIC Program levels

Level	*Billions*
1992 appropriations	$2.600
1993 baseline	2.683
1993 President's request	2.840
Full funding	3.012

In support of that level, section 18 makes numerous findings: For 20 years, the WIC program has been invaluable to millions of needy pregnant and nursing women, infants and children at nutritional risk. President Bush has recommended an increase in the WIC program for fiscal year 1993 continuing the strong bipartisan support for expanding the program to serve more of those eligible. The chairmen of five major American corporations testified last year on WIC, declaring that an increased investment in WIC is essential to the Nation's future economic growth. Less than 60 percent of the eligible women, infants, and children are served by the program. A funding level of $3 billion in fiscal year 1993 is needed to remain on the 5-year path embarked upon by the Congress last year to reach full funding. A recent Department of Agriculture study has demonstrated that the prenatal component of WIC reduces Medicaid costs by between $1.92 and $4.21 for each dollar invested in it. Studies issued by the National Bureau of Economic Research have found WIC to be one of the most cost-effective means of reducing infant mortality and indicate WIC also may produce long-term savings in special-education costs. The Senate added section 18 of the Senate amendment as an amendment during consideration of the resolution on the Senate floor.

The House resolution contains no provision similar to section 18 of the Senate amendment.

The conference agreement contains the language in the Senate amendment, restated as the sense of the Congress (rather than the Senate), with conforming changes in the findings.

DEFENSE CONVERSION

The Senate amendment contains two sections addressing defense conversion. Section 19 of the Senate amendment states the sense of the Congress that no less than $1 billion in budget authority in this resolution for the defense function for fiscal year 1993 should be made available for defense industry conversion-related activities such as those within Job Training Partnership Act, Economic Dislocation and Worker Adjustment Assistance, Economic Development Administration, Community Development Block Grants, Small Business Administration, impact aid grants to school districts, National Science Foundation education grants to engineers, Department of Energy technology transfer, National Institutes of Standards and Technology, and intelligent vehicle highway system. The Senate added section 19 of the Senate amendment as an amendment during consideration of the resolution on the Senate floor.

Section 20 of the Senate amendment states the sense of Congress that a meaningful percentage of the 1993 through 1997 savings in defense spending be made available for the establishment of programs to retrain and reemploy active duty members of the Armed Forces, civilian employees of the Department of Defense, and employees of private, defense-related industries who are involuntarily separated or become unemployed as a result of reductions in spending for defense. Section 20(a) makes a number of findings in relation to levels of defense spending and job losses in the defense industry. The Senate added section 20 of the Senate amendment as an amendment during consideration of the resolution on the Senate floor.

The House resolution contains no provision similar to either section 19 or section 20 of the Senate amendment.

The conference agreement contains one provision combining language from sections 19 and 20 of the Senate amendment.

PUBLIC DEBT LIMIT IN THE HOUSE

Rule XLIX of the Rules of the House of Representatives sets forth a procedure for changing the statutory limit on the level of the public debt.

This concurrent resolution sets forth the appropriate level of the public debt for the coming fiscal year, 1993. Under the rule, upon final passage by both bodies of a concurrent resolution on the budget for fiscal year 1993, the public debt level for fiscal year 1993 set forth in the resolution would be incorporated into the text of a joint resolution.

Pursuant to the rule, the text of the joint resolution would be as follows:

That subsection (b) of section 3101 of title 31, United States Code, is amended by striking out the dollar limitation contained in such subsection and inserting in lieu thereof $4,461,200,000,000.

The effect of the enactment of the joint resolution would be to replace the current statutory limit on the public debt, $4,145,000,000,000, with the limit set forth above.

Under the rule, the joint resolution is then deemed passed by the House and sent to the Senate for its consideration. If the Senate approves the joint resolution without amendment, the joint resolution is sent to the President for his signature. (If the Senate were to amend the joint resolution, the measure would be returned to the House for further action.)

Legislative jurisdiction over the public debt remains in the Committee on Ways and Means. The rule does not preclude that committee from originating public debt bills whenever necessary.

LEON E. PANETTA,
RICHARD GEPHARDT,
JAMES L. OBERSTAR,
FRANK J. GUARINI,
DICK DURBIN,
MIKE ESPY,
DALE E. KIKDEE,
ANTHONY C. BEILENSON,
JERRY HUCKABY,
MARTIN OLAV SABO,
Managers on the Part of the House.

JIM SASSER,
J. BENNETT JOHNSTON,
DON RIEGLE,
J.J. EXON,
PETE V. DOMENICI,
KIT BOND,
Managers on the Part of the Senate.

AUTHORIZING MEMBER TO OFFER AMENDMENT NO. 4 TO H.R. 776 IN MODIFIED FORM AT ANY TIME TODAY

Mr. SHARP. Mr. Speaker, in order to facilitate consideration of the energy bill this evening, I ask unanimous consent that amendment No. 4 printed in House Report 102–528 may be offered in modified form at any time during consideration of the bill in the Committee of the Whole today.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Indiana?

There was no objection.

PERSONAL EXPLANATION

Mr. HOYER. Mr. Speaker, I was in the Senate during rollcall 130 and did not receive notice of the vote. Had I been present, I would have voted "aye."

REQUEST BY MEMBER TO MODIFY AMENDMENT NO. 5 TO H.R. 776, COMPREHENSIVE NATIONAL ENERGY POLICY ACT

Mr. JONTZ. Mr. Speaker, I ask unanimous consent that my amendment be modified according to the language that I have at the desk.

Mr. DINGELL. Mr. Speaker, reserving the right to object, I have great affection and great respect for the gentleman from Indiana [Mr. JONTZ]. We have been analyzing the earlier amendment of the gentleman in some detail, and it significantly amends the Clean Air Act. We have looked at the handwritten change that my good friend, the gentleman from Indiana, is suggesting should be the change he desires to make.

Mr. Speaker, I have to say that I am not satisfied, nor is the staff of the committee satisfied, that the change in the amendment will address all the problems or concerns that we find in it. Therefore, with all respect and affection for the gentleman from Indiana [Mr. JONTZ], I must object.

The SPEAKER pro tempore. Objection is heard.

COMPREHENSIVE NATIONAL ENERGY POLICY ACT

The SPEAKER pro tempore. Pursuant to House Resolution 459 and rule XXIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the further consideration of the bill, H.R. 776.

□ 1844

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the State of the Union for the further consideration of the bill (H.R. 776) to provide for improved energy efficiency, with Mr. SKAGGS in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. When the Committee of the Whole rose earlier, the amendment offered by the gentleman from Massachusetts [Mr. ATKINS] had been disposed of.

It is now in order to consider amendment No. 4 printed in House Report 102–528.

Mr. SHARP. Mr. Chairman, amendment No. 4 was the amendment offered by the gentleman from Massachusetts [Mr. MARKEY], which has been postponed and is not up at this time.

The CHAIRMAN. The Chair was under the impression that it was desired to move to that amendment next.

It is now in order to consider amendment No. 5 printed in House Report 102–528.

AMENDMENT OFFERED BY MR. JONTZ

Mr. JONTZ. Mr. Chairman, I offer an amendment.

The CHAIRMAN, The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. JONTZ. Page 218, after line 7, insert the following new section (and conform the table of contents accordingly):

SEC. 306. OCTANE REPLACEMENT.

(a) OCTANE REPLACEMENT PROGRAM.—

(1) IN GENERAL.—The Secretary of Energy, in consultation with the Administrator, of the Environmental Protection Agency, the Secretary of Transportation, the Secretary of Agriculture, and the heads of other appropriate agencies, shall issue regulations establishing a program to require that—

(A) at least ½ octane number of the octane rating of all gasoline sold in the United States after March 15, 1994, is derived from domestically produced, renewable, nonpetroleum sources;

(B) at least 1 octane nunber of the octane rating of all gasoline sold in the United States after March 15, 1998, is derived from domestically produced, renewable, nonpetroleum sources;

(C) at least 1½ octane numbers of the octane rating of all gasoline sold in the United States after March 15, 2002, is derived from domestically produced, renewable, nonpetroleum sources; and

(D) at least 2 octane numbers of the octane rating of all gasoline sold in the United States after March 15, 2006, is derived from domestically produced, renewable, nonpetroleum sources.

(2) LIMITATION.—The Secretary of Energy may waive, in whole or in part, the application of paragraph (1) for any ozone nonattainment area during the high ozone season upon a determination by the Administrator of the Environmental Protection Agency that compliance with such requirement would prevent or interfere with the attainment by the area of a national primary ambient air quality standard.

(b) MARKETABLE OCTANE CREDITS.—The Secretary of Energy shall issue regulations establishing a system for the use of marketable octane credits for gasoline sold in the United States after March 15, 1994, under which credits due to gasoline with a higher octane number derived from domestically produced, renewable, nonpetroleum sources than is required under subsection (a)(1) may be used to offset the sale of gasoline with a lower octane number than is so required. Credits under such system may be transferred between companies or within one company.

(c) RELATION TO OTHER LAW. —Nothing in this section shall be construed to amend or affect the application of the Clean Air Act.

(d) DEFINITIONS. For purposes of this section—

(1) the term "gasoline" means any fuel which is commonly or commonly known as gasoline, and which is sold for use in motor vehicles and motor engines; and

(2) the term "octane rating" means the number determined by adding the Research Octane Number plus the Motor Octane Number of gasoline, and dividing the sum by 2.

The CHAIRMAN. Under the rule, the gentleman from Indiana [Mr. JONTZ] is recognized for 10 minutes, and a Member opposed will be recognized for 10 minutes.

The Chair recognizes the gentleman from Indiana [Mr. JONTZ].

Mr. JONTZ. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, this amendment is an effort to accomplish the purpose of the bill which is before us by providing for the use of a domestically produced renewable source for meeting a part of the octane needs of this country, rather than to depend further on petrochemicals that are produced from imported petroleum that make our Nation more energy dependent.

What this amendment does specifically is to require beginning in 1994 that at least one-half octane number of the octane rating of all gasolines sold in our Nation come from renewable sources, which should be ethanol, with that requirement to be increased over a period of 12 years, to the point that two octane numbers of the octane rating of all gasoline would come from renewable sources.

Mr. Chairman, this would result in the immediate replacement of some 80 million barrels a year of petroleum, increasing to 300 million barrels.

Mr. Chairman, we have oil companies now that are marketing gasoline with alcohol to meet the octane needs, and they are doing this successfully. It is warranted by the automobile manufacturers. It is less toxic than the various petrochemicals that are used to meet octanes. But, regrettably, we are far from reaching even a reasonable portion of the octane needs of this country through ethanol. We ought to be using a domestic source that creates jobs here at home. We ought to be using a domestic source that increases farm income. As a consequence of that, we can expect the taxpayer to realize benefits from reduced farm program costs.

Mr. Chairman, this is a program which will benefit the environment, it will benefit our domestic economy, it will benefit our rural communities, and we ought to proceed to put this very reasonable requirement in effect.

Mr. Chairman, we very carefully wrote this amendment to avoid conflict with the Clean Air Act. There is very specific language in the amendment that says nothing shall be construed to amend or affect the application of the Clean Air Act. I am quite willing to agree to the recommendations of the gentleman from California [Mr. WAXMAN] to make further clarifying changes that he feels are necessary to ensure that there is no adverse impact on the Clean Air Act. I am quite happy to make those changes because there is enormous opportunity to meet needs for octane in areas that are not even under the Clean Air Act, which is what we seek to do.

Mr. Chairman, I would hope that the body would approve this amendment and allow it to go forward, with the understanding that the changes which need to be made will be made to assure the intent of the amendment, that there be no conflict with the Clean Air Act.

Mr. Chairman, I yield 2 minutes to the gentleman from Illinois [Mr. EWING], the Republican cosponsor of this amendment and a distinguished member of the Committee on Agriculture.

□ 1850

Mr. EWING. Mr. Chairman, I want to congratulate the gentleman from Indiana [Mr. JONTZ] for the work that he has done on this amendment, and I am pleased to have the opportunity to join in sponsoring this amendment.

I will not take a lot of the time of this House tonight to discuss the amendment. I think many Members are aware of the importance of this amendment. I believe that it does several very important things.

It helps make us more energy secure. It helps reduce our reliance on foreign oil and foreign energy.

Number two, it is good for the environment. Some of the octane enhancers that we currently have in our gasoline are some of the most damaging to our environment, and we could replace it with an enhancer that is environmentally friendly. This certainly would work into our effort to clean up the air in this country.

It would be very beneficial to public health in those areas of this country, the most crowded areas of this country, where the gasoline that we burn in our automobiles and our vehicles is the most damaging to our health. This amendment would require a cleaner, better, more efficient octane be added to gasoline and, therefore, assist in that.

Finally, to those of us from rural America, this is a way that we can enhance our economies. What better way than by renewable fuel sources? Corn, particularly, can be used to make the ethanol, the octane enhancer that is needed to go in the fuel under the requirements of this bill. This is important economically, not just to rural people but to people who are interested in jobs in the manufacturing and processing of corn into ethanol.

My colleagues, I am pleased to support this amendment and join with the gentleman from Indiana [Mr. JONTZ] as a cosponsor.

Mr. Chairman, H.R. 776 has two primary goals: To promote energy security and to make environmental progress. This amendment will further both goals.

By requiring that an increasing number of octane points of fuel sold in this country be derived from domestically produced, renewable sources, we will be reducing America's oil habit by 80 million barrels in the first year of implementation. By the final year of implementation, U.S. oil imports will have decreased by 300 million barrels of oil a year, or 60 percent of the current strategic petroleum reserve. We should not forget that U.S. soldiers gave their lives in a war we fought at least partly because of our dependency on foreign oil.

But to sell this bill as merely promoting energy security would be selling it short. By requiring domestically produced, renewable energy sources such as ethanol to be used as octane enhancers, we will be limiting the environmental damage caused by aromatic hydrocarbons such as benzene and toluene. Just as we phased lead out of gasoline because of health concerns, so we should start to phase out aromatic hydrocarbons.

This bill will be good for American agriculture and American jobs. Use of corn and other agricultural commodities as renewable resources will increase farm income and reduce farm program payments. The real increase in demand for American farm products will create jobs both inside and outside the farm economy.

But the primary reasons to support this bill are reasons that most people support. By reducing the demand for oil imports, by increasing the quality of the air we breathe, we can help to guarantee that the goals of the energy bill are met.

Mr. MOORHEAD. Mr. Chairman, I rise in opposition to the amendment.

The CHAIRMAN. The gentleman from California [Mr. MOORHEAD] is recognized for 10 minutes.

Mr. MOORHEAD. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I rise in opposition to the joint amendment to establish an octane replacement program. I believe this amendment will give ethanol an unfair advantage over other types of alternative fuels and will unnecessarily raise the price of gasoline for all consumers.

In developing the alternative fuels programs in H.R. 776 we have consistently sought to provide a level playing field on which all types of alternative fuels could compete equally. This amendment would tilt that playing field toward ethanol. It would mandate unnecessarily rigid octane content requirements, increasing the price of gasoline to all consumers, and giving ethanol an unearned advantage over other alternative fuels.

In addition, these requirements will be difficult to meet. When we enacted the Clean Air Act amendments, we increased octane requirements and discovered that at current production levels, there was not enough ethanol to meet those requirements. This amendment mandates even greater ethanol use. As a result, if there is not enough ethanol to fulfill this mandate, gasoline would not be able to comply with these standards, and there would be severe shortages in the amount of gasoline which could be sold in the United States.

Finally, mandating the use of ethanol in meeting octane requirements will also have a negative effect on our environment. Although the use of ethanol reduces carbon monoxide emissions, it increases emissions which have greater ozone forming potential. Although this requirement is waived in some instances, this amendment will still have adverse health effects and a negative impact on the environmental gains we are making under H.R. 776.

Thus, I urge my colleagues to oppose this amendment.

Mr. Chairman, I yield 2 minutes to the gentleman from Michigan [Mr. DINGELL], chairman of the full Committee on Energy and Commerce.

Mr. DINGELL. Mr. Chairman, I rise in opposition to this amendment. I think we ought to know what this amendment does. First of all, the amendment has never been considered in any committee. There have been no hearings. It has not been reviewed by the Environmental Protection Agency. No one, including the author of the amendment, knows precisely what it does. I understand that.

The author says that it would increase the amount of ethanol in gasoline by about 80 million barrels. If that is true, it would cause the Federal Government to subsidize that amount of production by the amount of $1.28 billion a year. If we want to have more money spent by the Federal Government, then by all means we should support this amendment.

Second of all, it confuses the Clean Air Act. The Clean Air Act requires that in areas of high carbon monoxide pollution, that oxygenated fuels be used. It requires up to 2 percent of the fuel being oxygenated. This requires 8 percent of the fuels to be oxygenated.

As the gentleman from California has pointed out to the committee, if we do this, it has a mixed result. The practical result can be a slight reduction in the amount of carbon monoxide, but it can be a very significant increase in the amount of hydrocarbons and ozones, a significant health hazard and a very major problem in terms of the environmental consequences.

It has, as I will discuss later, the Department of Energy issuing orders in consultation with EPA under a rather confused and obscure provision which does not make it plain who does what and how the rules are issued or what thoughts are taken into consideration.

Last of all, it has an enormous consequence in terms of State and local government because of subsidies which are imposed to assist and encourage in the production and the use of ethanol.

It does something else: It results in a significant cost increase to the consumer, who must now buy a significant amount of ethanol, which is not only not required but is counterproductive from the standpoint of the Clean Air Act.

I particularly rise in opposition to this amendment by my friend from Indiana, Mr. JONTZ, because of its inconsistency with the relevant provisions of the Clean Air Act. I note that the amendment includes a disclaimer that it shall not be construed to amend or affect the application of the Clean Air Act, but that disclaimer is not adequate.

In fact, the Clean Air Act Amendments of 1990, which were widely supported in this House, regulate gasoline in the several worst ozone nonattainment areas and possibly other areas. It requires that gasoline must be reformulated and it must contain at least 2 percent oxygen and meet a performance standard. It also must meet volatility requirements. It requires that the Environmental Protection Agency issue regulations, and it provides a role for the States and for waivers.

This amendment seeks to regulate the same gasoline. The regulation would be by the Secretary of Energy, not EPA. It includes an authorization for a waiver provision based on an EPA determination that compliance with DOE's regulations "would prevent or interfere" with attainment. However, there is no criteria or procedure for the EPA determination or for the waiver. There is no timeframe for the waiver or for the determination. The EPA would make this determination under this bill, not the Clean Air Act. EPA is not bound to act in accordance with the Clean Air Act. Just as importantly, DOE does not have to grant a waiver, despite any determination by EPA.

This amendment is, unfortunately, a massive intrusion on the Clean Air Act and on the proposed gasoline regulations of the EPA. Those regulations are the result of a regulatory negotiation involving the ethanol industry. As I understand the matter, those proposed regulations were supported last August by that industry. More recently, that industry has apparently changed its mind. EPA has proposed a rule change to consider that possibility without amending the Clean Air Act directly or indirectly.

That is a proper approach. This amendment is the wrong approach. It has vast ramifications. It creates an unfair advantage for one fuel. It is potentially disruptive and is likely to be quite costly.

I again stress my view, expressed many times in this Congress, that we should not reopen the Clean Air Act, directly or indirectly, either in this House or the other body. I believe the majority leader of the Senate, Congressman WAXMAN, and Congressman LENT support this view.

I urge defeat of this amendment. It needs great work. It is not good for the consumer or public health.

Mr. MOORHEAD. Mr. Chairman, I yield 2 minutes to the gentleman from New York [Mr. LENT], ranking member of the Committee on Energy and Commerce.

Mr. LENT. Mr. Chairman, I thank the gentleman for yielding time to me.

Mr. Chairman, I reluctantly rise in opposition to this amendment. I believe these additional octane content requirements are unnecessary and will increase the cost of gasoline to all consumers, increase Federal ethanol subsidies by as much as $5 billion annually, and require an expensive new enforcement bureaucracy to administer.

Our goal in the alternative fuel titles of H.R. 776 has been to create an environment in which all forms of alternative fuels can compete equally. What we see here in this amendment is a back-door approach to giving ethanol an unfair advantage over other alternative fuels.

I think as the gentleman from Michigan [Mr. DINGELL] mentioned a minute ago this provision could wreak havoc on the distribution of the gasoline supply. As we discovered when discussing the Clean Air Act amendments, right now there is simply not enough ethanol to meet certain octane requirements.

This amendment would add to that burden by requiring up to 10 times the current levels of ethanol production. It makes no provision for sales of gasoline when ethanol supplies are not available.

Thus, when these octane content requirements cannot be met, this amendment would prohibit the sale of gasoline, possibly creating very severe shortages.

The last point is that this bill is not environmentally friendly, as someone characterized it a few minutes ago. The environment actually will be harmed if ethanol is used to meet these octane content requirements. While ethanol slightly reduces carbon monoxide emissions, it increases a number of other emissions which have ozone and hydrocarbon-forming characteristics.

So even if these requirements are waived in certain cases, they will still have a negative effect.

I would urge my colleagues to vote "no" on this amendment.

Mr. MOORHEAD. Mr. Chairman, I yield 1 minute to the gentleman from Illinois [Mr. HASTERT].

Mr. HASTERT. Mr. Chairman, we have an opportunity today to establish a comprehensive national energy strategy that will reduce our Nation's dangerous dependence on foreign sources of fuel.

□ 1900

By increasing the use of domestically produced renewable fuels, we can break that dangerous reliance. This amendment would promote ethanol as an octane enhancer and reduce U.S. oil imports by an estimated 300 million barrels annually when fully implemented.

Using domestically produced renewable fuel sources promotes energy security. It does not conflict with the Clean Air Act, and certainly the estimates here and the statements whether it protects the environment by using cleaner burning fuel is certainly still a matter of debate, as we hear here today.

Mr. Chairman, most of all, this amendment keeps jobs here in America.

Mr. JONTZ. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I want to respond very briefly to the misrepresentation of this amendment by the gentleman from Michigan [Mr. DINGELL], the powerful chairman of the Committee on Energy and Commerce. This is not an amendment which will require 80 million barrels of ethanol. The amendment would replace the need for 80 million barrels of imported petroleum, because we can meet the octane requirements from renewable domestic sources.

No. 2, this does not wreak havoc with the Clean Air Act. Right here in plain black and white on page 3 of the amendment, "Nothing in this section shall be construed to amend or affect the application of the Clean Air Act."

When the gentleman from California [Mr. WAXMAN] asked for some additional language to clarify that, I have readily agreed to it.

Finally, this in no way would increase the cost to the consumer. The cost of benzene right now is $1.25 a gallon. The cost of ethanol is $1.20 a gallon. It is a red herring to compare the cost of ethanol to the cost of the gallon of gas, because that is not what we are doing. We are replacing dangerous toxic imported benzene with good old American-grown ethanol, and it is cheaper and it is better for the environment. We should not agree or listen to or put weight onto these sorts of arguments which mischaracterize the whole nature of the proposition and what it does.

Mr. Chairman, I yield 1 minute to the gentleman from Illinois [Mr. DURBIN].

Mr. DURBIN. Mr. Chairman, I thank the gentleman for yielding time to me.

Mr. Chairman, I rise in strong support of the gentleman's amendment. It is interesting that the Jontz-Ewing amendment has awakened the sleeping giant of the big oil industry. Now they want to get in on this debate. Why? Because they do not own the corn fields. They do not own the ethanol facilities. They do not have any players in this game.

They are not interested in the promotion of ethanol, but we should be, because more ethanol used in the United States means fewer imported barrels of oil. It means cleaner air, it means more jobs for rural America, and it means higher farm income for our farmers.

In the past several months we have seen a turmoil in our cities because of our economy. Buildings have been burned, people are protesting. Let me tell the Members, buildings are not burning in rural America, but the problems are real and the need for help is there. The Jontz amendment will help us. Use ethanol, help rural America and the farm economy. I urge my colleagues to support the gentleman from Indiana [Mr. JONTZ].

Mr. VOLKMER. Mr. Chairman, will the gentleman yield?

Mr. DURBIN. I yield to the gentleman from Missouri.

Mr. VOLKMER. Mr. Chairman, I completely agree with the statement of the gentleman from Illinois, and rise in support of the amendment.

Mr. MOORHEAD. Mr. Chairman, I yield such time as he may consume to the gentleman from New York [Mr. WALSH].

Mr. WALSH. Mr. Chairman, I rise in support of the amendment.

Mr. MOORHEAD. Mr. Chairman, I yield 1 minute to the gentleman from California [Mr. THOMAS].

Mr. THOMAS of California. Mr. Chairman, I rise to compliment the gentleman from Indiana [Mr. JONTZ] and all of his friends from the corn-growing States, and the members of the Committee on Agriculture, but I rise to oppose the gentleman's amendment. They already have one department or agency of the U.S. Government subsidizing their folks. This is clearly an attempt to get another agency to subsidize their folks.

If we are talking about alternate fuels, I think somebody ought to remember the consumer. We only need to read the not-so-technical journals about some of the difficulty that certain parts of automobiles have with ethanol fuel now. To the degree that we add more, there are going to be more complications. It seems to me that the marketplace ought to be where the alternative fuels are determined, not in the legislation, locking in someone for a subsidy.

Although it is a clever approach, I hope we look at the true meaning of an attempt to increase the octane. It is to find another source of Government revenue for an already subsidized product.

Mr. JONTZ. Mr. Chairman, may I inquire of the Chair how much time we have remaining?

The CHAIRMAN. The gentleman from Indiana [Mr. JONTZ] has 1½ minutes remaining, the gentleman from California [Mr. MOORHEAD] has 2 minutes remaining, and in the opinion of the Chair the gentleman from California [Mr. MOORHEAD] is entitled to close the debate representing the committee opinion.

Mr. JONTZ. Mr. Chairman, I yield 30 seconds to the gentleman from Montana [Mr. WILLIAMS].

Mr. WILLIAMS. Mr. Chairman, I thank the gentleman for yielding time to me.

Mr. Chairman, in the 30 seconds allotted to me, I will just obviously truncate my remarks by asking this: Will every Member in the House who believes that big oil has not been subsidized in America throughout this century please rise and remain standing?

Mr. JONTZ. Mr. Chairman, I yield 30 seconds to the gentleman from Iowa [Mr. NUSSLE].

Mr. NUSSLE. Mr. Chairman, I thank the gentleman for yielding time to me.

Mr. Chairman, I would like to recall, and I would like everyone else to think back to that time almost a year and a half ago now, in January, where for some of us we had to make the very first vote of our career here in the House on whether or not to go to war. Over what issue? Over oil, over our dependence on foreign oil.

Yes, there are some red herrings about how this is supposed to help the farmers and be a subsidy; yes, there are some questions out there because the scientists have not completed their discovery yet on whether or not this is harmful or not for the environment.

But the question is, do we want to cast that vote again? We should not have to. This breaks our dependence on foreign oil. Let us vote for this amendment.

Mr. MOORHEAD. Mr. Chairman, I yield 1 minute to the gentleman from California [Mr. WAXMAN].

Mr. WAXMAN. Mr. Chairman, I rise in reluctant opposition to this amendment. When the gentleman from Indiana [Mr. JONTZ] asked unanimous consent to perfect his amendment, unfortunately that amendment has not been perfected. I have two fears about this amendment: First, it leaves the discretion with the Department of Energy to waive the ethanol mandate where there is a conflict with the Clean Air Act, and I think that could lead to a great deal of trouble; second, the amendment would allow increase in fuel volatility, undermining needed emission reductions.

Mr. Chairman, I wish the amendment could have been perfected, but under its current state, I urge opposition to it.

Mr. JONTZ. Mr. Chairman, I yield such time as he may consume to the gentleman from North Carolina [Mr. LANCASTER].

Mr. LANCASTER. Mr. Chairman, I rise in support of the amendment.

Mr. Chairman, I join my distinguished colleagues, Representative JIM JONTZ and Representative TOM EWING, in promoting greater use of ethanol as an octane enhancer in our Nation's gasoline supply by voicing my strong support for their octane replacement amendment.

In recent weeks, there has been a considerable amount of debate concerning this fuel alternative and the EPA's implementation of the Clean Air Act. Much of the debate has been technical in nature and involves the question of whether ethanol blends increase ozone formation and, therefore, would be excluded under the requirements of the Clean Air Act. It is clear that it was Congress's intent that all oxygenates, including fuel ethanol, be allowed to compete fairly and effectively in the reformulated gasoline markets created by the act.

In addition to implementing the Clean Air Act Amendments in a manner which promotes greater ethanol use, alternative measures need to be implemented if the promise of expanded ethanol use for our Nation's energy security, and for the economic well-being of rural America, is to be fulfilled.

The Jontz-Ewing octane replacement amendment will provide energy security benefits by extending petroleum supplies and reducing dependence on imports. It will enhance public health and clean air by reducing aromatics. And it will provide economic development benefits by providing new market opportunities for domestically produced, renewable octane enhancers.

The Jontz-Ewing octane replacement amendment moves our Nation toward a more integrated and comprehensive energy strategy, and deserves the enthusiastic support of Congress.

Mr. JONTZ. Mr. Chairman, I yield such time as he may consume to the gentleman from Minnesota [Mr. PENNY].

Mr. PENNY. Mr. Chairman, I rise in support of the amendment.

Mr. Chairman, I want to echo my support for the Jontz-Ewing amendment. I was an original cosponsor of H.R. 5178, the Octane Replacement Act, which directs the Department of Energy to establish an octane replacement program using domestically produced, renewable, nonpetroleum sources.

The Jontz-Ewing amendment is consistent with the intent and requirements of the Clean Air Act but further benefits the environment. While the amendment is quite technical in nature, it has enormous implications for the environment. The amendment would set up an octane replacement program that would require a minimum level of the octane rating for gasoline sold in the United States be derived from domestically produced, renewable nonpetroelum sources. The octane number would increase incrementally every 4 years, until at least two octane numbers are derived from ethanol by March 2006. The octane replacement program provides an incentive for oil companies to shift from a use of aromatic hydrocarbons, which cause toxic emissions, to the cleaner burning ethanol which reduces these emissions in exhaust fumes.

Most importantly, this amendment emphasizes the development of domestically produced, renewable, nonpetroleum sources—exactly the type of long-term energy policy that Congress should be advocating. The United States needs to move away from our dependence on foreign energy and begin to promote domestic alternatives. Renewable fuels such as ethanol are good for our economy and good for the environment. Vote for the Jontz-Ewing amendment.

Mr. JONTZ. Mr. Chairman, I yield such time as he may consume to the gentleman from South Dakota [Mr. JOHNSON].

Mr. JOHNSON of South Dakota. Mr. Chairman, I rise in support of the amendment.

Mr. JONTZ. Mr. Chairman, I yield 30 seconds to the gentleman from Kansas [Mr. SLATTERY].

Mr. SLATTERY. Mr. Chairman, I thank the gentleman for yielding.

Mr. Chairman, it is not often that I have to rise in opposition to my chairman, and the gentleman from California, Chairman WAXMAN, but on this occasion I must. The reason I must has already been stated, but I think it is important for us to realize that more ethanol means lower oil imports. It means cleaner air in this country. It means more energy independence for the United States of America.

Granted, this amendment is not perfect but it sure is an improvement on the overall bill. We will clearly have enough time in conference committee to make some modifications.

I would conclude also by saying we are talking about economic growth in rural America, we are talking about dollars for farmers, and we are talking about jobs in rural America.

I urge my colleagues to support the Jontz amendment.

Mr. MOORHEAD. Mr. Chairman, I yield our final minute to the gentleman from Ohio [Mr. OXLEY].

Mr. OXLEY. Mr. Chairman, I rise in opposition to this amendment. This is an energy bill, it is not a farm bill. This is an energy bill, and we are trying to deal with what works best in the marketplace.

I have been a long supporter of the ethanol program, but now is not the time to tilt the scales towards one particular alternative fuel. There are a lot of alternative fuels out there in the marketplace. Let us allow that marketplace to work without skewing it in a legislative way.

Mr. Chairman, this amendment is unnecessary, it is expensive, and the chairman has already indicated over $1 billion in taxpayers' subsidies on top of that. It is rare that I find myself in agreement with the gentleman from California [Mr. WAXMAN] on an issue like this, but clearly he is correct in that this amendment is in the wrong spirit at the wrong time. The marketplace has demonstrated its ability to sort these things out, and I think that through the Clean Air Act, when we try to make things revenue-neutral, I mean alternative fuel-neutral, that this really would skew that the other way.

Therefore, I ask that the Members, even those of us who have supported the ethanol program in the past, this time this amendment is wrong and I ask that the Members vote against it.

Mr. POSHARD. Mr. Chairman, I rise in support of the Jontz-Ewing amendment to H.R. 776, the National Energy Policy Act.

Illinois is one of the great Farm Belt States which feeds this country and the world, and our farmers are among the most productive you can find.

Illinois is also one of the prime locations for taking the corn growth in our fields and turning it into ethanol, a clean-burning additive to ordinary gasoline.

Those are two compelling reasons for me to support this amendment, and I applaud my colleagues for bringing forward for our consideration.

But this measure makes sense for our Nation as a whole.

Requiring greater use of ethanol as an octane enhancer in our gasoline supply helps us fight the clean air battle. Greater use of renewable energy sources helps us kick the habit of depending on imported energy. And expanded markets for corn help secure the future of families and communities throughout rural America.

Within the broad policy goals of this legislation, we can surely make room for ethanol. I am pleased to lend my support to this vital effort and urge my colleagues to do the same.

Mr. MICHEL. Mr. Chairman, this amendment is an excellent example of utilizing the resources we have in this country to enhance our energy independence while at the same time contributing toward a reduction in pollution.

Ethanol, derived from corn, is an American solution for America's problems. Let's use it. This amendment would in essence require that ethanol be used as an octane enhancer in gasoline, replacing crude oil products.

The result will ultimately be a 6 percent reduction in oil imports. Isn't that what we are trying to accomplish in this bill?

Furthermore, the amendment has the potential for doubling the use of ethanol by 1994, and providing for the five-fold increase by 2006. This will lead to a substantial expansion of our domestic ethanol industry with accompanying increases in jobs. In Illinois, we have seen expansion plans placed on hold because of adverse clean air regulations proposed by EPA. Enactment of this amendment will establish a basis for moving ahead with these plans.

Finally, expanded use of ethanol means additional markets for corn. This will benefit our farming community and help to keep down the cost of our Federal support payments.

This amendment benefits us all the way around, and I strongly urge its adoption.

□ 1910

The CHAIRMAN. All time has expired.

The question is on the amendment offered by the gentleman from Indiana [Mr. JONTZ].

The question was taken; and the Chairman announced that the ayes appeared to have it.

RECORDED VOTE

Mr. MOORHEAD. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 198, noes 211, not voting 25, as follows:

[Roll No. 133]

AYES—198

Abercrombie
Alexander
Andrews (NJ)
Annunzio
Applegate
Aspin
Atkins
Barnard
Barrett
Bentley
Bereuter
Berman
Bilbray
Blackwell
Boehner
Borski
Bruce
Bryant
Burton
Cardin
Carper
Clay
Clement
Coleman (MO)
Condit
Conyers
Costello
Cox (IL)
Darden
de la Garza
DeFazio
Dellums
Derrick
Dickinson
Dicks
Dooley
Dorgan (ND)
Durbin
Dwyer
Dymally
Edwards (TX)
Emerson
Engel
Espy
Evans
Ewing
Fascell
Feighan
Flake
Ford (MI)
Ford (TN)
Gallo
Gejdenson
Gekas
Gephardt
Gilchrest
Gillmor
Glickman
Goodling
Gordon

Gunderson
Hall (OH)
Hansen
Hastert
Hatcher
Hayes (IL)
Hefley
Hefner
Hoagland
Hochbrueckner
Holloway
Horn
Horton
Hoyer
Hubbard
Hughes
Hyde
Jenkins
Johnson (SD)
Johnston
Jones (NC)
Jontz
Kanjorski
Kasich
Kennedy
Kildee
Kleczka
Klug
Kopetski
Kostmayer
Lancaster
Lantos
LaRocco
Levin (MI)
Lewis (GA)
Lightfoot
Lipinski
Lloyd
Long
Luken
Marlenee
Martin
Martinez
Mavroules
Mazzoli
McCloskey
McDermott
McEwen
McHugh
McMillen (MD)
Meyers
Mfume
Michel
Miller (OH)
Moakley
Moody
Morrison
Murphy
Murtha
Myers
Nagle
Neal (MA)
Neal (NC)
Nussle
Oberstar
Obey
Olver
Owens (NY)
Owens (UT)
Pallone
Panetta
Pease
Pelosi
Penny
Perkins
Peterson (MN)
Petri
Porter
Poshard
Price
Rahall
Ramstad
Rangel
Ravenel
Richardson
Ridge
Roe
Roemer
Rose
Rostenkowski
Roth
Russo
Sabo
Sanders
Sangmeister
Sarpalius
Savage
Sawyer
Saxton
Scheuer
Schroeder
Schumer
Sensenbrenner
Serrano
Sharp
Sikorski
Skeen
Skelton
Slattery
Slaughter
Smith (FL)
Smith (IA)
Smith (NJ)
Spratt
Staggers
Stallings
Stokes
Swett
Tanner
Taylor (MS)
Thomas (GA)
Thornton
Torricelli
Traficant
Unsoeld
Valentine
Vento
Volkmer
Walsh
Washington
Waters
Weber
Wheat
Williams
Wilson
Wolpe
Yatron
Zimmer

NOES—211

Ackerman
Allard
Allen
Anderson
Andrews (ME)
Andrews (TX)
Archer
Armey
Bacchus
Baker
Ballenger
Barton
Bateman
Beilenson
Bennett
Bevill
Bilirakis
Bliley
Boehlert
Bonior
Boucher
Brewster
Brooks
Broomfield
Browder
Brown
Bunning
Bustamante
Byron
Callahan
Camp
Campbell (CA)
Campbell (CO)
Carr
Chandler
Chapman
Clinger
Coble
Coleman (TX)
Collins (IL)
Collins (MI)
Combest
Cooper
Coughlin
Cox (CA)
Coyne
Cramer
Crane
Cunningham
Dannemeyer
DeLauro
DeLay
Dingell
Dixon
Donnelly
Doolittle
Dornan (CA)
Downey
Dreier
Duncan
Early
Eckart
Edwards (CA)
English
Erdreich
Fawell
Fazio
Fields
Fish
Foglietta
Frank (MA)
Franks (CT)
Frost
Gallegly
Geren
Gilman
Gingrich
Gonzalez
Goss
Gradison
Green
Guarini
Hall (TX)
Hammerschmidt
Hancock
Harris
Hayes (LA)
Henry
Hertel
Hobson
Hopkins
Houghton
Huckaby
Hunter
Hutto
Inhofe
Ireland
Jacobs
James
Jefferson
Johnson (CT)
Johnson (TX)
Kaptur
Kennelly
Kolbe
Kyl
LaFalce
Lagomarsino
Lehman (CA)
Lent
Lewis (CA)
Lewis (FL)
Livingston
Lowey (NY)
Machtley
Manton
Markey
Matsui
McCandless
McCollum
McCrery
McCurdy
McDade
McGrath
McMillan (NC)
McNulty
Miller (CA)
Miller (WA)
Mineta
Mink
Molinari
Mollohan
Montgomery
Moorhead
Moran
Morella
Mrazek
Natcher
Nichols
Nowak
Olin
Ortiz
Orton
Oxley
Packard
Parker
Patterson
Paxon
Payne (VA)
Peterson (FL)
Pickett
Pickle
Pursell
Ray
Reed
Regula
Rhodes
Riggs
Rinaldo
Ritter
Roberts
Rogers
Rohrabacher
Ros-Lehtinen
Roukema
Rowland
Roybal
Santorum
Schaefer
Schiff
Schulze
Shaw
Shays
Shuster
Sisisky
Skaggs
Smith (OR)
Smith (TX)
Snowe
Solarz
Solomon
Spence
Stark
Stearns
Stenholm
Studds
Stump
Sundquist
Swift
Synar
Tallon
Tauzin
Taylor (NC)
Thomas (CA)
Thomas (WY)
Towns
Upton
Vander Jagt
Visclosky
Vucanovich
Walker
Waxman
Weiss
Weldon
Wise
Wolf
Wyden
Yates
Young (AK)
Young (FL)
Zeliff

NOT VOTING—25

Anthony
AuCoin
Boxer
Davis
Edwards (OK)
Gaydos
Gibbons
Grandy
Hamilton
Herger
Jones (GA)
Kolter
Laughlin
Leach
Lehman (FL)
Levine (CA)
Lowery (CA)
Oakar
Pastor
Payne (NJ)
Quillen
Torres
Traxler
Whitten
Wylie

☐ 1932

Mrs. COLLINS of Illinois, Messrs. MACHTLEY, ENGLISH, SOLARZ, HANCOCK, KAPTUR, and MRAZEK, Mrs. LOWEY of New York, and Mr. DOWNEY changed their vote from "aye" to "no."

Messrs. BILBRAY, RICHARDSON, SKEEN, ZIMMER, SAVAGE, KENNEDY, GORDON, and ABERCROMBIE changed their vote from "no" to "aye."

So the amendment was rejected.

The result of the vote was announced as above recorded.

PERSONAL EXPLANATION

Mr. TORRES. Mr. Chairman, during rollcall vote No. 133, the Jontz amendment, H.R. 776 I was unavoidably detained. Had I been present I would have voted "yea."

PERSONAL EXPLANATION

Mr. PASTOR. Mr. Chairman, during rollcall vote No. 133, the Jontz amendment, H.R. 776 I was unavoidably detained. Had I been present I would have voted "yea."

The CHAIRMAN. It is now in order to consider amendment No. 6 printed in House Report 102-528.

For what purpose does the gentleman from Texas [Mr. HALL] rise?

AMENDMENT OFFERED BY MR. HALL OF TEXAS

Mr. HALL of Texas. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. HALL of Texas: Page 309, line 21, strike the closing quotation marks and period.

Page 309, after line 21, insert the following:

"(k) TRANSMISSION WITHIN ERCOT SYSTEM.—(1) Except as otherwise provided in this subsection, no order under section 211 shall require any transmitting utility which is a member of the Electric Reliability Council of Texas ('ERCOT') to transmit electric energy to any other entity where the transmission service originates within, is provided wholly within, and terminates within the service territory located in Texas of one or more electric utilities which is a member of ERCOT and which is subject to the transmission authorities of the Public Utility Commission of Texas.

"(2) During 30-day period commencing 5 years after the enactment of this subsection (and during each 30-day period which commences at successive 5-year intervals thereafter) any interested person may submit a petition to the Commission to make a determination regarding whether the regulations of the Public Utility Commission of Texas provide a degree of open and nondiscriminatory access to transmission service within the service territories referred to in paragraph (1) which is generally equivalent to the degree of transmission access which would be provided if the provisions of section 211 were applicable in such service territories. The Commission shall make a determination pursuant to any such petition within 6 months after the date on which the petition is filed. If, after notice and opportunity for a hearing on the record, such person establishes to the satisfaction of the Commission that the degree of such access to transmission service is not generally equivalent, paragraph (1) shall cease to apply.".

The CHAIRMAN. Under the rule, the gentleman from Texas [Mr. HALL] will be recognized for 5 minutes, and a Member opposed to the amendment will be recognized for 5 minutes.

The Chair recognizes the gentleman from Texas [Mr. HALL].

Mr. HALL of Texas. Mr. Chairman, I will ask unanimous consent to withdraw my amendment in a moment, but before I do I think it is important that I clear up some misconceptions about the amendment.

The amendment does not exempt Texas from having an open and nondiscriminatory power transmission system. In fact, the State of Texas already has just such a policy in place as the result of very forward-thinking actions by the Texas Public Utility Commission.

My amendment simply precludes double regulation for one State, a State that was way ahead of everyone else in self-regulation.

Mr. Chairman, the situation in Texas is truly a unique situation. As some of you know, the power pool for Texas called the Electric Reliability Council of Texas, or ERCOT for short, is the only power pool in the Nation which is wholly contained within one State. So intrastate is the name of the game, much as it is in Alaska where they cannot have interconnections and be in Interstate Commerce, much like Hawaii where the water's edge stops it. Actually, since interconnections between ERCOT utilities and those situated outside the State are virtually nonexistent, Interstate Commerce subject to Federal regulation simply does not take place, and therefore ERCOT utilities are not subject to the Federal Energy Regulatory Commission authority that would normally occur pursuant to the Federal Power Act.

My concern with the transmission portion of H.R. 776 is simply this: The bill would give FERC new authority or transmission which occurs wholly in the State of Texas, and in doing so it would make the actions of the Texas PUC over the last 10 years completely irrelevant and damaging to contracts that are in existence. By taking away the authority of the Texas PUC to govern power transactions which occur wholly within ERCOT, we would be punishing the most progressive State regulatory authority in the country with respect to electricity generation and transmission.

Now, as a safeguard, the amendment also would insure that FERC could review the Texas PUC rules every 5 years to guarantee that the Texas system is at least as open and nondiscriminatory as the rest of the country. If the FERC determined that Texas rules were not as effective as those at the Federal level, then the FERC with their gargantuan appetite for power over States could extend its jurisdiction over ERCOT.

I felt that my amendment was exceedingly fair, but unfortunately we have been unable to reach a total compromise on this issue very important to us. We cannot take a chance on it getting knocked out at this stage.

With this in mind, I will be withdrawing my amendment today in the hope that this situation can be resolved during the conference committee meeting in the coming months.

Mr. Chairman, I want to extend my thanks to the very capable chairman of the Committee on Energy and Commerce, the gentleman from Michigan [Mr. DINGELL] and all the others who have worked with me over the last 2 months on this issue.

Mr. Chairman, I yield to the gentleman from Michigan [Mr. DINGELL].

Mr. DINGELL. Mr. Chairman, I thank the gentleman for yielding to me.

I appreciate my good friend and colleague, the gentleman from Texas, for withdrawing his amendment. I understand his concerns.

The Texas Public Utility Commission currently regulates certain aspects of the intra-ERCOT transmission system. The ability of the Texas PUC to continue to regulate Texas utilities is of great importance. It is also important that the standards of transmission embodied in H.R. 776 be maintained. I believe that we can meld the concerns that the PUC in Texas has in this regard to continuing to regulate the Texas utilities and to issue regulations of concern to it with the concern that Texas regulations be at least as protective of transmission rights as is H.R. 776. I intend to see to it that the concerns of the gentleman here are met.

I give the gentleman from Texas my word on this. I will work with him on these issues as we consider H.R. 776 in conference and try to see to it that we work out something that satisfies my dear friend, the gentleman from Texas, who has been of great assistance in processing this legislation.

Mr. HALL of Texas. Mr. Chairman, I thank the gentleman.

Mr. Chairman, I would like to ask the views of the gentleman from Indiana [Mr. SHARP], and I yield to the gentleman from Indiana.

Mr. SHARP. Mr. Chairman, I certainly recognize the concerns of the gentleman and will continue to work with him to fashion an appropriate balance between the State and the Federal rule.

Mr. LENT. Mr. Chairman, will the gentleman yield?

Mr. HALL of Texas. I yield to the gentleman from New York.

Mr. LENT. Mr. Chairman, I thank the gentleman for yielding to me.

Mr. Chairman, I, too, recognize the concerns of the gentleman from Texas with the regulation of transmission inside ERCOT and will be happy and pleased to work with the gentleman to fashion an appropriate solution.

The CHAIRMAN. Does any Member wish to speak in opposition to the amendment?

The Chair hears none.

Mr. HALL of Texas. Mr. Chairman, I thank all these gentlemen, and with these assurances, I ask unanimous consent to withdraw my amendment.

The CHAIRMAN. Is there objection to the request of the gentleman from Texas?

There was no objection.

The CHAIRMAN. The amendment offered by the gentleman from Texas [Mr. HALL] is withdrawn.

It is now in order to consider amendment No. 7 printed in House Report 102–528.

□ 1940

AMENDMENT OFFERED BY MR. CLEMENT

Mr. CLEMENT. Mr. Chairman, I offer an amendment made in order.

The CHAIRMAN. The clerk will designate the amendment.

The test of the amendment is as follows:

Amendment offered by Mr. CLEMENT. On page 719, strike line 20 and all that follows through Page 727, line 3, and insert the following (and redesignate the subsequent provisions, and conform the table of contents, accordingly):

Subtitle A—Combined Construction Permit and Operating License

SEC. 2801. COMBINED LICENSES.

Section 185 of the Atomic Energy Act of 1954 (42 U.S.C. 2235) is amended—

(1) in the heading for such section by adding "and Operating Licenses" after "Permits";

(2) by adding a subsection designator "a." before "All applicants for licenses"; and

(3) by adding at the end the following new subsection:

"b. After holding a public hearing under section 189 a. (1)(A), the Commission shall issue to the applicant a combined construction and operating license if the application contains sufficient information to support the issuance of a combined license and the Commission determines that there is reasonable assurance that the facility will be constructed and will operate in conformity with the license, the provisions of this Act, and the Commission's rules and regulations. The Commission shall identify within the combined license the inspections, tests, and analyses, including those applicable to emergency planning, that the licensee shall perform, and the acceptance criteria that, if met, are necessary and sufficient to provide reasonable assurance that the facility has been constructed and will be operated in conformity with the license, the provisions of this Act, and the Commission's rules and regulations. Following issuance of the combined license, the Commission shall ensure that the prescribed inspections, tests, and analyses are performed and, prior to operation of the facility, shall find that the prescribed acceptance criteria are met. Any finding made under this subsection shall not require a hearing except as provided in section 189 a. (1)(B).".

SEC. 2802. POST-CONSTRUCTION HEARINGS ON COMBINED LICENSES.

Section 189 a. (1) of the Atomic Energy Act of 1954 (42 U.S.C. 2239(a)(1)) is amended—

(1) by adding a subparagraph designator "(A)" before "In any proceeding under this Act,"; and

(2) by adding after subparagraph (A) the following new subparagraph:

"(B)(i) Not less than 180 days before the date scheduled for initial loading of fuel into a plant by a licensee that has been issued a combined construction permit and operating license under section 185 b., the Commission shall publish in the Federal Register notice of intended operation. That notice shall provide that any person whose interest may be affected by operation of the plant, may within 60 days request the Commission to hold a hearing on whether the facility as constructed complies, or on completion will comply, with the acceptance criteria of the license.

"(ii) A request for hearing under clause (i) shall show, prima facie, that one or more of the acceptance criteria in the combined license have not been, or will not be met, and the specific operational consequences of nonconformance that would be contrary to providing reasonable assurance of adequate protection of the public health and safety.

"(iii) After receiving a request for a hearing under clause (i), the Commission expeditiously shall either deny or grant the request. If the request is granted, the Commission shall determine, after considering petitioners' prima facie showing and any answers thereto, whether during a period of interim operation, there will be reasonable assurance of adequate protection of the public health and safety. If the Commission determines that there is such reasonable assurance, it shall allow operation during an interim period under the combined license.

"(iv) The Commission, in its discretion, shall determine appropriate hearing procedures, whether informal or formal adjudicatory, for any hearing under clause (i), and shall state its reasons therefor.

"(v) The Commission shall, to the maximum possible extent, render a decision on issues raised by the hearing request within 180 days of the publication of the notice provided by clause (i) or the anticipated date for initial loading of fuel into the reactor, whichever is later. Commencement of operation under a combined license is not subject to subparagraph (A).".

SEC. 2803. RULEMAKING.

The Nuclear Regulatory Commission shall propose regulations implementing sections 185 b. and 189 a. (1)(B) of the Atomic Energy Act of 1954, as added by sections 2801 and 2802 of this Act, not later than 1 year after the date of enactment of this Act.

SEC. 2804. AMENDMENT OF A COMBINED LICENSE PENDING A HEARING.

Section 189 a. (2) of the Atomic Energy Act of 1954 (42 U.S.C. 2239(a)(2)) is amended by inserting "or any amendment to a combined construction and operating license" after "any amendment to an operating license" each time it occurs.

SEC. 2805. JUDICIAL REVIEW.

Section 189 b. of the Atomic Energy Act of 1954 (42 U.S.C. 2239(b)) is amended by inserting "or any final order allowing or prohibiting a facility to begin operating under a combined construction and operating license" before "shall be subject to judicial review".

SEC. 2806. EFFECT ON PENDING PROCEEDINGS.

Sections 185 b. and 189 a. (1)(B) of the Atomic Energy Act of 1954, as added by sections 2801 and 2802 of this Act, shall apply to all proceedings involving a combined license for which an application was filed after May 8, 1991, under such sections.

SEC. 2807. CONFORMING AMENDMENT.

The table of contents of the Atomic Energy Act of 1954 is amended by amending the item relating to section 185 to read as follows:

"Sec. 185. Construction Permits and Operating Licenses.".

The CHAIRMAN. Under the rule, the gentleman from Tennessee [Mr. CLEMENT] will be recognized for 20 minutes, and a Member opposed will be recognized for 20 minutes.

The Chair recognizes the gentleman from Tennessee [Mr. CLEMENT].

Mr. Chairman, I yield 10 minutes of my time on the Clement-Barton amendment to my distinguished colleague, the gentleman from Texas [Mr. BARTON], and I ask unanimous consent that he may control the time.

The CHAIRMAN. Is there objection to the request of the gentleman from Tennessee?

There was no objection.

Mr. CLEMENT. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I rise in support of the bipartisan amendment offered by myself and Congressman JOE BARTON from Texas and cosponsored by over 150 of our colleagues. I support this amendment for a number of different reasons, but the main reason is actually very simple: it makes no sense whatsoever to continue to deny ourselves a proven, safe, and environmentally beneficial source of electricity—nuclear energy.

While I fully support measures like conservation, solar power, coal, oil, wind power, water power, and alternative energy fuels—all these measures put together will not negate the need to construct significant new base load capacity. By itself, nuclear energy cannot solve America's energy problems either. But I do not believe it is sound public policy to rule it out as a component to our Nation's energy strategy.

We also face the responsibility of protecting our environment from the dangers of greenhouse gas emissions and acid rain. It is the only major source of electricity generation that does not emit greenhouse gases.

We must remove the regulatory barriers which have resulted in such colossal boondoggles as Shoreham and Watts Bar nuclear plant which is located in my State, Tennessee, which have resulted in literally billions and billions of ratepayer dollars being spent and wasted.

Our No. 1 goal in the Clement-Barton amendment is to protect the public's right to fully participate in the construction and licensing of a nuclear energy plant. We have four separate public hearing phases under our proposal as opposed to two hearing phases under the pre-1989 licensing procedure.

The chart that I have before me points out about the various hearings, about the judicial review and about the various inspections through the new process.

The NRC estimates that it will take 6 years, even under the new process, before you even begin plant construction under the reform process.

These licensing reform measures would reduce the absurd 14-year timeframe for building and licensing nuclear energy plants in the United States to 6 years, and save the ratepayers billions and billions in unnecessary regulatory costs.

I know what the problems are because I served on the Tennessee Valley Authority board of directors for several years and I had first line experience when it comes to waste and mismanagement and regulatory lag that cost the ratepayers billions of dollars that it should not have cost. And when you talk about utility costs, you are talking about the necessities of life, about bills that people have to pay.

Mr. Chairman, the new process is predictable and allows for full public participation. I urge my colleagues to support the Clement-Barton amendment to assure the public's right to participate in the nuclear licensing process.

Mr. BLILEY. Mr. Chairman, will the gentleman yield?

Mr. CLEMENT. I yield to the gentleman from Virginia [Mr. BLILEY].

Mr. BLILEY. Mr. Chairman, I rise in strong support of the Barton-Clement amendment.

Mr. Chairman, I rise in support of the Barton amendment on nuclear licensing reform.

We all want to ensure public participation in the nuclear licensing process. The Barton amendment guarantees public participation at three different stages in plant construction and the right to judicial review of NRC decisions. We all want to ensure that nuclear plants will be subject to the strictest scrutiny to guarantee their safety. The Barton amendment accomplishes this through three separate hearings before construction on all siting and design safety issues. The Barton amendment preserves all rights in the licensing process except one: the right to delay plant operation for no good reason. Under the Barton amendment, the public has a right to a preoperational hearing only if there is a good faith showing that the plant was not constructed in accord with its federally certified design.

The Barton amendment would delete provisions attached to H.R. 776 by the Interior Committee, called the Miller amendment, that guarantees lengthy delays in nuclear plant operation after the completion of construction. In their place, the Barton amendment would substitute the nuclear reform provisions approved by the Senate in their energy legislation, S. 2166. For those of us who remember the Seabrook and Shoreham fiascos, the Miller amendment guarantees that any nuclear plant built in the future will be another white elephant like Seabrook or a Shoreham.

Actually, there will be no more Seabrooks or Shorehams under the Miller amendment. That is because there will be no more nuclear plants under the Miller amendment. No utility in its right mind will order a nuclear plant, borrow $3 billion, and manage the construction and licensing over a period of 8 to 10 years, if there is a prospect that the plant will have to sit idle for 4 years while financing costs go through the roof.

If you want to kill nuclear energy, you should oppose the Barton amendment. If you believe nuclear energy should be an option in this country's energy future, you must support the Barton amendment.

Mr. DELAY. Mr. Chairman, I rise in opposition to the amendment offered by Mr. MARKEY.

The State of Texas has successfully protected the property rights of natural resource owners for over 60 years. The system of prorationing in Texas has been used to meet market demand while not interfering in the market price of natural gas.

Prorationing is used to encourage development of Texas' crude oil and natural gas resources in an economically efficient and environmentally responsible manner. The courts have consistently ruled that prorationing systems are constitutional. Prorationing is used in Texas to protect the correlative rights of property owners.

Texas produces more gas than any other State in the Union. Texas is also the largest consumer of natural gas. Most of the gas produced in the State of Texas is also consumed within the State—over 63 percent. It simply would not make any sense for the Texas Railroad Commission to try to artificially raise the price of natural gas when over 63 percent of the increase would have to be covered by Texans themselves. We would only be hurting ourselves.

This amendment would strip away from Texas the right to manage and conserve its own natural resources. We should not take the rights of Texas away.

I urge my colleagues to protect the rights of property owners and oppose the Markey amendment.

Mr. CLEMENT. Mr. Chairman, I reserve the balance of my time.

The CHAIRMAN. Is the gentleman from California [Mr. MILLER] opposed to the amendment?

Mr. MILLER of California. Yes, Mr. Chairman, I am.

The CHAIRMAN. The gentleman from California [Mr. MILLER] will be recognized for 20 minutes.

Mr. MILLER of California. Mr. Chairman, I yield myself 4 minutes.

Mr. Chairman, this amendment is not about whether you are for or against nuclear power. This issue is not whether nuclear power is going to go forward in this country. This amendment is about whether or not we are going to do it in a manner which will have the confidence of the American people as they are presented with the options in the future about the siting of nuclear facilities in their State, in their counties, in their communities, and whether or not we will have a process that brings about the confidence that this industry has not enjoyed over the past 30 years.

Mr. Chairman, this is an industry that has essentially been brought to its knees by the American people; brought to its knees by the American people because it lacked confidence, because so many problems were found through the planning and operation of these facilities, not just with the questions of safety but cost overruns and all that goes with it.

The big distinction between Mr. BARTON's amendment and our amendment is that after you have the one-stop licensing which we both allow for, after you have the safety reactor designs which we both allow for, after you have the early site permits which we both allow for, after you have the standard design certifications which we both allow for, after you have the combined construction and operating licenses which we both allow for, and after you have the preoperation hearing on compliances which we both allow for, will we give the public confidence?

Mr. Chairman and Members of the House, both of these processes are for a new streamlined procedure for consideration of nuclear power; both of them allow for the one-step licensing and the combined licensing and the certifications and new design. The question will be that from the time when you were first licensed and you went through and finally got to construction, and the time it took to construct these facilities, when we know of new evidence, when we know of new, significant material, not dilatory material, but significant to the operation and/or the safety of this facility's compliance with how we told the public it would be built, would we be entitled to a hearing? Would the American people be entitled to that hearing?

The answer, in the Barton-Clement amendment, is "no." "You can petition, but you are not entitled," as Mr. SHARP has referred to, to "one last look to see whether or not this has been done in a fashion in which people expected it to be done." That is the distinction, that is the distinction in these amendments.

Is the preservation of the right of the American public to be involved in this decision? This is an industry, as its paranoia has grown over the years, it has tried more and more and more to close out the public, and it is an industry that has fallen in greater and greater disfavor with the public.

Mr. Chairman, this is an effort to combine the best of what we have learned over the last 30 years in terms of streamlining, in terms of combined permitting and operations of these facilities. But it also addresses a fundamental problem with respect to this industry, and that is the confidence, the confidence of the American people about this industry as we now think about it embarking on a new generation of, hopefully, safer, smaller, more productive plants than what we have in this country now. And that will not go forward if the people are not able to address significant new issues that may have arisen during that time of construction.

□ 1950

Mr. Chairman, that is all we do. That is all we do. And yet we are told somehow that that would bring down this industry if they had to subject themselves to the hearing.

The other thing we do is we ask what was the operating experience for a plant that is going for relicensing. What did we learn during the 30 years that that plant was in operation? Somehow if we ask that question on the record, it will bring down this industry.

Mr. Chairman, I reserve the balance of my time.

Mr. SHARP. Mr. Chairman, I move that the Committee do now rise.

The motion was agreed to.

Accordingly the Committee rose; and the Speaker pro tempore (Mr. ROEMER) having assumed the chair, Mr. SKAGGS, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee having had under consideration the bill (H.R. 776) to provide for improved energy efficiency had come to no resolution thereon.

CONFERENCE REPORT ON H.R. 4990, RESCINDING CERTAIN BUDGET AUTHORITY

Mr. MURTHA submitted the following conference report and statement on the bill (H.R. 4990) rescinding certain budget authority, and for other purposes:

CONFERENCE REPORT (H. REPT. 102-530)

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R.-4990) rescinding certain budget authority, and for other purposes, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendment of the Senate to the bill, and agree to the same with an amendment as follows:

In lieu of the matter stricken and inserted by said amendment insert:

TITLE I

DEPARTMENT OF AGRICULTURE, RURAL DEVELOPMENT, FOOD AND DRUG ADMINISTRATION, AND RELATED AGENCIES

DEPARTMENT OF AGRICULTURE

COOPERATIVE STATE RESEARCH SERVICE

(RESCISSION)

Of the funds made available under this heading in Public Law 102–142, $849,000 are rescinded for special research grants, as follows:

Appalachian hardwoods, $750,000;

Integrated orchard management, $49,000; and

Seedless table grapes, $50,000.

BUILDINGS AND FACILITIES

(RESCISSION)

Of the funds made available under this heading in Public Law 102–142, $500,000 for a facility road are rescinded.

FARMERS HOME ADMINISTRATION

SALARIES AND EXPENSES

(RESCISSION)

Of the funds made available under this heading in Public Law 102–142, $13,031,000 are rescinded; of which $10,031,000 was made available for ADP related activities and $3,000,000 was made available for travel expenses.

TITLE II

DEPARTMENTS OF COMMERCE, JUSTICE, AND STATE, THE JUDICIARY, AND RELATED AGENCIES

DEPARTMENT OF COMMERCE

ECONOMIC DEVELOPMENT ADMINISTRATION

ECONOMIC DEVELOPMENT REVOLVING FUND

(RESCISSION)

Of the unobligated balances in the Economic Development Revolving Fund, $3,000,000 are rescinded.

NATIONAL TELECOMMUNICATIONS AND INFORMATION ADMINISTRATION

PUBLIC TELECOMMUNICATIONS FACILITIES, PLANNING AND CONSTRUCTION

(RESCISSION)

Of the funds made available under this heading in Public Law 102–140, $3,000,000 are rescinded.

DEPARTMENT OF JUSTICE

IMMIGRATION EMERGENCY FUND

(RESCISSION)

Of the funds made available under this heading in Public Law 101–162, $4,400,000 are rescinded.

DEPARTMENT OF STATE

ADMINISTRATION OF FOREIGN AFFAIRS

ACQUISITION AND MAINTENANCE OF BUILDINGS ABROAD

(RESCISSION)

Of the funds available under this head for acquisition and development of a site for a United States Embassy building in Kuwait, $6,025,000 are rescinded.

RELATED AGENCIES

BOARD FOR INTERNATIONAL BROADCASTING

ISRAEL RELAY STATION

(RESCISSION)

Of the funds made available under this heading in Public Law 101–162, $5,000,000 are rescinded.

TITLE III

DEPARTMENT OF DEFENSE—MILITARY

OPERATION AND MAINTENANCE

OPERATION AND MAINTENANCE, ARMY

(RESCISSION)

Of the funds made available under this heading in Public Law 102–172, the following funds are hereby rescinded from the following programs in the specified amounts:

General Defense Intelligence Program, $5,370,000;

Consolidated Cryptologic Program, $6,900,000;

Meals Ready to Eat (MRE), $12,052,000;

Secretary of the Army Staff, $7,700,000;

Chief of Staff, Army Staff, $5,700,000;

Travel, $10,000,000;

Printing, $9,900,000;

Supplies and Materials Purchases, $200,000,000; and

Motor Pool Activities, $6,300,000.

OPERATION AND MAINTENANCE, NAVY

(RESCISSION)

Of the funds made available under this heading in Public Law 102–172, the following funds are hereby rescinded from the following programs in the specified amounts:

General Defense Intelligence Program, $8,361,000;

Consolidated Cryptologic Program, $8,300,000;

Meals Ready to Eat (MRE), $130,000;

Secretary of the Navy Staff, $1,800,000;

Travel, $33,000,000;

Printing, $6,200,000;

START Treaty Implementation, $5,800,000;

Supplies and Materials Purchases, $200,000,000; and

Motor Pool Activities, $4,500,000.

OPERATION AND MAINTENANCE, MARINE CORPS

(RESCISSION)

Of the funds made available under this heading in Public Law 102–172, the following funds are hereby rescinded from the following programs in the specified amounts:

Meals Ready to Eat (MRE), $7,166,000.

OPERATION AND MAINTENANCE, AIR FORCE

(RESCISSION)

Of the funds made available under this heading in Public Law 102–172, the following funds are hereby rescinded from the following programs in the specified amounts:

General Defense Intelligence Program, $20,546,000;

Consolidated Cryptologic Program, $6,400,000;

Meals Ready to Eat (MRE), $652,000;

Travel, $43,000,000;

START Treaty Implementation, $4,200,000;

Motor Pool Activities, $5,000,000;

General Reduction, Inappropriate Use of Funds, $4,200,000; and

Supplies and Materials Purchases, $200,000,000.

OPERATION AND MAINTENANCE, DEFENSE AGENCIES

(RESCISSION)

Of the funds made available under this heading in Public Law 102–172, the following funds are hereby rescinded from the following programs in the specified amounts:

General Defense Intelligence Program, $14,970,000;

Consolidated Cryptologic Program, $20,000,000;

Coordinator for Drug Enforcement Policy and Support, $1,000,000;

START Treaty Implementation, $16,300,000; and

Supplies and Materials Purchases, $400,000,000.

PROCUREMENT

AIRCRAFT PROCUREMENT, ARMY

(RESCISSION)

Of the funds made available under this heading in Public Law 102–172, the following funds are hereby rescinded from the following programs in the specified amounts:

Miscellaneous unobligated balances, $11,000,000.

Of the funds made available under this heading in Public Law 102–511, the following funds are hereby rescinded from the following programs in the specified amounts:

MPLH deployment kits, $13,100,000.

MISSILE PROCUREMENT, ARMY

(RESCISSION)

Of the funds made available under this heading in Public Law 102–172, the following funds are hereby rescinded from the following programs in the specified amounts:

Miscellaneous unobligated balances, $13,800,000.

PROCUREMENT OF WEAPONS AND TRACKED COMBAT VEHICLES, ARMY

(RESCISSION)

Of the funds made available under this heading in Public Law 102–172, the following funds are hereby rescinded from the following programs in the specified amounts:

Bradley Fighting Vehicle advance procurement, $50,000,000; and

M1 Tanks, $46,300,000.

Of the funds made available under this heading in Public Law 101–511, the following funds are hereby rescinded from the following program in the specified amount:

M1 Tanks, $150,000,000.

Of the funds made available under this heading in Public Law 101–165, the following funds are hereby rescinded from the following program in the specified amount:

Host Nation Support, $10,700,000.

OTHER PROCUREMENT, ARMY

(RESCISSION)

Of the funds made available under this heading in Public Law 102–165, the following funds are hereby rescinded from the following programs in the specified amounts:

PSYOP Equipment (SOF), $1,300,000.

AIRCRAFT PROCUREMENT, NAVY

(RESCISSION)

Of the funds made available under this heading in Public Law 102–172, the following funds are hereby rescinded from the following programs in the specified amounts:

E–2C advance procurement, $39,000,000;

EP–3 series modifications, $15,000,000; and

SH–2 series modifications, $103,000,000.

WEAPONS PROCUREMENT, NAVY

(RESCISSION)

Of the funds made available under this heading in Public Law 102–172, the following funds are hereby rescinded from the following programs in the specified amounts:

Trident II, $100,000,000;

Personal defense weapon, $11,638,000; and

Rockeye PIP, $4,000,000.

Of the funds made available under this heading in Public Law 101–511, the following funds are hereby rescinded from the following program in the specified amount:

Phoenix missile modification, $60,000,000.

SHIPBUILDING AND CONVERSION, NAVY

(RESCISSION)

Of the funds made available under this heading in Public Law 102–172, the following funds are hereby rescinded from the following programs in the specified amounts:

SSN–21, $1,150,000,000;

AOE fast combat support ship, $300,000,000: Provided, That the $200,000,000 remaining shall be available for obligation for advance procurement of long-lead material, equipment, and engineering services for the AOE–10.

OTHER PROCUREMENT, NAVY

(RESCISSION)

Of the funds made available under this heading in Public Law 102–172, the following funds are hereby rescinded from the following programs in the specified amounts:

Ship Systems Trainer, $12,000,000;

Submarine Combat System Trainers (SSN–21), $149,400,000;

SSN–21 Trainers, $17,900,000;

Nuclear Components (SSN–21), $22,100,000;

SURTASS, $4,000,000;

AN/SLQ–32(V), $1,300,000;

Firefighting Equipment, $15,000,000;

Intelligence Support Equipment, $2,453,000; and

General Reduction, Installation of Equipment, $100,000,000.

Of the funds made available under this heading in Public Law 101–511, the following funds are hereby rescinded from the following program in the specified amount:

General Reduction, Installation of Equipment, $130,000,000.

Of the funds made available under this heading in Public Law 101–165, the following funds are hereby rescinded from the following programs in the specified amounts:

Point Defense Support Equipment, $20,500,000;

Productivity Investment Fund, $15,000,000; and

General Reduction, Installation of Equipment, $100,000,000.

PROCUREMENT, MARINE CORPS

(RESCISSION)

Of the funds made available under this heading in Public Law 102–172, the following funds are hereby rescined from the following programs in the specified amounts:

Tactical Intelligence Enhancements, $12,500,000; and

Night Vision Equipment, $15,000,000.

Of the funds made available under this heading in Public Law 101–511, the following funds are hereby rescinded from the following programs in the specified amounts:

AAV7A1 product improvement, $6,500,000;

Telecommunications equipment, $5,000,000; and

Amphibious fuel system, $2,500,000.

AIRCRAFT PROCUREMENT, AIR FORCE

(RESCISSION)

Of the funds made available under this heading in Public Law 102–172, the following funds are hereby rescinded from the following programs in the specified amounts:

B–2, $500,000,000; and

VC–137 replacement aircraft, $7,012,000.

Of the funds made available under this heading in Public Law 101–165, the following funds are hereby rescinded from the following programs in the specified amounts:

AC–130U Gunship (SOF), $9,000,000; and

Common Support Equipment (SOF), $1,100,000.

MISSILE PROCUREMENT, AIR FORCE

(RESCISSION)

Of the funds made available under this heading in Public Law 102–172, the following funds are hereby rescinded from the following programs in the specified amounts:

Peacekeeper (M–X), $73,000,000;

Advanced Cruise Missile, $344,000,000; and

Special programs, $35,000,000.

Of the funds made available under this heading in Public Law 101–511, the following funds are hereby rescinded from the following program in the specified amount:

Peacekeeper (M–X), $112,200,000.

Of the funds made available under this heading in Public Law 101–165, the following funds are hereby rescinded from the following program in the specified amount:

SRAM II, $6,415,000.

OTHER PROCUREMENT, AIR FORCE

(RESCISSION)

Of the funds made available under this heading in Public Law 102–172, the following funds are hereby rescinded from the following programs in the specified amounts:

Selected Activities, $106,900,000; and

Intelligence Production Activity, $2,124,000.

Of the funds made available under this heading in Public Law 101-511, the following funds are hereby rescinded from the following program in the specified amount:

Base Support—Mobility Equipment, $10,000,000.

PROCUREMENT, DEFENSE AGENCIES

(RESCISSION)

Of the funds made available under this heading in Public Law 102-172, the following funds are hereby rescinded from the following program in the specified amount:

Classified Equipment, $10,700,000.

RESEARCH, DEVELOPMENT, TEST AND EVALUATION

RESEARCH, DEVELOPMENT, TEST AND EVALUATION, ARMY

(RESCISSION)

Of the funds made available under this heading in Public Law 102-172, the following funds are hereby rescinded from the following programs in the specified amounts:

Aircraft Propulsion (LH), $11,800,000;

Advanced Tank Cannon (ATAC), $3,500,000;

Tractor Jewel, $22,000,000;

Tractor Pull, $8,200,000;

Tractor Helm, $70,000,000;

Anti-Satellite Weapon, $16,000,000;

General Reduction, Contractor Travel, $6,000,000; and

Forward Area Air Defense (FADD), $51,000,000.

Of the funds made available under this heading in Public Law 101-511, the following funds are hereby rescinded from the following programs in the specified amounts:

Combat Vehicle Improvement Program, $2,500,000; and

Armament Enhancement Initiative, $9,900,000.

RESEARCH, DEVELOPMENT, TEST AND EVALUATION, NAVY

(RECESSION)

Of the funds made available under this heading in Public Law 102-172, the following funds are hereby rescinded from the following programs in the specified amounts:

Joint Direct Attack Munition, $5,000,000;

Trident II (Non-Drell Commission), $15,500,000;

EMPRESS II Testing, $1,000,000;

MK-30 Target, $10,000,000;

Target Systems Development, $4,900,000;

Aegis Combat System Engineering, $5,000,000;

General Reduction, Contractor Travel, $9,000,000;

Submarine Support Equipment, $10,000,000;

Anti-Air Warfare/Anti-Surface Warfare Technology, $1,400,000;

Ship Towed Array, $6,100,000;

Industrial Preparedness (Acquisition Workforce Training), $5,000,000;

Joint Advanced Systems, $46,000,000; and

Technical Reconnaissance and Surveillance, $3,656,000.

Of the funds made available under this heading in Public Law 101-511, the following funds are hereby rescinded from the following programs in the specified amounts:

Support Equipment, $3,000,000; and

A-12, $11,350,000.

RESEARCH, DEVELOPMENT, TEST AND EVALUATION, AIR FORCE

(RESCISSION)

Of the funds made available under this heading in Public law 102-172, the following funds are hereby rescinded from the following programs in the specified amounts:

Small ICBM, $300,000,000;

F-16 Squadrons, $10,700,000;

F-15E Squadrons, $19,000,000;

Special Projects, $46,000,000;

Night/Precision Attack, $17,200,000;

Forest Green, $2,400,000;

National Launch System, $5,000,000;

Special Activities, $228,000,000;

General Reduction, Contractor Travel, $11,000,000; and

Advanced Technology Development, Undistributed Reduction, $50,000,000.

Of the funds made available under this heading in Public Law 101-511, the following funds are hereby rescinded from the following programs in the specified amounts:

SRAM II-Engineering Development, $7,700,000;

SRAM-T, $2,000,000; and

Special Activities, $30,000,000.

RESEARCH, DEVELOPMENT, TEST AND EVALUATION, DEFENSE AGENCIES

(RESCISSION)

Of the funds made available under this heading in Public Law 102-172, the following funds are hereby rescinded from the following programs in the specified amounts:

Manufacturing Technology (DARPA), $4,000,000;

Defense Nuclear Agency, $15,000,000;

Strategic Environmental R&D, $40,000,000;

General Reduction, Contractor Travel, $11,000,000;

AIM-9 Consolidated Program, $21,400,000;

Defense Reconnaissance Support Program, $25,000,000;

Manufacturing Technology, $80,000,000;

OSD Support, $20,000,000;

NATO R&D, $10,000,000;

Cryptologic Activities, $5,700,000;

Joint Simulation, $20,000,000;

Manufacturing Managers in the Classroom, $5,000,000; and

Strategic Defense Initiative, $200,000,000.

Of the funds made available under this heading in Public Law 101-511, the following funds are hereby rescinded from the following programs in the specified amounts;

Strategic Environmental R&D, $50,000,000;

Balanced Technology Initiative, $5,000,000; and

Joint Standoff Weapons, $5,000,000.

REVOLVING AND MANAGEMENT FUNDS

PENTAGON RESERVATION MAINTENANCE REVOLVING FUND

(RESCISSION)

Of the funds available in the Pentagon Reservation Maintenance Revolving Fund, $80,100,000 are hereby rescinded.

NATIONAL DEFENSE STOCKPILE TRANSACTION FUND

(RESCISSION)

Of the funds available in the National Defense Stockpile Transaction Fund, $230,000,000 are hereby rescinded.

RELATED AGENCIES

INTELLIGENCE COMMUNITY STAFF

(RESCISSION)

Of the funds made available under this heading in Public Law 102-172, the following funds are hereby rescinded from the following program in the specified amount:

Intelligence Community Staff, $500,000.

GENERAL PROVISIONS

SEC. 301. Funds available to the Department of Defense which were proposed for rescission by the President for programs, projects, or activities listed in the justification accompanying the rescission messages dated March 10, March 20, and April 9, 1992, and which are not specifically rescinded by this Act in response to the President's request shall be made available for obligation for the same programs, projects, and activities as described in the messages of March 10, March 20, and April 9, 1992.

SEC. 302. Section 401 of the Department of Defense Appropriations Act, 1992 (Public Law 102-172) is hereby amended by inserting ", foundation" after the word "college" and inserting after "Provided," the following, "That the Secretary of Defense shall review grants totalling $115,900,000 and specified previously in this title and shall award such amounts as he deems appropriate based on the potential contribution each proposed project may make to the national scientific and technical posture: Provided further,".

TITLE IV

ENERGY AND WATER DEVELOPMENT

DEPARTMENT OF DEFENSE—CIVIL

DEPARTMENT OF THE ARMY

CORPS OF ENGINEERS—CIVIL

GENERAL EXPENSES

(RESCISSION)

Of the funds made available under this heading in Public Law 102-104, $500,000 are rescinded.

DEPARTMENT OF ENERGY

GENERAL SCIENCE AND RESEARCH ACTIVITIES

(RESCISSION)

Of the funds made available under this heading in Public Law 102-104, $3,350,000 are rescinded: Provided, That the amount for project 92-G-302, Fermilab main injector, is reduced to $11,650,000.

DEPARTMENTAL ADMINISTRATION

(RESCISSION)

Of the funds made available under this heading in Public Law 102-104, $500,000 are rescinded.

TITLE V

FOREIGN OPERATIONS, EXPORT FINANCING, AND RELATED PROGRAMS

MULTILATERAL ECONOMIC ASSISTANCE

FUNDS APPROPRIATED TO THE PRESIDENT

INTERNATIONAL FINANCIAL INSTITUTIONS

CONTRIBUTION TO THE INTERNATIONAL DEVELOPMENT ASSOCIATION

(RESCISSION)

Of the funds made available under this heading in Public Law 101-513, $32,500,000 are rescinded.

CONTRIBUTION TO THE INTER-AMERICAN DEVELOPMENT BANK

INTER-AMERICAN INVESTMENT CORPORATION

(RESCISSION)

Of the funds made available in Public Law 102-145, as amended, for the Inter-American Investment Corporation, $4,000,000 are rescinded.

INTERNATIONAL ORGANIZATIONS AND PROGRAMS

(RESCISSION)

Of the funds made available under this heading in Public Law 101-513, $100,000 are rescinded.

BILATERAL ECONOMIC ASSISTANCE

FUNDS APPROPRIATED TO THE PRESIDENT

AGENCY FOR INTERNATIONAL DEVELOPMENT

DEOBLIGATION/REOBLIGATION AUTHORITY

(RESCISSION)

Of the funds made available in Public Law 102-145, as amended, and in prior Acts providing funding for foreign operations, export financing, and related programs for fiscal years prior to fiscal year 1992, under the following headings: "Agriculture, rural development, and nutrition, Development Assistance", "Private sector, environment, and energy, Development Assistance", "Sub-Saharan Africa, Development Assistance" and "Economic Support Fund",

$6,320,000 are rescinded: Provided, That this rescission shall be made from funds deobligated but continued available by sections 515 or 517 of such Act (or by any other provision of such Act providing "deobligation/reobligation authority" or "availability of funds"): Provided further, That the same proportion of the unobligated balance of the funds continued available for each such heading pursuant to this paragraph shall be rescinded.

DEVELOPMENT ASSISTANCE; ECONOMIC SUPPORT FUND

(RESCISSION)

Of the unexpended balances of funds (including earmarked funds) made available in Public Law 98–473, Public Law 99–88 and prior Acts making appropriations for foreign assistance and related programs to carry out the provisions of chapter 1 of part I and chapter 4 of part II of the Foreign Assistance Act of 1961, as amended, $30,000,000 are rescinded: Provided, That this rescission shall be made from funds deobligated but continued available by section 515 of Public Law 101–513, and the corresponding authority provided in Public Law 102–145, as amended.

OPERATING EXPENSES OF THE AGENCY FOR INTERNATIONAL DEVELOPMENT

(RESCISSION)

Of the funds made available in Public Law 102–145, as amended, for Operating Expenses of the Agency for International Development, $64,054 are rescinded.

ECONOMIC SUPPORT FUND

(RESCISSION)

Of the funds made available in Public Law 102–145, as amended, for the Economic Support Fund which are not earmarked, $1,100,000 are rescinded.

MULTILATERAL ASSISTANCE INITIATIVE FOR THE PHILIPPINES

(RESCISSION)

Of the funds made available in Public Law 102–145, as amended, for the Multilateral Assistance Initiative for the Philippines, $20,000,000 are rescinded.

MILITARY ASSISTANCE

FUNDS APPROPRIATED TO THE PRESIDENT

INTERNATIONAL MILITARY EDUCATION AND TRAINING

(RESCISSION)

Of the funds made available in Public Law 102–145, as amended, for International Military Education and Training, $1,925,000 are rescinded: Provided, That the amount of funds made available under this heading that may be obligated for entertainment allowances is decreased by $25,000.

FOREIGN MILITARY FINANCING PROGRAM

(RESCISSION)

Of the grant funds made available in Public Law 102–145, as amended, for the "Foreign Military Financing Program", $47,100,000 are rescinded: Provided, That none of the funds made available in Public Law 102–145, as amended, for the "Foreign Military Financing Program" shall be obligated or expended for Peru: Provided further, That the amount of funds made available under this heading that may be obligated for the general costs of administering military assistance and sales is decreased by $15,000.

DEOBLIGATION/REOBLIGATION AUTHORITY

(RESCISSION)

Notwithstanding section 515(b) of Public Law 101–513, and the corresponding authority provided in Public Law 102–145, as amended, no Foreign Military Financing Program funds may be reobligated pursuant to such authority from the date of enactment of this Act through September 30, 1992.

SPECIAL DEFENSE ACQUISITION FUND

(LIMITATION ON OBLIGATIONS)

Notwithstanding any provision of Public Law 102–145, as amended, Public Law 101–513 or Public Law 101–167, not to exceed $235,000,000 may be obligated pursuant to section 51(c)(2) of the Arms Export Control Act during fiscal year 1992.

MILITARY ASSISTANCE PROGRAM

(RESCISSION)

Of the unexpended balances of funds made available to carry out the provisions of chapter 2 of part II of the Foreign Assistance Act of 1961, $6,750,000 are rescinded.

Of the funds made available to carry out section 503(a)(3) of the Foreign Assistance Act of 1961 that have been disbursed into the Foreign Military Sales Trust Fund, $5,760,000 may not be disbursed for any purpose and shall be deposited into the miscellaneous receipts of the Treasury.

TITLE VI

DEPARTMENT OF THE INTERIOR AND RELATED AGENCIES

DEPARTMENT OF THE INTERIOR

NATIONAL PARK SERVICE

NATIONAL RECREATION AND PRESERVATION

(RESCISSION)

Of the funds made available under this heading in Public Law 102–154, $987,000 for the Calumet Historic District, MI are rescinded.

CONSTRUCTION

(RESCISSION)

Of the funds made available under this heading in Public Law 102–154, $1,145,000 are rescinded, of which $375,000 was made available for the Calumet Historic District, MI; and of which $770,000 was made available for the Lewis and Clark Trail Center, NE.

BUREAU OF MINES

MINES AND MINERALS

(RESCISSION)

Of the funds made available under this heading in Public Law 102–154, $987,000 for fire research at the Mathies Mine in Pennsylvania are rescinded.

BUREAU OF INDIAN AFFAIRS

CONSTRUCTION

(RESCISSION)

Of the funds made available under this heading in Public Law 102–154, $5,897,000 for road sealing are rescinded.

DEPARTMENT OF AGRICULTURE

FOREST SERVICE

STATE AND PRIVATE FORESTRY

(RESCISSION)

Of the funds made available under this heading in Public Law 102–154 and Public Law 101–512, $19,000,000 for stewardship incentives/tree-planting are rescinded.

DEPARTMENT OF ENERGY

FOSSIL ENERGY RESEARCH AND DEVELOPMENT

(RESCISSION)

Of the funds made available under this heading in Public Law 102–154, $144,000 for the Office of the Federal Inspector for the Alaska National Gas Transportation System are rescinded.

TITLE VII

DEPARTMENT OF LABOR, HEALTH AND HUMAN SERVICES, EDUCATION, AND RELATED AGENCIES

GENERAL PROVISION

(RESCISSION)

Of the funds made available in Public Law 102–170 which do not become available for obligation until September 30, 1992, one half of one percentum are hereby rescinded from each applicable appropriation account: Provided, That no reduction shall be made under the headings "Payments to States for Child Care Assistance", "Low Income Home Energy Assistance", "Refugee and Entrant Assistance", and "Community Services Block Grant".

DEPARTMENT OF HEALTH AND HUMAN SERVICES

PUBLIC HEALTH SERVICE

(RESCISSION)

Of the funds made available in Public Law 102–170 for personnel compensation and personnel benefits for the Public Health Service, $7,000,000 are rescinded.

Of the funds appropriated to carry out the Public Health Service Act, the Mental Health Systems Act, the Act of August 5, 1954 (Public Law 568, Eighty-third Congress), or the Act of August 16, 1957 (Public Law 85–151) and made available for evaluation pursuant to section 2711 of the Public Health Service Act but remaining unobligated on the date of enactment of this Act, $7,500,000 are rescinded.

NATIONAL INSTITUTES OF HEALTH

NATIONAL INSTITUTE OF DENTAL RESEARCH

(RESCISSION)

From amounts previously appropriated, $183,000 are hereby rescinded.

HEALTH CARE FINANCING ADMINISTRATION

PROGRAM MANAGEMENT

(RESCISSION)

Of the funds available under this heading in Public Law 102–170, $4,000,000 are rescinded: Provided, That no more than $253,000,000 of such appropriation may be expended to meet unanticipated costs of agencies or organizations with which agreements have been made to participate in the administration of title XVIII of the Social Security Act.

DEPARTMENT OF EDUCATION

VOCATIONAL AND ADULT EDUCATION

(RESCISSION)

Of the funds available under this heading in Public Law 102–170, for Title IV of the Carl D. Perkins Vocational and Applied Technology Education Act, $1,000,000 for choice demonstrations are rescinded.

TITLE VIII

LEGISLATIVE BRANCH CONGRESSIONAL OPERATIONS

SENATE

CONTINGENT EXPENSES OF THE SENATE

OFFICIAL MAIL COSTS

(RESCISSION)

Of the total funds appropriated under the heading "OFFICIAL MAIL COSTS" under the heading "CONTINGENT EXPENSES OF THE SENATE" under the heading "SENATE" in any appropriations Act or joint resolution making appropriations available to the Senate for fiscal years 1991 and 1992 and which (but for the provisions of this paragraph) would remain available until expended, of the balances remaining unobligated, $20,000,000 are rescinded.

HOUSE OF REPRESENTATIVES

SALARIES AND EXPENSES

(RESCISSION)

Of the funds made available under this heading, $20,000,000 are rescinded, as follows:

OFFICIAL MAIL COSTS

The funds available under this heading shall be reduced by $20,000,000.

TITLE IX

DEPARTMENT OF DEFENSE—MILITARY CONSTRUCTION

(RESCISSION)

Of the funds provided in Military Construction Appropriations Act, the following funds are *hereby rescinded from the following accounts in the specified amounts:*

Military Construction, Navy, 1988/1992, $5,100,000;

Military Construction, Army National Guard, 1988/1992, $1,709,000;

Military Construction, Defense Agencies, 1989/1993, $500,000;

Military Construction, Air Force, 1990/1994, $10,170,000;

Military Construction, Defense Agencies, 1990/1994, $10,000,000;

Military Construction, Army National Guard, 1990/1994, $2,552,000;

Military Construction, Army Reserve, 1990/1994, $649,000;

Military Construction, Army, 1991/1995, $9,000,000;

Military Construction, Air Force, 1991/1995, $6,300,000;

Military Construction, Defense Agencies, 1991/1995, $22,100,000;

Military Construction, Army Reserve, 1991/1995, $2,100,000;

Military Construction, Army, 1992/1996, $8,850,000;

Military Construction, Air Force, 1992/1996, $5,500,000;

Military Construction, Defense Agencies, 1992/1996, $24,000,000;

Military Construction, Army National Guard, 1992/1996, $600,000;

Military Construction, Air National Guard, 1992/1996, $306,000;

Military Construction, Naval Reserve, 1992/1996, $10,900,000; and

North Atlantic Treaty Organization Infrastructure, 1992, $15,734,000.

TITLE X

DEPARTMENT OF TRANSPORTATION AND RELATED AGENCIES

DEPARTMENT OF TRANSPORTATION

FEDERAL HIGHWAY ADMINISTRATION

BRIDGES ON DAMS

(RESCISSION)

Of the funds made available under this heading in Public Law 95–599, $5,000,000 are rescinded.

URBAN MASS TRANSPORTATION ADMINISTRATION

RESEARCH, TRAINING, AND HUMAN RESOURCES

(RESCISSION)

Of the funds made available under this heading in Public Law 102–143, $5,000,000 are rescinded.

TITLE XI

DEPARTMENTS OF VETERANS AFFAIRS AND HOUSING AND URBAN DEVELOPMENT, AND INDEPENDENT AGENCIES

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

HOUSING PROGRAMS

ANNUAL CONTRIBUTIONS FOR ASSISTED HOUSING

(RESCISSION)

Of the funds made available under this head in Public Law 102–139 and prior years, $597,000,000 are rescinded: Provided, That of the foregoing amount, $350,000,000 shall be deducted from amounts earmarked under this head for amendments to section 8 contracts other than contracts for projects developed under section 202 of the Housing Act of 1959, $100,000,000 shall be deducted from amounts provided for nonincremental certificates and vouchers, and $147,000,000 shall be deducted from amounts provided for preservation activities.

INDEPENDENT AGENCIES

ENVIRONMENTAL PROTECTION AGENCY

ABATEMENT, CONTROL, AND COMPLIANCE

(RESCISSION)

Of the funds made available under this heading in Public Law 102–139, for contracts, $5,800,000 are rescinded.

RESEARCH AND DEVELOPMENT

(RESCISSION)

Of the funds made available under this heading in Public Law 102–139, for contracts, $2,100,000 are rescinded.

HAZARDOUS SUBSTANCE SUPERFUND

(RESCISSION)

Of the funds made available under this heading in Public Law 102–139, for the alternative remedial contracting system, $16,100,000 are rescinded.

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

RESEARCH AND DEVELOPMENT

(RESCISSIONS)

Of the funds made available under this heading in Public Law 102–139, $1,500,000 for space exploration studies are rescinded.

Of the funds made available under this heading in Public Law 12–139, $600,000 for the National Aerospace Plans are rescinded.

Of the funds made available under this heading in Public Law 102–139, $700,000 for Climsat earth probe are rescinded.

Of the funds made available under this heading in Public Law 102–139, $1,250,000 for the Search for Extra-Terrestrial Intelligence are rescinded.

NATIONAL SCIENCE FOUNDATION

RESEARCH AND RELATED ACTIVITIES

(RESCISSION)

Of the funds made available under this heading in Public Law 102–139, $2,000,000 are rescinded.

And the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate to the title of the joint resolution and agree to the same with an amendment as follows:

In lieu of the House title or the Senate title, insert:

An Act Rescinding Certain Budget Authority

And the Senate agree to the same.

JAMIE L. WHITTEN,
WILLIAM H. NATCHER,
NEAL SMITH,
SIDNEY R. YATES,
DAVID R. OBEY,
TOM BEVILL,
JOHN P. MURTHA,
BOB TRAXLER,
WILLIAM LEHMAN,
VIC FAZIO,
W.G. (BILL) HEFNER,
EDWARD R. ROYBAL,
JULIAN C. DIXON,
JOSEPH M. MCDADE,
JOHN T. MYERS,
BILL YOUNG,
HAL ROGERS,
JOE SKEEN,
RALPH REGULA,
Managers on the part of the House.

ROBERT C. BYRD,
DANIEL K. INOUYE,
ERNEST F. HOLLINGS,
J. BENNETT JOHNSTON,
QUENTIN BURDICK,
PATRICK J. LEAHY
(with the exception
of Defense),
JIM SASSER,
DENNIS DECONCINI,
DALE BUMPERS,
FRANK R. LAUTENBERG,
TOM HARKIN,
BARBARA A. MIKULSKI,
HARRY REID,
BROCK ADAMS,
WYCHE FOWLER, Jr.,
J. ROBERT KERREY,
MARK O. HATFIELD,
TED STEVENS,
JAKE GARN,
THAD COCHRAN,
BOB W. KASTEN,
ALFONSE D'AMATO,
WARREN RUDMAN,
ARLEN SPECTER,
PETE V. DOMENICI,
DON NICKLES,
KIT S. BOND,
Managers on the Part of the Senate.

JOINT EXPLANATORY STATEMENT OF THE COMMITTEE OF CONFERENCE

The managers on the part of the House and the Senate at the conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 4990), rescinding certain budget authority, and for other purposes, submit the following joint statement to the House and the Senate in explanation of the effects of the action agreed upon by the managers and recommended in the accompanying conference report.

Report language included by the House in House Report 102–505 which is not changed by the report of the Senate in Senate Report 102–274, and Senate report language which is not changed by the conference is approved by the committee of conference. The statement of the managers, while repeating some report language for emphasis, does not intend to negate the language referred to above unless expressly provided herein.

TITLE I

DEPARTMENT OF AGRICULTURE, RURAL DEVELOPMENT, FOOD AND DRUG ADMINISTRATION, AND RELATED AGENCIES

DEPARTMENT OF AGRICULTURE

(RESCISSION)

The conference agreement recommends the following rescissions for the Department of Agriculture:

	Request	House bill	Senate bill	Conference
ANIMAL AND PLANT HEALTH INSPECTION SERVICE				
1. R92-35—Blackbird control, ND	$100,000	$100,000		
COOPERATIVE STATE RESEARCH SERVICE				
Buildings and Facilities				
2. R92-36—Animal care facility, ND	250,000	250,000		
3. R92-37—Building consolidation, RI	500,000	500,000		
4. R92-38—Facility road, ND	500,000		500,000	500,000
5. R92-40—Food processing plant, ND	375,000	375,000		
6. Other items	5,985,000			

	Request	House bill	Senate bill	Conference
Special Research Grants				
7. R92-44—Appalachian hardwoods, WV	750,000		750,000	750,000
8. R92-49—Integrated orchard management, VT	49,000	49,000	49,000	49,000
9. R92-50—Leafy spurge biocontrol, MT	125,000	125,000		
10. R92-51—Lowbush blueberry, ME	185,000	185,000		
11. R92-52—Animal waste disposal, MI	120,000		120,000	
12. R92-53—Mechanical tomato harvester, PA	134,000		134,000	
13. R92-55—Mink, OR	46,000	46,000		
14. R92-56—Jojoba, NM	200,000		200,000	
15. R92-58—Seedless table4 grapes, AR	50,000	50,000	50,000	50,000
16. R92-60—Swine, MN	140,000		140,000	
17. R92-61—Urban pest, GA	76,000	76,000		
18. Other items	1,367,000			
EXTENSION SERVICE				
19. Other items	797,000			
NATIONAL AGRICULTURAL LIBRARY				
20. R92-64—Leflar, AR	500,000	462,000		
FARMERS HOME ADMINISTRATION				
21. ADP equipment		10,031,000		10,031,000
Travel expenses			6,031,000	3,000,000
OFFICE OF PUBLIC AFFAIRS				
22. Travel expenses			62,000	
NATIONAL AGRICULTURAL STATISTICS SERVICE				
23. Pesticide data program			2,000,000	
AGRICULTURAL MARKETING SERVICE				
24. Pesticide data program			3,000,000	
Total	12,249,000	12,249,000	13,036,000	14,380,000

TITLE II

DEPARTMENTS OF COMMERCE, JUSTICE, AND STATE, THE JUDICIARY, AND RELATED AGENCIES

DEPARTMENT OF COMMERCE

ECONOMIC DEVELOPMENT ADMINISTRATION

ECONOMIC DEVELOPMENT REVOLVING FUND

(RESCISSION)

The conference agreement rescinds $3,000,000 from the Economic Development Administration's Economic Development Revolving Fund. The Senate had proposed a rescission of $9,200,000 from the fund. The House bill contained no provision on this matter.

The amount rescinded by the conference agreement is excess to amounts needed to handle liabilities on outstanding economic development loan guarantees.

NATIONAL TELECOMMUNICATIONS AND INFORMATION ADMINISTRATION

PUBLIC TELECOMMUNICATIONS FACILITIES, PLANNING AND CONSTRUCTION

(RESCISSION)

The conference agreement rescinds $3,000,000 from the fiscal year 1992 planning and construction grants appropriation for public television, radio and non-broadcast facilities. The House had proposed a rescission of $7,677,000 from this appropriation. The Senate bill contained no provision on this matter.

The amount rescinded by the conference agreement does not include any of the funds for the Pan-Pacific Educational and Cultural Experiments by Satellite Program (PEACESAT), the American Indian Higher Education Consortium or program administration provided under this heading in Public Law 102-140.

DEPARTMENT OF JUSTICE

IMMIGRATION EMERGENCY FUND

(RESCISSION)

The conference agreement rescinds $4,400,000 from the Immigration Emergency Fund. The House and Senate bills contained no provision on this matter.

This Fund was authorized in the Immigration Reform and Control Act of 1986 to provide for assistance as requested by the Attorney General in meeting an immigration emergency. A total of $35,000,000 was appropriated for this purpose in fiscal year 1990; however, to date no funds have been obligated. Over the past three years there have been a number of instances such as the recent one involving Haitian refugees, which were candidates for these emergency funds, and yet no funds were released. The conferees can find no compelling reason for maintaining this Fund at a level of $35,000,000 if the Administration is unwilling to use it.

DEPARTMENT OF STATE

ADMINISTRATION OF FOREIGN AFFAIRS

ACQUISITION AND MAINTENANCE OF BUILDINGS ABROAD

(RESCISSION)

The conference agreement rescinds $6,025,000 from the $12,248,000 remaining for acquisition of a site for construction of a United States Embassy chancery in Kuwait. The Senate had proposed a rescission of the entire $12,248,000, remaining for this project. The House bill contained no provision on this matter.

This project has been cancelled, and the Secretary of State has informed the Appropriations Committees that "none of the funds previously appropriated for the project will be required". The State Department has submitted a proposal to the Appropriations Committees to reprogram the funds remaining for this project after this rescission is enacted.

RELATED AGENCIES

BOARD FOR INTERNATIONAL BROADCASTING

ISRAEL RELAY STATION

(RESCISSION)

The conference agreement rescinds $5,000,000 of the funds appropriated in Public Law 101-162 for the Israel Relay Station project. The House had proposed a rescission of $13,748,000 from the funds appropriated in that law for the project. The Senate bill contained no provision on this matter.

The amount rescinded by the conference agreement does not include any of the funds that have been obligated against any contract for this project.

TITLE II

DEPARTMENT OF DEFENSE—MILITARY

RESCISSIONS RECOMMENDATIONS

The conferees considered rescissions submitted by the Executive Branch totalling $7,005,700,000 for the Department of Defense activities funded in the Department of Defense Appropriations Act. The conferees agreed on rescissions totalling $7,097,395,000 instead of $4,810,789,000 as proposed by the House and $7,068,892,000 as proposed by the Senate.

OPERATION AND MAINTENANCE

The conferees agree to rescissions totalling $1,275,447,000 in operation and maintenance funding for fiscal year 1992. A summary of the adjustments, by appropriation account, is shown in the following table:

Summary of Operation and Maintenance Rescissions

O&M Army	$263,922,000
O&M Navy	268,091,000
O&M Marine Corps	7,166,000
O&M Air Force	283,998,000
O&M Defense Agencies	452,270,000
Total O&M	1,275,447,000

Rescissions affecting more than one service or defense agency are described immediately below. Details on the rescissions for each service and the defense agencies are shown under the appropriate heading in the Act.

Management headquarters—In the Fiscal Year 1992 Defense Appropriations Act, Congress reduced funding for certain management headquarters to ensure that personnel reductions in these activities kept pace with those in other programs. The conferees note that the Army and Navy have not fully implemented the reductions as Congress intended. Accordingly, the conferees agree to rescissions for the Army Chief of Staff, Secretary of the Army, and Secretary of the Navy headquarters activities in amounts sufficient to meet funding levels intended in the fiscal year 1992 Act.

Travel costs—In the fiscal Year 1992 Defense Appropriations Act, Congress also made reductions in temporary duty travel funding which have not been appropriately implemented by the military services. The conferees are adamant that unnecessary and non-mission travel by Pentagon officials and staff to seminars, conferences, and other non-essential activities be curtailed. As such, the conferees agree to rescind funding for non-mission travel programs in the Army, Navy, and Air Force.

Excess inventory—In light of the continued purchase and storage of excess and unrequired supplies by the Department, the conferees agree to rescind a total of $1 billion from the Operation and Maintenance accounts. This action is not intended to reduce the readiness of the military forces. To avoid potential adverse effects to readiness, the Department is directed to transfer from the Defense Business Operations Fund to the relevant O&M appropriations amounts sufficient to mitigate any adverse consequences to readiness-related programs that might otherwise occur from these rescissions.

The Committees on Appropriations of the House and Senate intend to fully examine the Department's excess inventory reduction plans and supply management programs as they deliberate on the FY 1993 Defense budget request.

Senior Executive Service (SES) employees—The conferees have agreed not to rescind funds for SES personnel reductions originally proposed by the Senate. The conferees, however, urge the military services and the Office of the Secretary of Defense to re-examine levels of SES employees planned for now and in the future. The conferees note that, in order to avoid becoming management "top heavy", the Department must reduce SES employee levels at rates consistent with reductions occurring in other categories of civilian employees. The conferees believe, however, that reductions in SES employee levels should not inhibit the Department's efforts to convert general officer billets to civilian positions.

COORDINATED CARE IMPLEMENTATION

The conferees have agreed not to rescind $50,000,000, as proposed by the House, for the implementation of the Coordinated Care Program (CCP) for the Department of Defense health care system. The conferees have further agreed that the Department may proceed with implementation of CCP, only after changes as noted below are implemented.

The conferees direct the Department to continue to use positive incentives, rather than negative incentives, for enrollment in managed care plans. The conferees believe that the use of increased deductibles, "lock-out" from military treatment facilities for beneficiaries who decline enrollment, and the elimination of Preferred Provider Organizations, (PPOs) are not in the best interests of either the beneficiaries or the Department of Defense.

The conferees further agree that, in order to assure a full demonstration of the health care model now in use in the CHAMPUS Reform Initiative (CRI) in the States of California and Hawaii, it is premature to change that model. The conferees direct the Department to modify the current Request for Proposals for follow-on services to CRI in the two States to preserve the CRI model, benefits, and management design now in operation.

The Department is encouraged to include regionally oriented managed care programs, such as CRI, in the new Coordinated Care Program.

PROCUREMENT

WEAPONS AND TRACKED COMBAT VEHICLES

M1 TANK

In its rescission messages forwarded on April 9, 1992, the Administration proposed rescinding a total of $421,300,000 associated with the M1 tank program. Of this amount, $196,300,000 was intended for production of 60 tanks, and the remaining $225,000,000 to initiate a tank upgrade program to modernize and replace the armor, cannon, and electronics of early model M1's. The House did not address this issue. The Senate agreed to rescind the funding associated with new tank production, while rejecting the proposed rescission of tank upgrade funds.

The conference agreement rescinds $196,300,000 as proposed by the Senate. The conferees note that these funds, for new production tanks, were provided last year based on the belief that a limited buy of tanks was needed in order to prevent production breaks while a transition to the tank upgrade program was underway. Current information suggests these "gap filler" tanks are no longer needed. Absent this need, the conferees agree with the position of the Secretary of Defense that there is no need to add to the size of the current M1 inventory.

This decision should be in no way construed as a diminution of Congressional support for an M1 upgrade program. For the past two years the Congressional defense committees have been unanimous in their support for a tank upgrade program. The Defense Authorization and Appropriations Acts for both fiscal years 1991 and 1992 contained both funding and direction to the Department of Defense in this regard.

The Department of Defense and the Army have ignored this direction and refused to initiate a tank upgrade program. Prior to this year the Department's objections were couched largely in terms of affordability in light of the Army's plan to develop a new generation tank, called the Block III, as part of its Armored Systems Modernization program.

The Block III program has now been all but abandoned, in concert with the Department's "new acquisition strategy" emphasizing research and development, prototyping and selective upgrades of existing equipment in lieu of full scale production of new hardware. As a consequence, U.S. production of M1A1 tanks will cease next year, with no follow-on system under development. Since no replacement tank program is contemplated for at least 15 years, the United States will lose the existing tank manufacturing industrial base unless action is taken to maintain it.

The conferees believe the M1 upgrade program as proposed by Congress is consistent with the aims of the Department's new acquisition strategy. Over 40 percent of the existing M1 inventory is comprised of early models which lack the 120mm cannon, heavy armor package, chemical warfare protection, and other improvements found in the newer versions. As is well known, the Army chose to replace first generation tanks with more modern 120mm-equipped M1A1 tanks before the ground war began in Operation Desert Storm.

Moving forward with an upgrade program would increase the overall operational effectiveness of our tank inventory at a reasonable cost while preserving the critical skills which are unique to main battle tank production. Given the demise of the Block III tank program, the conferees believe the need for an M1 tank upgrade program has clearly increased.

Therefore, the conferees reject the proposal to rescind the $225,000,000 slated for the tank upgrade program. The Department is directed to initiate this effort with first priority given to structuring a plan to upgrade the cannon, armor, and electronics on the oldest M1 variants, consistent with previous Congressional direction. The conferees are aware of options being discussed by the Department which involve upgrades to the M1A1 and register their opposition to any such option being the focus of the upgrade program.

The conferees expect the Department to begin the upgrade program as soon as is practicable and will not tolerate continued resistance by the Department. The conferees expect full compliance with this direction, the requirements levied in the conference report accompanying the fiscal year 1992 Defense Appropriations Act, and the requirements of the Budget and Impoundment Control Act of 1974, as amended.

SHIPBUILDING AND CONVERSION, NAVY

SSN-21 SEAWOLF

The conferees agree to rescind $1,150,000,000 from the SSN-21 Seawolf program. This amount restores the $1,075,700,000 proposed for rescission from fiscal year 1991 funds. In addition, the agreement provides $540,200,000 in funds proposed for rescission from fiscal year 1992 from the Seawolf program. The conferees make these funds available to be used by the navy to help preserve the industrial base for submarine construction. The conferees direct the Secretary of the Navy to use these funds either to provide advance procurement for the third Seawolf submarine (SSN-23) or to restart the SSN-688 program, or any other approach he deems to be most beneficial in preserving the current submarine industrial base.

OTHER PROCUREMENT, NAVY

INSTALLATION OF EQUIPMENT

The conferees agree to rescind a total of $330,000,000 of previously appropriated funds for the installation of equipment. These funds had been appropriated for the installation costs related to a wide variety of equipment which is procured in the Other Procurement, Navy account. As stated in the bill, funds are rescinded from the following years:

FY 1990	$100,000,000
FY 1991	130,000,000
FY 1992	100,000,000

This is a one time action by the Congress and the conferees agree that the installation costs should be provided in the outyears in the same year that funds are provided for the equipment which is to be installed.

FIREFIGHTING EQUIPMENT

The conferees agree to rescind, without prejudice, $15,000,000 of the funds appropriated within the fiscal year 1992 Defense Appropriations Bill for Navy firefighting equipment. This action is taken as a result of poor obligation performance by the Navy in fiscal years 1990 and 1991 within this program. However, it is not the intent of the conferees to delay the Navy's program to procure voice projection units for its oxygen breathing apparatus.

AIRCRAFT PROCUREMENT, AIR FORCE

B-2

The conferees have agreed to rescind $500,000,000 from the B-2 program instead of $1,000,000,000 as proposed by the Senate and no rescission as proposed by the House. The rescinded funds are from the $1,000,000,000 appropriated in fiscal year 1992 for the sixteenth B-2 aircraft. That funding is unavailable for obligation until certain program objectives have been met. The Air Force estimates that those objectives will not be met until June 1993 at the earliest.

It is the conferees' understanding that the $500,000,000 remaining available for the sixteenth aircraft will be sufficient to procure the vehicle but not all support equipment and related expenses. The Air Force is directed to take action as necessary to reduce costs in the B-2 program, especially for support and related expenses.

The conferees' action does not represent a change of position on the B-2 program. The Committees on Appropriations will review support and related costs necessary for the sixteenth aircraft and pledge to provide adequate funding for that purpose at a later time.

MISSILE PROCUREMENT, AIR FORCE

ADVANCED CRUISE MISSILE (ACM)

The Senate proposed rescinding $344,000,000 of fiscal year 1992 appropriated funding for the Advanced Cruise Missile (ACM) procurement program as a result of the recent decision by the President to terminate the program after the procurement of 520 missiles. The House recommended the rescission of $130,000,000 in ACM procurement, $12,000,000 for ACM modifications, and $22,642,000 for ACM spares and repair parts. The conferees have agreed to a rescission of $344,000,000 within the fiscal year 1992 annual ACM procurement program.

The Air Force is specifically directed by the conferees to use the remaining fiscal year 1992 funding (1) to complete the procurement of the fiscal year 1987 and 1988 missiles, (2) to pay for all negotiated termination liabilities and contractor closeout costs, and (3) as funds are available, to provide for all necessary spare parts and support costs for the 520 operational missiles. These support costs should include the 72 ACM engines currently on contract, completing the 520 operational missiles plus spares. If additional funds are needed beyond fiscal year 1992 to continue the long term support of the ACM inventory, those funds should be budgeted for in the year they will be expended.

The Air Force shall submit to the Committees on Appropriations not later than September 1, 1992 a new cost benefit analysis concerning in-house vs. contractor depot support for the ACM missile program. It is the belief of the conferees that at 520 missiles, it may be economical for the Air Force to invest in an organic depot capability which could be competitively procured with potential savings.

RESEARCH, DEVELOPMENT, TEST AND EVALUATION

The conferees agree to rescind $1,583,906,000 from the Research, Development, Test and Evaluation appropriations in fiscal years 1991 and 1992. Unless specifically addressed in the House and Senate reports, the rescissions are made for the following reasons: poor budget execution, cancelled or restructured programs, contract delays, lack of Office of Secretary of Defense approval or low priority. Reductions to certain special access programs are explained in a classified annex accompanying this report.

TERMINATION COSTS

The conferees recognize that the Defense Department requires additional time to fully identify termination costs for certain programs from which funds have been partially rescinded in this Act. Once such costs have been identified, audited, and negotiated the Committees on Appropriations will entertain regular reprogramming requests on an expedited basis should subsequent funding adjustments become necessary.

ADHERENCE TO PREVIOUS COMMITTEE DIRECTION

None of the funds identified for rescission may be rescinded from Congressional interest items as indicted in House, Senate, or conference reports by the Appropriations or Armed Services Committees of Congress, unless specifically addressed in this report. No rescission may be applied to projects for which funds have been specifically earmarked in law or in report language, unless this Act or report specifically modifies such earmark. No rescission is intended to remove or relax the requirements stated on DD Form 1414, Base for Reprogramming Actions. No action recommended in this report shall be construed as modifying report language direction or guidance contained in any of the fiscal years 1991 and 1992 reports by the Appropriations Committees, unless the language is specifically modified in this report.

RESEARCH, DEVELOPMENT, TEST AND EVALUATION, NAVY

TRIDENT II

The conferees agree to rescind $15,500,000 which the Navy no longer plans to use for the purpose for which it was appropriated. The action terminates the old Submarine-Launched Ballistic Missile Effectiveness Enhancement Program, which was undertaken to counter the former Soviet threat. The conferees understand that the Navy has proposed alternative uses for these funds. DOD regulations require a new start prior approval reprogramming request to Congress, should the Navy elect to pursue them. The bill language for this rescission specifically prevents its application to the $15,000,000 which Congress appropriated only to implement improvements identified by the Drell Commission.

RESEARCH DEVELOPMENT, TEST AND EVALUATION, AIR FORCE

ICBM MODERNIZATION

The conferees agree to rescind $300,000,000 from the Small ICBM program and deny at this time the proposed use of $15,000,000 in unobligated funds to initiate the Minuteman III missile guidance upgrade program in fiscal year 1992. DOD regulations require a new start prior approval reprogramming request for initiation of such a program.

RESEARCH, DEVELOPMENT, TEST AND EVALUATION, DEFENSE AGENCIES

DEFENSE NUCLEAR AGENCY

The conferees agree to rescind $15,000,000 due to fiscal constraints. This reduction may not be applied to the following programs: Superconducting Magnetic Energy Storage (SMES), the DECADE simulator, underground nuclear testing activities, or activities relating to Johnston Island.

CONSOLIDATED AIM-9 PROGRAM

The conferees agree to rescind $21,400,000, of which $19,400,000 is from the AIM-9R project and $2,000,000 is from the AIM-9X project. The conferees agree that the $3,000,000 remaining in fiscal year 1992 funds appropriated for the AIM-9X project may be obligated only for the following purposes: cost and operational effectiveness analyses, systems engineering studies, and operational analyses to define opimum systems characteristics.

MANUFACTURING TECHNOLOGY/INDUSTRIAL PREPAREDNESS

The conferees agree to rescind $80,000,000, leaving $20,000,000 in the Office of the Secretary of Defense (OSD) Manufacturing Technology program. An additional $11,000,000 is available in the OSD Industrial Preparedness program. None of these funds were requested in the Department of Defense's fiscal year 1992 budget request. The conferees direct from this total of $31,000,000 that $7,100,000 be reallocated only to the Army Industrial Preparedness program; $3,400,000 be reallocated only to the Navy Industrial Preparedness program; and $20,500,000 be reallocated only to the Air Force Industrial Preparedness program for service-unique projects identified in the DOD manufacturing technology master plan. Concerning the Air Force, the conferees agree that logistics projects should be emphasized.

RESEARCH GRANTS

The conferees agree not to rescind a total of $115,900,000 for grants to 19 colleges, foundations, and universities as specified in Title IV of Public Law 102-172, However, the conferees recommend statutory language in section 302 amending the public law to provide the Secretary of Defense limited discretion in the award of these grants.

STRATEGIC ENVIRONMENTAL RESEARCH AND DEVELOPMENT PROGRAM (SERDP)

The conferees commend the Department of Defense's (DOD) productive efforts to coordinate individual service environmental projects and develop a SERDP program which will assist DOD in meeting its environmental obligations. The conferees, however, recommend rescission of $40,000,000 of the funds appropriated under Public Law 102-172 for the SERDP and $50,000,000 appropriated under Public Law 101-511 for SERDP due to program execution delays. The conferees direct that none of the available remaining SERDP funds be allocated to remote sensing projects.

REVOLVING AND MANAGEMENT FUNDS

The conferees agree to 91 rescissions totaling $310,100,000 in revolving and management funds, for fiscal year 1992. Of this amount, $230,000,000 is rescinded from funds available to the National Defense Stockpile Transaction Fund. The President proposed no rescissions for these accounts.

Pentagon Reservation Maintenance Revolving Fund—The conferees agree to rescind $80,100,000 of funds available to the Pentagon Reservation Maintenance Revolving Fund. These funds were to be used for refurbishing the Pentagon's heating and cooling system and purchasing a classified waste incinerator, as part of the overall scheme to renovate the building.

The conferees believe that further review of the Pentagon renovation plan is in order in light of the current military draw down. That plan calls for expanding the current housing capacity of the Pentagon by a net of approximately 800,000 square feet, an increase of net usable space of 21 percent. This is out of step with the Department's plans to reduce military forces by 25 percent and close and realign many military bases, and comes at at time when the Department has substantially curtailed military construction for programs other than those related to health, safety, and environment.

As deliberations on the fiscal year 1993 Defense budget request continue, the Committees on Appropriations of the House and Senate intend to work with the Department of Defense to develop a reasonable and supportable renovation plan for the Pentagon.

TITLE IV

ENERGY AND WATER DEVELOPMENT

RESCISSION

The conference agreement provides for the rescission of $4,350,000 as follows: $500,000 from General Expenses of the Corps of Engineers; $3,350,000 from General Science and Research Activities (Fermilab main injector) of the Department of Energy; and $500,000 from Departmental Administration of the Department of Energy as proposed by the House.

The conference agreement also deletes the rescission of $4,350,000 from two Corps of Engineers projects as proposed by the Senate and recommended by the Administration.

TITLE V

FOREIGN OPERATIONS, EXPORT FINANCING, AND RELATED PROGRAMS

MULTILATERAL ECONOMIC ASSISTANCE

FUNDS APPROPRIATED TO THE PRESIDENT

INTERNATIONAL FINANCIAL INSTITUTIONS

CONTRIBUTION TO THE INTERNATIONAL DEVELOPMENT ASSOCIATION

(RESCISSION)

The conferees agreed to rescind $32,500,000 of fiscal year 1991 funds made available for the International Development Association but not obligated due to funding of certain loans to China as proposed by the House and Senate.

CONTRIBUTION TO THE INTER-AMERICAN DEVELOPMENT BANK

INTER-AMERICAN INVESTMENT CORPORATION

(RESCISSION)

The conferees agree to rescind $4,000,000 of fiscal year 1992 funds for the Inter-American Investment Corporation as proposed by the Senate. The House had proposed a rescission of $2,000,000.

The conferees have been notified by the Administration that these funds were obligated and expended on April 28, 1992. The House and Senate made clear their intent to rescind prior to April 28, 1992. In similar circumstances, acting in good faith, both the Department of State and the Agency for International Development decided to withhold obligation actions concerning items under consideration for rescission by the Congress, pending final passage and signature on the rescissions bill. The conferees consider the actions of the Department of the Treasury to be in bad faith with the stated intents of the Congress.

INTERNATIONAL ORGANIZATIONS AND PROGRAMS

(RESCISSION)

The conferees agree to rescind $100,000 of fiscal year 1991 funds as proposed by the House and Senate.

BILATERAL ECONOMIC ASSISTANCE

FUNDS APPROPRIATED TO THE PRESIDENT

AGENCY FOR INTERNATIONAL DEVELOPMENT

DEOBLIGATION/REOBLIGATION AUTHORITY

(RESCISSION)

The conferees agree to the proportionate rescission of $6,320,000 of certain bilateral economic assistance funds currently reobligated and available for reobligation as proposed by the House. The Senate had no similar provision.

DEVELOPMENT ASSISTANCE; ECONOMIC SUPPORT FUND

(RESCISSION)

The conferees agree to rescind $30,000,000 in prior year obligated, but unexpended funds, made available to the Agency for International Development prior to fiscal year 1986 as proposed by the Senate. The House had no similar provisions.

OPERATING EXPENSES OF THE AGENCY FOR INTERNATIONAL DEVELOPMENT

(RESCISSION)

The conferees agree to rescind $64,054 of funds available to the Agency for International Development for operating expenses as proposed by the Senate. The House had proposed to rescind $40,975. The conferees direct that the reduction mandated by this rescission include a reduction of $25,300 in entertainment and representation expenses. The conferees also agree that the Administrator and Deputy Administrator of the Agency should utilize motor pool vehicles, rather than cars and chauffeurs dedicated to their sole use.

ECONOMIC SUPPORT FUND

(RESCISSION)

The conferees agree to rescind $1,100,000 in Economic Support Funds as proposed by the House. The Senate had no similar provision. The conferees believe that the proposed Tunisian agricultural export promotion project was not sufficiently justified. The conferees take no position in regard to overall Tunisian assistance levels in taking this action.

INTERNATIONAL FUND FOR IRELAND

The conferees agree not to rescind funds for the International Fund for Ireland as proposed by the Senate. The House had no similar provision. The conferees are concerned that it has taken almost two years to establish procedures for providing appropriated funds from the United States to the International Fund. Although actual expenditures to the Fund should be made on an as needed basis, the Agency for International Development has a responsibility to assure that obligation authority is provided to the Fund on a timely basis. Likewise, the Fund has a responsibility not to enter into legally binding financial commitments on the use of United States funds until a letter of obligation has been issued.

MULTILATERAL ASSISTANCE INITIATIVE FOR THE PHILIPPINES

(RESCISSION)

The conferees agree to rescind $20,000,000 from fiscal year 1992 funds for the Multilateral Assistance Initiative for the Philippines as proposed by the Senate. The House had no similar provision.

MILITARY ASSISTANCE

FUNDS APPROPRIATED TO THE PRESIDENT

INTERNATIONAL MILITARY EDUCATION AND TRAINING

(RESCISSION)

The conferees agree to rescind $1,925,000 for the International Military Education and Training program as proposed by the Senate. The House had proposed rescinding $1,905,000. The conferees agree that reductions should be made to the maximum extent possible from funds programmed for Peru. The conferees agree that additional sums, as needed, should be taken from amounts programmed for Bahrain, Spain, Portugal, Korea, Thailand, Kenya, Guatemala, and Indonesia. The conferees have included bill language requiring the decrease of entertainment and representation expenses by $25,000.

FOREIGN MILITARY FINANCING PROGRAM

(RESCISSION)

The conferees agree to rescind $47,100,000 in the Foreign Military Financing program instead of $56,100,000 as proposed by the House and $39,015,000 as proposed by the Senate. The conferees have included bill language preventing the expenditure of fiscal year 1992 military assistance funds for Peru. The conferees agree that the Administration may distribute the additional reductions in country allocations. The Administration shall report that distribution to the Committees on Appropriations of the House and Senate. The conferees have dropped language concerning Turkey proposed by the House because the executive aircraft procurement proposed by the Administration has been withdrawn. The conferees also have included language decreasing administrative funds by $15,000. It is the intent of the conferees that this reduction be taken from funds permitted to be used for entertainment and representation expenses.

DEOBLIGATION/REOBLIGATION AUTHORITY

(RESCISSION)

The conferees agree to suspend the authority permitting reobligation of foreign military assistance funds for new purposes for the remainder of fiscal year 1992 as proposed by the House and Senate.

SPECIAL DEFENSE ACQUISITION FUND

(LIMITATION ON OBLIGATIONS)

The conferees agree to reduce the fiscal year 1992 limitation on obligations for the Special Defense Acquisition Fund by $40,000,000 to the level of $235,000,000 as proposed by the House and Senate.

MILITARY ASSISTANCE PROGRAM

(RESCISSION)

The conferees agree to rescind $6,750,000 of prior year funds remaining in the "Military Assistance Program" account as proposed by the Senate. The House has no similar provision.

The conferees agree to prohibit the disbursement and require the deposit of $5,760,000 into the miscellaneous receipts of the Treasury as proposed by the Senate. The House had no similar provision.

TITLE VI

DEPARTMENT OF THE INTERIOR AND RELATED AGENCIES

DEPARTMENT OF THE INTERIOR

NATIONAL PARK SERVICE

NATIONAL RECREATION AND PRESERVATION

(RESCISSION)

The managers have agreed to rescind $987,000 appropriated in fiscal year 1992 for the Calumet Historic District in Michigan as proposed by the House.

CONSTRUCTION

(RESCISSION)

The managers have agreed to rescind $1,145,000 for National Park Service construction instead of $11,365,000 as proposed by the House and nothing as proposed by the Senate. Of this amount $375,000 is related to the Calumet Historic District in Michigan as proposed by the House and $770,000 is from the amount provided in fiscal year 1992 for the Lewis and Clark Trail Center in Nebraska. The House has proposed rescission of $1,154,000 for the trail center. With this action the managers agree that non-Federal sources must provide at least 50 percent of the costs to plan, design and construct trail centers. The National Park Service shall not release funds for each phase of trail center development until there is documentation showing the ability of non-Federal sources to meet the matching requirement for that phase.

The managers did not agree to rescission of $1,750,000 for the Council Bluffs National Trail Center, IA. Existing law specifically provides for a one-third non-Federal match for this trail center.

The managers did not recommend rescission of $7,700,000 for historic restoration projects in Perth Amboy, Trenton, and Paterson, New Jersey and $7,705,000 for the engineering and construction of the Burr Trail National Rural Scenic Road in Utah.

With respect to the Burr Trail, the original appropriation was made subject to authorization and no authorization has been enacted. The managers agree however that the Burr Trail money will be allocated for other purposes in Utah in conjunction with the 1993 appropriation.

URBAN PARK AND RECREATION FUND

(RESCISSION)

The managers have agreed that no Urban Parks and Recreation money will be rescinded. The Senate has proposed rescission of $4,937,000.

BUREAU OF MINES

MINES AND MINERALS

(RESCISSION)

The managers have agreed to rescind $987,000 from the Bureau of Mines as proposed by the Senate. These funds were appropriated for mine fire technology testing and equipment recovery at the Mathies mine in Pennsylvania, contingent on a dollar-for-dollar industry cost share. That cost has not been realized and the company involved has notified the Bureau that matching funds will not be forthcoming.

BUREAU OF INDIAN AFFAIRS

CONSTRUCTION

(RESCISSION)

The managers have agreed to rescind $5,987,000 in road sealing funds, as proposed by the Senate. The House had agreed to the amount proposed by the President, $8,593,000. However, the Department of the Interior later informed the Committees that the remaining actual obligated balance in this program was $5,897,000, and that is the amount that has been rescinded.

DEPARTMENT OF AGRICULTURE

FOREST SERVICE

STATE AND PRIVATE FORESTRY

(RESCISSION)

The managers have agreed to a rescission of $19,000,000 in stewardship incentives/tree-planting funds appropriated in prior years. A total of $39,645,000 has been appropriated for this program over the last two years, most of which remains unobligated. Other cost-sharing funds, such as the conservation reserve program and the forestry incentives program, can contribute to the objective of planting more trees and enhancing stewardship of our nation's lands. Over $20,000,000 in SIP/tree-planting funding remains available for obligation.

DEPARTMENT OF ENERGY

FOSSIL ENERGY RESEARCH AND DEVELOPMENT

(RESCISSION)

The managers have agreed to a rescission of $144,000 appropriated for the Office of the Federal Inspector for the Alaska Natural Gas Transportation System as proposed by the House instead of $144,590 as proposed by the Senate.

TITLE VII

DEPARTMENTS OF LABOR, HEALTH AND HUMAN SERVICES, EDUCATION, AND RELATED AGENCIES

GENERAL PROVISION

(RESCISSION)

The conference agreement rescinds one-half of one percent of fiscal year 1992 funds that would otherwise become available for obligation on September 30, 1992, with the exception of funds becoming available for Low Income Home Energy Assistance, Refugee and Entrant Assistance, the Community Services Block Grant, and Payments to States for Child Care Assistance. The House bill proposed to rescind one percent of the funds becoming available on September 30, 1992, except for Payments to States for Child Care Assistance. The Senate bill contained no similar provision.

The amounts rescinded are as follows:

Department of Labor:	
State Unemployment Insurance and Employment Service Operations (trust funds)	$62,000
Department of Health and Human Services:	
Health Resources and Services Administration	625,000
Centers for Disease Control	670,000
National Institutes of Health	2,875,000
Alcohol, Drug Abuse and Mental Health Administration	821,000
Human Development Services	125,000
Department of Education:	
Compensatory Education for the Disadvantaged	760,000
Impact Aid	10,000
Vocational and Adult Education	300,000
Student Financial Assistance	310,000
Higher Education	120,000
Education Research, Statistics and Improvement	5,000
Total rescission	6,683,000

PUBLIC HEALTH SERVICE

(RESCISSION)

The conference agreement rescinds $7,000,000 for personnel compensation and personnel benefits of the Public Health Service as proposed by the House. The Senate bill contained no similar provision. The conferees are agreed that reductions shall not be applied to staff increases specifically added by the Congress during consideration of the 1992 appropriations bill.

The conference agreement also rescinds $7,500,000 of Public Health Service evaluation funding made available pursuant to section 2711 of the Public Health Service Act. The Senate bill proposed to rescind $15,000,000 of evaluation funding; the House bill contained no similar provision.

NATIONAL INSTITUTES OF HEALTH

NATIONAL INSTITUTE OF DENTAL RESEARCH

(RESCISSION)

The conference agreement rescinds $183,000 of funding for dental research rather than $365,000 as proposed by the Senate. The House bill contained no similar provision.

HEALTH CARE FINANCING ADMINISTRATION

PROGRAM MANAGEMENT

(RESCISSION)

The conference agreement rescinds $4,000,000 of trust funds provided as contingency funding for Medicare contractor operations. The Senate bill proposed to rescind $8,000,000 of contingency funding; the House bill contained no similar provision.

DEPARTMENT OF HEALTH AND HUMAN SERVICES

(REPROGRAMMINGS)

The conferees are in agreement with language contained in Senate Report 102-174 which identifies a number of inappropriate reallocations of fiscal year 1992 funds within Department of Health and Human Services appropriation accounts. These changes fall within the Department's own reprogramming guidelines and should only be carried out if approved through the normal reprogramming procedures.

DEPARTMENT OF EDUCATION

VOCATIONAL AND ADULT EDUCATION

(RESCISSION)

The conference agreement rescinds $1,000,000 rather than $2,000,000 as proposed by the Senate. The House bill contained no similar provision. The conferees are agreed that none of the funds currently available for vocational and adult education in fiscal year 1992 shall be used for "CHOICE" demonstration grants. These projects were not requested in the President's 1992 budget and no funds were added for this purpose by the Congress.

TITLE VIII

LEGISLATIVE BRANCH

CONGRESSIONAL OPERATIONS

(RESCISSION)

The conferees agreed to rescind $40,000,000, of which $20,000,000 is from funds available for official mail costs of the Senate, as contained in the Senate bill, and $20,000,000 is from funds available for official mail costs of the House, as contained in the House bill.

TITLE IX

DEPARTMENT OF DEFENSE

MILITARY CONSTRUCTION

(RESCISSION)

The conference agreement rescinds a total of $136,070,000 as proposed by the House instead of $136,148,000 as proposed by the Senate. The conferees agree that rescissions totaling $136,070,000 from fiscal years 1988 through 1992 shall be derived from the following projects:

Military Construction, Navy 1988–1992:	
Florida—Naval Coastal Systems Center Panama City: Underwater countermeasures fabrication facility	$1,000,000
Florida—Naval Air Station Pensacola: Dredging	1,200,000
Hawaii—Marine Corps Air Station Kaneohe Bay: Electrical distribution system improvements	1,400,000
Mississippi—Naval Construction Battalion Center Gulfport: Prepositioned war readiness material warehouse	1,500,000
Subtotal	5,100,000
Military Construction, Army National Guard 1988–1992:	
Mississippi—Camp Shelby:	
Automated record fire range	460,000

Tank trail	1,249,000
Subtotal	1,709,000
Military Construction, Defense Agencies 1989–1993:	
Germany—	
Kaiserslautern: Administrative facility	500,000
Subtotal	500,000
Military Construction, Air Force 1990–1994:	
California—Beale AFB:	
Dormitory	5,600,000
Upgrade alert complex	1,250,000
Alert crew facility	3,100,000
Germany—Hahn AB: Lantirn maintenance facility	220,000
Subtotal	10,170,000
Military Construction, Defense Agencies 1990–1994:	
Worldwide—Unspecified Locations: Contingency construction	10,000,000
Subtotal	10,000,000
Military Construction, Army National Guard 1990–1994:	
Michigan—Menominee County: Armory	1,041,000
Michigan—Berrien County: Armory	1,182,000
Oklahoma—Sand Springs: Organizational maintenance shop 6	329,000
Subtotal	2,552,000
Military Construction, Army Reserve 1990–1994:	
Indiana—Kingsbury: Army Reserve Center with maintenance facility	64,000
Minnesota—Arden Hills: Army Reserve Center with maintenance facility	485,000
Wisconsin—Fort McCoy: Army Reserve regional training site	100,000
Subtotal	649,000
Military Construction, Army 1991–1995:	
Germany—	
Kaiserslautern: Missile maintenance shop	5,000,000
Germany—Various locations: Wartime host nation support	2,500,000
Korea—K-16 Army Airfield, Yongsan: Flight simulator bldg	1,500,000
Subtotal	9,000,000
Military Construction, Air Force 1991–1995:	
California—Beale AFB: Dormitory	6,300,000
Subtotal	6,300,000
Military Construction, Defense Agencies 1991–1995:	
Pennsylvania—Defense Depot Mechanicsburg: Two general purpose warehouses	15,100,000
Worldwide—Unspecified Locations: Contingency construction	4,000,000
Unspecified minor construction	3,000,000
Subtotal	22,100,000
Military Construction, Army Reserve 1991–1995:	
Alabama—Mobile: Army Reserve Center with maintenance facility	200,000
Idaho—Boise: Army Reserve Center with maintenance facility	800,000
Mississippi—Vicksburg: Army Reserve Center with maintenance facility	1,100,000
Subtotal	2,100,000
Military Construction, Army 1992–1996:	
Virginia—Fort Lee: Finance/accounting office	4,650,000
CONUS Various—Yakima, Washington: Access road	4,200,000
Subtotal	8,850,000
Military Construction, Air Force 1992–1996:	
Overseas—Classified Location: MILSTAR Ground communications terminal	5,500,000
Subtotal	5,500,000
Military Construction, Defense Agencies 1992–1996:	
Worldwide—Unspecified Locations:	
Contingency construction	14,000,000
Unspecified minor construction	10,000,000
Subtotal	24,000,000
Military Construction, Army National Guard 1992–1996:	
California—Various Locations: Armory maintenance program	600,000
Subtotal	600,000
Military Construction, Air National Guard 1992–1996:	
Worldwide Unspecified Locations: Reprogramming allowance	306,000
Subtotal	306,000
Military Construction, Naval Reserve 1992–1996:	
Tennessee—Naval Air Station Memphis: Maintenance hangar	10,900,000
Subtotal	10,900,000
North Atlantic Treaty Organization Infrastructure 1992:	
NATO Infrastructure	15,734,000
Subtotal	15,734,000
Grand total, Military Construction	136,070,000

TITLE X

DEPARTMENT OF TRANSPORTATION AND RELATED AGENCIES

DEPARTMENT OF TRANSPORTATION

(RESCISSION)

Rescinds $5,000,000 from Federal Highway Administration, bridges on dams and $5,000,000 from Urban Mass Transportation Administration, research, training, and human resources instead of $5,000,000 from Federal Highway Administration, bridges on dams and $5,000,000 from Federal Railroad Administration, local rail freight assistance as proposed by the House and $9,880,000 from Urban Mass Transportation Administration, research, training, and human resources as proposed by the Senate.

In implementing the rescission regarding funding for Urban Mass Transportation Administration, research, training, and human resources activities, the conferees suggest that the agency withhold any future obligations, grants or contract awards for fiscal year 1992 involving non-operational studies of privatization and/or contract awards, or obligations for the support of the PPTN, or similar grants issued under sections 6 and 8.

Further, the conferees direct that no funds be expended for the purpose of preparing privatization and/or competitive research studies and technical assistance privatization and/or competitive research studies and technical assistance to directly influence state legislatures and/or local transit agencies, commissions or governments with respect to their decisions as to the choice of public/private transit providers.

TITLE XI

DEPARTMENTS OF VETERANS AFFAIRS AND HOUSING AND URBAN DEVELOPMENT, AND INDEPENDENT AGENCIES

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

HOUSING PROGRAM

HOMEOWNERSHIP AND OPPORTUNITY FOR PEOPLE EVERYWHERE GRANTS

(HOPE GRANTS)

(RESCISSION)

Deletes language proposed by the House and stricken by the Senate rescinding $14,400,000 from homeownership and opportunity for people everywhere grants.

HOME INVESTMENT PARTNERSHIPS PROGRAM

(RESCISSION)

Deletes language proposed by the House and stricken by the Senate rescinding $61,500,000 from the home investment partnerships program.

ANNUAL CONTRIBUTIONS FOR ASSISTED HOUSING

(RESCISSION)

Rescinds $597,000,000 from annual contributions for assisted housing, instead of $509,400,000 as proposed by the House and a total of $743,000,000 as proposed by the Senate. The House proposed a proportional reduction in all programs to achieve a rescission of $509,400,000,000 and the Senate recommended that its rescission of $743,000,000 would all come from section 8 contract amendments. Of the amount to be rescinded, $350,000,000 is to be taken from section 8 contract amendments, $100,000,000 is to be taken from nonincremental certificate (opt-outs and public housing demolition) and voucher (opt-outs, prepayments, and relocation) funds, and $147,000,000 is to be taken from preservation activities. From information available to the conferees, it does not appear that these funds will be needed for these purposes in fiscal year 1992. The conferees wish to make clear that the Secretary has discretion in determining how much of the $100,000,000 rescission is to be taken from nonincremental certificate activities and how much is to be taken from nonincremental voucher activities. None of the rescission is to be taken from funds available for 15-year public housing replacement certificates.

FLEXIBLE SUBSIDY FUND

(RESCISSION)

Deletes language proposed by the House and stricken by the Senate rescinding $11,700,000 from the flexible subsidy fund.

INDEPENDENT AGENCIES

ENVIRONMENTAL PROTECTION AGENCY

The conferees are recommending a rescission of $24,000,000 from the Environmental Protection Agency for fiscal year 1992. These funds are to be rescinded from the amounts available for contracts. The recommended rescission is approximately $725,000 above that proposed by the President. The amounts rescinded from each account described below are proportionate to the size of the contract level within that account.

The conferees agree that EPA is fraught with numerous contracting problems. After a number of inspector general reports, reports from the General Accounting Office (GAO), and congressional hearings regarding this matter, the agency is now instituting reforms. While the conferees applaud the efforts of the agency, much remains to be changed.

In rescinding funds from EPA, the conferees believe it is appropriate to make the reductions in the area of contracts. However, this bill does not address the many contracting issues currently under review. While further contract oversight will be necessary for any changes to be fully implemented, that issue and others will be fully addressed in the fiscal year 1993 appropriations bill.

ABATEMENT, CONTROL, AND COMPLIANCE

(RESCISSION)

Rescinds a total of $5,800,000 from the abatement, control, and compliance account instead of none as proposed by the House and $20,000,000 as proposed by the Senate.

RESEARCH AND DEVELOPMENT

(RESCISSION)

Rescinds a total of $2,100,000 from the research and development account.

HAZARDOUS SUBSTANCE SUPERFUND

(RESCISSION)

Rescinds $16,100,000 from the hazardous substance superfund account instead of none as proposed by the House and $20,000,000 as proposed by the Senate. This rescission is to be taken from Superfund's alternative remedial contracting system (ARCS). Based on reports by the inspector general and GAO, there are questions regarding the utilization, excessive overhead, and overcapacity of the ARCS contracts. Because the EPA inspector general has found many deficiencies in the ARCS contracts program, the conferees believe the reduction in Superfund should be taken in this program.

CONSTRUCTION GRANTS

(RESCISSION)

Deletes language proposed by the House and stricken by the Senate rescinding $24,000,000 from the construction grants account.

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

RESEARCH AND DEVELOPMENT

(RESCISSIONS)

Rescinds $4,050,000 from research and development, instead of $4,000,000 as proposed by the House and $14,000,000 as proposed by the Senate. The conferees agree to rescind $1,500,000, the approximate balance available from space exploration studies; $600,000 from the National Aerospace Plane; $700,000 from the Climsat earth probe; and $1,250,000 from the Search of Extra-Terrestrial Intelligence program.

The conferees further agree that in connection with the funds rescinded from the National Aerospace Plane program, the agency may continue to provide technical assistance with NASA personnel to the Air Force as a part of the future management of the Program. NASA may also permit the Air Force to continue to use NASA facilities as required provided that the Air Force reimburses NASA for the cost of its use of these facilities.

NATIONAL SCIENCE FOUNDATION

RESEARCH AND RELATED ACTIVITIES

(RESCISSION)

The conferees agree to a general rescission in research and related activities of $2,000,000, subject to the normal reprogramming guidelines. This amount is in lieu of the Senate proposal to rescind $346,000 from the unobligated balances in 31 individual grant projects as proposed by the Senate. The House proposed no rescission in this area.

The conferees have agree to this rescission of $2,000,000 because it represents the approximate total amount originally awarded by the Foundation for the 31 research projects contained in the original Senate amendment. The conferees do not believe that these 31 awards represent a prudent use of taxpayer funds, particularly when the Foundation expects to turn down nearly 38,000 grant proposals in fiscal year 1992 due to insufficient appropriations. As a result, in connection with this general rescission, the conferees strongly urge the National Science Foundation to review the option of eliminating funds which remain unobligated for the 31 research projects contained in the original Senate amendment.

These awards are: "Middle Class Lawyers: The transformation of small firm practice"; "Monogamy and aggression"; "Holism in Psychobiology in the Twentieth Century"; "Affective Bases of Person Perception"; "The representation of Attitudes"; "Economic opportunity in urban America 1850-1870"; "A historic study of Japan's famous slogan 'Rich Nation, Strong Army' and its impact on Japanese Technology"; "Status attainment in Chinese urban areas"; "Firm age and wages"; "American perceptions of justice: An East-West collaborative study"; "Herd behavior: Micro-foundations and evidence from decision-making by firms and about the global environment"; "Analysis of mental computation performance and estimation strategy-use among Japanese students and curricular of these topics in Japanese schools"; "The timing of control and stock externalities in the presence of learning with application to global warming"; "Conflict paradigms and the instance theory of automization"; "Exemplar-based processing in social judgment"; "A history of applied science in France, 1801-1941"; "Emerging coalitions in the Soviet All-Union and Republican Legislature"; "Compensation system design, employment and firm performance: An analysis of French microdata and a comparison to the U.S.A."; "The structures and processes of building provisions: A case study of master-planned communities"; "The transformation of the large law firm in England: A comparative analysis"; "The evolution of optimizing behavior and of attitudes towards risk"; "Applying space technology to global change: Values, institutions and decisions"; "Traditional and non-traditional forms of popular religion in Sicily"; "Auctions with entry/exit decisions"; "Maintenance of a polymorphism in mating behavior in swordfish"; "The systematic study of Senate elections"; "The late prehistoric political economy of the Upper Mantaro Valley in Peru"; "Sexual mimicry of swallowtail butterflies"; "Song production in freely behaving birds"; "American legal realism, empirical social science and the Law professor's professional identity"; "Norms, self-interest and taxpayers' decisions: Adaption to 1986 tax reform".

In addition, the conferees are troubled by the selection process that was used to select these particular awards. Recent reports by the General Accounting Office and the Office of Technology Assessment have reflected general criticisms of the grant selection process and the conferees believe the NSF should take the necessary steps to address these complaints.

The conferees believe the Foundation should emphasize research that is focused on the fundamental laws and systems of science, that supports the nation's technological base, that supports the nation's economic competitiveness, and that improves the nation's mathematics and science education endeavors. As a result, the conferees direct the NSF to review its grant selection process and report to the Congress on how it intends to ensure that projects which do not meet these criteria go unsupported with taxpayer dollars in the future. The conferees expect this report within 90 days of the release of the National Academy of Sciences current study of the Foundation's selection process.

TITLE CHANGE

The conference agreement further amends the title of the bill. The Senate amended the House title by deleting the phrase "for other purposes." and included mention that the rescissions were in response to the special rescission messages of the President pursuant to the Budget and Impoundment Control Act. The conference agreement limits the title to only "An Act Rescinding certain budget authority.".

CONFERENCE TOTALS

The total rescissions of budget (obligational) authority recommended by the Committee of Conference, with comparisons to the proposed rescissions, and the House and Senate bills follows:

Proposed rescissions[1]	−$7,862,772,690
House bill	−5,804,621,975
Senate bill	−8,275,034,644
Conference agreement	−8,158,305,054
Conference agreement compared with:	
Proposed rescissions	−295,532,364
House bill	−2,353,683,079
Senate bill	+116,729,590

[1] Proposed rescissions considered in the House bill totaled −$5,662,972,690.

JAMIE L. WHITTEN,
WILLIAM H. NATCHER,
NEAL SMITH,
SIDNEY R. YATES,
DAVID R. OBEY,
TOM BEVILL,
JOHN P. MURTHA,
BOB TRAXLER,
WILLIAM LEHMAN,
VIC FAZIO,
W.G. (BILL) HEFNER,
EDWARD R. ROYBAL,
JULIAN C. DIXON,
JOSEPH M. MCDADE,
JOHN T. MYERS,
BILL YOUNG,
HAL ROGERS,
JOE SKEEN,
RALPH REGULA

Managers on the Part of the House.

ROBERT C. BYRD,
DANIEL K. INOUYE,
ERNEST F. HOLLINGS,
J. BENNETT JOHNSTON,
QUENTIN BURDICK,
PATRICK J. LEAHY
(with the exception of Defense),
JIM SASSER,
DENNIS DECONCINI,
DALE BUMPERS,
FRANK R. LAUTENBERG,
TOM HARKIN,
BARBARA A. MIKULSKI,
HARRY REID,
BROCK ADAMS,
WYCHE FOWLER, JR.,
J. ROBERT KERREY,
MARK O. HATFIELD,
TED STEVENS,
JAKE GARN,
THAD COCHRAN,
BOB W. KASTEN,
ALFONSE D'AMATO,
WARREN RUDMAN,
ARLEN SPECTER,
PETE V. DOMENICI,
DON NICKLES,
KIT S. BOND,

Managers on the Part of the Senate.

COMPREHENSIVE NATIONAL ENERGY POLICY ACT

The SPEAKER pro tempore (Mr. ROEMER). Pursuant to House Resolution 459 and rule 23, the Chair declares the House in the Commitee of the Whole House on the State of the Union for the further consideration of the bill, H.R. 776.

□1952

IN THE COMMITTEE OF THE WHOLE

Accordingly the House resolved itself into the Committee of the Whole House on the State of the Union for the further consideration of the bill (H.R. 776) to provide for improved energy efficiency with Mr. SKAGGS in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. When the Committee of the Whole rose earlier today, the amendment offered by the gentleman from Tennessee [Mr. CLEMENT] was under consideration and had 32 minutes remaining.

Mr. MILLER of California. Mr. Chairman, I reserve the balance of my time.

Mr. BARTON of Texas. Mr. Chairman, I yield such time as he may consume to the gentleman from Utah [Mr. HANSEN].

Mr. HANSEN. Mr. Chairman, I rise in support of the Barton amendment on nuclear licensing reform. I believe passage of the Barton amendment is necessary to remove a threat to enactment of comprehensive energy legislation this year.

I want to commend the House leadership for moving so swiftly and decisively on scheduling this legislation. I also want to applaud the rapid action by the Energy Committee and the other committees that reviewed this bill over the past few weeks.

Mr. Chairman, we are all familiar with the drumbeat of public criticism of Congress these days. One of the main charges against Congress is that we are doing nothing to solve the serious problems facing the country. Sadly, I believe that much of this criticism is right on the mark. All too often, Congress talks about tackling national problems; and talks, and talks, and talks.

This is a good bill. It represents a broad consensus by environmentalists, industry, labor, and Federal and State regulators on a sweeping agenda. Steps are taken in H.R. 776 to increase energy production, improve energy security, and protect the environment. This bill was carefully developed over 3 years, and reflects a very deliberate and measured approach to energy legislation. This bill is a good sign to the American people that Congress is capable of taking action to solve some of our national problems.

President Bush promised to veto H.R. 776 if it includes the Interior amendment to prevent nuclear energy development in the United States. He has reiterated this threat a number of times over the past month, and I take the President at his word on this.

If you want to play games with the politics of this energy bill, go ahead and oppose the Barton amendment. You will invite a veto from the President, and we can all run around and point fingers at each other and try to a fix blame. However, if you want to begin to tackle the serious problems facing this country, you must support the Barton amendment.

This is a rare opportunity to act on a deliberate fashion on energy policy. In the past, Congress has only acted on energy policy in the wake of a serious energy crisis. Today, we can act to prevent a future crisis. The last time the Congress acted on energy legislation was 1978. The time for action is ripe.

I support the Barton amendment because it eliminates a poison pill in H.R. 776 and allows us to show the public that Congress can deal with important problems.

Mr. BARTON of Texas. Mr. Chairman, I yield such time as he may consume to the distinguished gentleman from California [Mr. CUNNINGHAM].

Mr. CUNNINGHAM. Mr. Chairman, I rise in strong support of the Clement-Barton amendment.

Mr. BARTON of Texas. Mr. Chairman, I yield 4 minutes to the distinguished ranking Republican member of the Committee on Energy and Commerce, the gentleman from New York [Mr. LENT].

Mr. LENT. Mr. Chairman, I rise in support of the amendment offered by Mr. CLEMENT and Mr. BARTON on nuclear power plant licensing reform.

There are a number of problems with the Miller provision on licensing. First, the Miller amendment in all practical respects requires a hearing after a brand new nuclear power plant is constructed. While the Miller provision does not per se require a postconstruction hearing, the threshold it establishes for triggering a postconstruction hearing is very low. Essentially, any allegation will pass muster and then a second hearing is started.

The provision of the gentleman from California [Mr. MILLER] on licensing also requires on the record adjudication for all proceedings regarding nuclear power plants. In other words, under this amendment the NRC has absolutely no flexibility to use informal procedures for issues that are best resolved informally, and although it is well known that formal adjudication is frequently not the best way to address safety concerns, this understanding is ignored by Mr. MILLER's licensing provision.

Third, the Miller provision on licensing makes any decision by the NRC not to take enforcement action reviewable by the courts. This reverses a well-known and longstanding principle of administrative law which holds that enforcement action is inherently discretionary, leaving it to the expert agency to decide when and whether to take enforcement action. This principle, I might add, is not just applicable to the NRC, but to all other agencies as well, and it is one that has been many times upheld by the courts.

Perhaps the most egregious problem with this provision is that it could compel, for example, the revocation of a medical facility or a power reactor's license for a minor regulatory infraction.

That is not the way in which to construct a sound national energy strategy.

I strongly support the Clement-Barton amendment on licensing reform because it does not burden the nuclear power plant licensing process, and, in addition, and this is, perhaps, a very important point, the Interior Committee's provision is definitely veto bait; the President has already stated in his letter of April 20, that he will veto an energy bill containing such a nuclear licensing provision. The Clement-Barton approach, on the other hand, is absolutely identical to the language adopted earlier this year in the other body, and that language is acceptable to the President.

So, Mr. Chairman, I would urge my colleagues to support true licensing reform as contained in the Clement-Barton amendment.

Mr. CLEMENT. Mr. Chairman, I yield such time as he may consume to the gentleman from Texas [Mr. GEREN].

Mr. GEREN of Texas. Mr. Chairman, I rise in support of the Clement-Barton amendment.

Mr. CLEMENT. Mr. Chairman, I yield 1 minute to the gentleman from Pennsylvania [Mr. MURTHA].

Mr. MURTHA. Mr. Chairman, I want to rise in support of the Barton-Clement substitute amendment because I come from coal country, and if it were not for this type of an amendment, it would stop nuclear power, and I know a lot of people think that we could go forward with it. But without this amendment all licensing would stop as far as nuclear power plants go, which means we do not have any clean air, which in the long run hurts the coal-producing areas. The only place we have been able to reduce imported oil, the only place, is by increasing the amount of coal and nuclear power that is used, and I would hope that we can make these adjustments so that we can go forward with nuclear power that would allow us then to burn more coal and reduce the amount of imported oil thereby preventing another war in the Middle East.

So, Mr. Chairman, I rise in strong support of the Barton-Clement amendment.

Mr. MILLER of California. Mr. Chairman, I yield 4 minutes to the gentleman from Pennsylvania [Mr. KOSTMAYER], the chairman of the Subcommittee on Energy and the Environment.

Mr. KOSTMAYER. Mr. Chairman, let me just say at the outset that I listened to my very good friend, the gentleman from Tennessee [Mr. CLEMENT], who talked about the nuclear plant in his State, Watts Barr, and so I went back and found out that the reason that Watts Bar is still not operating is that more than a hundred of their employees filed health and safety complaints with the Nuclear Regulatory Commission. No one intervened. There was no intervention. The reason that Watts Bar is not proceeding is because of a hundred workers who have complained about health and safety violations, some of whom undoubtedly live in the gentleman's——

Mr. SHARP. Mr. Chairman, will the gentleman yield?

Mr. KOSTMAYER. I yield to the gentleman from Indiana.

Mr. SHARP. Mr. Chairman, the point being under the amendment of the gentleman from Tennessee [Mr. CLEMENT] that would still happen today. There is nothing that the NRC has done or the House or Senate would do. Those are whistleblower issues. Those are not public hearing issues. Those are not intervener issues.

Mr. KOSTMAYER. There was, in fact, in the case of Watts Bar, no second hearing.

Mr. CLEMENT. Mr. Chairman, will the gentleman yield?

Mr. KOSTMAYER. I yield to the gentleman from Tennessee.

Mr. CLEMENT. Mr. Chairman, we are talking about 20 years now. I doubt very seriously whether a few employees would take up a period of 20 years when other nuclear plants in other countries can be built in 6 years, and the national average is 14 years in the United States, and now it is 20 years, and it will probably be 2 more years before we will satisfy those complaints.

□ 2000

Mr. KOSTMAYER. Mr. Chairman, reclaiming my time, I also wanted to respond to something my friend, the gentleman from New York [Mr. LENT], said, when he implied the second hearing would be automatic.

Mr. Chairman, the second hearing is not automatic. There are three pages of standards they have to meet, and it is entirely and solely within the discretion of the Nuclear Regulatory Commission as to whether or not there should be a second hearing.

Mr. Chairman, let me just say a couple of things and explain a little bit of background here as I have earlier in the debate. In 1989, the Nuclear Regulatory Commission promulgated a rule having to do with the licensing of nuclear plants. They really did essentially three things.

First, they decided there should be a one-step license, both for construction and operation of a plant, as opposed to two separate licenses, one for construction and one for operation. They did the right thing. They speeded up the process.

Second, they decided that all nuclear plants in the country ought to have a standard design. They are right. They did the right thing. That is a good decision.

Third, they wrote a provision, an early site provision, which allows a utility to request a site permit for a nuclear plant which is good for 40 years. That means if somebody in your community comes to you and complains about a nuclear plant that is about to be constructed, they are going to be told, "We are awfully sorry; they got permission to do that 40 years ago."

Now, the Clement-Barton language and the Interior language are almost identical on every issue except one, and it is that one issue which is in dispute this evening. Here is what that one issue is.

After a plant has been constructed, after all construction has been completed, if new and significant information is brought forth and the NRC decides it is new and significant, if it is brought forth, the NRC then gets to make the decision, and it is not mandated, then they get to make the decision as to whether or not there should be a hearing.

It is not mandated. It is up to the NRC. Only if the NRC decides that the information is new and significant, that is all we are saying, new and significant information as defined by the Nuclear Regulatory Commission would allow, if the NRC wanted it, a hearing between the time the plant is completed but before it is turned on.

The amendment offered by the gentleman from Tennessee [Mr. CLEMENT] and the gentleman from Texas [Mr. BARTON] would not allow that hearing.

So the important thing to remember is there is not fundamental disagreement between what the gentleman from Texas [Mr. BARTON] and the gentleman from Tennessee [Mr. CLEMENT] and the Committee on Interior and Insular Affairs language want to do. It is just this issue of, can the NRC, if they want to and if they think the information is both new and significant, can they call for a hearing.

I think the answer ought to be yes. But Barton-Clement would disallow that. The language which is in this bill would allow that under these very, very narrow and very limited circumstances.

Mr. Chairman, I urge the committee to stick by the Committee on Interior and Insular Affairs and adopt the language now in the bill.

Mr. GLICKMAN. Mr. Chairman, will the gentleman yield?

Mr. KOSTMAYER. I yield to my friend, the gentleman from Kansas.

Mr. GLICKMAN. Mr. Chairman, I agree with what my colleagues says. I think this is a reasonable public policy position to protect the public health and safety of people who live near and around new nuclear power plants, and does not interfere with the licensing process. So I support the committee position and oppose this amendment.

Mr. BARTON of Texas. Mr. Chairman, I yield such time as he may consume to the gentleman from Texas [Mr. FIELDS].

Mr. FIELDS. Mr. Chairman, I rise in support of the Clement-Barton amendment to H.R. 776. This legislation is essential to ensure that we have the required electricity—the most rapidly growing form of energy—to fuel economic growth in the coming decades.

While total energy use has increased a modest 9 percent since the 1973 oil embargo, U.S. consumption of electricity has increased by 54 percent. Nuclear energy played a key role in supplying this growth; 36 percent of all new electricity supplied since 1973 has come from clean, safe nuclear energy. Last year, nuclear energy produced more than one-fifth of all the electricity used by U.S. consumers.

Although nuclear energy is the most cost-effective and environmentally advantageous form of electric generation, it has been undermined by an outdated licensing process that has created uncertainties and significant delays in plant construction and operation. As average construction schedules lengthened, costs rose from about $400 million in the 1970's to as much as $6 billion in the 1980's. For many of the plants brought on line in the 1980's, interest and associated carrying costs represented approximately 50 percent of total plant cost.

Mr. Chairman, it is impossible to accurately predict how much new electric capacity will be required to meet future demand. However, it does seem obvious to most that new generation capacity is needed. Current plans for new plants—mostly fossil fuels—are not likely to meet projected needs. Even with our most optimistic projections for efficiency and conservation measures, this country is going to have to start planning for additional generation—and plan now. Nuclear energy must be a vital part of that plan.

Utilities know the economic advantages of nuclear energy. Industry studies predict that an advanced-design nuclear energy plant could supply electricity at an average cost of 4.3 cents per kilowatthour compared to 4.8 cents per kilowatthour for a coal-fired plant, 6.1 cents per kilowatthour for a gas-fired plant, and 8.1 cents per kilowatthour for an oil-fired plant.

The Nation will not be able to enjoy the economic and environmental benefits of nuclear energy until the licensing process for building new plants is overhauled. Congress needs to provide a stable regulatory process that provides public participation upfront, and minimizes the financial risks and scheduling uncertainties associated with past construction.

The licensing reform proposal by my colleagues, Mr. CLEMENT and Mr. BARTON, will provide the regulatory climate necessary to satisfy investors by putting the lengthy hearing process to determine design, site, and safety requirements before the start of construction. The proposal mandates that the NRC find that public health and safety are protected before the plants are allowed to operate.

Nuclear energy has a proven track record of providing safe, clean, economically competitive electricity. I strongly urge you to support the Clement-Barton amendment to allow this Nation to continue to benefit from a new generation of nuclear energy plants that will fuel the economy of the 21st century.

Mr. BARTON of Texas. Mr. Chairman, I yield 2 minutes to the honorable gentleman from California [Mr. MOORHEAD], the ranking Republican on the Subcommittee on Energy and Power of the Committee on Energy and Commerce.

Mr. MOORHEAD. Mr. Chairman, I rise to join with over 150 cosponsors on both sides of the aisle in support of the Clement-Barton nuclear licensing amendment now before us.

Adoption of this amendment is critical if we are to realize a national energy policy that meets the needs and the expectations of the American people. Our constituents want and deserve an energy policy that accomplishes several vital goals. A sound national energy policy should do the following:

Prepare us to meet the increasing energy demands of the future;

Increase our energy independence;

Make us more competitive internationally;

Create jobs;

Fuel economic growth; and

Ensure the safe and environmentally sensitive generation of power for all Americans.

I strongly believe that passage of the Clement-Barton amendment will help to accomplish all of these goals.

This amendment seeks to modernize our Nation's cumbersome and hopelessly outdated system for licensing nuclear power plants. There can be little question that such reform is necessary. The current system was devised nearly 40 years ago, when the nuclear industry was in its infancy and before most of today's nuclear power plants were even on the drawing boards. It just doesn't make sense today. And it has put the brakes on a vital industry that now provides us with one-fifth of all electricity generated in the United States.

Essentially, the current regulatory regime has been based on the archaic notion that nuclear power plants should be built on a case-by-base, design-as-you-go, trial-and-error basis. Under such regulation, construction permits have been issued on the basis of preliminary plant designs that were less than 30-percent complete. After construction, industry then had to obtain a second license to approve the completed design before operating the plant. This process has often resulted in years of non-productive and adversarial action between the licensee and the public, dramatically increasing the cost of plants by hundreds of millions of dollars.

Of course, we know who ultimately pays for the increased costs of this cumbersome process: the American electricity consumer.

That kind of approach may have made sense when the technology was still in its unproven, experimental stage, Mr. Chairman, but it doesn't make sense today. Clearly, it's time to move America's energy industry forward toward a system that relies on standardized, safe designs of nuclear power plants.

Under the Clement-Barton amendment, reactor manaufacturers will be able to apply for pre-approval certification of standardized reactor designs. Unlike current law, those designs must be sufficiently complete to allow final resolution of all design safety issues in advance. This way, the public and the Nuclear Regulatory Commission can review and resolve all safety questions early on.

Any citizen can petition the NRC to reverse its approval should information become available that was not considered during the review. Further, the public can contest the outcome in court.

Potential licensees must then identify and receive a permit for a site for the later construction of a plant if they can determine that the basic characteristics of that site are amenable to such future construction. Public hearings are mandatory and again, any citizen can appeal the process.

License applicants must then obtain a combined license to construct and operate a certified safe design at a preapproved site before plant construction begins. Construction conformance with license requirements would be assured by specific inspections, tests, analyses and acceptance criteria outlined in the combined license. As before, public hearings would be held and any citizen can contest the eventual decision.

Finally, once a plant is completed, the Nuclear Regulatory Commission is then required to find that all license requirements have been met.

Clearly, the Clement-Barton amendment provides the public with abundant opportunity to become involved—and challenge, if they so desire—industry's plans to construct a power plant at every step of the way. Viewed together, the public has the opportunity for at least two formal and two informal hearings in this process. For good cause determined by the NRC, the process could result in four formal hearings. In addition, at least three opportunities exist for the public to raise new safety issues that arise after formal NRC action. In each case, the decision of the commission is subject to judicial review.

Essentially, while the current process allows for potentially lengthy, adjudicatory hearings after construction is complete but prior to operation, the Clement-Barton process provides the public with the opportunity to weigh in on all aspects of a new plant, including design, siting, size, cost, safety components, et cetera, before any concrete is poured. That makes sense both from an economic as well as a public safety standpoint.

Adoption of this amendment will likely lead to increased investment in the nuclear energy industry, sparking the creation of more jobs and economic growth across the country. That is one of the reasons why this amendment is strongly supported by the International Brotherhood of Electrical Workers.

Increased investment in nuclear energy generation is also essential if we are to meet future energy demands. It is estimated, for example, that—even with increased demand-side management of electricity usage—there will be a need to construct up to 150,000 megawatts of baseload generating capacity by the end of the next decade to meet increased electricity demand. We must have a viable nuclear energy industry if we are to meet those needs.

Mr. Chairman, I believe that it is time we move forward to a nuclear licensing process that encourages standardized plant design. Without such legislation, the nuclear energy option we desperately need for a balanced, comprehensive, and environmentally sound energy strategy will remain closed. I strongly urge my colleagues to vote "yes" on the Clement/Barton amendment.

Mr. CLEMENT. Mr. Chairman, I yield 30 seconds to the gentlewoman from Tennessee [Mrs. LLOYD].

Mrs. LLOYD. Mr. Chairman, I rise in support of the Clement-Barton amendment. My colleague the gentleman from Tennessee, has been diligent and persistent in his efforts to standardize plant design and provide for a reasonable regulation process, and I commend him for this.

The Clement-Barton amendment will bring some sanity to the licensing process and provide guidance so that the utilities can make reasonable plans. The measure also provides protection for the public health and safety. I applaud the innovative approach requiring up-front notice by the NRC of the inspections, tests, analyses, and acceptance criteria.

Mr. Chairman, I urge my colleagues to support the Clement-Barton amendment.

Mr. CLEMENT. Mr. Chairman, I yield 1 minute to the gentleman from Alabama [Mr. HARRIS].

Mr. HARRIS. Mr. Chairman, I rise today in strong support of the amendment offered by my colleague, Congressman CLEMENT, that will reform the nuclear licensing procedure.

This amendment would require that the lengthy hearing process to determine design, site, and safety requirements should be completed before the construction of a new nuclear power facility. After the construction of a plant, the NRC would be required to find that public health and safety are protected before the plant can begin operation.

This amendment will streamline the licensing procedure and encourage more nuclear plants to open in the future.

Nuclear power currently supplies a significant amount of the electricity used in the United States. For instance, in my home State of Alabama, we have a nuclear power plant in Dothan that is rated as one of the most reliable nuclear generators in the Nation.

I urge my colleagues to support this amendment to ensure that nuclear power continues to be a viable option in the future.

Mr. MILLER of California. Mr. Chairman, I yield 2 minutes to the gentleman from New Jersey [Mr. GEJDENSON].

Mr. GEJDENSON. Mr. Chairman, I am astounded by what I see before us. I guess some of my colleagues have not been back in their districts. Did you ever try to site recently any kind of facility, a garbage burning facility, a landfill, a storage facility, a transfer facility? The people do not trust the system.

Now you are going to ask them if we accept this amendment to accept a license that goes on beyond their children's lifetime, 20 years, renewable to 40 years.

Cities that do not exist will have cropped up in the intervening time. Technology, our understanding of radiation, our understanding of waste storage, of transporting waste, will have evolved.

Think how much we have changed in the last 40 years. If we knock out the provisions in the bill, we are allowing the NRC to give a license that, with a wind and a nod, will last 40 years.

Do we not owe our constituents an honest opportunity to have a dialog? Is the industry so frightened by the prospect of having the public intervene that they cannot sustain an open dialog?

It seems to me that when we narrow the public's participation, when we restrict the public access to the debate, what we end up with is a public that is even more suspicious of the regulatory process and where we are going.

The way to help nuclear power is not to convince the public that the hearings cannot stand the light of day, that the public cannot have an opportunity to review. We ought to make sure the public feels comfortable and that they are not being taken 10 or 20 years in advance of the review; that the public, if it has real information, that the public has an opportunity to reenter the process.

□ 2010

Mr. BARTON of Texas. Mr. Chairman, I yield 1 minute to the gentleman from Arizona [Mr. RHODES], a distinguished member of the Committee on Interior and Insular Affairs, where the Miller language that is in the bill was originally put in place.

Mr. RHODES. My colleagues, make no mistake about it. The Barton-Clement amendment does not proscribe public participation in the licensing and relicensing process. The public's participation is guaranteed in the Barton-Clement amendment.

The issue here is one of NRC discretion.

The gentleman from California [Mr. MILLER] pointed out the very basic similarities between the Miller proposal and the Barton-Clement proposal. They are the same, and they preserve the NRC's discretion as to how they will handle the participation of the public right up until the very end, right up until the plant has been built and it is time to turn the switch on.

Then if an intervenor comes in and raises significant issues which are at a very low threshold, the NRC is required by the Miller-Kostmayer provisions to hold a full adjudicatory hearing, which will last 2 to 4 years, 2 to 4 years after the plant is built.

All Barton-Clement does is say that the NRC has the discretion at that time to determine what kind of a hearing will be held. It has the full discretion to hold a full hearing. It has the full discretion to determine how operational licensing will proceed.

Mr. CLEMENT. Mr. Chairman, I yield 1 minute to the gentleman from Alabama [Mr. CALLAHAN].

Mr. CALLAHAN. Mr. Chairman, I rise in support of the amendment. I believe passage of the Clement-Barton licensing amendment is necessary to maintain U.S. nuclear energy development.

Nearly 40 years ago, the Congress established our nuclear licensing process through enactment of the Atomic Energy Act of 1954. That law has remained largely untouched since its enactment, and John Kennedy was President the last time the act was changed.

The licensing process established at that time was designed for a prototype technology. It made sense in 1954 to require that decisionmaking take place after plant construction because it was impossible at that time to determine before construction whether a plant design guaranteed public health and safety.

The current situation is radically different than it was in 1954. There are over 100 nuclear plants operating in the United States and well over 400 worldwide. In this country alone, we have over 1,700 reactor years of experience with nuclear energy. Given this experience, Federal regulators are able to evaluate the safety of plant designs based on detailed design information only. The safety of designs can and should be determined before plant construction. This approach assures that designs that do not provide an adequate level of safety are never constructed and plants that meets this standard are not delayed unnecessarily.

Nuclear energy is no longer a prototype technology, and the licensing process must be updated and brought in line with changes in technology. The technology of nuclear energy is now mature and the regulatory regime should reflect changes since 1954.

Mr. Chairman, I urge support for the Clement-Barton amendment.

Mr. MILLER of California. Mr. Chairman, I yield 2 minutes to the gentleman from Massachusetts [Mr. STUDDS].

Mr. STUDDS. Mr. Chairman, I would like to associate myself with and underline the remarks of the gentleman from Pennsylvania [Mr. KOSTMAYER].

I think that it is important that Members know what administration officials told us about the real-life implications of this amendment when we held subcommittee hearings on this issue last year.

Responding to a hypothetical situation that I posed, the witnesses gave us an idea of the limits on public participation that would result if this amendment is adopted.

Let's assume that a utility in your district obtains from the NRC a combined license—construction and operation—to build a nuclear power plant. Six years later, the plant is finished.

But in the meantime, scientific studies show the existence of a seismic fault near the plant, and chances of an earthquake are greater than was known when the license was granted.

Or, somewhat less dramatic than that, let's say that the population in your district grows dramatically—it did in mine—during the 6 years that the plant was being built. You have many more schools, nursing homes, day care centers, and there is serious question as to whether the emergency plan that was approved when the license was granted will do the job.

Let us say that the NRC decides that this new information is not significant and they want to allow the plant to begin operation. Under this amendment, your constituents would be denied the right to a formal hearing on these issues.

They would only be entitled to raise their issues through a petition process.

We learned at the hearing that over 320 of these petitions have been submitted to the NRC. And do you know how many were granted a hearing by the NRC?

Two, just 2 out of 320. Those are very long odds.

The provisions of this bill do nothing more than codify the findings of a Federal court that the NRC's rules limiting public participation were too restrictive.

The nuclear power industry has a public relations problem, not a licensing problem. And it is not going to improve its image by working to further restrict public involvement.

This is an unnecessary amendment, it is a dangerous amendment, and I urge its defeat.

The CHAIRMAN. The Chair would advise that the gentleman from Tennessee [Mr. CLEMENT] has 2½ minutes remaining, the gentleman from Texas [Mr. BARTON] has 4 minutes remaining, and the gentleman from California [Mr. MILLER] has 7 minutes remaining.

Mr. BARTON of Texas. Mr. Chairman, I yield 1 minute to the distinguished gentleman from Michigan [Mr. HENRY].

Mr. HENRY. Mr. Chairman, I rise in strong support of the amendment.

I would simply point out to its critics something they have failed to mention. The problem with the committee language is very clear and evident. For all the reforms in the one-step construction and operating process, it breaks down because they failed to deal with the problem of the intervener, which forces the NRC to 2- and 4-year judicial proceedings even when old and insignificant information is raised.

Members object and say, well, the NRC will not take up an intervention if new and significant information is raised. Where does the NRC come from? These Commissioners are nominated by the President, confirmed by the Senate. Do my colleagues think that does not change over 40 years? Do my colleagues not trust any President? Do they not trust any Senate? Is that why they are opposing the language the Senate itself approved?

I do not think we ought to be so conspiratorial in this body. I do not think we ought to force any regulatory commission on principle, force its hand into an adjudicatory process even when demonstrably all they have is old and insignificant information before them.

Mr. CLEMENT. Mr. Chairman, I yield 1 minute to the gentleman from Oklahoma [Mr. BREWSTER].

Mr. BREWSTER. Mr. Chairman, I rise in support of the Clement amendment on nuclear licensing reform. I believe this amendment will establish a rational system for licensing nuclear plants that protects the rights of public participation and judicial review.

I have heard some inaccurate criticism of the Clement amendment offered here on the floor and from activist groups. One change is that the Clement amendment would establish a one-stop or one-step nuclear licensing process.

That is simply wrong. The Clement amendment requires there be a minimum of three major licensing steps. First, the Clement amendment guarantees a public hearing on the early site permit. Second, the Clement amendment guarantees a public hearing on design certification. Third, the Clement amendment guarantees a public hearing on combined construction permit and operating licenses. That is three steps, not one.

Further, the Clement amendment provides, as a matter of right, a preoperational hearing upon a good faith showing that a nuclear plant was not constructed in conformance with its combined license. That would be four steps and four hearings, not one.

Some have charged that this opportunity for a preoperational hearing is too limited and that a preoperational hearing should be granted on demand. I disagree. There is no unfairness in asking people to provide some basis for a preoperational hearing. A right to a preoperational hearing based on a good faith showing that there is a potential safety problem with a completed nuclear plant will enhance the safety of nuclear plants. In contrast, a right to a hearing on demand does nothing to improve the safety of nuclear plants and only causes pointless delay.

The plain fact of the matter is that the licensing process has failed in the United States. The average cost of U.S. nuclear plants built in the 1980's was $3 billion; twice the cost of nuclear plants in France. The reason is simple: it took 8 years to build a U.S. nuclear plant, and only 5 years to build a French plant.

According to some estimates, the Clement amendment makes it possible that nuclear plants can be built and operating within 8 years. While this is still a lengthier process than other successful and safe permitting procedures, it is a significant improvement over the current system.

I urge my colleagues to support the Clement amendment.

Mr. MILLER of California. Mr. Chairman, I yield 1 minute to the gentleman from Kansas [Mr. GLICKMAN].

Mr. GLICKMAN. Mr. Chairman, let me tell my colleagues why the public safety could be threatened if we adopt the Clement-Barton amendment. Let us say we are late in the process of building a plant. A joint operating-construction license had been granted. The plant is either built and ready to go on line full speed or close thereto and a problem is found and it could be a serious problem.

The pressure will be there to open that facility, to move it, to get the electricity going. The NRC will be under great pressure to go ahead and approve without any formal hearing whatsoever. Billions of dollars may have been invested by that nuclear power plant and may be involved. Financial pressures are to go, move, get on line.

But the public safety is also threatened as well. I learned in law school under the theory of negligence that the risk to be perceived defines the duty to be obeyed. The risk in this case is quite high. Therefore, the duty is to permit that public hearing, even at a late stage of the proceedings, in order to make sure that some catastrophic event will not happen.

For that reason, I think we ought to stick with the bill of the Committee on Interior and Insular Affairs and vote against the Clement-Barton amendment.

Mr. BARTON of Texas. Mr. Chairman, I yield such time as he may consume to the distinguished gentleman from Wyoming [Mr. THOMAS].

Mr. THOMAS of Wyoming. Mr. Chairman, I rise in strong support of the Clement-Barton amendment.

Mr. BARTON of Texas. Mr. Chairman, I yield myself such time as I may consume.

□ 2020

Mr. BARTON of Texas. Mr. Chairman, the last nuclear power plant to be ordered in this country, constructed and go into operation, was ordered in 1973. Since that time around the world 248 nuclear power plants have been ordered constructed or are now producing clean, safe, reliable electric power. Eighty-five additional nuclear power plants have been ordered and are under construction around the world.

The Barton-Clement amendment reestablishes the option to consider the construction of nuclear power plants in this country; it does not guarantee, it just reestablishes the option. Under Barton-Clement, we have the pre-site approval, which is NCR rulemaking No. 52. We have the standardized design, which is currently underway, and we hope to have at least two standardized designs by 1994.

To my left is one of those designs that is currently being built in Japan right now and will be operational in less than 5 years.

We have the identical language that is in the Senate bill that was passed 94 to 4 several months ago. We have the option for an additional hearing at any time, at any time, in addition to the three adjudicatory hearings that are already guaranteed under Barton-Clement. This optional hearing can be a formal adjudicatory hearing, it can be an informal hearing. But if such a hearing is granted under the one-step licensing process under Barton-Clement, the granting of that hearing does not automatically stop the operation or the construction of the plant.

The NRC has gone on record opposing the language that is in the committee print. I have a letter from the NRC Commissioner which I will submit for the RECORD. The Secretary of Energy has gone on record opposing the Miller language. The President of the United States has said he will veto the bill if the Miller language is in a bill that is presented for his signature.

Do not be under any misunderstandings. This is a clear up and down vote on whether we want to maintain the option of nuclear power in this country. Vote "yes" for Barton-Clement and that option is alive. Vote "no", that option is dead. It is that simple.

I cannot believe this Congress would go on record and say, "We do not want to at least maintain the option to build safe, reliable nuclear power plants in this country."

Mr. Chairman, I include for the RECORD the following survey results and letters:

The only way to get a full picture of any issue is to ask a wide range of questions. Special interest groups often highlight one question to make their point. However, no one question can describe public opinion on nuclear energy.

Public support for renewable energy technologies is very strong. And the public believes we must use energy as efficiently as possible before we build more electric plants of any kind. Support for these policy options does not imply public opposition to nuclear energy. The public expects nuclear energy to help meet our electricity needs into the future. For example:

81% expect that nuclear power will play an important role in meeting our future electricity needs (Cambridge Reports, Nov. 91).

73% believe nuclear power should play an important role in meeting U.S. energy needs (Bruskin/Goldring, Feb. 92).

Note: Anti-nuclear groups showed similar results—6% in response to same question (The Analysis Group, Sept. 88 for the "Safe Energy Communications Council").

60% favor the use of nuclear energy (Bruskin/Goldring, Feb. 92).

70% want to preserve the option to build more nuclear power plants in the future (Bruskin/Goldring, May 91). Only 22% want to build more plants now (only 20% think new electric plants will be needed in their area in the next 10 years).

Note: Anti-nuclear polls show similar results—only 28% think the U.S. will need more power plants and only 27% favor building more nuclear energy plants (Frederick/Schneiders, Inc., March 92 for the "Safe Energy Communications Council").

66% favor efforts to construct new advanced design nuclear energy plants (Cambridge Reports, May 91).

Full questions and results

1. How important do you think nuclear energy plants will be in meeting this nation's electricity needs in the years ahead? (Cambridge Reports/Research Intl., Nov. 1991)

	Percent
Very important	50
Somewhat important	31
Not too important	9
Not important at all	7
Don't know	3

2. Practically speaking, how important a role do you think nuclear energy should play in meeting America's future energy needs? (Bruskin/Goldring, Feb. 1992)

	Percent
Very important	35
Somewhat important	38
Not too important	10
Not important at all	12
Don't know	5

3. Overall, do you strongly favor, somewhat favor, somewhat oppose, or strongly oppose the use of nuclear energy as one of the ways to provide electricity for the United States? (Bruskin/Goldring, Feb. 1992)

	Percent
Strongly favor	25
Somewhat favor	35
Somewhat oppose	18
Strongly oppose	15
Don't know	7

4. Many people have different opinions about building new nuclear energy plants for providing for the future electricity needs of our country. Please tell me which statement comes closest to your opinion on the subject: (Bruskin/Goldring, May 1991)

	Percent
We should build new nuclear plants now	22
We should not build new nuclear energy plants now but should keep the option open	48
We should not build new nuclear energy plants and should not keep the option open	24

5. U.S. manufacturers like General Electric and Westinghouse have developed new improved designs for nuclear energy plants as a joint project with the electric utilities through the Electric Power Research Institute. These new nuclear energy plants will have more automatic safety systems and will be more reliable and economical. Would you strongly favor, somewhat favor, somewhat oppose, or strongly oppose efforts to construct these new plants? (Cambridge Reports/Research Intl., May 1991)

	Percent
Strongly favor	30
Somewhat favor	36
Somewhat oppose	13
Strongly oppose	15
Don't know	6

NUCLEAR REGULATORY COMMISSION,
Washington, DC, May 20, 1992.

Hon. JOHN D. DINGELL,
Chairman, Committee on Energy and Commerce, House of Representatives, Washington, DC.

DEAR MR. CHAIRMAN: The Nuclear Regulatory Commission has carefully reviewed the various Committee Reports on H.R. 776, the "Comprehensive National Energy Policy Act". We are writing as House floor debate begins to express our strong opposition to several provisions recommended by the House Committee on Interior and Insular Affairs (Interior Committee). These pertain to nuclear power plant licensing reform, license renewal, treatment of enforcement petitions and state regulation of nuclear materials at very low levels of radioactivity and regulation of Class C waste. The fact that we are providing comments in opposition to these specific proposals should not be taken as signifying our support for other versions or parts of H.R. 776; our views on other provisions may be provided at a later date.

In brief, the proposed licensing reform and license renewal provisions would upset the carefully crafted balance which the Commission has developed consistent with the Atomic Energy Act to provide for both meaningful public participation and reasonable finality to licensing decisions. The effect of the Miller provisions would be to create new instability in the licensing process for future standardized plants and to expand the license renewal process unnecessarily for existing plants in order to address issues that are already being satisfactorily monitored and regulated by ongoing inspection and enforcement programs. The provisions relating to the regulation of below regulatory concern waste would alter the framework for nuclear power regulation and could deter standardization of nuclear power plants. Finally, disposal of Class C waste should not be made a Federal responsibility. Such an approach could lead to unnecessary delay in the States' developing new low-level radioactive waste disposal facilities and the high-level waste respository.

LICENSING REFORM

The Commission has taken the position that it would support licensing reform legislation that would streamline the licensing process by granting the NRC additional flexibility and by reconfirming our existing authority regarding the timing and format of post-construction hearings. Such legislation could provide greater stability for the licensing process by codifying the major provisions found in 10 CFR Part 52 of the Commission's regulations. Conversely, we have also stated that we cannot support licensing reform legislation that reduces the Commission's flexibility and that fails to strike an appropriate balance between the need for meaningful public participation and the need for a stable licensing process.

Consistent with these views, the Commission cannot support the licensing reform provisions offered by the Interior Committee. These provisions would require formal adjudicatory hearings in all power reactor licensing proceedings, thus restricting the Commission's flexibility to tailor hearing procedures to the complexity of the issues. These provisions would also expand the scope of post-construction hearings in a manner that could substantially undercut the NRC's efforts to develop a licensing scheme which finally resolves all issues before construction and major financial investment occurs.

LICENSE RENEWAL

Two provisions in section 2111 of the Interior Committee bill relating to license renewal are of particular concern to the Commission. Under the Atomic Energy Act, the initial term of operation under an operating license is limited to forty years, but the Act permits renewal of the license. In the coming decade, utilities will be filing applications with the Commission seeking renewal of their power reactor operating licenses. The Commission recently promulgated comprehensive regulations regarding the renewal of plant licenses, which in the Commission's view provide both an appropriate scope for public proceedings and a reasonable length for the renewed operating license. Under the commission's regulations, the hearing on a license renewal application would be limited to age degradation related issues or other issues unique to license renewal. The Commission could authorize renewal for a period of twenty years plus any time remaining on the facility's initial license. Under the Interior Committee approach, the hearing on the renewal application would be greatly expanded to include any issues relating to the terms of the license, applicable laws and regulations. In addition, the license extension could be granted for only twenty years, presumably excluding any time remaining on the initial license. The Interior Committee provision would not enhance protection of the public health and safety and would unnecessarily complicate the license renewal process.

ENFORCEMENT PETITIONS

The proposed legislation would also unduly restrict the Commission's enforcement authority. The provisions would require the Commission to grant a request for enforcement action (including revocation of a license) filed by a member of the public if there is significant noncompliance with the terms of the license, the Atomic Energy Act, or NRC's regulations, or if conditions of the facility pose undue risks to the public health and safety or the common defense and security. The Commission opposes such a provision. It eliminates the Commission's authority to assess the significance of conditions or violations and determine the appropriate corrective actions. Such legislation would have the effect of compelling revocation of a hospital or power plant's license for minor regulatory violations.

BELOW REGULATORY CONCERN AND FEDERAL PREEMPTION

The Commission continues to oppose legislation relating to the regulation of radioactive waste with very low levels of radioactivity. The Commission indefinitely halted implementation of its 1990 Policy Statement on that issue. We perceive no need for legislation in this area. We are particularly concerned about legislation that would upset established law and a long history with respect to regulation of radiological hazards, especially if it applied to nuclear power plants. We thus urge rejection of the proposed amendment.

The proposed new section 276 of the Atomic Energy Act would permit States to set their own individual radiological standards. Under its terms, if, after January 1, 1990, the NRC were to exempt low-level radioactive wastes or other practices, materials, or emissions from regulation or were to diminish protection of the public health and safety, as determined by the State, a State could set its own standards. Even a minor change in agency requirements in the area of regulation of low-level waste could open the door to State-by-State regulation. The NRC would likely become embroiled in a succession of individual State proceedings to determine whether NRC has reduced its regulatory requirements and to assess the validity of NRC regulations which had already gone through appropriate rulemaking procedures. Such a process would disrupt an existing comprehensive system of Federal nuclear regulation, and could also drain significant agency resources from protection of the public health and safety.

Moreover, the language in section 276 covers all "practices, materials, or emissions involving radioactivity". Although the Interior Committee Report implies the legislation is limited to BRC waste, the broad language, read literally, could permit States to set more stringent standards than those set by the NRC for the full scope of activities regulated by the NRC, including power reactors and high-level waste facilities. Although such a broad interpretation may not have been intended, a literal interpretation of the statutory language would fundamentally and unacceptably alter the current Federal framework for the regulation of nuclear power under the Atomic Energy Act of 1954, as amended, and would frustrate current efforts to foster standardization of nuclear power plants.

CLASS C AND LOW-LEVEL RADIOACTIVE WASTE

The proposed amendment would define Class C radioactive waste as high-level radioactive waste. This amendment would likely result in requiring Class C waste to be disposed of in a high-level waste repository. There is no health and safety justification for making Class C wastes a Federal responsibility and it would be potentially disruptive to both the national high-level and low-level waste programs.

The Commercial sector and the States have been responsibly disposing of Class C waste for many years. The three operating low-level wastes sites have disposed of Class C wastes safely since the inception of the classification scheme. Any change in the statutory framework for low-level waste disposal can be potentially disruptive to the site selection and development process for new low-level waste sites. For example, if Class C wastes will not be disposed of, States may initiate rulemaking to reflect the change and change the designs of the disposal facilities. Planning for disposal of Class C wastes in a high-level waste repository would introduce new uncertainties (e.g., waste forms and volumes) and further complicate the development and licensing of the repository. Consequently, the NRC opposes the reclassification of Class C waste.

The proposed provision would also require the NRC to promulgate amended siting criteria for low-level radioactive waste disposal facilities. The Commission cannot support this provision because it is confident that its existing site suitability requirements are adequate to protect the public health and safety. Establishment of new criteria at this late date could only delay and hinder the site-selection process.

If you have any questions on these matters, please do not hesitate to contact me.

Sincerely,

IVAN SELIN.

THE SECRETARY OF ENERGY,
Washington, DC, May 20, 1992.

Hon. THOMAS S. FOLEY,
Speaker of the House of Representatives, Washington, DC.

DEAR MR. SPEAKER: I am writing to express my strong support for passage of the Barton-Clement nuclear licensing amendment as a substitute to the Interior reported language to H.R. 776.

Predictability is urgently needed in the licensing process for nuclear plants to preserve nuclear energy as a viable option for this Nation. The Barton-Clement amendment would codify major licensing provisions of existing Nuclear Regulatory Commission (NRC) regulations, providing the permanence of law, and would allow safe, completed nuclear plants to operate without undue delay.

This amendment would ensure fair and direct access by the public in raising concerns about plant safety while providing a predictable process that is necessary for investment in new nuclear plants. Nuclear energy enhances environmental quality while sustaining economic growth because it produces electricity without emissions of sulfur dioxide, nitrogen oxide, or greenhouse gases. Enactment of the Interior reported nuclear plant, licensing language would result in no new nuclear plants being built and operated.

It is imperative that this country's ability to choose nuclear energy is preserved by passage of the Barton-Clement amendment to H.R. 776.

Sincerely,

JAMES D. WATKINS,
Admiral, U.S. Navy (Retired).

Mr. Chairman, I yield back the balance of my time.

Mr. BILIRAKIS. Mr. Chairman, I would like to share with you a special perspective on the essential nuclear energy plant licensing reform provisions that we debate today—the view from Wall Street, if you will.

These licensing reforms strike a reasonable compromise between the very real need of the investment community for regulatory stability and the public's desire to be assured that new nuclear energy plants will attain the highest safety levels.

It is clear that the implementation of a licensing process that takes into account the industry's technological progress in the development of advanced, standardized nuclear power plants is a key element of any framework leading to the revitalization of this clean and safe electricity source.

Unsurprisingly, the economics of nuclear power plants has been seriously undermined by both the uncertainties and delays in plant construction and operation. Since electric utilities must sell securities to willing investors or borrow the funds to finance the funds to finance plant construction, costs increase sharply as construction and licensing schedules lengthen and interest costs pile up.

During the 1970's, these costs escalated from $300 million to $500 million—and then into the billions during the 1980's. Without the development of a licensing process fair to all parties involved, we will not see another nuclear power plant constructed in this Nation. Indeed, not one has been constructed in the past decade.

This amendment would provide the nuclear energy industry with the regulatory stability and fairness necessary to attract investor capital back to the industry—but it will also provide the public with an assurance that the proposed plant design is safe and economical.

Such provisions are crucial if nuclear energy is to retain its rightful place in meeting the Nation's evergrowing electricity demands.

I am deeply gratified that the Public Service Commission in my home State of Florida supports the Clement-Barton reforms and opposes the provisions reported by the House Interior and Insular Affairs Committee.

I hope that my colleagues will take advantage of this historic opportunity to open up our Nation's energy future, and support this amendment. Its provisions will allow U.S. citizens to enjoy the environmental and energy security benefits of nuclear energy—which answers more than 20 percent of our electricity needs.

Mr. CLEMENT. Mr. Chairman, I yield 30 seconds to the gentleman from California [Mr. CUNNINGHAM].

Mr. CUNNINGHAM. Mr. Chairman, I thank my friend, the gentleman from Tennessee, for yielding me this time.

I rise in support of the Barton amendment. The gentleman from California [Mr. MILLER] stated that there is no confidence in this technology. I floated around on a nuclear class carrier with 5,000 men and sometimes women on board, and we felt fully confident. We have nuclear subs. This technology is 40 years old. It is safe, it is proven.

If one lives on a fixed income and wants rates to go down, then this is the way to go. It is safe for the environment. Would I put it in my State? Yes. Would I have my family close to it? The answer is yes. Support the Barton-Clement amendment.

Mr. MILLER of California. Mr. Chairman, I yield 2 minutes to the gentleman from Pennsylvania [Mr. KOSTMAYER].

Mr. KOSTMAYER. Mr. Chairman, this is a very simple proposition. It says that if a plant has been constructed, and after construction has been completed new and significant safety information comes to light, that there ought to be a public hearing. Why is that unreasonable?

Here is what the American people think of the proposal. Congress is now debating a proposal to eliminate the second safety hearing. That is what we are debating. That is Barton-Clement, to eliminate the second safety hearing. And what do our constituents say? They say they are opposed to the Barton-Clement amendment by 79 percent.

Why would anybody in the name of God oppose this amendment? Only if new and significant information comes to light does the NRC have the option to hold a second hearing. The gentleman from New York [Mr. LENT] was wrong. They are not mandated. They are not required. They have got to go through three pages of recommendations and standards in order to hold that hearing.

That is what we are talking about. Safety is not what has slowed down the nuclear industry in this country. If the Members support Clement-Barton, they are saying that if new and significant information is brought to light there can be no public hearing.

Mr. LENT. Mr. Chairman, will the gentleman yield?

Mr. KOSTMAYER. I am happy to yield to my friend, the gentleman from New York.

Mr. LENT. Mr. Chairman, I am looking at what I said. I said this, and listen carefully: "While the Miller provision does not per se require a post-construction hearing, the threshold it establishes for triggering a post-construction hearing is very low."

That is very different from the language the gentleman has attributed to me.

Mr. KOSTMAYER. Mr. Chairman, this is the threshold, three full pages. This is not a low threshold.

Let me say to my friend, the gentleman from New York, who determines the threshold? The Nuclear Regulatory Commission determines the threshold. The gentleman's friends on the Nuclear Regulatory Commission are the ones that get to say, No. 1, is it new and significant information; and, No. 2, should there be a hearing?

It is up to them. How can anybody object to that?

Mr. MILLER of California. Mr. Chairman, I yield 4 minutes to the gentleman from Indiana [Mr. SHARP].

Mr. SHARP. Mr. Chairman, I rise in opposition to the Clement-Barton amendment. It ought to be clear by now that what we are being asked to do in this amendment is to establish the final law here tonight on what will be the conditions of a public hearing on major safety or new safety questions. I do not think most Members of the House want to make that final decision here tonight.

This is the Senate language which came out of a quick, late-in-the-session compromise in the Senate. They anticipated, as we anticipate, that there will be a final analysis of this, a final negotiation, at the conference committee. This is not the be-all and end-all of whether we will build nuclear power plants in this country. It is indeed not the main argument about licensing reform.

We have already seen fundamental licensing reform. One hundred and thirteen power plants, which it was just argued are very safe, were built under the old regime allowing intervention, allowing double hearings, allowing all kinds of things. They operate. Nobody is asking to build another one now. Many people would like for somebody to come forward and do that.

The NRC has fundamentally changed the rules. What we are arguing about is one issue in all of that reform. It is when and under what conditions will we insist on a public hearing and a thorough review of a brand new safety issue that was not previously considered. That is what we are trying to determine, and believe me, we can get a dozen lawyers to argue over what kind of hearing, exactly when the threshold is, whether a lawsuit will be filed.

What is what we are being asked to quickly resolve in 40 minutes here, is those conditions that we ought to be allowed to negotiate on in the conference committee and not decide once and for all for the next 30 years how that is going to be.

The system has been reformed. The amendment we are being asked to support tonight will in fact tie the hands of the NRC, making it very difficult. They must prove imminent danger to the public, imminent danger, or else they have got to let the powerplant go into operation.

Going into operation is not like starting up any other factory in this country. Going into operation means contamination of the planet. We now have a brand new economic cost we may have to deal with if anything else goes wrong. We have a risk of safety. Once we get into this, we are into a new order of magnitude of potential costs.

Does it not make sense to leave a last opportunity, not in all cases, only if it can be proven that there is a serious, very serious new safety issue, that that be considered and the public be allowed in?

□ 2030

We do have a relatively good safety record in this country, certainly dramatically better than Eastern Europe and the Soviet Union and some places elsewhere in Europe.

The reason we do is because we have vigorous NRC regulation, because we have congressional oversight and because we have allowed participation by the public and criticism of the process. Unlike the Soviet Union, we do not exclude the public. I know the gentleman will argue that he does not exclude the public, but indeed it is dramatically reduced, when, where, and under what conditions they may be able to participate.

Let us negotiate this. I am not altogether happy with the provisions in the Interior and Insular Affairs bill that is the underlying bill of this, but we are going to negotiate with the Senate that is very determined that we make a decision on this issue. Give us that opportunity. Vote "no" on Clement-Barton.

The CHAIRMAN. The gentleman from Indiana [Mr. SHARP] yields back one-half minute. The gentleman from Tennessee [Mr. CLEMENT] has 1 minute remaining.

Mr. CLEMENT. Mr. Chairman, I yield myself the remaining time.

I cannot believe what I hear from those speaking for the Miller language. They know very well that the Miller language is a killer amendment. They know very well if that language remains in the bill that we will not see any more nuclear plants. That has already been commented about we have not had a new order for a new nuclear plant since 1978.

We want to be diversified I believe in this country in all sources of energy, and our percentage of nuclear energy is less than practically any of the developed, industrialized countries in the world.

We have an opportunity to have clean energy. We have an opportunity to have an environmentally safe source of energy, and yet I hear those that profess to be for the Miller language speaking in terms that we are not going to give anyone the opportunity of a hearing. That is nonsense.

Any information, any information that comes to the attention of the Nuclear Regulatory Commission under the Clement-Barton amendment will be included, can be considered and can be a part of the record and determine whether the plant is safe or not.

The CHAIRMAN. The gentleman from California [Mr. MILLER] has one-half minute remaining.

Mr. MILLER of California. Mr. Chairman, I yield myself the remaining one-half minute.

Mr. Chairman, let me just say to my colleagues here in the House that I hope they will vote against Barton-Clement, and I hope they understand, and I appreciate the cult of personality, that this is not the Miller amendment to the Miller language. This was language reported out on a bipartisan basis out of the Committee on Interior and Insular Affairs after some 12 or 13 hours' debate. This represents the work product of that committee, and what it does is exactly what the speakers on this side have said. It assures the public the right to go in where there is a significant new problem during the construction of one of these facilities, before we contaminate the facility and are unable to correct it.

Let us remember the history of this. In California, remember when they reversed the blueprints, and they had all of the structures in the wrong place? Would Members like to be able to go in and have a hearing and tell them to correct it before they fire that baby up? Under the Barton-Clement amendment we would not be able to do that. Under ours we would have a right to do it.

The CHAIRMAN. All time has expired.

The question is on the amendment offered by the gentleman from Tennessee [Mr. CLEMENT].

The question was taken; and the Chairman announced that the ayes appeared to have it.

RECORDED VOTE

Mr. MILLER of California. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 254, noes 160, not voting 20, as follows:

[Roll No. 134]

AYES—254

Alexander
Allard
Allen
Anderson
Andrews (NJ)
Andrews (TX)
Annunzio
Archer
Armey
Baker
Ballenger
Barnard
Barrett
Barton
Bateman
Bentley
Bereuter
Bevill
Bilirakis
Blackwell
Bliley
Boehner
Borski
Brewster
Brooks
Broomfield
Browder
Bunning
Burton
Bustamante
Byron
Callahan
Camp
Carper
Carr
Chandler
Chapman
Clement
Clinger
Coble
Coleman (MO)
Coleman (TX)
Collins (IL)
Collins (MI)
Combest
Condit
Cooper
Coughlin
Cox (CA)
Cramer
Crane
Cunningham
Dannemeyer
Darden
Davis
de la Garza
DeLay
Derrick
Dickinson
Dicks
Dingell
Donnelly
Dooley
Doolittle
Dornan (CA)
Dreier
Duncan
Dwyer
Edwards (TX)
Emerson
English
Erdreich
Espy
Ewing
Fascell
Fawell
Fields
Foglietta
Franks (CT)
Frost
Gallegly
Gallo
Geren
Gillmor
Gingrich
Gordon
Goss
Gradison
Guarini
Gunderson
Hall (OH)
Hall (TX)
Hamilton
Hammerschmidt
Hancock
Hansen
Harris
Hastert
Hatcher
Hayes (LA)
Hefley
Hefner
Henry
Herger
Hobson
Holloway
Hopkins
Horton
Hoyer
Hubbard
Huckaby
Hughes
Hunter
Hutto
Hyde
Inhofe
Ireland
James
Jefferson
Jenkins
Johnson (CT)
Johnson (TX)
Jones (NC)
Kanjorski
Klug
Kolbe
Kyl
Lagomarsino
Lancaster
Laughlin
Leach
Lehman (CA)
Lent
Lewis (CA)
Lewis (FL)
Lightfoot
Lipinski
Livingston
Lloyd
Lowery (CA)
Manton
Marlenee
Martin
Martinez
McCandless
McCollum
McCrery
McCurdy
McDade
McEwen
McGrath
McMillan (NC)
McMillen (MD)
McNulty
Meyers
Mfume
Michel
Miller (OH)
Miller (WA)
Molinari
Montgomery
Moorhead
Morella
Morrison
Murphy
Murtha
Myers
Nagle
Natcher
Nichols
Nussle
Olin
Ortiz
Orton
Oxley
Packard
Parker
Pastor
Patterson
Paxon
Payne (VA)
Peterson (FL)
Petri
Pickett
Porter
Price
Pursell
Ravenel
Ray
Regula
Rhodes
Ridge
Rinaldo
Ritter
Roberts
Roemer
Rohrabacher
Rose
Rostenkowski
Roth
Roukema
Rowland
Russo
Sangmeister
Santorum
Sarpalius
Saxton
Schaefer
Schiff
Schulze
Sensenbrenner
Shaw
Shuster
Sisisky
Skeen
Skelton
Smith (IA)
Smith (NJ)
Smith (OR)
Smith (TX)
Solomon
Spence
Spratt
Stallings
Stearns
Stenholm
Stump
Sundquist
Swift
Tallon
Tanner
Tauzin
Taylor (NC)
Thomas (CA)
Thomas (GA)
Thomas (WY)
Thornton
Torricelli
Towns
Upton
Valentine
Vander Jagt
Volkmer
Walker
Walsh
Weber
Weldon
Wilson
Wolf
Yatron
Young (AK)
Young (FL)
Zeliff
Zimmer

NOES—160

Abercrombie
Ackerman
Andrews (ME)
Applegate
Aspin
Atkins
Bacchus
Beilenson
Bennett
Berman
Bilbray
Boehlert
Bonior
Boucher
Brown
Bruce
Bryant
Campbell (CA)
Campbell (CO)
Cardin
Clay
Conyers
Costello
Cox (IL)
Coyne
DeFazio
DeLauro
Dellums
Dixon
Dorgan (ND)
Downey
Durbin
Dymally
Early
Eckart
Edwards (CA)
Engel
Evans
Fazio
Feighan
Fish
Flake
Ford (TN)
Frank (MA)
Gejdenson
Gekas
Gephardt
Gilchrest
Gilman
Glickman
Gonzalez
Goodling
Green
Hayes (IL)
Hertel
Hoagland
Hochbrueckner
Horn
Houghton
Jacobs
Johnson (SD)
Johnston
Jontz
Kaptur
Kasich
Kennedy
Kennelly
Kildee
Kleczka
Kopetski
Kostmayer
LaFalce
Lantos
LaRocco
Lehman (FL)
Levin (MI)
Lewis (GA)
Long
Lowey (NY)
Luken
Machtley
Markey
Matsui
Mavroules
Mazzoli
McCloskey
McDermott
McHugh
Miller (CA)
Mineta
Mink
Moakley
Mollohan
Moody
Mrazek
Neal (MA)
Neal (NC)
Nowak
Oberstar
Obey
Olver
Owens (NY)
Owens (UT)
Pallone
Panetta
Pease
Pelosi
Penny
Perkins
Peterson (MN)
Pickle
Poshard
Rahall
Ramstad
Reed
Richardson
Riggs
Rogers
Ros-Lehtinen
Roybal
Sabo
Sanders
Savage
Sawyer
Scheuer
Schroeder
Schumer
Serrano
Sharp
Shays
Sikorski
Skaggs
Slattery
Slaughter
Smith (FL)
Snowe
Solarz
Staggers
Stark
Stokes
Studds
Swett
Synar
Taylor (MS)
Torres
Traficant
Unsoeld
Vento
Visclosky
Vucanovich
Washington
Waters
Waxman
Weiss
Wheat
Williams
Wise
Wolpe
Wyden
Yates

NOT VOTING—20

Anthony
AuCoin
Boxer
Edwards (OK)
Ford (MI)
Gaydos
Gibbons
Grandy
Jones (GA)
Kolter
Levine (CA)
Moran
Oakar
Payne (NJ)
Quillen
Rangel
Roe
Traxler
Whitten
Wylie

□ 2051

The Clerk announced the following pairs:

On this vote:

Mr. Anthony for, with Mr. Levine of California against.

Mr. Quillen for, with Mrs. Boxer against.

Mr. APPLEGATE and Ms. KAPTUR changed their vote from "aye" to "no."

So the amendment was agreed to.

The result of the vote was announced as above recorded.

The CHAIRMAN. It is now in order to consider amendment No. 4, printed in House Report 102–528.

For what purpose does the gentleman from Massachusetts [Mr. MARKEY] rise?

AMENDMENT OFFERED BY MR. MARKEY

Mr. MARKEY. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Chair will inquire of the gentleman, is this the original amendment, or is this the amendment, as modified, pursuant to the unanimous consent request previously entered into by the House?

Mr. MARKEY. The amendment has not been modified, Mr. Chairman.

The CHAIRMAN. This is the amendment as originally offered?

Mr. MARKEY. That is correct, Mr. Chairman.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. MARKEY: Page 200, after line 11, insert the following new section (and conform the table of contents accordingly):

SEC. 214. STATE REGULATION OF THE PRODUCTION OF NATURAL GAS.

Section 602 of the Natural Gas Policy Act of 1978 is amended by adding a new subsection (c), as follows:

"(c) STATE REGULATION OF THE PRODUCTION OF NATURAL GAS.—

"(1) CERTAIN STATE RESOURCE AND PROPERTY REGULATION AUTHORIZED.—State regulation of natural gas production, which has the substantial purpose or effect of furthering legitimate State interests in resource conservation, the prevention of physical waste and the protection of correlative rights of producers in a common reservoir, including—

"(A) oil and natural gas well spacing;

"(B) prevention of flaring and physical waste;

"(C) prevention of undue drainage and protection of correlative rights of producers within, or probably within, a common reservoir;

"(D) flow restrictions against past overproducers within, or probably within, a common reservoir;

"(E) unitization of a reservoir;

"(F) restrictions on production of natural gas caps in oil/gas reservoirs;

"(G) gas/oil ratios; and

"(H) maximization of ultimate hydrocarbon production according to sound engineering practices,

is authorized, notwithstanding any incidental effect from such regulation of restricting production and increasing prices.

"(2) CERTAIN STATE PRICING REGULATION PROHIBITED.—A State may not engage in regulation of the production of natural gas which has the substantial purpose or effect of generally restricting natural gas production and raising the general price level of natural gas, including—

"(A) market demand prorationing;

"(B) statewide prorationing;

"(C) prorationing between reservoirs not reasonably shown to be in geologic communication; and

"(D) other prorationing which unreasonably prevents buyers from purchasing lower-priced natural gas in preference to higher-priced natural gas.

"(3) COURT ENFORCEMENT.—Any natural gas pipeline, private or municipal local distribution company, natural gas marketer, consumer of natural gas, or State public utility regulatory commission may bring a civil action in the Federal district court for the District of Columbia to enjoin any State regulation, including any State or State agency rule, order, or law, on grounds it is prohibited under paragraph (2). Such court shall, after considering the purpose and effect of such regulation and all relevant information, set aside and enjoin such regulation to the extent it is prohibited under paragraph (2).

"(4) STATE-OWNED PRODUCTION.—This subsection shall not apply to the regulation of a natural gas well wholly owned by a State or the portion of a natural gas well's production owned by a State.".

The CHAIRMAN. Under the rule, the gentleman from Massachusetts [Mr. MARKEY] will be recognized for 10 minutes, and a Member opposed will be recognized for 10 minutes.

The chair recognizes the gentleman from Massachusetts [Mr. MARKEY].

Mr. MARKEY. Mr. Chairman, this bill is very, very good for natural gas, the totality of the national energy bill we are passing is good for natural gas; however, since the Committee on Energy and Commerce finished deliberations on March 30 on this bill, there has been a dramatic increase in natural gas prices across this country. Actions have been taken in Oklahoma and in Texas and are being contemplated in other States which have led to a speculative boom in natural gas prices, which have spiked the price of natural gas up 27 percent over the last couple of months.

This legislation deals with the concept of prorationing. Historically that has been used by the States in the southwest and other parts of the country to allocate geologically between different oil and gas-producing areas and their rights to particular reservoirs.

The bill, Mr. Chairman, insures that in the conference committee between the House and the Senate there will in fact be a vehicle that will make it possible for us to determine the extent to which the changes which are taking place right now in the natural gas-producing States in this country—by the way, 10-million barrels of oil equivalent in natural gas is consumed in America each day, only 8 million barrels of oil consumed domestically produced—a huge issue for consumers in this country.

A vote yes on this bill, Mr. Chairman, will help to keep those natural gas prices down; otherwise, there will be a $6 billion increase in natural gas prices for consuming States in this country over the next year if the present trend of the last 6 weeks continues across this country.

Mr. Chairman, I reserve the balance of my time.

Mr. SYNAR. Mr. Chairman, I rise in opposition to the amendment.

The CHAIRMAN. The gentleman form Oklahoma [Mr. SYNAR] is recognized for 10 minutes.

Mr. SYNAR. Mr. Chairman, for purposes of debate only, I yield 1 minute to the gentleman from Louisiana [Mr. TAUZIN].

Mr. TAUZIN. Mr. Chairman, if the gentleman from Massachusetts [Mr. MARKEY] has a consumer price problem in Massachusetts, I suggest that the gentleman from Massachusetts [Mr. MARKEY] look at Massachusetts.

The wellhead price of natural gas has continued to fall for the last several years. On May 18, the wellhead price of natural gas out of the State of Louisiana was $1.47 less than it was last year.

□ 2100

The natural gas wellhead price in Louisiana and other producer States has continued to plummet. In 1984 it was $2.66 per Mcf; in 1991, $1.55. On May 18 it was $1.47. It has continued to go down.

Yet this is the price that is paid by consumers in Massachusetts and New York; in Massachusetts, $7.83 in 1984, in 1991, $8.05.

Yes, he has a consumer price problem, but it is not the wellhead price problem; it has something to do with prices charged by the local distribution company.

What does his amendment do? His amendment prohibits the conservation orders issued in our States to preserve, protect and efficiently produce natural gas for America.

This amendment will, in effect, prohibit our States from doing anything that has any effect on market prices, even though what we do is done for the purpose of conservation, even though it is done for the purpose of protecting our environment, even though it is done for all the right reasons.

Mr. MARKEY. Mr. Chairman, I yield 1 minute to the gentleman from California [Mr. MOORHEAD].

Mr. MOORHEAD. Mr. Chairman, I thank the gentleman for yielding this time to me.

Mr. Chairman, I rise in support of the amendment by Mr. MARKEY and Mr. SCHEUER to prohibit States from limiting natural gas production based on market rather than scientific or geologic considerations.

H.R. 776 promotes the increased use of natural gas because it is an inexpensive, clean burning, domestically abundant resource, However, recent actions by certain States to limit natural gas production based on economic considerations will make natural gas less available, artificially raise prices and harm both producers and consumers. This would be contrary to what we are trying to achieve in H.R. 776.

I sympathize with producer concerns about low natural gas prices but believe that these concerns are better answered by expanding gas markets. H.R. 776 does this by encouraging independent gas-fired electricity and natural gas vehicles and by making it easier for natural gas to reach markets by streamlining pipeline construction.

If allowed, prorationing will reduce natural gas supply below market demands and artificially boost natural gas prices. This will reduce consumer confidence in natural gas, discourage investment in natural gas exploration, gas-fired electric power generation, and natural gas vehicles. The result will be smaller rather than larger natural gas markets. All citizens will be prevented from receiving the full environmental benefits of this clean-burning fossil fuel.

Thus, I urge my colleagues to support his amendment.

Mr. SYNAR. Mr. Chairman, for purposes of debate, I yield 1 minute to the gentleman from Kansas [Mr. SLATTERY].

Mr. SLATTERY. I thank the gentleman for yielding.

Mr. Chairman, I would just like to urge my colleagues to listen carefully to this debate because what we are about to do is make a decision involving billions of dollars in this country.

I for one deeply resent the fact that we are out here on the floor without hearings, with about a 10-minute debate on both sides, making a decision of this magnitude. It is ill-advised, and it is targeted at gas producers in this country, and it is coming from a man who represents the State of Massachusetts, who has a problem with natural gas prices, which this gentleman can appreciate. But I would just urge the body to take into consideration this fact: The price of gas has increased in the State of Massachusetts, but $1.21, all of the price increase, is due to the local distribution company. The utilities in Massachusetts are obviously not being effectively regulated, and the actual price that producers have collected in the State of Massachusetts on natural gas has actually declined in the last 3 years.

Please keep that in mind as we vote on this amendment that has not had adequate hearings. My friends, this is when we are at our worst, when we are legislating like this.

Mr. MARKEY. Mr. Chairman, I yield 1 minute to the cosponsor of the amendment, the gentleman from New York [Mr. SCHEUER].

Mr. SCHEUER. Mr. Chairman, the reason why we have not had hearings is because this entire matter only bubbled to the surface a matter of weeks ago when, after the Committee on Energy and Commerce reported this bill, Texas, Louisiana, and Oklahoma opted for the power to ratchet down production so that perhaps they could ratchet up prices.

Now, there are several perfectly legitimate reasons for going into a prorationing program, to protect the resource, to prevent waste, all kinds of legitimate reasons. And all of those are protected under our amendment.

We are not trying to stop the gas-producing States from doing anything that is justifiable, that has a geologic reason. But if it does not have a geologic reason and the effect will be to ratchet down production and its effect will be to raise prices, then we say, no, then we say the vast number of consuming States need protection.

Mr. SYNAR. Mr. Chairman, I yield 1 minute to the dean of the Texas delegation, the gentleman from Texas [Mr. BROOKS].

Mr. BROOKS. Mr. Chairman, I rise before the House in opposition of the Markey amendment. This amendment would unnecessarily interfere with the long-standing rights of States to regulate natural gas production and protect gas producers. The amendment prohibits market demand proration, while allowing protection of correlative rights. In Texas, market demand proration is what has protected correlative rights for the last 60 years. During these 60 years, the Railroad Commission of Texas has maintained the regulatory authority to determine the supply of natural gas needed to meet demand. The language in the amendment would strip from the States the right to manage and conserve their natural resources, to protect their citizens from unemployment, and to keep their economies from bankruptcy. Prorationing is designed to promote efficient and environmentally responsible development of crude oil and natural gas. The U.S. Supreme Court recently upheld a strict allowable system in Kansas by saying that it was "precisely the sort of scheme that Congress intended to leave within a State's authority." I further feel that it is premature to have this measure voted on by the full House since the committee was never given the opportunity to vote on it.

Mr. MARKEY. Mr. Chairman, I yield 1 minute to the gentleman from New York [Mr. LENT].

Mr. LENT. I thank the gentleman for yielding this time to me.

Mr. Chairman, I rise in support of the amendment offered by Mr. MARKEY and Mr. SCHEUER to prohibit States from placing limits on natural gas production based on solely economic reasons.

Currently, natural gas producers are facing historically low prices. In an effort to raise prices certain States have placed limits on natural gas production which are designed to artificially boost prices by forcing supply below free market levels. If pursued, these efforts will only invite a consumer backlash that will hurt, not help, gas producers.

The answer to producer concerns is to expand natural gas markets. H.R. 766 does this.

However, prorationing by artificially boosting natural gas prices will decrease rather than expand markets for this clean-burning, domestically abundant resource. Such artificial price increases will also discourage potential investment in gas-fired electric power generation and natural gas vehicles. Allowing States to form a mini-OPEC to limit natural gas production will hurt both natural gas producers and consumers and will be contrary to the goals of H.R. 776.

Mr. Chairman, I urge support for this amendment.

Mr. SYNAR. Mr. chairman, I yield 1 minute to the gentleman from New Mexico [Mr. RICHARDSON].

Mr. RICHARDSON. Mr. Chairman, I rise in strong opposition to this amendment. First, it would precipitate a regional war on energy, and so far this bill has avoided this.

Second, it unfairly overrides the authority of the States to regulate the production of natural gas and other resources.

Third, producing States are being targeted unfairly because Massachusetts has a problem.

Fourth, it needlessly establishes a Federal standard where none is needed.

There are already legal recourses to deal with this problem.

Mr. Chairman, this is a killer amendment, it will drive producing State Members and Governors to oppose this bill.

This is a good bipartisan bill, but let us defeat this amendment.

This amendment would limit States rights to balance natural gas production with demand. State have long had prorationing authority. If the amendment were adopted it would prevent States from the right to manage and conserve their natural resources, protect against unemployment, and prevent economic bankruptcy.

The underlying issue here is the price of natural gas. While proponents of this amendment claim it is needed to protect residential consumers from unfair gas prices, the fact is that gas prices at the wellhead are at an all time low but this has not changed the price of gas to residential consumers. The price to residential consumers has remained steady or even increased despite low gas prices at the wellhead. There is not correlation between wellhead prices and residential prices.

Finally, this amendment is not clearly drafted and deals with an extremely complicated issue. Yet no hearings in either the House or the Senate have been held. I would urge my colleague Mr. MARKEY to withdraw this amendment from floor consideration so that Members have ample opportunity to hear all the facts on this issue. Otherwise, I urge my colleagues to vote no on this amendment.

OPPOSE MARKEY/SCHEUER AMENDMENT

The amendment prohibits market demand proration, while allowing protection of correlative rights. In Texas, market demand proration is what has protected correlative rites for the last 60 years. If market demand proration is outlawed, present correlative rights' protection is outlawed.

The language evidenced in the amendment is confusing as well as contradictory. If adopted, it would strip from the States the right to manage and conserve their natural resources, to protect their citizens from unemployment, and to keep their economies from bankruptcy.

The amendment represents a Federal intrusion into a regulatory area historically reserved for the States. For 60 years, the Railroad Commission of Texas has maintained the regulatory authority to determine the supply of natural gas needed to meet demand. Over 30 States have some oil and gas production.

Prorationing is designed to promote efficient and environmentally responsible development of crude oil and natural gas. The U.S. Supreme Court has ruled consistently that allowable systems—prorationing—are constitutional; most recently the Supreme Court upheld a strict allowable system in Kansas by saying that it was "* * * precisely the sort of scheme that Congress intended to leave within a State's authority." This same line of cases prevents cartels among the States and provides other protections including various avenues of relief for States and individuals who believe they have been victimized by the actions of other States.

Texas is the largest natural gas producer. It is also the largest consumer of gas. Over 63 percent of the gas produced in Texas is consumed there. Texas trying to raise natural gas prices would be a "get poor quick" scheme.

Markey-Scheuer would limit legitimate State's rights and wrongly focuses the natural gas debate on the producing States. The underlying issue is the price of natural gas. And the facts are simply, the price of natural gas has been declining at the well head and increasing on residential consumers. This is a complicated issue requiring Chairman DINGELL's and Subcommittee Chairman SHARP's review.

Markey-Scheuer should be opposed.

The amendment attempts to limit State's rights to balance natural gas production with demand.

The amendment has not been subject to a hearing in the House or Senate.

The amendment wrongly strikes at natural gas producing States.

Natural gas prices have been at historic all time lows, while prices to residential consumers have stayed the same or increased.

The amendment would permit the continuation of sweetheart low-priced natural gas sales to commercial natural gas consumers to the detriment of residential consumers.

Mr. MARKEY. Mr. Chairman, I yield 1 minute to the gentleman from Wisconsin [Mr. PETRI].

Mr. PETRI. Mr. Chairman, I thank the gentleman for yielding this time to me.

Mr. Chairman, I rise in support of the Markey-Scheuer prorationing amendment to H.R. 776.

There is widespread agreement among environmentalists and economists that natural gas provides this country with a plentiful, clean, efficient, safe, and affordable domestic energy source. We need to increase our use of natural gas and develop new uses for it in the transportation, appliance, and electricity generation fields. This will help us reduce our dependence on foreign oil in a clean dependable way.

Unfortunately, however, several of the States in the South and West which account for over half of the domestic gas production, seem to be interested in creating a sort of domestic natural gas cartel designed to raise the price of natural gas for the benefit of the producing States, and at the expense of the rest of us.

Some States have adopted, and others are considering adopting, policies designed to limit natural gas production, making it more expensive for consumers.

Not only is this bad news for the State of Wisconsin, it is bad news for the rest of the country. In the last month since passage of prorationing rules by several States, natural gas prices have gone up 32 cents per thousand cubic feet costing consumers $6 billion. In Wisconsin, the additional cost to consumers is over $102 million. This is outrageous and must be stopped.

This amendment specifically allows certain types of regulations that are designed to protect the environment and prolong the life of the reservoir. But, it also prohibits prorationing whose purpose it is to limit the supply in order to increase the price.

The decision as to whether a particular prorationing scheme is allowable is left to the courts. I urge my colleagues to support this amendment.

□ 2110

Mr. SYNAR. Mr. Chairman, I yield such time as he may consume to the gentleman from Oklahoma [Mr. MCCURDY].

Mr. MCCURDY. Mr. Chairman, I rise in strong opposition to this thoughtless amendment.

Mr. SYNAR. Mr. Chairman, I yield 1 minute to the gentleman from Texas [Mr. FIELDS].

Mr. FIELDS. Mr. Chairman, let us get right to the heart of this debate, and let me use Texas as an example. There is no provision, and I want to stress "no provision" in the Texas prorationing rules that sets gas production at less than market demand. The rationing has nothing whatsoever to do with price, and let us look at what prorationing does.

First, Mr. Chairman, it protects adjoining landowners from being drained of their natural resources by someone else. Second, it brings some order to a very complex marketplace, and we would have found this out if we would have had committee hearings, if we would have had committee consideration of this precipitous and dangerous amendment. But we did not have those hearings. We did not have that consideration in committee.

In addition, Mr. Chairman, I want to point out what the Secretary of Energy says. He says that this amendment raises difficult legal issues that require careful analysis. These issues could include complex questions of constitutional law concerning the balance of the right of States to regulate production within the States and the power of the Federal Government to regulate interstate commerce.

Mr. Chairman, I rise in opposition to the amendment proposed by the gentleman from Massachusetts and the gentleman from New York. This amendment will cause serious mischief to States ability to protect their citizens private property rights and their natural resources.

Recently the Texas Railroad Commission approved some changes to the State regulations governing natural gas proration. The Texas prorationing system has been in place for about 60 years. Due to changes in the Federal regulatory structure and other changes, the old regulations were not meeting the needs of the current situation. Some changes were necessary in order to prevent violations of State law and infringement on the correlative rights of natural gas producers.

As Members of Congress we all know that it is necessary to revisit certain laws and regulations every few years to make sure that they are accomplishing the mandates set forward by us. Why should we deny the States the same rights to make changes that we enjoy?

Mr. Chairman, there have been no hearings, or committee consideration of this subject or this amendment. This amendment strips States of the right to manage their own natural resources. The Markey-Scheuer amendment would overrule a long history created by numerous Supreme Court decisions upholding States rights on this issue. The amendment is unnecessary because there are avenues of relief already available for those who have complaints about the way States manage their resources. Why do this—unless this is being done for political or regional purposes?

It is not the intent of Texas, nor any other producing State to limit production of natural gas in order to drive up prices. Since Texas is the largest natural gas consumer as well as producer, it would not be in the State's best interest to raise natural gas prices.

Mr. Chairman, this is too important of an issue to consider in such a precipitous manner. Even the Department of Energy has stated that the amendment "raises difficult legal issues that require careful analysis. These issues could include complex questions of constitutional law concerning the balance of the Right of States to regulate production within the State and the Power of the Federal Government to regulate interstate commerce. These issues require additional time for proper legal analysis." I would urge my colleagues to defeat this mischievous amendment.

Mr. MARKEY. Mr. Chairman, I yield 1 minute to the gentleman from Rhode Island [Mr. MACHTLEY].

Mr. MACHTLEY. Mr. Chairman, this has everything to do with the price of natural gas because what is going to happen is there will be an artificial limit on the amount of gas which is going to drive prices up. As our economies are trying to get going, it is going to cost those States who have green on that chart in the front 60, per family, additional dollars in order to help three States which produce half the natural gas.

Now I have no problem with helping those States. But why should we put it in an unnatural way, in an artificial formula, to those consuming States of Texas, Louisiana, and Oklahoma?

Mr. Chairman, I urge my constituencies who are concerned about this unnatural limitation of gas to vote for this amendment.

Mr. SYNAR. Mr. Chairman, I yield such time as he may consume to the gentleman from Wyoming [Mr. THOMAS].

Mr. THOMAS of Wyoming. Mr. Chairman, I rise in opposition to the amendment of the gentleman from Massachusetts [Mr. MARKEY].

Mr. SYNAR. Mr. Chairman, I yield 1 minute to the gentleman from Texas [Mr. ANDREWS].

Mr. ANDREWS of Texas. Mr. Chairman, this is really very simple. It is a matter of trying to create constancy and fairness in the marketplace. Texas Railroad Commissioner Bob Krueger outlined it pretty well. It is like two people trying to suck out of a soda with two straws. If we do not have some kind of recordkeeping, if we do not have some kind of umpire to determine the equities, one owner is going to suck more gas out of that reservoir, and that is exactly what the States are asking to be able to do, to make the determination of price, to find some balance between those landowners and equity owners that are drawing out of that same reservoir.

That is all this is, the correlative rights of the small independents.

Now the result of the amendment of the gentleman from Massachusetts [Mr. MARKEY] is likely not to affect the great big producers. It is likely to affect the little guy, the small landowner, the small guy that is trying to produce natural gas out there, the very person in this industry that is the most fragile and the most hurt by the current economic conditions.

This is a bad amendment, and it should be defeated.

Mr. Chairman, this amendment has not been considered by any of the various committees to which the energy bill was referred. This complicated issue has not been the subject of even one hearing. It is patently inappropriate that we reduce such a complex issue to a short, simple floor debate between different regions of the country.

This amendment addresses the prorationing of natural resources by States—something 33 States have been doing for many years, some for almost 60 years. Prorationing is something that the Supreme Court has deemed "* * * precisely the sort of scheme that Congress intended to leave within a State's authority."

The recent deregulation of the natural gas industry has fundamentally changed natural gas markets and has necessarily created a need for States to reevaluate their prorationing rules. States must ensure that the correlative rights of the smaller producers are protected.

Our former colleague Bob Krueger has explained the concept of correlative rights like this, "It's like having two straws in the same soda. If I'm drinking from mine and you aren't drinking any, I'll eventually drink your share of the soda." This is all the States are trying to do—simply ensure that if someone owns an asset they can decide whether or not to sell that asset without the fear of it being stolen if they decide not to sell.

Our entire economy is based on a free market with willing buyers and willing sellers. It then makes absolute sense that if one owns rights to a reservoir of natural gas, that person not be forced to sell his portion of the gas reservoir or have it stolen by his next door neighbor who has decided, for whatever reason, to produce and sell his portion. It is critical that the States retain the right to protect correlative rights.

Many suggest that new prorationing rules represent efforts to raise the price of natural gas? At a time when states with natural gas are looking for new markets for their gas, why would these States even consider artificially increasing the price of gas? Why would those who have for so long advocated the deregulation of natural gas now support inappropriate government interference in the marketplace? It is simply not the case. The new prorationing rules are not intended to raise the price of gas.

The Texas Railroad Commission, my State's oil and gas regulatory agency, unanimously supports these new rules and strongly opposes this amendment. I urge my colleagues to reject this amendment—leaving this authority to the States where it has been for almost 60 years.

The article referred to follows:

GAS RULES MAY BE DULL, BUT THEY'RE TEXAS' FUTURE

(By Bob Krueger)

The rules governing natural gas prorationing and correlative rights (that is, determining the market demand for natural gas from each gas field, and determining which wells will be allowed an opportunity to meet how much of that demand each month must sound like one of the dullest topics alive.

Yet, since the oil and gas industry accounts for one-seventh of the gross state product in Texas, a larger share than any other industry in the state, these rules affect the economic well-being of every community in Texas. By producing 27 percent of our nation's gas, Texas is America's largest producer of natural gas.

The federal Clean Air Act of 1989, recognizing gas as our cleanest, most environmentally desirable and abundant domestic energy source, encourages use of natural gas rather than coal or nuclear power to produce electricity. Therefore, new markets can bring new profits to our state in years ahead. Similarly, fears that state regulators in gas-producing states might constrict production in order to raise prices frighten electric utility regulators in consuming states. Such fears may prompt them to approve coal-fired or nuclear facilities rather than gas-fired facilities for future electric generation.

State laws require the Texas Railroad Commission to protect the correlative rights of property owners in each gas field. This task seems initially simple. But natural gas exists in underground reservoirs and is subject neither to direct physical inspection nor precise measurement.

If you and I are neighboring landowners, and gas from a continuous reservoir lies beneath our land, we cannot know exactly how much gas underlies your property or mine. If I sell gas from a well on my land and you sell none, either because you have no purchaser to sell it to or you believe the price offered is too low, I am in effect selling your inventory.

It's like having two straws in the same soda. If I'm drinking from mine and you aren't drinking any, I'll eventually drink your share of the soda.

You may want to save your soda for another day and resent my drinking yours. But if a regulatory agency says I can drink nothing until you are thirsty, I may die of thirst before you're ready to drink your share. Therefore, determining exactly who gets the right to draw out one's minerals, in what portion, over what time, and with what effect on one's neighbor, is subject to constant difference of opinion.

Nevertheless, the Railroad Commission must determine such issues for the 2,700 separate gas reservoirs existing in our state. The rules governing these questions are now being reviewed at the Railroad Commission and the review comes when gas prices are at a historic low, causing new drilling to have fallen to its lowest level in 50 years.

In this circumstance, some producers have asked their state regulatory bodies to shut in some allowable supplies in hopes that prices might rise. That request, while understandable, is probably also illegal. And it is certain to invite federal intervention.

U.S. Rep. John Dingell, D-Mich., chairman of the House Energy and Commerce Committee, and U.S. Sen. Bill Bradley, D-N.J., of the Senate Energy Committee, are but two of the influential members of Congress who have already indicated their intent to prevent statewide prorationing that would restrict supply to raise prices.

Moreover, such efforts would frighten consuming states. Almost the entire market for increased gas sales in years ahead lies in selling gas to electric utilities. Electric utilities in Texas alone account for 13 percent of the nation's use of natural gas. If public utility commissions in other states believe that the Texas Railroad Commission will shut in gas supplies in order to raise prices, they legitimately will encourage coal-fired or nuclear plants rather than gas. We could send no worse message.

And once such capital-intensive, expensive plants are built, they will remain in use for

30 or more years. Our prime gas markets will have been lost.

As is customary, in a time in which the economy is suffering and the industry is in a perilous state, charges and countercharges fly readily. Nevertheless, it seems to me that the Railroad Commission must do the following:

Protect correlative rights. Mineral owners should be allowed a reasonable opportunity to sell the minerals underlying their land into a competitive marketplace.

Simplify our gas rules, which currently are designed for an industry that no longer exists.

Remain within state and federal laws. We can address correlative rights on a reservoir-by-reservoir basis once we have estimated the demand for gas from each reservoir. But we cannot reallocate these reservoir demand amounts as a means of protecting correlative rights, we can prevent physical waste. But reducing supply in order to raise prices does not protect correlative rights.

Finally, we must do our part to develop larger national markets for natural gas. This means reassuring other sections of the country that we will not reduce supplies in order to raise prices.

If we can strike the right balance that protects the property rights of Texas mineral owners either to market or to husband their own resources in a fair fashion, and can at the same time develop confidence in other parts of the country that we will be responsible in supplying this precious energy for years to come, we will have served not only our own citizens but the nation as well.

Mr. MARKEY. Mr. Chairman, I yield 1 additional minute to the gentleman from New York [Mr. SCHEUER].

Mr. SCHEUER. Mr. Chairman, let me mention what is in the back of our minds. We do not know really for sure what the intention of the gas producing State is. They state, and I have to credit them, that they have no evil intention, they are not going to exploit gas consumers around the country, this is just for the purpose of protecting their own resources.

Well, Mr. Chairman, it is perfectly clear that in the amendment they can do any legitimate program to protect the integrity of their own resources, but I suggest to my colleagues that during the Depression the Governor of Texas in an effort to jack up oil prices sent the Texas Rangers down to the southern part of the State, forced the drillers to close down production, and the price of oil in Texas went up 700 percent. That is what we are trying to avoid in the future in terms of natural gas, and there is no protection in current law to prevent such abuse.

Mr. SYNAR. Mr. Chairman, I yield such time as he may consume to the gentleman from West Virginia [Mr. WISE].

Mr. WISE. Mr. Chairman, at a time when there are thousands of people out of work in the gas industry, the idea that there would be any withholding boggles the imagination. I rise in strong opposition to this amendment.

Mr. SYNAR. Mr. Chairman, I yield 30 seconds to the gentleman from Oklahoma [Mr. ENGLISH].

Mr. ENGLISH. Mr. Chairman, I rise today in strong opposition to the Markey-Scheuer amendment. The Congress should not attempt to abrogate the rights of States to protect and preserve their natural resources. This amendment will do just that.

Nearly every State that produces natural gas in commercial quantities has prorationing laws governing the rate at which individual wells can produce. Never before has this been a problem associated with natural gas prices—as the authors of this amendment will argue. Why now is it a problem?

There are many factors involved that have affected natural gas futures prices during the past few weeks: A colder spring in the Northeast; industrywide uncertainty about FERC promulgation of order No. 636; and much more.

This is not a rational approach to addressing a perceived problem. No hearings have been held, thus, no factual evidence can be offered pointing to prorationing as being solely responsible for increased gas prices. This is a complicated issue of natural gas law as well as constitutional law. It deserves to be considered in a rational and factual manner rather than to simply play pure politics. We cannot achieve that objective in a mere 20-minute time block allowed by the Rules Committee today.

I urge my colleagues to oppose this amendment.

Mr. SYNAR. Mr. Chairman, I yield 30 seconds to the gentleman from Louisiana [Mr. HUCKABY].

Mr. HUCKABY. Mr. Chairman, I rise in opposition to the amendment of the gentleman from Massachusetts [Mr. MARKEY], and, as the gentleman from New Mexico [Mr. RICHARDSON] stated earlier, this is a killer amendment. It will certainly distort the natural gas market.

I would like to point out to my colleagues for each year in the last 5 years the number of active rigs searching for oil and gas has declined in the United States. If this amendment passes, there will be a further significant deterioration in exploration. In the long run we will see increases in the price of natural gas.

Mr. Chairman, I urge a "no" vote.

Mr. MARKEY. Mr. Chairman, I understand that I have 2 minutes remaining. Am I correct?

The CHAIRMAN. The gentleman from Massachusetts is correct.

Mr. MARKEY. Mr. Chairman, I yield 1 minute to the gentleman from Massachusetts [Mr. STUDDS].

Mr. STUDDS. Mr. Chairman, I rise in strong support of the amendment of the gentleman from Massachusetts [Mr. MARKEY], and let me simply point out that it specifically authorizes what some of the producing colleagues have feared that it prohibits. It authorizes the State regulation of production, which has the effect of furthering legitimate State interests in resource conservation including the protection of correlative rights. That is specifically authorized. What is prohibited is regulation of production which has the effect of statewide prorationing, on market demand prorationing. It does not do it all. In fact, to the contrary, it specifically authorizes those things which our producing colleagues have expressed concern about. It is a responsible amendment, and I urge its support.

Mr. Chairman, when it comes to energy resources in this country, geography is destiny—or, more accurately, geology is destiny. And for the new England States—with no energy resources of our own—our economic destiny depends, in large part, on how much we have to pay for that energy.

The Northeast depends on oil, and a lot of that is imported oil. That puts us at the mercy of OPEC. If they want to raise prices, all they have to do is limit production—and there's not a whole lot that we can do about it.

It's bad enough that our region's economy is literally at the mercy of foreign powers, but with prorationing, we have a situation where a handful of States—in our own country—are in a position to determine when, or even if, our economy—and that of the midwest and the west coast—recover enough to finally pull out of the recession.

That is because these prorationing regulations are going to cost us a lot of money—$85 million for Massachusetts consumers and $136 million for all of New England. California alone stands to lose half a billion dollars.

And that is not inconsequential. It means higher heating bills for consumers. It means higher costs for industrial users—not only those who use natural gas, but for customers of the electric utilities as well.

Right now, New England States have among the highest electric rates in the country. And our utilities with lower rates are those that are using a lot of natural gas to produce electricity. If they have to start paying a lot more for gas, ratepayers in New England are going to see their electric bill skyrocket.

And that means that New England businesses are going to have a lot harder time competing with companies elsewhere.

We recognize that times are tough for producers right now. But the best way for their situation to improve is to increase demand. And H.R. 776 contains several provisions that will help—simplifying and streamlining the construction and regulation of new pipelines, simplifying some environmental procedures.

Price fixing is not fair when OPEC nations do it. And it is no more fair when it is done by producing States.

Prorationing to raise is a bad idea, it should be prohibited, and I urge adoption of this amendment.

Mr. SYNAR. Mr. Chairman, I yield such time as he may consume to the gentleman from Texas [Mr. CHAPMAN].

Mr. CHAPMAN. Mr. Chairman, I rise in strong opposition to the amendment of the gentleman from Massachusetts [Mr. MARKEY] and urge a "no" vote.

Mr. SYNAR. Mr. Chairman, I yield 1 minute to the gentleman from Michigan [Mr. DINGELL].

□ 2120

Mr. DINGELL. Mr. Chairman, I thank the distinguished gentleman from Oklahoma for yielding.

Mr. Chairman, I rise in reluctant opposition to the amendment. I have great respect and affection for the author, my dear friend the gentleman from Massachusetts [Mr. MARKEY], who is an able subcommittee chairman on our committee.

Mr. Chairman, I have to oppose this amendment, but the gentleman from Indiana [Mr. SHARP] and I have spent a great deal of time on this issue. We have scrutinized the behavior of the States, the Railroad Commission in Texas, the regulatory bodies, and the Governor of the State of Oklahoma.

The old days are gone. It is my hope that there will be no coercive, improper, or collusive behavior under this. I cannot offer my colleague that assurance. I can tell Members that it is my view that the probabilities are that the behavior of the States will simply be to protect correlative rights.

The gentleman from Indiana [Mr. SHARP] and I will be watching this matter with a great deal of care to assure that there is no price-fixing, to be sure that are no actions which will be adverse or detrimental to the interests of the consuming public of the United States.

Mr. Chairman, I would urge my colleagues to reject this amendment.

Mr. SYNAR. Mr. Chairman, I would like to thank the gentleman from Michigan [Mr. DINGELL] for his support.

Mr. Chairman, I yield 1 minute to the gentleman from Indiana [Mr. SHARP].

Mr. SHARP. Mr. Chairman, I rise in reluctant opposition to the amendment tonight. We do not need a regional war here tonight on something that has not been fully considered as it should be.

The gentleman from Michigan [Mr. DINGELL] and I and others, as well as the gentleman from New York [Mr. LENT], the gentleman from California [Mr. MOORHEAD], and the gentleman from Massachusetts [Mr. MARKEY], have been raising this issue for months with the States of Oklahoma, Texas, and Louisiana.

Louisiana has not acted. The State of Texas is about to make decisions that may or may not restrict the market. They argue they will not. As for the State of Oklahoma, we are concerned about their new legislation.

We have been in discussion on a regular basis orally, verbally, and by letter with these folks. We are seriously concerned if they overstep the bounds of protecting property rights and move into true restrictions of the marketplace. But they have not yet done that in the State of Texas, and I think it would be smarter for us not to wait and see.

We are sending a strong message. We will continue to do that. We will promptly bring legislation back to the floor if we see those actions occur. They have not yet.

Mr. Chairman, let us not take a precipitous action that takes us into a regional battle we do not need at this point.

Mr. MARKEY. Mr. Chairman, as the author of the amendment, I would like to close the debate.

The CHAIRMAN. The Chair would announce that the gentleman from Oklahoma [Mr. SYNAR] would be supporting the committee position and is entitled to close.

Mr. MARKEY. Mr. Chairman, I yield myself the final minute of debate for the amendment.

Mr. Chairman, this chart is your handy-dandy guide to how to vote on this issue. Six billion dollars over the next year, if the last 6 weeks is any indication of the natural gas spike. The green States will pay the $6 billion; the yellow States will receive the $6 billion.

We only do a comprehensive energy bill once every 10 years in this Chamber; $6 billion times 10 years is $60 billion.

Mr. Chairman, we cannot afford to subsidize the southwestern and other parts of this Nation with unjustified natural gas increases. Our consumers, our industries, deserve lower natural gas prices so that we can come out of the recession, so that we can enjoy the recovery which we have been unable to in fact.

Mr. Chairman, it is time to enjoy those low energy prices. Vote "yes" if you believe in low energy prices in this country.

The CHAIRMAN. The gentleman from Oklahoma [Mr. SYNAR] has 1 minute remaining.

Mr. SYNAR. Mr. Chairman, I yield such time as he may consume to the gentleman from Texas [Mr. DELAY].

Mr. DELAY Mr. Chairman, I rise in opposition to this amendment.

Mr. SYNAR. Mr. Chairman, I yield myself the final 1 minute.

Mr. Chairman, with all due respect to my colleague from Massachusetts [Mr. MARKEY], I wish the facts and figures that the gentleman just spouted could be correct. We will never know, because we have never had any hearings on this issue.

Mr. Chairman, this is a sad moment because we are legislating on something that is pretty important for this country in this late hour without the necessary information that we as Members need.

Two simple points: First of all, my colleagues, we do not need this regional war here tonight. If we are truly going to do a national energy strategy, let us bring everyone, every State to the table.

Secondly, and most importantly, this amendment is unnecessary. If the States of Oklahoma, Texas, Louisiana, or any of the others violate the law the way the gentleman from Massachusetts [Mr. MARKEY] suggests, we could be brought immediately into court against the actions that we have taken. That remedy is already available.

Mr. Chairman, I ask my colleagues to review the facts, to sincerely consider what we are trying to do with the national energy strategy, and to try to bring all States together for the betterment of the country.

Mrs. KENNELLY. Mr. Chairman, I rise in strong support of the amendment introduced by my colleagues from Massachusetts and New York. Today we are debating a comprehensive national energy strategy. A primary goal of this legislation is to increase the use of natural gas. The bill simplifies pipeline regulations and stimulates demand for gas in electricity generation and transportation. This cannot be achieved without a reliable supply of natural gas.

This amendment would prohibit State commissions from restricting natural gas production which has resulted in increased prices. While prorationing policies are often enacted to carry out legitimate State functions, they can be used to artifically restrict output and raise prices.

This amendment addresses only the latter and would not affect a State's traditional role in regulating its natural gas industry. Just recently, several natural gas producing States have adopted or are considering natural gas prorationing policies which place controls on output.

This action has already raised the price of natural gas 32 cents. Without action, this type of policy could cost $136 million per year for New England plus an additional $646 million for Mid-Atlantic States—only extending our present recession and high unemployment. On an annual basis, this could cost American gas consumers over $6 billion.

I commend my colleagues for their amendment, and I urge my colleagues to support the Markey-Scheuer amendment.

Mr. GREEN of New York. Mr. Chairman, I rise in strong support of the Markey-Scheuer amendment to H.R. 776, the National Energy Policy Act. As an original cosponsor of the legislation that is embodied in this amendment, and as a longtime advocate of competition and free enterprise, I stand firmly against the prorationing of natural gas.

In past months, several natural gas-producing States have adopted, or are planning to adopt, natural gas prorationing policies which place controls on natural gas output. This leads to lower natural gas supplies and a higher price for the consumer. This amendment would prohibit States from implementing regulations that have the substantial purpose or effect of generally restricting natural gas production and raising the price of natural gas.

It is important to note that this amendment does not affect the States' traditional role in regulating their natural gas industries to the extent that such regulation is necessary for resource conservation, preventing physical waste, and protecting the correlative rights of producers in a common reservoir.

One of the primary goals of the National Energy Strategy is to increase the use of natural gas. While most experts would agree that natural gas provides a sustainable, clean, efficient, safe, affordable, domestic energy source, the potential for natural gas use in our nation is unrealized. It is clear that prorationing policies will actually work to the detriment of natural gas usage.

If we have learned anything from our involvement in the Persian Gulf war, it should have been that we must have a national energy policy which reduces our dependence on foreign oil. Increasing the use of natural gas as an alternative fuel is clearly one way to achieve that goal. Implementing prorationing policies will undermine that effort.

I strongly urge my colleagues to support this amendment.

Ms. HORN. Mr. Speaker, today I join many of my colleagues in strong support of H.R. 776, the Comprehensive National Energy Policy Act.

This legislation seeks to insure that our country meets its energy needs for the remainder of this decade and into the 21st century. It does this by promoting energy conservation and efficiency, supporting the development of alternative energy sources, and increasing the use of renewable energy sources. It also provides an insurance policy against interrupted overseas supplies of oil by increasing the strategic petroleum reserve [SPR]. Additionally, through enhanced support for further research and development in important energy technologies, it promotes energy independence in these new technologies along with its promise of new jobs and enhanced competitiveness for the American economy. There is a consensus that, to be effective, an energy policy must include all these steps.

In my view, H.R. 776 correctly puts the emphasis on these areas, rather than continuing to increase support for fossil fuels and nuclear power. In the future, more of our Nation's energy needs must be met by renewables and improved conservation and efficiency. As there are not sufficient oil reserves within our nation's borders to meet our current daily need for oil, increased domestic oil production cannot, by itself, solve our energy problems.

Also, nuclear power does not hold much promise to supply additional energy in the short-term. With the many concerns about nuclear plant safety and the disposal of nuclear waste, along with the lack of new plants coming on line, it would be unrealistic to plan on increased electrical demand being met by nuclear power. Perhaps in the mid-21st century, after the many questions about nuclear power have been satisfactorily answered, nuclear power could be a viable alternative. However, this is not likely to be the case in the next decade or two.

In contrast to the administration's initiative, H.R. 776 represents a balanced approach to setting our Nation's energy policy. It addresses the need for more domestic energy production by increasing Federal R&D for enhanced oil recovery from currently producing oil wells. Currently less than 50 percent of the oil in the ground can be extracted by conventional means; therefore, most of the oil in our Nation's oil wells remains untapped. By enhancing recovery, we can make use of wells already discovered, and capital already spent, to obtain additional petroleum.

Along with getting the most out of our Nation's oil wells, there is a need to develop alternative energy sources including renewable resources such as solar energy, as well as increased use of natural gas. Natural gas is one energy resource which is abundant in North America and, therefore, more secure than Middle Eastern oil. By promoting more efficiency in new gas pipeline hookups, the use of natural gas-powered cars, and increased use of gas-fired powerplants, H.R. 776 will help us to better utilize natural gas supplies. In addition, these energy sources, while independent of foreign supplies, have the added advantage of causing less pollution than comparable amounts of oil. There will be less air pollution, less damage to the environment, and fewer greenhouse gases than if oil were used instead.

Furthermore, this legislation will increase energy conservation and efficiency. One of the largest users, and wasters, of energy is the Federal Government. This bill will require the Department of Energy [DOE] to focus its efforts on increasing the energy efficiency of our Federal buildings and facilities. In the long run, this will save taxpayer money since all energy saved through conservation and increased efficiency is energy that will not have to be bought. H.R. 776 also promotes greater energy efficiency in all new buildings and higher efficiency standards for new electrical appliances and equipment. In addition, this legislation directs utilities to develop least-cost planning and other demand side management programs, reducing the need for expensive hard to site new power plants.

Along with the many steps outlined above is the promise of enhanced international competitiveness and the creation of new jobs in energy efficiency and renewables utilizing high technology. New energy technologies will improve the energy efficiency and thereby the price competitiveness of all our industries. Cheaper energy means less expensive products and services and stronger businesses. In addition, other nations will want to improve their energy efficiencies as well, thereby creating international markets for energy efficiency and energy resource technologies. Either the United States will sell these to the rest of the world, or we will buy them from the rest of the world. H.R. 776 will help ensure that we develop and utilize American technologies here.

This legislation also increases the strategic petroleum reserves [SPR]. The SPR is what stands between this Nation having the oil it needs in time of crisis, and our country not having sufficient oil to meet our daily needs. It is important that we have a national reserve sufficient to insure our ability to carry on in times of war or interrupted foreign supplies without undue hardship. The necessity of this reserve was demonstrated recently during the Persian Gulf war. Although oil supplies were not significantly affected by the crisis, oil prices rose dramatically, requiring the President to make available a small portion of the SPR to help stabilize the oil market, and hence the price. By increasing the SPR to 1 billion barrels from its current 568 million barrels, we will give our Nation added insurance against the interruption of supplies. H.R. 776 would require all U.S. refiners and importers of oil to set aside 1 percent of the oil they import or refine for the SPR until the billion barrel goal is reached. They could send either the oil itself or the equivalent money to fulfill this requirement.

In conclusion, there is a critical need for our Nation to face up to its long-term energy requirements and plan ahead to meet the energy needs of a growing economy in the next century. This requires leadership and purpose. I am pleased to give my support to this effort to enhance our Nation's overall energy security.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Massachusetts [Mr. MARKEY].

The question was taken; and the Chairman announced that the noes appeared to have it.

RECORDED VOTE

Mr. MARKEY. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 238, noes 169, not voting 27, as follows:

[Roll No. 135]

AYES—238

Abercrombie
Ackerman
Allen
Andrews (ME)
Andrews (NJ)
Applegate
Aspin
Atkins
Bacchus
Ballenger
Beilenson
Bennett
Bentley
Bereuter
Berman
Blackwell
Boehlert
Borski
Boucher
Broomfield
Brown
Byron
Camp
Cardin
Carper
Carr
Chandler
Coble
Coleman (MO)
Collins (IL)
Conyers
Cooper
Coughlin
Cox (IL)
Coyne
Cunningham
Dannemeyer
DeFazio
DeLauro
Dellums
Dixon
Donnelly
Dooley
Doolittle
Dornan (CA)
Downey
Dreier
Durbin
Dwyer
Early
Eckart
Edwards (CA)
Engel
Evans
Ewing
Fawell
Feighan
Fish
Flake
Foglietta
Ford (TN)
Frank (MA)
Franks (CT)
Gallegly
Gallo
Gejdenson
Gekas
Gibbons
Gilchrest
Gillmor
Gilman
Gingrich
Goodling
Gordon
Goss
Green
Guarini
Gunderson
Hall (OH)
Hastert
Hayes (IL)
Hefner
Henry
Herger
Hertel
Hobson
Hochbrueckner
Horn
Horton
Hoyer
Hughes
Hunter
Hyde
Jacobs
James
Johnson (CT)
Johnson (SD)
Johnston
Jontz
Kanjorski
Kaptur
Kasich
Kennedy
Kennelly
Kildee
Kleczka
Klug
Kolbe
Kostmayer
LaFalce
Lagomarsino
Lantos
Leach
Lehman (FL)
Lent
Levin (MI)
Lewis (FL)
Lewis (GA)
Lightfoot
Lipinski
Long
Lowery (CA)
Lowey (NY)
Luken
Machtley
Manton
Markey
Martin
Mavroules
Mazzoli
McCandless
McCloskey
McCollum
McDermott
McEwen
McGrath
McHugh
McMillen (MD)
McNulty
Mfume
Michel
Miller (CA)
Miller (WA)
Mink
Moakley
Molinari
Moody
Moorhead
Morella
Mrazek
Nagle
Neal (MA)
Neal (NC)
Nowak
Oberstar
Obey
Olver
Owens (NY)
Oxley
Packard
Pallone
Paxon
Pelosi
Penny
Perkins
Peterson (MN)
Petri
Porter
Price
Ramstad
Rangel
Reed
Regula
Ridge
Riggs
Rinaldo
Ritter

Roemer
Rohrabacher
Ros-Lehtinen
Rose
Rostenkowski
Roth
Roukema
Roybal
Russo
Sabo
Sanders
Sangmeister
Santorum
Savage
Sawyer
Saxton
Scheuer
Schulze
Schumer
Sensenbrenner
Serrano
Shaw
Shays
Shuster
Sikorski
Slaughter
Smith (FL)
Smith (NJ)
Snowe
Solarz
Solomon
Spratt
Stark
Stearns
Stokes
Studds
Swett
Swift
Tallon
Torres
Torricelli
Towns
Traficant
Unsoeld
Upton
Visclosky
Volkmer
Walker
Walsh
Waters
Waxman
Weiss
Weldon
Wheat
Wolf
Wolpe
Wyden
Yates
Young (FL)
Zeliff
Zimmer

NOES—169

Alexander
Allard
Anderson
Andrews (TX)
Annunzio
Archer
Armey
Baker
Barnard
Barrett
Barton
Bateman
Bevill
Bilbray
Bilirakis
Bliley
Boehner
Bonior
Brewster
Brooks
Browder
Bruce
Bryant
Bunning
Burton
Bustamante
Callahan
Campbell (CA)
Campbell (CO)
Chapman
Clay
Clement
Clinger
Coleman (TX)
Collins (MI)
Combest
Condit
Costello
Cox (CA)
Cramer
Crane
Darden
Davis
de la Garza
DeLay
Derrick
Dicks
Dingell
Dorgan (ND)
Duncan
Edwards (TX)
Emerson
English
Erdreich
Espy
Fascell
Fazio
Fields
Frost
Gephardt
Geren
Glickman
Gonzalez
Gradison
Hall (TX)
Hamilton
Hammerschmidt
Hancock
Hansen
Harris
Hatcher
Hayes (LA)
Hefley
Hoagland
Holloway
Hopkins
Hubbard
Huckaby
Hutto
Inhofe
Ireland
Jefferson
Jenkins
Johnson (TX)
Jones (NC)
Kopetski
Kyl
Lancaster
LaRocco
Laughlin
Lehman (CA)
Lewis (CA)
Livingston
Lloyd
Marlenee
Martinez
Matsui
McCrery
McCurdy
McMillan (NC)
Meyers
Miller (OH)
Mineta
Mollohan
Montgomery
Morrison
Murtha
Myers
Natcher
Nichols
Nussle
Ortiz
Orton
Owens (UT)
Panetta
Parker
Pastor
Patterson
Payne (VA)
Pease
Peterson (FL)
Pickett
Pickle
Poshard
Rahall
Ravenel
Ray
Rhodes
Richardson
Roberts
Rogers
Rowland
Sarpalius
Schaefer
Schiff
Schroeder
Sharp
Sisisky
Skaggs
Skeen
Skelton
Slattery
Smith (IA)
Smith (OR)
Smith (TX)
Spence
Staggers
Stallings
Stenholm
Stump
Sundquist
Synar
Tanner
Tauzin
Taylor (MS)
Taylor (NC)
Thomas (CA)
Thomas (GA)
Thomas (WY)
Thornton
Valentine
Vander Jagt
Vento
Vucanovich
Washington
Wilson
Wise
Yatron
Young (AK)

NOT VOTING—27

Anthony
AuCoin
Boxer
Dickinson
Dymally
Edwards (OK)
Ford (MI)
Gaydos
Grandy
Houghton
Jones (GA)
Kolter
Levine (CA)
McDade
Moran
Murphy
Oakar
Olin
Payne (NJ)
Pursell
Quillen
Roe
Traxler
Weber
Whitten
Williams
Wylie

□ 2145

The Clerk announced the following pair:

On this vote:

Mrs. Boxer for, with Mr. Anthony against.

Messrs. MATSUI, HUTTO, and DUNCAN changed their vote from "aye" to "no."

Messrs. SPRATT, WHEAT, and DOOLITTLE, and Ms. HORN changed their vote from "no" to "aye."

Mr. MCEWEN changed his vote from "present" to "aye."

So the amendment was agreed to.

The result of the vote was announced as above recorded.

The CHAIRMAN. The Chair would note that the Chair has been advised that the gentleman from Michigan [Mr. DINGELL] will not be offering his amendment No. 8 that had been made in order under the rule.

Mr. DINGELL. Mr. Chairman, I move that the Committee do now rise.

The motion was agreed to.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. JEFFERSON) having assumed the chair, Mr. SKAGGS, Chairman of the Committee of the Whole House on the State of the Union, reported that the Committee, having had under consideration the bill (H.R. 776) to provide for improved energy efficiency, had come to no resolution thereon.

REPORT OF STATUS OF NATIONAL EMERGENCY REGARDING PROLIFERATION OF CHEMICAL AND BIOLOGICAL WEAPONS—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES

The SPEAKER pro tempore laid before the House the following message from the President of the United States; which was read and, without objection, referred to the Committee on Foreign Affairs and ordered to be printed:

To the Congress of the United States:

On November 16, 1990, in light of the dangers of the proliferation of chemical and biological weapons, I issued Executive Order No. 12735 and declared a national emergency under the International Emergency Economic Powers Act (50 U.S.C. 1701, *et seq.*).

The proliferation of chemical and biological weapons continues to pose an unusual and extraordinary threat to the national security and foreign policy of the United States.

Section 204 of the International Emergency Economic Powers Act and section 401(c) of the National Emergencies Act contain periodic reporting requirements regarding activities taken and money spent pursuant to an emergency declaration. The following report is made pursuant to these provisions.

The three export control regulations issued under the Enhanced Proliferation Control Initiative are fully in force and have been used to control the export of items with potential use in chemical or biological weapons or their delivery systems.

Over the last 6 months, the United States has continued to address actively the problem of the proliferation and use of chemical and biological weapons in its international diplomatic efforts.

The membership of the Australia Group of countries cooperating against chemical and biological weapons proliferation grew from 20 to 22 members when Finland and Sweden were welcomed into the Group in December 1991.

At the same December 1991 Australia Group meeting, all member countries confirmed that they had implemented or were implementing export controls on all 50 identified chemical weapons precursors. Almost all Australia Group members agreed at the meeting to impose controls on a common list of dual-use chemical equipment. In the first major Australia Group involvement in biological weapons nonproliferation, the December meeting also produced a draft list of biological organisms, toxins, and equipment to consider for export controls. This list was further refined by an Australia Group experts' meeting in March 1992, the intersessional meeting held by the Australia Group, and will be considered for adoption by the June 1992 Australia Group plenary.

Encouraging progress can also be reported in the steps taken by countries outside the Australia Group, including several Eastern European countries and Argentina, to establish effective chemical and biological export controls comparable to those observed by Australia Group members.

Finally, the March 31, 1992, report regarding expenditures under the declaration of the national emergency to deal with the lapse of the Export Administration Act in Executive Order No. 12730 also includes measures related to the Enhanced Proliferation Control Initiative. Pursuant to section 401(c) of the National Emergencies Act, there were no additional expenses directly attributable to the exercise of authorities conferred by the declaration of the national emergency.

GEORGE BUSH.

THE WHITE HOUSE, *May 20, 1992.*

NOTICE OF WAIVER OF APPLICATION OF PORTIONS OF TRADE ACT OF 1974 WITH RESPECT TO ALBANIA—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES

The SPEAKER pro tempore. Laid before the House the following message from the President of the United States, which was read and, together with the accompanying papers, without objection, referred to the Committee on Ways and Means and ordered to be printed:

To the Congress of the United States:

Pursuant to section 402(c)(2)(A) of the Trade Act of 1974, as amended (the "Act") (19 U.S.C. 2432(c)(2)(A)), I have determined that a waiver of the application of subsections (a) and (b) of section 402 with respect to Albania will substantially promote the objectives of section 402. A copy of that determination is enclosed. I have also received assurances with respect to the emigration practices of Albania required by section 402(c)(2)(B) of the Act. This message constitutes the report to the Congress required by section 402(c)(2).

Pursuant to section 402(c)(2), I shall waive by Executive order the application of subsections (a) and (b) of section 402 of the Act with respect to Albania.

GEORGE BUSH.

THE WHITE HOUSE, *May 20, 1992.*

□ 2150

GENERAL LEAVE

Mr. GONZALEZ. Mr. Speaker, I ask unanimous consent that all Members be permitted 5 legislative days in which to extend their remarks, and to include therein extraneous material, on H.R. 776.

The SPEAKER pro tempore (Mr. JEFFERSON). Is there objection to the request of the gentleman from Texas?

There was no objection.

---

100 YEARS OF THE RYMAN-COUNTRY MUSIC'S MOTHER CHURCH

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Tennessee [Mr. CLEMENT] is recognized for 5 minutes.

Mr. CLEMENT. Mr. Speaker, this week marks the 100th anniversary of country music's mother church, the Ryman Auditorium in downtown Nashville.

Now the Ryman is not your ordinary auditorium. It is a magical place, full of great history and entertainment. And its fame and community importance predate its use as the home of the "Grand Ole Opry."

In its earliest life, it was a tabernacle, a community place for people of all denominations. It was a meeting place for people to hear lectures from the likes of Commodore Matthew Peary, William Jennings Bryan, and Booker T. Washington. And it was a concert hall for John Phillip Sousa and his band, as well as for the Nashville Symphony and Opera Guild.

Enrico Caruso and John McCormick sang and Rachmaninoff and Paderewski performed from its stage. Even Elvis Presley made one appearance. Will Rogers, Helen Keller, W.C. Fields, Rudolph Valentino, Charles Chaplan, Mary Pickford, Douglas Fairbanks, and Sarah Bernhardt entertained Nashvillians sitting in its pews. And, yes, there were the religious revivals led by such individuals as Aimee Semple McPherson, Norman Vincent Peale, and Billy Sunday.

The Ryman, of course, is best known as the home, of the "Grand Ole Opry," which broadcast from its stage from June 1943 to March 15, 1974. For 31 years, the greats and near greats for country music performed both to those in the Ryman and those listening on their radios.

Even today, 18 years after the Opry moved to the modern facilities at Opryland, the Ryman is still used occasionally as a movie and recording setting. Emmylou Harris recently recorded there as has Burt Reynolds.

Today, more than 200,000 visitors a year come to the Ryman and walk across the same stage used by Patsy Cline and Hank Williams. Thousands sit in the pews and envision the great stars and performances. They imagine listening to the great music, the great lectures, the fire and brimstone sermons. They help recreate the glorious days of the Ryman Auditorium.

I have included some articles about the history of the Ryman which appeared in Sunday's Tennessean.

[From the Tennessean, May 17, 1992]

100 YEARS OF THE RYMAN

(By Joe Rogers)

The Ryman Auditorium came to life 100 years ago to bring God's salvation to Nashville. Roy Acuff, Hank Williams, Cousin Minnie Pearl and the rest of the Grand Ole Opry just expanded that mission to include a little of God's country music and down-home fun for a few decades. So it you think of the Ryman—Mother Church, Old Opry House, whatever you call it—only as the former home of twang, you're missing a good chunk of the story. And the man who caused its construction wouldn't be getting his due. Which wouldn't do. His legacy has lasted a century. It rates a full accounting. Capt. Thomas Green Ryman was, depending on which of the legends surrounding him you choose to believe, a soft-hearted friend of the needy or a notorious rowdy. Or perhaps both. In any event it's true he operated a steamship line on the lower Ohio and Cumberland rivers, and owned a saloon on Broad. On May 10, 1885, he attended a revival hosted by the Rev. Samuel Porter Jones, hellfire and brimstone dispenser extraordinare. Some claim Ryman's intention was to raise a little hell himself at the meeting, if so, the joke was on him. He became intoxicated with the non-liquid Holy Spirit.

And consumed by a desire to construct a "Tabernacle for all denominations that would be amply large to accommodate the largest crowd." As an interim measure he put up a gospel and temperance hall at 57 Broad Street, which seated 250 people and was open every night.

Plans for a more grand building took a big step Feb. 25, 1889, with the Charter of Incorporation for the Union Gospel Tabernacle. Among its purposes were "promoting religion, morality and the elevation of humanity to a higher plane and more usefulness."

By summer the foundation was set, the following spring saw walls six feet high. May 1890 brought the first revival, beneath a tent raised over the incomplete structure.

Ryman claimed credit for the first sketch of tabernacle plans; Hugh C. Thompson served as architect, charging reduced rates for the honor of having his name associated.

Good thing. Ryman was still paying interest on construction costs when he died years later. Raising money to pay off the principal was a continuing effort.

As was the saving of souls. The Rev. T. DeWitt Talmadge held a one-night service in 1893 with hundreds turned way; the Rev. B. Fay Mills followed shortly with another service. In 1896, Dwight L. Moody set forth nightly for two weeks.

The next year a convention of the Confederate Veterans Association brought almost 100,000 people to Nashville—and occasioned the construction of what since became known as the Confederal Gallery in the building. By 1899 the result could seat 3,755 people—and had cost about $100,000.

Capt. Ryman desired that frivolous activities not infect his hall, but not every activity there had a religious bent. In 1892, it housed a lecture on Ponce De Leon. Speakers such as Comm. Matthew Peary, William Jennings Bryan and Booker T. Washington orated during the early years. John Phillip Sousa and band provided a marching ring, the Nashville Symphony and Opera Guild called it home, and various groups held fund-raising gatherings there.

In 1894 it hosted the state gubernatorial election conventions, and commencement exercises also filled the seats. And, in 1904, it held the funeral of Capt. Tom Ryman, officiated at by the Rev. Jones. Jones suggested renaming the auditorium in Ryman's honor, a hugely popular proposal despite the fact that Ryman had opposed it during his lifetime.

From that point it became the Ryman Auditorium in people's minds—though it did no become official until 40 years late, in an amendment to the Charter of Incorporation.

1901 had brought two changes: a new charter, entrusting operation of the building to a civic group; and, at the cost of $750, construction of a stage. Among the first beneficiaries of the latter was the Metropolitan Opera, which brought "Carmen," The Barber of Seville," and "Faust" to the city. It marked the Met's only visit to Nashville, but also opened the door to a string of other opera and theater performances here.

Enrico Caruso, John McCormack and Amelita Galli-Curci came and sang; Rachmaninoff and Paderewski came and played. Assorted symphonies from New York to Russia played the house; Isadora Duncan and Nijinsky danced there; President Theodore Roosevelt got bully in the pulpit.

And over the years the variety of visitors continued. Will Rogers, Helen Keller, W.C. Fields, Rudolph Valentino, Charlie Chaplan, Mary Pickford, Douglas Fairbanks—even Sarah Bernhardt essayed her famous role as Camille at the somewhat advanced age (for Camille) of 61 in 1906.

Not that Bible-thumping, temperance or morals fell completely out of favor within the walls, mind you. Aimee Semple McPherson, Norman Vincent Peale and a fellow named Billy Sunday still found crowds eager to hear their messages.

The association most clearly in the public mind began in June 1943 (according to the records, through some memories—like Minnie Pearl's—insist it was earlier) when the Grand Ole Opry moved into the Ryman.

It was a marriage that continued for 31 years. Other shows continued to play the Ryman—road companies of "Oklahoma" and "Back to Methusalah," along with stars like Bob Hope and Victor Borge and a "performance of the American Ballet Theater. But people remembered the Opry.

And in 1963 National Life bought the Ryman and renamed it the Grand Ole Opry House. It continued to be known that way until March 15, 1974, when the Opry moved to its new location at Opryland. Transplanted was a section of the stage from the Ryman, upon which hundreds of Opry stars had stood during their performances.

Despite a scare that the place might be demolished, the Ryman didn't die after that. Following a recent $1 million exterior renovation, it continues life as one of the city's most popular tourist attractions. Several movies and television shows have originated at least partly from there, including Emmylou Harris's recent special and live album.

Whether it continues to inspire religious conversions is anyone's guess. That might depend on whether the visitor hears the ghost of the Rev. Jones—or Hank Williams.

(Source: Nashville's Mother Church: The History of the Ryman Auditorium, by William U. Eiland.)

THE RYMAN WAS HER CHILD

(By Joe Rogers)

For more than 40 years the Ryman Auditorium translated into one person: Lula Clay Naff.

Married at 17, widowed seven years later, she came to Nashville from Johnson City in 1903 as secretary for the DeLong Rice Lyceum bureau, which handled bookings. In 1914 her boss took another job, she took over the bureau, and leased the Ryman.

She never really let go.

The most famous story claims she took a mortgage on her house to pay a $3,000 guarantee for famed singer John McCormack. McCormack sold out the Ryman, allowed Naff to keep her home, and became her favorite singer in the process.

So what if her friend and attorney later said there was no mortgage. It's the story that counts.

And Naff was nothing if not colorful. She sold tickets from a shirt box and bristled when the memoirs of an actress labeled it a shoe box. She bristled more that the actress misspelled the Ryman as Rymer—and when humorist Alexander Woollcott mistakenly located it in—ouch!—Memphis, she didn't think it funny at all.

"When you talk about the Ryman, you're talking about my child," she once said.

She became manager of the Ryman in 1920, appointed by the Ryman Auditorium Improvement Association that ran it. Until her retirement in 1955 she brought theater, operas, music—whatever would sell—to the Ryman. Eight years before her death in 1960 at age 80, she told a friend that, at her age, the prospect of dying didn't much bother her. "What I hate to think about is that I'll have to give up the Ryman," she said.

THROUGH THE YEARS

1896—two-week revival with the Rev. Dwight L. Moody.

1897—Reunion of confederate veterans held there, having necessitated construction of the Confederate Gallery.

1902—Booker T. Washington addresses convention of Colored Methodist Episcopal Church.

1904—death and funeral of Capt. Ryman.

1906—death of Sam Jones, Sarah Bernhardt plays Ryman.

1913—Helen Keller and Anne Sullivan Macy lecture.

1919—Enrico Caruso and Amelita Galli-Curci play the Ryman.

1920—Lula C. Naff becomes auditorium manager.

1923—Rudolph Valentino dances on stage.

1925—Will Rogers performs his humor.

1934—Basil Rathbone and Orson Welles perform.

1938—Helen Hayes appears in "Victoria Regina."

1941—"The Philadelphia Story" features Katharine Hepburn, Van Heflin, and Joseph Cotton.

1943—The Grand Ole Opry moves from the War Memorial building to the Ryman. Previously housed in the old National Life building, the Hillsboro Theater and the Dixie Tabernacle as well as the War Memorial, the Opry stays at the Ryman until 1974, its longest home.

1944—Name officially changed to Ryman Auditorium.

1947—The Francis Craig Orchestra records the pop ballad "Near You" at the Ryman. It becomes Nashville's first million-selling record and spurs the construction of the city's first record-pressing plant.

1949—Bob Hope brings Doris Day and breaks all attendance and receipt records; Hank Williams gets an unprecedented six encores at his Opry debut, singing "Lovesick Blues."

1952—Ted Mack Amateur Hour holds program in Ryman.

1954—Elvis Presley makes his one and only appearance.

1955—Lula C. Naff retires as manager.

1960—The Nashville Symphony makes its recording debut during an eight-hour session for Dot Records at the Ryman.

1963—building sold to National Life.

1963—The Opry considers concelling because of the deaths of members Patsy Cline, Hawkshaw Hawkins and Cowboy Copas in a plane crash, Instead, The Jordanaires and Roy Acuff lead an evening of tribute. Minnie Pearl makes the crowd laugh, but walks into the Ryman wings with tears streaming down her face.

1969–71—The Johnny Cash Show is taped weekly on the Ryman stage by ABC–TV. Guests include Bob Dylan, Louis Armstrong, Pete Haggard, Arlo Guthrie, Jose Feliciano, Glen Campbell, Rod McKuen and Linda Ronstadt.

1974—Last Opry song sung on the Ryman stage, a tearful "Will the Circle Be Unbroken.".

1979—Sissy Spacek films part of her 1980 Oscar-winning "Coal Miner's Daughter" performance at the Ryman.

1984—Jessica Lange conjures up Patsy Cline on the Ryman stage for her Oscar-nominated role in 1985's "Sweet Dreams."

1991—Emmylou Harris records her '92 "At the Ryman" TNN special and Warner Bros. CD in the auditorium.

1992—Burt Reynolds films a pair of his "Conversations With Burt" specials on the Ryman state. 100th anniversary celebrated.

"A SENSE OF AWE"

(By Robert K. Oermann)

Emmylou Harris didn't have any anniversary on her mind when she recorded "At the Ryman," she just liked the sound of the venerable Nashville hall.

"You can definitely feel something there," she says, echoing the sentiments of many who have stepped inside the century-old structure.

"I don't know whether it's just the fact that wood absorbs the vibrations—music and people, sweat, cigarette smoke, bad notes, good notes, tenor parts, all that stuff—I'm sure there's some scientist that can explain it all in some physiological way.

"But whatever it is, it certainly gives you a sense of awe or that you are in the presence of something other than what is known. 'There are more things in heaven and earth,' and all that stuff," she adds, tossing some Shakespeare into the thought.

The Ryman Auditorium, Harris hastens to say, also has superb acoustics. And that was a big part of her decision to record the live project there with her Nash Ramblers band. "At the Ryman" has become a critically-applauded CD, a Nashville Network cable TV special and a home video release.

"No, I didn't know it was the 100th anniversary at all. In fact, it's interesting how we discovered it. I was at one of the Super X drugstores here in town. I was buying something and I saw these night lights on the back shelf shaped like the Ryman and I went, 'Far out,' so I bought 'em for my producers and my engineer as a little after-the-album gift.

"Allen Reynolds, one of the producers, just happened to look on the bottom and there it said, 'Ryman Auditorium, 1892.'

"So you do a little quick calculation there and you go, 'Wow! It's the 100th anniversary!' "

When Harris first came to Music City in 1969–70, she was a down-on-her-luck folk singer making do with waitress jobs, food stamps and Medicaid assistance. At the time, the Ryman Auditorium was still the home of the Grand Ole Opry, but she never went.

"And I regret it, too."

Her enormously successful solo career began in 1975 and she moved back to Nashville in 1984.

"At the Ryman" is her first album with her new hotshot Nash Ramblers group—Sam Bush, Al Perkins, Larry Atamanuik, Roy Huskey Jr. and Randy Stewart.

The CD features a cover illustration by Hatch Show Print, the historic show-poster company in downtown Nashville that once printed similar-looking placards for the Ryman's touring Opry stars.

And inside the CD are several songs you could have heard during country music's heyday at the Ryman, 1943–74—"Half as Much," "Cattle Call," "Get Up John," "Smoke Along the Track," "Scotland," "Like Strangers" and "Guess Things Happen That Way."

RYMAN TUGS AT BILL

(By Bill Anderson, "Whispering Bill," Opry star)

The first time I ever saw the Ryman Auditorium I was disappointed. Extremely disappointed. Oh, the outside of the building looked just like it did in all the photographs I had seen, and the rounded, wooden church pews wound their way in semi-circular fashion across the balcony just like the picture showed in my Hank Williams songbook, but it still wasn't what I had imagined. I simply could not believe that this hallowed "Mother Church of Country Music" sat on a narrow sidewalk less than a dozen feet from a crowded city street in the middle of downtown Nashville.

Mom bought a new dress for the occasion. My sister and I swore off fighting for an entire week. I told my high school football coach that I might not be back for the beginning of fall practice because Dad was taking me to the Grand Ole Opry. He said if I didn't get back on time, I'd have to sit out the season. My priorities were in order even then. I never played football again.

Our seats were just under the Confederate Gallery, as the balcony was called, on about the tenth or twelfth row downstairs, just off to the right of the stage. We hadn't been seated 10 minutes when someone spilled a soft drink onto the floor above. We were packed so tightly into the pews that we could only sit and watch helplessly as the cold, dark liquid dripped through the cracks and into Mom's lap. It spoiled her pretty new dress.

I was surprised—and disappointed again—that the big red curtain across the front of the Ryman stage had a huge hole in it. But the minute that curtain flew back and the Solemn Ole Judge blew his famed steamboat whistle and cried, "Let'er go boys!" I didn't care if the building even had walls. I was in the Ryman Auditorium, the home of country music. I knew for certain I had died and gone to heaven.

I can't pass the Ryman even now without all sorts of memories leaping out from between the bricks, causing me to smile, to reflect, to remember. Things like the night the bug flew down my throat right in the middle of my song. The afternoon I was rehearsing a Hank Williams song on stage and all the electrical power in the building eerily went out.

I walk inside the Ryman today and I can almost hear Grant Turner's voice praising Martha White flour. "Goodness gracious," he would boast as only he could, "it's good!" I can still see the glow of Ernest Tubb's smile, feel Patsy Cline's determination, marvel anew at Roy Acuff's showmanship, and be warmed all over again by the genuine goodness of Stringbean, Tex Ritter, and Minnie Pearl.

The Ryman Auditorium has always been, to me, a powerful magnet pointed directly at my heart.

Ryman Auditorium

(By Joe Rogers)

It is a typical morning as a busload of tourists stands on the most famous stage in country music.

A tour leader, after dispensing a condensed version of the building's history, leads them in a chorus of "You Are My Sunshine." A couple of the more courageous toss in their own yee-his for verisimilitude.

"Now you can go home and tell everyone an Opryland official asked you to sing on the Grand Ole Opry stage," the tour guide says, to much laughter.

It's about the only regularly scheduled music that goes on at the Ryman Auditorium now. Eighteen years after the departure of the Grand Ole Opry—and 100 years after its birth as a non-denominational tabernacle—the Ryman spends its days as a museum, purveyor of souvenirs and tourist attraction.

"I used to come here when I was a little boy," says Frankie Blackmon of St. Pauls, N.C. "You could climb in the windows and sit in them, it was so crowded."

His last previous visit was 32 years ago or so. "I was about 13," he says. "There used to be a little restaurant right over here—and we sat right across from Loretta Lynn.

"She was a little girl then, too."

Martha Farrington of High Point, N.C., came to Nashville to attend a convention and see her husband inducted into the trucker hall of fame. She stayed in a downtown hotel but didn't believe it when her husband pointed out the former Opry home.

"I said, "No it's not, it's an arts building," she says. "I guess it is an arts building."

"As soon as I saw it last night I recognized it from Coal Miner's Daughter," says daughter Teresa Brown, referring to the 1980 movie of Loretta Lynn's life that won an Oscar for Sissy Spacek. She also saw the new Opry digs, she says, and "I was thrilled."

"But this is the best. This is worth it. This is where it all began."

It isn't, exactly. The Opry started in 1925 as the "WSM Barn Dance" at the radio station and had several homes before settling at the Ryman in 1943. But nobody is giving a test and checking answers, and a little distortion of the precise sequence of events is inevitable.

"It's really smaller than I thought it would be," says Anthony Cutaia of Port Arthur, Texas. "I thought it would be deeper.

"I noticed that when they were singing, the acoustics were good," he says.

"I can see something spiritual in it, too," says his wife Glinda, who, when she mentions the Opry, pronounces it "opera."

"I tell you what I like the best is the old pictures they've got around," says Charles Posey of Austin, Texas. "The crowd pictures—you can relate to that. And all the people are like this—(he leans forward and stares)—like it was one of the biggest events in their life to come to this.

"Whereas today, kids go to a concert and the next day they pretty much forget about it."

The Ryman's appeal seems more of permanent nature. "You can see some people are just mesmerized," says Mary Lou Gallegher, one of the tour guides.

Some also feel the need to associate themselves with the Ryman in a visual way—they scrawl their names and messages on the walls.

Mostly, though, the people pass through leaving only their money. Immediately after the first tour bus departs the stage, two more arrive. A second tour guide dispense a second history—similar, but not agreeing on all points—and leads the group in a rendition of "You Are My Sunshine."

"Now you can go home and tell everyone. . ."

The Memories Linger

The Ryman has an unusual stage. To make the stage deeper the backdrop was moved back until only about three feet separated it from a blank wall, making passage from stage left to stage right tedious.

In the early 1950s we were enjoying a fine performance of the American Ballet Theater. Three beautiful ballerinas were dancing center stage when, of all things, the old janitor appeared making his way across the stage. He was almost half way before it dawned upon him that he was in front of, not behind, the backdrop. Unfazed, he completed his journey. Like us, everyone choked on their laughter, the three ballerinas continued their number doing the same and finished to a great ovation of laughter and applause.

This incident is surely part of ballet lore.—P.J. Broome, Nashville.

I remember going to the Ryman to hear Gypsy Smith in a revival and a song that I remember "In My Heart There Rings a Melody." Every time I hear this song I remember the first time I heard it at the Ryman.—Christine Speight, Madison.

My mother and I used to go to various musical programs at the Ryman. We went to a gospel all-night singing and took a sack lunch. This was during the early 1950s.

One night we went to hear the Robert Shaw Chorale. We could hear sleet on the roof, but had no idea of the severity. When we came out of the Ryman there was about six inches of sleet on the street. When we finally got on a bus, it took us until about 4 a.m. to get home—Shirley L. Nicholson, Nashville.

I'm not sure of the year, 1948 or 1949. My mother said I could go see Roy Rogers if I would quit biting my nails. It worked. Imagine my delight to see a big 18-wheeler, blue, as I recall, parked on 5th Avenue that said "Roy Rogers, Trigger, and Bullet the Wonder Dog." It was quite a show with Roy, Dale, Gabby Hayes, Pat Brady and others. I also saw Gene Autry sometime in that era.

Roy was my favorite and my hero. I still have a great admiration and respect for him.—Tom Mosier, Goodlettsville.

In 1965 I was an aspiring concert trumpet player and on scholarship with the University of Tennessee bands. During those days as a music student, I was about as far away from country music as you could get.

In that year Dr. Jay Julian, director of bands, was in the process of building the "Pride of the Southland" band into what it is today. As a recruiting vehicle during concert season, we did a concert tour of the major Tennessee cities in order to generate interest among talented high school musicians. I remember hearing that we would use the Ryman Auditorium when we played Nashville. I said, "You've got to be kidding; isn't that the place they do that Saturday night, WSM honky tonk show from?" The reply was, "Yes, but wait until you hear the acoustics in that place—better than anywhere in the country."

And they were right. I couldn't believe my ears. We even made a recording (which I still have) of the performance that night at the Ryman. Needless to say, I felt differently about the Ryman after that.—Al Hennigan, Nashville.

Stage plays were booked into the Ryman when I became "The Tennessean" theater critic, and for all its uncomfortable church pews its big stage easily accommodated musicals.

A touring company of "Guys and Dolls" was there, in the early 1960s as I recall, and the idiosyncrasies of that historic stage upstaged one wonderful scene.

It's when the girls of the Hot Box line up on the apron of the stage to sing, in their Bronx-squeaky voices, "Take Back Your Mink". At the end of the number, the girls in the chorus line whip off their fur jackets and fling them on the floor in front of them.

It's a very funny musical moment under any circumstances. But in the Ryman, when the ratty furs hit the floor on the same beat, a cloud of dust flew up as if rehearsed to become a curtain in front of the singers.—Clara Hieronymus, Nashville.

The most memorable experience of mine at the Ryman was back in 1944 I saw "The Passion Play." I had just become a Christian and it seemed so real. The resurrection scene and at the closing the Fisk Jubilee Singers sang the Hallelujah Chorus (from Handel's Messiah). It made your hair stand up. It is one of the favorite memories of my life.—Vera Newsome, Nashville.

When I was in high school in Franklin, Ky., we came to the Ryman to see Katharine Hepburn in "Philadelphia Story" and Helen Hayes in "Victoria Regina." The night we saw "Victoria the curtain literally fell, with a huge boom and cloud of dust right in front of Helen Hayes. When the dust finally settled, Miss Hayes hadn't moved an inch. The audience gave her another big hand!—Carolyn Malone, Nashville

Back in the late '40s, when I was a teen ager and still at West End High School, Bob Hope was in town for an appearance I shall never forget his first words when he walked out on stage: "Don't ever take the Band-Aid off of this place."

I've told it many times to my family—Dorothy W. McMahon, Nashville.

As a stagehand working backstage at the Ryman Auditorium I have experienced many, many non-Opry incidents that could be rated funny or informative.

In the early '60s we did a television taping of "The Jimmy Dean Show." Part of the crew were from New York City and we spent the long week lighting, moving sets, and all the things that make television palatable.

The conversation quickly turned to the history of the Ryman, etc. After being told that the ghost of Capt. Tom Ryman walks the rafters above the audience every night at midnight the New York-based crew ever skeptical, wanted to stay and hear for themselves. Naturally I had to leave early, or so they thought, and quickly slipped in the back door and up the extension ladder to the area above the audience.

Exactly at midnight, I started walking and kicking dust through the cracks. The crew didn't stay long—out the front door without looking back. They were so impressed with this that, when they got back to New York they had it printed in one of the local papers.—George Lunn, Mount Juliet.

WHAT'S NEXT AT RYMAN?

(By Joe Rogers)

Recognizing the 100 years of the Ryman Auditorium's past begs the question: What about its future?

"We can talk about some things that we would like to do and would hope to do, but so much depends on factors other than what we want to do," says Hal Durham, Grand Ole Opry general manager.

"Basically, we don't know what will happen."

Opryland USA Inc., owner of the Ryman and parent company of the Grand Ole Opry, does know what's happening now. The Ryman—open 8:30 to 4:30 seven days a week, draws about 200,000 visitors a year as a museum and tourist attraction.

"The building is pretty much self-supporting," Durham says. And to assist its physical support, Opryland spent about $1 million a couple of years ago to shore up the building's exterior.

"It stands to reason we'd want to continue the project and eventually have the building restored on the inside as well so we could enhance its value to us, as an attraction.

"And certainly we've talked about the possibility of creating a performance venue down there."

Those other factors Durham mentioned include development of other properties in the lower Broad area, he says. What happens to the area surrounding the Ryman will affect the timetable of what happens with the Ryman.

Meanwhile, lots of requests for the use of the building come in, Durham says, most of which can't be accommodated.

Occasionally, someone in the music business will say, "You know, it'd be a good place to do a country music show," Durham says. "And we say, yeah, we did one there for a number of years."

SECTION 936 AND THE CARIBBEAN BASIN INITIATIVE

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas [Mr. PICKLE] is recognized for 5 minutes.

Mr. PICKLE. Mr. Speaker, last week the General Accounting Office [GAO] issued a report analyzing the tax benefits of companies that operate in Puerto Rico and benefit from section 936 of the Internal Revenue Code. Section 936 provides for tax-free treatment of income earned by U.S. corporations from their operations in Puerto Rico. One of the primary purposes of this provision was to encourage investment in Puerto Rico by U.S. firms in order to create jobs there. Unemployment in Puerto Rico is now approaching 17 percent.

The GAO report concludes that the lion's share of the benefits of section 936 is realized by U.S. pharmaceutical companies. These companies produced only about 18 percent of the jobs created by all section 936 companies, but they realized about 56 percent of the tax benefits under section 936.

On an average, pharmaceutical companies in Puerto Rico save an average of $70,788 in taxes for every person they employ. For section 936 companies engaged in the electronics equipment industries, a tax savings of $16,450 per employee was realized, while the overall rate of tax savings across all industries was $10,593 per employee.

These figures for the pharmaceutical industry are astounding, but they're not new. In April 1990, the Subcommittee on Oversight of the Committee on Ways and Means held a hearing regarding section 936. We pointed out that the Department of the Treasury had estimated that section 936 pharmaceutical companies realize $2.64 in tax savings for every dollar they pay in employee compensation. On the other hand, the electronics companies doing business in Puerto Rico saved only 96 cents for every dollar of employee compensation. In the textile industry, tax savings were only 28.5 cents per every dollar of employee compensation.

Needless to say, pharmaceutical companies in Puerto Rico are not paying average salaries of $70,788. Rather, they set up their most profitable operations there to obtain the benefits of section 936. They also are able to realize substantial tax savings on tax-free investment income they earn in Puerto Rico. In fact, there are approximately $10 billion of section 936 funds on deposit in Puerto Rican financial institutions earning tax-free income.

Back in 1985 and 1986, when the Congress was considering tax reform, the disparity in tax savings among the various industries doing business in Puerto Rico led to calls for replacement of section 936 with a wage credit. With a wage credit, every company doing business in Puerto Rico would realize $1 in tax savings for every dollar paid out in compensation. In the view of many, a wage credit would have been the most efficient tax subsidy of jobs for Puerto Rico.

In the end, however, section 936 emerged relatively unchanged from the debate on tax reform. We did change section 936 to allow for investments of the profits of section 936 companies in other Caribbean countries. We made this change with the understanding that the Government of Puerto Rico would make every effort to see that at least $100 million in loans of section 936 funds would be made every year to eligible Caribbean Basin Initiative [CBI] countries. The use of these funds, for investments in business assets and development projects in the Caribbean Basin, furthered the "trade, not aid" strategy embodied in the Caribbean Basin Economic Recovery Act.

When compared to the $10 billion of section 936 funds in Puerto Rican banks, $100 million is really a drop in the bucket. Nevertheless, during the first 3 years after passage of the 1986 tax reform legislation, there had been only $79 million in loans made to other CBI countries. In the last 2 years, we have seen substantial progress in the use of loans of section 936 funds for business investments and development projects in other CBI countries. In 1990, $179 million in loans were disbursed, and in 1991, this figure reached $233 million.

This progress in the use of low-interest loans of section 936 funds to the Caribbean nations is encouraging. Nevertheless, I believe that we can do more to encourage investment and development in the fragile economies of the Caribbean region. I hope that the Department of the Treasury takes advantage of the recent success of this loan program to encourage more countries to sign Tax Information Exchange Agreements and thus be eligible for these low-interest loans. I hope the Government of Puerto Rico will continue to give this program a high priority and continue to promote loans of section 936. And I hope the pharmaceutical companies that reap such substantial benefits from section 936 will spread some of their wealth around to some of Puerto Rico's less affluent neighbors.

WAIVING ALL POINTS OF ORDER AGAINST CONFERENCE REPORT ON H.R. 4990, RESCINDING CERTAIN BUDGET AUTHORITY, AND AGAINST CONSIDERATION OF SUCH CONFERENCE REPORT

Mr. BONIOR, from the Committee on Rules, submitted a privileged report (Rept. No. 102–531) on the resolution (H.R. Res. 462) waiving all points of order against the conference report on the bill (H.R. 4990) rescinding certain budget authority, and for other purposes, and against consideration of such conference report, which was referred to the House Calendar and ordered to be printed.

WAIVING ALL POINTS OF ORDER AGAINST CONFERENCE REPORT ON H. CON. RES. 287, CONCURRENT RESOLUTION ON THE BUDGET—FISCAL YEAR 1993, AND AGAINST CONSIDERATION OF SUCH CONFERENCE REPORT

Mr. BONIOR, from the Committee on Rules, submitted a privileged report (Rept. No. 102–532) on the resolution (H. Res. 463) waiving all points of order against the conference report on the concurrent resolution (H. Con. Res. 287) setting forth the congressional budget for the U.S. Government for the fiscal year 1993, 1994, 1995, 1996, and 1997, and against consideration of such conference report, which was referred to the House Calendar and ordered to be printed.

PERMISSION FOR COMMITTEE ON RULES TO FILE PRIVILEGED REPORT ON FURTHER CONSIDERATION OF H.R. 776, COMPREHENSIVE NATIONAL ENERGY POLICY ACT

Mr. BONIOR. Mr. Speaker, I ask unanimous consent that the Committee on Rules have until midnight tonight to file a privileged report providing for the further consideration of H.R. 776, the Comprehensive National Energy Act.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Michigan?

Mr. SOLOMON. Mr. Speaker reserving the right to object, there was a little confusion over her on our side of the aisle. If I might just ask the majority whip, the two conference reports that were just filed were on the budget and on the rescissions. The gentleman is now asking unanimous consent for late filing on the rule on the remainder of the energy bill?

Mr. BONIOR. If the gentleman will yield, that is correct.

Mr. SOLOMON. If the majority whip would be good enough to enlighten us about tomorrow's schedule, there seems to be some confusion. Could the gentleman give us specifically what we are going to be doing tomorrow and about what time we might be able to get out of here tomorrow?

Mr. BONIOR. If the gentleman will yield, the House will commence with floor action at 10 a.m.,and we will proceed with the rescission package, that which was just filed. We will also do the NIH conference report. Then we will go back to the energy bill, and we will work approximately until 6 p.m., somewhere in that neighborhood.

Mr. SOLOMON. So we will not be doing the budget conference report tomorrow then?

Mr. BONIOR. The gentleman is correct.

Mr. SOLOMON. When the gentleman says 6 p.m., will we be able to finish that energy bill by then, and if not, would we be able to leave any earlier for the Memorial weekend? Is there any judgment on that?

□ 2200

Mr. BONIOR. If the gentleman will yield, I do not believe we will be able to finish the energy bill tomorrow by 6:00 or 7:00, because of the number of amendments and the hours that the new rule will encompass. So my sense is that we will try to recess at a reasonable hour, but to my knowledge, we are talking about 6 or 7 o'clock.

Mr. SOLOMON. Further reserving the right to object, I certainly thank the gentleman.

Mr. WALKER. Mr. Speaker, will the gentleman yield?

Mr. SOLOMON. Further reserving the right to object, I yield to the gentleman from Pennsylvania.

Mr. WALKER. Mr. Speaker, just a question. I did not hear anything about a rule or the Committee on Rules meeting or filing a late report on the NIH bill that you intend to bring up tomorrow. There was some indication that the NIH bill had scope problems and, therefore, would have to be brought to the floor under a rule. Is that not the case, or is there an intention to deal with that?

Mr. BONIOR. If the gentleman will yield further, staff advises me that the scope question that the gentleman from Pennsylvania raises just came to our attention, and that we are examining that now. There may be a possibility for a rule on that, and if it is necessary, and, of course, as the gentleman knows, under the rules, we would need two-thirds. I suspect that would not be forthcoming. So we are looking at the question of scope, and if it does by necessity require a rule, we will seek one. If not, we will bring it to the floor.

Mr. WALKER. If the gentleman will yield further, just to clarify the schedule, if, in fact, it does require a rule and have a scope problem, then we probably would not do it tomorrow?

Mr. BONIOR. If the gentleman will yield further, that would be my sense. Yes. Because we would need two-thirds, and my guess is that would be difficult to come by.

Mr. WALKER. Mr. Speaker, I thank the gentleman.

Mr. SOLOMON. Mr. Speaker, I thank the gentleman, and I withdraw my reservation of objection.

The SPEAKER pro tempore (Mr. JEFFERSON). Is there objection to the request of the gentleman from Michigan?

There was no objection.

VACATION OF 60-MINUTE SPECIAL ORDER AND GRANTING OF 5-MINUTE SPECIAL ORDER

Mr. DREIER of California. Mr. Speaker, I ask unanimous consent to vacate my 60-minute special order for today and that I be granted a 5-minute special order for today and proceed at the kindness of the gentleman from New York [Mr. OWENS].

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

PROGRAM FOR GREATER STABILITY AND SUPPORT (PROGRESS) FOR THE INDEPENDENT STATES OF THE FORMER SOVIET UNION

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California [Mr. DREIER] is recognized for 5 minutes.

Mr. DREIER of California. Mr. Speaker, I thank my friend, the gentleman from New York, for allowing me to take this 5 minutes.

Mr. Speaker, as we all know, foreign aid has become a very controversial subject lately. The public has grown increasingly angry about aid to other countries when we have plenty of problems right here at home, not to mention the skyrocketing budget deficit.

The American people are justifiably very, very angry. All too often our tax dollars in the past have gone to countries that are hostile to the United States and our interests and to democratic ideals, and our efforts result in little or no apparent benefit to our country or to the recipient.

By no means should foreign aid be an entitlement. Even with the fall of the Soviet Union not long ago, our greatest adversary, the United States should not turn over aid blindly just so that we can say that we contributed to the cause of freedom. With the remnants of a command-and-control economy still in place, recent infusions of cash and humanitarian assistance have disappeared down the drain of corruption, inefficiency, and archaic distribution systems.

I recall very well when the former President of the Soviet Union, Mikhail Gorbachev, could not tell anyone where the $1 billion in aid that we had provided to the then Soviet Union had gone.

Despite the obstacles, Mr. Speaker, I believe that we should help Russia, the Ukraine, the other republics including Kazakhstan, which has just recently within the past few days indicated that it will bring an end to nuclear expansion, and other republics within the new Commonwealth of Independent States that are working to establish democratic governments and free markets. In doing so, however, I believe it is imperative that we establish stringent guidelines and standards so that no taxpayer money is wasted.

That is the reason that just this evening I have introduced H.R. 5225, which would allow assistance only to those countries that are committed to political pluralism, a free economy, human rights, and friendly relations with the United States. But we should also recognize that Government aid alone cannot rebuild this former Communist nation.

I firmly believe that the best help the United States could offer to the former Soviet Union is private investment, not direct Government aid. Private investment will help build a market system from the ground up while direct aid alone will only serve to perpetuate the centralized bureaucracies that characterized the Soviet Union.

However, the problem is that many United States companies that would like to invest in the former Soviet Union are blocked by bureaucratic intransigence and a lack of information. Without accurate information about economic progress, investment laws, corporate taxes, or environmental restrictions, few American businesses can be expected to take that plunge and invest in the new Commonwealth of Independent States.

To facilitate the transfer of information to potential investors, the bill I have introduced, H.R. 5225, would establish a computerized business information management system to provide information on investment opportunities to United States business and information on potential United States investors to businessmen and women and from the republics of the former Soviet Union.

The legislation also asks the Small Business Administration to use its senior corps of retired executives, the SCORE program, to provide management assistance for small businesses in the former Soviet Union.

In addition to creating a more hospitable climate for investment, my bill would help spread information about the workings of a democratic system of government by establishing a fellowship training program to bring young leaders to the United States to work with the Congress, business, and the media.

H.R. 5225 would also encourage United States businessmen and women to spend substantial amounts of time in the former Soviet Union working with developing businesses through increased tax incentives. It would double the amount of income that may be exempt from the limitation on foreign earned income and would allow United States companies to deduct expenses associated with management conferences held in eligible republics of the former Soviet Union.

The problems facing the new Commonwealth of Independent States demand creative solutions, not the failed policies of simply sending hard-earned U.S. taxpayer dollars overseas. I believe that my legislation, H.R. 5225, will be a very good start as a move in that direction.

I urge my colleagues to cosponsor it.

Mr. Speaker, I again thank my very good friend, the gentleman from New York [Mr. OWENS], for allowing me to step in here.

THE TRAGEDY IN THAILAND

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from California, [Ms. PELOSI] is recognized for 5 minutes.

Ms. PELOSI. Mr. Speaker, I rise today to express concern about the horrible shootings of Thai citizens, including small children who were speaking out for democracy against the military dictatorship there. Once again we are seeing courageous people from all walks of life trying to promote democratic reform. Once again, we are seeing a military establishment brutally crushing a people's movement for freedom. And, once again, we are seeing that the administration's policy leading up to these events was communication to authoritarian despots a willingness to turn a blind eye to abominable activities.

So far, at least 40 people have been killed and over 600 wounded as the people of Thailand have taken to the streets against the country's nonelected Prime Minister. By eyewitness accounts, it is clear that the demonstrators span the spectrum of Thai society, male and female, from workers and farmers, to students and business people. I salute the courage and determination of these people as they struggle against totalitarianism and for democracy.

The situation in Thailand has been a tragedy waiting to happen. For six decades, Thai politics have been characterized by military dominance and the use of force against demonstrators. Now, a clear message must be sent to the military that their actions will not be tolerated.

I call on the administration to send an unequivocal message to the Thai military. Half measures will not suffice. The administration should completely suspend the United States-Thai joint military exercises and should encourage multilateral institutions and other countries to use economic leverage to improve human rights in Thailand.

Mr. Speaker, the Bush administration missed an opportunity to send an unequivocal message to China that human rights must be respected. The consequences of the administration's weak response after Tiananmen Square are now having a ripple effect. The President's China policy undermined not only the prodemocracy movement in China, but also, as we have seen this week in Thailand with General Suchinda's actions, the efforts of prodemocracy activists elsewhere.

□ 2210

OLD-FASHIONED VALUES

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New York [Mr. OWENS] is recognized for 60 minutes.

Mr. OWENS of New York. Mr. Speaker, I rise to speak in opposition to two big lies that are being recited over and over again with increasing momentum by the administration. These special orders provide an opportunity for a Congressman to at least get on the record some kind of answer to what the representatives of the administration are able to broadcast over the media day after day.

We have high level administration spokesmen who have been roaming the cities, condemning the cities, consulting the cities, making it appear that the cities are a great threat to our way of life. That is one big lie, that big cities are threatening our way of life.

The second big lie that high administration officials are perpetrating day after day is that we need to emphasize old-fashioned values in order to solve the basic problems confronting our society.

Now, this is not exactly a lie. I agree that we need to emphasize old-fashioned values. The lie is that the administration pretends that the old-fashioned values have to come from communities, neighborhoods, and families, and the Government has no role in emphasizing old-fashioned values. Old-fashioned values are not being emphasized here in Washington. Washington is like Sodom and Gomorrah. Washington is the last place that should attack neighborhoods and communities and challenge them on values. It is a big lie, and we need to answer the big lie regardless of what level in the administration the big lie comes from.

We have had the minority whip on this floor talk about big cities and how they threaten our way of life. We had the minority whip on the floor talk about the need to emphasize old-fashioned values, the need to stop wasting Government funds and end the welfare state.

I am all in favor of old-fashioned values. I am all in favor of ending the welfare state, but I think that the promulgation of old-fashioned values and the effort to end the welfare state have to begin right here in Washington.

The administration's spokespersons who talk to the people of America about values do not talk about the fact that Washington is a place which protects the culture of the gun. Washington is a place which protects the right of networks to broadcast endless amounts of violence over the airways. Our airways are regulated by the Federal Communications Commission. It is a Federal matter. The individual citizen of the United States does not have a right to broadcast over the airways. They have to have a license.

For years we have been subjected to violent programming and Washington has never done anything about it. The FCC has done nothing about it.

In that violent program, the culture of the gun is perpetrated. Is it any wonder that in our cities large amounts of young people kill each other without remorse. Large amounts of young people are immune. It seems they have no feelings when it comes to perpetrating violence. They have been fed a diet of violence over television for so long until it means nothing; but this is all perpetrated by Washington.

The power to regulate violence on the airways and the power to regulate the gun, the manufacture of guns, the sale of guns, the distribution of guns, is right here in Washington. It is all protected by the White House. It is all protected by the administration. This administration and its cohorts have attacked Public Broadcasting. Public Broadcasting gets a very small amount of money from the Federal Government, but they do not broadcast violence. They broadcast programs which are very informative. They broadcast programs that are quite uplifting. They are under attack, but not the violence, not the network of violence. The contributors to this violence, the friends of the administration, the people who are protected by this administration are obviously immune to any lectures on violence.

Washington repeatedly attacks our values, old-fashioned values like thrift, frugality, they are certainly not held up as examples in Washington.

The same administration spokesmen who go about the cities lecturing poor people have never raised their voices to attack the looting of the savings and loan industries, the way the savings and loan associations have looted the Treasury. They do not want to talk about that kind of looting. They do not want to talk about the fact that out of our cities large amounts of dollars, depositors' dollars, large amounts are transferred out of city banks into savings and loan banks scattered throughout the country to build shopping malls and housing developments and condominiums and hotels, numerous projects, real estate developments, that all went kaput. They went bankrupt, and the savings and loans had to be bailed out by the FDIC. The savings and loans had to be bailed out by the American taxpayers.

Nobody wants to talk about how that relates to our value system. Why did we allow bankers to steal so much money, or in some cases they say it was not stealing, it was poor judgment. Why did we allow so much poor judgment to carry away so much of the taxpayers' money? Why do we permit in addition to poor judgment a lot of stealing? There are blatant examples of stealing. There are blatant examples of wholesale thievery that was permitted by our Government with its value system, or the value system that it claims it has about thrift and frugality and honesty. Nobody talks about this when they go out to lecture the American people about values.

Let us talk about the savings and loans in terms of the system that was set up, how the regulators themselves were corrupted. They were people who were on payrolls in Washington. The regulators themselves were corrupted. In many cases high-level policymakers were pressuring them. The auditors, the accountants were all corrupted, the lawyers were corrupted.

People at very high levels, people who have college degrees, law degrees, MBA's, they all were part of this festering cesspool that created the savings and loan debacle; yet we hear nobody in the administration lecturing to America about the need to avoid this kind of wholesale thievery and these kinds of examples being set for our young people.

The savings and loan looting is unprecedented in history. Never before has so much of the taxpayers' money been required to take care of the scandal, to bail out a situation that never should have happened.

The American people get nothing in return for the taxes thrown down the drain in order to fill the vacuum that was created by the thievery of the savings and loan associations.

This is a moral issue. There is probably no issue of greater moral significance in America today than the savings and loan scandal. If it were examined thoroughly and you see how so many of our highest level citizens, so many of our most educated citizens, so many of our most powerful citizens were all involved in perpetrating this outrageous scandal on the American people.

Beyond the savings and loan looting, the commercial banks have also come in. We will hear more about them after the November elections. It is all very quiet now, but we are going to find a crisis in the commercial banks that has been there for a long time that will be exposed and revealed after the next election.

It was after the last election of a President that we suddenly discovered the savings and loan problem. We are suddenly going to discover the mushrooming commercial bank problem.

What is the commercial bank problem? Very much the same as the savings and loan. High-level people, well trained, the best educated men and women in America allowed themselves to be placed in situations where their coffers are empty because they made poor judgments, they say, or they were swindled or they acted in collusion with others to fleece the depositors of their money. Already $25 billion has been fed into the commercial banks. In addition to the more than $150 billion that the savings and loans have been appropriated, we have $25 billion that has been appropriated to help bail out the commercial banks.

□ 2220

Mr. Speaker, this is no small matter. These are funds which could have been used to provide measles shots for all those youngsters in the inner city that are now suffering from the measles epidemic. It could have been used to provide the proper care for people who are suffering from a new strain of tuberculosis because basic public health steps that we knew we should have taken were not taken. Money was not there for inoculations. Money was not there for immunization shots. As my colleagues know, basic majority was violated because the money that was there has been funneled in other directions to make the rich richer.

It is no accident that 1 percent of the wealthiest American people have more wealth combined, 1 percent, than 90 percent of the people who are on the bottom of the rung. One percent at the top have more wealth than 90 percent at the bottom combined. It is no accident.

I say to my colleagues, "If you allow your government, if Washington is an agent, is a vehicle for funneling money from the depositors, mostly middle class depositors, really poor people have no money to put in banks. It is the middle class whose money was funneled from their hands into the hands of rich and powerful, dishonest, corrupt people. These are the kinds of values that the administration should be speaking about to the American people.

Let us go one step further. Our young people out there are taught patriotism. We all read the story of the man without a country, and a number of other pieces of literature are factored into our curriculum all over America. Patriotism is very important, an old-fashioned value we try to ascribe to.

Let us thoroughly examine the value systems that were corrupted, and manipulated and mutilated in the Iran-Contra venture. Iran-Contra was treason in the basement of the White House, treason in the basement of the White House that basically has been unpunished. We know treason was committed, treason and thievery. It was treason, on the one hand, violating the intent of the law, the congressional mandates; stealing, on the other hand, because they used bribes from countries which we were illegally selling arms to, and they raised money in various ways to circumvent another policy of the government, another congressional mandate. So, Iran-Contra was double-barreled treason taking place in the basement of the White House.

Where are all the moralists? Why do they not lecture the American people about the implication of that kind of value system? What can happen to a nation which permits in the basement of the Executive Office, the home of the President, treason to take place and it go unpunished?

The Iraqi loans. We circumvented the law by giving large loans to Saddam Hussein even though we knew at one point that Saddam Hussein was converting loans for agriculture programs which were designed to buy food into cash to buy weapons. We sold Saddam Hussein some of those weapons. Our government licensed the sales. Our government knew that high level deals were taking place. The people are the contributors to this administration, the people who are the friends of this administration, were all involved, so nothing was done.

What kind of example are we setting for the American youth or for American families? They want to talk about old-fashioned values. Let us talk about patriotism as an old-fashioned value. Let us talk about what happens when we send American young people off to risk their lives in a war against an enemy that we have armed, against an enemy that we have encouraged. Old-fashioned values are very important.

Why do we not explain why the CIA was so close to Noriega, why they used Noriega for their own purposes even though they knew Noriega was part of a drug smuggling, drug running operation through Panama which fed right into our big cities? The same squalor, the same multitude of problems that are caused by crack, and cocaine, heroin, all began when we allow the drug smugglers from South America and other places to take hold and to build financial empires in our cities. They are so powerful now. The mob is so powerful. They have so much money, and they are better equipped than the law enforcement officials and able to avoid prosecution. Their tentacles reach out in all kinds of directions. They buy off high level people and policemen. They are powerful because we allow them to become powerful, and part of the process of their accumulating power was because our government winked, our government allowed it. They knew it was happening. For their own purposes they wanted to use Noriega, so they allowed him to go right ahead. They allowed Noriega, they allowed a number of thugs in Haiti and other places, to bring in their marijuana, their cocaine, their heroin, and we have a problem of demand generated because our government looked the other way and allowed the suppliers freedom to manipulate.

The BCCI, the Bank of Credit and Commercial International, existed for only a brief period as banks go. But probably there has never been a more corrupt institution on the face of the earth. The BCCI was known to be a criminal enterprise as long ago as 10 years ago. It was known to be a criminal enterprise at the time that the head of the Central Intelligence Agency, the highest intelligence agency of our government, was having regular meetings with the head of the BCCI. Nobody, nobody, questions the truth of these statements. It is admitted that William Casey met with the head of the BCCI on a regular basis.

What kind of message about values do we send when we admit that the highest level intelligence operatives in the United States met regularly with the highest level criminals in the world? BCCI was known to be a criminal enterprise. Nothing was done. Our value system or the value system that Washington endorses and that this administration endorses and holds up to our young people and our families is a value system that says, "If you're powerful enough and if you're rich enough, there is no morality, there are no laws which affect you. There are no sins. You're above it all. The government can get in bed with you, and the government is above it all."

BCCI, Iran-Contra, the Iraqi build-up, loans, the looting of the savings and loan associations, the looting of commercial banks, and now we have a new phenomenon, and that is military expenditures that are being perpetrated despite the fact that we have no more threat of an evil empire. It is just to keep the contracts flowing, to keep the money, keep shovelling the American taxpayers' money into the hands of the richest, most powerful people in the country who own the armament factories, who build the Seawolf submarines, who build the B-2 bombers, who build the nuclear carriers that cost $3.5 billion.

One nuclear aircraft carrier costing $3.5 billion could take care of all the budget problems of all the school systems of America today. Across the country school systems are faced with devastating budget cuts. They are laying off personnel. They cannot buy library books. Some of them are being forced to close their doors. But just to cease building one nuclear aircraft carrier would provide enough money to take care of all those problems, but, nevertheless, we are going to continue to build aircraft carriers, we are going to build Seawolf submarines, we are going to continue to fund Star Wars, Buck Rogers in Outer Space, a dream that never had a scientific basis, a fantasy of Ronald Reagan's that was always known to be a way to funnel money into the coffers of certain corporations and certain groups.

□ 2230

Taxpayer money is being shoveled down the drain for a Star Wars defense that has no meaning, that the majority of American scientists, physicists, have said from the very beginning was a stupid idea.

What kind of values do we hold up to American families and American youth when we demonstrate that we are willing to take their money and continue to throw it away while we at the same time neglect basic human needs? It only takes less than $1 billion to take care of all the immunization problems in all of the cities of America. We would not have to worry about measles and the other childhood diseases.

The cutbacks that have taken place under the Reagan Administration and then the Bush Administration, those cutbacks would not be there if we took just $1 billion from a Seawolf submarine, half the cost of one Seawolf submarine. It could wipe out the problems and provide enough serum for the immunization shots.

We could deal with the tuberculosis problem. A new strain of tuberculosis is taking hold. It is incurable because of the fact that it has been allowed to fester there for so long. We could deal with that with very small amounts of money. Yet we say we are broke, we have a deficit, while we keep expending large amounts of money for the military.

We continue to spend more than $100 billion for overseas bases. Tell me why we are spending more than $100 billion for overseas bases in May of 1992?

I can understand why we would be slow to close down bases in America. There are economies of certain localities and States that are very much impacted. I can understand and sympathize with a philosophy that says we should not rush to demilitarize so rapidly that we cause unnecessary suffering or dislocation in our economy.

But somebody has to suffer somewhere. Let it be a dislocation in the economy of Germany or a dislocation in the economy of Japan. For 50 years we have been dealing with a military expenditure related to those two countries. For more than 30 years we have been defending them from something.

Let them pay for their own defense. They are our primary competitors economically in the commercial world. Why are we continuing to pour $100 billion of taxpayer money down the drain? Why can we not at least close down one quarter, right away, of our military bases and save $25 billion?

Twenty-five billion could really revitalize our cities; $25 billion would do a lot to rebuild schools; $25 billion could build bridges; $25 billion could create jobs in the urban centers all across America and in the rural areas hard hit by poverty.

Twenty-five billion in the domestic economy can work miracles, but $25 billion being spent on overseas bases is just more money being dumped down the drain.

Why? When the question why is asked, you are going to find that some of these corrupt, low, cold-blooded people who have drained money from the savings-and-loans, who have drained money from the commercial banks, who are part of the BCCI, they are profiting from the overseas bases that we have.

I am certain that large numbers of people in Germany profit and large numbers of people in Japan profit from our overseas bases being located in those areas, but it would not continue if there were not large numbers of Americans in high places who also profit.

When the answer if found, you are going to find it is another scandal why we continue to go on with our overseas bases, giving various excuses. There really are no adequate excuses.

The Soviet Union is collapsing because of its own brand of corruption. The Soviet Union is no more, but the various States that made up the Soviet

Union are still on the verge of collapse because they continued to pour money into the military long after it was necessary.

They had to disengage rapidly. They pulled their troops out because they could not afford to keep them in Eastern Europe. The Germans are paying for their troops in Eastern Germany, and they are going to pull them out soon. The are forced by necessity to demobilize and get out of other countries rapidly.

We should consider ourselves in an emergency. We are in a crisis. Let us demobilize also.

We do not demobilize because somebody somewhere is making a profit, a very high profit, on the continuation of an overseas presence in Germany, Japan, and places that can afford to defend themselves.

In the meantime, we neglect grossly human needs like the need for childhood immunization, the need for housing for the homeless, the need for a program to eradicate tuberculosis, and the need to get on top of the AIDS problem.

There are people who make smart-aleck remarks about AIDS. "Well, it is a small portion of the population. Why should we spend a large amount of money on AIDS?"

In the year 1992, when we know so much about science, about biology, about microbiology, about viruses, why are we so stupid as to believe that the AIDS virus will stay in the same form forever? If you do not find a cure for AIDS soon, you are going to find yourself with a different version of AIDS.

The viruses are growing, mutating, changing all the time. We could have an AIDS virus which is airborne in a few years if we do not rush to find a way to stop it now.

AIDS is a threat to everybody. It is an incurable illness. Right now it can only be contracted through intimate contact. Tomorrow, in a few months or a few years, you may find it in another form, if you do not stamp it out now.

So AIDS is not a problem of a minority group in our population, of certain people who deserve it. We had better stamp out AIDS and any other incurable illnesses as rapidly as we can. All of the tools of modern science, everything that we can do, should be brought to bear on the disease that is incurable and is wiping out large numbers of our population now, because it is a threat to everybody in the future.

We should have values which place human life at the top of the scale where it should be placed. We pretend to value human life in the womb. We talk a lot about the unborn baby.

I am all in favor of protecting unborn babies and any other form of life, but it is so hypocritical to talk about all-out efforts to protect unborn babies when we will not provide the money we need to provide immunization shots for the babies who are already here.

There is a growing neglect of human needs. We have in certain of our cities, because of poor medical care, infant mortality rates, babies dying before they are 1 year old, at a greater rate than they do in many Third World countries.

This happens in the richest country in the world. Nothing has ever existed like the United States of America. We are the richest, most powerful colossus that ever existed. But we are rapidly becoming the most cold-hearted, cold-blooded, most dishonest group of people in the world.

We are being led by dishonest leaders. We are being led by people who lecture on morality, and yet they know that their own sanctioning of immorality in high places is the real cause of the problem.

So the big lie that old-fashioned values are going to save us and old-fashioned values are something that only little people in families and communities and neighborhoods are responsible for, but not the Government, the Government is not responsible for perpetrating old-fashioned values, we can let people steal; en masse, wholesale. We do not condemn corporate presidents in America for taking home big salaries.

The highest corporate salary in America I think is up in the $60 million range. One man is making $60 million. The average is between $3 million and $5 million a year for corporate presidents.

In Japan, one of our largest competitors and most effective competitors, the average corporate salary for the corporate chief executive is between $300,000 and $400,000 a year.

That is the difference in the efficient use of capital. Nobody in Washington, nobody in the administration, ever speaks about the morality or the immorality of the high level compensation of executives in America. They cannot find their voices when it comes to criticizing the greed that is so obvious and blatant, the greed that makes us less competitive on the world market.

□ 2240

So the big lie about family values and old-fashioned values must be challenged. I do not want any administration spokesmen, even the Vice President, coming to my neighborhood, lecturing people about values. Let him start first in Washington and lecture the Congress, the House of Representatives and the Senate. Let him lecture the departments in the executive branch. Let him lecture the regulators. Let him lecture the FDIC board. There are a lot of people that he needs to lecture about values before he gets down to our neighborhoods.

The second big lie that I mentioned is the big cities are still at the center of our civilization. We heard on the floor of this House big cities criticized, particularly New York City, the favorite whipping target. That is a big lie. The big cities are a threat to our civilization.

The shopping malls that have gone brankrupt and caused the problem with the savings and loan association are not located in big cities. The condominiums, the country clubs, all of that waste down in Texas and other parts of the Southwest, out in Arizona, that has nothing to do with big cities. The drain on our Treasury, the looting of our Treasury by the savings and loans is not a problem created by big cities.

On the contrary, bit cities, particularly New York City, provided a large amount of the money, the deposits that flowed into the savings and loan association. They had what they called brokered deposits so that money was being taken out of New York City by brokers and fed into savings and loan associations across the country. The deposits that accumulate in the big cities are of great wealth and that has always been the case. Big cities have provided the capital to fund the expansion of America.

Big cities have always been at the center of our civilization, and there is nothing different now. Big cities are the engine that makes America go, and the administration spokesmen that go around insulting big cities are liars.

Villages, towns, cities historically created governments. They created the first great universities, the first great civilizations were all associated with cities: Athens, Alexandria, Cairo, Rome, Paris. It is no different today. The great centers of civilization, London, Tokyo, Berlin, New York, Los Angeles, big cities produce the people. People interacting with each other produce wealth. Wealth produces deposits in our banks.

The deposits in our banks produce capital for expansion, either within the cities or in rural areas across the country into the Midwest, into the savings and loans. The capital flowed out of our cities.

The same banks that refuse to invest in neighborhoods in our cities because they consider them to be risks, they poured the money into the shopping malls and the condominiums in the suburbs and in the rural areas in the Southwest, the Sunbelt. And they lost the money. That is the story of the savings and loans. Bad judgment, collusion, speculation, people feeding each other, selling land to each other at inflated prices, all of it happened outside of the cities.

New York did not do it. New York is often criticized on the floor and cited as a place which is a great example of what the failure of the welfare state in America has wrought. It is a big lie.

New York State, and the biggest part of New York State is New York City. I hate to think of what New York State would be like if it did not have New York City. It is the engine that drives New York State, is New York City.

New York City created the suburbs around New York. New York City provides the largest part of the money that flows into the coffers of the capital in Albany. New York City generates the money.

New York State paid to the Federal Government last year, New York State, the home of the welfare city, paid $23 billion more in taxes into the Federal Government coffers than it received back from the Federal Government.

What am I saying? Senator MOYNIHAN, if we want more details, has the details. Senator Moynihan keeps track of the money that States pay as Federal taxes and the Federal expenditures that are poured back into those States.

How are those expenditures poured back in? In defense industries, in military bases, various ways, including Medicaid, welfare, disability payments. But when we add up all the Medicaid, welfare, disability payments, everything that New York gets, New York is still sending $23 billion more to the Federal Government than it is getting back from the Federal Government.

I do not think Georgia has the same record. I do not think a number of States that have large defense plants, an economy which is fed by military expenditures, I do not think they could make the same boast, that they paid so much more into the Federal coffers than they received back.

New York has people, population, people who pay income taxes. Even poor people pay income taxes.

The Federal Government makes it appear that they are doing New York a favor. They make it appear that they are doing the citizens throughout the country a great favor when they spend money for health care or spend money for housing or for transportation, but it is our money. It all flowed from the taxpayers in the first place.

They do not really make money here in Washington. They make the symbols of money in the mint. They print what is already tabulated as wealth. The money flows from the taxpayers. Taxpayers are you and I and individuals spread across the country. It is our money.

New York has provided a steady flow of graduates from its colleges and universities throughout the whole Nation. New York's bankers have capitalized the whole Nation. New York's soldiers in every walk, large numbers, we have the human beings in New York, and they flow out to defend the country. On and on it goes.

Our cities should not be denigrated. We owe a great debt to our cities, and we have not been paid that debt. In fact, we have swindled our cities a great deal.

It is a big lie that cities are parasites draining the Federal Treasury. The Federal Treasury is a parasite draining our cities.

Finally, Mr. Speaker, our biggest problem is the morality of the way our Government is conducted, the way our campaigns are conducted. Our society's biggest problem is that we are addicted to dirty tricks. The term "dirty tricks" was coined first, I think, in the election with the Nixon administration campaign. But dirty tricks have become a way of life.

Dirty tricks have been lifted to a science and an art by this administration and its cohorts. Dirty tricks are played when we use family values or talk about family values as a divisive and diversionary tactic. Dirty tricks are played when we denigrate cities while we rob them of their wealth. We are using that as a divisive and diversionary tactic. We are playing the cities off against the population of the suburbs and the rural areas while we are really swindling everybody. We are channeling the money from cities and suburbs and rural areas into star wars, into more *Seawolf* submarines and unwanted, unneeded, aircraft carriers, overseas bases.

We pull the wool over everybody's eyes. We confuse the situation. It is a great dirty track played by people at very high levels on the American people. If there is enough confusion, then they have a good chance of being reelected. And they will be able to continue their immoral practices, immoral practices which lead to the swindling of the majority to funnel money into the coffers of the minority, a small group.

There is an undercurrent of racism at all times that flows from these dirty tricks. Family values, cities, they somehow turn that into code words meaning those people, mostly minorities, are in the cities. It is mostly minorities who have no family values. Minorities did not rob and steal from our savings and loan associations. We cannot find a single billion dollar banker among any minority group in America.

□ 2250

Nevertheless, we are somehow, through Hitlerian tactics, insinuations of a Goebbels, repeated big lies which make it appear that somehow cities have been taken over by "those people," blacks, Hispanics, and family values are being eroded by "those people"; "those people" are poor because they are the way they are.

Naturally they are the way they are. It is not because there was a institution called slavery which existed for more than 300 years, and after that oppression which never allowed the accumulation of wealth among African-Americans. Those are the logical kinds of statements nobody wants to deal with.

There is an undercurrent of racism through all the dirty tricks, and it pays off very well. Willie Horton helped elect a President. Millie Horton, his aunt, an image of a welfare queen, a person who is swindling the American people because she is on welfare, will do it the next time, it is believed by the perpetrators of dirty tricks.

Nothing is more immoral than this steady stream of dirty tricks. Nothing is lower than the subversion of the democratic process by using all the organs of government, the organs of the media, to perpetrate upon the people a big lie which is divisive and racist.

Neat, clean men, men in clean shirts and expensive suits, are perpetuating these big lies. They are the real destroyers of the values, however. They are the real destroyers of our civilization. They have to be challenged. They have to be challenged, because they do not know how destructive they are.

There were powerful, cold-blooded men who destroyed the Soviet Union with their own form of corruption. We have our corruption that is equally as dangerous. We have seen that corruption in high places; Iran-Contra, Iraq, savings and loans, BCCI. We have seen that corruption and we do not realize how dangerous it is.

The big lies must be challenged. The people who perpetrate these big lies must be forced to retreat. We have to save our cities and save our families by really returning to some old-fashioned values, and insisting everybody from the top to the bottom adhere to these old-fashioned values.

URBAN AID: HELPING THE PEOPLE OR HELPING THE POLITICIANS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Georgia [Mr. GINGRICH] is recognized for 60 minutes.

Mr. GINGRICH. Mr. Speaker, I was very interested in listening to the last speaker, because I think there is in fact a very real difference of views about what works in America and what needs to be done to help the cities. I would like to talk this evening about what I would call the target of urban aid, helping the people or helping the politicians.

We are in the middle of an effort to pass a bill which will help the cities, which will help the poor, which will create better conditions and hopefully eliminate in the future the kind of looting and the kind of rioting we had recently in Los Angeles. Yet, as I try to prepare to negotiate and develop a package of urban aid, I think the key is to ask why is our analysis of what is wrong and what is our proposal, in general principles, for solving what is wrong?

It is very important, I think, not to focus on the immediate daily tactics of what specific legislation, what specific action, but to start at the vision level: What is our vision of American cities, what is our vision of helping the poor; and then once we have talked out our basic values and our basic goals, to develop some strategies for helping the cities and to develop some strategies for helping the poor.

Only after we have talked through our vision and our strategies, then we ought to talk about what projects we think will work, what kind of definable, delegatable, achievable, and what kind of building blocks will help. Once we have our vision and our strategies and our projects lined up, then I think we can get down to the daily steps of specific actions.

I find at the vision level there is a remarkably different view between the elite culture and the rest of us about exactly what is going on. I have been fascinated watching the news and listening to various mayors get on television. Their vision essentially is that this is the great opportunity to get Washington to send more money to big city machines, more pork barrel, more patronage, more opportunity for the mayors to give things away, more money for the bureaucracy.

I was sort of astonished to watch a number of mayors marching last weekend, because it shocked me that they just do not get the message. They just do not understand what the real problem is. The real problem is not the amount of money that is available. I had my staff work with the Congressional Research Service.

Just to put it in the record as a starting point, in 1990 the city of Boston, whose mayor has been on television a lot recently, had a budget of $1,415,000,000; the city of Los Angeles, $4,019,000,000; the city of New York, $28,700,000,000; the city of Washington, $3,200,000. Those are pretty large amounts of money.

If we break it down differently, per 100,000 people, Boston was spending $244,898,000 for every 100,000 people. The city of New York was spending $390,601,000 per 100,000 people, but the city of Washington was taking the cake at $650,000,000 per 100,000 people.

We have to ask ourselves, looking at these kinds of numbers, looking at the number of employees they had, 47,000 in the city of Los Angeles, and in the much smaller city of Washington, 47,000, 394,000 in New York.

In fact, New York City in the 1980's, a period when it was losing population, went from 318,925 employees in 1980 to 394,609 in 1990, or, to put it again in terms of per 100,000 people, for every 100,000 citizens of New York there were 4,510 employees in 1980, and there are 5,370 employees in 1990.

Again, New York is a piker compared to Washington. Washington went from 6,500 per 100,000 in 1980 to 7,760 per 100,000 in 1990. Washington, DC, has approximately five times as many employees per 100,000 people as Los Angeles, five times as many employees per 100,000 population as the City of Los Angeles.

You would think with those kinds of numbers, budgets measuring in the billions, thousands and thousands of employees, maybe the mayors would have decided to focus on reforming their cities, to spend the money wisely, to restructure their bureaucracy, to changing the values of the welfare state.

I think that precisely because, starting with a report that I read from Gov. Tom Keene of New Jersey, who when he was Governor of New Jersey had a report done on the Jersey City school system, over 1,000 pages, several years of research, where he discovered such things as the fact that the Jersey City schools were using education jobs as political patronage.

They had one $54,000 a year inspector of fire extinguishers who had not been at work in 3 years, because for those 3 years he had been busy in the political machine. So he was paid $54,000 a year, and he was putting at risk the children of Jersey City because he was not inspecting their fire extinguishers.

Then we went a step further. We looked at the whole question of why does the welfare state not work; why are the big cities, with their billions of dollars, with their tremendous bureaucracies, not working?

I have to give a great deal of credit to then Congressman, now Secretary, Jack Kemp, who really developed the first part of the revolutionary vision of replacing the welfare state with an opportunity society.

As early as the late 1970's Jack Kemp was speaking out about the important role of free enterprise, of incentives, of opportunity, of hard work, and it is fascinating to go back and look at some of the things Jack Kemp has said. I want to cite some things that were said before, before there were any riots. People have said, "Where have the Republicans been?" Let me give you an example.

The Wall Street Journal, June 12, 1990, "Liberate America's Other Economy," by Jack Kemp:

[From the Wall Street Journal, June 12, 1990]

LIBERATE AMERICA'S OTHER ECONOMY

(By Jack Kemp)

In 1984, Mario Cuomo of New York electrified the Democratic Convention with his tale of America as two cities, one rich and one poor, permanently divided into two classes. He talked about the rich growing richer and the poor becoming poorer, with the conclusion that class conflict, if not warfare, was the only result, and redistribution of wealth the solution.

With all due respect to Gov. Cuomo, he got it wrong. America is not divided immutably into two static classes. But it is separated or divided into two economies. One economy—our mainstream economy—is democratic and capitalist, market-oriented and entrepreneurial. It offers incentives for working families in labor and management. This mainstream economy rewards work, investment, saving and productivity. Incentives abound for productive economic and social behavior.

It was this economy, triggered by President Reagan's supply-side revolution of tax cuts in 1981, that generated 21.5 million new jobs, more than four million new businesses, relatively low inflation and higher standards of living for most people. This economy has created more jobs in the past decade than all of Europe, Canada and Japan combined. And according to the U.S. Treasury, federal income taxes paid by the top 1% of taxpayers has surged by more than 80% to $92 billion in 1987 from $51 billion in 1981.

Pockets of Poverty

There is another economy—a second economy that is similar in respects to the East European or Third World socialist economies. It functions in a fashion opposite to the mainstream capitalist economy. It predominates in the pockets of poverty throughout urban and rural America. This economy has barriers to productive human and social activity and a virtual absence of economic incentives and rewards. It denies black, Hispanic and other minority men and women entry into the mainstream. This economy works almost as effectively as did hiring notices 50 years ago that read "No Blacks—or Hispanics or Irish or whatever—Need Apply."

The irony is that the second economy was born of desire to help the poor, alleviate suffering, and provide a basic social safety net. The results were a counterproductive economy. Instead of independence, the second economy led to dependence. In an effort to minimize economic pain, it maximized welfare bureaucracy and social costs.

All around the world, despite the resistance of the old guard, freedom and free markets, democracy and capitalism are increasingly on the march. East Europe is looking to us for market-oriented answers, but so is East Harlem, East St. Louis and East Los Angeles.

If we are to present the example of democratic capitalism and the rule of law to the rest of the world, we've got to make it work for the low-income people and distressed neighborhoods and communities right here in our own country. Whether it's called bleeding-heart conservatism, capitalism with a social conscience, or populist conservatism—it's the right thing to do, the right time to do it, and we're the right people to help lead it.

Let's step away from our orthodox notions and examine this from afar. What if you wanted to create poverty? What policies and principles would you use to destroy the economy of cities and make people dependent on government? How would you do it? Let me offer some suggestions:

Impose steeply graduated and progressive tax rates and then inflate the currency to push people into ever higher tax brackets.

Reward the welfare and unemployment at a higher level than working and productivity.

Tax the entrepreneur who succeeds in the legal system—while permitting an underground, untaxed, economy.

Reward people who stay in public housing more than those who want to move up and out into private housing and home ownership.

Reward the family that breaks up rather than the family that stays together.

Encourage debt, borrowing and spending rather than saving, investing and risk-taking.

> Weaken and in some cases destroy the link between effort and reward.
>
> The startling fact in America today is that the highest marginal tax rates are being paid not by the rich, but by welfare mothers or unemployed fathers who want to take a job. In most cities, a welfare mother would have to earn $15,000 to $18,000 in a private-sector job to earn the equivalent of the average tax-free welfare payment.
>
> According to a study by Christopher Jencks and Kathryn Edin in American Prospect magazine, mother with two children who is employed at about $5 an hour would take home about 45 cents an hour less than if she were on welfare. She loses nearly $4 a day after taking into account the loss of government benefits, taxes and such work-related expenses as transportation and child care.
>
> The heavily regulated U.S. housing market is another example of government-created scarcity. Recent control in many major cities has crippled rental housing by making it unprofitable to be a landlord or investor. Rent controls do not help the poor, because they cut apartment supply.
>
> Another glaring example of counter-productive government policy is how the Department of Housing and Urban Development has been spending more than $1,300 per unit to subsidize vacant public housing—housing often used as crack houses for gangs and drug pushers. The Bush administration has started a policy called Operation Occupancy under which only units actually occupied by low-income people will receive pubic housing subsidies.
>
> Let me outline some ideas for a national agenda to help low income people and our nation find the keys that will unlock the shackles of poverty and despair:
>
> Cut the capital-gains tax to 15%. Eliminate it in distressed inner cities and rural communities that we would designate as Enterprise Zones.
>
> When the top capital gains tax rate was reduced to 20% for 49%, the number of small-company start-up more than doubled, rising to 640,000 and creating 15 million jobs. By dramatically reducing the capital-gains, tax rate again, and greenlining inner-city neighborhoods, we can expand the economy and put that enormous job-creating potential to work where it is needed most.
>
> Expand resident management and urban homesteading in public housing to employer residents to buy their own houses and enjoy the dignity of ownership.
>
> Widen use of housing vouchers and certificates to give low-income families greater choice of where to live, while expanding access to affordable housing for those most in need.
>
> Reform the tax system to remove low-income families from the tax rolls and dramatically increase the after-tax income of welfare mothers and unemployed fathers who go to work.
>
> In 1948, at the median income, a family of four paid virtually no income tax and only $30 a year in direct Social Security taxes (1%). This year, the same family's tax burden would be more than $6,000. To reach and level comparable to 1948, the personal exemption—the tax allowance for the cost of nurturing children—would have to be well over $6,000 today. Instead, it is only $2,000.
>
> EXPAND TAX CREDIT
>
> Expand the earned-income tax credit dramatically, creating up to a $6,000 exemption for children under 16.
>
> Help the homeless. Congress should pass the administration's new Shelter Plus Care program to expand community-based mental health facilities, drug-abuse treatment, job training, and day care. This program will help homeless Americans get shelter, transitional housing, and support services to help them re-enter the main-stream economy.
>
> Provide educational opportunity by expanding true choice and competition through magnet schools, education vouchers or tuition tax credit.
>
> Encourage Congress to pass President Bush's HOPE legislation, including IRAs for first time home buyers, the low-income housing tax credit, and Operation Bootstrap linking housing vouchers to strategies for gaining self-sufficiency.
>
> A program like this would make the 1990s the decade in which we win the war against poverty—just as the decade of the 1980's was the one in which we won the Cold War against communism.

□ 2300

This is an article by Secretary Jack Kemp, June 12, 1990, almost 2 years before there was any looting in Los Angeles.

His point is very simple. We know how to create jobs. Pass enterprise zones so that Los Angeles and rural Wisconsin, so that New York and rural Georgia would have a chance in the poorest neighborhoods to encourage real business, to encourage real jobs, to help the local entrepreneur, to eliminate the capital gains tax and to create other tax incentives for people who are willing to go out and willing to work hard and to create jobs.

As Senator Paul Tsongas said, you have to love job creators if you are going to love jobs. You have to be willing to feed the goose if you are going to get the golden eggs. It is time for us to pass an enterprise zone bill.

I am very saddened that an enterprise zone bill aimed directly at the inner cities, aimed directly at poor rural areas, aimed at green lining areas that have been red lined for far too long, that we did not in the last 2 weeks go ahead and pass it. We know the President would sign it. We know we could have gotten bipartisan support. I think we should have passed it already and we would now have people rebuilding in east Los Angeles using their own money, using capital investment from other businesses, using real private money to create permanent jobs for the future.

But let us go a couple of stages further, and again these are ideas developed before we had any riots. President Bush set up a proposal that would allow poor people on welfare to have $10,000 in assets. One might say why would we want to do that. Well, there is a tragic story in the newspapers from Friday about a young lady in Connecticut we had saved up to go to college. Then it was discovered that because her family was on welfare all of her savings would have to be spent. She was actually told by welfare workers in Connecticut to go ahead and buy perfume, go ahead and buy hi-fi equipment, go ahead and do anything but spend the money because you are not allowed to have any money, you cannot save to go to college. Then her mother was told you are now going to be forced to pay back $9,000 in welfare you got while your daughter was saving for college, because it is illegal to save if you are on welfare.

What a country when we are teaching exactly the wrong values. Is this something brand new that President Bush has not heard of? Was he out of touch? No.

In March, the President asked the Congress to pass a welfare reform bill to allow people to save to get an education, to get off welfare, to allow them to save up to $10,000, and nothing has been done by the Congress.

As another example, I had a press conference with Senator HANK BROWN, Congressman CLAY SHAW, Congressman VIN WEBER, and Republican candidates in over 30 States, over 101 candidates over the country who got together in April, and we agreed together that if we were in control of the House next year we would pass a welfare reform bill that would require work and require learning, that would begin the process of helping people leave poverty, leave the habits of not working, leave the habits of not learning, and would begin the process of eliminating the culture of poverty.

□ 2310

That was in April before there were any problems, any riots, any looting in Los Angeles, because they are concerned. You might say, well, was Mr. GINGRICH really concerned, were all of those Republicans really concerned.

Let me read an article from January 1991, in the Atlanta Journal, well over a year ago, by Jeff Dickerson, entitled, "Why Not Pay Welfare Moms To Teach Tots To Read?"

> While I was sipping coffee the other day with Newt Gingrich, the Congressman erupted into another of his conservative brainstorms. Why not give welfare mothers, he wondered, a financial incentive to teach their preschoolers to read? Why not try to break the cycle of dependency by putting money in their pockets if they offer their kids a leg up? It was a fresh idea that sounded workable. The beauty of it was that it acknowledged that the only way to break the cycle of dependency was by intervening into the lives of the young. This idea was even better by making the mom the intervenor. But how many thousands, millions would it cost? Actually, ignorance would be the more expensive choice. It is far more expensive keeping the illiterate and criminal caged at $20,000 and $30,000 a pop. It is far more expensive writing a stream of welfare checks with no end to dependency in sight. One of the odd things about Gingrich's proposal is that here sits an arch-conservative loathed even by some of his Republican colleagues, cooking up ways to rescue the poor from their poverty. It is a job you expect to fall to Ted Kennedy and Howard Metzenbaum, and yet their only idea on helping the poor has been more aid which means more of the same and more dependence. Gingrich is saying if we

> can teach the young to read and to respect education, we might break the cycle of poverty. That is more promising than breeding dependence, but it is not perfect. Who says the young mom has the wherewithal to teach her young boy or girl to read? Who says she will respond to financial incentives as if she were a venture capitalist? We cannot say that she would respond, of course, but would we not be remiss if we did not try to get her to? GINGRICH has other novel ideas. He thinks teenage mothers should get welfare checks only if they attend prenatal classes, which is another way to saying that if you are young and pregnant and ignorant of child-rearing, please take the time to learn a few basics.

My point is this: Jeff Dickerson, in January 1991, after a get-together we had had over the Christmas break, was catching the rhythm of the passion, the intensity, the sincerity that people like VIN WEBER, Jack Kemp, and I have in order to try to break out of the current cycle of welfare and bureaucracy and poverty.

My wife, Marianne, and I went in August of last year to a tremendous conference in Boston of over 1,200 tenant leaders from all over America, poor people, black, Hispanic, largely, some white, some American Indian, some Asian, gathered by Bob Woodson, one of the most innovative developers of new ideas at the National Center for Neighborhood Policy.

Bob Woodson brought together 1,200 people who were poor but who want someday to have a chance to own property, who want their children to go to school, who want to have a chance to control their neighborhoods.

We spend 2 days with them talking about dramatic, revolutionary, radical new ideas, ideas of replacing the welfare state with an opportunity society, and this was in August 1991, well before the looting in Los Angeles.

And yet we are not able to get these ideas through the Congress, to get these ideas developed the way they should be, to finance the reforms. It is easy to finance the same old bureaucracy. It is easy for people to send money to the same old mayors and same old city councils, and it is easy to prop up the same old public employee unions, but to get new ideas, new approaches, new hope, that is hard.

In the case of helping kids learn how to read, I worked with West Georgia College, and for the last two summers we have had a program called "Earning by Learning." Dr. Mel Steeley of West Georgia College is our coordinator. It is a Thousand Points of Light Program, 49 adult volunteers, 1 person paid $500. It would not look very impressive the way most of the liberal mayors count score, but 49 volunteers for free doing the work is a pretty good start. We went into five counties, public housing projects, did not spend very much. We, instead, used the public libraries. They are there. They are free.

We got poor children to go to the library. One of the first things we did in this program was give them a library card and teach them how to get to their library, to rent the books for free, to check them out, again, low cost, would not look very good. Most of our liberal friends would say, "Cannot be very effective."

We had a requirement. The children came once a week and brought the books they claimed to have read. Now, we met in free space donated to us by the public housing projects, because they were excited to have the children kept busy, to have the children doing something productive.

Now, in that sense, again, it does not look like very much, did not add up, free volunteers, free library books, free space, cannot be very committed, and yet we had a particular idea that was part of our revolution, a particular idea that is part of how an opportunity society would replace the welfare state.

We wanted an incentive for second- and third-graders who were poor, who grew up in single-head-of-household families, who maybe did not have a single book at home, who had no incentive to learn how to read and write. We went to them, and we said, "Well, we will do something most Americans understand. We will pay you $2 a book for every book you read." It is a very radical idea. It was child labor, and it was piecework. It only had one virtue: every child, no matter how poor, understood the concept and understood that if they would read, they would have cash.

We did have one group in Douglas County who were so cynical at 8 years of age, and it was frankly very frightening and it was a prelude to what happened this year in Los Angeles, and they said to us, "You are going to cheat us. You will manipulate us. You will get us to read, and then you will not pay us any money." That group we paid every week, and by the way, we doubled the number of kids who came in every week, because suddenly the only kids in the project who had cash were the kids who were reading. Suddenly it became a big deal to be a reader.

Now, what did the program accomplish? Volunteers, low cost, low overhead, no bureaucracy, would not have fit any of Mayor Flynn's proposals, too cheap.

There were 282 students, the first year, who read 3,602 books. We paid them $7,204. Our top student, the first year, was a young lady in Villa Rica who read 83 books. We paid her $166. Her dad took a day off work to protect her. Because, after all, you give a young girl that age $166, she needs somebody to look after her.

We did three things simultaneously without bureaucracy: We taught literacy. Some of our students jumped two grade levels in 7 weeks because, for the first time in their life, they were motivated to do real work. Second, we had empowerment, a fancy word. You read the article in the Noonan, GA, newspaper, about a 9-year-old girl buying her first pair of sneakers, you are seeing empowerment for real. Third, we taught free enterprise.

You do not have to be a pimp or a prostitute or a drug dealer to make money in America. You can do an honest day's work and get an honest day's pay.

People said you should not have to pay kids to read. I have yet to be in a middle-class neighborhood and ask parents, "How many of you reward your children for reading," and not have two-thirds of the hands go up. "How many of you give your kids a reward if they get straight A's?" Hand go up. "How many of you give your kids a reward if they are in the honor society?" Hand go up.

Well, what if you have child whose mother is too poor, whose background has no value for education, who has nobody locally giving them an incentive, what if we pretend we are middle class, and we give them some money just as though their mom and dad were middle class or upper middle class? It turns out it works, thanks to Dr. Mel Steeley's tremendous work at West Georgia College, there are now Earning by Learning Programs in 10 States, and in one school system in Texas, the public school is now paying every third grader 50 cents a book for every book they read.

We spent $6,100,000,000 on title I funding for the disadvantaged, and that would be 3 billion books read for $6 billion transferred to kids. My guess is, and I am not saying we ought to replace title I, but I am saying as a way of thinking, of breaking out of the bureaucracy, certainly it is worth exploring, and we were doing it 2 years before Los Angeles occurred.

One other example of the fact that we have been trying very hard to convince this Congress to pass things is what I think was a brilliant speech by the Vice President in New York City at the Economic Club on February 27. He said some, frankly, rather challenging things. He talked about how much we see around the world with things changing. He talked about the need to change things.

I want to quote from him, Vice President QUAYLE in New York City, not after the riots, Vice President QUAYLE in New York City on February 27:

> It was our fate and good fortune to watch the great collectivist experiment from outside the laboratory. But those millions of souls who had to endure it—they are our witnesses. And what they tell us is simply and unequivocal: Socialism, or any glossed-over variation of it, won't work. It will diminish, destroy, and devour resources, instead of creating and building. In man's economic life, the state may be an uneasy ally but never a friend.
>
> As we seek our economic security in this uncertain world, we must learn what works

and what doesn't. Let us look at this great city. It attests to what becomes of those who put their faith in the benevolence of the state. In what should be a liberal paradise, what do we find instead?

Honest, ambitious, hard-working New Yorkers struggling to pay the highest local taxes in America—about $1,600 per person.

A business tax three times greater than that paid by businesses in Chicago and Los Angeles. One in every eight people on the dole. Taxpayers investing $7,000 a year for each public school student compared to $3,000 per year per student in private schools. The taxpayers' investment in education gets a high school graduation rate of 38 percent. That means 62 percent don't finish on time. Liberal economics may prevail here, but it sure doesn't work here. It is estimated that by 1994 a total of 320,000 private sector jobs will be lost in New York City. When the taxpayers meekly protest these high taxes, the liberal deep thinkers snap back that we lack "compassion" for the working man, but the working man is usually the one most hurt by this kind of thinking.

Close quote from Vice President QUAYLE.

□ 2320

His point is this. We want to help the people of New York. We do not want to help the politicians of New York. We want to help the poor of New York. We do not want to help the political power structure of New York.

Vice President QUAYLE went on to say some very basic principles:

You don't build economic strength by taxing economic strength. If you tax wealth, you diminish wealth. If you diminish wealth, you diminish investment. The fewer the investments, the fewer jobs.

Now, the point we are making is very simple and very straightforward. We think we know how to create jobs, pass enterprise zone legislation, cut taxes, use the Weed and Seed Program of the Justice Department to clean out the criminals, establish an incentive program for education, develop new approaches that encourage people to create permanent private jobs and yet when we turn to the liberal mayors who came and marched on the city, we get the opposite, raise taxes, pay off the public employees unions, keep incredibly dumb work rules. Waste money.

Our critique of the welfare state big city is five points:

First, value. We believe in work. The welfare system has failed. We believe you should require work and/or learning from every able-bodied adult under the age of retirement, period.

We think the values of the welfare state simply do not function.

Second, the bureaucratic structure has failed. How can you look at the total number of workers in the city of Washington, the size of the city of Washington's budget, walk through the city, watch the evening news and not come to the conclusion that this is a city structure that has failed?

How can you look at New York City, look at the size of the city budget, $28 billion, and not conclude that there is something fundamentally wrong, that we need reform of the bureaucratic structure.

Third, we believe the future is not in government. The future is in private industry, in voluntarism, in community and enterprise zones, in Secretary Kemp's HOPE Program and Bob Woodson's Neighborhood Ideas.

Fourth. We have to stamp out violent crime. We need to apply the RICO statutes to the gangs. We need to set up a nationwide information system on gangs. We need to be prepared to use the Weed and Seed Program at the Justice Department to stamp out gangs. We have got to do something decisive on crime.

And yet if you go on a values basis from the welfare state to the Opportunity Society, you replace welfare with work and learning. If you replace the current bureaucratic structure with a system modeled on quality and Edward Demming's concept of how we can have people be effective, if you shift from reliance on government to shifting toward private industry, voluntarism, community enterprise zones, if you are willing to take on the criminals and recognize that when you learn that 40 percent of the people picked up in Los Angeles for major looting, 40 percent were convicted felons out on parole, that this was in essence a felons' riot. These were criminals on a rampage, and that is the latest numbers from the newspapers today, that 40 percent of the looters they picked up so far engaged in serious looting were convicted felons out on parole.

Can you wonder that we have problems when you put violent people back on the streets?

All our good friends on the left and all our liberal mayors say, "Fine, fine. We understand this value stuff. We understand using quality instead of bureaucracy. We know you have your values, but let us spend more money. The test of your sincerity is money."

As I said earlier, earning by learning would have failed because it was not expensive enough, and yet I would say before we ought to spend a penny more on our biggest cities, we should challenge the mayors and the city councils to three changes:

First, we should challenge them to change their work rules, especially the unionized contracts that are so silly and so foolish and so wasteful and so destructive.

Second, we should challenge them to have privatized and quality oriented commissions going through every element of bureaucratic waste, every element of bureaucratic stupidity, and every element of insensitivity to public need.

Third, we should tackle head on the problem of political corruption, precisely in the name of liberating the people of New York City, helping the poor get jobs, creating safety in the poorest neighborhoods, establishing the right to run their own neighborhoods, their own communities, their own public housing projects. We should be prepared to take on the big city bureaucracies and the big city politicians in order to lay out this framework.

If anyone wonders what I am referring to, let me just suggest if you read the January Reader's Digest article how the unions stole the Big Apple, you get a very clear sense of exactly what is going wrong. When you read in the Reader's Digest article how the unions stole the Big Apple, a $57,000 a year public school janitor whose union contract requires him to mop the school floor three times a year, that is about $19,000 per mopping, you know the system does not work.

When you read about a contract that involves the Sanitation Workers Union, a contract which is absurd and outrageous and indefensible, you know the system does not work.

And yet after I began talking about this and about the same time when the New York Times was attacking me and saying here I was as the Vice President was picking on poor New York City, let me read the following editorial from the New York Times about one of these contracts. Remember, this is about one of the mayors who marched on Washington because he wants us to raise taxes to send him more money.

This is from the New York Times:

CITY SHRINKS ON GARBAGE REFORM

After almost two years of negotiations, the Dinkins administration blinked and granted New York City sanitation workers a raise without insisting on a full day's work for a full day's pay. Instead the city agreed to more productivity negotiations that could take a year or more, and are not guaranteed to succeed.

What a lost opportunity and costly mistake! Mayor David Dinkins keeps saying that unions won't get raises unless they grant productivity savings. Until he demonstrates that, why should the public—and unions—believe him?

The negotiations provided the perfect opportunity for the city to demonstrate some muscle. Since the new recycling program began in 1989, many sanitation workers have been working partial days while collecting full salaries. They finish collection routes more quickly because recycling reduced the amount of garbage. The city is obliged to pay additional workers to handle recycling.

The city could have insisted that the new contract extend routes so that all workers put in eight hours, rather than as little as four. Instead the contract sets a goal of returning to 1980 productivity levels, but leaves the means to future talks.

The two sides are supposed to come up with a new collection route formula in about a month. If they disagree, either side can go to binding arbitration. The administration did go to arbitration with its police union and the subsequent agreement was fair, so maybe it will show some mettle with the sanitation workers. At least the new contract establishes a procedure for change. But if City Hall had made productivity reform a condition of the new contract, a city strug-

> gling with recession would already be saving badly needed money.

This is on page A-14, New York Times, February 18. I am going to check. I do not frankly know if the city did go back and go to artibration on this, but I am going to check on that.

Let me make this point. Here is the New York Times reporting about New York City, that they have garbageworkers working as little as 4 hours a day while getting paid for 8 hours a day of work.

Now why would I want to raise taxes on Marietta, GA, or Owensboro, KY, why would I want to raise taxes on St. Louis, why would I want to raise taxes anywhere in America in order to be allowed to have the honor of shipping money to New York City to subsidize a worker who is only working half the time he is getting paid for?

Why is it not fair, and reasonable, and responsible to insist that these big city mayors take on those kind of work roles and get a full day's work for a full day's pay? Why is that so outrageous? Why does it make us inappropriate, insensitive, unfair, and unkind to insist, when the New York Times is pointing it out, not some right-wing organ, but rather the New York Times is saying, "Hey, we got a problem here."

□ 2330

Quote from the New York Times Metropolitan Monday, August 12, 1991:

> New York City's payroll; how did it get so big?: The number of New York City's employees increased 26.8 percent from 1981 to 1991. In the same period San Francisco's total grew 11.2 percent, and Miami's grew 6.9 percent. From 1984 to the present Boston's total increased by 1.6 percent, and Chicago's fell 7.3 percent.

Now let me point out. Here is a city which increased its public payroll by 26.8 percent in a decade while population was declining.

Let me go a stage further, reading from the New York Times:

> New York City's work force is at its highest level since the city began keeping consistent records 16 years ago. Even if the city carries out its ambitious budget cutting program, the work force will still be above the level of June 1975 at the onset of the city's previous fiscal crisis. In the past decade the number of people in city government grew by more than a quarter of the city's population, grew only 3.5 percent. The planned head count reduction of 7151 workers to balance the budget for 1992 would reduce the city's work force by only 3 percent. City agencies do not say that services have gotten that much better, but that the city's problems, crime, homelessness, AIDS, the drug crisis, have gotten that much worse.

They then go through stage by stage each of the departments for the city, and we look at these and say to ourselves, "Now wait a second. Why should we be in a position where we are going to raise taxes everywhere else to send the money to a city that has this many employees and is spending this amount of money," and let me say one brief word about who is responsible for all of this.

I get a little tired of having a group of mayors come to Washington or get on national television and say, "Oh, it's the Republicans. It's that Republican administration." The last Republican mayor of Boston left office in 1973. The last Republican mayor of Los Angeles left office in 1962. The last Republican mayor of New York left office in 1972.

According to CRS, the Congressional Research Service, Washington, DC, has never had a Republican mayor, but it is not just the mayors. Let us look at city councils.

We asked the Congressional Research Service. Here is what we have as of today:

Boston—Congressional Research Service was still looking and stated the last Republican majority city council would have had to have been at the turn of the century, if there ever was one.

Los Angeles—Congressional Research Service looked back 60 years and has not found a Republican majority yet.

New York—Not a Republican majority in this century.

Washington—The city council has never had a Republican majority.

Now with a mayor, Democrat; city council Democrat:

Boston—$1,450,000,000 budget.

Los Angeles—$4,019,814,000 budget.

New York—$28,719,751,000 budget.

Washington—$3,210,000,000 budget.

And these are not mayors and city councils that are helpless.

Boston—20,800 employees.

Los Angeles—47,900 employees.

New York—394,000 employees.

Washington—47,900 employees.

It is amazing, but at the rate that New York is going, they will pass the city of Washington. They will have more city employees in New York than there are people in Washington, and these are the mayors who come to the city having had absolute Democratic control of their city for a half century and tell us that we have some obligation because we did not send enough money to them.

Well, let us look again at how they use the money. This is from an article in Newsweek, December 17, 1990.

[From Newsweek, Dec. 17, 1990]

WHY CITIES CUT MEAT, NOT FLAB—IN TOUGH BUDGET TIMES, BUREAUCRACIES THRIVE WHILE ESSENTIAL SERVICES SUFFER

Residents of New Orleans could tell it was budget time last fall because the city coroner issued a familiar threat: "No more picking up dead bodies on the street." And further, Dr. Frank Minyard warned, any corpses lucky enough to make it to the morgue would just have to lie there: budget cuts would prevent his office from doing autopsies, too. The bodies did not, it turns out, pile up on the streets. The city managed to find more money. The plan to shut down the coroner was part of a city ploy to wrangle funds from the state—and it didn't work. The governor suggested that before the mayor went begging—or cutting essential services—he might first trim the city's wasteful patronage jobs. For example, New Orleans traffic courts employ special judges who earn $67,000 a year, take 60 days' vacation and maintain private legal practices—and work only part time on the bench.

As more and more cities struggle with major fiscal crises, budget cutters are running into a perplexing question: why can't—or won't—cities cut bureaucratic bloat instead of essential services? Cities are finding themselves squeezed, partly for reasons beyond their control. Special referendums prohibit some from raising taxes; others suffer from mounting social problems, a declining economy or federal aid cutbacks. But too often cities end up cutting basic services or raising taxes because they are unable to shed flab. "The city is like a fat man who's told to lose a few pounds," says Henry Stern, president of Citizens Union, a New York City watchdog group. "He eats 5 percent more and then cuts off his fingers." Most cities now spend at least half their budgets on payroll. A guide to why cutting bureaucracies is so hard:

THE WASHINGTON MONUMENT SYNDOME

New Orleans' gambit was a creative variation on a common bureaucratic strategy. When faced with across-the-board cuts, agency directors may slash the *most* visible or important services to show the public they cannot spare a dime. The goal: intense public outcry forcing city hall to back down. (Bureaucratic turf battlers everywhere owe a debt to federal parks officials who have responded to budget cuts by padlocking the Washington Monument.) In New York City, transit-authority officials facing budget shortfalls first threatened to shut down night subway service, used by 39,000 people daily. When the city cut 98 Bureau of Bridges jobs in November, a deputy commissioner warned that even major bridges connecting Manhattan to the rest of the city might have to be closed. The cuts came anyway—and they're doing more maintenance than ever.

But few cities have practiced the ploy as aggressively as the Washington Monument's hometown, the District of Columbia. A recent blue-ribbon commission found the city's police department was embarrassingly top-heavy with expensive deskbound officers. Yet when the city council cut $4 million, the department quickly announced that "due to budget constraints" it would have to eliminate special summer street patrols in drug-ravaged areas and in exclusive Georgetown, home to many of the city's wealthiest and most politically influential citizens. A spokesman ominously warned visitors to avoid the trendy area because police could no longer guarantee their safety.

THE PROTECTION RACKET

Civil Service rules, of course, can sometimes make it hard to dismiss incompetent workers. D.C. government managers have hired entire staffs of "shadow workers" just to do the jobs of lousy employees they couldn't manage to fire, a recent private audit found. Just as important, byzantine personnel rules warp sweeping reform efforts. Washington's Mayor-elect Sharon Pratt Dixon won election by pledging to cut 2,000 unnecessary middle managers. But because of seniority rules, a midlevel manager whose position has been eliminated can "bump" someone more junior. "You could try to eliminate 2,000 middle managers and end up firing 3,000 secretaries," says city-council member Betty Ann Kane.

To avoid these obstacles budgeteers often try saving money by not replacing those who quit or retire. But what happens if too many people happen to retire in an already overburdened office? No place is hated by Washingtonians more than the Bureau of Motor Vehicle Services, whose daunting lines would frustrate a Moscow housewife. Yet despite the city's middle-management overload, budget freezes have left unfilled 59 slots for license clerks, car inspectors and other frontline Motor Vehicle workers. Maybe residents would finally believe the city budget is lean, Mayor Marion Barry said recently, "when the lines get long around down at Motor Vehicles—as they are going to." (Remember the Washington Monument Syndrome?)

UNNECESSARY WORKERS ARE NECESSARY VOTERS

Municipal unions are among the last organizations that can deliver large blocks of voters. San Francisco employs 25,000—equivalent to one tenth of the city's voters. Not surprisingly, unions have great leverage in contract negotiations. Philadelphia unions for 10 years kept the city from buying larger garbage trucks that would have increased efficiency, but cost jobs. In 1988 the city's unions agreed to delay wage increases if the mayor agreed to rule out any layoffs in 1991 and 1992. Now the mayor can legally dismiss only firefighters and police officers, who are politically untouchable. If he wanted to try it anyway he would have to first offer them lucrative early-retirement plans. In the short term, early retirement can cost more than keeping workers on their jobs.

HIDE AND SEEK

A savvy bureaucrat can find many crannies to hide unneeded workers from budget cutters. In New Orleans, a few favored workers can earn hundreds of thousands of dollars as city notaries, performing the demanding task of affixing city seals to official documents. The notaries are technically paid by outside contractors—and therefore "free" to the city—but the costs are passed on to the government as overhead. D.C. council member Kane recalls how she tried to eliminate the wasteful position of deputy to the district secretary. The next year the district secretary appeared before her committee along with an unidentified man. "Who is this man sitting next to you?" Kane asked. "This is my deputy," the official answered. "No, no, no, dear. We eliminated that position," Kane insisted. The official's response: "I thought I needed one." She had hired him back using discretionary contract funds—out of the reach of the city council.

REFORMERS GO NATIVE

New government managers may arrive as the mayor's representatives at an agency, but soon they become the agency's advocate at city hall. They often become zealously committed to the department's mission—in part because they've realized their own power flows from the size of the agency's budgets and staffs. Mayors are regularly astonished to find that their requests for budget cuts are rejected outright by their own appointees, says Esther Fuchs, author of the forthcoming "Mayors and Money." New York schools chancellor Joseph Fernandez publicly refused to cut $50 million of the $94 million ordered by the city budget office. He eventually backed down, but not before embarrassing Mayor David Dinkins.

In boom times, employing expensive notaries and part-time traffic-court judges may seem merely extravagant. A hefty bureaucracy can even act as an unofficial government jobs program for residents shut out of the private sector. But in difficult times the equation changes. Every dollar of bloat is a dollar less to keep streets safe, clinics open and teachers teaching.

☐ 2340

Mr. Speaker, that was from Newsweek. The date was December 17, 1990. The reason I cite that is we are not talking about a Bush administration proposal. We are not talking about a conservative think tank. We are talking about one of America's major magazines.

Let me conclude by saying the following: a number of us very much want to replace the welfare state with the opportunity society. We very much want to have a revolution that creates the opportunity for work. We very much want to develop programs so our neighborhoods can be safe.

We look forward to working on a bipartisan basis and passing real reform. But we are unwilling to send the political machines, the mayors, the bureaucracies, more millions to waste, more billions to lose. We believe that the cause of America is best served by adopting enterprise zones for private business, by creating the HOPE Program so people can become competent managers and owners, by having the Weed and Seed Program that goes after criminals and weeds them out and then seeds good community services, by taking the steps which will begin to replace the welfare system with work and learning, by taking steps that will allow the poor to have a chance to produce, to work, to learn, to rise from poverty.

We want to reach out our hand to every person in every city. Not to the power structure, not to the politicians, not to the bureaucracies, but to help every poor person to greenline their neighborhood that has been redlined for too long, to bring in private sector jobs that last for a lifetime, and to create the kind of programs that let every American have an opportunity to pursue happiness.

We have been working on this since the late seventies. We hope that now that the crisis has emerged, that the Democratic leadership in the Congress will agree to work on a bipartisan basis to pass a true reform package, a package that the President can sign, and a package that will truly bring hope to America's poorest neighborhoods and to America's great cities.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. COX of California) to revise and extend their remarks and include extraneous material:)

Mr. COLEMAN of Missouri, for 5 minutes each day, today and May 21.

Mrs. BENTLEY, for 60 minutes each day, on June 2, 3, 4, 9, 10, 11, 16, 17, and 18.

(The following Members (at the request of Mr. GONZALEZ) to revise and extend their remarks and include extraneous material:)

Mr. WOLPE, for 5 minutes, today.

Mr. CLEMENT, for 5 minutes, today.

Ms. PELOSI, for 5 minutes, today.

Mr. PICKLE, for 5 minutes, today.

Mr. ANNUNZIO, for 5 minutes, today.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

(The following Members (at the request of Mr. COX of California) and to include extraneous matter:)

Mr. BUNNING.
Mr. VANDER JAGT in two instances.
Mr. DUNCAN.
Mr. SOLOMON.
Mr. SANTORUM.
Mr. HORTON.
Mr. GOODLING in two instances.
Mr. DANNEMEYER.
Mr. BATEMAN.
Ms. SNOWE.
Mr. GREEN of New York.
Mr. GUNDERSON.
Mr. DREIER of California.
Mr. BLILEY.
Mr. ZIMMER.
Mr. BILIRAKIS.
Mrs. BENTLEY.

(The following Members (at the request of Mr. GONZALEZ) and to include extraneous matter:)

Mr. ABERCROMBIE.
Mr. HAMILTON.
Mr. VISCLOSKY.
Mr. ROE in two instances.
Mr. TORRICELLI.
Mr. ORTIZ.
Mr. TRAFICANT.
Mr. BLACKWELL.
Mr. MAZZOLI.
Mr. ROEMER.
Mr. STARK.
Mr. FORD of Michigan.
Mr. HOCHBRUECKNER.
Mr. BROWN.
Mr. DINGELL.
Mr. STUDDS.
Mr. HARRIS.
Mr. SWETT.

SENATE ENROLLED JOINT RESOLUTION SIGNED

The SPEAKER announced his signature to an enrolled joint resolution of the Senate of the following title:

S.J. Res. 254. Joint resolution commending the New York Stock Exchange on the occasion of its bicentennial.

ADJOURNMENT

Mr. GINGRICH. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 11 o'clock and 45 minutes p.m.) the House adjourned until tomorrow, Thursday, May 21, 1992, at 10 a.m.

MOTION TO DISCHARGE A COMMITTEE

May 20, 1992.

To the Clerk of the House of Representatives:

Pursuant to clause 4, rule XXVII, I, Charles W. Stenholm, move to discharge the Committee on Rules from the consideration of the resolution (H. Res. 450) providing for the consideration of the joint resolution (H.J. Res. 290) proposing an amendment to the Constitution to provide for a balanced budget for the United States Government and for greater accountability in the enactment of tax legislation, which was referred to said committee May 6, 1992, in support of which motion the undersigned Members of the House of Representatives affix their signatures, to wit:

1. Charles W. Stenholm.
2. Robert F. (Bob) Smith.
3. Thomas R. Carper.
4. Jim Nussle.
5. Ralph M. Hall.
6. Jim Bunning.
7. J. Roy Rowland.
8. Richard Ray.
9. Sam Johnson.
10. John T. Doolittle.
11. Dick Swett.
12. Olympia J. Snowe.
13. C. Thomas McMillen.
14. Charles J. Luken.
15. Pete Geren.
16. Jim Saxton.
17. John J. Duncan, Jr.
18. Harold Rogers.
19. Frank D. Riggs.
20. Dick Nichols.
21. Tom DeLay.
22. Dick Zimmer.
23. Charles H. Taylor.
24. Earl Hutto.
25. Gary A. Condit.
26. H. Martin Lancaster.
27. Randy "Duke" Cunningham.
28. J. Alex McMillan.
29. Dan Schaefer.
30. Glenn English.
31. James A. Hayes.
32. Elizabeth J. Patterson.
33. Don Young.
34. Thomas J. Bliley, Jr.
35. Joel Hefley.
36. Duncan Hunter.
37. Richard H. Stallings.
38. Wayne Allard.
39. Wm. S. Broomfield.
40. Chalmers P. Wylie.
41. Sonny Callahan.
42. Dean A. Gallo.
43. Jon Kyl.
44. Bill Sarpalius.
45. Robert E. (Bud) Cramer.
46. Scott L. Klug.
47. Barbara F. Vucanovich.
48. Ben Erdreich.
49. Pat Roberts.
50. John A. Boehner.
51. Dave Camp.
52. Charles Wilson.
53. Thomas E. Petri.
54. Craig T. James.
55. Cliff Stearns.
56. Marilyn Lloyd.
57. Carroll Hubbard, Jr.
58. John S. Tanner.
59. Chet Edwards.
60. W. J. (Billy) Tauzin.
61. Jim Ramstad.
62. Elton Gallegly.
63. Jim Bacchus.
64. Ben Nighthorse Campbell.
65. Greg Laughlin.
66. Jill L. Long.
67. Richard K. Armey.
68. Jim Kolbe.
69. Joe Skeen.
70. Herbert Bateman.
71. Cass Ballenger.
72. J. Dennis Hastert.
73. Harris W. Fawell.
74. Don Sundquist.
75. William E. Dannemeyer.
76. Gene Taylor.
77. Tom Lewis.
78. Lamar S. Smith.
79. Bob Stump.
80. E. Thomas Coleman.
81. Bill Emerson.
82. Tim Valentine.
83. Dana Rohrabacher.
84. Steven Schiff.
85. Mel Hancock.
86. Rod Chandler.
87. Wally Herger.
88. Wayne Owens.
89. Clyde C. Holloway.
90. Don Ritter.
91. Wayne T. Gilchrest.
92. Nancy L. Johnson.
93. Jim McCrery.
94. Ron Packard.
95. Charles E. Bennett.
96. Carlos J. Moorhead.
97. Bill Barrett.
98. John W. Cox, Jr.
99. Larry LaRocco.
100. Douglas "Pete" Peterson.
101. Jim Lightfoot.
102. Alfred A. (Al) McCandless.
103. Joe Barton.
104. Bob Clement.
105. Susan Molinari.
106. John J. Rhodes III.
107. Rick Santorum.
108. David O'B. Martin.
109. Doug Barnard, Jr.
110. Robert J. Lagomarsino.
111. Richard H. Lehman.
112. William L. Dickinson.
113. C. Christopher Cox.
114. F. James Sensenbrenner, Jr.
115. Larry J. Hopkins.
116. Robert S. Walker.
117. Craig Thomas.
118. Dan Burton.
119. George (Buddy) Darden.
120. Peter A. DeFazio.
121. James M. Inhofe.
122. Lindsay Thomas.
123. Porter J. Goss.
124. L.F. Payne.
125. John Miller.
126. Claude Harris.
127. Steve Gunderson.
128. Glen Browder.
129. Bill K. Brewster.
130. George Allen.
131. William O. Lipinski.
132. Paul B. Henry.
133. Sam Gibbons.
134. Paul E. Gillmor.
135. Frank Pallone, Jr.
136. Arthur Ravenel, Jr.
137. Glenn Poshard.
138. James V. Hansen.
139. Robert K. Dornan.
140. E. Clay Shaw, Jr.
141. Romano L. Mazzoli.
142. Bill Paxon.
143. Jerry Huckaby.
144. Jerry F. Costello.
145. James T. Walsh.
146. Michael G. Oxley.
147. Clarence E. Miller.
148. Bill Orton.
149. Ileana Ros-Lehtinen.
150. Matthew J. Rinaldo.
151. Norman F. Lent.
152. Dave McCurdy.
153. Beverly B. Bryon.
154. David Dreier.
155. Helen Delich Bentley.
156. Glenn M. Anderson.
157. W. G. (Bill) Hefner.
158. Robert W. Davis.
159. Jim Leach.
160. James H. (Jimmy) Quillen.
161. Gerald B. Solomon.
162. David L. Hobson.
163. Doug Bereuter.
164. Bill Archer.
165. Andy Ireland.
166. Ed Jenkins.
167. Jim Olin.
168. Curt Weldon.
169. Robin Tallon.
170. Bill McCollum.
171. Michael A. Andrews.
172. Robert H. Michel.
173. John Edward Porter.
174. Toby Roth.
175. William H. Zeliff, Jr.
176. Sherwood L. Boehlert.
177. Ronald K. Machtley.
178. Gary A. Franks.
179. Hamilton Fish, Jr.
180. Andrew Jacobs, Jr.
181. Bob McEwen.
182. Sid Morrison.
183. Richard H. Baker.
184. Floyd Spence.
185. Carl D. Pursell.
186. William F. Goodling.
187. Newt Gingrich.
188. Thomas J. Ridge.
189. George E. Sangmeister.
190. John R. Kasich.
191. C.W. Bill Young.
192. Frank R. Wolf.
193. James H. Bilbray.
194. Calvin M. Dooley.
195. Tom Campbell.
196. Michael Bilirakis.
197. Fred Upton.
198. Solomon P. Ortiz.

199. Larry Combest.
200. Philip M. Crane.
201. Harold L. Volkmer.
202. Guy Vander Jagt.
203. Ike Skelton.
204. George W. Gekas.
205. Christopher H. Smith.
206. Bill Richardson.
207. Collin C. Peterson.
208. Harry Johnston.
209. Mike Parker.
210. Jerry Lewis.
211. Albert G. Bustamante.
212. Bob Livingston.
213. Jan Meyers.
214. Tim Johnson.
215. Howard Coble.
216. Amo Houghton.
217. Jim Chapman.
218. Timothy J. Penny.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

3545. A letter from the Secretary of Agriculture, transmitting a draft of proposed legislation entitled, "Rural Telephone Bank Reserve Account Act of 1992"; to the Committee on Agriculture.

3546. A letter from the Acting Comptroller General, the General Accounting Office, transmitting a review of the President's 73d and 74th special impoundment messages for fiscal year 1992, pursuant to 2 U.S.C. 685 (H. Doc. No. 102–333); to the Committee on Appropriations and ordered to be printed.

3547. A letter from the Administration and Management, Director, Department of Defense, transmitting notification of the Department of the Navy's decision to exercise the provision for exclusion of the clause concerning examination of records by the Comptroller General, pursuant to 10 U.S.C. 2313(c); to the Committee on Armed Services.

3548. A letter from the Under Secretary of Defense, transmitting notification of waiver of the application of the survivability tests of section 2366 to the F/A–18E/F aircraft acquisition program, pursuant to 10 U.S.C. 2366; to the Committee on Armed Services.

3549. A letter from the Auditor, District of Columbia, transmitting a copy of a report entitled, "Review of Receipts and Disbursements of the Office of People's Counsel Agency Trust Fund," pursuant to D.C. Code, section 47–117(d); to the Committee on the District of Columbia.

3550. A letter from the Secretary of Education, transmitting notice of Final Priorities for Fiscal Year 1992—Rehabilitation Short-Term Training, pursuant to 20 U.S.C. 1232(d)(1); to the Committee on Education and Labor.

3551. A letter from the Administrator, General Services Administration, transmitting notification of a revised records system, pursuant to 5 U.S.C. 552a(o); to the Committee on Government Operations.

3552. A letter from the Director, Financial Services, Library of Congress, transmitting the balance sheet, statement of income and expenditures, statement of cash flows, and supporting schedules of transactions, present the activity for the Capitol Preservation Fund for Coin Sales Surcharges and Gift and Sales of Art, Property, and Money for the fiscal year April 1, 1991, through March 31, 1992; to the Committee on House Administration.

3553. A letter from the Assistant Secretary (Tax Policy), Department of the Treasury, transmitting a draft of proposed legislation entitled, "Railroad Retirement Administrative Improvements Act of 1992"; to the Committee on Ways and Means.

3554. A letter from the Comptroller of the Department of Defense, transmitting a report on proposed obligations for facilitating weapons destruction and nonproliferation in the former Soviet Union; jointly, to the Committees on Appropriations and Foreign Affairs.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. PANETTA: Committee of Conference. Conference report on House Concurrent Resolution 287 (Rept. 102–529). Ordered to be printed.

Mr. WHITTEN: Committee of Conference. Conference report on H.R. 4990 (Rept. 102–530). Ordered to be printed.

Mr. FROST: Committee on Rules. House Resolution 462. Resolution waiving all points of order against the conference report on H.R. 4990, a bill rescinding certain budget authority, and for other purposes, and against consideration of such conference report (Rept. 102–531).

Mr. BEILENSON: Committee on Rules. House Resolution 463. Resolution waiving all points of order against the conference report on the concurrent resolution House Concurrent Resolution 287, a resolution setting forth the congressional budget for the U.S. Government for the fiscal years 1993, 1994, 1995, 1996 and 1997, and against consideration of such conference report (Rept. 102–532).

Mr. DERRICK: Committee on Rules. House Resolution 464. Resolution providing for the further consideration of the bill H.R. 776, a bill to provide for improved energy efficiency (Rept. 102–533). Referred to the House Calendar.

PUBLIC BILLS AND RESOLUTIONS

Under clause 5 of rule X and clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Ms. KAPTUR:

H.R. 5211. A bill to amend the Stevenson-Wydler Technology Innovation Act of 1980 to provide for making Malcolm Baldrige National Quality Awards to units of Federal, State, or local government and nonprofit organizations; to the Committee on Science, Space, and Technology.

By Mr. MOODY:

H.R. 5212. A bill to suspend until January 1, 1995, the duty on DMAS; to the Committee on Ways and Means.

H.R. 5213. A bill to extend until January 1, 1995, the existing suspension of duty on 6-Hydroxy-2-naphthalenesulfonic acid, and its sodium, potassium, and ammonium salts; to the Committee on Ways and Means.

By Mr. NEAL of Massachusetts:

H.R. 5214. A bill to amend the Internal Revenue Code of 1986 to permit individuals who withdrew certain amounts from individual retirement accounts to recontribute such amounts; to the Committee on Ways and Means.

By Mrs. ROUKEMA:

H.R. 5215. A bill to eliminate automatic pay adjustments for Members of Congress; to the Committee on House Administration.

By Mr. TAYLOR of North Carolina (for himself, Mrs. PATTERSON, Mr. SMITH of New Jersey, Mr. GINGRICH, Mr. LANCASTER, Mr. EDWARDS of Texas, Mr. HAYES of Louisiana, Mr. SAVAGE, Mr. SISISKY, Mr. HATCHER, Mr. SMITH of Oregon, Mr. KOPETSKI, Mr. TAUZIN, Mr. MARTINEZ, Mr. DARDEN, Mr. BILIRAKIS, Mr. BALLENGER, Mr. LAGOMARSINO, Mr. RINALDO, Mr. RAVENEL, Mr. RIGGS, Mr. HAMMERSCHMIDT, Mr. DOOLITTLE, Mr. DUNCAN, Mrs. BENTLEY, Mr. COBLE, Mr. SAXTON, and Mr. SCHIFF):

H.R. 5216. A bill to establish research, development, and dissemination programs to assist State and local agencies in preventing crime against the elderly, and for other purposes; to the Committee on the Judiciary.

By Mr. ZIMMER (for himself, Mrs. MORELLA, Mr. MANTON, and Mr. GALLO):

H.R. 5217. A bill to provide for aviation noise management and reduction in residential areas; to the Committee on Public Works and Transportation.

By Mr. DANNEMEYER:

H.R. 5218. A bill to address the needs of families, women, and children; jointly, to the Committees on the Judiciary, Post Office and Civil Service, Agriculture, Banking, Finance and Urban Affairs, Energy and Commerce, Education and Labor, and Ways and Means.

By Mr. DOWNEY (for himself, Mr. HOCHBRUECKNER, Mr. MRAZEK, Mr. LAFALCE, Mr. PASTOR, Mr. MCNULTY, Mr. BERMAN, Mr. TOWNS, and Mr. BOEHLERT):

H.R. 5219. A bill to direct the Secretary of Defense to provide grants to States to provide technical and financial assistance to defense-dependent contractors; jointly, to the Committees on Armed Services, Banking, Finance and Urban Affairs, and Education and Labor.

By Mr. GOODLING (for himself, Mr. MICHEL, Mr. GUNDERSON, Mr. HENRY, Ms. SNOWE, Mr. CLINGER, Mr. DORNAN of California, Mr. LENT, Mr. BEREUTER, Mr. SCHAEFER, Mr. WALSH, and Mr. RHODES):

H.R. 5220. A bill to promote youth apprenticeship, and for other purposes; to the Committee on Education and Labor.

By Mr. PETERSON of Minnesota:

H.R. 5221. A bill to exempt certain financial institutions from the examination requirements of the Community Reinvestment Act of 1977; to the Committee on Banking, Finance and Urban Affairs.

By Mr. ROEMER (for himself, Mr. HAMILTON, Mr. VISCLOSKY, Mr. SHARP, Mr. MYERS of Indiana, Mr. JACOBS, Mr. MCCLOSKEY, Mr. JONTZ, Ms. LONG, and Mr. BURTON of Indiana):

H.R. 5222. A bill to designate the Federal building and U.S. courthouse located at 204 South Main Street in South Bend, IN, as the "Robert A. Grant Federal Building and United States Courthouse"; to the Committee on Public Works and Transportation.

By Mr. STENHOLM (for himself, Mr. GUNDERSON, Mr. POSHARD, Mr. WEBER, Mr. THOMAS of Wyoming, Mr. ENGLISH, Mr. BEREUTER, Mr. ROWLAND, Mr. PAYNE of Virginia, Mr. ESPY, Mr. SYNAR, and Mr. WILLIAMS):

H.R. 5223. A bill to reauthorize for 5 additional years the rural health care transition grant program established under the Omnibus Budget Reconciliation Act of 1987 and to require the Administrator of the Health Care Financing Administration to give preference in awarding grants under such program to projects involving cooperative programs with multiple providers; to the Committee on Energy and Commerce.

By Mr. UPTON:

H.R. 5224. A bill to amend title II of the Social Security Act to provide that a monthly insurance benefit thereunder shall be paid for the month in which the recipient dies and that such benefit shall be payable for such month only to the extent proportionate to the number of days in such month preceding the date of the recipient's death; to the committee on Ways and Means.

By Mr. DREIER of California:

H.R. 5225. A bill to establish guidelines and goals for United States assistance to the independent states of the former Soviet Union, to provide certain tax incentives for United States business investment in those states, to provide for a privatized Business Information Management System for those states, to expand United States private sector initiatives for those states, and to coordinate and streamline United States Government programs for those states; jointly, to the Committees on Ways and Means, Foreign Affairs, Small Business, and Energy and Commerce.

By Mr. TRAFICANT:

H.J. Res. 488. Joint resolution designating August 2, 1992, as "National Family Day"; to the Committee on Post Office and Civil Service.

By Mr. THOMAS of Wyoming (for himself, Mr. Williams, Mr. Bereuter, and Mr. Poshard):

H. Con. Res. 321. Concurrent resolution expressing the support of the Congress for the 1992 reauthorization of the Indian Health Care Improvement Act; jointly, to the Committees on Interior and Insular Affairs and Energy and Commerce.

By Mr. COX of California:

H. Con. Res. 322. Concurrent resolution relating to debt collection from Members of Congress and congressional employees; jointly, to the Committees on the Judiciary and House Administration.

By Mr. SANTORUM:

H. Res. 460. Resolution providing for integrity in the financial management of the House; to the Committee on House Administration.

By Mr. YATRON (for himself and Mr. Solarz):

H. Res. 461. Resolution expressing the sense of the House of Representatives concerning the Chinese Government's harassment of foreign journalists; to the Committee on Foreign Affairs.

MEMORIALS

Under clause 4 of rule XXII, memorials were presented and referred as follows:

435. By the SPEAKER: Memorial of the General Assembly of the State of New Jersey, relative to the 50th Armored Division of the New Jersey Army National Guard and other vital Guard and Reserve units in the State; to the Committee on Armed Services.

436. Also, memorial of the Senate of the State of Colorado, relative to a comprehensive and effective solid waste management program; to the Committee on Energy and Commerce.

437. Also, memorial of the Senate of the State of Colorado, relative to madatory Federal programs and services maintained by the States; to the Committee on the Judiciary.

438. Also, memorial of the Senate of the State of Michigan, relative to a balanced Federal budget; to the Committee on the Judiciary.

439. Also, memorial of the Senate of the State of Colorado, relative to the States' constitutional authority to regulate traffic and motor vehicle safety within their respective boundaries; to the Committee on Public Works and Transportation.

440. Also, memorial of the Senate of the State of Colorado, relative to the adoption of any legislation which will result in increased taxation; to the Committee on Ways and Means.

441. Also, memorial of the Senate of the State of Colorado, relative to the Low-Income Housing Tax Credit, the Mortgage Revenue Bond Exemption, and the Federal Targeted Jobs Tax Credit Programs; to the Committee on Ways and Means.

442. Also, memorial of the House of Representatives of the State of Hawaii, relative to the Low-Income Housing Tax Credit and the Single-Family Mortgage Revenue Bond Programs; to the Committee on Ways and Means.

443. Also, memorial of the Senate of the State of Colorado, relative to the jobs program; jointly, to the Committees on Education and Labor and Ways and Means.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. ABERCROMBIE:

H.R. 5226. A bill to authorize a certificate of documentation for the vessel *Touch of Class*; to the Committee on Merchant Marine and Fisheries.

H.R. 5227. A bill to authorize a certificate of documentation for the vessel *Liquid Gold*; to the Committee on Merchant Marine and Fisheries.

H.R. 5228. A bill to authorize a certificate of documentation for the vessel *Delphinus II*; to the Committee on Merchant Marine and Fisheries.

ADDITIONAL SPONSORS

Under clause 4 of rule XXII, sponsors were added to public bills and resolutions as follows:

H.R. 53: Mr. Boucher, Mr. Blackwell, and Mr. Wilson.

H.R. 173: Mr. Poshard, Mr. Walsh, Mr. Lancaster, Ms. Kaptur, and Mr. Payne of Virginia.

H.R. 288: Mr. Perkins.

H.R. 766: Mrs. Morella and Mr. Cox of Illinois.

H.R. 784: Mr. Young of Alaska and Mr. Campbell of California.

H.R. 815: Mr. Peterson of Minnesota.

H.R. 840: Mr. Bunning.

H.R. 1218: Mr. Spence and Mr. Tallon.

H.R. 1254: Ms. Waters, Mr. Wheat, and Mr. Kildee.

H.R. 1445: Mr. Hall of Texas.

H.R. 1534: Mr. Lagomarsino.

H.R. 1536: Mr. Peterson of Florida.

H.R. 1755: Mr. Cunningham and Mr. Inhofe.

H.R. 1771: Mr. Campbell of Colorado, Mr. Ravenel, and Mr. Schumer.

H.R. 1969: Mr. Smith of Texas, Mr. Faleomavaega, and Mr. Andrews of New Jersey.

H.R. 2234: Mr. Martin and Mr. Price.

H.R. 2245: Mr. Frost.

H.R. 2286: Mr. Cox of California.

H.R. 2540: Mr. Jones of Georgia.

H.R. 2797: Mr. Coleman of Texas, Mrs. Collins of Illinois, Mrs. Collins of Michigan, Mr. Derrick, Mr. Gallo, Mr. Hansen, Mr. Lowery of California, Mr. Orton, Mr. Paxon, Mr. Sangmeister, and Mr. Thomas of Georgia.

H.R. 2966: Mr. Duncan and Mr. Leach.

H.R. 3122: Mr. Sangmeister.

H.R. 3439: Mr. Saxton.

H.R. 3477: Mr. Andrews of New Jersey, Mr. Barnard, Mr. Fish, Mr. Oxley, Mr. Hughes, Mr. Perkins, Mr. Hayes of Illinois, Mr. Vento, Mr. Guarini, and Mr. Mavroules.

H.R. 3549: Ms. Long, Mr. Williams, and Mr. Penny.

H.R. 3561: Mr. Inhofe and Mr. Archer.

H.R. 3636: Mr. Campbell of Colorado and Mr. Morrison.

H.R. 3803: Mr. Kopetski.

H.R. 3836: Mr. McCloskey.

H.R. 3956: Mr. Bryant and Mr. Lipinski.

H.R. 4008: Mr. Wilson, Mr. Waxman, Mr. LaFalce, and Mrs. Lowey of New York.

H.R. 4157: Mrs. Lloyd.

H.R. 4206: Mr. Bacchus.

H.R. 4207: Mr. Petri, Mr. Young of Alaska, and Mr. Lewis of California.

H.R. 4304: Mr. Hughes, Mr. Darden, and Mr. Andrews of New Jersey.

H.R. 4366: Mr. Sabo and Mr. Peterson of Florida.

H.R. 4399: Mr. Fish and Mr. Ravenel.

H.R. 4432: Mr. Kanjorski and Mr. Espy.

H.R. 4482: Mrs. Johnson of Connecticut.

H.R. 4498: Ms. Norton, Mr. Eckart, and Mr. Burton of Indiana.

H.R. 4530: Mr. Fields.

H.R. 4542: Mrs. Collins of Michigan, Mr. McCollum, Mr. Scheuer, and Mr. Lipinski.

H.R. 4558: Mr. Peterson of Minnesota, Mr. McCloskey, Mr. Atkins, and Mr. Lancaster.

H.R. 4585: Mr. Jones of Georgia, Mr. Livingston, Mr. Evans, Mr. Atkins, Mr. Dellums, Ms. Norton, and Mr. Lancaster.

H.R. 4690: Mr. Hancock, Mr. Gallegly, Mr. Clement, Mr. Schulze, and Mr. Roberts.

H.R. 4895: Mr. Ridge, Mr. Murtha, Mr. Sawyer, Mr. Thomas of Wyoming, and Mr. Livingston.

H.R. 4901: Mr. Miller of California, Mr. Lewis of Georgia, Mr. Rahall, Mr. Darden, Mr. Faleomavaega, Mr. Colorado, Mr. Richardson, Mr. Abercrombie, Mr. Murphy, Mr. Dooley, Mr. Towns, Mr. Rangel, Ms. Norton, Mr. Jefferson, Mr. Dixon, Mr. Pastor, Mr. Ortiz, Mr. Dellums, Mr. Owens of New York, Mr. Stokes, Mr. Martinez, Mrs. Collins of Illinois, Mr. Blackwell, Mr. Kostmayer, Mrs. Mink, Mr. Serrano, Mr. Payne of New Jersey, Mr. Sawyer, Mr. Hayes of Illinois, Mr. Andrews of New Jersey, Mr. Roemer, Mr. Roybal, Mr. de la Garza, Mr. Bustamante, Mr. Torres, and Ms. Ros-Lehtinen.

H.R. 4902: Mr. Rahall and Mrs. Lowey of New York.

H.R. 4929: Mr. Rhodes, Mr. Blaz, Mrs. Johnson of Connecticut, and Mr. Towns.

H.R. 4961: Mr. Dannemeyer.

H.R. 4991: Mr. Sikorski, Mr. Hansen, Mr. Waxman, Ms. Norton, Mr. Gilman, Mr. Hayes of Illinois, Ms. Oakar, and Mr. Matsui.

H.R. 5010: Mr. Roe.

H.R. 5020: Mr. Chapman, Mr. Stark, and Mrs. Schroeder.

H.R. 5039: Mr. Swift.

H.R. 5052: Mr. WEISS.

H.R. 5070: Ms. NORTON, Mr. TALLON, and Mr. FALEOMAVAEGA.

H.R. 5079: Mrs. KENNELLY and Mr. SANDERS.

H.R. 5108: Mr. RHODES and Mr. DOOLITTLE.

H.R. 5178: Mr. DORGAN of North Dakota.

H.J. Res. 271: Mrs. SCHROEDER.

H.J. Res. 411: Mr. GINGRICH, Mr. STARK, Mr. TAUZIN, Mr. VENTO, Mr. VALENTINE, Mr. THOMAS of Georgia, Mr. WAXMAN, and Mr. WILSON.

H.J. Res. 422: Mr. ANDREWS of Maine, Mr. ATKINS, Mr. BEVILL, Mr. BROOMFIELD, Mr. BROWDER, Mr. BUSTAMANTE, Mr. CLEMENT, Mr. COLEMAN of Texas, Mr. COLORADO, Mr. COOPER, Mr. COX of California, Mr. CRAMER, Mr. DARDEN, Mr. DAVIS, Mr. DE LUGO, Mr. DIXON, Mr. DONNELLY, Mr. DORNAN of California, Mr. DOWNEY, Mr. DUNCAN, Mr. DURBIN, Mr. DWYER of New Jersey, Mr. EMERSON, Mr. ERDREICH, Mr. FALEOMAVAEGA, Mr. FISH, Mr. GEJDENSON, Mr. GUARINI, Mr. HAMILTON, Mr. HANSEN, Mr. HAYES of Illinois, Mr. HERTEL, Mr. HUGHES, Mr. JACOBS, Mr. KENNEDY, Mr. LAFALCE, Mr. LEHMAN of Florida, Mr. LENT, Mr. LEVIN of Michigan, Mr. LIVINGSTON, Ms. LONG, Mrs. LOWEY of New York, Mr. MCDADE, Mr. MCDERMOTT, Mr. MCGRATH, Mr. MCHUGH, Mr. MCMILLEN of Maryland, Mr. MCNULTY, Mr. MANTON, Mr. MARKEY, Mr. MARTIN, Mr. MARTINEZ, Mr. MATSUI, Mrs. MEYERS of Kansas, Mr. MOORHEAD, Mr. MURTHA, Mr. NATCHER, Mr. ORTON, Mr. PAYNE of New Jersey, Mr. PETERSON of Florida, Mr. PRICE, Mr. RAHALL, Mr. RANGEL, Mr. RHODES, Mrs. ROUKEMA, Mr. ROWLAND, Mr. SCHUMER, Mr. SERRANO, Mr. SHARP, Mr. SLATTERY, Ms. SLAUGHTER, Mr. SMITH of Florida, Mr. SOLARZ, Mr. SUNDQUIST, Mr. TANNER, Mr. THOMAS of Georgia, Mr. TRAXLER, Mrs. UNSOELD, Mr. UPTON, Mr. VANDER JAGT, Mr. WALSH, Mr. WOLF, Mr. WYLIE, Mr. OWENS of New York, Mr. STALLINGS, Mr. BOEHNER, Mr. REED, Mr. SAVAGE, Mr. SPENCE, Mr. SARPALIUS, Mr. SPRATT, Mr. TALLON, Mr. TRAFICANT, and Mr. YATRON.

H.J. Res. 440: Mr. JACOBS, Mr. LEVINE of California, Mr. RIGGS, Mr. SLATTERY, Mr. SOLOMON, and Mr. SWIFT.

H.J. Res. 444: Mr. OBERSTAR, Ms. LONG, Mr. SYNAR, Mr. BONIOR, and Mr. WILSON.

H.J. Res. 474: Mr. KLECZKA.

H.J. Res. 475: Mr. CARPER.

H.J. Res. 483: Mr. LIGHTFOOT and Mr. MINETA.

H. Res. 388: Mr. SKEEN, Mr. FROST, Mr. MCNULTY, Mr. HUGHES, and Mr. LAGOMARSINO.

H. Res. 415: Mr. FROST, Mr. GUARINI, Mr. ARCHER, Mr. PORTER, Mr. SCHEUER, Mr. VENTO, Mr. SMITH of Iowa, and Ms. ROS-LEHTINEN.

H. Res. 417: Ms. NORTON, Mr. SCHEUER, Mr. ATKINS, Mr. HUGHES, Mr. BRUCE, and Mr. HOAGLAND.

DELETIONS OF SPONSORS FROM PUBLIC BILLS AND RESOLUTIONS

Under clause 4 of rule XXII, sponsors were deleted from public bills and resolutions as follows:

H.J. Res. 442: Mr. MCMILLAN of North Carolina.

PETITIONS, ETC.

Under clause 1 of rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

157. By the SPEAKER: Petition of the council of the city of New York, NY, relative to the establishment of a Federal youth development and delinquency prevention funding mechanism; to the Committee on Education and Labor.

158. Also, petition of the United Council on Welfare Fraud, Inc., relative to welfare fraud; to the Committee on Ways and Means.

REGULATION OF LOBBYING ACT

In compliance with Public Law 601, 79th Congress, title III, Regulation of Lobbying Act, section 308(b), which provides as follows:

(b) All information required to be filed under the provisions of this section with the Clerk of the House of Representatives and the Secretary of the Senate shall be compiled by said Clerk and Secretary, acting jointly, as soon as practicable after the close of the calendar quarter with respect to which such information is filed and shall be printed in the CONGRESSIONAL RECORD.

The Clerk of the House of Representatives and the Secretary of the Senate jointly submit their report of the compilation required by said law and have included all registrations and quarterly reports received.

REGISTRATIONS

The following registrations were submitted for the first calendar quarter 1992:

(NOTE.—The form used for reporting is reproduced below. In the interest of economy in the RECORD, questions are not repeated, only the essential answers are printed, and are indicated by their respective headings. This page (Page 1) is designed to supply identifying data.)

PLEASE RETURN 1 ORIGINAL TO: THE CLERK OF THE HOUSE OF REPRESENTATIVES, OFFICE OF RECORDS AND REGISTRATION, 1036 LONGWORTH HOUSE OFFICE BUILDING, WASHINGTON, D.C. 20515

PLEASE RETURN 1 ORIGINAL TO: THE SECRETARY OF THE SENATE, OFFICE OF PUBLIC RECORDS, 232 HART SENATE OFFICE BUILDING, WASHINGTON, D.C. 20510

PLACE AN "X" BELOW THE APPROPRIATE LETTER OR FIGURE IN THE BOX AT THE RIGHT OF THE "REPORT" HEADING BELOW:

"PRELIMINARY" REPORT ("Registration"): To "register," place an "X" below the letter "P" and fill out page 1 only.

"QUARTERLY" REPORT: To indicate which one of the four calendar quarters is covered by this Report, place an "X" below the appropriate figure. Fill out both page 1 and page 2 and as many additional pages as may be required. The first additional page should be numbered as page "3," and the rest of such pages should be "4," "5," "6," etc. Preparation and filing in accordance with instructions will accomplish compliance with all quarterly reporting requirements of the Act.

Year: 19 . . . . . ◆

REPORT

PURSUANT TO FEDERAL REGULATION OF LOBBYING ACT

P	QUARTER			
	1st	2d	3d	4th
(Mark one square only)				

Is this an Amendment? ☐ YES ☐ NO

IDENTIFICATION NUMBER________________________________

NOTE on ITEM "A".—(a) IN GENERAL. This "Report" form may be used by either an organization or an individual, as follows:

(i) *"Employee"*.—To file as an "employee", state (in Item "B") the name, address, and nature of business of the "employer". (If the "employee" is a firm [such as a law firm or public relations firm], partners and salaried staff members of such firm may join in filing a Report as an "employee".)

(ii) *"Employer"*.—To file as an "employer", write "None" in answer to Item "B".

(*b*) SEPARATE REPORTS. An agent or employee should not attempt to combine his Report with the employer's Report:

(i) Employers subject to the Act must file separate Reports and are not relieved of this requirement merely because Reports are filed by their agents or employees.

(ii) Employees subject to the Act must file separate Reports and are not relieved of this requirement merely because Reports are filed by their employers.

A. ORGANIZATION OR INDIVIDUAL FILING:

1. State name, address, and nature of business.

☐ CHECK IF ADDRESS IS DIFFERENT THAN PREVIOUSLY REPORTED

2. If this Report is for an Employer, list names of agents or employees who will file Reports for this Quarter.

NOTE on ITEM "B".—*Reports by Agents or Employees.* An employee is to file, each quarter, as many Reports as he has employers, except that: (*a*) If a particular undertaking is jointly financed by a group of employers, the group is to be considered as one employer, but all members of the group are to be named, and the contribution of each member is to be specified; (*b*) if the work is done in the interest of one person but payment therefor is made by another, a single Report—naming both persons as "employers"—is to be filed each quarter.

B. EMPLOYER —State name, address, and nature of business. If there is no employer, write "None."

NOTE on ITEM "C".—(*a*) The expression "in connection with legislative interests," as used in this Report, means "in connection with attempting, directly or indirectly, to influence the passage or defeat of legislation." "The term 'legislation' means bills, resolutions, amendments, nominations, and other matters pending or proposed in either House of Congress, and includes any other matter which may be the subject of action by either House"—§ 302(e).

(*b*) Before undertaking any activities in connection with legislative interests, organizations and individuals subject to the Lobbying Act are required to file a "Preliminary" Report (Registration).

(c) After beginning such activities, they must file a "Quarterly" Report at the end of each calendar quarter in which they have either received or expended anything of value in connection with legislative interests.

C. LEGISLATIVE INTERESTS, AND PUBLICATIONS in connection therewith:

1. State approximately how long legislative interests are to continue. If receipts and expenditures in connection with legislative interests have

☐ terminated, place an "X" in the box at the left, so that this Office will no longer expect to receive Reports.

2. State the general legislative interests of the person filing and set forth the specific legislative interests by reciting: (*a*) Short titles of statutes and bills; (*b*) House and Senate numbers of bills, where known; (*c*) citations of statutes, where known; (*d*) whether for or against such statutes and bills.

3. In the case of those publications which the person filing has caused to be issued or distributed in connection with legislative interests, set forth: (*a*) description, (*b*) quantity distributed, (*c*) date of distribution, (*d*) name of printer or publisher (if publications were paid for by person filing) or name of donor (if publications were received as a gift).

(Answer items 1, 2, and 3 in the space below. Attach additional pages if more space is needed.)

4. If this is a "Preliminary" Report (Registration) rather than a "Quarterly" Report, state below what the nature and amount of anticipated expenses will be; and, if for an agent or employee, state also what the daily, monthly, or annual rate of compensation is to be. *If this is a "Quarterly" Report, disregard this item "C4" and fill out items "D" and "E" on the back of this page.* Do not attempt to combine a "Preliminary" Report (Registration) with a "Quarterly Report."◆

STATEMENT OF VERIFICATION

[Omitted in printing]

PAGE 1◆

Organization or Individual Filing	Employer/Client
Access Technology Association, 1747 Pennsylvania Ave., NW, Suite 205 Washington, DC 20006	Access Techonology Association
Maria-Tilves Aguilera, 801 Pennsylvania Ave., NW, #700 Washington, DC 20004	Northern Telecom
Akin Gump Strauss Hauer & Feld, 1333 New Hampshire Ave., NW, #400 Washington, DC 20036	Medical Protective Company
Do	MCA, Inc
Do	Natural Gas Vehicle Coalition
Do	Ongard Systems, Inc
James J. Albertine, 1250 24th Street, NW, #600 Washington, DC 20037	AST Research, Inc
Do	Beckman Instruments, Inc
Do	Itron and Amrplus Partners
John M. Albertine, 1250 24th Street, NW, #600 Washington, DC 20037	AST Research, Inc
Do	Beckman Instruments, Inc
Do	Itron and Amrplus Partners
Albertine Enterprises, Inc, 1250 24th Street, NW, #600 Washington, DC 20037	AST Research, Inc
Do	Beckman Instruments, Inc
Do	ITRON and AMR
Alcalde Rousselot & Fay, 2111 Wilson Blvd., #850 Arlington, VA 22201	Cargill Fertilizer, Inc
Do	Concrete Technology Corp
Do	Jacksonville Chamber of Commerce
Edwin H. Allen, 1200 G Street, NW, #400 Washington, DC 20005	Health Industry Manufacturers Assn
Pamela J. Allen, 122 C Street, NW, #280 Washington, DC 20001	National Assn of Mutual Insurance Companies
Law Offices of Robert Altman, 815 Connecticut Avenue, NW Washington, DC 20006	Nonprescription Drug Manufacturers Assn
American Game Bird Breeders' Federation, 1155 East 4780 South Salt Lake City, UT 84117	
American Home Products Corp, 1726 M Street, NW, Suite 1001 Washington, DC 20036	
American Psychiatric Assn, 1400 K Street, NW Washington, DC 20005	
John B. Anderson, 418 7th Street, SE Washington, DC 20003	World Federalist Assn
Anderson Hibey Nauheim & Blair, 1708 New Hampshire Ave., NW Washington, DC 20009	Liquidity Fund Management, Inc
Andrews & Kurth, 1701 Pennsylvania Avenue, NW, #200 Washington, DC 20006	Coalition for Habitat Conservation
Do	Coalition of Publicly Traded Partnerships
Do	International Alliance for Habitat Conservation
Andrews' Associates, Inc, 2550 M St., NW, #450 Washington, DC 20037	Ares-Serono, Inc
Do	Thomson U.S., Inc
Carolin Arczynski, 1201 New York Avenue, NW Washington, DC 20005	American Public Transit Assn
Arent Fox Kintner Plotkin & Kahn, 1050 Connecticut Ave., NW Washington, DC 20036-5339	Jean-Bertrand Aristide
Arnold & Porter, 1200 New Hampshire Ave., NW Washington, DC 20036	Republic of Venezuela
Richard C. Atchison, One Tuna Lane San Diego, CA 92101	American Tunaboat Assn
John Atkin, 197 James Street Norwalk, CT 06850	
Michael H. Bader, 2000 M Street, NW, Suite 600 Washington, DC 20036	TV 14, Inc
Wendy Baer, 1421 Prince Street, Suite 230 Alexandria, VA 22314	International Hardwood Products Assn (IHPA)
William W. Bailey, 1201 Connecticut Avenue, NW, #300 Washington, DC 20036	Bailey Morris & Robinson (For:Blue Cross of Pennsylvania)
Do	Bailey Morris & Robinson (For:Case Management Society of America)
Do	Bailey Morris & Robinson (For:Old Colony Life Insurance)
Bailey Morris & Robinson, 1201 Connecticut Avenue, NW, #300 Washington, DC 20036	Blue Cross of Western Pennsylvania
Do	Case Management Society of America
Do	National Assn of Broadcasters
Do	Old Colony Life Insurance
Baker & Hostetler, 1050 Connecticut Ave., NW, #1100 Washington, DC 20036	Flexi-Van Leasing/Pacific Holding Company
Do	Rollins Burdick Hunter
Baker Worthington Crossley Stansberry & Woolf, 801 Pennsylvania Ave., NW, #800 Washington, DC 20004	Communications Counsel, Inc
Do	Duty Free International, Inc
Do	Hashemite Kingdom of Jordan
Do	National Soft Drink Assn
Do	Waste Management, Inc
Ball Janik & Novack, 1101 Pennsylvania Avenue, NW, #1035 Washington, DC 20004	ARCO
Robert H. Ballard, 2 North 9th Street Allentown, PA 18101	Pennsylvania Power & Light Co
Bank Leumi le-Israel, BM, 562 Fifth Avenue New York, NY 10017	
Linda W. Banton, 1331 Pennsylvania Ave. NW, Washington, DC 20004	General Electric Company
Barnes Richardson & Colburn, 1819 H St., NW, #400 Washington, DC 20006	American Tartaric Products, Inc
Do	American Xyrofin, Inc
Do	Cummins Engine Company, Inc
Do	Department 56, Inc
Do	Omni USA, Inc
Do	Schering-Plough Products, Inc
Dorothea Barr, 1010 North Fairfax Street Alexandria, VA 22314	National Society of Public Accountants
Linda Curry Bartholomew, 2 North 9th Street Allentown, PA 18101	Pennsylvania Power & Light Co
Patricia M. Bartosch, 1133 15th Street, NW, #640 Washington, DC 20005	American Logistics Assn
Bass and Howes, 1601 Connecticut Ave., NW, #801 Washington, DC 20009	Breast Cancer Coalition
Edward H. Baxter, 2000 M Street, NW, #700 Washington, DC 20036	California Pay Phone Assn
Do	Miles, Inc
Grae Baxter, 1225 Eye Street, NW, Suite 401 Washington, DC 20005	American Battlefield Protection Foundation
Beacon Consulting Group, Inc, 1012 Pennsylvania Ave, SE Washington, DC 20003	Mystic Seaport Museum
Do	New England Conservatory of Music
Joanne Elden Beale, 4455 Woodson Road St. Louis, MO 63134	Catholic Health Assn of the United States
Dorothy A. Beam, 1510 Laburnum Street McLean, VA 22101	Richard J. Sullivan Associates, Inc (For:American Airlines)
Do	Richard J. Sullivan Associates, Inc (For:Greater Washington Board of Trade)
Do	Richard J. Sullivan Associates, Inc (For:Pyrotechnic Signal Manufacturers Assn)
Joseph M. Bellino, 444 North Capitol Street, NW, #845 Washington, DC 20001	National Air Traffic Controllers Assn
Bruce Bennett, 122 C Street, NW, 4th Floor Washington, DC 20001	Children's Defense Fund
Rebecca J. Berg, 901 31st Street, NW Washington, DC 20007	Hill & Knowlton, Inc (For:Blue Cross Blue Shield of Florida)
Do	Hill & Knowlton, Inc (For:Fujisawa/Lyphomed)
Do	Hill & Knowlton, Inc (For:Port Everglades)
Delanne Bernier, 1023 15th Street, NW, #400 Washington, DC 20005	Wine & Spirits Wholesalers of America, Inc
Margot Bester, 2300 N Street, NW, #725 Washington, DC 20037	Murphy & Demory, Ltd (For:Advanced Newtwork Systems)
Leon G. Billings, Inc, 901 15th St., NW, #570 Washington, DC 20005	American Public Power Association
Black Manafort Stone & Kelly, Inc, 211 North Union Street, #300 Alexandria, VA 22314	American Federation of Hone Health Agencies, Inc
Do	ABC Home Health Services, Inc
Do	Chrysler Corp
Do	First Defence, Inc
Do	First National Bank of Chicago
Do	Katun Corp
David C. Blee, 919 18th Street, NW, #450 Washington, DC 20006	Illinois Power
Rebecca K. Blood, 2301 M Street, NW Washington, DC 20037	American Public Power Assn
Lawrence Blume D., 2000 M Street, NW Washington, DC 20036	Miles, Inc
Do	Graham & James (For:Milk Specialties Co)
Franklin Bonitto D., 1000 Wilson Boulevard, #2800 Arlington, VA 22209	Grumman Corporation
Robert K. Boyd, 1515 Wilson Blvd. Arlington, VA 22209	Washington Gas Light Company
Thomas M. Boyd, 600 Pennsylvania Ave., SE, Suite 206 Washington, DC 20003	Kemper Corporation (For:Kemper Securities Group, Inc)
Bracewell & Patterson, 2000 K St., NW, #500 Washington, DC 20006	Browning-Ferris Industries, Inc
Do	Hunt Oil Company
Bracy Williams & Company, 601 13th Street, NW, #510 South Washington, DC 20005	American Society for Bone & Mineral Research
Do	United Technologies Corp
Brand & Lowell, 923 15th Street, NW, Fifth Fl. Washington, DC 20005	National Assn of Professional Baseball Leagues, Inc
Jack E. Bresch, 4455 Woodson Road St. Louis, MO 63134	Catholic Health Assn of the United States
Brescia & Associates, 1233 20th Street, NW, Suite 400 Washington, DC 20036	Arthur Schuman, Inc
Do	Duna Cheese Co
J. Robert Brouse, 1150 Connecticut Ave., NW Washington, DC 20036	Nonprescription Drug Manufacturers Assn (NDMA)
Brownstein Zeidman & Schomer, 1401 New York Ave., NW, #900 Washington, DC 20005	Pennrose Properties
Hayden B. Bryan, 8607 Westwood Center Drive, Suite 204 Vienna, VA 22182	Professional Services Council
David T. Buente Jr., 1722 Eye Street, NW Washington, DC 20006	AT & T Capital Corp
Do	AT&T
Do	General Electric Company
April L. Burke, 507 Cathedral Drive Alexandria, VA 22314	Association of Independent Research Institutes (AIRI)
Do	California Institute of Technology
Do	Lewis-Burke Associates (For:University of Cincinnati)
Benjamin Burks Jr, 2816 Blue Spruce Lane Wheaton, MD 20906	World Benefit Services, Inc

Organization or Individual Filing	Employer/Client
Melinda Burrell, 418 7th Street, SE Washington, DC 20003	World Federalist Assn
Burson-Marsteller, 1850 M Street, NW, #900 Washington, DC 20036	Degussa AG
Do	Economic Growth Alliance
Do	Korea Iron & Steel Assn
Lynnea Bylund, 2300 M Street, NW, Suite 800 Washington, DC 20037	United States Independent Microwave Television Assn (USIMTA)
Edward S. Cabot, 1285 Avenue of The Americas New York, NY 10019	Common Cause
Arthur E. Cameron, 225 C Street NE, #A Washington, DC 20005	International Union of Police Assns, AFL-CIO
Cameron & Hornbostel, Law Offices of, 818 Connecticut Ave., NW, Suite 700 Washington, DC 20006	Government of Barbardos
Camp Barsh & Tate, 2550 M St., NW, #275 Washington, DC 20037	Anglo American Auto Auctions, Inc
Jeanne Campbell, Campbell-Raupe, Inc 1010 Pennsylvania Avenue, SE Washington, DC 20003	Chubb Corp
W. Donald Campbell, 1250 Connecticut Ave., NW,#620 Washington, DC 20036	National Multi Housing Council
Capitol Associates, Inc, 426 C Street, NE Washington, DC 20002	American Health Foundation
Mark A. Carano, 800 Connecticut Avenue, NW Washington, DC 20006-2701	Food Marketing Institute
Carlsmith Ball Wichman Murray Case Mukai & Ichiki, 555 South Flower Street, 25th Floor Los Angeles, CA 90071	Gruma Management corp
Cashdollar-Jones & Company, 1000 16th Street, NW, #702 Washington, DC 20036	Bio Grow Systems
Cassidy and Associates, Inc, 700 13th St., NW, #400 Washington, DC 20005	Advanced Physics Corp
Do	AMFAC/JMB Hawaii, Inc
Do	Babson College
Do	Bryant College
Do	Buena Vista College
Do	Charlotte-Mecklenberg Hospital Authority Foundation
Do	Connecticut Health System, Inc
Do	Florida Regional Emergency Services, Inc
Do	Franklin Institute
Do	General Dynamics Corp
Do	Glaxo, Inc
Do	Hebrew Vocational Institute
Do	International Deafness Outreach, Inc
Do	Lewis and Clark College
Do	Mary Washington Hospital Foundation
Do	Medical Center of Central Massachusetts
Do	MOOG, Inc
Do	National Assn of Dredging Contractors
Do	North Natomas Landowners Assn
Do	Pacific Marine
Do	Pacific Presbyterian Hospital
Do	Rehabilitation Hospial of the Pacific
Do	Sports Museum of New England
Do	Stephens Engineering company, Inc
Do	Suffolk University
Do	Sutter Bay Associates
Do	Ukranian Federation of Greater Philadelphia
Do	Union Memorial Hospital
Do	University of Limerick Foundation
Do	University of San Francisco
A. Mario Castillo, 1250 27th Street, NW Washington, DC 20007	Cheese Importers Assn
Do	Trugman-Washington
Catholic Health Assn of the United States, 4455 Woodson Road St. Louis, MO 63134	
Richard Celeste F., 10 West Broad Street, #1890 Columbus, OH 43215	C&S International, Inc
Chadbourne & Parke, 1101 Vermont Ave., NW, #900 Washington, DC 20005	Cogentrix, Inc
Do	Purdue Frederick Company
Children's Defense Fund, 122 C Street, NW Washington, DC 20001	
Ronald S. Chillemi, 1111 14th Street, NW, #1200 Washington, DC 20005	American Dental Assn
James R. Churchill, 6301 Stevenson Avenue, #715 Alexandria, VA 22304	
Citizens for an Alternative Tax System, 100 North Brand Blvd, Suite 502 Glendale, CA 91203	
Citizens for Civil Justice Reform, 1747 Pennsylvania Ave., NW, #850 Washington, DC 20006	
Citizens for National Health Care Reform, 1921 Florida Ave., NW P.O. Box 53247 Washington, DC 20009-3247	
Isabelle M. Claxton, 1615 L Street, NW, #1320 Washington, DC 20036	Merck & Co, Inc
Michael P. Cline, 1219 Prince Street Alexandria, VA 22314-2916	Enlisted Assn National Guard of the U.S.
Lawrence Clinton, 900 19th Street, NW, Suite 800 Washington, DC 20006	U.S. Telephone Assn
William C. Clohan Jr., 1101 Vermont Avenue, NW, Suite 400 Washington, DC 20005	Career College Assn
Lisa M. Cody, 11600 Sunrise Valley Drive Reston, VA 22091	American Newspaper Publishers Assn
Coffield Ungaretti & Harris, 1747 Pennsylvania Avenue, NW, #900 Washington, DC 20006	Cablevision
Do	MWW/Strategic Comm (for: Puerto Ricans in Civic Action)
Philip Q. Cohen, 8525 Edinkbrook Parkway Brooklyn Park, MN 55443	Goff/Wilkie & Associates (For:North Metro Mayors Assn)
Perkins Coie, 607 14th Street, NW, #800 Washington, DC 20005-2011	James River II, Inc
Do	Puget Sound Power & Light Company
Jennifer A. Cole, 1511 K Street, NW, #335 Washington, DC 20005	National Committee for a Human Life Amendment, Inc
Colex & Associates, 2775 South Quincy Street, #520 Arlington, VA 22206	Dickstein Shapiro & Morin
Do	MMW/Strategic Communications, Inc
Collier Shannon & Scott, 3050 K Street, NW, #400 Washington, DC 20007	CSR Limited - Sugar Division
Do	Restor Industries, Inc
Community Antenna Television Assn (CATA), P.O. Box 1005 Fairfax, VA 22030-1005	
Conkling Fiskum & McCormick, 900 SW 5th Ave. Suite 2300 Portland, OR 97204-1268	Electronic Design Automation Council
Ted Coombes, 2301 M Street, NW Washington, DC 20037	American Public Power Assn
Copeland & Hatfield, 601 13th Street, NW, #710 North Washington, DC 20005	Bay Area Rapid Transit District
Do	County of Alameda
Do	County of Merced
Do	Hazardous Waste Action Committee
Do	International Bottled Water Assn
Do	International Franchise Assn
Do	ICF International
Do	Monarch Wine Company
Do	Pacific Mutual Life Insurane Company
Do	Summit Medical Center
Carrie Costello, 1350 New York Avenue, NW Washington, DC 20005	Spiegel & McDiarmid (For:Guam Power Authority)
Covington & Burling, 1201 Pennsylvania Ave., NW P.O. Box 7566 Washington, DC 20044	Consolidated Natural Gas Company
Mark D. Cowan, 1823 Jefferson Place, NW Washington, DC 20036	Mission Energy Company
William Cox, 4455 Woodson Road St. Louis, MO 63134	Catholic Health Assn of the United States
Claiborn Crain H., 1100 17th Street, NW, #505 Washington, DC 20036	Burley & Dark Leaf Tobacco Assn
Daniel M. Crane, Campbell-Raupe, Inc 1010 Pennsylvania Avenue, SE Washington, DC 20003	Chubb Corporation
Roger A. Crawford, 800 Connecticut Avenue, NW Washington, DC 20006-2701	Food Marketing Institute
W. David F.J. Crosson, 445 Colonial Road Ridgewood, NJ 07450	
David T. Crow, One Massachusetts Avenue, NW, Suite 800 Washington, DC 20001	Andersons Managaement Corp
Do	British Petroleum, American
Do	ICI Agricultural Products
Do	National Bark & Soil Producers Assn
Do	Scotts Companies and Subsidiaries
Do	Vigoro Industries
Crowell & Moring, 1001 Pennsylvania Ave., NW Washington, DC 20004-2505	ICF International, Inc & Subsidiaries
Do	Rocking K Development
Philip Cummings, 1101 Pennsylvania Avenue, NW Washington, DC 20004	McCutchen Doyle Brown & Enersen (For:Eastman Kodak Company)
Do	3M
F.P. Curran, 7315 Wisconsin Ave., Suite 1250W Bethesda, MD 20814	Treasury Management Assn
Garry R. Curtis, Greater Washington Board of Trade 1129 20th Street, NW Washington, DC 20036	Greater Washington Board of Trade
Norman E. D'Amours, 1217 Evermay Court Mclean, VA 22101	Alcalde Rousselot & Fay
Michael R. Davis, 4455 Woodson Road St. Louis, MO 63134	Catholic Health Assn of the United States
Davis & Harman, 1455 Pennsylvania Avenue, NW, #1200 Washington, DC 20004	American Automotive Leasing Assn
Do	National Council of Farmer Cooperatives
Donald S. Dawson, 1133 Connecticut Ave., NW, #1000 Washington, DC 20036	St. Thomas-St. John Chamber of Commerce, Inc
Lester H. Dean III, 3931 Collis Oak Court Fairfax, VA 22033	Dean & Associates
Tom Dehner, 2030 M Street, NW Washington, DC 20036	Common Cause
Delchamps Associates, 600 New Hampshire Ave., NW, #955 Washington, DC 20037	Madison County Commission
Willard L. Demory, 2300 N Street, NW, #725 Washington, DC 20037	Murphy & Demory, Ltd (For:Advanced Network Systems)

Organization or Individual Filing	Employer/Client
Dewey Ballantine, 1775 Pennsylvania Ave., NW, #500 Washington, DC 20006	Anker Energy Corporation
Do	Association of Outplacement Consulting Firms
Do	Outplacement Industry Tax Coalition
E. David Doane, 1350 I Street, NW, #670 Washington, DC 20005	Koch Industries, Inc
Henry M. Doebler, 2100 Pennsylvania Ave., NW, Suite 675 Washington, DC 20037	Consolidated Edison Company of New York
Jack Donahue, 808 17th Street, NW, #200 Washington, DC 20006	
Sue Doroff, 2027 SE 56th Portland, OR 97215	River Network
Dorsey & Whitney, 1330 Connecticut Ave., NW, #200 Washington, DC 20036	Deluxe Corp
Ronald H. Doughty, 2711 N. Haskell Avenue Dallas, TX 75204	Southland Corp
Clifford E. Douglas, 1726 M Street, NW, Suite 902 Washington, DC 20036-4502	American Lung Assn
Dow Lohnes & Albertson, 1255 23rd St., NW, Suite 500 Washington, DC 20037	Stelco, Inc
Elliott N. Dritch, 1828 L Street, NW, #802 Washington, DC 20036	American Foundation for AIDS Research (AMFAR)
Ducheneaux Gerard & Associates, 1155 Connecticut Avenue, NW, #400 Washington, DC 20036	Chippewa-Ottawa Treaty Fishery Managament Authority
James E. Dunstan, 2000 M Street, NW, Suite 600 Washington, DC 20036	TV 14, Inc
Dyer Ellis Joseph & Mills, 600 New Hampshire Ave., NW, #1000 Washington, DC 20037	East Asiatic Company, et al.
Do	Interdean AG
Do	Ocean Cruise Lines, Inc
Education Legislative Services, Inc, 5855 Staduim Street San Diego, CA 92122	Long Beach Unified School District
Do	Sacramento City Unified School District
Do	San Francisco Unified School District
Donna F. Edwards, 215 Pennsylvania Ave., SE Washington, DC 20003	Public Citizen
Sherry L. Edwards, 1330 Connecticut Ave., NW, Suite 300 Washington, DC 20036-1702	Synthetic Organic Chemical Manufacturing Assn
Effort, Inc, 2424 4th Street, NE P.O. Box 1443 Washington, DC 20013-1443	
George E. Ellis, 1155 Connecticut Ave., NW Washington, DC 20036	Waste Management, Inc
Rodney G. Ellis, 1331 Lamar, Suite 1550 Houston, TX 77010	Solar & Ellis (For:Republic of Mexico)
Charles Ellstein, 645 W. St. Joseph Way Lansing, MI 48917	Michigan Hospital Assn
James L. Ervin, 1667 K Street, NW, #310 Washington, DC 20006	Northrop Corp
Deborah M. Estes, 1515 Wilson Boulevard Arlington, VA 22209	American Gas Assn
Donald C. Evans Jr., 655 15th St., NW, #310 Washington, DC 20005	Scholarship Consultants of North America, Inc
Evans Group, Ltd, 1010 Wisconsin Ave., NW, 8th Floor Washington, DC 20007	United GER Institutions
Kellye A. Eversole, 4434 Indigo Lane Harwood, MD 20776	American Bankers Assn
F/P Research Associates, 1700 K St., NW, #1000 Washington, DC 20006	Wiley Rein & Fielding (For: Utilicorp United, Inc)
Marcus G. Faust, 332 Constitution Ave., NE Washington, DC 20002	Clark County Nevada
John D. Fedor, 2001 Jefferson Davis Highway, #1012 Arlington, VA 22202	Alliant Techsystems, Inc
Elliot J. Feldman, 901 15th Street, NW, #1250 Washington, DC 20005-2301	Howrey & Simon (For:Government of Quebec, Ministry of International Affairs)
Richard Feller, 2000 K Street, NW, #800 Washington, DC 20006	National Comm to Preserve Social Security & Medicare
William Ferguson Jr., 1730 Rhode Island Ave., NW, #400 Washington, DC 20036	Lacda Alliance
Hyman Fine, 1515 Jefferson Davis Highway, #1515 Arlington, VA 22202	United Technologies Corp
H. David Fish, 5885 Stadium St. San Diego, CA 92122	Education Legislative Services, Inc (For:Long Beach Unified School District)
Do	San Francisco Unified School District
Do	Scramento City Unified School District
John H. Fitch Jr., 901 31st St., NW Washington, DC 20007-3838	Fed Legislative Asscs for Boston Financial Technologies Grp
Do	Federal Legislative Associates for American Airlines
Do	Federal Legislative Associates for Clark Oil and Gas
Fleishman-Hillard, Inc, 1301 Connecticut Ave., NW, 7th Floor Washington, DC 20036	Clark Oil
Do	Mastercard International
Do	Nintendo of America, Inc
Do	Private Practice Section
Do	Safe Tire Disposal Corporation
Do	Union Pacific Resources
Lynne M. Fletcher, 1701 Pennsylvania Avenue, NW, #900 Washington, DC 20006	Du Pont Merck Pharmaceutical Company
Ronnie G. Flippo, 701 Pennsylvania Ave., NW, #800 Washington, DC 20004	Federal Express Corp
Do	Massachusetts Mutual Insurance Co
Do	National Automobile Dealers Assn
Do	(For:South Central Bell)
Do	R.G. Flippo and Associates, Inc (For:Waycrosse, Inc)
Florida Business Associates, 1825 EYE Street, NW, #400 Washington, DC 20006	Museum of the Rockies
Do	University of New Mexico
Robert S. Franklin, 200 Park Avenue New York, NY 10166	Coudert Brothers
Franson Hagerty & Associates, 1155 15th Street, NW, Suite 710 Washington, DC 20005	
John Freshman Associates, Inc, 1722 I Street, NW, #500 Washington, DC 20006	Gulf Coast Waste Disposal Authority
James M. Friedman, 1100 Citizens Bldg. Cleveland, OH 44114	Summit Energy Storage, Inc
James P. Fromfield, 12501 Telecom Drive Tampa, FL 33637	Leslie Controls, Inc, et al.
Furman Group, 818 Connecticut Ave., NW, #1020 Washington, DC 20006	Kamm & Associtess, Ltd
Do	Upper San Gabriel Municipal
Robert L. Garfield, 888 16th Street, NW Washington, DC 20006	International Dairy Foods Association
James N. Garnett Jr., 12347 Sandy Point Court Silver Spring, MD 20904	World Benefit Services, Inc
Janet M. Garry, P.O. Box 749 Rockville, MD 20848-0749	National Council Social Security Management Assn, Inc
Cheryl K. Genevie, 7746 Donnybrook Court, #106 Annandale, VA 22003	Edison Electric Institute
Nancy Whorton George, 555 13th Street, NW, #1010 E Washington, DC 20004-1109	Sun Company, Inc
Gibson Dunn & Crutcher, 1050 Connecticut Ave., NW, #900 Washington, DC 20036	Honda North America, Inc
Paul E. Gilbert, 3200 North Central, #1000 Phoenix, AZ 85012	Beus Gilbert & Morrill (For:Belmont Corp)
William A. Gillon, P.O. Box 12285 Memphis, TN 38182	National Cotton Council of America
Gary R. Glenn, One Woodward Avenue, #2400 Detroit, MI 48226	Jaffe Raitt Heuer & Weiss (For:Metropolitan Realty Corp)
Donald G. Goff, 1400 K. Street, NW, #801 Washington, DC 20005	McDonnell Douglas Corp
Gold & Liebengood, Inc, 1455 Pennsylvania Ave., NW, #950 Washington, DC 20004	Coxson Penello Fogleman & Cowen
Do	Mutual Of Omaha
Do	Regional Transportation District
Do	Thunder Child Veterans Administration Hospital
Golden Rule Insurance Company, 840 The Watergate 2600 Virginia Ave., NW Washington, DC 20037	
Neil Goldschmidt, Inc, 222 S.W. Columbia, #1850 Portland, OR 97201	Province of British Columbia
Larry I. Good, 2001 M Street, NW Washington, DC 20036	Milliman & Robertson, Inc
Melvin G. Goodweather, 1401 Eye Street, NW, Suite 600 Washington, DC 20005	United Technologies Corp
Harold W. Gore, Television Station WTLK-TV 200 North Cobb Parkway, Suite 114 Marietta, GA 30062	TV 14, Inc
Edward J., III Gorman, 101 Constitution Avenue, NW Washington, DC 20001	United Brotherhood of Carpenters & Joiners of America
Gover Stetson & Williams, 2501 Rio Grande Blvd., NW Albuquerque, NM 87104-3223	Colorado River Indian Housing Authority
Barbara Gracey, 2000 K Street, NW, #800 Washington, DC 20005	National Committee to Preserve Social Security & Medicare
Bud Grant, 420 Lakeville Road Lake Success, NY 11042	
Clifford S. Graul, 1800 M Street, NW, #325-S Washington, DC 20036	Creative Strategies Group
Gary L. Green, 1010 North Fairfax Street Alexandria, VA 22314	Nationa Society of Public Accountants
Green Stewart & Farber, P.C., 2600 Virginia Ave., NW, Suite 1111 Washington, DC 20037	Premier Hospitals Alliance, Inc
Peter E. Greene, 919 Third Avenue New York, NY 10022	Pepsi-Cola & National Brands, Ltd
Gregory Company, One Massachusetts Avenue, NW, #880 Washington, DC 20001	Lake Preservation Coalition
Griffin Johnson & Associates, 1211 Connecticut Ave., NW, #700 Washington, DC 20036	Central and South West Services, Inc
Do	Coal Industry Health Protection Coalition
Do	National Football League
Do	National Independent Energy Producers
Jane Grimm, 3150 Spring Street Fairfax, VA 22031-2399	International Communications Industries Assn
Steven A. Grossman, 901 31st Street, NW Washington, DC 20007	Hill and Knowlton for Astra Pharmaceutical Products, Inc
Drew Gruenberg, 1601 Duke Street Alexandria, VA 22314	Society of American Florists
Gabriel Guerra-Mondragon, 444 North Capitol Street, #711 Washington, DC 20001	TKS International (For:Universidad Regiomontana Villagran)
Mark F. Guimond, 4659-C 28th Road Arlington, VA 22206	Credit Doctor, Inc
GRQ, Inc, 5454 Wisconsin Ave., NW, #1340 Chevy Chase, MD 20815	American Health Information Management Assn
Do	Baxter Healthcare Corp-General Healthcare Division
Do	Baxter Healthcare Corp-Renal Division
Do	Manor Healthcare, Inc
Do	National Assn of Medical Directors of Respiratory Care
Do	Puritan Group-Puritan Bennett Corp
Sherry J. Haber, 105 Oronoco Street Alexandria, VA 22314	National Wholesale Druggists' Assn
Francis P. Halas, 801 Old Post Road Fairfield, CT 06430	
Hale and Dorr, 1455 Pennsylvania Ave., NW, #1000 Washington, DC 20004	Wellmark Healthcare Services, Inc
Haley Bader & Potts, 2000 M St., NW, #600 Washington, DC 20036	TV 14, Inc
Janet A. Hall, 1211 Connecticut Avenue, NW #406 Washington, DC 20036	Magazine Publishers of America
Sam F. Hamra Jr., Two Corporate Centre, Suite 200 1949 East Sunshine Springfield, MO 65804	John L. Morris

Organization or Individual Filing	Employer/Client
Do	Silver Dollar City, Inc
Hand Arendall Bedsole Greaves & Johnston, P.O. Box 123 Moblie, AL 36601	Hazardous Waste Action Coalition
Eric R. Hanson, 1321 Duke Street, #200 Alexandria, VA 22314-3563	U.S. Strategies Corp (For:Commonwealth of the Northern Mariana Islands)
Christopher Harris, 1101 Pennsylvania Ave., NW Washington, DC 20004	McCutchen Doyle Brown & Enersen (For:American Coal Ash Assn)
Do	McCutchen Doyle Brown & Enersen (For:3M)
James W. Harris, 1709 New York Avenue, NW Washington, DC 20006	U.S. League of Savings Institutions
William D. Harris, 1156 15th Street, NW, #550 Washington, DC 20005	American Urological Assn, et al.
Jill Harrison, P.O. Box 1005 Fairfax, VA 22030-1005	C/O Stephen R. Effros (For:Community Antenna Television Assn)
Elizabeth Kirby Hart, 3050 K Street, NW, #330 Washington, DC 20007	National Club Assn
Margaret V. Hathaway, 1500 K Street, NW, #200 Washington, DC 20005	Thacher Proffitt & Wood (For:Equitable Life Insurance Society)
Steven L. Hayes, 100 N. Brand Blvd., #502 Glendale, CA 91203	Citizens for an Alternative Tax System
Margaret C. Henry, 1410 Q Street, NW Washington, DC 20009	Hamilton Securities Group, Inc
Susan L. Hildenbrandt, 2021 Massachusetts Ave., NW Washington, DC 20036	American Academy of Family Physicians
Walter Hoffman, 418 7th Street, SE Washington, DC 20003	World Federalist Association
Hogan & Hartson, 555 13th St., NW Washington, DC 20004-1109	Lodging Opportunities
Do	National Structured Settlements Trade Assn
Do	Nuexco Trading Corp, et al.
Holland & Hart, 1001 Pennsylvania Ave., NW, #310 Washington, DC 20004	Anderman/Smith Operating Co
Do	Association of Oil Pipe Lines
Candice Shy Hooper, 801 Pennsylvania Ave., NW, #730 Washington, DC 20004	Hooper Hooper & Owen (For:Ultramar, Inc)
Lindsay Hooper, 801 Pennsylvania Ave., NW, #730 Washington, DC 20004	Hooper Hooper & Owen (For:Ifint, S.A.)
Do	Hooper Hooper & Owen (For:Pameko Holdings, Inc)
Hooper Hooper & Owen, 801 Pennsylvania Ave., NW, #730 Washington, DC 20004	Water Island Civic Assn
Hopkins & Sutter (Washington), 888 16th Street, NW, 6th floor Washington, DC 20006	Airports Assn Council International - North America
Do	Committee for Corporate Estimated Federal Tax Alternative
Do	Department of Aviation, City of Chicago
Do	Glaxo Australia Pty, Ltd
Do	NITTA International, Inc
Deborah L. Horan, 122 C Street, NW, Suite 380 Washington, DC 20001-2109	National Family Planning & Reproductive Health Assn, Inc
Howrey & Simon, 1730 Pennsylvania Avenue, NW, #900 Washington, DC 20006	Government of Quebec, Ministry of International Affairs
Walter D. Huddleston, P.O. Box 456 Elizabethtown, KY 42710	MCI Telecommunications
William H. Hudnut, 79 John F. Kennedy Street Cambridge, MA 02138	Economic Growth Alliance
F. Michael Hugo, 3414 N. Emerson Street Arlington, VA 22207	Michael Hugo & Associates, Inc (For:Warner-Lambert Co (For: Degradable Plastics))
John M. Humphries, 1401 Eye Street, NW, Suite 600 Washington, DC 20005	United Technologies Corp
Lawrence A. Hunter, 1615 H Street, NW Washington, DC 20062	Chamber of Commerce of the U.S.
Randal H. Ihara, 1331 Pennsylvania Ave., NW, #560 South Washington, DC 20002	CSX Corp
Immigration Services Associates, 1212 New York Avenue, NW, #850 Washington, DC 20005	American Council on International Personnel (ACIP)
Do	Information Technology Assn of America (ITAA)
Ingram Group, 200 Fourth Avenue North Mezzanine Nashville, TN 37219	Education Corp of America
Kelleen W. Jackson, 600 Maryland Avenue, SW, #700 Washington, DC 20024	National Federation of Independent Business
J. Douglas Jacobsoon, 1301 Pennsylvania Ave.,NW, Suite 300 Washington, DC 20004	Public Lands Council
Valerie J. James, 1401 New York Avenue,NW, Suite 1100 Washington, DC 20005	National Cooperative Business Assn
Jack P. Janetatos, 815 Connecticut Ave.,NW, Suite 900 Washington, DC 20006	Marine Machinery Assn
Jay Janis, 9800 South Sepulveda Boulevard,Suite 500 Los Angeles, CA 90045	California League of Savings Institutions
Jones Day Reavis & Pogue, 1450 G Street, NW, #700 Washington, DC 20005-2088	Merck & Co, Inc
Do	Trans World Airlines
Jones Walker Waechter Poitevent Carrere & Denegre, 1776 Eye Street, NW, #245 Washington, DC 20006	Jefferson Parish Council
Do	Port of New Orleans
Jorden Schulte & Burchette, 1025 Thomas Jefferson Street, NW, #400E Washington, DC 20007	Florida Endowment Fund for Higher Education
Do	University of Tulsa
Melissa J. Kahn, 1001 Pennsylvania Ave., NW Washington, DC 20004	American Council of Life Insurance
Martin B. Kanner, 1575 Eye Street, NW, Suite 370 Washington, DC 20005-1175	Kanner & Associates (For:American Public Gas Association)
Do	Duncan & Allen
Do	Missouri Basin Municipal Power Agency
Katten Muchin Zavis & Dombroff, 1025 Thomas Jefferson Street, NW, #700 E Washington, DC 20007	Dovenmuehle Mortgage, Inc
Do	Illinois Housing Development Authority
Do	Intercargo Insurance Co
Do	Jewelers of American
Paul F. Kavanaugh, 1155 Connecticut Ave., NW Washington, DC 20036	Waste Management, Inc
George R. Kaye, 125 North West Street Alexandria, VA 22314-2754	Fleet Reserve Assn
Kaye Scholer Fierman Hays & Handler, 901 15th St., NW, #1100 Washington, DC 20005	Jonsson Communications Corporation
August Keller, Signature Place II 14785 Preston Road, Suite 1100 Dallas, TX 75240	North American Coal Corporation
Kelley Drye & Warren, 2300 M Street, NW Washington, DC 20037	Shaw Pittman et al (For: Institute of International Bankers)
Paulette Kellogg M., 1101 Vermont Avenue, NW Washington, DC 20005	American Medical Association
Andrew Kennedy, 701 North Fairfax Street Alexandria, VA 22314	United Way of America
J. H. Kent, 1825 K Street, NW, #305 Washington, DC 20006	Adria Laboratories
Christopher J. Kersting, 1317 F Street, NW, #550 Washington, DC 20004	Auto International Assn
Do	Coalition of Automotive Associations
Do	Specialty Equipment Market Assn
King & Spalding, 1730 Pennsylvania Ave., NW, #1200 Washington, DC 20006	Alliance for Small Issue Bonds, Inc
Do	Citibank
Kinghorn & Associates, 900 2nd Street, NE, #109 Washington, DC 20002	Macalloy Corporation
Brian J. Kinsella, 1201 New York Avenue, NW Washington, DC 20005-3931	American Hotel & Motel Association
Kirkpatrick & Lockhart, 1800 M St., NW, S. Lobby, #900 Washington, DC 20036	Associated Credit Bureaus
Do	Coalition for Credit Availability
Do	National Court Reporters Assn
Marie Kissel, 1620 Eye Street, NW, Suite 1000 Washington, DC 20006	Motor Vehicle Manufacturers Assn of the U.S., Inc
Michael R. Klipper, 1718 Connecticut Avenue, NW, #700 Washington, DC 20009	Association of American Publishers
William C. Klostermeyer, 918 16th Street, NW, #401 Washington, DC 20006-2993	Bookman-Edmonston Engineering, Inc
James P. Kolb Jr., 101 Constitution Ave, NW Washington, DC 20001	United Brotherhood of Carpenters and Joiners of America
Mike Kopp, 200 Fourth Avenue North Mezzanine Nashville, TN 37219	Ingram Group (For:Education Corp of America)
Nicholas P. Koskores, P.O. Box 763 North Andover, MA 01845	Alpha Strategies (For:Thermo Electron Corporation)
George J. Koufos, P.O. Box 8000 Bradford, PA 16701-0980	
Barry Krasner, 444 North Capitol Street, NW, #845 Washington, DC 20001	National Air Traffic Controllers Assn
David M. Krasnostein, 1722 Eye Street, NW Washington, DC 20006	Commercial Finance Assn
Do	General Electric Capital Corp
Steven L. Kreseski, 1101 17th Street, NW, #300 Washington, DC 20036	Cosmetic Toiletry & Fragrance Assn
Kathleen M. Kulesher, 105 Oronoco Street Alexandria, VA 22314	National Wholesale Druggists' Assn
Judith La Drew, 1401 Eye Street, NW, Suite 600 Washington, DC 20005	United Technologies Corp
Ellen C. Lamb, 1015 18th St., NW Washington, DC 20036	National Assn of Federal Credit Unions
Robert Lamb, 1627 Eye St., NW, #1000 Washington, DC 20006	McGuire Woods Battle & Boothe (For:Cabot Energy Corp)
Do	McGuire Woods Battle & Boothe (For:Columbia Natural Resources)
Do	McGuire Woods Battle & Boothe (For:Equitable Resources Exploration)
Robert Joseph Lamoureux, 1735 Jefferson Davis Highway Arlington, VA 22202	McDonnell Douglas Corp
Latham & Watkins, 1001 Pennsylvania Ave., NW, #1300 Washington, DC 20004-2505	Continental Airlines, Official Cmte of Unsecured Creditors
Terry K. Laughlin, One Thomas Circle, NW, #900 Washington, DC 20005	Electro Design Manufacturing
Lewis Lavine, 200 Fourth Avenue North Mezzanine Nashville, TN 37219	Ingram Group (For:Education Corp of America)
Laxalt Corporation, 801 Pennsylvania Ave., NW, #747 Washington, DC 20004	Natural Gas Vehicle Coalition
Paul Laxalt Group, 801 Pennsylvania Ave, NW, #750 Washington, DC 20004	Generic Pharmaceutical Industry Assn, et al.
William N. LaForge, 1150 Connecticut Ave., NW, #900 Washington, DC 20036	Paul Werth Associates, Inc (For:Von Roll America, Inc)
Marvin Leath, One Massachusetts Ave, #330 Washington, DC 20001	FMC Corp
Preston V. Lee Jr., 1101 Pennsylvania Ave., NW, Suite 950 Washington, DC 20077	Federal Home Loan Mortgage Corp
Gary A. Lee Group, Inc, 116 North St. Asaph Street Alexandria, VA 22314	AutoZone
Do	Harnischfeger Industries
David J. Lennett, P.O. Box 71 Litchfield, ME 04350	Environmental Defense Fund
Do	National Audubon Society
Raymond A. Lewis, 815 Connecticit Ave., NW, #800 Washington, DC 20006	American Methanol Institute
Steffanie J. Lewis, 4601 North Fairfax, Suite 720 Arlington, VA 22203-1516	International Business Firm, Inc
Jack W. Liddle, 1735 Jefferson Davis Highway, #1200 Arlington, VA 22202	McDonnell Douglas Corp
Thomas R. Litjen, 444 North Capitol Street, Suite 336 Washington, DC 20001	
Robert W. Lively, 1850 K Street, NW, #1195 Washington, DC 20006	Schering-Plough
Linda A. Long, 1156 15th Street, NW, #550 Washington, DC 20005	Montgomery McCracken Walker & Rhoads (For:Keene Corporation)
Robert Michael Long, McElroy & Sullivan First State Bank Tower 400 West 15th Street Austin, TX 78701	American Telephone and Telegraph
Long Law Firm, 8550 United Plaza Blvd., #800 Baton Rouge. LA 70809	Natural Gas Vehicle Coalition

Organization or Individual Filing	Employer/Client
Do	United Companies Financial Corp
Kathryn Looney, 1421 Prince Street, Suite 230 Alexandria, VA 22314	International Hardwood Products Assn
Amy Loy, 800 Connecticut Avenue, NW Washington, DC 20006-2701	Food Marketing Institute
Judith W. Luno, 555 13th Street, NW, Ste. 300W Washington, DC 20004	Interstate Natural Gas Assn of America
Robert A. Macari, 1747 Pennsylvania Avenue, NW, #900 Washington, DC 20006	Cablevision
Do	MMW Strategic Communications (For:Puerto Ricans in Civic Action)
Robb S. Mackie II, 1004 Duke Street Alexandria, VA 22314	Associated General Contractors of America
Madison Public Affairs Group/Earle Palmer Brown, 2033 M Street, NW, #900 Washington, DC 20036	General Electric Government Services
Do	Home Owners Warranty Corp
Paul J. Magliocchetti, 2001 Jefferson Davis Highway Crystal Plaza I, Suite 405 Arlington, VA 22202	Foundation Health Corp
Jean Mahan, 2000 K Street, NW, #800 Washington, DC 20006	National Committee to Preserve Social Security & Medicare
Claudia Malloy, 2030 M Street, NW Washington, DC 20036	Common Cause
Manatt Phelps Phillips & Kantor, 1200 New Hampshire Ave., NW, #200 Washington, DC 20036	California League of Savings Institutions
Do	Santa Fe Railroad
Frank Mankiewicz, 901 31st Street, NW Washington, DC 20007	Hill & Knowlton (For:Sallie Mae)
Cliff James Mannings, P.O. Box 1089 Alexandria, VA 22313-1089	Society Against the Negative Image of Blacks in America
Lawrence D. Markley, Rt. 1, Box 130-A Mt. Solon, VA 22843	Alaska Electric Light & Power Company
Marlowe & Company, 1667 K Street, NW, #480 Washington, DC 20006	American Public Gas Assn
Do	Kansas City International Airport
Stan Martin, 7101 Wisconsin Avenue, #1390 Bethesda, MD 20814	National Burglar and Fire Alarm Assn
Antonio C. Martinez II, 224 West 14th Street, #2A New York, NY 10014-5003	
Mayer Brown & Platt, 2000 Pennsylvania Avenue, NW, #6500 Washington, DC 20006	Black & Decker Corporation
Do	NICOR, Inc
McAuliffe Kelly & Raffaelli, 1341 G Street, NW, 2nd Floor Washington, DC 20005	Associacion de Hospitales de Puerto Rico
Do	Association of Progressive Rental Organizations
Do	Cigna Corp
Do	CAPX Corp
Do	Puerto Rico Federal Affairs Administration
McCamish Martin & Loeffler, P.C., Suite 1290 East 555 13th Street, NW Washington, DC 20004	Newman Lumber Company
Carolyn Kim McCarthy, 1455 Pennsylvania Ave., NW, #500 Washington, DC 20004	Enseco Inc
McClure Gerard & Neuenschwander, Inc, 801 Pennsylvania Ave., NW, #820 Washington, DC 20004-2604	Crown Butte Mines, Inc
Do	Pacific Gas Transmission Gas Company
McDermott Will & Emery, 1850 K St., NW, #500 Washington, DC 20006-2296	California Avocado Commission
Do	California Raisin Advisory Board
Do	Minor Crop Farmer Alliance
Joseph M. McGrail, 52 Washington Ave. Williamstown, NJ 08094	Avitas, Inc
Patrick M. McLain, 1000 Vermont Avenue, NW, #1000 Washington, DC 20005	Rowan & Blewitt, Inc (For:Rhone-Poulenc Rorer)
McNair Law Firm, P.A., 1155 15th Street, NW, #400 Washington, DC 20005	W.R. Grace & Company
Howard A. Menell, 1747 Pennsylvania Ave., NW, #900 Washington, DC 20006	Cablevision
Do	MWW/Strategic Comm (for: Puerto Ricans in Civic Action)
Mark Menezes, 555 13th Street, NW, Suite 1290 East Washington, DC 20004	McCamish Martin & Loeffler (For:Newman Lumber Company)
J. Roger Mentz, 1100 Connecticut Ave., NW, #600 Washington, DC 20036	McClure Trotter & Mentz (For:Citibank)
Do	McClure Trotter & Mentz (For:Coca-Cola Company)
Do	McClure Trotter & Mentz (For:Commodities Corp (USA))
Do	McClure Trotter & Mentz (For:GAF Corp)
Do	Motion Picture Assn of America, Inc
Do	Princeton Univ Investment Co & American Council on Education
Richard Michalski P., 1300 Connecticut Avenue, NW Washington, DC 20036	International Assn of Machinists & Aerospace Workers
James Francis Michie, 1000 Vermont Ave. NW #1000 Washington, DC 20005	Rowan & Blewitt Inc (For:Kavilco Inc)
Leslie K. Miles, 1101 4th Street, NW, 5th Floor Washington, DC 20005	National Abortion Rigths Action League, Inc
David H. Miller, 901 31st Street, NW Washington, DC 20007	Federal Legislative Associates for American Airlines
Do	Federal Legislative Associates for Clark Oil and Gas
Miller & Chevalier, Chtd, 655 15th St., NW, #900 Washington, DC 20005-5701	Range Rover of North America, Inc
Miller & Holbrooke, 1225 19th Street, NW, #400 Washington, DC 20036	City of Jamestown
Do	Dectec International, Inc
Denny Miller Associates, Inc, 400 North Capitol Street, NW, #325 Washington, DC 20001	Alaska Air Group, Inc
Miller Canfield Paddock & Stone, Suite 1200 1015 15th St., NW Washington, DC 20005	Croation American Assn
William Miner, 888 16th Street, NW Washington, DC 20006	Bannerman & Associates, Inc (For:Beirut University College)
Do	Bannerman & Associates, Inc (For:Government of the U.A.E.)
Do	Bannerman & Associates, Inc (For:Government of Djibouti)
Do	Bannerman & Associates, Inc (For:Government of Egypt)
David Minton, 1211 Connecticut Ave., NW Washington, DC 20036	National Assn of Air Traffic Specialists
Mitchell Williams Selig Gates & Woodyard, 1420 New York Ave., NW, #1050 Washington, DC 20005	Network Systems
Peter Montgomery, 2030 M Street, NW Washington, DC 20036	Common Cause
Cynthia L. Moore, 5908 North 35th Street Arlington, VA 22207	National Council on Teacher Retirement
Michael D. Moore, 700 13th Street, NW, Suite 525 Washington, DC 20005	BR Services, Inc
Powell A. Moore, 1133 Connecticut Ave., NW, #700 Washington, DC 20036	Field Aviation Company, Inc
J. Wilson Morris, 1201 Connecticut Ave. #300 Washington, DC 20036	Bailey Morris & Robinson (For:Blue Cross of Western Pennsylvania)
Do	Bailey Morris & Robinson (For:Case Management Society of America)
Do	Bailey Morris & Robinson (For:Old Colony Life Insurance)
Lynn Morrison, 311 Massachusetts Avenue, NE Washington, DC 20002	
Morrison & Foerster, 2000 Pennsylvania Ave., NW Washington, DC 20006	Valent U.S.A. Corp
Edgar J. Mullins, 1401 Eye Street, NW, Suite 600 Washington, DC 20005	United Technologies Corp
Murray, Scheer & Montgomery, 2715 M Street, NW, #300 Washington, DC 20007	Technology Development & Education Corp
National Alliance for Infusion Therapy, 1001 Pennsylvania Ave., NW, #600 Washington, DC 20004	
National Assn for the Superconducting Super Collider, 1704 Old Town Road Edgewater, MD 21037	
National Assn of Chain Drug Stores, Inc, P.O. Box 1417-D49 Alexandria, VA 22313	
National Committee of Cities and State for Air Service, Transportation Building Room 417 St. Paul, MN 55156	National Committee of Cities and States for Air Service
National Progressive Health Political Action Committee, Inc, 324 West 14th Street New York, NY 10014-5003	National Progressive Health Political Action Committee,Inc
National Strategies, Inc, 888 17th Street, NW, 12th Floor Washington, DC 20006	Ferrell Gas
Do	Mrs. Roger Stevens
Neill & Company, Inc, 815 Connecticut Ave., NW, #800 Washington, DC 20006	Embassy of the Republic of Korea
Tommie E. Netting, 750 First Street, NE, Suite 900 Washington, DC 20002	Career College Assn
Robert Nicholson, R.J. Nicholson Co. 2422 South Queen Street York, PA 17402	J. Hilbert Anderson, Inc
Nonprescription Drug Manufacturers Assn, 1150 Connecticut Ave., NW, #1200 Washington, DC 20036	
David F. Norcross, 1156 15th Street, NW, #550 Washington, DC 20005	Montgomery McCracken Walker & Rhoads (For:Chatsworth Cranberry)
Do	Montgomery McCracken Walker & Rhoads (For:Heintz Corp)
Do	Montgomery McCracken Walker & Rhoads (For:Keene Corporation)
Nancy Nye, 245 Second Street, NE Washington, DC 20002	Friends Committee on National Legislation
Quinn O'Connell, 5009 Sangamore Road Bethesda, MD 20816	
O'Connor & Hannan, 1919 Pennsylvania Ave., NW, #800 Washington, DC 20006	Associated Credit Bureaus, Inc
Do	Evangelical Lutheran Good Samaritan Society
Do	First Winthrop Corp
Do	Pacific Seafood Processors Assn
Sean B. O'Hollaren, 555 13th Street, NW, Suite 450 West Columbia Square Washington, DC 20004	Union Pacific Corp
O'Neill and Athy, P.C., 1310 19th Street, NW Washington, DC 20036	District of Columbia Hospital Assn
Do	National Cable Television Assn
John T. O'Rourke, 1129 20th Street NW #500 Washington, DC 20036	Federal Home Mortgage Corp
Opperman Heins & Paquin, 1300 I Street, NW, #480E Washington, DC 20005	Hennepin County, MN
Do	Minnegasco
Organization for International Investment, 1747 Pennsylvania Avenue, NW, #704 Washington, DC 20006-4604	
Tracey M. Orloff, 122 C Street, NW Washington, DC 20001	Children's Defense Fund
Daryl Owen, 801 Pennsylvania Ave., NW, #730 Washington, DC 20004	Hooper Hooper & Owen (For:Science Applications, Inc)
Barbara Page, 401 Coors Boulevard, NW Albuquerque, NM 87121	Westland Development Co., Inc
Pagonis & Donnelly Group, Inc, 1620 Eye Street, NW, #202 Washington, DC 20006	Children's Hospital
Do	National Assn of Children's Hospitals & Related Institutes
Do	National League for Nursing
Virginia N. Pape, 1250 24th St. NW, #300 Washington, DC 20037	Scripps League Newspapers, Inc
Patton Boggs & Blow, 2550 M St., NW Washington, DC 20037	Ad Hoc Coalition for FPI Reform
Do	Bankers Trust Company
Do	Donald Rector
Do	J.P. Morgan & Co, Inc
Do	Manhole Adjusting, Inc
Do	National Assn for the Superconducting Super Collider (SSC)

Organization or Individual Filing	Employer/Client
Do	PNC Financial Corp
Do	Sedgwick James, Inc
Do	Sybron Corp
Paul Hastings Janofsky & Walker, 1050 Connecticut Avenue, NW, #1200 Washington, DC 20036	Roadway Services, Inc
Gwen Gampel Paulson, 711 Second Street, NE, #200 Washington, DC 20002	Victims of Insurance Company Errors (Voice)
Kristin E. Paulson, 1401 Eye Street, NW, Suite 600 Washington, DC 20005	United Technologies Corp
George Pendleton, 807 Somerset Place Chillum, MD 20783	Success Source, Inc
Susan E. Perry, 5962 Parview, SE Grand Rapids, MI 49546	Business & Institutional Furniture Manufacturer's Assn
Joseph P. Petito, 1800 M Street, NW Washington, DC 20036	Coopers & Lybrand
Peyser Associates, Inc, 1000 Vermont Ave., NW, #400 Washington, DC 20005	Medical College of Ohio
Do	Toledo-Lucas Port Authority
Maria L. Pfarr, 1455 Pennsylvania Ave., NW, #1000 Washingoton, DC 20004	New England Council, Inc
Kurt Pfotenhauer, 555 13th Street, Suite 450 West Columbia Square Washington, DC 20004	United Parcel Service
Kristine Phillips, 2000 K Street, NW, #800 Washington, DC 20006	National Committee to Preserve Social Security & Medicare
Lori J. Pickford, 2301 M Street, NW Washington, DC 20037	American Public Power Assn
Piliero Mazza & Pargament, Farragut Square 888 17th Street, NW, #1100 Washington, DC 20006	City of Portsmouth, New Hampshire
Do	Latin American Management Assn
Piper & Marbury, 1200 19th Street, NW, #700 Washington, DC 20036	Biotechnology Software Manufacturers Assn
Michael L. Platner, 1220 L Street, NW, Suite 900 Washington, DC 20005	American Petroleum Institute
Jon Plebani, 555 13th Street, NW, Suite 1290 East Washington, DC 20004	McCamish Martin & Loeffler (For:United Services Automobile Assn)
Podesta Associates, Inc, 424 C Street, NE Washington, DC 20002	Committee for America's Copyright Community
Porter Wright Morris & Arthur, 1233 20th Street, NW Washington, DC 20036	Rassini International, Inc
Julie Anna Potts, 1150 Connecticut Ave., NW, Suite 507 Washington, DC 20036	Wallace & Edwards
Joseph L. Powell Jr., 1901 L Street, NW, #320 Washington, DC 20036	Powell Tate
Powell Goldstein Frazer & Murphy, 1001 Pennsylvania Ave., NW, 6th Floor, S Washington, DC 20004	J. Makowski Associates, Inc
Robert J. Powers, 101 Constitution Avenue, NW Washington, DC 20001	United Brotherhood of Carpenters and Joiners of America
Donald Preston, 400 North Washington Street Alexandria, VA 22314	National Assn of Professional Insurance Agents
Preston Gates Ellis Rouvelas & Meeds, 1735 New York Avenue, NW, #500 Washington, DC 20006	Nichiro Corp
Do	Nissui Shipping Corp
Do	Rokuchu Marine Corp
Do	Taiyo Gyogyo Kabushiki Kaisha
Price Waterhouse, 1801 K St., NW, #700 Washington, DC 20006	Chrysler Corporation
Daniel B. Priest, 1825 K St., NW, Suite 210 Washington, DC 20006	Environcorp, Inc
Public Strategies Washington, Inc, 1455 Pennsylvania Ave., NW, #1100 Washington, DC 20004	Hyatt Legal Plans, Inc
Do	Jewelers of America, Inc
Thomas F. Railsback, 2000 M Street, NW Washington, DC 20036	Graham & James (For:Milk Specialties Co)
Robert A. Rapoza Associates, Inc, 122 C Street, NW, # 875 Washington, DC 20001	Arkansas Enterprise Group
Do	Corporation for Enterprise Development
Do	CHART/WEDCO Venture
Do	Impact Seven, Inc
Do	Institute for Social and Economic Development
Do	Minot State University
Do	National Congress for Community Economic Development
Do	Women's Self-Employment Project
Do	YouthBuild, USA
Reed Smith Shaw & McClay, 1200 18th Street, NW Washington, DC 20036	Waste Management, Inc
Reichler & Soble, 1747 Pennsylvania Ave., NW, #1200 Washington, DC 20006	National Coalition Government of the Union of Burma
Do	Saharawi Arab Democratic Republic
Do	Supreme Court of Justice of the Republic of Guatemala
Jerry Reinwand, 175 S. Franklin Street, #318 Juneau, AK 99801	Alascom, Inc
Christine W. Reiter, 1330 Connecticut Ave, NW Suite 300 Washington, DC 20036	Synthetic Organic Chemical Manufaturers Assn
Stephen P. Rentner, 1735 New York Avenue, NW Washington, DC 20006	American Institute of Architects
Hermione Rhones, 1735 New York Avenue, NW Washington, DC 20006	American Institute of Architects
Paige Richardson, 2000 K Street, NW, Suite 800 Washington, DC 20006	National Comm to Preserve Social Security & Medicare
Dawn Riley R., 1100 17th Street, NW, #505 Washington, DC 20036	Burley & Dark Leaf Tobacco Assn
Wade H. Robert, 1401 Eye Street, NW, Suite 600 Washington, DC 20005	United Technologies Corp
Roselee N. Roberts, 1735 Jefferson Davis Highway, #1200 Arlington, VA 22202	McDonnell Douglas Corp
William A. Roberts, 444 North Capitol St., #711 Washington, DC 20001	Keefe Company (For:Embry-Riddle Aeronautical University)
Peter D. Robinson, 1201 Connecticut Avenue, NW, #300 Washington, DC 20036	Bailey Morris & Robinson (For:Blue Cross of Western Pennsylvania)
Do	Bailey Morris & Robinson (For:Case Management Society)
Do	Bailey Morris & Robinson (For:National Assn of Broadcasters)
Do	Bailey Morris & Robinson (For:Old Colony Life Insurance)
Robinson Lake Lerer & Montgomery, 1667 K St., NW, #900 Washington, DC 20006	Calcot, Inc
Do	Central Valley Project Water Association
Do	Kimberly Quality Care
Do	Natural Gas Vehicle Coalition
Bob John Robison, 1 Massachusetts Avenue, NW, #800 Washington, DC 20001	Robison International, Inc (For:British Aerospace, Inc)
Robison International, Inc, 1 Massachusetts Ave. NW, #800 Washington, DC 20001	British Aerospace, Inc
Do	Heckler & Koch, Inc
Do	Oshkosh Truck Corp
Do	Solid Waste Composting Council
Do	SOFEC, Inc
James W. Rock, 1455 Pennsylvania Ave, NW, #560 Washington, DC 20004	Coalition for Fair Taxation of Real Estate
Michael A. Rock, 555 13th Stret, NW, Suite 450 West Columbia Square Washington, DC 20004	Union Pacific Corp
Rocking K Development, 2200 East River Road, #115 Tuscon, AZ 85718	
Rogers & Wells, 1737 H Street, NW Washington, DC 20006	Dofasco, Inc
Barbara J. Rohde & Associates, 1701 K Street, NW, #400 Washington, DC 20037	City of Moorehead
Rose Communications, Inc, 901 15th Street, NW, #570 Washington, DC 20005	Ad Hoc Coalition on Fuel Cells for Transportation
Mladen Rudman, 1912 Sunderland Place, NW Washington, DC 20036-1608	Croation American Association
Ryan-McGinn, Inc, 2300 Clarendon Blvd., #610 Arlington, VA 22201	Hercules Engines, INc
RBC Associates, 122 C Street, NW, #850 Washington, DC 20001	Environmental Transportation Assn
Wendy W. Saari, 1718 Connecticut Ave., NW, #700 Washington, DC 20009	Association of American Publishers
Ronald K. Sable, 1735 Jefferson Davis Highway, #1200 Arlington, VA 22202	McDonnell Douglas Corp
Joseph E. Samora Jr., 1901 Pennsylvania Ave., NW 10th Floor Washington, DC 20006	International Mass Retail Assn
Felix R. Sanchez, 1515 Wilson Blvd. Arlington, VA 22209	American Methanol Institute
Savings Coalition of America, 901 15th Street, NW, Suite 700 Washington, DC 20005	
Charles Scalera, 1455 Pennsylvania Ave., NW, #1260 Washington, DC 20004	Sharp Manufacturing Company of America
Hermine Scates, 7042 S. Chappel, #3-E Chicago, IL 60604	
Jennifer A. Schafer, 962 Wayne Avenue, Suite 750 Silver Spring, MD 20910	American Gas Cooling Center
Do	Energy Conservation Coalition
Do	Florida Solar Energy Center
Do	University of Oregon
Walter G. Schiller, 1050 17th Street, NW, #500 Washington, DC 20036	Texaco, Inc
Robert V. Schneider, 1250 24th Street,NW, #300 Washington, DC 20007	Croation American Assn
John G. Schroeder, 1401 Eye Street, NW, Suite 600 Washington, DC 20005	Sikorsky Aircraft/United Technologies
Stephen I. Schwartz, Military Production Network 218 D Street, SE, 2nd Floor Washington, DC 20003	Tides Foundation
Emily Young Shaw, 1317 F Street, NW, Suite 400 Washington, DC 20004	R. Duffy Wall & Associates, Inc
Shaw Bransford & O'Rourke, 815 Connecticut Avenue, NW, #800 Washington, DC 20006	PHH Group
Do	Senior Executives Assn
Shaw Pittman Potts & Trowbridge, 2300 N Street, NW, #5121 Washington, DC 20037	Bank Leumi le-Israel, BM
Do	Embraer Aircraft Corporation
Do	Lockheed Air Terminal,Inc
John E. Shelk, 1600 M Street, NW, 5th Floor Washington, DC 20036	Hartford Fire Insurance
Sher & Blackwell, 1255 23rd Street, NW, #500 Washington, DC 20037	Equipment Interchange Discussion Agreement
Do	Royal Boskalis Westminster NV
Sheridan Group, 1775 T Street, NW Washington, DC 20009	CFIDS Assn, Inc
Sidley & Austin, 1722 Eye Street, NW Washington, DC 20006	Commerical Finance Assn
Do	General Electric Capital Corp
Do	Manufacturers Life Insurance Co
Richard M. Siebert, 10 Whitestone Lane Rochester, NY 14618-4118	Association of Fire Districts of the State of New York, Inc
Jill Sigal, Jill Sigal Associates 1225 Eye Street, WN, #500 Washington, DC 20005	
Eric Sildon, 600 Maryland Avenue, SW, #700 Washington, DC 20024	National Federation of Independent Business
Steve Silver, 2300 Clarendon Blvd, #1010 Arlington, VA 22201	City of Silverton
Do	Goldbelt

Organization or Individual Filing	Employer/Client
James T. Sims, 2300 N Street, NW, #725 Washington, DC 20037	Murphy & Demory, Ltd (For:Advanced Network Systems)
Christopher A. Singer, 1455 Pennsylvania Avenue, NW Washington, DC 20004	Pfizer, Inc
Skadden Arps Slate Meagher & Flom, 1440 New York Avenue, NW Washington, DC 20005	PSI Energy, Inc
Michael P. Skredynski, 1180 Cedarwood Drive Moraga, CA 94556	U.S. Strategies Corp (For:Commonwealth of the Northern Marianna Islands)
Jonathan Slade, 2000 L St., NW #200 Washington, DC 20036	MMW Strategic Communications (For:Puerto Ricans for Civic Action)
Do	MMW Strategic Communications (For:Ross University)
Do	MMW Strategic Communications (For:Universidad Central del Este)
Smith Dawson & Andrews, Inc, 1000 Connecticut Ave., NW, #302 Washington, DC 20036	Port of San Francisco
Thomas M. Sneeringer, 1025 Thomas Jefferson Street, NW, #700 E Washington, DC 20007	Dovenmuehle Mortgage, Inc
Do	Katen Muchin Zavis (For:Illinois Housing Development Authority)
Do	Katten Muchin Zavis (For:Intercargo Insurance Co)
Do	Jewelers of America
Society of Glass & Ceramic Decorators, 888 17th Street, NW, #600 Washington, DC 20006	
Denise Sofranko, 1023 15th Street,NW, #300 Washington, DC 20005	American Veterinary Medical Assn
J. Michael Solar, 1331 Lamar, Suite 1550 Houston, TX 77010	Solar & Ellis (For:Republic of Mexico)
Sandra Spence, 808 17th Street, NW, #200 Washington, DC 20006-3953	Society of Glass & Ceramic Decorators (SGCD)
Richard Spotts, 1244 19th Street, NW Washington, DC 20036	Defenders of Wildlife
David E. Springer, 1301 K Street, NW, #900 East Tower Washington, DC 20005	Gardner Carton & Douglas (For:Equity Strategies Fund, Inc)
Do	Gardner Carton & Douglas (For:Perrigo Company)
Charles A. St. Charles, 808 17th Street, NW, #300 Washington, DC 20006-3910	Stewart & Stewart (For:Novus International, Inc)
Law Offices of Deborah Steelman, 555 13th Street, NW, Suite 1220 East Washington, DC 20004-1109	American Health Care Assn
Do	Lockheed Information Management Systems Company
Rena Steinzor, 1350 New York Ave., NW, #1100 Washington, DC 20005-4798	Spiegel & McDiarmid (For:Guam Power Authority)
Steptoe & Johnson, 1330 Connecticut Ave., NW Washington, DC 20036	Isolyser Company, Inc
Ruth L. Stern, 122 C Street, NW, Suite 380 Washington, DC 20001-2109	National Family Planning and Reproductive Health Assn, Inc
Terence P. Stewart, 808 17th Street, NW, #300 Washington, DC 20006-3910	Novus International, Inc
John F. Sturm, 11600 Sunrise Valley Drive Reston, VA 22091	American Newspaper Publishers Assn
Richard J. Sullivan, 1507 Laburnum Street McLean, VA 22101	Richard J. Sullivan Associates, Inc (For:American Airlines)
Do	Richard J. Sullivan Associates, Inc (For:Greater Washington Board of Washington)
Do	Richard J. Sullivan Associates, Inc (For:Pyrotechnic Signal Manufacturers Assn)
Sullivan & Cromwell, 1701 Pennsylvania Ave., NW, #800 Washington, DC 20006	Housatonic Railroad Company
Richard J. Sullivan Associates, Inc., 1507 Laburnum Street McLean, VA 22101	American Airlines, Inc
Do	Greater Washington Board of Trade
Do	Pyrotechnic Signal Manufacturers Assn
Superfund Action Coalition, 1150 Connecticut Avenue, NW Suite 900 Washington, DC 20036	
Thomas M. Susman, 1001 Pennsylvania Ave., NW, #1200-S Washington, DC 20004	Ropes & Gray (For:Dial Page, L.P.)
Swidler & Berlin, Chtd, 3000 K Street, NW, #300 Washington, DC 20007	Integrated Waste Services Assn
Do	Society of Independent Gasoline Marketers Assn
Edith Szabo, 42 West Union Turnpike Wharton, NJ 07885	Transylvanian World Federation
Tanaka Ritger & Middleton, 655 15th Street, NW, #800 Washington, DC 20005	Brother Industries (USA), Inc
Do	Brother International Corp
Mary Price Taylor, 2000 M Street, NW, Suite 600 Washington, DC 20036	TV 14, Inc
Melinda E. Taylor, 2103 Rio Grande Austin, TX 78705	Henry Kelly Lowerre (For:National Audobon Society)
Thacher Proffitt & Wood, 1500 K Street, NW, #200 Washington, DC 20005	Equitable Life Insurance Society
Kenneth W. Thompson, 1250 24th Street NW, #300 Washington, DC 20037	Itron and AMRplus Partners
Do	West Point Pepperell, Inc
William J. Tobin, 3612 Bent Branch Ct. Falls Church, VA 22041	Access Technology Assn
Greg R. Toomey, 655 15th Street, NW, Suite 350 Washington, DC 20005	Blue Cross and Blue Shield Assn
Robert L. Trachtenberg, 1319 F Street, NW, #1000 Washington, DC 20004	National Assn of Private Psychiatric Hospitals
Traditional Values Coalition, 100 S. Anaheim Boulevard, Suite 350 Anaheim, CA 92805	
Jeffrey B. Trammell, 901 31st Street, NW Washington, DC 20007	Hill & Knowlton for Port Everglades
Jeffery S. Trinca, 1420 New York Ave., NW, #1050 Washington, DC 20005	Van Scoyoc Associates, Inc (For:Anheuser-Busch Companies)
Do	Van Scoyoc Associates, Inc (For:Arkansas Electric Cooperative Corp)
Do	Van Scoyoc Associates, Inc (For:National Assn of Private Enterprise)
Do	Van Scoyoc Associates, Inc (For:National Realty Committee)
Julie Trocchio, 4455 Woodson Road St. Louis, MO 63134	Catholic Health Assn of the United States
Tucker Flyer & Lewis, 1615 L Street, NW, #400 Washington, DC 20036-5601	National Realty Committee
David Turch & Asso, 517 2nd Street, NE Washington, DC 20002	Recovery Engineering
Twenty-First Century Technologies, 1945 Old Gallows Road, #580 Vienna, VA 22182	PRC
TV 14, Inc, Television Station WTLK-TV 200 North Cobb Parkway, Suite 114 Marietta, GA 30062	
Matthew Ubben, 1401 Eye Street, NW, Suite 600 Washington, DC 20005	United Technologies Corp
John R. Ulrich, 1776 Eye Street, NW Suite 575 Washington, DC 20006	Dow Chemical Company
Anthony Valanzano, 1825 I Street, NW, #400 Washington, DC 20006	Valanzano & Assocs. (For:Earthquake Project National Comm on Property Insurance)
Do	National Association of Professional Insurance Agents
Van Ness Feldman & Curtis, P.C., 1050 Thomas Jefferson St., NW, 7th Floor Washington, DC 20007	Doyon, Ltd
Do	Kenai Natives Assn
Do	Naional Nutritional Foods Association
Do	Navajo Nation
Do	Pacific Energy
Do	Price Waterhouse
H. Stewart Van Scoyoc, 1420 New York Ave., NW, #1050 Washington, DC 20005	Van Scoyoc Associates, Inc (For:Arkansas Electric Cooperative Corp)
Do	Van Scoyoc Associates, Inc (For:National Association of Private Enterprise)
Do	Van Scoyoc Associates, Inc (For:National Realty Committee)
Philip M. Vaughn, 1627 K Street, NW, Suite 300 Washington, DC 20006	Flour Corp
Verner Liipfert Bernhard McPherson & Hand, Chtd, 901 15th Street, NW, #700 Washington, DC 20005-2301	Association of American Railroads
Do	Embry-Riddle Aeronautical University
Do	Guardian Industries
Do	Large Public Power Authority
Do	Puget Sound Power & Light Company
Do	Savings Coalition ofAmerica
Vierra Associates, Inc, 1825 I Street, NW #400 Washington, DC 20006	Embry-Riddle Aeronautical University
Susanne Vikoren, 1350 New York Ave., NW Washington, DC 20005	Spiegel & McDiarmid (For:American Communities for Cleanup Equity)
Howard A. Vine, Jefferson Group 1341 G Street, NW, #1100 Washington, DC 20005	Mission Energy Company
Vinson & Elkins, 1455 Pennsylvania Ave., NW, #800 Washington, DC 20004-1007	Browning-Ferris Industries
Do	Caterpillar Financial Services Corp
Do	Destec Energy, Inc
Do	National Rural Letter Carriers Assn
Do	Teco Energy
Do	Waste Management, Inc
Vorys Sater Seymour & Pease, 1828 L Street, NW, #1111 Washington, DC 20036	Sino-Asia Rare Earth, Inc
Do	Student Loan Funding Corp
Robert Waffle, 1735 New York Ave., NW Washington, DC 20006	International Hardwood Products Assn(IHPA)
Timothy C. Wagner, 4301 N. Fairfax Drive, Suite 360 Arlington, VA 22203-1608	National Utility Contractors Assn
Doug Walgren, 8312 Hunting Hill Lane McLean, VA 22102	Nynex
R. Duffy Wall & Associates, Inc, 1317 F Street, NW, #400 Washington, DC 20004	Audobon Institute
Do	Committee on Radioisotopes and Radiopharmaceuticals
Do	Ernst & Young
Do	Kimberly-Clark
Do	National Coal Assn
Do	State of California
Phillip H. Wallin, 6919 SE Yamhill Portland, OR 97215	River Network
John C. Walton, 1401 North Oak Street, #302 Arlington, VA 22209	National Assn of Dredging Contractors
Sandra M. Webb, 1150 18th Street, NW, #200 Washington, DC 20036	Brown & Root Services Corp
Margaret A. Welsh, 1025 Thomas Jefferson Street, NW, Box 1 Washington, DC 20007	Electric Generation Assn
Westland Development Co., Inc, 401 Coors Boulevard, NW Albuquerque, NM 87121	
Robert Whitaker, Fleishman-Hillard, Inc 1301 Connecticut Ave., NW Washington, DC 20036	Warren Gfeller
Suzanne K. Whitehurst, 332 Constitution Ave., NE Washington, DC 20002	Marcus G Faust, PC (For:Clark County Nevade)
Lisa Whittemore, 370 L'Enfant Promenade, SW, Suite 800 Washington, DC 20024	Concerned Women for America
Whitworth & Associates, 801 Pennsylvania Ave., NW, #747 Washington, DC 20004	Bodie Consolidated Mining Company
Do	Natural Gas Vehicle Coalition
Andrew F. Wiessner, 1801 Broadway #1420 Denver, CO 80202	Kogovsek & Associates (For:United Ski Industries, Inc)
Wiley Rein & Fielding, 1776 K Street, NW, 12th Fl. Washington, DC 20006	Allied Marketing Group
Valerie A. Wilk, 2001 S Street, NW, #210 Washington, DC 20009	Farmworker Justice Fund, Inc
Wilkinson Barker Knauer & Quinn, 1735 New York Ave., NW Washington, DC 20006	Aetna Life Insurance

Organization or Individual Filing	Employer/Client
Do	Bank of Boston
Do	Barnett Banks, Inc
Do	First Interstate Bank
Do	Suntrust Banks, Inc
Do	Wachovia Bank and Trust
Do	Wells Fargo & Company
Jack L. Williams, 451 New Jersey Avenue, SE Washington, DC 20003	Aegon USA, Inc
Do	Integon
Williams & Jensen, P.C., 1101 Connecticut Ave., NW, #500 Washington, DC 20036	College Board
Do	Normandy Foundation
Willkie Farr & Gallagher, 1155 21st Street, NW, # 600 Washington, DC 20036	Council of Appraisal & Property Professional Societies
Wilmer Cutler & Pickering, 2445 M Street, NW Washington, DC 20037-1420	International Human Rights Law Group
Do	O'Connor Realty Advisors, Inc
Hilary Wilson, 1101 15th Street, NW, Suite 500 Washington, DC 20005	Asea Brown Boveri, Inc
John P. Winburn, 50 E Street, SE Washington, DC 20003	Winburn Associates, Inc (For:American Paper Institute)
Do	Winburn Associates, Inc (For:Health Net)
Judith A. Winchester, 200 Vesey Street New York, NY 10285-2000	Shearson Lehman Brothers, Inc
Wings on Washington, 7578 B Telegraph Road Alexandria, VA 22310	
Katherine M. Winklejohn, 555 13th Street, NW, Suite 450 West Columbia Square Washington, DC 20004	Union Pacific Corp
Winston & Strawn, 1400 L Street, NW Washington, DC 20005-3502	Bedminster Bioconversion Corp
Do	Bituminous Coal Operators Assn
Do	Waggoner Engineering, Inc
Winthrop Stimson Putnam & Roberts, 1133 Connecticut Ave., NW, 1200 Washington, DC 20036	Refractories Ceramic Fibers Coalition
Do	St. Thomas & St. John Chamber of Commerce
Shirley McVay Wiseman, 337 11th Street, SE Washington, DC 20003	
Cynthia D. Witkin, 1101 17th Street, NW, #600 Washington, DC 20036	American Airlines
S.R. Wojdak and Associates, Inc, The Bellevue - Suite 850 200 S. Broad Street Philadelphia, PA 19102	County of Los Angeles
Dennis L. Wojtanowski, 10 West Broad Street, #1360 Columbus, OH 43215	American Electric Power Service Corp
Henry C. Wolf, 3 Commercial Place Norfolk, VA 23510	Norfold Southern Corp
World Federalist Association, 418 7th Street, SE Washington, DC 20003	
Ann B. Wrobleski, 1341 G Street, NW, #1100 Washington, DC 20005	Mission Energy Company
Wunder Diefenderfer Ryan Cannon & Thelen, 1615 L St., NW, #650 Washington, DC 20036	American President Companies
Do	Avis Rent A Car System, Inc
Do	Browning-Ferris Industries
Do	Marriott Corp
Sandi Wurtz, 12300 Twinbrook Parkway, Suite 320 Rockville, MD 20852	National Council of Community Mental Health Centers
Penny L. Young, 7101 Wisconsin Avenue Bethesda, MD 20814	National Burglar and Fire Alarm Assn
Thane Young, 1730 Rhode Island Ave., NW, #400 Washington, DC 20036	Scaramento Agencies/Dept. of Public Works, Water Division
Michael J. Zabko, 125 North West Street Alexandria, VA 22314-2754	Fleet Reserve Assn
Steven Zeisel, 1000 Wilson Boulevard, Suite 3012 Arlington, VA 22209	Consumers Bankers Assn
Steven L. Zeller, Box 3005 Columbus, IN 47202-3005	Cummins Engine Company, Inc
Ziontz Chestnut Varnell Berley & Slonim, 2101 Fourth Avenue, #1230 Seattle, WA 98121	Northern Arapho Indian Tribe
Nancy B. Zucker, 701 Pennsylvania Ave., NW, #710 Washington, DC 20004	National Retail Federation

QUARTERLY REPORTS*

*All alphanumeric characters and monetary amounts refer to receipts and expenditures on page 2, paragraphs D and E of the Quarterly Report Form.

The following quarterly reports were submitted for the first calendar quarter 1992:

(NOTE.—The form used for reporting is reproduced below. In the interest of economy in the RECORD, questions are not repeated, only the essential answers are printed, and are indicated by their respective headings. This page (Page 1) is designed to supply identifying data, and Page 2 deals with financial data.)

PLEASE RETURN 1 ORIGINAL TO: THE CLERK OF THE HOUSE OF REPRESENTATIVES, OFFICE OF RECORDS AND REGISTRATION, 1036 LONGWORTH HOUSE OFFICE BUILDING, WASHINGTON, D.C. 20515

PLEASE RETURN 1 ORIGINAL TO: THE SECRETARY OF THE SENATE, OFFICE OF PUBLIC RECORDS, 232 HART SENATE OFFICE BUILDING, WASHINGTON, D.C. 20510

PLACE AN "X" BELOW THE APPROPRIATE LETTER OR FIGURE IN THE BOX AT THE RIGHT OF THE "REPORT" HEADING BELOW:

"PRELIMINARY" REPORT ("Registration"): To "register," place an "X" below the letter "P" and fill out page 1 only.

"QUARTERLY" REPORT: To indicate which one of the four calendar quarters is covered by this Report, place an "X" below the appropriate figure. Fill out both page 1 and page 2 and as many additional pages as may be required. The first additional page should be numbered as page "3," and the rest of such pages should be "4," "5," "6," etc. Preparation and filing in accordance with instructions will accomplish compliance with all quarterly reporting requirements of the Act.

Year: 19 . . . . . ◆

REPORT

PURSUANT TO FEDERAL REGULATION OF LOBBYING ACT

P	QUARTER			
	1st	2d	3d	4th
(Mark one square only)				

Is this an Amendment?
☐ YES ☐ NO

IDENTIFICATION NUMBER

NOTE on ITEM "A".—(a) IN GENERAL. This "Report" form may be used by either an organization or an individual, as follows:

(i) "*Employee*".—To file as an "employee", state (in Item "B") the name, address, and nature of business of the "employer". (If the "employee" is a firm [such as a law firm or public relations firm], partners and salaried staff members of such firm may join in filing a Report as an "employee".)

(ii) "*Employer*".—To file as an "employer", write "None" in answer to Item "B".

(*b*) SEPARATE REPORTS. An agent or employee should not attempt to combine his Report with the employer's Report:

(i) Employers subject to the Act must file separate Reports and are not relieved of this requirement merely because Reports are filed by their agents or employees.

(ii) Employees subject to the Act must file separate Reports and are not relieved of this requirement merely because Reports are filed by their employers.

A. ORGANIZATION OR INDIVIDUAL FILING:

1. State name, address, and nature of business.

☐ CHECK IF ADDRESS IS DIFFERENT THAN PREVIOUSLY REPORTED

2. If this Report is for an Employer, list names of agents or employees who will file Reports for this Quarter.

NOTE on ITEM "B".—*Reports by Agents or Employees.* An employee is to file, each quarter, as many Reports as he has employers, except that: (*a*) If a particular undertaking is jointly financed by a group of employers, the group is to be considered as one employer, but all members of the group are to be named, and the contribution of each member is to be specified; (*b*) if the work is done in the interest of one person but payment therefor is made by another, a single Report—naming both persons as "employers"—is to be filed each quarter.

B. EMPLOYER

—State name, address, and nature of business. If there is no employer, write "None."

NOTE on ITEM "C".—(*a*) The expression "in connection with legislative interests," as used in this Report, means "in connection with attempting, directly or indirectly, to influence the passage or defeat of legislation." "The term 'legislation' means bills, resolutions, amendments, nominations, and other matters pending or proposed in either House of Congress, and includes any other matter which may be the subject of action by either House"—§ 302(e).

(*b*) Before undertaking any activities in connection with legislative interests, organizations and individuals subject to the Lobbying Act are required to file a "Preliminary" Report (Registration).

(*c*) After beginning such activities, they must file a "Quarterly" Report at the end of each calendar quarter in which they have either received or expended anything of value in connection with legislative interests.

C. LEGISLATIVE INTERESTS, AND PUBLICATIONS in connection therewith:

1. State approximately how long legislative interests are to continue. If receipts and expenditures in connection with legislative interests have ☐ terminated, place an "X" in the box at the left, so that this Office will no longer expect to receive Reports.

2. State the general legislative interests of the person filing and set forth the specific legislative interests by reciting: (*a*) Short titles of statutes and bills; (*b*) House and Senate numbers of bills, where known; (*c*) citations of statutes, where known; (*d*) whether for or against such statutes and bills.

3. In the case of those publications which the person filing has caused to be issued or distributed in connection with legislative interests, set forth: (*a*) description, (*b*) quantity distributed, (*c*) date of distribution, (*d*) name of printer or publisher (if publications were paid for by person filing) or name of donor (if publications were received as a gift).

(Answer items 1, 2, and 3 in the space below. Attach additional pages if more space is needed.)

4. If this is a "Preliminary" Report (Registration) rather than a "Quarterly" Report, state below what the nature and amount of anticipated expenses will be; and, if for an agent or employee, state also what the daily, monthly, or annual rate of compensation is to be. *If this is a "Quarterly" Report, disregard this item "C4" and fill out items "D" and "E" on the back of this page.* Do not attempt to combine a "Preliminary" Report (Registration) with a "Quarterly Report."◆

STATEMENT OF VERIFICATION

[Omitted in printing]

NOTE on ITEM "D."—*(a)* IN GENERAL. The term "contribution" includes *anything of value.* When an organization or individual uses printed or duplicated matter in a campaign attempting to influence legislation, money received by such organization or individual—for such printed or duplicated matter—is a "contribution." "The term 'contribution' includes a gift, subscription, loan, advance, or deposit of money, or anything of value, and includes a contract, promise, or agreement, whether or not legally enforceable, to make a contribution"—§ 302(a) of the Lobbying Act.

(b) IF THIS REPORT IS FOR AN EMPLOYER.—(i) *In general.* Item "D" is designed for the reporting of all receipts from which expenditures are made, or will be made, in connection with legislative interests.

(ii) *Receipts of Business Firms and Individuals.*—A business firm (or individual) which is subject to the Lobbying Act by reason of expenditures which it makes in attempting to influence legislation—but which has no funds to expend except those which are available in the ordinary course of operating a business not connected in any way with the influencing of legislation—will have no receipts to report, even though it does have expenditures to report.

(iii) *Receipts of Multi-purpose Organizations.*—Some organizations do not receive any funds which are to be expended solely for the purpose of attempting to influence legislation. Such organizations make such expenditures out of a general fund raised by dues, assessments, or other contributions. The percentage of the general fund which is used for such expenditures indicates the percentage of dues, assessments, or other contributions which may be considered to have been paid for that purpose. Therefore, in reporting receipts, such organizations may specify what that percentage is, and report their dues, assessments, and other contributions on that basis. However, each contributor of $500 or more is to be listed, regardless of whether the contribution was made solely for legislative purposes.

(c) IF THIS REPORT IS FOR AN AGENT OR EMPLOYEE.—(i) *In general.* In the case of many employees, all receipts will come under Items "D 5" (received for services) and "D 12" (expense money and reimbursements). In the absence of a clear statement to the contrary, it will be presumed that your employer is to reimburse you for all expenditures which you make in connection with legislative interests.

(ii) *Employer as Contributor of $500 or More.*—When your contribution from your employer (in the form of salary, fee, etc.) amounts to $500 or more, it is not necessary to report such contribution under "D 13" and "D 14," since the amount has already been reported under "D 5," and the name of the "employer" has been given under Item "B" on page 1 of this report.

D. RECEIPTS (INCLUDING CONTRIBUTIONS AND LOANS):

Fill in every blank. If the answer to any numbered item is "None," write "NONE" in the space following the number.

Receipts (other than loans)

1. $..............Dues and assessments
2. $..............Gifts of money or anything of value
3. $..............Printed or duplicated matter received as a gift
4. $..............Receipts from sale of printed or duplicated matter
5. $..............Received for services (e.g., salary, fee, etc.)
6. $..............TOTAL for this Quarter (Add "1" through "5")
7. $..............Received during previous Quarters of calendar year
8. $..............TOTAL from Jan. 1 through this Quarter (Add "6" and "7")

Loans Received—"The term 'contribution' includes a . . . *loan* . . ."—§ 302(a).

9. $..............TOTAL now owed to others on account of loans
10. $..............Borrowed from others during this Quarter
11. $..............Repaid to others during this Quarter

12. $..............''Expense Money'' and Reimbursements received this Quarter.

Contributors of $500 or More (from Jan. 1 through this Quarter)

13. Have there been such contributors?
    Please answer "yes" or "no": ....

14. In the case of each contributor whose contributions (including loans) during the "period" from January 1 through the last day of this Quarter, total $500 or more:

Attach hereto plain sheets of paper, approximately the size of this page, tabulate data under the headings "Amount" and "Name and Address of Contributor"; and indicate whether the last day of the period is March 31, June 30, September 30, or December 31. Prepare such tabulation in accordance with the following example:

Amount	*Name and Address of Contributor* *("Period"* from Jan. 1 through............................, 19.......)
$1,500.00	John Doe, 1621 Blank Bldg., New York, N.Y.
$1,785.00	The Roe Corporation, 2511 Doe Bldg., Chicago, Ill.
$3,285.00	TOTAL

NOTE on ITEM "E".—*(a)* IN GENERAL. "The term 'expenditure' includes a payment, distribution, loan, advance, deposit, or gift of money or anything of value, and includes a contract, promise, or agreement, whether or not legally enforceable, to make an expenditure"—§ 302 (b) of the Lobbying Act.

(b) IF THIS REPORT IS FOR AN AGENT OR EMPLOYEE. In the case of many employees, all expenditures will come under telephone and telegraph (Item "E 6") and travel, food, lodging, and entertainment (Item "E 7").

E. EXPENDITURES (INCLUDING LOANS) IN CONNECTION WITH LEGISLATIVE INTERESTS:

Fill in every blank. If the answer to any numbered item is "None," write "NONE" in the spaces following the number.

Expenditures (other than loans)

1. $..............Public relations and advertising services
2. $..............Wages, salaries, fees, commissions (other than Item "1")
3. $..............Gifts or contributions made during Quarter
4. $..............Printed or duplicated matter, including distribution cost
5. $..............Office overhead (rent, supplies, utilities, etc.)
6. $..............Telephone and telegraph
7. $..............Travel, food, lodging, and entertainment
8. $..............All other expenditures
9. $..............TOTAL for this Quarter (Add "1" through "8")
10. $..............Expended during previous Quarters of calendar year
11. $..............TOTAL from Jan. 1 through this Quarter (Add "9" and "10")

Loans Made to Others—"The term 'expenditure' includes a . . . *loan* . . ."—§ 302(b).

12. $..............TOTAL now owed to person filing
13. $..............Lent to others during this Quarter
14. $..............Repayments received during this Quarter

15. *Recipients of Expenditures of $10 or More*_____________

If there were no single expenditures of $10 or more, please so indicate by using the word "NONE".

In the case of expenditures made during this Quarter by, or on behalf of, the person filing: Attach plain sheets of paper approximately the size of this page and tabulate data as to expenditures under the following heading: "Amount," "Date or Dates," "Name and Address of Recipient," "Purpose." Prepare such tabulation in accordance with the following example:

Amount	*Date or Dates—Name and Address of Recipient—Purpose*
$1,750.00	7–11: Roe Printing Co., 3214 Blank Ave., St. Louis, Mo.—Printing and mailing circulars on the "Marshbanks Bill."
$2,400.00	7–15, 8–15, 9–15: Britten & Blaten, 3127 Gremlin Bldg., Washington, D.C.—Public relations service at $800.00 per month.
$4,150.00	TOTAL

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Ann Hadley vom Eigen, 1828 L Street, NW, #705 Washington, DC 20036	American Land Title Assn	3,375.00	
Do	Mortgage Bankers Assn of America		
Robert J. Aagre, 1615 H Street, NW Washington, DC 20062	U.S. Chamber of Commerce	40.00	10.00
Abbitt & Bennett, 12121 Wilshire Blvd., #1100 Los Angeles, CA 90025	Fujisawa U.S.A.		
Ande M. Abbott, 2722 Merrilee Drive, #360 Fairfax, VA 22031	International Brotherhood of Boilermakers...	340.55	
Paul C. Abenante, 1111 14th St., NW, #300 Washington, DC 20005	American Bakers Assn		
Jean R. AbiNader, 1825 K Street, NW, #1107 Washington, DC 20006	National U.S.-Arab Chamber of Commerce		
Adele L. Abrams, 1415 Elliot Place, NW Washington, DC 20007	National Stone Assn	4,000.00	500.00
Matthew J. Abrams, 1220 19th Street, NW, #202 Washington, DC 20036	CANAMCO (For:Aerospace Industries Assn of Canada)	500.00	
Do	CANAMCO (For:Canadian Shipowners Assn)	525.00	
Christopher Barclay Abukari, 1627 Lamont St., NW, #51 Washington, DC 20010	Rainbow Lobby, Inc	4,170.12	
Adrian Acevedo, P.O. Box 2880 Dallas, TX 75221-2880	Oryx Energy Company		
Elaine Acevedo, 216 7th Street, SE Washington, DC 20003	Florist's Transworld Delivery Assn	2,000.00	
Rodney J. Ackerman, 1450 Poydras Street New Orleans, LA 70112-6000	CNG Producing Company	500.00	104.01
Nels Ackerson, 9915 S. Glen Road Potomac, MD 20854	Ackerson & Feldman (For:Government of Quebec, Ministry of International Affairs).		
Ackerson & Feldman, 901 Fifteenth Street, NW, #1250 Washington, DC 20005-2301	Government of Quebec, Ministry of International Affairs		
Charles A. Acquard, 2301 M Street, NW, Washington, DC 20037	American Public Power Assn	2,000.00	
John J. Adams, 2000 Pennsylvania Ave., NW, #9000 Washington, DC 20006	Ethyl Corporation		
Do	Hunton & Williams (For:Vepco)		
John M. Adams, 909 N. Washington Street, #300 Alexandria, VA 22314	Retired Enlisted Assn	1,680.00	1,490.00
Kenneth R. Adams, 2211 Congress Street Portland, ME 04122	UNUM Life Insurance Co		125.00
Wayne W. Adams, 501 Park Avenue Belleair, FL 34616			
Robert O. Aders, 1750 K Street, NW Washington, DC 20006	Food Marketing Institute	200.00	
Elmer E. Adkins, 89 East Avenue Rochester, NY 14649-0001	Rochester Gas & Electric Corp		
Allan Robert Adler, 1333 New Hampshire Ave., NW, #600 Washington, DC 20036	Cohn & Marks (For:Association of American Publishers, Inc)	1,000.00	
Do	Cohn and Marks (For:Direct Marketing Assn)		
Do	Cohn and Marks (For:Maclean Hunter Cable TV)		
Do	Cohn & Marks (For:USA Network)		
Terrance M. Adlhock, 1001 Pennsylvania Ave, NW, #450-N Washington, DC 20004	Southern California Edison Co	5,940.00	5,400.00
Advertising Mail Marketing Assn, 1333 F Street, NW, #710 Washington, DC 20004-1108		8,820.00	8,820.00
Advocates for Highway & Auto Safety, 777 N. Capitol Street, NE, #410 Washington, DC 20002			18,152.94
Aerospace Industries Assn of America, Inc, 1250 Eye Street, NW, #1100 Washington, DC 20005		8,760.60	8,760.60
Creigh H. Agnew, 2001 L St., NW, #304 Washington, DC 20036	Weyerhaeuser Company		
Catherine W. Ahmad, 516 First Street, SE Washington, DC 20003	Gryphon International	6,900.00	
David J. Aho, 1667 K Street, NW, #710 Washington, DC 20006	Baxter	2,000.00	280.00
Robert S. Aiken, 1735 I Street, NW, #916 Washington, DC 20006	Pinnacle West Capital Corp	15,000.00	2,481.50
Herbert Allen Ailsworth, 1615 L Street, NW, #420 Washington, DC 20036	Sandoz Corp		95.00
Air Conditioning & Refrigeration Institute, 1501 Wilson Boulevard, #600 Arlington, VA 22209			
Air Conditioning Contractors of America, 1513 16th Street, NW Washington, DC 20036		1,250.00	1,250.00
Air Products & Chemicals, Inc, 805 15th Street, NW, #330 Washington, DC 20005		13,500.00	
Air Traffic Control Assn, Inc, 2300 Clarendon Boulevard, #711 Arlington, VA 22201		2,653.10	2,653.10
Aircraft Owners & Pilots Assn, 421 Aviation Way Frederick, MD 21701		85,474.00	106,265.00
Randolf H. Aires, 633 Pennsylvania Avenue, NW, #600 Washington, DC 20004	Sears Roebuck & Co	3,800.00	42.00
Airport Operators Council International, 1220 19th Street, NW, #200 Washington, DC 20036			20,639.54
Michael A. Aisenberg, 1331 Pennsylvania Ave., NW, #600-2 Washington, DC 20004	Digital Equipment Corp	23,500.00	
Akin Gump Strauss Hauer & Feld, 1333 New Hampshire Ave., NW, #400 Washington, DC 20036	A.E. Staley Manufacturing	677.00	
Do	Amerada Hess Corp		
Do	American Airlines, Inc	16,000.00	304.00
Do	American Share Insurance Corporation		
Do	American Telephone & Telegraph Co	340.00	95.00
Do	Bank of Nova Scotia	400.00	
Do	Bolt Beranek & Newman, Inc		
Do	Burger King Corp		
Do	Cambridge Information Group	118.00	
Do	Clark/Bardes Organization, Inc	220.00	
Do	Colombian Government Trade Bureau (PROEXPO)	3,135.00	19.00
Do	Consumers Power Company	2,120.00	38.00
Do	Cotton Bowl Athletic Assn	12,000.00	220.00
Do	Dow Jones & Co	7,038.00	133.00
Do	First City Bankcorporation of Texas, Inc		
Do	Fujitsu America, Inc		
Do	General Instrument Corporation		
Do	W. R. Grace & Co		
Do	Guardian Industries		
Do	Peter Kiewit Son's, Inc	2,010.00	38.00
Do	Levi Strauss & Co	530.00	
Do	Long Island Lighting Co		
Do	MacAndrews & Forbes Holdings, Inc	6,213.00	114.00
Do	Mazda (North America), Inc	280.00	
Do	Mazda Motor Corporation	3,735.00	57.00
Do	Medical Protective Company	100.00	
Do	Mesa Petroleum Co	100.00	
Do	Metropolitan Transit Authority of Harris County	9,040.00	171.00
Do	Miller Brewing Company	10,560.00	190.00
Do	Morgan Stanley & Co, Inc	7,367.00	133.00
Do	Motion Picture Assn of America, Inc	21,022.00	399.00
Do	MCA, Inc		
Do	National Football League	1,350.00	19.00
Do	National Health Laboratories		
Do	Natural Gas Vehicle Coalition	13,285.00	247.00
Do	Nestle Holdings, Inc	6,360.00	114.00
Do	New York Public Library	285.00	
Do	Ongard Systems, Inc	1,950.00	19.00
Do	Pharmaceutical Manufacturers Assn	960.00	19.00
Do	Riggs National Corp	1,130.00	19.00
Do	Ryder System, Inc	2,850.00	38.00
Do	RJR Nabisco, Inc	2,680.00	38.00
Do	Southern California Edison Co	5,585.00	95.00
Do	Texas National Research Laboratory Commission		
Do	Time-Warner	1,220.00	19.00
Do	Upjohn Company	10,750.00	190.00
Do	Warner-Lambert Co	780.00	
Julia L. Akins, 8701 Georgia Ave., #701 Silver Spring, MD 20910	International Fed of Professional & Technical Engineers		
William E. Albers, 11 Dupont Circle, NW, #300 . Washington, DC 20036-1207	Albers & Company (For:May Department Stores Co)		
David Alberswerth, 1400 16th St., NW Washington, DC 20036-0001	National Wildlife Federation	2,965.16	
James J. Albertine, 1250 24th Street, NW, #600 Washington, DC 20037	Albertine Enterprises, Inc (For:Ambrosetti America)		
Do	Albertine Enterprises, Inc (For:American Business Conference, Inc)		
Do	AST Research, Inc	900.00	180.00
Do	Beckman Instruments, Inc	300.00	111.00
Do	Albertine Enterprises (For:Castle-Harlan Delaware Management, Inc)		
Do	Albertine Enterprises, Inc (For:Exide Electronics)	5,400.00	900.00
Do	Albertine Enterprises (For:Fruit of the Loom, Inc)	7,124.75	1,560.00
Do	Albertine Enterprises, Inc (For:Great Lakes Transmission Company)	2,400.00	285.00
Do	Itron and Amrplus Partners	1,500.00	480.00
Do	Albertine Enterprises, Inc (For:Materials Research Corp of Sony USA, Inc)		
Do	Albertine Enterprises, Inc (For:Millipore Corp)	1,200.00	225.00
Do	Albertine Enterprises, Inc (For:Rogerson Aircraft Corp)	2,718.60	450.00
Do	Albertine Enterprises, Inc. (For:Safety Kleen Corp)		
Do	Albertine Enterprises, Inc (For:SMS Corp)	4,500.00	480.00
Do	Albertine Enterprises, Inc (For:West Point Pepperell, Inc)	9,000.00	1,830.00
Do	Albertine Enterprises (For:Western Digital, Inc)		
John M. Albertine, 1250 24th Street, NW, #600 Washington, DC 20037	Albertine Enterprises, Inc (For:Ambrosetti America)		
Do	Albertine Enterprises, Inc (For:American Business Conference, Inc)		

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Do	Albertine Enterprises (For:American Precision Industries)		
Do	AST Research, Inc	2,100.00	420.00
Do	Beckman Instruments, Inc	700.00	259.00
Do	Albertine Enterprises, Inc (For:Castle Harlan & Delaware Management Corp)		
Do	Albertine Enterprises, Inc (For:Exide Electronics)	12,600.00	2,100.00
Do	Albertine Enterprises, Inc (For:Fruit of the Loom, Inc)	16,624.80	3,640.00
Do	Albertine Enterprises, Inc (For:Great Lakes Transmission Company)	5,600.07	665.00
Do	Itron and Amrplus Partners	3,500.00	1,120.00
Do	Albertine Enterprises, Inc (For:Materials Research Corp of Sony USA, Inc)		
Do	Albertine Enterprises, Inc (For:Millipore Corp)	2,800 00	525.00
Do	Albertine Enterprises, Inc (For:Rogerson Aircraft Corp)	6,343.40	1,050.00
Do	Albertine Enterprises, Inc (For:Safety-Kleen Corp)		
Do	Albertine Enterprises, Inc (For:SMS Corp)	10,500.00	1,120.00
Do	Albertine Enterprises, Inc (For:West Point Pepperell, Inc)	21,000.00	4,270.00
Do	Albertine Enterprises, Inc (For:Western Digital Corp)		
Albertine Enterprises, Inc, 1250 24th Street, NW, #600 Washington, DC 20037	Ambrosetti America		
Do	American Business Conference, Inc		
Do	American Precision Industries		
Do	AST Research, Inc	3,000.00	600.00
Do	Beckman Instruments, Inc	1,000.00	370.00
Do	Castle Harlan, Inc		
Do	Exide Electronics	18,000.00	3,000.00
Do	Fruit of the Loom, Inc	23,749.71	5,200.00
Do	Great Lakes Transmission Co	8,000.01	950.00
Do	ITRON and AMR	5,000.00	1,600.00
Do	Materials Research Corp of Sony USA, Inc		
Do	Millipore Corp	4,000.00	750.00
Do	Rogerson Aircraft Corp	9,062.00	1,500.00
Do	Safety-Kleen Corp		
Do	SMS Corp	15,000.00	1,600.00
Do	West Point Pepperell, Inc	30,000.00	6,100.00
Do	Western Digital Corp		
Virginia S. Albrecht, 1350 I Street, NW Washington, DC 20005	Beveridge & Diamond, P.C. (For:Foundation for Environmental & Economic Progress, Inc).	1,110.00	
Alcalde Rousselot & Fay, 2111 Wilson Blvd., #850 Arlington, VA 22201	Alliance for Responsible CFC Policy	15,000.00	
Do	American Counsel of State Savings Supervisors	6,249.99	
Do	Bank of America, NT&SA	18,000.00	
Do	Cargill Fertilizer, Inc	2,500.00	
Do	City of Las Vegas	12,000.00	
Do	City of Virginia Beach	15,000.00	
Do	Concrete Technology Corp	3,000.00	
Do	Consolidated Freightways	12,750.00	
Do	Council on Audio Communications (COAC)	9,000.00	
Do	Credit Union National Assn	5,000.00	
Do	Jack Eckerd Corp	3,000.00	
Do	Elcon Enterprises		
Do	EMSA Limited Partnership	22,500.00	
Do	Hillsborough County	7,500.00	
Do	Home Shopping Network	27,000.00	
Do	International Council of Cruise Lines	31,500.00	
Do	Jim Walter Corp	7,500.00	
Do	Marin County	6,750.00	
Do	Metropolitan Dade County - Seaport Department	6,750.00	
Do	National Refrigerants, Inc	7,500.00	
Do	Port of Jacksonville	6,600.00	
Do	Port of Sacramento		
Do	Regular Common Carrier Conference	7,500.00	
Do	Sonoma County		
Do	Tampa Electric Co	6,000.00	
Do	Tampa Port Authority	6,000.00	
Do	Towers Financial Corp	7,500.00	
Do	Walter Industries	5,312.50	
Do	Washington Workshops	4,500.00	
Do	Westside Water District		
Arthur J. Alexander, 1000 Connecticut Ave., NW Washington, DC 20036	Japan Economic Institute of America	500.00	
Claude D. Alexander, 1350 I Street, NW, #840 Washington, DC 20005	Ralston Purina Company	15,000.00	864.41
Donald C. Alexander, 1333 New Hampshire Ave., NW, #700 Washington, DC 20036	Cadwalader Wickersham & Taft (For:Air Products & Chemicals, Inc)		
Do	Cadwalader Wickersham & Taft (For:Air Transport Assn of America)	29.33	
Do	Cadwalader Wickersham & Taft (For:American Financial Corp)	29.33	
Do	Cadwalader Wickersham & Taft (For:Bechtel Group, Inc)		
Do	Cadwalader Wickersham & Taft (For:Bechtel Investments, Inc)		
Do	Cadwalader Wickersham & Taft (For:Chiquita Brands International, Inc)		
Do	Calwalader Wickersham & Taft (For:Coalition for Pension Reform (CPR))		
Do	Cadwalader Wickersham & Taft (For:Disabled American Veterans)		
Do	Cadwalader Wickersham & Taft (For:Ladies Professional Golf Assn)	87.98	
Do	Cadwalader Wickersham & Taft (For:Management Compensation Group)		
Do	Cadwalader Wickersham & Taft (For:Mortgage Guaranty Insurance Corp)		
Do	Cadwalader Wickersham & Taft (For:Nationwide Mutual Insurance Co)	322.58	
Donna K. Alexander, 1875 Connecticut Ave. NW, 12th Floor Washington, DC 20009	LeBoeuf Lamb Leiby & MacRae (For:Federal Employees Tax Group)		
Do	LeBoeuf Lamb Leiby & MacRae (For:Feibel-Garek)		
Do	LeBoeuf Lamb Leiby & MacRae (For:Groom & Nordberg (for: Chevron))		
Do	LeBoeuf Lamb Leiby & MacRae (For:Mirage Resorts, Inc)		
Do	LeBoeuf Lamb Leiby & MacRae (For:National Assn of Chem Recyclers (NACR))		
Do	LeBoeuf Lamb Leiby & MacRae (For:Physicians Insurers Assn of America)		
Mary K. Alexander, 1819 L Street, NW, #200 Washington, DC 20036-3822	Matsushita Electric Corp of America	300.00	67.95
Alexander & Associates, Inc, 400 C Street, NE Washington, DC 20002	Investment Company Institute		
Do	Merrill Lynch & Co, Inc		
Do	Washington Hospital Center		
Barbara Allen, 2000 K Street, NW, #800 Washington, DC 20006	National Comm to Preserve Social Security & Medicare	10,192.00	305.20
Marjorie D. Allen, 1625 L Street, NW Washington, DC 20036	American Fed of State County & Municipal Employees	10,826.28	1,094.48
Pamela J. Allen, 122 C Street, NW, #280 Washington, DC 20001	National Assn of Mutual Insurance Companies	212.00	
William E. Allen, 211 East Chicago Ave. Chicago, IL 60611	American Dental Assn	925.00	48.00
Allen Company, Richard V., 905 16th Street, NW Washington, DC 20006	Centennial Companies		
Alliance for Acid Rain Control, 444 N. Capitol Street, #526 Washington, DC 20001		67,500.00	2,238.00
Alliance of American Insurers, 1629 K Street, NW, #1010 Washington, DC 20006			70,762.03
Alliance of Nonprofit Mailers, 2001 S Street, NW, #301 Washington, DC 20009		5,851.23	6,292.69
Robert F. Allnut, 1100 15th St., NW, #900 Washington, DC 20005	Pharmaceutical Manufacturers Assn	1,000.00	
Victoria Almquist, 1616 P Street, NW, #320 Washington, DC 20036	Professionals' Coalition for Nuclear Arms Control	2,812.11	21,838.61
Alpha Lyracom d/b/a Pan American Satellite, One Pickwick Plaza Greenwich, CT 06830			
Michael J. Altier, 701 Pennsylvania Avenue, NW Washington, DC 20004	National Retail Federation	6,000.00	255.54
Law Offices of Robert Altman, 815 Connecticut Avenue, NW Washington, DC 20006	Nonprescription Drug Manufacturers Assn	9,000.00	3,000.00
William M. Altman, 1200 17th Street, NW Washington, DC 20036	American Psychological Assn		
Amalgamated Transit Union, AFL-CIO, 5025 Wisconsin Avenue, NW Washington, DC 20016			5,000.00
John O. Ambler, 1050 17th Street, NW, #500 Washington, DC 20036	Texaco, Inc	219.67	
Jerome A. Ambro Associates, 4734 Timber Ridge Dr. Mountclair, VA 22026	Associated Universities	10,750.00	11,772.13
American Academy of Family Physicians, 8880 Ward Parkway Kansas City, MO 64114			27,170.98
American Agriculture Movement, Inc, 100 Maryland Ave, NE, #500 Box 69 Washington, DC 20002		3,000.00	3,000.00
American Amusement Machine Assn, 12731 Directors Loop Woodbridge, VA 22192		23,513.00	23,513.00
American Assn for Counseling & Development, 901 East Capitol Street, SE Second Floor Wahington, DC 20003			50,960.00
American Assn for Respiratory Care, 11030 Ables Lane Dallas, TX 75229		23,150.00	23,145.13
American Assn of Airport Executives, 4212 King Street Alexandria, VA 22302		6,154.00	54,812.00
American Assn of Bank Directors, 1225 19th Street, NW, #710 Washington, DC 20036			
American Assn of Blood Banks, 1117 North 19th St., #600 Arlington, VA 22209		5,000.00	5,000.00
American Assn of Boomers (AAB), 2621 W. Airport Frwy, #101 Irving, TX 75062			

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
American Assn of Meat Processors, P.O. Box 269 Elizabethtown, PA 17022		332.66	50.00
American Assn of Museums, 1225 Eye Street, NW, #200 Washington, DC 20005		5,700.00	9,409.42
American Assn of University Women, 1111 16th Street, NW Washington, DC 20036			74.06
American Automobile Assn, 500 E Street, SW, #950 Washington, DC 20024			
American Bankers Assn, 1120 Connecticut Avenue, NW Washington, DC 20036		324,582.66	154,582.66
American Cement Alliance, Inc, 1212 New York Avenue, NW, #520 Washington, DC 20005			41,250.58
American Cemetery Assn, 5201 Leesburg Pike, #1111 Falls Church, VA 22041			
American Consulting Engineers Council, 1015 15th Street, NW, #802 Washington, DC 20005		41,575.00	38,332.44
American Council for Capital Formation, 1850 K Street, NW, #400 Washington, DC 20006		12,377.00	3,392.00
American Council of Life Insurance, Inc, 1001 Pennsylvania Avenue, NW Washington, DC 20004		204,315.00	204,315.00
American Dental Assn, 211 E. Chicago Ave. Chicago, IL 60611			35,199.41
American Farm Bureau Federation, 225 Touhy Ave Park Ridge, IL 60068		174,172.00	174,172.00
American Fed of Labor & Congress of Industrial Organizations, 815 16th St., NW Washington, DC 20006			190,875.09
American Fed of State County & Municipal Employees, 1625 L St., NW Washington, DC 20036			116,157.68
American Feed Industry Assn, 1501 Wilson Blvd., #1100 Arlington, VA 22209		4,400.00	4,400.00
American Fiber Manufacturers Assn, Inc, 1150 17th St., NW, #310 Washington, DC 20036			
American Financial Services Assn, 919 18th Street, NW Washington, DC 20006			1,000.00
American Frozen Food Institute, 1764 Old Meadow Rd., #350 Mclean, VA 22102		11,500.00	11,500.00
American Grain Inspection Institute, 1629 K Stret, NW, #1100 Washington, DC 20006		18.97	163.00
American Health Care Assn, 1201 L Street, NW Washington, DC 20005		364,400.00	103,696.67
American Hellenic Institute Public Affairs Committee, Inc, 1730 K Street, NW, #1005 Washington, DC 20006			
American Home Products Corp, 1726 M Street, NW, Suite 1001 Washington, DC 20036			7,682.00
American Hotel & Motel Assn, 1201 New York Ave., NW Washington, DC 20005		22,661.85	15,644.89
American Institute of Merchant Shipping, 1000 16th Street, NW, #511 Washington, DC 20036			4,099.50
American Insurance Assn, 1130 Connecticut Avenue, NW, #1000 Washington, DC 20036		6,753.00	6,753.00
American International Automobile Dealers Assn, 99 Canal Center Plaza, #500 Alexandria, VA 22314		531,276.00	110,762.00
American International Group, Inc, 70 Pine Street New York, NY 10270			51,190.55
American Israel Public Affairs Comm, 440 First Street, NW, #600 Washington, DC 20001		133,459.00	152,605.83
American Land Title Assn, 1828 L St., NW, #705 Washington, DC 20036			3,935.00
American League for Exports & Security Assistance, Inc, 122 C St., NW, #740 Washington, DC 20001		154,800.00	8,327.17
American Library Assn, 50 E. Huron St. Chicago, IL 60611		5,567.00	10,242.00
American Life Lobby, Inc, P.O. Box 490 Stafford, VA 22554		22,000.00	20,950.00
American Malting Barley Assn, Inc, 735 North Water Street, #908 Milwaukee, WI 53202		19,156.43	5,958.57
American Managed Care & Review Assn, 1227 25th St., NW, #610 Washington, DC 20037			65.00
American Meat Institute, 1700 N. Moore Street Arlington, VA 22209		30,133.00	6,989.86
American Medical Assn, 535 North Dearborn St. Chicago, IL 60610			126,886.03
American Medical Peer Review Assn, 810 First Street, NE, #410 Washington, DC 20002			
American Methanol Institute, 815 Connecticut Ave., NW, #800 Washington, DC 20006		19,500.00	27,366.00
American Motorcyclist Assn, P.O. Box 6114 Westerville, OH 43081		25,284.18	25,284.18
American Movers Conference, 1611 Duke Street Alexandria, VA 22314			9,211.59
American Nuclear Energy Council, 410 1st St., SE Washington, DC 20003		805,594.38	132,615.81
American Nurses' Assn, 1101 14th Street, NW, #200 Washington, LC 20005		45,728.27	45,728.27
American Occupational Therapy Assn, Inc, 1383 Piccard Drive P.O. Box 1725 Rockville, MD 20850-0822		14,037.50	14,037.50
American Optometric Assn, 1505 Prince Street, #300 Alexandria, VA 22314			
American Orthotic and Prosthetic Assn, 1650 King Street, #500 Alexandria, VA 22314-1885		163,728.00	37,607.00
American Paper Institute, Inc, 260 Madison Ave. New York, NY 10016			7,066.90
American Petroleum Institute, 1220 L St., NW Washington, DC 20005		215,635.39	314,363.21
American Physical Therapy Assn, 1111 N. Fairfax St. Alexandria, VA 22314		3,155.68	3,155.68
American Podiatric Medical Assn, 9312 Old Georgetown Road Bethesda, MD 20814-1621			23,800.20
American Postal Workers Union, AFL-CIO, 1300 L Street, NW Washington, DC 20005		117,201.19	85,566.64
American Public Transit Assn, 1201 New York Avenue, NW Washington, DC 20005		46,058.00	46,058.00
American Pulpwood Assn, 1025 Vermont Avenue, NW Washington, DC 20005			
American Radio Relay League, Inc, 225 Main St. Newington, CT 06111			11,529.00
American Retreaders' Assn, P.O. Box 37203 Louisville, KY 40233		250.00	250.00
American Seed Trade Assn, 1030 15th Street, NW, #964 Washington, DC 20005			14,385.00
American Short Line Railroad Assn, 2000 Massachusetts Ave., NW Washington, DC 20036		50.00	
American Soc for Medical Technology, 2021 L Street, NW, #400 Washintgton, DC 20036			15,144.51
American Soc of Anesthesiologists, 1101 Vermont Ave, NW, #606 Washington, DC 20005			25,362.67
American Soc of Hospital Pharmacists, 4630 Montgomery Avenue Bethesda, MD 20814			13,800.00
American Soybean Assn, 1300 L Street, NW, Suite 950 Washington, DC 20005-4107		10,097.75	796.52
American Textile Manufacturers Institute, Inc, 1801 K Street, NW, #900 Washington, DC 20006		41,365.04	56,102.05
American Trucking Assns, Inc, 2200 Mill Road Alexandria, VA 22314		10,290.06	7,770,642.00
American Veterans of World War II, Korea & Vietnam (AMVETS), 4647 Forbes Boulevard Lanham, MD 20706			27,200.00
American Veterinary Medical Assn, 1023 15th Street, NW, #300 Washington, DC 20005		2,000.00	1,517.95
American Waterways Operators, Inc, 1600 Wilson Boulevard, #1000 Arlington, VA 22209		476,000.00	1,688.26
American Wind Energy Assn, 777 North Capitol St. NE, #805 Washington D.C., DC 20002		23,490.00	36,262.10
Americans for the High Frontier, 2800 Shirlington Road, #405A Arlington, VA 22206		40,028.84	61,719.95
Americans for Immigration Control, Inc, 717 Second Street, NE, #307 Washington, DC 20002		12,126.51	12,126.51
Americans for Nonsmokers' Rights, 2530 San Pablo Ave., #J Berkeley, CA 94702		2,335.00	2,335.00
Joanne Ames, 1120 Connecticut Ave., NW Washington, DC 20036	American Bankers Assn	1,500.00	
Laurel W. Ames, 989 Tahoe Keys Blvd., #6 South Lake Tahoe, CA 96150	League to Save Lake Tahoe	185.44	
Morris J. Amitay, P.C., 444 N. Capitol Street, NW, #712 Washington, DC 20001	American Assn of Pharmaceutical Distributors	1,000.00	
Do	Northrop Corp	12,000.00	
Do	Rand Eye Institute	2,500.00	
Do	Thompson Medical Co	3,000.00	
Eiji Amito, 955 L'Enfant Plaza, SW, #5300 Washington, DC 20024	American Honda Motor Co, Inc		
Sarah Jane Amundson, 900 2nd Street, NE, #303 Washington, DC 20002	Doris Day Animal League	252.00	252.00
Anadarko Petroleum Corp, 16855 Northchase Drive Houston, TX 77251-1330			
Toney Anava, 200 W. DeVargas, #7 Santa Fe, NM 87501			4,590.00
Toney Anaya, 200 West DeVargas, Suite 7 Santa Fe, NM 87501		64,706.50	9,816.20
Jeffrey M. Anders, 1100 15th Street, NW, #900 Washington, DC 20005	Pharmaceutical Manufacturers Assn	1,000.00	17.00
Steven C. Andersen, 422 First Street, SE, #208 Washington, DC 20003	Pearson & Pipkin, Inc (For:Physicians Who Care)		
Anthony A. Anderson, 2100 Pennsylvania Avenue, NW, #600 Washington, DC 20037	Eckert Seamans Cierin & Mellott (For:Community Transportation Assn of America).		
Do	Eckert Seamans Cherin & Mellott (For:Metropolitan Transportation Authority)		
Byron Anderson, 1001 Pennsylvania Ave, NW, #460(N) Washington, DC 20004-2505	New York Life Insurance Company	200.00	
Carl A. Anderson, 1275 Pennsylvania Ave., NW, #501 Washington, DC 20004	Knights of Columbus	1,100.00	
Cynthia C. Anderson, 750 17th Street, NW 4th Floor Washington, DC 20006-4607	Enron Corp	3,000.00	
David J. Anderson, One KeyCorp Plaza P.O. Box 88 Albany, NY 12201-0088	KeyCorp	2,019.00	1,017.18
Debra J. Anderson, 1819 L Street, NW, 7th Floor Washington, DC 20036	Reinsurance Assn of America		
H. Kim Anderson, Virginia Petroleum Council 701 E. Franklin St., #105 Richmond, VA 23219	American Petroleum Institute	50.00	
James A. Anderson Jr., 1725 K Street, NW, #710 Washington, DC 20006	National Assn of Wholesaler-Distributors		
John A. Anderson, 1333 H St., NW, #300 Washington, DC 20005	Electricity Consumers Resource Council (ELCON)	60.00	7.00
John B. Anderson, 418 7th Street, SE Washington, DC 20003	World Federalist Assn	1,250.01	
Jon A. Anderson, 1100 Connecticut Ave., NW, #410 Washington, DC 20036	Eaton Corp		4,046.00
Keith R. Anderson, Three Westbrook Corporate Center Ninth Floor Westchester, IL 60154-5735	Premier Hospitals Alliance, Inc	1,500.00	1,500.00
Kenneth William Anderson, 1629 K Street, NW, #503 Washington, DC 20006	Evergreen International Aviation, Inc		191.50
Steven Anderson, 1764 Old Meadow Rd, #350 Mclean, VA 22102	American Frozen Food Institute	6,600.00	
Susan S. Anderson, 490 L'Enfant Plaza East, SW, #4200 Washington, DC 20024	Xerox Corp	250.00	118.42
Tobyn J. Anderson, 601 Thirteenth Street, NW, #320 South Washington, DC 20005	National Independent Energy Producers		404.18
Elaine Andrews, 1455 Pennsylvania Ave., NW, #1250 Washington, DC 20004-0401	National Assn of Life Companies	200.00	59.00
Jill C. Andrews, 1331-A Pennsylvania Ave., NW, Suite 217 Washington, DC 20004	Small Businesses for Advertising Choice	14,637.75	1,410.93
William Robert Andrews, 1745 Jefferson Davis Highway, #1200 Arlington, VA 22202	Rockwell International Corp	3,000.00	1,187.55
Andrews & Kurth, 1701 Pennsylvania Avenue, NW, #200 Washington, DC 20006	Association of Battery Recyclers	11,668.57	11,668.57
Do	Bedford Properties		
Do	Building Industry Assn of Southern California		
Do	Coalition for Habitat Conservation		3,660.65
Do	Construction Industry Air Quality Coalition	5,000.00	2,205.90
Do	International Alliance for Habitat Conservation		606.66
Andrews' Associates, Inc, 2550 M St., NW, #450 Washington, DC 20037	California Dairy Institute		
Do	Interstate Natural Gas Assn (INGA)	17,500.00	
Do	Mars, Inc		
Do	Safeguard America's Family Enterprises		
Bill Angelo, 1957 E Street, NW Washington, DC 20006	Associated General Contractors of America		

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Animal Health Institute, 119 Oronoco Street P. O. Box 1417-D50 Alexandria, VA 22313			177.00
Ernest Antczak, 27777 Inkster Road Farmington Hills, MI 48334	Michigan National Corp	380.00	660.50
Thomas D. Anthony, 2500 Central Trust Center 201 E. Fifth Street Cincinnati, OH 45202	Frost & Jacobs (For:Comprehensive Medical, Inc)		
Do	Frost & Jacobs (For:Louisville Imaging Services, Inc)		
Do	Frost & Jacobs (For:Western Hills Imaging Center, Inc)		
Apartment & Office Building Assn, 1050 17th Street, NW, #300 Washington, DC 20036			
Apple Computer, Inc, 1550 M Street, NW, #1000 Washington, DC 20005			
Appraisal Institute, Public Affairs Office 600 New Hampshire Ave., NW, #1111 Washington, DC 20037		2,362.00	2,362.00
Paul W. Arcari, 201 N. Washington Street Alexandria, VA 22314	Retired Officers Assn	8,278.50	
John Archer, 500 E Street, SW, #950 Washington, DC 20024	American Automobile Assn		
Carolin Arczynski, 1201 New York Avenue, NW Washington, DC 20005	American Public Transit Assn	1,500.00	
Arent Fox Kintner Plotkin & Kahn, 1050 Connecticut Ave., NW Washington, DC 20036-5339	American Assn of Bioanalysts	25,707.52	6,685.69
Do	American Assn of Occupational Health Nurses	9,346.56	288.44
Do	Aram Mardirosian	6,181.00	128.59
Do	Jean-Bertrand Aristide		4,619.29
Do	Association of Professional Flight Attendants	30,000.00	1,500.00
Do	Children With Attention Deficit Disorder (CHADD)		
Do	Independent Federation of Flight Attendants	4,500.00	150.00
Do	International Society for Clinical Laboratory Technology	3,000.00	32.38
Do	Mercy Hospital of Des Moines, Iowa	150.49	595.36
Do	Motor and Equipment Manufacturers Association		
Do	National Assn of College Stores		
Do	National Parking Association		
Do	Navajo Nation	12,005.86	3,941.51
Do	Republic Of Chile	10,318.61	423.02
Do	SO-PAK-CO, Inc	8,236.50	208.09
Do	Toyota Motor Corporation	6,207.43	637.06
John G. Arlington, 1130 Connecticut Ave., NW, Suite 1000 Washington, DC 20036	American Insurance Assn	425.00	4.50
Fred Armstrong Jr, 1620 Eye Street, NW, #520 Washington, DC 20006	Portland Cement Assn		
Tertia R. Armstrong, 1615 H Street, NW Washington, DC 20062	Chamber of Commerce of the U.S.	322.00	
Luther Glenn Arnette, 125 N. West Street Alexandria, VA 22314-2754	Fleet Reserve Assn		
Carl F. Arnold, P.O. Drawer 7170 McLean, VA 22106	American Iron & Steel Institute	600.00	
Do	Ashland Oil Co	825.00	
Do	Associated Industries of Florida		
Do	Corporate Property Investors	1,000.00	
Do	Goodyear Tire & Rubber Co	650.00	
Arnold & Porter, 1200 New Hampshire Ave., NW Washington, DC 20036	American Institute of Certified Public Accountants	562.50	
Do	American Red Cross		
Do	Avatar Utilities, Inc		
Do	Avis, Inc	330.00	21.00
Do	ACPC		
Do	AFL-CIO	380.00	
Do	Bank of Montreal	1,952.50	
Do	Business Roundtable	2,606.25	
Do	Commissioner, Dept of Telecommunications City of New York	3,237.50	15.00
Do	Continental Corporation		
Do	Fujisawa USA, Inc	221.25	34.00
Do	General Conference of Seventh-day Adventists	6,580.00	123.19
Do	Hoffmann-La Roche, Inc		
Do	Hopi Indian Tribe		
Do	International Commodities Clearing House		
Do	London Commodity Exchange		
Do	Michigan National Corp (for: Beverly Hills Fed Savings Bank)	5,365.00	33.00
Do	National Assn of Telecommunications Officers & Advisors	168.75	
Do	National Coordinating Comm for Multiemployer Plans	8,750.00	383.30
Do	Penn Central Industries Group		
Do	Philip Morris, Inc	2,799.28	
Do	Recording Industry Assn of America, Inc	6,905.25	
Do	Republic of Venezuela		
Do	Sacramento Municipal Utility District		
Do	Stanford University	8,634.25	8.00
Do	State Farm Mutual Automobile Insurance Co	7,446.25	648.20
Do	Survival Technology, Inc		
Do	Thomsom Corp of America		
Do	Unilever United States, Inc		
Arnold Grobmyer & Haley, P.O. Box 70 Little Rock, AR 72203	Arkansas Assn of Securities Dealers		
Do	Mid-South International Trade Assn		
L. Wayne Arny & Company, 600 New Hampshire Ave., NW, #1010 Washington, DC 20037	American Logistics Infrastructure Improvement Construction	8,000.00	400.00
Do	FMC Corp	20,000.00	400.00
Do	Guam Airport Authority	40,000.00	
Do	Liberty Maritime	2,000.00	
Do	Technology for Communications, International	3,000.00	50.00
Nan Aron, 1601 Connecticut Avenue, NW Washington, DC 20009	Alliance for Justice	101.06	
Thomas M. Arrasmith, 1301 K Street, NW, #1200 Washington, DC 20006	IBM Corp	1,570.00	105.00
Deborah Arrindell, 600 Maryland Ave., NW 100 West Washington, DC 20024-2571	American Nurses Assn	395.00	359.05
Thomas Ludlow Ashley, 730 15th St., NW Washington, DC 20005	Association of Bank Holding Cos	3,375.00	
Asian Pacific Economic Educational Cultural Organization, P.O. Box 891 Manila, Philippines			
Norman Assed, 1319 San Padro, NE Albuquerque, NM 87102	Mimbres Enterprises, Inc		
Associated Builders & Contractors, Inc, 729 15th St., NW Washington, DC 20005		20,000.00	
Associated General Contractors of America, 1957 E St., NW Washington, DC 20006			16,500.00
Association of American Foreign Service Women, P.O. Box 70051 Washington, DC 20024-0051			
Association of American Law Schools, 1201 Connecticut Avenue, NW, #800 Washington, DC 20036			
Association of American Railroads, American Railroads Building 50 F Street, NW Washington, DC 20001		139,595.70	139,595.70
Association of American Veterinary Medical Colleges, 1023 15th Street, NW, 3rd Floor Washington, DC 20005			
Association of Certified Trucking Schools, 3050 K Street, NW, 4th Floor Washington, DC 20007			
Association of Trial Lawyers of America, 1050 31st St., NW Washington, DC 20007		9,842.50	9,842.50
Association of Urban Universities, P.O. Box 33276 Washington, DC 20033		4,000.00	3,388.59
George J. Aste, 1707 L St., NW, #300 Washington, DC 20036-4202	United Airlines, Inc	500.00	
Victor Atiyeh & Co, 519 SW Park St., #208 Portland, OR 97205	Fujitsu, Ltd		
Do	Seiko Epson		
John Atkin, 197 James Street Norwalk, CT 06850		1,000.00	615.05
Atlantic Richfield Co, 515 South Flower Street Los Angeles, CA 90071			1,485.00
Fritz E. Attaway, 1600 Eye St., NW Washington, DC 20006	Motion Picture Assn of America, Inc	1,066.00	370.67
Leslie Aubin, 600 Maryland Ave., SW, #700 Washington, DC 20024	National Fed of Independent Business	3,401.00	200.00
John J. Auciello, P.O. Box 269 Elizabethtown, PA 17022	American Assn of Meat Processors		
Kenneth E. Auer, 50 F Street, NW, #900 Washington, DC 20001	Farm Credit Council	200.00	640.00
Ronald R. Austin, 1201 16th Street, NW, #210 Washington, DC 20036	Overseas Education Assn, Inc	1,024.25	
Avon Products, Inc, 9 West 57th St. New York, NY 10019			
Michael G. Ayre, P.O. Box 130 Levis P.Q. Canada G6V 6N7	Mil Davie Inc		
Merribel Symington Ayres, 601 Thirteenth Street, NW, #320 South Washington, DC 20005	National Independent Energy Producers		3,974.22
AIDS Action Council, Inc, 2033 M Street, NW, #803 Washington, DC 20036			2,588.73
ARCO Chemical Co, 3801 West Chester Pike Newtown Square, PA 19073			413.00
Edward J. Babbitt, 400 Broadway Cincinnati, OH 45202	Western-Southern Life Insurance Co	1,000.00	25.00
Gregory R. Babyak, 1747 Pennsylvania Ave., NW, #900 Washington, DC 20006	Contact Lens Institute		
Do	Genentech		
Do	MacAndrews & Forbes Holding, Inc		
Do	Municipal Finance Industry Assn		
Do	National Health Labs, Inc		
Do	John Nuveen & Co, Inc		
Michael H. Bader, 2000 M Street, NW, Suite 600 Washington, DC 20036	TV 14, Inc	2,544.00	2,544.00
Richard Anthony Baenen, 1735 New York Avenue, NW, #600 Washington, DC 20006	NANA Regional Corp, Inc		
Do	People's Republic of Angola		
Do	Shee Atika, Inc		
Charlotte M. Bahin, 1101 15th Street, NW, #400 Washington, DC 20005-5070	National Council of Community Bankers	2,000.00	

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Cynthia E. Bailey, 1000 Potomac Street, NW, #401 Washington, DC 20007	California State Department of Education	6,000.00	166.50
George F. Bailey Jr., 400 South Union Street, #495 Montgomery, AL 36104	CSX Transportation		
William W. Bailey, 1201 Connecticut Avenue, NW, #300 Washington, DC 20036	Bailey Morris & Robinson (For:American Council of Life Insurance)		
Do	Bailey, Morris, & Robinson (For:American Imaging Assn)		
Do	Bailey Morris & Robinson (For:First American Bankshares, Inc)		
Do	Bailey Morris & Robinson (For:Investment Company Institute)		
Do	Bailey Morris & Robinson (For:Maggio-Onorato & Associates)		
Do	Bailey Morris & Robinson (For:Natural Gas Vehicles Coalition)		
Do	Bailey Morris & Robinson (For:Upjohn Corp)		
Bailey Morris & Robinson, 1201 Connecticut Avenue, NW, #300 Washington, DC 20036	American Assn of Discount Travel Brokers		
Do	American Council of Life Insurance		
Do	American Imaging Assn	12,000.00	
Do	First American Bankshares, Inc		
Do	Investment Company Institute		
Do	Maggio-Onorato & Assoc		
Do	National Assn of Broadcasters	15,000.00	
Do	Natural Gas Vehicles Coalition	16,500.00	
Do	Upjohn Company	13,500.00	
David Baime, 122 C Street, NW, #750 Washington, DC 20001	National Assn of Independent Colleges & Universities	6,246.00	92.00
Judith L. Baird, 1333 New Hampshire Ave., NW Washington, DC 20036	Atlantic Richfield Co	100.00	
Edward R. Bajer, 1015 15th St., NW, #802 Washington, DC 20005	American Consulting Engineers Council	587.50	
Gerald E. Baker, 1625 Massachusetts Avenue, NW Washington, DC 20036	Air Line Pilots Assn	6,000.00	559.10
James Jay Baker, 1600 Rhode Island Ave., NW Washington, DC 20036	National Rifle Assn of America	2,932.50	720.27
John D. Baker, 815 Sixteenth Street, NW Washington, DC 20006	International Longshoremen's Assn, AFL-CIO	2,486.00	
R. Garrity Baker, 2501 M Street, NW Washington, DC 20037	Chemical Manufacturers Assn, Inc		
Baker & Botts, 555 13th Street, NW, #500 East Washington, DC 20004	Association for Manufacturing Technology	4,000.00	
Do	Computer & Business Equipment Manufacturers Assn		
Do	Greater Houston Partnership	11,610.00	
Do	Health Industry Manufacturers Assn	5,000.00	
Do	Rite Aid Corp		46.09
Baker & Hostetler, 1050 Connecticut Ave., NW, #1100 Washington, DC 20036	Alexander & Alexander Services, Inc	2,500.00	2,500.00
Do	Allen Memorial Hospital	84.86	
Do	American Protestant Health Assn	4,000.00	139.53
Do	American Resort & Residential Development Assn	3,000.00	3,000.00
Do	Amherst Hospital	1,087.85	
Do	California Independent Casualty Companies Assn	10,000.00	10,000.00
Do	Chubb Corporation	5,000.00	5,000.00
Do	Cleveland Clinic Foundation	1,000.00	1,000.00
Do	College on Problems of Drug Dependence (CPDD)	3,000.00	
Do	Cominco, Ltd	56.25	
Do	Corroon & Black Corp	2,500.00	2,500.00
Do	Devilbiss Health Care, Inc	15,000.00	491.02
Do	Edison Electric Institute	7,934.91	7,934.91
Do	Financial Holding Corp	5,000.00	5,000.00
Do	Frank B. Hall & Co, Inc	2,500.00	2,500.00
Do	Hermann Hospital	4,757.40	
Do	Huntleigh Technologies, Inc		
Do	Invacare Corporation	5,639.61	354.83
Do	IMEX		
Do	Johnson & Higgins	2,500.00	2,500.00
Do	Life Gift Organ Donor Center	6,000.00	
Do	Lorain Community Hospital	137.84	
Do	Marsh & McLennan Companies	2,500.00	2,500.00
Do	Medasonics		105.72
Do	Mitsui & Co (U.S.A.), Inc		
Do	Mitsui Plastics, Inc	67.50	
Do	MMI Companies, Inc	3,000.00	60.55
Do	National Assn of Insurance Brokers, Inc	10,000.00	10,000.00
Do	National Assn of Professional Insurance Agents	2,000.00	2,000.00
Do	Renal Physicians of Texas	3,000.00	24.55
Do	Rollins Burdick Hunter	2,500.00	2,500.00
Do	Sedgwick James, Inc	2,500.00	2,500.00
Do	Society of Cardiovascular & Interventional Radiology	40,000.00	234.07
Do	St. Joseph Hospital & Health Center		
Do	St. Paul Fire & Marine	5,000.00	5,000.00
Do	Substance Abuse Management, Inc	5,538.28	
Do	Travelers Insurance Co	20,000.00	20,000.00
Do	United Fidelity Life Insurance	5,000.00	5,000.00
H. R. Balikov, 333 Thornall St. Edison, NJ 08818	J. M. Huber Corp		
Stanley W. Balis, 1101 14th Street, NW, #1400 Washington, DC 20005	Miller Balis & O'Neil, P.C. (For:American Public Gas Assn (APGA))	6,888.75	6,117.61
Thomas L. Balkema, 1401 I Street, NW, #1200 Washington, DC 20005	Chevron Companies		22.70
William Lewis Ball, 1660 L Street, NW, #401 Washington, DC 20036	General Motors Corp	3,000.00	1,914.76
Ball Janik & Novack, 1101 Pennsylvania Avenue, NW, #1035 Washington, DC 20004	ARCO	14,798.95	1,268.17
Do	City of Bellevue (Washington)	6,008.38	605.33
Do	City of Portland, OR	18,334.01	3,110.94
Do	City University	15,584.00	2,047.05
Do	Clackamas County	18,055.00	1,774.91
Do	Fresno County		
Do	Greenbrier Leasing, Inc	18,181.50	3,144.61
Do	Gunderson, Inc		
Do	Harsch Investment Corporation	1,189.00	222.56
Do	Mt. Hood Meadows Oregon, Ltd	4,423.00	171.12
Do	Northwest Industrial Gas Users	2,077.50	733.54
Do	Northwest Marine Iron Works	6,315.00	1,391.10
Do	Northwest Woodland Owners Council	20,000.00	3,954.71
Do	Oregon Department of State Lands	11,711.25	618.19
Do	Oregon Department of Transportation	21,700.00	3,792.15
Do	Oregon Economic Development Department	8,937.00	1,115.05
Do	Oregon Graduate Institute of Science & Technology	4,486.00	568.70
Do	Pacific Marine, Inc	9,507.00	100.33
Jack L. Ballard, 801 Pennsylvania Ave., NW, #352 Washington, DC 20004	Central & South West Services, Inc	1,820.50	1,099.09
Robert H. Ballard, 2 North 9th Street Allentown, PA 18101	Pennsylvania Power & Light Co	342.00	370.00
Thomas M. Balmer, 888 16th Street, NW Washington, DC 20006	International Dairy Foods Association		
Sheila M. Bamberger, 1666 Connecticut Ave., NW, #400 Washington, DC 20009	Federation for American Immigration Reform	1,250.00	124.32
Bank of Boston Corporation, 100 Federal St. Boston, MA 02110			
Bank Leumi le-Israel, BM, 562 Fifth Avenue New York, NY 10017			
James T. Banks, 3003 Butterfield Road Oak Brook, IL 60521	Chemical Waste Management, Inc	3,550.00	
Kathryn Bannan, 1300 I Street, NW, #520-W Washington, DC 20005-3314	Hoffmann-La Roche, Inc		
M. Graeme Bannerman, 888 16th St., NW Washington, DC 20006	Bannerman & Associates, Inc (For:Arab Republic of Egypt)	3,000.00	470.81
Do	Bannerman and Associates, Inc (For:Beirut University College)	1,000.00	70.00
Do	Bannerman & Associates, Inc (For:Embassy of the Republic of Djibouti)	750.00	25.00
Do	Bannerman & Associates, Inc (For:Government of the United Arab Emirates)	2,500.00	65.00
Martha G. Bannerman, One Greenwich Plaza P.O. Box 2568 Greenwich, CT 06836-2568	NAC Re Corp		
James W. Bapple III, 5535 Hampstead Way Springfield, VA 22151	National Assn for Uniformed Services	997.50	
Samuel J. Baptista, 1225 19th St., NW, #410 Washington, DC 20036	Financial Services Council	4,750.00	
John Paul Barber, 8101 Glenbrook Road Bethesda, MD 20814-2749	American Assn of Blood Banks	2,500.00	
Haley R. Barbour, P.O.Box 960 Yazoo City, MS 39194	American Maritime Congress	27,500.00	1,019.16
Do	American Rice, Inc	10,000.00	278.97
Do	CBS, Inc	45,000.00	205.20
Do	Priamerica Financial Services	16,000.02	379.88
Betsy F. Barclay, 1445 New York Avenue, NW, 8th Floor Washington, DC 20005	Public Securities Assn	12,500.00	1,294.49
M. Camille Bares, 1667 K Street, NW, #1000 Washington, DC 20006	Southwestern Bell Corp, Inc		974.45
David H. Baris, 1225 19th Street, NW, #710 Washington, DC 20036	American Assn of Bank Directors		
Elizabeth A. Barkan, 444 North Capitol Street, NW, #711 Washington, DC 20001	Keefe Company (For:Sanders Associates, Inc)		

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Robert H. Barker, 1150 17th Street, NW Washington, DC 20036	American Fiber Manufacturers Assn, Inc		
William J. Barloon, 1850 M Street, NW, #1110 Washington, DC 20036	Sprint Corporation	7,000.00	304.24
Thomas W. Barlow, P.O. Box 14000 Juno Beach, FL 33408	Florida Power & Light Co		
Iraline G. Barnes, 1900 Pennsylvania Ave, NW Washington, DC 20068	Potomac Electric Power Company	22.78	
Ray A. Barnhart, 2602 Dellana Lane Austin, TX 78746	Marathon Oil Co	9,000.00	892.54
Michael E. Baroody, 1331 Pennsylvania Avenue, NW, #1500-N Washington, DC 20004-1703	National Assn of Manufacturers	147.00	
James C. Barr, 1840 Wilson Blvd Arlington, VA 22201	National Milk Producers Federation	3,150.00	3,150.00
Terry N. Barr, 50 F Street, NW, #900 Washington, DC 20001	National Council of Farmer Cooperatives		
David C. Barrett Jr., 1201 New York Ave., NW, #830 Washington, DC 20005	National Grain & Feed Assn	1,000.00	
David M. Barrett, 2550 M Street, NW, #375 Washington, DC 20037	Fleetwood Enterprises, Inc		
Do	Southeastern Pennsylvania Transportation Authority		
Michael F. Barrett Jr., 1079 Papermill Court, NW Washington, DC 20007	San Diego Gas & Electric	750.00	
Robert W. Barrie, 1331 Pennsylvania Avenue, NW Washington, DC 20004	General Electric Co	4,500.00	
Robert E. Barrow, 1616 H Street, NW Washington, DC 20006	National Grange	5,000.00	
Anthony A. Barrueta, 2600 Virginia Avenue, NW, #1111 Washington, DC 20037	Premier Hospitals Alliance, Inc	1,500.00	1,500.00
Albert P. Barry, 2011 Crystal Drive, #606 Arlington, VA 22202	AAI Corp	5,837.50	
Linda Curry Bartholomew, 2 North 9th Street Allentown, PA 18101	Pennsylvania Power & Light Co	500.00	
Robert G. Bartlett, 1415 Elliot Place, NW Washington, DC 20007	National Stone Assn	4,000.00	500.00
James E. Bartley, 1700 North Moore Street, #1900 Arlington, VA 22209-1904	National Industrial Transportation League	12,000.00	43.75
Jo-Anne R. Basile, 1133 21st Street 3rd Floor Washington, DC 20036	Cellular Telecommunications Industry Assn	7,500.00	10,747.14
Robert W. Batchelder, 1201 New York Ave., NW Washington, DC 20005	American Public Transit Assn	1,250.00	
Diane Bateman, 501 2nd Street, NE Washington, DC 20002	Fertilizer Institute	9,000.00	2,662.13
Christopher M. Bates, 1325 Pennsylvania Avenue, NW, #600 Washington, DC 20004	Motor and Equipment Manufacturers Association	1,750.00	11.50
Douglas P. Bates, 1001 Pennsylvania Ave., NW Washington, DC 20004-2599	American Council of Life Insurance, Inc	3,375.00	
Catharine R. Batky, 801 Pennsylvania Ave., NW, #220 Washington, DC 20004-2604	Burlington Northern Railroad Co	1,750.00	1,009.11
Erica M. Battaglia, 519 C Street, NE Washington, DC 20002	National Assn for Home Care	22,285.16	716.69
Robin Battaglini, 1000 Wilson Blvd., #3000 Arlington, VA 22209	ITT Defense Technology Corp	1,000.00	50.00
Ellen Battistelli, 2010 Massachusetts Ave., NW, 5th Floor Washington, DC 20036	Planned Parenthood Federation of America	1,405.51	86.71
Lana R. Batts, 2200 Mill Road Alexandria, VA 22314	American Trucking Assns, Inc	11,000.00	
Gary Lee Bauer, 700 13th Street, NW, #500 Washington, DC 20005	Focus on the Family	875.00	
Patricia M. Bauer Carlen, 888 16th Street, NW Washington, DC 20006	Bannerman & Associates, Inc (For:Beirut University College)		46.65
Do	Bannerman & Associates, Inc (For:Embassy of the Republic of Djibouti)	250.00	
Do	Bannerman & Associates, Inc (For:Government of the United Arab Emirates)		
Do	Bannerman & Associates, Inc (For:Government of Egypt)	500.00	60.43
Barbara Bauman, 1800 K Street, NW, #1018 Washington, DC 20006	Kansas City Power & Light Company, et al.	17,724.00	7,401.00
Gregory J. Baumann, 8100 Oak Street Dunn Loring, VA 22027	National Pest Control Assn		
Edward H. Baxter, 2000 M Street, NW, #700 Washington, DC 20036	Graham & James (For:Able Laboratories, Inc)	105.00	
Do	Graham & James (For:American Fed of Musicians)	404.26	
Do	Graham & James (For:American Hawaii Cruises)	798.00	
Do	California Pay Phone Assn	273.00	
Do	Graham & James (For:R.R. Donnelley & Sons Company)		
Do	Graham & James (For:English Bay Corp)		
Do	Graham & James (For:Federal Judges Association)	168.00	
Do	Graham & James (For:Federal Magistrate Judges' Association)	42.00	
Do	Miles, Inc	168.00	
Do	Graham & James (For:National Assn of Immigration Judges)	679.00	
Do	Graham & James (For:Recording Industry Assn of America)	404.26	
Do	Graham & James (For:Syntex USA, Inc)	651.00	
Do	Graham & James (For:United Video, Inc)	2,667.00	
Bayh Connaughton Fensterheim & Malone, PC, 1575 Eye Street, NW, Suite 1025 Washington, DC 20005	ALC Communications Corp		
Do	Cook Group	6,314.04	325.00
Do	Joseph E. Seagram & Sons		
Do	Jugopetrol	16,490.28	823.88
Do	Merrill Lynch & Company		
Do	Milk Industry Foundation		
Do	National Basketball Assn	950.00	625.00
Do	National Soft Drink Assn	1,500.00	250.00
Do	Pennsylvania Savings Assn Insurance Corp	1,326.84	275.00
Do	Real Estate Cappital Recovery Assn	1,600.00	275.00
Richard 'Sandy' Beach, 805 15th Street NW, #300 Washington, DC 20005-2207	Credit Union National Assn, Inc	7,000.00	
Beacon Consulting Group, Inc, 1012 Pennsylvania Ave, SE Washington, DC 20003	Asphalt-Rubber Producers Group	13,000.00	1,292.97
Do	Big Brothers & Big Sisters of America		67.88
Do	Museum of Science & Industry	7,500.00	2,454.40
Do	Mystic Seaport Museum	4,000.00	8.11
Do	National Coalition for Volunteer Protection	4,000.00	1,682.66
Do	National Crime Prevention Council	13,500.00	479.98
Do	National Museum of Health & Medicine Foundation	12,000.00	317.60
Do	New England Conservatory of Music	9,000.00	652.13
Do	Orton Dyslexia Society	1,125.00	89.69
Do	TDS Healthcare Systems Corp	16,020.00	9,943.74
Bruce A. Beam, 801 Pennsylvania Ave, #214 Washington, DC 20004	American Electric Power Service Corp	549.55	212.98
Hubert Beatty, 1957 E St., NW Washington, DC 20006	Associated General Contractors of America		
Barbara Ann Bechberger, 9668 Hastings Drive Columbia, MD 21046	Harvest Church International		
Robert G. Beckel, 1000 Potomac Street, NW, #301 Washington, DC 20007	Career College Assn	15,000.00	
Brenda Larsen Becker, 655 15th Street, NW, #350 Washington, DC 20005	Blue Cross & Blue Shield Assn	692.00	68.20
Stacey Beckhardt, 750 17th Street, NW, #1100 Washington, DC 20006	American Soc of Clinical Oncology		
Steven M. Beckman, 1757 N Street, NW Washington, DC 20036	Int'l Union, United Auto Aerospace & Agric Implement Workers	8,933.72	25.00
Elizabeth W. Beckwith, 300 5th Street, NE Washington, DC 20002	American Osteopathic Assn	5,000.00	
William W. Beddow, 1730 Pennsylvania Ave., NW, #750 Washington, DC 20006	Caterpillar, Inc	3,000.00	123.89
Howard Bedlin, 601 E Street, NW Washington, DC 20049	American Assn of Retired Persons	721.58	198.06
Beer Institute, 1225 Eye Street, NW, #825 Washington, DC 20005			
William A. Behan, 1700 N. Moore St., #820 Arlington, VA 22209	Magnavox Electronics Systems Corp	4,000.00	1,425.27
Edwin L. Behrens, Market Square 801 Pennsylvania Ave., NW, #720 Washington, DC 20004-2604	Procter & Gamble Co	365.00	
Kenneth J. Beirne, 777 14th Street, NW Washington, DC 20005	National Assn of Realtors	2,500.00	105.05
Mark Belanger, 805 Third Avenue New York, NY 10022	Major League Baseball Players Assn		
Denise Bell, 777 14th Street, NW Washington, DC 20005	National Assn of Realtors	2,500.00	856.77
Winston Everett Bell, P.O. Box 26543 Las Vegas, NV 89126			
Trina Bellak-Bronfman, 1325 G Street, NW, #1000 Washington, DC 20005	Institute of Scrap Recycling Industries, Inc	1,500.00	158.94
Julia Jackson Bellinger, 2626 Pennsylvania Ave., NW Washington, DC 20037	National Telephone Cooperative Assn	5,000.00	786.45
Joseph M. Bellino, 444 North Capitol Street, NW, #845 Washington, DC 20001	National Air Traffic Controllers Assn	449.90	
James P. Bellis, 1725 K Street, NW, #601 Washington, DC 20006	Association of National Advertisers, Inc		
Lisa Bellucci, 15th & M Streets, NW Washington, DC 20005	National Assn of Home Builders of the United States		
Terre Belt, 1015 Fifteenth Street, NW, #802 Washington, DC 20005	American Consulting Engineers Council	1,250.00	
Jennifer L. Bendall, 1020 19th Street, NW, #200 Washington, DC 20036	Recording Industry Assn of America, Inc	4,650.00	
Mike Benner, 1300 L St., NW Washington, DC 20005	American Postal Workers Union, AFL-CIO	3,250.55	1,940.15
Daniel J. Bennet, 729 15th Street, NW Washington, DC 20005	Associated Builders & Contractors, Inc	2,500.00	
Mary C. Bennett, 815 Connecticut Avenue, NW Washington, DC 20006-4078	Baker & McKenzie (For:Horsham Corporation)	18,606.50	
William M. Bennett, 1420 King Street Alexandria, VA 22314-2715	National Society of Professional Engineers	1,250.00	
John C. Bennison, P.O. Box 23992 Washington, DC 20026-3992	American Soc of Travel Agents	8,500.00	
James M. Bensberg, 1225 Eye Street, NW, #500 Washington, DC 20005	American Motorcyclist Assn	13,561.30	1,363.97
Frederick S. Benson III, 2001 L Street, NW, #304 Washington, DC 20036	Weyerhaeuser Company		
James E. Benton, N. J. Petroleum Council 150 W. State Street Trenton, NJ 08608	American Petroleum Institute	185.00	
Todd P. Bentsen, 1627 Lamont Street, NW Washington, DC 20010	Rainbow Lobby, Inc	3,590.00	
Steven P. Berchem, 119 Oronoco Street P.O. Box 1417-D50 Alexandria, VA 22313-1480	Animal Health Institute		
Douglas L. Berger, 1333 F Street, NW, #710 Washington, DC 20004-1108	Advertising Mail Marketing Assn	4,400.00	
William Berger, 4 World Trade Center New York, NY 10048	New York Mercantile Exchange		
Bob Bergland, 1800 Massachusetts Avenue, NW Washington, DC 20036	National Rural Electric Cooperative Assn	163.33	
Bergner Boyette & Bockorny, Inc, 1101 16th Street, NW, #500 Washington, DC 20036	Avianca Airlines	2,000.00	150.00
Do	Bell Atlantic Corp	5,000.00	890.00
Do	China External Trade Development Council	2,000.00	150.00
Do	Flo-Sun Land Corp	4,000.00	1,713.72
Do	Fox Broadcasting Company	3,000.00	425.00
Do	Friendship in Freedom Assn	1,000.00	450.00
Do	Mallinckrodt, Inc	2,000.00	422.00

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Do	McDonnell Douglas Corp	1,200.00	400.00
Do	Metpath	1,000.00	363.25
Do	Murry's, Inc	400.00	110.00
Do	National American Wholesale Grocers Assn (NAWGA)	3,000.00	1,005.00
Do	National Assn of Business & Educational Radio, Inc	500.00	180.00
Do	National Soft Drink Assn	3,000.00	750.00
Do	Okeelanta Corp	5,000.00	1,878.72
Do	Orange & Rockland Utilities	4,000.00	1,510.34
Do	Philip Morris Co, Inc	2,000.00	605.32
Gene S. Bergoffen, 1320 Braddock Place, #720 Alexandria, VA 22314	National Private Truck Council		
Edwin M. Bergsmark, 1000 Regency Court, Suite 209 Toledo, OH 43623	Bergsmark & Associates (For:Rudolph/Libbe Companies, Inc & subsidiaries)		
Paul C. Bergson, 1325 Pennsylvania Ave., NW, #500 Washington, DC 20004	Bergson & Company (For:Halon Research Institute)	1,000.00	
Do	Smokeless Tobacco Council	1,000.00	
Jane W. Bergwin, 1016 16th Street, NW, 5th Floor Washington, DC 20036	Consumers Power Co	3,448.00	6,998.00
Jessica Berk, 1600 M Street, NW Washington, DC 20036	Investment Company Institute	185.40	314.75
Dayle Berke, 519 C Street, NE Washington, DC 20002	National Assn for Home Care	22,261.99	4,735.91
Antoinette C. Berkely, P.O. Box 2972 Washington, DC 20013			
Nathan R. Berkley, 1611 Duke Street Alexandria, VA 22314	American Movers Conference	100.00	
Linda K. Berkshire, 122 C Street, NW, #750 Washington, DC 20001	National Assn of Independent Colleges and Universities	10,062.00	141.00
Pamela M. Berkwitz, Norwest Center-Sixth & Marquette Minneapolis, MN 55479-1032	Norwest Corporation	15,000.00	
Peter A. A. Berle, 950 Third Avenue New York, NY 10022	National Audubon Society	1,000.00	
Ellen Berman, 2000 L St., NW, #802 Washington, DC 20036	Consumer Energy Council of America		
Richard B. Berman, 607 14th Street, NW, #1100 Washington, DC 20005	Burger King Corp		
Do	FICA Fairness Coalition		
Do	S&A Restaurants Corp		
William R. Berman, 500 E Street, SW, #950 Washington, DC 20024	American Automobile Assn		
Joan Kovalic Bernard, 2100 Pennsylvania Avenue, NW, #755 Washington, DC 20037	BASF Corp	258.00	42.00
Mary E. Bernhard, 1615 H St., NW Washington, DC 20062	Chamber of Commerce of the U.S.	750.00	
Elizabeth Bernstein, 2030 M Street, NW Washington, DC 20036	Common Cause	4,680.00	234.00
George K. Bernstein, 1730 K St., NW Washington, DC 20006	Nationwide Insurance Companies		
Jules Bernstein, 1920 L Street, NW, #602 Washington, DC 20036	Federal Law Enforcement Officers Assn	6,249.00	442.33
Zalman C. Bernstein, Sanford C. Bernstein & Co, Inc 767 Fifth Avenue New York, NY 10153			
Bernstein & Lipsett, 1920 L Street, NW, #602 Washington, DC 20036	National Assn of Police Organizations	24,000.00	8,561.50
Craig A. Berrington, 1130 Connecticut Ave., NW, #1000 Washington, DC 20036	American Insurance Assn		
Max N. Berry, 3213 O St., NW Washington, DC 20007	American Importers Meat Products Group		
Do	Centre National Interprofessionnel de L'Economic Laitiere		
Do	Federation des Exportateurs de Vins & Spiritueux de France		
Do	Florida Department of Citrus		
Michael J. Bertelsen, Beneficial Management Corp. 453 New Jersey Ave., SE Washington, DC 20005	Beneficial Management Corp		
Ann Beser, 2000 K Street, NW, Suite 800 Washington, DC 20006	National Comm to Preserve Social Security & Medicare	5,400.00	
Margot Bester, 2300 N Street, NW, #725 Washington, DC 20037	Murphy & Demory, Ltd (For:Cable & Wireless North America, Inc)		
Do	Murphy & Demory, Ltd (For:Prodigy Services Corporation)		
Do	Murphy & Demory, Ltd (For:U.S. Telephone Assn)		
John F. Betar, 730 15th Street, NW Washington, DC 20005	Association of Bank Holding Cos	3,000.00	
Ed Bethune, 210 East Vine Street Searcy, AR 72143	FBI Agents Assn	16,950.00	505.37
Robert Betz, 1010 Vermont Avenue, NW, #1116 Washington, DC 20005	Robert Betz Associates, Inc (For:Alabama Hospital Association)	3,100.00	18.81
Do	American Assn of Eye & Ear Hospitals	2,250.00	22.96
Do	AmeriNet	500.00	
Do	Health Industry Group Purchasing Assn	3,500.00	38.70
Albert J. Beveridge, 1350 I Street, NW, #700 Washington, DC 20005	Beveridge & Diamond (For:Foundation for Environmental & Economic Progress, Inc).		
Beveridge & Diamond, P.C., 1350 Eye Street, NW, #700 Washington, DC 20005	Foundation for Environmental & Economic Progress, Inc	4,216.00	6,783.92
Do	Laurance S. Rockefeller		519.00
Janice Bezanson, 601 Westlake Drive Austin, TX 78746	Texas Committee on Natural Resources	731.67	436.38
John C. Biechman, 1215 Jefferson Davis Highway, #100 Arlington, VA 22202	National Assn of Industrial & Office Parks (NAIOP)		
Joan T. Bier, 1726 M Street, NW, #701 Washington, DC 20036	IMCERA Group, Inc		
Heidi Biggs, 1250 Connecticut Ave, NW, #200 Washington, DC 20036	American Forest Resource Alliance		
Do	Weyerhaeuser Company		
Moe Biller, 1300 L St., NW Washington, DC 20005	American Postal Workers Union, AFL-CIO	16,857.59	
Leon G. Billings, Inc, 901 15th St., NW, #570 Washington, DC 20005	South Coast Air Quality Management District	14,037.12	
Ray B. Billups Jr., 1130 Connecticut Ave, NW, #830 Washington, DC 20036	Southern Company Services, Inc	3,308.54	4,411.20
David Billy, 1750 New York Ave., NW Washington, DC 20006	International Assn of Fire Fighters	10,177.00	
Hugh L. Binford, 327 30th Street West Bradenton, FL 34205			
Stuart Binstock, 1957 E Street, NW Washington, DC 20006	Associated General Contractors of America		
Peggy K. Binzel, 820 First Street, NE, #620 Washington, DC 20002	Turner Broadcasting System, Inc	2,118.00	
Birch Horton Bittner and Cherot, 1155 Connecticut Ave., NW, #1200 Washington, DC 20036	Alaska Wetlands Coalition		
Do	Calista Corp		
Do	Central Bering Sea Fishermens Assn		
Do	City of St. George		
Do	CSX Yukon Pacific		
Do	Fish Alaska, Inc		
Do	Globesat Express		
Do	Grand Targhee Ski Resort		
Do	Holland American Lines, Inc		
Do	MicroSat Launch Systems		
Do	North Slope Borough		
Do	Old Harbor Corp		
Do	Professional Sportfish Col. for Fairness in Fed. Regulations		
Do	Sealaska Corp		
Do	Soka University		
Do	St. George Tanaq Corp		
Do	Tanadgusix Corporation		
Do	Turlock Irrigation District		
Do	Westinghouse Electric Corp		
Do	Wildlife Legislative Fund of America		
Susan Birmingham, 215 Pennsylvania Ave., SE Washington, DC 20003	U.S. Public Interest Research Group	9,780.40	
McNair Bishop, 1725 K Street, NW, #601 Washington, DC 20006	Association of National Advertisers, Inc		
Bituminous Coal Operators' Assn, 918 16th Street, NW, Suite 303 Washington, DC 20006		185,841.00	152,200.00
Gerrie Bjornson, 1825 Eye Street, NW, #400 Washington, DC 20006	B.F. Goodrich Co	100.00	
Judy Black, 1199 N. Fairfax Street, #204 Alexandria, VA 22314	International Council of Shopping Centers	450.00	
Wayne V. Black, Keller and Heckman 1001 G Street, NW, #500 West Washington, DC 20001	INDA, Assn of the Nonwoven Fabrics Industry		
Black Crotty Sims Hubka Burnett Bartlett & Samuels, 501 North Grandview Ave. P.O. Box 5488 Daytona Beach, FL 32018	Aetna Life Insurance Company		
Do	Health Images, Inc	33,150.00	
Do	Midland Risk Insurance Company		
Do	Nascar, Inc		
Do	Security First Federal Savings & Loan Assn		
Black Manafort Stone & Kelly, Inc, 211 North Union Street, #300 Alexandria, VA 22314	Aetna Life & Casualty	7,000.00	490.72
Do	Allied-Signal Corp	22,500.00	397.83
Do	American Federation of Hone Health Agencies, Inc	36,000.00	33.44
Do	American Mobile Satellite Corp	30,000.00	80.22
Do	American Soc of Plastic & Reconstructive Surgeons	60,000.00	161.43
Do	ABC Home Health Services, Inc	15,000.00	
Do	Bethlehem Steel Corp	22,500.00	
Do	Carolina Power & Light	7,500.00	
Do	Casino Association of New Jersey	7,500.00	286.69
Do	Centerior Energy	7,500.00	
Do	Clark Construction Group	9,000.00	
Do	Commonwealth Edison Co	7,500.00	
Do	First Defence, Inc	4,500.00	
Do	Gas Safety Action Council	1,000.00	360.58
Do	Gemico		
Do	Government of Nigeria	12,500.00	
Do	GTech Corp	10,000.00	1,001.32
Do	D. George Harris & Associates	4,500.00	

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Do	Houston Lighting & Power Company	7,500.00	
Do	Jefferies & Company, Inc	3,750.00	
Do	Johnson & Johnson, Inc	30,000.00	441.66
Do	Kashmiri American Foundation	35,000.00	
Do	Katun Corp	11,250.00	32.00
Do	League of Leaders for Philippine Development	7,500.00	55.51
Do	MacAndrews & Forbes Holdings, Inc/Revlon Group, Inc	6,000.00	274.43
Do	Military Audits of Market Information, Inc	4,500.00	
Do	Northwest Indiana Forum	22,500.00	
Do	NOVA University	30,000.00	
Do	Puerto Rico Federal Affairs Administration	9,000.00	67.54
Do	Software Productivity Consortium	22,500.00	23.98
Do	South Carolina Economic Development Board	2,000.00	
Do	Textron	3,750.00	
Do	Tobacco Institute	22,500.00	172.90
Do	Trump Organization	18,000.00	93.48
Do	Union Pacific Corp	22,500.00	
Do	United Way of America		
Do	UNITA	75,000.00	
Joseph W. Blackburn, P.O. Box 55727 2222 Arlington Ave., So. Birmingham, AL 35255	Sirote & Permutt, PC (For:McAbee Construction)		19.66
Lisa E. Blackwell, 777 14th St., NW Washington, DC 20005	National Assn of Realtors	1,250.00	226.48
Robert J. Blackwell Jr., 1025 Connecticut Avenue, NW, #1014 Washington, DC 20036	Ebasco Services, Inc	3,645.00	826.36
Bev D. Blackwood, 1899 L Street, NW, #1100 Washington, DC 20036	Exxon Corporation		
Stephen J. Blair, 750 First Street, NE, Suite 900 Washington, DC 20002	Career College Assn, Inc	750.00	
Roy Blake, 900 University Dr. Nacogdoches, TX 75961	Philip Morris, Inc	3,000.00	404.68
Helen Blank, 122 C Street, NW Washington, DC 20001	Children's Defense Fund	2,351.58	
Ernest Blazar, 122 C Street NW Washington, DC 20001	American League for Exports & Security Assistance (ALESA)	2,100.00	
David C. Blee, 919 18th Street, NW, #450 Washington, DC 20006	Illinois Power		143.77
Beatrice K. Bleicher, 1200 18th St. NW Washington, DC 20036	Owens-Illinois, Inc	5,000.00	150.00
Michael E. Bleier, Mellon Bank N.A. One Mellon Bank Center, #1915 Pittsburgh, PA 15258-0001	Mellon Bank N.A.	2,500.00	
Richard W. Bliss, 1079 Papermill Court, NW Washington, DC 20007	Amax, Inc	1,200.00	71.27
Do	Figgie International	537.50	59.91
Do	FMC	1,200.00	103.42
Do	Hunter Industrial Facilities, Inc	2,999.00	203.99
Do	National Paint & Coatings Assn, Inc	850.00	89.77
Do	Spa & Pool Assn	600.00	38.34
John R. Block, 201 Park Washington Court Falls Church, VA 22046	National-American Wholesale Grocers' Assn	3,000.00	
L. Thomas Block, 277 Park Avenue New York, NY 10172	Chemical Bank	5,000.00	1,625.00
Sara Block, 1625 K Street, NW, #900 Washington, DC 20006	Sporting Goods Manufacturers Assn (SGMA)		
Peter L. Blocklin, 1120 Connecticut Ave., NW Washington, DC 20036	American Bankers Assn	8,550.00	
Jennifer Blomstrom, 1531 P Street, NW, Suite 200 Washington, DC 20005	Sierra Club Legal Defense Fund	2,820.00	1,613.95
Rebecca K. Blood, 2301 M Street, NW Washington, DC 20037	American Public Power Assn		
Shawn M. Bloom, 901 E Street, NW, #500 Washington, DC 20004-2837	American Assn of Homes for the Aging		
Douglas M. Bloomfield, 13712 Wagon Way Silver Spring., MD 20906	Gadot Petrochemical Industries	450.00	4.99
Mark Bloomfield, 1750 K St., NW, #400 Washington, DC 20006	American Council for Capital Formation	1,500.00	
Shirley A. Bloomfield, 2626 Pennsylvania Ave., NW Washington, DC 20037	National Telephone Cooperative Assn	12,000.00	1,063.53
Robert S. Bludworth, 5205 Leesburg Pike, #1600 Falls Church, VA 22041	National Beer Wholesaler's Assn	3,500.00	
Charles H. Blum, 1400 L Street, NW, #600 Washington, DC 20005	International Advisory Services Group, Ltd (For:Steel Service Center Institute)	68.25	
Joanne Blum, 2010 Massachusetts Avenue, NW, #500 Washington, DC 20036	Planned Parenthood Fed of America, Inc	5,671.42	172.00
Robert A. Blum, 400 Sansome Street San Francisco, CA 94111	Orrick Herrington & Sutcliffe (For:Permanente Medical Group, Inc)		
Lawrence Blume D., 2000 M Street, NW Washington, DC 20036	Miles, Inc	1,100.00	
Do	Graham & James (For:Milk Specialties Co)		
Patti Blumer, 1225 Eye Street, NW, #1250 Washington, DC 20005	American Dietetic Assn	1,000.00	256.84
Boat Owners Assn of the U.S., 880 S. Pickett St. Alexandria, VA 22304		105,000.00	107,500.00
Judith Ann Boddie, 701 Pennsylvania Ave., NW 4th Floor Washington, DC 20004	Edison Electric Institute	5,167.58	353.65
Denise A. Bode, 1101 Sixteenth Street, NW Washington, DC 20036	Independent Petroleum Assn of America		80.00
Robert Spurrier Boege, 1575 Eye Street, NW Washington, DC 20005	American Soc of Assn Executives	300.00	
Doyce Boesch, 1317 F Street, NW, #400 Washington, DC 20004	R. Duffy Wall & Associates		
Larry A. Boggs, 1331 Pennsylvania Ave., NW Washington, DC 20004	General Electric Co	600.00	
Bogle and Gates, One Thomas Circle, NW, #900 Washington, DC 20005	American Dehydrated Onion & Garlic Assn	3,000.00	
Do	Cruiseship Alliance	600.00	
Do	National Apparel & Textile Assn	5,000.00	
Do	United Sport Fishermen	1,500.00	
Stacy A. Bohlen, 1830 Columbia Pike, #503 Arlington, VA 22204	Humane Society of the United States	7,000.00	617.40
John Bohm, 1800 Diagonal Road, #140 Alexandria, VA 22314	National Assisted Housing Management Assn	500.00	
John K. Boidock, 1455 Pennsylvania Ave., NW Suite 230 Washington, DC 20004	Texas Instruments	1,500.00	
Patricia Boinski, 1333 New Hampshire Ave., NW Washington, DC 20036	Atlantic Richfield Co	135.00	
Mark P. Bolduc, 1125 15th Street, NW, #700 Washington, DC 20005	Mortgage Bankers Assn of America	5,300.00	
Eugene R. Bolo, 4000 Boury Center Wheeling, WV 26003	Oralco Management Services, Inc (For:Ormet Corp)		
Do	Oralco Management Services, Inc (For:Ravenswood Aluminum Corp)		
M. Joel Bolstein, 4000 Bell Atlantic Tower 1717 Arch Street Philadelphia, PA 19103-2793	Dechert Price & Rhoads (For:Monell Chemical Senses Center)	2,975.00	41.12
Naila Bolus, 305 7th Street, SE Washington, DC 20003	Womens Action for Nuclear Disarmament, Inc, et al.	4,300.00	
Benjamin C. Bolusky, 1250 Eye Street, NW, #500 Washington, DC 20005	American Assn of Nurserymen		
Edward N. Bond, 1700 N. Moore St., #2120 Rosslyn, VA 22209	Boeing Company	4,150.00	173.00
John E. Bonitt, 1001 Pennsylvania Avenue, NW, #700 Washington, DC 20004	Allied-Signal, Inc	390.00	160.00
Franklin Bonitto D., 1000 Wilson Boulevard, #2800 Arlington, VA 22209	Grumman Corporation	625.00	69.63
Brian C. Bonnet, 1199 N. Fairfax Street, #801 Alexandria, VA 22314	National Assn of Truck Stop Operators		
Edward Book, Two Layfayette Centre 1133 21st Street, NW Washington, DC 20036	Travel Industry Assn of America	4,588.00	
Gaylon B. Booker, 1918 N. Parkway Memphis, TN 38112	National Cotton Council of America		
Steven A. Bookshester, 1771 N Street, NW Washington, DC 20036	National Assn of Broadcasters		
John K. Booth, 1001 Pennsylvania Ave., NW Washington, DC 20006	American Council of Life Insurance, Inc		
Mary Booth, 312 Massachusetts Ave., NE Washington, DC 20002	Trust for Public Land	3,348.00	30.45
Henry Borelli, 14589-053 P.O. Box 1000 Leavenworth, KS 66048-1000			
Lydia A. Borland, 2300 M Street, NW, #600 Washington, DC 20037	International Advisers, Inc (For:Embassy of Turkey)	2,843.74	271.62
Laurence D. Bory, 1015 15th St., NW, #802 Washington, DC 20005	American Consulting Engineers Council	2,681.25	
Ken Bossong, 215 Pennsylvania Ave., SE Washington, DC 20003	Public Citizen, Inc		
G. Stewart Boswell, 2500 Wilson Blvd. #301 Arlington, VA 22201	American Apparel Manufacturers Assn, Inc		
Charles G. Botsford, 1730 M St., NW, #911 Washington, DC 20036	McDonnell Douglas Helicopters, et al.		
John C. Bottenberg, 800 S.W. Jackson, #1120 Topeka, KS 66612	Philip Morris, Inc	2,500.00	556.90
Francis D. Bouchard, 1819 L Street, NW, 7th Floor Washington, DC 20036	Reinsurance Assn of America		
Claude P. Boudrias, 2501 M Street, NW Washington, DC 20037	Chemical Manufacturers Assn, Inc	400.00	239.50
Kenneth A. Bouldin, 1212 Potomac Street, NW Washington, DC 20007	Computer Dealers & Lessors Assn		
Laura L. Bourne, 1750 K Street, NW Washington, DC 20006	Food Marketing Institute	100.00	
Wayne A. Boutwell, 50 F Street, NW, #900 Washington, DC 20001	National Council of Farmer Cooperatives	1,320.00	
John Bowers Jr., 815 16th Street, NW Washington, DC 20006	International Longshoremen's Assn, AFL-CIO	16,380.00	1,139.78
M. Kenneth Bowler, 1455 Pennsylvania Ave., NW Washington, DC 20004	Pfizer, Inc	3,000.00	1,974.83
J. Laing Bowles, 1015 Fifteenth Street, NW, #802 Washington, DC 20005	American Consulting Engineers Council	453.75	
Larry G. Bowles, 1150 Connecticut Ave., NW, #200 Washington, DC 20036	Halliburton Co		5,314.00
Christopher Bowlin, 1331 Penn. Ave., NW, #1500N Washington, DC 20004-1703	National Assn of Manufacturers	175.00	
Richard P. Bowling, 1020 Princess Street Alexandria, VA 22314	Truck Trailer Manufacturers Assn	1,000.00	
Joan Costain Bowyer, 1015 15th St., NW, #909 Washington, DC 20005	Phelps Dodge Corp	150.00	
John G. Boyd, 1301 K St., NW, #1200 Washington, DC 20005	International Business Machines Corp	200.00	20.00
Richard K. Boyd, 299 Park Ave. New York, NY 10171	Westvaco Corporation		2,012.93
Thomas M. Boyd, 600 Pennsylvania Ave., SE, Suite 206 Washington, DC 20003	Federal Kemper Life Assurance Co	249.98	53.12
Do	Kemper Corp		
Do	Kemper Financial Services, Inc	300.00	79.41
Do	Kemper Investors Life Insurance Company	299.98	53.12
Do	Kemper Reinsurance Company	249.98	53.12
Philip B. Boyer, 421 Aviation Way Frederick, MD 21701	Aircraft Owners & Pilots Assn	2,500.00	
J. Patrick Boyle, 1700 N. Moore Street, #1600 Arlington, VA 22209	American Meat Institute	2,187.50	
Cynthia R. Boynton, 1150 Connecticut Ave., NW, #507 Washington, DC 20036	Gordley Associates (For:National Sunflower Assn)	65.00	
Do	Gordley Associates (For:U.S. Canola Assn)	65.00	
Bracewell & Patterson, 2000 K St., NW, #500 Washington, DC 20006	Browning-Ferris Industries, Inc		
Do	Caribbean Marine, Inc		

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Do	Centex Corp	2,000.00	1,200.00
Do	Chemical Manufacturers Assn, Inc	2,250.00	1,350.00
Do	Edison Electric Institute		
Do	Enron Corp	687.50	412.50
Do	Enterprise Products Co		
Do	Genentech, Inc		
Do	Graham Resources, Inc		
Do	Higman Barge Lines, Inc		
Do	Hunt Oil Company		
Do	Louisiana Land & Exploration Co		
Do	Lyondell Petrochemical Co	562.50	337.50
Do	MEPC American Properties		
Do	National Cable Television Assn, Inc	1,500.00	900.00
Do	Pennsylvania Natural Gas Assn		
Do	Rohm & Hass Co	375.00	225.00
Do	Joseph E. Seagram & Sons, Inc		
Do	Southdown/Pelto Oil Company	1,375.00	825.00
Do	Sterling Chemicals, Inc		
Do	Texas Ophthalmological Assn		
Do	Torch Energy Advisors, Inc	125.00	675.00
Do	Valero Energy Corporation	4,750.00	2,850.00
Bracy Williams & Company, 601 13th Street, NW, #510 South Washington, DC 20005	Arkla, Inc	7,000.00	210.00
Do	City of Klamath Falls		
Do	City of Tucson	7,000.00	100.00
Do	Coin Coalition	10,000.00	225.00
Do	Daishowa America Company, Ltd	6,000.00	200.00
Do	Energy Absorption Systems, Inc	8,000.00	120.00
Do	Fieldstone Co	1,000.00	50.00
Do	Pratt & Whitney Aircraft Group		
Do	St. Louis Airport Authority	4,000.00	110.00
Bradbury Bliss & Riordan, 431 West 7th Ave., #201 Anchorage, AK 99501	Akhiok-Kaguyak, Inc	11,131.84	
Do	Hans & Margaret Bucher		
Cynthia P. Bradley, 1625 L Street, NW Washington, DC 20036	American Fed of State County & Municipal Employees	10,278.26	275.25
Lawrence C. Brady, 2001 M Street, NW Washington, DC 20036	Capitoline International Group Ltd (For:City of America)		
Lynn M. Bragg, 701 Pennsylvania Ave., NW Washington, DC 20004	Edison Electric Institute	1,357.14	174.69
Stuart J. Brahs, 1350 I Street, NW, #1030 Washington, DC 20005	Principal Financial Group	795.63	
Barbara Bramble, 1400 16th Street, NW Washington, DC 20036-0001	National Wildlife Federation		
Brand & Lowell, 923 15th Street, NW, Fifth Fl. Washington, DC 20005	Environmental & Safety Data Exchange		
Do	National Assn for Home Care		
Do	National Assn of Professional Baseball Leagues, Inc		
Do	NCube	320.00	
Do	Olin Pantex, Inc	280.00	
Do	Oracle Corp	1,760.00	100.40
Do	S.A.F.E.		
Do	Seafarers International Union		
Do	Unisys	1,239.00	70.16
Joel Brandenberger, 627 Edmonston Drive Rockville, MD 20851	National Turkey Federation	13,125.00	
David L. Brandon, 1129 Twentieth Street, NW, #705 Washington, DC 20036	National Assn of Real Estate Investment Trusts, Inc		
Jean A. Brashears, 8001 Braddock Road Springfield, VA 22160	National Right to Work Committee	92.00	
Christian N. Braunlich, 1331 Pennsylvania Avenue, NW, #1500N Washington, DC 20004-1703	National Assn of Manufacturers	125.00	
Roy Braunstein, 1300 L Street, NW Washington, DC 20005	American Postal Workers Union, AFL-CIO	15,052.23	2,325.77
Donald H. Brazier, P.O. Box 12266 Seattle, WA 98102	Dollar Savings Bank, et al.		
Noel Brazil, 1505 Prince Street, #300 Alexandria, VA 22314	American Optometric Assn		
Edward T. Breathitt, 1500 K Street, NW, #375 Washington, DC 20005	Norfolk Southern Corp	1,000.00	
Carolyn J. Breedlove, 1201 16th Street, NW Washington, DC 20036	National Education Assn		
Carolyn L. Brehm, 1660 L Street, NW Washington, DC 20036	General Motors Corp	3,000.00	2,643.96
Michael J. Brennan, 1750 New York Ave., NW Washington, DC 20006	International Assn of Bridge Struct & Ornamental Iron Wkrs	10,800.00	356.00
Peter E. Brereton, 1101 15th Street, NW, #400 P.O. Box 5937 Washington, DC 20005-5070	National Council of Community Bankers	10,000.00	654.22
Jack E. Bresch, 4455 Woodson Road St. Louis, MO 63134	Catholic Health Assn of the United States		
Brescia & Associates, 1233 20th Street, NW, Suite 400 Washington, DC 20036	Arthur Schuman, Inc	1,500.00	
Do	Duna Cheese Co	4,000.00	
Stephanie Breslin, 2300 M Street, NW, Suite 800 Washington, DC 20037	U.S. Independent Microwave Television Assn (USIMTA)	519.00	
Thomas M. Bresnahan III, 1700 K Street, NW, #1200 Washington, DC 20006	Chevron Companies	5,000.00	50.00
William O. Bresnick, 1050 17th Street, NW, #500 Washington, DC 20036	Texaco, Inc	250.00	
F.H. Brewer III, 1913 Eye Street, NW Washington, DC 20006	Chemical Specialties Manufacturers Assn, Inc	1,216.00	206.52
Larry K. Brewer, 1235 Jefferson Davis Highway Arlington, VA 22202	ESCO Electronics Corp		757.22
John R. Brigance, 2501 M Street, NW Washington, DC 20037	Chemical Manufacturers Assn, Inc	2,000.00	
Sue M. Briggum, 1155 Connecticut Ave., NW Washington, DC 20036	Waste Management, Inc	3,350.00	
Craig S. Brightup, 206 E Street, NE Washington, DC 20002	National Roofing Contractors Assn	4,875.00	966.13
Michael F. Brinck, 4647 Forbes Boulevard Lanham, MD 20706	AMVETS	6,800.00	
Mary Broderick, 1625 K St., NW, 8th Fl. Washington, DC 20006	National Legal Aid & Defender Assn	1,500.00	
William M. Brodhead, 900 Marquette Building Detroit, MI 48226	Plunkett & Cooney (For:NBD Bancorp, Inc)	5,500.00	1,530.73
Do	Plunkett & Cooney (for City of Detroit, Michigan)	8,625.00	65.91
Do	Plunkett & Cooney (for Michigan Consolidated Gas Co)	9,600.00	3,676.71
David A. Brody, 1140 Connecticut Avenue, NW, #803 Washington, DC 20036	American Fiber Manufacturers Assn, Inc		
Do	Anti-Defamation League of B'nai B'rith		
Do	BASF Corp		
Do	Corn Coalition	500.00	
Do	Telecommunications Industry Assn		
Marcia D. Brody, 1023 15th Street, NW, #300 Washington, DC 20005	American Veterinary Medical Assn	300.00	
Michael J. Brokovich, 8201 Greensboro Drive McLean,, VA 22102	Paramax Systems Corporation	1,000.00	74.11
Michael D. Bromberg, 1111 19th St., NW, #402 Washington, DC 20036	Federation of American Health Systems	4,500.00	
Dale E. Brooks, 1401 I St., NW #1200 Washington, DC 20005	Chevron USA, Inc	1,000.00	
E. R. Brooks, P.O. Box 660164 Dallas, TX 75266	Central & South West Corp		
Mary E. Brooks, 1730 M Street, NW Washington, DC 20036	League of Women Voters of the U.S.	5,808.91	192.75
Edward J. Brothers, 5601 South High School Rd. Indianapolis, IN 46241			
Robert F. Brothers, 1776 I Street, NW, #1050 Washington, DC 20006	Eastman Kodak Company	100.00	46.00
Cynthia A. Brown, 1640 Wisconsin Ave., NW, First Floor Washington, DC 20007	American College of Surgeons		215.77
Cynthia L. Brown, 4301 N. Fairfax Drive, #330 Arlington, VA 22203	Shipbuilders Council of America	15,000.00	
Dale E. Brown, 1801 Pennsylvania Ave., NW Washington, DC 20006	MCI Communications Corp	4,000.00	4,091.00
David S. J. Brown, 700 14th Street, NW Washington, DC 20005	Monsanto Co	700.00	398.52
James P. Brown, 232 N. Kingshighway, #202 St. Louis, MO 63108	Bi-State Development Agency	8,300.00	4,250.00
Do	City of St. Louis - City Hall	5,000.00	2,035.00
Do	Lambert-St. Louis International Airport	26,500.00	8,650.00
John J. Brown, 50 E Street, SE Washington, DC 20003	John J. Brown & Associates (For:Labor Management Committee of the Tobacco Institute).	1,000.00	900.00
Michael J. Brown, 18 East Custis Ave. Alexandria, VA 22301	Klein & Saks (for: Gold Institute)	2,910.00	24.00
Do	Klein & Saks (For:Silver Institute)	1,300.00	24.00
Omer F. Brown II, 701 Pennsylvania Avenue, NW, #600 Washington, DC 20004	Davis Wright Tremaine (For:Hazardous Waste Action Coalition)	1,518.00	37.75
Do	Davis Wright Tremaine (For:Lockheed Engineering & Sciences Co)	13,979.00	83.21
Robert Craig Brown, P.O.Box 12285 Memphis, TN 38182	National Cotton Council of America	1,782.00	28.35
S. M. Henry Brown Jr., 1776 Eye Street, NW, #275 Washington, DC 20006	Entergy Services, Inc	6,900.00	765.69
Steven J. Brown, 421 Aviation Way Frederick, MD 21701	Aircraft Owners & Pilots Assn	2,000.00	
Vincent D. Brown, Nebraska Petroleum Council P.O. Box 95063 Lincoln, NB 68509	American Petroleum Institute	6,000.00	1,819.02
Will Rolland Brown, 11 Dupont Circle, NW, #300 Washington, DC 20036-1207	Albers & Company (For:May Department Stores Co)		
William E. Brown, 1667 K Street, NW #420 Washington, DC 20006	Mead Corporation		
William R. Brown Jr., 122 C Street, NW, #330 Washington, DC 20001	National Rural Letter Carriers Assn	19,802.00	
William Y. Brown, 1155 Connecticut Ave., NW, #800 Washington, DC 20036	Waste Management, Inc	3,550.00	
Clarence J. Brown and Co, Inc, 1101 Connecticut Avenue, NW, #1000 Washington, DC 20036	BHC, Inc	1,150.00	
Do	Chris-Craft Industries, Inc		
Do	Honda North America, Inc		
Do	Ohio Edison Co	3,750.00	
Do	United Television, Inc		
Arthur W. Brownell, 1620 Eye St., NW, #700 Washington, DC 20006	International Paper Co	24,000.00	1,856.92

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Thomas H. Brownell, GE Aerospace 1331 Pennslyvania Ave., NW, #890 Washington, DC 20004	General Electric Co	3,094.00	254.00
Brownstein Hyatt Farber & Strickland, P.C., 410 17th Street, 22nd Floor Denver, CO 80202	New Valley Corporation		1,267.62
Brownstein Zeidman & Schomer, 1401 New York Ave., NW, #900 Washington, DC 20005	Dal-Tile Corp	4,694.98	
Do	Imco Realty	2,730.00	40.00
Do	Kimberly-Clark De Mexico, SA de CV	6,731.51	657.98
Do	New York City Housing Development Corp	4,437.00	
Do	New York State Mortgage Loan Enforcement & Admin Corp	2,380.00	
Do	Pennrose Properties	2,260.00	
Do	Related Companies of Florida		
Do	Related Companies, Inc	6,000.00	416.00
Do	Schochet Associates		
Do	Technical Assistance Corp - of the City of St. Louis		
Do	Vitro S.A.	45,226.89	6,753.95
Jeanne Broyhill, 1101 Pennsylvania Avenue, NW, #950 Washington, DC 20077	Federal Home Loan Mortgage Corp	5,000.00	1,638.71
Thomas P. Bruderle, 4630 Montgomery Ave. Bethesda, MD 20814	American Soc of Hospital Pharmacists		10,200.00
Wolf Brueckmann, 1615 H Street, NW Washington, DC 20062	U.S. Chamber of Commerce		
William K. Brunette, 601 E Street, NW Washington, DC 20049	American Assn of Retired Persons	727.61	125.00
J. M. Brunkenhoefer, 227 Massachusetts Avenue, NE, #100 Washington, DC 20002	United Transportation Union	6,250.00	
Michael E. Brunner, 2626 Pennsylvania Avenue, NW Washington, DC 20037	National Telephone Cooperative Assn	2,000.00	13.85
Kenley W. Brunsdale, 6071 Aries Drive Salt Lake City, UT 84118	Fabian & Clendenin (For:Envirocare of Utah, Inc)		
Do	Fabian & Clendenin (For:Wasatch County)	6,000.00	1,500.00
J. Charles Bruse, 633 Pennsylvania Ave., NW, #600 Washington, DC 20004	Allstate Insurance Cos	1,520.00	598.00
Hayden B. Bryan, 8607 Westwood Center Drive, Suite 204 Vienna, VA 22182	Professional Services Council	1,500.00	7.28
Barbara L. Bryant, 1101 17th Street, NW, #1000 Washington, DC 20036	American Physical Therapy Assn, Private Practice Section		
Victor A. Bryant, 1801 K Street, NW #900 Washington, DC 20006	American Textile Manufacturers Institute, Inc	200.00	350.00
Bryant, Miller & Olive, PA, 201 South Monroe Street, Suite 500 Tallahassee, FL 32301	Fernandina Cruise Lines, Inc	15,000.00	
Dawn M. Brydon, 888 16th Street, NW Washington, DC 20006	International Dairy Foods Assn		
Don C. Buchanan, 1750 New York Ave., NW Washington, DC 20006	Sheet Metal Workers International Assn	20,363.00	
PerryAnne Buchanan, 3800 N. Fairfax Drive, Suite 4 Arlington, VA 22203	National Water Resources	12,000.00	
Judith A. Buckalew, 1300 Eye Street, NW, #520-W Washington, DC 20005	Hoffmann-La Roche, Inc		
Robert Buckler, 405 Sibley St., #120 St. Paul, MN 55101	National Board of Fur Farm Organizations	9,000.00	2,992.26
Jeremiah S. Buckley, 1500 K Street, NW, #200 Washington, DC 20005	Thacher Proffitt & Wood (For:Citicorp Mortgage Finance, Inc.)		
Do	Thacher Proffitt & Wood (For:Massachusetts Bankers Assn)		
Do	Thacher Proffitt & Wood (For:National Council of Savings Institutions)		
Do	Thacher Proffitt & Wood (For:Residential Services Corp of America)		
Do	Thacher Proffitt & Wood (For:Savings Bank of Life Insurance)		
Roy C. Buckner, 1090 Vermont Ave., NW, #1100 Washington, DC 20005	Textron, Inc	600.00	150.00
Robert R. Budway, 1625 Massachusetts Ave., NW Washington, DC 20036	Can Manufacturers Institute	35,000.00	7,100.00
David T. Buente Jr., 1722 Eye Street, NW Washington, DC 20006	AT & T Capital Corp	500.00	
Do	AT&T	875.00	
Do	Sidley & Austin (For:Commercial Finance Assn (CFA))	187.50	
Do	Sidley & Austin (For:General Electric Capital Corp)	875.00	
Do	General Electric Company	1,250.00	
J. Bruce Bugg Jr., 100 W. Houston Street, #1660 San Antonio, TX 78205	American College of Mohs Micrographic		50,395.54
Building Owners & Managers Assn Int'l, 1201 New York Avenue, NW, #300 Washington, DC 20005			11,550.00
Douglas W. Bulcao, 1801 K Street, NW, #900 Washington, DC 20006	American Textile Manufacturers Institute, Inc	1,000.00	
Darrel D. Bunge, Minnesota Petroleum Council 350 St. Peter Street, #1025 St. Paul, MN 55102	American Petroleum Institute	1,930.00	
David A. Bunn, 1211 Connecticut Avenue, NW, #406 Washington, DC 20036	Hearst Corporation	1,000.00	
Do	Parcel Shippers Assn	1,000.00	
William D. Bunnell, 4660 Kenmore Ave., #1018 Alexandria, VA 22304	Cummins Engine Co, Inc	1,535.85	1,005.15
Burchette & Associates, 1025 Thomas Jefferson Street, NW Washington, DC 20007	Ambase		
David G. Burden, 200 E. Randolph Dr. P.O. Box 87703 Chicago, IL 60680-0703	Amoco Corporation		
James D. Burge, 1350 I Street, NW, #400 Washington, DC 20005	Motorola, Inc	6,500.00	
Bruce W. Burgess, 807 Maine Ave., SW Washington, DC 20024	Disabled American Veterans	12,661.60	
Tonio Burgos, 909 Third Avenue, 17th Floor New York, NY 10028	Commonwealth of Puerto Rico/ P.R. Fed Affairs Admin		965.00
Burgum and Grimm, Ltd, 106 North Carolina Ave., SE Washington, DC 20003	Global Positioning Assn		6,756.90
Do	Harza Engineering Company	16,000.00	5,874.75
Do	Illinois Department of Energy & Natural Resources	7,242.46	4,885.77
Do	United Illuminating	6,000.00	3,147.51
April L. Burke, 507 Cathedral Drive Alexandria, VA 22314	Hill & Knowlton (For:Association of Independent Research Institutes (AIRI))		
Do	Association of Independent Research Institutes (AIRI)	600.00	
Do	Hill & Knowlton (For:California Institute of Technology)		
Do	California Institute of Technology	3,000.00	
Do	Hill & Knowlton (For:University of Cincinnati)		
Do	Lewis-Burke Associates (For:University of Cincinnati)		
Diane B. Burke, 1625 L Street, NW Washington, DC 20036	American Fed of State County & Municipal Employees	14,667.00	607.00
Gerard P. Burke, 1117 Spotswood Drive Silver Spring, MD 20904	International Air Leases, Inc		
J. J. Burke Jr., 40 E. Broadway Butte, MT 59701	Montana Power Co		
Kevin M. Burke, 1111 14th St., NW Washington, DC 20005	American Bakers Assn	2,546.26	250.00
Francis X. Burkhardt, 1750 New York Ave., NW Washington, DC 20006	International Brotherhood of Painters & Allied Trades		
Phillip C. Burnett, P.O. Box 12285 Memphis, TN 38182	National Cotton Council of America	4,337.50	47.63
David G. Burney, 1101 17th St. N.W., #609 Washington, DC 20036	U.S. Tuna Foundation	12,000.00	3,000.00
Charles S. Burns, 1015 15th St., NW, #909 Washington, DC 20005	Phelps Dodge Corp	1,200.00	
Timothy F. Burns, 2501 M St., NW Washington, DC 20037	Chemical Manufacturers Assn, Inc	4,000.00	75.00
Joseph E. Burnside, 1819 L Street, NW, #200 Washington, DC 20036	Matsushita Electric Corp of America	100.00	67.95
Melinda Burrell, 418 7th Street, SE Washington, DC 20003	World Federalist Assn	4,725.47	
Burson-Marsteller, 1850 M Street, NW, #900 Washington, DC 20036	American Mobile Satellite Corp	5,000.00	
Do	Arthur Andersen & Co		
Do	Chicago & Northwestern Transportation Co		
Do	CEMEX		
Do	Degussa AG	3,000.00	
Do	Economic Growth Alliance	1,500.00	65.96
Do	Eli Lilly & Company		
Do	Ethyl Corporation		
Do	Korea Iron & Steel Assn	3,000.00	
Do	Lever Brothers Company		
Do	McDonnell Douglas	4,000.00	
Do	MAPCO		
Do	National Assn of Professional Baseball Players (NAPBL)		
Do	Salomon Brothers, Inc		
Do	Thomson-CSF, Inc	1,500.00	
Do	Warner-Lambert Co		
William Burton, 180 Maiden Lane New York, NY 10038	Continental Insurance Company		
Mark R. Burtschi, 410 First Street, SE Washington, DC 20003	American Nuclear Energy Council	9,974.99	1,196.88
James D. Burwell, Governmental Affairs Dept. (051) Columbia, SC 29218	Scana Corp		32,991.55
Barbara L. Bush, 1220 L St., NW Washington, DC 20005	American Petroleum Institute	200.00	
Donald G. Butcher, c/o N.Y.S. Petroleum Council 150 State Street Albany, NY 12207	American Petroleum Institute	1,700.00	
Mrs. H. E. Butt, 3700 Ocean Drive Corpus Christi, TX 78411			
Jeffrey Butzke, 2 Suydam Lane Bayport, NY 11705	Golden Rule Insurance Company	2,646.29	3,066.91
William Byler Associates, Inc, 1155 Conn. Ave., NW, #300 Washington, DC 20036	Ak-Chin Indian Community Council	63.00	
Do	Havasupai Tribal Council	72.00	
Do	San Carlos Apache Tribe		
Lynnea Bylund, 2300 M Street, NW, Suite 800 Washington, DC 20037	United States Independent Microwave Television Assn (USIMTA)		
John J. Byrne, 1120 Connecticut Ave., NW Washington, DC 20036	American Bankers Assn	6,000.00	
BBA, Inc, 1000 Potomac Street, NW, #301 Washington, DC 20007	Career College Assn	60,000.00	25,930.95
Edward S. Cabot, 1285 Avenue of The Americas New York, NY 10019	Common Cause	3,433.08	
Elizabeth B. Cady, 1400 L Street, NW, #600 Washington, DC 20005-3509	Steel Service Center Institute		
Leslie Schuchart Cahill, 1030 15th Street, NW, #964 Washington, DC 20005	American Seed Trade Assn	6,000.00	
Morrison G. Cain, 1901 Pennsylvania Ave., NW, #200 Washington, DC 20006	International Mass Retail Assn		
Christopher G. Caine, 1301 K St., NW, 11th Floor Washington, DC 20005	IBM Corp	1,629.00	278.32
Tony Calandro, 750 First Street, NW, #900 Washington, DC 20002	Career College Assn, In	1,750.00	
Alan Caldwell, 1455 Pennsylvania Ave., NW, #525 Washington, DC 20004	RJR Nabisco, Inc	2,450.00	
Bonnie Caldwell, 1000 Vermont Ave., NW, #800 Washington, DC 20005	Public Securities Assn	12,500.00	894.24
Antonio J. Califa, 122 Maryland Ave., NE Washington, DC 20002	American Civil Liberties Union	2,800.00	

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Calorie Control Council, 5775 Peachtree-Dunwoody Rd., #500-D Atlanta, GA 30342			100.00
Cambridge International, Inc, 2775 South Quincy Street, #520 Arlington, VA 22206	Alliston Transmission	600.00	
Do	Eastern Technologies, Inc	750.00	
Do	FMC Corporation	500.00	
Do	General Dynamics Land Systems	1,000.00	
Do	McDonnell Douglas Helicopter Company	600.00	
Do	Oshkosh Trucks Corp	300.00	
Do	Stewart & Stevenson Services, Inc	600.00	
Do	Textron Lycoming	800.00	
Do	Varo, Inc	600.00	
Arthur E. Cameron, 225 C Street NE, #A Washington, DC 20005	International Union of Police Assns, AFL-CIO	1,500.00	
Do	Lukens General Industries, Inc	1,750.00	
Do	National Greyhound Assn	4,500.00	
Do	Potters Industries, Inc	2,250.00	
Do	Safetran Systems Corporation	3,788.00	
Do	Stimsonite Corporation	1,500.00	
Do	Syro Steel Co, et al.	2,500.00	
Do	3M Company	3,859.00	
Cameron & Hornbostel, Law Offices of, 818 Connecticut Ave., NW, Suite 700 Washington, DC 20006	Government of Barbardos		
Nancy Camm, 1101 17th St., NW, #1002 Washington, DC 20036	Bank of America	1,009.75	625.31
Michael C. Camp, 1899 L Street, NW #1100 Washington, DC 20036	Exxon Corp		
Camp Barsh & Tate, 2550 M St., NW, #275 Washington, DC 20037	Advance Petroleum, Inc		
Do	American Industries Trust Co		
Do	Associated Financial Corp		
Do	ARA Services, Inc	728.00	
Do	BellSouth Corp		
Do	Blue Cross & Blue Shield Assn	374.40	
Do	California Pipe Trades Council	125.00	
Do	Campbell Soup Co		
Do	Chemical Manufacturers Assn, Inc	250.00	
Do	Coalition for Employment Opportunities	83.20	171.70
Do	Columbia Gas Systems, Inc		
Do	Committee for Equitable Compensation	600.00	
Do	Harcourt Brace Jovanovich, Inc		
Do	Home Intensive Care, Inc	312.00	
Do	K-Mart Corp	250.00	
Do	McDermott Will & Emery for Group Health Insurance Assn of AM		
Do	Mobil Oil Corp		
Do	National Assn of Diagnostic Services (NADS)		
Do	Natural Gas Supply Assn	225.00	
Do	Olin Corporation		
Do	Pennzoil Co		
Do	PGA Tour	625.00	
Do	Rural Referral Centers Coalition		
Do	Russ Berrie & Co, Inc		
Do	Shell Oil Co	199.95	
Do	Southland Corporation		
Do	Texaco, Inc		
Do	Union Pacific Resources, Inc		
Do	World Airways		
Do	World Fuel Services		
Campaign for U.N. Reform-Political Education Committee, 418 7th Street, SE Washington, DC 20002		19,896.08	21,774.10
C. R. Campbell Jr., 1850 M St., NW, #1200 Washington, DC 20036	GTE Corporation	3,000.00	
C. Thomas Campbell, 1776 Eye Street, NW, #575 Washington, DC 20006	DowElanco		6,261.00
Carl C. Campbell, 1110 Vermont Avenue, NW, #430 Washington, DC 20005	National Cotton Council of America	400.00	
Charles O. Campbell, 1420 King Street Alexandria, VA 22314-2715	National Society of Professional Engineers	2,000.00	
David Campbell, 1400 16th Street, NW Washington, DC 20036-0001	National Wildlife Federation	588.02	
Jeanne Campbell, Campbell-Raupe, Inc 1010 Pennsylvania Avenue, SE Washington, DC 20003	Algonquin Gas Transmission		
Do	American Assn of Advertising Agencies		
Do	American Fiber Manufacturing Assn		
Do	American Nuclear Energy Council		
Do	Home Finance Coalition, Inc		
Do	Invest to Compete Alliance		
Do	National Machine Tool Builders' Assn		
Do	Securities Industry Assn		
Do	Stone & Webster Engineering Corp		
Do	Westinghouse Electric Corp		
Jerry L. Campbell, 1201 Chestnut St. Chattanooga, TN 37402	Tennessee Valley Public Power Assn		
John G. Campbell, 9300-D Old Keene Mill Road Burke, VA 22015	John G. Campbell, Inc (For:ARCO Power Technologies, Inc)		
Do	John G. Campbell, Inc (For:BDM International, Inc)		
Do	John G. Campbell, Inc (For:Ebasco)		
Do	John G. Campbell, Inc (For:General Electric Co)		
Do	John G. Campbell, Inc (For:Hughes Aircraft Company)		
Do	John G. Campbell, Inc (For:Loral Corp)		
Do	ManTech International Corp		
Do	John G. Campbell, Inc (For:Sierra Nevada Corp)		
Do	John G. Campbell, Inc (For:3M Company)		
Marilyn E. Campbell, 517 2nd Street, NE Washington, DC 20002	David Turch & Asso	1,000.00	
Thomas D. Campbell & Associates, Inc, 113 South Alfred Street Alexandria, VA 22314	Cyprus Minerals Co	5,000.00	2,008.39
Clarke D. Camper, 1101 Pennsylvania Ave., NW, #950 Washington, DC 20006	Federal Home Loan Mortgage Corp	4,000.00	6,494.54
Can Manufacturers Institute, 1625 Massachusetts Ave., NW Washington, DC 20036		35,000.00	20,350.00
Sharon M. Canavan, 1125 15th St., NW Washington, DC 20005	Mortgage Bankers Assn of America	15,150.00	1,393.62
Anne C. Canfield, 1331 Pennsylvania Ave., NW, #800-South Washington, DC 20004	General Electric Co	500.00	
Sharon F. Canner, 1331 Pennsylvania Ave., NW, #1500 N. Washington, DC 20004-1703	National Assn of Manufacturers	186.80	
Hugh C. Cannon, 1500 K Street, NW, #650 Washington, DC 20005	Glaxo, Inc	150.00	
James R. Cannon Jr., 808 Seventeenth Street, NW, #300 Washington, DC 20006-3910	Stewart and Stewart (For:Smith Corona Corp)	45.08	
Do	Stewart & Stewart (For:Timken Co)		
Do	Stewart & Stewart (For:Torrington Company)		
Brent A. Cantley, 1735 New York Ave., NW Washington, DC 20006	American Institute of Architects		
Francis J. Cantrel Jr., 1801 Pennsylvania, Ave., NW Washington, DC 20006	MCI Communications Corp	4,000.00	3,625.22
Capital Consultants, 1122 Colorado, #307 Austin, TX 78701	Advanced Telecommunication Corp	1,800.00	369.00
Do	Madison Public...(for Leadhership Council of Advertising...)	14,500.00	437.40
Capitol Associates, Inc, 426 C Street, NE Washington, DC 20002	American Academy of Allergy & Immunology	500.00	
Do	American Assn of Cancer Research	300.00	
Do	American Health Foundation	800.00	
Do	American Soc of Nephrology	4,800.00	
Do	American Soc of Tropical Medicine and Hygiene	600.00	
Do	Arthritis Foundation	1,000.00	
Do	AMC Cancer Research Center	500.00	
Do	Carnation Co	3,500.00	
Do	Citizens Comm for Medical Research & Health Education	300.00	
Do	Cystic Fibrosis Foundation	1,200.00	
Do	FDA Council	10,500.00	
Do	Hutchinson Cancer Center	1,800.00	
Do	Illinois Collaboration on Youth	100.00	
Do	International Coordinating Council for Cancer Research	2,000.00	
Do	Joint Council of Allergy & Immunology	500.00	
Do	Massachusetts General Hospital	2,400.00	
Do	National Assn of Addiction Treatment Providers	800.00	
Do	National Assn of Pediatric Nurse Associates & Practitioners	1,200.00	
Do	National Coalition for Cancer Research	400.00	
Do	National Multiple Sclerosis Society	600.00	
Do	Nestle Foods	3,500.00	
Do	Ringling Brothers	1,500.00	

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Do	U.S. Healthcare, Inc	800.00	
Do	Wellman Laboratory	1,000.00	
Capitoline International Group Ltd, 2001 M Street, NW Washington, DC 20036	City of America		
Do	Professional Lawn Care Assn of America	687.50	343.75
Caplin & Drysdale, Chtd, One Thomas Circle, NW, #1100 Washington, DC 20005	American Methanol Institute (AMI)		
Do	Council on Foundations, Inc		
Denise A. Cardman, 1800 M St., NW Washington, DC 20036	American Bar Assn	400.00	50.00
Career College Assn, Inc, 750 First Street, NE,Suite 900 Washington, DC 20002		11,250.00	11,250.00
Kate Carey, 1620 L Street, NW, #800 Washington, DC 20036	Metropolitan Life Insurance Cos		1,250.00
Melissa Coggeshall Carey, 4135 Lorcom Lane Arlington, VA 22207	Harris Corporation	907.24	165.28
Norval E. Carey, 1100 17th St., NW, #1200 Washington, DC 20036	General Atomics	20,200.00	1,331.88
Robert R. Carey, P.O. Box 2121 Corpus Christi, TX 78403	Central Power & Light Company		
Maurice E. Carino Jr., 1667 K St. N.W., #600 Washington, DC 20006	Bethleham Steel Corp	225.00	
Edward J. Carlough, 1750 New York Avenue, NW Washington, DC 20006	Sheet Metal Workers International Assn	41,610.00	
Anne E. Carlson, 1620 Eye Street, NW, #1000 Washington, DC 20006	Motor Vehicle Manufacturers Assn of the U.S., Inc	8,600.00	
Catherine A. Carlson, 1400 16th Street, NW Washington, DC 20036	National Wildlife Federation	1,921.38	
Carmen & Muss, 1901 Pennsylvania Ave., NW, #800 Washington, DC 20006	Carmen Group (for CareerCom)		
Carmen Group, 2100 Pennsylvania Ave., NW, #365 Washington, DC 20037	CareerCom Corp		
Do	Carter Footwear	5,000.00	
Do	Kennametal, Inc		
George U. Carneal III, 1129 20th Street, NW, #600 Washington, DC 20036	Group Health Assn of America, Inc		
Sandra W. Carney-Talley, 1250 Eye Street, NW Washington, DC 20005	Aerospace Industries Assn of America, Inc	661.20	
Julia Carol, 2530 San Pablo Avenue, #J Berkeley, CA 94702	Americans for Nonsmokers' Rights	244.00	
Michael C. Carozza, 655 15th Street, NW Washington, DC 20005	Bristol-Myers Squibb Co	1,500.00	
Bertram W. Carp, 820 First Street, NE, #620 Washington, DC 20002	Turner Broadcasting System, Inc	7,655.00	
Fred A. Carr Jr., 12600 Fair Lakes Circle Fairfax, VA 22033-4904	AAA Potomac		
David Carroll, 1101 30th St. NW, 5th Washington, DC 20007	Lafarge Corp (For:Cement Kiln Recycling Coalition)		530.04
James M. Carroll, 950 L'Enfant Plaza, SW Washington, DC 20024	Communications Satellite Corp	1,560.00	410.61
John R. Carson, 9312 Old Georgetown Rd. Bethesda, MD 20814-1621	American Podiatric Medical Assn	18,000.00	
R. D. Carson Jr., P.O. Box 2021 40 Franklin Rd., SW Roanoke, VA 24022	Appalachian Power Company		
Read Carson Van de Water, 901 15th Street, NW, #500 Washington, DC 20005	Northwest Airlines, Inc	8,750.00	500.00
Joseph L. Carter Jr., 50 F Street, NW, #1200 Washington, DC 20001-1564	Association of American Railroads	1,339.73	420.89
Melanie Carter-Maguire, 801 Pennsylvania Ave., NW, #700 Washington, DC 20004	Northern Telecom, Inc	1,250.00	
James P. Carty, 1331 Pennsylvania Ave., NW, #1500 N. Washington, DC 20004-1703	National Assn of Manufacturers	500.00	
Frank H. Case III, 2600 Virginia Ave., NW, 10th Floor Washington, DC 20037-1905	Schmeltzer, Aptaker & Shepard, PC (For:Council of Nursing Home Suppliers)	10,000.00	
Michael K. Casey, 7105 Fort Hunt Road Alexandria, VA 22307	Nationwide Insurance Companies	7,620.00	
Winthrop Cashdollar, 1201 L Street, NW Washington, DC 20005	American Health Care Assn	11,000.00	780.84
Cashdollar-Jones & Company, 1000 16th Street, NW, #702 Washington, DC 20036	Council on Education Development and Research	300.00	67.15
Do	Federal Agricultural Mortgage Corp		
Do	First South Production Credit Assn	10,912.50	256.22
Do	United Foods, Inc		
Allen R. Caskie, 1001 Pennsylvania Ave, NW Washington, DC 20004	American Council of Life Insurance, Inc	625.00	
William E. Casselman II, 1300 I Street, NW, #500-East Washington, DC 20005	Popham Haik Schnobrich & Kaufman, (For:Peter S. Baldonado)	500.00	
Do	Popham Haik Schnobrich & Kaufman, Ltd (For:Ova Noss Family Partnership)	2,422.49	67.71
Lawrence J. Cassidy, 1750 New York Avenue, NW Washington, DC 20006	Sheet Metal Workers International Assn	34,951.00	
Cassidy and Associates, Inc, 700 13th St., NW, #400 Washington, DC 20005	Advanced Physics Corp	8,250.00	109.50
Do	African American Panoramic Experience (APEX)	450.00	
Do	Albion College	825.00	
Do	Alexander Graham Bell Assn for the Deaf		
Do	American Assn of Colleges of Podiatric Medicine	2,100.00	6.00
Do	American Dredging Co	2,700.00	5.50
Do	American Hospital in Shanghai Foundation	150.00	
Do	American Petroleum Institute		
Do	American Science and Engineering, Inc	300.00	
Do	AmeriBrom, Inc	750.00	
Do	AmeriFlora '92		
Do	Anatolia College Board of Trustees		
Do	Atlantic Drydock Corp		
Do	AMFAC/JMB Hawaii, Inc		
Do	AT&T	3,274.80	18.00
Do	Babson College		
Do	Barry University		
Do	Bay County Chamber of Commerce		
Do	Bean Dredging Company	2,700.00	5.50
Do	Best Buddies of America, Inc		
Do	Bishop Museum	300.00	15.00
Do	Boston Carmen's Union		
Do	Boston College	1,000.00	7.50
Do	Boston University		
Do	Bryant College		
Do	Buena Vista College	375.00	22.50
Do	California Pacific Medical Center	450.00	
Do	Catholic University of America	587.40	15.00
Do	Center for Health Technologies, Inc	600.00	92.50
Do	CenterPort International		
Do	Centex Communications, Inc		
Do	CertainTeed Corp		
Do	Challenger Center		
Do	Charlotte-Mecklenberg Hospital Authority Foundation		
Do	Chevron Chemical Company, Inc		
Do	Children's Hospital and Health Center of San Diego	575.00	
Do	Children's Hospital in Michigan	150.00	
Do	Children's Hospital of Pittsburgh	1,050.00	168.15
Do	Children's National Medical Center	1,200.00	55.85
Do	Cities In Schools, Inc		
Do	Clark-Atlanta University	150.00	
Do	Columbia University		
Do	Community College Assn for Technology Transfer		
Do	Comprehensive Care Corp		
Do	Connecticut Health System, Inc	600.00	24.00
Do	Critical Languages & Area Studies Consortium, Inc	600.00	6.00
Do	CSO Partnerships		
Do	Delaware State Dept of Transportation	1,800.00	7.50
Do	Enichem Elastomers Americas, Inc		
Do	Epcint		
Do	Experiment in International Living	2,775.00	59.50
Do	Fairleigh Dickinson University	1,050.00	
Do	Federal League of Americans Around the Globe	150.00	
Do	Florida Institute of Technology	500.00	
Do	Florida Regional Emergency Services, Inc	900.00	
Do	Foundation for James Madison's Montpelier		
Do	Franklin Institute	1,200.00	
Do	Fudan Foundation	150.00	
Do	Garden Isle Cablevision, L.P.		
Do	Gatx-Airlog		
Do	General Dynamics Corp	5,950.00	35.40
Do	Glaxo, Inc	3,325.00	18.60
Do	Gonzaga University	75.00	
Do	Governor of Hawaii, Executive Office on Aging	75.00	
Do	Great Lakes Dredge & Dock Company	2,700.00	7.00
Do	Hahnemann University Hospital	1,337.40	95.30
Do	Hawaii Dept of Business & Economic Development		
Do	Hebrew Vocational Institute	375.00	
Do	Illinois Eastern Community Colleges	150.00	

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Do	Illinois Institute of Technology	675.00	36.75
Do	Infirmary Health Systems, Inc		
Do	Intercontinental Energy Group	600.00	
Do	International Data Group		
Do	International Deafness Outreach, Inc		
Do	T.L. James & Company	2,700.00	7.00
Do	Jones Intercable, Inc	2,100.00	28.85
Do	Kauai CableVision, L.P.		
Do	Kendall Square Research Corp		
Do	Kimberly Quality Care		
Do	LaSalle University	3,675.00	98.85
Do	Lehigh University	150.00	
Do	Lewis and Clark College	600.00	
Do	Loma Linda University Medical Center, Inc	600.00	
Do	Loyola Marymount University	25.00	
Do	Maersk, Inc	2,400.00	144.50
Do	Marquette University	525.00	
Do	Mary Washington Hospital Foundation	325.00	12.00
Do	Massachusetts League of Banks		
Do	Medical Center of Central Massachusetts	300.00	31.50
Do	Medical College of Wisconsin		
Do	Michigan Biotechnology Institute		
Do	Ministry of Forestry of Indonesia		
Do	Monterey Institute of International Studies	625.00	
Do	Mt. Sinai Medical Center of Greater Miami	1,050.00	70.80
Do	Multinational Business Development		
Do	MOOG, Inc	850.00	
Do	National Assn of Dredging Contractors	1,650.00	55.20
Do	National Assn of Proton Therapy		
Do	National Cable Television Assn, Inc		
Do	National Jewish Center for Immunology & Respiratory Medicine	375.00	7.50
Do	NeoRx		
Do	New England Deaconess Hospital Corporation	375.00	41.70
Do	New Jersey Instutute of Technology	675.00	80.20
Do	North Natomas Landowners Assn	1,800.00	
Do	Northwestern University	900.00	
Do	Ocean Spray Cranberries, Inc	450.00	6.60
Do	Pacific Marine		
Do	Pennsylvania Turnpike Commission	425.00	12.00
Do	Piaggio Aviation, Inc	300.00	
Do	Pine Bluff Sand & Gravel	2,700.00	7.00
Do	Pirelli Cable Co		
Do	Pirelli Industrial Products Corp		
Do	Polaroid Corp	150.00	6.00
Do	Polytechnic University	300.00	
Do	PHH Corp	25.00	12.00
Do	Rehabilition Hospial of the Pacific		
Do	Rhode Island Hospital	1,725.00	89.85
Do	Rochester Institute of Technology	750.00	34.10
Do	Ryland Group		
Do	Saint Joseph's University	150.00	
Do	Salzburg Seminar		
Do	Saunders, Snyder, Ross & Dickson, PC		
Do	Scott County Highway Department		
Do	Societa Cavi Pirelli S.p.A.		
Do	Southwest Marine, Inc	125.00	
Do	Sports Museum of New England	600.00	
Do	St. Norberts College	1,650.00	11.50
Do	State of Indiana, Office of the Governor	75.00	
Do	Stephens Engineering company, Inc	750.00	
Do	Suffolk University		
Do	Sutter Bay Associates	1,800.00	163.50
Do	Tougaloo College	900.00	
Do	Tri-State University	450.00	14.60
Do	Tufts University	500.00	10.00
Do	U.S. Surgical Corp		
Do	Ukranian Federation of Greater Philadelphia		
Do	Union Memorial Hospital	150.00	
Do	Union Switch & Signal	1,875.00	
Do	United Brotherhood of Carpenters National Health & Sfty Fund	4,725.00	39.00
Do	United Hospital Medical Center		
Do	University of the Arts	1,500.00	
Do	University of Detroit Mercy	600.00	18.85
Do	University of Hawaii	2,700.00	28.35
Do	University of Limerick Foundation		
Do	University of Pennsylvania	925.00	
Do	University of San Francisco	2,025.00	38.45
Do	University of Southern Mississippi		
Do	University of St. Thomas	600.00	22.00
Do	University of Utah		
Do	University of Vermont	4,200.00	
Do	Waterman Health Care System (Lake Care)	900.00	76.20
Do	Western Townships Utilities Authority	450.00	31.60
Mark A. Casso, 1015 15th Street, NW, #802 Washington, DC 20005	American Consulting Engineers Council	912.50	
Catholic Health Assn of the United States, 4455 Woodson Road St. Louis, MO 63134		9,968.00	10,090.00
Gordon Cavanaugh, 122 C Street, NW, #875 Washington, DC 20001-2109	Reno Cavanaugh & Hornig (For:Council of Large Public Housing Authorities)	29,429.00	4,140.84
Do	Reno Cavanaugh & Horning (For:Housing Authority Insurance, Inc)	571.75	
Do	Reno Cavanaugh & Hornig (For:National American Indian Housing Council)	88.00	24.91
Red Cavaney, 260 Madison Avenue New York, NY 10016	American Paper Institute, Inc	600.00	
Robert S. Cave, 11094-D Lee Highway, #102 Fairfax, VA 22030	American Public Gas Assn	99.04	21.35
Andrew F. Caverly, 180 South Clinton Ave. Rochester, NY 14646-0700	Rochester Telephone Corp	3,175.00	
Richard Celeste F., 10 West Broad Street, #1890 Columbus, OH 43215	C&S International, Inc	5,000.00	901.00
Centerpoint Power Corp of Virginia, 106 North Carolina Ave., SE Washington, DC 20003			
David Certner, 601 E Street, NW Washington, DC 20049	American Assn of Retired Persons	775.78	136.00
Chadbourne & Parke, 1101 Vermont Ave., NW, #900 Washington, DC 20005	American Paper Institute, Inc		
Do	AES Corporation		
Do	Cogentrix, Inc	1,080.00	35.00
Do	Napp Chemicals, Inc		
Do	Purdue Frederick Company	1,548.00	27.00
Do	Ruan Transportation Management Systems		
Terry M. Chamberlain, 1957 E Street, NW Washington, DC 20006	Associated General Contractors of America		
Chambers Associates, Inc, 1625 K Street, NW, #200 Washington, DC 20006	American Postal Workers Union, AFL-CIO		
Do	Coalition of Publicly Traded Limited Partnerships	5,270.00	
Do	Columbia Falls Aluminum Company		
Do	Council of Infrastructure Financing Authorities	900.00	
Do	Lead Industries Assn		
Do	Manville Corporation	2,175.00	
Do	National Comm to Preserve Social Security & Medicare	24,938.00	
Do	Newhall Land and Farming Company		
Maxine Champion, 1025 Thomas Jefferson St., NW, #511 Washington, DC 20007	LTV Corporation	3,000.00	100.00
Ed Chandler, 7901 Westpark Drive McLean, VA 22102	AMT - The Assn for Manufacturing Technology	14,850.00	500.00
William J. Chandler, 1776 Massachusetts Avenue, NW, #200 Washington, DC 20036	National Parks & Conservation Association	6,250.00	62.50
John Chandler Associates, Inc, 9816 Hillridge Drive Kensington, MD 20895	York International	500.00	53.55
Pete Chaney, 1957 E Street, NW Washington, DC 20006	Associated General Contractors of America		

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Linda Z. Chapman, 1400 L Street, NW, #400 Washington, DC 20005	Biscuit & Cracker Manufacturers Assn		
Michael D. Chapman, 777 14th Street, NW Washington, DC 20005	National Assn of Realtors	2,500.00	1,456.37
Thomas B. Chapman, 500 E Street, SW, #920 Washington, DC 20024	Aircraft Owners & Pilots Assn	14,191.00	1,914.99
Byron Charlton, 815 16th Street, NW Washington, DC 20006	American Fed of Labor & Congress of Industrial Organizations	16,150.03	493.86
Richard A. Charter, 6947 Cliff Ave. Bodega Bay, CA 94923	County Administrative Office County of Santa Cruz	13,500.00	1,141.12
Charter Medical Corp, 577 Mulberry Street Macon, GA 31298			
Leslie Cheek III, 1025 Connecticut Avenue, NW, #414 Washington, DC 20036	Crum & Forster Corp	35,470.00	327.00
Chemical Manufacturers Assn, Inc, 2501 M Street, NW Washington, DC 20037			80,467.00
Chemical Specialties Manufacturers Assn, Inc, 1913 Eye Street, NW Washington, DC 20006			1,422.52
William B. Cherkasky, 1350 New York Ave., NW, #900 Washington, DC 20005	International Franchise Assn		
Chernikoff & Company, 1320 18th Street, NW, #100 Washington, DC 20036	American Museum of Natural History	4,000.00	1,009.00
Do	Arena Stage	1,203.00	1,309.75
Do	Art Museum Princeton University	500.00	49.00
Do	Bishop Museum	2,000.00	1,000.00
Do	Capital Childrens Museum	1,062.50	1,169.25
Do	Carnegie Museum of Natural History		
Do	Cleveland Museum of Natural History		
Do	Corcoran Gallery of Art	1,156.00	1,262.75
Do	Directors Guild of America	16,314.00	2,292.21
Do	Field Museum of Natural History		
Do	Fine Arts Museums of San Francisco		
Do	Ford's Theater	1,062.50	1,169.50
Do	Hebrew Union College, Skirball Museum		
Do	Illinois State Museum Society	500.00	49.00
Do	International Photographers Guild		
Do	Isabella Stewart Gardner Museum		
Do	John F. Kennedy Center for the Performing Arts	1,203.00	1,309.75
Do	Meridian House International	1,062.50	1,169.25
Do	Metropolitan Museum of Art	3,000.00	
Do	Museum of American Textile History		
Do	Museum of Northern Arizona	1,000.00	
Do	Mystic Seaport Museum		
Do	National Museum of Women in the Arts	1,109.00	1,215.75
Do	National Symphony	1,203.00	1,309.75
Do	Natural History Museum of Los Angeles County	4,000.00	1,009.00
Do	New York Historical Society		
Do	Peabody Museum of Archeology & Ethnology	500.00	59.00
Do	Peabody Museum of Salem	2,000.00	
Do	Phillips Collection	1,062.50	1,169.25
Do	Science Museum of Minnesota	1,000.00	
Do	Shakespeare Theater at the Folger	1,062.50	1,169.25
Do	Shelburn Museum		
Do	Textile Museum	1,062.50	1,169.25
Do	University of Pennslvania Museum	1,000.00	
Do	Washington Ballet	1,062.50	1,169.25
Do	Washington Opera	1,203.00	1,309.75
Do	Washington Performing Arts Society	1,109.00	1,215.75
Samuel D. Chilcote Jr., 1875 Eye Street, NW, #800 Washington, DC 20006	Tobacco Institute, Inc	1,525.00	
John L. Child, 1725 Jefferson Davis Highway, #601 Arlington, VA 22202	Litton Industries	1,000.00	1,354.94
Child Care America, Inc, 14102 Warwick Blvd Newport News, VA 23602		500.00	500.00
Children's Television Workshop, One Lincoln Plaza New York, NY 10023			
Peggy M. Childress, 811 W. Marvin Avenue Waxahachie, TX 75165	Housing Roundtable		
Ronald S. Chillemi, 1111 14th Street, NW, #1200 Washington, DC 20005	American Dental Assn	2,800.00	508.24
Nam-Hong Cho, 1800 K Street, NW, #700 Washington, DC 20006	Korea Foreign Trade Assn	800.00	680.00
Joseph L. Choquette III, Vermont Petroleum Assn P.O. Box 566 Montpelier, VT 05602	American Petroleum Institute	2,189.00	1,014.44
Edward C. Chow, 1401 Eye Street, NW, #1200 Washington, DC 20005	Chevron Companies		
Richard Chriss, 1957 E Street, NW Washington, DC 20006	Associated General Contractors of America	3,000.00	500.00
Christian Action Network, P.O. BOx 606 Forest, VA 24551		142,271.86	116,227.90
James T. Christy, 805 15th Street, NW, #330 Washington, DC 20005	Air Products & Chemicals, Inc	10,000.00	
Chubb Corporation, 15 Mountain View Road Warren, NJ 07061			23,033.55
Alan L. Chvotkin, 14829 Dufief Drive Gaithersburg, MD 20878	Sundstrand Corporation	2,550.00	329.31
Chwat/Weigend Associates, 400 North Capitol Street, NW, #855 Washington, DC 20001	American Home Sewing & Craft Assn	795.00	795.00
Do	American Radio Relay League, Inc	4,500.00	4,500.00
Do	Associated Locksmiths of America	3,452.00	3,452.00
Do	National Licensed Beverage Assn	5,400.00	5,400.00
Do	National Weather Service Employees Organization	480.00	480.00
Jeffrey R. Cilek, 1001 Connectivut Ave., NW, #1001 Washington, DC 20036	Lanxide Corp	2,500.00	
Citizens for an Alternative Tax System, 100 North Brand Blvd, Suite 502 Glendale, CA 91203		898.81	989.81
Citizens for National Health Care Reform, 1921 Florida Ave., NW P.O. Box 53247 Washington, DC 20009-3247		25.61	25.61
Citizens for Reliable and Safe Highways (CRASH), 81 Lansing Street, #106 San Francisco, CA 94105-1611		3,708.00	642.47
Citizens Comm for the Right to Keep & Bear Arms, Liberty Park, 12500 NE Tenth Place Bellevue, WA 98005		613,054.21	144,010.53
Donald D. Clancy, 6507 Leeds Lane Cincinnati, OH 45215	Tele-Press Associates, Inc (For:Japan Fisheries Association)	1,000.00	2,522.00
Julie Clark, 1625 K St., NW, #800 Washington, DC 20006	National Legal Aid & Defenders Assn	15,000.00	217.93
Lynn C. Clark, 1411 K Street, NW, #603 Washington, DC 20005	District of Columbia Chamber of Commerce	1,075.00	
Marshall C. Clark, 7332 SW 21st Street P.O. Box 4267 Topeka, KS 66604	Kansas Electric Cooperatives, Inc (KEC)	3,246.00	
Rudy I. Clark, 5342 Woodbury Woods Lane Fairfax, VA 22032	Air Force Sergeants Assn, Inc		
Thomas R. Clark, 919 18th Street, NW Washington, DC 20006	Federal Agricultural Mortgage Corp		
Vernon A. Clark, 2100 Pennsylvania Ave, NW #600 Washington, DC 20037	Vern Clark & Associates (For:Coalition for Property Rights)	124,999.98	1,000.00
Do	Vern Clark & Associates (For:Fox Television Stations, Inc)	18,000.00	
Do	Vern Clark & Associates (For:Metromedia Communications)	15,000.00	
Do	Vern Clark & Associates (For:RJR-Nabisco Washington, Inc)	60,000.00	
Vern Clark & Associates, 2100 Pennsylvania Ave, NW, #600 Washington, DC 20037-3202	Coalition for Property Rights	124,999.98	1,000.00
Do	Fox Television Stations, Inc	18,000.00	
Do	Metromedia Communications	15,000.00	
Do	RJR, Nabisco Washington, Inc	60,000.00	
Sara F. Clary, 1629 K Street, NW, #1010 Washington, DC 20006	Alliance of American Insurers	5,000.00	
Isabelle M. Claxton, 1615 L Street, NW, #1320 Washington, DC 20036	Merck & Co, Inc	1,000.00	400.00
Michelle C. Clay, 8601 Georgia Ave., #805 Silver Spring, MD 20910	Brown & Associates (for Bi-State Development Agency)	6,000.00	
Do	Federation of Postal Police Officers	3,500.00	
Do	National Assn of Minority Automobile Dealers	5,000.00	954.00
Joan Claybrook, 2000 P Street, NW, #605 Washington, DC 20036	Public Citizen, Inc	3,750.00	
Kenneth J. Clayton, 1120 Connecticut Ave, NW Washington, DC 20036	American Bankers Assn	3,175.00	
Cleary Gottlieb Steen & Hamilton, 1752 N Street, NW Washington, DC 20036	Crompton & Knowles Corp		
Do	Day-Glo Color Corp		
Do	Fleet/Norstar Financial Group, Inc		
Do	Government Representatives Committee Securities Indstry Assn		
Do	Harry Frank Guggenheim Foundation		
Do	Ministry of Finance & Public Credit of the United Mexican St		
Do	Salomon Brothers, Inc		
Do	Security Pacific National Bank		
Do	U.S. Bancorp		
Ronald D. Clements, 701 Pennsylvania Avenue, NW Washington, DC 20004	Edison Electric Institute	3,988.46	1,289.66
Cleveland-Cliffs, Inc, 1100 Superior Avenue Cleveland, OH 44114-2589			885.00
William A. Clifford, 510-15 Revere Beach Blvd., #806 Revere, MA 02151	American Dispatchers Assn	208.22	
George Stephen Clifton, 1050 17th Street, NW, #1250 Washington, DC 20036	Houston Industries, inc	5,500.00	
William C. Clohan Jr., 1101 Vermont Avenue, NW, Suite 400 Washington, DC 20005	Career College Assn	1,250.00	
Clohan & Dean, 1101 Vermont Ave., NW, #400 Washington, DC 20005	Coalition for Higher Education Assistance Organizations	437.50	
Do	Consumer Bankers Assn	8,300.00	
Do	Student Loan Funding Corp of Ohio	4,500.00	
Do	Very Special Arts	287.50	
Stephen J. Cloud, 1220 L St., NW Washington, DC 20005	American Petroleum Institute	500.00	
Jamie L. Clover, 1501 Wilson Blvd., #1100 Arlington, VA 22209	American Feed Industry Assn	1,200.00	
W. Dewey Clower, 1199 North Fairfax, #801 Alexandria, VA 22314	National Assn of Truck Stop Operators, Inc		
Coal Industry Health Protection Coalition, 918 16th Street, NW, Suite 303 Washington, DC 20006		154,200.00	89,205.33

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Coalition for American Energy Security, 1050 Thomas Jefferson St., NW, 6th Floor Washington, DC 20007			
Coalition for Vehicle Choice, 1440 New York Ave., NW, #320 Washington, DC 20005		1,324,133.00	18,550.49
Coalition of Americans to Protect Sports (CAPS), 200 Castlewood Drive North Palm Beach, FL 33408			
Coalition of Supporters of the Shipping Act, 1800 M Street, NW, 8th Floor North c/o Morgan Lewis & Bockius Washington, DC 20036.			
Coalition to Preserve the Low Income Housing Tax Credit, 2300 M St., NW Washington, DC 20037		2,000.00	2,000.00
Coalition to Promote America's Trade, c/o Steptoe & Johnson 1330 Connecticut Avenue, NW Washington, DC 20036			
Coalition Against Double Taxation, Inc, c/o Perkins Coie 607 14th Street, NW, 8th Floor Washington, DC 20005		46.16	8,395.68
Coastal Advocate, Inc, 2101 Central Avenue Ship Bottom, NJ 08008			8,404.32
Alan J. Cobb, 1120 Vermont Avenue, NW, #1130 Washington, DC 20005	Petroleum Marketers Assn of America	8,500.00	1,101.36
Richard B. Cobb, Petroleum Council of Ga 50 Hurt Plz., SE, #720 Atlanta, GA 30303-2923	American Petroleum Institute	400.00	
Robert D. Coble, P.O. Drawer 2426 Columbia, SC 29202	Nexsen Pruet Jacobs & Pollard (For:Greenwood Development Corp)		1,101.00
Coffield Ungaretti & Harris, 1747 Pennsylvania Avenue, NW, #900 Washington, DC 20006	Cablevision	23,400.00	
Do	Comdisco, Inc		
Do	Metropolitan Mutual Life Insurance Company	7,500.00	
Do	MWW/Strategic Comm (for: Puerto Ricans in Civic Action)		
Do	National Cooperative Bank		
Do	Smokeless Tobacco Council, Inc	21,250.00	
Amy A. Coggin, 1201 New York Ave., NW, #400 Washington, DC 20005	American Public Transit Assn	2,200.00	
Dan Cohen, 440 First Street, NW, #600 Washington, DC 20001	American Israel Public Affairs Comm	16,500.00	1,729.94
Daniel L. Cohen, 1050 31st Street, NW Washington, DC 20007	Association of Trial Lawyers of America	2,000.00	100.00
David Cohen, 1616 P St., NW, #320 Washington, DC 20036	Professionals' Coalition for Nuclear Arms Control	7,651.50	
Edmund S. Cohen, c/o Coudert Brothers 200 Park Avenue New York, NY 10166	Coudert Brothers	4,000.00	475.00
John Cohen, 1331 Penn Ave., NW, #1500-North Washington, DC 20004-1703	National Assn of Manufacturers	255.00	
Kenneth S. Cohen, 1295 State Street Springfield, MA 01111-0001	Massachusetts Mutual Life Insurance Company	512.00	417.55
Philip Q. Cohen, 8525 Edinkbrook Parkway Brooklyn Park, MN 55443	Goff/Wilkie & Associates (For:North Metro th 610/10 Crosstown Council)		
Do	Goff/Wilkie & Associates (For:North Metro Mayors Assn)		
Cohn and Marks, 1333 New Hampshire Ave., NW Washington, DC 20036	Direct Marketing Assn	15,115.63	640.29
Do	Maclean Hunter Cable TV	87.50	5.50
Do	USA Network		237.25
Joseph L. Colaneri, 1050 Connecticut Ave., NW, #760 Washington, DC 20036	Union Oil Co of California		573.65
Carol Thompson Cole, 1455 Pennsylvania Ave, NW, #525 Washington, DC 20004	RJR Nabisco, Inc	3,150.00	
Ken W. Cole, 1001 Pennsylvania Avenue, NW, #700 Washington, DC 20004	Allied-Signal, Inc		
Randall I. Cole, 7900 Westpark Drive McLean, VA 22102	HFSI	6,000.00	357.12
Robert E. Cole, 900 17th St., NW Washington, DC 20006	Kaiser Aluminum & Chemical Corp	210.00	31.50
Cole Corette & Abrutyn, P.C., 1110 Vermont Avenue, NW, #900 Washington, DC 20005	Government of France		
Do	Louisiana Land & Exploration Co		
Do	Matsushita Elec Corp (for Int'l Electron Mfgrs & Consum...)		
Colex & Associates, 2775 South Quincy Street, #520 Arlington, VA 22206	Cambridge International, Inc		
Do	Coalition for Employment Opportunities	4,000.00	
Do	Invacare	2,000.00	
Do	RGDC Inc		
Do	Triangle Group, Inc		
Jessie M. Colgate, 1001 Pennsylvania Ave., NW, #460(N) Washington, DC 20004-2505	New York Life Insurance Company	70.00	12.00
Emilio G. Collado III, Collado Associates 1405 Montague Drive Vienna, VA 22180	American Watch Assn	2,100.00	280.00
William J. Colley, 3050 K St., NW, #330 Washington, DC 20007	National Club Assn		
Calvin Evans Collier, 1010 Wisconsin Ave., NW Washington, DC 20007	Grocery Manufacturers of America, Inc	7.33	
Collier Shannon & Scott, 3050 K Street, NW, #400 Washington, DC 20007	Alliance for British & Australian Tax Equity (ABATE)		
Do	Alliance for Capital Access		
Do	American Car Rental Assn	13,298.75	13,298.75
Do	American Couplings Coalition		
Do	American Iron & Steel Institute		
Do	American Meat Institute		
Do	American Textile Machinery Assn	567.50	567.50
Do	Association of Certified Trucking Schools		
Do	Australian Wheat Board	480.00	480.00
Do	Bicycle Manufacturers Assn of America	500.00	500.00
Do	Coalition for Safe Ceramicware	1,600.00	1,600.00
Do	Committee of American Ammunition Manufacturers	2,400.00	2,400.00
Do	Crop Insurance Research Bureau	3,480.00	3,480.00
Do	Ferrous Scrap Consumers Coalition		
Do	Food Marketing Institute		
Do	Footwear Industries of America	240.00	240.00
Do	Gerry Baby Products Co	500.00	500.00
Do	Golden Gate Petroleum International	100.00	100.00
Do	Independent Lubricant Manufacturers Assn	3,040.00	3,040.00
Do	Inland Steel Corp	1,200.00	1,200.00
Do	International Crystal Federation	815.00	815.00
Do	Leather Industries of America	240.00	240.00
Do	Lykes Brothers, Inc		
Do	Municipal Castings Fair Trade Council	1,037.50	1,037.50
Do	National Assn of Convenience Stores	7,135.00	7,135.00
Do	National Cosmetology Assn, Inc		
Do	National Juice Products Assn		
Do	National Pasta Assn		
Do	Oneida Ltd		
Do	Outdoor Power Equipment Institute	237.50	237.50
Do	Petroleos de Venezuela, S.A.	9,700.00	9,700.00
Do	PetroJam, Ltd		
Do	Pittsburgh Corning Corporation		
Do	Shipbuilders Council of America		
Do	Society of Independent Gasoline Marketers of America	9,767.50	9,767.50
Do	Specialty Steel Industry of the United States	2,820.00	2,820.00
Michael A. Collins, 13106 Ivy Drive Beltsville, MD 20705	United Assn of Jnymen & Appren of Plmbg & Pipeftg Industry	6,000.00	415.31
Paula J. Collins, 1020 19th St., NW, #600 Washington, DC 20036	American Express Co	9,381.00	321.50
R. J. Collins, 1667 K Street, NW, #300 Washington, DC 20006	Amdahl Corp	1,000.00	
William P. Collins, 5055 Seminary Road Alexandria, VA 22311	(For:R. Marc Nuttle)		
Do	Southern Company Services, Inc		
Camilla L. Collova, 1025 Connecticut Ave., NW, #1007 Washington, DC 20036	Armstrong World Industries, Inc		
Jeffrey Colman, 440 First Street, NW, #600 Washington, DC 20001	American Israel Public Affairs Comm	16,500.00	225.63
Geri Colombaro, 1301 K Street, NW, #1200 Washington, DC 20005	IBM	1,114.75	389.26
Dominique Colon, 555 13th Street, NW, #1260 East Washington, DC 20004	Medtronic, Inc		47.00
Kent W. Colton, 15th & M Streets, NW Washington, DC 20005	National Assn of Home Builders of the U.S.		
Mary Colville, 1155 15th St., NW Washington, DC 20005	National Broiler Council	1,375.00	
Jeffrey W. Combos, c/o Tennessee Petroleum Council 211 7th Ave. North Nashville, TN 37219	American Petroleum Institute		
Lori A. Comeau, 805 15th Street, NW #610 Washington, DC 20005-2207	CF Industries, Inc	500.00	165.31
Comiskey & Hunt, One Courthouse Metro, #850 2200 Wilson Boulevard Arlington, VA 22201	Gold Fields Operating Co-Mesquite	3,500.00	
Commercial Finance Association, 225 W. 34th St. New York, NY 10122	National Commercial Finance Assn		1,674.00
Committee for Do-It-Yourself Household Moving, P. O. Box 20084 George Mason Station Alexandria, VA 22320			
Committee for Humane Legislation, Inc, 1623 Connecticut Avenue, NW, 4th Floor Washington, DC 20036		501.50	5,885.87
Committee on U.S. Business Canadian Life & Health Ins Assn, c/o Dykema Gossett 800 Michigan National Tower Lansing, MI 48933.			21,434.30
Committee to Support the Antitrust Laws, 1300 Eye Street, NW, #480E Washington, DC 20005		40,000.00	12,000.00
Common Cause, 2030 M St., NW Washington, DC 20036		3,103,471.00	532,063.79
Common Sense, Inc, 188-A Onville Road Stafford, VA 22554		43,815.16	103,831.91
Community Service Council of Central IN, Inc, 1828 North Meridian Indianapolis, IN 46202			24.63
Competitive Enterprise Institute, 233 Pennsylvania Avenue, SE, #200 Washington, DC 20003		184,190.00	
Compressed Gas Assn/Helium Advisory Council, 1725 Jefferson Davis Hwy, #1004 Arlington, VA 22202-4102		12,500.00	12,500.00
Bert M. Concklin, 1203 N. Pitt Street, #1C Alexandria, VA 22314			
Do	Planning Research Corporation		430.37
Concord Associates, Inc, 1455 Pennsylvania Ave., NW, #560 Washington, DC 20004	American Newland Associates		
Do	Forest City Ratner Companies	25,000.00	25,000.00
Do	Kinetic Concepts		
Do	Maglev USA	12,900.00	12,900.00

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Do	National Assn of Industrial & Office Parks		
Do	Southern Company Services, Inc	3,000.00	
Do	Texas TGV	25,000.00	25,000.00
Bruce R. Condit, 1745 Jefferson Davis Highway, #1000 Arlington, VA 22202	General Dynamics	1,000.00	260.00
Conkling Fiskum & McCormick, 900 SW 5th Ave. Suite 2300 Portland, OR 97204-1268	ATEQ Corporation		
Do	Electro Scientific Industries, Inc	2,700.00	57.64
Do	Electronic Design Automation Council	1,377.88	
Do	Epitope		
Do	Mentor Graphics Corporation	6,000.00	119.89
Do	Portland Community College		
Do	Sequent Computer Systems	2,118.82	11.50
Do	Sisters of Providence	7,500.00	61.64
Do	Tektronix, Inc	375,000.00	201.03
Do	Unified Sewerage Agency	9,975.00	
Do	Washington County		
Do	Western Coating Inc		
Gregory A. Conley, 9700 W. Higgins Rd. Rosemont, IL 60018	Covia Partnership	1,590.00	1,016.01
Jeanne K. Connelly, 1875 Eye St., NW, #540 Washington, DC 20006	Champion International Corp	1,788.00	152.15
Connerton Ray & Simon, 1920 L Street, NW, 4th Floor Washington, DC 20036-5004	Association of University Programs in Occupational Safety...	7,500.00	2,968.75
Do	International Assn of Fire Fighters	12,000.00	2,968.75
Do	International Chemical Workers Union	2,500.00	2,968.75
Do	Laborers Employers Cooperative & Education Trust	8,662.50	2,968.75
Do	Laborers National Health & Safety Fund	13,819.00	2,968.75
Do	Laborers/AGC Education & Training Fund	12,746.25	2,968.75
Do	Metal Trades Department, AFL-CIO	4,000.00	2,968.75
Do	National Coordinating Comm for Multiemployer Plans	416.00	2,968.75
Catherine Connor, 555 13th Street, NW #460 West Tower Washington, DC 20004-1109	Parsons Brinckerhoff Quade & Douglas, Inc		
Richard J. Connor Jr., 1455 Pennsylvania Avenue, NW, #600 Washington, DC 20004	Joseph E. Seagram & Sons, Inc	900.00	
David Conover, 655 15th Street, NW, #444 Washington, DC 20005	CH2M Hill	1,000.00	
David R. Conrad, 1400 16th Street, NW Washington, DC 20036-0001	National Wildlife Federation	8,800.14	
Conservative Action Lobby, P.O. Box 931602 Los Angeles, CA 90093			
Consortium for Int'l Earth Science Information Network, P.O. Box 8689 Ann Arbor, MI 48107		10,135.98	10,135.98
Consumer Energy Council of America Research Foundation, 2000 L St., NW, #802 Washington, DC 20036			
Consumers Union of U.S., Inc, 2001 S Street, NW, #520 Washington, DC 20009			13,370.00
John J. Contney, Suite B 1130 E. Beach Blvd. Hallandale, FL 33009	Textile Rental Services Assn of America		
Daniel J. Conway, One Massachusetts Ave., NW, #350 Washington, DC 20001	Chubb Corporation	10,000.00	345.24
John J. Coogan, 1776 Eye Steet, NW, #1050 Washington, DC 20006	Eastman Kodak Co		
Alexandra W. Cook, 1331 Pennsylvania Avenue, NW, #1300N Washington, DC 20004	Electronic Data Systems Corp	576.00	827.25
Cheryl L. Cook, 600 Maryland Ave., SW, #202W Washington, DC 20024	Farmers' Educational & Co-Operative Union of America	7,667.56	
Harry N. Cook, 1130 17th St., NW Washington, DC 20036	National Waterways Conference, Inc		
Ruth E. Cook, 3309 Ridgecrest Court Raleigh, NC 27607	AT&T	1,500.00	35.08
Thomas M. Cook, 1301 Pennsylvania Ave., NW, #300 Washington, DC 20004	National Cattlemen's Assn	1,000.00	
Cook Group, Inc, 300 Fountain Square P.O. Box 1608 Bloomington, IN 47402-1608			45,791.54
Charles E. Cooke, 1001 Pennsylvania Avenue, NW, #450-N Washington, DC 20004	Southern California Edison Co	6,750.00	5,400.00
Eileen D. Cooke, 110 Maryland Ave., NE, Suite 101 Washington, DC 20002	American Library Assn	2,054.00	
Ted Coombes, 2301 M Street, NW Washington, DC 20037	American Public Power Assn	2,000.00	
Robert M. Coon Jr., 2000 K Street, NW, #800 Washington, DC 20006	National Comm to Preserve Social Security & Medicare		
Bente E. Cooney, 2000 K St., NW, 8th Floor Washington, DC 20006	National Comm to Preserve Social Security	2,715.00	
Brian D. Cooney, 1455 Pennsylvania Ave., NW Washington, DC 20004-1007	American Institute of Certified Public Accountants	10,000.00	835.41
Benjamin Y. Cooper Jr., 100 Daingerfield Road Alexandria, VA 22314	Printing Industries of America, Inc	12,500.00	
Edward R. Cooper, 15th & M Streets, NW Washington, DC 20005	National Assn of Home Builders of the United States		
Josephine S. Cooper, 2001 M Street, NW Washington, DC 20036	Capitoline International Group Ltd (For:Professional Lawn Care Assn of America).		
Mitchell J. Cooper, 1001 Connecticut Ave., NW Washington, DC 20036	Rubber & Plastic Footwear Manufacturers Assn	27,000.00	88.75
Richard M. Cooper, 839 17th Street, NW Washington, DC 20006	Williams & Connolly (For:Par Pharmaceutical)		162.50
Do	Williams & Connolly (For:Unilever United States, Inc)	22,472.14	27,439.91
Stephen H. Cooper, 74 North Pearl St. Albany, NY 12207	Hospital Association of New York State	875.01	7,216.05
Darrell Coover, 499 South Capitol St., SW, #401 Washington, DC 20003	National Assn of Independent Insurers	2,000.00	411.00
James M. Copeland, 1341 G Street, NW, #200 Washington, DC 20005	McAuliffe Kelly Raffaelli & Siemens (For:County of Alameda)	19,200.00	
Jim Copeland & Associates, 1341 G Street, NW, #200 Washington, DC 20005	Pacific Mutual Life Insurance Co	6,000.00	
Copeland & Hatfield, 601 13th Street, NW, #710 North Washington, DC 20005	County of Merced	3,000.00	
Do	Monarch Wine Company	750.00	
Heidi S. Coppola, 425 Park Avenue New York, NY 10043	Citibank N.A.	1,356.00	
Michael J. Copps, 1700 North Moore Street Arlington, VA 22209	American Meat Institute	6,312.00	536.69
John F. Corcoran, 1500 K Street, NW, #375 Washington, DC 20005	Norfolk Southern Corp	1,000.00	
Gordon R. Corey, 2511 Park Place Evanston, IL 60201	Commonwealth Edison Co	765.15	28.74
Corn Refiners Assn, Inc, 1100 Connecticut Ave., NW, #1120 Washington, DC 20036		9,600.00	3,826.00
Ernest J. Corrado, 1000 16th St., NW, #511 Washington, DC 20036	American Institute of Merchant Shipping	3,987.50	112.00
Mary Marcotte Corrigan, 1600 Rhode Island Ave., NW Washington, DC 20036	National Rifle Assn of America		
Richard L. Corrigan, 655 15th Street, NW, Suite #444 Washington, DC 20005	CH2M Hill	2,500.00	
Marty Corry, 601 E Street, NW Washington, DC 20049	American Assn of Retired Persons	975.00	
Allan D. Cors, 1455 Pennsylvania Avenue, NW, #500 Washington, DC 20004	Corning, Inc	600.00	
Anthony R. Corso, 3225 Gallows Road Fairfax, VA 22037	Mobil Corp	1,500.00	
Philip S. Corwin, 1120 Connecticut Ave., NW Washington, DC 20036	American Bankers Assn	1,500.00	
Barbara J. W. Cosgriff, 1001 Pennsylvania Ave., NW Washington, DC 20004	American Council of Life Insurance		
Paul S. Cosgrove, 121 SW Salmon Suite #1400 Portland, OR 97204	Lindsay Hart Neil & Weigler (For:Anadarko Petroleum Corp)		
Cosmetic Toiletry & Fragrance Assn, Inc, 1101 17th Street, NW, #300 Washington, DC 20036		4,055.00	4,055.00
Gregory Costa, 1445 New York Ave., NW 8th Floor Washington, DC 20005	Public Securities Assn	7,500.00	
Carrie Costello, 1350 New York Avenue, NW Washington, DC 20005	Spiegel & McDiarmid (For:Guam Power Authority)		
Michael E. Costello, 1620 L Street, NW, #1200 Washington, DC 20036	Panhandle Eastern Corp		525.50
Cotten Day & Selfon, 1899 L Street, NW, #1200 Washington, DC 20036	American Samoa Government		
Coudert Brothers, 1627 I Street, NW Washington, DC 20006	British Columbia Stena Line Ltd		
Do	British Columbia, Province of, (Office of Attorney General)	1,321.14	
William K. Coulter, 950 L'Enfant Plaza, SW Washington, DC 20024	Communications Satellite Corp (COMSAT)		
Council for a Livable World, 110 Maryland Avenue, NE Washington, DC 20002			16,415.00
Council for Educational Development & Research, 2000 L Street, NW, #601 Washington, DC 20036		4,746.51	3,095.50
Council for Rural Housing & Development, 2300 M St., NW Washington, DC 20036		2,000.00	2,000.00
Council of Industrial Boiler Owners, 6035 Burke Centre Parkway, #360 Burke, VA 22015			
Council of Institutional Investors, 1616 P Street NW, #350 Washington, DC 20036			
Council of Nursing Home Suppliers, c/o Sshmeltzer, Aptaker & Shepard 2600 Virginia Ave., NW, 10th Floor Washington, DC 20037-1905.		15,000.00	32,439.20
Mark J. Covall, 1319 F Street, NW, #1000 Washington, DC 20004	National Assn of Private Psychiatric Hospitals	500.00	
John F. Cove, 1114 Fallsmead Way Rockville, MD 20854	Cove Associates, Inc (For:Association of U.S. Night Vision Manufacturers)		
Michael W. Cover, 1020 19th Street, NW, #200 Washington, DC 20036	Recording Industry Assn of America, Inc		
Covington & Burling, 1201 Pennsylvania Ave., NW P.O. Box 7566 Washington, DC 20044	American PCS, L.P.		
Do	American Watch Assn	8,050.00	3,937.00
Do	Association of Maximum Service Telecasters, Inc		
Do	Brown Brothers Harriman & Co		
Do	Coalition to Preserve the Integrity of American Trademarks		
Do	Commonwealth of Puerto Rico		
Do	Consolidated Natural Gas Company		24.00
Do	Council of American Survey Research Organizations (CASRO)		
Do	CBS Television Network Affiliates Assn		
Do	ERISA Industry Committee		4.00
Do	GTE Service Corp	16,273.75	85.27
Do	Illinois Department of Public Aid	1,250.00	1,250.00
Do	International Business Machines Corp	2,255.00	
Do	Investment Company Institute	240.00	3.50
Do	Jones Financial Companies	18,715.00	308.71
Do	Lutheran Brotherhood	900.00	
Do	Midwest Television, Inc		
Do	National Football League	2,150.00	5.00
Do	Private Benefits Alliance	450.00	66.00
Do	Public Broadcasting Service		20.00

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Do	State of Alabama, Dept of Human Resources Legal Office		1,875.00
Do	State of California, Dept of Health Services		10,800.00
Do	State of California, Dept of Social Services		3,150.00
Do	State of Florida, Dept of Health & Rehabilitative Services		2,500.00
Do	State of Georgia, Division of Family & Children's Services		3,125.00
Do	State of Idaho		1,250.00
Do	State of Illinois, Dept of Public Aid	3,125.00	3,125.00
Do	State of Indiana		2,500.00
Do	State of Kentucky, Dept of Social Insurance		625.00
Do	State of Louisiana, Dept of Health & Hospitals		2,500.00
Do	State of Louisiana, Food Stamp Director		5,000.00
Do	State of Maryland		1,250.00
Do	State of Missouri, Dept of Social Services		1,250.00
Do	State of Nebraska, Dept of Social Services		3,125.00
Do	State of New York Bureau of Deferrals & Disallowances		6,250.00
Do	State of New York, Dept of Social Services		6,250.00
Do	State of Ohio, Dept of Human Services		1,562.00
Do	State of Oklahoma, Dept of Human Services	2,500.00	2,500.00
Do	State of Washington Office of Analysis & Medical Review		1,250.00
Do	State of West Virginia, Bureau of Human Resources		625.00
Do	State of West Virginia, Office of Medical Services		1,250.00
Do	Sun Life Assurance Co of Canada (U.S.)	8,500.00	30.00
Do	Washington Post Company (for: Media Group)		
Sharon Cowan, 1825 K Street, NW Washington, DC 20006	American Soc of Mechanical Engineers		
Eugene S. Cowen, 2759 Unicorn Lane, NW Washington, DC 20015	Capital Cities/ABC, Inc	312.00	
Archibald Cox, 2030 M St., NW Washington, DC 20036	Common Cause	2,942.64	
Cary L. Cox, 1025 Connecticut Ave., NW, #507 Washington, DC 20036	Ashland Oil, Inc	2,000.00	
Jerry W. Cox, 2300 N Street, NW, #725 Washington, DC 20037	Murphy & Demory, Ltd (For:Anglo American Auto Auctions, Inc)		
John A. Cox Jr., 9300 Livingston Road Ft. Washington, MD 20744	National Tooling & Machining Assn	20,704.17	1,261.35
William Cox, 4455 Woodson Road St. Louis, MO 63134	Catholic Health Assn of the United States	2,564.69	
Bruce Craig, P.O. Box 677 Harpers Ferry, WV 25425	National Parks & Conservation Association	7,800.00	270.82
Claiborn Crain H., 1100 17th Street, NW, #505 Washington, DC 20036	Burley & Dark Leaf Tobacco Assn	1,875.00	
Roger J. Crain, 3506 Frederick Place Kensington, MD 20895-3405	Customs Science Services, Inc	2,750.00	1,365.00
W. Bruce Crain, 1101 15th ,Street, NW, Suite 400 Washington, DC 20005-5070	National Council of Community Bankers	13,000.00	612.08
James P. Cramer, 1735 New York Ave., NW Washington, DC 20006	American Institute of Architects		
Dale A. Crane, 618 South 223rd Street Des Moines, WA 98198	National Parks & Conservation Association		
Daniel M. Crane, Campbell-Raupe, Inc 1010 Pennsylvania Avenue, SE Washington, DC 20003	Algonquin Gas Transmission Company		
Do	American Association of Advertising Agencies		
Do	American Fiber Manufactures Association		
Do	American Nuclear Energy Council		
Do	Home Finance Coalition, Inc		
Do	Invest to Compete Alliance		
Do	National Machine Tool Builders Association		
Do	Securities Industry Association		
Do	Stone and Webster Engineering Corporation		
Do	Westinghouse Electric Corporation		
Donald A. Crane, 919 18th Street, NW, #400 Washington, DC 20006	W. R. Grace & Co /World Headquarters	3,500.00	
Charles T. Crangle, 560 N Street, SW #N-609 Washington, DC 20024	District 2, MEBA-AMO		1,004.86
Richard C. Crawford, 601 Pennsylvania Ave. NW Suite 500 North Building Washington, DC 20004	Adolph Coors Co	11,000.00	
Robin Crawford, Box M Allentown, PA 18105-5000	Mack Trucks, Inc		
Credit Union National Assn, Inc, 805 15th Street, NW, #300 Washington, DC 20005-2207		30,500.00	75.00
Richard C. Creighton, 1212 New York Avenue, NW, #520 Washington, DC 20005	American Cement Alliance, Inc	13,125.02	47.31
Douglas P. Crew, 1730 Pennsylvania Avenue, NW, #750 Washington, DC 20006	Caterpillar, Inc	3,000.00	73.41
Richard E. Cristol, 1101 15th St., NW, #202 Washington, DC 20005	National Assn of Margarine Manufacturers		
Saone B. Crocker, 1350 I Street, NW, #700 Washington, DC 20005	Beveridge & Diamond (For:Foundation for Environmental & Economic Progress, Inc).		
Judy Crockett, 122 Maryland Ave., NE Washington, DC 20002	American Civil Liberties Union	1,856.00	
Robert W. Crolius, 1620 Eye Street, NW, #520 Washington, DC 20006	Portland Cement Assn		
Robert W. Cromartie, 1800 Massachusetts Ave., NW Washington, DC 20036	National Rural Electric Cooperative Assn		
Sarah Crompton, 1244 19th Street, NW Washington, DC 20036	Defenders of Wildlife		
Charles H. Cromwell, Inc, 6709 Georgia Street Chevy Chase, MD 20815	EDO Corp		
Do	MTS Systems Corp		
Adrian Cronauer, 1301 Pennsylvania ave., NW, Suite 500 Washington, DC 20004	U.S. Independent Microwave Television Assn	5,037.50	400.00
Mark E. Crosby, 1110 N Glebe Rd #500 Arlington, VA 22201-4714	Special Industrial Radio Service Assn, Inc		
James W. Cross, 125 N. West Street Alexandria, VA 22314-2754	Fleet Reserve Assn		
David T. Crow, One Massachusetts Avenue, NW, Suite 800 Washington, DC 20001	Jefferson Group (For:Alumax, Inc)		
Do	Andersons Managaement Corp	6,000.00	215.00
Do	Jefferson Group (For:Apache Powder)		
Do	British Petroleum, American	4,500.00	163.50
Do	Jefferson Group (For:Childerns Health System, Inc)		
Do	Jefferson Group (For:Conundrum Joint Venture)		
Do	Jefferson Group (For:CAE-Link Corp)		
Do	Jefferson Group (For:Doe Run Company)		
Do	ICI Agricultural Products	3,000.00	126.75
Do	Jefferson Group (For:Lead Industries Assn)		
Do	Jefferson Group (For:Lockheed Corp)		
Do	Jefferson Group (For:Molson Breweries USA, Inc)		
Do	National Bark & Soil Producers Assn	3,000.00	22.50
Do	Jefferson Group (For:O. M. Scott & Sons)		
Do	Scotts Companies and Subsidiaries	15,000.00	876.00
Do	Jefferson Group (For:J.R. Simplot Company)		
Do	Jefferson Group (For:Tandem Computers, Inc)		
Do	Jefferson Group (For:United Fresh Fruits & Vegetables Assn)		
Do	Vigoro Industries		
Do	Jefferson Group (For:Zinc Corporation of America)		
Crowell & Moring, 1001 Pennsylvania Ave., NW Washington, DC 20004-2505	American Forest Resource Alliance	3,710.00	154.00
Do	Asarco, Inc	170.00	10.00
Do	Associated Gas Distributors		
Do	Avon Products, Inc		
Do	Brooklyn Union Gas Co		
Do	Canyon Resources Corp	530.00	20.00
Do	City of North Miami		
Do	Communications Satellite Corp		
Do	Cook Inlet Region, Inc		
Do	Eagle-Picher Industries, Inc		
Do	Eli Lilly & Company	1,020.00	10.00
Do	Environmental Research Information, Inc		
Do	Helicopter Assn International		
Do	ICF International, Inc & Subsidiaries		
Do	Lehn & Fink Products Group		
Do	Meridian Minerals Co		
Do	Minnesota Mining & Manufacturing Co		
Do	National Assn of Wholesaler-Distributors	4,080.00	10.00
Do	National Risk Retention Assn	857.50	10.00
Do	Regional Airline Association		
Do	Rocking K Development		
Do	Tiffany & Co		
Do	Trust for Public Lands		
Do	United Cities Gas Co		
Do	Western Governors' Assn		
Do	Wyatt Company		
Crowell & Moring International L.P., 1001 Pennsylvania Ave., NW, #1275 Washington, DC 20004-2505	Avon Products, Inc		
Do	Board of Foreign Trade, Gov't of the Republic of China		
Do	Singapore Trade Development Board		

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
James P. Crumley Jr., 1100 Wilson Blvd. Arlington, VA 22209	Hughes Aircraft Company	76.00	
John D. Cuaderes, 1235 Jefferson Davis Highway Arlington, VA 22202	ESCO Electronics Corp		609.53
Maura Cullen, 1383 Piccard Drive P.O.Box 1725 Rockville, MD 20849-1725	American Occupational Therapy Assn, Inc	2,500.00	174.50
Culley-Foster & Co, P.O. Box 17370 Washington, DC 20041			
Philip Cummings, 1101 Pennsylvania Avenue, NW Washington, DC 20004	McCutchen Doyle Brown & Enersen (For:American Iron & Steel Institute)	56,290.00	
Do	McCutchen Doyle Brown & Enersen (For:Arco)		
Do	McCutchen Doyle Brown & Enersen (For:Browning-Ferris Industries, Inc)	15,496.00	
Do	McCutchen Doyle Brown & Enersen (For:Eastman Kodak Company)	1,170.00	
Do	McCutchen Doyle Brown & Enersen (For:Freeport-McMoRan, Inc)	468.00	
Do	McCutchen Doyle Brown & Enersen (For:General Electric Co)	22,932.00	
Do	McCuthchen Doyle Brown & Enersen (For:Rohr Industries, Inc)		
Do	McCutchen Doyle Brown & Enersen (For:Southern California Assn of Governments).	2,713.00	
Do	McCutchen Doyle Brown & Enerson (For:USS Technical Center)		
Do	3M	1,378.00	
Law Ofs of Jonathan W. Cuneo, 1300 I Street, NW, #408-E Washington, DC 20005	Committee to Support the Antitrust Laws	12,000.00	12,000.00
Do	National Assn of Securities and Commercial Attorneys	42,000.00	79.95
Do	Service Station Dealers of America	3,750.00	12.00
Do	Songwriters Guild of America	6,375.00	58.00
William J. Cunningham, 815 16th St., NW Washington, DC 20006	American Fed of Labor & Congress of Industrial Organizations	3,497.25	312.50
F.P. Curran, 7315 Wisconsin Ave., Suite 1250W Bethesda, MD 20814	Treasury Management Assn		1,210.00
Anne M. Curry, 1750 K St., NW Washington, DC 20006	Food Marketing Institute	500.00	
Wayne T. Curtin, P.O. Box 1808 Washington, DC 20013-1808	Motorcycle Riders Foundation, Inc	25,879.50	12,409.76
Cutler & Stanfield, 700 14th Street, NW, 10th floor Washington, DC 20005	General Atomics		
Do	Mountains Recreation and Conservation Authority		
Do	Potomac Investment Associates		
Do	Raleigh-Durham Airport Authority		
Do	University of Colorado	4,290.00	62.25
Ralf W.K. Czepluch, 1130 Connecticut Ave., NW, #830 Washington, DC 20036	Gulf Power Company	4,134.00	5,536.79
CF Industries, Inc, Salem Lake Dr. Long Grove, IL 60047			1,000.00
CM Services, Inc, 800 Roosevelt Boulevard, Bldg C, #20 Glen Ellyn, IL 60137-5833	Plumbing Manufacturers Institute	500.00	
CR Associates, 317 Massachusetts Ave., NE, #100 Washington, DC 20002	Alzheimer's Assn	1,831.25	
Do	American Assn for Dental Research	958.50	
Do	Association of Academic Health Sciences Library Directors		
Do	Association of University Programs in Health Administration	489.00	
Do	Conjoint Comm on Diagnostic Radiology	1,200.00	
Do	Delta Dental Plans Assn	1,200.00	
Do	Medical Library Assn		
Do	National Assn of State Long Term Care Ombusman Programs		
Norman E. D'Amours, 1217 Evermay Court Mclean, VA 22101	Alcalde Rousselot & Fay	1,925.00	
Do	American Council of State Savings Supervisors		
Do	Bank of America		
Do	City of Las Vegas		
Do	Credit Union National Assn, Inc		
William K. Dabaghi, Arter & Hadden 1801 K Street, NW, #400K Washington, DC 20006	Central Union of Agricultural Cooperatives (ZENCHU)		
Do	Clearing House Association of the Southwest		
Susan Dahlquist, 2000 K St., NW, 8th Foor Washington, DC 20006	National Comm to Preserve Social Security	15,223.00	7,345.36
Frank J. Daily, 411 East Wisconsin Ave. Milwaukee, WI 53202	Quarles & Brady (For:General Motors Corp)		
Dairy Farmers for Responsible Dairy Policy, 514 E Street, NE Washington, DC 20002			601.00
Donald W. Dalrymple, 1575 I St., NW Washington, DC 20005	American Cynamid Company (For:Lederle Laboratories)	2,775.00	246.64
James G. Dalton, 1420 King St. Alexandria, VA 22314-2715	National Society of Professional Engineers	2,500.00	
Robert P. Daly II, 1000 Wilson Blvd, #2800 Arlington, VA 22209	Grumman Corp	625.00	190.04
Patrick E. Dandino, 1350 New York Ave., NW, #900 Washington, DC 20005	International Franchise Assn		
John E. Daniel, 1133 21th St., NW, #500 Washington, DC 20036	International Technology Corporation		
David S. Danielson, 1505 Prince Street, #300 Alexandria, VA 22314	American Optometric Assn		
Nancy Danielson, 600 Maryland Ave., SW, #202W Washington, DC 20024	Farmers Educational and Co-Operative Union of America	5,581.27	
Jo-Ellen Darcy, 1600 M Street, NW Washington, DC 20036	Investment Company Institute	472.46	158.18
Mark C. Darrell, 1101 14th Street, NW, #1400 Washington, DC 20005	Miller Balis & O'Neil, P.C. (For:American Public Gas Assn (APGA))		
Linda Daschle, 4212 King Street Alexandria, VA 22302	American Assn of Airport Executives	8,100.00	
John C. Datt, 600 Maryland Ave., SW Washington, DC 20024	American Farm Bureau Federation	14,012.00	
Becky Davenport, 888 16th Street, NW Washington, DC 20006	International Dairy Foods Assn		
Theodore S. J. Davi, 23 Holland Road Green Bay, WI 54301			
Earl F. David, 1776 Eye Street, NW, #700 Washington, DC 20006	Phillips Petroleum Co	1,000.00	
John C. David, 1771 N Street, NW Washington, DC 20036	National Assn of Broadcasters	140.00	
Davidoff & Malito, 444 N. Capitol Street Washington, DC 20001	Ad Hoc Comm of Protective Services	7,500.00	628.00
Do	Medallion Funding Corp	6,000.00	175.00
Do	Town of Orangetown	2,500.00	339.00
Davidson Colling Group, 1211 Connecticut Ave., NW, #610 Washington, DC 20036	American Advertising Federation	125.00	
Do	American Assn of Advertising Agencies	125.00	
Do	American Newspaper Publishers Assn	453.13	4.50
Do	Association of National Advertisers, Inc	125.00	
Do	Direct Marketing Assn	125.00	
Do	Dun & Bradstreet Corporation	328.13	4.50
Do	Field Container Corp	1,621.25	22.23
Do	Garden State Paper Company	1,621.25	22.23
Do	Grocery Manufacturers of America, Inc	125.00	
Do	Halltown Paperboard Co	1,621.25	22.23
Do	Homedco	1,912.50	12.00
Do	Lincare	956.25	12.00
Do	Magazine Publishers of America	453.13	4.50
Do	Media General, Inc	1,125.00	50.67
Do	Miller & Chevalier, Chtd	250.00	
Do	National Assn of Broadcasters	453.13	4.50
Do	Newark Group	1,621.25	22.23
Do	Newman & Company	1,621.25	22.23
Do	Rock-Tenn Company	1,621.25	22.23
Do	Rouse Company		
Do	Sonoco Products Co	1,621.25	22.23
Do	Southeast Paper Manufacturing Co	1,621.25	
Do	Waldorf Corp	1,621.25	22.23
Do	White Pigeon Paper Company	1,621.25	22.23
Do	Yellow Pages Publishers Assn	125.00	
Dionne M. Davies, 1120 Connecticut Ave., NW, #727 Washington, DC 20036	American Bankers Assn	3,420.00	
Charles Chandler Davis, 4029 Centerary Dallas, TX 75225	Vencor Inc	4,000.00	1,282.00
Drew M. Davis, 1101 16th St., NW Washington, DC 20036	National Soft Drink Assn	408.68	33.00
Edward M. Davis, 410 First St., SE Washington, DC 20003	American Nuclear Energy Council	3,617.93	22.32
Edwin H. Davis, 2030 M St., NW Washington, DC 20036	Common Cause	11,046.00	
Fred G. Davis, 701 Pennsylvania Ave., NW 4th Floor Washington, DC 20004	Edison Electric Institute		
Kenneth E. Davis, 1667 K Street, NW, #210 Washington, DC 20006	Rohm & Haas Co	3,500.00	500.00
Lynda C. Davis, 1825 Eye Street, NW, #400 Washington, DC 20006	Florida Business Associates (For:Gulf Coast Community College)	750.00	
Do	Florida Business Associates (For:Truckee Meadows Community College)	750.00	
Do	Florida Business Associates (For:Valencia Community College)	2,000.00	
Michael Davis, 735 North Water St., #908 Milwaukee, WI 53202-4105	American Malting Barley Assn, Inc	18,500.00	
Michael R. Davis, 4455 Woodson Road St. Louis, MO 63134	Catholic Health Assn of the United States	303.69	
Ovid R. Davis, P.O. Drawer 1734 Atlanta, GA 30301	Coca-Cola Company		
Robert Davis, 1350 I Street, NW, #1000 Washington, DC 20005	Ford Motor Co	1,200.00	753.00
Davis & Harman, 1455 Pennsylvania Avenue, NW, #1200 Washington, DC 20004	Ad Hoc Comm of Life Insurance Companies		
Do	American Automotive Leasing Assn	7,382.50	256.25
Do	American Integrity Insurance Company		
Do	American Investors Life Insurance	470.00	
Do	Committee of Annuity Insurers	20,352.00	538.63
Do	First Penn-Pacific Life Insurance Co		
Do	General Aviation Manufacturers Association	4,985.00	47.00
Do	Hughes & Luce	3,410.00	34.00

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Do	Lincoln National Life Insurance Co	3,787.00	73.75
Do	Marriott Corporation		
Do	National Assn of Life Companies		
Do	National Business Aircraft Assn	869.00	
Do	National Foreign Trade Council	6,000.00	
Do	Retired Lives Reserve Group	660.00	8.00
Do	Stock Information Group		
Do	Worldspan	352.50	
Davis Polk & Wardwell, 1300 Eye St., NW Washington, DC 20005	American Inst of Certified Public Accountants	405.00	3.00
Do	Brown Brothers Harriman & Co		
Do	CoreStates Financial Corp		
Do	Kohlberg Kravis Roberts & Co		
Do	LTV Corp		
Do	Manville Corporation	585.00	25.50
Do	Morgan Guaranty Trust Co		
Do	Morgan Stanley & Co, Inc		
Do	Norwest Corporation		
Do	Occidental International Corp		
Davis Wright & Tremaine, 701 Pennsylvania Ave., NW, #600 Washington, DC 20004	American Honda Motor Co, Inc	1,400.00	208.68
Do	American Tunaboat Assn	5,115.20	
Do	Port Blakely Tree Farms		
Do	Seattle Times		
Donald S. Dawson, 1133 Connecticut Ave., NW, #1000 Washington, DC 20036	Michael Gaughan		
Do	Opticians Assn of America		
Do	St. Thomas-St. John Chamber of Commerce, Inc		
Do	Virgin Islands Gift & Fashion Shop Assn		
Do	Virgin Islands Merchants Assn		
Rhett B. Dawson, 1900 Pennsylvania Ave., NW Washington, DC 20068	Potomac Electric Power Co	85.45	
Brenda T. Day, 1100 Connecticut Ave., NW, #900 Washington, DC 20036	Chrysler Corporation	6,249.00	476.67
Harry F. Day, 1800 K Street, NW, #1100 Washington, DC 20006	New York Stock Exchange, Inc		
Barbara Daye, 655 Fifteenth Street, NW 300 Metropolitan Square Washington, DC 20005-2	Blue Cross of California	18,750.00	231.38
Gaston De Bearn, 1300 Eye Street, NW, #520-W Washington, DC 20005-3314	Hoffmann-La Roche, Inc		
Maryann M. Dean, 1875 Eye Street, NW, #775 Washington, DC 20006	Georgia-Pacific Corp	1,000.00	
John Russell Deane III, 1317 F Street NW #550 Washington, DC 20004	Auto Internacional Assn	63.00	41.10
Do	Coalition of Automotive Assns	290.00	124.60
Do	Specialty Equipment Market Assn	1,167.00	518.37
Debevoise & Plimpton, 875 Third Avenue, 23rd Floor New York, NY 10022	American Airlines, Inc	26,000.00	273.16
Do	International Assn of Broadcast Monitors		
Do	Sony Corp of America		
Mark O. Decker, 1129 20th Street, NW, #705 Washington, DC 20036	National Assn of Real Estate Investment Trusts, Inc		
Richard A. Deem, 1101 Vermont Avenue, NW Washington, DC 20005	American Medical Assn	25.00	
Brian Deery, 1957 E St., NW Washington, DC 20006	Associated General Contractors of America		
George K. Degnon Associates, Inc, 6728 Old McLean Village Drive McLean, VA 22101	Association of State & Territorial Health Officials		1,000.00
Tom Dehner, 2030 M Street, NW Washington, DC 20036	Common Cause	5,085.03	
William T. Deitz, 1000 Connecticut Avenue NW, #706 Washington, DC 20036	Palumbo & Cerrell, Inc (For:American Soc of Composers Authors & Publishers)		
Do	Palumbo & Cerrell, Inc (For:Atlantic Richfield Co)	60.00	
Do	New Jersey Turnpike Authority	2,707.50	48.74
Do	Palumbo & Cerrell, Inc (For:Southern California Rapid Transit District)	4,627.50	238.10
Gene A. Del Polito, 1333 F Street, NW, #710 Washington, DC 20004-1108	Advertising Mail Marketing Assn	2,640.00	
Edward N. Delaney & Associates, Chtd, 1629 K Street, NW, #1000 Washington, DC 20006	Association of Outplacement Consulting Firms, Inc	1,000.00	84.40
Do	National Assn of Independent Insurers	18,000.00	2,049.79
Do	National Council of Business Advisors		
Jonathan W. Delano, 2100 Pennsylvania Ave., NW, #600 Washington, DC 20037	Eckert Seamans Cherin & Mellott (For:INDSPEC Chemical Corp)	11,350.00	
Delchamps Associates, 600 New Hampshire Ave., NW, #955 Washington, DC 20037	Alabama School of Mathematics & Science		
Do	Bishop State Community College		
Do	City of Mobile		
Do	Huntingdon College		
Do	Huntsville-Madison County Botanical Garden Society		
Do	Lawson State Community College		
Do	Spring Hill College		
Do	Technical Products, Inc		
Mitchell Delk, 1101 Pennsylvania Avenue, NW, #950 Washington, DC 20077-7347	Federal Home Loan Mortgage Corp		
Deloitte & Touche, 1001 Pennsylvania Ave. Suite 350N Washington, DC 20004-2505	Bank Commissioner, State of Delaware		
Do	National Pacific Mortgage Company		
Tania Demchuk, 499 South Capitol St., SW, #401 Washington, DC 20003	National Assn of Independent Insurers		
Willard L. Demory, 2300 N Street, NW, #725 Washington, DC 20037	Murphy & Demory, Ltd (For:Cable & Wireless North America, Inc)		
Do	Murphy & Demory, Ltd (For:California Energy Co, Inc)		
Do	Murphy & Demory, Ltd. (For:Prodigy Services Company)		
Do	Murphy & Demory Ltd (For:U.S. Telephone Assn)		
John H. Denman, Missouri Oil Council 428 E. Capital St., #203 Jefferson City, MO 65101	American Petroleum Institute		
Robert A. Denman, 600 Maryland Avenue, SW, #202w Washington, DC 20024	Farmers' Educational & Co-Operative Union of America	8,005.95	
Paul W. Dennett, 655 15th St., NW, #350 Washington, DC 20005	Blue Cross & Blue Shield Assn	3,718.00	1,214.24
Daniel B. Denning, 1331 Pennsylvania Ave., NW, #930 Washington, DC 20004	General Electric Co	828.00	17,212.00
Barry L. Dennis, 1801 K Street, NW, #700 Washington, DC 20006	Price Waterhouse (For:Coalition for Retirement Income Security)		
Thomas J. Dennis Sr., 1001 Pennsylvania Ave, NW, #450-N Washington, DC 20004	Southern California Edison Co	8,416.00	5,400.00
Robert Neal Denton, 2001 S Street, NW, #301 Washington, DC 20009	Alliance of Nonprofit Mailers	828.60	
Brian R. Detter, 1199 N. Fairfax Street, #204 Alexandria, VA 22314	International Council of Shopping Centers	1,000.00	
Jo Ellen Deutsch, 1625 Massachusetts Avenue, NW Washington, DC 20036	Association of Flight Attendants, AFL-CIO	4,250.00	
Caroline M. Devine, 1100 Connecticut Ave., NW, #620 Washington, DC 20036	Mobil Corp	1,000.00	142.32
R. Daniel Devlin, 808 17th Street, NW, #520 Washington, DC 20006	Trans World Airlines, Inc	600.00	
Robert L. Dewey, 1244 19th Street, NW Washington, DC 20036	Defenders of Wildlife	338.36	
Brenda E. Dews, 30 Joyceton Way Upper Marlboro, MD 20772	Automated Sciences Group, Inc		
David P. Dexter, 1000 Connecticut Ave., NW, #1202 Washington, DC 20036	Wildlife Legislative Fund of America	5,200.00	
Kendall P. Dexter, 9 Country Club Road Mobile, AL 36608	MacMillan Bloedel, Inc		
Nicholas DeBenedictis, 2301 Market Street, #13-1 Philadelphia, PA 19101	Philadelphia Electric Company		
Michael DeEmilio, 400 North Capitol Street, NW, #852 Washington, DC 20001	Brotherhood of Maintenance of Way Employes	12,500.00	
James U. DeFrancis, 1025 Connecticut Ave., NW, #1014 Washington, DC 20036	Ebasco Services, Inc	4,012.50	1,070.84
Law Offices of Paul H. DeLaney, Jr., 1155 Connecticut Ave., NW, #400 Washington, DC 20036	Embassy of Japan	5,000.00	
Debra DeLee, 1201 16th Street, NW Washington, DC 20036	National Education Assn	4,643.00	495.00
Rodney DeLoach, 777 14th Street, NW Washington, DC 20005	National Assn of Realtors	1,250.00	125.98
Fred R. DeLuca, 1735 New York Ave., NW Washington, DC 20006	American Institute of Architects		
Martin L. DePoy, 777 14th St., NW Washington, DC 20005	National Assn of Realtors	2,500.00	1,032.72
William R. DeReuter, 3000 K Street, NW, #620 Washington, DC 20007	Merrill Lynch & Co, Inc	2,000.00	
Christine DeVries, 600 Maryland Ave.,NW, #100 West Washington, DC 20024-2571	American Nurses' Assn	1,868.00	260.63
Bonnie S. DeWitt, 1875 Eye Street, NW, #800 Washington, DC 20006	Tobacco Institute	500.00	25.48
Thomas R. DeYulia, 7361 Calhoun Place Rockville, MD 20850	CNA Insurance Co		
Henry L. Diamond, 1350 I Street, NW, #700 Washington, DC 20005	Laurance S. Rockefeller	500.00	
Angel Diaz, 510 High Street Delano, CA 93215	Delano High School	20,271.46	
Chester T. Dickerson Jr., 700 14th Street, NW, #1100 Washington, DC 20005	Monsanto Co		236.59
Ann Sanders Dickey, 2005 Corporate Ave. Memphis, TN 38132	Federal Express Corp	6,000.00	
Elaine Dickinson, 880 S. Pickett Street Alexandria, VA 22304	Boat Owners Assn of the U.S.	7,000.00	
Dickinson Wright Moon Van Dusen & Freeman, 1901 L St., NW, #801 Washington, DC 20036	United Technologies Corporation	5,000.00	
Dickstein Shapiro & Morin, 2101 L St., NW Washington, DC 20037	Advance Publications		
Do	American Greyhound Track Operators Assn	6,484.54	
Do	Apple Computer Corp		
Do	Avondale Industries, Inc		
Do	ABD Securities Corp	150.00	
Do	Bear Stearns & Co		
Do	BATMAN Corp		
Do	Car Audio Specialists Assn (CASA)		
Do	Cordova District Fishermen United, Inc		
Do	Electric Generation Assn		
Do	Federal National Mortgage Assn	2,752.56	
Do	Federated Cash Management Systems	2,000.00	

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Do	Harbour Group Ltd		
Do	Home Box Office, Inc		
Do	Illinois Dept of Children & Family Services		
Do	Iroquois Gas, Inc	3,515.00	
Do	Magma Cooper Company		
Do	Malaysian Palm Oil Promotion Council		
Do	Medtronic, Inc	1,290.00	
Do	J. P. Morgan Securities, Inc		
Do	National Assn of Chain Drug Stores	3,259.12	
Do	National Fed of Societies for Clinical Social Work	4,325.00	
Do	Newport Group		
Do	North Carolina Dept of Natural Resources and Community Devlp		
Do	Ocean State Power	137.50	
Do	Paulucci Enterprises		
Do	State of Connecticut		
Do	States of Arkansas, et al.		
Do	Tobacco Institute	900.00	
Do	US Generating Company		
Rick Diegel, 1125 15th Street, NW Washington, DC 20005	International Brotherhood of Electrical Workers, AFL-CIO-CLC	2,281.25	150.00
Robbi Rice Dietrich, P.O. Box 660634 Dallas, TX 75266-0634	Frito-Lay, Inc	1,400.00	3,487.17
Lisa M. Dinackus, 1455 Pennsylvania Avenue, NW Washington, DC 20004-1007	American Institute of Certified Public Accountants	5,000.00	511.34
Thomas A. Dine, 440 First Street, NW, #600 Washington, DC 20001	American Israel Public Affairs Comm	28,850.00	3,188.54
Michael F. Dineen, 600 Pennsylvania Ave., SE, #206 Washington, DC 20003	Lumbermens Mutual Casualty Co (For:Federal Kemper Life Assurance Co)	29.23	51.60
Do	Lumbermens Mutual Casualty Company (For:Kemper Corporation)		
Do	Lumbermens Mutual Casualty Co (For:Kemper Financial Services, Inc)	70.18	7.52
Do	Lumbermens Mutual Casualty Co (For:Kemper Investors Life Insurance Co)	450.31	163.09
Do	Lumbermens Mutual Casualty Company (For:Kemper Reinsurance Company)	70.17	56.47
Do	Lumbermens Mutual Casualty Company	2,100.00	306.63
James C. Dinegar, 1201 New York Ave., NW, #300 Washington, DC 20005	Building Owners & Managers Assn Int'l	1,250.00	400.00
Charles V. Dinges IV, 1015 15th Street, NW, #600 Washington, DC 20005	American Soc of Civil Engineers	2,300.00	2,300.00
Direct Selling Association, 1776 K Street, NW Washington, DC 20006			
Dale P. Dirks, 711 Second Street, NE, #200 Washington, DC 20002	Health & Medicine Counsel of Washington		
Mary Ann Dirzis, 9 West 57th Street New York, NY 10019	Avon Products, Inc		
Disabled American Veterans, 3725 Alexandria Pike Cold Spring, KY 41076		209,162.84	209,162.84
Discovery Cruises, Inc, 1850 Eller Drive, Suite 402 Fort Lauderdale, FL 33316			
Patsy B. Dix, 1201 16th St., NW Washington, DC 20036	National Education Assn	3,753.35	537.00
Barbara A. Dixon, 1600 Eye Street, NW Washington, DC 20006	Motion Picture Assn of America, Inc	1,290.00	161.62
Dixon Arnett Associates, 905 16th Street, NW, #310 Washington, DC 20006	Michael McGehee & Assn (For: Institute for Clinical PET)		
Do	Southern California Rapid Transit District (SCRTD)	9,615.00	196.62
Charles J. DiBona, 1220 L St., NW Washington, DC 20005	American Petroleum Institute	5,000.00	
Gerard D. DiMarco, Two State Street, Crossroads Bldg, #400 Rochester, NY 14614	DiMarco Riley & Bulger (For:Tom Gosnell)	12,260.00	1,041.75
Nicholas J. DiMichael, 1275 K Street, NW, #850 Washington, DC 20005-4006	National Industrial Transportation League	3,062.00	20.00
E. David Doane, 1350 I Street, NW, #670 Washington, DC 20005	Koch Industries, Inc	500.00	134.00
Thomas B. Dobbins, 1015 Fifteenth Street, NW, #802 Washington, DC 20005	American Consulting Engineers Council	6,750.00	62.68
J. Chris Dobbs, 2711 North Haskell Avenue Dallas, TX 75204	Southland Corporation		
J. Graham Dodson, P.O. Box 21106 Shreveport, LA 71156	Southwestern Electric Power Co	1,164.00	
Jeffrey A. Dodson, 1700 North Moore Street Rosslyn, VA 22209	Boeing Company	24.00	
Julie Domenick Doerr, 1600 M St., NW Washington, DC 20036	Investment Company Institute	627.05	24.00
J. Jon Doggett, 600 Maryland Ave., SW Washington, DC 20024	American Farm Bureau Federation	6,463.00	362.26
Daniel P. Doherty, 2001 S St., NW, #301 Washington, DC 20009	Alliance of Nonprofit Mailers	2,455.20	46.05
James F. Doherty, 1129 20th St., NW, #600 Washington, DC 20036	Group Health Assn of America, Inc		
John D. Doherty Jr., 1421 Prince Street, #400 Alexandria, VA 22314	Federal Legislative Associates, Inc (For:Olin Brass)	13,500.00	163.51
Brian M. Dolan, 1 Metro-Tech Center Brooklyn, NY 11201	Brooklyn Union Gas Co	152.00	35.00
Robin C. Dole, 1101 Connecticut Avenue, NW, #500 Washington, DC 20036	Century 21 Real Estate Corp		
Stephan G. Dollinger, 1220 L Street, NW Washington, DC 20005	American Petroleum Institute	200.00	
Mark A. Dombroff, 1025 Thomas Jefferson St., NW East Lobby #700 Washington, DC 20007-5201	Katten Muchin Zavis & Dombroff (For:Associated Aviation Underwriters)		
Douglas Domenech, 1025 Vermont Avenue, NW Washington, DC 20005	American Pulpwood Assn		
Andrew J. Donelson, 1101 15th Street, NW Washington, DC 20005	Minnesota Mining & Manufacturing Co	3,000.00	
Kevin J. Donnellan, 1909 K Street, NW Washington, DC 20049	American Assn of Retired Persons	368.46	
Paul Donnellan, 99 Canal Center Plaza, #500 Alexandria, VA 22314	American International Automobile Dealers Assn	11,550.00	
Mary Elizabeth Donnelly, 1233 20th St., NW, #200 Washington, DC 20036	Newmont Mining Corp		
Thomas F. Donnelly, 3800 N. Fairfaxl Drive, #4 Arlington, VA 22203	National Water Resources Assn	11,000.00	
Winfield L. Donoho, 412 First Street, SE Washington, DC 20003	National Automobile Dealers Assn	3,000.00	
Thomas J. Donohue, 2200 Mill Road Alexandria, VA 22314	American Trucking Assns, Inc	11,000.00	
David L. Donovan, 1200 18th Street, NW Washington, DC 20036	Association of Independent Television Stations, Inc	1,500.00	
William Donovan, 3138 N. 10th Street Arlington, VA 22201	National Assn of Federal Credit Unions	2,500.00	
Donovan Leisure Newton & Irvine, 1250 24th Street, NW, #700 Washington, DC 20037	Republic of Estonia		
Linda Doorfee-Flaherty, 600 New Hampshire Avenue, NW, #1111 Washington, DC 20037	Appraisal Institute	612.00	
Jeffrey D. Doranz, 1000 Connecticut Ave., NW, #706 Washington, DC 20036	Palumbo & Cerrell, Inc (For:American Soc of Composers Authors & Publishers)	172.50	5.00
Do	Palumbo & Cerrell, Inc (For:Atlantic Richfield Co)	112.50	
Do	Palumbo & Cerrell, Inc (For:Government Employees Hospital Assn)	3,517.50	324.12
Do	Palumbo & Cerrell, Inc (For:Southern California Rapid Transit District)	67.50	
James R. Dorcy, 1666 Connecticut Avenue, NW Washington, DC 20009	Federation for American Immigration Reform	625.00	14.00
Michael C. Dorf, 130 East Randolph Street, #3800 Chicago, IL 60601	Schuyler Roche & Zwirner (For:Gabriella Rosenbaum Trust)	6,266.00	1,424.56
Kimberly Olson Dorgan, 2550 M Street, NW, #275 Washington, DC 20037	America's Public Television Stations, Inc	115.00	
Doris Day Animal League, 900 2nd Street, NE, #303 Washington, DC 20002		168,080.00	70,173.64
Keith G. Dorman, 625 Liberty Ave., 7th Pittsburgh, PA 15222	Peoples Natural Gas Company	5,000.00	1,505.69
Dorsey & Whitney, 1330 Connecticut Ave., NW, #200 Washington, DC 20036	Association of International Automobile Manufacturers, Inc	16,065.00	
Do	City of St. Paul	2,070.00	32.00
Do	Deluxe Corp	7,677.50	
Do	Guam Commission on Self Determination	1,625.00	
Do	National Computer Systems	607.50	
Do	Regional Transit Board	1,372.50	
Dean R. Dort II, 1667 K Street, NW, #1230 Washington, DC 20006	Deere & Company	1,003.00	
W. Carter Doswell, 1101 Pennsylvania Avenue, NW, #900 Washington, DC 20004	Goldman Sachs & Co	500.00	
Robert J. Dotchin, 2550 M Street, NW, #300 Washington, DC 20037	Smokeless Tobacco Council, Inc		
R. J. Doubrava, 1629 K Street, NW, #501 Washington, DC 20006	Delta Air Lines, Inc	170.00	111.40
James Dougherty, 1244 19th Street, NW Washington, DC 20036	Defenders of Wildlife		
Dougherty Consulting, P.O. Box 819 Sioux Falls, SD 57101-0819	Philip Morris, Inc		
Ronald H. Doughty, 2711 N. Haskell Avenue Dallas, TX 75204	Southland Corp		4,426.12
Clifford E. Douglas, 1726 M Street, NW, Suite 902 Washington, DC 20036-4502	American Lung Assn	1,250.00	6,997.35
Michael G. Dowd, 1233 20th Street, NW, #400 Washington, DC 20036	Porter Wright Morris & Arthur (For:Coalition for Environmental-Energy Balance)		
Jane Lind Downey, 1611 Duke Street Alexandria, VA 22314	American Movers Conference	3,000.00	
John P. Doyle Jr., 8600 Boundbrook Lane Alexandria, VA 22309	J. P. Doyle Enterprises, Inc	1,000.00	
M. Theresa Doyle, 1700 Pennsylvania Ave., NW #500 Washington, DC 20006	Mutual of Omaha Co	225.00	
Ronald W. Drach, 807 Maine Avenue, SW Washington, DC 20024	Disabled American Veterans	22,887.20	455.81
David P. Drake, 1747 Pennsylvania Ave., NW, #700 Washington, DC 20006	Ciba-Geigy Corp	8,000.00	65.86
James E. Drake, 1101 Vermont Ave., NW Washington, DC 20005	American Medical Assn	5,272.00	
John E. Drawz, 1100 International Centre 900 Second Ave., South Minneapolis, MN 55402-3397	Fredrikson & Byron (For:City of New Brighton)		
Paul A. Drazek, 600 Maryland Avenue, SW Washington, DC 20024	American Farm Bureau Federation	10,154.00	
Dressendorfer-Laird, Inc, 1730 Rhode Island Avenue, NW, #210 Washington, DC 20036	General Dynamics Corp	250.00	
Do	Qual-Med, Inc	250.00	
Do	Science Applications Int'l Corp	250.00	
Charles T. Drevna, 4711 Old Kingston Pike Knoxville, TN 37919	Sun Coal Company	1,000.00	6,000.00
Stephen D. Driesler, 777 14th St., NW Washington, DC 20005	National Assn of Realtors	8,000.00	387.00
William B. Driggers Jr., 1745 Jefferson Davis Highway, #605 Arlington, VA 22202	Texas Instruments, Inc	378.00	61.00
Alvin Drischler, 3420 Reedy Drive Annandale, VA 22003	Leucadia National Corp	8,833.08	
Do	PHLCORP	18,000.00	103.24
Kevin J. Driscoll, 1800 M St., NW Washington, DC 20036	American Bar Assn	400.00	50.00
Pamela J. Driver, 1025 Connecticut Ave., NW Washington, DC 20036	Foodservice & Packaging Institute, Inc	1,620.00	
Fran Du Melle, 1726 M Street, NW, #902 Washington, DC 20036	American Lung Assn	2,890.00	9,581.00
Mitch Dubensky, 1250 Connecticut Ave., NW, #210 Washington, DC 20036	National Forest Products Assn		
Duberstein Group, Inc, 2100 Pennsylvania Ave., NW, #350 Washington, DC 20037	Aetna Life & Casualty	1,250.00	
Do	Anheuser-Busch Companies, Inc	1,750.00	

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Do	Communications Satellite Corp	1,000.00	
Do	CompTel	6,250.00	
Do	Consolidated Rail Corporation	2,300.00	
Do	Federal National Mortgage Assn	1,250.00	
Do	General Motors Corp	2,000.00	
Do	Goldman Sachs & Co	1,000.00	
Do	McCaw Cellular Communications, Inc	125.00	
Do	Monsanto Company	500.00	
Do	National Cable Television Assn, Inc	12,500.00	
Do	Nevada Resort Assn	5,720.00	
Do	Shell Oil Company	2,750.00	
Do	United Air Lines, Inc	1,750.00	
Do	Warner Communications, Inc	13,500.00	
Ducheneaux Gerard & Associates, 1155 Connecticut Avenue, NW, #400 Washington, DC 20036	Ak-Chin Indian Community	467.50	
Do	Bois Forte Band of Chippewa Indians	511.93	
Do	Campo Band of Mission Indians	937.50	
Do	Commissioned Officers Assn of the U.S.P.H.S., Inc	300.00	
Do	Leech Lake Tribal Council	143.75	
Do	Minnesota Indian Gaming Assocation	825.00	
Do	National Indian Gaming Association	1,400.00	
Do	Santa Clara Indian Pueblo		
Do	Siletz Tribal Council	1,707.50	
Do	Tohono O'Odham Nation	731.38	
Do	Tulalip Tribes	116.50	
Do	White Earth Tribal Council	816.22	
Arianne M. Duddy, 1350 I Street, NW, #670 Washington, DC 20005	Koch Industries, Inc		
Tim Dudgeon, 1250 Eye Street, NW, #900 Washington, DC 20005	Distilled Spirits Council of the U.S., Inc	2,000.00	
Jane McPike Dudley, 888 17th Street, NW, #400 Washington, DC 20006	Whiteford Taylor & Preston (For:Giddings & Lewis, Inc)	2,250.00	217.60
Do	Whiteford Taylor & Preston (For:National Constructors Assn)	4,000.00	
Robert H. Dugger, 1120 Connecticut Ave., NW Washington, DC 20036	American Bankers Assn	2,000.00	
Mac S. Dunaway, Dunaway & Cross 1146 19th Street, NW Washington, DC 20036	Crown Control Corp		
Do	Industrial Truck Assn		
Do	Lord Corporation		
Do	Walbro Corp		
Amy K. Dunbar, P.O. Box 19230 Washington, DC 20036	National Assn of Bond Lawyers	22,500.00	
Don R. Duncan, 1776 Eye Street, NW, #700 Washington, DC 20006	Phillips Petroleum Co	5,000.00	
Duncan Weinberg Miller & Pembroke, P.C., 1615 M Street, NW, #800 Washington, DC 20036	Lake Andes-Wagner Water Systems, Inc		
Do	Mid-West Electric Consumers Assn		
Do	National Assn of State Energy Officials		
Do	State of Hawaii, Dept of Business & Economic Development		
Robert Dunkel, 1875 I Street, NW, #1110 Washington, DC 20006	Times Mirror Company		
Louise C. Dunlap, 418 Tenth Street, SE Washington, DC 20003	Dunlap & Browder, Inc (For:Acurex Environmental/CA Energy Commission)	2,700.00	148.60
Do	Dunlap & Browder, Inc (For:American Methanol Institute)	9,600.00	142.75
Pauline Dunlap, 1201 McDuffie #222 Houston, TX 77019	Falcon Carriers	12,000.00	1,483.27
Dunlap & Browder, Inc, 418 Tenth Street, SE Washington, DC 20003	Acurex Environmental/CA Energy Commission	4,500.00	148.60
Do	American Methanol Institute	15,000.00	142.75
Mari Lee Dunn, 1750 K St., NW, #400 Washington, DC 20006-2305	American Council for Capital Formation		
Michael V. Dunn, 600 Maryland Ave., SW, #202W Washington, DC 20024	Farmers' Educational & Co-Operative Union of America	13,793.84	1,361.96
John H. Dunne, 8701 Georgia Ave., #701 Silver Spring, MD 20910	International Fed of Professional & Technical Engineers		
William C. Dunning, P.O. Box 619500 Dallas, TX 75261	Caltex Petroleum Corp		
James E. Dunstan, 2000 M Street, NW, Suite 600 Washington, DC 20036	TV 14, Inc	1,912.50	1,912.50
James A. Dupree, 1350 Eye Street, NW, #1000 Washington, DC 20005	Ford Motor Co	3,500.00	1,507.00
Douglas A. Durante, 7315 Wisconsin Avenue, NW, #515 East Bethesda, MD 20814	Clean Fuels Development Coalition	6,000.00	
Chris Durbin, 1630 Duke Street Alexandria, VA 22314-3465	National Rural Letter Carriers Assn	5,665.00	
Daniel T. Durham, 601 E Street, NW Washington, DC 20049	American Assn of Retired Persons	741.39	54.50
Katherine M. Dutilh, 1100 Connecticut Ave., NW, #1300 Washington, DC 20036-4101	Milliken & Company	5,000.00	1,150.00
Lloyd L. Duxbury, 2000 K Street, NW, #800 Washington, DC 20006	National Comm to Preserve Social Security & Medicare	16,154.00	2,175.09
Ernest DuBester, 815 16th Street, NW Washington, DC 20006	American Fed of Labor & Congress of Industrial Organizations	17,465.37	695.15
William P. DuBose IV, 1050 17th St., NW, #700 Washington, DC 20036	National Ocean Industries Assn	2,700.00	
Marcia L. DuMond, 1300 South Clinton Street Fort Wayne, IN 46801	Lincoln National Corp	900.00	520.00
Robert F. DuPree Jr., 1801 K Street, NW, #900 Washington, DC 20006	American Textile Manufacturers Institute, Inc	357.00	8.00
Denis J. Dwyer, 1155 15th St., NW, #400 Washington, DC 20005	McNair Group, Inc (For:Bombardier Corporation)	6,235.09	44.88
Do	McNair Group, Inc	9,375.00	57.78
Stuart S. Dye, 2000 M Street, NW Washington, DC 20036	Graham & James (For:American Hawaii Cruises)		
Dyer Ellis Joseph & Mills, 600 New Hampshire Ave., NW, #1000 Washington, DC 20037	Air Transport Assn of America	2,000.00	90.79
Do	American Lithotripsy Society	1,000.00	22.67
Do	Apex Marine Corp		
Do	Atlantic Richfield Company	5,852.00	260.10
Do	East Asiatic Company, et al.		
Do	Greek Shipping Cooperation Committee	265.00	12.44
Do	Interdean AG		22.93
Do	International Air Transport Assn (IATA)	9,910.00	764.78
Do	Liberty Maritime Corporation	4,980.00	113.05
Do	Medical Care International, Inc	800.00	17.07
Do	REN Corporation USA		
Do	Surgical Care Affiliates, Inc		
Do	US Naval Institute		
Dykema Gossett, 800 Michigan National Tower Lansing, MI 48933	Committee on U.S. Business Canadian Life & Health Ins. Assn	19,032.73	
Do	Discovery Cruises, Inc		
Do	Magic Line, Inc		
Do	Military Boot Manufacturing Assn		
Do	Systems Control, Inc		
Do	Total Petroleum, Inc	7,187.00	
Do	University of Michigan Medical Center		
Talis Dzenitis, 633 Pennsylvania Ave., NW, #600 Washington, DC 20004	Sears Roebuck & Co	500.00	
DGA International, Inc, 1133 Connecticut Avenue, NW Washington, DC 20036	Dir Intl Aff of the Gen Del for Armements		
Do	Societe Nationale D'Etude et de Const de Moteurs D'Aviation	8,208.00	1,443.67
Do	Sofreavia	645.00	
Jeffrey P. Eagleson, 1001 Connecticut Ave., #1001 Washington, DC 20036	Lanxide Corporation		
Matthew C. Eames, P.O.Box 70 Boise, ID 83707	Idaho Power Company		
Anthony S. Earl, One South Pinckney Street P.O. Box 2113 Madison, WI 53701-2113	Quarles & Brady (For:Medical College of Wisconsin)	100.00	
Do	Quarles & Brady (For:Wisconsin Electric Power Co)	1,000.00	37.00
C. Renee Eastman, 555 13th Street, NW, #1010 East Washington, DC 20004-1109	Sun Company, Inc	2,000.00	947.21
Robert E. L. Eaton, 4921 Essex Avenue Chevy Chase, MD 20815	Eaton Associates, Inc		
Eaton Associates, Inc, 4921 Essex Avenue Chevy Chase, MD 20815			
Robert E. Ebel, 1025 Connecticut Ave., NW, #1014 Washington, DC 20036	Enserch Corporation	1,450.00	1,031.00
Brenda L. Eberly, 50 F Street, NW, #1050 Washington, DC 20001	Freeport-McMoRan D.C., Inc	2,750.00	28.50
Kevin James Echols, 425 2nd Street, NW Washington, DC 20001			10.00
George Eckert, 12100 Sunrise Valley Drive Reston, VA 22091	Tandem Computers, Inc	2,550.00	130.00
Ed Graves & Associates, 2001 M Street, NW, 4th Floor Wasington, DC 20036	Emerald Resources Inc	350.00	
Do	Jorden Schulte & Burchette	600.00	
Do	OPEDA		
Edelman Public Relations Worldwide, 1420 K Street, NW 10th Floor Washington, DC 20005	Safety-Kleen	35,000.00	16,338.67
Helen H. Edge, 700 N. Fairfax Street, #601 Alexandria, VA 22314	Railway Progress Institute	729.68	
Edison Electric Institute, 701 Pennsylvania Avenue, NW Washington, DC 20004		202,738.40	107,113.70
Edon Company, 600 New Hampshire Ave., NW #1010 Washington, DC 20037	Coca-Cola Foods	10,500.00	99.20
Do	Consolidated Seafood	10,500.00	204.35
Do	Kansas Department of Commerce	10,500.00	239.15
Do	Pinnacle Data Corporation	7,500.00	336.21
Do	Stephens Inc	5,062.50	57.38
Education Legislative Services, Inc, 5855 Staduim Street San Diego, CA 92122	Long Beach Unified School District		995.88
Do	Oakland Unified School District	5,000.00	4,245.50
Do	Sacramento City Unified School District		995.88
Do	San Diego Unified School District	3,520.00	4,069.04

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Do	San Francisco Unified School District		637.36
Christine A. Edwards, 633 Pennsylvania Ave., NW, #600 Washington, DC 20004	Dean Witter Financial Services Group		
J. Rodney Edwards, 260 Madison Ave. New York, NY 10016	American Paper Institute, Inc		
Jack Edwards, 3000 First Natonal Bank Bldg. P.O. Box 123 Mobile, AL 36601	Societe Nationale d'Etude et de Const de Moteurs d'Aviation	456.25	
Do	Teledyne Industries, Inc	1,052.48	
Michael D. Edwards, 1201 16th Street, NW Washington, DC 20036	National Education Assn	4,160.65	135.50
Sherry L. Edwards, 1330 Connecticut Ave., NW, Suite 300 Washington, DC 20036-1702	Synthetic Organic Chemical Manufacturing Assn	500.00	68.00
Edwards Associates, 507 Second St., NE Washington, DC 20002	Confederated Tribes of Warm Springs Reservation		
Paul S. Egan, 1325 15th Street, NW, #503 Washington, DC 20005	Vietnam Veterans of America, Inc	13,587.00	203.00
William J. Ehrig, 700 Anderson Hill Road Purchase, NY 10577	PepsiCo, Inc		382.50
Peter J. Eide, 1615 H Street, NW Washington, DC 20062	U.S. Chamber of Commerce	2,500.00	
Eugene Eidenberg, 1133 19th Street, NW Washington, DC 20036	MCI Communications Corp		
Roy L. Eiguren, 702 West Idaho Street, #700 Boise, ID 83702	Davis Wright Tremaine (For:Idaho Cooperative Utilities Assn)		
Albert C. Eisenberg, 1735 New York Avenue, NW Washington, DC 20006	American Institute of Architects	18,159.98	
Robert Eisenbud, 1155 Connecticut Ave., NW Washington DC 20036	Waste Management, Inc	3,550.00	
Earl B. Eisenhart, 1320 Braddock Place, #720 Alexandria, VA 22314	National Private Truck Council		
Linda S. Eisnaugle, 225 W. 34th Street New York, NY 10122	National Commercial Finance Assn	12,500.00	1,674.00
Elf Atochem North America, Inc, Three Parkway Philadelphia, PA 19102			6,567.02
J. Burton Eller Jr., 1301 Pennsylvania Ave., NW, #300 Washington, DC 20004	National Cattlemen's Assn	1,000.00	
Charles W. Elliott, Wisconsin Petroleum Council 25 W. Main St., #703 Madison, WI 53703	American Petroleum Institute	155.00	
Emily K. Elliott, 204 Whitehurst Hall Stillwater, OK 74078-0001	Oklahoma State University	4,847.50	1,051.74
John M. Ellis, 1120 Fairfield Avenue Roseville, CA 95678	Alliance of Government Managers	1,638.38	1,638.38
Rodney G. Ellis, 1331 Lamar, Suite 1550 Houston, TX 77010	Solar & Ellis (For:Republic of Mexico)		4,073.95
Kenneth W. Ellison, 1001 Pennsylvania Ave., NW, #600-S Washington, DC 20004	Belz Investment Company, Inc		
Gary Elmestad, P.O. Box 3153 St Peters, MO 63376	City of O'Fallon	600.00	1.79
Do	City of St. Peters	3,410.00	3.33
Do	St. Charles Co Economic Development Council	3,333.33	190.20
Nancy C. Elwood, 15th & M Streets, NW Washington, DC 20005	National Assn of Home Builders of the U.S.		
Alyson A. Emanuel, 2100 Pennsylvania Ave., NW #755 Washington, DC 20037	BASF Corp	146.15	
Emergency Committee for American Trade, 1211 Connecticut Ave., NW, #801 Washington, DC 20036		75,895.65	111,505.28
JoAnn Emerson, 1200 17th Street, NW Washington, DC 20036	National Restaurant Assn	1,500.00	990.00
Emerson Electric Co, 8000 W. Florissant St. Louis, MO 63136			779.56
John M. Emery, 1101 Vermont Ave., NW Washington, DC 20005	American Medical Assn	25.00	
Michael J. Emig, 1125 15th St., NW Washington, DC 20005	International Brotherhood of Electrical Workers	18,832.00	443.00
Randy Eminger, 7209 Dukes Place Amarillo, TX 79109-6481	Southwestern Public Service Co	1,563.75	210.03
Energy Consumers & Producers Assn, Box 1726 Seminole, OK 74818-1726		10,975.00	
Gary D. Engebretson, 1350 New York Ave., NW, #200 Washington, DC 20005	Contract Services Assn		47.40
Ralph Engel, 1913 Eye Street, NW, Washington, DC 20006	Chemical Specialties Manufacturers Assn, Inc		
Michael Englehardt, 1825 I Street, NW, #400 Washington, DC 20006	Intel Corp	15,000.00	4,813.59
English First, 8001 Forbes Place, #102 Springfield, VA 22151		218,354.99	206,963.13
Loretta E. Enloe, 8 Oak Hill Drive Edwardsville, IL 62025	Federation of American Consumers & Travelers (FACT)	2,500.00	
Environmental Business Assn, 1150 Connecticut Ave., NW, 9th Floor The Connecticut Building Washington, DC 20036			
Epstein Becker & Green, P.C., 1227 25th Street, NW, #800 Washington, DC 20037	AEtna Life & Casualty		
Do	MFJ Task Force	22,500.00	
Do	Northwestern National Life Insurance Co	2,650.00	
Do	PKR Foundation	530.00	
Do	Southern California Edison Co	12,000.00	
Do	Voluntary Hospitals of America, Inc	7,750.00	
Paul A. Equale, 600 Pennsylvania Ave., SE, #200 Washington, DC 20003	Independent Insurance Agents of America, Inc	51,235.00	
Equipment Leasing Assn of America, 1300 North 17th St., #1010 Arlington, VA 22209			
Thomas J. Erickson, 1030 15th Street, #1020 Washington, DC 20005	National Grain Trade Council		
Erisa Industry Committee, 1400 L Street, NW, #350 Washington, DC 20005		97,200.00	19,532.00
Gregory D. Erken, 1275 Pennsylvania Ave., NW, #501 Washington, DC 20004	Knights of Columbus	7,750.00	
James L. Ervin, 1667 K Street, NW, #310 Washington, DC 20006	Baldt, Inc		
Do	Kaman Diversified Technologies Corp	9,018.59	18.59
Do	Martin Marietta Corp	17,917.54	1,666.54
Do	Mip Instadsetzungstriebe Gmbh	42,074.34	15,074.34
Do	Northrop Corp		
Ingolf G. Esders, 815 16th Street, NW Washington, DC 20006	International Longshoremen's Assn, AFL-CIO	13,500.00	162.16
Deborah M. Estes, 1515 Wilson Boulevard Arlington, VA 22209	American Gas Assn	2,000.00	241.46
John T. Estes, 2300 N St., NW, #600 Washington, DC 20037	International Council of Cruise Lines	7,800.00	10,985.00
Sherry Ettleson, 215 Pennsylvania Ave., SE Washington, DC 20003	Public Citizen	7,500.00	
Stephen E. Eure, 1840 Wilson Boulevard Arlington, VA 22201	National Milk Producers Federation	11,250.00	11,250.00
Mary Jo Eustice, 412 First Street, SE Washington, DC 20003	National Automobile Dealers Assn	3,300.00	
Billy Lee Evans, 1301 Connecticut Ave., NW, #700 Washington, DC 20036	B.L. Evans & Associates (For:Great Western Financial Corp)		
Do	B.L. Evans & Associates (For:Paul Revere Life Insurance Company)		
Brock Evans, 666 Pennsylvania Avenue, SE Washington, DC 20002	National Audubon Society	4,400.00	165.00
Cindy Evans, 1250 Connecticut Ave., NW, #210 Washington, DC 20036	National Forest Products Assn		
Cleve Evans, P.O. Box 841 Abilene, TX 79604	West Texas Utilities Company		
David C. Evans, 1200 18th Street, NW, Washington, DC 20036	Building Owners & Managers Assn Int'l		
Donald C. Evans Jr., 655 15th St., NW, #310 Washington, DC 20005	AFLAC, Inc		
Do	Scholarship Consultants of North America, Inc		
Lynwood J. Evans, 1020 19th Street, NW, #780 Washington, DC 20036	U S West, Inc	366.40	
Robert B. Evans, 919 18th Street, NW Washington, DC 20006	American Financial Services Assn	250.00	
Robert D. Evans, 1800 M St., NW Washington, DC 20036	American Bar Assn	400.00	50.00
B.L. Evans and Associates, Inc, 1301 Connecticut Ave., NW, #700 Washington, DC 20036	Great Western Financial Corp	5,000.00	
Do	Paul Revere Life Insurance Company	2,500.00	
Evans Group, Ltd, 1010 Wisconsin Ave., NW, 8th Floor Washington, DC 20007	Interim Government for National Unity in Liberia		
Do	Matlack Systems, Inc		
Do	National Independent Automobile Dealers Assn	8,000.00	345.00
Do	Republic of Cyprus	16,000.00	
Do	Towers Financial Corp	4,100.00	
Fawn K. Evenson, 1420 K Street NW, #600 Washington, DC 20005	Footwear Industries of America		
Kellye A. Eversole, 4434 Indigo Lane Harwood, MD 20776	Agricultural Utilization Research Institute		
Do	American Bankers Assn	1,000.00	99.39
Do	Eversole Associates (For:North Dakota Agricultural Products Utilization Commission).	5,062.50	122.95
Wayne S. Ewing, Associated Petroleum Industries of PA P.O. Box 925 Harrisburg, PA 17108	American Petroleum Institute		
Paul K. Eyer, P.O. Box 8600 Harrisburg, PA 17105-8600	American Osteopathic Assn	2,600.00	
ESCO Electronics Corp, 8100 W. Florissant St. Louis, MO 63136			1,366.75
F/P Research Associates, 1700 K St., NW, #1000 Washington, DC 20006	American Bus Assn		
Do	National Cable Television Assn, Inc	500.00	
Do	Northrop Corp	500.00	
Do	Wiley Rein & Fielding (For: BMW of North America, Inc)		
Do	Wiley Rein & Fielding (For: Utilicorp United, Inc)	500.00	
Dan L. Fager, 1401 Eye Street, NW, #1200 Washington, DC 20005	Chevron Companies	2,000.00	
Darryl H. Fagin, 1625 K Street, NW, #1150 Washington, DC 20005	Americans for Democratic Action	6,250.02	
Robert R. Fahs, 1101 15th St., NW, #205 Washington, DC 20005	Cargill, Inc	2,500.00	
Dale W. Fallat, P.O. Box 119 Maumee, OH 43537	Andersons		
Farm Credit Council, 50 F Street, NW, #900 Washington, DC 20001		1,0,000.00	2,520.00
David M. Farmer, 1629 K Street, NW, #1010 Washington, DC 20006	Alliance of American Insurers	35,000.00	
Martin T. Farmer, P.O. Box 40789 Jacksonville, FL 32203-0789	Barnett Banks, Inc	26,125.00	9,916.30
Farmers' Educational & Co-Operative Union of America, 600 Maryland Ave., SW, #202w Washington, DC 20024		204,956.00	109,808.90
Dagmar T. Farr, 1750 K Street, N.W. Washington, DC 20006	Food Marketing Institute	300.00	
Michael Farrar, 1250 Connecticut Avenue, NW Washington, DC 20036	American Paper Institute, Inc		
Richard T. Farrell, 1015 15th St., NW, #401 Washington, DC 20005	Syntex (USA) Inc	4,125.00	3,107.46
Marcus G. Faust, 332 Constitution Ave., NE Washington, DC 20002	Central Utah Water Conservancy District	20,418.75	1,527.33
Do	Clark County Nevada-McCarran International Airport	19,656.25	270.25
Do	Geneva Steel	9,000.00	479.67
Do	Kirton McConkie & Bushnell	2,325.00	
Do	Las Vegas Valley Water District	20,790.00	438.34
Do	Public Service Co of New Mexico	13,975.00	284.36
Do	Sierra Pacific Power Co	26,437.50	194.67
Do	State of Montana Dept of Natural Resources & Conservation	2,325.00	

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Jane Fawcett-Hoover, 801 Pennsylvania Ave., NW, #720 Washington, DC 20004-2604	Procter & Gamble Manufacturing Co	10.50	
Robert C. Fay, 12731 Directors Loop Woodbridge, VA 22192	American Amusement Machine Assn		
William D. Fay, 1001 19th St. North, #800 Arlington, VA 22209	Product Liability Coordinating Committee	11,500.00	2,375.28
Elizabeth Fayad, 1033 Union Church Rd. McLean, VA 22102	National Parks & Conservation Association	3,075.00	92.00
Federal Judges Association, Suite 110 111 West Washington Street Chicago, IL 60602-2768		76,599.84	19,647.05
Federation for American Immigration Reform, 1666 Connecticut Avenue, NW, #400 Washington, DC 20009			6,580.36
Federation of American Controlled Shipping, 50 Broadway New York, NY 10004		2,731.19	2,731.19
Federation of American Health Systems, 1111 19th St., NW, #402 Washington, DC 20036		9,000.00	9,000.00
Federation of American Scientists, 307 Massachusetts Ave., NE Washington, DC 20002		1,809.00	4,012.24
John D. Fedor, 2001 Jefferson Davis Highway, #1012 Arlington, VA 22202	Alliant Techsystems, Inc	2,676.00	176.85
Robert Feenstra, 13545 Euclid Avenue Ontario, CA 91761	Milk Producers Council (For:Dairy Farmers for Responsible Dairy Policy)		
Donald M. Fehr, 805 Third Ave. New York, NY 10022	Major League Baseball Players Assn		
Scott Feierabend, 1400 16th St., NW Washington, DC 20036-0001	National Wildlife Federation	2,013.21	
Douglas J. Feith, 2300 M Street, NW—#600 Washington, DC 20037	International Advisers Inc (For:Embassy of Turkey)	1,660.00	
Elliot J. Feldman, 901 15th Street, NW, #1250 Washington, DC 20005-2301	Ackerson & Feldman (For:Government of Quebec, Ministry of International Affairs).		
Do	Howrey & Simon (For:Government of Quebec, Ministry of International Affairs)		
Jay Feldman, 600 Sandtree Drive, #107 Palm Beach Gardens, FL 33403	American Shooting Sports Coalition, Inc		
Laura Feldman, 2000 K Street, NW, #800 Washington, DC 20006	National Comm to Preserve Social Security & Medicare	2,458.00	
Mark B. Feldman, 2300 M Street, NW, #600 Washington, DC 20037	International Advisers, Inc (For:Embassy of Turkey)	1,660.00	
Richard Feller, 2000 K Street, NW, #800 Washington, DC 20006	National Comm to Preserve Social Security & Medicare	1,817.00	
Kenneth E. Feltman, 927 15th St., NW, #1000 Washington, DC 20005	Employers Council on Flexible Compensation	200.00	
Melody H. G. Fennel, 15th & M Streets, NW Washington, DC 20005	National Assn of Home Builders of the U.S.		
Karen S. Fennell, 1522 K St., NW, #1000 Washington, DC 20005	American College of Nurse-Midwives		
Judith W. Fenslerer, 242 E. 80th Street New York, NY 10021	Generic Pharmaceutical Industry Assn	273.64	273.64
Fensterwald & Alcom, 1952 Gallows Road Vienna, VA 22182	Concerned Federal Railroad Administration Employees		
Brian Ferguson, 1776 Eye Street, NW, Suite 1050 Washington, DC 20006	Eastman Kodak Co	1,000.00	300.00
Denise G. Ferguson, 1020 19th St., NW, #600 Washington, DC 20036	American Express Co	12,269.00	1,642.00
William Ferguson Jr., 1730 Rhode Island Ave., NW, #400 Washington, DC 20036	Ferguson Company (For:City of Alhambra)	2,166.00	704.52
Do	Ferguson Company (For:City of Inglewood)	3,208.00	83.94
Do	City of Livermore, CA	2,500.00	96.25
Do	Ferguson Company (For:City of Norwalk)	3,720.00	288.53
Do	Ferguson Company (For:City of Oceanside)	1,220.00	
Do	Ferguson Company (For:City of Provo)	3,000.00	1,069.82
Do	Ferguson Company (For:City of Redondo Beach)	1,849.00	30.53
Do	Ferguson Company (For:City of Santa Ana)	3,300.00	89.45
Do	Ferguson Company (For:City of South Salt Lake)	1,833.00	61.69
Do	Ferguson Company (For:Hamilton Partners)	6,000.00	832.14
Do	Ferguson Company (For:Imperial Irrigation District)	2,625.00	569.86
Do	The Ferguson Company (For:Interstate 5 Consortium)	4,500.00	108.66
Do	Ferguson Company (For:Irvine Company)	10,800.00	1,001.91
Do	Ferguson Company (For:Long Beach Transit)	2,750.00	61.65
Do	Ferguson Company (For:Oceanside Redevelopment Agency)	1,220.00	38.65
Do	Oceanside Small Craft Harbor, California	813.50	27.48
Do	The Ferguson Company (For:Southeast Water Coalition)	4,375.00	1,014.07
Do	Transportation Corridor Agencies	20,000.00	875.89
DeDe Ferrell, 1771 N Street, NW Washington, DC 20036	National Assn of Broadcasters	1,000.00	1,543.03
Michael J. Ferrell, 1125 15th Street, NW Washington, DC 20005	Mortgage Bankers Assn of America	31,200.00	227.77
Deeohn Ferris, 1400 Sixteenth Street, NW Washington, DC 20036-2266	National Wildlife Federation	135.24	
John L. Festa, 1250 Connecticut Avenue, NW Washington, DC 20036	American Paper Institute, Inc		
Fiber Fabric & Apparel Coalition for Trade, 1801 K Street, NW, #900 Washington, DC 20006		208.00	85,569.00
Fierce & Associates, 600 New Hampshire Ave., NW, #1010 Washington, DC 20037	AB Hagglund & Sonar	13,500.00	553.95
Do	Bollinger Machine Shop & Shipyard, Inc	11,350.00	367.07
Do	Spar Aerospace, Ltd	22,500.00	579.47
Alan D. Fiers, 919 18th Street, NW, #400 Washington, DC 20006	W. R. Grace & Co /World Headquarters	5,000.00	135.00
Richard G. Fifield, P.O. Box 11000 Montgomery, AL 36198	Alabama Farmers Federation	1,775.00	834.89
Amy M. Finan, 818 Connecticut Ave., NW, #303 Washington, DC 20006	National Assn for Biomedical Research	95.00	
Financial Executives Institute, 10 Madison Avenue P.O. Box 1938 Morristown, NJ 07962-1938			
Financial Services Council, 1225 19th St., NW, #410 Washington, DC 20036		13,500.00	1,511.00
Lawrence A. Fineran, 1331 Pennsylvania Ave., NW, #1500 N Washington, DC 20004	National Assn of Manufacturers	125.00	
Matthew P. Fink, 1600 M St., NW Washington, DC 20036	Investment Company Institute	384.60	25.00
Stephen Finley, 200 West Thomas, #310 Seattle, WA 98119	Emerald Seafoods, Inc		6,603.90
Peter J. Finnerty, 1331 Pennsylvania Ave., NW #560 Washington, DC 20004	Sea-Land Service, Inc	3,000.00	
Thomas D. Finnigan, 1100 15th Street, NW, #1200 Washington, DC 20005	Union Carbide Corp		61.31
James J. Finnucan, 2 Hodio Drive Ansonia, CT 06401	Northeast Utilities Service Co	2,043.35	1,474.58
M. J. Fiocco, 1700 N. Moore Street, S-1900 Arlington, VA 22209-1904	National Industrial Transportation League	10,000.00	56.25
First National Bank of Boston, 100 Federal St. Boston, MA 02110		2,090.00	3,438.74
Richard L. Fischer, 1615 M St., NW, #200 Washington, DC 20036	Amoco Corporation		
Deborah A. Fischione, 2000 Pennsylvania Ave., NW, #6200 Washington, DC 20006	Chicago Mercantile Exchange		
Carleton W. Fish, P.O. Box 39106 Minneapolis, MN 55435-0106	American Collectors Assn	1,000.00	806.25
H. David Fish, 5885 Stadium St. San Diego, CA 92122	Education Legislative Services, Inc (For:Long Beach Unified School District)		
Do	Educationa Legislative Services, Inc (For:Oakland Unified School District)		
Do	Education Legislative Services, Inc (For:San Diego Unified School District)		
Do	San Francisco Unified School District		
Do	Scramento City Unified School District		
Donald W. Fisher, 3814 Ivanhoe Lane Alexandria, VA 22310	American Group Practice Assn, Inc	459.48	
Gary K. Fisher, 1700 K Street, NW, #1200 Washington, DC 20006	Chevron Companies	4,800.00	24.00
J. Paris Fisher, 1801 K St., NW, #800 Washington, DC 20006	Westinghouse Electric Corp		
William P. Fisher, 1200 17th Street, NW Washington, DC 20036	National Restaurant Assn		
Fisher Wayland Cooper & Leader, 1255 23rd Street, NW, #800 Washington, DC 20037-1125	International Communications Assn		
Wendy S. Fishman, 1015 15th Street, NW, #802 Washington, DC 20005	American Consulting Engineers Council	1,200.00	
John H. Fitch Jr., 901 31st St., NW Washington, DC 20007-3838	Federal Legislative Associates (For:Citizens Commission for Human Rights)	2,000.00	
Do	Federal Legislative Associates (For:National Coalition of IRS Whistleblowers)	1,000.00	
Clyde Fitzgerald, 815 Sixteenth Street Washington, DC 20006	International Longshoremen's Assn, AFL-CIO	2,486.00	
John Fitzgerald, 1244 19th Street, NW Washington, DC 20036	Defenders of Wildlife	103.64	
Mary Clare Fitzgerald, 1155 21st Street, NW, #850 Washington, DC 20036	Secura Group	15,000.00	2,240.34
Thomas H. Fitzpatrick, Connecticut Petroleum Council 60 Washington Street, #908 Hartford, CT 06106	American Petroleum Institute		
Alan M. Fitzwater, 3700 Continental Plaza 777 Main Street Fort Worth, TX 76102	Burlington Northern Railroad Co	25,000.00	
Hilliard J. Fjord, 6725 Wooster Pike Cincinnati, OH 45227	Ohio River Co	1,500.00	6.76
Robert B. Flagg, 3214 White Flint Ct. Oakton, VA 22124	Chemical Manufacturers Assn, Inc	750.00	406.83
Steven H. Flajser, 1111 Jefferson Davis Highway, #811 Arlington, VA 22202	Space Systems/Loral	4,500.00	
Daniel V. Flanagan Jr., 1600 Wilson Blvd. Suite 200 Arlingtton, VA 22209	Flanagan Group, Inc (For:Dominion Resources, Inc)		
Do	Virginia Power		
Flanagan Group, Inc, 1600 Wilson Blvd., Suite 200 Arlington, VA 22209	Dominion Resources, Inc		
Do	Virginia Power		
Fleishman-Hillard, Inc, 1301 Connecticut Ave., NW, 7th Floor Washington, DC 20036	Ad Hoc Coalition on Intermarket Coordination		
Do	American Ambulance Assn	22,500.00	491.54
Do	American Health Care Assn		
Do	American Optometric Assn	15,000.00	
Do	Americans for Energy Independence/Oklahoma Basic Economy...	13,400.00	
Do	Anheuser-Busch Companies, Inc	21,000.00	
Do	Association of American Railroads	24,999.99	134.40
Do	Automotive Refrigeration Products Institute	20,750.00	20.50
Do	Centel Federal Systems		
Do	Certified Auctioneers Assn/National Auctioneers Assn	225,000.00	
Do	Chickasaw Nation		
Do	Chiropractic Physicians Initiative Fund		
Do	Citizens for a Drug Free America		
Do	Clark Oil	25,000.00	
Do	Esselte Pendaflex Corp		
Do	Eveready		
Do	EDS		
Do	Ferrellgas		
Do	Institute of Scrap Recycling Industries	14,000.00	44.00

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Do	Jason Pharmaceuticals		
Do	LeGere Walking Stick Foundation	3,000.00	8.40
Do	Marazul Charters	45,000.00	223.75
Do	Mastercard International	22,000.00	158.55
Do	McDonnell Douglas		
Do	National Collegiate Athletic Assn (NCAA)	65,332.00	4,062.51
Do	National Spiritual Assembly of the Baha'is of the U.S.	17,225.00	2,135.00
Do	Nintendo of America, Inc	9,515.00	7.25
Do	Oklahoma Natural Gas	1,500.00	8.50
Do	Oklahoma State Chamber of Commerce		
Do	Pathology Practice Assn	24,000.00	187.23
Do	Private Practice Section	7,500.00	
Do	Public Broadcasting Service	17,000.00	10.90
Do	Safe Tire Disposal Corporation	8,000.00	1,057.64
Do	Sandoz	4,612.50	12.95
Do	Sony Corp of America	60,000.00	833.59
Do	Spectacor Management Group		
Do	St. Louis NFL Partnership		
Do	Superstar Connection		
Do	Syva Company	45,000.00	2,604.75
Do	Third District Industrial Development Initiative Fund	7,500.00	346.79
Do	Union Pacific Resources	29,818.00	1,812.38
Do	United Homeowners		
Mac A. Fleming, 12050 Woodward Ave. Detroit, MI 48203-3596	Brotherhood of Maintenance of Way Employes		
Michael Fleming, 1300 N. 17th St., # 1010 Arlington, VA 22209	American Assn of Equipment Lessors		
Terry P. Fleming, Ohio Petroleum Council 88 E. Broad St., #1960 Columbus, OH 43215	American Petroleum Institute	1,000.00	1,273.68
Ronnie G. Flippo, 701 Pennsylvania Ave., NW, #800 Washington, DC 20004	R.G. Flippo & Associates, Inc (For:Aetna Life & Casualty)	3,750.00	
Do	R.G. Flippo & Associates, Inc (For:Alabama Power Co)	2,100.00	
Do	R.G. Flippo & Associates, Inc (For:AmSouth Bank)	1,200.00	
Do	R.G. Flippo & Associates, Inc (For:Colsa, Inc)	1,350.00	
Do	R.G. Flippo & Associates, Inc (For:Edison Electric Institute)	3,500.00	
Do	Federal Express Corp	1,950.00	
Do	Massachusetts Mutual Insurance Co	2,000.00	
Do	National Automobile Dealers Assn	2,100.00	
Do	R.G. Flippo & Associates, Inc (For:Norfolk Southern Corp)	1,575.00	
Do	R.G. Flippo & Associates, Inc (For:RJR Nabiso Washington)	2,850.00	
Do	(For:South Central Bell)	1,800.00	
Do	R.G. Flippo and Associates, Inc (For:Waycrosse, Inc)	1,200.00	
Florida Business Associates, 1825 EYE Street, NW, #400 Washington, DC 20006	Control Data Corporation		
Do	Cray Research, Inc	28,090.80	
Do	MEDCO Containment	2,000.00	
Do	State University System	31,248.00	
Do	University of Alaska	10,000.00	
Do	University of Nevada-Las Vegas	16,551.29	
Do	Westinghouse Electric Corp	18,879.49	
Karen Florini, 1875 Connecticut Ave. NW, #1016 Washington, DC 20009	Environmental Defense Fund	5,000.00	4,787.50
David L. Flory, 2300 N Street, NW, #725 Washington, DC 20037	Murphy & Demory, Ltd. (For:Cable & Wireless North America, Inc)		
Do	Murphy & Demory, Ltd. (For:California Energy Company)	7,750.00	500.00
Do	Murphy & Demory (For:MEBA II)	1,000.00	300.00
Ruth Flower, 245 Second Street, NE Washington, DC 20002	Friends Committee on National Legislation	5,954.16	
Veronica M. Floyd, 3306 Fallen Tree Court Alexandria, VA 22310	Brunswick Corp		189.70
John J. Flynn, 1125 17th Street, NW Washington, DC 20036	International Union of Operating Engineers	7,500.00	422.71
Focus on the Family, 420 N. Cascade Ave. Colorado Springs, CO 80903-3352		43,573.00	26,107.00
Foley & Lardner, 1775 Pennsylvania Avenue, NW, #1000 Washington, DC 20006-4680	Aurora Health Care, Inc, et al.		
Do	Coldwell Banker Real Estate Group		
R. D. Folsom, 1317 F Street, NW, #400 Washington, DC 20004	Glaxo, Inc	500.00	
Do	R. Duffy Wall & Associates	1,250.00	
Food & Allied Service Trades Dept, AFL-CIO, 815 16th Street, NW, #408 Washington, DC 20006		17,381.00	17,381.00
Food Marketing Institute, 1750 K St., NW Washington, DC 20006			4,750.00
Foodservice & Packaging Institute, Inc, 1901 North Moore Street Arlington, VA 22209			1,620.00
Footwear Distributors & Retailers of America, 1319 F St., NW, #700 Washington, DC 20004			2,500.00
Mari S. Forbes, 11 Dupont Circle, NW, #300 Washington, DC 20036-1207	Albers & Company (For:May Department Stores Co)		
James E. Ford, 1333 New Hampshire Avenue, NW Washington, DC 20036	Atlantic Richfield Co	620.00	
Forest Farmers Assn, P.O. Box 95385 Atlanta, GA 30347			9,747.04
Edward H. Forgotson, 1020 - 16th Street, NW, Suite 300 Washington, DC 20036	American Share Insurance Corporation		
Do	Enserch Corporation		
Do	Exhide Corporation		
Do	GNB, Inc		
Do	Northern Indiana Public Service Company		
Do	Skidmore Owings & Merrill (SOM)		
Do	Superior National Insurance Group		
James R. Forrester, P.O. Box 94661 Cleveland, OH 44101	Centerior Energy Corp, et al.	3,110.63	4,348.07
Larry Forrester, 3601 Vincennes Road P.O. Box 68700 Indianapolis, IN 46268	National Assn of Mutual Insurance Cos		
Richard D. Fortin, 1275 K Street, NW, #850 Washington, DC 20005-4006	National Industrial Transportation League	1,379.50	20.00
Tracy Fortson, 818 Connecticut Ave., NW, #303 Washington, DC 20006	National Assn for Biomedical Research	37.00	
Richard C. Fortuna, 1440 New York Ave., NW, #310 Washington, DC 20005	Hazardous Waste Treatment Council	750.00	375.00
Nancy E. Foster, 1300 L Street, NW, Suite 950 Washington, DC 20005-4107	American Soybean Assn	269.47	42.00
Donald L. Fowler, P.O. Box 50627 Columbia, SC 29250	Chem-Nuclear Systems, Inc		
Do	Delaware Container Corporation	3,562.50	
Do	Giant Cement Company	585.00	111.15
Do	Greenwood Development Corp	3,737.50	1,369.10
Alissa T. Fox, 655 15th Street, NW, #350 Washington, DC 20005	Blue Cross & Blue Shield Assn	5,155.00	1,115.15
Barbara Fox, 1101 Pennsylvania Avenue, NW, #950 Washington, DC 20077	Federal Home Loan Mortgage Corp	10,000.00	1,730.24
Geraldine Dietz Fox, 39 Fairview Road Narberth, PA 19072	National Instutute on Deafness & Other Communication Disord.		542.31
Fox Bennett & Turner, 750 17th Street, NW, #1100 Washington, DC 20006	American Soc of Clinical Oncology		
Do	Bristol-Myers Squibb Co	75.00	
Do	Fisons Corp		
Do	Healthcare Management Alternatives, Inc	680.00	
Do	Hoffmann-La Roche, Inc		
Do	Johnson & Johnson		
Do	Lederle-Praxis Biologicals		107.50
Do	Memorial Sloan-Kettering Cancer Center		
Do	National Coalition for Cancer Research		
Do	New MediCo Associates, Inc		
Do	Pickens County Medical Center		
Do	Serono Laboratories, Inc		
Do	Wireless Cable Assn, Inc	240.00	412.50
Fox Group, USA Ltd, P.O. Box 1831 Charleston, SC 29402	Camp Barsh Bates & Tate (for Sears Roebuck & Co), et al.		
John L. Frank, P.O. Box 8082 Eau Claire, WI 54702-8082	National Presto Industries, Inc	5,780.00	297.75
Peter M. Frank, 1667 K St., NW, #250 Washington, DC 20006	Kerr-McGee Corp	2,500.00	
Richard L. Frank, 1400 16th Street, NW, #400 Washington, DC 20036-2220	Olsson Frank & Weeda (For:Ad Hoc Pizza Standard Rulemaking Group)		
Stephen R. Frank, 607 Azure Hills Drive Simi Valley, CA 93065	Church of Scientology	1,500.00	953.26
Faye B. Frankfort, 9312 Old Georgetown Road Bethesda, MD 20814-1621	American Podiatric Medical Assn	4,000.00	
Walter L. Frankland Jr., 1730 M Street, NW, #911 Washington, DC 20036	Silver Users Assn, Inc	1,080.00	200.00
Ellis B. Franklin, 5025 Wisconsin Ave., NW Washington, DC 20016	Amalgamated Transit Union, AFL-CIO		
Robert S. Franklin, 200 Park Avenue New York, NY 10166	Coudert Brothers	2,000.00	
Thomas C. Franks, 1220 L St., NW, #510 Washington, DC 20005	American Resort & Residential Development Assn	1,500.00	
Franson Hagerty & Associates, 1155 15th Street, NW, Suite 710 Washington, DC 20005			
John B. Franz, P.O. Box 10568 Pompano Beach, FL 33061-6568			
Marian C. Franz, 2121 Decatur Place, NW Washington, DC 20008	National Campaign for a Peace Tax Fund	2,315.28	658.86
Douglas Freberg II, 1515 Wilson Blvd. Arlington, VA 22209	American Gas Assn	2,000.00	1,023.00
Robert M. Frederick, 1616 H St., NW Washington, DC 20006	National Grange	6,000.00	
John S. Fredericksen, 1101 Connecticut Ave., NW, #700 Washington, DC 20036	Regional Airline Association	1,000.00	
James T. Freeman, 1125 15th Street, NW Washington, DC 20005	Mortgage Bankers Assn of America	4,665.00	153.83

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
David W. Freer, 1150 Connecticut Ave., NW, #717 Washington, DC 20036	Southern California Gas Co	5,000.00	
Paula D. Freer, 818 Connecticut Avenue, NW, #900 Washington, DC 20006	USX Corporation		
Freer & Alagia, Chtd, 1000 Thomas Jefferson St., NW, #600 Washington, DC 20007	Dairymen, Inc	10,780.00	1,201.50
Verrick O. French, 1455 Pennsylvania Avenue, NW, #1260 Washington, DC 20004	French & Company (For:International Electronics Mfgrs & Consumers of America, Inc).	300.00	
Do	French & Company (For:Montgomery Ward & Co, Inc)	250.00	
Do	French & Company (For:Wheels, Inc)	100.00	
French & Company, 1455 Pennsylvania Ave., NW, #1260 Washington, DC 20004	International Electronics Mfgrs & Consumers of America, Inc	900.00	
Do	Montgomery Ward & Co, Inc	325.00	
Do	Wheels, Inc	125.00	
Robert H. Frenzel, 316 Pennsylvania Ave., SE, #304 Washington, DC 20003	United Parcel Service	1,500.00	95.00
John Freshman Associates, Inc, 1722 I Street, NW, #500 Washington, DC 20006	Alaska Department of Environmental Conservation		
Do	Anheuser-Busch Companies, Inc	18,000.00	1,012.43
Do	Los Angeles County Sanitation District	6,495.00	484.96
Do	James M. Montgomery Consulting Engineers Inc	43,335.00	2,352.97
Katherine L. Frey, 1101 15th Street, NW Washington, DC 20005	Minnesota Mining & Manufacturing Co, (3M)	1,000.00	
Annette P. Fribourg, 3900 Wisconsin Ave., NW Washington, DC 20016	Federal National Mortgage Assn (Fannie Mae)	17,500.00	264.29
G. William Frick, 1220 L Street, NW Washington, DC 20005	American Petroleum Institute		
Ronald A. Fried, 888 17th Street, NW, #900 Washington, DC 20006	Holland & Knight (For:St. Johns Home Health)	2,000.00	
Fried Frank Harris Shriver & Jacobson, 1001 Pennsylvania Ave., NW, #800 Washington, DC 20004-2505	General Electric Co	2,430.00	58.93
Do	Goldrich & Kest		
Do	Lonza, Inc	2,920.00	104.81
Do	Virgin Islands Rum Industries, Ltd	900.00	
Philip P. Friedlander Jr., 1250 Eye Street, NW, #400 Washington, DC 20005	National Tire Dealers & Retreaders Assn		
F. Michael Friedman, 321 West Front Street P.O. Box 1000 Media, PA 19063	Clouse Pagano & Friedman (For:Chem Service, Inc)	139.50	
James M. Friedman, 1100 Citizens Bldg. Cleveland, OH 44114	Centerior Energy Corp		
Do	Summit Energy Storage, Inc	5,287.50	708.74
Gay Friedmann, 555 13th Street, NW, #300W Washington, DC 20004	Interstate Natural Gas Assn of America	12,000.00	
Friends of the Columbia Gorge, 319 SW Washington, #301 Portland, OR 97202			
Friends of NIDCD, Inc, 225 Haverford Ave., #1 Narberth, PA 19072		1,000.00	2,729.40
Friends Committee on National Legislation, 245 2nd St., NE Washington, DC 20002			30,724.15
Edward O. Fritts, 1771 N Street Washington, DC 20036	National Assn of Broadcasters	2,500.00	
Charles H. Fritzel, 499 S. Capitol St., SW, #401 Washington, DC 20003	National Assn of Independent Insurers	400.00	510.00
Alan Front, 312 Massachusetts Ave., NE Washington, DC 20002	Trust for Public Land	5,306.00	6,211.00
Marcy Masters Frosh, 2030 M Street, NW Washington, DC 20036	Common Cause		
Gordon H. Fry, 900 19th Street, NW Washington, DC 20006	Aluminum Assn, Inc	25.00	
Fulbright & Jaworski, 801 Pennsylvania Avenue, NW Washington, DC 20004	Avis, Inc	500.00	38.68
Do	Barrett Resources Corp	11,875.00	765.98
Do	Crysen Corp	500.00	3.00
Do	Rugby-Darby Group Companies, Inc	500.00	52.44
Do	Sound Refining, Inc	325.00	
Do	Systems Control, Inc		
Nancy R. Fulco, 1615 H St., NW Washington, DC 20062	U.S. Chamber of Commerce	2,500.00	
Don Fuqua, 1250 Eye Street, NW Washington, DC 20005	Aerospace Industries Assn of America, Inc	3,750.00	
Harold W. Furman II, 818 Connecticut Avenue, NW, #1020 Washington, DC 20006	Collier Shannon & Scott (For:Comdisco Medical Leasing Group, Inc)		
Do	Collier Shannon & Scott (For:Florida Lime & Avocado Trustees)		
Do	Collier Shannon & Scott (For:Granite Rock Company)		
Do	Collier Shannon & Scott (For:Summit Engineering Corp)		
Kurt A. Furst, Searle Washington Office One Massachusetts Ave., NW, Suite 800 Washington, DC 20001	G.D. Searle & Co		525.00
FICA Fairness Coalition, P.O. Box 66674 Washington, DC 20035			10,674.05
Julie Leigh Gackenbach, 1615 H Street, NW Washington, DC 20062	U.S. Chamber of Commerce	900.00	150.00
James E. Gaffigan, 1201 New York Ave., NW Washington, DC 20005	American Hotel & Motel Assn	3,067.50	
Gage & Tucker, 2120 L Street, NW, #810 Washington, DC 20037	Black & Decker Corp		
Do	Pepsi Co, Inc		
Do	Pizza Hut, Inc		
Floyd D. Gaibler, 888 16th Street, NW Washington, DC 20006-4103	International Dairy Foods Assn		
Karl Gallant, 8001 Braddock Road Springfield, VA 22160	National Right to Work Committee	4,620.00	461.52
Kathleene E. Gallegos, 1155 15th Street, NW, #400 Washington, DC 20005	McNair Group, Inc	4,687.50	
John Paul Galles, 1155 15th St., NW, #710 Washington, DC 20005	National Small Business United	1,000.00	
Peter S. Gambel, 1100 15th Street, NW, #700 Washington, DC 20005	Sonat, Inc		492.00
Bruce Gamble, P.O. Box 71440 Washington, DC 20024-1440	National Bankers Assn		401.77
Cheryl Gannon, 2000 K Street, NW #800 Washington, DC 20006	National Comm to Preserve Social Security & Medicare	9,837.00	
Curtis B. Gans, 421 New Jersey Avenue, SE Washington, DC 20003	Committee for the Study of the American Electorate	25,005.00	
Nicole Gara, 950 North Washington Street Alexandria, VA 22314	American Academy of Physician Assistants	17,000.00	
Sandra M. Garbrecht, 1350 New York Ave., NW Washington, DC 20005	Spiegel & McDiarmid (For:American Communities for Cleanup Equity (ACCE))	13,518.75	3,314.05
Isabella Garcia, 1201 16th St., NW, #624 Washington, DC 20036	National Education Assn	3,340.40	548.50
Raymond Garcia, 1745 Jefferson Davis Highway, #1200 Arlington, VA 22202	Rockwell International Corp	3,000.00	
Richard E. Gardiner, 1600 Rhode Island Ave., NW Washington, DC 20036	National Rifle Assn of America		
James N. Gardner, 121 S.W. Salmon, #1400 Portland, OR 97204-2924	Gardner Cosgrove & Gardner (For:Lindsay Hart Heil & Weigler (for: RENTRAK Corp)).	227.50	123.15
Lynda Nelson Gardner, 121 S.W. Salmon , #1400 Portland, OR 97204-2924	Gardner Cosgrove & Gardner (For:Lindsay Hart Neil & Weigler (for RENTRAK Corp)).	227.50	123.15
Sherwin Gardner, 1010 Wisconsin Ave., NW, #800 Washington, DC 20007	Grocery Manufacturers of America, Inc		
Gardner Carton & Douglas, 1301 K Street, NW Washington, DC 20005	Adventist Health System/Sunbelt Hospital System	395.00	55.88
Nancy Garland, 1505 Prince Street, #300 Alexandria, VA 22314	American Optometric Assn		
Anthony Garrett, 150 Andover San Francisco, CA 94110	Citizens for Reliable and Safe Highways (CRASH)	236.22	
Lee D. Garrigan, 1015 Fifteenth Street, NW, #802 Washington, DC 20005	American Consulting Engineers Council	2,100.00	
Theodore J. Garrish, 410 First Street, SE Washington, DC 20003	American Nuclear Energy Council	6,600.00	199.78
Janet M. Garry, P.O. Box 749 Rockville, MD 20848-0749	National Council Social Security Management Assn, Inc	8,700.00	787.64
John C. Gartland, 214 Massachusetts Ave., NE, #210 Washington, DC 20002	Amway Corp	8,250.00	
Garvey Schubert & Barer, 1000 Potomac Street, NW Washington, DC 20007	Canadian Embassy	4,500.00	
Do	City of Aberdeen		
Do	Early Winters Resorts, Inc		
Do	Interocean Management Company		
Do	Ministry of the Environment		
Do	Space Industries, Inc		
Do	Tacoma Public Utilities	20,965.00	380.86
Do	Totem Ocean Trailer Express, Inc	6,000.00	
Gas Appliance Manufacturers Assn, Inc, 1901 North Moore Street Arlington, VA 22209			
Lillian B. Gaskin, 1800 M St., NW Washington, DC 20036	American Bar Assn	400.00	50.00
Philip Gasteyer, 1709 New York Ave., NW, #801 Washington, DC 20006	U.S. League of Savings Institutions	2,187.00	
Bruce A. Gates, 201 Park Washington Court Falls Church, VA 22046	National-American Wholesale Grocers' Assn	3,000.00	
Kathy Gavett, P.O. Box 1417-D49 Alexandria, VA 22313	National Assn of Chain Drug Stores	500.00	
Fred Gebler, 1331 Pennsylvania Ave., NW, #1300N Washington, DC 20004	Electronic Data Systems Corp	276.00	95.15
Ruthann Geib, 1156 15th Street, NW, #1101 Washington, DC 20005	American Sugarbeet Growers Assn		
Robert C. Gelardi, 5775 Peachtree-Dunwoody Rd., #500-G Atlanta, GA 30342	Robert H. Kellen Co (For:Calorie Control Council)	100.00	
Do	Kellen Company (For:Infant Formula Council)		
Morton A. Geller, Corporate Tax Department 100 Federal Street Boston, MA 02110	First National Bank of Boston		
Elise Gemeinhardt, 1620 L Street, NW, #800 Washington, DC 20036	Metropolitan Life Insurance Company		250.00
General Aviation Manufacturers Association, 1400 K Street, NW, #801 Washington, DC 20005			7,333.00
General Instrument Corporation, 1899 L Street, NW, Fifth Floor Washington, DC 20036		1,500.00	
Generic Pharmaceutical Industry Assn, 200 Madison Ave., #2404 New York, NY 10016		8,518.99	8,518.99
Diane J. Generous, 1331 Pennsylvania Ave., NW, #1500 North Washington, DC 20004-1703	National Assn of Manufacturers		
Cheryl K. Genevie, 7746 Donnybrook Court, #106 Annandale, VA 22003	Edison Electric Institute	2,420.30	15.30
John Gentille, 1957 E St., NW Washington, DC 20006	Associated General Contractors of America		
William A. Geoghegan, 1200 18th Street, NW Washington, DC 20036	Securities Industry Assn	3,700.00	
Nancy Whorton George, 555 13th Street, NW, #1010 E Washington, DC 20004-1109	Enron Corp		
Do	Natural Gas Alliance for the Generation of Electricity		
Do	Transco, Inc		
Joseph G. Gerard, 918 16th St., NW, #402 Washington, DC 20006	American Furniture Manufacturers Assn	1,500.00	2,424.49
Louis Gerber, 1925 K St., NW Washington, DC 20006	Communications Workers of America	7,282.00	224.60
Richard C. Gergle, 1800 M Street, NW, #325-S Washington, DC 20036	Dow Corning Corp	5,000.00	
Scott A. Gerke, 955 L'Enfant Plaza, SW #5300 Washington, DC 20024	Honda North America, Inc	150.00	
Katherine Doddridge Gerlach, 15th & M Streets, NW Washington, DC 20005	National Assn of Home Builders of the United States		

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Matthew Gerson, 1600 Eye Street, NW Washington, DC 20006	Motion Picture Assn of America, Inc	4,901.00	642.11
Kenneth Gersten, 1116-C West Street Annapolis, MD 21401	Sierra Club	372.00	
Alvin J. Geske, 1016 16th St., NW, 6th Floor Washington, DC 20036	Renewable Fuels Assn		
Danny Ghorbani, 8014 Falstaff Road McLean, VA 22102	Association for Regulatory Reform	6,000.00	360.71
Clair Ghylin, 1401 Eye Street, NW, #1200 Washington, DC 20005	Chevron USA, Inc	10,000.00	100.00
Christopher J. Giaimo, 201 North Washington Street Alexandria, VA 22314	Retired Officers Assn	3,496.50	
Wayne Gibbens, 801 Pennsylvania Ave., NW, #840 Washington, DC 20004-2604	Mid-Continent Oil & Gas Assn	12,000.00	276.00
David Wesley Gibbons, 1600 Rhode Island Ave. NW, Washington D.C., DC 20036	National Rifle Assn of America	2,728.50	337.56
Martha A. Gibbons, 1155 Connecticut Ave., NW Washington, DC 20036	Laidlaw Waste Systems, Inc		
Gary J. Gibbs, 801 Pennsylvania Ave., NW, #352 Washington, DC 20004-2696	Central & South West Services, Inc	1,600.00	250.00
Anne Giesecke, 1111 14th Street, NW, #300 Washington, DC 20005	American Bakers Assn	3,000.00	8.00
Robert A. Gifford, 1200 17th Street, NW Washington, DC 20036	National Restaurant Assn	1,500.00	990.00
Lucie Kriste Gikovich, 1275 Pennsylvania Ave., NW, #400 Washington, DC 20004	Pacific Telesis Group	12,500.00	
Robert C. Gilardi, 1725 Jefferson Davis Hwy, #1004 Arlington, VA 22202-4102	Compressed Gas Assn/Helium Advisory Council		
Karl O. Gilbert, 777 14th Street, NW Washington, DC 20005	National Assn of Realtors	8,000.00	
Pamela Gilbert, 215 Pennsylvania Avenue, SE Washington, DC 20003	Public Citizen	9,075.00	
Richard Gilbert, 1015 15th Street, NW Washington, DC 20005	American Public Health Assn	1,222.00	
Jacqueline Gillan, 777 North Capitol Street, NE, #410 Washington, DC 20002	Advocates for Highway & Auto Safety	4,903.86	101.00
Joseph A. Gillan, 1899 L Street, NW, #1100 Washington, DC 20036	Exxon Corporation	700.00	
Mary Ann Gilleece, 1146 19th Street, NW, 3rd Floor Washington, DC 20036	Lepon McCarthy Jutkowitz & Holzworth (For:Astra Holdings Corp)	30.00	
Do	Lepon McCarthy Jutkowitz & Holzworth (For:DynCorp)		
Do	Lepon McCarthy Jutkowitz & Holzworth (For:NMP Corp)		
Neal P. Gillen, 1725 K Street, NW, #1210 Washington, DC 20006	American Cotton Shippers Assn	37,500.00	1,135.86
Michael B. Gillett, 4612 Meridian Avenue North Seattle, WA 98103-6936	Atantic Richfield Company	30,000.00	
Do	Pacific Lumber & Shipping Co	805.00	
David Gillette, 440 First Street, NW, #600 Washington, DC 20001	American Israel Public Affairs Comm	14,875.00	179.75
Brad Gilman, 2300 Clarendon Blvd., #1010 Arlington, VA 22201	Alaska Groundfish Data Bank	2,400.00	
Do	Robertson Monagle & Eastaugh (For:Aleutians East Borough)	1,800.00	
Do	All Alaskan Seafoods. Inc	7,400.00	
Do	Robertson Monagle & Eastaugh (For:City of Kenai)		
Jim Gilmore, 1735 New York Avenue, NW, #500 Washington, DC 20006	American Factory Trawler Assn	18,750.00	6,333.82
Ginn Edington Wade & Sanders, Inc, 803 Prince Street Alexandria, VA 22314	Allied Signal Aerospace Co	2,000.00	29.97
Do	Equifax		
Do	Firearms Training Systems, Inc	3,000.00	46.31
Do	Lockheed Corporation	5,000.00	76.28
Do	Oglethorpe Power Corp		
Do	Swedish Ordnance		
Do	Turner Broadcasting System, Inc	8,000.00	119.86
Do	U.S. Cane Sugar Refiners' Assn		
Do	Watkins Associated Industries, Inc		
Ginsburg Feldman & Bress, Chartered, 1250 Connecticut Ave., NW, #800 Washington, DC 20036	Home Shopping Network, Inc		
Caesar A. Giolito, P.O. Box 5793 Carefree, AZ 85377	American Assn of Pastoral Counselors		
Do	U.S. Chamber of Commerce for Nat'l Info & Education Utility		
Carolyn H. Giolito, P.O.Box 5793 Carefree, AZ 85377	American Assn of Pastoral Counselors		
Do	Capital International Communications (For:U.S. Chamber of Commerce for National Information & Ed. Ut.).		
Gerard Giovaniello, 777 14th St., NW Washington, DC 20005	National Assn of Realtors	2,500.00	805.84
Girl Scouts of the USA, 830 Third Avenue New York, NY 10022			2,504.78
Brenda M. Girton, 901 East Capitol Street, SE Washington, DC 20003	American Assn for Counseling & Development	16,353.00	
Michael J. Giuffrida, 204 E Street, NE Washington, DC 20002	National Frozen Food Association	1,000.00	
Earl E. Gjelde, 1155 Connecticut Ave., NW, #800 Washington, DC 20036	Waste Management, Inc		
Lawrence L. Gladchun, 27777 Inkster Road Farmington Hills, MI 48334	Michigan National Corp		
Nicholas J. Glakas, 1600 M Street, NW Washington, DC 20036	ITT Corporation	525.00	152.00
Glass Packaging Institute, 1801 K Street, NW, #1105-L Washington, DC 20006			3,125.00
Matthew D. Glasser, 1919 Park Road, NW Washington, DC 20010	City of Broomfield, Colorado	30,000.00	4,088.93
Law Offices of Thos Gleason, 26 Broadway, 17th Floor New York, NY 10004	International Longshoremen's Assn, AFL-CIO		
Gary R. Glenn, One Woodward Avenue, #2400 Detroit, MI 48226	Jaffe Raitt Heuer & Weiss (For:Metropolitan Realty Corp)	500.00	500.00
Martha Cole Glenn, 4637B S. 36th Street Arlington, VA 22206	Humane Society of the U.S.	10,624.98	2,918.79
Sara B. Glenn, 3225 Gallows Rd Room 3C 004 Fairfax, VA 22037-0001	Mobil Corp	1,125.00	
Joanne Glisson, 700 14th Street, NW, Washington, DC 20005	Monsanto Company		129.74
Joseph Gloyd, 1023 15th Street, NW, Suite 300 Washington, DC 20005	American Veterinary Medical Assn		
Richard D. Gluck, 1801 K Stret, NW, Suite 1200 Washington, DC 20006	Robins Kaplan Miller & Ciresi (For:International Federation of Freight Forwarders Assn).		
Stephanie R. Godley, 2500 Wilson Blvd. #301 Arlington, VA 22201	American Apparel Manufacturers Assn, Inc	1,000.00	50.00
James W. Godlove, 1776 Eye Street, NW, #700 Washington, DC 20006	Phillips Petroleum Co	1,395.00	21.57
Jean C. Godwin, 1010 Duke Street Alexandria, VA 22314	American Assn of Port Authorities	17,000.00	2,000.00
Kevin C. Goebel, 2530 San Pablo Avenue, #J Berkeley, CA 94702	Americans for Nonsmokers' Rights	294.00	
Judith M. Goff, P.O. Box 130092 St. Paul, MN 55113	Farm Credit Bank of St. Paul	500.00	1,236.00
Al James Golato, 1533 New Hampshire Ave., NW Washington, DC 20036	National Assn of Retired Federal Employees		
Harvey S. Gold, 8100 Oak Street Dunn Loring, VA 22027	National Pest Control Assn		
Gold & Liebengood, Inc, 1455 Pennsylvania Ave., NW, #950 Washington, DC 20004	Air & Space West, Inc	4,200.00	2,232.00
Do	Alaska Loggers Assn		
Do	Amercan College of Cardiology	3,000.00	2,529.00
Do	American Academy of Dermatology	12,000.00	2,529.00
Do	American Academy of Ophthalmology	9,600.00	2,529.00
Do	American Trucking Assns, Inc		
Do	Beretta U.S.A. Corp	5,810.00	2,529.00
Do	BAA plc	12,000.00	2,529.00
Do	Camp Barsh Bates & Tate		2,280.00
Do	Chemical Manufacturers Assn, Inc	3,275.00	2,345.00
Do	Coca Cola Company	9,600.00	2,487.00
Do	College of American Pathologists	6,250.00	2,553.00
Do	Copiat		2,129.00
Do	Coxson Penello Fogleman & Cowen		2,129.00
Do	Electronic Data Systems Corp	5,250.00	2,680.00
Do	Energy Research Corp		
Do	Equitable Life Assurance Society of the U.S.		2,529.00
Do	Eye Bank Assn of America	3,213.00	2,380.00
Do	Federated Investors, Inc	15,000.00	2,529.00
Do	Fiat, U.S.A., Inc	12,000.00	2,529.00
Do	Ford Motor Co	945.00	2,168.00
Do	Genentech, Inc	24,000.00	2,529.00
Do	Hopi Tribe	28,800.00	2,129.00
Do	Investment Company Institute	6,350.00	2,529.00
Do	LEGI-SLATE		2,129.00
Do	Martin Marietta Corp		
Do	Museum Company	6,000.00	2,129.00
Do	Mutual Of Omaha		2,129.00
Do	MCI Communications Corp	8,000.00	2,529.00
Do	National Business Aircraft Assn		2,129.00
Do	National Football League	40,826.00	2,529.00
Do	National Restaurant Assn	38,250.00	2,529.00
Do	National School Transportation Assn	4,000.00	2,529.00
Do	Pacific Enterprises	9,900.00	2,529.00
Do	Pennzoil Co	4,000.00	2,529.00
Do	Philip Morris Co	80,132.00	2,529.00
Do	Regional Transportation District		2,129.00
Do	Salomon Brothers, Inc	6,583.00	2,529.00
Do	Thomson-CSF, Inc	19,670.00	2,529.00
Do	Thunder Child Veterans Administration Hospital		2,129.00
Do	Times Mirror Co	2,640.00	2,529.00
Do	Washington Metropolitan Area Transit Authority		2,129.00
Gold Fields Operating Co-Mesquite, HCR 76, Glamis 100 Brawley, CA 92227			
Goldberg & Spector, 1229 19th St., NW Washington, DC 20036	Alpha Lyracom d/b/a Pan American Satellite		

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Mark J. Golden, 1019 19th Street, NW, Suite 1100 Washington, DC 20036	Telocator	1,890.00	130.68
Janlori Goldman, 122 Maryland Ave., NE Washington, DC 20002	American Civil Liberties Union	500.00	100.00
Max Goldman, 1050 17th Street, NW, #500 Washington, DC 20036	Texaco, Inc		
Goldman Sachs & Co, 1101 Pennsylvania Avenue, NW, #900 Washington, DC 20004			1,550.00
Robert H. Goldsborough, 5508 Lombardy Place Baltimore, MD 21210	Americans for Immigration Control, Inc	10,500.00	
Richard S. Goldstein, 2300 M Street, NW Washington, DC 20037	Kelley Drye & Warren (For:Coalition to Preserve the Low Income Housing Tax Credit).		
Judith E. Golub, 2027 Massachusetts Ave., NW Washington, DC 20036	American Jewish Committee	14,000.00	1,500.00
John A. Gonzalez, 1745 Jefferson Davis Hwy., #1200 Arlington, VA 22202	Rockwell International Corp	5,000.00	5,497.83
Larry I. Good, 2001 M Street, NW Washington, DC 20036	Milliman & Robertson, Inc	1,320.00	216.34
Richard F. Goodstein, 1350 Connecticut Avenue, NW, #1101 Washington, DC 20036	Browning-Ferris Industries, Inc	1,350.00	846.25
Melvin G. Goodweather, 1401 Eye Street, NW, Suite 600 Washington, DC 20005	United Technologies Corp	1,667.00	3,524.29
Linda Goold, 777 14th Street, NW Washington, DC 20005	National Assn of Realtors	1,750.00	
John Gordley, 1150 Connecticut Avenue, NW, #507 Washington, DC 20036	Export Processors Industry Coalition (EPIC)	3,000.00	3,143.28
Do	Iowa Pork Producers Assn	2,250.00	720.82
Do	National Sunflower Assn	7,500.00	3,357.22
Do	U.S. Canola Association	9,000.00	2,853.65
Deborah Gordon, 1616 P Street, NW #310 Washington, DC 20008	Union of Concerned Scientists		
Marvin N. Gordon, 1000 Wilson Boulevard, #2800 Arlington, VA 22209	Grumman Corp	625.00	150.20
Mary S. Gordon, 801 Pennsylvania Ave., NW, #700 Washington, DC 20004	Northern Telecom, Inc	1,250.00	
Randall C. Gordon, 1201 New York Ave., NW #830 Washington, DC 20005	National Grain & Feed Assn		
Harold W. Gore, Television Station WTLK-TV 200 North Cobb Parkway, Suite 114 Marietta, GA 30062	TV 14, Inc	150.00	
David W. Gorman, 807 Maine Avenue, SW Washington, DC 20024	Disabled American Veterans	19,577.60	205.87
Faye A. Gorman, 1800 M Street, NW, #325-S Washington, DC 20036	Dow Corning Corp	5,000.00	
Mark S. Gorman, 1200 17th Street, NW Washington, DC 20036	National Restaurant Assn	1,500.00	990.00
Peter Gossens, 1745 Jefferson Davis Highway, #1000 Arlington, VA 22202	General Dynamics		
Margaret A. Gottlieb, 1101 17th Street, NW, #705 Washington, DC 20036	Direct Marketing Assn		
Gover Stetson & Williams, 2501 Rio Grande Blvd., NW Albuquerque, NM 87104-3223	Campo Band of Mission Indians	10,555.00	
Do	Crow Tribal Housing Authority	5.50	
Do	Mescalero Apache Housing Authority	782.50	
Do	Minnesota Chippewa Tribe		
Do	Navajo Area School Board Assn	1,598.50	
Do	Pueblo of Laguna Housing Authority	205.00	
Do	Pueblo of Pojoaque	5,498.00	
Do	Pueblo of Tesuque		
Do	Pueblo of Zuni		
Do	Santa Clara Indian Pueblo	1,985.00	
Do	Shoshone Tribe	20,260.50	
Do	Tonono O'odham Nation		
Do	Wind River Tax Commission		
Do	Zuni Housing Authority	5.50	
Edmund Graber, 1957 E Street, NW Washington, DC 20006	Associated General Contractors of America	2,000.00	500.00
Barbara Gracey, 2000 K Street, NW, #800 Washington, DC 20005	National Committee to Preserve Social Security & Medicare	1,992.00	
John R. Graff, 1448 Duke Street Alexandria, VA 22314	International Assn of Amusement Parks & Attractions		
Elaine Z. Graham, 1200 17th Street, NW Washington, DC 20036	National Restaurant Assn	1,500.00	990.00
Michael Graham, 625 Slaters Lane, Suite 200 Alexandria, VA 22314	National Assn of Medical Equipment Suppliers	5,500.00	176.12
Graham & James, 2000 M Street, NW, #700 Washington, DC 20036	Citibank, N.W.	4,050.00	185.00
Do	Contact Lens Manufacturers Assn		
Do	Investors in Industry		
Gates Grainger, 888 16th Street, NW Washington, DC 20006	Bannerman and Associates, Inc (For:Beirut University College)		
Do	Bannerman and Associates, Inc (For:Embassy of the Republic of Djibouti)		
Do	Bannerman and Associates, Inc (For:Government of the United Arab Emirates)		
Do	Bannerman and Associates, Inc (For:Government of Egypt)		
Frances Turk Granahan, 1620 L Street, NW, #1200 Washington, DC 20036	Panhandle Eastern Corp		373.64
Nancy Granese, c/o P.O. Box 66674 Washington, DC 20035-6674	FICA Fairness Coalition		
Do	Partnership on Health Care & Employment		
James L. Granum, 1500 K Street, NW, #375 Washington, DC 20005	Norfolk Southern Corp	1,000.00	
Andrew N. Grass Jr., One World Trade Center, #4511 New York, NY 10048	Security Traders Assn, Inc	2,625.00	
Thomas V. Grasso, 1616 P Street, NW, Suite 310 Washington, DC 20036	Union of Concerned Scientists	3,125.00	76.00
Clifford S. Graul, 1800 M Street, NW, #325-S Washington, DC 20036	Dow Corning Corp		
Edwin C. Graves, 2001 M Street, NW Washington, DC 20036	Capitoline International Group Ltd (For:City of America)		
Do	Capitoline International Grouo, Ltd (For:MCI Communications Corp)	8,125.00	4,062.50
Do	Capitoline International Group, Ltd (For:Professional Lawn Care Assn. of America).	687.50	343.75
Ed Graves & Associates, 2001 M Street, NW, 4th Floor Washington, DC 20036	Correctional Education Consultants, Inc	1,000.00	
Do	Hill & Knowlton, Inc	250.00	
Carol J. Gray, 1850 M Street, NW, #550 Washington, DC 20036	Securities Industry Assn	1,719.00	
Peter Gray, 1101 Pennsylvania Ave., NW, #1000 Washington, DC 20004	Citicorp/Citibank	2,950.00	
Robert K. Gray, 901 31st Street, NW Washington, DC 20007	Hill & Knowlton (For:AMR Corp)		
Do	Hill & Knowlton, Inc		
Do	Hill & Knowlton, Inc (For:Republic of Turkey)		
Do	Hill & Knowlton, Inc (For:Shaklee Corporation)		
Scott D. Grayson, 1828 L Street, NW, #1202 Washington, DC 20036	Institute of Electrical & Electronics Engineers (IEEE)	900.00	
Mary R. Grealy, 1111 19th Street, NW, #402 Washington, DC 20036	Federation of American Health Systems	1,500.00	
Greater Wash/MD Service Station & Automotive Repair Assn, 9420 Annapolis Rd., #307 Lanham, MD 20706		200.00	200.00
Greater Washington Educational Telecommunications Assn, P.O. Box 2626 Washington, DC 20013			345.00
Donald R. Greeley, 919 18th St., NW, #700 Washington, DC 20006	Hoechst Celanese Corp	4,500.00	124.54
Deborah Green, 610 W. 110th Street New York, NY 10025	Rainbow Lobby, Inc	5,200.00	
George R. Green, 1750 K St., NW Washington, DC 20006	Food Marketing Institute	450.00	
James E. Green, 1100 Connecticut Ave., NW #620 Washington, DC 20036	Mobil Corp	2,500.00	982.41
Kaylene H. Green, 2341 Jefferson Davis Highway, #1100 Arlington, VA 22202	Bath Iron Works Corp	1,000.00	282.23
Micah S. Green, 1000 Vermont Ave., NW, #800 Washington, DC 20005	Public Securities Assn	12,500.00	387.85
Oliver W. Green, 5025 Wisconsin Ave, NW Washington, DC 20016	Amalgamated Transit Union, AFL-CIO		
Scott H. Green, 3159 N. Quincy Street Arlinton, VA 22207	Boys & Girls Clubs of America	6,000.00	
Do	National Center for Missing & Exploited Children	6,000.00	1,263.00
Do	PRC	15,203.50	3,242.00
William Green, 1455 Pennsylvania Ave, #575 Washington, DC 20004	MacAndrews & Forbes Holdings, Inc	3,000.00	
Green Stewart & Farber, P.C., 2600 Virginia Ave., NW, Suite 1111 Washington, DC 20037	Premier Hospitals Alliance, Inc	1,500.00	1,500.00
Fred Greene, 3434 Pinetree Terrace Falls Church, VA 22041	Denny Miller Associates	2,500.00	
H. Thomas Greene, 412 1st St., SE Washington, DC 20003	National Automobile Dealers Assn	10,000.00	
Peter E. Greene, 919 Third Avenue New York, NY 10022	Pepsi-Cola & National Brands, Ltd		
Anne Greenfield, 777 14th Street, NW Washington, DC 20005	National Assn of Realtors	8,000.00	
Suzanne Greenfield, 2030 M Street, NW Washington, DC 20036	Common Cause	7,220.04	114.64
Lynn Greenwalt, 1400 16th St., NW Washington, DC 20036-0001	National Wildlife Federation		
Sarah Massengale Gregg, 1667 K Street, NW, #710 Washington, DC 20006	Baxter		
Janet R. Gregor, 1331 H Street, NW, #300 Washington, DC 20005	Rosapepe & Spanos, Inc (For:H&R Block, Inc)	2,000.00	82.15
Janice M. Gregory, 1400 L St., NW, #350 Washington, DC 20005	ERISA Industry Committee	9,375.00	54.50
Gregory Company, One Massachusetts Avenue, NW, #880 Washington, DC 20001	Lake Preservation Coalition	3,400.00	34.08
David J. Gribbin IV, 600 Maryland Ave., SW, #700 Washington, DC 20024	National Fed of Independent Business (NFIB)	3,401.00	200.00
Lori Gribbin, 99 Canal Center Plaza, #500 Alexandria, VA 22314	American International Automobile Dealers Assn	28,276.00	
Jeffrey J. Grieco, 2300 N Street, NW, #725 Washington, DC 20037	Murphy & Demory, Ltd (For:California Energy Co Inc)		
Ellen Griffee, 1025 Vermont Avenue, NW, #500 Washington, DC 20005	Association of Science-Technology Centers	99.90	149.00
John Wesley Griffin, #00311-158 P.O. Box 905 Genesee Unit Ray Brook, NY 12977-0900			
Robert T. Griffin, 1100 Connecticut Ave., NW, #900 Washington, DC 20035	Chrysler Corporation	3,000.00	305.00
Griffin Johnson & Associates, 1211 Connecticut Ave., NW, #700 Washington, DC 20036	Air Transport Assn of America	2,250.00	54.00
Do	American Nuclear Energy Council	15,000.00	468.00
Do	American Petroleum Institute	3,000.00	72.00
Do	American Psychological Assn	9,750.00	234.00
Do	Appalachian Coalbed Methane Assn	15,750.00	378.00
Do	Arthur Andersen & Co	17,000.00	408.00
Do	Blue Cross & Blue Shield Assn	5,750.00	390.00
Do	Central and South West Services, Inc	4,525.00	114.00
Do	City of Broomfield	750.00	18.00
Do	Coal Industry Health Protection Coalition	16,250.00	390.00

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Do	Covia Partnership	5,250.00	126.00
Do	CBS, Inc	43,500.00	1,044.00
Do	COMSAT Corp	5,000.00	120.00
Do	Equipment Leasing Association	8,000.00	192.00
Do	Ethyl Corporation	5,500.00	132.00
Do	Fireman's Fund Insurance Cos	3,500.00	84.00
Do	General Atomics	6,500.00	156.00
Do	W.R. Grace & Co		
Do	Grumman Corporation	1,750.00	42.00
Do	Halliburton NUS Environmental Corporation	10,000.00	240.00
Do	Martin-Marietta	9,000.00	420.00
Do	McCaw Cellular Communications, Inc	9,000.00	216.00
Do	Merck & Co, Inc	1,000.00	24.00
Do	Motorcycle Industry Council, Inc		
Do	National Football League	1,250.00	30.00
Do	National Independent Energy Producers	5,000.00	120.00
Do	National Music Publishers Assn, Inc	8,750.00	210.00
Do	Outdoor Advertising Assn of America		
Do	Primerica Corp	8,000.00	192.00
Do	Tobacco Institute	1,250.00	30.00
Edward D. Griffith, 3801 West Chester Pike Newtown Square, PA 19073	ARCO Chemical Co		
Gary W. Griffith, 2501 M Street, NW Washington, DC 20037	Chemical Manufacturers Assn, Inc	540.00	110.00
Randy Griggs, 1052 Highway 431 North Dothan, AL 36303	Alabama Farmers Federation	600.00	834.89
Craig N. Grimm, 1957 E Street, NW Washington, DC 20006	Associated General Contractors of America		
Margo A. Grimm, 1000 Connecticut Ave., NW Washington, DC 20036	Japan Economic Instutute of America	500.00	
Norman E. Grimm Jr., 12600 Fair Lakes Circle Fairfax, VA 22033-4904	AAA Potomac		
Cynthia P. Grisso, 1101 Sixteenth Street, NW Washington, DC 20036	Independent Petroleum Assn of America		20.00
Olga Grkavac, 1616 North Fort Myer Drive, #1300 Arlington, VA 22209	Information Technology Assn of America, Inc		
Mark W. Grobmyer, P.O. Box 70 Little Rock, AR 72203	Arnold Grobmyer & Haley (For:Arkansas Assn of Securities Dealers)		
Do	Arnold Grobmyer & Haley (For:Mid-South International Trade Assn)		
Grocery Manufacturers of America, Inc, 1010 Wisconsin Ave., NW, #800 Washington, DC 20007			1,032.85
James N. Groninger, 1050 17th Street, NW, #500 Washington, DC 20036	Texaco, Inc	181.73	
Groom & Nordberg, Chtd, 1701 Pennsylvania Avenue, NW, #1200 Washington, DC 20006	Ad Hoc MGA Group		
Do	Ad Hoc PFIC Group		
Do	American Petroleum Institute		
Do	Amoco Corporation		
Do	Cargill, Inc		
Do	Chevron Corp	150.00	35.00
Do	Eli Lilly & Company		
Do	Goldman Sachs & Co		
Do	Murphy Oil USA, Inc		
Do	Nebraska Public Power District	75.00	
Do	New York City Teachers Retirement System		
Do	Phillips Petroleum Co		
Do	Physicians Mutual Insurance Co	75.00	
Do	Principal Financial Group		
Do	Prudential Insurance Co of America	350.00	50.00
Do	Prudential-Bache Securities, Inc		
Do	Puerto Rico, USA Foundation	750.00	
Do	Reading & Bates Corporation		
Do	Retired Lives Reserve Group	150.00	
Do	Southern California Edison Co		
Do	Sunflower Electric Power Corp		
Do	True Oil Company		
Do	Union Texas Petroleum Corp		
Do	Westinghouse Electric Corp		
George Gross, 1211 Connecticut Ave., NW, #406 Washington, DC 20036	Magazine Publishers of America, Inc	5,000.00	
Thomas P. Gross, 1627 Eye Street, NW, #1000 Washington, DC 20006	McGuire Woods Battle & Boothe (For:Appomattox River Water Authority)		
Jerome Grossman, 110 Maryland Avenue, NE Washington, DC 20002	Council for a Livable World		
Steven A. Grossman, 901 31st Street, NW Washington, DC 20007	Hill & Knolton (For:Astra Pharmaceutical Products, Inc)		
Do	Hill & Knowlton, Inc (For:Cetus Corp)		
Do	Hill & Knowlton (For:Gerber Products Corp)		
Do	Hill & Knowlton, Inc (For:Shaklee Corporation)	250.00	
Drew Gruenberg, 1601 Duke Street Alexandria, VA 22314	Society of American Florists		1,000.00
Gerald M. Guarilia, 70 North Main Street Wilkes-Barre, PA 18711	Blue Cross of Northeastern Pennsylvania		
Kenneth A. Guenther, One Thomas Circle, NW, #950 Washington, DC 20005	Independent Bankers Assn of America	50,000.00	
Gabriel Guerra-Mondragon, 444 North Capitol Street, #711 Washington, DC 20001	TKC International (For:Mexican Dept of Commerce & Industrial Development)	43,467.00	43,467.00
Gene Guerrero, 122 Maryland Ave., NE Washington, DC 20002	American Civil Liberties Union	1,250.00	
Mary Scott Guest, 1919 Pennsylvania Ave., NW, #800 Washington, DC 20006	O'Connor & Hannan (For:Blanchfield & Moore)		
Do	Morris Communications	3,000.00	
Do	Naegle Outdoor Advertising		
Do	National Rifle Assn of America		
Do	O'Connor & Hannan	25,000.00	
Do	Bettis Rainsford		
Do	Riverton Investment Corp		
Do	Western Electrochemical Company		
Pamela D. Guffain, 501 Second Street, NE Washington, DC 20002	Fertilizer Institute	3,000.00	216.28
Clark J. Guild Jr., Guild & Hagen, Ltd 100 West Liberty St., #800 Reno, NV 89501	Motion Picture Assn of America, Inc		
Mark F. Guimond, 4659-C 28th Road Arlington, VA 22206	National Motorists Assn	500.00	800.00
James E. Guirard Jr., 1730 Rhode Island Avenue, NW, #419 Washington, DC 20036	BASF Corp	2,000.00	60.00
Do	McDermott, Inc	1,000.00	80.00
Do	Walk-Haydel & Associates, Inc	1,200.00	75.00
Deborah H. Gum, 9425 Cloverhill Road Manassas, VA 22110	Capital Cities/ABC, Inc		
Gun Owners of America, Inc, 8001 Forbes Place Springfield, VA 22151		211,213.76	208,314.86
Ned H. Guthrie, 209 Hayes Avenue Charleston, WV 25314	American Fed of Musicians	5,130.00	1,418.58
Richard E. Gutting Jr., 1525 Wilson Boulevard, #500 Arlington, VA 22209	National Fisheries Institute	6,000.00	
Z. Lou Guttman, 4 World Trade Center New York, NY 10048	New York Mercantile Exchange	1,000.00	
Jocelyn A. Guyer, 1350 New York Ave., NW Washington, DC 20005	Spiegel & McDiarmid (For:American Communities for Cleanup Equity (ACCE))	19,676.25	4,763.94
GLB, Inc, 1507 West 6th Street Austin, TX 78703	Jones Motor Co, Inc		
Do	MPPAA Solvency Coalition		
Do	Schneider National, Inc		
Do	Walsh Trucking Service, Inc		
Jane Scherer Haake, 1667 K Street, NW, #420 Washington, DC 20006	Mead Corporation		
Sherry J. Haber, 105 Oronoco Street Alexandria, VA 22314	National Wholesale Druggists' Assn		
William G. Haddeland, 1025 Connecticut Ave., NW, #507 Washington, DC 20036	Ashland Oil, Inc	2,000.00	
Lonnie E. Haefner, 10 Finlay Road Kirkwood, MO 63122	L.E. Haefner Enterprises, Inc (For:Cape Girardeau Regional Commerce & Growth Assn).		
Gene P. Haflich, Indiana Petroleum Council 714 Harrison Building Indianapolis, IN 46204	American Petroleum Institute	942.84	1,343.46
Thomas M. Hagan, 1005 Congress Ave., #795 Austin, TX 78701	Central & South West Services, Inc	913.00	1,214.26
Barry Hager, 1701 K St., NW, #900 Washington, DC 20006	Fund for Private Assistance in Internat'l Development (Paid)	5,000.00	80.00
John F. Haifley, 500 E Street, SW, #950 Washington, DC 20024	American Automobile Assn		
Jay D. Hair, 1400 16th Street, NW Washington, DC 20036-0001	National Wildlife Federation	507.07	
Thomas F. Hairston, 1050 Connecticut Ave., NW, #760 Washington, DC 20036	Union Oil Co of California	7,000.00	579.30
Randolph M. Hale, 1331 Pennsylvania Ave., NW, #1500 N. Washington, DC 20004	National Assn of Manufacturers		
Hale and Dorr, 1455 Pennsylvania Ave., NW, #1000 Washington, DC 20004	Genetics Institute		
Do	Arthur D. Little, Inc		
Do	Medallion Oil Company	3,649.50	82.20
Do	Metalor USA Refining Corp		
Do	Micron Technology, Inc	1,200.00	
Do	Northeastern University	2,736.00	72.70
Do	Wellmark Healthcare Services, Inc	1,324.50	65.20
Haley Bader & Potts, 2000 M St., NW, #600 Washington, DC 20036	TV 14, Inc	3,607.28	4,711.50
Anne Hall, 100 East Broad Street Columbus, OH 43271-0251	Banc One Corporation		
Elliott S. Hall, 1350 I Street, NW, #1000 Washington, DC 20005	Ford Motor Co	7,500.00	1,506.90

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Robert P. Hall, 701 Pennsylvania Ave., NW Washington, DC 20004	Naitonal Retail Federation	3,000.00	614.02
Marian Hall-Crawford, 316 Pennsylvania Avenue, SE, #301 Washington, DC 20003	San Diego Gas & Electric	1,935.00	2,944.75
Sarah E. Haller, 1615 L Street, NW, #320 Washington, DC 20036	Sandoz Corp		35.00
Paul Hallisay, 1625 Massachusetts Avenue, NW Washington, DC 20036	Air Line Pilots Assn	6,250.00	489.22
Eliot J. Halperin, 2000 M Street, NW Washington, DC 20036	Graham & James (For:American Hawaii Cruises)		
Morton H. Halperin, 122 Maryland Ave.,NE Washington, DC 20002	American Civil Liberties Union	16,000.00	100.00
Ellice Halpern-Barnes, 1101 Vermont Ave., NW Washington, DC 20005	American Medical Assn	25.00	
Paul T. Haluza, 1325 Pennsylvania Ave., NW, #600 Washington, DC 20004	Motor and Equipment Manufacturers Association	3,000.00	34.00
Martha R. Hamby, 1130 Connecticut Ave., NW, #1000 Washington, DC 20036	American Insurance Assn	240.00	46.10
Matthew W. Hamill, 122 C Street, NW, #750 Washington, DC 20001	National Assn of Independent Colleges & Universities	7,248.00	209.00
David S. Hamilton, 215 Pennsylvania Ave., SE Washington, DC 20003	U.S. Public Interest Research Group	7,280.05	
J. Lee Hamilton, 1331 Pennsylvania Avenue, NW, #1550N Washington, DC 20004-1703	National Assn of Manufacturers	281.00	
Joyce Hamilton, 201 Park Washington Court Falls Church, VA 22046	National-American Wholesale Grocers' Assn	3,000.00	
Mark Hamilton, 5400 Carillon Point, #400 Kirkland, WA 98083	McCaw Cellular Communications, Inc		
Philip W. Hamilton, 1828 K St., NW, #906 Washington, DC 20036	American Soc of Mechanical Engineers		
William W. Hamilton Jr., 2010 Massachusetts Ave., NW, #500 Washington, DC 20036	Planned Parenthood Fed of America, Inc	345.07	
Amy R. Hammer, 1899 L St., NW, #1100 Washington, DC 20036	Exxon Corporation	1,350.00	199.23
Thomas A. Hammer, 2100 Pennsylvania Ave, NW, #695 Washington, DC 20037	Sweetener Users Assn		
Sam F. Hamra Jr., Two Corporate Centre, Suite 200 1949 East Sunshine Springfield, MO 65804	John L. Morris		
Do	Silver Dollar City, Inc		2,105.30
Timothy A. Hanan, 1100 Connecticut Avenue, NW, #620 Washington, DC 20036	Mobil Corp	2,500.00	
Hance & Gamble, PC, 400 West 15th Street, #320 Austin, TX 78701	Kinetic Concepts, Inc	9,000.00	842.06
Nolan W. Hancock, 2722 Merrilee Drive, Suite 250 Fairfax, VA 22031	Oil Chemical & Atomic Workers International Union	7,044.12	
Hand Arendall Bedsole Greaves & Johnston, P.O. Box 123 Moblie, AL 36601	Alabama Department of Revenue		
Do	General Electric Co	435.83	
Do	Ingalls Shipbuilding	405.43	
Do	Northrop Corp	345.84	
Do	Waste Management, Inc	184.17	
Rose M. Hanes, 1325 G Street, NW, #1003 Washington, DC 20005	Population-Environment Balance		
Thomas H. Hanna, 7430 Second Ave, #300 Detroit, MI 48202	Motor Vehicle Manufacturers Assn of the U.S., Inc	1,000.00	251.25
Hannaford Co, Inc, 655 15th St., NW, #200 Washington, DC 20005	Coodination Council for North American Affairs		
Anneliz Hannan, 150 Glover Avenue Norwalk, CT 06856	United States Surgical Corp	1,000.00	
P. S. Hannas, 919 18th Street, NW, #400 Washington, DC 20006	W. R. Grace & Co /World Headquarters	300.00	
Richard L. Hanneman, 700 North Fairfax Street, #600 Alexandria, VA 22314-2040	Salt Institute		
Dolly A. Hanrahan, 1200 G Street, NW, #400 Washington, DC 20005	Hima	800.00	244.82
Erling Hansen, 1129 20th Street, NW, #600 Washington, DC 20036	Group Health Assn of America, Inc		
Eric R. Hanson, 1321 Duke Street, #200 Alexandria, VA 22314-3563	U.S. Strategies Corp (For:Commonwealth of the Northern Mariana Islands)		
Do	U.S. Strategies Corp (For:Healthsouth Rehabilitation Corp)		
William S. Haraf, 1101 Pennsylvania Ave., NW, #1000 Washington, DC 20004	Citicorp Washington, Inc	1,800.00	
Julie E. Harbin, 1100 Wilson Blvd. Arlington, VA 22209	Hughes Aircraft Company	376.00	
Saundra J. Hardbower, 3050 K Street, NW, #330 Washington, DC 20007	National Club Assn		
Dorcas R. Hardy & Associates, 2909A So. Woodstock Street, #100 Arlington, VA 22206	MCI Telecommunications Corp	18,000.00	6,000.00
Charles A. Harkey, 919 18th Street, NW Washington, DC 20006	American Financial Services Assn	250.00	
Donna Akers Harman, 1875 Eye Street, NW, #540 Washington, DC 20006	Champion International Corp	2,238.00	240.30
Patricia L. Harmening, 316 Pennsylvania Ave., SE, #402 Washington, DC 20003	San Diego Gas & Electric	1,220.00	2,768.07
Deborah Harnesberger, 625 Slaters Lane, #200 Alexandria, VA 22314	National Assn of Medical Equipment Suppliers	7,500.00	106.74
Kathleen Harnett, 1301 Pennsylvania Ave., NW #300 Washington, DC 20004	National Cattlemen's Assn	1,000.00	
Diane Harper, 1000 Wilson Blvd. Arlington, VA 22209	Grumman Corporation	625.00	1,134.09
Toni Harrington, 955 L'Enfant Plaza North, SW, #5300 Washington, DC 20024	Honda North America, Inc	1,260.00	118.67
W. Brendan Harrington, 1101 15th St., NW, #205 Washington, DC 20005	Cargill, Inc	1,250.00	
A. J. Harris II, 1825 Eye Street, NW, #750 Washington, DC 20006	CIGNA Corp	4,938.00	373.95
Christopher Harris, 1101 Pennsylvania Ave., NW Washington, DC 20004	McCutchen Doyle Brown & Enersen (For:American Coal Ash Assn)		
Do	McCutchen Doyle Brown & Enersen (For:National Oil Recyclers Assn)	6,300.00	
Do	McCutchen Doyle Brown & Enersen (For:3M)		
James W. Harris, 1709 New York Avenue, NW Washington, DC 20006	U.S. League of Savings Institutions	3,500.00	
Leslie Harris, 122 Maryland Ave., NE Washington, DC 20002	American Civil Liberties Union	7,500.00	
Ray Harris, 1130 Connecticut Ave., NW, #830 Washington, DC 20036	Southern Nuclear Operating Company	3,528.00	8,246.07
Teena Harris, 1627 K St., NW, #400 Washington, DC 20006	National Newspaper Assn		
Harris & Ellsworth, 2600 Virginia Avenue, NW, #1113 The Watergate Washington, DC 20037	American Railway Car Institute		
Do	Association of Food Industries, Inc		
Do	Cheese Importers Assn of America, Inc		
Do	Coalition of Food Importers Assn	6,190.00	500.50
Do	Committee of Domestic Steel Wire Rope & Specialty Cable Mfrs		
Jack E. Harrison, West Virginia Petroleum Council 1250 One Valley Square Charleston, WV 25301	American Petroleum Institute	315.00	931.97
Jill Harrison, P.O. Box 1005 Fairfax, VA 22030-1005	C/O Stephen R. Effros (For:Community Antenna Television Assn)	4,375.00	662.00
Joseph M. Harrison, 1611 Duke Street Alexandria, VA 22314	American Movers Conference	1,000.00	
Anne Harrison-Clark, 1828 L Street, NW, #802 Washington, DC 20036	American Foundation for AIDS Research	4,500.00	69.85
L. Ray Harry, 1130 Connecticut Ave., NW, #830 Washington, DC 20036	Southern Company Services, Inc	320.00	4,231.06
Fruzsina M. Harsanyi, 1101 15th Street, NW, #500 Washington, DC 20005	Asea Brown Boveri, Inc	3,500.00	
Jayne A. Hart, 1101 Vermont Avenue, NW Washington, DC 20005	College of American Pathologists	2,300.00	45.00
Lynn S. Hart, 1111 19th St., NW, #402 Washington, DC 20036	Federation of American Health Systems	3,000.00	
Thomas D. Hart, 1001 Pennsylvania Avenue, NW, #700 Washington, DC 20004	Allied-Signal, Inc		
William R. Hart, 201 North Washington Street Alexandria, VA 22314	Retired Officers Assn	3,496.50	
Hartford Fire Insurance Co, Hartford Plaza Hartford, CT 06115			25,800.00
Gabriel A. Hartl, Arlington Courthouse Plaza II, #711 2300 Clarendon Boulevard Arlington, VA 22201	Air Traffic Control Assn, Inc		
Gerald S. Hartman, 2000 Pennsylvania Ave., NW, #7500 Washington, DC 20006	Anderson Kill Olick & Oshinsky (For:First Virginia Banks, Inc)		
Carolyn Hartmann, 215 Pennsylvania Ave., SE Washington, DC 20003	U.S. Public Interest Research Group	6,730.78	
Frederick J. Hartwigsen, 1500 Paxton Street P.O. Box 3565 Harrisburg, PA 17105	UGI Corporation		
Fanny L. Haslebacher, 1101 Vermont Ave., NW Washington, DC 20005	American Medical Assn	400.00	
Holly Hassett, 1730 Rhode Island Avenue, NW, #206 Washington, DC 20036	Hershey Foods Corp		
Jace Hassett, 1010 Wisconsin Ave., NW, #800 Washington, DC 20007	Grocery Manufacturers of America, Inc	93.85	
Fred Hatfield, 1341 G Street, NW, #200 Washington, DC 20005	McAuliffe Kelly Raffaelli & Siemens (For:County of Merced)	6,000.00	
Do	McAuliffe Kelly Raffaelli & Siemens (For:ICF International Inc)		
Janet S. Hathaway, 1350 New York Ave., NW, #300 Washington, DC 20005	Natural Resources Defense Council	12,190.20	589.10
Margaret V. Hathaway, 1500 K Street, NW, #200 Washington, DC 20005	Thacher Proffitt & Wood (For:American Council of Life Insurance)		
Do	Thacher Proffitt & Wood (For:John Alden Asset Management Company)		
Do	Thacher Proffitt & Wood (For:John Hancock Financial Services)		
Do	Thacher Proffitt & Wood (For:Lafayette Life Insurance Company)		
Do	Thacher Proffitt & Wood (For:Massachusetts Mutual Life Insurance Company)		
Do	Thacher Proffitt & Wood (For:Prudential Insurance Company)		
Do	Thacher Proffitt & Wood (For:United Companies Financial Corp)		
James N. Haug, 55 E. Erie Street Chicago, IL 60611	American College of Surgeons	8,106.00	
Barbara S. Haugen, 1401 New York Ave., NW, #720 Washington, DC 20005	National Assn of Insurance Brokers, Inc		
Marilyn Beth Haugen, 1250 Connecticut Avenue, NW Washington, DC 20036	American Paper Institute, Inc		
Barbara J. Haugh, 1050 Connecticut Ave., NW, #760 Washington, DC 20036	Union Oil Co of California		1,876.63
Christina M. Hauptli, 15th & M Streets, NW Washington, DC 20005	National Assn of Home Builders of the United States		
Todd J. Hauptli, 4212 King Street Alexandria, VA 22302	American Assn of Airport Executives	4,700.00	
Charles W. Havens III, 1333 New Hampshire Avenue, NW, #1100 Washington, DC 20036	Leboeuf Lamb Leiby & MacRae		
Kathryn Joann Hawes, 8701 Georgia Ave., #701 Silver Spring, MD 20910	International Fed of Professional & Technical Engineers		
Jennifer Hawk, 1722 Eye Street, NW, 4th Floor Washington, DC 20006	Barclays Bank, PLC	3,500.00	299.79
Sidney G. Hawkes, 1667 K St., NW, #420 Washington, DC 20006	Mead Corporation	1,950.00	150.00
Charles E. Hawkins III, 729 15th Street, NW Washington, DC 20005	Associated Builders & Contractors, Inc	2,500.00	
Paula Hawkins, P.O. Box 193 Winter Park, FL 32790	Genentech	30,000.00	4,068.23
F. William Hawley, 1101 Pennsylvania Ave., NW, #1000 Washington, DC 20004	Citicorp/Citibank		
John F. Hay, 1801 K Street, NW, #800 Washington, DC 20006	Westinghouse Electric Corp	1,200.00	
John F. Hayden, 1700 N. Moore Street, 20th Floor Arlington, VA 22209	Boeing Company	1,237.50	
Robert T. Hayden, 1201 New York Ave., NW, #850 Washington, DC 20005	Conway & Company (For:Academy of Rail Labor Attorneys)	2,550.00	
David J. Hayes, 1001 Pennsylvania Ave., NW Washington, DC 20004	Latham & Watkins (For:American Electronics Assn)	4,638.88	14.15
Do	Latham & Watkins (For:Semiconductor Industry Assocation)	3,458.13	6.37
Robert G. Hayes, Bogle and Gates One Thomas Circle, NW, #900 Washington, DC 20005	American Fishing Tackle Manufacturers Assn	2,000.00	
Do	Coastal Conservation Assn	6,000.00	
Do	Natural Resources United	9,000.00	
Do	Pacific Northwest Utility Conference Committee	15,000.00	
Steven L. Hayes, 100 N. Brand Blvd., #502 Glendale, CA 91203	Citizens for an Alternative Tax System		

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Leah V. Haygood, 1155 Connecticut Ave., NW Washington, DC 20036	Waste Management, Inc	812.00	
Robert A. Haynos, 4711 Hunt Circle Harrisburg, PA 17112	Harsco Corporation	28,373.00	1,117.32
Holly Elisabeth Hazard, 900 2nd Street, NE, #303 Washington, DC 20002	Doris Day Animal League	520.00	520.00
Healthcare Financial Management Assn, 1050 17th Street, NW, #700 Washington, DC 20036			505.50
Robert Healy Jr., 1201 New York Ave., NW Washington, DC 20005	American Public Transit Assn	3,400.00	
Robert L. Healy, 1333 New Hampshire Ave., NW Washington, DC 20036	Atlantic Richfield Co	250.00	
Anne A. Heanue, 110 Maryland Avenue, NW, #101 Washington, DC 20002	American Library Assn	1,014.00	
David E. Hebert, 1922 F Street, NW Washington, DC 20006	National Assn of Life Underwriters	5,000.00	493.00
William H. Hecht, 499 S. Capitol Street, SW, #507 Washington, DC 20003	Hecht Spencer & Associates, Inc (For:Bixby Ranch Co)		
Do	Hecht Spencer & Associates, Inc (For:Boy Scouts of America)		
Do	Hecht Spencer & Associates, Inc (For:Brown & Williamson Tobacco Corp)		
Do	Hecht Spencer & Associates (For:Colton Communities, Inc)		
Do	Hecht Spencer & Associates (For:General Atomics)		
Do	Hecht Spencer & Associates, Inc (For:Los Angeles Raiders)		
Do	Hecht Spencer & Associates (For:Mars, Inc)		
Do	Hecht Spencer & Associates (For:Mid-American Waste Systems, Inc)		
Do	Hecht Spencer & Associates (For:MCI Telecommunications)		
Do	Hecht Spencer & Associates (For:National Automatic Merchandising Assn)		
Do	Hecht Spencer & Associates (For:Charles E. Smith Management, Inc)		
Hecht Spencer & Associates, Inc, 499 South Capitol Street, SW, #507 Washington, DC 20003	Bixby Ranch Co	1,000.00	
Do	Boy Scouts of America	1,000.00	
Do	Brown & Williamson Tobacco Corp	2,500.00	
Do	Colton Communities, Inc	1,000.00	
Do	General Atomics	1,000.00	
Do	Los Angeles Raiders		
Do	Mars, Inc	1,000.00	
Do	Mid-American Waste Systems, Inc	3,000.00	
Do	National Automatic Merchandising Assn	1,000.00	
Do	Charles E. Smith Management, Inc	3,000.00	
James B. Hedlund, 1200 18th St., NW Washington, DC 20036	Association of Independent Television Stations, Inc	1,500.00	
Jay Hedlund, 2030 M St., NW Washington, DC 20036	Common Cause	13,390.26	
Edward D. Heffernan, 1019 19th St., NW, Penthouse #1 Washington, DC 20036	American Cast Iron Pipe Company	1,000.00	
Do	CSX Corporation	5,000.00	909.33
Do	DePaul University	3,000.00	533.00
Do	Renewable Fuel Assn	3,000.00	
Do	Sealaska Corp	1,000.00	
John Heffner, 1957 E Street, NW Washington, DC 20006	Associated General Contractors of America		
Heideman Cardin, P.C., 1025 Connecticut Avenue, NW, #1017 Washington, DC 20036	Health Care for America, Inc		
John F. Heilman, 807 Maine Ave., SW Washington, DC 20024	Disabled American Veterans	24,908.80	364.45
Robert M. Heine, 1701 Pennsylvania Ave., NW, #900 Washington, DC 20006	E. I. du Pont de Nemours & Co	79.50	52.45
Scott E. Heisel, 735 N. Water Street, #908 Milwaukee, WI 53202-4105	American Malting Barley Assn, Inc	1,000.00	
Richard Helfer, 4 World Trade Center New York, NY 10048	New York Mercantile Exchange		
Helicopter Assn International, 1619 Duke Street Alexandria, VA 22314			20,865.00
Richard L. Hellwege, 1225 Jefferson Davis Highway, #1100 Arlington, VA 22202	Smiths Industries	3,000.00	2,061.76
DeWitt F. Helm Jr., 155 East 44th Street New York, NY 10017	Association of National Advertisers, Inc		
Lewis M. Helm, 7000 Millwood Road Bethesda, MD 20817	Associated Public Safety Communications Officers	5,600.00	
Robert W. Helm, 1000 Wilson Boulevard, #2300 Arlington, VA 22209	Northrop Corp	3,000.00	62.15
Edward A. Helme, 444 N. Capitol Street, #602 Washington, DC 20001	Alliance for Acid Rain Control	959.00	47.00
Thomas M. Helscher, 700 Fourteenth Street, NW, #1100 Washington, DC 20005	Monsanto Co		184.92
Mike D. Helton, Kentucky Petroleum Council 305 Ann St., #403 Frankfort, KY 40601	American Petroleum Institute		
Carol C. Henderson, 110 Maryland Ave., NE, #101 Washington, DC 20002	American Library Assn	1,329.00	
Robyn L. Henderson, 1726 M Street, NW, #902 Washington, DC 20036-4502	American Lung Assn	1,010.62	4,753.75
C. Dayle Henington, 2000 Pennsylvania Ave., NW, #6200 Washington, DC 20006	Chicago Mercantile Exchange		
Jane E. Henriques, 1801 K Street, NW, #900 Washington, DC 20006	American Textile Manufacturers Institute, Inc		
George H. Henry, 1130 Connecticut Ave., NW, #1000 Washington, DC 20036	American Insurance Assn	507.00	
John Hugh Henry, 1850 K Street, NW, #950 Washington, DC 20006	McDermott, Inc	10,000.00	3,347.08
LeAnn Hensche, 1455 Pennsylvania Ave., NW, #525 Washington, DC 20004	RJR Nabisco, Inc	1,500.00	190.90
Charlotte W. Herbert, 729 15th Street, NW Washington, DC 20005	Associated Builders & Contractors, Inc	2,500.00	
Catherine L. Heron, 1600 M St., NW Washington, DC 20036	Investment Company Institute	148.75	
Julian B. Heron, 1025 Thomas Jefferson Street, NW, #407 Washington, DC 20007	Blue Diamond Growers	900.00	10.13
Do	Hawaii Macadamia Nut Assn	175.00	11.25
Do	Carl J. Maggio		
Do	Sunkist Growers, Inc	13,187.50	723.38
Do	Universal Leaf Tobacco		
John A. Heslip, P.O. Box 781 Herndon, VA 22070	National Concrete Masonry Assn		7,440.57
Hessel & Aluise, PC, One Thomas Circle, NW, #1250 Washington, DC 20005	National Corp for Housing Partnerships	1,887.31	
William S. Hettinger, 1000 Wilson Boulevard, #2800 Arlington, VA 22209	Grumman Corporation	625.00	69.63
Heublein, Inc, 16 Munson Road Farmington, CT 06034-0388		17,250.00	4,276.70
David B. Hickerson, 1776 Eye Street, NW, #1050 Washington, DC 20006	Eastman Kodak Co	390.00	585.00
Sydney Tally Hickey, 6401 Phillip Court Springfield, VA 22152	National Military Family Assn, Inc	2,160.00	
William D. Hickman, 1957 E Street, NW Washington, DC 20006	Associated General Contractors of America		
Guy M. Hicks, 1000 Wilson Boulevard, #2407 Arlington, VA 22209	Northrop Corp	500.00	
Paul T. Hicks, Rhode Island Petroleum Assn 395 Smith Street, #2 Providence, RI 02908	American Petroleum Institute		
Barbara L. Hiden, 1101 16th Street, NW Washington, DC 20036	National Soft Drink Assn	33.65	10.00
J. Thomas Higginbotham, 1455 Pennsylvania Ave., NW Washington, DC 20004	American Institute of Certified Public Accountants		18,453.93
Vern F. Highley, 1426 Duke Street Alexandria, VA 22314	National Watermelon Association	3,000.00	
Do	Whitefly Management Comm. of the Imperial Co. CO River Basin	12,495.00	3,271.00
John S. Hightower, 5700 Florida Blvd., #310 Baton Rouge, LA 70806	Louisiana-Pacific Corp	7,125.00	1,621.00
Vivian A. Hightower, 1771 N Street, NW Washington, DC 20036	National Assn of Broadcasters		
Clifton T. Hilderley Jr., 1025 Connecticut Ave., NW, #507 Washington, DC 20036	Ashland Oil, Inc	2,000.00	
John Hildreth, 1300 Guadalupe, #100 Austin, TX 78701	Consumers Union of U.S., Inc	1,000.00	
Catherine J. Hill, 1640 Wisconsin Ave., NW, First Floor Washington, DC 20007	American College of Surgeons		52.01
Frederick Wells Hill, 1801 K Street, NW, #800 Washington, DC 20006-1378	Westinghouse Electric Corp		
Gerald 'Jerry' Hill, 375 Northbridge Road, #350 Atlanta, GA 30350	Amoco Corporation		
J. Eldred Hill Jr., 820 First St., NE, #400 Washington, DC 20002	UBA, Inc	2,000.00	
Patricia Hill, 1250 Connecticut Avenue, NW Washington, DC 20036	American Paper Institute, Inc		141.30
Robert B. Hill, 2501 M Street, NW Washington, DC 20037	Chemical Manufacturers Assn, Inc	750.00	73.00
Thomas M. Hill, 1726 M St., NW, #1100 Washington, DC 20036-4502	Pacific Gas & Electric Co	6,044.00	
Edward Joseph Hillings, 750 17th Street, NW, 4th Fl Washington, DC 20006	Enron Corp	7,500.00	
Arthur William Hillman, 1235 Jefferson Davis Highway, #606 Arlington, VA 22202	National Utility Contractors Assn	9,000.00	3,706.95
John L. Hills, Rt. 1, Box 645 Purcellville, VA 22132	Sundstrand Corporation	1,200.00	737.40
Steven A. Hillyard, 1401 Eye Street, NW, #1200 Washington, DC 20005	Chevron Companies		
Cynthia Hilton, 1730 Rhode Island Ave., NW Washington, DC 20036	National Solid Wastes Management Assn	500.00	
John M. Himmelberg, 888 17th Street, NW, #900 Washington, DC 20006	Florida Fruit & Vegetable Assn	3,000.00	
Do	Florida Tomato Exchange	1,500.00	
Grace L. Hinchman, 1331 Pennsylvania Ave., NW, #600-2 Washington, DC 20004	Digital Equipment Corp	25,000.00	
Hinman Straub Pigors & Manning, P.C., 50 E Street, SE Washington, DC 20003	New York State Conference of Blue Cross & Blue Shield Plans	9,823.00	10,050.83
Evan Hirsche, 1244 19th Street, NW Washington, DC 20036	Defenders of Wildlife	45.87	
Tamara Hirschfeld, 2101 L Street, NW, #401 Washington, DC 20037	American Stock Exchange, Inc		
Dan L. Hitt, 1101 15th Street, NW Washington, DC 20005	3M Co (Minnesota Mining & Mfg)	400.00	
Charles W. Hitzemann, 1701 Pennsylvania Ave, NW, #900 Washington, DC 20006	E. I. du Pont de Nemours & Co.		
Sheila E. Hixson, 750 First Street, NE, Washington, DC 20002-4242	American Psychological Assn (APA)		
Hobbs Straus Dean & Wilder, 1819 H St., NW, #800 Washington, DC 20006	Alamo Navajo School Board	632.50	
Do	Aroostook Band of Micmacs	130.00	
Do	Association of Navajo Community-Controlled School Boards	110.00	
Do	Black Mesa Community School Board	220.00	
Do	Bristol Bay Area Health Corp		
Do	Evergreen Legal Services		
Do	Maniilaq Assn		
Do	Menominee Indian Tribe	160.00	
Do	Metlakatla Indian Community	410.00	7.00
Do	Miccosukee Tribe of Indians of Florida	700.00	7.00
Do	Mississippi Band Choctaw Indians		
Do	Narragansett Indian Tribe		

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Do	National Indian Education Assn	98.00	
Do	National Native American Public Broadcasting Consortia		
Do	Navajo Nation		
Do	Norton Sound Health Corp	270.00	
Do	Oglala Sioux Tribal Public Safety Commission		
Do	Oglala Sioux Tribe		
Do	Pinon Community School Board	220.00	
Do	Pueblo de Cochiti	1,820.00	
Do	Ramah Navajo School Board	220.00	
Do	Rock Point Community School	220.00	
Do	Rough Rock Community School	220.00	
Do	Seminole Tribe of Florida	160.00	
Do	Shiprock Alternative Schools, Inc	220.00	
Do	Spokane Legal Services Center		
Scott Hodes, 150 North Michigan Avenue, #2500 Chicago, IL 60601	Investment Company Institute	15,000.00	
Ann C. Hodges, 500 E Street, SW, #920 Washington, DC 20024	Aircraft Owners & Pilots Assn	8,904.00	676.44
Sheridan T. Hodges, 333 Piedmont Avenue, 23rd Floor Atlanta, GA 30308	Georgia Power Co		
A.R. 'Trey' Hodgkins, 1600 Rhode Island Ave., NW Washington, DC 20036	National Rifle Assn of America	958.39	430.32
Jeanne E. Hoenicke, 1001 Pennsylvania Ave., NW Washington, DC 20004	American Council of Life Insurance		
Kristin Hofeditz, 1850 M Street, NW Washington, DC 20036	Securities Industry Assn	1,015.00	
Glen D. Hofer & Associates, 1000 16th Street, NW, #702 Washington, DC 20036	National Barley Growers Assn	14,500.00	6,444.00
William L. Hoffman, 516 First Street, SE Washington, DC 20003	American University of Beirut	11,856.00	11,482.79
F. Nordy Hoffmann and Assoc, Inc, 400 N. Capitol St., NW, #327 Washington, DC 20001	Archer Daniels Midland Company		
Do	Coca-Cola Company		
Do	Crysen Corp		
Do	Interstate Natural Gas Assn of America		
Do	Keene Corp		
Do	Marine Engineers' Beneficial Assn		
Do	Sound Refining, Inc		
Elizabeth Hogan, 1801 Pennsylvania Ave., NW Washington, DC 20006	MCI Communications Corp	4,000.00	327.65
Hogan & Hartson, 555 13th St., NW Washington, DC 20004-1109	Alabama Construction Contractors	2,898.75	577.55
Do	American Academy of Pediatrics	1,200.00	
Do	American Coke & Chemicals Institute		
Do	American College of Osteopathic Surgeons	180.00	
Do	American Frozen Food Institute		
Do	American Hellenic Chamber of Commerce		
Do	American Insurance Assn	3,245.00	127.13
Do	American Physical Therapy Assn		
Do	Amgen, Inc	26,297.00	233.00
Do	Auburn University	37,333.33	1,237.75
Do	Berg Steel Pipe Corp		
Do	Blount, Inc	5,000.00	451.93
Do	Bristol-Myers Squibb Company		
Do	BE&K Construction		129.78
Do	California State Teachers Retirement System	5,662.50	
Do	Carter Green Redd, Inc		
Do	Damon Corp		
Do	Drummond Company, Inc	48,593.75	3,681.49
Do	Ductile Iron Pipe Research Assn	15,000.00	383.72
Do	First National Bank of Opelika		
Do	Fluor Corporation		
Do	Freightliner Corp		
Do	General Electric Co	4,087.50	199.87
Do	Glaxo, Inc		
Do	Globe Nuclear Services and Supply Limited (GNSS)		
Do	Harbert Corp		
Do	Hardie-Tynes Mfg. Company	4,629.99	35.38
Do	Humane Society of the United States	1,762.50	
Do	Infectious Diseases Society of America, Inc	360.00	7.00
Do	Intergraph Corp	14,110.00	99.37
Do	Lodging Opportunities	1,608.75	
Do	Manufacturers Hanover Trust Co		
Do	May Department Stores Co	1,250.00	66.61
Do	Mercedes-Benz of North America, Inc	5,582.50	
Do	Michelin Tire Company	21,213.75	1,642.07
Do	Michigan Consolidated Gas Co		
Do	Mid Atlantic Company		
Do	Mortgage Insurance Companies of America	15,000.00	1,010.86
Do	Mutual Life Insurance Co of New York		
Do	National Apparel	11,678.75	387.26
Do	National Broiler Council		
Do	National Child Care Assn	9,795.24	
Do	National Consumers Bankruptcy Coalition	14,000.00	467.58
Do	National Hospice Organization	276.25	
Do	National Industries, Inc		
Do	National Structured Settlements Trade Assn		
Do	National Tissue Bank Council	2,840.00	23.00
Do	Nuexco Trading Corp	5,715.00	
Do	Ontario Ministry of Industry, Trade & Technology		
Do	PaineWebber Group, Inc		
Do	Payload Systems, Inc		
Do	Polyisocyanierate Insulation Manufacturers Assn (PIMA)	29,210.25	695.51
Do	Private Child Care Providers	40,353.75	744.35
Do	Product Liability Coordination Committee	75,000.00	1,929.52
Do	Robinson Terminal Warehouse Corp		
Do	Rust Engineering	23,680.10	1,580.42
Do	Security Savings & Loan Assn	19,980.44	
Do	Society of Critical Care Medicine		
Do	Southern Company Services	30,000.00	2,347.22
Do	Storage Technology Corp		
Do	Tektronix, Inc	321.30	0.29
Do	Timex Corporation		
Do	Toyota Motor Sales, USA, Inc	1,740.00	29.00
Do	Vulcan Materials Company	662.50	
Do	Jim Walter Corp	9,000.00	631.46
Philip A. Hogue, 2230 Gallows Rd., #200 Dunn Loring, VA 22027	International Technical Expertise Ltd		
Richard F. Hohlt, 209 Princess Street Alexandria, VA 22314	Dime Savings Bank of New York	2,500.00	58.00
Do	Stuzin & Camner	2,500.00	54.00
Do	U.S. League of Savings Institutions	3,000.00	117.00
Bruce E. Holbein, 111 Powdermill Rd. (b79) Maynard, MA 01754	Digital Equipment Corp	20,000.00	
Niels C. Holch, 901 31st Street, NW Washington, DC 20007	Arch		
Do	National Horse Show Commission		
Do	Oneida Indian Nation		
Gerard L. Holder, 901 E Street, NW, #500 Washington, DC 20004-2837	American Assn of Homes for the Aging		
Robert A. Holland, 1020 19th Street, NW, #420 Washington, DC 20036	SmithKline Beecham Corp (Beecham, Inc)	2,000.00	800.00
Holland & Hart, 1001 Pennsylvania Ave., NW, #310 Washington, DC 20004	Alamo Rent-A-Car, Inc	1,750.00	
Do	Alyeska Pipeline Service Co		
Do	Anderman/Smith Operating Co	1,500.00	
Do	Association of Oil Pipe Lines	500.00	
Do	Carbon Fuels Corp & Subsidiaries		
Do	Citgo Petroleum Corp	2,575.00	
Do	Coalition for Economic Recovery	2,500.00	
Do	Grocery Manufacturers of America, Inc		
Do	Precious Metals Producers Group	3,000.00	

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Do	Scott's Liquid Gold		
Do	Society for the Plastics Industry	4,500.00	
Do	Stillwater Mining Company		
Do	Styrene Information & Research Center	4,000.00	
Holland & Knight, 888 17th St., NW, #900 Washington, DC 20006	American Commodity Distribution Association	2,500.00	
Do	Florida Celery Exchange		
Do	Florida International Bankers Association (FIBA), Inc	1,050.00	
Do	General Mills Corp		
Do	Hospice Care, Inc	4,830.00	
Do	Pan American Satellite Corp		
Do	Town of Palm Beach		
Do	United Fresh Fruit & Vegetable Assn	3,000.00	
Patricia L. Hollis, 1300 L Street, NW, #950 Washington, DC 20005	American Soybean Assn	1,050.00	22.50
Wendell M. Holloway, 1350 I Street, NW, #1000 Washington, DC 20005	Ford Motor Co	4,579.80	3,478.84
Holly Corporation, 100 Crescent Court, #1600 Dallas, TX 75201	Holly Corp		
Diane S. Holmes, 410 First Street, SE Washington, DC 20003	American Nuclear Energy Council	1,898.69	262.13
Moses D. Holmes Jr., 1201 16th St., NW Washington, DC 20036	National Education Assn	3,753.35	551.00
Fred H. Holt, 119 Oronoco Street Box 1417-D50 Alexandria, VA 22313	Animal Health Institute		
John W. Holt, 1001 Pennsylvania Ave., NW Washington, DC 20004	American Council of Life Insurance, Inc		
John F. Holtz, NJ Petroleum Council 150 West State Street Trenton, NJ 08608	American Petroleum Institute		
Home Recording Rights Coalition, P.O. Box 33576 1145 19th Street, NW Washington, DC 20033		29,000.00	48,923.43
Gregory W. Homer, 2000 Pennsylvania Ave., NW, #7500 Washington, DC 20006	Anderson Kill Olick & Oshinsky (For:First Virginia Banks, Inc)		
Tom Hoog, 1050 17th Street, #2200 Denver, CO 80265	Hill & Knowlton (For:Colorado State University)		
Do	Hill & Knowlton, Inc (For:Grumman Corp)		
Do	Hill & Knowlton (For:McAndrews & Forbes Holdings, Inc)		
Do	Hill & Knowlton (For:Phillips Petroleum)		
Do	Hill & Knowlton (For:Tera Computer Company)		
Billy E. Hooper, 1023 15th Street NW 3rd floor Washington, DC 20005	Association of American Veterinary Medical Colleges		
Candice Shy Hooper, 801 Pennsylvania Ave., NW, #730 Washington, DC 20004	Hooper Hooper & Owen (For:Enserch Corp)	5,750.00	
Do	Hooper Hooper & Owen (For:John Hancock Mutual Life Insurance Co)	15,000.00	
Do	Hooper Hooper & Owen (For:National Assn of Royalty Owners)	3,000.00	
Helen Hooper, 1785 Massachusetts Avenue, NW Washington, DC 20036	National Trust for Historic Preservation	1,307.54	
Lindsay Hooper, 801 Pennsylvania Ave., NW, #730 Washington, DC 20004	Hooper Hooper & Owen (For:Carbon Fuels Corp)		
Do	Hooper Hooper & Owen (For:ENSERCH Exploration)	4,500.00	
Do	Hooper Hooper & Owen (For:Hallmark Cards)	4,688.00	
Do	Hooper Hooper & Owen (For:Ifint, S.A.)		
Do	Hooper Hooper & Owen (For:Kansas City Southern Industries)	7,500.00	
Do	Hooper Hooper & Owen (For:Pameko Holdings, Inc)		
Do	Hooper Hooper & Owen (For:Phlcorp)	15,000.00	
Do	Hooper Hooper & Owen (For:Software Publishers Assn)		
Do	Hooper Hooper & Owen (For:United Asset Management)		
Do	Hooper Hooper & Owen (For:UtiliCorp United, Inc)	4,500.00	
Do	Hooper Hooper & Owen (For:Western Resources Council)	13,500.00	
Hooper Hooper & Owen, 801 Pennsylvania Ave., NW, #730 Washington, DC 20004	Water Island Civic Assn	3,000.00	
Karen A. Hoover, 2111 Jefferson Davis Highway Apt. 407 Arlington, VA 22202	American Maritime Officers Service		1,962.99
Stephen A. Hopkins, 1101 Pennsylvania Ave., NW, #1000 Washington, DC 20004	Citicorp Washington, Inc	1,500.00	
Virginia E. Hopkins, 1302 Noble Street, #3H Anniston, AL 36201	Campbell & Hopkins (For:Wald Manufacturing Company, Inc)	1,085.00	86.88
Hopkins & Sutter (Washington), 888 16th Street, NW, 6th floor Washington, DC 20006	Airports Assn Council International - North America	512.50	22.50
Do	Alaska Joint Venture Seafoods, Inc		714.47
Do	Cook Inlet Land Exchange, Inc		
Do	Estate of Helen Wodell Halbach		
Do	Federal Agricultural Mortgage Corp (Farmer Mac)		
Do	Food Marketing Institute		
Do	Geonex Corp		
Do	Grand Trunk Corp	4,650.75	35.00
Do	Greenwich Capital Markets, Inc		34.34
Do	Infinite Research, Inc		
Do	Louisiana Pacific Corp	400.00	754.09
Do	Marshall Durbin Companies		
Do	National Agricultural Chemicals Assn		
Do	Rogers American Cable Systems, Inc		
Do	Sandoz Corp		
Do	United Video		
Deborah L. Horan, 122 C Street, NW, Suite 380 Washington, DC 20001-2109	American Assn of Nurse Anesthetists		
Do	National Family Planning & Reproductive Health Assn, Inc		
Darnell K. Horio, 801 Pennsylvania Ave., NW, #310 Washington, DC 20004	GPU Service Corporation	10,012.00	42.00
John R. Horner, 8524 Bradford Rd. Silver Spring, MD 20901	Campbell-Raupe, Inc (for: NMTBA-Assn for Mfgr Technology)	3,000.00	
Hospital Association of New York State, 74 N. Pearl St. Albany, NY 12207		8,418.19	8,418.19
Charles H. Hossack, Box 308H, RD #2 Glenmoore, PA 19343	Lukens, Inc		3,625.00
M'liss Solove Houston, MSH Consulting 5507 Ferndale Street Springfield, VA 22151	American Collectors Assn, Inc	7,535.96	454.00
Do	Armour Pharmaceutical Company	8,000.00	
Do	MCI Communications Corp	6,000.00	
Russell Houston, 1199 N. Fairfax Street, #801 Alexandria, VA 22314	National Assn of Truck Stop Operators, Inc		
John H. F. Hoving, 1575 Eye Street, NW #325 Washington, DC 20005	Society of American Value Engineers		
Hoving Group, 1575 Eye Street, NW, #325 Washington, DC 20005	American Film Marketing Assn	3,000.00	242.04
Do	Eagle-Picher Industries, Inc	74,000.00	4,232.16
Do	Western-Southern Life Insurance Co	10,500.00	367.63
Gerald M. Howard, 15th & M Street, NW Washington, DC 20005	National Assn of Home Builders of the U.S.		
Robert M. Howard, 1350 I Street, NW, #1000 Washington, DC 20005	Ford Motor Co	2,372.70	1,565.29
Roger W. Howard, 3253 E. Chestnut Expressway Springfield, MO 65802	Burlington Northern Railroad Co		
Christopher W. Howe, 1401 Eye Street NW #1200 Washington, DC 20005	Chevron USA, Inc	1,400.00	9.00
Susan Howe, 729 15th Street, NW Washington, DC 20005	Associated Builders & Contractors, Inc	2,500.00	
Howe Anderson & Steyer, 1747 Penn Ave., NW, #1050 Washington, DC 20006	Association of Bituminous Contractors		
Do	Industrial Diamond Assn		
Do	National Assn of Bankruptcy Trustees		
Gary Howell, 1745 Jefferson Davis Highway, #605 Arlington, VA 22202	Texas Instruments, Inc	250.00	
James P. Howell, 50 F Street, NW, #900 Washington, DC 20001	National Council of Farmer Cooperatives	1,818.70	
Mary Lynch Howell, 1090 Vermont Ave., NW, #1100 Washington, DC 20005	Textron, Inc	1,500.00	280.00
Ronnie Allen Howell, 1620 Eye Street, NW, #700 Washington, DC 20006	International Paper	9,000.00	5,604.21
Clifford T. Howlett Jr., 1875 Eye St., NW, #775 Washington, DC 20006	Georgia-Pacific Corp	1,200.00	
Howrey & Simon, 1730 Pennsylvania Avenue, NW, #900 Washington, DC 20006	Government of Quebec, Ministry of International Affairs		
Paul R. Huard, 1331 Pennsylvania Avenue, NW, #1500N Washington, DC 20004-1703	National Assn of Manufacturers	4,000.00	
David S. Hubbard, 1212 New York Avenue, NW, #520 Washington, DC 20005	American Cement Alliance, Inc	5,000.00	45.00
Walter D. Huddleston, P.O. Box 456 Elizabethtown, KY 42710	MCI Telecommunications		
William H. Hudnut, 79 John F. Kennedy Street Cambridge, MA 02138	Economic Growth Alliance	1,500.00	65.96
Margaret Renken Hudson, 600 Maryland Avenue, SW, #700 Washington, DC 20024	National Fed of Independent Business	3,401.00	300.00
Stewart Hudson, 1400 16th Street, NW Washington, DC 20036-0001	National Wildlife Federation	5,113.66	
Thomas H. Hudson, P.O. Box 2787 Baton Rouge, LA 70821	Coastal Corporation		
Do	Louisiana State University Foundation		
Do	Madison Public Affairs Group (for Philip Morris, USA, Inc)		
Do	Seneca Resources, Inc		
Do	United Gas Pipe Line Co		
Gary E. Hughes, 1001 Pennsylvania Ave., NW Washington, DC 20004	American Council of Life Insurance, Inc		
John P. Hughes, The West Tower, 8th Floor 1333 H Street, NW Washington, DC 20005	Electricity Consumers Resource Council (ELCON)	80.00	
Robert (Bob) Hughes, 333 Piedmont Ave., 23rd Floor Atlanta, GA 30308	Georgia Power Co	24,995.40	8,366.47
Sharon M. Hughes, 1735 I St., NW, Suite 704 Washington, DC 20006	National Council of Agricultural Employers	2,900.00	352.00
Vester T. Hughes Jr., 1717 Main Street, Suite 2800 Dallas, TX 75201	Mrs. H. E. Butt		
Do	Holly Corp		
Do	Sammons Enterprises, Inc		
William Hughes, 27357 Avonbourne Lane Easton, MD 21601-9147	National Assn of Federal Veterinarians	26.14	
Steven E. Humerickhouse, 3333 Highway, 100 North Minneapolis, MN 55422	Adoptive Families of America	7,750.00	1,298.74
Margot Smiley Humphrey, 1150 Connecticut Avenue, NW Washington, DC 20036	Koteen & Naftalin (For:Alascom, Inc)		
Do	Koteen & Naftalin (For:Telephone & Data Systems, Inc, et al.)	1,320.00	26.06
John M. Humphries, 1401 Eye Street, NW, Suite 600 Washington, DC 20005	United Technologies Corp	642.00	219.53

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Frances A. Hunt, 1400 16th Street, NW Washington, DC 20036	National Wildlife Federation	3,089.70	
Francis M. Hunt, 1776 Eye Street , N.W. Suite 575 Washington, DC 20006	Dow Chemical Co	500.00	6,336.00
Harriet Hunt-Burgess, 44 Montgomery Street, #4165 San Francisco, CA 94104	American Land Conservancy (ALC)	2,639.71	4,943.22
Angela M. Hunter, 25 Louisiana Avenue, NW Washington, DC 20001	International Brotherhood of Teamsters	10,851.42	
Daniel J. Hunter, 1110 Vermont Ave., NW, #430 Washington, DC 20005	National Cotton Council of America	15,000.00	2,203.63
Lawrence A. Hunter, 1615 H Street, NW Washington, DC 20062	Chamber of Commerce of the U.S.	560.00	80.00
William N. Hunter, 2104-A Gallows Road Vienna, VA 22180	W.N. Hunter & Associates	2,000.00	
W.N. Hunter & Associates, 2104-A Gallows Road Vienna, VA 22180			2,000.00
Milton F. Huntington, Maine Petroleum Assn P.O. Box 2739 Augusta, ME 04338	American Petroleum Institute		
Hunton & Williams, 2000 Pennsylvania Ave., NW, #9000 Washington, DC 20036	American Nuclear Energy Council	7,500.00	82.80
Gerard F. Hurley, 3050 K Street, NW, #330 Washington, DC 20007	National Club Association		
Robert Hurley, 1317 F Street, NW Washington, DC 20004	Wall & Associates, R. Duffy	1,250.00	
Geoffrey B. Hurwitz, 1667 K St., NW, #1210 Washington, DC 20006	Rohm & Haas Co	2,300.00	952.35
Mark Hurwitz, 1201 New York Ave., NW, #300 Washington, DC 20005	Building Owners & Managers Assn Int'l	1,250.00	400.00
Michael Hussey, 777 14th Street, NW Washington, DC 20005	National Assn of Realtors	2,500.00	1,561.24
Philip A. Hutchinson, 490 L'Enfant Plaza, #7204 Washington, DC 20024	Volkswagen of America, Inc	150.00	37.50
Suzanne C. Hutchinson, 805 15th Street NW, Suite 1110 Washington, DC 20005	Mortgage Insurance Companies of America	7,375.00	1,563.50
Randy Huwa, 2030 M St., NW Washington, DC 20036	Common Cause	11,868.57	
Kimberly Hyatt, 1750 K Street, NW Washington, DC 20006	Food Marketing Institute	100.00	
Pamela Sue Hyde, 4301 North Fairfax Srive, #360 Arlington, VA 22203-1608	National Utility Contractors Assn	7,400.00	65.13
Gary Hymel, 901 31st Street, NW Washington, DC 20007	Hill & Knowlton, Inc (For:American Public Transit Assn)		
Do	Hill & Knowlton, Inc (For:Colonial Williamsburg)		
Do	Hill & Knowlton, Inc (For:Ferruzzi Group)		
Do	Hill & Knowlton, Inc (For:Liberal Democratic Federation of Hong Kong)		
Do	Hill & Knowlton, Inc (For:Mazda (North America), Inc)		
Do	Hill & Knowlton, Inc (For:Nintendo of America, Inc)		
Do	Hill & Knowlton, Inc (For:Olin Brass)		
Do	Hill & Knowlton, Inc (For:Republic of Turkey)		
Do	Hill & Knowlton, Inc (For:Sallie Mae)		
Do	Hill & Knowlton, Inc (For:Shaklee Corporation)		
Robert D. Hynes Jr., 1331 Pennsylvania Ave., NW Suite 930 North Washington, DC 20004	National Broadcasting Co, Inc	1,000.00	813.60
Brian M. Hyps, 5301 Wisconsin Avenue, NW, #630 Washington, DC 20015	American Osteopathic Hospital Assn	4,500.00	191.84
J. William Ichord, 1050 Connecticut Ave., NW, #760 Washington, DC 20036	Union Oil Company of California		1,667.28
Torbjorn Ihre, 2101 Wilson Boulevard Room 402 Arlington, VA 22201	Ericsson Corporation		
Catherine L. Imus, 1201 Connecticut Avenue, NW, #300 Washington, DC 20036	Ketchum Public Relations		
Independent Insurance Agents of America, Inc, 127 S. Peyton Street Alexandria, VA 22314		61,505.00	61,505.00
Independent Lubricant Manufacturers Assn, 651 South Washington Street Alexandria, VA 22314			3,040.00
Industrial Biotechnology Assn, 1625 K Street, NW, #1100 Washington, DC 20006		3,002.21	3,002.21
Industrial Gas Cleaning Institute, Inc, 1707 L St., NW Washington, DC 20036			
Infant Formula Council, 5775 Peachtree-Dunwoody Rd., #500-D Atlanta, GA 30342			
Information Technology Assn of America, Inc., 1616 North Ft. Myer Dr., #1300 Arlington, VA 22209	Information Technology Assn of America, Inc		
Charles E. Ing, 1850 M Street, NW, #600 Washington, DC 20036	Toyota Motor Sales, USA, Inc	13,060.00	53.42
Amie Ingber, 1615 H Street, NW Washington, DC 20062	U.S. Chamber of Commerce	245.00	
Ingram Group, 200 Fourth Avenue North Mezzanine Nashville, TN 37219	Education Corp of America	4,000.00	13,297.50
Doug Inkley, 1400 16th St., NW Washington, DC 20036-0001	National Wildlife Federation	4,241.60	
International Advisers, Inc, 2300 M Street, NW, #600 Washington, DC 20036	Embassy of Turkey	150,000.00	21,420.86
International Advisory Services Group, 1400 L Street, NW, #600 Washington, DC 20005	Steel Service Center Institute	366.50	68.25
International Assn of Bridge Struct & Ornamental Iron Wkrs, 1750 New York Ave., NW Washington, DC 20006		17,828.74	28,628.74
International Brotherhood of Teamsters, 25 Louisiana Ave., NW Washington, DC 20001			72,331.28
International Business-Government Counsellors, Inc, 818 Connecticut Ave., NW, #1200 Washington, DC 20006	Hercules, Inc	10,140.00	195.25
Do	Procter & Gamble	1,406.25	166.20
Do	Totes, Inc	262.50	36.06
Do	Uniroyal Chemical Company, Inc	262.50	10.73
Do	USR Optonix, Inc	750.00	78.14
Do	Xerox Corp	10,406.25	979.86
International Communications Industries Assn, 3150 Spring Street Fairfax, VA 22031-2399		320,968.00	2,723.00
International Council of Shopping Centers, 665 Fifth Ave. New York, NY 10022		6,470.90	6,470.90
International Longshoremen's Assn, AFL-CIO, 17 Battery Place, #1500 New York, NY 10004			90,905.76
International Taxicab Assn, 3849 Farragut Avenue Kensington, MD 20895			
International Union of Bricklayers & Allied Craftsmen, 815 15th St., NW Washington, DC 20005			6,028.75
International Union of Operating Engineers, 1125 17th St., NW Washington, DC 20036		10,500.00	522.71
Investment Company Institute, 1600 M St., NW Washington, DC 20036			29,600.78
Peter A. Iovino, 1350 I Street, NW, #1000 Washington, DC 20005	Ford Motor Co	2,275.00	1,854.73
Thomas L. Irmen, P.O. Box 119 Maumee, OH 43537	Andersons		
Iron Ore Lessors Assn, Inc, W-2081 First National Bank Bldg. Saint Paul, MN 55101		9,843.86	13,323.81
William Robert Irvin, 1400 16th Street, NW Washington, DC 20036	National Wildlife Federation	3,586.59	
Edrie Irvine, 750 17th Street, NW, #901 Washington, DC 20006	Nissan North America, Inc	2,221.00	
Walter G. 'Skip' Irvine Jr., 34th & Civic Center Blvd. Philadelphia, PA 19104	Children's Hospital of Philadelphia	10,000.00	1,477.62
John Isaacs, 110 Maryland Ave., NE Washington, DC 20002	Council for a Livable World	6,351.54	
Sally D. Iskenderian, 1455 Pennsylvania Ave., NW, #1260 Washington, DC 20004	French & Company (For:International Electronics Manufacturers & Consumers of Amer.).	200.00	
William A. Isokait, 1957 E St., NW Washington, DC 20006	Associated General Contractors of America		
Russel Iuculano, 1620 L Street, #800 Washington, DC 20036	Metropolitan Life Insurance Co	1,200.00	89.00
Ivins Phillips & Barker, Chtd, 1700 Pennsylvania Ave., NW, #600 Washington, DC 20006	Family Holding Company Advocacy Group		
Do	Grand Metropolitan, Inc		
Do	Pechiney Corporation		
Do	Rochester Tax Council		
Kenneth M. Iwashita, 29400 Lakeland Boulevard Wickliffe, OH 44092	Lubrizol Corp		
Robert A. Jablon, 1350 New York Ave., NW, #1100 Washington, DC 20005-4798	Spiegel & McDiarmid (For:Michigan Municipal/Cooperative Group, et al.)	6,687.50	
Eva Jack, 1825 I Street, NW, #400 Washington, DC 20006	Intel Corp	6,000.00	4,696.22
Dennis J. Jackman, 1701 Pennsylvania Ave., NW, #900 Washington, DC 20006	Du Pont Merck Pharmaceutical Company	7,000.00	443.85
Beverly Roberson Jackson, 3707 Ingomar Street, NW Washignton, DC 20015	National Center for Clinical Infant Programs	1,200.00	417.00
Charles R. Jackson, 225 North Washington Street Alexandria, VA 22314	Non Commissioned Officers Assn of the USA	9,300.00	23,889.26
Glenn Jackson, 1667 K Street, NW, #800 Washington, DC 20006	Williams Companies, Inc	250.00	
Jacquelyn L. Jackson, 1875 I Street #1110 Washington, DC 20006	Times Mirror Co		
Joseph C. Jackson, 1600 Wilson Boulevard, #1008 Arlington, VA 22209	Suppliers of Advanced Composite Materials Assn	672.75	449.60
Thomas C. Jackson, 1350 I Street, NW Washington, DC 20005	Beveridge & Diamond (For:Foundation for Environmental & Economic Progress, Inc).	2,089.00	
Jeff P. Jacobs, 1015 15th Street, NW Washington, DC 20005	American Public Health Assn	1,200.00	
Stephen Jacobs, 1771 N Street, NW Washington, DC 20036	National Assn of Broadcasters	10,000.00	778.43
Rachel L. Jacobson, 3138 North 10th Street Arlington, VA 22201	National Assn of Federal Credit Unions	1,250.00	
Daniel L. Jaffe, 1725 K Street, NW, #601 Washington, DC 20006	Association of National Advertisers, Inc		
Jaffe Snider Raitt & Heuer, P.C., One Woodward Avenue, #2400 Detroit, MI 48226			
Edward L. Jaffee, 1730 Rhode Island Avenue, NW, #715 Washington, DC 20036	PPG Industries, Inc		
Khalil E. Jahshan, 1212 New York Avenue, NW, #300 Washington, DC 20005	National Assn of Arab Americans	4,500.00	1,800.00
Pierre R. Jambon, 1001 19th Street, North #800 Arlington, VA 22209	TRW, Inc	610.00	
Dennis James, 1215 17th Street, NW Washington, DC 20036	Gadot Petrochemical Industries		
Harriet James, 600 Maryland Ave., SW, #700 Washington, DC 20024	National Fed of Independent Business	3,401.00	200.00
Jerry James, 8303 Mopac Expressway, #150-C Austin, TX 78759	ATC-ClayDesta Communications		156.00
Philip J. James, 8200 Greensboro Drive, #302 McLean, VA 22102	National Glass Assn (NGA)		
Timothy P. James, 1125 17th Street, NW Washington, DC 20036	International Union of Operating Engineers	2,500.00	
Jamin Ebell Bolger & Gentry, 323 Carolyn Street Kodiak, AK 99615	Old Harbor Native Corp	54,970.00	18,434.45
Do	Washington Oil Marketers Assn	1,168.28	845.39
J. Jancin Jr., 1800 M Street, NW Washington, DC 20036	American Bar Assn	300.00	30.00
Jay Janis, 9800 South Sepulveda Boulevard,Suite 500 Los Angeles, CA 90045	California League of Savings Institutions	3,000.00	7,644.55
Russell A. Janis, 233 No. Pleasant St., #38 Amherst, MA 01002	Trust for Public Land	300.00	129.99
Japan Economic Institute of America, 1000 Connecticut Ave., NW Washington, DC 20036		1,831.00	1,831.00
Joseph J. Jaquay, 5025 Wisconsin Ave., NW Washington, DC 20016	Amalgamated Transit Union, AFL-CIO		
Dane B. Jaques, 1025 Thomas Jefferson Street, NW, East Washington, DC 20007-5201	Katten Muchin Zavis & Dombroff (For:Associated Aviation Underwriters)		
Jar-Mon Consultants, Inc, 208 N. Patrick St. Alexandria, VA 22314	American Business Council, Inc	6,000.00	
Do	American Freedom Coalition		
Do	Christian Voice, Inc	30,000.00	
Marc R. Jartman, 175 Admiral Cochrane Drive Annapolis, MD 21401	UNC, Inc		
Charles W. Jarvis, 1155 Connecticut Ave., NW, #800 Washington, DC 20036	Waste Management Environmental Services		

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Jerry J. Jasinowski, 1331 Pennsylvania Ave., NW, #1500 N. Washington, DC 20004-1703	National Assn of Manufacturers	2,000.00	
Judy Jaussi, 1201 L Street, NW Washington, DC 20005	American Health Care Assn	12,000.00	1,314.38
Michael A. Jawer, 1201 New York Ave., NW, #300 Washington, DC 20005	Building Owners & Managers Assn Int'l	1,250.00	400.00
Edwin S. Jayne Jr., 1625 L Street, NW Washington, DC 20036	American Fed of State County & Municipal Employees	17,131.06	780.32
Blake Jeffery, 1215 Jefferson Davis Highway, #100 Arlington, VA 22202	National Assn of Industrial & Office Parks		
Jeford-McManus International, Inc, 513 Capitol Court, NE, #300 Washington, DC 20002	Aerojet-General Corp	100.00	
Do	Litton Data Systems	100.00	
Jellinek Schwartz Connolly & Freshman, Inc, 1015 15th Street, NW, #500 Washington, DC 20005	ASARCO, Inc	165,922.00	11,262.00
Joseph S. Jenckes, Suite 300 1710 Rhode Island Ave., NW Washington, DC 20036	Abbott Laboratories	10,000.00	
David M. Jenkins II, 1020 19th Street, NW, #420 Washington, DC 20036	SmithKline Beecham Corp (Beecham Inc)		
Carole P. Jennings, 8904 First Avenue Silver Spring, MD 20910	American Academy of Nurse Practitioners	6,000.00	300.00
David M. Jennings, 115 West College Drive Marshall, MN 56258	Schwan's Sales Enterprises, Inc	4,375.00	853.85
James C. Jennings, 901 31st Street, NW Washington, DC 20007	Hill & Knowlton, Inc		
Jennifer M. Jensen, 777 North Capitol Street, NE, Suite 805 Washington, DC 20002	American Wind Energy Assn	6,272.72	34.48
Janet I. Jenson, 2600 Virginia Ave., NW, 10th Floor Washington, DC 20037-1905	Schmeltzer, Aptaker & Shepard (For:Council of Nursing Home Suppliers)	4,860.00	
Nancy H. Jessick, 1331 Pennsylvania Ave., NW, #720 Washington, DC 20004	Hiram Walker & Sons, Inc		
Jewish Peace Lobby, 8401 Colesville Road, #317 Silver Spring, MD 20910		35,145.51	24,294.71
Ronald P. Johnsen, 700 Thirteenth ,NW, #900 Washington, DC 20005	Columbia Gas System Service Corp	175.00	604.59
Calvin P. Johnson, 815 16th Street, NW Washington, DC 20006	American Fed of Labor & Congress of Industrial Organizations	17,175.34	1,196.62
Carl T. Johnson, 1725 Jefferson Davis Hwy, #1004 Arlington, VA 22202-4102	Compressed Gas Assn/Helium Advisory Council		
James W. Johnson Jr., 1156 15th Street, NW, #1019 Washington, DC 20005	U.S. Beat Sugar Assn		
Jane Leonard Johnson, P.O. Box 19109 Greensboro, NC 27419	Unifi, Inc		
Joel L. Johnson, 1250 Eye Street, NW Washington, DC 20005	Aerospace Industries Assn of America, Inc	1,263.00	
John W. Johnson, P.O. Box 39106 Minneapolis, MN 55439-0106	American Collectors Assn	1,000.00	
Kay Johnson, 1901 L Street NW Suite 260 Washington, DC 20036	March of Dimes Birth Defects Foundation		
Mark R. Johnson, 1667 K Street, NW, #350 Washington, DC 20006	Maersk, Inc	2,500.00	
Michael S. Johnson, Suite 1290 East 555 13th Street, NW Washington, DC 20004	McCamish Martin & Loeffler (For:American Golf Corp)	100.00	
Do	McCamish Martin & Loeffler (For:Central & South West Corp)	30.00	
Do	McCamish Martin & Loeffler (For:Citicorp)		
Do	McCamisn Martin & Loeffler (For:Electronic Data Systems Corp)		
Do	McCamish Martin & Loeffler (For:Hong Kong Trade Development Trade Council)	420.00	
Do	McCamish Martin & Loeffler (For:National Assn of Broadcasters)	270.00	
Do	McCamish Martin & Loeffler (For:Sematech)		
Do	McCamish Martin & Loeffler (For:United Services Automobile Assn)		
Myrna Johnson, 2025 M Street, NW Washington, DC 20036	National Public Radio	8,185.25	87.31
Rady A. Johnson, 1615 M Street, NW, Suite 200 Washington, DC 20038	Amoco Corporation		
Richard W. Johnson Jr., 225 N. Washington Street Alexandria, VA 22314	Non Commissioned Officers Assn of the USA	8,541.00	135.00
Stephen M. Johnson, 1341 G Street, NW, #1100 Washington, DC 20005	Jefferson Group (For:Childrens Health System, Inc)		
Do	Jefferson Group (For:CAE Link Corp)		
Do	Jefferson Group (For:Molson Breweries USA, Inc)		
Thomas L. Johnson, P.O.Box 2185 Austin, TX 78768	Associated General Contractors of Texas		
Johnson & Gibbs, P.C., 1301 K Street, NW, #800 East Washington, DC 20005-3307	Centex Corp	51,187.50	
Do	El Paso Health Care Systems, Ltd		
Do	Permanente Medical Group, Inc	243.75	
M.J. Johnson Company, 1951 Seville Street Santa Rosa, CA 95403	California Urchin Producers Assn		100.00
Johnson Research Associates, 4429 Yuma Street, NW Washington, DC 20016	City of Virginia Beach	788.14	381.04
David A. Johnston, 1735 New York Ave., NW Washington, DC 20006	American Institute of Architects	1,000.00	
George A. Johnston, 2000 K St., NW, 8th Foor Washington, DC 20006	National Comm to Preserve Social Security	5,641.00	
James D. Johnston, 1660 L St., NW, #401 Washington, DC 20036	General Motors Corp	3,600.00	8,502.83
Mary K. Jolly, 1600 Rhode Island Ave., NW Washington, DC 20036	National Rifle Assn of America	1,530.00	61.75
Herbert A. Jolovitz, 7531 Sebago Road Bethesda, MD 20817	Owens-Corning Fiberglas Corporation	1,150.00	
Allan R. Jones, 2200 Mill Rd. Alexandria, VA 22314	American Trucking Assns, Inc	9,000.00	
Allison Humphreys Jones, 1150 Connecticut Ave., NW, #507 Washington, DC 20036	Wallace and Edwards (For:American Soc of Farm Managers and Rural Appraisers).		
Barbara J. Jones, 1100 Connecticut Ave., NW, #310 Washington, DC 20036	Dresser Industries, Inc		
Belva W. Jones, 1101 15th St., NW, #202 Washington, DC 20005	National Assn of Margarine Manufacturers		
Earl Jones Jr., 401 West 18th Street Little Rock, AR 72206	Philip Morris, Inc	1,500.00	
Ernest W. Jones Jr., 1957 E St., NW Washington, DC 20006	Associated General Contractors of America		
Randall T. Jones, 50 F Street, NW, #900 Washington, DC 20001	National Council of Farmer Cooperatives		
Robert L. Jones, 4647 Forbes Blvd. Lanham, MD 20706	Amvets	6,800.00	
Robin Wagner Jones, 1129 20th Street, NW, #600 Washington, DC 20036	Group Health Assn of America, Inc	10,120.00	
T. Lawrence Jones, 2000 Pennsylvania Ave., NW, #9000 Washington, DC 20006	Marsh & McLennan Cos, Inc		
Wiley N. Jones, 816 Connecticut Ave., NW, 8th Floor Washington, DC 20006	Southern Pacific Transportation Company	1,000.00	500.00
Jones Day Reavis & Pogue, 1450 G Street, NW, #700 Washington, DC 20005-2088	Anchor Savings Bank	5,267.00	
Do	Cleveland Cliffs Iron Co		26.00
Do	County of Los Angeles	6,096.00	2,055.90
Do	Genetech	28,492.00	202.81
Do	GNA Corp	771.00	
Do	Merck & Co, Inc	1,044.00	15.00
Do	Nacco Industries, Inc	8,936.00	304.50
Do	Norwest Corp	4,476.00	2,567.75
Do	Royal Trustco Ltd	17,194.00	
Do	RJR Nabisco, Inc	8,128.00	32.00
Do	SCM Corp	6,128.00	24.00
Do	Trans World Airlines	9,222.50	698.97
Do	U.S. Sprint - United Telecom, Inc	9,880.00	37.00
Do	Upjohn Company	78,203.00	581.91
Jones Waldo Holbrook & McDonough, 2300 M Street, NW, #900 Washington, DC 20037	American Stores Company		
Do	Nevada Power Company	4,220.00	
Do	Utah State University		
Jones Walker Waechter Poitevent Carrere & Denegre, 1776 Eye Street, NW, #245 Washington, DC 20006	Audubon Institute, Inc		
Do	General Atomics		
Do	Jefferson Parish Council	75.00	
Do	Montana Sulphur & Chemical Company		
Do	New Orleans Sports Foundation		
Do	Port of New Orleans		
Do	Tad Gormley Project, Inc		
Do	Turner Broadcasting System, Inc	87.50	
Alexander H. Jordan, 816 Connecticut Avenue, NW, 8th Floor Washington, DC 20006	Southern Pacific Transportation Company	200.00	90.00
James Jordan Associates, Inc, 1825 K Street, NW Washington, DC 20006	Consortium for International Earth Science Info. Network	9,000.00	10,801.82
Do	Diagnostic & Instrumentation Laboratory at Mississippi Univ.	1,200.00	1,200.00
Jorden Schulte & Burchette, 1025 Thomas Jefferson Street, NW, #400E Washington, DC 20007	Carteret Savings & Loan Association		
Do	City of Newark	21,604.42	607.51
Do	Colorado-Ute Electric Assn, Inc		
Do	East Texas Electric Cooperative		
Do	Federal Agricultural Mortgage Corp		
Do	International Geographical Congress	7,784.07	189.85
Do	Mutual Benefit Life		
Do	New York University	36,019.47	1,025.17
Do	Northeast Texas Electric Cooperative		
Do	Paine Webber		
Do	Sabine River Authority		
Do	Tex-la Electric Cooperative of Texas, Inc		
Do	University of Medicine & Dentistry of New Jersey	26,324.61	759.40
Do	University of Miami	34,414.30	987.21
David C. Jory, 1101 Pennsylvania Avenue, NW, #1000 Washington, DC 20004	Citicorp Washington, Inc	1,500.00	
Lach Joseph, 1625 K St., NW Washington, DC 20006	Investment Company Institute	500.00	
Robert G. Josephs, 1250 Connecticut Ave., NW, #620 Washington, DC 20036	National Multi Housing Council	2,300.00	
Diana Jost, 655 15th Street, NW, #350 Washington, DC 20005	Blue Cross & Blue Shield Assn	964.00	
John J. Joyce, 25 Louisiana Ave., NW Washington, DC 20001	International Brotherhood of Teamsters	3,000.00	
Ardon B. Judd Jr., 1100 Connecticut Ave., NW, #310 Washington, DC 20036	Dresser Industries, Inc		
John Steven Judge, 1850 M Street, NW Washington, DC 20036	Securities Industry Assn	2,262.00	
Robert E. Juliano Associates, 2555 M Street, NW, #303 Washington, DC 20037	American Express Co	15,000.00	2,349.53
Do	Hotel Employees & Restaurant Employees Int'l Union	43,125.00	2,454.22

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Do	International Speedway Corp	9,000.00	
Do	Matson & Navigation Company, Inc		
Do	National Academies of Practice		
Do	Stock Information Group	15,000.00	
Do	U.S. Telephone Assn		
Melissa J. Kahn, 1001 Pennsylvania Ave., NW Washington, DC 20004	American Council of Life Insurance		
Walter Kallaur, 801 Pennsylvania Ave.,NW, Suite 700 Washington, DC 20004	Northern Telecom, Inc	1,250.00	
Laurel B. Kamen, 1020 19th St., NW, #600 Washington, DC 20036	American Express Co	10,350.00	82.75
John F. Kamp, 1899 L Street, NW Washington, DC 20036	American Assn of Advertising Agencies	1,250.00	
John E. Kane, 1001 Pennsylvania Ave., NW Washington, DC 20004	American Council of Life Insurance, Inc	2,000.00	
Miles F. Kanne, P.O. Box 1608 Bloomington, IN 47402	Cook Group, Inc		
Martin B. Kanner, 1575 Eye Street, NW, Suite 370 Washington, DC 20005-1175	Kanner & Associates (For:American Public Gas Association)	3,375.00	
Do	Public Power Council	10,000.00	1,023.63
Gerald Kaplan, 51 Madison Avenue New York, NY 10010	New York Life Insurance Company		
Phillip J. Kardis, 1745 Jefferson Davis Highway, #1200 Arlington, VA 22202	Rockwell International	3,000.00	1,782.83
Gene Karpinski, 215 Pennsylvania Avenue, SE Washington, DC 20003	U.S. Public Interest Research Group	9,692.34	
Barry Kasinitz, 1750 New York Avenue, NW Washington, DC 20006	International Assn of Fire Fighters	10,177.00	
George Kassouf, 1601 Connecticut Avenue, NW, #600 Washington, DC 20009	Alliance for Justice		
Michael E. Kastner, 1350 New York Ave., NW, #800 Washington, DC 20005-4797	National Truck Equipment Assn	3,750.00	213.80
Alyce Katayama, 1455 Pennsylvania Ave., NW Suite 230 Washington, DC 20004	Texas Instruments	1,500.00	204.00
Kate Moss Company, 2550 M Street, NW, #275 Washington, DC 20037	Committee for Equitable Compensation	250.00	
Do	Dean Witter Financial Services Group		
Do	NationsBank, Inc	300.00	
Do	Trans Union Corp	200.00	
Katten Muchin Zavis & Dombroff, 1025 Thomas Jefferson Street, NW, #700 E Washington, DC 20007	Associated Aviation Underwriters		
Paul C. Katz, 3900 Wisconsin Ave., NW Washington, DC 20016	U.S. League of Savings Institutions	8,750.00	
Robert C. Kaufmann, 1250 Connecticut Ave., NW Washington, DC 20036	American Paper Institute, Inc		
Ghana R. Kaulius, 1050 17th Street, #2200 Denver, CO 80265	Hill & Knowlton (For:ASSE International)		
Do	Hill & Knowlton (For:Colorado State University)		
Do	Hill & Knowlton (For:San Pellegrino)		
Do	Hill & Knowlton (For:Tera Computer Company)		
Everett E. Kavanaugh, 1101 - 17th Street, NW, #300 Washington, DC 20005	Cosmetic Toiletry & Fragrance Assn, Inc	1,500.00	30.00
Edward M. Kavjian, 1660 L. Street, NW Washington, DC 20036	General Motors Corp	3,000.00	1,555.90
Thomas O. Kay, 1150 Connecticut Ave., NW, #507 Washington, DC 20036	Kay Associates	17,500.00	
Kaye Scholer Fierman Hays & Handler, 901 15th St., NW, #1100 Washington, DC 20005	Benjamin Moore & Co		
Do	Robert Bosch Corp		
Do	Brown Brothers Harriman & Co		
Do	City of Newport Beach		
Do	Dow Chemical Co		
Do	Goldman Sachs & Co		
Do	Hartford Insurance Group		
Do	RSR Corp		
Do	Siemens Medical Systems, Inc		
Do	Texaco, Inc		
Do	Westwood One, Inc		
Catherine M. Keane, 1667 K Street, NW, #800 Washington, DC 20006	Williams Companies, Inc	100.00	
Keck Mahin & Cate, 1201 New York Ave., Penthouse Washington, DC 20005	Arkansas Oklahoma Gas Company		
Do	Arkansas Western Gas Company		
Do	Arkla Exploration Company		
Do	Arkla, Inc		
Do	Williams Companies		
Robert J. Keefe, 444 N. Capitol Street, #711 Washington, DC 20001	Keefe Company (For:Alarm Industry Communications Committee)	7,500.00	7,500.00
Do	TKC International (For:International Public Relations Co, Ltd)		
Do	TKC International (For:Mexican Dept of Commerce & Industrial Development)	43,460.00	43,460.00
J. Michael Keeling, ESOP Association 1100 17th Steet, NW, #1207 Washington, DC 20036	ESOP Association of America		
John R. Keeling, 600 Maryland Ave., SW Washington, DC 20024	American Farm Bureau Federation	7,091.00	218.25
Lana Keelty, 1800 Massachusetts Ave., NW Washington, DC 20036	National Rural Electric Cooperative Assn	10.50	
Melvin Keener, 1776 I Street, NW, #1000 Washington, DC 20006	BP America, Inc		
Jane M. Keffer, 1150 Connecticut Ave., NW, #507 Washington, DC 20036	Wallace & Edwards		
Beth Keifer, 2251 Wisconsin Ave., NW Washington, DC 20007	Career College Assn, Inc	1,500.00	
Joan F. Keiser, 1800 Massachusetts Avenue, NW Washington, DC 20036	National Rural Electric Cooperative Assn	35.00	
Kendell W. Keith, 1201 New York Avenue, NW, #830 Washington, DC 20005	National Grain & Feed Assn		
William D. Kelleher, 1415 Elliot Place, NW Washington, DC 20007	National Stone Assn	4,000.00	500.00
August Keller, Signature Place II 14785 Preston Road, Suite 1100 Dallas, TX 75240	North American Coal Corporation	9,625.00	8,780.00
Keller & Heckman, 1001 G Street, NW, #500 West Washington, DC 20001	Specialty Advertising Assn Int'l	19,526.25	2,147.62
John T. Kelley, 1750 K Street, NW Washington, DC 20006	Food Marketing Institute	500.00	
Paul J. Kelley, 2727 North Central Ave. Phoenix, AZ 85004	U-Haul Intl, Inc	7,500.00	
W. Curtis Kelley, 1150 17th Street, NW, #600 Washington, DC 20036	Health Insurance Plan of Greater New York	3,437.50	
Kelley Drye & Warren, 2300 M Street, NW Washington, DC 20037	Business Roundtable		
Do	Coalition to Preserve the Low Income Housing Tax Credit	2,000.00	
Do	Council for Rural Housing & Development	2,000.00	
Do	Federal Legislative Associates, Inc		
Do	Great Western Financial Corp	780.00	
Do	Institute for Responsible Housing Preservation	2,000.00	
Do	Isotec, Inc		
Do	J.P. Morgan & Co, Inc		
Do	National Assn of Manufacturers		
Do	National Leased Housing Assn	2,000.00	
Do	Shaw Pittman et al (For: Institute of International Bankers)	550.00	345.75
Do	Society for Human Resources Management		
Stephen S. Kellner, 1913 Eye Street, NW Washington, DC 20006	Chemical Specialties Manufacturers Assn, Inc		
Paulette Kellogg M., 1101 Vermont Avenue, NW Washington, DC 20005	American Medical Association	25.00	
Burnett S. Kelly, Dow Corning Corp 1800 M Street, NW, Suite 325 South Washington, DC 20036	Dow Corning Corp	5,000.00	
Carol A. Kelly, 1620 L Street, NW, #800 Washington, DC 20036	Metopolitan Life Insurance Companies		
Cynthia K. Kelly, 8101 Glenbrook Road Bethesda, MD 20814-2749	American Assn of Blood Banks	2,500.00	
Donald E. Kelly, Public Affairs Office 600 New Hampshire Ave., NW, #1111 Washington, DC 20037	Appraisal Institute	1,750.00	
Edward L. Kelly, 1319 F Street, NW, #1000 Washington, DC 20004	National Assn of Private Psychiatric Hospitals	500.00	
Ernest B. Kelly III, 950 L'Enfant Plaza, SW Washington, DC 20024	Communications Satellite Corp	2,769.28	506.41
John F. Kelly, 3000 K Street, NW, #906 Washington, DC 20007	Merrill Lynch & Co, Inc	2,000.00	
Paul A. Kelly, 1350 I Street, NW, #1000 Washington, DC 20005	Ford Motor Co	1,050.00	753.45
Susan N. Kelly, 1101 14th Street, NW, #1400 Washington, DC 20005	Miller Balis & O'Neil, P.C. (For:American Public Gas Assn (APGA))		
Mark L. Kemmer, 1660 L Street, NW, #401 Washington, DC 20036	General Motors Corp	3,000.00	1,683.56
Todd E. Kemp, 1201 New York Avenie, NW Washington, DC 20005	National Grain & Feed Assn	2,970.00	
Jackson Kemper Jr., 1215 Jefferson Davis Hwy., #1004 Arlington, VA 22202	Diagnostic/Retrieval Systems, Inc	8,750.00	
Kemper Corporation, 1 Kemper Drive Long Grove, IL 60049			
Kemper Financial Services, Inc, 120 South Lasalle Street Chicago, IL 60603			457.11
Kemper Investors Life Insurance Co, 120 South Lasalle Street Chicago, IL 60603			1,476.03
Kemper Reinsurance Company, One Kemper Drive Building 3, R-5 Long Grove, IL 60049-0015			424.74
Jackson Kemper, III, 1215 Jefferson Davis Highway, #1004 Arlington, VA 22202	Diagnostic/Retrieval Systems, Inc	1,500.00	
Jonathan Kempner, 1250 Connecticut Ave., NW, #620 Washington, DC 20036	National Multi Housing Council	6,475.00	
Kendall & Associates, Inc, 50 E St., SE Washington, DC 20003	American Water Works Service Company, Inc	500.00	
Do	ALC Communications Corp		
Do	Manville Corporation	2,000.00	
Do	State of Delaware		
Do	Toyota Motor Sales, USA, Inc	3,000.00	
John Kendrick, 1000 Wilson Blvd., #2800 Arlington, VA 22209	Grumman Corporation	625.00	1,710.79
Joseph W. Kennebeck, 490 L'Enfant Plaza, SW, #7204 Washington, DC 20024	Volkswagen of America, Inc	650.00	30.00
Art Kennedy, P.O. Box 200576 Anchorage, AK 99520	Koniag, Inc	9,341.00	8,469.00
David Kennedy, 500 E Street, SW, #920 Washington, DC 20024	Aircraft Owners & Pilots Assn	6,250.00	749.36
Jerry W. Kennedy, 1025 Thomas Jefferson Street, NW, #407 Washington, DC 20007	General Atomics	3,500.00	215.84
Do	Pemco Aeroplex	962.50	5.00
Michael E. Kennedy, 1957 E Street, NW Washington, DC 20006	Associated General Contractors of America		
Robert P. Kennel, 12500 Fair Lakes Circle, #260 Fairfax, VA 22033-3822	LG & E Development Corp		
Do	National Wood Energy Assn, Inc		

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Erica G. Kenney, 9720 Spring Ridge Lane Vienna, VA 22182	Petroleum Marketers Assn of America	2,000.00	21.00
Jeannine M. Kenney, 1840 Wilson Blvd., #400 Arlington, VA 22201	National Milk Producers Federation	718.10	718.10
Edward B. Kenney & Associates, Inc, 499 S. Capitol St., SW, #520 Washington, DC 20003	General Motors Corp		
Brendan Kenny, 1625 Massachusetts Avenue, NW Washington, DC 20036	Air Line Pilots Assn	5,050.00	559.10
Cathy Ann Kenny, c/o NYS Petroleum Council 39 Broadway, #2705 New York, NY 10006	American Petroleum Institute		
J. H. Kent, 1825 K Street, NW, #305 Washington, DC 20006	Adria Laboratories	1,000.00	461.96
Do	American Soc of Plastic & Reconstructive Surgery	12,000.00	5,543.49
Do	American Supply Association	1,500.00	646.72
Do	International Assn of Airport Duty Free Stores	2,350.00	1,108.68
Do	Liz Claiborne, Inc	5,525.00	2,586.92
Do	MBI, Inc		
Do	National Customs Brokers & Forwarders Assn of America	7,900.00	3,603.24
Do	Sigallo, Ltd		
Do	Kent & O'Connor, Inc (For:Vista Chemical Company)	2,206.25	1,035.40
William Kenworthy, 256 Edwards St., #10 New Haven, CT 06511	American Nuclear Energy Council	1,700.00	510.20
Vytautas Kerbelis, P.O. Box 336 Seal Harbor, ME 04675	ARAS		
Michael C. Kerby, 1000 Wilson Boulevard, #2800 Arlington, VA 22209	Grumman Corp	625.00	513.25
John P. Kerekes, P.O. Box 10070 Lansing, MI 48901	American Petroleum Institute	1,050.00	2,117.97
Timothy C. Kernan, 1627 K Street, NW, #300 Washington, DC 20006	Fluor Corporation		
Susan Akers Kernus, 1330 Connecticut Ave., NW, #300 Washington, DC 20036	Synthetic Organic Chemical Manufacturers Assn, Inc	1,000.00	7.00
Suzanne S. Kerr, 110 Maryland Ave., NE Washington, DC 20002	Peace Political Action Committee	5,413.98	
T. Michael Kerr, 1625 L St., NW Washington, DC 20036	American Fed of State County & Municipal Employees	15,163.70	90.00
Michael J. Kerrigan, 2550 M Street, NW, #300 Washington, DC 20037	Smokeless Tobacco Council, Inc		
G. Chandler Keys III, 1301 Pennsylvania Avenue, NW, #300 Washington, DC 20004	National Cattlemen's Assn	1,000.00	
Richard F. Kibben, 200 Park Ave., #2222 New York, NY 10166	Business Roundtable		
Carolyn Kiely, 1015 Fifteenth Street, NW, #802 Washington, DC 20005	American Consulting Engineers Council	1,031.25	
Ingolf N. Kiland Jr., 1660 L Street, NW, #401 Washington, DC 20036	General Motors Corp	3,000.00	4,674.60
Thomas J. Kilcline, 201 North Washington Street Alexandria, VA 22314	Retired Officers Assn	1,323.25	
John J. Killeen, 1090 Vermont Ave., NW, #1100 Washington, DC 20005	Textron, Inc	600.00	150.00
William P. Killmer, 15th & M Streets, NW Washington, DC 20005	National Assn of Home Builders of the U.S.		
Richard H. Kimberly, 1201 Pennsylvania Avenue, NW, #220 Washington, DC 20004	Kimberly-Clark Corp	1,220.77	494.14
Kimberly-Clark Corp, Texas Commerce Bank Building 545 E. Carpenter Freeway Irving, TX 75062-3931			5,476.00
James L. Kimble, 1130 Connecticut Avenue, NW, #1000 Washington, DC 20036	American Insurance Assn		
Kimmitt Coates & McCarthy, Inc, 1730 M Street, NW, #911 Washington, DC 20036	Avco Research Lab, Inc		
Do	Royal Teton Ranch	500.00	
Aubrey C. King, 1133 21st Street, NW Washington, DC 20036	Travel & Tourism Gov't Affairs Council	2,110.00	
Judith E. King, 918 16th Street, NW, #402 Washington, DC 20006	American Furniture Manufacturers Assn	750.00	897.83
Lewis O. King, P.O. Box 10045 Austin, TX 78766	National Guard Assn of Texas	7,000.00	1,606.61
W. Russell King, 50 F St., NW, #1050 Washington, DC 20001	Freeport McMoran D.C., Inc	25,000.00	169.00
King & Spalding, 1730 Pennsylvania Ave., NW, #1200 Washington, DC 20006	Alliance for Small Issue Bonds, Inc		
Do	Charter Medical Corp	143.50	
Do	Citibank	2,168.00	
Do	Fleet North Star Financial Group		
Do	General Motors Corp		
Do	Generic Pharmaceutical Industry Assn	1,500.00	
Do	GPIA-Animal Drug Alliance		
Do	Martin-Marietta		
Do	National Pharmaceutical Alliance		
Do	Union Camp		
Do	Woodruff Foundation		
King & Spaulding, 1730 Pennsylvania Ave., NW Washington, DC 20006	Montgomery County, MD/ Office of Economic Development		
Kinghorn & Associates, 900 2nd Street, NE, #109 Washington, DC 20002	Ferroalloys Association		
Do	Macalloy Corporation	3,000.00	600.00
Do	Nuclear Metals, Inc		
Do	South Carolina Research Authority	3,500.00	110.00
Kathleen N. Kingscott, 1301 K Street, NW, #1100 Washington, DC 20005	IBM Corp	306.18	49.00
Richard J. Kinney, 1850 K Street, NW, #1195 Washington, DC 20006	Schering-Plough Corp	11,000.00	509.00
Walter M. Kiplinger, 901 15th Street, NW, #250 Washington, DC 20005	American Foundrymens Society, Inc		
Kevin Kirchner, 1531 P Street, NW, #200 Washington, DC 20005	Sierra Club Legal Defense Fund	11,138.00	2,267.28
John R. Kirk, Bingham, Dana & Gould 150 Federal Street Boston, MA 02110	First National Bank of Boston		
Sharon Kirk, 1730 Rhode Island Ave., NW, #1000 Washington, DC 20036	National Solid Wastes Management Assn	500.00	
Kirkpatrick & Lockhart, 1800 M St., NW, S. Lobby, #900 Washington, DC 20036	Associated Credit Bureaus	3,412.50	351.54
Do	Coalition for Credit Availability	5,950.00	276.33
Do	Dykema Gossett	1,226.25	
Do	Institute of International Bankers	3,737.50	981.42
Do	Investment Company Institute	487.50	130.00
Walter B. Kirkwood, 111 Monument Circle Indianapolis, IN 46277	Banc One Corp	10,938.00	8,084.94
Kirlin Campbell & Keating, One Farragut Square South Second Floor Washington, DC 20006	Council of European & Japanese National Shipowners' Assn		
Robert A. Kirshner, 1250 Connecticut Avenue, NW Washington, DC 20036	National Forest Products Assn	500.00	
Carla Kish, 962 Wayne Avenue, #750 Silver Spring, MD 20910	Energy Conservation Coalition		
Do	Florida Solar Energy Center		
Do	University of Oregon		
Marie Kissel, 1620 Eye Street, NW, Suite 1000 Washington, DC 20006	Motor Vehicle Manufacturers Assn of the U.S., Inc		
Sam Kito Jr., P.O. Box 210575 Anchorage, AK 99521-0575	Kito, Inc (For:Klukwan, Inc)		
Do	Kito, Inc (For:Sealaska Corporation)	10,850.00	6,065.42
Do	Kito, Inc (For:Southeast Alaska Landless Native Coalition)	15,000.00	2,631.26
Sandra D. Kjellberg, 1133 15th Street, NW, #600 Washington, DC 20005	Maritime Institute for Research & Industrial Development	3,550.98	
Dean Kleckner, 225 Touhy Avenue Park Ridge, IL 60068	American Farm Bureau Federation	4,293.00	
Jerry D. Klepner, 1625 L Street, NW Washington, DC 20036	American Fed of State County & Municipal Employees	21,958.00	1,104.70
Michael R. Klipper, 1718 Connecticut Avenue, NW, #700 Washington, DC 20009	Association of American Publishers	3,000.00	122.00
David M. Klucsik, 1415 Wyckoff Road Wall, NJ 07719	New Jersey Natural Gas Co		1,426.00
Glenn Knapp, 773 Dartmouth Ave. San Carlos, CA 94070			
James E. Kneale, 2335 South Meade St. Arlington, VA 22202	Lockheed Corporation	4,000.00	30.74
Anthony J. Knettel, 1400 L Street, NW, #350 Washington, DC 20005	Erisa Industry Committee	3,300.00	57.50
Knights of Columbus, 1275 Pennsylvania Ave., NW, #501 Washington, DC 20004-2404			9,070.09
Karen Theibert Knobloch, 1750 K Street, NW Washington, DC 20006	Food Marketing Institute	400.00	
Albert B. Knoll, 555 13th Street, NW, #1010 East Washington, DC 20004-1109	Sun Co, Inc	2,000.00	1,702.95
Karil L. Kochenderfer, 1801 K Street, NW, #900K Washington, DC 20036	American Textile Manufacturers Institute, Inc		
Blair Koehler, 1800 Diagonal Road, #140 Alexandria, VA 22314	National Assisted Housing Management Assn	500.00	
David G. Koenig, 1050 17th Street, NW, #500 Washington, DC 20036	Texaco, Inc		
Howard Kohr, 440 First Street, NW, #600 Washington, DC 20001	American Israel Public Affairs Comm	8,675.00	65.70
Ann Kolker, 1616 P Street, NW, #100 Washington, DC 20036	National Women's Law Center		46.50
David Kolker, 1350 New York Ave., NW Washington, DC 20005	Spiegel & McDiarmid (For:American Communities for Cleanup Equity (ACCE))	29,497.50	7,042.34
Diane J. Koller, 1101 17th St., NW, #600 Washington, DC 20036	American Airlines, Inc	3,000.00	219.13
Stephen Koplan, 1455 Pennsylvania Avenue, NW, #600 Washington, DC 20004	Joseph E. Seagram & Sons, Inc	2,000.00	
Mike Kopp, 200 Fourth Avenue North Mezzanine Nashville, TN 37219	Ingram Group (For:Education Corp of America)	4,750.00	
Steven Kopperud, 1501 Wilson Boulevard, #1100 Arlington, VA 22209	American Feed Industry Assn	3,240.00	
Horace R. Kornegay, P.O. Box 3463 Greensboro, NC 27402	Adams Kleemeier Hagen Hannah & Fouts (For:American Tobacco Company)		
Ronald W. Kosh, 12600 Fair Lakes Circle Fairfax, VA 22033-4900	AAA Potomac		
Michael V. Kostiw, 1050 17th Street, NW, #500 Washington, DC 20036	Texaco Inc	250.00	
Kostmayer Communications, Inc, 1667 K Street, NW, #605 Washington, DC 20006	Coalition for Auto Repair Equality	1,473.61	2,651.84
Barbara M. Kostuk, 1025 Thomas Jefferson Street, NW, #511 Washington, DC 20007	LTV Corp	1,575.00	150.00
Anil Kothari, 1155 Connecticut Ave., NW Washington, DC 20036	Waste Management, Inc		
Gerald J. Kovach, 1801 Pennslvania Ave., NW Washington, DC 20006	MCI Communications Corp	4,000.00	64.79
Kenneth S. Kovack, 815 16th St., NW, #706 Washington, DC 20006	United Steelworkers of America	6,976.45	
Jermone J. Kozak, 888 16th Street, NW Washington, DC 20006	International Dairy Foods Assn		
Malcolm A. Kram, 1023 15th Street, NW, #300 Washington, DC 20005	American Veterinary Medical Assn	947.50	
Andrea S. Kramer, 1747 Pennsylvania Ave., NW, #900 Washington, DC 20006	Coffield Ungaretti Harris & Slavin (For:Comdisco, Inc)		
Jeffrey H. Kramer, 1616 H Street, NW Washington, DC 20006	National Grange	5,750.00	
Alan M. Kranowitz, 1725 K Street, NW, #710 Washington, DC 20006	National Assn of Wholesaler-Distributors		
Barry Krasner, 444 North Capitol Street, NW, #845 Washington, DC 20001	National Air Traffic Controllers Assn	771.36	
Stephen W. Kraus, 1001 Pennsylvania Ave., NW Washington, DC 20004	American Council of Life Insurance, Inc		
Raymond R. Krause, 712 Fifth Avenue, # 4600 New York, NY 10019	Grand Metropolitan, Inc	1,500.00	912.00
Robert S. Krebs, 12600 Fair Lakes Circle Fairfax, VA 22033-4904	AAA Potomac		116.00

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Earl R. Kreher, 1620 Eye Street, NW, #1000 Washington, DC 20006	Motor Vehicle Manufacturers Assn of the U.S., Inc	1,471.00	
Steven L. Kreseski, 1101 17th Street, NW, #300 Washington, DC 20036	Cosmetic Toiletry & Fragrance Assn		
Donald J. Kroes, 1615 H Street, NW Washington, DC 20062	Chamber of Commerce of the U.S.	6,500.00	32.00
Victor Krohn, 100 N. Brand Ave., S-502 Glendale, CA 91203	Citizens for an Alternative Tax System	135.40	
Mark Kronenberg, 1735 Jefferson Davis Highway, #1200 Arlington, VA 22202	McDonnell Douglas Corp		
Keith R. Krueger, 1555 Connecticut Avenue, NW, #200 Washington, DC 20036	U.S. West Communications	6,000.00	228.73
Paul C. Kruger, 730 Fairlawn Dr. Columbus, OH 43214	Criminal Justice Oversight Committee		
James S. Krzyminski, 50 F Street, NW, #900 Washington, DC 20001	National Council of Farmer Cooperatives		
Ronald W. Kuehn, 2 East Mifflin Street, #600 Madison, WI 53703	DeWitt Porter Huggett Schumacher & Morgan, SC (For:Becker CPA Review Courses).		
M. J. Kuehne, P.O. Box 11346 Tacoma, WA 98411	Northwest Independent Forest Manufacturers	9,400.00	5,223.00
Jake Kuitwaard, 777 14th Street, NW Washington, DC 20005	National Assn of Realtors	2,500.00	978.99
Kathleen M. Kulesher, 105 Oronoco Street Alexandria, VA 22314	National Wholesale Druggists' Assn		
Kurrus & Kirchner, P.C., 1055 Thomas Jefferson St., NW, #418 Washington, DC 20007	American Pilots' Assn		
Do	St. Lawrence Seaway Pilots Assn		
Ruth M. Kurtz, 5517 Chevy Chase Pkwy., NW Washington, DC 20015	Coordinadora de Organizaciones Empresariales de Comercio Ext	3,333.34	912.41
Ester Kurz, 440 First Street, NW, 6th Floor Washington, DC 20001	American Israel Public Affairs Comm	29,743.00	924.97
Kutak Rock, 1101 Connecticut Ave., NW, #1000 Washington, DC 20036	Capital Markets Assurance Corporation		
Do	Education Resources Institute	4,000.00	1,366.47
Do	Financial Security Assurance		
Do	First National Bank of Omaha	785.00	265.34
Do	Louisiana Public Facilities	18,933.99	27,512.72
Do	Municipal Bond Insurance Assn		
Do	Smith Barney Harris Upham & Co		1,679.17
John R. Kyte, 1455 Pennsylvania Avenue, NW, #1000 Washington, DC 20004	New England Council, Inc		
Judith La Drew, 1401 Eye Street, NW, Suite 600 Washington, DC 20005	United Technologies Corp	583.33	
James La Sala, 5025 Wisconsin Avenue, NW Washington, DC 20016	Amalgamated Transit Union, AFL-CIO		
Labor Bureau, Inc, 1101 15th Street, NW, #1010 Washington, DC 20005			
Labor Policy Assn, Inc, 1015 15th St., NW, #1200 Washington, DC 20005		569.00	569.00
Labor-Management Maritime Committee, Inc, 444 Capitol Street, 8th Fl Washington, DC 20001		14,973.00	3,931.00
Joseph L. Lach, 1625 K Street, NW, #750 Washington, DC 20006	Manville Corporation	500.00	
Marc E. Lackritz, 1000 Vermont Ave., NW, #800 Washington, DC 20005	Securities Industry Assn	6,346.00	
John D. Lacopo, 1331 Pennsylvania Ave., NW, #1300 Washington, DC 20004	EDS Corporation	144.00	
Richard L. Ladd, 1 Massachusetts Ave. NW, #800 Washington, DC 20001	Allied-Signal Aerospace Co, Inc	2,580.00	2,668.01
Robert A. Ladig, Scott Plaza Philadelphia, PA 19113	Scott Paper Co	1,850.00	788.82
Myron F. Laible, 1212 New York Ave., NW #1210 Washington, DC 20005	Outdoor Advertising Assn of America, Inc		
Nick L. Laird, 1050 17th Street, NW, #550 Washington, DC 20036	Electric Reliability Coalition		
Gerard F. Lamb, 2341 Jefferson Davis Hwy, #1100 Arlington, VA 22202	Bath Iron Works Corp	5,000.00	
Robert Lamb, 1627 Eye St., NW, #1000 Washington, DC 20006	McGuire Woods Battle & Boothe (For:Occidental Chemical Corp)		
Do	Potlatch Corp		
Do	McGuire Woods Battle & Boothe (For:Solite Corp)	5,000.00	
Do	McGuire Woods Battle & Boothe (For:Specialty Coatings Group, Inc)		
Do	McGuire Woods Battle & Boothe (For:Sun Co, Inc)		
David F. Lambert III, P.O. Box 1417-D49 Alexandria, VA 22313	National Assn of Chain Drug Stores	500.00	
David P. Lambert, 1800 K St., NW, #1100 Washington, DC 20006	New York Stock Exchange, Inc		
David R. Lambert, 1030 15th St., NW, #964 Washington, DC 20005	American Seed Trade Assn	5,000.00	
Lester P. Lamm, 1776 Massachusetts Avenue, NW Washington, DC 20036	Highway Users Federation for Safety & Mobility	300.00	40.00
Robert Joseph Lamoureux, 1735 Jefferson Davis Highway Arlington, VA 22202	McDonnell Douglas Corp	1,422.50	
Jennifer Lamson, 2030 M Street, NW Washington, DC 20036	Common Cause	7,189.81	605.28
Jill Lancelot, 7100 Sycamore Avenue Takoma Park, MD 20912	National Taxpayers Union	5,192.00	
Dina Moses Land, 1764 Old Meadow Lane, #350 McLean, VA 22102	American Frozen Food Institute	500.00	
L. Charles Landgraf, 1333 New Hampshire Avenue, NW Washington, DC 20036	Leboeuf Lamb Leiby & MacRae		
Robert D. Landis, 777 14th St., NW Washington, DC 20005	National Assn of Realtors	8,000.00	
Scott H. Lane, 412 First Street, SE Washington, DC 20003	National Automobile Dealers Assn	3,300.00	
Adrienne C. Lang, 1101 Vermont Ave, NW, #606 Washington, DC 20005	American Soc of Anesthesiologists	15,000.00	
Marily J. Langill, 1275 K Street, NW, #400 Washington, DC 20005	Society of the Plastics Industry, Inc		
Roger W. Langsdorf, 1600 M Street, NW Washington, DC 20036	ITT Corporation	5,000.00	10.00
Robin W. Lanier, 1901 Pennsylvania Ave., NW, #200 Washington, DC 20006	International Mass Retail Assn	9,000.00	
Fern M. Lapidus, 6736 Hillandale Road Chevy Chase, MD 20815	Association of Proprietary Colleges	12,000.00	1,780.73
Do	Education Legislative Services, Inc	6,000.00	130.37
Peter J. Larkin, 1750 K Street, NW Washington, DC 20006	Food Marketing Institute	200.00	
Richard Eugene Larochelle, 1800 Massachusetts Ave., NW Washington, DC 20036	National Rural Electric Cooperative Assn	905.00	
Christopher D. Larsen, 600 Pennsylvania Ave., SE, #200 Washington, DC 20003	Independent Insurance Agents of America, Inc (IIAA)	8,212.00	
Mary Ellen Larson, 1513 16th Sreet, NW Washington, DC 20036	Air Conditioning Contractors of America	1,250.00	
Reed E. Larson, 8001 Braddock Road, #600 Springfield, VA 22160	National Right to Work Committee		
Warren Lasko, 1125 15th Street, NW Washington, DC 20005	Mortgage Bankers Assn of America		
Delbert L. Latta, 516 Hillcrest Dr. Bowling Green, OH 43402	Calderon Clean Coal Technology, Inc		442.54
Do	Glasstech, Inc	9,000.00	840.83
Do	Harold & Ronald McMaster DBA McMaster Motors		
K.P. Lau, 410 First Street, SE Washington, DC 20003	American Nuclear Energy Council	6,490.29	894.74
Karl F. Lauenstein, 1745 Jefferson Davis Highway, #1000 Arlington, VA 22202	General Dynamics Corp	1,000.00	850.30
Nicole Laughlin, 444 North Capitol Street, #711 Washington, DC 20001	Dallas Area Rapid Transit	500.00	
Terry K. Laughlin, One Thomas Circle, NW, #900 Washington, DC 20005	Electro Design Manufacturing		
Lorraine Lavet, 1615 H St., NW Washington, DC 20062	Chamber of Commerce of the U.S.	16,000.00	48.00
Lewis Lavine, 200 Fourth Avenue North Mezzanine Nashville, TN 37219	Ingram Group (For:Education Corp of America)	8,542.00	
Kathryn M. Lavriha, P.O. Box 1417-D49 Alexandria, VA 22313	National Assn of Chain Drug Stores, Inc	500.00	
Elizabeth Kepley Law, 700 13th Street, NW, #500 Washington, DC 20005	Focus on the Family	8,222.67	
Law Offices of Deborah Steelman, Columbia Square 555 13th Street, NW, #1220 East Washington, DC 20004-1109	AEtna Life & Casualty	3,275.00	14,813.00
Do	Blue Cross & Blue Shield of Missouri	600.00	
Do	Grocery Manufacturers of America, Inc	300.00	1,675.00
Do	Johnson & Johnson	1,200.00	11,462.50
Do	Lockheed Corp	600.00	
Do	National Assn for the Support of Long Term Care	900.00	7,250.50
Do	National Health Labs, Inc	900.00	4,385.00
Do	Pfizer, Inc	1,200.00	10,390.00
Do	Pharmaceutical Manufacturers Assn	1,200.00	10,892.50
Law Offices of Joe Vasapoli, 4820-B South 31st Street Arlington, VA 22206	Skadden Arps Slate Meagher & Flom	1,875.00	7,350.00
Jonathan Lawniczak, 1331 F St. , NW, Washington, DC 20005	National Council of Senior Citizens	5,000.00	
M. S. Lawrence, 40 Franklin Rd, SW P.O. 2021 Roanoke, VA 24022	Appalachian Power Company		
Bob Lawrence & Associates, 803 Prince St. Alexandria, VA 22314	Valmont Industries, Inc	13,500.00	1,760.00
Elizabeth Lawson, 1730 M Street, NW Washington, DC 20036	League of Women Voters of the U.S.	4,815.71	23.25
Keith Lawson, 1600 M Street, NW Washington, DC 20036	Investment Company Institute		
Richard L. Lawson, 1130 17th St., NW Washington, DC 20036	National Coal Assn	3,750.00	
Laxalt Corporation, 801 Pennsylvania Ave., NW, #747 Washington, DC 20004	Boone Co		
Do	Financial Services Coalition of America		
Do	Mesa Limited Partnership	2,000.00	
Do	Milliken & Company	2,560.00	
Do	Motion Picture Assn of America, Inc	1,500.00	
Do	Natural Gas Vehicle Coalition	2,560.00	
Do	Shernoff Bidart & Darras	1,000.00	
Paul Laxalt Group, 801 Pennsylvania Ave, NW, #750 Washington, DC 20004	Burlington Northern Railroad	2,000.00	
Do	Coalition for Affordable Housing	5,000.00	
Do	Generic Pharmaceutical Industry Assn, et al.	5,000.00	
Do	Harvey's Resort Hotel/Casino	2,000.00	
Do	Martin Marietta Corp	2,000.00	
Do	Milliken & Company	2,500.00	
Do	OPTUR	1,000.00	
Do	Standard Federal Savings Bank	5,000.00	
Do	Transcontinental Properties, Inc	2,000.00	
Randall R. LaBauve, P.O. Box 61000 New Orleans, LA 70161	Entergy Services, Inc	1,676.10	183.90
Sandra L. LaFevre, 1819 L St., NW, 7th Floor Washington, DC 20036	Reinsurance Assn of America		
William N. LaForge, 1150 Connecticut Ave., NW, #900 Washington, DC 20036	Battelle Memorial Institute		
Do	Coordination Council for North American Affairs		
Do	Paul Werth Associates, Inc (For:Grocery Manufacturers Assn)		

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Do	Paul Werth Associates, Inc (For:Von Roll America, Inc)	17,600.00	190.74
Sally Ann LaHue, 1101 15th Street, NW, #400 Washington, DC 20005	National Council of Community Bankers	13,000.00	366.41
Wayne R. LaPierre Jr., 1600 Rhode Island Ave., NW Washington, DC 20036	National Rifle Assn of America	3,570.00	2,000.00
Joan H. LaVor, 1957 E Street, NW Washington, DC 20006	Associated General Contractors of America		
Laurel Leach, 119 Oronoco Street P.O. Box 1417-D50 Alexandria, VA 22313-1480	Animal Health Institute	20.00	
League of American Investors, 600 Hampshire Road, #200 Westlake Village, CA 91361			
League of Women Voters of the U.S., 1730 M St., NW Washington, DC 20036		42,573.35	42,573.35
League to Save Lake Tahoe, 989 Tahoe Keys Blvd., #6 South Lake Tahoe, CA 96150			197.23
Edward R. Leahy, 1500 K Street, NW, #200 Washington, DC 20005	Thacher Proffitt & Wood (For:Capital Holding Corp)		
Do	Thacher Proffitt & Wood (For:Chicago Board Options Exchange)		
Bruce Lear, 600 Maryland Ave., SW Washington, DC 20024	American Farm Bureau Federation	5,891.00	126.10
Thomas B. Leary, Hogan & Hartson 555 13th St., NW Washington, DC 20004-1109	Business Roundtable		
Richard J. Lease, 2145 Boise Drive Las Cruces, NM 88001			
Marvin Leath, One Massachusetts Ave, #330 Washington, DC 20001	FMC Corp	3,000.00	
Do	General Dynamics Corp	3,000.00	
Do	Martin Marietta Corp	3,000.00	
Do	National Guard Assn	2,000.00	
Do	National Soft Drink Assn	3,000.00	
Do	Textron, Inc	3,000.00	
Wendy Lechner, 600 Maryland Ave., SW, #700 Washington, DC 20024	National Fed of Independent Business (NFIB)	3,401.75	100.00
Cara Lee, 9 Vassar Street Poughkeepsie, NY 12601	Scenic Hudson, Inc		
Peter A. Lefkin, 1730 Rhode Island Ave., NW, #1117 Washington, DC 20036	Fireman's Fund Insurance Cos	9,000.00	3,223.00
Marsha P. Lefkovits, 1455 Pennsylvania Ave., NW, #525 Washington, DC 20004	RJR Nabisco, Inc	1,320.00	1,198.09
Mary James Legatski, 1330 Connecticut Ave., NW, #300 Washington, DC 20036	Synthetic Organic Chemical Manufacturers Assn, Inc	500.00	4.50
Jack Legler, 1730 Rhode Island Ave., NW Washington, DC 20036	National Solid Wastes Management Assn	500.00	
G. Timothy Leighton, 1199 N. Fairfax Street, #801 Alexandria, VA 22314	National Assn of Truck Stop Operators, Inc		
Leighton & Regnery, 1667 K Street, NW Washington, DC 20006	American Dairy Products Institute		
Do	Cordage Institute		
Do	Visiting Nurse Assn of America	100.00	
Terry L. Leitzell, One Thomas Circle, NW, #900 Washington, DC 20005	Bogle & Gates (For:Wright Schuchart, Inc)	2,000.00	
Joseph L. Leitzinger, 1201 Third Ave., #4900 Seattle, WA 98101-3009	Simpson Investment Co	120.00	30.00
Robert A. Lembo, 1050 31st Street, NW Washington, DC 20007	Association of Trial Lawyers of America	2,000.00	100.00
David J. Lennett, P.O. Box 71 Litchfield, ME 04350	Environmental Defense Fund	4,875.00	840.55
Do	National Audubon Society	3,975.00	1,513.33
Burleigh C. W. Leonard, 1455 Pennsylvania Ave., NW, #525 Washington, DC 20004	RJR Nabisco, Inc	3,525.00	604.87
Earl T. Leonard Jr., P.O. Drawer 1734 Atlanta, GA 30301	Coca-Cola Company	4,004.00	3,040.95
Jerris Leonard, 1000 Thomas Jefferson St., NW, #609 . Washington, DC 20007	Leonard Ralston Stanton & Danks (For:Krueger, Inc)	17,073.32	
Lloyd Leonard, 1730 M St., NW Washington, DC 20036	League of Women Voters of the U.S.	6,743.20	84.00
Lepon McCarthy Jutkowitz & Holzworth, 1146 19th Street, NW, Third Floor Washington, DC 20036	Chilean Exporters' Assn		
Do	Scandinavian Airlines System		
Charles Leppert Jr., 801 Pennsylvania Avenue, NW, #720 Washington, DC 20004-2360	Procter & Gamble Co	125.00	
Richard L. Lesher, 1615 H St., NW Washington, DC 20062	U.S. Chamber of Commerce	225.00	
William Gene Lesher, 517 C Street, NE Washington, DC 20002	Lesher & Russell, Inc	17,500.00	
Lesher & Russell, Inc, 1919 S. Eads Street, #103 Arlington, VA 22202-3028	Dairy Farmers for Responsible Dairy Policy	35,000.00	35,000.00
Daniel Lesmez, 1800 Massachusetts Ave., NW Washington, DC 20036	National Rural Electric Cooperative Assn	85.00	
William J. Lessard Jr., 2000 K Street, NW, #800 Washington, DC 20006	National Comm to Preserve Social Security	3,969.00	
Gilbert B. Lessenco, 1025 Connecticut Ave., NW #500 Washington, DC 20036	Semmes Bowen & Semmes (For:Graco, Inc)	1,420.00	31.41
Dale Lestina, 1201 16th St., NW Washington, DC 20036	National Education Assn	3,753.35	1,123.00
Raymond D. Lett, 201 James Thurber Court Falls Church, VA 22046	Marxman & Associates, Inc		
Robert John Levering, 1101 17th St., NW, #705 Washington, DC 20036	Direct Marketing Assn	1,000.00	1,000.00
Robert B. Levethal, 1150 17th Street, NW, #400 Washington, DC 20036	AFL-CIO Maritime Committee		
Betsy Levin, 1201 Connecticut Avenue, NW, #800 Washington, DC 20036	Association of American Law Schools		
Barbara W. Levine, 1015 15th Street, NW Washington, DC 20005	American Public Health Assn	634.50	
Leonard B. Levine, 601 13th Street, NW, #350-S Washington, DC 20005	TransCanada PipeLines	4,800.00	412.00
Peter Levine, 2030 M Street, NW Washington, DC 20036	Common Cause	5,400.00	
Lawrence E. Levinson, 1875 Eye St., NW, #1225 Washington, DC 20006	Paramount Communications, Inc	3,000.00	500.00
Herbert J. Levy, 1614 King St. Alexandria, VA 22314	National Assn of Housing Cooperatives		
Roger N. Levy, 901 15th Street, NW, #520 Washington, DC 20005-2301	Travelers Companies	4,000.00	
Frank J. Lewis, 307 9th Terrace Indialantic, FL 32903	Harris Corporation		
Howard Lewis, 1331 Pennsylvania Ave., NW, #1500-N Washington, DC 20004-1703	National Assn of Manufacturers	2,000.00	100.00
Raymond A. Lewis, 815 Connecticit Ave., NW, #800 Washington, DC 20006	American Methanol Institute	3,000.00	25.00
Richard Lewis, 1025 Vermont Ave., NW Washington, DC 20005	American Pulpwood Assn		
Robert J. Lewis, 1875 Eye Street, NW, #800 Washington, DC 20006	Tobacco Institute	1,250.00	8.00
William H. Lewis, Morgan Lewis & Bockius 1800 M Street, NW Washington, DC 20036	U.S. Gypsum Co	1,000.00	50.00
John F. Leyden, 815 16th Street, NW, #308 Washington, DC 20006	Public Employee Department, AFL-CIO	5,465.60	
LeBoeuf Lamb Leiby & MacRae, 1875 Connecticut Avenue, NW Washington, DC 20009	Federal Employees Tax Group		
Do	Feibel-Garek Realtors/Environmental Standard Group		
Do	Groom & Nordberg (for: Chevron)		
Do	Maritrans Operating Partners, L.P.		
Do	Mirage Resorts, Inc		
Do	National Assn of Chemical Recyclers (NACR)		
Do	Physicians Insurers Assn of America		
Do	Underwriters at Lloyd's London		
Harris W. LeFew, 300 Pratt Street Luke, MD 21540-1099	Westvaco Corporation		
Lynn H. LeMaster, 701 Pennsylvania Ave., NW 4th Floor Washington, DC 20004	Edison Electric Institute	2,912.64	519.97
Roger J. LeMaster, 1001 Pennsylvania Ave., NW, Washington, DC 20004	American Council of Life Insurance, Inc	5,500.00	515.85
William J. Lhota, One Riverside Plaza Columbus, OH 43215	American Electric Power Service Corp		
Jack W. Liddle, 1735 Jefferson Davis Highway, #1200 Arlington, VA 22202	McDonnell Douglas Corp	40.00	
Robert Y. Lider, 1101 Pennsylvania Ave., NW, #1000 Washington, DC 20004	Citicorp Washington, Inc	500.00	
Richard A. Lidinsky Jr., 700 13th Street, NW, #220 Washington, DC 20005	Sea Containers America, Inc		
Diane S. Liebman, 1331 Pennsylvania Avenue, NW, #560 S Washington, DC 20004	CSX Corporation	4,500.00	927.71
Jennifer S. Lim, 1023 15th Street, NW, #300 Washington, DC 20005	American Veterinary Medical Assn		
Lincoln National Corp, 1300 South Clinton Street Fort Wayne, IN 46801			3,349.53
Karl W. Lindberg, 2322 Easter Lane New Orleans, LA 70114	Southern Forest Products Assn	2,625.00	
Roger Lindberg, 901 31st St., NW Washington, DC 20007	Hill & Knowlton (For:American Public Transit Assn)		
Do	Hill & Knowlton, Inc (For:Colonial Williamsburg)		
Do	Hill & Knowlton (For:Nintendo of America, Inc)		
Do	Hill & Knowlton, Inc (For:Olin Brass)		
Do	Hill & Knowlton, Inc (For:Republic of Turkey)		
Do	Hill & Knowlton, Inc (For:Shaklee Corporation)		
Lipe Green Paschal Trump & Gourley, P.C., 2100 Mid-Continent Tower 401 South Boston Avenue Tulsa, OK 74103	Thrifty Rent-A-Car System, Inc		1.20
Linda A. Lipsen, 2001 S Street, NW, #520 Washington, DC 20009	Consumers Union of U.S., Inc	2,160.00	
Thomas R. Litjen, 444 North Capitol Street, Suite 336 Washington, DC 20001		24,000.00	6,736.87
Barbara A. Little, 1155 15th St., NW, #611 Washington, DC 20005	Ethyl Corporation	1,000.00	
Jeanne Marie Little, 9300 Livingston Road Ft. Washington, MD 20744	National Tooling & Machining Assn	9,894.23	69.74
William F. Little, 1350 I Street, NW, #1000 Washington, DC 20007	Ford Motor Co	520.00	753.45
Little Sandy Hunting & Fishing Club, P.O.Box 6950 Longview, TX 75608			1,200.27
Roy E. Littlefield III, 1707 Pepper Tree Court Bowie, MD 20716	American Retreaders' Assn	250.00	
Do	Greater Washington/Maryland Service Station Assn	200.00	
E. Geoffrey Littlehale, 1500 K Street, NW, 650 Washington, DC 20005	Glaxo, Inc	2,000.00	
E. F. Livaudais Jr., 1333 New Hampshire Ave., NW Washington, DC 20036	Atlantic Richfield Co		
Robert W. Lively, 1850 K Street, NW, #1195 Washington, DC 20006	Schering-Plough	7,260.00	1,455.20
Livestock Marketing Association, 7509 Tiffany Springs Parkway Kansas City, MO 64153		33,500.00	27,625.00
Wingate Lloyd, 1600 M Street, NW Washington, DC 20036	ITT Corp	1,000.00	100.00
Lobby of American Witnesses (L.A.W.), 1206 Rennie Ave., #4 Richmond, VA 23227			265.00
Lobel Novins Lamont & Flug, 1275 K St., NW, #770 Washington, DC 20005	Generic Pharmaceutical Industry Assn	11,511.48	149.90
Do	San Francisco Bay Guardian		8.00
Michael A. Lobue, 1333 New Hampshire, NW Washington, DC 20036	Atlantic Richfield Company (ARCO)	110.00	
Paul Locigno, 2001 M Street NW Washington, DC 20036	Capitoline International Group Ltd (For:City of America)		
W. Timothy Locke, 499 S. Capitol Street, SW, #507 Washington, DC 20003	Hecht Spencer & Associates (For:Bixby Ranch Co)		
Do	Hecht Spencer & Associates (For:Boy Scouts of America)		
Do	Hecht Spencer & Associates (For:Brown & Williamson Tobacco Corp)		
Do	Hecht Spencer & Associates (For:Colton Communities, Inc)		
Do	Hecht Spencer & Associates (For:General Atomics)		

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Do	Hecht Spencer & Associates (For:Mars, Inc)		
Do	Hecht Spencer & Associates (For:Mid-American Waste Systems, Inc)		
Do	Hecht Spencer & Associates (For:MCI Telecommunications)		
Do	Hecht Spencer & Associates (For:National Automatic Merchandising Assn)		
Do	Hecht Spencer & Associates (For:Charles E. Smith Management, Inc)		
Debbie E. Locker, 3003 W. Dr. Martin Luther King Blvd. Tampa, FL 33607	St. Joseph's Health Care Center	6,749.50	1,105.60
Robert F. Lockhart Jr., 1155 15th Street, NW, #600 Washington, DC 20005	Pennzoil Company	720.10	
Stephen G. Lodge, 7900 Westpark Drive, #A-320 McLean, VA 22102	National Confectioners Assn	300.00	100.00
Thomas G. Loeffler, P.O. Box 2999 San Antonio, TX 78299-2999	McCamish Martin & Loeffler (For:American Golf Corp)	160.00	
Do	McCamish Martin Brown & Loeffler (For:Central & South West Corp)		
Do	McCamish Martin Brown & Loeffler (For:Citicorp)		
Do	McCamish Martin Brown & Loeffler (For:Electronic Data Systems Corp)		
Do	McCamish Martin Brown & Loeffler (For:Hong Kong Trade Development Council)	920.00	
Do	McCamish Martin Brown & Loeffler (For:National Assn of Broadcasters)	1,400.00	
Do	McCamish Martin Brown & Loeffler (For:Sematech)		
Do	McCamish Martin Brown & Loeffler (For:United Services Automobile Assn)		
William E. Loftus, 2000 Massachusetts Ave., NW Washington, DC 20036	American Short Line Railroad Assn		200.00
Lomurro Davison Eastman & Munoz P.A., 69 West Main Street Freehold, NJ 07728	Lomurro Davison Eastman & Munoz	2,724.00	
London & Satagaj, 1156 15th Street, NW, #510 Washington, DC 20005	Jewelers of America	6,000.00	
Do	National Home Furnishings Assn	6,000.00	
Do	Small Business Legislative Council	6,000.00	
Elizabeth Long, 1828 L Street, NW, #802 Washington, DC 20036	American Foundation for AIDS Research	1,000.00	58.30
G. Thomas Long, 1200 G Street, NW, #400 Washington, DC 20005	Health Industry Manufacturers Assn	1,190.00	167.39
Linda A. Long, 1156 15th Street, NW, #550 Washington, DC 20005	Montgomery McCracken Walker & Rhoads (For:Keene Corporation)	1,760.00	
Patricia Davitt Long, 1331 Pennsylvania Ave., NW, 1500 North Washington, DC 20004-1703	National Assn of Manufacturers	390.00	
Robert Michael Long, McElroy & Sullivan First State Bank Tower 400 West 15th Street Austin, TX 78701	American Telephone and Telegraph	40,000.00	3,514.70
Long Law Firm, 8550 United Plaza Blvd., #800 Baton Rouge, LA 70809	Baker Manufacturing Company, Inc		
Do	Employee Stock Ownership Assn		
Do	Greater New York Hospital Assn		
Do	Medical Infusion Management, Inc		
Do	Metropolitan Life Insurance Co	400.00	
Do	MicroGeneSys, Inc	3,600.00	
Do	Milliken & Co	1,200.00	
Do	Natural Gas Vehicle Coalition	5,800.00	
Do	United Companies Financial Corp	400.00	
Dennis Longoria, Central Power & Light Co P.O. Box 3400 Laredo, TX 78044	Central Power & Light Co		
Laura Loomis, 3030 N. Tuckahoe Street Arlington, VA 22213	National Parks & Conservation Association	90.12	
Peter A. Loomis, 1801 K St., NW Washington, DC 20006	NationsBank Corporation	1,500.00	200.00
Ann Looper, 1735 New York Avenue, NW Washington, DC 20006	American Institute of Architects	250.00	
Gerald D. Lore, 1300 I St., NW, Suite 520 West Washington, DC 20005	Hoffmann-La Roche, Inc		
Philip J. Loree, 50 Broadway New York, NY 10004	Federation of American Controlled Shipping	1,000.00	568.00
Robert E. Losch, P.C., 1716 New Hampshire Ave., NW Washington, DC 20009	American Dredging Co, et al.	18,229.00	4,182.96
Franklin W. Losey, 4301 North Fairfax Drive, #330 Arlington, VA 22203	Shipbuilders Council of America	1,000.00	
Bill Loughrey, One Technology Parkway Box 105600 Atlanta, GA 30348	Scientific-Atlanta	600.00	
Timothy Lovain, 3713 Gunston Road Alexandria, VA 22302	Denny Miller Associates	5,000.00	
Darrcy A. Loveland, 3 Rockledge Road Laguna Beach, CA 92651	American Art Therapy Assn		135.18
Do	American Dance Therapy Assn		135.18
Celia C. Lovell, 1500 K Street, NW, #375 Washington, DC 20005	Norfolk Southern Corp	1,000.00	
James Lovell, 20361 Middlebelt Livonia, MI 48152	National Hearing Aid Society		
Monica M. Lovell, 1331 Pennsylvania Ave., NW, #1500N Washington, DC 20004-1703	National Assn of Manufacturers	200.00	
Arthur M. Luby, 1300 L Street, NW, #200 Washington, DC 20005-4178	O'Donnell Schwartz & Anderson (For:Transport Workers Union of America, AFL-CIO).	10,000.00	350.00
Mrs. Freddie H. Lucas, 1660 L St., NW, Suite 400 Washington, DC 20036	General Motors Corp	3,000.00	2,337.26
William L. Lucas, 1100 15th Street, NW, #900 Washington, DC 20005	Pharmaceutical Manufacturers Assn	4,000.00	12.00
Michael S. Lucy, One Bowdoin Square Boston, MA 02114	J. Makowski Associates, Inc		
Kenneth M. Ludden, 888 16th Street, NW Washington, DC 20006	Bannerman & Associates, Inc (For:Beirut University College)		
Do	Bannerman & Associates, Inc (For:Embassy of the Republic of Djibouti)		
Do	Bannerman & Associates, Inc (For:Government of the United Arab Emirates)		
Do	Bannerman & Associates, Inc (For:Government of Egypt)	9,000.00	291.48
Mary Riddle Ludke, 1401 I Street, NW, #1200 Washington, DC 20005	Chevron USA, Inc	390.00	75.00
Leslie G. Ludwick, 1101 Vermont Avenue, NW Washington, DC 20005	American Medical Assn	3,750.00	
Carolyn A. Lugbill, 8200 Greensboro Drive, #302 McLean, VA 22102	National Glass Assn (NGA)	3,500.00	
David R. Lukens, 1957 E St., NW Washington, DC 20006	Associated General Contractors of America		
Sylvester Lukis, 24 Quincy Street Chevy Chase, MD 20815	Brevard County	9,000.00	
Do	City of Miami	18,750.00	
Do	City of Miami Beach	27,500.00	
Do	City of Palm Springs	10,000.00	
Do	Dade County, Florida	7,708.00	
Do	Florida Medical Center	20,000.00	
Do	School Board of Dade County, Florida	12,000.00	
J.C. Luman & Associates, 1030 15th Street, NW, #816 Washington, DC 20005	National Assn of Personnel Consultants		
Lumbermens Mutual Casualty Company, Long Grove, IL 60049			3,346.61
Lund & O'Brien, 1825 K St., NW, #1010 Washington, DC 20006	Pennsylvania Mines Corporation	846.00	26.10
Do	Pennsylvania Power & Light Co	2,080.00	226.82
Francis M. Lunnie Jr., 1331 Pennsylvania Ave., NW, #1500 N. Washington, DC 20004	National Assn of Manufacturers	3,000.00	
Beth Lyle-Durham, 2000 K Street, NW, #800 Washington, DC 20006	National Comm to Preserve Social Security & Medicare	1,598.00	
Howard T. Lyman, 600 Maryland Ave., SW, #202W Washington, DC 20024	Farmers' Educational & Co-Operative Union of America	10,561.91	438.85
Marshall L. Lynam, 101 D Street SE Washington, DC 20003	Dallas/Ft. Worth International Airport	20,000.00	
Do	Tandy Corp	10,500.00	
David H. Lynch, 777 14th Street, NW Washington, DC 20005	National Assn of Realtors	8,000.00	
Kevin A. Lynch, 1275 K Street, NW, #1100 Washington, DC 20005	PacifiCorp Electric Operations	690.00	2,597.39
Timothy P. Lynch, 1600 Wilson Blvd. #807 Arlington, VA 22209	Roadway Services, Inc	500.00	200.00
Robert A. Macari, 1747 Pennsylvania Avenue, NW, #900 Washington, DC 20006	Cablevision	23,400.00	
Do	Coffield Ungaretti Harris & Slavin (For:Comdisco, Inc)		
Do	Coffield Ungaretti Harris & Slavin (For:Metropolitan Mutual Life Insurance Co)	7,500.00	
Do	National Cooperative Bank		
Do	MMW Strategic Communications (For:Puerto Ricans in Civic Action)		
Do	Coffield Ungaretti Harris & Slavin (For:Smokeless Tobacco Council, Inc)	21,250.00	
James H. Mack, 7901 Westpark Dr. Mclean, VA 22102	AMT - The Assn for Manufacturing Technology	26,895.00	500.00
Thomas L. Mack, 13529 Haddonfield Lane Darnestown, MD 20878	Bechtel Group, Inc		
Olivia C. Mackin, 1776 Eye St., NW, #700 Washington, DC 20006	Phillips Petroleum Co	1,000.00	
Robert A. Macrory, c/o Alabama Petroleum Council P.O. Box 4220 Montgomery, AL 36103-4220	American Petroleum Institute	1,101.00	
Mark MacCarthy, 6305 32nd Street, NW Washington, DC 20015	Capital Cities/ABC, Inc	1,377.00	
Timothy MacCarthy, 750 17th Street, NW, #901 Washington, DC 20006	Nissan North America, Inc	15,000.00	
Gordan D. MacKay, 501 Boylston Street Boston, MA 02117	New England Mutual Life Insurance Co, ('The New England')	2,125.00	974.62
Robert MacKay, 901 East Capitol Street, SE, 2nd Floor Washington, DC 20003	American Assn for Counseling & Development		
Cliff Madison Government Relations, Inc., 1611 Landfall Drive Wilmington, NC 28403	Burbank-Glendale-Pasadena Airport Authority	7,500.00	
Do	Federal Express Corp	10,500.00	
Do	Los Angeles County Transportation Commission	24,999.00	
Do	Mark Air, Inc	18,000.00	
Do	Sarasota-Bradenton Airport	6,000.00	
Do	Ventura Port District	9,000.00	
Madison Public Affairs Group/Earle Palmer Brown, 2033 M Street, NW, #900 Washington, DC 20036	GE-Government Services	1,100.00	12.62
Do	Harbert Power Co		
Do	Home Owners Warranty Corp	50.00	
Do	Kraft General Foods	16,650.00	606.83
Do	National Power	7,100.00	265.45
Do	Northern States Power Company	10,837.50	850.93
Bill Magavern, 215 Pennsylvania Ave., SE Washington, DC 20003	U.S. Public Interest Research Group	7,000.00	
Magic Line, Inc, 23400 Michigan Avenue Dearborn, MI 48124-1999			
James N. Magill, 200 Maryland Avenue, NE Washington, DC 20002	Veterans of Foreign Wars of the U.S.	4,500.00	
Paul J. Magliocchetti, 2001 Jefferson Davis Highway Crystal Plaza I, Suite 405 Arlington, VA 22202	Paul J. Magliocchetti Associates, Inc (For:Hughes Aircraft Company)		
Do	Paul Magliocchetti Associates, Inc (For:United Technologies Corporation)		
James W. Magner, PWA-RAG Box 3938, Hwy., 81 West Hampton, GA 30228	Prisoners With AIDS-Rights Advocacy Group (PWA-RAG)		1,800.00

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
A. John Maguire, 1521 New Hampshire Avenue, NW Washington, DC 20036-1205	National Cotton Council of America	28,000.00	1,293.72
David L. Mahan, 1133 Connecticut Ave., NW Washington, DC 20036	DGA International, Inc (For:Societe Nationale D'Etude et de Const de Moteurs D'Aviation).		
Do	DGA International, Inc (For:Sofreavia)		
Jean Mahan, 2000 K Street, NW, #800 Washington, DC 20006	National Committee to Preserve Social Security & Medicare	4,015.00	
Alisa Learner Maher, 1100 Connecticut Ave., NW Washington, DC 20036	Chrysler Corporation	4,725.00	420.00
Linda F. Maher, 9000 Montgomery Ave Chevy Chase, MD 20815	Turner Broadcasting System, Inc	550.00	
Walter B. Maher, 1100 Connecticut Ave., NW, #900 Washington, DC 20036	Chrysler Corporation	1,998.00	463.00
Terence P. Mahony, 1331 Pennsylvania Ave., NW, #700 South Washington, DC 20004	National Broadcasting Co, Inc	500.00	348.76
Major League Baseball Players Assn, 805 Third Avenue New York, NY 10022			
Anthony S. Makris, 116 Waterford Place Alexandria, VA 22314	National Rifle Assn of America		
K. Wayne Malbon, 1250 I Street, NW, #400 Washington, DC 20005	National Tire Dealers & Retreaders Assn		
Andrew T. Malleck, 400 North Capitol St., NW, #852 Washington, DC 20001	Brotherhood of Maintenance of Way Employes	14,922.46	
Michelle Mallory, 453 New Jersey Ave., SE Washington, DC 20003	Beneficial Management Corp		
Claudia Malloy, 2030 M Street, NW Washington, DC 20036	Common Cause	5,152.53	
Lawrence R. Malone, 1211 Avenue of The Americas New York, NY 10036	Hoechst Celanese Corp		
Robert H. Maloney, 3900 Wisconsin Ave., NW Washington, DC 20016	Fannie Mae	2,500.00	1,356.37
Manatt Phelps Phillips & Kantor, 1200 New Hampshire Ave., NW, #200 Washington, DC 20036	Akhiok-Kaguyak, Inc		
Do	Appraisal Institute	495.00	81.90
Do	Bowling Proprietors Assn of America	107.50	
Do	California League of Savings Institutions	3,181.25	102.54
Do	Chemical Bank	687.50	68.36
Do	Coalition for Continued Correctional Education	5,106.25	44.00
Do	Dual Banking Coalition		
Do	EDU-DYNE Systems, Inc		
Do	Federal Express Corp	7,851.25	
Do	General Electric, et al.	300.00	
Do	Hansen Savings Bank SLA		
Do	Holden Group		
Do	L.A. Gear, Inc	1,031.25	9.00
Do	Melrose Company		
Do	Money Store		
Do	National Cable Television Assn, Inc	26,231.25	646.46
Do	Phillip Morris, Inc	10,587.50	513.89
Do	PriMerit Bank		
Do	Santa Fe Railroad		
Do	Thomas Cook, et al.		
Do	United Airlines, Inc		
Diane S. Mand, 1100 Connecticut Ave., NW, #310 Washington, DC 20036	Dresser Industries, Inc		
Susan Rachel Weiss Manes, 2030 M Street, NW Washington, DC 20036	Common Cause	15,221.26	114.50
Ted Maness, 1615 H Street, NW Washington, DC 20062	Chamber of Commerce of the U.S.	9,875.00	321.23
Peter T. Mangione, 1319 F Street, NW, #700 Washington, DC 20004	Footwear Retailers of America		
Frank Mankiewicz, 901 31st Street, NW Washington, DC 20007	Hill & Knowlton, Inc (For:Republic of Turkey)		
Do	Hill & Knowlton (For:Sallie Mae)		
Mary Jo Manning, 901 31st Street, NW Washington, DC 20007	Hill & Knowlton, Inc (For:Television Operators Caucus)	5,000.00	
Do	Hill & Knowlton, Inc (For:Thomson Consumer Electronics, Inc)		
Richard M. Manning, 1600 Rhode Island Ave., NW Washington, DC 20036	National Rifle Assn of America		
Cynthia Mansfield, 801 Pennsylvania Ave., NW, Suite 310 Washington, DC 20004	GPU Service Corporation	23,261.53	438.97
Mark Mansour, 1212 New York Avenue, NW, #300 Washington, DC 20005	National Assn of Arab Americans	12,500.00	797.00
Albert Manville II, 1244 19th Street, NW Washington, DC 20036	Defenders of Wildlife	121.90	7.50
Anthony Manzanares Jr., 1001 Pennsylvania Ave., NW Washington, DC 20004	American Council of Life Insurance, Inc		
John V. Maraney, 324 East Capitol St., NE Washington, DC 20003	National Star Route Mail Contractors Assn		
Marc Associates, Inc, 1101 17th Street, NW, #803 Washington, DC 20036-4704	Affiliated Leadership League of & for the Blind		
Do	American Assn of Colleges of Osteopathic Medicine	1,666.00	
Do	American College of Foot Surgeons	2,500.00	
Do	American Lithotripsy Society	1,000.00	
Do	American Soc for Gastrointestinal Endoscopy	2,500.00	
Do	American Soc of Anesthesiologists	8,000.00	
Do	American Soc of Clinical Pathology	5,000.00	
Do	American Soc of Hematology	1,000.00	
Do	American Urological Assn/Amer Assn of Clinical Urologists	5,500.00	
Do	Health Industry Manufacturers Assn (HME)	21,000.00	
Do	Health Industry Manufacturers Assn (IOL)		
Do	Helen Keller National Center	250.00	
Do	International Society for Cardiovascular Surgery/Soc Vas Sur	4,500.00	
Do	Los Angeles County Transportation Commission	8,000.00	
Do	Merck Sharp and Dohme	1,000.00	
Do	National Assn of Epilipsy Centers	2,000.00	
Do	National Coalition on Immune System Disorders		
Do	National Hemophilia Foundation	4,000.00	
Do	NI Industries	9,000.00	
Do	Recording for the Blind, Inc	1,000.00	
Do	Research Society on Alcoholism	2,000.00	
Do	Rorer Pharmaceutical Company		
Maritime Institute for Research & Industrial Development, 1133 15th St., NW, #600 Washington, DC 20005			22,087.37
Lawrence D. Markley, Rt. 1, Box 130-A Mt. Solon, VA 22843	Copper Valley Electric Assn	10,000.00	102.57
Do	INN Electric Cooperative	10,000.00	20.53
Do	Kotzbue Electric Association	600.00	
Marc L. Marks, 1227 25th Street, NW Washington, DC 20037	Westinghouse Electric Corp		
Luther A. Markwart, 1156 15th St., NW, #1101 Washington, DC 20005	American Sugarbeet Growers Assn		
Ernest Robert Marlow, 1126 16th Street, NW, #200 Washington, DC 20036-1081	International Chemical Workers Union	2,500.00	
William G. Marqaritis, 1747 Pennsylvania Ave., NW, 3rd Flr Washington, DC 20006	Occidental Chemical Corp		
Chalmers H. Marquis, 3430 Blair Rd. Falls Church, VA 22041	Children's Television Workshop		
Julie Marsh, 2030 M Street, NW Washington, DC 20036	Common Cause	4,040.02	
Catherine A. Marshall, 2001 M Street, NW Washington, DC 20036	Capitoline International Group, Ltd. (For:Professional Lawn Care Assn of America).		
Do	Capitoline International Group, Ltd (For:Scott Paper Company)		
Cynthia L. Martin, 1215 Jefferson Davis Hwy., #1004 Arlington, VA 22202	Diagnostic Retrieval Systems, Inc	6,500.00	
David F. Martin, Plumbing Manufacturers Institute 1655 N. Ft. Myer Drive, #700 Arlington, VA 22209	CM Services, Inc.	500.00	
E. Lee Martin, 1667 K Street, NW, #1000 Washington, DC 20006	Southwestern Bell Corp		
Fred J. Martin Jr., 1101 17th Street, NW, #1002 Washington, DC 20036	Bank of America	2,091.30	4,496.94
Katherine E. Martin, 50 F Street, NW Washington, DC 20001	Association of American Railroads	784.16	376.72
Larry K. Martin, 2500 Wilson Blvd. #301 Arlington, VA 22201	American Apparel Manufacturers Assn, Inc	2,600.00	75.00
Susan Roeder Martin, 700 Universe Boulevard, Rm. 3074 Juno, FL 33408	Florida Power & Light Co		500.36
Joseph J. Martyak, 655 15th Street, NW, #225 Washington, DC 20005	Rhone-Poulenc, Inc		
Michael Marvin, 777 North Capitol Street, NE, Suite 805 Washington, DC 20002	American Wind Energy Assn	16,000.00	174.56
Maryland People's Counsel, 231 E. Baltimore Street, 9th Fl. Baltimore, MD 21202			
Robert A. Marzocchi, 15 Mountain View Road Warren, NJ 07061	Chubb & Son, Inc		
Mark A. Maslyn, 600 Maryland Avenue, SW Washington, DC 20024	American Farm Bureau Federation	7,913.00	300.06
Arthur K. Mason, 1220 19th Street, NW, #700 Washington, DC 20036	Robins Kaplan Miller & Ciresi (For:Assn of the United States Army)		
Glen David Mason, 1101 Vermont Ave., NW, #604 Washington, DC 20005	College of American Pathologists	6,354.00	
Michael J. Mason, 1220 L St., NW Washington, DC 20005	American Petroleum Institute	8,000.00	75.50
Ned W. Massee, 299 Park Avenue 13th Floor New York, NY 10171	Westvaco Corporation		
Daniel J. Massey, Huntington Center 41 South High Street Columbus, OH 43215-3406	Centerior Energy Corp		
Donald F. Massey, 901 31st Street, NW Washington, DC 20007	Hill & Knowlton (For:ARA Services)		
Do	Hill & Knowlton, Inc (For:Colonial Williamsburg)		
Do	Hill & Knowlton, Inc (For:Ferruzzi Group)		
Do	Gerber Products Corp		
Do	Hill and Knowlton, Inc (For:Nintendo of America, Inc)		
Do	Hill & Knowlton, Inc (For:Republic of Turkey)		
James D. Massie, 1317 F Street, NW, #400 Washington, DC 20004	R. Duffy Wall & Associates	1,250.00	
Sandra Masur, 1776 Eye Street, NW, #1050 Washington, DC 20006	Eastman Kodak Company		
Noel D. Matchett, 1001 Spring St., #123 Silver Spring, MD 20910	Information Security, Inc	10.00	
Mary Cheryl Matheis, 1909 K Street, NW Washington, DC 20049	American Assn of Retired Persons	785.44	

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Dawson Mathis, 1900 L Street, NW, #250 Washington, DC 20036	Dawson Mathis and Associates (For:AT&T)	1,000.00	
Do	Dawson Mathis & Associates (For:Crowley Maritime Corp)	1,000.00	
Do	Dawson Mathis & Associates (For:Massachusetts Mutual Life Insurance Co)	5,000.00	
Do	Dawson Mathis and Associates (For:Metropolitan Insurance Company)	2,500.00	
Do	United Parcel Service	3,000.00	
Joel D. Mathis, 3819 Ft. Hill Drive Alexandria, VA 22310	Jim Whitehead & Associates		
Dawson Mathis & Associates, 1900 L Street, NW Suite 300 Washington, DC 20036	AT&T	1,000.00	
Do	Crowley Maritime Corp	1,000.00	
Do	Massachusetts Mutual Life Insurance Co	5,000.00	
Do	Metropolitan Insurance Company	2,500.00	
Charles D. Matthews, 1120 G Street, NW, #900 Washington, DC 20005	National Ocean Industries Assn	2,375.00	
Robert A. Matthews, 700 North Fairfax St. Alexandria, VA 22314	Railway Progress Institute	1,348.63	
Suzette Matthews, Arlington Courthouse Plaza II 2300 Clarendon Boulevard, #711 Arlington, VA 22201	Air Traffic Control Assn, Inc	2,653.10	
Joseph M. Mattingly, 1901 North Moore Street, #1100 Arlington, VA 22209	Gas Appliance Manufacturers Assn, Inc		
Harry D. Mattison, P.O.Box 660164 Dallas, TX 75266-0164	Central & South West Corporation		
Daniel J. Mattoon, 1133 21st St., NW, #900 Washington, DC 20036	BellSouth Corp	3,162.50	405.40
William C. Mattox, 1700 Pennsylvania Avenue, NW Washington, DC 20006	Mutual of Omaha	625.00	
Marshall L. Matz, 888 17th Street, NW, #900 Washington, DC 20006	American School Food Service Assn	9,000.00	409.35
Do	Holland & Knight (For:City of Orlando)	2,250.00	
Do	Holland & Knight (For:Electronic Data Systems Corp)		
Robert V. Maudlin, 1511 K Street, NW Washington, DC 20005	C.V. & R.V Maudlin (For:Southern Company Services, Inc)	550.00	110.00
William W. Maurer, 1745 Jefferson Davis Highway, #1000 Arlington, VA 22202	General Dynamics Corp	1,000.00	838.00
Michael Mawby, 2030 M Street, NW Washington, DC 20036	Common Cause	14,155.86	100.75
William A. Maxwell, 311 First Street, NW, #500 Washington, DC 20001	Computer & Business Equipment Manufacturers Assn		
James C. May, 1771 N Street, NW Washington, DC 20036	National Assn of Broadcasters	30,000.00	18.00
Peter G. Mayberry, 1001 G Street, NW, #500 West Washington, DC 20001	Keller and Heckman (For:INDA (Association of the Nonwoven Fabrics Industry))		
Arnold Mayer, 4609 30th Street, NW Washington, DC 20008	Oil Chemical & Atomic Workers International Union	7,500.00	875.00
Joseph T. Mayer, 1745 Jefferson Davis Hwy., #1200 Arlington, VA 22202	Rockwell International Corp	18,135.00	4,324.92
Mayer Brown & Platt, 2000 Pennsylvania Avenue, NW, #6500 Washington, DC 20006	Accountants' Liability Assurance Co, Ltd		
Do	Arthur Andersen & Co, Coopers & Lybrand, DeLoitte & Touche		
Do	Attorneys' Liability Assurance Society Ltd		
Do	Black & Decker Corporation	87.50	
Do	Brunswick Corp	350.00	272.12
Do	Cabot Partners Limited Partnership		
Do	Comdisco, Inc		
Do	Continental Bank, N.A.		3,289.75
Do	First Chicago Corp		
Do	FMC Corporation		
Do	GATX Corporation	350.00	272.12
Do	Household Commercial Financial Services, Inc		
Do	Inland Steel Corp		
Do	JMB Realty Corp		
Do	LaSalle Partners, Inc		
Do	Lehndorff & Babson Real Estate Counsel		
Do	Mayer Brown & Platt Sentencing Commission Coalition		
Do	Merrill Lynch Capital Markets		
Do	Morton International	350.00	272.12
Do	Nalco Chemical Co		
Do	NICOR, Inc		
Do	Outboard Marine Corporation		
Do	Product Liability Coordinating Council		
Do	Quaker Oats Company	350.00	272.12
Do	RJR Nabisco, Inc		
Do	Santa Fe Pacific Corp		100.30
Do	Sara Lee Corporation		
Do	Sears Roebuck & Co		
Do	Solid Waste Agency of Northern Cook County		
Do	Tele-Communications, Inc		
Do	Vulcan Materials Company, Midwest Division		
Martin Mayfield, 8001 Braddock Road Springfield, VA 22160	National Right to Work Committee	998.00	373.35
Maurice W. Maynard, 44 Fifth Avenue Brooklyn, NY 11217			
Jeffrey G. Mays, 1505 Prince Street, Suite 300 Alexandria, VA 22314	American Optometric Assn		
H. Wesley McAden, 1155 15th St., NW, #504 Washington, DC 20005	J. G. Boswell Co	3,000.00	
Do	New York Cotton Exchange	2,000.00	
Do	Supima Association of America	2,000.00	
Timothy McAnarney, 413 West Edwards Springfield, IL 62704	Philip Morris, Inc	2,250.00	
Rebecca Craford McAuliffe, 1000 Vermont Ave., NW, #800 Washington, DC 20005	Public Securities Assn	3,500.00	845.40
McAuliffe Kelly & Raffaelli, 1341 G Street, NW, 2nd Floor Washington, DC 20005	Bay Area Rapid Transit District	13,794.00	
Do	Cellular Telecommunications Industry Assn	281.25	
Do	Chabot Observatory & Science Center	300.00	
Do	City of Chattanooga	450.00	
Do	Council of American Overseas Research Centers	100.00	
Do	Desert Research Institute		
Do	Electronic Data Systems Corp		
Do	Harker Firm (For: International Bottled Water Assn)	11,250.00	
Do	International Franchise Assn	9,000.00	
Do	Johnson Controls, Inc	1,000.00	
Do	Kamm & Associates, Ltd	1,800.00	
Do	Merritt Peralta Medical Center	5,000.00	
Do	Washoe County		
Ann McBride, 2030 M St., NW Washington, DC 20036	Common Cause	16,995.54	135.00
Susan P. McCaffrey, 1828 N. Meridian Indianapolis, IN 46202	Community Service Council of Central IN, Inc	10.70	
John D. McCallum, 1900 Pennsylvania Ave., NW Washington, DC 20068	Potomac Electric Power Co	40.63	
McCamish Martin & Loeffler, P.C., Suite 1290 East 555 13th Street, NW Washington, DC 20004	American Golf Corp	900.00	920.00
Do	Central & South West Corp	900.00	1,392.50
Do	Citicorp		
Do	Electronic Data Systems Corp		
Do	Hong Kong Trade Development Council	2,200.00	2,521.25
Do	National Assn of Broadcasters	2,975.00	3,485.00
Do	Newman Lumber Company	500.00	625.00
Do	Sematech		
Do	South West Florida Enterprises, Inc		
Do	United States Automobile Assn		
Katherine S. McCarter, 1015 15th Street, NW Washington, DC 20005	American Public Health Assn	2,566.00	
Carolyn Kim McCarthy, 1455 Pennsylvania Ave., NW, #500 Washington, DC 20004	MetPath, Inc	30,000.00	1,000.00
James A. McCarthy, 1711 King Street, #One Alexandria, VA 22314	Snack Food Assn		
John B. McCarthy, 1023 15th Street, NW #300 Washington, DC 20005	American Veterinary Medical Assn		
Luckie L. McClintock, 901 Massachusetts Ave., NW Washington, DC 20001	United Assn of Journeymen & Apprentices of the P. & P.F.I.	6,000.00	1,119.00
Donald N. McClure Jr., 1500 N. Second St. Harrisburg, PA 17102	Pennsylvania Assn of Home Health Agencies	9,325.00	537.59
McClure & Trotter, 1100 Connecticut Ave., NW, #600 Washington, DC 20036	Coca-Cola Company	737.00	90.00
Do	Coca-Cola Enterprises, Inc		
Do	MetFuel, Inc		30.31
Do	Motion Picture Assn America, Inc	293.13	51.97
Do	Paramount Communications, Inc	1,017.56	22.78
Do	Perpetual Corp		17.55
Do	Rank Video Services America	992.44	32.91
McClure Gerard & Neuenschwander, Inc, 801 Pennsylvania Ave., NW, #820 Washington, DC 20004-2604	America Mining Congress	540.63	
Do	Asarco, Inc	540.63	
Do	Barrick Resources (USA, Inc)	540.63	
Do	Brush Wellman, Inc	540.63	
Do	Coeur d'Alene Mines Corp	540.63	
Do	Cray Research, Inc		
Do	Crown Butte Mines, Inc	540.63	
Do	Electric Reliability Coalition	900.00	

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Do	FMC Corp		
Do	General Atomics		
Do	Hecla Mines	540.63	
Do	Idaho Power Company		
Do	Lockheed Corp		
Do	National Rifle Assn		
Do	Pacific Gas Transmission Gas Company	575.00	
Do	Phelps Dodge Corp	540.63	
Do	Potlatch Corp		
Do	World Cup USA 1994, Inc	1,600.00	
Robert S. McConnaughey, 1001 Pennsylvania Ave., NW Washington, DC 20004	American Council of Life Insurance, Inc		
Judith A. McCormick, 1120 Connecticut Ave., NW Washington, DC 20036	American Bankers Assn		
Maryanne McCormick, 1455 Pennsylvania Avenue, NW Washington, DC 20004-1007	American Institute of Certified Public Accountants	5,000.00	1,299.71
Todd McCracken, 1155 15th Street, NW, #710 Washington, DC 20005	National Small Business United	8,125.00	
Carol A. McDaid, 655 15th Street, NW, #350 Washington, DC 20005	Blue Cross & Blue Shield Assn	2,500.00	767.44
John McDavitt, 2000 K St., NW, 8th Floor Washington, DC 20006	National Comm to Preserve Social Security & Medicare	3,472.00	
Charles J. McDermott, 1155 Connecticut Ave., NW Washington, DC 20036	Waste Management, Inc	3,550.00	703.75
Daniel J. McDermott, 1155 Connecticut Ave, NW, #500 Washington, DC 20036	Capital Holding Corp	1,875.00	
Marianne McDermott, 1350 New York Avenue, NW, #615 Washington, DC 20005	Resources for Group Management, Inc (For:Greeting Card Assn)		
McDermott Will & Emery, 1850 K St., NW, #500 Washington, DC 20006-2296	Alaska Seafood Marketing Institute	175.00	
Do	American Dental Hygienists Assn		
Do	American Imaging Assn		
Do	American Meat Institute		
Do	American Soc of Outpatient Surgeons		
Do	Association of American Vintners		
Do	California Avocado Commission	4,856.00	765.00
Do	California Canning Peach Assn	4,637.00	105.00
Do	California Children's Hospital Assn		
Do	California Energy Commission	6,387.00	
Do	California Kiwifruit Commission		
Do	California Raisin Advisory Board	13,650.00	456.00
Do	Fargo Clinic	2,500.00	
Do	Good Sam Club	87.00	
Do	Dorothy Holt Estate		
Do	Juvenile Diabetes Foundation, International		
Do	Marshfield Clinic	2,500.00	
Do	Minor Crop Farmer Alliance	19,600.00	
Do	National Grocers Assn		
Do	National Potato Council	1,312.00	18.00
Do	Outpatient Opthalmic Surgery Society		
Do	Peter Plocki		
Do	Public Employees Retirement Assn of Colorado		
Do	Tropicana	262.00	
Do	U.S. Mink Export Development Council	4,637.00	222.00
Do	Welch Foods, Inc	1,487.00	
Craig McDonald, 215 Pennsylvania Ave., SE Washington, DC 20003	Public Citizen, Inc	1,000.00	
Jack McDonald, 901 15th Street, NW, #700 Washington, DC 20005-2301	Dow Corning Corp	3,500.00	12.00
Do	National Comm to Preserve Social Security & Medicare	5,000.00	25.00
Do	Outboard Marine Corp	7,500.00	25.00
James E. McDonald, 410 First Street, SE, 3rd Floor Washington, DC 20003	American Nuclear Energy Council (ANEC)	1,310.56	184.03
Michael D. McDonald, Maryland Petroleum Council 60 West St., #403 Annapolis, MD 21401	American Petroleum Institute		
John P. McDonough, 99 Commerce Place Upper Marlboro, MD 20772	O'Malley & Miles (For:National Hockey League)	7,476.48	
Marian E. McDowell, 1275 Pennsylvania Ave., NW, 4th Floor Washington, DC 20004	Pacific Telesis Group	7,725.00	
Raymond McElroy, 5600 Collins Ave #16A Miami, FL 33139	R. F. McElroy & Co. (For:R. F. M. Construction Inc)		
Robert H. McFadden, 1620 Eye Street, NW, #1000 Washington, DC 20006	Motor Vehicle Manufacturers Assn of the U.S., Inc	4,080.00	
Pat L. McFerron, 1776 Eye Street, NW, #700 Washington, DC 20006	Phillips Petroleum Company	250.00	
Paul J. McGeady, 27 Hampton Place Nutley, NJ 07110	Morality in Media, Inc	150.68	
Becky McGee, P.O. Box 2880 Dallas, TX 75221-2880	Oryx Energy Company	500.00	
Donna Lee McGee, 1001 Connecticut Ave., #701 Washington, DC 20036	Burlington Industries, Inc		
Meredith McGehee, 2030 M St., NW Washington, DC 20036	Common Cause	11,425.02	29.00
Patricia McGill, 600 Martland Ave., NW, 100 West Washington, DC 20024-2571	American Nurses' Assn	5,355.00	100.38
Patricia G. McGinnis, Francis McGinnis & Rees 1000 Potomac St., NW, #401 Washington, DC 20007	California State Dept of Education	42,000.00	32,769.43
Robert M. McGlotten, 815 16th St., NW Washington, DC 20006	American Fed of Labor & Congress of Industrial Organizations	20,405.71	1,917.82
Michael McGovern, P.O. Box 916404 Longwood, FL 32791-6404	Towing & Recovery Assn of America, Inc	600.00	
Phyllis M. McGovern, 1875 Eye Street, NW, #800 Washington, DC 20006	Tobacco Institute		
Joseph M. McGrail, 52 Washington Ave. Williamstown, NJ 08094	Aircraft Owners & Pilots Assn		
Do	Avitas, Inc		
Do	AT&T Federal Systems		
Daniel H. McGrath, 1000 Wilson Boulevard, #2300 Arlington, VA 22209	Northrop Corp		
Sheryl Peterson McGrath, 919 18th Street, NW Washington, DC 20006	American Financial Services Assn	250.00	
Kevin S. McGuiness, 400 North Capitol Street, NW, #585 Washington, DC 20001	McGuiness & Holch (For:Arch Mineral)	8,775.00	
Do	McGuiness & Holch (For:Barr Laboratories)	1,462.50	
Do	McGuiness & Holch (For:Conrail)	900.00	
Do	McGuiness & Holch (For:RJR Nabisco)	675.00	
McGuiness & Williams, 1015 15th Street, NW, #1200 Washington, DC 20005	American Sod Producers Assn	562.50	55.13
Do	Workers Compensation Integrity Stability & Equity (WISE)		33.00
Joseph M. McGuire, 1501 Wilson Boulevard, #600 Arlington, VA 22209	Air Conditioning & Refrigeration Institute		
Susan G. McGuire, P.O. Box 464 Cedar Crest, NM 87008	Bailey Morris & Robinson (for: Jack Eckerd Corp)		
Do	National Center on Education & the Economy	21,000.00	15,346.23
McHenry & Staffier, P.C., 1300 19th St., NW, #408 Washington, DC 20036	Foothills Pipe Lines Ltd	117.50	
Patrick J. McHugh, c/o NYS Petroleum Council 150 State Street Albany, NY 12207	American Petroleum Institute	250.00	
James E. McInerney Jr., 122 C Street, NW, #740 Washington, DC 20001	American League for Exports & Security Assistance, Inc	1,180.00	
Robert McIntyre, 1313 L St., NW Washington, DC 20005	Citizens for Tax Justice	11,105.75	
McIntyre Kahn & Kruse Co., L.P.A., The Galleria & Towers At Erieview 1301 East Ninth Street, #1200 Cleveland, OH 44114			
John J. McKechnie III, 805 15th St., NW, #300 Washington, DC 20005	Credit Union National Assn, Inc	2,500.00	
Thomas J. McKee, 1000 Wilson Boulevard, #2800 Arlington, VA 22209	Grumman Corporation	625.00	69.63
McKenna & Cuneo, 1575 Eye Street, NW Washington, DC 20005	Cigar Assn of America, Inc		
Do	Fertilizer Institute	360.00	
Jan E. McKenzie, 701 Pennsylvania Avenue, NW Washington, DC 20004	Edison Electric Institute	3,497.25	312.50
F.J. McKeown, 1725 Jefferson Davis Highway, #900 Arlington, VA 22202	LTV Aerospace & Defense Company	2,500.00	125.00
William Colm McKeveny, Chadbourne Park Law Firm 30 Rockefeller Plaza New York, NY 10112	American Pulpwood Assn		
McKevitt Group, 1101 16th Street, NW, #333 Washington, DC 20036	Kelly Services, Inc	8,200.00	591.40
Do	ORACLE Corporation		
Gerald J. McKiernan, 2200 Mill Road Alexandria, VA 22314	American Trucking Assns, Inc	15,000.00	
C. A. 'Mack' McKinney, 225 North Washington Street Alexandria, VA 22314	Non Commissioned Officers Assn of the USA	11,500.00	383.30
Bernard A. McKinnon, 1757 N Street, NW Washington, DC 20036	United Automobile Aerospace & Agricultural Implement Workers	8,164.08	144.55
Monette McKinnon, 2000 K Street, NW, 8th Floor Washington, DC 20006	National Comm to Preserve Social Security & Medicare	2,632.00	
Timothy P. McKone, 600 Pennsylvania Ave., SE, #200 Washington, DC 20003	Independent Insurance Agents of America, Inc	10,769.00	
Patrick M. McLain, 1000 Vermont Avenue, NW, #1000 Washington, DC 20005	Rowan & Blewitt, Inc (For:American Assn of Blood Banks)	812.50	
Do	Rowan & Blewitt, Inc (For:C.R. Bard, Inc)	1,250.00	
Do	Rowan & Blewitt, Inc (For:Bristol-Myers Squibb Company)	312.50	
Do	Rowan & Blewitt, Inc (For:Centocor, Inc)	187.50	
Do	Rowan & Blewitt Inc (For:Medtronic, Inc)	937.50	
Do	Rowan & Blewitt, Inc (For:Par Pharmaceutical, Inc)	17,187.50	
Do	Rowan & Blewitt, Inc (For:Rhone-Poulenc Rorer)	250.00	
Do	Rowan & Blewitt, Inc (For:Upjohn Company)	16,187.50	
Francis X. McLaughlin Jr., 1111 14th Street, NW, #1100 Washington, DC 20005	American Dental Assn	712.00	20.00
James D. McLaughlin, 1120 Connecticut Ave., NW Washington, DC 20036	American Bankers Assn	2,300.00	
Lindsay McLaughlin, 1133 15th Street, NW Washington, DC 20005	ILWU	10,000.00	773.23
Thomas J. McLeod, 50 West Kellogg Boulevard St Paul, MN 55164	West Publishing Company		
Kevin Patrick McMahon, 1001 19th St. N., #800 Arlington, VA 22209	TRW, Inc	11,644.00	93.00
Thomas E. McMahon, 11718 Bowman Green Drive Reston, VA 22090	National Automatic Merchandising Assn	6,125.00	1,570.60
William F. McManus, 1331 Pennsylvania Avenue, NW Washington, DC 20004	General Electric Co	470.00	
P. E. McManus Associates, 513 Capitol Court, NE, #300 Washington, DC 20002	Hydroacoustics, Inc	50.00	

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Do	McDonnell Douglas Corp	150.00	
James D. McMillan, 1899 L St., NW, #1100 Washington, DC 20036	Exxon Corporation	900.00	25.00
Rachel A. McMillan, 1850 K Street, NW, Suite 950 Washington, DC 20006	McDermott, Inc	4,000.00	3,259.58
Molly McMorrow, 1350 I Street, NW, #840 Washington, DC 20005	Ralston Purina Company		
McNair Law Firm, P.A., 1155 15th Street, NW, #400 Washington, DC 20005	Allied-Signal, Inc		
Do	American University of the Caribbean		
Do	Association of Banks in Insurance (ABI)		
Do	Coalition for Auto Repair Equality		
Do	Georgia-Pacific Corp		
Do	International Assn for Financial Planning		
Do	New York State Bankers Assn		
Do	Norfolk Southern Corp		
Do	Phillips Petroleum Co		
Do	South Carolina Research Authority		
Do	State of Hawaii		
Do	Westinghouse Electric Corp		
Kathryn M. McNamara, 633 Pennsylvania Avenue, NW, #600 Washington, DC 20004	Dean Witter Reynolds, Inc	808.00	171.43
Laramie Faith McNamara, 1001 19th Street North, #800 Arlington, VA 22209	TRW, Inc	21,368.00	86.00
Michael J. McNamara, 2300 M Street, NW, #600 Washington, DC 20037	International Advisers, Inc (For:Embassy of Turkey)	6,737.50	118.82
Peter F. McNeish, 1199 N. Fairfax Street, #200 Alexandria, VA 22314	National Assn of Small Business Investment Cos	3,000.00	
John P. McNerney, 1957 E Street, NW Washington, DC 20006	Associated General Contractors of America		
John P. McNicholas, 8008 Westpark Drive McLean ton, VA 22102	Unisys Corp	1,000.00	1,128.33
Larry McNickle, 901 E Street, NW, #500 Washington, DC 20004-2873	American Assn of Homes for the Aging	665.00	
Molly McNulty, 122 C Street, NW, #400 Washington, DC 20001	Children's Defense Fund		
Michael J. McShane, 1001 19th Street North, #800 Arlington, VA 22209	TRW, Inc	14,400.00	3,761.00
Mary T. McSorley, 300 5th Street, NE Washington, DC 20002	American Osteopathic Assn	2,362.50	
Martha McSteen, 2000 K Street, NW, 8th Floor Washington, DC 20006	National Comm to Preserve Social Security	14,889.00	
Kathleen P. McTighe, 485 Lexington Ave. New York, NY 10017	New York State Bankers Assn	1,600.00	1,787.45
George G. Mead, 1908 Ednor Road Silver Spring, MD 20905	National Beer Wholesalers Assn	1,500.00	
Do	Norfolk Southern Corp	1,500.00	
Do	North American Van Lines, Inc	1,500.00	
Leslie S. Mead, 50 F Street, NW, #900 Washington, DC 20001	National Council of Farmer Cooperatives	63.00	
James Meadows, 600 Congress Ave., #1360 Austin, TX 78701	Capital Network System, Inc	1,200.00	
John K. Meagher, 1875 Connecticut Avenue, NW, 12th Floor Washington, DC 20009	LeBoeuf Lamb Leiby & MacRae (For:Chevron)		
Do	Leboeuf Lamb Leiby & MacRae (For:Federal Employees Tax Group)		
Do	LeBoeuf Lamb Leiby & MacRae (For:Feibel-Garek/Environmental Standard Group).		
Do	LeBoeuf Lamb Leiby & MacRae (For:Mirage Resorts, Inc)		
Do	National Assn of Chem Recyclers (NACR)		
Do	LeBoeuf Lamb Leiby & MacRae (For:Physicians Insurance Assn of America)		
Francis X. Meaney, 701 Pennsylvania Avenue, NW Washington, DC 20004	Mintz Levin Cohn Ferris Glovsky & Popeo (For:Goldman Sachs & Co)		
Do	Mintz Levin Cohn Ferris Glovsky & Popeo (For:Securities Industry Assn)	2,750.00	
Paul N. Means, P.O. Box 551 Little Rock, AR 72203	Arkansas Power & Light Company		147.08
William A. Meaux, 1600 M Street, NW, #702 Washington, DC 20036	ICI Americas, Inc	5,000.00	
Medical-Dental Diversified Services, Inc, 15600 San Pedro, #107 San Antonio, TX 78232-3738	U.A.G. Alumni Assn		
Stewart C. Megaw, 1155 Connecticut Ave., NW Washington, DC 20036	Waste Management, Inc	812.00	
Michelle Meier, 2001 S Street, NW, #520 Washington, DC 20009	Consumers Union of U.S., Inc	1,000.00	
Stanley Meierfeld, 4 World Trade Center New York, NY 10048	New York Mercantile Exchange		
Marilyn F. Meigs, 9300 Lee Highway Fairfax, VA 22031	ICF International, Inc	810.00	100.00
J. Reese Meisinger, 1575 Eye Street, NW Washington, DC 20005	American Soc of Assn Executives	300.00	
John Melcher, 230-B Maryland Avenue, N.E. Washington, DC 20002	Chicago Mercantile Exchange	11,250.00	
Do	Humane Society of the U.S.		
Do	Marine Engineers' Beneficial Assn	2,400.00	1,303.00
Do	National Rural Cooperative Bus. Center	3,000.00	2,607.00
Do	Philippine Coconut Authority		
Do	Society for Animal Protective Legislation	2,250.00	1,957.00
Kenneth F. Melley, 1201 16th Street, NW Washington, DC 20036	National Education Assn	5,070.00	495.00
Margaret Mellon, 1400 16th Street, NW Washington, DC 20036-0001	National Wildlife Federation	298.92	
Howard A. Menell, 1747 Pennsylvania Ave., NW, #900 Washington, DC 20006	Cablevision	23,400.00	
Do	Coffield Ungaretti Harris & Slavin (For:Comdisco, Inc)		
Do	MWW/Strategic Comm (for: Puerto Ricans in Civic Action)		
Do	National Cooperative Bank		
Mark Menezes, 555 13th Street, NW, Suite 1290 East Washington, DC 20004	McCamish Martin & Loefler (For:American Golf Corp)		
Do	McCamish Martin & Loefler (For:Central South West Corp)	275.00	
Do	McCamish Martin & Loefler (For:Citicorp)		
Do	McCamish Martin & Loefler (For:Electronic Data Systems Corp)		
Do	McCamish Martin & Loefler (For:Hong Kong Trade Development Council)		
Do	McCamish Martin & Loefler (For:National Assn of Broadcasters)	60.00	
Do	McCamish Martin & Loeffler (For:Newman Lumber Company)	250.00	
Do	McCamish Martin & Loefler (For:Sematech)		
Do	McCamish Martin & Loefler (For:South West Florida Enterprises, Inc)		
Do	McCamish Martin & Loefler (For:United Services Automobile Assn)		
David Mengebier, 1016 16th St., NW, 5th Floor Washington, DC 20036	Consumers Power Company	6,000.00	6,998.00
William P. Mengebier, 655 15th Street, NW, #225 Washington, DC 20005	Rhone-Poulenc, Inc	540.00	23.05
Edward L. Menning, 1023 15th Street, NW, #300 Washington, DC 20005	National Assn of Federal Veterinarians		
Merle D. Menssen, 3M Center-Bldg 220-6E-02 St. Paul, MN 55144-1000	3M	1,000.00	
J. Roger Mentz, 1100 Connecticut Ave., NW, #600 Washington, DC 20036	McClure Trotter & Mentz (For:Government of Puerto Rico)	368.50	
Do	McClure Trotter & Mentz (For:Mercedes-Benz of North America, Inc)	150.75	
Jane Mentzinger, 2030 M Street, NW Washington, DC 20036	Common Cause	5,258.76	
Melinda Mercer, 600 Maryland Ave., NW, 100 West Washington, DC 20024-2571	American Nurses Assn	5,413.00	33.37
Sandra K. Meredith, 1133 Connecticut Avenue, NW Washington, DC 20036	DGA International, Inc. (For:Dir Intl Aff of the Gen Del for Armements)		
Do	DGA International, Inc. (For:Sofreavia)		
Do	DGA International, Inc. (For:SNECMA)		988.50
Cynthia E. Merifield, 1101 Vermont Ave, NW Washington, DC 20005	American Medical Assn	3,750.00	
Dave S. Merlin, 444 North Capitol Street NE Suite 232 Washington, DC 20001	Freedom Lobby		
Merrill Lynch & Co, Inc, 3000 K Street, NW, #620 Washington, DC 20007			73,990.00
Gordon Merritt, 1100 Wilson Blvd., #2000 Arlington, VA 22209	Hughes Aircraft Company	23.50	
Richard P. Merski, 1455 Pennsylvania Avenue, NW, #900 Washington, DC 20004	American International Group, Inc	5,000.00	590.55
Carol Messer, 1020 19th Street, NW, #600 Washington, DC 20036	American Express Co	4,680.00	67.00
Neil T. Messick, 1331 Pennsylvania Ave., NW Washington, DC 20004	General Electric Co	1,600.00	38.10
Carol Messito, 215 Pennsylvania Ave., SE Washington, DC 20003	U.S. Public Interest Research Group	4,607.66	
Howard M. Messner, 1015 15th St., NW, #802 Washington, DC 20005	American Consulting Engineers Council	625.00	
Jean L. Mestres, 1747 Pennsylvania Avenue, NW, #300 Washington, DC 20006	OXY USA, Inc	2,092.91	276.64
Keith R. Mestrich, 815 16th Street, NW, #408 Washington, DC 20006	Food & Allied Service Trades Dept (FAST)	2,434.00	
Matthew S. Metcalfe, P.O. Box 6422 Mobile, AL 36660	American Family Corp		
Jeremy Metz, 260 Madison Avenue New York, NY 10016	American Paper Institute, Inc		
David P. Metzger, 1200 19th Street, NW, #500 Washington, DC 20036	Davis Graham & Stubbs		
Ferd. C. Meyer Jr., P.O. Box 660164 Dallas, TX 75266-0164	Central & South West Corp		
M. Barry Meyer, 900 19th Street, NW Washington, DC 20006	Aluminum Assn, Inc	25.00	
John B. Meyers, P.O. Box 4067 Louisville, KY 40204			
Larry D. Meyers, 412 First Street, SE #100 Washington, DC 20003	American Beekeeping Federation	3,000.00	422.95
Do	International Assn of Refrigerated Warehouses		
Do	National Agricultural Chemicals Assn	9,000.00	315.83
Do	National Peanut Growers Group	16,320.00	1,145.52
Do	Ricebelt Warehouse, Inc	4,500.00	893.36
Do	Texas A&M Research Foundation	21,420.00	1,476.93
Meyers & Associates, 412 First St., SE, #100 Washington, DC 20003	Alnor Oil Company, Inc		
Do	American Sheep Industry Assn	17,499.00	1,475.47
Do	Centergas, Inc		
Do	College of Agriculture, New Mexico State University	9,000.00	831.58
Do	College of Engineering, New Mexico State University	9,000.00	749.55
Do	Federal Land Bank Assn	30,000.00	874.16
Do	Plato Industries		
Do	Technology Services Group, Inc	3,331.25	

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Do	Texas International Education Consortium	15,000.00	530.79
Do	Wellman, Inc	18,000.00	720.68
Daniel Mica, 1001 Pennsylvania Ave., NW Washington, DC 20004	American Council of Life Insurance, Inc	6,000.00	138.65
David R. Mica, Florida Petroleum Institute 215 South Monroe Street, #800 Tallahassee, FL 32301	American Petroleum Institute		
Mark A. Micali, 1200 18th Street, NW, #200 Washington, DC 20036	National Business Aircraft Assn	5,000.00	825.00
Michael Best & Friedrich, 135 South LaSalle Street, #1610 Chicago, IL 60603	Corn Coalition		
Do	DePaul University	1,500.00	
Do	Sweetheart Cup Company, Inc		
Michael G. Michaels, P.O. Box 150-160 Atlanta, GA 30315			
David Michaud, 1400 16th Street, NW Washington, DC 20036-0001	National Wildlife Federation	261.32	
Frank G. Michelena, 1520 Nutmeg Place, #100C Costa Mesa, CA 92626	Landsdale Company		
James Francis Michie, 1000 Vermont Ave. NW #1000 Washington, DC 20005	Rowan & Blewitt Inc (For:Kavilco Inc)	19,108.13	18,343.80
Mid-Continent Oil & Gas Assn, 801 Pennsylvania Ave., NW, #840 Washington, DC 20004-2604		86,798.83	24,626.63
Mid-West Electric Consumers Assn, 999 18th Street, #1635 Denver, CO 80202			
Michael C. Middleton, 100 South Charles Street P.O. Box 987 Baltimore, MD 21203	MNC Financial, Inc		
Edmund Mierzwinski, 215 Pennsylvania Ave., SE Washington, DC 20003	U.S. Public Interest Research Group	7,378.56	
Migrant Legal Action Program, Inc, 2001 S St., NW, #310 Washington, DC 20009			
Lisa Mihaly, 122 C Street, NW, 4th Fl. Washington, DC 20001	Children's Defense Fund	1,190.62	
Nelson L. Milder, 1828 K Street, NW, #906 Washington, DC 20036	American Soc of Mechanical Engineers		
Milgrim Thomajan & Lee, P.C., 607 14th Street, NW, #1100#1000 Washington, DC 20005-2000	New York Mercantile Exchange (NYMEX)		
Military Boot Manufacturers Assn, Belleville Shoe Manufacturing Co P.O. Box 508 Belleville, IL 62222			
Brent V. B. Miller, 4207 South 7th Road Arlington, VA 22204	American Group Practice Assn	105.00	
Carolynn E. Miller, 600 Maryland Ave., SW, #700 Washington, DC 20024	National Fed of Independent Business	3,189.00	200.00
Charles R. Miller, 777 14th Street, NW Washington, DC 20005	National Assn of Realtors	8,000.00	
Chaz Miller, 1801 K Street, NW, #1105-L Washington, DC 20006	National Solid Wastes Management Assn	500.00	
Dale Miller, 4000 Reno Road, NW Washington, DC 20008	Texasgulf, Inc		
David H. Miller, 901 31st Street, NW Washington, DC 20007	Federal Legislative Associates (For:American Public Transport Assn)	2,000.00	
Do	Federal Legislative Partners (For:Boston Capital Partners, Inc)	2,000.00	
Do	Federal Legislative Associates (For:Colonial Williamsburg)		
Do	Federal Legislative Associates (For:National Coalition of IRS Whistleblowers)	1,000.00	
Deborah Imle Miller, 15th & M Streets, NW Washington, DC 20005	National Assn of Home Builders of the U.S.		
Denny Miller, 2343 South Meade Street Arlington, VA 22202	Denny Miller Associates	7,500.00	
Edward C. Miller, 1001 Pennsylvania Ave., NW Washington, DC 20004-2599	American Council of Life Insurance, Inc	800.00	
Edward K. Miller, P.O. Box 2349 Hagerstown, MD 21741-2349	Mirek Research Services		
Jeffrey T. Miller, 295 Madison Ave 19th Floor New York, NY 10017	Lead Industries Association, Inc		
Richard G. Miller, 1101 14th Street, NW, #200 Washington, DC 20005	American Health Care Assn	16,000.00	1,122.32
Robert G. Miller, 9124 Hardesty Drive Clinton, MD 20735	Air Force Sergeants Assn, Inc		
Sandra Miller, 2343 South Meade Street Arlington, VA 22202	Denny Miller Associates	1,250.00	
Sarah Miller, 1120 Connecticut Ave., NW Washington, DC 20036	American Bankers Assn		
William T. Miller, 1101 14th Street, NW, #1400 Washington, DC 20005	Miller Balis & O'Neil, P.C. (For:American Public Gas Assn (APGA))		
Miller & Chevalier, Chtd, 655 15th St., NW, #900 Washington, DC 20005-5701	Electronic Industries Assn		
Do	Export Source Rule Coalition		
Do	Government of British Columbia/Min. of Dev. Trade & Tourism	2,109.51	
Do	Great Northern Insured Annuity Corp	125.00	
Do	Hewlett-Packard Co	9,020.00	
Do	Organization for Fair Treatment of Int'l Investments	550.00	
Do	PHM Corporation	24,581.25	
Miller & Holbrooke, 1225 19th Street, NW, #400 Washington, DC 20036	City of Dubuque		
Do	City of Laredo	707.00	
Do	City of St. Louis		
Do	Kenton-Boone Cable Television Board		
Do	Lincoln Broadcasting Company		
Do	Montgomery County Government		
Denny Miller Associates, Inc, 400 North Capitol Street, NW, #325 Washington, DC 20001	Ace Novelty Company	1,000.00	862.00
Do	Alaska Air Group, Inc	1,500.00	1,230.00
Do	Boeing Company	3,000.00	2,460.00
Do	Comprehensive Health Education Foundation	1,875.00	1,530.00
Do	Gamma-Metrics	1,500.00	1,235.00
Do	Makah Tribal Council	300.00	245.00
Do	Marine Engineers' Beneficial Assn	4,000.00	3,265.00
Do	Momentum 91	1,875.00	1,530.00
Do	Olin Corporation	3,000.00	2,460.00
Do	Pacific Nuclear Systems, Inc	1,062.50	862.00
Do	Port of Tacoma	1,125.00	928.00
Do	Sabey Corporation	1,200.00	1,000.00
Do	State of Washington, Dept of Transportation	1,500.00	1,235.00
Do	Troutlodge, Inc	1,000.33	833.33
Kenneth Y. Millian, 919 18th Street, NW Washington, DC 20006	W. R. Grace & Co		125.00
Amy J. Millman, 2200 Mill Road Alexandria, VA 22314	American Trucking Assns, Inc	9,000.00	
Anna Minaya, 2632 Wagon Drive, #2D Alexandria, VA 22303	Helicopter Assn International	6,250.00	1,415.00
Richard V. Minck, 1001 Pennsylvania Ave., N.W. Washington, DC 20004	American Council of Life Insurance, Inc	1,750.00	
Dallas Miner, One Thomas Circle, #900 Washington, DC 20005	American Fishing Tackle Manufacturers Assn	19,000.00	
Joseph G. Minish, 66 Sheridan Avenue West Orange, NJ 07052	Prudential Insurance Co of America	1,667.00	187.32
Ray Allen Minnick, P.O. Box 1000-05221 Leavenworth, KS 66048			
J. Robert Minter, 1130 Connecticut Ave, NW, #830 Washington, DC 20036	Southern Company Services, Inc	538.65	4,866.41
Jerry L. Mintz, 1130 Connecticut Ave., NW, #830 Washington, DC 20036	Southern Company	196.00	4,158.02
Mintz Levin Cohn Ferris Glovsky & Popeo, P.C., 701 Pennsylvania Avenue, NW, #900 Washington, DC 20004	American Newspaper Publishers Assn	15,000.00	106.95
Do	Houghton Mifflin Company	1,731.90	
Do	National Cable Television Assn, Inc	7,500.00	129.67
Lawrence H. Mirel, 1614 20th Street, NW Washington, DC 20009	Liberty Mutual Insurance Company	7,500.00	500.00
Douglas P. Miskew, 500 E. Street, SW, #920 Washington, DC 20024	Aircraft Owners & Pilots Assn	8,250.00	535.18
Edward F. Mitchell, 1900 Pennsylvania Avenue, NW Washington, DC 20068	Potomac Electric Power Co		
Mitchell Williams Selig Gates & Woodyard, 1420 New York Ave., NW, #1050 Washington, DC 20005	Acxiom Corp		
Do	Entergy	4,475.00	5,801.28
Do	Innotek Corporation	350.00	97.83
Do	Network Systems		237.50
Carl A. Modecki, 1401 New York Ave., NW, Suite S-720 Washington, DC 20005	National Assn of Insurance Brokers		
David T. Modi, 1875 Eye Street, NW, #775 Washington, DC 20006	Georgia-Pacific Corp	3,140.00	
Martha Mohler, 2000 K Street, NW, 8th Floor Washington, DC 20006	National Comm to Preserve Social Security & Medicare	2,263.00	
Brian R. Moir, 1255 23rd Street, NW, #800 Washington, DC 20037	Fisher Wayland Cooper & Leader (For:International Communications Assn)		
Peter A. Molinaro, 1100 15th Street, NW, #1200 Washington, DC 20005	Union Carbide Corp		67.32
Robert M. Moliter, 1331 Pennsylvania Ave., NW, #865 Washington, DC 20004	General Electric Co		
John V. Moller, 1707 L Street NW, #725 Washington, DC 20036	Policy Consulting Services, Inc (For:Nissan Motor Company, Ltd)		
Do	Policy Consulting Services, Inc (For:Nissan Motor Manufacturing, U.S.A.)		
Do	Policy Consulting Services, Inc (For:Nissan North America, Inc)	8,072.00	10.00
Robert A. Molofsky, 5025 Wisconsin Avenue, NW Washington, DC 20016	Amalgamated Transit Union, AFL-CIO	5,000.00	230.00
C. Manly Molpus, 1010 Wisconsin Avenue, #800 Washington, DC 20007	Grocery Manufacturers of America, Inc		
Christopher Monek, 1957 E St., NW Washington, DC 20006	Associated General Contractors of America		
James M. Montgomery, 1455 Pennsylvania Ave., NW, #600 Washington, DC 20004	Joseph E. Seagram & Sons, Inc	1,125.00	
John H. Montgomery, 2715 M St., NW, #300 Washington, DC 20007	National Rural Water Assn	3,000.00	55.00
Do	Murray Scheer & Montgomery (For:Oklahoma State Medical Assn)	1,500.00	50.00
Do	Underground Injection Practices Council	1,000.00	32.00
Kevin P. Montgomery, 1629 K Street, NW, #503 Washington, DC 20006	Evergreen International Aviation, Inc		191.50
Peter Montgomery, 2030 M Street, NW Washington, DC 20036	Common Cause	8,000.04	509.22
Alan J. Moore, 2000 Pennsylvania Avenue, NW, #6500 Washington, DC 20006	Atchison Topeka & Santa Fe Railway Co	1,000.00	
Albert W. Moore, 7901 Westpark Drive McLean, VA 22102	NMTBA	1,345.00	25.00
Allen Moore, 1730 Rhode Island Ave., #1000 Washington, DC 20036	National Solid Wastes Management Assn	500.00	
Carlos Moore, 1801 K Street, NW, #900 Washington, DC 20006	American Textile Manufacturers Institute, Inc	180.00	15.00
Frank B. Moore, 3003 Butterfield Road Oak Brook, IL 60521	Waste Management, Inc	5,000.00	
Mark P. Moore, 1000 Vermont Ave., NW, #800 Washington, DC 20005	Public Securities Assn	3,000.00	175.10
Powell A. Moore, 1133 Connecticut Ave., NW, #700 Washington, DC 20036	Agusta Group		
Do	Equifax Corp	500.00	
Do	Field Aviation Company, Inc		
Do	Independent Video Retailers Assn		

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Do	Lockheed Corporation	1,000.00	
Do	Outdoor Advertising Assn of America		
Do	Sekur SPA- Pirelli Group	1,000.00	
Do	DGA International, Inc (For:Societe Nationale d'Etude et de Const de Moteurs d'Aviation).		135.90
Do	STD Research Corp		
Do	U.S. Cane Sugar Refiners Assn of America	1,000.00	
Laura Moorhead, 1156 15th Street, NW, #1201 Washington, DC 20005	NCR Corp		
Eugene Moos, Gene Moos & Associates 1000 16th Street, NW, #702 Washington, DC 20036	Burlington Northern Railroad Corp	3,000.00	1,297.12
Do	Harvest States Cooperative	7,500.00	3,350.87
Do	Kraft General Foods	7,500.00	3,350.87
Fred P. Moosally, 1745 Jeff Davis Highway, #1200 Arlington, VA 22202	Rockwell International Corp	20,000.00	2,288.08
Richard M. Moose, 1020 19th Street, NW, #600 Washington, DC 20036	American Express Co	16,450.00	
Morality in Media, Inc, 475 Riverside Dr., #239 New York, NY 10115		1,169.78	1,169.09
Robert J. Moran, 1120 G Street, NW, #900 Washington, DC 20005	National Ocean Industries Assn	1,800.00	
Judith Morehouse, 1700 N. Moore Street Rosslyn, VA 22209	Boeing Company	448.00	22.25
Dudley Digges Morgan III, 4900 Baronne Street New Orleans, LA 70115	Southern Forest Products Assn	15,132.54	
E.M. Chip Morgan, P.O. Box 257 Stoneville, MS 38776	Delta Council	1,500.00	2,275.00
J. Railton Morgan, 1350 I Street, NW, #1000 Washington, DC 20005	Ford Motor Co	1,500.00	1,506.90
John Morgan, 501 3rd Street, NW Washington, DC 20001	Communications Workers of America		
Peter Denis Morgan, 777 14th Street, NW Washington, DC 20005	National Assn of Realtors	2,000.00	108.67
Stephen L. Morgan, 5201 Leesburg Pike, #1111 Falls Church, VA 22041	American Cemetery Assn		
Morgan Lewis & Bockius, 1800 M St., NW, #800 N. Washington, DC 20036	Association of American Railroads		
Do	Coalition for an Undercharge Relief Bill	3,640.00	337.20
Do	Coalition of Supporters of the Shipping Act		
Do	Consolidated Natural Gas Co		
Do	Hazardous Waste Action Coalition		
Do	Presbyterian Hospital City of New York, et al.		
Do	Scotch Whisky Assn		
Do	United Distribution Companies		
William G. Morin, 1331 Pennsylvania Avenue, NW, #1500-N Washington, DC 20004-1703	National Assn of Manufacturers	50.00	
James A. Morrill, 1726 M St., NW, #901 Washington, DC 20036	Scott Paper Co	10,000.00	248.16
J. Wilson Morris, 1201 Connecticut Ave. #300 Washington, DC 20036	Bailey Morris & Robinson (For:American Assn of Discount Travel Brokers)		
Do	Bailey Morris & Robinson (For:American Imaging Assn)		
Do	Bailey Morris & Robinson (For:First American Bankshares, Inc)		
Do	Investment Company Institute		
Do	Bailey Morris & Robinson (For:Natural Gas Vehicles Coalition)		
Do	Bailey Morris & Robinson (For:Upjohn Co)		
Joseph Morris, 1101 15th Street, NW, #202 Washington, DC 20005	National Assn of Margarine Manufacturers		
Tom C. Morris, 1776 Eye Street, NW, #700 Washington, DC 20006	Phillips Petroleum Co	1,800.00	
John W. Morrison, 5535 Hempstead Way Springfield, VA 22151	National Assn for Uniformed Services	931.22	
Lynn Morrison, 311 Massachusetts Avenue, NE Washington, DC 20002		35,300.00	104.11
Mark E. Morrison, 1825 Eye Street, NW, #1100 Washington, DC 20006	Lockheed Corp	2,000.00	233.70
William C. Morrison, 2001 North Adams St. Arlington, VA 22201	Meat Importers Council of America, Inc		
Morrison & Foerster, 2000 Pennsylvania Ave., NW Washington, DC 20006	California Bankers Clearing House Assn		
Do	City and County of San Francisco		
Do	Consolidated Freightways		
Do	Mastercard International, Inc, et al.	9,666.25	10.00
Do	National Electrical Manufacturers Assn		
Valerie T. Morse, 1020 19th St., NW, #600 Washington, DC 20036	American Express Co	10,570.00	347.00
Cheryl O. Morton, 1330 Connecticut Ave., NW, #300 Washington, DC 20036	Synthetic Organic Chemical Manufacturers Assn	500.00	
Evelyn M. Morton, 601 E Street, NW Washington, DC 20049	American Assn of Retired Persons	703.87	533.20
Russell N. Mosher, 950 N. Glebe Rd., #160 Arlington, VA 22203	American Boiler Manufacturers Assn, Inc		
Dorothy J. Moss, 1101 Vermont Avenue, NW Washington, DC 20005	American Medical Assn	25.00	
Peyton H. Moss, 1150 17th Street, NW, #400 Washington, DC 20036	AFL-CIO Maritime Committee		
Moss Associates, Inc, 2450 Virginia Ave., NW Washington, DC 20037	Association of Bank Holding Cos	540.00	
Gerald J. Mossinghoff, 1100 15th Street, NW, #900 Washington, DC 20005	Pharmaceutical Manufacturers Assn	1,000.00	
Motion Picture Assn of America, Inc, 1600 Eye Street, NW Washington, DC 20006		39,778.00	41,430.78
John J. Motley, 600 Maryland Ave., SW, #700 Washington, DC 20024	National Fed of Independent Business	9,570.00	300.00
L. A. Motley and Company, 1800 K Street, NW, #1000 Washington, DC 20006	Adical		
Do	ABECITRUS - Brazilian Citrus Assn		
Do	ANIC - National Assn of Citric Industries		
Do	Sawyer/Miller Group (for Philippine Sugar Regulatory Admin)		
Motor and Equipment Manufacturers Association, 1325 Pennsylvania Ave., NW, #600 Washington, DC 20004			45.50
Motor Vehicle Manufacturers Assn of the U.S., Inc, 7430 Second Avenue, #300 Detroit, MI 48202		60,749.25	60,749.25
Thomas O. Moulton Jr., 1275 Pennsylvania Ave., NW, #400 Washington, DC 20004	Pacific Telesis Group	20,000.00	
Katharine R. Mountcastle, 2030 M St. NW Washington, DC 20036	Common Cause	6,752.52	54.00
Susan Connolly Moya, 1101 15th Street, NW, #500 Washington, DC 20005	Asea Brown Boveri Inc	7,500.00	52.20
Steve Moyer, 1400 16th Street, NW Washington, DC 20036-0001	National Wildlife Federation	2,709.59	
Muldoon Murphy & Faucette, 5101 Wisconsin Ave., NW, #508 Washington, DC 20016	Long Island Savings Bank	2,875.00	9.75
Do	Manufacturers Life Insurance Co	34,339.00	1,484.00
Do	Mid America Federal Savings Bank	34,077.00	106.00
Do	Northeast Savings, F.A.	34,506.00	369.00
Do	Talman Home Federal Savings and Loan Assn	137,593.00	1,875.00
Do	Washington Federal Savings Bank	3,300.00	
Mullenholz & Brimsek, 1150 Connecticut Ave., NW, #700 Washington, DC 20036	City of Fergus Falls		
Do	Delaware & Hudson Railroad	2,500.00	
Do	Florida East Coast Railway Co	1,000.00	
Do	North American Equipment Dealers Assn	2,500.00	
Do	Soo Line Corporation	10,000.00	
Do	TACA International Airlines		
John A. Mullett, 1627 K St., NW, #500 Washington, DC 20006	FMC Corporation	2,400.00	40.00
Robert J. Mulligan, 655 15th Street, NW, #350 Washington, DC 20005	Blue Cross & Blue Shield Assn	2,891.00	439.58
Albert E. Mullin Jr, 111 Powdermill Rd. Maynard, MA 01754	Digital Equipment Corp	26,500.00	
Tracy Mullin, 701 Pennsylvania Ave., NW Washington, DC 20004	National Retail Federation	2,500.00	35.00
Edgar J. Mullins, 1401 Eye Street, NW, Suite 600 Washington, DC 20005	United Technologies Corp	833.00	1,346.50
Michael L. Mullins, 1101 15th Street, NW, #1000 Washington, DC 20005	Cargill, Inc	1,250.00	
James Brian Munroe, 1300 Eye Street, NW, #520 Washington, DC 20005	Hoffmann-La Roche, Inc		
Daniel J. Murphy, 2300 N Street, NW, #725 Washington, DC 20037	Murphy & Demory, Ltd (For:California Energy Co, Inc)		
Edward L. Murphy, 2501 M Street, NW Washington, DC 20037	Chemical Manufacturers Assn Inc	3,000.00	
James Jackson Murphy, 1720 I Street, NW 7th Floor Washington, DC 20006	American Academy of Actuaries		
Jeanne Marie Murphy, 805 15th St., NW, #300 Washington, DC 20005	Credit Union National Assn, Inc	7,000.00	
Michael M. Murphy, 1101 17th St., NW, #400 Washington, DC 20036	American President Companies, Ltd, et al.	9,300.00	
Paul T. Murphy, P.O. Box 619500 Dallas, TX 75261	Caltex Petroleum Corp		
Stephen P. Murphy, 715 South Fairfax Street Alexandria, VA 22314	Yellow Freight System, Inc of Delaware	33,000.00	
Daniel H. Murray, 1133 21st St., NW, #900 Washington, DC 20036	BellSouth Corp	2,955.00	1,291.64
Hyde H. Murray, 600 Maryland Avenue, SW Washington, DC 20024	American Farm Bureau Federation	8,811.00	138.06
James V. Murray, 1100 15th Street, NW, #1200 Washington, DC 20005	Union Carbide Corp		
Rosemary Griffin Murray, Crystal Park Four, 2345 Crystal Drive Arlington, VA 22207	USAir, Inc		
Murray, Scheer & Montgomery, 2715 M Street, NW, #300 Washington, DC 20007	American Assn of Dental Schools	3,000.00	125.00
Do	Atochem, N.A.		
Do	Bear Stearns & Co		
Do	Benton Mortgage Company		
Do	City of Philadelphia		
Do	Cleveland Cliffs Iron Co	350.00	25.00
Do	Connecticut Mutual Life Insurance Co	500.00	15.00
Do	Delaware River Port Authority	1,000.00	35.00
Do	Home Life Insurance Co	500.00	20.00
Do	Independence Blue Cross	400.00	15.00
Do	Independent Laboratory Consortium		
Do	Industry Council for Tangible Assets	400.00	30.00
Do	Iron Ore Assn	250.00	10.00
Do	LTV Corporation	450.00	20.00
Do	National Council of Coal Lessors	300.00	15.00

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Do	New England Mutual Life Insurance Co	500.00	25.00
Do	North American Philips Corp		
Do	Pacific Mutual Life Insurance Co	500.00	15.00
Do	Penn Mutual Life Insurance Co	500.00	15.00
Do	Philadelphia Port Corp	1,000.00	35.00
Do	Players Club International		
Do	Provident Mutual Life Insurance Co of Philadelphia	500.00	15.00
Do	Qualimetrics, Inc		
Do	Shubert Organization, Inc	400.00	20.00
Do	Swaziland Sugar Assn	400.00	
Do	Sweetener Users Assn	150.00	
Do	Technology Development & Education Corp		
Do	Temple University	375.00	20.00
Robert J. Muth, 180 Maiden Ln. New York, NY 10038	Asarco, Inc		
Mutual Life Insurance Co Tax Committee, 720 East Wisconsin Avenue Milwaukee, WI 53202			
Fred Mutz Associates, 1200 New Hampshire Ave, NW, #200 Washington, DC 20036	American Bankers Assn		
Do	Communications Satellite Corp (Comsat)		
Do	Government of Romania		
Do	Trans World Insurance Brokers		
Lawrence D. Muzzy, 2200 W. Salzburg Road, Mail #W281 Midland, MI 48611	Dow Corning Corp		
Gary D. Myers, 501 2nd Street, NE Washington, DC 20002	Fertilizer Institute	4,500.00	528.76
Karen Magee Myers, 1331 Pennsylvania Ave., #1300-N Washington, DC 20004	Electronic Data Systems Corp	448.00	497.13
Peter C. Myers, 50 F Street, NW, #900 Washington, DC 20001	Farm Credit Council		
Christopher Alton Myrick, 1155 15th Street, NW, #900 Washington, DC 20005	National AgriChemical Retailers Assn	108,995.00	18,419.92
MHD Industrial Forum, 1825 K Street, NW, #807 Washington, DC 20036			
MWW/ Strategic Communications, Inc, 70 Grand Ave River Edge, NJ 07661	GAF Corporation	39,651.25	106.00
Daniel Nadash, 777 14th St., NW Washington, DC 20005	National Assn of Realtors	8,000.00	
Marci H. Nadler, 729 15th Street, NW Washington, DC 20005	Associated Builders & Contractors	2,500.00	
Alan Y. Naftalin, 1150 Connecticut Avenue, NW Washington, DC 20036	Koteen & Naftalin (For:Alascom, Inc)		
Do	Koteen & Naftalin (For:Telephone & Data Systems, Inc)		
Gerald F. Nalepa, 805 15th Street, NW, #330 Washington, DC 20005	Air Products & Chemicals, Inc	3,500.00	
David Scott Nance, 808 17th Street, NW, #300 Washington, DC 20006-3910	Stewart and Stewart		
John Francis Nash Jr., 1100 Connecticut Ave NW #1300 Washington, DC 20036	Milliken & Company	5,000.00	2,700.00
Gary M. Nateman, 1225 Eye Street, NW, #825 Washington, DC 20005	Beer Institute		
Hardy L. Nathan, 1750 K St., NW Washington, DC 20006	Food Marketing Institute	500.00	
National Air Carrier Assn, 1730 M St., NW, #806 Washington, DC 20036			
National Air Traffic Controllers Assn, 444 N. Capitol Street, NW, #845 Washington, DC 20001		23,487.21	3,470.89
National Assn for Biomedical Research, 818 Connecticut Ave., NW, #303 Washington, DC 20006		216,507.15	13,434.50
National Assn for Neighborhood Schools, Inc, 335 Locust St. Pittsburgh, PA 15218			
National Assn for Stock Car Auto Racing, Inc (NASCAR), P.O. Box 26765 1801 Volusia Avenue Daytona Beach, FL 32115-2875.			
National Assn for Uniformed Services, 5535 Hempstead Way Springfield, VA 22151		1,782.29	10,647.08
National Assn of Air Traffic Specialists, 4740 Corridor Pl., Suite C Beltsville, MD 20705			6,968.02
National Assn of Broadcasters, 1771 N Stret, NW Washington, DC 20036		248,585.64	248,585.64
National Assn of Chain Drug Stores, Inc, P.O. Box 1417-D49 Alexandria, VA 22313			
National Assn of Federal Veterinarians, 1023 15th Street, NW, #300 Washington, DC 20005			26.14
National Assn of Independent Colleges & Universities, 122 C St., NW, #750 Washington, DC 20001			135,679.00
National Assn of Insurance Brokers, Inc, 1401 New York Ave., NW, #720 Washington, DC 20005			
National Assn of Life Companies, 1455 Pennsylvania Ave., #1250 Washington, DC 20004		2,200.00	2,274.00
National Assn of Manufacturers, 1331 Penn Ave., NW #1500-North Washington, DC 20004-1703		345,457.74	345,457.74
National Assn of Margarine Manufacturers, 1101 15th St., NW, #202 Washington, DC 20005			
National Assn of Mutual Insurance Cos, 3601 Vincennes Road P.O. Box 68700 Indianapolis, IN 46268		212.00	212.00
National Assn of Real Estate Investment Trusts, Inc, 1129 20th St., NW, #705 Washington, DC 20036			
National Assn of Realtors, 777 14th St., NW Washington, DC 20005			123,293.44
National Assn of Securities and Commercial Law Attorneys, 1300 I Street, NW., #480E Washington, DC 20005		71,500.00	42,000.00
National Assn of Truck Stop Operators, Inc, 1199 N. Fairfax Street, #801 Alexandria, VA 22314			
National Beer Wholesalers Assn, 5205 Leesburg Pike, #1600 Falls Church, VA 22041		699,070.54	10,051.36
National Broiler Council, 1155 15th St., NW Washington, DC 20005		3,025.00	3,025.00
National Business Aircraft Assn, 1200 18th St., NW, #200 Washington, DC 20036-2598			29,827.33
National Comm for a Human Life Amendment, Inc, 1511 K Street, NW, #335 Washington, DC 20005		778.68	245.80
National Comm on Pay Equity, 1126 16th St., NW, #411 Washington, DC 20036		26,665.05	
National Comm to Preserve Social Security & Medicare, 2000 K Street, NW, #800 Washington, DC 20006		2,710,980.00	2,710,980.00
National Comm Against Repressive Legislation, 3321 Twelfth Street, NE Washington, DC 20002		3,703.00	5,178.40
National Community Action Foundation, Inc, 2100 M Street, NW, #604A Washington, DC 20037		271,783.35	47,403.00
National Cotton Council of America, P.O. Box 12285 Memphis, TN 38182		79,648.59	79,648.59
National Council for Languages & Int'l Studies, 300 Eye Street, Suite 211 Washington, DC 20002		21,250.00	21,988.31
National Council of Agricultural Employers, 1735 I Street, NW, #704 Washington, DC 20006		4,381.00	2,502.00
National Council of Community Bankers, 1101 15th St., NW, #400 Washington, DC 20005		638,428.10	
National Council of Farmer Cooperatives, 50 F Street, NW, #900 Washington, DC 20001		5,220.54	4,217.20
National Council on Alcoholism & Drug Dependence, 1511 K Street, NW, #926 Washington, DC 20005			10,756.00
National Electrical Manufacturers Assn, 2101 L Street, NW, #300 Washington, DC 20037		4,940.48	4,940.48
National Employment Lawyers Assn, 911 Mercantile Library Bldg. 414 Walnut Street Cincinnati, OH 45202			
National Fed of Independent Business, 150 W. 20th Ave. San Mateo, CA 94403			53,956.75
National Glass Assn, 8200 Greensboro Drive, #302 McLean, VA 22102		3,500.00	7,000.00
National Grain & Feed Assn, 1201 New York Avenue, NW, #830 Washington, DC 20005-3917			3,970.00
National Grain Trade Council, 1300 L Street, #925 Washington, DC 20005			83.00
National Grange, 1616 H St., NW Washington, DC 20006		21,625.00	21,625.00
National Grocers Assn, 1825 Samuel Morse Drive Reston, VA 22090		3,000.00	1,220.63
National Guard Assn of the U.S., One Massachusetts Ave., NW Washington, DC 20001		8,918.25	33,503.27
National Hearing Aid Society, 20361 Middlebelt Livonia, MI 48152			
National Independent Automobile Dealers Assn, 2521 Brown Blvd., Suite 100 Arlington, TX 76006-5299			9,345.00
National Industrial Transportation League, 1700 N. Moore St. S-1900 Arlington, VA 22209-1904		26,000.00	23,365.00
National Leased Housing Assn, 2300 M St., NW, #260 Washington, DC 20037		2,000.00	2,000.00
National Milk Producers Federation, 1840 Wilson Blvd. Arlington, VA 22201		15,118.10	15,118.10
National Motorists Assn, 6678 Pertzborn Road Dane, WI 53529		500.00	500.00
National Motorsports Comm of Accus, 1500 Skokie Boulevard, Suite 101 Northbrook, IL 60602			
National Multi Housing Council, 1250 Connecticut Ave., NW, #620 Washington, DC 20036			11,711.08
National Pest Control Assn, 8100 Oak St. Dunn Loring, VA 22027			
National Pork Producers Council, 501 School Street, SW, #400 Washington, DC 20074		154,600.00	142,179.00
National Printing Equipment & Supplies Assn, Inc, 1899 Preston White Drive Reston, VA 22091			
National Progressive Health Political Action Committee, Inc, 324 West 14th Street New York, NY 10014-5003	National Progressive Health Political Action Committee,Inc	1,977.27	954.47
National Realty Committee, 1250 Connecticut Ave., NW, #630 Washington, DC 20036		16,902.25	16,902.25
National Retail Federation, 701 Pennsylvania Avenue, NW, #710 Washington, DC 20004			24,652.65
National Right to Work Committee, 8001 Braddock Rd., #600 Springfield, VA 22160		9,177.02	9,177.02
National Rural Electric Cooperative Assn, 1800 Massachusetts Ave., NW Washington, DC 20036			2,384.51
National Rural Letter Carriers Assn, 1630 Duke St., 4th Floor Alexandria, VA 22314-3465		22,762.00	31,680.00
National Society of Professional Engineers, 1420 King Street Alexandria, VA 22314		11,100.00	11,100.00
National Soft Drink Assn, 1101 16th St., NW Washington, DC 20036			1,215.49
National Stone Assn, 1415 Elliot Place, NW Washington, DC 20007			
National Strategies, Inc, 888 17th Street, NW, 12th Floor Washington, DC 20006	American International Group	15,000.00	232.97
Do	Columbia Communications Corp	6,000.00	2,024.55
Do	Consumer News & Business Channel	656.25	66.55
Do	Ferrell Gas		219.00
Do	GTECH, et al.	3,478.12	9.51
Do	Mothers & Others for a Livable World		1,115.57
Do	National Resources Defense Council		0.10
Do	Reuters North America, Inc	4,807.81	9.31
Do	Mrs. Roger Stevens		28.11
Do	Trian Group, L.P.	443.81	4.14
National Telephone Cooperative Assn, 2626 Pennsylvania Ave., NW Washington, DC 20037		27,000.00	3,305.44
National Tire Dealers & Retreaders Assn, 1250 Eye Street, NW, #400 Washington, DC 20005			
National Truck Equipment Assn, 38705 Seven Mile Road, #345 Livonia, MI 48152			5,581.93
National Wildlife Federation, 1400 16th Street, NW Washington, DC 20036-000:			10,484.61
National-American Wholesale Grocers' Assn, 201 Park Washington Court Falls Church, VA 22046		9,000.00	

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Michael W. Naylor, 1001 Pennsylvania Ave, NW, #700 Washington, DC 20004-2502	Allied-Signal, Inc		
Pamela Neal, 1301 Pennsylvania, NW, #300 Washington, DC 20004	National Cattlemen's Assn	1,000.00	
Rick J. Neal, 1800 South Baltimore Ave. Tulsa, OK 74119	Mapco, Inc	5,250.00	908.00
Janet E. Neigh, 519 C Street, NE Washington, DC 20002	Hospice Assn of America/National Assn for Home Care	55.33	557.91
Frederick W. Neill, 600 5th Street Aurora, IL 60505			
Neill & Company, Inc, 815 Connecticut Ave., NW, #800 Washington, DC 20006	American Methanol Institute	15,000.00	1,251.69
Do	Embassy of the Republic of Korea	20,000.00	602.51
Do	General Electric Industrial and Power Systems	60,000.00	137.12
Do	Government of Jamaica	55,000.00	8,723.84
Do	Islamic Republic of Pakistan	180,000.00	5,717.42
Do	Joint Diseases North General Hospital	3,000.00	67.27
Do	Kingdom of Morocco		5,759.08
Do	Puerto Rico Economic Development Administration	16,500.00	41.48
Do	Republic of Cameroon		1,734.68
Do	Republic of Cote d'Ivoire		487.49
Do	Republic of Guinea	100,000.00	60,385.92
Do	Republic of Kenya		2,171.66
Do	Schomburg Center for Research In Black Culture		1,131.90
Neill & Shaw, 815 Connecticut Ave., NW, #800 Washington, DC 20006	PHH Group	3,000.00	185.00
Do	Senior Executives Assn	10,000.00	420.00
Joseph L. Nellis, 1350 I Street, NW, 9th Floor Washington, DC 20005	MAPI, Inc	4,400.00	80.25
Lisanne Nelson, 801 Pennsylvania Ave., SE Washington, DC 20003	National Audubon Society	3,000.00	
Mark E. Nelson, 1825 I Street, NW, #400 Washington, DC 20006	SEMATECH, Inc	5,313.00	1,668.75
Lynda L. Nersesian, 1100 15th St., NW, #900 Washington, DC 20005	Pharmaceutical Manufacturers Assn	4,000.00	29.00
Frederick H. Nesbitt, 1750 New York Avenue NW Washington, DC 20006	International Assn of Fire Fighters	16,331.00	
Alexander Netchvolodoff, 1301 Connecticut Ave., #200 Washington, DC 20036	Cox Enterprises, Inc		948.95
Tommie E. Netting, 750 First Street, NE, Suite 900 Washington, DC 20002	Career College Assn	1,000.00	
Network, 806 Rhode Island Ave., NE Washington, DC 20018		78,658.00	67,047.00
E. John Neumann, 1130 Connecticut Avenue, NW, #830 Washington, DC 20036	Southern Company Services, Inc	4,904.24	5,378.97
Louis H. Nevins, 1500 K Street, NW, #200 Washington, DC 20005	Thacher Proffett & Wood (For:Cape Cod Five Cents Savings Bank)		
Do	Thacher Proffitt & Wood (For:Castine Partners)		
Do	Thacher Proffitt & Wood (For:Dollar Bank, FSB)		
Do	Thacher Proffitt & Wood (For:National Council of Savings Institutions)		
Do	Thacher Proffitt & Wood (For:North Side Savings Bank)		
Do	Thacher Proffitt & Wood (For:Peoples Westchester Savings Bank)		
Do	Thacher Proffitt & Wood (For:River Bank America)		
Do	Thacher Proffitt & Wood (For:Third Federal Savings & Loan Assn)		
Do	Thacher Proffitt & Wood (For:Ulster Savings Bank)		
New England Rehabilitation Hospital, 2 Rehab Way Woburn, MA 01801			2,599.99
New York State Bankers Assn, 485 Lexington Avenue New York, NY 10017		3,000.00	2,914.89
Linton C. Newlin, 577 Mulberry Street Macon, GA 31298	Charter Medical Corp		
George S. Newman, 7915 Jones Branch Dr. McLean, VA 22102	BDM International, Inc		
William B. Newman Jr., P.O. Box 23451 Washington, DC 20026	Consolidated Rail Corporation	5,500.00	
Newman & Holtzinger, P.C., 1615 L St., NW, #1000 Washington, DC 20036	Utility Nuclear Waste & Transportation Program		
Sharon Newsome, 1400 16th St., NW Washington, DC 20036-0001	National Wildlife Federation	5,666.70	
Sara S. Nichols, 215 Pennsylvania Ave., SE Washington, DC 20003	Public Citizen	7,075.00	
E. Bruce Nicholson, 1800 M St., NW Washington, DC 20036	American Bar Assn	400.00	50.00
Marlene Nicholson, 1722 Eye St., NW, Fifth Floor Washington, DC 20006	Barclays Bank PLC	7,000.00	940.46
William W. Nickerson, 900 17th St., NW, #1020 Washington, DC 20006	Esstar	25,049.50	
Nicholas K. Niemann, One Central Park Plaza, #1100 Omaha, NE 68102	McGrath North Mullin & Kratz, PC (For:Nebraska Catholic Conference)	60.00	
Do	McGrath North Mullin & Kratz, PC (For:Septemberfest Salute to Labor, Inc)	45.00	
Patrick J. Nilan, 1300 L Street, NW Washington, DC 20005	American Postal Workers Union, AFL-CIO	19,881.35	4,857.61
Michael E. Nix, 231 W. Michigan Street, #P453 Milwaukee, WI 53203	Wisconsin Electric Power Co.	81.00	53.00
Nixon Hargrave Devans & Doyle, One Thomas Circle, NW, #800 Washington, DC 20005	American Free Trade Assn	780.00	
Jeffrey P. Noah, 729 15th Street, NW Washington, DC 20005	Associated Builders & Contractors, Inc	2,500.00	
Barbara D. Nocera, 955 L'Enfant Plaza, SW, #5300 Washington, DC 20024	Honda North America, Inc	165.00	
Walker F. Nolan, 701 Pennsylvania Ave., NW 4th Floor Washington, DC 20004	Edison Electric Institute	17,280.21	263.83
Robert I. Nooter, 600 Maryland Avenue, SW, #800 Washington, DC 20024	American Farm Bureau Federation	8,038.00	140.00
David F. Norcross, 1156 15th Street, NW, #550 Washington, DC 20005	Montgomery McCracken Walker & Rhoads (For:Chatsworth Cranberry)	925.00	
Do	Montgomery McCracken Walker & Rhoads (For:Coalition for Affordable Home Financing).	675.00	
Do	Montgomery McCracken Walker & Rhoads (For:Heintz Corp)	1,050.00	
Do	Montgomery McCracken Walker & Rhoads (For:Keene Corporation)	1,100.00	5.45
Do	Montgomery McCracken Walker & Rhoads (For:Pilots Assn of the Bay and River Delaware).	1,825.00	
Julia J. Norrell, 1155 Connecticut Ave., NW, #300 Washington, DC 20036	American Council of Life Insurance, Inc		
Do	American Insurance Assn		
Do	American Land Title Associates		
Do	Ameritas Life Insurance Corp	1,000.00	2,800.00
Do	Golden Rule Insurance Company	2,000.00	4,350.00
Do	Mutual of Omaha	2,000.00	4,225.00
Patrice North-Rudin, 1133 21st Street, NW Washington, DC 20036	Travel & Tourism Gov't Affairs Council	2,385.00	
J. Hallock Northcott, 1819 L Street, NW, #200 Washington, DC 20036-3822	Matsushita Electric Corp of America	1,000.00	67.95
Northeast Utilities Service Co, Selden St. Berlin, CT 06037			3,517.93
Edward M. Norton Jr., 1400 16th Street, NW, #300 Washington, DC 20036	Grand Canyon Trust		
Julie Noufer, 1015 Fifteenth Street, NW, #802 Washington, DC 20005	American Consulting Engineers Council	4,800.00	
Christopher A. Novak, 501 School Street, SW, #400 Washington, DC 20024	National Pork Producers Council	1,200.00	298.16
Mary Ann Novak, 555 13th Street, NW #460 West Tower Washington, DC 20004-1109	Parsons Brinkerhoff Quade & Douglas, Inc	440.00	123.00
Patrick J. Nugent, 1133 19th Street, NW Washington, DC 20036	MCI Communications Corp	2,000.00	
Silas O. Nunn, 4301 N. Fairfax Drive, #330 Arlington, VA 22203	Shipbuilders Council of America		
Marcia Nusgart, 1200 G Street, NW, #400 Washington, DC 20005	Health Industry Manufacturers Assn		
Nussbaum & Wald, One Thomas Circle, NW #200 Washington, DC 20005	American Soc of Composers Authors & Publishers		
Do	National Football League Players Assn	2,000.00	
Franklin W. Nutter, 1819 L Street, NW, 7th Floor Washington, DC 20035	Reinsurance Assn of America		
R. Marc Nuttle, c/o Marion Harrison 840 The Watergate 2600 Virginia Ave., NW Washington, DC 20037	Regent C&C Ltd., et al.		1,327.79
Nancy Nye, 245 Second Street, NE Washington, DC 20002	Friends Committee on National Legislation	3,206.08	
Hubert K. O'Bannon, 50 F Street, NW Washington, DC 20001	Association of American Railroads	1,779.20	1,040.94
O'Bannon & Gibbons, 1455 Pennsylvania Avenue, NW Washington, DC 20004	Coalition for Tax Simplification	800.00	
Do	Kellogg Company	8,737.00	
Do	Mutual Life Insurance Co of New York	16,762.50	
Do	Polyisocyanurate Insulation Manufactuters Assn (PIMA)	3,000.00	
Do	Prince of Fundy Cruises, Ltd	6,000.00	
Do	TECO Energy, Inc	3,000.00	
Do	Underwriters at Lloyd's London		
Do	Jim Walter Corp	5,000.00	
David D. O'Brien, O'Brien & Associates 600 New Hampshire Avenue, NW, #1010 Washington, DC 20037	Harley-Davidson, Inc	15,000.00	566.79
Do	Primerica Financial Services	12,000.00	922.66
Raymond V. O'Brien, 1600 M St., NW Washington, DC 20036	ITT Corporation	1,000.00	100.00
Rosemary L. O'Brien, 805 15th Street, NW, #610 Washington, DC 20005-2207	CF Industries, Inc	500.00	205.32
David S. O'Bryon, 1555 Connecticut Ave., NW, #308 Washington, DC 20036	American Assn of Limited Partners	100.00	
Richard T. O'Connell, Richard T. O'Connell & Associates, Inc 3208 Traveler Street Fairfax, VA 22030	Chocolate Manufacturers Assn of the USA		
Do	National Confectioners Assn of the U.S.		
Terrence M. O'Connell II, 444 N. Capitol Street, NW, #711 Washington, DC 20001	TKC International (For:Mexican Dept of Commerce & Industrial Dev)		
Brenda O'Connor, 818 Connecticut Ave, NW, #303 Washington, DC 20006	National Assn for Biomedical Research		
Charles A. O'Connor, P.O.Box 2522 Arlington, VA 22202	Charles A. O'Connor Esq		
David O'Connor, 1129 20th Street, NW, #600 Washington, DC 20036	Group Health Assn of America, Inc		
James E. O'Connor, 1101 15th Street, NW, #400 Washington, DC 20005	National Council of Community Bankers	20,000.00	36.97
K. James O'Connor Jr., 2501 M Street, NW Washington, DC 20037	Chemical Manufacturers Assn, Inc	400.00	35.00
Kelley E. O'Connor, 216 7th Street, SE Washington, DC 20003	Florists' Transworld Delivery Assn	2,000.00	
Michael J. O'Connor, 11 Dupont Circle, NW, Suite 300 Washington, DC 20036	Albers & Company (For:May Department Stores Co)		
Patrick C. O'Connor, 1825 K Street, NW, #305 Washington, DC 20006	Kent & O'Connor, Inc (For:American College of Occupational Medicine)	2,000.00	889.88
Do	Kent & O'Connor, Inc (For:American Supply Association)	1,500.00	622.61
Do	American Warehousemen's Association		
Do	National Assn of Fleet Administrators	7,676.88	4,587.77

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Do	Transportation Lawyers Assn		
O'Connor & Hannan, 1919 Pennsylvania Ave., NW, #800 Washington, DC 20006	American Clinical Laboratory Assn	5,000.00	
Do	American Family Life Assurance Co	4,519.00	
Do	Bionox, Inc		
Do	Bobby Berosini LTD		
Do	Center for Marine Conservation, Inc		
Do	China External Trade Development Council	11,755.00	
Do	Coca-Cola Company	27,200.00	
Do	CNA Insurance Co	9,023.00	
Do	Distilled Spirits Council of the U.S., Inc	1,000.00	
Do	DKT Memorial Foundation	6,620.00	
Do	Eastern Michigan University	465.00	
Do	Ecomarine USA		
Do	Glass Packaging Institute		
Do	Golden Nugget, Inc	3,000.00	
Do	Government of El Salvador		
Do	Government of Israel Supply Mission		
Do	Government of Netherlands Antilles	1,700.00	
Do	Health Images, Inc	5,000.00	
Do	J.C. Penney Company, Inc		
Do	Kellogg Company	500.00	
Do	Liquidity Fund Management, Inc	6,831.25	
Do	Marine Mammal Interest Group	1,327.63	
Do	Mercedes-Benz of North America, Inc	9,200.00	
Do	Minnesota Mutual Life Insurance Co		
Do	Mullendore & Tawney		
Do	National Assn of Optometrists and Opticians, Inc	3,000.00	
Do	National Assn of Portable X-Ray Providers	1,000.00	
Do	National Multi Housing Council	1,500.00	
Do	New York State Mortgage Loan Corp	5,675.00	
Do	Joseph E. Seagram & Sons, Inc	263.00	
Do	Solid Waste Agency of Northern Cook County		
Do	State of Alaska	32.45	
Do	U.S. Wild Horse & Burro Foundation		
Do	Wards Cove Packing Company	275.44	
Paul T. O'Day, 1150 17th Street, NW Washington, DC 20036	American Fiber Manufacturers Assn, Inc		
Thomas A. O'Day, 1629 K St., NW, #1010 Washington, DC 20006	Alliance of American Insurers	1,600.00	
Wayne O'Dell, 6004 Wilmington Dr. Burke, VA 22015	Cable Television Assn of MD, DE & DC	22,500.00	200.00
Denise M. O'Donnell, 1875 Eye Street, NW, #775 Washington, DC 20006	Georgia-Pacific Corp		
John F. O'Donnell, 1111 14th St., NW, #1100 Washington, DC 20005	American Dental Assn	925.00	18.00
Bridget O'Grady, 3800 N. Fairfax Drive, #4 Arlington, VA 22203	National Water Resources Assn	10,000.00	
Jane O'Grady, 815 16th St., NW Washington, DC 20006	American Fed of Labor & Congress of Industrial Organizations	17,465.37	237.80
Terri O'Grady, 1600 Rhode Island Avenue, NW Washington, DC 20036	National Rifle Assn of America	1,402.50	642.01
Barbara E. O'Hara, P.O. Box 23992 Washington, DC 20026-3992	American Soc of Travel Agents	75.00	
Robert J. O'Hara Jr., 2 North 9th Street Allentown, PA 18101	Pennsylvania Power & Light Company	158.10	998.99
Dean O'Hare, 15 Mountain View Road Warren, NJ 07061	Chubb Corporation		
O'Keefe Ashenden Lyons & Ward, 30 North La Salle, #4100 Chicago, IL 60602	Mutual of America	14,670.80	4,384.11
Daniel J. O'Neal III, 600 Maryland Ave., NW, 100 West Washington, DC 20024-2571	American Nurses' Assn	6,050.00	93.54
Jim O'Neal, 4404 Fairfax Hill Plano, TX 75024	People for America		
Joseph O'Neil, 1000 Wilson Blvd., #3000 Arlington, VA 22209	ITT Defense Technology Corp	1,000.00	50.00
O'Neill and Athy, P.C., 1310 19th Street, NW Washington, DC 20036	American Bankers Assn	1,400.00	
Do	Beth Israel Hospital		
Do	Brandeis University		
Do	Brigham and Women's Hospital, Inc		
Do	Business Roundtable	1,600.00	
Do	Coalition of Boston Teaching Hospitals		
Do	Cruise America Line, Inc		
Do	District of Columbia Hospital Assn		
Do	General Mills, Inc		
Do	Glass Packaging Institute	1,100.00	
Do	Massachusetts General Hospital		
Do	National Cable Television Assn		
Do	National Football League		
Do	New England Deaconess Hospital		
Do	New England Medical Center		
Do	Pyrotechnic Signal Manufacturers Assn		
Do	Southeast Toyota Distributors, Inc	3,600.00	46.00
Do	Texas Utilities Co	1,100.00	
Do	University Hospital		
Do	USX Corporation		
Do	Viacom International, Inc	4,600.00	
John T. O'Rourke, 1129 20th Street NW #500 Washington, DC 20036	Securities Industry Assn	587.00	173.07
Do	Telecommunications Industries Assn	400.00	290.80
Do	The Limited, Inc	2,850.00	192.85
John O'Shaughnessy, 1001 G Street, NW, 7th Floor East Washington, DC 20001	Greater New York Hospital Assn	14,500.00	1,200.00
J. Denis O'Toole, 1709 New York Ave., NW Washington, DC 20006	U.S. League of Savings Institutions	26,250.00	
M. Diane O'Toole, 1000 Wilson Blvd., #2300 Arlington, VA 22209	Northrop Corp	1,400.00	635.74
Stephen E. O'Toole, 1660 L St., NW Washington, DC 20036	General Motors Corp	3,000.00	1,587.78
Jana R. Oakley, 1776 I Street, NW, #275 Washington, DC 20006	Entergy Services, Inc	3,600.00	80.92
Paul C. Oakley, 50 F Street, NW Washington, DC 20001	Association of American Railroads	562.74	
Kim M. Oboz, 1020 19th Street, NW, #700 Washington, DC 20036	U S West, Inc	458.00	
Neil H. Offen, 1776 K Street, NW, #600 Washington, DC 20006	Direct Selling Association		
Donald G. Ogilvie, 1120 Connecticut Ave., NW Washington, DC 20036	American Bankers Assn	2,500.00	
Marion Browne Oglesby Jr., 1455 Pennsylvania Ave., NW, #525 Washington, DC 20004	RJR Nabisco, Inc	4,000.00	
Sally G. Oldham, 216 7th Street, SE Washington, DC 20003	Scenic America		
Larry O. Oliver, 2230 Gallows Road, #200 Dunn Loring, VA 22027	International Technical Expertise		
R. Teel Oliver, 1615 L Street, NW, #1320 Washington, DC 20036	Merck & Co, Inc	3,000.00	500.00
Austin P. Olney, 1875 Connecticut Ave., NW, 12th Floor Washington, DC 20009	LeBoeuf Lamb Leiby & MacRae (For:National Assn of Chem Recyclers (NACR))		
Lynnea J. Olsen, 400 North Washington Street Alexandria, VA 22314	National Assn of Professional Insurance Agents		
Van R. Olsen, 1156 15th St., NW, #1019 Washington, DC 20006	U.S. Beet Sugar Assn		
Erik Olson, 1350 New York Avenue, NW Washington, DC 20005	Natural Resources Defense Council, Inc	4,200.00	
Laura L. Olson, 12731 Directors Loop Woodbridge, VA 22192	American Amusement Machine Assn		
Richard C. Olson, 2000 Edmund Halley Drive, #400 Reston, VA 22091	Citibank, N.A.		
Do	DynCorp		
Olsson Frank & Weeda, 1400 16th Street, NW, #400 Washington, DC 20036-2220	Beef Products, Inc		
Do	Duramed Pharmaceuticals, Inc		
Do	Hill and Knowlton (for: Florida Department of Citrus)		
Do	Milk Industry Foundation		
Do	National American Wholesale Grocers Assn	700.00	
Do	National Assn of Margarine Manufacturers		
Do	National Food Processors Assn	6,200.00	
Do	National Frozen Pizza Instutute	400.00	
Do	Pillsbury Company	1,100.00	
Do	San Tomo Group		
Do	Schwan's Sales Enterprises, Inc	2,400.00	
Do	U.S. Surgical Corporation		
Do	Vicam		
Do	Western States Meat Assn		
Omega International, Inc, 11 Carriage House Circle Alexandria, VA 22034	General Atomics		
Do	Mar Inc		
Philip C. Onstad, 333 Plainfield Road Edison, NJ 08820	International Communications Assn		
Ronald S. Oppenheimer, 4 World Trade Center New York, NY 10048	New York Mercantile Exchange	6,000.00	
Opperman Heins & Paquin, 1300 I Street, NW, #480E Washington, DC 20005	Hennepin County, MN	9,483.75	1,371.66
Do	West Publishing Company	19,141.25	1,237.50

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Organization of Professional Employees of USDA, Rm. 1414 S. Building U.S. Dept of Agriculture Washington, DC 20250		3,515.65	2,081.87
Edward R. Osann, 1400 16th St., NW Washington, DC 20036-0001	National Wildlife Federation	2,779.54	
Sima Osdoby, 305 7th Street, SE Washington, DC 20003	Womens Action for Nuclear Disarmament, Inc, et al.	4,300.00	
Kaz Oshiki, 5600 Broad Branch Rd. Washington, DC 20015	Go for Broke National Veterans Assn	750.00	
David S. Osterhout, 1825 Eye Street, NW, #1100 Washington, DC 20006	Lockheed Corporation	6,000.00	441.03
J. F. Otero, 815 16th Street, NW Washington, DC 20006	Transportation Communications Union	1,000.00	
Alan R. Ott, 1120 Connecticut Ave., NW Washington, DC 20036	American Bankers Assn	5,000.00	
Michael F. Ouellette, 225 N. Washington Street Alexandria, VA 22314	Non Commissioned Officers Assn	6,500.00	
Cliff Ouse, 1800 Massachusetts Ave., NW Washington, DC 20036	National Rural Electric Cooperative Assn	25.00	
Arthur R. Ouslander, P.O. Box 23451 Washington, DC 20026	Consolidated Rail Corporation	2,667.00	
Overseas Education Assn, 1201 16th Street, NW Washington, DC 20036		1,000.00	1,340.27
Jack C. Overstreet, 1745 Jefferson Davis Highway Suite 1000 Arlington, VA 22202	General Dynamics	1,000.00	231.36
Daryl Owen, 801 Pennsylvania Ave., NW, #730 Washington, DC 20004	Hooper Hooper & Owen (For:Arkla, Inc)	7,500.00	
Do	Hooper Hooper & Owen (For:BP America, Inc)	4,500.00	
Do	Hooper Hooper & Owen (For:CSX Corp/Yukon Pacific)	3,600.00	
Do	Hooper Hooper & Owen (For:Ebasco Services, Inc)	4,500.00	
Do	Hooper Hooper & Owen (For:Entergy Corp)	4,800.00	
Do	Hooper, Hooper & Owen (For:Integrated Resources Group, Inc)	3,500.00	
Do	Hooper Hooper & Owen (For:Lockheed Engineering & Sciences Co)	11,250.00	
Do	Hooper Hooper & Owen (For:Panhandle Eastern Corp)	11,250.00	
Do	Hooper Hooper & Owen (For:Science Applications, Inc)		
Stephen F. Owen Jr., 2600 Virgina Ave. NW, #840 Washington, DC 20037-1905	Classroom Publishers Assn		
Thomas E. Owens, 815 16th Street, NW, #309 Washington, DC 20006	AFL-CIO Dept of Legislation	14,285.66	176.51
Thomas J. Owens, P.O. Box 12266 Seattle, WA 98102	Dollar Savings Bank, et al.	11,300.00	3,670.52
Joel Packer, 1201 16th Street, NW Washington, DC 20036	National Education Assn	3,753.35	93.50
Lee W. Paden, P.O. Box 201 Tulsa, OK 74102	Public Service Co of Oklahoma		
Anthony Padilla, 815 16th Street, NW, #511 Washington, DC 20006	Transportation Communications Union	2,000.00	21.84
Joseph F. Page III, 201 W. Big Beaver Troy, MI 48084	Cox & Hodyman (For:Aetna Health Plans)	1,075.00	
Alejandro J. Palacios, 110 Maryland Avenue, NE Washington, DC 20002	U.S. Committee for UNICEF		24,127.50
Brian Pallasch, 1575 Eye Street, NW Washington, DC 20005	American Soc of Assn Executives	300.00	
James A. Palmer, 1776 I Street, NW, Suite 1000 Washington, DC 20006	BP America, Inc		
Michael C. Palmer, 1101 Vermont Ave., NW, #604 Washington, DC 20005	College of American Pathologists	1,077.00	
Benjamin L. Palumbo, 1000 Connecticut Avenue, NW, #706 Washington, DC 20036	Palumbo & Cerrell, Inc (For:American Soc of Composers Authors & Publishers)	7,762.50	316.95
Do	Palumbo & Cerrell, Inc (For:Atlantic Richfield Co)	1,275.00	62.00
Do	Palumbo & Cerrell, Inc (For:Government Employees Hospital Assn)	450.00	12.00
Do	New Jersey Turnpike Authority	2,375.00	62.02
Do	Palumbo & Cerrell, Inc (For:Southern California Rapid Transit District)	975.00	
Palumbo & Cerrell, Inc, 1000 Connecticut Ave. NW, #706 Washington, DC 20036	American Soc of Composers Authors & Publishers	33,750.00	19,721.28
Do	Atlantic Richfield Co	27,000.00	6,066.63
Do	Government Employees Hospital Assn	30,000.00	6,360.76
Do	New Jersey Turnpike Authority	9,999.00	8,518.70
Do	Southern California Rapid Transit District	12,500.00	8,369.81
G. Oliver Papps, N.J. Petroleum Council 150 W. State St. Trenton, NJ 08608	American Petroleum Institute		
Stephen J. Paradise, 1800 K Street, NW, #1100 Washington, DC 20006	New York Stock Exchange, Inc		
Jonathan R. Paret, 1850 M Street, NW Washington, DC 20036	Securities Industry Assn	3,069.00	
Alan A. Parker, 1050 31st Street, NW Washington, DC 20007	Association of Trial Lawyers of America	5,000.00	100.00
Bruce Parker, 1730 Rhode Island Ave., NW Washington, DC 20036	National Solid Wastes Management Assn	500.00	
John N. Parker, 1100 Connecticut Ave., NW, #620 Washington, DC 20036	Mobil Corp	375.00	
Tom V. Parker, Arkansas Petroleum Council One Riverfront Place, #460 North Little Rock, AR 72114	American Petroleum Institute	1,440.00	1,182.36
Penny L. Parkin, 1776 Eye Street, NW, #575 Washington, DC 20006	Dow Chemical USA		6,136.00
Carl M. Parks, 633 Pennsylvania Ave., NW, #600 Washington, DC 20004	Sears Roebuck & Co	15,000.00	166.60
Lawrence Parks, 1125 15th Street, NW Washington, DC 20005	Mortgage Bankers Assn of America	13,275.00	680.56
Ken Parmelee, 1630 Duke Street, 4th Floor Alexandria, VA 22314-3465	National Rural Letter Carriers Assn	20,626.00	2,749.00
Norman T. Parnes, 5503 Mako Court Waldorf, MD 20603	Air Force Sergeants Assn, Inc		
Ronald L. Parrish, 1800 One Tandy Center Fort Worth, TX 75102	Tandy Corporation	7,615.38	2,979.78
Partnership on Health Care and Employment, P.O. Box 27414 Washington, DC 20038		57,705.00	64,901.23
Charles C. Partridge, 5535 Hempstead Way Springfield, VA 22151	National Assn for Uniformed Services	4,932.97	
Robert D. Partridge, 511 Janneys Lane Alexandria, VA 22302	Burns & McDonnell		
Richard E. Pasco, 501 School Street, SW, #400 Washington, DC 20024	National Pork Producers Council	10,000.00	463.65
M. Stephanie Patrick, 1101 15th Street, NW, #1000 Washington, DC 20005	Cargill, Inc	1,250.00	
Gary B. Patterson, Delaware Petroleum Council P.O. Box 1429 Dover, DE 19903	American Petroleum Institute	180.00	
Jerry M. Patterson, 3200 Bristol St., Suite 640 Costa Mesa, CA 92626	City of Alhambra	102.50	
Do	City of Bell & Bell Community Redevelopment Agency	1,350.50	
Do	Burke Williams & Sorensen (For:City of Santa Ana)	37.50	
Do	Burke Williams & Sorensen (For:City of Santa Clarita)	384.00	
Richard M. Patterson, 1776 Eye St., NW, #575 Washington, DC 20006	Dow Chemical Co	500.00	6,336.00
Sally Patterson, 810 Seventh Ave. New York, NY 10019	Planned Parenthood Federation of America	120.95	
C. James Patti, 1133 15th Street, NW, #600 Washington, DC 20005	Maritime Institute for Research & Industrial Development	11,087.72	
Patton Boggs & Blow, 2550 M St., NW Washington, DC 20037	Ad Hoc Coalition for FPI Reform	630.00	50.00
Do	Ad Hoc Coalition for Intermarket Coordination	580.00	40.00
Do	Ad Hoc Coalition Administration for Native Americans		
Do	Air Products & Chemicals, Inc	345.00	50.00
Do	Aiwa America, Inc		
Do	Akai America, Ltd		
Do	Alabama Power Co		
Do	Amenco	28,470.00	
Do	American Congress on Surveying & Mapping		
Do	American International Automobile Dealers Assn	470.00	11.00
Do	American Newspaper Publishing Assn	4,693.75	192.00
Do	American Soc of Plastic & Reconstructive Surgeons		
Do	American Stock Exchange, Inc		
Do	Ares-Serono, Inc	2,077.50	55.00
Do	Armco, Inc	345.00	20.00
Do	Association of Trial Lawyers of America	990.00	40.00
Do	Bankers Trust Company	690.00	60.00
Do	Bath Iron Works Corp		
Do	Bethlehem Steel Corp	345.00	20.00
Do	Bic Corporation		
Do	Blair Corporation		
Do	Bluebonnet Savings Bank FSB	1,520.00	25.00
Do	Board of Mississippi Levee Commissioners		
Do	Bristol Myers/Squibb Corp		
Do	Casio		
Do	Castle & Cooke, Inc		
Do	Center for Molecular Medicine & Immunology		
Do	Center City Inner Harbor		
Do	Chemfix Technologies, Inc		
Do	Cherokee Nation of Oklahoma	3,150.00	160.00
Do	Cherokee Nation Industries, Inc		
Do	Chicago Board Options Exchange	400.00	40.00
Do	Chrysler Corporation		
Do	City & County of Denver		
Do	City of Baltimore		
Do	Climate Council	470.00	63.70
Do	Coalition for Fair Allocation of Interest	1,145.00	50.00
Do	Coalition on State Use Taxes		
Do	College Savings Bank	140.00	10.00
Do	Columbia, Inc		
Do	Corridor Broadcasting Corp	210.00	10.00
Do	Council of Community Blood Centers		
Do	CUC International		
Do	Dairy Institute of California	61.25	
Do	Dealer Action Association	990.00	35.00
Do	Denver Colorado Planning Department		

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Do	Discovery Channel		
Do	Dole Fresh Fruit Co		
Do	Doyon Corporation		
Do	Duty Free Shoppers Group, Ltd		
Do	Electric Reliability Coalition	2,370.00	150.00
Do	Encore Computer Corp		
Do	Falconwood Corp		
Do	Federation of Postal Police Officers		
Do	Federation Against Inequitable & Progressive Taxation	2,025.00	85.00
Do	Fiart Cantieri Italiani, S.P.A.		
Do	Fishing Vessel Owner's Assn		
Do	Flexi-Van Leasing, Inc		
Do	Freedom to Advertise Coalition	352.50	
Do	Fuji Photo Film USA, Inc		
Do	Gana-A'Yoo, Limited		
Do	General Electric Co		
Do	Genstar Container Corp		
Do	Charles Heilbronn, et al.		
Do	Hillenbrand Industries		
Do	Hitachi Sales Corp of America		
Do	Institute of Scrap Recycling Industries	280.00	
Do	International Fabricare Institute		
Do	International Swaps Dealers Assn, Inc		
Do	Itel Containers International Corp		
Do	J.P. Morgan & Co, Inc	800.00	60.00
Do	Jena Band of Choctau	735.00	45.00
Do	Johnson Controls World Services, Inc		
Do	Kaiser Aluminum & Chemical Corp		
Do	Kenwood USA Corporation		
Do	KAO Infosystems		
Do	Local Government Wetlands Coalition	505.00	10.00
Do	Loop, Inc		
Do	Loyloa University		
Do	Manhole Adjusting, Inc	110.00	10.00
Do	Marathon Oil Co	1,025.00	
Do	Mars, Inc	110.00	20.00
Do	Mass Mutual	2,200.00	47.50
Do	Matson Navigation Co		
Do	Matsushita Electric Corp of America		
Do	Maxell Corp of America		
Do	Metropolitan Life	220.00	10.00
Do	Mitsubishi Electric Sales of America, Inc		
Do	Mutual Legislative Committee		
Do	MCI Telecommunications, Inc	2,517.50	80.00
Do	Nakajima USA		
Do	Nakamichi USA		
Do	National Assn for the Superconducting Super Collider (SSC)	220.00	40.00
Do	National Assn of Life Underwriters		
Do	National Assn of Retail Druggists		
Do	National Automatic Merchandising Assn	1,495.00	90.00
Do	National Cable Television Assn, Inc	345.00	
Do	National Marine Manufacturers Assn		
Do	National Soft Drink Assn		
Do	New York Life Insurance Company	440.00	7.00
Do	Northwestern Mutual Life Insurance Co	440.00	95.00
Do	Nutri/Systems, Inc		
Do	NCNB Texas National Bank		
Do	NEC Electronics (USA) Inc		
Do	NMTBA-National Machine Tool Builder's Assn	345.00	20.00
Do	Onkyo USA Corp		
Do	Options Clearing Corp		
Do	OSG Bulk Ships, Inc	5,137.50	524.00
Do	Pioneer Electronics (USA), Inc		
Do	PNC Financial Corp	1,710.00	25.00
Do	Reader's Digest Assn, Inc	1,000.00	
Do	Donald Rector	1,417.50	50.00
Do	Reinsurance Assn of America		
Do	Reliance Group Holdings, Inc		
Do	Republic of the Marshall Islands Development Authority		
Do	Republic of Guatemala		
Do	Retail Industry Trade Action Coalition		
Do	Royal Trustco Ltd		
Do	Sansui Electronics Corp		
Do	Sanyo Electronics, Inc		
Do	Raymond F. Schoenke Jr.	220.00	
Do	Sedgwick James, Inc	440.00	15.00
Do	Sharp Electronics Corp		
Do	Charles E. Smith Companies	172.50	10.00
Do	Smokeless Tobacco Council, Inc	3,142.50	28.00
Do	Sony Corp of America		
Do	Sprat Bay Corp		
Do	Standard Federal Savings Bank		
Do	State of Louisiana, Department of Conservation		
Do	Sultantate of Oman		
Do	Sybron Corp	140.00	12.00
Do	STS Hydropower, LTD		
Do	Thomson US, Inc	110.00	
Do	Toshiba America, Inc		
Do	Trans Ocean Ltd		
Do	Triton Container		
Do	TDK USA Corp		
Do	TEAC Corp of America		
Do	U.S. Tobacco Company		
Do	Union Pacific Corp		
Do	US JVC Corporation		
Do	USX Corporation	345.00	20.00
Do	Waste Management, Inc		
Do	Wayne County Michigan	61.25	
Do	Western Forest Industry Assn		
Do	Westinghouse Electric Corp	110.00	
Do	Yamaha Electronics Corp, USA		
Andrew R. Paul, 225 Reinekers Lane, #600 Alexandria, VA 22314	Satellite Broadcasting & Communications Assn	4,000.00	67.09
Paul Hastings Janofsky & Walker, 1050 Connecticut Avenue, NW, #1200 Washington, DC 20036	Allegheny Power System Inc, et al.	11,407.50	152.83
Do	Amdahl Corp		
Do	American College of Neuropsychopharmacology	3,096.25	
Do	American Trucking Assns, Inc	3,277.50	58.99
Do	Business Council on Indoor Air		
Do	CalMat Company		
Do	Government Affairs Policy Council of Reg Bell Operating Co's	12,255.00	102.92
Do	Kawasaki Motors Corp, USA	570.00	
Do	Norfolk Southern Corp	1,211.25	
Do	Novo-Nordisk Pharmaceuticals, Inc	11,250.00	104.77
Do	Roadway Services, Inc		
Do	Security Life of Denver		

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Do	Siskiyou Co Board of Supervisors & Office of Education	1,050.00	32.66
Do	Tobacco Institute	5,602.50	
Do	Union Pacific Corp		
Paul Weiss Rifkind Wharton & Garrison, 1615 L Street, NW, #1300 Washington, DC 20036	HNSX Supercomputers, Inc	975.00	
Do	National Music Publishers Assn, Inc	13,343.50	
Do	Newsprint Section of the Canadian Pulp & Paper Assn	15,000.00	15,783.70
Paul Werth Associates Inc, 1150 Connecticut Ave, NW Suite 900 Washington, DC 20036	Coalition for Vehicle Choice		741.16
Gwen Gampel Paulson, 711 Second Street, NE, #200 Washington, DC 20002	Congressional Consultants (For:American Assn of Retired Persons)		
Do	Dialysis Clinic, Inc		
Do	Kinetic Concepts, Inc	2,000.00	
Do	Congressional Consultants (For:National Renal Administrators Assn)		
Kristin E. Paulson, 1401 Eye Street, NW, Suite 600 Washington, DC 20005	United Technologies Corp	354.16	
Tommy J. Payne, 1455 Pennsylvania Ave., NW, #525 Washington, DC 20004	RJR Nabisco, Inc	2,900.00	97.96
Bruce Peabody, 110 Maryland Ave., NE Washington, DC 20002	Council for a Livable World	2,914.02	
Chris Peace, 500 E. Street, SW, #920 Washington, DC 20024	Aircraft Owners & Pilots Assn	5,000.00	1,065.70
J. Leon Peace, 15th & M Streets, NW Washington, DC 20005	National Assn of Home Builders of the United States		
Peace Political Action Committee, 110 Maryland Avenue, NE Washington, DC 20002			13,548.80
Norman E. Pearson, 125 N. West Street Alexandria, VA 22314-2754	Fleet Reserve Assn	100.00	
Ronald Pearson, 422 First Street, SE, #208 Washington, DC 20003	Pearson & Pipkin (For:Physicians Who Care)		
Russell H. Pearson, 1156 15th Street, NW, #1015 Washington, DC 20005	J. C. Penney Co, Inc		
Pearson and Pipkin, Inc, 422 First Street, SE, #208 Washington, DC 20003	Physicians Who Care	1,500.00	
Joe P. Peck Jr., 15th & M Streets, NW Washington, DC 20005	National Assn of Home Builders of the U.S.		
Robert Peck, 122 Maryland Ave., NE Washington, DC 20002	American Civil Liberties Union		
Elin Peltz, 1155 15th Street, NW, #900 Washington, DC 20005	National Agricultural Chemicals Assn		
Randall G. Pence, 2302 Horse Pen Road Herndon, VA 22071-3406	National Concrete Masonry Assn	5,900.00	1,540.57
Nicholas J. Penning, 1801 N. Moore Street Arlington, VA 22209	American Assn of School Administrators	9,135.15	
James C. Pennington, 5535 Hempstead Way Springfield, VA 22151	National Assn for Uniformed Services	3,406.27	
Pennsylvania Mines Corp, P.O. Box 367 Ebensburg, PA 15931			872.10
Pennsylvania Power & Light Co, 2 North 9th Street Allentown, PA 18101			4,675.91
People for America, 4404 Fairfax Hill Plano, TX 75024			11,700.00
Pepper Hamilton & Scheetz, 1300 19th Street, NW Washington, DC 20036	Association for Governmental Leasing & Finance	1,680.00	75.56
Barbara K. Pequet, 1755 Massachusetts Ave., NW, #418 Washington, DC 20036	American Soc for the Prevention of Cruelty to Animals	2,000.00	
Perkins Coie, 607 14th Street, NW #800 Washington, DC 20005-2011	American Coke & Coal Chemicals Institute		
Do	Arctic Alaska Fishing Corp		
Do	Boeing Company		
Do	Burlington Resources		2,062.50
Do	City of America		
Do	Cook Inlet Region, Inc		687.50
Do	General Electric Co		
Do	Krupp Atlas Elektronik GmbH		
Do	Wood Heating Alliance		
Gary J. Perkinson, 453 New Jersey Ave., SE Washington, DC 20003	Beneficial Management Corp		
Richard Perle, 5 Grafton Street Chevey Chase, MD 20815			
Jeffry L. Perlman, 1615 H St., NW Washington, DC 20062	American Advertising Federation	2,250.00	261.41
Leonard Perlman, 5312 Trailway Drive Rockville, MD 20853	National Rehabilitation Counseling Assn		
Anne Powers Perry, 5605 South 5th Road Arlington, VA 22204	Oryx Energy Co	9,000.00	403.03
Beverly Perry, 1900 Pennsylvania Ave, NW Washington, DC 20068	Potomac Electric Prwer Company	116.58	
Edmund F. Perry, 1301 K Street, NW, Suite 1100 Washington, DC 20005	IBM Corp	719.00	112.00
Susan Perry, 1015 15th Street, NW Washington, DC 20005	American Bus Assn	2,687.50	75.00
John C. Perryman, 333 Piedmont Avenue, 23rd Floor Atlanta, GA 30308	Georgia Power Co	12,402.50	2,298.69
Mark Pertschuk, 2530 San Pablo Ave, #J Berkeley, CA 94702	Americans for Nonsmokers' Rights	1,222.00	
John W. Pestle, 171 Monroe Ave., #800 Grand Rapids, MI 49503	Michigan Municipal Cooperative Group	48,415.71	9,446.00
Phillips S. Peter, 3135 Easton Turnpike Fairfield, CT 06431	General Electric Co	200.00	
Gordon A. Peters, 9191 West Tulip Drive Columbus, IN 47201	Juvenile Products Manufacturers Assn	8,100.00	1,926.92
Robert Peters, 15 Leroy Street, #19 New York, NY 10014-3975	Morality in Media, Inc	949.62	
Robert R. Petersen, 1300 L Street, #925 Washington, DC 20005	National Grain Trade Council		8.00
Alan Peterson, 1505 Prince Street, #300 Alexandria, VA 22314	American Optometric Assn		
Esther Peterson, 2001 S St., NW, #510 Washington, DC 20009	International Organization of Consumers Unions		
Geoffrey G. Peterson, 1250 Eye St., NW, #900 Washington, DC 20005	Distilled Spirits Council of the U.S., Inc	1,000.00	
Helena Hutton Peterson, 1101 15th Street, NW Washington, DC 20005	Minnesota Mining & Manufacturing Co	2,500.00	
J. Scott Peterson, 410 First Street, SE Washington, DC 20003	American Nuclear Energy Council	916.81	95.52
Kenneth W. Peterson, Kansas Petroleum Council 1005 Merchants Tower Topeka, KS 66612	American Petroleum Institute		
Lars E. Peterson, 1750 K Street, NW Washington, DC 20006	Food Marketing Institute	500.00	
Joseph P. Petito, 1800 M Street, NW Washington, DC 20036	Coopers & Lybrand	2,200.00	858.00
Susan F. Petniunas, 1625 K Street, NW, #750 Washington, DC 20006	Manville Corporation	500.00	
Michael J. Petrina Jr., 1101 17th Street, NW, #300 Washington, DC 20036	Cosmetic Toiletry & Fragrance Assn, Inc	2,500.00	25.00
Petroleum Marketers Assn of America, 1120 Vermont Ave., NW, #1130 Washington, DC 20005		20,000.00	19,963.08
Stephan Petry, 1800 Massachusetts Avenue, NW Washington, DC 20036	National Rural Electric Cooperative Assn	149.68	
Laura M. Pettey, 1776 Eye Street, NW, #575 Washington, DC 20006	Dow Chemical Co	500.00	6,236.00
Susan M. Pettey, 901 E Street, NW, #500 Washington, DC 20004-2837	American Assn of Homes for the Aging		
C. L. Pettit, 1730 Rhode Island Ave., NW Washington, DC 20036	National Solid Wastes Management Assn	500.00	
Pettit & Martin, 601 13th Street, NW, #600 Washington, DC 20005	American Suzuki Motor Corp	12,731.00	184.98
Brian T. Petty, 1901 L St., NW, #702 Washington, DC 20036	International Assn of Drilling Contractors		
Maria L. Pfarr, 1455 Pennsylvania Ave., NW, #1000 Washingoton, DC 20004	New England Council, Inc		
Steven J. Pfister, National Retail Federation 701 Pennsylvania Avenue, NW #710 Washington, DC 20004	National Retail Federation	3,000.00	171.09
Kurt Pfotenhauer, 555 13th Street, Suite 450 West Columbia Square Washington, DC 20004	Union Pacific Corp	7,500.00	305.76
Pharmaceutical Manufacturers Assn, 1100 15th Street, NW, #900 Washington, DC 20005		42,642.50	42,642.50
Marshall A. Pharr, 6103 Adirondack Amarillo, TX 79106	Southwestern Public Service Co	6,710.40	110.45
Dennis J. Phelan, 1101 17th St., N.W., #609 Washington, DC 20036	Pacific Seafood Processors Assn	22,500.00	688.00
Mary Frances Phelps, 1050 Connecticut Ave., NW, #760 Washington, DC 20036	Union Oil Co of California		
William C. Phelps, 2929 Allen Parkway Houston, TX 77019	American General Corporation	4,400.00	6,973.85
William W. Phelps, P.O. Box 2159 Dallas, TX 75221	FINA, Inc	29,000.04	2,372.40
James B. Phifer, 1700 N. Moore St., #1801 Arlington, VA 22209	Magnavox Electronic Systems Co	5,867.91	1,752.52
Deirdre B. Phillips, 100 Federal Street Boston, MA 02110	Bank of Boston Corporation		
Do	First National Bank of Boston	2,090.00	3,438.74
Joseph M. Phillips, 1600 Rhode Island Ave., NW Washington, DC 20036	National Rifle Assn of America	1,377.00	177.57
Kristine Phillips, 2000 K Street, NW, #800 Washington, DC 20006	National Committee to Preserve Social Security & Medicare	265.00	
Phillips Nizer Benjamin Krim & Ballon, 31 West 52nd Street New York, NY 10019	Riverbay Corp		
Dan Phythyon, 1771 N St., NW Washington, DC 20036	National Assn of Broadcasters	4,500.00	534.90
Lisa Piccione, 1220 19th Street, NW, #200 Washington, DC 20036	Airports Assn Council International		
Joann Piccolo, 1350 I Street, NW, #400 Washington, DC 20005	Motorola, Inc	4,500.00	
Lori J. Pickford, 2301 M Street, NW Washington, DC 20037	American Public Power Assn	2,000.00	
Paulette C. Pidcock, 1100 Connecticut Avenue, NW, #530 Washington, DC 20036	Baltimore Gas & Electric Co	748.30	100.16
Janice Pieper, 1101 Vermont Ave., NW Washington, DC 20005	American Medical Assn	3,750.00	31.91
Pierson Semmes & Bemis, 1054 31st Street, NW Washington, DC 20007	Mauritius Sugar Syndicate		
Do	Oklahoma Natural Gas Company		
Donna M. Pignatelli, 1001 Pennsylvania Ave., NW Washington, DC 20004	American Council of Life Insurance	1,000.00	
Elizabeth P. Pigott, 155 Marblehead Court Jackson, MS 39211	Entergy Services, Inc	3,000.00	2,010.00
Mary C. Pigott, 1331 Pennsylvania Ave., NW, #1500-N Washington, DC 20004-1703	National Assn of Manufacturers		
Susan G. Pikrallidas, 500 E Street, SW, #950 Washington, DC 20024	American Automobile Assn		
Piliero Mazza & Pargament, Farragut Square 888 17th Street, NW, #1100 Washington, DC 20006	Ad Hoc Committee of Mutual Fund Managers	1,935.44	
Do	City of Portsmouth, New Hampshire		
Do	Latin American Management Assn		
Do	National Fire Protection Assn		
Do	Villa Banfi, U.S.A		
Piper & Marbury, 1200 19th Street, NW, #700 Washington, DC 20036	Direct Marketing Assn		2,100.00
Do	Edison Electric Institute	1,202.50	14.00
Do	Information Industry Assn		2,100.00
Do	Journal of Commerce, Inc		2,100.00
Do	Mead Data Central, Inc		2,100.00
Jeffrey J. Pirruccello, One Central Park Plaza, #1100 Omaha, NB 68508	McGrath North Mullin & Kratz, PC (For:Nebraska Catholic Conference)	112.00	
Do	McGrath North Mullin & Kratz, PC (For:Septemberfest Salute to Labor, Inc)		
William P. Pitts, 1667 K Street, NW, #300 Washington, DC 20006	Amdahl Corp	1,000.00	
Plains Cotton Growers, Inc, 4510 Englewood Lubbock, TX 79414			

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Planned Parenthood Fed of America, Inc, 2010 Massachusetts Avenue, NW, 5th Fl. Washington, DC 20036		12,645.63	12,645.63
Reuben C. Plantico, 500 N.E. Multnomah, #1500 Portland, OR 97232-2045	Nerco, Inc	2,232.00	480.52
Michael L. Platner, 1220 L Street, NW, Suite 900 Washington, DC 20005	American Petroleum Institute	4,250.00	215.55
Ronald L. Platt, 2550 M Street, NW, #275 Washington, DC 20037	Fashion Accessories Shippers Assn		
Jon Plebani, 555 13th Street, NW, Suite 1290 East Washington, DC 20004	McCamish Martin & Loeffler (For:American Golf Corp)		
Do	McCamish Martin & Loeffler (For:Central South West Corp)		
Do	McCamish Martin & Loeffler (For:Citicorp)		
Do	McCamish Martin & Loeffler (For:Electronic Data Systems Corp)		
Do	McCamish Martin & Loeffler (For:National Assn of Broadcasters)	105.00	
Do	McCamish Martin & Loeffler (For:Sematech)	105.00	
Wyll W. Pleger, 1150 Connecticut Ave., NW, #205 Washington, DC 20036	Brown & Root, Inc		74.34
E. R. Plourd, 400 N. Capitol Street, NW, #856 Washington, DC 20001	United Transportation Union	2,500.00	
Rebecca S. Poe, P.O. Box 2450 Clarksburg, WV 26302-2450	CNG Transmission Corp	500.00	
Policy Consulting Services, Inc, 1707 L Street, NW, #725 Washington, DC 20036	Nissan Motor Company, Ltd		
Do	Nissan Motor Manufacturing Corp, U.S.A.		
Do	Nissan North America, Inc	10,762.00	10,343.00
Mindy Pollack, One Greenwich Plaza P.O. Box 2568 Greenwich, CT 06836	NAC Re Corp		
Michele Pollak, 601 E Street, NW Washington, DC 20049	American Assn of Retired Persons	779.38	485.19
Alfred M. Pollard, 1701 K Street, NW, #503 Washington, DC 20006	Security Pacific Corp	5,873.08	800.16
Thomas B. Pollard Jr., P.O. Drawer 2426 Columbia, SC 29202	Nexsen Pruet Jacobs & Pollard (For:Greenwood Development Corp)		2,810.00
William B. Pomeroy, 1255 23rd Street, NW, #800 Washington, DC 20037	International Communications Assn		
James J. Popham, 1200 18th Street, NW Washington, DC 20036	Association of Independent Television Stations, Inc	1,500.00	
Joseph V. Popolo Jr., 1600 Wilson Boulevard, #807 Arlington, VA 22209	Roadway Services, Inc		
Port of Seattle, P.O. Box 1209 Seattle, WA 98111			2,677.54
J. Craig Potter, 1020 19th Street, NW, #400 Washington, DC 20036-6101	Oppenheimer Wolff & Donelly		
Sara E. Potter, 1201 16th Street, NW Washington, DC 20036	National Education Assn		
John C. Pouland, 5601 Winding Wood Trail Dallas, TX 75227	Philip Morris, USA	1,800.00	
Powell Goldstein Frazer & Murphy, 1001 Pennsylvania Ave., NW, 6th Floor, S Washington, DC 20004	Iroquois Gas Transmission System	8,530.00	1,051.82
John J. Power, 815 16th St., NW Washington, DC 20006	American Fed of Labor & Congress of Industrial Organizations	17,465.37	133.00
Prather Seeger Doolittle & Farmer, 1600 M Street, NW, 7th Floor Washington, DC 20036	Government of Rheinland-Pfalz		5,053.70
Do	Preussag AG		812.68
David J. Pratt, 1130 Connecticut Ave., NW, #1000 Washington, DC 20036	American Insurance Assn	810.00	46.00
Robert L. Pratt, PRAXIS, Inc 300 Third Avenue Waltham, MA 02154	Thermo Electron Corp/Thermedics, Inc	5,280.00	1,087.00
Donald Preston, 400 North Washington Street Alexandria, VA 22314	National Assn of Professional Insurance Agents		
Preston Gates Ellis Rouvelas & Meeds, 1735 New York Avenue, NW, #500 Washington, DC 20006	American Fisheries Coalition		
Do	American President Lines	8,445.50	
Do	Bay Ship Management		
Do	Bellingham Cold Storage		
Do	Brown Forman Corp		
Do	Browning Kaleczyc Berry & Hoven	763.50	
Do	Burlington Northern Railroad Co		
Do	Calista Corp		
Do	Chambers Development Co, Inc	900.00	
Do	Computer Systems Policy Project		
Do	Council on Research & Technology		
Do	Data General Corp		
Do	Earthquake Project	6,097.50	
Do	Hewlett-Packard Co		
Do	Intelsat		
Do	Kraft General Foods	1,480.00	
Do	Kyokuyo Co, Ltd		
Do	Microsoft Corp	1,655.00	22.90
Do	Mormac Marine Group, Inc/Mormac Marine Transport, Inc		
Do	National Council on Compensation Insurance		
Do	National Hydropower Assn		
Do	Nichiro Corp		
Do	Nissui Shipping Corp		
Do	OMI Corp		
Do	Pacific Medical Center		
Do	Pitney Bowes		
Do	Port of Seattle		
Do	Rokuchu Marine Corp		
Do	Software Pubishers Association	16,207.00	
Do	Sunmar Shipping, Inc		
Do	Taiyo Gyogyo Kabushiki Kaisha		
Do	Tele-Communications, Inc	30,741.50	
Do	Transportation Institute		
Do	Tri-City Industrial Development Council		
Do	University of Washington		
Do	Westinghouse Electric Company		
Harold Price, 1533 New Hampshire Ave., NW Washington, DC 20036	National Assn of Retired Federal Employees		
Woodruff M. Price, 1331 Pennsylvania Ave., NW, #560 Washington, DC 20004	CSX Corporation	6,000.00	931.03
Price Waterhouse, 1801 K St., NW, #700 Washington, DC 20006	General Electric Co		
Do	Investment Company Institute	390.00	16.50
Ann L. Pride, 1776 I Street, NW, #275 Washington, DC 20006	Entergy, Inc	812.49	187.68
Daniel B. Priest, 1825 K St., NW, Suite 210 Washington, DC 20006	Environcorp, Inc		
Sheila M. Prindiville, 1730 Rhode Island Ave., NW, #1000 Washington, DC 20036	National Solid Waste Management Assn	500.00	
Sydney Probst, 1250 Eye Street, NW, #900 Washington, DC 20005	Distilled Spirits Council of the U.S., Inc	2,000.00	
Procompetitive Rail Steering Committee, c/o Vuono, Lavelle & Gray 2310 Grant Building Pittsburgh, PA 15219			
Profit Sharing Council of America, 20 N. Wacker Drive Chicago, IL 60606			
Project Cure, Inc, 1101 Connecticut Ave., NW, #403 Washington, DC 20006			
Peter D. Prowitt, 1101 17th Street, NW, #400 Washington, DC 20036	American President Companies, Ltd	11,874.00	
James C. Pruitt, 1050 17th St., NW, #500 Washington, DC 20036	Texaco, Inc		
Jerry Z. Pruzan, 1333 New Hampshire Ave., NW Washington, DC 20036	Atlantic Richfield Co	270.00	
George Prytula, 1000 Wilson Boulevard, #2800 Arlington, VA 22209	Grumman Corporation	625.00	69.63
Public Citizen, Inc, 2000 P Street, NW Washington, DC 20036		53,837.00	58,727.00
Public Employee Department, AFL-CIO, 815 16th St., NW Washington, DC 20006		83,274.36	13,419.98
Public Strategies, 620 Congress Avenue, #310 Austin, TX 78701	Sammons Enterprises, Inc	18,750.00	80.51
Do	Southwest Airlines Co	8,400.00	7,685.33
Public Strategies Washington, Inc, 1455 Pennsylvania Ave., NW, #1100 Washington, DC 20004	American Trucking Assns, Inc	12,510.00	366.12
Do	Blue Cross Blue Shield Assn	80,000.00	2,810.76
Do	Boston Capital Partners, Inc	12,000.00	476.13
Do	GTECH	54,000.00	454.23
Do	Hyatt Legal Plans, Inc		
Do	Jewelers of America, Inc	15,000.00	61.00
Do	Mexican Department of Commerce & Finance	20,000.00	106.00
Do	National Assn of Chain Drug Stores	33,332.00	865.50
Do	Southwest Airlines	6,000.00	466.90
Do	Stuzin and Camner	3,325.00	
Philip N. Pulizzi Jr., 1667 K Street, NW, #600 Washington, DC 20006	Bethlehem Steel Corp	250.00	
David E. Pullen, 1625 K Street, NW, #750 Washington, DC 20006	Manville Corporation	1,000.00	
Brenda Pulley, 1875 Connecticut Avenue, NW, 12th Floor Washington, DC 20009	LeBoeuf Lamb Leiby & MacRae (For:National Assn of Chem Recyclers (NACR))		
Julie F. Pulliam, 801 Pennsylvania Ave., NW, #620 Washington, DC 20004	Equifax, Inc	10,000.00	
Charles H. Purcell, 200 Park Avenue New York, NY 10166	Coudert Brothers	2,000.00	
John R. Purcell, 204 E Street, NE Washington, DC 20002	National Frozen Food Association	500.00	
Thomas W. Purcell, 100 Daingerfield Road Alexandria, VA 22314	Printing Industries of America, Inc	2,500.00	
Sue P. Purvis, P.O. Box 14042 St. Petersburg, FL 33733	Florida Power Corp	3,025.00	1,773.00
Do	Florida Progress Corp	754.00	558.00
Earle W. Putnam, 5025 Wisconsin Avenue, NW Washington, DC 20016	Amalgamated Transit Union, AFL-CIO		
Everett Pyatt, 4560 North 25th Road Arlington, VA 22207			
Howard Pyle III, 1050 17th Street, NW, #1250 Washington, DC 20036	Houston Industries, Inc	8,000.00	
Robert N. Pyle & Associates, P.O. Box 3731 Washington, DC 20007	Elkem Metals Company	4,250.00	84.00
Do	Independent Bakers Assn	3,000.00	150.00
Do	Stratcor	3,000.00	250.00

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Do	Welch Foods, Inc	3,750.00	65.00
Patricia A. Quealy, 655 15th Street, NW, #350 Washington, DC 20005	Blue Cross & Blue Shield Assn	7,750.00	1,321.31
Harold P. Quinn Jr., 1130 17th St., NW Washington, DC 20036	National Coal Assn	9,000.00	31.00
John E. Quinn, 11 Beacon Street, #415 Boston, MA 02108	American Petroleum Institute	1,500.00	
Earl C. Quist, 1850 M Street, NW, #600 Washington, DC 20036	Toyota Motor Sales, USA, Inc		
Jeffrey L. Quyle, 720 N. High School Rd. Indianapolis, IN 46214	Indiana Statewide Assn of Rural Electric Cooperatives, Inc	3,000.00	4,579.26
George Gregory Raab, 555 13th Street, NW, #1260 East Washington, DC 20004	Medtronic, Inc		5.00
Mark J. Raabe, 1615 L St., NW, #1320 Washington, DC 20036	Merck & Co, Inc	1,500.00	500.00
Alex Radin, 1200 New Hampshire Ave., NW, #507 Washington, DC 20036	Tennessee Valley Public Power Assn	1,343.75	
Do	Radin & Associates Inc (For:Washington Public Power Supply System)	82.50	
Do	Radin & Associates, Inc. (For:Washington Public Utility Districts Assn)	3,156.25	
Radio-Electronics Officers Union, 1415 Moylan Rd. Panama City Beach, FL 32407	Radio Officers Union		
Radio-Television News Directors Assn, 1000 Connecticut Avenue, NW, #615 Washington, DC 20036		2,500.00	
Tess A. Rae, 1001 Pennsylvania Ave., NW Washington, DC 20004	American Council of Life Insurance, Inc		
Ragan & Mason, 1156 15th Street, NW, #800 Washington, DC 20005	American Bureau of Shipping	5,000.00	117.83
Do	American Ship Building Co	5,000.00	89.85
Do	Bechtel Corp		
Do	Bell Atlantic Network Services, Inc	33,750.00	
Do	Childrens Television Workshop		
Do	Klukwan, Inc		
Do	National Bulk Carriers, Inc	4,500.00	
Do	R.J. Reynolds Nabisco, Inc	21,000.00	
Do	Sea-Land Service, Inc	20,000.00	153.08
Do	Security Pacific Leasing Corporation		
Do	Security Pacific National Bank		
Do	Stimson Lumber Co & Miller Redwood Co		
Do	Territorial Savings & Loan Assn		
Kelly Rahach, 799 Sunset View Blvd. Tallmadge, OH 44278			316.48
Tanya A. Rahall, 2550 M Street, NW, #305 Washington, DC 20037-1301	American Task Force for Lebanon	15,000.00	13.00
Thomas F. Railsback, 2000 M Street, NW Washington, DC 20036	Graham & James (For:Ameritech, Bell Atlantic, BellSouth & et al)	1,259.00	
Do	Graham & James (For:R. R. Donnelley & Sons Company)	200.00	
Do	Graham & James (For:English Bay Corp)		
Do	Graham & James (For:Federal Judges Association)		
Do	Graham & James (For:Illinois Health Facilities Authority)		
Do	Graham & James (For:Milk Specialties Co)		
Do	Graham & James (For:National Assn of Immigration Judges)		
Do	Graham & James (For:National Council of U.S. Magistrates)		
Railway Progress Institute, 700 North Fairfax St. Alexandria, VA 22314			
John Vernon Rainbolt II, 655 15th Street, NW, Suite 300 Washington, DC 20005	Chicago Mercantile Exchange	3,400.00	657.65
Do	Rainbolt Law Office (For:National Futures Assn)	3,300.00	46.33
Rainbow Lobby, 1660 L Street, NW, #204 Washington, DC 20036		58,950.24	58,950.24
John C. Ramig, 222 SW Columbia, #1800 Portland, OR 97201	Lindsay Hart Neil & Weigler (For:Moex Corp)	18,000.00	5,477.22
George Ramonas, 1455 Pennsylvania Ave., NW, Suite 1180 Washington, DC 20004	Capitol Strategies Inc (For:Arizona State University)		
Do	Advocacy Group (For:Arizona State University)		
Do	Capitol Strategies Inc (For:Georgia Southern University)		
Do	Advocacy Group (For:Georgia Southern University)		
Do	Advocacy Group (For:University of Utah)		
Diana Ramsay, 1383 Piccard Drive P.O. Box 1725 Rockville, MD 20849-1725	American Occupational Therapy Assn, Inc	2,500.00	
Kristen M. Rand, 2001 S St., NW, #520 Washington, DC 20009	Consumers Union of U.S., Inc	1,000.00	
Donald A. Randall, 321 D Street, NE Washington, DC 20002	Automotive Service Assn	12,937.50	
Do	National Independent Dairy-Foods Assn	103.44	
James D. Range, 1155 Connecticut Ave., NW, #800 Washington, DC 20036	Waste Management, Inc	3,550.00	
Rebecca G. Range, 1300 Eye Street, NW, #950 East Washington, DC 20005	Continental Airlines Holdings, Inc	18,000.00	12,904.00
D. Michael Rappoport, P.O. Box 52025 Phoenix, AZ 85072	Salt River Project	1,680.00	5,590.89
Rasky & Company, One Beacon Street Boston, MA 02210	National Cable Television Assn	4,000.00	
Magda A. Ratajski, Three Commercial Place Norfolk, VA 23510-2191	Norfolk Southern Corp		
John W. Rauber Jr., 1250 Connecticut Ave., NW Washington, DC 20037	American Paper Institute, Inc		
Carol L. Raulston, 1250 Connecticut Ave., NW Washington, DC 20036	American Paper Institute, Inc	5,750.00	
G. David Ravencraft, 1025 Connecticut Ave., NW, #507 Washington, DC 20036	Ashland Oil, Inc	2,000.00	
William Randall Rawson, 950 N. Glebe Road, #160 Arlington, VA 22203-1824	American Boiler Manufacturers Assn, Inc		
Bruce A. Ray, Bruce Ray & Company 636 A Street, NE Washington, DC 20002	ABB Traction, Inc	8,359.93	
Do	Bayley Seton Hospital	17,371.10	
Do	Cumberland Packing Company	5,987.17	
John K. Rayburn, 1801 K Street, NW Washington, DC 20006	Westinghouse Electric Corp	235.00	30.00
Helene Rayder, 1020 19th Street, NW, #600 Washington, DC 20036	American Express Co	5,011.00	196.00
David A. Raymond, 1025 Connecticut Ave., NW, #1014 Washington, DC 20036	Ebasco Services, Inc	3,379.00	657.80
Joanna E. Reagan, 815 15th Street, NW Washington, DC 20005	International Union of Bricklayers & Allied Craftsmen	3,000.00	28.75
Realistic Security for America, P.O. Box 764 Oshkosh, WI 54902			63.99
Linda S. Rearick, 1120 Connecticut Ave., NW Washington, DC 20036	American Bankers Assn	5,000.00	
Recording Industry Assn of America, Inc, 1020 19th St., NW #200 Washington, DC 20036		28,955.25	28,955.25
John M. Rector, 205 Daingerfield Rd. Alexandria, VA 22314	National Assn of Retail Druggists	700.00	150.00
Donald L. Redfoot, 601 E Street, NW Washington, DC 20049	American Assn of Retired Persons	701.26	191.96
Jerrildine Reed, 1667 K Street, NW, #210 Washington, DC 20006	Rohm & Haas Company		
Jo Reed, 601 E Street, NW Washington, DC 20049	American Assn of Retired Persons	861.73	
Mary Reed, 600 Maryland Ave., Sw, #700 Washington, DC 20024	National Fed of Independent Business (NFIB)	3,189.00	200.00
Michael L. Reed, 1100 15th Street, NW, #900 Washington, DC 20005	Pharmaceutical Manufacturers Assn	4,000.00	35.00
Reed Smith Shaw & McClay, 1200 18th Street, NW Washington, DC 20036	High Speed Rail Assn		5,300.00
Do	Radio-Television News Directors Assn	1,000.00	
Robert K. Reeg, 1420 King Street Alexandria, VA 22314-2715	National Society of Professional Engineers	1,250.00	
Reese Communications Companies,Inc., 2111 Wilson Boulevard, #900 Arlington, VA 22201	Philip Morris, USA		
J. Ronald Reeves, 2345 Crystal Drive Arlington, VA 22227	U.S. Air, Inc	2,000.00	206.25
Martin A. Regalia, 1101 15th Street, NW, #400 Washington, DC 20005	National Council of Community Bankers	11,000.00	
R. Brent Regan, 1667 K Street, NW, #1000 Washington, DC 20006	Southwestern Bell Corp		52.52
Timothy J. Regan, 1455 Pennsylvania Ave., NW, #500 Washington, DC 20004	Corning, Inc	2,000.00	389.23
John T. Reggitts Jr., 95 Boonton Avenue P.O. Box 470 Boonton, NJ 07005			
Regional Airline Association, 1101 Connecticut Ave., NW, #700 Washington, DC 20036		2,000.00	1,150.00
David K. Rehr, 600 Maryland Ave., SW, #700 Washington, DC 20024	National Fed of Independent Business	4,875.00	400.00
Reichler & Soble, 1747 Pennsylvania Ave., NW, #1200 Washington, DC 20006	Interim Government of National Unity of Liberia	40,000.00	5,082.25
Do	National Coalition Government of the Union of Burma	1,133.55	
Do	People's Progressive Party		245.23
Do	United Coconut Assn of the Philippines	10,082.92	882.29
Michael W. Reid, 1300 L Street, NW Washington, DC 20005	American Postal Workers Union, AFL-CIO	3,465.05	2,625.77
Reid & Priest, c/o Mr. Michael W. Faber 701 Pennsylvania Avenue, NW Washington, DC 20004	Committee of Corporate Telecommunications Users		
Do	CIAC Group		
Do	Edison Electric Institute		5.00
Do	Pride Refining, Inc		
Do	Utility Decommissioning Tax Group	316.26	
Burke G. Reilly, 1350 I Street, NW Washington, DC 20005	Ford Motor Co	2,500.00	747.30
Troy Reinhart, 3000 Stewart Parkway Suite 208 Roseburg, OR 97470	Douglas Timber Operators Inc		
Reinsurance Assn of America, 1819 L St., NW, 7th Floor Washington, DC 20036			
Christine W. Reiter, 1330 Connecticut Ave, NW Suite 300 Washington, DC 20036	Synthetic Organic Chemical Manufaturers Assn	500.00	
Lee P. Reno, 122 C Street, NW, #875 Washington, DC 20001	Reno Cavanaugh & Hornig (For:Amerind Risk Management Corp)		
Do	Reno Cavanaugh & Hornig (For:Housing Authority Insurance, Inc)	6,365.50	
Judy Rensberger, 2000 K Street, NW Washington, DC 20006	National Comm to Preserve Social Security & Medicare	10,298.00	88.35
Edward Repa, 1730 Rhode Island Ave., NW Washington, DC 20036	National Solid Wastes Management Assn	500.00	
Galen J. Reser, Pepsico, Inc Purchase, NY 10577	Pepsico, Inc		471.40
Barclay T. Resler, 1627 K St., NW, #800 Washington, DC 20006	Coca-Cola Company	450.00	1,197.98
Retired Officers Assn, 201 N. Washington St. Alexandria, VA 22314		98,097.93	48,151.37
Vincent P. Reusing, 1620 L Street, NW, #800 Washington, DC 20036	Metropolitan Life Insurance Cos	500.00	
Alan V. Reuther, 1757 N Street, NW Washington, DC 20036	Int'l Union, United Auto Aerospace & Agric Implement Workers	24,702.75	401.00
Gregg M. Reynolds, 1441 Gardiner Lane Louisville, KY 40213	KFC Corp		796.41
Frederick W. Rhodes, 1111 Jefferson Davis Highway, #811-E Arlington, VA 22202	Loral Corporation	4,250.00	
James R. Ricciuti, 1615 L Street, NW, #1320 Washington, DC 20036	Merck & Co, Inc	1,500.00	500.00
Grace Ellen Rice, 600 Maryland Ave., SW Washington, DC 20024	American Farm Bureau Federation	9,325.00	94.00

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Michael T. Richard, 410 First Street, SE Washington, DC 20003	American Nuclear Energy Council	4,662.27	369.65
Richard Richards, Law Office of Richard Richards 1025 Thomas Jefferson Street, NW, #105 Washington, DC 20007	Hughes Aircraft Company		
Do	Pratt & Whitney		
Alan H. Richardson, 2301 M St., NW Washington, DC 20037	American Public Power Assn	3,000.00	
Donna Richardson, 600 Maryland Ave. SW, #100 West Washington, DC 20024-2571	American Nurses' Assn	6,698.00	
John G. Richardson, 1130 Connecticut Ave, NW, #830 Washington, DC 20036	Southern Company Services, Inc	625.00	4,517.12
K. O. Richardson, 815 16th Street, NW, #511 Washington, DC 20006	Transportation - Communications Union	3,000.00	100.87
Mary Ann Richardson, 1455 Pennsylvania, NW, #500 Washington, DC 20004	Corning, Inc	400.00	
Paige Richardson, 2000 K Street, NW, Suite 800 Washington, DC 20006	National Comm to Preserve Social Security & Medicare	779.00	
Les Richter, 2555 M Street, NW, #327 Washington, DC 20037	National Assn for Stock Car Auto Racing, Inc (NASCAR)		
Do	National Motorsports Comm of Accus-FIA, Inc		
Max Richtman, 2000 K Street, NW 8th Floor Washington, DC 20006	National Comm to Preserve Social Security & Medicare	26,169.00	2,645.74
James G. Rickards, 600 Steamboat Road Greenwich, CT 06830-7149	Greenwich Capital Markets, Inc		2,869.00
Lowell J. Ridgeway, North Dakota Petroleum Council P.O. Box 1395 Bismarck, ND 58502	American Petroleum Institute	2,000.00	1,215.20
E. George Riedel, 1000 Wilson Blvd., #3000 Arlington, VA 22209	ITT Defense Technology Corp	1,000.00	50.00
Dr. Mark J. Riedy, 1101 15th Street, NW, #400 Washington, DC 20005	National Council for Community Bankers	10,000.00	
Carol D. Rieg, 1511 K Street, NW, #335 Washington, DC 20005	National Comm for a Human Life Amendment, Inc	112.98	10.00
E. Philip Riggin, 1608 K St., NW Washington, DC 20006	American Legion	15,888.00	232.50
Judith Assmus Riggs, 1334 G Street, NW #500 Washington, DC 20005	Alzheimer's Assn	6,500.00	21.00
Wesley J. Riker, 4647 Forbes Blvd. Lanham, MD 20706	AMVETS	6,800.00	
Michael R. Riksen, 2706 Davis Ave. Alexandria, VA 22302	Harris Corporation	2,025.00	310.86
Dawn Riley R., 1100 17th Street, NW, #505 Washington, DC 20036	Burley & Dark Leaf Tobacco Assn	700.00	
Karen Rindge, 1400 16th Street, NW Washington, DC 20036-2266	National Wildlife Federation	23.97	
Russell C. Ring, 1700 Pensylvania Ave., SE, #500 Washington, DC 20006	Mutual of Omaha Insurance Co	225.00	
Joan D. Ringel, 500 Independence Avenue, SE Washington, DC 20003		800.00	
Kenneth Rinzler, 9115 Hague Road indianapolis, IN 46250	Boehringer Mannheim Corp	2,000.00	2,150.00
John S. Rippey, 730 15th St., NW Washington, DC 20005	Association of Bank Holding Cos	2,000.00	
Riselli & Pressler, P.C., 1225 19th Street, NW, #850 Washington, DC 20036	Professional Managers' Assn		
Edward W. Rissing, 701 Pennsylvania Ave, NW Washington, DC 20004	Edison Electric Institute	656.04	
Valentin J. Riva, 501 School Street, SW, 8th Floor Washington, DC 20024-2713	American Road & Transportation Builders Assn	5,000.00	500.00
Ivette E. Rivera, 412 First Street, SE Washington, DC 20003	National Automobile Dealers Assn	3,000.00	
Lourdes A. Rivera, 122 C Street, NW Washington, DC 20001	Children's Defense Fund	72.13	
Andrew W. Robart, 701 Pennsylvania Avenue, NW Washington, DC 20004	Edison Electric Institute	911.43	382.18
Michelle Robbins, 1825 Eye St., NW, #1100 Washington, DC 20006	Lockheed Corporation	2,000.00	520.04
Wade H. Robert, 1401 Eye Street, NW, Suite 600 Washington, DC 20005	United Technologies Corp	1,668.00	463.65
Carole T. Roberts, 901 15th Street, NW, #520 Washington, DC 20005	Travelers Companies	2,600.00	
David Gwyn Roberts, 411 Fayetteville Street Mall Raleigh, NC 27601	Carolina Power & Light Company	1,375.00	2,256.00
Perry A. Roberts, 8000 W. Florissant St. Louis, MO 63136	Emerson Electric Co		779.56
William A. Roberts, 444 North Capitol St., #711 Washington, DC 20001	Keefe Company (For:AEG Westinghouse Transportation Systems, Inc)	1,500.00	
Do	Keefe Company (For:Broward County Governmental Center)	1,800.00	
Do	Keefe Co (For:City of Tampa)	1,500.00	
Do	Keefe Company (For:Dallas Area Rapid Transit)	1,250.00	
Do	Keefe Company (For:Embry-Riddle Aeronautical University)	3,500.00	
Do	Keefe Company (For:Greater Orlando Aviation Authority)	2,000.00	
Do	Keefe Co (For:Sanders Associates, Inc)	500.00	
Do	Keefe Company (For:Seminole Tribe of Florida)	1,500.00	
Do	Keefe Company (For:University of Miami)	1,000.00	
Rebecca Roberts-Malamis, 1 Massachusetts Ave., NW, #350 Washington, DC 20001	Chubb Corporation	5,000.00	348.46
Steve A. Robertson, 1608 K Street, NW Washington, DC 20006	American Legion	9,702.00	243.90
Robins Kaplan Miller & Ciresi, 1801 K Street, N.W., #1200 Washington, DC 20006	International Group of P&I Clubs		
Do	Polaris Industries		
Do			
H. Alexander Robinson, 122 Maryland Ave., NE Washington, DC 20002	American Civil Liberties Union	900.00	
Kenneth L. Robinson, 3138 North 10th Street Arlington, VA 22201	National Assn of Federal Credit Unions		
Mr. Davis R. Robinson, 1875 Connecticut Avenue, NW, 12th Floor Washington, DC 20009	LeBoeuf Lamb Leiby & MacRae (For:Feibel-Garek)		
Nancy J. Robinson, 7509 Tiffany Spgs. Pkwy. Kansas City, MO 64190-1402	Livestock Marketing Association	14,442.00	2,459.66
Peter D. Robinson, 1201 Connecticut Avenue, NW, #300 Washington, DC 20036	Bailey Morris & Robinson (For:American Imaging Assn)		
Do	Bailey Morris & Robinson (For:First American Bankshares, Inc)		
Do	Bailey Morris & Robinson (For:Health Insurance Assn of America)		
Do	Bailey Morris & Robinson (For:Investment Company Institute)		
Do	Bailey Morris & Robinson (For:National Assn of Broadcasters)		
Do	Bailey Morris & Robinson (For:Natural Gas Vehicles Coalition)		
Do	Bailey Morris & Robinson (For:Upjohn Co)		
Sharon R. Robinson, 1613 Crittenden Street, NE Washington, DC 20017			
Robinson Lake Lerer & Montgomery, 1667 K St., NW, #900 Washington, DC 20006	American International Group, Inc	3,000.00	
Do	Atari Games Corp		
Do	Calcot, Inc	1,000.00	
Do	Central Valley Project Water Association	7,500.00	
Do	Commission on Self-Determination	500.00	
Do	Faulk & Co, Inc		
Do	Illinois Power Co	5,000.00	
Do	Ingersoll-Rand	500.00	
Do	Kimberly Quality Care	2,000.00	
Do	Mesa Limited Partnership		
Do	Minolta Corp		
Do	Napa Flood Control and Water Conservation District	1,000.00	
Do	National Venture Capital Association	5,000.00	
Do	Natural Gas Vehicle Coalition	2,000.00	
Do	New York Mercantile Exchange (NYMEX)	500.00	
Do	Sun-Diamond Growers of California	2,000.00	
Do	United States Banknote Corp		
Bob John Robison, 1 Massachusetts Avenue, NW, #800 Washington, DC 20001	Robison International, Inc (For:British Aerospace, Inc)	1,000.00	
Do	Robison International, Inc (For:FMC Corp)	1,000.00	
Do	Robison International, Inc (For:General Atomics Technologies)	1,000.00	
Do	Robison International, Inc (For:McDonnell Douglas Corp)	1,000.00	
Do	Robison International, Inc (For:Royal Ordnance, Inc/British Aerospace Co)	1,000.00	
Robison International, Inc, 1 Massachusetts Ave. NW, #800 Washington, DC 20001	British Aerospace, Inc	4,500.00	4,653.50
Do	FMC Corporation	1,200.00	1,240.93
Do	General Atomics Technologies	4,500.00	4,653.50
Do	McDonnell Douglas Corp	3,600.00	3,722.80
Do	Oshkosh Truck Corp	500.00	517.06
Do	Royal Ordnance, Inc	5,172.21	5,348.64
Do	Solid Waste Composting Council	2,000.00	2,068.22
James Anthony Rock, 1730 M Street, NW, #607 Washington, DC 20036	Montana Power Co, et al.	2,500.00	223.69
James W. Rock, 1455 Pennsylvania Ave, NW, #560 Washington, DC 20004	American Resort & Residential Development Assn		
Daniel Rode, 1050 17th Street, NW, #510 Washington, DC 20036	Healthcare Financial Management Assn		505.50
Phillip Rodenberg, 1400 K Street, NW, #801 Washington, DC 20005	General Aviation Manufacturers Association	7,221.00	
Michael F. Rodgers, 901 E Street, NW, #500 Washington, DC 20004-2837	American Assn of Homes for the Aging		
Quincy Rodgers, 1899 L Street, NW, Fifth Floor Washington, DC 20036	General Instrument Corporation	1,500.00	
Raymund Rodriguez, P.O. Box 982 El Paso, TX 79960	El Paso Electric Co		
James A. Rogers, 316 Pennsylvania Ave., SE Washington, DC 20003	United Parcel Service	2,000.00	149.45
Kevin Rogers, Two Union Square, 53rd Floor 601 Union Street Seattle, WA 98101	Washington Citizens for World Trade	19,035.00	775.42
Lawrence Rogers, 1600 M Street, NW Washington, DC 20036	Investment Company Institute	469.78	
Margaret Rogers, 1776 Eye Street, NW, #575 Washington, DC 20006	Dow Chemical Co		6,336.00
Susan L. Rogers, 815 Connecticut Ave., NW, #1100 Washington, DC 20006-4078	Horsham Corporation (For:Baker & McKenzie)	65,041.50	6,190.27
Do	Baker & McKenzie (For:Levi Strauss & Company)	18,736.00	1,760.49
Do	Baker & McKenzie (For:Tandy Copr)	29,867.00	2,064.22
Rogers & Wells, 1737 H Street, NW Washington, DC 20006	American Express Co		
Do	Dreyfus Corporation	3,500.00	798.75
Do	Investment Program Assn	1,500.00	115.50
Do	Kamehameha Schools/Bishop Estate		
Do	Liga Agricola Industrial de la Cana de Azucar		
Do	Merrill Lynch & Co, Inc		
Do	Mill-Max Manufacturing Corp	6,500.00	866.00

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Do	National Assn of Beverage Importers		
Do	Oxnard Refinery		
Do	Republic National Bank	2,500.00	424.00
Do	Rutgers, The State University of New Jersey		
Do	Shearson Lehman Brothers, Inc		
Do	Teachers Insurance & Annuity Assn/CREF		
Do	Wine & Spirits Wholesalers of America, Inc		
Lori S. Rogovin, 901 East Capitol Street, SE Second Floor Washington, DC 20003	American Assn for Counseling & Development		
Barbara J. Rohde & Associates, 1701 K Street, NW, #400 Washington, DC 20037	City of Grand Forks	3,000.00	1,450.00
Do	Hubert Humphrey Institute of Public Affairs	3,000.00	3,150.00
Do	Small Business Exporters Assn		
Richard A. Rohrbach, 1615 M Street, NW, #570 Washington, DC 20036	Boise Cascade Corp	34,200.00	146.92
Stephen F. Rohrkemper, 2230 Gallows Road, #200 Dunn Loring, VA 22027	International Technical Expertise Ltd		
Linda A. Rokosky, 1250 24th Street, NW, Suite 300 Washington, DC 20037	Americans for Peace		
Ian M. Rolland, 1300 South Clinton Street Fort Wayne, IN 46801	Lincoln National Corp	900.00	520.00
Jackie Rollins, 1201 16th Street, NW Washington, DC 20036	Overseas Education Assn, Inc		
Emil A. Romagnoli, 180 Maiden Lane New York, NY 10038	Asarco, Inc	2,600.00	
Dennis G. Romano, 1000 Wilson Boulevard, #2800 Arlington, VA 22209	Grumman Corp	625.00	69.63
W. T. Rooker, 1301 K Street, NW, #1200 Washington, DC 20005-3307	IBM Corp		
Francis P. Rooney, 1400 L Street, NW, #400 Washington, DC 20005	Biscuit & Cracker Mfgrs Assn		
Ropes & Gray, 1001 Pennsylvania Ave., NW, #1200 Washington, DC 20004	Industrial Development Authority of Ireland	7,685.75	286.77
James C. Rosapepe, 1331 H Street, NW, #300 Washington, DC 20005	Rosapepe & Spanos, Inc (For:H&R Block, Inc)	600.00	73.21
Rosapepe & Spanos, Inc, 1331 H Street, NW, #300 Washington, DC 20005	H&R Block, Inc	12,000.00	4,288.40
Clifton Peter Rose, 1101 Pennsylvania Ave., NW, #900 Washington, DC 20004	Goldman Sachs & Co	500.00	
Leslie Rose, 1129 20th St., NW, #600 Washington, DC 20036	Group Health Assn of America, Inc	5,775.00	
Rose Communications, Inc, 901 15th Street, NW, #570 Washington, DC 20005	Johnson Matthey, Inc		
Burt E. Rosen, 655 15th Street, NW, #410 Washington, DC 20005	Bristol-Myers Squibb Co	1,000.00	
Hilary Rosen, 1020 19th St., NW, #200 Washington, DC 20036	Recording Industry Assn of America	6,950.00	
Lester L. Rosen, 7 Fulham Court Silver Spring, MD 20902	Miles, Inc		
Albert B. Rosenbaum III, 499 South Capitol Street, SW, #520 Washington, DC 20003	Allwaste, Inc	3,000.00	
Robert M. Rosenberg, 8100 Oak Street Dunn Loring, VA 22027	National Pest Control Assn		
Herb Rosenbleeth, 1811 R Street, NW Washington, DC 20009	Jewish War Veterans of the USA	16,661.71	28.78
Marilyn Rosenthal, 15th & M Streets, NW Washington, DC 20005	National Assn of Home Builders of the United States		
Roger C. Rosenthal, 2001 S St., NW, #310 Washington, DC 20009	Migrant Legal Action Program, Inc		
Joe Ross, 111 Main Street Little Rock, AR 72201			
Nancy Ross, 1830 17th Street, NW, #704 Washington, DC 20009	Rainbow Lobby	5,850.00	
William F. Ross, South Carolina Petroleum Council 1220 L Street, NW Washington, DC 20005-8	American Petroleum Institute	1,095.00	2,357.85
Ross Marsh Foster Myers and Quiggle, 888 16th St., NW Washington, DC 20006	Church Alliance	2,695.00	98.87
Richard Rosser, 122 C Street, NW, #750 Washington, DC 20001	National Assn of Independent Colleges & Universities	2,112.00	
Joseph L. Rosso, 2200 Mill Road Alexandria, VA 22314	American Trucking Assns, Inc	9,000.00	
Roth VanAmberg Gross Rogers & Ortiz, P.O. Box 1447 Santa Fe, NM 87504-1447	Pueblo de Cochiti	345.00	427.91
John C. Rother, 1909 K Street, NW Washington, DC 20049	American Assn of Retired Persons	1,836.54	
Lauren J. Rothfarb, 1126 16th St., NW Washington, DC 20036	Int'l Union of Electronic, Electrical, Salaried, Machine	9,999.96	159.00
Linda Rothleder, 315 Bonifant Road Silver Spring, MD 20904	Marconi Electronics, Inc	3,000.00	850.00
Louis C. Rotundo, 4948 Courtland Loop Winter Springs, FL 32708	Central Florida Commuter Rail Authority		
Do	City of Altamonte Springs		
Do	Hawaii Natural Energy Institute		
Do	Technological Research & Development Authority		
Donald D. Rounds, South Dakota Petroleum Council 222 E. Capitol, #16 Pierre, SD 57501	American Petroleum Institute		
Michael O. Roush, 600 Maryland Avenue, SW. #700 Washington, DC 20024	National Fed of Independent Business	4,875.00	300.00
Deborah Rowell, 1101 Sixteenth Street, NW Washington, DC 20036	Independent Petroleum Assn of America		10.00
J. Patrick Rowland, 1023 15th Street, NW, 7th Fl Washington, DC 20005	Rowland & Sellery (For:Baker Industries)	1,500.00	25.00
Do	Rowland & Sellery (For:Borg-Warner Automotive, Inc)	1,500.00	25.00
Do	Rowland & Sellery (For:Coalition for Uniform Product Liability Law)	2,000.00	25.00
Do	Rowland & Sellery (For:GE Plastics)	1,000.00	25.00
Do	Rowland & Sellery (For:Independent Armored Car Assn)	2,400.00	50.00
Do	Rowland & Sellery (For:National Armored Car Assn)	2,400.00	30.00
Do	Rowland & Sellery (For:National Check Cashers Assn, Inc.)	1,500.00	25.00
Rowland & Sellery, 1023 15th Street, NW, 7th Fl Washington, DC 20005	National Check Cashers Assn, Inc	3,000.00	50.00
Do	Security Companies Organized for Legislative Action (SCOLA)		
Lori Groves Rowley, 1025 Connecticut Ave, NW, #1014 Washington, DC 20036	Enserch Corp	2,688.00	4,708.77
Roxton, Inc, 2000 S. Eads Street, #1003 Arlington, VA 22202			
Natalie Roy, 34 North Highland Street Arlington, VA 22201	Glass Packaging Institute	2,500.00	
P. Norman Roy, P.O. Box 1938 (10 Madison Ave) Morristown, NJ 07962-1938	Financial Executives Institute		500.00
Robert S. Royer, 1747 Pennsylvania Ave., NW, #900 Washington, DC 20006	Citizens Savings Bank		
Do	Financial Security Assurance		
Do	International Futures Exchange		
Do	Intex Holdings (Bermuda) Ltd		
Do	Long Island Savings Bank		
Do	MacAndrews & Forbes Holdings, Inc		
Do	Michigan Trade Exchange		
Do	Municipal Finance Industry Assn		
Do	National Health Labs, Inc		
Royer Shacknai & Mehle, 1747 Pennsylvania Avenue, NW Washington, DC 20006	Municipal Finance Industry Assn		
Do	John Nuveen & Co, Inc		
Eldon Rudd, Shimmel Hill Bishop & Gruender, P.C. 3700 North 24th Street Phoenix, AZ 85016	Central Arizona Project Assn		905.65
Robert E. Ruddy, 9106 Drumaldry Drive Bethesda, MD 20817	Mortgage Insurance Companies of America	3,750.00	633.00
Paul M. Ruden, P.O. Box 23992 Washington, DC 20026-3002	American Soc of Travel Agents		
Deborah K. Rudolph, 1828 L Street, NW, #1202 Washington, DC 20036	Institute of Electrical & Electronics Engineers	2,500.00	925.00
Henry C. Ruempler, 1120 Connecticut Ave., NW Washington, DC 20036	American Bankers Assn	5,000.00	
Nicholas L. Ruggieri, 1667 K Street, NW, #410 Washington, DC 20006	Ares-Serono, Inc	1,000.00	225.00
Terry Cornwell Rumsey, 490 L'Enfant Plaza East, SW, Suite 4200 Washington, DC 20024	Xerox Corp		171.91
John Runyan, 100 Daingerfield Rd. Alexandria, VA 22314	Printing Industries of America, Inc	1,000.00	
Robert A. Rusbuldt, 412 First Street, SE, #300 Washington, DC 20003	Independent Insurance Agents of America, Inc	47,577.00	
Barry Russell, 1101 16th St., NW Washington, DC 20036	Independent Petroleum Assn of America		60.00
Christine Anne Russell, 1615 H Street, NW Washington, DC 20062	Chamber of Commerce of the U.S.	9,875.00	370.25
Christine Faith Russell, 1331 Pennsylvania Ave., NW, #1500 Washington, DC 20004-1703	National Assn of Manufacturers	750.00	
Randall M. Russell, 1919 S. Eads Street #103 Arlington, VA 22202-3028	Lesher & Russell, Inc	17,500.00	
Shannon M. Russell, 1025 Connecticut Ave., NW, #507 Washington, DC 20036	Ashland Oil, Inc	2,000.00	
William Russell & Associates, Inc, 117 S. Columbus Street Alexandria, VA 22314-3003	Golbal Broadcasting System	6,000.00	230.35
Diann Rust-Tierney, 122 Maryland Ave. Washington, DC 20002	American Civil Liberties Union	1,000.00	
Wally Rustad, 1800 Massachusetts Ave., NW Washington, DC 20036	National Rural Electric Cooperative Assn	125.00	
Herman Max Ruth 71990-158, Mail Box 129 3150 Horton Road Fort Worth, TX 76119			
J. T. Rutherford & Associates, Inc, 1301 N. Courthouse Rd., #1802 Arlington, VA 22201	American College of Radiology	1,100.00	495.80
Do	American Optometric Assn	1,000.00	470.00
Do	Boehringer Mannheim	1,600.00	
John G. Ryan, 655 15th Street, NW, #410 Washington, DC 20005	Bristol-Myers Squibb Co	1,000.00	
Olive M. Ryan, 39 Harriett Ave. Burlington, MA 01803	New England Rehabilitation Hospital	2,599.99	298.75
Patricia Ryan, 1319 F Street, NW, #1000 Washington, DC 20004	National Assn of Private Psychiatric Hospitals	500.00	
Paul D. Ryan, 750 17th Street, NW, #901 Washington, DC 20006	Nissan North America, Inc	7,375.00	
Kermit W. Ryman, 1401 I Street, NW, 1200 Washington, DC 20005	Chevron USA, Inc	222.00	18.00
RBC Associates, 122 C Street, NW, #850 Washington, DC 20001	Chicago & Northwestern Railroad	56,000.00	4,976.24
Do	Delaware Otsego System	14,093.75	4,976.24
Do	Environmental Transportation Assn	17,000.00	4,976.24
Do	Illinois Central Railroad	31,000.00	4,976.24
Do	Investment Counsel Assn of America, Inc	13,012.50	4,976.24
Do	Regional Railroads of America	52,000.00	4,976.24
Do	Turbomeca Engine Corp	54,500.00	4,976.24
RJR Nabisco, Inc, 1301 Avenue of the Americas New York, NY 10019			33,385.35
Wendy W. Saari, 1718 Connecticut Ave., NW, #700 Washington, DC 20009	Association of American Publishers	1,000.00	
Lawrence E. Sabbath, 1023 15th Street, NW, 7th Fl Washington, DC 20005	Rowland & Sellery (For:GE Plastics)	1,000.00	25.00
Do	Rowland & Sellery (For:National Check Cashers Assn, Inc)	1,500.00	25.00
Do	Rowland & Sellery (For:Security Companies Organized for Legislative Action (SCOLA)).	1,000.00	25.00

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Ronald K. Sable, 1735 Jefferson Davis Highway, #1200 Arlington, VA 22202	McDonnell Douglas Corp		
Susan L. Sadtler, 2626 Pennsylvania Avenue, NW Washington, DC 20037	National Telephone Cooperative Assn	5,000.00	675.00
Anthony J. Saggese Jr., 1050 17th St., NW, #500 Washington, DC 20036	Texaco, Inc		
Kenneth J. Salaets, 311 First Street, NW, #500 Washington, DC 20001	Computer & Business Manufacturers Assn		477.86
Lee Becker Salamone, 1111 14th St., NW Washington, DC 20005	American Bakers Assn	375.00	50.00
Stephen Sale, 910 16th Street, NW Washington, DC 20006	Fehrenbacher Sale Quinn & Deese (For:CSC Credit Services, Inc)		54.50
R. Gerard Salemme, 1250 Connecticut Avenue, NW, #401 Washington, DC 20036	McCaw Cellular Communications, Inc	10,000.00	3,833.00
Frank Max Salinger, 919 18th Stret, NW Washington, DC 20006	American Financial Services Assn	250.00	
Shannon Salmon, 1350 Eye Street, NW, #810 Washington, DC 20005	Johnson & Johnson	850.00	70.00
David M. Saltz, 815 16th Street, NW Washington, DC 20006	AFL-CIO	13,079.85	1,299.13
Joel Saltzman, 1220 L Street, NW Washington, DC 20005	American Petroleum Institute	3,000.00	109.24
Sammons Enterprises, Inc, 300 Crescent Court Dallas, TX 75201			
Wendy B. Samuel, 1101 15th Street, NW, #400 Washington, DC 20005-5070	National Council of Community Bankers	10,000.00	
Felix R. Sanchez, 1515 Wilson Blvd. Arlington, VA 22209	American Gas Assn	1,000.00	
Brian Sanderoff, 7500 Jefferson St., NE #250 Albuquerque, NM 87109	Philip Morris, Inc		
James C. Sanders, 1225 Eye Street, NW, #825 Washington, DC 20005	Beer Institute		
Petronella C. Sanders, 1200 18th Street, NW, #200 Washington, DC 20036	National Business Aircraft Assn	500.00	
Rose Marie Sanders, 2501 M Street, NW Washington, DC 20037	Chemical Manufacturers Assn, Inc	600.00	279.96
Sanders Schnabel & Brandenburg, P.C., 1110 Vermont Avenue, NW, #600 Washington, DC 20005	American Soc of Assn Executives		
Julie Sanderson-Austin, 4240 Brittany Court Woodbridge, VA 22192	American Group Practice Assn		
Stephen E. Sandherr, 1957 E Street, NW Washington, DC 20006	Associated General Contractors of America	4,000.00	500.00
Mike Sandifer, 2419 Chain Bridge Road, NW Washington, DC 20016	American Telemarketing Assn	1,500.00	302.75
Charles E. Sandler, 1220 L Street, NW Washington, DC 20005	American Petroleum Institute	6,000.00	
Robert J. Saner II, 1156 15th Street, NW, #1100 Washington, DC 20005	Medical Group Management Assn	1,500.00	
Patricia Kopf Sanner, 1227 25th Street, NW, #610 Washington, DC 20037	American Managed Care & Review Assn		65.00
Kathleen Curry Santora, 122 C St., NW, #750 Washington, DC 20001	National Assn of Independent Colleges & Universities	1,752.00	
Eric Sapirstein, 1333 H St., NW, #400 Washington, DC 20005	California Assn of Sanitation Agencies	6,500.00	4,120.00
Do	Cure Corp		
Do	ENS Resources, Inc (For:East Bay Mud)	6,750.00	331.56
Do	ENS Resources, Inc (For:Orange County Sanitation Districts)		
Do	Western Research Institute	763.67	183.08
Leslie Sarasin, 1764 Old Meadow Lane, #350 McLean, VA 22102	American Frozen Food Institute	4,400.00	
Ronald A. Sarasin, 5205 Leesburg Pike, #1600 Falls Church, VA 22041	National Beer Wholesalers Assn	500.00	
Kristin Sarri, 1244 19th Street, NW Washington, DC 20036	Defenders of Wildlife		19.50
Sartain Law Offices, 219 Boulevard, NE Gainesville, GA 30501	Philip Morris, Inc	1,500.00	
Satellite Broadcasting & Communications Assn, 225 Reinekers Lane, #600 Alexandria, VA 22314			4,067.09
Klara B. Sauer, 9 Vassar Street Poughkeepsie, NY 12601	Scenic Hudson, Inc		
Albert C. Saunders, 1100 15th St., NW #900 Washington, DC 20005	Pharmaceutical Manufacturers Assn	4,000.00	39.00
Save Our Children National Alliance, Inc, 1757-D-West Carson Street, #280 Torrance, CA 90501		200.00	305.98
Savings Coalition of America, 901 15th Street, NW, Suite 700 Washington, DC 20005		65,705.00	
Richard N. Sawaya, 1333 New Hampshire Ave., NW Washington, DC 20036	Atlantic Richfield Co		
Paulasue Sawyers, 729 15th Street, NW Washington, DC 20005	Associated Builders & Contractors, Inc	2,500.00	
Robert Wayne Sayer, 1742 N Street, NW Washington, DC 20036	Hampshire Instruments	7,500.00	216.90
Charles Scalera, 1455 Pennsylvania Ave., NW, #1260 Washington, DC 20004	Sharp Manufacturing Company of America	150.00	
Robert M. Scarberry, 1155 Connecticut Ave., NW Washington, DC 20036	Waste Management, Inc	812.00	
Jeanne Schaaf, 1850 M Street, NW, 11th Floor Washington, DC 20036	Sprint Corporation	10,000.00	25.56
Victoria V. Schaff, Missouri Electric Utitlies 1800 K Street, NW, #1018 Washington, DC 20006	Kansas City Power & Light, et al.	4,374.99	3,701.33
Amy Schaffer, 1250 Connecticut Ave., NW Washington, DC 20036	American Paper Institute, Inc		
Thomas A. Schatz, 1301 Connecticut Ave., NW, #400 Washington, DC 20036	Council for Citizens Against Government Waste	3,433.00	21.70
Patricia A. Schaub, 1726 M Street, NW, #1100 Washington, DC 20036-4502	Pacific Gas & Electric Company	706.20	102.34
Robert H. Scheerschmidt, 490 L'Enfant Plaza East, SW, #4200 Washington, DC 20024	Xerox Corp	1,000.00	
Sam Schertz, P.O. Box 2121 Corpus Christi, TX 78403	Central Power & Light Company		
Gerard F. Schiappa, 2300 M Street, NW #800 Washington, DC 20037	Gaum Uruno Resort Corp	6,000.00	3,200.00
G. David Schiering, 625 Indiana Avenue, NW Suite 500 Washington, DC 20004-2901	Taft Stettinius & Hollister (For:Special Committee for Health Care Reforms)		
David S. Schless, 1250 Connecticut Ave., NW, #620 Washington, DC 20036	National Multi Housing Council	1,600.00	
James P. Schlicht, 1350 Eye Street, NW, #810 Washington, DC 20005-3305	Johnson & Johnson	1,000.00	100.00
Rodger Schlickeisen, 1244 19th Street, NW Washington, DC 20036	Defenders of Wildlife	105.76	
Kenneth D. Schloman, 499 South Capitol, SW, #401 Washington, DC 20003	National Assn of Independent Insurers	400.00	
Schmeltzer Aptaker & Sheppard, 2600 Virginia Ave., NW, #1000 Washington, DC 20037	Council of Nursing Home Suppliers		32,439.20
Richard M. Schmidt Jr., 1333 New Hampshire Ave., NW, #600 Washington, DC 20036	Association of American Publishers	500.00	
Do	Career College Assn, Inc	1,250.00	
Herbert K. Schmitz, 1600 M St., NW, #702 Washington, DC 20036	ICI Americas, Inc	20,000.00	
John Noehl Schmitz, P.O. Box 475 Culbertson, MT 59218-0475			
Schnader Harrison Segal & Lewis, 1111 19th Street, NW, #1000 Washington, DC 20036	Mack Trucks, Inc	2,250.00	169.13
Do	Toyota Motor Corporate Services U.S.A., Inc	3,375.00	212.85
Mahlon C. Schneider, 1100 N.W. 14th Austin, MN 55912	Geo. A. Hormel & Company		
Richard C. Schneider, 225 N. Washington Street Alexandria, VA 22314	Non Commissioned Officers Assn	4,000.00	
Robert V. Schneider, 1250 24th Street,NW, #300 Washington, DC 20007	Americans for Peace	13,600.00	2,729.54
Do	Croation American Assn	10,000.00	1,747.18
Abraham Schneier, 1101 16th Street, NW, #333 Washington, DC 20036	Kelly Services, Inc	8,800.00	123.02
Do	ORACLE Corporation		
Frank Schneller, 1957 E St., NW Washington, DC 20006	Associated General Contractors of America		
Schnitzer Steel Industries, Inc, 3200 N.W. Yeon Avenue Portland, OR 97210			44.11
Paul Schoellhamer, 4720 Hunt Ave. Chevy Chase, MD 20815	World Span	4,000.00	50.00
Jan Schoonmaker, 1420 New York Ave., NW, #1050 Washington, DC 20005	Van Scoyoc Associates (For:Coalition of EPSCoR States)	9,062.50	
Do	Van Scoyoc Associates, Inc (For:National Assn of Water Companies)	3,750.00	
Do	Van Scoyoc Associates, Inc (For:Tulane University)	6,750.00	
Do	Van Scoyoc Associates (For:University of Alabama System)	6,750.00	
Tracey E. Schreft, 1615 H Street, NW Washington, DC 20062	Chamber of Commerce of the U.S.		
Charles G. Schreiber, 1 Massachusetts Ave., NW Washington, DC 20001	National Guard Assn of the U.S.	16,664.00	659.60
N. Donald Schroeder, Maryland Petroleum Council 60 West St., #403 Annapolis, MD 21401	American Petroleum Institute		
Judy Schub, 1909 K Street, NW Washington, DC 20049	American Assn of Retired Persons	890.67	104.75
Lynn M. Schubert, 1130 Connecticut Ave., NW, #1000 Washington, DC 20036	American Insurance Assn		
Elizabeth Schueler, 1155 Connecticut Ave, NW Washington, DC 20036	Waste Management International, Inc		
Leslie Schultz, 888 16th Street, NW Washington, DC 20006	International Dairy Foods Assn		
Mark Schultz, 8607 Westwood Center Drive #204 Vienna, VA 22182	Professional Services Council	1,500.00	55.44
Richard F. Schultz, 807 Maine Avenue, SW Washington, DC 20024	Disabled American Veterans	18,424.00	109.90
Benjamin R. Schuster, 1333 New Hampshire Ave., NW, #1001 Washington, DC 20036	Arco Chemical Company		413.00
Neil D. Schuster, 2120 L Street, NW, #305 Washington, DC 20037	International Bridge Tunnel & Turnpike Assn	1,000.00	
Adam D. Schwartz, 1101 15th St., NW, #400 Washington, DC 20005	National Council of Community Bankers	2,000.00	653.34
Arthur E. Schwartz, 1420 King St. Alexandria, VA 22314-2715	National Society of Professional Engineers	1,000.00	
Christopher L. Schwartz, 2000 M Street, NW Washington, DC 20036	Graham & James (For:Able Laboratories, Inc)		
Elinor Schwartz, 318 S. Abingdon Street Arlington, VA 22204	California State Lands Commission	28,800.00	2,992.16
Do	Washington State Department of Natural Resources	10,050.00	281.50
Elizabeth Nash Schwartz, 1700 N. Moore St., #2120 Rosslyn, VA 22209	Boeing Company	7,612.00	
Michael Schwartz, 1101 Pennsylvania Ave. NW, #950 Washington, DC 20006	Federal Home Loan Mortgage Corp	12,000.00	1,725.57
Phillip L. Schwartz, 1130 Connecticut Ave., NW, #1000 Washington, DC 20036	American Insurance Assn		
Richard Schwartz, 880 S. Pickett St. Alexandria, VA 22304	Boat Owners Assn of the U.S.	15,000.00	
Stephen I. Schwartz, Military Production Network 218 D Street, SE, 2nd Floor Washington, DC 20003	Tides Foundation	32.88	
Richard S. Schweiker, 1001 Pennsylvania Ave, NW Washington, DC 20004	American Council of Life Insurance, Inc	12,050.00	10.50
Michael C. Sciacca, Jamin Ebell Bolger &Gentry 605First Avenue, #300 Seattle, WA 98104	Washington Oil Marketers Asn		
Joseph A. Sciarrino, 10 Madison Ave., Box 1938 Morristown, NJ 07962-1938	Financial Executives Institute		500.00
Scientific-Atlanta, One Technology Parkway Box 105600 Atlanta, GA 30348			600.00
Michael Sciulla, 880 S. Pickett St. Alexandria, VA 22304	Boat Owners Assn of the U.S.	20,000.00	
David A. Scott, 1100 Connecticut Ave., NW, #620 Washington, DC 20036	Mobil Corporation	2,000.00	187.73
Ellen Scott, 1750 New York Avenue, NW Washington, DC 20006	Sheet Metal Workers International Assn	8,750.00	
James L. Scott, 400 N. Capitol Street, NW, #590 Washington, DC 20001	American Healthcare Institute	11,125.00	255.29
John Havens Scott, 1101 Vermont Ave., NW 12th Floor Washington, DC 20005	American Medical Assn	3,750.00	
Susan J. Scott, 1383 Piccard Drive P.O.Box 1725 Rockville, MD 20850	American Occupational Therapy Assn, Inc	2,500.00	117.50
Scribner Hall & Thompson, 1850 K Street, NW, #1100 Washington, DC 20006	CNA Financial Corp		
Do	Provident Life & Accident Insurance Co	10,000.00	
Do	Security Life of Denver Insurance Co		
Do	Transamerica Corporation	5,000.00	
Kerrill K. Scrivner, 1025 Connecticut Ave., NW, #1014 Washington, DC 20036	Enserch Corporation	5,313.00	5,285.30

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Anne Scully, 777 14th Street, NW Washington, DC 20005	National Assn of Realtors	1,725.00	1,875.25
Timothy Scully, 25 Louisiana Avenue, NW Washington, DC 20001	International Brotherhood of Teamsters	17,915.26	
Murray S. Scureman, 1667 K Street, NW, #300 Washington, DC 20006	Amdahl Corp	1,000.00	
John Morton Sebree, 777 14th Street, NW Washington, DC 20005	National Assn of Realtors	1,300.00	775.62
Securities Industry Assn, 1850 M Street, NW Washington, DC 20036			331,149.00
Security Traders Assn, Inc, One World Trade Center, #4511 New York, NY 10048			6,648.00
Pamela Sederholm, 2300 N Street, NW, #600 Washington, DC 20037	International Council of Cruise Lines		
Christopher C. Seeger, 655 15th Street, NW, #400 Washington, DC 20005	USAA		8,568.00
Mark Seetin, 919 18th Street, NW Washington, DC 20006	New York Mercantile Exchange	5,000.00	550.00
Jerome M. Segal, 8401 Colesville Road, #317 Silver Spring, MD 20910	Jewish Peace Lobby	6,000.00	75.00
Ruth L. Segal, 1212 New York Avenue, NW Washington, DC 20005	Outdoor Advertising Assn of America	31,250.00	199.25
Frances Seghers, 1600 Eye St., NW Washington, DC 20006	Motion Picture Assn of America, Inc		
John F. Seher, 1825 I Street, NW, #400 Washington, DC 20006	UST Public Affairs, Inc	9,000.00	5,000.00
Carl J. Seiberlich, 1101 17th Street, NW, #400 Washington, DC 20036	American President Companies, Ltd.	1,000.00	
H. Richard Seibert Jr., 1331 Pennsylvania Ave., NW, #1500 N Washington, DC 20004-1703	National Assn of Manufacturers	1,200.00	
George H. Seidel Jr., Associated Petroleum Industries of PA P.O. Box 925 Harrisburg, PA 17108	American Petroleum Institute		
Elliott M. Seiden, 901 15th Street, NW, #500 Washington, DC 20005	Northwest Airlines, Inc	10,000.00	100.00
Mark K. Seifert, 1101 Sixteenth Street, NW Washington, DC 20036	Independent Petroleum Assn of America		427.89
Jane Seigler, 1155 Connecticut Ave., NW Washington, DC 20036	Waste Management, Inc	3,350.00	
Gary B. Sellers, American Bar Assn 1800 M Street, NW Washington, DC 20036	American Bar Assn	400.00	50.00
Tom Sellers, 1701 Pennsylvania Ave., NW Washington, DC 20006	E. I. du Pont de Nemours & Co		
William H. Sells III, 1212 Potomac Street, NW Washington, DC 20007	Computer Dealers & Lessors Assn		
J.P. Seman Jr., 1050 17th Street, #2200 Denver, CO 80265	Hill & Knowlton (For:Aseptic Packaging Council)	4,920.00	
Do	Hill & Knowlton (For:Colorado State University)		
Marlisa Senchak, 3900 Wisconsin Ave.,NW Washington, DC 20016	Federal National Mortgage Assn	18,000.00	3,057.63
Wendy Senor, 440 First Street, NW, #600 Washington, DC 20001	American Israel Public Affairs Comm	14,625.00	233.55
David Senter, 100 Maryland Avenue, NE, #500 Washington, DC 20002	American Agriculture Movement, Inc	3,000.00	
Robert A. Seraphin, 1725 Jefferson Davis Highway, #901 Arlington, VA 22202	Alliant Techsystems, Inc	2,676.00	149.44
Peter M. Seremet, 16 Munson Road Farmington, CT 06034-0338	Heublein, Inc	17,250.00	4,276.70
David P. Serwer, 11723 Tireside Place, #G Reston, VA 22090	Automated Sciences Group, Inc		
Warner H. Session, 1730 K Street, NW, Suite 304 Washington, DC 20006	Airport Minority Advisory Council	6,330.00	1,875.00
Seward & Kissel, 818 Connecticut Avenue, NW, #800 Washington, DC 20006	Merrill Lynch Money Markets, Inc		
J. Richard Sewell, 801 Pennsylvania Ave., NW, #640 Washington, DC 20004-2604	Florida Power & Light Co	3,000.00	3,589.65
Seyfarth Shaw Fairweather & Geraldson, 815 Connecticut Ave., NW, #500 Washington, DC 20006	American Soc of Pension Actuaries	15,000.00	24.23
Thomas A. Shallow, 1220 L Street, NW Washington, DC 20005	American Petroleum Institute	200.00	
James M. Shamberger, 1819 L St., NW, 7th Floor Washington, DC 20036	Reinsurance Assn of America		
Deborah L. Shannon, 1120 Connecticut Ave., NW Washington, DC 20036	American Bankers Assn	6,000.00	
Bernard M. Shapiro, 1801 K Street, NW, #700 Washington, DC 20006	Price Waterhouse (For:Investment Co Institute)	390.00	16.50
Mark R. Shapiro, 5 Darby Court Bethesda, MD 20817	Guam Office (For:Joseph George Bamba)	6,000.00	938.14
Do	Guam Office (For:Marilyn Manibusan)	6,000.00	842.25
Mark J. Sharp, 1819 L Street, NW, #200 Washington, DC 20036-3822	Matsushita Electric Corp of America	100.00	67.95
Norman F. Sharp, 1100 17th Street, NW, #504 Washington, DC 20036	Cigar Assn of America, Inc		
Do	Pipe Tobacco Council		
Sharretts Paley Carter & Blauvelt, P.C., 1707 L Street, NW, #725 Washington, DC 20036	American Assn of Exporters & Importers		
Do	Schoeller Technical Paper, Inc		
Do	Toy Manufacturers of America		
Edward W. Shaw, 1801 K Street, NW, #800 Washington, DC 20006	Westinghouse Electric Corp	1,200.00	
Emily Young Shaw, 1317 F Street, NW, Suite 400 Washington, DC 20004	R. Duffy Wall & Associates, Inc		
Shaw Pittman Potts & Trowbridge, 2300 N Street, NW, #5121 Washington, DC 20037	Apple Computer, Inc		
Do	Atlas Corp	20,637.50	580.92
Do	Bank Leumi le-Israel, BM		
Do	Emerson Electric Co		
Do	Equitable of Iowa		
Do	ESCO Electronics Corp		
Do	Gross Pointes-Harper Woods Study Comm for Detroit City Air..	770.01	18.88
Do	Institute of International Bankers	11,951.82	43,207.53
Do	National Assn of Marine Manufacturers	26,319.37	796.01
Do	National Automobile Dealers Assn	2,572.50	111.25
Do	Robinson Terminal	4,972.50	
Do	RJR Nabisco	4,194.99	198.83
Do	Utility Nuclear Waste and Transportation Program	730.75	52.11
Do	Workplace Health and Safety Council		
Shea & Gardner, 1800 Massachusetts Avenue, NW Washington, DC 20036	Societe Generale de Surveillance, S.A.	166.25	
James V. Sheahan, P.O. Box 89000 Atlanta, GA 30356-9000	Siemens Corporation		
Gail E. Shearer, 2001 S St., NW, #520 Washington, DC 20009	Consumers Union of U.S., Inc		
P. Scott Shearer, 1725 K Street, NW, #1405 Washington, DC 20006	Halfpenny Hahn Roche & Marchese (For:Automotive Service Industry Assn)	11,250.00	1,414.97
Shearman & Sterling, 801 Pennsylvania Avenue, NW, 9th Floor Washington, DC 20004-2604	Claro Y Cia (for Compania Sud Americana de Vapores SA), et a		
Do	Secretariat of Commerce & Ind. Development of Mexico(SECOFI)	1,131,169.94	26.50
John J. Sheehan, 815 16th St., NW, #706 Washington, DC 20006	United Steelworkers of America	16,035.97	
Shaun M. Sheehan, 1722 Eye Street, NW, Washington, DC 20006	Tribune Broadcasting Co	3,000.00	2,224.26
C. Douglas Shelby, Florida Petroleum Council 215 South Monroe Street, #800 Tallahassee, FL 32301	American Petroleum Institute		
Louis P. Sheldon Sr., 100 S. Anaheim Blvd., #350 Anaheim, CA 92805	Traditional Values Coalition		
John E. Shelk, 1600 M Street, NW, 5th Floor Washington, DC 20036	Hartford Fire Insurance	7,000.00	800.00
Sheridan Group, 1775 T Street, NW Washington, DC 20009	American Foundation for AIDS Research		
Do	Cities Advocating Emergency Aids Relief (CAEAR)	54,622.15	34,198.47
Do	CFIDS Action Campaign for the U.S. (CACTUS)		
Do	Harvard AIDS Institute		
Do	San Francisco AIDS Foundation		
Judith C. Sherman, 1111 14th Street, NW, #1200 Washington, DC 20005	American Dental Assn	5,500.00	128.85
William Jeffry Shipp, 50 F St., NW, #900 Washington, DC 20001	Farm Credit Council	300.00	960.00
John C. Shirvinsky, 10700 Frankstown Road Pittsburgh, PA 15235	Chambers Development Company, Inc	18,000.00	4,899.67
T. V. Shockley III, 2121 San Jacinto Street, #2500 P.O. Box 660164 Dallas, TX 75266-0164	Central & South West Corp		
John G. Shortridge, 818 Connecticut Ave., NW Washington, DC 20006	USX Corporation	475.00	
Scott Shotwell, 1250 Connecticut Avenue, NW Washington, DC 20036	National Forest Products Assn	2,475.00	
Harold A. Shoup, 1899 L Street, NW Washington, DC 20036	American Assn of Advertising Agencies	2,500.00	
Jill Showell, 1125 15th Street, NW Washington, DC 20005	Mortgage Bankers Assn of America	6,134.00	487.79
A. Z. Shows, 1801 Columbia Rd., NW, #203 Washington, DC 20009			
Jennifer M. Shriver, 6200 Oak Tree Blvd. Independence, OH 44131	Centerior Energy Corp		
Walter Shur, 51 Madison Ave. New York, NY 10010	New York Life Insurance Company		
William H. Shute, 1667 K Street, NW, #1000 Washington, DC 20006	Southwestern Bell Corp		1,175.85
Jane E. Sidebottom, 1015 15th Street, NW, #802 Washington, DC 20005	American Consulting Engineers Council	292.50	
Sidley & Austin, 1722 Eye Street, NW Washington, DC 20006	Commonwealth Edison Co		
Do	Donrey, Inc	305.00	56.46
Do	Douglas Timber Operators Inc		
Do	W. K. Kellogg Foundation	526.25	12.50
Do	Manufacturers Life Insurance Co	1,200.00	114.20
Do	Northwest Forest Resource Council	2,750.00	86.00
Jill Sigal, Jill Sigal Associates 1225 Eye Street, WN, #500 Washington, DC 20005		13,965.00	3,522.86
Lucinda Sikes, 215 Pennsylvania Ave., SE Washington, DC 20003	U.S. Public Interest Research Group	7,000.00	
Mark Silbergeld, 2001 S Street, NW, #520 Washington, DC 20009	Consumers Union of U.S., Inc	4,000.00	20.00
Steve Silver, 2300 Clarendon Blvd, #1010 Arlington, VA 22201	Robertson Monagle & Eastaugh (For:Alaska Loggers Assn)		
Do	Robertson Monagle & Eastaugh (For:Anchorage School District)		
Do	Robertson Monagle & Eastaugh (For:Bristol Bay Native Corp)		
Do	Robertson Monagle & Eastaugh (For:BP America, Inc)	3,000.00	
Do	Robertson Monagle & Eastaugh (For:City of Craig)		
Do	Robertson Monagle & Eastaugh (For:City of Kotzebue)	2,000.00	
Do	Robertson Monagle & Eastaugh (For:Echo Bay Mining Company)	5,000.00	
Do	Robertson Monagle & Eastaugh (For:Kennecott Corp)	1,500.00	
Do	Robertson Monagle & Eastaugh (For:Klukwan, Inc)		
Do	Robertson Monagle & Eastaugh (For:Municipality of Anchorage)	4,000.00	
Silver Users Assn, Inc, 1730 M St., NW, #911 Washington, DC 20036		2,261.00	1,574.00
Daniel Silverman, 215 Pennsyhlvania Ave., SE Washington, DC 20003	U.S. Public Interest Research Group	2,423.05	
Marcia Silverman, 1901 L Street, NW, #320 Washington, DC 20036	Ogilvy Adams & Rinehart		
Curtis Silvers, 888 16th St., NW, #606 Washington, DC 20006	Bannerman & Associates, Inc (For:Arab Republic of Egypt)		75.40

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Do	Bannerman and Associates, Inc (For:Beirut University College)		
Do	Bannerman & Associates, Inc (For:Embassy of the Republic of Djibouti)		65.40
Do	Bannerman & Associates, Inc (For:Government of the United Arab Emirates)	1,500.00	275.00
Silverstein & Mullens, 1776 K Street, NW, #800 Washington, DC 20006	American Newspaper Publishers Assn	800.00	
Do	Association for Advanced Life Underwriting	5,000.00	
Do	Bristol-Myers Co		
Do	Cushman & Wakefield		
Do	EDS	1,600.00	
Do	Goodwill Industries		
Do	Walter Harris, et al.	800.00	
Do	IEEE	6,500.00	
Do	Kelso & Company		
Do	Majestic Realty Co		
Do	Monrovia Nursery Company	1,500.00	
Do	MCA, Inc	10,000.00	
Do	National Assn of Home Builders Trade Assn		
Do	National Assn of Investment Companies	5,650.00	
Do	National Structured Settlements Trade Assn	4,000.00	
Do	Pacific Cargoes, Inc		
Do	R.S. Data Systems, Inc		
Do	Republic National Bank of New York	1,000.00	
Do	Rolls-Royce Motor Cars, Inc		
Do	Tropicana Energy Co		
Do	U.S. League of Savings Institutions		
Do	5600, Inc	300.00	
Donald M. Simmons, 323 West Broadway, #404 Muskogee, OK 74401	Caltex Petroleum Corp	1,300.00	550.00
David J. Simon, 3017 South Hill Street Arlington, VA 22202	National Parks & Conservation Association	2,250.00	83.00
Karen H. Simon, 2600 Virginia Ave., NW, 10th Floor Washington, DC 20037-1905	Schmeltzer, Aptaker & Shepard (For:Council of Nursing Home Suppliers)	5,000.00	
Michael E. Simon, 1666 K St., NW Washington, DC 20006	Arthur Andersen & Co	1,181.00	12.00
Neil A. Simon, 1350 New York Ave., NW, #900 Washington, DC 20005	International Franchise Assn		
Simon & Company, Inc, 1001 Connecticut Ave., NW, #435 Washington, DC 20036	American Water Works Assn	10,200.00	5,023.97
Do	City of Portland, OR	12,852.89	6,645.99
Do	East Bay Dischargers Authority	3,844.70	5,121.32
Do	Elkhart, IN	5,668.85	6,146.29
Do	Gary, Indiana	7,786.58	5,309.85
Do	National Easter Seal Society	7,566.39	5,085.46
Do	Newark, Ca	4,722.46	5,246.43
Do	San Bernardino, CA	5,158.67	5,182.66
Do	San Leandro, CA	4,502.10	5,278.07
Do	Tacoma Public Utilities	1,765.51	5,288.98
Do	Tacoma, WA	3,939.10	5,839.97
David C. Simons, 1100 Connecticut Ave, NW, #410 Washington, DC 20036	Eaton Corp		3,968.33
David C. Simonson, 1627 K St., NW, #400 Washington, DC 20006	National Newspaper Assn		
Talmage E. Simpkins, 444 North Capitol Street, #801 Washington, DC 20001	Labor-Management Maritime Committee, Inc	1,875.00	410.00
Thomas D. Simpson, 700 N. Fairfax Street, #601 Alexandria, VA 22314	Railway Progress Institute	729.06	
William G. Simpson, 1155 15th St., NW, #504 Washington, DC 20005	First Mississippi Corp	2,000.00	
Do	First Mississippi National Bank	410.00	7.00
Do	Mississippi Power & Light Company	2,000.00	
Do	State of Mississippi	4,000.00	
James W. Singer III, 1100 15th Street, NW Suite 900 Washington, DC 20005	Pharmaceutical Manufacturers Assn	4,000.00	
Stephen G. Sinkez, 1111 19th Street, NW, #408 Washington, DC 20036	Mitsubishi Motors America, Inc		
Constantine Sirigos, 1730 K Street, #1005 Washington, DC 20006	American Hellenic Institute Public Affairs Committee, Inc		
Skadden Arps Slate Meagher & Flom, 1440 New York Avenue, NW Washington, DC 20005	Air Transport Assn of America		
Do	Akzo America, Inc		
Do	American International Group, Inc		
Do	Amoco Corporation		
Do	Amstel Hudson Management Corporation	2,000.00	
Do	Armco, Inc	2,000.00	
Do	Bethlehem Steel Corp		
Do	Commonwealth of Puerto Rico	7,500.00	
Do	Dun & Bradstreet		
Do	Enron Corporation		
Do	General Mills	1,000.00	
Do	Merrill Lynch & Co, Inc		
Do	National Assn of Energy Service Companies		
Do	Partida Popular Democratico		
Do	PSI Energy, Inc	20,000.00	
Do	Riggs National Corporation		
Do	Sara Lee Corporation	2,000.00	
Do	Summit Storage, Inc	10,000.00	
Do	Transco Energy Corp	20,000.00	
Do	U.S. Central Credit Union		
Do	USX Corp	2,000.00	
Edmund J. Skernolis, 1155 Connecticut Ave., NW Washington, DC 20036	Waste Management, Inc	3,550.00	20.00
Mary Jacobs Skinner, 1722 Eye Street, NW Washington, DC 20006	La Radida Childrens Hospital & Research Center, et al.	4,984.00	50.00
William J. Skinner, 751 Rockville Pike, # 27B Rockville, MD 20852	U.S. Pharmaceopeial Convention, Inc	350.20	14.00
Barney J. Skladany Jr., 1100 Connecticut Ave., NW, #620 Washington, DC 20036	Mobil Corp	2,500.00	134.40
Paul A. Skrabut Jr., 1000 Connecticut Avenue, NW, #706 Washington, DC 20036	Palumbo & Cerrell, Inc (For:American Soc of Composers Authors & Publishers)	5,850.00	40.75
Do	Palumbo & Cerrell, Inc (For:Atlantic Richfield Co)	1,642.50	5.25
Michael P. Skredynski, 1180 Cedarwood Drive Moraga, CA 94556	U.S. Strategies Corp (For:Commonwealth of the Northern Marianna Islands)		
Dale D. Skupa, 3601 Vincennes Road P.O. Box 68700 Indianapolis, IN 46268	National Assn of Mutual Insurance Cos		
Jonathan Slade, 2000 L St., NW #200 Washington, DC 20036	MWW Strategic Communications (For:Associated Landscape Contractors of America).	3,000.00	113.00
Do	MWW Strategic Communications (For:Cuban American Foundation, Inc)	6,000.00	219.00
Do	MWW Strategic Communications (For:Environmental Compliance Services)	24,000.00	82.00
Do	MWW Strategic Communications (For:Farmland Dairies)	18,750.00	
Do	Keefe Company (For:Hadassah Medical Relief Organization)	7,500.00	175.00
Do	MMW Strategic Communications (For:Puerto Ricans for Civic Action)		74.00
Robert G. Slaughter, 1615 M ST., NW, #200 Washington, DC 20036	Amoco Corporation	1,500.00	
Albert J. Slechter, 1100 Connecticut Ave., NW, #900 Washington, DC 20036	Chrysler Corporation	4,998.00	479.33
R. Barry Sleight, P.O. Box 30199 Bethesda, MD 20824-0199	CFIDS Assn		
William T. Slider, 15th & M Streets, NW Washington, DC 20005	National Assn of Home Builders of the U.S.		
Ronald J. Slinn, 260 Madison Avenue New York, NY 10016	American Paper Institute, Inc		
Kirsten A. Sloan, 1909 K Street, NW Washington, DC 20049	American Assn of Retired Persons	680.52	78.30
David P. Sloane, 1010 Wisconsin Ave., NW #800 Washington, DC 20007	Grocery Manufacturers of America, Inc	743.58	
Kelly Campbell Slone, 1667 K Street, NW, #710 Washington, DC 20006	Baxter		
Slover & Loftus, 1224 17th St., NW Washington, DC 20036	Western Coal Traffic League	5,000.00	
Small Business for Advertising Choice, 1331-A Pennsylvania Ave., NW, #217 Washington, DC 20004			
Small Business Council of America, Inc, P.O. Box 4299 Columbus, GA 31904		69,815.84	24,003.88
Douglas T. Smalls, 316 Pennsylvania Ave., SE, #304 Washington, DC 20003	United Parcel Service	5,000.00	111.30
Donald E. Smiley, 1899 L St., NW, #1100 Washington, DC 20036	Exxon Corporation		
C. Douglas Smith, 1850 M St., NW, #600 Washington, DC 20036	Toyota Motor Sales, USA, Inc		
Carlos C. Smith, 400 Krystal Building, One Union Square Chattanooga, TN 37402	Strang Fletcher Carriger Walker Hodge & Smith (For:Chattanooga Production Credit Assn, et al.).		
Douglas Allen Smith, #40223-080 P.O.Box 4200 Three Rivers, TX 78071-4200		273.80	100.85
Elizabeth M. Smith, 815 16th St., NW, #507 Washington, DC 20006	Amalgamated Clothing & Textile Workers Union	6,669.00	596.46
Frank Sumner Smith Jr., P.O. Box 1365 Columbia, SC 29202	Colonial Companies, Inc	9,000.00	150.00
Jennifer L. Smith, 900 17th Street, NW, #520 Washington, DC 20006	West Mexico Vegetable Distributors Assn	300.00	
Julian H. Smith Jr., 600 North 18th Street Birmingham, AL 35291	Alabama Power Co	39,810.35	4,332.24
Keith H. Smith, 1455 Pennsylvania Ave, NW, #1260 Washington, DC 20004	French & Company (For:International Electronics Manufacturers)	400.00	
Do	French & Company (For:Montgomery Ward & Co, Inc)	75.00	
Do	French & Company (For:Wheels, Inc)	25.00	
Kevin R. Smith, 1020 19th Street, NW, #700 Washington, DC 20036	U S West, Inc	916.00	
Kirkland Smith, Docs# 83-A-4548 Fishkill Correctional Facility P.O. Box 1245 Beacon, NY 12508			

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Marc Smith, 200 Renaissance Place 714 Jackson Street Dallas, TX 75202			
Maureen Smith, 1200 G Street, NW, #400 Washington, DC 20005	Health Industry Manufacturers Assn		
Michael E. Smith, P.O. Box 5000 Cleveland, OH 44101	Cleveland Electric Illuminating Co	62.50	182.51
Michael P. Smith, 485 Lexington Ave. New York, NY 10017	New York State Bankers Assn	1,776.00	709.00
Patricia Smith, 601 E Street, NW Washington, DC 20049	American Assn of Retired Persons	876.48	
Philip S. Smith, 10900 Wilshire Boulevard, #1600 Los Angeles, CA 90024	Castle & Cooke, Inc		
Do	Castle & Cooke (For:Dole Food Company)		
Do	Flexi Van Leasing, Inc		
Richard F. Smith, 1090 Vermont Ave., NW, #1100 Washington, DC 20005	Textron, Inc	600.00	150.00
Rob Smith, 516 E. Portland Street Phoenix, AZ 85006	Sierra Club	3,796.25	4,882.55
Robert E. Smith, 1730 K St., NW, #1300 Washington, DC 20006	Olin Corporation	6,800.00	2,200.00
Sara Hope Smith, 1275 Pennsylvania Ave, NW, #400 Washington, DC 20004	Pacific Telesis Group	13,625.00	
Susan Snyder Smith, 7900 Westpark Drive, #A320 Mclean, VA 22102	Chocolate Manufacturers Assn of the USA	300.00	133.87
Tim Smith, 410 1st St., SE Washington, DC 20003	American Nuclear Energy Council	10,338.34	479.37
W. Glenn Smith, One Merchants Plaza Indianapolis, IN 46255	Merchants National Bank & Trust Co		
Smith Dawson & Andrews, Inc, 1000 Connecticut Ave., NW, #302 Washington, DC 20036	City of Eugene, Oregon	7,000.00	
Do	Haarmann & Reimer Corp	2,000.00	75.00
Do	Kansas City Transit Authority	6,666.66	
Do	National Assn of Foreign Trade Zones	3,000.00	150.00
Do	S & F Warehouses, Inc		
Do	San Francisco Public Utilities Commission		
Smith McNulty & Kearney, One State Street Boston, MA 02107	New England Telephone Company	1,250.00	
David A. Smitherman, 1012 Fleming Building Des Moines, IA 50309	American Petroleum Institute		
Smokeless Tobacco Council, Inc, 2550 M Street, NW, #300 Washington, DC 20037		25,420.50	25,420.50
William Snape, 1244 19th Street, NW Washington, DC 20036	Defenders of Wildlife	438.40	
Larry S. Snowhite, 701 Pennsylvania Avenue, NW Washington, DC 20004	Mintz Levin Cohn Ferris Glovsky & Popeo, P.C. (For:Massachusetts Education Loan Authority).	501.40	
Do	Mintz Levin Cohn Ferris Glovsky & Popeo, P.C. (For:National Truck Weight Advisory Council).		
Do	Mintz Levin Cohn Ferris Glovsky & Popeo (For:New England Education Loan Marketing Corp).	3,990.50	
David F. Snyder, 1130 Connecticut Avenue, NW, #1000 Washington, DC 20036	American Insurance Assn		
Gene Snyder, P.O. Box 556 Pewee Valley, KY 40056-0556	Association of American Railroads	14,000.00	
Do	Arthur Cameron	2,000.00	
Do	Norfolk Southern Corp	15,000.00	1,327.90
Do	Radio Assn Defending Airwave Rights, Inc		
Do	United Parcel Service	19,500.00	1,752.76
John M. Snyder, 600 Pennsylvania Ave., SE, #205 Washington, DC 20003	Citizens Comm for the Right to Keep & Bear Arms	9,000.00	
Snyder Ball Kriser & Assoc, Inc, 499 S. Capitol St., SW, #520 Washington, DC 20003	Alloy Surfaces Co, Inc	62.48	
Do	General Motors Corp	87.50	147.15
Do	Puget Sound Naval Bases Assn, Inc (PSNBA)	36.24	93.20
Do	Service Engineering Company	100.00	
Alan C. Sobba, 1301 Pennsylvania Ave., NW, #300 Washington, DC 20004	National Cattlemen's Assn	1,000.00	
Society for Animal Protective Legislation, P.O. Box 3719 Georgetown Station Washington, DC 20007		38,499.27	36,218.43
Society for Nutrition Education, 2001 Killebrew Drive, #340 Minneapolis, MN 55425-1882			4,566.65
J. Michael Solar, 1331 Lamar, Suite 1550 Houston, TX 77010	Solar & Ellis (For:Republic of Mexico)		1,725.98
Regina Solomon, 1957 E Street, NW Washington, DC 20006	Associated General Contractors of America		
Frederick P. Somers, 1383 Piccard Drive P.O. Box 1725 Rockville, MD 20850-0822	American Occupational Therapy Assn, Inc	2,500.00	188.59
Nancy C. Somerville, 1735 New York Ave., NW Washington, DC 20006	American Institute of Architects	3,000.00	
Judah C. Sommer, 1101 Pennsylvania Ave., NW, #900 Washington, DC 20004	Goldman Sachs & Co	500.00	
SL Sommer & Associates, Inc, 2700 Virginia Ave., NW, #910 Washington, DC 20037	Defense Division Brunswick Corp	500.00	407.11
James E. Sommerhauser, 8701 Georgia Ave., #701 Silver Spring, MD 20910	International Fed of Professional & Technical Engineers		
Sonnenberg Anderson O'Donnell & Rodriguez, 200 West Adam St., #2625 Chicago, IL 60606	Florsheim Shoe Co		
Southeast Toyota Distributors, Inc, 100 Northwest 12th Avenue P.O. Box 1160 Deerfield Beach, FL 33443		3,600.00	46.00
Southern Forest Products Assn, P.O. Box 641700 Kenner, LA 70064-1700		24,720.21	24,720.21
Southwest Airlines Co, P.O. Box 36611 Dallas, TX 75235-1611			9,140.00
Southwestern Power Resources Assn, P.O. Box 1360 1800 Canyon Park Cr., #403 Edmond, OK 73083-1360			
Thomas J. Spangler, 1111 14th Street, NW, #1100 Washington, DC 20005	American Dental Assn	16,000.00	468.32
Sparber and Associates, Inc, 1325 Pennsylvania Ave., NW, #500 Washington, DC 20006	National Volunteer Fire Council		
John S. Sparkman, 1100 Connecticut Ave., NW, #530 Washington, DC 20036	Baltimore Gas & Electric Co	2,382.51	663.75
Jonathan B. Spear, 1615 L Street, NW, #1320 Washington, DC 20036	Merck & Co, Inc	1,000.00	275.00
Specialized Carriers & Rigging Assn, Inc, 2200 Mill Road, #616 Alexandria, VA 22314			
Richard L. Spees, 1341 G Street, NW, #200 Washington, DC 20005	McAuliffe Kelly & Raffaelli (For:Desert Research Institute)	500.00	
Do	McAuliffe Kelly & Raffaelli (For:Washoe County)	350.00	
William B. Spencer, 729 15th Street, NW Washington, DC 20005	Associated Builders & Contractors, Inc	2,500.00	
Spiegel & McDiarmid, 1350 New York Ave., NW Washington, DC 20005-4798	Connecticut Municipal Electric Energy Coop		
Do	Former Residents of Centralia Pennsylvania		
Do	Northern California Power Agency		
Larry N. Spiller, 1420 King Street Alexandria, VA 22314-2715	National Society of Professional Engineers	1,000.00	
William M. Spodak, 1801 K St., NW Washington, DC 20006	Westinghouse Electric Corp	2,500.00	75.00
Sporting Goods Manufacturers Assn, 1625 K Street, NW, #900 Washington, DC 20006			
Lisa M. Sprague, 1615 H Street, NW Washington, DC 20062	U.S. Chamber of Commerce	2,500.00	127.83
David E. Springer, 1301 K Street, NW, #900 East Tower Washington, DC 20005	Gardner, Carton, & Douglas (For:American Telephone & Telegraph)	22,500.00	1,846.25
Do	Gardner Carton & Douglas (For:Equity Strategies Fund, Inc)		
Do	Gardner Carton & Douglas (For:National Cable Television Assn, Inc)	18,750.00	631.62
Do	Gardner Carton & Douglas (For:Perrigo Company)	650.00	
Do	Gardner Carton & Douglas (For:Telecommunications Industry Assn)		
Martha Ann Spudis, 1015 15th Street, NW, #802 Washington, DC 20005	American Consulting Engineers Council	6,800.00	
Mark G. Spurrier, 700 E Joppa Road Towson, MD 21204	Baltimore County Police Department, et al.		
Philip Squair, 1501 Wilson Blvd., #600 Arlington, VA 22209	Air Conditioning & Refrigeration Institute		
Squire Sanders & Dempsey, 1201 Pennsylvania Ave., NW P.O. Box 407 Washington, DC 20044	American Chamber of Commerce in Germany		
Do	American Soc of Anesthesiologists		
Do	Independent Data Communications Manufacturers Assn	4,232.50	100.00
Do	Information Technology Association of America		
Do	National Collegiate Athletic Assn	4,301.25	
Do	Public Securities Assn		
Cecile Srodes, 1800 K Street, NW, #1100 Washington, DC 20006	New York Stock Exchange, Inc		
Janet G. St. Amand, 1225 19th Street, NW, #410 Washington, DC 20036	Financial Services	2,050.00	
Charles A. St. Charles, 808 17th Street, NW, #300 Washington, DC 20006-3910	Stewart & Stewart (For:Libbey Glass)	6,860.42	
Vivian Escobar Stack, 2010 Massachusetts Avenue, NW, #500 Washington, DC 20036	Planned Parenthood Fed of America, Inc	325.80	
Connell Stafford, P.O. Drawer 1734 Atlanta, GA 30301	Coca-Cola Company	300.00	1,238.84
Roger Staiger Jr., 1667 K Street, NW, #450 Washington, DC 20006	Alyeska Pipeline Service Co	2,000.00	
David P. Stang, P.C., 2019 Park Rd., NW Washington, DC 20010	McDermott, Inc	4,929.64	
Arlan Stangeland, 305 C Street, NE Washington, DC 20002	American International Group	2,500.00	2,265.00
Do	Edison Chouest Offshore	3,000.00	2,265.00
Theresa Stanion, 3150 Spring Street Fairfax, VA 22031-2399	International Communications Industries Assn		
Joseph M. Stanton, 1000 Vermont Ave., NW, #800 Washington, DC 20005	Public Securities Assn	7,500.00	2,356.71
Michael J. Stanton, 1620 Eye Street, NW, #1000 Washington, DC 20006	Motor Vehicle Manufacturers Assn of the U.S., Inc	5,400.00	
Thomas J. Stanton Jr., 1000 Thomas Jefferson Street, NW, #609 Washington, DC 20007	Leonard Ralston Keyes & Danks (For:Krueger, Inc)	17,073.32	
Stanton & Associates, 1310 19th Street, NW Washington, DC 20036	Philip Morris		
Do	University Hospitals of Cleveland		
Mary Murray Staples, P.O. Box 660634 Dallas, TX 75266-0634	Frito-Lay, Inc	2,500.00	9,369.00
Kent D. Starwalt, 501 School Street, SW, 8th Floor Washington, DC 20024	American Road & Transportation Builders Assn	500.00	
James D. Staton, 320 Timberbrook Drive Waldorf, MD 20601	Air Force Sergeants Assn, Inc		
Robert E. Staton, P.O. Box 1365 Columbia, SC 29202	Colonial Companies, Inc	9,000.00	150.00
Julie A. Stauss, 1225 Eye Street, NW, Suite 1250 Washington, DC 20005	American Dietetic Assn	1,000.00	228.50
Randolph J. Stayin, 1815 H Street, NW, Suite 800 Washington, DC 20006	Barnes & Thornburg (For:Empire Resources, Inc)		
Do	Barnes & Thornburg (For:Indiana Glass Company)		
Do	Barnes & Thornburg (For:Special Comm for Workplace Product Liability Reform)	3,940.00	22.00
Barbara E. Steakley, 1155 15th Street, NW, #600 Washington, DC 20005	Pennzoil Company	205.00	
Kathryn A. Steckelberg, 701 Pennsylvania Ave, NW Washington, DC 20004-2696	Edison Electric Institute	2,320.88	563.30
Steele Silcox & Browning, P.C., 1200 19th Street, NW, #604 Washington, DC 20036	K Mart Corp	258.75	
Law Offices of Deborah Steelman, 555 13th Street, NW, Suite 1220 East Washington, DC 20004-1109	American Society for Plastic and Reconstructive Surgeons	1,500.00	1,615.00
Do	Lockheed Information Management Systems Company		150.00

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Do	Nonpresciption Drug Manufactures Assn	300.00	1,510.00
Do	Pension Benefits Assn	250.00	15,363.00
Do	Xoma Corp	900.00	6,920.00
Allan Stein, 1130 Connecticut Ave., NW, #1000 Washington, DC 20036	American Insurance Assn		
Dan Stein, 1666 Connecticut Ave., NW, #400 Washington, DC 20009	Federation for American Immigration Reform		
Rena Steinzor, 1350 New York Ave., NW, #1100 Washington, DC 20005-4798	Spiegel & McDiarmid (For:American Communities for Cleanup Equity (ACCE))	23,626.25	5,592.45
Do	Spiegel & McDiarmid (For:Guam Power Authority)		
Charles W. Stellar, 1227 25th Street, NW, #610 Washington, DC 20037	American Managed Care & Review Assn		
Jack L. Stempler, 1725 Jefferson Davis Highway, #900 Arlington, VA 22202	LTV Aerospace & Defense Co	2,500.00	75.00
Jackson T. Stephens, 111 Center Street Little Rock, AR 72201	Stephens Group, Inc		
Stephen O. Stephens, P.O. Box 3507 111 Center Street Little Rock, AR 72203	Stephens Group, Inc		
Stephens Group, Inc, 111 Center Street P.O. Box 3507 Little Rock, AR 72203			
Stephens Overseas Services, Inc, 111 Center Street P.O. Box 3507 Little Rock, AR 72203			
Steptoe & Johnson, 1330 Connecticut Ave., NW Washington, DC 20036	Bear Stearns & Co	1,546.29	
Do	Christie's		
Do	Citizens Savings & Financial Corp	508.91	
Do	Co-Operative Central Bank		
Do	CSO Company		
Do	Forest Industries Committee on Timber Valuation & Taxation		
Do	Isolyser Company, Inc		
Do	Mutual Life Insurance Company Tax Committee		
Do	National Antique & Art Dealers Assn of America		
Do	National Council on Teacher Retirement		
Do	Sotheby's, Inc		
Do	Western Financial	1,381.01	
Gary M. Stern, 122 Maryland Ave, NE Washington, DC 20001	American Civil Liberties Union	4,000.00	50.00
Michael Stern, 1317 F Street, NW, #400 Washington, DC 20004	R. Duffy Wall & Associates	1,250.00	
Ruth L. Stern, 122 C Street, NW, Suite 380 Washington, DC 20001-2109	National Family Planning and Reproductive Health Assn, Inc		
Cindy M. Stevens, 1129 20th Street, NW Washington, DC 20036	Greater Washington Board of Trade	8,400.00	203.84
Michael E. Steward, 1730 M Street, NW, #607 Washington,, DC 20036	Puget Sound Power & Light Co	2,337.00	401.01
Eugene L. Stewart, 808 17th Street, NW, #300 Washington, DC 20006-3910	Floral Trade Council		
Do	Monsanto Co		
Do	Timken Co		
Robert B. Stewart, 1120 G Street, NW, #900 Washington, DC 20005	National Ocean Industries Assn	3,525.00	
Terence P. Stewart, 808 17th Street, NW, #300 Washington, DC 20006-3910	Floral Trade Council		
Do	Stewart & Stewart (For:Hudson Industries Corp)		
Do	Stewart & Stewart (For:Kimble Glass, Inc)		
Do	Stewart & Stewart (For:Libbey Glass)	8,294.42	6,860.42
Do	Monsanto Co		
Do	PPG Industries, Inc		
Do	Smith Corona Corp	4,140.44	292.60
Do	Stewart and Stewart		
Do	Timken Co	3,784.83	801.50
Do	Torrington Company	3,434.83	661.50
Warren E. Stickle, 1220 19th Street, NW, #202 Washington, DC 20036	Chemical Producers & Distributors Assn	450.00	29.00
Do	Cheminova	437.50	14.00
Do	International Sanitary Supply Assn	1,012.50	39.00
Do	Micro-Flo Company	1,125.00	45.70
Elizabeth Still, 1850 M Street, NW, #550 Washington, DC 20036	Securities Industry Assn	1,281.00	
Don Stillman, 1757 N Street, NW Washington, DC 20036	Int'l Union, United Auto Aerospace & Agric Implement Workers	2,241.58	15.00
Lee J. Stillwell, 1101 Vermont Ave., NW Washington, DC 20005	American Medical Assn	750.00	
Bonny S. Stilwell, 3803 Densmore Ct. Alexandria, VA 22309	National Vietnam Verterns Coalition	3,050.00	1,635.77
Neal Stine, 1667 K Street, NW, #710 Washington, DC 20006	Baxter		
John E. Stiner, 1919 Pennsylvania Avenue, NW, #850 Washington, DC 20006	American Electronics Assn	14,831.25	
Kenneth F. Stinger, 2200 Mill Rd Alexandria, VA 22314	American Trucking Assns, Inc	9,000.00	
John J. Stirk, 1725 Jefferson Davis Hwy, #601 Arlington, VA 22202-3585	Litton Industries	2,000.00	2,300.06
Heidi A. Stirrup, 1957 E Street, NW Washington, DC 20006	Associated General Contractors of America	2,000.00	500.00
John J. Stocker, 4301 North Fairfax Drive, #330 Arlington, VA 22203	Shipbuilders Council of America	3,300.00	
Stockholders of America, Inc, 3133 Connecticut Avenue, NW, Suite #7 Washington, DC 20008		3,140.00	191.78
Steven F. Stockmeyer, 499 South Capitol Street, SE #103 Washington, DC 20004	Manville Corporation	300.00	
Do	National Assn of Business PACs	1,600.00	
Do	Springs Industries, Inc		
Alex Stoddard, 1250 Connecticut Ave., NW, #200 Washington, DC 20036	National Forest Products Assn	1,200.00	
Robin E. Stombler, 1640 Wisconsin Avenue, NW, 1st Floor Washington, DC 20007	American College of Surgeons		907.26
Judith Lee Stone, 777 N. Capitol Street, #410 Washington, DC 20002	Advocates for Highway & Auto Safety	2,284.62	
Dena G. Stoner, 1201 16th Street, NW Washington, DC 20036	Council for Educational Development & Research	1,162.50	284.42
Floyd E. Stoner, 1120 Connecticut Avenue, NW Washington, DC 20036	American Bankers Assn	6,500.00	
Sam E. Story Jr., 1700 N. Moore Street Arlington, VA 22209	American Meat Institute	12,750.00	914.33
Todd A. Stottlemyer, 7915 Jones Branch Drive McLean, VA 22102	BDM International, Inc		
Anna Stout, 122 C Street, NW, #740 Washington, DC 20001	American League for Exports & Security Assistance, Inc	5,000.00	167.17
Robert Francis Stout, 1825 I Street, NW, #400 Washington, DC 20006	Heublein, Inc	20,000.00	8,187.07
Susan M. Stout, 1010 Wisconsin Avenue, NW, #800 Washington, DC 20007	Grocery Manufacturers of America, Inc	130.77	
William P. Stout, P.O. Box 1475 Nashville, TN 37202	United Paperworkers International Union		
William M. Stover, 2501 M St., NW Washington, DC 20037	Chemical Manufacturers Assn, Inc	1,000.00	
John L. Stowell, 1800 K St., NW, #1018 Washington, DC 20006	PSI Energy	18,750.00	11,757.37
Strang Fletcher Carriger Walker Hodge & Smith, 400 Krystal Building, One Union Square Chattanooga, TN 37402	Chattanooga Production Credit Assn, et al.		
Luther J. Strange III, 1100 15th Street, NW, #700 Washington, DC 20005	Sonat, Inc	5,000.00	250.00
Raymond L. Strassburger, 801 Pennsylvania Ave., NW, #700 Washington, DC 20004	Northern Telecom, Inc	1,250.00	
Strategic Directions, Inc, P.O.Box 6011 Springfield, VA 22150-6011	Atlas Powder Company	10,500.00	
Terrence D. Straub, 818 Connecticut Avenue, NW Washington, DC 20006	USX Corporation	250.00	20.40
Richard H. Streeter, Federal Bar Building 1815 H Street, NW, #800 Washington, DC 20006	Cast North America (1983), Inc		
Stephen P. Strickland, 1835 K Street, NW, #610 Washington, DC 20006	National Peace Foundation		
Carol Stroebel, 777 N. Capitol Street, #410 Washington, DC 20002	Advocates for Highway & Auto Safety	8,238.48	93.38
Jack B. Strong, 1122 Colorado, #307 Austin, TX 78701	Advanced Telecommunications Corp	7,200.00	1,682.31
Do	Madison Public Affairs Group (For:Leadership Council on Advertising Issues)	14,433.19	1,062.00
Jerome A. Strong, 921 Pleasant Drive Ypsilanti, MI 48197	SAJ Consultants		
Stroock & Stroock & Lavan, 1150 17th St., NW Washington, DC 20036	J. Aron & Co, Inc		
Do	Dreyfus Corporation		
George Strumpf, 1150 17th St., NW, #600 Washington, DC 20036	Health Insurance Plan of Greater New York	12,000.00	14,300.00
Cory N. Strupp, Legal Dept., 38th Floor 60 Wall Street New York, NY 10260	Morgan Guaranty Trust Co of New York	4,269.04	1,869.68
Robert A. Stuart, 215 Pennsylvania Ave., SE Washington, DC 20003	U.S. Public Interest Research Group	6,865.39	
Donald B. Studley, 127 Brookmoor Road Avon, CT 06001	Yankee Gas Services Company	463.78	276.08
Fred Sudak, 250 South Wacker Drive, #1000 Chicago, IL 60606	Dakko Integrated Resources		
Glenn Sugameli, 1400 16th Street, NW Washington, DC 20036-0001	National Wildlife Federation	573.92	
Charles S. Sullivan, 11 15th Street, NE, #6 Washington, DC 20002	Citizens United for Rehabilitation of Errants	3,658.00	3,391.00
Gael M. Sullivan, 1025 Thomas Jefferson St., NW, #511 Washington, DC 20007	LTV Corporation	2,344.00	755.40
Harold R. Sullivan, 1750 K St., NW Washington, DC 20006	Food Marketing Institute	600.00	
Judy M. Sullivan, 1614 King Street Alexandria, VA 22314	National Assn of Housing Cooperatives		
Margaret Cox Sullivan, 3133 Connecticut Avenue, NW, #705 Washington, DC 20008	Stockholders of America, Inc		
Pauline Sullivan, P.O. Box 2310 Washington, DC 20013-2310	Citizens United for Rehabilitation of Errants	1,008.00	
Rebecca M. Sullivan, 1199 N. Fairfax Street, Suite 204 Alexandria, VA 22314	International Council of Shopping Centers	1,400.00	
Sullivan & Cromwell, 1701 Pennsylvania Ave., NW, #800 Washington, DC 20006	Housatonic Railroad Company		37.00
Do	Massachusetts Bay Transportation Authority (MBTA)		81.80
Do	Massachusetts Port Authority (MASSPORT)		41.20
Sullivan & Worcester, 1025 Connecticut Ave., NW, #806 Washington, DC 20036	Hercules, Inc		
Do	Marion Laboratories, Inc	7,500.00	
Do	Monarch Wine Company of Georgia, et al.	90,000.00	
Do	Wine Institute	37,807.00	
Scott M. Summers, 1776 Eye Street, NW, #1050 Washington, DC 20006	Eastman Kodak Company	550.00	152.00
Charles Sunderlin, 21480 Pacific Boulevard Sterling, VA 22170	Heckler & Koch, Inc	225.00	
Superfund Action Coalition, 1150 Connecticut Avenue, NW Suite 900 Washington, DC 20036		14,150.00	13,343.76
Thomas M. Susman, 1001 Pennsylvania Ave., NW, #1200-S Washington, DC 20004	Ropes & Gray (For:American Library Assn)		
Do	Ropes & Gray (For:Dial Page, L.P.)		1.15
Do	Ropes & Gray (For:Digital Equipment Corp)	19,600.00	

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Sutherland Asbill & Brennan, 1275 Pennsylvania Avenue, NW Washington, DC 20004	CompuServe, Inc	150.00	
Do	Federation for American Immigration Reform	12,532.62	768.71
W. Thomas Suttle, 1521 Vermont Avenue, NW Washington, DC 20005	Institute of Electrical & Electronics Engineers		
Stephen Sutton, 1000 Wilson Blvd., #2800 Arlington, VA 22209	Grumman Corporation	625.00	248.93
Deborah Swartz, 1225 19th Street, NW, #210 Washington, DC 20036	Luggage & Leather Goods Manufacturers of America, Inc	500.00	
Do	Neckwear Assn of America, Inc	500.00	
David A. Sweeney, 25 Louisiana Ave., NW Washington, DC 20001	International Brotherhood of Teamsters	25,645.49	
William R. Sweeney Jr., 1331 Pennsylvania Ave., NW, #1300-N Washington, DC 20004	Electronic Data Systems Corp	424.00	490.73
Frederic H. Sweet, 720 East Wisconsin Avenue Milwaukee, WI 53202	Northwestern Mutual Life Insurance Co		
Leland H. Swenson, 10065 East Harvard Avenue Denver, CO 80251	Farmers' Educational & Co-Operative Union of America	12,187.50	751.58
Robert D. Swezey Jr., 1801 Pennsylvania Avenue, NW Washington, DC 20006	MCI Communications Corp		
Swidler & Berlin, Chtd, 3000 K Street, NW, #300 Washington, DC 20007	California Energy Company	3,497.50	
Do	Design Protection Coalition	5,100.00	
Do	National Council of Community Hospitals	318.75	
Do	Software Publishers Assn	1,593.75	
Byron Swift, 1400 16th Street, NW Washington, DC 20036	(For:IUCN-US)		110.00
Chris Ray Swonger, 1825 I Stret, NW, Suite 400 Washington, DC 20006	UST Public Affairs, Inc		
Ronald G. Sykes, 1660 L Street, NW Washington, DC 20036	General Motors Corp	3,000.00	3,866.27
David A. Sykuta, Illinois Petroleum Council P.O. Box 12047 Springfield, IL 62791	American Petroleum Institute	840.00	1,789.53
Christopher U. Sylvester, 1831 Briar Ridge Court Mclean, VA 22101	Garrison Diversion Conservancy District	1,560.00	162.89
Systems Control, Inc, I0240 Old Columbia Road Columbia, MD 21046			
Ronald P. Szabat, 1101 Vermont Ave., NW Washington, DC 20005	American Medical Assn	3,750.00	227.84
Sarah L. Szanton, 122 C Street, NW, #380 Washington, DC 20001-2109	National Family Planning & Reproductive Health Assn, Inc		
Z. Michael Szaz, 7209 Monticello Blvd. Springfield, VA 22150	Transylvanian World Federation	2,000.00	
SAJ Consultants, 921 Pleasant Drive Ypsilanti, MI 48197			
SJS Advanced Strategies, 1330 Connecticut Ave., NW Washington, DC 20036	Coordinadora de Organizaciones Empresariales de Comercio Ext		
Janis Tabor, 1828 K Street, NW, #906 Washington, DC 20006	American Soc of Mechanical Engineers		
Robert Taft Jr., 625 Indiana Avenue, NW, #500 Washington, DC 20004	Taft Stettinius & Hollister (For:Dosimeter Corp of North America)		
Do	Taft Stettinius & Hollister (For:Great American Broadcasting Co)		
Do	Taft Stettinius & Hollister (For:Kings Entertainment Co)		
Do	Taft Stettinius & Hollister (For:Telephone & Data Systems, Inc)		
Do	Taft Stettinius & Hollister (For:Wald Manufacturing Co, Inc)		
George C. Tagg, 300 Maryland Ave., NE Washington, DC 20002	Federal Express Corp	6,000.00	
Nkechi Taifa, 122 Maryland Avenue, NE Washington, DC 20002	American Civil Liberties Union	1,000.00	
Bruce B. Talley, 1101 15th Street, NW, #500 Washington, DC 20005	Asea Brown Boveri Inc	8,500.00	
Susan Tannenbaum, 2030 M St., NW Washington, DC 20036	Common Cause	7,185.00	29.00
Eula M. Tate, 1757 N Street, NW Washington, DC 20036	United Auto. Aerospace & Agricultural Implement Wks of Amer.	18,126.73	292.25
Thomas N. Tate, 1250 Eye Street, NW Washington, DC 20005	Aerospace Industries Assn of America, Inc	3,086.40	
David R. Tatum, 577 Mulberry Street Macon, GA 31298	Charter Medical Corp		
Graca Da Silva Tavares, 17 Perkins Street West Newton, MA 02165			505.00
Victor Tawil, 1400 16th Street, NW, #610 Washington, DC 20036	Association of Maximum Service Telecasters, Inc		
Charles A. Taylor III, 499 South Capitol St., SW, #401 Washington, DC 20003	National Assn of Independent Insurers	1,500.00	
Gene Taylor, 453 New Jersey Ave., SE Washington, DC 20003	Gene Taylor Associates, Inc (For:Empire District Electric Company)	15,000.00	
Do	Gene Taylor Associates, Inc (For:FAG Bearings Corporation)	15,000.00	
Do	Gene Taylor Associates, Inc (For:Norfolk Southern Corp)		
Jefferson D. Taylor, 655 15th Street, NW, #1200 Washington, DC 20005	Safe Buildings Alliance		78.03
Larry D. Taylor, P.O.Box 70 Boise, ID 83707	Idaho Power Company		
Margaret J. Taylor, 700 13th Street, NW, #525 Washington, DC 20005	BR Services, Inc	1,750.00	142.91
Marie Taylor, 1825 Eye Street, NW, #400 Washington, DC 20006	BF Goodrich Co	100.00	
Mary Price Taylor, 2000 M Street, NW, Suite 600 Washington, DC 20036	TV 14, Inc		2,005.00
Patricia Taylor, 1875 Connecticut Ave., NW, #300 Washington, DC 20009-5728	Center for Science in the Public Interest	400.00	20,350.00
Peggy Taylor, 815 16th St., NW Washington, DC 20006	American Fed of Labor & Congress of Industrial Organizations	18,453.76	447.91
R. William Taylor, 1575 Eye Street, NW Washington, DC 20006	American Soc of Assn Executives	300.00	
Richard Taylor, 1819 L Street, NW, #800 Washington, DC 20036	Consolidated Natural Gas Co	75.00	
Taylor Thiemann & Aitken, 908 King Street, #300 Alexandria, VA 22314	Association of Personnel Test Publishers		
Do	CTB MacMillan/McGraw-Hill	350.00	
Do	Jones Motor Co, Inc		
Do	MPPAA Solvency Coalition		
Do	National Assn of Convenience Stores		
Do	Schneider National, Inc		
Do	Walsh Trucking Service, Inc		
Norman J. Temple, 155 Dresden Avenue Gardiner, ME 04345	Central Maine Power Co, et al.	8,000.00	
Donna Templeton, 1020 16th Street, NW, #300 Washington, DC 20036	Exide Corporation		
Do	GNB, Inc		
Do	National Deposit Insurance Corp		
Paul M. Tendler, 1090 Vermont Ave., NW, #1200 Washington, DC 20005	Tendler & Biggins, Chtd (For:American Licensed Practical Nurses Assn)		
Do	Tendler & Biggins, Chtd (For:Mears International Sales Co)		
Joshua P. Tenuta, 1120 Connecticut Ave., NW Washington, DC 20036	American Bankers Assn	6,000.00	
Cheryl Terio, 1957 E Steet, NW Washington, DC 20006	Associated General Contractors of America		
Theresa M. Termine, 1625 Massachusetts Ave., NW Washington, DC 20036	Can Manufacturers Institute	35,000.00	4,500.00
Betty-Grace Terpstra, 1726 M St., NW, #901 Washington, DC 20036	Scott Paper Co	6,000.00	201.77
John H. Terry, P.O. Box 4878 Syracuse, NY 13221	Hiscock & Barclay (For:Niagara Mohawk Power Corp)	2,299.00	737.47
Robert D. Testa, 1726 M Street, NW, #1100 Washington, DC 20036-4502	Pacific Gas & Electric Co	1,510.60	18.75
James G. Tetirick, 1156 15th Street, NW, #1015 Washington, DC 20005	J. C. Penney Co, Inc		
Texas Committee on Natural Resources, 5934 Royal Lane, #223 Dallas, TX 75230		1,396.54	1,396.54
Textron, Inc, 40 Westminster St. Providence, RI 02903		4,650.00	1,030.00
Thacher Proffitt & Wood, 1500 K Street, NW, #200 Washington, DC 20005	American Council of Life Insurance		114.00
Do	Cape Cod Five Cents Savings Bank		200.00
Do	Capital Holding Corp	16,029.00	800.00
Do	Castine Partners	25,133.00	800.00
Do	Chicago Board Options Exchange		800.00
Do	Citicorp Mortgage Finance, Inc.		
Do	Dollar Bank, FSB		200.00
Do	John Alden Asset Management Company		114.00
Do	John Hancock Financial Services		114.00
Do	Lafayette Life Insurance Company		114.00
Do	Massachusetts Bankers Assn	111.88	800.00
Do	Massachusetts Mutual Life Insurance Company	3,000.00	114.00
Do	National Council of Savings Institutions		
Do	North Side Savings Bank		800.00
Do	Peoples Westchester Savings Bank		800.00
Do	Prudential Insurance Company		114.00
Do	Residential Services Corp of America		
Do	River Bank America	9,000.00	800.00
Do	Savings Bank of Life Insurance		
Do	Third Federal Savings & Loan Assn		200.00
Do	Ulster Savings Bank		200.00
Do	United Companies Financial Corporation		114.00
Janelle C. Morris Thibau, 3000 K Street, NW, #620 Washington, DC 20007	Merrill Lynch & Co, Inc		
Douglas E. Thierwechter, 818 Connecticut Avenue, NW, #900 Washington, DC 20006	USX Corporation		
Edlu J. Thom, 919 18th Street, NW, #400 Washington, DC 20006	W.R. Grace & Co.		500.00
Robert G. Thoma, 2100 Pennsylvania Ave., NW, #755 Washington, DC 20037	BASF Corp	600.00	36.00
Amber Thomas, 7901 Westpark Drive McLean, VA 22102	AMT-The Association for Manufacturing Technology	1,715.00	500.00
Gordon M. Thomas, 1090 Vermont Avenue, NW, #1100 Washington, DC 20005	Textron, Inc	600.00	150.00
John L. Thomas, P.O. Box 796322 Dallas, TX 75379-6322	Visual Information Technologies, Inc		
John W. Thomas, 119 Oronoco Street Box 1417-D50 Alexandria, VA 22313	Animal Health Institute	157.00	
Melissa Thomas, 3636 16th Street, NW, #B1010 Washington, DC 20010	Ackerson & Feldman (For:Government of Quebec, Ministry of International Affairs).		
Robert L. Thomas, 1319 F St., NW, #1000 Washington, DC 20004	National Assn of Private Psychiatric Hospitals	500.00	
W. Dennis Thomas, 1620 Eye St., NW, #700 Washington, DC 20006	International Paper Co	4,000.00	30.00
Boyd Thompson, Suite 210 5410 Grosvenor Lane Bethesda, MD 20814	American Medical Care & Review Assn	900.00	
Brent Thompson, 1331 Pennsylvania Ave., NW #1500-N Washington, DC 20004-1703	National Assn of Manufacturers	125.00	
Bruce E. Thompson Jr., 3000 K Street, NW, #620 Washington, DC 20007	Merrill Lynch & Co, Inc	7,500.00	
Duane R. Thompson, 1350 New York Ave., NW, #900 Washington, DC 20005	International Franchise Assn		

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Kenneth W. Thompson, 1250 24th Street NW, #300 Washington, DC 20037	BellSouth Corp	6,000.00	1,133.00
Do	Duke Power Co	18,000.00	1,133.00
Do	Great Lakes Gas Transmission Company	24,000.00	1,133.00
Do	Itron and AMRplus Partners		
Do	National Funeral Directors Assn	3,000.00	1,133.00
Do	Safety-Kleen Corporation		
Do	West Point Pepperell, Inc		
Law Offices of Fred Thompson, 12th Floor, Life & Casualty Tower 401 Church St. Nashville, TN 37219	Central States SE & SW Areas Health Welfare & Pension Funds	3,000.00	
Otis N. Thompson, Room 1414-S, Ag. Building Washington, DC 20250	Organization of Professional Employees of USDA	634.00	
Patrick Thompson, 4 World Trade Center New York, NY 10048	New York Mercantile Exchange	5,000.00	
Richard L. Thompson, 655 15th Street, NW, #410 Washington, DC 20005	Bristol-Myers Squibb Co	1,500.00	
Robert L. Thompson Jr., P.O. Box 70 Fort Mill, SC 29715	Springs Industries, Inc		1,738.62
W. Reid Thompson, 1900 Pennsylvania Ave., NW Washington, DC 20068	Potomac Electric Power Co		
Thompson & Company, 1001 G Street, NW, 7th Floor Washington, DC 20004	Chicago Research & Trading Group, Ltd	5,000.00	1,561.70
Do	Golden Rule Insurance Company	37,612.00	8,411.74
Do	Lifeshares Group, Inc		
Do	Mitsubishi Electronics America, Inc	6,600.00	3,194.75
Do	Republic of Turkey	15,625.00	3,427.96
Do	Robert Wang	20,000.00	10,475.06
Cindy C. Thorne, 4500 Vestal Parkway East P.O.Box 3607 Binghamton, NY 13902-3607	New York State Electric & Gas Corp	15,250.00	18,139.77
Jill Thorne, 222 NW Davis, #309 Portland, OR 97209	Oregon Trail Coordination Council	750.00	
Margo Thorning, 1750 K St., NW, #400 Washington, DC 20006	American Council for Capital Formation	385.00	
John Thornton, 444 North Capitol Street, NW, #845 Washington, DC 20001	National Air Traffic Controllers Assn	1,562.00	
C. Ridgely Thorp, 60 Wall Street New York, NY 10260	Morgan Guaranty Trust Company of New York		
Kathryne M. Thorpe, 1100 17th Street, NW, #1200 Washington, DC 20036	General Atomics	1,188.00	363.47
Walter L. Threadgill, 1200 18th Street, NW, #705 Washington, DC 20036	Millicom, Inc		
Susan K. Till, 3800 North Fairfax Drive, #4 Arlington, VA 22203	National Water Resources Assn	4,000.00	
Patti A. Tilson, Suite 520 900 17th Street, NW Washington, DC 20006	Toyota Motor Sales, USA, Inc	500.00	
John W. Timmons, 1133 Connecticut Ave, NW, #1000 Washington, DC 20036	America West Airlines, Inc	10,000.00	5,205.00
Timmons & Co, Inc, 1850 K St., NW, #850 Washington, DC 20006	Air Transport Assn of America	2,887.50	
Do	American Factory Trawler Assn	2,247.50	
Do	American Petroleum Institute	1,667.50	
Do	Amoco Corporation	1,377.50	
Do	Anheuser-Busch Companies, Inc	3,335.00	
Do	Association of Trial Lawyers of America	1,312.50	
Do	Capital Cities/ABC, Inc	2,392.50	
Do	Chrysler Corporation	1,957.50	
Do	General American Life Insurance Co	1,271.88	
Do	H.J. Heinz Co	1,015.00	
Do	Major League Baseball	5,002.50	
Do	Morgan Stanley & Co, Inc	580.00	
Do	National Rifle Assn of America	725.00	
Do	Northern Telecom, Inc	1,377.00	
Do	Northrop Corp	1,377.50	
Do	NutraSweet Co	1,232.47	
Do	Phoenix Mutual Life Insurance Company	1,271.88	
Do	G. D. Searle & Co	1,377.50	
Do	SCEcorp and Subsidiaries	2,247.50	
Do	Union Pacific Corp	1,812.50	
Alan R. Timothy, 601 Pennsylvania Ave., NW, #500 Washington, DC 20004	Adolph Coors Co	12,109.50	158.88
Michael L. Tiner, 1317 Rhode Island Ave., NW, #502 Washington, DC 20005	Electric Reliability Coalition	500.00	
Michael L. Tiner and Associates, 1317 Rhode Island Avenue, NW, #502 Washington, DC 20005	Genentech, Inc	500.00	
Do	Parry & Romani, Associates	500.00	
Do	Joseph E. Seagram & Sons, Inc	500.00	
G. Wayne Tingle, 1725 Jefferson Davis Highway, #900 Arlington, VA 22202	LTV Aerospace & Defense Co	2,500.00	125.00
William C. Tinklepaugh, 888 16th Street, NW Washington, DC 20006	International Dairy Foods Association		
Constance E. Tipton, 888 16th Street, NW Washington, DC 20006	International Dairy Foods Association		
E. Linwood Tipton, 888 16th St., NW Washington, DC 20006	International Dairy Foods Assn		
Eben S. Tisdale, 900 17th Street, NW, #1100 Washington, DC 20006	Hewlett-Packard Co	4,000.00	700.00
Francis M. Tivnan, Massachusetts Petroleum Council 11 Beacon Street Boston, MA 02108	American Petroleum Institute	2,500.00	
Tobacco Associates, Inc, 1725 K Street, NW, #512 Washington, DC 20006			4,170.18
James S. Todd, 515 North State Street Chicago, IL 60610	American Medical Assn	4,000.00	
Nicholas C. Tolerico, 1025 Thomas Jefferson Street, NW, #511- West Washington, DC 20007	LTV Corporation	9,000.00	100.00
David R. Toll, 1155 Connecticut Ave., NW, #400 Washington, DC 20036	Public Service Co of Colorado		
Kathryn R. Tollerton, 1244 19th Street, NW Washington, DC 20036	Defenders of Wildlife	1,665.72	69.90
Tony Poole, 1020 19th Street, NW, #800 Washington, DC 20036	Kelly Anderson & Associates, Inc (For:U.S. Banknote Corp)		
Frank Toohey, 1317 F Street, NW, #400 Washington, DC 20004	Wall & Associates, R. Duffy	1,250.00	
Jean R. Toohey, 655 15th Street, NW, #225 Washington, DC 20005	Rhone-Poulenc, Inc	200.00	149.97
Michael J. Toohey, 1025 Connecticut Ave., NW, #507 Washington, DC 20036	Ashland Oil, Inc	2,000.00	458.34
William D. Toohey Jr., 501 School Street, SW, #800 Washington, DC 20024-2713	American Road & Transportation Builders Assn		
Greg R. Toomey, 655 15th Street, NW, Suite 350 Washington, DC 20005	Blue Cross and Blue Shield Assn	750.00	
William T. Torgerson, 1900 Pennsylvania Ave., NW Washington, DC 20068	Potomac Electric Power Co		
Total Petroleum, Inc, 999 18th Street, #2201 Denver, CO 80202			18,641.35
Mary C. Toups, 410 First Street, SE Washington, DC 20003	American Nuclear Energy Council	7,368.44	1,015.56
Charles H. Tower, 1026 16th Street, NW, #503 Washington, DC 20036	Dun & Bradstreet	50,000.00	103.40
Bronwyn Bachrach Towle, 499 South Capitol Street, SW #507 Washington, DC 20003	Hecht Spencer & Associates (For:Bixby Ranch Co)		
Do	Hecht Spencer & Associates (For:Boy Scouts of America)		
Do	Hecht Spencer & Associates (For:Brown & Williamson Tobacco Corp)		
Do	Hecht Spencer & Associates (For:General Atomics)		
Do	Hecht Spencer & Associates (For:Mars, Inc)		
Do	Hecht Spencer & Associates (For:Mid-American Waste Systems, Inc)		
Do	Hecht Spencer & Associates (For:MCI Telecommunications)		
Do	Hecht Spencer & Associates (For:National Automatic Merchandising Assn)		
Toy Manufacturers of America, Inc, 200 Fifth Ave., #740 New York, NY 10010			
Traditional Values Coalition, 100 S. Anaheim Boulevard, Suite 350 Anaheim, CA 92805		7,000.00	11,066.00
Jeffrey B. Trammell, 901 31st Street, NW Washington, DC 20007	Hill & Knowlton (For:Astra Pharmaceuticals)		
Do	Hill & Knowlton, Inc (For:Blue Cross Blue Shield of Florida)		
Do	Hill & Knowlton, Inc (For:Fujisawa/Lyphomed)		
Do	Hill & Knowlton (For:Nintendo of America, Inc)		
Do	Hill & Knowlton (For:Republic of Turkey)		
Transportation - Communications Union, 815 16th St., NW, #511 Washington, DC 20006		7,000.00	8,122.71
Thomas C. Trauger, Spiegel & McDiarmid 1350 New York Avenue, NW Washington, DC 20005	Spiegel & McDiarmid (For:Michigan Municipal/Cooperative Group)	6,391.25	
Travel & Tourism Government Affairs Council, 1133 21st Street, NW Washington, DC 20036		4,515.00	4,515.00
Travel Industry Assn of America, Two Lafayette Centre 1133 21st Street, NM Washington, DC 20036			9,103.00
S. Bradley Traverse, 1667 K Street, NW, #1230 Washington, DC 20006	Deere & Company		
Jeffery S. Trinca, 1420 New York Ave., NW, #1050 Washington, DC 20005	Van Scoyoc Associates, Inc (For:Anheuser-Busch Companies)	3,750.00	
Do	Van Scoyoc Associates, Inc (For:Arkansas Electric Cooperative Corp)	1,875.00	
Do	Assn of Health Insurance Agents	1,250.00	
Do	Van Scoyoc Associates, Inc (For:Golden Rule Insurance Company)		
Do	Van Scoyoc Associates, Inc (For:National Assn of Private Enterprise)	4,687.50	
Do	Van Scoyoc Associates, Inc (For:National Assn of Water Companies)	4,500.00	
Do	Van Scoyoc Associates, Inc (For:National Realty Committee)	2,500.00	
Do	Van Scoyoc Associates, Inc (For:USF&G Insurance)	7,500.00	
Tripp Scott Conklin & Smith, 110 Tower, 28th Floor 110 Southeast 6th Street Fort Lauderdale, FL 33301	Alamo Rent-A-Car, Inc		
Julie Trocchio, 4455 Woodson Road St. Louis, MO 63134	Catholic Health Assn of the United States	1,164.23	
Michael G. Troop, 1709 New York Avenue, NW, #801 Washington, DC 20006	U.S. League of Savings Institutions	15,900.00	
Gregory A. Troxell, 1800 K Street, NW, #1018 Washington, DC 20006	PSI Energy, Inc	5,000.00	1,988.95
Thomas L. Trueblood, 455 North Cityfront Plaza Drive Chicago, IL 60611	Navistar International Transportation Corp	1,000.00	909.96
Tucker & Associates, 1701 Pennsylvania Ave., NW, #1000 Washington, DC 20006	Regional Transportation District		
Tucker Flyer & Lewis, 1615 L Street, NW, #400 Washington, DC 20036-5601	National Realty Committee	4,509.50	8.75
Shannon B. Tuel, 1200 17th Street, NW Washington, DC 20036	National Restaurant Assn	1,500.00	990.00
David Turch & Asso, 517 2nd Street, NE Washington, DC 20002	City of Rialto	4,800.00	3,729.64
J. Terry Turner, 2200 Mill Road, #600 Alexandria, VA 22314	Interstate Truckload Carriers Conference	700.00	350.00
Jane L. Turner, 1250 Connecticut Ave., NW, #200 Washington, DC 20036	National Forest Products Assn	1,200.00	

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
John M. Turner, 1875 Eye St., NW, #775 Washington, DC 20006	Georgia-Pacific Corp	3,300.00	
Terry Turner, 1641 Besley Rd., NE Vienna, VA 22182	Seafarers International Union	5,000.00	5,000.00
Turner Broadcasting System, Inc, 820 First Street, NE Washington, DC 20002		23,611.00	23,611.00
Max Turnipseed, 1155 15th Street, NW, #611 Washington, DC 20005	Ethyl Corporation	1,530.00	177.12
John R. Tydings, 1129 20th Street, NW Washington, DC 20036	Greater Washington Board of Trade	8,700.00	
Joseph D. Tydings, 2000 Pennsylvania Ave., NW, #7500 Washington, DC 20006	Anderson Kill Olick & Oshinsky (For:First Virginia Banks, Inc)		
Do	Anderson Kill Olick & Oshinsky (For:Population Crisis Committee)		
Craig Tyle, 1600 M Street, NW Washington, DC 20036	Investment Company Institute	115.37	
George Randall Tyree, 1800 Massachusetts Ave., NW Washington, DC 20036	National Rural Electric Cooperative Assn	46.00	
TV 14, Inc, Television Station WTLK-TV 200 North Cobb Parkway, Suite 114 Marietta, GA 30062			6,255.00
U.S. Independent Microwave Television Assn, 2300 M Street, NW, Suite 800 Washington, DC 20037		8,240.44	6,404.45
U.S. League of Savings Institutions, 111 E. Wacker Dr. Chicago, IL 60601			124,152.00
U.S. Public Interest Research Group, 215 Pennsylvania Avenue, SE Washington, DC 20003		139,136.86	122,386.81
U.S. Strategies Corp, 1321 Duke Street, #200 Alexandria, VA 22314-3563	American Day Treatment Centers, Inc		
Do	Continental Medical Systems		
Do	Healthsouth Rehabilitation Corp		
Do	Integrated Health Services, Inc		
Matthew Ubben, 1401 Eye Street, NW, Suite 600 Washington, DC 20005	United Technologies Corp	360.00	
Stewart L. Udall, 1244 Camino Cruz Blanca Santa Fe, NM 87501	Claimants Under Proposed Radiation Exposure Compensation Act		
Jerry G. Udell, 701 Pennsylvania Ave., NW Washington, DC 20004	National Retail Federation	100.00	25.00
Mark J. Ugoretz, 1400 L St., NW Ste. 350 Washington, DC 20005	Erisa Industry Committee	2,000.00	
John R. Ulrich, 1776 Eye Street, NW Suite 575 Washington, DC 20006	Dow Chemical Company		6,136.00
Robert D. Umphrey Jr., 919 18th St., NW, #700 Washington, DC 20006	Hoechst Celanese Corp	3,000.00	267.93
Unifi, Inc, P.O. Box 19109 Greensboro, NC 27419			
United Gas Pipe Line Co, P.O. Box 1478 Houston, TX 77251-1478			
United Shareholders Assn, 1667 K St., NW, #770 Washington, DC 20006		703.80	6,600.00
University of Michigan Medical Center, 300 North Ingalls, Room NI4A18 Ann Arbor, MI 48109			
Anne I. Urban, 311 First Street, NW Washington, DC 20001	Computer & Business Equipment Manufacturers Assn	6,000.00	950.62
Francis J. Vacca, 100 North Carolina Ave., SE Washington, DC 20003	Mid-America Dairymen, Inc	39,000.00	
Robert E. Vagley, 1130 Connecticut Avenue, NW, #1000 Washington, DC 20036	American Insurance Assn		
Anthony Valanzano, 1825 I Street, NW, #400 Washington, DC 20006	American Insurance Assn	10,000.00	47.75
Do	Colonial Life & Accident Insurance Co	23,950.00	462.84
Do	Valanzano & Assocs. (For:Earthquake Project National Comm on Property Insurance).	3,000.00	
Jack J. Valenti, 1600 Eye St., NW Washington, DC 20006	Motion Picture Assn of America, Inc	6,399.00	
Van der Voort Associates, Ltd, 1134 Westmoreland Road Alexandria, VA 22308	Orbital Sciences Corporation	500.00	
Do	Pharmaceutical Manufacturers Assn	500.00	
Do	SPACEHAB	500.00	
R. Thomas Van Arsdall, 50 F Street, NW, #900 Washington, DC 20001	National Council of Farmer Cooperatives		
William R. Van Dresser, 1023 15th Street, NW, #300 Washington, DC 20005	American Veterinary Medical Assn		
Van Dyk Associates, Inc, 1250 24th St.,N.W. Suite 600 Washington, DC 20037	American Gas Assn		
Do	Pharmaceutical Manufacturers Assn		
Julie Van Fleet, P.O. Box 85608 San Diego, CA 92186-9784	General Atomics	2,630.07	1,660.67
Matthew Van Hook, 1250 Connecticut Avenue, NW Washington, DC 20036	American Paper Institute, Inc		
Todd Van Hoose, 50 F Street, NW, #900 Washington, DC 20001	Farm Credit Council	100.00	320.00
Burkett Van Kirk, 1747 Pennsylvania Ave., NW, #1000 Washington, DC 20006	Anheuser-Busch Companies, Inc		
Van Ness Feldman & Curtis, P.C., 1050 Thomas Jefferson St., NW, 7th Floor Washington, DC 20007	Alaska Eskimo Whaling Commission		
Do	Arctic Slope Regional Corp	2,400.00	
Do	Barron Collier Co		
Do	Blackfeet Tribe		
Do	Bumble Bee Seafoods, Inc		
Do	Clean Coal Technology Coalition		
Do	Consumers United for Rail Equity (C.U.R.E.)		
Do	Electric Transportation Coalition	182.50	
Do	Fort Belknap Tribes		
Do	Geothermal Resources Assn	4,344.00	
Do	Intertribal Agricultural Council		
Do	Jicarilla Apache Tribe		
Do	Koncor Forest Products Company		
Do	McKesson Corp		
Do	National Wetlands Coalition	2,517.00	
Do	Natural Gas Supply Assn	600.00	
Do	Navajo Nation		
Do	Oneida Nation of New York		
Do	Pacific Energy	216.00	
Do	Price Waterhouse	3,645.00	
Do	Seneca Resources, Inc		
Do	SCE Corp	4,512.00	
Do	Toyota Motor Sales, USA, Inc	360.00	
Do	Uranium Producers of America	2,640.00	
H. Stewart Van Scoyoc, 1420 New York Ave., NW, #1050 Washington, DC 20005	Van Scoyoc Associates, Inc (For:Anheuser-Busch Companies, Inc)	7,500.00	
Do	Van Scoyoc Associates, Inc (For:Arkansas Electric Cooperative Corp)	1,875.00	
Do	Van Scoyoc Associates, Inc (For:Assn of Health Insurance Agents)	1,250.00	
Do	Van Scoyoc Associates (For:Champion International Corp)	2,500.00	
Do	Van Scoyoc Associates (For:Coalition of EPSCoR States)	9,062.50	
Do	Van Scoyoc Associates, Inc (For:Dresser Industries, Inc)	2,500.00	
Do	Van Scoyoc Associates (For:Du Pont de Nemours & Company, E.I.)	2,500.00	
Do	Van Scoyoc Associates, Inc (For:Golden Rule Insurance Company)		
Do	Van Scoyoc Associates (For:International Paper)	2,500.00	
Do	Van Scoyoc Associates, Inc (For:National Assn of Water Companies)	3,500.00	
Do	Van Scoyoc Associates, Inc (For:National Association of Private Enterprise)	4,687.50	
Do	Van Scoyoc Associates, Inc (For:National Realty Committee)	2,500.00	
Do	Van Scoyoc Associates (For:Quanex)	4,012.50	
Do	Van Scoyoc Associates, Inc (For:Tulane University)	6,750.00	
Do	Van Scoyoc Associates (For:University of Alabama System)	6,750.00	
Do	Van Scoyoc Associates (For:USF&G Insurance)	7,500.00	
Do	Van Scoyoc Associates (For:Weyerhaeuser)	2,500.00	
John A. Vance, 1726 M St., NW, #1100 Washington, DC 20036-4502	Pacific Gas & Electric Co	6,791.00	7.00
Marjorie Vanderbilt, 600 Maryland Ave., NW, 100 West Washington, DC 20024-2571	American Nurses' Assn	8,310.00	369.30
Norman C. VanderNoot, New Hampshire Petroleum Council 15 N. Main Street Concord, NH 03301	American Petroleum Institute		
Charlene Vanlier, 6203 A Waterway Drive Falls Church, VA 22044	Capital Cities/ABC, Inc	444.00	
Barbara J. Varca, 1015 15th Street, NW, #401 Washington, DC 20005	Syntex (U.S.A.), Inc	1,200.00	1,375.21
Donald R. Vaughan, P.O. Box 2909 Asheboro, NC 27203	Stedman Corporation		
Venable Baetje Howard & Civiletti, 1201 New York Ave., NW, #1100 Washington, DC 20005	American Insurance Assn		
Do	Compaq Computer Corporation		
Do	Computer & Business Equipment Manufacturers Assn		
Do	International Mass Retail Association	1,500.00	
Do	Wal-Mart		
Carol Verby, 7361 Calhoun Place Rockville, MD 20850	CNA Insurance Co		
Robert J. Verdisco, 1901 Pennsylvania Avenue, NW, #10th Fl. Washington, DC 20006	International Mass Retail Assn	10,000.00	200.00
Jerry T. Verkler, 555-13th Street, NW, Suite 300 West Washington, DC 20036	Interstate Natural Gas Assn of America	6,250.00	540.16
Frank Verrastro, 1155 15th Street, NW, #600 Washington, DC 20005	Pennzoil Co	1,084.50	
Linda Vickers, 1706 23rd St., South Arlington, VA 22202	Communicating for Agriculture, Inc		
Do	National Assn of Crop Insurance Agents		
Susanne Vikoren, 1350 New York Ave., NW Washington, DC 20005	Spiegel & McDiarmid (For:American Communities for Cleanup Equity)		
Robert J. Vilhauer, 1700 N. Moore Street, #2120 Arlington, VA 22209	Boeing Company	2,824.00	759.61
Howard A. Vine, Jefferson Group 1341 G Street, NW, #1100 Washington, DC 20005	Alliance for Corporate Growth		
Do	Bobbie Brooks, Inc		
Do	Molson Breweries USA, Inc		
Do	PubCo Corp		
Do	REN Coporation		
Do	Smith Corona Corp		
Do	Torrington Company		
Ralph Vinovich, 1875 Eye Street, NW, #800 Washington, DC 20006	Tobacco Institute	1,000.00	80.68

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Vinson & Elkins, 1455 Pennsylvania Ave., NW, #800 Washington, DC 20004-1007	Bank Tax Group		5,505.10
Do	Browning-Ferris Industries	10,000.00	
Do	BMC SOFTWARE, INC	10,392.50	
Do	Citicorp Washington, Inc		2,700.00
Do	City & County of San Francisco	5,715.00	
Do	City of Port Angeles	5,465.00	
Do	Destec Energy, Inc		
Do	E. M. Warburg Pincus & Co, Inc	6,883.75	5,911.00
Do	Federal Express Corp	33,945.50	
Do	Goldman Sachs & Co		14,016.00
Do	Guadalupe Valley Electric Cooperative	18,979.00	
Do	Gulf Coast Regional Blood Center		
Do	Merrill Lynch & Co, Inc		
Do	Panhandle Eastern Corp	500.00	500.00
Do	Pennsylvania Engineering Company	9,820.00	
Do	Teco Energy	10,000.00	
Do	Texas Veterans Land Board	1,620.00	
Do	TIME-WARNER, INC	8,798.75	
Do	United Savings Assn of Texas FSB	2,538.00	
Do	UTILICORP UNITED, INC	5,062.00	
Do	Waste Management, Inc		
Do	YWCA Retirement Fund	14,080.00	
Walter D. Vinyard Jr., Zuckert Scoutt & Rasenberger 888 17th St., NW, 7th Fl. Washington, DC 20006	Continental Insurance Companies	25.00	
Do	National Fraternal Congress of America	5.00	
Virginia Association of Railway Patrons, P.O. Box 867 Richmond, VA 23207		288.79	1.45
George A. Viverette Jr., 500 E Street, SW, #950 Washington, DC 20024	American Automobile Assn		
Dina Vizzaccaro, 1620 Eye Street, NW, #1000 Washington, DC 20006	Motor Vehicle Manufacturers Assn of the U.S., Inc	13,250.00	
David Vladeck, 2000 P Street, NW Washington, DC 20036	Public Citizen	1,200.00	
Nick J. Volcheff, 7325 Del Norte Drive Scottsdale, AZ 85258	AT&T		
Earl J. Volk, 245 Second Street, NE Washington, DC 20002	Friends Committee on National Legislation	7,234.23	
Volkswagen of America, Inc, 490 L'Enfant Plaza, SW, #7204 Washington, DC 20024			959.48
Douglas K. Vollmer, 801 18th St., NW Washington, DC 20006	Paralyzed Veterans of America	18,250.02	
Ian D. Volner, 1333 New Hampshire Ave., NW, #600 Washington, DC 20036	Career College Assn, Inc	1,250.00	
Do	Cohn and Marks (For:Direct Marketing Assn)		
Do	Cohn & Marks (For:Maclean Hunter Cable TV)		
Do	Cohn & Marks (For:USA Network)		
Volpe Boskey & Lyons, 918 16th Street, NW, #602 Washington, DC 20006	American Assn of Equipment Lessors		
Voluntary Hospitals of America, Inc, 1150 17th Street, NW, #300 Washington, DC 20036			7,750.00
Volunteer Trustees of Not-For-Profit Hospitals, 818 18th Street, NW, #900 Washington, DC 20006		172,200.00	12,048.00
Ingrid A. Voorhees, 311 First Street, NW, #500 Washington, DC 20001	Computer & Business Equipment Manufacturers Assn	125.00	100.00
Vorys Sater Seymour & Pease, 1828 L Street, NW, #1111 Washington, DC 20036	American Environmental Company	2,591.66	160.80
Do	Committee of Publicly Owned Companies	723.68	168.23
Do	Dale Michael A/K/A Riviera Bowling Lanes		51.98
Do	Grocery Manufacturers of America, Inc		
Do	Ohio Advanced Technology Center, Inc		
Do	Ohio Assn of Broadcasters	99.15	35.15
Do	Ohio Forestry Assn		
Do	Ohio Manufacturers Assn		
Do	Sino-Asia Rare Earth, Inc	5,380.85	343.24
Do	Snow Aviation International, Inc		
Carmen Delgado Votaw, 1025 Connecticut Ave., NW, #309 Washington, DC 20036	Girl Scouts of the U.S.A.		2,504.78
Frank J. Voyack, 1750 New York Ave., NW Washington, DC 20006	International Assn of Bridge Struct & Ornamental Iron Wkrs	17,828.74	1,083.48
John A. Vuono, Vuono Lavelle & Gray 2310 Grant Building Pittsburg, PA 15219	Procompetitive Rail Steering Committee		
Thomas D. Wacker, 2626 Pennsylvania Avenue, NW Washington, DC 20037	National Telephone Cooperative Assn	5,000.00	766.61
Rex B. Wackerle, 1000 Wilson Blvd., #2300 Arlington, VA 22209	Northrop Corp	1,400.00	
Sadami Wada, 9 West 57th Street New York, NY 10019	Sony Corp of America		
Robert J. Wade, 1850 M Street, NW, #600 Washington, DC 20036	Toyota Motor Sales, USA, Inc		
Joan Wages, 601 24th Street, NW #904 Washington, DC 20037	Association of Professional Flight Attendants	7,500.00	644.00
Do	Independent Federation of Flight Attendants	3,000.00	659.00
Andrew F. Wahlquist, 1701 Pennsylvania Ave., NW Washington, DC 20006	McDonnell Douglas Corp	15,000.00	4,300.00
Frederick P. Waite, 1200 19th Street, NW, #500 Washington, DC 20036	Davis Graham & Stubbs (For:American Wire Producers Assn)		
Herbert R. Waite, 2 Skipper Way Glousester, MA 01930	Citicorp		
Donna Waks, 1627 Lamont St., NW, #51 Washington, DC 20010	Rainbow Lobby	3,308.50	
Michael Waldman, 215 Pennsylvania Ave., SE Washington, DC 20003	Public Citizen, Inc	9,575.00	
Angela S. Waldorf, N.C. Petroleum Council P.O. Box 167 Raleigh, NC 27602	American Petroleum Institute		
Doug Walgren, 8312 Hunting Hill Lane McLean, VA 22102	Association of Chiropractic Colleges	15,000.00	
Do	Chambers Development Company, Inc	15,000.00	
Do	Institute of Scrap Recycling Industies, Inc	12,000.00	
Do	Merck & Company		191.00
Do	National Assn of Convenience Stores	3,000.00	
Do	Petroleum Marketers Assn of America	3,000.00	
Do	Society of Independent Gasoline Marketers of America	3,000.00	
Do	University of Pittsburg Medical Center	15,000.00	
Barbara J. Walker, P.O. Box 1417-D50 119 Oronoco Street Alexandria, VA 22313	Animal Health Institute		
John S. Walker, 700 13th Street, NW, #500 Washington, DC 20005	Focus on the Family	2,150.00	
Charls E. Walker Associates, Inc, 1730 Pennsylvania Ave., NW Washington, DC 20006	American Institute of Certified Public Accountants		
Do	American Telephone & Telegraph Co	9,375.00	
Do	Anheuser-Busch Companies, Inc		
Do	Broadcast Music, Inc	9,375.00	
Do	BMW of North America, Inc	5,000.00	
Do	Coalition for Competitive Capital	11,250.00	
Do	CSX Corporation	2,250.00	
Do	Federal Home Loan Mortgage Corp	10,800.00	
Do	Honeywell, Inc		
Do	Mexican Department of Commerce & Industrial Development	1,996.20	
Do	Mid Continent Oil and Gas Assn	3,000.00	
Do	MBNA America Bank NA	3,750.00	
Do	National Business Aircraft Assn	60.00	
Do	National Stone Assn	750.00	
Do	Northville Industries Corp	1,500.00	
Do	Northwestern Mutual Life Insurance Co	7,500.00	
Do	Sony Music Entertainment, Inc	10,937.50	
Do	Sony Pictures Entertainment, Inc	10,937.50	
Do	Southern Company Services, Inc	9,375.00	
Do	Union Pacific Corp		
Do	Weyerhaeuser Company		
R. Duffy Wall & Associates, Inc, 1317 F Street, NW, #400 Washington, DC 20004	Ad Hoc Comm on Coal Taxation	2,000.00	
Do	American Paper Institute, Inc	2,250.00	
Do	Audobon Institute		
Do	Bell Atlantic Corp	1,500.00	
Do	Chambers Development Co, Inc	2,250.00	
Do	Cominco, Ltd	2,000.00	
Do	Committee on Radioisotopes and Radiopharmaceuticals		
Do	Edison Electric Institute	2,000.00	
Do	Eli Lilly & Company	2,500.00	
Do	Ernst & Young	3,000.00	
Do	Footwear Distributors and Retailers of America	2,500.00	
Do	Graham Resources	2,000.00	
Do	Grocery Manufacturers Assn	2,500.00	
Do	Hong Kong Trade Development Council	2,500.00	
Do	IMC Fertilizer, Inc		
Do	Jackson National Life Insurance Co	1,500.00	
Do	Kimberly-Clark		
Do	National Agricultural Chemicals Assn	1,000.00	

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Do	National Coal Assn	2,000.00	
Do	Peabody Holding Co, Inc	1,000.00	
Do	Pennsylvania Engineering		
Do	Pharmaceutical Manufacturers Assn	3,000.00	
Do	Pittston Group	1,000.00	
Do	Sandoz Corporation Protection Corp.	1,000.00	
Do	Securities Industry Assn	2,500.00	
Do	Torchmark Corporation	1,000.00	
Do	United Company	500.00	
Do	University of Oklahoma		
Henry Scott Wallace, 1110 Vermont Ave., NW, #1150 Washington, DC 20005	National Assn of Criminal Defense Lawyers	15,000.00	50.00
Mary L. Wallace, 4630 Montgomery Avenue Bethesda, MD 20814	American Soc of Hospital Pharmacists		3,600.00
Wallace & Edwards, 1150 Connecticut Ave., NW, #507 Washington, DC 20036	Alabama Farmers Federation	3,500.00	419.48
Do	American Soc of Farm Managers and Rural Appraisers	7,500.00	
Do	American Sugar Cane League	19,375.00	
Do	Calgene, Inc	3,750.00	42.33
Do	Cash America	5,000.00	
Do	Cotton Warehouse Assn of America	10,750.00	
Do	Domino Sugar Corp	7,500.00	
Do	Flue-Cured Tobacco Cooperative Stabilization Corp	5,000.00	27.70
Do	KLUKWAN, Inc	600.00	
Do	Merchants Grain & Transportation, Inc		
Do	Service Corporation International	7,500.00	
Do	U.S. Canola Association	5,000.00	
Lori M. Wallach, 215 Pennsylvania Ave., SE Washington, DC 20003	Public Citizen	6,832.00	
Lionel L. Wallenrod, 260 Madison Ave. New York, NY 10016	American Paper Institute, Inc		
David B. Waller, 1667 K Street, NW, #800 Washington, DC 20006	Williams Companies, Inc	500.00	
Charles S. Walsh, Fleischmen & Walsh 1400 16th Street, NW Washington, DC 20036	National Cable Television Assn, Inc	1,500.00	
Richard J. Walsh, 6770 Lake Ellanor Drive Orlando, FL 32859-3330	General Mills Restaurants, Inc	1,062.50	47.90
John C. Walton, 1401 North Oak Street, #302 Arlington, VA 22209	John E. Chance & Associates, Inc	15,000.00	
Do	General Dynamics Corp	15,000.00	
Do	Grumman Corporation	12,499.98	653.14
Do	National Assn of Dredging Contractors	10,500.00	
Do	National Rifle Assn of America	35,000.00	783.33
Do	Stone & Webster Engineering, Inc	8,400.00	
Do	Textron, Inc	13,749.99	564.90
Do	Thiokol Corp	14,000.00	222.04
Bonnie B. Wan, 1201 Pennsylvania Ave., NW, #220 Washington, DC 20004	Kimberly-Clark Corp		
Alan S. Ward, 1050 Connecticut Ave., NW, #1100 Washington, DC 20036	Baker & Hostetler (For:Soap & Detergent Assn)		
Michael D. Ward, c/o Virginia Petroleum Council, 701 E. Franklin Street, #105 Richmond, VA 23219	American Petroleum Institute		
Stephen E. Ward, 801 Pennsylvania Avenue, NW, #804 Washington, DC 20004-2604	Mid-Continent Oil & Gas Assn	4,153.92	60.00
Barbara F. Warden, 1757 N Street ,NW, Washington, DC 20036	International Union United Auto Aerospace & Ag. W of A(UAW)	19,130.39	439.11
Robert A. Warden, 1331 F Street, NW, #400 Washington, DC 20004	Public Employees Retirement Assn of Colorado		
Michael A. Waring, 1771 N Street, NW Washington, DC 20036	National Assn of Broadcasters	1,000.00	599.45
Peter F. Warker, 1001 19th Street North, #800 Arlington, VA 22209	TRW, Inc	80.00	20.00
Ann D. Warner, 2120 L Street, NW, #305 Washington, DC 20037	International Bridge Tunnel & Turnpike Assn	2,710.00	2,710.00
Ernest R. Warner Jr., 1133 Connecticut Avenue, NW Washington, DC 20036	DGA International, Inc (For:Dir Intl Aff of the Gen Del for Armements)		
Do	DGA International, Inc (For:Sofreavia)		
Do	DGA International, Inc (For:SNECMA)		319.27
James H. Warner, 1600 Rhode Island Ave., NW Washington, DC 20036	National Rifle Assn of America		
David E. Warr, 655 15th Street, NW, #410 Washington, DC 20005	Bristol-Myers Squibb Company	1,000.00	
B. Jack Warren, P.O. Box 95385 Atlanta, GA 30347	Forest Farmers Assn	293.32	
Betsy R. Warren, 2001 Pennsylvania Avenue, NW, #600 Washington, DC 20006	Allied-Signal Inc		
Do	Edison Electric Institute	3,500.00	
Do	Schmertz Company, Inc for Gov't of the Republic of Greece	1,500.00	
Tristan Carter Warren, 1771 N Street, NW Washington, DC 20036	National Assn of Broadcasters	6,500.00	1,199.43
Barbara J. Washburn, 1660 L Street, NW, #400 Washington, DC 20036	General Motors Corp	3,000.00	2,592.08
Washington Christian & Loafman, 1275 Pennsylvania Ave., NW, #301 Washington, DC 20004	Bethune-Cookman College		
Do	City of Cleveland		188.32
Do	City of Oakland	20,000.00	47.36
Do	City of Philadelphia		
Do	Coca-Cola Company		
Do	Electronic Data Systems, Inc		
Do	Government of the People's Republic of Angola		
Do	Government of Antigua		
Do	Greater Cleveland Regional Transit Authority		38.08
Do	OPEDA		
Mary Kirtley Waters, 888 17th Street, NW, #300 Washington, DC 20006	ConAgra, Inc	5,200.00	
John L. Watson III, One World Trade Center, #4511 New York, NY 10048	Security Traders Assn. Inc	6,648.00	
Leroy Watson, 1616 H Street, NW Washington, DC 20006	National Grange	4,875.00	
Carolyn Herr Watts, 1800 Massachusetts Ave., NW Washington, DC 20036	National Rural Electric Cooperative Assn	45.00	
Douglas R. Watts, 1724 Massachusetts Avenue, NW Washington, DC 20036	Tele-Communications, Inc	3,750.00	
George B. Watts, 1155 15th St., NW, #614 Washington, DC 20005	National Broiler Council	1,650.00	
Bruce H. Watzman, 1130 17th Street, N.W. Washington, DC 20036	National Coal Assn	9,800.00	373.27
Philip A. Waxman, 2800 Quebec St., NW, #536 Washington, DC 20008	Boehringer Ingelheim Pharmaceuticals, Inc		
William H. Weatherspoon, North Carolina Petroleum Council PO Box 167 Raleigh, NC 27602	American Petroleum Institute		
A. Vernon Weaver, 111 Center Street Little Rock, AR 72201	Stephens Group, Inc		
Andrew H. Webber, 810 First Street, NE, #410 Washington, DC 20002	American Medical Peer Review Assn		
Frederick L. Webber, 1709 New York Ave., NW, #801 Washington, DC 20006	U.S. League of Savings Institutions		
Phillip J. Weber, 3900 Wisconsin Ave., NW Washington, DC 20016	Federal National Mortgage Assn (Fannie Mae)	2,500.00	675.30
Webster Chamberlain & Bean, 1747 Pennsylvania Ave., NW, #1000 Washington, DC 20006	Commercial Law League of America		
Do	International Taxicab and Livery Assn		
Lee J. Weddig, 1525 Wilson Boulevard, #500 Arlington, VA 22209	National Fisheries Institute	4,000.00	106.23
Weidenfeld & Rooney, 1899 L Street, NW, #500 Washington, DC 20036	Southern Company Services, Inc		
Weil Gotshal & Manges, 1615 L Street, NW, #700 Washington, DC 20036	Noranda, Inc		
Do	The Centennial Co	185.00	8.00
Steven A. Wein, 1090 Vermont Avenue, NW, #1100 Washington, DC 20005	Textron, Inc	600.00	150.00
Weinberg Bergeson & Neuman, 1300 Eye Street, NW, #600 East Washington, DC 20005	Battery Council International		
Do	National Assn for Plastic Container Recovery (NAPCOR)		
Do	Portable Rechargeable Battery Association	41.25	10.31
Robert A. Weinberger, 816 Connecticut Ave., NW Washington, DC 20006	Unilever U.S., Inc	8,000.00	192.00
Deborah Feldman Weiner, 11004 Petersborough Drive Rockville, MD 20852	American Soc for the Prevention of Cruelty to Amimals	1,500.00	
Roslyne D. Weiner, 1205 South Washington Street, Apt. #12A Alexandria, VA 22314	American Group Practice Assn		
Donald G. Weinert, 1420 King St. Alexandria, VA 22314-2715	National Society of Professional Engineers	1,500.00	
Sandra G. Weis, 445 Hamilton Ave. White Plains, NY 10601	Prodigy Services Company		700.00
Arthur E. Weisberg, 2200 First Bank Place East Minneapolis, MN 55402	Dorsey & Whitney		
Arthur A. Weiss, One Woodward Avenue, Suite 2400 Detroit, MI 48226	Jaffe Snider Raitt & Heuer, P.C.		
Suzanne Weiss, 901 E Street, NW, #500 Washington, DC 20004-2837	American Assn of Homes for the Aging		
Walter F. Weiss, 1762 Church Street, NW Washington, DC 20036	American Foreign Service Assn	5,400.00	
Howard C. Weizmann, 1212 New York Avenue, NW, #1250 Washington, DC 20005	Association of Private Pension & Welfare Plans, Inc		
John F. Welch, 655 15th Street, NW, #1200 Washington, DC 20005	Safe Buildings Alliance		
Paul S. Weller Jr., 1629 K St., NW, #1100 Washington, DC 20006	American Grain Inspection Institute		
Arnold Wellman, 316 Pennsylvania Ave., SE, #304 Washington, DC 20003	United Parcel Service	13,500.00	1,418.63
Jane V. Wellman, 122 C Street, NW, Suite 750 Washington, DC 20001	National Assn of Independent Colleges and Universities	13,752.00	
Kent M. Wells, 1667 K Street, NW, #1000 Washington, DC 20006	Southwestern Bell Corp		
Robert C. Wells, 1101 Pennsylvania Ave., NW, #1000 Washington, DC 20004	Citicorp Washington, Inc	1,312.00	
Margaret A. Welsh, 1025 Thomas Jefferson Street, NW, Box 1 Washington, DC 20007	Electric Generation Assn		
Frederick C. Wendorf, 801 Pennsylvania Ave., NW, #352 Washington, DC 20004	Central & South West Services, Inc	3,920.00	2,957.10
Thomas F. Wenning, 1825 Samuel Morse Dr. Reston, VA 22090	National Grocers Assn	500.00	
Fred Wertheimer, 2030 M St., NW Washington, DC 20036	Common Cause	17,655.78	434.60
James K. Wessel, 1800 M Street, NW, #325 South Washington, DC 20036	Dow Corning Corp	5,000.00	
Charles M. West, 205 Daingerfield Road Alexandria, VA 22314	National Assn of Retail Druggists	1,500.00	300.00
Ford B. West, 501 Second Street, NE Washington, DC 20002	Fertilizer Institute	25,000.00	330.79
G. Franklin West, 1530 North Key Blvd., #122 Arlington, VA 22209	Bill Hecht & Associates, Inc (For:Church Alliance)	15,000.00	

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Do	Oklahoma Natural Gas	9,000.00	
W. P. West Jr., 1200 18th Street, NW, #200 Washington, DC 20036	National Business Aircraft Assn	3,000.00	152.33
West Mexico Vegetable Distributors Assn, P.O. Box 848 Nogales, AZ 85621			
J. C. West, P.C., 1090 Vermont Ave., NW, #800 Washington, DC 20005	City of Detroit	38,649.63	13,132.85
Western Coal Traffic League, 1224 17th St., NW Washington, DC 20036		5,000.00	5,000.00
William H. Westhoff, 11240 Waples Mill Rd. Fairfax, VA 22030	Environmental Products Corp		10,180.00
Michelle Westover, 1785 Massachusetts Ave., NW Washington, DC 20036	National Trust for Historic Preservation	978.65	
John F. Wetzel Jr., 50 F St., NW Washington, DC 20001	Association of American Railroads	486.55	157.08
Wexler Group, 1317 F Street, NW, #600 Washington, DC 20004	Allied-Signal, Inc		
Do	American Airlines, Inc	4,500.00	208.24
Do	American Institute for Foreign Study Scholarship Foundation	250.00	19.50
Do	American Public Transit Assn	150.00	141.80
Do	ARCO	1,400.00	
Do	Columbia Hospital for Women Medical Center	500.00	
Do	Communications Satellite Corp	375.00	
Do	Consortium of State Maritime Schools		
Do	Coopers & Lybrand	500.00	
Do	Defense Rations Manufacturers Assn		43.60
Do	Des Moines Chamber of Commerce		
Do	Foothills Pipe Lines (Yukon) Ltd	100.00	
Do	FHP	150.00	
Do	General Motors Corp	1,875.00	
Do	Intermountain Rural Electric Assn		
Do	Massachusetts Maritime Academy		
Do	Motion Picture Assn of America, Inc		
Do	MCI Communications Corp		
Do	National Gypsum Co		
Do	New England Aquarium		
Do	Oceanic Institute		
Do	Ohio Edison	8,125.00	12.75
Do	State of Oregon, Office of the Governor		
Do	Training Media Distributors Assn		
Do	U.S. Bioscience	2,230.50	141.00
Nancy Katherine Weyl, 777 14th Street, NW Washington, DC 20005	National Assn of Realtors	1,250.00	1,001.03
Brian B. Whalen Jr., 455 North Cityfront Plaza Drive Chicago, IL 60611	Navistar International Transportation Corp	4,000.00	5.95
Curtis E. Whalen, 1600 Wilson Blvd., #1000 Arlington, VA 22209	American Waterways Operators, Inc	5,000.00	1,688.26
Whalen Company, Inc, 1717 K Street, NW, #700 Washington, DC 20006	Equitable Life Assurance Society of the U.S.		
Do	Toyota Motor Sales, USA, Inc		
Leonard P. Wheat, 1111 14th St., NW, #1200 Washington, DC 20005	American Dental Assn	6,250.00	96.00
Carol Wheeler, 1650 30th Street, NW Washington, DC 20007	Media Enterprises Corp (For:America's Public Television Stations, Inc)	5,750.00	516.29
David W. Wheeler, 600 North 18th Street Birmingham, AL 35291	Alabama Power Co	39,970.00	14,209.53
Larry Wheeler, 1100 Wilson Blvd. Arlington, VA 22209	Hughes Aircraft Company	220.00	
Sandra Wheeler, 2000 K Street, NW, #800 Washington, DC 20006	National Comm to Preserve Social Security & Medicare	2,626.00	
George E. White Jr., 706 Lowerline St New Orleans, LA 70118	Avondale Industries, Inc	21,250.00	8,135.23
John C. White, White Consulting Group 2000 M Street, NW, #380 Washington, DC 20036	AMGEN	8,000.00	
Do	Coastal Corporation	20,000.00	
Do	Goldman Sachs & Co	5,000.00	
Do	Tobacco Institute	4,000.00	
Joyce White, 222 NW Davis, #309 Portland, OR 97209	Oregon Trail Coordinating Council	562.50	
Larry White, 601 E Street, NW Washington, DC 20049	American Assn of Retired Persons	734.58	
Leland J. White, 777 14th Street, NW Washington, DC 20005	National Assn of Realtors	1,750.00	556.60
Raymon M. White Jr., 5501 Seminary Road, Apt. 2211-South Falls Church, VA 22041	Harris Corporation	3,500.00	1,274.50
Richard H. White, 1875 I Street, NW, #800 Washington, DC 20006	Tobacco Institute	600.00	43.07
Sam White, 1155 15th Street, NW, #900 Washington, DC 20005	National Agricultural Chemicals Assn		
Toni D. White, 1745 Jefferson Davis Highway, #605 Arlington, VA 22202	Texas Instruments, Inc	372.45	110.52
William R. White, Kaplan, Russin & Vecchi 1215 17th Street, NW Washington, DC 20036	Edison Electric Institute		
Do	Gadot Petrochemical Industries		
White Fine & Verville, 1156 15th St., NW, #1100 Washington, DC 20005	Association of Regionally Accred Priv Coll & Univ	30,000.00	
Whiteford Taylor & Preston, 888 17th St., NW, #400 Washington, DC 20006	Giddings & Lewis, Inc	1,101.50	2,721.51
Do	National Constructors Association	9,999.99	4,354.85
Brad Whitehurst, 1015 15th Street, NW, #802 Washington, DC 20005	American Consulting Engineers Council	425.00	
Suzanne K. Whitehurst, 332 Constitution Ave., NE Washington, DC 20002	Marcus G. Faust, PC (For:Central Utah Water Conservancy District)	1,406.00	
Do	Marcus G. Faust, PC (For:Clark County Nevada-McCarran International Airport)	1,406.00	
Do	Marcus G. Faust (For:Geneva Steel)	1,406.00	
Do	Marcus G. Faust, PC (For:Las Vegas Valley Water District)	1,406.00	23.65
Do	Marcus G. Faust, PC (For:Public Service Co of New Mexico)	1,406.00	
Do	Marcus G. Faust, PC (For:Sierra Pacific Power Co)	1,406.00	
Do	Marcus G. Faust, P.C. (For:State of Montana Dept of Natural Resources & Conservation).	1,406.00	
Aileen Whitfill, 122 C Street, NW Washington, DC 20001	Children's Defense Fund		
Richard M. Whiting, 730 15th Street, NW Washington, DC 20005	Association of Bank Holding Cos	350.00	
Elizabeth D. Whitley, 600 Maryland Ave., SW, #800 Washington, DC 20024	American Farm Bureau Federation	8,194.00	172.91
James A. Whitman, P.O. Box 1417-D49 Alexandria, VA 22313	National Assn of Chain Drug Stores, Inc	500.00	
Robert L. Whitmire, 1745 Jefferson Davis Highway, #1000 Arlington, VA 22202	General Dynamics Corp	1,000.00	439.40
William F. Whitsitt, 1212 New York Avenue, NW, Suite 1200 Washington, DC 20005-6419	Oryx Energy Company	1,625.00	1,237.27
Larry H. Whitt, 9111 E. Douglas Wichita, KS 67207	Pizza Hut, Inc		
Whitworth & Associates, 801 Pennsylvania Ave., NW, #747 Washington, DC 20004	Mesa Limited Partnership	3,000.00	
Do	Natural Gas Vehicle Coalition	4,000.00	
William E. Wickert Jr., 1667 K Street, NW, #600 Washington, DC 20006	Bethlehem Steel Corp	150.00	
Wickwire Greene Crosby & Seward, 1008 Western Ave. Seattle, WA 98104	Arctic Slope Regional Corp		
Anne Marie Wiedemer, 1350 I Street, NW, #840 Washington, DC 20005	Ralston Purina Company	7,500.00	735.00
Helen C. Wiederhorn, 1350 I Street, NW, #1000 Washington, DC 20005	Ford Motor Co	3,382.00	3,387.27
Richard S. Wiedman, 600 Grant Street, 42nd Floor Pittsburgh, PA 15219	Eckert Seamans Cherin & Mellott (For:Ormet Corp)		
Do	Eckert Seamans Cherin & Mellott (For:Ravenswood Aluminum Corp)		
Phillip R. Wiedmeyer, 600 North 18th Street Birmingham, AL 35203	Alabama Power Co	28,490.90	1,933.52
Andrew F. Wiessner, 1801 Broadway #1420 Denver, CO 80202	Kogovsek & Associates, Inc (For:Pioneer Mobile Homes)		
Do	Kogovsek & Associates, Inc (For:Pitken & Eagle Counties, Colorado)	4,650.00	886.86
Do	Kogovsek & Associates, Inc (For:Western Land Group)	4,350.00	842.88
Wiggin & Dana, One Century Tower P. O. Box 1832 New Haven, CT 06508-1832	Villa Banfi, U.S.A.		
Robert Wigington, 1220 19th Street, NW, #200 Washington, DC 20036	Airport Operators Council International		
W. Scott Wilber, 1101 Vermont Avenue, NW Washington, DC 20005	American Medical Assn	3,975.00	
Valerie Wilbur, 901 E Street, NW, #500 Washington, DC 20004-2837	American Assn of Homes for the Aging	222.00	
Shirley J. Wilcher, 122 C Street, NW, #750 Washington, DC 20001	National Assn of Independent Colleges and Universities	8,106.00	
Wildlife Legislative Fund of America, 1000 Connecticut Ave., NW, #1202 Washington, DC 20036			5,200.00
Lanny F. Wiles, 499 S. Capitol Street, SW, #507 Washington, DC 20003	Hecht Spencer & Associates (For:Boy Scouts of America)		
Do	Hecht Spencer & Associates (For:Brown & Williamson Tobacco Corp)		
Do	Hecht Spencer & Associates (For:Mid-American Waste Systems, Inc)		
Cynthia H. Wiles Consulting, 10898 Woodleaf Lane Great Falls, VA 22066	Environmental Research Institute of Michigan	14,312.50	
Do	Industrial Technology Institute	2,499.99	
Do	MERRA	2,499.00	
Wiley Rein & Fielding, 1776 K Street, NW, 12th Fl. Washington, DC 20006	Allied Marketing Group	394.00	
Do	American Newspaper Publishers Assn	17,113.00	339.44
Do	Association for Public TV (APTV)		
Do	Association of Telemessaging Services, International	2,723.00	74.69
Do	Chaparral Steel Co		
Do	Club Car, Inc		
Do	CBS, Inc	9,292.00	558.31
Do	Firemen's Fund Insurance Cos		
Do	Georgetown Industries		
Do	Marine Mammal Coalition		
Do	Merchants National Bank	3,472.00	119.39
Do	National Assn for Information Services	68.00	8.00
Do	National Health Care Anti-Fraud Assn		
Do	Olan Mills, Inc		

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Do	Prodigy Services Company	3,986.00	27.38
Do	Raritan River Steel Co		
Do	United Parcel Service	2,133.00	13.00
Guenther O. Wilhelm, 1899 L Street, NW, #1100 Washington, DC 20036	Exxon Corporation		
Carl B. Wilkerson, 1001 Pennsylvania Ave., NW Washington, DC 20004	American Council of Life Insurance, Inc		
Julia Bullard Wilkie, 206 E Street, NE Washington, DC 20002	National Roofing Contractors Assn	2,187.50	875.53
E. John Wilkinson, 1225 19th Street, NW, #300 Washington, DC 20036	Vulcan Materials Co	1,700.00	540.00
Wilkinson Barker Knauer & Quinn, 1735 New York Ave., NW Washington, DC 20006	Central States Health & Life Co of Omaha		
Do	Empire Blue Cross & Blue Shield		
Do	Fleet/Norstar Financial Group	34,448.81	3,432.86
Do	Hobbs Straus Dean & Wilder	5,194.00	232.92
Do	Northwest Hydroelectric Assn	4,000.00	14.34
Do	Solano Water Authority	1,095.00	18.00
Do	Summit Energy Storage, Incut	9,724.11	281.65
Do	Turlock Irrigation District	5,300.00	65.00
Do	VISA USA, Inc	6,550.00	977.67
Daniel Will, 306 Commonwealth, #4 Alexandria, VA 22301	National Taxpayers Union	3,808.00	
Ralph E. Willham, 1750 New York Ave., NW Washington, DC 20006	Sheet Metal Workers International Assn	17,325.00	
Faith Williams, 1001 Pennsylvania Ave., NW, #460 Washington, DC 20037	New York Life Insurance Company	300.00	42.11
Jack L. Williams, 451 New Jersey Avenue, SE Washington, DC 20003	Ark-Best Co	1,400.00	250.00
Do	Arkansas Louisiana Gas Co (ARKLA)	1,400.00	350.00
Do	Coalition for American Energy Security	1,500.00	250.00
Do	Electro Com Automation, Inc	1,550.00	300.00
Do	Riceland Foods, Inc	1,500.00	250.00
Do	Tyson Foods, Inc	1,450.00	250.00
Leonard B. Williams, 1615 M Street, NW, #200 Washington, DC 20036	Amoco Corporation	50.00	359.21
Lucinda L. Williams, 733 15th Street, NW, #700 Washington, DC 20005	National Medical Enterprises, Inc	4,980.00	
Merrill Williams, 4501 Connecticut Ave., NW, #113 Washington, DC 20008	Freshwater Press, Inc		
Do	Galactical Biochemical		
Do	National Credit Improvement Group		
Michael E. Williams, 1600 Rhode Island Ave., NW Washington, DC 20036	National Rifle Assn of America	1,067.50	369.43
Patrick H. Williams, 1801 Pennsylvania Avenue, NW Washington, DC 20006	MCI Communications Corp	4,000.00	1,576.07
Perry F. Williams, 225 Main St. Newington, CT 06111	American Radio Relay League, Inc	1,512.00	1,017.00
Peter Williams, 2030 M St., NW Washington, DC 20036	Common Cause	450.00	
Richard T. Williams, 2501 M Street, NW Washington, DC 20037	Chemical Manufacturers Assn, Inc	2,000.00	
Robert E. Williams, 1707 L Street, NW, #300 Washington, DC 20036-4202	United Airlines, Inc	1,500.00	
Robin L. Williams, 1667 K St., NW, #210 Washington, DC 20006	Rohm & Haas Co	1,000.00	86.00
William C. Williams, 44 East Mifflin Street P.O. Box 1807, #1000 Madison, WI 53701-1807	Bell Metzner Gierhart & Moore (For:Wisconsin Cheese Makers Assn)		
Williams & Connolly, 839 17th St., NW Washington, DC 20006	Air Transport Assn of America	10,140.00	
Do	Gtech		
Do	National Comm to Preserve Social Security		
Do	North American Assn of State & Provincial Lotteries		
Do	Southeast Toyota Distributors, Inc		
Williams & Jensen, P.C., 1101 Connecticut Ave., NW, #500 Washington, DC 20036	American Home Products	6,520.00	286.27
Do	Association of Family Farmers		
Do	Bank of America, NT&SA		
Do	Robert M. Bass Group	870.00	40.28
Do	British Petroleum	1,760.00	74.81
Do	BMC Industries, Inc		
Do	Century 21 Real Estate Corp		
Do	College Board		
Do	College Construction Loan Insurance Assn	245.00	12.95
Do	Colonial Pipeline Company	1,280.00	67.61
Do	Continental Airlines Holding, Inc.	3,950.00	136.66
Do	CIGNA Corp		34.53
Do	Estee Lauder, Inc	1,700.00	82.00
Do	Executive Life Insurance		
Do	First Boston Corp	4,480.00	194.20
Do	Glaxo, Inc		
Do	Greenwich Capital Markets, Inc	340.00	15.82
Do	GAMMA Corp		
Do	Kelly Appleman Hart & Hallman		
Do	Keystone Provident Life Insurance Co		
Do	Metropolitan Washington Airports Authority	7,940.00	
Do	Mustang Fuel Corporation		
Do	National Assn of Rehabilitation Agencies		
Do	National Board for Professional Teaching Standards		
Do	National Soft Drink Assn	870.00	40.27
Do	Norfolk Southern Corp	280.00	12.95
Do	Normandy Foundation		
Do	Oklahoma Gas & Electric Co	5,460.00	231.60
Do	Owens-Illinois Inc	140.00	7.19
Do	Pharmaceutical Manufacturers Assn	1,290.00	67.61
Do	Pittston Co	7,900.00	273.32
Do	Recording Industry Assn of America, Inc	4,200.00	176.95
Do	Southern Pacific Transportation Co.	3,580.00	164.00
Do	Southwest Airlines	780.00	27.33
Do	Student Loan Marketing Assn (Sallie Mae)	1,070.00	54.66
Do	Texaco, Inc	2,140.00	82.00
Do	Turner Broadcasting System, Inc	5,200.00	204.27
Do	TTX Company	420.00	20.14
Do	U.S. English		
Do	U.S. Telephone Assn		
Do	Universal Foods, Inc	2,580.00	136.66
Do	USAA Financial Service Co		
Alan R. Willis, Box 3529 Portland, OR 97208	Port of Portland	12,055.00	
Roy W. Willis, 1101 16th Street, NW Washington, DC 20036	Independent Petroleum Assn of America		300.70
Wayne D. Willis, 1100 17th Street, NW, #1200 Washington, DC 20036	General Atomics	1,066.00	90.55
Willkie Farr & Gallagher, 1155 21st Street, NW, # 600 Washington, DC 20036	American Nuclear Energy Council (ANEC)		
Do	Association of International Auto Manufacturers		
Do	Browning-Ferris Industries, Inc	3,828.80	74.85
Do	Integrated Waste Services Assn (ISWA)	3,800.00	
Do	Morgan Guaranty Trust Co	125.00	
Do	National Assn of Independent Fee Appraisers	12,148.75	
Do	Standard Commercial Tobacco Co		
Do	Telecommunications Industry Assn		
Do	Westinghouse Electric Corp	3,857.50	86.03
Do	Yamaha Motor Co, Ltd, et al.	200.00	41.43
Do	Yamaha Motor Manufacturing Corp of America	337.50	
Cindy J. Wilmer, 1455 Pennsylvania Ave., NW, #900 Washington, DC 20004	American International Group, Inc	2,500.00	50.00
Wilmer Cutler & Pickering, 2445 M Street, NW Washington, DC 20037-1420	Advanced Network & Services, Inc (ANS)		
Do	Aetna Life & Casualty Co		
Do	American Honda Motor Co, Inc		
Do	Association of American Universities		
Do	Business Roundtable		
Do	Capital Cities/ABC, Inc		
Do	Citibank, N.A.		
Do	Computer Systems Policy Project		
Do	Cook Inlet Communications, L.P.		
Do	Educational Testing Service		
Do	Federal Home Loan Bank of San Francisco		
Do	G-IV Family Coalition, Inc		32.00
Do	Handgun Control, Inc		
Do	Intellectual Property Committee		

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Do	International Human Rights Law Group		
Do	International Metals Reclamation Company, Inc	295.00	
Do	Long Island Savings Bank		
Do	O'Connor Realty Advisors, Inc		
Do	Pepsico, Inc		
Do	Public Broadcasting Service		
Do	World Savings & Loan Assn		
Ann Wilson, 1611 Duke Street Alexandria, VA 22314	American Movers Conference	5,000.00	
Charles D. Wilson, 1919 South Broadway, Box 19130 Green Bay, WI 54307-9130	Fort Howard Corp	2,961.42	2,439.78
Don T. Wilson, 1250 I Street, NW, #400 Washington, DC 20005	National Tire Dealers & Retreaders Assn		
G. Peter Wilson, 249 Maitland Avenue Altamonte Springs, FL 32701-4201	Institute of Internal Auditors, Inc		
Gary Wilson, 1301 Pennsylvania Ave., NW, #300 Washington, DC 20004	National Cattlemen's Assn	1,000.00	
Hilary Wilson, 1101 15th Street, NW, Suite 500 Washington, DC 20005	Asea Brown Boveri, Inc	5,900.00	12.00
Michael J. Wilson, 815 16th St., NW, #507 Washington, DC 20006	Amalgamated Clothing & Textile Workers Union	4,375.00	32.77
Patricia M. Wilson, 818 Connecticut Ave, NW Washington, DC 20006	USX Corporation		
Randolph Wilson, One Merchants Plaza Indianapolis, IN 46255	Merchants National Corp	3,500.00	1,554.80
Robert Dale Wilson, 1133 15th Street, NW, #1200 Washington, DC 20005-2710	Wilson & Wilson (For:Cadmium Council)		
Robert Gary Wilson, 1730 Rhode Island Avenue, NW, #715 Washington, DC 20036	PPG Industries, Inc		
William F. Wilson, 231 W. Michigan Street Milwaukee, WI 53201	Wisconsin Electric Power Co		
Mark V. Wimberly, 1130 Connecticut Ave., NW, #830 Washington, DC 20036	Mississippi Power Co	33,299.24	8,196.47
John P. Winburn, 50 E Street, SE Washington, DC 20003	Winburn Associates, Inc (For:American Assn of Equipment Lessors)	22,500.00	
Do	Winburn VanScoyoc & Hooper (For:American Insurance Assn)	45,000.00	
Do	Winburn Associates, Inc (For:American Paper Institute)	30,000.00	
Do	Winburn Associates, Inc (For:Bell Atlantic Capital Corp)	5,000.00	
Do	Winburn Associates, Inc (For:Bradford Exchange)	15,000.00	
Do	Winburn Associates, Inc (For:Burlington Northern Railroad Co)	15,000.00	
Do	Winburn Associates, Inc (For:Burlington Northern Services, Inc)	15,000.00	
Do	Winburn Associates, Inc (For:Fag Bearings Corp)		
Do	Winburn Associates, Inc (For:Hartford, (The))	45,000.00	
Do	Winburn Associates, Inc (For:Health Net)	7,500.00	
Do	Winburn Associates, Inc (For:Leggett & Platt)	6,000.00	
Do	Winburn Associates, Inc (For:National Assn of County Office Employees)	3,000.00	
Do	Winburn Associates, Inc (For:Pennzoil)	6,000.00	
Do	Winburn Associates, Inc (For:Philip Morris)	1,000.00	
Judith A. Winchester, 200 Vesey Street New York, NY 10285-2000	Shearson Lehman Brothers, Inc		1,257.00
Stephen H. Wines, 1133 15th Street, NW, #600 Washington, DC 20005	Maritime Institute for Research & Industrial Development	6,690.48	
Wings on Washington, 7578 B Telegraph Road Alexandria, VA 22310		600.00	2,994.48
Eileen M. Winkelman, 2501 M St., NW Washington, DC 20037	Chemical Manufacturers Assn, Inc	600.00	182.75
Joseph B. Winkelmann, 1250 Connecticut Ave., NW, #620 Washington, DC 20036	Winkelmann & Associates, Inc (For:American Resort & Residential Development Assn).	6,000.00	
Do	Winkelmann & Associates, Inc (For:National Assn of Mortgage Brokers)	1,500.00	37.26
Alexander Bradford Winslow, 1325 G Street, NW, #1003 Washington, DC 20005	Population-Environment Balance		
David A. Winston, 1922 F Street, NW Washington, DC 20006	National Assn of Life Underwriters	887.50	90.00
Winston & Strawn, 1400 L Street, NW Washington, DC 20005-3502	American Honey Producers Assn	2,154.37	
Do	Barr Laboratories, Inc	15,000.00	
Do	Bedminster Bioconversion Corp		
Do	Bituminous Coal Operators Assn		
Do	Compaq Computer Corporation		
Do	Cooper Tire & Rubber Company	1,397.50	1,397.50
Do	CSR, Ltd	4,550.00	12.50
Do	Data Transformation Corp	1,000.00	1,000.00
Do	Digital Equipment Corp	77.50	
Do	Federal Intermediate Credit Bank of Jackson	30,800.00	30,800.00
Do	Government of the U.S. Virgin Islands	16,766.25	1,123.38
Do	Harpo, Inc	1,400.00	22.00
Do	Illinios State Medical Society		
Do	International Council of Shopping Centers	690.00	6.50
Do	Kardinal-Faulhaber-Strassel, et al.	15,000.00	
Do	Mississippi Department of Economic & Community Development	35,935.56	35,935.56
Do	National Bulk Vendors Assn	3,081.80	3,081.80
Do	National Council of Health Facilities Finance Authorities		
Do	National Private Cable Assn		
Do	Natural Gas Pipeline Coalition		
Do	Pyropower Corp	2,507.22	2,507.22
Do	Regional Transit Authority	3,340.00	1,058.00
Do	U.S. Rice Producers Legislative Group	19,534.37	61.50
Do	Western Peanut Growers Assn	971.25	
Linda A. Winter, 1400 Sixteenth Street, NW Washington, DC 20036-2266	National Wildlife Federation	1,070.19	
Winthrop Stimson Putnam & Roberts, 1133 Connecticut Ave., NW, 1200 Washington, DC 20036	America West Airlines, Inc		
Do	Amoco Performance Products, Inc		
Do	Bowater, Inc		
Do	Bristol-Myers Squibb		
Do	Brown & Bain		
Do	BASF Corp		
Do	BASF Structural Materials, Inc		
Do	Coalition for Responsible Waste Incineration (CRWI)	8,835.00	
Do	Connecticut Liquidity Investment Fund, Inc		
Do	Fiberite Corp		
Do	Hercules Aerospace Co		
Do	IBJ Schroder Bank & Trust Co		
Do	Lower Elwha Klallam Tribe		
Do	Macrovision, Inc	3,000.00	445.28
Do	MCI Communications Corp	7,853.75	40.00
Do	MTN Coalition	2,457.50	131.46
Do	National Vehicle Leasing Assn		
Do	Navajo Nation		
Do	Organization for International Investment (OFII)	28,091.94	97.93
Do	Refractories Ceramic Fibers Coalition		
Do	RAT Coalition	663.97	20.00
Do	Sabreliner Corp		
Do	Saloman Brothers, Inc	4,200.00	
Do	Snappy Car Rental		
Do	St. Thomas & St. John Chamber of Commerce		10.00
Do	Thrifty Rent-A-Car System, Inc		
Elizabeth Wirick, 805 15th Street, NW, #300 Washington, DC 20005	Credit Union National Assn, Inc	2,000.00	
Jim Wise Associates, 104 North West St. Alexandria, VA 22314	Kern County, CA	7,500.00	400.00
Do	National Assn of Credit Management	12,000.00	650.00
Do	San Francisco Bar Pilots Assn	6,000.00	275.00
Melanie Wisniewski, P.O. Box 520783, GMF Miami, FL 33152	Burger King Corp		
Walter J. Witek Jr., 777 14th St., NW Washington, DC 20005	National Assn of Realtors	8,000.00	
Lyn M. Withey, 1620 Eye Street, NW, #700 Washington, DC 20006	International Paper Co	3,922.50	633.74
Cynthia D. Witkin, 1101 17th Street, NW, #600 Washington, DC 20036	Associated General Contractors of America	3,000.00	500.00
Judith A. Wittig, 2001 Jefferson Davis Hwy., #1100 Arlington, VA 22202	Defense Products Marketing, Inc		
Richard J. Wittig, 1213 Jefferson Davis Highway, #1414 Arlington, VA 22202	Defense Products Marketing, Inc	1,000.00	75.00
S.R. Wojdak and Associates, Inc, The Bellevue - Suite 850 200 S. Broad Street Philadelphia, PA 19102	Albert Einstein Medical Center	12,000.00	2,201.16
Do	Arden Hill Hospital		
Do	Centennial Health Services, Inc	1,500.00	1,226.79
Do	Children's Hospital of Philadelphia	54,750.00	4,880.57
Do	Children's Hospital of Pittsburgh	19,750.00	3,496.13
Do	Cornwall Hospital		
Do	County of Los Angeles	30,000.00	3,750.15
Do	Crozer-Keystone Health System	3,750.00	1,226.79
Do	Drexel University	7,500.00	563.51
Do	Episcopal Hospital	3,750.00	1,226.79

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Do	Franklin Square Hospital	3,750.00	725.01
Do	Hahnemann University		
Do	Healthcare Management Alternatives, Inc	9,000.00	956.12
Do	Healtheast	6,000.00	497.94
Do	Hill Group	15,000.00	1,450.91
Do	Horton Memorial Hospital		
Do	Hospital of the Philadelphia College of Osteopathic Medicine	3,750.00	1,226.79
Do	Magee-Womens Hospital	11,250.00	1,927.30
Do	Mercy Catholic Medical Center	22,500.00	2,051.27
Do	Mercy Community Hospital		
Do	National Down Syndrome Society	9,000.00	
Do	North Philadelphia Health System	3,750.00	1,226.79
Do	Philadelphia Electric Company	5,850.00	375.65
Do	Presbyterian University Hospital	3,750.00	1,226.79
Do	Public Financial Management	18,000.00	1,348.36
Do	Southeastern Pennsylvania Trans Authority		
Do	St. Anthony's Hospital		
Do	St. Luke's Hospital		
Do	Systems Control, Inc	21,500.00	2,335.22
Do	Thomas Jefferson University Hospital	3,750.00	1,226.79
Do	University of Pennsylvania	22,500.00	1,634.66
Henry C. Wolf, 3 Commercial Place Norfolk, VA 23510	Norfold Southern Corp	1,000.00	
James E. Wolf, 2020 14th St., North Arlington, VA 22201	American Standard, Inc	2,000.00	
J. Thomas Wolfe, 1627 K Street, NW, #700 Washington, DC 20006	Institute of Scrap Recycling Industries	3,200.00	241.55
William H. Wolfe, 1155 Connecticut Ave., NW Washington, DC 20036	Waste Management, Inc		
Melissa A. Wolford, 1130 Connecticut Ave., NW, #1000 Washington, DC 20036	(For:American Insurance Assn)	371.30	
Charles V. Wollerton, 1001 Pennsylvania Ave., NW Washington, DC 20004	American Council of Life Insurance		
Ronald Wolsey, 1615 M Street, #200 Washington, DC 20036	Amoco Corporation	1,200.00	470.26
Don Womack, Suite 303 1825 K St., NW Washington, DC 20006	Texas Utilities Services, Inc	3,500.00	86.39
Richard Marvin Womack, Market Square 801 Pennsylvania Ave., NW, #720 Washington, DC 20004-2604	Procter & Gamble Co	114.40	
Burton C. Wood, 1125 15th St., NW Washington, DC 20005	Mortgage Bankers Assn of America	19,800.00	706.53
Donna Y. Wood, 577 Mulberry Street Macon, GA 31298	Charter Medical Corp		
Harris S. Wood, 1333 New Hampshire Ave., NW, #1001 Washington, DC 20036	Arco Oil & Gas Co		
Mildred Wood, 2000 K Street, NW #800 Washington, DC 20006	National Comm to Preserve Social Security & Medicare	1,812.00	
S. Roy Woodall Jr., 1455 Pennsylvania Ave., NW, #1250 Washington, DC 20005	National Assn of Life Companies	2,000.00	15.00
Mark E. Woodbridge, 1825 K Street, NW, #1107 Washington, DC 20006	National U.S. Arab Chamber of Commerce		
Andrew L. Woods, 625 Indiana Avenue, NW Suite 500 Washington, DC 20004-2901	Taft Stettinius & Hollister (For:Special Committee for Health Care Reforms)		
Irvin M. Woods, P.O. Box 521 The Plains, VA 22171	National Assn of Air Traffic Specialists	6,000.00	585.00
Do	Woods Research Associates, Inc		
Jeanne M. Woods, 122 Maryland Ave., NE Washington, DC 20002	American Civil Liberties Union	2,315.00	
Jerry D. Woods, 1000 Wilson Boulevard Arlington, VA 22209	Northrop Corp	1,400.00	107.30
Robert W. Woody, 1333 New Hampshire Ave, NW Washington, DC 20036	LeBoeuf Lamb Leiby & MacRae		
Perry W. Woofter, Suite 530 1800 K St. NW Washington, DC 20006	Tesoro Petroleum Corp	3,000.00	
Noel C. Woosley, 4647 Forbes Boulevard Lanham, MD 20706	AMVETS	6,800.00	
Workers Compensation Integrity, Stability & Equity (WISE), P.O. Box 18300 Washington, DC 20036-8300		23,000.00	22,195.00
Workplace Health & Safety Council, 2300 N Street, NW Washington, DC 20037			2,000.00
World Federalist Association, 418 7th Street, SE Washington, DC 20003		21,000.00	9,284.25
Worthington Associates, 2132 Southbay Lane Reston, VA 22091	HRM		
David L. Wray, 20 North Wacker Drive Chicago, IL 60606	Profit Sharing Council of America		
Alan D. Wright, 1700 Huntington Building Cleveland, OH 44115	Centerior Energy Corp, et al.	15,000.00	5,786.71
Andrew S. Wright, 1130 Connecticut Ave., NW, #1000 Washington, DC 20036	American Insurance Assn	475.65	156.00
David L. Wright, Anderson Hill Rd. Purchase, NY 10577	Pepsico, Inc		
Elizabeth L. Wright, 1455 Pennsylvania Ave., NW Suite 230 Washington, DC 20004	Texas Instruments	1,960.00	184.00
Wunder Diefenderfer Ryan Cannon & Thelen, 1615 L St., NW, #650 Washington, DC 20036	American Iron & Steel Institute	7,007.79	760.33
Do	American President Companies		
Do	Ashland Oil Company	4,871.05	128.94
Do	Association of American Railroads	1,249.95	41.13
Do	Avis Rent A Car System, Inc		
Do	BellSouth Corp		
Do	Bituminous Coal Operators Assn	8,000.00	13.25
Do	Browning-Ferris Industries		
Do	Committee Against Revising Staggers		
Do	Cosmetic Toiletry & Fragrance Assn, Inc		
Do	Council of Industrial Boiler Owners	6,832.50	409.37
Do	CSX Corporation	200.00	
Do	Electronic Industries Assn		
Do	Finanziaria Mirabella SpA		
Do	General Motors Corp	4,069.50	
Do	HDTV 1125/60 Group	2,430.14	180.14
Do	Industrial Oil Consumers Group		
Do	Intermarine SpA	2,400.00	
Do	Investment Company Institute	7,500.00	158.40
Do	Kelly Assisted Living/Kelly Services	1,000.00	
Do	Keramont Corp	1,000.00	307.09
Do	Manville Corporation	4,306.50	105.73
Do	Martin Marietta	1,666.66	28.01
Do	Maxxam	21,172.25	107.35
Do	McDonnell Douglas	1,875.00	42.98
Do	Metropolitan Life Insurance Co		
Do	Montana Department of Highways		
Do	Mutual Life Insurance Co Tax Committee		
Do	Mylan Laboratories, Inc	6,075.00	1,147.00
Do	MCI Communications Corp	4,000.00	13.00
Do	National Assn of Temporary Services		
Do	National Cable Television Assn, Inc	1,458.30	55.67
Do	North American Phillips Corp	2,398.12	215.30
Do	Northwestern Mutual Life Insurance Co		
Do	NYNEX Corp	5,200.00	149.95
Do	Polaris Industries	150.00	0.80
Do	Process Gas Consumers Group	7,007.79	760.33
Do	Public Securities Assn	1,508.00	21.22
Do	Shell Oil Company	6,500.00	31.85
Do	South Dakota Dept of Transportation	270.00	
Do	Squibb Corporation		
Do	Stanford University	203.90	
Do	Tobacco Industry Labor Management Committee	3,216.00	
Do	Trailer Train Co		
Do	U.S. Telephone Assn	14,666.66	200.20
Do	Westinghouse Airship Industries	6,268.61	76.58
Tracy Wurzel, 600 Maryland Ave, #700 Washington, DC 20024	National Fed of Independent Business	4,875.00	400.00
James Wyerman, 1244 19th Street, NW Washington, DC 20036	Defenders of Wildlife	44.24	
Thomas L. Wylie, 555 13th St., NW, #1010 East Washington, DC 20004-1109	Sun Co, Inc	1,519.00	
David S. Wynett, 1629 K Street, NW, #501 Washington, DC 20006	Delta Air Lines, Inc	110.00	170.00
Edward Wytkind, 400 North Capitol Street, NW, #861 Washington, DC 20001	Transportation Trades Department, AFL-CIO	1,500.00	
Marc D. Yacker, 1250 Connecticut Ave., NW Washington, DC 20036	American Paper Institute, Inc	575.00	
Milan P. Yager, 15th & M Streets, NW Washington, DC 20005	National Assn of Home Builders of the U.S.		
John W. Yago, 5101 River Rd. Bethesda, MD 20816	American Road & Transportation Builders Assn	15,937.50	
Nick Yaksich, 1957 E Street, NW Washington, DC 20006	Associated General Contractors of America		
Deborah K. Yamada, 1020 19th Street, NW, #600 Washington, DC 20036	American Express Co	7,090.00	98.50
T. Albert Yamada, Suite 520 900 17th St., NW Washington, DC 20006	Toyota Motor Sales, USA, Inc	500.00	
Do	West Mexico Vegetable Distributors Assn	500.00	
Nancy Foster Yanish, 1750 K Street, NW Washington, DC 20006	Food Marketing Institute	400.00	
Yankee Gas Services Company, 599 Research Parkway P.O. Box 1030 Attn: Steve Piascik Meriden, CT 06450			739.86
Mary J. Yarrington, 2000 K St., NW, 8th Foor Washington, DC 20006	National Comm to Preserve Social Security	3,609.00	

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Bruce Yarwood, 1201 L Street, NW Washington, DC 20005	American Health Care Assn	23,000.00	2,472.95
Edward R. Yawn, 701 Pennsylvania Avenue, NW Washington, DC 20004-5475	Edison Electric Institute	2,674.45	543.62
Kim Yelton, 8120 Fenton St. Silver Spring, MD 20910	Americans United for Separation of Church and State	10,458.48	79.80
Edward L. Yingling, 1120 Connecticut Ave., NW Washington, DC 20036	American Bankers Assn	10,000.00	
John S. Yodice, 500 E Street, SW, #930 Washington, DC 20024	Yodice Associates (For:Aircraft Owners & Pilots Assn)	900.00	
D. Scott Yohe, 1629 K St., NW, #501 Washington, DC 20006	Delta Air Lines, Inc	450.00	109.60
Caryl Yontz, 1625 L Street, NW Washington, DC 20036	American Fed of State County & Municipal Employees	11,295.28	641.04
Andrew Yood, 1220 L Street, NW Washington, DC 20005	American Petroleum Institute	200.00	
Thomas F. Youngblood, 1201 New York Avenue, NW Washington, DC 20005-3931	American Hotel & Motel Assn	2,310.00	
Betsy Younkins, 1220 L Street, NW, #1200 Washington, DC 20005	American Petroleum Institute	8,000.00	235.56
Eugene A. Yourch, 50 Broadway New York, NY 10004	Federation of American Controlled Shipping	200.00	
John R. Zagame, John R. Zagame Associates, Inc 7611 Virginia Lane Falls Church, VA 22043	National Music Publishers Assn, Inc	6,000.00	
Michael Zagorac Jr., 8333 Bryan Dairy Rd. P.O. Box 4689 Clearwater, FL 33518	Jack Eckerd Corp		
Paulette Zakrzeski, 1110 Vermont Ave., NW, #430 Washington, DC 20005	National Cotton Council of America	16,625.00	651.68
Paul j. Zanowski, 15th & M Streets, NW Washington, DC 20005	National Assn of Home Builders of the U.S.		
John S. Zapp, 1101 Vermont Ave., NW Washington, DC 20005	American Medical Assn	4,900.00	
Thomas K. Zaucha, 1825 Samuel Morse Drive Reston, VA 22090	National Grocers Assn	500.00	
Shirley Zebroski, 1660 L Street, NW, #401 Washington, DC 20036	General Motors Corp	3,000.00	3,710.05
Leo C. Zeferetti, 9912 Fort Hamilton Parkway Brooklyn, NY 10209	Building & Construction Trades Dept, AFL-CIO		
Do	New York Telephone		
Philip F. Zeidman, 1401 New York Ave., NW, #900 Washington, DC 20005	American Business Conference, Inc		
Eugene J. Zeiszler, 7901 Westpark Drive McLean, VA 22102	AMT - The Assn for Manufacturing Technology	3,125.00	250.00
Don J. Zeller, 1615 M Street, NW, #200 Washington, DC 20036	Amoco Corporation	1,850.00	367.28
Ronald L. Ziegler, P.O. Box 1417-D49 Alexandria, VA 22313	National Assn of Chain Drug Stores, Inc	1,000.00	
Arlene Zielke, 3724 West 107th Street Chicago, IL 60655	National Congress of Parents & Teachers		5,462.70
Kelly Ziglar-Clay, 805 15th Street, NW, #1110 Washington, DC 20005	Mortgage Insurance Companies of America	6,474.97	258.80
Fred Everett Zillinger II, 501 Second Street, NE Washington, DC 20002	Fertilizer Insititue	9,000.00	1,521.23
John H. Zimmerman, 3138 North 10th Street Arlington, VA 22201	National Assn of Federal Credit Unions	1,250.00	
Ziontz Chestnut Varnell Berley & Slonim, 2101 Fourth Avenue, #1230 Seattle, WA 98121	Fallon Paiute-Shoshone Tribes		
Do	Makah Indian Tribe		
Do	Northern Arapho Indian Tribe		2,414.86
Nancy Zirkin, 1111 16th Street, NW Washington, DC 20036	American Assn of University Women	5,000.00	
Amy G. Zirkle, 1020 19th Street, NW, #600 Washington, DC 20036	American Express Co	4,500.00	112.25
Gary M. Zizka, 5205 Leesburg Pike, #1600 Falls Church, VA 22041	National Beer Wholesalers Assn	2,000.00	1,051.36
John L. Zorack, 1111 14th St., NW, #1001 Washington, DC 20005	Dry Color Manufacturers Association	15,000.00	
Do	Federal Express Corp	10,500.00	
Zuckert Scoutt & Rasenberger, 888 17th St., NW, #600 Washington, DC 20006-3959	Coalition for Air Service to O'Hare		
Charles O. Zuver, 805 15th St., NW, #300 Washington, DC 20005	Credit Union National Assn, Inc	12,000.00	75.00
31st Pro-Life Congressional District Action Comm, 8654 Bonview Terrace Williamsville, NY 14221			
965, Inc, 513 Capitol Court, NE, #300 Washington, DC 20002	General Electric Co	25.00	
Do	Intermarine USA		
Do	Kaman Diversified Technologies	75.00	
Do	Woods Hole Oceanographic Institution	100.00	

QUARTERLY REPORTS*

*All alphanumeric characters and monetary amounts refer to receipts and expenditures on page 2, paragraphs D and E of the Quarterly Report Form.

The following reports for the fourth calendar quarter of 1991 were received too late to be included in the published reports for that quarter:

(NOTE.—The form used for report is reproduced below. In the interest of economy in the RECORD, questions are not repeated, only the essential answers are printed, and are indicated by their respective headings. This page (Page 1) is designed to supply identifying data, and Page 2 deals with financial data.)

PLEASE RETURN 1 ORIGINAL TO: THE CLERK OF THE HOUSE OF REPRESENTATIVES, OFFICE OF RECORDS AND REGISTRATION, 1036 LONGWORTH HOUSE OFFICE BUILDING, WASHINGTON, D.C. 20515

PLEASE RETURN 1 ORIGINAL TO: THE SECRETARY OF THE SENATE, OFFICE OF PUBLIC RECORDS, 232 HART SENATE OFFICE BUILDING, WASHINGTON, D.C. 20510

PLACE AN "X" BELOW THE APPROPRIATE LETTER OR FIGURE IN THE BOX AT THE RIGHT OF THE "REPORT" HEADING BELOW:

"PRELIMINARY" REPORT ("Registration"): To "register," place an "X" below the letter "P" and fill out page 1 only.

"QUARTERLY" REPORT: To indicate which one of the four calendar quarters is covered by this Report, place an "X" below the appropriate figure. Fill out both page 1 and page 2 and as many additional pages as may be required. The first additional page should be numbered as page "3," and the rest of such pages should be "4," "5," "6," etc. Preparation and filing in accordance with instructions will accomplish compliance with all quarterly reporting requirements of the Act.

Year: 19 . . . . . ◆

REPORT

PURSUANT TO FEDERAL REGULATION OF LOBBYING ACT

P	QUARTER			
	1st	2d	3d	4th
(Mark one square only)				

IDENTIFICATION NUMBER__________

Is this an Amendment?
☐ YES ☐ NO

NOTE on ITEM "A".—(a) IN GENERAL. This "Report" form may be used by either an organization or an individual, as follows:

(i) *"Employee"*.—To file as an "employee", state (in Item "B") the name, address, and nature of business of the "employer". (If the "employee" is a firm [such as a law firm or public relations firm], partners and salaried staff members of such firm may join in filing a Report as an "employee".)

(ii) *"Employer"*.—To file as an "employer", write "None" in answer to Item "B".

(*b*) SEPARATE REPORTS. An agent or employee should not attempt to combine his Report with the employer's Report:

(i) Employers subject to the Act must file separate Reports and are not relieved of this requirement merely because Reports are filed by their agents or employees.

(ii) Employees subject to the Act must file separate Reports and are not relieved of this requirement merely because Reports are filed by their employers.

A. ORGANIZATION OR INDIVIDUAL FILING:

1. State name, address, and nature of business.

☐ CHECK IF ADDRESS IS DIFFERENT THAN PREVIOUSLY REPORTED

2. If this Report is for an Employer, list names of agents or employees who will file Reports for this Quarter.

NOTE on ITEM "B".—*Reports by Agents or Employees.* An employee is to file, each quarter, as many Reports as he has employers, except that: (*a*) If a particular undertaking is jointly financed by a group of employers, the group is to be considered as one employer, but all members of the group are to be named, and the contribution of each member is to be specified; (*b*) if the work is done in the interest of one person but payment therefor is made by another, a single Report—naming both persons as "employers"—is to be filed each quarter.

B. EMPLOYER

—State name, address, and nature of business. If there is no employer, write "None."

NOTE on ITEM "C".—(*a*) The expression "in connection with legislative interests," as used in this Report, means "in connection with attempting, directly or indirectly, to influence the passage or defeat of legislation." "The term 'legislation' means bills, resolutions, amendments, nominations, and other matters pending or proposed in either House of Congress, and includes any other matter which may be the subject of action by either House"—§302(e).

(*b*) Before undertaking any activities in connection with legislative interests, organizations and individuals subject to the Lobbying Act are required to file a "Preliminary" Report (Registration).

(*c*) After beginning such activities, they must file a "Quarterly" Report at the end of each calendar quarter in which they have either received or expended anything of value in connection with legislative interests.

C. LEGISLATIVE INTERESTS, AND PUBLICATIONS in connection therewith:

1. State approximately how long legislative interests are to continue. If receipts and expenditures in connection with legislative interests have ☐ terminated, place an "X" in the box at the left, so that this Office will no longer expect to receive Reports.

2. State the general legislative interests of the person filing and set forth the specific legislative interests by reciting: (*a*) Short titles of statutes and bills; (*b*) House and Senate numbers of bills, where known; (*c*) citations of statutes, where known; (*d*) whether for or against such statutes and bills.

3. In the case of those publications which the person filing has caused to be issued or distributed in connection with legislative interests, set forth: (*a*) description, (*b*) quantity distributed, (*c*) date of distribution, (*d*) name of printer or publisher (if publications were paid for by person filing) or name of donor (if publications were received as a gift).

(Answer items 1, 2, and 3 in the space below. Attach additional pages if more space is needed.)

4. If this is a "Preliminary" Report (Registration) rather than a "Quarterly" Report, state below what the nature and amount of anticipated expenses will be; and, if for an agent or employee, state also what the daily, monthly, or annual rate of compensation is to be. *If this is a "Quarterly" Report, disregard this item "C4" and fill out items "D" and "E" on the back of this page.* Do not attempt to combine a "Preliminary" Report (Registration) with a "Quarterly Report."◆

STATEMENT OF VERIFICATION

[Omitted in printing]

NOTE on ITEM "D."—*(a)* IN GENERAL. The term "contribution" includes *anything of value.* When an organization or individual uses printed or duplicated matter in a campaign attempting to influence legislation, money received by such organization or individual—for such printed or duplicated matter—is a "contribution." "The term 'contribution' includes a gift, subscription, loan, advance, or deposit of money, or anything of value, and includes a contract, promise, or agreement, whether or not legally enforceable, to make a contribution"—§ 302(a) of the Lobbying Act.

(b) IF THIS REPORT IS FOR AN EMPLOYER.—(i) *In general.* Item "D" is designed for the reporting of all receipts from which expenditures are made, or will be made, in connection with legislative interests.

(ii) *Receipts of Business Firms and Individuals.*—A business firm (or individual) which is subject to the Lobbying Act by reason of expenditures which it makes in attempting to influence legislation—but which has no funds to expend except those which are available in the ordinary course of operating a business not connected in any way with the influencing of legislation—will have no receipts to report, even though it does have expenditures to report.

(iii) *Receipts of Multi-purpose Organizations.*—Some organizations do not receive any funds which are to be expended solely for the purpose of attempting to influence legislation. Such organizations make such expenditures out of a general fund raised by dues, assessments, or other contributions. The percentage of the general fund which is used for such expenditures indicates the percentage of dues, assessments, or other contributions which may be considered to have been paid for that purpose. Therefore, in reporting receipts, such organizations may specify what that percentage is, and report their dues, assessments, and other contributions on that basis. However, each contributor of $500 or more is to be listed, regardless of whether the contribution was made solely for legislative purposes.

(c) IF THIS REPORT IS FOR AN AGENT OR EMPLOYEE.—(i) *In general.* In the case of many employees, all receipts will come under Items "D 5" (received for services) and "D 12" (expense money and reimbursements). In the absence of a clear statement to the contrary, it will be presumed that your employer is to reimburse you for all expenditures which you make in connection with legislative interests.

(ii) *Employer as Contributor of $500 or More.*—When your contribution from your employer (in the form of salary, fee, etc.) amounts to $500 or more, it is not necessary to report such contribution under "D 13" and "D 14," since the amount has already been reported under "D 5," and the name of the "employer" has been given under Item "B" on page 1 of this report.

D. RECEIPTS (INCLUDING CONTRIBUTIONS AND LOANS):

Fill in every blank. If the answer to any numbered item is "None," write "NONE" in the space following the number.

Receipts (other than loans)

1. $..............Dues and assessments
2. $..............Gifts of money or anything of value
3. $..............Printed or duplicated matter received as a gift
4. $..............Receipts from sale of printed or duplicated matter
5. $..............Received for services (e.g., salary, fee, etc.)
6. $..............TOTAL for this Quarter (Add "1" through "5")
7. $..............Received during previous Quarters of calendar year
8. $..............TOTAL from Jan. 1 through this Quarter (Add "6" and "7")

Loans Received—"The term 'contribution' includes a . . . *loan* . . ."—§ 302(a).

9. $..............TOTAL now owed to others on account of loans
10. $..............Borrowed from others during this Quarter
11. $..............Repaid to others during this Quarter

12. $..............''Expense Money'' and Reimbursements received this Quarter.

Contributors of $500 or More (from Jan. 1 through this Quarter)

13. Have there been such contributors?
Please answer "yes" or "no": ....

14. In the case of each contributor whose contributions (including loans) during the "period" from January 1 through the last day of this Quarter, total $500 or more:

Attach hereto plain sheets of paper, approximately the size of this page, tabulate data under the headings "Amount" and "Name and Address of Contributor"; and indicate whether the last day of the period is March 31, June 30, September 30, or December 31. Prepare such tabulation in accordance with the following example:

Amount	*Name and Address of Contributor* (*"Period"* from Jan. 1 through.............................., 19.......)
$1,500.00	John Doe, 1621 Blank Bldg., New York, N.Y.
$1,785.00	The Roe Corporation, 2511 Doe Bldg., Chicago, Ill.
$3,285.00	TOTAL

NOTE on ITEM "E".—*(a)* IN GENERAL. "The term 'expenditure' includes a payment, distribution, loan, advance, deposit, or gift of money or anything of value, and includes a contract, promise, or agreement, whether or not legally enforceable, to make an expenditure"—§ 302 (b) of the Lobbying Act.

(b) IF THIS REPORT IS FOR AN AGENT OR EMPLOYEE. In the case of many employees, all expenditures will come under telephone and telegraph (Item "E 6") and travel, food, lodging, and entertainment (Item "E 7").

E. EXPENDITURES (INCLUDING LOANS) IN CONNECTION WITH LEGISLATIVE INTERESTS:

Fill in every blank. If the answer to any numbered item is "None," write "NONE" in the spaces following the number.

Expenditures (other than loans)

1. $..............Public relations and advertising services
2. $..............Wages, salaries, fees, commissions (other than Item "1")
3. $..............Gifts or contributions made during Quarter
4. $..............Printed or duplicated matter, including distribution cost
5. $..............Office overhead (rent, supplies, utilities, etc.)
6. $..............Telephone and telegraph
7. $..............Travel, food, lodging, and entertainment
8. $..............All other expenditures
9. $..............TOTAL for this Quarter (Add "1" through "8")
10. $..............Expended during previous Quarters of calendar year
11. $..............TOTAL from Jan. 1 through this Quarter (Add "9" and "10")

Loans Made to Others—"The term 'expenditure' includes a . . . *loan* . . ."—§ 302 (b).

12. $..............TOTAL now owed to person filing
13. $..............Lent to others during this Quarter
14. $..............Repayments received during this Quarter

15. *Recipients of Expenditures of $10 or More*____________

If there were no single expenditures of $10 or more, please so indicate by using the word "NONE".

In the case of expenditures made during this Quarter by, or on behalf of, the person filing: Attach plain sheets of paper approximately the size of this page and tabulate data as to expenditures under the following heading: "Amount," "Date or Dates," "Name and Address of Recipient," "Purpose." Prepare such tabulation in accordance with the following example:

Amount	*Date or Dates—Name and Address of Recipient—Purpose*
$1,750.00	7–11: Roe Printing Co., 3214 Blank Ave., St. Louis, Mo.—Printing and mailing circulars on the "Marshbanks Bill."
$2,400.00	7–15, 8–15, 9–15: Britten & Blaten, 3127 Gremlin Bldg., Washington, D.C.—Public relations service at $800.00 per month.
$4,150.00	TOTAL

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
A-K Associates, Inc, 1024 10th Street, #300 Sacramento, CA 95814	City of South Lake Tahoe		2,036.02
Do	Golden Gate Bridge Highway & Transportation District	6,300.00	4,072.04
Do	Reclamation District 1000		
Do	Tobacco Institute	26,935.00	34,612.31
Abbitt & Bennett, 12121 Wilshire Blvd., #1100 Los Angeles, CA 90025	Fujisawa U.S.A.	15,820.50	1,315.35
Leanne J. Abdnor, 1350 I Street, NW, #670 Washington, DC 20005	Koch Industries, Inc	3,000.00	849.68
Paul C. Abenante, 1111 14th St., NW, #300 Washington, DC 20005	American Bakers Assn		
Aborn & Anesi, 1225 Eye Street, NW, #1100 Washington, DC 20005	Handgun Control, Inc	9,000.00	
Nels Ackerson, 9915 S. Glen Road Potomac, MD 20854	Ackerson & Feldman (For:Government of Quebec, Ministry of International Affairs).		
Ackerson & Feldman, 901 Fifteenth Street, NW, #1250 Washington, DC 20005-2301	Government of Quebec, Ministry of International Affairs		
Kenneth R. Adams, 2211 Congress Street Portland, ME 04122	UNUM Life Insurance Co	500.00	225.00
David A. Affeldt, 10404 Joiners Lane Potomac, MD 20854	Association for Gerontology in Higher Education	750.00	
John Aguirre, 1401 New York Avenue, NW Washington, DC 20005	National Food Processors Assn		
Air Transport Assn of America, 1709 New York Ave., NW Washington, DC 20006		217,038.79	217,038.79
Michael A. Aisenberg, 1331 Pennsylvania Ave., NW, #600-2 Washington, DC 20004	Digital Equipment Corp	23,500.00	
Albanian American Civic League, 717 Second Street, NE. #303 Washington, DC 20002		6,420.00	5,461.00
Virginia S. Albrecht, 1350 I Street, NW Washington, DC 20005	Beveridge & Diamond, P.C. (For:Foundation for Environmental & Economic Progress, Inc).	1,861.00	
Claude D. Alexander, 1350 I Street, NW, #840 Washington, DC 20005	Ralston Purina Company	15,000.00	883.12
Marjorie D. Allen, 1625 L Street, NW Washington, DC 20036	American Fed of State County & Municipal Employees	10,826.28	908.46
William E. Allen, 211 East Chicago Ave. Chicago, IL 60611	American Dental Assn	1,000.00	
Allen Company, Richard V., 905 16th Street, NW Washington, DC 20006	Centennial Companies		
Alliance for Acid Rain Control, 444 N. Capitol Street, #526 Washington, DC 20001		12,500.00	2,019.00
Alliance Against Handguns, P.O. Box 75700 Washington, DC 20013			
Robert F. Allnut, 1100 15th St., NW, #900 Washington, DC 20005	Pharmaceutical Manufacturers Assn	1,000.00	
Alpha Lyracom d/b/a Pan American Satellite, One Pickwick Plaza Greenwich, CT 06830			
Harvey Alter, 1615 H Street, NW Washington, DC 20062	U.S. Chamber of Commerce	522.50	
Loren J. Alter, 800 North Plaza Drive Schaumburg, IL 60196	Zurich-American Insurance Companies		
Thomas H. Altmeyer, 1130 17th St., NW Washington, DC 20036	National Coal Assn	13,000.00	316.77
Jerome A. Ambro Associates, 4734 Timber Ridge Dr. Mountclair, VA 22026	Associated Universities	11,500.00	8,483.52
Robert P. Ambrose, 14615 Lone Oak Road Eden Prairie, MN 55344	Cooperative Power Association	5,000.00	50.49
American Apparel Manufacturers Assn, Inc, 2500 Wilson Blvd., #301 Arlington, VA 22201		4,385.55	4,385.88
American Arts Alliance Action League, Inc, 1319 F Street, NW, #500 Washington, DC 20004-1151			11,247.97
American Assn for Counseling & Development, 901 East Capitol Street, SE Second Floor Wahington, DC 20003		70,026.00	
American Assn for Marriage & Family Therapy, 1100 17th Street, NW, 10th Fl Washington, DC 20036		30,738.00	30,738.00
American Assn for Respiratory Care, 11030 Ables Lane Dallas, TX 75229		21,200.00	21,090.00
American Assn of Bank Directors, 1225 19th Street, NW, #710 Washington, DC 20036			
American Assn of Blood Banks, 1117 North 19th St., #600 Arlington, VA 22209		5,000.00	5,000.00
American Assn of Boomers (AAB), 2621 W. Airport Frwy, #101 Irving, TX 75062			
American Assn of Meat Processors, P.O. Box 269 Elizabethtown, PA 17022		1,793.28	73.31
American Assn of Museums, 1225 Eye Street, NW, #200 Washington, DC 20005		9,465.00	7,436.16
American Automobile Assn, 500 E Street, SW, #950 Washington, DC 20024			
American Cement Alliance, Inc, 1212 New York Avenue, NW, #520 Washington, DC 20005			34,698.36
American Dental Assn, 211 E. Chicago Ave. Chicago, IL 60611			7,000.00
American Fed of Labor & Congress of Industrial Organizations, 815 16th St., NW Washington, DC 20006			208,776.43
American Fed of State County & Municipal Employees, 1625 L St., NW Washington, DC 20036			119,656.56
American Feed Industry Assn, 1501 Wilson Blvd., #1100 Arlington, VA 22209		4,440.00	5,440.00
American Financial Services Assn, 919 18th Street, NW Washington, DC 20006			1,000.00
American Gas Assn, 1515 Wilson Boulevard Arlington, VA 22209		29,414.00	29,414.00
American Grain Inspection Institute, 1629 K Stret, NW, #1100 Washington, DC 20006		30.18	1,352.45
American Hellenic Institute Public Affairs Committee, Inc, 1730 K Street, NW, #1005 Washington, DC 20006			
American Institute of Merchant Shipping, 1000 16th Street, NW, #511 Washington, DC 20036			2,345.00
American Motorcyclist Assn, P.O. Box 6114 Westerville, OH 43081		22,500.78	22,500.78
American Newspaper Publishers Assn, Box 17407 Dulles International Airport Washington, DC 20041		482,668.90	482,668.90
American Seed Trade Assn, 1030 15th Street, NW, #964 Washington, DC 20005			14,385.00
American Soc of Cataract & Refractive Surgery, 3702 Pender Drive, #250 Fairfax, VA 22030			4,779.06
American Wood Preservers Institute, 1945 Gallows Road, #550 Vienna, VA 22182			21,375.00
Americans for the National Voter Initiative Amendment, 3115 N St., NW Washington, DC 20007			
Americans for Nonsmokers' Rights, 2530 San Pablo Ave., #J Berkeley, CA 94702		3,429.00	3,429.00
Jeffrey M. Anders, 1100 15th Street, NW, #900 Washington, DC 20005	Pharmaceutical Manufacturers Assn	4,000.00	39.00
Bette B. Anderson, 1020 19th St., NW, #800 Washington, DC 20036	KCI (Kelly Anderson & Associates, Inc) (For:SICPA Industries of America, Inc)		
Do	KCI (Kelly, Anderson & Associates) (For:U.S. Banknote Corp)		
James A. Anderson Jr., 1725 K Street, NW, #710 Washington, DC 20006	National Assn of Wholesaler-Distributors		
Michael Andrews, 1455 Pennsylvania Ave., NW, #325 Washington, DC 20004	Salomon Brothers, Inc	4,000.00	
Andrews' Associates, Inc, 2550 M St., NW, #450 Washington, DC 20037	California Dairy Institute		
Do	Interstate Natural Gas Assn (INGA)	17,500.00	
Do	Mars, Inc		
Do	Safeguard America's Family Enterprises		
Apartment & Office Building Assn, 1050 17th Street, NW, #300 Washington, DC 20036			
Apple Processors Assn, 1629 K Street, NW, #1100 Washington, DC 20006		68,311.67	31,150.03
Appraisal Institute, Public Affairs Office 600 New Hampshire Ave., NW, #1111 Washington, DC 20037		2,362.00	2,362.00
John Archer, 500 E Street, SW, #950 Washington, DC 20024	American Automobile Assn		
R. M. Julie Archuleta, 1747 Pennsylvania Avenue, NW, 3rd Fl. Washington, DC 20006	Occidental Chemical Corp	40.00	16.00
Arent Fox Kintner Plotkin & Kahn, 1050 Connecticut Ave., NW Washington, DC 20036-5339	Jean-Bertrand Aristide	10,000.00	1,685.20
Do	Central States SE & SW Areas Health Welfare & Pension Funds	59,466.81	345.12
Do	Guardian Life Insurance Co of America	47,210.12	196.67
Do	Republic Of Chile		160.11
Do	Toshiba America, Inc		6.29
Do	Toyota Motor Corporation	25,118.01	578.93
Do	Video Software Dealers Assn	75,853.13	834.94
John A. Armstrong, c/o Dow Lohnes & Albertson 1255 23rd Street, NW Washington, DC 20037	Dofasco, Inc		
Arnold & Porter, 1200 New Hampshire Ave., NW Washington, DC 20036	Commissioner, Dept of Telecommunications City of New York	1,825.00	2.75
Do	National Assn of Telecommunications Officers & Advisors		
Do	Survival Technology, Inc		
Nan Aron, 1601 Connecticut Avenue, NW Washington, DC 20009	Alliance for Justice	230.99	
Karen McGill Arrington, 2027 Massachusetts Ave., NW Washington, DC 20036	Leadership Conference on Civil Rights	2,951.98	20.00
Asbill Junkin Myers & Buffone, 1615 New Hampshire Ave., NW Washington, DC 20009	Coalition on Smoking or Health	7,350.00	15,602.71
Association for Commuter Transportation, Inc, 808 17th Street, NW, #200 Washington, DC 20006-3953			
Association of Financial Services Companies, 888 17th Street, NW, #312 Washington, DC 20006			3,750.00
Association of Private Pension & Welfare Plans, Inc, 1212 New York Avenue, NW, #1250 Washington, DC 20005		7,031.21	448.89
Association of Urban Universities, P.O. Box 33276 Washington, DC 20033		3,000.00	552.24
George J. Aste, 1707 L St., NW, #300 Washington, DC 20036-4202	United Airlines, Inc	500.00	
Ater Wynne Hewitt Dodson & Skerritt, 1225 19th Street, NW, #200 Washington, DC 20036	Agriculture Ocean Transportation Coalition	743.50	2,638.73
Do	CFI	3,000.00	119.90
Do	First Technology Credit Union	3,000.00	289.23
Do	Marion & Polk County Schools Credit Union	1,500.00	50.96
Do	Maritime Fire and Safety Assn	3,072.00	51.46
Do	Oregon Economic Development Dept, Marine Div	10,960.50	67.12
Do	Pacific Coast Coun of Custom Brokers & Freight Forwarders	9,000.00	1,174.93
Do	Port of Portland	11,250.00	366.85
Do	Port of Redwood City	6,000.00	459.75
Do	Reebok International Ltd	24,761.75	2,822.95
John J. Auciello, P.O. Box 269 Elizabethtown, PA 17022	American Assn of Meat Processors		
Kenneth E. Auer, 50 F Street, NW, #900 Washington, DC 20001	Farm Credit Council		
Susan M. Auther, 555 Thirteenth Street, NW, #450 West Columbia Square Washington, DC 20004	Union Pacific Corporation	7,850.00	211.62
Automotive Refrigeration Products Institute, 4600 East-West Highway Bethesda, MD 20814			
John S. Autry, 1146 19th Street, NW Washington, DC 20036	Susan Davis Companies	10,000.00	1,396.20
Michael G. Ayre, P.O. Box 130 Levis P.Q. Canada G6V 6N7	Mil Davie Inc		
AIDS Action Council, Inc, 2033 M Street, NW, #803 Washington, DC 20036			12,905.89
APCO Associates, Inc, 1155 21st St., NW Washington, DC 20036	American Maritime Congress		
Do	American Red Cross		
Do	Canadian Meat Council	105.00	
Do	City Utilities of Springfield	40.00	

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Do	Colorado River Energy Distributors		5.30
Do	Fujisawa USA, Inc	560.00	2.67
Do	Heart of America Northwest	690.00	25.25
Do	Hoffmann-La Roche Inc		
Do	ITT Rayonier, Inc		
Do	Missouri Joint Municipal Electric Utility Commission		
Do	Pasminco		
Do	Philip Morris Companies, Inc		
Do	Profilo Holding A.S.		
Do	Sacramento Municipal Utility District		65.00
Do	State Farm Mutual Automobile Insurance Co	1,377.50	10.00
Do	Tennessee Valley Public Power Assn		
Gregory R. Babyak, 1747 Pennsylvania Ave., NW, #900 Washington, DC 20006	Contact Lens Institute		
Do	Genentech		
Do	MacAndrews & Forbes Holding, Inc		
Do	Municipal Finance Industry Assn		
Do	National Health Labs, Inc		
Do	John Nuveen & Co, Inc		
Victor Bach, 105 East 22nd Street New York, NY 10010	Community Service Society	129.41	
Richard Anthony Baenen, 1735 New York Avenue, NW, #600 Washington, DC 20006	NANA Regional Corp, Inc		
Do	People's Republic of Angola		
Do	Shee Atika, Inc		
Cynthia E. Bailey, 1000 Potomac Street, NW, #401 Washington, DC 20007	California State Department of Education	6,000.00	166.50
William A. Bailey, 1200 17th St., NW Washington, DC 20036	American Psychological Assn	3,000.00	61.63
David Baime, 122 C Street, NW, #750 Washington, DC 20001	National Assn of Independent Colleges & Universities	6,246.00	293.00
Baker & Hostetler, 1050 Connecticut Ave., NW, #1100 Washington, DC 20036	Alexander & Alexander Services, Inc	2,500.00	2,500.00
Do	American Resort & Residential Development Assn	3,000.00	3,000.00
Do	California Independent Casualty Companies Assn	10,000.00	10,000.00
Do	Chubb Corporation	7,500.00	7,500.00
Do	Cleveland Clinic Foundation	1,000.00	1,000.00
Do	Corroon & Black Corp	2,500.00	2,500.00
Do	Edison Electric Institute	23,925.00	23,925.00
Do	Financial Holding Corp	7,000.00	7,000.00
Do	Frank B. Hall & Co, Inc	2,500.00	2,500.00
Do	Johnson & Higgins	2,500.00	2,500.00
Do	Marsh & McLennan Companies	2,500.00	2,500.00
Do	National Assn of Insurance Brokers, Inc	10,000.00	10,000.00
Do	National Assn of Professional Insurance Agents	2,000.00	2,000.00
Do	Rollins Burdick Hunter	2,500.00	2,500.00
Do	Sedgwick James, Inc	2,500.00	2,500.00
Do	St. Paul Fire & Marine	5,000.00	5,000.00
Do	Travelers Insurance Co	10,000.00	10,000.00
Do	United Fidelity Life Insurance	5,000.00	5,000.00
Baker Worthington Crossley Stansberry & Woolf, 801 Pennsylvania Ave., NW, #800 Washington, DC 20004	Argo Air	846.00	
Do	Braniff		
Do	Bremmer Industries		
Do	Burger King Corp	742.00	
Do	Contel Corp		
Do	Dallas/Fort Worth International Airport Board	2,011.50	
Do	Day & Zimmerman, Inc	202.50	35.00
Do	Dinamo		
Do	Electric Data Systems, Inc		
Do	Federal Express Corp		
Do	International Business Machines Corp (IBM)		
Do	Interturbine Corporate	1,035.00	
Do	Landauer, Inc	436.50	
Do	Los Angeles County Transportation Commission	13,774.50	304.23
Do	Morrison Knudsen Corp	1,858.50	781.58
Do	MCA, Inc		
Do	National Business Aircraft Assn	918.00	
Do	North Carolina Air Cargo Airport Authority		
Do	Occidental Petroleum Corp	1,012.50	15.00
Do	Pennzoil Co		
Do	Philip Morris Management Corp	450.00	25.00
Do	Pillsbury Company		50.00
Do	Pratt & Whitney		
Do	Ryder Aviall, Inc		
Do	Schering-Plough Corp	4,113.00	216.84
Do	Southern California Edison Co		
Do	State of California	12,798.00	315.95
Do	U.S. Sprint/Contel	3,213.00	62.50
Do	U.S. Tobacco, Inc		100.00
H. R. Balikov, 333 Thornall St. Edison, NJ 08818	J. M. Huber Corp		
Michael Baly III, 1515 Wilson Blvd. Arlington, VA 22209	American Gas Assn	8,000.00	60.70
James T. Banks, 3003 Butterfield Road Oak Brook, IL 60521	Chemical Waste Management, Inc	3,550.00	
Robert D. Bannister, 15th & M Streets, NW Washington, DC 20005	National Assn of Home Builders of the U.S.	26,560.59	26.82
Linda W. Banton, 1331 Pennsylvania Ave. NW, Washington, DC 20004	Alliant Techsystems, Inc	1,700.00	
Samuel J. Baptista, 1225 19th St., NW, #410 Washington, DC 20036	Financial Services Council	4,750.00	
Baraff Koerner Olender & Hochberg, P.C., 5335 Wisconsin Avenue, NW, #300 Washington, DC 20015-2003	College Football Association		
Do	Football Bowl Assn		
Do	National Basketball Assn	1,475.00	
Do	National Hockey League	900.00	
John Paul Barber, 8101 Glenbrook Road Bethesda, MD 20814-2749	American Assn of Blood Banks	2,500.00	
Gary C. Barbour, 507 2nd Street, NE Washington, DC 20002	Portland General Electric		62.32
Leslie A. Barhyte, Box 17407 Dulles Airport Washington, DC 20041	American Newspaper Publishers Assn	5,000.00	65.18
David H. Baris, 1225 19th Street, NW, #710 Washington, DC 20036	American Assn of Bank Directors		
Barnes Richardson & Colburn, 1819 H St., NW, #400 Washington, DC 20006	Abbott Laboratories	2,565.44	179.97
Do	J.G. Durand International	2,037.01	88.00
Do	Florida Citrus Mutual		
Do	Industrial Fastener Equity Committee	39.25	44.25
Do	Marion Merrell Dow, Inc	5,847.18	156.13
Do	Polaroid Corp	20,052.21	145.56
Larry P. Barnett, 1709 New York Ave., NW Washington, DC 20006	Air Transport Assn of America	17,726.49	
Sarah Barnett, 1101 15th Street, NW, #600 Washington, DC 20005	Sugar Assn, Inc	356.00	10.00
Ray A. Barnhart, 2602 Dellana Lane Austin, TX 78746	Marathon Oil Co	6,000.00	929.62
Terry N. Barr, 50 F Street, NW, #900 Washington, DC 20001	National Council of Farmer Cooperatives		
Thomas S. Barrett, 1815 H Street, NW, #600 Washington, DC 20006	Public Resource Associates		
Albert P. Barry, 2011 Crystal Drive, #606 Arlington, VA 22202	AAI Corp	5,837.50	
Doyle C. Bartlett, 1015 18th Street, NW, #1100 Washington, DC 20036	Conference of State Bank Supervisors	987.00	
Patricia L. Bartlett, 700 13th Street, NW, #800 Washington, DC 20005	Georgia Institute of Technology	750.00	
Richard A. Barton, 1101 17th St., NW, #705 Washington, DC 20036	Direct Marketing Assn	4,500.00	15,069.21
Bass and Howes, 1601 Connecticut Ave., NW, #801 Washington, DC 20009	Society for the Advancement of Womens Health Research	2,250.00	
Do	Women's Legal Defense Fund	8,250.00	598.01
Jim Bates, 3246 Quesada Street, NW Washington, DC 20015	American Tank Testers Association	8,320.00	
Lana R. Batts, 2200 Mill Road Alexandria, VA 22314	American Trucking Assns, Inc	11,000.00	
John L. Bauer Jr., 1667 K St., NW, #650 Washington, DC 20006	Armco, Inc	2,100.00	1,242.94
Gregory J. Baumann, 8100 Oak Street Dunn Loring, VA 22027	National Pest Control Assn		
Edward H. Baxter, 2000 M Street, NW, #700 Washington, DC 20036	Graham & James (For:Able Laboratories, Inc)	200.00	
Do	Graham & James (For:American Academy of Cosmetic Surgery, Inc)		
Do	Graham & James (For:American Fed of Musicians)	934.83	
Do	Graham & James (For:American Hawaii Cruises)	60.00	
Do	Graham & James (For:R.R. Donnelley & Sons Company)		
Do	Graham & James (For:English Bay Corp)		
Do	Graham & James (For:Federal Judges Association)	19.09	

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Do	Graham & James (For:Federal Magistrate Judges' Association)		
Do	Graham & James (For:National Assn of Immigration Judges)	231.79	
Do	Graham & James (For:Recording Industry Assn of America)	934.83	
Do	Graham & James (For:United Video, Inc)		
Tina Marts Beach, 1331 Pennsylvania Avenue, NW, #700-S Washington, DC 20004	General Electric Co		
Beacon Consulting Group, Inc, 1012 Pennsylvania Ave, SE Washington, DC 20003	Asphalt-Rubber Producers Group	12,000.00	1,183.18
Do	Big Brothers & Big Sisters of America	1,500.00	122.66
Do	Cummins-Allison Corp	825.00	107.21
Do	Museum of Science & Industry	7,500.00	2,459.91
Do	National Coalition for Volunteer Protection	250.00	1,893.83
Do	National Crime Prevention Council	14,400.00	1,023.65
Do	National Museum of Health & Medicine Foundation	12,000.00	193.12
Do	Orton Dyslexia Society	2,325.00	25.01
Do	TDS Healthcare Systems Corp	8,400.00	2,275.69
Dorothy A. Beam, 1510 Laburnum Street McLean, VA 22101	Richard J. Sullivan Associates, Inc (For:Alameda County Transportation Authority).		
Do	Richard J. Sullivan Associates, Inc (For:American Airlines)		
Do	Richard J. Sullivan Associates (For:Association of American Railroads)	9,000.00	
Do	Richard J. Sullivan Associates, Inc (For:Greater Washington Board of Trade)		
Do	Richard J. Sullivan Associates, Inc (For:National Utility Products Co)		
Do	Richard J. Sullivan Associates, Inc (For:Northeast Ohio Regional Sewer District)		
Do	Richard J. Sullivan Associates, Inc (For:Pyrotechnic Signal Manufacturers Assn)		
Virginia K. Beauchamp, 575 Ritchie Road Capitol Heights, MD 20743	Bennie L. Thayer	13,090.39	
Brenda Larsen Becker, 655 15th Street, NW, #350 Washington, DC 20005	Blue Cross & Blue Shield Assn	692.00	319.09
Stacey Beckhardt, 750 17th Street, NW, #1100 Washington, DC 20006	American Soc of Clinical Oncology		
Steven M. Beckman, 1757 N Street, NW Washington, DC 20036	Int'l Union, United Auto Aerospace & Agric Implement Workers	7,738.13	35.00
Elizabeth W. Beckwith, 300 5th Street, NE Washington, DC 20002	American Osteopathic Assn	5,000.00	
William W. Beddow, 1730 Pennsylvania Ave., NW, #750 Washington, DC 20006	Caterpillar, Inc	3,000.00	58.67
Edwin L. Behrens, Market Square 801 Pennsylvania Ave., NW, #720 Washington, DC 20004-2604	Procter & Gamble Co	298.88	
David Beier, 1747 Pennsylvania Ave., NW, #1223 Washington, DC 20006	Genentech, Inc	3,000.00	385.58
Kenneth J. Beirne, 777 14th Street, NW Washington, DC 20005	National Assn of Realtors	2,500.00	
Robert R. Belair, 1800 M Street, NW South Lobby, 9th Floor Washington, DC 20036	Kirkpatrick & Lockhart (For:Center for Civic Education)	1,046.00	106.50
Do	Kirkpatrick & Lockhart (For:Constitutional Rights Foundation)	1,046.00	106.50
Do	Kirkpatrick & Lockhart (For:National Institute for Citizen Education in the Law)	1,046.00	106.50
Donald K. Belch, c/o Dow Lohnes & Albertson 1255 23rd Street, NW Washington, DC 20037	Stelco, Inc	178.90	492.70
Stephen E. Bell, 1455 Pennsylvania Ave., NW, #350 Washington, DC 20004	Salomon Brothers, Inc	5,000.00	
William Berger, 4 World Trade Center New York, NY 10048	New York Mercantile Exchange		
Martha Bergmark, 1625 K Street, NW, #800 Washington, DC 20006	National Legal Aid & Defender Assn	16,747.50	
Jane W. Bergwin, 1016 16th Street, NW, 5th Floor Washington, DC 20036	Consumers Power Co	3,448.00	6,998.00
Linda K. Berkshire, 122 C Street, NW, #750 Washington, DC 20001	National Assn of Independent Colleges and Universities	10,062.00	
Peter A. A. Berle, 950 Third Avenue New York, NY 10022	National Audubon Society	1,000.00	509.00
William R. Berman, 500 E Street, SW, #950 Washington, DC 20024	American Automobile Assn		
George K. Bernstein, 1730 K St., NW Washington, DC 20006	Nationwide Insurance Companies		
Zalman C. Bernstein, Sanford C. Bernstein & Co, Inc 767 Fifth Avenue New York, NY 10153			
Robert E. Berry, 1515 Wilson Boulevard Arlington, VA 22209	American Gas Assn	1,950.00	74.58
Willard M. Berry, 1625 K Street, NW, #1090 Washington, DC 20006	National Foreign Trade Council, Inc	1,600.00	350.00
Margot Bester, 2300 N Street, NW, #725 Washington, DC 20037	Murphy & Demory, Ltd (For:Cable & Wireless North America, Inc)		
Do	Murphy & Demory, Ltd (For:Prodigy Services Corporation)		
Do	Murphy & Demory, Ltd (For:U.S. Telephone Assn)		
Albert J. Beveridge, 1350 I Street, NW, #700 Washington, DC 20005	Beveridge & Diamond (For:Foundation for Environmental & Economic Progress, Inc).	681.00	
Beveridge & Diamond, P.C., 1350 Eye Street, NW, #700 Washington, DC 20005	Conference of National Park Concessioners		
Do	Foundation for Environmental & Economic Progress, Inc	5,629.80	7,321.00
Do	Laurance S. Rockefeller		
Debbie Billet-Roumell, 901 E Street, NW, #600 Washington, DC 20004	National Treasury Employees Union	14,665.00	355.52
Kelli Birtwell, 2012 Massachusetts Avenue, NW Washington, DC 20036	National Fed of Business & Professional Women's Clubs		
Cathleen Black, Box 17407 Dullas Airport Washington, DC 20041	American Newspaper Publishers Assn	6,000.00	342.38
Black Crotty Sims Hubka Burnett Bartlett & Samuels, 501 North Grandview Ave. P.O. Box 5488 Daytona Beach, FL 32018	Aetna Life Insurance Company	20,000.00	
Do	Health Images, Inc	2,850.00	
Do	Midland Risk Insurance Company		
Do	Nascar, Inc		
Do	Security First Federal Savings & Loan Assn		
Sara Block, 1625 K Street, NW, #900 Washington, DC 20006	Sporting Goods Manufacturers Assn (SGMA)		
Shawn M. Bloom, 901 E Street, NW, #500 Washington, DC 20004-2837	American Assn of Homes for the Aging		
Douglas M. Bloomfield, 13712 Wagon Way Silver Spring,, MD 20906	Gadot Petrochemical Industries	3,150.00	76.68
Robert S. Bludworth, 5205 Leesburg Pike, #1600 Falls Church, VA 22041	National Beer Wholesaler's Assn	3,500.00	
Lawrence Blume D., 2000 M Street, NW Washington, DC 20036	Graham & James (For:Milk Specialties Co)	375.00	
Wayne F. Boan, 13525 East 30th Street, Unit B Tulsa, OK 74134	Employers Council on Flexible Compensation	200.00	
Jeffrey Bobeck, 1341 G Street, NW, #1100 Washington, DC 20005	Molson Breweries USA, Inc		
Do	REN Corporation		
Do	Smith Corona Corp	2,170.00	
Do	Torrington Company		
Robert Spurrier Boege, 1575 Eye Street, NW Washington, DC 20005	American Soc of Assn Executives	300.00	
Doyce Boesch, 1317 F Street, NW, #400 Washington, DC 20004	R. Duffy Wall & Associates	1,250.00	
James E. Boland, 1341 G Street, NW, 9th Floor Washington, DC 20005	Philip Morris Management Corp	4,500.00	272.47
Mark P. Bolduc, 1125 15th Street, NW, #700 Washington, DC 20005	Mortgage Bankers Assn of America		1,044.70
Eugene R. Bolo, 4000 Boury Center Wheeling, WV 26003	Oralco Management Services, Inc (For:Ormet Corp)		
Do	Oralco Management Services, Inc (For:Ravenswood Aluminum Corp)		
Edward N. Bond, 1700 N. Moore St., #2120 Rosslyn, VA 22209	Boeing Company	1,650.00	46.00
Judith Bonderman, 1225 Eye Street, NW Washington, DC 20005	Handgun Control, Inc	10,769.00	
Bonneville Associates, Inc, 257 E. 200 South, #925 Salt Lake City, UT 84111	Bonneville Pacific Corp		
Do	Recomp, Inc	425.00	33.46
Do	Solid Waste Composting Council		
Do	Western Regional Council	1,155.00	43.08
Robert Bonnie, 216 7th Street, SE Washington, DC 20003	Scenic America	750.00	425.00
Bostrom Corp, 808 17th Street, NW, #200 Washington, DC 20006	Association for Commuter Transportation, Inc (ACT)		
Do	Fire Equipment Manufacturers & Services Assn, Inc		
Kenneth A. Bouldin, 1212 Potomac Street, NW Washington, DC 20007	Computer Dealers & Lessors Assn		
Betty Hudson Bowers, 1627 K Street, NW, #300 Washington, DC 20006	Fluor Corporation	15,000.00	199.32
Michael Bowers, 1100 17th Strret, NW, 10th Floor Washington, DC 20036	American Assn for Marriage & Family Therapy	2,838.00	
Larry G. Bowles, 1150 Connecticut Ave., NW, #200 Washington, DC 20036	Halliburton Co		5,100.00
Lavinia Boxill, 1100 17th Street, NW, 10th Floor Washington, DC 20036	American Assn for Marriage & Family Therapy	1,787.00	
Richard K. Boyd, 299 Park Ave. New York, NY 10171	Westvaco Corporation		1,402.56
Carolyn A. Boyer, 1025 Connecticut Ave., NW, #1200 Washington, DC 20036	Health Insurance Assn of America, Inc		
Paul Boyle, Box 17407 Dulles Airport Washington, DC 20041	American Newspaper Publishers Assn	7,000.00	223.07
Henry E. Braden, 2122 N. Galvez Street New Orleans, LA 70119	Entergy Services, Inc	9,600.00	
Cynthia P. Bradley, 1625 L Street, NW Washington, DC 20036	American Fed of State County & Municipal Employees	10,256.76	441.50
Lawrence C. Brady, 2001 M Street, NW Washington, DC 20036	Capitoline International Group Ltd (For:City of America)		
Sarah Brady, 1225 Eye Street, NW, #1100 Washington, DC 20005	Handgun Control, Inc	13,749.00	
Raymond F. Bragg Jr., 1025 Thomas Jefferson Street, NW, #700-E Washington, DC 20007	Federal Strategies (For:American Independent Refiners Assn)	862.50	163.12
Do	Legislative Strategies (For:Bridge Products)		
Do	Legislative Strategies (For:Cogeneration & Independent Power Coalition of America, Inc).		
Do	Legislative Strategies (For:Donohue & Associates, Inc)	900.00	100.00
Do	Legislative Strategies (For:Globos International, Inc)		
Do	Legislative Strategies (For:National Hydropower Assn)		
Do	Legislative Strategies (For:Natural Gas Vehicle Coalition)		
Do	Legislative Strategies (For:State of New Mexico (Natural Gas Programs))		
Do	Legislative Strategies (For:Texas-New Mexico Power Company)		
Do	Legislative Strategies (For:Tosco Corp)		
Joel Brandenberger, 627 Edmonston Drive Rockville, MD 20851	National Turkey Federation	8,250.00	85.55
David L. Brandon, 1129 Twentieth Street, NW, #705 Washington, DC 20036	National Assn of Real Estate Investment Trusts, Inc		
Edward T. Breathitt, 1500 K Street, NW, #375 Washington, DC 20005	Norfolk Southern Corp	1,000.00	
Peter E. Brereton, 1101 15th Street, NW, #400 P.O. Box 5937 Washington, DC 20005-5070	Ameritrust Co, Nat'l Assn		

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Cynthia A. Brown, 1640 Wisconsin Ave., NW, First Floor Washington, DC 20007	American College of Surgeons		51.91
David C. Brown, 2100 Pennsylvania Ave., NW, #675 Washington, DC 20037	Philadelphia Electric Company	3,125.00	1,536.90
Donald K. Brown, 1121 L St., #610 Sacramento, CA 95814	Crowley Maritime Corp		
Do	Summa Corporation		
James P. Brown, 232 N. Kingshighway, #202 St. Louis, MO 63108	Bi-State Development Agency	7,900.00	3,980.00
Do	City of St. Louis - City Hall	4,700.00	1,905.00
Do	Lambert-St. Louis International Airport	26,000.00	8,390.00
John J. Brown, 50 E Street, SE Washington, DC 20003	John J. Brown & Associates (For:Labor Management Committee of the Tobacco Institute).	1,000.00	900.00
Omer F. Brown II, 701 Pennsylvania Avenue, NW, #600 Washington, DC 20004	Davis Wright Tremaine (For:Hazardous Waste Action Coalition)	1,702.00	131.10
Do	Davis Wright Tremaine (For:Lockheed Engineering & Sciences Co)	27,770.00	226.97
Paul S. Brown, 205 East 42nd Street New York, NY 10017	Risk & Insurance Management Society, Inc		
S. M. Henry Brown Jr., 1776 Eye Street, NW, #275 Washington, DC 20006	Entergy Services, Inc	6,900.00	450.94
Valerie L. Brown, New Jersey Law Center 1 Constitution Square New Brunswick, NJ 08901-1500	New Jersey State Bar Assn		
William R. Brown Jr., 122 C Street, NW, #330 Washington, DC 20001	National Rural Letter Carriers Assn	19,181.00	
T. G. Brown & Associates, Inc, 1090 Vermont Ave. NW, 3rd Floor Washington, DC 20005	Lifebank, Inc		
Brownstein Zeidman & Schomer, 1401 New York Ave., NW, #900 Washington, DC 20005	Schochet Associates		
Broydrick Broydrick & Dacey, 600 East Mason Street Milwaukee, WI 53202	Aurora Health Care	256.25	43.99
Do	Blood Center of Southeastern Wisconin	162.50	10.98
Do	Children's Hospital of Wisconsin	5,125.00	1,106.51
Do	EDS Corp	1,412.50	155.84
Do	Meehan Seaway	100.00	13.76
Do	Milwaukee Area Technical College	9,947.50	510.74
Do	Milwaukee Metropolitan Sewerage District	775.00	91.22
Do	Oneida Nation	16,885.00	532.65
Do	Plumbers Local #75		9.30
Do	PrimeCare Health Plan	100.00	20.98
Do	Specialty Vehicle Institute of America	4,412.50	232.22
Do	Waste Management, Inc	12,250.00	2,056.43
Do	Watertown Memorial Hospital	100.00	20.30
Jeanne Broyhill, 1101 Pennsylvania Avenue, NW, #950 Washington, DC 20077	Federal Home Loan Mortgage Corp	10,000.00	2,508.67
David J. Brugger, 1350 Connecticut Ave., NW, #200 Washington, DC 20036	Association of America's Public Television Stations		
Kenley W. Brunsdale, 6071 Aries Drive Salt Lake City, UT 84118	Fabian & Clendenin (For:Envirocare of Utah, Inc)	12,000.00	3,000.00
Do	Fabian & Clendenin (For:Wasatch County)	6,000.00	1,500.00
Don C. Buchanan, 1750 New York Ave., NW Washington, DC 20006	Sheet Metal Workers International Assn	19,394.75	
Jeremiah S. Buckley, 1500 K Street, NW, #200 Washington, DC 20005	Thacher Proffitt & Wood (For:Citicorp Mortgage Finance, Inc.)	2,860.00	
Do	Thacher Proffitt & Wood (For:Massachusetts Bankers Assn)	5,200.00	
Do	Thacher Proffitt & Wood (For:National Council of Savings Institutions)	3,034.00	
Do	Thacher Proffitt & Wood (For:Residential Services Corp of America)		
Do	Thacher Proffitt & Wood (For:Savings Bank of Life Insurance)	2,080.00	
John G. Buckley, 901 15th Street, NW, #700 Washington, DC 20005-2301	New England Fuel Institute	500.00	
Betsy Buffington, 938 Sumner Sheridan, WY 82801	Sierra Club	256.07	256.07
Ann Garver Bulcao, 316 Pennsylvania Ave., SE, #400 Washington, DC 20003	National Assn of Casualty and Surety Agents	1,500.00	138.44
Thomas J. Bulger, Government Relations, Inc 1050 17th Street, NW, #510 Washington, DC 20006	County of Fairfax	25,000.00	12,650.15
Do	County of San Mateo	15,000.00	4,183.47
Do	Metropolitan Transportation Commission	17,833.32	7,533.12
Do	Oakland County	8,721.21	2,106.35
Do	Robin Peripheral Developers	12,500.00	15,132.22
David G. Burden, 200 E. Randolph Dr. P.O. Box 87703 Chicago, IL 60680-0703	Amoco Corporation		2,545.80
James D. Burge, 1350 I Street, NW, #400 Washington, DC 20005	Motorola, Inc	6,500.00	
Burgum and Grimm, Ltd, 106 North Carolina Ave., SE Washington, DC 20003	Harza Engineering Company	24,000.00	5,665.63
Diane B. Burke, 1625 L Street, NW Washington, DC 20036	American Fed of State County & Municipal Employees	14,597.00	720.00
Kevin M. Burke, 1111 14th St., NW Washington, DC 20005	American Bakers Assn		
David G. Burney, 1101 17th St. N.W., #609 Washington, DC 20036	U.S. Tuna Foundation	12,000.00	3,000.00
Kevin R. Burns, 1920 N Street, NW Washington, DC 20036	American Mining Congress		
Timothy F. Burns, 2501 M St., NW Washington, DC 20037	Chemical Manufacturers Assn, Inc	4,000.00	51.50
William Byler Associates, Inc, 1155 Conn. Ave., NW, #300 Washington, DC 20036	Ak-Chin Indian Community Council	96.50	
Do	Havasupai Tribal Council		
Do	San Carlos Apache Tribe	206.41	
BP America, Inc, 1776 Eye Street, NW, Suite 1000 Washington, DC 20006			2,710.98
C & C Consulting Group, Inc, 210 Cameron Street Alexandria, VA 22314	Leo Eisenberg & Company		
Debra Cabral, 608 Massachusetts Avenue, NW Washington, DC 20002	Nutter & Harris	4,500.00	
John R. Cady, 1401 New York Avenue, NW, #400 Washington, DC 20005	National Food Processors Assn	600.00	400.00
Leslie Schuchart Cahill, 1030 15th Street, NW, #964 Washington, DC 20005	American Seed Trade Assn	6,000.00	
Morrison G. Cain, 1901 Pennsylvania Ave., NW, #200 Washington, DC 20006	International Mass Retail Assn	6,250.00	
Thomas Caldwell, 4-30-1-202 Nishi-Shinjuku Tokyo 160 Japan			
Bruce P. Cameron, 1725 17th Street, NW, #109 Washington, DC 20006	Embassy of Mozambique		1,158.00
Do	Embassy of Nicaragua	10,500.00	1,698.00
Do	Estna Center		848.00
Paul A. Cammer, 1225 19th Street, NW Suite 300 Washington, DC 20036	Cammer & Associates (For:Business Council on Indoor Air)		
Campaign for U.N. Reform-Political Education Committee, 418 7th Street, SE Washington, DC 20002		6,756.04	11,580.41
C. Thomas Campbell, 1776 Eye Street, NW, #575 Washington, DC 20006	DowElanco		6,414.00
Jeanne Campbell, Campbell-Raupe, Inc 1010 Pennsylvania Avenue, SE Washington, DC 20003	Algonquin Gas Transmission		
Do	American Assn of Advertising Agencies		
Do	American Nuclear Energy Council		
Do	Invest to Compete Alliance		
Do	National Machine Tool Builders' Assn		
Do	Securities Industry Assn		
Do	Stone & Webster Engineering Corp		
Do	Westinghouse Electric Corp		
Sarah L. Campbell, 1735 New York Ave., NW Washington, DC 20006	American Institute of Architects		
Clarke D. Camper, 1101 Pennsylvania Ave., NW, #950 Washington, DC 20006	Federal Home Loan Mortgage Corp	4,000.00	3,480.38
Can Manufacturers Institute, 1625 Massachusetts Ave., NW Washington, DC 20036		35,000.00	11,600.00
John D. Canatsey, 1735 Jefferson Davis Hwy., #1001 Arlington, VA 22202	Thiokol Corp		43,751.00
Brent A. Cantley, 1735 New York Ave., NW Washington, DC 20006	American Institute of Architects		
Richard R. Cape, 1776 Eye Street, NW, #1000 Washington, DC 20006	BP America, Inc		
Capitoline International Group Ltd, 2001 M Street, NW Washington, DC 20036	City of America		197.94
Do	Professional Lawn Care Assn of America	15,000.00	3,005.55
Caplin & Drysdale, Chtd, One Thomas Circle, NW, #1100 Washington, DC 20005	Council on Foundations, Inc	750.00	
Do	Investors in Home-Stake Production Company		40.40
Carole-jean M. Carbone, 1201 New York Ave., NW, #530 Washington, DC 20005	Logs Group		
Marie C. Carbone, 1225 Eye Street, NW, #1100 Washington, DC 20005	Handgun Control, Inc	8,292.00	
Melissa Coggeshall Carey, 4135 Lorcom Lane Arlington, VA 22207	Harris Corporation	907.24	249.12
Edward J. Carlough, 1750 New York Avenue, NW Washington, DC 20006	Sheet Metal Workers International Assn	37,827.50	
George U. Carneal III, 1129 20th Street, NW, #600 Washington, DC 20036	Group Health Assn of America, Inc		
William Carney, 217 3rd St., SE Washington, DC 20003	American Nuclear Energy Council	20,000.00	
Do	Edison Electric Institute	15,000.00	
Do	Enserch Corp	5,500.00	
Phyllis D. Carnilla, 1700 17th Street, NW, #301 Washington, DC 20009	American Fisheries Coalition	620.80	
Julia Carol, 2530 San Pablo Avenue, #J Berkeley, CA 94702	Americans for Nonsmokers' Rights	389.00	
Read Carson Van de Water, 901 15th Street, NW, #500 Washington, DC 20005	Northwest Airlines, Inc	8,750.00	500.00
Michael K. Casey, 7105 Fort Hunt Road Alexandria, VA 22307	Nationwide Insurance Companies		
Lawrence J. Cassidy, 1750 New York Avenue, NW Washington, DC 20006	Sheet Metal Workers International Assn	33,287.50	
G. Thomas Cator, 1050 17th Street, NW Washington, DC 20036	Neece Cator & Associates (For:American Industrial Hygiene Assn)	1,500.00	1,500.00
Do	Neece Cator & Associates, Inc (For:Association of Small Business Development Centers).		
Do	Neece, Cator & Associates (For:Design Professional Coalition)		
Do	Neece Cator & Associates (For:Hazardous Waste Action Coalition)		
Do	Neece Cator & Associates (For:National Assn of Development Companies)		
Do	Neece Cator & Associates, Inc (For:Southeastern Lumber Manufacturers Assn)		
Cendrowski, Selecky & Reinhart, 2050 N. Woodward, #310 Bloomfield Hills, MI 48013	Taubman Company, Inc	11,163.75	
Center for Responsive Politics, 1320 19th Street, NW Washington, DC 20036			
Centerior Energy Corp, P.O. Box 94661 Cleveland, OH 44101-4661			
Michael J. Chakarun, 1920 N Street, NW Washington, DC 20036	American Mining Congress		

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Megan Chambers, 1828 L Street, NW, #802 Washington, DC 20036	American Foundation for AIDS Research	1,000.00	33.00
Chambers Associates, Inc, 1625 K Street, NW, #200 Washington, DC 20006	American Postal Workers Union, AFL-CIO		
Do	Coalition of Publicly Traded Limited Partnerships	2,688.00	
Do	Columbia Falls Aluminum Company		
Do	Council of Infrastructure Financing Authorities		
Do	Lead Industries Assn	400.00	
Do	Manville Corporation	1,025.00	
Do	National Comm to Preserve Social Security & Medicare	3,750.00	
Do	Newhall Land and Farming Company		
Do	Rockland Telephone Company, Inc		
Ed Chandler, 7901 Westpark Drive McLean, VA 22102	AMT - The Assn for Manufacturing Technology	14,025.00	500.00
Nancy Chapman, 1723 U Street, NW Washington, DC 20009	N. Chapman Associates, Inc (For:Society for Nutrition Education)	3,000.00	1,366.75
Richard A. Charter, 6947 Cliff Ave. Bodega Bay, CA 94923	County Administrative Office County of Santa Cruz	13,500.00	9,898.53
Leslie Cheek III, 1025 Connecticut Avenue, NW, #414 Washington, DC 20036	Crum & Forster Corp	35,470.00	383.00
Christopher Chiames, 1709 New York Ave., NW Washington, DC 20006	Air Transport Assn of America	13,315.81	
Child Care America, Inc, 14102 Warwick Blvd Newport News, VA 23602		500.00	500.00
Children's Television Workshop, One Lincoln Plaza New York, NY 10023			
Charisse Victoria Ciambrone, 1705 South 17th Street Las Vegas, NV 89104			
Linda Church Ciocci, 2301 M Street, NW Washington, DC 20037	American Public Power Assn	900.00	
Citizens for an Alternative Tax System, 100 North Brand Blvd, Suite 502 Glendale, CA 91203		4,527.00	4,527.00
Citizens Political Action Committee, P.O. Box 645 228 South A Street, #2 Oxnard, CA 93032			
Jayne Clancy, 901 E Street, NW, #600 Washington, DC 20004	National Treasury Employees Union	11,500.00	1,469.00
James F. Clark, P.O. Box 2l2l1 Juneau, AK 99802-1211	Alaska Loggers Assn		
Julie Clark, 1625 K St., NW, #800 Washington, DC 20006	National Legal Aid & Defenders Assn	13,252.98	37.00
Lynn C. Clark, 1411 K Street, NW, #603 Washington, DC 20005	District of Columbia Chamber of Commerce	1,075.00	
Robert G. Clark, 400 Madison St., #1908 Alexandria, VA 22314	Ryder Systems, Inc		
Cleveland Electric Illuminating Co, 55 Public Square Cleveland, OH 44113			
Lawrence Clinton, 900 19th Street, NW, Suite 800 Washington, DC 20006	U.S. Telephone Assn	9,062.00	
Guy Clough, 1709 New York Ave., NW Washington, DC 20006	Air Transport Assn of America	16,285.15	
Jamie L. Clover, 1501 Wilson Blvd., #1100 Arlington, VA 22209	American Feed Industry Assn	1,200.00	
Coalition for Pension Reform (CPR), 1333 New Hampshire Ave., NW 7th Floor Washington, DC 20036			
Coalition for Vehicle Choice, 1440 New York Ave., NW, #320 Washington, DC 20005		1,383,235.00	259,046.00
Coalition of Americans to Protect Sports (CAPS), 200 Castlewood Drive North Palm Beach, FL 33408			
Coalition to Stop Gun Violence, 100 Maryland Ave., NE Washington, DC 20002		71,258.00	57,104.00
Marvin S. Cohen, 3300 N. Central Ave., 20th Floor Phoenix, AZ 85012-2576	City of Globe		
Do	Sacks Tierney Kasen & Kerrick (For:City of Tucson)	682.50	
Sharon Cohen, 1400 K Street, NW Washington, DC 20005	American Psychiatric Assn	2,374.00	1,068.56
Ken W. Cole, 1001 Pennsylvania Avenue, NW, #700 Washington, DC 20004	Allied-Signal, Inc		
Collier Shannon & Scott, 3050 K Street, NW, #400 Washington, DC 20007	Golden Gate Petroleum International	6,000.00	6,000.00
Comiskey & Hunt, One Courthouse Metro, #850 2200 Wilson Boulevard Arlington, VA 22201	Gold Fields Operating Co-Mesquite		
Committee for Do-It-Yourself Household Moving, P. O. Box 20084 George Mason Station Alexandria, VA 22320			
Community Service Society, 105 East 22nd Street New York, NY 10010			741.04
Bert M. Concklin, 1203 N. Pitt Street, #1C Alexandria, VA 22314			
Do	Planning Research Corporation		940.17
Conference of State Bank Supervisors, 1015 18th St., NW Washington, DC 20036			1,381.00
Conkling Fiskum & McCormick, 900 SW 5th Ave. Suite 2300 Portland, OR 97204-1268	ATEQ Corporation		
Do	Electro Scientific Industries, Inc	3,142.60	
Do	Epitope		
Do	Mentor Graphics Corporation	2,337.07	1,526.90
Do	Portland Community College	2,622.44	88.50
Do	Sequent Computer Systems	5,341.18	1,417.52
Do	Sisters of Providence	4,500.00	132.24
Do	Tektronix, Inc	25,000.00	1,511.65
Do	Unified Sewerage Agency	10,500.00	
Do	Washington County	2,280.43	8.00
Do	Western Coating Inc	56.80	
John L. Conley, 2200 Mill Road Alexandria, VA 22314	National Tank Truck Carriers, Inc		100.00
Michael Conlon, 1818 N Street, NW, #200 Washington, DC 20036	Automotive Parts Rebuilders Assn	250.00	
Do	Automotive Refrigeration Products Institute		
Francis J. Conners, 100 Indiana Avenue, NW Washington, DC 20001	National Assn of Letter Carriers	4,384.88	
Jerry C. Connors, 1745 Jefferson Davis Highway, #511 Arlington, VA 22202	Manufactured Housing Institute	8,500.00	10.00
Consortium for Int'l Earth Science Information Network, P.O. Box 8689 Ann Arbor, MI 48107		10,008.87	10,008.87
Consumer Federation of America, 1424 16th St., NW, #604 Washington, DC 20036		86,188.00	110,714.00
Consumers Union of U.S., Inc, 2001 S Street, NW, #520 Washington, DC 20009			13,370.00
John J. Contney, Suite B 1130 E. Beach Blvd. Hallandale, FL 33009	Textile Rental Services Assn of America		
Harry N. Cook, 1130 17th St., NW Washington, DC 20036	National Waterways Conference, Inc		
Robert M. Coon Jr., 2000 K Street, NW, #800 Washington, DC 20006	National Comm to Preserve Social Security & Medicare		
Edward Cooney, 1875 Connecticut Ave., NW, #24 Washington, DC 20009	Food Research & Action Center	1,481.02	
Benjamin Y. Cooper Jr., 100 Daingerfield Road Alexandria, VA 22314	Printing Industries of America, Inc	12,500.00	
Josephine S. Cooper, 2001 M Street, NW Washington, DC 20036	Capitoline International Group Ltd (For:Professional Lawn Care Assn of America).	8,985.00	1,802.50
Mark N. Cooper, 1424 16th St., NW, #604 Washington, DC 20036	Consumer Federation of America	800.00	
Stephen H. Cooper, 74 North Pearl St. Albany, NY 12207	Hospital Association of New York State	875.01	8,317.98
John F. Corcoran, 1500 K Street, NW, #375 Washington, DC 20005	Norfolk Southern Corp	1,000.00	
Tom Corcoran, O'Connor & Hannah 1919 Pennsylvania Avenue, NW, #800 Washington, DC 20006-3404	Wallace Associates Corp		
Maria C. Cordone, 1300 Connecticut Ave, NW Washington, DC 20036	International Assn of Machinists & Aerospace Workers	14,575.41	441.88
David L. Cornwell, 10530 Rosehaven Street, #500 Fairfax, VA 22030	Wackenhut Corporation		
Ernest J. Corrado, 1000 16th St., NW, #511 Washington, DC 20036	American Institute of Merchant Shipping	2,265.00	80.00
Anthony R. Corso, 3225 Gallows Road Fairfax, VA 22037	Mobil Corp	1,500.00	
Michael E. Costello, 1620 L Street, NW, #1200 Washington, DC 20036	Panhandle Eastern Corp		282.79
Shawn Coughlin, 606 North Washington Street Alexandria, VA 22314	Society for Human Resource Management		
Walter Couillard, 100 Indiana Avenue, NW Washington, DC 20001	National Assn of Letter Carriers	8,401.05	
Council for Educational Development & Research, 2000 L Street, NW, #601 Washington, DC 20036		4,746.51	3,030.80
Council of American Homeowners, 7927 Jones Branch Drive, #600-S McLean, VA 22102			
Mark J. Covall, 1319 F Street, NW, #1000 Washington, DC 20004	National Assn of Private Psychiatric Hospitals	500.00	
Thomas J. Cove, 1625 K Street, NW, #900 Washington, DC 20006	Sporting Goods Manufacturers Assn (SGMA)	5,000.00	1,000.00
Covington & Burling, 1201 Pennsylvania Ave., NW P.O. Box 7566 Washington, DC 20044	CBS Television Network Affiliates Assn	4,440.00	
Eric Cox, 713 D Street, SE Washington, DC 20003	Campaign for U.N. Reform-Political Education Committee	3,787.50	
Jerry W. Cox, 2300 N Street, NW, #725 Washington, DC 20037	Murphy & Demory, Ltd (For:Anglo American Auto Auctions, Inc)		
Do	Murphy & Demory, Ltd. (For:Cable & Wireless North America, Inc)		
James P. Cramer, 1735 New York Ave., NW Washington, DC 20006	American Institute of Architects		
Richard C. Creighton, 1212 New York Avenue, NW, #520 Washington, DC 20005	American Cement Alliance, Inc	13,125.02	61.59
Anne Crichton Crews, 8787 Stemmons Freeway Dallas, TX 75247	Mary Kay Cosmetics, Inc		
Richard E. Cristol, 1101 15th St., NW, #202 Washington, DC 20005	National Assn of Margarine Manufacturers		
Saone B. Crocker, 1350 I Street, NW, #700 Washington, DC 20005	Beveridge & Diamond (For:Foundation for Environmental & Economic Progress, Inc).		
Charles H. Cromwell, Inc, 6709 Georgia Street Chevy Chase, MD 20815	EDO Corp		
Do	MTS Systems Corp		
Mark E. Crosby, 1110 N Glebe Rd #500 Arlington, VA 22201-4714	Special Industrial Radio Service Assn, Inc		1,696.68
Pete Cruz, P.O. Box 1000-476 Duluth, MN 55814			
John T. Curran, 905 16th St., NW Washington, DC 20006	Laborers' Intl Union of North America, AFL-CIO	20,900.01	497.20
Do	National Coordinating Comm for Multiemployer Plans		
Wayne T. Curtin, P.O. Box 1808 Washington, DC 20013-1808	Motorcycle Riders Foundation, Inc	10,050.00	6,132.15
Jay B. Cutler, 1400 K Street, NW Washington, DC 20005	American Psychiatric Assn	8,107.00	643.00
Stephen J. Daigler, 1601 Duke Street Alexandria, VA 22314	Society of American Florists		
Dairy Farmers for Responsible Dairy Policy, 514 E Street, NE Washington, DC 20002		37,100.00	36,828.34
Donald W. Dalrymple, 1575 I St., NW Washington, DC 20005	American Cynamid Company (For:Lederle Laboratories)	3,825.00	663.48
John E. Daniel, 1133 21th St., NW, #500 Washington, DC 20036	International Technology Corporation		
Charles Chandler Davis, 4029 Centerary Dallas, TX 75225	Vencor Inc		200.00
Edward M. Davis, 410 First St., SE Washington, DC 20003	American Nuclear Energy Council	7,379.71	126.72
Ovid R. Davis, P.O. Drawer 1734 Atlanta, GA 30301	Coca-Cola Company		
Davis Wright & Tremaine, 701 Pennsylvania Ave., NW, #600 Washington, DC 20004	American Honda Motor Co, Inc	950.00	
Do	American Tunaboat Assn		
Do	Port Blakely Tree Farms	247.00	

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Do	Seattle Times	3,245.00	275.00
Donald S. Dawson, 1133 Connecticut Ave., NW, #1000 Washington, DC 20036	Michael Gaughan		
Do	Opticians Assn of America		
Do	Virgin Islands Gift & Fashion Shop Assn		
Do	Virgin Islands Merchants Assn		
Rhett B. Dawson, 1900 Pennsylvania Ave., NW Washington, DC 20068	Potomac Electric Power Co		
Harry F. Day, 1800 K Street, NW, #1100 Washington, DC 20006	New York Stock Exchange, Inc		
Maryann M. Dean, 1875 Eye Street, NW, #775 Washington, DC 20006	Georgia-Pacific Corp	1,000.00	
Mark O. Decker, 1129 20th Street, NW, #705 Washington, DC 20036	National Assn of Real Estate Investment Trusts, Inc		
Willard L. Demory, 2300 N Street, NW, #725 Washington, DC 20037	Murphy & Demory, Ltd (For:Cable & Wireless North America, Inc)		
Do	Murphy & Demory, Ltd (For:California Energy Co, Inc)		
Do	Murphy & Demory, Ltd. (For:Prodigy Services Company)		
Do	Murphy & Demory Ltd (For:U.S. Telephone Assn)		
Paul W. Dennett, 655 15th St., NW, #350 Washington, DC 20005	Blue Cross & Blue Shield Assn	3,718.00	754.41
James L. Denson, 1250 Connecticut Ave., NW, #319 Washington, DC 20036	Allpoints International, Inc (For:Republic of Bophuthatawana)	5,000.00	78.23
Department for Professional Employees, AFL-CIO, 815 16th St., NW, #707 Washington, DC 20006		15,725.71	15,725.71
Judith Martin Desarno, 122 C Street, NW, #380 Washington, DC 20001-2109	National Family Planning & Reproductive Health Assn, Inc	356.00	11.00
Robert L. Dewey, 1244 19th Street, NW Washington, DC 20036	Defenders of Wildlife	691.39	10.04
Dewey Ballantine, 1775 Pennsylvania Ave., NW, #500 Washington, DC 20006	Bell Atlantic Corp		
Do	Beneficial Corporation		
Do	Catholic Health Assn of the U.S.		
Do	Cellular Telecommunications Industry Assn	3,600.00	
Do	Digital Equipment Corp	2.00	
Do	Federal National Mortgage Assn		
Do	Federation of American Health Systems		
Do	General Electric Co		
Do	General Electric Pension Trust		
Do	General Reinsurance Corp		
Do	Glaxo, Inc	360.00	
Do	Hanschell Inniss, Ltd		
Do	Health Insurance Assn of America, Inc		
Do	Household International		
Do	McCormack Baron & Associates		
Do	McCown De Leeuw & Company		
Do	Morgan Stanley Group, Inc		
Do	Motion Picture Assn of America	540.00	10.00
Do	National Assn of Wholesaler-Distributors		
Do	Norfolk Southern Corp		
Do	NYNEX Corp		
Do	PacifiCorp Financial Services		
Do	Piedmont Environmental Services	1,800.00	
Do	Potomac Capital Investment Corp	5,400.00	
Do	Premark International		
Do	Primerica, Inc		
Do	Semiconductor Industry Association	1,877.00	
Do	SEMATECH		
Do	Teachers Insurance & Annuity Assn of America		
Do	Tribune Broadcasting Co		
Do	U.S. Coalition for Fair Lumber Imports	3,507.50	
Do	U.S. Telephone Assn	1,440.00	
Do	Union Pacific Corp	7,200.00	
Do	United States Surgical Corporation		
Do	Walt Disney Co		
Do	West Indies Rum & Spirits Producers Assn	7,200.00	
Do	Xerox Corp	7,200.00	
Kendall P. Dexter, 9 Country Club Road Mobile, AL 36608	MacMillan Bloedel, Inc		
Alex J. DeBoissiere, 490 L'Enfant Plaza, SW, #2202 Washington, DC 20024	Tenneco Gas		
Michael DeEmilio, 400 North Capitol Street, NW, #852 Washington, DC 20001	Brotherhood of Maintenance of Way Employes	12,500.00	
Law Offices of Paul H. DeLaney, Jr., 1155 Connecticut Ave., NW, #400 Washington, DC 20036	Embassy of Japan	5,000.00	
Rodney DeLoach, 777 14th Street, NW Washington, DC 20005	National Assn of Realtors	1,250.00	245.92
Fred R. DeLuca, 1735 New York Ave., NW Washington, DC 20006	American Institute of Architects		
Henry L. Diamond, 1350 I Street, NW, #700 Washington, DC 20005	Beveridge & Diamond (For:Conference of National Park Concessioners)		
Do	Laurance S. Rockefeller		
Ann Sanders Dickey, 2005 Corporate Ave. Memphis, TN 38132	Federal Express Corp	6,000.00	
Dickinson Wright Moon Van Dusen & Freeman, 1901 L St., NW, #801 Washington, DC 20036	United Technologies Corporation	5,000.00	
Thomas C. Diederich, 2170 Piedmont Road, NE Atlanta, GA 30324	Orkin Exterminating Co, Inc		349.31
Walter E. Diercks, 1730 M St., NW, #412 Washington, DC 20036	Outdoor Advertising Assn of America, Inc		
Joseph J. DioGuardi, 50 Baraud Road Scarsdale, NY 10583	Albanian American Civic League		
Direct Selling Association, 1776 K Street, NW Washington, DC 20006			
Dixon Arnett Associates, 905 16th Street, NW, #310 Washington, DC 20006	Michael McGehee & Assn (For: Institute for Clinical PET)	6,000.00	24.75
Do	Southern California Rapid Transit District (SCRTD)	16,248.00	88.36
J. Chris Dobbs, 2711 North Haskell Avenue Dallas, TX 75204	Southland Corporation		1,974.95
Jeffrey A. Dodson, 1700 North Moore Street Rosslyn, VA 22209	Boeing Company	48.00	349.89
Julie Domenick Doerr, 1600 M St., NW Washington, DC 20036	Investment Company Institute	285.02	
James F. Doherty, 1129 20th St., NW, #600 Washington, DC 20036	Group Health Assn of America, Inc		
Robin C. Dole, 1101 Connecticut Avenue, NW, #500 Washington, DC 20036	Century 21 Real Estate Corp		
Thomas J. Donohue, 2200 Mill Road Alexandria, VA 22314	American Trucking Assns, Inc	11,000.00	
Donohue & Associates, Inc, 11240 Waples Hill Road, #100 Fairfax, VA 22030			
David L. Donovan, 1200 18th Street, NW Washington, DC 20036	Association of Independent Television Stations, Inc	1,500.00	
Daniel Dooley, 1001 Pennsylvania Ave., NW, Suite 1350 Washington, DC 20004	Kahn, Soares & Company (For:Mid-Valley Water Authority)	15,693.00	1,634.24
Do	Kahn Soares & Conway (For:Westlake Farms)		
Linda Doorfee-Flaherty, 600 New Hampshire Avenue, NW, #1111 Washington, DC 20037	Appraisal Institute	612.00	
Jeffrey D. Doranz, 1000 Connecticut Ave., NW, #706 Washington, DC 20036	Palumbo & Cerrell, Inc (For:American Insurance Assn)		
Linda Dorian, 2012 Massachusetts Ave., NW Washington, DC 20036	BPW/USA		
Doris Day Animal League, 900 2nd Street, NE, #303 Washington, DC 20002		42,913.00	20,311.00
James A. Dorsch, 1025 Connecticut Avenue, NW Washington, DC 20036	Health Insurance Assn of America, Inc		
Dean R. Dort II, 1667 K Street, NW, #1230 Washington, DC 20006	Deere & Company	510.00	
R. J. Doubrava, 1629 K Street, NW, #501 Washington, DC 20006	Delta Air Lines, Inc	170.00	105.80
James Dougherty, 1244 19th Street, NW Washington, DC 20036	Defenders of Wildlife		
Dow Lohnes & Albertson, 1255 23rd St., NW, Suite 500 Washington, DC 20037	Canadian Committee for National Treatment		
Do	Cellular Communications, Inc, et al.		
Do	Chicago City Colleges		
Do	Dofasco, Inc, et al.	75.00	210.37
Do	Dofasco, Inc		
Do	Home Shopping Network, Inc	1,300.00	
Do	Johnson-Simmons Co		
Do	Life Care Services Corp		
Do	Marriott Corporation		
Do	Northwest Airlines, Inc		
Do	Profit Sharing Council of America	8,101.33	45.35
Do	Washington Area Bankers Assn		
Do	Worldspan		
Charles P. Downer, 7901 Westpark Drive McLean, VA 22102	National Machine Tool Builders' Assn		
M. Theresa Doyle, 1700 Pennsylvania Ave., NW #500 Washington, DC 20006	Mutual of Omaha Co		
Fran Du Melle, 1726 M Street, NW, #902 Washington, DC 20036	American Lung Assn	2,890.00	9,635.00
Stan Dublinske, 10801 Rockville Pike Rockville, MD 20852	American Speech-Language-Hearing Assn		
Arianne M. Duddy, 1350 I Street, NW, #670 Washington, DC 20005	Koch Industries, Inc		
Tim Dudgeon, 1250 Eye Street, NW, #900 Washington, DC 20005	Distilled Spirits Council of the U.S., Inc	2,000.00	
John Dudinsky Jr., 305 East Capitol St. SE, Washington, DC 20003	Associated Industries of Florida	3,000.00	600.00
Do	Central Florida Research Park	1,000.00	250.00
Do	Greater Orlando Aviation Authority	3,000.00	350.00
Do	Hvide Shipping, Inc	2,000.00	250.00
Juanita D. Duggan, 1401 New York Ave., NW, #400 Washington, DC 20005	National Food Processors Assn	600.00	100.00
William C. Dunning, P.O. Box 619500 Dallas, TX 75261	Caltex Petroleum Corp		

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Douglas A. Durante, 7315 Wisconsin Avenue, NW, #515 East Bethesda, MD 20814	Clean Fuels Development Coalition	6,000.00	
Chris Durbin, 1630 Duke Street Alexandria, VA 22314-3465	National Rural Letter Carriers Assn	6,241.00	86.00
Jean Durning, 900 17th Street, NW Washington, DC 20006	Wilderness Society	1,556.37	71.63
Katherine M. Dutilh, 1100 Connecticut Ave., NW, #1300 Washington, DC 20036-4101	Milliken & Company	5,000.00	1,350.00
William P. DuBose IV, 1050 17th St., NW, #700 Washington, DC 20036	National Ocean Industries Assn	2,437.00	
Roderick T. Dwyer, 1920 N Street, NW Washington, DC 20036	American Mining Congress		
Stuart S. Dye, 2000 M Street, NW Washington, DC 20036	Graham & James (For:American Hawaii Cruises)		
Dyer Ellis Joseph & Mills, 600 New Hampshire Ave., NW, #1000 Washington, DC 20037	Air Transport Assn of America	3,000.00	138.00
Do	Atlantic Richfield Company	48,483.75	4,786.47
Do	Barge Transport, Inc		
Do	Bender Shipbuilding & Repair Co, Inc	34,260.00	320.03
Do	East Asiatic Company, et al.	8,509.63	194.39
Do	Greek Shipping Cooperation Committee	25,332.00	6,607.13
Do	International Air Transport Assn (IATA)	9,822.50	494.56
Do	Medical Care International, Inc	400.00	
Do	MH Systems, Inc		37.40
Do	REN Corporation USA	700.00	23.17
Do	T/2 Medical, Inc	18,193.00	748.93
Do	US Naval Institute		23.59
Pam Eaton, 900 17th St., NW Washington, DC 20006	Wilderness Society	2,579.00	100.00
Robert Eaves, 2214 Paddock Way, #900 Grand Prairie, TX 75050	Allied Pilots Association		
Ed Graves & Associates, 2001 M Street, NW, 4th Floor Wasington, DC 20036	OPEDA		
Edelman Public Relations Worldwide, 1420 K Street, NW 10th Floor Washington, DC 20005	Safety-Kleen	62,000.00	8,281.81
Norman R. Eder, 19600 NW Von Neumann Drive Beaverton, OR 97006-1999	Oregon Graduate Institute of Science & Technology	7,284.82	51.80
Christopher Edley Jr., Harvard Law School Cambridge, MA 02138	Covington & Burling		
Albert C. Eisenberg, 1735 New York Avenue, NW Washington, DC 20006	American Institute of Architects	17,388.00	
Timothy L. Elder, 100 N.E. Adams Street Peoria, IL 61629-1430	Caterpillar, Inc	375.00	658.53
John M. Ellis, 1120 Fairfield Avenue Roseville, CA 95678	Alliance of Government Managers		
Mark G. Ellis, 1920 N St., NW Washington, DC 20036	American Mining Congress		
Dorothy A. Ellsworth, 1300 Connecticut Ave., NW Washington, DC 20036	International Assn of Machinists & Aerospace Workers	16,657.61	229.57
Employee Relocation Council, 1720 N St., NW Washington, DC 20036			
End Notch Discrimination, P.O. Box 3630 59 West La Sierra Drive Arcadia, CA 91006-3630			1,943.00
Philip W. Engle, 1825 Eye St., NW, #400 Washington, DC 20006			
J. Barry Epperson, 324 Main Mall, #900 Tulsa, OK 74103	Associated Wire Rope Fabricators		3,746.25
Billy Lee Evans, 1301 Connecticut Ave., NW, #700 Washington, DC 20036	B.L. Evans & Associates (For:Great Western Financial Corp)		
Do	B.L. Evans & Associates (For:Paul Revere Life Insurance Company)		
David C. Evans, 1200 18th Street, NW, Washington, DC 20036	Building Owners & Managers Assn Int'l		
Lynwood J. Evans, 1020 19th Street, NW, #780 Washington, DC 20036	U S West, Inc	458.00	
Rae Forker Evans, 1615 L Street, NW, #1220 Washington, DC 20036	Hallmark Cards, Inc		
Robert B. Evans, 919 18th Street, NW Washington, DC 20006	American Financial Services Assn	250.00	
B.L. Evans and Associates, Inc, 1301 Connecticut Ave., NW, #700 Washington, DC 20036	Great Western Financial Corp	5,000.00	
Do	Paul Revere Life Insurance Company	2,500.00	
Paul K. Eyer, P.O. Box 8600 Harrisburg, PA 17105-8600	American Osteopathic Assn	2,600.00	
Faegre & Benson, 1140 Connecticut Ave, NW, #500 Washington, DC 20036	Church Alliance	3,422.50	1,991.29
Family Holding Company Advocacy Group, c/o George Helme Wilmington Trust Company Wilmington, DE 19890			
Farm Credit Council, 50 F Street, NW, #900 Washington, DC 20001		1,0,500.00	7,005.00
Martin T. Farmer, P.O. Box 40789 Jacksonville, FL 32203-0789	Barnett Banks, Inc	26,125.00	11,719.34
William D. Fay, 1001 19th St. North, #800 Arlington, VA 22209	Product Liability Coordinating Committee	13,800.00	2,771.34
Federal Judges Association, Suite 110 111 West Washington Street Chicago, IL 60602-2768		8,745.75	20,989.73
Federal Kemper Life Assurance Co, Kemper Bldg. D-3 Long Grove, IL 60049			47.50
Federation of Behavioral Psychological & Cognitive Sciences, 750 First Street, NE Room 5004 Washington, DC 20002-4242.			
Robert Feenstra, 13545 Euclid Avenue Ontario, CA 91761	Milk Producers Council (For:Dairy Farmers for Responsible Dairy Policy)		
Elliot J. Feldman, 901 15th Street, NW, #1250 Washington, DC 20005-2301	Ackerson & Feldman (For:Government of Quebec, Ministry of International Affairs).		
Jay Feldman, 600 Sandtree Drive, #107 Palm Beach Gardens, FL 33403	American Shooting Sports Coalition, Inc	2,500.00	35.00
Claudia Feller, 750 First Street, NE Room 5004 Washington, DC 20002-4242	Federation of Behavioral Psychological & Cognitive Sciences		
Fensterwald & Alcom, 1952 Gallows Road Vienna, VA 22182	Concerned Federal Railroad Administration Employees		
George F. Fenton Jr., 1920 N Street, NW Washington, DC 20036	American Mining Congress	150.00	
William Ferguson Jr., 1730 Rhode Island Ave., NW, #400 Washington, DC 20036	Ferguson Company (For:City of Alhambra)	2,166.00	44.48
Do	Ferguson Company (For:City of Inglewood)	3,208.00	85.00
Do	City of Livermore, CA	2,500.00	344.00
Do	Ferguson Company (For:City of Norwalk)	3,720.00	423.14
Do	Ferguson Company (For:City of Oceanside)	1,220.00	65.12
Do	Ferguson Company (For:City of Provo)	3,000.00	47.14
Do	Ferguson Company (For:City of Redondo Beach)	1,849.06	35.00
Do	Ferguson Company (For:City of Santa Ana)	3,300.00	
Do	Ferguson Company (For:City of South Salt Lake)	1,833.00	43.15
Do	Ferguson Company (For:Hamilton Partners)	6,000.00	158.22
Do	Ferguson Company (For:Imperial Irrigation District)		35.52
Do	The Ferguson Company (For:Interstate 5 Consortium)	4,500.00	514.95
Do	Ferguson Company (For:Irvine Company)	10,800.00	353.53
Do	Ferguson Company (For:Long Beach Transit)	2,750.00	267.38
Do	The Ferguson Company (For:Southeast Water Coalition)	4,375.08	546.84
Do	Transportation Corridor Agencies	15,000.00	1,246.80
Jack Ferguson Associates, Inc, 203 Maryland Ave., NE Washington, DC 20002	Conoco, Inc	7,937.50	723.86
Do	Dillingham Construction Group	4,093.75	679.03
Do	Global Marine, Inc	4,562.50	758.63
Do	Haida Corporation	17,062.50	707.95
Do	Northern Air Cargo	3,750.00	724.75
Do	U.S. Borax & Chemical Corp	4,781.25	713.43
Michael J. Ferrell, 1125 15th Street, NW Washington, DC 20005	Mortgage Bankers Assn of America	28,500.00	1,251.00
Robert J. Fersh, 1875 Connecticut Avenue, NW, #540 Washington, DC 20009	Food Research & Action Center	657.84	
Fiber Fabric & Apparel Coalition for Trade, 1801 K Street, NW, #900 Washington, DC 20006		37,562.00	46.00
Financial Services Council, 1225 19th St., NW, #410 Washington, DC 20036		12,125.00	3,804.00
Sharon R. Fine, 1776 K Street, NW Washington, DC 20006	Washington Citizens for World Trade	1,875.00	143.35
Matthew P. Fink, 1600 M St., NW Washington, DC 20036	Investment Company Institute	192.30	5.00
Peter J. Finnerty, 1331 Pennsylvania Ave., NW #560 Washington, DC 20004	Sea-Land Service, Inc	3,000.00	
Fire Equipment Manufacturers & Services Assn, Inc, 808 17th Street, NW, #200 Washington, DC 20006-3953			
Mary Ellen Fise, 1424 16th St., NW, #604 Washington, DC 20036	Consumer Federation of America	10,551.00	79.00
Carleton W. Fish, P.O. Box 39106 Minneapolis, MN 55435-0106	American Collectors Assn	1,000.00	
J. Paris Fisher, 1801 K St., NW, #800 Washington, DC 20006	Westinghouse Electric Corp	1,500.00	
John Fitzgerald, 1244 19th Street, NW Washington, DC 20036	Defenders of Wildlife	4,655.04	
Alan M. Fitzwater, 3700 Continental Plaza 777 Main Street Fort Worth, TX 76102	Burlington Northern Railroad Co	25,000.00	
Susan G. Flack, 1100 Connecticut Ave, NW, #1200 Washington, DC 20036	Dayton Hudson Corp	100.00	
Do	National Assn of Chain Drug Stores, Inc		
Do	Flack, Inc (For:Spiegel, Inc)	300.00	
Mac A. Fleming, 12050 Woodward Ave. Detroit, MI 48203-3596	Brotherhood of Maintenance of Way Employes		
Karen Florini, 1875 Connecticut Ave. NW, #1016 Washington, DC 20009	Environmental Defense Fund	5,000.00	3,325.00
David L. Flory, 2300 N Street, NW, #725 Washington, DC 20037	Murphy & Demory, Ltd. (For:Cable & Wireless North America, Inc)	500.00	100.00
Do	Murphy & Demory, Ltd. (For:California Energy Company)	5,750.00	300.00
Do	Murphy & Demory (For:MEBA II)	1,000.00	300.00
Ruth Flower, 245 Second Street, NE Washington, DC 20002	Friends Committee on National Legislation	5,515.62	
Veronica M. Floyd, 3306 Fallen Tree Court Alexandria, VA 22310	Brunswick Corp	5,440.00	
Focus on the Family, 420 N. Cascade Ave. Colorado Springs, CO 80903-3352		113,773.00	30,236.00
R. D. Folsom, 1317 F Street, NW, #400 Washington, DC 20004	Glaxo, Inc	1,000.00	
Do	R. Duffy Wall & Associates	1,250.00	
Footwear Distributors & Retailers of America, 1319 F St., NW, #700 Washington, DC 20004			2,000.00
John P. Ford, One Kellogg Square Battle Creek, MI 49016	Kellogg Co	2,000.00	283.00
Foreman & Heidepriem, 1112 16th Street NW, #750 Washington, DC 20036	Coalition to Protect the Integrity of American Trademarks		
Do	United Food & Commercial Workers Int'l Union		
Edward H. Forgotson, 1020 - 16th Street, NW, Suite 300 Washington, DC 20036	American Share Insurance Corporation		
Do	Enserch Corporation		
Do	Exhide Corporation		

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Do	GNB, Inc		
Do	Northern Indiana Public Service Company		
Do	RSR Corp		
Do	Skidmore Owings & Merrill (SOM)		
Do	Superior National Insurance Group		
Mark A. Forman, 8th & Eaton Avenues Bethlehem, PA 18018	Union Pacific Corp	1,250.00	
Fort and Schlefer, 1401 New York Ave., NW, #1200 Washington, DC 20005-2187	Association Francaise des Banques	50.00	
Patrick Forte, 888 17th Street, NW, #312 Washington, DC 20006	Association of Financial Services Companies	3,750.00	
Alison B. Fortier, 1745 Jefferson Davis Highway, #1200 Arlington, VA 22202	Rockwell International	19,900.00	792.38
Tracy Fortson, 818 Connecticut Ave., NW, #303 Washington, DC 20006	National Assn for Biomedical Research		
Richard C. Fortuna, 1440 New York Ave., NW, #310 Washington, DC 20005	Hazardous Waste Treatment Council	750.00	375.00
Maria Foscarinis, 918 F Street, NW, #412 Washington, DC 20004	National Law Center on Homelessness and Poverty		
Bruce Foster, 2100 Pennsylvania Ave, NW, #675 Washington, DC 20037	New England Power Service Co	4,750.00	510.35
Alissa T. Fox, 655 15th Street, NW, #350 Washington, DC 20005	Blue Cross & Blue Shield Assn	5,155.00	1,504.32
Barbara Fox, 1101 Pennsylvania Avenue, NW, #950 Washington, DC 20077	Federal Home Loan Mortgage Corp	6,500.00	1,069.34
Fox Bennett & Turner, 750 17th Street, NW, #1100 Washington, DC 20006	American Soc of Clinical Oncology		
Do	Bristol-Myers Squibb Co	780.00	243.75
Do	Fisons Corp		
Do	Healthcare Management Alternatives, Inc		180.00
Do	Hoffmann-La Roche, Inc		
Do	Johnson & Johnson		
Do	Lederle-Praxis Biologicals		
Do	Memorial Sloan-Kettering Cancer Center		
Do	National Coalition for Cancer Research		
Do	New MediCo Associates, Inc		
Do	Pickens County Medical Center		
Do	Serono Laboratories, Inc		
Do	Wireless Cable Assn, Inc		70.00
Fox Group, USA Ltd, P.O. Box 1831 Charleston, SC 29402	Camp Barsh Bates & Tate (for Sears Roebuck & Co), et al.		
Phillip L. Fraas, 1 Massachusetts Avenue, N.W., #800 Washington, DC 20001	McLeod Watkinson & Miller (For:First South Production Credit Assn)	4,937.00	
Do	McLeod Watkinson & Miller (For:National Milk Producers Federation)	654.00	
Michael Francis, 900 17th Street, NW Washington, DC 20006	Wilderness Society	5,045.23	698.97
Douglas L. Francisco, 1101 16th St., NW Washington, DC 20036	Independent Petroleum Assn of America		
John L. Frank, P.O. Box 8082 Eau Claire, WI 54702-8082	National Presto Industries, Inc	3,137.50	902.49
Peter M. Frank, 1667 K St., NW, #250 Washington, DC 20006	Kerr-McGee Corp	7,500.00	
George Franklin, 1 Kellogg Square Battle Creek, MI 49016-3599	Kellogg Company	1,500.00	150.00
Douglas Freberg II, 1515 Wilson Blvd. Arlington, VA 22209	American Gas Assn	2,000.00	480.00
James T. Freeman, 1125 15th Street, NW Washington, DC 20005	Mortgage Bankers Assn of America		356.51
Freer & Alagia, Chtd, 1000 Thomas Jefferson St., NW, #600 Washington, DC 20007	Dairymen, Inc	10,780.00	1,217.27
Philip P. Friedlander Jr., 1250 Eye Street, NW, #400 Washington, DC 20005	National Tire Dealers & Retreaders Assn		
Gay Friedmann, 555 13th Street, NW, #300W Washington, DC 20004	Interstate Natural Gas Assn of America	12,000.00	
Friends of the Columbia Gorge, 319 SW Washington, #301 Portland, OR 97202			
Friends Committee on National Legislation, 245 2nd St., NE Washington, DC 20002			28,950.55
Charles H. Fritts, P.O. Box 37347 Washington, DC 20013	Federal Home Loan Mortgage Corp	1,000.00	31.82
Jeffrey Fritzlen, 555 13th Street, NW, #450-W Columbia Square Washington, DC 20004	Union Pacific Corp	12,500.00	798.79
Gordon H. Fry, 900 19th Street, NW Washington, DC 20006	Aluminum Assn, Inc	25.00	
Wayne Gable, 1350 I Street, NW, #670 Washington, DC 20005	Koch Industries, Inc	3,000.00	131.53
William C. Gager, 6849 Old Dominion Dr., #352 McLean, VA 22101	Automotive Parts Rebuilders Assn	10.00	
Galland Kharasch Morse & Garfinkle, P.C., 1054 31st Street, NW Second Floor Washington, DC 20007	Air Jamaica, Ltd		
Do	Composite Fabrication Assn		
Do	National Assn of Theatre Owners		
Do	Soule Corp		
Do	South Africa Sugar Association	1,700.00	54.20
Do	Textile Rental Services Assn of America		
John Paul Galles, 1155 15th St., NW, #710 Washington, DC 20005	National Small Business United	1,000.00	
Galvin Haroian & Mlawski, 425 Park Avenue New York, NY 10022	Herman's Sporting Goods, Inc		
Do	Voyager International, Inc		
Bruce Gamble, P.O. Box 71440 Washington, DC 20024-1440	National Bankers Assn		178.69
Curtis B. Gans, 421 New Jersey Avenue, SE Washington, DC 20003	Committee for the Study of the American Electorate	61,054.00	
Nicole Gara, 950 North Washington Street Alexandria, VA 22314	American Academy of Physician Assistants		
Harry D. Garber, 787 7th Avenue New York, NY 10019	Equitable Financial Companies		
Christie J. Gaskin, 2300 N Street, NW, #725 Washington, DC 20037	Murphy & Demory, Ltd (For:California Energy Co, Inc)		
Kathy Gavett, P.O. Box 1417-D49 Alexandria, VA 22313	National Assn of Chain Drug Stores	500.00	
Ruthann Geib, 1156 15th Street, NW, #1101 Washington, DC 20005	American Sugarbeet Growers Assn		
Deanna Gelak, 606 North Washington Street Alexandria, VA 22314	Society for Human Resource Management	15,000.00	
General Aviation Manufacturers Association, 1400 K Street, NW, #801 Washington, DC 20005			15,403.00
Diane J. Generous, 1331 Pennsylvania Ave., NW, #1500 North Washington, DC 20004-1703	National Assn of Manufacturers		
Gerry Baby Products Co, 12520 Grant Drive Box 33755 Denver, CO 80233			
Kenneth Gersten, 1116-C West Street Annapolis, MD 21401	Sierra Club	208.47	
Alvin J. Geske, 1016 16th St., NW, 6th Floor Washington, DC 20036	Renewable Fuels Assn		
William C. Gibb, 1050 Thomas Jefferson St., NW, 6th Fl Washington, DC 20007	Itel Rail Corp, et al.	1,500.00	
Anne Giesecke, 1111 14th Street, NW, #300 Washington, DC 20005	American Bakers Assn		
Lucie Kriste Gikovich, 1275 Pennsylvania Ave., NW, #400 Washington, DC 20004	Pacific Telesis Group	12,500.00	
Karl O. Gilbert, 777 14th Street, NW Washington, DC 20005	National Assn of Realtors	8,000.00	
Richard Gilbert, 1015 15th Street, NW Washington, DC 20005	American Public Health Assn	1,222.00	
James E. Gilchrist, 1920 N Street, NW Washington, DC 20036	American Mining Congress		
Joseph A. Gillan, 1899 L Street, NW, #1100 Washington, DC 20036	Exxon Corporation	500.00	71.32
Neal P. Gillen, 1725 K Street, NW, #1210 Washington, DC 20006	American Cotton Shippers Assn	37,500.00	1,782.48
Annelise Gillespie, 1250 Connecticut Avenue, NW Washington, DC 20036	National Forest Products Assn	1,200.00	
Michael B. Gillett, 4612 Meridian Avenue North Seattle, WA 98103-6936	Atantic Richfield Company	30,000.00	
Do	Pacific Lumber & Shipping Co	10,000.00	
Mark R. Ginsberg, 1100 17th Street, NW, 10th Floor Washington, DC 20036	American Assn for Marriage & Family Therapy	2,470.00	
Ginsburg Feldman & Bress, Chartered, 1250 Connecticut Ave., NW, #800 Washington, DC 20036	International Mobil Machines Corp		
Do	U.S. Telephone Assn		
Brenda M. Girton, 901 East Capitol Street, SE Washington, DC 20003	American Assn for Counseling & Development	19,078.00	
Katherine Gleeson, 1400 Sixteenth Street, NW, #320 Washington, DC 20036	Zero Population Growth, Inc	456.00	
Sara B. Glenn, 3225 Gallows Rd Room 3C 004 Fairfax, VA 22037-0001	Mobil Corp	1,125.00	
Richard D. Gluck, 1801 K Stret, NW, Suite 1200 Washington, DC 20006	Robins Kaplan Miller & Ciresi (For:International Federation of Freight Forwarders Assn).	6,270.00	100.00
Horace D. Godfrey, 910 16th St., NW, S-402 Washington, DC 20006	Godfrey Associates, Inc		
Godfrey Associates, Inc, 15 Golf Course Road Littleton, NC 27850			
Kevin C. Goebel, 2530 San Pablo Avenue, #J Berkeley, CA 94702	Americans for Nonsmokers' Rights	129.00	
Donald G. Goff, 1400 K. Street, NW, #801 Washington, DC 20005	General Aviation Manufacturers Association	5,492.00	
Al James Golato, 1533 New Hampshire Ave., NW Washington, DC 20036	National Assn of Retired Federal Employees		
Harvey S. Gold, 8100 Oak Street Dunn Loring, VA 22027	National Pest Control Assn		
Gold Fields Operating Co-Mesquite, HCR 76, Glamis 100 Brawley, CA 92227			
Andrew Goldfarb, c/o Leadership Conference on Civil Right 2027 Massachusetts Avenue, NW Washington, DC 20036	Leadership Conference on Civil Rights	4,250.00	29.75
Ronald L. Goldfarb, Goldfarb & Singer 918 16th Street, NW, #503 Washington, DC 20003	Washington Independent Writers, Inc		
Neil Goldschmidt, Inc, 222 S.W. Columbia, #1850 Portland, OR 97201	Nike, Inc		
Do	Southern Pacific Transportation Co.		
Jack Golodner, 815 16th St., N.W. Washington, DC 20006	Department for Professional Employees, AFL-CIO	5,852.31	
Judith E. Golub, 2027 Massachusetts Ave., NW Washington, DC 20036	American Jewish Committee	14,000.00	1,500.00
Richard F. Goodstein, 1350 Connecticut Avenue, NW, #1101 Washington, DC 20036	Browning-Ferris Industries, Inc	1,350.00	1,085.50
William J. Gordon, 1401 Eye St., NW, #200 Washington, DC 20005	Pacific Resources, Inc	500.00	
Gordy Associates, Susan K., 1 First National Plaza, #3175 Chicago, IL 60603	First Chicago Corp	31,200.00	5,126.11
Brenda J. Gore, 1000 Wilson Blvd., 2600 Arlington, VA 22209	TRW, Inc		
James D. Gormley, 1400 K Street, NW, #801 Washington, DC 20005	General Aviation Manufacturers Association	3,254.00	
Ann M. Gosier, 1920 N Street, NW Washington, DC 20036	American Mining Congress		
William P. Gotschall, 6222 Cheryl Drive Falls Church, VA 22044	World Resources Company		
George B. Gould III, 100 Indiana Ave., NW Washington, DC 20001	National Assn of Letter Carriers	13,627.25	477.99
Graham & James, 2000 M Street, NW, #700 Washington, DC 20036	Contact Lens Manufacturers Assn		
Gerald W. Grandey, One Tabor Center, #2500 1200 Seventeenth Street Denver, CO 80202	Energy Fuels Nuclear, Inc		
Grange Mutual Casualty Co, 650 South Front Street Columbus, OH 43206			
James L. Granum, 1500 K Street, NW, #375 Washington, DC 20005	Norfolk Southern Corp	1,000.00	

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Suzanne Granville, 100 Indiana Ave., NW Washington, DC 20001	National Assn of Letter Carriers	10,217.47	
Edwin C. Graves, 2001 M Street, NW Washington, DC 20036	Capitoline International Group Ltd (For:City of America)		
Do	Capitoline International Group, Ltd (For:Professional Lawn Care Assn. of America).	2,026.00	406.25
Barbara Gray, P.O. Box 3958 Missoula, MT 59806	Metropolitan Analysis & Retrieval Systems, Inc (Mars, Inc)	11,300.00	8,000.00
Edward M. Green, 1920 N St., NW Washington, DC 20036	American Mining Congress		
Kaylene H. Green, 2341 Jefferson Davis Highway, #1100 Arlington, VA 22202	Bath Iron Works Corp	1,000.00	229.19
David I. Greenberg, 1341 G Street, NW, #900 Washington, DC 20005	Philip Morris Management Corp	2,500.00	75.00
Phyllis Greenberger, 1400 K Street, NW Washington, DC 20005	American Psychiatric Assn	3,481.00	1,130.19
Anne Greenfield, 777 14th Street, NW Washington, DC 20005	National Assn of Realtors	8,000.00	
R.T. Gregg, 900 19th Street, NW, #800 Washington, DC 20006	U.S. Telephone Assn		
Greyhound Lines, Inc, 1000 Vermont Avenue, NW, #400 Washington, DC 20005-4903			30,100.00
Jeffrey J. Grieco, 2300 N Street, NW, #725 Washington, DC 20037	Murphy & Demory, Ltd (For:California Energy Co Inc)		
John Wesley Griffin, #00311-158 P.O. Box 905 Genesee Unit Ray Brook, NY 12977-0900			
Robert T. Griffin, 1100 Connecticut Ave., NW, #900 Washington, DC 20035	Chrysler Corporation	2,500.00	285.00
Griffin Johnson & Associates, 1211 Connecticut Ave., NW, #700 Washington, DC 20036	Transport Life Insurance Co (for Resource Deployment, Inc)		
Jerome Grossman, 110 Maryland Avenue, NE Washington, DC 20002	Council for a Livable World		
Gerald M. Guarilia, 70 North Main Street Wilkes-Barre, PA 18711	Blue Cross of Northeastern Pennsylvania		
Kenneth A. Guenther, One Thomas Circle, NW, #950 Washington, DC 20005	Independent Bankers Assn of America	46,325.00	
Gabriel Guerra-Mondragon, 444 North Capitol Street, #711 Washington, DC 20001	TKC International (For:Mexican Dept of Commerce & Industrial Development)	19,778.00	17,000.00
Lewis Gulick, 1911 Ft. Myer Drive, #703 Arlington, VA 22209	International Interests, Inc	5,000.00	100.00
Ned H. Guthrie, 209 Hayes Avenue Charleston, WV 25314	American Fed of Musicians	5,005.00	2,675.54
Richard E. Gutting Jr., 1525 Wilson Boulevard, #500 Arlington, VA 22209	National Fisheries Institute	6,000.00	
Z. Lou Guttman, 4 World Trade Center New York, NY 10048	New York Mercantile Exchange	1,000.00	
Jane Scherer Haake, 1667 K Street, NW, #420 Washington, DC 20006	Mead Corporation		
Tom Hagedorn Associates, 4000 Oxford Street Annandale, VA 22003	Asphalt Rubber Producers Group, Inc	25,000.00	
John F. Haifley, 500 E Street, SW, #950 Washington, DC 20024	American Automobile Assn		
Alma P. Hale, 1920 N Street, NW Washington, DC 20036	America Mining Congress	20.00	
Angelynn Hall, 1709 New York Ave., NW Washington, DC 20006	Air Transport Assn of America	15,818.88	
John P. Hall Jr., 1350 Eye Street, NW, #810 Washington, DC 20005	Johnson & Johnson		331.31
Eliot J. Halperin, 2000 M Street, NW Washington, DC 20036	Graham & James (For:American Hawaii Cruises)		
Maurice E. Halsey, P.O. Box 190 Aurora, IL 60507	Northern Illinois Gas Company		
Matthew W. Hamill, 122 C Street, NW, #750 Washington, DC 20001	National Assn of Independent Colleges & Universities	7,248.00	154.00
Amy R. Hammer, 1899 L St., NW, #1100 Washington, DC 20036	Exxon Corporation	350.00	214.22
Gregory L. Hammond, 5010 Wisconsin Ave., NW, #118 Washington, DC 20016	National Staff Leasing Assn		
Nolan W. Hancock, 2722 Merrilee Drive, Suite 250 Fairfax, VA 22031	Oil Chemical & Atomic Workers International Union	6,760.25	
Rose M. Hanes, 1325 G Street, NW, #1003 Washington, DC 20005	Population-Environment Balance		
Erling Hansen, 1129 20th Street, NW, #600 Washington, DC 20036	Group Health Assn of America, Inc		
Grant W. Hanson, 507 Second Street, NE Washington, DC 20002	Nike, Inc		26.83
Robert N. Harbor, P.O. Box 1492 El Paso, TX 79978	El Paso Natural Gas Co		
Saundra J. Hardbower, 3050 K Street, NW, #330 Washington, DC 20007	National Club Assn		
Sandra K. Harding, 7981 Eastern Avenue Silver Spring, MD 20910	National Assn of Social Workers	9,346.69	
Harker Firm, 5301 Wisconsin Ave., NW, #740 Washington, DC 20015	International Bottled Water Assn	31,483.00	32,140.04
Charles A. Harkey, 919 18th Street, NW Washington, DC 20006	American Financial Services Assn	250.00	
Wiley C. Harrell Jr., 1776 Eye Street, NW, #200 Washington, DC 20006	Anheuser-Busch Companies, Inc		
Richard M. Harris, 501 School St., SW 8th Floor Washington, DC 20024	American Road & Transportation Builders Assn	20,000.00	1,769.72
Robert L. Harris, 608 Massachusetts Ave., NE Washington, DC 20002	Nutter & Harris (For:Lead Industries Assn)	600.00	25.00
Jim Harrison, 4925 Jamestown Rd. Bethesda, MD 20816-1757	Association of Urban Universities		
Randolph C. Harrison, 1875 Connecticut Ave., NW, #300 Washington, DC 20009	Center for Science in the Public Interest	6,250.00	
Anne Harrison-Clark, 1828 L Street, NW, #802 Washington, DC 20036	American Foundation for AIDS Research	4,500.00	109.35
Clifford J. Harvison, 2200 Mill Rd. Alexandria, VA 22314	National Tank Truck Carriers, Inc		150.00
Margaret V. Hathaway, 1500 K Street, NW, #200 Washington, DC 20005	Thacher Proffitt & Wood (For:American Council of Life Insurance)	1,536.00	
Do	Thacher Proffitt & Wood (For:John Alden Asset Management Company)	768.00	
Do	Thacher Proffitt & Wood (For:John Hancock Financial Services)	768.00	
Do	Thacher Proffitt & Wood (For:Lafayette Life Insurance Company)	256.00	
Do	Thacher Proffitt & Wood (For:Massachusetts Mutual Life Insurance Company)		
Do	Thacher Proffitt & Wood (For:Prudential Insurance Company)	1,536.00	
Do	Thacher Proffitt & Wood (For:United Companies Financial Corp)	768.00	
Pamela Haughton-Denniston, 100 Maryland Ave., NE Washington, DC 20002	Religious Coalition for Abortion Rights		
Haulers Against Longer Trucks, 2200 Wilson Blvd., S-102-125 Arlington, VA 22201			
Laura A. Havens, 1901 L Street, NW, #260 Washington, DC 20036	March of Dimes Birth Defects Foundation	1,100.00	10.00
John F. Hayden, 1700 N. Moore Street, 20th Floor Arlington, VA 22209	Boeing Company		
Robert T. Hayden, 1201 New York Ave., NW, #850 Washington, DC 20005	Conway & Company (For:Academy of Rail Labor Attorneys)	2,550.00	
Steven L. Hayes, 100 N. Brand Blvd., #502 Glendale, CA 91203	Citizens for an Alternative Tax System		
Holly Elisabeth Hazard, 900 2nd Street, NE, #303 Washington, DC 20002	Doris Day Animal League	1,318.00	1,318.00
Janis D. Hazel, 1350 Connecticut Avenue, NW, #200 Washington, DC 20036	Assn of Americas Public Television Stations	2,125.00	36.55
Health Insurance Assn of America, Inc, 1025 Connecticut Ave., NW Washington, DC 20036		212,123.47	379,502.38
William H. Hecht, 499 S. Capitol Street, SW, #507 Washington, DC 20003	Hecht Spencer & Associates, Inc (For:Bixby Ranch Co)		
Do	Hecht Spencer & Associates, Inc (For:Boy Scouts of America)		
Do	Hecht Spencer & Associates, Inc (For:Brown & Williamson Tobacco Corp)		
Do	Hecht Spencer & Associates (For:General Atomics)		
Do	Hecht Spencer & Associates, Inc (For:Los Angeles Raiders)		
Do	Hecht Spencer & Associates (For:Mars, Inc)		
Do	Hecht Spencer & Associates (For:Mid-American Waste Systems, Inc)		
Do	Hecht Spencer & Associates (For:MCI Telecommunications)		
Do	Hecht Spencer & Associates (For:Charles E. Smith Management, Inc)		
Hecht Spencer & Associates, Inc, 499 South Capitol Street, SW, #507 Washington, DC 20003	Bixby Ranch Co	1,000.00	
Do	Boy Scouts of America	1,000.00	
Do	Brown & Williamson Tobacco Corp	2,500.00	
Do	General Atomics	1,000.00	
Do	Los Angeles Raiders		
Do	Mars, Inc	1,000.00	
Do	Mid-American Waste Systems, Inc	3,000.00	
Do	MCI Telecommmunications	1,000.00	
Do	National Automatic Merchandising Assn	1,000.00	
Do	Charles E. Smith Management, Inc	3,000.00	
Barbara D. Heffernan, 1776 I Street, NW, #200 Washington, DC 20006	Anheuser-Busch Companies, Inc		
Heideman Cardin, P.C., 1025 Connecticut Avenue, NW, #1017 Washington, DC 20036	Health Care for America, Inc		
Richard Helfer, 4 World Trade Center New York, NY 10048	New York Mercantile Exchange		
Lewis M. Helm, 7000 Millwood Road Bethesda, MD 20817	Associated Public Safety Communications Officers	8,050.00	
Edward A. Helme, 444 N. Capitol Street, #602 Washington, DC 20001	Alliance for Acid Rain Control	1,116.00	40.00
Robyn L. Henderson, 1726 M Street, NW, #902 Washington, DC 20036-4502	American Lung Assn	1,010.62	4,662.38
Dennis A. Henigan, 1225 Eye Street, NW Washington, DC 20005	Handgun Control, Inc	17,617.00	
Hennessy Plummer & Griffin, Inc, 12 Sheridan Ave. Albany, NY 12207	Systems Control, Inc		
Hessian McKasy & Soderberg, 4700 IDS Center Minneapolis, MN 55402	Continental Airlines Holdings, Inc		
Gerald 'Jerry' Hill, 375 Northbridge Road, #350 Atlanta, GA 30350	Amoco Corporation		
Patricia Hill, 1250 Connecticut Avenue, NW Washington, DC 20036	American Paper Institute, Inc		
Grace L. Hinchman, 1331 Pennsylvania Ave., NW, #600-2 Washington, DC 20004	Digital Equipment Corp	18,590.50	
Evan Hirsche, 1244 19th Street, NW Washington, DC 20036	Defenders of Wildlife	14.52	110.51
Nancy Hirshbein, 1400 16th Street, NW, #320 Washington, DC 20036	Zero Population Growth	270.00	
Charles W. Hitzemann, 1701 Pennsylvania Ave, NW, #900 Washington, DC 20006	E. I. du Pont de Nemours & Co.		
Sheila E. Hixson, 750 First Street, NE, Washington, DC 20002-4242	American Psychological Assn (APA)		
Hobbs Straus Dean & Wilder, 1819 H St., NW, #800 Washington, DC 20006	Alamo Navajo School Board		
Do	Aroostook Band of Micmacs	340.00	
Do	Association of Navajo Community-Controlled School Boards		
Do	Black Mesa Community School Board		
Do	Bristol Bay Area Health Corp		
Do	Evergreen Legal Services		
Do	Maniilaq Assn		
Do	Menominee Indian Tribe		
Do	Metlakatla Indian Community	50.00	
Do	Miccosukee Tribe of Indians of Florida		
Do	Mississippi Band Choctaw Indians		
Do	Mooretown Rancheria		

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Do	Narragansett Indian Tribe		
Do	National Indian Education Assn	280.00	
Do	National Native American Public Broadcasting Consortia	262.50	
Do	Navajo Nation		
Do	Norton Sound Health Corp		
Do	Oglala Sioux Tribal Public Safety Commission		
Do	Oglala Sioux Tribe		
Do	Pinon Community School Board		
Do	Pueblo de Cochiti		
Do	Ramah Navajo School Board		
Do	Rock Point Community School		
Do	Rough Rock Community School		
Do	Seminole Tribe of Florida		
Do	Shiprock Alternative Schools, Inc		
Do	Spokane Legal Services Center		
Scott Hodes, 150 North Michigan Avenue, #2500 Chicago, IL 60601	Investment Company Institute		
Irvin A. Hoff, 20 N. Live Oak Rd. Hilton Head Island, SC 29928	U.S. Cane Sugar Refiners' Assn		
Ann F. Hoffman, 815 16th Street, NW, Suite 103 Washington, DC 20006	International Ladies' Garment Workers' Union	11,558.56	675.11
Gail Hoffman, 1225 Eye St., NW #1100 Washington, DC 20005	Handgun Control, Inc	17,322.00	
Hogan & Hartson, 555 13th St., NW Washington, DC 20004-1109	Fluor Corporation		
Richard F. Hohlt, 209 Princess Street Alexandria, VA 22314	Dime Savings Bank of New York	2,500.00	128.00
Do	Stuzin & Camner	2,500.00	88.12
Do	U.S. League of Savings Institutions	3,000.00	158.00
William J. Holayter, 1300 Connecticut Avenue, NW Washington, DC 20036	International Assn of Machinists & Aerospace Workers	9,161.68	
Bruce E. Holbein, 111 Powdermill Rd. (b79) Maynard, MA 01754	Digital Equipment Corp	28,000.00	
Gerard L. Holder, 901 E Street, NW, #500 Washington, DC 20004-2837	American Assn of Homes for the Aging	42.00	
Everett Boyd Hollingsworth Jr., 1341 G Street, NW, 9th Floor Washington, DC 20005	Kraft General Foods, Inc	3,000.00	
Michael J. Hoogendyk, 706 E. Bell Road, #101 Phoenix, AZ 85022	National Assn of Mortgage Brokers	3,112.18	3,112.18
Hopkins & Sutter (Washington), 888 16th Street, NW, 6th floor Washington, DC 20006	Farm Credit Bank of Texas	87,500.00	6,920.11
Do	Federal Agricultural Mortgage Corp (Farmer Mac)	30,225.00	1,742.90
Do	Gulf Citrus Growers Assn, Inc	4,137.50	282.32
Do	Louisiana Pacific Corp	11,030.00	598.02
Do	Marshall Durbin Companies	200.00	56.81
Do	Pizza Hut, Inc	17,468.75	1,145.33
Do	Soap & Detergent Assn	1,000.00	14.09
Do	Tandy Corporation	115.00	135.55
Do	U.S. Sugar Corp	2,625.00	318.76
Bernard Horn, 1225 Eye Street, NW, #1100 Washington, DC 20005	Handgun Control, Inc	7,107.00	
Hospital Association of New York State, 74 N. Pearl St. Albany, NY 12207		9,714.97	9,714.97
M'liss Solove Houston, MSH Consulting 5507 Ferndale Street Springfield, VA 22151	American Collectors Assn, Inc	4,000.00	30.00
Do	Armour Pharmaceutical Company	6,000.00	
Do	MCI Communications Corp	12,000.00	
John Howard, 1615 H Street, NW Washington, DC 20062	U.S. Chamber of Commerce		
James P. Howell, 50 F Street, NW, #900 Washington, DC 20001	National Council of Farmer Cooperatives	1,738.00	
Clifford T. Howlett Jr., 1875 Eye St., NW, #775 Washington, DC 20006	Georgia-Pacific Corp	6,000.00	
David S. Hubbard, 1212 New York Avenue, NW, #520 Washington, DC 20005	American Cement Alliance, Inc	5,054.14	156.08
J. Martin Huber, 5301 Wisconsin Ave., NW, #450 Washington, DC 20015	National Assn of Surety Bond Producers		
Thomas H. Hudson, P.O. Box 2787 Baton Rouge, LA 70821	Coastal Corporation		
Do	Louisiana State University Foundation		
Do	Philip Morris, USA		
Do	Seneca Resources, Inc		
Do	United Gas Pipe Line Co		
Peter W. Hughes, 7927 Jones Branch Drive, #600-S McLean, VA 22102	Council of American Homeowners		
F. Michael Hugo, 3414 N. Emerson Street Arlington, VA 22207	Michael Hugo & Associates, Inc (For:Warner-Lambert Co (For: Degradable Plastics)).	960.00	
Do	Michael Hugo & Associates, Inc (For:Warner-Lambert Co (For: Pharmaceutical Industry)).	13,560.00	
Brett Hulsey, Midwest Office 214 N. Henry St., #203 Madison, WI 53703	Sierra Club	2,580.58	
Gregory A. Humphrey, 555 New Jersey Ave., NW Washington, DC 20001	American Fed of Teachers	20,976.06	224.00
Francis M. Hunt, 1776 Eye Street , N.W. Suite 575 Washington, DC 20006	Dow Chemical Co	500.00	6,489.00
Beverly A. Hunter, 100 Maryland Ave., NE Washington, DC 20002	Religious Coalition for Abortion Rights	7,967.34	241.10
William N. Hunter, 2104-A Gallows Road Vienna, VA 22180	W.N. Hunter & Associates	2,000.00	
W.N. Hunter & Associates, 2104-A Gallows Road Vienna, VA 22180			2,000.00
Hunton & Williams, 2000 Pennsylvania Ave., NW, #9000 Washington, DC 20036	Long Island Lighting Co	1,000.00	
Gerard F. Hurley, 3050 K Street, NW, #330 Washington, DC 20007	National Club Association		
Lindalyn L. Hutter, 1605 King Street Alexandria, VA 22314-2792	National Assn of Convenience Stores		
Robert D. Hynes Jr., 1331 Pennsylvania Ave., NW Suite 930 North Washington, DC 20004	National Broadcasting Co, Inc	1,000.00	628.56
Richard H. Ichord, 800 K Street, NW, #830 Washington, DC 20001	Panda Motors Corp	5,000.00	39.00
Torbjorn Ihre, 2101 Wilson Boulevard Room 402 Arlington, VA 22201	Ericsson Corporation	2,000.00	
Immigration Services Associates, 1212 New York Avenue, NW, #850 Washington, DC 20005	Agricultural Producers		
Do	American Immigration Services (AIS)		
Do	Circuses, et al	471.38	112.25
Do	Citicorp/Citibank		
Do	Fragomen Del Rey & Bernsen, PC (for National Hockey League)	6,234.23	133.45
Do	Fragomen Del Rey & Bersen, P.C. (for IBM)		
Do	Irish Immigration Reform Movement (IIRM)	1,507.88	103.52
Do	McDonald's Corp		
Do	The Search Group, Inc	1,900.00	15.88
Independent Data Communications Manufacturers Assn, c/o Squire Sanders & Dempsey 1201 Pennsylvania Ave., NW Washington, DC 20004.		15,247.00	15,247.00
Industrial Union Department, AFL-CIO, 815 16th St., NW, #301 Washington, DC 20006		37,427.00	37,427.00
Amie Ingber, 1615 H Street, NW Washington, DC 20062	U.S. Chamber of Commerce	35.00	
Institute of International Bankers, 299 Park Avenue New York, NY 10171			65,083.68
Int'l Union, United Auto Aerospace & Agric Implement Workers, Workers of America (UAW) 8000 E. Jefferson Avenue Detroit, MI 48214.		127,385.47	127,385.47
International Assn of Machinists & Aerospace Workers, 1300 Connecticut Ave., NW Washington, DC 20036			40,394.70
International Business-Government Counsellors, Inc, 818 Connecticut Ave., NW, #1200 Washington, DC 20006	Hercules, Inc	10,140.00	111.90
Do	Procter & Gamble	2,031.25	166.09
Do	Totes, Inc	75.00	55.04
Do	Uniroyal Chemical Company, Inc	75.00	76.17
Do	USR Optonix, Inc	75.00	86.39
Do	Xerox Corp	9,187.80	466.95
International Communications Industries Assn, 3150 Spring Street Fairfax, VA 22031-2399		23,158.00	2,824.00
International Speedway Corp, 1801 Volusia Avenue Daytona Beach, FL 32114			21,460.13
Investment Company Institute, 1600 M St., NW Washington, DC 20036			72,879.87
Richard Munroe Irby III, 1515 Wilson Boulevard Arlington, VA 22209	American Gas Assn	4,000.00	190.83
Iron Ore Lessors Assn, Inc, W-2081 First National Bank Bldg. Saint Paul, MN 55101		8,281.58	11,775.79
Amy F. Isaacs, 1625 K Street, NW, #1150 Washington, DC 20006	Americans for Democratic Action	8,502.30	
Robert R. Isaacs, 200 Eighth Avenue South Nashville, TN 37203	Greyhound Lines, Inc		
Ivins Phillips & Barker, Chtd, 1700 Pennsylvania Ave., NW, #600 Washington, DC 20006	Bayer USA, Inc		
Do	Family Holding Company Advocacy Group		
Do	Grand Metropolitan, Inc		
Do	Oberlin College		
Do	Pechiney Corporation		
Do	Rochester Tax Council		
Kenneth M. Iwashita, 29400 Lakeland Boulevard Wickliffe, OH 44092	Lubrizol Corp		
Al Jackson, 100 Indiana Avenue, NW Washington, DC 20001	National Assn of Letter Carriers	12,152.63	
Bobby J. Jackson, 1920 N Street, NW Washington, DC 20036	American Mining Congress		
Glenn Jackson, 1667 K Street, NW, #800 Washington, DC 20006	Williams Companies, Inc	250.00	
Kelleen W. Jackson, 600 Maryland Avenue, SW, #700 Washington, DC 20024	American Psychiatric Assn	2,060.00	2,811.36
Thomas C. Jackson, 1350 I Street, NW Washington, DC 20005	Beveridge & Diamond (For:Foundation for Environmental & Economic Progress, Inc).	1,992.00	
Jeff P. Jacobs, 1015 15th Street, NW Washington, DC 20005	American Public Health Assn	1,200.00	
Pierre R. Jambon, 1001 19th Street, North #800 Arlington, VA 22209	TRW, Inc	1,525.00	

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Claudia James, Box 17407 Dulles Airport Washington, DC 20041	American Newspaper Publishers Assn	10,000.00	49.94
Jerry James, 8303 Mopac Expressway, #150-C Austin, TX 78759	ATC-ClayDesta Communications		
Philip J. James, 8200 Greensboro Drive, #302 McLean, VA 22102	National Glass Assn (NGA)		
Japanese American Citizens League, 1765 Sutter Street San Francisco, CA 94115		4,498.00	4,550.00
John T. Jarvis, The Jarvis Company 1901 L Street, NW, #300 Washington, DC 20036	American Insurance Assn	6,000.00	
Do	Computer Sciences Corp	6,000.00	
Do	Labor-Management Committee for the Timber Industry	11,250.00	
Edwin S. Jayne Jr., 1625 L Street, NW Washington, DC 20036	American Fed of State County & Municipal Employees	16,510.20	383.07
Kevin Jefferson, 1225 Eye Street, NW, #1100 Washington, DC 20005	Handgun Control, Inc	850.00	
Wendell Jeffreys, 245 N. Waco P.O. Box 2940 Wichita, KS 67201-2940	Wichita District Farm Credit Council		
Joseph S. Jenckes, Suite 300 1710 Rhode Island Ave., NW Washington, DC 20036	Abbott Laboratories	10,000.00	
Linda Jenckes, 1025 Connecticut Avenue, NW, #1200 Washington, DC 20036	Health Insurance Assn of America, Inc	153.84	6.00
Jenner & Block, 21 Dupont Circle, NW Washington, DC 20036	Adhesive & Sealant Council, Inc		
Do	American Assn of Electromyography & Electrodiagonosts		
Do	American Dental Trade Assn		
Do	American Diabetes Assn		
Do	American Film Marketing Assn		
Do	American Soc for Cataract & Refractive Surgery		
Do	Dental Gold Institute		
Do	Independent Insurance Agents of America, Inc	15,038.80	
Do	International Soc for Hybrid Microelectronics		
Do	MCI Communications Corp		
Do	National Assn of Casualty & Surety Agents	8,573.10	
Do	National Assn of Life Underwriters	14,895.30	
Do	National Assn of Professional Insurance Agents	14,895.30	
Do	National Assn of Surety Bond Producers		
Do	National Glass Assn		
Carole P. Jennings, 8904 First Avenue Silver Spring, MD 20910	American Academy of Nurse Practitioners	6,000.00	300.00
Richard H. Jenrette, 787 7th Avenue New York, NY 10019	Donaldson Lufkin & Jenrette (for Equitable Financial Cos)		
Ronald P. Johnsen, 700 Thirteenth ,NW, #900 Washington, DC 20005	Columbia Gas System Service Corp	175.00	297.89
David H. Johnson, 750 First Street, NE Room 5004 Washington, DC 20002-4242	Federation of Behavioral Psychological & Cognitive Sciences		
John W. Johnson, P.O. Box 39106 Minneapolis, MN 55439-0106	American Collectors Assn	1,000.00	
Susan E. Johnson, 633 Pennsylvania Ave., NW, #600 Washington, DC 20004	Coldwell Banker Real Estate Group	500.00	69.96
David A. Johnston, 1735 New York Ave., NW Washington, DC 20006	American Institute of Architects		
Allan R. Jones, 2200 Mill Rd. Alexandria, VA 22314	American Trucking Assns, Inc	9,000.00	
Belva W. Jones, 1101 15th St., NW, #202 Washington, DC 20005	National Assn of Margarine Manufacturers		
David R. Jones, 105 East 22nd Street New York, NY 10010	Community Service Society	530.63	81.00
Randall T. Jones, 50 F Street, NW, #900 Washington, DC 20001	National Council of Farmer Cooperatives	3,000.00	
Robin Wagner Jones, 1129 20th Street, NW, #600 Washington, DC 20036	Group Health Assn of America, Inc	5,068.86	
Theodore L. Jones, P.O. Box 65122 Baton Rouge, LA 70896	South Central Bell Telephone		
Do	United Companies Financial Corporation		
Jones Day Reavis & Pogue, 1450 G Street, NW, #700 Washington, DC 20005-2088	Health Policy Coalition	11,385.00	
Jones Walker Waechter Poitevent Carrere & Denegre, 1776 Eye Street, NW, #245 Washington, DC 20006	Audubon Institute, Inc		
Do	Freeport-McMoRan Resource Partners		
Do	International Shipholding Corp	450.00	
Do	Montana Sulphur & Chemical Company		
Do	New Orleans Sports Foundation		
Do	Tad Gormley Project, Inc	270.00	
James Jordan Associates, Inc, 1825 K Street, NW Washington, DC 20006	Consortium for International Earth Science Info. Network	9,000.00	9,868.12
Do	Diagnostic & Instrumentation Laboratory at Mississippi Univ.	1,800.00	1,800.00
Robert G. Josephs, 1250 Connecticut Ave., NW, #620 Washington, DC 20036	National Multi Housing Council	2,124.99	
Diana Jost, 655 15th Street, NW, #350 Washington, DC 20005	Blue Cross & Blue Shield Assn	964.00	
Robert E. Juliano Associates, 2555 M Street, NW, #303 Washington, DC 20037	American Express Co	15,000.00	3,213.39
Do	Hotel Employees & Restaurant Employees Int'l Union	37,500.00	2,977.06
Do	International Speedway Corp	9,000.00	
Do	Martech USA, Inc		
Do	Matson & Navigation Company, Inc		
Do	National Academies of Practice		
Do	Stock Information Group	15,000.00	
Do	U.S. Telephone Assn		
Hans Kaehler, P.O. Box 118 Cold Spring Harbor, NY 11724			
Jan L. Kahn, 1001 Pennsylvania Ave., NW, #1350 Washington, DC 20004	Kahn Soares & Conway (For:California Bean Growers Assn)	218.75	
Do	Kahn Soares & Conway (For:Mid-Valley Water Authority)	543.75	
Do	Kahn Soares & Conway (For:Westlake Farms)		
Kahn Soares & Conway, 1001 Pennsylvania Ave., NW, #1350-N Washington, DC 20004	California Bean Growers Assn	4,498.75	2,309.01
Do	Central Soya	5,412.00	2,280.00
Do	Mid-Valley Water Authority	16,536.75	3,894.24
Do	National Agricultural Chemicals Assn	5,375.00	2,361.14
Do	Westlake Farms		2,000.00
James L. Kane Jr., 1315 Vincent Place Mclean, VA 22101			
Donald J. Kaniewski, 905 16th St., NW Washington, DC 20006	Laborers' Intl Union of North America, AFL-CIO	17,010.00	404.00
Dennis R. Kanin, Foley Hoag & Eliot One Post Office Square Boston, MA 02109	American Insurance Assn		
Do	Cambridge Redevelopment Authority		
Do	Humane Society of the U.S., et al.		
Do	Iroquois Gas Transmission Systems		
Do	National Venture Capital Assn		
Do	Thermedics, Inc		
James W. Kanouse, 1700 North Moore Street, 21st Floor Rosslyn, VA 22209	Boeing Company	7,783.20	1,232.74
S. Steven Karalekas, 1250 Connecticut Avenue, NW, #318 Washington, DC 20036	Karalekas & McCahill (For:Allpoints International, Inc)	2,000.00	12.00
Do	Karalekas & McCahill (For:American Retirees Assn)	5,000.00	64.24
Do	Karalekas & McCahill (For:Gates Rubber Company, et al.)	2,400.00	31.60
David A. Karcher, 3702 Pender Drive, #250 Fairfax, VA 22030	American Soc of Cataract & Refractive Surgery	699.48	83.05
George Kassouf, 1601 Connecticut Avenue, NW, #600 Washington, DC 20009	Alliance for Justice	255.18	
Katten Muchin Zavis & Dombroff, 1025 Thomas Jefferson Street, NW, #700 E Washington, DC 20007	Cogeneration & Independent Power Coalition of America, Inc	4,972.50	1,702.89
Do	Consolidated Natural Gas Service Co, Inc		
Do	Environmental Tax Policy Alliance	585.00	200.34
Do	Future Water International		
Do	National Assn of Independent Colleges & Universities		
Do	Natural Gas Vehicle Coalition	3,315.00	1,135.25
Do	Northwestern Memorial Hospital	2,437.50	834.75
Do	Regional Transportation Authority	1,803.75	617.71
Do	Software Publishers Assn	975.00	333.90
Anthony P. Kavanagh, 2100 Penn. Ave., #675 Washington, DC 20037	Consolidated Edison Co of New York, Inc	2,400.00	1,018.98
Catherine M. Keane, 1667 K Street, NW, #800 Washington, DC 20006	Williams Companies, Inc	100.00	
David L. Keating, 3415 Shepherd Chevy Chase, MD 20815	National Taxpayers Union	5,248.00	
Richard F. Keating, 1776 I Street, NW, #200 Washington, DC 20006	Anheuser-Busch Companies, Inc		
Keck Mahin & Cate, 1201 New York Ave., Penthouse Washington, DC 20005	American Assn for Marriage & Family Therapy	765.00	8.00
Do	Arkansas Oklahoma Gas Company		
Do	Arkansas Western Gas Company		
Do	Arkla Exploration Company		
Do	Arkla, Inc		
Do	General Instrument Corporation	690.00	
Do	Group Health, Inc	3,010.00	68.00
Do	Indeck Energy Services, Inc		
Do	Williams Companies		
Robert J. Keefe, 444 N. Capitol Street, #711 Washington, DC 20001	Keefe Company (For:Alarm Industry Communications Committee)		
Do	TKC International (For:International Public Relations Co, Ltd)		
Do	TKC International (For:Mexican Dept of Commerce & Industrial Development)		
Do	Keefe Co (For:Sanders Associates, Inc)		
Jennifer L. Keehan, 1901 Pennsylvania Ave, NW 10th Floor Washington, DC 20006	International Mass Retail Assn		
J. Michael Keeling, ESOP Association 1100 17th Steet, NW, #1207 Washington, DC 20036	ESOP Association of America		
Paul J. Kelley, 2727 North Central Ave. Phoenix, AZ 85004	U-Haul Intl, Inc	5,000.00	
Burnett S. Kelly, Dow Corning Corp 1800 M Street, NW, Suite 325 South Washington, DC 20036	Dow Corning Corp	5,000.00	1,791.76
Cynthia K. Kelly, 8101 Glenbrook Road Bethesda, MD 20814-2749	American Assn of Blood Banks	2,500.00	

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Donald E. Kelly, Public Affairs Office 600 New Hampshire Ave., NW, #1111 Washington, DC 20037	Appraisal Institute		
Edward L. Kelly, 1319 F Street, NW, #1000 Washington, DC 20004	National Assn of Private Psychiatric Hospitals	500.00	
Harold V. Kelly, 1025 Thomas Jefferson St., NW, #511 W. Washington, DC 20007	Republic Engineered Steels, Inc		
Jane Kelso, 1225 Eye Street, NW, #1100 Washington, DC 20005	Handgun Control, Inc	721.00	
Kemper Financial Services, Inc, 120 South Lasalle Street Chicago, IL 60603			386.79
Kemper Investors Life Insurance Co, 120 South Lasalle Street Chicago, IL 60603			47.50
Jonathan Kempner, 1250 Connecticut Ave., NW, #620 Washington, DC 20036	National Multi Housing Council	4,875.00	
Judith Kennedy, 1050 Thomas Jefferson Street, NW Washington, DC 20007	Student Loan Marketing Assn	400.00	553.01
Patricia Cregan Kennedy, 1100 Connecticut Ave., NW, #900 Washington, DC 20036	Chrysler Corporation	3,332.00	529.00
Edward B. Kenney & Associates, Inc, 499 S. Capitol St., SW, #520 Washington, DC 20003	General Motors Corp		
William Kenworthy, 256 Edwards St., #10 New Haven, CT 06511	American Nuclear Energy Council	2,400.00	211.26
Vytautas Kerbelis, P.O. Box 336 Seal Harbor, ME 04675	ARAS		
Suzanne S. Kerr, 110 Maryland Ave., NE Washington, DC 20002	Peace Political Action Committee	9,549.96	
T. Michael Kerr, 1625 L St., NW Washington, DC 20036	American Fed of State County & Municipal Employees	14,920.66	119.00
Richard F. Kibben, 200 Park Ave., #2222 New York, NY 10166	Business Roundtable		
Kilpatrick & Cody, 700 13th Street, NW, #800 Washington, DC 20005-3960	Forest Farmers Assn	1,764.00	
Do	Greenpeace USA		
Do	Municipal Electric Authority of Georgia	1,927.00	
Do	Software Productivity Consortium	94.00	
Do	U.S. Sprint Telecommunications Co	427.50	
Do	United Airlines, Inc		
Do	University of Georgia	252.00	
Daryl G. Kimball, 1000 16th Street, NW, #810 Washington, DC 20036	Physicians for Social Responsibility	4,044.00	
Richard H. Kimberly, 1201 Pennsylvania Avenue, NW, #220 Washington, DC 20004	Kimberly-Clark Corp	2,685.71	510.36
Kimberly-Clark Corp, Texas Commerce Bank Building 545 E. Carpenter Freeway Irving, TX 75062-3931			4,319.52
Gene Kimmelman, 1424 16th St., NW, #604 Washington, DC 20036	Consumer Federation of America	13,183.00	621.00
Paul E. Kindinger, 1001 Pennsylvania Ave., NW, Suite 1350 Washington, DC 20004	Kahn, Soares & Conway (For:California Bean Growers Assn)	3,468.00	59.01
Do	Kahn, Soares & Conway (For:Central Soya)	1,600.00	
Do	Kahn, Soares & Conway (For:Mid-Valley Water Authority)	50.00	
Do	Kahn, Soares & Conway (For:National Agricultural Chemicals Assn)		
Do	Kahn Soares & Conway (For:Westlake Farms)		
Daniel T. Kingsley, 1655 N. Fort Myer Dr., #700 Arlington, VA 22209	National Venture Capital Association		
Roger P. Kingsley, 10801 Rockville Pike Rockville, MD 20852	American Speech-Language-Hearing Assn		
Janie A. Kinney, 1500 K Street., N.W #650 Washington, DC 20005	Glaxo, Inc	3,000.00	
Peter C. Kirby, 900 17th Street, NW Washington, DC 20006	Wilderness Society		
Raissa V. Kirk, 1920 N Street, NW Washington, DC 20036	American Mining Congress		
Kirkpatrick & Lockhart, 1800 M St., NW, S. Lobby, #900 Washington, DC 20036	Equifax, Inc	502.35	84.79
Do	Search Group, Inc	13,323.00	571.08
Jon Kiser, 1730 Rhode Island Ave., NW Washington, DC 20036	National Solid Wastes Management Assn	500.00	
Carla Kish, 962 Wayne Avenue, #750 Silver Spring, MD 20910	University of Oregon		
Frank D. Kittredge, 1625 K Street, NW Suite 1090 Washington, DC 20006	National Foreign Trade Council	6,000.00	1,100.00
James A. Klein, 1212 New York Ave, NW #1250 Washington, DC 20005	Association of Private Pension & Welfare Plans, Inc	875.00	
Jerry D. Klepner, 1625 L Street, NW Washington, DC 20036	American Fed of State County & Municipal Employees	25,161.78	1,108.84
William J. (Bill) Klinefelter, 815 16th Street, NW, #301 Washington, DC 20006	Industrial Union Department (AFL-CIO)	17,700.00	
Glenn Knapp, 773 Dartmouth Ave. San Carlos, CA 94070			
John A. Knebel, 1920 N Street, NW, #300 Washington, DC 20036	American Mining Congress	720.00	101.57
Bruce Knight, 415 Second Street, NE, #300 Washington, DC 20002	National Assn of Wheat Growers	1,125.00	
Kevin T. Knobloch, 1616 P Street, NW, #310 Washington, DC 20036	Union of Concerned Scientists	7,150.00	355.93
Keith R. Knoblock, 1920 N St., NW Washington, DC 20036	American Mining Congress		
James L. Knowles Jr., P.O. Box 888 Sandstone, MN 55072			
Kirk Koepsel, 23 North Scott Sherican, WY 82801	Sierra Club	1,987.01	1,987.01
Timothy S. Kolly, 2805 Meadow Vista Drive Charlottesville, VA 22906	Worrell Enterprises, Inc		
Koniag, Inc, 4300 B Street, #407 Anchorage, AK 99503			72,343.27
Steven Kopperud, 1501 Wilson Boulevard, #1100 Arlington, VA 22209	American Feed Industry Assn	3,240.00	
Paul A. Korody Jr., 888 17th Street, NW, #300 Washington, DC 20006	ConAgra, Inc	400.00	
Anil Kothari, 1155 Connecticut Ave., NW Washington, DC 20036	Waste Management, Inc	812.00	586.24
Donald J. Kroes, 1615 H Street, NW Washington, DC 20062	Chamber of Commerce of the U.S.	6,500.00	24.00
Victor Krohn, 100 N. Brand Ave., S-502 Glendale, CA 91203	Citizens for an Alternative Tax System	237.80	
Paul C. Kruger, 730 Fairlawn Dr. Columbus, OH 43214	Criminal Justice Oversight Committee		
James S. Krzyminski, 50 F Street, NW, #900 Washington, DC 20001	National Council of Farmer Cooperatives		
James M. Kuszaj, P.O. Box 31608 Raleigh, NC 27615	Dow Chemical USA		
Kutak Rock, 1101 Connecticut Ave., NW, #1000 Washington, DC 20036	Capital Markets Assurance Corporation		
Do	Education Resources Institute		3,211.86
Do	Financial Security Assurance		
Do	First National Bank of Omaha	5,215.00	506.87
Do	Louisiana Public Facilities	43,598.41	21,347.33
Do	Municipal Bond Insurance Assn	2,400.00	210.09
Do	Smith Barney Harris Upham & Co	29,951.50	974.87
John R. Kyte, 1455 Pennsylvania Avenue, NW, #1000 Washington, DC 20004	New England Council, Inc		
Labor-Management Maritime Committee, Inc, 444 Capitol Street, 8th Fl Washington, DC 20001		15,373.00	4,508.00
Laborers' Intl Union of North America, AFL-CIO, 905 16th St., NW Washington, DC 20006			37,821.21
Bruce C. Ladd Jr., 1350 I Street, NW Washington, DC 20005	Motorola, Inc	16,500.00	74.00
Richard L. Ladd, 1 Massachusetts Ave. NW, #800 Washington, DC 20001	Allied-Signal Aerospace Co, Inc	3,090.32	3,657.82
Ellen C. Lamb, 1015 18th St., NW Washington, DC 20036	Conference of State Bank Supervisors		
Gerard F. Lamb, 2341 Jefferson Davis Hwy, #1100 Arlington, VA 22202	Bath Iron Works Corp	5,000.00	
David F. Lambert III, P.O. Box 1417-D49 Alexandria, VA 22313	National Assn of Chain Drug Stores	500.00	
David M. F. Lambert, 2100 Pennsylvania Ave., NW, #600 Washington, DC 20037	Eckert Seamans Cherin & Mellott (For:INDSPEC Chemical Corp)		
David P. Lambert, 1800 K St., NW, #1100 Washington, DC 20006	New York Stock Exchange, Inc		
David R. Lambert, 1030 15th St., NW, #964 Washington, DC 20005	American Seed Trade Assn	5,000.00	
Stephen K. Lambright, One Busch Place St. Louis, MO 63118	Anheuser-Busch Companies, Inc		
Lester P. Lamm, 1776 Massachusetts Avenue, NW Washington, DC 20036	Highway Users Federation for Safety & Mobility		25.00
Jill Lancelot, 7100 Sycamore Avenue Takoma Park, MD 20912	National Taxpayers Union	5,366.00	
Robert D. Landis, 777 14th St., NW Washington, DC 20005	National Assn of Realtors	8,000.00	
David W. Landsidle, 1710 Rhode Island Avenue, NW, #300 Washington, DC 20036	Abbott Laboratories	5,000.00	
Bruce Alan Landy, 2601 Virginia Avenue, NW Washington, DC 20037	B.A.L. Co		
Do	Cryogenic Vacuum Technology Co		
Do	FAA-Congress Watch		
Do			
William C. Lane, 100 N.E. Adams Street Peoria, IL 61629-1460	Caterpillar, Inc		
Robert K. Lange, 1700 N. Moore St., #2120 Arlington, VA 22209	Boeing Company	4,956.50	1,290.07
Marily J. Langill, 1275 K Street, NW, #400 Washington, DC 20005	Society of the Plastics Industry, Inc		
Robin W. Lanier, 1901 Pennsylvania Ave., NW, #200 Washington, DC 20006	International Mass Retail Assn	9,000.00	
Warren Lasko, 1125 15th Street, NW Washington, DC 20005	Mortgage Bankers Assn of America		
Nicole Laughlin, 444 North Capitol Street, #711 Washington, DC 20001	Dallas Area Rapid Transit	500.00	
Terry K. Laughlin, One Thomas Circle, NW, #900 Washington, DC 20005	Imrex Company, Inc		
Kathryn M. Lavriha, P.O. Box 1417-D49 Alexandria, VA 22313	National Assn of Chain Drug Stores, Inc	500.00	
Law Offices of Deborah Steelman, Columbia Square 555 13th Street, NW, #1220 East Washington, DC 20004-1109	AEtna Life & Casualty	6,450.00	3,275.00
Do	Blue Cross & Blue Shield of Missouri		600.00
Do	Grocery Manufacturers of America, Inc	600.00	300.00
Do	Johnson & Johnson	600.00	1,200.00
Do	Lockheed Corp	750.00	600.00
Do	National Assn for the Support of Long Term Care	900.00	900.00
Do	National Health Labs, Inc	300.00	900.00
Do	Pfizer, Inc	600.00	1,200.00
Do	Pharmaceutical Manufacturers Assn	1,200.00	1,200.00
John M. Lawson, 1350 Connecticut Ave., NW #200 Washington, DC 20036	Assn of America's Public TV Stations	3,250.00	117.15
Keith Lawson, 1600 M Street, NW Washington, DC 20036	Investment Company Institute		
Richard L. Lawson, 1130 17th St., NW Washington, DC 20036	National Coal Assn	3,300.00	
William N. LaForge, 1150 Connecticut Ave., NW, #900 Washington, DC 20036	Paul Werth Associates, Inc (For:Grocery Manufacturers Assn)		
Wayne R. LaPierre Jr., 1600 Rhode Island Ave., NW Washington, DC 20036	National Rifle Assn of America		2,000.00
Barbara Leach, 777 14th Street, NW Washington, DC 20005	National Assn of Realtors	8,000.00	
Leadership Conference on Civil Rights, 2027 Massachusetts Ave., NW Washington, DC 20036		28,000.70	80,189.49
Leadership Conference Education Fund, 2027 Massachusetts Ave., NW Washington, DC 20036			6,237.36
League of American Investors, 600 Hampshire Road, #200 Westlake Village, CA 91361			

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Edward R. Leahy, 1500 K Street, NW, #200 Washington, DC 20005	Thacher Proffitt & Wood (For:Capital Holding Corp)		
Do	Thacher Proffitt & Wood (For:Chicago Board Options Exchange)		
Richard J. Lease, 2145 Boise Drive Las Cruces, NM 88001			
Gerard Lavery Lederer, 900 19th Street, NW, #800 Washington, DC 20006	U.S. Telephone Assn		
L. Courtland Lee, Inc, 3814 West Street Landover, MD 20785	Public Resource Assn	600.00	25.00
Peter A. Lefkin, 1730 Rhode Island Ave., NW, #1117 Washington, DC 20036	Fireman's Fund Insurance Cos	4,500.00	3,167.00
Legislative Strategies, 1025 Thomas Jefferson Street, NW, #700-E Washington, DC 20007	American Independent Refiners Assn	2,737.50	1,065.86
Do	Bridge Products		
Do	Cogeneration & Independent Power Coalition of America, Inc		
Do	Consolidated Natural Gas Service Co, Inc	450.00	172.50
Do	Globos International, Inc		
Do	National Hydropower Assn		
Do	Natural Gas Vehicle Coalition		
Do	State of New Mexico (Natural Gas Programs)		
Do	SEC Donohue	2,737.50	1,061.32
Do	Texas-New Mexico Power Company		
Do	Tosco Corporation		
Mary Nell Lehnhard, 655 15th Street, NW, #350 Washington, DC 20005	Blue Cross & Blue Shield Assn	1,821.00	218.99
Arnold H. Leibowitz, 1707 H Street, NW, #500 Washington, DC 20036	Cameron Hornbostel & Butterman (For:Hebrew Immigrant Aid Society (HIAS))	14,700.00	1,684.33
Joseph L. Leitzinger, 1201 Third Ave., #4900 Seattle, WA 98101-3009	Simpson Investment Co		
Robert John Levering, 1101 17th St., NW, #705 Washington, DC 20036	Direct Marketing Assn	1,000.00	1,000.00
Morris J. Levin, 1050 17th St., NW Washington, DC 20036	Association of American Railroads	2,500.00	
Barbara W. Levine, 1015 15th Street, NW Washington, DC 20005	American Public Health Assn	634.50	
Leonard B. Levine, 601 13th Street, NW, #350-S Washington, DC 20005	TransCanada PipeLines	4,800.00	
Herbert J. Levy, 1614 King St. Alexandria, VA 22314	National Assn of Housing Cooperatives		
Jack W. Lewis, 5205 Leesburg Pike, #1600 Falls Church, VA 22041	National Beer Wholesalers Assn	4,000.00	
Lawson LeGate, 177 East 900 South, #102 Salt Lake City, UT 84111	Sierra Club	2,760.08	3,105.97
Robert G. Liberatore, 1100 Connecticut Avenue, NW, #930 Washington, DC 20036	Chrysler Corporation	6,252.00	343.00
Liberty Council, c/o Eligio Castro P.O. Box 21544 University Station San Juan, PR 00931-1544			400.00
Lawrence R. Liebesman, 10480 Little Patuxent Parkway, Suite 950 Columbia, MD 21044	Palisades Development, Inc, et al.		
Victor E. Lindenheim, 1945 Old Gallows Rd., #550 Vienna, VA 22180	American Wood Preservers Institute	1,500.00	
Julienne Wood Lindley, 1725 17th Street, NW, #109 Washington, DC 20009	Bruce P. Cameron (For:Embassy of Mozambique)	1,605.00	
Do	Bruce P. Cameron (For:Embassy of Nicaragua)	1,605.00	
Do	Bruce P. Cameron (For:ESTNA Center)	802.00	
Kathleen M. Linehan, 1341 G Street, NW, #900 Washington, DC 20005	Philip Morris Management Corp	3,360.00	305.00
Linton Mields Reisler & Cottone, 1225 Eye Street, NW, #300 Washington, DC 20005	Colorado School of Mines Foundation	15,412.83	
Do	Iowa Department of Transportation		
Do	Michigan Dept of Transportation	11,640.70	
Do	Northern States Power Company	5,436.00	
Do	State of Colorado, Dept of Highways	11,352.87	
Do	State of IL, Dept of Transportation	33,952.62	
Do	State of IL, Dept of Transportation, Div of Water Resources	3,362.44	
Do	Water Reclamation District of Greater Chicago	31,524.89	
Do	Wisconsin Electric Power Co	5,313.00	
Do	Wisconsin Power & Light Co	7,650.00	
Do	Wisconsin Public Service Corp	7,775.00	
Linda A. Lipsen, 2001 S Street, NW, #520 Washington, DC 20009	Consumers Union of U.S., Inc	2,160.00	
Lipsen Whitten & Diamond, 1725 DeSales St., NW, #800 Washington, DC 20036	Chambers Development Co, Inc	1,250.00	90.00
Do	Federal Record Service Corp		
Do	Health Trust, Inc	3,000.00	
Do	McDonald's Corp	3,000.00	79.00
Do	National Rural Letter Carriers Assn		
Do	Pioneer Seed Co, Inc	5,000.00	
Do	Rolls Royce, Inc	5,000.00	
Do	RJR Nabisco Washington, Inc	4,000.00	
Do	Westinghouse Electric Corp	5,000.00	
E. Geoffrey Littlehale, 1500 K Street, NW, 650 Washington, DC 20005	Glaxo, Inc	3,750.00	
David A. Litvin, 1600 M Street, NW, #700 Washington, DC 20036	Kennecott Corporation	300.00	185.43
Robert W. Lively, 1850 K Street, NW, #1195 Washington, DC 20006	Investment Company Institute	2,055.13	1,051.56
W. Timothy Locke, 499 S. Capitol Street, SW, #507 Washington, DC 20003	Hecht Spencer & Associates (For:Bixby Ranch Co)		
Do	Hecht Spencer & Associates (For:Boy Scouts of America)		
Do	Hecht Spencer & Associates (For:Brown & Williamson Tobacco Corp)		
Do	Hecht Spencer & Associates (For:General Atomics)		
Do	Hecht Spencer & Associates (For:Mars, Inc)		
Do	Hecht Spencer & Associates (For:Mid-American Waste Systems, Inc)		
Do	Hecht Spencer & Associates (For:MCI Telecommunications)		
Do	Hecht Spencer & Associates (For:National Automatic Merchandising Assn)		
Do	Hecht Spencer & Associates (For:Charles E. Smith Management, Inc)		
Frank P. Lombardo II, 317 Baronne Street, N-25 New Orleans, LA 70112	Entergy Services, Inc	3,250.00	1,497.66
Elizabeth Long, 1828 L Street, NW, #802 Washington, DC 20036	American Foundation for AIDS Research	1,000.00	113.50
Ann Looper, 1735 New York Avenue, NW Washington, DC 20006	American Institute of Architects		
Brian C. Lopina, 470 L'Enfant Plaza, SW East Bldg, #7112 Washington, DC 20024	Citizens for a Sound Economy	1,000.00	207.00
Celia C. Lovell, 1500 K Street, NW, #375 Washington, DC 20005	Norfolk Southern Corp	1,000.00	
Mark A. Lowman, 1201 K Street, #800 Scaramento, CA 95814	California Assn of Hospitals and Health Systems	10,000.00	5,658.00
William L. Lucas, 1100 15th Street, NW, #900 Washington, DC 20005	Pharmaceutical Manufacturers Assn	4,000.00	9.00
Gene A. Lucero, 633 West 5th Street, #3500 Los Angeles, CA 90071	Commercial Finance Assn (CFA)		
Do	Sidley & Austin (For:General Electric Capital Corp)		
Carolyn A. Lugbill, 8200 Greensboro Drive, #302 McLean, VA 22102	National Glass Assn (NGA)	5,000.00	
J.C. Luman & Associates, 1030 15th Street, NW, #816 Washington, DC 20005	National Assn of Personnel Consultants		
Michael L. Lunceford, 8787 Stemmons Freeway Dallas, TX 75247	Mary Kay Cosmetics, Inc		
David H. Lynch, 777 14th Street, NW Washington, DC 20005	National Assn of Realtors	8,000.00	
James H. Mack, 7901 Westpark Dr. Mclean, VA 22102	AMT - The Assn for Manufacturing Technology		
Robert MacKay, 901 East Capitol Street, SE, 2nd Floor Washington, DC 20003	American Assn for Counseling & Development	7,017.00	
Cliff Madison Government Relations, Inc., 1611 Landfall Drive Wilmington, NC 28403	Burbank-Glendale-Pasadena Airport Authority	7,500.00	
Do	Center City West Associates	7,000.00	
Do	Disney Development Co	15,000.00	
Do	Federal Express Corp	10,500.00	
Do	Los Angeles County Transportation Commission	24,999.00	
Do	Mark Air, Inc	18,000.00	
Do	Regency Outdoor Advertising		
Do	Sarasota-Bradenton Airport	6,000.00	
Do	Ventura Port District	9,000.00	
Madison Public Affairs Group/Earle Palmer Brown, 2033 M Street, NW, #900 Washington, DC 20036	General Public Utilities	1,500.00	1,043.18
Do	Kraft General Foods	4,450.00	3,377.55
Do	National Power	2,000.00	1,451.00
Do	Northern States Power Company	2,350.00	2,720.37
W. Terry Maguire, Box 17407 Dulles International Airport Washington, DC 20041	American Newspaper Publishers Assn	5,000.00	
Alisa Learner Maher, 1100 Connecticut Ave., NW Washington, DC 20036	Chrysler Corporation	4,725.00	441.00
Walter B. Maher, 1100 Connecticut Ave., NW, #900 Washington, DC 20036	Chrysler Corporation	1,998.00	464.00
Terence P. Mahony, 1331 Pennsylvania Ave., NW, #700 South Washington, DC 20004	National Broadcasting Co, Inc	500.00	
Michael C. Maibach, Intel Corporation, GR1-63 3535 Garrett Drive Santa Clara, CA 95051-8119	Intel Corporation		
Anthony S. Makris, 116 Waterford Place Alexandria, VA 22314	National Rifle Assn of America		
K. Wayne Malbon, 1250 I Street, NW, #400 Washington, DC 20005	National Tire Dealers & Retreaders Assn	372.00	10.00
Lawrence R. Malone, 1211 Avenue of The Americas New York, NY 10036	Hoechst Celanese Corp		
Diane S. Mand, 1100 Connecticut Ave., NW, #310 Washington, DC 20036	Dresser Industries, Inc		
Ted Maness, 1615 H Street, NW Washington, DC 20062	Chamber of Commerce of the U.S.	9,875.00	252.90
Peter T. Mangione, 1319 F Street, NW, #700 Washington, DC 20004	Footwear Retailers of America	100.00	
Frank Mankiewicz, 901 31st Street, NW Washington, DC 20007	Hill & Knowlton (For:Sallie Mae)	175.00	
Richard M. Manning, 1600 Rhode Island Ave., NW Washington, DC 20036	National Rifle Assn of America		
Manufactured Housing Institute, 1745 Jefferson Davis Highway, #511 Arlington, VA 22202			17,077.17
Albert Manville II, 1244 19th Street, NW Washington, DC 20036	Defenders of Wildlife	214.00	
Robert Y. Maples, 1341 G Street, NW, #900 Washington, DC 20005	Philip Morris Management Corp	726.00	76.00
John V. Maraney, 324 East Capitol St., NE Washington, DC 20003	National Star Route Mail Contractors Assn		
Marc Associates, Inc, 1101 17th Street, NW, #803 Washington, DC 20036-4704	Affiliated Leadership League of & for the Blind		

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Do	American Assn of Colleges of Osteopathic Medicine	1,666.00	
Do	American College of Foot Surgeons	2,500.00	
Do	American Lithotripsy Society	3,000.00	
Do	American Soc for Gastrointestinal Endoscopy	2,500.00	
Do	American Soc of Anesthesiologists	8,000.00	
Do	American Soc of Clinical Pathology	5,000.00	
Do	American Soc of Hematology	1,000.00	
Do	American Urological Assn/Amer Assn of Clinical Urologists	5,500.00	
Do	Health Industry Manufacturers Assn (HME)	21,000.00	
Do	Health Industry Manufacturers Assn (IOL)	3,000.00	
Do	Helen Keller National Center	250.00	
Do	International Society for Cardiovascular Surgery/Soc Vas Sur	4,500.00	
Do	Merck Sharp and Dohme	1,000.00	
Do	National Assn of Epilipsy Centers	2,000.00	
Do	National Coalition on Immune System Disorders		
Do	National Hemophilia Foundation	4,000.00	
Do	NI Industries	6,000.00	
Do	Recording for the Blind, Inc	1,000.00	
Do	Research Society on Alcoholism	2,000.00	
Do	Rorer Pharmaceutical Company		
March for Life, Inc, P.O. Box 90300 Washington, DC 20090		538.00	2,337.73
Nico Marcolongo, 1666 Connecticut Ave., NW, #400 Washington, DC 20009	Federation for American Immigration Reform		
Luther A. Markwart, 1156 15th St., NW, #1101 Washington, DC 20005	American Sugarbeet Growers Assn		
Marlowe & Company, 1667 K Street, NW, #480 Washington, DC 20006	City of Venice, Florida	937.50	45.36
Do	Coalition to Keep Alaska Oil	1,850.00	36.00
Do	Coalition to Repeal the Wright Amendment	975.00	43.00
Do	End Notch Discrimination	1,900.00	43.00
Do	National Society of Fund Raising Executives	225.00	10.00
Do	Town of Longboat Key	1,000.00	10.00
William G. Marqaritis, 1747 Pennsylvania Ave., NW, 3rd Flr Washington, DC 20006	Occidental Chemical Corp		
Chalmers H. Marquis, 1350 Connecticut Avenue, NW, #200 Washington, DC 20036	Association of America's Public Television Stations	3,000.00	119.13
Do	Children's Television Workshop		
Catherine A. Marshall, 2001 M Street, NW Washington, DC 20036	Capitoline International Group, Ltd. (For:Professional Lawn Care Assn of America).	3,989.00	796.80
Do	Capitoline International Group, Ltd (For:Scott Paper Company)	12,772.50	2,515.20
Maryland People's Counsel, 231 E. Baltimore Street, 9th Fl. Baltimore, MD 21202			
Anna M. Maschino, 1015 18th Street, NW Washington, DC 20036	Conference of State Bank Supervisors	394.00	
Arthur K. Mason, 1220 19th Street, NW, #700 Washington, DC 20036	Robins Kaplan Miller & Ciresi (For:Assn of the United States Army)		
Scott D. Mason, 1535 Oronoco Alexandria, VA 22314	Beer Drinkers of America Legislative Action Committee		
Ned W. Massee, 299 Park Avenue 13th Floor New York, NY 10171	Westvaco Corporation		
James D. Massie, 1317 F Street, NW, #400 Washington, DC 20004	R. Duffy Wall & Associates	1,250.00	
Noel D. Matchett, 1001 Spring St., #123 Silver Spring, MD 20910	Information Security, Inc	10.00	
Charles D. Matthews, 1120 G Street, NW, #900 Washington, DC 20005	National Ocean Industries Assn	2,375.00	
William C. Mattox, 1700 Pennsylvania Avenue, NW Washington, DC 20006	Mutual of Omaha	750.00	
Michael J. McAdams, 1776 Eye Street, NW, #1000 Washington, DC 20006	BP America, Inc		
McAuliffe Kelly & Raffaelli, 1341 G Street, NW, 2nd Floor Washington, DC 20005	COSTEP	1,000.00	
Do	Dallas/Ft. Worth Railtran System		
Do	Dean Witter Realty, Inc	3,000.00	
Do	Ft. Worth Transportation Authority	3,000.00	
Do	National Telephone Services, Inc		
Do	St. Michael Hospital	1,000.00	
Charlie McBride Associates, Inc, 1730 M Street, NW, #800 Washington, DC 20036	American Electric Power Co, Inc	2,250.00	
Do	American Nuclear Energy Council	7,500.00	673.89
Do	Carolina Power & Light Co	2,250.00	
Do	Commonwealth Edison Co	2,250.00	
Do	Consolidated Edison Co of New York, Inc	6,000.00	
Do	General Atomics	7,000.00	572.82
Do	HNSX Supercomputers, Inc	3,000.00	91.71
Do	Louisiana Energy Services	6,000.00	634.91
Do	Oxford Energy Co	4,500.00	283.48
Do	Sealaska Corp	4,500.00	405.40
Do	Turlock Irrigation District	2,200.00	58.20
Do	Westinghouse Electric Corp	8,100.00	6,137.59
Do	Yukon Pacific Corp	6,000.00	591.27
Katherine S. McCarter, 1015 15th Street, NW Washington, DC 20005	American Public Health Assn	2,566.00	
Stephen McConnell, 1334 G Street, NW Fifth Floor Washington, DC 20005	Alzheimer's Assn	3,200.00	150.00
Molly McCormick, 1104 Old Gulph Road Rosemont, PA 19010	Philadelphia Electric Company	3,294.50	
Todd McCracken, 1155 15th Street, NW, #710 Washington, DC 20005	National Small Business United	7,750.00	
John H. McCutcheon II, 240 9th Street, NE Washington, DC 20002	National Taxpayers Union	3,300.00	
Carol A. McDaid, 655 15th Street, NW, #350 Washington, DC 20005	Blue Cross & Blue Shield Assn	2,500.00	1,321.81
Charles J. McDermott, 1155 Connecticut Ave., NW Washington, DC 20036	Waste Management, Inc	3,550.00	632.78
Daniel J. McDermott, 1155 Connecticut Ave, NW, #500 Washington, DC 20036	Capital Holding Corp	1,875.00	
Marianne McDermott, 1350 New York Avenue, NW, #615 Washington, DC 20005	Resources for Group Management, Inc (For:Greeting Card Assn)		
Jack McDonald, 901 15th Street, NW, #700 Washington, DC 20005-2301	Jack McDonald Co (For:Dow Corning Corp)		
Patricia G. McGinnis, Francis McGinnis & Rees 1000 Potomac St., NW, #401 Washington, DC 20007	California State Dept of Education	40,000.00	34,612.81
Sheryl Peterson McGrath, 919 18th Street, NW Washington, DC 20006	American Financial Services Assn	250.00	
Phillip McGuire, 1225 Eye Street, NW, #1100 Washington, DC 20005	Handgun Control, Inc	6,000.00	
Robert McIntyre, 1313 L St., NW Washington, DC 20005	Citizens for Tax Justice	11,105.75	
McIntyre Kahn & Kruse Co., L.P.A., The Galleria & Towers At Erieview 1301 East Ninth Street, #1200 Cleveland, OH 44114			
Gerald J. McKiernan, 2200 Mill Road Alexandria, VA 22314	American Trucking Assns, Inc	15,000.00	
Bernard A. McKinnon, 1757 N Street, NW Washington, DC 20036	United Automobile Aerospace & Agricultural Implement Workers	15,598.15	414.27
Patrick M. McLain, 1000 Vermont Avenue, NW, #1000 Washington, DC 20005	Rowan & Blewitt, Inc (For:Federation for Intercollegiate Fairness & Equity)		
Lindsay McLaughlin, 1133 15th Street, NW Washington, DC 20005	ILWU	10,000.00	267.81
Michael R. McLeod, 1 Massachusetts Ave., NW, #800 Washington, DC 20001-1431	McLeod Watkinson & Miller (For:American Assn of Crop Insurers)	3,684.00	
Do	McLeod Watkinson & Miller (For:American Mushroom Institute)		
Do	McLeod Watkinson & Miller (For:American Peanut Product Manufacturers, Inc)	8,250.00	
Do	McLeod Watkinson & Miller (For:Chicago Board of Trade)	5,625.00	
Do	McLeod Watkinson & Miller (For:Coalition for Affordable Home Financing)		
Do	McLeod Watkinson & Miller (For:General Mills)	793.40	
Do	McLeod Watkinson & Miller (For:Mid-Valley Water Authority)		
Do	McLeod Watkinson & Miller (For:State of Florida Department of Citrus)		
Do	McLeod Watkinson & Miller (For:United Egg Producers)	2,920.50	
Nancy L. McLernon, 816 Connecticut Avenue, NW, 7th Floor Washington, DC 20006	Organization for International Investment (OFII)	270.00	
Tara McMahon, 1025 Connecticut Avenue, NW, #1200 Washington, DC 20036	Health Insurance Assn of America, Inc		
Thomas E. McMahon, 11718 Bowman Green Drive Reston, VA 22090	National Automatic Merchandising Assn	8,750.00	1,706.09
Molly McMorrow, 1350 I Street, NW, #840 Washington, DC 20005	Ralston Purina Company		
Larry McNickle, 901 E Street, NW, #500 Washington, DC 20004-2873	American Assn of Homes for the Aging	210.00	
John A. McQuaid, 1008 N Randolph Street, S-103 Arlington, VA 22201	Intermodal Marketing Assn		
Mary T. McSorley, 300 5th Street, NE Washington, DC 20002	American Osteopathic Assn	2,362.50	
Leslie S. Mead, 50 F Street, NW, #900 Washington, DC 20001	National Council of Farmer Cooperatives		
Joseph F. Meadow, 7307 Baltimore Avenue, #112 College Park, MD 20740	United Action for Animals, Inc		
James Meadows, 600 Congress Ave., #1360 Austin, TX 78701	Capital Network System, Inc	1,200.00	
James Gregory Means, 6252 15th Place Arlington, VA 22205	BP America, Inc	3,000.00	
Do	Centerior Energy Corp	6,000.00	339.23
Do	Environmental Hazards Management Institute	1,000.00	
Do	National Assn of Chemical Recyclers	7,000.00	
Do	Salomon Brothers	4,200.00	
Do	Systech Environmental Corporation	7,750.00	
Medtronic, Inc, 555 13th St. NW Suite 1260 East Washington, DC 20004			161.00
Stewart C. Megaw, 1155 Connecticut Ave., NW Washington, DC 20036	Waste Management, Inc	812.00	586.24
Larry Mehlhaff, 23 N. Scott, #27 Sheridan, WY 82801	Sierra Club	8,019.79	8,019.79
Michelle Meier, 2001 S Street, NW, #520 Washington, DC 20009	Consumers Union of U.S., Inc	1,000.00	
Stanley Meierfeld, 4 World Trade Center New York, NY 10048	New York Mercantile Exchange		
J. Reese Meisinger, 1575 Eye Street, NW Washington, DC 20005	American Soc of Assn Executives	300.00	

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Susan R. Meisinger, 606 North Washington Street Alexandria, VA 22314	Society for Human Resource Management	15,000.00	
John R. Mendenhall, Martin Tower 8th & Eaton Avenues Bethlehem, PA 18018	Union Pacific Corp	5,000.00	
Paul K. Mengert, P.O. Drawer 10265 Greensboro, NC 27404	Real Estate Management Companies		
Merle D. Menssen, 3M Center-Bldg 220-6E-02 St. Paul, MN 55144-1000	3M	800.00	75.00
Dave S. Merlin, 444 North Capitol Street NE Suite 232 Washington, DC 20001	Freedom Lobby		
Nancy Jo Merrill, 1901 L St., NW, #260 Washington, DC 20036	March of Dimes Birth Defects Foundation		
David A. Metzner, 499 S Capitol St., SW, #520 Washington, DC 20003	Van Fleet Associates	13,749.99	
Alden M. Meyer, 1616 P Street, NW Washington, DC 20036	Union of Concerned Scientists	2,700.00	1,006.50
M. Barry Meyer, 900 19th Street, NW Washington, DC 20006	Aluminum Assn, Inc	25.00	
Nicholas Meyers, 1400 K Street, NW Washington, DC 20005	American Psychiatric Assn	3,007.00	907.74
John L. Mica, 305 East Capitol Street, SE, Washington, DC 20003	Associated Industries of Florida	3,000.00	600.00
Do	Central Florida Research Park	3,000.00	250.00
Do	Greater Orlando Aviation Authority	3,000.00	350.00
Do	Harris-RF Communications	3,000.00	550.00
Do	Hvide Shipping, Inc	2,000.00	250.00
Michael G. Michaels, P.O. Box 150-160 Atlanta, GA 30315			
James G. Michaux, 6917 Granby Street Bethesda, MD 20817	Federated Dept Stores, Inc		
Lisa Mihaly, 122 C Street, NW, 4th Fl. Washington, DC 20001	Children's Defense Fund	1,069.54	
Rene Milam, Box 17407 Washington Dulles Airport Washington, DC 20041	American Newspaper Publishers Assn		
Janice I. Milazzo, 1776 Eye Street, NW, #1000 Washington, DC 20006	BP America, Inc		
Milgrim Thomajan & Lee, P.C., 607 14th Street, NW, #1100#1000 Washington, DC 20005-2000	New York Mercantile Exchange (NYMEX)		
Military Boot Manufacturers Assn, Belleville Shoe Manufacturing Co P.O. Box 508 Belleville, IL 62222		551.00	4,636.62
Charles R. Miller, 777 14th Street, NW Washington, DC 20005	National Assn of Realtors	8,000.00	
Ellen S. Miller, 1320 19th Street, NW Washington, DC 20036	Center for Responsive Politics		
G. Daniel Miller, 1140 Connecticut Ave., NW, #500 Washington, DC 20036	Faegre & Benson (For:Church Alliance)	1,526.00	
Jeffrey T. Miller, 295 Madison Ave 19th Floor New York, NY 10017	Lead Industries Association, Inc	336.00	360.75
Marc E. Miller, 1 Massachusetts Ave., #800 Washington, DC 20001-1431	McLeod Watkinson & Miller (For:Coalition for Affordable Home Financing)		
Pamela A. Miller, 900 17th Street, NW Washington, DC 20006-2596	Wilderness Society	3,497.65	926.31
Peggy Miller, 1424 16th St., NW, #604 Washington, DC 20036	Consumer Federation of America	10,962.00	530.00
Miller & Associates, Harris N., 2111 Wilson Blvd., #531 Arlington, VA 22201-3008	Ada Software Alliance (ASA)		
Do	American Council on International Personnel (ACIP)	3,011.20	798.65
Do	Home Insurance	2,499.00	175.19
C.G. Pete Milligan, 1442 S.W. Troon Circle Palm City, FL 33490	American Telephone & Telegraph Co	1,000.00	475.46
Amy J. Millman, 2200 Mill Road Alexandria, VA 22314	American Trucking Assns, Inc	9,000.00	
Mintz Levin Cohn Ferris Glovsky & Popeo, P.C., 701 Pennsylvania Avenue, NW, #900 Washington, DC 20004	American Newspaper Publishers Assn	15,000.00	250.00
Do	Houghton Mifflin Company	1,891.00	
Do	National Cable Television Assn, Inc	7,500.00	171.48
Stacey J. Mobley, 1701 Pennsylvania Avenue, NW, #900 Washington, DC 20006	E. I. du Pont de Nemours & Co		
David T. Modi, 1875 Eye Street, NW, #775 Washington, DC 20006	Georgia-Pacific Corp	2,415.00	
Michael Monroney, 470 L'Enfant Plaza, SW East Building, #7112 Washington, DC 20024	Citizens for a Sound Economy		
James M. Montgomery, 1455 Pennsylvania Ave., NW, #600 Washington, DC 20004	Joseph E. Seagram & Sons, Inc	1,125.00	
Albert W. Moore, 7901 Westpark Drive McLean, VA 22102	NMTBA	1,275.00	25.00
Frank B. Moore, 3003 Butterfield Road Oak Brook, IL 60521	Waste Management, Inc		586.24
Obie Moore, 1156 15th St., NW, #1015 Washington, DC 20005	JC Penney Co, Inc		
Laura Moorhead, 1156 15th Street, NW, #1201 Washington, DC 20005	NCR Corp		
Randall B. Moorhead, 1300 I Street, NW, #1070E Washington, DC 20005	North American Philips Corp	4,000.00	1,030.00
Robert J. Moran, 1120 G Street, NW, #900 Washington, DC 20005	National Ocean Industries Assn	1,575.00	
Judith Morehouse, 1700 N. Moore Street Rosslyn, VA 22209	Boeing Company	336.00	28.25
Gerald D. Morris, 555 New Jersey Ave., NW Washington, DC 20001	American Fed of Teachers	19,377.30	192.00
Joseph Morris, 1101 15th Street, NW, #202 Washington, DC 20005	National Assn of Margarine Manufacturers		
Tom C. Morris, 1776 Eye Street, NW, #700 Washington, DC 20006	Phillips Petroleum Co	1,800.00	
William Morris, 1737 H Street, NW Washington, DC 20006	Rogers & Wells (For:Oxnard Refinery)		
James W. Morrison Jr., 815 Connecticut Ave., NW, #800 Washington, DC 20006	ARA Services, Inc	7,799.98	
Do	Morrison Associates (For:Blue Cross & Blue Shield Assn)	31,623.27	474.13
Mark E. Morrison, 1825 Eye Street, NW, #1100 Washington, DC 20006	Lockheed Corp	2,000.00	471.69
Cheryl O. Morton, 1330 Connecticut Ave., NW, #300 Washington, DC 20036	Synthetic Organic Chemical Manufacturers Assn	500.00	
Michael L. Morton, 910 16th Street, NW, #402 Washington, DC 20006	Florida Sugar Cane League, Inc		
Do	Rio Grande Valley Sugar Growers		
Russell N. Mosher, 950 N. Glebe Rd., #160 Arlington, VA 22203	American Boiler Manufacturers Assn, Inc	100.00	27.50
Gerald J. Mossinghoff, 1100 15th Street, NW, #900 Washington, DC 20005	Pharmaceutical Manufacturers Assn	1,000.00	
Thomas O. Moulton Jr., 1275 Pennsylvania Ave., NW, #400 Washington, DC 20004	Pacific Telesis Group	15,000.00	
Ann Mulligan, 1730 M Street, NW Washington, DC 20036	League of Women Voters of the United States	2,793.67	
Robert J. Mulligan, 655 15th Street, NW, #350 Washington, DC 20005	Blue Cross & Blue Shield Assn	2,891.00	320.99
Albert E. Mullin Jr, 111 Powdermill Rd. Maynard, MA 01754	Digital Equipment Corp	26,500.00	
Daniel J. Murphy, 2300 N Street, NW, #725 Washington, DC 20037	Murphy & Demory, Ltd (For:California Energy Co, Inc)		
James Jackson Murphy, 1720 I Street, NW 7th Floor Washington, DC 20006	American Academy of Actuaries		
Paul T. Murphy, P.O. Box 619500 Dallas, TX 75261	Caltex Petroleum Corp		
Margaret R. Murray, One Massachusetts Avenue, NW, #800 Washington, DC 20001	McLeod Watkinson & Miller (For:American Assn of Crop Insurers)	324.00	
Do	McLeod Watkinson & Miller (For:Coalition for Affordable Home Financing)		
Do	McLeod Watkinson & Miller (For:General Mills)	220.00	
Do	McLeod Watkinson & Miller (For:National Milk Producers Federation)		
Do	McLeod Watkinson & Miller (For:National Rural Telecom Assn)	448.00	
Peter C. Myers, 50 F Street, NW, #900 Washington, DC 20001	Farm Credit Council		
Daniel Nadash, 777 14th St., NW Washington, DC 20005	National Assn of Realtors	8,000.00	
John Francis Nash Jr., 1100 Connecticut Ave NW #1300 Washington, DC 20036	Milliken & Company	5,000.00	3,250.00
National Abortion Rights Action League, 1101 14th Street, NW, 5th Floor Washington, DC 20005			21,915.27
National Agricultural Chemicals Assn, 1155 15th St., NW Washington, DC 20005		50.00	56.00
National Assn for the Self-Employed (NASE), 575 Ritchie Road Capitol Heights, MD 20743		16,500.00	26,082.22
National Assn for Stock Car Auto Racing, Inc (NASCAR), P.O. Box 26765 1801 Volusia Avenue Daytona Beach, FL 32115-2875.			
National Assn of Chain Drug Stores, Inc, P.O. Box 1417-D49 Alexandria, VA 22313			
National Assn of Federal Employees, 1140 N.W. 63rd Street, #301 Oklahoma City, OK 73116			
National Assn of Home Builders of the U.S., 15th & M Sts., NW Washington, DC 20005		57,971.45	144,588.09
National Assn of Independent Colleges & Universities, 122 C St., NW, #750 Washington, DC 20001		492,904.00	57,491.00
National Assn of Letter Carriers, 100 Indiana Ave., NW Washington, DC 20001		6,810,213.81	133,553.38
National Assn of Margarine Manufacturers, 1101 15th St., NW, #202 Washington, DC 20005			
National Assn of Mortgage Brokers (NAMB), 706 E. Bell Road, #101 Phoenix, AZ 85022		16,478.00	15,395.01
National Assn of Real Estate Investment Trusts, Inc, 1129 20th St., NW, #705 Washington, DC 20036			
National Assn of Wheat Growers, 415 2nd St., NE, #300 Washington, DC 20002		3,500.00	10,025.00
National Automobile Dealers Assn, 8400 Westpark Drive Mclean, VA 22102			25,350.00
National Beer Wholesalers Assn, 5205 Leesburg Pike, #1600 Falls Church, VA 22041		1,922,809.00	14,011.02
National Cable Television Assn, Inc, 1724 Massachusetts Ave., NW Washington, DC 20036		107,436.17	107,436.17
National Coal Assn, 1130 17th Street, NW Washington, DC 20036		1,539,241.31	17,992.32
National Coalition for Abortion Providers (NCAP), 1225 19th Street, NW, #200 Washington, DC 20036		15,360.00	2,814.72
National Coalition for Marine Conservation, Inc, 5015 Paulsen Street, #243 Savannah, GA 31405		52,124.92	33,668.52
National Comm of Cities & States for Airline Service, Transportation Bldg., #417 St. Paul, MN 55156		4.41	
National Community Action Foundation, Inc, 2100 M Street, NW, #604A Washington, DC 20037		84,751.68	
National Council of Farmer Cooperatives, 50 F Street, NW, #900 Washington, DC 20001		9,128.88	7,894.84
National Education Assn, 1201 16th St., NW Washington, DC 20036		24,102.87	24,102.87
National Family Planning & Reproductive Health Assn, Inc, 122 C St., NW, #380 Washington, DC 20001		131,811.00	959.00
National Fed of Business and Professional Women's Clubs, 2012 Massachusetts Ave., NW Washington, DC 20036	National Fed of Business & Professional Womens Clubs		15,142.00
National Food Processors Assn, 1401 New York Avenue, NW, #400 Washington, DC 20005		600.00	600.00
National Foreign Trade Council, Inc, 1270 Avenue of the Americas New York, NY 10020		46,860.00	46,860.00
National Glass Assn, 8200 Greensboro Drive, #302 McLean, VA 22102		5,000.00	7,000.00
National Grocers Assn, 1825 Samuel Morse Drive Reston, VA 22090		3,000.00	1,685.71
National Knitwear & Sportswear Assn, 386 Park Avenue South New York, NY 10016			2,674.93
National League of Postmasters of the U.S., 1023 North Royal Street Alexandria, VA 22314			30,164.00
National Motorists Assn, 6678 Pertzborn Road Dane, WI 53529		5,000.00	5,000.00
National Motorsports Comm of Accus, 1500 Skokie Boulevard, Suite 101 Northbrook, IL 60602		47,260.13	
National Multi Housing Council, 1250 Connecticut Ave., NW, #620 Washington, DC 20036			8,986.10
National Pest Control Assn, 8100 Oak St. Dunn Loring, VA 22027			
National Printing Equipment & Supplies Assn, Inc, 1899 Preston White Drive Reston, VA 22091			
National Rifle Assn of America, 1600 Rhode Island Ave., NW Washington, DC 20036		212,123.47	379,502.38
National Rural Housing Coalition, 122 C Street, NW, #875 Washington, DC 20001		2,365.00	1,064.48

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
National Rural Letter Carriers Assn, 1630 Duke St., 4th Floor Alexandria, VA 22314-3465		26,624.00	35,782.00
National Taxpayers Union, 325 Pennsylvania Ave., SE Washington, DC 20003		15,013.00	20,847.00
National Tire Dealers & Retreaders Assn, 1250 Eye Street, NW, #400 Washington, DC 20005		5,797.00	5,797.00
National Tour Assn, Inc, 546 E. Main Street Lexington, KY 40508		58,331.00	58,331.00
National Venture Capital Association, 1655 N. Fort Meyer Dr., #700 Arlington, VA 22209			74,971.13
Irene Natividad, 1000 16th Street, NW, #810 Washington, DC 20036	Natividad Associates (For:Philippine Embassy)	15,000.00	1,950.00
Natural Gas Supply Assn, 1129 20th St. nw #300 Washington, DC 20036		34,300.00	30,707.60
Ralph G. Neas, 2027 Massachusetts Ave., NW Washington, DC 20036	Leadership Conference on Civil Rights	21,619.68	319.60
Allen Neece Jr., 1050 17th Street, NW Washington, DC 20036	Neece Cator & Associates (For:American Industrial Hygiene Assn)	1,500.00	1,500.00
Do	Neece Cator & Associates, Inc (For:Association of Small Business Development Centers).		
Do	Neece Cator & Associates, Inc (For:National Small Business United)	1,300.00	1,300.00
Do	Neece Cator & Associates, Inc (For:National Venture Capital Association)	1,300.00	1,300.00
Shirley Neff, 555 13th Street, NW, #300W Washington, DC 20004	Interstate Natural Gas Assn of America	1,000.00	
Neill & Company, Inc, 815 Connecticut Ave., NW, #800 Washington, DC 20006	American Methanol Institute	33,000.00	3,051.39
Do	General Electric Industrial and Power Systems	60,000.00	181.59
Do	Government of Jamaica	190,000.00	9,441.05
Do	Islamic Republic of Pakistan		12,672.43
Do	Joint Diseases North General Hospital		159.09
Do	Kingdom of Morocco		11,770.74
Do	Puerto Rico Economic Development Administration		1,095.97
Do	Republic of Cameroon		6,922.90
Do	Republic of Cote d'Ivoire	40,000.00	3,517.64
Do	Republic of Guinea	100,000.00	6,978.71
Do	Republic of Kenya		2,296.31
Do	Schomburg Center for Research In Black Culture		458.87
Christine V. Nelson, 1 Massachusetts Ave., NW, #800 Washington, DC 20001-1431	McLeod Watkinson & Miller (For:United Egg Assn)	1,485.00	48.55
Do	McLeod Watkinson & Miller (For:United Egg Producers)	2,920.50	91.84
Lisanne Nelson, 801 Pennsylvania Ave., SE Washington, DC 20003	National Audubon Society	2,500.00	
Lynda L. Nersesian, 1100 15th St., NW, #900 Washington, DC 20005	Pharmaceutical Manufacturers Assn	4,000.00	42.00
Alexander Netchvolodoff, 1301 Connecticut Ave., #200 Washington, DC 20036	Cox Enterprises, Inc		515.66
Louis H. Nevins, 1500 K Street, NW, #200 Washington, DC 20005	Thacher Proffett & Wood (For:Cape Cod Five Cents Savings Bank)	1,220.00	
Do	Thacher Proffitt & Wood (For:Castine Partners)	58,425.00	
Do	Thacher Proffitt & Wood (For:Dollar Bank, FSB)	5,842.00	
Do	Thacher Proffit & Wood (For:Emigrant Savings Bank)	4,845.00	
Do	Thacher Proffitt & Wood (For:National Council of Savings Institutions)	1,245.00	
Do	Thacher Proffitt & Wood (For:Nationar)	16,815.00	
Do	Thacher Proffitt & Wood (For:North Side Savings Bank)		
Do	Thacher Proffitt & Wood (For:Peoples Westchester Savings Bank)	745.00	
Do	Thacher Proffitt & Wood (For:Third Federal Savings & Loan Assn)	5,842.00	
Do	Thacher Proffitt & Wood (For:Ulster Savings Bank)	730.31	
Daniel E. Nickelson, 2000 L St., NW, #200 Washington, DC 20036	Cleveland Clinic Foundation		
David P. Nicoli, 1341 G Street, NW, 9th Floor Washington, DC 20005	Philip Morris Management Corp	1,375.00	
Nicholas K. Niemann, One Central Park Plaza, #1100 Omaha, NE 68102	McGrath North Mullin & Kratz, PC (For:Nebraska Catholic Conference)		
Do	McGrath North Mullin & Kratz, PC (For:Septemberfest Salute to Labor, Inc)		
Alan Nissalke, 1133 15th Street, NW, #640 Washington, DC 20005	American Logistics Assn		
Nixon Hargrave Devans & Doyle, One Thomas Circle, NW, #800 Washington, DC 20005	American Free Trade Assn	1,365.00	
James A. Noone, 1250 Connecticut Avenue, NW, #318 Washington, DC 20036	Karalekas & McCahill (For:Allpoints International, Inc)	2,000.00	12.00
Do	Karalekas & McCahill (For:American Retirees Assn)	3,000.00	37.44
Do	Karalekas & McCahill (For:Dayco Products, Inc, et al.)	2,400.00	18.00
Do	Karalekas & McCahill (For:Firestone Tire & Rubber Co, et al.)	2,400.00	18.00
Do	Karalekas & McCahill (For:Gates Rubber Company, et al.)	2,400.00	18.00
Robert I. Nooter, 600 Maryland Avenue, SW, #800 Washington, DC 20024	American Farm Bureau Federation	7,713.00	108.00
North American Telecommunications Assn, 2000 M St., NW, #550 Washington, DC 20036		1,840.00	2,250.00
Nussbaum & Wald, One Thomas Circle, NW #200 Washington, DC 20005	American Soc of Composers Authors & Publishers	1,000.00	
Do	National Football League Players Assn	2,000.00	
Jack O. Nutter II, 608 Massachusetts Ave., NE Washington, DC 20002	Nutter & Harris (For:Childrens Health Systems)	1,500.00	
David S. O'Bryon, 1555 Connecticut Ave., NW, #308 Washington, DC 20036	American Assn of Limited Partners	100.00	
Richard T. O'Connell, Richard T. O'Connell & Associates, Inc 3208 Traveler Street Fairfax, VA 22030	Chocolate Manufacturers Assn of the USA		
Do	National Confectioners Assn of the U.S.		
David O'Connor, 1129 20th Street, NW, #600 Washington, DC 20036	Group Health Assn of America, Inc		
O'Connor & Hannan, 1919 Pennsylvania Ave., NW, #800 Washington, DC 20006	American Inst of Certified Public Accountants		
Do	American Land Title Assn	2,520.00	
Do	American Soc of Cataract & Refractive Surgery		
Do	Citizens Savings and Loan	3,106.00	
Do	Health Care Financing Study Group	13,125.00	
Do	Home Finance Coalition, Inc	1,415.00	
Do	MasterCard International, Inc	3,754.00	
Do	Morgan Grenfell Group, PLC		
Do	National Apartment Assn	1,562.00	
Do	Pacific Telesis Group	6,390.00	
Do	Securities Industry Assn	10,875.00	
Do	State Street Bank & Trust Company		
Do	UST	4,406.00	
Do	Visa, USA, Inc	3,754.00	
Do	Westinghouse Electric Corp		
Denise M. O'Donnell, 1875 Eye Street, NW, #775 Washington, DC 20006	Georgia-Pacific Corp	600.00	
J. Daniel O'Flaherty, 1625 K St., NW, #1090 Washington, DC 20006	National Foreign Trade Council	5,000.00	400.00
Sean B. O'Hollaren, 555 13th Street, NW, Suite 450 West Columbia Square Washington, DC 20004	Union Pacific Corp	10,000.00	1,206.49
Janet O'Keeffe, 1200 17th Street, NW Washington, DC 20036	American Psychological Assn	3,000.00	42.00
Kathleen O'Leary, 700 13th Street, NW, #900 Washington, DC 20005	Columbia Gas Transmission Corp	4,100.00	
Law Offices of John O'Neal, P.C., 1455 Pennsylvania Ave., NW, #1200 Washington, DC 20004	National Rural Telecom Assn	1,550.00	
John T. O'Rourke, 1129 20th Street NW #500 Washington, DC 20036	Securities Industry Assn	455.00	195.90
Do	Telecommunications Industries Assn	712.60	233.65
Do	The Limited, Inc		207.51
Jana R. Oakley, 1776 I Street, NW, #275 Washington, DC 20006	Entergy Services, Inc	10,800.00	82.38
Obadal & O'Leary, P.C., 1612 K St., NW, #1400 Washington, DC 20006	Associated Equipment Distributors		
Kim M. Oboz, 1020 19th Street, NW, #700 Washington, DC 20036	U S West, Inc	916.00	
Neil H. Offen, 1776 K Street, NW, #600 Washington, DC 20006	Direct Selling Association		
Lynnea J. Olsen, 400 North Washington Street Alexandria, VA 22314	National Assn of Professional Insurance Agents		
Ronald S. Oppenheimer, 4 World Trade Center New York, NY 10048	New York Mercantile Exchange	6,000.00	
Oppenheimer Wolff & Donnelly, 1020 19th Street, #400 Washington, DC 20036	Government of Barbados	12,312.28	63,796.62
Opperman Heins & Paquin, 1300 I Street, NW, #480E Washington, DC 20005	West Publishing Company	3,222.50	23.00
Charles J. Orasin, 1225 Eye Street, NW, #1100 Washington, DC 20005	Handgun Control, Inc	11,537.00	
Organization of Professional Employees of USDA, Rm. 1414 S. Building U.S. Dept of Agriculture Washington, DC 20250		2,078.50	2,079.68
Elvira J. Orly, 1150 Connecticut Ave., NW, #500 Washington, DC 20036	Browning-Ferris Industries, Inc		
David S. Osterhout, 1825 Eye Street, NW, #1100 Washington, DC 20006	Lockheed Corporation	6,000.00	840.67
Karl Ottosen, 208 G Street, NE Washington, DC 20002	NL Industries/Baroid Corp	11,250.00	
Do	U.S. Federation of Small Businesses, Inc	1,500.00	
William J. Owens, 1745 Jefferson Davis Highway, #511 Arlington, VA 22202	Manufactured Housing Institute		
Pagonis & Donnelly Group, Inc, 1620 Eye Street, NW, #202 Washington, DC 20006	Air Products & Chemicals, Inc	7,200.00	234.96
Do	Americans for National Dividend Act, Inc	48,000.00	
Do	Association of High Medicare Hospitals	22,275.00	
Do	Burroughs Wellcome Co	15,750.00	
Do	Coalition for Quality Legal Services	30,000.00	376.64
Do	Dow Chemical USA	21,700.00	146.61
Do	Holiday Inn Corp	29,763.50	70.03
Do	National Assn of Uniform Manufacturers & Distributors	6,750.00	
Do	Nord Resources Corp	7,200.00	262.69
Do	Rowland Company	675.00	
Geri Palast, 1313 L St., NW Washington, DC 20015	Service Employees International Union, AFL-CIO, CLC		
Brian Pallasch, 1575 Eye Street, NW Washington, DC 20005	American Soc of Assn Executives	300.00	
Stephen J. Paradise, 1800 K Street, NW, #1100 Washington, DC 20006	New York Stock Exchange, Inc		
Nancy L. Parke, 5410 Grosvenor Lane, #100 Bethesda, MD 20814-2122	American Cong. on Survey. & Mapp./Amer Soc of Photogrammetry	2,692.65	1,354.50

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
John N. Parker, 1100 Connecticut Ave., NW, #620 Washington, DC 20036	Mobil Corp	375.00	
Sara Lynn Parker, 1875 Connecticut Ave., NW Washington, DC 20009	Food Research & Action Center		
Penny L. Parkin, 1776 Eye Street, NW, #575 Washington, DC 20006	Dow Chemical USA		3,289.00
Lawrence Parks, 1125 15th Street, NW Washington, DC 20005	Mortgage Bankers Assn of America	13,275.00	743.47
Ken Parmelee, 1630 Duke Street, 4th Floor Alexandria, VA 22314-3465	National Rural Letter Carriers Assn	23,089.00	1,864.00
Jack C. Parnell, 1001 Pennsylvania Ave., NW, Suite 1350 Washington, DC 20004	Kahn, Soares & Conway (For:California Bean Growers Association)	812.00	
Do	Kahn, Soares & Conway (For:Central Soya)	3,812.00	30.00
Do	Kahn, Soares & Conway (For:Mid-Valley Water Authority)	250.00	10.00
Do	Kahn, Soares & Conway (For:National Agricultural Chemicals Association)	5,375.00	111.14
Do	Kahn Soares & Conway (For:Westlake Farms)		
Parry and Romani Associates, Inc, 233 Constitution Avenue, NE Washington, DC 20002	American Chiropractic Assn	2,400.00	
Do	Bell Helicopter Textron, Inc	1,500.00	
Do	Brown & Root U.S.A., Inc	2,000.00	
Do	C.R. Eggs	2,400.00	
Do	Cessna Aircraft Compnay	1,000.00	
Do	Genentech	2,800.00	
Do	Generic Pharmaceutical Industry Assn	1,500.00	
Do	Herbalife International of America, Inc	750.00	
Do	International Assn of Broadcast Monitors	1,800.00	
Do	Lockheed Aeronautical Systems Co	1,650.00	
Do	Motion Picture Assn of America, Inc	3,600.00	
Do	National Assn of Independent Insurers	1,500.00	
Do	National Food Processors Assn		
Do	New Mexico State University		
Do	Opperman Heins & Paquin		
Do	Pfizer, Inc	1,800.00	
Do	Port of Brownsville	1,560.00	
Do	Research Corp Technology, Inc	3,600.00	
Do	Richard V. Allen Co (for MBB Co of Pennsylvania)	2,800.00	
Do	Systech Environmental Corp	2,400.00	
Do	TCOM, L.P.	1,500.00	
Do	Upjohn Company	2,100.00	
Do	Westinghouse Electric Corporation		
Do	Won Door Corporation	1,125.00	
Richard N. Parsons, 1225 Eye Street, NW, #1100 Washington, DC 20005	Handgun Control, Inc	925.00	
Parsons Behle & Latimer, 185 South State Street, #700 Salt Lake City, UT 84147-0898	Energy Fuels		
Richard M. Patterson, 1776 Eye St., NW, #575 Washington, DC 20006	Dow Chemical Co	500.00	6,489.00
David J. Pattison, 1025 Connecticut Ave., NW, #1200 Washington, DC 20036	Health Insurance Assn of America, Inc		
Patton Boggs & Blow, 250 West Pratt Street, #1100 Baltimore, MD 21201	Center City-Inner Harbor Management, Inc	1,500.00	
Do	George Mason University Foundation, Inc	1,600.00	
Do	Greater Baltimore Committee Foundation	500.00	
Do	University of Arizona Foundation	6,000.00	
Molly Pauker, 5151 Wisconsin Ave., NW Washington, DC 20016	Fox Television Stations, Inc	1,000.00	17.50
Paul Hastings Janofsky & Walker, 1050 Connecticut Avenue, NW, #1200 Washington, DC 20036	American College of Neuropsychopharmacology	315.00	
Paul Weiss Rifkind Wharton & Garrison, 1615 L Street, NW, #1300 Washington, DC 20036	Carl Marks & Co, Inc (for Royal Seafoods, Inc)		
Do	National Music Publishers Assn, Inc	20,957.00	
Paul Werth Associates Inc, 1150 Connecticut Ave, NW Suite 900 Washington, DC 20036	Coalition for Vehicle Choice	21,222.00	2,300.00
Peace Political Action Committee, 110 Maryland Avenue, NE Washington, DC 20002			11,861.41
Russell H. Pearson, 1156 15th Street, NW, #1015 Washington, DC 20005	J. C. Penney Co, Inc		
Lee Peckarsky, 1275 Pennsylvania Ave. NW #502 Washington, DC 20004	National Council of Savings Institutions	12,750.00	
Gordon O. Pehrson Jr., 1275 Pennsylvania Ave., NW Washington, DC 20004-2404	Chemical Products Corp		204.63
Elin Peltz, 1155 15th Street, NW, #900 Washington, DC 20005	National Agricultural Chemicals Assn		
Nicholas J. Penning, 1801 N. Moore Street Arlington, VA 22209	American Assn of School Administrators	8,715.00	
Pension Real Estate Assn, 95 Glastonbury Blvd. Glastonbury, CT 06033			
Mark Pertschuk, 2530 San Pablo Ave, #J Berkeley, CA 94702	Americans for Nonsmokers' Rights	612.00	
Esther Peterson, 2001 S St., NW, #510 Washington, DC 20009	International Organization of Consumers Unions		
Geoffrey G. Peterson, 1250 Eye St., NW, #900 Washington, DC 20005	Distilled Spirits Council of the U.S., Inc	2,000.00	
Laura M. Pettey, 1776 Eye Street, NW, #575 Washington, DC 20006	Dow Chemical Co	500.00	6,389.00
Susan M. Pettey, 901 E Street, NW, #500 Washington, DC 20004-2837	American Assn of Homes for the Aging		
Mitchell S. Pettit, 1133 Connecticut Ave., NW, #1000 Washington, DC 20036	Southwestern Bell Corp-Washington, Inc	25,200.00	
Pettit & Martin, 601 13th Street, NW, #600 Washington, DC 20005	American Suzuki Motor Corp	11,546.00	207.00
Peyser Associates, Inc, 1000 Vermont Ave., NW, #400 Washington, DC 20005	City of Philadelphia		
Do	HOV Coalition	8,000.00	
Do	MacAndrews & Forbes Holdings, Inc	6,375.00	
Do	Metro	9,450.00	
Do	Metropolitan Toledo Consortium		
Do	Morton International	17,500.00	
Do	Mothers Against Drunk Driving (MADD)	12,499.98	
Do	National School Health Education Coalition	2,100.00	
Do	New York State Thruway Authority	22,500.00	
Do	Regional Transit Authority	24,999.99	
Do	Southeastern Pennsylvania Transit Authority	12,000.00	
Pharmaceutical Manufacturers Assn, 1100 15th Street, NW, #900 Washington, DC 20005		31,813.75	31,665.00
Laura Phelps, 1 Massachusetts Ave., NW, #800 Washington, DC 20001-1431	McLeod Watkinson & Miller (For:American Assn of Crop Insurers)	1,045.25	94.30
Do	McLeod Watkinson & Miller (For:American Mushroom Institute)	3,002.50	
Do	McLeod Watkinson & Miller (For:General Mills)	220.00	
Physicians for Social Responsibility, 1000 16th Street, NW, #810 Washington, DC 20036		20,108.00	16,219.00
Joann Piccolo, 1350 I Street, NW, #400 Washington, DC 20005	Motorola, Inc	4,500.00	
Theodore M. Pierce, 5301 Wisconsin Ave., NW, #450 Washington, DC 20015	National Assn of Surety Bond Producers		
William A. Pierce, 4616 Chelsea Lane Bethesda, MD 20814	National Taxpayers Union		
Elizabeth P. Pigott, 155 Marblehead Court Jackson, MS 39211	Entergy Services, Inc	3,000.00	2,110.00
Susan G. Pikrallidas, 500 E Street, SW, #950 Washington, DC 20024	American Automobile Assn		
Jeffrey J. Pirruccello, One Central Park Plaza, #1100 Omaha, NB 68508	McGrath North Mullin & Kratz, PC (For:Nebraska Catholic Conference)	256.00	
Do	McGrath North Mullin & Kratz, PC (For:Septemberfest Salute to Labor, Inc)		
Podesta Associates, Inc, 424 C Street, NE Washington, DC 20002	Airport Operators Council International	1,171.88	
Do	Allied-Signal, Inc	675.00	28.27
Do	American Assn of Airport Executives	1,171.88	
Do	American Newspaper Publishers Assn	21,937.50	1,442.01
Do	Computer & Business Equipment Manufacturers Assn	8,737.50	125.38
Do	Digital Equipment Corp	3,000.00	313.36
Do	Eidak	2,000.00	253.18
Do	Genentech, Inc	8,000.00	669.39
Do	National Artists Equity Assn		773.70
Do	National Assn of Broadcasters	3,000.00	9.46
Do	National Conference of Bankruptcy Judges	3,492.50	310.94
Stephen Pohlot, Box 1000/11880-054 Milan, MI 48160			
Karen Pollitz, 2021 Massachusetts Ave., NW Washington, DC 20036	American Academy of Family Physicians	2,937.50	112.95
M. A. Polzin, 100 NE Adams Street Peoria, IL 61629-1430	Caterpillar, Inc		
Harry L. Ponder, 815 16th Street, NW, #707 Washington, DC 20006	Department for Professional Employees AFL-CIO	8,313.11	
Kathryn Pontzer, 1100 17th Street, NW, 10th Floor Washington, DC 20036	American Assn for Marriage & Family Therapy	3,500.00	
Jennifer Powell, 2012 Massachusetts Ave., NW Washington, DC 20036	National Fed of Business & Professional Womens Clubs		
Powell Goldstein Frazer & Murphy, 1001 Pennsylvania Ave., NW, 6th Floor, S Washington, DC 20004	Iroquois Gas Transmission System	17,501.00	148.14
Prather Seeger Doolittle & Farmer, 1600 M Street, NW, 7th Floor Washington, DC 20036	Cadmium Council, Inc		
Do	Lead Industries Assn, Inc	1,350.00	
Robert L. Pratt, PRAXIS, Inc 300 Third Avenue Waltham, MA 02154	Thermo Electron Corp/Thermedics, Inc	4,100.00	1,287.00
Harold Price, 1533 New Hampshire Ave., NW Washington, DC 20036	National Assn of Retired Federal Employees		
James M. Price, 1330 21st Way South, #100 Birmingham, AL 35205	Sierra Club		
Pro-Life Congressional District 11, P.O. Box 727 San Carlos, CA 94070		1,232.00	264.42
Sydney Probst, 1250 Eye Street, NW, #900 Washington, DC 20005	Distilled Spirits Council of the U.S., Inc	2,000.00	
Project Advisory Group, 1625 K Street, NW, #725 Washington, DC 20006			3,134.86
Project Cure, Inc, 1101 Connecticut Ave., NW, #403 Washington, DC 20006		723,965.00	630,642.00
Gerald R. Prout, 1627 K St., NW, #500 Washington, DC 20006	FMC Corporation	1,600.00	
Public Resource Associates, 1815 H Street, NW, #600 Washington, DC 20006			600.00
Public Strategies Washington, Inc, 1455 Pennsylvania Ave., NW, #1100 Washington, DC 20004	American Trucking Assns, Inc	12,510.00	619.55

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Do	Blue Cross Blue Shield Assn		876.45
Do	GTECH	45,000.00	629.06
Do	Mexican Department of Commerce & Finance	60,004.09	2,270.41
Do	National Assn of Chain Drug Stores	16,666.00	1,887.35
Do	Southwest Airlines	6,000.00	1,284.65
Thomas W. Purcell, 100 Daingerfield Road Alexandria, VA 22314	Printing Industries of America, Inc	2,500.00	
Sue P. Purvis, P.O. Box 14042 St. Petersburg, FL 33733	Florida Power Corp	2,750.00	697.60
Do	Florida Progress Corp	685.00	174.40
Patricia A. Quealy, 655 15th Street, NW, #350 Washington, DC 20005	Blue Cross & Blue Shield Assn	7,750.00	1,795.60
Jeffrey L. Quyle, 720 N. High School Rd. Indianapolis, IN 46214	Indiana Statewide Assn of Rural Electric Cooperatives, Inc	5,000.00	8,497.69
George Gregory Raab, 555 13th Street, NW, #1260 East Washington, DC 20004	Medtronic, Inc		161.00
W. A. Radziewicz, 400 N. Capitol Street, NW, #860 Washington, DC 20001	Brotherhood of Railroad Signalmen	465.00	
Ragan & Mason, 1156 15th Street, NW, #800 Washington, DC 20005	American Bureau of Shipping	5,000.00	37.09
Do	American Ship Building Co	5,000.00	120.19
Do	Bell Atlantic Network Services, Inc	33,750.00	
Do	Childrens Television Workshop	17,000.00	
Do	Klukwan, Inc		
Do	National Bulk Carriers, Inc	4,500.00	
Do	R.J. Reynolds Nabisco, Inc	21,000.00	
Do	Sea-Land Service, Inc	20,000.00	144.09
Do	Stimson Lumber Co & Miller Redwood Co	3,000.00	
Do	Territorial Savings & Loan Assn		
Tanya A. Rahall, 2550 M Street, NW, #305 Washington, DC 20037-1301	American Task Force for Lebanon	15,000.00	85.54
Richard W. Rahn, 1615 H St., NW Washington, DC 20062	Chamber of Commerce of the U.S.		
Thomas F. Railsback, 2000 M Street, NW Washington, DC 20036	Graham & James (For:American Academy of Cosmetic Surgery, Inc)		
Do	Graham & James (For:Ameritech, Bell Atlantic, BellSouth & et al)	2,052.50	
Do	Graham & James (For:R. R. Donnelley & Sons Company)		
Do	Graham & James (For:English Bay Corp)		
Do	Graham & James (For:Federal Judges Association)	107.40	
Do	Graham & James (For:Illinois Health Facilities Authority)		
Do	Graham & James (For:Milk Specialties Co)	450.00	
Do	Graham & James (For:National Assn of Immigration Judges)		
Do	Graham & James (For:National Council of U.S. Magistrates)	176.91	
Kristen M. Rand, 2001 S St., NW, #520 Washington, DC 20009	Consumers Union of U.S., Inc	1,000.00	
James D. Range, 1155 Connecticut Ave., NW, #800 Washington, DC 20036	Waste Management, Inc	3,550.00	586.24
Robert A. Rapoza Associates, Inc, 122 C Street, NW, # 875 Washington, DC 20001	Association for Health Services Research	500.00	
Do	Community Transportation Association of America	200.00	
Do	Local Initiatives Support Corp	200.00	
Do	Minot State University	1,000.00	
Do	National Congress for Community Economic Development	1,100.00	
Do	National Rural Housing Coalition	200.00	
Do	Trust for Community Development	200.00	475.32
D. Michael Rappoport, P.O. Box 52025 Phoenix, AZ 85072	Salt River Project	1,680.00	6,128.63
William Randall Rawson, 950 N. Glebe Road, #160 Arlington, VA 22203-1824	American Boiler Manufacturers Assn, Inc	15.00	5.25
John K. Rayburn, 1801 K Street, NW Washington, DC 20006	Westinghouse Electric Corp	235.00	30.00
Robert S. Raymar, 1180 Raymond Boulevard Newark, NJ 07102	Hellring Lindeman Goldstein & Siegal (For:GAF Corporation)	3,732.85	236.60
Bill Redding, 214 N. Henry Street, #203 Madison, WI 53703	Sierra Club	3,723.55	
Donald W. Reed, 1776 I Street, NW, #575 Washington, DC 20006	Dow Chemical Co		6,321.50
Jerrildine Reed, 1667 K Street, NW, #210 Washington, DC 20006	Rohm & Haas Company		
Michael L. Reed, 1100 15th Street, NW, #900 Washington, DC 20005	Pharmaceutical Manufacturers Assn	4,000.00	45.00
Reed Smith Shaw & McClay, 1200 18th Street, NW Washington, DC 20036	CAFRI	5,000.00	
Robert S. Reese Jr., 1341 G Street, NW, #900 Washington, DC 20005	Philip Morris Management Corp	3,200.00	189.91
William Reffalt, 1400 Eye St., NW Washington, DC 20005	Wilderness Society	1,189.92	
Regional Commerce & Growth Assn, 1021 Kingsway, #6 Cape Girardeau, MO 63701		8,247.50	29,294.04
Diane Reis, 2012 Massachusetts Ave., NW Washington, DC 20036	National Fed of Business & Professional Womens Clubs		
Riley Repko, 1155 Connecticut Avenue, NW, 4th Floor Washington, DC 20036-4306	Oracle Corporation		37,000.00
Reserve Officers Assn of the US, 1 Constitution Ave., NE Washington, DC 20002		2,764.50	21,918.85
Paul C. Rettig, 50 F Street, NW, #1100 Washington, DC 20001	American Hospital Assn		
Alan V. Reuther, 1757 N Street, NW Washington, DC 20036	Int'l Union, United Auto Aerospace & Agric Implement Workers	21,109.62	570.80
Michael S. Reynolds, 900 Threadneedle Houston, TX 77079	Vista Chemical Company		3,250.00
Grace Ellen Rice, 600 Maryland Ave., SW Washington, DC 20024	American Farm Bureau Federation	9,033.00	146.40
Lois D. Rice, 2332 Massachusetts Avneue, NW Washington, DC 20008	Control Data Corporation		
Jeffrey K. Richard, 1620 I Street, NW Suite 300 Washington, DC 20006	J. Richard Government Strategies (For:City of Fort Worth Center for Municipal Development).	23,250.00	28,300.19
Alan K. Richards, 1025 Connecticut Ave., NW, #1200 Washington, DC 20036	Health Insurance Assn of America, Inc		
Warren S. Richardson, 325 Pennsylvania Ave., SE Washington, DC 20003	Washington Lobby Group, Inc (For:Preston Corp)	3,000.00	
Les Richter, 2555 M Street, NW, #327 Washington, DC 20037	National Assn for Stock Car Auto Racing, Inc (NASCAR)		
Do	National Motorsports Comm of Accus-FIA, Inc		
Judith Assmus Riggs, 1334 G Street, NW #500 Washington, DC 20005	Alzheimer's Assn	4,125.00	125.50
Russell C. Ring, 1700 Pensylvania Ave., SE, #500 Washington, DC 20006	Mutual of Omaha Insurance Co	150.00	
Kenneth Rinzler, 9115 Hague Road indianapolis, IN 46250	Boehringer Mannheim Corp	2,000.00	2,125.00
Riselli & Pressler, P.C., 1225 19th Street, NW, #850 Washington, DC 20036	Professional Managers' Assn		
Mark R. Riso, 1920 N Street, NW Washington, DC 20036	American Mining Congress		
Liz Robbins Associates, 420 7th St., SE Washington, DC 20003	Authors Guild	10,500.00	855.00
Do	New York State Housing Finance Agency	4,050.00	266.00
Do	Phoenix House Foundation	300.00	
Do	Scholastic, Inc	900.00	
Do	Spectrascan Imaging Co	10,208.00	272.00
Do	Warburg Pincus Capital Corp	20,118.00	582.00
Do	West Fed Holdings, Inc	36,794.00	964.00
William A. Roberts, 444 North Capitol St., #711 Washington, DC 20001	Keefe Company (For:AEG Westinghouse Transportation Systems, Inc)	1,500.00	
Do	Keefe Company (For:Broward County Governmental Center)	1,800.00	
Do	Keefe Co (For:City of Tampa)	1,500.00	
Do	Keefe Company (For:Dallas Area Rapid Transit)	1,250.00	
Do	Keefe Company (For:Greater Orlando Aviation Authority)	2,000.00	
Do	Keefe Co (For:Sanders Associates, Inc)	500.00	
Do	Keefe Company (For:Seminole Tribe of Florida)	1,500.00	
Do	Keefe Company (For:University of Miami)	1,000.00	
Robins Kaplan Miller & Ciresi, 1801 K Street, N.W., #1200 Washington, DC 20006	International Group of P&I Clubs	21,104.50	150.00
Do	Polaris Industries	615.00	7.50
Do			
Bob John Robison, 1 Massachusetts Avenue, NW, #800 Washington, DC 20001	Robison International, Inc (For:FMC Corp)	1,000.00	
Do	Robison International, Inc (For:General Atomics Technologies)	1,000.00	
Do	Robison International, Inc (For:McDonnell Douglas Corp)	1,000.00	
Do	Robison International, Inc (For:Royal Ordnance, Inc/British Aerospace Co)	1,000.00	
Robison International, Inc, 1 Massachusetts Ave. NW, #800 Washington, DC 20001	FMC Corporation	1,200.00	1,420.37
Do	General Atomics Technologies	3,600.00	4,261.10
Do	McDonnell Douglas Corp	11,282.17	14,000.27
Do	Royal Ordnance, Inc	15,296.06	18,104.99
David B. Rockland, 1705 DeSales Street, NW 8th Floor Washington, DC 20036	Times Mirror Magazines, Inc		
Phillip Rodenberg, 1400 K Street, NW, #801 Washington, DC 20005	General Aviation Manufacturers Association	6,515.00	
Michael F. Rodgers, 901 E Street, NW, #500 Washington, DC 20004-2837	American Assn of Homes for the Aging		
Margaret Rogers, 1776 Eye Street, NW, #575 Washington, DC 20006	Dow Chemical Co		6,514.00
Susan L. Rogers, 815 Connecticut Ave., NW, #1100 Washington, DC 20006-4078	Horsham Corporation (For:Baker & McKenzie)	25,600.00	987.95
Rogers & Wells, 1737 H Street, NW Washington, DC 20006	Futures Industry Association		149.55
Lori S. Rogovin, 901 East Capitol Street, SE Second Floor Washington, DC 20003	American Assn for Counseling & Development	8,783.00	
George L. Rolofson, P.O. Box 18300 Greensboro, NC 27419	CIBA-GEIGY Corp	3,995.00	2,473.17
Daniel Romanko, c/o Dow Lohnes & Albertson 1255 23rd Street, NW Washington, DC 20037	Canadian Steel Producers Assn		
Barbara Roper, 1424 16th Street, NW, #604 Washington, DC 20036	Consumer Federation of America	9,686.00	
Leslie Rose, 1129 20th St., NW, #600 Washington, DC 20036	Group Health Assn of America, Inc	4,812.50	
Richard Rosen, 5010 Wisconsin Ave., NW, #118 Washington, DC 20016			
Robert M. Rosenberg, 8100 Oak Street Dunn Loring, VA 22027	National Pest Control Assn		
Marilyn Rosenthal, 15th & M Streets, NW Washington, DC 20005	National Assn of Home Builders of the United States		
Henry A. Ross, 1090 Vermont Avenue, NW, #800 Washington, DC 20005	Reflexite Corp		

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Joe Ross, 111 Main Street Little Rock, AR 72201			
Richard Rosser, 122 C Street, NW, #750 Washington, DC 20001	National Assn of Independent Colleges & Universities	2,112.00	
Joseph L. Rosso, 2200 Mill Road Alexandria, VA 22314	American Trucking Assns, Inc	9,000.00	
Linda Rothleder, 315 Bonifant Road Silver Spring, MD 20904	Marconi Electronics, Inc	3,000.00	1,074.44
William C. Rountree, Suite 1000 1776 Eye Street, NW Washington, DC 20006	BP America, Inc		
J. Patrick Rowland, 1023 15th Street, NW, 7th Fl Washington, DC 20005	Rowland & Sellery (For:Baker Industries)	1,500.00	25.00
Do	Rowland & Sellery (For:Borg-Warner Automotive, Inc)	1,500.00	25.00
Do	Rowland & Sellery (For:Coalition for Uniform Product Liability Law)	2,000.00	25.00
Do	Rowland & Sellery (For:GE Plastics)	1,000.00	25.00
Do	Rowland & Sellery (For:Independent Armored Car Assn)	2,400.00	50.00
Do	Rowland & Sellery (For:National Armored Car Assn)	2,400.00	30.00
Do	Rowland & Sellery (For:National Check Cashers Assn, Inc.)	1,500.00	25.00
Rowland & Sellery, 1023 15th Street, NW, 7th Fl Washington, DC 20005	GE Plastics	2,000.00	50.00
Do	National Check Cashers Assn, Inc	3,000.00	50.00
Do	Security Companies Organized for Legislative Action (SCOLA)	1,004.00	25.00
Roxton, Inc, 2000 S. Eads Street, #1003 Arlington, VA 22202			
Robert S. Royer, 1747 Pennsylvania Ave., NW, #900 Washington, DC 20006	Citizens Savings Bank		
Do	International Futures Exchange		
Do	Intex Holdings (Bermuda) Ltd		
Do	Long Island Savings Bank		
Do	MacAndrews & Forbes Holdings, Inc		
Do	Michigan Trade Exchange		
Do	Municipal Finance Industry Assn		
Do	National Health Labs, Inc		
Royer Shacknai & Mehle, 1747 Pennsylvania Avenue, NW Washington, DC 20006	Municipal Finance Industry Assn		
Do	John Nuveen & Co, Inc		
Eric M. Rubin, 1730 M Street, NW, #412 Washington, DC 20036	Rubin Winston & Diercks (For:Outdoor Advertising Assn of America, Inc)		
James S. Rubin, 7004 Blvd. East, 22-D Guttenberg, NJ 07093	Bass & Ullman (for National Assn of Pharmaceutical Mfgrs)	3,500.00	
Lois J. Rude, 50 F Street, NW, #1080 Washington, DC 20001	BR Services, Inc	500.00	114.94
Ruder Finn, Inc, 1615 M Street, NW, #220 Washington, DC 20036	Republic of Croatia, Washington Office	42,000.00	4,440.89
Nicholas L. Ruggieri, 1667 K Street, NW, #410 Washington, DC 20006	Ares-Serono, Inc	1,000.00	225.00
John Runyan, 100 Daingerfield Rd. Alexandria, VA 22314	Printing Industries of America, Inc	1,000.00	
Christine Anne Russell, 1615 H Street, NW Washington, DC 20062	Chamber of Commerce of the U.S.	9,875.00	547.43
Patricia Ryan, 1319 F Street, NW, #1000 Washington, DC 20004	National Assn of Private Psychiatric Hospitals	500.00	
Ryan-McGinn, Inc, 2300 Clarendon Blvd., #610 Arlington, VA 22201	American Dietetic Assocn		
Do	American Medical Record Assn Long Term Care Section		
Do	Baxter Healthcare Corporation		
Do	Cathedral Healthcare System	3,250.00	203.48
Do	Independent Oil & Gas Association	1,800.00	317.14
Do	Manor Care		
Do	National Assn of Medical Directors of Respiratory Care		
Do	Puritan Bennett		
RBC Associates, 122 C Street, NW, #850 Washington, DC 20001	Chicago & Northwestern Railroad	28,000.00	5,304.81
Do	Delaware Otsego System	29,266.00	5,304.81
Do	Illinois Central Railroad	14,000.00	5,304.81
Do	Investment Counsel Assn of America, Inc	7,125.00	5,304.80
Do	Regional Railroads of America	26,000.00	5,304.80
Do	Turbomeca Engine Corp	20,000.00	5,304.80
Lawrence E. Sabbath, 1023 15th Street, NW, 7th Fl Washington, DC 20005	Rowland & Sellery (For:GE Plastics)	1,000.00	25.00
Do	Rowland & Sellery (For:Security Companies Organized for Legislative Action (SCOLA)).	1,004.00	25.00
Sagamore Associates, Inc, 1701 K Street, NW #400 Washington, DC 20006	Ebasco Services Inc	8,500.00	418.36
Do	Flash Technology Corporation of America	7,800.00	239.95
Do	Indiana Electric Assn	21,560.00	2,384.98
Do	Indiana University	10,800.00	837.37
Do	MSE Corp	2,018.00	374.98
Do	United Student Aid Funds	4,980.00	956.58
Lee Becker Salamone, 1111 14th St., NW Washington, DC 20005	American Bakers Assn		
Stephen Sale, 910 16th Street, NW Washington, DC 20006	Fehrenbacher Sale Quinn & Deese (For:CSC Credit Services, Inc)		59.25
Frank Max Salinger, 919 18th Stret, NW Washington, DC 20006	American Financial Services Assn	250.00	
Felix R. Sanchez, 1515 Wilson Blvd. Arlington, VA 22209	American Gas Assn	2,000.00	640.57
Stuart A. Sanderson, 1920 N Street, NW, Washington, DC 20036	American Mining Congress		
C. Patrick Sankey, 501 School Street, SW, 8th Floor Washington, DC 20024-2713	American Road & Transportation Builders Assn	500.00	
James D. Santini, 1101 King Street, #350 Alexandria, VA 22314	American Escrow Assn	4,800.00	1,065.14
Do	Conference of National Park Concessioners	6,000.00	1,567.31
Do	National Tour Assn, Inc	29,913.00	5,965.60
Do	Truckee-Carson Irrigation District		2.48
Kathleen Curry Santora, 122 C St., NW, #750 Washington, DC 20001	National Assn of Independent Colleges & Universities	1,752.00	
Kristin Sarri, 1244 19th Street, NW Washington, DC 20036	Defenders of Wildlife	288.50	
Albert C. Saunders, 1100 15th St., NW #900 Washington, DC 20005	Pharmaceutical Manufacturers Assn	4,000.00	13.75
Charles P. Saunders, 1130 Connecticut Ave., NW, #830 Washington, DC 20036	Southern Company Services, Inc		
Donald M. Saunders, 1625 K Street, NW, #800 Washington, DC 20006	National Legal Aid & Defender Assn	12,499.98	
Save Our Security, 1331 F Street NW Washington, DC 20004-1171		29,795.00	16,982.00
Thomas J. Scanlon, 3248 Prospect Street, NW Washington, DC 20007	Benchmarks, Inc (for Int'l Racquet & Sports Club Assn)	9,000.00	460.45
Robert M. Scarberry, 1155 Connecticut Ave., NW Washington, DC 20036	Waste Management, Inc	812.00	586.24
Mark S. Schacht, 2000 O Street, #240 Sacramento, CA 95814	California Rural Legal Assistance, Inc		985.00
Harold A. Schaitberger, 1750 New York Ave., NW Washington, DC 20006	International Assn of Fire Fighters	22,490.46	
Thomas A. Schatz, 1301 Connecticut Ave., NW, #400 Washington, DC 20036	Council for Citizens Against Government Waste	2,575.00	26.45
Marc J. Scheinesson, American Bar Assn Government Affairs Division 1800 M Street, NW Washington, DC 20036-5886	American Bar Assn		
Michael T. Schilling, 1001 19th Street North, #800 Arlington, VA 22209	TRW, Inc	668.00	775.00
David S. Schless, 1250 Connecticut Ave., NW, #620 Washington, DC 20036	National Multi Housing Council	1,200.00	
Rodger Schlickeisen, 1244 19th Street, NW Washington, DC 20036	Defenders of Wildlife	52.88	
Karin Schmerler, 2300 M Street, NW, #910 Washington, DC 20037	Police Executive Research Forum		695.21
Robert Richard Schmitt, #12453-047 P.O. Box 1000 Leavenworth, KS 66048-1000			
Herbert K. Schmitz, 1600 M St., NW, #702 Washington, DC 20036	ICI Americas, Inc	20,000.00	84.31
Arnold M. Schneider, 2045 Lundy Ave. San Jose, CA 95106	American Assn of Classified School Employees	1,225.50	
Paul Schoellhamer, 4720 Hunt Ave. Chevy Chase, MD 20815	World Span	2,000.00	50.00
Carl J. Schramm, 1025 Connecticut Ave., NW Washington, DC 20036	Health Insurance Assn of America, Inc	232.00	
Elizabeth Schueler, 1155 Connecticut Ave, NW Washington, DC 20036	Waste Management International, Inc	812.00	586.24
Schwabe Williamson & Wyatt, 2100 Pennsylvania Ave., NW, #670 Washington, DC 20037	Los Angeles Department of Water & Power		
Do	Nichols Institute	462.44	9.36
Do	Oregon Steel Mills, Inc	94.81	1.32
Do	Public Generating Pool	7,914.99	452.28
Do	Tri-Met	6,707.63	3,533.98
Christopher L. Schwartz, 2000 M Street, NW Washington, DC 20036	Graham & James (For:Able Laboratories, Inc)	200.00	
Elizabeth Nash Schwartz, 1700 N. Moore St., #2120 Rosslyn, VA 22209	Boeing Company	3,468.60	451.23
Michael Schwartz, 1101 Pennsylvania Ave. NW, #950 Washington, DC 20006	Federal Home Loan Mortgage Corp	9,000.00	603.32
Stephen I. Schwartz, Military Production Network 218 D Street, SE, 2nd Floor Washington, DC 20003	Greenpeace USA		
Carl F. Schwensen, 415 2nd St., NE, #300 Washington, DC 20002	National Assn of Wheat Growers	2,875.00	
Ellen Scott, 1750 New York Avenue, NW Washington, DC 20006	Sheet Metal Workers International Assn	8,750.00	
Gregory R. Scott, 1341 G Street, NW, #900 Washington, DC 20005	Philip Morris Management Corp	1,081.25	382.58
James L. Scott, 400 N. Capitol Street, NW, #590 Washington, DC 20001	American Healthcare Institute	11,125.00	263.65
Michael Scott, 900 17th Street, NW Washington, DC 20006	Wilderness Society	1,452.77	489.65
Scrivens Goldstone & Co, 725 Lexington Ave. Xenia, OH 45385			
Anne Scully, 777 14th Street, NW Washington, DC 20005	National Assn of Realtors	1,725.00	1,774.06
John Morton Sebree, 777 14th Street, NW Washington, DC 20005	National Assn of Realtors	1,300.00	344.21
Mark Seetin, 919 18th Street, NW Washington, DC 20006	New York Mercantile Exchange	5,000.00	460.00
John F. Seher, 1825 I Street, NW, #400 Washington, DC 20006	UST Public Affairs, Inc	9,000.00	5,300.00
H. Richard Seibert Jr., 1331 Pennsylvania Ave., NW, #1500 N Washington, DC 20004-1703	National Assn of Manufacturers	1,140.00	
Elliott M. Seiden, 901 15th Street, NW, #500 Washington, DC 20005	Northwest Airlines, Inc	10,000.00	100.00
George M. Seitts, 23733 N. Scottsdale Road Scottsdale, AZ 85255	Giant Industries, Inc		
Tom Sellers, 1701 Pennsylvania Ave., NW Washington, DC 20006	E. I. du Pont de Nemours & Co		
William H. Sells III, 1212 Potomac Street, NW Washington, DC 20007	Computer Dealers & Lessors Assn		
Seven Months Session for Congress, 4210 Spicewood Springs Road, #202 Austin, TX 78759			121.00

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
J. Richard Sewell, 801 Pennsylvania Ave., NW, #640 Washington, DC 20004-2604	Florida Power & Light Co	3,000.00	3,652.61
Victoria McKenzie Shain, 1710 Rhode Island Avenue, NW, #300 Washington, DC 20036	Abbott Laboratories	5,000.00	
John Hunter Sharp, 1129 20th St., NW, #300 Washington, DC 20036	Natural Gas Supply Assn	19,425.00	4,704.57
Quinlan J. Shea, 1920 N Steet, NW Washington, DC 20036	American Mining Congress		
Gail E. Shearer, 2001 S St., NW, #520 Washington, DC 20009	Consumers Union of U.S., Inc	4,000.00	
Shearman & Sterling, 801 Pennsylvania Avenue, NW, 9th Floor Washington, DC 20004-2604	Claro Y Cia (for Compania Sud Americana de Vapores SA), et a		
Do	Secretariat of Commerce & Ind. Development of Mexico(SECOFI)	816,400.47	67,509.94
Zack H. Shelley Jr., 1331 Pennsylvania Avenue, NW Washington, DC 20004	General Electric Co	3,250.00	
Carl Shipley, 1575 Eye Street, NW, #325 Washington, DC 20005	Western Southern Life Insurance	3,000.00	500.00
William Jeffry Shipp, 50 F St., NW, #900 Washington, DC 20001	Farm Credit Council		
Elaine Shocas, 555 New Jersey Avenue, NW Washington, DC 20001	American Fed of Teachers	18,658.78	160.00
Scott Shotwell, 1250 Connecticut Avenue, NW Washington, DC 20036	National Forest Products Assn	2,475.00	
Jill Showell, 1125 15th Street, NW Washington, DC 20005	Mortgage Bankers Assn of America	6,134.00	538.15
Sidley & Austin, 1722 Eye Street, NW Washington, DC 20006	Commonwealth Edison Co	3,075.00	670.00
David Todd Sidor, One Constitution Square New Brunswick, NJ 08901-1500	New Jersey State Bar Assn		
Susan Siemietkowski, 1601 Duke Street Alexandria, VA 22314	Society of American Florists		1,000.00
Sierra Club, 730 Polk Street San Francisco, CA 94109		430,806.35	430,806.35
Mark Silbergeld, 2001 S Street, NW, #520 Washington, DC 20009	Consumers Union of U.S., Inc	4,000.00	20.00
Bruce A. Silverglade, 1875 Connecticut Avenue, NW, #300 Washington, DC 20009	Center for Science in the Public Interest	9,166.00	888.00
Donald M. Simmons, 323 West Broadway, #404 Muskogee, OK 74401	Caltex Petroleum Corp	450.50	300.00
Gary D. Simms, 1720 Eye Street, NW, 7th Floor Washington, DC 20006	American Academy of Actuaries		
Simon & Company, Inc, 1001 Connecticut Ave., NW, #435 Washington, DC 20036	American Water Works Assn	8,321.00	4,719.28
Do	City of Portland, OR	12,320.87	5,883.74
Do	East Bay Dischargers Authority	3,995.21	4,890.59
Do	Elkhart, IN	4,944.11	5,080.68
Do	Gary, Indiana	8,072.61	5,220.89
Do	National Easter Seal Society	6,663.86	4,712.14
Do	Newark, Ca	4,842.00	4,989.97
Do	San Bernardino, CA	6,112.88	5,755.18
Do	San Leandro, CA	4,890.45	5,290.73
Do	Tacoma Public Utilities	1,724.53	4,872.87
Do	Tacoma, WA	3,565.58	5,090.86
Charles W. Simpson, 555 13th Street, NW, #410-W Washington, DC 20004	Morrison Knudsen Corp		
William G. Simpson, 1155 15th St., NW, #504 Washington, DC 20005	First Mississippi Corp	2,000.00	
Do	Mississippi Power & Light Company	2,000.00	
Do	State of Mississippi	4,000.00	
Albert M. Sims, 11006 Hampton Rd. Fairfax Station, VA 22039	Performance Engineering, Inc		
James W. Singer III, 1100 15th Street, NW Suite 900 Washington, DC 20005	Pharmaceutical Manufacturers Assn	4,000.00	
Constantine Sirigos, 1730 K Street, #1005 Washington, DC 20006	American Hellenic Institute Public Affairs Committee, Inc		
William J. Skinner, 751 Rockville Pike, # 27B Rockville, MD 20852	U.S. Pharmaceopeial Convention, Inc	258.41	4.00
Glen J. Skovholt, P.O. Box 524 Minneapolis, MN 55440-0524	Honeywell, Inc	500.00	275.00
Jonathan Slade, 2000 L St., NW #200 Washington, DC 20036	MWW Strategic Communications (For:Associated Landscape Contractors of America).	3,000.00	
Do	MWW Strategic Communications (For:Cuban American Foundation, Inc)	6,000.00	168.00
Do	MWW Strategic Communications (For:Hadassah Medical Organization)	7,500.00	176.30
Robert G. Slaughter, 1615 M ST., NW, #200 Washington, DC 20036	Amoco Corporation		
John E. Sloan Jr., Capital Gallery East, #695 600 Maryland Avenue, SW, #700 Washington, DC 20024	National Fed of Independent Business		
Stephan K. Small, 122 C Street, NW, #240 Washington, DC 20001	Peabody Holding Company, Inc		35.75
Smathers Hickey & Smathers, 1050 Connecticut Avenue, NW, #1230 Washington, DC 20036	Pennzoil Co	6,000.00	
Robert G. Smerko, 2001 L St., NW, #506 Washington, DC 20036	Chlorine Institute, Inc		
Allen Smith, 900 17th St., NW Washington, DC 20006	Wilderness Society	2,422.40	3,608.65
Edward Del Smith, 905 16th Street, NW Washington, DC 20006	E. Del Smith and Company (For:Bright & Associates)		
Do	E. Del Smith & Company (For:BEMS)	1,500.00	81.23
Do	E. Del Smith and Company (For:California Independent Oil Producers Assn)	5,400.00	1,227.56
Do	E. Del Smith & Company (For:Calleguas Creek Flood Prevention)	11,200.00	
Do	E. Del Smith and Company (For:Cement Importers Group)	9,000.00	
Do	E. Del Smith & Company (For:CenterPort Int'l)	15,000.00	
Do	E. Del Smith & Company (For:Circus Circus Enterprises, Inc)	18,600.00	
Do	E. Del Smith and Company (For:City of Anaheim Civic Center)	14,480.00	2,814.08
Do	E. Del Smith & Co (For:City of Anaheim Public Utilities)	9,520.00	2,943.96
Do	E. Del Smith and Company (For:City of Laguna Beach, CA)	2,850.00	
Do	E. Del Smith and Company (For:City of Long Beach, CA, Dept. of Oil Properties)		
Do	E. Del Smith and Company (For:City of Long Beach, CA, Intergovernmental Relations).	22,395.00	292.53
Do	E. Del Smith & Co (For:City of Santa Barbara)	2,400.00	
Do	E. Del Smith and Company (For:City of Santa Monica)	2,400.00	
Do	E. Del Smith & Co (For:City of Victorville, CA)	3,600.00	
Do	E. Del Smith and Company (For:County of Los Angeles)	12,759.00	893.55
Do	E. Del Smith and Company (For:Hidden Valley Resources Inc)	1,500.00	258.70
Do	E. Del Smith and Company (For:Long Beach Naval Shipyard Employees Assn)	2,400.00	
Do	E. Del Smith & Company (For:National Independent Schools Assn)	2,400.00	13.95
Do	E. Del Smith and Company (For:Northern California Power Agency)	15,500.00	941.52
Do	E. Del Smith and Company (For:Port of Hueneme, CA, Oxnard Harbor District)	4,500.00	
Do	E. Del Smith and Company (For:Port of Long Beach, CA)	30,906.00	
Do	E. Del Smith and Company (For:Rancho Palos Verdes)	2,250.00	
Do	E. Del Smith and Company (For:Signal Landmark, Inc)	7,500.00	3,394.42
Do	E. Del Smith & Company (For:Teague-McKevett Company)		
Kevin R. Smith, 1020 19th Street, NW, #700 Washington, DC 20036	U S West, Inc	364.24	
Philip Hardy Smith, P.O. Box 2801 Daytona Beach, FL 32115	International Speedway Corp	1,200.00	1,881.81
Do	National Motorsports Comm of Accus-FIA, Inc		
Philip S. Smith, 10900 Wilshire Boulevard, #1600 Los Angeles, CA 90024	Castle & Cooke, Inc		
Do	Castle & Cooke (For:Dole Food Company)		
Sara Hope Smith, 1275 Pennsylvania Ave, NW, #400 Washington, DC 20004	Pacific Telesis Group	9,937.50	
Stephen Merrill Smith, 1899 L Street, NW, 5th Floor Washington, DC 20036	Ensco, Inc	17,500.00	
Smith Dawson & Andrews, Inc, 1000 Connecticut Ave., NW, #302 Washington, DC 20036	City of Eugene, Oregon	10,500.00	
Do	CRASH		
Do	Haarmann & Reimer Corp	3,025.00	85.00
Do	Kansas City Transit Authority	5,000.00	
Do	N.Y. Metropolitan Transportation Agency	16,666.66	375.00
Do	National Assn of Foreign Trade Zones	3,500.00	175.00
Do	S & F Warehouses, Inc		
Do	San Francisco Public Utilities Commission	9,166.66	
Do	Transportation Advisory/Service Group		
Smith McNulty & Kearney, One State Street Boston, MA 02107	New England Telephone Company	2,500.00	
Thomas M. Sneeringer, 1025 Thomas Jefferson Street, NW, #700 E Washington, DC 20007	Katten Muchin & Zavis (For:Environmental Tax Policy Alliance)	189.00	61.68
Do	Katten Muchin Zavis & Dombroff (For:Future Water International)		
Do	Katten Muchin Zavis & Dombroff (For:National Assn of Independent Colleges & Universities).		
Do	Katten Muchin Zavis & Dombroff (For:Northwestern Memorial Hospital)	787.50	
Do	Katten Muchin Zavis & Dombroff (For:Regional Trasnsportation Authority)	582.75	
Do	Katten Muchin Zavis & Dombroff (For:Software Publishers Assn)	315.00	
Randall D. Snodgrass, 666 Pennsylvania Ave., SE Washington, DC 20003	National Audubon Society	2,950.00	1,180.00
Larry S. Snowhite, 701 Pennsylvania Avenue, NW Washington, DC 20004	Mintz Levin Cohn Ferris Glovsky & Popeo, P.C. (For:Massachusetts Education Loan Authority).	534.00	
Do	Mintz Levin Cohn Ferris Glovsky & Popeo, P.C. (For:National Truck Weight Advisory Council).	46.00	
Do	Mintz Levin Cohn Ferris Glovsky & Popeo (For:New England Education Loan Marketing Corp).	2,633.00	
Snyder Ball Kriser & Assoc, Inc, 499 S. Capitol St., SW, #520 Washington, DC 20003	Alloy Surfaces Co, Inc	31.24	
Do	General Motors Corp	130.65	235.87
Do	Puget Sound Naval Bases Assn, Inc (PSNBA)	27.18	
Do	Service Engineering Company	12.50	
Society for Human Resource Management, 606 North Washington Street Alexandria, VA 22314			30,000.00
Andrea L. Solarz, 1200 17th Street, NW Washington, DC 20036	American Psychological Assn	1,300.00	

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Vincent R. Sombrotto, 100 Indiana Ave., NW Washington, DC 20001	National Assn of Letter Carriers	5,977.57	
Nancy C. Somerville, 1735 New York Ave., NW Washington, DC 20006	American Institute of Architects	3,000.00	
SL Sommer & Associates, Inc, 2700 Virginia Ave., NW, #910 Washington, DC 20037	Defense Division Brunswick Corp	500.00	1,593.84
Southeast Toyota Distributors, Inc, 100 Northwest 12th Avenue P.O. Box 1160 Deerfield Beach, FL 33443			12.00
Southwestern Power Resources Assn, P.O. Box 1360 1800 Canyon Park Cr., #403 Edmond, OK 73083-1360			
Space Industries, Inc, 711 West Bay Area Blvd., #320 Webster, TX 77598-4001			
Sparber and Associates, Inc, 1325 Pennsylvania Ave., NW, #500 Washington, DC 20006	National Volunteer Fire Council		
Ian D. Spatz, 1785 Massachusetts Avenue, NW Washington, DC 20036	National Trust for Historic Preservation	2,040.39	
Specialized Carriers & Rigging Assn, Inc, 2200 Mill Road, #616 Alexandria, VA 22314			
Karen Kay Speer, 1825 Samuel Morse Drive Reston, VA 22090	National Grocers Assn	500.00	
Sandra Spence, 808 17th Street, NW, #200 Washington, DC 20006-3953	Bostrum Corp (For:Association for Commuter Transportation, Inc)		
Do	Bostrom Corp (For:Fire Equipment Manufacturers & Services Assn, Inc)		
Gilbert P. Sperling, 1025 Thomas Jefferson Street, NW, #700 Washington, DC 20007	Katten Muchin Zavis & Dombroff (For:Cogeneration & Independent Power Coalition of America, Inc).	1,606.50	
Do	Katten Muchin Zavis & Dombroff (For:Consolidated Natural Gas Service Co, Inc)		
Do	Katten Muchin Zavis & Dombroff (For:Natural Gas Vehicle Coalition)	1,071.00	77.44
William M. Spodak, 1801 K St., NW Washington, DC 20006	Westinghouse Electric Corp	2,500.00	75.00
Sporting Goods Manufacturers Assn, 1625 K Street, NW, #900 Washington, DC 20006			
Cecile Srodes, 1800 K Street, NW, #1100 Washington, DC 20006	New York Stock Exchange, Inc		
Janet G. St. Amand, 1225 19th Street, NW, #410 Washington, DC 20036	Financial Services	2,050.00	
James St. Pierre, 900 17th Street, NW Washington, DC 20006-2596	Wilderness Society	320.66	
Connell Stafford, P.O. Drawer 1734 Atlanta, GA 30301	Coca-Cola Company	300.00	1,181.52
Melvin R. Stahl, 1235 Jefferson Davis Hwy., Suite 600 Arlington, VA 22202	Motorcycle Industry Council, Inc		50.00
Do	Specialty Vehicle Institute of America		
Elvis J. Stahr Jr., 1815 H Street, NW, #600 Washington, DC 20006	Public Resource Associates		
Arlan Stangeland, 305 C Street, NE Washington, DC 20002	American International Group	7,500.00	2,010.00
Do	Edison Chouest Offshore	3,000.00	900.00
Stanton & Associates, 1310 19th Street, NW Washington, DC 20036	International Longshoremen's Assn AFL-CIO		
Do	Philip Morris		
Do	University Hospitals of Cleveland		
Jane Sutter Starke, 2100 Pennsylvania Ave., NW, #600 Washington, DC 20037	Eckert Seamans Cherin & Mellott (For:Ormet Corp)	1,170.00	15.00
Do	Eckert Seamans Cherin & Mellott (For:Ravenswood Aluminum Corp)	1,125.00	
Lois Starkey, Suite 511 1745 Jefferson Davis Hwy. Arlington, VA 22202	Manufactured Housing Institute	8,125.00	342.17
Kent D. Starwalt, 501 School Street, SW, 8th Floor Washington, DC 20024	American Road & Transportation Builders Assn	500.00	
William N. Steele, 1700 North Moore St., 21st Floor Arlington, VA 22209	Boeing Company	3,400.04	5,277.95
Law Offices of Deborah Steelman, 555 13th Street, NW, Suite 1220 East Washington, DC 20004-1109	American Society for Plastic and Reconstructive Surgeons		1,500.00
Do	Nonpresciption Drug Manufactures Assn		300.00
Do	Pension Benefits Assn		250.00
Do	Xoma Corp		900.00
Henry J. Steenstra Jr., 1000 Wilson Boulevard, #2600 Arlington, VA 22209	TRW, Inc	1,552.00	
Susan M. Steinberg, 1455 Pennsylvania Ave, NW, #1000 Washington, DC 20004	New England Council, Inc		
Steptoe & Johnson, 1330 Connecticut Ave., NW Washington, DC 20036	Association of Private Pension & Welfare Plans, Inc	5,462.50	448.89
Do	National Council on Teacher Retirement	2,775.00	
Robert B. Stewart, 1120 G Street, NW, #900 Washington, DC 20005	National Ocean Industries Assn	3,250.00	
Warren E. Stickle, 1220 19th Street, NW, #202 Washington, DC 20036	Chemical Producers & Distributors Assn	1,700.00	39.68
Do	Cheminova		
Do	International Sanitary Supply Assn	487.50	28.00
Don Stillman, 1757 N Street, NW Washington, DC 20036	Int'l Union, United Auto Aerospace & Agric Implement Workers	1,924.03	20.00
Kenneth F. Stinger, 2200 Mill Rd Alexandria, VA 22314	American Trucking Assns, Inc	9,000.00	
Alex Stoddard, 1250 Connecticut Ave., NW, #200 Washington, DC 20036	National Forest Products Assn	1,200.00	
Dena G. Stoner, 1201 16th Street, NW Washington, DC 20036	Council for Educational Development & Research	1,000.00	189.18
William P. Stout, P.O. Box 1475 Nashville, TN 37202	United Paperworkers International Union		
Michael L. Strang, P.O. Box 71215 Washington, DC 20024-1215	ATR Defense Group		1,682.29
Strategic Directions, Inc, P.O.Box 6011 Springfield, VA 22150-6011	Atlas Powder Company	13,463.60	9,000.00
Richard H. Streeter, Federal Bar Building 1815 H Street, NW, #800 Washington, DC 20006	Cast North America (1983), Inc		
Charles Bowman Strome Jr., 787 Seventh Ave., 37th Floor New York, NY 10019	Equitable		
George W. Strong, 2242 Bartlett Houston, TX 77098	Enron Corp		
William M. Stroud, 800 North Plaza Drive Schaumburg, IL 60196	Zurich-American Insurance Company		
Francis J. Sullivan, 16 W. Walnut Street Alexandria, VA 22301	Frank Sullivan Associates (For:Ingalls Shipbuilders)	118.00	
Do	Frank Sullivan Associates (For:ITT Defense Corporation)	126.00	
Do	Frank Sullivan Associates (For:Textron, Inc)	143.00	
Do	Frank Sullivan Associates (For:Waste Management Inc)	288.50	
Judy M. Sullivan, 1614 King Street Alexandria, VA 22314	National Assn of Housing Cooperatives		
Richard J. Sullivan, 1507 Laburnum Street McLean, VA 22101	Alameda Transportation Authority	3,343.18	
Do	Richard J. Sullivan Associates, Inc (For:American Airlines)		
Do	Richard J. Sullivan Associates, Inc (For:Association of American Railroads)	16,050.00	
Do	Richard J. Sullivan Associates, Inc (For:Greater Washington Board of Washington).		
Do	National Utility Products Company		
Do	Richard J. Sullivan Associates, Inc (For:Northeast Ohio Regional Sewer District)	1,300.00	
Do	Richard J. Sullivan Associates, Inc (For:Pyrotechnic Signal Manufacturers Assn)		
Sullivan & Worcester, 1025 Connecticut Ave., NW, #806 Washington, DC 20036	Upjohn Company		
Richard J. Sullivan Associates, Inc., 1507 Laburnum Street McLean, VA 22101	Alameda County Transportation Authority	3,343.18	7,257.32
Do	American Airlines, Inc	4,000.00	7,914.14
Do	Association of American Railroads	24,999.99	28,964.14
Do	Greater Washington Board of Trade		
Do	National Utility Products Company		3,914.14
Do	Northeast Ohio Regional Sewer District	1,400.00	5,214.14
Do	Pyrotechnic Signal Manufacturers Assn		3,914.14
David A. Super, 1875 Connecticut Ave., NW, #540 Washington, DC 20009	Food Research & Action Center	1,277.30	
Donald B. Susswein, 1500 K Street, NW, #200 Washington, DC 20005	Thacher Proffitt & Wood (For:Citicorp Washington (Banking))		
Sutherland Asbill & Brennan, 1275 Pennsylvania Avenue, NW Washington, DC 20004	CompuServe, Inc		
Eileen P. Sweeney, 122 C Street, NW, 4th Floor Washington, DC 20001	Children's Defense Fund	308.38	80.36
Rosemarie Sweeney, 2021 Massachusetts Avenue, NW Washington, DC 20036	American Academy of Family Physicians	4,500.00	1,947.95
Swidler & Berlin, Chtd, 3000 K Street, NW, #300 Washington, DC 20007	American Gas Assn		
Do	American Iron & Steel Institute	3,117.50	
Do	California Energy Company		
Do	Chrysler	64,535.00	176.80
Do	Design Protection Coalition	6,375.00	
Do	General Electric Corporation	2,550.00	
Do	Grocery Manufacturers Assn	765.00	
Do	Motor Vehicle Manufacturers Assn	2,257.50	
Do	New England Power	1,021.50	
Do	Pharmaceutical Manufacturers Assn	510.00	
Do	Software Publishers Assn	765.00	
Do	South Carolina Public Service Authority		
Ross O. Swimmer, 4100 Bank of Oklahoma Tower Tulsa, OK 74172-0154	Hall Estill et al. (For:Cherokee Nation)	3,997.50	85.35
Sarah L. Szanton, 122 C Street, NW, #380 Washington, DC 20001-2109	National Family Planning & Reproductive Health Assn, Inc	293.00	
Z. Michael Szaz, 7209 Monticello Blvd. Springfield, VA 22150	Transylvanian World Federation		
Taggart & Associates, Inc, 1155 15th Street, NW, #1108 Washington, DC 20005	Association of American Railroads		
Do	Johanna Farms, Inc		
Do	M&M/Mars		
Do	Marion Merrell Dow, Inc		
Do	National Agricultural Chemicals Assn		
Do	Telephone & Data Systems, Inc		
Tanaka Ritger & Middleton, 655 15th Street, NW, #800 Washington, DC 20005	Electronic Industries Assn of Japan		
Do	Japan Automobile Tire Manufacturers Assn (JATMA)		
Eula M. Tate, 1757 N Street, NW Washington, DC 20036	United Auto. Aerospace & Agricultural Implement Wks of Amer.	15,345.30	289.00
Mary T. Tavenner, 1725 K Street, NW, #710 Washington, DC 20006	National Assn of Wholesaler-Distributors		
Margaret J. Taylor, 700 13th Street, NW, #525 Washington, DC 20005	BR Services, Inc	1,750.00	123.50
R. William Taylor, 1575 Eye Street, NW Washington, DC 20006	American Soc of Assn Executives	300.00	
Taylor Thiemann & Aitken, 908 King Street, #300 Alexandria, VA 22314	Association of Personnel Test Publishers		
Do	CTB MacMillan/McGraw-Hill	200.00	
Do	Jones Motor Co, Inc		

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Do	MPPAA Solvency Coalition		
Do	National Assn of Convenience Stores		
Do	Schneider National, Inc		
Do	Walsh Trucking Service, Inc		
Randy Teach, P.O. Box 1417-D49 Alexandria, VA 22313	National Assn of Chain Drug Stores, Inc	500.00	
James M. Temenak, P.O. Box 16614 Arlington, VA 22215	National Steel & Shipbuilding Co	5,558.00	876.35
Donna Templeton, 1020 16th Street, NW, #300 Washington, DC 20036	Exide Corporation		
Do	GNB, Inc		
Do	National Deposit Insurance Corp		
Do	RSR Corporation		
Paul M. Tendler, 1090 Vermont Ave., NW, #1200 Washington, DC 20005	Tendler & Biggins, Chtd (For:American Licensed Practical Nurses Assn)		
Do	Tendler & Biggins, Chtd (For:Mears International Sales Co)		
Richard Paul Teske, 1500 K Street, NW, #625 Washington, DC 20005	Burroughs Wellcome Co	27,000.00	5,180.00
Richard Tessier, 1133 15th Street, NW, #640 Washington, DC 20005	American Logistics Assn		
James G. Tetirick, 1156 15th Street, NW, #1015 Washington, DC 20005	J. C. Penney Co, Inc		
Thacher Proffitt & Wood, 1500 K Street, NW, #200 Washington, DC 20005	American Council of Life Insurance	5,000.00	517.93
Do	Cape Cod Five Cents Savings Bank	1,220.00	205.00
Do	Capital Holding Corp		820.00
Do	Castine Partners	25,133.89	837.00
Do	Chicago Board Options Exchange	392.00	820.00
Do	Citicorp Mortgage Finance, Inc.	542.32	820.00
Do	Citicorp Washington (Banking)		
Do	Dollar Bank, FSB	5,630.00	205.00
Do	Emigrant Savings Bank	7,507.50	820.00
Do	John Alden Asset Management Company	2,500.00	258.96
Do	John Hancock Financial Services	2,500.00	197.88
Do	Lafayette Life Insurance Company	750.00	86.32
Do	Massachusetts Bankers Assn	6,057.81	835.50
Do	Massachusetts Mutual Life Insurance Company		245.80
Do	National Council of Savings Institutions	6,675.53	820.00
Do	Nationar	24,599.88	844.00
Do	North Side Savings Bank		820.00
Do	Peoples Westchester Savings Bank	7,273.97	820.00
Do	Prudential Insurance Company	5,000.00	518.17
Do	Residential Services Corp of America		
Do	Savings Bank of Life Insurance	732.56	820.00
Do	Third Federal Savings & Loan Assn	5,630.00	205.00
Do	Ulster Savings Bank	900.00	205.00
Do	United Companies Financial Corporation	2,500.00	258.87
Bennie L. Thayer, 575 Ritchie Road Capitol Heights, MD 20743	National Assn for the Self-Employed	18,750.00	
Alan C. Thiebaud, 1667 K Street, NW, #1000 Washington, DC 20006	Southwestern Bell Corp		
Amber Thomas, 7901 Westpark Drive McLean, VA 22102	AMT-The Association for Manufacturing Technology	1,620.00	500.00
Melissa Thomas, 3636 16th Street, NW, #B1010 Washington, DC 20010	Ackerson & Feldman (For:Government of Quebec, Ministry of International Affairs).		
Robert L. Thomas, 1319 F St., NW, #1000 Washington, DC 20004	National Assn of Private Psychiatric Hospitals	500.00	
W. Dennis Thomas, 1620 Eye St., NW, #700 Washington, DC 20006	International Paper Co	8,000.00	5,058.06
Otis N. Thompson, Room 1414-S, Ag. Building Washington, DC 20250	Organization of Professional Employees of USDA	780.00	
Patrick Thompson, 4 World Trade Center New York, NY 10048	New York Mercantile Exchange	5,000.00	
Thompson & Mitchell, One Mercantile Center, #3400 St. Louis, MO 63101	Cold Finished Steel Bar Institute	164.00	
Cindy C. Thorne, 4500 Vestal Parkway East P.O.Box 3607 Binghamton, NY 13902-3607	New York State Electric & Gas Corp	14,375.00	15,057.51
James L. Thorne, 701 Pennsylvania Avenue, NW, #610 Washington, DC 20004	Tenneco Gas		
Walter L. Threadgill, 1200 18th Street, NW, #705 Washington, DC 20036	Millicom, Inc		
Anna Thronson, 1025 Thomas Jefferson Street, #700E Washington, DC 20007	Legislative Strategies (For:American Independent Refiners Assn)	50.00	
Do	Legislative Strategies (For:Bridge Products)		
Do	Legislative Strategies (For:Cogeneration & Independent Power Coalition of America, Inc).		
Do	Legislative Strategies (For:Consolidated Natural Gas Service Co, Inc)		
Do	Legislative Strategies (For:Donohue & Associates, Inc)	25.00	
Do	Legislative Strategies (For:Globos International, Inc)		
Do	Legislative Strategies (For:National Hydropower Assn)		
Do	Legislative Strategies (For:Natural Gas Vehicle Coalition)		
Do	Legislative Strategies (For:State of New Mexico (Natural Gas Programs))		
Do	Legislative Strategies (For:Texas-New Mexico Power Company)		
Do	Legislative Strategies (For:Tosco Corp)		
Timothy B. Tierney, 4600 East West Highway Bethesda, MD 20814	Automotive Refrigeration Products Institute		
Danielle Tinman, 2012 Massachusetts Avenue, NW Washington, DC 20036	National Fed of Business & Professional Women's Clubs		
Eben S. Tisdale, 900 17th Street, NW, #1100 Washington, DC 20006	Hewlett-Packard Co	4,000.00	200.00
William J. Tobin, 3612 Bent Branch Ct. Falls Church, VA 22041	Child Care America, Inc	500.00	6.00
Do	National Hearing Aid Society		5.00
M. Douglas Todd, 1000 Wilson Blvd., #2300 Arlington, VA 22209	Northrop Corp		
Kathryn R. Tollerton, 1244 19th Street, NW Washington, DC 20036	Defenders of Wildlife	774.09	164.35
Tony Poole, 1020 19th Street, NW, #800 Washington, DC 20036	Kelly Anderson & Associates, Inc (For:U.S. Banknote Corp)		
Jean R. Toohey, 655 15th Street, NW, #225 Washington, DC 20005	Rhone-Poulenc, Inc		102.01
Gilbert D. Tough, 70 North Main St. Wilkes-Barre, PA 18711	Blue Cross of Northeastern Pennsylvania		
Charles H. Tower, 1026 16th Street, NW, #503 Washington, DC 20036	Dun & Bradstreet	12,500.00	58.00
Bronwyn Bachrach Towle, 499 South Capitol Street, SW #507 Washington, DC 20003	Hecht Spencer & Associates (For:Bixby Ranch Co)		
Do	Hecht Spencer & Associates (For:Boy Scouts of America)		
Do	Hecht Spencer & Associates (For:Brown & Williamson Tobacco Corp)		
Do	Hecht Spencer & Associates (For:General Atomics)		
Do	Hecht Spencer & Associates (For:Mars, Inc)		
Do	Hecht Spencer & Associates (For:Mid-American Waste Systems, Inc)		
Do	Hecht Spencer & Associates (For:MCI Telecommunications)		
Do	Hecht Spencer & Associates (For:National Automatic Merchandising Assn)		
TransAfrica, 545 8th Street, SE, #200 Washington, DC 20003		22,167.00	61,349.45
S. Bradley Traverse, 1667 K Street, NW, #1230 Washington, DC 20006	Deere & Company		
Jeffery S. Trinca, 1420 New York Ave., NW, #1050 Washington, DC 20005	Van Scoyoc Associates, Inc (For:Golden Rule Insurance Company)		
Do	Van Scoyoc Associates, Inc (For:National Assn of Water Companies)	5,000.00	
Do	Van Scoyoc Associates, Inc (For:USF&G Insurance)	9,375.00	
Paul E. Tsongas, Foley Hoag & Eliot One Post Office Square Boston, MA 02109	American Insurance Assn		
Do	Cambridge Redevelopment Authority		
Do	Humane Society of the U.S., et al.		
Do	Iroquois Gas Transmission Systems		
Do	National Venture Capital Assn		
Do	Norton Company		
Do	Sierra Club of America		
Do	Thermedics, Inc		
Genevieve W. Tuchow, 700 13th Street, NW, #900 Washington, DC 20005	Columbia Gas Distribution Companies	4,100.00	
James Tully, 7927 Jones Branch Drive, #600-S McLean, VA 22102	Council of American Homeowners		
William J. Turenne, 1901 L Street, NW, Suite 705 Washington, DC 20036	Eli Lilly & Company	3,000.00	65.05
Brian Turner, 815 16th Street, NW Washington, DC 20006	Industrial Union Department, AFL-CIO	18,427.00	
Jane L. Turner, 1250 Connecticut Ave., NW, #200 Washington, DC 20036	National Forest Products Assn	1,200.00	
John M. Turner, 1875 Eye St., NW, #775 Washington, DC 20006	Georgia-Pacific Corp	1,200.00	
Michael A. Turner, 2000 M Street, NW, #5500 Washington, DC 20036	North American Telecommunications Assn	1,840.00	
Max Turnipseed, 1155 15th Street, NW, #611 Washington, DC 20005	Ethyl Corporation	1,125.00	28.50
Clay Tyeryar, 7297-N Lee Highway Falls Church, VA 22042	American Textile Machinery Assn		
Craig Tyle, 1600 M Street, NW Washington, DC 20036	Investment Company Institute	65.93	
U.S. Recreational Ski Association, 1315 East Pacifico Avenue Anaheim, CA 92805			
U.S. Telephone Assn, 900 19th Street, NW, #800 Washington, DC 20036		11,733.00	11,733.00
Stewart L. Udall, 1244 Camino Cruz Blanca Santa Fe, NM 87501	Claimants Under Proposed Radiation Exposure Compensation Act		
Jane Usdan, 555 New Jersey Ave, NW Washington, DC 20001	American Fed of Teachers, AFL/CIO	11,049.78	152.00
R. Thomas Van Arsdall, 50 F Street, NW, #900 Washington, DC 20001	National Council of Farmer Cooperatives		
Nancy Van Duyne, 1709 New York Ave., NW Washington, DC 20006	Air Transport Assn of America	11,818.16	
Julie Van Fleet, P.O. Box 85608 San Diego, CA 92186-9784	General Atomics	876.69	13.29
Van Fleet Associates, Inc, 499 South Capitol St., SW, #520 Washington, DC 20003	Cadillac Gage Co	6,000.00	

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Do	Harsco Corporation	24,000.00	9,947.91
Do	Magnavox Government & Industrial Electronics Co	19,500.00	530.96
Van Fleet Metzner & Meredith Corp, 499 S. Capitol Street, #520 Washington, DC 20003	Electrospace Corporation	7,000.00	
Do	General Instrument Corporation	21,000.00	1,926.90
Do	Miltope Corp	7,500.00	
Do	NCube	7,500.00	390.19
Do	Thermo Electro Technologies	7,500.00	
Todd Van Hoose, 50 F Street, NW, #900 Washington, DC 20001	Farm Credit Council		
H. Stewart Van Scoyoc, 1420 New York Ave., NW, #1050 Washington, DC 20005	Van Scoyoc Associates, Inc (For:Golden Rule Insurance Company)		
Robert C. Varah, c/o Dow Lohnes & Albertson 1255 23rd Street, NW Washington, DC 20037	Dofasco, Inc		
Patricia C. Vaughan, 205 E. 42nd Street, #1504 New York, NY 10017	Risk & Insurance Management Society, Inc		
Robert J. Verdisco, 1901 Pennsylvania Avenue, NW, #10th Fl. Washington, DC 20006	International Mass Retail Assn	10,000.00	200.00
Jerry T. Verkler, 555-13th Street, NW, Suite 300 West Washington, DC 20036	Interstate Natural Gas Assn of America	6,250.00	303.10
Verner Liipfert Bernhard McPherson & Hand, Chtd, 901 15th Street, NW, #700 Washington, DC 20005-2301	American Museum of Natural History		
Do	Ameritech	175.00	
Do	Bell Atlantic Corp	5,100.00	
Do	Brown & Root, Inc	1,200.00	
Do	Burlington Northern, Inc	998.75	
Do	Central Gulf		
Do	General Dynamics Corp	4,248.75	
Do	GenCorp	4,257.50	
Do	Hughes Communications, Inc	5,903.75	
Do	Hughes Network Systems, Inc	418.75	
Do	Independent Bankers Assn of America	525.00	
Do	Investment Company Institute	5,710.00	
Do	K Mart Corp	6,597.50	
Do	Kellogg	525.00	
Do	Manville Corp	2,600.00	
Do	Mars, Inc	9,165.00	
Do	McDonnell Douglas Corp	4,748.75	
Do	Merrill Lynch & Co, Inc	2,225.00	
Do	New Progressive Party		
Do	Northwest Airlines	5,737.50	
Do	NBC	62.50	
Do	NYNEX Corp	9,560.00	
Do	Orbital Communications Corp		
Do	Rubber Manufacturers Assn		
Do	Travelers Companies	5,850.00	
Do	TRW, Inc		
Do	Uniroyal Chemical Company, Inc	375.00	
Do	Upjohn Co	175.00	
Lee L. Verstandig, 901 31st Street, NW Washington, DC 20007	Anheuser-Busch Companies, Inc		
Vierra Associates, Inc, 1825 I Street, NW #400 Washington, DC 20006	Brevard County	2,000.00	
Do	Dallas Area Rapid Transit Authority	17,000.00	8,761.35
Do	Embry-Riddle Aeronautical University	1,250.00	
Do	Greater Orlando Aviation Authority	1,666.66	2,586.25
Do	Lipton Sports, Inc		
Do	Memphis Area Transit Authority	2,000.00	525.10
Do	Metropolitan Dade County	11,770.00	1,502.11
Do	Metropolitan Transportation Authority	8,000.00	512.36
Do	Niagara Frontier Transportation Authority	10,500.00	1,795.83
Robert J. Vilhauer, 1700 N. Moore Street, #2120 Arlington, VA 22209	Boeing Company	741.00	330.87
Howard A. Vine, Jefferson Group 1341 G Street, NW, #1100 Washington, DC 20005	Alliance for Corporate Growth		
Do	Bobbie Brooks, Inc		
Do	Molson Breweries USA, Inc	14,000.00	182.05
Do	PubCo Corp		
Do	REN Coporation	545.72	
Do	Torrington Company	7,870.00	499.57
George A. Viverette Jr., 500 E Street, SW, #950 Washington, DC 20024	American Automobile Assn		
Earl J. Volk, 245 Second Street, NE Washington, DC 20002	Friends Committee on National Legislation	6,969.36	
Sarah C. Von der Lippe, 80 Trowbridge St. Cambridge, MA 02138	Kids Project	600.00	
William Von Raab, 215 Prince Street Alexandria, VA 22738	American Chiropractic Assn		
Jay J. Vroom, 1155 15th Street, NW, #900 Washington, DC 20005	National Agricultural Chemicals Assn	50.00	56.00
Patricia A. Waak, 801 Pennsylvania Avenue, SE Washington, DC 20003	National Audubon Society		420.00
James Wagoner, 1101 14th Street, NW, 5th Floor Washington, DC 20005	National Abortion Rights Action League (NARAL)	5,638.29	
Susan Stephenson Walden, 1350 Eye Street, NW, #810 Washington, DC 20005	Johnson & Johnson	1,000.00	200.00
R. Duffy Wall & Associates, Inc, 1317 F Street, NW, #400 Washington, DC 20004	University of Oklahoma	1,500.00	
David B. Waller, 1667 K Street, NW, #800 Washington, DC 20006	Williams Companies, Inc	500.00	51.55
Anne Marie Walsh, 1025 Connecticut Ave, NW, NW Washington, DC 20036	Health Insurance Assn of America, Inc	156.25	48.00
James Waltman, 666 Pennsylvania Ave., SE Washington, DC 20003	National Audubon Society	1,875.00	1,040.00
John C. Walton, 1401 North Oak Street, #302 Arlington, VA 22209	John E. Chance & Associates, Inc	7,500.00	
Do	General Dynamics Corp	15,000.00	
Do	Grumman Corporation	8,333.32	1,215.32
Do	ISC Defense & Space	18,000.00	
Do	National Rifle Assn of America	35,000.00	1,695.94
Do	Stone & Webster Engineering, Inc	5,100.00	
Do	Textron, Inc	9,166.66	435.68
Do	Thiokol Corp	7,000.00	821.62
Barbara F. Warden, 1757 N Street ,NW, Washington, DC 20036	International Union United Auto Aerospace & Ag. W of A(UAW)	16,226.85	519.08
Washington Independent Writers, Inc, 918 16th Street, NW, #400 Washington, DC 20005			
Washington Lobby Group, Inc, 325 Pennsylvania Ave., SE Washington, DC 20003	Preston Corp	9,000.00	
Jerry B. Waters, 777 14th Street, NW, #680 Washington, DC 20005	Farmland Industries, Inc	5,000.00	
Mary Kirtley Waters, 888 17th Street, NW, #300 Washington, DC 20006	ConAgra, Inc	5,200.00	
Jay Watson, 900 17th Street, NW Washington, DC 20006	Wilderness Society		
James B. Watt, 1015 18th Street, NW Washington, DC 20036	Conference of State Bank Supervisors		
Bruce H. Watzman, 1130 17th Street, N.W. Washington, DC 20036	National Coal Assn	9,200.00	395.15
David Weaver, 1225 Eye Street, NW, #1100 Washington, DC 20005	Handgun Control, Inc	4,759.00	
Susan Weber, 1400 16th Street, NW, #320 Washington, DC 20036	Zero Population Growth, Inc		
Lee J. Weddig, 1525 Wilson Boulevard, #500 Arlington, VA 22209	National Fisheries Institute	4,000.00	200.00
Arthur E. Weisberg, 2200 First Bank Place East Minneapolis, MN 55402	Dorsey & Whitney		
Suzanne Weiss, 901 E Street, NW, #500 Washington, DC 20004-2837	American Assn of Homes for the Aging	41.25	
Howard C. Weizmann, 1212 New York Avenue, NW, #1250 Washington, DC 20005	Association of Private Pension & Welfare Plans, Inc	692.71	
Paul S. Weller Jr., 1629 K St., NW, #1100 Washington, DC 20006	American Grain Inspection Institute	695.45	
Do	Apple Processors Assn	13,044.42	2,593.50
Thomas F. Wenning, 1825 Samuel Morse Dr. Reston, VA 22090	National Grocers Assn	500.00	
William H. Westhoff, 11240 Waples Mill Rd. Fairfax, VA 22030	Environmental Products Corp		10,200.00
Joseph J. Westwater, 1 Massachuseets Avenue, N.W., #800 Washington, DC 20001	McLeod Watkinson & Miller (For:American Peanut Product Manufacturers, Inc)	2,200.00	
Do	McLeod Watkinson & Miller (For:California Cooperative Creamery)	1,631.00	
Nancy Katherine Weyl, 777 14th Street, NW Washington, DC 20005	National Assn of Realtors	1,250.00	1,273.21
Gordon B. Wheeler, 1025 Connecticut Ave, NW, #1200 Washington, DC 20036	Health Insurance Assn of America, Inc	63.79	
John C. White, White Consulting Group 2000 M Street, NW, #380 Washington, DC 20036	AMGEN	8,000.00	
Do	Camp Barsh Bates & Tate		
Do	Chicago Mercantile Exchange		
Do	Coastal Corporation	20,000.00	
Do	Goldman Sachs & Co	5,000.00	
Do	Tobacco Institute	4,000.00	
John Thomas White III, 701 Pennsylvania Ave., NW, #610 Washington, DC 20004	Tenneco Gas		
Sam White, 1155 15th Street, NW, #900 Washington, DC 20005	National Agricultural Chemicals Assn		
Steven C. White, 10801 Rockville Pike Rockville, MD 20852	American Speech-Language-Hearing Assn		
Ward H. White, 900 19th Street, NW, #800 Washington, DC 20006	U.S. Telephone Assn	150.00	
James A. Whitman, P.O. Box 1417-D49 Alexandria, VA 22313	National Assn of Chain Drug Stores, Inc	500.00	
Pamela J. Whitted, 1401 Eye Street, NW, #200 Washington, DC 20005	Pacific Resources, Inc	500.00	
Wickwire Greene Crosby & Seward, 1008 Western Ave. Seattle, WA 98104	Arctic Slope Regional Corp		
Anne Marie Wiedemer, 1350 I Street, NW, #840 Washington, DC 20005	Ralston Purina Company	7,500.00	735.00

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Richard S. Wiedman, 600 Grant Street, 42nd Floor Pittsburgh, PA 15219	Eckert Seamans Cherin & Mellott (For:Ormet Corp)		
Do	Eckert Seamans Cherin & Mellott (For:Ravenswood Aluminum Corp)		
Valerie Wilbur, 901 E Street, NW, #500 Washington, DC 20004-2837	American Assn of Homes for the Aging	350.00	
Shirley J. Wilcher, 122 C Street, NW, #750 Washington, DC 20001	National Assn of Independent Colleges and Universities	8,106.00	
Brian Wilcox, 1200 17th Street, NW Washington, DC 20036	American Psychological Assn	4,000.00	124.50
Lanny F. Wiles, 499 S. Capitol Street, SW, #507 Washington, DC 20003	Hecht Spencer & Associates (For:Boy Scouts of America)		
Do	Hecht Spencer & Associates (For:Brown & Williamson Tobacco Corp)		
Do	Hecht Spencer & Associates (For:Mid-American Waste Systems, Inc)		
Wiley Rein & Fielding, 1776 K Street, NW, 12th Fl. Washington, DC 20006	Chaparral Steel Co		
Do	Club Car, Inc	336.00	
Do	Georgetown Industries		
Do	Raritan River Steel Co		
Do	Washington Citizens for World Trade	13,418.77	691.18
E. John Wilkinson, 1225 19th Street, NW, #300 Washington, DC 20036	Vulcan Materials Co	1,700.00	540.00
Daniel Will, 306 Commonwealth, #4 Alexandria, VA 22301	National Taxpayers Union	3,935.00	
Ralph E. Willham, 1750 New York Ave., NW Washington, DC 20006	Sheet Metal Workers International Assn	16,500.00	
Christopher D. Williams, 1 Massachusetts Avenue, N.W., #800 Washington, DC 20001	McLeod Watkinson & Miller (For:Mid-Valley Water Authority)	706.00	
Deborah K. Williams, 1023 15th Street, NW Fourth Floor Washington, DC 20005	Wine & Spirits Wholesalers of America, Inc		
Merrill Williams, 4501 Connecticut Ave., NW, #113 Washington, DC 20008	Freshwater Press, Inc		
Do	Galactical Biochemical		
Do	National Credit Improvement Group		
Robert E. Williams, 1707 L Street, NW, #300 Washington, DC 20036-4202	United Airlines, Inc	1,500.00	
William C. Williams, 44 East Mifflin Street P.O. Box 1807, #1000 Madison, WI 53701-1807	Bell Metzner Gierhart & Moore (For:Wisconsin Cheese Makers Assn)		
Williams & Connolly, 839 17th St., NW Washington, DC 20006	National Comm to Preserve Social Security		
Williams & Jensen, P.C., 1101 Connecticut Ave., NW, #500 Washington, DC 20036	American Home Products	3,220.00	418.23
Do	Association of Family Farmers		
Do	Bank of America, NT&SA		932.95
Do	Robert M. Bass Group	843.00	147.99
Do	British Petroleum	540.00	45.04
Do	Century 21 Real Estate Corp		
Do	College Construction Loan Insurance Assn		
Do	Colonial Pipeline Company		
Do	Continental Airlines Holding, Inc.	765.00	141.55
Do	CIGNA Corp	655.00	96.51
Do	Estee Lauder, Inc		
Do	Executive Life Insurance		
Do	First Boston Corp	7,110.00	1,048.77
Do	Glaxo, Inc	405.00	70.77
Do	Greenwich Capital Markets, Inc		
Do	GAMMA Corp		
Do	Kelly Appleman Hart & Hallman		
Do	Keystone Provident Life Insurance Co		
Do	Metropolitan Washington Airports Authority		977.99
Do	Mustang Fuel Corporation		
Do	National Assn of Rehabilitation Agencies	216.00	45.04
Do	National Board for Professional Teaching Standards		
Do	National Soft Drink Assn		257.35
Do	Norfolk Southern Corp		96.51
Do	Oklahoma Gas & Electric Co	3,750.00	559.77
Do	Owens-Illinois Inc		
Do	Pharmaceutical Manufacturers Assn	1,130.00	141.55
Do	Pittston Co	5,200.00	701.32
Do	Recording Industry Assn of America, Inc	5,875.00	842.88
Do	Southern Pacific Transportation Co.	1,970.00	328.04
Do	Southwest Airlines	1,510.00	186.58
Do	Student Loan Marketing Assn (Sallie Mae)	307.50	70.77
Do	Texaco, Inc	810.00	141.55
Do	Turner Broadcasting System, Inc	5,200.00	701.32
Do	TTX Company		
Do	U.S. English		
Do	U.S. Telephone Assn		
Do	Universal Foods, Inc		
Do	USAA Financial Service Co		
Wilmer Cutler & Pickering, 2445 M Street, NW Washington, DC 20037-1420	Advanced Network & Services, Inc (ANS)		
Do	Citibank, N.A.		
Do	Educational Testing Service	240.00	
Do	Federal Home Loan Bank of San Francisco		
Do	Long Island Savings Bank		
Do	Public Broadcasting Service		
Do	World Savings & Loan Assn		
David W. Wilmot, 1029 Vermont Avenue, NW Washington, DC 20005	Anheuser-Busch Companies, Inc		
Don T. Wilson, 1250 I Street, NW, #400 Washington, DC 20005	National Tire Dealers & Retreaders Assn	405.00	10.00
Randolph Wilson, One Merchants Plaza Indianapolis, IN 46255	Merchants National Corp	750.00	361.98
Alexander Bradford Winslow, 1325 G Street, NW, #1003 Washington, DC 20005	Population-Environment Balance		
Winston & Strawn, 1400 L Street, NW Washington, DC 20005-3502	American Honey Producers Assn		
Do	Barr Laboratories, Inc		
Do	Compaq Computer Corporation		
Do	CSR, Ltd	1,579.25	
Do	Data Transformation Corp	1,600.00	1,600.00
Do	Digital Equipment Corp	1,522.20	6.70
Do	Government of the U.S. Virgin Islands	11,920.00	1,198.00
Do	National Bulk Vendors Assn	2,700.00	2,700.00
Do	Pyropower Corp	3,000.00	3,000.00
Do	U.S. Rice Producers Legislative Group	4,981.75	42.75
Do	Western Peanut Growers Assn		
Wisconsin Citizens Utility Board, 16 North Carroll, #300 Madison, WI 53703			
Jim Wise Associates, 104 North West St. Alexandria, VA 22314	Kern County, CA	7,500.00	460.00
Do	National Assn of Credit Management	10,500.00	880.00
Do	San Francisco Bar Pilots Assn	6,000.00	360.00
Walter J. Witek Jr., 777 14th St., NW Washington, DC 20005	National Assn of Realtors	8,000.00	
S.R. Wojdak and Associates, Inc, The Bellevue - Suite 850 200 S. Broad Street Philadelphia, PA 19102	Albert Einstein Medical Center	9,000.00	693.34
Do	Arden Hill Hospital	2,587.50	342.50
Do	Children's Hospital of Philadelphia	51,000.00	4,663.06
Do	Children's Hospital of Pittsburgh	18,000.00	4,683.75
Do	Cornwall Hospital	2,587.50	342.50
Do	County of Los Angeles	30,000.00	2,594.81
Do	Drexel University	7,500.00	1,573.41
Do	Healthcare Management Alternatives, Inc	9,000.00	2,925.78
Do	Healtheast	6,000.00	1,288.90
Do	Hill Group	21,000.00	2,182.14
Do	Horton Memorial Hospital	2,587.50	342.50
Do	Magee-Womens Hospital	7,500.00	882.83
Do	Mercy Catholic Medical Center	8,000.00	540.86
Do	Mercy Community Hospital	2,887.50	342.50
Do	National Down Syndrome Society	9,000.00	140.04
Do	Philadelphia Electric Company	6,975.00	793.67
Do	Public Financial Management	24,000.00	2,148.06
Do	Southeastern Pennsylvania Trans Authority		
Do	St. Anthony's Hospital	2,587.50	342.50
Do	St. Luke's Hospital	2,587.50	342.50
Do	Systems Control, Inc	33,875.00	4,424.17
Do	University of Pennsylvania	22,500.00	3,500.64
James E. Wolf, 2020 14th St., North Arlington, VA 22201	American Standard, Inc	1,000.00	
Ronald Wolsey, 1615 M Street, #200 Washington, DC 20036	Amoco Corporation	1,200.00	548.78

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Burton C. Wood, 1125 15th St., NW Washington, DC 20005	Mortgage Bankers Assn of America	19,800.00	401.86
Harris S. Wood, 1333 New Hampshire Ave., NW, #1001 Washington, DC 20036	Arco Oil & Gas Co		
Linda Anzalone Woolley, 1600 M St., NW Washington, DC 20036	International Telephone & Telegraph Corporation	10,000.00	88.00
Laura Dallman Wooster, 1100 17th Street, NW, 10th Floor Washington, DC 20036	American Assn for Marriage & Family Therapy	7,597.00	
World University Games (for 1993), 1701 K Street, NW #400 Washington, DC 20006	Greater Buffalo Athletic Corp	47,000.00	2,272.11
W. Robert Worley, 190 St. Clair Drive St. Simons Island, GA 31522	Southern Company Services, Inc	2,060.00	1,961.00
Wunder Diefenderfer Ryan Cannon & Thelen, 1615 L St., NW, #650 Washington, DC 20036	American International Group, Inc	47,744.00	162.00
Do	Association of American Railroads	1,249.95	48.79
Do	Bermuda, Government of		
Do	Business Council on Indoor Air		
Do	Circuit City Stores, Inc	5,000.00	
Do	Cosmetic Toiletry & Fragrance Assn, Inc		
Do	Dresser Industries, Inc		
Do	Electronic Industries Assn		
Do	Environmental Air Control, Inc		
Do	HDTV 1125/60 Group	10,000.00	194.92
Do	Investment Company Institute	11,000.00	51.77
Do	ITT Corporation		
Do	Johanna Dairies, Inc		
Do	Kelly Assisted Living/Kelly Services	1,500.00	
Do	Kohlberg Kravis Roberts & Co	5,593.00	958.00
Do	Kraft		
Do	Manville Corporation	2,511.00	48.71
Do	Martin Marietta	1,666.67	20.32
Do	McDonnell Douglas	1,875.00	11.85
Do	Metropolitan Life Insurance Co		
Do	Mutual Life Insurance Co Tax Committee		
Do	Mylan Laboratories, Inc	23,355.00	3,036.78
Do	MCI Communications Corp	4,000.00	13.25
Do	National Assn of Temporary Services	154.00	43.64
Do	National Cable Television Assn, Inc	93.75	38.54
Do	North American Phillips Corp	12,580.63	1,059.14
Do	Northwestern Mutual Life Insurance Co		
Do	Nutri-System, Inc	2,000.00	121.08
Do	NEC Home Electronics (USA) Inc		
Do	NYNEX Corp	8,828.75	254.88
Do	Outdoor Advertising Assn of America Inc	2,500.00	
Do	Pfizer, Inc	2,398.00	173.50
Do	Philip Morris Management Corp	1,540.00	109.00
Do	Public Securities Assn	1,508.00	21.21
Do	QVC Network, Inc	6,750.00	894.02
Do	Rohm & Haas		
Do	RJR Nabisco	3,000.00	113.00
Do	Shell Oil Company		
Do	Sony Corp of America	5,207.50	218.38
Do	Squibb Corporation		
Do	Stanford University	62.78	
Do	Thomson Consumer Electronics, Inc		
Do	Tobacco Industry Labor Management Committee	5,423.55	109.38
Do	Trailer Train Co		
James Wyerman, 1244 19th Street, NW Washington, DC 20036	Defenders of Wildlife	277.15	25.25
David S. Wynett, 1629 K Street, NW, #501 Washington, DC 20006	Delta Air Lines, Inc	110.00	150.00
Dalton Yancey, 910 16th St., NW, #402 Washington, DC 20006	Florida Sugar Cane League, Inc		
Do	Rio Grande Valley Sugar Growers		
D. Scott Yohe, 1629 K St., NW, #501 Washington, DC 20006	Delta Air Lines, Inc	450.00	124.40
Caryl Yontz, 1625 L Street, NW Washington, DC 20036	American Fed of State County & Municipal Employees	10,847.78	361.07
Robert A. Young, 12248 Turkey Creek Ct. Maryland Heights, MO 63043	Brown & Associates	4,500.00	
Do	United Assn of Jnymen & Appren of Plmbg & Pipeftg Industry	1,500.00	
Thane Young, 1730 Rhode Island Ave., NW, #400 Washington, DC 20036	Ferguson Company (For:City of Alhambra)	2,166.00	
Do	Ferguson Company (For:City of Inglewood)	3,208.00	
Do	City of Oceanside	1,220.00	
Do	Ferguson Company (For:City of Redondo Beach)	1,849.00	
Do	Ferguson Company (For:City of Santa Ana)	3,300.00	
Do	Ferguson Company (For:City of South Salt Lake)	1,833.00	
Do	Ferguson Company (For:Imperial Irrigation District)	2,625.00	
Do	Ferguson Company (For:Irvine Company)	10,800.00	632.91
Do	Ferguson Company (For:Oceanside Harbour District)	2,440.70	
Do	Ferguson Company (For:Oceanside Redevelopment Agency)	1,220.00	
Do	The Ferguson Company (For:The LACDA Alliance)	15,000.00	632.13
Do	McConnell/Ferguson Group (For:Transportation Corridor Agencies)	11,077.00	
John R. Zagame, John R. Zagame Associates, Inc 7611 Virginia Lane Falls Church, VA 22043	National Music Publishers Assn, Inc	6,000.00	
Thomas K. Zaucha, 1825 Samuel Morse Drive Reston, VA 22090	National Grocers Assn	500.00	
Sharon G. Zedd, 1050 17th Street, NW, #810 Washington, DC 20036	Neece Cator & Associates (For:American Wood Preservers Institute)	2,000.00	2,000.00
Leo C. Zeferetti, 9912 Fort Hamilton Parkway Brooklyn, NY 10209	Building & Construction Trades Dept, AFL-CIO		
Do	New York Telephone		
Eugene J. Zeiszler, 7901 Westpark Drive McLean, VA 22102	AMT - The Assn for Manufacturing Technology		
Zero Population Growth, Inc, 1400 Sixteenth St.,N.W.,#320 Washington, DC 20036		4,829.00	3,973.00
Carl A. Zichella, 214 N. Henry St., #203 Madison, WI 53703	Sierra Club	3,183.33	3,045.12
Ronald L. Ziegler, P.O. Box 1417-D49 Alexandria, VA 22313	National Assn of Chain Drug Stores, Inc	1,000.00	
Gary M. Zizka, 5205 Leesburg Pike, #1600 Falls Church, VA 22041	National Beer Wholesalers Assn	2,000.00	328.10
Zurich-American Insurance Co, 800 North Plaza Drive Schaumburg, IL 60196	Zurich-American Insurance Company		
31st Pro-Life Congressional District Action Comm, 8654 Bonview Terrace Williamsville, NY 14221			

EXTENSIONS OF REMARKS

SARAH McPHERSON: DAR ESSAY AWARD WINNER

HON. WILLIAM F. GOODLING

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 20, 1992

Mr. GOODLING. Mr. Speaker, recently, Sarah McPherson, a resident of the 19th Congressional District from New Park, PA, distinguished herself by being selected as the Pennsylvania State winner of the American History Essay Contest sponsored by the Daughters of the American Revolution. I would like to share with my colleagues in the House of Representatives her impressive achievement.

Daughters of the American Revolution is an organization comprised of women descendents of Revolutionary War patriots which engages in numerous historical, educational, and patriotic activities. Each year they hold the essay contest, which is open to young people in grades five through eight.

This year's essay contest was entitled "Famous Women of the American Revolution." Essays were judged on historical accuracy, organization, originality, and grammar.

It is my pleasure to share Miss McPherson's essay on Deborah Sampson with my colleagues and to give them the opportunity to recognize the remarkable woman about whom the essay was written as well as the talented young woman who memorialized that life so effectively.

The essay follows:

DEBORAH SAMPSON

(By Sarah A. McPherson)

Deborah Sampson was an independent, adventuresome woman who didn't allow a miserably disappointing childhood to spoil the rest of her life. In fact, she eventually was able to take control of her life, fight for her country and her beliefs, and receive the recognition she deserved for her courage and boldness in an age when most women played passive roles in society.

Born in Plympton, Massachusetts, December 17, 1760, Deborah grew up in a poor family. Her father had gone off to sea to find adventure and to make enough money to feed and clothe his family. His ship was lost in a storm and neither he nor his ship was ever seen again. Mrs. Sampson, ill and penniless, had to send her children away to live with relatives and friends.

Deborah spent a few years with an elderly cousin who taught her the alphabet. After the dear cousin's death, she spent several lonely months taking care of an 80 year old woman. For Mrs. Thatcher, she did everything from carrying wood to spoon-feeding the decrepit lady who was no company at all to her. Rescued finally by her minister, she went to live with Deacon Thomas's family where she was their indentured servant for 10 years.

Here, she kept house, plowed the fields, milked the cows, took care of the children, and taught them to read. When they went to school, she, too, was able to continue her education, a rare privilege for a young girl.

During this time, the war for independence against Britain was progressing taking most of the men from local communities. A shortage of teachers in Middleborough made it possible for Deborah to become a teacher in 1779. Later she became a weaver going from house to house making cloth for families. She believed in independence, and felt she wanted to fight for freedom. That's when she decided to dress up like a man and join the army in clothes she wove for herself. She tied a cloth around her chest to flatten it so she would look more like a man. She tied her hair back like a man, and lowered her voice when she spoke. The she went to Boston where no one knew her and enlisted in the army as Robert Shirtliff.

Sent to West Point, Deborah was given a gun and uniform, and assigned to the 4th Massachusetts Regiment. She got ten days of training. She was the youngest soldier in her Regiment. Everyone liked her. She never complained. Since she had no beard, her fellow soldiers called her "Molly" or "Blooming Boy."

The soldiers had no idea that their quiet Robert Shirtliff was a woman. When they bathed in the Hudson River, she waited till night and bathed alone. She took part in several raids and skirmishes. But she thought war was horrible as she saw men being shot down, heard their cries of pain, and watched them die.

In one of their raids, Deborah got a head injury and a musket ball in her leg. "Don't take me to the hospital," she pleaded, "just let me die." But the soldiers refused to obey her. They put her on a horse and rode six miles to the hospital. After her head was bandaged, she lied telling the doctor she had no other injuries. On her own, later, she removed the musket ball with a metal probe nearly fainting from pain. Because she left the hospital before she was fully recovered, her leg never healed properly.

As a soldier, she was still poor. In winter, her shoes wore out. The army didn't supply extra clothing. Having no money to buy new shoes, she went barefoot in the snow leaving bloody footprints. During the winter, she soon became ill. The soldiers took her to the hospital again where she slept for days. The doctors thought she was dead, but she could hear people fighting over her clothes and planning to bury her. Though too weak to speak, she tried to groan as a nurse passed. The nurse heard and summoned Dr. Binney.

It was Dr. Binney who discovered she was a woman while trying to take her pulse. He kept her secret taking her home to nurse her back to health with his family. When she was well again, she reported to her Regiment, but the war soon ended. Dr. Binney's letter to General Paterson revealed her identity as a woman. When she was forced to confess, she received the respect and admiration of the General. October, 1783, Deborah Sampson received her formal discharge and a sum on money from General Henry Knox after serving nearly two years in the Continental Army.

In 1784, she returned to New England and later married Benjamin Gannet, a farmer from Sharon, Massachusetts. They had two girls and a boy. The Massachusetts Legislature awarded her a military pension, and she later became the first woman speaker to be paid. She wrote about her war service in the Female Review. By 1792, she received money from the Massachusetts General Court for her services in the Revolutionary War. By 1805, the United States Congress presented her with a veteran's disability pension. By 1818, she was receiving a full pension until her death April 29, 1827, at the age of 67. She died at her home in Sharon, Massachusetts survived by her husband who nine years later was granted a survivor's pension.

This brave lady was a risk taker who fought for freedom and earned it.

MEETING AMERICA'S CHALLENGE

HON. BILL ZELIFF

OF NEW HAMPSHIRE

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 20, 1992

Mr. ZELIFF. Mr. Speaker, I was recently informed that one of my constituents, Ms. Rebecca Rutter of Dover, has been chosen as one of only 22 winners in the 1991–92 VFW Voice of Democracy Broadcast Scriptwriting Contest. Ms. Rutter competed against 147,000 other students in this year's theme, "Meeting America's Challenge," and has been awarded a $1,000 scholarship and a free tour of Washington. I wish to congratulate Ms. Rutter on her accomplishments, and VFW Post 1617 and its ladies auxiliary in Derry for their sponsorship. I am honored to submit her outstanding entry into the official RECORD.

MEETING AMERICA'S CHALLENGE

From the time of her birth, ours has been a nation well-acquainted with challenge. Her independence was won and has been maintained through fiery struggle, and time after time, her people have been called upon to draw from their hidden reserves of strength and rise to meet the challenge at hand.

Today, there is another great challenge before America, and you and I are the ones that must face it. It differs vastly from those that Americans have dealt with in the past, for instead of being singular and sharply focused, it is highly diverse.

These multi-faceted challenges are born of a world grown turbulent with fast-paced change. Even more is being demanded of us, if we wish to remain a leader in the increasingly competitive global market and at the same time guard our own system of democracy here at home. We must utilize our national assets to the fullest possible extent. Bound up on all these demands and requirements is a unique set of challenges highly-charged with opportunity.

There is the challenge of improving our educational system, of developing solutions to the plaguing problems of poverty and homelessness, and of making the most judicious use of our natural resources. These are but a few of the myriad issues to be grappled with.

• This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

In the upcoming election year, we will hear many politicians present their answers to what they perceive as America's challenge. Although a good leader can do wonderful things for a country, the truth is, a single person cannot be expected to find the resolution to all our nation's perplexities, nor can one program, no matter how sound, attain America's goals. There has to be something to put the force behind the ideals.

And therein lies the solution to meeting America's challenge. It hinges on two things: the pursuit of excellence and the actions of the individual American. If we hope to accomplish great things as a nation, the challenge must begin within each of us. We the United States citizens are the ones who can provide that vital force.

Having been blessed with the freedom of self-government, every American holds a share in this nation—a portion of the responsibility for what America accomplishes. The American people are the ones who make this country work. They run the companies and manage the farms; they manufacture the products and erect the building; they care for the sick and teach the young scholars. Every separate job impacts in some way the meeting of America's challenge. It is for each of us to see that our job creates a positive impact and that we develop our share wisely.

There is no magic formula for what we want to accomplish as a nation. Meeting America's challenge is really a quest for excellence. And that begins at the grassroots level with personal excellence. If each person, whatever his or her profession, resolves to excel, meeting America's challenge will become, not just a fond aspiration, but the goal of every American.

If we meet all our personal challenges, America can never fail to meet her national challenges. A country can be no greater than the people of which she is made.

Helen Keller once said, "The world is moved not only by the mighty shoves of the heroes but also by the aggregate of the tiny pushes of each honest worker." There is much wisdom and inspiration in that statement.

We know our goal: to continue to make America the strong bastion of excellence and the brilliant torch of freedom that she has been for centuries. It is a task passed down to us by our forefathers, and required of us by our children. America's challenge is great. But it is also exciting. And, fellow Americans, I believe we are up to the challenge. Together, we can strive for excellence. Together, we can work for a better future. And together, we can meet all the challenges that are ours today in the United States of America.

COMMEMORATING THE 200TH ANNIVERSARY OF THE NEW YORK STOCK EXCHANGE

HON. FRANK HORTON

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 20, 1992

Mr. HORTON. Mr. Speaker, on Monday, May 18, 1992, the New York Stock Exchange began its third century of operation. This venerable yet dynamic institution is a symbol of America's free enterprise system. Shares of 1,900 companies currently traded at the NYSE, with a market value of more than $3 trillion, represent ownership in companies devoted to the creation of new jobs, services, and products. Some 40 billion shares of stock trade hands in the market every year, a measure of the breadth and enormous liquidity available to America's 51 million investors.

Last week, this House approved a joint resolution commending the New York Stock Exchange on the occasion of its bicentennial on May 17, 1992. Pursuant to that joint resolution, the President has issued a proclamation recognizing the exchange's role in promoting the economic vitality and growth of the United States. I want to share the President's proclamation with my colleagues today.

BICENTENNIAL OF THE NEW YORK STOCK EXCHANGE, 1992

PROCLAMATION

When 24 New York merchants and brokers gathered on May 17, 1792, to establish rules of conduct for the exchange of securities and to buy and sell orders for those who wanted to trade, they laid the foundation for what is now one of the largest stock exchanges in the world. Today the New York Stock Exchange handles, on average, more than 100 million shares daily and plays a major role in the unique self-regulatory system that aids in the enforcement of the Nation's securities laws. At a time when the peoples of newly emerging democracies are working to establish market economies and to promote the capital formation and investment that are cornerstones of prosperity and progress, we take special pride in the 200th anniversary of the New York Stock Exchange and in the many contributions that the NYSE has made to the development of the United States.

The New York Stock Exchange is, in many ways, a symbol of our Nation's free enterprise system and of the opportunities for savings and investment it provides to all of our citizens. Led by a private board of directors and regulated by the Securities and Exchange Commission, the NYSE offers an efficient market for the trading of securities, thereby facilitating the purchase and sale of stocks, options, futures, and other innovative financial contracts. By providing a vehicle by which businesses can acquire capital and by enabling individual and corporate investors to select portfolios that best fit their needs, the New York Stock Exchange has helped to finance the development of American industry and technology and, in so doing, contributed to the creation of countless jobs.

With 200 years of experience and growth behind them, members of today's New York Stock Exchange are helping to promote American principles of free enterprise around the world. As the economies of the United States and other nations become increasingly interdependent, and as advances in communications and other technologies transform financial markets, the future of the NYSE promises to be as eventful and as distinguished as its past.

The Congress, by Senate Joint Resolution 254, has recognized May 17, 1992, as the bicentennial of the New York Stock Exchange and has requested the President to issue a proclamation in recognition of this occasion.

Now, therefore, I, George Bush, President of the United States of America, do hereby invite all Americans to observe May 17, 1992, the bicentennial of the New York Stock Exchange, in recognition of that institution's role in promoting the economic vitality and growth of the United States.

In witness whereof, I have hereunto set my hand this fifteenth day of May, in the year of our Lord nineteen hundred and ninety-two, and of the Independence of the United States of America the two hundred and sixteenth.

GEORGE BUSH.

RONALD K. MACHTLEY AWARD WINNER

HON. RONALD K. MACHTLEY

OF RHODE ISLAND

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 20, 1992

Mr. MACHTLEY. Mr. Speaker, it is my distinct pleasure to congratulate Kevin Greenough, of Woonsocket, as this year's recipient of the Congressman Ronald K. Machtley Academic and Leadership Excellence Award for Woonsocket Area Vocational Technical Facility in Woonsocket, RI.

This award is presented to the student, chosen by Woonsocket Area Vocational Technical Facility, who demonstrates a mature blend of academic achievement, community involvement, and leadership qualities.

Kevin Greenough has more than fulfilled this criteria. Kevin has been a vocational student since his freshman year and has excelled in his shop skills which include electricity, plumbing, and motor controls. Kevin is also a VICA award winner, placing second in the State for his electrical skills. Kevin is a freelance photographer for the Woonsocket Call, and has worked as a yearbook photographer for the past 4 years.

I commend Kevin Greenough for his outstanding achievements and wish him all the best in his future endeavors.

FIRST LADY OF THE THEATER-HELEN HAYES

HON. GUY VANDER JAGT

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 20, 1992

Mr. VANDER JAGT. Mr. Speaker, today I pay tribute to the first lady of American theater, and a distinguished Washingtonian. Her roles in "Victoria Regina," "A Farewell to Arms," and "Anastasia," have made her a legend in her own time. The stage and screen have long been her firmament, and no other name in acting commands such respect and admiration. Of course, I am speaking of the great Helen Hayes, the finest of actresses and a great humanitarian.

At the age of 91, there is not a hint of slowing down for this great lady. After one of the most illustrious careers ever on the stage and screen, one would gladly grant here a respite from her demanding schedule. But her diligence and unrelenting purpose keeps her active in every facet of her life. In a recent interview with the Washington Post, her consistent energy is summed up well:

> Helen Hayes is no nova, to blaze up and fade away. She has starred in the theater for almost 87 years, one of the longest runs of any actor. She is blessed with two great gifts: talent, and the years to use it. And, perhaps, an even greater one, to know who she is and what she does, and to be content.

Miss Helen Hayes deserves the very best in recognition for her work over the years, both in acting and for others less fortunate. Miss Hayes knows firsthand how rigorous it is to be successful in a very demanding industry, and she has made here way to the pinnacle of achievement through strength of character and her inimitable grace and style.

She has come a long way from her childhood home of Brightwood, where she was born on October 10, 1900. Born Helen Brown, our lovely first lady of the theater, Helen Hayes prefers to be called Helen McArthur, a testament to her late husband, playwright Charles McArthur. She got her start at the age of 5 with the Columbia Players, a Washington theater company. From the very beginning, she took on unusual roles such as one usually reserved for boys, "Little Lord Fauntleroy." Her debut on the New York stage took place on November 22, 1909 when she portrayed Little Mimi in Victor Herbert's "Old Dutch."

From these humble beginnings, she carried her beautiful blue eyes, sunny smile, and God-given talent to higher and higher levels of achievement that all Americans are familiar with today. And through it all, we have been truly blessed as a nation by her presence in so many stage and screen classics. Not only has she been the first lady of the American theater since the late 1930's—a high and regal title in itself—but she has displayed her talents in producing and directing.

Like any successful first lady, she is the quintessence of a well-behaved, much loved, and highly applauded woman. She is also a grandmother to her son James' and his beautiful wife H.B.'s three children, Charles, "Little" Mary, and James. And she has even taken in stray children and out-of-work actors. She has given much of herself to charities and is always ready to sacrifice for the good of the community as a whole. Her tireless efforts in raising money for the Helen Hayes Hospital in West Haverstraw, NY, in addition to fundraising for the Helen Hayes Tappanzee Playhouse in Nyack, NY, are testaments to her courage and commitment to others. These buildings are named after Miss Hayes because her valiant efforts are responsible for their existence.

Helen Hayes is a true American success story. Her example is remarkable, continuing to use her talents and considerable resources to build affirmatively and constructively for the benefit of the entire community. Helen Hayes really helps to define America's greatness through her service as a point of light, an especially bright star whose good work has spread through a broad and beautiful sky.

No one deserves her accolades more. And she has received innumerable recognition over the years for her contributions to our society. She has accepted and given many honors. Among her own awards has been the Presidential Medal of Freedom, and two time honoree by the American Academy of Motion Picture Arts and Sciences as Best Actress of the Year.

Her latest achievement is to be honored with Victoria magazine's "Star in our Crown Award." In instituting this award, Victoria magazine starts a tradition of honoring women whose spirit and personal accomplishments have made them guiding stars in an often confusing world. In helping all Americans seek richer and more rewarding lives, Helen Hayes could not be a better candidate for receiving just such an award.

The award ceremony will be hosted by Nancy Lindemeyer and Katherine "Kitty" Mountain, editor and publisher of Victoria magazine. The awards will be presented by the distinguished actors, Blythe Danner and Edward Herrmann. Miss Hayes will be joined by three generations of family in accepting the award, son James, daughter-in-law H.B., and grandson James. Victoria is a Hearst publication, and the most successful magazine launch in the history of the Hearst Corp. Joining in the presentation will be D. Claeys Bahrenburg, president of the Hearst magazine division. Hearst was founded by the distinguished publisher, William Randolph Hearst.

I am honored to help pay tribute to this great American lady, Miss Helen Hayes. You have done it well. And I commend those who have taken the time and care to put on an awards ceremony for such a great American legend.

CHILDREN IN NEED

HON. LEE H. HAMILTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 20, 1992

Mr. HAMILTON. Mr. Speaker, I would like to insert my Washington Report for Wednesday, May 20, 1992 into the Congressional Record:

CHILDREN IN NEED

Millions of America's children desperately need help. While most American children are healthy, happy and secure, far too many grow up in families in turmoil, with parents who are stressed and drained, and unable to provide them with adequate security and nurturing.

POVERTY

We say we love our children, yet children have become the poorest group in America. The poverty rate for children in the U.S. has risen sharply since the 1970s, and now hovers at about 20 percent. One of eight children under age 12 in the U.S. suffers from hunger, and millions more are in danger of going hungry. Marriages continue to crumble at record rates, and almost one quarter of all children now live in one-parent households. Most one-parent families are headed by single mothers who rely on one income, confront high child care costs, and often receive inadequate child support, or none at all.

HEALTH

Tragically, most key indicators of child health in the U.S. have stalled or reversed. The steady progress in reducing infant mortality rates slowed in the early 1980s and stopped in 1985. The U.S. now ranks 19th in the world in infant mortality—worse than Hong Kong and Singapore. Vaccination rates for young Americans have also leveled off and declined since 1980. Half of the two-year-olds living in America's inner-cities now lack important vaccinations. The number of low-birthweight babies has increased in this country. American babies are more likely to be underweight than are babies born in Jordan or Bulgaria. These disturbing trends are not inevitable. According to a White House task force report, for example, approximately one quarter of infant deaths in this country could be averted with basic prenatal and other health care.

EDUCATION

Too many children become adults without the skills or motivation necessary to contribute to society or earn a living. Poor children usually attend schools that are underfunded and their parents typically do not participate effectively in their education. One third of the nation's children come to school ill-prepared. Teachers report that more and more children arrive at school hungry, ill, poorly clothed, and emotionally distraught. Many develop learning deficiencies. Many drop out before completing high school. For poor children, the educational system is often just another link in the cycle of poverty.

CHILD ABUSE

Every year in the U.S., more than a million children are abused by their parents or others, and several thousand of them die as a result of their abuse. Child abuse and neglect have more than doubled since the 1970s, and this estimate is probably low because so much abuse goes unreported. Every form of childhood abuse is far more prevalent among the poor. Initiatives exist to combat this frightening problem, but they are woefully underfunded.

The number of childhood casualties from poverty, poor health, ignorance, and abuse is staggering. It is a tragic waste of human potential.

ASSESSMENT

I am persuaded that the problems confronted by children in need ought not to be accepted by caring people or a prudent nation. All of us want every American child to have the opportunity to develop his or her full potential. All of us agree that parents bear primary responsibility for meeting their children's needs and nurturing their growth and development. But it is also clear that society has a legitimate interest in how children are raised, and an obligation to intervene when parents fail to meet their responsibilities in raising children. Communities too have an obligation to children to create an environment that is supportive of parents.

A broad consensus exists about which programs work. We often know what helps, but we are not doing it. Head Start, for example, significantly improves the educational performance of disadvantaged children, saving up to six dollars in future remedial expenditures for every one dollar invested. WIC, a supplemental food initiative for women, infants, and children, also saves money in the long run. A dollar spent on prenatal care for pregnant women can save more than three dollars on medical care during the infant's first year, and 10 dollars down the line. Any economist can prove that spending on children is a bargain.

A number of initiatives for children should be considered. First, we need a refundable child tax credit for all children, and an earned income tax credit to encourage low-income parents to enter the paid workforce and strive for economic independence. Second, we need to work toward a system of the health insurance coverage for pregnant women and for children that includes a basic level of care, as well as provisions to contain costs Third, we need to support effective food and nutrition initiatives such as WIC. Fourth, we need to ensure that children have the care and support they need to enter school ready to learn in good health and a nurturing environment. Head Start should be expanded and fully funded. Fifth, we need to pay more attention to the problems of high drop-out rates, premature sexual activity, juvenile delinquency, and alcohol and drug abuse. These problems jeopardize the futures of our children.

All of us have to reaffirm our commitment to forming and supporting strong and stable families. Families, after all, have the paramount obligation to care for their children. Communities must find ways to improve the availability, affordability, and quality of child care services. Efforts designed to protect abused and neglected children must be strengthened, with an emphasis on keeping children with their families or providing them with a permanent alternative.

In the end, however, I am impressed that government does not know how to prevent the weakening of the American family, and the disturbing consequences for our children. Many problems that childen face are not fundamentally political or even economic, but moral and cultural. But until someone has the final answers, we must ry to understand the problems confronting America's children, have compassion for them, and do our best to ease their plight.

THE NATIONAL YOUTH APPRENTICESHIP ACT OF 1992

HON. WILLIAM F. GOODLING

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 20, 1992

Mr. GOODLING. Mr. Speaker, today I am pleased to be introducing, with several of my distinguished colleagues, the National Youth Apprenticeship Act of 1992, a bill proposed by the administration for promoting the development of a systematic transition from school to work utilizing the youth apprenticeship model. I wish to commend the President for his leadership in bringing forth this legislation.

The bill defines the essential elements of a youth apprenticeship program including high academic standards and encouraging the development of partnerships among business, schools, and labor organizations on the local level to establish high wage, high skilled career opportunities for today's youth. Youth apprenticeship programs are offered to all students beginning in the 11th and 12th grade, and may continue through postsecondary education; they are employer-school partnerships that integrate academic instruction, structured job training, worksite learning, and work experience. Since these programs are created at the local level, they are tailored to local economic and demographic conditions. The programs are targeted toward occupational fields where there is high potential for career progression and high wages. Since the students are able to complement experience with technologies that may only exist at the worksite with theoretical instruction at the postsecondary level, these programs are particularly suited to highly technical and emerging technological fields.

Unfortunately, the American educational system has been more geared to the collegebound student. This bill addresses issues critically important to the forgotten half of American secondary students, those students who do not plan to continue their education into the postsecondary level. We must recognize that 50 percent of American students do not go on to college after graduating from high school. These students must be ready to enter the work force upon graduating from high school. The demands of the American workplace have increased in the competency, educational literacy, and technical expertise needed to fill American industry's jobs. If America hopes to remain a competitive leader in a global marketplace, we must ensure that today's youth will be ready to meet industry's needs.

I hope that you will join us in cosponsoring this legislation.

MACARTHUR H. "MAC" MANCHESTER: NEWSPAPER MAN AND AMERICAN PATRIOT, WILL BE MISSED

HON. GERALD B.H. SOLOMON

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 20, 1992

Mr. SOLOMON. Mr. Speaker, a great and patriotic American in the 24th New York District has died.

MacArthur H. Manchester of Granville was a great newspaper man, a great Army officer, and a great friend. His passing leaves a void that cannot be filled.

Mac Manchester was born in Honolulu in 1915, the son of Paul and Isabelle MacArthur Manchester. When his father, a West Point graduate and Army captain, went to France with the American Expeditionary Force during World War I, Mac and his mother moved to our area. After earning a journalism degree at Syracuse University, he worked with his father at the Granville Sentinel, a newspaper founded by his grandfather in 1875. Mac and his stepmother assumed responsibility for the newspaper after the death of his father in 1941.

He enlisted in the first year of World War II, and subsequently received an officer's commission in the armored forces. At the Fort Knox headquarters of the 16th Armored Division, he edited "The Armored News," which reached armored forces all over the world.

After the war, Lieutenant Manchester joined the staff of the national headquarters of the Reserve Officers Association. He was the first post-war editor of "The Officer," while advancing to the rank of lieutenant colonel in the Army Reserves. At one point, he was executive director of the Reserve Officers Association and was offered that position on a permanent basis. He declined the offer but chose the officer who was eventually approved for the position.

The highlight of Mac's military career came when he served as one of the regional field officers for the Selective Service System under the late Gen. Lewis B. Hershey. In that capacity, Mac represented General Hershey to many Governors and was responsible for training nearly 500 reserve officers who would be mobilized in a national emergency.

Mac returned to the Granville Sentinel in 1962 and served as publisher until his death.

As a newspaperman, Mac always told it like it is. I've often inserted his editorials in the CONGRESSIONAL RECORD. They were always right to the point, and showed a grasp of issues that writers in New York and Washington could never hope to match.

Mr. Speaker, Mac Manchester was, quite frankly, my best and most trusted source of information about the folks back home and an astute judge of world events. For many years he served with great distinction as a volunteer member of my military academy selection committee.

But it's as a friend that I'll miss him the most. It is a loss I share with his wife Anita, his daughter, Mrs. Monica Updike, his three sons, Paul, Kevin, and John, and their 10 grandchildren.

Mr. Speaker, I measure a man by how much he gives to his country and community. By that standard, Mac was a giant. I would ask you and other members to join me in a last salute to MacArthur H. "Mac" Manchester, journalist, American patriot, and true friend.

WHY IT'S IMPORTANT TO JUST SAY "NO" TO ALCOHOL AND OTHER DRUGS

HON. DAVID DREIER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 20, 1992

Mr. DREIER of California. Mr. Speaker, today I had the honor of meeting with three bright young Californians who wrote essays for the "just say no" of Los Angeles rally.

They visited our colleague CARLOS MOORHEAD and me with their presentations.

Tragically, the Los Angeles riots were taking place at the time of this rally.

These statements make one very optimistic about the future of our young people.

WHY IT'S IMPORTANT TO "SAY NO . . . TOGETHER" TO ALCOHOL AND OTHER DRUGS

(By Trineka Hardy, King Elementary School, Compton)

It's important to say no to drugs and alcohol because they only hurt you, they will also hurt your loved ones. I don't like to see people smoke and drink because it makes their health bad. It's good for people to say no together, it's better if everyone is helping each other to fight drugs so that our world could be drug free.

WHY IT'S IMPORTANT TO "SAY NO . . . TOGETHER" TO ALCOHOL AND OTHER DRUGS

(By Chris Bones, Cactus School, Palmdale)

Families and communities are torn apart by drug and alcohol abuse. How can this tragedy be conquered? Hope lies in working together. Standing by yourself is a lonely place to be. Standing together gives strength and confidence to "Say No!" to drugs and alcohol. By standing together and caring for one another, we can make a difference.

WHY IT'S IMPORTANT TO "SAY NO TOGETHER" TO ALCOHOL AND OTHER DRUGS

(By Oralia Galarza, Benjamin O. Davis Middle School, Compton)

We must say no because of the crime that drugs cause. We must say no because of the killings, robberies, and the prostitution that drugs are causing in our community. We must say no because of the liquor stores on every corner that are contributing to the deterioration of our community. We must say no together or perish.

A MEMORIAL DAY TRIBUTE TO THE AMERICAN VETERAN

HON. JOHN D. DINGELL

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 20, 1992

Mr. DINGELL. Mr. Speaker, next week our Nation will pause once again to mark Memorial Day.

Just one year ago, we remembered those who died in the Persian Gulf war, along with all the men and women before them who have given their lives in the service of their country. The importance of Memorial Day, our veterans, their families, and all our citizens must never be underestimated. The memories of our brave soldiers will serve forever as a reminder of the freedoms that all Americans enjoy.

Recently I was moved by a quotation I read in the May 1992 "Veterans of Foreign Wars" magazine. In this article, a World War II veteran made a most astute reflection: "[Memorial Day] is a day to rededicate yourself to your country in memory of the sacrifices others have made."

This year, at a time when we are giving careful thought to the problems that confront us and the ability of our institutions to solve these problems, I believe this quotation should be reflected upon by all Americans, Yes, our Nation has many problems. And solutions to these difficult problems are not easily crafted or approved by either our leaders, the public, or the press. By rededicating ourselves to solving these problems, we can demonstrate to the skeptics, both at home and abroad, how American ingenuity and resolve can overcome any challenge.

During this time of reflection, I urge all Americans to remember the sacrifices of those men and women who answered their Nation's call to duty, and to take upon themselves the duty of participating fully and constructively in our democratic system. If our Government is not working well, we must come together to make it work.

It is unfortunate that many people today view themselves as alienated taxpayers, and not active citizens. While our problems are many, we must remember the battles won by our veterans when called upon by their country. As a nation, we must once again rally ourselves together to address the problems that threaten our security and prosperity.

We are indeed fortunate that today's problems may not require armed conflict. But if these problems, including our runaway deficit, government and corporate waste, trade imbalances, and health care, remain unaddressed, they may lead to a deterioration of the precious freedoms we enjoy—freedoms that were secured by the sweat and blood of soldiers who made the ultimate sacrifice.

In their memory, and for our sake, we must act swiftly and bravely together to ensure the continued vitality of the world's greatest democracy. It can, and will, be done.

RONALD K. MACHTLEY AWARD WINNER

HON. RONALD K. MACHTLEY

OF RHODE ISLAND

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 20, 1992

Mr. MACHTLEY. Mr. Speaker, it is my distinct pleasure to congratulate Gregory Gilman, of Barrington, as this year's recipient of the Congressman Ronald K. Machtley Academic and Leadership Excellence Award for Portsmouth Abbey School in Portsmouth, RI.

This award is presented to the student, chosen by Portsmouth Abbey School, who demonstrates a mature blend of academic achievement, community involvement, and leadership qualities.

Gregory Gilman has more than fulfilled this criteria. Gregory is a member of the debate team and was named to the Dean's list. He also participates in squash, soccer, and sailing teams.

I commend Gregory Gilman for his outstanding achievements and wish him all the best in his future endeavors.

TRADE POLICY IN THE LOS ANGELES AFTERMATH

HON. AL SWIFT

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 20, 1992

Mr. SWIFT. Mr. Speaker, Why is it that it took riots in Los Angeles to get this administration to talk about the problems in our inner cities? Certainly, there was poverty and racism in our inner cities before the riots, but Presidential leadership in addressing these problems was nowhere in sight. Congress is not without blame, but I can honestly say that we have taken action on these issues; the problem is that without real leadership, we are forced to deal with the issues piecemeal—a strategy that may alleviate the symptoms, but does little to cure the disease that affects our urban areas. The policies that were presented—and I am generous in describing drug czars and a thousand points of light as policies—permitted our inner-city inhabitants to kill themselves while the family structure and their economy died with them. That is irresponsible and foolish policy.

In another area, as well, our leadership has been painfully slow in responding to reality: That being, the problems we face in foreign competition. For years we have watched America's competitive advantages slip away, yet no rational plan of action has been presented to the American people. There seems to be some false hope that Buy American television commercials or taking our auto executives on a trip to Japan will make this Nation's problems go away.

Let me tell you, if we are waiting for our competitors to volunteer fairness in international trade, we will be waiting a very long time; if we make a concerted effort, however, we can beat them at their own game. For now, our complete lack of an industrial policy—not unlike our complete lack of an urban policy—has left American business to falter at the hands of organized foreign competition while our industrial structure and the future of our economy have faltered along with it. This, too, is irresponsible and foolish policy.

I mention these problems together because I believe there is an intimate relationship between solving the problems in our inner cities and bettering this Nation's competiveness on the world market. Recognizing this connection, I believe, provides a focus that we all, as Americans, can embrace: In short, we simply cannot compete in the world market with our inner cities in disarray. If we are spending our money fighting drugs, jailing criminals, and rebuilding after riots we are diverting resources that could help us compete into the future. However, if we concentrate on providing the means by which we can revitalize our cities while tapping the potential of our urban citizens, then we have great hopes of competing. Simply put, we need all Americans to be in a position to pull their weight and make a contribution if we are to get this country's economy moving again.

Today, unfortunately, the focus I speak of simply does not exist; rather, it seems that the needs of urban communities and the fears of suburban residents are seen as so at odds as to lead to paralyzing inaction. These fears—crime, drugs, and excessive welfare costs—choke off the possibility that well-reasoned action can take place in our cities. We need to work through those fears—whatever their genesis—so that we can see the common advantage to rebuilding our cities.

Make no mistake that there is substantial untapped potential in our inner cities. Last year in the District of Columbia, a young man was sent to jail—forever. And he should have been. He was running one of the most vicious drug rings in the District of Columbia area. But when officials got inside and really began to take apart his operation they found that he had put together something with the sophistication of a middle-sized American corporation.

Just think what a difference it would have made if we had been able to help that young man channel his talents into contributing to our society instead of into activities that cost us so dearly in dollars and in human misery.

And I know that he is only one example of the many young people whose talents are lost in our inner cities. We need to unleash that talent, to incorporate it, to benefit from it, and to reward it. The problems are not easy ones to solve—but they are essential ones to solve if we are at last to get a handle on urban crime and the welfare problem and, at the same time, bring the talent there on board in our economic challenge from overseas.

We talk in this country of the American dream. Too often that has meant the white dream, the middle-class dream, the suburban dream. Such divisions can no longer be tolerated. Today, worldwide competition so challenges our Nation's economy that we simply cannot afford to waste the talent, abilities, and resources of people who are growing up in our inner cities. We must harness these resources. We must open the way for these individuals to join the national effort. In the end, we will only advance the American dream by assuring all Americans can participate in it and contribute to it.

NATIONAL YOUTH APPRENTICESHIP ACT OF 1992

HON. STEVE GUNDERSON

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 20, 1992

Mr. GUNDERSON. Mr. Speaker, I am honored to join with my distinguished colleague from Pennsylvania, Mr. GOODLING, and with our distinguished minority leader, Mr. MICHEL, and others in the introduction of the President's National Youth Apprenticeship Act of 1992. Enactment of this legislation would result in the establishment of a nationwide system of youth apprenticeship programs geared to the education and training needs of America's youth. I commend the President on development of this legislation.

At a time when only 50 percent of U.S. youth go on to college after high school, with only 25 percent of all youth completing 4-year degrees, our U.S. educational system continues to be disproportionately geared toward meeting the needs of the college-bound. Very little attention is paid to bridging the gap between school and work. The President's youth apprenticeship legislation would establish a national framework for implementing a comprehensive approach for helping youth to make the transition from school to the workplace, and to strive to reach high academic levels of achievement. These programs would provide a high quality learning alternative for preparing young people who are not college bound to be valuable and productive members of the 21st century workforce.

Specifically, the bill encourages States and local areas to develop programs where a student could enter into a youth apprenticeship in the 11th or 12th grade. During participation in a youth apprenticeship program, participants would receive academic instruction, job training, and work experience. The program is intended to attract and develop high-quality, motivated students, and requires that employers, schools, students, and parents promise to work together to achieve the program goals. In addition to a high school diploma, all youth apprentices would earn a portable certificate of competency, and qualify for a postsecondary program, a registered apprenticeship program, or employment at the end of their youth apprenticeship.

Earlier this spring, Mr. GOODLING and I introduced similar legislation to this bill, the "National School-to-Work Transition and Youth Apprenticeship Act," H.R. 4976, which also provides for the establishment of local youth apprenticeship programs, as well as providing grants to States for system wide reform in the area of school-to-work transition. Our legislation builds on the current efforts of the Departments of Labor and Education, requiring the establishment and implementation of national voluntary industry-recognized skills standards to be utilized throughout education and training programs and the workplace. With several small exceptions, the legislation we are introducing today is completely consistent with the goals envisioned in the youth apprenticeship title of H.R. 4976. In fact, this bill strengthens our youth apprenticeship provisions, providing more specific recommendations and requirements for the development of local programs.

There are several provisions in the measure we are introducing today over which I have minor concerns. One of the issues that has yet to be resolved is the question on whether or not student apprentices should be allowed to receive wages at student wage rates below the minimum wage. These concerns can, and I am confident will, be worked out in the consideration of this bill, however. Enactment of legislation that will prepare our youth for the world of work is vital. Far too many youth leave school without the needed skills and foundation for the rapidly changing and increasingly complex workplace.

According to the Economic Report of the President published in February, despite temporary setbacks of several recession, employment has increased by 38 million, from 71 million in 1971 to 109 million in 1991. This 53-percent growth far surpassed that of most other major industrialized countries, with Japan growing only half as fast; and France, Germany, and the United Kingdom less than one-fifth the United States rate. The President's report also notes however, that of the jobs created, there was a significant shift toward high-skilled jobs requiring education beyond high school.

Not only is it critical that our work force be well educated and trained to fill these high-paying jobs of the future, it is critical to recognize the link between the quality of the U.S. education and training system and our ability to compete with other countries. Other industrialized nations recognized these linkages long ago, emphasizing: Excellence in primary and secondary education; upgrading standards and expectations for all students; and youth apprenticeship as ways to prepare students for work.

We agree with the President that the time has come for a national, comprehensive approach to work-based learning. The "National Youth Apprenticeship Act of 1992" would establish a formal process in which business, labor and education would form partnership to motivate the Nation's young people to stay in school and become productive citizens. We urge you to join us in support of this important legislation and in its favorable and swift consideration this year.

CONGRATULATING THE RECIPIENTS OF THE 1992 OCA ASIAN CORPORATE ACHIEVEMENT AWARD

HON. FRANK HORTON

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 20, 1992

Mr. HORTON. Mr. Speaker, I am extremely pleased to rise today to recognize the tremendous accomplishments of 12 Asian American corporate employees from throughout the country. On Friday, May 22nd, in New York City, the Organization of Chinese Americans [OCA] and the OCA Business Advisory Council [BAC] will recognize these individuals as part of the OCA's Annual Asian American Corporate Achievement Awards Banquet.

Climbing the ladder of corporate success is a challenge. And, in order to succeed in business, to become one of the very best—as all of this year's honorees have clearly done—requires that little something extra; not just the ability and the know-how, but the intangible will to go the extra mile and the determination to do whatever it takes to get the job done right.

All of this year's honorees have, unfortunately, contended with another challenge that not all American workers face: the glass ceiling, which makes it even tougher for Asian Americans, and all minorities, to work their way to the top. The success of this year's honorees demonstrates that although we have a long way to go, the glass ceiling can be shattered. Through the continued work of groups such as the Organization of Chinese Americans, we can raise the consciousness of corporate America both to the accomplishment and contributions of Asian Americans and to the need to continue to actively root out discriminatory corporate behavior.

In addition to recognizing outstanding Asian American employees, the awards program also calls attention to a number of American corporation that are already embracing the corporate attitudes and practices needed to remove unfair obstacles to Asian Americans and other minorities. These companies include: American Express International, AT&T, Anheuser-Busch, Bell Laboratories, Colgate Palmolive, Digital Equipment, Du Pont Pharmaceuticals, General Motors, Kraft General Foods, Inc., McDonnell Douglas, Silicon Graphics Computer Systems, Twin County Cable, and Virginia Power. They should be viewed as a model for progress and commended for their leadership.

Mr. Speaker, I know all of my colleagues join with me in congratulating all of the 1992 recipients of the Asian American Corporate Achievement Award: Mr. Gareth C.C. Chang, Ms. Amber C. Cheng, Mr. Alfred Cho, Mr. Duenli Kao, Ms. Flora Lin Sze-Tsung Lee, Mr. James Li, Mr. Thinh T. Nguyen, Mr. Walter W. Wong, Mr. Bark Lee Yee, Mr. Clive C.L. Chu, Dr. Kuo-Yann Lai, and Mr. James Liu. These individuals have all distinguished themselves their individual accomplishments and are genuine role models.

JULIE HARRIS—A STAR IN OUR CROWN

HON. GUY VANDER JAGT

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 20, 1992

Mr. VANDER JAGT. Mr. Speaker, one of the reigning queens of stage and the silver screen will be given a great honor, an honor worthy of her legendary status as a performing artist. It is my honor to announce in the CONGRESSIONAL RECORD that Miss Julie Harris will receive Victoria Magazine's Star in our Crown Award.

Great awards are nothing new to a great actress like Miss Harris. Among the recognition that Miss Harris has received over the years have been five Antoinette Perry Tony Awards. No other actress has ever won this many awards for a best actress performance in theater. Her unforgettable roles of great and complex women, from Emily Dickinson to Mary Todd Lincoln to Emily Bronte and even the Danish storyteller Isak Dineson, have catapulted her acting reputation to the highest echelon of professional excellence. She brings an exacting, highly disciplined, and inspired style to her every role. It seems as though Miss Harris actually crawls inside of each character she plays, and one gets the feeling she will never have a problem finding new ones to inhabit.

Miss Harris in now building on her already incredible career by appearing in Peter Shaffer's "Lettice and Lovage" at the National Theatre, our Nation's oldest legitimate theater. The heritage of the American theater is enhanced by her remarkable talents, and I am honored to pay tribute to this native of Grosse Pointe, MI.

In addition to Miss Harris' unparalleled contributions to the stage, she challenges all of us to seek richer and more rewarding lives through her valiant efforts in making recordings of popular books and plays for the blind.

Miss Harris will be recognized in New York City at the Star in our Crown Awards as much for her work on the stage as her work off the stage. Not only does she embrace quality, dignity, and grace in her acting, but in the caring way she interacts with her friends, associates, and community.

Her attitudes to nurturing young actors was summed up last year in a Washington Post interview, "I'm always saying to young actors: You have to envision something—like a painter—and put yourself there. You have to take the initiative. But it's all possible * * * You have to keep working, not waiting for it to come to you. You have to keep mixing it up."

Certainly the word "tenacity" describes the way she tackles the tough roles she plays and it characterizes the advice she gives to aspiring young actors and actresses. And all of her hard work is reflected in her strong character. She is truly living an American ideal through her tireless work in behalf of others and her profession. This quality and compassion make her, in a very real way, a point of light. The future really belongs to people who follow the example of Julie Harris, people who use their God-given talents and resources constructively and affirmatively for the benefit of everyone.

The "Star in our Crown" is an appropriate appellation for this award and for this remarkable woman. Her achievements really are a star in everyone's crown because she has enriched so many lives with her abilities. And just like a rare jewel that serve as a centerpiece for a crown, she always shines brightly with a solid, adamantine character.

The award ceremony will be hosted by Nancy Lindemeyer and Katherine "Kitty" Mountain, editor and publisher of Victoria Magazine. The awards will be presented by the distinguished actors, Blythe Danner and Edward Herrmann. Victoria is a Hearst Publication, and the most successful magazine launch in the history of the Hearst Corp. Joining in the presentation will be D. Claeys Bahrenburg, President of the Hearst Magazine Division. Hearst was founded by the distinguished publisher, William Randolph Hearst.

As Victoria Magazine presents its "Star in the Crown" Awards, it will be joined around the world in the celebration on a day known as Victoria Day in commemoration of the distinguished British Monarch Queen Victoria. And I think it is fitting to honor one of the reigning monarchs of the American stage at the same time the world honors yet another great monarch, Queen Elizabeth II, as her 40th Coronation Anniversary begins.

FUEL ASSISTANCE HELP FOR GRANITE STATERS

HON. DICK SWETT

OF NEW HAMPSHIRE

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 20, 1992

Mr. SWETT. Mr. Speaker, yesterday I testified before our colleagues on the Appropriations Committee to strongly urge that adequate funds be appropriated for a program which I feel is vital for the people of New Hampshire—the Low Income Home Energy Assistance Program [LIHEAP].

New Hampshire is a largely rural, northeastern State which faces long, cold winters. Last winter, the New Hampshire LIHEAP program had to shut down on February 20 because of lack of funds. In the middle of winter, people should not have to choose between surviving sub-zero temperatures or going hungry.

Mr. Speaker, New Hampshire, like many places around the country, is in the throes of a serious recession, with tens of thousands of people unemployed. Even many employed people are struggling to make ends meet. As the impact of the recession cuts deeper and deeper, more and more households are in vital need of LIHEAP's assistance. In my district, the number of people living at or below the poverty level has increased by 20 percent. This year, the households in New Hampshire that received LIHEAP assistance had an average gross income of just $8,120. Despite the fact that eligibility requirements were stiffened, demand for LIHEAP assistance increased by 25 percent last winter.

For fiscal year 1993, the administration has proposed not only a cut in LIHEAP funding, but also 75 percent delayed funding. Delayed funding was instituted in last year's LIHEAP funding, but New Hampshire LIHEAP was able to borrow money from the State to pay for the program. This year, however, the State is simply not in a position fiscally to advance the funding; the 75 percent delayed funding proposed by the administration would effectively mean that the New Hampshire LIHEAP program would cease to exist.

I would also like to underscore the effect that reduced LIHEAP funding would have on the elderly, who make up nearly a third of New Hampshire's LIHEAP recipients. These people live almost exclusively from Social Security checks, and the amount of money they receive is simply not enough to afford food, shelter, and energy.

Mr. Speaker, as the House Appropriations Committee considers appropriations decisions for the upcoming fiscal year, they must keep in mind that LIHEAP is not a frill or a luxury; LIHEAP is about helping people to meet basic needs.

BRIGHT FUTURE FOR STONE & WEBSTER

HON. JOHN JOSEPH MOAKLEY

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 20, 1992

Mr. MOAKLEY. Mr. Speaker, The May 11, 1992, issue of Barron's has an article on the bright future prospects of Stone & Webster, Inc., one of the nation's oldest and largest construction and engineering companies.

Stone & Webster is increasingly active in the rebuilding of America by providing construction-management services for major transportation systems, environmental projects and important public works projects, such as the cleanup of Boston Harbor. These projects have created thousands of long-term jobs for Americans.

Stone & Webster Engineering Corporation, the company's largest subsidiary, is located in Boston in my Congressional District, and I am pleased to share this article with my colleagues.

REBUILDING AMERICA—IT'S THE KICKER IN STONE & WEBSTER'S FUTURE

(By Eric J. Savitz)

Not long ago, rebuilding America's infrastructure was deemed the next great investment theme. Looking at the nation's crumbling bridges, pot-hole-ridden highways, aging transit systems, brimming landfills and mountains of hazardous waste, many investors envisioned a nearly endless supply of profitable jobs for engineering, design and construction companies. If that weren't enough, the private sector would need to rebuild, too; generating stations, refineries and chemical plants all required sprucing up and replacing.

But the oft-forecast rebuilding of America has yet to happen. State and local governments strapped by a weak economy and cutbacks in federal aid, haven't had the cash for ambitious repair projects. And while in normal times Washington likes to spread public-works dollars around the landscape, the Persian Gulf war, the S&L crisis and the recession made a daunting federal deficit worse and kept Uncle Sam from indulging his impulse to spend. As for the private sector, corporations are closing plants, not building them or even improving them.

All of which has been a disappointing turn of events for Stone & Webster. From its house base in New York City, Stone & Webster provides design, engineering, construction, consulting and project-management services for utilities, pulp and paper companies, petro-chemical refiners, transportation projects and environmental clean-up jobs—the kind of work that lies at the heart of the long-awaited reconstruction boom. The company's results have reflected few signs of a pickup in infrastructure repair.

Indeed, Stone & Webster has suffered from the decline in some kinds of infrastructure work, like the building of new power plants, which long has been one of the company's most important businesses. Profits, which hit $3.28 a share in 1987, sagged for three straight years, bottoming at just 50 cents in 1990. Last year, net rebounded to $1.08 a share, and revenues inched up to $273.2 million from $262 million. But in this year's first quarter, while per-share earnings rose to 22 cents a share from 10 cents, profits came entirely from the cumulative effect of a pension-related accounting change. On an operating basis, the company lost about a penny a share. Revenues edged higher, to $66.9 million, from $65.3 million.

But the disappointing profit performance masks some significant changes. Though Stone & Webster would get a major boost if the country went into a fix-up frenzy, it isn't sitting around waiting for that happy day. Instead, the company has made a point of diversifying its engineering and construction expertise.

Once known best for its skill in building power plants, especially nuclear facilities, Stone & Webster had the financial resources to ride out the downturn in that business and reshape its operations without significantly reducing its engineering staff; at the end of 1991, the company had about $81 million in cash and long-term debt of just $28 million, most of that mortgages. And now it sees bright prospects for new work in areas like cleaning up hazardous waste sites, building ethylene and other chemical facilities, expecially in Asia, and rebuilding and improving roads, airports and other transportation facilities.

Founded in 1889 by M.I.T. grads Charles Stone and Edwin Webster, Stone & Webster started life as a testing lab for electrical equipment, and within a year had moved into electrical engineering and design. Over the years, the company has played a role in the construction of many high-profile projects: New York's RCA Building, Philadelphia's Hog Island Shipyard, the Conowingo Dam on the Susquehanna River, the Rock Island Dam on the Columbia River and a variety of commercial nuclear plants.

The company has also dabbled in a potpourri of businesses with little connection to engineering or construction. Thus, it managed both ice companies and electric utilities; in the 'Seventies, it shut down an investment-banking operation that at its peak was among the 20 largest in the country. It still has a few divisions unrelated to the construction trades, including an oil and gas subsidiary, which has most of its properties in Texas; a real-estate arm, which owns a Tampa office park; and a cold-storage warehousing business in Atlanta. But 90% of revenues come from its engineering, consulting, construction and project management divisions in the U.S., Canada and the U.K.

Until the early 'Eighties, much of Stone & Webster's business involved the construction of new electrical power plants, fired by both nuclear and fossil fuels, and processing plants for the oil and chemical industries. Today, there aren't any atomic energy plants under construction anywhere in the country at the moment, and there aren't likely to be anytime soon; and almost no one's building fossil fuel plants, either.

William Allen, Stone & Webster's chairman and chief executive, points out that there have been several reasons for the low level of power-plant construction. "There's been a lot of conservatism in projecting loads," he says. "The recession has hurt growth. And regulatory commissions are feeling the heat, making it more difficult for utilities to commit to new construction." But in the long run, Allen believes, utilities will be forced to build new electrical generating capacity, and Stone & Webster will benefit accordingly.

"Power reserve margins have dropped," he contends. "In Florida, reserves are at a level such that a very warm summer this year could require rotating blackouts. Five years from now, you could see a lot of people stuck in elevators."

"There's a substantial amount of maintenance and renovation work at nuclear plants," notes President Bruce Coles. And the company has good relationships with many of the nation's nuclear stations; it has worked on all but three or four of the country's commercial reactor sites, having designed or built 16 reactors, including the first commercial nuclear plant, at Shippingport, PA. Last November, for instance, Stone & Webster won contracts worth about $178 million for work on three reactors owned by the Tennessee Valley Authority. In any one year, Stone & Webster provides services to 70% of the country's nuclear plants.

The company has also begun to get considerable work designing and installing "scrubbers" on the smokestacks of conventionally fueled power plants trying to reduce emission of air pollutants. Earlier this month, for example, Stone & Webster won a scrubber contract for the three 750-megawatt coal-fired units of the Navajo Generating Station, in Page, Ariz. The giant Navajo plant emits high levels of sulfur dioxide, causing much of the haze that obscures views in the Grand Canyon. The Salt River Project, an Arizona utility that owns 21.7% of the generating station and manages the facility, expects initial construction costs of $430 million, with total outlays over the course of 22 years of $2.9 billion to maintain and operate the scrubber technology. Coles won't say exactly how much Stone & Webster will ultimately get from the project, but he points out that in a typical scrubber project, Stone gets 3%-7% of the cost of construction.

In 1991 Stone & Webster saw a considerable pickup in demand for design and engineering work on new ethylene and petrochemical plants. "In the last six to nine months, it's been phenomenal," Allen says. "We've won nine to 10 process jobs we've bid on. It's been our best year ever for new work in the process business." These projects include new ethylene plants in Thailand, Malaysia and India, plus expansions of existing facilities in two sites in Texas.

Allen points out that the company has proprietary technology for making ethylene, which is a basic building block for plastics and solvents, and for catalytic cracking, the process that turns crude oil into gasoline. That means that, besides providing design services for ethylene plants and catalytic crackers, the company can collect licensing fees on its technology.

As heartening as it is for Stone & Webster to see some activity in the process and utility sectors, its hopes for significant growth lie more with the expansion of environmental and transportation work. And there's clearly no shortage of jobs in either area.

On the environmental side, the company has gotten a boost from its expertise on nuclear energy, it has contracts with the Department of Energy for clean-up work at some of the country's more notorious nuclear waste sites, including Hanford, Wash., Rocky Flats, Colo., and Savannah River, S.C. Another area of concentration has been water and sewer clean-up programs. For instance, in New York City, Stone & Webster has played a major role in a sewage sludge-treatment project as part of a plan to replace ocean dumping with other disposal methods. It's also provided construction-management services for the clean-up of Boston Harbor.

The transportation sector has provided Stone & Webster with a broad array of projects. The company provides engineering services for inspection of bridges on the Long Island Rail Road, and it offers quality assurance and construction inspection services for the new Denver Airport. It analyzes, redesigns and inspects bridges, roadways, tunnels and train lines.

"It's important for our future success to be well-versed in construction and project management, in addition to being excellent engineers and designers," says Chairman Allen, "because we see a lot of macro projects in the next half century, and construction is vital to all facets of that."

Allen and Coles won't make any projections on future earnings growth, citing the sensitivity of the company's short-term results to the vagaries of percentage-of-completion of accounting and the significant bottom-line effect of scheduling changes for major jobs. But Coles does say he "certainly expects" better revenue growth the rest of the year than the company reported in the first quarter. Which suggests there's a good chance Stone & Webster's '92 profits will top last year's results. Says Allen: "Our newer businesses are all growing. There's reason for optimism."

Sooner or later, moreover, the infrastructure boom will materialize and when it does, Stone & Webster's fortunes will also boom. Wall Street, to judge by the company's languishing stock price, is tired of waiting. That's usually a good sign.

JUDGE ROBERT A. GRANT FEDERAL BUILDING

HON. TIMOTHY J. ROEMER

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 20, 1992

Mr. ROEMER. Mr. Speaker, It is my distinct privilege today to introduce legislation to name the Federal building and United States Courthouse at 204 South Main Street in South Bend, IN, after Judge Robert A. Grant.

It is fitting and appropriate that we designate South Bend's Federal courthouse in honor of this distinguished Hoosier, who has served on the Federal bench for nearly 35 years. Judge Grant's career has included 12 terms on the U.S. District Court of Puerto Rico, and an appointment by Supreme Court Chief Justice Warren Burger to the Temporary Emergency Court of Appeals in 1976. He was chief judge of U.S. District Court, Northern District of Indiana, from 1961 until 1972, and has served as senior judge since 1972. Even today, nearly 35 years after he took the oath of office, Judge Grant retains senior status, maintaining an active docket in his court.

In addition to his career of excellence on the Federal bench, Judge Grant has a long and distinguished career as an attorney and public servant. Born in Marshall County, IN, in 1905, he earned a bachelor's degree and law degree from the University of Notre Dame.

After beginning his practice of law in South Bend, IN, in 1930, he served as deputy prosecuting attorney of St. Joseph County in 1935 and 1936. In 1938, he made a successful bid for Congress and served the people of the Third Congressional District of Indiana, who I now have the honor of representing, during the 76th and four subsequent Congresses.

On August 26, 1957, Judge Grant was appointed by President Eisenhower to the U.S. District Court in the Northern Division of Indiana. During his tenure on the Federal bench he handed down many notable decisions, including Aikens versus Lash in which minimal due process requirements for the transfer of State inmates between prisons were established. The 10-day trial associated with this decision was the first of its kind in Indiana, and probably the United States, due to its venue. It was held in the visitor's lounge of the Indiana State Prison, because many of the witnesses were either prisoners or guards. This case is a testament to Judge Grant's fairness in upholding and implementing the laws of the land, and his commitment to due process.

Beyond his professional legal and judicial pursuits, Judge Grant has lived a life of community and civic involvement. Over the years, the local Bar Association, Rotary Club, and Boy Scouts of America have benefited from his energy and commitment.

As a demonstration of the high regard in which Judge Grant is held, every Member of Indiana's congressional delegation joins me in introducing this bill today. The legislation recognizes the commitment and service of Judge Robert A. Grant to the State of Indiana, the Nation, and our legal system. I can think of no finer tribute than naming South Bend's Federal courthouse after this most distinguished jurist.

A TRIBUTE TO HOSPICE OF LOUISVILLE

HON. ROMANO L. MAZZOLI

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 20, 1992

Mr. MAZZOLI. Mr. Speaker, when one hears the name Kentucky, certain things immediately come to mind: the Kentucky Derby, Kentucky Fried Chicken, and Bluegrass—both the turf and the Bill Monroe-inspired music. We think of Actors Theatre of Louisville, the Kentucky Arts Center, the Louisville Orchestra, the Kentucky Opera and the Ballet.

Now, we can add to this Hall of Fame another Kentucky-centered institution of prominence in our midst—Hospice of Louisville.

Hospice of Louisville, under the direction of Randall Dufour, has grown from an average patient census of 70 to 340. This is due in part to a sophisticated professional outreach program staffed by full-time nurse marketers. Hospice of Louisville has used its success to provide a wide variety of supportive services needed by its terminally ill patients. Hospice of Louisville is now one of the largest hospices in the country.

Kentucky's hospice care is not limited to its urban areas, however. 102 counties out of Kentucky's 120 counties are now being served with hospice services. Other rural Kentucky hospices carry case loads of 50 patients or more, with an average stay of over 70 days. This is nearly double the national average.

The success of hospice care in Louisville, as well as in the other areas of the Commonwealth, is proof that hospice holds an important place in our health care system.

I am proud to represent a district whose native sons and daughters have made many contributions in numerous fields of endeavor. Hospice of Louisville adds to that distinction with its dedication, compassion, and caring hand in our community.

I salute Hospice of Louisville for its record of excellence, and commend to the attention of all my colleagues the recent article which appeared in "Hospice" magazine, illuminating their good works.

KENTUCKY—STATE OF THE ART LOUISVILLE HOSPICE CARE

(By Larry Beresford)

Say "KENTUCKY," AND MOST people think of race horses and that giant bacchanalian ritual called the Kentucky Derby. Then, too, there's the famous bluegrass, fried chicken, and poor, rural, Appalachian coalfield counties like Harlan and Hazard.

But Kentucky now has another claim to fame. The state is home to some of the most innovative and successful hospice programs in the country, and boasts a state hospice organization that has made the cliches of trade association collegiality come to life—all done without a paid state association executive or the philanthropic resources that other hospices take for granted.

Perhaps the best example of Kentucky's hospice preeminence is the Hospice of Louisville, which, in the five years since Randall Dufour became director, has grown from an average patient census of 70 to 340, thanks in part to a sophisticated professional outreach program staffed by full-time nurse marketers. Now one of the very largest hospices in the country, despite its compartively modest population base, Hospice of Louisville has used its financial success to provide a wide variety of supportive services needed by its terminally ill patients—even paying to install telephone when the family didn't have one. Hospice of the Bluegrass in Lexington, building on a thirteen-year local reputation for excellence and an unusually flexible patient admission policy, now has an average length of stay of 130 days—making it the envy of other hospices struggling with late, crisis-oriented patient referrals.

But Kentucky's hospice success is not limited to its two largest cities. When Community Hospice in Ashland became Medicare certified, it was one of the smallest certified hospices in the country, with a patient caseload of only six. Today Ashland and other rural Kentucky hospices carry caseloads of 50 patients or more, with average lengths of stay over 70 days—nearly double the national average. In 1990, Norman McRae, former chaplain at Hospice of the Bluegrass, was hired as director of a volunteer hospice in smalltown Maysville, KY. Inside of a year he led that program through the Medicare-certification process, staff expansion to eight, and caseload growth from one patient to more than 20. In fact, McRae's success was so remarkable that a delegation of 19 rural Kansas hospice directors traveled to Maysville in January to learn how he did it.

Many of Kentucky's 27 hospices today serve several counties. Hospice of the Bluegrass established one of the country's first satellite hospice teams in 1986, and today serves six counties. In fact, 102 out of the state's 120 counties are now covered with hospice services, and the Kentucky Association of Hospices (KAH) is actively promoting the development of hospice care for the remaining 18.

What is Kentucky's secret? "We didn't have any money," explains Gretchen Brown, director of Hospice of the Bluegrass, only partially in jest. "I mean I didn't have any money here in Lexington. Just think what it was like in Harlan County. We all had to have leaner, meaner organizations. We couldn't afford to hire extra staff," she says. "When I started here in 1982 we had two nurses and a part-time clerical person, I felt funny even calling myself an executive director. I didn't have anything to direct." In the absence of United Way or foundation grants, necessity became the mother of invention for Kentucky hospices. "I also think we're all really passionate about hospice," Brown adds. "It's been so hard to get things done that people had to really want to do it. It's never been a job—always a mission."

FOLLOWING THE LEADERS

Another key to Kentucky's success has been the people playing leadership roles in the state, including Dufour, widely admired for his administrative savvy, and Brown, for the past three years a member of the NHO Board of Directors and known in the hospice movement for her incisive observation and biting wit. "Gretchen has been a role model for all of us," says Julie Henahan director of Hospice of Central Kentucky in Elizabethtown. "She's always been an innovator. She's never satisfied. We've all been doing things for so long now that we didn't know were innovative or exceptional, such as caring for patients in nursing homes or without primary caregivers. We just did it. Gretchen has set the tone for all of us." Today, three of Brown's protégés from Hospice of the Bluegrass are directing Kentucky Hospices—McRae, Susan Swinford of Jessamine County Hospice in Nicholasville, and Sunne Pogue of Hospice Association in Owensboro—while a fourth, Elaine Cox, did an internship with Brown.

Cox, a perpetually upbeat, diminutive dynamo, serves as the self-appointed "cheerleader" for hospice care in Kentucky. Director of Lourdes Hospice in Paducah, Cox has been KAH President for the past two years and was just elected to the NHC Board. Hospice directors in Kentucky have always freely shared information and policies with each other, Cox says, going back to the early days of struggling to meet Medicare-certification requirements. "Now many of us have dues to pay back for the help we received."

"When I first went to a KAH meeting," relates Anna Walton, director of Hospice of Lake Cumberland in Somerset, "I asked another hospice director for some information, which she said she'd give to me. I said, 'Okay, how must will that cost? People there look at me like I was crazy.' Adds Donna Bales, director of the Association of Kansas Hospices organizer of that state's Kentucky trip."We observed time after time a large degree of cooperation among Kentucky hospices. They want to see good hospice care provided in every part of the state. There's a minimum of competition and a maximum willingness to share in every way," Bales says.

We have reached a place where we know each other will also hospice directors in this state," Cox says. "We usually know each other's husbands, how many kids each other has. We call each other, we stay in touch. Since you've been here these last two days I've heard from five Kentucky hospice directors, each of them calling me for a different reason." Also, Debi Davis of Tri-County Hospice in London, KY, in the area visiting family, came by the Lourdes Hospice office with a legal pad full of administrative questions. Cox set her up with Lourdes Hospice's policy and procedure manual, charting forms, and a Xerox machine. The next day, Davis was still at the Lourdes office making free copies of whatever she wanted.

"When we have a new hospice director come into our system, it's an informal process, but we spend a lot of extra time with them, getting to know them," Cox says. "Recently, there was a new director at a hospice in Eastern Kentucky, and for the first state director's meeting that came up, Norman McRae called him and asked, 'Would you like to drive down with me?' That sort of thing always happens—and it's not the President saying, 'Norman, would you pick him up?'" Cox explains.

"I think we have a real strong feeder program in the state organization, where people are brought along in terms of their knowledge," she says. "People are in varying degrees of leadership development, and if you want to be, you can become a leader in this state. When we have committees or special functions, we make sure that people are involved. We've spent time with them, we know what they have to offer, and we plug them in as quickly as possible," Cox adds. "Take, for example, Norman McRae. He aspires to leadership in the hospice movement. Why would we do anything but help him? It will only make our programs stronger. Norman was just nominated for a position on the KAH Board of Directors. He assumed that I nominated him, but I didn't. I assigned a nominating committee, and I let them nominate. He was really flattered. I said, 'You're on the hospice track in Kentucky and you can go wherever you want to.'"

"In this state, it's like, 'We want to be successful, and we'll do whatever is needed to make that happen,'" McRae says. "If it means coming down to your hospice for a visit, we'll do it. As a new hospice director, it's expected that you will do well, because you've gotten so much help." And yet, adds Andy Baker of Heritage Hospice in Danville, current KAH president, "If we have a problem, we know there's somebody we can call for help."

No doubt hospices in other states would also point to their collegiality and cooperation. Where is the evidence that Kentucky's collegiality is more than just a cliche? First of all, there are the periodic small hospice director's meetings, where it's been "okay to ask 'stupid questions' about Medicare," Cox says. This group began meeting five years ago, with about half of the participants Medicare certified. Today all but two of Kentucky's 27 hospices are certified, thanks to this peer group. Statewide peer groups for other disciplines, including social workers, patient care coordinators, and even billers meet regularly. The association is now compiling an inventory listing the special skills and resources available among local hospices in the state.

PUTTING HOSPICE ON THE MAP

But perhaps the most dramatic example is how KAH is attempting to cover the state with hospice services. Two years ago Cox brought a color-coded may of the state to a director's meeting, trying to encourage existing hospices to add adjoining unserved counties to their catchment areas. Several did, and the 18 remaining unserved counties fall into neat clumps in the north, south, east, and west. KAH is putting on half-day seminars in each corner of the state, entitled "Introducing Hospice to the Community," to encourage the formation of new hospices. These seminars are funded by the Kentucky Federation of Women's Clubs, using mailing lists provided by various other state groups, with the first of four meetings held May 16 in Campton.

"There's a potential for all 27 hospice directors in the state to be involved in at least one of these meetings, giving a clear message to the community that this is a very strong organization, and that its leadership and membership are very supportive of hospice expansion, because here they are, participating," Cox says. Rather than overwhelm potential hospice founders in these areas, they will be given information gradually about how to create a new hospice, she adds. "When step one is completed, we'll tell them step two."

Kentucky hospices have also been active in the public policy arena—pushing successfully for state hospice licensure, certificate of need, a Medicaid hospice benefit, and hospice coverage under the state workers' insurance plan—as well as strong advocacy for the Medicare hospice benefit. Although some small and rural hospices in other states have been reluctant to participate in Medicare, Walton says, "There is no way to raise philanthropic dollars in a poverty zone. Medicare has been a godsend to us." The Kentucy hospice directors interviewed for this article agreed that it would have been hard for their programs to survive, let alone thrive, without the Medicare benefit. Most are in the black financially on the hospice services they provide to Medicare beneficiaries—with any extra going for charity care.

"Our message to rural hospices is that if they are going to survive, they need to be certified," Cox says. "Don't be one of those organizations sitting out in front of K-Mart having a bake sale every Saturday just so you can keep your doors open. Become Medicare certified, develop some sense that this is your place in the healthcare system and rise to it in the delivery of care. If you stay true to your roots and mission of your organization, you won't lose anything, you'll gain."

NOW IS THE TIME FOR MARITIME REFORM

HON. GERRY E. STUDDS

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 20, 1992

Mr. STUDDS. Mr. Speaker, the American merchant marine is under siege. It is suffering from years of neglect from a government that has been unable or unwilling to appreciate the value of a modern day fleet flying the American flag. As a nation literally discovered from the sea, we cannot afford to lose the ships that helped make this country great. If we do not act now to save our American flag fleet through reforms in maritime policy, we risk losing our fleet forever.

The two largest U.S. flag containership operators—American Presidential Lines [APL] and Sealand—recently announced that they are seriously considering reflagging their ships under foreign flag due to outdated Government policies which put them at a competitive disadvantage with their foreign counterparts. Leaders from these companies, which represent over 80 percent of the American containership fleet capacity, have asked a fundamental question: Does this country want an American flag merchant marine? If we do, they tell us, then the time for reform is now.

Well, Mr. Speaker, this country does need a strong U.S. flag merchant fleet. One need look no further back than the Persian Gulf war to understand how important our merchant marine is to our national security. American flag merchant ships transported a substantial amount of supplies to the allied troops. Had these vessels, and the American companies associated with intermodal transportation and logistics capabilities, not been available upon request, the course of events may very well have been different. Quite simply, we cannot afford to rely totally on foreign-flag vessels with foreign crews.

And a viable U.S. flag merchant marine is also essential to our ability to trade competitively with other nations. Without trade and without exports our farmers as well as manufacturers will have no way to send their products abroad.

Mr. Speaker, we cannot afford to lose even one more ship to a foreign flag. We cannot afford to lose jobs on our ships that would result from such a move. We cannot afford to put U.S. exporters and shippers at the mercy of foreign controlled ships and foreign companies, potentially leading to huge shipping rate increases for American manufacturers and unreliable delivery schedules. And we must not entrust our national security to foreign flagged, foreign manned ships.

Private industry is telling us that they can wait no longer. They need to know now whether the U.S. Government is willing to make a commitment to maintain a U.S. flag commercial fleet. What they are seeking is not Federal subsidies. Instead, they are looking for changes in U.S. maritime policy that would make U.S. flag vessels competitive with their foreign counterparts.

APL and Sealand have proposed that:

Vessel construction and operating standards be the same for American and foreign flag vessels calling at U.S. ports;

Vessels productivity limitations must be eliminated so that the vessel and its crew can be effectively used;

Taxes must conform more closely to those imposed by foreign governments on foreign-flag lines; and

Military procurement policies be updated to reflect the modern day efficiencies of intermodal transportation.

Mr. Speaker, this proposal would require policy changes in the areas of transportation, defense, and taxation. To achieve this type of broad reform, we will need leadership from both the Congress and the White House. I am pleased that the administration has recently appointed a Working Group on Commercial Maritime Policy—chaired by Transportation Secretary Andrew Card—to develop recommendations on commercial maritime initiatives. The task force will also hear from the National Security Council on defense-related sealift requirements and will use this information to help define the relative roles of the commercial and Government-owned fleets.

I am encouraged by this newly created task force on maritime reform and have contacted Secretary Card to express my support for putting this issue at the top of our national agenda. Here, in the Congress, I will push for hearings on the industry's proposal. I believe we must bring labor leaders—whose future literally depends on reform—together with shipowners and operators to create a new spirit of reform throughout the merchant marine community.

Mr. Speaker, I hope you and my other colleagues will join me in this reform effort. The future of America's merchant marine and the security of our Nation depends on it.

EDUCATION AND AMERICA'S ROLE IN THE WORLD

HON. LEE H. HAMILTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 20, 1992

Mr. HAMILTON. Mr. Speaker, I would like to bring to the attention of my colleagues an address by our former colleague from Indiana and president emeritus of New York University, Dr. John Brademas. Dr. Brademas' remarks were made at the May 8, 1992, commencement exercises of the University of Michigan. They deal with a topic that should be of central concern today—how to prepare young Americans to meet the challenges of the next century and lead this country in the world community.

Dr. Brademas' address stresses the critical importance of providing our youth with a truly international education. He goes beyond simplistic claims that America can afford to focus its energies on either domestic or foreign policy. His observation that good domestic policy must be international and that good foreign policy begins with solid domestic policy is right on the mark.

This institution and many others have benefited from Dr. Brademas' leadership on education issues. I believe my colleagues will find his remarks of interest.

The speech follows:

INTERNATIONALIZING HIGHER EDUCATION

(Address of Dr. John Brademas, president emeritus, New York University)

I am honored to have been invited to take part in a symposium that joins two near lifelong preoccupatinos of mine, higher education and international affairs.

That I am the child of a Greek immigrant father and a Hoosier schoolteacher mother impressed upon me from my earliest years both the importance of countries other than the one in which I was born and the indispensability to one's life of education.

From my school days, I had a keen interest in Latin America which as a college student took me to Mexico one summer to work with Aztec Indians and led me to write a thesis on a Mexican peasant movement and, still later, a Ph.D. on anarchosyndicalism in Spain.

Although during yet another summer as a student intern at the United Nations, I considered becoming an international civil servant, I decided, for reasons I shall not inflict upon you here, to pursue a career in politics and ran for Congress, from my home district in South Bend, Indiana.

First elected in 1958, I was a Member of Congress for twenty-two years, serving on the committee of the House of Representatives, Education and Labor, with chief responsibility for education, and there took part in writing nearly every major law enacted during that time to help schools, colleges and universities as well as the arts and humanities, libraries and museums and provide services for the elderly and the disabled.

While in Congress I made a number of trips abroad to learn of other educational systems and to talk about ours. I went to Argentina to study the role of universities in President Kennedy's Alliance for Progress and visited child day care centers, schools, technical institutes and universities in Israel, Poland, Norway, the People's Republic of China and the Soviet Union—and I authored legislation, of which I shall shortly speak, to assist American universities in the international field.

For over ten years, from 1981 to 1991, I served as president of New York University, the largest private university in our country and worked, as I shall explain, to strengthen its programs of international studies.

Beyond these political and academic careers, I have been and continue to be deeply engaged in a variety of activities with direct or indirect international dimensions. I serve on a number of boards, corporate and pro bono, with significant activities and programs abroad.

Right now, for example, I am one of two dozen members of the Carnegie Endowment National Commission on America and the New World. All of us, from former secretaries of defense to ex-ambassadors and White House staffers, former Senators and Representatives, have at one point or another held positions in the Federal government with some responsibility in foreign affairs. Our mission? To articulate a new rationale for U.S. foreign policy following the collapse of Communism.

You will, I hope, forgive these personal allusions but I trust they will better enable you to understand my long and intense interest in the subject of this symposium—universities and the increasing internationalization of what peoples and nations do.

Let me start by speaking of the international environment in the spring of 1992. It is a far, far different world than it was even a year ago.

In the former Soviet Union, the cascade of events has been dizzying—the crumbling of the Communist system, the disintegration of seventy years of totalitarian governments and command economies and the beginnings of reform of the old, inhuman and ultimately unworkable structures.

Last fall I was in Moscow, a city I had first visited over thirty years ago, and so I've seen with my own eyes something of the extraordinary changes during those three decades. Last summer I welcomed to New York University, nine days after his election as the first president of the Russian Republic, Boris Yeltsin, and what Yeltsin said then would have been unthinkable even three years ago. He endorsed human rights, a market economy, freedom for the Baltic states and the teachings of the Gospel!

In the Middle East, ancient enemies are flirting fitfully with the prospect of genuine dialogue about how to find a lasting peace.

In Central and Eastern Europe, nations formally under Communist rule now have elected governments and are working to strengthen democratic processes and develop mixed economies.

In Afghanistan, as Soviet power fades away, rebel forces are moving in.

Authors of the agreement that merged the European Community and the European Free Trade Association seek economic and other benefits for 380 million people in 19 nations. The North American Free Trade Agreement signed by the United States, Canada and Mexico promises a market of nearly as many consumers with a combined economic output of $6 trillion.

Alongside these generally positive developments, however, are continuing Communist dictatorships in China and North Korea, violent ethnic struggles in Yugoslavia and some of the new republics of the former Soviet Union and ongoing strife in Kashmir and Cambodia.

Standing on the sidelines, as it were, with the bulk of the world's population and the least of its comforts, are the developing countries of Africa, Asia and Latin America.

Meanwhile, in Iraq, Saddam Hussein is still in charge, thumbing his nose at the U.S. and the U.N. and refusing to implement the agreement that ended the Gulf War.

And what about the situation in our own country?

Racial prejudice, a century and a quarter after the Civil War, is still with us. The events in Los Angeles are a tragic reminder that relations among the races, especially in the cities, are still a divisive, corrosive, unresolved dilemma of American life.

Unemployment has jumped to a 7-year high and, as the people of Michigan certainly know, the nation's economy stagnates in recession.

The gap between rich and poor in the United States is now greater than at any time since the end of World War II. The youngest suffer most. In some American cities, infant mortality rates are worse than in Third World countries while a walk down the streets of any city in the land shows how far we are from solving the problems of the homeless.

One certainty in American life is the continuing rise in health care costs, 11 percent of GNP today and headed for 15 percent by the year 2000. Yet more than 35 million Americans have no health insurance at all.

Despite the conviction of Manuel Noriega, the United States still has no effective policy for coping with illegal drugs, and in many communities, crime, often drug-related, stretches police, courts and prisons to the breaking point.

Pollution of the air, land and water remains a threat to our quality of life. The country's deteriorating roads, bridges, tunnels, railways and airports—all indispensable to a vibrant economy—require an estimated $2 trillion to be restored to acceptable standards.

Yet I remember how Ronald Reagan, campaigning in 1980, promised the nation a balanced budget by 1984. Today, after nearly a dozen years of his and his successor's policies, the Federal deficit has soared to nearly $400 billion, over $1 billion a day, a development with profoundly crippling consequences for the American people and our strength at home and in the wider world.

It is my own deeply held conviction that in order to deal with every one of these challenges, both in our own country and abroad, we need all the knowledge, intelligence and imagination we can muster. Although it will in the best of circumstances be difficult to cope successfully with such formidable problems, it will be impossible without a cadre of highly educated men and women.

And to prepare a generation equipped to understand and handle issues, domestic and international, of such immense complexity will be the task of America's colleges and universities—and the responsibility of the American people.

Consider for a moment the impact of two major events of recent months—the demise of the Soviet Union and the Persian Gulf War. Both these developments leave no doubt that the United States is now the world's only military superpower.

But the American people are more and more coming to realize that the most crucial ingredient of global leadership today and for the years ahead is not military but economic.

"After the Cold War," reads a headline in a recent column in London's respected Financial Times (March 16, 1992), "Economics is King."

Is the United States ready to compete with Japan and a German-led Europe? Study after study in recent months warns that by allowing its investment in education to lapse, the United States is in danger of losing its lead in many of the key industries of the next few decades. In crucial areas of high technology, we are told, the United States is losing badly to foreign competitors. Where America a decade ago had a commanding lead, our companies are either no longer a factor in world markets or are expected to fall hopelessly behind over the next five years.

How well in this new, far more competitive international economy, are we in the United States performing in terms of education?

Well, you and I know that we have allowed our elementary and secondary schools to be weakened, dangerously eroding the capacity of the nation's work force. At the college and university level, on the other hand, America is still the world's leader. No other country can match the quality of our institutions of higher learning or the access of our citizens to them.

But when it comes to the subject of this symposium—how well we in the United States are doing to understand other nations, other peoples, other cultures, in a world that will never be narrow again—the picture is decidedly more mixed.

The litany of our shortcomings in international, education—reiterated in a wave of reports over the last decade—includes:

a "scandalous incompetence" in foreign languages on the part of American high school and college students;

serious shortcomings in student's knowledge of geography;

inadequate investment in research, instruction and advanced study of foreign languages and cultures.

Here I note a report issued in 1983 produced by a group I chaired, a panel of the National Commission on Student Financial Assistance, created by Congress, which deplored our deficiencies as a nation in advanced international studies. Entitled, "Signs of Trouble and Erosion: A Report on Graduate Education in America," our study pointed to the dramatic fall-off over the preceding decade in general expenditures for university-based international studies. Our Commission identified a serious lack of American experts on the cultures, economics and foreign policies of the nations of Asia, Sub-Saharan Africa, the Middle East, Eastern Europe and the Soviet Union. Surveys by other organizations have paralleled these findings.

I am glad to say that many universities, including my own New York University, have reinstituted foreign language and other international studies requirements.

Indeed, when I came to NYU just over a decade ago, I said that one of my major commitments would be to strengthen international studies and research—and my colleagues and I have done so.

I knew that New York University already had one of the finest programs in the country in French culture and civilization.

Because as a Member of Congress, I represented the district where Studebaker automobiles and Bendix brakes were made, I was highly sensitive to the economic and political impact of Japan on my native Midwest. So once at NYU, I was determined to create a center in our graduate school of business for teaching and research on the entire spectrum of economic relations between the United States and Japan, and we have done so.

Given my Greek roots, you will not be surprised that I take particular pride in the establishment at New York University five years ago of the Alexander S. Onassis Center for Hellenic Studies.

In the presence of Italy's Prime Minister Giulio Andreotti two years ago, we dedicated our Casa Italiana, financed by a gift from NYU trustee Baroness Mariuccia Zerilli-Marimo.

Lewis Glucksman, another trustee, and his wife Loretta enabled NYU to establish an Ireland House while more than one foundation has contributed to the Skirball Department of Hebrew and Judaic Studies, largest of its kind in the United States.

We have had for some years the Hagop Kevorkian Center for Near Eastern Studies as well as a Deutsches Haus for our German program. My chief priority for New York University, in this Quincentenary year, is to establish a center for Spanish Studies.

Nearly all of these foreign studies centers are part of our Faculty of Arts and Science but there are international dimensions to offerings at other NYU schools as well such as, most notably, Business and Law.

I am glad to say that my successor as president of New York University, L. Jay Oliva, an Irish-Italian, Gaelic-speaking Russian historian, shares my enthusiasm for such international offerings!

I have cited just a few examples of what we at NYU are doing but I am well aware that colleges and universities all over the United States are, in a wide variety of ways, responding to the increasing internationalization of human activities—economic, political, environmental, cultural.

How to pay for such programs must, of course, be a fundamental concern of university leaders. My view, not surprisingly, is that we must seek funds for international studies from the diversity of sources that presently support higher education—individuals, business and industry, private foundations and governments. And I certainly do not confine myself in any of these respects to approaching benefactors in the United States. In our search for resources, we must not hesitate to look abroad. I'm of the Willy Sutton school of fundraisers!

I have nonetheless long believed that our own Federal government should be doing far more than it now does to support international studies. In fact, it was twenty-six years ago that as a fourth term Congressman, I authored the International Education Act, signed into law in 1966 by President Lyndon B. Johnson. This measure aimed at helping colleges and universities in the United States—it was not a foreign aid bill—promote, at both the undergraduate and graduate levels, teaching and research on other lands and cultures and on issues in international affairs.

All these years later I still believe the International Education Act was a first-class statute but unfortunately neither Presidents nor Congresses proved willing to press for or vote the money to carry out its purposes.

Although I am always suspect of simplistic cause-and-effect correlations, I am convinced that had we as a nation invested seriously in this effort to learn more about other countries and societies, the United States might have avoided some of the most wrenching poblems we have suffered in recent years—in Vietnam, Central America, Iran and Iraq.

Here I recall that 25 years ago, Harvard's great authority on China, John King Fairbank, observed at an International Congress of Orientalists that there were no expects on Vietnam in attendance. Fairbank warned then that there were probably no more than eight full-fledged scholars in the United States pursuing research on Vietnam—this at a time when Vietnam was the overriding problem in U.S. foreign relations!

Consider more recently that when Iraq invaded Kuwait two summers ago, the U.S. military found only 18 of 3 million American active-duty and reserve troops fluent in the Arabic dialect spoken in Iraq.

The fact is that in instance after instance, American policymakers have proved disgracefully ignorant of the political, social, economic and religious backgrounds of countries involvement with which has cost our nation dearly in human life, treasure and national prestige.

It is obvious, for example, that the United States was caught unprepared for the breakup of the Communist empire and that even now we lack sufficient depth of personnel who know the languages, cultures and economies of most of the new republics of the former Soviet Union.

If you think education is expensive, someone once observed, try ignorance!

Well, what ought we now be doing, those of us who assert that American colleges and universities must, far more aggressively than we have been doing, invest in international studies and research?

Here are some suggestions of mine.

First, we must, as Lincoln said, think anew. We must give serious, substantial, systematic intellectual attention to the new world of which we are a part, a leading part, to be sure, but no longer the commanding part.

This thinking must be done by scholars in the university, in think tanks and foundations, by leaders of business and industry, labor and the professions, and in government.

What are some of the questions we must ask?

To begin with, how is the new world different from the old?

Well, President Bush has spoken of what he calls the "the New World Order." But this is a phrase he does not understand and cannot define because there is no "new world order."

Despite the report last March of the "Pentagon Paper" advocating, as a long-term strategy, maintaining America's position as the world's only superpower, a nation's power cannot be calculated in military terms alone. The United States obviously possesses the strongest armed forces on the planet. Neither Europe nor Japan has the capacity of the U.S. to reach throughout the globe both militarily and politically. But the United States has not for over two decades enjoyed equivalent economic hegemony. Europe today matches the United States in both population and economic strength while Japan challenges us economically as well.

As former Secretary of State George Shultz said last fall, "In a time when people are talking about a New World Order, it is shortsighted indeed to focus our concern on things having to do with security and political relations and to essentially ignore economics."

In my view, the relative decline in American economic weight—and this is the subject of another speech!—is in no small part the result of policies adopted during the last dozen years in Washington, D.C., by the highest officials of the land, policies of borrow—now, pay—later, of consuming lots and investing little, of wanting to fight wars but not to pay for them. Whatever the reasons, the American economic dominance that characterized the 20th century is waning.

If the global balance of economic forces has changed, so, too, have the ways in which one country relates to another. Capital and communications, trade and transportation, information and immigration—all these activities, rapidly expanding across national borders—mean that international relations can no longer be defined solely in terms of relations between and among sovereign states and their governments. Much more of the world's business, commercial and nonprofit, will be conducted outside the framework of governments. Indeed, in today's globalized economy, manufacturing, communications and finance are worldwide enterprises, often completely detached from governments, and in competition with one another, not with national units.

The internationalization of communications, capital, technology and trade has several consequences.

So far I have emphasized how the world has changed because of powerful changes in economic factors.

But in the post-Cold War world, we are compelled to acknowledge as increasingly potent two other pressures, better say in some cases, explosions—nationalism, on the one hand, and, on the other, the drive for democratic participation. And I need not insist that nationalism and democracy do not necessarily go hand in hand.

I cite yet another issue that has emerged on the international scene in recent years—human rights.

I was present when President Jimmy Carter, early in his presidency, spoke at the University of Notre Dame, in my home Congressional district, and declared that encouraging respect for human rights in other countries would be a hallmark of his foreign policy. It was, and now no leader of any nation can expect to avoid criticism if he demonstrates insensitivity to human rights abuses. George Bush will hear more this year about Tiananmen Square than he wants to.

Another fundamental question we must ask: How, in the post-cold War era, do we define our national interests and, accordingly, determine the objectives of our foreign policy and our defense policy?

That we can no longer think of national security exclusively in military terms does not mean that we should not carefully consider our defense needs and provide the resources to meet them. Here I applaud the contribution of Congressman Les Aspin, of Wisconsin, chairman of the House Armed Services Committee, who has been doing just the kind of hard thinking for which I am calling. Chairman Aspin has produced a series of "working papers" in which he proposes a new "threat-based" method for shaping and sizing the military forces the United States requires for a world in which the Soviet threat has basically disappeared.

In the old world, Aspin observes, there was only one threat but in the new one, there will be diverse threats and we have to learn what they are. In the old world, he continues, the policy of deterrence reduced the prospect of nuclear war but in the new world, deterrence will not always stop an adversary from threatening American interests.

Just ten years ago, in the first commencement at NYU at which I presided, I urged that American research universities give more scholarly attention to understanding the process of making national security policy, of determining our vital interests and how to defend them and deciding how much to spend to do so.

Now that we are in the post-Containment world, I believe American higher education has even more responsibility for scholarship and teaching on how American foreign policy and defense policy are in fact made, what current policies are and what in the future they ought to be. Certainly we must incorporate into these equations, in ways we have never done before, economic considerations.

Thinking anew, it must be evident, involves not only learning about other countries and cultures and studying foreign languages and literatures. To do all this effectively would itself be a monumental achievement but is still not enough.

Indeed, I must here interject that we cannot intelligently or realistically discuss America's role in the world without considering our domestic situation. The United States cannot effectively carry out a foreign policy that contributes to a decent world order if it refuses to get its own house in order.

I speak here both of making real for our own people the values we espouse on the international scene and of managing our Federal budget in responsible, adult fashion. If we fail on either count, we shall pay a high price abroad as well as at home.

I have said that we must focus more than we have ever done before on America's economic position in the new, competitive world. It is obvious that Japan and Europe are now, with the United States, the other great economic powers.

It is also clear that with the Cold War behind us, the threat of nuclear conflict has diminished. But we realize, too, that nuclear proliferation is a danger we have not yet surmounted.

We know as well that the developing countries, not without reason, are concerned that Western preoccupation with the former Communist world can marginalize them.

Although international trade is crucial, I think it evident that there will be much more emphasis on non-commercial issues that cut across national borders, issues of the environment, health, migration, narcotics, population.

In all these fields the transnational factors will mean increasing resort to multilateral institutions rather than action by individual nation-states. For example, despite the horrendous costs, there will be rising demands for international peacekeeping forces.

The implications of everything I've been saying are, I believe, profound for American government, American business, American science and technology and for American higher education.

Reflecting on what America's foreign policy objectives ought now to be is a task not only of the Carnegie Endowment National Commission on America and the New World. Such groups as the Council on Foreign Relations and The Heritage Foundation are also studying the question. From what I gather, the Department of State and the National Security Council have not yet got around to reexamining such fundamental matters.

Here are some of the factors to which I suggest American colleges and universities must now attend, beyond the foreign policy, national security and economic questions I have cited.

How many American universities are prepared for research on and teaching about the new Europe, both the European Community and the former Communist states of Eastern Europe, the new Russia, new Ukraine and the other new republics?

How many American universities are ready to teach, in informed and sophisticated fashion, about the United Nations and other multinational organizations?

How prepared are we with first-class scholarship on the whole range of such problems as the environment, health and immigration responses to each of which almost by definition spill over national borders?

Now I am well aware that I have not exhausted the litany of challenges that confront American higher education in preparing students for what is more accurately called the "New World Disorder." I have said little, for example, about the implications—political, social and economic—of the increasing internationalization of culture.

I realize, too, that the range of subjects to which the internationalizing of human activities now summons colleges and universities, in the United States and in other countries, goes beyond history and economics, languages and literature, to embrace anthropology and the arts, sociology and the natural sciences, communications and public administration.

The breadth and depth of teaching and research on the international dimensions of all these subjects mean that it would be impossible for every university to attempt to cover all of them. No nation, including ours, has enough resources, human and financial.

That is why I am sure we shall see American universities paying much more attention, in an era of limits, both to specializing in certain fields and to cooperating more closely with each other, for example, sharing professors, libraries and even students.

I believe, nonetheless, that every college and university that pretends to be a serious center of teaching should be able to give instruction on the basic factors that define the New World scene and to do so at the undergraduate as well as graduate level. Every student who takes his or her baccalaureate degree should have a rudimentary knowledge of the world beyond his or her own borders and be able, as an educated person, even if such knowledge is not essential to his or her particular profession, to think intelligently about that world.

That concern with our deficiencies in international education is finding some resonance in Congress is demonstrated by legislation enacted late last year on the initiative of Senator David Boren, the Oklahoma Democrat who chairs the Senate Select Committee on Intelligence.

Senator Boren's National Security Education Act, signed into law last fall by the President, represents a major new effort to improve foreign language and international studies programs.

The law authorizes $150 million in new money, that is, beyond funds currently expended for international education. I understand that $35 million is to be released in fiscal 1992 and that $115 million will be fed into an interest-bearing trust fund to help finance the program in future years.

The Boren measure has three components:

Twelve million dollars will be earmarked for undergraduate scholarships for study abroad, with priority to students going to countries not emphasized in other such U.S. programs.

Twelve million dollars will be provided for graduate fellowships in foreign language and international studies, with priority for areas of weakness in U.S. focus. The fellows would be required for each year of fellowship aid to teach or work for government agencies for one to three years. I note that $12 million represents a 100 percent increase over present levels of Federal support for such fellowships.

And twelve million dollars will be granted to universities to develop curricula for foreign language, international and area studies.

These new monies would add to the current Title VI Department of Education and State Department funds for similar programs.

Although there are still some problems to be worked out before the Boren Act program gets off the ground, some observers believe it the most promising advance for international education since the National Defense Education Act of 1958.

As I have said, there are important aspects of international studies I have not today attempted to discuss. I have sought to be illustrative rather than exhaustive.

At the start of my remarks, I said I would approach this subject from my experience as legislator and university president. It must be obvious that I am a vigorous advocate of substantially increased investment in what we commonly think of as foreign language and area studies. The NDEA and the Peace Corps are, with the Fulbright exchanges, examples of our most enlightened government policies. They have served the national interest, enhanced the lives of the individual participants and strengthened the fields with which they become associated.

There are, however, certain issues I want to cite as worthy of careful attention. Let me say a few words about them.

We need a major expansion of international scholarly exchanges, of both students and professors.

We should give particular attention to bringing people from the former Communist world to the United States. I speak not only of full-time students and teachers but of managers who could come for relatively short stays to learn how a business works through a combination of both formal classes in American business schools or continuing education programs and internships in the companies.

My friend, James H. Billington, the Librarian of Congress and eminent authority on Russian history, has called for "the international mobilization of scientific and business talent for the large-scale conversion of industrial from military to peaceful uses." Conversion of the former Soviet defense machine to civilian purposes is profoundly in the interest of the West as well as the peoples of the East. Prodded on one side by Richard Nixon and the other by Bill Clinton, even George Bush finally acknowledged that it was imperative that the United States help Russia, the Ukraine and the other republics reform their economies and build democratic political institutions.

I reiterate that there are significant roles here for American colleges and universities. Leaders of American higher education should certainly, both individually and through our several institutional associations, do what they can to encourage in Eastern Europe and the Commonwealth of Independent States the development of free and open technical institutes, academies and universities.

At least some American universities should create programs or centers to study the European Community, in all its aspects, political, economic, military and cultural.

I have urged attention to systematic teaching and research on multilateral institutions and I include here not only the United Nations, the World Bank and IMF but also international non-governmental organizations such as the Red Cross, international philanthropic foundations and educational, health and scientific associations.

Earlier this year, the Carnegie Commission on Science, Technology and Government issued a report, "Science and Technology in U.S. International Affairs," which called for "sharply improved incorporation of scientific and technological insight into the nation's international policies." The report notes how "science and technology transform foreign relations and usher in new choices, risks and benefits that societies around the world must confront individually and in common. Greenhouse gases, the AIDS virus, agricultural biotechnology, advanced energy systems, new pharmaceuticals, information technologies . . . shape global competition and cooperation. The research base itself, supported by each nation, also needs cooperation if it is to grow and prosper."

Another subject that universities in the West and especially the United States must not neglect is the developing world of Asia, Africa and Latin America. The desperate needs of those continents will for many years to come pose political, economic and moral challenges to the industrial democracies. Despite the necessity of paying more attention to the former Communist empire, scholars must not abandon the poorer nations of the South.

Allow me now to make a broader point. As I reflect on what I've been trying to say to you about American universities and the post-Containment world, I believe the time has come for a reconsideration of the entire process of foreign policymaking by the government of the United States. I know that my friend and colleague, Dr. Madeleine Albright, president of The Center for National Policy in Washington, D.C., who served during the Carter Administration on the staff of the National Security Council, is convinced that in light of the enormous changes in the world since passage of the National Security Act in 1947, this is an especially apt moment for such a review.

On Capitol Hill, four of the nation's most respected legislators, Representatives Lee Hamilton, Indiana Democrat, and Willis Gradison, Ohio Republican, and Senators Boren and Pete Domenici, New Mexico Republican, are now pushing for an in-depth look at how Congress is organized to do its job and to recommend reforms. Certainly the role of Congress is shaping U.S. foreign policy must be on any agenda of reform.

Having spoken of Congress and foreign policy, I want to conclude this address with an observation that may appear to you partisan, especially in a presidential campaign year.

But you should not be surprised if someone who was fourteen times a candidate for Congress continues to have strong feelings about the course of our country and the policies of our national government.

My view on who should be elected in November is not, however, the reason I end my remarks on how U.S. universities should pursue international studies with the following plea. I believe the time is here for a searching reexamination of the principles on which the Founding Fathers based the Constitution of the United States and the American Republic and how those principles have been and are being applied in the field of foreign policy.

In our own lifetime, the threat to our physical security, first from Hitler and the Axis powers, next from the Soviet Union, led in the first instance to U.S. engagement in World War II; in the second, through the policy of Containment, to American leadership of the West during the period of the Cold War.

Even, as I have said, several groups are now reassessing the assumptions on which U.S. foreign policy is premised, so, too, I believe, must scholars at the nation's universities undertake this effort. Central to any such reevaluation must be an examination of the roles of the Department of State and the National Security Council, of U.S. military forces and intelligence agencies, and, of course, of the responsibilities, in foreign affairs, of the President of the United States and the executive branch in general.

But we need a careful, hardheaded review not only of the President's obligations in the shaping and conduct of American foreign policy but of the duties of Congress as well.

To cite only recent events, I refer to the Iran-Contra scandal, U.S. intervention in both Panama and the Gulf War and reports over the last few months of how both the Reagan and Bush Administrations acted to strengthen the military and economic power of Saddam Hussein. All these developments, to one degree or another, are the subjects of three new books I have been reading—"Mr. Bush's War," by Stephen R. Graubard; "George Bush's War," by Jean Edward Smith; and "The Imperial Temptation: The New World and America's Purpose," by Robert W. Tucker and David C. Hendrickson—and two articles in the latest (Spring 1992) issue of Foreign Affairs, one by Hendrickson and the other, "What New World Order?" by Joseph S. Nye, Jr.

Running through all these analyses is the blunt assertion that the present Administration in particular has, in the conduct of the nation's foreign affairs, in effect betrayed the fundamental ideals on which our country was founded.

This is a searing indictment. Indeed, I am sure this issue will be part of the presidential campaign this year, as it should be. Foreign policy, after all, is for any nation a life-or-death matter.

Based on my experience of twenty-two years in Congress, and having served with, not under, six Presidents—three of each party—and having closely observed the two since I left Washington, D.C., I must tell you that I have become increasingly disturbed by what I believe is a widening gap between the principles at the core of the American republic and the activities of American Presidents in foreign affairs. I am as well, I must acknowledge, increasingly critical of the failure of Congress, which for most of the years since my first election, in 1958, has been controlled in both bodies by my party, to carry out the responsibilities in foreign policy assigned to it by the Constitution.

If what I have said is controversial, so be it. With the end of the Cold War, with neither Democratic nor Republican political leaders, neither President Bush nor Congress, standing high in public esteem, now may be the time, whoever wins in November, for the nation's scholars to go back to first principles, re-read the Constitution, seriously analyze the history of the postwar years, carefully assess the new post-Cold War world and to do so in light of the internationalizing developments of which I have been speaking.

In my view, the American people need a vigorous debate about these matters. Such a debate on such fundamental questions is the very stuff of a free society, the life's blood of a lively, energetic democracy.

And where should such discussion of America's values and America's place in the world begin if not in America's colleges and universities?

WISHING LAUREN ANNE BAKER A QUICK RECOVERY

HON. WILLIAM D. FORD

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 20, 1992

Mr. FORD of Michigan. Mr. Speaker, I would like to take a moment to wish a rapid recovery to one of my newest constituents, Lauren Anne Baker of Ann Arbor, MI.

Lauren was born on May 5, 1992, at 11:44 p.m. at the University of Michigan Hospital. Lauren, not well enough to go home, was placed in the neonatal intensive care unit (NICU). It is extremely difficult and unfortunate when a loved one is placed in the intensive care unit. It is even more difficult when that loved one is a small fragile infant.

I hope that Lauren's healing process is quick and without difficulty, so that she can go home safely and soon, to her loving parents, Gary and Carol Baker.

COL. FRANCIS S. GABRESKI AIRPORT

HON. GEORGE J. HOCHBRUECKNER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 20, 1992

Mr. HOCHBRUECKNER. Mr. Speaker, I rise today to commemorate the renaming of the Suffolk County Airport on Long Island, NY, the Colonel Francis S. Gabreski Airport.

Francis Gabreski is a Long Islander who is one of our Nation's foremost living legends in aviation. His record of service in the U.S. Air Force is one of dedication and heroism in aerial combat. "Gabby" Gabreski, as he is known to his friends, achieved ace status in World War II by shooting down 31 Nazi aircraft. During the Korean war he attained jet ace status.

From 1964 until 1967, Colonel Gabreski commanded the Air Force base that is now the Suffolk County Airport. Therefore, it is fitting that the airport be hereafter named in his honor.

Recognition is also due the Early Fliers Club of Long Island, a nonprofit organization dedicated to the preservation of aviation history on Long Island. The Early Fliers Club was instrumental in building support for the renaming of the Suffolk County Airport in Colonel Zabreski's name. The members of the club are to be commended for their efforts to preserve the proud flying history of Long Island.

REPRESENTATIVE ZIMMER HONORS POST 484 ON ITS 25TH ANNIVERSARY

HON. DICK ZIMMER

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 20, 1992

Mr. ZIMMER. Mr. Speaker, on May 23, 1992, the members of American Legion Post 484 in Passaic Township, NJ will celebrate the 25th anniversary of its founding.

Inspired by their love of God and country and by the leadership of earlier veterans of World War I, Italo Quinto, Mickey Koslap, Hank Mihal, John Chiappa, Ted Zawarski, Fred Schwab, and Joe Fennessy dedicated themselves to establishing an organization that would be devoted to ensuring that America would remain free and strong and would not forget its veterans.

Among their many activities, the men of American Legion Post 484 strive to fulfill their goals by decorating the graves of local veterans; commending outstanding policemen and firefighters from Passaic Township with local, county and State awards; serving as dinner hosts to veterans from Lyons Veterans Hospital; and sponsoring high school students to Boys' State.

Mr Speaker, I ask my colleagues to join me in saluting the past and present members of Passaic Township American Legion Post 484 for their contributions to their fellow veterans and to their community, State and Nation.

TRIBUTE TO THE UNITED STEEL WORKERS OF AMERICA

HON. JAMES A. TRAFICANT, JR.

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 20, 1992

Mr. TRAFICANT. Mr. Speaker, today I rise to pay tribute to an organization that is celebrating a golden anniversary, the United Steelworkers of America. Fifty years ago on May 22, 1942, delegates from the Steelworkers Organization Committee meeting in Cleveland under the leadership of President Phil Murray completed adoption of the constitution under which the union continues to function; and the United Steelworkers of America was born.

This great organization was born during the throes of the Great Depression when working people had virtually no voice, no power and even less hope. Without the benefits of the strong union of workers that grew from that first meeting, steelworkers today would not have the working standards that they enjoy today.

Mr. Speaker, as the Representative of an area populated with steelworkers, I know the benefits to all workers that this great organization has brought. It gives me great pride to congratulate them on 50 years of service to the steelworker and the observation of the 50th anniversary of their constitutional convention.

IN HONOR OF BEVERLY DELUCCHI

HON. FORTNEY PETE STARK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 20, 1992

Mr. STARK. Mr. Speaker, on Friday, May 29, Beverly Delucchi will retire after more than 33½ years of service to the judicial system of Alameda County. I want to share with my colleagues a look at her distinguished career in public service and recognize her for the special contribution she has made.

Beverly started as a clerk with the Justice Court in Pleasanton in June of 1958 and worked there until the municipal courts in the Livermore Valley were joined in 1974. The years have seen many changes and impressive growth in the valley, but one constant was the outstanding service that all who had business with the court received when they had the good fortune to work with Beverly Delucchi.

I heard of Beverly's retirement in a letter from her boss, Judge Ron Hyde. I was impressed by his words of praise:

> Beverly's employment has been exemplary in that she has at all times * * * provided a level of service to the public of superb quality. She has treated everyone who has come into contact with the court (victims, witnesses, jurors, defendants, litigants, attorneys) with the utmost courtesy, respect and professionalism. She has worked many long hours, often working overtime without compensation, just to make certain that the work of the court remained current and those involved received timely notices. She always, and I means always, has a friendly smile for everyone. The access to the court system in this area has truly been enhanced by her presence. It is the type of employee that Beverly Delucchi is that brings credit to the court system and to government employees everywhere.

Public servants like Beverly make the system work. Her retirement will be a loss to my constituents in the Livermore Valley and she will be missed. Mr. Speaker, I ask my colleagues to join me in honoring Beverly Delucchi for her many years of public service.

PEACE TAX FUND BILL DESERVES SUPPORT

HON. GEORGE E. BROWN, JR.

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 20, 1992

Mr. BROWN. Mr. Speaker, H.R. 1870, the Peace Tax Fund bill, represents a worthy effort to balance and accommodate the public interest in gaining full and fair tax collection with our longstanding national respect for the beliefs of Americans who conscientiously object to assisting armed forces and military efforts to solve conflicts.

H.R. 1870 would not relieve conscientious objectors of their requirement to pay all of their taxes. However, the legislation would allow them to channel their taxes to nonmilitary programs.

Pursuant to H.R. 1870, a Peace Tax Fund Board of Trustees selected by the President, House, and the other body would be created to allocate taxes from conscientious objectors toward nonmilitary federal programs. The legislation suggests programs such as retraining former defense workers, researching nonviolent solutions to international conflicts, and improving international health and education. It should be noted that Congress retains the authority to overrule the trustees if Congress so desires to appropriate the Peace Tax Fund in a different manner.

H.R. 1870 has a secondary benefit of likely reducing the present administrative and judicial burden caused when conscientious objectors feel forced to violate tax laws rather than violate their consciences. When conscientious objectors find that their moral burden regarding taxes for the military has been removed, the Internal Revenue Service will be able to collect full taxes from conscientious objectors without difficulty and added cost and strain on the judicial system.

H.R. 1870 recognizes the longstanding tradition of conscientious objector status in the United States. Furthermore, it would allow Americans who are conscientious objectors to pay their federal taxes without violating their religious and moral beliefs.

Since conscientious objection is a small, but firmly and uniquely established tradition in this country, H.R. 1870 would not open up the floodgates for similar tax earmarking for other groups nor would it create a referendum on U.S. military or foreign policy. In addition, H.R. 1870 contains no provisions expanding the definition of conscientious objection.

I compliment the gentleman from the 10th District of Indiana, Mr. JACOBS, for introducing the U.S. Peace Tax Fund Bill. H.R. 1870 will be the subject of a hearing tomorrow by the Ways and Means Subcommittee on Select Revenue Measures, and I urge every House Member to give this bill serious consideration.

CELEBRATING COLONIAL BEACH'S CENTENNIAL

HON. HERBERT H. BATEMAN

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 20, 1992

Mr. BATEMAN. Mr. Speaker, the town of Colonial Beach, located on the Potomac River in the First District of Virginia, was incorporated 100 years ago, and I wish to salute its centennial celebration. With its rich history and many outdoor activities, Colonial Beach has a great deal to offer.

First known as "White Point," Colonial Beach prospered in the late 1600's and 1700's as farmland for the landed gentry. By the late 1800's, the lure of beaches and waterfront property brought more people to the area, starting a building boom of quaint hotels and Victorian homes that continued well after the town's incoporation in 1892.

By the early 1900's, Colonial Beach had become an exclusive resort, attracting wealthy ladies and gentleman from Washington and Richmond. The tourists, many of whom came to the town via eloquent paddle boats or later by steamboat, spent much of their time promenading on the town's boardwalk. Over time, the town adopted the title "Playground of the Potomac."

Today, Colonial Beach continues to serve as a delightful summer retreat. The older homes are actively being restored and new ones are being build in the same Victorian spirit.

The area also continues to be one of the most popular areas to harvest oysters on the Potomac River. Fishing and crabbing also remain popular.

Attractions include the restored family home of one of the town's most distinguished resident, Alexander Graham Bell. The site is a historic landmark.

There are several other historical landmarks near the town, including George Washington's birthplace and Stratford, home of the Lee's of Virginia and Robert E. Lee. The site of James Monroe's birthplace is on the outskirts of town.

The citizens of Colonial Beach are fortunate and understandably proud to live in this community. As they mark the 100th anniversary of the town's establishment, I am pleased to salute them and the town.

ENGINEERING PROJECT FOR FORT DEPOSIT, AL, RECEIVES AWARD FOR INNOVATIVE WASTEWATER TREATMENT SYSTEM

HON. CLAUDE HARRIS

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 20, 1992

Mr. HARRIS. Mr. Speaker, I am proud to congratulate the town of Fort Deposit, AL, along with the CH2M Hill on receiving an Honor Award from American Consulting Engineers Council last month.

Fort Deposit, a small community of 1,532 people in Lowndes County, AL, is now using an innovative, environmentally sound technique for wetland wastewater treatment designed by CH2M Hill, an environmental engineering firm. This new system combines technology and natural sciences and enables Fort Deposit to meet stringent regulatory requirements affordably. Fueled by natural processes and using cattails and bulrushes planted in two 7½ acre ponds, 240,000 gallons of wastewater is treated per day.

The Alabama Wildlife Federation awarded the project the Governor's Conservation Achievement Award for Water Conservationist of the Year in August of 1991. Receiving the support of the Environmental Protection Agency, Fort Deposit was given a 75-percent grant for the treatment system and it continues to be an example of low-cost, high-level treatment technology in rural areas.

The town of Fort Deposit, one of 24 award winners, was honored during a reception at the Hyatt Regency Capitol Hill on April 10, here in Washington. The efforts of Fort Deposit in their wetland project demonstrate the progressive and environmentally conscious attitudes of its citizens, and show how technology, when paired with nature, can aid our country's environmental problems at a lower cost with more benefits.

I would like to commend the CH2M Hill Co., and especially the residents of Fort Deposit, AL, for their innovative ideas and hard work in conserving one of Alabama's greatest natural resources.

A TRIBUTE TO COL. DAVID L. HAYES

HON. H. MARTIN LANCASTER

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 20, 1992

Mr. LANCASTER. Mr. Speaker, I rise today to honor an individual who has provided excellent support and dedication to not only myself but to the Congress as a whole. Col. David L. Hayes, Office of the Secretary of the Air Force, Legislative Liaison, Inquiry Division, was reassigned from the Pentagon to Randolph AFB, Texas, on January 5, 1992. I, along with many of my colleagues, have benefited from Colonel Hayes' exceptional service in the Air Force's Congressional Inquiry Office.

As the Deputy Chief of the Inquiry Division, Colonel Hayes' calm, logical and thorough method of handling unique situations and constituent concerns, some of which were extremely time sensitive, resulted in the successful resolution of numerous delicate and potentially explosive cases during and 18-month tour. Time and time again, his can-do attitude has attained favorable results. As well seasoned traveler, escorting a myriad of Members of Congress and their staffs, Colonel Hayes epitomizes the highest standards of professional conduct, leadership and desire for perfection. His thorough and efficient planning, in concert with meticulous tact and diplomacy, assured these trips were completely successful and set new standards of excellence for Air Force travel.

Mr. Speaker, I join with many of my colleagues who have directly benefited from the resounding support Colonel Hayes has provided the Congress in congratulating him for a job extremely well done and wishing he and his wife Ava, as well as their sons, Ryan and Patrick, the very best in the future. Colonel Hayes is a professional among professionals and brings great credit upon himself and the U.S. Air Force.

TRIBUTE TO PRESIDENT LEE TENG-HUI OF THE REPUBLIC OF CHINA

HON. GREG LAUGHLIN

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 20, 1992

Mr. LAUGHLIN. Mr. Speaker, I would like to salute President Lee Teng-Hui of the Republic of China on the occasion of his second anniversary in office, which is today, May 20.

President Lee Teng-Hui is a truly outstanding leader. He has turned the island-nation of Taiwan into a major economic power and a showcase of democracy. The Taiwanese now have one of the highest standards of living in Asia. In fact, their per capita income is equal to that of New Zealand.

I am proud to see Taiwan doing so well and hope that it will continue to prosper as it has done so far under the leadership of President Lee.

TRIBUTE TO THE TIANANMEN MEMORIAL FOUNDATION

HON. BILL GREEN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 20, 1992

Mr. GREEN of New York. Mr. Speaker, I rise today to recognize all those associated with the Tiananmen Memorial Foundation [TMF], which is having a fund-raising dinner on June 5, 1992, at the Silver Palace Restaurant in Manhattan. That event will generate funds for the Tiananmen Memorial Foundation social science fellowship. The TMF social science fellowship is awarded to doctoral candidates whose proposed dissertation study would result in valuable objective knowledge related to China. The candidate for this year's fellowship is Mr. Shawn Shieh of Columbia University.

The Tiananmen Memorial Foundation was founded in honor of those who courageously led the student human rights movement in China on June 4, 1989. The members of TMF believe that a democratic and properous China is important for the international community. TMF makes important contributions to the democratization of China by fostering discussions of the social, economic, political, and cultural structures of China.

I should like to offer my respect and admiration to those associated with TMF and encourage my colleagues to join with me in applauding their efforts.

TRIBUTE TO ALMINA BENSON

HON. LUCIEN E. BLACKWELL

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 20, 1992

Mr. BLACKWELL. Mr. Speaker, I rise today to celebrate one of Philadelphia's most dedicated workers, Almina Benson, on the occasion of her retirement from John Wanamaker's Department Store. Mrs. Benson will be leaving after over four decades as supervisor in the gift wrap division.

At the early age of 17, Mrs. Benson worked at Wanamakers wrapping gifts for a little extra money during the Christmas Holidays. The next summer, she received a phone call asking her to work for "a couple of weeks". Forty-four years later, John Wanamaker's bids goodby to its favorite supervisor, one of its most loyal and devoted employees.

Mr. Speaker, it is my particular delight today to bring Almina's retirement to the attention of my colleagues, because I have considered her my sister since we were small children growing up in Philadelphia. We have endured all the joys and sorrows of life together, and she will forever remain one of my very dearest friends.

And so, Mr. Speaker, it is with great pride that I wish Almina Benson all the enjoyment and happiness her retirement can give her, and I look forward to her continued friendship for years to come.

TRIBUTE TO PRESIDENT LEE TENG-HUI AND PREMIER HAU PEITSUN

HON. SOLOMON P. ORTIZ

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 20, 1992

Mr. ORTIZ. Mr. Speaker, I rise today to extend my best wishes and congratulations to President Lee Teng-hui and Premier Hau Peitsun of the Republic of China on the occasion of President Lee's second anniversary in office, which is today, May 20, 1992.

President Lee was sworn in as the Eighth President of the Republic of China on Taiwan on May 20, 1990. In the last two years, he and Premier Hau have led the island-nation with wisdom and inspiration. Today Taiwan stands firmly as a free democratic nation with one of the highest living standards in Asia.

I congratulate President Lee on his fine leadership and his efforts to being our 2 nations closer together, and I look forward to an equally productive relationship in the future.

ARTIFICIAL RIFT DEVELOPES BETWEEN TWO NATURAL ALLIES

HON. NEIL ABERCROMBIE

OF HAWAII

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 20, 1992

Mr. ABERCROMBIE. Mr. Speaker, for decades, communities have been trying to solve the problems of overcutting and mismanagement of our National Forests. Ironically, an artificial rift has developed between two natural allies: environmentalists and timber workers. Environmentalists want sustainable forests; workers want sustainable jobs. Thus, we face a double-barreled crisis: Our efforts to protect ancient forests must be accompanied by an effort to address the needs of the working people and their families whose livelihoods will vanish with the imposition of a cutting ban.

If we attempt to address the one concern while ignoring the other, we fall into the trap set by those who profit from the exploitation of both. Corporate profiteers have largely had their way because environmental action has—until recently—so seldom been accompanied by serious planning for the people who work in the forests. The result has been to pit the environmental community against labor when in fact their interests are under assault from the same predatory forces.

It is high time that this artificial rift be closed. That environmentalists and workers work together to create better forestry practices and economic stability in timber dependent communities. As we know, economic diversity equals community stability. However, economic diversity in timber communities depends on the diversity of the forests.

Additionally, there are many pitfalls to be avoided. Any economic transition can cause a chain reaction that may doom the area to additional economic stress. First, much of the aggressive workforce may leave. The tragic part is that this is the younger, more mobile element of the workforce, which must be the foundation for the future economy. Secondly, the loss of income due to economic transition is followed by a loss of tax revenue to the local government. The result? The collapse of infrastructure and programs needed to attract business and work. Thus, the economy continues downward in a vicious spiral.

Finally, depressed timber communities surrounded by beautiful scenery become attractive to individuals of higher income. They enter the community to purchase property and homes. As the area becomes gentrified, property values skyrocket, and rural community members are forced to leave or take low-paying service sector jobs. Thus, we force those people who have chosen the forests as their homes, and whose ancestors had chosen the forests as their homes, out of the area because a rift could not be repaired. As representatives, it is our responsibility to ensure our grandchildren and their grandchildren have the opportunity to know what a tree looks and feels like.

Attention has long been focused on the spotted owl. Unfortunately, some view the spotted owl in isolation rather than taking into consideration it's role as an indicator for an entire ecosystem. Ancient forests are ecosystems that are irreplaceable. However, we must redefine our parameters to encompass both sides of the equation. As representatives, it is also our responsibility to facilitate the economic transition for workers who have lost their jobs due to new or revised federal legislation.

If we can build a labor-environmental coalition, we can succeed. I firmly believe anything short of that stands only a frail chance of success.

TRIBUTE TO PRESQUE ISLE HIGH SCHOOL AND KENNEBUNK HIGH SCHOOL

HON. OLYMPIA J. SNOWE

OF MAINE

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 20, 1992

Ms. SNOWE. Mr. Speaker, I take great pleasure in congratulating Presque Isle High School and Kennebunk High School, as these two Maine high schools were recently ranked among 140 high schools chosen for Redbook magazine's "America's Best Schools" project.

In a time when America's schools are experiencing difficulties and are often criticized, Presque Isle High School and Kennebunk High School are shining examples of excellence in public schools. National recognition is a tribute to the dedication and willingness of school administrators, teachers, students, parents and communities to work together to address the educational needs of today's youth.

No longer is education a simple matter of reading, writing, and arithmetic. I commend Presque Isle High School and Kennebunk High School for their foresight and vision in creating innovative and dynamic programs to better educate and prepare our young adults to face the challenges of today's complex world.

TRIBUTE TO JARROD MARSH

HON. PAUL E. GILLMOR

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 20, 1992

Mr. GILLMOR. Mr. Speaker, I want to take this opportunity to pay tribute to Jarrod Marsh of Tiffin, OH, who recently accepted an appointment to the U.S. Naval Academy as a member of the class of 1996.

When I nominated Jarrod Marsh for admission to the Naval Academy, I knew I was nominating a young man with great potential for leadership. Whether as an academic letter or as a varsity football player, Jarrod Marsh has demonstrated repeatedly the ability to achieve excellence in all that he does.

In recent years, America has experienced the end of the Cold War between the superpowers and defended self determination in the Persian Gulf. American resolve has resulted in the new embrace of freedom and peace around the globe. These victories for our principles occurred in large part due to the honor, talent, and dedication of the men and women who serve this country in the U.S. Armed Forces. And the service academies are the linchpin of this distinguished military tradition.

By accepting his appointment to Annapolis, Jarrod Marsh is preparing to make a valued contribution to that tradition. I congratulate him, and wish him and his family all the best.

CELEBRATION OF 90 YEARS OF CUBAN INDEPENDENCE

HON. ROBERT G. TORRICELLI

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 20, 1992

Mr. TORRICELLI. Mr. Speaker, today marks the 90th anniversary of Cuban independence, the outcome of a war recorded in our history books as the Spanish-American War.

Formal independence from Spain was won in that war with the blood of Cuban and American patriots. But the fight for true independence in Cuba has not yet ended. Today patriots of equal valor are struggling peacefully to free Cuba of a Communist system imposed by Fidel Castro in 1959. The rule of Fidel Castro subjected Cuba to a new dependency, the consequences of which bear more onerously on the Cuban people every day.

Tomorrow the Foreign Affairs Committee will consider approving the Cuban Democracy Act of 1992 which I introduced in this Chamber a few months ago with bipartisan cosponsorship. My bill is designed to assist patriotic Cubans everywhere who are seeking to restore Cuban independence and to return Cuba to its rightful position in the international community. By tightening the economic embargo and reaching out a hand of support to the Cuban people, we hope to hasten the day when an independent, free, and democratic Cuba will be born.

HOUSE CONCURRENT RESOLUTION

HON. JIM BUNNING

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 20, 1992

Mr. BUNNING. Mr. Speaker, recently I introduced House Concurrent Resolution 309, a resolution urging the President to seek the removal of Canadian import quotas on United States chicken exports through the Uruguay Round and the North American Free Trade Agreement negotiations and calls for the immediate removal of Canadian import quotas on processed chicken which violate Article XI of the GATT.

Canada first introduced controls on the production and importation of chicken in 1979 when a supply management system for poultry was implemented. The system, which was introduced to protect the "family farmer," results in exceedingly high chicken prices and supply shortages for Canadian citizens and businesses. However, the 2,400 Canadian growers are guaranteed large profits. For example, the average Canadian chicken grower nets around 64 cents per chicken compared with about 7 cents per chicken net for United States growers.

United States farmers and growers are losing sales because of the quotas placed on United States chicken in Canada where United States exports are limited to 7.5 percent of Canada's total consumption. Not only are United States exporters hurt by these restrictions, but so are United States companies operating in the chicken industry in Canada. These companies often cannot obtain a sufficient supply of chicken and their product must compete with lower cost alternatives such as beef which is not controlled by a supply management system.

The U.S. poultry industry is the largest and most competitive in the world with 1991 production projected to be valued at $13.8 billion. This represents 35 percent of the total world production. Exports to Canada—the fifth largest United States export market—were only $135 million. If the Canadian market were fully opened, United States exports to Canada would increase by anywhere from $350 to $700 million. Using Commerce Department statistics, this would result in the creation of between 7,000 to 14,000 jobs.

Not only are Canada's import quotas highly restrictive, but they are also inconsistent with GATT Article XI. The GATT has ruled in several recent panels that highly restrictive processed products (i.e., chicken sandwich patties) clearly are not a "like product" to live or fresh whole chicken, and their inclusion in Canada's supply management system is patently in violation of GATT Article XI.

In order to achieve open access to the Canadian chicken market, the Canadian trade barriers must be eliminated through the Uruguay Round and the NAFTA trade negotiations.

This issue was not significantly addressed in the U.S.-Canada Free Trade Agreement since the Canadians considered the quotas to be a global issue that could not be addressed in the Uruguay Round. In fact, there is nothing global about Canada's trade-distorting poultry regime since the United States is the only supplier of fresh and processed chicken to the Canadian market.

The issue of removing import quotas and converting them into tariffs has been addressed in the Uruguay Round in the "Dunkel Text" proposal. However, the depth of the tariff reduction—36 percent over 6 years—is wholly inadequate. The new "tariffied" duty rates applicable to fresh chicken imports should be phased-out entirely by 1998 in accordance with the terms of the United States-Canada Free Trade Agreement. Moreover, the Gatt-illegal quotas on processed chicken must be entirely removed and not simply converted into an unacceptably high tariff.

In an effort to continue protecting the domestic industry, the Canadians have said they will not "tariffy" their supply management systems either in the Uruguay Round or the NAFTA. Since the Uruguay Round does not seem to be close to completion, United States trade negotiators should insist that Canada begin the process of eliminating its chicken import quotas in the NAFTA. Further, the United States Trade Representative should work closely with the United States industry to find ways to have Canada remove its illegal import quotas on processed chicken.

The Canadians have avoided removing their import quota restrictions long enough. These restrictions should be lifted as soon as possible.

TRIBUTE TO SERENITY HOUSE, INC.

HON. PETER J. VISCLOSKY

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 20, 1992

Mr. VISCLOSKY. Mr. Speaker, I rise today to pay tribute to Serenity House Inc., of Gary, IN, for 14 years of dedication to aiding individuals in alcohol and drug recovery.

Serenity Club, Inc. was founded by two recovering alcoholics, Mozell Haymon and Henry Johnson, in April of 1978. The Club's original purpose was to provide a sober environment for Alcoholics Anonymous meetings as well as recreational activities. By 1980, Serenity Club changed its name to Serenity House, relocated and began to function as a halfway house for recovering alcoholics and drug addicts.

In 1989, Serenity House acquired a beautiful, nine acre facility and began to function as a continuum of care after primary treatment for addiction was provided. Serenity House's treatment philosophy is the 12 Step Program of Alcoholics Anonymous. This program is designed for individuals to successfully re-adjust to "sobriety" and successfully re-integrate with the community. Based upon the needs of each individual, room, board, and counseling are provided for up to 6 months.

In addition to room and board, Serenity House provides its clients with employment counseling and life enrichment skills as well as specific programs for women such as counseling for sexual abuse, family planning and prenatal care.

I ask my colleagues to join me in my recognition and commendation of the Serenity

House, Inc., for dedicating 14 years toward enhancing the quality of life for addicted persons. Serenity House has, and will continue to provide an invaluable service to the city of Gary, as well as to the community as a whole.

IN SUPPORT OF THE REPEAL OF THE BOAT USER FEE

HON. E. CLAY SHAW, JR.

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 20, 1992

Mr. SHAW. Mr. Speaker, on May 13 the House of Representatives passed H.R. 2056, The Shipbuilding Trade Reform Act of 1992, which contained a provision that would repeal the boat user fee. As a long standing advocate for the repeal of the boat user fee, I am gratified that this measure has finally passed the House with my support. However, I am distressed that a controversial shipbuilding provision, which would hurt South Florida's cruise ship industry, was coupled with the user fee repeal. This shipbuilding title has prompted President Bush to indicate he would veto the entire bill, thereby dooming the user fee repeal. Therefore, I urge the Senate to drop the shipbuilding provisions, and preserve the repeal of the boat user fee, so we can send the President a "clean repeal" bill he can sign into law.

Mr. Speaker, this tax disguised as a "user fee" was a loser when it was first proposed in 1981, and it is still a loser today. The only difference is that now we have definite evidence proving this tax should have never been enacted in the first place.

I ask my colleagues to consider the following facts: During 1991 the Office of Management and Budget estimated that the boat user fee would generate $130 million. In fact, it raised only about $18.5 million. Additionally, only 15 percent of our Nation's 4.1 million boaters subject to the user fee have purchased a decal. The miserable compliance record for this tax is perhaps only surpassed by the compliance record of the often-skirted 55-mph speed limit.

The boat user fee is unfair and counter-productive. Unfair because it singles out a particular group of people, namely recreational boaters, who already pay nearly $300 million alone in Federal taxes a year, while not taxing other people's avocations. It is counter-productive because it raises little revenue while it burdens the Coast Guard, which has more important missions to fulfill, such as search and rescue operations, drug interdiction, and boating safety education.

This user fee on boats is similar to the luxury tax on boats, another tax enacted as part of the 1990 budget deal. Like the user fee, the boat luxury tax too went over like a lead zeppelin. The luxury tax on boats has helped destroy a proud American industry, and has thrown blue collar workers out of their jobs. I am hopeful that the House will soon act quickly to repeal that onerous tax too.

Mr. Speaker, I urge the Senate to promptly report out a clean boat user fee repeal bill that we can send to the President for his signature. The boat user fee has been an abject failure, and the sooner we end this exercise in futility the better.

SENATE COMMITTEE MEETINGS

Title IV of Senate Resolution 4, agreed to by the Senate on February 4, 1977, calls for establishment of a system for a computerized schedule of all meetings and hearings of Senate committees, subcommittees, joint committees, and committees of conference. This title requires all such committees to notify the Office of the Senate Daily Digest—designated by the Rules Committee—of the time, place, and purpose of the meetings, when scheduled, and any cancellations or changes in the meetings as they occur.

As an additional procedure along with the computerization of this information, the Office of the Senate Daily Digest will prepare this information for printing in the Extensions of Remarks section of the CONGRESSIONAL RECORD on Monday and Wednesday of each week.

Meetings scheduled for Thursday, May 21, 1992, may be found in the Daily Digest of today's RECORD.

MEETINGS SCHEDULED

MAY 22

9:30 a.m.

Appropriations

VA, HUD, and Independent Agencies Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1993 for the Department of Housing and Urban Development and certain related agencies.

SD-138

Armed Services

Projection Forces and Regional Defense Subcommittee

To hold hearings on S. 2629, to authorize funds for fiscal year 1993 for military functions of the Department of Defense, and to prescribe military personnel levels for fiscal year 1993, focusing on near- and long-term outlook for the United States Navy.

SR-222

JUNE 3

9:00 a.m.

Appropriations

Defense Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1993 for the Department of Defense, focusing on medical programs.

SD-192

2:00 p.m.

Foreign Relations

To hold hearings on the nominations of Adrian A. Basora, of New Hampshire, to be Ambassador to the Czech and Slovak Federal Republic, Richard Goodwin Capen, Jr., of Florida, to be Ambassador to Spain, William Henry Gerald FitzGerald, of the District of Columbia, to be Ambassador to Ireland, Peter Barry Teeley, of Virginia, to be Ambassador to Canada, and Donald Herman Alexander, of Missouri, to be Ambassador to the Kingdom of the Netherlands.

SD-419

JUNE 4

9:30 a.m.

Energy and Natural Resources

To hold hearings on S. 2527, to restore Olympic National Park and the Elwha River ecosystem and fisheries in the State of Washington.

SD-366

10:00 a.m.

Commerce, Science, and Transportation

Merchant Marine Subcommittee

To hold hearings to examine issues relating to maritime reform.

SR-253

Veterans' Affairs

To hold oversight hearings on proposed legislation relating to veterans health issues.

SR-418

2:30 p.m.

Armed Services

Conventional Forces and Alliance Defense Subcommittee

Defense Industry and Technology Subcommittee

To hold joint hearings on S. 2629, to authorize funds for fiscal year 1993 for military functions of the Department of Defense, and to prescribe military personnel levels for fiscal year 1993, focusing on the impact of the defense build-down on the ability of the U.S. industrial and technology base to meet national security requirements.

SD-106

JUNE 8

10:00 a.m.

Appropriations

Military Construction Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1993 for military construction programs, focusing on base closures.

SD-192

JUNE 9

9:30 a.m.

Finance

To resume hearings to examine comprehensive health care reform, focusing on proposals for expanding employment-based health insurance coverage.

SD-215

10:00 a.m.

Agriculture, Nutrition, and Forestry

Agricultural Research and General Legislation Subcommittee

To hold hearings on the utility of expanded lamb reporting services by the Department of Agriculture.

SR-332

Appropriations

Interior Subcommittee

To hold hearings on proposed budget estimates for the Department of the Interior.

S-128, Capitol

2:30 p.m.

Appropriations

Interior Subcommittee

To continue hearings on proposed budget estimates for fiscal year 1993 for the Department of the Interior.

S-128, Capitol

JUNE 10

9:30 a.m.

Commerce, Science, and Transportation

Aviation Subcommittee

To hold hearings to examine competition in the airline industry, and on S. 2312, to revise the Federal Aviation Act of

1958 to enhance competition at, and the provision of essential air service with respect to high density airports.
SR-253

JUNE 17

9:30 a.m.
Commerce, Science, and Transportation
Communications Subcommittee
To hold hearings to examine telecommunications technology as related to the field of education.
SR-253

Finance
To resume hearings to examine comprehensive health care reform, focusing on proposals for instituting universal coverage through public health insurance programs.
SD-215

JUNE 18

9:30 a.m.
Commerce, Science, and Transportation
Consumer Subcommittee
To hold hearings on S. 2232, to require manufacturers of new automobiles to affix a label containing certain consumer information on each automobile manufactured after a specified year.
SR-253

Finance
To continue hearings to examine comprehensive health care reform, focusing on proposals for tax-incentive based health care reform.
SD-215

JUNE 23

9:30 a.m.
Commerce, Science, and Transportation
Communications Subcommittee
To hold hearings on proposed legislation authorizing funds for programs of the National Telecommunications Information Administration, Department of Commerce.
SR-253

JULY 1

9:30 a.m.
Commerce, Science, and Transportation
Communications Subcommittee
To hold hearings on mobile communications.
SR-253

CANCELLATIONS

MAY 21

10:00 a.m.
Appropriations
Transportation Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1993 for the Department of Transportation.
SD-138

HOUSE OF REPRESENTATIVES—*Thursday, May 21, 1992*

The House met at 10 a.m.

Rev. William J. Byron, S.J., president, the Catholic University of America, Washington, DC, offered the following prayer:

Lord, Your blessing please on the men and women of this House of Representatives and on all colleagues in this Congress.

The people they represent are Your people. The land they care for is Your land. The peace and justice they pursue are Your gifts to give, as is the future toward which their decisions will take this Nation. So they bow their heads before You now and ask for help.

Inspire these men and women, Lord, with love for one another and for the people they serve. Imbue them with wisdom and courage for making right decisions. Convince them of the value of their work and the dignity of their calling. And shield them from discouragement in the face of criticism and misunderstanding.

May the work they do today be for the good of this Nation and for Your glory and honor now and forever. Amen.

THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

PLEDGE OF ALLEGIANCE

The SPEAKER. Will the gentleman from Illinois [Mr. EWING] come forward and lead the House in the Pledge of Allegiance.

Mr. EWING led the Pledge of Allegiance as follows:

> I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

TRIBUTE TO FATHER WILLIAM J. BYRON

(Ms. PELOSI asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. PELOSI. Mr. Speaker, it is with great pride and respect that I rise today to introduce and pay tribute to Rev. William J. Byron, S.J., who just led the House in prayer. Father Byron has been the president of Catholic University of America since September 1, 1982. After 10 years of outstanding service to the university and the Catholic community, he is retiring from academic administration. He has been a dedicated advocate for higher education, the elimination of world hunger, and many other education issues.

Father Byron has had a remarkable career in both education and community service. He began his teaching career at Loyola University in Baltimore and then at Woodstock College. Father Byron then became dean at Loyola University in New Orleans and was later president of the University of Scranton. And I know Congressman MONTGOMERY would want me to mention he was also a member of the 82d Airborne.

In 1991, President Bush appointed Father Byron to the Board of Directors of the Commission on National and Community Service. He is currently a member of the Joint Commission on the Accreditation of Healthcare Organizations and serves on the boards of Corporation Against Drug Abuse, the Overseas Development Council, and on the board of advisors of Mundelein Seminary. I am very proud to note that Father Byron is a trustee of the University of San Francisco, a private Jesuit university in my district.

Mr. Speaker, I am very proud and honored to introduce Reverend Byron to my colleagues and I ask you to join me in paying tribute to this distinguished leader, clergyman, and educator.

JOBS WILL MAKE THE DIFFERENCE IN OUR ECONOMY

(Mr. TRAFICANT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. TRAFICANT. Mr. Speaker, Roger Keith Coleman, Murphy Brown, and the riots in Los Angeles, the great problems of America are printed in bold headlines all across the country. But the solutions for those great problems will be found printed someday in the want ads.

How can a family stay together without a job? How can crime be stopped without a job? And how could America have life, liberty and the pursuit of happiness without a job?

People in my district who have been whacked out of the box, jobs taken away, used to go to Mexico for a vacation. Now they go to Mexico to find a damn job.

Maybe Congress should start concerning themselves with the want ads and the headlines would take care of themselves.

BALANCED BUDGET DEBATE

(Mr. OBEY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. OBEY. Mr. Speaker, there is no sight quite so pitiful as a flock of politicians in full flight, and yesterday the flight path led up to this desk for the signature of the discharge petition on the so-called balanced budget amendment. That proposed amendment masquerades as an effort to control the deficit. In fact, what it does is enshrine in the Constitution the principle of minority rule, because it would require a 60-percent majority to reach a conclusion on a budget.

In contrast to that approach, the gentleman from Pennsylvania [Mr. MURTHA], myself and 10 others have introduced legislation which would attempt to make this debate be real. It would provide that the President must submit a balanced budget to the Congress every year, unless he signs a declaration of national economic urgency, and that declaration is agreed to by a constitutional majority of the House and Senate.

It would also require that in no case could the Congress ever approve more spending than the President requested at the beginning of the fiscal year. And it would also provide for implementation in the here and now rather than the hereafter. In contrast to the proposal discharge yesterday which would not go into effect until after the next Presidential term, our proposal would go into effect immediately upon ratification.

BALANCED BUDGET AMENDMENT

(Mr. SOLOMON asked and was given permission to address the House for 1 minute.)

Mr. SOLOMON. Mr. Speaker, why do we need a constitutional amendment to balance the budget? Because Congress has no guts.

There was a time years ago when Members who came here to Washington had already been a success as a businessman, as a lawyer, as a professional, or they had served in local government and State government. They had proved themselves, and they came here at the age of 48, or 50, or 55, already successful in life, and they had the guts to stand up here and do what is right.

□This symbol represents the time of day during the House proceedings, e.g., □1407 is 2:07 p.m.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

They came here as citizen legislators, as people who were already successful in life. They came to put their life's experience to work for the greater public good.

But today the country is dying. It is hemorrhaging from red ink, and this Congress has no guts to deal with it. That is why I support term limitations, and that is why I support a balanced budget amendment which will force this Congress to have some guts.

As a rule, I do not like the idea of term limits or the idea of amending the Constitution, but something has to be done. Means have to be found to force Congress to fulfill its obligations to the people and the Nation.

Rather than having a lot of citizen legislators, Congress today tends to be populated with careerist politicians, people who have lived in the public sector for most or all of their adult lives. With no other career to fall back on, careerist politicians seek to perpetuate their status in Washington by catering to special interests. And it is those special interests and their demands on Congress which are driving up the deficits. Careerist politicians never say "no"—the word is not in their vocabulary.

We need more citizen legislators, successful people in their own right who will come here to Washington and stand up for what is right. And that means saying "no" to special interests.

SUPPORT ASKED FOR THE COMPREHENSIVE NATIONAL ENERGY POLICY ACT

(Mr. HUBBARD asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. HUBBARD. Mr. Speaker, I rise today in support of H.R. 776, the Comprehensive National Energy Policy Act. I congratulate Chairman JOHN DINGELL, my colleagues NORM LENT, PHIL SHARP, CARLOS MOORHEAD, and the members of the House Energy and Commerce Committee for their success in bringing about the first comprehensive national energy bill in over a decade. This broad-based energy strategy is an important first step in assuring our Nation's energy self-sufficiency.

I urge my colleagues to support this bill. It means a lot to our Nation and specifically to the citizens of the First Congressional District of Kentucky—especially the uranium enrichment plant located in West Paducah KY, and operated by Martin Marietta Corp., in a joint venture with the U.S. Department of Energy.

Title IX establishes a Government corporation to take over the Energy Department's uranium enrichment program. Such a corporation would significantly improve our competitive position, reduce the trade deficit, assure long-term supply and responsiveness to domestic enrichment customers, meet our defense needs and remove the threat of increased taxes to support an inefficient government-controlled enterprise.

Again, I urge my colleagues to vote "yes" on H.R. 776. It is a good bill and will go a long way toward reducing our dependence on expensive nonrenewable foreign energy sources and assuring our Nation's energy independence.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Hallen, one of its clerks, announced that the Senate had agreed to the following resolution:

S. RES. 298

Whereas two-thirds of each House of the First Congress duly proposed in 1789 an article of amendment to the Constitution of the United States to provide that "No law, varying the compensation for the services of the Senators and Representative, shall take effect, until an election of Representatives shall have intervened.";

Whereas if duly ratified this proposed amendment on the effective date of laws varying the compensation of Members of Congress would be the Twenty-Seventh Amendment to the Constitution of the United States;

Whereas pursuant to Senate Resolution 295, One Hundred Second Congress, the Archivist of the United States has communicated to the Senate, with copies of all the resolution of ratification in his office, a list of States of the Union whose legislatures have ratified the proposed article of amendment on the effective date of laws varying the compensation of Members of Congress; and

Whereas the legislatures of the States, of Maryland, North Carolina, South Carolina, Delaware, Vermont, Virginia, Ohio, Wyoming, Maine, Colorado, South Dakota, New Hampshire, Arizona, Tennessee, Oklahoma, New Mexico, Indiana, Utah, Arkansas, Montana, Connecticut, Wisconsin, Georgia, West Virginia, Louisiana, Iowa, Idaho, Nevada, Alaska, Oregon, Minnesota, Texas, Kansas, Florida, North Dakota, Alabama, Missouri, Michigan, New Jersey, and Illinois, being three-fourths and more of the several States of the Union, have ratified the proposed article of amendment to the Constitution of the United States on the effective date of laws varying the compensation of Members of Congress: Now, therefore, be it

Resolved, That the article of amendment to the Constitution of the United States on the effective date of laws varying the compensation of Members of Congress, duly proposed by two-thirds of each House of the First Congress and ratified by three-fourths and more of the several States of the Union, has become valid, to all intents and purposes, as a part of the Constitution of the United States, and shall be known as the Twenty-Seventh Amendment.

SEC. 2. The Secretary of the Senate shall provide a copy of this resolution to the Archivist of the United States and to the House of Representatives.

The message also announced that the Senate had passed bills and concurrent resolutions of the following titles, in which the concurrence of the House is requested:

S. 250. An act to establish national voter registration procedures for Federal elections, and for other purposes;

S. 2201. An act to authorize the admission to the United States of certain scientists of the Commonwealth of Independent States and the Baltic States as employment-based immigrants under the Immigration and Nationality Act, and for other purposes;

S. 2759. An act to amend the National School Lunch Act to improve the nutritional well-being of children under the age of 6 living in homeless shelters, and for other purposes;

S. 2760. An act to improve certain nutrition programs, to improve the nutritional health of children, and for other purposes;

S. 2761. An act to amend the Child Nutrition Act of 1966 to authorize grants to be made to State programs designed to provide resources to persons who are nutritionally at risk in the form of fresh nutritious unprepared food (such as fruit and vegetables) from farmers' markets, and for other purposes;

S. Con. Res. 107. Concurrent resolution condemning the involvement of the military regime in Burma, also known as the Union of Myanmar, in the ongoing, horrifying abuses of human rights, the trafficking of illicit drugs, and the mass buildup of military arms for domestic repression, and

S. Con. Res. 120. Concurrent resolution declaring an article of amendment to the 27th amendment to the Constitution of the United States.

□ 1010

WORLD MUST FOCUS ATTENTION ON KOSOVA

(Mr. ZELIFF asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ZELIFF. Mr. Speaker, the Republic of Kosova, part of the former Yugoslavia, has announced that it will hold elections this Sunday, May 24, 1992. During these elections, they will be choosing 130 Members of Parliament and other constitutional officers.

The Republic of Kosova is made up of 96 percent Albanians, 2 percent Serbs, and 2 percent other ethnic groups.

As we all know, the Serbian Government has placed the Albanians under martial law and are committing tremendous human rights violations daily. As a matter of fact, I was over there during the March 21 weekend to, personally, see these atrocious acts.

Mr. Speaker, the Serbian Government has vowed to not let this election take place, because it has been called by, and I quote, "a nonexistant government which is in exile and illegal."

Dr. Rogova, whom I met, president of the Coordinating Council of Political Parties of Kosova, has urged the European Parliament to send representatives to monitor this election. They may comply but only if their personal safety can be assured.

World attention must be focused on the Republic of Kosova. This attention is crucial to dissuade the Serbian Government from using the excuse of this election to bring violence to Kosova.

The Serbian Government has demonstrated its capacity for violence in

Croatia and more recently in Bosnia-Herzegovina, and I think it is time we have freedom for that country and that province.

FORMATION OF JOINT COMMITTEE ON OPERATIONS AND ORGANIZATION OF CONGRESS

(Mr. MAZZOLI asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MAZZOLI. Mr. Speaker, in a few minutes I will be testifying before the House Committee on Rules on the formation of a committee on the operations and organization of Congress. I think it is a good idea to put that committee together, and I will so state.

Changes that that committee might recommend to us in the House and to the other body could be biennial budgeting instead of having this annual wrangling over the expenditures and the tax policy of the country, coordinating and consolidating the appropriation and authorization process which is now separate and apart, reducing the number of subcommittees and committees, reducing the number of committees and subcommittees Members can serve on, streamlining the scheduling, Mr. Speaker, changes in our mailing—franking—privilege and requiring Members to pay market value for the nonofficial services we receive here in the House.

But at the bottom of all of the public's unhappiness and discomfort and frustration with Congress, Mr. Speaker, lies the question of campaign finance reform. Unless and until we get rid of political action committees and reduce the influence of special interests, the people will still not have full faith and credit in this Government.

So I commend the Committee on Rules to set up this committee to study the operations of Congress, but I also hope that maybe soon we will be able to take up again fundamental campaign finance reform.

A TRIBUTE TO THE REVEREND WILLIAM J. BYRON, S.J.

(Mrs. MORELLA asked and was given permission to address the House for 1 minute and to revise and extend her remarks)

Mrs. MORELLA. Mr. Speaker, I would like to pay tribute to a very special member of our community, the Reverend William J. Byron, S.J., president of the Catholic University of America [CUA]. Father Byron has served as president of the university since September 1982, and will retire from his post next months. During this period, Father Byron has distinguished himself through the extraordinary leadership which he has provided both to Catholic University, and to the Nation.

Since his arrival at Catholic University 10 years ago, Father Byron has made great strides in advancing the goals of his institution. His long list of achievements includes the addition of new facilities such as the Hannan Science Center, the center for architectural studies, and the new $30 million Columbia School of Law, which will soon celebrate ground breaking ceremonies. During his 10 years as president of CUA, the endowment grew from $16 to $60 million, enabling the school to provide greater service to its community, including increased levels of student aid.

Father Byron's leadership also extends beyond the borders of Catholic University's campus. In 1991, President Bush appointed him to the Board of Directors of the Commission on National and Community Service. Father Byron is a member of the board of advisers of Mundelein Seminary, the Joint Commission on the Accreditation of Healthcare Organizations, and a trustee of the University of San Francisco. He also serves on the boards of the Corporation Against Drug Abuse and the Overseas Development Council.

Much tribute is due to Father William J. Byron, S.J., for the tremendous service which characterizes his career. He is indeed, "a man for others," and someone who exemplifies St. Ignatius' contemplative in action. His work on behalf of the Catholic University of America, as well as with numerous other organizations, have touched the lives of countless people. Many thanks to Father Byron for his exemplary commitment to our society.

AMERICA WILL MISS JOHNNY CARSON

(Mr. GLICKMAN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GLICKMAN. Mr. Speaker, this country has a lot of problems, jobs moving overseas, lack of access to health care, violent crime, urban problems.

The one thing that keeps us in good spirits is our sense of humor, a recognition that none of us is so important that we cannot laugh at ourselves.

Tomorrow night is Johnny Carson's last night on the "Tonight" show. Johnny Carson is a uniquely American comedian from the heartland of America who was never so wrapped up in his own self-importance that he could not relate to the problems and needs of average Americans, and cause us to laugh at ourselves. This country will suffer a profound loss when Johnny Carson leaves the "Tonight" show.

While I will not miss his frequent jabs at Congress which have been very frequent lately, America will miss his good-natured and genuinely funny and uniquely American humor. That humor has helped to keep Americans laughing in bad times and in good times and has kept even the most important people in America very humble, indeed.

We will miss you, Johnny. This country will miss you very much. We hope that your humor stays alive and that we will continue to see you performing in this great country of ours.

THE SECOND LOOTING OF KOREATOWN

(Mr. ROHRABACHER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ROHRABACHER. Mr. Speaker, a great majority of Americans watched in horror as Los Angeles recently exploded into a firestorm of anarchy. Those same Americans also saw that one group of industrious immigrants, Korean-American shopowners, were especially hard hit by the forces of lawlessness and criminal opportunism.

Now, the cameras are turned off and the public is turning their focus elsewhere. But if our national consciousness would linger for a few more moments on the victims of Koreatown, what would we see?

We would see, the second looting of Koreatown. The city council of Los Angeles has recently passed emergency recovery ordinances. These ordinances which, among other things, require burned out businesses to reapply for licenses and business permits, serve no legitimate purpose. They are being looted again.

Many of these affected businesses are grocery-liquor stores, pawnshops, and swap meets.

In light of the fact that 90 percent of the burned out businesses were Korean-American owned, this law singles out these hard-working citizens for special treatment, at the hands of the planning department. That special treatment will likely mean stricter scrutiny of these enterprises which were formerly prosperous businesses. They are being looted again.

Korean-Americans have perservered in difficult neighborhoods and have stood as a bulwark against urban blight and decay. Now they are being attacked again.

Mr. Speaker, this is a sad commentary on America and the city of Los Angeles that these victims are being victimized again.

PASS A BALANCED-BUDGET AMENDMENT NOW

(Mrs. LLOYD asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. LLOYD. Mr. Speaker, it is time to put the brakes on Federal spending and pass a balanced budget amendment to the Constitution. This year the deficit will reach over $400 billion. The American people are demanding action. It has become increasingly clear that the existing budget process is not working and that until there is a constitutional amendment to require a balanced budget, the Federal deficit problem will not be solved.

Recently, I received a letter from one of my constituents which stated, in part, that:

> A balanced budget amendment is critical to our Nation's future. Currently we are looking at a $4 trillion debt with no end in sight. This has got to stop. A balanced budget amendment will put this much-needed stop in place. It will help restore financial surety to our Nation and realistic hope to our children.

These remarks are reflective of the support throughout the Nation for a balanced budget amendment. It is an essential step in restoring fiscal discipline to Government spending. Let us pass a balanced budget amendment now and send it on to the States for ratification. The American people deserve the opportunity to work their will on this important issue.

INVITATION TO HEARINGS ON FATHERHOOD

(Mrs. SCHROEDER asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. SCHROEDER. Mr. Speaker, yesterday Vice President QUAYLE attacked Murphy Brown because he felt that she was not putting the emphasis there should be on fatherhood.

Today, as the chair of children, youth, and families, I want to invite Vice President QUAYLE to come testify in front of our committee on fatherhood. We have had two fatherhood hearings, the last being babies and briefcases, and the fascinating thing to me is everything young fathers told us they need and that we put into legislation and passed in this body has been vetoed by the very administration that is now for fatherhood.

So I really hope he really is for fatherhood, and if we are missing the point, please come tell us, I say to the Vice President, how we are missing the point. But we truly do want to get on with fatherhood, and we are already even wearing "Save the Males" Teeshirts. But I hope you will come join us, and I hope we can get something going rather than just partisan bickering, and I hope we really can do something to help restore the American family.

□ 1020

PROTECTING KURDISH PEOPLE DURING ELECTIONS

(Mr. BILBRAY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BILBRAY. Mr. Speaker, this week for the first time in the history of the Kurdish people, free elections were held in Kurdistan. It was done to establish the fact that they can have a central government in Kurdistan, not asking for independence from Iraq, but for an autonomous region where the Kurds can be protected against the onslaught of the brutal dictator from Baghdad, Saddam Hussein.

Today in the Foreign Affairs Committee they are marking up a bill and in this bill they are marking up this resolution which calls for the United States to continue overflights above the 36th parallel in Iraq to protect the Kurds, asking for the Turks to continue to allow our planes to fly out to protect the Kurds and for the United States to continue the peacekeeping operations in Kurdistan.

The Kurdish people have been inflicted with tremendous brutality from this regime. Saddam Hussein is massing troops along the 36th parallel just waiting for the United Nations to get out and Americans to stop overflights.

Mr. Speaker, I urge all my colleagues when this bill comes to the House floor next week or the week after to support the Kurdish resolution which urges us to help continue to protect the Kurds from this brutal dictator of Baghdad, and hopefully the Kurdish people who have a 4,000-year history will continue to prosper under U.N. protection.

TIME FOR VICE PRESIDENT TO COME DOWN FROM PULPIT AND LIVE WITH CONGREGATION

(Mr. DURBIN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DURBIN. Mr. Speaker, Vice President QUAYLE's criticism of Murphy Brown may be grist for late night comedians, but it is much, much more. It is true that television and movies influence our lives and our values, not just Candice Bergen, but also Arnold Schwarzenegger with his blood and gore movies; but what struck me yesterday was that Vice President QUAYLE defended his position at a junior high school in Los Angeles. Listen to what the kids and their teachers said after the Vice President left:

Jermario Jordan, 14 years old, himself a member of a single-parent family said:

> I don't understand why he would say something like that when most of us here have single mothers.

Fourteen-year-old Vanessa Martinez said:

> What would you prefer, Mr. Vice President, a single mom or a dad who gets drunk and beats your mom?

And the school counselor, Irma Primus, said:

> I don't think a lot of thought was given to his statement. A lot of kids were upset. We think our mothers are doing good jobs.

While the Vice President attacks a TV fiction, these children and their families struggle to survive. If the Vice President is really serious about the plight of American families, then let him support the parental leave bill which President Bush has vetoed. Let him join the Democrats in this House in giving working families a tax break so they can survive, another bill the President has vetoed.

Mr. Speaker, it is time for the Vice President to come down from the pulpit and live with the congregation.

TELEVISION SENDING WRONG MESSAGE TO YOUNG PEOPLE OF AMERICA

(Mr. BURTON of Indiana asked and was given permission to address the House for 1 minute.)

Mr. BURTON of Indiana. Mr. Speaker, the Vice President was not attacking single mothers. The Vice President was pointing out that television is sending the wrong message to the young people of America. There is too much violence. There is too much crime. There is too much immorality shown on television.

Life mirrors television just like television mirrors life, and it is important that the people who put these things on TV be responsible.

If you do not think that crime is a direct result of what we see on TV, just look around the country at the immorality. I think it is extremely important that this message be sent clear to those who are in charge of making these TV shows and these movies around the country and the world.

You have an impact on the life and the mores of this country, and you also have a responsibility to the people of the younger generation. Anybody who does not believe that just has their eyes closed.

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 4490

Mr. FROST. Mr. Speaker, I ask unanimous consent that my name be removed as a cosponsor of the bill, H.R. 4490.

The SPEAKER pro tempore (Mr. MONTGOMERY). Is there objection to the request of the gentleman from Texas?

There was no objection.

CONFERENCE REPORT ON H.R. 4990, RESCINDING CERTAIN BUDGET AUTHORITY

Mr. FROST. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 462 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 462

Resolved, That upon adoption of this resolution it shall be in order to consider the conference report on the bill (H.R. 4990) rescinding certain budget authority, and for other purposes. All points of order against the conference report and against its consideration are hereby waived. The conference report shall be considered as having been read when called up for consideration.

SEC. 2. The provisions of section 1017 of the Impoundment Control Act of 1974 shall not apply to a bill or joint resolution introduced with respect to any special message transmitted under section 1012 of that Act on April 9, 1992.

The SPEAKER pro tempore. The gentleman from Texas [Mr. FROST] is recognized for 1 hour.

Mr. FROST. Mr. Speaker, for purposes of debate only, I yield 30 minutes to the gentleman from New York [Mr. SOLOMON], pending which I yield myself such time as I may consume.

Mr. Speaker, all time yielded during the consideration of House Resolution 462 will be yielded for the purposes of debate only.

Mr. FROST. Mr. Speaker, House Resolution 462 provides for the consideration of the conference report to accompany the bill H.R. 4990 which provides for the rescission of certain budget authority. The rule waives all points of order against the conference report and against its consideration and provides that the conference report shall be considered as having been read when called up for consideration.

Mr. Speaker, the conference agreement on the budget rescission package totals rescissions of $8,170,814,554 which is $308 million more than the amounts proposed to be rescinded by the President and $2.3 billion more than the bill that passed the House. The package of rescissions recommended by the conference committee is composed of certain amounts proposed by the President in his rescission messages of March 10, March 20, April 8, and April 9, and adding other rescissions identified by the committee. The total package is $2.3 billion larger than the House-passed bill because the conferees addressed rescissions proposed by the President in his April 9 messages. As Members will recall, the House voted to instruct its conferees to consider those proposed rescissions during the meeting of the conference and the conference has reported an agreement which takes into account those rescissions recommended by the President on April 9.

As a result, Mr. Speaker, section 2 of House Resolution 462 provides that section 1017 of the Impoundment Control Act of 1974 shall not apply to a bill or joint resolution introduced with respect to any special message transmitted under section 1012 of that Act on April 9, 1992. Mr. Speaker, this section of the rule merely lays all of the 28 bills which have been introduced in response to the president's April 9 budget rescission message on the table and precludes the use of discharge petitions to move their consideration. A similar provision was included in the rule accompanying H.R. 4990 when it was first considered in the House and since the conference committee has taken action with respect to the President's April 9 message, this section of the rule is merely a housekeeping matter.

Mr. Speaker, the Appropriations Committee has again acted responsibly and has recommended a rescission package that balances the needs of all Americans. In order that the House may act upon this package today and do its part to see that the package is sent to the President for his signature, I urge adoption of the rule.

Mr. SOLOMON. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I thank my colleague for yielding us the customary time.

Mr. Speaker, at the outset, I want to commend the House conferees on the work they have done in bringing this $8.2 billion spending cut bill—I repeat—spending cut bill to this point in the process. We do not see these kinds of bills around here very often.

Last March and April the President submitted to Congress 97 rescission proposals totaling $7.9 billion. The Appropriations Committee, to its credit, promised to at least match the President in his proposed spending cuts and set right to work to do so, and again I commend them for it.

As I observed at that time, any time the Congress and the President get into a bidding war over cutting spending, you know we are headed in the right direction.

Unfortunately, the majority leadership allowed procedures to get in the way of a true spending cut bidding war as we had hoped might take place, and boy, I could not wait. We Republicans had proposed combining congressional rescissions and Presidential rescissions with pork busters' rescissions for a total of $12.4 billion.

□ 1030

Instead of granting our request, the rule making in order the omnibus rescission bill played off the committee's $5.8 billion rescission bill against a substitute containing only $5.7 billion from the President's first three sets of messages. Under those unsolicited circumstances, the House obviously opted for the slightly higher committee cuts of $5.8 billion.

And, to add insult to injury, the rule also had the effect of killing the remaining $3.2 billion of the President's $5.7 billion package that was not included in the Appropriations Committee's bill. The rule did this by taking away the special discharge procedure allowed under the Budget Act for Presidential rescission bills.

The other body took into account the additional defense rescission requests of $2.2 billion that the President submitted to Congress on April 9 and they adopted some $800 million from those 28 messages. Nevertheless, the other body compensated by initiating its own rescissions to bring its total cuts to $8.3 billion—much of which was very objectionable to the administration.

The bottom line in this conference report, Mr. Speaker, is that we have an $8.2 billion spending cut bill compared to $7.9 billion proposed by the President in his 97 March and April rescission messages.

But, because Congress substituted its spending cut priorities for the President's in many instances, we are missing a chance, according to my calculations, of cutting another $4.8 billion in Presidential rescission proposals not included in this conference agreement before us today.

And, once again, this rule makes it impossible to utilize the special discharge procedures of the Impoundment Control Act to call up any kind of a vote on some $1.6 billion from the President's April 9 messages.

Now, if all of this sounds confusing, and I am sure it does; it is for the simple reason that Congress has superseded and supplanted the Budget Act procedures with its own process, through these two rules, for congressionally initiated rescissions. Put another way, we now have a two-track rescission process in which one track is intentionally altered to cause a derailment of the other track.

And, my colleagues, that is a hell of a way to run a railroad and it is a hell of a way to run a government.

But the bottom line is very simple for the American people to understand. While it is commendable that the Congress is today cutting spending by $8.2 billion, it is being denied by these new procedures from cutting a total of $13 billion in this fiscal year.

Mr. Speaker, in the Rules Committee last night, about 10 o'clock, I attempted to amend this rule so that it would still be possible to call up under special discharge procedures the bills from April 9 totalling $1.6 billion in additional cuts.

Mr. Speaker, that amendment would have resulted in cuts of almost $10 billion. And what a message, what a message that would have sent to the financial markets, what a message that would have sent to the American people, that this Congress is serious about doing something about the burgeoning, hemorrhaging, red-ink deficits that we are faced with today.

Mr. Speaker, I think that it is regrettable that by adopting this rule, the House will now be denied an opportunity to even vote on making additional spending cuts which ordinarily are allowed by the rules of the House. For that reason, I oppose the rule, though I do intend to support this conference report which is in no way affected by the amendment I had proposed.

In conclusion, Mr. Speaker, while I think it is commendable, very commendable, that the House and Senate have taken the initiative to propose their own rescissions, I think it is quite unfair to completely preclude both Houses from voting on those portions of the President's proposals that are not included in their packages.

That was not intended or anticipated when we adopted the Budget and Impoundment Control Act of 1974. We should keep greater faith with that document and maybe, just maybe, working together with the President, we can make an even greater dents in cutting spending and reducing the deficit the next time around.

And I sure hope so.

Mr. Speaker, I understand that the gentleman from Texas has no further requests, so at this time I yield such time as he may consume to the distinguished gentleman from Illinois [Mr. FAWELL], chairman of the porkbusters task force, who has done a tremendous job in trying to get spending under control.

Mr. FAWELL. I thank the gentleman and appreciate what the gentleman from New York just said. His has been a voice crying in the wilderness many times, as he gets up and points out the unfairness of many of the rules that we have to work under in this House. I know we are not going to change that overnight, but maybe we can make some progress from time to time.

Mr. Speaker, I stand here with ambivalence and some frustration, but certainly recognizing the fact that we are moving in the right direction; $8.170 billion of rescissions with regard to fiscal year 1992 is something that should not be overlooked, and I would laud the Committees on Appropriations in both Houses for having come together and come up with this package.

At this particular time nobody in this House understands what the heck happens to be in the rescissions which are being suggested by the conference committee, because nobody has had any opportunity to be able to read the immense package. But that is par for the course. That is the way we pass appropriations around here, keep the people kind of barefoot and pregnant, so to speak, so that they do not look too deeply. Never, never allow an appropriation bill to unpackage anything so that we can look at specific projects.

So, with all the lauding that I do want to make, I also have to express this continued ambivalence which all of us, especially on this side of the aisle, but on the other side of the aisle also, have that these rules, just as here, the waiver of the 3-day layover period. And that is, of course, a rule that would have given us 3 days as Members of the House to be able to actually understand the rescissions which are taking place.

I understand now that of the $8.170 billion of conference committee rescissions $2.2 billion represents Presidential rescissions. When this measure left the House, there were $2.6 billion of Presidential rescissions in roughly a $5.8 billion, in toto, rescission.

And I want to make this perfectly clear, too, and I think it is fair: Make no mistake, but for the President's Presidential rescission messages and but for a bipartisan group coming together and filing those Presidential rescission messages in the forms of Presidential rescission bills, but for those two steps, I do not believe, in all fairness, that the Committees on Appropriations would have come up with these rescissions.

Maybe eventually some of these rescissions, on their own, but I think in all fairness we have to recognize that the executive branch precipitated, or forced the Appropriations Committee to come up with its own rescissions.

I understand that the administration's attitude right now, even though they have not had a chance, much chance, to review what is before us, is that they will not be vetoing this package. There are areas there which I think could be called veto bait but no veto is expected.

So I think that is very, very important, that we do understand. And I think we ought to also laud the President of these United States for having precipitated and commenced this entire bidding process, in a sense, that we are in, a bidding process in regard to how many spending rescissions we ought to have.

The conference committee's rescissions now amount to $8.170 billion. I lament, however, that once again the rule governing this conference report kills the President's lone rescission messages which are left. The April 9 rescission messages, which is $2.2 billion, mostly defense, in fact, all defense rescissions, are simply killed. And our promises to the American people and to the President that the Budget Act of 1974 would give to him the right of a line-item project-by-project, rescission authority, is lost.

Such project-by-project votes would not take an inordinate amount of time, as some presume. Debates on each project could be limited or all of the projects could be debated en bloc. The important thing is that separate votes on each project be taken.

But the rule which we are debating here kills the April 9 Presidential rescission bills covering 28 separate projects totaling $2.2 billion in rescissions. It then allows for $575 million of those rescissions to be packaged in the conference committee's rescission. The remaining $1.625 billion of the April 9 Presidential rescissions are killed. This is the same tactic used before when the House Appropriations Committee had packaged their own rescissions in reaction to Presidential rescissions of March 10, 20, and April 8, totaling some $5.7 billion in rescissions. At that time, the rule killed the Presidential rescissions of March 10, 20, and April 8. This rule, being considered today, kills the President's remaining rescission bills of April 9. The result is that the President is denied the right to seek debate, project by project, on any of his Presidential rescission bills of March 10, 20, April 8, or, now, April 9. In effect, the only rescissions which this Congress will be able to pass on are the rescissions which the Appropriations Committees have come up with in response to the first initiated Presidential rescission bills for surely the President, by initiating his rescission bills totaling some $7.9 billion, precipitated a type of bidding war with the Appropriations Committees in the House and the Senate as to who can come up, in terms of dollars, with the most rescission bills.

□ 1040

But what he has precipitated here certainly has been well worthwhile. However, we still have an awful lot of things, an awful, awful lot of pork, which is sheltered and not within the conference committee's rescissions package. For instance, we still have the Vidalia onion storage research facility, $200,000; asparagus yield decline research, $100,000; cool season legume research, $400,000; animal manure disposal research, $100,000; mesquite and prickly pear research, $100,000; oil from jojoba research, $200,000; safflower research, $200,000, and we have not rescinded any money of the HUD programs where we took from the poor to help the rich, that is, from HUD low-income housing projects to projects of importance to various Members back in their districts. For instance, under the conference committee's rescissions, the following spending projects—using HUD low-income funds, remain untouched and sheltered in fiscal year 1992 appropriations, to wit: $1.5 million for the renovation of theater space in New York; $200,000 for a new government center in Warren, RI; $3.9 million for land acquisition, construction, public improvement, in Bay City, MI; $2.5 million for expanding the North Miami Center of Contemporary Art in Florida; $1.5 million for a municipal center in Bloomfield, NJ, and so forth. All of these can be called laudable projects but most never went through any hearings or competitive bids and, as said, were taken from HUD low-income housing funds.

And all of these spending projects are not rescinded. Rather, they are protected, sheltered. If these types of low-priority spending projects were voted upon, project by project, as the President has asked, they would most likely be rescinded by the Members of this Congress. But the appropriators don't allow them to become unpackaged from the deep recesses of the large appropriation bills in which they are placed without ever having had hearings or being subjected to the light of day. And, as long as the Appropriations Committees can get away with it, they never will be unpackaged to be voted upon project by project. That's how the system protects its pork barrel spending projects. Never let them see the light of day to be voted upon.

The way the game is played is to kill the President's line-item rescissions—which would have a right to be debated project by project; let the appropriators pick their own rescissions and then package all the rescission in one big package—one big bill—and call for an up-or-down vote only on that big package. Pork spending which is not to be rescinded simply isn't put into the rescission package.

As I figure it, Mr. Speaker, the President has sent down 7.9 billion dollars' worth of rescissions. I understand that $2.2 billion of the rescissions which are in the $8.170 billion of rescissions in the conference report, represents Presidential rescission messages which are incorporated in the conference report. That leaves $5.7 billion, much of it that kind of pork to which I just made reference, for instance, that still has not and never will receive a hearing, project by project, or otherwise. I say to my colleagues, you kill most of the President's suggested rescissions and what you do accept you package in an omnibus rescission package, saying take it all or nothing. In effect, your rule eliminates the provisions of the 1974 Budget Act which guarantees the President a project-by-project vote on his line-item rescissions. And then, when we pork busters ask that the $7 billion of remaining Presidential rescissions including some $1.3 billion of pork buster rescission could be added to the Appropriations Committees' rescissions, you simply refuse to allow us an amendment to add such additional cuts in spending even in packaged form.

All and all, as I add it up, we have $7 billion more of rescissions counting the Presidential rescissions which are not incorporated in the conference report and counting the $1.3 billion of porkbuster rescissions which represent appropriations that never, never saw the light of day, or hearings, or competitive biddings, or anything of that sort. We have got $7 billion more then that we can rescind, but we are not going to be able to do it because this rule simply forecloses that this body will ever have the right, even in a package, let alone project-by-project votes, to ever even consider whether or not any of these 7 billion dollars' worth of rescissions ought to be considered. Just debated. Just considered. We are not going to allow that to happen. The long arm of the rule here will take from the statutes of this land the budgetary act provisions which give to the President, for instance, the project-by-project debates on the Presidential rescission messages, as he has packaged them. I think that that is unfortunate, and that is where my ambivalence comes in.

Nevertheless, I salute the Appropriations Committees for coming in with $8.170 billion of rescissions. That's not to be sneezed at. It's just that there is at least $7 billion more of low priority and/or plain old pork spending which could also be rescinded or at least be presented for debate which we are ignoring. And if we can't rise to the challenge of cutting low-priority spending and plain pork spending what shall we do when the balanced budget amendment to the U.S. Constitution is passed—calling for us to cut hundreds of billions. If we continue to play games with spending cuts here what shall we do when faced with having to do so much more? If we want to still shelter pork now, what can be expected of us when we face the task of cutting entitlements?

I thank the gentleman from New York [Mr. SOLOMON] for allowing me the opportunity of expressing myself this morning. Perhaps if the President presents more suggested spending rescission to this Congress, we can reconsider the additional $7 billion in spending rescissions to which I have made reference as additions to those spending cuts.

For the reasons I have expressed, I cannot support this rule. But I do plan to vote for the conference committee's report.

Mr. SOLOMON. Mr. Speaker, I understand that there are no further speakers on the other side, so, before yielding back the balance of my time, let me just commend the gentleman from Illinois [Mr. FAWELL] for his excellent presentation. Certainly without his efforts I do not think we would be here as far along as we are with this kind of spending-cut bill before us.

I want to repeat at the outset that in commending the House conferees on the work they did in bringing about a real spending-cut bill to the floor I particularly want to commend our good friend, the gentlemen from Kentucky [Mr. NATCHER] and the gentleman from Indiana [Mr. MYERS] who certainly shepherded this bill through the conference. We really do commend them for it.

I am going to be supporting this bill when it comes up right after the rule. However, I just want to point out to the Members that I hope they would vote down the rule because, if they do so it means that we are going to be able to come back to the floor with a rule which is still going to have the $8.2 billion cuts in it. We will still have the same opportunity to vote for these cuts. But, in addition, a new rule would give us the opportunity to vote for all of the other rescissions that the President asked for on April 9.

Mr. Speaker, that means at least another $1.6 billion in cuts. If my colleagues vote down the rule, they will have the opportunity. It in no way jeopardizes this conference report.

And I would hope that the Members, when they come over and cast their no vote on this rule, would also go to the desk and sign the discharge petition which would force the constitution amendment to balance the budget on to the floor of this House. I hope, when all the Members go home this weekend for Memorial Day and meet with the press, that the press and their constituents will ask them if they have taken to the well and signed. We now have 207 signatures on that motion to discharge. We only need another 11 so when we come back here on Tuesday or Wednesday of next week——

Mr. FROST. Mr. Speaker, will the gentleman yield?

Mr. SOLOMON. I yield to the gentleman from Texas.

Mr. FROST. Mr. Speaker, I believe the gentleman from Texas [Mr. STENHOLM] reported this morning that there were 218 signatures on that discharge petition.

Mr. SOLOMON. That is about the best news I have ever heard, and I hope we can make it 318 by next Wednesday when we return.

Mr. Speaker, I urge defeat of the rule, and I yield back the balance of my time.

Mr. FROST. Mr. Speaker, I yield back the balance of my time, and I move the previous question on the resolution.

The previous question was ordered.

The SPEAKER pro tempore (Mr. MONTGOMERY). The question is on the resolution.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. SOLOMON. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 267, nays 142, not voting 25, as follows:

[Roll No. 136]

YEAS—267

Abercrombie
Ackerman
Alexander
Anderson
Andrews (ME)
Andrews (NJ)
Andrews (TX)
Annunzio
Applegate
Aspin
Atkins
Bacchus
Barnard
Beilenson
Bennett
Berman
Bevill
Bilbray
Blackwell
Bonior
Borski
Boucher
Brewster
Brooks
Browder
Brown
Bruce
Bryant
Bustamante
Byron
Campbell (CO)
Cardin
Carper
Carr
Clay
Clement
Coleman (TX)
Collins (MI)
Condit
Conyers
Cooper
Costello
Cox (IL)
Coyne
Cramer

Darden
de la Garza
DeFazio
DeLauro
Dellums
Derrick
Dicks
Dingell
Dixon
Donnelly
Dooley
Dorgan (ND)
Downey
Durbin
Dwyer
Eckart
Edwards (CA)
Edwards (TX)
Engel
English
Erdreich
Espy
Evans
Fascell
Fazio
Feighan
Flake
Foglietta
Ford (MI)
Franks (CT)
Frost
Gallo
Gaydos
Gejdenson
Gephardt
Geren
Gibbons
Glickman
Gonzalez
Goodling
Gordon
Green
Guarini
Hall (OH)
Hall (TX)
Hamilton
Harris
Hatcher
Hayes (IL)
Hayes (LA)
Hefner
Hertel
Hoagland
Hochbrueckner
Horn
Houghton
Hoyer
Hubbard
Huckaby
Hughes
Hutto
Jacobs
Jefferson
Jenkins
Johnson (SD)
Johnston
Jones (NC)
Jontz
Kanjorski
Kaptur
Kennelly
Kildee
Kleczka
Kolter
Kopetski
Kostmayer
LaFalce
Lancaster
Lantos
LaRocco
Laughlin
Lehman (CA)
Lehman (FL)
Levin (MI)
Lewis (GA)
Lightfoot
Lipinski
Livingston
Lloyd
Long
Lowey (NY)
Luken
Machtley
Manton
Markey
Martinez
Matsui
Mavroules
Mazzoli
McCloskey
McCurdy
McDade
McDermott
McHugh
McMillen (MD)
McNulty
Mfume
Miller (CA)
Mineta
Mink
Moakley
Mollohan
Montgomery
Moody
Moran
Mrazek
Murphy
Murtha
Myers
Nagle
Natcher
Neal (MA)
Nowak
Oberstar
Obey
Olin
Olver
Ortiz
Orton
Owens (NY)
Owens (UT)
Pallone
Panetta
Parker
Pastor
Patterson
Payne (NJ)
Payne (VA)
Pease
Pelosi
Perkins
Peterson (FL)
Peterson (MN)
Pickett
Pickle
Poshard
Price
Rahall
Rangel
Ray
Reed
Regula
Richardson
Rinaldo
Ritter
Roe
Roemer
Rostenkowski
Rowland
Roybal
Russo
Sabo
Sanders
Sangmeister
Sarpalius
Savage
Scheuer
Schiff
Schroeder
Schumer
Serrano
Sharp
Sikorski
Sisisky
Skaggs
Skeen
Skelton
Slattery
Slaughter
Smith (FL)
Smith (IA)
Smith (NJ)
Snowe
Solarz
Spratt
Stallings
Stark
Stenholm
Stokes
Studds
Swett
Swift
Synar
Tallon
Tanner
Tauzin
Taylor (MS)
Thomas (GA)
Thornton
Torres
Torricelli
Towns
Traficant
Traxler
Unsoeld
Valentine
Vento
Visclosky
Volkmer
Walsh
Washington
Waters
Waxman
Weiss
Wheat
Whitten
Williams
Wilson
Wise
Wyden
Yates
Yatron

NAYS—142

Allard
Allen
Archer
Armey
Baker
Ballenger
Barrett
Barton
Bateman
Bentley
Bereuter
Bilirakis
Bliley
Boehlert
Boehner
Bunning
Burton
Callahan
Camp
Chandler
Clinger
Coble
Coleman (MO)
Combest
Coughlin
Crane
Cunningham
Dannemeyer
Davis
DeLay
Dickinson
Doolittle
Dornan (CA)
Dreier
Duncan
Early
Edwards (OK)
Emerson
Ewing
Fawell
Fields
Fish
Frank (MA)
Gallegly
Gekas
Gilchrest
Gillmor
Gilman
Gingrich
Goss
Gradison
Gunderson
Hammerschmidt
Hancock
Hansen
Hastert
Hefley
Henry
Herger
Hobson
Holloway
Hopkins
Hunter
Inhofe
James
Johnson (CT)
Johnson (TX)
Kasich
Kennedy
Klug
Kolbe
Kyl
Lagomarsino
Leach
Lent
Lewis (CA)
Lewis (FL)
Lowery (CA)
Marlenee
Martin
McCandless
McCollum
McEwen
McGrath
McMillan (NC)
Meyers
Michel
Miller (OH)
Miller (WA)
Molinari
Moorhead
Morella
Nichols
Nussle
Oxley
Packard
Paxon
Penny
Petri
Porter
Pursell
Ramstad
Ravenel
Rhodes
Ridge
Riggs
Roberts
Rogers
Rohrabacher
Ros-Lehtinen
Roth
Roukema
Santorum
Saxton
Schaefer
Schulze
Sensenbrenner
Shaw
Shays
Shuster
Smith (OR)
Smith (TX)
Solomon
Spence
Staggers
Stearns
Stump
Sundquist
Taylor (NC)
Thomas (CA)
Thomas (WY)
Upton
Vander Jagt
Vucanovich
Walker
Weldon
Wolf
Wylie
Young (AK)
Young (FL)
Zeliff
Zimmer

NOT VOTING—25

Anthony
AuCoin
Boxer
Broomfield
Campbell (CA)
Chapman
Collins (IL)
Cox (CA)
Dymally
Ford (TN)
Grandy
Horton
Hyde
Ireland
Jones (GA)
Levine (CA)
McCrery
Morrison
Neal (NC)
Oakar
Quillen
Rose
Sawyer
Weber
Wolpe

□ 1114

The Clerk announced the following pair:

On this vote:

Mr. AuCoin for, with Mr. Quillen against.

Messrs. EWING, EARLY, and FRANK of Massachusetts changed their vote from "yea" to "nay."

So the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Mr. WHITTEN. Mr. Speaker, pursuant to House Resolution 462, I call up the conference report on the bill (H.R. 4990) rescinding certain budget authority, and for other purposes.

The Clerk read the title of the bill.

The SPEAKER pro tempore (Mr. MONTGOMERY). Pursuant to House Resolution 462, the conference report is considered as having been read.

(For conference report and statement, see proceedings of the House of Wednesday, May 20, 1992.)

The SPEAKER pro tempore. The gentleman from Mississippi [Mr. WHITTEN] will be recognized for 30 minutes, and the gentleman from Pennsylvania [Mr. McDADE] will be recognized for 30 minutes.

The Chair recognizes the gentleman from Mississippi [Mr. WHITTEN].

GENERAL LEAVE

Mr. WHITTEN. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the conference report to accompany H.R. 4990, and that I may include tabular and extraneous material.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Mississippi?

There was no objection.

Mr. WHITTEN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, our committee was faced with two major obligations in this bill dealing with the President's recommendation for rescissions—first to cooperate with the executive branch but in doing so to see that essential programs were continued to the extent possible.

We took our task seriously.

Mr. Speaker, on behalf of the Committee on Appropriations, I present the conference agreement on H.R. 4990, rescinding $8,158,305,054 in budget authority.

Mr. Speaker, when we were on the floor 2 weeks ago, I explained the process followed in producing our regular appropriations bills for fiscal year 1992—House action in subcommittee after hearings, full committee, and floor action; Senate action in subcommittee after hearings, full committee, and floor action; conference agreements approved by both the House and Senate and finally all bills signed by the President—none vetoed for dollar reasons.

Mr. Speaker, we should not reduce spending in vital areas for which there was support when the bills went through the regular appropriations process. We should look to those areas where money is no longer needed. This agreement does that in several areas not proposed by the President.

It is a product of 11 subcommittees and rescinds $295,532,364 more than requested by the President in his rescision messages of March 10, March 20, April 8, and April 9. Mr. Speaker, when the bill passed the House on May 7, the committee had not acted on the 28 rescissions in the April 9 messages and so they were not part of the House bill. The Senate bill did address this group of rescissions and we addressed them in conference. This agreement reflects action on that group.

Mr. Speaker, Chairman BYRD and I both asked the conferees to meet or exceed the amounts proposed by the President, subcommittee by subcommittee. That was done. The conferees met five different times before we could reach final agreement.

The President proposed rescissions, and we have produced a rescission bill that exceeds his recommendations. We have rescinded $40,000,000 from congressional mail accounts and $164,134,054 in foreign aid, which adds to over $200,000,000 from two subcommittees not even included in the President's proposals.

DEPARTMENT OF AGRICULTURE

Mr. Speaker, in the subcommittee which I chair, the Agriculture Subcommittee, we consider this a good agreement, and I urge it be adopted.

Mr. Speaker, this is a good agreement, and I urge it be adopted.

The President proposed 30 rescissions for the Department of Agriculture, totaling $12,249,000.

This proposal would have deleted funds for matters approved separately in either the House or the Senate in the regular fiscal year 1992 bill and then by both the House and Senate when the conference agreement was approved. The bill was then signed by the President.

Testimony before the committee by the Department of Agriculture indicated that the Department's only role in these rescissions was to send a list of unobligated items to OMB. USDA testified that they were not consulted on the merits of these research projects and the selection of items to be proposed for rescission was done by OMB. The committee's hearing records include extensive material on these research projects, including peer reviews on some of the construction items by USDA teams of scientists who strongly supported the proposals.

There is still strong support for these research projects.

However, in the interest of reducing spending, the conferees looked to those areas where money is no longer needed. The Farmers Home Administration testified before the committee earlier this year that automated data processing equipment procurement and travel for related training have slipped, and as a result, money provided for those purposes is not needed in fiscal year 1992.

For that reason, the conferees reduced those FMHA areas by $13,031,000, as well as $1,349,000 for four projects agreed to by the conferees; for a total of $14,380,000 or $2,131,000 more than the amount proposed by the President.

Mr. Speaker, at this point I insert a table which shows the details of the conference agreement:

RESCISSION BILL (H.R. 4990)

	Proposed Rescissions	House	Senate	Conference	Conference compared with House	Conference compared with Senate
TITLE I						
DEPARTMENT OF AGRICULTURE						
Office of Public Affairs			-62,000			+62,000
National Agricultural Statistics Service			-2,000,000			+2,000,000
Animal and Plant Health Inspection Service:						
Salaries and expenses	-100,000	-100,000			+100,000	
Cooperative State Research Service	-3,242,000	-531,000	-1,443,000	-849,000	-318,000	+594,000
Buildings and facilities	-7,610,000	-1,125,000	-500,000	-500,000	+625,000	
Extension Service	-797,000					
National Agricultural Library	-500,000	-462,000			+462,000	
Agricultural Marketing Service			-3,000,000			+3,000,000
Farmers Home Administration:						
Salaries and expenses		-10,031,000	-6,031,000	-13,031,000	-3,000,000	-7,000,000
Total, Title I: Rescission of budget authority	-12,249,000	-12,249,000	-13,036,000	-14,380,000	-2,131,000	-1,344,000
TITLE II						
DEPARTMENT OF COMMERCE						
National Telecommunications and Information Administration:						
Public telecommunications facilities, planning and construction	-21,425,000	-7,677,000		-3,000,000	+4,677,000	-3,000,000
Economic Development Administration:						
Economic development revolving fund			-9,200,000	-3,000,000	-3,000,000	+6,200,000
Total, Department of Commerce	-21,425,000	-7,677,000	-9,200,000	-6,000,000	+1,677,000	+3,200,000
DEPARTMENT OF JUSTICE						
Immigration and Naturalization Service:						
Immigration emergency fund				-4,400,000	-4,400,000	-4,400,000
DEPARTMENT OF STATE						
Administration of Foreign Affairs:						
Acquisition and maintenance of buildings abroad			-12,248,000	-6,025,000	-6,025,000	+6,223,000
RELATED AGENCIES						
Board for International Broadcasting:						
Israel relay station		-13,748,000		-5,000,000	+8,748,000	-5,000,000
Total, Title II: Rescission of budget authority	-21,425,000	-21,425,000	-21,448,000	-21,425,000		+23,000
TITLE III						
DEPARTMENT OF DEFENSE - MILITARY						
Military personnel:						
Military personnel, Army		-432,000			+432,000	
Operation and Maintenance:						
Operation and maintenance, Army	-92,850,000	-27,320,000	-190,089,000	-263,922,000	-236,602,000	-73,833,000
Operation and maintenance, Navy	-104,650,000	-20,911,000	-169,882,000	-268,091,000	-247,180,000	-98,209,000
Operation and maintenance, Marine Corps	-22,000,000			-7,166,000	-7,166,000	-7,166,000
Operation and maintenance, Air Force	-4,500,000	-37,346,000	-189,950,000	-283,998,000	-246,652,000	-94,048,000
Operation and maintenance, Defense agencies	-20,200,000	-84,470,000	-260,321,000	-452,270,000	-367,800,000	-191,949,000
Total, Operation and maintenance	-244,200,000	-170,047,000	-810,242,000	-1,275,447,000	-1,105,400,000	-465,205,000
Procurement:						
Aircraft procurement, Army	-133,000,000	-64,170,000		-24,100,000	+40,070,000	-24,100,000
Missile procurement, Army		-23,500,000		-13,800,000	+9,700,000	-13,800,000
Procurement of weapons and tracked combat vehicles, Army	-548,900,000	-50,000,000	-257,000,000	-257,000,000	-207,000,000	
Procurement of ammunition, Army	-1,000,000	-46,300,000			+46,300,000	
Other procurement, Army		-8,200,000		-1,300,000	+6,900,000	-1,300,000
Aircraft procurement, Navy	-285,000,000	-79,000,000	-158,000,000	-157,000,000	-78,000,000	+1,000,000
Weapons procurement, Navy	-207,200,000	-24,838,000	-60,000,000	-175,638,000	-150,800,000	-115,638,000
Shipbuilding and conversion, Navy	-3,004,000,000	-1,869,600,000	-875,500,000	-1,450,000,000	+419,600,000	-574,500,000
Other procurement, Navy	-246,700,000	-202,153,000	-299,200,000	-589,653,000	-387,500,000	-290,453,000
Procurement, Marine Corps	-46,700,000	-54,700,000	-55,000,000	-41,500,000	+13,200,000	+13,500,000
Aircraft procurement, Air Force		-16,012,000	-1,000,000,000	-517,112,000	-501,100,000	+482,888,000
Missile procurement, Air Force		-244,057,000	-528,500,000	-570,615,000	-326,558,000	-42,115,000
Other procurement, Air Force		-143,324,000	-168,200,000	-119,024,000	+24,300,000	+49,176,000
Procurement, Defense agencies	-154,800,000	-13,900,000	-52,700,000	-10,700,000	+3,200,000	+42,000,000
National guard and reserve equipment	-1,051,600,000		-45,000,000			+45,000,000
Total, Procurement	-5,678,900,000	-2,839,754,000	-3,499,100,000	-3,927,442,000	-1,087,688,000	-428,342,000
Research, Development, Test, and Evaluation:						
Research, development, test, and evaluation, Army	-106,200,000	-251,300,000	-242,800,000	-200,900,000	+50,400,000	+41,900,000
Research, development, test, and evaluation, Navy	-140,600,000	-403,156,000	-50,500,000	-136,906,000	+266,250,000	-86,406,000
Research, development, test, and evaluation, Air Force	-378,900,000	-521,400,000	-928,300,000	-729,000,000	-207,600,000	+199,300,000
Research, development, test, and evaluation, Defense agencies	-456,900,000	-536,800,000	-1,360,700,000	-517,100,000	+19,700,000	+843,600,000
Total, Research, Development, Test, and Evaluation	-1,082,600,000	-1,712,656,000	-2,582,300,000	-1,583,906,000	+128,750,000	+998,394,000
Revolving Management Funds:						
Pentagon reservation maintenance revolving fund		-82,900,000	-60,000,000	-310,100,000	-227,200,000	-250,100,000
Total, Department of Defense	-7,005,700,000	-4,805,789,000	-6,951,642,000	-7,096,895,000	-2,291,106,000	-145,253,000
RELATED AGENCIES						
Intelligence Community Staff		-5,000,000		-500,000	+4,500,000	-500,000

RESCISSION BILL (H.R. 4990), Continued

	Proposed Rescissions	House	Senate	Conference	Conference compared with House	Conference compared with Senate
GENERAL PROVISIONS						
University research (sec. 101)			-105,900,000			+105,900,000
Museums (sec. 102)			-11,350,000			+11,350,000
Total, Title III: Rescission of budget authority	-7,005,700,000	-4,810,789,000	-7,068,892,000	-7,097,395,000	-2,286,606,000	-28,503,000
TITLE IV						
DEPARTMENT OF DEFENSE - CIVIL						
Corps of Engineers - Civil:						
Construction, general	-3,000,000		-3,000,000			+3,000,000
Operation and maintenance, general	-1,350,000		-1,350,000			+1,350,000
General expenses		-500,000		-500,000		-500,000
Total, Department of Defense - Civil	-4,350,000	-500,000	-4,350,000	-500,000		+3,850,000
DEPARTMENT OF ENERGY						
General Science and Research Activities:						
Plant and capital equipment		-3,350,000		-3,350,000		-3,350,000
Departmental Administration:						
Operating expenses		-500,000		-500,000		-500,000
Total, Department of Energy		-3,850,000		-3,850,000		-3,850,000
Total, Title IV: Rescission of budget authority	-4,350,000	-4,350,000	-4,350,000	-4,350,000		
TITLE V						
FUNDS APPROPRIATED TO THE PRESIDENT						
Multilateral Economic Assistance						
Contribution to the International Development Association: Paid-in capital		-32,500,000	-32,500,000	-32,500,000		
Contribution to the Inter-American Development Bank: Inter-American Investment Corporation		-2,000,000	-4,000,000	-4,000,000	-2,000,000	
International organizations and programs		-100,000	-100,000	-100,000		
Bilateral Economic Assistance						
Reappropriation (deobligation/reobligation) authority (sec. 515)		-6,320,000		-6,320,000		-6,320,000
Operating expenses for the Agency for International Development		-40,975	-64,054	-64,054	-23,079	
Development assistance/Economic support fund			-30,000,000	-30,000,000	-30,000,000	
Economic support fund		-1,100,000		-1,100,000		-1,100,000
International fund for Ireland			-10,000,000			+10,000,000
Assistance for the Philippines:						
Multilateral assistance initiative for the Philippines			-20,000,000	-20,000,000	-20,000,000	
Military Assistance						
International military education and training		-1,905,000	-1,925,000	-1,925,000	-20,000	
Foreign military financing program		-56,100,000	-39,015,000	-47,100,000	+9,000,000	-8,085,000
Reappropriation (deobligation/reobligation) authority (sec. 515): Foreign military financing		-10,000,000	-10,000,000	-10,000,000		
Special defense acquisition fund (limitation on obligations)		(-40,000,000)	(-40,000,000)	(-40,000,000)		
Military assistance program			(-6,750,000)	(-6,750,000)	(-6,750,000)	
Foreign military sales trust fund			(-5,760,000)	(-5,760,000)	(-5,760,000)	
Total, Title V: Rescission of budget authority		-110,065,975	-147,604,054	-153,109,054	-43,043,079	-5,505,000
TITLE VI						
DEPARTMENT OF THE INTERIOR						
National Park Service:						
Operation of the national park system	-1,975,000					
National recreation and preservation		-987,000		-987,000		-987,000
Construction	-7,700,000	-19,070,000		-1,145,000	+17,925,000	-1,145,000
Urban park and recreation fund			-4,937,000			+4,937,000
Total, National Park Service	-9,675,000	-20,057,000	-4,937,000	-2,132,000	+17,925,000	+2,805,000
Bureau of Mines:						
Mines and minerals			-987,000	-987,000	-987,000	
Bureau of Indian Affairs:						
Operation of Indian programs	-5,880,000					
Construction	-8,593,000	-8,593,000	-5,897,000	-5,897,000	+2,696,000	
Total, Bureau of Indian Affairs	-14,473,000	-8,593,000	-5,897,000	-5,897,000	+2,696,000	
Total, Department of the Interior	-24,148,000	-28,650,000	-11,821,000	-9,016,000	+19,634,000	+2,805,000
DEPARTMENT OF AGRICULTURE						
Forest Service:						
State and private forestry			-19,000,000	-19,000,000	-19,000,000	
DEPARTMENT OF ENERGY						
Fossil energy research and development	-144,590	-144,000	-144,590	-144,000		+590
Total, Title VI: Rescission of budget authority	-24,292,590	-28,794,000	-30,965,590	-28,160,000	+634,000	+2,805,590

RESCISSION BILL (H.R. 4990), Continued

	Proposed Rescissions	House	Senate	Conference	Conference compared with House	Conference compared with Senate
TITLE VII						
DEPARTMENT OF LABOR						
Employment and Training Administration:						
State unemployment insurance and employment service operations		-125,000		-62,000	+63,000	-62,000
DEPARTMENT OF HEALTH AND HUMAN SERVICES						
Public Health Service:						
Salaries and expenses/Evaluations		-7,000,000	-15,000,000	-14,500,000	-7,500,000	+500,000
Health Resources and Services Administration:						
Health resources and services	-25,000,000	-1,250,000		-625,000	+625,000	-625,000
Centers for Disease Control		-1,340,000		-670,000	+670,000	-670,000
National Institutes of Health		-5,750,000	-365,000	-3,058,000	+2,692,000	-2,693,000
Alcohol, Drug Abuse, and Mental Health Administration		-1,641,000		-821,000	+820,000	-821,000
Health Care Financing Administration:						
Program management			-8,000,000	-4,000,000	-4,000,000	+4,000,000
Administration for Children and Families:						
Low income energy assistance program		-4,056,000			+4,056,000	
Refugee and entrant assistance		-1,166,000			+1,166,000	
Community services block grant		-291,000			+291,000	
Human development services		-250,000		-125,000	+125,000	-125,000
Total, Administration for Children and Families		-5,763,000		-125,000	+5,638,000	-125,000
Total, Department of Health and Human Services	-25,000,000	-22,744,000	-23,365,000	-23,799,000	-1,055,000	-434,000
DEPARTMENT OF EDUCATION						
Compensatory education for the disadvantaged		-1,520,000		-760,000	+760,000	-760,000
Impact aid		-20,000		-10,000	+10,000	-10,000
Vocational and adult education		-600,000	-2,000,000	-1,300,000	-700,000	+700,000
Student financial assistance		-620,000		-310,000	+310,000	-310,000
Higher education		-240,000		-120,000	+120,000	-120,000
Education research, statistics, and improvement		-10,000		-5,000	+5,000	-5,000
Total, Department of Education		-3,010,000	-2,000,000	-2,505,000	+505,000	-505,000
Total, Title VII: Rescission of budget authority	-25,000,000	-25,879,000	-25,365,000	-26,366,000	-487,000	-1,001,000
TITLE VIII						
SENATE						
Salaries and Expenses						
Official mail costs			-20,000,000	-20,000,000	-20,000,000	
HOUSE OF REPRESENTATIVES						
Salaries and Expenses						
Official mail costs		-20,000,000		-20,000,000		-20,000,000
Total, Title VIII: Rescission of budget authority		-20,000,000	-20,000,000	-40,000,000	-20,000,000	-20,000,000
TITLE IX						
MILITARY CONSTRUCTION						
Military construction, Army	-9,050,000	-17,850,000	-14,050,000	-17,850,000		-3,800,000
Military construction, Navy	-17,400,000	-10,500,000	-12,000,000	-5,100,000	+5,400,000	+6,900,000
Military construction, Air Force	-6,000,000	-17,970,000	-3,320,000	-21,970,000	-4,000,000	-18,650,000
Military construction, Defense agencies	-48,000,000	-56,100,000	-24,600,000	-56,600,000	-500,000	-32,000,000
Military construction, Army National Guard	-16,565,000	-4,861,000	-2,772,000	-4,861,000		-2,089,000
Military construction, Air National Guard	-306,000	-306,000	-306,000	-306,000		
Military construction, Army Reserve	-2,749,000	-2,749,000		-2,749,000		-2,749,000
Military construction, Naval Reserve	-36,000,000	-10,900,000	-10,900,000	-10,900,000		
North Atlantic Treaty Organization Infrastructure		-14,834,000	-68,200,000	-15,734,000	-900,000	+52,466,000
Total, Title IX: Rescission of budget authority	-136,070,000	-136,070,000	-136,148,000	-136,070,000		+78,000
TITLE X						
DEPARTMENT OF TRANSPORTATION						
Federal Railroad Administration:						
Local rail freight assistance	-9,880,000	-5,000,000			+5,000,000	
Federal Highway Administration:						
Bridges on Federal dams		-5,000,000		-5,000,000		-5,000,000
Urban Mass Transit Administration:						
Research, training, and human resources			-9,880,000	-5,000,000	-5,000,000	+4,880,000
Total, Title X: Rescission of budget authority	-9,880,000	-10,000,000	-9,880,000	-10,000,000		-120,000
TITLE XI						
DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT						
Housing Programs:						
Homeownership and opportunity for people everywhere grants (HOPE grants)		-14,400,000			+14,400,000	
HOME investment partnerships program		-61,500,000			+61,500,000	
Annual contributions for assisted housing	-570,980,100	-509,400,000	-743,000,000	-597,000,000	-87,600,000	+146,000,000
Flexible subsidy fund	-25,000,000	-11,700,000			+11,700,000	
Research and technology	-400,000					
Total, Department of Housing and Urban Development	-596,380,100	-597,000,000	-743,000,000	-597,000,000		+146,000,000

RESCISSION BILL (H.R. 4990), Continued

	Proposed Rescissions	House	Senate	Conference	Conference compared with House	Conference compared with Senate
INDEPENDENT AGENCIES						
Environmental Protection Agency						
Abatement, control and compliance	-3,160,000		-20,000,000	-5,800,000	-5,800,000	+14,200,000
Buildings and facilities	-20,000,000					
Research and development	-116,000			-2,100,000	-2,100,000	-2,100,000
Hazardous substance superfund			-20,000,000	-16,100,000	-16,100,000	+3,900,000
Construction grants		-24,000,000			+24,000,000	
Total, Environmental Protection Agency	-23,276,000	-24,000,000	-40,000,000	-24,000,000		+16,000,000
National Aeronautics and Space Administration						
Construction of facilities	-3,400,000					
Research and development	-750,000	-4,000,000	-14,000,000	-4,050,000	-50,000	+9,950,000
Total, National Aeronautics and Space Administration	-4,150,000	-4,000,000	-14,000,000	-4,050,000	-50,000	+9,950,000
National Science Foundation						
Research and related activities			-346,000	-2,000,000	-2,000,000	-1,654,000
Total, Title XI: Rescission of budget authority	-623,806,100	-625,000,000	-797,346,000	-627,050,000	-2,050,000	+170,296,000
Grand total: Rescissions of budget authority	-7,862,772,690	-5,804,621,975	-8,275,034,644	-8,158,305,054	-2,353,683,079	+116,729,590

NOTE: The House bill considered the messages of March 10, March 20 and April 8, and did not consider the message of April 9. The Senate and Conference considered all messages.

□ 1120

Mr. McDADE. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I am pleased to rise in support of the conference report on the fiscal year 1992 rescission bill numbered H.R. 4990.

The conference report that we bring to the House represents what must be the largest piece of deficit reduction legislation passed by the House in this session of Congress from any committee of Congress. It provides that $8.2 billion in funds previously appropriated by the Congress and signed into law by the President will not be spent. That figure, $8.2 billion, is some $2.4 billion larger than the bill that passed the House on May 7 by a vote of 412 to 2.

The major reason for that difference, Mr. Speaker, is because the House did not have the opportunity to consider the fourth rescission package which was sent up by the President on April 9th, while the Senate did consider that additional $2.2 billion proposal. So in conference we set the goal of reaching the higher savings that had been addressed by the Senate.

That was the good news about the Senate bill, Mr. Speaker. The bad news was that it included a number of items that put their version of the bill in danger, indeed, of certain veto.

I believe we have come up with a conference report, Mr. Speaker, that has the best of both worlds, the Senate's higher amount of the rescissions, $8.2 billion, actually $308 million higher than requested by the President, and a bill that can, and in my view should, be signed by the President of the United States.

I think everyone knows by now by far the largest amount of rescissions in the bill are in the area of defense; $7.2 billion out of the total of $8.4 billion or 86 percent of this rescission is coming from the Defense Department accounts. And within these rescissions are three major issues that deal with the future of defense structure.

Mr. Speaker, the first is the *Seawolf* submarine. The President proposed canceling funds for both the second and the third submarine. In the House, we went along with cutting the third but permitted the second to go forward as an option because of the sizable sunk costs already made in getting to the point where we are now. The Senate rejected any *Seawolf* rescission.

The conference report, Mr. Speaker, comes down on the House side. Funding for the second boat was preserved, but we cut funds associated with the third boat by $1.2 billion, preventing it from going forward. In my judgment, Mr. Speaker, it never will go forward. That is my own personal opinion.

We set up a pool of money amounting to $540 million available to Secretary Cheney to use at his discretion to go ahead with the third boat, if he chooses, to restart the *Los Angeles* class 688 line, or to take any action useful to preserve the industrial base in the submarine community. And as we all know, that industrial base is razor thin.

This provides the Navy and the Nation with some options to address the industrial base in the submarine community without forcing the construction of a third *Seawolf*.

The second major issue, Mr. Speaker, that we dealt with involved the strategic defense initiative. As we went to conference, the Senate proposed a cut of $1.3 billion, or nearly 30 percent of the program, and they took that money and applied it to pay for their version, that is the third *Seawolf*, even though it was clear to everybody that was absolutely going to be vetoed.

In conference, Mr. Speaker, we got back to a level of $200 million, a cut that many of us find difficult, but I do need to say as we try to move this bill and get it to the President where he can sign it, that is less than a 5-percent cut from the current level. And in the context of a $7 billion rescission package, we can justifiably say that the House position prevailed.

The third issue that was involved, Mr. Speaker, was the Senate's proposal for a $1 billion cut in B-2 funding, the money for the 16th bomber that we provided in the fiscal year 1992 defense appropriation bill.

Mr. Speaker, again the conferees on the Senate side were very insistent on this. We settled out at a $500 million cut. But I want to remind my colleagues, the remaining $500 million will be adequate to buy the 16th bomber. That will enable us in our 1993 appropriations bill to proceed in a way which will support the agreements made in the House Services Committee position to complete production of the program this year at a total number of 20 B-2's.

Mr. Speaker, outside of defense, the President proposed rescissions affecting eight of the other subcommittees on the Appropriations Committee, and each subcommittee, each of them, all eight in this conference report have agreed to rescissions that at least equal and in some cases exceed the amount proposed by the President. Two subcommittees, Mr. Speaker, proposed savings that had not been requested at all.

The Legislative Subcommittee retained the $20 million in savings from Senate mailing costs. The Foreign Operations Subcommittee increased its package of rescissions from $110 million when the bill passed the House to $165 million.

Mr. Speaker, when the House agreed to a conference on this bill, I offered a motion to instruct the House conferees to go along with the Senate in addressing an additional $2.2 billion in rescissions, proposals that had not been considered, but in the process to correct those Senate actions which were clearly going to result in a veto of the bill. It was passed unanimously in the House without a dissenting vote.

Maximum savings and a signable bill, that was our objective. Mr. Speaker, that is what we set out to do and that, Mr. Speaker, is where we have ended up—maximum savings and a signable bill.

Mr. Speaker, I urge the adoption of the conference report.

Mr. Speaker, I yield 1 minute to the distinguished gentleman from Rhode Island [Mr. MACHTLEY], a member of the Committee on Armed Services.

Mr. MACHTLEY. Mr. Speaker, I rise to support his rescission package, and I also rise to commend both the Democrats and the Republicans on the committee, and particularly the Defense Subcommittee on doing what I think is a remarkable job in trying to figure out how we reduce our spending. I think we should have more debates in this House on how we cut spending. At a time when we have a $400 billion deficit, it is essential that we tell the American people we are interested in reducing our cumulative debt.

This bill, which cuts $8.2 billion I think is fair. And I have a particular interest in making sure that we maintain our superiority in undersea warfare.

While this bill has only one *Seawolf* in it, I think it is reasonable, and I think it is important, and I think it tells not only our Nation but other nations that we will maintain a strong defense in the area of undersea warfare. The *Seawolf* submarine is a good weapons platform. I think it is well designed, and it should in fact continue so that we have an industrial base worthy of further submarine construction possibilities.

Mr. Speaker, I think this is a good bill. I would urge all of my colleagues to support it.

Again, I commend the chairmen of both the committee and the subcommittee for their excellent work. This is a bill I think that can and should be signed by the President, and I think it speaks well for the efforts that the committee went through.

Mr. McDADE. Mr. Speaker, I am very pleased to yield 5 minutes to the distinguished gentleman from Indiana [Mr. MYERS], the ranking member on the Subcommittee on Energy and Water Development.

Mr. MYERS of Indiana. Mr. Speaker, I thank the gentleman for yielding me the time. I believe this is the largest rescission bill we have ever had before this body, at least in the years I have been here this is the largest rescission. And I am quite certain we are going to be given the opportunity in the future to vote on other rescissions.

Earlier in the discussions during debate on the rule there were those who were critical because we had not included everything that the President had sent down in the messages he sent, and that we had added our own, and that we should combine both of them and put his rescissions along with ours. Well, Mr. Speaker, in the years I have been here we have always had differences with the executive and the executive has had differences with us.

□ 1130

Then you resolve the differences. That is what the conference was all about. That is what this meeting was all about and the hearings we had in the various committees of the appropriation.

Our priorities are quite different than the President's, and his are quite different than ours, but the important thing is that we get together.

This bill would cut $308 million more than the President requested, and that is the bottom line. That is what everyone should be concerned with, not because we did not include every item that the President recommended, nor does the President probably like some of the things that we have reduced.

But, Mr. Speaker, this is the way legislation works. This is the way this body works. This is the way that Government should work.

I am quite sure that we will be given more opportunity in the future to cooperate with the President. This committee has certainly made every effort to cooperate with the President, but, in our judgment, from the hearings that the various committees had, our bill does a better job in providing the needs for our country and providing the cuts we all recognize we must make.

I hope every Member can support this rescission bill. It is a good bill deserving of our support.

Mr. McDADE. Mr. Speaker, I yield 2 minutes to the able gentleman from California [Mr. HERGER].

Mr. HERGER. Mr. Speaker, I rise in strong support of the conference report which would save $8.2 billion and eliminate a number of lower priority spending items.

I regret, however, that this legislation misses an opportunity to save even more money by eliminating funding for dozens of lower priority spending programs cited by President Bush.

While battling a nearly $400 billion deficit, we are still funding celery and asparagus research, mink reproduction, low-bush blueberry studies, and a host of other pork barrel projects.

Moreover, we are agreeing to buy a $2 billion submarine that President Bush, Secretary of Defense Cheney, and Joint Chief of Staff General Powell say we do not even need. We are doing this at the same time that we are planning on adding nearly another billion dollars to the deficit with passage of legislation to provide relief to Los Angeles and Chicago.

Given this legislation was exempt from the budget agreement targets because it was declared an emergency, should we not at least make the effort here today in the rescission package to offset this new spending? Certainly, saving $8.2 billion is a great achievement. Saving $9.2 billion would have been even a better one.

It is regrettable that we did not take the opportunity to do that here today.

Mr. YOUNG of Florida. Mr. Speaker, will the gentleman yield?

Mr. HERGER. I am happy to yield to the gentleman from Florida.

Mr. YOUNG of Florida. Mr. Speaker, I appreciate the gentleman's comments about the submarine, but I have to point out that the committee looked long and hard at this, and, frankly, we are going to have the second *Seawolf* submarine for almost the same dollars that it would cost to terminate that program. So I think we are getting more for the money rather than just spending it on termination costs.

Mr. HERGER. Reclaiming my time, I thank the gentleman.

Again, I was just putting in the perspective of the fact that we do have a major deficit, that the President felt we did not need that. I think we should consider all of that when we make our decision.

Mr. WHITTEN. Mr. Speaker, I yield such time as he may consume to the gentleman from Kentucky [Mr. NATCHER], a member of the committee.

Mr. NATCHER. Mr. Speaker, I thank the gentleman for yielding me this time.

Mr. Speaker, this is an excellent rescission bill, and we recommend it to the House.

As the Members will recall, when we had the rescissions bill, H.R. 4990, before the House, we had the request from the President for $5,662,972,690. We brought that amount up, you will recall, to over $141 million above the President's request.

At that time we had nine subcommittees considering the rescission requests sent to us by the President on March 10, March 20, and also April 8.

The subcommittees on foreign aid and the legislative branch recommended rescission in their areas not requested by the President. The rescission bill which passed the House involved 11 subcommittees and totaled $5,804,621,975, or $142 million more than requested by the President.

Under the able leadership of our chairman, the gentleman from Mississippi [Mr. WHITTEN], and under the able leadership of our friend on the minority side, the gentleman from Pennsylvania [Mr. MCDADE], we met five times in conference with the other body. Now we bring out a conference report which we are now presenting to the House that brings the total up, as far as the amount of the rescissions, to $8,158,305,054.

Mr. Speaker, this is $2,353,683,079 over the House passed bill. This is principally because of the additional rescissions requested for Defense on April 9. These were acted on by the Senate and in conference. As our friend and colleague, the gentleman from Indiana [Mr. MYERS], pointed out, this is, as a pure rescissions bill, the largest individual rescission bill that we have had since the Budget Act of 1974 was passed.

In 1981 we merged a supplemental with a rescissions bill bringing the amount in that bill higher than this, but as far as a pure rescission bill is concerned, the gentleman from Indiana is correct.

The conferees reached agreement on the title of the rescission bill relating to the Departments of Labor, Health and Human Services, and Education. The amount of fiscal year 1992 funding rescinded totals $26,366,000, which is $1,366,000 above the amount proposed to be rescinded by the President. The rescission is comprised of the following: $7,000,000 in reduced personnel compensation and benefits of the Public Health Service related to staffing levels in excess of those in the 1992 request; $6,683,000 from a one-half of 1 percent reduction in delayed funding that would otherwise become available on September 30, 1992. Certain programs such as energy assistance grants are exempted from this rescission; $1,000,000 for vocational education choice demonstration projects; $7,500,000 in Public Health Service evaluation funding; $4,000,000 in contingency funding for administration of the Medicare Program; and $183,000 of funding for the National Institute of Dental Research.

Further information about these rescissions is available in the documents accompanying the conference agreement and the House and Senate bills. I would like, however, to clarify one issue with regard to the rescission for the National Institute of Dental Research. This provision, which was proposed by the Senate, is not intended to require the termination of any specific research grant or to interfere with the normal process of scientific peer review in selecting grants. In biomedical research, Congress has traditionally identified particular research areas as having high or low priority, but has not felt it appropriate to recommend approval or disapproval of specific grants. These decisions should be left entirely to the scientific peer review process.

Mr. Speaker, our chairman, the gentleman from Mississippi [Mr. WHITTEN], and the gentleman from West Virginia [Mr. BYRD], the chairman of the Appropriations Committee on the other side, together with the conferees, have brought out a good rescissions bill, and I want to thank my chairman, the gentleman from Mississippi [Mr. WHITTEN], not only, Mr. Speaker, for his able leadership on this bill but for all of the bills that he has been in charge of since he has been chairman of our committee.

One of the nicest things that has happened to me since I have been a Member of Congress is the opportunity that I have had to serve with my friend, JAMIE WHITTEN, on the Committee on Appropriations, and the same applies to my friend, JOE MCDADE.

Mr. Speaker, this is a good bill. We urge the adoption of this rescission bill.

Mr. MCDADE. Mr. Speaker, I am about to yield back the balance of my time. However, noticing the gentleman who is presiding over the House today, we have been well aware of his strong interest through the years in the Guard/Reserve. I just want to point out to the Members of the body that under the leadership of the gentleman from Mississippi, the House overwhelmingly provided about $1 billion for equipment for our citizen soldiers, and that is not rescinded. I knew the gentleman would be interested in it. We commend him and thank him for his work.

Mr. Speaker, I yield back the balance of my time.

Mr. VENTO. Mr. Speaker, I will vote for the conference report to accompany H.R. 4490, but I am disappointed that it does not cut spending as much as it should.

In particular, I regret that the conferees lost the opportunity to save $15 million in unnecessary spending for several projects related to the National Park Service and public lands.

The original House-passed bill would have rescinded $7.7 million for engineering and construction work on the Burr Trail, in Utah. Funds for the project were included in the fiscal year 1987 appropriations bill, subject to authorization. In the 6 years since, no legislation has been introduced to authorize this project and neither the House or Senate has considered an authorization measure involving this project. The fact that the Congress has not authorized this project speaks volumes as to its merits. This is a highly controversial project and one that certainly is not a priority in this time of recession and deficits. Unfortunately, the conferees have dropped this rescission from the conference report brought before the House.

The conferees also removed a $7.7 million rescission related to several New Jersey history projects. This rescission was in both the President's package and the original House-passed bill. I strongly believe in preserving our Nation's historical resources, but I don't believe that these special interest projects are needed now or are even an appropriate way to accomplish that goal.

These non-Federal New Jersey projects are being funded with National Park Service construction money. The projects include activities that are neither construction nor within the mission of the National Park Service, especially in a time when our national treasures such as Independence Hall need help so desperately.

We should be rescinding both the Burr Trail and the New Jersey money, especially since neither of these projects were ever considered in the normal legislative process, with public review and debate, nor did they receive the kind of thorough scrutiny needed before we spend millions in taxpayer dollars.

Ms. SNOWE. Mr. Speaker, I rise today in support of the conference report of H.R. 4990. It gives me great pleasure to vote for legislation which will cut spending and thereby reduce the Federal deficit.

I am also grateful that funding for two worthy programs which were cut in the House package, low-income home energy assistance [LIHEAP] and lowbush blueberry research, has been restored. When I learned that these two items were included in the House package, I knew that programs were not chosen for cuts based on their relative advantages and disadvantages. Even though there are a multitude of wasteful programs that should be cut, partisan politics put LIHEAP and lowbush blueberry research in the rescission package.

Still, I reluctantly voted for the package because of my strong convictions about reducing spending. I am pleased, however, that the conferees have put aside politics as usual and have restored funding for these two excellent programs.

LIHEAP is critically important to my constituents in Maine. This program provides assistance to low-income families for their home energy bills. In Maine, where temperatures can drop several degrees below zero, this program is vital, and not a luxury to be cut wantonly.

LIHEAP has been cut drastically, however. Over the past 3 years it has been cut from $1.6 billion, to $1.1 billion, and in his fiscal year 1993 budget proposal, the President has proposed delaying the release of $800 million until the last day of the fiscal year, leaving only $300 million for families to make it through the long winters of the North. On top of these cuts, a rescission of another $4 million would have been unbearable.

I can assure you that the demands upon this program are great. Over the last few weeks I have received several calls about this program from desperate people asking if more funds would be available. Funds have been exhausted and the State of Maine has had to borrow money in order to meet their needs. Oil dealers and utilities have extended credit beyond their limits.

Therefore, I am pleased to note that this program was taken out of the rescission package and the State will at least receive the full amount due at the end of this fiscal year.

A cancellation of funds for lowbush blueberry research was another unwise decision. Funding this research is a good investment for our Government. It aids an industry that is constantly growing, providing jobs to an area with longstanding economic difficulties. The industry has grown from a $24 million industry in 1980 to a $86 million industry in 1990. This growth is directly correlated to the research done at the Maine Agricultural Experiment Station.

Lowbush, or wild, blueberries account for about half of the North American supply. The Federal Government funds wild blueberry research for approximately $200,000. Research on highbush berries, which account for the other half of the North American supply, on the other hand, is funded by the Federal Government at about a level of $1 million per year. It is clear to me which program has given us more for our money.

This research has also been spared from the ax of partisan politics. I am glad that the conferees have worked together to cut programs that deserve to be cut, such as unnecessary defense programs, and have saved worthy programs like LIHEAP and lowbush blueberry research. I urge my colleagues to support this conference report and save the taxpayers money while cutting wasteful programs.

Mr. MURTHA. Mr. Speaker, I'd like to make a few comments on the Defense chapter of this rescission conference report.

The details of the committee's recommendations are in the report accompanying this conference report.

Mr. Speaker, there is always a lot of talk in this town about doing something about the Federal deficit, but all too often there isn't much action.

This bill is an opportunity for all the Members of the House to take positive action to lower Federal spending.

This bill, which rescinds $7.1 billion of funds previously appropriated for Defense programs, is in recognition of the changing nature of the threats that America faces in the international arena.

The Defense portion of this bill rescinds $7.097 billion which compares to $7.069 billion rescinded in the Senate bill and $4.811 rescinded in the House bill. Keep in mind, the House bill was considered excluding the April 9 rescission package of $2.2 billion because of its late submission.

The recommendations contained in the Defense portion of this conference report rescinds almost $100 million more than the total requested by the administration.

In terms of the overall Defense chapter in this bill, the committee agreed with a significant portion of the funds requested for rescission by the Pentagon, and the committee provided alternative rescission for the rest.

The alternative rescissions recommended by the committee are in a wide variety of programs and are recommended for rescission for a variety of reasons including: Unobligated balances; low priority; poor execution; and lack of support from the Office of the Secretary of Defense.

The bill before you does not recommend rescinding all of the funds requested for rescission regarding the *Seawolf* submarine.

The bill preserves the option of procuring two *Seawolf* submarines as opposed to one recommended by the DOD.

If we rescinded funds for the second *Seawolf* submarine, a total of $918 million would have been expended and we would have nothing to show for it.

Some of the highlights of the conference agreement follow: rescinds $300 million for the small ICBM; rescinds $1 billion in excess inventories; rescinds $300 million for the AOE but preserves $200 million for advance procurement to build the AOE fast combat support ship; rescinds $500 million for the B–2 aircraft program. This will still allow the production of the 16 aircraft—$1 billion is prohibited from obligation until very important objectives are met and these conditions are not estimated to be met until June, 1993; rescinds $1.3 billion for the SSN–21—*Seawolf*; rescinds $334 million for the advanced cruise missile; rescinds $220 million for SDI. The Senate proposed to rescind $1.3 billion in their version of the bill; and rescinds $230 million in the Defense stockpile fund. These funds are unobligated balances in that fund.

Mr. Speaker, in conclusion, the Defense chapter: rescinds more than the level of rescissions requested by the Department of Defense; preserves the option of constructing a second *Seawolf* submarine; and rescinds low priority programs.

This is a prudent bill.

This is a fiscally responsible bill.

This is a bipartisan bill.

This is a carefully crafted, well balanced bill.

Mr. Speaker, when this bill was passed by the House there were only two votes against it.

I recommend passage of this conference report.

Mr. KYL. Mr. Speaker, I have reluctantly chosen to vote for the conference rescission package as presented to the House. I do so reluctantly, because I am deeply concerned about the Defense rescissions agreed to by the conferees.

First, I would like to comment on the system under which this House operates. Mr. Speaker, the conference agreement on rescissions was reached late yesterday afternoon. Prior to today's debate, no information on the contents of the conference agreement was available to Members or staff. Even this morning at 10, a mere half an hour before the floor debate, the Appropriations Committee did not provide Members any detailed information on the list of rescissions. Only those select few who made the deal on the rescissions were privy to the full content of the report. Mr. Speaker, this is no way to facilitate thoughtful, effective oversight of an $8 billion legislative proposal. I strongly object to this process in general, and I specifically object to issues of national security being handled in this manner.

The conferees' list of Defense rescissions are out of line with our country's future defense requirements. I am very concerned that the conferees chose to rescind $500 million from the B–2 program—which the conferees admit leaves the Air Force with sufficient funds to buy the 16th aircraft, but that the service will not be able to buy all support equipment and related expenses. It is also disturbing that the conferees chose to ignore the President's request to rescind funds for unnecessary National Guard and Reserve construction projects. The majority of these projects are in the predesign phase, as construction has been delayed pending final decisions on the force structure. In the past few years, Guard and Reserve forces have been exempt from significant cuts. If this Nation is to continue to support a leaner, tougher force, Guard and Reserve forces must be reduced commensurate with active duty forces. As that happens, there will be a lower requirement for facilities and infrastructure to support the Reserve forces. Preserving these unnecessary projects at the expense of other more vital programs is an inexcusable oversight.

The most egregious assault on defense, however, is the $200 million rescission from the strategic defense initiative [SDI] program. This rescission is totally out of line with, and undermines the attainment of, the objectives of the Missile Defense Act [MDA] of 1991. The MDA directed the SDI organization to proceed with utmost speed to deploy both theater and national ballistic missile defenses. The SDI organization created a plan that fully supported the MDA objectives and would make possible fielding an initial site in 1997. At this point, however, rescinding $200 million will affect precisely those acquisition programs which the MDA placed a high priority. For example, the Patriot would have to be delayed under this rescission. Awarding a contract for the THAAD program will be slipped, thus delaying the fielding of an advanced wide-area theater defense. Additionally, the ground based radar contract award will be delayed, potentially slipping the deployment of an initial Conus defense site.

President Bush, in consultation with the Secretary of Defense and the Chairman of the Joint Chiefs of Staff, prepared a balanced defense rescission package which reflected changes in the future threat facing America's Armed Forces. The B–2 and SDI were two weapons programs which the administration chose to protect. I would have preferred it if the conferees acknowledge the wisdom of Secretary Cheney and General Powell and accept the President's proposal as presented. Since the overall goal of this rescission process is to get spending under control, and many projects which the President offered for rescission were included in the package, I voted "yes" to pass the conference report. In doing so, however, I regret that the rescissions were not selected in a more responsible manner.

Mr. OWENS of Utah. Mr. Speaker, I rise in reluctant support of this rescission package. I'm glad we have the opportunity to vote to cut something. Unfortunately, it's not enough, and unfortunately, it's not enough of the right things.

This rescission package has reaffirmed the public's growing understanding that the defense budget is driven by pork rather than by our national security interests. I had long given up hope that the administration would lead our Defense Establishment out of the cold war. The Congress has done only slightly better, as evident by this rescission package and this year's budget resolution.

We can all vote to kill small, frivolous, unauthorized projects. Do you know why? Because the outrage of our constituents has given us the political will to do so. Unfortunately, the American people have been led to believe that we can balance the budget by cutting this kind of pork. We've barely scratched the surface of the real pork in the Federal budget—the big-ticket defense and space items that have tentacles stretching to everyone's district.

And we can't simply replace outdated big-ticket items with new, untested expensive ones. Yes, these cuts will mean jobs in our districts. Did I take heat for voting to kill the C–17? The B–2? The space station? Yes. Each of them provide jobs in my State. However, if these programs are bad policy for the country, they're bad policy for Utah.

Unfortunately, this bill is indicative of the shortsighted parochialism that is driving Americans away from both major political parties and feeds the fervor for Ross Perot, who says he'll do something about this type of cronyism and spineless logrolling. I don't think we give our constituents enough credit. They will accept our cuts in hometown projects, if fairly distributed throughout the country, but only if the Congress and President take the lead.

This rescission helps, but in the long run, doesn't do much. It's a wet sop and a dry bone mixed together to throw to taxpayers, but they know what the Congress and President are up to—a $400-billion-plus deficit. This rescission inflicts only the smallest of twinges, but no real degree of pain.

The same can be said, Mr. Speaker, for today's conference agreement on the fiscal year 1993 budget resolution, which I will vote against later this afternoon. In March of this year, the House voted to put all defense reductions toward deficit reduction. That vote, Mr. Speaker, was the most critical step toward real deficit reduction since the 1990 budget agreement. This conference agreement is unfortunately a step backward.

Retaining those firewalls between defense and domestic discretionary spending provided budgetmakers and the Congress a unique opportunity to make significant steps toward deficit reduction. Mr. Speaker, the cold war is over. Former Secretary of Defense, Robert McNamara, recently called for cutting military expenditures in half in relation to GNP over the next 5 or 6 years. Many Members of Congress, including the distinguished chairman of the Armed Services Committee, have called for defense cuts far more significant than those proposed by the President.

This resolution doesn't cut appreciably more in defense than the President would have us cut. No one wants to set a process in motion that will cut projects and facilities in his or her own district, yet we must. Our Nation's fiscal mess requires it, and our security needs allow it. With a balanced budget amendment on the horizon, we must begin to look beyond the boundaries of our own districts. The needs of our country and of our children's future demand nothing less.

Mr. ORTON. Mr. Speaker, today, we in the House have a rare opportunity. The overwhelming majority of votes we take are on the question of spending money. Today, however, we will be voting on the conference report on appropriations rescissions, H.R. 4990, which would actually cut spending. For those of us in the House who believe that we are simply spending too much at the Federal level, it is gratifying to be able to go on the record as cutting unnecessary expenditures.

Specifically, H.R. 4990 would rescind or cut $8.17 billion in appropriations. This process represents the culmination of a small bidding war between Congress and the President to claim the mantle of fiscal responsibility. The Democrats can claim a political victory, since this level represents $308 million more than the President proposed in his March and April rescission requests. The President can claim a political victory, because he can argue that Congress would not have acted at all without his persistent and vocal calls for spending cuts.

Unfortunately, I fear that both sides will consider the battle to be over. Combined with next month's probable action on a balanced budget constitutional amendment, we could all claim that we have acted on the problem and that no more remains to be done.

In fact, even with these actions, we are still faced with the grim prospect of budget deficits this year pushing nearly $400 billion, with projected deficits of over $200 billion as far as the eye can see. With these facts in mind, it is clear—at least to this Member of Congress—that the cuts we are making today are only the beginning. We need to do much more.

A closer analysis of the rescissions enacted today reveals that we are simply making the easy cuts, that in many cases we are only cutting funds that could not or would not have been spent anyway. For example, the conference bill rescinds $500 million—half of fiscal year 1992 funds appropriated—for a 16th B–2 stealth bomber. However, the fiscal year 1992 Defense Department authorization bill provided that funds could not be spent on this bomber until the Defense Department certified that problems with the stealth technology has been solved. The Air Force estimates that it will not be able to make that certification until June 1993 at the earliest; thus these funds that we are cutting could not have been spent anyway.

Another example is in the area of foreign aid. The conference bill cuts $32.5 million from appropriations for the U.S. contribution to the International Development Association. This money would have gone to China. However, since current law—the fiscal year 1991 Foreign Operations Appropriations Act—restricts certain loans to China, once again, we are simply acknowledging reality; not making additional cuts.

Finally, it should be noted that we are cutting almost $600 million in housing funds, all from the annual contributions to assisted housing. This cut is hardly Draconian, since the conferees have noted that these funds will not be needed in this fiscal year.

Again, I want to make it clear that I support this bill, and will vote for it today. For once, we are actually taking action not to spend money. But we need to do more, and I am committed to pushing for budget process reform and enhanced rescission authority which will make deeper, more substantial cuts a reality. Let this vote today be the beginning, not the end, of this process.

Mr. GREEN of New York. Mr. Speaker, although I was an active participant in this conference and agreed with the great majority of the decisions made in the veterans, HUD and independent agencies section, I did not sign the conference report. I take this occasion to explain my reasoning.

The Senate bill contained a provision—in statutory language—rescinding funds for 31 peer reviewed grants at the National Science Foundation. This research, conducted at some of the most prestigious universities in our Nation, was singled out because the work, largely in the area of social and behavioral sciences, was considered by the other body to be spurious or frivolous.

Now, reasonable individuals may disagree about whether or not research into status attainment in Chinese urban areas, exemplar based processing in social judgment or applying space technology to global change is how we should be spending our research dollars. But this is not, in my view, what is at issue. Rather, it is whether we should overrule the peer-review based decisions of a scientific body. I would argue that we should not.

The conference report now under consideration, while removing the statutory provision that identifies and rescinds the funds for these 31 grants, instead includes a rescission of $2 million and report language. It is the report language that I find most objectionable. In addition to identifying the 31 grants, it calls into question the NSF's selection process and urges the agency to take the $2 million rescission from these grants.

Mr. Speaker, while not forcing the agency to remove the funds from these grants, we are proposing to insert our judgment into the peer-review process, an idea with which I cannot agree. For this reason, I did not choose to sign the conference report on H.R. 4990.

Mr. WHITTEN. Mr. Speaker, I have no further requests for time, I yield back the balance of my time, and I move the previous question on the conference report.

The previous question was ordered.

The SPEAKER pro tempore. The question is on the conference report.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. McDADE. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 404, nays 11, not voting 19, as follows:

[Roll No. 137]

YEAS—404

Abercrombie
Ackerman
Alexander
Allard
Allen
Anderson
Andrews (ME)
Andrews (NJ)
Andrews (TX)
Annunzio
Applegate
Archer
Armey
Aspin
Atkins
Bacchus
Baker
Ballenger
Barnard
Barrett
Barton
Bateman
Beilenson
Bennett
Bentley
Bereuter
Berman
Bevill
Bilbray
Bilirakis
Blackwell
Bliley
Boehlert
Boehner
Bonior
Borski
Boucher
Brewster
Brooks
Browder
Brown
Bruce
Bryant
Bunning
Burton
Bustamante
Byron
Callahan
Camp
Campbell (CO)
Cardin
Carper
Carr
Chandler
Chapman
Clay
Clement
Clinger
Coble
Coleman (MO)

Coleman (TX)
Collins (MI)
Combest
Condit
Conyers
Cooper
Costello
Coughlin
Cox (CA)
Cox (IL)
Coyne
Cramer
Crane
Cunningham
Dannemeyer
Darden
de la Garza
DeLauro
DeLay
Derrick
Dicks
Dingell
Dixon
Donnelly
Dooley
Doolittle
Dorgan (ND)
Dornan (CA)
Downey
Dreier
Duncan
Durbin
Dwyer (NJ)
Early
Eckart
Edwards (CA)
Edwards (OK)
Edwards (TX)
Emerson
Engel
English
Erdreich
Espy
Evans
Ewing
Fascell
Fawell
Fazio
Feighan
Fields
Fish
Flake
Foglietta
Ford (MI)
Ford (TN)
Frank (MA)
Franks (CT)
Frost
Gallegly
Gallo
Gaydos
Gejdenson
Gekas
Gephardt
Geren
Gibbons
Gilchrest
Gillmor
Gilman
Gingrich
Glickman
Gonzalez
Goodling
Goss
Gradison
Grandy
Green
Guarini
Gunderson
Hall (OH)
Hall (TX)
Hamilton
Hammerschmidt
Hancock
Hansen
Harris
Hastert
Hatcher
Hayes (IL)
Hayes (LA)
Hefley
Hefner
Henry
Herger
Hertel
Hoagland
Hobson
Hochbrueckner
Holloway
Hopkins
Horn
Horton
Houghton
Hoyer
Hubbard
Huckaby
Hughes
Hunter
Hutto
Inhofe
Ireland
Jacobs
James
Jefferson
Jenkins
Johnson (CT)
Johnson (SD)
Johnson (TX)
Johnston
Jones (NC)
Jontz
Kanjorski
Kaptur
Kasich
Kennelly
Kildee
Kleczka
Klug
Kolbe
Kolter
Kopetski
Kostmayer
Kyl
LaFalce
Lagomarsino
Lancaster
Lantos
LaRocco
Laughlin
Leach
Lehman (CA)
Lehman (FL)
Lent
Levin (MI)
Lewis (CA)
Lewis (FL)
Lewis (GA)
Lightfoot
Lipinski
Livingston
Lloyd
Long
Lowery (CA)
Lowey (NY)
Luken
Machtley
Manton
Markey
Marlenee
Martin
Martinez
Matsui
Mavroules
Mazzoli
McCandless
McCollum
McCurdy
McDade
McEwen
McGrath
McHugh
McMillan (NC)
McMillen (MD)
McNulty
Meyers
Mfume
Michel
Miller (OH)
Miller (WA)
Mineta
Mink
Moakley
Molinari
Mollohan
Montgomery
Moody
Moorhead
Moran
Morella
Mrazek
Murphy
Murtha
Myers
Nagle
Natcher
Neal (MA)
Neal (NC)
Nichols
Nowak
Nussle
Oberstar
Obey
Olin
Olver
Ortiz
Orton
Owens (NY)
Owens (UT)
Oxley
Pallone
Panetta
Parker
Pastor
Patterson
Paxon
Payne (NJ)
Payne (VA)
Pease
Pelosi
Penny
Perkins
Peterson (FL)
Peterson (MN)
Petri
Pickett
Pickle
Porter
Poshard
Price
Pursell
Rahall
Ramstad
Rangel
Ravenel
Reed
Regula
Rhodes
Richardson
Ridge
Riggs
Rinaldo
Ritter
Roberts
Roe
Roemer
Rogers
Rohrabacher
Ros-Lehtinen
Rose
Rostenkowski
Roth
Roukema
Rowland
Roybal
Sabo
Sanders
Sangmeister
Santorum
Sarpalius
Savage
Sawyer
Saxton
Schaefer
Scheuer
Schiff
Schroeder
Schulze
Schumer
Sensenbrenner
Serrano
Sharp
Shaw
Shays
Shuster
Sisisky
Skaggs
Skeen
Skelton
Slattery
Slaughter
Smith (FL)
Smith (IA)
Smith (NJ)
Smith (OR)
Smith (TX)
Snowe
Solarz
Solomon
Spence
Spratt
Stallings
Stearns
Stenholm
Stokes
Studds
Stump
Sundquist
Swett
Swift
Synar
Tallon
Tanner
Tauzin
Taylor (MS)
Taylor (NC)
Thomas (CA)
Thomas (GA)
Thomas (WY)
Thornton
Torres
Torricelli
Towns
Traficant
Traxler
Unsoeld
Upton
Valentine
Vander Jagt
Vento
Visclosky
Volkmer
Vucanovich
Walker
Walsh
Waters
Waxman
Weber
Weiss
Weldon
Wheat
Whitten
Williams
Wilson
Wise
Wolf
Wolpe
Wyden
Wylie
Yates
Yatron
Young (AK)
Young (FL)
Zeliff
Zimmer

NAYS—11

DeFazio
Dellums
Dickinson
Kennedy
McDermott
Miller (CA)
Russo
Sikorski
Staggers
Stark
Washington

NOT VOTING—19

Anthony
AuCoin
Boxer
Broomfield
Campbell (CA)
Collins (IL)
Davis
Dymally
Gordon
Hyde
Jones (GA)
Levine (CA)
McCloskey
McCrery
Morrison
Oakar
Packard
Quillen
Ray

☐ 1202

Messrs. SIKORSKI, McDERMOTT, STARK, and DELLUMS changed their vote from "yea" to "nay."

Mr. BURTON of Indiana and Mr. ALLEN changed their vote from "nay" to "yea."

So the conference report was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PERSONAL EXPLANATION

Mr. GORDON. Mr. Speaker, on the previous rollcall vote No. 137, I was unavoidably detained. If I had been present, I would have voted "yea."

NOTIFICATION OF MEMBERS AS TO PROCEDURE REGARDING CONSIDERATION OF H.R. 5006, NATIONAL DEFENSE AUTHORIZATION ACT—FISCAL YEAR 1993

(By unanimous consent, Mr. BEILENSON asked and was given permission to address the House for 1 minute.)

Mr. BEILENSON. Mr. Speaker, this is to notify Members of the House of the Rules Committee's plans regarding H.R. 5006, the National Defense Authorization Act for Fiscal Year 1993. The committee is planning to meet soon to begin consideration of this measure.

In order to assure timely consideration of the bill on the floor, the Rules Committee is considering a rule that may limit structure and, perhaps, the offering of amendments.

Any Member who is contemplating an amendment to H.R. 5006 should submit, to the Rules Committee in H-312 in the Capitol, 55 copies of the amendment and a brief explanation of the amendment no later than 12 noon on Wednesday, May 27, 1992.

We appreciate the cooperation of all Members in this effort to be fair and orderly in granting a rule for H.R. 5006.

CONFERENCE REPORT ON H. CON. RES. 287, CONCURRENT RESOLUTION ON THE BUDGET—FISCAL YEAR 1993

Mr. BEILENSON. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 463 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 463

Resolved, That upon adoption of this resolution it shall be in order to consider the conference report on the concurrent resolution (H. Con. Res. 287) setting forth the congressional budget for the United States Government for the fiscal years 1993, 1994, 1995, 1996, and 1997. All points of order against the conference report and against its consideration are hereby waived. The conference report shall be considered as having been read when called up for consideration. Debate on the conference report shall be limited to one hour, to be equally divided and controlled by the chairman and ranking minority member of the Committee on the Budget.

The SPEAKER pro tempore (Mr. MFUME). The gentleman from California [Mr. BEILENSON] is recognized for 1 hour.

Mr. BEILENSON. Mr. Speaker, for purposes of debate only, I yield the customary 30 minutes to the gentleman from California [Mr. DREIER], and pending that I yield myself such time as I may consume. All time yielded is for the purposes of debate only.

Mr. Speaker, House Resolution 463 is the rule providing for the consideration of the conference report on House Concurrent Resolution 287, the budget resolution for fiscal year 1993.

Under the rules of the House, conference reports are considered privileged and are considered in the House with no amendments in order. The rule provides for 1 hour of general debate to be equally divided between the chairman and ranking minority member of the Committee on Budget.

The rule also waives all points of order against the conference report and against its consideration in the House. In addition, the rule provides that when the conference report is called up for consideration, it shall be considered as having been read.

Mr. Speaker, the conference report also complies with the provisions of House rule XLIX. Rule XLIX requires the enrolling clerk, upon adoption of the budget resolution conference report, to prepare a joint resolution changing the statutory limit on the public debt if necessary to conform to amounts in the budget resolution.

This budget conference agreement that the House will consider today, provides spending and funding levels for fiscal year 1993. The conference agreement provides $277.4 billion for defense spending, $20.9 billion for natural resources and conservation efforts, $14.9 billion for transportation needs of, the Nation, $16.7 billion for veterans' services, and $36.6 billion for education.

Mr. Speaker, during the month of June, the business of the House is expected to be consideration of appropriation bills. In order to facilitate an orderly budget process, it is important that this budget resolution conference report be considered and passed prior to the consideration of the appropriations bills.

I urge my colleagues to adopt this rule and conference report and I yield to the gentleman from California [Mr. DREIER] for the purpose of debate.

Mr. Speaker, I reserve the balance of my time.

Mr. DREIER of California. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I thank my very good friend, the gentleman from California [Mr. BEILENSON], for yielding me this time.

Mr. Speaker, this rule waives all points of order against the conference report, including rule XXVIII, clause 2, requiring a 3-day layover of conference reports filed in the House.

Many of us in the minority have raised concerns about this practice, particularly when we are considering massive legislation such as a $1.5 trillion budget and multibillion dollar tax bills. Earlier this year, for example, the conference report on the tax bill was considered in this Chamber just 2 hours after it was filed, and only one copy was made available to those of us in the minority. The situation is a little different in this instance, Mr. Speaker, because most of our colleagues are aware of what is in the budget document because it directly follows the 1990 budget summit agreement.

□ 1210

But I believe we need to put an end to this very irresponsible practice of denying the Members of this body ample opportunity to review the contents of major legislative agreements as those structured under the rules of the House. Therefore, I do oppose this rule, as well as the conference agreement itself.

Mr. Speaker, when the Committee on Rules first considered the budget resolution in March, the very able gentleman from California [Mr. PANETTA], chairman of the Committee on the Budget, acknowledged that—and I quote "This budget has no future because of tremendously increasing deficits."

Mr. Speaker, we are on the verge of possibly passing a constitutional amendment which would require a balanced budget. The leaders of the Committee on the Budget have rightly expressed the concern that we need to make some hard choices if we are going to meet a balanced budget requirement by 1997.

The budget resolution, Mr. Speaker, does not make any of those hard choices. In fact, the conference report contains Senate language that includes a requirement that the President must submit a balanced budget each year. Yet this budget document cannot even accomplish that task in 5 years. It calls for a $233 billion deficit in fiscal year 1997.

Where are some of the hard choices contained in the rhetoric we continue to get? If we extrapolate the current budget out for 30 years, it will consist of just two items: entitlements and interest on the debt. So what does this budget resolution do about runaway entitlement spending? Absolutely nothing.

Mr. Speaker, this rule tragically is business as usual, and the budget resolution itself is business as usual, so I urge my colleagues to vote no on both measures.

Mr. Speaker, I reserve the balance of my time.

Mr. BEILENSON. Mr. Speaker, we have no requests for time on our side, and if the gentleman from California [Mr. DREIER] has no requests on his side and yields back the balance of his time, this gentleman is prepared to do the same.

Mr. DREIER of California. Mr. Speaker, I am happy to yield back the balance of my time, and I urge a "no" vote on this resolution.

Mr. BEILENSON. Mr. Speaker, I yield back the balance of my time, I urge an "aye" vote, and I move the previous question on the resolution.

The previous question was ordered.

The SPEAKER pro tempore (Mr. MFUME). The question is on the resolution.

The question was taken; and the Speaker pro tempore announced that the noes appeared to have it.

Mr. BEILENSON. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will inform absent Members.

The vote was taken by electronic device, and there were—yeas 253, nays 160, not voting 21, as follows:

[Roll No. 138]

YEAS—253

Abercrombie
Ackerman
Alexander
Anderson
Andrews (ME)
Andrews (NJ)
Andrews (TX)
Annunzio
Applegate
Aspin
Atkins
Bacchus
Barnard
Beilenson
Bennett
Berman
Bevill
Bilbray
Blackwell
Bonior
Borski
Boucher
Brewster
Brooks
Browder
Brown
Bruce
Bryant
Bustamante
Byron
Campbell (CO)
Cardin
Carper
Carr
Chapman
Clay
Clement
Coleman (TX)
Collins (MI)
Condit
Cooper
Costello
Cox (IL)
Coyne
Cramer
Darden
de la Garza
DeFazio
DeLauro
Dellums
Derrick
Dicks
Dingell
Dixon
Donnelly
Dooley
Dorgan (ND)
Downey
Durbin
Early
Eckart
Edwards (CA)
Edwards (TX)
Engel
English
Erdreich
Espy
Evans
Fascell
Fazio
Feighan
Flake
Foglietta
Ford (MI)
Ford (TN)
Frank (MA)
Frost
Gaydos
Gejdenson
Gephardt
Gibbons
Glickman
Gonzalez
Gordon
Guarini
Hall (OH)
Hall (TX)
Hamilton
Harris
Hayes (IL)
Hayes (LA)
Hefner
Hertel
Hoagland
Hochbrueckner
Horn
Hoyer
Huckaby
Hughes
Hutto
Jacobs
Jefferson
Jenkins
Johnson (SD)
Johnston
Jones (NC)
Jontz
Kanjorski
Kaptur
Kennedy
Kennelly
Kildee
Kleczka
Kolter
Kopetski
Kostmayer
LaFalce
Lancaster
Lantos
LaRocco
Laughlin
Lehman (CA)
Lehman (FL)
Levin (MI)
Lewis (GA)
Lipinski
Lloyd
Long
Lowey (NY)
Luken
Manton
Markey
Martinez
Matsui
Mavroules
Mazzoli
McCloskey
McCurdy
McDermott
McHugh
McMillen (MD)
McNulty
Mfume
Miller (CA)
Mineta
Mink
Moakley
Mollohan
Montgomery
Moody
Moran
Mrazek
Murphy
Murtha
Nagle
Natcher
Neal (MA)
Neal (NC)
Nowak
Oberstar
Obey
Olin
Olver
Ortiz
Orton
Owens (NY)
Owens (UT)
Pallone
Panetta
Parker
Pastor
Patterson
Payne (NJ)
Payne (VA)
Pease
Pelosi
Penny
Perkins
Peterson (FL)
Peterson (MN)
Pickett
Pickle
Poshard
Price
Rahall
Rangel
Ray
Reed
Richardson
Roe
Roemer
Rose
Rostenkowski
Rowland
Roybal
Russo
Sabo
Sanders
Sangmeister
Sarpalius
Savage
Sawyer
Scheuer
Schroeder
Schumer
Serrano
Sharp
Sikorski
Sisisky
Skaggs
Skelton
Slattery
Slaughter
Smith (FL)
Smith (IA)
Solarz
Spratt
Staggers
Stallings
Stark
Stenholm
Stokes
Studds
Swett
Swift
Synar
Tallon
Tanner
Tauzin
Taylor (MS)
Thomas (GA)
Thornton
Torres
Torricelli
Towns
Traficant
Traxler
Unsoeld
Valentine
Vento
Visclosky
Volkmer
Washington
Waxman
Weiss
Wheat
Whitten
Williams
Wilson
Wise
Wyden
Yates
Yatron

NAYS—160

Allard
Allen
Archer
Armey
Baker
Ballenger
Barrett
Barton
Bateman
Bentley
Bereuter
Bilirakis
Bliley
Boehlert
Boehner
Bunning
Burton
Callahan
Camp
Chandler
Clinger
Coble
Coleman (MO)
Combest
Coughlin
Cox (CA)
Crane
Cunningham
Dannemeyer
Davis
DeLay
Dickinson
Doolittle
Dornan (CA)
Dreier
Duncan
Edwards (OK)
Emerson
Ewing
Fawell
Fields
Fish
Franks (CT)
Gallegly
Gallo

Gekas
Gilchrest
Gillmor
Gilman
Gingrich
Goodling
Goss
Gradison
Grandy
Green
Gunderson
Hammerschmidt
Hancock
Hansen
Hastert
Hefley
Henry
Herger
Hobson
Holloway
Hopkins
Horton
Houghton
Hubbard
Hunter
Inhofe
Ireland
James
Johnson (CT)
Johnson (TX)
Kasich
Klug
Kolbe
Kyl
Lagomarsino
Leach
Lent
Lewis (CA)
Lewis (FL)
Lightfoot
Livingston
Lowery (CA)
Machtley
Marlenee
Martin
McCandless
McCollum
McDade
McEwen
McGrath
McMillan (NC)
Meyers
Michel
Miller (OH)
Miller (WA)
Molinari
Moorhead
Morella
Myers
Nichols
Nussle
Oxley
Paxon
Petri
Porter
Pursell
Ramstad
Ravenel
Regula
Rhodes
Ridge
Riggs
Rinaldo
Ritter
Roberts
Rogers
Rohrabacher
Ros-Lehtinen
Roth
Roukema
Santorum
Saxton
Schaefer
Schiff
Schulze
Sensenbrenner
Shaw
Shays
Shuster
Skeen
Smith (NJ)
Smith (OR)
Smith (TX)
Snowe
Solomon
Spence
Stearns
Stump
Sundquist
Taylor (NC)
Thomas (CA)
Thomas (WY)
Upton
Vander Jagt
Vucanovich
Walker
Walsh
Weber
Weldon
Wolf
Wylie
Young (AK)
Young (FL)
Zeliff
Zimmer

NOT VOTING—21

Anthony
AuCoin
Boxer
Broomfield
Campbell (CA)
Collins (IL)
Conyers
Dwyer
Dymally
Geren
Hatcher
Hyde
Jones (GA)
Levine (CA)
McCrery
Morrison
Oakar
Packard
Quillen
Waters
Wolpe

□ 1231

The Clerk announced the following pair:

On this vote:

Mr. Dymally for, with Mr. Quillen against.

Mr. SMITH of New Jersey changed his vote from "yea" to "nay."

So the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Mr. PANETTA. Mr. Speaker, pursuant to House Resolution 463, I call up the conference report on the concurrent resolution (H. Con. Res. 287) setting forth the congressional budget for the U.S. Government for the fiscal years 1993, 1994, 1995, 1996, and 1997.

The Clerk read the title of the concurrent resolution.

The SPEAKER pro tempore (Mr. MFUME). Pursuant to the rule, the conference report is considered as having been read.

(For conference report and statement, see proceedings of the House of Wednesday, May 20, 1992.)

The SPEAKER pro tempore. The gentleman from California [Mr. PANETTA] will be recognized for 30 minutes, and the gentleman from Ohio [Mr. GRADISON] will be recognized for 30 minutes.

The Chair recognizes the gentleman from California [Mr. PANETTA].

Mr. PANETTA. Mr. Speaker, I yield myself such time as I may consume.

I believe the Committee on the Budget conferees, whom I thank for their cooperation in this conference, have brought back an excellent conference report that basically reflects the priorities that the House had established when we passed the House budget resolution. I would like, as I said, to thank the conferees for their participation and cooperation in developing this conference report.

In summary, let me point out what I believe are the key reports contained in the budget resolution.

First of all, this budget resolution meets the requirements of the budget agreement. It stays within the caps established by the budget agreement, and it also stands by the pay-as-you-go requirement included in the budget agreement as well.

In addition to that, I should point out that the deficit presented in this budget resolution is $5 billion below that presented by the President in his budget. So we have not only stood by the budget agreement, but in addition to that, we have been able to achieve additional savings that lower the deficit number.

With regards to domestic discretionary, let me point out that in this area alone, if we stay by the cap, we are essentially having to reduce the level of spending from current services by almost $6 billion.

That is something that the committees had to do just in order to stay within the cap.

In addition to that, the Senate had cut about $3.9 billion below the cap, requiring a total cut in discretionary that was close to $10 billion.

What the other body did was essentially move to our position at the House side, which is at the cap level on discretionary.

On the priorities, the other body again basically adopted the priorities that were contained in the House budget resolution. Of the 15 functions that we have under the budget resolution, and I will summarize some of those in this brief moment, is that the Senate essentially moved to the House position in almost all of those or acceded to the House position. So that the priorities that we tried to establish within the House resolution that was adopted by this House are essentially maintained in this budget.

With regard to Defense, the House had proposed a figure and it was adopted in the resolution of achieving savings below the defense cap of roughly $14 billion in budget authority and $9 billion in outlays. What we were able to do with the Senate at nearly the President's numbers is to arrive at an agreement that essentially split the difference providing for a budget authority savings of about $11 billion and outlays of about $7 billion.

As a result of that, these savings that were captured remained with the committee, the Committee on Armed Services, and those savings can be applied either to the deficit reduction or to conversion or perhaps even to an urban aid package, if the administration agrees to use those savings for that purpose.

What I would point out to Members is that if we fail to pass this budget resolution, that automatically the spending goes to the full cap, and we would lose all $11 billion in budget authority savings that we have tried to achieve here. So it is extremely important that we try to adopt this resolution that I think approves significant savings in that area and that the Committee on Armed Services and the Defense authorization bill can be achieved.

Let me summarize, if I can, the discretionary accounts, because I think that will indicate why we have stood by the House and the House position in almost every functional area.

On science and space, the Senate receded to the House level. In Energy, again, it is the House-passed level. On natural resources, the House agreed to an additional $221 million in this function. In Agriculture, the House agreed to an additional $115 million for this function. In Commerce and Housing, the Senate agreed to the higher House-passed mark. In Transportation, the Senate agreed to the higher House level, which provided additional spending for highways, aviation, and mass transit.

Community development function, the House agreed to an additional $260 million for this function. On education and training, which was one of our priorities established in the resolution, the House agreed to an increase of $200 million in budget authority for that function.

In health care, the Senate agreed to the House level. In Medicare, the Senate agreed to the House level. In income security, the Senate moved about 95 percent to the House-passed level. And in Social Security, the Senate receded to the House-passed level. And on Veterans, the conferees agreed to add $361 million to the House-passed level with regard to veterans.

□ 1240

On administration of justice, it is essentially the House-passed level. I would point out with regard to function 920 that administrative savings reflecting a 5-percent reduction across the board in the legislative branch and the executive office travel area are maintained in this budget conference.

In addition to that there is a recommendation for termination of commissions that we feel no longer serve their purpose, and that can provide additional savings as well.

Those are some of the key elements contained in this budget resolution. There are also some sense of Congress and Senate language that is included here. We did, pursuant to the instructions of the House, retain the language of the sense of the Senate dealing with a balanced budget vote. I would also point out that we have included additional language in here that says if a balanced budget amendment is adopted, it may be necessary to achieve additional savings for purposes of 1993 to meet the balanced budget target.

Lastly, I might point out we also approved sense-of-Congress language that was established by the Senate that would provide for a study of all subsidies provided so that we could have a clear reading of the subsidy programs that are provided generally in the Federal Government.

In conclusion, the basic point is this: The budget agreement here, the budget conference that is reflected here, is a conference that meets the requirements of the budget agreement. This is not easy. It is not easy to do. Some Members might think this is an easy chore. It is not. If we ask the Committee on Appropriations, they are going to have to operate, as I say, in the vicinity of almost $5 to $6 billion below current services, so they are going to be constricted in terms of what the Committee on Appropriations can do.

In the defense area we have achieved $11 billion in savings in defense as well. Those are not easy decisions to make as well. In addition to that, there are $2 billion in entitlement savings which we will have to achieve as bills come to the floor, reflecting the necessity for action in the entitlement area as well. So there are decisions that have been made here. There are decisions that keep us within the budget agreement, keep us within the caps, and keep us within the pay-as-you-go requirement of the budget agreement.

The priorities that are here, nevertheless, are those set by the House, aiming at trying to emphasize investments in education, health care, infrastructure, and jobs. This was signed by a bipartisan majority on the other side. We have worked closely together to try to keep our direction as close as possible to that established by the budget agreement, and in the end, it is important in the spirit of continuing our legislative agenda here and moving appropriations bills that we move this budget conference, adopt it, and be able to say that we have stood by the budget agreement that was adopted by both the House and the Senate and signed by the President.

Mr. Speaker, I reserve the balance of my time.

Mr. GRADISON. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, we are considering this conference report on the budget at an auspicious moment—a time in which Congress is seriously considering a constitutional amendment that would require a balanced Federal budget. Such an amendment probably will be passed by this House within 3 weeks, and some time in the next few years, Congress might actually have to abide by it.

Opponents of a balanced budget amendment contend that it would be nothing more than political cover, to make Congress appear responsible about budgeting. The hard work, they say, comes in drafting the budgets themselves.

But if that's so, then it is only fair to review the conference report on the budget that is before us to see just how responsible Congress is. Regrettably, the evidence here is disturbing.

At the start, I want to acknowledge my frustration. As the ranking Republican on the House Budget Committee, I was one of the conferees assigned to negotiate this report. But, like all other House Republicans, I was a conferee in name only. My participation was limited to a brief statement at the first meeting of the conference 2 weeks ago. If any other face-to-face meetings were held—except for the final one yesterday—I was not notified about them. This was a closed process from the beginning. The process culminated yesterday, when conferees were presented a two-page summary of what had been agreed to.

Apart from that, the substance of the conference agreement is remarkably shallow, especially considering the legitimate and serious budgetary questions facing this Congress. Consider the following:

ENTITLEMENTS

Both the House and Senate Budget Committees appear to agree that burgeoning entitlements are the single most serious spending problem. That has been evident for several years now. Yet the Senate rejected a specific method of curbing entitlements—through a cap on mandatory spending—and failed to make any alternative recommendations about how to control this uncontrollable cash-flow. The budget resolution includes $2 billion in stealth entitlement reductions that are unspecified, unreconciled, unclaimed, and very unlikely to happen. The only purpose they serve is to show a deficit $2 billion smaller than it really will be.

In contrast, the President's budget provided a variety of recommendations about restraining these mandatory outlays. One might agree or disagree with any or all of the proposals, but at least they were there. The President made the decisions, established the choices, and offered his recommendations about how entitlement spending could be curtailed. That is precisely what a budget resolution should do. It is precisely what the House and Senate resolutions, as well as this conference report, fail to do.

Worse, this lack of detail is supported by the very people who insist that a balanced budget amendment should be accompanied by specific spending cuts and tax increases to show how it would be achieved.

DOMESTIC DISCRETIONARY SPENDING

A majority of Democrats on both Budget Committees struggled mightily to blow the cap on domestic discretionary spending by knocking down the spending firewalls. When the firewalls legislation came to a vote, however, they lost. But it didn't matter, because they had a loophole in the congressional budget plan. The loophole is called conversion. With the conversion gimmick, they recommend spending nearly $2.5 billion of defense money on domestic areas, such as job training, education impact aid, and NASA. If OMB scores this as domestic spending—which is what it is—it will exceed the domestic discretionary cap and result in a sequester of domestic discretionary programs. This will be especially ironic coming so soon after the House voted, by a substantial margin, to stick with the firewalls and caps of the budget agreement.

The conference agreement also contains a $2.8 billion plug in the category of allowances. This is an arbitrary number inserted in the resolution to make the numbers add up. Without the plug, the deficit would appear to be $2.8 billion larger. With the plug, it appears that Congress can spend another $2.8 billion more than it really can. What this amounts to is that the Appropriations Committee will have to make decisions about how to cut the $2.8 billion since the budget conference failed to specify where the cuts should be made.

DEFENSE

Finally, there is defense. The conference figure is somewhat closer to the President's than the House budget was. In that respect, the conference level is somewhat better. But not simply because it's higher. What truly distinguished the President's figure from those of either the House or Senate was that the President's number was associated with specific defense policies over the long term. It provided for an orderly, step-by-step build-down of the Defense Establishment. One could see how he intended to achieve the defense levels sought by 1997.

But neither the House nor the Senate had realistic defense figures for defense. For the period after 1993, the House Budget Committee majority threw up their hands and inserted baseline numbers from the 1990 budget summit. As a result, the committee's 5-year defense path, as represented in the budget resolution, would spend $29 billion more than the President. The Senate budget resolution was only slightly less vague in this area. That resolution simply applied the same spending figure for all 5 years, without any indication of what kinds of the defense policies being represented.

What is the result in the conference agreement? Even though the House

Armed Services Committee has now reported its authorization bill—which could give some credibility to the House budget figure—the budget conference chose the Senate's straightline totals for the outyears. These figures are essentially arbitrary; they bear no relationship to reality. This is nonbudgeting, not budgeting.

I want to stress here that the Budget Act requires planning levels for 4 years after the budget year. But what's the point? If the figures are going to be meaningless, as they are with these defense totals, why include 5-year levels at all?

Is this the kind of leadership that opponents of a balanced budget amendment—and some of the proponents, too, for that matter—want to defend?

CONCLUSION

Mr. Speaker, a crucial element of a budget resolution is its credibility as a fiscal blueprint for the Federal Government. The resolution before us today—this conference report—frankly is not credible. It ducks the policy choices that should be addressed. This conference report offers strong evidence in support of a balanced budget amendment—because it gives no indication that Congress budgeting role is a responsibility Congress takes seriously.

□ 1250

Mr. Speaker, I reserve the balance of my time.

Mr. PANETTA. Mr. Speaker, I yield 3½ minutes to the distinguished gentleman from New Jersey [Mr. ROE], chairman of the Committee on Public Works and Transportation.

Mr. ROE. Mr. Speaker, I thank the distinguished chairman of the Budget Committee for allotting me this time, and regrettably I have to rise in opposition to this budget resolution.

Let me just share with Members that they are going to be back talking to the Committee on Public Works and Transportation about their transportation problems. We worked very diligently in this House last year to pass the intermodal transportation bill, and we did something special. We had the guts to follow the pay-as-you-go principle, and we voted to increase the taxes on gasoline by 2½ cents. That is what we did because we stuck with the budget rules. We stuck with the facts as they should have been, and this Congress had the courage to make that decision.

Let me tell Members what we are doing in this budget resolution. We are cutting $1.8 billion out of the trust fund money for the highway program. We are cutting $1.4 billion out of the transit program for the transit part of the bill or we are cutting $3.2 billion of the trust money that we voted for the transportation program. We are cutting it out and allocating it to other programs. So Members can take this home when they are running for reelection and tell the people this point. You voted for the 2½ cents to increase the gas tax which amounted to $3 billion, and when you voted for the trust money for the trust fund you met all of the requirements, and then you cut $3.4 billion out of the money, so that 2½ cents that you put your careers on the line for to increase the taxes on gasoline, you lose it all, you lose it all because it is being transferred to other programs. I say that is fundamentally wrong.

Let me close on this one point, if I may. What gets me here is that we have the city of Los Angeles that blows up in our face, and it is the discussion of everybody in this Congress from the President on down as to what we should do about it. Is it not interesting that we are going to be short $100 million in Los Angeles as far as their transit program is concerned, and in order to be able to get the very same people who need jobs and have to get around the city, Los Angeles, CA, is going to have to raise an additional $100 million for the city of Los Angeles just to get the people to work, or they are going to have to double the rate.

That is fundamentally bad budgeting. It is not honest, and it does not follow the votes of this House where the transportation program is involved.

Mr. PANETTA. Mr. Speaker, will the gentleman yield?

Mr. ROE. Of course I yield to the gentleman from California.

Mr. PANETTA. Mr. Speaker, I thank the gentleman for yielding. He has made these concerns known before.

I think the gentleman will agree with me, however, that under the budget rules that we operate, that is essentially what happens. That falls into an allocation that is given to the Appropriations Committee, and therefore it falls under the cap. And obviously if we could exceed the cap, or perhaps break the walls down, then we could have provided the additional funding. But unfortunately, that did not happen.

Mr. ROE. This is nothing personal to the good chairman, but it is a phony budget. By God, if you voted to raise the money and you are taxing people an additional 2½ cents a gallon of gasoline, and it is trust money to be used for that purpose, and it is heralded as the most important bill we passed in this Congress, then the rules are phony.

Mr. PANETTA. I know, but the gentleman knows that we do not take trust money and automatically spend it. It has to go through the Appropriation Committees and it operates within the caps.

Mr. ROE. That is not the point. The chairman, this chairman understands that from the Transportation Committee. What I am simply saying to you is if you believe in something in this life, by God you have to stand up and say it. What I am saying is nothing personal to the gentleman, but I am saying that this system is phony, and in effect we raised the taxes on the people of this country and we are using the money for other purposes. That is not fair, and I intend to vote no, and I trust everybody else will vote no.

Mr. GRADISON. Mr. Speaker, I yield 3 minutes to the distinguished gentleman from North Carolina [Mr. MCMILLAN], a member of the Committee on the Budget.

Mr. MCMILLAN of North Carolina. Mr. Speaker, I thank the gentleman for yielding me the time.

Mr. Speaker, it really is delightful to see colleagues on the other side of the aisle fighting with each other over this issue. I think we are going to have to have some of that, because solving our budget problems is going to ultimately require bipartisan support, in all honesty. And we started out, and I think we did a pretty good job of doing that in the budget hearings all this year. I probably have spent as many hours in those hearings and caucuses of the full committee as anyone else, hundreds of hours, but I share the ranking member's resentment that as part of the conference we were not even invited into the process and were presented with a finished document only yesterday, which still raises more questions than it answers, and I hope that in the future we can improve on that.

I would dearly like to believe that this budget adhered to the Budget Enforcement Act, that it stuck to the caps, that it seriously began to come to grips with out-of-control entitlement spending, and that it had seriously addressed the fiscal and tax disincentives against economic growth and productivity. At a time when we are collectively, in my judgment, moving to approve a balanced budget constitutional amendment, one would think that we were prepared to get on with it.

Passing the balanced budget amendment and then passing the legislation to adhere to it will require far more difficult choices than we have been willing to exercise in this budget or in the past. We are not making much progress if this budget is the standard.

It does adhere to the defense caps, although it does include a number of unnecessary expenditures in defense that could go further to deficit reduction. It does appear to meet domestic caps, with one fudge factor which the ranking member has so well described of $2.8 billion which it leaves up in the air for some future reconciliation. And I think that members of the Budget Committee are going to have to be challenged to make darn sure that that $2.8 billion is realized.

But worse, it only addresses half of the budget problem.

□ 1300

It fails to address out-of-control entitlement spending, and that is our real challenge. This budget should have begun to address what the Budget Enforcement Act failed to address, and that is the fact that entitlement spending is growing at a rate of in excess of 8 percent per year and is the primary reason why, as we look out 5 years ahead, we can see deficits of $330 billion, probably as good as $200 billion, and worse beyond that.

Mr. Speaker, if we are going to solve the budget problem in this country, if we are going to solve the deficit problem in this country, we are going to have to come to grips with entitlement spending.

I am going to vote against this budget, because it fails to come to grips with that problem, and I hope we will have a Congress next time prepared to make some of the kinds of tough decisions.

Mr. PANETTA. Mr. Speaker, I yield 3 minutes to the gentleman from Massachusetts [Mr. FRANK], a member of the Committee on the Budget.

Mr. FRANK of Massachusetts. Mr. Speaker, to begin, I have to express my disappointment with the point made by the gentleman from New Jersey for this reason: I agree with him that the system is flawed, but the point that the chairman of the Committee on the Budget made is a very forceful one.

Under the rules, we could not have done, under the laws, what the gentleman from New Jersey wanted. He said we vote this extra transportation money, it came out of trust funds, it should have all been spent, but the Budget Enforcement Act did not discriminate between trust fund money and other money. So the fact that it was trust fund money generated by a gas tax did not give the Committee on the Budget the mandate to spend that over and above the cap. Therefore, while I share the gentleman's anguish, I cannot agree with him that it is a reason for voting against this budget.

It was a reason to vote for the bill, which unfortunately failed, that would have allowed us to use military savings for domestic purposes. Once that bill failed, we were unable to comply.

Beyond that, I was not surprised to hear some of my colleagues on the other side announce that they would vote against the budget conference agreement, because this is not one of those years in which many of them are going to vote for budgets of any kind or offer any kinds of budgets. The President's budget, not the original one, but the President's budget as they reformulated it, was offered, and it got a minority of Republican votes, not House votes, Republican votes. As I counted up this year, 81 Republicans have voted for any budget at all, and 80 voted for no budget.

The Republicans have now been talking about things that they would have liked to have seen in the budget, but they did not offer them as amendments by and large. I do not remember, as a member of the Committee on the Budget, a Republican amendment to seriously challenge entitlements.

These are very difficult mandates that we have got. Take the statutes that govern the budget process, take the caps in place, take the demands in society, it is very hard to come up with a budget, and so half the Republicans faced with that hard job did a very sensible thing. They punted. They were for none of the above. They did not even offer amendments that would have carried it out.

Now, as to the budget itself, I am disappointed with some aspects of it, but I believe that the Committee on the Budget and the conferees in particular did as good a job as it was possible for them to do within these constraints. There is too much military spending here in the next year, in my judgment. The Senate forced us to raise our number a little bit, but, remember, the budget number on defense is a ceiling. It is not a floor. Nothing will stop us from getting up and, for instance, not buying five more B-2 bombers, for which there is no conceivable military justification of $2 billion-plus. I am sorry we voted for the *Seawolf*, but we do not have to repeat those mistakes.

We can reduce troops overseas. We can cut the B-2 bomber.

So I intend to vote for this budget, and given the fact that the walls could not come down, it does as well by the domestic program as it was legally possible for the chairman to do.

With regard to the military, we are now able, when the authorization comes to the floor, to make some cuts, and either put that into the deficit or try to use it in other ways.

Mr. GRADISON. Mr. Speaker, I yield 3 minutes to the distinguished gentleman from Arizona [Mr. KOLBE], a member of the Committee on the Budget.

Mr. KOLBE. Mr. Speaker, I rise to oppose this conference report.

The report is what I expected. Not a real grinder. The agreement contains spending targets that are within the budget authority and outlay caps set for defense, international affairs, and domestic discretionary spending by the budget summit agreement enacted in 1990.

If there were any discrepancies in spending levels between the two resolutions, the conferees either split the difference or moved closer to the House passed mark. And the spending levels for discretionary programs are $6.4 billion in both budget authority and outlays lower than what CBO states is necessary to maintain current services.

So the conferees just moved the furniture around a bit at the table. The Democrats' table, that is.

Mr. Speaker, I will not waste time talking about the numbers in the conference report, or the lack of Republican consultation that occurred during the conference, or the process by which this agreement was rushed to the floor, or the failure to meet the deadline contained in the budget act. It is the same ol' song that Republicans continue to sing.

Frankly, the main event occurred during consideration of the House-passed resolution, when Democrats insisted on bringing a schizophrenic resolution to the floor for consideration—a resolution that contained two different budget blue prints: A plan that would have spent the peace dividend and a plan B that retained the firewalls. Thankfully, a majority of my colleagues cast a fiscally responsible vote to defeat legislation removing the firewalls—thus retaining the separate categories and directing savings to deficit reduction.

Now, today I will take issue with the fact that this conference agreement fails miserably to address the mandatory side of the budget equation. The agreement assumes $2 billion in unspecified savings in entitlements or other mandatory programs in each of the fiscal years 1993 through 1997. Sounds adequate right? Wrong.

To put it in perspective, mandatory programs for 1993 now amount to $766.8 billion in spending per year—$980.6 billion including interest. They are projected to grow at an average of 7.2 percent over the next 5 years. Mandatory programs now account for two-thirds of Federal spending. Apart from returning to strong economic growth, slowing the growth of mandatory programs is the most important key to bringing the deficit under control, not defense or domestic discretionary cuts. Now you tell me if you think a $2 billion cut is anything more than a drop in the bucket.

In a few short weeks—this House will vote on constitutionally mandating a balanced budget amendment. There will be a lot of talk about tough choices, fiscal discipline, spending priorities and the shambles our fiscal house is in. And it will all be true. Anyone versed in budget matters knows that mandatory and entitlement spending must be a part of any implementing plan. This conference report lacks any fiscal discipline, and I can not endorse such a report.

Mr. PANETTA. Mr. Speaker, I yield 3 minutes to the gentleman from Illinois [Mr. DURBIN], another member of the Committee on the Budget.

Mr. DURBIN. Mr. Speaker, I thank the gentleman for yielding me this time.

Mr. Speaker, I have listened to this debate. Mr. Chairman, you just cannot win. From one side of the aisle, you cut too much. From the other side, you have not cut enough. And the votes are not there to pass a budget resolution unless people come forward and say we are going to have to pass this resolution as at least a step forward.

Unfortunately, everyone can always think of a way to improve on the situation, and that is what you are faced with in the debate this afternoon. Just yesterday there was a sight on this floor I have not seen in a number of years: Over 200 Members of this House of Representatives queued up right here in front of the desk and walked up to sign on to a discharge petition so that they could discharge a resolution called for a constitutional amendment to balance the budget. As has been alluded to by several other speakers, it is likely to be debated in the next several weeks. It is possible that it will pass. Many people across America will applaud it.

What we try to say in this budget resolution is that we should not think that is the end of the discussion by a long shot.

I asked for an amendment, and it was agreed to by both the House and Senate conferees, and it says basically this, that if Congress proposes by a two-thirds vote a constitutional amendment requiring the President to submit, and Congress to approve, a balanced budget, then the President and the Congress should reduce the deficit in fiscal year 1993, and that is the one starting in October, by an amount consistent with the Congressional Budget Office's estimate of what is necessary to achieve a path to a balanced budget.

How much more will need to be cut from this budget if we vote for a balanced budget? The Congressional Budget Office says probably $40 billion. Our chairman, the gentleman from California [Mr. PANETTA], and others labored for months to cut $4.8 billion out of this budget, and he cannot get a consensus on the floor today for it. Oh, people are all for budget-cutting. Hang on tight, folks. With a balanced-budget amendment, we are going to revisit this and cut another $40 billion.

What is this going to mean? The urban policy that all the press conferences have been about, that is going to go up in smoke just like Los Angeles. We are going to slice Social Security, mince Medicare, eviscerate the veterans, give your condolences to the collider, bye-bye to the B-2, sayonara to the *Seawolf*, farewell to space station *Freedom*. It is all gone, $40 billion of it.

Are these cuts necessary? You bet they are. Will they be tough? You bet they will be. But the people who think they can just sign on to a petition or an amendment and not be here for the dirty work are dead wrong.

□ 1310

I hope the people of America hold the Congress accountable.

Do you want a balanced budget amendment? Live with it. Make the choices. Cut the $40 billion.

You saw what it took when we sat down and tried to cut $4 billion. We cannot even get support from the Republican side to do that.

I hope they are around after the balanced budget amendment is considered.

Mr. GRADISON. Mr. Speaker, I yield 2 minutes to the distinguished gentleman from Pennsylvania [Mr. SANTORUM], a member of the Committee on the Budget.

Mr. SANTORUM. Mr. Speaker, I thank the gentleman for yielding me this time.

Mr. Speaker, I just wanted to come up and follow up on my colleague, the gentleman from Illinois [Mr. DURBIN] and say that I agree with him. He is absolutely right. If we can stand up here and say we are for a balanced budget resolution, and yet we do not have the nerve and the gall to do anything in this budget or anything else in any other appropriations bill that I see coming down the line to reduce the deficit, it is all pandering. It means nothing. The balanced budget resolution means absolutely nothing.

As the chairman will tell you and as the ranking member will tell you, we have offered amendments in the Budget Committee to reduce the deficit. We tried to put some real spending reductions in here, trying to come underneath the caps, instead of just complying with what this agreement was in 1990. It was soundly defeated, overwhelmingly defeated, not even a change on the floor.

I do agree with the gentleman from Illinois [Mr. DURBIN]. I have sympathy for the chairman of the committee. I think he is very well-intentioned trying to do things to reduce the deficit, but there just does not seem to be the political will in this institution to really come at the problem, and yes, take a little bit out of each of our hides on things that we may actually care about; but realize that for the long-term future of this Nation and for the long-term future of this Government, we need to make these tough decisions. There is no political will to do that.

I hope, Mr. Speaker, and I encourage the gentlemen here who are supporting the balanced budget amendment that this will be an impetus for us to face up and start making these tough decisions, but it is not going to be automatic. We are going to have to come down here and realize that this deficit, which I think under this budget is $362 billion, that is if you count the Social Security trust fund, almost $400 billion; that is, $400 billion we are going to spend more this year than we are going to take in, $400 billion. I mean, that is almost incomprehensible that we are going to do that and again leave it for our children to pay for the rest of our lives. It is not fair.

If you want to talk about all the things that go wrong down here, you want to talk about the real crimes that have been committed down here, what we are going to do here on the floor of the House today by not facing the music, by being able to look, and I see in the gallery young kids up there, and to look at these kids and say that we are mortgaging their future, that little girl up there being held in the arms of her mother, we are going to say to you, "You are going to be paying for the rest of your life what we are doing here today because we can't face the music and do what is right for America."

It is a crime.

Mr. GRADISON. Mr. Speaker, I yield 2 minutes to the distinguished gentleman from Virginia [Mr. ALLEN].

(Mr. ALLEN asked and was given permission to revise and extend his remarks.)

Mr. ALLEN. Mr. Speaker, I rise in opposition to this conference report. This conference report as it stands, we got a 3-page memorandum from the chairman, the gentleman from California [Mr. PANETTA] to kind of explain what was in it. Then you can go to these documents that were available a few hours ago with marked up lines and various language amendments, that is simply insufficient time for anyone to truly say that you have had intelligent consideration of what is in this conference report.

The gentleman from Ohio [Mr. GRADISON], the gentleman from New Jersey [Mr. ROE], and many others have talked about the specific defects in this conference report. The bottom line of this conference report is that they are admitting to a deficit of approximately $327 billion. If you take Social Security out of the accounting scheme, it is about a $393 billion deficit.

Now, this again came through earlier this morning.

There is no better time, this is a prime example of that there is no better time to vote on and pass a balanced budget constitutional amendment with this deficit looming over the American people and our economy.

It is necessary to force a discipline, and the Congress should vote for this constitutional amendment with protection for taxpayers against taxation and spending, with limits on taxing and spending, to protect them from carrying on this burden of the national deficit and debt.

Second, after that rescission fiasco we had a couple weeks ago, it is clear that we must give to the President the power of the line-item veto so we can have the President single out some of the squandering expenditures for needless and embarrassing wasteful projects, such as studying cow manure disposal and Vidalia onion storage and all sorts of things that are not in the national interest with this deficit.

I have introduced a resolution, House Resolution 447, which is different than the other balanced budget amendment, in it. It also has the line item veto. It is responsible, workable, and an effective means to discipline this profligate Federal spending.

Mr. Speaker, hard-working Americans, their families, their children and grandchildren, deserve this and not this budgetary charade.

Mr. GRADISON. Mr. Speaker, let me conclude and urge my colleagues to vote "no" on this conference report on the budget for fiscal year 1993.

Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. PANETTA. Mr. Speaker, I yield myself such time as I may consume to conclude this debate.

Mr. Speaker, I think all of us are aware of the anger and frustration that exists among the American people today when they look at Washington, and their greatest fear is that somehow the President and the Congress cannot get their act together to be able to handle the business of the country. So they are angry about those who do not assume the responsibility for dealing with Government and with the issues involving Government. They are tired of people who take the easy way out. The easiest thing to do in this institution is to vote no. It is the easiest thing to do, to vote no on budget resolutions, to vote no on budget agreements, to vote no on efforts to try to achieve savings of one kind or another, and then to take the easy way out to vote for a balanced budget amendment and get up and give a speech about how dedicated people are to reducing the deficit, when it does not count because you are not voting on issues and because you will not vote on issues.

A few weeks ago we added $7.3 billion to the deficit just like that. Most people who give the best speeches in this place on the importance of reducing the deficit went up and voted for that because it pleased a certain constituency out there.

I understand what goes on here, but I need to appeal to Members who care about assuming the responsibility of running this institution and of running the Government. That is what I appeal to.

The American public wants to see us assume some responsibility here, not just always to attack others, not attack the inability somehow not to do things.

The problem is we need to get a budget resolution in place. This budget resolution makes decisions. They are not easy. The decision is to stay within the budget agreement. That means we have got to stay within the caps established by the budget agreement. That means $6.4 billion has to be cut from current levels, 6.4 billion.

Ask the members of the Appropriate Committee if that is going to be an easy task.

Ask the members of the Defense Committee if achieving $11 billion in savings is going to be an easy task.

That is what this budget resolution does. We say we are going to stick to the budget agreement. We are going to achieve these savings. We try to identify the priorities that we care about in education, in health care, in jobs, and infrastructure; but the bottom line is that we have to live within a certain discipline. This budget resolution does that.

I recognize that there are those, as I said, who will vote for no resolution ever, the President's or anybody else's, because that is the easy way out.

Mr. Speaker, I appeal to Members, do not take the easy way out. Show the American public that we can assume some responsibility in this institution. Adopt this budget conference report.

Mr. FAZIO. Mr. Speaker, I rise today in support of House Concurrent Resolution 287, the conference agreement on the budget resolution for fiscal year 1993.

First, I would like to commend Chairman PANETTA and the members and staff of the Budget Committee for protecting the priorities that we here in the House established when we passed our budget resolution in March. They have managed to produce an end product that is fiscally sound, focuses on our current needs, and attacks the deficit.

The Budget Committee has worked with our colleagues in the Senate and negotiated a conference agreement that rejects the President's cuts in Medicare, mass transit, community development, and economic development, and achieves $7.1 billion in defense savings. But, because of the restriction in the Budget Enforcement Act of 1990, these discretionary defense savings cannot be used to take care of necessities here at home.

Lacking the flexibility to divert any of these defense savings to meet domestic needs, the conference agreement still does not ask our most vulnerable citizens—the unemployed, the underinsured, our senior citizens and retirees, our veterans, our children—to bear the brunt of our need to have fiscal discipline. Even though the $7.1 billion that we saved in defense cannot be used for our domestic programs, the Democratic budget conference agreement allows us to make the much-needed investment in our critical programs—health, education, jobs, economic growth, and conversion. We are even able to assume increases in some priorities like education, employment, health, and housing.

Those of us on the appropriations committee will now face tough challenges as we begin to make some hard choices—not between domestic priorities and other needs, but among all the important programs that American families rely on for help in meeting their basic, everyday needs. Without the flexibility to use our defense savings for domestic programs, we will be $6.4 billion short of what we need to maintain this year's services. There are difficult decisions ahead.

Regardless, Mr. Speaker, I am confident that, armed with the support that this conference agreement gives to our pressing domestic priorities, we will be able to meet this challenge. We will be able to build on its framework by managing our present responsibilities and commitments and investing in our future, thereby meeting America's needs. I urge my colleagues—on both sides of the aisle—to support passage of this conference agreement.

Mr. STENHOLM. Mr. Speaker, I rise today to express my qualified support for House Concurrent Resolution 287, the budget resolution for fiscal year 1993.

There is a saying, "Where you stand depends on where you sit," and that is precisely why I say my support is qualified. When I sit looking backward at how business is usually done around here, I take the stand that this resolution is quite good. I hasten to point out that the single largest reason it is good from a fiscal responsibility perspective is because this body made the decision to keep its work on the firewalls. That vote represented a bold, new resoluteness by the House and enabled us to actually move towards deficit reduction.

However, when I sit looking forward at how much must be done to achieve a balanced budget 5 to 10 years from now, I take the stand that we could have done a lot better. In fact, the House did do a lot better in the resolution we passed in March, compared to the conference report. Knowing how hard it is to save and how easy it is to spend around here, I am disappointed that the conference agreement allows a deficit $2.1 billion greater than the original House-passed resolution.

I am also disappointed that in this year's budget resolution we entirely avoided the issue of entitlement spending. Even a cursory examination of our national spending points out the inevitability of dealing with interest payments and entitlement spending if we are to have money to spend on any other programs. I hope that the Budget Committee, on which I am proud to serve, as well as this entire body is able to read the handwriting on the wall and will face entitlement reform next year.

I will vote for this resolution because I think it moves us a step in the right direction, and I want to affirm that movement. I look forward in the next few weeks and months to taking far greater steps toward deficit reduction and an ultimately balanced budget.

Mr. DORGAN of North Dakota. Mr. Speaker, I rise in opposition to the conference report on the fiscal 1993 budget resolution, House Concurrent Resolution 287. It does not move us far enough down the road of genuine deficit reduction.

The conference report is marginally better than the President's budget. It reduces defense spending by curbing wasteful practices and cutting some big ticket weapons made obsolete by the end of the cold war. This resolution begins to tackle the excessive amount of overhead in Government programs by making cuts of some $2 billion. It seeks to achieve a better balance in Federal priorities by giving greater weight to investments in human resources such as education and health care. For these and other improvements to the President's budget request, I tip my hat to the chairman of the Budget Committee, Representative PANETTA.

On the other hand, I am obligated to oppose the budget conference report because it leaves our fundamental budget problems almost untouched. The resolution actually increases the allowable deficit by $2 billion over the House-passed budget level. The total deficit will be over $400 billion, once we exclude the Social Security trust fund surplus from the deficit calculation. The $2 billion increase occurs because the conferees accepted the Senate's higher defense level—an anachronism in the post-cold war era. I simply refuse to be part of the business-as-usual approach which defers tough decisions on the budget for another year.

At the same time, Chairman PANETTA has a point: It's easy to vote against a budget but it's tough to propose a better approach. Two years ago, I did propose an alternative with our colleague, Mr. OBEY of Wisconsin. This year, I would again endorse many of those changes—a more progressive tax system, deeper defense cuts, and elimination of special interest subsidies. But the deficit problem is more severe and so must be the cure. We need to pass a balanced budget amendment and a line-item veto to give both the President and Congress the tools of greater fiscal discipline. We must also get aggressive about Government waste and cutting the excessive overhead and duplication in Government which waste tax dollars and sap programs. I have worked with a group of my colleagues to propose management reforms which could save $60 to $85 billion. We further must demand that the President negotiate burden sharing agreements with our allies to dramatically reduce our overseas defense spending.

With boldness and determination, we can turn the corner on deficit reduction. I regret that the resolution before us today falls short of the mark.

Mr. PANETTA. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mr. MFUME). Without objection, the previous question is ordered on the conference report.

There was no objection.

The SPEAKER pro tempore. The question is on the conference report.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. GRADISON. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently, a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 209, nays 207, not voting 19, as follows:

[Roll No. 139]

YEAS—209

Abercrombie
Ackerman
Alexander
Anderson
Andrews (ME)
Andrews (TX)
Annunzio
Aspin
Atkins
Bacchus
Beilenson
Bennett
Berman
Bevill
Bilbray
Blackwell
Bonior
Borski
Boucher
Brewster
Brooks
Browder
Bruce
Bryant
Bustamante
Campbell (CO)
Cardin
Carper
Clay
Clement
Coleman (TX)
Collins (MI)
Cooper
Cox (IL)
Coyne
Darden
de la Garza
DeFazio
DeLauro
Derrick
Dicks
Dingell
Dixon
Donnelly
Dooley
Downey
Durbin
Dymally
Early
Eckart
Edwards (CA)
Edwards (TX)
Engel
Espy
Evans
Fascell
Fazio
Feighan
Flake
Foglietta
Foley
Ford (MI)
Ford (TN)
Frank (MA)
Frost
Gaydos
Gejdenson
Gephardt
Gibbons
Glickman
Gonzalez
Gordon
Guarini
Hall (OH)
Hamilton
Harris
Hayes (IL)
Hefner
Hertel
Hoagland
Hochbrueckner
Horn
Hoyer
Huckaby
Hughes
Hutto
Jefferson
Johnson (SD)
Johnston
Jones (NC)
Jontz
Kanjorski
Kaptur
Kennedy
Kennelly
Kildee
Kleczka
Kopetski
Kostmayer
LaFalce
Lancaster
Lantos
LaRocco
Laughlin
Lehman (CA)
Lehman (FL)
Levin (MI)
Lewis (GA)
Lloyd
Long
Lowey (NY)
Luken
Manton
Markey
Martinez
Matsui
Mavroules
Mazzoli
McCloskey
McCurdy
McDermott
McHugh
McMillen (MD)
McNulty
Mfume
Mineta
Mink
Moakley
Mollohan
Montgomery
Moody
Mrazek
Murphy
Murtha
Natcher
Neal (MA)
Nowak
Oberstar
Obey
Olin
Olver
Ortiz
Owens (NY)
Pallone
Panetta
Parker
Pastor
Patterson
Payne (NJ)
Payne (VA)
Pease
Pelosi
Penny
Perkins
Peterson (FL)
Pickle
Price
Rangel
Reed
Richardson
Rose
Rostenkowski
Rowland
Roybal
Sabo
Sangmeister
Sarpalius
Sawyer
Scheuer
Schumer
Serrano
Sharp
Sikorski
Sisisky
Skaggs
Skelton
Slattery
Slaughter
Smith (FL)
Solarz
Spratt
Stallings
Stenholm
Studds
Swift
Synar
Tallon
Tanner
Taylor (MS)
Thomas (GA)
Thornton
Torres
Torricelli
Towns
Traxler
Unsoeld
Vento
Washington
Waters
Waxman
Weiss
Wheat
Whitten
Williams
Wilson
Wise
Wolpe
Wyden
Yatron

NAYS—207

Allard
Allen
Andrews (NJ)
Applegate
Archer
Armey
Baker
Ballenger
Barnard
Barrett
Barton
Bateman
Bentley
Bereuter
Bilirakis
Bliley
Boehlert
Boehner
Brown
Bunning
Burton
Byron
Callahan
Camp
Carr
Chandler
Chapman
Clinger
Coble
Coleman (MO)
Combest
Condit
Conyers
Costello
Coughlin
Cox (CA)
Cramer
Crane
Cunningham
Davis
DeLay
Dellums
Dickinson
Doolittle
Dorgan (ND)
Dornan (CA)
Dreier
Duncan
Edwards (OK)
Emerson
English
Erdreich
Ewing
Fawell
Fields
Fish
Franks (CT)
Gallegly
Gallo
Gekas
Geren
Gilchrest
Gillmor
Gilman
Gingrich
Goodling
Goss
Gradison
Grandy
Green
Gunderson
Hall (TX)
Hammerschmidt
Hancock
Hansen
Hastert
Hayes (LA)
Hefley
Henry
Herger
Hobson
Holloway
Hopkins
Horton
Houghton
Hubbard
Hunter
Hyde
Inhofe
Ireland
Jacobs
James
Johnson (CT)
Johnson (TX)
Kasich
Klug
Kolbe
Kolter
Kyl
Lagomarsino
Leach
Lent
Lewis (CA)
Lewis (FL)
Lightfoot
Lipinski
Livingston
Lowery (CA)
Machtley
Marlenee
Martin
McCandless
McCollum
McDade
McEwen
McGrath
McMillan (NC)
Meyers
Michel
Miller (CA)
Miller (OH)
Miller (WA)
Molinari
Moorhead
Morella
Myers
Nagle
Neal (NC)
Nichols
Nussle
Orton
Owens (UT)
Oxley
Paxon
Peterson (MN)
Petri
Pickett
Porter
Poshard
Pursell
Rahall
Ramstad
Ravenel
Regula
Rhodes
Ridge
Riggs
Rinaldo
Ritter
Roberts
Roe
Roemer
Rogers
Rohrabacher
Ros-Lehtinen
Roth
Roukema
Russo
Sanders
Santorum
Savage
Saxton
Schaefer
Schiff
Schroeder
Schulze
Sensenbrenner
Shaw
Shays
Shuster
Skeen
Smith (IA)
Smith (NJ)
Smith (OR)
Smith (TX)
Snowe
Solomon
Spence
Staggers
Stark
Stearns
Stokes
Stump
Sundquist
Swett
Tauzin
Taylor (NC)
Thomas (CA)
Thomas (WY)
Traficant
Upton
Valentine
Vander Jagt
Visclosky
Volkmer
Vucanovich
Walker
Walsh
Weber
Weldon
Wolf
Wylie
Yates
Young (AK)
Young (FL)
Zeliff
Zimmer

NOT VOTING—19

Anthony
AuCoin
Boxer
Broomfield
Campbell (CA)
Collins (IL)
Dannemeyer
Dwyer
Hatcher
Jenkins
Jones (GA)
Levine (CA)
McCrery
Moran
Morrison
Oakar
Packard
Quillen
Ray

☐ 1341

The Clerk announced the following pairs:

On this vote:

Mr. Ray for, with Mr. Packard against.
Mr. Anthony for, with Mr. Quillen against.

Messrs. DELLUMS, VISCLOSKY, CRAMER, and SWETT changed their vote from "yea" to "nay."

Mr. COLEMAN of Texas and Mr. WASHINGTON changed their vote from "nay" to "yea."

So the conference report was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PERSONAL EXPLANATION

Mr. MORAN. Mr. Speaker, during roll call vote No. 139 on House Concurrent Resolution 287 I was unavoidably detained. Had I been present I would have voted "Yea."

PROVIDING FOR ADJOURNMENT OF THE HOUSE FROM THURSDAY, MAY 21, 1992, TO TUESDAY, MAY 26, 1992, AND ADJOURNMENT OR RECESS OF THE SENATE FROM THURSDAY, MAY 21, 1992, OR FRIDAY, MAY 22, 1992, TO MONDAY, JUNE 1, 1992

Mr. DERRICK. Mr. Speaker, I offer a privileged concurrent resolution (H. Con. Res. 323), and ask for its immediate consideration.

The Clerk read the concurrent resolution, as follows:

H. CON. RES. 323

Resolved by the House of Representatives (the Senate concurring), That when the House adjourns on Thursday, May 21, 1992, it stand adjourned until noon on Tuesday, May 26, 1992, or until noon on the second day after Members are notified to reassemble pursuant to section 2 of this concurrent resolution, whichever occurs first, and that when the Senate recesses or adjourns at the close of business on Thursday, May 21, 1992, or Friday, May 22, 1992, pursuant to a motion made by the Majority Leader, or his designee, in accordance with this resolution, it stand recessed or adjourned until Monday, June 1, 1992, at such time as may be specified by the Majority Leader or his designee in the motion to recess or adjourn, or until noon on the second day after Members are notified to reassemble pursuant to section 2 of this concurrent resolution, whichever occurs first.

SEC. 2. The Speaker of the House and the Majority Leader of the Senate, acting jointly after consultation with the Minority Leader of the House and the Minority Leader of the Senate, shall notify the Members of the House and the Senate, respectively to reassemble whenever, in their opinion, the public interest shall warrant it.

The concurrent resolution was agreed to.

A motion to reconsider was laid on the table.

COMPREHENSIVE NATIONAL ENERGY POLICY ACT

Mr. DERRICK. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 464 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 464

Resolved, That during the further consideration of the bill (H.R. 776) to provide for improved energy efficiency, no amendment to the amendment in the nature of a substitute made in order as original text by House Resolution 459 shall be in order except the amendments printed in the report of the Committee on Rules accompanying this resolution or as specified herein. Said amendments shall be considered in the order and manner specified in the report and shall be considered as having been read. Said amendments shall be debatable for the period specified in the report, equally divided and controlled by the proponent and a Member opposed thereto. Said amendments shall not be subject to amendment except as specified in the report. All points of order against the amendments printed in the report are hereby waived.

SEC. 2. It shall be in order at any time for the chairman of the Committee on Energy and Commerce to offer amendments en bloc, consisting of amendments and modifications in the text of any amendment which are germane thereto, printed in the report of the Committee on Rules. Such amendments en bloc shall be considered as having been read, shall not be subject to amendment, or to a demand for a division of the question in the House or in the Committee of the Whole. Such amendments en bloc shall be debatable for not to exceed twenty minutes, equally divided and controlled by the chairman and ranking minority member of the Committee on Energy and Commerce. The original proponents of the amendments offered en bloc shall have permission to insert statements in the Congressional Record immediately before the disposition of the amendments en bloc. All points of order against said amendments en bloc are hereby waived.

SEC. 3. At the conclusion of the consideration of the bill for amendment, the Committee shall rise and report the bill to the House with such amendments as may have been adopted, and any Member may demand a separate vote in the House on any amendment adopted in the Committee of the Whole to the bill or to the amendment in the nature of a substitute made in order as original text by House Resolution 459. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions.

The SPEAKER pro tempore (Mr. MFUME). The gentleman from South Carolina [Mr. DERRICK] is recognized for 1 hour.

Mr. DERRICK. Mr. Speaker, for the purposes of debate only, I yield the customary 30 minutes to the gentleman from Ohio [Mr. MCEWEN], pending which I yield myself such time as I may consume. During consideration of this resolution, all time yielded is for the purpose of debate only.

Mr. DERRICK. Mr. Speaker, House Resolution 464 is the second of two rules providing for consideration of H.R. 776, the Comprehensive National Energy Policy Act. This rule will allow the House to complete consideration of the final titles of H.R. 776.

For those titles under consideration today, the rule makes in order only amendments printed in the report of the Committee on Rules or specified in the rule. The amendments will be considered in the order and manner specified in the report and for the time specified, equally divided and controlled by a proponent and a Member opposed. The amendments will not be subject to amendment except as specified and all points of order against the amendments are waived.

The rule permits the chairman of the Energy and Commerce Committee to offer amendments en bloc consisting of the text of amendments printed in the report and germane modifications. The amendments en bloc are not amendable nor subject to a demand for a division. The en bloc amendments will be debatable for 20 minutes equally divided by the chairman and ranking minority member of the Committee on Energy and Commerce and all points of order against the en bloc amendments are waived.

In addition, the original proponents of the amendments en bloc have authority to insert statements in the CONGRESSIONAL RECORD. Finally, the rule provides for one motion to recommit with or without instructions.

Mr. Speaker, this rule will allow the House to complete consideration of H.R. 776, the Comprehensive National Energy Policy Act. This is the first broad energy legislation considered by the House in over a decade.

As I stated yesterday, 43 percent of the energy consumed in the United States is petroleum based. Today we import over half of the oil consumed in this country. Not since 1947 has the United States been energy independent. The Persian Gulf war focused this Nation's attention on the need to improve our future energy security. We can not remain vulnerable to energy supply disruptions and must secure a more stable energy future. H.R. 776 will help us achieve this goal.

Mr. Speaker, House Resolution 464 is a carefully crafted rule that will allow the House to complete consideration of legislation to help us secure a stable energy future for our Nation. I urge my colleagues to support the rule and the bill.

☐ 1350

I urge my colleagues to support the rule and the bill.

Mr. Speaker, I reserve the balance of my time.

Mr. MCEWEN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I will not take up the time of the House to reiterate what has been so fairly and comprehensively explained by my distinguished Rules Committee colleague from South Carolina, Mr. DERRICK, on the rule to accompany H.R. 776, the Comprehensive National Energy Policy Act. The minority has no objection to this rule.

Mr. Speaker, this is the second rule on the energy bill.

The first rule provided for the 5 hours of general debate and amendments in the first seven titles of H.R. 776.

This second rule structures the amendment process for the remaining titles of this 30-title bill.

This second rule provides for the consideration of a total of 21 additional amendments. The text of each of these amendments is printed in the report accompanying the rule.

As the gentleman from South Carolina stated, the chairman of the Committee on Energy and Commerce will be permitted to offer amendments en bloc consisting of the text of amendments printed in the report and germane modifications of these amendments.

However, I would like to bring to the attention of our colleagues here today an important provision of this bill which will take a significant step toward revitalizing an essential source of domestic energy production—uranium enrichment.

As the sponsor of legislation designed to revive America's flagging domestic uranium enrichment industry, I am especially pleased to see that this comprehensive package contains an important provision to create an independent, Government-owned uranium enrichment corporation. I commend the chairman and ranking member of the lead committee, on Energy and Commerce, for their efforts to address this critical issue. I would also like to take this opportunity to thank the chairman of the Rules Committee, Mr. MOAKLEY of Massachusetts, for bringing this rule before us that will enable Members to take up this proposal on the House floor today.

For many years now, Congress has struggled with the idea of privatizing the Nation's ailing uranium enrichment enterprise, or UEE, which is currently managed by the U.S. Department of Energy. Given that the enterprise supplies 40 percent of our naval combat fleet, it is vital to our national security. As the sole producer of enriched uranium for nuclear power reactors, which generate nearly 20 percent of the Nation's electricity supply, a competitive, financially healthy enterprise is critical to maintaining our energy security as well.

Unfortunately, as a Government agency, the Department of Energy simply cannot compete as effectively as the uranium enrichment market requires. As a result, by the 1980's, we had lost more than 50 percent of the world market due to foreign competition and an unsteady commitment to nuclear energy here in the United States. A private business entity, given the flexibility it needs to compete effectively, would be better equipped to respond rapidly and appropriately to market signals in order to maximize profits and to minimize losses.

As the investment firm of Smith Barney, Harris Upham & Co., Inc., concluded in its May 1990 study of the DOE's enrichment enterprise, an independent corporation would be able to "operate outside of the political and bureaucratic environment that has historically affected the business operations of the UEE."

By implementing a sound restructuring proposal, one which ensures the viability and success of the new corporation, and by developing advanced, more cost effective and efficient enrichment technology, we can preserve and reinvigorate a valuable domestic industry. In so doing, we protect American jobs, we protect the labor force that is employed at the Department's current facilities, and we promote quality enrichment services that are indeed made in the USA.

During debate on title IX of the bill, I will offer an amendment that will guarantee that the site selection process for locating the AVLIS technology—the next generation of advanced uranium enrichment technology presently being developed by DOE—is conducted in as fair and equitable a manner as possible. My amendment specifically requires that the "selection of a site for the AVLIS facility shall be made on a competitive basis, taking into consideration economic performance, environmental compatibility, and use of any existing facilities." In this time of budget constraints, I urge my colleagues to join me in seeing that the new corporation utilizes any existing facilities to the greatest extent possible, thereby making the best use of taxpayer money previously invested in the Nation's uranium enrichment activities.

Finally, as many of my colleagues already know, the issue of converting DOE's uranium enrichment enterprise into an independent corporation has been taken up legislatively on a number of previous occasions. In fact, the Senate has approved restructuring legislation at least four different times in the past. With the inclusion of this important restructuring provision in H.R. 776, I am confident that the 102d Congress will take the proper steps to lay the foundation for securing a more efficient and less vulnerable domestic source of energy through enriched uranium.

Mr. Speaker, I reserve the balance of my time.

Mr. DERRICK. Mr. Speaker, for purposes of debate only, I yield 2 minutes to the gentleman from Florida [Mr. SMITH].

Mr. SMITH of Florida. Mr. Speaker, I thank the gentleman for yielding time to me.

Mr. Speaker, I rise in support of both this rule and the entire National Energy Policy Act. Passage of this bill will be an historic day for all those committed to seeing that the tragedy that occurred in Prince William Sound is not repeated along Florida's precious Outer Continental Shelf.

The Outer Continental Shelf in the southern Atlantic is one of America's true environmental treasures. Florida's coastal region is home to some of our Nation's most unique natural resources and sea life. At the same time, Floridians depend on their coastal waters for a wide range of commercial and recreational activities. In short, a drilling disaster in these waters would have devastating environmental and economic consequences.

The energy bill that we will debate today and hopefully pass contains provisions imposing a 10-year moratorium on leasing and preleasing activities along the Florida coast, mandating the cancellation of the suspended leases in the Florida Keys, and containing legislation I authored that will make it easier for the Secretary of the Interior to buy back all of the misguided leases sold during the Reagan administration.

I feel that Chairmen MILLER and JONES have done an excellent job balancing America's long-term energy needs with the need to protect our natural and ecological resources. I urge this House to support the rule and the bill on final passage.

Mr. MCEWEN. Mr. Speaker, I yield 9 minutes to the gentleman from Texas [Mr. FIELDS].

Mr. FIELDS. Mr. Speaker, I rise in strong opposition to this modified closed rule for H.R. 776, the so-called Comprehensive Energy Policy Act.

While it may have been time consuming and inconvenient to consider dozens of separate amendments to this legislation, I am distressed that we have been denied an opportunity to debate several key amendments, including one proposed by myself and Congressman BILLY TAUZIN.

Mr. Speaker, there is nothing in H.R. 776 that either encourages the development of our energy resources or addresses our growing dependence on foreign oil imports.

During the last 4 years, that dependence has increased from 27 to over 45 percent of our energy needs. Unless we find new oil and gas resources, our foreign dependence will grow to 60 to 70 percent of our petroleum requirements by the year 2000. As a nation, we can ill afford to allow this to occur.

I would ask each member to consider the following:

First, production from Prudhoe Bay, AL, which now provides 25 percent of our energy, is falling and this decline will rapidly accelerate during the next 10 years;

Second, by the year 2010, the United States is expected to produce about 7.8 million barrels per day, while we will consume 22.6 million. This represents a staggering shortfall of 14.8 million barrels per day.

Third, the domestic oil industry rig utilization rate is now at its lowest point in history. In fact, even in the Gulf of Mexico, which is one of the few areas not entirely covered by moratoria, the utilization rate is a paltry 41 percent.

Fourth, as recently as 5 years ago, our domestic energy industry invested nearly 70 percent of its capital here in the United States. Today, more than half of this capital is spent abroad because the oil industry is being forced out by leasing moratoria, drilling bans, and other punitive actions.

Fifth, the Department of the Interior just conducted an OCS lease sale in the central Gulf of Mexico. At that sale, it received the second lowest number of leasing bids in history. Further, the number of drilling plans being filed is down 26.7 percent.

And sixth, according to the Department of Energy, the United States spends about $120 million each and every day to buy imported oil. It is the single largest component of our trade deficit. In 1991, we spent $56 billion to acquire imported crude oil and that represented nearly one-half of our total trade deficit.

Mr. Speaker, there is an energy crisis in America. While it may not be as obvious as the gas lines of the 1970's, it is far more dangerous because we are systematically destroying any incentive to invest and to find the domestic energy resources we will need to survive in the future.

In my State, there has been a depression in the oil industry. Domestic employment in oil and gas extraction fell from over 770,000 in 1982 to about 390,000 today. This is a loss of 380,000 jobs or four times as many jobs lost in the automobile industry. By comparison, there were over 16 million more private sector jobs in 1991 than 1982, a 22-percent increase.

The bipartisan amendment which I intended to offer was a straightforward attempt to deal with the serious problem of our growing dependence on foreign crude oil. If enacted, it would allow the President to lease certain OCS moratoria areas if several stringent conditions are met. These conditions are:

First, the level of oil imports must exceed 50 percent for more than 4 consecutive months, as determined by the Energy Information Agency;

Second, the President can only lease those OCS planning areas that have undergone sufficient environmental review to fully comply with the National Environmental Policy Act, and

Third, the Minerals Management Service must certify that a proposed planning area has significant quantities of oil or gas resources.

Furthermore, under the Fields-Tauzin amendment, the President is required to submit an annual report containing a forecast of both oil production and domestic consumption and the steps he will take to reduce our dependence to less than 50 percent.

Mr. Speaker, the President should have this authority and I deeply regret that the House will not have an opportunity to work its will on this proposal.

What I am suggesting will not endanger our environment but it may well protect our national security.

While much has been written about OCS leasing and development, there is no evidence that OCS leasing is a danger to our environment.

In fact, the OCS program is our Nation's safest energy extraction program. Since 1975, when current Federal offshore safety regulations went into effect, about one one-thousandth of 1 percent of the oil produced on the Federal OCS has been spilled. This represents a 99.99 percent safety record. In addition, there has never been a blowout or a major oilspill from any oil exploration well drilled in U.S. waters.

In the past 15 years, nearly 5 billion barrels of oil have been produced from the Federal Outer Continental Shelf. Less than 900 barrels have been spilled. Indeed, urban runoff dumps more oil into the ocean than do offshore rigs.

Mr. Speaker, according to the National Academy of Sciences, oil from tankers and other forms of transportation account for 45 percent of the oil pollution in the sea, while oil from offshore production is less than 2 percent.

Of the 60 largest oilspills that have occurred in the waters of this Nation, only one was the result of OCS oil and gas activity, and subsequent technological advances have made another spill of that type virtually impossible. The remaining 59 oilspills were mainly caused by tankers, the majority of which were carrying imported crude oil.

While it may be good politics for some to prohibit leasing on 500 million acres of our Federal offshore lands, this policy is a disaster for America because it costs jobs, threatens our economy, exacerbates our trade deficit, undermines our national security, and increases our dependence on foreign oil.

What is tragically ironic about the moratoria debate is that it is self-defeating because the net effect of leasing prohibitions is more tanker traffic and more oil spills. The real risk to our environment is in oil tanker transportation, not OCS development.

Mr. Speaker, under current law, our domestic oil industry must comply with 74 sets of Federal regulations and nearly three dozen major Federal laws concerned with environmental protection and safety.

Under my amendment, none of these laws are waived and, in fact, I have added the additional conditions of the 50-percent import penetration level and the significant oil or gas resources test.

Mr. Speaker, it is clearly not in our Nation's best interests that we obtain 60 percent of our crude oil from unstable foreign sources. At a minimum, the President should be given the authority to lease certain offshore areas, when the level of imports reaches 50 percent.

After all, these offshore Federal lands and the energy resources they may contain belong to the people, all of the people, of the United States.

In an emergency, which I have defined as an import level greater than 50 percent, our citizens must have access to the 25 billion barrels of oil and 204 trillion cubic feet of natural gas that the Minerals Management Service has estimated exist on the Federal OCS.

Mr. Speaker, in closing, my amendment, would establish a fail-safe procedure, by allowing us to obtain stable and safe sources of domestic energy from the Federal OCS without endangering our coastal environment.

The Federal OCS program has had an outstanding safety record for nearly 40 years. It is time we develop these resources and stop importing so much foreign oil which is being transported to America in leaky foreign tankers.

Again, I request that all members vote "no" on this highly restrictive rule.

□ 1400

Mr. DERRICK. Mr. Speaker, I yield 3 minutes to the distinguished gentleman from Louisiana [Mr. TAUZIN].

Mr. TAUZIN. Mr. Speaker, I thank the gentleman for yielding time to me.

Mr. Speaker, let me join my colleague, the gentleman from Texas, in our concerns about this portion of the national energy strategy bill which emerges out of the Committee on Merchant Marine and Fisheries and the Committee on the Interior. One of the problems with referring a national energy strategy bill to nine different committees is that you get nine different sets of policy objectives in the bill.

The policy objectives that come forward in this section of the bill are really environmentally driven. They are not nationally energy strategy driven. They are environmentally driven, because they have allowed those who want to establish moratoria on their coastlines to do so in this section of the national energy strategy bill.

Is that going to help us create energy for America and protect us against foreign imports? Quite the contrary. It means that more and more areas will be off limits to drilling. It means that more and more, our country will have to depend on imported oil.

The gentleman from Texas [Mr. FIELDS] and I had asked for permission to offer one simple amendment which would have given the President the power in the case where the oil imports were rising dramatically again, to look into some of those moratoria areas to find the ones that were simply politically written off limits, those where hydrocarbon potential was high, where environment impact criteria was low, and to exempt those areas and permit drilling, for the good of the country, in those areas.

We have not been allowed that opportunity under the rule, and that is unfortunate. Additionally, I had asked permission to offer an amendment that would have directed the impact money in this bill to the States with impacts. That seems to make logical sense, but the bill as it currently comes out of the Committee on Rules is going to share revenue from the offshore to cover impacts that do not exist in coastal States, because they have no production offshore, and they are actually subject to moratoria against production.

That does not make sense, to reward States for not doing anything for energy production, and it sends the wrong signal. Furthermore, it sends money to cover impacts when there are no impacts.

I suggest to the interior States, they ought to be the ones complaining about that, because this is really a general revenue sharing bill in which interior States are not going to participate.

That amendment should have been allowed. We should have had a chance to debate it. We are not going to have that chance. That is unfortunate. I wish this section on OCS were not a part of this bill. I wish we were not engaged in extending more moratoria.

That is not going to help our energy situation, it is only going to hurt it. But obviously that is not going to be part of the debate, part of the bill which we are going to have a chance to discuss a great deal more.

I am going to, of course, support the Committee on Rules, but I again regret that the Committee on Rules did not give us a chance to offer these two worthwhile amendments.

The SPEAKER pro tempore (Mr. MFUME). The time of the gentleman has expired.

Mr. McEWEN. Mr. Speaker, I yield 3 additional minutes to the gentleman from Louisiana [Mr. TAUZIN].

Mr. FIELDS. Mr. Speaker, will the gentleman yield?

Mr. TAUZIN. I am happy to yield to the gentleman from Texas.

Mr. FIELDS. Mr. Speaker, I ask the gentleman, if we are going to be discussing a national energy strategy, it seems this would be an appropriate item for debate, and it is beyond me to understand why the Committee on Rules precluded our opportunity to come to this floor in open and frank debate and discuss energy policy.

Mr. TAUZIN. Of course, the gentleman is correct. If there were ever more important debate that should occur on the floor of this House, it is the question of what happens when all the alternative fuel strategies, all the conservation strategies, fail to stop us from becoming more and more dependent upon sources of oil that this country cannot rely upon. We ought to be debating what happens when that occurs, and we ought to have on the floor at least a chance to give the President a chance to open up areas with very little environmental impact and high hydrocarbon potential to allow us to answer the import threat, but we will not have that debate because our amendment was not allowed.

Mr. FIELDS. Mr. Speaker, if the gentleman will continue to yield, I do not know if people have a true picture of what is happening: The fabrication, the manufacturing jobs, the other points of expertise that are flowing outside of this country, because our people in Houston, TX, and throughout the energy-producing areas are gravitating to Russia, to the North Sea, to Indonesia, and we are not going to have those people domestically to help us, particularly when this country is faced with a severe crisis and shortfall, which of course is very probable sometime in the future.

Mr. TAUZIN. The gentleman knows as well as I that we have lost 600,000 jobs in the oil and gas industry in America, and that industry is rapidly leaving us, going to other places, because we have said, "The welcome mat is no longer out. We don't want you here. We are going to write off limits those areas where you might produce energy for America, and we are going to write such extraordinary liability laws and such extraordinary environmental compliance laws that you cannot participate any more in producing energy for America."

That I think is an awful policy that we ought to at least debate on this floor sometime.

Mr. FIELDS. If the gentleman will yield one last time, I have worked with my chairman for many years now, and I am constantly frustrated that people confuse tanker spills, like the *Exxon Valdez*, and the safe extraction record of our Federal OCS.

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. DERRICK. Mr. Speaker, I yield 30 seconds to the gentleman from Louisiana.

Mr. TAUZIN. Mr. Speaker, the gentleman from Texas [Mr. FIELDS] is exactly correct. The OCS development has been extraordinarily safe in terms of the environment of the coastal areas. Unfortunately, tanker traffic has not been too safe. What we are doing in this bill, off-limiting more and more OCS areas for development, is guaranteeing we are going to have more tankers, more spills, more troubles for the American environment, less oil and gas produced here for America inside America.

Mr. McEWEN. Mr. Speaker, I yield 4 minutes to the gentleman from Louisiana [Mr. HOLLOWAY].

☐ 1410

Mr. HOLLOWAY. Mr. Speaker, I rise in reluctant opposition to this closed, modified rule.

I would like to engage in a colloquy with the gentleman from Louisiana [Mr. TAUZIN] and would simply just like for him to try to stress the importance, and stress, knowing that we do not have it before us, knowing this bill does not really have the teeth in it at this point that we want, but knowing that the gentleman from Louisiana is quite a fisherman, when we go amongst these rigs that drill in the gulf, and we go there almost weekly, I just want to simply say that we do get confused, and I just want to say that there is cleanliness of being able to fish, and to stress seeing how the major oil companies and all have handled the drilling in the gulf that I think we put ourselves in great danger with all of these tankers coming in of a great spill versus the way they operate in the gulf. I just wish the gentleman would try to instill in Members this fact, who I think always see the seeping all of the time from these wells that we are drilling, I would like the gentleman to stress the great job that they do.

Mr. TAUZIN. Mr. Speaker, will the gentleman yield?

Mr. HOLLOWAY. I yield to the gentleman from Louisiana.

Mr. TAUZIN. I thank the gentleman for yielding and engaging me in this colloquy, and I appreciate it. The fact of the matter is that there are thousands of offshore installations off our coast in Louisiana, and the records of those installations are superlative, as they are for offshore Texas. Those installations produce incredible amounts of oil and gas for America, and at the same time it is the best place to fish. If you want, really want to catch your limit of the most of your fish in the Gulf of Mexico, the best place to go is tie up to a north shore oil rig.

Unfortunately, that message is well understood around the country, and the political judgment of writing areas off to development all over the coast of America is now going to have a serious impact upon this Nation's ability to service its own energy needs.

We cast a vote in this Chamber not too long ago to send our sons and daughters to fight in somebody else's oil fields because we would not produce here at home, and unfortunately this bill is now going to make us more dependent upon those same unreliable oil fields when we could be producing here at home, and environmentally safely here at home.

Mr. FIELDS. Mr. Speaker, will the gentleman yield?

Mr. HOLLOWAY. I yield to the gentleman from Texas.

Mr. FIELDS. Mr. Speaker, I would be anxious to hear a comment from Chairman TAUZIN, because he and I have sat through countless hours of committee consideration on this subject, and when you really boil this down, and cut away all of the fluff, the real OCS moratoria is not because of oilspills, but the issue is the view. People do not want to see a platform, and because you cannot make an environmental argument against OCS exploration and production, that is the cover for the real issue, people do not want to see platforms.

Mr. TAUZIN. Mr. Speaker, will the gentleman yield?

Mr. HOLLOWAY. I yield to the gentleman from Louisiana.

Mr. TAUZIN. Mr. Speaker, in fact at one of our hearings of the Committee on Merchant Marine and Fisheries when we had the President's 5-year plan before us, we asked why some of the areas with high hydrocarbon potential and very low environmental impact concerns were being written out of the President's plan, and the Secretary at that hearing admitted we were writing off some of those areas because of politics, because of the strength of the delegation from that State.

This bill will now extend that moratoria to many more such areas, and that is not in the Nation's interest.

Mr. HOLLOWAY. I just want to close on what I was saying about the fact that this bill is a good bill, but it still does not do what we need to make us dependent on our own energy in this country. Of course, the OCS hurts tremendously. We do not even control the environment. Look at what happened in Kuwait with the oil fires. That would not happen in this country. We endanger the environment of this country more by allowing the hazards that we have, and I would say the carelessness by which they do it.

I just want to say that we offered an amendment which was not allowed that basically would have given us a little bit of incentive for domestic drilling, and I am happy that the Committee on Ways and Means actually allowed or has an amendment that we are going to vote on for filling the strategic petroleum reserve, but we had a little amendment which said that domestic oil would be exempt from filling that reserve, maybe 25 cents a barrel. But somewhere we have to have some initiative that gives us reason for our people to drill, and we have lost our domestic oil industry because of the actions of this House.

Mr. MCEWEN. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. DERRICK. Mr. Speaker, I yield back the balance of my time, and I move the previous question on the resolution.

The previous question was ordered.

The resolution was agreed to.

A motion to reconsider was laid on the table.

The SPEAKER pro tempore (Mr. MFUME). Pursuant to House Resolution 459 and rule XXIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the further consideration of the bill, H.R. 776.

□ 1415

IN THE COMMITTEE OF THE WHOLE

Accordingly the House resolved itself into the Committee of the Whole House on the State of the Union for the further consideration of the bill (H.R. 776) to provide for improved energy efficiency, with Mr. SKAGGS in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. When the Committee of the Whole Rose on Wednesday, May 20, 1992, all amendments in order pursuant to House Resolution 459 had been disposed of.

Pursuant to House Resolution 464, No amendment to the amendment in the nature of a substitute made in order as original text by House Resolution 459 shall be in order except the amendments printed in House Report 102–533 or as specified in House Resolution 464. Said amendments shall be considered in the order and manner specified in House Report 102–533, shall be considered as read and shall not be subject to amendment, except as specified in House Report 102–533. Debate time shall be equally divided and controlled by the proponent and an opponent of the amendment.

It shall be in order at any time for the chairman of the Committee on Energy and Commerce to offer amendments en bloc, consisting of amendments and modifications in the text of any amendment which are germane, printed in House Report 102–533. Said amendments en block shall be considered as read, shall not be subject to amendment or to a demand for a division of the question, and shall be debatable for 20 minutes, equally divided and controlled by the Chairman and ranking minority member of the Committee on Energy and Commerce.

The original proponents of the amendments offered en block shall have permission to insert statements in the CONGRESSIONAL RECORD immediately before the disposition of the amendments en bloc.

It is now in order to consider amendment No. 1 printed in House Report 102–533.

AMENDMENT OFFERED BY MR. DINGELL

Mr. DINGELL. Mr. Chairman, I offer an amendment.

The Chairman. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. DINGELL:

Page 321, strike line 7 and all that follows through page 323, line 15, and insert the following:

SEC. 804. SITE CHARACTERIZATION.

(a) FINDINGS.—The Congress makes the following findings:

(1) In 1987, Congress directed the Department of Energy to characterize the Yucca Mountain site to determine its suitability for the disposal of high-level radioactive waste and spent nuclear fuel.

(2) The State of Nevada has delayed, and could continue to delay for an unacceptable length of time, the processing of environmental permits required for the commencement of site characterization activities at Yucca Mountain.

(3) The Department of Energy will need at least 18 permits from the State of Nevada during the site characterization process.

(4) If the Department of Energy is to determine, in a timely fashion, whether the Yucca Mountain site is suitable for the disposal of high-level radioactive waste and spent nuclear fuel, the State permitting process must be expedited.

(b) PERMITS AND ENFORCEMENT.—Section 113 of the Nuclear Waste Policy Act of 1982 (42 U.S.C. 10133) is amended by adding at the end the following new subsection:

"(e) PERMITS AND ENFORCEMENT.—

"(1) PERMITS.—No State or local permit (including any permit based on Federal authority that has been delegated to a State or local government) shall be required in order for the Secretary to conduct site characterization activities at the Yucca Mountain site.

"(2) ENFORCEMENT.—

"(A) IN GENERAL.—Except as provided in subparagraph (B), the State of Nevada may bring an action to enforce any Federal or State standard, requirement, criteria, or limitation applicable to the conduct of site characterization activities at the Yucca Mountain site. Such an action may be brought only in the United States District Court for the District of Nevada.

"(B) REQUIREMENTS THAT RESULT IN PROHIBITION OF SITE CHARACTERIZATION.—A State standard, requirement, criteria, or limitation (including any State siting standard or requirement) that could effectively result in the prohibition of site characterization activities shall not apply unless each of the following conditions is met:

"(i) The State standard, requirement, criteria, or limitation is of general applicability and was adopted by formal means.

"(ii) The State standard, requirement, criteria, or limitation was adopted on the basis of hydrologic, geologic, or other relevant scientific considerations and was not adopted for the purpose of precluding site characterization activities for reasons unrelated to protection of human health and the environment.

"(C) NO NEW AUTHORITY.—The provisions of this subsection shall not be construed to grant to the State of Nevada any authority to enforce a Federal or State standard, requirement, criteria, or limitation that the State of Nevada did not have on the date of the enactment of the Comprehensive National Energy Policy Act.".

(c) CAPACITY OF REPOSITORY AT YUCCA MOUNTAIN.—

(1) IN GENERAL.—Section 114(d) of the Nuclear Waste Policy Act of 1982 (42 U.S.C. 10134(d)) is amended by striking the second sentence and all that follows through the end of the subsection and inserting the following: "The Secretary shall determine, by rule, the volume of high-level radioactive waste and spent nuclear fuel that may be emplaced in any repository to be constructed at Yucca Mountain.".

(2) CONFORMING AMENDMENT.—The caption of section 114(d) of the Nuclear Waste Policy Act of 1982 (42 U.S.C. 10134(d)) is amended to read as follows:

"(d) COMMISSION AND DEPARTMENT ACTION.—".

The CHAIRMAN. Under the rule, the gentleman from Michigan [Mr. DINGELL] will be recognized for 20 minutes, and a Member opposed will be recognized for 20 minutes.

The Chair recognizes the gentleman from Michigan [Mr. DINGELL].

Mr. DINGELL. Mr. Chairman, I yield 10 minutes to the gentleman from New York [Mr. LENT] for the purposes of controlling that time.

The CHAIRMAN. Without objection, the gentleman from New York [Mr. LENT] will control 10 minutes of the time.

There was no objection.

Mr. DINGELL. Mr. Chairman, I yield myself 5 minutes.

Mr. Chairman, this amendment is offered on behalf of the Committee on Energy and Commerce. Its purpose is to expedite the permitting process at Yucca Mountain, NV. The language relates to site characterization activities. It is precisely the same language as was approved by the Committee on Energy and Commerce and the Subcommittee on Energy and Power of that committee. The language was reported to the House by a vote of 24 to 1.

The amendment seeks to address the troublesome issue of nuclear waste disposal. It seeks to address the responsibility that we all share to see to it that high-level nuclear waste disposal is not pushed off on future generations and that it is not a threat to the current generation.

For the past 30 years our generation has had the benefit of nuclear power. Yesterday, this House voted overwhelmingly to change the process for licensing nuclear power plants.

□ 1420

It now becomes our responsibility to address the back end of the cycle and to come to terms with the waste that nuclear power produces. It is expected that there will be more than 50,000 metric tons of high-level nuclear waste by the year 2010, the existing reactors in the United States will generate almost 90,000 metric tons through the end of their operating lives.

Regardless of the future of nuclear power or one's opinion on that energy source, the waste issue is one which needs to be addressed. It has been said by wags that the problem is, with regard to waste, that everybody wants somebody to pick it up and nobody wants them to put it down. The problem we confront here then is to arrange for the orderly disposal in the safest possible fashion, pursuant to law, of high level nuclear waste.

It has been charged that this amendment is going to take away from the State of Nevada all of its rights with regard to substantive procedure. Nothing is further from the truth. This amendment simply deals with the question of characterization of the site, and it requires that the State of Nevada do nothing to inhibit the studies which will ultimately lead to a decision whether that waste should be put in the State of Nevada at the Yucca Mountain site or not, nothing further than that. Nevada retains all of its current powers, both substantive, procedural, and otherwise with regard to this question. But no longer can they inhibit the study of this site and the processing of the movement toward a settlement of the issue.

This is not a new issue. In 1982, 1987, and now finally in 1992, we address it again. In 1987 we directed the Department of Energy to study the Yucca Mountain site in Nevada. We find ourselves now 5 years later with very little to show for an enormous amount of time and an enormous amount of money spent.

I wish to assure my colleagues that these years of delay have served no one well. They have cost prodigious amounts of money. They have cost enormous amounts of time. They have inhibited the development of nuclear power in this country.

The amendment does not do what it has been accused of doing. Nevada is not stripped of its ability to enforce environmental laws or environmental and procedural rights.

Substantively Nevada will retain full enforcement authority for environmental standards contained in any permit. Procedurally, however, the amendment will allow the study process to move forward.

Nevada has shown a noteworthy handling of this matter. Good timing has been one of its characteristics. When the Congress, or the Federal Government, moves towards curtailing abuses in the State with regard to permitting all of a sudden the permits are issued, and at other times, there has been enormous resistance and great refusal to carry the matter foward. This is no way in which a program of this sort should be conducted.

Finally, I want to stress to my colleagues that this amendment makes no mention of the final emplacement of nuclear and radioactive waste at the Yucca Mountain site. That is a determination which must be, and will be, made at a later time.

This is a reasonable, balanced, and fair amendment. I urge my colleagues to support it.

This will move the process forward. It will assure that no longer will there be irresponsible delays imposed upon a Federal program of great value to all of the people of the United States, and it assures that there will be no storage temporarily in any other State because Nevada has unfairly and improperly delayed the process.

Mr. Chairman, I reserve the balance of my time.

Mr. KOSTMAYER. Mr. Chairman, I rise in opposition to the amendment.

The CHAIRMAN. Is the gentleman from Pennsylvania opposed to the amendment?

Mr. KOSTMAYER. The gentleman is opposed to the amendment, yes, Mr. Chairman.

The CHAIRMAN. The gentleman from Pennsylvania [Mr. KOSTMAYER] is recognized for 20 minutes.

Mr. KOSTMAYER. Mr. Chairman, I yield 4 minutes to the gentlewoman from Nevada [Mrs. VUCANOVICH].

Mrs. VUCANOVICH. Mr. Chairman, this amendment is about one issue and one issue only—States rights.

Specifically, it is about Nevada's right to issue environmental permits to guarantee clean air and clean water for its citizens.

This right is fundamental and has been recognized time and again by Congress.

Although Mr. DINGELL and his fellow sponsors claim their amendment will not take Nevada's authority, that is exactly what it will do.

If it does not, why is this amendment needed?

Congress has made conscious decisions to give States the primary jurisdiction to administer environmental laws.

The Resource Conservation Recovery Act [RCRA] and the Clean Air and Clean Water Acts are all administered by the States.

In fact, Nevada has issued permits to DOE for site characterization under some of these very laws.

In New Mexico, DOE is attempting to open the waste isolation pilot project, or WIPP site. However, a Federal judge has ruled that DOE must obtain a State issued RCRA permit prior to waste implacement. Will we soon see a bill before the House stripping New Mexico's authority to issue this permit?

Mr. Chairman, the siting of the Nation's high level nuclear waste repository is no longer a scientific process. The 1987 action of Congress naming Yucca Mountain as the only site to be characterized wholly politicized the process.

It is no wonder the public's trust in the nuclear energy program is at an all time low. Science is out; hardball politics is in. The Dingell amendment will only serve to further diminish public confidence.

In the arid West, States jealously guard their authority to allocate scarce water supplies, including ground water. However, the Dingell amendment would strip Nevada's historic right to adjudicate water rights in a State forum.

Instead of allowing State courts to decide water law, the State would be forced into Federal court to defend its watermaster's decisions.

Under the Dingell amendment, the DOE need not ask for more water. It would simply take it. The State's only recourse would be a Federal court unfamiliar with State water law.

These issues are dealt with everyday in the Interior Committee, of which I am a member. The members of the committee acted unanimously to delete the very same States rights preemption language Mr. DINGELL is attempting to reinject into this bill.

Contrary to Mr. DINGELL's beliefs, the State has issued in a timely manner the necessary air and water quality permits. The GAO recently reported that the DOE was not ready to begin site characterization until February 1991, for lack of a quality assurance plan.

The industry and administration have continuously screamed foul claiming Nevada has blocked characterization. The simple truth is that DOE was not prepared to go forward.

Any delays which may have occurred have been of the DOE's own making. Perhaps that is why the statement of administration policy released by the President does not even mention Yucca Mountain.

No veto has been threatened by the President if this bill reaches his desk without preemption language.

My fellow colleagues, before you cast your vote on the Dingell amendment, I ask you to ask yourselves, am I ready to reject my principles because its some other Member's State whose sovereignty is being threatened?

Today, it may be Nevada. Tomorrow, it could be your State.

Mr. Chairman, I urge defeat of this amendment.

Mr. LENT. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, because I so greatly respect and admire the gentlewoman from Nevada, it is with some regret that I rise in strong support of the amendment offered by the chairman, the gentleman from Michigan [Mr. DINGELL] to expedite site characterization for the high-level radioactive waste disposal repository.

Mr. Chairman, the State of Nevada has repeatedly delayed the granting of permits in an effort to slow or stop DOE's efforts to characterize Yucca Mountain as the waste repository site. The Dingell amendment attempts to resolve this impasse and allow DOE to go forward with site characterization.

To be specific, the Dingell amendment states that permits issued by Nevada are unnecessary for DOE to perform site characterization activities. While this amendment does expedite the site characterization process, it does not leave Nevada without the means to protect the health and safety of its citizens. Nevada can bring suit in Federal district court if Nevada believes that DOE is not complying with one of its State health and safety standards.

You may ask if this undercuts States rights. I think not. The Dingell amendment makes crystal clear that Nevada's ability to protect health and safety is preserved. It emphasizes that if Nevada believes that important safety issues are being wrongly ignored, it can act. This is true even if those safety issues might lead to halting work on the site. Only Nevada's ability to obstruct and delay for political reasons has been limited.

I oppose Interior's provisions because they attempt both to halt Yucca Mountain and inject NIMBY style opposition into an already volatile mix. The Miller provisions would impose 1987 EPA standards that cannot be implemented because they require precise probability estimates over extended timeframes. These standards would effectively foreclose actual operation of the Yucca Mountain repository. The Miller provisions would also give States and Indian tribes an absolute veto right, essentially gutting the Federal Interim Storage Program.

Whether or not this is the intent of the Interior title, the effect is to halt nuclear power in this country for good. I urge my colleagues to support Mr. Dingell's amendment.

□ 1430

Mr. KOSTMAYER. Mr. Chairman, I yield 4 minutes to the gentleman from Nevada [Mr. BILBRAY].

Mr. BILBRAY. Mr. Chairman, here we go again. Again we have the "screw Nevada bill" No. 2.

Is Nevada justified in objecting to the fact that we are now being forced to give up some of the rights that Congress has so cherished and passed to the States?

Over and over again courts have held at different times that the procedural rights of protest in permitting was not entitled to the States, and Congress has come in and passed law after law saying that not only is the substantive right of the State to be considered, but also the procedural rights.

Should Nevada be heard? Should we be upset by this law? Of course, we should, and any other State in the Union would be, too. If not, I ask any of my colleagues from any district or territory or State, would they like to have the nuclear repository? Because Nevada will give up this great public works project to them willingly and allow all these jobs to flow to them.

But that is not the case. Nevada has fought this particular repository, that is true, but legally. We have issued every permit that the Department of Energy has asked for.

In fact, the GAO on April 18, 1991, in a report to Congress said that it was not Nevada that was delaying the constitution and site characterization at Yucca Mountain, it was the DOE, because the DOE had hired people who did not meet the minimum standards to do these tests.

In fact, when one expert, a quality assurance officer who worked for Holmes and Narber, one of the subcontractors at the Yucca Mountain site, found that people hired to do these tests did not meet the minimum standards, turned it in to Holmes and Narber, he was told to keep his mouth shut.

He went to the Department of Energy and told them, and he was told to keep his mouth shut.

Then he finally came and went public with it and he was fired.

The GAO investigated these reports and found he was correct.

It was because the DOE had to go back in and do these tests all over again and recertify them that the delays have taken place, and nothing that Nevada had done had delayed this testing.

So what we find today is that as long as the permits were issued by March 1992, according to the GAO report, that there would be no delay. The last of these permits was issued right after September 1991.

The reports also say that for the next 3 years that if no further reports are offered or given, the DOE can move forward on this particular site characterization.

The attorney general, the Governor of the State of Nevada, has stated that Nevada will not illegally impede anything that the DOE does.

Now, certainly as a State, we will make sure the DOE crosses the T's and dots the I's, because let me tell you, the DOE would flunk application No. 1. They cannot do anything right. They continue to make mistakes across this Nation, whether it is Rocky Flats or other facilities, Hanford, WA, and the Nevada test site, they continue to mess up, and we in Nevada if we get stuck with this nuclear repository, we want to make sure the DOE does it right.

What this amendment does is take away that right from us.

Now, who opposes this? The Western Governors Conference opposes it. The Attorney Generals Association. The Sierra Club, the Energy Conservation Coalition, the Environmental Action Committee, the Friends of the Earth, the National Audubon Society, the NRDC, the Nuclear Information Research Service, the Safe Energy Communications Council, the Union of Concerned Scientists, the USPRIG.

Public citizens and the League of Conservation Voters consider this to be an important environmental vote to be used in their scoring card.

We think it is important to understand what is happening. What is happening is not right.

In talking to members of the Committee on Energy and Commerce, many of them admit they disagree with what the chairman is doing, but out of respect or fear they will support the chairman in this particular action.

Mr. Chairman, it is wrong, and what is happening to Nevada is wrong. It could happen to your State, too.

Mr. DINGELL. Mr. Chairman, I yield myself such time as I may consume to respond to a question of the gentleman from Texas [Mr. COLEMAN] and I yield to the gentleman.

Mr. COLEMAN of Texas. Mr. Chairman, my question is only this. I know the gentleman's amendment provides that no State or local permits are needed by the Department of Energy to carry out site characterization activities. I just wanted assurance from the gentleman that the gentleman's amendment in no way would affect the transportation of such materials to or from those sites.

Mr. DINGELL. That is correct. The amendment does not affect transportation. It only deals with the site characterization in the State of Nevada, that is all.

Mr. COLEMAN of Texas. Mr. Chairman, I thank the gentleman.

Mr. DINGELL. Mr. Chairman, I yield myself such time as I may consume.

I would note for the record that the amendment is supported by the administration. It is supported by the AFL-CIO among others.

Mr. Chairman, I yield 2 minutes to the gentleman from Maryland [Mr. MCMILLEN].

Mr. MCMILLEN on Maryland. Mr. Chairman, I rise in support of the amendment. I support this amendment because this country has a serious nuclear waste problem that needs to be resolved. Even if every nuclear powerplant in this country were shut down tomorrow, we would still have to deal with the waste issue—it is not going to disappear.

The reality is that until Yucca Mountain is characterized and we find out if it is a suitable site for storage of high level nuclear waste, we are not going to look at any other sites, and we will remain no closer to a national permanent repository.

By supporting this amendment, you are not voting to make Yucca Mountain the site for a permanent repository. Instead, you are voting to allow the Department of Energy to get on with its work and to evaluate the site.

Why the rush? What does it matter if it takes 50 years to site a permanent repository? The answer is simple, interim onsite storage facilities across the Nation are running out of space. In Maryland, the storage facility at the Calvert Cliffs plant will be filled by 1994. Plans are now underway to build dry storage facilities, which I am concerned will turn out to be nothing more than a de facto permanent repository.

Marylanders have already contributed over $180 million to the nuclear waste fund to finance a national repository. To date, they have nothing to show for this but increased utility rates to pay for new on site storage. Considering the track record of the State of Nevada—site characterization at Yucca Mountain is not going to take place anytime in the foreseeable future without this amendment. Let us get the process moving, I urge my colleagues to support this amendment.

Mr. LENT. Mr. Chairman, I yield such time as he may consume to the gentleman from North Carolina [Mr. BALLENGER].

Mr. BALLENGER. Mr. Chairman, I thank the gentleman for yielding this time to me. I rise in support of the Dingell amendment.

Mr. Chairman, I would like to touch upon a significant and substantial reason for supporting the Dingell amendment on Yucca Mountain. First, 66 nuclear energy plant sites nationwide will reach onsite storage capacity for spent fuel by 2010, the year DOE projects for the operation of a high-level waste repository, forcing the industry to consider temporary methods to store this waste. Persistent delaying tactics by Nevada threaten to drive the repository completion date further into the future, creating problems for those utilities with limited storage space and impeding the expansion of nuclear energy to meet future electricity demand.

Each of the two major utilities in North Carolina will run out of onsite storage capacity in the near future—CP&L in 1993, and Duke Power in 2005. Unless legislation is enacted, there is a strong possibility that all onsite storage facilities around the country could become de facto Yucca Mountains check your State. This is a national issue, not a Nevada issue, and I urge each of my colleagues to support this amendment.

Mr. LENT. Mr. Chairman, I yield such time as he may consume to the gentleman from Pennsylvania [Mr. RITTER].

Mr. RITTER. Mr. Chairman, I rise in strong support of the Energy and Commerce Committee amendment.

I would like to take this opportunity to speak about some of the science questions related to Yucca Mountain, NV, and the potential repository. By legislative enactment in 1987, after an exhaustive site selection process had narrowed potential sites to three, this Congress directed DOE to study the suitability of Yucca Mountain. Opponents of the studies at Yucca Mountain incorrectly claim that this decision was not scientifically supported and was purely politics. However, that just is not true.

The decision to choose Yucca Mountain, in fact, was scientifically supportable. In 1986, the Department of Energy published a study that showed that the Yucca Mountain site was actually ranked first in the composite overall ranking of the five sites that remained at that time, including other sites in Texas, Utah, and Washington. "A Multiattribute Utility Analysis of Sites Nominated for Characterization for the First Radioactive-Waste Repository—A Decision-Aiding Methodology," DOE/RW-0074, May 1986. That study was designed to determine an initial order of preference for sites for recommendation of further studies and represents a scientific basis for choosing Yucca Mountain.

Opponents also claim the legislation to further mandate the timely study of Yucca Mountain is not needed because, among other reasons, the Yucca Mountain desert location is not a suitable site for the Nation's high-level waste repository. They base this mistaken contention on a 1989 report by Jerry Szymanski, a former DOE staff hydrologist, who said that ground water has risen well above the level proposed for the repository in the geologically recent past and could do so again. Incidentally, the proposed repository would be located 1,000 feet above the ground water table, one of the greatest advantages of the Yucca Mountain site.

Szymanski's theory has been discredited by both the National Research Council of the National Academy of Sciences [NAS] and the State of Nevada's own scientists. In its review of the Szymanski study released April 13, 1992, the 17-member NAS panel found "there is no evidence to support the assertion that the water table has risen periodically hundreds of meters from deep within the crust." They also found that geologic evidence suggests that ground water never has risen to the level proposed for the repository, that the largest rise may have been a little over 100 feet about 10 million years ago, and that no mechanism known to the panel appeared capable of raising the water table anywhere near the 900 to 1,000 feet necessary to reach the proposed repository.

The NAS report, however, should not be interpreted as an endorsement of Yucca Mountain as a repository site. "The panel was not asked to, and did not, take a position on the suitability of Yucca Mountain" for the repository.

"There is much work to be done," the panel said, adding it "supports initiation of the studies needed to develop the necessary information with which to evaluate the site."

A DOE contractor and an independent peer review panel also concluded that the studies of Yucca Mountain to date show that there is no apparent reason to disqualify the site as a possible site for a high-level waste repository. Their study, entitled "Report of the Peer Review Panel on the Early Site Suitability Evaluation of the Potential Repository Site at Yucca Mountain, Nevada," SAIC-91/8001, January 1992, concludes that 9 of the 24 conditions required to qualify Yucca Mountain as a waste repository are present and the remaining 15 are likely "present but need more information." The report also concludes that 14 of the 18 conditions that could disqualify Yucca Mountain are not present and that "new information is unlikely to change those conclusions."

These studies have all recommended that more scientific study of the site is needed to determine if the site is suitable for a repository. Given the State's ongoing obstruction of DOE's efforts to study Yucca Mountain, which so far seems like a pretty good site, it is imperative that Congress pass the Energy and Commerce Committee amendment to provide the means for the timely study of the site.

Mr. LENT. Mr. Chairman, I yield 2 minutes to the gentleman from California [Mr. MOORHEAD], the ranking member of the Committee on Energy and Commerce.

Mr. MOORHEAD. Mr. Chairman, I rise in support of the Committee on Energy and Commerce and the amendment of the gentleman from Michigan [Mr. DINGELL] to expedite site characterization for high-level radioactive waste disposal.

I think that many of us are reluctant to pass on something to the State of Nevada which Nevada does not want, but their site in that State is probably the best site in the Nation for such a nuclear waste site.

□ 1440

There are not very many people in that area, very, very few in fact, and the site has been chosen as the most likely one in the country for that particular purpose.

We do not have much time left in which to locate a site because, as you have been told earlier, many of the plants across America are filled to the brim with waste. Something has to be done with that waste, and done in the very near future.

To not take action would be certainly wrong because we might very well have some serious problems in one place or another.

In 1982, Congress directed the Department of Energy to examine the suitability of the Yucca Mountain site for nuclear waste disposal. In the ensuing 10 years, the State of Nevada—for political reasons—has repeatedly obstructed efforts to implement our directive.

This amendment empowers the Department of Energy to go forward with site characterization while protecting the health and safety of the citizens of Nevada.

Once again we are witnessing an attempt by the Interior Committee to stall our Nation's efforts to advance alternative sources of energy. We cannot allow our future to be held hostage by a diminishing supply of fossil fuels.

I urge my colleagues to support this amendment.

Mr. KOSTMAYER. Mr. Chairman, I yield 2 minutes to the gentleman from Wyoming [Mr. THOMAS].

Mr. THOMAS of Wyoming. I thank the gentleman very much for yielding this time to me.

Mr. Chairman, I rise in opposition to the Dingell amendment, and I can tell you that I have thought about it very deeply.

It is a difficult decision because I am one who favors the nuclear industry. I think it is one that we ought to proceed with.

I think it, otherwise, would deny this country a safe and steady domestic source of energy. On the other hand, I am committed to the States rights and I am committed to primacy of the States. I am committed to the notion that States can have procedures and processes through which even the Federal Government should go. And I believe that is the real issue.

The real issue is not whether or not it is going to be located there. I think there is evidence that it will be.

I would counsel, if I had the opportunity, the Governor of Nevada to be a little less obstinate in the situation. But I do think it is moving in that direction.

I think also that particularly when you talk about things like water, underground water, water rights, State primacy in water, State primacy in air, State primacy in zoning, that those ought to be the things that are very important.

We, for instance, in Wyoming are studying and considering an intermediate storage site. I can tell you that I want us to be able to retain the decision as to whether we have it there or not. If the Congress says to Nevada today, "We are going to do it. You guys get out of the way, we are not going to pay any attention to what you have in mind in terms of permitting," they can say that the next day to Wyoming.

So I do favor this. I think we have a to have a permanent storage and I think we ought to move toward it. I talked with the Assistant Secretary today, who indicated her desire and willingness to continue to negotiate with Nevada. And I say to my friend, the Congresswoman from Nevada, that Nevada is the one that broke off the negotiations, as I understand it, and I think they ought to get back to it.

Mr. Chairman, I have thought about it a great deal, and I have come down on the side of supporting something I think is a principle, and that is the States rights in this issue.

Mr. Chairman, I oppose this Dingell amendment.

The CHAIRMAN. The gentleman from Michigan [Mr. DINGELL] has 2½ minutes remaining.

Mr. DINGELL. Mr. Chairman, we would like to close, and if we could, we would like to defer for a bit.

Mr. KOSTMAYER. Mr. Chairman, might I inquire of the time remaining?

The CHAIRMAN. The gentleman from Pennsylvania [Mr. KOSTMAYER] has 10 minutes remaining, and the gentleman from New York [Mr. LENT] has 5 minutes remaining.

Mr. KOSTMAYER. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, Nevada has done what any State would do. Its Governor, its Senators, its distinguished delegation in the House has done what California, New York, Michigan, Pennsylvania would have done: They have tried to protect the interests of their States.

I held a hearing on this very subject in Las Vegas on January 10 of this year, and I came to the conclusion that the State had in fact been responsible for some delay. I told the Governor of the State, who testified before my subcommittee, that I thought that Congress was prepared to move this project ahead and I thought the State was making a great mistake in any delay.

Subsequent to that period of time, a court suit between the Department of Energy and the State of Nevada was settled, and the very next day the attorney general of the State of Nevada began to process the permits.

The State of Nevada has processed the last permit now, and the Federal Government has the ability and the authority to work on characterizing this particular site for about 3 years.

The legislation, I think, which we consider and which is offered today by my very good friend from Michigan is no longer necessary, although I agree that at one time it was.

So I hope we will not agree to it.

Mr. Chairman, whatever the outcome of the vote today, I do want to say a word about the efforts of the gentleman from Nevada [Mr. BILBRAY]. No one in this House has worked harder than the gentleman from Nevada [Mr. BILBRAY]. We do not know what the outcome of this vote will be, but whatever the outcome of the vote is, he deserves the thanks of the people of his State. He has stood by them, he has worked hard and tirelessly to protect the interests of the people of his State, and whatever the outcome of the vote may be today, no one, no one who knows what has happened here can blame the gentleman from Nevada [Mr. BILBRAY].

Mr. Chairman, I reserve the balance of my time.

Mr. LENT. Mr. Chairman, I yield 1 minute to the gentleman from Arizona [Mr. RHODES].

Mr. RHODES. I thank the gentleman for yielding this time to me.

Mr. Chairman, I am very reluctant to stand here in support of Chairman DINGELL's amendment. The first reluctance is the obvious one, which has been stated by others, as it relates to States rights. The second reluctance is I would have, personally, preferred an approach to deal with this matter that would have dealt with the issue of preempting, if you will, Nevada's policies and procedures on a more conditional basis. Unfortunately, the Committee on Rules chose not to make that amendment in order. So we are here dealing with the Dingell amendment.

We are dealing, make no mistake about it, we are dealing with implementation of national policy. Last night this body took a huge step forward in reaffirming the national policy that nuclear energy will be part of our energy policy for the future of this country.

Today we must deal with another national policy. That national policy is that the United States of America will take the responsibility of providing a permanent repository for high-level nuclear waste.

It is also our national policy to provide a single site to be characterized as a suitable location for that repository.

No single State can be allowed to circumvent stated national policy.

Mr. KOSTMAYER. Mr. Chairman, I do not believe I have any additional request for time, but I do reserve the balance of my time although it is the right of the gentleman from Michigan [Mr. DINGELL], of course, to close.

Mr. LENT. Mr. Chairman, I yield 1 minute to the gentleman from Louisiana, [Mr. HOLLOWAY] a member of the Committee on Energy and Commerce.

Mr. HOLLOWAY. I thank the gentleman for yielding this time to me.

Mr. Chairman, I rise today in support of the committee's amendment.

I think it is a safety issue, I think we have 83 sites in this country today holding temporary nuclear waste. Now, can 83 individual sites in this country handle that waste, or can one site in a part of the country that has already done nuclear testing, put into a totally safe repository, whether that is best? I think that is the issue before us today. Do we want to delay that for another 20 or 30 years? Maybe the attorney general has agreed to proceed, but we cannot have that pop up year after year. We have to grant DOE the right to go forward and see that this is a safe site and let us move this waste from 83 sites into one where we can control it.

Mr. LENT. Mr. Chairman, I yield 1 minute to the gentleman from Illinois [Mr. HASTERT], a member of the Committee on Energy and Commerce.

□ 1450

Mr. HASTERT. Mr. Chairman, I rise today to urge Members to support the

Dingell amendment to the high-level radioactive waste title of this energy bill.

Congress determined that deep geologic isolation was the environmentally preferred solution for the disposal of spent nuclear fuel by adopting the nuclear waste policy in 1982. In 1987, after an exhaustive site selection process had narrowed potential sites to three, Congress instructed DOE to study one of those sites, Yucca Mountain. But delay on the part of the State of Nevada has prolonged this process to the point where Federal action is necessary.

The Dingell amendment would fully retain the State's environmental standards applicable to the studies, while allowing DOE to proceed studying the site without the necessity of State or local authority first issuing permits.

Let me remind Members of this body, waste storage capacity at nuclear reactor sites nationwide is filling rapidly and we can't afford more delays in siting a permanent repository. My State of Illinois has to date already contributed over $1 billion to the high-level waste fund. Illinois ratepayers do not want to pay twice. That's right pay twice; once through the millage fee for the high-level waste site, and another $1 billion again for new onsite storage capacity as the Yucca Mountain characterization process drags on. At the current rate, Illinois' 12 nuclear power plants will begin to run out of storage capacity in 2002. That means for the time being the State of Illinois has 12 temporary high-level storage facilities that could become de facto permanent waste repositories.

I urge Members to vote "yes" on the Energy and Commerce high-level radioactive waste title.

Mr. LENT. Mr. Chairman, I yield 1 minute to the gentleman from Colorado [Mr. ALLARD].

Mr. ALLARD. Mr. Chairman, I rise in support of the Committee on Energy and Commerce chairman's amendment for high level radioactive waste disposal.

Mr. Chairman, I wish to draw the attention of my colleagues to section 804(d) on interim storage of title VIII—high level radioactive waste. This would add a new subsection (j) to section 135 of the Nuclear Waste Policy Act of 1982. It attempts to abrogate a contractual obligation undertaken in 1965 by the U.S. Government in connection with a research and development project in my Congressional district. I will vote for the Dingell amendment and urge my colleagues to do likewise.

A little background information concerning this project might be helpful. In 1965, the Atomic Energy Commission, the predecessor to the Department of Energy, entered into a research and development contract with Public Service Co. of Colorado for the construction of the Fort St. Vrain nuclear powerplant. The Federal Government wanted to construct this demonstration project because it utilized the high temperature gas-cooled reactor concept, which had outstanding efficiency and safety advantages over the more conventional water reactors. As part of this 1965 agreement, the Federal Government agreed to purchase and reprocess or dispose of the spent fuel elements.

In 1975, the Department of Energy completed construction of a fuel storage facility at Idaho National Engineering Laboratory especially designed for the spent fuel from the Fort St. Vrain project.

In 1980, contractual documents were completed which provided for the spent fuel to be transferred from the reactor in Colorado to the storage facility in Idaho. Approximately 123 shipments of the fuel, about one-third of the total, were shipped to Idaho without incident in 1980, 1982, and 1984–86.

In the fall of 1989, Public Service Co. of Colorado decided to close the Fort St. Vrain powerplant and attempted to complete the shipment of the spent fuel to Idaho pursuant to its contract with DOE. At that time, however, Idaho officials—including Governor Andrus—moved to prevent the shipping of the fuel. DOE and Public Service Co. of Colorado sued Governor Andrus and obtained a permanent injunction preventing him from further interference with the shipments of the spent fuel. However, other litigation has delayed the ultimate shipment of the fuel to Idaho. The storage facility remains only one-third full awaiting the rest of the Fort St. Vrain fuel.

Section 804 would amend Sections 135 and 136 of the Nuclear Waste Policy Act of 1982 relating to Federal interim storage of nuclear waste. Section 804(d) attempts to provide that the veto provisions of the Nuclear Waste Policy Act shall be applicable to agreements before January 7, 1983, the effective date of the act. In other words, the legislation attempts to make the 1982 act retroactive and applicable to the 1965 contract.

The attorneys for Public Service Co. of Colorado advise me that they believe that section 804(d) may constitute a violation of the due process clause of the fifth amendment to the Constitution. In any event, even if section 804(d) should be found legal, any attempt by the Congress to abrogate the 1965 contract would subject the Government to tremendous liability for its breach of the contract. There are decisions by the U.S. Supreme Court that Congress cannot pass a statute which alters or repudiates contracts to which the Federal Government has committed. In addition, Congress, as a matter of policy, should not repudiate valid contractual obligations undertaken by Federal agencies. If Congress can casually breach its obligations, what entity would be so foolish as to enter into such a joint project with the Government? Private citizens, as well as State and local governments, should be able to rely upon the good word of the U.S. Government.

Finally, Mr. Chairman, many of the provisions in the pending amendment involve issues of tremendous national importance in meeting the future energy needs of our country. The majority of the committee has attempted to legislate without any hearings or meaningful debate of these issues. The abrogation of the Fort St. Vrain contract is but one example. Let me quote from the dissenting views by myself and 10 others members of the committee, at page 253 of the committee report, House Report 102–474, part 8:

> * * * Another example of a provision which had absolutely no previous review or discussion in any type of hearing before the Committee is language entered in this section at the suggestion of Rep. Larocco, that would effectively ban future shipments of spent nuclear fuel from the Fort St. Vrain research reactor in Colorado to the Idaho National Engineering Lab (INEL) in Idaho.
>
> The effect of the language is to abrogate a longstanding contract between Public Service of Colorado and DOE, turning established national policy on its head. This provision is opposed by the Administration and myself, whose district includes Fort St. Vrain. The impact of this provision may extend beyond simply ending this contract to a likely abrogation of treaties between the US and foreign countries.

For these reasons, Mr. Chairman, I will vote for the Dingell amendment and I urge all my colleagues to do likewise.

Mr. LENT. Mr. Chairman, I yield the last minute to the distinguished gentleman from Wisconsin [Mr. PETRI].

Mr. PETRI. Mr. Chairman, I want to express my support for this amendment.

We have been delaying and pussyfooting around on this issue for a couple of decades now. We know we have this waste, and it needs to be stored somewhere.

All of our plants are accumulating waste which, in many cases, is being stored above ground at plant sites. We are running out of storage space and the problem will only get worse in the future. We need to continue working and find a final solution to our waste-disposal problem.

Yes, Nevada's actions are understandable.

But, our Nation cannot afford to let any one State drag this out interminably through procedural moves or other delaying tactics of one kind or another.

We must go forward and study the suitability of the Yucca Mountain site as the Department of Energy was directed to do more than 4 years ago.

We are not building the facility now—we are simply studying whether the waste can be disposed of in an environmentally safe manner at this location. I say, let us get on with it.

Mr. DINGELL. Mr. Chairman, I yield such time as he may consume to the gentleman from Oklahoma [Mr. BREWSTER].

Mr. BREWSTER. Mr. Chairman, I rise in support of the provisions in H.R. 776 related to the characterization of Yucca Mountain as a potential site for our Nation's first nuclear waste repository. These provisions are critically needed to break the impasse which currently exists with the State of Nevada over their continuing attempts to frustrate the study of the site.

The necessity for this language is underscored when you realize the State officials have admitted as their goal to stop the study of Yucca Mountain. I was astounded to learn that in a statement before the Ninth Circuit Court of Appeals, the State of Nevada's brief said:

> It should be obvious that the State will likely exercise every power and every aspect of its inherent jurisdiction to frustrate the federal program.

Such obstruction is a challenge to the U.S. Congress and cannot go unaddressed.

In the committee report on this bill the committee recognized the State attitude when it said:

> Many people doubt that the state will process permits in good faith due to hostile public statements made by officials in the state, as well as the slow and selective consideration of permit applications in the past.

To break this virtually endless cycle of delay, H.R. 776 waives any Federal or State requirements for DOE to obtain permits before proceeding with the studies, and the bill does so while allowing the State to enforce substantive environmental standards through the Federal courts.

It is important to note that the language in title VIII of H.R. 776 does not constitute an endorsement of Yucca Mountain as the site for a permanent repository. The measure simply is intended to break a political impasse so that the suitability study can be completed. Unless the House acts, the statement could go on interminably.

Nevada officials object to this language saying that its adoption is an "unprecedented assault on State rights." That, however, is not so. The language included in H.R. 776 is modeled after 1986 Superfund hazardous waste cleanup legislation, which also dealt with the issue of States refusing to cooperate in the selection of disposal sites. Faced with an equally difficult task of having to select sites for the safe disposal of hazardous wastes, the Superfund bill gave the Environmental Protection Agency the right to proceed with cleanup without State agreement.

It is clear under Superfund, Congress determined that when a program represents the environmentally preferred solution to an existing environmental problem, that program requires special procedures to ensure it goals can be accomplished in a timely fashion. In drafting provisions for the EPA's hazardous waste cleanups under Superfund, Congress enacted special permitting procedures for this environmentally preferred program so that the unreasonable resistance of a State could not impede progress. Similarly, Congress determined that deep geological isolation was the environmentally preferred solution for the disposal of spent nuclear fuel by adopting the Nuclear Waste Policy Act of 1982. That same model should be applied here.

H.R. 776 has adopted the same Superfund procedures for application to the Department of Energy's high-level waste program. The process adopted by the Energy Committee would retain the State of Nevada's environmental standards applicable to the studies, while at the same time would allow DOE to proceed to study Yucca Mountain without the necessity of State or local authority first issuing permits. Nevada would be able to enforce all environmental standards in Federal district court. This varies from the current procedures where the process is entirely within the control of the State.

We urge the adoption of the Yucca Mountain provisions in H.R. 776 to finally resolve the impasse with the State of Nevada.

Resolution of the waste issue is becoming more, not less, urgent. By the year 2010, the United States will have about 66 nuclear energy sites throughout the country that will have reached their storage limit. This is a safety problem as well as an economic problem. Under terms of the Nuclear Waste Policy Act of 1982, electricity ratepayers have committed more than $7 billion to fund a permanent repository. If one is built, ratepayers will have to pay more for their utilities to find alternative storage.

For all these reasons, I urge your support of these critical provisions.

Mr. DINGELL. Mr. Chairman, I yield 1 minute to the gentleman from Alabama [Mr. HARRIS].

Mr. HARRIS. Mr. Chairman, I rise in support of the Dingell amendment to H.R. 776 related to the characterization of Yucca Mountain as a potential site for our Nation's first nuclear waste repository. These provisions are critically needed to break the impasse which currently exists with the State of Nevada over their continuing attempts to frustrate the study of the site.

The necessity for this language is underscored when you realize the State officials have admitted as their goal to stop the study of Yucca Mountain. I was astounded to learn that in a statement before the Ninth Circuit Court of Appeals, the State of Nevada's brief said:

> It should be obvious that the State will likely exercise every power and every aspect of its inherent jurisdiction to frustrate the federal program.

Such obstruction is a challenge to the U.S. Congress and cannot go unaddressed.

In the committee report on this bill the committee recognized the State attitude when it said:

> Many people doubt that the state will process permits in good faith due to hostile public statements made by officials in the state, as well as the slow and selective consideration of permit applications in the past.

To break this virtually endless cycle of delay, this amendment waives any Federal or State requirements for DOE to obtain permits before proceeding with the studies, and does so while allowing the State to enforce substantive environmental standards through the Federal courts.

It is important to note that the language of this amendment does not constitute an endorsement of Yucca Mountain as the site for a permanent repository. The measure simply is intended to break a political impasse so that the suitability study can be completed. Unless the House acts, the statement could go on interminably.

Nevada officials object to this language saying that its adoption is an "unprecedented assault on State rights." That, however, is not so. The language included the amendment is modeled after 1986 Superfund hazardous waste cleanup legislation, which also dealt with the issue of States refusing to cooperate in the selection of disposal sites. Faced with an equally difficult task of having to select for the safe disposal of hazardous wastes, the Superfund bill gave the Environmental Protection Agency the right to proceed with cleanup without State agreement.

It is clear under Superfund, Congress determined that when a program represents the environmentally preferred solution to an existing environmental problem, that program requires special procedures to ensure its goals can be accomplished in a timely fashion. In drafting provisions for the EPA's hazardous waste cleanups under Superfund, Congress enacted special permitting procedures for this environmentally preferred program so that the unreasonable resistance of a State could not impede progress. Similarly, Congress determined that deep geologic isolation was the environmentally preferred solution for the disposal of spent nuclear fuel by adopting the Nuclear Waste Policy Act of 1982. That same model should be applied here.

The Dingell amendment has adopted the same Superfund procedures for application to the Department of Energy's high-level waste program. The process adopted by the Energy Committee would retain the State of Nevada's environmental standards applicable to the studies, while at the same time would allow DOE to proceed to study Yucca Mountain without the necessity of State or local authority first issuing permits. Nevada would be able to enforce all environmental standards in Federal district court. This varies from the current procedures where the process is entirely within the control of the State.

We urge the adoption of the Yucca Mountain provisions to finally resolve the impasse with the State of Nevada.

Resolution of the waste issue has become more—not less—urgent. By the year 2010, the United States will have about 66 nuclear energy sites throughout the country that will have reached their storage limit. This is a safety problem as well as an economic problem. Under terms of the Nuclear Waste Policy Act of 1982, electricity ratepayers have committed more than $7 billion to fund a permanent repository. If one is not built, ratepayers will have to pay more for their utilities to find alternative storage.

For all these reasons, I urge your support of these critical provisions.

Mr. KOSTMAYER. Mr. Chairman, I yield 2 minutes to the gentleman from Nevada [Mr. BILBRAY].

Mr. BILBRAY. Mr. Chairman, in listening to the discussions of the proponents of this particular amendment, it still shocks me that they still continue to say that the reason for the delays in the characterization of Yucca Mountain is because Nevada caused these delays. I just refer them to the April 18, 1991, report of the General Accounting Office that says it was not anything Nevada did that caused the delays. It was the cause of the DOE and its subcontractors who did shoddy, and ill-conceived and nonscientific research that did not meet the standards, and they had to go back in and do it over again.

Senator DOMENICI recently in the other House, when referring to this thing, said, "Let's get rid of this whole project because they're going to spend billions and billions of dollars, and this thing will never open." I agree on that.

One learned member of the Committee on Interior and Insular Affairs a few minutes ago stated to me that this is going to be a project Nevada is going to end up building, the Federal Government is going to build in Nevada, and it will never open. I agree with that. It is going to cost billions and billions of dollars, and I think it is unfair to Nevada to continue to characterize Nevada as being obstructionist.

Of course, Mr. Chairman, we are going to use everything in our ability to fight this monstrosity being built in our State, just as much as Louisiana would if it was being put in the salt domes of Louisiana, or being put into the Apache Reservation above Phoenix, or above New Mexico in the Mescalero area. Everybody objects to it. No one wants it. But we have our constitutional rights and the rights that Congress has given to every other State procedurally and substantively to protest this sort of thing, and to hear the misrepresentations that it is Nevada's fault that DOE is spending more money than anticipated and taking longer than anticipated is a gross misrepresentation.

Mr. Chairman, Nevada certainly opposes this, and we will use our rights to oppose, but it is DOE's inept conduct of their activities that continue to slow down this process, and, believe me, in dealing with the DOE and their storm trooper type of mentality, we will see more delays and more expenses.

Mr. KOSTMAYER. Mr. Chairman, I yield 1 minute to the distinguished gentleman from Colorado [Mr. HEFLEY], a distinguished member of our subcommittee.

Mr. HEFLEY. Mr. Chairman, I would like to call to your attention one provision in the Interior Committee language that I find particularly annoying. I refer to section 2311(d) which was apparently drafted specifically to affect one project in the United States—the Fort St. Vrain research and development project in Colorado.

This section was included in the Interior Committee print prior to our April 8 markup, so it was never the subject of reasoned debate. On April 8, I and my colleague from Colorado, Mr. ALLARD, offered an amendment to delete what is now section 2311(d). At that time, we pointed out that it was probably illegal and certainly had policy for the Congress to enact legislation repudiating obligations undertaken by an agency of the U.S. Government. Unfortunately, we lost that vote. The gentleman for Idaho [Mr. LAROCCO] cannot say he won section 2311(d)'s inclusion in open debate.

If it were possible, I would again offer an amendment to delete this provision from the bill. However, the Rules Committee has attempted to limit the number of amendments to be debated today and section 2311(d) comes before you as part of the underlying bill. I urge you to reject that language and vote for the amendment offered by the gentleman from Michigan [Mr. DINGELL].

Mr. ALLARD has already enlightened you as to the history of the Fort St. Vrain high-temperature, gas-cooled reactor project. In short, it was an important research, development and demonstration project which the Federal Government wished to see constructed and operated on a utility system. Now the project has been completed and the Public Service Co. of Colorado wants to ship the spent fuel to Idaho as per a 1965 contract with the Federal Government. Section 2311(d) of this proposed legislation attempts to make such shipments subject to a 1982 law enacted long after the 1965 agreement.

Despite the protestations of the gentleman from Idaho [Mr. LAROCCO], this is purely a NIMBY not-in-my-backyard argument. He will say the Idaho National Energy laboratory was never built to be a permanent storage facility; neither was Fort St. Vrain. He says he is worried about the underlying Snake River aquifer; I'm worried about Colorado's Oglala aquifer, just as others are worried about aquifers in their own States. We all have problems we'd like to get rid of.

So this is clearly a NIMBY argument but let me give you some good reasons why you should delete this section by voting for the Dingell amendment.

First, it is probably illegal. Case law has established that Congress may alter Government contracts, not abolish them. Section 2311(d) abolishes a contract.

Second, it may cost us a lot of money. Public Service Co. could sue the U.S. Government for breach of contract. Indeed, some attorneys say we may already owe Public Service $100 million for delays caused by Idaho's whining.

Third, section 2311(d) may be unconstitutional. This much was conceded by the Interior Committee counsel during the April 8 markup.

Finally, section 2311(d) would abrogate existing agreements with universities and foreign countries, the latter of which may have the force of treaties, according to the Energy Department. INEL loans out some of its nuclear materials to university labs, such as the University of Missouri, and foreign countries, such as Japan.

Section 2311(d) is illegal, it is bad policy, it is a NIMBY argument at its most basic. I urge the Members to support the Dingell amendment and common sense.

Mr. KOSTMAYER. Mr. Chairman, I do not believe I have any additional requests for time, but I reserve the balance of my time, noting that the gentleman from Michigan [Mr. DINGELL] will close.

Mr. DINGELL. Mr. Chairman, I yield such time as he may consume to the gentleman from Ohio [Mr. OXLEY].

Mr. OXLEY. Mr. Chairman, I rise in support of the amendment of the gentleman from Michigan [Mr. DINGELL].

Mr. Chairman, I rise today in support of the gentleman from Michigan's amendment.

Nuclear power is a clean way to meet a substantial part of our Nation's electricity needs. To provide a future for the nuclear power option, we must provide for the proper management and disposal of high-level nuclear waste. It is estimated that by the year 2010, we will have more than 50,000 metric tons of spent fuel to deal with.

In 1987, Congress instructed DOE to study Yucca Mountain as a potential site for permanent disposal of that waste. However, in all the years since, we have made very little progress in determining if the site is geologically and scientifically suitable for waste disposal.

While Nevada believes that it is cooperating with the Department of Energy in this study, it appears that the process has been obstructed on numerous occasions. In an effort to end these unnecessary delays, the Energy and Commerce Committee, as part of H.R. 776, adopted a process which would retain the State of Nevada's environmental standards applicable to the site studies, while allowing DOE to proceed with the congressionally mandated study of Yucca Mountain. Nevada will still be able to enforce all environmental standards in the Federal courts.

This process is not unprecedented. In fact, it mirrors the existing permitting framework for cleanup of hazardous waste sites under Superfund.

Mr. Speaker, we need to move forward with site characterization to determine if Yucca Mountain is suitable for long-term disposal. The study does not mean that Nevada would be the selected site. Nevada would still have the right to veto the site.

This amendment is necessary. This amendment is fair. It speeds the procedural delays without jeopardizing the safeguards needed to protect the health and welfare of Nevada's citizens.

Mr. Speaker, with this amendment and the Clement amendment, nuclear power could provide as much as 21 percent of our total electricity needs by the year 2030 and I urge my colleagues to support it.

Mr. DINGELL. Mr. Chairman, I yield 1 minute to the gentleman from Indiana [Mr. SHARP].

Mr. SHARP. Mr. Chairman, I rise in support of the amendment of the gentleman from Michigan [Mr. DINGELL], the position taken by the Committee on Energy and Commerce more than a year ago. We must go forward with a scientific inquiry, and that is all we are doing here.

I would remind people in 1987, when the characterization site was narrowed to Nevada from three potential sites, we insisted on putting in place an independent science review panel called the nuclear waste technical review board where individuals, citizens or folks from the State of Nevada, can raise their direct and serious concerns, if they think the science of the issue is being politicized or taken advantage of. If the final recommendation is made after years of study that are yet to go forward, then still the State of Nevada will have an opportunity to veto this, and we in Congress at that point would have to have another vote before we could actually begin construction of this site.

So, Mr. Chairman, there are a number of important safeguards in place for science, for the State of Nevada, but we must go forward, and we must make sure we complete the scientific inquiry, and I urge an aye vote on the amendment.

Mr. KOSTMAYER. Mr. Chairman, I have no additional requests for time, and I yield back the balance of my time.

Mr. DINGELL. Mr. Chairman, I have no further requests for time, and I yield back the balance of my time.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Michigan [Mr. DINGELL].

The amendment was agreed to.

□ 1500

AMENDMENTS EN BLOC OFFERED BY MR. DINGELL

Mr. DINGELL. Mr. Chairman, pursuant to the rule, I offer an en bloc amendment. This en bloc amendment consists of the text of the following amendments made in order under the rule: an amendment by Mr. MCEWEN; an amendment by Mr. FAZIO; two amendments by Mr. SYNAR; and an amendment which is offered by Mr. BILBRAY and Mrs. VUCANOVICH.

The CHAIRMAN. The Clerk will designate the amendments en bloc.

The text of the amendments en bloc is as follows:

Amendments en bloc offered by Mr. DINGELL:

Page 28, strike line 16 and all that follows through line 5 on page 29, and insert the following:

"(2) The Secretary shall, not later than 12 months after the date of the enactment of the Comprehensive National Energy Policy Act and after consultation with the Director of the Office of Management and Budget, the Secretary of Defense, and the Administrator of General Services, develop appropriate procedures and methods for use by agencies to implement the incentives referred to in paragraph (1).";

Page 38, after the matter following line 15, insert the following (and redesignate succeeding sections accordingly):

SEC. 122. ENERGY SAVINGS PERFORMANCE CONTRACTS.

(a) IN GENERAL.—Section 801 of the National Energy Conservation Policy Act (42 U.S.C. 8287) is amended—

(1) by striking "The head" and inserting he following:

"(a) IN GENERAL.—(1) The head"; and

(2) by inserting at the end the following:

"(2)(A) Contracts under this title shall be energy savings performance contracts and shall require an annual energy audit and specify the terms and conditions of any government payments and performance guarantees. Any such performance guarantee shall provide that the contractor is responsible for maintenance and repair services for any energy related equipment, including computer software systems.

"(B) Aggregate payments by an agency to both utilities and energy savings performance contractors, under an energy savings performance contract, may not exceed the amount that the agency would have paid for utilities without an energy savings performance contract (as estimated through the procedures developed pursuant to this section), during contract years.

"(C) Federal agencies may incur obligations to finance energy conservation measures provided guaranteed savings exceed the debt service requirements.

"(b) IMPLEMENTATION.—(1)(A) The Secretary, with the concurrence of the Administrator of General Services and in consultation with the Secretary of Defense and the Administrator of the National Aeronautics Space Administration, not later than 180 days after the date of the enactment of the Comprehensive National Energy Policy Act, shall develop appropriate procedures and methods for use by Federal agencies to select energy savings service contractors in accordance with laws governing Federal procurement that will achieve the intent of this section in a cost-effective manner.

"(B) The procedures and methods established pursuant to subparagraph (A) shall be the procedures and contracting methods for selection, by an agency, of a contractor to provide energy savings performance services. Such procedures and methods shall provide for the calculation of energy savings based on sound engineering and financial practices.

"(2) The procedures and methods established pursuant to paragraph (1)(A) shall allow for the head of each agency to perform the following:

"(A) Request statements of qualifications, which shall, at a minimum, include prior experience and capabilities of contractors to perform the proposed types of energy savings services and financial and performance information, from firms engaged in providing energy savings services.

"(B) Designate from the statements received, with an update at least annually, those firms that are qualified to provide energy savings services.

"(C) Select firms designated under subparagraph (B) to conduct discussions concerning a particular proposed energy savings project, including requesting a technical and price proposal from such selected firms for such project.

"(D) Select from such firms the most qualified firm to provide energy savings services based on technical and price proposals and any other relevant information.

"(E) Permit receipt of unsolicited proposals for energy savings performance contracting services from a firm that such agency has determined is qualified to provide such services under the procedures established pursuant to paragraph (1)(A), and require agency facility managers to place a notice in the Commerce Business Daily announcing they have received such a proposal and invite other similarly qualified firms to submit competing proposals. The head of an agency may enter into an energy savings performance contract with such a qualified firm consistent with the procedures and methods established pursuant to paragraph (1)(A).

"(c) REPORTING REQUIREMENTS.—Not later than three years after the date of the enactment of the Comprehensive National Energy Policy Act, the Comptroller General of the United States shall transmit to the Congress a report on the implementation of this section, including recommendations for legislative or regulatory changes. This report shall include, but not be limited to, an assessment of the following issues:

"(1) The quality of the energy audits conducted for the agencies.

"(2) The government's ability to maximize energy savings.

"(3) The total energy cost savings accrued by the agencies that have entered into such contracts.

"(4) The total costs associated with entering into and performing such contracts.

"(5) A comparison of the total costs incurred by agencies under such contracts and the total costs incurred under similar contracts performed in the private sector.

"(6) The number of firms selected as qualified firms under this section and their respective shares of awarded contracts.

"(7) The number of firms engaged in similar activity in the private sector and their respective market shares.

'(8) The number of applicant firms not selected as qualified firms under this section and the reason for their nonselection.

"(9) The frequency with which agencies have utilized the services of government labs to perform any of the functions specified in this section.

"(10) Whether the contracting procedures developed pursuant to this section and utilized by agencies have been effective and whether continued use of those procedures, as opposed to the procedures provided by existing public contract law, is necessary for implementation of successful energy savings performance contracts.".

(b) DEFINITION.—Section 804 of such Act (42 U.S.C. 8287c) is amended—

(1) in the material preceding paragraph (1), by striking "title—" and inserting "title, the following definitions apply:";

(2) in paragraph (1), by striking "the" and inserting "The" and by striking ", and" and inserting a period;

(3) in paragraph (2), by striking "the term" and inserting "The term"; and

(4) by adding at the end the following:

"(3) The terms 'energy savings contract' and 'energy savings performance contract' mean a contract which provides for the performance of services for the design, acquisition, installation, testing, operation, and where appropriate, maintenance and repair, of an identified energy savings measure or series of measures at one or more locations. Such contracts—

"(A) may provide for appropriate software licensing agreements; and

"(B) shall, with respect to an agency facility that is a public building as such term is defined in section 13(1) of the Public Buildings Act of 1959 (40 U.S.C. 601 et seq.), be in compliance with the prospectus requirements and procedures of the Public Building Act of 1959.".

Page 49, after line 12, insert the following:

SEC. 127. FEDERAL ENERGY EFFICIENCY FUNDING STUDY.

(a) STUDY.—The Secretary shall, in consultation with the Secretary of the Treasury, the Director of the Office of Management and Budget, the Administrator of General Services, and such other individuals and organizations as the Secretary deems appropriate, conduct a detailed study of options for the financing of energy and water conservation measures required under part 3 of title V of the National Energy Conservation Policy Act (42 U.S.C. 8251 et seq.) and all applicable Executive orders. Such study shall, taking into account the unique characteristics of Federal agencies, consider and analyze—

(1) the Federal financial investment necessary to comply with such requirements;

(2) to use of revolving funds and other funding mechanisms which offer stable, long-term financing of energy and water conservation measures; and

(3) the means for capitalizing such funds.

(b) REPORT TO CONGRESS.—Not later than 180 days after the date of the enactment of this Act, the Secretary shall submit to the Congress a report containing the results of the study required under subsection (a).

Page 70, line 5, insert "demonstration" after "energy".

Page 70, line 9, insert "demonstration" after "energy".

Page 70, line 13, insert after the period the following:

Any need for power determination made in connection with the construction of a project assisted under this section shall be made by the Secretary of Energy.

Page 323, after line 15, insert the following:

SEC. 805. EXTENSION OF OFFICE OF THE NUCLEAR WASTE NEGOTIATOR.

Section 410 of Nuclear Waste Policy Act of 1982 is amended by striking "5 years" and inserting "8 years".

Page 348, line 11, insert after the period the following new sentence:

Selection of a site for the AVLIS facility shall be made on a competitive basis, taking into consideration economic performance, environmental compatibility, and use of any existing facilities.

The CHAIRMAN. Pursuant to the rule, the gentleman from Michigan [Mr. DINGELL] will be recognized for 10 minutes, and the gentleman from New York [Mr. LENT] will be recognized for 10 minutes.

The Chair recognizes the gentleman from Michigan [Mr. DINGELL].

Mr. DINGELL. Mr. Chairman, I yield myself 2 minutes.

Mr. Chairman, this is an amendment upon which there is broad agreement. It is offered on behalf of the gentleman from Ohio [Mr. MCEWEN], the gentleman from California [Mr. FAZIO], the gentleman from Oklahoma [Mr. SYNAR], on behalf of the gentleman from Nevada [Mr. BILBRAY], and on behalf of the gentlewoman from Nevada [Mrs. VUCANOVICH].

Mr. Chairman, the amendment relates to a number of matters in the legislation. It provides a site selection process for locating the atomic vapor laser isotope separation uranium enrichment technology is to be made on a competitive basis.

The amendment by the gentleman from California [Mr. FAZIO] clarifies that the renewable energy initiative in the bill is being carried out as a demonstration of renewable technologies and clarifies that the Secretary of Energy, if necessary, shall make all decisions related to local requirements.

The first amendment offered by the gentleman from Oklahoma [Mr. SYNAR] adds an energy saving performance contract provision. The second provision offered on behalf of the gentleman from Oklahoma [Mr. SYNAR] adds a section on the Federal energy efficiency funding study. Last, the amendment on behalf of the gentleman from Nevada [Mr. BILBRAY] and the gentlewoman from Nevada [Mrs. VUCANOVICH], extends the Office of the Nuclear Waste Negotiator for a period of 3 years.

I would observe, Mr. Chairman, that the debate is proceeding very well. I would especially like to commend my colleagues for the way in which it has been conducted. I would like to pay tribute to the gentleman from Nevada [Mr. BILBRAY] and the gentlewoman from Nevada [Mrs. VUCANOVICH], who have undergone considerable personal difficulties in connection with debate today, but have certainly fought vigorously on behalf of their constituents and have conducted themselves in a way throughout the entirety of this process which does not only great credit to them, but I think which gives great pride to the people they serve.

Mr. Chairman, I reserve the balance of my time.

Mr. LENT. Mr. Chairman, I yield 2 minutes to the gentlewoman from Nevada [Mrs. VUCANOVICH].

Mrs. VUCANOVICH. Mr. Chairman, I rise today to urge my colleagues to support the amendment by Mr. BILBRAY and myself to extend the term of the U.S. nuclear negotiator.

The Office of Nuclear Waste Negotiator was created by Congress in 1987, as the beginning of a commitment to find a volunteer site for both a temporary site for the storage of high level nuclear waste and a permanent site.

The creation of this office represents a historic change in the way that Government determines the location of controversial facilities and if successful may well offer a model for future citing of prisons, halfway houses, solid waste dumps, and other such unpopular facilities.

If there is one single reason for the unpopularity of the Yucca Mountain site with my constituents it is the feeling that Nevada has been singled out through power politics. This sort of process undermines public trust in our Government.

The volunteer option available through the nuclear waste negotiator offers an alternative. We should not put an end to this promising initiative before it has a chance to prove itself.

While the act establishing the Office of the Negotiator was passed in 1987, David Leroy, the current negotiator, was not confirmed until August 1990. In the less than 2 years since taking office Mr. Leroy has accepted 19 applications from jurisdictions around the country who are interested in being considered for the location of a temporary storage facility. One of these jurisdictions is interested in becoming the host to the permanent storage facility.

With a deadline of 1998 hanging over our heads for the acceptance by the Federal Government of spent nuclear fuel, this Congress cannot afford to throw away our only means of meeting this deadline.

In closing, Mr. Chairman, a number of my colleagues have asked me what cost there would be to the taxpayer if the authorization for the Office of the Nuclear Waste Negotiator is extended. The answer is none. The Office is paid for through the nuclear waste trust fund, which is industry borne. Regardless of whether the Office is extended, the same amount of money will go into the fund.

Mr. DINGELL. Mr. Chairman, I yield 2 minutes to the gentleman from Nevada [Mr. BILBRAY].

Mr. BILBRAY. Mr. Chairman, the Office of the U.S. Nuclear Waste Negotiator was established under the Nuclear Waste Policy Act Amendments of 1987 to the Nuclear Waste Policy Act of 1982 and charged with the duty of developing an objective and fair process that will bring about the siting of one or more high-level nuclear waste facilities. At present, there are nearly 20 candidates that have indicated more than a passing interest in the program. Tribes and local governments are actively entering into negotiations with the Office of the Nuclear Waste Negotiator as voluntary hosts for these facilities. They have applied for feasibility grants to determine whether or not they wish to pursue further technical evaluation and ultimately a negotiation of the terms and conditions that they would host a waste facility. Originally, the 1987 law established a 5-year term for the Office of the Nuclear Waste Negotiator. In reality, the Office commenced operations in August 1990. The effect of this delay was to lose 2½ years of the 5-year term of the Office. At present, there are a number of viable candidates entertaining phase I and ready to move onto phase II of the negotiations. There is every indication that given ample time this voluntary process will succeed.

It is essential that this voluntary negotiation process not be arbitrarily curtailed. This amendment would extend the Office of the Negotiator for 3 more years. Enabling the negotiator ample time for the process to reach maturity and come to fruition is absolutely essential. The value of voluntary siting in the case of hazardous or other more undesirable facilities is self evident by the previous amendment, the "screw Nevada II to the wall" amendment. I reiterate that the preemption legislation is an indication of a failed policy. A policy bankrupt of the democratic ideals of representation and the preservation of States' rights, democratic institutions and democratic processes, siting undesirable facilities demands that we resolve difficult social and political issues.

Mr. LENT. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, we have had an opportunity to work with the majority on these amendments. These are noncontroversial, and we have no objection to their passing.

Mr. McEWEN. Mr. Chairman, very briefly, the amendment I offer would guarantee that the site selection process for locating AVLIS—which is the next generation of advanced uranium enrichment technology presently being developed by DOE—is conducted in a fair and equitable a manner as possible.

My amendment specifically requires that the "selection of a site for the AVLIS facility shall be made on a competitive basis, taking into consideration economic performance, environmental compatibility, and use of any existing facilities."

Section 1502 of chapter 25 of the bill allows the corporation to begin activities necessary to prepare AVLIS for commercialization, including the preparation of transition from the laboratory to the marketplace. In this time of budget constraints, I urge my colleagues to join me in seeing that the new corporation utilizes any existing facilities to the greatest extent possible, thereby making the best use of taxpayer money previously invested in the Nation's uranium enrichment activities.

Mr. LENT. Mr. Chairman, I have no further requests for time, and I yield back the balance of my time.

Mr. SHARP. Mr. Chairman, on behalf of the gentleman from Michigan [Mr. DINGELL], I have no further requests for time, and I yield back the balance of my time.

The CHAIRMAN. All time on these amendments en bloc has expired.

The question is on the amendments en bloc offered by the gentleman from Michigan [Mr. DINGELL].

The amendments en bloc were agreed to.

The CHAIRMAN. It is now in order to consider amendment No. 4 printed in House Report No. 102-533.

Mr. SHARP. Mr. Chairman, I move that the Committee do now rise.

Mr. ROSTENKOWSKI. Mr. Chairman, I have an amendment at the desk. Under the rule, I should be recognized.

The CHAIRMAN. The Chair would rule that the motion to rise is preferential. Does the gentleman from Indiana [Mr. SHARP] insist on his motion?

Mr. SHARP. Mr. Chairman, I do.

The CHAIRMAN. The question is on the motion to rise offered by the gentleman form Indiana [Mr. SHARP].

The question was taken; and the Chairman announced that the ayes appeared to have it.

Mr. LENT. Mr. Chairman, I demand a recorded vote, and pending that, I make the point of order that a quorum is not present.

The CHAIRMAN. The Chair would state that a quorum is not required on an affirmative vote to rise.

Mr. LENT. Mr. Chairman, I demand a recorded vote, and pending that, I make the point of order that a quorum is not present.

The CHAIRMAN. Under clause 6(b) rule XV, a quorum is not required on an affirmative vote to rise.

A recorded vote was refused.

So the motion was agreed to.

□ 1510

Accordingly the Committee rose; and the Speaker pro tempore (Mr. COLEMAN of Texas) having assumed the chair, Mr. SKAGGS, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 776) to provide for improved energy efficiency, had come to no resolution thereon.

PERMISSION TO CHANGE ORDER OF AMENDMENTS IN HOUSE RESOLUTION 464 ON H.R. 776, COMPREHENSIVE NATIONAL ENERGY POLICY ACT

Mr. BROWN. Mr. Speaker, I ask unanimous consent that when the House resolves itself into the Committee of the Whole House for the further consideration of the bill, H.R. 776, it may be in order to consider the amendments printed in the report on the rule numbered 5 and 6 in order that the Committee may consider titles XX, XXII, and XXIII.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

Mr. SHARP. Mr. Speaker, reserving the right to object, the concern about the other amendment from the Committee on Ways and Means is that it will take an hour and a vote. Under the unanimous-consent request, is it true that only what will be in order is what the gentleman from California [Mr. BROWN] is requesting?

The SPEAKER pro tempore. If the Chair, understood the gentleman correctly, that is the understanding of the Chair.

Mr. WALKER. Mr. Speaker, will the gentleman yield?

Mr. SHARP. I yield to the gentleman from Pennsylvania.

Mr. WALKER. Mr. Speaker, I just wanted to clarify that my amendment would then be in order under this process; is that correct?

Mr. BROWN. Mr. Speaker, will the gentleman yield?

Mr. SHARP. Mr. Speaker, continuing my reservation of objection, I yield to the gentleman from California.

Mr. BROWN. Mr. Speaker, I would like to respond to the gentleman. We have the gentleman's amendment and one amendment which I was going to offer, which I intend to withdraw, and with the agreement that the gentleman is offering of intended support, both should be taken care of in about 5 minutes.

Mr. WALKER. Mr. Speaker, if the gentleman will continue to yield, that is my understanding.

Mr. SHARP. Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

COMPREHENSIVE NATIONAL ENERGY POLICY ACT

The SPEAKER pro tempore. Pursuant to House Resolution 459 and rule XXIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the further consideration of the bill, H.R. 776.

□ 1513

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the State of the Union for the further consideration of the bill (H.R. 776) to provide for improved energy efficiency, with Mr. SKAGGS in the Chair.

The Clerk read the title of the bill.

The CHAIRMAN. When the Committee of the Whole rose earlier today, the amendment offered by the gentleman from Michigan [Mr. DINGELL] had been disposed of.

Under the unanimous-consent request previously agreed to by the House, it is now in order to consider amendment No. 5 printed in the House Report 102-533.

AMENDMENTS EN BLOC OFFERED BY MR. WALKER

Mr. WALKER. Mr. Chairman, I offer amendments en bloc.

The CHAIRMAN. The Clerk will designate the amendments en bloc.

The text of the amendments en bloc is as follows:

Amendments en bloc offered by Mr. Walker: Page 386, after line 18, insert the following:

(3) All amounts authorized to be appropriated by the amendments made by this subsection shall be derived from sums authorized under section 2111(e).

Page 560, strike lines 1 and 2 and insert the following:

rying out this section, including advanced extraction and process technology, $60,000,000 for fiscal year 1993 and $270,000,000 for the period encompassing fiscal years 1994 through 1997.

Page 561, strike lines 3 and 4 and insert the following:

rying out this section $5,000,000 for fiscal year 1993 and $51,000,000 for the period encompassing fiscal years 1994 through 1997.

Page 564, strike lines 5 and 6 and insert the following:

rying out this section $40,000,000 for fiscal year 1993 and $240,000,000 for the period encompassing fiscal years 1994 through 1997.

Page 565, strike line 25 and all that follows through page 566, line 2, and insert the following:

including transportation sector energy conservation research and development (other than activities under section 2025) and transportation sector biofuels energy systems under solar energy, $150,000,000 for fiscal year 1993 and $880,000,000 for the period encompassing fiscal years 1994 through 1997, including—

Page 566, strike lines 15 through 19 and insert the following:

(A) $58,000,000 for fiscal year 1993;
(B) $75,000,000 for fiscal year 1994;
(C) $80,000,000 for fiscal year 1995;
(D) $80,000,000 for fiscal year 1996;
(E) $90,000,000 for fiscal year 1997; and

Page 581, strike lines 10 and 11 and insert the following:

rying out this section $23,000,000 for fiscal year 1993 and $33,000,000 for the period encompassing fiscal years 1994 through 1997.

Page 584, strike lines 17 and 18 and insert the following:

rying out this subtitle, including building sector and utility sector energy conservation research and development, and inventions and innovation under energy conservation technical and financial assistance, $190,000,000 for fiscal year 1993 and $1,490,000,000 for the period encompassing fiscal years 1994 through 1997, including—

Page 595, strike lines 3 and 4 and insert the following:

rying out this section, including all solar energy programs (other than activities under section 2021), geothermal systems, electric energy systems, and energy storage systems, $215,000,000 for fiscal year 1993 and $1,285,000,000 for the period encompassing fiscal years 1994 through 1997, of which

Page 597, line 4, insert before the period the following:

, to be derived from sums authorized under section 2101(f)

Page 607, strike lines 10 through 13 and insert the following:

rying out this section $110,000,000 for research and development activities for fiscal year 1993 and $490,000,000 for research and development activities for the period encompassing fiscal years 1994 through 1997, and $90,000,000 for facilities operations and maintenance for fiscal year 1993 and $455,000,000 for facilities operations and maintenance for the period encompassing fiscal years 1994 through 1997. Amounts authorized or otherwise made available for space reactor power systems, advanced radioisotope power systems, and the space exploration initiative under nuclear energy research and development shall be in addition to the amounts authorized in the preceding sentence.

Page 608, strike lines 8 and 9 and insert the following:

rying out this section $1,000,000 for fiscal year 1993 and $44,000,000 for the period encompassing fiscal years 1994 through 1997.

Page 611, strike lines 21 and 22 and insert the following:

rying out this section $345,000,000 for fiscal year 1993 and $1,670,000,000 for the period encompassing fiscal years 1994 through 1997.

Page 612, line 19, strike "(1)".

Page 612, strike lines 21 and 22 and insert the following:

for carrying out this section, and all fossil energy research and development operating expenses for program direction and management support, cooperative research and development, fossil energy environmental restoration and plant and capital equipment, $250,000,000 for fiscal year 1993 and $1,090,000,000 for the period encompassing fiscal years 1994 through 1997.

Page 612, strike line 23 and all that follows through page 613, line 7.

Page 614, strike lines 12 and 13 and insert the following:

rying out this section $40,000,000 for fiscal year 1993 and $150,000,000 for the period encompassing fiscal years 1994 through 1997.

Page 628, after line 5, insert the following:

(g) Sense of Congress.—It is the sense of the Congress that remedial action taken by the government on electric and magnetic fields, if and as necessary, should be based on, and consistent with, scientifically valid research such as the results and findings of the research authorized by this Act.

Page 629, line 23, insert before the period the following:

to be derived from sums authorized under section 2101(f)

Page 633, line 10, insert before the dash the following:

, to be derived from sums authorized under section 2101(f)

Page 636, line 14, insert after "Secretary" the following:

, from sums authorized under section 2101(f),

Page 638, strike lines 18 and 19 and insert the following:

$772,000,000 for fiscal year 1993 and $3,693,000,000 for the period encompassing fiscal years 1994 through 1997.

Page 642, strike lines 21 and 22 and insert the following:

for Basic Energy Sciences, $85,000,000 for fiscal year 1993 and $700,000,000 for the period encompassing fiscal years 1994 through 1997.

MODIFICATION OF AMENDMENTS EN BLOC OFFERED BY MR. WALKER

Mr. WALKER. Mr. Chairman, I ask unanimous consent that the amendments en bloc be modified to reflect the negotiated agreement between the gentleman from California [Mr. Brown] and myself.

The CHAIRMAN. The Clerk will report the modification.

The Clerk read as follows:

Amendments en bloc, as modified, offered by Mr. Walker:

Page 386, line 13, strike the quotation marks and final period.

Page 386, after line 13, insert the following:

"(14) Authorizations Derived From Other Funds.—All amounts authorized to be appropriated by paragraphs (6) through (13) shall be derived from sums authorized under section 2111(e) of the Comprehensive National Energy Policy Act.".

Page 560, strike lines 1 and 2 and insert the following:

rying out this section, including advanced extraction and process technology, $60,000,000 for fiscal year 1993 and $270,000,000 for the period encompassing fiscal years 1994 through 1997.

Page 561, strike lines 3 and 4 and insert the following:

rying out this section $5,000,000 for fiscal year 1993 and $51,000,000 for the period encompassing fiscal years 1994 through 1997.

Page 564, strike lines 5 and 6 and insert the following:

rying out this section $40,000,000 for fiscal year 1993 and $240,000,000 for the period encompassing fiscal years 1994 through 1997.

Page 565, strike line 25 and all that follows through page 566, line 2, and insert the following:

including transportation sector energy conservation research and development (other than activities under section 2025) and transportation sector biofuels energy systems under solar energy, $150,000,000 for fiscal year 1993 and $880,000,000 for the period encompassing fiscal years 1994 through 1997, including—

Page 566, strike lines 15 through 19 and insert the following:

(A) $58,000,000 for fiscal year 1993;
(B) $75,000,000 for fiscal year 1994;
(C) $80,000,000 for fiscal year 1995;
(D) $80,000,000 for fiscal year 1996;
(E) $90,000,000 for fiscal year 1997; and

Page 581, strike lines 10 and 11 and insert the following:

rying out this section $23,000,000 for fiscal year 1993 and $33,000,000 for the period encompassing fiscal years 1994 through 1997.

Page 584, strike lines 17 and 18 and insert the following:

rying out this subtitle, including building, industry, and utility sectors energy conservation research and development, and inventions and innovation under energy conservation technical and financial assistance, $190,000,000 for fiscal year 1993 and $1,490,000,000 for the period encompassing fiscal years 1994 through 1997, including—

Page 595, strike lines 3 and 4 and insert the following:

rying out this section, including all solar energy programs (other than activities under section 2021), geothermal systems, electric energy systems, and energy storage systems, $215,000,000 for fiscal year 1993 and $1,285,000,000 for the period econompassing fiscal years 1994 through 1997, of which

Page 595, line 5, strike "section 2120" and insert "section 2119".

Page 597, line 4, insert before the period the following:

, to be derived from sums authorized under section 2101(f)

Page 607, strike lines 10 through 13 and insert the following:

rying out this section $110,000,000 for research and development activities for fiscal year 1993 and $490,000,000 for research and development activities for the period encompassing fiscal years 1994 through 1997, and $90,000,000 for facilities operations and maintenance for fiscal year 1993 and $455,000,000 for facilities operations and maintenance for the period encompassing fiscal years 1994 through 1997. Amounts authorized or otherwise made available for program direction, space reactor power systems, advanced radioisotope power systems, and the space exploration initiative under nuclear energy research and development shall be in addition to the amounts authorized in the preceding sentence.

Page 608, strike lines 8 and 9 and insert the following:

rying out this section $1,000,000 for fiscal year 1993 and $44,000,000 for the period encompassing fiscal years 1994 through 1997.

Page 611, strike lines 21 and 22 and insert the following:

rying out this section $345,000,000 for fiscal year 1993 and $1,670,000,00 for the period encompassing fiscal years 1994 through 1997.

Page 612, line 19, strike "(1)".

Page 612, strike lines 21 and 22 and insert the following:

for carrying out this section, and all fossil energy research and development operating expenses for program direction and management support, cooperative research and development, fossil energy environmental restoration and plant and capital equipment, $250,000,000 for fiscal year 1993 and $1,090,000,000 for the period encompassing fiscal years 1994 through 1997.

Page 612, strike line 23 and all that follows through page 613, line 7.

Page 614, strike line 12 and 13 and insert the following:

rying out this section $40,000,000 for fiscal year 1993 and $150,000,000 for the period encompassing fiscal years 1994 through 1997.

Page 628, after line 5, insert the following:

(g) SENCE OF CONGRESS.—It is the sense of the Congress that remedial action taken by the government on electric and magnetic fields, if and as necessary, should be based on, and consistent with, scientifically valid research such as the results and findings of the research authorized by this Act.

Page 629, line 23, insert before the period the following:

, to be derived from sums authorized under section 8 2101(f)

Page 633, line 10, insert before the dash the following:

, to be derived from sums authorized under section 2101(f)

Page 636, line 14, insert after "Secretary" the following:

, from sums authorized under section 2101(f),

Page 638, strike lines 18 and 19 and insert the following:

$772,000,00 for fiscal year 1993 and $3,693,000,000 for the period encompassing fiscal years 1994 through 1997.

Page 642, strike lines 21 and 22 and insert the following:

for Basic Energy Sciences, but including Energy Research Analysis, University and Science Education, Technology Transfer, Advisory and Oversight Program Direction, and Facilities Support for Multiprogram Energy Laboratories, $85,000,000 for fiscal year 1993 and $700,000,000 for the period encompassing fiscal years 1994 through 1997.

Mr. WALKER (during the reading). Mr. Chairman, I ask unanimous consent that the en bloc amendments, as modified, be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

The CHAIRMAN. Is there objection to the modification of the amendment offered by the gentleman from Pennsylvania [Mr. WALKER].

There was no objection.

The CHAIRMAN. Under the rule, the gentleman from Pennsylvania [Mr. WALKER] will be recognized for 20 minutes and a Member opposed will be recognized for 20 minutes.

The Chair recognizes the gentleman from Pennsylvania [Mr. WALKER].

Mr. WALKER. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, as I indicated during the general debate yesterday, the amendment I am offering on behalf of myself and 25 of my Republican colleagues on the Committee on Science, Space, and Technology is one which cuts $2 billion out of the spending in this particular section of the bill. A number of members on our subcommittee and committee, the gentleman from Pennsylvania [Mr. RITTER], the gentleman from Texas [Mr. JOHNSON] and several others, were especially helpful in this particular effort and are to be commended and should receive much of the credit for the positive outcome that I think this represents on behalf of the taxpayer.

This amendment represents lump-sum energy R&D authorizations in the bill of the Committee on Science, Space, and Technology in three very important ways:

First, as I have indicated, it cuts $2 billion in spending over the next 5 years. Second, the authorizations are amended to delineate exactly which specific DOE R&D programs are provided for under each generic category. And lastly, and perhaps most importantly, the amendment represents a total spending level for 1993 at the current 1992 level, which is consistent with President Bush's call for a discretionary domestic freeze.

Mr. Chairman, this amendment, I think, is a responsible way of proceeding. I am pleased that we had negotiations with the majority side. This is a consensus now, and the majority is very cooperative in helping us come to this.

I thank the gentleman from California, Chairman BROWN, and his staff for the work that they did.

Mr. BROWN. Mr. Chairman, will the gentleman yield?

Mr. WALKER. I yield to the gentleman from California.

Mr. BROWN. Mr. Chairman, I rise in support of the Walker amendment. The gentleman and I have agreed to the funding levels presented. Although the levels provided in the amendment are less than I originally envisioned, I believe that the numbers contained herein will allow the programs to go forward at an adequate level, with growth allowed in the outyears. In addition, the amendment does not affect the clear priorities set forth within the research and development provisions. I appreciate the gentleman's efforts to reach a compromise and fully support the amendment.

Mr. LEWIS of Florida. Mr. Chairman, I rise in support of the Brown-Walker Science Committee research amendment, and I congratulate the chairman and ranking member for their compromise.

As Chairman BROWN knows, I had serious concerns about the funding levels of this bill as it passed committee.

While I support the research provisions in the bill, the original bill could have led to an abrogation of the committee's jurisdiction.

I am pleased this agreement was worked out so that environmental programs such as research on alternative fuels, transportation, and solar and renewable energy are adequately funded.

At the same time, priorities are set and the Science Committee will have the opportunity to alter or enhance these programs as they mature.

We must continue this type of environmental research if we are to protect delicate areas such as Florida. This amendment does that—and does it right. Again, I congratulate Chairman BROWN and Mr. WALKER, and urge support for this amendment.

Mr. WALKER. Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN. The question is on the amendments en bloc, as modified, offered by the gentleman from Pennsylvania [Mr. WALKER].

The amendments en bloc, as modified, was agreed to.

The CHAIRMAN. It is now in order to consider amendment No. 6 printed in House Report 102-533.

AMENDMENT OFFERED BY MR. BROWN

Mr. BROWN. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. BROWN:

Page 667, after line 14, insert the following new section:

SEC. 2311. POLICY ON TECHNOLOGY DEVELOPMENT FOR ENVIRONMENTAL RESTORATION AND WASTE MANAGEMENT.

It shall be the policy of the United States that at least 10 percent but not more than 15 percent of the funds appropriated for each fiscal year for the environmental restoration and waste management programs of the Department of Energy shall be used for research and development. It is further the policy of the United States that, where private sector technologies are more advanced than the technologies used by the Federal Government, such private sector technologies shall be used for environmental restoration and waste management activities. The Secretary shall report to the Congress on any statutory or regulatory inpediments to the policy stated in the previous sentence.

The CHAIRMAN. Under the rule the gentleman from California [Mr. BROWN] will be recognized for 10 minutes, and a Member opposed will be recognized for 10 minutes.

The Chair recognizes the gentleman from California [Mr. BROWN].

Mr. BROWN. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, it is not my intention to take 10 minutes, and I will ask unanimous consent when I have concluded my remarks to withdraw the amendment.

I merely want to point out that this is an amendment which has a great deal of merit, at least in the eyes of the author, and provides for a set-aside of 10 to 15 percent of funds appropriated for decontamination and decommissioning, cleanup, in other words, would go for research and development on improved methods of cleanup of the nuclear waste problem.

We think that this is essential, if we are going to solve this problem, which may cost us $100 billion to $200 billion at the lowest possible cost.

However, after discussing this with colleagues on the other committees and with the Department, I have come to the conclusion that perhaps we were premature in presenting this and that we may be able to work out some preferred method of solving this problem during the further progress of the bill.

Mr. WALKER. Mr. Chairman, will the gentleman yield?

Mr. BROWN. I yield to the gentleman from Pennsylvania.

Mr. WALKER. Mr. Chairman, I just wanted to commend the gentleman for what he is doing. I think that the gentleman has hit upon something that needs to be explored further. I just wanted to indicate to the gentleman that I certainly would like to work with the gentleman in the future within the committee seeing whether or not we cannot get more resources committed in that direction.

Mr. BROWN. Mr. Chairman, I very much appreciate the comments of the gentleman. I have been assured by the Secretary of Energy that he is willing also to work on methods to resolve this.

Mr. Chairman, I insert the following correspondence for the RECORD:

COMMITTEE ON SCIENCE,
SPACE, AND TECHNOLOGY,
Washington, DC, May 21, 1992.

Hon. WILLIAM D. FORD,
Chairman, Committee on Education and Labor, House of Representatives, Washington, DC.

DEAR MR. CHAIRMAN: Thank you for your letter of May 19, 1992, expressing your Committee's views regarding jurisdiction over sections 2203(b)(2) and 2203(b)(3) of H.R. 776, the "Comprehensive National Energy Policy Act," which was reported by the Committee on Science, Space, and Technology on May 1, 1992. As you know, consideration of H.R. 776 is on an accelerated schedule, and I appreciate your cooperation in permitting these provisions to move ahead for floor consideration.

I would be pleased to include your letter in the record of debate on H.R. 776 to preserve your Committee's jurisdictional claims.

I look forward to continuing to cooperate with you on issues of mutual concern.

Sincerely,
GEORGE E. BROWN, Jr.,
Chairman.

COMMITTEE ON EDUCATION AND LABOR,
Washington, DC, May 19, 1992.

Hon. GEORGE E. BROWN, JR.,
Chairman, Committee on Science, Space, and Technology, House of Representatives, Washington, DC.

DEAR MR. CHAIRMAN: I am writing concerning sections 2203(b)(2) and 2203(b)(3) of H.R. 776, the energy bill, as reported from the Committee on Science and Technology, which I believe are under the shared jurisdiction of your committee and the Committee on Education and Labor.

Section 2203(b)(2) concerns evaluation of science and mathematic education programs provided by the Department of Energy. Section 2203(b)(3) requires an "experimental program" as part of the Department's University and Science Education Programs.

I have no objection to the substance of these provisions. However, in view of this committee's jurisdiction under clause 1(g) of House Rule X over education, generally, and in light of the continuing cooperation between our committees concerning such matters, I ask that you include this letter in the record of the debate on H.R. 776 to protect this committee's jurisdictional interest.

With kind regards,
Sincerely,
WILLIAM D. FORD,
Chairman.

Mr. Chairman, I ask unanimous consent to withdraw the amendment at this point.

The CHAIRMAN. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. SLATTERY. Mr. Chairman, I wish to offer my strongest support for the language in title I, subtitle C, parts 1 and 2 of H.R. 776 concerning the equality of treatment for private sector firms engaged in the sale, installation, design, and maintenance of energy equipment and systems. Because these firms, almost all of which are small businesses in the truest sense of the term, often find themselves in direct competition with electric and gas utilities which use the rate base as a means of cross-subsidizing sales and service programs for their customers resulting in artificially low and anticompetitive prices, some means of protection is needed. H.R. 776, as amended by the full Energy and Commerce Committee, provides such protection.

Subtitle C establishes, among other things, two new Federal standards designed to promote increased energy efficiency. It adopts the concept of least cost planning [LCP] and seeks to further demand side management [DSM] programs aimed at reducing the consumer's use of energy. Demand side management programs, however, can be a two-edged sword. While these programs hold the promise of reducing energy demand, they also hold the potential to severely disrupt the marketplace and cast hundreds of small, family owned businesses along with their employees into the bankruptcy and unemployment lines.

During the last decade, unregulated utility operations have expanded enormously across the United States. Routinely, utilities now sell a wide range of appliances from stoves, water heaters, and air-conditioners to cellular telephones, stereos, and televisions, and every other kind of appliance. In addition they are moving aggressively into the service markets traditionally handled by plumbers, heating and air-conditioning contractors, and electricians. These actions are not limited to residential customers but include commercial and industrial accounts as well. Unfortunately, this expansion of market penetration by utilities has not occurred without severe harm to private sector businesses.

The anticompetitive practices of some utilities have resulted in the passage of laws in a number of States prohibiting or severely restricting such practices. California has limited most all utility work at the property line. Iowa has recently strengthened its law by creating substantial civil penalties and New Jersey has a measure presently pending before its State legislature banning any utility cross-subsidization activity. Elsewhere, in Chairman DINGELL's State of Michigan, a major antitrust case is pending against a gas utility and the State attorney general is considering action against another. Similar actions are pending against two utilities in Pennsylvania, while in Minnesota and New York actions are proceeding at the PUC level. Some form of legal, legislative, administrative action is underway in two-thirds of the States.

It may also be worth noting that the anticompetitive practices of utilities in other areas has been recently recognized. Congressman BROOKS, Chairman of the Judiciary Committee, has introduced legislation aimed at correcting some of the anticompetitive possibilities resulting from the modification of Federal District Court Judge Greene's judgment respecting regional telephone operations. Thus, the problem of anticompetitive conduct on the part of utility monopolies is real and widespread.

Fortunately, Congressman SHARP and Chairman DINGELL, along with others, have included mitigating language in the bill which provides for the capture of energy savings without these negative consequences for the free market. Essentially, they have achieved this by maintaining an open market for the provision of energy supplies and services rather than relegating it solely to utilities with their potential for monopolization.

In this regard, the language of the bill does two things: it directs the State regulatory bodies—public utility commissions or public service commissions—to take into consideration the competitive impact of utility programs, such as DSM, on small businesses which must compete against utility monopolies. These firms do not have a ratebase from which to discount prices and subsidize costs. Second, it requires, should a State choose to adopt Federal standards, either DSM or least cost planning, that these standards will be implemented in such a fashion so as to assure that unfair competition will not result.

This approach helps all parties: the utilities are free to engage in DSM programs, small businesses may continue to serve those markets which they have traditionally served, and consumers can benefit through the continuation of competition in a free and open market.

Although Congress has previously enacted legislation containing provisions designed to preserve open competition in these same markets, and for the same reason—the danger of unfair competition between utilities and small, private sector firms—those protections, as part of title II of the National Conservation Policy Act, have expired. The new language contained in H.R. 776 is not a direct replacement but the intent is parallel. For example, section 213(b)(1) of NECPA provided that the Secretary of Energy could bar a State residential conservation service plan unless that plan contained adequate measures for the prevention of unfair, deceptive, or anticompetitive acts or practices affecting commerce which relate to the implementation of such programs. The act—NECPA—also contained provisions prohibiting utilities from the direct supply or installation of residential energy conservation measures unless the Secretary of Energy found that such activities would not be inconsistent with the prevention of unfair methods of competition and the prevention of unfair deceptive acts or practices.

Thus, while the new language is not the same, it is clearly its intent to continue the thrust of those protections previously passed by Congress.

State regulatory authorities should, in meeting the requirement that they assure the prevention of unfair competition, act in a fashion designed to maintain free and open markets and to avoid the potential for anticompetitive monopolization.

This can be done in several ways.

First, State regulatory authorities should not permit utilities to discriminate in selecting sources of supply or delivery of services or between providers of such supplies or services.

Second, exclusive, anticompetitive arrangements between utilities and sources of supply or providers of services should be forbidden.

Third, equal access to the markets created by DSM programs should be granted to all private sector firms.

Fourth, utilities should not favor internal, subsidiary, or affiliated sources of supply or providers of services over external private sector sources or providers.

Fifth, where utilities provide financing, directly or indirectly, then such means of financing such as credit or loan guarantees, should be made available without preference to private sector sources of supply or services.

Sixth, where utilities provide lists of available sources of supply or providers of services to customers, objective criteria should be used to determine those firms on any such list. Every qualified supplier or provider must be granted equal access to the market and utilities should provide access to their lists of customers to such private sector firms, as some State fair competition laws already require.

The language of the provisions in title I, subtitle C of H.R. 776, taken together with the previous efforts in NECPA, make it clear that the intent of Congress is that the emerging market for energy efficient products and services should provide an expended opportunity for the creation of jobs and new businesses and that this new market shall be, to the maximum extent possible, shared and open to all.

Utilities may most effectively implement DSM plans by financing the costs of efficiency improvements, promoting energy conservation and efficiency while maximizing the use of private sector sources to design, supply, install, and service products, equipment, and systems. This method follows the concepts successfully utilized in NECPA.

Because the potential for economic harm to our Nation's small business is both real and continuing, State regulatory bodies should exercise continuous and vigorous monitoring and oversight of utility practices in the DSM and energy efficiency markets to insure that unfair and anticompetitive practices do not develop. This should not create any new or undue hardship on such authorities. The committee report accompanying the bill makes clear that no new procedures need be established and that existing methods and procedures, especially the complaint process, should be adequate to assure compliance with the provisions in H.R. 776. However, State regulatory authorities should be mindful of their responsibilities in this area and recognize that ratepayers are best served when impermissible subsidies are not used to foster anticompetitive conduct.

Finally, it should be noted that the bill provides a future opportunity to look back and judge the results of these provisions. H.R. 776 also requires that the Department of Energy, in conjunction with the Federal Trade Commission, submit periodic reports as to the effect DSM programs have on competition. All in all, H.R. 776, if implemented properly at the State level, should provide that which its authors intend: conservation of energy and continued competition through free and open markets.

Mr. TAUZIN. Mr. Chairman, during the floor debate on this bill, you have heard a number of my colleagues express their concern that this bill fails to provide for production of energy. I share their concerns. This bill contains many provisions which I support and I congratulate my colleagues on the Energy and Commerce Committee for their hard work in achieving progress toward greater energy efficiency.

However, this bill also contains several very troubling policy directions that should be brought to the attention of every Member of the House of Representatives. The title dealing with production of oil and gas from the Outer Continental Shelf contains provisions that if enacted will place vast areas of our Federal lands off limits to new leasing for the exploration and production of oil and gas resources. You may not be aware of the current trends in the oil and gas industry which indicate that a rather large migration by this industry out of this country has begun. We are now in the process of losing another industry to foreign competition. However, unlike cars, textiles, electronics, and other manufactured goods, the problem is not just cheap labor or lower costs. The real problem is that this Congress is forcing this industry and the jobs it has created to leave our country by banning oil and gas production in most of the areas that are not currently producing. The oil and gas industry's rational response is to leave. There are plentiful supplies of oil and gas in many other parts of the world. The end result of all this is loss of jobs and increasing imports of oil, with the increased and much greater environmental risks associated with oil spilled from tankers. The Congressional Office of Technology Assessment projects that by the year 2010 the Nation could be importing 70 percent of its oil.

I must remind you that we recently fought a war in the Middle East to protect the energy security of our country. It has been 1 year since we brought home the bodies of the young men and women who died in Desert Storm. How many more young men and women will have to die in some foreign land in the future to continue to protect imported oil.

If we are going to have an energy industry in this country, we need to begin to find ways to encourage greater production. We should be encouraging States and local governments to participate in a program of developing new sources of oil and gas through energy impact assistance programs. There are risks and impacts which fall most heavily on those States involved in large energy production efforts. While these industries create jobs, there are severe economic dislocations for the workers and the communities affected during downturns in the industry. There is also a need to provide assistance to States and local governments to pay the costs of environmental regulation and enforcement. There are now provisions in this bill which provide funding for the next 10 years for coastal States from revenues received from royalties paid to the Federal Government from offshore drilling. Last year the Federal Treasury received $3 billion from offshore drilling, the bulk of which was produced from the western Gulf of Mexico. The problem with the funding program in this bill, is that it spreads revenue sharing among every coastal State and territory regardless of whether those States produce oil or gas and even where there is a moratorium in place off the State's shores. It is wrong to reward those States who refuse to allow oil and gas exploration or production because they do not want to assume any risk, while they enjoy the revenue produced from areas which assume some risk in order to provide a dependable energy supply for the country.

The legislation as currently drafted will discourage future investment in oil and gas production in this country. It will have enormous and unreasonable budget implications by reducing future revenues from OCS drilling.

I had requested the opportunity to introduce an amendment that links the revenue sharing provisions to actual impacts associated with oil and gas exploration and production. This amendment would have had the effect of linking payments to the coastal States to their willingness to be a part of the Energy Security Program of this country.

I encourage all of my colleagues to consider the budget implications of encouraging decreased leasing. Leasing Federal lands for oil and gas production is the second largest source of revenue after income taxes collected by the IRS. This bill contains provisions that will have unacceptable implications for the budget. It is unfortunate that the Congress will be sending this message to the American people and the industry that we will encourage States and local governments to lobby against oil and gas development in their coastal waters by paying them a portion of Federal oil and gas royalties.

Mr. GEJDENSON. Mr. Chairman, I rise today in strong support of H.R. 776, the Comprehensive National Energy Policy Act. In particular, I would like to call attention to those provisions of the energy bill which were considered by the House Foreign Affairs Committee.

During its consideration of the energy bill, the Foreign Affairs Committee made changes to the export promotion and technical assistance provisions of the legislation. Subsequently, the Foreign Affairs Committee was able to reach agreement with the Energy and Commerce Committee on titles XII, XIII, XVI, and XIX. This compromise agreement is contained in the bill before the House today.

Mr. Chairman, I believe that H.R. 776 will promote exports and provide technical assistance in a cost-efficient and bureaucratically streamlined manner. Wherever possible, the bill utilizes existing U.S. export promotion and technical assistance programs, particularly in the Commerce Department and the Agency for International Development. H.R. 776, however, requires that additional attention and resources be devoted to energy efficient, renewable energy and clean coal technology as well as technology which reduces greenhouse gases.

I would like to briefly discuss four important provisions of H.R. 776.

First, the bill requires that the Energy Department and AID enter into an agreement to train energy experts from the developing world. These experts will learn how to operate and maintain American-made renewable energy and energy efficient technology.

Second H.R. 776 mandates that DOE and AID enter into two additional agreements to provide support for energy-generating projects in the developing world. These projects will utilize American-made energy technology and must be environmentally sound and energy efficient.

Third, the bill requires that the Commerce Department use the national trade data bank to link U.S. exporters of energy technology to overseas buyers.

Finally, H.R. 776 requires that the administration better coordinate its efforts to promote U.S. energy-related exports.

Mr. Chairman, I believe that H.R. 776 will help protect the global environment and create new high-tech jobs in the United States. It will also accomplish these tasks in a cost-effective and efficient manner.

Mrs. MORELLA. Mr. Chairman, I support many other provisions in the Comprehensive National Energy Policy Act. I commend the Energy and Commerce Committee for their work on the energy efficiency title, which will increase the use of energy efficiency and conservation measures in our homes and offices—from the appliances in our homes, machines in offices, and increased efficiency in the power industry.

Homebuyers will benefit from the voluntary home energy rating system to be set up by the Department of Energy. In addition, there are new energy efficiency standards for incandescent and fluorescent lamps, electric motors, utility transformers, shower heads, and heating and cooling equipment for commercial buildings.

On our city streets we are beginning to see trucks and vans marked "clean air machine," which run on natural gas. This legislation pushes us to greater use of alternative fuels and motor vehicles that run on these fuels. It encourages the production and use of ethanol, methanol, compressed natural gas, propane, electricity, and hydrogen. Under the bill's provisions, the Federal Government would acquire at least 10,000 alternative fuel vehicles by 1995.

We have heard in science, space, and technology hearings that Germany and Japan have invested in photovoltaic technology at least double the United States level, and they have promoted these technologies for export. Renewable sources of energy, such as solar, geothermal, hydropower, wind, and biomass already account for 8 percent of our energy supply. This bill fosters development of new technologies that will lead to commercial opportunities. A greater investment in improved energy technologies now will lead to cost savings in the future as emerging technologies become cost-competitive with fossil fuels.

I would like to also note some of the tax-related measures that will encourage energy efficiency, conservation, and the use of alternative energy sources. The bill increases the amount of employer-provided mass transit assistance that would be tax exempt, and the rebate that homeowners receive from utility companies for energy conservation measures would also be exempt.

There is a permanent extension of the tax credit to encourage business investment in solar and geothermal energy. The bill encourages utilities through tax incentives to generate electricity from wind and biomass sources. On the other side, there is an increase in existing excise taxes on ozone-depleting chemicals.

Mr. Chairman, this legislation moves the United States along the road to greater energy security, cleaner air, a decrease in emissions of greenhouse gases, and a more internationally competitive position. I urge my colleagues to vote for adoption of this energy package.

□ 1520

Mr. SHARP. Mr. Chairman, I move that the Committee do now rise.

The motion was agreed to.

Accordingly the Committee rose; and the Speaker pro tempore (Mr. MURTHA) having assumed the chair, Mr. SKAGGS, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 776) to provide for improved energy efficiency, had come to no resolution thereon.

LEGISLATIVE PROGRAM

(Mr. WALKER asked and was given permission to address the House for 1 minute.)

Mr. WALKER. Mr. Speaker, I rise for the purpose of ascertaining the schedule for the House for next week.

Mr. GEPHARDT. Mr. Speaker, will the gentleman yield?

Mr. WALKER. I am happy to yield to the gentleman from Missouri [Mr. GEPHARDT], the distinguished majority leader.

Mr. GEPHARDT. Mr. Speaker, I thank the gentleman for yielding.

Mr. Speaker, business is finished for today. On Monday the House will not be in session, for the Memorial Day district work period. On Tuesday, May 26, the House will meet at noon but there will not be legislative business. There are a number of elections in various States.

On Wednesday, May 27, and the balance of the week, the House will meet at noon on Wednesday and 10 a.m. on Thursday and Friday. We will be taking up again H.R. 776, the National Energy Policy Act, and try to complete it; H.R. 4727, Unemployment Compensation Amendments of 1992, subject to a rule; and H.R. 2507, the conference report on National Institutes of Health reauthorization, 1 hour of debate.

Mr. WALKER. Mr. Speaker, a couple of questions, if we could.

Mr. Speaker, I would ask the gentleman do we have any idea what time votes might begin on Wednesday?

Mr. GEPHARDT. We will try to allow some time there between the start at 10 and noon for Members to get back. We realize we have Members on the west coast and other far-away places that need some time. However, we cannot assure Members that there will not be votes before 2 o'clock. I would think they would be safe in assuming there will not be votes before the noon period.

Mr. WALKER. So we would be coming in at noon?

Mr. GEPHARDT. I am sorry, we are coming in at noon on Wednesday. I think we can assure Members that there will not be a lot of quick votes, but to assume that they can come at 2 o'clock or 3 o'clock would be an incorrect assumption.

Mr. WALKER. I thank the distinguished majority leader. We are listed as having session on Friday next week. Is that fairly well assured? When I look at the schedule, the energy bill, it appears to me, would be probably one more very serious vote and maybe a couple of other votes, but that probably would not take a great deal of time. Subject to a rule, unemployment compensation, that is probably going to be a fairly narrowly defined bill. Then there is 1 hour on NIH. My assumption would be that that work might be able to be finished on Wednesday and Thursday.

Mr. Speaker, I would ask the gentleman, are there other bills that might come to the floor?

Mr. GEPHARDT. It is possible that we can finish before Friday, but I think we cannot at this moment say that the business will not require us to be here on Friday. I would urge Members to adjust their schedules so that they might be here on Friday. Obviously if we do not need to be, we will not be.

Mr. WALKER. Three bills that come to mind as possible add-ons, and I am just interested in this, a chance of supplemental appropriations?

Mr. GEPHARDT. There is a chance that it will be coming back here after conference. It is also the subject of negotiation in our meetings with the Senate and the administration, and it could be dealt with as a result of those negotiations, so it could come up as a conference report next week.

Mr. WALKER. The committee funding resolution. I think we have to act on something on that before the end of the month.

Mr. GEPHARDT. We are likely to consider that next week.

Mr. WALKER. And the Hamilton-Gradison reform package, we had understood that might come up next week.

Mr. GEPHARDT. There has been a delay, at the request of some of the minority, in the markup. We will continue to work on it, and it may be that we can get it finished. I do not know the answer right now.

Mr. WALKER. I thank the gentleman.

□ 1530

HOUR OF MEETING ON WEDNESDAY, MAY 27, 1992

Mr. GEPHARDT. Mr. Speaker, I ask unanimous consent that when the House adjourns on Tuesday, May 26, 1992, it adjourn to meet at noon on Wednesday, May 27, 1992.

The SPEAKER pro tempore (Mr. MURTHA). Is there objection to the request of the gentleman from Missouri?

There was no objection.

DISPENSING WITH CALENDAR WEDNESDAY BUSINESS ON WEDNESDAY NEXT

Mr. GEPHARDT. Mr. Speaker, I ask unanimous consent that the business in order under the Calendar Wednesday rule be dispensed with on Wednesday next.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Missouri?

There was no objection.

REPORT ON RESOLUTION WAIVING POINTS OF ORDER AGAINST CONSIDERATION OF CONFERENCE REPORT ON H.R. 2507, NATIONAL INSTITUTES OF HEALTH REVITALIZATION AMENDMENTS OF 1991, AND AGAINST CONSIDERATION OF SUCH CONFERENCE REPORT

Mr. GORDON, from the Committee on Rules, submitted a privileged report (Rept. No. 102-534) on the resolution (H. Res. 466) waiving all points of order against the conference report on the bill (H.R. 2507) to amend the Public Health Service Act to revise and extend the programs of the National Institutes of Health, and for other purposes, which was referred to the House calendar and ordered to be printed.

REPORT ON RESOLUTION WAIVING POINTS OF ORDER AGAINST CONFERENCE REPORT ON S. 1306, ALCOHOL, DRUG ABUSE, AND MENTAL HEALTH ADMINISTRATION REORGANIZATION ACT OF 1991, AND AGAINST CONSIDERATION OF SUCH CONFERENCE REPORT

Mr. GORDON, from the Committee on Rules, submitted a privileged report (Rept. No. 102-535) on the resolution (H. Res. 467) waiving all points of order against the conference report on the bill (S. 1306) to amend title V of the Public Health Service Act to revise and extend certain programs, and for other purposes, which was referred to the House Calendar and ordered to be printed.

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF HOUSE RESOLUTION 194 AND H.R. 1790

Mr. CRAMER. Mr. Speaker, I ask unanimous consent that my name be removed as a cosponsor of House Resolution 194 and H.R. 1790.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Alabama?

There was no objection.

PERMISSION FOR SPEAKER TO DECLARE RECESSES TODAY

Mr. GEPHARDT. Mr. Speaker, I ask unanimous consent that the Chair may declare recesses today, subject to the call of the Chair.

The SPEAKER pro tempore. Is there objection to the request from the gentleman from Missouri?

There was no objection.

CONGRESSIONAL REFORM

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Missouri [Mr. COLEMAN] is recognized for 5 minutes.

Mr. COLEMAN of Missouri. Mr. Speaker, this legislative body needs to change the way it conducts its business. The public now knows the procedures used in this House are out of date and need to be reformed. "If Congress can't run a bank or a post office, how can it run the country?" is a reprise heard all across our country. Once known for crafting historymaking legislation such as the great compromise; providing the fertile legislative soil from which Social Security grew, and the landmark civil rights legislation of the sixties, the Congress has fallen into disrepute.

For example, when confronted with the knowledge that there were check bouncers and check kiters among us, our Democrat leadership's first response was to try to protect the guilty by opposing full disclosure. And 7 months later they were still doing it. And much the same can be said for the other scandals which the inattention and arrogance of this body's leadership have caused to focus upon us.

Clearly, if the House of Representatives is to provide effective leadership, we must regain the trust and respect of the people of the Nation. And the only way to do that is to dramatically reform the way we conduct the people's business.

With that in mind, I am today introducing two reform measures. The first drastically alters the day-to-day practices of the House, and the second builds on those institutional reforms by reforming the way Members of the House finance their campaigns.

The first House reform addressed in my legislation is the House schedule. Currently, the legislative agenda of the House is set in a partisan, nonprioritized, haphazard, and end-loaded fashion. As a result, important measures remain unconsidered, and secondary legislation receives priority action. We vote on issues with only local and regional impact and such things as the changing faces on our coins, rather than dealing with the deficit and tax relief.

My bill calls on the Speaker of the House to consult with the minority leader, as well as with the chair and ranking member of each of the committees of the House, to determine the legislative priorities for the session and to set target dates for action. Clearly, this bipartisan consultation and prioritization will make the House Calendar a business plan rather than a social calendar.

Committee chairmanships should also be rotated. As a result of continual service, many chairman have the power to single-handedly block good legislation. That's not right, and its not good for America. The inability to hold them accountable leads to legislative gridlock, and has contributed greatly to the notion that we are unresponsive. The reform proposal I've introduced limits the length of service as committee chair to four consecutive Congresses.

I have also proposed provisions for free and open debate. In theory, House rules allow anyone to bring an amendment to a bill on the floor, as long as it is relevant to the subject matter under debate. In reality, however, majority leadership decides ahead of time how many, if any, amendments will be allowed, and the order in which they will be voted. The result: Members are often denied the opportunity to amend, or to even vote on, the most controversial we consider. My bill significantly curtails the ability of the Rules Committee to recommend restrictive rules. My bill makes us true to ourselves.

I believe we should be held accountable for every tax dollar we vote to spend. That's why my bill calls for recorded votes on the passage of all appropriations bills, legislation that provides for direct spending, or measures that provide new credit authority.

During the first session of this Congress, the final versions of six appropriations bills and two continuing resolutions passed by voice votes. Of the 17 direct spending bills in the first session, 8 passed on voice votes. And the banking overhaul bill, which provided a $30 billion line of credit at the U.S. Treasury for the Federal Deposit Insurance Corporation, also passed on a voice vote. What kind of accountability is that?

As anyone involved in the legislative process knows, getting a bill through the Chamber can be a bureaucratic nightmare. The House currently employs some 11,000 staffers, and has organized its activities through a maze of some 27 committees and 140 subcommittees. Cutting committee staffs—which have tripled in the last 20 years—would save tens of millions of taxpayers' dollars. A fifth provision in my bill calls for a 50-percent committee staff reduction.

The last provision in my original House reform proposal related directly to restoring public confidence. It limited our ability to raise our own pay, and it already has been accomplished. As a cosponsor of the Madison amendment, I am naturally pleased at its ratification. I can think of nothing that will go further to restoring the creditability of this body than prohibiting congressional pay raises from taking effect until after an intervening election.

The other bill I have introduced today builds on the first by requiring the House to enact campaign finance reform. Specifically, it requires: Free television and radio time for candidates running for Congress; a reduction in the allowable political action committee contribution to $500 per election ($1,000 per election cycle); a majority of a candidate's funds be raised from his or her district; union member consent for union political spending; disclosure of all hidden union, corporate, and nonprofit soft money expenditures on voter education, registration, and turnout programs.

Mr. Speaker, what I do not want to see is public financing of congressional campaigns. Some of my colleagues recently voted to secure for themselves a permanent campaign subsidy from the U.S. Treasury, all in the name of campaign finance reform. I think this is wrong, the American taxpayer will think it's wrong, and this House should know it's wrong.

We in Congress today are faced with a decision, perhaps the most important decision we will make in our legislative careers. We can reform this institution, the way it operates, and the way we get here; or we can do nothing. If we choose reform, we stand a good chance of restoring Congress to its rightful, respected position as the people's voice in the government of the world's greatest democracy. If we choose to do nothing, we risk not only the survival of Congress as we know it, but we risk our form of representative government as well. This is a decision that should rise above any partisan or individual considerations. I urge my colleagues to join me in choosing reform.

THE UNEMPLOYMENT COMPENSATION AMENDMENTS OF 1992

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Illinois [Mr. ROSTENKOWSKI] is recognized for 5 minutes.

Mr. ROSTENKOWSKI. Mr. Speaker, I wish to serve notice to my colleagues that, pursuant to the rules of the Democratic caucus, I have been instructed by the Committee on Ways and Means to seek less than an open rule for the consideration by the House of Representatives of H.R. 4727, the Unemployment Compensation Amendments of 1992.

DAN FABIAN RECEIVES THE 1992 DANTE AWARD

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Illinois [Mr. ANNUNZIO] is recognized for 5 minutes.

Mr. ANNUNZIO. Mr. Speaker, I rise to call to the attention of my colleagues in the House of Representatives the many accomplishments of Dan Fabian, the general manager of WGN radio in Chicago and the winner of this year's Dante Award.

Mr. Speaker, the Dante Award program is sponsored by the Joint Civic Committee of Italian-Americans, which is comprised of more than 40 civic organizations in the Chicagoland area. The award is given in recognition of outstanding work in the field of journalism.

The 21st annual Dante Award luncheon will be held at the Como Inn in Chicago on June 4, under the auspices of the human relations committee of the JCCIA, chaired by Richard B. Caifano. The president of the JCCIA, Dominic DiFrisco, will serve as the master of ceremonies for the luncheon, together with Bob Collins, WGN-radio on-air personality. The invocation will be offered by Rev. Lawrence Cozzi, C.S., administrator of Villa Scalabrini, the Italian Old Peoples Home in Melrose Park.

Recipients of this honor carry on a proud tradition established by the renowned 13th century Italian writer, Dante Alighieri. People around the world still celebrate the classic works of this author, including "The Inferno" and "The Divine Comedy." In the latter book, Dante wrote that, "if I should prove a timid friend of truth, I fear to lose my fame among the people whose age will call the present era ancient." Dante's praise for truth is more valid today than ever, and his words inspired the JCCIA to establish an award in the name of this great writer.

In journalism, those men and women who prove themselves as friends of truth also deserve praise for their contributions. Among the many skilled and dedicated members of this profession, however, only the most accomplished can meet the rigorous standards of the Dante Award.

Dan Fabian has earned this distinction because of his skills at managing one of the top radio stations in Chicago and the United States of America. Moreover, he has committed himself to improving his community and adhering to the highest standards of professional ethics.

Raised in Indiana, Mr. Fabian attended Notre Dame and Northwestern Universities, where he studied communications, arts and business administration. At WGN, he rose quickly from intern to promotion and research writer, account executive, sales manager, programs/promotions director, and finally general manager.

Mr. Fabian's accomplishments are too numerous to recount here, so I will limit myself to highlights. For example, Mr. Fabian has directed a multitude of advertising strategies such as the "Harry Caray for a Day" concept. He also made the first-ever sale of electronic advertising to True Value Hardware and aided in the reacquisition of advertising for the Chicago Bears. As a community booster, Mr. Fabian has tripled the commitments by WGN radio to charitable activities over the past decade. He also has worked closely with nonprofit groups such as the Better Business Bureau and the Anti-Hunger Federation of Chicago.

In dealing with Chicago's many ethnic communities, including Italian Americans, Dan Fabian has shown an unwavering commitment to fairness. He has worked to root out even the most subtle forms of bigotry in broadcasts aired by WGN. When mistakes have occurred, he has responded promptly and effectively. That is the kind of dedication to equal opportunity that Chicagoans have come to expect from Mr. Fabian.

Mr. Speaker, in light of these and many other accomplishments, I would like to offer Dan Fabian my most sincere congratulations as the recipient of the 21st annual Dante Award.

For the 17th consecutive year, the John Fischetti Scholarship will also be awarded at the luncheon. The scholarship was established by the Joint Civic Committee of Italian Americans to further the study of Italian-American students in journalism or communications, and is named after the Pulitzer Prize winning political cartoonist. This year's award of $2,000 will be presented by Michael Coli, chairman of the board of trustees of the JCCIA to Lisa C. Marinelli of Evanston, IL, who is currently attending Northwestern University's Medill School of Journalism. My sincerest congratulations go also to Lisa on her outstanding achievement.

RECESS

The SPEAKER pro tempore. The Chair declares the House in recess, subject to the call of the Chair.

Accordingly (at 3 o'clock and 35 minutes p.m.), the House stood in recess subject to the call of the Chair.

FURTHER MESSAGE FROM THE SENATE

A further message from the Senate by Mr. Hallen, one of its clerks, announced that the Senate had passed without amendment a concurrent resolution of the House of the following title:

H. Con. Res. 323. Concurrent resolution providing for an adjournment of the House from Thursday, May 21, 1992 to Tuesday, May 26, 1992 and an adjournment or recess of the Senate from Thursday, May 21, 1992 or Friday, May 22, 1992 until Monday, June 1, 1992.

□ 1628

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. OWENS of New York) at 4 o'clock and 28 minutes p.m.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mrs. COLLINS of Illinois (at the request of Mr. GEPHARDT), for today, on account of medical reasons.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. MINETA) to revise and extend their remarks and include extraneous material:)

Mr. ROSTENKOWSKI, for 5 minutes, today.

Mr. ANNUNZIO, for 5 minutes, today.

Mr. GONZALEZ, for 60 minutes, on May 26.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

(The following Members (at the request of Mr. COBLE) and to include extraneous matter:)

Mr. LEWIS of California.
Mr. MYERS of Indiana.
Mrs. VUCANOVICH.
Mr. OXLEY.
Mr. GALLEGLY.
Mr. HASTERT.
Mr. RINALDO.
Mrs. BENTLEY, in four instances.
Mr. WELDON.
Mr. ZIMMER.
Mr. MACHTLEY.
Mr. DORNAN of California.

(The following Members (at the request of Mr. MINETA) and to include extraneous matter:)

Mr. YATRON.
Mr. BONIOR.
Mr. THOMAS of Georgia.
Mr. NEAL of Massachusetts.
Mr. MOAKLEY.
Mr. ROE in two instances.
Mr. KILDEE in two instances.
Mr. BLACKWELL.
Mr. HOYER.
Mr. SLATTERY.
Mr. MAZZOLI in three instances.
Mr. MCHUGH.
Mr. ROSTENKOWSKI.
Mr. TRAXLER.
Mr. DYMALLY.
Mr. HOAGLAND.
Mr. GUARINI.
Mr. MCMILLEN of Maryland.
Mr. CLAY.
Mr. OBEY.
Mr. DOWNEY.
Mr. CLEMENT.
Mr. SOLARZ in two instances.

SENATE BILLS REFERRED

Bills and a concurrent resolution of the Senate of the following titles were taken from the Speaker's table and, under the rule, referred as follows:

S. 2201. An act to authorize the admission to the United States of certain scientists of the Commonwealth of Independent States and the Baltic States as employment-based immigrants under the Immigration and Nationality Act, and for other purposes; to the Committees on the Judiciary and Foreign Affairs.

S. 2759. An act to amend the National School Lunch Act to improve the nutritional well-being of children under the age of 6 living in homeless shelters, and for other purposes; to the Committee on Education and Labor.

S. 2760. An act to improve certain nutrition programs, to improve the nutritional health of children, and for other purposes; to the Committee on Education and Labor.

S. Con. Res. 107. Concurrent resolution condemning the involvement of the military regime in Burma, also known as the Union of Myanmar, in the ongoing, horrifying abuses of human rights, the trafficking of illicit drugs, and the mass buildup of military arms for domestic repression; to the Committee on Foreign Affairs.

ADJOURNMENT

Mr. GEPHARDT. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to.

The SPEAKER pro tempore. Pursuant to the provisions of House Concurrent Resolution 323 of the 102d Congress, the House stands adjourned until 12 noon, Tuesday, May 26, 1992.

Thereupon (at 4 o'clock and 29 minutes p.m.), pursuant to House Concurrent Resolution 323, the House adjourned until Tuesday, May 26, 1992, at 12 noon.

EXECUTIVE COMMUNICATIONS ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

3555. Under Secretary of Defense, transmitting selected acquisition report [SARS] for the quarter ending March 31, 1992, pursuant to 10 U.S.C. 2432; to the Committee on Armed Services.

3556. Assistant Secretary of Defense, transmitting operations under the Strategic and Critical Materials Stock Piling Act during the period April 1991 through September 1991, pursuant to section 11(a) of the Strategic and Critical Materials Stock Piling Act, as amended; to the Committee on Armed Services.

3557. Office of General Counsel, Department of Defense, transmitting a draft of proposed legislation to authorize supplemental appropriations for the Department of Defense for fiscal year 1992, and for other purposes; to the Committee on Armed Services.

3558. President and Chairman, Export-Import Bank of the United States, transmitting the annual report on its operations for fiscal year 1991, pursuant to 12 U.S.C. 635g; to the Committee on Banking, Finance and Urban Affairs.

3559. Secretary of Education, transmitting Final Regulations—Eisenhower Mathematics and Science Education-State Grant Program, pursuant to 20 U.S.C. 1232(d)(1); to the Committee on Education and Labor.

3560. Secretary, Department of Health and Human Services, transmitting a report on the effectiveness of State programs and technical assistance relating to child abuse and neglect, pursuant to 42 U.S.C. 5106f; to the Committee on Education and Labor.

3561. Assistant Secretary of State for Legislative Affairs, transmitting copies of the original report of political contributions of William Arthur Rugh, of Maryland, Career Member of the Senior Foreign Service, Class of Career Minister, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the United Arab Emirates, and members of his family, pursuant to 22 U.S.C. 3944(b)(2); to the Committee on Foreign Affairs.

3562. Administrator, Environmental Protection Agency, transmitting a report of activities under the Freedom of Information Act for calendar year 1991, pursuant to 5 U.S.C. 552; to the Committee on Government Operations.

3563. Chairman, Federal Reserve System, transmitting a copy of the semiannual report on activities of the inspector general for the period October 1, 1991, through March 31, 1992, pursuant to Public Law 95-452, section 5(b) (102 Stat. 2526); to the Committee on Government Operations.

3564. Executive Director, American Chemical Society, transmitting the annual comprehensive report and audit for the year ending December 31, 1991, pursuant to 36 U.S.C. 1101(2), 1103; to the Committee on the Judiciary.

3565. Director, Office of Management and Budget, transmitting the 15th report on U.S. costs in the Persian Gulf conflict and foreign contributions to offset such costs, pursuant to Public Law 102-25, section 401 (105 Stat. 99); jointly, to the Committees on Armed Services and Foreign Affairs.

3566. Secretary, Department of the Interior, transmitting copies of the FMIC Land Classification Report dated September 1991, pursuant to Public Law 90-537 and Public Law 97-293; jointly, to the Committees on Interior and Insular Affairs and Appropriations.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the clerk for printing and reference to the proper calendar, as follows:

Ms. SLAUGHTER: Committee on Rules. House Resolution 466. Resolution waiving all points of order against the conference report on H.R. 2507 and against the consideration of such conference report (Rept. 102-534). Referred to the House Calendar.

Mr. HALL of Ohio: Committee on Rules. House Resolution 467. Resolution waiving all points of order against the conference report on S. 1306 and against the consideration of such conference report (Rept. 102-535). Referred to the House Calendar.

PUBLIC BILLS AND RESOLUTIONS

Under clause 5 of rule X and clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. WALKER (for himself, Mr. LEWIS of Florida, Mr. RITTER, Mr. CAMPBELL of California, Mr. SENSENBRENNER, Mr. PACKARD, Mr. HENRY, Mr. FAWELL, Mr. SMITH of Texas, Mr. ROHRABACHER, Mr. RHODES, Mr. BARTON of Texas, Mr. ZIMMER, Mr. GILCHREST, and Mr. JOHNSON of Texas):

H.R. 5229. A bill to promote the competitiveness of American businesses by reducing the national debt to reduce the cost of capital, providing tax incentives to further enhance private capital formation, reforming antitrust law to remove barriers to cooperative enterprise, and instituting civil justice reform to reduce litigious burdens, and for other purposes; jointly, to the Committees on Ways and Means, the Judiciary, Science, Space, and Technology, Government Operations, and Energy and Commerce.

By Mr. BROWN (for himself, Mr. Valentine, Mrs. Lloyd, Mr. Glickman, Mr. Volkmer, Mr. Hall of Ohio, Mr. McCurdy, Mr. Mineta, Mr. Torricelli, Mr. Boucher, Mr. Traficant, Mr. Nowak, Mr. Nagle, Mr. Thornton, Mr. Bacchus, Mr. Roemer, Mr. Cramer, Ms. Horn, Mr. Engel, Mr. Olver, and Mr. Kostmayer):

H.R. 5230. A bill to enhance U.S. competitiveness by strengthening the nation's technology base, promoting investment in U.S. technology, supporting manufacturing infrastructure development, enhancing the technology skills of American workers, and reorienting defense spending to support American competitiveness, and for other purposes; jointly, to the Committees on Science, Space, and Technology, Banking, Finance and Urban Affairs, the Judiciary, Education and Labor, Ways and Means, and Armed Services.

By Mr. VALENTINE (for himself, Mr. Brown, Mr. Glickman, Mr. Mineta, Mr. Torricelli, Mr. Thornton, Mr. Roemer, Ms. Horn, Mr. Boucher, Mr. Tanner, Mr. Bacchus, Mr. Swett, Mr. Engel, Mr. Olver, Mrs. Lloyd, Mr. Volkmer, Mr. Wolpe, Mr. Hall of Ohio, Mr. McCurdy, Mr. Stallings, Mr. Traficant, Mr. Nowak, Mr. Perkins, Mr. McMillen of Maryland, Mr. Nagle, Mr. Cramer, and Mr. Kostmayer):

H.R. 5231. A bill to amend the Stevenson-Wydler Technology Innovation Act of 1980 to enhance manufacturing technology development and transfer, to authorize appropriations for the Technology Administration of the Department of Commerce, including the National Institute of Standards and Technology, and for other purposes; to the Committee on Science, Space, and Technology.

By Mr. LaFALCE:

H.R. 5232. A bill to strengthen current Federal law and regulation to protect consumers in connection with the representation and sale of franchise businesses; to facilitate increased public disclosure regarding franchise opportunities, to enhance common law remedies for purchasers of franchises, and for other purposes; jointly, to the Committee on Energy and Commerce and the Judiciary.

H.R. 5233. A bill to establish minimum standards of fair conduct in franchise business relationships, and for other purposes; to the Committee on the Judiciary.

By Mr. BURTON of Indiana (for himself, Mr. Fazio, Mr. Cox of California, Mr. Aspin, Mr. Dreier of California, Mr. Moody, Mr. Herger, Mr. Faleomavaega, Mr. Hunter, Mr. Condit, Mr. Crane, Mrs. Unsoeld, Mr. Rohrabacher, Mr. Flake, Mr. Blaz, Mr. Owens of New York, Mr. Doolittle, Mr. Geren of Texas, Mr. Dooley, Mr. Luken, and Mr. Traficant):

H.R. 5234. A bill to reduce United States development assistance to India unless the Government of India repeals certain special or preventive detention laws: to the Committee on Foreign Affairs.

By Mr. DOWNEY (for himself, Mr. Gejdenson, Mr. Hochbrueckner, Mr. Frank of Massachusetts, Mr. Nowak, Mr. Sabo, and Mr. Waxman):

H.R. 5235. A bill to provide assistance to defense contractors in diversifying into nondefense businesses; jointly, to the Committees on Small Business, Banking, Finance and Urban Affairs, Ways and Means, Armed Services, and Education and Labor.

By Mr. EDWARDS of California:

H.R. 5236. A bill to amend the Voting Rights Act of 1965 to clarify certain aspects of its coverage and to provide for the recovery of additional litigation expenses by litigants; to the Committee on the Judiciary.

By Mr. ENGLISH (for himself, Mr. Stallings, Ms. Long, Mr. Jontz, Mr. Peterson of Minnesota, Mr. Roemer, Mr. Young of Alaska, Mr. Emerson, Mr. Volkmer, Mr. Olin, and Mr. Smith of Oregon):

H.R. 5237. A bill to amend the Rural Electrification Act of 1936 to improve the provision of electric and telephone service in rural areas, and for other purposes; jointly, to the Committees on Agriculture and Government Operations.

By Mr. ENGLISH (for himself, Mr. Wise, Mr. Synar, Mr. Roberts, Mr. Emerson, Mr. Brewster, Mr. Poshard, Mr. Rowland, Mr. Hatcher, Mr. Slattery, Mr. McMillan of North Carolina, Mr. Coleman of Missouri, Mr. Jontz, Mr. Walsh, and Mr. Espy):

H.R. 5238. A bill to establish a grant program to improve the provision of health care services and educational services in rural areas by enabling providers of such services to obtain access to modern interactive telecommunications systems, and for other purposes; to the Committee on Agriculture.

By Mr. GEKAS (for himself and Mr. Yatron):

H.R. 5239. A bill to provide that certain hearings functions of the Merit Systems Protection Board be performed only by administrative law judges, and for other purposes; to the Committee on Post Office and Civil Service.

By Mr. GUARINI (for himself, Mr. McGrath, Mrs. Kennelly, Mr. Ford of Tennessee, Mr. Moody, Mr. Cardin, Mr. Thomas of California, Mr. Downey, Mr. Pickle, Mr. Rangel, Mr. Schulze, Mr. Jenkins, Mr. Matsui, Mr. Coyne, Mr. Andrews of Texas, Mr. Dorgan of North Dakota, Mr. Donnelly, Mr. Vander Jagt, Mr. Shaw, Mrs. Johnson of Connecticut, Mr. McDermott, Mr. Gejdenson, Mr. Frank of Massachusetts, Mr. Brewster, Mr. Conyers, Mr. Nowak, Mrs. Lloyd, Mr. Franks of Connecticut, Mr. Dwyer of New Jersey, Ms. Kaptur, Mr. Serrano, Mr. Foglietta, Mr. Torricelli, and Mr. Chandler):

H.R. 5240. A bill to amend the Internal Revenue Code of 1986 to extend certain expiring tax provisions, and for other purposes; to the Committee on Ways and Means.

By Mr. HANSEN:

H.R. 5241. A bill to release certain areas in the State of Utah from the status of wilderness study; to the Committee on Interior and Insular Affairs.

By Mr. HOAGLAND:

H.R. 5242. A bill to amend the Public Health Service Act to provide for the development of a single vaccine to provide lifelong immunization against common childhood diseases; to the Committee on Energy and Commerce.

H.R. 5243. A bill to provide for the development of model State laws providing reinsurance mechanisms for high-risk individuals and small employers; to the Committee on Energy and Commerce.

H.R. 5244. A bill to require the Secretary of Health and Human Services and the Attorney General to jointly carry out a demonstration program to reduce health care costs through the sharing by medical facilities of certain services and equipment, notwithstanding any antitrust law to the contrary, and to direct the Attorney General to carry out a certificate of review process exempting eligible medical facilities from the application of certain antitrust laws; jointly, to the Committees on Energy and Commerce and the Judiciary.

H.R. 5245. A bill to provide for the simplification of health payor forms; jointly, to the Committees on Energy and Commerce and Ways and Means.

H.R. 5246. A bill to amend title XVIII of the Social Security Act to extend coverage of home health services under the Medicare Program; jointly, to the Committees on Ways and Means and Energy and Commerce.

H.R. 5247. A bill to amend title XVIII of the Social Security Act to require as a condition of participation under the Medicare Program that hospitals provide parents of newborn children with information and recommendations on childhood immunizations; jointly, to the Committees on Ways and Means and Energy and Commerce.

By Mr. HUGHES (for himself (by request) and Mr. Moorhead):

H.R. 5248. A bill to authorize appropriations for the Patent and Trademark Office in the Department of Commerce for fiscal years 1993, 1994, and 1995; to the Committee on the Judiciary.

By Mr. IRELAND (for himself and Mr. Goss):

H.R. 5249. A bill to ensure the preservation of the Gulf of Mexico by establishing within the Environmental Protection Agency a Gulf of Mexico Program Office; jointly, to the Committees on Merchant Marine and Fisheries, Public Works and Transportation, Science, Space, and Technology, and Foreign Affairs.

By Mr. JACOBS (for himself, Mr. Archer, Mr. Inhofe, and Mr. Torricelli):

H.R. 5250. A bill to amend the Internal Revenue Code of 1986 to establish medical care savings benefits; to the Committee on Ways and Means.

By Mr. McEWEN:

H.R. 5251. A bill to amend the Internal Revenue Code of 1986 to provide additional safeguards to protect taxpayer rights; to the Committee on Ways and Means.

H.R. 5252. A bill to amend the Internal Revenue Code of 1986 to stimulate employment in, and to promote revitalization of, economically distressed areas designated as enterprise zones, by providing Federal tax relief for employment and investments, and for other purposes; jointly, to the Committees on Ways and Means, the Judiciary, and Banking, Finance and Urban Affairs.

By Mr. OBEY (for himself, Mr. Murtha, Mr. Traxler, Mr. Durbin, Mr. Abercrombie, Mr. Bonior, Mr. Eckart, Mr. Edwards of California, Mr. Fazio, Mr. Moran, Mr. Roemer, Mr. Slattery, Mr. Stark, and Ms. Horn):

H.R. 5253. A bill to balance the budget of the United States of America; jointly, to the Committees on Government Operations, Rules, and Ways and Means.

By Mr. PENNY (for himself, Mr. Smith of New Jersey, Mr. Montgomery, Mr. Stump, Mr. Slattery, Mr. Wylie, Mrs. Patterson, Mr. Santorum, Mr. Sangmeister, Mr. Ridge, Mr. Geren of Texas, Mr. Clement, and Mr. Solomon):

H.R. 5254. A bill to amend title 38, United States Code, to provide job training readjustment assistance to certain veterans, and for other purposes; to the Committee on Veterans' Affairs.

By Mr. ROHRABACHER (for himself, Mr. GALLEGLY, Mr. ALLEN, Mr. CUNNINGHAM, Mr. DELAY, Mr. BATEMAN, and Mr. STEARNS):

H.R. 5255. A bill to nullify all prohibitions against the transfer of Government information about aliens to the Immigration and Naturalization Service; to the Committee on the Judiciary.

By Mr. SMITH of Oregon (for himself, Mr. CHANDLER, Mr. YOUNG of Alaska, and Mr. HERGER):

H.R. 5256. A bill to assure the preservation of the northern spotted owl and the stability of communities dependent on the resources of the public lands in Oregon, Washington, and northern California, and for other purposes; jointly, to the Committees on Merchant Marine and Fisheries, Interior and Insular Affairs, and Agriculture.

By Mr. TAYLOR of Mississippi (for himself, Mr. JONES of North Carolina, Mr. DAVIS, Mr. LENT, and Mr. FIELDS):

H.R. 5257. A bill to amend the coastwise trade laws to clarify their application to certain passenger vessels; to the Committee on Merchant Marine and Fisheries.

By Mr. WOLF (for himself, Mr. BEREUTER, Mr. BLAZ, Mr. BROOMFIELD, Mr. DAVIS, Mr. DICKINSON, Mr. DORNAN of California, Mr. DUNCAN, Mr. EMERSON, Mr. FISH, Mr. GALLEGLY, Mr. GILLMOR, Mr. GINGRICH, Mr. ALLEN, Mr. ARMEY, Mr. BARTON of Texas, Mr. DOOLITTLE, Mr. GILMAN, Mr. HANCOCK, Mr. KASICH, Mr. LEWIS of Florida, Mr. MCCOLLUM, Mr. MILLER of Washington, Ms. MOLINARI, Mrs. MORELLA, Mr. LIGHTFOOT, Mr. MCEWEN, Mr. PAXON, Mr. ROHRABACHER, Mr. SANTORUM, Mr. SMITH of New Jersey, Mr. SMITH of Texas, Mr. SOLOMON, Mr. RIGGS, Ms. ROS-LEHTINEN, Mr. SHAYS, Mr. TAYLOR of North Carolina, Mr. WALKER, Mr. WYLIE, Mr. BARNARD, Mr. ANDERSON, Mr. ATKINS, Mr. DARDEN, Mr. DINGELL, Mr. HOYER, Mr. ECKART, Ms. HORN, Mr. MCCLOSKEY, Mr. MORAN, Mr. LANTOS, Ms. PELOSI, Mr. SWETT, Mrs. UNSOELD, and Mr. WILSON):

H.R. 5258. A bill to provide for the withdrawal of most-favored-nation status from the Federal Republic of Yugoslavia and to provide for the restoration of such status if certain conditions are fulfilled; to the Committee on Ways and Means.

By Mr. FAZIO (for himself, Mr. STARK, and Mr. RIGGS):

H.J. Res. 489. Joint resolution designating February 21, 1993, through February 27, 1993, as "American Wine Appreciation Week", and for other purposes; to the Committee on Post Office and Civil Service.

By Mr. OBEY (for himself, Mr. MURTHA, Mr. TRAXLER, Mr. DURBIN, Mr. ABERCROMBIE, Mr. BONIOR, Mr. ECKART, Mr. EDWARDS of California, Mr. FAZIO, Mr. MORAN, Mr. ROEMER, Mr. SLATTERY, Mr. STARK, and Ms. HORN):

H.J. Res. 490. Joint resolution proposing an amendment to the Constitution to provide for a balanced budget of the U.S. Government; to the Committee on the Judiciary.

By Mr. PICKETT:

H.J. Res. 491. Joint resolution proposing an amendment to the Constitution of the United States to restrict annual deficits by limiting the public debt of the United States and requiring a favorable vote of the people on any law to exceed such limit; to the Committee on the Judiciary.

By Mr. ROE (for himself and Mr. HAMMERSCHMIDT):

H.J. Res. 492. Joint resolution designating September 1992 as "Childhood Cancer Month"; to the Committee on Post Office and Civil Service.

By Mr. ROHRABACHER (for himself, Mr. MILLER of Washington, Mr. CAMP, Mr. LENT, Mr. BILIRAKIS, Mr. COX of California, Mr. WOLF, Mr. SUNDQUIST, Mr. SMITH of Oregon, Mr. SAXTON, Mr. MARTINEZ, Mr. APPLEGATE, Mr. OWENS of Utah, Mr. GOSS, Mr. TOWNS, Mr. LIVINGSTON, Mr. MCGRATH, Ms. HORN, Mrs. VUCANOVICH, Mr. LIPINSKI, Mr. CHAPMAN, Mr. ERDREICH, Mr. JEFFERSON, Mr. CARPER, Mr. BREWSTER, Mr. BONIOR, Mr. SPENCE, Mr. BAKER, Mr. EWING, Mr. EMERSON, Mr. WALSH, Ms. SLAUGHTER, Mr. FRANKS of Connecticut, Mr. LAGOMARSINO, Mr. ZELIFF, Mr. GEREN of Texas, Mr. KLUG, Mr. BLAZ, Mr. DARDEN, Mr. FALEOMAVAEGA, Mrs. ROUKEMA, Mr. BURTON of Indiana, Ms. NORTON, Mr. ATKINS, Mr. BILBRAY, Mr. GILCHREST, Mr. CLEMENT, Mr. BLACKWELL, Mr. GUARINI, Mr. JOHNSON of Texas, Mr. INHOFE, Mr. SCHUMER, Mr. PENNY, Mrs. JOHNSON of Connecticut, Mr. CRAMER, Mr. PETERSON of Florida, Mr. TAUZIN, Mr. HUNTER, Mr. HYDE, Ms. MOLINARI, Mr. PANETTA, and Mr. POSHARD):

H.J. Res. 493. Joint resolution to provide for the issuance of a commemorative postage stamp in honor of American prisoners of war and Americans missing in action; to the Committee on Post Office and Civil Service.

By Mr. DERRICK:

H. Con. Res. 323. Concurrent resolution providing for an adjournment of the House from Thursday, May 21, 1992, to Tuesday, May 26, 1992, and an adjournment or recess of the Senate from Thursday, May 21, 1992, or Friday, May 22, 1992, until Monday, June 1, 1992; considered and agreed to.

By Mr. WELDON (for himself and Mr. ANDREWS of New Jersey:

H. Res. 465. Resolution to amend the Rules of the House of Representatives to establish a Citizens' Commission on Congressional Ethics, and for other purposes; to the Committee on Rules.

By Ms. SLAUGHTER:

H. Res. 466. Resolution waiving all points of order against the conference report on the bill (H.R. 2507) to amend the Public Health Service Act to revise and extend the programs of the National Institutes of Health, and for other purposes; House Calendar No. 136. House Report No. 102–534.

By Mr. HALL of Ohio:

H. Res. 467. Resolution waiving all points of order against the conference report on the bill (S. 1306) to amend title V of the Public Health Service Act to revise and extend certain programs, and for other purposes; House Calendar No. 137. House Report No. 102–535.

By Mr. COLEMAN of Missouri:

H. Res. 468. Resolution requiring the committees of appropriate jurisdiction to report to the House measures providing for certain Federal election campaign finance reforms; to the Committee on Rules.

H. Res. 469. Resolution amending the Rules of the House of Representatives to provide for certain procedural reforms, and for other purposes; to the Committee on Rules.

By Mr. HOYER:

H. Res. 470. Resolution regarding United States policy toward the former Yugoslavia; jointly to the Committees on Foreign Affairs, Ways and Means, and Banking, Finance and Urban Affairs.

444. By the SPEAKER: Memorial of the House of Representatives of the State of Hawaii, relative to providing Federal housing impact aid funds for infrastructure development construction, and maintenance for military dependents; to the Committee on Armed Services.

445. Also, memorial of the General Assembly of the State of New Jersey, relative to the New Jersey Medicare DRG waiver and share uncompensated care payments to New Jersey hospitals; to the Committee on Energy and Commerce.

446. Also, memorial of the Senate of the Commonwealth of Virginia, relative to the extension of daylight savings time; to the Committee on Energy and Commerce.

447. Also, memorial of the House of Representatives of the State of Illinois, relative to amending the Constitution of the United States; to the Committee on the Judiciary.

448. Also, memorial of the Senate of the State of Michigan, relative to line item vetoes for the President of the United States; to the Committee on the Judiciary.

449. Also, memorial of the Senate of the State of Alabama, relative to ratifying the original proposed second amendment to the Constitution of the United States; to the Committee on the Judiciary.

ADDITIONAL SPONSORS

Under clause 4 of rule XXII, sponsors were added to public bills and resolutions as follows:

H.R. 23: Mr. NEAL of Massachusetts, Mr. RINALDO, Mr. SWETT, Mr. ALEXANDER, Mr. COUGHLIN, Mr. KASICH, Mr. RAHALL, Mr. HOLLOWAY, and Mr. LAGOMARSINO.

H.R. 104: Mr. LANTOS.

H.R. 430: Mr. COUGHLIN.

H.R. 643: Mr. COX of Illinois.

H.R. 791: Mr. NEAL of Massachusetts.

H.R. 951: Mr. SIKORSKI.

H.R. 1161: Mr. GIBBONS.

H.R. 1300: Mr. SIKORSKI.

H.R. 1536: Mr. CRAMER.

H.R. 1628: Mr. MATSUI, Mr. EDWARDS of Oklahoma, and Mrs. ROUKEMA.

H.R. 2089: Mr. RANGEL.

H.R. 2798: Mr. MCMILLEN of Maryland.

H.R. 3164: Mr. PAYNE of New Jersey.

H.R. 3198: Mr. KENNEDY, Mr. FRANK of Massachusetts, Ms. KAPTUR, Mr. JONES of Georgia, Mr. RIDGE, Mr. JAMES, Mr. BARRETT, Mr. INHOFE, Mr. DEFAZIO, and Mr. STEARNS.

H.R. 3373: Mr. KOPETSKI, Mr. DORNAN of California, Mr. SISISKY, Mr. PANETTA, and Mr. GILMAN.

H.R. 3393: Mr. SABO.

H.R. 3503: Mr. ATKINS.

H.R. 3526: Mr. STAGGERS.

H.R. 3534: Mr. EVANS, Mr. IRELAND, Mr. LIPINSKI, Mr. STARK, Mrs. UNSOELD, Mr. WEISS, and Ms. PELOSI.

H.R. 3536: Ms. PELOSI.

H.R. 3799: Mr. MCCRERY.

H.R. 3864: Mr. POSHARD.

H.R. 4013: Mrs. BOXER.

H.R. 4083: Mr. BREWSTER and Mrs. BOXER.

H.R. 4124: Mr. SAWYER.

H.R. 4178: Mr. FISH.

H.R. 4189: Mr. DUNCAN.

H.R. 4204: Mr. LEWIS of Georgia, Mr. JENKINS, and Mr. ERDREICH.

H.R. 4213: Mr. NEAL of Massachusetts.

H.R. 4350: Mr. MFUME and Mr. FAWELL.

H.R. 4401: Mr. SABO, Mr. ROE, Mr. LANCASTER, Mr. HUGHES, Mr. FOGLIETTA, Ms.

Horn, Mr. Oxley, Mr. Hefner, Mr. Sarpalius, Mr. Kostmayer, Mr. Moorhead, Mr. Lehman of Florida, Mr. Smith of New Jersey, Mr. Carper, Mr. Valentine, Mr. Chapman, Mr. Pursell, and Mr. Sensenbrenner.

H.R. 4457: Mr. Dymally and Mr. Evans.

H.R. 4507: Ms. Slaughter, Mr. Zimmer, Mr. Panetta, Mr. Ackerman, and Mr. DeFazio.

H.R. 4554: Mr. Owens of New York, Mr. Dellums, and Mrs. Lowey of New York.

H.R. 4611: Mr. Solomon, Mr. Gillmor, and Mr. Fields.

H.R. 4738: Mr. Nowak.

H.R. 4761: Mr. de Lugo.

H.R. 4906: Mr. Williams and Mr. Peterson of Minnesota.

H.R. 4972: Mr. Bilbray.

H.R. 4996: Ms. Kaptur, Mr. Foglietta, Ms. Pelosi, Mr. Wyden, Mr. Downey, Mrs. Lloyd, and Mr. Klug.

H.R. 5005: Mr. Applegate.

H.R. 5037: Mr. Owens of New York, Mr. Petri, Ms. Horn, Mr. Stark, Mr. Lipinski, and Mr. Savage.

H.R. 5060: Mrs. Unsoeld, Mr. Owens of New York, Mr. Sabo, and Ms. Collins of Michigan.

H.R. 5100: Mr. Guarini, Mr. Nowak, Mr. Lipinski, Mr. Hertel, Mr. Kleczka, Mr. Olver, Mr. Torres, Mr. Wolpe, Mr. Cox of Illinois, Mr. Oberstar, and Mr. Traxler.

H.R. 5126: Mr. Bereuter, Mrs. Byron, Mr. Fascell, Ms. Horn, Mr. Horton, and Mr. Poshard.

H.R. 5150: Mr. Towns, Mr. Sisisky, Mr. Mavroules, Mr. Conyers, Mr. Dorgan of North Dakota, and Mr. Coyne.

H.J. Res. 121: Mr. Foglietta, Mr. Espy, Mr. Engel, Mr. Hoyer, Mr. Cramer, Mr. Kasich, and Mr. Bliley.

H.J. Res. 442: Mr. Bilbray, Mr. Gillmor, Mr. Early, and Mr. Feighan.

H.J. Res. 478: Mr. Bevill, Mr. Frank of Massachusetts, Mr. Pastor, Mrs. Johnson of Connecticut, Mr. Bilbray, Mr. Swett, Mr. Fascell, Mr. McGrath, Mr. Ackerman, and Mr. Saxton.

H.J. Res. 483: Mr. Wolf.

H. Con. Res. 192: Mrs. Bentley.

H. Con. Res. 246: Mr. Dymally and Mr. Donnelly.

H. Con. Res. 309: Mr. Jenkins, Mr. Wise, and Mr. Harris.

H. Con. Res. 316: Mr. Campbell of California, Mr. Moody, Mr. Mrazek, Mr. Schumer, Mr. McNulty, Mr. Weber, Mr. Owens of Utah, Mr. Hall of Ohio, Mr. Lantos, Mr. Cardin, Mr. Pastor, Mr. Green of New York, Ms. Ros-Lehtinen, Mr. McGrath, and Mr. Saxton.

H. Res. 422: Mr. Fawell.

DELETIONS OF SPONSORS FROM PUBLIC BILLS AND RESOLUTIONS

Under clause 4 of rule XXII, sponsors were deleted from public bills and resolutions as follows:

H.R. 1790: Mr. Cramer.

H.R. 4490: Mr. Frost.

H. Res. 194: Mr. Cramer.

AMENDMENTS

Under clause 6 of rule XXIII, proposed amendments were submitted as follows:

H.R. 4312

By Mr. EDWARDS of California:

—Strike out all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the "Voting Rights Language Assistance Act of 1992".

SEC. 2. EXTENSION OF LANGUAGE MINORITY PROVISIONS.

Subsection (b) of section 203 of the Voting Rights Act of 1965 (42 U.S.C. 1973aa-1a(b)) is amended to read as follows:

"(b) Bilingual Voting Materials Requirement.—

"(1) Generally.—Before August 6, 2007, no covered State or political subdivision shall provide voting materials only in the English language.

"(2) Covered States and Political Subdivisions.—

"(A) Generally. —A State or political subdivision is a covered State or political subdivision for the purposes of this subsection if the Director of the Census determines, based on census data, that—

"(i)(I) more than 5 percent of the citizens of voting age of such State or political subdivision are members of a single language minority and are limited-English proficient;

"(II) more than 10,000 of the citizens of voting age of such political subdivision are members of a single language minority and are limited-English proficient; or

"(III) in the case of a political subdivision that contains all or any part of an Indian reservation, more than 5 percent of the American Indian or Alaska Native citizens of voting age within the Indian reservation are members of a single language minority and are limited-English proficient; and

"(ii) the illiteracy rate of the citizens in the language minority as a group is higher than the national illiteracy rate.

"(B) Exception.—The prohibitions of this subsection do not apply in any political subdivision that has less than 5 percent voting age limited-English proficient citizens of each language minority which comprises over 5 percent of the statewide limited-English proficient population of voting age citizens, unless the political subdivision is a covered political subdivision independently from its State.

"(3) Definitions.—As used in this section—

"(A) the term 'voting materials' means registration or voting notices, forms, instructions, assistance, or other materials or information relating to the electoral process, including ballots;

"(B) the term 'limited-English proficient' means unable to speak or understand English adequately enough to participate in the electoral process;

"(C) the term 'Indian reservation' means any area that is an American Indian or Alaska Native area, as defined by the Census Bureau for the purposes of the 1990 decennial census;

"(D) the term 'citizens' means citizens of the United States; and

"(E) the term 'illiteracy' means the failure to complete the 5th primary grade.

"(4) Special Rule.—The determinations of the Director of the Census under this subsection shall be effective upon publication in the Federal Register and shall not be subject to review in any court.".

SENATE—*Thursday, May 21, 1992*

(Legislative day of Thursday, March 26, 1992)

The Senate met at 9 a.m., on the expiration of the recess, and was called to order by the Honorable HERB KOHL, a Senator from the State of Wisconsin.

PRAYER

The Chaplain, the Reverend Richard C. Halverson, D.D., offered the following prayer:

Let us pray:

And he shall turn the heart of the fathers to the children, and the heart of the children to their fathers, lest I come and smite the earth with a curse.—Malachi 4:6.

Faithful Father in heaven, these last words in the Old Testament fill us with nostalgia and fear as we contemplate a desperate tragedy in our culture, the dysfunctional family. Help us to be parents to whom our children may turn their hearts as we turn ours to them. Our conscience tells us that after God Himself, the family comes next, and then career. Forgive us, Lord, for inverting these priorities, putting career first, often to the neglect of the family and complete indifference to God. Help us to see that indifference is the most painful kind of rejection, and forgive us for our penchant to put God last, if we bother with Him at all.

Gracious God, whatever our responsibility, however pressing, however heavy, help us not to excuse neglect of family, not to be victimized by the urgent, but to put our priorities in order, that our spouses and children may enjoy the benefit of one who loves and cares for them.

In the name of Him who said, * * * *Suffer the little children to come unto me, and forbid them not* * * *.—Mark 10:14. Amen.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore [Mr. BYRD].

The legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, May 21, 1992.

To the Senate:

Under the provisions of rule I, section 3, of the Standing Rules of the Senate, I hereby appoint the Honorable HERB KOHL, a Senator from the State of Wisconsin, to perform the duties of the Chair.

ROBERT C. BYRD,
President pro tempore.

Mr. KOHL thereupon assumed the chair as Acting President pro tempore.

RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order, leadership time is reserved.

MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, there will now be a period for the transaction of morning business not to extend beyond the hour of 10:30 a.m., with Senators permitted to speak therein for not to exceed 5 minutes each.

The Senator from Pennsylvania [Mr. WOFFORD] is recognized to speak for up to 15 minutes.

A LEGISLATIVE AGENDA FOR RECLAIMING OUR YOUNG PEOPLE BY ASKING THEM TO SERVE, EARN, AND LEARN

Mr. WOFFORD. Mr. President, last week, I described my visit to south central Los Angeles in the days after the riot and some of the lessons I learned there.

First of those lessons was that the crisis is not only of the cities, or of race, but is, above all and foremost, and maybe most hopefully, a crisis of our young people. As I pointed out last week—and it was hammered to me all day in Los Angeles—not all the rioters were of any one racial or cultural background. But all were young.

I also sketched out in broad brushstrokes a vision of large-scale youth service as a key part of our response, not just in the short term but over the long haul.

Today, I would like to paint in, in more detail, how Congress can take immediate action to put the young people of this country to work—rebuilding their communities and reshaping their own lives in the process.

I found out exactly the same thing in Watts 27 years ago after the riots there. Yet here we are, nearly three decades later, watching another generation of inner-city young people drop out of school into the streets, into drugs, into welfare, into crime, into prison, even into death.

I believe we can break that cycle. I believe we know how to do it. We have seen it work in the past. We have pilot programs today in many parts of this country that are working right now, but the time has come for those pilot lights to ignite the whole furnace.

The toughest indictment of our current dependency system, and the best argument for how to change it, was put to me a few years ago by a young Philadelphia Youth Service Corps member who was a dropout, who was in a street gang, and he enlisted in the Philadelphia Youth Service Corps. I asked him why he had broken this pattern and gone into the service corps for hard work, to serve, earn and learn. He said, "Look, man, all my life people have been coming to do good against me, trying to help me. I got tired of that. And this corps came along and asked me to do something and I'm making a difference."

Over the years I have come to believe that major reforms are possible only when two conditions occur: When certain propositions become self-evident and when the lack of action to make them real becomes a scandal.

I believe that work, not welfare, is now a self-evident truth—and we know—we can begin applying that principle to the young.

We understand that personal responsibility and self-esteem cannot simply be taught by lectures. They have to be earned. And we need to give young people the opportunity to earn those qualities, which are the same qualities that a good citizen needs and a productive worker needs.

I believe it is a scandal now, and recognized as such, that we know this but we sit by idly while another generation of young people falls into alienation, hopelessness, frustration and anger; succumbs to the epidemic of crack cocaine, to the gangs that replace family, church, or any other institution that instills the values of responsible citizenship and productive workmanship.

A society with children who need care, with older people who need help, roads that need repair, bridges that need building, cannot afford to allow—and sometimes even pay—able young people to sit idle. It is a scandal, too, that we do not challenge the college-bound young people to move beyond a self-centered life of civic indifference.

All our young people, in coming of age in America, must be asked to serve, not to be served. To produce, not just to be consumers.

Today, I want to suggest how we can turn that word "ask" into the strong verb it was when John Kennedy said, "Ask not what our country can do for us, ask what we can do for our country."

First, I want to make it clear that I am not imagining the one big, federally run Peace Corps that we once envisioned in the days of John Kennedy, a

• This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

Peace Corps come home to America, a million strong. We talked about that at the beginning of the War on Poverty.

Instead of that, I see us coming to a new Bill of Rights and Responsibilities for the young with a voucher for a year or two of living expense stipends and educational bonuses that could be used to support work in a wide range of service programs run by local, State or Federal governments or by communities, church, student organizations, or nonprofit corporations. Some could be very small, like the best one I know of in the country, the Boston City Year. Some could be larger, like the Pennsylvania Conservation Corps which I administered in recent years, and the California Conservation Corps, the first of the State conservation corps.

We can go back even further in our history for an older model that worked. What worked best for America in the Great Depression was the Civilian Conservation Corps. Franklin Roosevelt himself said the best thing he ever did was the Civilian Conservation Corps. It enlisted more than 2.5 million young unemployed Americans in a State-based system of residential, Army-run camps in or on the edge of our parks and forests.

What worked with FDR was work—not the dole, not welfare, but work. The young men of the CCC were challenged to achieve big goals. They transformed our parks and forests, and then graduated into the national service of World War II.

More important, they transformed themselves. Just as the GI bill after the war was one of the best investments America ever made, so is the Civilian Conservation Corps. Such corps are an important part of the answer to the crisis of the young and the problem of welfare dependency. More than 60 such corps are in operation today around the country. Pennsylvania is proud to believe that it leads the way with the largest number of organized, full-time youth corps of all kinds, but every city, every community in our country can develop one or more of these programs.

The vehicles for achieving this goal are at hand. Some would not cost any more tax dollars. They would ensure that we make better use of the funds we are now spending on federally mandated youth employment and training programs. And to the extent we do expand our investments in our cities and our young people, the money is already there if we would finally take the step of breaking down the budget wall so we can invest military savings in our pressing domestic needs.

The world has been turned upside down. We have the chance now to turn America's priorities right side up. Taking $8.9 billion from a single B-2 bomber could pay for a quantum leap in national youth service and, like the GI bill and the Civilian Conservation Corps, it would be one of the best investments this country ever made.

Let us take one of those nonexistent, unnecessary B-2's and land it in American youth service. Breaking down that wall between defense savings and our national needs would give us the resources we need to rebuild our cities, revitalize our economy, and to begin a large-scale youth service program.

Let me propose a legislative roadmap for a quantum leap in organized youth service. First, the Commission on National and Community Service established by the National Community Service Act of 1990. The Commission is one of Congress' most creative bipartisan accomplishments. I salute the efforts of Senator KENNEDY, who worked tirelessly to make the Commission a reality; Senator HATCH, who supported it; Senator MIKULSKI, who has championed it and led it through her committee. And I salute the Commission itself, under the excellent leadership of former Congressman Pete McClosky. That Commission is now primed to be an engine of a new movement for national service. In its first request for proposals, the Commission received 489 requests from 49 States and several territories and Indian tribes. The funding requests amounted to more than $226 million. That is about a third of one of those B-2's, roughly three times the $67 million it has the ability to distribute this year. Only a fraction of the youth corps applications were able to be approved, and in order to speed the grants to those that were, the amounts granted were less than needed.

Last night, this body took a good step in adopting an amendment I offered with Senator MIKULSKI and cosponsored by Senator NUNN and Senator SPECTER to the emergency supplemental appropriations that will apply $25 million of the $700 million slated for summer job programs to invest in rigorous, well-organized service corps programs funded through the Commission on National and Community Service. Without adding a single penny to the cost of this emergency legislation, that amendment will make effective job programs available right now, this summer to young people throughout the Nation. That is a good start. We must go on to expand funding for the Commission.

In addition to the $25 million from the emergency supplemental appropriations, I would like to see us double the Commission's funding for next fiscal year. We can do it by fully funding the Commission at the authorized $105 million level and recapture the $55.9 million lost and reverted to the Treasury because of the delay in the appointment of the bipartisan Commission. This would amount to a total appropriation of $160 million in 1993.

Two, the Community Work Progress Act of 1992. Today, some of us will testify before the Senate Subcommittee on Unemployment and Productivity on Senator BOREN's Community Work Progress Act of 1992 which I and a number of our colleagues have cosponsored. We should move forward quickly to enact that legislation and enable its provisions to get underway.

Two new national youth corps are key elements of that legislation. Each would provide substantial education benefits to students and young adults in exchange for work on community service projects. The first division, the Youth Community Corps, would allow secondary school students to earn college scholarship funds by working on approved community projects after school, on weekends, or in the summer. Beginning in the 7th grade, students could work up to 250 hours per year on these projects until they reach the 12th grade. Students participating for 6 years could earn up to $10,000 in scholarship funds or $5,000 in direct payments after graduation.

The second division of Senator BOREN's bill, the National Youth Community Corps, would create dormitory environments for young people age 17 to 22 to work on projects ranging from reforestation to auxiliary police work to urban renewal. This CCC approach would provide up to $10,000 for each year of service to be used for college or vocational school. Those not wishing to continue their education after high school would also have the option of receiving a $5,000 payment per year of service.

Senator NUNN has long pioneered in pressing us toward consideration of such a youth service program. These two youth corps would give preference to young people from families who are on welfare, out of work, or below the poverty line. But it is essential that these corps not be limited just to those groups. They need to be economically and ethnically diverse. That is why the single-most effective program, in my opinion, is the Boston City Year, which was from the beginning designed to be diverse and representative of urban and suburban young people, rich and poor, college-bound and high school dropouts, black, white, and brown.

I ask unanimous consent, Mr. President, to print in the RECORD articles on the Boston City Year and on the Civilian Conservation Corps, on the Pennsylvania and Philadelphia youth service programs.

There being no objection, the articles were ordered to be printed in the RECORD, as follows:

[From the Boston Globe; Apr. 29, 1992]

SERVING BOSTON, SHOWING THE NATION

(By Lauren Robinson)

Until last year, her mother made every critical decision in 18-year-old Laura Rivera's life. She sheltered her from the dangers of her Roxbury neighborhood. She chose the colleges to which Rivera should apply.

And when Rivera stood up to her mother and refused to go away to college, her mother "made" her apply to City Year, the urban youth corps that pays young people a nominal fee to perform community service.

After nearly completing her nine months of City Year service, Rivera thanks her mother for pushing her to get involved. Helping others has given her the confidence to help herself, Rivera said yesterday at a breakfast with community leaders at Roxbury Community College where expansion plans for City Year were announced.

City Year officials, hoping to make the Boston program a national model for urban youth service, plan to increase the number of participants from 100 to 200 by the fall, to 350 by 1993 and to 500 by 1996.

The youth corps received more than 500 applications for the 100 slots last year and expects to receive about 1,000 for next year. City Year participants, aged 17-22, are drawn from Boston's neighborhoods and from throughout the country.

"The demand has grown," said Michael Brown, who cofounded City Year with Alan Khazei and other friends when they were students at Harvard Law School. "We're at a crossroads."

Participants said the program is in demand because, not only do young people get $100 a week and a $5,000 bonus upon graduation, but they get the chance to learn the value of themselves and others.

Rivera, who is from Guatemala, said that, through developing and running English language programs for immigrants in Chelsea, she realized she was a capable young woman who could make her own decisions and live with the consequences.

"It's changed my life a lot," said Ouseth Chea, who joined City Year after high school graduation because he could not afford to go to college and had no prospects for a job. He is now headed to architectural school.

Stephen Spaloss, 23, who completed the program and joined City Year's staff, said that, in his New Hampshire hometown, community service was something people did when they got into trouble.

"When you see growth in yourself it is absolutely exciting," said Spaloss, who was forced by his father to join the program—because "I had gotten myself into a lot of trouble."

Spaloss's father, a lawyer, decided it was time for a dose of reality. Through cleaning vacant lots and work with the less fortunate, Spaloss said he got it.

"I had no belief in the older generation," Spaloss said. "They would say you could do things but wouldn't give you a chance to do them. City Year empowers young people. It has showed me that you can make a change."

City Year began in 1988 as a summer project and expanded to a nine-month program in 1989. Khazei said it started as an idea among friends who were frustrated about the lack of opportunities for young people and even more frustrated that America, the country of wealth and opportunity, harbored great poverty.

The feeling was that nothing would change unless people took the opportunity to "walk a mile" in their neighbors' "moccasins," Khazei said.

"There's a wealth of untapped spirit out there," he said. "The idea is to tap the energy and idealism of our young people for community service."

City Year, which has operated on millions of dollars in private funding and donations, is an evolving project that changes as needs do, Khazei said.

A recent survey of those who completed the program since its inception, showed that about 40 percent were enrolled in four-year college programs, 8 percent were in two-year programs, 8 percent were either in part-time or vocational programs, 32 percent were working, and others were either new parents or could not be tracked.

Brown said the program, in keeping with its goal to become a national model, is now seeking federal funding to help the expansion. He said the goal is to show a large program that works and to prove whether such programs can help young people while fulfilling community needs, train youths to be leaders and become catalysts for widespread community service.

Brown said the program will also work in new target areas, suggesting the youths might become involved in violence-prevention programs at public schools, with environmental protection and with organizing community volunteer centers.

Boston School Committee member George Joe, one of several community members who were asked yesterday to boost City Year efforts, said the emphasis on teamwork, multicultural diversity and aiding others will "open the doors for our youths, our leaders of tomorrow."

Roxbury Community College president Hubie Jones called the City Year expansion a necessary "quantum leap" for a nation that is "absolutely wasting the resources of young people." He added:

"They are at the forefront of something that will ultimately explode in this country and that is national youth service."

[From the National Journal, May 9, 1992]

HIGHER MISSIONS FOR HIGHER EDUCATION

(By Neal R. Peirce)

PHILADELPHIA.—As Ira Harkavy, a vice dean at the University of Pennsylvania, sees it, it's not just unseemly for universities located in the nation's inner cities to ignore the chaos at their doorsteps—"to be islands of affluence in seas of poverty, oases in deserts of despair."

The dereliction, in Harkavy's view, goes further: It is a betrayal of the optimistic 18th and 19th-century missions of American universities: not simply to advance learning, but to create a new and better society.

Harkavy has University of Pennsylvania professors and instructors, graduate students and undergraduates actively involved in reaching out to some of West Philadelphia's most ravaged neighborhoods and troubled schools. They've become personally engaged in inventing courses and programs, in guest teaching, in getting inner-city kids to open their minds to the idea of service to their own communities.

The model is the polar opposite of the way most universities ignore—or simply exploit—their host cities. It's based on Harkavy's belief that the real problem in such poverty-ravaged areas as West Philadelphia "is not housing or education or health care—it's the collapse of community." The only long-term cures, he believes, lie "in developing caring, cohesive, cosmopolitan communities." The public mission of universities demands their involvement, he added, "not researching on people, but with them."

The results of Harkavy's efforts are now appearing in several West Philadelphia public schools (some of them not far from the site of the infamous 1985 firebombing of a row house occupied by the radical MOVE group). Activities range from rehabilitating housing to repairing concert pipe organs, from projects with the elderly to removing graffiti and litter.

Visit the Turner Middle School on a Saturday, for example, and you'll find students taking courses on computers, airplane modeling, remedial writing, dance, vegetarian cooking and African-American history. Instructors include schoolteachers, residents of the community and Penn undergraduates.

On weekdays, seventh graders learn about health from faculty members of the Penn Medical School and then go to a feeder elementary school to share what they've learned with the younger children. Eighth-graders work one morning a week at a local hospital and run an evening program on hypertension, even performing—under supervision—the initial screening of adults.

The long-term goal is a full neighborhood health promotion and disease prevention center that seeks its advances through health improvement activities rather than simply handing out health information.

Students at West Philadelphia High School built a greenhouse with advice from one of the university's landscape gardeners. And they renovated an abandoned crack house under the direction of a retired union carpenter.

The ultimate goal of Harkavy's West Philadelphia experiment is to set up "community schools" that operate at least 18 hours a day, seven days a week, and serve as a neighborhood's educational and social service nerve center—the site of job training programs, public health services and day care programs.

But the idea behind Harkavy's experiment isn't simply the delivery of services: it's "to activate people including students in a leadership role, to serve each other and the community," he said. A current goal, for example, is to get middle-school students to work directly with kids in Head Start classes.

Schools that elect to become community centers, Harkavy said, need to make a full commitment. And the university needs to come in to "serve as a permanent anchor" for public schools that want to be community centers. "We won't cut and run," he said.

There are tough issues, Harkavy added, in how much decision making falls to the university, how much to professional educators, how much to the community. Harkavy doesn't advocate 100 per cent community control. He thinks that the collaborations can work if there's commitment on all sides to the idea of democratically run partnerships.

Despite this advanced thought and action, not to mention the enthusiastic support of Sheldon Hackney, the president of the University of Pennsylvania, broad faculty involvement is tough to get rolling at Penn—or, for that matter, at any American college or university.

And it's not hard to figure why: The incentives are all wrong. What gives young faculty members a shot at promotion or tenure? It's not teaching. It's not thinking creatively and holistically across subject areas. And it's certainly not getting their hands dirty in the nitty-gritty problems of the surrounding communities.

Instead, the senior faculty who control today's highly specialized academic departments routinely reward and promote their clones—scholars who publish copiously, however arcane the subject. A young chemist or historian or political scientist forms his loyalties down the hallway or with colleagues in institutions hundreds or thousands of miles away, but not in service to the real city where he or she works.

Harkavy acknowledged such disincentives but said that he believes the tides are starting to shift. Dissatisfied taxpayers in the cash-strapped '90s will want to see more responsiveness in publicly financed universities. More and more academics will get fed up with the career straitjackets imposed by single departments. And students, he said, will "want to put their idealism into action, not just by volunteering but by doing research with real people to solve real problems in communities."

Most people may find it hard to be quite that optimistic. But one thing is certain: When America's institutions of higher learning finally start casting about for the most-creative examples of college and university engagement in our increasingly complex and troubled cities, they will find an intriguing model in Philadelphia.

[From the Philadelphia Inquirer, May 13, 1992]

FOR HINTS ON HOW THE RACES CAN COEXIST, LOOK NO FARTHER THAN THE U.S. MILITARY

(By David S. Broder)

Of the millions of words spoken and written in the aftermath of the Rodney King verdict and the Los Angeles riots, none were more pertinent, pointed and eloquent than those of Gen. Colin L. Powell, the chairman of the Joint Chiefs of Staff.

Addressing the graduating class at Fisk University in Nashville, his wife's alma mater, Powell reflected not only his own remarkable character but also the special moral authority he gains from the largely unrecognized performance of the institution to which he has devoted his adult life—the United States military.

Here is the gist of Powell's message, for those who have not heard it or read it:

"As I saw those pictures on my television set," he began, "my heart hurt . . . I didn't want to believe what I was seeing.

"Violence—by the police or by the mob—is not the answer. . . . It shouldn't be; we've come too far for this. But it did happen. And we see once again what a long way we still have to go. Because the problem goes beyond Rodney King. The problem goes beyond Los Angeles. It goes beyond the trial of those four officers.

"The problem goes to the despair that still exists in the black community over the inability of black Americans to share fully in the American dream. Too many African Americans are still trapped in a cycle where poverty, violence, drugs, bad housing, inadequate education, lack of jobs and loss of faith combine to create a sad human condition, a human condition that cannot be allowed to continue if this nation is to hold its rightful place in the world.

"We have an American problem," Powell said. "It can only be solved by all Americans working together."

Respecting the inhibitions of his official position, the general did not outline an agenda for governmental action. Instead, he addressed the graduates—and through them, all Americans—about the responsibilities of citizens in this crisis.

"First," he said, "I want you to believe in yourself. You have to know that you are capable, that you are competent, that you are good. . . .

"Second, I want you to believe in America . . . We are still, as Abraham Lincoln said, 'the last, best hope of earth.'

"Third, I want you to find strength in your diversity. Let the fact that you are black or yellow or white be a source of pride and inspiration to you. Draw strength from it. Let it be someone else's problem, but never yours. Never hide behind it or use it as an excuse for not doing your best. . . .

"I want you to fight racism. I want you to rail against it. We have to make sure that it bleeds to death in this country once and for all. . . .

"Finally, I want you to raise strong families. As you raise your families, remember the worst kind of poverty is not economic poverty, it is the poverty of values. It is the poverty of caring. It is the poverty of love."

Obviously, the man who said this is a remarkable person. But he is also the product—the symbol—of a remarkable institution, the United States military, which in the last two generations has probably done more and succeeded better in creating a nonracist, bias-free meritocracy than any other part of American society. Powell's position as the head of the armed services symbolizes, but does not begin to describe, this success story.

The scope of the change was pointed out to me last year by David Gergen, the wise editor at-large of U.S. News & World Report, when we participated in a program at the Army War College. Gergen made the point then that the military's combination of disciplined structure and genuinely color-blind opportunity for advancement had transformed the lives of thousands of minority youths—and made the non-commissioned officers' (NCO) and officers' clubs far more integrated than college faculties, business boardrooms or newsrooms.

Gergen argues passionately that the military services and its people have vital experiences and lessons to share with civilian America. Last week, I heard the same point made by historian Stephen Ambrose, who has been spending time on military bases in connection with his own work. Ambrose made a historian's point: "There's all this argument about whether the Great Society programs worked, or whether Jack Kemp's enterprise zones will work. Why not return to ideas that everyone agrees did work?"

One of those ideas, he says, was the Civilian Conservation Corps (CCC) of New Deal days, which took unemployed youths and put them to work on what we would now call environmental projects.

"It was run by the military," Ambrose said, "when the military had not much else to do. It pulled those kids out of the morass of their lives, gave them a sense of identity and discipline and of group purpose—the same things they need now."

Like Gergen, Ambrose noted that thousands of men and women—senior NCOs and junior officers in their 30s—face involuntary separation from their military careers because of the post-Cold War budget cuts. Why not take these young Colin Powells and let them lead a new CCC, he asks.

Why not?

[A Report of the Work Force Development Committee of the Pennsylvania Economic Development Partnership, April 1991]

A STATE PREPARED: DEVELOPING PENNSYLVANIA'S WORK FORCE

(By Robert P. Casey, Governor, Commonwealth of Pennsylvania; Dr. Peter Likins, Committee Chairman)

Young people must be challenged to serve and thereby learn to be good citizens and productive workers.

The Committee has heard strong testimony that teamwork, problem-solving skills, self-esteem, initiative, leadership and a commitment to life-long learning are key elements of a high-performance work force and a responsible citizenry. Corporate leaders and other major employers agree with Governor Casey that "the qualities of a productive worker are the same as those of a good citizen."

The committee has also seen evidence that an effective way to acquire these qualities and learn these skills is through active learning in well-organized forms of community service and youth corps. In both full-time youth service corps, organized in teams with team leaders, and in part-time, school-based volunteer service, young people learn team work and good citizenship by practicing it.

Dr. Ernest Boyer emphasized the same theme in his 1989 talk to the National Business Roundtable: "Above all, I'd like to see all students feel needed and have a sense of their own worth. In our report, High School, we proposed a new Carnegie Unit of high school credit—a community service term to help teenagers become responsibly engaged in youth clubs, in retirement villages, and in tutoring other kids at school, discovering a connection between what they learn and how they live."

Learning by doing is the essence of apprenticeship or workplace learning. Citizenship needs to be learned that way. It can't be learned just by lectures, anymore than basketball could be taught off the court by a coach's talk or house-building learned in a classroom. Well-planned community service assignments stretch and test young people, and enable them to discover their power to improve their communities while exploring possible careers.

The committee also appreciates the problem facing schools as increasing proportions of students come from disadvantaged backgrounds and as new needs press on the public purse. The Committee is impressed by the promising results obtained from programs of community service where youth themselves become the resources to solve their own problems and help meet the needs of their communities. In many parts of Pennsylvania, youth are serving as tutors of younger students, as environmental recyclers, as housing rehabilitators, and as conservation workers in parks and forests and on other public land. Instead of being an added burden on taxpayers, youth engaged in service are giving an immediate return on the investment in their education.

The basic difference in this approach is that it is not youth who are served, but youth who serve. Too often in our society youth are just consumers with no opportunity to be productive. In successful programs of service they replace alienation with engagement, exchange boredom with excitement, and learn the exhilaration of making a difference. In this active form of education teachers and trainers become coaches, the community becomes the classroom, and students become resources.

The President of the United States and all 50 Governors have recognized this approach as an integral part of our nation's educational goals. In 1990 they adopted six national education goals (see Appendix G) which would ensure that by the year 2000 "all students will be involved in activities that promote and demonstrate good citizenship, community service, and personal responsibility." Such service learning was seen as an important way to achieve Goal Three: that all students are "prepared for responsible citizenship, further learning, and productive employment in our modern economy."

The concept of citizen service has been supported by Pennsylvania's State Board of Education and by the major educational organizations in the Commonwealth. The State

Board resolved that "programs of community service should be an integral part of education at all levels and strongly urges schools, colleges and universities to institute or strengthen community service programs so every student is encouraged to serve and participate in volunteer service."

The Commonwealth must now find the ways and means to achieve this goal and make community service the common expectation and experience of all young Pennsylvanians as they prepare to be the work force of the future. This will require the creation of a youth service system which strengthens existing institutions and creates new institutions of full-time service, so that a sustained period of community service becomes an established route from school-to-work or from school-to-college.

Objective: To expand the opportunities for full-time community service that are offered by such organizations as the Pennsylvania Conservation Corps and local corps so that a sustained period of full-time community service becomes an alternative route from school to work or from school to college.

Recommendations:

1. State, federal, local and private funds should combine to continue the expansion of the Pennsylvania Conservation Corps and local corps throughout the Commonwealth.

2. The Department of Education should promote the use of service corps as alternative education programs.

3. PennSERVE should initiate a study of alternative funding sources including fee-for-service contracting for youth service programs.

4. Business/education partnerships should work with school districts, colleges and universities, private industry councils, and other agencies to expand opportunities for full-time service, in both year-round and summer corps.

5. The Private Industry Councils of the state's 28 Service Delivery Areas under the federal Job Training Partnership Act should devote the major part of their funds mandated for summer youth programs and for year-round youth programs to the initiation and support of youth service corps.

APPENDIX F—PENNSERVE: THE GOVERNOR'S OFFICE OF CITIZEN SERVICE

The report of the EDP Committee on Work Force Development frequently mentions community service as a component of education and job training. Pennsylvania is a national leader in the application of service-learning principles to these issues. Under the leadership of Governor Robert P. Casey, and the administration of Secretary of Labor and Industry Harris Wofford and Secretary of Education Donald Carroll, Pennsylvania has become a model in the attempt to mobilize the voluntary efforts of youth in service to their community and themselves as a conscious strategy. This appendix outlines the organizational and programmatic structure that has made this effort possible.

To ask and enable

PennSERVE was created by Governor Casey in 1988 as an interdepartmental initiative "to ask and enable all Pennsylvania to serve their communities." To carry out this mission PennSERVE: Provides competitive grants to schools, colleges, local governments and non-profit agencies; offers technical assistance, training, in-service presentations and fund-raising information to community service programs; administers the Pennsylvania Conservation Corps and provides assistance to summer corps and full-time local corps; serves as an advocate for volunteering in public policy and as an information exchange for public and private volunteer initiatives; cooperates with other public and private agencies; publicizes and recognizes successful model programs and outstanding volunteers; serves as Pennsylvania's designated point of contact for the development of a comprehensive proposal under the National and Community Service Act of 1990.

PennSERVE's interest encompass the entire range of community service and volunteer programs, but it has a special mission to encourage and support community service by young people. PennSERVE believes that the habits of service, once established, will continue throughout life, and that young people are an overlooked resource in the development of strong communities and a healthy environment.

Located administratively in the Department of Labor and Industry, PennSERVE reports to an ad hoc Committee of the Cabinet headed by the Secretaries of Labor and Industry and Education. It is guided by an advisory board which also operates its own programs as the Citizen Service Project of Pennsylvania. In 1990-91 PennSERVE had a total budget of $6,990,000 and a staff of seven. Through PennSERVE and associated programs, the Commonwealth invests about $10 million in youth service. In return it receives at least $10 million in completed projects and many times that figure in skills, enhanced self-esteem and lives given purpose and meaning.

Students as resources, school and college based community service

Traditionally, education and youth development policies and practices have focused on the perceived problems of youth, such as ignorance, irresponsibility and immaturity. Service-learning reverses those assumptions; it builds on the capacities, skills and abilities of youth. It views youth as resources—as workers and citizens. Service-learning has proved its worth as a means of raising self-esteem, cutting dropout rates, helping students to see the relevance of their academic work, providing a laboratory for citizenship skills and values, and serving as a stimulus to school restructuring. It plays a vital role in building an effective citizenry and work force. PennSERVE supports school- and college-based service-learning through:

Mini-grants: PennSERVE, on its own and in cooperation with Project Success, an award-winning dropout prevention program of the Department of Education, provides three-year, $15,000 mini-grants to support community service programs in 85 schools.

Training: PennSERVE has worked closely with the Philadelphia School District and the Citizen Service Project of Pennsylvania to launch a statewide community service training institute, the Pennsylvania Youth Service Institute. PennSERVE also offers in service programs, regular regional workshops and summer teacher institutes.

Literacy Corps: PennSERVE administers the Pennsylvania Literacy Corps, which provides grants, workshops and technical assistance to 16 colleges. It also works closely with the 12 colleges in Pennsylvania that have received federal Literacy Corps grants. Through these programs more than 840 college students provide literacy tutoring to over 2,100 Pennsylvanians as part of credit-bearing courses.

Advocacy: PennSERVE sponsors joint workshops with the 27 school districts involved in Pennsylvania's school restructuring project, "RE: Learning." PennSERVE helped launch the Pennsylvania Campus Compact, an agreement among 35 college presidents to encourage student community service on campus. PennSERVE works closely with the State Board of Education and the Department of Education. Materials on community service are a regular feature in departmental publications and mailings.

Service-learning has shown promising results. Chestnut Ridge School District raised its going-on-to post-secondary education rate from 28 percent to 68 percent in five years; Philadelphia's Overbrook High School raised attendance among its most at-risk students from 75 percent to 89 percent after adding a service component. Pittsburgh's OASES program for at-risk 8th graders places nearly 20 percent of its participants on the honor roll.

Service-learning is spreading. The proportion of schools offering academic credit for service has increased from 5.6 percent to 13.5 percent in two years; five school districts in Pennsylvania now require community service for graduation. In all, it is estimated that some 25,000 Pennsylvania students are involved in intensive and well-organized school-based community service.

Youth as resources: Conservation and Service Corps

Many youth seek a more intensive, full-time community service experience. At the same time, there is much community work that needs the concentrated effort that a team of young people can provide. Environmental improvement, housing rehabilitation, cabin and park headquarter construction and elder care are just a few of the types of work undertaken by the more than 10,000 young Pennsylvanians who have served in Pennsylvania's various conservation and service corps in the past 6 years.

Youth corps offer young people the chance to develop the skills of citizenship and employability. Working in groups under the direction of skilled crew leaders, youth corps members learn to work as a team, to be punctual, to show initiative, to carry out instructions and to shoulder responsibility. By completing needed, substantial and highly visible projects, corps members develop self-confidence and know—perhaps for the first time—how it feels to have accomplished something of importance and to have it recognized by others.

PennSERVE's goal is to have a year in a corps become the expected pattern of growing up in Pennsylvania. In the near term the program aims to provide opportunities for 10,000 young Pennsylvanians to serve each year. PennSERVE's current efforts include:

Pennsylvania Conservation Corps: PennSERVE administers the Pennsylvania Conservation Corps (PCC), the second-largest statewide corps program in the country. Since 1984, 9,000 PCC corpsmembers have undertaken some 450 conservation, recreation and historic preservation projects throughout the Commonwealth. PCC has improved 18,000 acres of forest lands, 30 miles of streams and 2,500 acres of wildlife habitat; built or renovated 4,600 miles of trails, 349 state park cabins and 417 picnic areas; rehabilitated 22 historic buildings and a nineteenth-century sailing ship; and planted 150,000 trees. Every dollar invested in the corps produces over $1.30 in completed projects. But the larger value of the Corps lies in giving lives dignity and purpose. All corpsmembers were unemployed when they joined the Corps; nearly 50 percent had not completed high school; nearly 20 percent were on public assistance. After a term in the Corps, one-third of all corpsmembers move directly into outside jobs.

Local Corps: PennSERVE has provided financial and technical assistance to eight municipalities for the creation of new, locally operated youth corps that will serve as integral parts of youth development in their communities. It is expected that 400 youth will serve in local full-time corps in 1991–92.

Summer Corps: PennSERVE has worked closely with the Bureau of Job Training Partnership and the Pennsylvania Service Delivery Areas to restructure the Summer Youth Employment and Training Program into the Summer Youth Service Corps, an effort attracting national attention and emulation. During the summer of 1990, more than 1,000 young people were enrolled in 100 summer corps.

All Pennsylvanians

PennSERVE devotes much of its time and resources to youth, but its mandate is to "ask and enable ALL Pennsylvanians to serve." PennSERVE works closely with like-minded organizations, including the Pennsylvania and National Volunteer Centers, the Pennsylvania Association for Volunteerism, the United Way of Pennsylvania and the Citizen Service Project of Pennsylvania. PennSERVE functions as an advocate for volunteering and an information center for volunteer activities in the state. PennSERVE co-sponsors an annual statewide conference on volunteering with the Pennsylvania Association for Volunteerism, and distributes information through newsletters, articles in journals and through phone contacts.

For further information contact:

John Briscoe, Director, PennSERVE: The Governor's Office of Citizen Service, 1304 Labor and Industry, Harrisburg, PA 17120, Telephone: 717–787–1971.

Mr. WOFFORD. Mr. President, third, college work study. Under title IV of the higher education amendments now in conference committee, we should immediately mandate 10 percent of all Federal work study dollars go to students engaged in community service. When Congress created the work study program almost 30 years ago, it envisioned that many or most of those jobs would be in the community, but the colleges and universities define the public service programs that students would work in as college programs on campus helping their own budgets.

I was a college president and was part of the whole process. But experience shows us that the original vision of students working their way through college by working in the community has been lost. We must go beyond encouraging colleges and universities to a mandate that requires that they move in the direction of the original vision of students working in the community. The 10-percent mandate is a beginning, and I would, having read the GAO report on that program that shows that only a tiny fraction of the students, the large number of students engaged in that program work in the community, urge that we go on and that we ask colleges and universities to see that the majority of those jobs are serving the community.

Mr. President, I ask unanimous consent for 5-additional minutes unless my colleagues need the time at this moment.

Mr. ADAMS. Reserving the right to object, Mr. President, and I shall not object, 5 minutes more will be all because we have time assigned to each of us this morning. I do not know if others are behind me, but I have been waiting.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. WOFFORD. I thank the Senator from Washington.

Fourth, Job Training Partnership Act. An expanded investment in the Job Training Partnership Act would be helpful. But what we most need is a change in approach. While I was Secretary of Labor and Industry in Pennsylvania, administering that program, we succeeded in stipulating that an increasing share of all JTPA dollars go to youth job training and employment programs that are designed in the model of youth corps. We made great progress in that direction. That progress can be made all over the country.

We found that so much of the present work experience programs of the JTPA funding are make-work jobs, menial jobs, not structured to be demanding or in any way transform the lives of the young people. And our business and academic leadership task force in Pennsylvania, of which I was a member, recommended, just before I was appointed to this body, that the majority of the JTPA employment and training programs for young people be organized in the form of the youth corps. I urge that we seize the day with those dollars we are now investing, more than $1 billion mandated for youth programs, as we have begun to do in the amendments that are now before us in the JTPA bill, to make far better use of the JTPA Program.

JTPA programs need to reorganize and refocus their efforts more along the youth corps model—emphasizing teamwork and economic and ethnic diversity, performing work on challenging community projects while developing citizenship and leadership skills. Private industry councils should devote the major part of their funds mandated for summer youth and year-round youth programs to the initiation and support of youth service and conservation corps.

This body should be proud of the current JTPA reauthorization, now in conference, that creates a new year-round jobs program while encouraging some of the things I have mentioned.

YOUTHBUILD

Youthbuild employs and trains young people in rehabilitation and construction of buildings to provide permanent and transitional housing to homeless and other low-income people. The Youthbuild Program is geared to attract young people, age 16 to 24, who have a low income and a need for education. Seventy-five percent of participants must be young people who have dropped out of school.

Under the National Affordable Housing Act, I encourage the strong support of HOPE for Youth. While many of us have legitimate concerns about the President's HOPE Program in general, the Youthbuild portion is a good step forward to expand this program. It would allocate to States $40 million in the first year and $80 million in year two.

The Police Corps contained in the current crime bill would do much to make our streets and communities safer.

Expand VISTA and the Peace Corps. Obviously I have a strong personal commitment here. Having been involved with Sargent Shriver in the founding of both the Peace Corps and Volunteers in Service to America—our domestic Peace Corps. I know these programs can change lives. Not only of those who are helped, but of those who do the helping.

That is the hidden genius of the service movement. That is what that Philadelphia Youth Service Corpsmember understood when he said he was tired of people doing good against him. Service is a way of developing the characteristics needed not only for responsible citizens, but also for productive workers—discipline, self-reliance, teamwork, initiative, leadership and a commitment to lifelong learning.

The fires of Los Angeles illuminate a reality we have been avoiding for years about our cities and the children who grow up in them. But the cleanup of the ashes illustrated something even more powerful.

So long as we treat our young only as the danger to be feared, the problem to be solved, the client to be served, we and they will never progress. Our young people need to be seen as a resource, a solution, a talent ready to contribute something to their communities.

The young people of Los Angeles are ready to start rebuilding their city. The young people of American are ready to rebuild America. We must enable them to do it.

This idea of service goes beyond ideology, beyond the debate over who's to blame. It brings together liberals and conservatives, Republicans and Democrats, Congress and the Executive. This is something we can agree on. It's time for us to do it.

I thank the Chair.

The ACTING PRESIDENT pro tempore. The Chair recognizes the Senator from Washington [Mr. ADAMS] to speak for up to 15 minutes.

Mr. ADAMS. I thank the Chair.

PRESERVATION FOR THE SPOTTED OWL

Mr. ADAMS. Mr. President, I have taken this time this morning because I think it is absolutely essential that we discuss the problems that are centered in the Northwest, which are really worldwide problems, regarding the ecosystems of the world and the preservation of our forests. The people of Washington State and the Northwest have been waiting for over 2 years for the Bush administration to propose a recovery plan for the northern spotted owl.

In 1987, as a member of the Appropriations Committee, I indicated to the administration and to the delegations of the Northwest that we could no longer depend upon riders on the administration or other appropriations bills to set the cut for the Pacific Northwest's timber. Since 1980, we have drastically overcut our forests, and it is this overcutting and false management of the forests that has caused our problem.

This is not a spotted owl versus logger problem. This is a problem of mismanagement and overcutting which has led to the damage of our systems and, yes, to the extinction, or potential extinction, of a number of species. I say this to remind you of an amendment passed in 1989 that gave fair warning that the appropriate committees on both the House and the Senate side, the authorizing committees, needed to examine this problem and, hopefully, solve it with appropriate legislation.

The House is presently considering in its authorizing committees a series of forest management bills, some ranging all the way from "Just cut any place you want" and "Timber production should be paramount," to those that push for total preservation. We have been waiting for these bills to come over to the Senate.

But what concerns me, and the reason I am taking this time this morning, is that recent announcements by the Secretary of the Interior, Secretary Lujan, and statements by Members of this body and Members of the House on what might or might not be included in a recovery plan, mean that those of us who have been waiting for a solution have to move now.

You see, the administration has not produced a recovery plan for the forests or for the species. You notice I did not say "owl" because the northern spotted owl is only a marker to show the status of the ecosystem that is known as the forests of the Pacific Northwest and California. The worst of our fears as to administration action has been realized by the Secretary of the Interior's recent announcement, and by statements of Members of both the House and the Senate that they intend to introduce bills to implement this type of approach. This is the creation of a red herring, using the owl to excuse faulty forest management plans and systems and then continuing them in the future.

These are not preservation plans. The Interior plan, as it was proposed, is an extinction plan. I want to emphasize that. This is an extinction plan for the owl, and a slashing permit that will work in direct contravention of the multiple-use assignment that was given to the forests and to all Americans who have a part of that forest. Listen to what the administration's own scientists say in the "Preservation Plan for the Northern Spotted Owl," and I quote:

> The preservation plan of the spotted owl, which says it is highly likely that conditions would have been established that would, over a longer timeframe, eventually result in the extinction or nearly complete extinction of the northern spotted owl.

This plan also abandons the Pacific Northwest salmon and condemns it to extinction, too. It completely ignores the scientific evidence that says we have to protect our watersheds. It is incredible to those of us who have lived our lives in the forest and have worked in the forest that there is not a recognition that these are tremendous ecosystems. We get our water from them, our salmon from them. We have many species there. People hunt, graze cattle. Timber is only a portion of all this. And yet if this plan that has been announced by the Secretary of the Interior, is implemented we would not only have an extinction plan, but we would be right back in court because the intensity of that timber harvest would destroy the salmon habitat right and left. And I testified before the committees all last week, Mr. President, pointing out that, starting in 1980, our timber cut in that area went up in the public forests from 3.3 billion board feet to 5.5 billion board feet, and during that time we lost 26,000 jobs. The jobs that are being lost are because of forest management and changes in technology. They are not a result of the Government's regulations destroying it. Not only that, but the predictions by the companies and by the other experts in that area are that we will lose 33,000 more jobs in the next 10 years to technology and changes in the manner in which both the housing market operates and the whole timber industry and forest industry operates.

But the President raised false hopes for us. Like when he promised to be an environmental President, but has missed 35 statutory deadlines in the 1990 Clean Air Act. Like when he promised to be an education President but directed all new funding toward private—not public—schools. Like when he promised fundamental health care reform and give us Band-aids.

The President's failure to support a scientifically credible owl recovery plan, as mandated by law, once again puts politics and profits ahead of sound science, common sense and the law.

If the Congress were to accept this so-called preservation plan, or a bill to implement it, we would take a shortcut to clearcutting of our forests. And as our forests disappear, so do our few remaining logging jobs. We must preserve our forests for the future, not squander them for short-term political profit or political gain or for greed. We must use scientific planning and the proper use for the future of our children, not greed, as our test.

I call on my colleagues to recognize this so-called preservation plan of the Secretary of the Interior and any bills that support it for what it really is, and reject it.

For several weeks Senator LEAHY and I and other Members of this body have been working on legislation to provide for the recovery of our forests—not just the spotted owl, but recovery of our forests. After the work period that starts this next week Senator LEAHY, the chairman of the Agriculture Committee, and I will be introducing legislation. We urge our colleagues to join in it. It will provide for recovery of our forests, and for their management on a sustainable basis. This can and should be done, and it will be done with all of us working together on it.

This legislation provides real hope for the people of the Pacific Northwest. Part of it is directed toward jobs, not just retraining but, yes, retraining; not just recovery of some of the companies but, yes, the establishment of systems so that these companies can survive; and yes, preservation of one of the world's great ecosystems.

We do not know all of the things that can come out of the forests. For example, we just discovered in the yew tree a potential cure, or assistance in a cure, for breast cancer.

There are many little critters and there are many, many species that exist in these forests. They are magnificent gifts of God for this world. We have to be certain that we treat them carefully, and we have not. We have clear-cut them. We have over-harvested, and we have committed sins against these forests.

All we are asking now is that our colleagues join with Senator LEAHY as Senator LEAHY and I develop this bill. We hope they will send us their suggestions, and we hope they will join in the bill which we will introduce, and that we will meet with a bill from the House that we hope will have the same type of provisions in it.

The people of the United States and the entire world are recognizing that timber is a sustainable resource. But it is not a sustainable resource if you approach it from the viewpoint of how much you are going to cut. It is a sustainable resource if you approach it from the basis of, we will see that it recovers, that it is healthy, that it is not subject to ravages of either disease or of man, and in the force of this we will save these species.

We are hopeful also that we will save the species that come from these forests. We are on this planet together. But this is a real test for all of us to show that we understand that we all live on this planet together and that the trees, the species, yes, even the little critters like the spotted owl, which is nothing more than a marker for the other species that are there, have a chance to survive. They should not become extinct because of greed, and no one is going to want that kind of a program.

So I ask my colleagues to carefully examine and not to sign on to any bills that say these are just jobs, or loggers versus owls. That never has been the question, and never will be the question. The question here is management of our forests in the appropriate manner, and since 1980 they have been mismanaged. We have to go back to managing them properly.

As a member of the Appropriations Committee, I would certainly stand with the other members of that committee as we now have for the last 3 years. We said we will not simply appropriate money to cut and not look at the whole picture of what we are doing as we are authorizing the cutting.

Mr. President, I ask unanimous consent that I may have printed in the RECORD certain editorials, and certain comments of my colleagues.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

ANCIENT FOREST ALLIANCE: THE WILDERNESS SOCIETY, NATIONAL AUDUBON SOCIETY, NATIONAL WILDLIFE FEDERATION, SIERRA CLUB, WESTERN ANCIENT FOREST CAMPAIGN, SIERRA CLUB LEGAL DEFENSE FUND,

May 20, 1992.

DEAR SENATOR: Last week, the Bush Administration released so-called "Preservation Plan" for the Northern Spotted Owl. This plan would sacrifice the remaining unprotected ancient forests and the diversity of life they support in the coastal mountains of California, Oregon and Washington. By offering this plan, the Administration once again has failed to accept the facts about the ancient forests of the Pacific Northwest and California. They have characterized the forest debate as a jobs issue that can be solved with a chain saw. But that characterization is simplistic, shortsighted, and wrong.

The fact is, of the original ancient forest, only ten percent remains. Cutting the rest does nobody a favor. Not the logger or the small town facing an inevitable economic transition. Not the salmon fisherman whose catch depends on clean water flowing from uncut forests. Not the medical researcher reliant on the forest's genetic reserves for sources of new pharmaceuticals. And, certainly not America's children whose inheritance of majestic forests and abundant wildlife would be lost. These are public lands after all.

Fortunately, the House Interior and Agriculture Committees are demonstrating real leadership by moving ahead with legislation to protect these magnificent forests and to assist workers and communities in the midst of economic transition. The Committees enjoy broad public support for their efforts. The American people were not fooled by the Administration's empty rhetoric. Nor were the Washington Post, New York Times, Los Angeles Times, San Francisco Examiner, Seattle Times or USA Today. The attached editorials summarize the issue before you quite well. We commend them to your attention, and we encourage your support for strong and effective ancient forest legislation.

Sincerely,

Karin P. Sheldon, the Wilderness Society; Brock Evans, National Audubon Society; Jim Owens, Western Ancient Forest Campaign; Sharon Newsome, National Wildlife Federation; Kevin Kirchner, Sierra Club Legal Defense Fund; David Gardiner, Sierra Club.

[From the Washington Post, May 18, 1992]

THE OWL GOES TO CONGRESS

A willing administration could resolve the Pacific Northwest logging dispute within the framework of the Endangered Species Act. The message from the Bush administration last week was that it is not willing, thinks the act is extreme and can't be counted upon to enforce it. The effect was to toss the issue of how much logging to permit on which tracts back to Congress, which will now try to legislate a solution directly. Congress isn't famous for its defense of natural resources in election years, either, but this time around there seems to be a chance that it will draw up a decent plan. Someone should.

The Endangered Species Act has become a kind of environmental safety net, the all-purpose, bottom-line statute to which advocates turn when lesser means fail. Here it has been invoked in the name of the northern spotted owl. That has led to the usual ridicule; what kind of country allows an entire industry to be held up by a forlorn bird? But the owl is only a proxy for its old-growth habitat, a priceless and disappearing resource.

The administration and industry like to say that the choice is between owls and jobs. That's a good bumper sticker, but it's not the fundamental choice. If heavy logging continues on the public lands, in not too many years there will be neither owls nor jobs; the resource will be depleted. Employment in the timbering industry in the Northwest has already declined in recent years. Automation, export patterns and the shift of the industry to the Southeast have all had an effect. The simple decline of the forest will be next. Logging has meanwhile had the effect of reducing employment in some other industries—by damaging the spawning grounds on which the salmon fishery used to depend, for example. Conservationists say that here is not a case in which the environment can be saved only at the economy's expense; rather, they argue that in the long run it will be good for the economy and environment alike if the region shifts from timbering toward other sources of employment.

To use the Endangered Species Act to enforce such a shift is to do it obliquely. The administration's various actions last week—one required step forward, two symbolic steps back—showed how much slippage there can be in such a process. First the administration published a "recovery plan" required by law to save the spotted owl by cutting back sharply on logging on federal lands within its habitat. At the same time, however, Interior Secretary Manuel Lujan also released a "preservation plan" that has no standing in law and likely wouldn't save the owl in the long run but which the administration prefers because it would cost fewer jobs. In effect this was a request to Congress to weaken the Endangered Species Act without quite saying so. Meanwhile, because the owl has been listed as endangered under the act, a presumption exists against further logging on federal land inside its habitat; a special administration committee voted to permit a small exception to that rule.

This action by the so-called "God squad" will be taken to court; every administrative action is in a dispute such as this. The House Interior and Agriculture committees would put the entire process to rest by drawing a map. Each is working on a bill that would say where logging can't and can occur in the public forests and at what rates. The Interior bill is currently better; if it or something like it can be passed, fine. If only a weak bill emerges, it ought to be killed; better the current, poorly enforced laws and the stalemate in the courts.

[From USA Today, May 18, 1992]

BUSH PITCHES STRIKE THREE AND ENVIRONMENT LOSES

As environmental president, George Bush has been absolutely magical—as in, "Now you see him, now you don't."

His latest conjuring trick: Trumpeting the Clean Air Act as his top planet-friendly deed—while quietly letting 40,000 large utilities, oil companies and factories ignore, in effect, the new law.

The act says companies must get permission before exceeding assigned pollution limits.

That's simple and sensible. Even Bush's top environment official thought so. But Bush now rejects that argument.

He contends that requiring hearings and EPA approval for minor pollution increases is too burdensome to business.

It certainly is not easy.

But writing the rules so businesses can simply tell regulators they will pollute more—as Bush plans—would deprive opponents of a chance to stop them. Result: dirtier air.

That's hardly the act of the environmental president Bush pledged to be. Yet this is the third time in a month that Bush has put business gripes above environmental necessities.

Last week, Bush's "God squad" OK'd cutting down old-growth forests to preserve logging jobs that are doomed to disappear. They can't last longer than the forests do, and that time is not far off.

Days earlier, Bush rejected target dates for decreasing pollution thought to cause global warming. He turned next month's international environmental summit into little more than a photo op.

Business, 3; environment, 0.

Economic concerns certainly deserve prominent consideration. But Bush has gone too far. If he doesn't reconsider, Congress should do the job for him.

Clean air must be a reality, not just a political illusion.

[From the New York Times, May 18, 1992]

MR. BUSH'S POLITICAL ENVIRONMENT

The "Environment President" now seems mainly interested in becoming the "Reelected President." Twice in one week, on the issues of air pollution and forests, the Bush Administration has handed down rulings that sacrifice long-term environmental concerns to short-term commercial and political interests.

And perversely, in both instances, the Administration, even while enraging environmentalists, offers false promises to the interests whose favor it wishes to curry in this election year.

The most recent example is last week's decision by Vice President Quayle and the Council on Competitiveness to allow companies to increase pollution emissions without public hearings. Mr. Quayle argued that public reviews might delay changes in manufacturing processes to improve efficiency and competitiveness.

Nevertheless, the ruling is an empty promise. The Clean Air Act—which Mr. Bush hails as his major environmental achievement—explicitly requires "public comment." The ruling is therefore likely to invite lawsuits that could deny industry the flexibility Mr. Quayle seeks. The ruling also runs counter to some state regulations requiring public review, inviting bitter legal battle.

Finally, it embarrasses the administrator of the Environmental Protection Agency, William Reilly, whose plan to give industry some leeway within the spirit of the law was rejected.

It was not one of Mr. Reilly's better weeks. Just as he was losing on the pollution issue, a Cabinet-level committee chaired by Interior Secretary Manuel Lujan voted to override both Mr. Reilly and the Endangered-Species Act and permit logging on 1,700 acres of Federal land in Oregon that is home to the threatened northern spotted owl. The 1,700 acres don't amount to much, either to the owl or the loggers. At the same time, however, Mr. Lujan also announced a broader "preservation plan" setting aside about 2.8 million acres for the spotted owl—about half the acreage mandated by the Endangered Species Act and the courts. Mr. Lujan said his plan would save half the 32,000 jobs that would otherwise be lost.

Again, false promises, both to the owl and the loggers. Mr. Lujan's own biologists say the owl can't survive on less than five million acres. Nor will all that many jobs be "saved" by cutting the owl's habitat in half. There will be a short-run saving. But loggers are already fighting relentless market forces. Automation and the industry's shift to the Southeast have cost more jobs than the owl.

And when Mr. Lujan's vulnerable acreage is gone, more logging jobs will also disappear. Neither do his calculations include the jobs that will be lost in other industries if heavy logging continues—in tourism, for example, and salmon fishing, which depends on streams undamaged by over-cutting.

There are two bills in the House that would put more than six million acres off limits to logging. That's probably enough to save the owl, fishing and tourism. Both bills also seek to cushion the economic hardship in local communities.

Neither bill is perfect; yet both seek to demonstrate a just balance between economic needs and the environment. Whether the issue is clean air and jobs, or forests and jobs, the Bush Administration has so far produced an unwise balance.

[From the Los Angeles Times, May 16, 1992]

Environment: Not Giving a Hoot

The Bush Administration could not have found a more bizarre way to prepare for the President's trip to the Earth Summit in Rio de Janeiro next month.

One of the most important questions on the agenda of the U.N. Conference on Environment and Development is how to stem the destruction of plant and animal species that is being committed in the name of economic growth.

So how did the Administration spend Thursday? Trying to torpedo a decision by a panel of top government scientists to begin restoring the population of spotted owls that live in the ancient forests of the Pacific Northwest.

Bush was already under fire for making it clear—as a condition for even attending the Rio meeting—that the United States will make up its own mind about how fast and how far to go in trying to ease the danger of global warming. His Administration's reaction to the owl decision can only make some countries that seek to go further in acting against the so-called greenhouse effect wonder why they bothered to make any concessions.

The survival of plant and animal species—the preservation of what scientists call biodiversity—goes beyond wanting to protect cuddly owls with round faces and big, dark eyes. Scientists calculate that half of the Earth's remaining species live in tropical forests, most of which are in quite poor nations. They also know that the forests have in the past served as breeding grounds for plants whose chemical compounds provided clues to wonder drugs. What they do not know is how many more wonder drugs may one day be found in the forest and which diseases they might cure.

The Earth Summit hopes, among other things, to produce agreements under which poor nations will stop destroying tropical forests—and those species that live in them. In general the poor nations ask how their people are to survive if they cannot sell the forests' valuable hardwoods.

The Bush Administration's very public pre-Rio lack of concern for an endangered species is hardly an answer that poor nations will respect.

[From the San Francisco Examiner, May 17, 1992]

If Owls Lose, People Lose

The proposition that protecting the northern spotted owl means sacrificing people by eliminating jobs in the timber industry is a false formulation of the issue. Eliminating the threatened owl by destroying the habitat of the 2,000 or so remaining pairs hurts far more people—all of us—in ways we can only partly assess. The owl itself is an "indicator species" whose disappearance would only hint at much broader losses, not the least of which are the old-growth forests themselves.

The dismissive tone of Interior Secretary Manuel Lujan ("Owls die every day") offers no reassurance that key figures in the Bush administration have a clear idea of what is involved in the Endangered Species Act, which they would like to gut. A cabinet-level committee—the "God squad"—last week granted an exemption to allow logging on 13 tracts of federal land inhabited by the owl in Oregon. And the administration has set out alternative plans for long-term protection of the owl. One of the plans is conceded by government experts to mean eventual extinction of the bird, for the sake of 17,000 timber jobs.

The economic benefit in cutting down the remaining 10 percent of the country's old-growth forests, mainly in federal ownership, is marginal, at best. Much of the wood product is shipped out of the country raw, so Americans don't get the milling jobs. And when the majestic trees are gone from picturesque areas of the Northwest, who will want live there or spend tourist dollars there?

The prudent course, economically as well as environmentally, is to tamper as little as possible with the living conditions of the spotted owl, whose demise would not be the last in a grim series. The Endangered Species Act is a protection that should not be undermined for short-sighted financial gain. With the law due for reauthorization, Congress must fight off the administration's attempted chain-saw massacre.

[From the Seattle Times, May 18, 1992]

Lujan Misses the Point of the Spotted Owl Debate

The "God Squad's" decision to allow logging in some spotted owl habitats in Oregon betrays the long-term public interest for a fleeting political benefit.

Environmental Protection Agency administrator William Reilly and Portland businessman Tom Walsh opposed exempting any land from Endangered Species Act protection; they were outvoted by five Bush administration officials on the squad.

At best, exempting 1,700 acres of federal Bureau of Land Management land would postpone the loss of a thousand timber jobs. How long those jobs will be preserved is anyone's guess—automation could eliminate half of them in a few years.

Douglas and Coos counties in Oregon, where the exemption would apply, lost tens of thousands of jobs in the 1980s due to automation, changes in product demand, and mill consolidations by timber companies. Those forces have always controlled the destiny of timber towns and will threaten them long after spotted owls die out.

Yet Interior Secretary Manuel Lujan and the God Squad are willing to sidestep environmental laws for jobs that could be eliminated by any shift in the market.

In addition to land exempted by the God Squad, Lujan proposes waiving protection for habitat on the Olympic Peninsula, the North Cascades and parts of the Oregon Coast Range. He suggests capturing the owls in those forests and relocating them elsewhere. Sen. Slade Gorton, always eager to play loggers off against owls, will be introducing the Lujan scheme in the Senate.

Of its impact, Lujan says, "Owls die every day, just like people, but this gives us more than a 50 percent chance the owl will be preserved for the next hundred years." His cavalier comments show he still doesn't understand the nature of the problem.

The owl is important because it is an indicator species. Capturing the birds and putting them into national parks or zoos does not change the fact that old-growth ecosystems are being destroyed by decades of overcutting. The owl's decline is only a symptom of significant, long-term damages to those ecosystems.

Only a turnabout from past harvest practices can prevent further degradation of forest life forms. The U.S. Fish and Wildlife's owl recovery plan, which Lujan opposes, for example, would set aside 5.4 million acres of harvestable federal forest. Yet even this plan assumes a reduction in owls from 3,000 pairs to 2,300 pairs. To Fish and Wildlife scientists, saving a specific number of owls is less important than protecting their endangered habitat—which is precisely why Lujan's plan to airlift owls is utterly pointless.

Ecosystem recovery clearly will carry an economic cost, and communities that have been sustained by huge harvests will suffer most. Lujan and the Bush administration would serve those towns better by funding worker retraining and helping local economies diversify. Simply giving loggers more trees to chop now won't help them survive the next decade.

Mr. ADAMS. Thank you, Mr. President.

I hope my colleagues will carefully consider this legislation when Senator LEAHY and I introduce it.

I yield the floor.

Mr. GORTON addressed the Chair.

The ACTING PRESIDENT pro tempore. The Senator from Washington [Mr. GORTON] is recognized for up to 10 minutes.

Mr. GORTON. Mr. President, I am authorized 5 minutes of leader time which has been added to that.

The ACTING PRESIDENT pro tempore. The Senator may proceed.

Mr. GORTON. I thank the Chair.

(The remarks of Mr. GORTON pertaining to the introduction of S. 2762 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

The ACTING PRESIDENT pro tempore. The Chair recognizes the Senator from North Carolina.

Mr. SANFORD. Thank you, Mr. President.

THE 50TH ANNIVERSARY OF THE ARMED FORCES RADIO AND TELEVISION SERVICE

Mr. SANFORD. Mr. President, I am pleased to commend today the accomplishments of an organization in the Department of Defense which, on May 26, 1992, celebrates 50 years of continuous, dedicated service to our soldiers, sailors, airmen, and marines stationed at sea and in foreign lands, the Armed Forces Radio and Television Service.

In 1941 on new Army posts under construction in remote places far away from recreation available to Americans back home, innovative GI technicians began building private, unofficial radio transmitters. Their goal was to provide entertainment to their fellow servicemen in the form of popular records, amateur comedy, and drama. These volunteer radio stations led in May 1942 to the official establishment of the Armed Forces Radio Service [AFRS] in the Morale Services Division of the War Department.

The Armed Forces Radio Service [AFRS], AF Radio we called it, got underway in Los Angeles under the remarkable leadership of then Maj. Tom Lewis, who was recruited from the top ranks of national radio broadcasting and advertising. Major Lewis established an unshakable foundation for AFRS that has today become the most far flung broadcasting service in the world.

As Trent Christman notes in Brass Button Broadcasters:

> Sylvester Pat Weaver, who later became President of NBC Television, who invented the TV Special, developed the Today and the Tonight shows and is considered one of the geniuses of the business, arrived at AFRS in 1944. He said many years later that "this was the zenith of American radio and that AFRS programs may well stand as the highest expression of American radio broadcasting."

Our military broadcasters, writers, announcers, disk jockeys, technicians, and other support staff followed our troops into combat. They sometimes leapfrogged from station to station. At other times they would travel by mobile broadcast vans. Whatever the means of transportation, they provided an always available electronic source of news, information and entertainment to our fighting men and women and let them know that a grateful nation was behind them.

At the height of World War II, Armed Forces Radio operated more than 300 radio stations in the Pacific, China-Burma-India, and European theaters. AFRS severely diluted the poisonous propaganda of the infamous Tokyo Rose and Axis Sally. Many of the most notable celebrities of World War II, Bing Crosby, Bob Hope, Jack Benny, and my favorite, Lucille Ball, among others, gave willingly of their time and talent to entertain our soldiers, sailors, airmen and marines through the broadcast facilities of AFRS. Every American who has served in uniform overseas in the last half century has touched by Armed Forces Radio.

I remember on a snow covered Christmas at the height of the fury of the Battle of the Bulge, pausing in a big cow barn in Belgium before continuing the attack, hearing a small radio someone had plugged in to an Armed Forces Radio and was receiving a program of Christmas carols that brought hometown cheer to all of us. The song "I'm Dreaming of a White Christmas," which we had in spades, was playing, sung, I am sure of course, by Bing Crosby. And I remember the first sergeant was constantly singing that song for the next 6 weeks until his comrades were ready to choke him. But I will never forget that Christmas AFRS program, a reminder of the warmth and love of home that kept us determined to complete the job.

It must be noted that some of today's most notable celebrities began their careers as Armed Forces Radio and Television broadcasters: George Kennedy, Pat Sajack, Gary Collins, Ray Briem, and Adrian Cronauer of "Good Morning, Vietnam" fame.

The German song "Lili Marlene" came first as intended morale shattering propaganda to make the soldiers long for loves left at home. But our Armed Forces Radio turned it into an American favorite, a morale booster for the American troops.

I remember the sergeant major woke me from sleep early one morning to tell me in tears, "Sir, our President is dead." He had heard it on AF Radio. And I remember also the news that Hitler was kaput and that General Eisenhower was laying down the terms of peace. And it was at sea, headed from Europe for deployment to the Pacific, after refitting in the United States, that we heard on AF Radio the news of the atomic bomb. For us we knew that the war was over. It is fair to say that I have a sentimental attachment to AFRTS.

Since the addition of television in 1953, the Armed Forces Radio and Television Service, AFRTS, has served around the globe on land and sea to bring the sights and sounds of home to our military men and women on duty protecting this country's national interests in peace and war.

AFRTS has thrived due both to the unselfish contributions of stars and corporate leadership of American entertainment and to the selfless dedication of military broadcasters, often under fire, who brought news, information, variety, comedy, and drama to front line troops.

AFRTS packed up its transmitters, microphones, records, tapes and films to accompany American forces to Korea, Vietnam, and to Desert Storm. Today AFRTS provides immediate delivery of news and sports events via satellite from all major U.S. network sources and of entertainment and variety programs by expedited mail delivery to over 1.3 million servicemen and women and their families in more than 120 countries and aboard 500 Navy ships at sea.

Through AFRTS, no remote, lonely outpost where our military maintains a presence to defend democracy and freedom, is without a word from home. No military deployment of our active duty forces in the past 50 years has been without the welcome support of the Armed Forces Radio and Television Service. Navy Chief Journalist Rich Yanku opened his microphone the morning of October 9, 1990, and bellowed "Goooood Morning Saudi Arabia!" before playing the recording "Rock the Casbah" by the rock group the Clash.

The 50th anniversary of the Armed Forces Radio and Television Service marks a significant milestone in the life of an important Department of Defense service to those who are committed to defend this Nation when, where, and as needed. To the men and women of AFRTS wherever you are stationed around the world, I join with the members of the Armed Forces Broadcasters Association in paying tribute for a job done not only with dedication and ability, but also with spirit and creativity. Thank you and happy 50th.

The PRESIDING OFFICER (Mr. SANFORD). The Chair recognizes the Senator from Illinois for 5 minutes.

Mr. SIMON. Mr. President, first I want to join my colleague from North Carolina. I was stationed overseas in the Army and I remember in 1952 hearing Adlai Stevenson's acceptance speech on that in Germany. It was about 2 in the morning, as I recall. But the Armed Forces network really has done a great job for those of us who had the honor of serving in our Nation's uniform.

RETIREMENT OF REV. WILLIAM J. BYRON

Mr. SIMON. Mr. President, I rise today to pay tribute to Father William Byron.

Back some years ago when I was in the House, I had the chance to meet and have lunch with a man who had written articles in magazines and had shown unusual leadership on several issues, and that was Father Bill Byron. I never met him before, though I knew of him.

When he left the presidency of Catholic University he came to Catholic University of America—and the Presiding Officer now who was president of Duke University can appreciate this more than I can, I am sure. Father Byron came here as president of Catholic University and has done a remarkable job.

What I particularly appreciate is that in addition to his leadership at Catholic University he has shown the courage to lead on a number of issues. He, for many years, served as chairman of the board of Bread for the World, an ecumenical group working on food and population problems around the world. He has written for the Washington Post and for other organizations.

He has provided leadership, for example, in saying we are going to have to, as a Nation, invest more in education and do more specifically to see that people have an opportunity to continue their education beyond high school. His has really been a leadership role. And he has taken advantage of the pulpit of Washington, DC, to influence not just one university, a great university here, Catholic University, but to have his fingerprints on many things here in the Nation.

The Nation has been enriched by his presence here at Catholic University. He will be retiring shortly as president of that University. I know the people at Catholic University are grateful for his leadership there. But I think it is appropriate to say, as one Member of the United States Senate, we are grateful not only for his leadership there but for the leadership he has provided in so many other areas. I am sure in one way or another that leadership will continue, and the Nation needs it.

Mr. President, I yield the floor.

(Mr. SIMON assumed the chair.)

THE RETIREMENT OF THE REVEREND WILLIAM J. BYRON

Mr. SANFORD. Mr. President, the academic community is about to lose one of its finest. After serving 10 years as the president of the Catholic University of America, the Reverend William J. Byron is retiring.

Before being elected to the Senate, I had the opportunity to serve as a university president. It is a rewarding and fulfilling job. It is also a demanding and challenging job, and I know the strength of leadership and depth of character that marked the Reverend William J. Byron's contribution to Catholic University.

Under the leadership of Father Byron, the university enjoyed great prosperity and expansion. State-of-the-art facilities were built, new academic fields were brought to campus, and traditional fields were given new vigor as the school sought to live up to Father Byron's vision of "service to church and Nation." During this tenure, Father Byron helped to triple the university's endowment, enhancing the financial strength of the institution for years to come. He also founded the board of regents, which increased the participation of alumni and friends of the college in fundraising and public relations efforts. In addition, Father Byron also found time to author several significant books and articles.

Father Byron's work has not gone unnoticed. In 1986, he was chosen by his peers as one of the "most effective" college presidents in the United States. On two occasions Father Byron received the "President and the Public" award from the Council for Advancement and Support of Education, and in 1988 Washingtonian magazine named him Washingtonian of the Year. As a respected representative of the Catholic faith in America, Father Byron was chosen by Pope John Paul II as a consultant to the Vatican in discussions over Catholic higher education, and with the help of other university leaders, he helped to secure an official recognition of the unique role of American Catholic Colleges. In 1991, President Bush appointed Father Byron to the board of the Commission on National and Community Service.

Over the past 10 years, Father William J. Byron has had a vision for Cathclic University, and he has worked tirelessly to lead the school toward that goal. His influence, both on campus and off, will be greatly missed. The contributions he has made, however, will live on at Catholic University, and the students, faculty, and friends of the college will reap the benefits of his dedicated and enlightened leadership for many years to come.

Mr. ROTH addressed the Chair.

The PRESIDING OFFICER (Mr. SANFORD). The Senator from Delaware.

PRIVILEGE OF THE FLOOR

Mr. ROTH. Mr. President, I ask unanimous consent that Jim Grover have permission to be on the Senate floor.

The PRESIDING OFFICER. Without objection, it is so ordered.

(The remarks of Mr. ROTH pertaining to the introduction of S. 2763 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

THE FEDERAL ROLE IN R&D

Mr. ROTH. Mr. President, throughout the cold war American taxpayers shouldered the burden for defense spending in order to defend the most critical of national interests, our existence as a nation and as a people. Meanwhile, foreign countries were building economic engines that have enabled them to catch-up and in some cases surpass our country in the global competition for economic well-being. Now that the cold war is over, we need to shift our focus from military power to economic power. As any unemployed autoworker will tell you, America's competitiveness in the global marketplace is as critical an issue' for our Nation's well-being in the 1990s as the strength of our military was in the 1980's.

Many liberals suggest that today's problem is a lack of Federal Government intervention in key industries. Others suggest that the problem is protectionist trade policies by other nations, and that we ought to engage in a trade war in order to win back our markets. Still others believe that the Government knows best what the market needs, and that America will not regain economic strength until we have a national industrial policy rivaling the 5-year plan that failed so miserably in the Soviet Union.

Over the past 3 months, a number of committees on which I sit have had extensive hearings on this issue, and a long list of distinguished witnesses has made recommendations on the Federal Government's role. I consistently asked the witnesses what the problem is. Is it a lack of funds? They answer: No. Is there something wrong with our research, do we lack an ability to come-up with new ideas? Again, they answer: No. They said that America does the best research in the world, but the problem is that our competitors beat us in getting those ideas to the marketplace. For example, Dr. Erich Bloch, the former Director of the National Science Foundation and currently a distinguished fellow at the Council on Competitiveness, testified last week:

> Competitor nations succeeded, not by besting us in basic research, but by focusing their attention on technology in areas of commercial relevance and getting to market sooner and with higher quality products.

Mr. President, if our country is going to win the global competition for economic well-being, we must regain our ability to commercialize technology—that is, our ability to bring high quality, affordable, leading-edge products to the marketplace faster than our competitors.

America spends more than any other nation on research and development, and when corporate and Federal expenditures are added together, our spending dwarfs all of our competitors'. However, our Federal expenditures make little direct contribution to our ability to commercialize technology. In fiscal year 1993, we may spend $76 billion of the taxpayer's hard-earned dollars on Federal research projects, but very little of it will be spent on projects that help our economy.

Mr. President, merely throwing more taxpayer money at the problem will not help. I am concerned by recent legislative initiatives, including one being introduced today in the House of Representatives, that repeat Congress' past mistakes in dealing with competitiveness. History has shown that Government investments in areas where there is no corporate support will not help American businesses compete. Therefore, legislation that sets up and funds Federal activities which are disconnected from the marketplace is a waste of taxpayer dollars. Moreover, Federal money for such efforts typically has been spent on parochial, rather than national interests.

In order for the Federal Government to have a positive impact on the competitiveness of American business, a set of principles that must be applied. First, the results must be measured and weighed against the costs. Second, no additional funds are needed. Instead, we must make the $76 billion Federal R&D expenditure more relevant to the needs of our economy. Third, Federal investments must not substitute for commercial investments, they must encourage private sector investment. Fourth, industry, not Government must identify priorities for action, and spending of Federal money may not be the necessary action.

I am currently drafting legislation that applies these principles to reorient a portion of the Federal R&D budget and management structure.

The PRESIDING OFFICER. Under the previous order, the Senator from South Dakota [Mr. DASCHLE] and the Senator from Michigan [Mr. LEVIN] are recognized to speak for 20 minutes.

The Senator from South Dakota is recognized.

Mr. DASCHLE. I thank the Chair.

(The remarks of Mr. DASCHLE and Mr. LEVIN pertaining to the introduction of S. 2764 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

The PRESIDING OFFICER. The Senator from Wyoming is recognized.

Mr. SIMPSON. Mr. President, I realize that the special orders go to 10:30 and with a vote to occur at 10:30. I came to the Chamber a few minutes after nine and I have been waiting to speak for 10 minutes with regard to our fine friend from the north, Prime Minister Mulroney. I have not yet personally reached the majority leader and hesitate to propound a unanimous-consent request for an additional 10 minutes, but I have talked to some of the senior staff. I am going to do that, and I have not done that before.

I ask unanimous consent for an additional 10 minutes to speak about our neighbor. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. SIMPSON. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SIMPSON. Mr. President, let me renew the unanimous-consent request.

The PRESIDING OFFICER. Is there objection? If not, it is so ordered.

Mr. SIMPSON. I want to thank the majority leader and I will shorten my remarks. I appreciate that very much. It would not be done if it had not been a long session in here this morning where we were all courteous and extended everybody's else's time. I hate to do that. Let me get to the point.

UNITED STATES-CANADA RELATIONS

Mr. SIMPSON. I want to welcome our good friend, the Right Honorable Prime Minister of Canada, Brian Mulroney, today. He leaves today. It is a great pleasure to have him here in Washington and also Canada's First Lady, Mila, a very impressive and capable woman. I want to welcome and extend sincere thanks for his steady leadership over the past several years.

Those of us in this Chamber know of this remarkable man through his outstanding leadership of his country and strengthening the relationship of our two countries during that time. This Prime Minister has always stood fast against political posturing and stood firm for the principle of free trade and free markets—all to the benefit of his country.

I think it is a good time to reflect on the relations with this outstanding leader and the importance of a strong relationship with Canada, our neighbor to the north. In recent times there had been some focus on only the difficulties as we negotiated a fair trade agreement, and in my view, far too little recognition of the enduring positive aspects of this remarkable relationship.

There are some blessings which we as a nation have received that have been so constant, so reliable that we rarely think of our good fortune in having our friendship with Canada. "One measure of friendship consists not in the number of things friends can discuss, but in the number of things they need no longer mention." Canada is certainly one of those.

We are one of the few nations of the world whose citizens really do not know what it is to have a "border clash" or even a dispute. Our relationship with our trusted northern friend has historically been so solid and amiable that it has been treated virtually as a constant of nature. The beneficial effects of that situation have not been lost on historians.

In Winston Churchill's "History of the English Speaking Peoples" he offers this reflection on the significance of the War of 1812: "Henceforward the world was to see a 3,000-mile international frontier between Canada and the United States undefended by men or guns * * *."

It is understandable that Churchill might have been envious of the United States-Canada relationship, writing as he was as Europe was engulfed in the flames of yet another international conflict, the likes of which this continent has never seen.

Mr. President, our relationship with Canada has been far more cooperative than simply upholding a peace. We have a remarkable freedom of travel between our two countries, and an ease of exchange of currency and commerce with them that Europe is still now at great pains to achieve.

I also believe that all of us can here remember several spectacular examples of Canada's good will and friendship. There was a time here, little over a decade ago, when Canada's Maple Leaf Flag was flying all over this city and every other in the United States. For when Americans were taken hostage in Iran, a handful of Americans escaped, shielded from capture at great risk by the Ambassador and staff of the Canadian embassy there. Can we ever forget that feeling?

Prime Minister Mulroney gives Canadians a leader who understands that Canada's self-interest is not served by protectionist, scapegoating rhetoric, which is too often evidenced in our countries and our political parties.

In this day and age, we too often fail to take the long view, the way that this fine leader does. The Prime Minister said it best himself—"There is anti-Americanism"—and, I would add, scapegoating of all kinds—"But it is not enough to elect a dogcatcher." So we see that good policy is also good politics, and the career of this remarkable leader is compelling evidence of that.

I myself feel a special kinship with Canada, which started when a Canadian named Glen Nielson moved to Cody, WY, in 1937 to establish the Husky Oil Co. During World War II, refineries in Cody and Riverton produced combat fuel for the U.S. Navy.

After the war, Glen Nielson carefully investigated the availability of heavy oils in western Alberta and Saskatchewan. In the late 1940's, the Riverton, WY, refinery was closed and moved north. It was then that Husky Oil was established in Lloydminister, where the main street divides western Alberta and Saskatchewan.

Glen Nielson looked beyond the border which separates our countries and resolved himself to operate Husky Oil as one company, undivided by our countries' boundaries. Husky Oil carried out a relationship of true cooperation with the Canadians. Glen Nielson encouraged the Canadians, through important face-to-face dialog, to begin the trade of natural gas with the United States.

My father, Milward L. Simpson, was one of Glen's closest friends. Dad was a member of the founding board of directors of Husky Oil. I learned by repeated example from my father about the importance of strong trade relations with our North American friend.

In my lifetime, I have watched this relationship grow ever so strongly and become tightly interwoven. We have become each other's best customer—the largest bilateral trade relationship in the world. Since 1989, this relationship has been underpinned by the free trade agreement.

We entered into the bilateral agreement on the grounds of mutual advantage. In the words of Woodrow Wilson, "You cannot be friends upon any other terms than upon the terms of equality." Rules for dispute settlement were carefully crafted to ensure the integrity of the agreement during times of extraordinary challenge. This agreement's foundation has proven itself in the midst of recent disputes.

Our relationship and tolerance for each other's idiosyncrasies much resembles the ups and downs of a good marriage, and I've had one for 38 years. We cannot afford to neglect the significance of this union.

We must concentrate, however, on preserving the sanctity of the agreement by not continually searching for issues of recrimination. We must hold true to the mutual trust of our relationship.

Let's take a brief look at the significance of our two-way trade. In 1991, Canada-United States trade approached $200 billion. Canada has higher per capita purchases from the United States than both Japan and the European Community combined.

Our trade relationship creates jobs. Nearly 2 million jobs in each country, in manufacturing, agriculture, mining, and service sectors rely on the free trade agreement. In the United States, the export of motor vehicles and parts to Canada supports some 350,000 jobs, 100,000 in the automotive industry and 250,000 in related industries.

Canada buys more American-made electronic parts than any other country. Its purchase of computers and related equipment support 63,000 jobs in the U.S. electronics industry.

The U.S. agricultural industry is no exception. Thousands of jobs, from producer to retailer, rely on the Canadian market.

I am optimistic that all of us here today want to strive toward a global trade policy agenda which reflects the concept of fairness and a clear representation of the facts.

We have reached a significant turning point in how Americans view exports and imports of products. The new protectionist rhetoric calls for a level playing field and fairness. This illustrates a blatant misrepresentation of the concept of free trade.

The United States cannot continue to define its free trade agreements in terms of outcomes which politically satisfy specific industry organizations. President Bush and Prime Minister Mulroney know and openly admit that strong dispute settlement rules must be established and adhered to in order to fend off the alluring and seductive call of special interest groups.

I do not think that it makes any good political sense to separate the U.S. trade policy agenda into a domestic agenda and a separate international agenda.

We live in an increasingly interdependent economic world, one in which our ability to solve our own domestic problems relates directly to our ability to resolve global problems and deal with the policies of other countries.

At the same time, our ability to influence policies directed toward any new world order depend heavily on how we deal with our own domestic economic situation.

Our export business has grown dramatically in the last 5 years. In 1985, American firms exported $371 billion worth of goods and services. By the end of 1990, that level had grown to $673 billion. We export more than any other country on Earth, and we import more.

It is time that our countries put a halt to the degenerating aspects of our current trade relations and look toward mutual advancement.

We can agree that we need an economic strategy in the United States which will confront the challenges of international trade in the next few years.

We must strive together so that all Americans and Canadians, not only a select few, prosper from United States-Canadian trade relations.

In sum, Mr. President, "your friend is the man who knows all about you, and still likes you."

This is epitomized by this fine and courageous leader of our sister nation on this planet. Through thick and thin, good and bad, tough weather and calm, "Oh, Canada, you bet," and we are very proud to be your ally, your friend, tried and true, and God bless this fine man, this international leader.

I thank the majority leader.

Mr. MITCHELL. Mr. President, I thank my colleague, and I join him in welcoming Canadian Prime Minister Brian Mulroney to the Capitol. We will be later in the day having a meeting with the Prime Minister. We have had similar meetings before with a group of Senators and we look forward to welcoming him personally. I know that several Senators will attend that meeting and look forward meeting with the Prime Minister.

Mr. President, I yield the floor.

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Morning business is closed.

SANCTIONS AGAINST THE GOVERNMENT OF SERBIA

Mr. PRESSLER. Mr. President, the imposition of sanctions against the Government of Serbia is long overdue. We would not be here were it not for the leadership of Chairman PELL of the Foreign Relations Committee, the ranking Republican, Senator JESSE HELMS, Minority Leader BOB DOLE, and Senator ALFONSE D'AMATO of New York.

Yesterday I spoke to the Senate about the markup of S. 1793 in the Foreign Relations Committee. The legislation includes sanctions against Serbian airlines. Overnight, literally, the State Department got religion and imposed air sanctions against the Serbian Government airline—JAT.

Mr. President, that is progress, but I regret that United States policy toward the former Yugoslavia has been too reactive and too slow. The bill before us this morning, S. 2743, is a modest but good bill. I am pleased to be an original cosponsor of the measure together with the Senators I just mentioned. However, the bill is not as tough as what was originally introduced as S. 1793 by Senator D'AMATO, and it is much more limited than the legislation I introduced in March—S. 2376, the Former Yugoslavia Act.

But something is better than nothing. It is time for United States diplomats to stop equivocating and use every diplomatic tool we have to stop Serbia's wanton aggression. Serbia crushed Croatia and paid absolutely no price for its aggression. The Serbian army and guerrilla units are in the process of destroying Bosnia, yet only the mildest sanctions have been imposed.

S. 2743 is substantially silent on the vital topic of Kosova, Mr. President. Kosova is occupied by Serbian Communist troops and is ripe for the picking if the Serbian Army continues its aggression in Bosnia and moves south.

I understand the legal issues involved in protecting Kosova against Serbian incursion and aggression. I appreciate that diplomats rarely use direct, blunt terms. But let me be very straightforward. Mr. President, unless Serbian Government forces are stopped, aggression against the people of Kosova could make what has happened in Croatia and Bosnia look like a Sunday school picnic.

Enough is enough. S. 2743 deserves to be enacted and signed. It is a good first step. The Foreign Relations Committee, and especially the European Affairs Subcommittee on which I serve, should hold hearings to find additional policy options. The State Department should consult closely with us to strengthen effective actions against the Serbian Government.

But what America and the civilized world need more than anything else are mechanisms to deal with what might be called the "new world disorder," as aggressive—often Communist—forces try to suppress freedom and self-determination by cruel force. I am not suggesting that the United States send in the Marines. Other effective actions can be taken.

Today's legislation is a beginning. Mr. President, I look forward to continuing an active role to help democratic forces in Serbia against the Communist elite as well as imposing effective sanctions against the same Communist government.

YUGOSLAVIA SANCTIONS ACT

Mr. PELL. Mr. President, today we consider the Yugoslavia Sanctions Act of 1992. This legislation is based in part on legislation introduced last fall by Senator D'AMATO and cosponsored by 24 other Senators including Senators DOLE, GLENN, HELMS, GORE, NICKLES, PRESSLER, RIEGLE, and myself. The Foreign Relations Committee held hearings on that bill in October, but did not move on the legislation at that time because of the ongoing Vance mission and because of uncertainty about whether the legislation commanded a majority of the committee.

Circumstances since last fall have changed dramatically, adding a new urgency to take decisive action on Yugoslavia. The bill before us today, S. 2734, was reported favorably by the Foreign Relations Committee yesterday by a vote of 19–0. It does not include comprehensive trade sanctions only because if such sanctions originate in the Senate, it might raise procedural concerns in the House and thus impede passage of this bill. I hope, however, that the House will consider a version of this bill that does include trade sanctions.

In the past months, Slovenia, Croatia, and Bosnia-Hercegovina have been recognized by the United States and much of the international community. Serbia and Montenegro have constituted themselves as the new Yugoslavia, and the old Yugoslavia is dissolved. The Vance mission has produced a cease-fire in the war between Serbia and Croatia.

The bad news, however, is the situation in Bosnia-Hercegovina. Following the February 29 vote by the people of Bosnia-Hercegovina for independence, Serbia launched an unprovoked war of aggression. Serbia's goal is the annexation of some 70 percent of Bosnia's territory. The war is being carried out with savagery not seen in Europe since World War II. Frankly, I am sickened by the television images of the shelling of Sarajevo and the killing of thousands of innocent civilians.

I would like to point out, however, that our quarrel is not with the people of Serbia, but with its government, led by Slobodan Milosevic, and its cruel and aggressive military. Indeed, Mr. Milosevic's despotic policies, are undermining the well-being of the Serbian people as well as the citizens of the neighboring independent countries.

The leaders of Serbia and its Montenegran partner in the new Yugoslavia must be stopped. The new Yugoslavia must understand that it cannot have normal political or economic relations with the rest of the world if it wages war against its neighbors. It must understand that the world will never accept changes in borders brought about by force of arms.

I find it disturbing that the United States response and the international response to Yugoslavia's war against Bosnia, a sovereign state whose independence we recognize, has been so weak. While it is true that Bosnia, unlike Kuwait, has no oil, it is also true that Bosnia, unlike Kuwait, has a democratically elected government. If we are only prepared to defend victims of aggression when they are rich in natural resources, we are setting a poor example for a new world order.

Prompted by the committee's action yesterday, the administration announced that it was terminating the landing rights of JAT, the Yugoslav airline. This decision, far too long in the making, will finally send a signal to the new Yugoslav Government that its actions are unacceptable.

I believe the world community should impose Iraq-like sanctions against the new Yugoslavia. This bill would move the United States toward that goal.

THE YUGOSLAVIA SANCTIONS ACT OF 1992

A MESSAGE TO MILOSEVIC

Mr. D'AMATO. Mr. President, I rise today to congratulate the Senate for its action on S. 2743, the Yugoslavia Sanctions Act of 1992. The committee additions to the bill I offered in October 1991 have brought this bill to fruition. I am very pleased with it and I congratulate the committee for all of its work.

Today, Congress draws the line. We are saying to the Butcher of the Balkans, Milosevic, we have had enough, we will no longer allow you to kill and maim thousands of innocent people, all in the name of Serbian nationalist expansionism.

After more than 10,000 casualties, nearly 1,000,000 displaced persons, the former Yugoslavia has been laid barren. Cities have been leveled, historic buildings have been destroyed, and the landscape that was Yugoslavia is now filled with the stench of death—all this at the hands of Slobodan Milosevic.

Until the President certifies to Congress that Yugoslavia has ended its war of aggression by the Yugoslav Army and its proxies as well as its occupation of the sovereign territory of Croatia and Bosnia, this bill will send a clear message to Milosevic that we have had enough.

When implemented, the Yugoslavia Sanctions Act of 1992 will end all sales, credits, guarantees, and grants of insurance to Yugoslavia. It will end sales or donations under the Agricultural Trade and Development and Assistance Act of 1954. All Commodity Credit Corporation financing programs for export sales of nonfood commodities to Yugoslavia will also stop, as will financing from the Export-Import Bank. Executive directors at international financing organizations will be instructed by the Secretary of the Treasury to vote against any loans for Yugoslavia. Finally, all air travel between the United States and Yugoslavia will end.

Recommendations are also being made that the United States abstain from extending diplomatic recognition to the so-called new Yugoslavia; that the President pursue multilateral sanctions such as an oil embargo against Yugoslavia; and that the President should take steps to provide adequate humanitarian assistance to the needy people of Bosnia-Hercegovina.

Serbia's treatment of Kosova's 2 million Albanians is also addressed in this bill. Kosova's Albanians, still deprived of their independence, have been subjected to arbitrary shootings, summary arrests, and administrative detention without charge, forced job loss, and numerous other obscene violations of their human rights. The Albanians of Yugoslavia certainly deserve better.

The Croatians and Bosnians also deserve better. Long subjugated by the Serbian junta, these brave people have fought and won the right to live their lives free of Serbian control. They should now be allowed to build their own nations. Unfortunately, Serbia continues to refuse to recognize this fact.

The only solution for peace in the Balkans is for Serbia to pull back its forces and end its war of annihilation once and for all. Serbia must stop its aggression against Croatia, Bosnia, and Slovenia, and allow Kosova to go free. Only then will there be true peace in the Balkans.

I wish to offer my sincere thanks to my colleagues for their tireless work, Senators DOLE, GLENN, PELL, GORE, NICKLES, and PRESSLER, as well as the other cosponsors of this important bill, helped guide it through the Senate.

Passage of this bill sends a message of hope to the people of the Balkans, that we in the Senate will not sit by idly while Slobodan Milosevic pursues a path of annhiliation and death. These brave people must know that we are indeed with them. The war must end now.

Mr. President, I ask unanimous consent that the text of S. 1793 be printed following my statement. Thank you, Mr. President.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1793

SECTION 1. SHORT TITLE.

This act may be cited as "The Yugoslavia Sanctions Act of 1992".

SEC. 2. FINDINGS.

The Congress finds:

(1) Yugoslavia, a state in existence since December 1, 1918, is dissolved;

(2) Slovenia, Croatia, and Bosnia-Hercegovina have voted in democratic elections to be independent nations and have achieved international recognition;

(3) Macedonia has voted in democratic elections to be an independent nation, but has not achieved international recognition pending resolution of objections raised by Greece;

(4) Serbia and Montenegro have constituted themselves as the Federal Republic of Yugoslavia, a state which has not achieved international recognition, and which is not the successor state to the dissolved Socialist Federal Republic of Yugoslavia;

(5) The newly constituted state of Yugoslavia is engaged in a war of aggression against Bosnia-Hercegovina;

(6) Acting through government controlled militias, paramilitary groups, and the Yugoslav Federal Army, the newly constituted state of Yugoslavia is killing thousands of residents of Bosnia-Hercegovina, is driving hundreds of thousands of residents of Bosnia-Hercegovina from their homes, is destroying the cities and villages of Bosnia-Hercegovina, including such culturally and historically important places as Sarajevo and Mostar, and is interfering with humanitarian relief efforts in Bosnia-Hercegovina;

(7) Serbia and Montenegro, prior to forming the new state of Yugoslavia, had engaged in a war of aggression against Croatia; and the new state of Yugoslavia, acting through government controlled militias and paramilitary groups, continues to occupy illegally territory of the sovereign nation of Croatia;

(8) Two million Albanians in the province of Kosova have been denied many basic human rights, are subject to Serbian imposed martial law, have been denied illegally their right to self-government, and have been subject to violence and killings by the Serbian authorities; and

(9) The international boundaries between the independent countries of the former Yugoslavia are the same as the internal borders among the constituent republics of the former Yugoslavia as specified in the 1974 Yugoslav Federal Constitution (except with regard to the border between Serbia and Montenegro) and cannot be altered without the consent of all countries concerned.

SEC. 3. DEFINITIONS.

As used hereinafter in this act:

(a) "Yugoslavia" shall mean the Federation of Montenegro and Serbia constituted on April 27, 1992, a state that has not been granted international recognition and that is not the successor to the former Yugoslavia; and

(b) "Former Yugoslavia" shall mean the state established on December 1, 1918, and last formally known as the Socialist Federal Republic of Yugoslavia.

SEC. 4. RESTRICTION ON ASSISTANCE TO YUGOSLAVIA.

(a) RESTRICTION ON ASSISTANCE.—Unless the conditions of section 7(a) are certified by the President to have been met, no United States assistance (including funds appropriated before the date of enactment of this Act) may be furnished to Yugoslavia.

(b) DEFINITION.—For the purposes of this section, the term "United States assistance" means assistance of any kind that is provided by grant, loan, lease, credit, guaranty, or insurance, or by any other means, by any agency or instrumentality of the United States Government to any foreign country, including—

(1) assistance under the Foreign Assistance Act of 1961 (including programs under title IV of chapter 2 of part I of such Act);

(2) sales, credits, and guaranties under the Arms Export Control Act;

(3) sales under title I or III and donations under title II of the Agricultural Trade Development and Assistance Act of 1954 of nonfood commodities;

(4) other financing programs of the Commodity Credit Corporation for export sales of nonfood commodities; and

(5) financing under the Export-Import Bank Act of 1945.

SEC. 5. SUSPENSION OF MULTINATIONAL ASSISTANCE.

Unless the conditions of Section 7(a) are certified by the President to have been met, the Secretary of the Treasury shall instruct the United States executive directors of the International Monetary Fund, the International Bank for Reconstruction and Development, the European Bank for Reconstruction and Development and the International Development Association to vote against any loan or other utilization of the funds of their respective institutions to Yugoslavia.

SEC. 6. SUSPENSION OF AIR TRAVEL.

(a) IN GENERAL.—Unless the conditions of section 7(a) are certified by the President to have been met—

(1) the President shall direct the Secretary of Transportation to revoke the right of any air carrier designated by the Government of the former Yugoslavia under the air transportation agreement between the United States and the former Yugoslavia to provide service to Yugoslavia.

(2) the Secretary of State shall terminate so much of that agreement as relates to Yugoslavia in accordance with the provisions of that agreement;

(3) upon termination of those provisions, the Secretary of Transportation shall prohibit any aircraft of a foreign air carrier owned, directly or indirectly, by Yugoslavia from engaging in air transportation with respect to the United States; and

(4) the Secretary of Transportation shall provide for such exceptions from the prohibition contained in paragraph (3) as the Secretary considers necessary to provide for emergencies in which the safety of an aircraft or its crew or passengers is threatened.

(b) DEFINITION.—For purposes of this section, the terms "aircraft", "air transportation", and "foreign air carrier" have meanings given those terms in section 101 of the Federal Aviation Act of 1958 (49 U.S.C. 1301).

SEC. 7. CONDITIONS.

(a) The conditions referred to in sections 4, 5, and 6 of this act are:

(1) that Yugoslavia is not waging a war of military aggression against any other country;

(2) that Yugoslavia is not supporting directly or indirectly, any military unit, militia, or paramilitary organization in any other country;

(3) that Yugoslavia is not occupying any territory of another country and is not assisting forces occupying the territory of another country;

(4) that Yugoslavia recognizes as international borders the borders of Croatia, Bosnia-Hercegovina, and Macedonia as specified in the 1974 Yugoslav Federal Constitution and as existed on December 31, 1984;

(5) that Yugoslavia or forces loyal to or controlled by Yugoslavia are not interfering with United Nations peacekeeping operations or with international observer missions or with humanitarian relief efforts; and

(6) that Yugoslavia is not engaged in a pattern of systematic violations of human rights within its borders.

(b) Whenever the President determines that the conditions of subsection (a) have been met, he shall so certify in writing to the Speaker of the House of Representatives and the Chairman of the Committee on Foreign Relations of the Senate.

SEC. 8. POLICY ON SUCCESSION.

The independent countries of the former Yugoslavia shall be severally and collectively the heirs to the assets and liabilities of the former Yugoslavia. Treaties and other international agreements between the United States and the former Yugoslavia shall be deemed applicable to the independent countries of the former Yugoslavia, except where the President determines otherwise.

SEC. 9. POLICY ON RECOGNITION.

It is the sense of the Congress that the President should not recognize Yugoslavia until it has met the conditions in Section 6, and that the President should enter into negotiations with the independent countries of the former Yugoslavia to insure an equitable distribution of the diplomatic property in the United States among all the successor states.

SEC. 10. MULTILATERAL SANCTIONS.

The Congress urges the President to negotiate comprehensive multilateral sanctions pursuant to the provisions of Chapter 7 of the United Nations Charter, including an embargo on the shipment of oil, against Yugoslavia as long as Yugoslavia is supporting acts of military aggression against Bosnia-Hercegovina. The Congress further urges the President to oppose Yugoslavia's aggression in all appropriate international fora.

SEC. 11. SANCTIONS ON OTHER COUNTRIES OF THE FORMER YUGOSLAVIA.

The President shall apply the sanctions contained in Sections 4, 5, and 6 to any other independent country of the former Yugoslavia which he determines is engaged, directly or indirectly, in military aggression against a neighbor for the purpose of changing its boundaries.

SEC. 12. HUMANITARIAN ASSISTANCE.

It is the sense of the Congress that the President should take steps so that adequate humanitarian assistance reaches needy people in Bosnia-Hercegovina.

IRRESPONSIBLE CONGRESS? HERE IS TODAY'S BOXSCORE

Mr. HELMS. Mr. President, the Federal debt run up by the U.S. Congress stood at $3,920,455,544,927.22, as of the close of business on Tuesday, May 19, 1992.

As anybody familiar with the U.S. Constitution knows, no President can spend a dime that has not first been authorized and appropriated by the Congress of the United States.

During the past fiscal year, it cost the American taxpayers $286,022,000,000 just to pay the interest on spending approved by Congress—over and above what the Federal Government collected in taxes and other income. Averaged out, this amounts to $5.5 billion every week, or $785 million every day.

On a per capita basis, every man, woman and child owes $15,263.06—thanks to the big spenders in Congress for the past half century. Paying the interest on this massive debt, averaged out, amounts to $1,127.85 per year for each man, woman, and child in America—or, to look at it another way, for each family of four, the tab—to pay the interest alone—comes to $4,511.40 per year.

What would America be like today if there had been a Congress that had the courage and the integrity to operate on a balanced budget?

FATHER BYRON'S RETIREMENT

Mr. HARKIN. Mr. President, I rise today to recognize the retirement of Father William J. Byron, S.J., from his post as president of the Catholic University of America. Father Byron made many outstanding and memorable contributions to his church, his school and his country. As a graduate of Catholic University, I take special pride in paying tribute to the accomplishments of Father Byron.

Father Byron's passion for learning as a student paved the way for his enthusiasm as a teacher and an administrator. A native of Philadelphia, Father Byron attended St. Joseph's College before joining the Jesuit Order in 1950. He then earned degrees in philosophy and economics from St. Louis University, two theology degrees from Woodstock, a doctorate in economics from the University of Maryland, and a certificate from the Institute of Educational Management at Harvard. Father Byron has also written four books and several articles on education, social, ethics and economic issues.

As a renaissance man, Father Byron understands the need for education of many kinds. During his 10 years at Catholic University, Father Byron has raised the money for and overseen the construction and running of new facilities for diverse programs studying everything from law and music to science and architecture. In addition, Father Byron has helped students outside the classroom by building new athletic facilities and a new set of residence halls that will house 600 students.

Father Byron is legendary not only at Catholic but well beyond for his hard work and great concern for students and education. He has received dozens of awards and honors including being chosen as one of the "most effective" U.S. college presidents in a survey of peers. Father Byron is so respected by the Catholic Church that, in 1989, Pope John Paul II chose him as one of 17 United States delegates to consult with the Vatican on Catholic education. At the Vatican, Father Byron played a major role in revising the Ex Corde Ecclesiae, the document that guides all religious instruction in Catholic colleges.

Father Byron was a proud member of the Army's 508th Parachute Infantry for 2 years. We are all thankful for his military service; however, Father Byron's greatest service to the United States has been his continuous dedication to education. Father Byron knows that education is vital to our Nation's future and that our economic growth depends on investing in our human resources to make our people the healthiest, most productive, and smartest work force in the world. That requires making investments in education one of our top priorities, as Father Byron has.

Now that he is retiring, I hope Father Byron will take the rest he deserves. But knowing him, I am sure he will continue to be active in the education and church communities. Today, I urge you to join me in wishing the best on his retirement to a man who has meant so much to so many and will be sorely missed.

FATHER WILLIAM BYRON, THE OUTSTANDING PRESIDENT OF CATHOLIC UNIVERSITY

Mr. KENNEDY. Mr. President, I want to take this opportunity to recognize an outstanding leader in higher education, a person who has worked tirelessly over the past decade to improve the education of America's youth. After 10 years of distinguished service and leadership, Father William Byron will be retiring from the presidency of Catholic University. As Father Byron leaves his office, he begins a new phase of his life, one that will surely be dedicated to the issues he has addressed so effectively in recent years—community service, social ethics, drug abuse and education.

Father Byron was born and raised in Pittsburgh. He served in the Army's 508th Parachute Infantry during World War II. After the war, he attended St. Joseph's College for 3 years before joining the Jesuit Order in 1950. He holds degrees in philosophy, economics, and theology, as well as a doctorate in economics. A preeminent teacher, he has also served as a dean at Loyola University of New Orleans and president of the University of Scranton.

Father Byron became president of Catholic University in 1982 and presided over a period of extraordinary growth and achievement. During his tenure, Catholic University completed $51 million in construction projects. These projects have included a $8.5 million 40-acre athletic complex, a $14 million science center, a $14.5 million student housing complex, and a $3 million library renovation. As Father Byron leaves this spring, Catholic University will be breaking ground on a new $30 million law center, a crowning achievement to his spectacular career as president.

The presidency of Father Byron is not just a chronology of impressive achievements. It is also a record of commitment to the ideals of American higher education. As one of the most respected members of the Nation's academic community, he has been a voice of conscience, urging America to act on a wide range of social issues such as community service, access to student aid through direct loan programs, and recruiting businesses in the fight against drug abuse.

In 1924, G.K. Chesterton wrote "education is simply the soul of a society as it passes from one generation to another." I commend Father Byron for the extraordinary distinction with which he has preserved and enhanced the soul of Catholic University. He passes it onto a new generation renewed and reinvigorated.

A TRIBUTE TO MARY PERRY

Mr. ROCKEFELLER. Mr. President, it is with great respect and honor that I rise today to pay tribute to a fine West Virginian and a great friend of mine, Mary Constance Marra Perry. Mary, a native of Harrison County, WV, passed away on March 31, 1992, at the age of 77.

Mary served the State of West Virginia in a variety of capacities and was especially active in the political sector. Her career in Democratic politics began before she was of voting age, at the election polls, where she served many times. Mary worked tirelessly on campaigns and I am a witness to her determined efforts in Monongalia County. Other jobs she held in the State were as city clerk, treasurer for the town of Star City, member of the Star City Fire Department Auxiliary, member of the U.S. Postal Clerk's Auxiliary and manager of the Star City Liquor Store.

Mary was also actively involved in senior citizen activities to which she devoted much of her later life. She served on the Commission on Aging in Fairmont, WV, for a number of years. In addition, she was on the Monongalia County Senior Center board of directors, the Monongalia County executive and chief planning committees, and a member of the nutrition committee at the Monongalia County Senior Center. For 4 years, she was a member of the West Virginia silver haired legislature.

Mary was a loving mother and a dedicated wife. She truly inspired all who knew her. Her contributions to her community and her State will be evident for years to come.

Mr. President, Mary Perry will indeed be missed for her uncountable services to the State of West Virginia. Please join me in paying final respects to Mary Constance Marra Perry, an admirable American.

TRIBUTE TO FATHER WILLIAM J. BYRON

Ms. MIKULSKI. Mr. President, I am honored to pay tribute today to Father William J. Byron, president of the Catholic University of America. After a decade of exemplary service as president of the university, Father Byron is retiring on July 31, 1992. The university will certainly miss this paragon of excellence in higher education.

It is said that one's peers are the best judges of one's accomplishments. In 1986, Father Byron's peers recognized him as one of the most effective U.S. college presidents. And this for good reason. Under Father Byron's presidency, Catholic University has completed millions of dollars worth of new and renovational projects, has received over $6 million for academic programs from American Cardinals Dinners, and has seen a threefold increase in endowments. The projects and academic programs made possible by these funds have helped advance the reputation of Catholic University to new heights of respect and achievement in the academic community.

Father Byron has also been honored for his excellence in education by the Council for Advancement and Support of Education, awarding him the President and the Public Award both in 1988 and 1990. Washingtonian magazine named him "Washingtonian of the Year" in 1988.

Continuously demonstrating his commitment to advocacy and to improving higher education throughout our Nation, Father Byron is no stranger to the legislative process. He has appeared before congressional leaders in behalf of numerous educational organizations, working to protect the safety of university students, find innovative and successful means of helping students finance their education, increase national and community service, and to ensure that educational resources receive adequate funding. In this capacity, he has served as an active and effective member of the National Association of Independent Colleges and Universities, an association known for its direct involvement in the policymaking process.

Father Byron was also chosen by the President to serve on the Commission on National and Community Service, which was established by my National Service Act. Through the Commission, my bill starts to bring back the belief that helping others is part of being an American citizen. It uses extremely dedicated and talented people, like Father Byron, and modest Federal resources to identify qualified proposals from our States, cities, and towns. And it uses those human and financial resources to help those who practice self-help. It is based on values of believing in excellence, hard work and tough love to get the most out of Americans, regardless of their backgrounds. Father Byron shares those basic values, and knows how to bring out the best in people who often get overlooked. I am very proud to have him on the Commission, and to know that his hard work will continue to improve the lives of students and thousands of other Americans.

In addition to his service on the Commission, to his community and at the university, Father Byron has authored several books outlining those views and strategies presented in his congressional testimony. It is through these works that he may further deliver his message of the need to continually reform and improve the educational process and encourage community service for the good of our Nation.

Clearly, Father Byron has left his mark on the future course of higher education. He has done this with unprecedented leadership and commitment, and he should serve as a model to all.

A TRIBUTE TO THE REVEREND WILLIAM J. BYRON, S.J.

Mr. DECONCINI. Mr. President, Father William J. Byron will retire later this year as president of the Catholic University of America [CUA]. He is a dear friend, and I deeply appreciate the invaluable guidance and counsel he has given me over the years.

When Father Byron leaves CUA after a decade of exceptional service as its president, he will leave behind a record of accomplishment which will be very difficult to equal. Six years ago Father Byron was chosen one of the most effective college presidents in the country in a survey of his peers. It is an honor richly deserved.

Under Father Byron's tenure, endowments to Catholic University have more than tripled. Under his leadership, the University has acquired a high-tech science center, a state-of-the-art athletic facility, a complex of eight new residential halls, and a center for architectural studies. As one of his last major acts as president, Father Byron will preside over the groundbreaking of a new school of law on the CUA campus. Whenever he is asked about his accomplishments, Father Byron graciously distributes the credit to others. New construction, additions to the endowment, he says, "are always the work of no one person."

Father Byron has had a tremendous impact on shaping public policy for two constituencies for whom he has worked tirelessly—students and the hungry poor of the world. As board chairman of Bread for the World, he has delivered eloquent testimony before both Houses of Congress on behalf of the Child Survival Fund. That testimony helped win initial approval of the fund, which today fights hunger in our Third World countries.

His contributions to education are enormous. As chair of the Government Relations Commission of the American Council on Education, Father Byron has fought to increase student aid. As board member of the National Association of Independent Colleges and Universities, he testified before Congress to win support for independent colleges and universities. For 6 years he served on the President's Commission of the National Collegiate Athletic Association and, in so doing, helped to reform intercollegiate athletics. In 1989, he was chosen by Pope John Paul II as one of only 17 United States delegates to consult with the Vatican on Catholic higher education. Two years ago his book "Quadrangle Considerations" was named by the Catholic Press Association as the best book in the education field.

Over the years Father Byron has been both friend and counselor to countless numbers of students. His caring and concern for young people are legendary, so it's not surprising that students he taught 25 years ago still keep in touch with the CUA president. As a college professor, as dean of Loyola University of New Orleans, as president of both the University of Scranton and CUA, Father Byron has worked on a daily basis with students from all parts of this country to help them become involved in the world around them and to develop self-confidence and self-respect. In acknowledgment of all Father Byron has done for America's youth, students a few years ago referred to him in their yearbook as their "national calling card."

On a personal note, Father Byron personifies for me what a priest or minister should be. He lives his faith in a challenging and changing world, holds dear his friends and inspires our youth. After he leaves CUA, Father Byron will return to his roots to once again resume the duties of a parish priest. My wife Susan and I treasure his friendship and wish him well in his new life.

HONORING LAWRENCE WELK: A DISTINGUISHED NORTH DAKOTAN

Mr. CONRAD. Mr. President, I would like to take this opportunity to honor Lawrence Welk, one of North Dakota's favorite sons. He was America's king of champagne music, and 89 when he passed away Sunday.

Lawrence Welk grew up in Strasburg, ND. Strasburg is a farm town, located about 60 miles south of our State capital, Bismarck. Welk grew up on a farm. He paid $15 for his first accordion, money he had raised selling gopher tails. At the age of 17 he borrowed

$400 from his dad to buy a fancier accordion. He had promised to stay on the farm till he was 21 to get the loan, and he kept his end of the deal.

After leaving the farm, Lawrence Welk began his music career in Yankton, SD, where his orchestra was the studio band for WNAX radio. He went on to play the dance hall circuit in the Dakotas and Minnesota, got his first big break in the William Penn Hotel in Pittsburgh, and went on from there to longer engagements in the hotels and theaters in our Nation's larger cities. He made his first television appearance on KTLA in Los Angeles, and made his network debut only 2 years later on ABC.

The maestro with the bubble machine spent 16 "wonnerful" years with ABC. The people who watched Lawrence Welk week in and week out were cut from the same cloth as the good people Welk grew up surrounded by in Strasburg, ND. They were good people, hard-working people, people with the strong sense of values one finds in our Nation's heartland. He once said that the secret to his success was simple, saying, "I play dance music and I am nice to people."

Lawrence Welk never forgot about his North Dakota roots and North Dakota never forgot Lawrence Welk. He received an honorary degree of music from North Dakota State University, was hailed as North Dakota's "Ambassador at large," and has a portrait in the State capitol's Roughrider Hall of Fame. He was even made an honorary member of the Standing Rock Sioux Tribe, hailed as "Chief Good Voice."

Lawrence Welk is survived by his wonderful wife Fern, 3 children, 10 grandchildren, and 1 great-granddaughter. All of North Dakota extends great sympathy to the Welk Family on their loss.

Lawrence Welk was a good man, a boy from a farm who took his dream all the way into the homes of millions of Americans. He will be missed dearly by many.

YUGOSLAVIA SANCTIONS BILL

Mr. DOLE. Mr. President, yesterday the Foreign Minister of Bosnia-Hercegovina contacted my office to inform me of the latest tragic developments in that besieged country: over 5,000 women and children in a refugee convoy destined for Croatia are being held hostage by Serb forces who only yesterday promised them safe passage, this has also been reported by CNN; deaths from starvation in one of the Sarajevo suburbs, which has been cut off from food supplies and which no longer has running water or electricity; the bombing of the town of Tuzla, with a population of 80,000; it is the site of a major chemical plant that produces plastics, a plant which if bombed by the former Yugoslav Army could create a major ecological disaster.

All this occurred in only 24 hours. Despite our recent experience with the Kurdish situation, it is almost impossible to comprehend human suffering on such a scale, taking place in the center of Europe.

As a result of the war waged by the hardline Serbian Government in Belgrade, there are 1.5 million refugees in the center of Europe; there are tens of thousands of starving people in the center of Europe; there are thousands of civilians wounded and killed in the center of Europe; there are Red Cross convoys being targeted and attacked in the center of Europe.

But, Mr. President, from the dismal response of the world community you would think that this tragedy was unfolding on another planet.

Yesterday's New York Times reported on a news conference held by the Foreign Minister of Bosnia-Hercegovina to appeal for help, in particular he requested escorted humanitarian aid. He also said that the world's inaction was a "disgrace for humanity."

Mr. President, the Foreign Minister is right. This is a disgrace for humanity. The world came to the aid of the Kurds only months ago, yet it is standing idly by as people are dying from hunger in Bosnia-Hercegovina.

Indeed it is difficult to understand why the United States is also on the sidelines. Certainly the cases that have been made for caution have some merit and should be taken into account. However, in my view, these considerations are outweighed by the fact that the people of Bosnia-Hercegovina are being slaughtered before our very ones. Moreover, does not the United States have a vital interest in stability and peace in Central Europe? And isn't the stability of the entire region, not just Bosnia and Croatia, threatened by the reckless aggression of this Serbian regime?

In my view the answer to these questions is "yes." And, I am convinced that the majority of my colleagues in the Senate hold the same view. For some time now, the Senate has been at the forefront, calling for the end of martial law in Kosova; for an end to the war against Croatia, and now, for an end to the merciless slaughter of the innocent people of Bosnia-Hercegovina.

The Senate has not stopped at statements; it has led policy in the direction of concrete actions to deal with the bloodthirsty madman who brought us these tragedies in Bosnia, Croatia, and Kosova, Serbian President Milosevic.

Yesterday, the Senate Foreign Relations Committee unanimously passed a sanctions bill against Serbia and Montenegro, who have proclaimed themselves to be a new Yugoslavia. These sanctions would only be lifted if Serbia ceases its aggression against Bosnia-Hercegovina and Croatia; ceases its occupation of Bosnia and Croatia; recognizes as international borders the borders of Croatia, Bosnia, and Macedonia, and ceases its abuse of human rights.

Among other things, the bill bans U.S. assistance to Serbia, whether grants, loans, credits, guarantees, or insurance; it suspends all air travel; and it requires the President to order U.S. representatives at multilateral financial institutions, such as the World Bank and International Monetary Fund, to vote against any loan or funds to Serbia and Montenegro.

Mr. President, it is high time that the Senate pass such a bill. The distinguished Senator from New York, Senator D'AMATO, introduced S. 1793, a sanctions bill against Serbia which I cosponsored, last fall, the bill which is the basis for the Foreign Relations Committee bill before us now.

The situation is so much worse now then it was in the fall. So, in view of the urgency of the situation in Bosnia-Hercegovina, I would urge my colleagues to support this bill.

NEW NATIONAL CHALLENGES

Mr. DOMENICI. Mr. President, let me refer to a visit to the State of New Mexico recently by Governor Clinton, currently the front-runner for the Democratic nomination for President.

In my home State he said the following: "We are reducing defense without any thought to what happens to the factory workers, the scientists, the engineers, and the people who won the cold war."

This, I assume, was a direct criticism of President Bush, and it was delivered by Governor Clinton during his speech seeking support from New Mexicans, many of whom work for the National Laboratories, Los Alamos, Sandia, and an Air Force laboratory called Phillips Laboratory. It really is too bad that Governor Clinton did not have time to visit New Mexico's Department of Energy laboratories or even the Department of Defense laboratory called the Phillips Laboratory in New Mexico. If he had, he might have understood better that the laboratories in New Mexico are quickly shifting to address new national challenges. And we are doing that in the Department of Energy with the full concurrence of the Department of Defense in doing that.

Instead, the very typical rhetoric calling for a defense conversion plan was iterated. We hear this all the time from those on the other side of the aisle. Predictably and predominantly at every turn there are proposals by the Democratic leadership to cut more out of defense than proposed by the President. The proposals are for immediate, larger defense cuts than the President of the United States asks for, cuts that I might say would not only quickly displace tens, if not hundreds, of thousands of defense workers, scientists, engineers, and servicemen, but at the same time would put us at risk when there is no need to take the risk.

So it seems to me that the first thing we should say to our visitor from Arkansas, who visited New Mexico recently, is the best lesson is that there can be no conversion if our defense assets have been eliminated. So you cannot convert a national laboratory and its great scientists if you put that laboratory on a draconian reduction path because you propose to cut defense much more, much more rapidly, less orderly than the President of the United States.

It seems to me that the President has put forth a responsible plan for an orderly, managed build down of our defense establishment and thus gives us time in our national laboratories to continue a conversion to peaceful purposes which, incidentally, is already taking place.

In short, the draconian defense-cutting measures proposed by most Democratic leaders would make these problems worse and would make conversion impossible. While this rhetoric is taking place, the criticism of the President with respect to conversion is rampant. The truth of the matter is that we are already moving to take advantage and capitalize on the opportunities provided by a changing world for these very flexible scientific-laden laboratories in New Mexico and across the country.

A prime example is the President's national technology initiative. This is providing U.S. industry direct access to the previously guarded research conducted at our defense laboratories. Our laboratories, such as Sandia and Los Alamos, provided hundreds of millions of dollars worth of nondefense research every year in very diverse fields, and the private sector is finding the laboratories more user friendly in areas of advanced manufacturing technologies, environmentally conscious manufacturing, energy supply and efficiency, transportation, environmental restoration, waste minimization, health care, and a myriad of other areas of scientific and technology expertise.

These laboratories are already aiding the United States economic competitiveness by supporting and expanding our national scientific and technical base. In fact, we are well along in the process of developing new missions and new roles more consistent with the realities of today's world.

A recent good example, little known here and perhaps unknown to our visitor from Arkansas, was a $250 million advanced battery consortium that has teamed Sandia Laboratories with Ford, Chrysler, and General Motors to pursue the next generation of batteries for electric cars. This venture between the industries and the laboratories is just an example of the kind of partnership already developing, well on its way, as we move along in making the laboratories more user friendly.

These kinds of partnerships maximize the Federal investment and its impact made through the national laboratories on our technical competencies as a nation.

In summary, I believe the best way to provide for conversion of our scientific laboratories is an orderly build down of our defense, not one that says let us cut it dramatically and let us commit to converting those scientists to doing something else, for once you cut drastically, you eliminate, and conversion is impossible.

Now having said this, let me suggest there are a couple of other areas that in due course I will share with New Mexicans that our visiting Governor talked about with reference to economics. Suffice it to say that it is very easy to debunk the myth that the 1990's did not leave us any better off than the previous decade. Not true.

In due course, we will go through a list of these facts for New Mexicans so that they will know the reality of the decade of the eighties in terms of prosperity, jobs, growth in opportunity, and yes, growth in the American economy. Suffice it to say that the decade of the eighties saw growth in the American economy which added 19 million jobs and a gross national product addition exceeding $1 trillion.

For those who wonder whether that is an important addition to the lifestyle and marketplace of opportunity and jobs, let me just suggest that it equals the economy of West Germany at that point in time in GNP size and almost equals the total number of jobs therein. Not bad as an add-on to America's gross national product.

I yield the floor.

CRIME IN THE NATION'S CAPITAL

Mr. PRESSLER. Mr. President, violent crime in the District of Columbia is out of control. For years, my friends, staff people, and constituents have had to endure the occasional mugging or burglary that too often accompanies life in the big city. But recent developments and trends are far more ominous.

When a colleague's staff person is murdered on a city street on his way to a neighborhood store, when a colleague's wife is dragged from the steps of her home during a life threatening assault, and when a colleague is caught in drug dealers' crossfire, the need for action is clear. The thugs of this city are no longer preying upon each other. They are taking the lives of those who care about life and are making the capital of the free world a place our fellow citizens often choose to avoid visiting.

I support Federal action to aid District residents in battling crime. In the past few days, I have written letters to several of my colleagues requesting a modest appropriation of $25,000 for the Metro Orange Coalition. Now, $25,000 may sound like a paltry amount for cleaning up crime in the District, but in the right hands, that modest assistance could work miracles. The biblical example of feeding the multitudes with five loaves and fishes comes to mind here.

The Metro Orange Coalition is an umbrella organization for citizen volunteers working in their neighborhoods to eradicate crime and make their streets safe. The coalition organizes neighborhood residents into orange hat patrols, so-called because of the clothing they wear to make sure they are noticed while doing their work. The presence of these citizens out on the streets, observing who is there, jotting down license plate numbers, and video taping suspicious activity, effectively deters participants in the criminal drug trade from operating in their neighborhoods.

According to information supplied by Mr. James Foreman, the coordinator of the Metro Orange Coalition, approximately 100 patrols are operating in the Washington Metropolitan Area. To date, they have not sought funding from any level of government. Instead, they have relied on the contributions of their own members and the good will of a few small businesses. The organizers felt that it was important for the neighborhood residents to provide the necessary investment to establish the patrols. It was felt, and rightly so I believe, that if the neighborhood residents gave of their own resources, they would feel they had a larger stake in the organization and a greater commitment to making sure it worked.

Now that the orange hat patrols are established as extensively as they are, a need has developed for modest assistance. Funding is needed to supply the trademark orange clothing—caps, jackets, T-shirts—walkie talkies, binoculars, video cameras, and office equipment required to carry out the coalition's mission.

A modest Federal appropriation of $25,000 to this program would be a prudent investment in making the nation's capital a safer place to live in and visit. On the Federal scale of appropriations, this certainly is not a lot of money. However, it probably would accomplish more than programs on which we currently spend millions.

Mr. President, I ask unanimous consent that articles on the Orange Hat Patrols appearing in the Christian Science Monitor, the Washington Times, and the Washington Post be printed in the RECORD following my remarks.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the Washington Post, May 14, 1992]

ANTI-CRIME GROUP PUSHED

A Republican senator from South Dakota has asked the Senate Appropriations Committee to provide $25,000 for the District's "Orange Hat" patrol, an informal network of residents who monitor their neighborhoods for crime.

Sen. Larry Pressler, a 21-year resident of Capitol Hill, said in a news release, "These volunteer patrols helped to reduce crime in area neighborhoods that are hit particularly hard by illegal drug activity and street crime. . . . I am as concerned as any other District resident that government take the steps necessary to make the nation's capital a safer place to live, work and visit."

Pressler noted that the sum of money was small by federal standards but that it would help pay for simple equipment.

"Orange Hat patrols work," he said. "They deserve federal support."

Pressler said in an interview that he had not experienced any problems in his neighborhood, but was aware of the violent crime that has occurred in the historic neighborhood bordering the Capitol.

He said there is no similar anti-crime group in his home state.

"People still leave keys in their cars," he said. "They may leave their houses unlocked."

[From the Washington Times, Apr. 13, 1992]

DONNING MORE HATS

(By Brian Reilly)

They started out only a few years ago, patrolling the streets to rid their neighborhoods of violent crime and open-air drug markets.

Buoyed by their many successes, the Orange Hat citizens' patrols now have their sights set on loftier goals.

"What is happening in the movement right now is the patrol," said James Foreman, coordinator of the Metro Orange Coalition. "But it can expand to a beautification project and tutorial programs in which individual groups can adopt schools. . . . The idea is to get people totally involved."

Many civilian patrols already have begun doing just that, adopting schools, pushing for after-school care and nighttime sporting events, serving as mentors to troubled youths and prodding city regulatory agencies into closing rowdy bars and liquor stores that are lax in enforcing loitering and drinking laws.

The Orange Hats embody what one expert calls the modern-day "communitarian."

"The trick is not to stop crime but to build up the community. The more isolated we become the more crime takes over our neighborhood," said Jack Calhoun, executive director of the National Crime Prevention Council.

"We've got to galvanize the institutions that make communities function," he added, "making them double their impact; opening schools late, cleaning up parks, closing troublesome bars, developing recreation and community centers."

Mr. Foreman's coalition unites more than 200 patrols and nearly 14,000 members in the D.C. area. He said there is no shortage of residents eager to volunteer their time.

"Now they can do whatever they want—they know they have great strength and power," he said. "One of the biggest problems now is keeping up with them.

When we clean a neighborhood up, we need the city to come in and create a climate for the kids to come out, . . . but right now the kids have nowhere to go but stand on the street corners."

Law enforcement authorities laud those efforts and the benefits of the civilian support.

The coalitions now work closely with several government agencies:

The Department of Public Works is boarding up vacant buildings reported by the group, as well as repairing and adding street lights.

The Department of Public and Assisted Housing evicts people who use their residences for drug activity.

The Department of Consumer and Regulatory Affairs revokes the licenses of businesses using their premises for drug transactions.

"The neighborhood structures that fell apart after the 1960s riots are returning," said Deputy Chief Joyce Leland, head of the police community relations division.

The assertion of community control has not come without help from police, who have provided assistance and protection since Anacostia's Fairlawn Coalition was formed in early 1989—the city's first Orange Hat, anti-crime patrol.

Officials say the patrols also have helped police and made communities safer—without a cent of government assistance.

"I don't give a damn if crime statistics are improved or not, it is the unmeasured qualities such as pulling neighbors together and bringing back civic pride that make these patrols invaluable," said Capt. Claude J. Beheler, once an officer in the 7th District who was instrumental in forming the first patrols.

"This is something that costs nothing. It was just people getting together and participating with police," said Capt. Beheler, now the commander of the department's Traffic Enforcement Branch. "It's amazing how something so penniless, costwise, can grow to be something so big."

But most experts and residents agree that to take the next step the patrols must develop more cooperation with the government. Though the number of citywide patrols has more than tripled every year since the Fairlawn group was formed, they believe the next step is more costly.

If the city kept recreation centers and schools open, the residents said they'll pack them with volunteers willing to start athletic or tutoring programs.

But while they wait for that support, they continue to effectively do what they set out to do: keep the streets clean and clear.

"We don't see too much of anything now and that's good," said James Alexander, 80, standing at 17th and R streets SE. "This is one neighborhood they're not coming back into."

[From the Christian Science Monitor, Jan. 25, 1991]

CITIZEN PATROLS CLEAN UP D.C. NEIGHBORHOODS

(By Clara Germani)

WASHINGTON.—What would you do if drug dealers started hanging out in your driveway, or next-door? If their phalanx of errand boys, hard-core addicts, and drive-by business brought a racket and an uncertainty to your evening hours, what would you do?

There's one hitch: Calling the police is no use because the little street-corner dealer is an all-to-common problem that police admit they cannot keep up with.

Two years ago, faced with those questions, Ed Johnson and a group of 35 neighbors from the black, middle-class Fairlawn area took matters into their own hands. Their neighborhood watch program was just that: watching the problem, says Mr. Johnson.

So Johnson and his neighbors, wearing hard-to-miss orange hats, filed out to a street corner knotted with drug activity.

Armed with a video camera that Johnson aimed at the group and clipboards for writing down license numbers of drive-by clients, the neighbors mingled for two nights among the dealers.

"What in the world are all you old church people doing here?" he remembers someone asking.

On the third night, the puzzled dealers had moved a block away. So the Fairlawn Coalition split up, some occupying the original corner, others moving to the new site.

Within weeks, the group had so interrupted business for the dealers that they left the area altogether. Another 12 drug-dealing locations were rooted out the same way during the following year, and now the 18-square-block area is "crystal clear," says Johnson.

Thus was born a concept that to date has swept hundreds of angry citizens into neighborhood patrols under the umbrella title of the Metro Orange Coalition. It is considered by police and anti-drug officials to be one of the city's most successful ways of dealing with its drug crisis.

Not a single act of violence has been reported against a patroller in two years, Johnson says.

"We're not on the street to confront or do battle. We don't go out to pick a fight, but to disrupt. Our main goal is [to scare away] the customer" by being a lawful presence, explains James F. Foreman, coordinator of the Metro Orange Coalition, the umbrella group that has grown to more than 100 separate neighborhood coalitions.

Mr. Foreman, who has trained dozens of new patrols, says that the program not only chases crime away but builds old-fashioned neighborhood values. Often because neighbors scurried inside to keep out of the drug environment, they never met and talked. Now they spend several hours in the evening together on the street.

Many "orange hats" interviewed on bitter-cold evening patrols report seeing visible changes within days of their activities. One woman, who called herself "Queen Fireball," the CB radio handle she uses over patrol radios, says that when she sees cars pull up to drug-dealing locations and do immediate U-turns, she feels her presence is having an impact.

A universal sentiment among patrollers is that the police can't keep up with the drug problem.

"Evidently, the police are not going to be the answer or [this city's thick activity of drug dealing] would not have gotten to be like that," observes Johnson. But he is quick to add that while "before, you saw police ride up and down all day and never look your way unless there was some incident," the patrol groups have commanded the attention of police, who now help organize and train new patrols.

The Metropolitan Police Department acknowledges not being able to keep up with the drug problem. It has responded with plans to operate under the new concept of Community Empowerment Policing (CEP). The concept arose in tandem with the success of the "orange hats." It is aimed at returning officers to foot patrols where they get to know citizens, to increase police accountability to each neighborhood, and to begin to sort through neighborhood problems by referring them to the correct city agency.

Police Capt. Gayle Stewart, who spoke recently to Johnson's patrol group, says "regardless of what the crime statistics say, law enforcement has failed to stop crime since its inception." But, she adds, citizens can be the "eyes and ears" of the police department "because the community can put 50 people out on the street and the police can't."

While police officials began the pilot CEP program last July, it has not been implemented across the board yet and does not enjoy widespread support among oldline policemen who see it as a "touchy-feely" approach. They favor a tough, law-and-order approach, says a source close to police department leadership.

While the police department may take time to embrace its side of the new citizen-policing philosophy, so too will it take time to catch on in the roughest, most poverty-striken areas, where drugs proliferate. There are special problems that have made the orange hat concept difficult to sell there.

Fear of retaliation from entrenched drug dealers is one, says a police lieutenant who deals with housing projects in the Southeast section of town. For example, he recalls a witness to a drug-related murder who was so upset that neighbors saw police at her appartment that she refused to cooperate with them unless they took her away publicly in handcuffs. She wanted no one to think she was going against her drug-dealing neighbors.

At Barnaby Manor, a federally subsidized housing complex, an orange hat patrol faltered at first for several reasons. Members felt one participant's family was so involved in drugs that she continually foiled the group's activities, says a resident who asked not to be identified.

Another problem for that group, which consisted solely of single mothers, was the issue of child care, explains Catherine Williams, a Barnaby Manor resident. "If you worked eight hours a day and you get home and have to walk from 7 to 9 [on patrol]" and still take care of the children, interest in patrols wanes, she says.

Crime and violence was so bad at Barnaby Manor that employees would refuse to go back there, explains Marcy Marine, owner and president of Promaco, which manages the building. She says she recognized that "there's not enough money in the world to make this just a police issue."

So in an effort to salvage the complex, Ms. Marine has attempted to reorganize the patrol group by getting rid of the tenant with drug connections, offering the money necessary to buy hats and CB radios, and helping to organize a parent-support group.

In some places like the Montana Terrace public housing complex, notorious because it is where former University of Maryland basketball player Len Bias bought the cocaine that killed him, there is scant hope that patrols could ever find support.

Elizabeth Richmond, who has lived there 23 years, says there is too much fear in the complex to get a group started. But, as the sort of grande dame of the complex, she has shown that the spirit of the orange hats can work.

She is well known there for turning in drug users and dealers to the police.

"They used to threaten me and I'd say, 'Go ahead and do it quick. I'm not worried about it because I'm going home to God.'" Now she says she has gained their respect because when she walks the plazas of the complex she can hear the whispered warning, "Here comes Mrs. Richmond."

HEALTH CARE REFORM

Mr. GRAMM. Mr. President, I want to share with my colleagues three outstanding articles written by Jerald R. Schenken, M.D., of Omaha, NE. As a member of the Board of Trustees of the American Medical Association, Dr. Schenken has a great deal of practical experience in medicine and understands how our health care delivery system works. He is a physician who also understands economics, and I am sure that my colleagues will agree that these articles make plain, good sense.

Dr. Schenken long has been active in the AMA as well as the College of American Pathologists. In 1980, he served as vice chairman of the Committee on Health Care and Service of the White House Conference on Aging and also has served on the Office of Technology Assessment Advisory Committee on Physician Reimbursement. Dr. Schenken is currently clinical professor of pathology at the University of Nebraska College of Medicine and Creighton University School of Medicine. Dr. Schenken has contributed to several respected journals, including the Nebraska Medical Journal, Cancer, the Journal of the American Medical Association, Human Pathology, Archives of Surgery, and the Internist.

I commend Jerry Schenken's clear thinking to my colleagues as the health care debate continues on this floor and throughout the country.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

HEALTH CARE REFORM: BUILD ON OUR STRENGTHS

(By Jerry Schenken, M.D.)

Optimists look at a glass 4/5ths full while pessimists look at it 1/5th empty. This standard seems to dominate current discussions of health care reform. In our rush to deal with problems of access and cost, we sometimes tend to overlook those parts of our system which have contributed to what is clearly the best quality health care in the world. When we discuss change for the future (and change we must), we need to listen carefully to the creed given to all young physicians, i.e. no primum nocere: first do no harm. It therefore follows that we need to know those aspects of our current system which are valuable and of high quality so we can assure that any proposal for reform tends to build on our strengths and fill in the gaps rather than convulsing our system and gambling that the new system which evolves will be better.

Medical Education—America has the finest medical schools in the world. Nowhere do all physicians, students, and those in practice, receive a lifetime access to the best, most up-to-date medical information available as they do here. Worldwide, potential students look to America as the premiere source of medical education just as the world looked to Austria and Germany in the early 1900's.

Facilities and Personnel—Americans have access to the most extensive supply of hospitals, diagnostic facilities, new technology, and well trained medical personnel. Although some argue that there may be an oversupply, the fact is that patients are seldom denied care because services and facilities are not available.

Technology—Research and development lead to medical advancement from which we all benefit. When I first started practice in 1958, a diagnostic x-ray of the brain carried a 1-2 percent mortality. Patients actually died from diagnostic tests. Now, painless but expensive CAT scanners can give an almost science fiction-like picture of parts of the body which make treatments possible today which weren't dreamed of just several decades ago.

Insurance—Health insurance, both public and private, is currently available to about 87 percent of all Americans. The distinction between protection from an unanticipated illness (insurance) and pre-payment for services which will then be most certainly used has been blurred. Although the costs of insurance is rising rapidly, the vast majority of Americans have access to top quality care when they need it. Unfortunately, requiring coverage for additional services has contributed to lack of insurance for some low income Americans.

Choice—Most Americans choose the physician they use, the hospital they need, and ultimately make the medical care decisions that impact on them and their families. Patients can, and do, voluntarily limit these choices by signing up for a managed care plan but presumably have done so by making an informed trade-off for something they value more, perhaps cheaper premiums or perhaps access to a multi-specialty group practice.

Public focus on Health—Throughout our society, efforts to decrease smoking, increase exercise, participate in screening programs, oppose abuse of drugs and alcohol and support treatment and rehabilitation, etc., are wide spread. The public is enthralled with almost all aspects of health. Unfortunately, the individual follow-through has been less than complete; the potential for improvement, however, is great.

Nation's Health—In spite of the diversity of our population with all of its demographic, socioeconomic, and cultural problems, many measures of our nation's health are the best in the world. An American at age 70 has a better chance of living longer than a seventy-year-old anywhere else in the world. This is true of many of our age groups in spite of the fact that poverty, illegitimacy, drugs, etc.—social and economic problems—contribute to our record on infant mortality, and to the violence and drug problems that cause much of the mortality found in young Americans, especially among minorities.

There are clearly many aspects of the American health care system which are outstanding. Every effort should be made to preserve these features while we deal with those troubling parts such as rapidly increasing costs, millions of patients who are uninsured, cost shifting to employers and private payors, exclusion of patients because of preexisting illnesses, and our wasteful medical liability system.

HEALTH CARE REFORM: DIAGNOSIS OF THE PROBLEM

(By Jerry Schenken, M.D.)

I knew the instant I saw the CAT scan that Dad's coma was caused by a lethal brain tumor. I was resolved to let him die in peace. Unfortunately, the Radiologist's report, while agreeing that his problem was brain cancer, commented that there was a very remote chance that the problem was an infection. Diagnostic surgery was recommended. I was no longer able to act as a physician and I knew it. I was a son, a relative, the one who had to make the difficult decision for my Dad who was unable to decide for himself. At that time, I didn't feel I had a choice—would you? After his surgery, two months of hospitalization, expensive and sometimes painful treatments and ultimate death from an inoperable brain tumor, I wasn't sure. Hindsight is often 20:20—foresight is not so clear.

I am not alone. Many of you have had similar difficult experiences. I present my story to bring focus on the many areas of concern and conflicts in public opinion which thus far have made consensus impossible and solution difficult.

Much of the debate over health care reform has been driven by anxiety and fear: fear of loosing job related health insurance, fear that health insurance costs will destroy corporate profits, fear that expensive premiums will drive small business out-of-business, fear of a catastrophic illness and anxiety over illness of any kind by those who have no insurance.

This is how I see it.

Costs.—This nation spends about 12 percent of the GDP on Health Care. Most Americans feel they have access to quality care. Unfortunately, costs are going up at 15 percent/year or greater, a rate which is not sustainable over a long term. Most people believe some change is required.

3rd Party Payors.—Most medical care is insured, either in the private sector or by a government program. While this has been essential to make care available and affordable, it has removed both patient and physician from direct contact with cost sensitivity at the time services are provided.

Uninsured.—Two thirds of those uninsured are employed, full-time or part-time. They generally get acute care, paid for by cost-shifting to employers and/or private payors. Some tend to put off routine physician visits. In addition, there may well be a group of Americans who are functionally uninsurable because of drug dependency, psychiatric conditions, alien status, felons, etc. However we look at it, we have a significant problem.

Insurance.—Health insurance protects the public from the costs of unforeseen illnesses. Unfortunately, many patients use insurance policies as pre-payment, causing services some of which are not necessarily a great value to be increased. In addition, setting premiums based on the experience contributes to the problem of people with identified illness being excluded from coverage at their time of need. Add to this mandates by states for specific coverage which raise premiums and we find that many small business and self employed individuals can't pay for coverage even though they could afford current "group" rates.

Life Styles.—Fully one third of health care costs are closely related to unhealthy life styles, choices made by people which increase their health care costs. Much of the cost is paid for by the rest of us. Alcoholism, smoking, drug abuse, lack of exercise, obesity, violence, crime, lack of safety belts, etc., are all problems which can be addressed by individuals and free up billions of dollars for needed care.

Technology.—The explosion of medical miracles, such as CAT scans, transplantation, artificial body parts, etc., are a direct response to advances in medical technology. Unfortunately, the capacity to provide costly care, even when the chance of cure is slight, has far out-stripped society's and the individual's ability to deal with the choices and challenges they face—Who wants to deny a friend or relative a 10 to 1 chance? 100 to 1? 10,000 to 1?? These are the moral and ethical challenges that we all must face before our ability to provide care to the few which are hopeless prevents us from providing basic care and thus hope to the many.

Aging.—The American public is aging, in part because of the success of our health care system. While such measures of health as infant mortality show us in a poor light, everyone agrees that most of its causes are socioeconomic—proverty, teenage pregnancy, drug abuse, etc.—and not lack of health care. At the other end of the spectrum, we find that the cost of care goes up directly with the patient's age. In fact, it costs over four times as much to care for a person over 65 as it does for one below that age. The success of our medical system in curing disease and prolonging life has the unintended consequence of leading to serious cost and access problems.

Expectations.—Public and professional expectations are sky-rocketing, in part because of our medical success and in part because of public exposure to medical miracles through personal experiences and through television and the print media. We all tend to expect cure, even when the odds are very long.

Taxes.—Taxes are known to influence behavior. Employer provided health insurance is a non-taxable benefit to the employee, a strong incentive to increase coverage, to insure more non-medical benefits, and to promote utilization, whether necessary or not. Failure to allow similar tax treatment for out-of-pocket expenses and premiums paid by individuals (within certain limits) has impaired innovative benefit design which would reward individuals for prudent choices and has made the net cost of those premiums prohibitively expensive.

Federal Deficits and Debt.—The Federal government has been financing current services to Americans in a way prohibited in most states, by assuming debt to be paid in-perpetuity by taxes on future generations. The average medicare recipient currently receives a $44,000 lifetime subsidy (in excess of premiums and taxes) only part of which is paid by federal income tax. The result is that the interest on the federal debt is now > $300 billion/year and rising, using up tax revenues which would formerly have been spent on such important functions as medical research and education, immunizations, public health, indigent care, medicaid, etc. This cannot continue.

Public Ambivalence.—Polls of public opinion show clearly that Americans like their health care, that they want it available to everyone, that they'll approve others paying more for expanded care but that they themselves wouldn't pay much more themselves by taxes or otherwise to expand services to others. Public polls revealed approval for a NHI plan paid for by a 5 percent increase in payroll tax, but only when told that the employer would "pay" 80 percent (4 percent). This response occurred in spite of the fact that employer-paid payroll taxes eventually come from employee wages foregone and, if the cost of an employee gets to be too great, employment is foregone as well.

To solve our health care "cost-quality-cost" dilemmas, we have to agree that we are dealing with everyone's problem and that everyone must participate in the solution. Issues must be discussed, in public, based on facts, without demagoguery and finger pointing, and with problems and challenges clearly understood by all concerned. There can be no villains. We can't develop a system which separates us into winners and losers. Everyone must benefit in some meaningful way.

HEALTH CARE REFORM: ROADMAP FOR CHANGE

(By Jerry Schenken, M.D.)

The goal of effective health care reform should be to build on the strengths of our current system while we fill in the gaps, recognizing the fiscal constraints of families, businesses, and tax payers. To be effective, changes must be viewed as meaningful, fair, and sensitive to the many competing agendas and conflicting interests of the parties involved. Congress and the nation learned a difficult lesson when the repeal of the recently-passed Medicare Catastrophic Health Bill was mandated by seniors who discovered that their taxes were to be raised in order to pay for the increased benefits.

This proposal outlines areas and makes suggestions for change which would appear to most Americans to be desirable, achievable, affordable, and acceptable. It represents a first step toward building consensus and dealing with one of the most important and vexing problems of the day.

Tax Treatment.—The federal tax system distorts the net effective cost of medical care. This has a profound effect on access and utilization.

Employer provided premiums are a tax free benefit to the employee; Premiums paid out-of-pocket have only partial tax deductability; Out-of-pocket expenses must be paid with after tax dollars up to 7.5% of an individual's AGI.

This disparity makes out-of-pocket payments have almost twice the effective cost of those covered by insurance, producing a substantial incentive to force many routine services into insurance packages and run up costs. Why shouldn't employees resist more out-of-pocket payments when this change doubles their cost? Equalizing the tax treatment will permit changes in benefit packages so that the deductibles and out-of-pocket payments can be eliminated or made to have the same marginal cost. Coupled with rollover provisions, insurance market reforms, and benefit design changes, uniform tax treatment holds the hope for responsible cost containment and meaningful reform.

Use or Lose it.—IRS regulations currently requires that all tax sheltered employer provided benefits be used in that year or they are lost to the employee. Shouldn't the benefits be the property of the employee? If they could be "rolled over", medical benefit plans could be designed with a high deductible, all of which was covered by a section "125-type" self-funded plan. Any left unused would revert to the employee and then could be used for the next year's premiums, for other coverage such as disability, for an IRA, etc., all at no additional cost to the employer.

Small Insurance Market.—Allowing small businesses and individuals to form groups for the purpose of obtaining health insurance at group rates is an actuarily sound method to make affordable policies to many who currently can't afford the high premiums of individual policies. Reforms of insurance regulations are needed to accomplish these goals.

Benefit Design.—Health lifestyles and early disease detection has been shown to save lives, reduce days lost from work, and save money. With proper insurance market reform, employees who meet specified health objectives, participate in medical screening, stop smoking, etc., can be rewarded with lower premiums, incentive payments, etc. Experience of many business plans strongly suggest that employees respond to reasonable preventive medicine requirements.

Mandated Benefit.—Most states dictate the types of coverage which must be covered by insurers when they sell policies in the state. This has increased the cost of insurance and, in part, stimulated the increase in ERISA-qualified employer-based self insurance coverage which are exempt from those mandates. Repeal of state mandates will level the playing field and make a basic insurance package available to most patients at an affordable cost.

Community Rating.—Experience rating, that is relating the cost of premiums to the medical cost experience of individuals and groups has created, in part, our problems with exclusions based on pre-existing illnesses, high premium costs for small business, and/or lack of portability when employees change jobs. Within certain limits, a move back toward a system where premiums in a community have limited variation among insureds can eliminate most if not all of these problems.

Uninsured.—By developing basic benefit insurance package and providing a refundable tax credit to lower income individuals and families for its purchase, we can economically enable those uninsured who are employed (about ⅔ of the total) to have access to affordable health insurance. The voucher system proposed by President Bush is a similar approach. However, there will still remain a group of people who will be difficult to insure under any circumstances. Some type of safety net proposal is needed while these situations are handled. Support of our metropolitan county hospitals is a good start. In addition, Medicaid reform with a "by-in feature" for some low income patients should also be considered.

Liability.—The current medical liability system provides little recovery for meritorious claimants and increases health care costs by forcing extensive practice of defensive medicine. Many of the numerous proposals which encourage early settlement, clarify options, limit non-economic damages, and correct other abuses deserve consideration. Vice President Quayle's Competitiveness Council has made many good recommendations. Congress should act on them.

Medicare.—Medicare should be restructured so that it is actuarily sound, follows insurance principles, introduces a reasonable stop-loss, maintains intergenerational equity, and introduces reasonable cost containment features. The country can not live with the possibility that the Medicare trust funds will be bankrupt in the early part of the 21st century.

Health Promotion.—Employers, insurers, governmental bodies, and individuals need to be encouraged to exercise, watch their weight, avoid drug abuse, participate in preventive health and screening programs, wear seat belts, avoid smoking, etc. These are all areas where everyone involved will benefit from individual participation. People have to take on-going responsibility for their good health—one day, those who don't will not be able to make the rest of us pay.

Cost Containment.—Tort reform to reduce the costs of defensive medicine, benefit design to make patients and providers more cost conscious, medical practice parameters which help physicians provide only necessary care, managed care programs, and living wills are examples of workable methods of making costs reasonable while limiting outside interference in the practice of medicine. Price fixing and political budget fixes are not the answer. Just look at the other places government has tried them.

These proposals are consistent with our goal of building on strengths and filling in the gaps. They expand opportunities and responsibilities of the private sector and do not move control of health care to a bureaucratically controlled taxpayer-financed program. We all need to exercise great care that in our drive to provide a workable system, we remember always: no primum nocere (first do no harm!)

TRIBUTE TO ROBERT SKIFF—PRESIDENT OF CHAMPLAIN COLLEGE, BURLINGTON, VT

Mr. JEFFORDS. Mr. President, it is hard to believe, at times, that Vermont is as small a state as it is. Especially in the area of higher education, Vermont's impact on the Nation has long exceeded its modest acreage.

Virtually every geographic area of the State has a first-rate institution of higher education, from the vales of Bennington, to the mountains of Marlboro, to the fields of Middlebury, to the wilds of the Kingdom to the great hillside that overlooks fair Lake Champlain at Burlington.

Champlain College once was a little brother to the more considerable institutions of the greater Burlington area. No longer. Under the leadership of Robert A. Skiff, Champlain College has grown into a nationally-recognized institution of higher education.

And as it has grown in size, excellence and importance, so too has the loveliness of its campus increased. That is no small wonder and is but one measure of the tremendous accomplishments of President Skiff's 15 years of leadership.

"If you stand still, you step backwards," is the way one long-time supporter of Champlain College recently summarized Robert Skiff's leadership. Those words were spoken by a person most familiar to the U.S. Senate, the widow of Vermont's long-time Senator George D. Aiken. Lola Aiken, a member of Champlain's board, said recently that during his presidency, Champlain College "has gone right straight up."

Dr. Skiff, a native Vermonter, has been involved in education for more than three decades, as a student, high school teacher, college instructor, dean of students, college vice president, college trustee, college president and influential official of many educational organizations.

During his presidency, Champlain has grown from 860 to 1,400 day students, from 21 to 28 academic majors, from 16 to 28 college-owned buildings.

His imaginative new programs, from computer camps to an insurance institute, have provided young people of the Nation with new learning opportunities and Vermonters with new job opportunities.

And all the while, the college has been placed on a more firm financial footing.

As Champlain has grown, it has gracefully expanded into some of the older and more lovely great homes on the Burlington hillside. And when it opted for the new, the buildings have blended gracefully into the tree-shaded streets that command that wonderous view of the great lake that gave the school its name.

So the college's thriving and successful campus lives in deep harmony with its surroundings, one of Vermont's lovely places. It is the Vermont way and it has well been exemplified by Dr. Robert Skiff in his remarkable career of leadership of his college, Champlain College.

SANCTIONS ON THE SERBIAN GOVERNMENT

Mr. MOYNIHAN. Mr. President, today the Senate voted to impose sanctions on the Government of Serbia in the hopes that these sanctions might help end the bloodshed in Bosnia-Hercegovina. Mr. President, we must act to help end this fighting. The beautiful and peaceful cities of Sarajevo, Mostar, and others, are being reduced to rubble. Many noncombatants—including women and children—are being killed. Negotiations and peacekeeping efforts to date have failed.

The Senate is aware, of course, that this conflict is complex. No ethnic group in the former State of Yugoslavia has escaped unscathed. And the people of Serbia, too, have suffered.

I know that many Serbs are deeply disturbed by the continuing violence and oppose it wholeheartedly. This legislation is not aimed at the Serbian people. Indeed. It is a sad legacy of totalitarian control in the former Yugoslavia that the people of Serbia have all too little control over the actions of their government and armed forces. Unfortunately, these sanctions cannot be fashioned with such precision that they strike at the government of Serbia and the instruments of state power. And while there have been abuses and suffering on all sides, it is the judgment of impartial observers that it is the Government of Serbia which is—directly or indirectly—primarily responsible for continuing the violence now raging in Bosnia. We look forward to the day that Serbia is a democratic state with a Government committed to living in peace with its neighbors. But we cannot allow the bloodshed to continue while we wait for that day to arrive.

YUGOSLAVIA SANCTIONS ACT OF 1992

The PRESIDING OFFICER. Under the previous order, the Senate will now proceed to the consideration of S. 2743, which the clerk will report.

The assistant legislative clerk read as follows:

A bill (S. 2743) to deter and punish aggression against the newly independent countries of the defunct Socialist Federal Republic of Yugoslavia, and to promote human rights within the newly constituted Republic of Yugoslavia.

The PRESIDING OFFICER. Under the previous order, the bill is deemed read three times and the question is on passage of the bill. The yeas and nays have been ordered. The clerk will call the roll.

The bill clerk called the roll.

Mr. FORD. I announce that the Senator from Texas [Mr. BENTSEN] is necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber who desire to vote?

The result was announced—yeas 99, nays 0, as follows:

[Rollcall Vote No. 104 Leg.]

YEAS—99

Adams
Akaka
Baucus
Biden
Bingaman
Bond
Boren
Bradley
Breaux
Brown
Bryan
Bumpers
Burdick
Burns
Byrd
Chafee
Coats
Cochran
Cohen
Conrad
Craig
Cranston
D'Amato
Danforth
Daschle
DeConcini
Dixon
Dodd
Dole
Domenici
Durenberger
Exon
Ford
Fowler
Garn
Glenn
Gore
Gorton
Graham
Gramm
Grassley
Harkin
Hatch
Hatfield
Heflin
Helms
Hollings
Inouye
Jeffords
Johnston
Kassebaum
Kasten
Kennedy
Kerrey
Kerry
Kohl
Lautenberg
Leahy
Levin
Lieberman
Lott
Lugar
Mack
McCain
McConnell
Metzenbaum
Mikulski
Mitchell
Moynihan
Murkowski
Nickles
Nunn
Packwood
Pell
Pressler
Pryor
Reid
Riegle
Robb
Rockefeller
Roth
Rudman
Sanford
Sarbanes
Sasser
Seymour
Shelby
Simon
Simpson
Smith
Specter
Stevens
Symms
Thurmond
Wallop
Warner
Wellstone
Wirth
Wofford

NAYS—0

NOT VOTING—1

Bentsen

So the bill (S. 2743) was passed, as follows:

S. 2743

SECTION 1. SHORT TITLE.

This act may be cited as "The Yugoslavia Sanctions Act of 1992".

SEC. 2. FINDINGS.

The Congress finds:

(1) Yugoslavia, a state in existence since December 1, 1918, is dissolved;

(2) Croatia and Bosnia-Hercegovina have voted in democratic elections to be independent nations and have achieved international recognition;

(3) Serbia and Montenegro have constituted themselves as the Federal Republic of Yugoslavia, a state which has not achieved international recognition, and which is not the successor state to the dissolved Socialist Federal Republic of Yugoslavia;

(4) The newly constituted state of Yugoslavia is engaged in a war of aggression against Bosnia-Hercegovina;

(5) Acting through government controlled militias, paramilitary groups, and the Yugoslav Federal Army, the newly constituted state of Yugoslavia is killing thousands of residents of Bosnia-Hercegovina, is driving hundreds of thousands of residents of Bosnia-Hercegovina from their homes, is destroying the cities and villages of Bosnia-Hercegovina, including such culturally and historically important places as Sarajevo and Mostar, and is interfering with humanitarian relief efforts in Bosnia-Hercegovina;

(6) Serbia and Montenegro, prior to forming the new state of Yugoslavia, had engaged in a war of aggression against Croatia; and the new state of Yugoslavia, acting through government controlled militias and paramilitary groups, continues to occupy illegally territory of the sovereign nation of Croatia;

(7) Two million Albanians in the province of Kosova have been denied many basic human rights, are subject to Serbian imposed martial law, have been denied illegally their right to self-government, and have been subject to violence and killings by the Serbian authorities; and

(8) The international boundaries between the independent countries of the former Yugoslavia are the same as the internal borders among the constituent republics of the former Yugoslavia as specified in the 1974 Yugoslav Federal Constitution (except with regard to the border between Serbia and Montenegro) and cannot be altered without the consent of all countries concerned.

SEC. 3. DEFINITIONS.

As used hereinafter in this act:

(a) "Yugoslavia" shall mean the Federation of Montenegro and Serbia constituted on April 27, 1992, a state that has not been granted international recognition and that is not the successor to the former Yugoslavia; and

(b) "Former Yugoslavia" shall mean the state established on December 1, 1918 and last formally known as the Socialist Federal Republic of Yugoslavia.

SEC. 4. RESTRICTION ON ASSISTANCE TO YUGOSLAVIA.

(a) RESTRICTION ON ASSISTANCE.—Unless the conditions of section 7(a) are certified by the President to have been met, no United States assistance (including funds appropriated before the date of enactment of this Act) may be furnished to Yugoslavia.

(b) DEFINITION.—For the purposes of this section, the term "United States assistance" means assistance of any kind that is provided by grant, loan, lease, credit, guaranty, or insurance, or by any other means, by any agency or instrumentality of the United States Government to any foreign country, including—

(1) assistance under the Foreign Assistance Act of 1961 (including programs under title IV of chapter 2 of part I of such Act);

(2) sales, credits, and guaranties under the Arms Export Control Act;

(3) sales under title I or III and donations under title II of the Agricultural Trade Development and Assistance Act of 1954 of nonfood commodities;

(4) other financing programs of the Commodity Credit Corporation for export sales of nonfood commodities; and

(5) financing under the Export-Import Bank Act of 1945.

SEC. 5. SUSPENSION OF MULTINATIONAL ASSISTANCE.

Unless the conditions of Section 7(a) are certified by the President to have been met, the Secretary of the Treasury shall instruct the United States executive directors of the International Monetary Fund, the International Bank for Reconstruction and Development, the European Bank for Reconstruction and Development and the International Development Association to vote against any loan or other utilization of the funds of their respective institutions to Yugoslavia.

SEC. 6. SUSPENSION OF AIR TRAVEL.

(a) IN GENERAL.—Unless the conditions of Section 7(a) are certified by the President to have been met—

(1) the President shall direct the Secretary of Transportation to revoke the right of any air carrier designated by the Government of the former Yugoslavia under the air transportation agreement between the United States and the former Yugoslavia to provide service to Yugoslavia.

(2) the Secretary of State shall terminate so much of that agreement as relates to Yugoslavia in accordance with the provisions of that agreement;

(3) upon termination of those provisions, the Secretary of Transportation shall prohibit any aircraft of a foreign air carrier owned, directly or indirectly, by Yugoslavia from engaging in air transportation with respect to the United States; and

(4) the Secretary of Transportation shall provide for such exceptions from the prohibition contained in paragraph (3) as the Secretary considers necessary to provide for emergencies in which the safety of an aircraft or its crew or passengers is threatened.

(b) DEFINITION.—For purposes of this section, the terms "aircraft", "air transportation", and "foreign air carrier" have meanings given those terms in Section 101 of the Federal Aviation Act of 1958 (49 U.S.C. 1301).

SEC. 7. CONDITIONS.

(a) The conditions referred to in Sections 4, 5, and 6 of this act are:

(1) that Yugoslavia is not waging a war of military aggression against any other country;

(2) that Yugoslavia is not supporting directly or indirectly, any military unit, militia, or paramilitary organization in any other country;

(3) that Yugoslavia is not occupying any territory of another country and is not assisting forces occupying the territory of another country;

(4) that Yugoslavia recognizes as international borders the borders of Croatia, Bosnia-Hercegovina, and Macedonia as specified in the 1974 Yugoslav Federal Constitution and as existed on December 31, 1984;

(5) that Yugoslavia or forces loyal to or controlled by Yugoslavia are not interfering with United Nations peacekeeping operations or with international observer missions or with humanitarian relief efforts; and

(6) that Yugoslavia is not engaged in a pattern of systematic violations of human rights within its borders.

(b) Whenever the President determines that the conditions of subsection (a) have been met, he shall so certify in writing to the Speaker of the House of Representatives and the Chairman of the Committee on Foreign Relations of the Senate.

SEC. 8. POLICY ON SUCCESSION.

The independent countries of the former Yugoslavia shall be severally and collectively the heirs to the assets and liabilities of the former Yugoslavia. Treaties and other international agreements between the United States and the former Yugoslavia shall be deemed applicable to the independent countries of the former Yugoslavia, except where the President determines otherwise.

SEC. 9. POLICY ON RECOGNITION.

It is the sense of the Congress that the President should not recognize Yugoslavia until it has met the conditions in Section 6, and that the President should enter into negotiations with the independent countries of the former Yugoslavia to insure an equitable distribution of the diplomatic property in the United States among all the successor states.

SEC. 10. MULTILATERAL SANCTIONS.

The Congress urges the President to negotiate comprehensive multilateral sanctions pursuant to the provisions of Chapter 7 of the United Nations Charter, including an embargo on the shipment of oil, against Yugoslavia as long as Yugoslavia is supporting acts of military agrression against Bosnia-Hercegovina. The Congress further urges the President to oppose Yugoslavia's aggression in all appropriate international fora.

SEC. 11. SANCTIONS ON OTHER COUNTRIES OF THE FORMER YUGOSLAVIA.

The President shall apply the sanctions contained in Sections 4, 5 and 6 to any other independent country of the former Yugoslavia which he determines is engaged, directly or indirectly, in military aggression against a neighbor for the prupose of changing its boundaries.

SEC. 12. HUMANITARIAN ASSISTANCE.

It is the sense of the Congress that the President should take steps so that adequate humanitarian assistance reaches needy people in Bosnia-Hercegovina.

DIRE EMERGENCY SUPPLEMENTAL APPROPRIATIONS, FISCAL YEAR 1992

The PRESIDING OFFICER. The Senate will now resume consideration of the supplemental appropriations bill, which the clerk will report.

The assistant legislative clerk read as follows:

A bill (H.R. 5132) making dire emergency supplemental appropriations for disaster assistance to meet urgent needs because of calamities such as those which occurred in Los Angeles and Chicago, for the fiscal year ending September 30, 1992, and for other purposes.

The Senate resumed consideration of the bill.

Pending:

Hatfield (for Nickles) Amendment No. 1851, to waive the provisions of the Davis-Bacon Act and the Service Contract Act of 1965 with respect to any construction or repair project which receives financial assistance under this Act.

Mr. BAUCUS. Mr. President, I ask unanimous consent that I may speak as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

DROUGHT

Mr. BAUCUS. Mr. President, I have come to the floor of the Senate today to urge the Congress, President Bush, and the USDA to act quickly to provide disaster relief to farmers and ranchers who suffer natural disaster this year.

Unfortunately, severe drought is already plaguing many Midwestern and Western States this spring. Consequently, we must prepare now to respond to a disaster which appears to be inevitable.

Congress must begin to hold hearings and put together legislation to authorize disaster relief for 1992.

I urge President Bush to use the authority which Congress provided for in the dire emergency supplemental appropriations bill late last November, to make available $755 million to cover agriculture losses which occur in 1992. All the President must do is officially request this money and it will be made available.

And I urge the USDA to work to make its disaster programs available to farmers and ranchers as quickly as possible after they are requested, and to be sure that they contain few restrictions.

Unfortunately, it appears that it may be necessary to take these actions very soon to cover agriculture losses due to natural disasters.

Unless Montana and surrounding States get some rain in the next several weeks, all indications show that we are well on our way to experiencing one of the worst droughts in history.

Montana had very little snow accumulation last winter, and so far has had very little rain this spring. Without rain, Montana farmers and ranchers are largely dependent on runoff from snowpack for their water supply throughout the summer months. In fact, about 70 percent of Montana's yearly water supply is from snowmelt.

Unfortunately, because there was so little snow accumulation, there is not much snowmelt. And the little that exists is melting 4 to 6 weeks ahead of normal. Early snowmelt has caused a number of rivers to peak with early runoff. These rivers are now dropping off and are expected to be unable to supply sufficient water later this summer. For example, in early May, data from the U.S. Geological Survey showed that the Missouri River's average flow was over 7,000 cubic feet per second near Helena. Just last week, the flow had dropped to just under 3,800 cubic feet per second.

The Survey considers the low flow level to be an indicator of how low the Missouri's headwater rivers are running and how much of the mountain snowpack already has melted. Runoff into the Tiber Reservoir was about 56 percent of normal during April. It is running at about 29 percent of normal, the second lowest on record, during May. Precipitation in the Columbia River Basin is down 65 to 70 percent. Snow water in the Missouri River Basin is down an average of 58 percent from last year. The Yellowstone River Basin is running at about 65 percent of normal. The Hungry Horse Reservoir is predicted to fall 20 to 40 feet short of filling this summer. This reservoir has failed to reach full capacity only five times in its history. This summer may be the sixth.

This situation, coupled with forecasts of above average heat and below average rain over the summer months spells disaster for Montana's farmers and ranchers. The Governor of Montana recently identified 34 of Montana's 56 counties which are at high risk for drought. Those counties include: Beaverhead, Big Horn, Blaine, Broadwater, Carbon, Cascade, Chouteau, Deer Lodge, Fergus, Flathead, Gallatin, Glacier, Granite, Hill, Jefferson, Judith Basin, Lewis and Clark, Lake, Liberty, Lincoln, Madison, Meagher, Missoula, Phillips, Pondera, Powell, Ravalli, Rosebud, Silver Bow, Teton, Toole, Treasure Valley, and Yellowstone.

Consequently, Congress, President Bush and the USDA must take appropriate steps now to be sure that disaster assistance is expedited as soon as it is needed. That is why I am here on the floor of the Senate today. I am here to put Congress, President Bush, and the USDA on notice that a natural disaster is brewing that will need to be addressed. With a cooperative effort, we can make this disaster a little more bearable for our farmers and ranchers.

I will work hard to ensure that Congress does its part. Today, I am sending a letter to the distinguished chairman of the Senate Agriculture Committee requesting that he hold hearings on the drought situation as soon as they can be scheduled. I am also organizing a drought forum in Montana which will be held in Great Falls near the end of June. The purpose of the forum will be to discuss the extent and effect of the drought, and the various forms of assistance which are available. Participants will include farmers and ranchers; and Federal, State, and local officials.

I will invite Federal officials who live and work here in the Washington area out to Montana to participate in the forum, and to tour some of the drought stricken areas so they can see first hand the kind of devastation drought can bring to agriculture producers. It is important to get these people out beyond the beltwaly and into the real world so that they can make decisions which will make sense for agriculture.

After the hearings and forum have been conducted, I will work with the chairman and my other colleagues on the Agriculture Committee to draft disaster relief legislation.

But in addition to congressional action, farmers and ranchers are also relying on President Bush and the USDA to do their parts.

They are authorized to take a number of important actions to address the situation prior to congressional action.

I have sent a letter to President Bush urging him to act quickly and free up the $755 million which Congress appropriated last year for disaster relief. This money will be critical to helping Montana's farmers and ranchers survive the drought until Congress is able to appropriate additional funds. I must also emphasize how critical it is that all USDA disaster programs be made available to farmers as quickly as possible after they are requested, and contain as few restrictions as possible.

These programs include the Emergency Feed Program, the Farmer's

Home Administration Emergency Loan Program, and emergency haying and grazing programs.

We must avoid a recurrence of what happened in 1990 when the USDA made some of these programs available to some Montana counties and other programs available to other counties. Often, when programs were made available, they were approved so long after they were requested and were burdened with so many restrictions that they were of limited use to anyone. For example, in 1990, Roosevelt County applied for the emergency haying and grazing program 6 weeks before it was finally approved by the USDA.

My staff was forced to resort to phoning the Department of Agriculture several times a day to get them to move on Roosevelt County's application.

Mr. President, Montana ranchers can't wait for 6 weeks to feed their cattle. To make matters worse, when the Department finally approved the application, the restrictions placed on land that could be hayed and grazed were so severe that the program was virtually useless. The USDA told Montana ranchers that they may hay and graze their CRP land only if they own cattle, but they may not hay or graze it if they do not own cattle.

This restriction made little sense. Many ranchers who own cattle do not have land in CRP. In such a case, a rancher should be able to graze his cattle on his neighbor's CRP land and pay him for it. In an effort to prevent this type of action from recurring, I have requested a meeting with USDA officials in my office to discuss implementation of the relevant emergency programs this year.

Finally, Mr. President, it seems to me that if we Americans can spend billions of dollars bailing out our savings and loan institutions, and hundreds of millions of dollars to repair damage caused by the disturbances in Los Angeles, we can also make sure that farmers who suffer natural disasters get the full benefit of current emergency programs and additional disaster payments to cover their losses.

Our farmers and ranchers provide all Americans with the highest quality food and fiber in the world. There is nothing they can do about the whims of Mother Nature. When Mother Nature decides to cause natural disasters, we must be sure that farmers and ranchers are adequately protected.

I urge my colleagues to join with me to ensure that such protection is readily available.

DIRE EMERGENCY SUPPLEMENTAL APPROPRIATIONS, FISCAL YEAR 1992

The Senate continued with the consideration of the bill.

The PRESIDING OFFICER. The Senator from Oklahoma.

AMENDMENT NO. 1851

Mr NICKLES. Mr. President, I have an amendment at the desk and I ask for its immediate consideration.

The PRESIDING OFFICER. The pending question is the Nickles amendment No. 1851.

Who yields time?

Mr. NICKLES. Mr. President, I yield myself such time as is necessary.

Mr. President, this amendment is very simple. It says:

> Notwithstanding any other provision of law * * * the Davis-Bacon Act * * * and the Service Contract Act * * * shall not apply to any construction or repair project which receives financial assistance under this act.

Whether this act is going to be $500 million, $600 million or $2 billion, I personally do not think that the Davis-Bacon law of 1935, should apply to funds in the act for two reasons:

First, the wage rates mandated by Davis-Bacon are exorbitant, expensive, and waste a lot of money. With the evergrowing budget deficit, I do not think we should be wasting money.

Second, and more importantly, I think that this law hurts those that this act is seeking to help. This act discriminates against the many people in Los Angeles who are unemployed.

The unemployment rate in Los Angeles County in 1991 was 27.6 percent amongst blacks, 22.1 percent amongst the Hispanic, and 21 percent amongst whites. The unemployment rate is almost one out of five persons are out of work, and yet, because of Davis-Bacon, a law that says the Federal Government will set the wage rates for any construction project above $2,000. These wage rates are set so high that the unskilled and unemployed will never get a job. I think we need to change that.

So, if we are going to have an urgent supplemental, if we are going to pass a bill that is going to help the people of the riot torn areas of Los Angeles and maybe Chicago, we should exempt them from this law that keeps them from working. If we do not pass this amendment, we are telling the unemployed and unskilled of Los Angeles County, "You are not going to be able to get a job to rebuild those stores, to rebuild the buildings, to fix the buildings, to repair the buildings in your community." The fact is without this amendment they will not get a job. A contractor will not hire them because of the Davis-Bacon Act.

Mr. President, you might say, why. The reason is because right now in Los Angeles County, if you are going to do unskilled or entry level work such as cleaning, general construction labor, general cleanup, landscaping, traffic control, or window washing; the price is too high. The workers who perform any of the jobs I just listed make $19.86 an hour plus $9.63 an hour fringe benefits, for a total wage compensation package of $29.49 under the wage scale set by Davis-Bacon.

Another example, a brush painter in Los Angeles County gets $20.70 plus $5.94 in fringe benefits. We are talking about compensation in excess of $26 an hour. A drywall finisher receives a little over $27 an hour. And I could go on and on, but the majority of these wage rates for unskilled labor are in the range of $25 to $30 an hour.

According to the unemployments I mentioned earlier, one-fourth of the population in Los Angeles County, over one-fourth that is black does not have a job. We are telling them "you cannot have a job unless it pays $25 an hour to fix these buildings that have been destroyed or damaged or burned." I think that is a crime and it needs to be changed.

The Davis-Bacon Act, which was passed in 1935, discriminates. Mr. President, I will enter into the RECORD an article from the Wall Street Journal dated June 25, 1990. The title of the article is "Davis-Bacon: Racist Then, Racist Now." I will read a couple of highlights.

It says:

> Thus, any laborer who does not have the skills to command union scale is frozen out of these jobs. Typically, those frozen out are black or Hispanic.

It goes on to say:

> Despite all the civil rights laws on the books today, little has changed. According to Ralph C. Thomas III, executive director of the National Association of Minority Contractors, "The law in its current form is poison to minority contractors [and to] minority employment in general . . . . The law stifles the minority contractors' efforts to not only hire as many minority workers as possible, but it also hinders minority contractor efforts to introduce new workers to the construction field."
>
> Mary Nelson, director of Bethel New Life Inc., a church-affiliated social service organization in Chicago, has found that Davis-Bacon adds as much as 25% to her total budget and often prevents her from using the local unskilled poor to help refurbish the projects they themselves live in.

The purpose of this act is to try to refurbish, restore, and rebuild sections in Los Angeles and Chicago. And, if this is our goal, certainly we ought to employ as many people as possible in the area who are seeking employment.

This bill we are considering provides $700 million for employment training. How in the world can we say we are going to appropriate $700 million in employment training assistance but not allow those we are training to work in a job to help restore and rebuild their community? That is ludicrous. For those people who stand up on the floor of the Senate and decry the decline of our urban areas, the decline of our cities, the need to improve job programs, should support this amendment, so we can say, "You can work in these projects to rebuild your community." Maybe that job will only pay $8 an hour; maybe it is $12 an hour. But getting that job is ultimately vitally important, and by our leaving the

Davis-Bacon threshold, they will not get the job at all.

The 25 percent unemployed get frustrated. They often end up losing self-esteem, probably dependent on government welfare, and then many times, as we have seen in L.A., we see a lot of violence, we see a lot of crime committed on other people, innocent people who are trying to make a living and who pay taxes.

Mr. President, I think this is the vitally important issue. I wish there were not a law on the book that says, right now, if you are going to work on Federal construction projects, you have to pay wage rates far in excess of what the prevailing wage rate in the private sector. The Davis-Bacon Act wastes millions of dollars a year. The Federal Government could probably save well over $1 billion to $1.5 billion if we repeal Davis-Bacon. I do not have the votes to repeal it, or I would do it. But we ought to at least, not have it apply to this act. Unless we adopt this amendment, many unemployed individuals will not be able to get a job, they will not qualify by Davis-Bacon hiring requirements that mandate that they be paid $25 or $30 an hour to do manual labor in many of these cases. Congress can fix that by adopting this amendment. I hope that my colleagues will.

Mr. President, I ask unanimous consent to have printed in the RECORD the Wall Street Journal article to which I referred.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the Wall Street Journal, June 25, 1990]

DAVIS-BACON: RACIST THEN, RACIST NOW

(By Scott Alan Hodge)

Two years before the 1964 Civil Rights Act was passed, local construction unions in Washngton, D.C., prevented black electricians from working on one of the capital's premiere building projects: the Rayburn House Office Building. This week in that very same building the House Subcommittee on Labor Standards will be working on legislation that will perpetuate discrimination in the construction industry. Instead, that legislation should be repealed, once and for all.

At issue is the 1931 Davis-Bacon Act. Davis-Bacon requires contractors to pay all workers on federally funded construction projects valued at more than $2,000 the "prevailing wage" for that type of work, as determined by the U.S. Department of Labor. In practice, the Labor Department uses local union wage scales as a proxy for the "prevailing wage." Thus, any laborer who does not have the skills to command union scale is frozen out of these jobs. Typically, those frozen out are black or Hispanic.

The original supporters of the law could not have hoped for more-because, as the historical record shows, Davis-Bacon was written to prevent black workers, mostly from the South, from competing with the Northern construction trades.

So far, debate on Davis-Bacon has focused primarily on its costs, the estimated $1.5 billion it costs U.S. taxpayers to pay union scale when qualified workers are available at lower rates. But that complaint avoids the real evil of Davis-Bacon: discrimination against black Americans.

The original Davis-Bacon Act was drafted in 1927 by New York Rep. Robert Bacon after an Alabama contractor won the bid to build a federal hospital in Bacon's district. As Bacon reported at the first hearing on his bill, "The bid . . . was let to a firm from Alabama who brought some thousand non-union laborers from Alabama into Long Island, N.Y., into my congressional district." What he meant, of course is that many of the workers were black—and willing to work for less than local building tradesmen.

Bacon's complaints brought a knowing smile from Georgia Rep. William Upshaw, who commented: "You will not think that a Southern man is more than human if he smiles over the fact of your reaction to that real problem you are confronted with in any community with a superabundance or large aggregation of Negro labor."

Four years later during the floor debate on the bill, Alabama Rep. Miles Allgood echoed Upshaw's sentiments: "That contractor has cheap colored labor . . . and it is labor of that sort that is in competition with white labor. . . . This bill has merit . . . it is very important that we enact this measure."

There was little difference between the language of Reps. Upshaw and Allgood and the language of an 1857 petition from white tradesmen to the Atlanta city council, "We, the undersigned, would respectfully represent . . . that there exists in the city of Atlanta a number of men who . . . are of no benefit to the city. We refer to Negro mechanics [who] . . . can afford to underbid the regular resident mechanics . . . to their great injury. . . . We most respectfully request [the council] afford such protection to the resident mechanics."

Blacks dominated the skilled trades in the South after emancipation: In some trades there were five times as many black workers as whites, according to one estimate. In response, white workers used every political tool available to restrain black competition. In some cases, officially sanctioned licensing boards were established to "ensure the quality of local tradesmen." In other cases, whites sought to outlaw blacks from practicing specific trades, and even passed laws to prevent the recruitment of black laborers by Northern employers.

But, until the passage of Davis-Bacon, the federal government's policy of accepting the lowest bid on construction projects allowed black laborers to compete freely for federal work. Many blacks traveled great distances and endured harsh conditions for the chance to work, as Rep. Bacon discovered. The Davis-Bacon Act put a sudden end to this. Following enactment of Davis-Bacon, black tradesmen were shut out of many federal construction projects. Of the 4,100 workers on the Boulder Dam project in 1932, only 30 were black.

Blacks were also shut out of the massive public housing projects sponsored by President Roosevelt's Public Works Administration. Roosevelt sent representatives to Chicago to institute a quota system which required that a minimum percentage of a project's payroll be directed toward black tradesmen. The result: The blacks got all the low-pay, unskilled positions.

Despite all the civil rights laws on the books today, little has changed. According to Ralph C. Thomas III, executive director of the National Association of Minority Contractors, "The law in its current form is poison to minority contractors [and to] minority employment in general. . . . The law stifles the minority contractors' efforts to not only hire as many minority workers as possible, but it also hinders minority contractor efforts to introduce new workers to the construction field."

Mary Nelson, director of Bethel New Life Inc., a church-affiliated social service organization in Chicago, has found that Davis-Bacon adds as much as 25% to her total budget and often prevents her from using the local unskilled poor to help refurbish the projects they themselves live in. Robert Woodson, president of the National Center for Neighborhood Enterprise, reports that public housing residents who want to help refurbish their own apartments often are forced to "volunteer" half a day's work in order to avoid Davis-Bacon requirements.

Davis-Bacon was intended to discriminate against blacks, and that is precisely what it has done. It's time for Washington to bid good-bye to Jim Crow.

(Mr. Hodge is an analyst at the Heritage Foundation in Washington.)

Mr. NICKLES. Mr. President, I reserve the remainder of my time.

The PRESIDING OFFICER (Mr. KERREY). Who yields time?

Mr. KENNEDY. Mr. President, as I understand it the time is evenly divided, am I correct, on the amendment?

The PRESIDING OFFICER. The Senator from West Virginia controls time in opposition.

Mr. BYRD. I yield as much time as he may desire to the distinguished Senator from Massachusetts.

The PRESIDING OFFICER. The Senator from Massachusetts is recognized.

Mr. KENNEDY. Mr. President, I yield myself 6 minutes.

Mr. President, when the dire supplemental was developed, it was developed in a bipartisan way and it was developed both in terms of meeting the immediate needs of Los Angeles as well as Chicago. Then the add-ons that the Appropriations Committee took on reflected recommendations made by Senator HATCH and myself that were time-sensitive issues that were related to Head Start programs, the extension of education programs for needy children, an additional summer program in terms of the JPTA that would bring us back and cover the same numbers of young people across this country from the cities that were covered 10 years ago, and that number had to be reduced by half, and then support what is basically an innovative program by the Justice Department, the Weed and Seed Program.

Since that time, there have been some modest additions to this legislation. But it was developed, hopefully, devoid of mean spiritedness, placing groups against groups. It was basically structured in a way to deal with education, time-sensitive programs.

This dire supplemental is not construction legislation. It does have certain provisions that will affect in a limited way certain construction in this country. But this is not a construction program. It is a people program primarily focused on the education and the needs of the very young in the major cities of this country.

And so now we have the amendment of the Senator from Oklahoma, an amendment which has been offered a number of different times, which we have had the opportunity to debate. I had thought that perhaps we could at least resist that until we came to programs—the Armed Services Committee authorization or some other matters—that we would have to deal with something perhaps of even greater magnitude. But oh, no, this amendment is targeted on the neediest people in our society in the final hours—hopefully, the final hours—of the debate on the dire supplemental.

The Senator repeats these kinds of questions about how much workers are getting and the particular skill. The average construction worker makes about $22,000 a year, $22,000. Now that is a lot of money. But if you are talking about someone that is swinging around in terms of high-construction work or using heavy equipment that can be dangerous not only to themselves but to other workers that are on the job or skilled tradesmen, that is what they get. That is what skilled workers get in this country; about $20,000.

Now if the Senator wants to say, well, we are not going to really affect all those young people out there in the inner cities who need jobs, I would say, amen. I would say where is the Senator's amendment to offer training programs for those young people? Where is that amendment saying, all right, if you really want to try and get those unemployed youth out there, the way to do it is to give them some skills. But no, no. Oh, no, just on this amendment we are saying construction workers, 17 or 22 percent out of work, the construction industry flat on its back, and we are saying to people that average $22,000 a year, somehow that is too much, and we are going to effectively undermine what is a very simple concept.

I know it is troublesome to the Senator from Oklahoma, that you are going to provide a prevailing wage, whatever the average wage is in that area, so it is $20, $24 an hour. That is a lot of money, but that is what skilled workers get when they are walking up on those bars 15, 20 stories above the street, and when they are working that heavy equipment. And what you get is skilled work.

I am not going to take the time, because we have limited time, to introduce into the RECORD John Dunlop, Republican Secretary of Labor, that put into the record time in and time out and show that actually there are virtually no savings by trying to abolish the Davis Bacon Act because you are losing the skills, you are losing the competency, and you are losing quality.

So it may be all right for the Senator from Oklahoma to just throw that money out, get some of those unemployed kids that do not have any skills, send them right into some of that machinery. I wish some of our friends on the other side of the aisle were as concerned about OSHA standards and the work of OMB in gutting OSHA standards for safety and security for American workers. That is not in the RECORD. You hear the crocodile tears of how we are going to look out after working men and women.

What is it that so troubles the Senator from Oklahoma to have this kind of an assault and attack on working men and women in the middle class and backbone of this country? He is troubled by that. I know there is a philosophy to try and just drive the wages down more. We are in enough difficulty in this country in trying to maintain middle-income families in this Nation to provide for their families. But others would want to make an assault on them.

Mr. President, this is legislation on an appropriation bill, for those that are looking for technical kinds of reasons to vote against it. This is not a construction legislation. All we are asking is the prevailing wage in an industry that is, as I mentioned before, flat on its back. Twenty-two thousand dollars is a lot of money, but it certainly does not even reach the average income of families in many, many parts of this country. We know that it is temporary by nature, seasonal by nature, and we know that one of the best apprenticeship programs that exists is in the construction area.

I would join with my friend from Oklahoma if he wants to do something about giving skills in the inner city, put me down as a cosponsor. But to try and suggest that somehow this legislation is misdirected in this area, I do not think is valid.

Mr. President, I withhold the remainder of my time.

[Disturbance in the galleries.]

Mr. BYRD. Mr. President, may we have order in the galleries?

The PRESIDING OFFICER. There will be order in the galleries.

Mr. NICKLES. Mr. President, how much time do I have remaining.

The PRESIDING OFFICER. Five minutes, seventeen seconds.

Mr. NICKLES. Mr. President, I look forward to the day that I can have Senator KENNEDY be a cosponsor of my amendment. I am not sure we have quite arrived at that day just yet. I appreciate my colleague's statement and the intensity with which he gives it. However, I just totally disagree with his conclusion.

Senator KENNEDY and others are proposing in this legislation, $700 million in employment training. Mr. President, there are going to be hundreds of millions of dollars spent to rebuild Los Angeles. I want the unemployed, unskilled person to have a chance to get a job. And I will tell you if this amendment does not pass, they will not have a chance to get a job on any Government-assisted construction or repair project. They will not have a chance. That is just a fact.

Do you want to help the unemployed? Do you want to help that person in the riot-torn area of Los Angeles. Do you want to help the person who had his neighborhood burned? Because if we do not pass this amendment, they are not going to get a job. Now it is that simple.

I will tell you, just looking at the labor rates for a window cleaner, a laborer, general cleanup, their wage compensation, labor, including fringes is $29.49. Now how many unskilled people are going to get a job at $29.49? Incidentally, if that job lasts a normal 40-hour week, and they work 50 weeks, that is 2,000 hours. That is equivalent of $60,000. How many employers are going to pay an unskilled individual $60,000 for what I am going to call unskilled labor?

I could go on and on. The examples are many.

A roofer, someone who prepares a roof by removing the old roof, the wage rate is about $27.58. I do not want to make too big of an issue except just to state to my colleagues, if we are going to make it possible for the blacks, for the Hispanics, for the poor whites that are living in the neighborhoods affected by the riots and if we want them to participate in rebuilding their neighborhoods, we are going to have to pass this Davis-Bacon waiver.

My colleague mentioned that maybe I will try to repeal Davis-Bacon on a Department of Defense bill. I will tell my friend from Massachusetts, I am going to do it on the HUD bill because I think if we are going to be spending money for housing we ought to let the people who live in public housing units work on them. The same concept that I have been trying to do for some time also applies to this Act. If we are going to spend money to rebuild the city, we ought to let the people who live in the city at least have a chance to do the work.

And, unless we agree to this amendment, those people will not have a chance to work. And that is what I am trying to do.

This is not class warfare. This is trying to open up opportunities for people who have been on the lower end of the economic ladder at least to get on the ladder and start climbing. Right now the ladder is so high they cannot even get on it and so they stay on welfare, they stay unemployed, they stay, unfortunately, in a life of crime. We need to make it possible for them to be able to work. We will not do that unless we agree to this amendment.

Mr. President, I reserve the remainder of my time.

The PRESIDING OFFICER. Who yields time?

Mr. BYRD. Mr. President, I yield the remaining time to Mr. KENNEDY.

Mr. KENNEDY. Mr. President, how much time do I have?

The PRESIDING OFFICER. The Senator has 6 minutes 15 seconds.

Mr. KENNEDY. Mr. President, I yield myself 4 minutes. Mr. President, I have pondered the amendment of the Senator from Oklahoma. If he is able to show me where in the amendment it says that if this amendment passes it is going to employ unemployed inner-city youths—it is not there; it is not there—at least he would have color of an argument. I do not know how those contractors go on out and say, all right, all you young people start working this equipment over here—with all of the implications that has, in terms of danger to those individuals and others who are working on the job. The idea that you are going to take summer job training and think at the end of the summer job training you are going to be competent to handle that kind of heavy equipment and to go on up in a skyscraper just blows my mind.

You know, if anyone evaluates apprenticeship programs of these high skills—if anyone asks—it takes months and years, in the very high-skilled areas. The idea that you are going to get some training over the course of the summer and then be eligible—he does not even provide and say OK, we are going to take those kids in the inner city, we are going to train them. Here is my amendment: We are going to find training programs for those inner-city kids, and then after we get them as part of that apprenticeship program we are going to be sure there are resources there to help build on that—then you have something. But not, Mr. President, just on a broad gauge, shotgun approach that is basically an assault on families that are making about $22,000.

Sure, they work part-time and they get $25 an hour. But that is what is happening. They are the people who have built this country. If they make $22,000 that may seem excessive to some individuals, but it is the backbone of this country—working, middle-class families. We hear a lot about families in these recent days. I must say we want at least to ensure they are going to be out working and be able to have a sufficient income to put the bread on the table and pay a mortgage and educate their children. This is just an attempt to undermine that, Mr. President. I hope the amendment will be defeated.

The PRESIDING OFFICER. Who yields time?

Mr. NICKLES. Mr. President, how much time do I have remaining?

The PRESIDING OFFICER. The Senator has 1 minute 32 seconds. The Senator from Oklahoma is recognized.

Mr. NICKLES. Mr. President, let me just conclude by saying that the best job training is on-the-job training. I tell you I have worked construction and received on-the-job training. We need to allow these people to have real jobs. We should not prohibit them from having a job, and that is exactly what we are going to do if we do not agree to this amendment. We are going to tell these people that they cannot have a job if they want to work on a Federal construction project or federally assisted construction in the L.A. area, you cannot even have a job unless you have the skills to merit the prevailing wage rates of, $25 or $30 an hour even if the jobs does not require great skill.

Many of the jobs I am speaking about are entry level jobs. So I think it is cruel for us to tell those people who are unemployed or unskilled they cannot have a job unless they meet the Davis-Bacon requirements. I think it is cruel. I think it is unfair. I think it needs to be changed.

It is even racist. It is even racist, as described by the Wall street Journal and also by several black economists who said this law is prohibiting minority workers from achieving success and climbing the economic ladder. We need to change it and we need to change it, one, to save taxpayers' money so this money will go further; and two and most importantly we need to change it so it will open greater opportunities for people who are disadvantaged, for people who are on the lower side of the economic scale.

I yield the remainder of my time.

Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

Mr. KENNEDY. Mr. President, if I may just have another minute or 2 minutes?

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KENNEDY. Mr. President, I suggest my friend from Oklahoma have a nice day or afternoon with the Secretary of Labor, Secretary Martin, and find out what this administration's own evaluation is of the best, in terms of training programs. There is some on-the-job and some classroom. Even basic and fundamental programs that this administration has pointed out to be the best and most effective programs providing skills in the construction industry are not related at all to the kind of description the Senator from Oklahoma has given.

Mr. President, I hope we can get on with the rest of this legislation. I look forward to further debates. As I mentioned, there is nothing in this amendment that targets and says if this amendment is accepted it will mean more employment for those who are in the inner city—absolutely nothing. Absolutely not. I do not believe, for that reason, and the fact it is legislation on an appropriations bill, that we ought to consider that at this time. I hope the amendment is defeated. I am prepared to yield back the remainder of the time.

The PRESIDING OFFICER. The Senator from West Virginia has 2 minutes and 23 seconds.

Mr. BYRD. Mr. President, I am prepared to yield that time back if the Senator from Massachusetts does not desire it.

The PRESIDING OFFICER. All time has been yielded back. The question is on agreeing to the amendment (No. 1851).

The yeas and nays have been ordered. The clerk will call the roll.

The legislative clerk called the roll.

Mr. FORD. I announce that the Senator from Texas [Mr. BENTSEN] is necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber who desire to vote?

The result was announced, yeas 36, nays 63, as follows:

[Rollcall Vote No. 105 Leg.]

YEAS—36

Bond
Boren
Brown
Burns
Chafee
Coats
Cochran
Cohen
Craig
Danforth
Dole
Domenici
Garn
Gramm
Grassley
Hatch
Helms
Jeffords
Kassebaum
Kasten
Lott
Lugar
Mack
McCain
McConnell
Nickles
Pressler
Roth
Rudman
Seymour
Simpson
Smith
Symms
Thurmond
Wallop
Warner

NAYS—63

Adams
Akaka
Baucus
Biden
Bingaman
Bradley
Breaux
Bryan
Bumpers
Burdick
Byrd
Conrad
Cranston
D'Amato
Daschle
DeConcini
Dixon
Dodd
Durenberger
Exon
Ford
Fowler
Glenn
Gore
Gorton
Graham
Harkin
Hatfield
Heflin
Hollings
Inouye
Johnston
Kennedy
Kerrey
Kerry
Kohl
Lautenberg
Leahy
Levin
Lieberman
Metzenbaum
Mikulski
Mitchell
Moynihan
Murkowski
Nunn
Packwood
Pell
Pryor
Reid
Riegle
Robb
Rockefeller
Sanford
Sarbanes
Sasser
Shelby
Simon
Specter
Stevens
Wellstone
Wirth
Wofford

NOT VOTING—1

Bentsen

So the amendment (No. 1851) was rejected.

The PRESIDING OFFICER. Are there further amendments to the bill?

Mr. LOTT addressed the Chair.

The PRESIDING OFFICER. The Senator from Mississippi is recognized.

Mr. KENNEDY. Mr. President, I move to reconsider the vote.

Mr. MITCHELL. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 1852

Mr. LOTT. Mr. President, I believe, under the unanimous-consent request that was agreed to last night as propounded by the distinguished Senator from West Virginia, that I have an amendment which would be in order with a 30-minute time limit, I presume 15 minutes on each side.

The PRESIDING OFFICER. The Senator is correct.

Mr. LOTT. Therefore, I have an amendment at the desk, Mr. President.

The PRESIDING OFFICER. The clerk will report the amendment.

The legislative clerk read as follows:

The Senator from Mississippi [Mr. LOTT], for himself and Mr. DOLE, proposes an amendment numbered 1852:

Beginning on page 4, line 2, strike all through page 13, line 6.

Mr. LOTT. Mr. President, I think that the amendment is brief and speaks for itself. It would simply strike the $1.45 billion that was added onto this dire emergency supplemental bill in the Senate Appropriations Committee. I know it was well-intentioned. I do not presume to pass harsh judgment on many of the programs that are included in this add-on, but, as I said yesterday, this was supposed to be an emergency disaster assistance appropriations bill for the damage done in Los Angeles, and subsequently, of course, it was amended in the House to include Chicago. That is well and good.

I am for disaster assistance by the Federal Emergency Management Administration to the men and women who lost their homes and their businesses. That is fine and good. I appreciate that the American people want that. We may soon want to have some additional programs funded to try to help in those cities and other cities across America.

But should we not do it in a thoughtful, prepared way where we really know what we are doing and where we really know that the money we are appropriating and spending will get to the people that need the help? This $1.45 billion is not just for Los Angeles and Chicago; it is for programs all across America that will supposedly be available this summer.

The truth is we do not even know if some of these programs and the funds included will get to the people that would need the benefit this summer. There is serious doubt about it. I know in their hearts many Senators, including the leadership, have concerns about what we have done here. Also, I think we should take a look how it was done. The additional $1.45 billion was not in the House of Representatives' emergency supplemental appropriations bill. The House did their job. They kept the bill narrow, clean, focused, and targeted on the emergency disaster.

I do not think these funds were originally in the bill referred to the Appropriations Committee, which was started and worked on by our distinguished colleagues, Senators KENNEDY and HATCH. They went to the committee and asked for these additional funds for a number of programs. Again, I am sure they were well-meaning and well-deserved in some instances. But we are asking for an add-on, with some modification, of $1.45 billion to the deficit. Mind you, it is not going to be paid for by cutting other programs or from other revenue. The Appropriations Committee would merely add this $1.45 billion to the deficit.

I am not sure how much consultation was involved with the leadership on either side or between the House and the Senate or with the administration. The administration has indicated that they cannot support some of these programs. I have information that they are not sure who will benefit. Mind you, this: If we appropriate these funds and the President, for good, justified reasons, does not spend all of the funds, he is going to be blamed for not spending every dime. If we say, "Here, Mr. President, here is all of this money. You do not have to spend it. If you do not spend it, do not worry," one thing will happen. There will be hearings on this.

Is this the bipartisan cooperation that we heard talked about between the White House and the Congress? I do not think so. I think this is a shot that came out of the dark.

So I urge my colleagues, let us think about how we can get quick, responsible action on this bill. Congress needs to act, but not by adding onto the deficit. Congress and the White House need to get together. We know how to do that. We need to pass a clean, targeted disaster appropriations bill, not including this $1.45 billion worth of additional funds and other amendments. We always pile onto supplementals. This is a dire emergency supplemental appropriations bill. Why are we piling on? We ought to take the add-on's out. We need quick, targeted action. This bill is supposed to provide disaster assistance for Los Angeles and Chicago. We should vote for that, but we should strike these additional funds out.

Mr. President, I hear even in the Washington, DC, news media that, as they are describing this, it is beginning to sink from the sheer weight of what we are piling on. It has been called a political Titanic. We have had amendments added on which are harmful. They are killer amendments. Why do we do it time after time?

Let me read to you from the Osgood File, from this morning. This is Charles Osgood, of CBS:

I'm Charles Osgood. Here we are coming up on Memorial Day and the U.S. Senate is busy decorating a Christmas tree. A so called Christmas tree bill is one on which a legislator hangs his own favorite spending measure whether it has anything to do with the subject at hand or not. Right now the emergency bill to help Los Angeles rebuild after the riots has turned into a package tied up with a red ribbon with something in it for everybody. Stand by.

Just listen—you can almost hear Jingle Bells in the background. Our senators are brimming with the spirit of giving. They are expected to vote, later today, on a measure to rebuild Los Angeles in the wake of the riots.

Remember all that bi-partisan comaraderie following the riots as everyone in Washington focused their attention and expressed their concerns. Emergency aid would come quickly everyone promised. The House of Representatives, with President Bush's approval, passed a bill to help Los Angeles rebuild—and with money in there to help flood-damaged Chicago.

But once the bill reached the Senate it began to grow and grow. A little something here, a little something there. Old Everet Dirksen used to say, "a billion here and billion there and next thing you know you're talking about a lot of money." And indeed a billion and another billion and now, the 822 Million Dollar House bill has become a two billion dollar Senate bill. And the President now says that's not acceptable.

Appropriations Chairman Robert Byrd says expanding the bill is simply presenting President Bush the option of spending money in other cities as well by declaring a budget emergency. "It would be the President's choice."

Some of the presents under the Christmas tree actually do address to the problems of cities including but not restricted to Los Angeles. 700 million for summer jobs from Fresno to Philadelphia; 250 million for Head Start over the summer from Portland to Pensacola.

Like one amendment hung on the Christmas tree by Senator Steve Symms, a Republican of Idaho. That would permit states to use federal transportation money to remove billboards that don't meet standards.

It's almost Memorial day, folks. Merry Christmas. The Osgood File. I'm Charles Osgood, on the CBS Radio Network.

(Copyrighted by CBS Inc. All rights reserved.)

We should not do this. We should strike out the extra spending until we have had time to think through what we need to do this summer for youth, job training programs, many of which I would be prepared to support. But for now, for the sake of the people in Los Angeles and the sake of the people in Chicago who, through no fault of their own, had their businesses and homes destroyed, we should get them the emergency aid. Then, let us talk about a package to do more.

I urge my colleagues to vote to strike this additional, unprepared, unthought-out appropriations.

Mr. President, what time do I have remaining?

The PRESIDING OFFICER. Six minutes, fifty-five seconds.

Mr. LOTT. I reserve my time at this point, if that will be appropriate, Mr. President.

Mr. BYRD. Mr. President, I yield myself such time as I may consume.

How much time does the Senator from Massachusetts desire so that I will be sure that I limit my remarks?

Mr. KENNEDY. Four minutes.

Mr. BYRD. Very well.

Mr. President, I hope the Chair will call to my attention the passage of the first 10 minutes, if I use 10 minutes.

Mr. President, to those Senators who feel that this $1.45 billion should not be designated emergency spending, let me point out to my dear friends, Mr. LOTT and the other cosponsors of the amendment, that we have declared emergencies for a large number of foreign aid programs, such as $650 million to Israel and $200 million to Turkey to offset their costs associated with the Persian Gulf war; $59 million for increased security costs for embassies and other facilities during the Persian Gulf war; $235 million for humanitarian assistance to Iraqi refugees and others at the end of the war.

In addition to this emergency spending in fiscal year 1991, the administration used its authority to forgive debts to foreign countries totaling $11.551 billion. This total included $6.7 billion for Egypt. I did not vote for it. I voted against that. But the administration used its authority.

This total includes $6.7 billion for Egypt; $2.4 billion for Poland; and 32 countries receiving $2.55 billion in debt forgiveness under various authorities.

Over the years, Mr. President, we have found plenty of money, and it all added into the deficit. We have found plenty of money for programs like the Department of Agriculture's Commodity Credit Corporation, which allowed a country like Iraq to borrow billions of dollars from United States banks that they will never repay. Never. Not only will they never repay this money, a May 18, U.S. News & World Report article details how much of the money was used to purchase weapons on the international arms market instead of U.S. agricultural products.

The bottom line, Mr. President, is that the United States taxpayers are stuck picking up the tab for defaulted Iraqi loans to the tune of $2 billion. The article also points out that then Vice President Bush made a special effort in 1984 to win an approval of a $484 million Eximbank loan for Iraq, and goes on to say that in 1987 Vice President Bush again interceded on Iraq's behalf to secure a $200 million Eximbank loan.

I cannot understand why we cannot show the same sort of concern for the crises in our cities all over this country. I am not talking about a crisis that erupted in the wake of the jury verdict in Los Angeles. I am talking about a crisis that existed before that, a crisis to which I called attention at the summit in 1990, and repeatedly have called attention to on the floor of this Senate—a crisis in the need of infrastructure, sewer and water projects, bridges, highways, which would put people to work; education that would train our youth; job training that would put them to work. This is a crisis that has existed all too long.

There is an economic crisis in this land. Forty-five percent of the Nation's 36 million poor people live in concentrated urban areas. The National League of Cities and the U.S. Conference of Mayors have stated the need for jobs and other programs to provide constructive alternatives for our young people during the summer months.

Why can we not find emergency funds for our own people? Why can we find—always find—emergency funds for every other country—Bangladesh, you name it—but our own? How can we say to the American people that we can fund foreign emergencies, but we cannot find money for our own?

We must respond. We cannot continue to neglect or ignore the myriad economic and social problems in America's cities, not just Los Angeles, but cities all over this country, north, east, south and west. Funding in this bill is a small first step to begin to address some of those problems by providing funds to run summer programs that are focused on young people, the youth that represent the future of this country.

If we do not respond now, then when? Let us not talk about not being able to afford the money for Head Start, summer jobs, and chapter 1 for our young people.

My friend from Mississippi made the statement that we are considering a bill that will sink like the *Titanic*. Mr. President, where were Senators when we voted to cut funds from the *Titanic* in the sky, the space ship? That is the *Titanic*. And I understand that it will cost at least $100 billion. So this administration wants to put $100 billion into a space station, into a space *Titanic*, into pork in the sky. Somebody had better wake up. Our problems are right here, here on Earth, right here at home.

So I suggest that we focus this debate where it belongs. We cannot afford not to invest in our young people, in our Nation's cities, in our towns, large and small; not just the large urban centers, but our small rural towns, as well. Our failure to make this investment in our young people and in our cities, large and small, rural and urban, will truly bankrupt this Nation.

When are we going to learn that charity begins not in foreign countries—not in Israel, not in Egypt, not in Iraq, not in Bangladesh, not in South America, not in Central America—but here at home? When are we going to start caring for the citizens of this country first? I urge my colleagues to oppose this amendment.

How much time do I have remaining?

The PRESIDING OFFICER. The Senator has 6 minutes remaining.

Mr. SARBANES. Will the Senator yield for a comment?

Mr. BYRD. Yes.

Mr. SARBANES. Mr. President, I simply want to observe that if one accepts the arguments of the proponents of this amendment, you would have to have a conflagration first, and then find an emergency and provide the funds to clean up the conflagration, which is what is happening, unfortunately, in Los Angeles. These other programs that money is being provided for are clearly needed in the urban areas of the country.

These jobs programs are very important. I think restraint actually has been shown by the committee in the extent of the package that has been assembled. I think it is focused on addressing, as the distinguished chairman of the committee has pointed out, a problem that he has pointed to previously, ahead of the outbreak in Los Angeles. But we do not want to have to have a Los Angeles type of outbreak in order to recognize that there is a problem. We are trying to be prudent and anticipate a situation and address a situation that existed, and that we know exists. I commend the chairman for taking this action, and I strongly support the committee in opposing the amendment.

Mr. BYRD. Mr. President, I promised the Senator from Massachusetts I would yield to him first, if I may say to Mr. BUMPERS.

How much time do I have remaining?

The PRESIDING OFFICER. Four minutes and 28 seconds are remaining.

Mr. BYRD. Mr. President, I yield to the Senator from Massachusetts the remaining time. He may yield if he wishes.

The PRESIDING OFFICER. The Senator from Massachusetts is recognized.

Mr. KENNEDY. Mr. President, I will yield myself 2½ minutes.

Mr. President, the Senator from West Virginia I think has outlined in a very clear way the message of prioritizing the values of our country and our society, and no one can listen to his argument and not believe that he has underlined the point that the greatest needs that we have in the United States are dealing with our problems here at home.

The message from Los Angeles is a message that is echoing all across this country over the period of the last 3 weeks in every major city and smaller cities across the Nation. It is a clear message of frustration, a sense of hopelessness, a sense of despair of people who live in our major cities, all part of this great magnificent country called America. It is a message of anxiety. It is basically the result of decades of neglect.

We are not interested on the floor of U.S. Senate this afternoon in pointing fingers at those for blame. But we ought to be about rolling up our sleeves and dealing with this challenge.

Everyone in this body knows the handful of different steps that can make an immediate difference this summer, and they are included in legislation. There ought to be more and will be more later on, but these time-sensitive programs are essential.

Mr. HATCH. Mr. President, will the Senator yield?

Mr. KENNEDY. In just a minute I will yield.

We are not giving reward to the rioters, Mr. President. We are basically rescuing our cities. And all across this Nation people are wondering can the Senate of the United States act, can it act in time? Do we recognize our responsibility to our fellow citizens that live in those cities?

It is particularly the children who have been left out and left behind.

We have a responsibility to act, Mr. President, and I hope that this amendment will be defeated.

I yield whatever remains of the 2½ minutes to the Senator from Utah and the remaining minutes to the Senator from Arkansas.

Mr. HATCH. Could I ask how much time I have?

The PRESIDING OFFICER. There are 1 minute and 57 seconds remaining.

Mr. BYRD Mr. President, I ask unanimous consent that there be 5 minutes allotted to each side, and that the 5 minutes on this side of the question be allotted equally between Mr. HATCH and Mr. BUMPERS.

Mr. HATCH. That is perfectly fine.

Mr. BYRD. And 5 minutes to Mr. LOTT.

Mr. LOTT. Five minutes additional on each side.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LOTT. Mr. President, if I could have the floor, could I at this point ask for the yeas and nays on this amendment.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

Mr. LOTT. Thank you, Mr. President.

The PRESIDING OFFICER. The Senator from Utah.

Mr. HATCH. Mr. President, I thank the distinguished chairman of the Appropriations Committee for his kindness. I thank my colleague from Massachusetts.

Mr. President, I am known as a conservative around here. I can appreciate the views of my friend from Mississippi.

It is not very often that I stand up and argue that we should spend more money. But, Mr. President, I will be honest. If I had my way I would spend more money than the $1.45 billion on these four programs. That is what we felt was the best we could do under the circumstances. We have tried to do something here that would be reasonable and worthwhile under the circumstances. I would like to put more money into the Job Corps which is one of the programs that helps hard-core unemployed young kids in our society today.

But we have limited this amendment to 4 areas—not one of which this administration would question, not one of which any Republican ought to question. Anyone who has watched it through the years has seen Head Start become one of the most basic, vital programs in America. It works. It is efficient. It helps the most vulnerable at a time when they are the most vulnerable.

The youth education programs and summer work programs I do not see how anybody could argue against those. The President's initiative for Weed and Seed is innovative and, I believe, will be very effective.

I can see why people will argue against more spending, but in this particular case, the President would have to make that determination. I believe it ought to be done, and we ought to appropriate the money.

I say to my liberal colleagues that we ought to be looking at all these other social programs to see if we can make some priority choices among them of programs that are not as good as these four and pay for this the way it should be paid for. I am willing to do whatever has to be done because I believe these programs are needed right now in our cities to help the most vulnerable of our kids to have a chance in our society today.

Look. I do not blame everything on the sixties or on the Great Society programs. There are some of them that are great programs. I do blame a lot of us for developing a welfare mentality. Sometimes people get locked into welfare and cannot get out and think that only the Federal Government can save them. These programs are not that. These programs are helping kids to become responsible members of society. These programs will help children and youth to become productive adults, citizens, and leaders.

Mr. President, I ask that everybody support these particular provisions. It is about time we do.

The PRESIDING OFFICER. Who yields time?

Mr. LOTT. Mr. President, I yield 3 minutes to the distinguished Senator from California whose State obviously is most directly and immediately affected by this bill.

The PRESIDING OFFICER. The Senator from California [Mr. SEYMOUR] is recognized for 3 minutes.

Mr. SEYMOUR. Mr. President, I thank the Chair, and I thank the distinguished Senator from Mississippi and commend him and Senator DOLE for taking the lead in trying to separate the immediate needs for cities like Los Angeles, a city in my State, and cities like Chicago, the immediate need from the longer term problem. The immediate need is for emergency disaster assistance, that in essence was passed by the House.

What has happened here in this bill is a Christmas tree in fact is built, a Christmas tree that I have suggested is so heavy in its weight that it could sink the entire measure, and in fact in sinking the entire measure I have suggested that that can only lead to a very, very long hot summer in the city of Los Angeles.

What do I mean by this? What I mean is I have believed, as President Bush has suggested, that we need to deal with the emergency first. And this amendment that Senator LOTT is offering will in fact permit that to happen. Over a half billion dollars' worth of emergency services, rent supplements, unemployment benefits, restoration of personal property losses, mortgage payments being made, Small Business Administration loans up to a half-million dollars for those who either through looting or arsonist work lost their businesses, Small Business Administration loans with rates as low as 4 percent up to a half-million dollars would be available.

Now it is not a question as Senator HATCH has suggested as the validity and need for these programs such as Head Start, the youth summer job programs, or the Chapter I Program in education. Those are good programs. I will vote for those and support them in a minute. The question is how are we going to pay for them? How are we going to pay for them?

My colleagues on the opposite side of the aisle say just add it to the deficit and we will let the President pull the trigger, by the way, in adding it to a deficit that is already reaching beyond $400 billion this particular year.

So let us just add it to the deficit. Let us go with these programs, but let us make the tough decisions. Let us make the tough decisions in setting priorities and then deliver the programs.

I yield the floor, Mr. President.

Mr. LOTT. Mr. President, I yield 3 minutes to the distinguished Republican leader, Senator DOLE.

The PRESIDING OFFICER. The Republican leader is recognized.

Mr. DOLE. Mr. President, I thank the Senator from Mississippi.

Mr. President, this bill began with the best intentions—to provide immediate help for the victims of the California riots. It was an effort strongly supported by the President and the majority of Republicans and Democrats in both Houses.

Unfortunately, that good will effort has, in some respect, been derailed by the committee's decision to include $1.45 billion to expand Head Start, compensatory education, summer youth employment, and the Weed and Seed Program.

As just indicated by the Senator from California, all of these are worthwhile efforts. To their credit the Appropriations Committee has worked hard to figure out some way to satisfy Senator KENNEDY and Senator HATCH.

The problem with this provision is there is nothing in this bill to pay for any of the additional spending, except for the language that is included to allow President Bush to release the funds if he declares an emergency.

The emergency requirement puts all the pressure on President Bush and none on the Congress. It is clearly a no-win situation for President Bush.

In the view of this Senator, this is a cop out. What appears to be strong action to deal with the urban crisis facing our country will be seen as election year politics to many voters.

So again Congress is going to play Santa Claus. We are going to put all this additional money in here. But, it is only going to be spent if President Bush, that Scrooge at the White House, loosens up and lets it go. It is up to the President to tell the mayors and everybody else that, "we understand there is an emergency, but how do you pay for it?" How do you tell the next generation why we increased the deficit by billions and billions of dollars in 1992? Oh, yes, we did it all to help somebody. But what about the next generation? Who is going to be around when they are going to be in need?

So I think that is one reason some of the voters in America and my State of Kansas, are cynical about Congress. Voters talk about the deficit being the No. 1 problem in America, but when Congress is faced with paying for new spending, we demand an exemption.

That does not mean you do not have to pay for the spending, it just means you add it to the deficit.

We have made so many exceptions and passed so many bills that the deficit is now over $4 trillion.

So I guess we have to ask ourselves about responsibility. Certainly, everybody wants to help the children of Los Angeles, but I am not certain you are going to help the children of Los Angeles by sticking them with more debt.

I would also point out this is not the only vehicle that is going to be dealing with urban aid. The House and Senate have been meeting in bipartisan groups. There will be more meetings, some maybe this afternoon. The President has met with us on two occasions to take a look at what we can agree on right now, in addition to what may be in the supplemental. What we can do on a bipartisan basis—Democrats, Republicans, the White House? What do the Democrats have? What do we have? What can we pick out of both packages within the next 30 days or before the July recess? There is that willingness to work together. And maybe some of the things suggested in this $1½ billion amendment may be agreed upon by our bipartisan group.

Mr. President, I certainly urge my colleagues to support the amendment by the distinguished Senator from Mississippi [Mr. LOTT]. We need to either find a way to pay for the amendment or strike it out. Then maybe we can go back and deal with urban assistance in bipartisan setting. We are having bipartisan forums. We have had discussions. Maybe some of these ideas, certainly Senator KENNEDY and Senator HATCH have a lot of good ideas, maybe we can find a way to pay for them so we do not punish one generation, and that is the next generation.

Mr. President, I thank the Senator from Mississippi for yielding.

Mr. LOTT. Mr. President, I yield 3 minutes to the Senator from Rhode Island [Mr. CHAFEE].

Mr. CHAFEE. Mr. President, when the distinguished Senator from Massachusetts introduced this legislation the other day, he used words that I found very inspiring. He said—and I will paraphrase it a bit—if we have the will, we have the wallet.

But what it ends up, Mr. President, is if we have the will, we have our children's wallet. And that is the hitch with this program that he has presented. I think these are excellent programs that have been outlined. I have supported them over the years—Head Start and others.

But there is talk of responsibility here. What kind of responsibility does it take to enact new programs blithely without having the provisions to pay for them?

Mr. President, I believe that these are good programs but there are ways to pay for them and let us find those ways to pay for them.

Mr. KENNEDY. Will the Senator yield?

Mr. CHAFEE. Yes.

Mr. KENNEDY. Does the Senator understand we are sending the President a rescission for $8.1 billion of rescission, $800 million of that is domestic discretionary, $200 million international, and $7.1 billion in defense. We are talking about one-fifth of that amount.

Mr. CHAFEE. On whose time is the Senator speaking?

Mr. KENNEDY. I am just asking a question. The Senator is talking about how we are going to pay for it. I am just asking if the Senator would not agree.

Mr. CHAFEE. I believe the Senator from Massachusetts will agree that there is no provision for paying for it; is that correct? Yes or no.

Mr. KENNEDY. The answer is that is correct.

Mr. CHAFEE. There is no way to pay for it.

And this is on my time. If the Senator wants his time, he can go to it.

But, Mr. President, here is the situation. There is a lovely program set forth with vigorous words like responsibility, and if we have the will, we have the wallet. But it turns out, Mr. President, it is our children's wallet.

Mr. President, I just think we have gone on too long in this Congress. Everybody is in a stampede now to line up behind the balanced budget amendment. But meanwhile everybody proceeds blithely to go ahead and spend without providing the means to pay for these programs.

I think that is extremely unfortunate, Mr. President. They are good programs. They are good programs. Let us pay for them.

I thank the Senator from Mississippi.

Mr. LOTT. Mr. President, how much time do I have remaining?

The PRESIDING OFFICER. Two minutes seven seconds.

Mr. LOTT. Mr. President, I wonder if the distinguished Senator from West Virginia has any more time he needs to yield.

Mr. BUMPERS. Will the Senator yield?

Mr. BYRD. Mr. President, I had asked for time for Mr. Bumpers.

Mr. BUMPERS. How much time do I have remaining?

The PRESIDING OFFICER. The Senator from Arkansas has 2½ minutes.

Mr. BUMPERS. Mr. President, I will use it right now.

First of all, I want to tell the Members of this body that from the southern tip of Illinois to New Orleans on both sides of the Mississippi River, in what we call the Delta, there are 257 counties, 11 million people. That is 2 to 3 more million people than live in Los Angeles. Forty percent of those 11 million people live below the poverty line.

When I introduced a bill here 4 years ago to establish a commission to come up with a crash plan to try to help that area, I could not get a cosponsor other than the States affected.

One Monday morning, the distinguished Senator from New Jersey [Mr. BRADLEY] walked across the floor and said "Put me on your Delta bill."

I said, "What happened to you? I wouldn't have thought you would join on."

He said, "I have been campaigning down in Mississippi for MIKE ESPY, and in Tunica County, there is a 50-percent poverty rate."

Mr. President, the Senator from California has no objection to putting $500 million in FEMA and $300 million into SBA for Los Angeles and Chicago, and I applaud that; I will vote for it. But I can tell you, that this disgrace of America, where people are struggling to keep body and soul together and where the leaders in that area are making valiant efforts with a considerable degree of success to alleviate the problems of that area, it is another one of those things that is little known because they have not had riots. You do not have a riot in a town of 2,000 people. But you have unmitigated, unbelievable poverty.

This provision that Senator HATCH and Senator KENNEDY have come up with, the formula which provides 50 percent of the jobs for 14- to 19-year-olds based on the relative poverty rate, 25 percent based on the unemployment rate, I promise you, in the Delta that is going to be manna from heaven.

Mr. President, we cannot keep spending $200 billion for the space station, I say to the Senator, and $12 billion headed for the super collider that started out at $4 billion, and keep faith with the American people. You have a chance here today to help all Americans, not just Los Angeles and Chicago.

I yield the floor.

The PRESIDING OFFICER. The Senator's time has expired.

Who yields time?

Mr. LOTT. Mr. President, I believe I have 2½ minutes remaining. Since that is all the time that is remaining, I would like to take this time to make some closing comments.

I agree with the distinguished Senator from Arkansas. We need to address these problems all across America, including the Mississippi Delta. But I would like to target the funds and make sure they are going to get to the places and the people that need it.

This is another case where we are just spreading some money, perhaps an adequate amount of money, just spreading it out there and hoping it is going to fall in the right places. We are doing it on a bill that is supposed to be a dire emergency supplemental appropriations.

Let us do these things in order and let us find a way to pay for it.

The distinguished Senator from West Virginia said let us not spend it, let us cut back on some of these foreign aid programs the administration has asked for emergency clearance to spend. I agree with him. When he offers an amendment to stop that and cut it back, I will be voting with him. I think it is ridiculous. It has gotten out of hand. I think we do need to tend to America's problems.

Mr. BYRD. Will the Senator yield?

Mr. LOTT. Certainly, I will yield to the Senator.

Mr. BYRD. I offered an amendment, I think last year it was, and this year—on the foreign aid matter, and I did not get a single vote from anybody in this Senate on that side of the aisle or on this side of the aisle. I got one, cast by the offeror of the amendment.

Mr. LOTT. I think the record will show I have a long history of voting against a lot of those spending bills. I cannot believe the Senator would get only one vote. I thought he would get at least 58.

Furthermore, I want to point out that nothing in this $1.45 billion add-on is designated for infrastructure. It has been suggested that we need to spend more for infrastructure. I agree. But no funding for infrastructure is included in this bill. This appropriation goes for human development services, compensatory education for the disadvantaged, training performance services, emergency Weed and Seed program funds, and we are not even sure how it is going to be distributed this summer so it will have the benefit we would like for it to have.

Let me also say that a lot of these programs have already had significant increases in spending this year over last year; significant. For instance, Head Start—we all know of programs where Head Start has done a good job. That is why it has been increasing every year for the last 10 years and had a big jump in appropriations this year over last year.

To conclude, passage of this bill without my amendment will lead to a $1.94 billion addition to the deficit. We should target the aid on the disaster. That is where the funds should go. Let us do it quickly, let the conference be done quickly, and let us not allow this additional funding to sink the Titanic.

I urge adoption of this amendment to strike the $1.45 billion.

The PRESIDING OFFICER. The Senator from West Virginia has 1 minute and 6 seconds.

Mr. KENNEDY. Will the Senator yield for a question?

Mr. BYRD. Yes, I yield for a question.

Mr. KENNEDY. Is it the intention of the chairman of the Appropriations Committee we are going to act on the conference report on the rescission, and that would go to the President before the end of this week?

Mr. BYRD. That is the intention, to act on that this afternoon.

Mr. KENNEDY. What is the amount of that rescission that will go?

Mr. BYRD. It would be $8.1 billion or $8.2 billion—over $8 billion.

Mr. KENNEDY. So that would be something the Congress has determined would be $8 billion that would not be otherwise spent, and that is going to the President; is that right?

Mr. BYRD. That is exactly right. And the House approved the conference report by the vote of 404 to 11, I believe it was, earlier today, which sounds like a pretty good veto-proof vote. The Senate will vote this afternoon. It is a highly privileged matter. It will be only 2 hours allotted to the conference report. The motion to proceed to it is not debatable. So that will be done before the end of the day and that will be placed on the President's desk very soon, cutting out $8.2 billion.

Mr. GRASSLEY. Mr. President, I rise in support of the amendment offered by the Senator from Mississippi [Mr. LOTT].

Until the Senate Appropriations Committee took up this measure, it looked as though Congress and the White House were about to put partisanship on the shelf long enough to actually do some good for America.

Unfortunately, that cooperative spirit did not hold up long enough.

What we have before us today, therefore, is an appropriations Christmas tree. It started out simple enough—plain enough—direct enough—but like so many appropriations bills which have come before this one, we have decorated this bill with so much excess, that it is hard to see any longer what we had before us in the beginning.

To refresh the collective memory of the Senate, we are dealing with a Dire Emergency Supplemental Appropriations Act to assist riot-torn Los Angeles and flood-ravaged Chicago. We do have a worthy measure before us—one which I would like very much to support.

Somewhere along the way, however, this half-billion dollar dire emergency proposal got sidetracked in the Appropriations Committee, and it emerged as a $2 billion catch-all for a variety of domestic programs.

Now, let us be straight from the outset—the additional programs which were funded by the Appropriations Committee certainly have merit. In fact, I have been a supporter of these very same programs. My objection arises out of their inclusion in this proposal.

The inclusion of these nonemergency measures violates the spirit as well as the letter of the Budget Enforcement Act.

It also cleverly places the President in a politically unwinable predicament. He can either declare the requisite emergency and be held solely responsible for the deficit spending which results, or he can withhold the declaration and shoulder the blame for killing this package.

I find it disheartening that an honest-to-goodness relief measure for two crippled communities would be held hostage to such maneuvering.

I also take exception to the inclusion of $1.45 billion in new deficit spending without any suggestion as to the need for offsetting budget cuts.

Last night the Senate had an opportunity to make the spending of these additional funds contingent upon the adoption of a rescission bill containing equal or greater offsets. That good-faith effort to pay for this bill was defeated.

Do we really have any intention of being responsible, or do we fully intend to just dump more debt on our children and our grandchildren—the very people we claim to be helping through this additional spending.

Are we again suggesting that the proper course of action is to throw more money at a problem and then walk away while the blind knife of a sequester cuts the good programs along with the bad to make room in the budget for our latest binge? That is precisely what we are doing.

We have an appropriations process, and I believe we need to let that process do its work.

The simple truth is that the Federal Government does not have the financial resources to meet every funding request. Given that realization, we carefully study the many funding proposals which come before us in an effort to determine those which can be funded and to what extent they can be funded. We discuss, we debate, we compromise, and in the end we finalize our spending priorities for another year.

It is in that spirit—the spirit of fair and free discussion, debate and compromise—that this supporter of Head Start, chapter 1, the Summer Youth Jobs Program and a host of other domestic programs suggests that we deal with these issues in the proper forum—the regular appropriations process.

Mr. President, the Federal cash register is open, the safe has been left unguarded, and there are some attractive items sitting in the showroom window. Despite these enticements, the Senate cannot give in to the temptation to loot the Federal Treasury.

Already, interest on the national debt comprises the single largest component of the Federal budget, outpacing even defense spending and Social Security. Because of budgetary indiscretions of the past, we find ourselves spending the first $300 billion of our budget to service that debt—$300 billion which would help us address as a myriad of domestic needs.

The true question before us, therefore, is "Are we willing to further restrict the ability of the next generations to meet the domestic needs of tomorrow by running up more debt today?"

I have five children and seven grandchildren, and I just do not believe it is fair for their generations to spend a lifetime paying for the excesses of my generation.

Mr. President, Los Angeles and Chicago have already endured great hardship, and addressing their problems is a bona fide emergency.

I believe it is wrong to jeopardize this assistance package by imposing the additional hardship caused by $1.45 billion of increased deficit spending for nonemergency programs.

I support adoption of the Lott amendment.

The PRESIDING OFFICER. All time has expired.

The yeas and nays have been ordered. The clerk will call the roll.

Mr. BYRD. Mr. President, I ask unanimous consent that this amendment be temporarily laid aside to accommodate some Senators. I understand some Senators on the other side wish to be accommodated.

I ask that this amendment be temporarily laid aside and that it be in order to proceed to one of the other amendments that are on the list agreed to last evening.

Mr. LOTT. Will the Senator yield for a question?

Mr. BYRD. Yes.

The PRESIDING OFFICER. The Senator from Mississippi.

Mr. LOTT. Reserving right to object, and I will not object, the intent would be to have this vote, maybe—perhaps if the leader so decides, to have it stacked with another vote in another hour or so?

Mr. BYRD. I do not know how long it will be. I am relaying to the Senator the request of the Republican leadership. The vote will occur at a reasonable time, and probably with another vote.

Mr. LOTT. Certainly I have no objection, Mr. President.

The PRESIDING OFFICER. Without objection, it will delayed.

Mr. BYRD. Mr. President, what other amendments remain on the list of yesterday?

The PRESIDING OFFICER. The remaining amendments are a Thurmond amendment, Seymour amendment, Dole amendment, a Graham amendment, a Specter amendment.

Mr. BYRD. I hope Senators who have those amendments—a Senator will call up an amendment soon. Because time is running and it is hoped we can complete action on this bill reasonably early so the Senate can proceed to consideration of the conference report on the rescissions.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. BYRD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BYRD. Mr. President, I believe that Mr. DOLE has on the list that was agreed to last night an amendment providing up to $5 million for foreign operations, export financing, and related programs to be made available for humanitarian assistance to Bosnia.

That amendment is cleared on both sides and I am authorized to call it up.

AMENDMENT NO. 1853

Mr. BYRD. Mr. President, I send an amendment to the desk on behalf of Mr. DOLE, Mr. LIEBERMAN, Mr. D'AMATO, Mr. PELL, Mr. NICKLES, Mr. PRESSLER, and Mr. DECONCINI, and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The bill clerk read as follows:

The Senator from West Virginia [Mr. BYRD], for Mr. DOLE (for himself, Mr. LIEBERMAN, Mr. D'AMATO, Mr. PELL, Mr. NICKLES, Mr. PRESSLER, and Mr. DECONCINI,), proposes an amendment numbered 1853.

At the appropriate place, insert:

"Notwithstanding any other provision of law, up to $5,000,000 of the funds made available for foreign operations, export financing, and related programs in Public Law 102-145, as amended by Public Laws 102-163 and 102-266, and previous Acts making appropriations for foreign operations, export financing, and related programs, shall be made available for humanitarian assistance to Bosnia-Hercegovina; Provided, that such assistance may only be made available through private voluntary organizations; Provided Further, that funds made available under this paragraph shall be made available only through the regular notification procedures of the Committees on Appropriations.

The PRESIDING OFFICER. The Senator from West Virginia.

Mr. BYRD. Mr. President, on this side I am prepared to accept the amendment. I understand it is clear on the other side.

The PRESIDING OFFICER. If there be no further debate, the question is on agreeing to the amendment.

The amendment (No. 1853) was agreed to.

Mr. BYRD. Mr. President, I move to reconsider the vote.

Mr. LOTT. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. DOLE. Mr. President, first I thank the distinguished chairman of the Appropriations Committee, Senator BYRD, and my colleague Senator HATFIELD, the ranking Republican member on the Appropriations Committee, for accepting the amendment that I offered along with the Presiding Officer, Senator LIEBERMAN, Senator D'AMATO, Senator PELL, Senator NICKLES, Senator PRESSLER, and Senator DECONCINI.

Mr. President, this amendment is very simple: it allocates $5 million for humanitarian assistance for the new nation of Bosnia-Hercegovina, through reprogramming of already appropriated funds.

I am pleased that the distinguished Senator from Connecticut [Mr. LIEBERMAN], and the distinguished Senator from New York [Mr. D'AMATO] have joined me in cosponsoring this measure.

A year and a half ago, Saddam Hussein invaded and brutalized Kuwait. On that occasion, the nations of the world united to repulse that invasion, and restore the sovereignty of Kuwait.

Now, even as we debate here on the floor of the Senate, another tyrant—Slobodan Milosevic—is trying to destroy the newborn tiny nation of Bosnia-Hercegovina.

Nearly every day for the past 5 weeks, we have been horrified by scenes of death and destruction in Bosnia. The capital of Sarajevo is in flames. Two-thirds of Bosnia's territory is occupied by Serb forces. More than 700,000 people have been driven from their homes. It is estimated that around 20,000 people in Bosnia are forced to leave their homes daily.

At this very moment 5,000 women and children—promised safe passage by Serb forces—have instead been taken hostage, and made human bargaining chips in Milosevic's plan to create his greater Serbia.

I and other Senators have met with the foreign minister of Bosnia, who has come here to plead for urgently needed humanitarian assistance for his people.

While repeated scenes of carnage wrought by artillery, mines, and bombs can almost numb the senses, it is still shocking to face the very real prospect of the imminent starvation of tens of thousands of people: men, women, children; Moslems, Croats, and, yes, Serbs—Bosnian Serbs whose homes and livelihoods have also been destroyed by Belgrade's war machine.

In addition to waging an extensive bombing campaign, Serb forces have blocked all major roads in Bosnia, and cut water lines and electricity, in a calculated attempt to strangle and starve the population. Convoys of food and medicine have been either stolen or destroyed. A Red Cross convoy with several tons of medicine was the latest casualty.

Mr. President, the sad fact is that the world—tragically including our own Nation—has done far too little to respond to Serbia's vicious aggression. Tepid statements, uninspired diplomacy, and weak sanctions have not stopped Milosevic or his Army.

At this point, nothing we can do can wipe away the strain of that inaction. But at the very least we should do all we can to help the innocent victims of the onslaught.

We simply cannot stand by and watch as thousands and thousands of men, women, and children starve.

If we do nothing, our inaction will truly be, in the words of the Bosnian foreign minister, a "disgrace for humanity."

That is why the amendment was offered.

We owe it to our own ideals and our own national conscience to help the people of Bosnia. And, I might say, it is paid for by reprogramming.

We may be too late to save their Nation, but at the least we must try to save some human lives.

I thank my colleagues for joining me in this amendment. I thank all of my colleagues for the unanimous support the amendment received.

I yield the floor.

Mr. LIEBERMAN. Mr. President, I strongly support the Senate's actions today regarding the Yugoslav tragedy. These actions parallel the letter that Senators DOLE, PELL, BOREN, HATCH, and I sent to Secretary Baker earlier this month.

What is particularly tragic about the situation in Bosnia-Herzegovina is that the diverse peoples of this republic had been living together in harmony, despite the bloodshed in Croatia. Bosnia-Herzegovina had been an island of calm; its peoples' self-control and tolerance were an example to the world.

The current bloodshed only started when outsiders from the Republic of Serbia filtered into Bosnia-Herzegovina to wreak havoc with small arms and ethnic cleansing operations. They were followed by the artillery of the regular Yugoslav army units. The result has been the destruction of cities and the deaths of thousands. Europe has not seen such brutal fighting since the last days of World War II. As the Bosnian Foreign Minister said yesterday in Washington, the entire situation represents a "disgrace for humanity."

Just today, the New York Times reports that Serbian guerrillas have taken 5,000 women, children, and elderly people hostage. This disgraceful action occurred despite the fact that officials of the Children's Embassy, a local relief group that had organized the refugee convoy, had obtained guarantees for safe passage. This demonstrates a particularly reprehensible combination of guile and cruelty.

Some have argued that we can turn away from these so-called small bushfire wars, now that the cold war is over. But I do not believe that most Americans want to conduct a foreign policy that is based solely on tangible threats to our immediate political and economic interests. We should stand for something beyond this. When thousands of lives are at stake, as they are in Bosnia, we should do our utmost to shape an acceptable outcome.

In fact, our national interest is involved in Yugoslavia in-so-far as President Milosevic's actions set a dangerous precedent for the entire former Soviet bloc. This area is bristling with ethnic antagonisms which many thought were relics of the pre-World War era. If Serbia succeeds in changing its borders and forcing large population transfers through the use of force, it could encourage other ethnic groups to follow suit. If, on the other hand, the international community reacts firmly to the actions of President Milosevic, it will help to deter potential aggressors.

The Senate's actions today, including providing humanitarian aid and ending air service to Belgrade, send an important signal. Trade sanctions, including an oil embargo and the freezing of Serbian Government assets, in conjunction with our European allies, should definitely be carried out unless President Milosevic changes his policies.

The seige of Sarajevo and the other Bosnia-Herzegovina towns must end now. We must show the Milosevic government that such actions invite a reaction. We have to show that the international economic and political noose around this aggressor Serbian Government will be stronger than the one that it is tightening around the men, women, and children of these vulnerable Bosnian towns.

Mr. President, I ask unanimous consent that material from today's New York Times be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

SERBS HOLD 5,000 HOSTAGES FLEEING THE WAR IN SARAJEVO

(By Chuck Sudetic)

BELGRADE, Yugoslavia, May 20.—Serbian leaders in Bosnia and Herzegovina said today that their guerrillas would not release about 5,000 women, children and elderly people being held in a Sarajevo suburb until the Government of Bosnia and Herzegovina lifted blockages of Yugoslav Army barracks and met other conditions.

On Tuesday night, Serbian gunmen halted a column of about 1,000 cars, 20 buses and 10 vans in the suburb of Ilidza as the refugees attempted to leave Sarajevo, the Bosnian capital. Serbian forces have besieged and bombarded Bosnia and its capital for more than a month in an effort to partition the republic.

Officials of the Children's Embassy, a local relief group that organized the convoy, said they had obtained written guarantees of safe passage from officials of the self-styled Serb Republic of Bosnia and Herzegovina. Serbian guerrilla forces, together with the virtually all-Serb Yugoslav Army, have overrun more than 60 percent of Bosnia, driving non-Serbs from their homes.

The mothers and children in the convoy, which was headed for the Croatian port of Split, are ethnically mixed, officials said.

2,200 DEAD, 7,600 WOUNDED

The people of Bosnia and Herzegovina are a mix of 1.9 million Muslim Slavs and 750,000 Roman Catholic Croats, who mostly support independence, and 1.4 million Eastern Orthodox Serbs, who mostly oppose it, especially those in rural areas.

About 2,225 people have died and 7,600 have been wounded in the republic since the Serbs began their campaign to dismember the republic, health authorities in Sarajevo said today. Another 2,555 were listed as missing. Relief organizations estimate that there are 700,000 refugees.

Late this afternoon, two armored vehicles belonging to the United Nations peacekeeping force in Sarajevo were turned back by Serbian gunmen at a roadblock when the peacekeepers tried to enter Ilidza. They came under artillery fire on their return to their headquarters a few miles away, Sarajevo radio and United Nations officials said.

THREAT OF RETALIATION

Young men and parents of the children being held threatened to retaliate against Serbs in Sarajevo if the hostages were not released quickly, Government officials said. Many Serbs in Sarajevo support and take part in the defense of the Government of Bosnia and Herzegovina, which was recognized in early April by the United States and members of the European Community.

Serbian leaders are demanding the return of the bodies of Serbs killed in fighting around Sarajevo during the last week, as well as the lifting of a blockade around Yugoslav Army barracks in the city and an officers' training school nearby.

BLEAKNESS IN SARAJEVO

Three Yugoslav Army barracks in Sarajevo remained surrounded today by ethnically mixed forces loyal to Bosnia, despite an agreement to allow the garrisons to depart on Tuesday, Sarajevo radio said. Repeated attacks on Yugoslav Army convoys have also held up their withdrawal.

Water and electricity supplies are still disrupted in Sarajevo, which also faces serious food and medical shortages because normal deliveries and aid convoys are not being allowed through by the Serbian gunmen.

The United Nations High Commission for Refugees has canceled plans to send two large convoys with food and medicine to Sarajevo because of a Serbian attack this week on a Red Cross convoy that left one aid official dead.

In Geneva today, the International Red Cross said it would temporarily remove its eight-person team from Sarajevo, a city of about 560,000 people.

U.S. REVOKES AIR RIGHTS

WASHINGTON, MAY 20 (AP)—The United States suspended the landing rights of Yugoslavia's national airline today after the Serbian authorities ignored appeals to permit humanitarian goods to reach victims of the fighting in Bosnia and Herzegovina.

SHAME IN OUR TIME, IN BOSNIA

A "disgrace for humanity." The words uttered in Washington Tuesday by Haris Silajdzic, Foreign Minister of beleaguered Bosnia, should chill the hearts of all who despise naked aggression.

The Serbian strongman Slobodan Milosevic steps up his brutal bombardment of Bosnia's capital Sarajevo, and his "ethnic cleansing" of Serb-occupied territory. Hundreds die; ancient towns are turned to rubble. And what is the response of the U.S., the European Community and the U.N.? Sighs, shrugs and evasions.

The bully who violates Bosnia's internationally recognized borders must be confronted by an international coalition prepared to do what is necessary to put him in his place. Otherwise the brutality in Bosnia will, far beyond the Balkans, dash hopes for a new world order.

This little country has been given a ruinous runaround. Washington initially called on the European Community to cope with the threat to peace, even as it disparaged E.C. efforts. When its mediation efforts collapsed, Europe called for U.N. peacekeepers. The U.N. was prepared to send them in February, but then Washington protested that $634 million was too expensive. Another mission to Yugoslavia managed to cut that by $28 million—cheese-paring that cost weeks, and lives.

In March, the blue helmets finally began arriving in force in Croatia. The U.N. established its headquarters in Sarajevo as a way of creating a presence, as well, in Bosnia. But within weeks U.N. officials were whining that peacekeepers "are routinely harassed, the Organization's property stolen and its emblems and uniforms misappropriated." The U.N. pulled out of Bosnia and now ponders withdrawing from the rest of Yugoslavia.

What touching concern for misappropriated emblems—even as whole neighborhoods of Bosnians were being forced to flee for their lives. It is true that the U.N. peacekeepers are too lightly armed to defend against rampaging Serbs. But why is that the only alternative? The larger truth is that the U.N. peacekeepers have become a cover for Western inaction.

Now there's not even the pretense of a U.N. presence in Bosnia. And the world's collective irresponsibility stands exposed as nakedly as the Milosevic aggression. President Bush, proud leader of the free world, had no trouble deciding that Iraq's aggression against Kuwait should not stand. He assembled a global coalition to force withdrawal. Why not a new one now?

Such a coalition need not undertake armed intervention, at least not yet. The economic noose can be tightened and those who help Serbia circumvent it can be pressured. And if cooperative security is to have meaning, the coalition can declare its willingness to use greater force, as a last resort.

Aggression ought to be every bit as despicable in the Balkans as in the Persian Gulf. For the U.S. and its allies to stand by while Milosevic marauders defile Bosnia invites bullies elsewhere to take heart. Peace in our time, spineless leaders said in the 1930's. In our time the word is shame.

Mr. BYRD. Mr. President, other Senators should have amendments. The time is ripe at this point for the offering of other amendments.

May I say that the amendment by Mr. THURMOND will have to be delayed for a little while because the parties are not prepared, at least on this side of the aisle, yet to go to that amendment.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. BYRD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BYRD. Mr. President, the following amendments remain from the list to be acted on: An amendment by Mr. THURMOND providing stricter penalties for riots, with a 40-minute time limitation. As I have already indicated, that will not be ready to be called up probably for another 30, 40 minutes. An amendment by Messrs. SEYMOUR and DOLE providing flexibility on summer jobs, 20 minutes; an amendment by Mr. GRAHAM on summer jobs, 30 minutes; an amendment by Mr. SPECTER, summer jobs, 30 minutes. That is all.

I wonder if any of those Senators who have amendments and who cannot come to the floor now and call them up would allow me or another Senator to call the amendment up for them so that the Senate can be utilizing its time.

Meanwhile, I ask unanimous consent that the vote on the amendment by Mr. LOTT and Mr. DOLE, which has already been debated, occur at the hour of 1:10 p.m. today.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BYRD. If the respective cloakrooms will attempt to have Senators whose names I called and who have amendments on the list agreed to last night come to the floor quickly, or inquire as to whether or not it would be agreeable for another Senator to call up the amendment, that would be much appreciated by the two managers of the pending measure.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. GRAHAM. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. GRAHAM. Mr. President, I also ask unanimous consent that the pending amendment by the Senator from Mississippi be laid aside for the purposes of considering the amendment that I will be presenting.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 1854

(Purpose: To improve the effectiveness of summer jobs programs)

Mr. GRAHAM. Mr. President, I send an amendment to the desk.

The PRESIDING OFFICER. The clerk will report the amendment.

The legislative clerk read as follows:

The Senator from Florida [Mr. GRAHAM] proposes an amendment numbered 1854.

Mr. GRAHAM. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 5, line 25, delete "and".

On page 6, line 11, after the word "basis", delete the period and insert the following:

"; and

"(3) requiring each Service Delivery Area to certify to the Governor of the State in which the Service Delivery Area is located that

"(A) priority for service has been placed on eligible youth who are basic skills deficient, juvenile delinquents, at-risk of school failure, pregnant or parenting or homeless or runaway youth; and

"(B) the summer program:

"(1) enhances basic educational skills of youth, and

"(2) encourages school completion, or enrollment in supplementary or alternative school programs.".

Mr. GRAHAM. Mr. President, a portion of this bill will call for an additional $700 million this summer for summer jobs programs. This will more than double the current funding of $650 million for such programs.

The amendment that I offer suggests that these programs should be looked at in two perspectives, one that a priority should be given to those youths such as those that are high risk of school dropouts, who are the most vulnerable and most in need, both in terms of economics, and the structure that such a program could provide; and that seconded the program itself should be thought of as not an independent few weeks of employment in the summer, but rather as part of a more comprehensive effort to either provide educational skills, employment skills, or to reduce the potential of a school dropout. That is to say that summer jobs are an important component of a comprehensive effort to enhance people's ability to be independent and self-sufficient, and achieving, stay in school, and it should be structured in that manner.

Mr. President, it is my understanding that this amendment has been cleared on both sides. Therefore, I will not prolong the discussion. But I would like to bring to the attention of the Senate that there are across America now a number of exciting initiatives that attempt to do what this amendment would call for; that is, to use summer employment as an important component of every comprehensive program.

Just to cite two examples, one is the Wakeman stores in Rochester, NY, a very large retail chain which has developed an extremely comprehensive program that involves tutorial, mentoring, identifying of high-risk children, provision of employment opportunities, scholarships for those children who stay in school and succeed to continue their education.

In my State, the Burger King academies have similar programs and have had a similar positive impact on the children and youth of my State. I believe that those are just two of many examples.

I would hope that this more than doubling of summer jobs program would have a stimulus to encourage other private firms, local governments, educational agencies, in partnership with the Federal Government to see this as an opportunity to give more young people the encouragement to stay in school, do well, succeed and get the benefits and reap rewards of that through their capacity to live a respectful, independent, self-sufficient, prosperous life.

Mr. President, if there is no further debate, I suggest the absence of a quorum. I would ask for the vote on this amendment.

Mr. BYRD. Mr. President, will the Senator withhold? May I say to the distinguished Senator from Florida, I think that this amendment is acceptable on both sides. It is on my side. But I am seeking to be assured of that with respect to the other side, if the Senator will withhold momentarily.

Mr. GRAHAM. Mr. President, I suggest the absence of a quorum.

Mr. BYRD. Mr. President, I ask that the time for the quorum call come out of both sides on this amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. SIMON. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BYRD. In view of the fact that several Senators have been notified that there will be a rollcall vote at 1:10 p.m. and they will be coming to the floor shortly therefore, expecting such, because of the reasons that make it necessary to delay that vote, I ask unanimous consent having been cleared on both sides that the vote on the Lott-Dole amendment occur at 2:20 p.m. today rather than 1:10 as previously agreed to.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SIMON. Mr. President, I simply want to rise and say that the spirit of this amendment offered by Senator GRAHAM is precisely what we have to do. The Senate has passed a new JTPA bill, the House has, and we are going to try to get it worked out between the House and the Senate. That bill which I am pleased to say we have worked out with the Secretary of Labor, and with the administration, will be signed, moves in this precise direction. But that is not the law now. So I think it is good for the Senate to go on record.

I commend Senator GRAHAM for showing leadership on this as he has on so many things. I think this is a good time to say the Senate has been enriched by Senator BOB GRAHAM leaving the Governor's chair in Florida and coming to be a Member of the U.S. Senate. He has been a genuine leader here.

This resolution is precisely the direction that we ought to be going. I commend him. I hope it is adopted unanimously.

Mr. President, I question the presence of a quorum.

The PRESIDING OFFICER (Mr. LIEBERMAN). The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BYRD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BYRD. Mr. President, both sides I am now informed are prepared to accept the amendment offered by Mr. GRAHAM. I yield back the time on this side.

The PRESIDING OFFICER. Is time yielded back on the other side?

Mr. GRAHAM. Mr. President, time is yielded back on this side, and I request a vote on the amendment.

The PRESIDING OFFICER. If there is no further debate, the question is on agreeing to the amendment of the Senator from Florida.

The amendment (No. 1854) was agreed to.

Mr. GRAHAM. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. SIMON. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. BYRD. Mr. President, we are making good progress.

We have three amendments: An amendment by Mr. THURMOND, I am advised that the Senate may begin debating that amendment soon, certainly within the next 10, or 15, or 20 minutes; an amendment by Mr. SPECTER, dealing with summer jobs; an amendment by Senators SEYMOUR and DOLE dealing with summer jobs. Those are the remaining amendments.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BYRD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BYRD. Mr. President, no Senator is on the floor presently seeking to call up his or her amendment. In the interest of saving time and accommodating the distinguished Senator from Kansas [Mrs. KASSEBAUM]. I ask unanimous consent that she be permitted to speak out of order for whatever time she requires, not to exceed 15 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mrs. KASSEBAUM. Mr. President, I very much appreciate the chairman of the Appropriations Committee, Senator BYRD, giving me some time. I ask unanimous consent to speak as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

SOMALIA AND INTERNATIONAL RED CROSS

Mrs. KASSEBAUM. Mr. President, I rise today to commend the International Committee of the Red Cross for their courageous efforts to deliver emergency humanitarian relief in Somalia.

We have all been deeply saddened by the tragic situation in Somalia. Since the fall of Siad Barre, thousands of innocent civilians have died in the chaotic fighting between rival clans and subclans. Because of the insecurity, very little food has been delivered to Somalia, resulting in desperate, famine conditions.

As in most civil conflicts, the vulnerable, particularly the children and the elderly, suffer the most. The United Nations reports that over a hundred children are dying from starvation every day.

Following the fall of Siad Barre and particularly after the escalation of fighting in Mogadishu, most foreign governments, relief agencies, and even the United Nations totally withdrew from Somalia. Yet, through it all, the International Committee of the Red Cross has remained—even after thugs murdered two of their aid workers.

Traditionally, the Red Cross works exclusively with the most vulnerable. In this case, it has gone far beyond this traditional mandate to undertake a massive food distribution program in central and southern Somalia. While the Port of Mogadishu has been closed, ICRC has been delivering food in small boats into rudimentary harbors north and south of the city. ICRC is also conducting cross-border feeding operations from Kenya into southern Somalia.

The ICRC flights from Nairobi to Mogadishu continue to be the only reliable link between Somalia and the outside world, delivering relief workers, medical supplies, and equipment.

I should also mention the other smaller, but no less courageous, relief agencies which have worked in Somalia, including International Medical Corps, Doctors Without Borders, CARE, Save the Children-UK, World Concern, and numerous other indigenous Somali relief groups.

Mr. President, in this very tragic and sad situation, the International Committee of the Red Cross and these other relief groups have provided food and comfort for millions. They were there when the rest of the world abandoned Somalia. Their efforts have been nothing less than heroic. I commend them.

Mr. SIMON. Will the Senator yield?

Mrs. KASSENBAUM. I am happy to yield to the chairman of the African Subcommittee.

Mr. SIMON. I thank the Senator.

Mr. President, I simply want to commend the Senator from Kansas for her interest in not only Somalia, but Africa generally. There are not any, or very many, Somalians in Kansas, or that many with African heritage in Kansas. She has been superb in this area. My hope is that we can get a breakthrough.

There are two U.N. ships now that apparently are getting through. But even now, it is going to the capital city, and that is about where the food is getting. The rest of the country is just in desperate straits. It is a far, far cry from the world that we see around us. We have to respond to domestic needs—and they are real—but the desperate straits of these people is something we really ought to respond to.

I commend my colleague from Kansas. She has been great.

Mrs. KASSENBAUM. Mr. President, I thank Senator SIMON, and I yield the floor.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. DOLE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BYRD. Mr. President, I ask unanimous consent that the pending amendment be set aside so that Mr. THURMOND may proceed.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. THURMOND addressed the Chair.

The PRESIDING OFFICER. The Chair recognizes the Senator from South Carolina [Mr. THURMOND].

AMENDMENT NO. 1855

(Purpose: To strengthen the present federal antiriot statute)

Mr. THURMOND. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from South Carolina [Mr. THURMOND], for himself, Mr. HATCH, Mr. DOLE, Mr. GRAMM, Mr. CRAIG, Mr. SIMPSON, Mr. MACK, Mr. WALLOP, Mr. LOTT, Mr. SYMMS, Mr. SEYMOUR, and Mr. GRASSLEY, proposes an amendment numbered 1855.

Mr. THURMOND. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection it is so ordered.

The amendment is as follows:

At the appropriate place in the bill add the following:

SEC. . VIOLENCE IN THE COURSE OF RIOT OFFENSES.

Section 2101 of title 18, United States Code, is amended—

(1) in subsection (a) by inserting the following new paragraph at the end thereof:

"(2) Whoever knowingly engages in a riot (as defined in section 2102) affecting interstate or foreign commerce and in the course thereof kills or attempts to kill another individual or commits assault resulting in serious bodily injury shall be punished as provided in sections 1111, 1112, 1113, and 113 of this title."; and

(2) by repealing subsection (c) and redesignating subsections (d), (e), and (f) as subsections (c), (d), and (e), respectively.

Mr. THURMOND. Mr. President, this amendment is cosponsored by myself, Senator HATCH, Senator DOLE, Senator GRAMM, Senator CRAIG, Senator SIMPSON, Senator MACK, Senator WALLOP, Senator LOTT, Senator SYMMS, Senator SEYMOUR, and Senator GRASSLEY.

Mr. President, I rise today to offer an amendment, cosponsored by Senator HATCH, which will ensure that rioting, such as that which took place in Los Angeles, will be dealt with in an appropriate manner. This amendment enhances the penalties under the Federal antiriot statute. It makes clear, that the Federal Government should also play a role in the prosecution of those who are responsible for this type of riot-induced damage to which our Nation is responding.

An article in yesterday's Washington Post illustrates why this amendment is necessary. According to the article, about 40 percent of those arrested for curfew violations during the Los Angeles riots had criminal backgrounds. More than 25 percent of those arrested for all misdemeanors were on probation or parole for felony convictions. These numbers certainly contradict the notion of some that the rioting was committed by people who were only motivated by despair and anger over the King case verdict. Los Angeles Deputy City Attorney John Wilson stated that there is no question that a major element of professional criminals were involved in the riots. The city attorney's office also found that more than 60 percent of those arrested in the riots were born outside of the United States.

Mr. President, these figures prove what many of us already suspected—that these riots were not incited by hungry or economically frustrated individuals. No, these riots were the product of career criminals who saw an opportunity and pounced on it. Apparently, the first stores hit by the rioters were gun stores and liquor stores. As one policeman said, and I quote, "You would have a hard time convincing me that these were mothers and fathers looking to feed their children."

Mr. President, this amendment recognizes the events of Los Angeles for what they were—criminal acts, encouraged by cowardly, opportunistic criminals. This was not an inevitable response to the social plight of urban America, as some have suggested. Rather, the rioters were the same criminals and thugs who stalk our streets and commit violent acts against law-abiding citizens every day. They saw an opportunity to strike and did so. Congress must take steps to ensure that those responsible for these types of violent crimes are held accountable for their actions.

The current Federal antiriot statute was enacted in 1968 and authorizes a maximum penalty of 5 years imprisonment for those who incite or participate in a riot. There is no increased penalty if the rioter committed a murder, attempted murder, or assault. Moreover, Federal jurisdiction is limited to those cases where the defendant travels in interstate commerce or uses a facility of commerce.

This amendment corrects these inadequacies to allow Federal prosecutors to seek those penalties prescribed under the Federal code for murder, attempted murder, and assault. It would also enlarge Federal jurisdiction so as to reach riots that affect interstate or foreign commerce—not just those where the defendant traveled in interstate commerce. This would give Federal prosecutors broader discretion to assist State and local officials in their prosecution of riot related offenses.

This amendment simply submits rioters who commit murder, manslaughter, attempted murder, or assault to the existing Federal penalties for those offenses. In essence, all this amendment does is expand Federal jurisdiction to cover all violent crimes committed during a riot.

Mr. President, I strongly believe that this amendment will prove beneficial should our Nation be faced with similar pillaging in the future. For these reasons, I strongly urge my colleagues to support this important amendment.

This amendment, incidentally, is endorsed by the Justice Department of the United States.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Ohio [Mr. METZENBAUM].

Mr. METZENBAUM. Mr. President, I want to commend my colleagues who have crafted this underlying legislation in a bipartisan response to the unrest in our cities. Their efforts represent the best the body can be. I only regret that we are about to mar this accomplishment.

It seems we are unable to stop ourselves from bounding up to the political grandstand, and making ourselves look like carnival barkers in the process.

Mr. President, I speak about the amendment offered by the Senator from South Carolina. Actually, this amendment's timing is completely predictable. After all, the political debate on the violent eruption in Los Angeles began with the ridiculous, moved quickly to the absurd, and now with this amendment, descends directly into the realm of the destructive.

First, the ridiculous George Bush blames the rioting on Lyndon Johnson. Our current President casts blame on a long-dead President who made greater social strides in a single day than this president has made in 3½ years.

Next, the absurd Dan Quayle identifies the moral culprit responsible for the despair in our inner cities as "Murphy Brown."

Now we move on to the destructive. This amendment follows in lockstep our maddening pattern of posturing that has resulted in widespread disgust with, and distrust of, our political leadership in this country.

People of this country do not have any confidence in those of us who represent them in the halls of government. We have become a sad joke. We have made ourselves into a political cartoon so outrageous that no political cartoonist could ever hope to better us.

This amendment represents everything that is wrong with the Congress. We have a bill in front of us that is supposed to begin the healing process. We should be sorting through the rubble of Los Angeles to begin repairing the crumbling foundations throughout our society.

Do we do that? Oh, no.

This amendment is not about healing. It is about hurting. It is not about repair. It is not about retribution. That is the purpose of this amendment, retribution.

I was as sickened and saddened by the violence in Los Angeles as any American. Rioting, looting and killing cannot be tolerated or excused. Lawlessness must be punished.

But how can we now ignore the explosive racial and urban problems for which the Rodney King verdict provided the match?

How can we ignore the sense of outrage and betrayal felt by that community when that verdict was read in Simi Valley?

How can we ignore the fact that the seeds of this grim harvest were sown in part by the politics of racial divisiveness?

How can we ignore the fact that this case was moved from Los Angeles to another county where practically no blacks live, to a county where policemen and firemen live, and former policemen and firemen live, and you find a jury that does not seem to understand or comprehend what had occurred?

Our political system has fueled racial tension. Politicians have won elections by reinforcing racial stereotypes, rather than leading us beyond them. Racial politics appeals to the worst in us—it draws its power from fear, ignorance, and resentment.

How can we continue to ignore the dangers that kind of politics produces, yet this amendment would try to have us do just that.

And how can we, supposedly the world's greatest deliberative body, how can we pretend that yet another Federal death penalty will prevent rioting of this kind in the future? Whom do we think we are kidding?

No wonder the American people want to throw the bums out of here.

My colleagues on the other side of the aisle have previously spoken. Senator DOLE spoke about why people are skeptical of Congress. And this amendment will only make them that much more skeptical.

Senator SEYMOUR spoke about the fact that we had to deal with the emergency first. I could not agree with him more. But this amendment will not do anything about dealing with the emergency. It is just trying to kid the American people.

Senator CHAFEE spoke about a sense of responsibility. I accept all of those comments and they are applicable here. Regrettably, some of those who spoke to that very end are cosponsors of this amendment.

This amendment is a perfect illustration of why the American people think the Congress of the United States is incapable of responding to the problems of this country in an effective and thoughtful manner.

Once again, however, we are on the verge of reaching a legislative judgment that the best way to solve deep-rooted social problems is to execute more of our citizens.

In the aftermath of the riots, some people have spoken about the need to foster and promote hope within our inner cities. And, frankly, there is much in this legislation that will do just that. I support that aspect of the legislation.

But the death penalty that is now before us does not promote hope. The death penalty is a message from the Government that some of its citizens are beyond redemption and beyond hope, and therefore they must be executed.

Let's not mince words here, Mr. President. Let's not continue the charade. The passage of this amendment would result in the Government's execution of more African-American males. That is the thrust of it. The death penalty is almost never invoked as a solution to lawlessness by white citizens. There were no cries to expand the death penalty after Rodney King was brutally and senselessly beaten by four white police officers. There are no cries to expand the death penalty when a white male rampages with an assault weapon and mass murders bystanders. There were no cries to expand the death penalty after more than two dozen African-American workers in North Carolina were killed because the owner of a chicken plant did not want to spend any money to ensure their safety.

If my recollection serves me right I think he wound up paying a penalty, some dollar amount penalty. But there was no death cry. But more than 24 African-American workers lost their lives.

But the moment that there is violence in the African-American community that affects the white communities, the Senate of the United States, the all-white Senate of the United States, is quick to expand the death penalty. The legislation that is before us is supposed to be a bond for the wounds of racial division which have been inflicted on this country. To adopt this amendment is to salt those wounds. Indeed, the verdict in the Rodney King case was yet another reminder of the fact that too often in our Nation's history our legal system has worked to subdue African-Americans rather than to serve them.

Mr. President, that is only one part of the problem with this amendment. I appeal to my colleagues, not on the basis of whether or not you believe in the death penalty as a deterrent to crime, I appeal to you not wholly on a moral or emotional level. I appeal to your sense of common sense because if you look at this amendment on its face, it makes no sense at all. This amendment should be rejected as bad legislation period.

Aside from being a terrible idea, this amendment is completely unnecessary.

And now I wish to gain the attention of those who are very supportive of the death penalty. I want to point out that the death penalty already exists for any murders that may have occurred during the Los Angeles riots. The State laws are applicable. If there were murders committed during the riots, those people are subject to capital punishment, and you do not need a new Federal law in order to do the very same thing that the State law already does.

California has a death penalty. As a matter of fact, a couple of weeks ago a convicted murderer was executed in California under that law. If the disrict attorney in Los Angeles wants to seek the death penalty against any rioter who committed a murder, he can do that right now. The fact is that every single criminal act which occurred in the Los Angeles riots can be punished under current law. If riots occur in any other cities around the country, State criminal laws exist to punish the law breakers.

This amendment gives new meaning to the word overkill. Does the Senator from South Carolina really mean to execute people twice? Are you going to execute them once under the State law and once under the Federal law? This amendment is also incredibly broad because the Senator from South Carolina has chosen for the Federal authorities to be involved in any riot which affects interstate commerce. As we know, that means every riot will be implicated.

Moreover, the Federal statute defines the term riot as "a public disturbance involving an act of violence" by anyone who is "part of an assemblage of three or more persons." That is the language of this proposal.

Anyone who is "part of an assemblage fo three or more persons," It is indicated that is part of the present law. It is not. That is the proposal we have before us. So what does that mean in real life? This amendment will put the Federal authorities in the business of enforcing the law every time three or more persons get together and violence occurs. Is that really what we want? Should the Federal Government be involved in every assault involving three or more persons? Do we think the States do not have laws on such matters? Which brings us to the next problem.

I am curious, Mr. President, how my friend, the Senator from South Carolina, once the States rights candidate for President, squares this amendment with his lifelong passionate defense of a State's right to pass and enforce its own laws. This amendment is a completely unnecessary intrusion of the Federal Government into the affairs of the States.

What has happened to States rights? Many other Members of this body have spent their political careers on this floor talking to constituents and even running for President defending the rights of States to enact their own laws free from interference from the Federal Government. Does the Senator from South Carolina think that the Federal courts do not have enough work to keep them busy, that we must now create a new Federal offense? Of course not. But this is part of the hullabaloo and the excitement of the Rodney King trial and the riots that occurred out there.

This is no answer. This is trying to kid the American people that we in the Senate are doing something about it. And again I repeat, that is the reason the American people have come to have so little regard for the people who represent them in public office.

Forget about whether or not you believe in the death penalty as a general matter. If you are for States rights, you should be against this amendment. During a decade-long muscle-flexing contest on crime legislation, we have put more people in jail than any other nation on Earth and our crime rate is still the highest in the world and rising daily, rising as we stand here.

The use of the death penalty has increased all over our country, yet the murder rate rises, and those countries who do not have the death penalty, and many of them their crime rate has indeed not increased.

We have increased mandatory minimum sentences, and violence plagues our cities. Make no mistake about it, the efforts to combat poverty two decades ago met with far more success than our recent efforts to combat crime. But today if you suggest that the threat of crime intensifies in communities where poverty is rampant, where families are broken, where housing is scarce, and where opportunity is not existent, then you are branded a coddler of criminals. If you suggest there is a social dimension to the problem of crime, then you can expect a political execution.

If you want to know why our standing with the public is so low, just look no further. Among its many other problems, technical and substantive, this amendment is brutally cruel in its irony. The administration of the death penalty in this country is infected by racial bias, yet here we are expanding the death penalty on a piece of legislation aimed at easing racial tensions.

This amendment tells the country the Congress will once again mindlessly reach for gimmicks and phony solutions to painful and complicated problems. Does anybody really believe that if somebody was involved in that riot in L.A. or were to be involved in one in the future that they would be restrained in their activities because now there was a Federal statute providing for capital punishment in addition to the State statute for the same crime with the same punishment? No, we are playing politics. We are pretending we are doing something to solve the problems of L.A. and other parts of this country. We should reject this amendment. There will be many more opportunities for the Senate to vote for the death penalty, if that be your inclination, but we seem never to tire it. In the name of decency, for the sake of our own reputation as Members of this body, I believe we should keep it off this legislation.

Mr. President, I yield the floor.

Mr. SIMON addressed the Chair.

The PRESIDING OFFICER. The Senator from Illinois.

Mr. SIMON. Mr. President, I have great respect for the Senator from South Carolina. He has done so many constructive things around here, including leading the effort for many years on a balanced budget amendment that I have been spending some time on recently. I am proud to have him as the chief cosponsor of that legislation.

But once in a while, my friend from South Carolina can be wrong, and I think in this case my friend and colleague is wrong.

What are we talking about in the riot situation? First, no one in this body is willing to condone lawlessness. We condemn it. But there is one thing—really, two things—that all the looters and those involved in the riot had in common. One was that they were young. That seems to be uniformly the case. No matter what their ethnic background, they were all young.

The second thing that they had in common was a sense of hopelessness. They did not feel that somehow this Government, as well as State and local governments, were responding to the needs of those in the central city, to the least fortunate in our society. We have to communicate that in other ways, and I hope we are moving in that direction.

I agree with what my colleague from Ohio has said, and I applaud him for his leadership on this. I would add, however, for me it is also the issue of the death penalty.

Very interesting. Last night, in the State of Virginia, not too many miles from where we meet, Roger Coleman was executed, with controversy about his innocence or guilt. I frankly do not have any idea whether he was guilty or innocent.

But very shortly, in about 15 minutes, Members of the Senate are invited to meet the Prime Minister of Canada. Does Canada have the death penalty? No.

Do any of the Western European nations have the death penalty? No.

We are almost alone among the more developed nations in having the death penalty. Up until recently, among the developed nations, it was only the United States, China, Russia, and South Africa. And recently President de Klerk in South Africa did away with the death penalty.

So now among the developed nations of the world, there are only three that have the death penalty: Russia, China, and the United States. I suggest we ought to be joining Canada, Mexico, Great Britain, France, Germany, and these other countries in doing away with the death penalty.

The PRESIDING OFFICER. The time allocated to the side on which the Senator is speaking has expired.

Mr. SIMON. Mr. President, I ask unanimous consent that I may proceed for 1 additional minute.

The PRESIDING OFFICER. Is there objection?

Mr. THURMOND. No objection.

The PRESIDING OFFICER. The Chair hears none, and it is so ordered.

Mr. SIMON. Let me add the final point, and I think this is conclusive, on the death penalty. Not only is it discriminatory racially in its application, the death penalty is a penalty we reserve for people of limited means. If you have enough money to hire the best attorneys, you never get the death penalty. We reserve it for people of limited means. We should not be doing that in this case.

I am going to vote against my friend from South Carolina. I am going to vote against his amendment.

The PRESIDING OFFICER. The Senator from South Carolina has 14 minutes and 13 seconds remaining.

The PRESIDING OFFICER. The Senator from South Carolina [Mr. THURMOND].

Mr. THURMOND. Mr. President, I am amazed at what the distinguished Senator from Ohio had to say.

I am amazed at Senator METZENBAUM's statements that this is a partisan matter. It is no partisan matter. If anybody is partisan, he may be the one who is partisan. He can go on this amendment if he wants to. Any Democrat can go on this amendment. When I decided to offer this amendment, there were several Republican Senators who wanted to go on it, and I added their names. I will add Senator METZENBAUM's name if he wants to go on it.

Now, my colleague from Ohio talks about Federal jurisdiction, States rights. The idea of the Senator from Ohio talking about States rights, he has never been for States rights, and he knows it. He has tried to inject the Federal Government into the insurance business. Insurance is not even mentioned in the Constitution and yet he has been trying for years and years to put the Federal Government into the insurance business.

I want to say further on labor law matters, he has taken the same stand. Death penalty, he is against the death penalty. Of course, we understand that. And this is the reason he is fighting this bill, is it not? Because this provides the death penalty for rioters who commit murder.

And I just want to say this. On the double jeopardy issue, I want to ask the Senator from Ohio a question. The policemen out in Los Angeles were acquitted. The Federal Government is now thinking about prosecuting these policemen at the Federal level. How do you stand on that? Do you favor the Federal Government prosecuting the policemen?

Mr. BYRD. Mr. President, I ask that Senators address other Senators in the third person as required by the rules.

The PRESIDING OFFICER. The Senator from West Virginia is correct.

Mr. THURMOND. Mr. President I would ask the distinguished Senator from Ohio how he stands on that.

Mr. BYRD. That is all right.

Mr. THURMOND. You make the law; the administration will conform to it.

Mr. BYRD. Mr. President, I intend to vote for the Senator's amendment at this point.

Mr. THURMOND. Mr. President, please, do not count this time against me now. My colleague is talking on his own time.

The PRESIDING OFFICER. The Senator from South Carolina has the floor.

Mr. THURMOND. I would like for the Senator from Ohio to answer the question. The Federal Government is thinking about prosecuting these policemen now, although they were acquitted in the State court. How do you stand on that?

Mr. BYRD. Mr. President, I ask that rules be enforced and that the Senator be required to address other Senators in the third person and through the Chair.

The PRESIDING OFFICER. The regular order is that Senators address each other through the Chair.

Does the Senator from Ohio wish to speak?

Mr. METZENBAUM. Mr. President, I have no difficulty in responding. I would say to the Chair and all Members of this body, I think the Federal Government should long ago have proceeded, and I think they are failing to do so. But it is under a totally different statute than what we are talking about now. The Federal Government would be proceeding under certain specific Federal legislation that is different than the laws that were applicable to the four policemen who were previously prosecuted. So, yes, they ought to be prosecuted. But what we are talking about in this amendment is to provide the same penalty for the same act, murder, that is in the State law. And there really is no reason whatsoever to have a State offense made into a Federal offense and only clog up the Federal courts, in addition to all other reasons why it should not be adopted.

Mr. THURMOND addressed the Chair.

The PRESIDING OFFICER. The Senator from South Carolina.

Mr. THURMOND. In Bartkus versus Illinois and Abbate versus United States, the Supreme Court clearly affirmed the well-established principle that State prosecution does not bar a Federal one. The basis for this doctrine is this prosecutions under the laws of separate sovereigns do not violate the fifth amendment's prohibition against double jeopardy.

This is known as the "dual sovereignty" concept. It is the very concept which makes possible the Federal case against the officers in the Rodney King case. My amendment will assure that, should the State's case against a rioter fail, Federal prosecutors can still take steps to ensure that justice is carried out.

If it applies in one case such as police brutality, as the way the distinguished Senator from Ohio answered it, it should also apply in these cases.

Mr. President, I want to clarify for my colleagues exactly what this amendment does. This amendment simply amends the current antiriot statute to allow Federal prosecutors to prosecute rioters who commit murder, manslaughter or assault.

Who can object to that? If a rioter commits murder, manslaughter, assault, why should he not be prosecuted for it in the Federal court?

I want to remind my colleagues that Federal prosecutors do not have jurisdiction over all violent crimes. Although rioting is currently a Federal offense, the Federal Government has no jurisdiction at present to prosecute rioters who committed murder during the riot. We want to be able to prosecute a murder committed during the riot, and you have to pass this law if you are going to give them that authority.

In order for the Federal Government to have jurisdiction over murders and assaults committed during a riot, there has to be a Federal statute on the books which spells out the Federal jurisdiction over these offenses.

This amendment simply expands Federal jurisdiction to cover violent crimes committed in the course of a riot. The existing Federal penalties for murder, manslaughter, and assault will apply.

The maximum penalty someone can receive for first-degree murder is death. Yet there is only an authorized penalty, since the necessary procedures for implementing the death penalty are not on the books. These procedures have to be passed by Congress later.

The maximum penalty for second-degree murder is life imprisonment. The maximum penalties for manslaughter and assault are 10 to 20 years, respectively.

So, Mr. President, all we are trying to do is to say to the people of this country that when those who commit riots and during the riots also commit murder, or manslaughter, or assault, they should be tried for murder, manslaughter, or assault. Why should not they be? That is even worse than the rioting in some cases.

I realize some people do not want a strong crime bill. I realize some people, under no conditions, want to convict anybody for murder and sentence them to death. Nevertheless, if we pass this amendment authorizing the death penalty, we still have to pass the procedures, in view of the Supreme Court decision a few years ago about the two-stage trial, in order to make it effective.

Why not hold those responsible if they commit murder, manslaughter, during a riot? They should be held responsible. That is exactly what we are trying to do here. That is the purpose of this amendment.

My good friend from Ohio has stated that he does not want to expand the jurisdiction of the Federal Government. That is amusing to me. He wants to expand the Federal Government in many other ways. I just gave you a couple of examples awhile ago.

This amendment is important. This is important to the welfare of this country. We have had too much crime in this country, and if you want to stop these riots, and stop this murder and killing—and you had a lot of them killed out in Los Angeles—if you want to stop that now, pass this amendment and we will help to stop it.

Mr. METZENBAUM addressed the Chair.

The PRESIDING OFFICER. The Senator from South Carolina has 6 minutes remaining.

Mr. METZENBAUM. The Senator from Ohio, I understand, has no time remaining?

The PRESIDING OFFICER. The Senator from Ohio is correct.

Mr. THURMOND. Mr. President, I reserve the remainder of my time.

Mr. HATCH. Mr. President, I am pleased to cosponsor this amendment. It strengthens the antiriot provisions of Federal law. We need to address the problems of urban America. Just last week I cosponsored with Senator KENNEDY an urban aid package that is a large part of the bill before us.

But we also need to be tough on the lawless elements of society. There is no excuse for the violence in Los Angeles. None. This amendment addresses that kind of lawlessness.

Currently, anyone who travels in or uses a facility in interstate or foreign commerce with intent to incite or participate in a riot; to commit any act of violence furthering a riot; or to aid or abet anyone in inciting or participating in a riot or committing an act of violence furthering a riot; and thereafter to perform any act furthering any of these purposes, can be punished by up to 5 years in prison.

This amendment increases penalties for killings, attempted killings, and assaults resulting in serious bodily injury in the course of a riot. For example, the death penalty would apply to first-degree murder committed in the course of a riot.

The amendment also removes the current law's ban on a Federal prosecution following a State prosecution resulting in conviction or acquittal based on the same conduct as forbidden in the antiriot statute. Just as the Federal Government is properly examining under Federal laws the conduct of the Los Angeles police officers in the beating of Rodney King following a State court acquittal, any rioter who may have violated both State and Federal law should be subject to the concurrent jurisdiction of both State and Federal law enforcement agencies.

The PRESIDING OFFICER. The Senator from South Carolina has 5 minutes and 30 seconds remaining. The Senator's time will run. The Senator from Ohio has no time remaining. Does the Senator from Ohio want to know if the Senator from South Carolina will yield?

Mr. THURMOND. His time is up.

Mr. METZENBAUM. If the Senator from South Carolina is prepared to yield back the balance of his time, I am prepared to make a point of order, and we can bring this matter to a head.

Mr. THURMOND. Mr. President, I yield back the remainder of my time.

The PRESIDING OFFICER (Mr. DODD). All time is yielded back.

Mr. METZENBAUM addressed the Chair.

The PRESIDING OFFICER. The Senator from Ohio, Mr. METZENBAUM.

Mr. METZENBAUM. I raise a point of order that this is legislation on an appropriation bill.

Mr. THURMOND. Mr. President, I raise the defense of germaneness, and I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question before the Senate: Is the amendment of the Senator from South Carolina germane? On this question, the yeas and nays have been ordered, and the clerk will call the roll.

Mr. BYRD addressed the Chair.

The PRESIDING OFFICER. The Senator from West Virginia.

Mr. BYRD. Under the previous order, was not the vote on the Dole-Lott amendment to occur at 2:10 p.m.?

The PRESIDING OFFICER. The Senator from West Virginia is correct. That was a previous order. There was a subsequent agreement to set that amendment aside.

Mr. BYRD. But not the vote?

The PRESIDING OFFICER. The Senator from West Virginia is correct.

Mr. BYRD. Let us proceed to vote under the previous order and then resolve this matter following that vote.

Mr. THURMOND. Mr. President, this will be all right.

AMENDMENT NO. 1852

The PRESIDING OFFICER. If there is no objection, the question now occurs on amendment number 1852. The question is on agreeing to the amendment of the Senator from Mississippi.

On this question, the yeas and nays have been ordered, and the clerk will call the roll.

The bill clerk called the roll.

[Disturbance in the visitors' galleries.]

The PRESIDING OFFICER. There will be order in the gallery.

Mr. BYRD. Mr. President, may we have order in the galleries?

Mr. FORD. I announce that the Senator from Texas [Mr. BENTSEN] is necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber who desire to vote?

The result was announced—yeas 37, nays 62, as follows:

[Rollcall Vote No. 106 Leg.]

YEAS—37

Brown
Burns
Chafee
Coats
Cochran
Cohen
Craig
Danforth
Dole
Domenici
Durenberger
Garn
Gorton
Graham
Gramm
Grassley
Helms
Kassebaum
Kasten
Lott
Lugar
Mack
McCain
McConnell
Murkowski
Nickles
Pressler
Roth
Rudman
Sanford
Seymour
Simpson
Smith
Stevens
Symms
Thurmond
Wallop

NAYS—62

Adams
Akaka
Baucus
Biden
Bingaman
Bond
Boren
Bradley
Breaux
Bryan
Bumpers
Burdick
Byrd
Conrad
Cranston
D'Amato
Daschle
DeConcini
Dixon
Dodd
Exon
Ford
Fowler
Glenn
Gore
Harkin
Hatch
Hatfield
Heflin
Hollings
Inouye
Jeffords
Johnston
Kennedy
Kerrey
Kerry
Kohl
Lautenberg
Leahy
Levin
Lieberman
Metzenbaum
Mikulski
Mitchell
Moynihan
Nunn
Packwood
Pell
Pryor
Reid
Riegle
Robb
Rockefeller
Sarbanes
Sasser
Shelby
Simon
Specter
Warner
Wellstone
Wirth
Wofford

NOT VOTING—1

Bentsen

So the amendment (No. 1852) was rejected.

Mr. KENNEDY. Mr. President, I move to reconsider the vote.

Mr. MITCHELL. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The majority leader.

VISIT TO THE SENATE BY THE PRIME MINISTER OF CANADA

Mr. MITCHELL. Mr. President, I wish to call to the attention of the Members of the Senate the presence on the Senate floor of a distinguished guest, our friend and neighbor to the north, the Prime Minister of Canada, the Honorable Brian Mulroney.

[Applause, Senators rising.]

Mr. MITCHELL. Mr. President, history records the few cases in which two countries have lived side by side for so long with an unarmed border and with so few disputes. That is attributed primarily to the peoples of the United States and Canada, but also to the leadership of the two countries.

In behalf of all of the Members of the Senate, I warmly welcome the prime minister.

Mr. Prime Minister, you are among friends here in the United States Senate.

[Applause.]

Mr. MITCHELL. Mr. President, immediately following the commencement of this upcoming vote, Senator DOLE and I will be hosting the Prime Minister in a reception in room S-211 at which the Prime Minister has consented to appear and respond to questions by Senators. Those Senators who wish to attend are invited to do so. That will begin shortly after the commencement of this vote and will continue until the Prime Minister will be forced to leave for another appointment.

Mr. President, I yield the floor and I thank my colleagues for their courtesy.

DIRE EMERGENCY SUPPLEMENTAL APPROPRIATIONS, FISCAL YEAR 1992

The Senate continued with the consideration of the bill.

AMENDMENT NO. 1855

The PRESIDING OFFICER. The question before the Senate is, Is amendment No. 1855 of the Senator from South Carolina germane? On this question, the yeas and nays have been ordered, and the clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. FORD. I announce that the Senator from Texas [Mr. BENTSEN] is necessarily absent.

The yeas and nays resulted—yeas 42, nays 57, as follows:

[Rollcall Vote No. 107 Leg.]

YEAS—42

Brown
Burns
Byrd
Coats
Cochran
Cohen
Craig
D'Amato
Dixon
Dole
Domenici
Ford
Garn
Gramm
Grassley
Hatch
Helms
Hollings
Kassebaum
Kasten
Lieberman
Lott
Lugar
Mack
McCain
McConnell
Murkowski
Nickles
Nunn
Packwood
Pressler
Roth
Rudman
Seymour
Shelby
Simpson
Smith
Specter
Stevens
Symms
Thurmond
Wallop

NAYS—57

Adams
Akaka
Baucus
Biden
Bingaman
Bond
Boren
Bradley
Breaux
Bryan
Bumpers
Burdick
Chafee
Conrad
Cranston
Danforth
Daschle
DeConcini
Dodd
Durenberger
Exon
Fowler
Glenn
Gore
Gorton
Graham
Harkin
Hatfield
Heflin
Inouye
Jeffords
Johnston
Kennedy
Kerrey
Kerry
Kohl
Lautenberg
Leahy
Levin
Metzenbaum
Mikulski
Mitchell
Moynihan
Pell
Pryor
Reid
Riegle
Robb
Rockefeller
Sanford
Sarbanes
Sasser
Simon
Warner
Wellstone
Wirth
Wofford

NOT VOTING—1

Bentsen

The PRESIDING OFFICER (Mr. BRYAN). On this vote, the yeas are 42, the nays are 57. The amendment is a legislative proposal to a general appropriations bill and thus violates rule XVI, paragraph 4 of the Standing Rules of the Senate. The point of order is sustained. The amendment falls.

Mr. BIDEN. Mr. President, it is surprising that principle triumphs. I voted with the Senator on the last amendment, on his point of order. I voted with him not merely because the point of order was correct but the substance of the amendment was inappropriate for our consideration, in my view, and should not have been passed whether or not there was a point of order.

I must say for the record I spoke to the Senator yesterday about this, because I was informed, as chairman of the Judiciary Committee, that such an amendment would be forthcoming. I immediately went to my friend from Ohio to tell him of the existence of the amendment. My sage advice was—obviously looking older than he was and having been here a couple more years—we are not going to be able to defeat this amendment, so why not try to figure out how to get rid of the amendment another way. My friend said, "This makes me angry. This is a matter of principle. This is the wrong thing to do. Do you agree with me, Joe?" I said, "Yes, I agree." I said, "If you want to take the fight to the floor, I will support you. You go ahead."

I am here to tell you that the Senator from Ohio constantly amazes me, and I want to truly compliment him for being willing to take this fight to the floor and to do something that is not often done on what could be viewed as a politically difficult vote for some Members to make—the right vote, but the politically difficult vote to make in a moment of, in some quarters of this country and on occasion in this Chamber, mild hysteria.

My friend came here and argued passionately. People listened to him. He changed people's minds. He won on a very important vote that I, quite frankly, did not think he could win, although I supported his position from the very beginning.

I just want him to know, again, notwithstanding the fact I have less hair, look older, and am more senior than my friend from Ohio, my sage advice was obviously neither sage nor good. I compliment him on the fight he gave and doing something, in my view, very positive for the country today by his willingness to be stubborn, his willingness to speak for principle.

I compliment the Senator.

Mr. METZENBAUM. I want to say thanks to the Senator from Delaware for his very kind remarks. I appreciate them greatly. I also appreciate the votes of my colleagues.

RESCISSION OF CERTAIN BUDGET AUTHORITY—CONFERENCE REPORT

Mr. BYRD. Mr. President, I ask unanimous consent, due to the fact that there are two remaining amendments to the supplemental appropriations bill, that the Senate proceed to the consideration of the conference report on the rescission bill, H.R. 4990.

The PRESIDING OFFICER. Without objection, it is so ordered. The report will be stated.

The legislative clerk read as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 4990) rescinding certain budget authority, and for other purposes, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses this report, signed by a majority of the conferees.

The PRESIDING OFFICER. Without objection, the Senate will proceed to the consideration of the conference report.

(The conference report is printed in the House proceedings of the RECORD of May 20, 1992.)

The PRESIDING OFFICER. Under section 1017 of the Budget Act, there are to be 2 hours equally divided and controlled.

The Senator from West Virginia is recognized.

Mr. BYRD. Mr. President, today we are considering the conference report to accompany H.R. 4990, an act making rescissions in response to the President's March 10 rescission requests, as well as those of March 20, April 8, and April 9. These messages were made up of 127 separate rescission proposals. This was not an easy conference. Only through negotiations in good faith could the conferees reach an acceptable agreement on this rescission measure. In particular, I commend to my colleagues the excellent product produced by the managers of the Subconference on Defense—Senators INOUYE and STEVENS and Representatives MURTHA and MCDADE. They had an especially difficult challenge. They met it skillfully and they met it successfully.

I also express my thanks to Mr. WHITTEN, for his leadership and help, and thank as well all members of the conference for their superb cooperation on this product. Every subcommittee in subconference matched or exceeded the amount proposed for rescission by the President.

I also wish to thank most generously my colleague and senior member on the Republican side, Senator HATFIELD, as well as all members on the Appropriations Committee, all subcommittee chairmen in particular, and our staffs.

The President's rescission requests would reduce national defense spending by a total of $7,141,770,000. The conference recommendation would reduce defense spending by a total of $7,233,465,000, or $91,695,000 more than requested by the President.

In other words, the cuts made by the Congress are $91,695,000 deeper than those requested by the President.

The President's requests would reduce domestic discretionary spending by a total of $721,002,690. The conference recommendation would reduce domestic discretionary by a total of $760,706,000, or $39,703,310 more than requested by the President. In other words, deeper cuts again than those requested by the President.

For international spending, or foreign aid as some people prefer to term it, the President requested no rescissions—not one red cent—but the conferees recommend rescissions totaling $164,134,054.

The total amount of rescissions requested by the President for defense and domestic discretionary spending is $7,862,772,690. The conference agreement contains rescissions for defense, domestic discretionary, and international spending that total $8,158,305,054, or $295,532,364 more than the amount requested by the President.

In making these recommendations, the Committees on Appropriations and the committee of conference carefully scrutinized the President's requests and recommended many of those requests, modified some of them, and rejected others. In addition, the committee has reviewed all appropriations under its jurisdiction and recommends additional rescissions which were not requested by the President. These congressionally initiated rescissions are made possible due to changed circumstances, delays in obligations, and, in some instances, wasteful and unnecessary spending by the executive branch. We took the President's rescission requests very seriously, even though they were accompanied by a lot of political background noise. We approached this task in a nonpartisan manner, worked together and in the spirit of compromise.

Mr. President, the defense portion of this conference report is a well balanced basket of reductions, which responds to the President's request for reductions, and adjusts it in a responsible way. The President asked for termination of both new *Seawolf* submarines, and the Congress terminated one of them. The status of the second *Seawolf*, given the realities of the contract that was made by the Pentagon with the manufacturer, the Electric Boat Co., is such that the termination costs would amount to nearly the same amount of money that it cost to build it.

So, we have already paid for the second submarine and we should take delivery. That decision also maintains the Nation's submarine-building industrial base for the future, and for the new and smaller submarines scheduled for the end of the century. It is a good compromise.

On the B-2, $1 billion was appropriated but cannot be spent in fiscal year 1992 for various statutory and programmatic reasons.

But the House committee has indicated its support for a 20-bomber force, and some of that money could be held over for possible use in the next fiscal year. Therefore, the committee reduced the account by just half, by $500 million, which is a fair and reasonable compromise on the B-2.

Mr. President, we have agreed to rescind $200 million from the strategic defense initiative for fiscal year 1992. I agreed on this low number reluctantly. I compromised on this low number in order come up with a bill the House conferees would agree upon, and that the President would sign; a bill that cuts at least some of the unnecessary executive pork barrel spending from the Federal budget. The strategic defense initiative is a far greater abuse of Federal funds than any research grant to study why people fear going to the dentist, both of which are examples of executive branch pork.

It is extravagant and unnecessary spending on a grand scale, to save us from an enemy that no longer exists and from enemies that will not exist for at least a decade, if they materialize at all. It is, as I have said before, it is sky titanic—pork pie in the sky.

I wanted to cut $1.3 billion from the SDI budget for this year. That still would have left SDI with a budget equal to what it received in fiscal year 1991. It would have fully funded theater missile defense development and the initial limited defense site at Grand Forks, ND, allowing us to both meet the current threat to American forces and allies and to address any foreseeable future threats. But it would have restricted the funding for space-based interceptors and follow-on technologies that would violate the ABM Treaty. With this compromise, we continue to pour money into a sinkhole of paper studies and failed tests, for parts of a system that we do not need and cannot afford. The conferees have done what is necessary to create a bill that the President will sign. The conferees have gone much further than the merits of this program dictate, in order to put together a very generous package for the President. In any case, the entire rationale and reach of the SDI program needs complete reassessment in the context of the fiscal year 1993 defense legislation.

Of course, if further rescissions are sent to the Congress by the President, SDI can be reconsidered.

On the so-called pork barrel university grants, the conference eliminates all those projects which were earmarked, and allows the affected schools to compete for possible grants through a new process which would be the responsibility of the Secretary of Defense. The Secretary may choose to fund none of the projects, or some of them, or all of them. A new university review board is created to advise the Secretary on this matter.

The solution responds fully to the President's request to eliminate those earmarks. I congratulate again Messrs. INOUYE, STEVENS, MURTHA, and McDADE.

Overall, Mr. President, the conference committee worked hard to accommodate the concerns that were raised by the President in his requests, and acted very responsibly on those requests. Yes, it put its own stamp on the measure, as it should, and as it will again if further rescissions are sent up to the Hill. And I think Congress improved the result. I congratulate the Defense Subcommittee for its work on this matter. A veto of this bill on the grounds that the defense portion is not in the national interest would be unfair and irresponsible of the President. The measure squeezes billions of dollars of unneeded spending out of the defense budget. The American people should know that this measure saves them billions in unneeded defense spending. Certainly that is commendable and the beginning of a long process to downsize our Defense Establishment to fit the requirements of the new world we now live in.

For example, the conferees include rescissions of $1 billion from DOD's inventory, which were not requested by the President. The committee held a hearing on the matter of excess Defense Department inventories, partly based on a "60 Minutes" piece which showed the magnitude of this problem. Senator GLENN, in his capacity as chairman of the Governmental Affairs Committee, and Senator LEVIN, who chairs the Subcommittee on Oversight of Government Management of the Governmental Affairs Committee, presented very compelling testimony to the Appropriations Committee on this important matter and recommended substantial reductions in appropriations for DOD inventories.

In addition, the committee took testimony from Mr. Frank Conahan, Assistant Comptroller General of the General Accounting Office. Mr. Conahan has been in charge of GAO's audits of DOD inventories for a number of years. He testified that in 1989, the Pentagon had a 50-year supply for 1,241 items. There are clearly savings that can be obtained from a careful scrutiny of Defense Department inventory practices. I think we should continue taking a look there for further savings.

The motto of the Pentagon purchasing agents could well be, "If we might need it, buy it, buy lots of it, and buy it now."

Mr. President, these $1 billion in rescissions are just a down payment in attacking the billions of dollars which can be saved in the coming years in this area of the DOD budget.

The unprecedented changes in the world situation and latest threat forecasts provide us with an historic opportunity to reevaluate how much of this country's precious resources we must devote to defense. The threat of global conflict is vanishing. The war in Afghanistan was the last battle of the cold war and was won by the people of that country. The greatest threat now facing the United States is economic, not military. We must seize this opportunity to redirect our money and our energy into civilian programs that have a much greater impact on our economic situation.

The conference report contains two rescissions that I recommended which will eliminate wasteful executive branch spending by the National Science Foundation and by the National Institutes of Health. As Members are aware, the Appropriations Committee approves funding for general categories of spending for various agencies, such as research, salaries and expenses, and so forth. These lump-sum appropriations are not administered by the Congress, but by the respective agencies, which are delegated that authority in appropriations acts. This is necessary because there are literally thousands of applicants for grants for many Government programs. Congress is in no position to review and act upon these grant requests. So we delegate this authority to the executive branch. We do our best to assure that recipients of Federal funds, under the tight budgetary constraints that all agencies face, will be carefully selected on a prioritized basis.

Yet an examination of a host of grants in the National Science Foundation led me to conclude that while there may be some theoretical value for these items, the American taxpayer may wonder why their hard-earned money is being spent on them.

The conference agreement, therefore, will rescind the $2,000,000 from the National Science Foundation. Grants were made by the Foundation for such specious purposes as: A study of the sexual aggression in fish in Nicaragua; the importance of lawyers to the middle class; the personal identity of law school professors; the mating behavior of swordfish and so on.

I should not fail to mention a comparison of the roles of intra- and intersexual selection in the evolution of sex-limited mimicry of two swallowtail butterflies, to name just a few of the executive branch wasteful pork items.

Those in our research community might wonder why these particular projects received funding. Last year, the National Science Foundation received 52,880 proposals, totaling $11.9 billion. Of those, only 34 percent received funding, since the National Science Foundation budget is about $3 billion. Given the importance of the Foundation's work in manufacturing research, supercomputing, and biotechnology, which have direct ties to our future economic competitiveness, it is ludicrous that the National Science Foundation is spending limited resources on these unnecessary and wasteful items.

For the National Institute of Dental Research, the conferees recommend rescission of $183,000 from grants to calibrate the amount of dental pain persons experience by studying their facial expressions while in the dentist chair, to study the incidence of dental fear in the population, and to study why people fear their dentist. Ask any child why he fears going to the dentist, and the answer is easy: it hurts. You do not need to spend thousands of dollars to ascertain why people fear going to the dentist.

I want to reemphasize that these items were not congressional earmarks; they are not congressional pork. Rather, they are grants made by the National Science Foundation and the National Institutes of Health—by the executive branch—under the general authority that is provided to those agencies in appropriations acts. There are probably many more instances of wasteful spending that can be found as the committee continues to review executive branch spending policies and practices in the coming months. We do not have the staff resources that would be required to prevent or eliminate all wasteful and unnecessary executive branch spending, but we do have a very dedicated and hardworking professional staff who will do their best to ferret out such profligacy and eliminate it.

In conclusion, Mr. President, let me point out to Senators that rescissions are nothing new. The Congressional Budget and Impoundment Control Act of 1974 provides the authority for Presidents to request rescissions of appropriations. According to GAO, Presidents have, in fact, requested rescissions in every year since 1974 except for 1 year—1988. The total number of Presidential rescission requests for the period 1974 through April 14, 1992, is 1,012 for a total amount of $69,273,034,690. Of those numbers, Congress accepted 324 rescissions totaling $19,311,454,366. In addition, congressionally initiated and enacted rescissions for the period 1974 through March 9, 1992, totaled 378 rescissions for a total dollar amount of $43,798,239,022.

When one adds the total Presidential rescission requests which were approved by Congress over this period, $19,311,454,366, and the congressionally initiated rescissions of $43,798,239,022, one gets a total of $63,109,693,388 in rescissions that have been enacted since the enactment of the Congressional Budget and Impoundment Control Act of 1974, and prior to the President's March 10, March 20, April 8, and April 9 rescission requests.

When one adds to this total of $63,109,693,388, the total rescissions recommended in the conference report, $8,158,305,054, one gets a total of $71,267,998,442 that will have been rescinded if the recommendations in the conference report are enacted. That total is $1,994,963,752 more than the total of all rescissions that have been requested by all Presidents since 1974. So rescissions are nothing new. The Committees on Appropriations of the House and Senate have approved rescissions in every year since enactment of the Congressional Budget and Impoundment Control Act. As I have stated, the total amount of enacted rescissions will exceed those requested by Presidents if the amount of rescissions recommended in the conference report is enacted.

Having said that, I hasten to add that rescissions have not been used in the past to reduce the deficit. Instead, under the tight budgetary constraints that have faced the Appropriations Committees for the past 12 years, rescissions have most often been made in annual and supplemental appropriation bills and the savings then used to fund increases for higher priorities.

There should be no impression left that this exercise will seriously cut the deficit. This process can serve a useful purpose, but it is no panacea for getting our deficits under control. It should not be painted as such and it should not be used as a political tool for election year advantage. The type of rhetoric we have heard over this rescission matter only further polarizes the executive branch and the Congress, contributes to a lack of serious understanding about the causes of our budget deficits, and makes genuine steps toward a real solution to our massive budget problem more difficult.

If the President vetoes this bill, that is his right. We have included a number of rescissions which should be made and which I hope will be enacted. We have carefully considered the President's proposals. To be fair, I believe the White House must carefully weigh our serious attempt to do what we have been asked to do. I hope that he will sign this bill. If the President vetoes this bill, all the money that would have been saved will be spent. If the President decides to veto this bill, absolutely no savings will have resulted from this exercise. The President will be giving the green light to all the spending he railed against.

Let me state again that we have exceeded the amount of rescission dollars which the President requested. We have acted in good faith and made legitimate savings.

I hope that all Senators will support this bill.

I urge Senators to agree to the conference report on H.R. 4990 so that we can get this rescission bill on the President's desk for his signature.

Let us not engage in any more political warfare. I believe that the American people are sick to death of charges, counter-charges, finger pointing, gridlock, speechmaking, and tired rhetoric about who shot John and who is responsible for what. I hope that we can yet salvage some dignity out of this unfortunate rescission game and pass this responsible attempt to comply with the President's request.

I now yield to my distinguished colleague and friend, the ranking minority member of the Appropriations Committee, Senator HATFIELD, whose help—as always—has been invaluable, for any remarks he may wish to make.

Mr. HATFIELD addressed the Chair.

The PRESIDING OFFICER. The Senator from Oregon.

Mr. HATFIELD. I thank the Chairman for his clear explanation of this conference report. I associate myself with his remarks.

I yield 15 minutes to the Senator from Arizona.

The PRESIDING OFFICER. The Chair recognizes the Senator from Arizona [Mr. MCCAIN].

Mr. MCCAIN. Mr. President, first of all, I am puzzled as to why we have waived the normal 3 days that is necessary from the filing of this report until the time that it is acted upon by the Senate. Consequently, a lot of the remarks that I will make will not be as precise as they would have been if I had had a conference report or the required information. In fact, there is very little information available to this Senator as to the exact details. I point out to the distinguished chairman and ranking Member that there is no conference report on my desk, or any other desk that I know of. There is no relevant information——

Mr. HATFIELD. If the Senator will yield, I say that the conference report is in the CONGRESSIONAL RECORD and has been available to the Senator since this morning.

Mr. MCCAIN. I thank the Senator. I do believe that in the CONGRESSIONAL RECORD, even, there is no listing of the rescission proposals made by the President which were not acted on. Is that correct?

Mr. HATFIELD. The Senator is correct.

Mr. MCCAIN. So it is correct that there is no way of knowing from the CONGRESSIONAL RECORD which rescissions the President requested were not acted on, but only those that are acted on.

Mr. BYRD. If the Senator will yield, in the CONGRESSIONAL RECORD the Senator will find that every item listed in the conference report that was agreed to by the conferees is set out beginning on page H3629.

Mr. MCCAIN. My question was—and I repeat it—when the Senator from Oregon responded, the original rescission requests by the President are not printed in the RECORD, those that were not acted on. I believe that is correct. Is that correct?

Mr. HATFIELD. The Senator is correct. I understood the Senator to say initially that he had not had an opportunity to view the conference report. I was responding to the fact that the conference report does appear in the RECORD.

Mr. MCCAIN. So Members of this body will not know when we vote today which requests of the President to be acted on were not acted on.

The information that I have is that the President sent over 7.9 billion dollars' worth of rescission requests. Of those requested by the President, $2.2 billion of the President's rescission request were accepted and the rest were not acted on.

As I say, I do not know the rescissions that the President sent over that were acted on because, as was stated, it was printed in the CONGRESSIONAL RECORD this morning and it does state which Presidential rescissions were ignored. But the fact is that there were certain projects that were deemed unnecessary to be acted on in the rescission process by Congress.

For example, $120,000 for manure disposal grant, $46,000 for a mink feeding and reproduction grants, $134,000 for a mechanical tomato harvester, untouched funding for celery and asparagus research, lowbush blueberries, and other such projects that were simply not addressed in this process.

I would surmise, given figures that I have, that since only 2.2 billion dollars' worth of the President's rescissions request out of $7.9 billion, that there was a large number of rescission requests which were not acted upon during this process.

As I have said before, I happen to believe that the President's requests should be acted on by a vote of this body. So what we will be acting on today is what the conferees decided would be put together in a package, excluding millions of dollars for HUD money for upper-class welfare including $2½ million for a contemporaneous art center in north Miami, that I would like for this body to have had an opportunity to vote on, and many others.

I guess, Mr. President, the fact is that we have turned this process into a way of cutting some spending but we have not made this process into what I believe the executive branch deserves, and that is when they request cuts in spending, that those should be and could be voted on.

I would like to now talk a little bit about the *Seawolf* submarine that I have talked about a length before. It is incredible that we would be spending roughly $3.5 billion to build a ship which is no longer required, which any military expert in the world will describe as unnecessary in this post-cold-war era.

The fact is that when we take this $3.5 billion and spend it on an unnecessary although very impressive weapons system, we are going to take away from other expenditures. This money would pay the salaries of 108,695 enlisted men and women in the Air Force.

Supporters of the *Seawolf* will again point out how 21,000 jobs are going to be saved, and I am one of those who want to save those jobs because, sadly, we are going to spend this $3.5 billion.

But the fact is, Mr. President, at the same time that we are spending $3.5 billion on the basis of saving jobs we are also telling tens of thousands of young men and women that are in the military today, many of them minorities, that we cannot afford to keep them because we have not enough money to pay for their salaries and keep them in the military because of budget cuts.

So the next time that the young man or woman in the military is told by his or her commanding officer that they cannot stay in the military because we cannot afford to keep them, I hope that the American people know where we are spending $3.5 billion. It is outrageous. It is just outrageous.

A lot of my colleagues may not know this figure: 10 percent of all black Americans between age 18 and 24 in America that are employed today are in the U.S. military. Many of those young Americans, no matter what their ethnic background, may be forced out of the military. I have some serious questions here to be asked because we know that the *Seawolf* money has to come from somewhere. It does not simply cut the B-2 or SDI.

It takes vast amounts of money from the areas of the President's original request that we really need.

From reading this RECORD that was printed last night, it takes a billion dollars away from operations and maintenance without any clear idea of how this can be done.

I would ask my friends, colleagues from West Virginia or from Oregon, where is this billion dollars which is being cut from operation and maintenance going to cut? Is it going to be the ship days that our ships go to sea? Is it airplanes they supply as the Chief of Staff of U.S. Army when he came before the Senate Armed Forces Committee and told us we had a hollow Army because they were not able to supply and service and train and cache out the missions which resulted in ill fated operations such as the aborted rescue of the American citizens who were held hostage in Iran?

There is another $300 million being cut from the maintenance revolving funds. What is going to be cut there?

This conference, as far as I can read, takes away $343 million from other Navy procurement. I understand that is a line item, $343 million from other Navy procurement; $517 million away from other Air Force procurement; $750 million away from the missile procurement of the Air Force; takes $120 million away from other procurement, Air Force; and $11 million from other procurement, Defense agencies.

I have no explanation nor do I know nor do I know anyone who is voting on this can tell me, and I would appreciate it very much if I could be told before this vote, what are these procurement items that are going to be cut?

It takes away $500 million from Defense research and development. It cuts away at a critical aspect of competitiveness to fund what we do not need. All of this money comes from somewhere and these cuts will mean jobs somewhere else. On the one hand we put in $3.5 billion plus another $500 million in case we need another 688-class submarine of which we have over 40 in service, on the other, we are taking away hundreds of millions of dollars from the Navy procurement, Air Force procurement, and other procurement.

I think at least we have the right to know what that procurement is.

I see my friend from Hawaii here on the floor. Perhaps he can tell me what that is.

What procurement is being cut here for $343 million from the Navy procurement? Is that a ship?

Mr. President, I would like the answers to those questions.

I would like to say to my friend from West Virginia, there are parliamentary ways that I have been informed of that I could delay this vote. I do not choose to do that, employ those parliamentary mechanisms to delay this vote. But I would like to know some of the answers to these questions, and I think my colleagues deserve it and the CONGRESSIONAL RECORD deserves it.

I guess my friend from Hawaii is on the floor. Perhaps my colleague from Oregon would allow me some additional minutes to try and get answers to those questions.

Mr. HATFIELD. Mr. President, I yield 10 additional minutes or 15.

How many would the Senator want?

I yield 10 additional minutes to the Senator from Arizona.

The PRESIDING OFFICER. The record will reflect the Senator has yielded additional 10 minutes.

The Senator from Arizona has the floor.

Mr. McCAIN. I say to my friend from Hawaii, according to the CONGRESSIONAL RECORD that I am reading from, it says rescission affecting more than one service or Defense agency are described immediately below. Details on the rescissions for each service and the Defense agency are shown under the appropriate heading in the act.

Frankly, from reading these, it is very difficult for me to understand.

For example, what I am puzzled about—I will just give an example. On page 6335 it says:

> The conferees agree to rescind a total of $330,000,000 of previously appropriated funds for the installation of equipment. These funds had been appropriated for the installation costs related to a wide variety of equipment which is procured in the Other Procurement, Navy account. As stated in the bill, funds are rescinded from the following years:

FY 1990	$100,000,000
FY 1991	130,000,000
FY 1992	100,000,000

> This is a one time action by the Congress and the conferees agree that the installation costs should be provided in the out-years in the same year that funds are provided for the equipment which is to be installed.

What in the world does this mean? What equipment? What equipment are we cutting $330 million out of? I do not mean to cause a problem for my colleagues here. I guess I would just finally make my point. We have hundreds of millions of dollars worth of cuts here which are clearly unspecified in any detail that any one of my colleagues could understand. At the same time, we are devoting $3.5 billion for a *Seawolf* submarine that is clearly not needed.

My point is that there were other cuts made in order to make the *Seawolf* possible, and at least we deserve to know with some specificity what those cuts are.

Mr. President, I imagine that I know what the votes are, since we tested this issue once before, and so I will not take up a great deal of time. But I do not believe that, using this kind of procedure, we can convince the American people that we are truly interested in cutting wasteful and inefficient spending. The system is not working as anticipated by the American people nor how they deserve.

Mr. President, I yield back the remainder of my time.

The PRESIDING OFFICER. Who yields time?

Mr. INOUYE. Mr. President, I yield myself 10 minutes.

The PRESIDING OFFICER. The Senator from Hawaii is recognized for 10 minutes.

Mr. INOUYE. Mr. President, I believe my friend from Arizona is entitled to a response.

First, on the *Seawolf*. The President of the United States, in his March 20 position message, requested the total of $2,765,900,000 of rescissions for the SSN-22 and the SSN-23. These are the second and third submarines.

On the face of it, one would conclude that if we can save $2.7 billion it would be a good thing for our country. But then if one should look into the details of these submarines, you would find the following: We have already spent $1.650 billion in advanced procurement.

Mr. President, I am certain we all realize that in building submarines or aircraft we must deal with countless numbers of subcontractors, subcontractors that will provide you with wiring, with engine parts, with steel plating. And all of these things have been purchased; moneys have been spent. And so even if you did do away with the submarines, all we would have would be a pile of sheet metal, a pile of wiring, and some engine parts.

In addition to this is the matter of termination costs. Whenever a defense contractor enters into a contract with the U.S. Government, they put a clause into the contract in the anticipation that something may happen in the Congress or in world circumstances that may require a change in procurement practices.

A good case in point: When the B-2 was first discussed, the Defense Department wanted 132 B-2 planes. When the Congress reacted and said this was too much, we cut that down to 75. And now we are discussing whether it should be 15 or 20, from 132 to 20.

Now, Mr. President, if I were a contractor called upon to build the B-2 and I put up front moneys to build this plant, to buy special equipment, to hire researchers, I will do my best to make certain that if in the event the contract is broken that my initial investment is returned.

In the case of the *Seawolf*, that cost would have been $500 million.

Third, instead of building three submarines as planned, if only one is being built, then the overhead costs for all three would then rest upon the first one instead of being shared by all three. So you will have a cost overrun. When one adds all of this, you will find that instead of a savings, we would be spending more money, and all we would have would be a pile of sheet metal, wiring, and engine parts.

Add to this the cost of plant closure, because everyone agrees that if we build only one, the Electric Boat Co. in Groton, CT, would certainly close its doors. That plant closure cost would be about another billion dollars.

What we did in this rescission agreement was to save our Nation money, believe it or not. It sounds convoluted, but that is what it is.

As to the other matters that my friend from Arizona inquired about, whenever the Department of Defense purchases equipment, we set aside funds for installation. If you are going to buy an air-conditioning unit, funds have to be set aside to install that air-conditioning unit in the building. Well, it turned out that the Department of Defense in fiscal years 1990 and 1991 and also in 1992, had submitted estimates that were slightly higher than anticipated and, as a result, funds were in excess. We took them out because, to do otherwise, they would have just lapsed. That is all we did, Mr. President.

This bill rescinds $7.1 billion, about $90 million more than what the President requested. We have acted responsibly. We have acted to maintain the national interests of the United States and at the same time uphold our national security.

Mr. President, the President proposed to rescind $7.005 billion from funds under the jurisdiction of the Defense Subcommittee. The bill before the Senate rescinds $7.097 billion, $92 million more than proposed by the President. In the President's proposal,

$4 billion, or 57 percent of his total rescissions were from two areas. First, $2.9 billion was from the Navy's *Seawolf* submarine program and second, $1.1 billion was for equipment for our National Guard and Reserve forces.

The conference agreement denies the $1.1 billion in rescissions from Guard and Reserve equipment, and accepts a rescisison of $1.15 billion from the *Seawolf* program with an additional $189 million rescission in *Seawolf*-related equipment.

In the case of the *Seawolf*, the conferees agreed to fully fund the second *Seawolf* submarine. The conferees also provided $540.2 million in advance procurement funding for the Navy to be used at the discretion of the Secretary of the Navy for the future purchase of the third *Seawolf*, or to restart the SSN-688 submarine programs or to take other actions which will maintain the current submarine industrial base.

Mr. President, this agreement will protect the fragile submarine construction industrial base which would have been seriously jeopardized if the Congress had agreed to the President's proposals.

In other areas, the President proposed to rescind funds from several programs which were key to our overwhelming victory in Operation Desert Storm. These included $133 million from the Army's AHIP helicopter, $225 million to upgrade the M-1 tank, and $130 million from the Navy's Smart missile, the SLAM. The recommendations included in the conference report before the Senate reject all of the President's proposals in these areas.

To reach the total amount requested for rescission by the President, the conferees recommend reductions of $200 million from the strategic defense initiative, and $500 million from the B-2 bomber. Even with this reduction in SDI, sufficient funds would remain in the program to safeguard all funds provided for the Theater Missile Defense Program proposed by the Congress last year. The funds from the B-2 program are available for rescission because of fencing language included in the Defense Authorization Act. Under that act, $1 billion cannot be obligated in fiscal year 1992. The conferees reduction of $500 million safeguards the purchase of the 16th aircraft approved in fiscal year 1992, but defers support equipment and other related costs.

The Senate bill proposed a provision to eliminate funds to support military museums. The provision was dropped in conference after opposition was raised by our military departments and other interested parties.

The conferees also proposed a reduction of $1 billion in excess inventory cuts. This amount is double the amount proposed by the Senate, but should be achievable through severe belt-tightening and streamlining of the defense supply system.

In other areas of interest, the Conference Report would terminate the Advanced Cruise Missile Program and capture savings associated with the President's proposed termination of the small ICBM, Peacekeeper Missile, and SH-2G Helicopter Program.

The conferees also recommend rescissions of $300 million from the AOE Fast Combat Supply Ship. The AOE ship is currently on deferral by the Secretary of Defense. The agreement leaves $200 million in the program which is available to be obligated for long-lead material. This amount will preserve the Defense Secretary's option to continue this program.

Mr. President, these are the highlights from the Defense Subcommittee's portion of the bill. Many of these decisions were painful. It should be clear to all Members that cutting more than $7 billion from the Defense Department at this time has not been easy, but given the desire of the Congress to reduce spending by this amount, I believe this is the best possible compromise. I urge my colleagues to support the conference report.

I thank the Chair. I yield the floor.

The PRESIDING OFFICER. Who yields time?

PROVIDING FOR ADJOURNMENT OF THE TWO HOUSES

Mr. INOUYE. Mr. President, at the request of the leadership of this body, the majority leadership and the Republican leadership, I ask unanimous consent that the present business be temporarily set aside and that we consider House Concurrent Resolution 323 and I ask for its immediate consideration.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution is privileged.

The clerk will report.

The assistant legislative clerk read as follows:

A concurrent resolution (H. Con. Res. 323) providing for an adjournment of the House from Thursday, May 21, 1992 to Tuesday, May 26, 1992, and an adjournment or recess of the Senate from Thursday, May 21, 1992, or Friday, May 22, 1992, until Monday, June 1, 1992.

The PRESIDING OFFICER. The question now occurs on the adoption of the concurrent resolution.

The concurrent resolution (H. Con. Res. 323) was agreed to, as follows:

H. CON. RES. 323

Resolved by the House of Representatives (the Senate concurring), That when the House adjourns on Thursday, May 21, 1992, it stand adjourned until noon on Tuesday, May 26, 1992, or until noon on the second day after Members are notified to reassemble pursuant to section 2 of this concurrent resolution, whichever occurs first, and that when the Senate recesses or adjourns at the close of business on Thursday, May 21, 1992, or Friday, May 22, 1992, pursuant to a motion made by the majority leader, or his designee, in accordance with this resolution, it stand recessed or adjourned until Monday, June 1, 1992, at such time as may be specified by the majority leader or his designee in the motion to recess or adjourn, or until noon on the second day after Members are notified to reassemble pursuant to section 2 of this concurrent resolution, whichever occurs first.

SEC. 2. The Speaker of the House and the majority leader of the Senate, acting jointly after consultation with the minority leader of the House and the minority leader of the Senate, shall notify the Members of the House and the Senate, respectively, to reassemble whenever, in their opinion, the public interest shall warrant it.

DIRE EMERGENCY SUPPLEMENTAL APPROPRIATIONS, FISCAL YEAR 1992

The Senate continued with the consideration of the bill.

Mr. INOUYE. Mr. President, I yield whatever time is required by the Senator from Connecticut.

The PRESIDING OFFICER (Mr. LAUTENBERG). The Senator from Connecticut is recognized.

Mr. DODD. Mr. President, I rise to commend the distinguished Senator from West Virginia, first of all, as the chairman of the Appropriations Committee and, second, to commend the distinguished chairman of the Defense Appropriations Subcommittee, Senator INOUYE, along with Senator HATFIELD and the House conferees. This has not been an easy process.

This rescission package was sent up, as is the normal procedure. This is done rather routinely each and every year and has been the case since 1974 when rescissions became legal as a way to deal with decisions to eliminate certain times of the budget that the executive branch felt were unnecessary.

But that process is not just an executive branch process. It is one that, obviously, involves the legislative branch as well. I know there are those who would just prefer to give the President his say and allow the President to determine exactly what each and every item ought to be, not only in rescission packages but in any appropriations bill. But our Founding Fathers envisioned something a little more broad based than that and suggested the legislative branch also be involved in that process.

So we have rescission packages which arrive here. There is debate and hearings. There is discussion as to whether or not the President's package ought to be adopted or modified in some way. And what has occurred here is a modification. That is not behavior that is out of the ordinary. In fact, routinely over the last 20 years when rescission packages are sent up here, that is the process by which those packages are handled.

So, while this year's rescission package has received a great deal of notoriety because of some of the items included, this is not an unusual legislative procedure.

I say to my good friend from Arizona, he and I have spent I do not know how much time talking about the *Seawolf* program and other such programs, this bill cuts them all. As he knows, I am one of those Members who supported the B-2 program and the SDI Program, one of the few Members east of the Mississippi to do that, I might add. Last year alone those programs survived by one- or two-vote margins. Yet in each instance it was the merits of the argument that determined the final vote.

What we have in the SDI Program—and the Senator from Arizona knows those better than I do—but as I understand it, the President has asked for a rather substantial increase for the funding for SDI in the coming fiscal year, an almost 31-percent increase. And I understand why he would like to do that. He supports that program strongly.

This is a difficult time as we are trying to downsize these budgets and to have some sense of equity in the various programs that are vital to this country's national security. What we have done here is, as I understand it, to strike a balance in all of this. SDI will go forward. The B-2 program will go forward. There is a fencing of some dollars, but eventually those moneys will be released, and, if the Congress agrees with an additional five aircraft, it will be approved.

So compromise in areas of critical importance to our Nation's security is what is being sought here. As the Senator from Hawaii pointed out, shutting down the doors of the only industrial base left in the country to produce what I think most people believe is a vital piece of our industrial technology, namely nuclear submarines, would be irresponsible. We are talking abut a program here that has been significantly reduced. We are talking about a program that originally called for 29 *Seawolfs* only a few years ago. Obviously, the end of the cold war has changed that and that final number has come down. Last year the total request was for something in the neighborhood of six or seven of these submarines, but, again, that has been changed dramatically. What we are talking about is completing the program at three. So there is a price and there is pain associated with this.

The Senator from Arizona mentioned accurately the number of employees employed directly by the Electric Boat Division. He did not mention, however, the hundreds of subcontractors and suppliers in 37 States who support this program as well. But putting the issue aside of exactly the number of people affected, even with three submarines, which by the way, is not the case here—we are talking about one submarine and additional moneys which the Secretary of Defense can decide how he wants to expend them within the submarine programs—we are talking about employment in that facility alone that is going to come down about half over the next several years. Then, hopefully, we will get some sort of transition. And I admit a decision will have to be made at some point whether or not we want to go to a next generation of submarines. But if you shut the doors of this industrial base facility in 1994 or 1995 and, under the best of circumstances, start a Centurion program, under the best of circumstances, in 1998—you have a 2- or 3- or 4-year gap without any work at all.

This is not a Government yard. It is a private yard. It is a division of General Dynamics. They have to make very tough, cold decisions about the economics of maintaining a facility that is not producing anything.

I stress again this is the only nuclear design facility left. A decade ago we had six design yards capable of providing that kind of technology for the country. It is not debatable today whether or not there is more. This is it. If we destroy this industrial base, then, we also must simultaneously conclude that it is no longer important for us to have any technology in this area.

So I hope that the conference report will be supported.

I know there is pain involved in this for all of us down the road. We are going to make that transition in the State of Connecticut and the State of Rhode Island. But as the Senator from Hawaii has also pointed out, and accurately so, while it seems convoluted to some, there is actually a cost savings involved in this. Money, substantial amounts, have been expended. By the Pentagon's own assessment, some $2 billion in termination costs would have to be paid out even if you terminated this program at one submarine. So the taxpayer not only expends the money but gets nothing for it.

What we are suggesting here is that by completing this program as the conference report has suggested, we can actually get something for it, maintain an industrial base and then move forward from there as we either diversify or move into additional submarine classes.

But if we reject this argument and reject the recommendation of the conference report, then, as the Senator from Hawaii has accurately said, you lose the ability to even make that decision about going into the next generation.

So I commend them for their efforts here. A balance has been struck, and it is an extremely important balance to be maintained.

An important point here as well is that we are talking about a $7 billion reduction in defense spending overall. These decisions were difficult for all of us. But the compromises contained in the report provide the country with a credible defense while at the same time reducing expenditures for urgently needed programs. I urge my colleagues to adopt this report as presented.

Mr. INOUYE. Mr. President, may I inquire how much time do I have?

The PRESIDING OFFICER. The Senator has 19 minutes 40 seconds remaining.

Mr. INOUYE. Mr. President, I yield 19 minutes to the Senator from Ohio.

The PRESIDING OFFICER. The Senator from Ohio is recognized for as many as 19 minutes.

Mr. METZENBAUM. I thank my colleague. I may not take that entire time.

Mr. President, the American people are angry and they have a right to be angry. They say that Congress is completely out of touch with what is really going on in this country today. They say that Congress is incapable of understanding the problems that we face, much less able to help. And the people are right.

They know we have a crisis in health care unmatched by any other Western country, where 30 million Americans have no access to affordable health care.

They know we have not done anything yet about it other than talk, even though we Democrats run this place and have made health care reform our most urgent priority.

Two weeks ago our second largest city went up in flames—the most serious urban riots this country has faced in modern times. What was the result? The President started pointing fingers, and then so did others, even though everyone from the President on down knows in their heart of hearts that the continued slide into urban decay, hopelessness, and poverty is the direct result of 20 years of Government paralysis and willful neglect.

Why is the Government so paralyzed? Because there is no leadership from the White House and because we here in the Congress are not doing what we should be doing because we are still spending tens of billions of dollars every year to build super-high-technology weapons for which there is no conceivable national security need. I am talking about the B-2 bomber, the strategic defense initiative, the *Seawolf* submarine, and so much more. We do not need them, we should not have them, we ought to be cutting back and saving those dollars for what is needed to be done in this country.

And I am also talking about the Osprey airplane. The Osprey is not a particularly high-technology weapon. Even the Pentagon does not want it. Yet the American taxpayers are being forced to pay for the Osprey based on the vague premise that it may have some commercial potential.

I want to point out the Osprey is not mentioned in this bill, but it is a $2 billion expenditure that the Defense Department does not want, and some in Congress are insisting by legislation that the Department of Defense spend the money. We should be rescinding the expenditure. It is an absurdity to read in the paper, to learn that our colleagues in the House are saying that there will be a penalty if the money is not spent; that the Department of Defense budget for its operating purposes will be cut if they do not spend the money, a program that could save $2 billion.

I hear every day of the week in this body: If we only had the money we could do something about the problems of education in this country, about the problems of highways in this country, about the problems of taking care of children in this country, about the problems of AIDS research and so many other things, but we do not have the money. And yet there are Members of the House who are demanding by legislation that we spend the money.

I am going to vote for this measure, but not because I think it is a good measure. I think it is the best I can get. I think it is the best we can get, but it is not as much as we should have. It is not enough in rescissions.

Mr. President, the cold war ended 2 years ago. The great evil Soviet empire is in a dozen pieces, none of which is in a position to threaten the United States or our allies. Against which of our remaining enemies are we going to use the B-2 bomber or the *Seawolf*? Saddam Hussein? Castro? North Korea? Come on, who are you kidding? With the military might we currently have in our arsenal, we could whip all three of those countries at the same time with one arm tied behind our back.

How do these programs keep getting funded? How is it possible that we in the Congress keep providing the money when it is unnecessary? What kind of wheeling and dealing is done?

Last year, the B-2 bomber was dead in the water. Only 15 planes were to be bought. So what happened? In this bill, there was a rescission of $1 billion for that purpose.

The House had been talking, the chairman of the Armed Services Appropriations Committee, the committee dealing with this particular subject, had indicated he was against the B-2. So, was there a cut, the $1 billion that was proposed to be cut with respect to the B-2 that went out of this body over to the conference committee? That was a peanut item. But amazingly, when it came back, the $1 billion rescission was cut to half a billion dollars.

What happened to those people in the House who were talking about eliminating or cutting the B-2 program? When they get into a conference committee, the small rescission that was involved of $1 billion is cut to half a billion dollars.

That same B-2 airplane was going to cost $430 million in 1987. Today that cost has ballooned to $2.3 billion per plane, not quite five times the original cost of 8, 7, 5 years ago. Two point three billion dollars literally offends the senses. We barely spend the cost of one airplane on Head Start in an entire year.

And now what has happened? Now we have, with no explanation, a truce between the President and the House Armed Services Committee on the B-2. We are not going to build 15 airplanes. Is that not wonderful news? No, that is not wonderful news. We are going to build 20 airplanes instead of 15 airplanes. What possible reason can there be for spending an additional $11.5 billion to build five more airplanes that we will never use? Eleven point five billion dollars. And compare that to the fact that this bill makes some steps forward by reason of the able efforts of Senators KENNEDY and HATCH to provide some assistance with respect to human service programs. So that provided for less than $1½ billion, less than 10 percent of the $11.5 billion for the five more airplanes. But 37 Members of the U.S. Senate voted to delete even that $1.45 billion.

Let us talk about another item: The strategic defense initiative. What do we have to show for SDI after 9 years and $30 billion in expenditures? Thirty billion dollars. Do my colleagues realize how much money that is for which we have received nothing? None of the technical problems have been resolved. We spent $1 billion on ground-based lasers and then abandoned the project when it would not work. We spent $1 billion on space-based lasers, and they did not work. We spent billions on Brilliant Pebbles, which almost nobody thinks will work.

To say that the SDI Program has been and still is evolving is about as charitable as one can put it.

Now the President wants another $5.4 billion to build a ground-based missile interceptor system. Last year, we gave him what he wanted.

Mr. President, it is time that Members on both sides of the aisle come to grips with the basic facts of what the Congress is doing. We are spending billions and billions of dollars of taxpayers' money building incredibly expensive weapons that have no use whatsoever, and now we are doing it claiming it to be a jobs program.

I would like to make it possible for every man, woman, or young person in this country who wants a job to be able to get a job. But spending defense dollars is not a jobs program. We are literally throwing billions of dollars at the defense industries of this country, and we ought to be ashamed of ourselves.

The defense program is now kept in place by people telling us we need the *Seawolf* because it is a jobs program. I want to see everybody in Connecticut have a job just like I want to see everybody in Ohio have a job, but we should have eliminated the *Seawolf*. It is an error to keep it in, and it is kept in in this bill.

Unfortunately, defense expenditures have been jobs programs for the most highly skilled technicians, scientists, computer specialists, and managers in the American work force. The defense program has become a jobs program for the people who live in upper-middle-class suburbs. But the defense program is not a jobs program for the millions of impoverished Americans who live in Los Angeles, in Cleveland, in Newark, in Detroit, in Atlanta, and so many other places in this country, or the millions of unemployed Americans who live in rural America,

I heard the Senator from Arkansas today talk about the impoverished people living in the Mississippi Delta. What we could do with just a modest amount of money to help those people find some employment to make their life more worthwhile. No, we do not do that. We have money for the *Seawolf* and the SDI and the B-2 and so many other programs that should and could be cut back, but those people do not get anything because the defense budget is like a giant leech on the American economy, consuming 28.2 percent of the Federal budget plus the 15.5-percent share of the interest paid on military-related debt.

Mr. President, that equals a whopping 43.7 percent of the total Federal budget for defense. Is it any wonder that the people are so fed up with Government and those of us who serve in Government? Is it any wonder they are worked into an anti-incumbency fervor? Can we say it is not our fault and blame it all on the President?

I am frank to say that it is time that we opened our eyes and looked beyond next week. What this country needs is long-term committed leadership, not more of the same short-term political expediency. The defense budget, the defense expenditures are literally taking this country into bankruptcy.

People thought there was going to be a peace dividend and looked forward to it with a sense of enthusiasm that now we will be able to do some of the things that could have been done and should have been done when we were spending all those dollars for military purposes. But the peace dividend has been nothing but a mirage. It just is not there, and we are not getting it.

I commend those who have handled this bill and brought it to this point, which is something like a $7 billion or $8 billion rescission. That is good. It is a step in the right direction. But I think it is peanuts as compared to what can be done, and should be done.

Mr. President, I yield the floor.

I thank the Senator from Hawaii.

Mr. GORTON. Mr. President, today the Congress is passing the first, and a surprisingly substantial, package of rescissions totaling $7 billion. I am pleased to support this package of rescission and I hope that President Bush will sign this bill.

In my view, the President was a winner and exhibited national leadership on two levels. First, he forced Congress, for the first time ever, to act upon a series of rescissions submitted by a President. In a classic case of a President using his bully pulpit, President Bush browbeat the Congress of the United States into seriously considering and acting upon his package of rescissions. Without the President's leadership on this issue, this country would have added $7 billion more to its astronomical national debt this year.

Second, President Bush rightfully reopened and moved the debate on the need for the *Seawolf* submarine, a strategic weapons system whose mission has disappeared. Originally established as the successor to the *Los Angeles* class of attack submarines, the *Seawolf* submarine is designed to hunt down and destroy Soviet submarines equipped with ballistic missiles. The *Seawolf*, however, is a weapon system that no longer has a mission. It is designed as a nuclear attack submarine to counter a very sophisticated high-tech Soviet nuclear submarine capability which is virtually nonexistent.

The President's rescission package called for the complete halt in the production of the *Seawolf* after a first model was almost completed. The conference report on this bill provides for completion of two of the submarines. While I am not happy about building a submarine without a mission, the halting of the production of these submarines at two is the best chance we have at preventing the building of the third *Seawolf* and more. Again, without President Bush's leadership, this country would build a billion-dollar plus submarine it clearly does not need.

The President did not get everything he wanted. He wanted completely to end production of the *Seawolf* submarine. But, neither did the Democrats of the Congress. They wanted much steeper cuts in strategic defense initiative and B-2 bomber funding. But, with this leadership on the issue of rescissions and his insistence that the Congress act, the Democrats were forced to come up with a package of spending cuts for presentation to the President.

Mr. President, only the American taxpayer was the complete winner in this battle. Let us hope the American taxpayer starts winning more of these battles.

NEW JERSEY URBAN HISTORY INITIATIVE

Mr. LAUTENBERG. Mr. President, I rise today to take note of an important victory. I am pleased that President Bush failed in his effort to eliminate urban revitalization funding for three of New Jersey's neediest cities.

Last year, at my request, the New Jersey urban initiative was enacted. Since that time, I have worked with the cities of Perth Amboy, Trenton, and Paterson to ensure the success of these important projects. Therefore, I was very disturbed when the President placed these important urban initiatives on the chopping block.

The President's proposal to cut assistance to three of my State's neediest cities was especially disturbing in the wake of the Los Angeles riots and a strong plea by the mayors of our country for more aid for urban economic development. Plain and simple: the President's proposal to cancel the urban initiative just did not make sense and I am pleased that the conference agreement rejected it.

The New Jersey urban initiative involves a modest sum, $7.9 million, in the National Park Service fiscal year 1992 budget to rehabilitate historic structures in Perth Amboy, Trenton, and Paterson. All three cities have poverty rates between 15 percent and 18.5 percent which is well above my State's overall poverty rate of 7.6 percent. In addition, statistics for February of this year show that these cities are well above the State's overall unemployment rate, with Paterson leading the pack at nearly double the State's 8.1 percent unemployment rate.

These projects are much more than historic renovations. They are essential parts of these city's urban revitalization and economic development efforts. These cities have, unfortunately, been sidetracked in their efforts at self-renewal by this proposed rescission.

In the short time between the President's signing of the fiscal year 1992 Interior appropriations bill, and his announcement that the administration was slating these projects for rescission, the cities worked diligently with the National Park Service to move ahead on these projects. It is my strong hope and belief that, once underway, these projects will act as a magnet to attract private investment in these downtown neighborhoods and to restore safety, hope, and pride.

Of the total amount appropriated for the New Jersey urban initiative, $4.2 million is slated for the city of Paterson, NJ. Paterson holds a special place in my heart. It was where I was born and it was where I spent my youth. Paterson also holds a special place in history as one of the leading industrial cities of this Nation. The Great Falls in Paterson is the site of the first attempt in the United States to harness the entire power of a major river for industrial purposes. The Great Falls National Historic District in Paterson contains some of the most important vestiges of our Nation's industrial heritage. Unfortunately, Paterson, which is about to celebrate its bicentennial, has had its share of bad fortune.

The National Park Service, it is 1989 report on damaged and threatened national historic landmarks, described the Great Falls Historic District as suffering "severe physical deterioration." The raceways, a system of canals which were used to channel water from the Great Falls to the nearby mills, is the unifying thread of the district. The raceways have fallen into severe disrepair and must be stabilized and refurbished. The funding earmarked for Paterson will be used to repair the middle raceways, as well as to make other improvements in the district. Funding will also be used for the Park Service to perform a comprehensive assessment of historic structures within the district and to devise an action plan to stabilize and reverse the decline of the area.

Trenton, my State's capital, is plagued by drugs and crime. The city has suffered serious consequences in the face of our dwindling Federal investment in cities. Trenton is a city rich in revolutionary and post revolutionary history, but municipal resources are already stretched to the limit and many urban historic treasures are severely deteriorated. The $1.892 million in Federal funding from Trenton will provide a much needed shot in the arm to the capital city's revitalization efforts by improving key historic landmarks and structures.

Perth Amboy once was the capital of pre-Revolutionary East New Jersey. The New Jersey urban initiative directs $1.808 million to this city to renovate two central historic structures in the downtown area, the train station and the Tottenville Ferry slip. In addition, the Park Service will work with the city to develop a revitalization strategy for the downtown district along Smith Street which connects the ferry slip to the train station.

These three cities have embraced the urban initiative projects as an essential part of their urban revitalization strategies. I am pleased that, with the rejection of the President's ill advised rescission proposal, these cities can move forward with plans to strengthen their communities.

Mr. LEVIN. Mr. President, I appreciated the fact that the Senate version of the rescission bill did not include the rescission of $1.375 million originally appropriated for fiscal year 1992 for the preservation of historic structures in the Calumet Historic District on the Keweenaw Peninsula of Michigan. This appropriation was subject to the authorization of a national historical park that I have been working to create through S. 1664, the Keweenaw National Historical Park bill.

I was deeply disappointed to see that the House position prevailed in conference and that this funding was rescinded. I know that the committee made its best effort to promote the Senate's position.

The fiscal year 1993 budget request by the President seeks $1.875 million for land acquisition and planning, providing an authorization is enacted. I would hope that this request will be given full consideration by the committee, and that the rescission contained in H.R. 4990 will neither jeopardize nor prejudice that consideration for fiscal year 1993.

Mr. BYRD. I understand the Senator's keen interest in this project which he sees as important to the preservation of our Nation's heritage. I can assure him that the budget request for the Keweenaw National Historical Park will not be jeopardized or prejudiced by the action that the Senate is taking today.

However, as the Senator knows, the committee faces very tight budgetary constraints and, for that reason, all projects will have to be scrutinized very carefully.

Mr. WOFFORD. Mr. President, I am voting for this rescission package because I agree with its bottom line—it cuts military spending. But I am disappointed that we have failed to seize the historic opportunity created by the end of the cold war to make far more substantial cuts in the military budget—or to adjust the military budget to fit our changing national security needs. The peace dividend will remain a mirage until we find the courage to make the difficult decisions to build-down our military and build-up our economy, our schools and our health care system.

We are continuing to build weapons that were designed to protect against the Soviet threat—a threat that is largely gone. The *Seawolf* is a submarine in search of a mission in the post-cold war world. It is ironic that the Congress is voting today to spend almost as much on the *Seawolf* program as we will spend in helping to rebuild our urban areas.

Another relic that we will continue to build is the B-2. We do not need it, we are not sure it will work—and yet this year the President is asking for just about as much to build four new B-2's as he is asking to fund the entire Head Start Program.

The rescission package was an opportunity to tailor our military to fit the post-cold war world. Instead, we have made small reductions in what remains a large cold war military budget. I have no practical choice but to support this small step, but I will continue to fight for a military that truly fits our Nation's domestic and international needs.

Mr. MACK. Mr. President, this is a political vote on a political issue, and it shows. We have taken the legitimate recisions recommended by the President and distorted them into a fraudulent product of political guile. The result is a package that stands on its head the President's intent to cut out wasteful spending.

Congress has proven remarkably incapable of cutting spending, although we all seem to agree that the right way to do it is to target low priority programs. It clearly makes sense to weed out those programs which are genuinely not in the national interest, but only serve the narrow interest of a tiny group of people or small part of the country.

But this recision package conference report makes a mockery of that notion. What has been done is to shield political pork at the expense of programs of broad and well-defined national interest. Pork-barrel spending in both domestic and defense accounts has been spared while important defense programs have been hit hard.

An example of the distortion of priorities is the protection of funding for the *Seawolf*—a submarine unwanted for many reasons by the Navy, the administration, and by the Armed Services Committee.

Yet this conference report reverses the recision request for the *Seawolf* made by the President, and instead cuts funding for the strategic defense initiative—a set of programs widely viewed as essential to our national security.

Voting against a bill which cuts spending by over $8 billion is not easy for me to do. I have been steadfast, and will continue to be, in my efforts to restrain Federal spending.

But the distortion of this conference report represents all that is wrong with Congress. It is no wonder that Americans are disgusted with Congress' continued pandering to special interests. The conference report is wrong, and I will not vote for it.

The PRESIDING OFFICER. The Senator from Hawaii.

Mr. INOUYE. Mr. President, in behalf of Senator HATFIELD, I yield back the remainder of his time and I believe I have 40 seconds remaining. I yield back the remainder——

The PRESIDING OFFICER. The Senator from Hawaii has 5 minutes.

Mr. INOUYE. I yield back the remainder of that time.

I urge adoption of the conference report. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on agreeing to the conference report. The yeas and nays have been ordered. The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. FORD. I announce that the Senator from Texas [Mr. BENTSEN] is necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber who desire to vote?

The result was announced—yeas 90, nays 9, as follows:

[Rollcall Vote No. 108 Leg.]

YEAS—90

Adams
Akaka
Baucus
Biden
Bingaman
Bond
Boren
Bradley
Breaux
Brown
Bryan
Bumpers
Burdick
Burns
Byrd
Chafee
Coats
Cochran
Cohen
Conrad
Craig
Cranston
D'Amato
Danforth
Daschle
DeConcini
Dixon
Dodd
Dole
Domenici
Durenberger
Exon
Ford
Fowler
Glenn
Gore
Gorton
Graham
Grassley
Harkin
Hatch
Hatfield
Heflin
Helms
Hollings
Inouye
Jeffords
Johnston
Kassebaum
Kasten
Kennedy
Kerrey
Kerry
Kohl
Lautenberg
Leahy
Levin
Lieberman
Lott
McConnell
Metzenbaum
Mikulski
Mitchell
Moynihan
Murkowski
Nickles
Nunn
Packwood
Pell
Pressler
Pryor
Reid
Riegle
Robb
Rockefeller
Rudman
Sanford
Sarbanes
Sasser
Seymour
Shelby
Simon
Simpson
Specter
Stevens
Thurmond
Warner
Wellstone
Wirth
Wofford

NAYS—9

Garn
Gramm
Lugar
Mack
McCain
Roth
Smith
Symms
Wallop

NOT VOTING—1

Bentsen

So the conference report was agreed to.

Mr. FORD. Mr. President, I move to reconsider the vote.

Mr. BIDEN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. BYRD addressed the Chair.

The PRESIDING OFFICER. The Senator from West Virginia [Mr. BYRD] is recognized.

DIRE EMERGENCY SUPPLEMENTAL APPROPRIATIONS, FISCAL YEAR 1992

The Senate continued with the consideration of the bill.

Mr. BYRD. Mr. President, what is the pending business?

The PRESIDING OFFICER. The pending business is H.R. 5132, the supplemental appropriations bill.

Mr. BYRD. I thank the Chair. Mr. President, I believe there are two amendments on the list, one by Mr. SPECTER, one by Mr. SEYMOUR and Mr. DOLE. There is a time limitation on each. Could we have an answer as to whether or not either of those amendments is ready to go?

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. DURENBERGER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DURENBERGER. Mr. President, when the Simi Valley, CA, verdict in the Rodney King case was announced, a shockwave ran through every citizen in this country. Shock at what appeared to be a total miscarriage of justice. And shock at the random violence, murder, and destruction that ensued in south-central Los Angeles shortly after the verdict.

Today, south-central Los Angeles lies in ruins with total property damage in Los Angeles estimated at over $735 million. And the human misery and suffering cannot be measured. Lives lost to wanton gang violence. As many as 40,000 jobs lost throughout Los Angeles, some lost permanently.

Eight Federal disaster application centers have been established throughout Los Angeles County with more than 1,000 people already registered for assistance in repairing and rebuilding their homes, businesses, and apartments.

Mr. President, in coming to the floor today, I do not seek to engage in a debate as to whether the destruction in Los Angeles or the terrible flood in Chicago qualify as the type of disasters that deserve Federal emergency funds. To the people whose businesses and lives have been shattered by the events in these cities, assignation of blame is not the issue. For they are trying to cope and rebuild from the ruins of disaster.

There is no doubt in this Senator's mind that both disasters were preventable. In Los Angeles, responsibility lies with the early inaction of the LAPD, and live television coverage of looting that only served to fuel the lawlessness of vengeful gangs. In Chicago, administrative indifference and lethargy caused a minor leak to turn into a torrential flood.

But, Mr. President, on other occasions when the Senate has voted emergency disaster assistance, we have not sought to assign blame for those of our citizens who put themselves in the way of natural disasters. When we spent more than $1 billion for homeowners and businesses who suffered damage from Hurricane Hugo, I do not remember any Senator voting no because the victims chose to build their homes on perilous ocean vistas.

When tornados destroy homes in Tornado Valley, none of us vote no because the residents should have known that tornados regularly hit the area.

When we voted more than $2.8 billion to assist the victims of the 1989 San Francisco earthquake, none of us stood up here and voted no because the residents of the area should have known better than to build their houses so near the San Andreas Fault.

And when drought hit the Midwest 2 years ago, I do not remember any Minnesota Senator voting against emergency assistance for farmers who failed to purchase crop insurance.

Mr. President, the people of Los Angeles and the people of Chicago deserve the assistance of the Federal Government in this time of tragedy just as the victims of hurricanes, droughts and earthquakes have deserved our assistance in the past.

Hopefully, some day when there are not any victims to console, we will debate the future policy of Federal Emergency Assistance to the local governments. It is not an entitlement program, Mr. President, and should not be treated as such as we have done ever since I have been here. Not every large loss is a national tragedy to be remedied by national spending, but this is not the time to debate that issue.

Of course it is right to help the victims of this disaster. But it is wrong for us not to pay for this assistance and instead to pass on the costs to our children and our grandchildren.

Unfortunately, Mr. President, the Committee on Appropriations has compounded our collective fiscal irresponsibility and the Senate has just ratified that error. For the measure reported from the Committee not only borrows from our children to pay for emergency disaster relief, but it adds more than $1.4 billion for various job and education programs.

The committee has more than doubled spending for summer jobs. A quarter billion more for Head Start; a quarter billion more for Chapter I, and a quarter billion for Weed and Seed. All the President has to do is declare an emergency and bingo, we spend another $1.4 billion of our children's money on programs already in place.

All we have to do to avoid any sense of fiscal restraint is have the President declare an emergency. Today there is a Head Start emergency and a Chapter I emergency. Tomorrow we will be declaring emergencies for every Government program and we will not have to worry about paying for them. We will just send the bill to our children.

Mr. President, you want to talk about looting? What do you think the Federal deficit is doing to our children's future? Every day that goes by, with every bill we pass, we are breaking into their future and taking what rightfully belongs to them.

Mr. President, you want to talk about flooding? How about $4 trillion in red ink? A billion more dollars in debt every single day. If the Potomac River rose 2 inches for every billion dollars in debt we incur this year alone, the Oval Office and this Chamber would be under water.

Let us not let the urgent problem we can see blind us to the genuinely important crisis we cannot.

Mr. President, when our Nation has been confronted with domestic and international emergencies and disasters the best in our people's spirit has always come through. Many times in the 203 year history of our Republic we have asked our citizens to make personal and financial sacrifices for the good of our Nation. And they always have.

Can we not now, in the face of terrible devastation in the Nation's second and third largest cities, ask for some sacrifice? Can we not ask that the money that is needed to help rebuild these cities be taken from another program in the Federal Government's $1.5 trillion budget? Is every dollar of domestic spending sacrosanct and untouchable?

Can we not ask Americans who were not devastated to pay for those who are? Is that not the American way? Yes, a very, very minuscule and modest increase in any number of taxes could easily pay for this supplemental appropriation. Do not these disasters merit a change in spending or taxing policy, or have we as a nation become so politically paralyzed that we refuse to ever ask our citizens for sacrifice?

The answer to both questions this year is "No". We cannot. So we do not. The President promises without paying. The Congress is not about to volunteer to pay. Just last week, we went through the rescission exercise and achieved nothing except to show the American people that pork comes ahead of fiscal integrity. Again last night, when the Senate rejected the amendment offered by Senator GRAHAM, we showed our institutional inability to shift spending priorities.

And in March we again learned that it is impossible for the Congress and this administration to come to any viable agreement and compromise on raising revenues.

So what do we do when we need to spend money. We borrow it from our kids.

Mr. President, next month we are going to debate amending the Constitution of the United States to require a balanced budget. I am sure that there will be much handwringing over the sheer magnitude of the debt burden that we are amassing at such a rate that we are heading our Nation into bankruptcy. Many of us will hold out the panacea of adding a few lines to the Constitution as a way to overcome political cowardice.

When that debate begins, I hope Senators will come to the floor to remind our colleagues that we do not need an amendment to the Constitution to balance the budget. I plan to remind them that barely a month ago this body voted for a budget resolution that guaranteed a 5-year increase in the national debt of more than $1.2 trillion dollars. We should remind each other that we could have aided the citizens of Los Angeles and Chicago without increasing the deficit and the debt. Colleagues gave us that opportunity.

Mr. President, this weekend all of us will be returning to home States for Memorial Day recess. This is the most solemn holiday we share as a Nation. For many decades, this day was known as Decoration Day because in the late 19th and early 20th century, families of deceased Union and Confederate troops visited their lost loved ones and decorated their graves with flowers.

This weekend's Memorial Day Services will remember the sacrifices of all the brave men and women who fought to preserve liberty and freedom throughout this Nation's history.

Mr. President, what can a Senator tell the mother or widow of a serviceman who has died about sacrifice? By our act today of continuing to borrow from the future and refusing to ask for sacrifice, we can say we are failing in our responsibility to the people who gave their life so that we might be free.

Our refusal to tax ourselves and our refusal to reduce consumption to pay for the tragedies of Los Angeles and Chicago perpetuate our irresponsibility as servants of the public.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. DOMENICI. Mr. President, earlier today I voted in support of the amendment that Senator LOTT and Senator DOLE offered with reference to the so-called Kennedy-Hatch amendment or Hatch-Kennedy amendment.

Let me clarify one thing. There was within that amendment additional funding for the Weed and Seed Program. I wholeheartedly support the Weed and Seed Program. At first I thought, since I was an advocate of it and pushing hard for increasing funding for it, that perhaps that vote was inconsistent. But let me explain why I think the vote is not inconsistent and fits right in with the rationale that I expressed to the Senate yesterday.

The Weed and Seed Program right now is a pilot program of about $20 million. It is appropriated and in the budget. We have not yet used up all that pilot money. We are still out trying to find ways to use it and use it properly.

In the budget for FY 1993, in the detailed agency budget requests, there is a request by the President of the United States for $500 million for 1993, the budget year of 1993, starting this coming October, for the Weed and Seed Program.

I believe that is exactly what we ought to do. We ought to dramatically increase funding for that pilot program, and we ought to fund the President's request come October 1. I do not believe there will be any real ability to use significant additional funding until then.

So it seems to me that the exact same rationale that I indicated applied to Head Start and applied to the other programs that we were talking about by way of an emergency applies to weed and seed, and the vote which I took is consistent with the discussion that I had regarding the other programs.

I also want to note that the Lott-Dole amendment would have deleted provisions under the Treasury subcommittee's jurisdiction included in the bill. These provisions provided additional funding to meet law enforcement requirements, and I support those supplementals. They are fully offset by rescissions and will not add to current spending.

Mr. RIEGLE addressed the Chair.

The PRESIDING OFFICER (Ms. MIKULSKI). The Senator from Michigan.

Mr. RIEGLE. Madam President, before we finally now act on this supplemental appropriations bill, I want to make a few comments on it.

Certainly, as we all know, this has been a time of soul searching for our country. Problems like racial discrimination, crime, poverty, and urban decline are now all being discussed in public forums, on television and radio, and certainly debated here in the Congress.

Acknowledgment of these problems, I think, helps us get to the question of how do we take and set America on a different course and help solve these problems? What is the role of the Federal Government and how do we get the Federal Government to change the direction from the disconnect of the 1980's to help fashion the national strategies that we need to address these issues and build a strong nation and a strong people, strong cities for the future?

This supplemental appropriations bill brought forward by Senator BYRD—and I commend him very much for his leadership—includes important provisions put in by Chairman KENNEDY of the Labor and Human Resources Committee. I think, taken as a whole, this legislation is an important start to addressing some of these urgent national problems.

This legislation, I think, also shows us that the cost of ignoring critical problems is far higher—the cost is far higher—than is the cost of solving them. So we cannot afford to ignore the problems of our urban areas or, for that matter, any area of our country, urban or rural. I think to do so on the scale that we now see is inhumane and very destructive of our future.

It is fair to say, I think, and it is a sad commentary, that it has taken the civil unrest, the rioting in Los Angeles and also a major flood in Chicago to bring the focus around to cause our Government to turn its attention to massive urban problems long neglected. Many of us here have been pointing out for years that the Federal Government has a responsibility to provide the leadership, working with States and local units of government, the private sector and citizens, public interest groups, to prevent these kinds of problems from becoming full-blown crisis situations.

When we respond after the fact, it is usually after lives have been lost, family businesses have been ruined, property damaged—in many cases we have been set back a great distance from where we otherwise might have been.

I strongly support the amendment included in this package that was proposed by the Labor and Human Resources Committee to take immediate action to help our cities. That amendment provides $1.45 billion in emergency funding for job, education, and community development-type programs. This short-term action is desperately needed to give hope to those in our Nation's urban areas by providing the resources for summer jobs, summer Head Start, and Chapter I programs, and to fund the Weed and Seed Program proposed by the administration to address crime in inner cities and establish basic human services in communities that truly desperately need them.

This amendment is important because it is not just cities like Los Angeles and Chicago that are facing urban problems, and urgent problems. Not just big cities, whether it is Detroit in my home State of Michigan, or New York—or many other areas could be listed, but also smaller urban communities across the Nation. In Michigan, my hometown of Flint, cities like Muskegon, Pontiac, Saginaw, and others are experiencing many of the same problems, albeit on a reduced size and scale.

But these areas have seen their local economies badly damaged, as good manufacturing jobs have been shipped overseas, and urgent human problems have been building up for neglect and lack of resources to deal with them.

People want to help themselves, but there have to be things in place that enable them to do that, in terms of adequate health care, decent education, and above all job opportunities. We cannot have a situation where there are not enough jobs around and expect that people are going to be able to provide for themselves and their families. So we need to do something that is major and fundamental to increase dramatically the number of jobs in the United States.

Some are talking about a 1990's version of the CCC concept that we saw back in the 1930's. I think that is an idea that makes good sense. Finding a way for people to do meaningful work that leaves a lasting value to society, where people can fit into work teams where they can have the opportunity to earn, be part of a systematic work effort, and learn from that experience the skills that are required to move on later into kinds of work efforts, I think is something that is a very wise investment in our people and even more so in our country's economic future.

In terms of the bill before us, there was a disturbing indication yesterday in the Washington Post that the President has indicated that he does not support this initiative that we are bringing forward here. I hope that is not accurate and I hope, if it is accurate, that he will reconsider and decide to put the force of his leadership strength in the executive branch of Government behind this package. Because this package, as good as it is, is really only a modest first step, something to start addressing this enormous area of national need, but we must get started. The education and job programs in this bill are widely recognized to be good, solid programs, and they urgently need additional funding if they are going to provide services this summer.

The proposal, as I said earlier, also includes the President's Weed and Seed Program. He has asked for that one and we are responding to it. But it he does not end up taking this package then of the things in here, all of which are vital, none will be able to happen at this time. So I ask the President to sign this bill, give it full effect and then release the money needed to implement these initiatives. We should not wait and allow other tragic situations to arise that I think we can avoid by taking effective action now.

It is instructive to look at what happened in the unemployment compensation area. When we tried to extend that back when the recession was raging on at such a severe level, we passed it here but the President refused to declare an emergency, so the help was denied to unemployed workers and their families for several months. We passed it a second time. It was not until the third time we passed it that finally he changed his mind. We should not let that happen here. We should be able to have a situation where we bring forward a well-targeted, timely, and urgently needed piece of legislation that the President and his administration will be supportive of.

In terms of what has been offered, the President put his 6-point proposal on the table. There are some good things in that proposal, some of which are incorporated in this package. But this is an important start and we should now enact this and move on from there.

I rise in my capacity as Senate Banking Committee chairman and chairman of the Democratic Task Force on Community and Urban Revitalization. Together with the other Members of the Senate on either our committee or on our Special Democratic Task Force on Urban Policy, we have been working and we have advanced and put forward many of the proposals that are now contained in this supplemental appropriation.

In adopting this legislation I think we take an important step towards solving these problems. But we are going to need action this year in a number of other key areas including extending and reforming unemployment insurance, strengthening our housing and economic development programs, and improving education funding. This should include increasing the money for Head Start, helping finance some school reform efforts and broadening the availability of student loan programs so people out there can go out and try to get the advanced training and preparation that can route them out into the world of work where they can find work at a level commensurate with their skills and where they can earn a decent standard of living.

Finally we need desperately in this country a comprehensive economic strategy for America. Our Government today has an economic plan for every country in the world except our own. There is a plan for China, and a plan for Mexico, and a plan for Kuwait, a plan for the old Soviet Union, money flowing all over the world and so forth. But there is no real focus on what it takes to put 16 million unemployment and underemployed Americans to work in ways that let them earn a decent living and also build the economic future of our country.

In that broad, comprehensive economic strategy we have to concentrate on our human resources, invest there; in our infrastructure, invest there; in speeding up the rate and breadth of our technological activity and advancement; and, finally, much greater investment in state-of-the-art plant and equipment that can help enhance our productivity improvement.

With that kind of a long-term strategy we can rebuild our economy so there are enough good jobs to go around with decent wages where people have a chance to build good futures for themselves and for our Nation. But for today, this urgent supplemental is exactly that.

I want to again commend Chairman BYRD for his leadership on this issue, and Chairman KENNEDY for his important contribution to it. I appreciate the fact that some of the recommendations our urban task force has made have been incorporated here. Let us get it enacted. Let us sign the bill. Let us do something to help America.

I yield the floor.

Mr. BYRD. Madam President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. KENNEDY. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. KENNEDY. Madam President, it is my hope we will be able to move toward passage of this legislation within the next 45 minutes, no longer than an hour. There needs to be some discussion which will soon take place about the Summer Youth Program formula. We have been basically able to agree on where we want to end up. We will need some additional information, and we will then make a recommendation to the Senate about how best to proceed. I hope, acting in good faith, that we can reach final conclusion on the Seymour and Dole amendment and then move toward final passage very soon.

So I will just make some brief final comments, Madam President, at this time.

I thank the leadership on both sides of the aisle for the bipartisan progress that we have made on this legislation. We are well within the striking distance of successful enactment of this package of emergency assistance for the cities in time to make a significant difference in programs for the summer. I want to emphasize how important it is we complete action on this measure as soon as possible.

The four key programs in this measure, involving summer jobs for youth, summer Head Start, aid to public schools for their summer sessions, and weed and seed program, are all seven programs they are extremely time-sensitive, and time is running out.

I had hoped it would be possible to complete final action on this legislation this week and to have it on the President's desk tomorrow. That is no longer a realistic target because there are a number of issues in the Senate bill that must be resolved in a conference with the House of Representatives.

By the end of the first week in June, it is likely that too many deadlines will have passed in the States and cities for this assistance to be useful this summer. State and local governments need to make their preparations now. They cannot put together summer plans on speculation. They need to know whether help from Congress is on the way.

So it is important that the handful of remaining issues be resolved in time for President Bush to sign this legislation early in the week of June 1 after the Memorial Day recess next week.

I am gratified by the bipartisanship which has been displayed so far and which has brought us to this point today. I hope the spirit of cooperation will continue. Obviously, not everyone shares this sense of urgency, but enough of us do that I believe we have a solid majority for immediate, significant, and timely action.

The substance of this legislation is important but so is the larger message of hope it sends. In effect, we are saying to the Nation we understand the vast dimensions of the urban challenge we face. We have a plan for action. We are capable of acting in time to make a difference, and we are taking the first step now. The night of neglect is ending and the dawn of hope is beginning.

Madam President, I would like to express appreciation to a number of the members of my staff who have been extremely helpful and valuable in developing the legislation. These include Michael Iskowitz, Ellen Guiney, Sarah Fox, Nick Littlefield and Marsha Simon. I would also like to thank the staff of the Senator from Utah, including Laurie Chivers, Kris Iverson and Anne LaBelle. They all worked very closely with us in fashioning the program. In addition, I want to recognize the invaluable help of Senator BYRD's staff including Jim English and Carol Mitchell as well as many other staff of the Appropriations Committee.

Madam President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. DOLE. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 1856

(Purpose: To improve targeting of summer youth job supplemental funds, and for other purposes)

Mr. DOLE. Madam President, I am pleased to offer this amendment on behalf of the distinguished Senator from California [Mr. SEYMOUR] and myself.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Kansas [Mr. DOLE], for himself and Mr. SEYMOUR, proposes an amendment numbered 1856.

Mr. DOLE. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 4, line 20, insert after "Congress" the following: ": *Provided further*, That, for the purposes of this Act, of the funds appropriated herein, the first $200,000,000 will be made available as follows: 50 percent will be made available by the Secretary to the service delivery areas containing the 75 cities with the largest population as determined by the 1990 census data, in accordance with the formula criteria contained in section 201(b)(1) of the Job Training Partnership Act; and 50 percent will be allotted among the states in accordance with the formula contained in section 201(b)(1) and 201(b)(2)(A) to be distributed within the state with a priority for areas with emergency summer youth employment needs; and

On page 4, line 21 insert before "funds" the word "remaining"."

Mr. DOLE. Madam President, let me just briefly explain the amendment. I think it is going to be accepted on the other side. I talked to the distinguished Senator from Massachusetts, and we have been in contact with the Senator from Utah [Mr. HATCH]. I understand there may be some modifications in the conference in order to address certain concerns that have been raised.

The amendment provides that 50 percent of the first $200 million of appropriated funds—or up to $100 million—will go to the 75 largest cities. The other 50 percent of such funds are discretionary and are allocated directly to the States to be distributed with a priority based on summer youth employment need as determined by the States.

Finally, Mr. President, the remaining $475 million available for emergency designation under the legislation would be allocated pursuant to the formula presently set forth in the legislation. Let me make clear, Mr. President, that the formulas proposed are not perfect. We recognize that factors such as city size are not the only or best indicators of need. Size may leave out some smaller areas that are relatively large—but not the largest such as Hartford and New Haven—and have high rates of unemployment and poverty and would benefit greatly from the use of summer jobs funds.

On the other hand, the formula used to allocate the remaining $475 million largely emphasizes poverty and as a result discriminates against some areas of high unemployment that are less poor. These issues will need to be revisited in conference to ensure fairness for all parts of the country.

Notwithstanding these issues which will be looked at and dealt with. The purpose of this amendment is to initially target large cities and urban areas which we believe to be among the regions most in need of short-term emergency assistance.

The problem with the current language in the legislation is that while it recognizes that emergency funds are needed to provide jobs for unemployed youths, it makes no attempt to rationally distribute the funds based on where the emergency exists.

The administration has specifically raised this problem and is opposed to the language in the bill.

This amendment meets the concerns of the administration and has its support to ensure that funds that are spent—are spent wisely.

I think we are fully in agreement in what we need to do. We could move on to this bill, pass it, go to conference, and work out any formula changes that are needed to be addressed.

Mr. SEYMOUR. Mr. President, I am pleased to join with my good friend, the distinguished Republican leader, Senator DOLE, to make a small but important change in the summer jobs provisions in the urgent supplemental.

Mr. President, I have already stated that this legislation has become a Christmas tree, adding $1.45 billion to an annual deficit of over $400 billion for this fiscal year. It is certain to fail and crumble under its own weight. I was a cosponsor of the amendment by the Senator from Mississippi and the distinguished Republican leader to eliminate the $1.45 billion unless the Senate made cuts elsewhere in that amount. That amendment failed and so the majority of the Senate has committed to spend those dollars.

I am hopeful that in the conference committee reasoned minds will prevail and we will either find appropriate spending reductions of $1.45 billion or we will reduce the cost of this bill by that amount.

However, before this bill goes to conference, I believe the provisions pertaining to the summer jobs programs can be improved, and that is the basis of my amendment today.

Basically, this amendment will target up to $100 million to the service delivery areas from the 75 largest cities in the United States. A second $100 million will go directly to the States to supplement youth jobs. And the remaining $475 million will be distributed to the service delivery areas for summer youth jobs in accordance with the formula proposed by the Senator from Utah and the Senator from Massachusetts.

Mr. President, the rationale behind this amendment is simple: Our urban areas are experiencing the greatest demonstrated need. The urgency of our actions here today is dictated by the devastation brought to our Nation's second-largest urban area—the city and county of Los Angeles. And our next and most important step after we complete action on this bill is a comprehensive plan to strengthen all urban areas in this Nation.

Even the proponents of the measure that I am attempting to amend call this a rescue effort to those who live in the inner cities.

Though I have concerns regarding the timing of the provisions that go beyond FEMA or SBA emergency assistance, this amendment at least will make good on the good intentions of my friend the Senator from Utah [Mr. HATCH] and the Senator from Massachusetts [Mr. KENNEDY] by targeting 75 urban areas for the scarce Federal funding assistance provided in this bill.

Mr. President, in the distribution of scarce Federal dollars it is often the case that funding formulas are not an exact science. Indeed, the formula proposed in this amendment is not perfect. Formulas that emphasize city size are not always the best or exclusive indicators of need. Though we see the need for a renewed effort with respect to urban programs, problems such as high poverty and high unemployment are not exclusively urban problems.

Therefore, it is my hope, Mr. President, that the conference committee will take a look at the formula provided in the underlying bill and determine what will be most effective and fair for every region—urban and rural—across this Nation.

I am a businessman and thus, I look to the bottom line, and the bottom line is this: First, we must address the urban problems made clear to us by the Los Angeles riots. I believe this amendment accomplishes this goal. Second, we must be sure that any Federal dollars, allocated through any formula, are spent fairly and wisely. And I look forward to working with the conference committee to ensure my amendment, and more importantly, this legislation, meet that goal as well.

Mr. President, I want to thank the distinguished Republican leader for his leadership on this amendment, as well as the distinguished ranking member of the Labor Committee, Senator HATCH, and the chairman, Senator KENNEDY. And of course, I wish to thank again the chairman of the Appropriations Committee, Senator BYRD for his leadership on this important emergency appropriations bill.

I urge my colleagues to support this important amendment.

Mr. KENNEDY. Madam President, first of all, I want to express appreciation to the minority leader and to Senator SEYMOUR.

As I understand it, the purpose of the amendment is to provide initial targeting of resources on major cities of this country and then, on the second $100 million, provide greater flexibility so the States would have greater leeway in allocating resources to areas of very special need. That objective is a commendable one. The remainder of the summer youth funds would be distributed under the revised formula. Reaching a compromise in this matter is a very laudable objective and one that I certainly support.

I think, as has been brought out in the consideration of this amendment, the Seymour-Dole amendment follows strictly the size of the cities, although many cities that fall outside that formula have pockets of poverty and have very important needs. When we consider some of the smaller cities, we find out that their high incidence of poverty and youth unemployment are certainly a significant problem.

We had hoped to be able to work a final formula with Senator DOLE and Senator SEYMOUR. I believe we made some very, very substantial progress and, operating on good faith, it is my firm belief that it can be resolved in the conference.

So, at an appropriate time when others have had a chance to speak on this issue, I will urge that the Senate accept the Seymour-Dole amendment with that understanding.

As a matter of fact, in my own State, it does not really make such difference which formula we are going to have. There is not really much of a swing for Massachusetts, nor is there really a very significant swing in the allocations for most of the States. But there is for some States, and there are strong feelings among some of the Members. We have made a good-faith effort to target the summer youth funds to the areas of the greatest need. I am satisfied that that is also what the minority leader and Senator SEYMOUR are attempting to do. That is certainly what I hope will be the result of the conference. Having discussed with Senator DOLE our purposes and the objectives, I hope that we can move ahead and accept that amendment and then move on to final passage.

Mr. DODD addressed the Chair.

The PRESIDING OFFICER. The Senator from Connecticut.

Mr. DODD. Madam President, first of all, let me extend my compliments to the Senator from Massachusetts, to the distinguished minority leader, and to Senator SEYMOUR, from California, for their work on this issue. It is not easy to put together a compromise that will satisfy everyone's concerns and those of all the different States. Each State is different, and it is hard to accommodate the interests of all States and all cities in a single formula.

My State of Connecticut is somewhat small geographically, but we have three cities that are among the top 10 poorest cities in America. All three—Hartford, New Haven, and Bridgeport—have unemployment in excess of 20 percent. The distinguished minority leader was gracious enough to mention Hartford and New Haven in his remarks.

I appreciate also the willingness of the distinguished Senator from Massachusetts and the minority leader to try to accommodate Connecticut's concerns when the conference on this bill is entered into. Connecticut's cities have struggled and are feeling tremendous burdens of economic dislocation. They were great manufacturing centers in the Northeast and provided a great deal to this country over the years. But, like many cities in this country, over the last 20 or 25 years, their economic condition has deteriorated considerably. So today, even in a State as geographically small as Connecticut, there are tremendous pockets of poverty and unemployment, and youth unemployment particularly.

So, I ask my colleague from Massachusetts if efforts can be made in conference to better address the needs of smaller cities. Earlier today I talked to the distinguished Congresswoman from Hartford, Mrs. KENNELLY; the distinguished Congresswoman from New Haven, ROSA DELAURO; and the Congressman from Bridgeport, CHRIS SHAYS. And we all agreed that population should not be the sole criterium for allocating summer jobs for youth among cities.

Connecticut's cities are large, but they are not among the top 75. So even those among the 10 most impoverished cities in the country would not necessarily benefit from the current formula in as equitable a fashion as they might. We are just interested in knowing if the concerns of cities this size could be accommodated as the formulas are considered during conference.

Mr. KENNEDY. I appreciate the Senator's bringing these problems to our attention. The problems the Senator described are virtually identical to the kinds of problems that exist in the larger cities. As I understand it, the minority leader and Senator SEYMOUR are attempting to target where there is the greatest need, and we want to work together to achieve that end.

We are talking about scarce resources here. With the appropriation of the additional $675 million, we really have an opportunity to make some difference in areas of highest need. However the exclusion of Bridgeport and New Haven is contrary to the thrust of the Seymour-Dole amendment. So certainly this is going to be something that the Appropriations Committee will need to work on in conference negotiations.

As I pointed out, we are enormously in the debt of Senator BYRD and Senator HATFIELD and others for bringing us to where we are. I would hope that in a good-faith effort we will be able to work that out. Frankly, I think we would have a difficult time trying to arrive at a formula tonight. I am satisfied with the good faith of those involved. I hope we can do it in a way that will please most and minimize the grief for others.

Mr. DODD. I thank my friend from Massachusetts. I appreciated the reference to New Haven and Hartford in the Senator's remarks, and his recognition that the largest are not always the neediest. I hope in the conference some effort will be made to accommodate more citizens than just the 75 largest. We could also look at some of the poorest cities in the country for example. Of the 10 poorest in the country, we have 3—Bridgeport, Hartford, an New Haven—in Connecticut. I ask the minority leader if that might be possible?

Dr. DOLE. Certainly. As one of the authors, along with Senator SEYMOUR, we understand that modifications need to be made to take care of the concerns raised by the Senator from Connecticut, and I think also the Senator from Pennsylvania, and others. So the answer is that we certainly understand that modifications have to be made.

Mr. DODD. I thank the minority leader and the distinguished Senator from Massachusetts. I neglected to mention the Senator from Utah in talking about the fine job done here. It takes a lot of people to put a bill together. They have my commendations, and I am satisfied, I say to the Senator from Massachusetts, with the good faith commitments that the needs of these other cities will be considered. I am grateful for that.

I yield the floor.

Mr. SPECTER. Madam President, I would like to supplement the colloquy which has already been made part of the RECORD and to commend my colleagues for the progress which has been made on this important legislation.

As I commented in a brief floor statement yesterday, it has been the conclusion of many mayors that I have met with, that the issue of summer jobs is at the top of the list in terms of priorities for the summer which we are approaching. In articulating the need for summer jobs, and the other items in the pending legislation such as Head Start and education funds, that is not to say that we can avoid moving quickly on some of the long-term needs of the cities, enterprise zones, and the needs of rural areas as well. But the issue of summer jobs is a very important one on top of the list.

I am concerned about the formulas which are being advanced in this legislation now before us, because we have had formulas worked out in the past, and they have been considered and concluded to be equitable formulas.

There is a grave difficulty in knowing just what will be the impact of the formulas which have been worked out by the distinguished Senator from Massachusetts and the distinguished Senator from Utah, the chairman and ranking member of the authorizing committees. As the matter was reported to me last night in an urgent telephone call by my colleague, Congressman FOGLIETTA of Pennsylvania, Pennsylvania might have stood to lose considerable funding under these revised formulas.

As we have taken a closer look, and read some figures I have seen from the Pennsylvania Department of Labor, it appears that there is doubt as to just what the impact will be. We have not had enough time to really analyze the figures, and they are vague.

Now we have had the addition of the amendment offered by the distinguished Senator from Kansas [Mr. DOLE], the Republican leader, and the distinguished Senator from California [Mr. SEYMOUR]. And while they are targeting the 75 biggest cities, which would include two from my State, there are many other cities which are omitted. The problem of summer youth employment is an issue not only for the 75 biggest cities; it is an issue for many other cities. I am concerned about where we are heading with the first $100 million and the second $100 million. And then when we talk about $475 million which will be distributed under the new formula, there is just so much uncertainty.

I had reserved some time to offer an amendment on the formulas, but, candidly, it is impossible to articulate an amendment because there is so much uncertainty as to where we are at the present time. In an earlier colloquy which has been worked out with the distinguished Senator from Massachusetts and the distinguished Senator from Utah, there are assurances that there will be an effort in conference to work out the formula issue. The Republican leader has articulated the same as the distinguished Senator from Connecticut a few moments ago. All that can be said is that this Senator is not satisfied with the current state of the RECORD, but understands that it is not possible to materially improve it on what we have here. It is a good faith proposition as we work through to conference. I did want to express that in addition to the earlier colloquy.

I yield the floor.

Mr. BYRD. Madam President, how much time do I have?

The PRESIDING OFFICER. The Senator from West Virginia has 5 minutes, 30 seconds.

Mr. BYRD. I yield that time to Mr. BUMPERS for his control, or yielding, if he wishes.

Mr. BUMPERS. I thank the distinguished chairman of the committee very much.

Mr. President, I spoke this morning on the floor strongly approving this jobs proposal in this bill, complimenting Senators HATCH and KENNEDY for coming up with it. I chided the Senator from California, who said he strongly favored the $800 million in aid for Los Angeles and Chicago, but was very much opposed to the Hatch-Kennedy proposal which helped all the rest of America.

It is a rather disingenuous argument. I am not being critical. I am just saying that under that argument, what you are saying to me is, you go back down to the poorest part of America in Arkansas, Mississippi, Louisiana, Tennessee, Missouri, Kentucky, and Illinois, back down there where 11 million people live, that is 3 to 4 million more people than there are in Los Angeles, and 257 counties on both sides of the Mississippi River, where the poverty rate is 40 percent—that is correct, 40 percent of those 11 million people live below the poverty rate—and my guess is that the unemployment rate averages well over 10 percent in those 257 counties. So you are saying to me under that logic, go down there and tell those people, if they want Congress to pay any attention to them, they are going to have to start burning some buildings and looting some shops.

Not only did I think this jobs proposal was a great idea to keep 16- to 19-year-old poor children working this summer and off the streets, it was based on a formula that I thought was extremely equitable, and for the first time recognized precisely what I am talking about, and this is that poverty is not an exclusive quality of the inner city.

Betty Bumpers and Rosalynn Carter toured that area last week promoting childhood immunizations. I will not tell you the rest of the story of their reactions and what they saw and how appalled they were about some of the conditions and incidentally how exhilarated they were about some of the really classy people working in the public health clinics in that area.

We have worked so hard. We have two new steel mills in northeast Arkansas, Mississippi County. The average wage for 800 workers in those mills is $47,000 a year. At the end of this year Mississippi County will be the second-biggest steel producing area in America and they because of some of my efforts are building. We are providing for a new port in Helena, AR, and they voted a 1 cent sales tax on themselves to pay their share. So they are doing valiant things to try to help themselves and make it a better place for their children to live. And now here at the last minute we come in with an amendment that makes everything we have done over the past 30 hours almost a nullity, almost a nullity.

Nobody can tell you precisely what the new formula under this amendment does. I can tell you it is not as good as the original one.

Madam President, I am not going to take a lot of time and bore my colleagues. Everybody wants to get out of here. The distinguished ranking member on the Appropriations Committee is seated on the floor. He heard my rather volatile comments about this earlier in the cloakroom. But I told the chairman of the Appropriations Committee, who is always, always the consummate gentleman, trying to help people, and I told him, and I told the people in the cloakroom who were trying to work this new formula out, I am not going to keep Senators hanging around here filibustering this amendment or trying to defeat it. You can voice vote it.

But I came over here to serve notice on everybody in the Senate that I am going to be a conferee and we have to deal with the House. You know, we always forget they happen to be an equal body. But I am going to do my very best to get the breakout on these figures and send them to all Senators. And I am going to do my very best to change that conference report back as close to where we had it as I can possibly get it.

It is time this body wakes up to the fact that poverty is not the exclusive province of the inner cities. I am happy to vote for this bill to help Los Angeles and Chicago. And everybody else in this body ought to be happy to do something for the kinds of poverty I just described for you where people are trying so hard to help themselves, and they are not burning buildings, and they are not looting.

Madam President, I yield the floor.

The PRESIDING OFFICER. All time on the Dole amendment has expired. If there be no further debate, the question is on agreeing to the amendment of the Senator from Kansas.

The amendment (No. 1856) was agreed to.

Mr. KENNEDY. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. HATFIELD. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KENNEDY. Madam President, as I understand we should be prepared to move toward final passage. I imagine we will have a short quorum call to alert the leader to that and Senator BYRD to that fact.

Mr. COCHRAN. Madam President, if the Senator will yield, I have a couple of comments I would like to make on the subject of the bill before we go to final passage that will take a few moments. Will the Senator withhold asking for a quorum?

Mr. KENNEDY. Fine. Just for the information of the membership, we do expect to have a rollcall vote on final passage and that ought to be in the next few minutes. That is established by the majority leader.

The PRESIDING OFFICER. The Senator from Mississippi.

Mr. COCHRAN. Madam President, I rise to comment very briefly before we vote on the final passage of this bill. On the appropriations bill, when the bill was reported out, I happened to be the only member of the committee voting no on the question of reporting the bill to the Senate.

I was disturbed at that time, and I remain disturbed and concerned about the procedure under which we are developing a supplemental appropriations bill—calling it a dire emergency supplemental appropriations bill to deal with disasters that occurred in two major cities of the country. In the bill there is added almost $1.5 billion of funding for programs that are not related to disaster assistance. They are not administered by the Federal Emergency Management Agency which has the responsibility of dealing with disasters. The funds are not used by the Small Business Administration which is the other agency that is provided funding in this emergency supplemental bill to be used to deal with disaster assistance programs and provide disaster assistance to those targeted under the bill.

The addition of the funds for regular programs unrelated to disaster assistance disturbs me because the Budget Enforcement Act requires the Congress, and the bill so provides, that Congress finds that an emergency exists to justify including these additional funds.

That is the part and the point of departure that I think the committee permits to be made by including that language and including those funds—grouping that within the terms of this bill and saying that this is related to the Los Angeles and Chicago disaster incidents. The President has asked for special funds to deal with those issues. And, here are some more funds. Because we want to show that we are more sensitive, we add them to the bill. We are willing to say that emergencies exist to justify additional funds for these programs.

The fact of the matter is that we are in a regular appropriations cycle where these programs are being funded. We have had hearings to try to determine the level of appropriations that would be needed to provide services under these programs for this next fiscal year.

If we are going to identify programs of this kind now and say that they are to be included in this disaster assistance package, we are really creating a political ambush for the President, and I think that has to be pointed out.

There is no question that the President is put in a very awkward political position by the action the committee has undertaken in this way. It forces the President to go along with this procedure, if this bill passes in this form, a conference report comes back, and it is submitted to the President and he signs the bill. If he does not then follow through under the terms of the Budget Enforcement Act and declare that emergencies exist in these programs that are defined in the bill as in need of dire supplemental emergency funds, then he is in a political corner. The beneficiaries of those programs are going to be told the Congress thinks you need these additional funds and the President does not. So, he is not very supportive of the programs that are being funded.

But the fact of the matter is just to the contrary of that kind of charge that could be made against the President because of the procedure that is being followed in this instance.

One of the programs is Head Start. It is not a disaster assistance program. It is not under the jurisdiction of the Federal Emergency Management Agency. It is not under the jurisdiction of the Small Business Administration. Those are the two agencies that are being given additional funds by this dire emergency supplemental to deal with disaster assistance. But Head Start is included, and Head Start is a program the President has very strongly supported. He has requested more funding for the Head Start Program over the last 2 years than any President in quite a while. These are the facts.

Head Start received $1.952 billion in funding in fiscal year 1991, and $2.2 billion in funding was made available this year in the appropriations process. The President has requested in the budget submission that came up to the Hill in February $2.8 billion for fiscal year 1993.

That is a significant increase—some $600 million additional in funding—the President has requested already. It is in the pipeline. The committee is going to be dealing with this issue in due course and will be appropriating additional funds—an increase in funding, I predict for the Head Start Program. Since fiscal year 1989, Head Start will have been increased 127 percent. That includes the 1993 budget number that I just recited.

One of the other programs that is added to this bill and was added within the Appropriations Committee is compensatory education. That program is another program that is not related to disaster assistance. It is not administered by FEMA or SBA. It is not the kind of program that we usually provide in dealing with a disaster.

In our State, we have been besieged with hurricanes and tornadoes, and many other States have had disasters where you have these agencies coming in to deal with assistance that is needed on an emergency basis by victims of that disaster. I do not recall anybody ever coming to Mississippi and offering to provide us with extra compensatory education money as a result of a hurricane or a tornado or a flood. And we have been victims time and time again in my State by disasters of that kind.

I can remember one of the first bills that came through the Senate when I was a Member of this body was in 1979. The Senator from Wisconsin, Mr. Proxmire, was managing a disaster assistance bill relating to the loans that are available to businesses and individuals who were victimized by disaster. We were trying to get the interest rate lowered. I remember standing here and battling with forces in the Senate who were in charge of that legislation to get another 1 or 2 percent reduction in the loan rate that would be permitted under a disaster assistance program for Mississippi disaster victims.

Nobody came in that day and said, "Well, let us send you some additional Head Start money, too." Or "How would you like to have some more school money for compensatory education programs?" Or "Let us see what else we can do." That is what is happening here today.

Mr. President, I voted "no" in the Appropriations Committee because that is a bad procedure. My no vote looks better and better to me, because not only are we seeing additional programs grouped into this bill for extra funds that may take away from areas that would normally be expecting to receive funds of this kind, but also we are seeing the formula rewritten. A legislative change is now being written into this bill to reallocate and redistribute these funds.

This is not a legislative process that we are undertaking today. This is a dire emergency supplemental bill to appropriate money for existing programs as defined and authorized by the Congress. We are distorting the procedure, Mr. President, to the extent that this bill should be voted down today. We should not pass this bill in the current form.

Many are suggesting that in conference we can work it out. This can be improved in conference. I compliment the distinguished Senator from Arkansas who pledges that he is going to work to see that funds are allocated fairly to the rural areas and the small towns in the South.

Representing the State of Mississippi, I cannot vote for this bill, and I cannot condone the procedure that is being used to bring this bill to the floor and to add all of these funds for programs that are not disaster assistance programs. This is a disaster assistance bill. Disaster assistance programs are administered by certain agencies.

I object to including these programs that are very important; they are very meaningful to the children and the people in my State. I normally support increases for many of these programs. I have worked hard to see that they get their fair share of funding, but not in this procedural way that ambushes the President and at the same time distorts the process that we usually see when we deal with emergency disaster assistance legislation.

I hope Senators will reject this effort.

Ms. MIKULSKI addressed the Chair.

The PRESIDING OFFICER (Mr. SIMON). The Senator from Maryland is recognized.

Ms. MIKULSKI. Thank you, Mr. President.

When my name is called for this bill, I will certainly vote for it. I happen to think that it is urgent. I think we face a crisis in the United States of America. And it is not only in Los Angeles and it is not only in Chicago. America is coming apart and America is coming apart at the seams both literally and figuratively.

What we are doing here is a stop gap measure and we need to face up to it. This legislation and the problems that it is addressing in Chicago and Los Angeles is a metaphor for what is happening in the United States of America.

What happened in Chicago happened because they did not spot it soon enough, and when they did spot it, nobody paid attention, and because nobody paid attention to a $10,000, $20,000 or $100,000 leak, we now have a megabuck leak.

That is what is happening to the infrastructure of the United States of America. It is coming apart. And we either turn our back or we have categories called deferred maintenance. But the physical infrastructure of the United States of America is coming apart and we are now like the little Dutch boy running out there to put our finger in the dike.

It is not only in Chicago, it is in Baltimore, it is in New York, it is in every city and every community and every highway and every byway, and we need to know that.

What happened in Los Angeles, in the great tragedy that unfolded there, is once again we should have spotted this sooner. Certainly, we are all aware of the tragedy that occurred in the Rodney King verdict, but we know that that was only the first level of the outburst in Los Angeles.

I am not here to condone violence. In fact, I wish we could reward the communities that say no to violence, no to riots, and are trying to hold it together. But right now the mayors of big cities and small towns are holding it together on sheer grit and on absolutely no resources.

America is coming apart. It is coming apart not only in terms of its jobs but how we have to get along. And when Rodney King said we just got to get along, we need to start to be able to do this.

What has happened in Los Angeles is no one heeded the early warning signals. Those gangs that came up, whether they are the Crips or the "thises" or the "thats," or whether they wear red bandannas or blue whatever, the fact is that it is in the gang that a lot of kids only have a home. It is in the gang that they only have somebody who cares about them or cares for them.

When we look at what happened in Los Angeles, you could see how various different groups in the United States of America not only do not speak the same language literally, we no longer speak the same language in terms of being able to communicate with each other as human beings. America is coming apart at the seams.

It is coming apart in our schools, it is coming apart in our communities, it is coming apart in terms of the way we respond to each other.

I am going to vote for this urgent supplemental, but note what has happened in Chicago and what has happened in Los Angeles is an early warning signal to us all. We need to step up to the fact that we are in a war for America's future. We are in a war for America's future. And we need to make sure that we are working on jobs today and jobs tomorrow; that we start giving help to those who practice self-help, in terms of a student loan program, in terms of generating jobs, in terms of reforming the health insurance industry.

So, Mr. President, I am sure going to vote for this.

I note that the distinguished Presiding Officer represents Illinois and the great city of Chicago. I am sorry about what happened in Chicago. But what I am really sorry about is that we are not paying attention. What these things now show is that America is coming apart at the seams. We need to step up to it because we will need emergency assistance throughout our entire country.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Vermont is recognized.

Mr. JEFFORDS. I thank the Chair.

(The remarks of Mr. JEFFORDS pertaining to the introduction of S. 2778 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

Mr. DECONCINI. Mr. President, I rise today to oppose this emergency supplemental appropriations bill. I do so not because I oppose aid to our distressed urban areas. Our cities are in crisis; they are in desperate need of assistance. I support most of the programs earmarked for increased funding in this bill: Head Start, Summer Jobs Program for our at-risk youth, Chapter I educational assistance for our most disadvantaged students, and small business and disaster loans. I am opposing this package for one reason only—because we cannot muster the discipline to pay for it. Instead of paying for this package, we declare the situation an emergency, placing it outside the constraints of the 1990 budget agreement, and we add once again to our ballooning deficit.

Mr. President, continuing down the road of deficit spending with blinders on is dangerous and deceitful. Shortly after we return from the Memorial Day recess we will be debating, at long last, the balanced budget constitutional amendment. I have every expectation that this legislation will pass by the requisite two-thirds majority. No wonder the American people are disgusted with their governmental officials. No wonder they are cynical. They clearly see the hypocrisy of voting one month to increase the deficit, and the next month voting for a constitutional amendment to balance the budget. Evidently, we do not.

During markup of this legislation, I offered an amendment to provide the Bureau of Alcohol, Tobacco, and Firearms [ATF] with an additional $5.5 million to meet the increased costs associated with ATF's extraordinary efforts in investigating criminal acts involving firearms, arson, and explosives during the riots in Los Angeles and other cities around the country. These funds will also allow ATF to hire 200 new agents to expand violent crime task forces across the country, including those in Phoenix and Tucson. And I paid for it with offsetting reductions elsewhere. My amendment also included an additional $1.5 million for the Federal Law Enforcement Training Center to meet the increased demand for law enforcement training provided by the center. And I paid for it for offsetting reductions elsewhere. I paid for the costs of these necessary and important initiatives by reducing spending in other programs under the jurisdiction of my appropriations subcommittee on Treasury, Postal Service and General Government—programs that I care deeply about.

Mr. President, we could easily have paid for this package. If ever there were a case to be made for taking down the budget firewalls, this is it. Why should Congress not be able to take money from our defense and foreign aid accounts to pay for this domestic emergency? That is clearly what the American public thinks we should do. They do not understand how we can spend billions of dollars to help foreign nations and not find the money to support high priority domestic programs. They do not understand why we are spending billions of dollars for B-2 bombers and star wars and MX missiles in the post-cold war era when we cannot find enough money to fully fund WIC and Head Start. Mr. President, this Senator can find no justification for increasing the deficit when there is clearly a way to pay for this important aid proposal. The clear and simple solution is to eliminate the budget firewalls. Mr. President, I cannot in good conscience participate in this charade, despite my deep personal concern and compassion for the plight of the people in the riot torn areas of Los Angeles and elsewhere.

Mr. SPECTER. Mr. President, while I fully support the $675 million in the committee amendment for summer youth programs, I object to a formula change within an appropriations bill coming on such short notice.

It is not clear at this time exactly what the effect of this formula will be. The current formula was well thought out and in my view should be retained—at least until we have had an opportunity to examine it more closely.

The Senate should not be asked to consider such fundamental changes to existing law without carefully reviewing what effect these changes would have on States. It is my understanding that Pennsylvania and many other States cold possibly be penalized under this new formula.

I was prepared to offer an amendment to strike this new formula and restore the distribution of these desperately needed funds to the formula in current law. However, I understand that the chairman and ranking member of the Labor and Human Resources Committee have agreed that the formula in the bill should be developed further as additional information is obtained, and that on the basis of that information, must be reexamined when the conference committee meets in the next few weeks. May I have assurances from the chairman and the ranking member that my understanding is correct?

Mr. KENNEDY. The Senator is correct. There are several issues with regard to the formula which need to be addressed during the conference. You have my assurance that I will work with you and other members of the conference committee to achieve a fair and equitable result with regard to this formula.

Mr. HATCH. I concur with the statement of the chairman and will work with you and other conferees to reach an agreement. We do need to revisit the formula issue. The formula that is part of the Kennedy-Hatch amendment was intended to target the distribution of these emergency funds, to the critical unemployment needs of disadvantaged youth. I understand the concerns of the Senator from Pennsylvania and I appreciate the willingness of all involved to work together to ensure that these funds are distributed equitably.

Mr. SPECTER. I thank the Senators for their comments. I wish to reiterate my view that this is not the time to change the basic formula. Given the needs of the youth of Pennsylvania it is my hope the conferees will reach an agreement that will retain the basic format of current law.

Mr. GORTON. Mr. President, today we are considering a bill entitled emergency supplemental appropriations for disaster assistance. The actual bill fails to live up to its title. In all too many ways, this supplemental is a reminder about what is wrong with Congress. Under cover of its response to real and extreme emergencies in two cities, Congress is appropriating huge additional amounts of money for programs that already received substantial funds this year and which are only tangentially related to the emergencies which spawned this legislation. Also, in this dire emergency bill the Senate has voted to change the ground rules of another program which is hardly more than 6 months old and has no relation to the underlying emergency at all. A Congress which has already created a $400 billion deficit now proposes more of the same.

The bill before us today provides an additional $1.5 billion for a series of social programs already funded: youth summer jobs, Head Start, and disadvantaged students education.

I do not argue that these programs lack merit. In fact, the city of Seattle is a recent recipient of a Weed and Seed grant, one of the programs included for extra funding. The problem is these programs were weighted against competing needs last year during the appropriations process. The programs received a greater level of appropriation of Congress than this country could afford, with the consequent deficit and its depressing effect on our future.

With this bill the Senate adds $1.5 billion to these programs over and above the level Congress felt capable of delivering last year. I cannot agree that this extra funding deserves emergency designation. These programs address longstanding and virtually intractable social problems. These programs deserve as much funding as possible from the appropriations committees. In this Senator's view, however, these programs do not deserve extra funding outside of the normal appropriations process—at least during a major fiscal crisis.

In addition, the Senate has added an amendment which removes the requirement for State and local matching funds for some highway construction projects for the present fiscal year. The State and local match included in the Surface Transportation Act last year requires a 10- to 20-percent contribution by the State or local governments toward some projects. The policy was designed to insure that States and localities are committed to these projects. Furthermore, if there was not a state of local match requirements the total funds available for these important transportation projects will be significantly decreased.

Removing this matching requirement is bad public policy. Not only is this bad public policy, but it is a policy which is being rammed through the Senate without adequate deliberation in the name of an emergency.

What a sham, Mr. President. The Surface Transportation Act provides a mechanism by which State and local governments may defer paying their matching funds in times of trouble. There is no need at all for this kind of change, let alone an emergency need for this kind of policy change.

This is just business as usual by Congress. Every time a Senator or Congressman cannot get enough money for his or her pet programs during the normal appropriations process or has a change in the law he or she cannot get through the normal authorization process, he or she sneaks it onto the nearest emergency appropriations bill that comes along. That way, pet programs do not have to compete for funds with the other pressing domestic needs or pass the test of full Senate deliberation. This debate overwhelmingly justifies the proposed constitutional amendment mandating a balanced budget. That amendment would kill bills like this one.

I cannot support this bill despite my belief that FEMA, SBA, and the FBI do need emergency funding above and beyond that appropriated last year. These extra funds are truly an emergency in the sense that Congress and the President never expected anything like what we saw in Los Angeles and Chicago.

Mr. President, I will not vote for this legislation because of the combination of extra spending and bad public policy contained in this legislation.

I can only hope that much of this extraneous material is dropped in conference with the House. A bill which only provides extra funding for real emergencies is the only bill I will support.

Mr. RUDMAN. Mr. President, as reported from the Appropriation Committee the supplemental appropriations bill adds almost $500 million in new budget authority for the Small Business Administration and the Federal Emergency Management Agency.

In addition, almost $1.5 billion would be provided for a variety of programs subject to a Presidential request for these funds on an emergency basis.

While designation of an emergency avoids a sequester in 1992, to the extent these program enhancements are continued in 1993, additional pressure will be put on the domestic spending cap. The increase in the domestic discretionary cap from 1992 to 1993 is $10.5 billion; the increase in prior year outlays is $10.5 billion. Therefore we face a freeze on new discretionary outlays; this problem will be exacerbated if new funds are made available through whatever mechanism and we are required to annualize these program increases. Not only will we be increasing the deficit, we will be compounding the difficulty the Appropriations Committee faces in producing domestic appropriations bills for 1993.

We are not being honest with ourselves or with the American people if we think that a phantom appropriation of $1.45 billion in funds for a variety of worthwhile programs will actually be spent by the administration. The failure to meet rising expectations which have been generated by the political system is one of the reasons we face unrest. We should resist the temptation to promise funding we know will not be spent.

If these programs are indeed worthwhile, we should fund them up front—and find a way to pay for them without increasing the deficit. And as I say, even if a portion of the funds are actually requested and obligated, we will only be increasing the pressure to exceed the domestic cap in 1993.

Finally, while I agree there are times emergency appropriations bills are necessary, I wonder if we really need to reimburse the city of Chicago for the incompetence of its own officials. While I can justify adding to the deficit in extraordinary circumstances, the only thing extraordinary about this situation is that the city has the gall to ask the Federal Government for assistance.

Mr. JEFFORDS. Mr. President, the riots in Los Angeles destroyed lives and property. But they destroyed something else—the anonymity of poverty in our cities.

You would think that Members of Congress, who live or at least pass through the poverty of this city every day, would need no such reminder. But I guess the beauty of this city is distracting. It is only natural that we gaze at the fine memorials and avenues. But is it asking too much that we see what is huddled on the grates and in the doorways as well?

What we cannot see in our midst, we have now witnessed on our televisions. Not the silent, grinding poverty of Washington's homeless, but the shriek of violence and rage and lawlessness of Los Angeles' underclass.

Jerked to our senses that all is not well in America, what is our response? It is proposed, including by some who were only weeks ago were preaching the sanctity of the budget agreement, that we send money to the cities and, having thus solved the problem and salved our conscience, move on to something else.

By moving quickly, we can avoid a few nettlesome questions. Does adding to the deficit ultimately do the poor much good? To my knowledge, the Bloods and the Crips don't have a big position in T-bills. It is harder to be poor in a city, where services and help and job opportunities are somewhat accessible if not ideal, or in a rural area where education, wages, employment, and opportunities are all lower?

And now that we seem to acknowledge poverty is a problem in our cities, what will it take for us to acknowledge poverty in the hills and hollows of our land as well? Can we only hear the cries of many voices joined and televised, and not the single, invisible plea from the family on the backroad?

In fact, poverty rates are higher in nonmetro areas than metro areas, and almost as high in rural areas as central cities. If you are black or Hispanic, you are more likely to live in poverty in a rural area than a central city.

We are reassured by the fact that the President can decide whether or not to spend this money, and indications are that he will not. Thus, we have the best of both worlds. We can vote for the money, take credit for doing something, and take comfort in the fact that it will not be spent.

But I am not sure that is the responsible course. We will be giving false hope, the realization of which will only add to the bitterness and distrust. And we will be building false expectations when we should be building the foundations of a better society.

The programs under consideration are keys to that society. Chapter I and Head Start are all important. But they cannot be expected to provide instant solutions. They will help tomorrow's generation. Only the summer youth employment spending can really be considered as dealing with today's emergency.

Nor should the urgency of the problems, illustrated by Los Angeles but not limited to the cities, excuse us from making tough decisions on spending and taxation.

Two months ago, 48 Senators voted against using defense savings for important domestic programs, preferring instead that such savings go to reducing the deficit. I was among those 48. Frankly, I think it was a close call, as breaking down the firewalls would have meant at least halfway compliance with the budget agreement. Supporting this legislation means that we might as well shelve the budget agreement.

Every dollar would be added straight on to the deficit. We may well educate a few more children. But we will do so on borrowed money they will be forced to repay. It's like the old Marx brothers movie, "A Night at the Opera," where Groucho sends flowers to Margaret Dumont and tells the florist to write "I love you" on the back of the bill.

But $400 billion in deficit spending is no joke. Mr. President, I urge my colleagues to reject this legislation.

Mr. SANFORD. Mr. President, I rise to voice my opposition to the proposal now under consideration, H.R. 5132, an emergency supplemental appropriation. I will reluctantly have to vote against this bill. I say reluctantly because several of the programs which would benefit under this bill are programs that I care deeply about and programs that I have long supported.

We, of course, need to put more funding into Head Start, into Chapter I, into summer youth employment. Over 20 percent of all children in the United States now live in poverty. This is a shocking, outrageous statistic, and we can no longer afford to continue this neglect of our children. The results of our neglect have now infected all of society. I believe that the riots we saw in cities around the country earlier this month in many ways sprang up from our long-term neglect of children. We must declare it a national priority that the basic needs of children in America will no longer be ignored. I, for one, will consider this a priority when Congress allocates funding for the coming fiscal year.

But I have to take issue with the emergency supplemental now under consideration. The fact that we are neglecting our children is not news. We knew long before the riots broke out in Los Angeles that we should fully fund programs like Head Start, which have been proven effective at helping children succeed in life. Many of us have made efforts in the past to provide this funding through the normal budget process. I have supported those efforts and will continue to do this. But funding these very worthwhile programs through emergency funding, building up more debt, is not the answer.

This bill would provide a one-time, part way funding increase that will give the impression of action without the substance. The children, the States, and the local communities deserve better. Programs like Head Start, JTPA, and Weed and Seed need planning time, and they need sustained, long-term commitment, and I do not see this in the emergency supplemental. Let's turn instead to our regular budget process and use that opportunity to fully fund all programs designed to have children ready for school when they get there. That is the answer to Los Angeles.

Mr. President, I find some insanity in a push to increase the deficit on the eve of a vote to approve a constitutional amendment requiring a balanced budget. I will continue my efforts to provide adequate funding for vital, cost-effective programs that work to ensure that all our children have a fair shot at life. These programs deserve our full support in the regular budget process in which we are now engaged. A single shot in response to Los Angeles is not acceptable action. I cannot support these programs in this hurry-up manner being debated today.

Mr. DODD. Mr. President, I would like to briefly engage some of my colleagues here on the floor in a colloquoy regarding the allocation of money under the summer jobs portion of this bill.

As I understand it, under the compromise, the summer youth employment component of this bill is divided into two pieces.

As I understand it, the first of these pieces would allocate a total of $200 million; $100 million of this would be distributed to the 75 most populous cities in America, and the other $100 million would be distributed according to the existing JTPA formula.

The second of these two pieces would allocate $475 million to States according to a new formula devised by Senators KENNEDY and HATCH.

Mr. DOLE. The Senator is correct.

Mr. DODD. My concern, quite frankly, is that targeting $100 million to the largest 75 cities takes away from smaller cities that also have tremendous need.

There is no doubt that many of our bigger cities have a tremendous need for this program to put young people to work. But what about those cities which are not in the top 75 based on population? None of the cities in my State of Connecticut, for example, are on that list.

Mr. KENNEDY. I understand the Senator's concern. I know that he represents Bridgeport, Hartford, and New Haven, which are among the most impoverished cities in the country.

Mr. DODD. The Senator is absolutely correct. Indeed, Bridgeport, Hartford, and New Haven each have poverty rates above 20 percent, and Hartford and New Haven are among the 10 poorest cities in the Nation by that measure.

My point is that in the rush to address our urban problems, we must not overlook the Bridgeports, the New Havens, the Norwalks, and the New Londons, of this country. The urban problems that these cities face, I would point out, are exactly the same as the problems faced by New York, Los Angeles, and Chicago—just on a smaller scale.

In my view it would be a serious mistake if we missed a critical opportunity to provide youth in these smaller urban areas with additional summer job opportunities. That is what would happen, I fear, if the current formula for distribution of this first chunk of money is not changed.

I recognize that the Office of Management and Budget is very insistent that the Summer Jobs Program be targeted to the 75 largest cities. I would simply ask my distinguished colleagues if there might by some latitude in conference to address some of the concerns, I have raised with respect to our Nation's small urban areas.

Mr. HATFIELD. I believe the Senator from Connecticut raises an excellent point. I will be pleased to work with him in conference to see if his concern can be addressed.

Mr. BYRD. I also believe the Senator raises an important point. Urban problems are certainly not limited to our Nation's 75 largest areas, and I will certainly pledge to work with him in this respect.

Mr. DOLE. Mr. President, I have also spoken to the Senator from Connecticut about the issue he raises, and have agreed to work with him to address this matter in conference. My goal is that the final legislation take into consideration poverty and youth unemployment in smaller cities, such as the Connecticut cities that have been mentioned.

CHAPTER I

Mr. KENNEDY. Mr. President, I would like to direct a question to the distinguished chairman of the Appropriations Committee. A short while ago, the Senate approved a sense-of-the-Senate resolution directing the Secretary of Education to use the most recently available data in distributing funds under the Chapter I Program. Does the distinguished chairman intend that the Secretary should do this if it would delay the distribution of funds going to local schools?

Mr. BYRD. Absolutely not. I recognize that local schools must learn about their chapter I awards far enough in advance to permit planning and to enable them to make staffing decisions. This sense-of-the-Senate resolution will not delay the distribution of funds. I understand that notice of those allocations has already been made.

Mr. KENNEDY. I am pleased to learn that. A few weeks ago, Secretary of Education Alexander sent Senator PELL a letter indicating that he has already informed States of their allocation for the coming school year. I further understand that, based on that notification, school districts have already signed contracts with teachers.

I would ask that the Secretary's letter and memo to the Governors be entered into the RECORD in full. As is indicated in the letter, the Secretary based his decision on the fact that census data at the school district level would not be available until August, and I am, therefore, pleased that we are in agreement that we do not intend to disrupt the timely allocation of chapter I funds for the 1992-93 school year.

Mr. BYRD. I thank the distinguished chairman of the Labor Committee for the chance to clarify this issue.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

U.S. DEPARTMENT OF EDUCATION,
May 4, 1992.

Hon. CLAIBORNE PELL,
U.S. Senate,
Washington, DC.

DEAR CLAIBORNE: Thank you for your letter of April 7 urging that the Department move quickly to announce FY 1992 Chapter I allocations on the basis of 1980 census data.

To avoid delays that could hamper crucial decisions about next year's Chapter I programs, I have determined that 1992 Chapter I allocations will be based on 1980 census data. The governors and chief education officials in all States were informed of this decision by memorandum dated April 8, a copy of which is enclosed for your information. Chapter I allocations were announced April 15.

I appreciated your pointing out some of the consequences that could have resulted from lengthy delays.

I am sending an identical response to Senator Kennedy.

Sincerely,
LAMAR ALEXANDER,
Secretary.

Enclosure.

This decision will permit the Department to announce final Chapter I allocations by April 15. Of course, the 1990 census data will be used for 1993 allocations.

LAMAR ALEXANDER.

Mr. KOHL. Mr. President, it is with deep regret that I cannot support final passage of the dire emergency supplemental appropriations bill.

It is not for a lack of concern with the flood damage in Chicago. It is not for the lack of concern with the destruction caused by the L.A. riots. It is not for lack of support of the $1.45 billion investment in youth education and training programs. These are all needs worthy of our immediate attention.

Last evening, I joined my colleague from Florida in his call for responsible spending. His amendment would have paid for these emergency spending proposals by capturing the savings from the rescission package. I supported that. It was my sincere hope that his amendment would help us turn a corner on spending money we don't have; on making promises we can't keep; on adding daily to the deficit and the national debt. Perhaps next time.

We have tremendous domestic needs, Mr. President; needs that we have put aside too long, needs that have gone unfilled because of the debt with which we are saddled. I am pleased that the legislation includes the $1.45 billion investment in Head Start, Summer Youth Employment Program, Chapter I Summer Youth Program and Weed and Seed. Unlike the spending for L.A. and Chicago, this $1.45 billion is a long-term investment. It is an ounce of prevention.

The programs are vital because they seek to remedy the academic difficulties, idleness and self-esteem problems young people face before they embark on a career of failure—before they turn to crime, before their hopelessness leads them to destroy their own environments to get the attention of complacent leadership. Through them, we have an opportunity to right the past wrongs of denial and complacency. We have a chance to prevent more hopelessness and despair.

It makes more sense to fund a summer job now than to spend on incarceration later. Yet in Wisconsin, the summer jobs program for disadvantaged youth, financed through the Job Partnership Training Act, has lost 40 percent of its Federal funds since 1984, and will receive 5-percent less funding for this summer. That's $8.5 million for this year. Last summer, the State had $10 million and hired nearly 9,000 kids. The resulting decrease in funds means at least 5-percent fewer youngsters served this summer. Counties have taken to hiring as many kids as possible for the summer jobs and shortening the length of time they work to as little as 6 weeks. That's too little time for the youth to get a true work experience and to stay off the streets.

To this Senator, the need to invest in these programs is as great as the need to rebuild L.A. and I support their inclusion in this package. At the same time, I sincerely hope that we will find a way to pay for these emergencies as we go. The truth is this increasing debt will be hung around the necks of the very people we are trying assist. Our deficit most hurts the less fortunate among us. It will most severely hurt our children.

Let us understand: the fact that we have spent money we do not have is, in part, why we have problems in our cities and towns and villages. In our effort to correct the errors of the past, let us not make additional errors that will need corrected later.

I oppose this legislation without an offset because I fear it will contribute to the deficit and therein, contribute to our long-term crises.

Mr. MACK. Mr. President, I am very pleased that the Senate has included language in this bill which clearly acknowledged that fast-growing States, like Florida, should receive their fair share of Federal funds. I consider this a very significant breakthrough.

This body is sending a message to the Department of Education that it should use the most recent and satisfactory data for the allocation of Chapter I education dollars. That means the 1990 census data, which is now available.

For too long, Congress has relied on outdated census data to allocate Federal funds based upon population. This statement—I hope—will change this.

At the same time, however, the issue of the entire supplemental appropriation is a different matter. It is clear that there are a number of items that are not of a dire emergency nature. The deficit is far too large, and the level of overall spending is far too excessive for us to be appropriating additional money without reducing spending elsewhere to offset it.

Mr. HATFIELD. Mr. President, I do not have any information of anyone else wishing to be heard from on our side. May we have a third reading?

The PRESIDING OFFICER. The bill is before the Senate and open to amendment. If there be no further amendment to be proposed, the question is on the third reading of the bill.

The bill was read the third time.

Mr. KENNEDY. Mr. President, I ask for the yeas and nays.

The bill having been read the third time, the question is, Shall the bill pass?

The yeas and nays have been ordered. The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. FORD. I announce that the Senator from Texas [Mr. BENTSEN] and the Senator from Rhode Island [Mr. PELL] are necessarily absent.

I further announce that, if present and voting the Senator from Rhode Island [Mr. PELL] would vote "Aye."

Mr. SIMPSON. I announce that the Senator from Rhode Island [Mr. CHAFEE] is necessarily absent.

The result was announced—yeas 61, nays 36, as follows:

[Rollcall Vote No. 109 Leg.]

YEAS—61

Adams
Akaka
Baucus
Biden
Bingaman
Bond
Boren
Bradley
Breaux
Bryan
Bumpers
Burdick
Burns
Byrd
Conrad
Cranston
D'Amato
Danforth
Daschle
Dixon
Dodd
Exon
Ford
Fowler
Glenn
Gore
Harkin
Hatch
Hatfield
Hollings
Inouye
Johnston
Kennedy
Kerrey
Kerry
Lautenberg
Leahy
Levin
Lieberman
Metzenbaum
Mikulski
Mitchell
Moynihan
Nunn
Packwood
Pryor
Reid
Riegle
Robb
Rockefeller
Sarbanes
Sasser
Seymour
Shelby
Simon
Specter
Stevens
Warner
Wellstone
Wirth
Wofford

NAYS—36

Brown
Coats
Cochran
Cohen
Craig
DeConcini
Dole
Domenici
Durenberger
Garn
Gorton
Graham
Gramm
Grassley
Heflin
Helms
Jeffords
Kassebaum
Kasten
Kohl
Lott
Lugar
Mack
McCain
McConnell
Murkowski
Nickles
Pressler
Roth
Rudman
Sanford
Simpson
Smith
Symms
Thurmond
Wallop

NOT VOTING—3

Bentsen
Chafee
Pell

The bill (H.R. 5132), as amended, was passed.

Mr. BYRD. I move to reconsider the vote.

Mr. KENNEDY. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. BYRD. Mr. President, I move that the Senate insist on its amendments, request a conference with the House upon the disagreeing votes and that the Chair be authorized to appoint conferees on the part of the Senate.

The motions were agreed to, and the Presiding Officer (Mr. SIMON) appointed Mr. BYRD, Mr. INOUYE, Mr. HOLLINGS, Mr. JOHNSTON, Mr. BURDICK, Mr. LEAHY, Mr. SASSER, Mr. DECONCINI, Mr. BUMPERS, Mr. LAUTENBERG, Mr. HARKIN, Ms. MIKULSKI, Mr. REID, Mr. ADAMS, Mr. FOWLER, Mr. KERREY, Mr. HATFIELD, Mr. STEVENS, Mr. GARN, Mr. COCHRAN, Mr. KASTEN, Mr. D'AMATO, Mr. RUDMAN, Mr. SPECTER, Mr. DOMENICI, Mr. NICKLES, Mr. GRAMM, Mr. BOND, and Mr. GORTON, conferees on the part of the Senate.

The PRESIDING OFFICER. The majority leader is recognized.

Mr. MITCHELL. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll. The bill clerk proceeded to call the roll.

Mr. BIDEN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

THE REVEREND WILLIAM J. BYRON, S.J.

Mr. BIDEN. Mr. President, next month, the Reverend William J. Byron, president of the Catholic University of America, will be stepping down from his post after nearly 10 years at the helm of that fine university. For the past decade, Father Byron has not only been a fine educator and excellent university president, he has been a national leader in representing the interests of higher education, and the needs of our students, here on Capitol Hill and throughout the public policy community.

At a time when there is a clear need for a concerted national effort to increase access to higher education, Father Byron has worked to give focus to that effort, to create programs and policy out of ideas and ideals. At the same time, Father Byron has sought to make sure that in our efforts to aid higher education, we do not lose sight of those who ought to be the primary focus of those efforts—America's students and prospective students.

There is a tendency, I think, when we look at the tenure of the leader of any large university, to measure success in concrete terms; to look at buildings built, organizational structures put in place, size of the student body or of the university endowment. All of these things are important, for a university that does not grow can too often become complacent and stagnate. Strictly in concrete terms, Father Byron's tenure has been an unqualified success. There is a state-of-the-art athletic facility which was only a dream a decade ago. A new science center houses the university physics department and the Vitreous State Laboratory, a national leader in ceramics materials research. The old gymnasium has been renovated into the Center for Architectural Studies, complete with design studios, classrooms, and a 200-seat auditorium. And Centennial Village, a complex of eight new residence halls housing 600 students opened in September of 1989.

Father Byron established a board of regents to assist with the university's fund raising and public relations activities, allowing educators to spend more time on matters of education. By April of this year, Catholic University's endowment had grown from $16 million in 1982 to nearly $60 million. And, this year, Catholic University graduated its largest class ever.

But when I think of Father Byron, I am reminded that he and Msgr. William Kerr, the university's very capable vice president for university relations, each lived in a student dormitory, sharing the day-by-day lives of the students whom they serve. This, as much as all of the new buildings and all of the statistical measurements of Catholic University's growth and progress, reflects the nature of Father Byron's tenure and the depth of his commitment to his students. It is a commitment made, not to aggregate numbers on an enrollments list, but to several thousand young individuals whose young lives are at a critical point, and whose individual hopes and dreams need to be nourished if they are to lead us into the 21st century.

Whether he is in his dorm room, in the president's office at Catholic University, or in his numerous appearances here on Capitol Hill, Father Byron has been consistent in that commitment. Now, after a well-earned sabbatical, he wishes to return to the classroom, to teach courses in business and economics, and particularly in the area of business ethics. The classroom is where he began his remarkable career, and now he will have come full circle, continuing his commitment by training young minds, not only in the workings of business and the theories of economics, but in the ethical dimensions that we too often have found lacking in the business world in recent years.

A couple of weeks ago, Father Byron came to my hometown of Wilmington to speak at a testimonial dinner in honor of Msgr. Paul Taggart, a Catholic University alumnus who has served the Catholic diocese of Wilmington faithfully and effectively for many years. Father Byron's remarks on that occasion not only say a lot about Monsignor Taggart; they say a lot about Father Byron himself, and I will ask that those remarks be printed in the RECORD at the conclusion of any remarks.

Mr. President, as we wish Father William Byron well as he moves back to the challenge of the classroom, I think it is important that all of us remember his commitment to higher education, to the students seeking that education, and to the future that those students and their education represent.

Mr. President, I ask unanimous consent that Father Byron's remarks be printed in the RECORD.

There being no objection, the remarks were ordered to be printed in the RECORD, as follows;

REMARKS OF REV. WILLIAM J. BYRON, S.J., PRESIDENT, THE CATHOLIC UNIVERSITY OF AMERICA, ST. THOMAS MORE SOCIETY'S "MAN FOR ALL SEASONS" AWARD DINNER HONORING MSGR. PAUL J. TAGGART, WILMINGTON, DE, MAY 2, 1991

To recognize the career, praise the person, and honor the name of Monsignor Paul J. Taggart in the setting of a gathering of the Saint Thomas More Society is a very good idea. I associate integrity with both men, as do all of you. and in each I find a disinclination bordering on disdain for praise, honors, and events like this one. The story of each man reveals no propensity for prominence, no search for the spotlight, no feeding on the adulation of others. In fact, words used by Thomas More in speaking to Richard Rich in Robert Bolt's play, "A Man for All Seasons," could be used tonight to describe the audience each man concerned himself with pleasing. More was urging Master Rich to become a teacher. But the politically ambitious Rich did not find that prospect appealing. Why be a teacher, he asked. And More said: "Why not be a teacher? You'd be a fine teacher. Perhaps even a great one." And Rich responded: "And if I was, who would know it?" And More replied: "You, your pupils, your friends, God. Not a bad public that * * *."

Rich was not yet up to More's standard of humility, integrity, justice. These are the values we celebrate tonight. These are values we are called to exemplify in our daily lives. If we understand these ideas better, particularly the idea of justice, we are likely to be more faithful to that call.

Images can be quite helpful in gaining a better grasp of an idea. Take, for example, the famous plumb-line image used by the prophet Amos to convey an understanding of the meaning of justice. Shalom Spiegel has observed that a philosopher like Plato tends to deal with justice as a concept; a prophet like Amos treats justice as a command.

"This is what the lord Yahweh showed me: a man standing by a wall, plumb-line in hand.

"'What do you see, Amos?' Yahweh asked me.

"'A plumb-line,' I said.

"Then the Lord said to me, 'Look, I am going to measure my people Israel by a plumb-line; no longer will I overlook their offenses.'" (Amos 7:7–8)

The nation will be inspected. It will be measured for its uprightness, its integrity. Just as a well that is "out of Plumb" will collapse, so a society that is unjust is going to topple. As a group or nation, we are subject to measurement for the balance of our relationships with one another. Do our dealings pass the plumb-line test? Are they on the "up and up," or "on the level," or "fair and square?" The plumb-bob falls toward the exact center of the earth. The line between hand and bob is therefore "upright," an image of justice. Thomas More, in the tradition of Amos, applied the plumb-line test to matters of personal and public morality. Paul Taggart has applied that test to his assessment of the demands of pastoral service.

Another useful image comes from the legend, if not the actual mind and words of St. Thomas More himself. In "A Man for All Seasons," the play I mentioned a moment ago, Robert Bolt has his imprisoned hero, Thomas More, employ a striking simile to explain to his daughter Meg why he will not swear to the Act of Succession and thus gain his freedom at the price of violating his conscience:

"When a man takes an oath, Meg, he's holding his own self in his own hands. Like water. (He cups his hands.) And if he opens his fingers then—he needn't hope to find himself again. Some aren't capable of this, but I'd be loathe to think your father one of them."

I suggest that the cupped hands image the internalization of the water of justice. By opening the fingers in falsehood or infidelity, something of the self is lost. It is a matter of personal integrity. Paul Taggart is a man of that kind of integrity.

The familiar trays in balance on a scale provide by far the best image of justice. Since antiquity, the symbol of justice has been a figure holding equally balanced scales.

The scales of justice find their way onto lawyers' cuff-links, tie clips, monograms, jewelry, desk sets and coats-of-arms. In legal circles, the figure holding the scales in balance is often blindfolded, symbolizing the impartiality of the law itself. The image invites reflection.

What we experience in life as uneven is not necessarily unfair or unjust. To establish injustice, one must first establish relatedness between the trays. Not every imbalance is wrong. An imbalance is also an injustice when one side's advantage (the down tray) has been taken at the expense of the other side. Related to a downside gain is an upside injury (in-jure).

There is hardly a problem of significance to society today that cannot be examined, at least in a general fashion, through the framework of the scales of justice. That is the way lawyers and judges, and pastors too, should be looking at the world. If an imbalance is evident, the question to be asked is: Has one side's gain been taken at the expense of the other? Is one side up because the other is down? Do the imbalances represent acceptable unevenness of unacceptable injustice? The idea of justice inevitably touches upon the notion of equity, of fair shares. Justice does not necessarily mean prosperity, but it will always mean something related to decency and human dignity.

The average lawyer's idea of justice will ordinarily apply the notion of equity first to the distribution of material goods, to the distribution of wealth and income. Only secondarily is the notion of justice likely to include considerations in the spiritual realm where equality of rights—human rights relating to freedom of speech, of religion, of conscience, and of self-determination—emerge as matters of great concern. In his speech at the United Nations on October 2, 1979, Pope John Paul II identified the two "main threats" to peace, indeed to the survival of our world, as violations of human rights in both the distribution of material goods and in the exercise of our equal rights in the spiritual realm. Not surprising, therefore, that a priest and pastor who is also a diocesan administrator might display an interest in human rights issues relating to religious freedom, religious education, and the promotion and protection of the right to life.

As all of you will readily acknowledge, every individual person's conscience is to be protected from assault and coercion. No one can be forced to violate his or her conscience. The Catholic tradition insists that it be a properly formed and informed conscience hence the teaching of morality, not the legislation, but the teaching of morality is so very important. And that fact further explains the appropriateness of your decision to honor tonight, in the midst of civil lawyers, a pastor whose moral voice speaks to matters of public concern.

In all ages and circumstances of life, human persons must make choices. Human choices are moral actions. The Catholic moral tradition is clearly pro-moral choice in every area of human conduct. But that moral tradition must be communicated in word and image if right choices are to be made.

So whatever the image that directs one's vision to issues of justice—whether it be plumb-line, hands cupped holding water, or the scales of justice—the choice, personal or public, should always be a moral one. It is Monsignor Paul Taggart's work to keep us focused on making moral choices. He has served the Church here in Wilmington faithfully and well with word and sacrament over the years. He has served this Church with his administrative talents. He has served his alma mater, The Catholic University of America, with wise counsel as trustee and regent. His generosity has opened his right hand to individuals and institutions that his left hand knows nothing about. But God knows, and God will reward him. "Not a bad public that!"

Robert Whittinton's description of Thomas More will serve as the endnote to my remarks tonight. These words fit Paul Taggart and serve as a pattern into which all of us here tonight can strive to fit our lives.

"More is a man of an angel's wit and singular learning; I know not his fellow. For where is the man of that gentleness, loveliness, and affability? And as time requireth a man of marvelous mirth and pastimes; and sometimes of as sad gravity: a man for all seasons."—ROBERT WHITTINTON.

Mr. BIDEN. Mr. President, I suggest the absence of a quorum.

The bill clerk proceeded to call the roll.

Mr. DOLE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER OF PROCEDURE

Mr. DOLE. Mr. President, I ask unanimous consent that I may be proceed as if in morning business for 5 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

KOSOVA

Mr. DOLE. Mr. President, I received an urgent letter today from Bujar Bukoshi, the head of the government in exile of Kosova. As my colleagues know, the 2 million Albanians who live in Kosova have been deprived of their fundamental political and human rights. They have lived, for more than 3 years now, under the crushing weight of repression. They are prisoners in Europe's largest concentration camp run by Slobodan Milosevic.

But, despite their great suffering, the spirit and courage of the Albanian people thrives. That is evident in the letter sent to me by Prime Minister Bukoshi. He wrote to inform me about the elections that will take place in Kosova this weekend, elections which the hardline Serbian Government in Belgrade has vowed to prevent.

These elections were called by Kosova's government in exile 3 weeks ago. Predictably, the Serbian Government has pronounced these elections illegal.

Prime Minister Bukoshi conveyed to me his deep concern for the safety of the Albanians who participate in these elections. He warns that there could be a massacre in Kosova this weekend.

Mr. President, I don't think that the Prime Minister's concerns are farfetched, indeed the shocking brutality of the Belgrade war machine in Bosnia-Hercegovina makes violence against the Kosova Albanians a very real possibility.

Nevertheless, the people of Kosova are committed to the democratic process. They are determined to pursue democracy even under the threat of brutal force. They have not been intimidated by the Serbian Government; they have not been weakened by the strain of martial law. The Albanians are going forward with these elections regardless of the consequences.

Prime Minister Bukoshi, said in his letter, "We are determined to defend our basic rights of free elections and proper representation." He went on to say that as long as the Albanians of Kosova do not have the right to choose their representatives and decide their future, "There cannot be peace and democracy in either the former Yugoslavia or Europe."

Mr. President, Prime Minister Bukoshi is right. There will be no real peace in Europe until the Milosevic regime is stopped, and until the Albanians of Kosova are free.

I will be watching this weekend's events in Kosova very closely, as will many of my colleagues. The Milosevic regime must know that its every move will be noted by the Senate and by the American people. Just this morning, the Senate unanimously passed the Yugoslavia sanctions bill. This action clearly reflects the Senate view that Serbia is a pariah state. And, any use of force against the Albanians by the Serbian military or Serbian police this weekend will only make the Senate more determined to isolate and punish the Serbian Government.

Mr. President, I ask unanimous consent that Prime Minister Bukoshi's letter be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

MAY 18, 1992.

Hon. ROBERT DOLE,
Minority Leader, U.S. Senate, Washington, DC.

DEAR SENATOR DOLE: I am addressing this message of utmost urgency to you in a very difficult time for the three million Albanian brothers and sisters in the former Yugoslavia, and especially in Kosova.

Since May 4, 1992, when the Kosova Parliament in Exile and the Government of Kosova decreed to hold the elections in Kosova (May 24, 1992) the already serious situation there has deteriorated even further. Serbia's Government statement that no election will be permitted in Kosova because they have been called by ". . . a non-existent Government, which is in exile and is illegal" has put us in a collision course with Serbia's Armed Forces and Police.

We are determined to defend our basic rights of free elections, and proper representation. If the Albanian majority in Kosova does not have the right to choose its political representatives freely, and to decide how it would like to live, there cannot be peace and democracy in either the former Yugoslavia or Europe.

DEAR SENATOR: Your August 1990 visit to Kosova has saved many human lives. Our people are fully aware of, and very grateful for it. Your powerful voice has repeatedly been a deterrent against Milosavic's monstrousities in Kosova, and elsewhere. Millions of Albanians, who rely on and respect many friends around the world consider you, Senator, as their most powerful friend who has seen firsthand their suffering, and has always helped.

Today, we are facing a new and dangerous threat : the onslaught by the Serbian Armed Forces and Police against the defenseless Albanian population in Kosova. The impending massacre in Kosova will make the massacres in Bosnia look "a minor incident" compared to the ferociousness the criminals of Serbia are ready and willing to show in Kosova. We appeal to you to use your great moral authority in an effort to forestall what could be turned out to be a massacre of major proportions against our people in Kosova. Again, thank you!

Very truly yours,
DR. BUJAR BUKOSHI,
Prime Minister, Government of the Republic of Kosova.

Mr. RIEGLE. Mr. President, will the Senator yield? I would like to associate myself with his remarks, and thank him for the statement on the issue.

Mr. DOLE. I thank the Senator from Michigan.

Mr. PRESSLER. I would like to be associated with the remarks.

Mr. DOLE. I thank the Senator from South Dakota and the Senator from Michigan, who have been long-time supporters of the effort to help free the Albanians, who are I think in the largest concentration camp in Yugoslavia in their own Province of Kosova.

JOHNNY CARSON RETIREMENT

Mr. DOLE. Mr. President, over the years, I have been accused more than once of being the Johnny Carson of the Senate.

I do not know if those who said that meant it as a compliment—but I took it as one—because, like millions of Americans, I am a fan of Johnny Carson.

Perhaps it is the fact that we are both from the Midwest.

Perhaps it is the fact that he never complained when I stole his jokes—and I never complained when he stole mine.

But the main reason why, like most of the country, I like Johnny Carson is the simple reason that for the past 29 years, through good times and bad, he has made us laugh.

Of course, Congress has made America laugh for about 200 years, but 29 years still is not a bad record.

Johnny's last show is tomorrow night, and I am sure every Member of the Senate—except those he has joked about—join with me in wishing him the best of luck in the years ahead.

Mr. President, I yield the floor.

MORNING BUSINESS

Mr. FORD. Mr. President, I ask unanimous consent that the Senate now go into morning business with Senators permitted to speak therein.

The PRESIDING OFFICER. Without objection, it is so ordered.

MILITARY LAND USE IN HAWAII

Mr. INOUYE. Mr. President, I rise today to discuss the critically important issue of military land use in Hawaii. It is an issue central to the economic well-being of my State and the lives of all its 1 million citizens.

Today, the Department of Defense controls over a quarter-of-a-million acres of land—an area totaling more than 5 percent of our State. Historically, military decisions affecting the disposition of this land and its resources have been the province of the individual service secretaries. It is they who have decided whether an installation should be expanded or contracted. It is they who have requested funding to support ongoing installation operations as well as the missions and units assigned to those installations.

Rarely have the service secretaries coordinated their actions so as to achieve the most appropriate, efficient and cost effective use of Hawaiian land. As a result, vital training areas have been lost and critical ecosystems have been damaged. Opportunities to increase the quality and quantity of military family housing sites have not been maximized. All too frequently, it has been left to Congress to address these problems with programs and projects which the services should have provided themselves.

As a rule, the services have pursued their individual requirements with dogged independence regardless of how their actions might have impacted others. Their parochialism has often led to miscommunication with Federal and State authorities and confusion at the local level both internally and with the public.

I believe this solitary approach to land and resource management is inappropriate to the times in which we now live. Increasing population pressure, evolving military requirements, limited land area and mounting environmental considerations demand that the Department of Defense increase its coordination and cooperation.

Mr. President, in furtherance of this objective, I am proposing that the Department immediately take the following steps, steps which I know will improve the working relationship between the military and the government and people of the great State of Hawaii.

First, I propose that a joint task force on military land use in Hawaii be organized. This task force would bring together representatives of each of the military services, local and State government officials and community leaders and citizens to discuss on a regular basis the operation of our military installations.

Second, I propose that a military land-use master plan for Hawaii be developed which integrates the needs and responsibilities of all installation commanders in Hawaii and reflects the long-range base force objectives of the Department of Defense.

Third, I propose that the recommendations of the military land-use master plan emphasize, as a matter of first priority, sound environmental management principles and the enhancement of the quality of life of our service men and women.

Mr. President, it is time we grasp the opportunity to reconcile differing perspectives on land use in Hawaii. We must now act with appropriate and due regard for the effects our actions have on the security and well-being of the military services and the people of Hawaii.

These are difficult times. As the Department gets leaner it must get smarter. Cooperation and constructive dialogue must be the watchwords of the day. The rapid changes now sweeping our Nation and the world demand nothing less. It makes intuitive sense that Hawaii, because of its strategic importance and ecological vulnerability, should have its DOD facilities addressed comprehensively.

I am pleased to be able to announce this action today in the hope that it will protect Hawaii and bring about a new era of military and civilian cooperation on land use in Hawaii.

I pledge today to use the resources at my command to bring this vision of the future into reality. After consultation with senior military and civilian leaders in Hawaii I will include in the fiscal year 1993 Department of Defense appropriations bill sufficient resources for the land-use master plan to give effect to this pledge.

PRIME MINISTER BRIAN MULRONEY'S ADDRESS AT JOHNS HOPKINS UNIVERSITY

Mr. KENNEDY. Mr. President, we have been honored this week by the visit to Washington of Prime Minister Brian Mulroney of Canada. This morning, the Prime Minister spoke at the Johns Hopkins University graduation ceremony and delivered a timely message on the challenges we face in today's changing world in the wake of the end of the cold war and the disintegration of the Soviet Union.

As Prime Minister Mulroney told the students today: "You will enter a world burdened with the byproducts of its own success." He spoke eloquently of the need to avoid isolationism and embrace the opportunity to help the nations of the former Soviet Union in their struggle for democracy and economic survival. He also emphasized the need to seek arms reductions and prevent the spread of nuclear weapons.

I commend the Prime Minister for his timely and thoughtful address. I think it will be of interest to all of us in the Senate, and I ask unanimous consent that it may be printed in the RECORD.

There being no objection, the remarks were ordered to be printed in the RECORD, as follows:

ADDRESS BY PRIME MINISTER BRIAN MULRONEY, JOHNS HOPKINS UNIVERSITY, MAY 21, 1992

It is an honour to be at Johns Hopkins, one of America's great universities and a school with so many connections with Canada, including its Centre for Canadian Studies.

Convocation is always a joyous and poignant moment. It is a time of gratitude to your parents for the sacrifices they have made, and a time for them to take pride in their children's accomplishments. Convocation is also a time for looking ahead, to studies or careers, and a time for contemplating the world you are entering and what you can do to make it better.

Thirty years ago, at Berkeley, at a gathering like this one, President John Kennedy held out the hope that the future would be won, not by "a single dogmatic creed," but by the liberating energies of free men and women. President Kennedy's prophecy carried farther and wider and, in recent years, faster than even he could have foreseen. From Vancouver to Vilnius and Vladivostock, people are free to think and dream and speak their minds. From Latin America to Asia and Africa, people are increasingly deciding who will govern them and how.

Rarely in history has there been such a victory for an idea—the idea of democracy. The task the world's democrats face now is to secure that victory and to ensure that it is neither hollow nor short-lived. History will judge my generation and yours by our response to this challenge.

Johns Hopkins graduates and their counterparts elsewhere will inherit a world of unprecedented opportunity, limited only by the constraints of time and the elasticity of imagination. But you will also enter a world burdened with the byproducts of its own success. The defeat of communism opened the door to democracy but it also brought economic hardship to 425 million people throughout Central and Eastern Europe. The disintegration of the Soviet empire freed a score of captive nations but it also raised the ominous spectre of murderous ethnic conflict. And, economic collapse and ethnic conflict have, together, multiplied the dangers of nuclear proliferation. These issues will test the durability of the democratic victory and the vision of democratic governments. Their outcome will transform the world, for good or ill, for a century to come.

The greatness of nations and peoples is determined, in part, by their adaptability to change; no nation is immune, and resistance to the currents of change can be fatal. The process of change today is exhilarating and its direction encouraging. But the pace of change is wearying and its dimensions disorienting. It is not surprising that pockets of nostalgia remain for the certainties and predictabilities of the Cold War, despite the sterility at its core. Which industrialized nation could not rationalize turning inwards, now, after decades of military expenditures and foreign aid contributions? And, yet, withdrawing from the world at this time would be an error of historic scale because neo-isolationism in the 1990's is even more dangerous than its progenitor in the 1920's. Withdrawal would also be futile because the distinction between domestic and foreign affairs has all but been erased by the growing globalization of economies. Withdrawal would also be self-defeating because engagement in global affairs is not charity, although there are obvious human needs to be met, but enlightened self-interest.

Without the active and constructive engagement of the U.S., the only superpower, in international affairs, the world suffers from uncertainty, hesitation and drift. Only the combination of economic strength, military power and political purpose of American leadership, for example, could have brought Middle Eastern countries to the peace table in Madrid. No other nation in the world could have achieved this result.

Securing democracy and managing the pace and direction of change are very much in American interests. Nowhere are the stakes greater than in the former Soviet Union. The new republics face two great challenges: making democracy work and learning to live with economic freedom. They will not succeed in either without help and patience.

As Russian foreign minister Andrei Kozyrev has written recently, his country is still vulnerable to "other stultifying ideologies" and to promises of grandeur and greed. Consider that the life savings of the Russian people have vanished almost overnight, the victim of rampaging inflation; that the career-track for many professional Russian soldiers leads now to the unemployment line; and that the people live a daily reality as old as a medieval market and as modern as a nuclear waste dump. People struggling with the transition to democracy and free markets must be given the hope that, if they help themselves, democrats everywhere will come to their aid. They will need our assistance, including our financial help, for years to come but money will not be their only problem and perhaps not their worst.

In all of the new republics, the understanding of democracy and of economic freedom is still rudimentary. Concepts we take for granted, such as independent judiciaries and political parties, are in their infancy there. The administrative skills required to run democratic governments are limited. The managerial skills needed for doing business in a market economy are scarce. The transformation of the former Soviet Union will take decades, perhaps even generations, to accomplish. All the more reasons to act. The opportunities are great and the need is now.

We know what the problems are and we know what the solutions are. At the Munich Summit in July, 7 nations representing almost 63% of the world's GNP will meet. Let us resolve, there, to work with the people of the former Soviet Union and solve these problems through decisive leadership and a strong, helping hand. Helping the new republics will take compassion, patience, ingenuity, and a great deal of money; the International Monetary Fund calculates the need at $43 billion this year alone.

The Cold War brought about the greatest military expenditures in history. Our side—the NATO Alliance—collectively spent hundreds of billions of dollars annually to defend principally against the Soviet threat. Why can we not contemplate the same scale of energy and purpose in promoting democracy and prosperity in our former adversary, which would provide us all with enduring stability and security? What would our reaction have been to Kerensky in 1917 if he and said the Czar was dead and he needed our help to forestall the 75 years of blind-alley economics and dead-end government of communism? What do you think our reaction would have been if, say, 20 years ago or 10 years ago, the Soviet leadership had said; "The empire is over, communism has failed, the Warsaw Pact has disintegrated, our economy is bankrupt, and we are going to lay down our arms. We seek your friendship and your help." And, yet we are now in danger of allowing our exhaustion from the pace of change to overwhelm the exhilaration we first felt when the Berlin Wall came down and to distort our judgment about our own longer term interests.

I believe that the West's collective response so far has been hesitant and timid and out of scale with both the need and the opportunity. Leadership will cost money. But the Marshall Plan cost much more money than has been transferred to the former Soviet Union so far and it repaid its investment a thousand times over. Europe remained free and it gradually prospered. And, as a result, the visionary Jean Monnet could lay the basis of the European Community, 360 million people strong and still growing, an economic powerhouse. "The finest pursuit of mankind is bringing people together," he said, and that is precisely what has been achieved with the creation of a single European market this year.

It is time to unite the people of the former Soviet Union with democrats everywhere. The first step is to complete the integration of the countries of the former Soviet Union into the global economic system. IMF and World Bank membership was approved in April. With IMF programs in place, the new republics will be eligible for billions of dollars of loans this year from the IMF, itself, the World Bank and the European Bank for Reconstruction and Development, the EBRD.

The EBRD was set up to make loans, to guarantee loans and to make equity investments. The capitalization of the Bank is about $12.5 billion and its capacity to operate could be exhausted in the next two or three years. This young institution has been doing excellent work and negotiations should begin as soon as possible to double the capitalization of the Bank so it can keep pace with reform in Eastern Europe. Bank financing is always done in partnership with other leaders and investors, thereby levering substantially the sums available for development in Eastern Europe.

Bilateral assistance is also vital and Canada is determined to do its part, and more, and without abandoning the poorest-people on earth in Africa, Asia and elsewhere. In Canada, we empathize with the magnitude of the challenge that President Yeltsin, President Kravchuk and others are struggling with us they try to lead their nations into democracy and economic reform simultaneously. We know from our own experience that living by market principles is painful enough these days, even for those nations who have had generations of practice.

To the end of 1991, Canada, with a relatively small population, approaching 28 million, had disbursed over $1.6 billion in credits and aid to the former Soviet Union, the second highest per capita assistance of the G-7, exceeded only by Germany. In 1992, we are providing an amount approaching a further billion dollars, for a total of almost $2.5 billion in Canadian assistance. To promote exports by the countries of the former Soviet Union, Canada is going beyond most favoured nation tariff levels and granting preferential tariff treatment—as low as zero tariffs in some categories. Considering the importance of trade to economic growth, we urge other countries to follow suit. It is particularly important that the European Community ease access to its markets for its eastern neighbours. It is also crucial that the new republics not make their own situations worse by creating barriers to trade between themselves.

Canada is ready to build on our special relationships with Ukraine, the Baltics and others, the products of 100 years of immigration, to impart democratic values, administrative experience and entrepreneurial expertise. We will seize this once in a century opportunity to build a political and economic partnership with the countries of the former Soviet Union, for the long term. But that partnership will only flourish if our new friends in Eastern Europe and the former Soviet Union have the resolve to sacrifice and save and invest in their own future. They have to want to help themselves.

It is vital that Russia and the countries of the former Soviet Union adopt policies to welcome western private sector investment and to reform their legal systems accordingly. It is also vital that IMF programs be implemented. They are the distillation of international experience with economics and they are the difference between economic success and failure, and crucial to continued western support.

Economic success will go a long way towards safeguarding democracy and easing ethnic conflict, the by-product of the collapse of the Soviet empire. Ethnic conflict is an urgent and, potentially, dangerous problem for everyone. Consider that 25 million ethnic Russians live now as minorities in the newly independent countries of Eastern Europe and Central Asia. Consider that many borders there are in dispute and that a deep well of animosity towards Moscow has built up over the centuries, particularly during communism's 75 centralising years. Consider that the economy of the former Soviet Union shrank by 17 percent last year and that, in Russia, it will fall back a further 15-20 percent this year. Consider the religious ferment in Central Asia, the ethnic hatreds that have boiled over in the Caucasus and the uneasy relationship between Kiev and Moscow over everything from the Ruble to the disposition of the Soviet Union's huge Black Sea fleet.

The greatest single threat to world peace today comes from the thousands of nuclear weapons stored in the suddenly impoverished, politically volatile, countries of the former Soviet Union. Vast amounts of nuclear weapons-grade plutonium and enriched uranium are also stockpiled there. Couple these facts with the nuclear ambitions of a few international pariah states and the dangers are unmistakable.

That is why Canadians and people everywhere applauded the far-reaching nuclear weapons reduction moves by President Bush and President Yeltsin. It is urgent that the START cuts be ratified and implemented as soon as possible. We are very pleased by the progress made on strategic weapons by President Bush in his recent meetings with President Kravchuk of Ukraine and President Nazarbayev of Kazakhstan. Had these two republics not agreed to honour the START agreement and to sign the Non-Proliferation Treaty as non-nuclear weapons states, they would have been the world's fourth and fifth largest nuclear powers.

Canada would welcome still deeper cuts in nuclear arsenals on all sides, while the cutting is good, to the lowest possible level consistent with effective nuclear deterrence. This makes security sense and economic sense for all concerned, including the U.S., which no doubt could find places at home to spend any eventual savings that might accrue.

Canada would be prepared to join in an international program to assist the countries of the former Soviet Union in the destruction of nuclear weapons. Reduction of super-power weapons stockpiles is vital for its own sake and crucial to the prevention of the proliferation of nuclear weapons states. Nothing is more important than the prevention of nuclear proliferation. There is no room at all for slippage on this issue.

I believe that there are several important steps the world community should take to make sure proliferation does not happen. First, it is imperative that the Nuclear Non-Proliferation Treaty be strengthened when it comes up for review in 1995. All countries must sign it. And it must be extended indefinitely. As part of an effective international effort, Canada would be prepared to terminate all of its economic cooperation programs, including aid and tariff preferences, with any country, including the new republics of the former Soviet Union, that undermines the Non-Proliferation Treaty, through action or inaction.

Second, nuclear cheating must be stopped. To stop the cheating, the mandate of the International Atomic Energy Agency must be strengthened and its resources increased. The budget of the LAEA is currently $180 million per year, or about half the cost of one B-1 bomber. Canada will support giving the LAEA the teeth—the authority and the resources—to inspect any country any time. We will also support U.N. Security Council action to force compliance with international rules, as is currently being done in Iraq.

Third, controls must be tightened on the export of nuclear weapons technologies, and Russia must be made a member of the Nuclear Suppliers Group and the Missile Technology Control Regime.

Fourth, the sale of nuclear brainpower to pariah states must be stopped. It is extremely dangerous to world peace when highly skilled nuclear scientists, who now earn less than garbage collectors, are attracted to countries like Iraq and Libya to assist them in putting together a nuclear weapons capability. The creation under U.S. leadership of international science and technology centers in the countries of the former Soviet Union to employ nuclear scientists and engineers is, therefore, wise and timely. Canada is prepared to help lead in the founding and financing of such a center in Kiev.

Fifth, security cooperation must be strengthened regionally to reduce the underlying causes of tension, particularly in global hot-spots such as the sub-continent, the Korean Peninsula and the Middle East.

The basic bargain implicit in the Non-Proliferation Treaty is a commitment of the nuclear powers to reduce nuclear weapons in return for a commitment by the non-nuclear powers not to acquire any such weapons. The 1995 review conference must confirm that bargain. To pave the way, it would, I think, be reasonable for all nuclear weapons states to agree on a moratorium on testing these weapons. France deserves full marks for its unilateral moratorium announced in April. It is, also, reasonable for those states which have acquired nuclear weapons to give assurances to all those countries, including Canada, which have signed the Non-Proliferation Treaty, as non-nuclear weapons states, that such weapons will never be used against them. Progress on these seven points would give us all a lot safer and better world—which is precisely what democracy is all about.

Canada and the United States are different countries—different in size, different in history and, often, different in outlook. But, still, we have a lot in common. We share the universal values of liberty and democracy. And we have fought side by side in the first and second world wars, in Korea and in the Persian Gulf to defend them. We have built two of the most civil and prosperous nations on earth. Neither Canadians nor Americans can claim perfection for their societies. We both have some serious problems. But we both have achieved a great deal at home and have made a large contribution to peace and prosperity around the world.

The United States is respected for its unrivalled military power, its extraordinary scientific achievements and its historic economic gains. Americans are admired around the world for the vibrancy of their democracy, a democracy nurtured and sustained by idealism and by principle.

Idealism and principle are the great gifts of the young. When I graduated from college, the commencement speaker, an outstanding Canadian named Gratton O'Leary, told us that a good education should not provide a standard of living; it should provide a standard of life.

John Hopkins has given you such an education. May your standard of life be your gift to your nation. And may your idealism and principle be your legacy to the world. Thank you, good luck and may God bless you all.

BRINGING DOWN BARRIERS

Mr. RIEGLE. Mr. President, the wave of anger set off by the verdict in the Rodney King case illustrates in bold terms the intense frustration and deep divisions that remain in our society. The rage that was seen in that community, and exists in communities all over the country, has built up over a long period of time. More must be done to bring Americans together.

Our Nation was founded on revolutionary concepts of equality and justice. But throughout our history, we have wrestled with profound contradictions within our society. As Americans of differing ethnic or racial backgrounds have tried to take full advantage of their freedom, they have all too often been met with intolerance or indifference that limited that freedom.

While we have made progress in living up to our high ideals, we have a long way to go. We must undertake an all-out effort to take on the host of problems that breed racial intolerance and injustice. This is a difficult challenge that is made more difficult by the sagging economic environment our country now finds itself in.

We are in a period in which Americans are competing with each other over declining economic opportunity. And as economic opportunity declines, resentment builds, and discrimination and prejudice rise. Americans are fighting intensely over a shrinking share of the economy. The recession we are in is the longest economic downturn since the 1930's—a recession that has cost millions their jobs and homes and, for many, hope.

There is a great need to develop an economic strategy that invests in our people and stands up for America. Other nations have strategies to build their economies. That is to their credit.

Japan is a country that has pursued policies that have brought them great economic strength. Often, with respect to the United States, that strength has come through trading practices that do not allow fair competition. I have been critical of those practices because they have drained our economy of tens of billions of dollars and have cost thousands of Americans their jobs.

This issue must be addressed, and addressed forcefully. An environment in which both countries have fair access to the other's markets will help to bring our two Nations together and I will continue to press for an equitable trading relationship with Japan. At the same time, it is absolutely vital that a discussion of this issue does not add to the tensions we feel here at home.

Criticism of the Japanese Government's trade policy is not criticism of the character of the Japanese people and it is not criticism of Americans of Japanese or Asian heritage.

This is an important distinction. It has been tempting for some to vent their anger with Japanese trading practices at Asian-Americans. This type of bigotry has no place here.

Like other racial minorities, bias against Asian-Americans has existed throughout our history. From the arrival of the first Asians to the American mainland, Americans of Asian descent have encountered bigotry and have been denied equal opportunity. Today, a significant degree of that intolerance remains. Asian-Americans face discrimination in education, in jobs, and are often victims of racially motivated violence.

Yet, despite this bias, many Asian-Americans have achieved great success. This success is to the credit of those who have worked hard and overcome barriers. But even as this success has lifted many Asian-Americans, it has created resentment among other Americans that fuels prejudice.

In addition, the success of many Asian-Americans has obscured the problems that remain. A poll taken last year found that a majority of Americans did not believe that Asian-Americans were discriminated against. So Asian-Americans are caught in a difficult cycle: they feel discrimination in many areas, but do not have the benefit of the awareness of the problem that is necessary to end it.

There is a great need to be sensitive to pressures that drive Americans apart. Our effort to bring down trade barriers should not create new barriers between Americans of differing racial backgrounds. Our Nation is at its best when we work together and reach out to others. I urge every citizen to do anything that can be done so that we are one country, an America that cares for every single citizen.

FOREIGN RELATIONS COMMITTEE ACTS ON EX-SOVIET AID BILL

Mr. PRESSLER. Mr. President, the Foreign Relations Committee has now reported out its version of the foreign aid bill for states of the former Soviet empire, S. 2532. The bill is flawed, in part due to a lack of proper hearings and in part because of the excessive flexibility it gives to the Executive Branch. I believe the bill must be repaired on the floor.

Although I reserved several other amendments to be offered on the floor, one I offered during markup encourages providing technical assistance to United States small- and medium-sized businesses to establish themselves in the states of the former Soviet Union, including Estonia, Lithuania and Latvia. That amendment is now section 7(2) of the legislation as reported.

The American media regularly paints a negative picture of large firms, but most of us know that prosperity and economic growth rest heavily on a strong small business sector. In South Dakota, 99.2 percent of our businesses have fewer than 500 employees. By any standard, these are small- and medium-sized businesses.

Mr. President, my intention in offering the amendment was to encourage individual entrepreneurs and franchisers to seek opportunities in the states of the former Soviet empire, including the Baltic States. In addition, the U.S. Trade Development Program under the dynamic leadership of Jose Martinez, a former small business leader, should be permitted to tap into the funds authorized by this legislation.

Other organizations also might benefit from the assistance provided in the bill for small- and medium-sized businesses. I am convinced that, since the key to American growth and prosperity is small business, the future of the Baltic States and the new republics of the former Soviet Union would be enhanced greatly by the genius, energy, and commitment of United States small business entrepreneurs.

Mr. DURENBERGER. Mr. President, I support S. 2743, the Yugoslav sanction bill and express my horror and outrage at the continuing violence being perpetrated against the people of newly independent Bosnia-Hercegovina. It is a senseless human tragedy that defies all reason.

I understand very well that there is an intricate, complex history in this region, but there can be no rational justification for the kind of savage, vicious brutality that Serbia and the thugs in its allied militia in Bosnia are inflicting on the people there.

It is deeply regrettable that the Serbian leadership has rebuffed virtually every attempt at serious negotiations, which represent the only sensible way out of this crisis in Yugoslavia. I commend the United Nations and European Community for their persistent efforts, against tremendous odds, to negotiate cease-fires and eventual resolutions. According to U.N. and EC diplomats and others, however, it is clear now that Serbia has never intended to negotiate in good faith and has only violence and destruction in mind.

I support the recent EC and United States decisions to recall their Ambassadors to Serbia. Given the circumstances, this is the very least that we could do. I would urge the Europeans and the United States administration, however, to go much further in imposing economic and diplomatic sanctions against Serbia. This bill, S. 2743, is an important step in the right direction, but more needs to be done.

Mr. President, the message that the United States and the international community must send to Serbia—its leaders and its people—is that they face total international isolation. That they are rapidly becoming a pariah state of the first order. And that that has very real and serious consequences for their own well-being, for their own future.

This mindless war is wiping out civilization in the region. The barbarism is unconscionable. Many Minnesotans have their roots in this part of the world. Many still have families and friends living. The accounts of unspeakable atrocities boggle the mind. I have heard firsthand reports of civilian people's eyes being gouged out; of ears, noses, and lips being cut off. Bodies are dismembered, the parts being strewn about the streets. Indiscriminate bombing and shelling of ancient cities and villages, churches being destroyed, cemeteries desecrated.

In the last several days, we have been horrified by Serbia's taking hostage of women, children, and elderly who were fleeing the wanton Serbian destruction in Sarajevo. Thousands of women, children, and elderly. Thousands, Mr. President. Taken hostage, with the potential for horrific consequences ever present. It's my understanding that they have been released in relatively good condition, something for which we are all thankful.

These several incidents, as if we need any reminding, give us clear indication of just what we're dealing with in Serbian dictator Slobodan Milosevic. irresolute action and hand-wringing will not suffice to persuade this Milosevic to cease his brutal aggression.

Some people have suggested, either explicitly, or implicitly through their silence, that there's nothing we can do, that this is someone else's problem, that it doesn't affect us. In the view of this Senator, it does affect us. It touches directly on what kind of new world order we're going to have. It touches on our sense of humanity and decency.

Mr. President, there are many difficult questions involved in fashioning the most appropriate international response. Some observers have made the analogy to the situation with Iraq and Kuwait. Although there may be similarities, the two are not perfectly analogous.

Nevertheless, there are important lessons from the gulf war experience that should be applied to Yugoslavia. Among them is the imperative for the international community to band together to resist and reverse these kinds of aggression. It doesn't mean that we must repeat Desert Storm or that force is necessarily the most appropriate or immediate option. It should be an option, but there are numerous important steps that must be taken prior to that point.

With the tragedy of Bosnia-Hercegovina and Yugoslavia only getting worse, it is imperative that the United States and the international community remain actively and urgently engaged in efforts to relieve the suffering and end the crisis.

Mr. President, I would urge my colleagues to remain attentive to the horrible situation playing out in Yugoslavia. Whenever possible, we should add our voices to those calling for reason and civility to prevail in that tortured country. We must also add our voices to those calling for greater and more urgent action on the part of the international community.

Mr. President, I ask unanimous consent to include in the RECORD at the conclusion of my remarks an editorial from this morning's New York Times.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

[From the New York Times, May 21, 1992]

SHAME IN OUR TIME, IN BOSNIA

A "disgrace for humanity." The words uttered in Washington Tuesday by Haris Silajdzic, Foreign Minister of beleaguered Bosnia, should chill the hearts of all who despise naked aggression.

The Serbian strongman Slobodan Milosevic steps up his brutal bombardment of Bosnia's capital, Sarajevo, and his "ethnic cleansing" of Serb-occupied territory. Hundreds die; ancient towns are turned to rubble. And what is the response of the U.S., the European Community and the U.N.? Sighs, shrugs and evasions.

The bully who violates Bosnia's internationally recognized borders must be confronted by an international coalition prepared to do what is necessary to put him in his place. Otherwise the brutality in Bosnia will, far beyond the Balkans, dash hopes for a new world order.

This little country has been given a ruinous runaround. Washington initially called on the European Community to cope with the threat to peace, even as it disparaged E.C. efforts. When its mediation efforts collapsed, Europe called for U.N. peacekeepers. The U.N. was prepared to send them in February, but then Washington protested that $634 million was too expensive. Another mission to Yugoslavia managed to cut that by $28 million—cheese-paring that cost weeks, and lives.

In March, the blue helmets finally began arriving in force in Croatia. The U.N. established its headquarters in Sarajevo as a way of creating a presence, as well, in Bosnia. But within weeks U.N. officials were whining that peacekeepers "are routinely harassed, the Organization's property stolen and its emblems and uniforms misappropriated." The U.N. pulled out of Bosnia and now ponders withdrawing from the rest of Yugoslavia.

What touching concern for misappropriated emblems—even as whole neighborhoods of Bosnians were being forced to flee for their lives. It is true that the U.N. peacekeepers are too lightly armed to defend against rampaging Serbs. But why is that the only alternative? The larger truth is that the U.N. peacekeepers have become a cover for Western inaction.

Now there's not even the pretense of a U.N. presence in Bosnia. And the world's collective irresponsibility stands exposed as nakedly as the Milo-sevic aggression. President Bush, proud leader of the free world, had no trouble deciding that Iraq's aggression against Kuwait should not stand. He assembled a global coalition to force withdrawal. Why not a new one now?

Such a coalition need not undertake armed intervention, at least not yet. The economic noose can be tightened and those who help Serbia circumvent it can be pressured. And if cooperative security is to have meaning, the coalition can declare its willingness to use greater force, as a last resort.

Aggression ought to be every bit as despicable in the Balkans as in the Persian Gulf. For the U.S. and its allies to stand by while Milosevic marauders defile Bosnia invites bullies elsewhere to take heart. Peace in our time, spineless leaders said in the 1930's. In our time the word is shame.

EXECUTIVE SESSION

EXECUTIVE CALENDAR

Mr. FORD. Mr. President, I ask unanimous consent the Senate proceed to executive session to consider the following nominations, Calendar Nos. 582, 583, 584, 585, and all nominations reported today by the Committee on the Judiciary, and by the Committee on Armed Services; all those listed for appointment in the Army, Navy and Air Force; all nominations placed on the Secretary's desk, in the Army, Air Force, and Navy.

I also ask unanimous consent that the Committee on Commerce, Science, and Transportation be discharged from further consideration of the following nominations:

Vice Adm. Martin H. Daniell, Jr., to be commander, Pacific area; and

Rear Adm. Robert T. Nelson, to be vice commandant.

I further ask unanimous consent that the Senate proceed to immediate consideration, and that the nominees be confirmed, en bloc, that any statements appear in the RECORD as if read, that the motions to reconsider be laid upon the table, en bloc, that the President be immediately notified of the Senate's action, and that the Senate return to legislative session.

The PRESIDING OFFICER. Without objection, it is so ordered.

The nominations considered and confirmed en bloc are as follows:

IN THE AIR FORCE

The following-named officer for appointment to the grade of lieutenant general while assigned to a position of importance and responsibility under title 10, United States Code, section 601:

To be lieutenant general

Maj. Gen. Buster C. Glosson, 240-64-4340, U.S. Air Force.

DEPARTMENT OF STATE

Kenton Wesley Keith, of Missouri, a career member of the senior Foreign Service, class of Minister-Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the State of Qatar.

Teresita Currie Schaffer, of New York, a career member of the senior Foreign Service, class of Minister-Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Democratic Socialist Republic of Sri Lanka, and to serve concurrently and without additional compensation as Ambassador Extraordinary and Plenipotentiary to the Republic of Maldives.

NUCLEAR REGULATORY COMMISSION

Kenneth C. Rogers, of New Jersey, to be a Member of the Nuclear Regulatory Commission for the term of five years expiring June 30, 1997. (Reappointment.)

THE JUDICIARY

Morris S. Arnold, to be U.S. circuit judge.

Michael Boudin, to be U.S. circuit judge.

Jerome B. Simandle, to be U.S. district judge.

Richard G. Kopf, to be U.S. district judge.

DEPARTMENT OF DEFENSE

Col. James J. Sullivan, to be brigadier general;

G. Kim Wincup, to be an Assistant Secretary of the Air Force;

Gen. George L. Butler, to be general;

Rear Adm. John M. McConnell, to be vice admiral;

Gen. Hansford T. Johnson, to be general;

Lt. Gen. Charles A. Horner, to be general;

Lt. Gen. Robert D. Hammond, to be lieutenant general;

USA Reserve officers named for appointment in the Reserve of the U.S. Army in the grades of Major general and brigadier general;

Lt. Gen. William S. Flynn, to be lieutenant general;

Adm. Jerome L. Johnson, to be admiral;

Lt. Gen. Robert D. Beckel, to be lieutenant general;

Lt. Gen. Michael F. Spigelmire, to be lieutenant general;

Lt. Gen. August M. Cianciolo, to be lieutenant general;

Lt. Gen. Robert H. Ludwig, to be lieutenant general;

Lt. Gen. C. Norman Wood, to be lieutenant general;

Maj. Gen. John E. Jackson, Jr., to be lieutenant general;

Gen. Donald J. Kutyna, to be lieutenant general;

Lt. Gen. Vernon J. Knodra, to be lieutenant general;

Lt. Gen. Michael A. Nelson, to be lieutenant general;

Lt. Gen. Robert L. Rutherford, to be lieutenant general;

Maj. Gen. Malcolm B. Armstrong, to be lieutenant general;

Gen. John R. Galvin, to be general;

Maj. Gen. Joseph W. Ralston, to be lieutenant general;

Lt. Gen. William G. Pagonis, to be lieutenant general;

Vice Adm. Martin H. Daniell, Jr., to be commander, Pacific area; and

Rear Adm. Robert T. Nelson, to be vice commandant.

STATEMENT ON THE NOMINATION OF AIR FORCE MAJ. GEN. BUSTER GLOSSON

Mr. NUNN. Mr. President, I want to express my support for President Bush's nomination of Air Force Maj. Gen. Buster Glosson to the rank of lieutenant general and assignment to the position of Deputy Chief of Staff of the Air Force for Plans and Operations. This is one of the most critical senior leadership position in the Air Force, and I think General Glosson will do an excellent job in this assignment.

On behalf of the members and staff of the Armed Services Committee, I also want to take this opportunity to thank Gen. Buster Glosson for his outstanding service to our committee and to the U.S. Senate as Director of Air Force Legislative Liaison.

One year ago this month, General Glosson was completing a very successful assignment in Saudi Arabia as the Special Assistant to Lt. Gen. Charles Horner, the Air Force component commander under General Schwarzkopf during the Persian Gulf conflict. In that assignment, General Glosson played a key role in developing and coordinating the highly successful air campaign of Operation Desert Storm.

Following his Persian Gulf duty, General Glosson returned to Washington to become the Director of Air Force Legislative Liaison in May 1991. General Glosson was no stranger to those of us on Capitol Hill, because he served 2 years as Deputy Assistant Secretary of Defense for Legislative Affairs for 2 years before his assignment to U.S. Central Command.

We had high expectations for General Glosson when we learned he would be the Air Force's chief spokesman on Capitol Hill, and he exceeded our expectations. During the past year, his detailed knowledge of Air Force operations and his exceptional credibility and integrity have improved communications between the Armed Services Committee and the Air Force. Under General Glosson's strong leadership, the Air Force Legislative Liaison Office has continued its excellent reputation of providing timely and accurate information on Air Force issues to congressional offices, and assisting with the constituent casework so important to all of our offices.

Mr. President, I want to thank General Glosson for his service to the Senate and to the Nation. I congratulate him on his promotion and wish him continued success as he serves our Nation in positions of increasing responsibility.

STATEMENT ON THE NOMINATION OF JEROME B. SIMANDLE

Mr. LAUTENBERG. Mr. President, I rise in strong support for the nomination of Judge Jerome B. Simandle to become a U.S. district court judge for the District of New Jersey.

Judge Simandle has demonstrated a sincere and lasting commitment to public service and I am confident he will serve his community and our Nation with great distinction on the district court bench. I recommend him enthusiastically to my colleagues.

Born in Binghamton, NY, and now a resident of Moorestown, NJ, Judge Simandle graduated from Princeton in 1971. He received his law degree from the University of Pennsylvania in 1976 where he was an editor of the Law Review. Following law school, Simandle served as a clerk for U.S. District Court Judge John Gerry, currently the chief judge for the New Jersey district.

He then became an assistant U.S. attorney, first in Newark and then in the Trenton office where he became the attorney in charge in 1983. In that same year, he became a magistrate judge in the district court and was reappointed unanimously to another 8-year term in 1991.

Judge Simandle now aspires to confirmation to serve as a district court judge in the same courthouse where he has served the community most ably, first as a judicial clerk, then as an assistant U.S. attorney and, now, as a judge magistrate.

In each of these positions, Judge Simandle has served with distinction.

As an assistant U.S. attorney, Judge Simandle handled a wide range of civil litigation matters. He argued cases in both the district court and the U.S. Court of Appeals. His primary areas of activity were torts, civil rights, labor law, environmental law, and administrative law.

As a magistrate, Judge Simandle has performed effectively many of the duties that he will take on as a district court judge. He has developed experience in the wide variety of legal matters that come before the court, including criminal law. Judge Simandle has, by all accounts, demonstrated the judicial temperament he will need in his new position.

Particularly interesting to me as a member of the Senate's Environment and Public Works Committee, he has had extensive involvement representing the government in environmental cases including Superfund cases.

In addition, as a magistrate, Judge Simandle has continued his involvement in complex environmental cases and has participated in developing innovative techniques for managing and reducing the cost of difficult multiparty cases.

As the Federal courts increasingly hear cases involving important environmental issues, Judge Simandle's experience should prove especially helpful.

Mr. President, for too long the Camden Federal District Court has labored under a crushing workload with a depleted roster of judges available to conduct the court's business. Judge Gerry and his colleagues, as well as the citizens of southern New Jersey who look to the court to resolve disputes and secure justice, need and deserve swift action on this nomination.

Jerome Simandle will make an excellent addition to this court. He has received the highest rating from the American Bar Association.

LEGISLATIVE SESSION

The PRESIDING OFFICER. Under the previous order, the Senate will now return to legislative session.

CONTINUATION IN GRADE OF THE DEPUTY SECURITY ADVISOR

Mr. FORD. Mr. President, I ask that the Chair lay before the Senate a message from the House of Representatives on S. 2569.

The PRESIDING OFFICER laid before the Senate the following message from the House of Representatives:

Resolved, That the bill from the Senate (S. 2569) entitled "An Act to amend title 10, United States Code, to make the Vice Chairman of the Joint Chiefs of Staff a member of the Joint Chiefs of Staff; to provide joint duty credit for certain service; and to provide for the temporary continuation of the current Deputy National Security Advisor in a flag officer grade in the Navy", do pass with the following amendments:

Page 2, strike out line 1, through page 5, line 8 inclusive.

Page 5, line 9, strike out "SEC. 3.", and insert in lieu thereof "SECTION 1."

Amend the title so as to read: "An Act to provide for the temporary continuation in office of the current Deputy Security Advisor in a flag officer grade in the Navy.".

Mr. FORD. Mr. President, I move that the Senate concur in the amendments of the House.

The PRESIDING OFFICER. The question is on agreeing to the motion.

The motion was agreed to.

Mr. FORD. Mr. President, I move to reconsider the vote.

Mr. LOTT. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

REMOVING THE "LIFE OF THE PLANTING" EASEMENT REQUIREMENT UNDER THE CONSERVATION RESERVE PROGRAM

Mr. FORD. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of S. 2780 regarding removing the "life of the planting" easement requirement of the Conservation Reserve Program, introduced earlier today by Senator LEAHY.

The PRESIDING OFFICER. The bill will be stated by title.

The assistant legislative clerk read as follows:

A bill (S. 2780) to amend the Food Security Act of 1985 to remove certain easement requirements under the conservation reserve program, and for other purposes.

The PRESIDING OFFICER. Is there objection to the immediate consideration of the bill?

There being no objection, the Senate proceeded to consider the bill.

Mr. LEAHY. Mr. President, in the 1990 Food, Agriculture, Conservation, and Trade Act, Congress made several changes to the conservation reserve. One of these, the requirement that certain conservation plantings be protected with an easement covering their useful life, has not had the desired results. As a matter of fact, this provision has kept producers who want to establish grass filter strips from participating in the program. This is very unfortunate because grass filter strips are one of the best surface water quality protection practices available in the conservation reserve. It is for this reason that we are removing the requirement that these practices be protected for their useful life by an easement.

Mr. LUGAR. Mr. President, I concur with the statement of the chairman. The life of the planting easement requirement has caused the conservation reserve to lose much of its attractiveness to producers that want to establish the conservation practices covered by this requirement. My intention in passing this amendment is to see more enrollments by producers wanting to establish these covers.

Mr. President, I would like to inquire of the chairman if he intends for this provision to affect in any way the use of easements in the other programs in the conservation title of the 1990 Food, Agriculture, Conservation, and Trade Act?

Mr. LEAHY. Mr. President, I thank the Senator from Indiana for his question. I do not intend for this amendment to affect the use of easements in any of the other conservation programs. I believe that the problem created in the conservation reserve by this life of the plantings easement requirement is specific and unique to the conservation reserve. We have strong indications from the field that the Wetland Reserve Program will have substantial and adequate signup, even with the permanent easement requirement in that program. As we stated in the report accompanying the Senate's version of the 1990 Food, Agriculture, Conservation, and Trade Act, I believe that it is important that the Department make every effort to use easements in our efforts to protect restored wetlands. I do not intend that the passage of this amendment today should in any way alter the Department's current plans to use easements in the Wetland Reserve Program.

Mr. LUGAR. Mr. President, I want to thank the chairman for making that clear and I want to state that I concur in this intention.

The PRESIDING OFFICER. The bill is before the Senate and open to amendment. If there be no amendment to be proposed, the question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed for a third reading, was read the third time, and passed as follows:

S. 2780

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. REMOVAL OF CERTAIN EASEMENT REQUIREMENTS UNDER CONSERVATION RESERVE PROGRAM.

(a) CONSERVATION RESERVE.—Section 1231(b)(4)(C) of the Food Security Act of 1985 (16 U.S.C. 3831(b)(4)(C)) is amended by striking ", and made subject to an easement for the useful life of,".

(b) CONVERSION OF LAND SUBJECT TO CONTRACT TO OTHER CONSERVING USES.—Section 1235A(a)(2) of such Act (16 U.S.C. 3835a(a)(2)) is amended—

(1) by striking subparagraph (A) and inserting the following new subparagraph:

"(A) EXTENSION OF CONTRACT.—With respect to a contract that is modified under this section that provides for the planting of hardwood trees, windbreaks, shelterbelts, or wildlife corridors, if the original term of the contract was less than 15 years, the owner or operator may extend the contract to a term of not to exceed 15 years.";

(2) by striking subparagraph (B); and

(3) by redesignating subparagraph (C) as subparagraph (B).

Mr. FORD. Mr. President, I move to reconsider the vote.

Mr. LOTT. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

THE 50TH ANNIVERSARY OF THE BATTLE OF THE CORAL SEA

Mr. FORD. Mr. President, I ask unanimous consent that the Foreign Relations Committee be discharged from further consideration of Senate Concurrent Resolution 122, regarding the 50th anniversary of the Battle of the Coral Sea, that the Senate then proceed to its immediate consideration; that the concurrent resolution be agreed to and that the motion to reconsider be laid upon the table, and the preamble also be agreed to.

The PRESIDING OFFICER. Is there objection to the immediate consideration of concurrent resolution?

There being no objection, the Senate proceeded to consider the concurrent resolution.

The PRESIDING OFFICER. The question is on agreeing to the concurrent resolution.

The concurrent resolution (S. Con. Res. 122) was agreed to.

The preamble was agreed to.

The concurrent resolution, with its preamble, is as follows:

S. CON. RES. 122

Whereas in 1992 the United States and Australia are commemorating the 50th anniversary of the Battle of the Coral Sea, during which a joint American and Australian naval force first began to turn back the tide of aggression, thereby securing Australia from invasion and greatly enhancing allied morale and resolve;

Whereas the alliance between the United States and Australia during World War II was formalized in the 1951 Security Treaty commonly referred to as the "ANZUS Treaty", which provides that the United States and Australia will act to meet the common danger in the event of an armed attack in the Pacific against either country;

Whereas the alliance between the United States and Australia has been characterized by an extraordinary degree of cooperation that includes information sharing, combined exercises, joint training and educational programs, and joint facilities;

Whereas the relationship between the United States and Australia goes well beyond security cooperation, and is based on common values and beliefs, such as respect for international law, human rights, and the fundamental concepts underlying the democratic process;

Whereas this relationship is strengthened by a long tradition of friendship, as well as cultural and educational exchanges; and

Whereas the United States and Australia share a wide range of common interests in Asia and the Pacific, such as growth and liberalization of international trade, as well as regional cooperation on economic development, environmental protection, and the peaceful settlement of disputes: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That on the occasion of the 50th anniversary of the Battle of the Coral Sea, the Congress—

(1) pays tribute to the relationship between the United States and Australia, and looks forward to the continued growth and development of this relationship;

(2) reaffirms the importance of security cooperation between the United States and Australia and the importance of their mutual security commitments; and

(3) expressed its strong support for continued close cooperation between Australia and the United States on economic and security issues in Asia and the Pacific.

Mr. FORD. Mr. President, I move to reconsider the vote.

Mr. LOTT. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AUTHORITY FOR COMMITTEES TO REPORT ON THURSDAY, MAY 28, FROM 11 A.M. UNTIL 3 P.M.

Mr. FORD. Mr. President, I ask unanimous consent that during the recess/adjournment of the Senate, the Senate committees may file reported legislative and executive calendar business on Thursday, May 28, from 11 a.m. until 3 p.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

CHINESE STUDENT PROTECTION ACT

Mr. FORD. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of calendar No. 457, S. 1216, a bill relating to the resident status of certain nonimmigrant aliens; that the committee substitute amendment be agreed to; that the bill be deemed read a third time and passed; that the motion to reconsider be laid upon the table, and that any statements in relation to this item appear at the appropriate place in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The committee amendment was agreed to.

Mr. GORTON. Mr. President, I urge my colleagues to pass the Chinese Student Protection Act. I introduced this legislation on June 4, 1991, the 2 year anniversary of the bloody massacre at Tiananmen Square. This bill would permit those covered by President Bush's 1989 Executive order, which stayed the deportation of Chinese Nationals in the United States at the time of the tragedy, to apply for permanent residency beginning July 1, 1993. The only condition under which those covered by the Executive order could not apply for permanent residency is if the President certifies before July 1, 1993, that it is safe for them to return to China.

For the last year, I have worked with both Republican and Democratic Senators to meet concerns that were expressed about this important legislation. It is my understanding that all objections have been met due to an extraordinary degree of bipartisan cooperation to move forward on this measure. Let me assure you that from this Senator's viewpoint, every effort has been made to address the concerns of the administration while securing the safety and well-being of the thousands of Chinese students who will seek protection under this legislation. For the record, I would like to take this opportunity to repeat to my colleagues the significance of this measure and the desperate need for their support.

Mr. President, it has been nearly 3 years since the bloody travesty of Tiananmen Square. A thousand days have passed since that young man stood down a tank, but that powerful image of coverage and determination is forever in our minds. Certainly, the images and memories of the dissident students who fell to tyranny and dictatorship are painfully fresh in the minds of Chinese nationals who were in the United States at the time. A thousand years could pass, and the fear and the helplessness felt by those here could never be forgotten.

Mr. President, we have had one thousand days to adjust to the past injustice of Tiananmen Square. However, we have only half that time to avoid further injustice to those longing for democracy. On January 1 of 1994, the Executive order that protected the deportation of Chinese nationals expires, and unless this Senate acts now, those covered by the Executive order lose not only their hopes and dreams of United States residency, we jeopardize their very lives.

That is why I introduced S. 1216, the Chinese Student Protection Act. The measure intends to release the Chinese nationals covered by the 1989 Executive order from their current immigration limbo and provide them the option of applying for permanent residency here in the United States. Since introduction of this bill, several changes have been added to address concerns of both Chinese students and United States Immigration officials. Those changes include a provision to require those covered by the legislation to have been continuously residing in the United States since the Tiananmen massacre other than for brief, casual, and innocent absences. In addition, those covered could not have visited China over a period for more than 90 days.

A second change involves a provision to count those persons receiving permanent residency under new worldwide immigration levels as established by the Immigration Act of 1990. Additional provisions also address the need to count them under China's per country ceiling without adversely affecting ongoing immigration from China.

A third change applies standard immigration law exclusions to those covered by the Executive order. Those may include criminals, Communist party members, and those likely to become a public charge. Finally, the individuals covered by the Executive order will be permitted to apply immediately for permanent residency rather than wait 18 months under temporary residency as proposed under the original legislation.

These changes represent long, difficult hours of thoughtful debate to accommodate the safety concerns of Chinese students and legitimate United States immigration policy goals. Meanwhile, the thousands covered by the Executive order have waited patiently for action by the Congress. This bill responds to their desperate plea for a future in the United States of America that can now be answered by full Senate support of this measure. At that point, only one condition can prevent this legislation from having the intended consequences: certification by the President by July 1, 1993, that conditions in China are safe for the students return.

Mr. President, if recent news accounts are any indication, I seriously doubt that conditions have improved or soon will improve in China since tanks and artillery opened fire on unarmed civilians 3 years ago. According to the March 16, 1992, issue of Asia Watch, a Committee of Human Rights Watch, "by early March 1992, at least 20 students, workers, editors, and journalists who were active during the 1989 movement or its aftermath had been tried and sentenced by courts in Beijing and Xi'an." In addition, an April 16, 1992, New York Times article describes a hero of the student revolution who declares that many other dissidents are still imprisoned and tortured.

Perhaps the best indication of the continuing oppression is a recent declaration by Ren Jianxin, president of the Supreme People's Court at the Fifth Session of the Seventh National People's Congress in Beijing on March 28, 1992. He reaffirms the Chinese Government's commitment to "severely punish counterrevolutionary criminals who harmed national security." This statement is consistence with actions reported by Amnesty International on March 5, 1992, that "at least nine prodemocracy activists were arrested in Beijing by plainclothes security agents on Saturday, February 29."

Despite promises and rumors of reform by the Chinese Government, dissidents here in the United States understand the harsh reality that awaits them if they face forced deportation. The April 6, 1992, edition of Newsweek contains a story of exiles one of which, journalist and political scientist Yuan Zhiming, declares sadly "Some of those in jail are my friends. If they are in prison, we will be, too."

Mr. President, we have waited a thousand days, but we can wait no longer to alleviate these brave people from the fear that they face with deportation. Their patience and confidence in us is only surpassed by their love of freedom and desire to remain in the United States. We cannot afford to put their lives on hold any longer.

Once again, I commend the extraordinary bipartisan commitment on behalf of Senators and their staff to bring this bill to the floor. In particular, I appreciate the skillful work of Michael Myers on Senator's KENNEDY's immigration staff and my former staff member, Curtis Hom.

Finally, Mr. President, I would like to remind my colleagues that this bill represents another type of opportunity that we rarely enjoy these days. So often during this election year, our efforts on economic growth, health care reform, and the budget deficit have been frustrated by our inability to produce meaningful results. No doubt the numerous announcements of early retirements in both Chambers reflect the sense felt by many that we can no longer make a positive difference. However, the Chinese Student Protection Act is a welcome exception. We can make people's lives better today by taking a major step toward providing them permanent residency. This is a rare opportunity to make the positive difference we all wish to make.

Mr. President, I urge my colleagues to join me and support S. 1216, the Chinese Student Protection Act. In another thousand days, it will be too late for thousands of Chinese Nationals who wish to remain in America. Let us act now by passing this legislation to avoid a forced deportation and uncertain future of a desperate people.

Mr. KENNEDY. Mr. President, I can think of few more appropriate gestures in support of democracy in China than the Chinese Student Protection Act of 1992, sponsored by the Senator from Washington.

The students here have been at the forefront of international efforts to promote democratic reform in China. Many of them have placed themselves and their families at great risk because of their protests against the Tiananmen Square massacre and their continuing efforts to end the massive government crackdown which followed.

The administration has taken the step, through executive order, of allowing the students to remain in the United States only until January 1, 1994. Because their immigration status is so uncertain, it is necessary for Congress to act to provide the students, who have taken such great risks for their people, with a secure and permanent immigration status in the United States.

Only then will they be able to continue to openly pursue the cause of freedom without worrying that one day they may have to return to China before needed reforms have taken place.

Mr. President, I am also grateful for the important contributions of the ranking member of our Immigration Subcommittee, Senator SIMPSON. His suggestions for the legislation enabled it to move forward with broad support.

I am pleased to have been an original cosponsor of this important bill, and join with the Senator from Washington in urging its immediate passage.

The bill (S. 1216) was deemed read a third time and passed, as follows:

S. 1216

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Chinese Student Protection Act of 1992".

SEC. 2. ADJUSTMENT TO LAWFUL PERMANENT RESIDENT STATUS OF CERTAIN NATIONALS OF THE PEOPLE'S REPUBLIC OF CHINA.

(a) IN GENERAL.—Subject to subsection (c)(1), whenever an alien described in subsection (b) applies for adjustment of status under section 245 of the Immigration and Nationality Act during the application period (as defined in subsection (e)) the following rules shall apply with respect to such adjustment:

(1) The alien shall be deemed to have had a petition approved under section 204(a) of such Act for classification under section 203(b)(3)(A)(i) of such Act.

(2) The application shall be considered without regard to whether an immigrant visa number is immediately available at the time the application is filed.

(3) In determining the alien's admissibility as an immigrant, and the alien's eligibility for an immigrant visa—

(A) paragraphs (5) and (7)(A) of section 212(a) and section 212(e) of such Act shall not apply; and

(B) the Attorney General may waive any other provision of section 212(a) (other than paragraph (2)(C) and subparagraph (A), (B), (C), or (E) of paragraph (3)) of such Act with respect to such adjustment for humanitarian purposes, for purposes of assuring family unity, or if otherwise in the public interest.

(4) The numerical level of section 202(a)(2) of such Act shall not apply.

(b) ALIENS COVERED.—For purposes of this section, an alien described in this subsection is an alien who—

(1) is a national of the People's Republic of China described in section 1 of Executive Order No. 12711 as in effect on April 11, 1990;

(2) has resided continuously in the United States since April 11, 1990 (other than brief, casual, and innocent absences); and

(3) was not physically present in the People's Republic of China for longer than 90 days after such date and before the date of the enactment of this Act.

(c) CONDITION; DISSEMINATION OF INFORMATION.—

(1) NOT APPLICABLE IF SAFE RETURN PERMITTED.—Subsection (a) shall not apply to any alien if the President has determined and certified to Congress, before the first day of the application period, that conditions in the People's Republic of China permit aliens described in subsection (b)(1) to return to that foreign state in safety.

(2) DISSEMINATION OF INFORMATION.—If the President has not made the certification described in paragraph (1) by the first day of the application period, the Attorney General shall, subject to the availability of appropriations, immediately broadly disseminate to aliens described in subsection (b)(1) information respecting the benefits available under this section. To the extent practicable, the Attorney General shall provide notice of these benefits to the last known mailing address of each such alien.

(d) OFFSET IN PER COUNTRY NUMERICAL LEVEL.—

(1) IN GENERAL.—The numerical level under section 202(a)(2) of the Immigration and Nationality Act applicable to natives of the People's Republic of China in each applicable fiscal year (as defined in paragraph (3)) shall be reduced by 1,000.

(2) ALLOTMENT IF SECTION 202(E) APPLIES.—If section 202(e) of the Immigration and Nationality Act is applied to the People's Republic of China in an applicable fiscal year, in applying such section—

(A) 300 immigrant visa numbers shall be deemed to have been previously issued to natives of that foreign state under section 203(b)(3)(A)(i) of such Act in that year, and

(B) 700 immigrant visa numbers shall be deemed to have been previously issued to natives of that foreign state under section 203(b)(5) of such Act in that year.

(3) APPLICABLE FISCAL YEAR.—

(A) IN GENERAL.—In this subsection, the term "applicable fiscal year" means each fiscal year during the period—

(i) beginning with the fiscal year in which the application period begins; and

(ii) ending with the first fiscal year by the end of which the cumulative number of aliens counted for all fiscal years under subparagraph (B) equals or exceeds the total number of aliens whose status has been adjusted under section 245 of the Immigration and Nationality Act pursuant to subsection (a).

(B) NUMBER COUNTED EACH YEAR.—The number counted under this subparagraph for a fiscal year (beginning during or after the application period) is 1,000, plus the number (if any) by which (i) the immigration level under section 202(a)(2) of the Immigration and Nationality Act for the People's Republic of China in the fiscal year (as reduced under this subsection), exceeds (ii) the number of aliens who were chargeable to such level in the year.

(e) APPLICATION PERIOD DEFINED.—In this section, the term "application period" means the 6-month period beginning July 1, 1993.

The title was amended so as to read "A bill to provide for the adjustment of status under the Immigration and Nationality Act of certain nationals of the People's Republic of China unless conditions permit their return in safety to that foreign state.".

UNITED STATES-HONG KONG POLICY ACT

Mr. FORD. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 459, S. 1731, United States-Hong Kong Policy Act of 1992, that the committee substitute be agreed to, and the bill, as amended, be deemed read a third time and passed, and that the motion to reconsider be laid upon the table; that the title amendment be agreed to; further, that any statements relating to this matter be included in the RECORD at the appropriate place.

The PRESIDING OFFICER. Without objection, it is so ordered.

The committee amendment was agreed to.

The bill (S. 1731) was deemed read a third time and passed, as follows:

S. 1731

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "United States-Hong Kong Policy Act of 1992".

SEC. 2. FINDINGS.

The Congress makes the following findings:

(1) The Congress recognizes that under the 1984 Sino-British Joint Declaration:

(A) The People's Republic of China and the United Kingdom of Great Britain and Northern Ireland have agreed that the People's Republic of China will resume the exercise of sovereignty on July 1, 1997. Until that time, the United Kingdom will be responsible for the administration of Hong Kong.

(B) The Hong Kong Special Administrative Region (SAR) of the PRC, beginning on July 1, 1997, will continue to enjoy a high degree of autonomy on all matters other than defense and foreign affairs.

(C) There is provision for implementation of a "one country, two systems" policy, under which Hong Kong will retain its current lifestyle and legal, social and economic systems until at least the year 2047.

(D) The legislature of the Hong Kong SAR will be constituted by elections, and the provisions of the International Covenant on Civil and Political Rights and the International Covenant on Economic, Social and Cultural Rights, as applied to Hong Kong, shall remain in force.

(E) Provision is made for the continuation in force of agreements implemented as of June 30, 1997, and for the future Hong Kong SAR's ability to conclude new agreements either on its own or with the assistance of the Government of the People's Republic of China.

(2) The Congress declares its wish to see full implementation of the provisions of the Joint Declaration.

(3) The President of the United States has announced his support for the policies and decisions reflected in the Sino-British Declaration.

(4) Hong Kong plays an important role in today's regional and world economy. This role is reflected in strong economic, cultural, and other ties with the United States that give the United States a strong interest in the continued vitality, prosperity, and stability of Hong Kong.

(5) Support for democratization is a fundamental principle of United States foreign policy. As such, it naturally applies to United States policy toward Hong Kong. This will remain equally true after June 30, 1997.

(6) The human rights of the people of Hong Kong are of great importance to the United States and are directly relevant to United States interests in Hong Kong. A fully successful transition of sovereignty in Hong Kong must safeguard human rights in and of themselves. Human rights also serve as a basis for Hong Kong's continued economic prosperity.

SEC. 3. DEFINITIONS.

For purposes of this Act—

(1) the term "Hong Kong" means, prior to July 1, 1997, the British Dependent Territory of Hong Kong, and on and after July 1, 1997, the Hong Kong Special Administration Region of the People's Republic of China;

(2) the term "Joint Declaration" means the Joint Declaration of the Government of the United Kingdom of Great Britain and Northern Ireland and the Government of the People's Republic of China on the Question of Hong Kong, done at Beijing on December 19, 1984;

(3) the term "laws of the United States" includes any statute, rule, regulation, ordinance, order, or judicial rule of decision of the United States or any political subdivision thereof;

(4) the term "PRC" means the People's Republic of China; and

(5) the term "Hong Kong person" means—

(A) any natural person residing in Hong Kong; and

(B) any corporation, company, association, partnership, or other organization which is not an agency or other instrumentality of any foreign state (as defined in section 1603(a) of title 28, United States Code) and which is legally constituted under the laws and regulations of Hong Kong.

TITLE I—POLICY

SEC. 101. BILATERAL TIES BETWEEN THE UNITED STATES AND HONG KONG.

It is the sense of Congress that the following, based on provisions of the Joint Declaration, where applicable, should be the policy of the United States with respect to its bilateral relationship with Hong Kong:

(1) The United States should play an active role, before, on, and after July 1, 1997, in maintaining Hong Kong's confidence and prosperity, Hong Kong's role as an international financial center, and the mutually beneficial ties between the people of the United States and the people of Hong Kong.

(2) The United States should actively seek to establish and expand direct bilateral ties and agreements with Hong Kong in economic, trade, financial, monetary, aviation, shipping, communications, tourism, cultural, sport, and other appropriate areas.

(3) The United States should seek to maintain, after June 30, 1997, the United States consulate-general in Hong Kong, together with other official and semi-official organizations, such as the United States Information Agency American Library.

(4) The United States should invite Hong Kong to maintain, after June 30, 1997, its official and semi-official missions in the United States, such as the Hong Kong Economic & Trade Office, the Office of the Hong Kong Trade Development Council, and the Hong Kong Tourist Association. The United States should invite Hong Kong to open and maintain other official or semi-official missions.

(5) The United States should recognize passports and travel documents issued after June 30, 1997, by the Hong Kong Special Administrative Region.

(6) The PRC's resumption of the exercise of sovereignty over Hong Kong after June 30, 1997, should not affect treatment of Hong Kong residents who apply for visas to visit the United States.

SEC. 102. PARTICIPATION BY HONG KONG IN MULTILATERAL ORGANIZATIONS.

It is the sense of the Congress that the following, based on provisions of the Joint Declaration, where applicable, should be the policy of the United States with respect to participation by Hong Kong in multilateral organizations after June 30, 1997:

(1) The United States should support Hong Kong's participation in appropriate multilateral organizations that are open to nonstates and in all appropriate multilateral international conferences, agreements, and organizations, for which it is eligible under the organization's bylaws.

(2) The United States should continue to fulfill its obligations to Hong Kong under international agreements, so long as Hong Kong reciprocates, regardless of whether the PRC is a party to the particular international agreement, unless and until such obligations are modified or terminated according to specified procedures.

(3) The United States should respect Hong Kong's status as a separate customs territory, and as a contracting party to the General Agreement on Tariffs and Trade, whether or not the PRC participates in the latter organization.

SEC. 103. COMMERCE BETWEEN THE UNITED STATES AND HONG KONG.

It is the sense of the Congress that the following, based on the provisions of the Joint Declaration, where applicable, should continue to be the policy of the United States after June 30, 1997, with respect to commerce between the United States and Hong Kong:

(1) The United States should seek to maintain and expand economic and trade relations with Hong Kong and should continue to treat Hong Kong as a separate territory in economic and trade matters, such as import quotas and certificates of origin.

(2) The United States should continue to negotiate directly with Hong Kong to conclude bilateral economic agreements.

(3) The United States should continue to treat Hong Kong as a territory which is fully autonomous from the United Kingdom and, after June 30, 1997, should treat Hong Kong as a territory which is fully autonomous from the PRC with respect to economic and trade matters.

(4) The United States should continue to grant the products of Hong Kong nondiscriminatory trade treatment (commonly referred to as "most-favored-nation status") by virtue of Hong Kong's membership in the General Agreement on Tariffs and Trade (GATT).

(5) The United States should recognize certificates of origin for manufactured goods issued by the Hong Kong Special Administrative Region.

(6) The United States should continue to allow the United States dollar to be freely exchanged with the Hong Kong dollar.

(7) United States businesses should be encouraged to continue to operate in Hong Kong, in accordance with applicable United States and Hong Kong law.

(8) The United States should continue to support access by Hong Kong to sensitive technologies controlled under the agreement of the Multilateral Coordinating Committee for Export Controls (commonly referred to as "COCOM") for so long as the United States is satisfied that such technologies remain in Hong Kong.

(9) The United States should encourage Hong Kong to continue its efforts to develop a framework which provides adequate protection for intellectual property rights.

(10) The United States should negotiate directly with Hong Kong, in consultation with the PRC, a bilateral investment treaty.

SEC. 104. TRANSPORTATION.

It is the sense of the Congress that the following, based on the provisions of the Joint Declaration, where applicable, should be the policy of the United States after June 30, 1997, with respect to transportation from Hong Kong:

(1) Recognizing Hong Kong's position as an international transport center, the United States should continue to recognize ships and airplanes registered in Hong Kong and should negotiate air service agreements directly with Hong Kong.

(2) The United States should continue to recognize ships registered by Hong Kong after June 30, 1997.

(3) United States commercial ships, in accordance with applicable United States and Hong Kong law, should remain free to port in Hong Kong.

(4) The United States should continue to recognize airplanes registered by Hong Kong in accordance with applicable laws of the PRC.

(5) The United States should recognize licenses issued by the Hong Kong Special Administrative Region to Hong Kong airlines.

(6) The United States should recognize certificates issued by the Hong Kong Special Administrative Region to United States air carriers for air service involving travel to, from, or through Hong Kong and which does not involve travel to, from, or through other parts of the PRC.

(7) The United States should negotiate at the appropriate time directly with the Hong Kong Special Administrative Region, acting under authorization from the Government of the PRC, to renew or amend all air service agreements existing on June 30, 1997, and to conclude new air service agreements affecting all flights to, from, or through other parts of the PRC. The United States should negotiate at the appropriate time directly with the Government of the PRC to renew or amend all air service agreements existing on June 30, 1997, and to conclude new air service agreements affecting all flights which travel to, from, or through other parts of the PRC, whether or not the flight also travels to, from, or through Hong Kong.

SEC. 105. CULTURAL AND EDUCATIONAL EXCHANGES.

It is the sense of the Congress that the following based on the provisions of the Joint Declaration, where applicable, should be the policy of the United States after June 30, 1997, with respect to cultural and educational exchanges with Hong Kong:

(1) The United States should seek to maintain and expand United States-Hong Kong relations and exchanges in culture, education, science, and academic research. The United States should encourage American participation in bilateral exchanges with Hong Kong, both official and unofficial.

(2) The United States should actively seek to further United States-Hong Kong cultural relations and promote bilateral exchanges, including the negotiating and concluding of appropriate agreements in these matters.

(3) The Hong Kong Special Administrative Region should be accorded separate status as a full partner under the Fulbright Academic Exchange Program (apart from Great Britain before July 1, 1997, and apart from the PRC thereafter), with the establishment of a Fulbright Commission or functionally equivalent mechanism.

(4) The United States should actively encourage Hong Kong residents to visit the United States on nonimmigrant visas for such purposes as business, tourism, education, and scientific and academic research, in accordance with applicable United States and Hong Kong laws.

(5) Upon the request of the Legislative Council of Hong Kong, the Librarian of Congress, acting through the Congressional Research Service, should seek to expand educational and informational ties with the Council.

TITLE II—THE STATUS OF HONG KONG IN UNITED STATES LAW

SEC. 201. CONTINUED APPLICATION OF UNITED STATES LAW.

(a) IN GENERAL.—Notwithstanding any change in the exercise of sovereignty over Hong Kong, the laws of the United States shall continue to apply with respect to Hong Kong, on and after July 1, 1997, in the same manner as such laws were applied with respect to Hong Kong before such date unless otherwise expressly provided by law or by Presidential order under section 202.

(b) INTERNATIONAL AGREEMENTS.—For all purposes, including actions in any court in the United States, the Congress approves the continuation in force on and after July 1, 1997, of all treaties and other international agreements, including multilateral conventions, entered into before such date between the United States and Hong Kong, or entered into before such date, between the United States and the United Kingdom and applied to Hong Kong, unless or until terminated in accordance with law.

SEC. 202. PRESIDENTIAL ORDER.

(a) Presidential Determination.—On or after July 1, 1997, whenever the President determines that Hong Kong is not sufficiently autonomous to justify treatment under a particular law of the United States, or any provision thereof, different from that accorded the state exercising sovereignty over Hong Kong, the President may issue an order suspending the application of section 201 to such law or provision of law.

(b) Factor For Consideration.—In making a determination under subsection (a) with respect to the application of a law of the United States, or any provision thereof, to Hong Kong, the President should consider the terms, obligations, and expectations expressed in the Joint Declaration with respect to Hong Kong.

(c) Effective Date.—Such Presidential order shall take effect upon publication in the Federal Register and shall specify the law or provision of law affected by the order.

SEC. 203. PROPERTY RIGHTS NOT AFFECTED.

The change in sovereignty over Hong Kong shall not affect ownership in any property, tangible or intangible, held in the United States by any Hong Kong person.

SEC. 204. RULES AND REGULATIONS.

The President is authorized to prescribe such rules and regulations as he may deem appropriate to carry out the purposes of this Act.

TITLE III—REPORTING PROVISIONS

SEC. 301. REPORTING REQUIREMENT.

Not later than 6 months after the date of enactment of this Act, and every 18 months thereafter, the Secretary of State shall transmit to the Speaker of the House of Representatives and the chairman of the Committee on Foreign Relations of the Senate a report on conditions in Hong Kong of interest to the United States. This report shall describe—

(1) significant developments in United States relations with Hong Kong, including a description of agreements that have entered into force between the United States and Hong Kong during the preceding 18-month period or, in the case of the initial report, during the period since the date of enactment of this Act;

(2) other matters, including developments related to the change in the exercise of sovereignty over Hong Kong, affecting United States interests in Hong Kong or United States relations with Hong Kong;

(3) the nature and extent of United States-Hong Kong cultural, education, scientific and academic exchanges, both official and unofficial;

(4) the development of democratic institutions in Hong Kong; and

(5) the nature and extent of Hong Kong's participation in multilateral forums.

SEC. 302. REPORT ON UNITED STATES-HONG KONG INTERNATIONAL AGREEMENTS.

(a) In General.—Whenever the President determines—

(1) that Hong Kong is not legally competent to carry out its obligations under a treaty or other international agreement described in subsection (b) or to benefit from the rights specified in such treaty or agreement, or

(2) that the continuation of such obligations or rights is not appropriate under the circumstances,

then the President shall so report to the Speaker of the House of Representatives and the chairman and ranking minority member of the Committee on Foreign Relations of the Senate.

(b) International Agreements Covered.—Subsection (a) applies to any treaty or other international agreement, including any multilateral convention, entered into between the United States and Hong Kong before June 30, 1997, or entered into between the United States and the United Kingdom and applied to Hong Kong before such date.

(c) Contents of Report.—Any report submitted under subsection (a) shall include a statement of the reasons for the President's determination under that subsection.

SEC. 303. SEPARATE PART OF COUNTRY REPORTS.

Whenever a report is transmitted to the Congress on a country-by-country basis there shall be incuded in such report, where applicable, a separate subreport on Hong Kong under the heading of the state that exercises sovereignty over Hong Kong. Such reports include, but are not limited to, reports transmitted under—

(1) sections 116(d) and 502B(b) of the Foreign Assistance Act of 1961 (relating to human rights); and

(2) section 181 of the Trade Act of 1974 (relating to trade barriers).

The title was amended so as to read "A bill to establish the policy of the United States with respect to Hong Kong, and for other purposes.".

Mr. McCONNELL. Mr. President, this legislation is extremely important to the future of Hong Kong and to United States political and economic interests in that region. Therefore, I want to take just a moment to explain how the United States-Hong Kong Policy Act of 1992 was developed and why I believe it should become law.

The United States-Hong Kong Policy Act establishes for the first time a comprehensive, coherent approach to formalizing our bilateral relationship with Hong Kong. The bill affirms that the United States will respect the autonomy promised to Hong Kong under the 1984 Sino-British Joint Declaration, and enables the United States to develop its bilateral relationship with Hong Kong to the fullest extent possible.

The United States-Hong Kong Policy Act is the result of two trips I've made to Hong Kong in the last 10 months. On those visits, I met with government officials, politicians, American and Hong Kong business people, and citizens of the territory. I came away from those meetings struck by the huge and growing American presence in Hong Kong, and by the stake we have in the future of the territory. I was also struck, however, with the complete lack of any policy in this country for dealing with the fact that in 1997, Hong Kong, the world's most pure example of free market capitalism, will be turned over to China, the world's largest communist regime.

Historically, the United States has been reluctant to involve itself in Hong Kong affairs because the territory was a dependent of the United Kingdom and because United States economic interests there were less compelling. There may have been a time when that policy was correct.

But times have changed. London is steadily disengaging from Hong Kong in anticipation of the colony's 1997 reversion to Chinese sovereignty. America's interests in Hong Kong have grown remarkably, both in terms of the global economy and emerging democratic institutions in Hong Kong. Our policy, Mr. President, must change to reflect these developments.

Over the past 10 years, our trading relationship with Hong Kong has grown tremendously. Since 1986, United States exports to Hong Kong have nearly doubled and last year, the territory purchased some 7 billion dollars' worth of American-made products. On a per capita basis, that is three times more than Japan bought from us in the same period. Hong Kong is the principal financial capital in Southeast Asia, and America's business presence in the territory has multiplied dramatically. Over 900 United States firms now maintain representative offices in Hong Kong and our banks have $99 billion in deposits there. Thirty-five thousand workers are employed by 158 United States-controlled factories in Hong Kong. Overall, the United States now has about $7 billion invested in Hong Kong. The number of Americans that call Hong Kong home has grown to 22,000, and over 600,000 Americans visit the territory annually.

The United States-Hong Kong Policy Act ensures that United States-Hong Kong economic relations will be maintained after 1997.

GROWTH OF DEMOCRACY

Indeed, America's economic interests in Hong Kong alone are reason enough for us to begin deepening and broadening our relationship in anticipation of 1997. However, the arguments for doing so go well beyond pure economics.

True democracy is finally gaining a tenuous foothold in Hong Kong. Last September, Hong Kong held the first-ever direct elections to the legislative council. Although a small step toward full democracy—and personally I would like to see more directly elected Legco members in the future—it is nonetheless a move in the right direction. After 1997, Hong Kong will likely be the only place in China with any democratic freedoms.

The United States-Hong Kong Policy Act puts Congress on record as supporting the continued development of democratic institutions in Hong Kong.

HONG KONG WILL BENEFIT FROM THIS BILL

In addition to protecting U.S. interests in Hong Kong, this bill will also help alleviate the considerable lack of confidence among residents of the territory.

Despite a sustained economic boom and emergence of democratic institutions, concern about post-1997 Chinese compliance with the joint declaration and the basic law, under which Hong Kong was promised a "high degree of autonomy" based on the principle of "one country, two systems," has caused confidence in the colony to ebb and flow. This pattern of uncertainty ill-serves the interests of China, Hong Kong, and the United States.

Clearly, the people of Hong Kong need reassurance that the United States and other nations are neither indifferent toward nor uninterested in their future after 1997. The United States-Hong Kong Policy Act provides that reassurance.

U.S. POLICY IS CURRENTLY UNCLEAR

United States policy for dealing with Hong Kong after 1997 is unclear. For example, how will exports of sensitive technology to Hong Kong, now governed by the Coordinating Committee on Export Controls, be treated after 1997? Access to such technologies is critical if Hong Kong is to maintain its economic viability, but the United States must also assure that such items do not wind up in the wrong hands. Also, Hong Kong now enjoys certain bilateral relations with the United States independent of China, such as MFN trade status. After 1997, will those relations be subject to the behavior of hardliners in Beijing?

We owe it to the people of Hong Kong to resolve questions like these before 1997. The United States-Hong Kong Policy Act begins the process of providing answers.

THE BILL

The bill is based on the 1984 Sino-British Joint Declaration, under which Britain agreed to transfer sovereignty over Hong Kong to China in 1997. Comprising eight articles and three lengthy annexes, the joint declaration very carefully details the political, economic and legal systems that Hong Kong is to have after 1997, and it spells out clearly the extent to the autonomy that the territory will enjoy.

The treaty makes clear that while China, as the sovereign state, will exercise responsibility for all defense and foreign affairs issues, Hong Kong will be responsible for its own internal affairs under the principle of "one country, two systems." Since Hong Kong's capitalist economy will remain separate from the mainland's Communist economy, the joint declaration allows Hong Kong to exercise substantial autonomy over economic and trade relations with foreign states.

Basically, the joint declaration authorizes Hong Kong to pursue independent bilateral relations in nine fields: economic, trade, financial, monetary, shipping, communications, tourism, culture and sport. Hong Kong will also retain more limited powers in aviation and education.

The United States-Hong Kong Policy Act follows the wording of the joint declaration and lays out policy guidelines in these fields. The bill is divided into five categories of relations: bilateral ties, participation by Hong Kong in multilateral organizations, commerce, transportation and cultural/educational exchanges. The bill includes a title which establishes the legal status of Hong Kong in United States law, ensuring that Hong Kong's status will not be affected by its transition to Chinese sovereignty. The bill also requires the Secretary of State to report to Congress on developments affecting United States interests in Hong Kong.

Let me make clear that this bill does not seek to rescue Hong Kong from China. Rather, it urges the United States to work with Hong Kong to the mutual benefit of Hong Kong, China, and the United States and to enable Hong Kong to exercise the full extent of permitted autonomy, in furtherance of China's own stated policies.

WHY THIS ACT IS NECESSARY

Hong Kong will be able to exercise the full extent of autonomy promised it under the joint declaration only with the cooperation of the international community. For example, the rights granted to Hong Kong under the joint declaration to negotiate commercial treaties or to participate in multilateral organizations are meaningless without the willing participation of countries such as the United States. On a more fundamental level, the more that the international community respects the autonomy of Hong Kong and the more weight it attaches to the joint declaration both before and after 1997, the more incentive there is for the PRC to pay similar respect and attention to the treaty's promises.

LEGISLATIVE HISTORY

I introduced the United States-Hong Kong Policy Act on September 20 of last year. Senators MURKOWSKI and SIMON were original cosponsors. Since then, 28 Senators, including the chairman and ranking Republican of the Foreign Relations Committee, have cosponsored the bill.

Last month, on April 2, the Subcommittee on East Asian and Pacific Affairs held hearings on the bill. On May 7, the Foreign Relations Committee, by unanimous vote, reported the bill out of committee.

REACTION TO THE UNITED STATES-HONG KONG POLICY ACT

The United States-Hong Kong Policy Act has received broad support from a diverse group of interested parties.

United States and Hong Kong business groups support it. Legislative council members in Hong Kong, from both ends of the political spectrum, support it. Human rights organizations, cultural exchange groups, and virtually every Hong Kong Chinese group in the United States have endorsed the bill. Several major newspapers, including the New York Times have commented favorably on the bill.

At last month's hearings, Assistant Secretary of State Richard Solomon testified, as did the American Chamber of Commerce in Hong Kong and three China scholars. All five witnesses expressed support for the bill. All five also expressed some concern with the reporting requirements in the bill. The administration also requested some technical modifications to the bill.

Since those hearings, we have held extensive discussions with the administration on the bill. The measure before us today represents the results of these talks, and of input I've received from various groups since introducing the bill.

CONCLUSION

Congress will, in all likelihood, soon begin once again to debate the issue of most-favored-nation trade status for the People's Republic of China. That has been, and I'm afraid will continue to be, a bitter, diversive debate. However, regardless of where one stands on United States policy toward China, two points have become apparent in the annual MFN debate: First, interests in Hong Kong have grown significantly; and second, the United States needs a Hong Kong policy that reflects those increased interests.

We are now at a point where we must clearly state our firm support for Hong Kong after the territory reverts to PRC control.

The underlying premise of the United States-Hong Kong Policy Act is that the more extensive and established United States-Hong Kong ties are before 1997, the more likely they will be maintained after 1997. A transparent legal framework will assure both sides that ties will not be affected by the change of sovereignty. And, the more that the United States respects the autonomy of Hong Kong while it remains under British rule, the less China will see such policies as an affront to PRC sovereignty after 1997. Finally, establishment of a clear policy will boost confidence in Hong Kong and stem emigration. It will show that the leader of the international community is willing to support Hong Kong now and after 1997.

Mr. President, I urge my colleagues to support this important piece of legislation.

AUTHORIZATION FOR PRODUCTION OF RECORDS

Mr. FORD. Mr. President, on behalf of Senator MITCHELL and the distinguished Republican leader, Mr. DOLE, I send to the desk a resolution of authorization of the production of the Senate records and ask for its immediate consideration.

The PRESIDING OFFICER. The resolution will be stated by title.

The legislative clerk read as follows:

A resolution (S. Res. 302) to authorize the production of records by the Permanent Subcommittee on Investigations of the Committee on Governmental Affairs.

The PRESIDING OFFICER. Is there objection to the immediate consideration of the resolution?

There being no objection, the Senate proceeded to consider the resolution.

Mr. MITCHELL. Mr. President, the Attorney General has appointed Nicholas J. Bua to be a special counsel to investigate claims made by INSLAW, Inc., against the Department of Justice in connection with the Department's handling of a contract between the Department and INSLAW for the provision of computer software.

In order to assist him in his investigation, Special Counsel Bua has requested that the Permanent Subcommittee on Investigations of the Committee on Governmental Affairs provide him with documents relating to the subcommittee's previous investigation of the same matter. In 1989, the subcommittee published a study by its staff entitled, "Staff Study of Allegations Pertaining to the Department of Justice's Handling of a Contract with INSLAW, Inc." (S. Prt. No. 58, 101st Cong., 1st sess.).

In keeping with the Senate's customary practice with regard to similar requests, this resolution would authorize the chairman and ranking minority member of the subcommittee, acting jointly, to provide to the special counsel records of the subcommittee's investigation into the handling of the computer contract between INSLAW, Inc., and the Department of Justice.

The PRESIDING OFFICER. The question is on agreeing to the resolution.

The resolution (S. Res. 302) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, is as follows:

S. RES. 302

Whereas, the Permanent Subcommittee on Investigations of the Committee on Governmental Affairs has conducted an investigation of allegations concerning the Department of Justice's handling of a contract between the Department and INSLAW, Inc., for computer software;

Whereas, Special Counsel Nicholas J. Bua, appointed by the Attorney General to investigate allegations made by INSLAW, Inc., against the Department of Justice, has requested access to records of the Subcommittee's investigation;

Whereas, by the privileges of the Senate of the Untied States and rule XI of the Standing Rules of the Senate, no evidence under the control or in the possession of the Senate can, by administrative or judicial process, be taken from such control or possession but by permission of the Senate;

Whereas, when it appears that evidence under the control or in the possession of the Senate is needed for the promotion of justice, the Senate will take such action as will promote the ends of justice consistent with the privileges of the Senate: Now, therefore, be it

Resolved, That the chairman and ranking minority member of the Permanent Subcommittee on Investigations of the Committee on Governmental Affairs, acting jointly, are authorized to provide to Special Counsel Nicholas J. Bua records of the subcommittee's investigation of allegations regarding the computer systems contract between the Department of Justice and INSLAW, Inc.

Mr. FORD. Mr. President, I move to reconsider the vote.

Mr. LOTT. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AUTHORIZING USE OF EAST FRONT PARKING LOT OF THE CAPITOL FOR A NASA EXHIBIT

Mr. FORD. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Senate Concurrent Resolution 123, regarding the use of the east front parking lot by NASA for an exhibit, submitted earlier today by Senator HEFLIN; that the concurrent resolution be agreed to, and that the motion to reconsider be laid upon the table, further that any statements appear in the RECORD at the appropriate place.

The PRESIDING OFFICER. Without objection, it is so ordered.

So the concurrent resolution (S. Con. Res. 123) was agreed to, as follows:

S. CON. RES. 123

Resolved by the Senate (the House of Representatives concurring), That the National Aeronautics and Space Administration is authorized to use the East Front parking lot of the Capitol for an exhibit during the period beginning on June 1, 1992 and ending June 5, 1992. The Architect of the Capitol and the Capitol Police Board shall take such action as may be necessary with respect to the physical preparations and security for the exhibit.

GOLDEN GATE NATIONAL RECREATION AREA ADDITION ACT

Mr. FORD. Mr. President, I ask that the Chair lay before the Senate a message from the House of Representatives on S. 870.

The PRESIDING OFFICER laid before the Senate the following message from the House of Representatives:

Resolved, That the bill from the Senate (S. 870) entitled "An Act to authorize inclusion of a tract of land in the Golden Gate National Recreation Area, California", do pass with the following amendment:

Strike out all after the enacting clause and insert:

SECTION 1. SHORT TITLE.

This Act may be cited as the "Golden Gate National Recreation Area Addition Act of 1992".

SEC. 2. ACQUISITION AND ADDITION TO GOLDEN GATE NATIONAL RECREATION AREA.

(a) ACQUISITION.—The Secretary of the Interior is authorized to acquire by donation or purchase with donated or appropriated funds approximately 1,232 acres of land in San Mateo County, California, known generally as the Phleger property, as generally depicted on the map entitled "1991 Addition to Golden Gate National Recreation Area (Phleger Estate)" and numbered GGNRA641/40062. The Federal share of the acquisition of the lands acquired pursuant to this Act may not exceed 50 percent of the purchase price of such lands.

(b) BOUNDARY REVISION.—(1) Section 2(a) of the Act entitled "An Act to establish the Golden Gate National Recreation Area in the State of California, and for other purposes" (16 U.S.C. 460bb-1(a)) is amended by adding at the end the following: "The recreation area shall also include those lands acquired pursuant to the Golden Gate National Recreation Area Addition Act of 1992.".

(2) Upon acquisition of the land under subsection (a) and after publication of notice in the Federal Register, the Secretary shall—

(A) revise the boundary of Golden Gate National Recreation Area to reflect the inclusion of such land; and

(B) prepare and make available a map displaying such boundary revision in accordance with section 2(b) of such Act (16 U.S.C. 460bb-1(b)).

Mr. FORD. Mr. President, I move that the Senate concur in the House amendment to the Senate bill.

The motion was agreed to.

Mr. FORD. Mr. President, I move to reconsider the vote.

Mr. LOTT. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

IMPLEMENTATION OF SETTLEMENT BETWEEN THE PUEBLO DE COCHITI AND THE CORPS OF ENGINEERS

Mr. FORD. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 449, S. 2245, authorizing funds for the implementation of settlement agreements; that the bill be deemed read a third time, passed; that the motion to reconsider be laid upon the table; that any statements on this item appear at the appropriate place in the RECORD.

The PRESIDING OFFICER. Without objection, the requests are granted.

So the bill (S. 2245) was deemed read a third time, and passed, as follows:

S. 2245

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. GENERAL AUTHORIZATION.

The Secretary of the Interior and the Secretary of the Army are authorized and directed to implement the settlement agreement negotiated under the authority of Public Law 100-202 by the Pueblo de Cochiti of New Mexico, a federally recognized Indian Tribe, and the United States Army Corps of Engineers, as set forth in the report of the Corps of Engineers entitled "Report on Investigations, Wet Field Solution", dated July 24, 1990, addressing seepage problems at the Cochiti Dam on tribal lands.

SEC. 2. DUTIES OF THE SECRETARY OF THE INTERIOR.

In accordance with the settlement agreement and pursuant to the trust relationship between the United States Government and the Pueblo de Cochiti of New Mexico, upon completion of construction of the drainage system, the Secretary of the Interior, acting through the Bureau of Indian Affairs, shall be responsible for its maintenance, repair, and replacement, as provided in the settlement agreement.

SEC. 3. DUTIES OF THE SECRETARY OF THE ARMY.

In accordance with the settlement agreement, the Secretary of the Army is authorized and directed to construct the underground drainage system necessary to correct the high ground water problem at the Pueblo de Cochiti and to carry out all other provisions of the settlement agreement, except those specifically assigned to the Secretary of the Interior under the provisions of this Act.

SEC. 4. APPROPRIATIONS AUTHORIZED.

There are authorized to be appropriated such sums as are necessary to carry out the provisions of this Act, and the settlement agreement.

Mr. FORD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. SASSER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. BINGAMAN). Without objection, it is so ordered.

CONCURRENT RESOLUTION ON THE BUDGET, FISCAL YEAR 1992—CONFERENCE REPORT

Mr. SASSER. Mr. President, I submit a report of the committee of conference on House Concurrent Resolution 287 and ask for its immediate consideration.

The PRESIDING OFFICER. The report will be stated.

The legislative clerk read as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the concurrent resolution (H. Con. Res. 287) setting forth the congressional budget for the United States Government for the fiscal years 1993, 1994, 1995, 1996, and 1997 having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses this report, signed by a majority of the conferees.

The PRESIDING OFFICER. Without objection, the Senate will proceed to the consideration of the conference report.

(The conference report is printed in the House proceedings of the RECORD of May 20, 1992.)

The PRESIDING OFFICER. The Senator from Minnesota is recognized.

Mr. WELLSTONE. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is not a sufficient second.

Mr. WELLSTONE. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. SASSER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SASSER. Mr. President, I ask unanimous consent that the staff of the Committee on the Budget and its members be allowed to remain on the floor during Senate consideration of House Concurrent Resolution 287. I send to the desk a list of those staff.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SASSER. Mr. President, I ask unanimous consent that the presence and use of small electronic calculators be permitted on the floor of the Senate during consideration of House Concurrent Resolution 287.

The PRESIDING OFFICER. Without objection, it is so ordered.

The time for debate on this conference report is limited to 10 hours equally divided.

Who yields time?

Mr. SASSER. Mr. President, I yield myself such time as I may consume.

The PRESIDING OFFICER. The Senator may proceed.

Mr. SASSER. I thank the Chair.

Mr. President, the conference report that we bring back to the Senate today is a necessary compromise. It contains all of the deficit reductions that are achievable in this year of recession and what we hope is the aftermath of the recession. It effectively moderates between the House- and Senate-passed budget resolutions and it allows us to proceed with our legislative business under the discipline of the budget points of order.

Senate conferees reported this conference report out with bipartisan support, I am pleased to inform my colleagues; two of the three Republican conferees voted for it, including the distinguished ranking member of the Senate Budget Committee, Senator DOMENICI. All of the Democratic conferees joined with them.

Without belaboring the matter, let me briefly take Senators through the prominent features of the report.

On the subject of deficit reduction, it achieves $14 billion in budget authority savings. It reduces the deficit by nearly $10 billion in outlays for fiscal year 1993. And I do believe, Mr. President, that is about all that the economic system will bear at a time when the economy continues to be very soft and there is not clear and absolutely convincing evidence that the recession is now behind us.

It also, I think, makes an equitable split between the House and Senate cuts in defense. It is my view that the number in defense spending is still too high and in the view of a number of other Senators it is too low.

But what we have done in this particular instance is simply a compromise between the House defense number, which was lower than that of the Senate, and the Senate number.

It achieves $2 billion, this conference report does, in savings on the so-called mandatory or entitlement side. It achieves $200 million in international savings and it recommends efficiencies in general government.

Virtually every area of the budget is constrained and in my view that is the only suitable approach this year.

As all of my colleagues know, our military budget is one of the larger briars along the pathway to this conference report. Many of us would have liked, as I said earlier, more savings from the Pentagon. Some Senators wanted less. But the conference report is, in the final analysis, a compromise. It is a compromise that does begin at least in some small measure to respond to the radical change in the world, to the declining threat to our national security, and to the increased emphasis on our domestic economy. It gives us a reasonable budget authority, a ratio to the outlay figure, and a budget authority cut that prepares the way for the outyears.

Again, I'm not satisfied with it personally. I fought for larger and deeper cuts. But I think the number we have agreed to in conference represents a legitimate mediation between those who want to act quickly and those who would prefer greater caution.

On the other side is the contention over the so-called entitlements. We have not yet confronted the problem of mandatory spending growth. Frankly, we have not yet even begun to confront it. To do that, I think we are going to have to dig deeply into the health care crisis.

Senator DOMENICI I think did us a service by engaging the entitlement debate earlier this year. We had a good debate and in some ways we agree, but in the main we still disagree on some items. I think that sooner or later we all know we have to confront the complex and difficult problem of entitlement growth and underlying that, of course, is the growth of the cost of health care.

There may be Senators who want to vote against this conference report because, to repeat a phrase, it does not do enough. In my view, that approach leads inevitably to frustration and immobility. Recent budget history has proven as much.

But let me say to my colleagues that this budget resolution does not spend a single penny of taxpayers' money. If Senators at the appropriate time want to propose other reductions they can do so when the appropriations bills come through; they can propose reductions at that time. They can propose reductions when the authorization bills come through. And, frankly, I intend to propose some reductions when some of these authorizations and appropriations bills come through here. It is an empty complaint that it does not do enough when there is real deficit reduction to be had.

In the name of not doing anything about the deficit, some would have us end up doing nothing at all and, of course, that makes no sense whatsoever.

Certainly more can be done and more should be done. But we must at least get the savings that are here in front of us today and not let these savings and these cuts elude us.

Finally, we must have budgetary discipline on the floor during consideration of appropriations bills and during consideration of the authorizing legislation that is coming at us this year.

As Senators know, budget points of order are vital to containing spending that is not offset or spending that is not paid for. We have to have points of order to enforce aggregates on the appropriations bills because without those we simply cannot maintain the spending discipline which is so essential.

For that reason I would say to my colleagues if you are interested in controlling spending, you will want to vote for this budget resolution and you will want to have it in place.

In that regard I would like to take just a moment to express my appreciation to the distinguished ranking member of the Budget Committee, Senator DOMENICI, former chairman. It is never easy to put together a budget resolution and I know that my friend from New Mexico is not altogether satisfied with this resolution just like I am not altogether satisfied with it.

It would be easier for him to turn his back on this conference report and just say a pox on it and let others take the responsibility for the legislation here. But my friend has a commitment to budgetary discipline and to the orderly operation of this institution, and for that I think he is to be commended. I appreciate his help on this measure.

Mr. President, Members of this body are well saturated with the budget. They have heard a lot about it. They have heard a lot about the budget process. They have heard more about the budget process than most of them want to hear. So I am not going to keep them here talking about this process or this conference report any longer than is absolutely imposed on us this evening.

The sum of this conference report is that this provides discipline, it cuts spending, and it reduces the deficit. And for those reasons, there is simply, I think, no sound argument for not supporting it. The institution needs it. We have to have it in place to enforce our spending discipline here. And I will urge, at the appropriate time, all of our colleagues to vote for it.

Mr. President, the distinguished ranking member is here. I know that he will have some words to say here this evening, so let me yield now and relinquish the floor to him.

Mr. DOMENICI addressed the Chair.

The PRESIDING OFFICER. The Senator from New Mexico is recognized.

Mr. DOMENICI. Mr. President, I believe we ought to pass this resolution quickly. From looking around and talking to people around the Chamber and in the Halls, Mr. President, the only people that I talked to that want us to stay in long enough, they will not have to go to school tomorrow. They are beautiful young people. As much as I would like to accommodate them, I really hope that they go to school tomorrow.

So I would like to finish. We have had a very hard 3 or 4 days, not only on the floor but in just looking at schedules. Senators have had committee hearings in abundance, and we are getting ready and gearing up for the appropriation process for the year. I think the sooner we give the Congress the blueprint for expenditures in defense and domestic expenditures and international, the better off we will be.

I am not here in an effort to pull the wool over anyone's eyes. It is really devastating to stand before the Senate and say, "Let us vote for a budget resolution because it does better on the deficit than this year." I mean, you have to get better. The deficit was so bad this year that it was almost incredible. It will go down under this resolution, assuming the economy continues to improve, it will go down to $327 billion.

But, Mr. President, there are not very many Senators that really have a different game plan in terms of the deficit. There are some who would like a little less or maybe even a lot less in defense. Maybe some would like somewhat less in international. But for the most part, even those Senators would move that money from defense or international to domestic programs, or some would, looking at this, take some out of international and put it in defense.

Well, none of that would change the deficit. So if the deficit is the concern, I say to all Senators, hopefully, we can dispose of this quickly. I do not really think there ought to be a rollcall vote—and I usually like rollcall votes—because, frankly, I do not think anything has changed essentially in the budget resolution that we passed. So if there are Senators who voted "no" in the rollcall then, clearly they would vote "no" again, and we could record anyone that clearly wants their particular position noted beyond this by even letting their vote be shown as "no" or "yes," if they so desire.

But, frankly, for those on my side of the aisle that supported this budget resolution before, I hope you support it again because, essentially, it is not very different.

First of all, there is a difference in defense spending because the House had less and we had more, and we essentially split the difference. And I can say here, the Secretary of Defense today answered that while they and the administration would have preferred the higher number, they certainly do not urge anyone to vote against this for the agreed-upon compromise number, and they and the Congress will do the best they can with that number.

On the domestic side, frankly, we were slightly lower than the House, and we went up to them, accepting it is clear that there is an excess of budget authority—program authority—in the domestic accounts, we really cannot use it because you have to use it for some program to spend some money.

So what we have done in this resolution, we have put all of the budget authority that the 5-year agreement provided this year for domestic, which is more like the House number. But there is clear language, the appropriators agree, that $1 billion of that budget authority, which is what we tried to hold out, cannot be used for funding programs into the next year by putting that program authority in late in the year and thus using it for programs in the next year. And so, with that, the Senator from New Mexico agreed to compromise and have this resolution before us.

Mr. President, a few words about the reality of fiscal policy in our Nation. This is not real, but it is the best we are going to do this year. It is not real because its deficit is too high, and that is bad enough. But there is no plan to get it down in a manner that is believable by either the American people, American business, or American lending institutions and those who buy and sell negotiable instruments such as bonds, which feed our industry with capital or permit our industry to borrow to grow or buy down our debt and put that debt in the hands of individuals here or overseas. There is no commitment here.

Because, Mr. President, it is patently clear that the only way to get the deficit down is to day that the mandatory expenditures of this Government, exclusive of Social Security because it does pay for itself, have to be brought under control. Or maybe I would say it another way. Health care is in the wind. Everybody is saying let us reform it. Some are saying, let us make sure when we reform it that we cover more people and cover more things, more illnesses.

Well, Mr. President, whichever and how much and to whom we are going to extend this health care of the American health delivery system, the real fact is we cannot afford the system we have. Let me repeat it. We cannot afford the system we have. Anyone that looks at our budgets will conclude that the only way to get the Federal budget under control, or, conversely, the only reason it is now out of control is because health care costs, the major ones that are in our budgets, are out of control. Medicaid, which does not cover even half of the poor in our country, is growing at 30 percent a year. We ought to cover more of the poor. But we cannot cover them with the current system. We have to do something different or the costs will cause this budget to be so far out of control in years to come that, frankly, this $327 billion for next year we would have to borrow from Ronald Reagan's "you ain't seen nothing yet," because some estimates say if you leave these things alone and just let them go, even if you reduce defense dramatically, you will have deficits in the neighborhood of $400 to $600 to even $800 billion in 7 or 8 years.

So, Mr. President, the way to start health care reform is to go out a couple of years in a budget and say, this is how much we have to spend and say to the reformers, change the programs enough, the delivery system enough, even if it is radical so as that we can deliver the health care in a reasonable manner covering things that we as a people think ought to be covered, but do it for a given amount of dollars.

Now, Mr. President, we did try something like that. Senator NUNN, Senator RUDMAN, Senator ROBB joined me and it was kind of short notice to the Senate. In fact, my colleague from New Mexico, the occupant of the Chair, voted with us that day. I am sure he still wants to say he did.

It is a very controversial issue. But we at least laid before the Senate an approach that said 2 years from now let us cap the mandatory expenditures and let us start down a road of getting those to all new people who are entitled to coverage—come in. But in a reasonable amount of time, let us get the program down to only an inflation add-on each year, and we still get the budget under control.

There are all kinds of variations, but you have to look at that amount of money that you must save in those mandatory programs and you either have to do it by savings there, savings elsewhere, or new taxes.

Frankly, that is not in this budget. This essentially is a budget that sets in place the numbers that were agreed upon 2½ years ago by the U.S. Congress as part of the 5-year budget agreement. Senators voted for that then—some did not. But essentially this is carrying that out.

If we need to tonight, and I hope we do not, we have done it in our prepared remarks and we have done it before, we can explain why the deficit is bigger than expected when that agreement was entered into. I can say essentially it is two things: We did not expect this long of a recession and, second, we had to put on budget all of the expenditures for the S&L bailout so the depositors would all get their money. And we get charged for it all, even though in years down the line we will sell the assets and recoup. We have to chart it all to the debit line now.

Mr. President, I congratulate the chairman on bringing this conference report to the Senate.

Budget resolutions are easy to vote against. I understand when this conference agreement was before the other Chamber earlier today no Republican voted in favor.

I can understand that sentiment. Quite frankly, and I know the chairman must agree with me, this budget resolution does not do much to control the Federal deficit.

To reiterate, as the chairman knows all too well, I along with Senators NUNN, ROBB, and RUDMAN attempted to amend this budget resolution when it was last before us by assuming a cap on mandatory spending.

That proposal would have had a significant impact on the Federal deficit. But it failed on a fair vote.

Having failed to cap mandatory spending programs—excluding Social Security, the resolution we passed back on April 10, was essentially the same as this conference agreement before us this evening.

I will, therefore, support the budget conference agreement with some reservations.

This is the first $1.5 trillion spending plan in the country's history. Spending is assumed to increase $45 billion between 1992 and 1993 under the blueprint, while revenues are assumed to increase $86 billion over the same time period.

Therefore, the deficit is assumed to decline under this budget resolution from about $370 billion this year to $327 billion next year.

I sure hope so. But as always, these estimates are based on an economic forecast that assumes the economy will continue to grow 3.6 percent next year.

ESTABLISHES PROCEDURAL DISCIPLINE

On the positive side, adoption of this conference agreement will allow the 1993 appropriation and authorization process to proceed in an orderly manner.

I know some of my colleagues may disagree: But adopting a budget resolution will provide some discipline and order for completing our work this year. This is made even more important this year. This is made even more important in this politically charged confusing election year, with a shortened legislative schedule.

Following the Memorial Day recess, with the adoption of this resolution, the Appropriations Committee can begin allocating the spending assumed therein and begin the orderly process of reporting its 13 regular 1993 appropriation bills.

Further, the Senate Armed Services Committee can begin its difficult task of reporting an authorization bill with the knowledge of the overall defense spending limits assumed in this resolution.

And finally on the positive side, this resolution continues the discipline of the much maligned 1990 budget agreement. The defense, international affairs, and domestic spending limits remain in tack.

But as is so often the case in conferences, the outcome never satisfies all the participants.

This conference agreement is no different.

COMPROMISE ON DEFENSE

Realistically, the only major issue in the conference was the aggregate level of defense spending for the upcoming fiscal year.

The President's request, the Senate and House passed budget resolutions all assumed significant reductions in defense spending.

However, the House would have reduced defense spending below the budget agreement's 1993 cap level by $14 billion—nearly $6 billion more than the President and Senate passed assumptions.

In the spirit of compromise, the conference simply split the difference. And obviously some, such as myself, would have preferred the higher number while others the lower.

But it is an acceptable number and one that I believe the President and the Armed Services Committees will find permits an orderly defense build down without harming our national security and permitting an orderly transition of our military men and women into nonmilitary jobs.

But I must remind the Senate and the White House, that to make the budget resolution's 1993 defense number real and avoid additional problems in the transition, the rescission bill just acted upon that reduces 1992 defense spending $7.2 billion in budget authority and $2.5 billion in outlays must become law.

Without the rescission bill, meeting the budget resolution's 1993 defense number could prove extremely difficult for the defense authorizers and appropriators when they begin their work following the Memorial Day recess.

DOES NOT ALLOW FOR DELAYED OBLIGATIONS

The conference agreement assumes funding for domestic discretionary programs at the 1993 cap level.

Here again a compromise was reached. The Senate-passed budget resolution assumed funding for discretionary spending $3.9 billion below the cap, the House assumed spending at the cap.

I reluctantly agreed to the higher House figure with strong wording in the resolution, that makes it clear that the appropriators will not simply use up their budget authority allocation by delaying obligations.

Last year the appropriations bills included delayed obligations to totaling nearly $4.1 billion.

The distinguished chairman of the Appropriations Committee agrees with me that delayed obligations should not be the order of the day, and that if the committee cannot use the allocated budget authority without relying on delayed obligations, the budget authority assumed in this budget resolution will not be used.

JOB STILL BIG

In closing, let me point out that this budget resolution assumes a defense spending path that is essentially the President's 5-year path.

Further, it assumes that over the next 5 years, the deficit will be reduced $12 billion more than the President's budget submission last January.

But even with these assumptions, the deficit over the next 5 years remains far too high. Even under this resolution the deficit averages well over $200 billion a year.

And there is language in this budget resolution that says the Senate will vote on a balanced-budget amendment on or before July 2.

What an auspicious time to be considering this budget resolution.

Let us not kid anybody. This budget resolution does nothing to seriously meet the goal of a balanced budget.

When we return from this Memorial Day recess we will begin the real fiscal policy debate of the 102d Congress—an amendment to the Constitution to balance the budget.

I want to again thank the chairman for his kind words and congratulate him for bringing a conference report back to the Senate. It is not easy. It is always an ordeal, and when you get one here on a budget it shows some diligent work and I am pleased to be a part of it, helping to get this here so this year we will spend up against this and we will not spend any more. We will not spend any more unless—unless we start deciding we are going to declare emergencies every 3 or 4 months.

Then, of course, if the President agrees, we do not have to pay for those kinds of things. We can add them to this deficit. I hope we do as little of that as possible and I hope, sooner rather than later—sooner rather than later—we will take a real opportunity to set the fiscal policy of the country straight.

I do admit it will take Presidential leadership, and it will take the candidates this year for President, as I see it. They ought to have to decide and tell the American people how they are going to fix this deficit, how they are going to recommend it, how they are going to lead us in an effort to do it.

It will not be done with these funny, fancy words, "waste, fraud, and abuse," $180 billion.

Those of us who work on this know if it was that easy we would have already done those things. That is not easy—one Senator's waste is another man's Tennessee Valley Authority. That is in somebody's list of waste, and so on for many, many things in the Federal budget.

So, Mr. President, with that I am very hopeful we can resolve this issue quickly. I, myself, hope we do not have to have a recorded vote. But if we do, then it seems to me we ought to get on with it as soon as possible.

I yield the floor at this time.

The PRESIDING OFFICER. The Senator from Tennessee is recognized.

CORRECTION TO SENATE COMMITTEE BUDGET AUTHORITY AND OUTLAY ALLOCATIONS

Mr. SASSER. Mr. President, there is an inadvertent error here that needs to be corrected. The allocation of budget authority outlays in the joint statement of managers accompanying the conference report inadvertently allocates funds to the Senate Environment and Public Works Committee that should be allocated to the Senate Commerce, Science, and Transportation Committee.

This error does not affect the totals or functional allocations in the resolution, and I have discussed this matter with the distinguished ranking member of the Budget Committee. In order to correct that error on his and my behalf, I ask unanimous consent that two tables, to correct this error, be printed in the RECORD at this point and that these corrected tables be treated, for all purposes, as if they replaced the corresponding tables that appear in the statement of the managers.

The PRESIDING OFFICER. Without objection, it is so ordered.

The corrected tables follow:

SENATE COMMITTEE BUDGET AUTHORITY AND OUTLAY ALLOCATIONS PURSUANT TO SECTIONS 302 AND 602 OF THE CONGRESSIONAL BUDGET ACT BUDGET YEAR TOTAL: 1993

[In millions of dollars]

Committee	Direct spending jurisdiction		Entitlements funded in annual appropriations	
	Budget authority	Outlays	Budget authority	Outlays
Appropriations	753,429	770,938		
Agriculture, Nutrition, and Forestry	13,063	12,531	15,646	6,502
Armed Services	37,775	37,624		
Banking, Housing, and Urban Affairs	73,772	68,502		
Commerce, Science, and Transportation	2,484	130	512	509
Energy and Natural Resources	1,372	1,326	60	60
Environment and Public Works	23,869	2,076		
Finance	514,516	512,140	121,007	120,730
Foreign Relations	11,441	12,148		
Governmental Affairs	49,804	48,030	250	250
Judiciary	3,165	2,916	170	169
Labor and Human Resources	6,480	6,398	3,856	4,422
Rules and Administration	46	17		
Veterans Affairs	1,589	1,514	18,046	18,012
Select Indian Affairs	500	497		
Small Business	251	−251		
Not allocated to committees	−247,156	−237,936		
Total	1,246,400	1,238,600	159,547	150,654

SENATE COMMITTEE BUDGET AUTHORITY AND OUTLAY ALLOCATIONS PURSUANT TO SECTION 602 OF THE CONGRESSIONAL BUDGET ACT 5 YR TOTAL: 1993–97

[In millions of dollars]

Committee	Direct spending jurisdiction		Entitlements funded in annual appropriations	
	Budget authority	Outlays	Budget authority	Outlays
Agriculture, Nutrition, and Forestry	57,586	45,526	124,769	82,569
Armed Services	205,429	204,803		
Banking, Housing, and Urban Affairs	156,543	9,813		
Commerce, Science, and Transportation	13,087	960	2,921	2,904
Energy and Natural Resources	7,077	6,455	216	216
Environment and Public Works	121,181	9,683		
Finance	3,007,712	2,993,949	740,339	739,303
Foreign Relations	52,637	56,447		
Governmental Affairs	282,199	271,386	250	250
Judiciary	10,475	10,253	942	939
Labor and Human Resources	24,454	19,229	13,696	13,831
Rules and Administration	230	327		
Veterans Affairs	7,637	7,792	95,676	95,465
Select Indian Affairs	2,637	2,578		
Small Business	510	−1,174		

Mr. SASSER. Mr. President, I yield the floor.

The PRESIDING OFFICER. Who yields time?

Mr. SASSER. I yield such time to the Senator from Minnesota as he might consume.

The PRESIDING OFFICER. The Senator from Minnesota is recognized.

Mr. WELLSTONE. Mr. President, I will just take a few moments because I have no desire to delay this process or to keep my colleagues here.

There is much I could say about the budget resolution, the substance of it, and I will not tonight. I think we have debated that. I just want to be clear that there are many people here I deeply respect and enjoy working with. I love my job. I love being here in the Senate. I am not trying to hold up the process. But I do feel very strongly that we should have a record vote.

I think that is what representative democracy is all about. We worked on this budget resolution. It is supposed to be real and important. It is supposed to be the document that lays out the blueprint, our priorities, where we spend our money.

I think each and every Senator ought to be personally accountable for the vote. I do not think it is good for the Senate to voice vote these kinds of questions. I did not think it was good for us to voice vote on a $25 billion infusion of capital on the RTC. And that is the only reason I am calling for a record vote. I just want to make that clear.

Mr. President, I would like to ask for the yeas and nays when I can.

Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is not a sufficient second.

Who yields time?

Mr. MITCHELL. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. MITCHELL. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LAUTENBERG. Mr. President, I rise in strong opposition to the conference report on the budget resolution.

Mr. President, the American people are upset, angry, and frustrated. They fear for their own futures. And they fear for the future of our Nation.

They see unemployment lines stretching for blocks. Cities descending into chaos. Crime on the rise. Our roads and bridges crumbling. And more and more people without a home, living a day to day struggle on the streets.

Mr. President, it is time for a change. It's time for dramatic, fundamental change.

The status quo just will not cut it.

We simply have to shift the priorities of this Nation and attack these domestic problems head on.

Unfortunately, Mr. President, to many Americans, the current political system seems unable to produce the goods.

The American people see our national leadership as stuck in a rut. Unable to accept real change. Unable, for that matter, to act at all.

There are plenty of excuses, Mr. President. And some even have some validity.

Yes, it is tough to solve problems given the budget deficit.

Yes, it is hard to reach agreement when the President and the Congress are controlled by different parties.

Yes, there are still a few hot spots in the world to worry about.

But, Mr. President, the American people do not want to hear excuses. They want to see change, real change. They want us to fundamentally shift priorities and focus on America's needs and America's problems.

The message from the American people is this:

Just do it.

Do not talk about it. Do not hold a press conference about it.

Do not promise to do it.

Just do it. And do it now.

Unfortunately, Mr. President, if anyone needed evidence of the poverty of our national politics, this conference report could be exhibit 1.

This, Mr. President, is a status quo budget. Its priorities are the priorities of the past. Its vision of the future is a vision of yesterday.

In a nutshell, the budget resolution continues enormous Pentagon spending. And yet it turns its back on the needs here at home.

It is the 1980's all over again.

Mr. President, lets get some historical perspective on defense spending. According to the Budget Committee, the average peacetime level of defense spending during the cold war was 236.6 billion in 1993 dollars; $236.6 billion. The budget resolution before us proposes to spend about $290 billion on defense. In other words, we would be spending roughly $50 billion over the cold war levels.

And yet, in case someone forgot to notice, the cold war is over.

Our European allies and Japan are beating our pants off in the marketplace. Meanwhile, we continue to pay for a far reaching defense umbrella they can afford to pay for, and should pay for.

The huge military budgets of recent years are a luxury we cannot afford, Mr. President. Many of our military allies are our economic competitors. Let them pay for their own defense. Our fiscal constraints, and our needs here at home, are too great.

We need to invest more in our physical and human infrastructure. In our roads and bridges. In our cities. And in our children.

In fact, the litany of domestic needs is long. From health care to day care. From housing to environmental protection. From research and development to drug treatment.

Mr. President, we will never meet any of these needs if we continue to spend billions of dollars on outdated weapons systems, and on the security of our economic competitors.

We really do need to shake things up.

And this budget resolution does not do it. At bottom, it is just more of the same: wasteful defense spending and underinvestment in America. It is just unacceptable.

I should make it clear, Mr. President, that my criticism of this budget resolution is not in any way directed at the distinguished chairman of the Budget Committee, or any of the other conferees.

In fact, Senator SASSER has been a real leader in the effort to shift national priorities, and I thank him for that.

Unfortunately, Senator SASSER and the other Members of the Senate who understand the need for change, have been stymied. Stymied by this administration and its allies here in the Congress. The fact is, President Bush remains more committed to defense spending than to any other element of the budget. The Pentagon is his top priority, and the top priority of his colleagues here on the Hill. As long as that is true, the forces for change will continue to be outgunned. And the American people will continue to be the losers.

It is frustrating, Mr. President. It is not right. And it just makes you wonder.

What will it take before we reshape our Nation's priorities?

An even longer recession? A depression? Riots in all our cities?

Maybe so, Mr. President. Or maybe we will be lucky. Maybe all it will take is an election.

In any case, Mr. President, I stand here to say this: we can do better. We must do better. The American people are not going to put up with anything less.

Mr. BRADLEY. Mr. President, I rise in opposition to the Budget Resolution now before us. This budget simply continues the policies adopted in 1990—too much defense spending, no real entitlement reform, no allowances for needed investments in our people and no real long term deficit reduction.

The budget summit agreement of 1990 locked in budget choices for up to 5 years. In October 1990, I said that I did not believe those long-term choices were well thought out. I did not believe they reflected the priorities of American families, and I did not believe they gave sufficient flexibility to respond to crises as they emerge. Mr. President, I still believe this to be the case. This budget does not enable us to pursue our real priorities.

We all know that we need to reorder priorities. But it also seems that no one in this election year wants to make the tough choices that are necessary. If not this year, I hope that we will be in a position to return to fiscal sanity next year.

Mr. SANFORD. Mr. President, we are here today considering a budget resolution that will add $444 billion, nearly one-half trillion dollars, to the Federal debt in fiscal year 1993. The good news in this is that $444 billion is considerably less than what the President's budget proposed to add to the Federal debt. This resolution is $20 billion below the $464 billion the President proposed to add to the debt. This budget resolution more than meets the expectation presented earlier this year by the President, and I want to talk about this expectation factor briefly.

Mr. President, last month I sponsored a program developed by the Committee for a Responsible Federal Budget called an exercise in hard choices. North Carolina participants in this event were presented with a challenge to go beyond the minimum required by the 1990 budget agreement. The challenge was to balance the Federal Budget.

Most of the participants set balancing the Federal Budget as their goal and succeeded. Had they not been offered that goal—been presented with that expectation—they too may have added nearly one-half trillion dollars to the debt in fiscal year 1993.

Nothing at all now prevents the President from proposing a balanced budget—from presenting that goal, that challenge to Congress. If the President indeed presented a balanced budget, or even a realistic path to an honest balanced budget, Congress would follow his lead. History shows that to be the case, and I think this is important.

I want to commend Congress for clearly displaying this budget resolution, the amount that will be added to the Federal debt because of this budget resolution. I wish the President would see the wisdom in providing these numbers in his budget proposals for the press to report and the public to see and understand. Instead the President has played games with deficit numbers that do not come close to reflecting annual increases in debt. I am very pleased that the House and Senate now provide this honest information in congressional budget resolutions and no longer tried to hide it.

Mr. President, I cannot support a budget resolution that is modeled on such a detrimental expectation to add nearly one-half trillion dollars to the debt in 1 year. I cannot support a budget resolution that adds more of the Federal debt in one year than was added during the collective administrations of Truman, Eisenhower, Kennedy, Johnson, and Nixon.

Mr. MITCHELL. Mr. President, I commend the distinguished chairman of the Budget Committee, Senator SASSER, and the ranking member of the Budget Committee, Senator DOMENICI, for their diligent efforts in moving forward in the budget process and for presenting to the Senate for consideration a conference report on the first budget resolution.

I encourage our colleagues to support the resolution. I believe that this is a fair and balanced resolution, one that deserves the support of the Senate. It is not one which I personally would have written in every respect, if I were the sole author.

But I believe that it is imperative that we act. As everyone in the Senate knows, we are not now acting on legislation. The budget resolution is not presented to the President pursuant to the Constitution for signature and enactment into law. It is an internal congressional document which establishes the aggregate levels of expenditure and which is essential to our proceeding to the appropriations process.

Mr. President, I think the most effective argument I can make now is that we want to end this legislative session as early as we can in October, as close to the end of the fiscal year as possible. The trigger which enables us to start the appropriations process is this resolution. If Senators want to be in session in October, want to be in session in November, of course they can retard the commencement of that process which would make it inevitable that we cannot meet our target of action prior to the end of the fiscal year. So we have to adopt a resolution before we go into recess, and I encourage my colleagues to join in supporting this resolution.

Mr. President, I yield to the distinguished Republican leader.

Mr. DOLE. Mr. President, let me underscore what the majority leader said. Budget resolutions are always troublesome, not very popular, and you can find ways to vote for them or against them.

I think the majority leader has indicated this is not legislation but it will start the appropriations process. I think it is time we get on to the appropriations process. I intend to vote for the conference report. I am convinced that my colleague from New Mexico, Senator DOMENICI, and my colleague from Tennessee, Senator SASSER, have done the best job they could in conference. I want to get on with it.

I just ask the majority leader a question. If in fact the budget conference report is defeated, would it be the intention of the majority leader to move to reconsider and have that vote then tomorrow?

Mr. MITCHELL. Mr. President, that is my intention. We must adopt a budget resolution conference report prior to going on recess. So Senators should be aware that if this conference report is defeated, then I will enter a motion to reconsider and it seems to me then the only alternative we will have will be to discontinue Senate action for a period of time, either for the remainder of the evening and then attempt to come back tomorrow to adopt it at that time. We just have to adopt this conference report. If we do not adopt it tonight, we will be in session and voting tomorrow in an effort to adopt it then.

The PRESIDING OFFICER. The Senator from Tennessee is recognized.

Mr. SASSER. Mr. President, if the majority leader will yield for just a minute, I want to commend the majority leader for taking that attitude because it is absolutely critical that this budget conference report be adopted. We are right up against the deadline. If it is not passed then we are in the posture of where we will not be able to move forward in the orderly course of business with the appropriations bills.

So the adoption of this budget conference report is a condition precedent to moving forward later on with the appropriations bill. So I want to commend the majority leader for taking the attitude that we have to adopt this before we leave it simply must be done.

Mr. MITCHELL. Mr. President, let me restate the situation so there can be no misunderstanding. If we adopt this conference report, which I hope we will, there will be no further votes this evening. The Senate will not be in session tomorrow and we will return to session on June 1; that is, we will recess or adjourn for the Memorial Day recess. If we cannot adopt this budget resolution this evening, then we will have to come back tomorrow and vote and try to adopt it at that time. So I hope my colleagues will consider that as they contemplate their votes on this matter.

Does the Senator from Minnesota still require that the yeas and nays be ordered?

Mr. WELLSTONE. Yes, and again I thank the majority leader. I do not wish to inconvenience other Senators. I do feel strongly we should have a recorded vote. I do ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. Do the leaders yield back the remaining time?

Mr. DOMENICI addressed the Chair.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. DOMENICI. Mr. President, when the Senate considered this concurrent resolution last month, the Senator from California [Mr. SEYMOUR] offered an amendment that was adopted to reduce discretionary funding for the legislative branch by 25 percent over the next 2 years.

As I believe the Senator knows, that was an assumption, it was not binding legislation. If the specific assumption were to take form as the Senator desires, that assumption would have to be incorporated into the legislative branch appropriations bill for fiscal year 1993 when it is considered later this year.

While the final conference agreement on the 1993 budget resolution did not specifically assume the Senator's savings in the legislative branch, it did nonetheless, include nearly $3.1 billion in unspecified efficiency and management domestic discretionary savings Government wide. Clearly, one option the Appropriations Committee may consider in meeting that unspecified savings assumptions could be reductions in the legislative branch funding.

I conclude that since the Senator's assumption was about $450 million in 1993 legislative branch savings, and since the budget resolution assumes unspecified savings of nearly $3.1 billion, then clearly the Senator's proposal may actually become necessary.

Mr. SEYMOUR. I appreciate the Senator's statement. This is a complex process. But I think I understand that while my specific amendment was not assumed in the final conference agreement, unspecified savings from Government management and efficiency far exceed what my amendment would have created.

So if the Appropriations Committee does not do something like my amendment in their bills later this year, they will have trouble meeting their targets. I, therefore, place the Appropriations Committee leadership on notice, that I will be happy to help them achieve their savings when the legislative branch appropriations bill is before us later this summer by offering my amendment again.

Mr. DOMENICI. Mr. President, the fiscal year 1993 budget resolution in-

59-059 O—97 Vol. 138 (Pt. 9) 29

cludes an adjustment under the discretionary cap totals to account for estimating differences between OMB and CBO. A similar adjustment was employed in the fiscal year 1992 budget resolution and included in the CBO scoring of fiscal year 1992 appropriations bills.

This adjustment is necessary to provide consistency between OMB and CBO scorings of appropriations bills. The proposed adjustment totals $1.85 billion in outlays—$1.3 billion for defense, $0.25 billion for international, and $0.3 billion for domestic.

Basically, if OMB and CBO were to score the President's request, the CBO scoring would be almost $2 billion higher, due to technical estimating differences for spendout rates and outlays prior.

Because the Budget Enforcement Act discretionary sequester provisions mandate OMB scoring, CBO scoring is essentially irrelevant in determining whether or not a bill breaches the discretionary ceilings.

However, because of the need for timely scorekeeping information for consideration of appropriations bills, we in the Congress cannot always wait for OMB scoring. The proposed adjustment allows the Budget and Appropriations Committees to use CBO scoring as a proxy for OMB.

For example, this adjustment will allow us to fund up to $291 billion in defense discretionary outlays, very close to the $292 billion originally requested by the President.

Once the fiscal year 1993 budget resolution is agreed to, CBO uses the economic and technical assumptions contained therein to set up the scorekeeping base for the fiscal year. The adjustment will be distributed by category among the appropriations subcommittees.

TREATMENT OF MEDICARE HOSPITAL INSURANCE

The conference report on the budget resolution makes no changes in the treatment of Medicare hospital insurance under our budget enforcement rules.

This is consistent with the intent of the 1990 budget agreement and reflects the reality of our fiscal situation. As the majority leader and others have noted, if we are ever to get control of the Federal budget deficit, we must slow the growth of health care costs, including Medicare costs. Medicare is part of our health care cost problems, and it must be part of a comprehensive solution. Attempts to isolate the Medicare Program will only hinder efforts to enact meaningful reforms for health care cost control.

I would note that many on the other side of the aisle advocate single-payer health reform plans which typically proposed subsuming Medicare in a larger national health insurance plan. Breaking Medicare off from other Federal health programs will only make it more difficult to consider such an approach.

MAXIMUM DEFICIT AMOUNT AND AGGREGATES

Section 10 of this conference report on the budget resolution provides that an appropriations bill will not be subject to a section 311 point of order or a section 605 point of order if the Appropriations Committee lives within its allocation. Although I understand the concern that the Appropriations Committee should not be subject to the failure of other committees to achieve savings, I think the Congress should adopt binding levels for revenues, outlays, and deficits without these types of exemptions. While I support this resolution, I find this provision troubling. It should not serve as a model for future budget resolutions.

The Senate-passed budget resolution closed an inadvertent loophole in the maximum deficit amount, which currently allows legislation to exceed the maximum deficit amount with a simple majority waiver. The Senate resolution would have required a 60-vote margin as was intended. It is unfortunate the conferees did not include this provision in the final resolution particularly viewing the concern about deficit spending.

Mr. President, I would like to say for the Members on our side, Senator DOLE indicated on the previous resolution before we went to conference that he supports this. I can report the administration today told us they support the defense numbers. We went between the House and the Senate almost halfway. The numbers are, as Secretary Cheney said, satisfactory. They would prefer others but these are satisfactory. For those who are worried about deficits and deficits have not changed, because when we adjust among the accounts, it is about where it was. I hope my colleagues support the conference report. I yield back my time.

Mr. BYRD. Mr. President, will the Senator yield to me?

Mr. SASSER. I yield the distinguished President pro tempore such time as he may consume.

Mr. BYRD. Mr. President, it is imperative that this conference report be adopted. If it is adopted, the staff of the Appropriations Committee can begin its work during the ensuing week. First, we have to make allocations for the subcommittees. This takes time.

Now if the conference report is not adopted, this means that the Senate cannot proceed with appropriations bill, but that the House in due time can and that when the Senate does bring up appropriations bills, if there has not been a conference report adopted, we can find ourselves subject to 60 vote points of order when we bring up the appropriations bill in certain instances. So I implore my colleagues to vote for the conference report.

Let us get on with our work, the work that has to be done. The American people expect us to do it. The bills that have to pass before we go home are appropriations bills. But this is a major roadblock to the Appropriations Committee if we fail to adopt this conference report.

Mr. President, I yield the floor.

The PRESIDING OFFICER. Is all time yielded back?

Mr. DOLE. I yield back my time.

Mr. SASSER. Mr. President, I yield back all time on behalf of the majority.

The PRESIDING OFFICER. Since all time is yielded back, the question is on agreeing to the conference report to House Concurrent Resolution 287. The yeas and nays have been ordered. The clerk will call the roll.

The legislative clerk called the roll.

Mr. FORD. I announce that the Senator from Texas [Mr. BENTSEN], the Senator from Arizona [Mr. DECONCINI], the Senator from Illinois [Mr. DIXON], the Senator from Hawaii [Mr. INOUYE], and the Senator from Rhode Island [Mr. PELL], are necessarily absent.

I further announce that, if present and voting, the Senator from Rhode Island [Mr. PELL], would vote "aye."

I further announce that, if present and voting, the Senator from Arizona [Mr. DECONCINI], would vote "no."

Mr. SIMPSON. I announce that the Senator from Rhode Island [Mr. CHAFEE] and the Senator from Utah [Mr. JEFFORDS], are necessarily absent.

The PRESIDING OFFICER (Mr. BREAUX). Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 52, nays 41, as follows:

[Rollcall Vote No. 110 Leg.]

YEAS—52

Adams
Akaka
Baucus
Biden
Bond
Boren
Breaux
Bryan
Bumpers
Burdick
Byrd
Cohen
Cranston
D'Amato
Danforth
Daschle
Dodd
Dole
Domenici
Exon
Ford
Fowler
Glenn
Gore
Graham
Grassley
Hatfield
Hollings
Johnston
Kassebaum
Kennedy
Leahy
Levin
Lieberman
Lugar
Mikulski
Mitchell
Moynihan
Packwood
Pryor
Reid
Riegle
Rockefeller
Rudman
Sarbanes
Sasser
Simpson
Specter
Stevens
Thurmond
Wirth
Wofford

NAYS—41

Bingaman
Bradley
Brown
Burns
Coats
Cochran
Conrad
Craig
Durenberger
Garn
Gorton
Gramm
Harkin
Hatch
Heflin
Helms
Kasten
Kerrey
Kerry
Kohl
Lautenberg
Lott
Mack
McCain
McConnell
Metzenbaum
Murkowski
Nickles
Nunn
Pressler
Robb
Roth
Sanford
Seymour
Shelby
Simon
Smith
Symms
Wallop
Warner
Wellstone

NOT VOTING—7

Bentsen
Chafee
DeConcini
Dixon
Inouye
Jeffords
Pell

So the conference report was agreed to.

Mr. MITCHELL. Mr. President, I move to reconsider the vote.

Mr. SASSER. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The majority leader is recognized.

ORDER OF PROCEDURE

Mr. MITCHELL. Mr. President, there will be no further votes this evening. The Senate will not be in session tomorrow, and the Senate will return to session following the Memorial Day recess on Monday, June 1.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. STEVENS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Alaska is recognized.

SENATE FAMILY

Mr. STEVENS. Mr. President, recently almost all Senators and spouses joined together for what I call the Senate family dinner. At that dinner the remarks of the distinguished majority leader, Senator MITCHELL, were such that I think they deserve a wider audience. Mindful of the effect on our families of the comments made about Congress, Senator MITCHELL gave us a historical perspective, which I feel helped ease the concerns of our loved ones and the sadness really that some of them feel about the criticism that is lodged against Congress.

In addition, his words serve to reeducate those who have forgotten and, may I hope, educate those who never knew that the separation of powers and an independent Congress are essential to all of us, to all Americans, to assure the preservation of the freedoms that we all hold so dear.

Mr. President, I think that Senator MITCHELL's statement to the Senate family should be printed in the RECORD at this point. I ask unanimous consent that it be printed in the RECORD.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

STATEMENT OF SENATE MAJORITY LEADER GEORGE J. MITCHELL, SENATE FAMILY DINNER, 1992

Congress has been the focus of intense criticism in recent months.

But that's nothing new. Attacks on Congress have a long history. More than a hundred years ago Mark Twain said that if Congress had been present when God said, "Let there be light," mankind would still be in the dark.

And it must be said, in all candor, that some criticism of Congress has been well-deserved. Like all human institutions, Congress is far from perfect.

From today's turmoil, many Americans look back in history and imagine a time when there were no internal divisions. Most cherish the view that during World War II—a time when the Nation was unified in the fight against fascism—the Nation pulled together, and cheerfully shared sacrifice and hardship.

But history tells us otherwise. In reality, by 1942 and throughout the War, the Congress was under intense attack for the wartime hardships.

The national Jaycees organized a tongue-in-cheek, old-clothing drive for the impoverished Members of Congress, encouraging Americans to send discarded clothes and worn-out shoes to help out the penurious Members of this body. "Bundles for Congress" was the 1940s equivalent of today's radio talk shows.

Members of Congress were touchy and defensive. Speaker Rayburn said he was "damned tired of having Congress made the goat for everything." Senator Walter George said he was tired of "indiscriminate sniping and yowling."

Despite enormous changes in the world, some things haven't changed much. It's still fashionable to criticize Congress. The criticism so resonates with the American people that some members of Congress are themselves among leading voices raised in disparagement of this institution.

But it's important to keep all of this in perspective. There never was a time in American history when the Congress was a revered institution. Americans, members of the first truly egalitarian society, have always been skeptical of those who are set apart, whether by wealth, by election, or for any other reason.

That's a good thing; a healthy thing. It keeps our feet on the ground.

But when skepticism turns to cynicism, as it lately has, we risk undermining democracy.

Every system of government, by definition, has an executive. Throughout most of human history, that's all most governments have had: a dominant executive, usually in the form of an unelected monarch.

Individual freedom, the liberty that we Americans have come to take for granted, largely came about when independent legislatures came into existence.

Across the sweep of human history, the institution most responsible for the preservation of individual liberty has been the independent legislature.

The men who wrote the Constitution had as their central objective the prevention of tyranny in America.

They had lived under a British King. They did not want there ever to be an American King.

They were brilliantly successful. In two centuries, we've had 41 presidents and no kings.

The Founders achieved their goal through the simple device of separating power, dispersing it throughout the system, making it tough to get things done because they wanted to prevent bad things from being done. In the process, of course, they made it tough to get good things done, too. And so the legislature in this, as in other democracies, often looks chaotic, often appears disorganized, often earns the criticism it gets.

But I submit that but for the independence of the British Parliament and the American Congress, human beings in this and other countries would not have the degree of individual liberty they now have.

I'm proud to be a Member of the United States Senate.

It's a great honor, the greatest of my life. And I'm proud to serve with each of you.

I'd like to close with the eloquent words of a great President, Theodore Roosevelt, that I think are relevant today.

He said, "It's not the critic who counts, not the man who points out how the strong man stumbled, or the doer of deeds who could have done them better.

"The credit belongs to the man who is actually in the arena; whose face is marred by the dust and sweat and blood; who strives valiantly; who errs and comes up short again and again . . . who knows the great enthusiasms, the great devotions and spends himself in a worthy cause; who, at the best, knows in the end the triumph of high achievement; and who, at the worst, if he fails, at least fails while daring greatly, so that his place shall never be with those cold and timid souls who know neither victory or defeat."

To you, the men and women in the arena, I say thank you, may God bless each of you and your families.

The PRESIDING OFFICER. The Senator from Mississippi.

WALSH FIASCO DRAGS ON

Mr. COCHRAN. Mr. President, yesterday the Memphis Commercial Appeal printed an editorial on the subject entitled "Walsh Fiasco Drags On." The subject is the Lawrence Walsh investigation of the so-called Iran-Contra affairs. The writer characterized the investigation as replete with politics, intimidation, and unfairness.

I ask unanimous consent that the editorial be printed at this point in the RECORD.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

[From the Memphis Commercial Appeal, May 20, 1992]

WALSH FIASCO DRAGS ON

If special prosecutor Lawrence Walsh's investigation of the Iran-Contra intrigue were a softball game, it would have been called off long ago under the "mercy rule"—the regulation that comes into effect when one side is hopelessly behind.

So far, Walsh's six-year, $30 million probe has put exactly one person behind bars. America can sleep again now that the dreaded Thomas Clines is doing 16 months.

Just when it looked like the Walsh inquiry was over—the federal Iran-Contra grand jury disbanded last week—some hard chargers on Walsh's staff persuaded him to threaten former Defense Secretary Caspar Weinberger with prosecution for allegedly lying to Congress. Walsh reportedly offered Weinberger immunity if he would incriminate his old boss, Ronald Reagan. Weinberger stood pat. So far, no indictment.

The Walsh team's unsavory attempt to "sweat" Weinberger into turning stoolie, as though the former Cabinet secretary were some dry-lipped flunky in a burglary ring, highlights many abuses of the Iran-Contra probe:

Politics. Some might think that supposedly getting the goods on an ex-Defense secretary would be a prosecutorial coup. But a president's head mounted over their fireplace is evidently the grand object of Walsh & Co.

Intimidation. Bottomlessly funded special prosecutors can wage long court battles. Not so their targets. Only national fundraising efforts met the legal expenses of national security officials Oliver North and John Poindexter, both convicted but cleared on appeal. CIA employee Joseph Fernandez ran up $1.8 million in lawyer bills fighting a Walsh indictment that went nowhere. Innocence is no protection against litigious ruin.

Unfairness. Weinberger opposed swapping arms for Iranian-held hostages, but this didn't spare him from Walsh's ultimatum. Some Weinberger letters in the Library of Congress, Walsh staffers allege, appear to contradict his testimony to Congress that he was not party to Iran-Contra machinations. But the staffers had to lobby Walsh to lean on Weinberger, suggesting that these letters are no smoking gun.

The details of Iran-Contra are grist for the historian, not the prosecutor, policeman or jailer. It's time for the Walsh fishing expedition to return to shore.

The PRESIDING OFFICER. The majority leader is recognized.

UNANIMOUS-CONSENT AGREEMENT

Mr. MITCHELL. Mr. President, I ask unanimous consent that when the Senate resumes consideration of Calendar No. 333, S. 1504, a bill to authorize appropriations for public broadcasting, it be considered under the following time limitations:

Two hours on the bill, including the committee substitute amendment; that the following amendments, in addition to the committee-reported substitute, be in order in the first degree under the time limitation indicated and not subject to second-degree amendments; with the only other amendments in order being relevant to the bill or the committee substitute amendment, as amended, or, if in the second degree, relevant to the amendment to which they are offered:

Ten minutes on the managers' substitute amendment that will be offered and agreed to prior to any other amendment, to incorporate certain provisions of the House bill (H.R. 2977); with the provision that following the adoption of this substitute amendment, the reported substitute as thus amended be treated as original text for the purpose of further amendment;

Ten minutes on the managers' amendment on broad terms and accountability;

Ninety minutes on a Helms amendment to freeze or reduce the funding levels of the bill;

One hour on a Dole amendment with respect to funding for the Independent Television Service [ITVS];

Ten minutes on a Byrd amendment on indecency;

Five minutes on a Bingaman amendment on a report on the establishment of a ready-to-learn channel for preschool children;

Five minutes on a Pressler amendment on a report on using public broadcasting satellite for distance learning;

Thirty minutes on a McConnell amendment—requiring that TV programs funded by the CPB, include with the credits the statement that the CPB "is a private nonprofit corporation created by Congress," or similar language;

That all limitations on time for debate be equally divided and controlled in the usual form; that no motions to recommit be in order; and that following third reading of the bill, all of the following occur without any action or debate: the Commerce Committee be discharged from further consideration of H.R. 2977, the House companion bill, and the Senate proceed to its immediate consideration; that all after the enacting clause be stricken and the text of S. 1504, as amended, be inserted in lieu thereof; the bill be read for the third time, and the Senate proceed to vote on passage of H.R. 2977, as amended; and, that upon disposition of H.R. 2977, S. 1504 be returned to the calendar.

The PRESIDING OFFICER. Is there objection to the unanimous-consent request?

Mr. DOLE. No objection.

The PRESIDING OFFICER. Without objection, it is so ordered.

SAFE MEDICAL DEVICES ACT OF 1990

Mr. MITCHELL. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of S. 2783, a bill introduced earlier today by Senators KENNEDY and HATCH regarding the implementation of the Safe Medical Devices Act of 1990.

The PRESIDING OFFICER. The bill will be stated by title.

The assistant legislative clerk read as follows:

A bill (S. 2783) to amend the Federal Food, Drug, and Cosmetic Act with respect to medical devices and for other purposes.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Maine?

There being no objection, the Senate proceeded to consider the bill.

Mr. KENNEDY. Mr. President, the Medical Device Amendments of 1992 represent several modifications that Senator HATCH and I have developed to facilitate better implementation of the Safe Medical Devices Act of 1990. These modifications have been developed in consultation with the administration, the affected industries, and consumer representatives. Senator HATCH and I have agreed to the following statement of explanation as to the legislative intent of the bill:

STATEMENT ON THE MEDICAL DEVICE AMENDMENTS OF 1992

Section 1. Short Title and Reference.

Section 1 states that the short title is the "Medical Device Amendments of 1992."

Section 2. Effective Date and Regulations to Implement Section 519(e).

Section 2 pertains to the timetable for issuing final regulations and the effective date for final regulations for section 519(e) of the Federal Food, Drug and Cosmetic Act ("FFDC Act"). Section 519(e) was added by section 3(b) of the Safe Medical Devices Act of 1990, Pub. L. 101–629 ("SMDA"). The SMDA required the Food and Drug Administration ("FDA") to issue proposed regulations within nine months of the date of enactment (August 28, 1991), and final regulations nine months later (May 28, 1992). It also provides that if the agency misses the deadline for the final regulations, the proposed regulations will go into effect and become the final regulations, with the statute to take effect immediately.

The FDA issued the proposed regulations to implement section 519(e) on March 27, 1992. Even though the deadline for the final regulations is May 28, 1992, the agency provided a 60-day comment period. Thus the comment period will close one day before the final regulations are due to be issued. The agency has informed the Congress that it does not intend to issue the final regulations by the May 28 deadline.

Section 2 would extend the deadline to issue final regulations by 6 months, or until November 28, 1992. The agency has indicated that this extension will allow sufficient time to issue the final regulations. However, if the final regulations are not issued by November 28, 1992, then Section 2 provides that the proposed regulations will become the final regulations on November 29, 1992. The FDA is directed to publish promptly in the Federal Register notice of the new status of the proposed regulations.

Section 2 also provides that the final regulations will go into effect 9 months after they are published or no later than August 29, 1993 (9 months after November 29, 1992). This date may not be extended by the FDA under any circumstances.

In some cases, device manufacturers may need to obtain a section 510(k) clearance or an approval of a supplemental device application prior to initiating tracking of devices. This could occur where an effective tracking system required new packaging (such as single packaging instead of bulk packaging) or an alteration in processing (such as the sterilization of the product). It is expected that the FDA will expedite decisions on such clearance applications so that manufacturers can have tracking systems in place by the effective date of the regulations.

Section 3. Postmarket Surveillance.

Section 3 makes failure to comply with a requirement imposed by section 522 of the FFDC Act (Postmarket Surveillance) a prohibited act subject to criminal and civil penalties. Section 3 also makes any device product misbranded if there was a failure or refusal to comply with a requirement under section 522 with respect to the device.

Section 4. Repair, Replacement, or Refund.

Section 518(b) of the FFDC Act provides the circumstances under which the FDA may order a manufacturer, importer or distributor to repair a device, replace it, or refund the purchase price to the consumer. Under subsection (b)(1)(A)(ii), the Secretary must determine that there are reasonable grounds to believe that the device was not properly designed and manufactured with reference to the state of the art as it existed at the time of its design and manufacture.

There is some concern that this provision could not be applied to a device that was improperly designed (but properly manufactured), or improperly manufactured (but properly designed). Such an interpretation makes no sense, and the amendment would make it clear that clause (ii) may be satisfied by a showing of improper design or manufacturer.

Section 5. Reporting.

Section 5 amends section 519 of the FFDC Act, which requires manufacturers, distributors and certain users of devices to report adverse device experiences to the FDA. The Medical Device Amendments of 1976 added section 519(a) to require manufacturers, importers and distributors to make certain reports to the FDA. In 1984, the agency issued regulations to implement section 519(a) which, among other things, require manufacturers and importers to report information that "reasonably suggests that one of its marketed devices may have caused or contributed to serious injury or death." 21 C.F.R. 803.1(1991). Although the 1984 regulations did not cover distributors, the Safe Medical Devices Act Amendments of 1990 added section 519(a)(6) which directs the FDA to issue regulations that require reporting by distributors.

Section 519(b) covers user reporting and requires devices users (such as hospitals) to report to the FDA or the device manufacturer information that "reasonably suggests that there is a probability that a device has caused or contributed" to a death, serious illness, or serious injury. In proposed regulations that the agency published on November 26, 1991, the agency proposed to use the statutory standard for device users for both users and manufacturers. 56 Fed. Reg. 60024.

Section 5(a) would adopt a single standard that would determine when injuries caused by devices must be reported to FDA. Under Section 5(a), where information "reasonably suggests that a marketed device may have caused or contributed to serious injury or death," the manufacturer, importer or user would be required to report to the FDA.

Section 5(a) also provides a new definition of the types of injuries or illnesses that must be reported. The agency's regulations require reporting of "serious injuries" which are defined to mean injuries that are "life threatening," that could result "in permanent impairment of a body function or permanent damage to a body structure," or that "necessitate medical or surgical intervention" to prevent such impairment or damage. 21 C.F.R. 803.1(h)(1991). Section 519(b)(5)(6) includes a similar definition for the types of injuries that must be reported by medical device users, although it states that the injury must necessitate "immediate" medical or surgical intervention. The regulations applicable to manufacturers and importers (but not the statutory definition applicable to users) go beyond the provisions described above and require the reporting of injuries that necessitate medical or surgical intervention to "relieve unanticipated temporary impairment of a body function or unanticipated temporary damage to a body structure." 21 C.F.R. 803.1(h)(1991). In the proposed revisions to its regulations regarding manufacturer reporting, the FDA has deleted the requirement for reporting of unanticipated temporary impairment or damage. 56 Fed. Reg. 60025, 60033 (November 26, 1991).

Section 5(a) adopts a single definition for "serious injury." This definition applies to device manufacturers, importers, distributors and users. It requires reporting of an injury that is "(A) life threatening, (B) results in permanent impairment of a body function or permanent damage to a body structure, or (C) necessitates medical or surgical intervention to preclude permanent impairment of a body function or permanent damage to a body structure." This definition differs from the current definition of "serious injury" that is applicable to device users since the immediacy requirement in Section 519(b)(5)(B) has been dropped.

In addition, language directing the FDA to require reporting of other significant adverse experiences that it identifies in regulations has been added to both section 519(a) (manufacturer, importer and distributor reporting) and section 519(b) (user reporting).

These amendments are not intended to mandate that the FDA adopt the requirements of its current regulations, 21 C.F.R. 803.1, 803.3(h) (1991), for manufacturers. However, the amendments do give the agency the discretion to identify adverse device experiences that must be reported. While this language is not limited to injuries, examples of injuries that might not qualify under the definition of "serious injury" but which the agency could require to be reported are: concussions or fractures (which could be caused by a defect in a stretcher, hospital bed or platform for a MRI system), burns, temporary paralysis, temporary loss of sight, temporary loss of hearing, or temporary loss of smell.

Section 519(b), which is applicable to user reporting uses the term "serious illness" in addition to serious injury to describe the events that must be reported. Although the term "serious illness" is not used in section 519(a), the agency's proposed regulations issued on November 26, 1991, would require manufacturers to report serious illnesses in addition to serious injuries. While the term "injury" probably covers any illness that could be caused by a device, the bill is not in any way intended to limit the agency's authority to require reporting of serious illnesses by manufacturers of devices.

Section 6. Technicals.

Section 6 makes a number of changes to correct a number of technical errors in current law. The changes are as follows.

(a) In the definition of device in section 201, "any of its principal" is stricken and "its primary" is substituted to make the section read consistently. No substantive change is intended.

(b) References throughout the FFDC Act to Department of Health, Education and Welfare are changed to Department of Health and Human Services, and the term "Commissioner" is defined as the "Commissioner of Food and Drugs."

(c) Certain incorrect references in section 304(d)(1) are corrected.

(d) In section 503(g)(3) the word "clearance" is substituted for "approval" so that the definition of "market clearance" in section 503(g)(4)(B) applies.

(e) In section 513(f)(3), incorrect designations of three subparagraphs are corrected and the word "section" is added before "510(k)."

(f) An incorrect citation in section 517(a)(10) is corrected.

(g) Several incorrect citations in the Safe Medical Devices Act of 1990 are corrected.

Mr. HATCH. Mr. President, I rise in support of the Medical Device Amendments of 1992.

I thank the distinguished Senator from Massachusetts for his leadership on these amendments.

First, this bill allow for a more orderly and well-considered rulemaking process for the medical device tracking rules. By enacting a November deadline for assurance of final rules, we will make certain that FDA can consider carefully the comments received about the proposed rule.

Second, this bill makes clear that manufacturers of potentially problem devices must construct a protocol within 30 days of notice from FDA; this will assist in obtaining adequate postmarketing surveillance.

In addition, this bill makes improvements in the threshold level of reportable serious injuries. The new provision of section 5(a) adopts a single standard for medical device reporting and represents an improvement over the current bifurcated system. We can expect that under this new law that only those events of public health significance will be reported.

In summary, I believe that this bill is consistent with the public health and will relieve undue hardship in the current regulatory framework.

Mr. DURENBERGER. Mr. President, I rise today in support of the Medical Device Amendments of 1992. This bill addresses a pressing concern of both device manufacturers and the Food and Drug Administration.

On November 28, 1990, the Safe Medical Devices Act of 1990 was enacted. It amended the Food, Drug and Cosmetic Act to include a provision requiring each device manufacturer to establish a device tracking system for a number of implanted devices and home use medical equipment.

Device tracking can be an important consumer protection tool. A tracking system allows for the collection and maintenance of records regarding the location of distributed devices or if patient notification is necessary. This information can be lifesaving if and when defects or side effects are subsequently uncovered.

The FDA was required to propose regulations to implement the device tracking provisions by August 28, 1991, and to issue final regulations by May 28, 1992. Under the law, if the FDA had not issued final regulations by that date, the proposed regulations would become final.

Mr. President, the FDA did not issue proposed regulations until March 27, 1992, which left only 2 months until the congressionally mandated finalization of the rule would take place.

Mr. President, if is unfortunate that FDA was unable to comply with the clear time frame under the law. However, FDA's failure should not be allowed to penalize the device manufacturers or to produce bad public policy. The industry cannot possibly comply with the regulation in the time permitted. Additionally, the proposed regulation needs significant refinement. Public policy and ultimately public health will be improved through careful attention to the comments from all interested parties.

Mr. President, thanks to the responsiveness of my distinguished colleagues on both sides of the aisle and in both Houses of Congress, we have put together a legislative proposal to address this problem. The bill allows a 6-month extension until the final rule is due, and a 9-month extension to allow time for manufacturers to retool their plants to comply with the law. The FDA and the industry are both confident that this delay will improve public policy without compromising public health. I hope this legislation can be passed by the Senate by unanimous consent.

The PRESIDING OFFICER. If there are no amendments to be proposed, the bill is deemed read the third time and passed.

So, the bill (S. 2783) was deemed read the third time and passed, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE AND REFERENCE.

(a) SHORT TITLE.—This Act may be cited as the "Medical Device Amendments of 1992".

(b) REFERENCE.—Whenever in this Act an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of the Federal Food, Drug, and Cosmetic Act.

SEC. 2. EFFECTIVE DATE AND REGULATIONS TO IMPLEMENT DEVICE TRACKING.

(a) AMENDMENT.—Section 3 of the Safe Medical Devices Act of 1990 (21 U.S.C. 360i note) is amended—

(1) in subsection (b)(3), by striking out "upon the effective date" and inserting in lieu thereof "upon the expiration of 9 months after the issuance";

(2) in subsection (c)(2)—

(A) by striking out "and 519(e)" the first place it occurs; and

(B) by striking out "and 519(e) of such Act are" and inserting in lieu thereof "of such Act is"; and

(3) by adding at the end of subsection (c) the following:

"(3) Not later than November 28, 1992, the Secretary shall issue final regulations to implement section 519(e) of the Federal Food, Drug, and Cosmetic Act. If the Secretary does not promulgate such final regulations by November 28, 1992, the Congress finds that there is good cause for the proposed regulations to be considered as the final regulations without response to comment because the implementation of section 519(e) of such Act is essential to protect the health of patients who use devices. In such event, the proposed regulations issued under paragraph (1) shall become the issued final regulations on November 29, 1992. There shall be promptly published in the Federal Register notice of the new status of the proposed regulations.".

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall take effect as of May 27, 1992 and any rule to implement section 519(e) of the Federal Food, Drug, and Cosmetic Act proposed under section 3(c)(2) of the Safe Medical Devices Act of 1990 shall revert to its proposed status as of such date.

SEC. 3. POSTMARKET SURVEILLANCE.

(a) PROHIBITED ACT.—

(1) IN GENERAL.—Section 301(q)(1) (21 U.S.C. 331(q)(1)) is amended—

(A) by striking out "or (B)" and inserting in lieu thereof "(B)"; and

(B) by inserting before the period a comma and "or (C) comply with a requirement under section 522".

(2) MISBRANDED DEVICES.—Section 502(t) (21 U.S.C. 352(t)) is amended—

(A) by striking out "or (2)" and inserting in lieu thereof "(2)"; and

(B) by inserting before the period a comma and "or (3) to comply with a requirement under section 522".

(b) APPROVAL.—Section 522(b) (21 U.S.C. 360l(b)) is amended—

(1) by striking out "(a)" and inserting in lieu thereof "(a)(1)";

(2) by inserting a comma after "commerce"; and

(3) by adding after the first sentence the following: "Each manufacturer required to conduct a surveillance of a device under subsection (a)(2) shall, within 30 days after receiving notice that the manufacturer is required to conduct such surveillance, submit, for the approval of the Secretary, a protocol for the required surveillance.".

SEC. 4. REPAIR, REPLACEMENT, OR REFUND.

Section 518(b)(1)(A)(ii) (21 U.S.C. 360h(b)(1)(A)(ii)) is amended by striking out "and" each place it occurs and inserting in lieu thereof "or".

SEC. 5. REPORTING.

(a) AMENDMENTS.—Section 519 (21 U.S.C. 360i) is amended—

(1) by redesignating paragraphs (1) through (6) of subsection (a) as paragraphs (4) through (9), respectively, and by inserting before paragraph (4) (as so redesignated) the following:

"(1) shall require a device manufacturer or importer to report to the Secretary whenever the manufacturer or importer receives or otherwise becomes aware of information that reasonably suggests that one of its marketed devices—

"(A) may have caused or contributed to a death or serious injury, or

"(B) has malfunctioned and that such device or a similar device marketed by the manufacturer or importer would be likely to cause or contribute to a death or serious injury if the malfunction were to recur;

"(2) shall define the term 'serious injury' to mean an injury that—

"(A) is life threatening,

"(B) results in permanent impairment of a body function or permanent damage to a body structure, or

"(C) necessitates medical or surgical intervention to preclude permanent impairment of a body function or permanent damage to a body structure;

"(3) shall require reporting of other significant adverse device experiences as determined by the Secretary to be necessary to be reported;"; and

(2) in subsection (b)—

(A) in paragraph (1), by striking out "there is a probability that a device has" each place it occurs and inserting in lieu thereof "a device has or may have";

(B) in paragraph (1)(B)—

(i) by striking out "aware of information" and inserting in lieu thereof "aware of—

"(i) information"; and

(ii) by striking out "facility, the facility" and inserting in lieu thereof: "facility, or

"(ii) other significant adverse device experiences as determined by the Secretary by regulation to be necessary to be reported,

the facility";

and

(C) in paragraph (5)(B)(iii), by striking out "immediate".

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall take effect—

(1) 1 year after the date of the enactment of this Act; or

(2) on the effective date of regulations of the Secretary to implement such amendments,

whichever occurs first.

SEC. 6. TECHNICALS.

(a) SECTION 201.—Section 201 (21 U.S.C. 321) is amended—

(1) in subsection (h), by striking out "any of its principal" and inserting in lieu thereof "its primary"; and

(2) by adding at the end the following:

"(ff) The term 'Commissioner' means the Commissioner of Food and Drugs.".

(b) REFERENCE.—

(1) Subsections (c) and (d) of sections 201, subsections (a), (d), (h), (i), (l), (m), and (o) of section 408, subsections (a) and (b) of 536, section 701(b), and subsections (a) and (b) of section 801 (21 U.S.C. 321 (c) and (d), 346a (a), (d), (h), (i), (l), (m), and (o), 360mm (a) and (b), 371(b), and 381 (a) and (b)) and section 351(c) of the Public Health Service Act (42 U.S.C. 262(c)) are each amended by striking out "Health, Education, and Welfare" each place it appears and inserting in lieu thereof "Health and Human Services".

(2) Section 201(y), section 506(a), section 507(a), section 702(c), section 702A, and section 706(b)(5)(C)(i) (21 U.S.C. 321(y), 356(a), 357(a), 372(c), 372a, and 376(b)(5)(C)(i)) are each amended by striking out "of Health, Education, and Welfare" each place it appears.

(c) SECTION 304.—Section 304(d)(1) (21 U.S.C. 334(d)(1)) is amended—

(1) by striking out "801(d)" each place it occurs and inserting in lieu thereof "801(e)"; and

(2) by striking out "clauses" and inserting in lieu thereof "paragraphs".

(d) SECTION 503.—Section 503(g)(3) (21 U.S.C. 353(g)(3)) is amended by striking out "approval" and inserting in lieu thereof "clearance".

(e) SECTION 513.—Section 513(f)(3) (21 U.S.C. 360c(f)(3)) is amended by redesignating clauses (i), (ii), and (iii) as subparagraphs (A), (B), and (C), respectively, and by striking out "the 510(k)" and inserting in lieu thereof "the section 510(k)".

(f) SECTION 517.—Section 517(a)(10) (21 U.S.C. 360g(a)(10)) is amended by striking out "520(c)(4)(B)" and inserting in lieu thereof "520(h)(4)(B)".

(g) SAFE MEDICAL DEVICES ACT OF 1990.—Section 18(b) of the Safe Medical Devices Act of 1990 is amended—

(1) by striking out "(b)(4)(B)" and inserting in lieu thereof "(b)";

(2) in paragraph (1), by striking out "(3)" and inserting in lieu thereof "(4)"; and

(3) in paragraph (2), by striking out "(4)" and inserting in lieu thereof "(5)".

Mr. MITCHELL. Mr. President, I move to reconsider the vote.

Mr. DOLE. I move to lay the motion on the table.

The motion to lay on the table was agreed to.

Mr. MITCHELL. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. MITCHELL. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. McCathran, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

MESSAGES FROM THE HOUSE

At 12:48 p.m., a message from the House of Representatives, delivered by Mr. Hayes, one of its reading clerks, announced that the House agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 4990) rescinding certain budget authority, and for other purposes.

The message also announced that the House has agreed to the following concurrent resolution, in which it requests the concurrence of the Senate:

H. Con. Res. 320. A concurrent resolution declaring the ratification of the proposed amendment to the Constitution relating to compensation for Representatives and Senators.

At 3:08 p.m., a message from the House of Representatives, delivered by Ms. Goetz, one of its reading clerks, announced that the House has agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the concurrent resolution (H. Con. Res. 287) setting forth the congressional budget for the U.S. Government for the fiscal years 1993, 1994, 1995, 1996, and 1997.

The message also announced that the House has passed the bill (S. 2569) to amend title 10, United States Code, to make the Vice Chairman of the Joint Chiefs of Staff a member of the Joint Chiefs of Staff; to provide joint duty credit for certain service; and to provide for the temporary continuation of the current Deputy National Security Advisor in a flag officer grade in the Navy; with amendments, in which it requests the concurrence of the Senate.

The message further announced that the House has agreed to the following concurrent resolution, in which it requests the concurrence of the Senate:

H. Con. Res. 323. A concurrent resolution providing for an adjournment of the House from Thursday, May 21, 1992 to Tuesday, May 26, 1992 and an adjournment or recess of the Senate from Thursday, May 21, 1992 or Friday, May 22, 1992 until Monday, June 1, 1992.

MEASURES REFERRED

The following concurrent resolution was read, and referred as indicated:

H. Con. Res. 320. A concurrent resolution declaring the ratification of the proposed amendment to the Constitution relating to compensation for Representatives and Senators; to the Committee on the Judiciary.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. JOHNSTON, from the Committee on Energy and Natural Resources, with an amendment:

S. 1439. A bill to authorize and direct the Secretary of Interior to convey certain lands in Livingston Parish, Louisiana (Rept. No. 102–284).

By Mr. JOHNSTON, from the Committee on Energy and Natural Resources, without amendment:

H.R. 1642. A bill to establish in the State of Texas the Palo Alto Battlefield National Historic Site, and for other purposes (Rept. No. 102–285).

By Mr. KENNEDY, from the Committee on Labor and Human Resources, without amendment:

S. 2062. A bill to amend section 1977A of the Revised Statutes to equalize the remedies available to all victims of intentional employment discrimination, and for other purposes (Rept. No. 102–286).

EXECUTIVE REPORTS OF COMMITTEES

The following executive reports of committees were submitted:

By Mr. NUNN, from the Committee on Armed Services:

G. Kim Wincup, to be an Assistant Secretary of the Air Force;

The following-named officer for appointment to the grade of vice admiral while assigned to a position of importance and responsibility under Title 10, United States Code, Section 601:

To be vice admiral

Rear Adm. (lh) John M. McConnell, [redacted] U.S. Navy.

The following-named officer for appointment to the grade of general while assigned to a position of importance and responsibility under title 10, United States Code, section 601:

To be general

Lt. Gen. Charles A. Horner, [redacted] U.S. Air Force.

The following-named officer for reappointment to the grade of general while assigned to a position of importance and responsibility under Title 10, United States Code, Section 601:

To be general

Gen. Hansford T. Johnson, [redacted] U.S. Air Force.

The following-named officer for reappointment to the grade of general while assigned to a position of importance and responsibility under Title 10, United States Code, section 601:

To be general

Gen. George L. Butler, [redacted] U.S. Air Force.

Mr. NUNN. Mr. President, from the Committee on Armed Services, I report favorably the attached listing of nominations.

Those identified with a single asterisk (*) are to be placed on the Executive Calendar. Those identified with a double asterisk (**) are to lie on the Secretary's desk for the information of any Senator since these names have already appeared in the CONGRESSIONAL RECORD and to save the expense of printing again.

The PRESIDING OFFICER. Without objection, it is so ordered.

(The nominations ordered to lie on the Secretary's desk were printed in the RECORD of April 7, April 28, May 6, and May 13, 1992, at the end of the Senate proceedings.)

*Lt. Gen. Robert D. Hammond, USA to be placed on the retired list in the grade of lieutenant general (Reference No. 937)

*In the Army Reserve there are 22 appointments to the grade of major general and below (list begins with William C. Cockerham (Reference No. 952)

*Lt. Gen. William S. Flynn, USA, to be placed on the retired list in the grade of lieutenant general (Reference No. 963)

*Adm. Jerome L. Johnson, USN, to be placed on the retired list in the grade of admiral (Reference No. 995)

*Lt. Gen. Robert D. Beckel, USAF, for appointment to the grade of lieutenant general of the retired list (Reference No. 1018).

*Lt. Gen. Michael F. Spigelmire, USA, to be placed on the retired list in the grade of lieutenant general (Reference No. 1021)

*Lt. Gen. August M. Cianciolo, USA, to be placed on the retired list on the grade of lieutenant general (Reference No. 1034)

**In the Air Force there is one promotion to the grade of lieutenant colonel (William B. Beazley) (Reference No. 1039)

**In the Army Reserve there are 33 promotions to the grade of colonel and below (list begins with Sidney C. Francisco) (Reference No. 1040)

**In the Army Reserve there are 75 promotions to the grade of colonel and below (list begins with Ernest F. Bivona) (Reference No. 1041)

*Lt. Gen. Robert H. Ludwig, USAF, for appointment to the grade of lieutenant general on the retired list (Reference No. 1059)

*Lt. Gen. C. Norman Wood, USAF, for appointment to the grade of lieutenant general on the retired list (Reference No. 1060)

*Lt. Gen. Maj. Gen. John E. Jackson, Jr., USAF, to be lieutenant general (Reference No. 1061)

*Gen. Donald J. Kutyna, USAF, to be placed on the retired list in the grade of general (Reference No. 1083)

*Lt. Gen. Vernon J. Kondra, USAF, to be placed on the retired list in the grade of lieutenant general (Reference No. 1085)

*Lt. Gen. Michael A. Nelson, USAF, for reappointment to the grade of lieutenant general (Reference No. 1087)

*Lt. Gen. Robert L. Rutherford, USAF, for reappointment to the grade of lieutenant general (Reference No. 1088)

*Maj. Gen. Malcolm B. Armstrong, USAF, to be lieutenant general (Reference No. 1089)

*Gen. John R. Galvin, USA, to be placed on the retired list in the grade of general (Reference No. 1094)

**In the Air Force there are 31 appointments to the grade of colonel and below (list begins with Robert T. Kindley) (Reference No. 1104)

**In the Army Reserve there are 7 appointments to the grade of lieutenant colonel (list begins with William F. Davitt, III) (Reference No. 1106)

**In the Navy there are 20 appointments to the grade of lieutenant and below (list begins with William K. Davis) (Reference No. 1107)

**In the Army there are 70 promotions to the grade of major (list begins with Mark S. Ackerman) (Reference No.1108)

*Maj. Gen. Joseph W. Ralston, USAF, to be lieutenant general (Reference No. 1114)

**In the Air Force Reserve there are 28 promotions to the grade of lieutenant colonel (list begins with Daniel W. Beck) (Reference No. 1131)

*Lt. Gen. William G. Pagonis, USA, for reappointment to the grade of lieutenant general (Reference No. 1143)

*Col. James J. Sullivan, USAR, to be brigadier general (Reference No. 1144)

**In the Air Force there are 1,079 appointments to the grade of second lieutenant (list begins with James T. Abernethy, Jr.) (Reference No. 1153)

Total: 1,384.

(The above nominations were reported with the recommendation that they be confirmed, subject to the nominees' commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.)

By Mr. BIDEN, from the Committee on the Judiciary:

Morris S. Arnold, of Arkansas, to be U.S. Circuit Judge for the Eighth Circuit;

Michael Boudin, of Massachusetts, to be U.S. Circuit Judge for the First Circuit;

Jerome B. Simandle, of New Jersey, to be U.S. District Judge for the District of New Jersey; and

Richard G. Kopf, of Nebraska, to be U.S. District Judge for the District of Nebraska.

By Mr. PELL, from the Committee on Foreign Relations:

Treaty Doc. 102–16. Treaty With Jamaica on Mutual Legal Assistance in Criminal Matters (Exec. Rept. No. 102–32);

Treaty Doc. 102–18. Treaty With Argentina on Mutual Legal Assistance in Criminal Matters (Exec. Rept. No. 102–33);

Treaty Doc. 102–19. Treaty With Uruguay on Mutual Legal Assistance in Criminal Matters (Exec. Rept. No. 102–34); and

Treaty Doc. 102–21. Treaty With Spain on Mutual Legal Assistance in Criminal Matters (Exec. Rept. No. 102–35).

TEXTS OF REPORTED RESOLUTIONS OF ADVICE AND CONSENT TO RATIFICATION

Resolved (two-thirds of the Senators present concurring therein), That the Senate advise and consent to the ratification of the Treaty between the Government of the United States of America and the Government of Jamaica on Mutual Legal Assistance in Criminal Matters, signed at Kingston on July 7, 1989. The Senate's advice and consent is subject to the following two provisos, which shall not be included in the instrument of ratification to be signed by the President:

Nothing in this treaty requires or authorizes legislation, or other action, by the United States of America prohibited by the Constitution of the United States as interpreted by the United States.

Pursuant to the rights of the United States under this treaty to deny requests which prejudice its essential public policy or interest, the United States shall deny a request for assistance when the Central Authority, after consultation with all appropriate intelligence, anti-narcotic, and foreign policy agencies, has specific information that a senior government official who will have access to information to be provided under this treaty is engaged in or facilitates the production or distribution of illegal drugs.

Resolved (two-thirds of the Senators present concurring therein), That the Senate advise and consent to the ratification of the Treaty between the Government of the United States of America and the Government of the Republic of Argentina on Mutual Legal Assistance in Criminal Matters, signed at Buenos Aires on December 4, 1990. The Senate's advice and consent is subject to the following two provisos, which shall not be included in the instrument of ratification to be signed by the President:

Nothing in this treaty requires or authorizes legislation, or other action, by the United States of America prohibited by the Constitution of the United States as interpreted by the United States.

Pursuant to the rights of the United States under this treaty to deny requests which prejudice its essential public policy or interest, the United States shall deny a request for assistance when the Central Authority, after consultation with all appropriate intelligence, anti-narcotic, and foreign policy agencies, has specific information that a senior government official who will have access to information to be provided under this treaty is engaged in or facilitates the production or distribution of illegal drugs.

Resolved (two-thirds of the Senators present concurring therein), That the Senate advise and consent to the ratification of the Treaty between the Government of the United States of America and the Government of the Oriental Republic of Uruguay on Mutual Legal Assistance in Criminal Matters, signed at Montevideo on May 6, 1991. The Senate's advice and consent is subject to the following two provisos, which shall not be included in the instrument of ratification to be signed by the President:

Nothing in this treaty requires or authorizes legislation, or other action, by the United States of America prohibited by the Constitution of the United States as interpreted by the United States.

Pursuant to the rights of the United States under this treaty to deny requests which prejudice its essential public policy or interest, the United States shall deny a request for assistance when the Central Authority, after consultation with all appropriate intelligence, anti-narcotic, and foreign policy agencies, has specific information that a senior government official who will have access to information to be provided under this treaty is engaged in or facilitates the production or distribution of illegal drugs.

Resolved (two-thirds of the Senators present concurring therein), That the Senate advise and consent to the ratification of the Treaty on Mutual Legal Assistance in Criminal Matters between the United States of America and the Kingdom of Spain, signed at Washington on November 20, 1990. The Senate's advice and consent is subject to the following two provisos, which shall not be included in the instrument of ratification to be signed by the President:

Nothing in this treaty requires or authorizes legislation, or other action, by the United States of America prohibited by the Constitution of the United States as interpreted by the United States.

Pursuant to the rights of the United States under this treaty to deny requests which prejudice its essential public policy or interest, the United States shall deny a request for assistance when the Central Authority, after consultation with all appropriate intelligence, anti-narcotic, and foreign policy agencies, has specific information that a senior government official who will have access to information to be provided under this treaty is engaged in or facilitates the production or distribution of illegal drugs.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second time by unanimous consent, and referred as indicated:

By Mr. GORTON (for himself, Mr. CRAIG, Mr. STEVENS, Mr. WALLOP, and Mr. SYMMS):

S. 2762. A bill to assure the preservation of the northern spotted owl and the stability of communities dependent on the resources of the public lands in Oregon, Washington, and northern California, and for other purposes; to the Committee on Environment and Public Works.

By Mr. ROTH (for himself and Mr. ROCKEFELLER):

S. 2763. A bill to establish the Mike Mansfield Fellowship Program for intensive training in the Japanese language, government, politics, and economy; to the Committee on Governmental Affairs.

By Mr. DASCHLE (for himself, Mr. LEVIN, and Mr. JOHNSTON):

S. 2764. A bill to revive and strengthen the "Super 301" authority of the United States Trade Representative to eliminate unfair trade barriers, and for other purposes; to the Committee on Finance.

By Mr. GORTON:

S. 2765. A bill to authorize the Secretary of the Interior to exchange certain lands of the Columbia Basin Federal reclamation project, Washington, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. LEVIN (for himself, Mr. COHEN, and Mr. KOHL):

S. 2766. A bill to provide for the disclosure of lobbying activities to influence the Federal Government, and for other purposes; to the Committee on Governmental Affairs.

By Mr. STEVENS:

S. 2767. A bill to authorize a certificate of documentation for the research vessel Brown Bear; to the Committee on Commerce, Science, and Transportation.

S. 2768. A bill to authorize a certificate of documentation for the fish processing vessel Yupik Star; to the Committee on Commerce, Science, and Transportation.

By Mr. D'AMATO (for himself, Mr. MCCAIN, Mr. SMITH, and Mr. STEVENS):

S. 2769. A bill to amend the Internal Revenue Code of 1986 to provide tax incentives for economic growth and affordable housing, and for other purposes; to the Committee on Finance.

By Mr. STEVENS (by request):

S. 2770. A bill to amend title III of the Marine Protection, Research, and Securities Act of 1972, as amended, to authorize appropriations for fiscal years 1993 through 1996, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Mr. WIRTH:

S. 2771. A bill to provide for the transfer of certain public lands located in Clear Creek

County, Colorado, to the United States Forest Service, the State of Colorado, and certain local governments in the State of Colorado, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. MACK:

S. 2772. A bill to treat a protest filed with respect to the liquidation of certain entries as filed within the time required under the Tariff Act of 1930; to the Committee on Finance.

By Mr. DANFORTH (for himself, Mr. BOREN, Mr. BAUCUS, Mr. BREAUX, Mr. CHAFEE, Mr. DASCHLE, Mr. DURENBERGER, Mr. GRASSLEY, Mr. HATCH, Mr. MOYNIHAN, Mr. RIEGLE, and Mr. ROCKEFELLER):

S. 2773. A bill to amend the Internal Revenue Code of 1986 to extend certain expiring tax provisions, and for other purposes; to the Committee on Finance.

By Mr. HOLLINGS (for himself, Mr. ROCKEFELLER, Mr. BURNS, Mr. REID, Mr. DASCHLE, Mr. FORD, Mr. BRYAN, Mr. SHELBY, Mr. DOLE, Mr. EXON, Mr. BAUCUS, Mr. THURMOND, Mr. LOTT, Mr. BREAUX, Mr. KERREY, and Mr. MITCHELL):

S. 2774. A bill to authorize appropriations to the National Aeronautics and Space Administration for an Experimental Program to Stimulate Competitive Research on Space and Aeronautics; to the Committee on Commerce, Science, and Transportation.

By Mr. LUGAR (for himself and Mr. COATS):

S. 2775. A bill to designate the Federal building and United States courthouse located at 204 South Main Street in South Bend, Indiana, as the Robert A. Grant Federal Building and United States Courthouse; to the Committee on Environment and Public Works.

By Mr. BRYAN (for himself and Mr. BOND):

S. 2776. A bill to amend the Fair Credit Reporting Act, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. BRADLEY:

S. 2777. A bill to finance an educational exchange program with the independent states of the former Soviet Union and the Baltic states, to authorize the admission to the United States of certain scientists of the former Soviet Union and Baltic states as employment-based immigrants under the Immigration and Nationality Act, and for other purposes; to the Committee on Foreign Relations.

By Mr. JEFFORDS (for himself, Mr. LEAHY, and Mr. MOYNIHAN):

S. 2778. A bill to require the Secretary of the Interior to conduct a study to assess the suitability and feasibility of establishing a heritage corridor composed of certain sites located in the Upper Hudson River Valley, in the Champlain Valley, and in the area around Lake George, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. THURMOND (for himself, Mr. HOLLINGS, and Mr. MCCAIN):

S. 2779. A bill to amend title 10, United States Code, to provide that enlisted members of the Armed Forces who have completed 18, but less than 20, years of active duty shall be treated in the same manner as officers with respect to retention on active duty until becoming eligible for retired pay; to the Committee on Armed Services.

By Mr. LEAHY:

S. 2780. A bill to amend the Food Security Act of 1985 to remove certain easement requirements under the conservation reserve program, and for other purposes; considered and passed.

By Mr. GLENN:

S. 2781. A bill to amend the Solid Waste Disposal Act to require preparation of rural community impact statement prior to the issuance of a permit for the construction of an off site hazardous waste treatment, storage, or disposal facility in a rural area; to the Committee on Environment and Public Works.

By Mr. EXON:

S. 2782. A bill to amend the Internal Revenue Code of 1986 to repeal the luxury tax on passenger vehicles; to the Committee on Finance.

By Mr. KENNEDY (for himself and Mr. HATCH):

S. 2783. A bill to amend the Federal Food, Drug, and Cosmetic Act with respect to medical devices, and for other purposes; considered and passed.

By Mr. DODD (for himself and Mr. LIEBERMAN):

S. 2784. A bill to amend part A of title IV of the Social Security Act to remove barriers and disincentives in the program of aid to families with dependent children so as to improve educational and business opportunities for recipients; to the Committee on Finance.

By Mr. THURMOND:

S. 2785. A bill to make a technical amendment to the False Claims Act; to the Committee on the Judiciary.

By Mr. INOUYE (for himself and Mr. AKAKA):

S. 2786. A bill to designate a national marine sanctuary in the Hawaiian Islands for the protection of humpback whales and their habitat; to the Committee on Commerce, Science, and Transportation.

By Mr. SANFORD (for himself, Mr. GARN, and Mr. DIXON):

S. 2787. A bill to permit national banks to underwrite municipal revenue bonds; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. KERRY (for himself, Mr. HOLLINGS, and Mr. STEVENS):

S. 2788. A bill to amend title III of the Marine Protection, Research, and Sanctuaries Act of 1972 to authorize appropriations for fiscal years 1993 through 1995, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Mr. GRAHAM (for himself and Mr. MACK):

S. 2789. A bill to encourage the growth and development of commercial space activities in the United States, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Mrs. KASSEBAUM:

S. 2790. A bill to establish a boot camp program for juvenile delinquents, provide grants for State and local law enforcement, and authorize additional appropriations for the Head Start Program; to the Committee on the Judiciary.

By Mr. RIEGLE:

S. 2791. A bill for the relief of Martha Frith; to the Committee on the Judiciary.

By Mr. KOHL:

S. 2792. A bill to amend and authorize appropriations for the continued implementation of the Juvenile Justice amd Delinquency Prevention Act of 1974; to the Committee on the Judiciary.

By Mr. CRANSTON (for himself, Mr. SPECTER, Mr. DECONCINI, Mr. GRAHAM, Mr. AKAKA, Mr. DASCHLE, Mr. SIMPSON, Mr. THURMOND, Mr. MURKOWSKI, Mr. JEFFORDS, Mr. BOREN, Mr. BRYAN, Mr. CONRAD, Mr. DIXON, Mr. GLENN, Mr. HEFLIN, Mr. METZENBAUM, Mr. REID, Mr. SARBANES, Mr. SHELBY, Mr. WELLSTONE, Mr. BURNS, Mr. COHEN, Mr. D'AMATO, Mr. KASTEN, Mr. MACK, and Mr. SEYMOUR):

S.J. Res. 309. A joint resolution designating the week beginning November 8, 1992, as "National Women Veterans Recognition Week"; to the Committee on the Judiciary.

By Mr. DECONCINI (for himself, Mr. GRASSLEY, Mr. ADAMS, Mr. AKAKA, Mr. BIDEN, Mr. BOREN, Mr. BRADLEY, Mr. BROWN, Mr. BRYAN, Mr. BUMPERS, Mr. BURDICK, Mr. BURNS, Mr. CHAFEE, Mr. COATS, Mr. COCHRAN, Mr. COHEN, Mr. CONRAD, Mr. CRANSTON, Mr. D'AMATO, Mr. DIXON, Mr. DODD, Mr. DOLE, Mr. FOWLER, Mr. GLENN, Mr. GORE, Mr. GRAHAM, Mr. HATCH, Mr. HEFLIN, Mr. HOLLINGS, Mr. INOUYE, Mr. JEFFORDS, Mr. JOHNSTON, Mr. KENNEDY, Mr. KERRY, Mr. KOHL, Mr. LAUTENBERG, Mr. LIEBERMAN, Mr. MACK, Mr. METZENBAUM, Ms. MIKULSKI, Mr. MITCHELL, Mr. MOYNIHAN, Mr. MURKOWSKI, Mr. NUNN, Mr. PELL, Mr. PRESSLER, Mr. REID, Mr. ROBB, Mr. ROCKEFELLER, Mr. ROTH, Mr. SARBANES, Mr. SIMON, Mr. SPECTER, Mr. THURMOND, Mr. WARNER, and Mr. WELLSTONE):

S.J. Res. 310. A joint resolution to designate August 1, 1992, as "Helsinki Human Rights Day"; to the Committee on the Judiciary.

By Mr. SEYMOUR (for himself, Mr. SANFORD, Mr. PELL, Mr. BOND, Mr. COCHRAN, Mr. PACKWOOD, Mrs. KASSEBAUM, and Mr. GORTON):

S.J. Res. 311. A joint resolution designating February 21, 1993, through February 27, 1993, as "American Wine Appreciation Week", and for other purposes; to the Committee on the Judiciary.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. FORD (for Mr. MITCHELL (for himself and Mr. DOLE)):

S. Res. 302. A resolution to authorize the production of records by the Permanent Subcommittee on Investigations of the Committee on Governmental Affairs; considered and agreed to.

By Mr. MITCHELL (for himself and Mr. LEAHY):

S. Res. 303. A resolution to express the sense of the Senate that the Secretary of Agriculture should conduct a study of options for implementing universal-type school lunch and breakfast programs; to the Committee on Agriculture, Nutrition, and Forestry.

By Mr. HEFLIN:

S. Con. Res. 123. A concurrent resolution authorizing the use of the East Front parking lot of the Capitol for an exhibit by NASA during the period beginning on June 1, 1992 and ending June 5, 1992; considered and agreed to.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. GORTON (for himself, Mr. CRAIG, Mr. STEVENS, and Mr. WALLOP):

S. 2762. A bill to assure the preservation of the northern spotted owl and the stability of communities dependent on the resources of the public lands in Oregon, Washington, and northern California, and for other purposes; to the Committee on Environment and Public Works.

NORTHERN SPOTTED OWL PRESERVATION AND NORTHWEST ECONOMIC STABILIZATION ACT

Mr. GORTON. Mr. President, the debate over establishing a balance between the northern spotted owl and the economies of the timber communities of the Pacific Northwest have dominated Northwest news since 1989. Finding that balance has proven an elusive goal. Last week Secretary of the Interior, Manuel Lujan, presented us with the opportunity to achieve a sensible balance. Today I introduce legislation that will implement the Secretary's proposal.

The Secretary was required to develop a recovery plan for the northern spotted owl by the strict mandates of the Endangered Species Act, and he has done so. National environmental groups, of course, will challenge even that recovery plan because it does not tie up enough land and deprive timber communities of a sufficient number of thousands of jobs.

Secretary Lujan has chosen also to present an alternative to Congress, the preservation plan for the northern spotted owl. In developing this alternative, it was the Secretary's stated goal to consider economic as well as biological considerations. The Secretary acknowledged that this alternative does not meet the standards of the Endangered Species Act and will, therefore, have to be passed by Congress in order to be implemented. It will not be up to us to make an informed, compassionate decision that will consider the needs of people as well as owls.

Consider first the parameters and consequences of each plan. The recovery plan mandated by the Endangered Species Act is a replica of the Thomas report of 1989, also known as the report of the Interagency Scientific Committee. The Thomas report proposed to lock up more than 8 million acres of prime forest land in the States of California, Oregon, and Washington. The goal of the Thomas report was to increase the number of owl pairs to 1,759 and then stabilize that population. Because the goal of the recovery plan under the Endangered Species Act was also to increase the population of the species and ultimately to delist it, the recovery plan closely followed the recommendations of the Thomas report.

When the Thomas report was released, the Washington State Employment Security Department estimated that it would result in the loss of 18,000 jobs in Washington State. A recent report from Washington State estimates that employment losses will range from 19,700 to 21,900. The Secretary of the Interior estimates that the recovery plan will cost a projected 32,000 timber-related jobs throughout the region. I believe that estimate to be too low.

In any case, the Thomas report calls for the destruction of economic opportunity for thousands of lives and families. When one stops to consider that this destruction of rural communities will be carried out with the modest purpose of increasing the number of northern spotted owls from the current number of 3,500 known owl pairs, the recovery plan loses any connection with rationality. The disastrous effect of the recovery plan on people in timber communities will be incalculable until some has perfected a quantitative measure for grief and despair.

Thankfully, the Secretary has offered an alternative. His preservation plan will save more than half—17,000—of the projected job losses resulting from the recovery plan. The method used in this preservation plan for reducing lost economic impacts is called range contraction.

The preservation plan is predicated on the belief of scientists that the owl's best habitat range follows in large measure the spine of the southern Cascade range which, in Washington State, would be the Gifford Pinchot National Forest. Of the 3,500 known pairs of owls that have been identified, the vast majority can be found there.

The Secretary's preservation plan proposes that we concentrate our efforts there, rather than on the Olympic National Forest, or in the Mount Baker-Snoqualmie National Forest north of Interstate 90 which, between the two, are the home to only approximately 80 owl pairs.

This preservation plan will ensure the owl's survival over the next century, though not an expansion of its numbers. In other words, the owl will not go extinct over the next 100 years. The biologists on the original recovery team were asked to assess the likelihood of extinction under this alternative. They responded.

> The probability that the northern spotted owl would become extinct across the range in 100 years under this alternative is low, meaning that it is highly unlikely that extinction would occur within this period.

The biologists made another statement that I want to address:

> However, there is high likelihood that conditions would have been established within 100 years that would ultimately result in extinction or near-complete extirpation.

The biologists have, unfortunately, mixed apples and oranges. The first sentence deals with the probability of extinction. The biologists say that it is low. The second sentence the subject matter switches to changes in conditions, and biologists tell us that there is a high likelihood that conditions will change so that the owl will ultimately go extinct. Among the conditions the biologists cite as potentially forcing the owl to extinction are volcanic eruptions, wildfires, and competition with other species. These conditions cannot be avoided whether we lock up 2.8 million acres or 50 million acres.

If we follow this absurd standard, the owl will go extinct under any scenario. Nevertheless, the biologists have said emphatically that "it is highly unlikely that extinction would occur within this 100-year period."

All of this tells me that we must manage the resource carefully during these next 100 years. That is why today I introduce the Northern Spotted Owl Preservation and Northwest Economic Stabilization Act of 1992, a proposal that will go three steps beyond the preservation plan. First, I propose that the protections of the Endangered Species Act that prohibit intentional injury to spotted owls apply outside the protected areas along the spine of the Cascades. Without such protection, it could be open season on northern spotted owls.

Second, I propose spotted owl protection zones and State, private, and Federal lands outside the protected areas, not to exceed 100 acres around each spotted owl nest. That will reduce the current size of spotted owl circles from nearly 3,000 acres to not more than 100 acres on those lands, while still protecting spotted owl habitat.

Third, this bill requires the Forest Service to use high quality forestry standards on the Olympic and Mount Baker—Snoqualmie National Forests. High quality forestry avoids large, unsightly clearcuts, allows for continued harvesting of timber through periodic thinning and pruning, and will actually allow foresters to grow spotted owl habitat over the long term.

Mr. President, I take a giant step toward compromise with this legislation. The people of timber towns in the Pacific Northwest do not get all that they want. They will still lose 15,000 valuable jobs. This legislation will end massive, unsightly clearcuts on the Olympic and Mount Baker-Snoqualmie National Forests. I propose that we ratify a preservation plan that locks up 2.8 million acres for a single species, in addition to the millions of acres set aside in national parks and wilderness areas. Is it too much to ask that the other side do the same and come halfway, or is there absolutely no middle ground? Today, I offer the Secretary's preservation plan as a sensible definition of balance and common sense, in order to find a middle ground in this controversy. This plan calls for tremendous sacrifice by the forgotten people of our timber communities. A reasonable resolution will require some reason from the other side.

Today, informed debate on the Secretary's alternative plan has been obscured by several myths about the Pacific Northwest and its abundant supply of renewable timber. These myths have a single objective: Denial. These myths are perpetuated for the single purpose of denying the fact that decisions to set aside millions of acres of prime forest land in the Pacific Northwest, as mandated by a strict adherence to the Endangered Species Act, will cause massive human pain and suffering.

The first myth is that setting aside 8 million acres for spotted owl protection will not cause human suffering since most timber jobs will be lost due to automation anyway.

Wrong.

Prof. Brian Greber, a forest economist at Oregon State University, concludes that mill automation has actually saved jobs in the Pacific Northwest. Technological improvements have made many mills more competitive and, thus, allowed them to survive. According to Professor Greber:

> Many of the large gains in labor productivity related to materials handling and refined labor force management were extracted in the 1980s. In addition, the concentration in more efficient mills already has "shaken-out" many of the inefficient producers. * * * Beyond the 1990's there is little doubt that labor productivity per unit of output from the mills will continue to increase.

The automation of the 1980's was an economic necessity—but, in any case, the process has been completed.

The second myth is that massive spotted owl set-asides are the only means left to save the last stands of old growth forest.

If you will, imagine a football field covered by timber as a representation of the slightly more than 10 million acres of forests—or 1 million acres for every 10 yards on the field—that were owned by the Federal Government in Washington State in 1930. During that decade, nearly 3 million acres—or 30 yards of the field—were permanently set aside for national recreation areas and parks. Four decades later, an additional million acres—or 10 yards of the field—were designated as Federal wilderness areas. Mid-field was crossed in the same decade when 3.1 million acres—or 30 more yards—were set aside by the National Forest Management Act of 1976. Almost another million acres designated for management uses other than timber production took 10 more yards. In four decades, preservationists had excluded almost 80 percent of the field from timber harvest.

Twelve more yards were won by invoking the northern spotted owl. That left approximately 1 million acres of federally managed forests—or 10 yards of the football field—for thousands of timberworkers to sustain their families and communities, while providing high-demand products from a renewable recyclable resource.

With this bill, we ask for 5 or 6 yards back. The history of Federal land management in Oregon and California is similar.

The third myth claims that we are just about to run out of harvestable timber in the Pacific Northwest, thus, all of these people are going to lose their jobs anyway so we might as well stop logging now while we still have some trees left.

Look at the facts and listen to the experts. Forestry professors at the University of Washington estimate that we will have a downturn in timber supply of between only 10 and 15 percent during the next decade. Then, however, our supply of harvestable timber will be greater even than it is today. We in the Northwest are not about to run out of timber, unless we decide to stop harvesting.

The fourth and final myth maintains that, if we stopped exporting private logs, the people who will lose their jobs to owl set-asides will find jobs in the mills.

The facts are that we export almost no public timber from the Pacific Northwest. Specifically, we export no Federal timber at all and no more than 25 percent from State lands in Washington State. Thus, the only issue left is whether the Federal Government should tell private landowners that they cannot sell their logs to the highest bidder. Setting aside the private property rights questions here, the fact is that again a quick look at your map will show why a private log export ban will do little to help the communities that are geographically tied to our Federal forests that face devastation from spotted owl set-asides. Nobody is going to cut a tree from low elevation private land and then truck it up to a mill in an out-of-the-way community next to the Federal forests.

In addition, it is ironic that the same people who claim that we can somehow save job losses by restricting exports are the same people who claim that the loss of these jobs is an inevitable result of automation. How can we possibly save jobs that are going to be inevitably lost elsewhere?

These myths also send another message. They imply that the hard-working people of timber communities do not know what is in their own self-interest. Somehow, the proponents of the Thomas report argue that they are being duped by giant timber companies or they are blind to the trends that must inevitably sweep their livelihoods away. I would hope that we could at least give credit to these hard-working people for knowing what is best for them. These people support the Secretary's plan.

And the labor unions support the Secretary's preservation plan. I do not believe the unions have been duped. Lane Kirkland, president of the AFL-CIO, made a statement, and I ask unanimous consent that it be printed in the RECORD at this point.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

PRESERVATION PLAN IS GOOD FIRST STEP

(Statement by Lane Kirkland, president of the AFL-CIO)

The preservation plan proposed by Secretary of Interior Manuel Lujan is a first step toward a balanced, legislative solution to resolve the issue of how to protect both endangered species and endangered jobs in the Pacific Northwest. His plan provides an initial framework for legislative action.

The fate of families and whole communities now lies with Congress and its ability to speedily pass comprehensive legislation to provide relief to affected workers. We reaffirm the call of our 1991 Convention for legislation that "provides for environmental and wildlife protection while also providing economic fairness and stability for forest industry workers."

Mr. GORTON. I do not believe Lane Kirkland has been duped into believing this is in the best interest of working people in the Pacific Northwest. He knows, and working people know, that this plan is in their best interest.

Last week, when the first outlines of the preservation plan became known, it was characterized as an attempt to let the owl go extinct in certain areas. As to this question, I refer to Webster's New Collegiate Dictionary. There, the word "extinct" is defined as "no longer existing." Now, to be accurate in the sense used by the media, we must count as extinct any single living creature that dies. But such is obviously not the case. The word is commonly used to refer not to individual creatures, but to that creature's population in toto.

This legislation will continue to provide protections for spotted owls in the areas exempted from the recovery plan, which in Washington State include the national forests on the Olympic Peninsula and the North Cascades. I propose for those areas a different level of protection, including circles around each owl nest of between 10 and 100 acres on both Federal and non-Federal lands. I will also retain the take prohibitions in those areas, meaning that no one will be able to kill or injure a spotted owl anywhere. Additionally, if the recovery plan is removed from the two national forests as I propose, the owl still will be protected in giant national parks and wilderness areas in those areas.

For exempting these areas, we can save 17,000 timber jobs. Let us think for a minute what that means.

When we say that the recovery plan will result in a loss of 32,000 jobs, we tend to think of those jobs as employment slots in a factory or punches on a timecard or a financial burden on an employer. But the loss of those 32,000 jobs in timber communities means the destruction of 32,000 families, the loss of economic support for the service-related businesses in those areas and the evaporation of dreams for a college education or a new home for a family or a retirement free from fear of financial despair.

In the early 1970's, the Boeing Co. in Washington State went through the agonizing throes of the airline industry recession. Families were rent asunder, equity in real estate—which represented most peoples' largest asset—plummeted. People were ruined financially, and the resulting human toll was immense.

But Seattle and King County, while dependent on Boeing for a robust economy, did at least have the ability to limp along while community leaders, local and State officials attempted to diversify the economy. Families who remained may have had to travel further for their groceries and dry cleaning, but groceries and dry cleaning were at least available. In our timber communities they will not be. When the timber industry dies in Forks and Sweet Home, Forks and Sweet Home will die with it.

This is not just a parochial issue for the Pacific Northwest. If you think you are immune from the impacts associated with spotted owl set-asides, think again. It has been estimated that the spotted owl restrictions, including existing injunctions, have increased the cost of every new home built in America by an average of $5,000. That extra $5,000 shuts thousands of new home buyers out of the market. We must ask ourselves as a country whether we are willing to spend $5,000 on each new home for the spotted owl. If you had an extra $5,000 to spend on environmental protection, would you spend it all on increasing the range of spotted owls?

It is also a national issue because this is a blueprint for future controversies over threatened and endangered species. If you are a member who feels that you are safe because you have no threatened or endangered species in your State or district, you are probably wrong. Watch carefully what we do on this species. You very easily could be next. What we do or do not do for timber communities in the Pacific Northwest could be used to determine what is done for communities in your State or district.

When we speak of the loss of 32,000 jobs, we must acknowledge that we refer to many times that number of human beings who will suffer as a result.

When we speak of the loss of 32,000 jobs, we must acknowledge that we refer to the deaths of dozens of rural communities.

When we speak of the loss of 32,000 jobs, we must acknowledge that we refer to the irrevocable loss of a uniquely American way of life.

In deciding whether to authorize this human pain, we must be certain of the necessity of including the approximately 80 owl pairs in the Olympic and Mount Baker-Snoqualmie National Forests in the formula that ensures the expansion of the species.

Mr. President, when the Thomas plan was originally drawn up in 1989, it was predicated on the population target of between 1,500 and 1,700 pairs of northern spotted owls. The Audubon Society itself declared in 1986 that—

> The management program for Spotted Owls in Oregon, Washington, northwest California, and the Sierra Nevada should be directed to maintenance of a minimum total of 1,500 pairs of these birds.

Since then, many owls have been identified. The total number of known owl pairs is now at 3,500 and rising. Has the northern spotted owl been removed from the list of threatened species as one might expect? No.

Mr. President, under the preservation plan, the owl is not in danger of becoming extinct. The owl will not recover to its prelisting numbers, but according to the same parameters used to determine the recovery plan, it will not go extinct over the next century.

And what might we accomplish in that next century?

Mr. President, I suggest that the response to that question is at the heart of this long and difficult debate, because it speaks to one's view of the nature of human beings.

If you share the misanthropic view of the nature of humankind espoused so malevolently by some, then the upcoming century certainly must terrify. If all that you can see are the problems left unconquered, and not the progress made, you perhaps agree with Earth First founder David Foreman who said:

> An ice age is coming, and I welcome it as a much needed cleansing. I see no solution to our ruination of Earth except for a drastic reduction of the human population.

Such a philosophy might indeed preclude empathy with the timber families of my home State, might indeed find their plight a necessary first step to a final solution of the human condition.

If, however, you believe in the potential of the human spirit and in humankind's ability and, more importantly, desire to solve our problems—both physical and moral—then you look ahead to the third millennium with eager anticipation. If in the century just passed you see that we have moved from transportation on land by horse to transportation through space by shuttle; if you see that we have conquered most infectious diseases; if you see that we have abolished slavery and accorded the right to vote to all citizens; if you see that we have made our industrial processes cleaner; if, through all the problems that still face us you can see that we have done all these things, that we have progressed because we alone among the animals have the ability to progress, then you also see that achieving balance between humankind and nature is not insurmountable, that the coming century will afford us time and opportunity to solve our environmental dilemmas.

Heroism, Mr. President, has been defined as the ability to look humanity in the face and still smile. I would suggest that it would behoove us all to strive our heroism, to face the worst aspects of nature straight on, and to believe that we can and that we want to live in harmony with all of God's creatures. If we are not there yet, we surely will be.

The choice before us may be simply stated.

The recovery plan mandated by the Endangered Species Act ensures the expansion of spotted owls populations to prelisting numbers at the expense of dozens of timber communities, their tens of thousands of residents, and their uniquely American way of life. All sacrifice is on the part of human beings in those communities, and on Americans who use wood products.

Secretary Lujan's preservation plan that I offer today ensures the survival of the owl and of the timber communities, both at less than their optimum levels, and with both sides getting less than they want. This is known as compromise, and it is ostensibly what we were elected to achieve.

The choice is clear: Either do nothing and allow the Secretary to implement the recovery plan, thereby approving the destruction of more than 30,000 timber families in the Pacific Northwest, or replace the recovery plan with a sensible alternative. The choice will be very simple.

Mr. President, the Lujan preservation plan, which I offer today in ratifying legislation, is a humane and balanced solution to this most complex of issues. I urge my colleagues to let wisdom and compassion guide them as they ponder the fate of their fellow citizens in the timber communities of the Pacific Northwest.

Thank you, Mr. President. I ask unanimous consent that the entire text of this legislation be printed in the RECORD following my remarks. I also ask unanimous consent that an editorial that appeared in the Statesboro, GA, Herald on May 17, 1992, entitled "It Isn't About the Owl Anymore," be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 2762

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Northern Spotted Owl Preservation and Northwest Economic Stabilization Act of 1992."

SEC. 2. FINDINGS.

The Congress finds that—

(1) the Pacific Northwest has been a longstanding supplier of timber and wood products which has provided an inexpensive, renewable source of building materials in the United States;

(2) the northern spotted owl, with habitat in the States of Oregon, Washington, and northern California, has been listed as a threatened species under the Endangered Species Act;

(3) while the Endangered Species Act is generally the most appropriate mechanism for protecting threatened and endangered species, enforcement of the Act as it relates to the northern spotted owl has had a severe economic and social impact on the people and communities of large portions of Oregon, Washington, and northern California;

(4) these impacts have included loss of jobs, loss of vital revenues to counties, stress on families and conflicts between varying interests in the region;

(5) without timely and responsive action by the Congress and the Executive Branch, these impacts will become increasingly severe; and

(6) prompt resolution of this crisis will provide for a stable and secure economy for, and vital and viable communities in, the region.

SEC. 3. PURPOSE.

It is the purpose of this Act to—

(1) set forth a plan for the preservation of the northern spotted owl;

(2) minimize, to the greatest extent possible, the loss of jobs, loss of revenues to counties, and future litigation related to the listing of the northern spotted owl as threatened;

(3) encourage the development and use of high quality forestry techniques on certain Federal lands;

(4) provide for long-term survival of the northern spotted owl at lower economic and social cost than full implementation of the Endangered Species Act.

SEC. 4. NORTHERN SPOTTED OWL PRESERVATION.

(a) The Secretary of the Interior is authorized and directed to implement the draft plan entitled "Northern Spotted Owl Preservation Plan-Draft", dated May 1992, hereinafter referred to as the "Plan", and on file in the Office of the Director, United States Fish and Wildlife Service, notwithstanding any other provision of law.

(b) Upon enactment of this Act—

(1) the Secretary of Agriculture, acting through the United States Forest Service, shall manage the lands in the Klamath, Shasta-Trinity, Mendocino, and Six Rivers National Forests in the State of California, the Mount Hood, Rogue River, Siskiyou, Siuslaw, Umpqua, Willamette, Winema, and the Deschutes National Forests in the State of Oregon, the Gifford Pinchot, Mount Baker-Snoqualmie, Olympic, and Wenatchee National Forests, as well as that part of the Okanogan National Forest west of the Chewaukum River, in the State of Washington, in a manner consistent with the Plan, notwithstanding any other provision of law;

(2) the Secretary of the Interior, acting through the Bureau of Land Management, shall manage the lands in the Coos Bay, Eugene, Medford, Roseburg, Salem, and Lakeview Bureau of Land Management Administrative District in the State of Oregon, and the Ukiah Administrative District in California in a manner consistent with the Plan, notwithstanding any other provision of law.

(c)(1) As soon as practicable after enactment of this Act, each Secretary shall adopt amendments to land and resource management plans applicable to such lands necessary to comport with this section and promulgate any regulations necessary to implement this section. Prior to the completion of the amendments, the Secretaries are authorized and directed to conduct timber sales and authorize timber harvesting and other timber-related activities in accordance with the Plan.

(2) In the course of these amendments, the Secretaries shall amend such plans to require that lands identified as suitable and tentatively suitable in the Olympic National Forest and in the Mt. Baker-Snoqualmie National Forest north of Interstate Highway 90 are managed pursuant to a management strategy that—

(A) establishes timber harvest rotations of between one hundred fifty and two hundred years;

(B) requires the use of shelterwood and seed tree regeneration cut systems unless other silviculture systems are found optimal;

(C) adjusts crown closure through establishment of periodic thinning and intermediate harvest to enhance habitats for species dependent on old growth forests while maintaining a high level of timber production; and

(D) provides that no lands shall be withdrawn from the land base for at least twenty years to allow sufficient time to start this innovative management strategy.

(d)(1) With respect to the Federal lands described under the heading "4. Management Guidelines for Federal Lands in Other Provinces" on page 27 of the Plan, the Secretary of the Interior shall establish an owl protection zone centered around each tree in which a northern spotted owl nest is known or discovered. The size of the zone shall be determined by the Secretary, in his discretion, but in no event shall an owl protection zone be less than 10 acres and not more than 100 acres.

(2) On non-Federal lands with respect to the northern spotted owl, the application of sections 9, 7(a), 4(b) and 4(d) of the Endangered Species Act (16 U.S.C. §§1538, 1536(a), 1533(b), 1533(d)) to silvicultural activities, including timber sales, timber harvesting in accordance with standard forest practices, or timber-related activities, shall be limited to such activities within an owl protection zone of not less than 10 acres and not greater than 100 acres as determined by the Secretary of the Interior, in his discretion, centered on an identified tree in which a northern spotted owl nest is known or discovered.

(3) The Secretary of the Interior shall promulgate regulations for the protection of the northern spotted owl within any owl protection zone designated pursuant to this subsection. These regulations, and any compliance therewith, shall be deemed to satisfy the requirements of sections 9, 7(a), 4(b), and 4(d) of the Endangered Species Act (16 U.S.C. §§1538, 1536(a), 1533(b), 1533(d)).

(e) With respect to the lands described in subsection (d) of this section, any person who intentionally takes a northern spotted owl shall be subject to the civil and criminal penalties of section 11 of the Endangered Species Act (16 U.S.C. §1540) and section 6 of the Migratory Bird Treaty Act (16 U.S.C. §707). For purposes of this subsection the term "takes" means to hunt, shoot, wound, kill, trap, capture, or collect, or to attempt to engage in any such activity.

SEC. 5. EFFECT OF OTHER LAWS.

(a) Management in accordance with the Plan and with sections 4 (d) and (c) of this Act, amendments to land management plans pursuant to section 4(c) of this Act, regulations promulgated pursuant to sections 4(c) and 4(d)(3) of this Act, and the adoption of such amendments and regulations all shall be deemed sufficient to meet any requirements of the Endangered Species Act of 1973 (16 U.S.C. §1531 et seq.), the National Environmental Policy Act (42 U.S.C. §4321 et seq.), the Federal Land Policy and Management Act of 1976 (42 U.S.C. §1701 et seq.), the Act of August 28, 1937 (commonly known as the Oregon and California Lands Act) (43 U.S.C. §1181a et seq.), the Forest and Rangeland Renewable Resources Planning Act of 1974 (16 U.S.C. §1600 et seq.), and the Migratory Bird Treaty Act (16 U.S.C. §703 et seq.), or any other Federal law related to the northern spotted owl that would otherwise apply to such management, plan amendments, or regulations or to any timber sale, timber harvest, or timber-related activity on the Federal lands specified in sections 4(b) and 4(c).

(b) Implementation of the Plan by the Secretary of the Interior, with respect to the northern spotted owl, shall be deemed to satisfy the requirements of section 4(f) of the Endangered Species Act (16 U.S.C. 1533(f)) relating to the developing of a recovery plan, and of section 4(b)(2) of that Act (16 U.S.C. 1533(b)(27)) relating to the designation of critical habitat.

(c) Nothing in this Act shall invalidate any contract, permit, or agreement that existed prior to the date of enactment of this Act. Operations under any such pre-existing contract, permit, or agreement concerning the lands that are subject to this Act may continue notwithstanding any requirements arising from the listing of the northern spotted owl as threatened or endangered under the Endangered Species Act or from the Plan. Allowing the exercise of rights under any such pre-existing contract, permit, or agreement shall not be considered a federal action for purposes of section 7(a) of the Endangered Species Act (16 U.S.C. 1536(a)).

SEC. 6. REPORT TO THE CONGRESS.

(a) The Secretary of the Interior and the Secretary of Agriculture shall, within one year after the date of enactment of this Act, report to the Congress on how new forestry techniques such as the concept of high quality forestry can be applied to the Federal lands with respect to the range of the northern spotted owl in order to provide for viable populations of northern spotted owls and assure continued timber harvesting.

(b) The Secretary of the Interior shall, within one year after the date of enactment of this Act and biennially thereafter, report to the Congress on the status of the northern spotted owl, and, with the Secretary of Agriculture, make recommendations to the Congress, consistent with the Plan, for management of lands to which this Act applies to assure the continued preservation of the northern spotted owl and assure continued timber harvesting.

(c) The Attorney General of the United States shall, within one year after the date of enactment of this Act, report to the Congress on the potential effects of this Act on the taking of private property and on the compliance of the Secretaries with Executive Order 12630.

[From the Statesboro Herald, May 17, 1992]

IT ISN'T ABOUT THE OWL ANYMORE

A Bush administration committee's vote to allow logging on some Oregon forest land sheltering the endangered northern spotted owl strikes a weak blow for 160,000 struggling woodsmen of the Pacific Northwest. A thousand logging jobs may temporarily be spared in two counties—at best. Most likely, workers' axes will grow dull on environmentalists' court filings before they ever nick a tree.

A true rescue of the Northwest timber industry can occur, however, if Congress approves a White House-backed amendment to the Endangered Species Act. The amendment would modestly allow consideration of the economic impact when loggers applied for permission to harvest old-growth forests inhabited by some spotted owls. In seeking to save rare animal types, the act now ignores the human suffering arising from thwarted livelihoods.

Which satisfies some. The amendment's "tragic effect," claims Rep. Bruce Vento, D-Minn., "would be the extinction of the spotted owl over large parts of its range." The tragic effect of such melodramatic hooey is the extinction of meaningful debate. A species cannot be partly extinct. It either is or it isn't. Absent some ornithological cataclysm, the spotted owl almost certainly would survive.

First, the night bird would still have 4.5 million federal acres of officially designated wilderness and park land to flap around in—territory forever off-limits to development. Also, reports mount of the owl's nesting outside old-growth forests, especially in second- and third-growth redwood stands in northern California. Finally, the northern spotted owl is a variation of the thriving California spotted owl. The two types can and do mate and produce offspring—the very definition of "species."

Why then the unabated ruckus? Hear Andy Stahl of the Sierra Club Legal Defense Fund: "The northern spotted owl is the wildlife species of choice to act as a surrogate for old-growth protection. Thank goodness the spotted owl evolved in the Northwest, or we would have had to genetically engineer it."

We detect something akin to religious zeal here—a latter-day druidism. It is unclear why 160,000 timbermen and their families should have to sacrifice their futures to someone's theological preferences.

By Mr. ROTH (for himself and Mr. ROCKEFELLER):

S. 2763. A bill to establish the Mike Mansfield Fellowship Program for intensive training in the Japanese language, government, politics, and economy; to the Committee on Governmental Affairs.

MIKE MANSFIELD FELLOWSHIP ACT

Mr. ROTH. Mr. President, I rise today for myself and Mr. ROCKEFELLER to introduce a bill that I believe will have a very significant impact on America's ability to meet the challenge posed by our keen competitor and great ally, Japan. This bill will create a unique opportunity for America's next generation of public sector leaders to gain an edge in their dealings with Japan: What this bill proposes is a 2-year fellowship that will allow them to acquire Japanese language abilities, enhance their understanding of Japan's political economy and gain hands-on experience working within the ministries and agencies of the Government of Japan. Candidates who enter this program will be top-caliber, experienced personnel from the Federal Government who have a demonstrated professional interest in learning more about Japan. To ensure that the American taxpayers get a return on the dollars they invest in the careers of these public sector leaders, those who enter the program will be required to return to the Federal Government for a minimum of 2 years after completing their fellowships.

The fellowship, while quite modest in cost, holds great promise for filling one of the widest gaps in the policymaking capabilities of the Federal Government—the severe shortage of personnel who understand the inner workings of the Japanese Government.

Mr. President, day in and day out, as we debate legislation in this Chamber, Japan emerges as a central point of discussion, whether as an object of blame over trade imbalances, as a way to gain perspective on proposals to amend United States policies, or increasingly, as a means of assessing how the United States is doing in terms of productivity, educational attainment, and competitiveness. The reason we mention Japan so often has to do with that country's status as the world's second largest economy, with industries and firms that compete fiercely with those of the United States. Given the importance of Japan to this country, I believe it is time to better equip the Federal Government with personnel who understand how Japan works.

I believe this program, within a small number of years, will vastly strengthen the Federal Government's ability to meet the Japanese challenge. Each year, a minimum of 10 applicants will be selected to receive fellowships. After only a short period of time, we will have a very significant number of talented officials throughout the Federal Government.

To ensure that fellows are of the highest quality, this bill is carefully drawn to provide no disincentives for applicants in terms of lost salary, benefits, or career advancement opportunities. Though I would hope this program proves itself useful enough to merit ongoing funding, it is initially covered for only 4 years, enough to permit three classes of fellows to complete their 2-year programs. I would hope that as the years progress, private funds will begin to supplement and, over time, significantly replace taxpayer dollars. In the interim, in compliance with the budget agreement, this program will derive its funds from amounts appropriated for the Department of State.

Although he is too modest to be interested in monuments and does not encourage those who seek to honor him, I believe it is fitting that this program be named in honor of a man who served his country with immense distinction both in this body and as Ambassador to Japan—that man, of course, is Mike Mansfield. As all those who had the privilege to serve with him know, Mike Mansfield is a man dedicated to public service and deeply knowledgeable about United States-Japan relations. Mike Mansfield stated long ago, and has repeated often since, that the United States-Japan relationship is the most important bilateral relationship in the world. I urge this body to recognize Mike Mansfield's contributions, and the bilateral relationship in which he played such an important role, by supporting the creation of the Mike Mansfield Fellowship Program.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2763

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Mike Mansfield Fellowship Act".

SEC. 2. FINDINGS.

The Congress finds that—

(1) because Senator Mike Mansfield served his country with distinction and has had a lasting impact on America's relationship with Japan during his tenure in the Senate and later as the United States Ambassador to Japan, it is a fitting tribute to establish the following Fellowship in his name for promising officials of the Federal Government;

(2) Japan is America's second largest trading partner, the second biggest investor in the United States, and America's most serious economic competitor;

(3) despite the challenge and importance of Japan to the United States, few Americans speak Japanese or understand how the country and its government works; and

(4) key agencies of the United States Government involved in United States-Japan relations often lack sufficient personnel versed in the functioning of the Japanese policymaking apparatus.

SEC. 3. PURPOSES.

The purposes of this Act are—

(1) to enable the United States Government to respond more effectively to the Japanese challenge; and

(2) to provide officials from any branch of the United States Federal Government with intensive Japanese language training and an opportunity to be placed as a Fellow in the Government of Japan.

SEC. 4. DEFINITIONS.

For purposes of this Act—

(1) the term "agency of the United States Government" includes any agency of the legislative branch and any court of the judicial branch as well as any agency of the executive branch;

(2) the term "agency head" means—

(A) in the case of the Senate, the President pro tempore, in consultation with the Majority Leader and Minority Leader of the Senate;

(B) in the case of the House of Representatives, the Speaker of the House, in consultation with the Majority Leader and Minority Leader of the House;

(C) in the case of the judicial branch of Government, the chief judge of the respective court; and

(D) in the case of the executive branch of Government, the head of the respective agency;

(3) the term "Board" means the Mike Mansfield Fellowship Review Board; and

(4) the term "Center" means the Mansfield Center for Pacific Affairs.

SEC. 5. ESTABLISHMENT OF FELLOWSHIP PROGRAM.

(a) ESTABLISHMENT.—(1) There is hereby established the "Mike Mansfield Fellowship Program" pursuant to which the Secretary of State will make grants to the Mansfield

Center for Pacific Affairs to award fellowships for periods of 2 years each to eligible United States citizens, as follows:

(A) During the first year each fellowship recipient will study the Japanese language as well as the Japanese political economy.

(B) During the second year each fellowship recipient will serve as a Fellow in a parliamentary office, ministry, or other agency of the Government of Japan or, subject to the approval of the Center, a nongovernmental Japanese institution associated with the interests of the fellowship recipient, consistent with the purposes of this Act.

(2) Fellowships under this Act may be known as "Mansfield Fellowships", and individuals awarded such fellowships may be known as "Mansfield Fellows".

(b) Eligibility of Center for Grants.—Grants may be made to the Center under this section only if the Center agrees to comply with the requirements of section 7.

(c) International Arrangement.—The Secretary of State is authorized to enter into an arrangement with the Government of Japan for the purpose of placing Fellows in the Government of Japan.

(d) Use of Federal Facilities.—The Foreign Service Institute is authorized and encouraged to assist in carrying out Japanese language training by the Center through the provision of classroom space, teaching materials, and facilities, to the extent that such provision is not detrimental to the Institute's carrying out its other responsibilities under law.

SEC. 6. FUNDING.

(a) Private Sources.—The Center is authorized to accept, use, and dispose of gifts or donations of services or property in carrying out the fellowship program, subject to the review and approval of the Board described in section 9.

(b) Availability of Funds.—Of any funds appropriated or otherwise made available to the Department of State pursuant to law—

(1) for fiscal year 1993, $1,000,000,

(2) for each of the fiscal years 1994 and 1995, $1,500,000, and,

(3) for fiscal year 1996, $750,000

shall be available to the Secretary of State to make grants to the Center pursuant to section 5(a)(1).

SEC. 7. PROGRAM REQUIREMENTS.

The program established under this Act shall comply with the following requirements:

(1) United States citizens who are eligible for fellowships under this Act shall be employees of the Federal Government having at least two years experience in any branch of the Government and having a strong career interest in United States-Japan relations and a demonstrated commitment to further service in the Federal Government.

(2) Not less than 10 fellowships shall be awarded each year.

(3) Mansfield Fellows shall agree—

(A) to maintain satisfactory progress in language training and appropriate behavior in Japan, as determined by the Center, as a condition of continued receipt of Federal funds; and

(B) to return to the Federal Government for further employment for, such period as the Center may require or, if the Center makes no requirement, then for a period of at least 2 years following the end of their fellowships.

(4) During the period of the fellowship, the Center shall pay each Mansfield Fellow (including any Mansfield Fellow previously employed in the legislative branch of Government)—

(A) a stipend at a rate of pay equal to the rate of pay which would have been paid to that individual in such position but for his separation from Government service; and

(B) a cost of living adjustment or adjustments calculated at the same rate of pay, and for the same period of time, for which such adjustments were made to the salaries of individuals occupying competitive positions in the civil service during the same period as the fellowship.

(5)(A) For the first year of each fellowship, the Center shall provide fellows with intensive Japanese language training in Washington, D.C., as well as courses in the political economy of Japan.

(B) Such training shall be of the same quality as training provided to Foreign Service officers before they are assigned to Japan.

(C) The Center may waive any or all of the training required by subparagraph (A) to the extent that a Fellow has Japanese language skills or knowledge of Japan's political economy.

(6) Any Mansfield Fellow not complying with the requirements of this section shall reimburse the Federal Government for the Federal funds used in the fellowship, together with interest at a rate determined by the Center.

(7) The Center shall select Mansfield Fellows based solely on merit, but to the extent possible, reflecting the cultural, racial, and ethnic diversity of the United States.

(8) The Center shall assist any Mansfield Fellow to find employment in the Federal Government if such Fellow was employed in the legislative branch before the fellowship began and was not able, at the end of the fellowship, to be reemployed in the legislative branch.

(9) No Mansfield Fellow may engage in any intelligence or intelligence-related activity on behalf of the United States Government.

(10) The accounts of the Center shall be audited annually in accordance with generally accepted auditing standards by independent certified public accountants or independent licensed public accountants, certified or licensed by a regulatory authority of a State or other political subdivision of the United States. The audit shall be conducted at the place or places where the accounts of the Center are normally kept. All books, accounts, financial records, files, and other papers, things, and property belonging to or in use by the Center and necessary to facilitate the audit shall be made available to the person or persons conducting the audit, and full facilities for verifying transactions with the balances or securities held by depositories, fiscal agents, and custodians shall be afforded to such person or persons.

(11) The Center shall provide a report of the audit to the Board no later than six months following the close of the fiscal year for which the audit is made. The report shall set forth the scope of the audit and include such statements, together with the independent auditor's opinion of those statements, as are necessary to present fairly the Center's assets and liabilities, surplus or deficit, with reasonable detail, including a statement of the Center's income and expenses during the year, including a schedule of all contracts and grants requiring payments in excess of $5,000 and any payments of compensation, salaries, or fees at a rate in excess of $5,000 per year. The report shall be produced in sufficient copies for the public.

SEC. 8. SEPARATION OF GOVERNMENT PERSONNEL DURING THE FELLOWSHIPS.

(a) Separation.—Under such terms and conditions as the agency head may direct, any agency of the United States Government may separate from Government service for a specified period any officer or employee of that agency who accepts a fellowship under the program established by this Act.

(b) Reemployment or Reinstatement.—An officer or employee separated by an agency of the executive or the judicial branch of Government under subsection (a) for purposes of becoming a Fellow shall be entitled upon termination of the fellowship to reemployment or reinstatement with such agency (or a successor agency) in an appropriate position with the attendant rights, privileges, and benefits which the officer or employee would have had or acquired had he or she not been so separated, subject to such time period and other conditions as the agency head may prescribe.

(c) Benefit Program.—(1) An officer or employee entitled to reemployment or reinstatement rights under subsection (b) shall, while continuously serving as a Mansfield Fellow with no break in continuity of service, continue to participate in any benefit program in which such officer or employee was participating prior to the Mansfield Fellowship, including—

(A) programs for compensation for job-related death, injury, or illness;

(B) programs for health and life insurance;

(C) programs for annual, sick, and other statutory leave; and

(D) programs for retirement under any system established by the laws of the United States,

except that participation in such programs shall be credited only to the extent that employee deductions and employer contributions, as required, in payment for such participation for the period of the fellowship, are currently deposited in the program's or system's fund or depository. For purposes of the preceding sentence, employer contributions shall be paid by the Center and employee deductions shall be made from stipends paid to the Mansfield Fellows by the Center pursuant to section 7(4).

(2) Death or retirement of any such officer or employee during approved service as a Mansfield Fellow and prior to reemployment or reinstatement shall be considered a death in or retirement from Government service for purposes of any employee or survivor benefits acquired by reason of service with an agency of the United States Government.

(d) Compliance With Budget Act.—Funds are available under this section to the extent and in the amounts provided in appropriation Acts.

SEC. 9. MANSFIELD FELLOWSHIP REVIEW BOARD.

(a) Establishment.—There is established the Mansfield Fellowship Review Board.

(b) Composition.—The Board shall be composed of 9 individuals, as follows:

(1) The Secretary of State, who shall serve as the chairperson of the Board, or his designee.

(2) The Secretary of Defense or his designee.

(3) The Secretary of the Treasury or his designee.

(4) The Secretary of Commerce or his designee.

(5) The United States Trade Representative or his designee.

(6) Four persons, appointed by the President, by and with the advice and consent of the Senate, who, to the extent possible, are experts in the field of United States-Japan relations.

(c) Terms of Service.—Each member of the Board appointed under subsection (b)(6) shall serve terms of 4 years, except that the

President shall designate 2 of the initial appointees to serve terms of 2 years.

(d) FUNCTIONS.—(1) The Board shall review the administration of the program assisted under this Act.

(2)(A) Each year at the time of the submission of the President's budget request to the Congress, the Board shall submit to the Congress a report completed by the Center with the approval of the Board on the conduct of the program during the preceding year.

(B) Each such report shall contain—

(i) an analysis of the assistance provided under the program for the previous fiscal year and the nature of the assistance provided;

(ii) an analysis of the performance of the individuals who received assistance under the program during the previous fiscal year, including the degree to which assistance was terminated under the program and the extent to which individual recipients failed to meet their obligations under the program; and

(iii) an analysis of the results of the program for the previous fiscal year, and cumulatively, including, at a minimum, the percentage of individuals who have received assistance under the program who subsequently became employees of the United States Government and, in the case of individuals who did not subsequently become employees of the United States Government, an analysis of the reasons why they did not become employees and an explanation as to what use, if any, was made of the assistance given to those recipients.

(e) COMPENSATION.—(1) Members of the Board—

(A) shall not be paid compensation for services performed on the Board, except as provided in paragraph (2); and

(B) shall be allowed travel expenses, including per diem in lieu of subsistence at rates authorized for employees of agencies under subchapter I of chapter 57 of title 5, United States Code, while away from their homes or regular places of business in the performance of services for the Board.

(2) Each Member of the Board appointed under subsection (b)(6) shall receive compensation, subject to the availability of appropriations, at a rate of not to exceed the daily equivalent of the annual rate of basic pay payable for positions above GS-15 of the General Schedule under section 5332 of title 5, United States Code, for each day such member is engaged in the actual performance of the duties of the Board.

(f) AVAILABILITY OF SUPPORT STAFF.—The Secretary of State is authorized to provide for necessary secretarial and staff assistance for the Board.

(g) RELATIONSHIP TO FEDERAL ADVISORY COMMITTEE ACT.—The Federal Advisory Committee Act shall not apply to the Board to the extent that the provisions of this section are inconsistent therewith.

(h) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Board such sums as may be necessary to carry out this section.

By Mr. DASCHLE (for himself, Mr. LEVIN, and Mr. JOHNSTON):

S. 2764. A bill to revive and strengthen the Super 301 authority of the U.S. Trade Representative to eliminate unfair trade barriers, and for other purposes; to the Committee on Finance.

FAIR TRADE ENFORCEMENT ACT

Mr. DASCHLE. Mr. President, today, the distinguished Senator from Michigan, Senator LEVIN and I are introducing the Fair Trade Enforcement Act of 1992. The bill's approach is simple: It uses access to our market as leverage to open markets to American goods and services in other countries.

Fair trade benefits everyone: consumers, businesses, and workers. Both the administration and most of us in the Congress agree on this. But we strongly disagree on the means to achieve this goal. The administration has tried to open other markets by setting a good example here at home. The United States has one of the most open markets in the world. Not surprisingly, in many areas of trade policy, the approach has failed. With no incentive for other countries to change their practices, American companies lose tens of billions of dollars annually in lost exports due to foreign trade barriers.

There is an increasingly realization that in a globalized market exports are vital to our economic well-being. According to the Department of Commerce, almost 20,000 U.S. jobs result from each $1 billion in exports. Many economists believe that the current recession would be far worse, if not for the positive effects of exports. As a result, we can no longer afford to tolerate trade practices in foreign markets which unfairly exclude American products.

There is little argument that the old Super 301 process produced positive results. Markets were opened as a direct, and indirect, result of the exercise of authority under the 1988 Omnibus Trade Act. Yet, the administration could have accomplished more. In 1990, the final year of the Super 301 authority, the administration chose to identify completion of the Uruguay round as its highest trade priority, ignoring the hundreds of foreign trade barriers named in that year's national trade estimate report.

The Fair Trade Enforcement Act of 1992 makes a strengthened Super 301 a permanent part of the U.S. arsenal for combating unfair trade practices and opening foreign markets. We are not trying to protect our domestic industries by closing the door to competition from fairly traded imports. Yet, if other countries are unwilling to open their markets to our products, this bill will place equivalent restrictions on their products until they do.

It requires the U.S. Trade Representative to name priority practices in each of three vital sectors: agriculture, manufacturing, and services. The 1992 National Trade Estimate Report alone lists hundreds of trade barriers in 43 countries and two regional trading bodies—and this is not an exhaustive list. This bill would require the administration to start effectively dealing with these barriers.

The bill also requires USTR to target priority practices in each country where we have a merchandise trade deficit that exceeds 15 percent of the total U.S. merchandise trade deficit—excluding petroleum imports. It is true that a trade surplus is not automatically a result of unfair trade practices. The United States has a positive trade balance with many countries. But, let us be realistic. A substantial and persistent trade surplus warrants close examination. If a country contributes to 15 percent or more of our total trade deficit, this bill would require USTR to look carefully at the practices of that country and identify trade barriers in that country which contribute to the deficit.

If the administration fails to effectively use this tool to combat the most flagrant trade violations, the Congress can require the administration to initiate Super 301 investigations against particular practices through procedures set up under the bill.

The bill also removes the discretion that USTR had under the expired legislation about whether to impose sanctions if negotiations do not remove the discriminatory practice. Under our proposal, if negotiations fail, USTR must impose equivalent restrictions—equivalent to the cost of the trade barrier to U.S. interests. If the President does not want to impose equivalent restrictions, he must submit an alternate action plan for approval by Congress. Congressional approval is conditioned on passage of a joint resolution considered under fast-track procedures.

In drafting this legislation, we have attempted to be responsive to legitimate concerns expressed by the administration about various proposals to reauthorize Super 301. We have given USTR more time to informally address trade concerns with our trading partners prior to formal identification under Super 301.

In response to Ambassador Carla Hills' concern that certain deadlines under the old Super 301 constrained her negotiating flexibility, the bill allows USTR to establish a plan of action for consulting and removing the barriers to U.S. products or services.

Finally, to avoid resentment by countries that complained of being singled out under the 1988 Trade Act, we have eliminated the priority country designation. The focus of this bill is on elimination of priority practices that constitute unfair barriers to U.S. exports. No country should resent or fear the FTEA if its market is open and its international obligations are met.

This legislation is not inconsistent with the objectives of the administration in the Uruguay round of GATT negotiations. For over 6 years, the administration has put off addressing blatantly unfair trade activities by other countries saying that action would threaten the Uruguay round. In my view, the Fair Trade Enforcement Act of 1992 can only help the Uruguay round by putting teeth in the oft-stated U.S. commitment to fair trade. Real progress in the GATT negotiations may very well depend on our trading partners understanding and believing our commitment.

The need for a strengthened Super 301 will not disappear, even if an agreement is reached in the GATT negotiations. If the round is successful, our trading partners will have to undertake substantial new commitments to remove barriers and open their markets to exports. The FTEA would be there to help ensure that these obligations are met. The FTEA would also be available to combat trade barriers not addressed in the Uruguay round.

Our bill is balanced and it is fair. We are simply proposing that our trading partners give American companies the same opportunities we give theirs. We want to maintain the United States as the most open market in the world. Let us give other countries the incentive required to emulate this standard. I hope that my colleagues will join me and the distinguished Senator from Michigan in supporting the passage of the Fair Trade Enforcement Act of 1992.

No one has been more in the forefront and more dedicated in purpose addressing these issues than the distinguished Senator from Michigan. I have enjoyed my work immensely as we have created this particular piece of legislation.

I ask unanimous consent that a summary and the text of the bill be printed in the Record at the point.

There being no objection, the material was ordered to be printed in the Record, as follows:

S. 2764

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Fair Trade Enforcement Act of 1992".

SEC. 2. PERMANENT STATUS OF "SUPER 301" PROGRAM; MANDATORY PRIORITY PRACTICES.

(a) In General.—Section 310 of the Trade Act of 1974 (19 U.S.C. 2420) is amended by striking subsections (a) and (b), by redesignating subsections (c) and (d) as subsections (e) and (f), respectively, and by inserting before subsection (e), as redesignated, the following new subsections:

"(a) Mandatory Identification.—

"(1) In general.—By not later than 60 days after the date in any calendar year on which the report required under section 181(b) is submitted to the appropriate congressional committees, the Trade Representative shall identify priority practices described in paragraph (2) or (3) of this subsection.

"(2) Identification of priority practices.—The Trade Representative shall identify as a priority practice any act, policy, or practice specified under section 181(a)(1), and any other major barrier and trade distorting practice, the elimination of which is likely to have the most significant potential to increase United States exports, either directly or through the establishment of a beneficial precedent.

"(3) Identification of specific priority practices.—

"(A) General rule.—The priority practices described in paragraph (2), shall include—

"(i) major barriers and trade distorting practices in the agricultural, manufacturing, and services sectors; and

"(ii) if for any calendar year the United States merchandise trade balance (excluding trade petroleum imports) was in deficit, the major barriers and trade distorting practices of each foreign country that—

"(I) accounted for not less than 15 percent of such deficit, and

"(II) had a global current account surplus for such year in an amount not less than such deficit.

"(B) Exception where certification made.—The Trade Representative shall not be required to identify practices with respect to a sector described in subparagraph (A)(i), if the Trade Representative certifies to the Congress for any calendar year that major barriers and trade distorting practices do not exist or have been eliminated with respect to such sector.

"(4) Guidelines.—The priority practices identified by the Trade Representative under this section shall reflect—

"(A) the international competitive position and export potential of United States products and services,

"(B) circumstances in which the sale of a small quantity of a product or service may be more significant than its value,

"(C) circumstances in which the practice has the effect of imposing a total or near total barrier to the importation of foreign goods or services, and

"(D) the measurable medium-term and long-term implications of Government procurement commitments to United States exporters.

"(b) Report.—

"(1) List of priority practices.—At the same time the identification is made under subsection (a), the Trade Representative shall submit to the Committee on Finance of the Senate and to the Committee on Ways and Means of the House of Representatives, and shall publish in the Federal Register, a report which lists—

"(A) the priority practices identified under subsection (a), and

"(B) the amount estimated under paragraph (2) with respect to each such priority practice.

"(2) Estimate of lost exports.—The amount estimated under this paragraph is the total amount by which United States exports of goods or services to each foreign country which has a priority practice identified under subsection (a) would have increased during the preceding calendar year if the priority practices of such country did not exist. For purposes of the preceding sentence, the Trade Representative may use the estimates made under section 181 to the extent appropriate.

"(c) Initiation of Investigation.—

"(1) In general.—The Trade Representative shall initiate an investigation under section 302(d), and consultations under section 303(a), with respect to each priority practice identified under subsection (a) or with respect to each priority practice to which a resolution described in subsection (d) applies.

"(2) Timetable of trade representative.—Not later than 21 days after the date a report is submitted under subsection (b), the Trade Representative shall submit to the appropriate congressional committees a timetable for initiating and completing the investigation and consultations with respect to each priority practice identified under subsection (a) or to which a resolution described in subsection (d) applies.

"(d) Mandatory Investigation Initiated by Congress.—

"(1) Resolution by committee.—Upon the adoption by either the Committee on Ways and Means of the House of Representatives or the Committee on Finance of the Senate of a resolution that—

"(A) describes a priority practice of a foreign country, and

"(B) states that it is the opinion of the Committee that such priority practice is an act, policy, or practice that is described in section 301,

the Trade Representative shall initiate action under subsection (c).

"(2) Joint resolution.—Upon enactment of a joint resolution described in paragraph (3), the Trade Representative shall initiate action under subsection (c).

"(3) Joint resolution described.—A resolution is described in this paragraph if it is a joint resolution—

"(A) which is introduced in either the Senate or the House of Representatives not later than 15 days after the date on which the Trade Representative submits the report required by subsection (b),

"(B) which is sponsored by not less than one-fourth of the duly elected and sworn Members of the House in which it is introduced, and

"(C) the matter after the resolving clause of which contains the name of the foreign country, the practices of such country identified as priority practices, and a finding that elimination of such priority practices is likely to have significant potential to increase United States exports, either directly or through establishment of a beneficial precedent.

"(4) Application of congressional 'fast track' procedures to joint resolution.—

"(A) Except as provided in subparagraph (B), the provisions of section 152 (other than subsection (a)) shall apply to a joint resolution described in paragraph (3).

"(B) For purposes of this paragraph—

"(i) section 152(d)(2) shall be applied by substituting '10' for '20',

"(ii) section 152(e)(2) shall be applied by substituting '10' for '20',

"(iii) section 152(f)(2) shall be applied by substituting 'text of the joint resolution described in section 310(d)(3)' for 'texts of joint resolutions described in section 152 or 153(a)', and

"(iv) section 152(f)(3) shall be applied by substituting 'joint resolution described in section 310(d)(3)' for 'joint resolution described in subsection (a)(2)(B)'.

"(5) Rulemaking power.—Paragraph (4) is enacted by Congress—

"(A) as an exercise of the rulemaking power of the House of Representatives and the Senate, respectively, and as such it is deemed a part of the rules of each House, respectively, and such procedures supersede other rules only to the extent that they are inconsistent with such other rules; and

"(B) with full recognition of the constitutional right of either House to change the rules (so far as relating to the procedure of that House) at any time, in the same manner, and to the same extent as in the case of any other rule of that House.".

(b) Conforming Amendments.—

(1) Subsection (e) of section 310 of the Trade Act of 1974, as redesignated by subsection (a), is amended—

(A) by striking "In the consultations" and all that follows through the first comma in paragraph (1) and inserting "In the consultations with a foreign country which has a priority practice identified under subsection (a) or (d),";

(B) by striking "subsection (a)(1)(A)" in subparagraph (A) of paragraph (1) and inserting "this section"; and

(C) by striking "subsection (b)" in paragraph (2) and inserting "this section".

(2) Paragraph (1) of section 310(f) of such Act, as redesignated by subsection (a), is amended to read as follows:

"(1) On the date in each calendar year on which the report the Trade Representative is required to submit under subsection (b), the Trade Representative shall also submit a report which includes—

"(A) revised estimates of the total amount determined under subsection (b)(2) for each priority practice that has been identified under this section,

"(B) evidence that demonstrates, in the form of increased United States exports to each foreign country with respect to which a priority practice has been identified during the previous calendar year—

"(i) in the case of a foreign country that has entered into an agreement described in subsection (e)(1), substantial progress during each year within the 3-year period described in subsection (e)(1)(A) toward the goal of eliminating the priority practice identified under this section by the close of such 3-year period, and

"(ii) in the case of a country which has not entered into (or has not complied with) an agreement described in subsection (e)(1), the elimination of such practices, and

"(C) to the extent that the evidence described in subparagraph (B) cannot be provided, any actions that have been taken by the Trade Representative under section 301 with respect to such priority practices of each such foreign country.".

(3) Paragraph (2) of section 310(f) of such Act, as redesignated by subsection (a), is amended—

(A) by striking "subsection (a)(1)(A)" each place it appears and inserting "this section"; and

(B) by striking "in any calendar year beginning after 1993".

(4) Section 303 of such Act (19 U.S.C. 2413) is amended—

(A) by inserting "or pursuant to the timetable prescribed by section 310(c)(2)" in paragraph (1) of subsection (a) after "section 302"; and

(B) by adding at the end of subsection (b) the following flush sentence:

"This subsection shall not apply to any consultation involving a priority practice identified under section 310.".

(5) Section 305(a)(1) of such Act (19 U.S.C. 2415(a)(1)) is amended by inserting "and section 301(e)" after "in paragraph (2)".

(6)(A) The heading for section 310 of such Act (19 U.S.C. 2420) is amended to read as follows:

"SEC. 310. MANDATORY IDENTIFICATION OF PRIORITY PRACTICES.".

(B) The table of contents of chapter 1 of title III of such Act is amended by striking the item relating to section 310 and inserting the following:

"Sec. 310. Mandatory identification of priority practices.".

SEC. 3. INVESTIGATIONS, DETERMINATIONS, AND MANDATORY ACTIONS.

(a) Investigations.—Section 302 of the Trade Act of 1974 (19 U.S.C. 2412) is amended by adding at the end thereof the following new subsection:

"(d) Initiation of Investigation for Section 310 Priority Practices.—Upon the identification of a priority practice under section 310(a) or the adoption of a resolution under section 310(d), the Trade Representative shall initiate an investigation under this chapter (in accordance with the timetable submitted under section 310(c)) and shall publish a notice of such investigation in the Federal Register.".

(b) Determinations by Trade Representative.—Section 304(a) of such Act (19 U.S.C. 2414(a)) is amended by redesignating paragraph (4) as paragraph (5) and by inserting after paragraph (3) the following new paragraph:

"(4)(A) If an investigation is initiated under this chapter by reason of section 302(d), the Trade Representative shall make an affirmative determination under subparagraph (A) of paragraph (1) that—

"(i) the rights to which the United States is entitled under any trade agreement are being denied, or

"(ii) an act, policy, or practice described in section 301(a)(1)(B) exists.

"(B) Such determination shall be made on or before—

"(i) in the case of an investigation which does not involve a trade agreement, the date which is 12 months after the date on which a timetable is submitted under section 310(c)(2), or

"(ii) in the case of an investigation which involves a trade agreement (other than an agreement on subsidies and countervailing measures described in section 2(c)(5) of the Trade Agreements Act of 1979), the earlier of—

"(I) the date that is 30 days after the date on which the dispute settlement procedure is concluded, or

"(II) the date that is 18 months after the date on which a timetable is submitted under section 310(c)(2).".

SEC. 4. ALTERNATIVE PLAN TO ELIMINATE PRIORITY PRACTICES.

Section 301 of the Trade Act of 1974 (19 U.S.C. 2411) is amended—

(1) by striking "If" in paragraph (1) of subsection (a) and inserting "Except as provided in subsection (e), if";

(2) by inserting "(or upon a determination under section 304(a)(4))" in paragraph (1) of subsection (a) after "section 304(a)(1)";

(3) by adding at the end of paragraph (2) of subsection (a) the following flush sentence:

"In the case of an affirmative determination under section 304(a)(4) involving a priority practice identified under section 310, this paragraph shall not apply unless a joint resolution (described in subsection (e)) permits such application and is enacted into law."; and

(4) by adding at the end thereof the following new subsection:

"(e) Alternative Plan for Section 310 Priority Practices.—

"(1) In the case of a priority practice identified under section 310 with respect to which an affirmative determination is made under section 304(a)(4), the President shall, not later than 30 days after the date of such determination, direct the Trade Representative to take action under subsection (a)(1) or submit to the Congress an alternative plan described in paragraph (2).

"(2) An alternative plan is described in this paragraph if it—

"(A) provides in detail the action the Trade Representative plans to take to eliminate a priority practice, including—

"(i) any reciprocal limitation, restriction, or action of the kind referred to in paragraph (3),

"(ii) the period of time that will be required to implement fully the plan and the specific interim results that should be achieved under the plan from time-to-time during that period, and

"(iii) the number of jobs to be created and the estimated increase in exports resulting from implementation of the plan;

"(B) cites the legal authorities for taking the measures contemplated by such plan;

"(C) contains, if the President considers that statutory authority is necessary for the implementation of any part of the alternative plan (including the implementation of any reciprocal limitation, restriction, or action referred to in paragraph (3)), appropriate suggested legislative proposals; and

"(D) states the reasons why the alternative plan is preferable to taking action under subsection (a)(1).

"(3) An alternative plan shall provide, in the case of unsatisfactory progress by a foreign country in eliminating the priority practice, for the implementation, for such time as may be appropriate, by the President of a restriction, limitation, or other action that is reciprocal in scope and effect to such priority practice.

"(4) If the President transmits an alternative plan to the Congress under paragraph (2) and a joint resolution described in paragraph (6) is not enacted within the 60-day period beginning on the date on which the alternative plan is transmitted, the Trade Representative shall take action under subsection (a)(1).

"(5) If the President transmits an alternative plan to Congress under paragraph (2) and a joint resolution described in paragraph (6) is enacted within the 60-day period beginning on the date on which the alternative plan is transmitted, the alternative plan shall take effect and the President shall direct the Trade Representative to implement appropriate action in accordance with the terms of such plan to obtain the elimination of the priority practice.

"(6) A joint resolution is described in this paragraph if it is a joint resolution—

"(A) which is introduced in either the House or the Senate not later than 15 days after the date the President submits an alternative plan to Congress under paragraph (2), and

"(B) the matter after the resolving clause of which is as follows: 'That the Congress approves the alternative plan transmitted under section 301(e) of the Trade Act of 1974 to the Congress on   .', the blank space being filled with the appropriate date.

"(7)(A) Except as provided in subparagraph (B), the provisions of section 152 (other than subsection (a)) shall apply to a joint resolution described in paragraph (6).

"(B) For purposes of this paragraph—

"(i) section 152(f)(2) shall be applied by substituting 'text of the joint resolution described in section 301(e)(6)' for 'texts of joint resolutions described in section 152 or 153(a)', and

"(ii) section 152(f)(3) shall be applied by substituting 'joint resolution described in section 301(e)(6)' for 'joint resolution described in subsection (a)(2)(B)'.

"(8) Paragraph (7) is enacted by Congress—

"(A) as an exercise of the rulemaking power of the House of Representatives and the Senate, respectively, and as such it is deemed a part of the rules of each House, respectively, and such procedures supersede other rules only to the extent that they are inconsistent with such other rules; and

"(B) with full recognition of the constitutional right of either House to change the rules (so far as relating to the procedure of that House) at any time, in the same manner, and to the same extent as in the case of any other rule of that House.

"(9) For purposes of paragraphs (4) and (5) the 60-day period shall be computed by excluding—

"(A) the days in which either House is not in session because of an adjournment of more than 3 days to a day certain or an adjournment of the Congress sine die, and

"(B) any Saturday and Sunday, not excluded under subparagraph (A), when either House is not in session.".

SEC. 5. ESTIMATION OF BARRIERS TO MARKET ACCESS.

Section 181(a)(1)(C) of the Trade Act of 1974 (19 U.S.C. 2241(a)(1)(C)) is amended by striking ", if feasible,".

SEC. 6. ACTIONS BY THE UNITED STATES TRADE REPRESENTATIVE.

(a) MANDATORY ACTION.—Section 301(a)(1)(B)(ii) of the Trade Act of 1974 (19 U.S.C. 2411(a)(1)(B)(ii)) is amended by inserting "(or threatens to burden or restrict)" after "restricts".

(b) DISCRETIONARY ACTION.—Section 301(b)(1) of such Act (19 U.S.C. 2411(b)(1)) is amended by inserting "(or threatens to burden or restrict)" after "restricts".

(c) DEFINITIONS.—Section 301(d) of such Act (19 U.S.C. 2411(d)) is amended by adding at the end thereof the following new paragraph:

"(10) An act, policy, or practice that threatens to burden or restrict United States commerce is an act, policy, or practice that does not currently burden or restrict United States commerce, but, if not corrected, is reasonably expected to burden or restrict United States commerce.".

OVERVIEW OF THE FAIR TRADE ENFORCEMENT ACT OF 1992

Permanently reauthorizes and strengthens the "Super 301" provisions of the Trade and Competitiveness Act of 1988.

The bill targets for elimination "priority practices" of other countries that unfairly exclude U.S. exports.

Under the bill, USTR is required to identify major barriers and trade distorting practices in each of three specific categories: agriculture, manufacturing, and services.

In addition, USTR must name priority practices of any country with a trade deficit which accounts for 15% or more of the total U.S. merchandise trade deficit (excluding petroleum imports).

The Finance or Ways and Means Committee may require USTR to commence a 301 investigation with respect to discriminatory practices not cited by USTR. The Congress may also require USTR to take action under Super 301 by passing a joint resolution.

Under the FTEA, USTR has flexibility to structure negotiations, but the negotiations must be complete within the deadlines. As in the original Super 301, in most cases there would be a one year deadline with additional time, up to a maximum of eighteen months, if dispute resolution procedures under a multilateral or bilateral agreement are available.

If negotiations do not result in the elimination of the discriminatory practice, USTR must impose sanctions.

Sanctions must take the form of equivalent restrictions equal to the cost of the cited priority practice to U.S. commerce.

If USTR recommends against imposition of the mandatory sanctions despite the failure of the negotiations to remove the unfair trade practice, USTR must obtain Congressional approval of an alternative action plan. Congressional approval is conditioned on passage of a joint resolution considered under "fast-track" procedures.

The bill requires USTR to prepare an estimate of the cost to U.S. commerce of the cited discriminatory practice.

USTR would be required to identify priority practices whether or not they are included in the NTE report.

The bill also incorporates the provisions of a bill introduced earlier by Senator Daschle (S. 650) which will strengthen our ability to respond to discriminatory trade practices that threaten to burden or restrict U.S. commerce.

Certain amendments have been made to the 1988 Trade Act to be responsive to the concerns of the Administration:

To avoid resentment by countries that complained of being singled out under the 1988 Trade Act, we have eliminated the "priority country" designation. The focus of this bill is on elimination of "priority practices" that constitute unfair barriers to U.S. exports.

We have lengthened the time between release of the National Trade Estimates Report and the date on which the USTR is required to identify "priority practices" from 30 to 60 days. This may encourage countries to voluntarily remove their trade barriers to avoid having that practice identified under Super 301.

In response to Ambassador Carla Hill's concern that certain deadlines under the old Super 301 constrained her negotiating flexibility, we have removed the requirement that consultations begin within 30 days of the identification of the practice under Super 301. The bill requires USTR to establish a plan of action for consulting and removing the barrier to U.S. products and services.

Mr. LEVIN. Mr. President, first let me thank my friend from South Dakota, Senator DASCHLE, for the leadership he has shown on trade issues and so many other issues of importance to this country. He and his staff have worked mightily on this legislation with my staff and myself, and I am proud to cosponsor and join him.

This legislation builds on the bill I first introduced in the 101st Congress after the administration failed to enforce the Super 301. That occurred in 1990. Although that law was intended to get the administration to target priority unfair trade practices for negotiations, the administration named not one practice. Its own Department of Commerce had listed hundreds, as Senator DASCHLE has mentioned, and yet when it came right down to it, to forcing those practices to end, the administration did not name one. It was silent.

I strongly believe that it is not simply enough, therefore, to extend the old law which allowed the administration not to act despite obvious discriminatory trade practices against American products. We have had over 20 years of administration promises to open foreign markets, but the results have not matched the rhetoric, particularly with regard to Japan.

In 1970, President Nixon said, after meeting with Prime Minister Sato, that Japan intended "to accelerate the reduction and removal of its restrictions on trade."

In 1974, President Ford said Japan will negotiate "to reduce tariff and other trade distortions."

In 1984, President Reagan said "Japan has made considerable progress in opening its markets further to American products, and we are confident we'll see more progress in the months ahead."

Yet, yesterday it was announced that our monthly trade deficit increased 77 percent over the previous month. Our trade deficit with Japan accounted for almost 70 percent of the imbalance. And economists predict that our trade deficit will increase this year and that trade on the whole will hurt our economy more than it helps.

This legislation seeks to open markets unfairly closed to our products by making a strengthened version a permanent part of the Super 301 trade law. It would require the administration to try to negotiate away the most harmful trade barriers to American manufacturing, agriculture, and services. If negotiations fail to eliminate those barriers, this bill would require equivalent restrictions to be placed on that country's products equivalent to the cost of those discriminatory practices to our businesses. That is the key to this bill. That is the key to success of getting rid of these barriers that cost us so many jobs: Equivalent restrictions.

The administration may waive those restrictions only with congressional approval under this bill. This differs from other proposals to extend or strengthen the Super 301 law in that ours is the only proposal to require equivalent restrictions if negotiations fail. Our bill effectively uses access to our market to leverage negotiation by reducing the administration's discretion to ignore unfair trade practices. It will dramatically strengthen the hand of our negotiators because the individuals on the other side of the table will know for the first time what will happen if the practices are not eliminated.

There is a little known office in the State Department called the Office of Foreign Missions. Its role is to remove costly and unfair restrictions on American diplomats abroad. It does this by placing equivalent restrictions on foreign diplomats in the United States. It does not beg and it does not plead. It just simply places equivalent restrictions on the other country's diplomats in the United States. For instance, when Ecuador placed a 25-percent tax on telephone charges at the American Embassy in Ecuador, we put an equivalent tax on telephone charges at the Ecuadoran Embassy here. As a result, Ecuador's foreign ministry has recommended that the tax be dropped.

Similarly, when the Netherlands applied their VAT tax to the United

States mission in the Netherlands, we responded by applying our sales tax to their mission here. The Netherlands has now agreed to reimburse us for the VAT tax.

This is a commonsense policy which we should surely apply to restrictions on American exports and not just to restrictions on American diplomats or on American missions. Our policy in placing equivalent restrictions on foreign diplomats when they place restrictions on ours has not started a diplomatic war; it has eliminated the restriction.

Why are we so willing to defend our diplomats from unreasonable and costly foreign restrictions, but we have not been willing to do the same for American jobs and American companies? We ought to stop begging and stop pleading and just simply place equivalent restrictions on foreign products until they remove the discriminatory restrictions from our products. The bill we are introducing today will do just that. We have lost hundreds of thousands of well-paying jobs to unfair trade practices and it has to stop. There is no shortage of trade barriers which should be the subject of negotiations and will be under this legislation.

Japanese barriers to auto parts and agricultural products, and European Community barriers to American meat exports, top a long list. Our auto parts compete internationally, both in quality and price, and yet we have less than 2 percent of the Japanese auto parts market. Last year, we had an almost $4 billion trade surplus in auto parts trade, excluding Japan. That is because we had access to other countries other than Japan. We had freedom to compete. But with Japan, we had a $9 billion auto parts deficit.

The administration's own Auto Parts Advisory Committee has called on the administration to self-initiate a section 301 action against Japan's barriers to American auto parts exports. Yet almost a year later, the administration has not acted. We have been nearly shut out of the Japanese auto and auto parts market which has not only cost us export opportunities but enabled Japan to use profits from their protected home market to dump in our market.

This week the administration announced, after a year-long investigation, that the Japanese are dumping minivans in the United States in violation of both United States and international trade law.

Well, the Auto Parts Advisory Committee has called the dumping of Japanese auto parts rampant. A joint United States-Japan Government price survey found that identical or comparable auto parts cost on average 34-percent more in Japan than in the United States. For instance, a Japanese-made shock absorber costs $83 in Japan, but only $18 here.

Our legislation is not intended to bash any country. It is intended to boost America. It is long past time for our Government to defend American jobs the way every other government defends its jobs.

Mr. President, American manufacturers and farmers are ready, eager, and able to compete, but it is up to the Government to ensure that they have access to foreign markets. Whether those markets are Canadian, Chinese, French, or Japanese, if foreign governments erect barriers, that is their decision. But if we tolerate them, that is our decision.

American families need their Government fighting on their side. That is why we have government. We must act to control our economic destiny. We won the cold war by being strong. We will not win the economic contest ahead by being weak. This legislation will help ensure that we have a strong trade policy and a strong economic future.

By Mr. GORTON:

S. 2765. A bill to authorize the Secretary of the Interior to exchange certain lands of the Columbia Basin Federal reclamation project, Washington, and for other purposes; to the Committee on Energy and Natural Resources.

BOISE CASCADE LAND EXCHANGE

• Mr. GORTON. Mr. President, I am introducing a bill to facilitate a land exchange between the Bureau of Reclamation and the Boise Cascade Corp.

Presently, Boise Cascade's plywood and sawmill operations in Kettle Falls, WA, are adjacent to 26 acres of land owned by the Bureau of Reclamation. The Bureau land provides a buffer between Lake Roosevelt and Boise Cascade operations. The National Park Service, which manages the land, historically has issued a special-use permit allowing Boise Cascade to operate along the edge of the land. The Park Service has indicated that it may not reissue the permit when it expires in 1995, and has stated that the permit definitely will not be reissued upon expiration in 2000.

Without a special-use permit, Boise Cascade will not be able to continue its operations at Kettle Falls. Should this mill close, 350 mill jobs will be lost as well as numerous administrative jobs. To prevent this unnecessary occurrence, Boise Cascade has proposed exchanging 138 acres of land it owns for 6 of the 26 acres it needs to continue operating.

In exchange for the 6 acres, the Bureau of Reclamation will receive 138 acres from Boise Cascade in Kettle Falls. This land is primarily wildlife habitat located along Lake Roosevelt and the Colville River.

Mr. President, this clearly is a win-win situation. As a result of the exchange, Boise Cascade will be able to continue its operations, and the Bureau of Reclamation will acquire 138 acres of land.

I support this land exchange and urge its prompt approval.•

By Mr. LEVIN (for himself, Mr. COHEN, and Mr. KOHL):

S. 2766. A bill to provide for the disclosure of lobbying activities to influence the Federal Government, and for other purposes; to the Committee on Governmental Affairs.

LOBBYING DISCLOSURE ACT

• Mr. LEVIN. Mr. President, earlier this year, I introduced S. 2279, the Lobbying Disclosure Act of 1992. I am pleased to reintroduce the bill today, with Senators COHEN and KOHL as original cosponsors.

Senator COHEN, the ranking minority member of the Governmental Affairs Subcommittee on Oversight of Government Management, has played an important role in each of the four subcommittee hearings leading up to the introduction of this bill. His thoughtful comments and questions have played a constructive role throughout this process. Senator KOHL, as chairman of the Subcommittee on Government Information and Regulation has a longstanding commitment to streamlining Government paperwork requirements. Their support, and their cosponsorship of this bill, are greatly appreciated.

As I explained when the bill was first introduced, the lobbying disclosure laws on the books today are woefully inadequate to the task of ensuring effective public disclosure of lobbying activities. At our hearings last year, these laws were described as "anachronistic," "incomprehensible," "defective," "woefully inadequate," "outdated," and "unenforceable." This disarray breeds contempt for the law, and is unfair both to the pubic and to the lobbyists themselves.

As introduced, S. 2279 would address these problems by replacing the existing lobbying disclosure laws with a single, uniform statute covering all professional lobbyists, by streamlining disclosure requirements to make sure that only meaningful information is disclosed and needless burdens are avoided, and creating a new, more effective and equitable system for administering and enforcing these requirements.

On March 26, 1992, the Subcommittee on Oversight of Government Management held hearings on S. 2279, and heard testimony from OMB, the Office of Government Ethics, the American League of Lobbyists, the American Society of Association Executives, the American Bar Association, the National Association of Manufacturers, and Common Cause. These witnesses generally agreed that the existing lobbying disclosure statutes are in need of reform and endorsed most aspects of S. 2279.

As a result of the testimony at these hearings and subsequent comments received from other interested parties, we have made a number of improvements to the original bill. In particular, the new bill would—

First, replace the Office of Government Ethics as the agency responsible for administering the statute, placing the responsibility instead in a new Office of Lobbying Registration and Public Disclosure which would be established within the Department of Justice;

Second, clarify the definition of lobbying contacts and expand the exemption for legal proceedings to exclude from coverage: Communications regarding civil and criminal law enforcement inquires, investigations, and proceedings; and communications regarding filings that are required by statute or regulation;

Third, clarify the coverage of executive branch lobbying by specifying that, with regard to lobbying of Federal agencies, only contacts with executive level and SES officials are covered;

Fourth, ensure parallel treatment of executive and legislative branch lobbying by: Limiting executive branch disclosure to a listing of the agencies contacted; and clarifying that a lobbyist who contacts a member of a congressional committee regarding a matter within the jurisdiction of the committee must list the committee contacted;

Fifth, raise the de minimus exemption from the bill's reporting requirements from $500 to $1,000, and clarify that this exemption applies to registration as well as semiannual reporting requirements; and

Sixth, clarify the requirement to disclose foreign lobbying by expressly requiring companies that are more than 20 percent foreign owned to disclose that fact.

Mr. President, this bill is the product of four public hearings and a year and a half of public comment. It is a good bill. I am pleased to reintroduce it today with Senators COHEN and KOHL as original cosponsors, and I hope that the full Governmental Affairs Committee will mark it up in the near future.

I ask unanimous consent that the full text of the bill be included in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2766

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Lobbying Disclosure Act of 1992".

SEC. 2. FINDINGS AND PURPOSE.

(a) FINDINGS.—The Congress finds that—

(1) responsible representative Government requires public awareness of the efforts of paid lobbyists to influence the public decisionmaking process in both the legislative and executive branches of the Federal Government;

(2) existing lobbying disclosure statutes have been ineffective because of unclear statutory language, weak investigative and enforcement provisions, and an absence of clear guidance as to who is required to register and what they are required to disclose; and

(3) the effective public disclosure of the identity and extent of the efforts of paid lobbyists to influence Federal officials in the conduct of Government actions will increase public confidence in the integrity of Government.

(b) PURPOSE.—The purposes of this Act are to—

(1) provide for the disclosure of the efforts of paid lobbyists to influence Federal legislative or executive branch officials in the conduct of Government actions; and

(2) afford the fullest opportunity to the people of the United States to exercise their constitutional right to petition their Government for a redress of grievances, to express their opinions freely to their Government, and to provide information to their Government.

SEC. 3. DEFINITIONS.

As used in this Act:

(1) The term "agency" has the same meaning as such term is defined under section 551(1) of title 5, United States Code.

(2) The term "client" means any person who employs or retains another person for financial or other compensation to conduct lobbying activities on its own behalf. An organization whose employees conduct lobbying activities on its behalf is both a client and an employer of the lobbyists. In the case of a coalition or association that employs or retains others to conduct lobbying activities on behalf of its membership, the client is the coalition or association and not its individual members.

(3) The term "covered executive branch official" means—

(A) the President;

(B) the Vice President;

(C) any officer or employee of the Executive Office of the President other than a clerical or secretarial employee;

(D) any officer or employee serving in an Executive level I, II, III, IV, or V position, as designated in statute or executive order;

(E) any officer or employee serving in a Senior Executive Service position, as defined under section 3232(a)(2) of title 5, United States Code; and

(F) any member of the uniformed services whose pay grade is at or in excess of O-7 under section 201 of title 37, United States Code.

(4) The term "covered legislative branch official" means—

(A) a Member of Congress;

(B) an elected officer of Congress;

(C) any employee of a Member of the House of Representatives, of a committee of the House of Representatives, or on the leadership staff of the House of Representatives, other than a clerical or secretarial employee;

(D) any employee of a Senator, of a Senate Committee, or on the leadership staff of the Senate, other than a clerical or secretarial employee; and

(E) any employee of a joint committee of the Congress, other than a clerical or secretarial employee.

(5) The term "Director" means the Director of the Office of Lobbying Registration and Public Disclosure.

(6) The term "employee" means any individual who is an officer, employee, partner, director, or proprietor of an organization, but does not include—

(A) independent contractors or other agents who are not regular employees; or

(B) volunteers who receive no financial or other compensation from the organization for their services.

(7) The term "foreign entity" means—

(A) a government of a foreign country or a foreign political party (as such terms are defined in sections 1 (e) and (f) of the Foreign Agents Registration Act of 1938 (22 U.S.C. 611 (e) and (f)));

(B) a person outside the United States, other than a United States citizen or an organization that is organized under the laws of the United States or any State and has its principal place of business in the United States; and

(C) a partnership, association, corporation, organization, or other combination of persons that is organized under the laws of or has its principal place of business in a foreign country.

(8) The term "lobbying activities" means lobbying contacts and efforts in support of such contacts, including preparation and planning activities, research and other background work that is intended for use in contacts, and coordination with the lobbying activities of others. Lobbying activities include grass roots lobbying communications (as defined in regulations implementing section 4911(c)(3) of the Internal Revenue Code of 1986) to the extent that such activities are made in direct support of lobbying contacts.

(9)(A) The term "lobbying contact" means any oral or written communication with a covered legislative or executive branch official made on behalf of a client with regard to—

(i) the formulation, modification, or adoption of Federal legislation (including legislative proposals);

(ii) the formulation, modification, or adoption of a Federal rule, regulation, Executive order, or any other program, policy or position of the United States Government, except in the case of written comments filed in a public docket and other communications that are made on the record in a public proceeding; or

(iii) the administration or execution of a Federal program or policy (including the negotiation, award, or administration of a Federal contract, grant, loan, permit, or license) except in the case of communications that are—

(I) made to officials serving in the agency responsible for taking such action (other than officials in Executive Level I, II, III, IV, or V positions, as designated in statute or Executive order);

(II) made to agency officials with regard to judicial proceedings, criminal or civil law enforcement inquiries, investigations or proceedings, or filings required by statute or regulation;

(III) made in compliance with written agency procedures regarding an adjudication conducted by the agency under section 554 of title 5, United States Code; or

(IV) made on behalf of an individual with regard to such individual's benefits, employment, other personal matters involving only that individual, or disclosures by that individual pursuant to applicable whistleblower statutes.

(B) The term shall not include communications that are—

(i) made by public officials acting in their official capacity;

(ii) made by the media, except where representatives of a media organization seek to influence covered legislative or executive branch officials on a matter directly affecting the interests of such organization;

(iii) made in a speech, article or other publication, or through the media;

(iv) made on behalf of a foreign principal and disclosed under the Foreign Agents Registration Act (22 U.S.C. 611 et seq.);

(v) requests for appointments, requests for the status of a Federal action, or other similar ministerial contacts, if there is no attempt to influence covered legislative or executive branch officials;

(vi) made in the course of participation in an advisory committee subject to the Federal Advisory Committee Act;

(vii) testimony given before a committee, subcommittee, or office of Congress, or submitted for inclusion in the public record of a hearing conducted by such committee, subcommittee, or office;

(viii) information provided in writing in response to a specific written request from a Federal agency or a congressional committee, subcommittee, or office;

(ix) required by subpoena, civil investigative demand, or otherwise compelled by statute, regulation, or other action of Congress or a Federal agency;

(x) made in response to a notice in the Federal Register, Commerce Business Daily, or other similar publications soliciting communications from the public and directed to the agency official specifically designated in the notice to receive such communications; or

(xi) made with regard to matters, the unauthorized disclosure of which is prohibited by law.

(10) The term "lobbyist" means any individual who is employed or retained by another for financial or other compensation to perform services that include lobbying contacts, other than an individual whose lobbying activities are only incidental to, and are not a significant part of, the services for which such individual is paid.

(11) The term "organization" means any corporation (excluding a Government corporation), company, foundation, association, labor organization, firm, partnership, society, joint stock company, or group of organizations. Such term shall not include any Federal, State, or local unit of government (other than a State college or university as described under section 511(a)(2)(B) of the Internal Revenue Code of 1986), organization of State or local elected or appointed officials, any Indian tribe, any national or State political party and any organizational unit thereof, or any Federal, State, or local unit of any foreign government.

(12) The term "public official" means any elected or appointed official who is a regular employee of a Federal, State, or local unit of government (other than a State college or university as described under section 511(a)(2)(B) of the Internal Revenue Code of 1986), an organization of State or local elected or appointed officials, an Indian tribe, a national or State political party or any organizational unit thereof, or a Federal, State, or local unit of any foreign government.

SEC. 4. REGISTRATION OF LOBBYISTS.

(a) Registration.—(1) No later than 30 days after a lobbyist first makes a lobbying contact or agrees to make lobbying contacts, such lobbyist (or, as provided under subsection (c)(2), the organization employing such lobbyist), shall register with the Office of Lobbying Registration and Public Disclosure.

(2) Notwithstanding paragraph (1), any person whose total receipts or total costs in connection with lobbying activities on behalf of a particular client do not exceed, or are not expected to exceed, $1,000 in a semiannual period is not required to register for such client.

(b) Contents of Registration.—Each registration under this section shall be in such form as the Director shall prescribe by regulation and shall contain—

(1) the name, address, business telephone number and principal place of business of the registrant, and a general description of its business or activities;

(2) the name, address, and principal place of business of the registrant's client, and a general description of its business or activities (if different from paragraph (1));

(3) the name of any organization, other than the client, that—

(A) contributes more than $5,000 toward the lobbying activities in a semiannual period;

(B) significantly participates in the supervision or control of the lobbying activities; and

(C) has a direct financial interest in the outcome of the lobbying activities;

(4) the name, principal place of business, and approximate percentage of equitable ownership in the client (if any) of—

(A) any foreign entity that holds at least 20 percent equitable ownership in the client;

(B) any foreign entity that directly or indirectly, in whole or in major part, supervises, controls, directs, finances, or subsidizes the activities of the client; and

(C) any other foreign affiliate of the client that has a direct interest in the outcome of the lobbying activity;

(5) a statement of the general issue areas in which the registrant expects to engage in lobbying activities on behalf of the client and, to the extent practicable, a list of specific issues that have already been addressed or are likely to be addressed; and

(6) the name of each employee of the registrant whom the registrant expects to act as a lobbyist on behalf of the client.

(c) Guidelines for Registration.—(1) In the case of a registrant representing more than one client, a separate registration shall be filed for each client represented.

(2) Any organization that has one or more employees who are lobbyists shall file a single registration for each client on behalf of its employees who engage in lobbying activities on behalf of such client.

SEC. 5. REPORTS BY REGISTERED LOBBYISTS.

(a) Semiannual Report.—No later than 30 days after the end of the semiannual period beginning on the first day of each January and the first day of July of each year in which it is registered, each registrant shall file a report with the Office of Lobbying Registration and Public Disclosure on its lobbying activities during such semiannual period.

(b) Contents of Report.—Each semiannual report filed under this section shall be in such form as the Director shall prescribe by regulation and shall contain—

(1) the name of the registrant, the name of the client, and any changes or updates to the information provided in the initial registration;

(2) for each general issue area in which the registrant engaged in lobbying activities on behalf of the client during the semiannual filing period—

(A) a list of the specific issues upon which the registrant engaged in significant lobbying activities, including a list of bill numbers and references to specific regulatory actions, programs, projects, contracts, grants and loans, to the maximum extent practicable;

(B) a statement of the Houses and Committees of Congress and the Federal agencies contacted by lobbyists employed by the registrant on behalf of the client during the semiannual filing period;

(C) a list of the employees of the registrant who acted as lobbyists on behalf of the client; and

(D) a description of the interest in the issue, if any, of any foreign entity identified under section 4(b)(4);

(3) in the case of a registrant lobbying on behalf of a client other than the registrant, a good faith estimate of the total amount of all receipts from the client (and any payments to the registrant by any other person to lobby on behalf of the client) during the semiannual period, other than receipts for matters that are unrelated to lobbying activities; and

(4) in the case of a registrant lobbying on its own behalf, a good faith estimate of the total costs that the organization and its employees incurred in connection with lobbying activities during the semiannual filing period.

(c) Estimates of Costs.—For the purpose of this section, estimates of receipts or costs shall be made as follows:

(1) Receipts and costs of $200,000 or less shall be estimated by the following categories:

(A) At least $1,000 but not more than $10,000.

(B) More than $10,000 but not more than $20,000.

(C) More than $20,000 but not more than $50,000.

(D) More than $50,000 but not more than $100,000.

(E) More than $100,000 but not more than $200,000.

(2) Receipts or costs in excess of $200,000 shall be estimated and rounded to the nearest $100,000.

(3) Any registrant whose total receipts or total costs are less than $1,000 in a semiannual period (as estimated under subsection (b) (3) or (4), or (c)(4), as applicable) is deemed to be inactive during such period and may comply with the reporting requirements of this section by so notifying the Director, in such form as the Director may prescribe.

(4) In the case of registrants that are required to report or identify lobbying receipts or costs under sections 6033 and 6104 of the Internal Revenue Code of 1986, regulations developed under section 6 shall provide that the amounts required to be disclosed under such statutes may be reported (by category of dollar value) to meet the requirements of subsection (b) (3) or (4) of this section.

(5) In estimating total costs or receipts under this section, a registrant is not required to include—

(A) the value of contributed services for which no payment is made; or

(B) the cost of services provided by an independent contractor or agent of the registrant who is separately registered under this Act.

(d) Contacts With Congressional Committees.—For purposes of subsection (b)(2), any contact with a member of a congressional committee regarding a matter within the jurisdiction of such committee is a contact with the committee.

(e) Extension for Filing.—The Director may grant an extension of time of not more than 30 days for the filing of any report under this section, on the request of the registrant, for good cause shown.

SEC. 6. ADMINISTRATIVE DUTIES OF THE OFFICE OF LOBBYING REGISTRATION AND PUBLIC DISCLOSURE.

(a) Establishment.—(1) There is established within the Department of Justice an Office of Lobbying Registration and Public Disclosure, which shall be headed by a Director. The Director shall be appointed by the President, by and with the advice and consent of the Senate. The Director shall be an individual who, by demonstrated ability, background, training, and experience, is especially qualified to carry out the functions of the position.

(2) Section 5316 of title 5, United States Code, is amended by adding at the end thereof the following:

"Director of the Office of Lobbying Registration and Public Disclosure, Department of Justice.".

(b) Duties.—The Director of the Office of Lobbying Registration and Public Disclosure shall—

(1) after notice and an opportunity for public comment, and consultation with the Secretary of the Senate, the Clerk of the House, and the Administrative Conference of the United States, prescribe such rules, forms, penalty schedules, and procedural regulations as are necessary for the implementation of this Act;

(2) provide guidance and assistance on the registration and reporting requirements of this Act, including, to the extent practicable, the issuance of published decisions and advisory opinions;

(3) review and make such supplemental verifications or inquiries as are necessary to ensure the completeness, accuracy, and timeliness of registrations and reports;

(4) develop filing, coding, and cross-indexing systems to carry out the purposes of this Act, including computerized systems designed to minimize the burden of filing and maximize public access to materials filed under the Act;

(5) make copies of each registration and report filed under this Act available to the public in electronic and hard copy formats as soon as practicable after the date on which such registration or report is received;

(6) preserve the originals or accurate reproduction of registrations until such time as they are terminated, and of reports for a period of no less than 2 years from the date on which the report is received;

(7) maintain a computer record of the information contained in registrations and reports for no less than 5 years after the date on which such registrations and reports are received;

(8) compile and summarize, with respect to each semiannual period, the information contained in registrations and reports filed during such period in a manner which clearly presents the extent and nature of expenditures on lobbying activities during such period;

(9) make information compiled and summarized under paragraph (8) available to the public in electronic and hard copy formats as soon as practicable after the close of each semiannual filing period;

(10) provide copies of all registrations and reports received under this Act and all compilations, cross-indexes and summaries of such registrations and reports to the Secretary of the Senate and the Clerk of the House of Representatives by computer telecommunication and other means as soon as practicable (but not later than 5 working days) after such material is received or created; and

(11) transmit to the President and the Congress periodic reports describing the implementation of this Act, together with recommendations for such legislative or other action as the Director considers appropriate.

SEC. 7. INFORMAL RESOLUTION OF ALLEGED NONCOMPLIANCE.

(a) Allegation of Noncompliance.—Whenever the Office of Lobbying Registration and Public Disclosure has reason to believe that a person may be in noncompliance with the requirements of this Act, the Director shall notify the person in writing of the nature of the alleged noncompliance and provide an opportunity for the person to respond in writing to the allegation within 30 days or such longer period as the Director may determine appropriate in the circumstances.

(b) Informal Resolution.—If the person responds within 30 days or other time limit set by the Director, the Director shall—

(1) take no further action, if the person provides adequate information or explanation to determine that it is unlikely that a noncompliance exists;

(2) treat the noncompliance as a minor noncompliance and, if appropriate, assess a penalty under section 8, if the person agrees that there was a noncompliance and corrects such noncompliance; or

(3) make a determination under section 8, if the information or explanation provided indicates that a noncompliance may exist.

(c) Formal Request for Information.—If the person fails to respond in writing within 30 days or other time limit set by the Director, or the response is not adequate to determine whether a noncompliance exists, the Director may make a formal request for specific additional information (subject to applicable privileges) that is reasonably necessary for the Director to determine whether the alleged noncompliance in fact exists. Each such request shall be structured in a way to minimize the burden imposed, consistent with the need to determine whether the person is in compliance, and shall—

(1) state the nature of the conduct constituting the alleged noncompliance which is the basis for the inquiry and the provision of law applicable thereto;

(2) describe the class or classes of documentary material to be produced thereunder with such definiteness and certainty as to permit such material to be readily identified; and

(3) prescribe a return date or dates which provide a reasonable period of time within which the material so requested may be assembled and made available for inspection and copying or reproduction.

(d) Nondisclosure of Information.—Information provided to the Director under this section shall not be made available to the public without the consent of the person providing the information, except that—

(1) any new or amended report or registration filed in connection with an inquiry under this section shall be made available to the public in the same manner as any other registration or report filed under sections 4 and 5; and

(2) written decisions issued by the Director under sections 8 and 9 may be published after appropriate redaction to ensure that confidential information is not disclosed.

SEC. 8. DETERMINATIONS OF NONCOMPLIANCE.

(a) Notification and Hearing.—If the information provided to the Director under section 7 indicates that a noncompliance may exist, the Director shall—

(1) notify the person in writing of this finding and, if appropriate, a proposed penalty assessment and provide such person with an opportunity to respond in writing within 30 days;

(2)(A) in the case of a minor noncompliance, afford the person a 30-day period in which to request an oral hearing before an independent presiding official; and

(B) grant such a request made during such period for good cause shown; and

(3) in the case of a significant noncompliance, afford the person an opportunity for a hearing on the record under the provisions of section 556 of title 5, United States Code, if requested by such person within 30 days.

(b) Determination.—Upon the receipt of a written response, the completion of a hearing, or the expiration of 30 days, the Director shall review the information received under this section and section 7 and make a final determination whether there was a noncompliance and a final determination of the penalty, if any. If no written response or request for a hearing was received under this section within the 30-day period provided, the determination and penalty assessment shall constitute a final and nonappealable order.

(c) Written Decision.—If the Director makes a final determination that there was a noncompliance, the Director shall issue a written decision—

(1) including the noncompliance in a publicly available list of noncompliances, to be reported to the Congress on a semiannual basis;

(2) directing the person to correct the noncompliance; and

(3) assessing a civil monetary penalty in an amount determined as follows:

(A) In the case of a minor noncompliance, the amount shall be no more than $10,000, depending on the nature and extent of the noncompliance.

(B) In the case of a significant noncompliance, the amount shall be more than $10,000, but no more than $100,000, depending on the nature and extent of the noncompliance.

(d) Civil Injunctive Relief.—If a person fails to comply with a directive to correct a noncompliance under subsection (c), the Director shall refer the case to the Department of Justice to seek civil injunctive relief.

(e) Penalty Assessments.—(1) No penalty shall be assessed under this section unless the Director finds that the person subject to the penalty knew or should have known that such person was not in compliance with the requirements of this Act. In determining the amount of a penalty to be assessed, the Director shall take into account the totality of the circumstances, including the extent and gravity of the noncompliance and such other matters as justice may require.

(2) Regulations prescribed by the Director under section 6 shall define minor and significant noncompliances. Significant noncompliances shall be defined to include a knowing failure to register and any other knowing noncompliance that is extensive or repeated.

SEC. 9. OTHER VIOLATIONS.

(a) Late Registration or Filing; Failure to Provide Information.—If a person registers or files more than 30 days after a registration or filing is required under this Act, or fails to provide information requested by the Director under section 7(c), the Director shall—

(1) notify the person in writing of the noncompliance and a proposed penalty assessment and provide such person with an opportunity to respond in writing within 30 days; and

(2)(A) afford the person a 30-day period in which to request an oral hearing before an independent presiding official; and

(B) grant such a request made during such period for good cause shown.

(b) Determination.—Unless the Director determines that the late filing or failure to provide information was justified, the Director shall make a final determination of noncompliance and a final determination of the penalty, if any. If no written response or request for a hearing was received under this section within the 30-day period provided, the determination and penalty assessment shall constitute a final and unappealable order.

(c) WRITTEN DECISION.—If the Director makes a final determination that there was a noncompliance, the Director shall issue a written decision—

(1) in the case of a late filing, assessing a civil monetary penalty of $200 for each week by which the filing was late, with the total penalty not to exceed $10,000; or

(2) in the case of a failure to provide information—

(A) including the noncompliance in a publicly available list of noncompliances, to be reported to the Congress on a semiannual basis; and

(B) assessing a civil monetary penalty in an amount not to exceed $10,000.

(d) CIVIL INJUNCTIVE RELIEF.—In addition to the penalties provided in this section, the Director may refer the noncompliance to the Civil Division of the Department of Justice to seek civil injunctive relief.

SEC. 10. JUDICIAL REVIEW.

(a) FINAL DECISION.—A written decision issued by the Director under section 8 or 9 shall become final 60 days after the date on which the Director provides notice of the decision, unless such decision is appealed under subsection (b) of this section.

(b) APPEAL.—Any person adversely affected by a written decision issued by the Director under section 8 or 9 may appeal such decision, except as provided under sections 8(b) or 9(b), to the appropriate United States court of appeals. Such review may be obtained by filing a written notice of appeal in such court no later than 60 days after the date on which the Director provides notice of his decision and by simultaneously sending a copy of such notice to the Director. The Director shall file in such court the record upon which the decision was issued, as provided under section 2112 of title 28, United States Code. The findings of fact of the Director shall be conclusive, unless found to be unsupported by substantial evidence, as provided under section 706(2)(E) of title 5, United States Code. Any penalty assessed or other action taken in the decision shall be stayed during the pendency of the appeal.

(c) RECOVERY OF PENALTY.—Any penalty assessed in a written decision which has become final under this Act may be recovered in a civil action brought by the Attorney General in an appropriate United States district court. In any such action, no matter that was raised or that could have been raised before the Director or pursuant to judicial review under subsection (b) may be raised as a defense, and the determination of liability and the determination of amounts of penalties and assessments shall not be subject to review.

(d) ATTORNEYS' FEES.—In any appeal brought under this section, in which the person who is the subject of such action substantially prevails on the merits, the court may assess against the United States attorneys' fees and other litigation costs reasonably incurred in the administrative proceeding and the appeal.

SEC. 11. RULES OF CONSTRUCTION.

(a) PROHIBITION OF ACTIVITIES.—Nothing in this Act shall be construed to prohibit, or to authorize the Director to prohibit, lobbying activities or lobbying contacts by any person, regardless of whether such person is in compliance with the requirements of this Act.

(b) AUDIT AND INVESTIGATIONS.—Nothing in this Act shall be construed to grant general audit or investigative authority to the Director, or to authorize the Director to review the files of a registrant, except in accordance with the requirements of section 7 regarding the informal resolution of alleged noncompliances and formal requests for information.

SEC. 12. REPEAL OF THE FEDERAL REGULATION OF LOBBYING ACT.

The Federal Regulation of Lobbying Act (2 U.S.C. 261 et seq.) is repealed.

SEC. 13. AMENDMENTS TO THE FOREIGN AGENTS REGISTRATION ACT.

The Foreign Agents Registration Act of 1938 (22 U.S.C. 611 et seq.) is amended—

(1) in section 1—

(A) in subsection (b)—

(i) in paragraph (1) by adding "and" after the semicolon;

(ii) in paragraph (2) by striking out "; and" and inserting in lieu thereof a period; and

(iii) by striking out paragraph (3);

(B) by striking out subsection (j);

(C) in subsection (o), by striking out "the dissemination of political propaganda and any other activity which the person engaging therein believes will, or which he intends to, prevail upon, indoctrinate, convert, induce, persuade, or in any other way influence" and inserting in lieu thereof "any activity which the person engaging in believes will, or which he intends to, in any way influence";

(D) in subsection (p) by striking out the semicolon and inserting in lieu thereof a period; and

(E) by striking out subsection (q);

(2) in section 3(g) (22 U.S.C. 613(g)), by striking out "established agency proceedings, whether formal or informal." and inserting in lieu thereof "agency proceedings required by statute or regulation to be conducted on the record.";

(3) in section 4(a) (22 U.S.C. 614(a))—

(A) by striking out "political propaganda" and inserting in lieu thereof "informational materials"; and

(B) by striking out "and a statement, duly signed by or on behalf of such an agent, setting forth full information as to the places, times and extent of such transmittal";

(4) in section 4(b) (22 U.S.C. 614(b))—

(A) by striking out "political propaganda" and inserting in lieu thereof "informational materials"; and

(B) by striking out "(i) in the form of prints or" and all that follows through the end of the subsection and inserting in lieu thereof "without placing in such informational materials a conspicuous statement that the materials are distributed by the agent on behalf of the foreign principal, and that additional information is on file with the Department of Justice, Washington, District of Columbia. The Attorney General may by rule define what constitutes a conspicuous statement for the purposes of this section.";

(5) in section 4(c) (22 U.S.C. 614(c)), by striking out "political propaganda" and inserting in lieu thereof "informational materials";

(6) in section 6 (22 U.S.C. 616)—

(A) in subsection (a), by striking out "and all statements concerning the distribution of political propaganda";

(B) in subsection (b), by striking out ", and one copy of every item of political propaganda"; and

(C) in subsection (c), by striking out "copies of political propaganda";

(7) in section 8 (22 U.S.C. 618)—

(A) in subsection (a)(2), by striking out "or in any statement under section 4(a) hereof concerning the distribution of political propaganda"; and

(B) by striking out subsection (d); and

(8) in section 11 (22 U.S.C. 621), by striking out ", including the nature, sources, and content of political propaganda disseminated or distributed.".

SEC. 14. AMENDMENTS TO THE BYRD AMENDMENT.

Section 1352(b) of title 31, United States Code, is amended—

(1) in paragraph (2), by striking out subparagraphs (A), (B), and (C) and inserting in lieu thereof:

"(A) the name of any registrant under the Lobbying Disclosure Act of 1992 who has made lobbying contacts on behalf of the person with respect to that Federal contract, grant, loan, or cooperative agreement; and

"(B) a certification that the person making the declaration has not made, and will not make, any payment prohibited by subsection (a).";

(2) in paragraph (3), by striking out all that follows "loan shall contain" and inserting in lieu thereof "the name of any registrant under the Lobbying Disclosure Act of 1992 who has made lobbying contacts on behalf of the person in connection with that loan insurance or guarantee"; and

(3) by striking out paragraph (6) and redesignating paragraph (7) as paragraph (6).

SEC. 15. REPEAL OF PROVISIONS RELATING TO HOUSING LOBBYIST ACTIVITIES.

(a) REGISTRATION OF HOUSING CONSULTANTS.—Section 13 of the Department of Housing and Urban Development Act (42 U.S.C. 3537b) is repealed.

(b) REGULATION OF HOUSING LOBBYISTS AND CONSULTANTS.—Section 536(d) of the Housing Act of 1949 (42 U.S.C. 1490p(d)) is repealed.

SEC. 16. SEVERABILITY.

If any provision of this Act, or the application thereof, is held invalid, the validity of the remainder of this Act and the application of such provision to other persons and circumstances shall not be affected thereby.

SEC. 17. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated such sums as may be necessary to carry out this Act.

SEC. 18. EFFECTIVE DATES.

(a) EFFECTIVE DATE.—The provisions of this Act (other than the authorization to publish proposed regulations for public comment) shall take effect 1 year after the date of the enactment of this Act.

(b) REPEALS AND AMENDMENTS.—The repeals and amendments made under sections 12, 13, 14, and 15 of this Act shall take effect as provided under subsection (a), except that such repeals and amendments—

(1) shall not affect any proceeding or suit commenced before the date this Act takes effect, and in all such proceedings or suits, proceedings shall be had, appeals taken, and judgments rendered in the same manner and with the same effect as if this Act had not been enacted; and

(2) shall not affect the requirements of Federal agencies to compile, publish, and retain information filed or received before the effective date of such repeals and amendments.

(c) REGULATIONS.—Proposed regulations required to implement this Act shall be published for public comment no later than 270 days after the date of the enactment of this Act.•

• Mr. COHEN. I am pleased to join Senator LEVIN today in introducing the Lobbying Disclosure Act of 1992, legislation which is designed to bring some measure of consistency, rationality, and uniformity to Federal lobbying disclosure laws.

The importance of ensuring effective public disclosure of lobbying activities cannot be understated. The public's confidence in government and their elected officials is at an all time low today. Concerns that high-paid hired guns are gaining access to Federal officials in an attempt to improperly influence the decisionmaking process only serves to further undermine the public's confidence in its government.

The public's suspicions concerning what is happening behind the closed doors of government offices can be significantly reduced or eliminated when there is adequate disclosure of these activities. What the public wants to know is who is doing what on behalf of whom?

There is widespread agreement that the existing laws which govern lobbying are not serving the intended purpose of ensuring public disclosure. As the series of hearings held last year by the Senate Subcommittee on Oversight of Government Management revealed, the current system is riddled with loopholes, unnecessary and burdensome requirements, and there is little or no enforcement. More fundamentally, there is no agreement on who is covered or what must be disclosed.

The legislation being introduced today is a comprehensive approach to reform which, when enacted, will be a significant improvement over the current situation. The bill would replace existing laws with a single, uniform statute and ensure that all professional lobbyists are registered. It would streamline the disclosure requirements to ensure meaningful disclosure to the public and to eliminate burdensome requirements on those who must register. It would also establish a new, more effective system for the administration and enforcement of these requirements. The responsible agency would be a new office created within the Department of Justice.

In conclusion, I want to commend Senator LEVIN for his commitment to achieving effective disclosure of lobbying activities. He and his staff have done extensive work on this issue for more than a year and the result—the legislation being introduced today—is a serious effort to comprehensively revamp the chaotic system that now exists. I hope our colleagues will join us in supporting this important legislation.•

Mr. KOHL. Mr. President, I am proud to cosponsor the Lobbying Disclosure Act of 1992 a bill introduced by my colleagues on the Governmental Affairs Committee, Senator LEVIN and Senator COHEN. This bill cuts to the core of the American people's mistrust of government. Too often, citizens feel they are without a voice, while money talks in Washington. In order to win back the trust of the American people, Congress must ensure that well-funded special interests do not have disproportionate influence over the Federal Government. This bill is a major step in that direction.

The goal of this bill is straight-forward: make sure the public knows who is lobbying the Government, why such actions are pursued, and how much is spent in the process. By improving the reliability and accessibility of such information, the Government would lift the veil over any suspected back-room dealmaking.

This bill also would enhance both compliance with disclosure laws and enforcement of those laws. By streamlining the paperwork process, the bill would make it easier for lobbyists to meet the Government's reporting requirements. At the same time, by making noncompliance a civil, rather than a criminal offense, the bill would increase the likelihood of charges being pressed against those who evade lobbying laws.

As chairman of the Subcommittee on Government Information and Regulation, I am particularly pleased with Senator LEVIN'S efforts to eliminate ineffective paperwork. During a year and a half of hearings and public comment, Senator LEVIN has demonstrated that decreasing paperwork tends to increase compliance with regulations. I believe this approach can be applied throughout the Government. The Subcommittee on Information and Regulation will continue to pursue such paperwork reduction in the interest of effective, efficient government operation.

As Senator LEVIN and Senator KOHL have pointed out, Congress must not tamper with the public's right to petition the Government. The Lobbying Disclosure Act would not do that. But another right must also be protected: the right of equal access to the Government. When our democracy allows money to shape its priorities, we add to the crisis of confidence which already threatens our Nation. This bill would help us return to a more representative democracy.

Mr. President, I rise today to congratulate the community of Black River Falls in my home State of Wisconsin for being selected as an All-America City Award finalist by the National Civic League.

Black River Falls is the historic home of the Winnebago Tribe, and the only city in Jackson County, a rural, sparsely populated, heavily forested area in west-central Wisconsin.

Mr. President, we have spent a great deal of time on the Senate floor recently talking about how we can help solve the problems facing our cities. With that in mind, I would like to call to the attention of the Senate the successful citizen-based efforts in Black River Falls to resolve their problems. In that community, Mr. President, the people do not worry about whether something can be done; they focus on how, working together, goals can be sent and reached.

I want to congratulate everyone in the Black River Falls area on receiving this well-deserved honor. Special thanks are due to Sally Lister who volunteered considerable time and energy to this process. On behalf of the citizens of Wisconsin, I extend our best wishes for success to the area representatives who will be traveling to Charlotte, NC on June 4 for the final All-America City awards competition. Whatever the outcome, Black River Falls is clearly a winner.

By Mr. STEVENS:

S. 2767. A bill to authorize a certificate of documentation for the research vessel *Brown Bear;* to the Committee on Commerce, Science, and Transportation.

DOCUMENTATION OF VESSEL "BROWN BEAR"

• Mr. STEVENS. Mr. President, this legislation would allow the Coast Guard to issue a valid certificate of documentation to the 114-foot wooden hulled research vessel *Brown Bear,* U.S. official No. 980667, which is currently owned by Michael Brittian of Seward, AK. The *Brown Bear* was built in Winslow, WA, in 1934 for the U.S. Fish and Wildlife Commission. For 16 years the vessel served her Government with distinction, both as a research vessel operating off Alaska and the Pacific Northwest, and during World War II as the YP197.

In 1950 the *Brown Bear* was given to the University of Washington, which continued to use the vessel for marine research. In 1972, after almost 40 years of service, the *Brown Bear* was sold at auction to a Canadian citizen, who renamed her the *Baja Explorador* and used her for dive charter operations in the Sea of Cortez until 1991. In November 1991 Mr. Brittian purchased the vessel and restored her to her original name.

The *Brown Bear* is currently documented under the United States for use as a recreational vessel. However, a vessel that has been owned by a foreign citizen at any point during its history cannot legally carry cargo or passengers for hire between two points in the United States. This legislation is needed to restore full citizenship privileges to the *Brown Bear* and permit her to freely conduct research off Alaska's coast once again.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2767

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That notwithstanding sections 12106, 12107, and 12108 of title 46, United States Code, and section 27 of the

Merchant Marine Act, 1920 (46 App. U.S.C. 883), as applicable on the date of enactment of this Act, the Secretary of the Department in which the Coast Guard is operating may issue a certificate of documentation for the research vessel *Brown Bear*, United States official number 980667.•

By Mr. STEVENS:

S. 2768. A bill to authorize a certificate of documentation for the fish processing vessel *Yupik Star;* to the Committee on Commerce, Science, and Transportation.

DOCUMENTATION OF VESSEL "YUPIK STAR"

• Mr. STEVENS. Mr. President, this legislation would allow the Coast Guard to issue a valid certificate of documentation for the 135-foot fish processing vessel *Yupik Star*, U.S. official No. 900823, which is currently owned by Yupik Star Seafoods, an Alaskan corporation composed of Alaska residents who are Bristol Bay fishermen. Built as a fish processing vessel in Japan in 1970, the *Yupik Star* was purchased from a Japanese fish company by the Alukanuk Native Corp. in 1986 and reflagged for use as a salmon fish processing vessel. The Natives used the vessel to process salmon in small villages and to provide jobs to villagers. In 1987 and 1988 the Alukanuk Corp. had the *Yupik Star* overhauled and refitted in Seward and Kodiak, AK, but with the economic dislocation caused by the *Exxon Valdez* oil spill the Alukanuk Corp. was unable to continue operation of the boat. A group of Alaskan Bristol Bay fishermen purchased the *Yupik Star* from the Alukanuk Corp. in January 1992.

Due to a change in Japanese law, which now requires Japanese trampers to tranship cargo only inside the United States territorial sea, the *Yupik Star* needs special legislation in order to continue its fish processing operations. Under U.S. law a foreign built vessel reflagged prior to July 28, 1987, may operate as a fish processing vessel, but it may not transport cargo in the coastwise trade. Prior to the change in Japanese law, foreign built fish processors simply moved outside the United States territorial sea to tranship cargo, which made the transfer legal since points outside the territorial sea are considered foreign points under the Jones Act. Since transhipment must now occur inside the territorial sea, legislation is needed to permit the vessel to move its fish from one point to another inside the territorial sea. The *Yupik Star* is designed to process salmon in marginal markets. This legislation is needed to permit the *Yupik Star* to continue to provide fishermen a market for salmon in many small villages.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2768

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That notwithstanding section 12106 of title 46, United States Code, and section 27 of the Merchant Marine Act, 1920 (46 App. U.S.C. 883), as applicable on the date of enactment of this Act, the Secretary of the Department in which the Coast Guard is operating may issue a certificate of documentation for the fish processing vessel *Yupik Star*, United States official number 900823.•

By Mr. D'AMATO:

S. 2769. A bill to amend the Internal Revenue Code of 1986 to provide tax incentives for economic growth and affordable housing, and for other purposes; to the Committee on Finance.

ECONOMIC GROWTH AND AFFORDABLE HOUSING ACT

• Mr. D'AMATO. Mr. President, I rise today to introduce the Economic Growth and Affordable Housing Act of 1992, a bill that, in my opinion, pulls important provisions from the recently defeated tax bill that I believe will help to stimulate investment, the national savings rate, and most of all, the economy.

As all of us know, the tax bill that was defeated in March was not good for the American people or America. The final bill would have increased taxes by over $85 billion and increased spending by more than $70 billion. We are fortunate that the President stood his ground and vetoed it and that the veto was sustained. However, this should not mean that all is lost. There were a number of good things contained in that bill that should not be buried just because the bill was bad overall.

Mr. President, we in Congress must not forsake our responsibility to the American people, especially low- and middle-income Americans. We must act now to pass legislation that will stimulate the economy and create jobs. The American people are losing faith in their Government and in their representatives. We must show them that we do care and that we are sensitive to their wants and needs. The time has come to have our efforts reflect what is right and fair. It is right to provide incentives that will increase investment in real estate and savings; it is right to provide incentives that will, without doubt, create hundreds of thousands of jobs, and it is right to do this now. Besides being right, it is also fair, not just to the American people but to the Government. Because when savings, investments and jobs are up, so is revenue.

Mr. President, the Economic Growth and Affordable Housing Act of 1992 is a five-point program targeted to stimulate the housing industry and encourage entrepreneurship. This is an area in which we can all agree indisputably contributes to economic growth and will move our economy in the right direction. It includes: the $5,000 tax credit for first-time home buyers, passive loss deductions for active real estate professionals, penalty-free IRA withdrawals for first-time homebuyers, permanent extension of the low-income housing and mortgage revenue bond tax credits, and creation of enterprise zones.

If this Congress decides to take constructive action regarding the economy, I suggest this targeted, less controversial approach will achieve multiple goals. It will stimulate the sluggish economy, create thousands of jobs, and provide middle-class Americans with the opportunity to experience the dream of owning their own home.

Mr. President, seven times since World War II the housing industry has led the U.S. economy out of recessions. The weakness in real estate and the absence of credit for real estate is what is killing us right now. If we can revive the housing industry, we can begin to pull out of this recession, just the way we have in the past. Clearly, it is in the country's best interest to ensure a fundamentally sound housing market.

Mr. President, the first-time home buyer credit alone will generate more than 200,000 housing starts and create more than 600,000 new jobs over a 2-year period. Did you know that for every 1,000 housing starts, 1,800 jobs are created and $16.7 million in Federal taxes is generated? This kind of stimulus would give our economy a boost in the form of $20 billion in new residential investment and more than $6 billion in revenues.

The National Association of Home Builders [NAHB] states that more than 33 percent of all homes sales in a typical year are made by first-time homebuyers. In addition, 80 percent of all first-time homebuyers purchase existing homes and have a median income of only $35,000. By allowing the credit to be claimed on the purchase of both new and existing homes, we will provide fundamentally fair treatment to the vast majority of first-time homebuyers.

Mr. President, in the past few years, we have discovered that the Tax Reform Act of 1986 went too far in placing limits in the area of passive losses. At the time, strict limitations seemed to be the best solution available to stop the growth of abusive tax shelters. However, it has since become quite clear that the current laws are contributing to the destabilization of housing markets and ownership. A number of bills previously introduced recommended modification of the passive loss rules. The one that takes a major step toward stabilizing real estate values and restoring tax fairness to real estate professionals is S. 1257—BOREN, BREAUX and SYMMS. For this reasons, I have included the language of S. 1257 in my bill. Between the $5,000 credit for first-time home buyers and restoring reasonable recognition of passive losses, Americans will begin investing in America again.

Mr. President, to provide assistance to those individuals who want to become homeowners but can't seem to put together a down payment, my bill proposes to allow penalty-free withdrawals from individual retirement accounts [IRA's] for first-time home buyers. The penalty-free withdrawal would apply to the individual, his or her spouse, child or grandchild. Studies have shown that lack of sufficient down payment is the reason that 80 to 90 percent of young renters cannot purchase a first home. Therefore, allowing this flexibility to parents and grandparents, assistance can be given to family members who may be able to afford house payments but lack the necessary funds for a down payment.

Mr. President, to continue providing affordable housing to lower income Americans, my bill permanently extends the low-income housing tax credit, and the Qualified Mortgage Bond and Mortgage Credit Certificate Programs. The low-income housing credit has already helped produce more than 415,000 units of rental housing serving households at 60 percent of area median income or less. It accounts for one-third of all multifamily rental housing construction and virtually all low-income rental housing. It is estimated that the 99,365 units of affordable housing generated by the credit in 1991 created 55,000 jobs and more than $1.8 billion in wages and tax revenues.

At one time or another, over 75 percent of this Congress has cosponsored legislation to make the low-income housing tax credit permanent. This includes more than three-fourths of both the Finance and Ways and Means Committees. With this kind of support, it is time to stop the short-term extensions, which are disruptive, time consuming, and wasteful in time and resources for both Congress and the States. The decision should be made now to permanently extend this credit so that we can permanently assist low-moderate income Americans in securing affordable housing.

Mr. President, since their creation, mortgage revenue bonds [MRB's] have provided more than 1.9 million low interest mortgages across the country. In 1991 alone, more than 117,000 mortgages were provided through MRB loans. MRB's also stimulate growth and provide jobs. It is estimated that the 30,000 MRB loans made in 1991 for newly constructed housing produced 54,000 jobs and generated over $1.25 billion in wages and tax revenues. In order to maintain this economic stimulus and jobs, we must permanently extend these important provisions.

Finally, Mr. President, it is time to provide the long awaited tax incentives that will stimulate our economically distressed areas. In 1987 Congress passed Public Law 100-242, "The Housing and Community Development Act of 1987," that stipulated the designation of enterprise zones [EZ's] in this country's most distressed urban and rural communities. Unfortunately, no specific Federal tax incentives were created at that time or since. For years Secretary Kemp has strongly supported EZ legislation to foster job creation and entrepreneurial opportunities for the poor. However, we have been slow in providing the incentives that will encourage businesses to start and grow in economically disadvantaged neighborhoods.

Thus far, the States have taken the lead in implementing enterprise zones, and they have been successful. Some 37 States have adopted the EZ concept, with 32 States and the District of Columbia having an operational program in place. A number of States have reported job gain growth rates that were higher than the national rate over comparable time periods. Over the years, it has been reported that a significant number of State-sponsored enterprise zones have achieved notable success in revitalizing some of their economically distressed areas.

On May 9, 1991, my colleagues, Senators DANFORTH and LIEBERMAN, introduced S. 1032, the Enterprise Zone Jobs-Creation Act of 1991. This bill includes the kinds of incentives needed to encourage EZ investments and encompasses many of the features initially proposed by the administration. As such, I believe it important to make this a part of The Economic Growth and Affordable Housing Act of 1992.

Mr. President, we must stop the rhetoric and take action now to provide the necessary incentives to get this country back on track. That is why I am sponsoring this bill and I urge my colleagues to join me as cosponsors.

Mr. President, I ask unanimous consent that the full text of my bill be printed in the RECORD following my statement.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2769

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE, ETC.

(a) SHORT TITLE.—This Act may be cited as the "Economic Growth and Affordable Housing Act of 1992".

(b) AMENDMENT OF 1986 CODE.—Except as otherwise expressly provided, whenever in this Act an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of the Internal Revenue Code of 1986.

(c) SECTION 15 NOT TO APPLY.—No amendment made by this Act shall be treated as a change in a rate of tax for purposes of section 15 of the Internal Revenue Code of 1986.

(d) TABLE OF CONTENTS.—The table of contents of this Act is as follows:

Sec. 1. Short title, etc.

TITLE I—FIRST-TIME HOMEBUYER CREDIT

Sec. 101. Credit for purchase of principal residence by first-time homebuyer.

TITLE II—MODIFICATIONS OF PASSIVE LOSS RULES

Sec. 201. Modifications of passive loss rules.

TITLE III—PENALTY-FREE DISTRIBUTIONS FROM IRA'S FOR FIRST HOMES

Sec. 301. Distributions from certain plans may be used without penalty to purchase first homes.

TITLE IV—LOW-INCOME HOUSING CREDIT AND QUALIFIED MORTGAGE BONDS

Sec. 401. Low-income housing credit.

Sec. 402. Qualified mortgage bonds.

TITLE V—ENTERPRISE ZONES

Sec. 500. Purpose.

Subtitle A—Designation of Enterprise Zones

Sec. 501. Designation of zones.

Sec. 502. Reporting requirements.

Sec. 503. Interaction with other Federal programs.

Subtitle B—Federal Income Tax Incentives

Sec. 511. Definitions and regulations; employee credit; capital gain exclusion; stock expensing.

Sec. 512. Alternative minimum tax.

Sec. 513. Adjusted gross income defined.

Sec. 514. Effective date.

Subtitle C—Regulatory Flexibility

Sec. 521. Definition of small entities in enterprise zone for purposes of analysis of regulatory functions.

Sec. 522. Waiver or modification of agency rules in enterprise zones.

Sec. 523. Federal agency support of enterprise zones.

Subtitle D—Establishment of Foreign-Trade Zones in Enterprise Zones

Sec. 531. Foreign-trade zone preferences.

Subtitle E—Repeal of Title VII of the Housing and Community Development Act of 1987

Sec. 541. Repeal.

TITLE I—FIRST-TIME HOMEBUYER CREDIT

SEC. 101. CREDIT FOR PURCHASE OF PRINCIPAL RESIDENCE BY FIRST-TIME HOMEBUYER.

(a) IN GENERAL.—Subpart A of part IV of subchapter A of chapter 1 (relating to nonrefundable personal credits) is amended by inserting after section 22 the following new section:

"SEC. 23. PURCHASE OF PRINCIPAL RESIDENCE BY FIRST-TIME HOMEBUYER.

"(a) ALLOWANCE OF CREDIT.—

"(1) IN GENERAL.—In the case of a first-time homebuyer, there shall be allowed as a credit against the tax imposed by this chapter an amount equal to 10 percent of the purchase price of an eligible principal residence purchased by the taxpayer during a portion of the taxable year which occurs within the eligibility period.

"(2) MAXIMUM CREDIT.—The credit allowed by subsection (a) to the taxpayer shall not exceed $5,000.

"(b) ELIGIBLE PRINCIPAL RESIDENCE.—For purposes of subsection (a), the term 'eligible principal residence' means a principal residence which is the first principal residence purchased by the taxpayer during the eligibility period.

"(c) FIRST-TIME HOMEBUYER.—For purposes of this section—

"(1) In general.—The term 'first-time homebuyer' means any individual unless such individual or such individual's spouse had a present ownership interest in any principal residence at any time during the 3-year period ending on the date of the purchase of the residence referred to in subsection (a).

"(2) Unmarried joint owners.—An individual shall not be treated as a first-time homebuyer with respect to any residence unless all the individuals purchasing such residence with such individual are first-time homebuyers.

"(3) Allocation of limits.—All individuals purchasing a residence shall be treated as 1 individual for purposes of determining the maximum credit under subsection (a), and such maximum credit shall be allocated among such individuals under regulations prescribed by the Secretary.

"(4) Certain individuals ineligible.—The term 'first-time homebuyer' shall not include any individual if, on the date of the purchase of the residence, the period of time specified in section 1034(a) is suspended under subsection (h) or (k) of section 1034 with respect to such individual.

"(d) Other Definitions.—For purposes of this section—

"(1) Eligibility period.—

"(A) In general.—The term 'eligibility period' means the period beginning after December 31, 1991, and ending before January 1, 1993.

"(B) Binding contracts.—A residence shall be treated as purchased during the eligibility period if—

"(i) during the eligibility period, the purchaser enters into a binding contract to purchase the residence, and

"(ii) the purchaser purchases and occupies the residence before the close of the 90-day period beginning on the date the contract was entered into.

For purposes of clause (i), a contract shall not fail to be treated as binding merely because it is contingent on financing or on the condition of the residence.

"(2) Purchase.—The term 'purchase' means any acquisition of property, but only if—

"(A) the property is not acquired from a person whose relationship to the person acquiring it would result in the disallowance of losses under section 267 or 707(b), and

"(B) the basis of the property in the hands of the person acquiring it is not determined—

"(i) in whole or in part by reference to the adjusted basis of such property in the hands of the person from whom acquired, or

"(ii) under section 1014(a) (relating to property acquired from a decedent).

"(3) Principal residence.—The term 'principal residence' has the same meaning as when used in section 1034.

"(4) Purchase price.—The term 'purchase price' means the adjusted basis of the residence on the date of its acquisition.

"(e) Carryover of Unused Credit.—

"(1) In general.—If—

"(A) the credit allowable under subsection (a) exceeds,

"(B) the limitation imposed by section 26(a) reduced by the sum of the credits allowable under sections 21 and 22,

such excess shall be carried to the succeeding taxable year and shall be allowable under subsection (a) for such succeeding taxable year.

"(2) 5-year limit on carryforward.—No amount may be carried under paragraph (1) to any taxable year after the 5th taxable year after the taxable year in which the residence is purchased.

"(f) Recapture of Credit for Certain Dispositions.—

"(1) In general.—Except as provided in paragraphs (2) and (3), if the taxpayer disposes of property with respect to the purchase of which a credit was allowed under subsection (a) and such disposition occurs at any time within 36 months after the date the taxpayer acquired the property as his principal residence, then the tax imposed under this chapter for the taxable year in which the disposition occurs is increased by an amount equal to the amount allowed as a credit for the purchase of such property.

"(2) Acquisition of new residence.—If, in connection with a disposition described in paragraph (1) and within the applicable period prescribed in section 1034, the taxpayer purchases a new principal residence, then paragraph (1) shall not apply and the tax imposed by this chapter for the taxable year in which the new principal residence is purchased is increased to the extent the amount of the credit that could be claimed under this section on the purchase of the new residence (were such residence the first residence purchased during the eligibility period) is less than the amount of credit claimed by the taxpayer under this section.

"(3) Death of owner; casualty loss; involuntary conversion; etc.—Paragraph (1) shall not apply to—

"(A) a disposition of a residence made on account of the death of any individual having a legal or equitable interest therein occurring during the 36-month period referred to in paragraph (1),

"(B) a disposition of the old residence if it is substantially or completely destroyed by a casualty described in section 165(c)(3) or compulsorily or involuntarily converted (within the meaning of section 1033(a)), or

"(C) a disposition pursuant to a settlement in a divorce or legal separation proceeding where the residence is sold or the other spouse retains the residence as a principal residence."

(b) Clerical Amendment.—The table of sections for subpart A of part IV of subchapter A of chapter 1 is amended by inserting after the item relating to section 22 the following new item:

"Sec. 23. Purchase of principal residence by first-time homebuyer."

(c) Effective Date.—The amendments made by this section shall apply to taxable years ending on or after February 1, 1992.

TITLE II—MODIFICATIONS OF PASSIVE LOSS RULES

SEC. 201. MODIFICATIONS OF PASSIVE LOSS RULES.

(a) In General.—Subsection (c) of section 469 (relating to passive activity losses and credits limited) is amended by adding at the end the following new paragraphs:

"(7) Taxpayers engaged in the real property business.—In the case of a taxpayer engaged in the real property business, the determination of what constitutes an activity and whether an activity is a passive activity shall be made by treating the taxpayer's rental real property operations, undertakings, and activities in the same manner as nonrental trade or business operations, undertakings, and activities.

"(8) Individuals engaged in the real property business.—For purposes of paragraph (7), an individual is engaged in the real property business if—

"(A) such individual spends at least 50 percent of such individual's working time in real property operations; and

"(B) such individual spends more than 500 hours during the taxable year in real property operations.

"(9) Real property operations.—For purposes of paragraph (8), the term 'real property operations' means any real property development, redevelopment, construction, reconstruction, acquisition, conversion, rental, operation, management, leasing, brokerage, appraisal, and finance operations.

"(10) Working time.—For purposes of paragraph (8), the term 'working time' means any time spent as an employee, sole proprietor, S corporation shareholder, partner in a partnership, or beneficiary of a trust or estate.

"(11) Closely held C corporations engaged in the real property business.—For purposes of paragraph (7), a closely held C corporation is engaged in the real property business if—

"(A) 1 or more shareholders owning stock representing more than 50 percent (by value) of the outstanding stock of such corporation materially participate in the aggregate real property activities of such corporation; or

"(B) such corporation meets the requirements of section 465(c)(7)(C) (without regard to clause (iv)) with respect to the aggregate real property activities of such corporation."

(b) Conforming Amendments.—

(1) Paragraph (2) of section 469(c) is amended to read as follows:

"(2) Passive activity includes certain rental activities.—Except for rental activities treated in the same manner as nonrental trade or business activities pursuant to paragraph (7), each rental activity is a passive activity without regard to whether or not the taxpayer materially participates in the rental activity."

(2) Paragraph (4) of section 469(c) is amended to read as follows:

"(4) Material participation not required for paragraph (3).—Paragraph (3) shall be applied without regard to whether or not the taxpayer materially participates in the activity."

(c) Effective Date.—The amendments made by this section shall apply to taxable years beginning after December 31, 1991.

TITLE III—PENALTY-FREE DISTRIBUTIONS FROM IRA'S FOR FIRST HOMES

SEC. 301. DISTRIBUTIONS FROM CERTAIN PLANS MAY BE USED WITHOUT PENALTY TO PURCHASE FIRST HOMES.

(a) In General.—Paragraph (2) of section 72(t) (relating to exceptions to 10-percent additional tax on early distributions from qualified retirement plans) is amended by adding at the end thereof the following new subparagraph:

"(D) Distributions from certain plans for first home purchases.—Distributions to an individual from an individual retirement plan, or from amounts attributable to employer contributions made pursuant to elective deferrals described in subparagraph (A) or (C) of section 402(g)(3) or section 501(c)(18)(D)(iii) which are qualified first-time homebuyer distributions (as defined in paragraph (6))."

(b) Definitions.—Section 72(t) is amended by adding at the end thereof the following new paragraph:

"(6) Qualified first-time homebuyer distributions.—For purposes of paragraph (2)(D)—

"(A) In general.—The term 'qualified first-time homebuyer distribution' means any payment or distribution received by an individual to the extent such payment or distribution is used by the individual before the close of the 60th day after the day on which such payment or distribution is received to pay qualified acquisition costs with respect to a principal residence of a first-time homebuyer who is such individual or the spouse, child, or grandchild of such individual.

"(B) QUALIFIED ACQUISITION COSTS.—For purposes of this paragraph, the term 'qualified acquisition costs' means the costs of acquiring, constructing, or reconstructing a residence. Such term includes any usual or reasonable settlement, financing, or other closing costs.

"(C) FIRST-TIME HOMEBUYER; OTHER DEFINITIONS.—For purposes of this paragraph—

"(i) FIRST-TIME HOMEBUYER.—The term 'first-time homebuyer' means any individual if—

"(I) such individual (and if married, such individual's spouse) had no present ownership interest in a principal residence during the 3-year period ending on the date of acquisition of the principal residence to which this paragraph applies, and

"(II) subsection (h) or (k) of section 1034 did not suspend the running of any period of time specified in section 1034 with respect to such individual on the day before the date the distribution is applied pursuant to subparagraph (A)(ii).

"(ii) PRINCIPAL RESIDENCE.—The term 'principal residence' has the same meaning as when used in section 1034.

"(iii) DATE OF ACQUISITION.—The term 'date of acquisition' means the date—

"(I) on which a binding contract to acquire the principal residence to which subparagraph (A) applies is entered into, or

"(II) on which construction or reconstruction of such a principal residence is commenced.

"(D) SPECIAL RULE WHERE DELAY IN ACQUISITION.—If any distribution from any individual retirement plan fails to meet the requirements of subparagraph (A) solely by reason of a delay or cancellation of the purchase or construction of the residence, the amount of the distribution may be contributed to an individual retirement plan as provided in section 408(d)(3)(A)(i) (determined by substituting '120 days' for '60 days' in such section), except that—

"(i) section 408(d)(3)(B) shall not be applied to such contribution, and

"(ii) such amount shall not be taken into account—

"(I) in determining whether section 408(d)(3)(A)(i) applies to any other amount, or

"(II) for purposes of subclause (II) of subparagraph (A)(i)."

(d) CONFORMING AMENDMENTS.—

(1) Section 401(k)(2)(B)(i) is amended by striking "or" at the end of subclause (III), by striking "and" at the end of subclause (IV) and inserting "or", and by inserting after subclause (IV) the following new subclause:

"(V) the date on which qualified first-time homebuyer distributions (as defined in section 72(t)(6)) are made, and".

(2) Section 403(b)(11) is amended by striking "or" at the end of subparagraph (A), by striking the period at the end of subparagraph (B) and inserting ", or", and by inserting after subparagraph (B) the following new subparagraph:

"(C) for qualified first-time homebuyer distributions (as defined in section 72(t)(6))."

(e) EFFECTIVE DATE.—The amendments made by this section shall apply to payments and distributions after December 31, 1991.

TITLE IV—LOW-INCOME HOUSING CREDIT AND QUALIFIED MORTGAGE BONDS

SEC. 401. LOW-INCOME HOUSING CREDIT.

(a) PERMANENT EXTENSION.—

(1) IN GENERAL.—Section 42 (relating to low-income housing credit) is amended by striking subsection (o).

(2) EFFECTIVE DATE.—The amendments made by paragraph (1) shall apply to periods ending after June 30, 1992.

(b) MODIFICATIONS.—

(1) CARRYFORWARD RULES.—

(A) IN GENERAL.—Clause (ii) of section 42(h)(3)(D) (relating to unused housing credit carryovers allocated among certain States) is amended by striking "the excess" and all that follows and inserting "the excess (if any) of the unused State housing credit ceiling for the year preceding such year over the aggregate housing credit dollar amount allocated for such year."

(B) CONFORMING AMENDMENT.—The second sentence of section 42(h)(3)(C) (relating to State housing credit ceiling) is amended by striking "clauses (i) and (iii)" and inserting "clauses (i) through (iv)".

(2) 10-YEAR ANTI-CHURNING RULE WAIVER EXPANDED.—Clause (ii) of section 42(d)(6)(B) (defining federally assisted building) is amended by inserting ", 221(d)(4)," after "221(d)(3)".

(3) LIMITATION ON ELIGIBLE BASIS OF UNITS.—Paragraph (5) of section 42(d) (relating to special rules for determining eligible basis) is amended by adding at the end thereof the following new subparagraph:

"(D) MAXIMUM LIMIT PER UNIT.—

"(i) IN GENERAL.—Notwithstanding any other provision of this section, and before the application of subparagraph (C), the eligible basis of each unit of any building shall not exceed $124,875.

"(ii) INFLATION ADJUSTMENT.—For any calendar year beginning after 1992, the dollar amount referred to in clause (i) shall be increased by an amount equal to—

"(I) such dollar amount, multiplied by

"(II) the cost-of-living adjustment determined under section 1(f)(3), for such calendar year, by substituting 'calendar year 1991' for 'calendar year 1989' in subparagraph (B) thereof.

If any dollar amount after being increased under paragraph (1) is not a multiple of $10, such dollar amount shall be rounded to the nearest multiple of $10 (or, if such dollar amount is a multiple of $5, such dollar amount shall be increased to the next higher multiple of $10)."

(4) UNITS WITH CERTAIN FULL-TIME STUDENTS NOT DISQUALIFIED.—Subparagraph (D) of section 42(i) (relating to definitions and special rules) is amended to read as follows:

"(D) CERTAIN STUDENTS NOT TO DISQUALIFY UNIT.—A unit shall not fail to be treated as a low-income unit merely because it is occupied—

"(i) by an individual who is—

"(I) a student and receiving assistance under title IV of the Social Security Act, or

"(II) enrolled in a job training program receiving assistance under the Job Training Partnership Act or under other similar Federal, State, or local laws, or

"(ii) entirely by full-time students if such students are—

"(I) single parents and their children and such parents and children are not dependents (as defined in section 152) of another individual, or

"(II) married and file a joint return."

(5) TREASURY WAIVERS OF CERTAIN DE MINIMIS ERRORS AND RECERTIFICATIONS.—Subsection (g) of section 42 (relating to qualified low-income housing projects) is amended by adding at the end thereof the following new paragraph:

"(8) WAIVER OF CERTAIN DE MINIMIS ERRORS AND RECERTIFICATIONS.—On application by the taxpayer, the Secretary may waive—

"(A) any recapture under subsection (j) in the case of any de minimis error in complying with paragraph (1), or

"(B) any annual recertification of tenant income for purposes of this subsection, if the entire building is occupied by low-income tenants."

(6) BASIS OF COMMUNITY SERVICE AREAS INCLUDED IN ADJUSTED BASIS.—Paragraph (4) of section 42(d) (relating to special rules relating to determination of adjusted basis) is amended—

(A) by striking "subparagraph (B)" in subparagraph (A) and inserting "subparagraphs (B) and (C)",

(B) by redesignating subparagraph (C) as subparagraph (D), and

(C) by inserting after subparagraph (B) the following new subparagraph:

"(C) BASIS OF PROPERTY IN COMMUNITY SERVICE AREAS INCLUDED.—The adjusted basis of any building located in a qualified census tract shall be determined by taking into account the adjusted basis of property (of a character subject to the allowance for depreciation) used in functionally related and subordinate community activity facilities if—

"(i) the size of the facilities is commensurate with tenant needs,

"(ii) the use of such facilities is predominantly by tenants and employees of the building owner, and

"(iii) not more than 20 percent of the building's eligible basis is attributable to the aggregate basis of such facilities."

(7) EFFECTIVE DATES.—

(A) IN GENERAL.—Except as provided in subparagraph (B), the amendments made by this subsection shall apply to—

(i) determinations under section 42 of the Internal Revenue Code of 1986 with respect to housing credit dollar amounts allocated from State housing credit ceilings after June 30, 1992, or

(ii) buildings placed in service after June 30, 1992, to the extent paragraph (1) of section 42(h) of such Code does not apply to any building by reason of paragraph (4) thereof, but only with respect to bonds issued after such date.

(B) WAIVER AUTHORITY.—The amendments made by paragraphs (2) and (5) shall take effect on the date of the enactment of this Act.

SEC. 402. QUALIFIED MORTGAGE BONDS.

(a) PERMANENT EXTENSION.—Paragraph (1) of section 143(a) (defining qualified mortgage bond) is amended to read as follows:

"(1) QUALIFIED MORTGAGE BOND DEFINED.—For purposes of this title, the term 'qualified mortgage bond' means a bond which is issued as part of a qualified mortgage issue."

(b) MORTGAGE CREDIT CERTIFICATES.—Subsection (h) of section 25 is hereby repealed.

(d) EFFECTIVE DATES.—

(1) BONDS.—The amendment made by subsection (a) shall apply to bonds issued after June 30, 1992.

(2) CERTIFICATES.—The amendment made by subsection (b) shall apply to elections for periods after June 30, 1992.

TITLE V—ENTERPRISE ZONES

SEC. 500. PURPOSE.

It is the purpose of this title to provide for the establishment of enterprise zones in order to stimulate entrepreneurship, particularly by zone residents, the creation of new jobs, particularly for disadvantaged workers and long-term unemployed individuals, and to promote revitalization of economically distressed areas primarily by providing or encouraging—

(1) tax relief at the Federal, State, and local levels;

(2) regulatory relief at the Federal, State, and local levels; and

(3) improved local services and an increase in the economic stake of enterprise zone residents in their own community and its development, particularly through the increased involvement of private, local, and neighborhood organizations.

Subtitle A—Designation of Enterprise Zones

SEC. 501. DESIGNATION OF ZONES.

(a) GENERAL RULE.—Chapter 80 (relating to general rules) is amended by adding at the end thereof the following new subchapter:

"Subchapter D—Designation of Enterprise Zones

"Sec. 7880. Designation.

"SEC. 7880. DESIGNATION.

"(a) DESIGNATION OF ZONES.—

"(1) DEFINITION.—For purposes of this title, the term 'enterprise zone' means any area—

"(A) which is nominated by one or more local governments and the State or States in which it is located for designation as an enterprise zone (hereinafter in this section referred to as a 'nominated area'), and

"(B) which the Secretary of Housing and Urban Development, after consultation with—

"(i) the Secretaries of Agriculture, Commerce, Labor, and the Treasury; the Director of the Office of Management and Budget; and the Administrator of the Small Business Administration, and

"(ii) in the case of an area on an Indian reservation, the Secretary of the Interior,

designates as an enterprise zone.

"(2) AUTHORITY TO DESIGNATE.—The Secretary of Housing and Urban Development is authorized to designate enterprise zones in accordance with the provisions of this section.

"(3) LIMITATIONS ON DESIGNATIONS.—

"(A) PUBLICATION OF REGULATIONS.—Before designating any area as an enterprise zone and not later than 4 months following the date of the enactment of this section, the Secretary of Housing and Urban Development shall prescribe by regulation, after consultation with the officials described in paragraph (1)(B)—

"(i) the procedures for nominating an area, and

"(ii) the procedures for designation as an enterprise zone, including a method for comparing courses of action under subsection (d) proposed for nominated areas, and the other factors specified in subsection (e)

"(B) TIME LIMITATIONS.—The Secretary of Housing and Urban Development shall designate nominated areas as enterprise zones only during the 48-month period beginning on the later of—

"(i) the first day of the first month following the month in which the effective date of the regulations described in subparagraph (A) occurs, or

"(ii) June 30, 1992.

"(C) NUMBER OF DESIGNATIONS.—

"(i) IN GENERAL.—The Secretary of Housing and Urban development may designate—

"(I) not more than 50 nominated areas as enterprise zones under this section and

"(II) not more than 15 nominated areas as enterprise zones during the first 12-month period beginning on the date determined under subparagraph (B), not more than 30 by the end of the second 12-month period, not more than 45 by the end of the third 12-month period, and not more than 50 by the end of the fourth 12-month period.

"(ii) MINIMUM DESIGNATION IN RURAL AREAS.—Of the areas designated as enterprise zones, at least one-third must be areas that are—

"(I) within a local government jurisdiction or jurisdictions with a population of less than 50,000 (as determined using the most recent census data available);

"(II) outside of a metropolitan statistical area (within the meaning of section 143(k)(2)(B)); or

"(III) determined by the Secretary of Housing and Urban Development, after consultation with the Secretary of Commerce, to be rural areas.

"(D) PROCEDURAL RULES.—The Secretary of Housing and Urban Development shall not make any designations under this section unless—

"(i) the local government and the State in which the nominated area is located have the authority to—

"(I) nominate such area for designation as an enterprise zone,

"(II) make the State and local commitments under subsection (d), and

"(III) provide assurances satisfactory to the Secretary of Housing and Urban development that such commitments will be fulfilled, and

"(ii) a nomination therefor is submitted by such State and local governments in such a manner and in such form, and contains such information, as the Secretary of Housing and Urban Development shall prescribe by regulation.

"(4) NOMINATION PROCESS FOR INDIAN RESERVATIONS.—In the case of a nominated area on an Indian reservation, the reservation governing body (as determined by the Secretary of the Interior) shall be deemed to be both the State and local governments with respect to such area.

"(b) TIME PERIOD FOR WHICH DESIGNATION IS IN EFFECT—

"(1) IN GENERAL.—Any designation of an area as an enterprise zone shall remain in effect during the period beginning on the date of the designation and ending on the earliest of—

"(A) December 31 of the 24th calendar year following the calendar year in which such date occurs,

"(B) the termination date specified by the State and local governments as provided in the nomination submitted in accordance with subsection (a)(3)(D)(ii),

"(C) such other date as the Secretary of Housing and Urban Development shall specify as a condition of designation, or

"(D) the date upon which the Secretary of Housing and Urban Development revokes such designation.

"(2) REVOCATION OF DESIGNATION.—The Secretary of Housing and Urban Development, after consultation with the officials described in subsection (a)(1)(B), may revoke the designation of an area if the Secretary of Housing and Urban Development determines that the State or a local government in which the area is located is not complying substantially with the agreed course of action for the area.

"(c) AREA AND ELIGIBILITY REQUIREMENTS—

"(1) IN GENERAL.—The Secretary of Housing and Urban Development may designate a nominated area as an enterprise zone only if it meets the requirements of paragraphs (2) and (3).

"(2) AREA REQUIREMENTS.—A nominated area meets the requirements of this paragraph if—

"(A) the area is within the jurisdiction of the local government;

"(B) the boundary of the area is continuous; and

"(C) the area—

"(i) has a population, as determined by the most recent census data available, of not less than—

"(I) 4,000 if any portion of such area (other than a rural area described in subsection (a)(3)(C)(ii)) is located within a metropolitan statistical area (as designated by the Director of the Office of Management and Budget) with a population of 50,000 or more; or

"(II) 1,000 in any other case; or

"(ii) is entirely within an Indian reservation (as determined by the Secretary of the Interior).

"(3) ELIGIBILITY REQUIREMENTS.—For purposes of paragraph (1), a nominated area meets the requirements of this paragraph if the State or local governments in which the nominated area is located certifies, and the Secretary of Housing and Urban Development accepts such certification, that—

"(A) the area is one of pervasive poverty, unemployment and general distress;

"(B) the area is located wholly within the jurisdiction of a local government that is eligible for Federal assistance under section 119 of the Housing and Community Development Act of 1974, as in effect on the date of the enactment of this Act;

"(C) the unemployment rate for the area, as determined by the appropriate available data, was not less than 1.5 times the national unemployment rate for the period;

"(D) the poverty rate (as determined by the most recent census data available) for each populous census tract (or where not tracted, the equivalent county division as defined by the Bureau of the Census for the purpose of defining poverty areas) within the area was not less than 20 percent for the period to which such data relate; and

"(E) the area meets at least one of the following criteria:

"(i) Not less than 70 percent of the households living in the area have incomes below 80 percent of the median income of households of the local government (determined in the same manner as under section 119(b)(2) of the Housing and Community Development Act of 1974).

"(ii) The population of the area decreased by 20 percent or more between 1970 and 1980 (as determined from the most recent census available).

"(4) ELIGIBILITY REQUIREMENTS FOR RURAL AREAS.—For purposes of paragraph (1), a nominated area that is a rural area described in subsection (a)(3)(C)(ii) meets the requirements of paragraph (3) if the State and local governments in which it is located certify and the Secretary, after such review of supporting data as he deems appropriate, accepts such certification, that the area meets—

"(A) the criteria set forth in subparagraphs (A) and (B) of paragraph (3); and

"(B) not less than one of the criteria set forth in the other subparagraphs of paragraph (3).

"(d) REQUIRED STATE AND LOCAL COMMITMENTS.—

"(1) IN GENERAL.—No nominated area shall be designated as an enterprise zone unless the State and the local government or governments of the jurisdictions in which the nominated area is located agree in writing that, during any period during which the nominated area is an enterprise zone, such governments will follow a specified course of action designed to reduce the various burdens borne by employers or employees in such area.

"(2) COURSE OF ACTION.—The course of action under paragraph (1) may include, but is not limited to—

"(A) the reduction or elimination of tax rates or fees applying within the enterprise zone,

"(B) actions to reduce, remove, simplify, or streamline governmental requirements applying within the enterprise zone,

"(C) an increase in the level or efficiency of local services within the enterprise zone, for example, crime prevention, and drug enforcement prevention and treatment,

"(D) involvement in the program by private entities, organizations, neighborhood associations, and community groups, particularly those within the nominated area, including a commitment from such private entities to provide jobs and job training for, and technical, financial or other assistance to, employers, employees, and residents of the nominated area,

"(E) mechanisms to increase equity ownership by residents and employees within the enterprise zone,

"(F) donation (or sale below market value) of land and buildings to benefit low and moderate income people,

"(G) linkages to—

"(i) job training,

"(ii) transportation,

"(iii) education,

"(iv) day care,

"(v) health care, and

"(vi) other social service support,

"(H) provision of supporting public facilities, and infrastructure improvements,

"(I) encouragement of local entrepreneurship; and

"(J) other factors determined essential to support enterprise zone activities and encourage livability or quality of life.

"(3) LATER MODIFICATION OF A COURSE OF ACTION.—The Secretary of Housing and Urban Development may by regulation prescribe procedures to permit or require a course of action to be updated or modified during the time that a designation is in effect.

"(e) PRIORITY OF DESIGNATION.—In choosing nominated areas for designation, the Secretary of Housing and Urban Development shall give preference to the nominated areas—

"(1) with respect to which the strongest and highest quality contributions have been promised as part of the course of action, taking into consideration the fiscal ability of the nominating State and local governments to provide tax relief,

"(2) with respect to which the nominating State and local governments have provided the most effective and enforceable guarantees that the proposed course of action will actually be carried out during the period of the enterprise zone designation,

"(3) with respect to which private entities have made the most substantial commitments in additional resources and contributions, including the creation of new or expanded business activities, and

"(4) which best exhibit such other factors determined by the Secretary of Housing and Urban Development, including relative distress, as are consistent with the intent of the enterprise zone program and have the greatest likelihood of success.

"(f) GEOGRAPHIC DISTRIBUTION.—In making designations, the Secretary of Housing and Urban Development will take into consideration a reasonable geographic distribution of enterprise zones.

"(g) DEFINITIONS.—For the purposes of this title—

"(1) GOVERNMENTS.—If more than one government seeks to nominate an area as an enterprise zone, any reference to, or requirement of, this section shall apply to all such governments.

"(2) STATE.—The term 'State' shall also include the Commonwealth of Puerto Rico, the Virgin Islands, Guam, American Samoa, the Commonwealth of the Northern Mariana Islands, and any other possession of the United States.

"(3) LOCAL GOVERNMENT.—The term 'local government' means—

"(A) any county, city, town, township, parish, village, or other general purpose political subdivision of a State,

"(B) any combination of political subdivisions described in subparagraph (A) recognized by the Secretary of Housing and Urban Development, and

"(C) the District of Columbia.".

"(h) CROSS REFERENCES FOR—

"(1) definitions, see section 1391,

"(2) treatment of employees in enterprise zones, see section 1392, and

"(3) treatment of investments in enterprise zones, see sections 1393 and 1394.".

(b) CLERICAL AMENDMENT.—The table of subchapters for chapter 80 is amended by adding at the end thereof the following new item:

"SUBCHAPTER D. Designation of enterprise zones.".

SEC. 502. REPORTING REQUIREMENTS.

Not later than the close of the second calendar year after the calendar year in which the Secretary of Housing and Urban Development first designates areas as enterprise zones, and at the close of each second calendar year thereafter, the Secretary of Housing and Urban Development shall submit to the Congress a report on the effects of such designation in accomplishing the purposes of this title.

SEC. 503. INTERACTION WITH OTHER FEDERAL PROGRAMS.

(a) COORDINATION WITH RELOCATION ASSISTANCE.—The designation of an enterprise zone under section 7880 of the Internal Revenue Code of 1986 (as added by this title) shall not—

(1) constitute approval of a Federal or federally assisted program or project (within the meaning of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (42 U.S.C. 4601)); or

(2) entitle any person displaced from real property located in such zone to any rights or any benefits under such Act.

(b) COORDINATION WITH ENVIRONMENTAL POLICY.—Designation of an enterprise zone under section 7880 of such Code shall not constitute a Federal action for purposes of applying the procedural requirements of the National Environmental Policy Act of 1969 (42 U.S.C. 4341) or other provisions of Federal law relating to the protection of the environment.

Subtitle B—Federal Income Tax Incentives

SEC. 511. DEFINITIONS AND REGULATIONS; EMPLOYEE CREDIT; CAPITAL GAIN EXCLUSION; STOCK EXPENSING.

(a) GENERAL RULE.—Chapter 1 (relating to normal tax and surtax rules) is amended by inserting after subchapter T the following new subchapter:

"Subchapter U—Enterprise Zones

"Sec. 1391. Definitions and regulatory authority.
"Sec. 1392. Credit for enterprise zone employees.
"Sec. 1393. Enterprise zone capital gain.
"Sec. 1394. Enterprise zone stock.

"SEC. 1391. DEFINITIONS AND REGULATORY AUTHORITY.

"(a) ENTERPRISE ZONE.—

"(1) IN GENERAL.—For purposes of this subchapter, the term 'enterprise zone' means any area which the Secretary of Housing and Urban Development designates pursuant to section 7880(a) as a Federal enterprise zone for purposes of this title.

"(2) TERMINATION OF ENTERPRISE ZONE.—An area will cease to constitute an enterprise zone once its designation as such terminates or is revoked under section 7880(b).

"(b) ENTERPRISE ZONE BUSINESS.—

"(1) IN GENERAL.—For purposes of this subchapter, the term 'enterprise zone business' means an activity constituting the active conduct of a trade or business within an enterprise zone, and with respect to which—

"(A) at least 80 percent of the gross income in each calendar year is attributable to the active conduct of a trade or business within an enterprise zone,

"(B) less than 10 percent of the property (as measured by unadjusted basis) constitutes stocks, securities, or property held for use by customers,

"(C) less than 10 percent of the property constitutes collectibles (as defined in section 408(m)(2)), unless such collectibles constitute property held primarily for sale to customers in the ordinary course of the active trade or business,

"(D) substantially all of the property (whether owned or leased) is located within an enterprise zone, and

"(E) substantially all of the employees work within an enterprise zone.

"(2) RELATED ACTIVITIES TAKEN INTO ACCOUNT.—Except as otherwise provided in regulations, all activities conducted by a taxpayer and persons related to the taxpayer shall be treated as one activity for purposes of paragraph (1).

"(3) SPECIAL RULES.—

"(A) RENTAL REAL PROPERTY.—For purposes of paragraph (1), real property located within an enterprise zone and held for use by customers other than related persons shall be treated as the active conduct of a trade or business for purposes of paragraph (1)(A) and as not subject to paragraph (1)(B).

"(B) TERMINATION OF ENTERPRISE ZONE BUSINESS.—An activity shall cease to be an enterprise zone business if—

"(i) the designation of the enterprise zone in which the activity is conducted terminates or is revoked pursuant to section 7880(b);

"(ii) more than 50 percent (by value) of the activity's property or services are obtained from related persons other than enterprise zone businesses; or

"(iii) more than 50 percent of the activity's gross income is attributable to property or services provided to related persons other than enterprise zone businesses.

"(c) ENTERPRISE ZONE PROPERTY.—

"(1) IN GENERAL.—For purposes of this subchapter, the term 'enterprise zone property' means—

"(A) any tangible personal property located in an enterprise zone and used by the taxpayer in an enterprise zone business, and

"(B) any real property located in an enterprise zone and used by the taxpayer in an enterprise zone business.

In no event shall any financial property or intangible interest in property be treated as constituting enterprise zone property, whether or not such property is used in the active conduct of an enterprise zone business.

"(2) TERMINATION OF ENTERPRISE ZONE.—The treatment of property as enterprise zone property under subparagraph (A) shall not terminate upon the termination or revocation of the designation of the enterprise zone in which the property is located, but instead shall terminate immediately after the first sale or exchange of such property occurring after the expiration or revocation.

"(d) RELATED PERSONS.—For purposes of this subchapter, a person shall be treated as related to another person if—

"(1) the relationship of such persons is described in section 267(b) or 707(b)(1), or

"(2) such persons are engaged in trades or businesses under common control (within the meaning of subsections (a) and (b) of section 52).

For purposes of paragraph (1), in applying section 267(b) or 707(b)(1), '33 percent' shall be substituted for '50 percent'.

"(e) REGULATORY AUTHORITY.—The Secretary shall prescribe such regulations as may be necessary or appropriate to carry out the purposes of title V of the Economic Growth and Affordable Housing Act of 1992, including—

"(1) providing that Federal tax relief is unavailable to an activity that does not stimulate employment in, or revitalization of, enterprise zones,

"(2) providing for appropriate coordination with other Federal programs that, in combination, might enable activity within enterprise zones to be more than 100 percent subsidized by the Federal government, and

"(3) preventing the avoidance of the rules in this subchapter.

"SEC. 1392. CREDIT FOR ENTERPRISE ZONE EMPLOYEES.

"(a) GENERAL RULE.—In the case of a taxpayer who is an enterprise zone employee, there shall be allowed as a credit against the tax imposed by this subtitle for the taxable year an amount equal to 5 percent of so much of the qualified wages of the taxpayer for the taxable year as does not exceed $10,500.

"(b) DEFINITIONS.—For purposes of this section—

"(1) ENTERPRISE ZONE EMPLOYEE.—The term 'enterprise zone employee' means an individual—

"(A) performing services during the taxable year that are directly related to the conduct of an enterprise zone business,

"(B) substantially all of the services described in paragraph (1)(A) are performed within an enterprise zone, and

"(C) the employer for whom the services described in paragraph (1)(A) are performed is not the Federal government, any State government or subdivision thereof, or any local government.

"(2) WAGES.—The term 'wages' has the meaning given to such term by subsection (b) of section 3306 (determined without regard to any dollar limitation contained in such subsection).

"(3) QUALIFIED WAGES.—The term 'qualified wages' means all wages of the taxpayer, to the extent attributable to services described in paragraph (1).

"(c) LIMITATIONS.—

"(1) PHASE-OUT OF CREDIT.—The amount of the credit allowable to a taxpayer under subsection (a) for any taxable year shall not exceed the excess (if any) of—

"(A) $525, over

"(B) 10.5 percent of so much of the taxpayer's total wages (whether or not constituting qualified wages) as exceeds $20,000.

"(2) PARTIAL TAXABLE YEAR.—If designation of an area as an enterprise zone occurs, expires, or is revoked pursuant to section 7880 on a date other than the first or last day of the taxable year of the taxpayer, or in the case of a short taxable year, the limitations specified in subsection (c)(1) shall be adjusted on a pro rata basis (based upon the number of days).

"(d) REDUCTION OF CREDIT TO TAXPAYERS SUBJECT TO ALTERNATIVE MINIMUM TAX.—The credit allowed under this section for the taxable year shall be reduced by the amount (if any) of tax imposed by section 55 (relating to the alternative minimum tax) with respect to such taxpayer for such year.

"(e) CREDIT TREATED AS SUBPART C CREDIT.—For purposes of this title, the credit allowed under subsection (a) shall be treated as a credit allowed under subpart C of part IV of subchapter A of this chapter.

"SEC. 1393. ENTERPRISE ZONE CAPITAL GAIN.

"(a) GENERAL RULE.—Gross income does not include the amount of any gain constituting enterprise zone capital gain.

"(b) DEFINITION.—For purposes of this section—

"(1) IN GENERAL.—The term 'enterprise zone capital gain' means gain—

"(A) treated as long-term capital gain,

"(B) allocable in accordance with the rules under subsection (b)(5) of section 338 to the sale or exchange of enterprise zone property, and

"(C) properly attributable to periods of use in an enterprise zone business.

"(2) LIMITATIONS.—Enterprise zone capital gain does not include any gain attributable to—

"(A) the sale or exchange of property not constituting enterprise zone property with respect to the taxpayer throughout the period of twenty-four full calendar months immediately preceding the sale or exchange,

"(B) any collectibles (as defined in section 408(m)), or

"(C) sales or exchanges to persons controlled by the same interests.

"(c) BASIS.—Amounts excluded from gross income pursuant to subsection (a) shall not be applied in reduction to the basis of any property held by the taxpayer.

"SEC. 1394. ENTERPRISE ZONE STOCK.

"(a) GENERAL RULE.—At the election of any individual, the aggregate amount paid by such taxpayer during the taxable year for the purchase of enterprise zone stock on the original issue of such stock by a qualified issuer shall be allowed as a deduction.

"(b) LIMITATIONS.—

"(1) CEILING.—The maximum amount allowed as a deduction under subsection (a) to a taxpayer shall not exceed $50,000 for any taxable year, nor $250,000 during the taxpayer's lifetime.

"(A) EXCESS AMOUNTS.—If the amount otherwise deductible by any person under subsection (a) exceeds the limitation under this paragraph (1)—

"(i) the amount of such excess shall be treated as an amount paid in the next taxable year, and

"(ii) the deduction allowed for any taxable year shall be allocated among the enterprise zone stock purchased by such person in accordance with the purchase price per share.

"(2) RELATED PERSON.—

"(A) IN GENERAL.—The taxpayer and all individuals related to the taxpayer shall be treated as one person for purposes of the limitations described in subsection (b)(1).

"(B) EXCESS AMOUNTS.—The limitations described in subsection (b)(1) shall be allocated among the taxpayer and related persons in accordance with their respective purchases of enterprise zone stock.

"(3) PARTIAL TAXABLE YEAR.—If designation of an area as an enterprise zone occurs, expires, or is revoked pursuant to section 7880 on a date other than the first or last day of the taxable year of the taxpayer, or in the case of a short taxable year, the limitations specified in subsection (b)(1) shall be adjusted on a pro rata basis (based upon the number of days).

"(c) DISPOSITIONS OF STOCK.—

"(1) GAIN TREATED AS ORDINARY INCOME.—Except as otherwise provided in regulations, if a taxpayer disposes of any enterprise zone stock with respect to which a deduction was allowed under subsection (a), the amount realized upon such disposition shall be treated as ordinary income and recognized notwithstanding any other provision of this subtitle.

"(2) INTEREST CHARGED IF DISPOSITION WITHIN 5 YEARS OF PURCHASE.—

"(A) IN GENERAL.—If a taxpayer disposes of any enterprise zone stock before the end of the 5-year period beginning on the date such stock was purchased by the taxpayer, the tax imposed by this chapter for the taxable year in which such disposition occurs shall be increased by the amount determined under subparagraph (B).

"(B) ADDITIONAL AMOUNT.—For purposes of subparagraph (A), the additional amount shall be equal to the amount of interest (determined at the rate applicable under section 6621(a)(2)) that would accrue—

"(i) during the period beginning on the date the stock was purchased by the taxpayer and ending on the date such stock was disposed of by the taxpayer,

"(ii) on an amount equal to the aggregate decrease in tax of the taxpayer resulting from the deduction allowed under this subsection (a) with respect to the stock so disposed of.

"(d) DISQUALIFICATION.—

"(1) ISSUER OR STOCK CEASES TO QUALIFY.—If a taxpayer elects the deduction under subsection (a) with respect to enterprise zone stock, and either—

"(A) the issuer with respect to which the election was made ceases to be a qualified issuer, or

"(B) the proceeds from the issuance of the taxpayer's enterprise zone stock fail or otherwise cease to be invested by the issuer in enterprise zone property, then, notwithstanding any provision of this subtitle other than paragraph (2) to the contrary, the taxpayer shall recognize as ordinary income the amount of the deduction allowed under subsection (a) with respect to the issuer's enterprise zone stock.

"(2) SPECIAL RULES.—

"(A) LIQUIDATION.—Where enterprise zone property acquired with proceeds from the issuance of enterprise zone stock is sold or exchanged pursuant to a plan of complete liquidation, the treatment described in paragraph (1) shall be inapplicable.

"(B) TERMINATION OF ENTERPRISE ZONE.—The treatment of an activity as an enterprise zone business shall not cease for purposes of paragraph (1) solely by reason of the termination or revocation of the designation of the enterprise zone with respect to the activity.

"(C) PARTIAL DISQUALIFICATION.—Where some, but not all, of the property acquired by the issuer with the proceeds of enterprise zone stock ceases to constitute enterprise zone property, the treatment described in paragraph (1) shall be modified as follows—

"(i) the total amount recognized as ordinary income by all shareholders of the issuer shall be limited to an amount of deduction allowed up to the unadjusted basis of property ceasing to constitute enterprise zone property,

"(ii) the amount recognized shall be allocated among enterprise zone stock with respect to which the election in subsection (a) was made in the reverse order in which such stock was issued, and

"(iii) the amount recognized shall be apportioned among taxpayers having made the election in subsection (a) in the ratios in which the stock described in paragraph (2)(C)(ii) was purchased.

"(3) ADDITIONAL AMOUNT.—If income is recognized pursuant to paragraph (1) at any time before the close of the 5th calendar year ending after the date the enterprise zone stock was purchased, the tax imposed by this chapter with respect to such income shall be increased by an amount equal to the amount of interest (determined at the rate applicable under section 6621(a)(2)) that would accrue—

"(A) during the period beginning on the date the stock was purchased by the taxpayer and ending on the date of the disqualification event described in paragraph (1),

"(B) on an amount equal to the aggregate decrease in tax of the taxpayer resulting from the deduction allowed under this subsection (a) with respect to the stock so disqualified.

"(e) DEFINITIONS.—For purposes of this section—

"(1) ENTERPRISE ZONE STOCK.—The term 'enterprise zone stock' means common stock issued by a qualified issuer, but only to the extent that the amount of proceeds of such issuance are used by such issuer no later than twelve months followed issuance to acquire and maintain an equal amount of newly acquired enterprise zone property.

"(2) QUALIFIED ISSUER.—

"(A) IN GENERAL.—The term 'qualified issuer' means any subchapter C corporation which—

"(i) does not have more than one class of stock,

"(ii) is engaged solely in the conduct of one or more enterprise zone businesses,

"(iii) does not own or lease more than $5 million of total property (including money), as measured by the unadjusted basis of the property, and

"(iv) more than 20 percent of the total voting power and 20 percent of the total value of the stock of such corporation is owned by individuals, partnerships, estates or trusts.

"(B) LIMITATION ON TOTAL ISSUANCES.—A qualified issuer may issue no more than an aggregate of $5 million of enterprise zone stock.

"(C) AGGREGATION.—For purposes of applying the limitations under paragraph (2), the issuer and all related persons shall be treated as one person.

"(3) AMOUNT PAID.—For purposes of subsection (a), the amount 'paid' by a taxpayer for any taxable year shall not include the issuance of evidences of indebtedness of the taxpayer (whether or not such indebtedness is guaranteed by another person), nor amounts paid by the taxpayer after the close of the taxable year.

"(f) ISSUANCES IN EXCHANGE FOR PROPERTY.—If enterprise zone stock is issued in exchange for property, then notwithstanding any provision of subchapter C of this chapter to the contrary—

"(1) the issuance shall be treated for purposes of this subtitle as the sale of the property at its then fair market value to the corporation, and a contribution to the corporation of the proceeds immediately thereafter in exchange for the enterprise zone stock, and

"(2) the issuer's basis for the property shall be equal to the fair market value of such property at the time of issuance.

"(g) BASIS ADJUSTMENT.—For purposes of this subtitle, if a taxpayer elects the deduction under subsection (a), the taxpayer's basis (without regard to this subsection) for the enterprise zone stock with respect to such election shall be reduced by the deduction allowed or allowable.

"(h) LIMITATIONS ON ASSESSMENT AND COLLECTION.—If a taxpayer elects the deduction under subsection (a) for any taxable year, then—

"(1) the period for assessment and collection of any deficiency attributable to any part of the deduction shall not expire before one year following expiration of such period of the qualified issuer that includes the circumstances giving rise to the deficiency, and

"(2) such deficiency may be assessed before expiration of the period described in paragraph (1) notwithstanding any provisions of this subtitle to the contrary.

"(i) CROSS REFERENCE.—

For treatment of the deduction under subsection (a) for purposes of the alternative minimum tax, see section 56.".

(b) TECHNICAL AMENDMENT.—Subsection (a) of section 1016 (relating to adjustments to basis) is amended by striking out "and" at the end of paragraph (23); by striking out the period at the end of paragraph (24) and inserting in lieu thereof "; and"; and by adding at the end thereof the following new paragraph:

"(25) to the extent provided in section 1394(g), in the case of stock with respect to which a deduction was allowed or allowable under section 1394(a).".

(c) CLERICAL AMENDMENT.—The table of subchapters for chapter 1 is amended by inserting after the item relating to subchapter T the following new item:

"SUBCHAPTER U. Enterprise zones."

SEC. 512. ALTERNATIVE MINIMUM TAX.

(a) CORPORATIONS.—Section 56(g)(4)(B) (relating to adjustments based on adjusted current earnings of corporations) is amended by adding the following new clause at the end thereof:

"(iii) EXCLUSION OF ENTERPRISE ZONE CAPITAL GAIN.—Clause (i) shall not apply in the case of any enterprise zone capital gain (as defined in section 1393(b)), and such gain shall not be included in income for purposes of computing alternative minimum taxable income.".

(b) INDIVIDUALS.—Section 56(b) (relating to adjustments to the alternative minimum taxable income of individuals) is amended by adding the following new paragraph at the end thereof:

"(4) ENTERPRISE ZONE STOCK.—No deduction shall be allowed for the purchase of enterprise zone stock (as defined in section 1394(e)).".

SEC. 513. ADJUSTED GROSS INCOME DEFINED.

Section 62(a) (relating to the definition of adjusted gross income) is amended by inserting after paragraph (13) the following new paragraph:

"(14) ENTERPRISE ZONE STOCK.—The deduction allowed by section 1394.".

SEC. 514. EFFECTIVE DATE.

The amendments made by this subtitle shall apply to taxable years ending after December 31, 1991.

Subtitle C—Regulatory Flexibility

SEC. 521. DEFINITION OF SMALL ENTITIES IN ENTERPRISE ZONE FOR PURPOSES OF ANALYSIS OF REGULATORY FUNCTIONS.

Section 601 of title 5, United States Code, is amended by—

(1) striking out "and" at the end of paragraph (5); and

(2) striking out paragraph (6) and inserting in lieu thereof the following:

"(6) the term 'small entity' means—

"(A) a small business, small organization, or small governmental jurisdiction defined in paragraphs (3), (4), and (5) of this section, respectively; and

"(B) any qualified enterprise zone business; any unit of government that nominated an area which the Secretary of Housing and Urban Development designates as an enterprise zone (within the meaning of section 7880 of the Internal Revenue Code of 1986) that has a rule pertaining to the carrying out of any project, activity, or undertaking within such zone; and any not-for-profit enterprise carrying out a significant portion of its activities within such a zone; and

"(7) the term 'qualified enterprise zone business' means any person, corporation, or other entity—

"(A) which is engaged in the active conduct of a trade or business within an enterprise zone (within the meaning of section 7880 of the Internal Revenue Code of 1986); and

"(B) for whom at least 50 percent of its employees are qualified employees (within the meaning of section 1392(b)(1) of such Code).".

SEC. 522. WAIVER OR MODIFICATION OF AGENCY RULES IN ENTERPRISE ZONES.

(a) Chapter 6 of title 5, United States Code, is amended by redesignating sections 611 and 612 as sections 612 and 613, respectively, and inserting the following new section immediately after section 610:

"§ 611. Waiver or modification of agency rules in enterprise zones

"(a) Upon the written request of any government which nominated an area that the Secretary of Housing and Urban Development has designated as an enterprise zone under section 7880 of the Internal Revenue Code of 1986, an agency is authorized, in order to further the job creation, community development, or economic revitalization objectives with respect to such zone, to waive or modify all or part of any rule which it has authority to promulgate, as such rule pertains to the carrying out of projects, activities, or undertakings within such zone.

"(b) Nothing in this section shall authorize an agency to waive or modify any rule adopted to carry out a statute or Executive order which prohibits, or the purpose of which is to protect persons against, discrimination on the basis of race, color, religion, sex, familial status, national origin, age, or handicap.

"(c) A request under subsection (a) shall specify the rule or rules to be waived or modified and the change proposed, and shall briefly describe why the change would promote the achievement of the job creation, community development, or economic revitalization objectives of the enterprise zone. If such a request is made to any agency other than the Department of Housing and Urban Development, the requesting government shall send a copy of the request to the Secretary of Housing and Urban Development at the time the request is made.

"(d) In considering a request, the agency shall weigh the extent to which the proposed change is likely to further job creation, community development, or economic revitalization within the enterprise zone against the effect the change is likely to have on the underlying purposes of applicable statutes in the geographic area which would be affected by the change. The agency shall approve the request whenever it finds, in its discretion, that the public interest which the proposed change would serve in furthering such job creation, community development, or economic revitalization outweghs the public interest which continuation of the rule unchanged would serve. The agency shall not approve any request to waive or modify a rule if that waiver or modification would—

"(1) violate a statutory requirement (including any requirements of the Fair Labor Standards Act of 1938 (52 Stat. 1060; 29 U.S.C. 201 et seq.)); or

"(2) be likely to present a significant risk to the public health, including environmental or occupational health or safety, or of environmental pollution.

"(e) If a request is disapproved, the agency shall inform all the requesting governments, and the Department of Housing and Urban Development, in writing of the reasons therefor and shall, to the maximum extent possible, work with such governments to develop an alternative, consistent with the standards contained in subsection (d).

"(f) Agencies shall discharge their responsibilities under this section in an expeditious manner, and shall make a determination on requests not later than 90 days after their receipt.

"(g) A waiver or modification of a rule under subsection (a) shall not be considered to be a rule, rulemaking, or regulation under chapter 5 of this title. To facilitate reaching its decision on any requested waiver or modification, the agency may seek the views of interested parties and, if the views are to be sought, determine how they should be obtained and to what extent, if any, they should be taken into account in considering the request. The agency shall publish a notice in the Federal Register stating any waiver or modification of a rule under this section, the time such waiver or modification takes effect and its duration, and the scope of applicability of such waiver or modification.

"(h) In the event that an agency proposes to amend a rule for which a waiver or modification under this section is in effect, the agency shall not change the waiver or modification to impose additional requirements unless it determines, consistent with standards contained in subsection (d), that such action is necessary. Such determinations shall be published with the proposal to amend such rule.

"(i) No waiver or modification of a rule under this section shall remain in effect with respect to an enterprise zone after the enterprise zone designation has expired or has been revoked.

"(j) For purposes of this section, the term 'rule' means (1) any rule as defined in section 551(4) of this title or (2) any rulemaking conducted on the record after opportunity for an agency hearing pursuant to sections 556 and 557 of this title.".

(b) The analysis for chapter 6 of title 5, United States Code, is amended by redesignating the items relating to sections 611 and 612 as items relating to sections 612 and 613, respectively, and by inserting after the item relating to section 610 the following new item:

"611. Waiver or modification of agency rules in enterprise zones.".

(c) Section 601(2) of such title 5 is amended by inserting "(except for purposes of section 611" immediately before "means".

(d) Section 613 of such title 5, as redesignated by subsection (a), is amended—

(1) in subsection (a) by inserting "(except section 611)" immediately after "chapter"; and

(2) in subsection (b) by inserting "as defined in section 601(2)" immediately before the period at the end of the first sentence.

SEC. 523. FEDERAL AGENCY SUPPORT OF ENTERPRISE ZONES.

In order to maximize all agencies' support of enterprise zones, the Secretary of Housing and Urban Development is authorized to convene regional and local coordinating councils of any appropriate agencies to assist State and local governments to achieve the objectives agreed to in the course of action under section 7880 of the Internal Revenue Code of 1986.

Subtitle D—Establishment of Foreign-Trade Zones in Enterprise Zones

SEC. 531. FOREIGN-TRADE ZONE PREFERENCES.

(a) PREFERENCE IN ESTABLISHMENT OF FOREIGN-TRADE ZONES IN REVITALIZATION AREAS.—In processing applications for the establishment of foreign-trade zones pursuant to an Act "To provide for the establishment, operation, and maintenance of foreign-trade zones in ports of entry of the United States, to expedite and encourage foreign commerce, and for other purposes", approved June 18, 1934 (48 Stat. 998), the Foreign-Trade Zone Board shall consider on a priority basis and expedite, to the maximum extent possible, the processing of any application involving the establishment of a foreign-trade zone within an enterprise zone designated pursuant to section 7880 of the Internal Revenue Code of 1986.

(b) APPLICATION PROCEDURE.—In processing applications for the establishment of ports of entry pursuant to "An Act making appropriations for sundry civil expenses of the Government for the fiscal year ending June thirtieth, nineteen hundred and fifteen, and for other purposes", approved August 1, 1914 (38 Stat. 609), the Secretary of the Treasury shall consider on a priority basis and expedite, to the maximum extent possible, the processing of any application involving the establishment of a port of entry which is necessary to permit the establishment of a foreign-trade zone within an enterprise zone so designated.

(c) APPLICATION EVALUATION.—In evaluating applications for the establishment of foreign-trade zones and ports of entry in connection with enterprise zones so designated, the Foreign-Trade Zone Board and the Secretary of the Treasury shall approve the applications, to the maximum extent practicable, consistent with their respective statutory responsibilities.

Subtitle E—Repeal of Title VII of the Housing and Community Development Act of 1987

SEC. 541. REPEAL.

Title VII of the Housing and Community Development Act of 1987 is hereby repealed.●

By Mr. STEVENS (by request):

S. 2770. A bill to amend title III of the Marine Protection, Research, and Sanctuaries Act of 1972, as amended, to authorize appropriations for fiscal years 1993 through 1996, and for other purposes; to the Committee on Commerce, Science, and Transportation.

NATIONAL MARINE SANCTUARIES PROGRAM AMENDMENTS

Mr. STEVENS. Mr. President, I am introducing at the President's request these amendments to the Marine Protection, Research, and Sanctuaries Act of 1972. The amendments reauthorize title III of that act, strengthen the civil penalties and enforcement provisions, and clarify a number of other provisions of the act.

While Alaska does not have any marine sanctuaries off our shores we are still very concerned with, and supportive of, the protection of the marine environment. In fact, I am pleased to say that part of the reason that sanctuaries have not been needed off Alaska is because of the outstanding job that is already being done by the State of Alaska and the Federal Government.

It is my understanding that Senator KERRY will soon be introducing similar legislation, which I intend to cosponsor. The administration's bill provides a strong foundation on which to build, and for that reason I am pleased to introduce it today on behalf of the Administration, so that everyone in the Senate will have the benefit of the President's views on this matter.

Mr. President, I ask unanimous consent that the text of the bill and a section-by-section analysis be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD as follows:

S. 2770

Be it enacted by the Senate and the House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "National Marine Sanctuaries Program Amendments of 1992".

SEC. 2. Subsection 301(b) (16 U.S.C. §1431(b)) of the Marine Protection, Research, and Sanctuaries Act of 1972, as amended (the Act) is amended—

(a) in paragraph (3) by inserting ", especially long-term monitoring and research" after "marine areas"; and

(b) in paragraph (5) by deleting "facilitate" and inserting in lieu thereof "allow".

SEC. 3. Section 302 (16 U.S.C. §1432) of the Act is amended—

(a) in paragraph (6)(A)(ii) by deleting "and" after the semicolon;

(b) in paragraph (6)(B) by inserting "and" after the semicolon; and

(c) in paragraph (6) by inserting a new paragraph (C) as follows:

"(C) the cost of long-term monitoring of the affected sanctuary resource;".

SEC. 4. Section 303 (16 U.S.C. §1433) of the Act is amended in subsection (a)(2)(B) by striking "are inadequate" after "authorities" and inserting in lieu thereof "should be supplemented".

SEC. 5. Section 304 (16 U.S.C. §1434) of the Act is amended—

(a) in subsection (a)(1)(C) by striking "a prospectus on the proposal which shall contain" and inserting in lieu thereof "documents, including an executive summary, providing the following";

(b) in subsection (a)(5) by inserting the following sentence before the last sentence:

"The Secretary shall also cooperate with other appropriate fishery management authorities at the earliest practicable stage in drafting any sanctuary fishing regulations.";

(c) in subsection (a)(6) by inserting the word "documents" in lieu of the word "prospectus" where it occurs; and

(d) in subsection (b)(1) by deleting the third sentence.

SEC. 6. Section 305 (16 U.S.C. §1435) is amended—

(a) in subsection (a) by inserting—

(1) "This title and" before "The regulations"; and

(2) in the second sentence "or be enforced against" after "apply to";

(b) by redesignating subsection (b) as subsection (c); and

(c) by inserting new subsection (b) as follows:

"(b) Inclusion.—

"The area of application and enforceability of this title and the regulations and permits issued under this title include the U.S. twelve-nautical-mile territorial sea and the U.S. Exclusive Economic Zone.".

Sec. 7. Section 306 (16 U.S.C. §1436) of the Act is amended to read as follows:

"Prohibited Activities.—

"It is unlawful for any person to—

"(a) violate any provision of this title or any regulation or permit issued pursuant to this title;

"(b) refuse to allow any officer authorized to enforce the provisions of this title to board a vessel subject to such person's control for the purposes of conducting any search or inspection in connection with the enforcement of this title or any regulation or permit issued pursuant to this title; or

"(c) assault, resist, oppose, impede, intimidate, or interfere with any such authorized officer in the conduct of any lawful search or inspection.".

Sec. 8. Section 307 (16 U.S.C. §1437) of the Act is amended as follows:

(a) Subsection (c) is amended—

(1) in paragraph (1) by inserting $125,000" in lieu of "$50,000"; and

(2) in paragraph (3) by adding a new sentence at the end to read as follows: "Such penalty shall constitute a maritime lien on the vessel and may be recovered in any action in rem in the district court of the United States having jurisdiction over the vessel.".

(b) Subsection (d) is amended in paragraph (1) by inserting at the end a new sentence to read as follows:

"The proceeds from forfeiture actions under this subsection shall constitute a separate recovery in addition to any amounts recovered as civil penalties under this section or as civil damages under section 312 of this title, and none of these proceeds shall be subject to set-off.".

(c) Subsection (e) is amended in paragraph (1) by—

(1) deleting "and" at the end of subparagraph (A);

(2) inserting ";" in lieu of the period at the end of subparagraph (B); and

(3) inserting new subparagraphs (C) and (D) to read as follows:

"(C) the reasonable and necessary costs for the enforcement of this title or of any implementing regulation or permit issued under this title, including any necessary expenses for equipment, training, travel, witnesses and contracting services for enforcement investigations or proceedings; and

"(D) any valid liens or mortgages against any property that has been forfeited.".

Sec. 9. Section 309 (16 U.S.C. §1440) of the Act is amended to read as follows:

"SEC. 309. RESEARCH, MONITORING AND EDUCATION.

"(a) The Secretary shall conduct research, monitoring, evaluation and education programs as are necessary and reasonable to carry out the purposes and policies of this title.

"(b) The Secretary shall take such action as is necessary and reasonable to promote and coordinate the use of national marine sanctuaries for research, monitoring and education purposes including—

"(1) requiring that the National Oceanic and Atmospheric Administration, in conducting or supporting marine research, monitoring and education give priority to those involving national marine sanctuaries; and

"(2) consulting with Federal agencies, States, local governments, regional agencies, interstate agencies or other persons to promote use of one or more sanctuaries for research, monitoring and education, including coordination with the National Estuarine Research Reserve System.".

Sec. 10. Section 311 (16 U.S.C. §1442) of the Act is amended to read as follows:

"SEC. 311. COOPERATIVE AGREEMENTS AND DONATIONS.

"(a) Cooperative Agreements, Grants and Other Agreements.—

"The Secretary may enter into cooperative agreements, grants, contracts or other agreements with States, local governments, regional agencies, interstate agencies or other persons to carry out the purposes and policies of this title.

"(b) Authorization of Solicitation of Donations.—

"The Secretary may enter into such agreements with any nonprofit organization authorizing the organization to solicit private donations to carry out the purposes and policies of this title.

"(c) Donations.—

"The Secretary may accept donations of funds, property and services for use in designating and administering national marine sanctuaries under this title. For the purposes of Federal income, estate, and gift taxes, donations accepted under this section shall be considered as a gift or bequest to or for the use of the United States.".

Sec. 11. Amendments to section 312 (16 U.S.C. §1443) of the Act.

"(a) Subsection (a) is amended—

(1) in paragraph (1) by inserting at the end a sentence as follows:

"Nothing in the Act of March 3, 1851 (46 U.S.C. §§183 *et seq.*) shall in any way limit the liability of any person under this title.";

(2) in paragraph (3) by revising subparagraph (B) to read as follows:

"(B) the destruction, or loss of, or injury to the sanctuary resource was caused by an activity specifically authorized by Federal or State law, and the activity was conducted in compliance with the terms and conditions of any required permit or license; or"; and

(3) by adding new paragraphs (4), (5), and (6) to read as follows:

"(4) Administrative costs.—

"The Secretary shall recover administrative costs and expenses, including direct and indirect costs of attorney time and other enforcement expenses, necessary for, and incidental to, the response, the damage assessment and restoration planning, any restoration, replacement or acquisition of the equivalent undertaken and any actions necessary to recover damages, as defined in this title, for such activities.

"(5) Interest.

"The amounts recoverable in an action under this section shall include interest on the amounts recoverable as damages and response costs as defined under section 302 and any regulations issued thereunder. Interest (including prejudgment interest) is in addition to damages and response costs as defined under section 302 and any regulations issued thereunder. Such interest shall be paid for the period beginning on the date of injury, destruction or loss. The accrued interest shall be used for the purposes established under this section.

"(6) Calculation of interest.—

"The interest paid under this section shall be calculated at the average of the highest rate for commercial and finance company paper of maturities of 180 days or less obtaining on each of the days included within the period for which interest must be paid to the claimant, as published in the Federal Reserve Bulletin.".

(b) Subsection (d) is amended—

(1) by amending paragraph (4)—

(A) to include "the court decree or settlement agreement, and" after "in accordance with"; and

(B) to include a new sentence at the end of the paragraph to read as follows:

"*Provided, however*, That if the Secretary and the Governor have not entered into an agreement within 120 days from the date of recovery of those amounts, the Secretary may use those amounts under paragraphs (2)(A) and (B) in accordance with the court decree or settlement agreement.";

(2) by redesignating paragraph (4) as paragraph (5); and

(3) by inserting a new paragraph (4) to read as follows:

"(4) Remaining amounts.—

"Amounts remaining after the operation of paragraphs (2) and (3) shall be deposited into the General Fund of the Treasury.".

Sec. 12. Section 313 (16 U.S.C. §1444) of the Act is amended to read as follows:

"SEC. 313. AUTHORIZATION OF APPROPRIATIONS.

"There are authorized to be appropriated to the Secretary to carry out this title $7,299,000 for fiscal year 1993 and such sums as may be necessary for fiscal years 1994, 1995 and 1996.".

Sec. 13. Title III of the Act is amended by adding a new section 315 to read as follows:

"SEC. 315. ADVISORY COUNCILS.

"(a) Establishment.—

"The Secretary may establish one or more Advisory Councils in order to obtain assistance in the designation or management of one or more national marine sanctuaries.

"(b) Membership.—

"Members of the Advisory Councils may be appointed from among (1) members of Federal or State agencies with management responsibilities for the environment, (2) members of Regional Fishery Management Councils, and (3) representatives of local industries, commercial user groups, conservation or other public interest organizations, scientific organizations, educational organizations, recreational user groups or other persons interested in the protection of sanctuary resources and the multiple-use management of national marine sanctuaries.

"(c) Administration.—

"Each Advisory Council shall elect a chairperson and may establish subcommittees and adopt by-laws, rules, and such other administrative requirements and procedures as are necessary for the administration of its functions.

"(d) Assistance.—

"The Secretary may make available to an Advisory Council such information and administrative services and assistance as the Secretary determines are reasonably required for such Advisory Council to carry out its functions.".

Sec. 14. Title III of the Act is amended by adding a new section 316 to read as follows:

"SEC. 316. MANAGEMENT OF HISTORICAL RESOURCES LOCATED IN NATIONAL MARINE SANCTUARIES.

"(a) The Secretary shall protect and manage any historical resource located in a national marine sanctuary consistent with this title, the regulations issued under this title and the purposes of designation of the sanctuary in which the particular resource is located.

"(b) Any shipwreck abandoned or otherwise in a national marine sanctuary shall be subject to the Secretary's authority to protect and manage the sanctuary and its resources."

SECTION-BY-SECTION ANALYSIS

Title III of the Marine Protection, Research, and Sanctuaries Act of 1972, as amended (16 U.S.C. §§1431–1445) (the Act) authorizes the Secretary of Commerce to designate for protection as National Marine Sanctuaries areas of special national significance because of their resource or human-use values. Nine National Marine Sanctuaries have been designated by the Secretary to date. In addition, the Secretary manages the Florida Keys National Marine Sanctuary, which was designated by Congress in 1990.

The authorization of appropriations for title III will expire September 30, 1992. Section 12 of the bill authorizes appropriations of $7,299,000 for fiscal year 1993 to implement title III and such sums as may be necessary for fiscal years 1994 through 1996.

Section 2(a) amends section 301(b)(3), Purposes and Policies, to emphasize the use of sanctuaries for long-term monitoring and research. Monitoring and research of the existing resources and qualities serve an important role for the Program by identifying problems that need to be addressed in protecting sanctuary resources. They also provide information useful for transfer to other management programs and other sanctuary activities such as public education.

Section 2(b) amends section 301(b)(5) by striking the term "facilitate" and substituting the term "allow" to clarify that the Program has no affirmative obligations to assist users of a sanctuary or its resources. The purpose of the change is to reflect the intent of title III to allow multiple uses of the sanctuaries that are compatible with the primary objective of resource protection.

Sections 3(a) through (c) amend section 302(6), Definitions, to include within the definition of "damages" the cost of long-term monitoring of the affected sanctuary. Monitoring is necessary to check the restoration work, and determine if additional or modified efforts are required. Monitoring is an important part of the effort to restore the resources to their pre-damaged condition, and Congress intended that the cost of monitoring should be part of the damages to be recovered. Since monitoring costs can equal or even exceed the initial restoration or replacement work, the draft bill provides express confirmation that these costs are intended as part of damages to be recovered.

Section 4 amends section 303(a), Standards for Sanctuary Designation, to conform the statute with current Program operations. The sanctuary management plan and regulations supplement areas where existing authorities are not fully addressing protection of sanctuary resources and qualities. Thus, a required finding that existing authorities should be supplemented more clearly reflects current designation, operations and management.

Sections 5 (a) and (c) amend section 304(a), Procedures for Designation and Implementation, to streamline the designation process by providing Congressional committees documents, including an "executive summary" to the Draft Environmental Impact Statement (DEIS) for a proposed sanctuary, in lieu of a prospectus. Information contained in the prospectus largely duplicates that contained in the DEIS, draft management plan and draft regulations for a proposed sanctuary. Elimination of this redundant document would simplify the designation process and reduce associated staff and production costs.

Section 5(b) amends the fishing regulation provision to provide for cooperation with other appropriate fishery management authorities.

Section 5(d) amends section 304(b), Procedures for Designation and Implementation, and deletes the 30-month deadline for completion of the sanctuary designation process. The original statute had no such deadlines. The requirement was added in the 1988 amendments. Although it may be possible for some sanctuaries to be designated by 30 months, experience has shown that the designation process frequently requires more time. The designation process involves extensive consultations with potentially affected parties, a massive quantity of information that must be collected and analyzed, administrative tasks such as printing, and satisfying the requirements of this title, the National Environmental Policy Act, the Administrative Procedure Act, and various other Acts. Meeting these requirements may take longer than 30 months for the designation of some sanctuaries.

Section 6 amends section 305, Application of Regulations and International Negotiations, to clarify for the Program and associated enforcement agencies that, consistent with international law, the Program has authority to apply and enforce to the 12-mile U.S. territorial sea limit and to the 200-mile limit of the U.S. Exclusive Economic Zone (EEZ). This change is not intended to limit the scope of the Program's jurisdiction, only to make clear that the 12-mile U.S. territorial sea and the EEZ are included. The purpose of this amendment is to strengthen the Program's ability to protect sanctuary resources and qualities.

Section 7 amends section 306 to expressly prohibit the violation of any provision of this title or any regulation or permit issued pursuant to this title. Section 306 as amended will assist the Program in the enforcement of title III and the recovery of damages. Section 7 of the bill also prohibits interference with enforcement actions, similar to prohibitions found in the Magnuson Act.

Section 8(a)(1) amends section 307(c)(1), Civil Penalties, to raise the amount of the civil penalty provision from $50,000 to $125,000 in order to strengthen the Program's ability to deter violations of title III and its regulations, and to comply more fully with the original purposes and policies of the Sanctuary Program. The amount of penalty has direct implications for its use as a deterrent to the destruction or injury of sanctuary resources. Since the amount recovered may be used for management, including but not limited to restoration and enforcement, it is important to keep the penalty provision commensurate with costs of repairing the damages resulting from violations. The $50,000 penalty was established in 1972 with the original enactment of this title and its impact as a deterrent has been diminished by inflation. The Federal Civil Penalties Inflation Adjustment Act of 1990 (Public Law No. 101–410) recognized the need for the regular adjustment of civil monetary penalties and suggests a cost-of-living adjustment based upon the Consumer Price Index. Adjusting for inflation, the adjusted amount as of November 1991 would be approximately $112,000. The bill request raising the amount to $125,000 to account for inflation during the four-year reauthorization period, and to reflect the continuing importance of protecting sanctuary resources through preventive measures.

Section 8(a)(2) amends section 307(c)(3), Civil Penalties, to provide authority to obtain a maritime lien. Under admiralty law, express authority is required to create a proprietary right in a vessel. Under the current provisions, the *in rem* authority only creates a non-proprietary right, which has less priority than maritime liens. The change improves the likelihood of recovery of civil penalties under title III. The new provision is similar to the maritime lien provision in the Magnuson Act.

Section 8(b) amends section 307(d)(1), Forfeiture, to clarify that forfeiture claims are not subject to set off against sanctuary resource damage claims or civil penalties. The change addresses arguments that the forfeiture provision is not a separate claim, but merely a means of recovery requiring a reduction from the total amount of recovery for the value of the vessel, i.e., a set-off. The Department of Justice and NOAA have interpreted title III to allow separate recoveries not subject to set-off. The change clarifies this authority and will assist the Program in recovering amounts sufficient to restore the resources.

Section 8(c) amends section 307(e), Forfeiture Proceeds, in order to broaden the Program's use of amounts received under the forfeiture provision to include support for enforcement activities related to title III, its regulations and permits. Under current forfeiture provisions, the amounts recovered can only be used for rewards, or for the storage, care, and maintenance of the seized property or sanctuary resources. Such funds cannot be used for other Program purposes. The amounts recovered under the civil penalties provision and section 312 damages, as previously indicated, can be used for response costs, damage assessments, restoration and management.

Section 9 combines the Secretary's marine sanctuary research and education program responsibilities under section 306 with the research responsibilities under section 309. As revised, section 309 sets forth the Secretary's responsibility to conduct research, monitoring, evaluation and education to carry out the purposes of title III. This paragraph broadens the entities with which the Secretary should coordinate to include public and private institutions. Existing language only refers to Federal and State agencies. Section 9 specifically requires coordination and cooperation of the Sanctuary Program with the National Estuarine Research Reserve System in order to emphasize the need for coordinated research, monitoring, education and protection of land/sea ecosystems under NOAA management or oversight. Such coordination would benefit both programs and the public through efficient and comprehensive research, education and management.

Section 10 amends section 311, Cooperative Agreements and Donations, to provide the Secretary with the express authority to provide financial assistance for research, monitoring, evaluation and education. This section allows the Secretary to utilize different types of legal instruments for entering into agreements with various entities for purposes of implementing title III. It also clarifies that donations are gifts or bequests to the United States for the public purposes of carrying out the goals of this title.

Section 11(a) amends section 312(a), Liability, to provide for the recovery of administrative costs of sanctuary resource damage cases, including the direct and indirect costs of attorney time and other enforcement expenses. It also adds provisions similar to those in the Oil Pollution Act of 1990, to recover interest, including prejudgment interest, as damages. The purpose is to ensure that there are sufficient amounts recovered to address the damage assessment and restoration needed for the sanctuary resources that have been injured or destroyed.

Section 11(a)(2) amendments section 312(a)(3), Defenses, to clarify one of the defenses to liability. The defense under subparagraph (B)—destruction, loss or injury to sanctuary resources caused by an activity authorized by Federal or State law—has been clarified to indicate that the defense applies only to those activities specifically authorized by a State or Federal law and which were carried out in compliance with any required permit or license. The existing provision is very broad and there is concern that it would be available to permittees who violate the regulations or permit conditions. This change will also limit the meaning of "authorized" and be of assistance in cases such as the *Maitland*, in which defendants argued that authorization to remove the grounded vessel came within the defense and thus any damages that might have been associated with that activity were not recoverable damages.

Section 11(b) amends portions of section 312(d) concerning Federal-State coordination to require that the agreement required between the Governor and the Secretary with respect to use of monies recovered for damage to resources within State waters in a sanctuary be entered into within 120 days of receipt of the funds pursuant to a court decree or settlement agreement. In the event an agreement between the Department and the State is not reached, the Secretary is authorized to use amounts recovered consistent with the court decree or settlement agreement. This authority will prevent unreasonable delay in using recovered amounts to address resource damages. The change is not an intrusion on State jurisdiction because as a co-trustee the State would have approved the settlement agreement, or be subject to the court decree as a party to the suit. Section 11(b) also clarifies that any response costs and damages recovered under section 312 and civil penalties recovered under section 307 that are not used for specified purposes shall revert to the General Fund of the Treasury.

Section 12 amends section 313, Authorization of Appropriations, to set forth the Program funding requirements in accordance with approved budgetary requests.

Section 13 adds a new section 315, Advisory Councils. This section authorizes the Secretary to establish Advisory Councils, as appropriate, to advise in the development and management of individual sanctuaries. Councils representing members of the community potentially affected by sanctuary designation can greatly facilitate the designation of new sanctuaries by providing a formal mechanism through which the Program can reach a broad spectrum of interested parties. After designation, the Councils provide a permanent and open forum for public input and conflict resolution, both necessary for effective sanctuary management.

Section 14 adds a new section 316, Management of Historical Resources Located in National Marine Sanctuaries, to clarify the Department's authority to protect and manage such resources within a national marine sanctuary. Questions have arisen as to the Department's authority to protect and manage historical resources to which a State has title under the Abandoned Shipwreck Act, and to protect and manage such resources beyond State waters. This amendment clarifies that the Department has authority under this title to protect and manage these resources within sanctuaries in State waters, and strengthens its ability to meet its obligations under Federal historic preservation statutes.

This section also authorizes the Program to protect and manage these resources in sanctuaries located seaward of States' boundaries as to persons subject to the jurisdiction of the United States, and as to foreign persons consistent with international law. The remains and associated artifacts of any foreign vessel subject to sovereign immunity shall be treated in accordance with international law.

By Mr. DANFORTH (for himself, Mr. BOREN, Mr. BAUCUS, Mr. BREAUX, Mr. CHAFEE, Mr. DASCHLE, Mr. DURENBERGER, Mr. GRASSLEY, Mr. HATCH, Mr. MOYNIHAN, Mr. RIEGLE, and Mr. ROCKEFELLER):

S. 2773. A bill to amend the Internal Revenue Code of 1986 to extend certain expiring tax provisions, and for other purposes; to the Committee on Finance.

TAX EXTENSION ACT

• Mr. DANFORTH. Mr. President, I am introducing today a bill for myself and Senators BOREN, BAUCUS, MOYNIHAN, CHAFEE, DURENBERGER, DASCHLE, HATCH, RIEGLE, GRASSLEY, ROCKEFELLER, and BREAUX. These sponsors represent a majority of the members of the Senate Finance Committee. This bill extends for 18 months tax provisions scheduled to expire by June 30, of this year.

Given the current state of the economy, this legislation is absolutely vital. Many creative proposals are being circulated with an aim to stimulate economic recovery. Consensus on these proposals remains far off. The economy and the citizens of this country cannot afford to wait for Congress and the administration to agree on a grand long-term plan that will have no effect on the economy for several years, even assuming that agreement can be reached some time next year. Many proposals that could create jobs and stimulate the economy are unlikely to be acted upon this year.

There is widespread agreement that America's cities need prompt and constructive action by Congress. This legislation will extend the tax credit for the production of low-income rental housing and the tax credit for businesses that hire economically disadvantaged Americans. It is unthinkable that Congress would permit these provisions to lapse.

Mr. President, we have it within our power to ensure that jobs and economic stimulus now being created by these provisions are not lost. We have the power and we have the responsibility.

The provisions that are the subject of the legislation that we are introducing benefit the economy by, among other things, encouraging research and development, stimulating construction of low-income housing, making home ownership possible for people with low and moderate incomes, and promoting the hiring of the structurally unemployed. These significant economic benefits will be lost if we allow the tax incentives designed to encourage such activities to expire.

HOUSING INCENTIVES

The low-income housing tax credit is to expire on June 30. Since its enactment in 1986, the program has become the principal Federal incentive for the production of low-income housing. More than 365,000 low-income rental units have been produced nationwide through use of the credit. Currently, the credit is responsible for the production of 120,000 units per year. In 1989 and 1990, when new multi-family construction was declining across the board, the credit was responsible for approximately 25 percent of all multifamily rental starts. Moreover, credit-assisted production accounts for between 95 and 100 percent of low-income multifamily rental production units that rent for less than $450 per month. The National Association of Home Builders [NAHB] estimate that the credit will result in preservation of 620,000 low-income units in the next decade, and production of 640,000 new low-income rental units.

The low-income housing tax credit has benefits extending beyond providing housing for low-income individuals. Growth in housing stock also is a tool to revitalize local economies. NAHB estimates that the credit generates $140,000 of economic activity per housing unit. In addition, increased wages, property values, and tax revenues from increased activity add an estimated $16.8 billion to the economy and $1.2 billion in tax revenues annually.

The credit also translates into jobs. The NAHB estimates that the credit is responsible for close to 100,000 jobs per year, with approximately 40 percent in the construction industry.

Planning, structuring, and building a tax credit project is complicated, time consuming, and costly. A developer has little incentive to invest in such projects unless he or she is assured that the credit will exist throughout the life of the project. In addition, much of the money generated for tax credit projects is accumulated through pooled equity funds. The constant uncertainly surrounding the credit's extension stifles investment in these sources of capital. A lapse in the program will severely damage investor confidence.

A related provision to encourage housing for middle- and low-income taxpayers also is set to expire at the end of June. That provision provides for the issuance of qualified mortgage bonds, the proceeds of which are used to finance the purchase of qualifying rehabilitation of single family, owner-occupied homes within the jurisdiction of the bond issuer. Because the interest earned on these bonds is exempt from Federal income tax, the bonds provide mortgage money at lower than conventional rates.

What does it mean to the country if we let these provisions lapse? For low-income Americans it will mean the elimination of their best chance for a decent place to live. For State and local governments it will mean the total disruption of housing programs that feature the credit as a centerpiece. Moreover, the unprecedented private sector investment in low-income housing that the credit has fostered will dry up.

How can we afford to let these two invaluable housing incentives lapse? The answer is, we cannot—and a vast majority of the Members of this Senate realize the importance of these provisions. Over 80 Senators have cosponsored legislation that would make these provisions permanent.

JOBS FOR PEOPLE WITH SPECIAL NEEDS

Another important program that will lapse at the end of June unless action is taken by this Congress is the targeted jobs tax credit [TJTC], which encourages employers to hire persons from targeted groups with special employment needs.

Since its inception in 1979, TJTC has been directly responsible for encouraging employers to hire approximately 5 million structurally unemployed individuals. Expiration of this proven, cost-effective jobs program will have a significant adverse impact on economically disadvantaged and disabled individuals. A recent General Accounting Office [GAO] study on TJTC confirmed that the credit has helped to change hiring practices and stimulate managers to seek out, recruit, hire, and retain employees of the targeted groups.

It is imperative that there be no lapse in the TJTC program. TJTC requires an appropriation for the Labor Department so it can certify the targeted individuals who qualify for the program. In addition, job services will not process letters of request for certification if there is a lapse in the program. Moreover, absent a TJTC, State agencies responsible for administering the credit will be idle, and perhaps closed.

Especially now, with current hiring levels making it more difficult for those with less skill and training to get jobs, TJTC offers disadvantaged people an opportunity to compete in the job market. Let us not take this opportunity away from them.

AMERICA'S COMPETITIVE EDGE: R&D

American business would be disadvantaged by a lapse of tax incentives to spur research and development [R&D]. International competition is a major challenge to the continued growth and vitality of domestic corporations. The quality and extent of domestic R&D is vital to the ability of U.S. businesses to remain competitive in international markets. Japan and Germany spend approximately one-third more of national income to develop commercially useful processes and technologies than does the United States.

The ability of America's science and technology community to develop new ideas, which are then incorporated into products and services, has long been recognized as a vital component of our national competitiveness strategy. Everyone—Congress, the administration, and the business community—agrees that bolstering R&D is one key to bolstering U.S. competitiveness.

With the existence of the R&D tax credit and moratorium on section 861–8 being threatened, the time to act is now. We need to take action today that will improve the prospects for tomorrow.

It has been estimated that the R&D credit extension could increase spending on research and development by $25.7 billion between 1991 and 1995. The R&D credit is not a subsidy, but an incentive because only those companies that increase their spending on R&D could claim it. The projected increase in spending would have obvious benefits to technological research, but it would also have a ripple effect creating jobs, and stimulating local economies and businesses.

Section 861–8, as it applies to research, is an onerous provision requiring U.S. companies with foreign operations to allocate a percentage of their research expenditures to income earned abroad. I would strongly urge Treasury to respond to the request from many of us in Congress, including Chairmen BENTSEN and ROSTENKOWSKI, that it unilaterally imposed an indefinite moratorium on the regulation. In effect, the provision is a disincentive to conducting R&D here at home. Recognizing this, Congress has repeatedly prevented this regulation from taking effect by adopting a series of moratoria. Continuing the moratorium does not give American companies a tax break. Continuing the moratorium simply eliminates a penalty leveled against American companies—a number estimated to be over 300—for doing research and development in America. In 1988, these affected companies performed over $46 billion in R&D, almost 80 percent of all industry-funded U.S. R&D. Mr. President, if America is going to get back on its feet, we need to act now. Extending these two widely supported and important R&D tax provisions is a sound, logical step.

ENCOURAGING EDUCATION

Unless Congress acts, the education assistance program found in section 127 of the Code will expire, leaving millions of low- and middle-income American workers without the only means they have to advance their education and increase their job skills.

Student assistance has been cut back dramatically since 1981, with more than $2.8 billion lost from Social Security benefits for students, as well as restrictions on grants and loans. This program is a proven one. Since 1978, more than 7 million Americans have been able to work and attend classes in order to improve their skills and qualify for better jobs. And this program benefits those underprivileged individuals who need it most. A recent study showed that nearly 71 percent of those who received section 127 payments earn less than $30,000 annually, and nearly 99 percent earn less than $50,000 annually.

Retroactive extension of section 127 creates administrative nightmares for employees. Employers are uncertain whether or not to begin withholding taxes on the amount of educational assistance employees are receiving, or whether the section will be extended and withholding is unnecessary. In addition, the inability of employees to plan long-term educational strategies keeps thousands of employees from furthering their education. At a time when we should be encouraging employees to educate their work force, we should not let this provision expire, sending a sign that we do not care about the average workers.

HEALTH CARE

Also set to expire in June is an important health care provision. It allows self-employed individuals the ability to deduct 25 percent of amounts paid for health insurance on behalf of the self-employed individuals and his or her spouse and dependents. While we will not be able to enact a comprehensive health care plan to keep down the cost of health care before the end of this year, we have the ability to make sure that the cost of health insurance for the self-employed and his or her family is not increased by our inaction.

CHARITABLE GIVING

For a number of charitable organizations, gifts of appreciated property have declined since 1986 when the unrealized appreciation of such gifts was made a tax preference item for purposes of the alternative minimum tax [AMT]. This change in law directly and negatively affected gifts given to colleges and universities which use such gifts for scholarship funds, endowed chairs, construction and renovation of classrooms and laboratories.

In 1990, the unrealized application with respect to charitable contributions of tangible personal property was exempt from the AMT calculation. This provision is set to expire at the end of 1991. At a time when the economy is sluggish and charitable giving is usually stifled, we should not be responsible for creating a further disincentive for charitable giving by allowing this provision to lapse.

Other important provisions set to expire at the end of the year—provisions that have proven their worth time and time again—include the exemption from tax on qualified small issues of private activity bonds, tax credit for orphan drug chemical testing, business energy tax credit for solar and geothermal property, and exclusion from income for employer-provided group services.

Our bill also repeals the luxury tax. There has been much concern that the luxury tax has failed to raise the revenue projected at the time of its enactment. Moreover, there is concern that the tax creates a net loss in federal receipts. It also has been suggested that the legislation has resulted in significant job losses in many industries. I believe the luxury tax should be repealed in its entirety. I will continue to support and work for total repeal. In this bill, we propose a partial repeal, in recognition of budget constraints.

Mr. President, this is the time to act. Though some may argue that these provisions can be dealt with later, possibly even next year, retroactive legislation is not an adequate alternative. The fact is that, faced with the possibility that these provisions may not be extended, many businesses will have no alternative but to cut back dramatically and in some cases discontinue the activities encouraged by these tax incentives. This is bound to have an adverse impact on technological innovation, employment, and construction. Moreover, once business opportunities are lost, they are often never fully recaptured.

Though there may be no consensus on how best to stimulate the economy in the long term, there is broad bipartisan consensus as to the policy merits and practical effectiveness of these provisions. In addition, I fear that failure to renew these economic incentive measures may slow an already stagnating economy. Accordingly, extending these tax provisions is something that we can do now to benefit the economy.

Finally, this legislation does not contain the specific revenue proposals to pay for extension of the expiring provisions. However, Senator BOREN and I have identified a list of potential revenue measures that would cover the cost of the extensions. Taken together, the extensions and the revenue offsets will meet the terms of the 1990 Budget Act. We will continue to work with our colleagues to identify those which are appropriate and acceptable.

I look forward to working with the committees in acting on these measures immediately.•

• Mr. BOREN. Mr. President, I am pleased to introduce legislation extending the expiring tax provisions until the end of 1993 with my colleague from Missouri, Mr. DANFORTH. The widespread and bipartisan support for this legislation is apparent from the list of cosponsors; a majority of Democratic and Republican members of the Senate Finance Committee join us as original cosponsors of the extension. Representatives GUARINI and McGRATH are introducing similar legislation in the House of Representatives today.

It has become increasingly apparent that the Congress will be considering tax legislation during the next 6 weeks. The Emergency Unemployment Compensation Program must be extended before the program terminates on July 4, 1992. Recent events in Los Angeles have dramatically revealed the crisis in our inner cities and will necessitate prompt and innovative solutions to urban problems. Many of those solutions will include changes in the tax code.

Any consideration of necessary tax initiatives is not complete without consideration of the expiring tax provisions. With the exception of the tax credit for unconventional fuels, all will expire at the end of June. One unfortunate effect of temporary extensions of tax provisions is a decreased ability for taxpayers to plan for the future. Farsighted tax policy must meet taxpayers' need for certainty as they make investment and savings decisions for the long term. Temporary programs must be reconsidered frequently, forcing taxpayers to make economic decisions in an unsettled tax environment. Individuals and businesses simply cannot plan when we have a start-and-stop tax policy.

Thus, I would be happier to introduce legislation to extend many of the expiring provisions permanently. Given the budgetary and fiscal constraints under which we work, however, such legislation is impossible at this time. The expiring provisions, emergency unemployment benefits and programs to rescue the Nation's cities must all receive a share of very limited resources.

But our belief in the need for certainty in the Tax Code has shaped this legislation in important ways. First, it is imperative that this legislation be enacted before the end of June when most of the provisions expire. Many of these programs—for example, the targeted jobs tax credit—lose a great deal of their potency when they are extended retroactively. Businesses are unsure if they will receive a credit for hiring disadvantaged youths after June 30; therefore, they are much less likely to make the effort to recruit and employ these individuals. Retroactive extension is disastrous both for the program and the Americans we seek to help

Second, Senator DANFORTH and I have proposed that the expiring provisions be extended for 18 months. This more lengthy extension allows businesses and individuals to plan until at least the end of 1993. Certainly, this is not an exceedingly long time horizon, but it is better than the mere 6 months of certainty they were given in December 1991. Moreover, an 18-month extension gives Congress sufficient time to consider and pass the next extension of many expiring provisions. Perhaps with more time, we can find the revenue to extend them permanently.

Before I discuss some of the specific provisions, I want to emphasize the heightened importance of several of these provisions in the wake of the violence in Los Angeles. Before the riots, we were all aware of the hopelessness felt by many trapped in the poverty of the inner city. The recent violence forcefully brought home the rage that this despair has engendered. It is a scandal that we sit by while another generation of inner-city young people drop out of school and into the streets, joblessness, drugs, and the dependency systems of welfare or prison.

The solution to this difficult problem is multifaceted and will include jobs programs, like the Community WPA that I have proposed, and improvements in our educational system. It will also include a renewed commitment to some of the expiring tax provisions that provide the disadvantaged with a job—the targeted jobs tax credit—or with decent housing—the low-income housing credit and mortgage revenue bonds.

This legislation extends 14 expiring tax provisions until the end of 1993. In addition, it repeals the luxury tax on boats, airplanes, jewelry, and furs, and it indexes the threshold for the luxury tax on automobiles. I will not discuss all these provisions, except to note that all have broad, bipartisan support and all have their champions in the Senate and in the House. I would like to discuss a few of the provisions in greater detail.

REPEAL OF THE AMT PREFERENCE FOR CHARITABLE GIFTS OF APPRECIATED TANGIBLE AND INTANGIBLE PROPERTY

Gifts of appreciated property are critical to those sectors of our society that depend heavily on philanthropy for support. For example, 80 percent of the collections in American museums are the result of donations of appreciated assets that are part of our cultural heritage. Land conservation groups depend on gifts of appreciated land to help conserve open space for public enjoyment and protection of important wildlife. We must not allow this Nation's great institutions of learning, art, and science to languish because our Tax Code punishes the generosity of benevolent Americans.

The importance of this provision was demonstrated convincingly by a recent survey of museums. When donations in 1990, when the Tax Code did not allow favorable tax treatment for gifts of appreciated personal property, were compared to donations in 1991, the survey revealed an increase of 541 percent in the value of donated items. The legislation Senator DANFORTH and I introduce today would not only ensure that gifts of tangible personal property are encouraged, it would also extend that favorable treatment to gifts of all tangible and intangible property, including gifts of appreciated real estate. This proposal has universal support in the charitable community, bipartisan support in Congress, and the strong support of the President.

EXTENSION OF SECTION 29, THE TAX CREDIT FOR UNCONVENTIONAL FUELS

It is increasingly apparent that our Nation will depend on natural gas resources to meet a great deal of our energy needs in the future. A recent study on the role of natural gas in our Nation's energy plan concluded that "natural gas can smooth the transition of our economy through at least the first half of the 21st century." An important part of our natural gas supply comes from unconventional sources, such as tight sands, Devonian shale, and coalbed methane. In 1990, as much as one-third of all U.S. gas wells were drilled in unconventional gas formations. The incentive provided by section 29 has been a significant factor in the increased drilling for unconventional gas.

Not only does the credit enhance the Nation's energy independence from foreign sources of oil, it also promotes an environmentally sound energy policy. Development and production of natural gas from unconventional sources increases the availability of the cleanest-burning hydrocarbon fuel. This production can be used to replace pollution-causing fuel. In the case of coalbed methane, the environmental arguments are particularly persuasive. Until recently the gas was vented into the atmosphere to protect miners from gas explosions in the mines. Not only did this practice waste the natural gas, but it also contributed to the greenhouse effect.

Section 29 is scheduled to expire at the end of 1992. The legislation that we introduce today extends the tax credit for another year, providing another 12 months of incentive for increased production of natural gas from unconventional sources.

TAX PROVISIONS TO INCREASE THE NUMBER OF JOBS IN THE ECONOMY

Recently, we have been dramatically reminded of the poverty and the despair that exists among the unemployed in our Nation's cities. Indeed, the cycle of poverty occurs in many areas of our country, including in many rural areas. We must respond to the sense of futility and hopelessness felt by the unemployed by providing them jobs and a new sense of selfworth. The Government has a vital role to play in this process, both through the direct creation of jobs with programs such as the Community WPA that I have introduced and through tax incentives to encourage the creation of private sector jobs. This legislation extends two such incentives at a time in our history when such provisions are vital to our economic and social well-being.

First, the bill extends the small issue Industrial Development Bond Program for another 18 months. In 1989, there were $3.227 billion in small-issue IDB's, which financed an estimated 1,100 projects. These projects directly created approximately 59,000 new jobs, and allowed 73,000 jobs to be retained. Importantly, it is estimated that for every manufacturing job created, an additional 2 to 2.5 new jobs are created in services and related fields. This equates to the indirect creation of between 118,000 to 182,500 jobs through the small-issue IDB Program.

Second, the targeted jobs tax credit is a crucial component of any proposal to revitalize the Nation's cities. The credit was first enacted in 1979 to provide an incentive to employers to hire workers from target groups experiencing unusually high rates of unemployment. These groups include economically disadvantaged youths, Vietnam veterans, physically or mentally handicapped persons, ex-offenders, AFDC and general assistance recipients, and SSI recipients. These groups comprise an economic underclass in our inner cities, trapped in a vicious circle of poverty and dependency. In a time of recession, the targeted jobs tax credit program becomes even more critical because the individuals for whom the tax credit is designed to help often suffer the most and the longest.

The targeted jobs tax credit is an extraordinarily effective tool in encouraging the employment of individuals facing these severe barriers to employment. During the decade since the TJTC was adopted, the program has resulted in jobs for over 4,500,000 structurally unemployed persons. Moreover, the program results in the creation of new jobs. It is estimated that for every 100 TJTC jobs, 15 to 20 net new jobs were created in the economy.

LOW-INCOME HOUSING TAX CREDIT AND THE MORTGAGE REVENUE BOND PROGRAM

Intrinsic to the effort to eliminate the decay in our Nation's urban areas are legislative efforts that help restore a sense of community to these areas. As a nation, we must feel responsible for the fate and well-being of all our fellow citizens. A sense of community can be fostered in part by providing people the opportunity to reside in and to buy decent housing. The bill that Senator DANFORTH and I propose today contains two provisions that will encourage the construction of housing for Americans with lower income.

First, the low-income tax credit has been an important and effective tool to finance the cost of low-income housing, making development possible at rents affordable to low-income tenants. The credit now produces low-income housing at the rate of 125,000 units annually. Since its enactment, the tax credit has helped to finance more than 415,000 low-income rental units serving households with incomes of 60 percent of the area median income or less. Although it is critical for urban development, it is also important in more rural areas. Take my State of Oklahoma as an example. From 1987 to 1990, the tax credit was responsible for the construction of 5,340 units, the creation of 4,411 jobs, and direct investment in the economy of $167,227,440.

The low-income tax credit is only one program to provide affordable housing for lower-income Americans. The Mortgage Revenue Bond Program, the only available Federal mortgage assistance program, has provided mortgages for more than 1.9 million lower-income families, whose incomes on average are below 80 percent of the national median income. In Oklahoma, since 1980 the MRB Program has assisted 21,980 families to buy homes. Without this program, home ownership would remain only a dream for many deserving, hard-working families. Most of the home buyers who used the MRB Program would not have qualified for conventional mortgage loans because of prohibitively high interest rates.

The MRB Program is also a tool to generate jobs in construction and related industries. It is estimated that the MRB loans in 1991 produced 40,000 jobs and generated $860 million in wages. The National Association of Home Builders projects that if MRB's are not extended, 29,000 to 37,000 jobs would be lost in 1993. The elimination of these jobs would put a further drag on the already troubled economy.

The extension of these and the other expiring provisions, in addition to the repeal of the luxury tax on boats, airplanes, jewelry, and furs, and the indexation of the threshold of the luxury tax on automobiles, is established to cost $7.986 billion over the 5-year budget window. Senator DANFORTH and I have identified methods to pay for this legislation, and we will begin to work with our colleagues on the Senate Finance Committee to raise sufficient revenues for the extension of the expiring provisions, as well as for the other tax initiatives that we must pass before the end of June.

These important tax provisions are scheduled to expire in 5 weeks. It is imperative that we act before then to ensure that programs that are crucial to our Nation's economy and to the revitalization of our Nation's cities are allowed to continue without the uncertainty necessary caused by retroactive extension.•

• Mr. CHAFEE. Mr. President, I am pleased to join Senators DANFORTH, BOREN, and our other colleagues in the introduction of this bill to extend all of the expiring tax provisions for 18 months and repeal the luxury tax for airplanes, jewelry, furs, and most importantly for my State of Rhode Island, boats.

These tax provisions, often referred to as the extenders because of their tenuous existence over the last several years, are an important part of the effort to maintain our competitive position in the world economy.

They encourage education; provide affordable housing, both to renters and first-time home buyers; and to provide jobs for all Americans.

As you know, Mr. President, last year I joined with the distinguished Senator from Michigan, Senator RIEGLE, to introduce a bill to permanently extend the Mortgage Revenue Bond Program. This program has helped thousands of first-time home buyers acquire a home of their own in Rhode Island.

For many Americans, the dream of home ownership continues to become more and more difficult to achieve. The Nation's home ownership rate is at its lowest level in almost two decades. Most of these families will never be able to afford a home if the Mortgage Revenue Bond Program is permitted to expire. I am pleased that we are extending this program for an additional 18 months. But I also want to express my concern that we are once again dealing with this issue on a temporary basis. The Mortgage Revenue Bond Program's value has been demonstrated time and time again, and it is time that we recognize this fact and make the program permanent.

The bill also extends the low-income housing tax credit that was created in the Tax Reform Act of 1986. This credit encourages the construction and rehabilitation of housing for low-income Americans. Like the Mortgage Revenue Bond Program, the effectiveness of this credit in providing low-income housing has been proven during the 5 years since its enactment and we should not let it expire.

The credit provides a valuable tax incentive to both nonprofit and for-profit developers to fund the production and preservation of low-income rental housing. It is absolutely necessary to encourage the development and renovation of housing for the poor.

In my State, the Rhode Island Housing and Mortgage Finance Corporation [RIHMFC], the State housing agency, has used the tax credit to successfully address the needs of our citizens for safe and affordable housing. The loss of these credits would be devastating to their efforts. By combining the credit with bond financing and zero interest second mortgages, RIHMFC has been able to produce and preserve low-income housing in one of this country's most expensive housing markets.

Also provided in this bill is an extension of the research and experimentation [R&E] tax credit. This provision is very important to the continuation of technological innovation in this country. One area of tremendous importance in today's competitive environment is research and development [R&D] which leads to technological innovation. Since 1929, more than two-thirds of our economic growth has resulted from technological innovation.

The United States is falling behind in its development of new technologies. The nations winning the competitiveness race are those that recognize the importance of advanced technology, and work to attract companies that will establish research and development facilities within their borders. To achieve greater economic competitiveness we must foster, not impede, U.S. investment in research and development. We must expand, not export, our technological base.

The R&E tax credit is a very important incentive to encourage American companies to increase the level of research they are doing on new technologies and new products. This credit has served as a very effective incentive since it was first enacted in 1981.

I am sorry that we only extend this provision for eighteen months, since America needs a consistent and permanent R&E policy. Research projects often take years to complete and require businesses to make commitments of funds far in advance of when the benefits will be reaped. Because of this, we need to give them the assurance that a permanent R&E policy would provide.

There are other tax provisions that will be extended by this bill and each are important to the Americans who utilize them and rely on them to fulfill their intended purpose. We must extend them this year, we cannot allow them to expire and expect people to rely on our ability to extend them retroactively next year. I urge my colleagues to join us in cosponsoring this legislation and to support our effort to extend these provisions this year.

Finally, Mr. President, I want to comment on additional aspect of the bill being introduced today. I am very pleased that this bill will, once and for all, repeal the luxury tax. When enacted, this tax was aimed at the rich. But it has had a much different effect. Instead of paying the tax, the rich simply stopped buying those items that were determined to be luxuries.

The boatbuilding industry in Rhode Island, and across the country, has been devastated by the combination of the recession and this tax. I will be the first to admit that the boatbuilding industry was already losing sales as a result of the recession. However the industry has survived recessions that were much worse than the current one. The luxury tax has been the final blow that has devastated one of the few American industries that enjoyed a favorable balance of trade.

It is imperative that we act now to repeal this tax in order to save what remains of this once thriving industry. Many small, independent boatyards in Rhode Island have seen their business decline to virtually nothing. In the process, they have been forced to lay off thousands of workers.

As you know, Mr. President, the Senate has twice expressed its desire to eliminate this tax. In November of last year, 82 Senators voted in favor of a sense-of-the-Senate resolution supporting repeal of the luxury tax. Again early this year, the Senate included the repeal of the luxury tax as part of the tax bill passed by the Senate. Given the overwhelming level of support for repealing this tax, I hope that we can finally do just that.

I commend the efforts of Senators DANFORTH and BOREN in introducing this bill today. Through their efforts, we can take some positive steps toward helping our economy by extending these tax provisions and repealing the luxury tax.●

● Mr. MOYNIHAN. Mr. President, I am pleased today to join my distinguished colleagues, Senator DANFORTH and Senator BOREN, in once again introducing legislation to extend the effective date of several important tax provisions that are otherwise scheduled to expire on June 30, of this year. These provisions include such measures as the tax deduction for gifts of appreciated property, tax-free treatment of employer-provided educational assistance, the low income housing tax credit, the mortgage revenue bond program, and tax-free treatment of employer-provided group legal services benefits, to name a few.

The bill we introduce today would extend these provisions for another 18 months, which is perhaps the best we can do at the moment, though I must say that I would hope we could do better.

This legislation would also repeal the luxury excise tax on jewelry, boats, furs, and planes, and index the threshold for the tax on cars. This too is an important step forward. Since being enacted, this tax has hurt the industries affected and resulted in worker layoffs without generating significant tax revenues.

I am particularly pleased that this legislation would expand the current deduction for gifts of appreciated property so that donations of securities and real estate, as well as artwork and collectibles, are also fully deductible. Prior to the Tax Reform Act of 1986, taxpayers could fully deduct such gifts. That law substantially curtailed this deduction so that taxpayers subject to the alternative minimum tax could only deduct the original cost of the property, not its fair-market value when donated. At that time I thought restricting this deduction was a bad idea. I still do. And I have been working to restore it ever since.

In the Omnibus Budget Reconciliation Act of 1990, Congress enacted a modest version of relief for gifts of appreciated property, limited to gifts of art and collectibles. This change, effective during 1991 and then extended through the first 6 months of 1992, has resulted in all manner of gifts to museums and universities—everything from rare Benin bronze sculptures to antique race cars. Today's legislation would expand upon this change so that gifts of stock, bonds, and real estate are also eligible for the full deduction. This would especially help our institutions of higher education and advanced research that depend on such gifts to meet their capital needs. The Tax Code must not discourage the giving which maintains so many of our great educational, cultural, and research institutions. The bill we introduce helps to ensure that it does not.

Another important provision to be extended by this bill is the tax-free treatment of employer-provided educational assistance—covered under section 127 of the Internal Revenue Code. Since being enacted in 1978, this program has enabled over 7 million working men and women to advance their education and improve their job skills without incurring additional income tax liabilities by accepting such benefits.

Among the other provisions that this bill would extend are the Low Income Housing Tax Credit [LIHTC] and the Mortgage Revenue Bond [MRB] Program. The LIHTC has been responsible for the construction or rehabilitation of over 420,000 low-income rental housing units since 1987. MRB's have financed some 1.9 million loans to low- and moderate-income home buyers. I would add that I am pleased this bill includes provisions to allow for the use of MRB proceeds for mortgage loans on newly constructed two-family houses. Currently, MRB loans may only be used on existing two-family dwellings.

Thus far in the 102d Congress, legislation has been introduced to extend each of these provisions. I have sponsored S. 24 to permanently extend section 127; and I have cosponsored several others, including S. 359 which would permanently extend and expand the tax deduction for gifts of appreciated property. This comprehensive approach toward all the expiring provisions is a good one in the circumstances.

Regarding the luxury tax, we should repeal it without delay. Luxury taxes are an ineffective means of making the tax burden progressive, and instead arbitrarily impact workers and retailers in specific industries. When such a tax was briefly considered in the Finance Committee in 1987, I worked to defeat it. In 1990, the luxury tax idea resurfaced in an effort, I suppose, to make the Tax Code appear more progressive. The misguided attempt at making wealthier taxpayers pay more was enacted as part of the Omnibus Budget Reconciliation Act of 1990.

Since then, the tax has adversely affected the industries it is imposed upon—and their workers—without raising much money. There is real concern that the tax is costing more to enforce than it has generated in new revenue. I have cosponsored legislation introduced earlier to repeal this tax—S. 1261—and am pleased that today's legislation would do the same.

Mr. President, I applaud the efforts of Senators DANFORTH and BOREN in introducing this important legislation and urge my colleagues to join as consponsors.•

By Mr. HOLLINGS (for himself, Mr. ROCKEFELLER, Mr. BURNS, Mr. REID, Mr. DASCHLE, Mr. FORD, Mr. BRYAN, Mr. SHELBY, Mr. DOLE, Mr. EXON, Mr. BAUCUS, Mr. THURMOND, Mr. LOTT, Mr. BREAUX, Mr. KERREY, and Mr. MITCHELL):

S. 2774. A bill to authorize appropriations to the National Aeronautics and Space Administration for an experimental program to stimulate competitive research on space and aeronautics; to the Committee on Commerce, Science, and Transportation.

EXPERIMENTAL PROGRAM TO STIMULATE COMPETITIVE RESEARCH ON SPACE AND AERONAUTICS ACT

Mr. HOLLINGS. Mr. President, today I am introducing legislation intended to strengthen the scientific research base throughout this country. Specifically, the bill would establish an experimental program to stimulate competitive research [EPSCoR] within the National Aeronautics and Space Administration [NASA], and authorize funds for the program for fiscal years 1993 through 1995.

In introducing this bill, I am pleased to be joined by 15 other Senators, including Senator ROCKEFELLER, who has been a leader in shaping the EPSCoR program at the National Science Foundation [NSF], as well as the distinguished majority and minority leaders.

Mr. President, Federal support for scientific research currently goes to a relatively small number of universities in a few States. Five States receive almost 50 percent of all Federal research dollars. In contrast, the 18 States and Puerto Rico that have been designated by NSF as participants in the EPSCoR program receive only 2 percent of those Federal research funds.

This concentration of research funding is not in the national interest. Our Nation is losing talented scientists who are not fully trained and are not able to compete simply because the institutions where they study do not have the appropriately advanced infrastructure to support their research efforts. This lack of resources, in turn, limits the diversity of scientific activities and neglects a wide range of promising research opportunities.

States that have been designated as EPSCoR States by NSF are at a distinct disadvantage in the competition to develop technologically sophisticated businesses and industries. A concentration of Federal funding contributes to the crisis of scientific manpower and science literacy by limiting the quality of science education in EPSCoR States. This is important, as over 75 percent of all students attend college in their home States.

This disparity exists also with respect to NASA, as most university education and research grants are typically awarded to a few States. For example, in fiscal year 1990, of the $511.3 million in research grants awarded by NASA, the State of South Carolina received just slightly more than $1 million. On a per capita basis, that translates into $.29 per person in South Carolina, compared to a national average of $2.03 per State. The situation is roughly the same for the other States that NSP has designated as EPSCoR States.

Mr. President, the bill I am introducing today would extend the benefits that have been achieved through the NSF's EPSCoR program to NASA and its education and research programs. It directs the NASA Administrator to conduct a merit grant competition among eligible EPSCoR States in areas of research important to NASA, including space science and applications, aeronautical research and technology, and space research and technology programs.

The bill lays out specific criteria that the NASA Administrator is to consider in awarding these grants, including the application's merit and relevance to NASA's mission, the potential for the grant to serve as a catalyst to enhance researchers in the EPSCoR States to become more competitive for regular NASA funding, the potential for the grant to improve the environment for science, mathematics, and engineering in the State, and the need to ensure the maximum distribution of grants among eligible States, consistent with merit.

At a funding level of $10 million, which this bill authorizes for fiscal year 1993, each EPSCoR State would average about $500,000 of NASA funding, matched by a similar amount from the State, providing about $1 million of additional support each year from each such State in space and aerospace-related research. The expectation of the EPSCoR program is that, at the end of a designated period, these research programs would become nationally competitive without EPSCoR status. Of course, through the peer review process, States with stronger proposals would receive somewhat more than average EPSCoR support, and States with weaker proposals would receive correspondingly less. Individual States could assess their strengths across the breadth of NASA-related research, identify core areas of capability that they propose to enhance, and develop full proposals as a part of a State

EPSCoR proposal. NASA then would review each of these proposed efforts, conduct a site visit to determine the institutional capability and commitment to carry out the proposed work and fund those programs of highest merit.

Our experience with the NSF EPSCoR Program has been highly successful, with numerous results that make it desirable to extend the program to NASA. For example, the process of applying for EPSCoR support has required States to contribute to improving statewide research activities, which have broad goals related to the advancement of science far beyond the Federal dollars made available.

EPSCoR support, usually in the form of expensive equipment otherwise unavailable or of seed money for specific projects, has improved the quality of education and research. The experience of the University of South Carolina have been illustrative of this fact, for as a result of the EPSCoR Program administered by the NSF, the chemistry department is now a national leader and it now ranks 13th in the country in the number of Ph.D.'s it issues. The NSF EPSCoR Program also has made possible the development of the Thermal Science Program at Clemson University. Half of its faculty members are nationally competitive, and the program is one of the strengths of the college of engineering.

The EPSCoR Program at NSF bolstered academic ties within States and across State lines. Cooperation among researchers at different colleges and universities within a State have grown through equipment sharing, multi-university projects, and joint publications. It also has led to increased interaction between business and academic communities. This cooperation means that the private sector contributes to basic research and that universities help create new businesses in their respective States or reinforce long standing ones.

Mr. President, by introducing this bill, I am affirming the need for an EPSCoR Program within NASA. Currently, NASA uses its National Space Grant College and Fellowship Program, through its Capability Enhancement Program, to assist those States that have been designated as NSF EPSCoR States. Without a doubt, the National Space Grant Program is an exceptional program. It builds an infrastructure within each State for the collaborative development of NASA outreach and student support services, provides a network among States for the sharing of ideas and cooperative efforts, and contributes a small amount of discretionary funding that nurtures a wealth of educational programs.

However the National Space Grant Program is not an EPSCoR Program. It does not provide the supplemental support needed to nurture faculty development, which is intended ultimately to improve the State's competitive capabilities relative to established NASA research programs. As chairman of the Committee on Commerce, Science, and Transportation, which oversees NASA and the Civil Space Program, I believe that NASA needs this type of research initiative.

Let me emphasize that by establishing an EPSCoR Program, we do not expect that NASA will drop designated States from the National Space Grant Program. The NASA EPSCoR Program is intended to supplement the existing capability enhancement segment of the National Space Grant Program, not replace it.

Mr. President, as policymakers, it is our responsibility to provide the science and engineering research base needed to ensure the long-term competitiveness of the United States. In that effort, we can no longer afford to waste our scientific talent. By broadening the geographical diversity of NASA's research grants, based on the merit of a peer preview process and in a manner that is consistent with the agency's mission, I am convinced that this bill will help achieve that objective. I urge my colleagues to join me in supporting this legislation.

Mr. President, I ask unanimous consent that the text of the bill I am introducing today be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2774

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SHORT TITLE

SECTION 1. This Act may be cited as the "Experimental Program to Stimulate Competitive Research on Space and Aeronautics Act".

FINDINGS

SEC. 2. Congress finds that—

(1) the report of the Advisory Committee on the Future of the United States Space Program has provided a framework within which a consensus on the goals of the space program can be developed;

(2) the National Aeronautics and Space Administration's space science and applications, aeronautical research and technology, and space research and technology programs will serve as the fulcrum for future initiatives by the United States in civil space and aviation;

(3) colleges and universities in many States are currently not able to compete successfully for research grants awarded by the National Aeronautics and Space Administration through its space science and applications, aeronautical research and technology, and space research and technology programs;

(4) balanced programs of space science and application, aeronautical research and technology, and space research and technology should include initiatives designed to foster competitive research capacity in all geographic areas of the Nation; and

(5) by strengthening the competitive research capacity in those geographic areas of the Nation which are not currently fully competitive, the education and training of scientists and engineers important to the future of the United States civil space and aviation programs will be fostered.

POLICY

SEC. 3. It is the policy of the United States that—

(1) the Administrator of the National Aeronautics and Space Administration (hereinafter referred to as the "Administrator"), in planning for national programs in space science and applications, aeronautical research, space flight, and exploration, should ensure the resiliency of the space and aeronautics research infrastructure;

(2) a stable and balanced program of space science and applications, aeronautical research and technology, and space research and technology should include programs to assure that geographic areas of the United States that currently do not successfully participate in competitive space and aeronautical research activities are enabled to become more competitive; and

(3) programs to improve competitive capabilities should be a part of the research and the educational activities of the National Aeronautics and Space Administration.

REQUIREMENTS

SEC. 4. (a) COMPETITION.—Making use of the existing infrastructure established in eligible States by the National Science Foundation, the Administrator shall conduct a merit grant competition among the eligible States in areas of research important to the mission of the National Aeronautics and Space Administration. With respect to a grant application by an eligible State, the Administrator shall consider—

(1) the application's merit and relevance to mission of the National Aeronautics and Space Administration;

(2) the potential for the grant to serve as a catalyst to enhance the ability of researchers in the State to become more competitive for regular National Aeronautics and Space Administration funding;

(3) the potential for the grant to improve the environment for science, mathematics, and engineering education in the State; and

(4) the need to assure the maximum distribution of grants among eligible States, consistent with merit.

(b) SUPPLEMENTAL GRANTS.—The Administrator shall endeavor, where appropriate, to supplement grants made under subsection (a) with such grants for fellowships, traineeships, equipment, or instrumentation as are available.

(c) ELIGIBLE STATES DEFINED.—In this section, the term "eligible State" means a State designated by the National Science Foundation as eligible to compete in the Foundation's Experimental Program to Stimulate Competitive Research.

AUTHORIZATION OF APPROPRIATIONS

SEC. 5. There are authorized to be appropriated to the National Aeronautics and Space Administration, for purposes of establishing and developing an Experimental Program to Stimulate Competitive Research on Space and Aeronautics, the following amounts:

(1) $10,000,000 for fiscal year 1993.

(2) $15,000,000 for fiscal year 1994.

(3) $20,000,000 for fiscal year 1995.

By Mr. LUGAR (for himself and Mr. COATS):

S. 2775. A bill to designate the Federal building and U.S. courthouse located at 204 South Main Street in

South Bend, IN, as the "Robert A. Grant Federal Building and United States Courthouse"; to the Committee on Environment and Public Works.

ROBERT A. GRANT FEDERAL BUILDING AND UNITED STATES COURTHOUSE

• Mr. LUGAR. Mr. President, I rise today to introduce legislation to name the Federal courthouse in South Bend, IN, after 86-year-old Robert A. Grant, who represented the Third District of Indiana in Congress from 1939 to 1949. Grant then began a 34-year career on the Federal bench after appointment as an article III judge. The Chief Judge from 1961 to 1972, Grant still serves on the U.S. District Court for Northern Indiana.

Allen Sharp, the current chief judge of the court, came to me with the proposal for naming the courthouse in Judge Grant's honor, noting that in U.S. history, only a handful of article III judges, appointed for life, have served as long as Grant. A Marshall County native, Grant's career as a Federal judge and Congressman spans more than a half-century.

Hoosiers in northern Indiana have been fortunate to have a leader such as Judge Grant serve them in these challenging positions of public authority. Likewise, his generous involvement in the Methodist Church, American Bar Association, Indiana State Bar Association, and Scottish Rita demonstrates his concern for the greater well-being of his community. I am pleased to be a part of the effort to name the South Bend courthouse, as a tribute to his selfless service on behalf of his community and the State.•

By Mr. BRYAN (for himself and Mr. BOND):

S. 2776. A bill to amend the Fair Credit Reporting Act, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

CONSUMER REPORTING REFORM ACT

• Mr. BRYAN. Mr. President, today I am introducing the Consumer Reporting Reform Act of 1992 with my distinguished colleague from Missouri, Senator BOND. This legislation makes important strides in updating the 20-year-old Fair Credit Reporting Act which regulates the credit reporting industry.

The Senate Commerce Committee held two hearings earlier this year in my State of Nevada on ways to provide greater consumer protection from inaccurate information on their credit reports. At those hearings, the Federal Trade Commission testified that credit bureaus are by the most frequent subject of complaint among consumers who contact them.

Credit bureaus keep files on 150 million Americans, make 2 billion updates on individual's credit histories every month, and sell 1.5 million credit reports each day. Credit reports have become instrumental in our high-technology economy.

The importance of credit to consumers in our society has grown tremendously. Our lifestyles have become increasingly dependent upon our access to credit for travel, education, household goods, health care, and home ownership.

I believe it is incumbent upon us to improve the credit reporting process to insure that the reports have the most accurate information. Not only are reputations at risk, a person's very livelihood may be seriously impacted by an inaccurate credit report.

Too many Americans have experienced serious inconvenience and hardship because of inaccurate credit reports and have experienced extreme difficulties getting these inaccuracies removed from their reports. I believe the most efficient method for increasing accuracy is for consumers to periodically review their own reports. To accomplish this, our bill provides for free reports every other year upon written request.

The main emphasis of the bill we are introducing today is to improve the accuracy of credit reports and the process for getting inaccurate information investigated and deleted. I believe this bill represents a bi-partisan compromise. I will continue to meet with interested parties in an effort to perfect the bill and to bring about its enactment.•

• Mr. BOND. Mr. President, I rise with my colleague, Senator BRYAN of Nevada, to introduce legislation to reform the Fair Credit Reporting Act. Reform in this area is long overdue and I think that it would be a shame for the Congress to adjourn this year without reforming this statute to protect consumers.

There are two major reasons to reform FCRA: to improve the accuracy of the information that is kept on consumers in credit bureau files and to protect consumers' financial privacy. This statute was enacted over 20 years ago, and there have been immense changes in computer technology since then which have greatly increased the amount of information that can be kept on individuals. The statute was written for an age of filing cabinets and folders rather than computers.

The deficiencies in the filing cabinet statute now on the books were dramatically described at Banking Committee hearings last fall when we heard from consumers who had been the victims of erroneous information in their credit files. The current law simply does not do the job. Consumers who are the victims of mistaken identity or fraud do not have the rights under current law to remedy the situation quickly. This means that consumers are denied mortgages, student loans, car loans, and credit cards because of information that is wrong. In far too many cases, consumers are unable to get the credit bureaus or the creditors that made the mistake to correct it. Mistaken and false information in consumers' credit history can destroy their finances and ruin their dreams.

I would like to draw my colleagues attention to two provisions in the bill which should help consumers fix their credit files. The first is expanded reinvestigation provisions which require the credit bureaus to investigate disputed information within 30 days, delete erroneous information, and notify consumers of the result of their investigation.

The legislation also gives consumers the right to a free copy of their credit report every other year after a request in writing, a free report after they have been turned down or the basis of a credit report, and a free report to verify that an error has been corrected. In this way consumers will know what is in their files and will be able to correct any mistakes. I am generally opposed to legislation mandating businesses to give anything away for free, but in this case I believe that this provision is justified because the information in the file is about the consumer and the consumer did not ask that it be collected.

In this age of computerization and rapid information transfer, consumers need help when they confront the confusing credit bureaucracy about their files. Basic access to their files and more rights to challenge that information will help protect consumers from credit abuses and mistakes.

There has been loud and contentious debate on the House side about the FCRA and whether state laws on this subject should be preempted by a new Federal statute. In this bill, we have tried to fashion a compromise on this subject by preempting the States only in those areas necessary for the efficient operation of a national marketplace and leaving the States free to levy additional penalties, stricter civil liability standards, additional disclosure or free reports. I hope that the warring factions will look carefully at our suggested compromise and will suggest ways it can be improved rather than letting this issue doom our chances for FCRA reform this year.

I ask unanimous consent that a copy of the bill be inserted in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2776

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "Consumer Reporting Reform Act of 1992".

(b) TABLE OF CONTENTS.—The following is a table of contents for this Act:

Sec. 1. Short title; table of contents.

TITLE I—AMENDMENTS TO THE FAIR CREDIT REPORTING ACT

Sec. 101. Definitions.

Sec. 102. Furnishing and using reports; use of information obtained from reports.
Sec. 103. Amendments relating to prescreening of consumer reports.
Sec. 104. Amendments relating to obsolete information and information contained in consumer reports.
Sec. 105. Amendments relating to compliance procedures.
Sec. 106. Amendments relating to consumer disclosures.
Sec. 107. Amendments relating to procedures in case of the disputed accuracy of any information in a consumer's file.
Sec. 108. Amendment relating to charges for disclosure.
Sec. 109. Amendments relating to duties of users of consumer reports.
Sec. 110. Amendments relating to civil liability.
Sec. 111. Amendments relating to responsibilities of persons who furnish information to consumer reporting agencies.
Sec. 112. Preemption of certain State laws.
Sec. 113. State action to enforce Act.
Sec. 114. Administrative enforcement.
Sec. 115. Establishment of toll-free telephone number.
Sec. 116. Action by FTC.
Sec. 117. Effective dates.
TITLE II—CREDIT REPAIR ORGANIZATIONS
Sec. 201. Regulation of credit repair organizations.

TITLE I—AMENDMENTS TO THE FAIR CREDIT REPORTING ACT

SEC. 101. DEFINITIONS.

(a) ADVERSE ACTION.—Section 603 of the Fair Credit Reporting Act (15 U.S.C. 1681a) is amended by adding at the end the following new subsection:

"(j) The term 'adverse action'—

"(1) has the same meaning as in section 701(d)(6) of the Equal Credit Opportunity Act;

"(2) also includes—

"(A) any denial of insurance for personal, family, or household purposes;

"(B) any denial of employment or any other decision for employment purposes which adversely affects any current or prospective employee;

"(C) any increase in any charge for, or any reduction in the amount of, insurance for personal, family, or household purposes;

"(D) any action taken, or determination made—

"(i) with respect to a consumer for—

"(I) an application for an extension of credit;

"(II) a report for the cashing of a check drawn by the consumer;

"(III) an application for a transaction account (as that term is defined in section 19(b)(1) of the Federal Reserve Act) at a depository institution (as that term is defined in section 3(c) of the Federal Deposit Insurance Act); and

"(IV) an application for the leasing of real estate; and

"(ii) which is adverse to the interest of the consumer; and

"(E) any action or determination that—

"(i) is taken or made in connection with an application made by, or any transaction initiated by, any consumer; and

"(ii) is adverse to the interest of the consumer; and

"(3) does not include a refusal to extend additional credit under an existing credit arrangement if the applicant is delinquent or otherwise in default on any account with the creditor or any affiliate of the creditor.".

(b) DEFINITION OF CONSUMER REPORT.—Section 603(d) of the Fair Credit Reporting Act (15 U.S.C. 1681a(d)) is amended in the second sentence—

(1) by inserting before the semicolon at the end of clause (A) ", or any communication of that information or information (i) from a credit application by a consumer, provided that it is clearly and conspicuously disclosed with the application that the information may be provided to such entities and the consumer consents to such disclosure or (ii) among the person making the report, an entity related by common ownership to that person, and an entity affiliated by corporate control with that person";

(2) in clause (B), by striking "or" after the semicolon at the end; and

(3) by inserting before the period the following: "; (D) any communication of information about a consumer between persons who are affiliated by common ownership or common corporate control and in connection with a credit transaction which is not initiated by the consumer, if either of those persons has complied with section 615(d)(2)(B) with respect to a consumer report from which the information is taken and the consumer has consented to use of the report for the transaction in accordance with section 615(d)(2)(C); or (E) any report furnished for use in connection with a transaction which consists of an extension of credit to be used for a commercial purpose".

(c) FIRM OFFER OF CREDIT.—Section 603 of the Fair Credit Reporting Act (15 U.S.C. 1681a) is amended by adding at the end the following:

"(k) The term 'firm offer of credit' means any offer of credit to a consumer that will be honored if, based on information in a consumer report on the consumer and other information bearing on the credit worthiness of the consumer, the consumer is determined to meet the criteria used to select the consumer for the offer.".

(d) CREDIT TRANSACTION WHICH IS NOT INITIATED BY THE CONSUMER.—Section 603 of the Fair Credit Reporting Act (15 U.S.C. 1681a) is amended by adding at the end the following:

"(*l*) The term 'credit transaction which is not initiated by the consumer' does not include the use of a consumer report by a person with which the consumer has an account, for purposes of—

"(1) reviewing the account; or

"(2) collecting the account.".

SEC. 102. FURNISHING AND USING REPORTS; USE OF INFORMATION OBTAINED FROM REPORTS.

(a) USE OF REPORTS FOR EMPLOYMENT AND BUSINESS PURPOSES.—Section 604 of the Fair Credit Reporting Act (15 U.S.C. 1681b) is amended—

(1) by striking "A consumer reporting agency may furnish" and inserting "(a) IN GENERAL.—A consumer reporting agency may furnish";

(2) in subsection (a)(3) (as designated by paragraph (1)), by amending subparagraph (E) to read as follows:

"(E) otherwise has a legitimate business need for the information in connection with a business transaction that—

"(i) is initiated by the consumer; or

"(ii) is a direct marketing transaction for which the furnishing of a consumer report by the agency is not prohibited under subsection (e)."; and

(3) by adding at the end the following new subsection:

"(b) CONDITIONS FOR FURNISHING AND USING CONSUMER REPORTS FOR EMPLOYMENT PURPOSES.—

"(1) CERTIFICATION FROM USER.—A consumer reporting agency may furnish a consumer report for employment purposes only—

"(A) if the person who obtains such report from the agency certifies to the agency that—

"(i) the disclosure required under paragraph (2) or (3), as the case may be, with respect to such consumer report has been made; and

"(ii) information from the consumer report will not be used in violation of any applicable Federal or State equal employment opportunity law or regulation; and

"(B) if the consumer reporting agency provides with the report a summary of the consumer's rights under this title, as prescribed by the Federal Trade Commission under section 609(c)(3).

"(2) DISCLOSURES TO PROSPECTIVE AND CURRENT EMPLOYEES.—

"(A) IN GENERAL.—Except as provided in subparagraph (B), a person may not procure a consumer report, or cause a consumer report to be procured, for employment purposes with respect to any prospective or current employee unless—

"(i) the prospective or current employee has received, before the report is procured, a clear and conspicuous disclosure made in writing that consumer reports may be used for employment purposes; and

"(ii) the prospective or current employee authorizes in writing each such procurement of a report prior to such procurement.

"(B) WRITTEN MATERIAL CONSTITUTING NOTICE.—A written statement that consumer reports may be used for employment purposes which is contained in employee guidelines or manuals available to employees and prospective employees or included in written materials provided to such persons shall constitute a written disclosure for purposes of subparagraph (A).

"(3) CONDITIONS ON USE FOR ADVERSE ACTIONS.—Before taking any adverse action based on a consumer report used for employment purposes, a person shall provide to the consumer to whom the report relates—

"(A) a copy of the report;

"(B) a description of the consumer's rights under this title, as prescribed by the Federal Trade Commission under section 609(c)(3); and

"(C) a reasonable opportunity to respond to any information in the report that is disputed by the consumer.".

(b) USE OF INFORMATION OBTAINED FROM REPORTS.—Section 604 of the Fair Credit Reporting Act (15 U.S.C. 1681b) is further amended by adding at the end the following new subsection:

"(c) CERTAIN USE OR OBTAINING OF INFORMATION PROHIBITED.—A person shall not use or obtain information from a consumer report for any purpose unless—

"(1) it is obtained for a purpose for which the consumer report is authorized to be furnished under subsection (a); and

"(2) the purpose is certified in accordance with section 607 by a prospective user of the report.".

(c) DISCLOSURE OF CONSUMER REPORTS BY USERS.—Section 607 of the Fair Credit Reporting Act (15 U.S.C. 1681e) is amended by adding at the end the following new subsection:

"(c) DISCLOSURE OF CONSUMER REPORTS BY USERS ALLOWED.—A consumer reporting agency may not prohibit a user of a consumer report furnished by the agency on a consumer from disclosing the contents of the report to the consumer if adverse action against the consumer has been taken or is contemplated by the user, based in whole or in part on the report.".

SEC. 103. AMENDMENTS RELATING TO PRESCREENING OF CONSUMER REPORTS.

(a) IN GENERAL.—Section 604 of the Fair Credit Reporting Act (15 U.S.C. 1681b), as amended by section 102(b), is further amended—

(1) in subsection (a), by striking "A consumer reporting agency" and inserting "Subject to subsection (d), any consumer reporting agency"; and

(2) by adding at the end the following new subsections:

"(d) LIMITATIONS ON REPORTS RELATING TO CREDIT TRANSACTIONS NOT INITIATED BY THE CONSUMER.—

"(1) IN GENERAL.—A consumer reporting agency may furnish a consumer report relating to any consumer pursuant to subsection (a)(3)(A) to any person referred to in such subsection in connection with any solicitation for credit that is not initiated by the consumer only if—

"(A) the consumer authorizes the agency to provide such report to such person; or

"(B)(i) the transaction consists of a firm offer of credit;

"(ii) the consumer reporting agency has complied with subsection (f); and

"(iii) the consumer has not elected in accordance with subsection (f)(1) to have the consumer's name and address excluded from lists provided by the agency pursuant to paragraph (1)(B).

"(2) LIMITS ON INFORMATION RECEIVED UNDER PARAGRAPH (1)(B).—A person may receive pursuant to paragraph (1)(B) only—

"(A) the name and address of a consumer; and

"(B) information pertaining to a consumer that is not identified or identifiable with the consumer.

"(3) INFORMATION REGARDING INQUIRIES.—Except as provided in section 609(a)(4), a consumer reporting agency shall not furnish to any person a record of inquiries solely resulting from credit transactions which are not initiated by a consumer.

(b) FURNISHING CONSUMER REPORTS FOR DIRECT MARKETING TRANSACTIONS.—Section 604 of the Fair Credit Reporting Act (15 U.S.C. 1681b), as amended by subsection (a), is amended by adding at the end the following:

"(e) FURNISHING CONSUMER REPORTS FOR DIRECT MARKETING TRANSACTIONS NOT INITIATED BY CONSUMER.—

"(1) FURNISHING REPORTS PROHIBITED.—A consumer reporting agency may not furnish a consumer report for use for a direct marketing transaction that is not initiated by the consumer to whom the report relates, if—

"(A) the consumer notifies the agency that the consumer does not consent to that use;

"(B) the report includes any information other than the name and address of the consumer; or

"(C) furnishing the information would disclose the credit payment history, credit limit, or credit balance of the consumer.

"(2) NOTIFICATION.—A consumer may notify a consumer reporting agency for purposes of paragraph (1)(A) either—

"(A) in writing; or

"(B) in the case of an agency which compiles and maintains files on consumers on a nationwide basis, by calling the toll-free telephone number established pursuant to subsection (f)(3).

"(f) ELECTION OF CONSUMER TO BE EXCLUDED FROM LISTS.—

"(1) IN GENERAL.—A consumer may elect to have his or her name and address excluded from any list provided by a consumer reporting agency pursuant to subsection (e)(2), by—

"(A) notifying the agency, through the notification system maintained by the agency under paragraph (3), that the consumer does not consent to any use of consumer reports relating to the consumer in connection with any credit transaction which is not initiated by the consumer; and

"(B) returning to the agency a signed written notice of the election, if provided by the agency in accordance with paragraph (2).

"(2) PROVISION OF WRITTEN NOTICE TO CONSUMER.—A consumer reporting agency shall mail to a consumer a written notice for purposes of paragraph (1)(B), not later than 5 business days after being notified of the election of the consumer in accordance with paragraph (1)(A).

"(3) NOTIFICATION SYSTEM.—Each consumer reporting agency which furnishes a consumer report pursuant to subsection (a)(3)(A) in connection with any credit transaction which is not initiated by a consumer shall—

"(A) establish and maintain a notification system, including a toll-free telephone number, which permits any consumer whose consumer report is maintained by the agency to notify the agency, with appropriate identification, of the consumer's election to have the consumer's name and address excluded from any list of names and addresses provided by the agency pursuant to subsection (d)(1)(B); and

"(B) publish by not later than 12 months after the date of the enactment of the Consumer Credit Reporting Reform Act of 1992, and at least annually thereafter, in a publication of general circulation in the area served by the agency—

"(i) a notification that information in consumer files maintained by the agency may be used in connection with solicitations of credit which are not initiated by consumers; and

"(ii) the address and toll-free telephone number for consumers to use to notify the agency of the consumer's election under subparagraph (A).

Establishment and maintenance of a nationwide notification system and publication by a consumer reporting agency on a nationwide basis in accordance with this paragraph shall be considered to be in compliance with this paragraph by each affiliate of the agency.

"(4) AGENCIES WHICH OPERATE NATIONWIDE.—Each consumer reporting agency which compiles and maintains files on consumers on a nationwide basis shall establish and maintain a notification system under paragraph (3) jointly with other such consumer reporting agencies.

"(5) EFFECTIVENESS OF ELECTION.—An election of a consumer under paragraph (1)—

"(A) shall be effective with respect to a consumer reporting agency beginning on the later of—

"(i) the date on which the consumer notifies the agency in accordance with paragraph (1)(A); or

"(ii) the date on which the consumer returns to the agency a signed written notification of the election in accordance with paragraph (1)(B), if provided by the agency;

"(B) shall be effective—

"(i) for a period of 2 years after that effective date; or

"(ii) permanently, as may be specified by the consumer in his or her notification of election under paragraph (1)(B), except that the consumer may notify the agency at any time of a change of election in accordance with paragraph (1); and

"(C) shall be effective with respect to each affiliate of the agency.".

(b) FIRST NOTIFICATIONS BY CONSUMERS.—A consumer may notify a consumer reporting agency through a notification system established and maintained by the agency under section 604(f) of the Fair Credit Reporting Act, as amended by subsection (a), on or after the date which is 1 year after the date of enactment of this Act.

SEC. 104. AMENDMENTS RELATING TO OBSOLETE INFORMATION AND INFORMATION CONTAINED IN CONSUMER REPORTS.

(a) REPEAL OF EXEMPTION PROVISIONS.—Section 605 of the Fair Credit Reporting Act (15 U.S.C. 1681c) is amended—

(1) in subsection (a), by striking "(a) Except as authorized under subsection (b) of this section, no" and inserting "No"; and

(2) by striking subsection (b).

(b) ADDITIONAL INFORMATION ON BANKRUPTCY FILINGS REQUIRED.—Section 605 of the Fair Credit Reporting Act (15 U.S.C. 1681c) is amended by adding at the end the following new subsection:

"(c) INFORMATION REQUIRED TO BE DISCLOSED.—Any consumer reporting agency which furnishes a consumer report which contains information regarding any case involving the consumer which arises under title 11, United States Code, shall include in the report an identification of the chapter of such title 11 under which such case arises if provided by the source of the information. If any case arising or filed under title 11, United States Code, is withdrawn by the consumer prior to a final judgment, the consumer reporting agency shall include in the report that such case or filing was withdrawn upon notification by the consumer of such withdrawal.".

(c) CLARIFICATION OF REPORTING PERIOD.—Section 605 of the Fair Credit Reporting Act (15 U.S.C. 1681c), as amended by subsection (b), is amended by adding at the end the following new subsection:

"(d) RUNNING OF REPORTING PERIOD.—The 7-year period referred to in paragraphs (4) and (6) of subsection (a) shall begin, with respect to any delinquent account which is placed for collection (internally or by referral to a third party, whichever is earlier), charged to profit and loss, or subjected to any similar action, upon the expiration of the 180-day period beginning on the date of the commencement of the delinquency which immediately preceded the collection activity, charge to profit and loss, or similar action.".

(d) DISCLOSURE OF PERSONAL INFORMATION.—Section 605 of the Fair Credit Reporting Act (15 U.S.C. 1681c), as amended by subsections (b) and (c), is amended by adding at the end the following new subsection:

"(e) DISCLOSURE OF PERSONAL INFORMATION.—A person who prepares any credit report which includes personal credit information on any consumer shall not include in the report any adverse item of information on the consumer with respect to transactions which antedate the report by more than 10 years or which could not be included in any consumer report on the consumer in accordance with this section.".

(e) INDICATION OF CLOSURE OF ACCOUNT.—Section 605 of the Fair Credit Reporting Act (15 U.S.C. 1681c), as amended by subsections (b), (c), and (d), is amended by adding at the end the following new subsection:

"(f) Indication of Closure of Account by Consumer.—If a consumer reporting agency is notified pursuant to section 622(a)(4) that a credit account of a consumer was voluntarily closed by the consumer, the agency shall indicate that fact in any consumer report that includes information related to the account.".

(f) Positive Information.—Section 605 of the Fair Credit Reporting Act (15 U.S.C. 1681c), as amended by subsections (b), (c), (d), and (e), is amended by adding at the end the following new subsection:

"(g) Acceptance of Certain Information.—A consumer reporting agency shall accept from a consumer and include in the consumer's file relevant and timely information that is not in computerized form if the information—

"(1) would have a positive impact on a determination of credit worthiness of the consumer; and

"(2) is submitted in a form and manner that comply with regulations of the Federal Trade Commission.".

(g) Clerical Amendments.—

(1) Section heading.—The heading for section 605 of the Fair Credit Reporting Act (15 U.S.C. 1681c) is amended by striking "obsolete information" and inserting "requirements relating to information contained in consumer reports".

(2) Conforming amendment.—Section 605(a) of the Fair Credit Reporting Act (15 U.S.C. 1681c(a)) is amended by striking "(a) Except as authorized" and inserting "(a) Obsolete Information.—Except as authorized".

(3) Table of sections.—The table of sections at the beginning of the Fair Credit Reporting Act (15 U.S.C. 1681a et seq.) is amended by striking the item relating to section 605 and inserting the following:

"605. Requirements relating to information contained in consumer reports.".

SEC. 105. AMENDMENTS RELATING TO COMPLIANCE PROCEDURES.

(a) Notice to Users and Providers of Information To Ensure Compliance.—

(1) In general.—Section 607 of the Fair Credit Reporting Act (15 U.S.C. 1681e), as amended by section 102, is amended by adding at the end the following new subsection:

"(d) Notice to Users and Furnishers of Information.—A consumer reporting agency shall provide a notice to any person—

"(1) who regularly and in the ordinary course of business furnishes information to the agency with respect to any consumer; or

"(2) to whom a consumer report is provided by the agency;

of such person's responsibilities under this title.".

(2) Content of notice.—The Federal Trade Commission shall prescribe the content of notices under section 607(d) of the Fair Credit Reporting Act, as amended by paragraph (1), by not later than 12 months after the date of enactment of this Act.

(b) Record of Identity of Users and Purposes Certified by Users of Reports.—Section 607 of the Fair Credit Reporting Act (15 U.S.C. 1681e) is further amended by adding at the end the following new subsection:

"(e) Procurement of Consumer Report for Resale.—

"(1) Disclosure.—A person may not procure a consumer report for purposes of reselling the report (or any information in the report) unless the person discloses to the consumer reporting agency which originally furnished the report—

"(A) the identity of the ultimate end-user of the report (or information), and

"(B) each permissible purpose under section 604 for which the report is furnished to the ultimate end-user of the report (or information).

"(2) Responsibilities of procurers for resale.—A person who procures a consumer report for purposes of reselling the report (or any information in the report) shall—

"(A) establish and comply with reasonable procedures designed to ensure that the report (or information) is resold by the person only for a purpose for which the report may be furnished under section 604, including by ensuring that the person—

"(i) identifies each prospective user of the resold report (or information);

"(ii) certifies each purpose for which the report (or information) will be used; and

"(iii) certifies that the report (or information) will be used for no other purpose; and

"(B) before reselling the report, makes reasonable efforts to verify the identifications and certifications made under subparagraph (A).".

SEC. 106. AMENDMENTS RELATING TO CONSUMER DISCLOSURES.

(a) All Information in Consumer's File Required To Be Disclosed.—Section 609(a)(1) of the Fair Credit Reporting Act (15 U.S.C. 1681g(a)(1)) is amended to read as follows:

"(1) All information in the consumer's file at the time of the request.".

(b) More Information Concerning Recipients of Reports Required.—Section 609(a)(3) of the Fair Credit Reporting Act (15 U.S.C. 1681g(a)(3)) is amended to read as follows:

"(3)(A) Identification of each person who procured a consumer report—

"(i) for employment purposes within the 2-year period preceding the request; and

"(ii) for any other purpose within the 1-year period preceding the request.

"(B) An identification of a person under subparagraph (A) shall include—

"(i) the name of the person or, if applicable, the trade name (written in full) under which such person conducts business; and

"(ii) upon request of the consumer, the address of the person.".

(c) Information Regarding Inquiries.—Section 609(a) of the Fair Credit Reporting Act (15 U.S.C. 1681g(a)) is amended by adding at the end the following:

"(4) A record of all inquiries received by the agency in the 1-year period preceding the request that identified the consumer in connection with a credit transaction which is not initiated by the consumer.".

(d) Summary of Rights Required To Be Included With Disclosure.—

(1) In general.—Section 609 of the Fair Credit Reporting Act (15 U.S.C. 1681g) is amended by adding at the end the following new subsection:

"(c) Summary of Rights Required To Be Included With Disclosure.—

"(1) Summary of rights.—A consumer reporting agency shall provide to a consumer, on or with each written disclosure by the agency to the consumer under this section—

"(A) a written summary of all rights the consumer has under this title; and

"(B) in the case of a consumer reporting agency which compiles and maintains consumer reports on a nationwide basis, a toll-free telephone number which the consumer can use to communicate with the agency.

"(2) Specific items required to be included.—The summary of rights required under paragraph (1) shall include—

"(A) a brief description of this title and all rights of consumers under this title;

"(B) an explanation of how the consumer may exercise the rights of the consumer under this title;

"(C) a list of all Federal agencies responsible for enforcing any provision of this title and the address and any appropriate phone number of each such agency, in a form that will assist the consumer in selecting the appropriate agency; and

"(D) a statement that a consumer reporting agency is not required to remove accurate derogatory information from a consumer's file, unless the information is outdated under section 605 or cannot be verified.

"(3) Form of summary of rights.—For purposes of this subsection and any disclosure by a consumer reporting agency required under this title with respect to consumers' rights, the Federal Trade Commission (after consultation with each Federal agency referred to in section 621(b)) shall prescribe the form and content of any disclosure of the rights of consumers required under this title.".

(2) Technical amendment.—Section 606(a)(1)(B) of the Fair Credit Reporting Act (15 U.S.C. 1681d(a)(1)(B)) is amended by inserting "and the written summary of the rights of the consumer prepared pursuant to section 609(c)" before the semicolon.

(e) Form of Disclosures.—

(1) In general.—Subsections (a) and (b) of section 610 of the Fair Credit Reporting Act (15 U.S.C. 1681h) are amended to read as follows:

"(a) Written Disclosure.—The disclosures required to be made under section 609 shall be provided to a consumer in writing.

"(b) Other Forms of Disclosure.—

"(1) In general.—In addition to the written disclosures required by subsection (a), a consumer reporting agency may make the disclosures required under section 609 other than in written form if authorized by the consumer, and in such form as may be specified by the consumer and available from the agency.

"(2) Form.—A consumer may specify pursuant to paragraph (1) that disclosures under section 609 shall be made—

"(A) in person, upon—

"(i) the appearance of the consumer at the place of business of the consumer reporting agency where disclosures are regularly provided, during normal business hours, and on reasonable notice; and

"(ii) the furnishing of proper identification by the consumer;

"(B) by telephone, if the consumer has made a written request for disclosure by telephone that includes proper identification of the consumer;

"(C) by electronic means, if available from the agency; or

"(D) by any other reasonable means that is available from the agency.".

(2) Simplified disclosure.—The Federal Trade Commission shall prescribe the form in which a consumer reporting agency shall make the disclosures required under section 609(a) of the Fair Credit Reporting Act, for the purpose of maximizing the comprehensibility and standardization of such disclosures.

(3) Conforming amendments.—

(A) Section heading.—Section 610 of the Fair Credit Reporting Act (15 U.S.C. 1681h) is amended in the heading for the section by inserting "**AND FORM**" after "**CONDITIONS**".

(B) Table of sections.—The table of sections at the beginning of the Fair Credit Reporting Act (15 U.S.C. 1681a et seq.) is amended in the item relating to section 610 by inserting "and form" after "Conditions".

SEC. 107. AMENDMENTS RELATING TO PROCEDURES IN CASE OF THE DISPUTED ACCURACY OF ANY INFORMATION IN A CONSUMER'S FILE.

(a) IN GENERAL.—Section 611(a) of the Fair Credit Reporting Act (15 U.S.C. 1681i(a)) is amended to read as follows:

"(a) REINVESTIGATION OF DISPUTED INFORMATION.—

"(1) IN GENERAL.—If the completeness or accuracy of any item of information contained in any consumer's file at any consumer reporting agency is disputed by the consumer and the consumer notifies the agency directly of such dispute, the agency shall reinvestigate free of charge and record the current status of the disputed information before the end of the 30-day period beginning on the date the agency receives the notice of the dispute from the consumer.

"(2) PROMPT NOTICE OF DISPUTE TO FURNISHER OF INFORMATION.—Not later than 5 business days after the date on which a consumer reporting agency receives notice of a dispute from any consumer in accordance with paragraph (1), the agency shall notify any person who provided any item of information in dispute at the address and in the manner established with the person.

"(3) DETERMINATION THAT DISPUTE IS FRIVOLOUS OR IRRELEVANT.—

"(A) IN GENERAL.—Notwithstanding paragraph (1), a consumer reporting agency may terminate a reinvestigation of information disputed by a consumer under that paragraph if the agency determines that dispute by the consumer is frivolous or irrelevant, including by reason of a failure by a consumer to provide sufficient information to investigate the dispute.

"(B) NOTICE OF DETERMINATION.—Not later than 5 business days after making any determination in accordance with subparagraph (A) that a dispute is frivolous or irrelevant, a consumer reporting agency shall mail to the consumer a written notification of such determination (including the reasons for the determination), and, if authorized by the consumer for that purpose, by any other means available to the agency.

"(4) CONSIDERATION OF CONSUMER INFORMATION.—In conducting any reinvestigation under paragraph (1) with respect to disputed information in the file of any consumer, the consumer reporting agency shall review and consider all relevant information submitted by the consumer in the period described in paragraph (1) with respect to such disputed information.

"(5) DELETION OF INACCURATE OR UNVERIFIABLE INFORMATION.—

"(A) IN GENERAL.—If, in the course of any reinvestigation under paragraph (1) of any information disputed by a consumer, an item of the information is found to be inaccurate or cannot be verified, the consumer reporting agency shall promptly delete that item of information from the consumer's file.

"(B) REQUIREMENTS RELATING TO REINSERTION OF PREVIOUSLY DELETED MATERIAL.—

"(i) CERTIFICATION OF ACCURACY OF INFORMATION.—If any information is deleted from a consumer's file pursuant to subparagraph (A), the information may not be reinserted in the file after the deletion unless the person who furnishes the information certifies that the information is complete and accurate.

"(ii) NOTICE TO CONSUMER.—If any information which has been deleted from a consumer's file pursuant to subparagraph (A) is reinserted in the file in accordance with clause (i), the consumer reporting agency shall, not later than 5 business days after such deletion, mail to the consumer written notification of the reinsertion, and, if authorized by the consumer for that purpose, by any other means available to the agency.

"(C) PROCEDURES TO PREVENT REAPPEARANCE.—A consumer reporting agency shall maintain reasonable procedures designed to prevent the reappearance in a consumer's file, and in consumer reports on the consumer, of information that is deleted pursuant to this paragraph (other than information that is reinserted in accordance with subparagraph (B)(i)).

"(6) NOTICE OF RESULTS OF REINVESTIGATION.—

"(A) IN GENERAL.—A consumer reporting agency shall mail to the consumer written notification of the results of a reinvestigation under this subsection not later than 5 business days after the completion of the reinvestigation, and, if authorized by the consumer for that purpose, by other means available to the agency.

"(B) CONTENTS.—As part of or in addition to the notice under subparagraph (A), a consumer reporting agency shall provide to a consumer in writing within the 5-business-day period referred to in subparagraph (B)—

"(i) a statement that the reinvestigation is completed;

"(ii) a consumer report that is based upon the consumer's file as that file is revised as a result of the reinvestigation;

"(iii) a description or indication of any changes made in the consumer report as a result of those revisions to the consumer's file;

"(iv) a notice to the consumer that, if requested by the consumer, a description of the procedure used to determine the accuracy and completeness of the information shall be provided to the consumer by the agency, including the name, business address, and telephone number of any furnisher of information contacted in connection with such information;

"(v) a notification that the consumer has the right to add a statement to the consumer's file disputing the accuracy or completeness of the information; and

"(vi) a clear and conspicuous notification of the right of the consumer to request under subsection (d) that the consumer reporting agency furnish notifications under that subsection.

"(7) DESCRIPTION OF REINVESTIGATION PROCEDURE.—A consumer reporting agency shall provide to a consumer a description referred to in paragraph (6)(B)(iv) by not later than 15 days after receiving a request from the consumer for that description.".

(b) CONFORMING AMENDMENT.—Section 611(d) of the Fair Credit Reporting Act (15 U.S.C. 1681i(d)) is amended by striking "The consumer reporting agency shall clearly" and all that follows through the end of the subsection.

SEC. 108. AMENDMENT RELATING TO CHARGES FOR DISCLOSURE.

Section 612 of the Fair Credit Reporting Act (15 U.S.C. 1681j) is amended to read as follows:

"§ 612. Charges for certain disclosures

"(a) REASONABLE CHARGES ALLOWED FOR CERTAIN DISCLOSURES.—Except as provided in subsections (b), (c), and (d), a consumer reporting agency may impose a reasonable charge on a consumer—

"(1) for making a disclosure to the consumer pursuant to section 609, which—

"(A) shall not exceed $8, or such other amount as is prescribed by the Federal Trade Commission under subsection (e); and

"(B) shall be indicated to the consumer prior to making disclosure; and

"(2) for furnishing a notification, statement, summary, or codification to any person designated by the consumer pursuant to section 611(d), which—

"(A) shall not exceed the charge that the agency would impose on each designated recipient for a consumer report; and

"(B) shall be indicated to the consumer prior to furnishing such information.

"(b) FREE CONSUMER REPORTS.—Each consumer reporting agency that maintains a file on a consumer shall make all disclosures pursuant to section 609 without charge to the consumer—

"(1) if the consumer makes a request under section 609, not later than 60 days after receipt by such consumer of a notification pursuant to section 615 or of a notification from a debt collection agency affiliated with that consumer reporting agency stating that the consumer's credit rating may be or has been adversely affected;

"(2) upon written request by the consumer, not more than once in any 2-year period, and not more than biannually thereafter; and

"(3) upon written request by the consumer not later than 1 year after the consumer receives a notification under subsection (c)(2).

"(c) CHARGE FOR CERTAIN NOTICES PROHIBITED.—A consumer reporting agency shall not impose any charge for—

"(1) providing a notice required under section 611(a)(6); or

"(2) notifying a person pursuant to section 611(d) of the deletion of information which is found to be inaccurate or which can no longer be verified, if the consumer designates that person to the agency before the end of the 30-day period beginning on the date of the notification of the consumer under section 611(a)(6).

"(d) ADJUSTMENT OF FEE.—The Federal Trade Commission shall annually adjust the maximum amount of the fee authorized under subsection (a)(1)(A), to reflect changes in the consumer price index.".

SEC. 109. AMENDMENTS RELATING TO DUTIES OF USERS OF CONSUMER REPORTS.

(a) DUTIES OF USERS TAKING ADVERSE ACTIONS.—Section 615(a) of the Fair Credit Reporting Act (15 U.S.C. 1681m(a)) is amended to read as follows:

"(a) DUTIES OF USERS TAKING ADVERSE ACTIONS ON THE BASIS OF INFORMATION CONTAINED IN CONSUMER REPORTS.—If any person takes any adverse action with respect to any consumer in connection with any transaction initiated by the consumer or any employment determination, which is based, in whole or in part, on any information contained in a consumer report, the person shall—

"(1) provide written notice of the adverse action to the consumer;

"(2) provide the consumer—

"(A) the name, address, and telephone number of the consumer reporting agency which furnished the report to the person; and

"(B) a statement that the consumer reporting agency did not make the decision to take the adverse action;

"(3) provide to the consumer a written notice of the consumer's right—

"(A) to obtain, under section 612, a free copy of a consumer report on the consumer, from the consumer reporting agency referred to in paragraph (2) and from any other consumer reporting agency which compiles and maintains files on consumers on a nationwide basis; and

"(B) to dispute, under section 611, with a consumer reporting agency the accuracy or completeness of any information in a consumer report furnished by the agency; and

"(4) in the case of an adverse action based in whole or in part on a credit score or other credit scoring system, provide to the consumer—

"(A) notice that the credit scoring system was used; and

"(B) the principal reasons used to determine that predictor, if those reasons are required to be disclosed by the person for purposes of compliance with section 701(d)(3) of the Equal Credit Opportunity Act.".

(b) DUTIES OF USERS WHO MAKE CERTAIN SOLICITATIONS.—Section 615 of the Fair Credit Reporting Act (15 U.S.C. 1681m) is amended by adding at the end the following new subsection:

"(d) DUTIES OF USERS WHO MAKE WRITTEN CREDIT SOLICITATIONS ON THE BASIS OF INFORMATION CONTAINED IN CONSUMER FILES.—

"(1) IN GENERAL.—Any person who uses a consumer report of any consumer in connection with any credit transaction which is not initiated by the consumer and which consists of a firm offer of credit shall provide on or with any written solicitation made to the consumer regarding the transaction a clear and conspicuous statement that—

"(A) information contained in the consumer's consumer report was used in connection with the transaction;

"(B) the consumer received the offer of credit because the consumer satisfied the criteria for credit worthiness under which the consumer was selected for the offer;

"(C) if applicable, the credit may not be extended if, after the consumer responds to the offer, the consumer does not meet the original criteria used to select the consumer for the offer;

"(D) no new criteria for credit worthiness will be imposed on the consumer other than the original criteria used to select the consumer for the offer;

"(E) the consumer has a right to prohibit information contained in the consumer's file with any consumer reporting agency to be used in connection with any credit transaction that is not initiated by the consumer; and

"(F) the consumer may exercise the right referred to in subparagraph (E) by using the joint notification system established under section 604(e)(4).

"(2) LIMITATION ON APPLICATION.—Paragraph (1) does not apply to the use of a consumer report by a person if—

"(A) the person is affiliated by common ownership or by common corporate control with the person who procured the report;

"(B) the person who procured the report clearly and conspicuously disclosed to the consumer to whom the report relates, before the report is provided to the person who will use the report, that the report might be provided to and used by other persons who are affiliated in the manner described in subparagraph (A) to the person who procured the report; and

"(C) that provision and use of the report is consented to by the consumer in writing.

"(3) FALSE AND MISLEADING STATEMENTS.—No statement accompanying a credit transaction that is not initiated by the consumer shall contain any false or misleading information concerning any condition or criteria for the extension of credit (or offer therefore) to the consumer.

"(4) MAINTAINING CRITERIA ON FILE.—A person who makes an offer of credit to a consumer under a credit transaction described in paragraph (1) shall maintain on file the criteria used to select the consumer to receive the offer, until the end of the 3-year period beginning on the date on which the offer is made to the consumer.".

(c) DUTIES OF USERS FOR DIRECT MARKETING TRANSACTIONS NOT INITIATED BY CONSUMERS.—Section 615 of the Fair Credit Reporting Act (15 U.S.C. 1681m) is further amended by adding at the end the following:

"(e) DUTIES OF USERS FOR DIRECT MARKETING TRANSACTIONS NOT INITIATED BY CONSUMERS.—Any person who, in connection with a direct marketing transaction that is not initiated by a consumer, uses information concerning the consumer that is provided by a consumer reporting agency shall provide to the consumer with each communication regarding the transaction made to the consumer a clear and conspicuous written statement—

"(1) that information concerning the consumer that was provided by a consumer reporting agency was used in connection with the transaction;

"(2) that the consumer has the right under section 604(e) to prohibit any information concerning the consumer from being provided by the consumer reporting agency for use in connection with any direct marketing transaction that is not initiated by the consumer;

"(3) that the consumer may exercise the right referred to in paragraph (2) by notifying the consumer reporting agency in writing or, in the case of a consumer reporting agency required to establish a toll-free telephone number pursuant to section 604(d)(4), by calling that number; and

"(4) disclosing the name, address, and, in the case of a consumer reporting agency required to establish a toll-free telephone number pursuant to section 604(d)(4), the toll-free telephone number at which the agency may be notified.".

SEC. 110. AMENDMENTS RELATING TO CIVIL LIABILITY.

(a) WILLFUL FAILURE TO COMPLY.—Section 616 of the Fair Credit Reporting Act (15 U.S.C. 1681n) is amended to read as follows:

"SEC. 616. CIVIL LIABILITY FOR WILLFUL NONCOMPLIANCE.

"(a) IN GENERAL.—Any person who willfully fails to comply with any requirement imposed under this title with respect to any consumer is liable to that consumer in an amount prescribed under subsection (c).

"(b) EXCEPTION.—A person has no liability to a consumer under this section for a violation of section 622(a)(1).

"(c) DAMAGES.—Liability for a willful failure to comply described in subsection (a) shall be in an amount equal to the sum of—

"(1) any actual damages sustained by the consumer as a result of the failure;

"(2) an amount not less than $300 nor greater than $1,000;

"(3) such punitive damages as the court may allow; and

"(4) in the case of any successful action to enforce any liability under this section—

"(A) the costs of the action; and

"(B) reasonable attorney's fees, as determined by the court.".

(b) NEGLIGENT FAILURE TO COMPLY.—Section 617 of the Fair Credit Reporting Act (15 U.S.C. 1681o) is amended to read as follows:

"SEC. 617. CIVIL LIABILITY FOR NEGLIGENT NONCOMPLIANCE.

"(a) IN GENERAL.—Any person who is negligent in failing to comply with any requirement of this title with respect to a consumer shall be liable to that consumer in an amount prescribed in subsection (c).

"(b) EXCEPTION.—A person has no liability to a consumer under this section for a violation of section 622(a)(1).

"(c) DAMAGES.—Liability for a negligent failure to comply described in subsection (a) shall be in an amount equal to the sum of—

"(1) any actual damage sustained by a consumer as a result of the failure;

"(2) in the case of any successful action to enforce liability under this section—

"(A) the costs of the action; and

"(B) reasonable attorney's fees, as determined by the court.".

SEC. 111. AMENDMENTS RELATING TO RESPONSIBILITIES OF PERSONS WHO FURNISH INFORMATION TO CONSUMER REPORTING AGENCIES.

(a) IN GENERAL.—The Fair Credit Reporting Act (15 U.S.C. 1681 et seq.) is amended by redesignating section 622 as section 623 and inserting after section 621 the following new section:

"SEC. 622. RESPONSIBILITIES OF FURNISHERS OF INFORMATION TO CONSUMER REPORTING AGENCIES.

"(a) DUTY OF FURNISHERS OF INFORMATION TO PROVIDE COMPLETE AND ACCURATE INFORMATION.—

"(1) IN GENERAL.—A person shall not furnish any information to any consumer reporting agency if the person knows or should know the information is incomplete or inaccurate.

"(2) DUTY TO CORRECT AND UPDATE INFORMATION.—A person who—

"(A) in the ordinary course of business, regularly and on a routine basis furnishes information to 1 or more consumer reporting agencies about their own transactions or experiences with a consumer; and

"(B) furnishes information to a consumer reporting agency, that the person determines is not complete or accurate;

shall promptly notify the consumer reporting agency of that determination and provide to the agency any corrections to that information, or any additional information, that is necessary to make the information provided by the person to the agency complete and accurate.

"(3) DUTY TO PROVIDE NOTICE OF CONTINUING DISPUTE.—If the completeness or accuracy of any information furnished by any person to any consumer reporting agency continues to be disputed to such person, the person may not furnish the information to any consumer reporting agency without notice that such information is disputed by the consumer.

"(4) DUTY TO PROVIDE NOTICE OF CLOSED ACCOUNTS.—A person who regularly furnishes information to a consumer reporting agency regarding a consumer who has a credit account with that person shall notify the agency of the closure of that account by the consumer in information regularly furnished for the period in which the account is closed.

"(5) DUTY TO PROVIDE NOTICE OF DELINQUENCY OF ACCOUNTS.—A person who furnishes information to a consumer reporting agency regarding a delinquent account being placed for collection, charged to profit or loss, or subjected to any similar action shall notify the agency of the commencement of the delinquency immediately preceding that action, by not later than 90 days after the date of that commencement.

"(b) NOTICE TO CONSUMERS OF INFORMATION FURNISHED TO CONSUMER REPORTING AGENCIES.—

"(1) NOTICE REQUIRED.—A person who in the ordinary course of business regularly and on a routine basis furnishes information about that person's transactions or experiences with any consumer to any consumer reporting agency, shall give notice of that fact in writing to the consumer before first providing any information about the consumer to any consumer reporting agency.

"(2) CONTENTS OF NOTICE.—Written notice provided to a consumer by a person pursuant to paragraph (1) shall contain—

"(A) a brief description of the type of information which may be furnished regularly to any consumer reporting agency; and

"(B) a brief description of the frequency with which or the circumstances under which information is furnished to any consumer reporting agency.

"(3) NOTICE BY CERTAIN PERSONS.—A person who furnishes information about consumers who have written checks with insufficient funds may give notice for purposes of paragraph (1) by posting the notice in a conspicuous manner at each location where checks are accepted by the person.

"(c) DUTIES OF FURNISHERS OF INFORMATION UPON NOTICE OF DISPUTE.—Upon receiving notice pursuant to section 611(a)(2) of a dispute with regard to the completeness or accuracy of any information provided by a person to a consumer reporting agency, the person shall—

"(1) complete an investigation with respect to the disputed information and report to the consumer reporting agency the results of that investigation before the end of the 30-day period beginning on the date the agency receives notices of a dispute from the consumer in accordance with section 611(a)(1); and

"(2) review relevant information submitted to the consumer reporting agency by the consumer in accordance with section 611(a)(4).

"(d) LIMITATIONS.—

"(1) CIVIL LIABILITY.—Sections 616 and 617 shall not apply to any failure to comply with subsection (a).

"(2) ENFORCEMENT.—Subsection (a) shall be enforced exclusively under section 621 by the agencies identified in that section.

"(3) INJUNCTIVE RELIEF.—In an action alleging a violation of subsection (a)(1), the court shall have jurisdiction to enjoin the violation only where the action is brought by the Federal Trade Commission or the attorney general of a State.".

(b) CLERICAL AMENDMENT.—The table of sections for title VI of the Consumer Credit Protection Act is amended by redesignating the item relating to section 622 as section 623 and inserting after the item relating to section 621 the following new item:

"622. Responsibilities of furnishers of information to consumer reporting agencies.".

SEC. 112. PREEMPTION OF CERTAIN STATE LAWS.

Section 623 of the Fair Credit Reporting Act (15 U.S.C. 1681t) (as redesignated by section 111) is amended—

(1) by striking "This title" and inserting the following: "(a) IN GENERAL.—This title"; and

(2) by adding at the end the following:

"(b) PREEMPTION OF CERTAIN STATE LAWS.—Notwithstanding subsection (a), the provisions of sections 603, 604, 607, 611, 615, and 622 shall preempt any provisions of State law pertaining to substantially the same matters as are addressed in those sections.".

SEC. 113. STATE ACTION TO ENFORCE ACT.

Section 621 of the Fair Credit Reporting Act (15 U.S.C. 1681s) is amended by adding at the end the following new subsection:

"(d) STATE ACTION TO ENFORCE ACT.—If any person violates any requirement imposed under this title, the chief law enforcement officer of the State in which such violation occurred (or an official or agency designated by that State) may bring an action—

"(1) to restrain such violation;

"(2) to recover amounts for which such person is liable under this title to each person on whose behalf the action is brought;

"(3) to seek such remedies as are allowed under the law of such State; or

"(4) to collect a civil penalty of not more than $1,000 for each such violation.".

SEC. 114. ADMINISTRATIVE ENFORCEMENT.

(a) IN GENERAL.—Section 621(a) of the Fair Credit Reporting Act (15 U.S.C. 1681s(a)) is amended in the second sentence—

(1) by striking "Act and shall be subject to enforcement by the Federal Trade Commission under section 5(b) thereof with respect to any consumer reporting agency or person subject to enforcement by the Federal Trade Commission pursuant to this subsection, irrespective" and inserting "Act. All functions and powers of the Federal Trade Commission under the Federal Trade Commission Act shall be available to the Commission to enforce compliance with this title by any person subject to enforcement by the Federal Trade Commission pursuant to this subsection, irrespective"; and

(2) by inserting before the period ", including the power to enforce the provisions of this title in the same manner as if the violation had been a violation of any Federal Trade Commission trade regulation rule".

(b) FEDERAL RESERVE BOARD INTERPRETIVE AUTHORITY.—Section 621 of the Fair Credit Reporting Act (15 U.S.C. 1681s) is amended by adding at the end the following new subsection:

"(e) INTERPRETIVE AUTHORITY.—The Board of Governors of the Federal Reserve System may issue an interpretation of any provision of this title as it may apply to any person identified in paragraph (1), (2), or (3) of subsection (b), and the holding companies and affiliates of such person, in consultation with the Federal agencies identified in paragraph (1), (2), or (3) of subsection (b).".

SEC. 115. ESTABLISHMENT OF TOLL-FREE TELEPHONE NUMBER.

Each consumer reporting agency which compiles and maintains consumer reports on a nationwide basis shall establish (and thereafter maintain) a toll-free telephone number pursuant to section 609(c)(1)(B) of the Fair Credit Reporting Act, as amended by section 106(d), not later than 1 year after the date of enactment of this Act.

SEC. 116. ACTION BY FTC.

The Federal Trade Commission shall prescribe all matters required by this title (including the amendments made by this title) to be prescribed by that Commission, not later than 270 days after the date of enactment of this Act.

SEC. 117. EFFECTIVE DATES.

(a) IN GENERAL.—Except as provided in subsection (b), the amendments made by this title shall become effective 1 year after the date of enactment of this Act.

(b) EXCEPTIONS.—Subsection (a) shall not apply to any requirement that the Federal Trade Commission prescribe any matter under the amendments made by this title.

TITLE II—CREDIT REPAIR ORGANIZATIONS

SEC. 201. REGULATION OF CREDIT REPAIR ORGANIZATIONS.

Title IV of the Consumer Credit Protection Act is amended to read as follows:

"TITLE IV—CREDIT REPAIR ORGANIZATIONS

"Sec.
"401. Short title.
"402. Findings and purposes.
"403. Definitions.
"404. Prohibited practices by credit repair organizations.
"405. Disclosures.
"406. Credit repair organizations contracts.
"407. Right to cancel contract.
"408. Noncompliance with this title.
"409. Civil liability.
"410. Administrative enforcement.
"411. Relation to State law.

"SEC. 401. SHORT TITLE.

"This title may be cited as the 'Credit Repair Organizations Act'.

"SEC. 402. FINDINGS AND PURPOSES.

"(a) FINDINGS.—The Congress makes the following findings:

"(1) Consumers have a vital interest in establishing and maintaining their credit worthiness and credit standing in order to obtain and use credit. As a result, consumers who have experienced credit problems may seek assistance from credit repair organizations which offer to improve the credit standing of such consumers.

"(2) Certain advertising and business practices of some companies engaged in the business of credit repair services have worked a financial hardship upon consumers, particularly those of limited economic means and who are inexperienced in credit matters.

"(b) PURPOSES.—The purposes of this title are as follows:

"(1) To ensure that prospective buyers of the services of credit repair organizations are provided with the information necessary to make an informed decision regarding the purchase of such services.

"(2) To protect the public from unfair or deceptive advertising and business practices by credit repair organizations.

"SEC. 403. DEFINITIONS.

"For purposes of this title:

"(1) CONSUMER.—The term 'consumer' means an individual.

"(2) CONSUMER CREDIT TRANSACTION.—The term 'consumer credit transaction' means any transaction in which credit is offered or extended to an individual for personal, family, or household purposes.

"(3) CREDIT REPAIR ORGANIZATION.—The term 'credit repair organization'—

"(A) means any person who uses any instrumentality of interstate commerce or the mails to sell, provide, or perform (or represent that such person can or will sell, provide, or perform) any service, in return for the payment of money or other valuable consideration, for the express or implied purpose of—

"(i) improving any consumer's credit record, credit history, or credit rating;

"(ii) removing adverse credit information that is accurate and not obsolete from the consumer's record, history, or rating;

"(iii) altering the consumer's identification to prevent the display of the consumer's credit record, history, or rating for the purpose of concealing adverse credit information that is accurate and not obsolete; and

"(iv) providing advice or assistance to any consumer with regard to any activity or service described in clause (i), (ii), or (iii); and

"(B) does not include—

"(i) any nonprofit organization which is exempt from taxation under section 501(c)(3) of the Internal Revenue Code of 1986; or

"(ii) any attorney-at-law who is a member of the bar of the highest court of any State or otherwise licensed under the laws of any State, with respect to services rendered which are within the scope of regulations applicable to members of such bar or such licensees.

"(4) CREDIT.—The term 'credit' has the meaning given to such term in section 103(e) of this Act.

"SEC. 404. PROHIBITED PRACTICES BY CREDIT REPAIR ORGANIZATIONS.

"No credit repair organization, and no officer, employee, agent, or other person participating in the conduct of the affairs of any credit repair organization, may—

"(1) charge or receive any money or other valuable consideration for the performance of any service which the credit repair organization has agreed to perform for any consumer before such service is fully performed;

"(2) make any statement, or counsel or advise any consumer to make any statement, which is untrue or misleading (or which, upon the exercise of reasonable care, should be known by the credit repair organization, officer, employee, agent, or other person to be untrue or misleading) with respect to any consumer's credit worthiness, credit standing, or credit capacity to—

"(A) any consumer reporting agency (as defined in section 603(f) of this Act); or

"(B) any person—

"(i) who has extended credit to the consumer; or

"(ii) to whom the consumer has applied or is applying for an extension of credit;

"(3) make any statement, or counsel or advise any consumer to make any statement, the intended effect of which is to alter the consumer's identification to prevent the display of the consumer's credit record, history, or rating for the purpose of concealing adverse credit information that is accurate and not obsolete to—

"(A) any consumer reporting agency;

"(B) any person—

"(i) who has extended credit to the consumer; or

"(ii) to whom the consumer has applied or is applying for an extension of credit;

"(4) make or use any untrue or misleading representation of the services of the credit repair organization; or

"(5) engage, directly or indirectly, in any act, practice, or course of business that constitutes or results in the commission of, or an attempt to commit, a fraud or deception on any person in connection with the offer or sale of the services of the credit repair organization.

"SEC. 405. DISCLOSURES.

"(a) DISCLOSURE REQUIRED.—Before any contract or agreement between a consumer and a credit repair organization is executed, the credit repair organization shall provide the consumer with the following written statement:

"'Consumer Credit File Rights Under State and Federal Law

"'You have a right to dispute inaccurate information in your credit report by contacting the credit bureau directly. However, neither you nor any "credit repair" company or credit repair organization has the right to have accurate, current, and verifiable information removed from your credit report. The credit bureau must remove accurate, negative information from your report only if it is over 7 years old. Bankruptcy information can be reported for 10 years.

"'You have a right to obtain a copy of your credit report from a credit bureau. You may be charged a reasonable fee. There is no fee, however, if you have been turned down for credit, employment, insurance, or a rental dwelling because of information in your credit report within the preceding 60 days. The credit bureau must provide someone to help you interpret the information in your credit file. A credit report is available annually at no charge.

"'You have a right to sue a credit repair company that violates the Credit Repair Organization Act. This law prohibits deceptive practices by credit repair companies.

"'You have the right to cancel your contract with any credit repair organization for any reason within 3 days from the date you signed it.

"'Credit bureaus are required to follow reasonable procedures to ensure that creditors report information accurately. However, mistakes may occur.

"'You may, on your own, notify a credit bureau in writing that you dispute the accuracy of information in your credit file. The credit bureau must then reinvestigate and modify or remove inaccurate information. The credit bureau may not charge any fee for this service. Any pertinent information and copies of all documents you have concerning an error should be given to the credit bureau.

"'If reinvestigation does not resolve the dispute to your satisfaction, you may send a brief statement to the credit bureau, to be kept in your file, explaining why you think the record is inaccurate. The credit bureau must include your statement about disputed information with any report it issues about you.

"'The Federal Trade Commission regulates credit bureaus and credit repair organizations. For more information contact:

"'The Division of Credit Practices
Federal Trade Commission
Washington, D.C. 20580.'.

"(b) SEPARATE STATEMENT REQUIREMENT.—The written statement required under this section shall be provided as a document which is separate from any written contract or other agreement between the credit repair organization and the consumer or any other written material provided to the consumer.

"(c) RETENTION OF COMPLIANCE RECORDS.—

"(1) IN GENERAL.—The credit repair organization shall maintain a copy of the statement signed by the consumer acknowledging receipt of the statement.

"(2) MAINTENANCE FOR 2 YEARS.—The copy of any consumer's statement shall be maintained in the organization's files for 2 years after the date on which the statement is provided to the consumer.

"SEC. 406. CREDIT REPAIR ORGANIZATIONS CONTRACTS.

"(a) WRITTEN CONTRACTS REQUIRED.—A credit repair organization may not provide services for any consumer unless a written and dated contract (for the purchase of such services) which meets the requirements of subsection (b) has been signed by the consumer.

"(b) TERMS AND CONDITIONS OF CONTRACT.—No contract referred to in subsection (a) meets the requirements of this subsection unless such contract includes the following information (in writing):

"(1) The terms and conditions of payment, including the total amount of all payments to be made by the consumer to the credit repair organization or to any other person.

"(2) A full and detailed description of the services to be performed by the credit repair organization for the consumer, including—

"(A) all guarantees and all promises of full or partial refunds; and

"(B) an estimate of—

"(i) the date by which the performance of the services (to be performed by the credit repair organization or any other person) will be complete; or

"(ii) the length of the period necessary to perform such services.

"(3) The credit repair organization's name and principal business address.

"(4) A conspicuous statement in bold face type, in immediate proximity to the space reserved for the consumer's signature on the contract, which reads as follows: 'You may cancel this contract without penalty or obligation at any time before midnight of the third day after the date on which you signed the contract. See the attached notice of cancellation form for an explanation of this right.'.

"SEC. 407. RIGHT TO CANCEL CONTRACT.

"(a) IN GENERAL.—Any consumer may cancel any contract with any credit repair organization without penalty or obligation by notifying the credit repair organization of the consumer's intention to do so at any time before midnight of the third business day which begins on the date on which the contract or agreement between the consumer and the credit repair organization is executed or would, but for this subsection, become enforceable against the parties.

"(b) CANCELLATION FORM AND OTHER INFORMATION.—Each contract shall be accompanied by a form, in duplicate, which has the heading 'Notice of Cancellation' and contains in bold face type the following statement:

"'You may cancel this contract, without any penalty or obligation, at any time before midnight of the third day which begins after the date the contract is signed by you.

"'If you cancel, any payment you made under this contract will be returned before the end of the 10-day period beginning on the date the seller receives your cancellation notice.

"'To cancel this contract, mail or deliver a signed, dated copy of this cancellation notice, or any other written notice to [*name of credit repair organization*] at [*address of credit repair organization*] before midnight on [*date*]

I hereby cancel this transaction,
[*date*]
[*purchaser's signature*].'.

"(c) CONSUMER COPY OF CONTRACT REQUIRED.—Any consumer who enters into any contract with any credit repair organization shall be given, by the organization—

"(1) a copy of the completed contract and the disclosure statement required under section 405; and

"(2) a copy of any other document the credit repair organization requires the consumer to sign,

at the time the contract or the other document is signed.

"SEC. 408. NONCOMPLIANCE WITH THIS TITLE.

"(a) CONSUMER WAIVERS INVALID.—Any waiver by any consumer of any protection provided by or any right of the consumer under this title—

"(1) shall be treated as void; and

"(2) may not be enforced by any Federal or State court or any other person.

"(b) ATTEMPT TO OBTAIN WAIVER.—Any attempt by any credit repair organization to obtain a waiver from any consumer of any protection provided by or any right of the consumer under this title shall be treated as a violation of this title.

"(c) CONTRACTS NOT IN COMPLIANCE.—Any contract for services which does not comply with the applicable provisions of this title—

"(1) shall be treated as void; and

"(2) may not be enforced by any Federal or State court or any other person.

"SEC. 409. CIVIL LIABILITY.

"(a) LIABILITY ESTABLISHED.—Any credit repair organization which fails to comply with any provision of this title with respect to any person shall be liable to such person in an amount equal to the sum of the amounts determined under each of the following paragraphs:

"(1) ACTUAL DAMAGES.—The greater of—

"(A) the amount of any actual damage sustained by such person as a result of such failure; or

"(B) any amount paid by the person to the credit repair organization.

"(2) PUNITIVE DAMAGES.—

"(A) INDIVIDUAL ACTIONS.—In the case of any action by an individual, such additional amount as the court may allow.

"(B) CLASS ACTIONS.—In the case of a class action, the sum of—

"(i) the aggregate of the amount which the court may allow for each named plaintiff; and

"(ii) the aggregate of the amount which the court may allow for each other class member, without regard to any minimum individual recovery.

"(3) ATTORNEYS' FEES.—In the case of any successful action to enforce any liability under paragraph (1) or (2), the costs of the action, together with reasonable attorneys' fees.

"(b) FACTORS TO BE CONSIDERED IN AWARDING PUNITIVE DAMAGES.—In determining the amount of any liability of any credit repair organization under subsection (a)(2), the court shall consider, among other relevant factors—

"(1) the frequency and persistence of noncompliance by the credit repair organization;

"(2) the nature of the noncompliance;

"(3) the extent to which such noncompliance was intentional; and

"(4) in the case of any class action, the number of consumers adversely affected.

"(c) JURISDICTION.—Any action under this section may be brought in any United States district court, or in any other court of competent jurisdiction, before the later of—

"(1) the end of the 2-year period beginning on the date of the occurrence of the violation involved; or

"(2) in any case in which any credit repair organization has materially and willfully misrepresented any information which—

"(A) the credit repair organization is required, by any provision of this title, to disclose to any consumer; and

"(B) is material to the establishment of the credit repair organization's liability to the consumer under this section,

the end of the 2-year period beginning on the date of the discovery by the consumer of the misrepresentation.

"SEC. 410. ADMINISTRATIVE ENFORCEMENT.

"(a) IN GENERAL.—Compliance with the requirements imposed under this title with respect to credit repair organizations shall be enforced under the Federal Trade Commission Act by the Federal Trade Commission.

"(b) VIOLATIONS OF THIS TITLE TREATED AS VIOLATIONS OF FEDERAL TRADE COMMISSION ACT.—

"(1) IN GENERAL.—For the purpose of the exercise by the Federal Trade Commission of the Commission's functions and powers under the Federal Trade Commission Act, any violation of any requirement or prohibition imposed under this title with respect to credit repair organizations shall constitute an unfair or deceptive act or practice in commerce in violation of section 5(a) of the Federal Trade Commission Act.

"(2) ENFORCEMENT AUTHORITY UNDER OTHER LAW.—All functions and powers of the Federal Trade Commission under the Federal Trade Commission Act shall be available to the Commission to enforce compliance with this title by any person subject to enforcement by the Federal Trade Commission pursuant to this subsection, including the power to enforce the provisions of this title in the same manner as if the violation had been a violation of any Federal Trade Commission trade regulation rule, without regard to whether the credit repair organization—

"(A) is engaged in commerce; or

"(B) meets any other jurisdictional tests in the Federal Trade Commission Act.

"(c) STATE ENFORCEMENT OF TITLE.—

"(1) IN GENERAL.—The attorney general of any State, or an official or agency designated under the law of any State, may enforce the provisions of this title in Federal or State court.

"(2) CIVIL ENFORCEMENT ACTIONS.—Any State may bring a civil action in any Federal or State court to enjoin any violation of this title and recover damages under this title for consumers who reside in such State.".•

By Mr. BRADLEY:

S. 2777. A bill to finance an educational exchange program with the independent states of the former Soviet Union and the Baltic States, to authorize the admission to the United States of certain scientists of the former Soviet Union and Baltic States as employment-based immigrants under the Immigration and Nationality Act, and for other purposes; to the Committee on Foreign Relations.

FREEDOM EXCHANGE ACT

• Mr. BRADLEY. Mr. President, I rise to introduce the Freedom Exchange Act. Joining me to sponsor this legislation is my colleague, Mr. KERREY, from Nebraska. The bill is also being introduced in the other body by Congressman LEACH of Iowa.

Mr. President, this legislation will provide for the creation of massive exchange programs with the former Soviet Union and the Baltics. The legislation will also provide for an increase in immigrant visas available to scientists and others involved in the production of nuclear weapons. We hope these programs will become components of any assistance package the U.S. Government provides to the region.

The purpose of these educational exchanges is to bring young people from the region to the United States so that they might experience firsthand how a free market democracy functions. Person-to-person contact—not dollars—will create the bonds that will construct an era of mutual respect to replace the cold war era of mutual suspicion. On a long-term basis, it's not food or supplies they need, but a vision. A vision of what their new societies could look like. A vision of what their societies should look like. And by accepting students into their homes and lives, Americans can help to provide this. This program calls for a personal involvement that other aid programs do not demand of Americans. Instead of shipping over a plane full of advisers, we will bring in a plane full of talented youth. They will come into our communities to live, to study, to work. We believe this is what the situation demands.

The dramatic changes we have all witnessed in the world in recent years should prompt us to reflect on our own Nation's task in years ahead: How can we adapt to the altered world?

Mr. President, I believe that recent events will lead to a redefinition of our superpower role. We will continue to exercise a leadership role, but in a new form. In a multipolar, multicultural world, we must lead by example. We should be able to lead the world by our example of a pluralist nation that is a free and democratic society—a nation striving to accommodate ethnic and religious minorities, a nation of economic opportunity. We recognize our problems, and that, too, we can show others is a key element of a democratic society.

But in order to lead by example, we should give the youth of these former Communist republics the chance to see for themselves what a free market democracy means and how our institutions work. By doing so, we can provide the type of aid they most need. The needs of the states of the former Soviet Union and the Baltics are many. They need skill building and institution building so that they can begin he process of nation building. All of this will require increased understanding of democratic principles.

We must move swiftly. The people of the newly independent states must be brought out of their isolation now. We must make up for 40 years of barriers between our citizens and theirs. We cannot afford to be complacent. A slow response risks retrenchment of economic and democratic reforms. It also risks the growth of new versions of authoritarian rule.

We want to see large numbers of people coming into our high schools, community colleges, universities or businesses as early as January 1993. Over the course of the program's 5-year duration, hundreds of thousands of students and young managers should come over at a minimal cost and significant benefit to the American taxpayer.

There are five components to this program: First, there will be a high school student exchange; second, an undergraduate student exchange; third, a graduate student exchange; fourth, a sister university program; and fifth, a small business exchange.

The key component is high school exchanges. We need to reach the youth of these new states early in their development. When this program is fully implemented, 50,000 high school kids will come to America each year. They will live with families, attend schools, and return to their own homes having learned about our institutions, skills, and values. They will have acquired a better appreciation of how they—the future leaders—can create their own institutions.

The undergraduate and university exchanges would be on a smaller but still significant scale. The goals are about 10,000 college students and 1,000 graduate students coming over to study each year.

The sister university program would create links between our universities, colleges, and community colleges, and their institutions of higher learning.

The small business exchange would provide a means for young managers to work with small businesses in the United States and experience first hand what it means to be an entrepreneur. We would like to see them spread to each of our 435 congressional districts, with local community groups helping to sponsor the trainees.

Cultural exchanges benefit both sides. Not only would we be assuring peaceful ties between these nations and ours, we can also learn much. Americans can learn from having foreign students in their homes and classrooms. Americans studying in Kiev, St. Petersburg, Vilnius, and Alma-Alta will return with a better understanding of the people of these new republics; they will also have the unique privilege of witnessing first hand the new frontiers of democratic capitalism.

United States businesses serving as sponsors to young managers from the former Soviet Union will be establishing future business contacts in a market that includes 300 million potential new consumers. Their ability to get involved in the new states depends to a certain extent on their knowledge of local conditions, opportunities and their ability to work with people who are already familiar with Western business practices.

The Iron Curtain between our societies has parted, Mr. President, but contact between our people and the people of the former Soviet Union remains woefully limited. In the 1990-91 school year, the total number of undergraduate and graduate students from the former Soviet Union was 1,210. China had almost 40,000 for the same period. Even Switzerland had more students at American universities than did the former Soviet Union. There are over 5 million college and graduate level students in the former Soviet Union. We should see thousands more over here.

This legislation will also provide the means for larger numbers of highly skilled Russian scientists and others to immigrate to the United States. Faced with hardships in the Soviet Union, scientists with valuable skills, particularly those knowledgeable in the production of nuclear weapons, might consider aiding countries such as Libya in developing nuclear weapon capability. Instead, we can provide opportunities for these talented people to benefit America by enhancing American competitiveness through their own special expertise.

Mr. President, these exchange programs are cost-effective. For far less than the cost of one Stealth bomber, we can bring over 70,000 students here in any given year. Also, public funds alone will not support this program; private assistance is also envisioned.

Mr. President, I ask unanimous consent that a summary of the bill be printed in the RECORD.

There being no objection, the summary was ordered to be printed in the RECORD, as follows:

BILL SUMMARY—FREEDOM EXCHANGE ACT

This bill would provide for the creation of massive exchange programs with the former Soviet Union and the Baltics. The purpose is to bring young people of the region to the United States so that they might experience first-hand how a free market democracy functions. The legislation would also increase the number of immigrant visas available to scientists and others knowlegeable in the production of nuclear weapons in the former Soviet Union.

There are five different exchange programs envisioned: high school, undergraduate and graduate student exchanges; a sister university program and a small business exchange.

In the first fiscal year, the program would provide the means for bringing over to the United States 5,000 high school students, 2,000 college students, 300 graduate students, and 2,000 managers to work in small businesses throughout the United States. The managers would spend 6 months interning in U.S. businesses. The training will enhance their ability to participate in economic restructuring on their return to the independent states.

The numbers would increase during the course of the program. By the fifth year, participants would include 50,000 high school students, 10,000 college students, 1,000 graduate students, and 10,000 managers. Grants to sister university programs would be available to 50 university pairings by the fifth year.

In the total 5 years, there would be over a quarter of a million students moving on this exchange program. This would include 177,000 high school students, 37,000 college students, 3,900 graduate students and 38,000 on a small business exchange program.

Funding would be provided in the first year through USIA. Private voluntary agencies involved in international youth or citizen exchange programs would be eligible to apply for grants. By the second year, the program would be run by a newly encorporated private not-for-profit organization. The exchange programs would sunset after 5 years.

The program would make available $150 million in grants during the first fiscal year and $335 million the second year. By the fifth year, a total of $475 million would be granted to nonprofits for the purposes of these exchange programs.

Public support would be supplemented by private funding. Colleges and universities, receiving students would be expected to supplement public resources, wherever possible. Small businesses or local communities receiving managers would be resposible for housing and medical insurance. In addition, the newly encorporated foundation would be able to raise funding from private donors.●

By Mr. JEFFORDS (for himself, Mr. LEAHY, and Mr. MOYNIHAN):

S. 2778. A bill to require the Secretary of the Interior to conduct a study to assess the suitability and feasibility of establishing a heritage corridor composed of certain sites located in the Upper Hudson River Valley, in the Champlain Valley, and in the area around Lake George, and for other purposes; to the Committee on Energy and Natural Resources.

CHAMPLAIN VALLEY HERITAGE CORRIDOR STUDY ACT

Mr. JEFFORDS. Mr. President, the land I come from is an ancient one with a history that goes back far before things were written down. And as written history emerged, it recorded such storied names as Fort William Henry, Ticonderoga, Saratoga, Bennington, Crown Point, Hubbardton. They are places where European nations battled for a continent, where America won its independence, and then defended it in the War of 1812. People such as George Washington, Ethan Allen, Anthony Wayne, John Stark, Benjamin Franklin, Robert Rogers have walked there.

The corridor that holds the upper Hudson River, Lake George, Lake Champlain, and the Richelieu River holds scores of places important to the history of this Nation, of the continent and of the world. And the people along that corridor have long cared for their historic sites. Much has been preserved from the decisive battlefield of Saratoga, to the stone ramparts of Ticonderoga, to the towering earthworks at Crown Point to the rude foundations of huts at Mount Independence where American soldiers shivered and died through a winter worse than Valley Forge.

Yet much of the history of this area goes unappreciated for the simple fact that it is impossible, save for a few historians who have devoted lives to study, for the layman to understand the history of the upper Hudson, Lake George, Champlain, Richelieu Corridor.

I am happy to join with Senator LEAHY of my State, and Senator MOYNIHAN of the great State of New York, in introducing today the bill which will be entitled the Champlain Valley Heritage Corridor Study Act, directing the Park Service to undertake a study of this corridor. The historic sites there need to be studied, to be inventoried, assessed. Then down the road it is my hope that we might move forward to make the historic sites of this corridor more accessible, more understandable, to the people of this nation and of the world.

I have in mind a new Park Service concept, an historic corridor. It would not require land taking and the creation of great new facilities, but would be developed around the more than 8,000 acres of historic land I have discovered that are already protected in private, State, and Federal ownership along the corridor. But that is a step that would be taken only after a study.

My bill asks that the study be done in a year and in cooperation with the Canadian and Quebec Province governments for the historic corridor crosses and international border and runs north to Montreal and beyond. Montreal, Fort Chambly, even Quebec City's Plains of Abraham are as much a part of this area's history as Valcour Island, Arnold's Bay, Bennington.

Last summer I invited Edwin Bearss, the chief historian of the National Park Service, to inspect Mount Independence in Vermont with me. Mr. Bearss also visited Hubbardton Battlefield and was deeply impressed by what he saw and suggested that the new concept of a heritage corridor be considered for our area, a corridor based on 200 years of conflict, from Champlain's exploration to the Battle of Plattsburg. We have expanded the idea by 50 years to include the Confederate raid on St. Albans, VT, in 1864 the northernmost land action of the Civil War.

Also, of course, the native American sites in the corridor must be studied for the entire corridor is a native American site. And many of the great sites tied in with the Revolution and French and Indian Wars are important native American places.

And beyond that, all the people of this country, indeed of two nations, might one day come to fully understand and appreciate the immense history of the upper Hudson, Lake George, Lake Champlain, and the Richelieu.

It is a heritage with ancient roots and it is a heritage we are most proud of and that we wish to tell the world about.

The economic benefits to the Northeast could be considerable, and at little cost. For the corridor's history is there, tangible, preserved. It is a story only waiting to be told. The results could only be beneficial to this Nation and to the people of the corridor, and to the owners of the historic places of the corridor.

Few, if any, places in this hemisphere have such a rich and important history as this old and beautiful Northeastern corridor. We could bring it forth to our and future generations.

Mr. President, it is important, especially at the time around Memorial Day, to remember those gallant men and women of the past who sacrificed to make this Nation so great, and I hope we can by this bill preserve some of those wonderful sites that bring back those memories.

Mr. MOYNIHAN. Mr. President, I rise as a cosponsor of Senator Jeffords' Champlain Valley Heritage Corridor Study Act. The land surrounding the Upper Hudson, Lake George, and Lake Champlain is rich in American history, and so is most deserving of the study authorized in this bill.

Exploration of the region began in 1609, only 2 years after the first settlement at Jamestown. With Henry Hudson and the Dutch traveling up river and Samuel de Champlain descending from Canada on behalf of France, it was a banner year for discovery.

As settlers from the two nations, and later from Britain, came in closer and closer contact in the following years, tensions rose. The French and Indian War was the result. The Algonquin Indians sided with the French, the Iroquois with the British. Battles were fought up and down this area, most notably at Ticonderoga and Crown Point. These conflicts ended with the Treaty of Paris in 1763, but they were soon followed by even greater bloodshed.

A third of the battles in the Revolutionary War took place in New York, and most of them were in the region this bill considers. Most notable was Saratoga, 1 of the 10 most significant land battles in history and a decisive defeat for the British.

With a background as the crucible in which the country was founded, the Hudson-Champlain region grew and prospered. Water was the key to its development in the 19th century, for no other mode of transportation could penetrate the Green Mountains or the Adirondacks. Today much of the region is protected as part of Adirondack Park, and the lakes are greatly valued for recreation.

There is much to be known and much to be preserved in the Hudson-Champlain region. This bill is a sound effort to do so, and I ask my colleagues to join us in supporting it.

By Mr. THURMOND (for himself, Mr. HOLLINGS, and Mr. MCCAIN):

S. 2779. A bill to amend title 10, United States Code, to provide that enlisted members of the Armed Forces who have completed 18, but less than 20, years of active duty shall be treated in the same manner as officers with respect to retention on active duty until becoming eligible for retired pay; to the Committee on Armed Services.

RETENTION OF CERTAIN MEMBERS OF THE ARMED FORCES

Mr. THURMOND. Mr. President, I rise today to introduce legislation that will provide our noncommissioned officers the same safety net that currently protects commissioned officers from involuntary separation upon completion of more than 18 years, but less than 20 years, of active duty. I am joined in sponsoring this legislation by Senator HOLLINGS and Senator MCCAIN.

Mr. President, over the past few years my office has received requests for assistance from enlisted members of the Armed Forces who were denied reenlistment after having served honorably for 18 years, which is just 2 years short of retirement eligibility.

Subsequent inquiries to the military services confirmed that the denial of the reenlistment was appropriate under current statutes and that there were no means, short of the respective service changing its mind, that could rescind the denial. Since the services rarely change their minds, the service members were discharged. They were denied the opportunity to continue in uniform until they reached their 20th year—that magical number that would allow the service member to retire and receive retirement pay.

Mr. President, this sort of adverse action would not have occurred if the service members had been commissioned officers. Once an officer attains 18 years, but less than 20 years, he has a protective statute to fall back on. No such law exists for noncommissioned officers.

Mr. President, we should not allow two sets of values in determining whether a service member, officer and enlisted, is to leave the military or be retained. Little by little, the Congress has changed outdated laws that have no place in the All-Volunteer Force. In 1990, the Congress addressed the inequity in the military's separation policy. It offered separation pay to enlisted personnel for the first time in nearly 100 years.

Other inequities between officer and enlisted, such as special pay, have also been corrected. Hazardous duty or incentive pay has been equalized for both. So has temporary duty per diem, accumulated leave, family separation allowances. SGLI coverage, and deductibles for CHAMPUS.

Mr. President, there is no reason why this inequity cannot be resolved during this session of Congress. It will require little, if any, additional funds for the military personnel account to support the legislation. It will, however, offer fairness in the treatment we afford our career enlisted personnel who have served honorably for more than 18 years. In my judgment, they should certainly be given the same opportunity as officers to serve another 2 years to qualify for retirement.

Mr. President, in closing I want to thank the Non-Commissioned Officers Association, especially Sgt. Maj. Mack McKinney, for their assistance and background information that was used in formulating this proposal.

Mr. President, I ask unanimous consent that the entire bill be printed following my remarks, and I urge my colleagues to join me in supporting this legislation.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2779

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. RETENTION ON ACTIVE DUTY OF ENLISTED MEMBERS WITHIN TWO YEARS OF ELIGIBILITY FOR RETIREMENT.

(a) IN GENERAL.—Chapter 59 of title 10, United States Code, is amended by adding at the end the following new section:

"§1175. Enlisted members: retention after completion of 18 or more, but less than 20, years of service

"(a) REGULAR MEMBERS.—A regular enlisted member who is selected to be involuntarily separated, or whose term of enlistment expires and who is denied reenlistment, and who on the date on which the member is to be discharged is within two years of qualifying for retirement under section 3914 or 8914 of this title, or of qualifying for transfer to the Fleet Reserve or Fleet Marine Corps Reserve under section 6330 of this title, shall be retained on active duty until the member is qualified for retirement or transfer to the Fleet Reserve or Fleet Marine Corps Reserve, as the case may be, unless the member is sooner retired or discharged under any other provision of law.

"(b) RESERVE MEMBERS.—A reserve enlisted member serving on active duty who is selected to be involuntarily separated, or whose term of enlistment expires and who is denied reenlistment, and who on the date on which the member is to be discharged or released from active duty is entitled to be credited with at least 18 but less than 20 years of service computed under section 1332 of this title, may not be discharged or released from active duty without the member's consent before the earlier of the following:

"(1) If as of the date on which the member is to be discharged or released from active duty the member has at least 18, but less than 19, years of service computed under section 1332 of this title—

"(A) the date on which the member is entitled to be credited with 20 years of service computed under section 1332 of this title; or

"(B) the third anniversary of the date on which the member would otherwise be discharged or released from active duty.

"(2) If as of the date on which the member is to be discharged or released from active duty the member has at least 19, but less than 20, years of service computed under section 1332 of this title—

"(A) the date on which the member is entitled to be credited with 20 years of service computed under section 1332 of this title; or

"(B) the second anniversary of the date on which the member would otherwise be discharged or released from active duty.".

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by adding at the end the following new item:

"1175. Enlisted members: retention after completion of 18 or more, but less than 20, years of service.".

By Mr. GLENN (for himself and Mr. ROCKEFELLER):

S. 2781. A bill to amend the Solid Waste Disposal Act to require the preparation of a rural community impact statement prior to the issuance of a permit for the construction of an off site hazardous waste treatment, storage, or disposal facility in a rural area; to the Committee on the Environment and Public Works.

RURAL COMMUNITIES HAZARDOUS WASTE INFORMATION ACT OF 1992

• Mr. GLENN. Mr. President, I rise today to introduce the Rural Communities Hazardous Waste Information Act of 1992. I am pleased to have my colleague, Mr. ROCKEFELLER, as an original cosponsor of this bill. This legislation addresses a critical need for people in rural areas to have more access to information about hazardous waste facilities proposed for siting in their communities.

The Rural Communities Hazardous Waste Information Act will expand the very limited public information requirements that currently exist in the Resource Conservation and Recovery Act [RCRA]. Access to information about the economic and environmental impact of hazardous waste facilities is particularly important in rural communities. Over 75 percent of the hazardous waste landfills and incinerators in the country are located in rural areas. Many of these communities lack the resources to gather sound data about the potential effects of hazardous waste facilities.

Mr. President, this legislation establishes a process to allow citizens to review important information during the planning process for siting a hazardous waste facility. The bill requires that within 12 months of the permit application by a facility, a community impact statement must be completed and made available to the public. This statement must be prepared by an independent contractor selected jointly by the permit applicant and elected officials in the community. The impact statement must include findings on the economic and social impact of the facility, the effect on employment and recreation, the effect on emergency services and transportation and potential costs of mitigating any impact on the community.

The availability of sound and objective information is crucial for citizens in a community being considered for a hazardous waste facility. It is clearly in the public interest to undertake a full examination of the effects of a hazardous waste facility prior to issuance of a permit for that facility.

Mr. President, hazardous waste disposal is one of the most significant problems facing State and local governments. I believe that we must aggressively pursue waste reduction at the source and recycling as the most environmentally sound ways to handle hazardous waste. Not only does waste reduction provide health and environmental benefits, but it can also provide cost savings nationally by decreasing the amount spent on waste management. Until these methods become more widely utilized, waste incineration and disposal will be necessary.

The Rural Communities Hazardous Waste Information Act will provide citizens a mechanism for learning about facilities proposed for their neighborhood. This knowledge is a basic right. I urge my colleagues to join me in supporting this legislation. Congressmen CLINGER and SYNAR have introduced this bill in the House of Representatives, and we will work together for its enactment.•

By Mr. EXON:

S. 2782. A bill to amend the Internal Revenue Code of 1986 to repeal the luxury tax on passenger vehicles; to the Committee on Finance.

REPEAL OF LUXURY TAX ON PASSENGER VEHICLES

Mr. EXON. Mr. President, I rise for the purpose of introducing a piece of legislation to amend the Internal Revenue Code to repeal the luxury tax on passenger vehicles. I send the bill to the desk and ask it be printed in the RECORD and appropriately referred.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2782

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. REPEAL OF LUXURY TAX ON PASSENGER VEHICLES.

(a) IN GENERAL.—Section 4001 of the Internal Revenue Code of 1986 (relating to luxury tax on passenger vehicles) is hereby repealed.

(b) CONFORMING AMENDMENTS.—

(1) Paragraph (2) of section 4004(b) of such Code is amended—

(A) in subparagraph (A)(iii), by striking "passenger vehicle, boat," and inserting "boat", and

(B) in subparagraph (B)—

(i) by striking "$30,000 in the case of a passenger vehicle,", and

(ii) by striking "boat," and inserting "boat".

(2) Subpart A of part I of subchapter A of chapter 31 of such Code is amended by redesignating sections 4002, 4003, and 4004 as sections 4001, 4002, and 4003, respectively.

(3)(A) Subsection (b) of section 4011 of such Code is amended by striking paragraph (3), and by redesignating paragraphs (4) and (5) as paragraphs (3) and (4), respectively.

(B) Paragraph (2) of section 4011(c) of such Code is amended—

(i) in the paragraph caption, by striking "PASSENGER VEHICLES, BOATS," and inserting "BOATS",

(ii) in subparagraph (A), by striking "passenger vehicle, boat," and inserting "boat",

(iii) in subparagraph (B), by striking "means—" and all that follows and inserting "means any lease.", and

(iv) in subparagraph (C)(iii), by striking "section 4004(c)" inserting "section 4003(c)".

(4) Subsection (c) of section 4221 of such Code is amended by striking "4001(c), 4002(b), 4003(c), 4004(a)" and inserting "4001(b), 4002(c), 4003(a)".

(5) Subsection (d) of section 4222 of such Code is amended by striking "4001(c), 4002(b), 4003(c), 4004(a)" and inserting "4001(b), 4002(c), 4003(a)".

(6) The table of sections for subpart A of part I of subchapter A of chapter 31 of such Code is amended—

(A) by striking the item relating to section 4001, and

(B) by striking "4002", "4003", and "4004" and inserting "4001", "4002" and "4003", respectively.

(7)(A) The heading for subpart A of part I of subchapter A of chapter 31 of such Code is amended by striking "**Passenger Vehicles, Boats**".

(B) The table of subparts for part I of subchapter A of chapter 31 of such Code is amended by striking "Passenger vehicles, boats," in the item relating to subpart A and inserting "Boats".

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect on the date of enactment of this Act.

By Mr. DODD (for himself and Mr. LIEBERMAN):

S. 2784. A bill to amend part A of title IV of the Social Security Act to remove barriers and disincentives in the program of aid to families with dependent children so as to improve educational and business opportunities for recipients; to the Committee on Finance.

SELF-SUFFICIENCY OPPORTUNITIES ACT

• Mr. DODD. Mr. President, I rise today to introduce legislation that addresses one aspect of a welfare system that discourages initiative and, even worse, destroys hope. We must begin to turn that system around. The Self-sufficiency Opportunities Act of 1992, which I am introducing with my colleague from Connecticut, Senator LIEBERMAN, would bring the dreams of education and owning a business closer to the grasp of families on welfare. Helping them realize those dreams would benefit the American taxpayer as well as the families themselves.

Over the past 2 years, the Subcommittee on Children, Families, Drugs, and Alcoholism, which I chair, has held a series of hearings on the state of the American family and parents' struggles to provide a decent life for their children. The Senate Democratic Task Force on Welfare Reform, of which I am a member, is exploring how to address the barriers families in the Aid to Families with Dependent Children [AFDC] Program face in becoming self-sufficient. These families have such a tough time getting off welfare in part because they lack resources for activities that could help them achieve that goal.

The recent case in Connecticut of Sandra Rosado, who was discovered saving for college while her family was on AFDC, has become a symbol of stifling welfare policies. AFDC rules do not permit a family more than $1,000 in assets. Sandra was required to spend her savings, and her family to repay welfare payments of over $9,000. Sandra was able to win a scholarship and enter college, but her family still faces the overpayment charges. Earlier this week, Senator LIEBERMAN and I introduced legislation to provide relief specifically for Sandra's family.

This case is almost as absurd as it is tragic. Each year 400,000 children drop out of high school. Here is a young woman who not only stayed in school, but also got a job and saved to continue her education after graduation. If ever there was a wrong signal to send young people in poor families, this is it.

Children trying to save for college aren't the only ones stymied by the welfare system. For some recipients, the path off welfare is through starting their own businesses, but it is not easy. A witness at a March 10, 1992, subcommittee hearing on public-private partnerships described many difficulties in reconciling AFDC rules with standard business practices.

A model entrepreneurial program at the Hartford College for Women in Connecticut, which has a special component for welfare women, has solved administratively a number of these problems. However, several barriers remain. Under current rules, the purchase of capital equipment is not a legitimate business expense. The result is a reduction in benefits proportionate to the amount of the purchase. Similarly, you cannot repay principal on a loan or carry over cash reserves needed to operate your business without reducing your welfare grant. In short, it's very difficult to conduct your business in a business-like manner—a business that can help you get off welfare.

The Self-Sufficiency Opportunities Act would make it easier for families on welfare to save for education and operate their own businesses. It may be too late for Sandra Rosado to have the satisfaction of paying her own way through college—although she certainly should feel proud of her initiative and scholastic achievement. But we must enable other children to have both the dream of an education and the sense of empowerment that they can make that dream come true. This legislation would allow States to set up mechanisms, such as escrow accounts or education savings bonds, through which children could work and save for post-secondary education without jeopardizing their family's economic well-being.

The Self-Sufficiency Opportunities Act also addresses the barriers to successfully operating a small business, based on the considerable experience of the Connecticut program. It would allow AFDC recipients a one-time purchase of capital equipment which would be counted as a business expense. The bill also specifies that loan principal repayments and funds carried forward for future business expenditures are legitimate business expenses. As such, they would be deducted from the gross receipts of the business in determining net income. Most of these self-employment provisions have been introduced in the other body by our colleague from Connecticut, Representative KENNELLY.

Finally, welfare recipients starting their own businesses could benefit immensely from the business expertise in the community. The legislation would authorize $5 million to establish public-private partnerships through which local business people would provide assistance such as mentoring and training in how to run a business. This approach also should increase the business community's receptivity to helping welfare recipients who choose this avenue to self-sufficiency.

I would emphasize, Mr. President, that this bill represents only a fraction of the issues involved in altering our welfare system to encourage work. Many work incentives were pared back or eliminated by the Omnibus Budget Reconciliation Act of 1981, which I opposed. Now, the growing deficit impedes our ability to turn back the clock. Moreover, the disincentives to work are not all within the AFDC program. Welfare reform also lies in policies to support working families—such as providing the child care services and better tax treatment which I have long advocated. And we must never lose sight of our Nation's most critical need: more jobs paying a decent wage that families can live on. Clearly, Mr. President, we have a long road ahead of us in creating a full range of opportunities for self-sufficiency. I hope our colleagues will join in taking this one small step.

Mr. President, I ask unanimous consent that the text of the bill be inserted in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2784

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Self-Sufficiency Opportunities Act of 1992".

SEC. 2. DISREGARD OF EDUCATION SAVINGS FOR AFDC ELIGIBILITY.

(a) DISREGARD AS RESOURCE.—Subparagraph (B) of section 402(a)(7) of the Social Security Act (42 U.S.C. 602(a)(7)) is amended—

(1) by striking "or" before "(iv)", and

(2) by inserting ", or (v) any amount in a qualified education account (as defined in section 406(i)) of such child" before "; and".

(b) DISREGARD AS INCOME.—Subparagraph (A) of section 402(a)(8) of the Social Security Act (42 U.S.C. 602(a)(8)) is amended—

(1) by striking "and" at the end of clause (vii), and

(2) by inserting after clause (viii) the following new clause:

"(ix) shall disregard any qualified distributions made from any qualified education account (as defined in section 406(i)); and".

(c) QUALIFIED EDUCATION ACCOUNTS.—Section 406 of such Act (42 U.S.C. 606) is amended by adding at the end the following:

"(i)(1) The term 'qualified education account' means a mechanism established by the State (such as escrow accounts or education savings bonds) that allows savings from earned income of a child in a family receiving aid to families with dependent children to be used for qualified distributions.

"(2) The term 'qualified distributions' means distributions for expenses directly related to the attendance at an eligible post-secondary institution of a child on behalf of whom a qualified education account has been established or, in the absence of such a need, of any other child of such family.

"(3) A post-secondary institution's eligibility under this subsection shall be determined by the State under guidelines established by the Secretary.".

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to payments under part A of title IV of the Social Security Act for calendar quarters beginning on or after October 1, 1992.

SEC. 3. AUTHORITY FOR STATES TO PERMIT CERTAIN SELF-EMPLOYMENT PROGRAM PARTICIPANTS A ONE-TIME ELECTION TO PURCHASE CAPITAL EQUIPMENT FOR A SMALL BUSINESS IN LIEU OF DEPRECIATION; REPAYMENTS BY SUCH PERSONS OF THE PRINCIPAL PORTION OF SMALL BUSINESS LOANS TREATED AS BUSINESS EXPENSES FOR PURPOSES OF AFDC.

(a) AMENDMENTS TO THE SOCIAL SECURITY ACT.—Section 402(a)(8) of the Social Security Act (42 U.S.C. 602(a)(8)) is amended—

(1) in subparagraph (B)(ii)(II), by striking "and" after the semicolon;

(2) in subparagraph (C), by inserting "and" after the semicolon; and

(3) by adding at the end the following:

"(D) provide that, in determining the earned income of a family any of the members of which owns a small business and is a participant in a self-employment program offered by a State in accordance with section 482(d)(1)(B)(ii), the State may—

"(i)(I) during the 1-year period beginning on the date the family makes an election under this clause, treat as an offset again the gross receipts of the business the sum of the capital expenditures for the business by any member of the family during such 1-year period; and

"(II) allow each such family eligible for aid under this part not more than 1 election under this clause; and

"(ii) treat as an offset against the gross receipts of the business—

"(I) the amounts paid by any member of the family as repayment of the principal portion of a loan made for the business; and

"(II) cash retained by the business for future use by the business;"

(b) AMENDMENT TO THE INTERNAL REVENUE CODE OF 1986.—Section 167 of the Internal Revenue Code of 1986 (relating to depreciation) is amended by adding at the end thereof the following new subsection:

"(g) CERTAIN PROPERTY OF AFDC RECIPIENTS NOT DEPRECIABLE.—No depreciation deduction shall be allowed under this section (and no depreciation or amortization deduction shall be allowed under any other provision of this subtitle) with respect to the portion of the adjusted basis of any property which is attributable to expenditures treated as an offset against gross receipts under section 402(a)(8)(D)(i) of the Social Security Act.".

(c) EFFECTIVE DATE.—

(1) SOCIAL SECURITY ACT AMENDMENTS.—The amendments made by subsection (a) shall apply to payments made under part A of title IV of the Social Security Act on or after October 1, 1992.

(2) INTERNAL REVENUE CODE AMENDMENT.—The amendment made by subsection (b) shall apply to property placed in service on or after October 1, 1992.

SEC. 4. GRANTS FOR PUBLIC-PRIVATE PARTNERSHIPS FOR TECHNICAL ASSISTANCE TO SELF-EMPLOYED AFDC RECIPIENTS.

(a) IN GENERAL.—Section 406 of the Social Security Act (42 U.S.C. 606), as amended by section 2, is amended by adding at the end the following:

"(k)(1) The Secretary shall make grants to States to develop partnerships between State agencies and community businesses or educational institutions to provide assistance for recipients of aid to families with dependent children seeking to become self-employed.

"(2) Subject to paragraph (3), the Secretary shall make grants to each State under paragraph (1) upon application of the State agency (in such form and manner as the Secretary determines) proposing one or more partnerships with community businesses or educational institutions.

"(3) The Secretary may not make grants to a State under paragraph (1) unless the State provides matching funds in an amount that is not less than 50 percent of the amount of the grant.

"(4) Funds from any grant may be used to pay the costs associated with developing and implementing a process through which businesses or educational institutions would work with the State agency to provide assistance to recipients of aid to families with dependent children seeking to start or operate small businesses, including—

"(A) mentoring,

"(B) training for recipients in administering a business,

"(C) technical assistance in preparing business plans, and

"(D) technical assistance in the process of applying for business loans, marketing services, and other activities related to conduct of such small businesses.

This assistance may continue after the recipient is no longer eligible for aid under this part.

"(5) For grants under this subsection, there is authorized to be appropriated to the Secretary $5,000,000, for fiscal year 1993, and such sums as are necessary for fiscal years 1994 and 1995.".●

● Mr. LIEBERMAN. Mr. President, I am pleased to join with my colleague from Connecticut [Mr. DODD] in introducing legislation to begin the process of reforming our welfare system.

This bill will make a simple change in welfare—simple, yet revolutionary. Our hope for this bill is that it will unleash a tremendous potential that exists among those who are now on welfare—a potential to improve their education, start a small business, and make a break with the cycle of poverty that oppresses their lives.

The most dramatic example of why this legislation is needed is the story of Sandra Rosado and her brother Angel. As I related to my colleagues earlier this week, they are two of eight children living on welfare in New Haven. Sandra wanted to go to college—a dream that is out of the reach of too many children living in poverty. So she found a job, worked hard, saved her money, and put together nearly $5,000.

Her brother Angel, inspired by his older sister's example, got his own job in a supermarket and put away nearly $1,000 for his own college education.

Then the State found out and, pursuant to a Federal law, demanded that the children spend their money. After the money was gone, the State ordered the mother to pay the Government a fine of nearly $10,000, since the law says a family on welfare can't have more than $1,000 in assets. What kind of system do we have that tells young kids there's no use in working and saving for an education, that punishes mothers for motivating their children?

What is even more ironic about this outrageous situation is that current welfare rules allow children of welfare families to work—and to make as much as they can—as long as they spend every penny they earn above the $1,000 asset limit per family. In other words, once a welfare family has $1,000 in assets, every cent anyone in that family earns above that amount must be spent in the month it is earned. You can work; but you can't save. What kind of message is that?

Earlier this week, I introduced special relief legislation to guarantee that this family will not have to pay the $10,000 the Government says they owe as a penalty for working and saving for an education. I urge my colleagues to join me and Senator DODD as cosponsors of that bill.

Today, I join with Senator DODD in introducing legislation to make it possible for any child of a welfare family to set up a bank account and save for a college education. If this bill had been law, Sandra Rosado's family would not owe the State any money, and she would be able to pay at least some of her way through college, or help her brothers and sisters if they choose to go to college, too.

The bill would also allow people on welfare to deduct the capital expenses of setting up a small business from the profits of that business during any 1-year period. For example, if someone on welfare wanted to start a child care center, an auto repair or carpentry shop, a beauty salon, an appliance repair business, or any self-employment enterprise, they could get started without being kicked off welfare before they even had a chance to get the business off the ground.

These two changes—encouraging young people in welfare families to find work and save for their education, and enabling adults on welfare to get a small enterprise operational—will open the door for many Americans who are currently trapped in poverty. Education and employment is so desperately needed among the poor in this nation that our welfare system must be reformed to help those who are poor achieve such worthy goals.●

By Mr. THURMOND:

S. 2785. A bill to make technical amendment to the False Claims Act; to the Committee on the Judiciary.

FALSE CLAIMS TECHNICAL AMENDMENT ACT OF 1992

Mr. THURMOND. Mr. President, I rise to introduce important legislation which will bring greater credibility to our efforts against Government fraud. This bill, the False Claims Technical Amendment Act of 1992 corrects several Federal court decisions which have held that the False Claims Act permits Government employees to file Government fraud law suits for a personal reward of up to 30 percent of the Government's recovery. It is important that we enact this legislation to ensure that damages from Government fraud cases end up in the U.S. Treasury rather than in the hands of government employees. This measure is strongly supported by the Department of Justice.

The False Claims Act permits private citizens who have independent information about a fraud against the Government to file what are known as "qui tam" law suits. These suits are brought in the name of the U.S. Government and are designed to bring new information about a possible fraud against the government to the attention of the Department of Justice. Those who bring these "qui tam" suits are permitted to share in the recovery. While the law requires the diversion of a substantial amount of the Government's damages away from the Treasury—between 15 and 30 percent of the recovery—the statute is intended to work as an incentive for private citizens with independent information not known to the Government to come forward.

The problem this bill addresses is that Federal courts have determined that Government employees may also file "qui tam" suits and share in the recovery. Previously, no Government employee had ever been permitted to bring such a claim. However, technical amendments to the False Claims Act in 1986 removed the language that had been interpreted to prohibited such suits. As a result, Government employees have now filed suits all over the country.

One particular case warrants mention. According to the Department of Justice, a lawsuit was filed by an Air Force attorney after he had been directed by his superior to conduct an investigation on a case of suspected fraud. Despite the fact that the Government spent over 11,000 hours investigating the case over a 2-year period, a Federal court has ruled that the Government attorney is entitled to up to 30 percent of the $34 million settlement simply because he filed a "qui tam" suit.

Clearly, Government employees who fortuitously happen to be working on fraud cases and manage to rush to the courthouse first, should not be permitted to divert millions of dollars from the Treasury for their own personal gain. When the Congress amended the False Claims Act in 1986, it surely did not intend to give Government employees this type of windfall for performing their Government jobs.

This bill will correct this problem by restoring the pre-1986 understanding that no personal reward suit may be brought based on information obtained from within the Government. Some have suggested that rather than completely barring recovery may go too far. It has been suggested that the Department of Justice be given the authority to reward Government employees who file meritorious suits. I believe that this suggestion warrants consideration.

In closing, this problem with the False Claims Act must be rectified. As many of my colleagues know, Senator GRASSLEY has been a leader in the revitalization of the False Claims Act and has been working tirelessly on legislation which will balance the interests of the Government and those of potential whistle blowers. While my colleague from Iowa's proposal, when completed, may differ somewhat from what I am introducing today, I look forward to working with him on this matter.

I ask unanimous consent that a copy of the bill, a section-by-section analysis, and the Department of Justice's official letter of transmittal be made a part of the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 2785

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "False Claims Technical Amendment Act of 1992."

SEC. 2. PURPOSE.

It is the purpose of this Act to make a technical amendment to section 3730 of title 31, United States Code, as amended by section 3 of the False Claims Amendments Act of 1986 (Pub. L. 99-562).

SEC. 3. TECHNICAL AMENDMENT.

Section 3730(e) of title 31, United States Code is amended by adding at the end thereof the following new paragraph:

"(5) No court shall have jurisdiction over an action under subsection (b) of this section that is based, in whole or in part, upon information obtained in the course or scope of government employment."

SEC. 4. EFFECTIVE DATE.

The amendment made by section 3 of this Act shall take effect immediately upon enactment, and shall apply to all cases pending on the date of enactment, and to all cases filed thereafter.

U.S. DEPARTMENT OF JUSTICE,
OFFICE OF LEGISLATIVE AFFAIRS,
Washington, DC, November 4, 1991.

Hon. DAN QUAYLE,
President of the Senate,
Washington, DC.

DEAR MR. PRESIDENT: Enclosed for your consideration and appropriate reference is a bill, the "False Claims Technical Amendment Act of 1991." The purpose of the bill is to overturn several Circuit Court decisions, including an Eleventh Circuit decision issued May 29, 1991, holding that the False Claims Act permits government employees who participate in a government fraud investigation to file suits for a personal reward of up to 30% of the government's recovery. *United States ex rel. Williams v. NEC Corp.*, 931 F.2d 1493 (11th Cir. 1991).

The False Claims Act permits private citizens who have independent information about fraud against the government to file what are known as "qui tam suits." The qui tam provision is designed as a mechanism to bring new information to the attention of the Department of Justice, and to allow those who bring this new information to share in the government's recovery as a reward. While the qui tam statute diverts a substantial percentage of the government's damages away from the Treasury to private citizens—private citizens may obtain between 15% and 30% of the government's recovery—the statute is designed as an incentive for more private citizens with independent information not known to the government to come forward, so that the Treasury as a whole will be better off though larger numbers of recoveries.

Suits by government employees based on information already in the possession of the government that the government is already acting upon do not increase the volume of cases; they merely divert up to 30% of the government's recovery to the government employee who fortunately happens to be working on the matter and manages to get to the courthouse first. For this reason, from the date of the Act's enactment in 1863 to 1991, no government employee has ever been permitted to sue.

In 1986 Congress changed the language of the statute in order to make clear that it intended a broad class of private individuals to have standing to sue. Neither the new language nor the legislative history addressed government employee suits, but the statutory change removed the language that had been interpreted to prohibit such suits. Government employees have now filed suits all over the country,[1] and we have been resisting them because we believe that these suits will deplete rather than augment the Treasury and will create dual loyalties on the part of government employees. On May 29, 1991 the Eleventh Circuit held that Congress' failure to address the issue specifically in 1986 when it changed the statutory language means that government employees can now sue. *Williams, supra.* Within the last few months the Ninth Circuit has also held that government employees may sue, *United States ex rel. Hagood v. Sonoma County Water Agency*, 929 F.2d 1416 (9th Cir. 1991), and the First Circuit issued a similar decision that, while prohibiting the particular employee there from bringing suit, opened the way generally for such suits. *United States ex rel. LeBlanc v. Raytheon Co.*, 913 F.2d 17 (1st Cir. 1990), *cert. denied*, 111 S. Ct. 1312 (1991).

The facts in the Eleventh Circuit case are a good illustration of the extremely adverse effects upon the government as a whole should the decision stand. The lawsuit was filed by an Air Force attorney after he had been directed by his superior officer to conduct an investigation to determine whether bids on contracts over a period of years showed any suspicious pattern. The attorney spent a large percentage of his official time as well as government resources working on the case. Within days of his reporting his conclusions to his superior officer, that officer referred the case to the Air Force Office of Special Investigations, which opened an investigation. The Air Force Office of Special Investigations ultimately spent over 11,000 hours investigating the case over a two-year period, and conducted over 200 interviews.

---

[1] *United States v. CAC-Ramsay, Inc.*, 744 F. Supp. 1158 (S.D. Fla. 1990), *appeal pending*, No. 90-5848 (11th Cir.); *United States v. Roche*, No. 90-6103-Civ-King (S.D. Fla), *appeal pending*, No. 90-5546 (11th Cir.); *United States v. Stern*, No. 90-153-CIV-T-17A (M.D. Fla.), *appeal pending*, No. 90-3556; *United States v. Ikpe Medical Center*, No. 90-0397-CIV-Moreno (S.D. Fla), *appeal pending*, No. 90-5545; *United States v. Shore*, No. 90-6106-Civ-Gonzalez (S.D. Fla.), *United States v. Cristino Enriguez*, No. 90-6105-Civ-Paine (S.D. Fla.); *United States v. Drs. Medical Associates*, No. 90-6107-Civ-Moreno (S.D. Fla.); *United States v. North Federal Medical Center*, No. 90-6014-Civ-Roettger (S.D. Fla); *U.S. ex rel. McDowell v. McDonnell Douglas Corp.*, 755 F. Supp. 1038 (M.D. Ga. 1991); *Erickson ex rel. U.S. v. American Inst. of Biological Sciences*, 716 F. Supp. 908 (E.D. Va. 1989); *United States ex rel. Kelley v. Hughes Aircraft Co.*, No. CV-89-4832-WJR (C.D. Cal.); *U.S. ex rel. Mobin v. Desert Constr. Co.*, Civ. No. S90-297-HDM (D. Nev. June 11, 1991); *U.S. ex rel. Daly v. John Brown Co.*, Civ. No. C90-237 (D. Wyo.); *U.S. ex rel. Ruth Regnerus v. Calvin Ford and Big Truck Center*, No. 90-CV-60003-AA (E.D. Mich.); *U.S. ex rel. Simpson v. Lear Siegler, Inc.*, No. 91-2323 DT(Tx) (C.D. Cal.); *United States ex rel. LeBlanc v. Raytheon Co., infra; United States ex rel. Hagood v. Sonoma County Water Agency, infra;* other cases are pending where the 60-day seal imposed on the case by the False Claims Act has not yet been lifted.

The government attorney's personal case was dismissed by the lower court in 1989. On May 20, 1991, based entirely on the efforts of the Air Force Office of Special Investigations and the Department of Justice, the Department negotiated a $34 million settlement with the bidrigger, NEC Information Technologies, Ltd., one of the largest overseas recoveries in a fraud case in the Department's history. On May 29, 1991, the Eleventh Circuit reversed the lower court's decision dismissing the government attorney's personal reward case, and cleared the way to a claim by that attorney for up to 30% of the government's settlement, or more than $10 million from the Treasury.

We do not believe that in liberalizing private *qui tam* suits in 1986, Congress intended to give government employees this type of windfall for performing their government jobs. Moreover, the decision will impair the government's anti-fraud program tremendously. We expect that in many current government fraud investigations a government employee or attorney working on the case will file a *qui tam* suit for a personal recovery. The smallest percentage permitted to the *qui tam* plaintiff in the statute is a 15% diversion of the government's recovery.

The impairment in our anti-fraud program cannot be measured only by the drop in recoveries. Under the regime established by the *Williams* decision, government employees will have an incentive to rush to the courthouse as soon as they have any information about a criminal or civil investigation involving a loss to the Treasury. The unsealing of the case sixty days after it is filed (with no enlargement of this time granted unless the government can show "good cause") will alert the target of the criminal or civil investigation to the government's inquiry, and thus will impair the investigation and substantially lessen the chance of a criminal conviction or recovery in the future.

Moreover, allowing government employees to reap rewards based on the fortuity of their work assignments will create conflicts of interest among employees and create morale problems among those employees not assigned to fraud cases. This issue was specifically addressed by Congress when it amended the False Claims Act in 1943 to overrule a Supreme Court decision that had concluded, like the *Williams* decision, that there was no statutory barrier to private suits based on information obtained from within the government. The 1943 law reflected a congressional conclusion that to permit such suits would create a "tremendous temptation and opportunity" for government employees "to take advantage of the information they discover in the course of" government business "to enrich themselves by instigating informer's suits." Congress at the time stated that "[t]hat is a temptation we wish to remove." 89 Cong. Rec. 10849, 78th Cong., 1st Sess. (1943). The concern surrounding conflicts of interest on the part of government employees has, if anything, increased since 1943.

The proposed legislation will eliminate these problems by restoring the pre-1986 understanding that no personal reward suit may be brought based on information obtained from within the government. The proposal is similar to a provision included in the recent savings and loan fraud legislation, prohibiting the payment of rewards for information relating to financial institution offenses to anyone who has furnished "information discovered or gathered in the course of his government employment." 18 U.S.C. §3059A(b)(1). The proposed legislation will be made applicable to all pending cases so as to eliminate pending cases brought by government employees. In order to avoid a loss to the Treasury of up to $11 million in this case, we ask that this legislation be expedited.

The Omnibus Budget Reconciliation Act (OBRA) requires that all revenue and direct spending legislation meet a pay-as-you-go requirement. That is, no such bill should result in an increase in the deficit; and if it does, it will trigger a sequester if it is not fully offset. Recoveries for government employees are not included in the budget baselines; therefore, the pay-as-you-go impact of this proposal is zero.

The Office of Management and Budget advises us that there is no objection from the standpoint of the Administration's program to the submission of this legislation to the Congress.

Sincerely,

W. LEE RAWLS,
Assistant Attorney General.

SECTION-BY-SECTION ANALYSIS OF THE FALSE CLAIMS TECHNICAL AMENDMENT ACT OF 1992

SECTION 1. SHORT TITLE

This section provides that the bill, if enacted, would be known as the False Claims Technical Amendment Act of 1992.

SEC. 2. PURPOSE

This section provides that the purpose of the bill is to make a technical amendment to a provision of the False Claims Amendments Act of 1986, 31 U.S.C. §§3729-3733. The amendment is made to the *qui tam* provision of that statute, 31 U.S.C. §3730, which permits private individuals with knowledge of fraud against the government to file private suits in the name of the United States and recover a portion of the government's damages. The technical amendment is designed to clarify that the 1986 amendments to the *qui tam* provision were not intended to eliminate the previously existing bar on the use of information obtained in the course or scope of government employment for a personal *qui tam* suit, and to overrule the decisions in *United States ex rel. Williams v. NEC Corp.*, 931 F.2d 1493 (11th Cir. 1991) and in *United States ex rel. Hagood v. Sonoma County Water Agency*, 929 F.2d 1416 (9th Cir. 1991).

SEC. 3. TECHNICAL AMENDMENT

This section clarifies that a suit for a personal reward under section 3730 of title 31 that is based on information obtained in the course or scope of government employment is barred, whether the plaintiff is a current or former government employee, or whether the plaintiff obtained the information upon which the suit is based directly or indirectly from a current or former government employee.

SEC. 4. EFFECTIVE DATE

The amendment made by section 3 of this Act shall take effect immediately upon enactment, and shall apply to all cases pending on the date of enactment, and to all cases filed thereafter. This section makes clear that causes of action that arose prior to the effective date of the statute that are based on information obtained in the course and scope of government employment, which are either pending on the date of enactment or filed thereafter, will be barred.

By Mr. SANFORD (for himself, Mr. GARN, and Mr. DIXON):

S. 2787. A bill to permit national banks to underwrite municipal revenue bonds; to the Committee on Banking, Housing, and Urban Affairs.

MUNICIPAL REVENUE BONDS

Mr. SANFORD. Mr. President, I rise today to introduce legislation to improve the state of our economy and to give greater opportunities to municipal governments. Economic recovery is imperative to our Nation's future. Action taken should have short-term effects, but more importantly, any action should be good public policy and result in long-term benefits. I am pleased to be joined in this effort by the distinguished ranking member of the Senate Banking Committee, Senator GARN, as well as Senator DIXON.

In January, I outlined an economic recovery package for our country. My package has many components, and today I am introducing the statutory changes necessary to implement one of the ideas which I believe will subtly contribute to the improvement of our economy. My reform package included some bold new ideas and some small, but no less important, policy changes that seek to spur recovery all over the Nation. We need to look for ways to generate improvement starting in our local communities. Mr. President, my bill does just that.

Investment in the nuts and bolts of our country—public works—is simply good public policy. City officials all across the country have devised plans to improve the infrastructure in their localities, however, they are stalled by the obvious shortage of funds. Numerous project proposals, tailor-made for each town by local folks, are sitting on shelves collecting dust.

The inability of the Federal Government to provide sufficient funding has resulted in increasing burdens on State and local governments. In light of these increasing burdens, it is understandable that simply maintaining the status quo is a challenge for local officials. Raising funds for local public works projects is extremely difficult and thus many ideas generated by local people for local improvements are considered wishful thinking. This is simply unacceptable; our infrastructure is decaying. The quality of our country's future is at stake. Short-term band-aids will not suffice. Investment in our infrastructure is an investment in our future.

My bill calls for no Federal moneys, but simply creates opportunities for State and local governments to obtain direct, local financing for infrastructure investments. Specifically, my bill would amend the National Bank Act to authorize national banks to underwrite municipal revenue bonds. Part of the difficulty towns experience in finding adequate financial services can be alleviated by simply updating laws to permit local banks to underwrite all types of municipal revenue bonds. At one time, the Comptroller of the Currency permitted national banks to underwrite municipal revenue bonds. However, a 1968 court decision interpreted the legislative history of the Glass-Stegall Act as indicating a congressional intent to permit underwriting only of general obligation bonds that are backed by the full faith and credit and taxing power of the issuing government.

As a result, banks have only been allowed to underwrite municipal revenue bonds for certain specific projects. In order to finance other local infrastructure projects like bridges and schools, local governments are forced to solicit help from major underwriters. Many of these large financial services firms are reluctant to underwrite bond referendums for small projects, thus many good projects that would benefit communities are passed over. My bill would get these local projects off the shelves and into action with the help of local banks.

Enabling national banks to underwrite such bonds will result in substantial new financing sources for municipalities. A local bank would in all likelihood be more interested in and more likely to underwrite small community projects, and local citizens would more likely buy these bonds because they are typically safe, community-minded investments. Subsequently, this legislation, through competition, could lead to a lower financial services costs for State and local governments as well as the overall costs of local improvement projects. This will benefit taxpayers who must ultimately bear the cost of public borrowing. In short, this bill will allow local banks to address the needs of its community, resulting in important local improvements, at local costs.

Similar legislation has been passed by the Senate three times. This is not a new idea, but one that needs to be implemented. True economic recovery will not be achieved overnight as a result of a national economic plan. Our communities are on the front lines, fighting the battle for economic recovery. This bill simply seeks to assist them in their efforts.

By Mr. KERRY (for himself, Mr. HOLLINGS, and Mr. STEVENS):

S. 2788. A bill to amend title III of the Marine Protection, Research, and Sanctuaries Act of 1972 to authorize appropriations for fiscal years 1993 through 1995, and for other purposes; to the Committee on Commerce, Science, and Transportation.

NATIONAL MARINE SANCTUARIES PROGRAM AMENDMENTS ACT OF 1992

Mr. KERRY. Mr. President, today I am introducing a bill to amend title III of the Marine Protection, Research, and Sanctuaries Act [MPRSA] of 1972 and to authorize appropriations for fiscal years 1993 through 1995. Our national marine sanctuaries protect and preserve marine environments of special ecological, historical, educational, recreational, and esthetic importance. This marine sanctuary system, like our system of national parks, includes a startling diversity of aquatic habitats and animals such as migrating whales, giant kelp forests, and coral reefs. Importantly, marine sanctuaries provide protected waters and secure habitats for endangered or threatened species of fish, marine mammals, and birds. It is a system in which we can all take pride, and a system that we should continue to support.

Since enactment of the MPRSA in 1972, eight sanctuaries have been designated including sites such as the Channel Islands of California and the Florida Keys. This list is soon to grow, with three more sites to be designated this year, and I am pleased to say that Stellwagen Bank located in Massachusetts Bay—a site I nominated for designation in 1988—is one of those new sites. Currently, many competing factors such as pollution in Massachusetts Bay, dumping of dredged materials, and the potential of mineral and gravel mining threaten this unique marine resource. I look forward to this designation in order to ensure long-term management and protection of this area.

But as the number of sanctuaries grows larger, we should ensure that adequate resources are provided for management; not only for sites presently operating, but also for sites that will be designated. Historically, funding for marine sanctuaries has been insufficient to allow for comprehensive management of marine areas. The bill I am introducing today would authorize additional funding for program management. According to NOAA's marine sanctuary review team, none of the sanctuaries now in place is adequately staffed or provided with the facilities, equipment, or supplies required to do the job. This funding authorization moves in a responsible direction that recognizes the complex reality of managing marine sanctuaries, and ensures that new sites like Stellwagen Bank receive the necessary support they deserve.

However, Federal funding alone may not be enough. This bill would increase the amount of civil penalties imposed for violations of sanctuary regulations. The increased penalties should serve to deter violations, which will benefit the users of these sanctuaries and reduce enforcement costs. But where the deterrence is ineffective, the proceeds from these penalties will be applied to the cost of sanctuary management and argument Federal spending. In addition, this bill authorizes the Secretary of Commerce to enter into cooperative agreements and to solicit and receive donations from nonprofit organizations. This authority will provide additional resources for marine sanctuaries and their management.

This bill also addresses specific needs of the marine sanctuary program that either delay sanctuary designations or hinder sanctuary planning and management.

Specifically, the bill addresses interagency cooperation, especially NOAA's authority to review activities—both inside and outside of sanctuary boundaries—that affect sanctuary resources. The bill requires all Federal agencies including private activities authorized by licenses, leases or permits to submit written statements to the Secretary of Commerce describing activities potentially detrimental to sanctuary resources. It also allows the Secretary to recommend reasonable and prudent alternatives in order to protect sanctuary resources and quality. Required notifications and responses should promote more timely evaluations of potentially harmful activities and appropriate responses.

Hazardous materials located close to sanctuaries have emerged as a substantive obstacle to sanctuary designation and management. This has, for example, been a major obstacle in the Stellwagen Bank designation. Obviously, hazardous materials may threaten living marine resources. Knowing the location of hazardous materials and the extent of contamination is essential to comprehensive management and resource protection. The bill will enhance NOAA's ability to obtain from other Federal agencies information regarding the past, present, or proposed future disposal of hazardous materials in or near marine sanctuaries in order to evaluate environmental risks.

In addition, the bill directs NOAA to promote and coordinate research, monitoring and education in marine sanctuaries so that the public might better understand the complexities of the marine environment. Greater emphasis on marine research and education should benefit several marine institutions in my own State such as Woods Hole Oceanographic, MIT Sea Grant, and the New England Aquarium. Undoubtedly, sanctuaries in other areas will provide similar benefits.

There is also a need to focus the marine sanctuaries program on the future. This bill requires NOAA to review sanctuary management plans every 5 years in order to evaluate progress in reaching long-term goals. The bill also allows for the establishment of one or more advisory councils for marine sanctuaries. These councils should provide direct assistance, guidance, and vision for sanctuary designations and management.

The National Marine Sanctuary Program preserves, protects and manages for future generations invaluable marine environments that are part of our common natural heritage. I am pleased to introduce this bill to reauthorize this program and ask unanimous consent that the full text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2788

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SHORT TITLE

SECTION 1. This Act may be cited as the "National Marine Sanctuaries Program Amendments Act of 1992".

FINDINGS

SEC. 2. Section 301(a)(2) of the Marine Protection, Research, and Sanctuaries Act of 1972 (16 U.S.C. 1431(a)(2)) is amended by inserting "and, in some instances, international" immediately after "national".

PURPOSES AND POLICIES

SEC. 3. Section 301(b) of the Marine Protection, Research, and Sanctuaries Act of 1972 (16 U.S.C. 1431(b)) is amended—

(1) by striking "and" at the end of paragraph (4);

(2) by striking the period at the end of paragraph (5); and

(3) by adding at the end the following new paragraphs:

"(6) to develop coordinated plans for the protection and management of these areas with appropriate Federal agencies, State and local governments, Native American tribes and organizations, international organizations, and other public and private interests concerned with the continuing health and resilience of these marine areas; and

"(7) to create models of and incentives for ways to protect and conserve these marine areas.".

DEFINITIONS

SEC. 4. Section 302(6) of the Marine Protection, Research, and Sanctuaries Act of 1972 (16 U.S.C. 1432(6)) is amended—

(1) by striking "and" at the end of subparagraph (A)(ii);

(2) by adding "and" at the end of subparagraph (B); and

(3) by adding at the end the following new subparagraph;

"(C) the cost of long-term monitoring of the affected sanctuary resources;".

SANCTUARY DESIGNATION STANDARDS

SEC. 5. (a) FINDINGS OF SECRETARY.—Section 303(a)(2)(B) of the Marine Protection, Research, and Sanctuaries Act of 1972 (16 U.S.C. 1433(a)(2)(B)) is amended by striking "are inadequate" and inserting in lieu thereof "should be supplemented".

(b) RESOURCE ASSESSMENT REPORT.—Section 303(b)(3) of the Marine Protection, Research, and Sanctuaries Act of 1972 (16 U.S.C. 1433(b)(3)) is amended by inserting ", governmental," immediately after "commercial" in the last sentence.

(c) INFORMATION ON DISPOSAL OF MATERIALS.—Section 303(b) of the Marine Protection, Research, and Sanctuaries Act of 1972 (16 U.S.C. 1433(b)) is amended by adding at the end the following new paragraph:

"(4) INFORMATION ON DISPOSAL OF MATERIALS.—The Secretary of Defense, the Secretary of Energy, and the Administrator should furnish the Secretary with information in their possession regarding any past, present, or proposed future disposal of materials in the area under consideration, including any disposal of hazardous substances, hazardous wastes, or radioactive wastes. Public disclosure by the Secretary of information received under this paragraph shall be subject to any national security or other restrictions that apply to the agency head furnishing the information.".

PROCEDURES FOR DESIGNATION AND IMPLEMENTATION

SEC. 6. (a) SANCTUARY PROPOSAL.—Section 304(a) of the Marine Protection, Research, and Sanctuaries Act of 1972 (16 U.S.C. 1434(a)) is amended—

(1) in paragraph (1)(C) by striking "a prospectus on the proposal which shall contain" and inserting in lieu thereof "documents, including an executive summary, that provide";

(2) in paragraph (5) by inserting immediately before the last sentence the following new sentence: "In preparing the fishing regulations, the Secretary shall cooperate with other appropriate fishery management authorities (including international, Federal, State, and Native American fishery management authorities with rights or responsibilities within the sanctuary to which the regulations would apply) at the earliest practicable stage."; and

(3) in paragraph (6) by striking "prospectus" each place it occurs and inserting in lieu thereof "documents".

(b) ISSUANCE OF DESIGNATION NOTICE.—Section 304(b)(1) of the Marine Protection, Research, and Sanctuaries Act of 1972 (16 U.S.C. 1434(b)(1)) is amended by striking the third sentence.

(c) INTERAGENCY COOPERATION.—Section 304 of the Marine Protection, Research, and Sanctuaries Act of 1972 (16 U.S.C. 1434) is amended by adding at the end the following new subsection:

"(d) INTERAGENCY COOPERATION—

"(1) REVIEW OF AGENCY ACTIONS.—

"(A) IN GENERAL.—Federal agency actions internal or external to a national marine sanctuary, including private activities authorized by licenses, leases, or permits, that are likely to destroy, cause the loss of, or injure any sanctuary resource or quality are subject to review by and consultation with the Secretary.

"(B) AGENCY STATEMENTS REQUIRED.—Each Federal agency proposing an action described in subparagraph (A) shall provide the Secretary with a written statement describing the action and its potential effects on sanctuary resources and qualities at the earliest practicable time, but in no case later than 90 days before the final approval of the action unless both the Federal agency and the Secretary agree to a different schedule.

"(2) SECRETARY'S RECOMMENDED ALTERNATIVES.—If the Secretary finds that a Federal agency action is likely to destroy, cause the loss of, or injure a sanctuary resource or quality, the Secretary shall (within 60 days of receipt of complete information on the proposed agency action) recommend reasonable and prudent alternatives, which may include conduct of the action elsewhere, which can be taken by the Federal agency in implementing the agency action that will protect sanctuary resources and qualities.

"(3) RESPONSE TO RECOMMENDATIONS.—The agency head who receives the Secretary's recommended alternatives under paragraph (2) shall promptly consult with the Secretary on the alternatives. If the agency head decides not to follow the alternatives, the agency head shall provide the Secretary with a detailed written statement explaining the reasons for that decision.".

(d) REVIEW OF MANAGEMENT PLANS.—Section 304 of the Marine Protection, Research, and Sanctuaries Act of 1972 (16 U.S.C. 1434), as amended by subsection (c) of this section, is further amended by adding at the end the following new subsection:

"(e) REVIEW OF MANAGEMENT PLANS.—Not more than 5 years after the date of designation of any national marine sanctuary, and thereafter at intervals not exceeding 5 years, the Secretary shall evaluate the substantive progress toward implementing the management plan and goals for the sanctuary, especially the effectiveness of site-specific management techniques, and shall revise the management plan and regulations as necessary to fulfill the purposes and policies of this title.".

(e) TECHNICAL AMENDMENT.—Section 304(a)(5) of the Marine Protection, Research, and Sanctuaries Act of 1972 (16 U.S.C. 1434(a)(5)) is amended by striking "Fishery Conservation Zone" and inserting in lieu thereof "exclusive economic zone".

APPLICATION OF REGULATIONS; INTERNATIONAL COOPERATION

SEC. 7. (a) ENFORCEABILITY.—Section 305 of the Marine Protection, Research, and Sanctuaries Act of 1972 (16 U.S.C. 1435) is amended—

(1) in subsection (a)—

(A) by striking "The" in the first sentence and inserting in lieu thereof "This title and the"; and

(B) by inserting "or be enforced against" immediately after "apply to";

(2) by redesignating subsection (b) as subsection (c); and

(3) by inserting immediately after subsection (a) the following new subsection:

"(b) AREA OF APPLICATION AND ENFORCEABILITY.—The area of application and enforceability of this title and the regulations and permits issued under this title includes the United States 12-nautical-mile territorial sea and the United States exclusive economic zone.".

(b) INTERNATIONAL COOPERATION.—Section 305 of the Marine Protection, Research, and Sanctuaries Act of 1972 (16 U.S.C. 1435), as amended by subsection (b) of this section, is further amended by adding at the end the following new paragraph:

"(d) INTERNATIONAL COOPERATION.—The Secretary, in consultation with the Secretary of State and other appropriate Federal agencies, shall cooperate with other governments and international organizations in furtherance of the purposes and policies of this title and consistent with applicable regional and multilateral arrangements for the protection and management of special marine areas.".

(c) TECHNICAL AMENDMENT.—The section heading for section 305 of the Marine Protection, Research, and Sanctuaries Act of 1972 (16 U.S.C. 1435) is amended by striking all after "REGULATIONS" and inserting in lieu thereof "; INTERNATIONAL NEGOTIATIONS AND COOPERATION.".

PROHIBITED ACTIVITIES

SEC. 8. Section 306 of the Marine Protection, Research, and Sanctuaries Act of 1972 (16 U.S.C. 1436) is amended to read as follows:

"SEC. 306. PROHIBITED ACTIVITIES.

"It is unlawful for any person to—

"(1) violate this title or any regulation or permit issued under this title;

"(2) refuse to allow any officer authorized to enforce this title to board a vessel subject to such person's control for the purposes of conducting any search or inspection in connection with the enforcement of this title or any regulation or permit issued under this title; or

"(3) assault, resist, oppose, impede, intimidate, or interfere with any such authorized officer in the conduct of any lawful search or inspection.".

ENFORCEMENT

SEC. 9. (a) CIVIL PENALTIES.—Section 307(c) of the Marine Protection, Research, and Sanctuaries Act of 1972 (16 U.S.C. 1437(c)) is amended—

(1) in paragraph (1), by striking "$50,000" and inserting in lieu thereof "$125,000"; and

(2) in paragraph (3)—

(A) by striking "and may be proceeded" and all that follows through "jurisdiction"; and

(B) by adding at the end the following sentence: "Such penalty shall constitute a maritime lien on the vessel and may be recovered in an action in rem in the district court of the United States having jurisdiction over the vessel.".

(b) PROCEEDS FROM CIVIL FORFEITURES.—Section 307(d)(1) of the Marine Protection, Research, and Sanctuaries Act of 1972 (16 U.S.C. 1437(d)(1)) is amended by adding at the end the following new sentence: "The proceeds from forfeiture actions under this subsection shall constitute a separate recovery in addition to any amounts recovered as civil penalties under this section or as civil damages under section 312. None of those proceeds shall be subject to set-off.".

(c) PAYMENT OF STORAGE, CARE, AND OTHER COSTS.—Section 307(e)(1) of the Marine Protection, Research, and Sanctuaries Act of 1972 (16 U.S.C. 1437(e)(1)) is amended—

(1) by striking "and" at the end of subparagraph (A);

(2) by striking the period at the end of subparagraph (B) and inserting in lieu thereof a semicolon; and

(3) by adding at the end the following new subparagraphs:

"(C) the reasonable and necessary costs for the enforcement of this title or of any regulation or permit issued under this title, including any necessary expenses for equipment, training, travel, witnesses, and contracting services for enforcement investigations or proceedings; and

"(D) any valid liens or mortgages against any property that has been forfeited.".

RESEARCH, MONITORING, AND EDUCATION

SEC. 10. Section 309 of the Marine Protection, Research, and Sanctuaries Act of 1972 (16 U.S.C. 1440) is amended to read as follows:

"SEC. 309. RESEARCH, MONITORING, AND EDUCATION.

"(a) IN GENERAL.—The Secretary shall conduct research, monitoring, evaluation, and education programs as are necessary and reasonable to carry out the purposes and policies of this title.

"(b) PROMOTION AND COORDINATION OF SANCTUARY USE.—The Secretary shall take such action as is necessary and reasonable to promote and coordinate the use of national marine sanctuaries for research, monitoring, and education purposes. Such action may include consulting with Federal agencies, States, local governments, regional agencies, interstate agencies, or other persons to promote use of one or more sanctuaries for research, monitoring, and education, including coordination with the National Estuarine Research Reserve System.".

COOPERATIVE AGREEMENTS AND DONATIONS

SEC. 11. Section 311 of the Marine Protection, Research, and Sanctuaries Act of 1972 (16 U.S.C. 1442) is amended to read as follows:

"SEC. 11. COOPERATIVE AGREEMENTS AND DONATIONS.

"(a) COOPERATIVE AGREEMENTS, GRANTS, AND OTHER AGREEMENTS.—The Secretary may enter into cooperative agreements, grants, contracts, or other agreements with States, local governments, regional agencies, interstate agencies, or other persons to carry out the purposes and policies of this title.

"(b) AUTHORIZATION TO SOLICIT DONATIONS.—The Secretary may enter into such agreements with any nonprofit organization authorizing the organization to solicit private donations to carry out the purposes and policies of this title.

"(c) DONATIONS.—The Secretary may accept donations of funds, property, and services for use in designating and administering national marine sanctuaries under this title. For the purposes of Federal income, estate, and gift taxes, donations accepted under this section shall be considered as a gift or bequest to or for the use of the United States.".

DESTRUCTION OR LOSS OF, OR INJURY TO, SANCTUARY RESOURCES

SEC. 12.(a) LIABILITY IN GENERAL.—Section 312(a)(1) of the Marine Protection, Research, and Sanctuaries Act of 1972 (16 U.S.C. 1443(a)(1)) is amended by adding at the end the following new sentence: "Nothing in the Act of March 3, 1851 (46 U.S.C. 183 et seq.), shall in any way limit the liability of any person under this title.".

(b) DEFENSES.—Section 312(a)(3) of the Marine Protection, Research, and Sanctuaries Act of 1972 (16 U.S.C. 1443(a)(3)) is amended—

(1) by striking subparagraphs (B) and (C);

(2) by adding "or" at the end of subparagraph (A); and

(3) by adding at the end the following new subparagraph:

"(B) the destruction or loss of, or injury to, the sanctuary resource was specifically authorized by a valid license or permit issued in accordance with Federal or State law and implementing regulations, and the activity was conducted in compliance with all terms and conditions of that license or permit.".

(c) RECOVERY OF ADMINISTRATIVE COSTS; INTEREST.—Section 312(a) of the Marine Protection, Research and Sanctuaries Act of 1972 (16 U.S.C. 1443(a)) is amended by adding at the end the following new paragraphs:

"(4) ADMINISTRATIVE COSTS.—The Secretary shall recover administrative costs and expenses, including direct and indirect costs of attorney time, necessary for, and incidental to, the response, the damage assessment and restoration planning, any restoration, replacement, or acquisition of the equivalent undertaken, and any actions necessary to recover damages for such activities.

"(5) INTEREST.—The amounts recoverable in an action under this section shall include interest on the amounts recoverable as damages and response costs as defined under section 302 and any regulations issued thereunder. Interest (including prejudgment interest) is in addition to damages and response costs as defined under section 302 and any regulations issued thereunder. Such interest shall be paid for the period beginning on the date of the destruction, loss, or injury involved. The accrued interest shall be used for the purposes established under this section.

"(6) CALCULATION OF INTEREST.—The interest paid under this section shall be calculated at the average of the highest rate for commercial and finance company paper of maturities of 180 days or less obtaining on each of the days included within the period for which interest must be paid to the claimant, as published in the Federal Reserve Bulletin.".

(d) USE OF RECOVERED AMOUNTS.—Section 312(d) of the Marine Protection, Research, and Sanctuaries Act of 1972 (16 U.S.C. 1443(d)) is amended—

(1) by striking paragraph (3);

(2) by redesignating paragraph (4) as paragraph (3);

(3) in paragraph (3), as so redesignated, by inserting "the court decree or settlement agreement, and" immediately after "in accordance with"; and

(4) by adding at the end of paragraph (3) the following new sentence: "However, if the Secretary and the governor have not entered into an agreement within 120 days after the date of recovery of those amounts, the Secretary may use those amounts under paragraphs (2)(A) and (B) in accordance with the court decree or settlement agreement.".

AUTHORIZATION OF APPROPRIATIONS

SEC. 13. Section 313 of the Marine Protection, Research, and Sanctuaries Act of 1972 (16 U.S.C. 1444) is amended to read as follows:

"SEC. 313. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated to the Secretary to carry out this title $10,000,000 for fiscal year 1993, $12,500,000 for fiscal year 1994, and $15,000,000 for fiscal year 1995.".

ADVISORY COUNCILS

SEC. 14. The Marine Protection, Research, and Sanctuaries Act of 1972 (16 U.S.C. 1431 et seq.) is amended by adding at the end the following new section:

"SEC. 315. ADVISORY COUNCILS.

"(a) ESTABLISHMENT.—The Secretary may establish one or more Advisory Councils in order to obtain assistance in the designation or management of one or more national marine sanctuaries.

"(b) MEMBERSHIP.—Members of the Advisory Councils may be appointed from among—

"(1) members or officers of Federal or State agencies with management responsibilities for the environment;

"(2) members of Regional Fishery Management Councils; and

"(3) representatives of local industries, commercial user groups, conservation or other public interest organizations, scientific organizations, educational organizations, recreational user groups, or other persons interested in the protection of sanctuary resources and the multiple-use management of national marine sanctuaries.

"(c) ADMINISTRATION.—Each Advisory Council shall elect a chairperson and may establish subcommittees and adopt bylaws, rules, and such other administrative requirements and procedures as are necessary for the administration of its functions.

"(d) STAFFING AND OTHER ASSISTANCE.—The Secretary may make available to an Advisory Council such staff, information, and administrative services and assistance as the Secretary determines are reasonably required for such Advisory Council to carry out its functions.".

Mr. HOLLINGS. Mr. President, today I join my colleague Senator KERRY in cosponsoring the National Marine Sanctuaries Program Amendments of 1992. This bill authorizes funding for the National Marine Sanctuaries Program for fiscal year 1993 through 1995 and makes certain legislative refinements to the overall program.

This year marks the 20th anniversary of title III of the Marine Protection, Research, and Sanctuaries Act of 1972 [MPRSA]. As we introduce this reauthorization bill, I remind my colleagues of some of the important successes of this program. During recent years, the National Marine Sanctuaries Program has grown in size and in stature. Three new sanctuaries have been added to the program in the past 3 years, and at least six additional sites are under consideration for designation. The National Marine Sanctuaries Program is being called upon to meet greater challenges, such as the development of a management plan for the 2,600-square-mile Florida Keys National Marine Sanctuary. Clearly, from its relative obscurity in the early 1980's, the National Marine Sanctuaries Program has become a well-recognized and critical key to protecting marine ecosystems.

This bill would continue the progress of the National Marine Sanctuaries Program by providing the program with 3-year reauthorization to develop and implement management plans for the present and future additions to the National Marine Sanctuaries Program. This bill also provides an increase in authorized funding commensurate with the increased responsibilities of the program.

Reauthorization of the National Marine Sanctuaries Program will help to ensure our Nation's continued efforts to preserve our precious marine environment.

By Mr. GRAHAM (for himself and Mr. Mack):

S. 2789. A bill to encourage the growth and development of commercial space activities in the United States, and for other purposes; to the Committee on Commerce, Science, and Transportation.

COMMERCIAL SPACE COMPETITIVENESS ACT OF 1992

Mr. GRAHAM. Mr. President, today I am pleased to introduce the Commercial Space Competitiveness Act of 1992.

This legislation will further an important goal for America—that of encouraging the growth and development of commercial space activities in the United States by establishing coherent policies for Federal activities which affect commercial space businesses.

This legislation is almost identical to the bill H.R. 3848, introduced by Representative Ralph Hall and marked up by the Subcommittee on Space, which Mr. Hall chairs. My bill does not include title III of H.R. 3848, which addresses missile assets.

My colleagues know the importance of the space industry to the State of Florida.

Several times each year, America turns its eyes to John F. Kennedy Space Center to marvel at the launching of the space shuttle, the most sophisticated and awe-inspiring space vehicle in history.

The Kennedy Center, like its namesake, is a symbol of American pride in our ambition, our frontier spirit, and our quest for leadership.

Mr. President, the commercial applications of space continue to expand. We are living in the information age, and the importance of space to global communications cannot be understated.

Unfortunately, we are losing the battle right now when it comes to launching that space-based communications infrastructure.

It is my hope that the bill I am introducing today will put in place the right policies to allow American companies to win back market share.

This task will not be easy. Most of our competitors are heavily subsidized by their governments.

Financing, infrastructure, insurance, and even more direct subsidies from foreign governments are commonplace.

With that fact in mind, I want to point my colleagues' attention to one particular facet of this bill in which I am the most interested, and that is the section on space transportation infrastructure matching grants.

The matching grant program would help industry upgrade some of its ailing infrastructure.

One example from Florida illustrates the need for this program.

A quick tour of the launch facilities at Cape Canaveral Air Force Station would stun each and every one of my colleagues.

Each one of us has more sophisticated and modern computer and communications equipment in our offices than will be found in the launch control centers at the Cape. Vacuum tubes. Remember them? And tape readouts instead of digital monitors. The manpower required to maintain and monitor this antiquated equipment, and the added risk of error involved in each launch, adds significantly to the cost of launching.

Frankly, knowing the types of equipment in use at these launch sites, compared to what is available from some foreign competitors, it is testimony to the quality of our industry that we are able to maintain any commercial market share at all.

Money spent on upgrading this equipment is money very well spent.

After all, recall that these sites are used for Government launches as well. We can no better afford the tremendous loss of a failed launch than can other payload owners.

Mr. President, the grant program I have just described is but one component of a comprehensive bill long in the making. I am pleased to have Senator Mack as an original cosponsor and am hopeful that other Senators will join the drive to advance our commercial space industry.

I ask unanimous consent that the text of the bill be printed in the Record following my remarks.

There being no objection, the bill was ordered to be printed in the Record, as follows:

S. 2789

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Commercial Space Competitiveness Act of 1992".

TITLE I—GENERAL PROVISIONS

SEC. 101. FINDINGS.

The Congress finds that—

(1) commercial activities of the private sector have substantially contributed to the strength of both the United States space program and the national economy;

(2) a robust United States space transportation capability remains a vital cornerstone of the United States space program;

(3) the availability of commercial launch services is essential for the continued growth of the United States commercial space sector;

(4) a timely extension of the excess third party claims payment provisions of the Commercial Space Launch Act is appropriate and necessary to enable the private sector to continue covering maximum probable liability risks while protecting the private sector from uninsurable levels of liability which could hinder international competitiveness;

(5) greater Federal use of commercial launch services for suborbital launches would increase the efficiency of the United States space science program and improve the capabilities of the United States commercial launch industry;

(6) a program to demonstrate how the space science community can purchase launch services directly from the private sector has the potential to increase the efficiency of the United States space science program and improve the capabilities of the United States commercial launch industry;

(7) improvements and additions to the Nation's space transportation infrastructure contribute to a robust and cost effective space transportation capability for both public sector and private sector users;

(8) private sector use of available Government facilities on a reimbursable basis contributes to a stronger commercial space sector;

(9) the Federal Government should purchase space goods and services which are commercially available, or could be made available commercially in response to a Government procurement request, whenever such goods or services meet Government mission requirements in a cost effective manner;

(10) it is appropriate for the Government to act as an anchor tenant for commercial space development projects which have a reasonable potential to develop non-Federal markets and which meet Federal needs in a cost effective manner; and

(11) the provision of compensation to commercial providers of space goods and services for termination of contracts at the convenience of the Government assists in enabling the private sector to invest in space activities which are initially dependent on Government purchases.

SEC. 102. DEFINITIONS.

For the purposes of this Act—

(1) the term "Administrator" means the Administrator of the National Aeronautics and Space Administration;

(2) the term "agency" means an executive agency as defined by section 105 of title 5, United States Code;

(3) the term "anchor tenancy" means an arrangement in which the United States Government agrees to procure sufficient quantities of a commercial space product or service needed to meet Government mission requirements so that a commercial venture is made viable;

(4) the term "commercial" means having—

(A) private capital at risk; and

(B) primary financial and management responsibility for the activity reside with the private sector;

(5) the term "cost effective" means costing no more than the available alternatives, taking into account all related costs including, in the case of Government costs, applicable Government labor and overhead costs as well as contractor charges;

(6) the term "launch" means to place, or attempt to place, a launch vehicle and payload, if any, in a suborbital trajectory, in Earth orbit in outer space, or otherwise in outer space;

(7) the term "launch services" means activities involved in the preparation of a launch vehicle and its payload for launch and the conduct of a launch;

(8) the term "launch support facilities" means facilities required to support launch activities, including launch vehicle assembly, launch vehicle operations and control, communications, flight safety functions, and payload operations, control, and processing;

(9) the term "launch vehicle" means any vehicle constructed for the purpose of operating in, or placing a payload in, outer space or in suborbital trajectories, and includes components of that vehicle;

(10) the term "payload" means an object which a person undertakes to launch, and includes subcomponents of the launch vehicle specifically designed or adapted for that object;

(11) the term "payload integration services" means activities involved in integrating multiple payloads into a single payload for launch or integrating a payload with a launch vehicle;

(12) the term "space recovery support facilities" means facilities required to support activities related to the recovery of payloads returned from space to a space recovery site, including operations and control, communications, flight safety functions, and payload processing;

(13) the term "space transportation infrastructure" means facilities, associated equipment, and real property, including launch sites, launch support facilities, space recovery sites, and space recovery support facilities, required to perform launch or space recovery activities;

(14) the term "State" means the several States, the District of Columbia, the Commonwealth of Puerto Rico, American Samoa, the United States Virgin Islands, Guam, the Commonwealth of the Northern Mariana Islands, and any other commonwealth, territory, or possession of the United States; and

(15) the term "United States" means the States, collectively.

TITLE II—SPACE TRANSPORTATION

SEC. 201. EXTENSION OF GOVERNMENT PAYMENT OF EXCESS THIRD PARTY CLAIMS.

Section 16 of the Commercial Space Launch Act (49 U.S.C. App. 2615) is amended in subsection (b)(5) by striking "the date that is 5 years following the date of enactment of the Commercial Space Launch Act Amendments of 1988" and inserting in lieu thereof "January 1, 2000".

SEC. 202. REQUIREMENT TO PROCURE COMMERCIAL LAUNCH SERVICES.

(a) AMENDMENT.—Section 204 of the Launch Services Purchase Act of 1990 (42 U.S.C. 2465d) is amended to read as follows:

"SEC. 204. REQUIREMENT TO PROCURE COMMERCIAL LAUNCH SERVICES.

"(a) IN GENERAL.—Except as otherwise provided in this section, the Federal Government shall purchase launch services for its primary payloads, including suborbital payloads, from commercial providers whenever such services are required in the course of its activities.

"(b) EXCEPTIONS.—The Federal Government shall not be required to purchase launch services as provided in subsection (a) if, on a case by case basis the appropriate agency head determines that—

"(1) the payload requires the unique capabilities of the space shuttle;

"(2) cost effective commercial launch services to meet specific mission requirements are not reasonably available, would not be reasonably available when required, and could not be made available in response to a procurement request;

"(3) the use of commercial launch services poses an unacceptable risk of loss of a unique scientific opportunity; or

"(4) the payload serves national security or foreign policy purposes.

Any determination of such circumstances shall be made by the appropriate agency head and shall not be delegated. The appropriate agency head shall, within 30 days after such determination, notify the Committee on Science, Space, and Technology and the Committee on Armed Services of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate in writing of the determination and its rationale.

"(c) REPORT ON SUBORBITAL PROGRAMS.—Not later than 1 year after the date of enactment of the Commercial Space Competitiveness Act of 1992, the Administrator of the National Aeronautics and Space Administration shall submit to Congress a report providing a plan for the National Aeronautics and Space Administration to make greater use of commercial launch services for its suborbital launch programs. Such plan shall identify planned or potential suborbital payloads which cannot utilize commercial launch services, and describe in detail why commercial launch services cannot meet the mission requirements or be made available in a reasonable and cost effective manner for such payloads.

"(d) FEDERAL GOVERNMENT LAUNCH VEHICLES.—Launch vehicles shall be acquired or owned by the Federal Government only—

"(1) as required under circumstances described in subsection (b); or

"(2) for conducting research and development on, and testing of, launch technology.

"(e) PHASE-IN PERIOD.—Subsections (a) and (d) shall not apply to launch services and launch vehicles for which a purchase contract has been signed before the date of enactment of the Commercial Space Competitiveness Act of 1992.

"(f) HISTORICAL PURPOSES.—This title shall not be interpreted to prohibit the Federal Government from acquiring, owning, or maintaining launch vehicles solely for historical display purposes.".

(b) EFFECTIVE DATE.—The application of section 204 of the Launch Services Purchase Act of 1990 to suborbital payloads shall begin with respect to payloads scheduled for launch after December 31, 1993.

SEC. 203. PURCHASE OF LAUNCH SERVICES.

Section 205 of the Launch Services Purchase Act of 1990 (42 U.S.C. 2465e) is amended to read as follows:

"SEC. 205. PURCHASE OF LAUNCH SERVICES.

"(a) COMPETITIVE BIDDING.—(1) Contracts to provide launch services to the Federal Government under section 204 shall be awarded subject to applicable Federal law requiring full, fair, and open competition, consistent with section 2304 of title 10, United States Code, and section 311 of the National Aeronautics and Space Act of 1958.

"(2) Submission of cost or pricing data for the purpose of supporting a bid or proposal or for the fulfillment of a contract shall not be required of the bidders, except in cases where only one credible bid meeting minimal technical standards as set forth in the original solicitation is received.

"(b) SPECIFICATION SYSTEMS.—Reasonable performance specifications, rather than Federal civilian or military design or construction specifications, shall be used to the maximum extent feasible to define requirements for a commercial provider bidding to provide launch services. This subsection shall not preclude the Federal Government from requiring compliance with applicable safety standards.".

SEC. 204. LAUNCH VOUCHER DEMONSTRATION PROGRAM.

(a) ESTABLISHMENT OF PROGRAM.—The Administrator shall establish a demonstration program to award vouchers for the payment of commercial launch services and payload integration services for the purpose of launching small scientific payloads.

(b) AWARD OF VOUCHERS.—The Administrator shall award vouchers under subsection (a) to scientific researchers, research teams, and research institutes as part of grants administered by the National Aeronautics and Space Administration for the development and construction of—

(1) scientific payloads to be placed in suborbital trajectories; and

(2) small scientific payloads to be placed in orbit.

(c) ASSISTANCE.—The Administrator may provide awardees with such assistance, including contract formulation and technical support during proposal evaluation, as may be necessary to ensure the purchase of cost effective and reasonably reliable commercial launch services and payload integration services.

(d) REPORT.—Not later than 1 year after the date of enactment of this Act, the Administrator shall submit to Congress a report providing a plan for carrying out this section, identifying which planned or potential payloads will be included in the launch voucher demonstration program, and listing which commercially available launch vehicles will be included in the program.

SEC. 205. SPACE TRANSPORTATION INFRASTRUCTURE MATCHING GRANTS.

(a) FEDERAL GRANT PROGRAM.—The Secretary of Transportation may make grants for projects recommended pursuant to subsection (b) to assist the United States space transportation industry and the States in financing—

(1) the improvement or development of space transportation infrastructure within the United States;

(2) the engineering and designing of such space transportation infrastructure projects; and

(3) technical studies to define how new or improved space transportation infrastructure can best meet Federal space transportation needs and the needs of the United

States commercial space transportation industry.

(b) SELECTION OF PROJECTS.—(1) There is established a Selection Committee which shall include 1 representative each from the Department of Transportation, the Department of Defense, and the National Aeronautics and Space Administration. The Selection Committee shall be chaired by the representative from the Department of Transportation.

(2) The Selection Committee shall review grant applications under this section and shall make recommendations to the Secretary of Transportation for awarding such grants.

(3) The Selection Committee shall take into account the following factors in its review of grant applications:

(A) The contribution of the proposed grant activity to Federal space transportation needs.

(B) The extent of industry's financial contribution to the proposed grant activity.

(C) The extent of industry participation in the proposed grant activity.

(D) The positive impact of the proposed grant activity on the international competitiveness of the United States space transportation industry.

(E) The extent of State contributions to the proposed grant activity.

(F) The impact of the proposed grant activity on launch operations and other activities at Federal launch ranges.

(4) The Secretary of Transportation shall give preference to those applications with greater levels of industry financial contributions, all other factors being equal.

(c) LIMITATIONS AND CONDITIONS.—(1) The Federal grant for any project under this section shall not exceed 50 percent of the cost of such project.

(2) No grant shall be awarded under this section for projects for which less than 10 percent of the cost of such projects will be borne by the private sector.

(3) No grant shall be awarded under this section unless the Selection Committee determines that the applicant has or will have the legal, financial, and technical capacity to carry out the proposed project.

(4) For grants which do not utilize Federal Government property, no grant shall be awarded under this section unless the Secretary of Transportation, in consultation with the Administrator and the Secretary of Defense, determines that the applicant—

(A) has or will have satisfactory continuing control, through operation or lease or otherwise, over the use of the facilities and the equipment for which the grant is provided; and

(B) has or will have sufficient capability to maintain the facilities and equipment, and will maintain such facilities and equipment.

SEC. 206. COMMERCIAL SPACE TRANSPORTATION TRUST FUND.

(a) ESTABLISHMENT.—There is established in the Treasury of the United States a trust fund to be known as the Commercial Space Transportation Trust Fund (hereafter in this section referred to as the "Trust Fund"). The Trust Fund shall consist of all revenues from any fees assessed by the Department of Transportation for the licensing of commercial launch activities.

(b) PURPOSE.—Subject to the availability of appropriations, revenues deposited in the Trust Fund shall be used only to fund projects that directly benefit the United States space transportation industry.

(c) SELECTION OF PROJECTS.—The Secretary of Transportation shall select projects recommended by an Industry Selection Committee composed of 1 representative from each of the companies which have paid, or will have paid, fees described in subsection (a) within a period, not to exceed 2 years, to be determined by the Secretary of Transportation. Voting of such Industry Selection Committee shall be weighted according to the dollar amount of each company's fee payments within such period.

(d) LIMITATION.—Trust Fund revenues shall not be used to pay the operating or other expenses of the Department of Transportation.

SEC. 207. IDENTIFICATION OF EXCESS FACILITIES.

(a) IDENTIFICATION.—The Administrator, in coordination with the Secretary of Defense and the Secretary of Transportation, shall conduct an inventory and identify all launch support facilities owned by the United States Government that are excess or are otherwise not needed for public use. To the extent practicable, the Administrator shall also identify any launch support facilities which, due to their capacity and their utility to non-Federal entities, could be made available for use by non-Federal entities on a reimbursable basis without interfering with Federal activities.

(b) REPORT TO CONGRESS.—Not later than 1 year after the date of enactment of this Act, the Administrator shall submit to Congress a report containing the results of the identification required under subsection (a). Portions of such report may be classified and protected from public disclosure if such classification is necessary to protect national security.

TITLE III—MISCELLANEOUS

SEC. 301. ANCHOR TENANCY AND TERMINATION LIABILITY.

(a) ANCHOR TENANCY CONTRACTS.—The Administrator may enter into anchor tenancy contracts for the purchase of a good or service in order to increase the viability of a commercial space venture if the Administrator determines that—

(1) the good or service meets the mission requirements of the National Aeronautics and Space Administration;

(2) the commercially procured good or service is cost effective;

(3) the good or service is procured through a competitive process;

(4) existing or potential customers for the good or service other than the United States Government have been specifically identified;

(5) the long-term viability of the venture is not dependent upon a continued Government market or other nonreimbursable Government support; and

(6) private capital is at risk in the venture.

(b) TERMINATION LIABILITY.—Section 203(c) of the National Aeronautics and Space Act of 1958 (42 U.S.C. 2473(c)) is amended—

(1) by redesignating paragraphs (7) through (13) as paragraphs (8) through (14) respectively;

(2) by inserting after paragraph (6) the following new paragraph:

"(7) to enter into contracts for commercially provided goods and services for periods that are in excess of the period for which funds are available for obligation; and to provide for the payment of contingent liability which may accrue in excess of available appropriations, in the event the Government for its convenience terminates such contracts, from appropriations originally available for the performance of the contract, or from other unobligated appropriations currently available for the procurement of related goods and services;";

(3) by inserting "and" at the end of paragraph (13), as so redesignated by paragraph (1) of this section; and

(4) by striking "; and" at the end of paragraph (14), as so redesignated by paragraph (1) of this section, and inserting in lieu thereof a period.

SEC. 302. USE OF GOVERNMENT FACILITIES.

(a) AUTHORITY.—Federal agencies, including the National Aeronautics and Space Administration and the Department of Defense, may allow non-Federal entities to use their space-related facilities on a reimbursable basis if the Administrator, the Secretary of Defense, or the appropriate agency head determines that—

(1) the facilities will be used to support commercial space activities;

(2) such use can be supported by existing or planned Federal resources;

(3) such use is compatible with Federal activities;

(4) equivalent commercial services are not available on reasonable terms; and

(5) such use is consistent with public safety, national security, and international treaty obligations.

In carrying out paragraph (5), each agency head shall consult with appropriate Federal officials.

(b) REIMBURSEMENT PAYMENT.—(1) The reimbursement referred to in subsection (a) may be an amount equal to the direct costs (including salaries of United States civilian and contractor personnel) incurred by the United States as a result of the use of such facilities by the private sector. For the purposes of this paragraph, the term "direct costs" means the actual costs that can be unambiguously associated with such use, and would not be borne by the United States Government in the absence of such use.

(2) The amount of any payment received by the United States for use of facilities under this subsection shall be credited to the appropriation from which the cost of providing such facilities was paid.

SEC. 303. PROTECTION OF INFORMATION DEVELOPED UNDER SPACE ACT AGREEMENTS.

Section 303 of the National Aeronautics and Space Act of 1958 (42 U.S.C. 2454) is amended—

(1) by inserting "(a)" after "SEC. 303.";

(2) by striking "and (B)" and inserting in lieu thereof "(B)";

(3) by inserting ", and (C) information described in subsection (b)" after "national security"; and

(4) by adding at the end the following new subsection:

"(b) The Administrator, for a period of up to 5 years after the development of information that results from activities conducted under an agreement entered into under section 203(c) (5) and (6) of this Act, and that would be a trade secret or commercial or financial information that is privileged or confidential under the meaning of section 552(b)(4) of title 5, United States Code, if the information had been obtained from a non-Federal party participating in such an agreement, may provide appropriate protections against the dissemination of such information, including exemption from subchapter II of chapter 5 of title 5, United States Code.".

SEC. 304. COMMERCIAL SPACE ACHIEVEMENT AWARD.

(a) ESTABLISHMENT.—There is established a Commercial Space Achievement Award. The award shall consist of a medal, which shall be of such design and materials and bear inscriptions as determined by the Secretary of Commerce. A cash prize may also be awarded if funding for the prize is available under subsection (d).

(b) CRITERIA FOR AWARD.—The Secretary of Commerce shall periodically make, and the Chairman of the National Space Council shall present, awards under this section to individuals, corporations, corporate divisions, or corporate subsidiaries substantially engaged in commercial space activities who in the opinion of the Secretary of Commerce best meet the following criteria:

(1) For corporate entities, at least one-half of the revenues from the space-related activities of the corporation, division, or subsidiary is derived from sources other than the United States Government.

(2) The activities and achievements of the individual, corporation, division, or subsidiary have substantially contributed to the United States gross national product and the stature of United States industry in international markets, with due consideration for both the economic magnitude and the technical quality of the activities and achievements.

(3) The individual, corporation, division, or subsidiary has substantially advanced space technology and space applications directly related to commercial space activities.

(c) LIMITATIONS.—No individual or corporate entity may receive an award under this section more than once every 5 years.

(d) FUNDING FOR AWARD.—The Secretary of Commerce may seek and accept gifts of money from public and private sources for the purpose of making cash prize awards under this section. Such money may be used only for that purpose, only such money may be used for that purpose, and the Secretary of Commerce shall make publicly available an itemized list of the sources of such funding.

By Mrs. KASSEBAUM:

S. 2790. A bill to establish a boot camp program for juvenile delinquents, provide grants for State and local law enforcement, and authorize additional appropriations for the Head Start Program; to the Committee on the Judiciary.

URBAN INITIATIVE

Mrs. KASSEBAUM. Mr. President, I rise today to introduce legislation setting forth what I believe to be an appropriate balance of initiatives to deal with the current crisis in our cities. This bill combines law enforcement initiatives aimed at restoring security to inner city communities, with additional funding for the successful Head Start and Follow-Through Programs.

I think nearly all would agree that a top priority must be to establish an environment conducive to creating growth and opportunity in the inner city. The events in Los Angeles—if they have taught us anything—demonstrate the critical importance of creating secure, stable communities.

It is imperative that we restore security to our cities' streets. We are not going to attract businesses to the inner city—enterprise zones or not—without riding these neighborhoods of crime. More importantly, we need to protect the innocent yet hard-working families that live in the midst of this never ending cycle of crime, who are afraid to even step outside their homes after dark.

One of the sad things that is often overlooked when we talk about urban crime, are the elderly, who frequently are living in the inner cities because they can't get out, and are easy prey to street crime.

One of the most effective ways of reducing street crime is to have more cops on the beat, who are familiar with the neighborhood, and get to know members of the community, young and old. This legislation would provide $200 million in grants to the States to be used exclusively for hiring additional police officers used in community-based or neighborhood-oriented policing programs.

This legislation would also provide an additional $200 million for the Head Start Program, with funds to be directed specifically to program improvements. Half of the funds will be targeted directly to urban areas and $6.4 million will be designated for Follow-Through. The Head Start Program, with its proven effectiveness, should be expanded and targeted for the most efficient use of our limited Federal funds.

I also believe we must do something more to reach young people early on, where there are clear signals that intervention is needed. This must be done before a young person becomes committed to a life of crime. This bill would provide $150 million in grants to the States for establishing up to 10 boot camps for juvenile offenders.

Camps would be established on existing or closed military bases, using military personnel. The program will emphasize physical discipline, combined with remedial and vocational education, with States submitting a follow-up plan once the juvenile is released. This would be an alternative to the State detention homes, where juvenile delinquency is often the first step to further and more serious crime.

Finally, Mr. President, I believe it is important to spend existing funds on these initiatives, rather than further increase our deficit. The bill would not add to the Federal debt. Rather, funding would be provided by halting all spending on the superconducting super collider until these initiatives are funded. Now is the time for us to seriously reconsider our priorities, to deal effectively with the needs of our inner cities.

Mr. President, we must be creative and innovative with the resources we now have, and which also have a proven track record. The initiatives I propose—more police officers, boot camps for juveniles, and increased funding for Head Start—all represent a balanced and effective approach that is tough, but supportive, and makes sure that Federal funds are used effectively. Before we can have inner city opportunity and growth, we must restore the streets to the people who live and work there.

By Mr. KOHL:

S. 2792. A bill to amend and authorize appropriations for the continued implementation of the Juvenile Justice and Delinquency Prevention Act of 1974; to the Committee on the Judiciary.

REAUTHORIZATION OF THE JUVENILE JUSTICE AND DELINQUENCY PREVENTION ACT

Mr. KOHL. Mr. President, as chairman of the Juvenile Justice Subcommittee, today I am introducing a bill to reauthorize the Juvenile Justice and Delinquency Prevention Act.

Some 700,000 young people enter the Juvenile Justice System each year. Over the past 5 years, arrests of adolescents for murder, assault, and weapons violations have skyrocketed. And it appears that the small subset of juveniles who commit the most serious offenses are becoming increasingly violent.

Reauthorizing Juvenile Justice and Delinquency Prevention Act must therefore be a Senate priority. In a series of five oversight hearings, the subcommittee identified gaps in such critical services as delinquency prevention and street-based services for runaway and homeless youth. We also received testimony describing some fundamental problems with the implementation of the act by the Office of Juvenile Justice and Delinquency. We have attempted to address these gaps and problems in the legislation we are introducing today.

First and foremost, the bill doubles the authorized level of funding for State formula grants. And it provides a series of incentive grants for State seeking to improve the administration and delivery of justice for juveniles and their families. Second, the bill establishes a new title encouraging local communities to invest in delinquency prevention programs. Third, it creates a new title to improve the response of the justice system to child abuse and neglect, which is all too often a precursor of juvenile delinquency. And fourth, it strengthens prevention, intervention, and treatment programs for juveniles who have joined or are at risk of joining gangs.

The bill also invigorates the Office of Juvenile Justice and Delinquency Prevention itself by establishing a direct reporting relationship with the Attorney General. And it sets up street-based outreach services and enhances other programs for runaway and homeless youth and their families.

I urge my colleagues to cosponsor this bill and join in an effort to prevent and combat youth crime. I ask unanimous consent that a copy of the legislation be printed in the RECORD in its entirety.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2792

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. FINDINGS AND DECLARATION OF PURPOSE.

(a) FINDINGS.—Section 101(a) of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5601(a)) is amended—

(1) by redesignating paragraphs (2), (3), (4), (5), (6), (7), and (8) as paragraphs (4), (5), (6), (7), (8), (9), and (10), respectively;

(2) by inserting after paragraph (1) the following new paragraphs:

"(2) recent trends show an upsurge in arrests of adolescents for murder, assault, and weapon use;

"(3) the small number of youths who commit the most serious and violent offenses are becoming more violent;";

(3) in paragraph (4), as redesignated by paragraph (1), by inserting "prosecutorial and public defender offices," after "juvenile courts,";

(4) by striking "and" at the end of paragraph (7), as redesignated by paragraph (1);

(5) by striking the period at the end of paragraph (8), as redesignated by paragraph (1), and inserting "; and"; and

(6) by adding at the end the following new paragraph:

"(11) emphasis should be placed on preventing youth from entering the juvenile justice system to begin with.".

(b) PURPOSE.—Section 102 of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5602) is amended—

(1) in subsection (a)—

(A) in paragraph (1) by striking "delinquency" and inserting "justice and delinquency prevention";

(B) in paragraph (2) by striking "agencies, institutions, and individuals in developing and implementing juvenile delinquency programs" and inserting "nonprofit juvenile justice and delinquency prevention programs";

(C) by striking "and" at the end of paragraph (7);

(D) by redesignating paragraph (8) as paragraph (9);

(E) by inserting after paragraph (7) the following new paragraph:

"(8) to strengthen families in which juvenile delinquency has been a problem;";

(F) by striking the period at the end of paragraph (9), as redesignated by subparagraph (D), and inserting a semicolon; and

(G) by adding at the end the following new paragraphs:

"(10) to assist State and local governments in improving the administration of justice and services for juveniles who enter the system; and

"(11) to assist States and local communities to prevent youth from entering the justice system to begin with."; and

(2) in subsection (b) by striking "maintaining and strengthening the family unit" and inserting "preserving and strengthening families".

SEC. 2. JUVENILE JUSTICE AND DELINQUENCY PREVENTION.

(a) OFFICE OF JUVENILE JUSTICE AND DELINQUENCY PREVENTION.—Part A of title II of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5611 et seq.) is amended—

(1) by amending section 201 to read as follows:

"ESTABLISHMENT OF OFFICE

"SEC. 201. (a) ESTABLISHMENT.—There is established within the Department of Justice the Office of Juvenile Justice and Delinquency Prevention (referred to in this title as the "Office") under the general authority of the Attorney General.

"(b) ADMINISTRATOR.—

"(1) APPOINTMENT.—The Office shall be headed by an Administrator (referred to in this title as the 'Administrator') appointed by the President, by and with the advice and consent of the Senate, from among individuals who have had experience in juvenile justice programs.

"(2) AUTHORITY.—The Administrator may prescribe regulations consistent with this Act to award, administer, modify, extend, terminate, monitor, evaluate, reject, or deny all grants and contracts from, and applications for, funds made available under this title. There shall be a direct reporting relationship between the Administrator and the Attorney General.

"(3) LINE OF AUTHORITY.—In the performance of the functions of the Administrator, the Administrator shall be directly responsible to the Attorney General. The Attorney General may not delegate any power, duty, or function vested under this title or title II in the Attorney General.

"(c) DEPUTY ADMINISTRATOR.—

"(1) APPOINTMENT.—There shall be in the Office a Deputy Administrator who shall be appointed by the Attorney General.

"(2) FUNCTIONS.—The Deputy Administrator shall perform such functions as the Administrator may from time to time assign or delegate and shall act as the Administrator during the absence or disability of the Administrator.";

(2) by amending section 204 to read as follows:

"CONCENTRATION OF FEDERAL EFFORTS

"SEC. 204. (a) IN GENERAL.—The Administrator shall implement overall policy and develop objectives and priorities for all Federal juvenile delinquency programs and activities relating to prevention, diversion, training, treatment rehabilitation, evaluations, research, and improvement of the juvenile justice system in the United States.

"(b) ACTIVITIES.—In carrying out this title, the Administrator shall—

"(1) assist Federal agencies that have direct responsibilities for the prevention and treatment of juvenile delinquency in the development and promulgation of regulations, guidelines, requirements, criteria, standards, procedures, and budget requests in accordance with the policies, priorities, and objectives that the Commission establishes;

"(2) conduct and support evaluations and studies of the performance and results achieved by Federal juvenile delinquency programs and activities and of the prospective performance and results that might be achieved by alternative programs and activities supplementary to or in place of those currently being administered;

"(3)(A) develop for each fiscal year, and publish annually in the Federal Register for public comment, a proposed comprehensive plan describing the particular activities that the Commission intends to carry out; and

"(B) taking into consideration comments received during the 45-day period beginning on the date the proposed plan is published, develop and publish a final plan, before December 31 of the fiscal year, describing the particular activities that the Administrator intends to carry out; and

"(4) provide for the auditing of monitoring systems required under section 223(a)(15) to review the adequacy of those systems.

"(c) PROVISION OF INFORMATION.—The Administrator may request a Federal department or agency that engages in activity involving any Federal juvenile delinquency prevention program to provide the Administrator with programmatic and other information, and the head of such department or agency shall comply with such request.

"(d) GRANTS AND CONTRACTS.—The Administrator may make grants and enter into contracts with public or private nonprofit agencies, organizations, institutions, and natural persons to carry out of this title.

"(e) REVIEW OF PROGRAMS AND PRACTICES.—The Administrator shall review the programs and practices of Federal agencies and report to the President and the Congress on the degree to which Federal agency funds are used for purposes that are either consistent or inconsistent with the requirements of section 223(a) (12), (13), and (14). The Administrator shall review the reasons why Federal agencies take juveniles into custody and shall make recommendations regarding how to improve Federal practices and facilities for holding juveniles in custody."; and

(3) by amending section 207 to read as follows:

"ANNUAL REPORT

"SEC. 207. Not later than 180 days after the close of a fiscal year, the Administrator shall submit to the President, the Speaker of the House of Representatives, and the President pro tempore of the Senate a report that contains, with respect to the fiscal year—

"(1) a description of the activities for which funds are expended under parts A, B, C, D, E, and F;

"(2) a description, based on the most recent data available, of the extent to which each State complies with section 223 and of the plan submitted under that section by the State for such fiscal year; and

"(3) a description of exemplary delinquency programs for which assistance is provided under this title, with particular attention to community-based alternatives to juvenile incarceration that involve and assist families of juveniles.".

(b) FEDERAL ASSISTANCE FOR STATE AND LOCAL PROGRAMS.—

(1) AUTHORITY TO MAKE GRANTS AND CONTRACTS.—Section 221 of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5613) is amended—

(A) in subsection (a) by striking "agencies" and all that follows through "system" and inserting "nonprofit agencies for the development of more effective programs of juvenile justice and delinquency prevention and treatment"; and

(B) in subsection (b)—

(i) in paragraph (1) by inserting "nonprofit" after "private" each place it appears; and

(ii) in paragraph (2)—

(I) by inserting "nonprofit" after "private"; and

(II) by striking "existence" and inserting "experience".

(2) ALLOCATION.—Section 222 of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5632) is amended—

(A) by striking "allotted" each place it appears and inserting "allocated" and striking "allotment" each place it appears and inserting "allocation"; and

(B) in subsection (a)—

(i) in paragraph (2)(A)—

(I) by striking "part D" and inserting "parts D and F";

(II) by inserting "or such greater amount, up to $390,000, as is available to be allocated without reducing the amount of any State or territory's allocation below the amount allocated for fiscal year 1992" after "$325,000,"; and

(III) by inserting ", or such greater amount, up to $90,000, as is available to be allocated without reducing the amount of any State or territory's allocation below the amount allocated for fiscal year 1992," after "$75,000";

(ii) in paragraph (2)(B)—

(I) by inserting "or such greater amount, up to $600,000, as is available to be allocated without reducing the amount of any State or territory's allocation below the amount allocated for fiscal year 1992" after "$400,000,"; and

(II) by inserting ", or such greater amount, up to $90,000, as is available to be allocated without reducing the amount of any State or territory's allocation below the amount allocated for fiscal year 1992" after "$100,000"; and

(iii) in paragraph (3) by striking "1988" each place it appears and inserting "1992".

(3) STATE PLANS.—Section 223 of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5633) is amended—

(A) in subsection (a)—

(i) in the second sentence by striking "programs, and the State" and inserting "programs and challenge activities subsequent to State participation in part F. The State";

(ii) by amending paragraph (3) to read as follows:

"(3) provide for an advisory group, which—

"(A) shall consist of not less than 15 and not more than 30 members appointed by the chief executive officer of the State—

"(i) which members have training, experience, or special knowledge concerning the prevention and treatment of juvenile delinquency or the administration of juvenile justice;

"(ii) which members include—

"(I) at least 1 locally elected official representing general purpose local government;

"(II) representatives of law enforcement and juvenile justice agencies, including juvenile and family court judges, prosecutors, and counsel for children and youth;

"(III) representatives of public agencies concerned with delinquency prevention or treatment, such as welfare, social services, mental health, education, special education, and youth services;

"(IV) representatives of private nonprofit organizations, including persons with a special focus on preserving and strengthening families, parent groups and parent self-help groups, youth development, delinquency prevention and treatment, neglected or dependent children, the quality of juvenile justice, education, and social services for children;

"(V) volunteers who work with delinquents or potential delinquents;

"(VI) youth workers involved with programs that are alternatives to incarceration;

"(VII) persons with special experience and competence in addressing problems related to school violence and vandalism and alternatives to suspension and expulsion; and

"(VIII) persons with special experience and competence in addressing problems related to learning disabilities, emotional difficulties, child abuse and neglect, and youth violence;

"(iii) a majority of which members (including the chairperson) shall not be full-time employees of the Federal, State, or local government;

"(iv) at least one-fifth of which members shall be under the age of 24 at the time of appointment; and

"(v) at least 3 members who have been under the jurisdiction of the juvenile justice system at some time;

"(B) shall participate in the development and review of the State's juvenile justice plan prior to submission to the supervisory board for final action;

"(C) shall be afforded the opportunity to review and comment, not later than 30 days after their submission to the advisory group, on all juvenile justice and delinquency prevention grant applications submitted to the State agency designated under paragraph (1);

"(D) shall, consistent with this title—

"(i) advise the State agency designated under paragraph (1) and its supervisory board;

"(ii) submit to the chief executive officer and the legislature of the State at least annually recommendations regarding State compliance with the requirements of paragraphs (12), (13), and (14) and with progress relating to challenge activities carried out pursuant to part F; and

"(iii) contact and seek regular input from juveniles currently under the jurisdiction of the juvenile justice system; and

"(E) may, consistent with this title—

"(i) advise on State supervisory board and local criminal justice advisory board composition; and

"(ii) review progress and accomplishments of projects funded under the State plan.";

(iii) in paragraph (5)(B) by inserting "nonprofit" after "private" each place it appears;

(iv) in paragraph (9) by inserting "nonprofit" after "private";

(v) by amending paragraph (10) to read as follows:

"(10) provide that not less than 75 percent of the funds available to the State under section 222, other than funds made available to the State advisory group under section 222(d), whether expended directly by the State, by the unit of general local government, or by a combination thereof, or through grants and contracts with public or private nonprofit agencies, shall be used for—

"(A) community-based alternatives to incarceration and institutionalization, specifically—

"(i) for youth who can remain at home with assistance: home probation and programs providing professional supervised group activities or individualized mentoring relationships with adults that involve the family and provide counseling and other supportive services;

"(ii) for youth who need temporary placement: crisis intervention, shelter, and aftercare; and

"(iii) for youth who need residential placement: a continuum of foster care or group home alternatives that provide access to a comprehensive array of services;

"(B) community-based programs and services to work with parents and other family members to strengthen families, including parent self-help groups, so that juveniles may be retained in their homes;

"(C) comprehensive juvenile justice and delinquency prevention programs that meet the needs of youth through the collaboration of the many local systems before which a youth may appear, including schools, courts, law enforcement agencies, child protection agencies, mental health agencies, welfare services, health care agencies, and private nonprofit agencies offering youth services;

"(D) projects designed to develop and implement programs stressing advocacy activities aimed at improving services for and protecting the rights of youth affected by the juvenile justice system;

"(E) educational programs or supportive services for delinquent or other youth, provided equitably regardless of sex, race, or family income, designed to encourage them to remain in school, including—

"(i) education in settings that promote experiential, individualized learning and exploration of academic and career options;

"(ii) assistance in making the transition to the world of work and self-sufficiency; and

"(iii) alternatives to suspension and expulsion;

"(F) expanded use of home probation and recruitment and training of home probation officers, other professional and paraprofessional personnel, and volunteers to work effectively to allow youth to remain at home with their families as an alternative to incarceration or institutionalization;

"(G) youth-initiated outreach programs designed to assist youth who otherwise would not be reached by traditional youth assistance programs;

"(H) programs designed to develop and implement projects relating to juvenile delinquency and learning disabilities, including on-the-job training programs to assist law enforcement and juvenile justice personnel to more effectively recognize and provide for learning disabled and other handicapped youth;

"(I) projects designed both to deter involvement in illegal activities and to promote involvement in lawful activities on the part of gangs whose membership is substantially composed of youth;

"(J) programs and projects designed to provide for the treatment of youths' dependence on or abuse of alcohol or other addictive or nonaddictive drugs;

"(K) law-related education programs (and projects) for delinquent and at-risk youth designed to prevent juvenile delinquency; and

"(L) programs for positive youth development that assist delinquent and other at-risk youth in obtaining—

"(i) a sense of safety and structure;

"(ii) a sense of belonging and membership;

"(iii) a sense of self-worth and social contribution;

"(iv) a sense of independence and control over one's life;

"(v) a sense of closeness in interpersonal relationships; and

"(vi) a sense of competence and mastery including health and physical competence, personal and social competence, cognitive and creative competence, vocational competence, and citizenship competence, including ethics and participation.";

(vi) in paragraph (14) by striking "1993" and inserting "1997";

(vii) by amending paragraph (16) to read as follows:

"(16) provide assurance that youth in the juvenile justice system are treated equitably on the basis of gender, race, family income, and mentally, emotionally, or physically handicapping conditions;"; and

(viii) in paragraph (17) by striking "and maintain the family units" and inserting "the families";

(B) by amending subsection (c) to read as follows:

"(c)(1) Subject to paragraph (2), the Administrator shall approve any State plan and any modification thereof that meets the requirements of this section.

"(2) If a State fails to comply with the requirements of paragraph (12)(A), (13), (14), or (23) in any fiscal year beginning after January 1, 1993—

"(A) subject to subparagraph (B), the amount allotted under section 222 to the State for that fiscal year shall be reduced by 25 percent for each such paragraph with respect to which noncompliance occurs; and

"(B) the State shall be ineligible to receive any allotment under that section for such fiscal year unless—

"(i) the State agrees to expend all the remaining funds the State receives under this part (excluding funds required to be expended to comply with section 222 (c) and (d) and with section 223(a)(5)(C)) for that fiscal year only to achieve compliance with any such paragraph with respect to which the State is in noncompliance; or

"(ii) the Administrator determines, in the discretion of the Administrator, that the State—

"(I) has achieved substantial compliance with each such paragraph with respect to which the State was not in compliance; and

"(II) has made, through appropriate executive or legislative action, an unequivocal commitment to achieving full compliance within a reasonable time."; and

(C) in subsection (d)—

(i) by inserting ", excluding funds the Administrator shall make available to satisfy the requirement specified in section 222(d)," after "section 222(a)";

(ii) by striking "the purposes of subsection (a)(12)(A), subsection (a)(13), or subsection (a)(14)" and inserting "activities of the kinds described in subsection (a) (12)(A), (13), (14) and (23)"; and

(iii) by striking "under subsection (a)(12)(A) and subsection (a)(13)" and inserting "subsection (a) (12)(A), (13), (14) and (23)".

(c) NATIONAL PROGRAMS.—

(1) NATIONAL INSTITUTE FOR JUVENILE JUSTICE AND DELINQUENCY PREVENTION.—Section 241(d)(2) of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5651(d)(2)) is amended by inserting "prosecutors and defense attorneys," after "probation personnel,".

(2) TECHNICAL ASSISTANCE AND TRAINING FUNCTIONS.—Section 244(3) of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5654(3)) is amended by inserting "prosecutors and defense attorneys" after "judges".

(3) SPECIAL STUDIES AND REPORTS.—Section 248 of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5662) is amended—

(A) by striking "(a) Not later" and inserting "(a) PURSUANT TO 1988 AMENDMENTS.—(1) Not later";

(B) by striking "(1) to review" and inserting "(A) to review";

(C) by striking "(A) conditions" and inserting "(i) conditions";

(D) by striking "(B) the extent" and inserting "(ii) the extent";

(E) by striking "(2) to make" and inserting "(B) to make";

(F) by striking "(b)(1) Not later" and inserting "(2)(A) Not later";

(G) by striking "(A) how" and inserting "(i) how";

(H) by striking "(B) the amount" and inserting "(ii) the amount";

(I) by striking "(C) the extent" and inserting "(iii) the extent";

(J) by striking "(2)(A) for purposes" and inserting "(B)(i) for purposes";

(K) by striking "(B) For purposes" and inserting "(ii) for purposes";

(L) by striking "(c) NOT LATER" and inserting "(3) NOT LATER";

(M) by striking "subsection (a) or (b)" and inserting "paragraph (1) or (2)"; and

(N) by adding at the end the following new subsection:

"(b) PURSUANT TO 1992 AMENDMENTS.—(1) Not later than 1 year after the date of enactment of the Juvenile Justice and Delinquency Prevention Amendments Act of 1992, the Comptroller General shall—

"(A) conduct a study with respect to juveniles waived to adult court that reviews—

"(i) the frequency and extent to which juveniles have been transferred, certified, or waived to adult court during the 5-year period ending December 1992;

"(ii) conditions of confinement in adult detention and correctional facilities for juveniles waived to adult court; and

"(iii) sentencing patterns, comparing juveniles waived to adult court with juveniles who have committed similar offenses but have not been waived; and

"(B) submit to the Committee on Education and Labor of the House of Representatives and the Committee on the Judiciary of the Senate a report (including a compilation of State waiver statutes) on the findings made in the study and recommendations to improve conditions for juveniles waived to adult court.

"(2) Not later than 1 year after the date of enactment of the Juvenile Justice and Delinquency Prevention Amendments Act of 1992, the Comptroller General shall—

"(A) conduct a study with respect to admissions of juveniles for behavior disorders to private psychiatric hospitals, and to other residential and nonresidential programs that serve juveniles admitted for behavior disorders, that reviews—

"(i) the frequency with which juveniles have been admitted to such hospitals and programs during the 5-year period ending December 1992; and

"(ii) conditions of confinement, the average length of stay, and methods of payment for the residential care of such juveniles; and

"(B) submit to the Committee on Education and Labor of the House of Representatives and the Committee on the Judiciary of the Senate a report on the findings made in the study and recommendations to improve procedural protections and conditions for juveniles with behavior disorders admitted to such hospitals and programs.

"(3) Not later than 1 year after the date of enactment of the Juvenile Justice and Delinquency Prevention Amendments Act of 1992, the Comptroller General shall—

"(A) conduct a study of gender bias within State juvenile justice systems that reviews—

"(i) the frequency with which females have been detained for status offenses (such as frequently running away, truancy, and sexual activity), as compared with the frequency with which males have been detained for such offenses during the 5-year period ending December 1992; and

"(ii) the appropriateness of the placement and conditions of confinement for females; and

"(B) submit to the Committee on Education and Labor of the House of Representatives and the Committee on the Judiciary of the Senate a report on the findings made in the study and recommendations to combat gender bias in juvenile justice and provide appropriate services for females who enter the juvenile justice system.

"(4) Not later than 1 year after the date of enactment of the Juvenile Justice and Delinquency Prevention Amendments Act of 1992, the Comptroller General shall—

"(A) conduct a study of the Native American pass-through grant program authorized under section 223(a)(5)(C) that reviews the cost-effectiveness of the funding formula utilized; and

"(B) submit to the Committee on Education and Labor of the House of Representatives and the Committee on the Judiciary of the Senate a report on the findings made in the study and recommendations to improve the Native American pass-through grant program.

"(5) Not later than 1 year after the date of enactment of the Juvenile Justice and Delinquency Prevention Amendments Act of 1992, the Comptroller General shall—

"(A) conduct a study of access to counsel in juvenile court proceedings that reviews—

"(i) the frequency with which and the extent to which juveniles in juvenile court proceedings either have waived counsel or have obtained access to counsel during the 5-year period ending December 1992; and

"(ii) a comparison of access to and the quality of counsel afforded juveniles charged in adult court proceedings with those of juveniles charged in juvenile court proceedings; and

"(B) submit to the Committee on Education and Labor of the House of Representatives and the Committee on the Judiciary of the Senate a report on the findings made in the study and recommendations to improve access to counsel for juveniles in juvenile court proceedings.".

(4) AUTHORITY TO MAKE GRANTS AND CONTRACTS.—Section 261(a) of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5665(a)) is amended—

(A) by amending paragraph (3) to read as follows:

"(3) Establishing or supporting advocacy programs and services that encourage the improvement of due process available to juveniles in the juvenile justice system and the quality of legal representation for such juveniles.";

(B) by redesignating paragraphs (4), (5), (6), and (7) as paragraphs (5), (6), (7), and (8), respectively; and

(C) by inserting after paragraph (3) the following new paragraph:

"(4) Establishing or supporting programs stressing advocacy activities aimed at improving services to juveniles affected by the juvenile justice system, including services that provide for the appointment of special advocates by courts for such juveniles.".

(d) CONSIDERATIONS FOR APPROVAL OF APPLICATIONS.—Section 262(d)(1) of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5665a(d)(1)) is amended—

(1) by amending subparagraph (B) to read as follows:

"(B) The competitive process described in subparagraph (A) shall not be required if the Administrator makes a written determination that apply to programs to be carried out in areas with respect to which the President declares under the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.) that a major disaster or emergency exists."; and

(2) by striking subparagraph (C).

(e) PREVENTION, INTERVENTION, AND TREATMENT PROGRAM RELATING TO JUVENILE GANGS AND DRUG ABUSE AND DRUG TRAFFICKING.—Part D of title II of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5667 et seq.) is amended—

(1) in the heading by inserting ", INTERVENTION," after "PREVENTION";

(2) in section 281 by striking "SEC. 281. The Administrator" and all that follows through "purposes:" and inserting the following:

"SEC. 281. (a) The Administrator shall, by making grants to and entering into contracts with public and private nonprofit agencies, organizations, institutions, and individuals, establish and support programs and activities that involve families and communities in the prevention of youth gangs through programs that are designed to carry out any of the following purposes:

"(1) To target elementary school students, with the purpose of steering students away from gang involvement.

"(2) To provide individual and family crisis intervention and counseling to students and their families who are particularly at risk of gang involvement, including cooperation with social service, welfare, and health care programs as needed.

"(3) To develop and support community education about gangs and gang activity with the intent of involving the community in dealing with the problems associated with gangs.

"(4) To include a special location within a school or housing project for program activities.

"(b) The Administrator shall, by making grants to and entering into contracts with public and private nonprofit agencies, organizations, institutions, and individuals, establish and support programs and activities that involve families and communities in crisis intervention and rehabilitation of youth gangs through programs that are designed to carry out any of the following purposes:"; and

(3) in section 282(b)(1) by inserting "(a) or (b)" after "section 281".

(f) General and Administrative Provisions.—Section 291(a) of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5671(a)) is amended to read as follows:

"(a)(1) To carry out the purposes of this title (other than parts D and F) there are authorized to be appropriated $125,000,000 for fiscal year 1993 and such sums as are necessary for fiscal years 1994, 1995, and 1996. Funds appropriated for any fiscal year shall remain available for obligation until expended.

"(2)(A) Subject to subparagraph (B), to carry out part D, there are authorized to be appropriated $25,000,000 for fiscal year 1993 and such sums as are necessary for fiscal years 1994, 1995, and 1996.

"(B) No funds may be appropriated to carry out part D or F of this title or title V or VI for a fiscal year unless the aggregate amount appropriated to carry out this title (other than part D or F of this title or title V or VI) for the fiscal year is not less than the aggregate amount appropriated to carry out this title (other than part D or F of this title or title V or VI) for the preceding fiscal year.

"(3) To carry out the purposes of part F, there are authorized to be appropriated $50,000,000 for fiscal year 1993 and such sums as are necessary for each of the fiscal years 1994, 1995, and 1996.".

(g) State Challenge Activities.—Title II of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5611 et seq.) is amended by adding at the end the following new part:

"PART F—STATE CHALLENGE ACTIVITIES

"ESTABLISHMENT OF PROGRAM

"Sec. 297. (a) In General.— The Administrator may make a grant to a State that receives an allocation under section 222, in the amount of 10 percent of the amount of the allocation, for each challenge activity in which the State participates for the purpose of funding the activity.

"(b) Definitions.—For purposes of this part—

"(1) the term 'case review system' means a procedure for ensuring that—

"(A) each youth has a case plan, based on the use of objective criteria for determining a youth's danger to the community or himself or herself, that is designed to achieve appropriate placement in the least restrictive and most family-like setting available in close proximity to the parents' home, consistent with the best interests and special needs of the youth;

"(B) the status of each youth is reviewed periodically but not less frequently than once every 6 months, by a court or by administrative review, in order to determine the continuing necessity for and appropriateness of the placement;

"(C) with respect to each youth, procedural safeguards will be applied to ensure that a dispositional hearing is held to consider the future status of each youth under State supervision, in a juvenile or family court or another court (including a tribal court) of competent jurisdiction, or by an administrative body appointed or approved by the court, not later than 18 months after the original placement of the youth and periodically thereafter during the continuation of out-of-home placement; and

"(D) a youth's health and education record is reviewed and updated periodically; and

"(2) the term 'challenge activity' means a program maintained for 1 of the following purposes:

"(A) Developing and adopting policies and programs to provide basic health and appropriate education services, including special education, for youth in the juvenile justice system as specified in standards developed by the National Advisory Committee for Juvenile Justice and Delinquency Prevention prior to October 12, 1984.

"(B) Developing and adopting policies and programs to provide access to counsel for all juveniles in the justice system to ensure that juveniles consult with counsel before waiving the right to counsel.

"(C) Increasing community-based alternatives to incarceration by establishing programs and developing and adopting a set of objective criteria for the appropriate placement of juveniles in detention and secure confinement.

"(D) Developing and adopting policies and programs to provide secure settings for the placement of violent juvenile offenders with capacities of no more than 50 youth with ratios of staff to youth great enough to ensure adequate supervision and treatment.

"(E) Developing and adopting policies to prohibit gender bias in placement and treatment and establishing programs to ensure that female youth have access to the full range of health services, treatment for physical or sexual assault and abuse, education in parenting, education in general, and other training and vocational services.

"(F) Establishing and operating, either directly or by contract or arrangement with a public agency or other appropriate private nonprofit organization (other than an agency or organization that is responsible for licensing or certifying out-of-home care services for youth), a State ombudsman office for children, youth, and families to investigate and resolve complaints relating to action, inaction, or decisions of providers of out-of-home care to children and youth (including secure detention and correctional facilities, residential care facilities, public agencies, and social service agencies) that may adversely affect the health, safety, welfare, or rights of resident children and youth.

"(G) Developing and adopting policies and programs designed to remove, where appropriate, status offenders from the jurisdiction of the juvenile court to prevent the placement in secure detention facilities or secure correctional facilities of juveniles who are nonoffenders or who are charged with or who have committed offenses that would not be criminal if committed by an adult.

"(H) Developing and adopting policies and programs designed to serve as alternatives to suspension and expulsion from school.

"(I) Increasing aftercare services for juveniles involved in the justice system by establishing programs and developing and adopting policies to provide comprehensive health, education, and vocational services and services that preserve and strengthen the families of such juveniles.

"(J) Developing and adopting policies to establish—

"(i) a State administrative structure to coordinate program and fiscal policies for children who have emotional and behavioral problems and their families among the major child serving systems, including schools, social services, health services, mental health services, and the juvenile justice system; and

"(ii) a statewide case review system.".

SEC. 3. RUNAWAY AND HOMELESS YOUTH.

(a) Findings.—Section 302 of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5701) is amended—

(1) by amending paragraph (1) to read as follows:

"(1) the number of youth who have become homeless or who leave and remain away from home without parental permission has increased to alarming proportions, creating a substantial law enforcement problem for the communities inundated, and significantly endangering the young people who are without resources and may live on the street, leaving them at high risk for health and other serious problems;";

(2) by striking "and" at the end of paragraph (4);

(3) by redesignating paragraph (5) as paragraph (10);

(4) by inserting after paragraph (4) the following new paragraphs:

"(5) runaway youth, homeless youth, and other street youth have a disproportionate share of health problems compared to the general adolescent population but lack access to health care;

"(6) increasingly, runaway youth, homeless youth, and other street youth in need of services have more serious emotional and behavioral problems and fewer resources and therefore may need access to longer periods of residential care, more intensive aftercare services, and other assistance;

"(7) to make a successful transition to adulthood, runaway youth, homeless youth, and other street youth need opportunities to complete high school or earn a general equivalency degree, learn job skills, and obtain employment;

"(8) to reconnect runaway youth, homeless youth, and other street youth to their communities, street-based services must be provided where they congregate;

"(9) home-based services are also needed to prevent youth from leaving home or developing more serious emotional and behavioral problems;" and

(5) by amending paragraph (10), as redesignated by paragraph (3), to read as follows:

"(10) in view of the interstate nature of the problem, it is the responsibility of the Federal Government to develop an accurate national reporting system and to develop an effective system of care including prevention, emergency shelter services, and longer residential care outside the public welfare and law enforcement structures.".

(b) Authority To Make Grants.—Section 311 of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5711) is amended—

(1) by amending subsection (a) to read as follows:

"(a) The Secretary shall make grants to nonprofit private entities, combinations of such entities, and public entities to establish, renovate, and operate local runaway and homeless youth centers to provide services to deal primarily with the immediate needs of such youth and their families. The centers shall serve as alternatives to the law enforcement, child welfare, mental health, and juvenile justice systems.";

(2) in subsection (b)—

(A) in paragraph (2)—

(i) by inserting "or such greater amount, up to $100,000, as is available to be allocated without reducing the amount of any State or territory's allocation below the amount allocated for fiscal year 1992" after "$75,000,"; and

(ii) by inserting ", or such greater amount, up to $45,000, as is available to be allocated without reducing the amount of any State or territory's allocation below the amount allocated for fiscal year 1992," after "$30,000"; and

(B) in paragraph (3) by striking "1988" each place it appears and inserting "1992"; and

(3) by striking subsection (c).

(c) ELIGIBILITY.—Section 312 of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5712) is amended—

(1) in subsection (a) by striking "facility providing" and inserting "project that provides"; and

(2) in subsection (b)—

(A) in paragraph (3) by striking "child's" and inserting "youth's" and striking "child" each place it appears and inserting "youth";

(B) in paragraph (4) by inserting "health and mental health care personnel," after "social service personnel,"; and

(C) in paragraph (6) by striking "children and family members which it serves" and inserting "and family members that it serves, including youth that are not referred to out-of-home shelter services.".

(d) GRANTS FOR A NATIONAL COMMUNICATION SYSTEM.—Section 313(b) of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5712a(b)) is amended—

(1) in paragraph (1) by striking "1989 not less than $500,000" and inserting "1993 not less than $912,500, of which $125,000 shall be available for the acquisition of communications equipment";

(2) in paragraph (2) by striking "1990 not less than $600,000" and inserting "1994 not less than $826,900"; and

(3) in paragraph (3) by striking "1991 and 1992 not less than $868,300" and inserting "1995 and 1996 not less than $911,700".

(e) APPROVAL BY SECRETARY.—Section 316 of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5716) is amended in the second sentence by striking "$150,000" and inserting "$250,000".

(f) TRANSITIONAL LIVING GRANT PROGRAM.—Section 322(a) of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5714-2(a)) is amended—

(1) in paragraph (1) by inserting "(including money management, budgeting, consumer education, and use of credit" after "basic life skills"; and

(2) in paragraph (13) by striking "and parent or legal guardian".

(g) STREET-BASED SERVICES AND COORDINATING ACTIVITIES.—Title III of the Juvenile Justice and Delinquency Prevention Act (42 U.S.C. 5701 et seq.) is amended—

(1) by striking sections 314, 315, and 365 and redesignating parts C and D as parts F and G, respectively; and

(2) by inserting after part B the following new parts:

"PART C—STREET-BASED SERVICES

"PURPOSE AND AUTHORITY; DEFINITIONS

"SEC. 325. (a) PURPOSE AND AUTHORITY.—The Secretary may make grants and provide technical assistance to public and nonprofit private entities and combinations of such entities to establish and operate street-based services to runaway youth, homeless youth, and other street youth.

"(b) DEFINITIONS.—For purposes of this part—

"(1) the term 'homeless youth' means a person—

"(A) who is not less than 10 years of age and not more than 21 years of age;

"(B) for whom it is not possible to live in a safe environment with a relative; and

"(C) who has no safe living arrangement as an alternative to living with a relative;

"(2) the term 'other street youth' means a person under the age of 21 who may be intermittently homeless and spends the majority of his or her time on the street, using it as a primary means of economic survival and socialization; and

"(3) the term 'street-based services' includes—

"(A) street-based crisis intervention and counseling;

"(B) information and referral for housing;

"(C) information and referral for transitional living and health care services; and

"(D) advocacy, education, and prevention services for—

"(i) alcohol and drug abuse;

"(ii) sexually transmitted diseases including HIV/AIDS infection; and

"(iii) physical and sexual assault.

"ELIGIBILITY

"SEC. 326. (a) PLAN AND AGREEMENT.—To be eligible for assistance under this part, an applicant shall propose to establish, strengthen, or fund a street-based services project and shall submit to the Secretary a plan in which the applicant agrees, as part of the project—

"(1) to identify and frequent areas in which runaway youth, homeless youth, and other street youth congregate, making contact and forming relationships with such youth;

"(2) to assess the problems and service needs of such youth and provide appropriate services or information and referral for these services;

"(3) to cause its staff to work in teams with on-street supervision or backup and off-street clinical supervision;

"(4) to cause its staff to—

"(A) develop referral relationships with agencies and organizations, including law enforcement, education, social service, vocational services, training, public welfare, legal assistance, and health and mental health care organizations; and

"(B) help integrate and coordinate such services for youth;

"(5) to submit to the Secretary an annual report that includes information regarding—

"(A) the activities carried out with funds under this part;

"(B) the achievements of the project under this part carried out by the applicant; and

"(C) statistical summaries describing the number and the characteristics of the youth who participated in the project in the year for which the report is submitted;

"(6) to implement such accounting procedures and fiscal control devices as the Secretary may require;

"(7) to submit to the Secretary an annual budget that estimates the itemized costs to be incurred in the year for which the applicant requests a grant under this part;

"(8) to keep adequate statistical records profiling the youth that it serves and not to disclose the identity of individual runaway youth, homeless youth, or other street youth in reports or other documents based on such statistical records;

"(9) not to disclose records maintained on individual runaway youth, homeless youth, or other street youth without the consent of the individual youth to anyone; and

"(10) to provide to the Secretary such other information as the Secretary may reasonably require.

"(b) PRIORITY.—In selecting eligible applicants to receive grants under this part, the Secretary shall give priority to entities that have experience in providing direct services to runaway youth, homeless youth, or other street youth.

"PART D—COORDINATING ACTIVITIES

"GRANTS FOR TECHNICAL ASSISTANCE AND TRAINING

"SEC. 335. The Secretary shall make grants to State, regional and other nonprofit organizations and combinations of such organizations to provide technical assistance and training to eligible groups for the purpose of establishing and improving the operation of programs for runaway youth, homeless youth, and other street youth.

"GRANTS FOR RESEARCH, DEMONSTRATION, AND SERVICE PROJECTS

"SEC. 336. (a) IN GENERAL.—The Secretary may make grants to States, localities, and private entities (and combinations of such entities) to carry out research, demonstration, and service projects designed to increase knowledge concerning, and to improve services for, runaway youth, homeless youth, and other street youth.

"(b) SPECIAL CONSIDERATION.—In selecting among applications for grants under subsection (a), the Secretary shall give special consideration to proposed projects relating to—

"(1) youth who repeatedly leave and remain away from their homes;

"(2) outreach to runaway youth, homeless youth, and other street youth;

"(3) skill-based HIV/AIDS prevention training for runaway and homeless youth and training for staff to work with such youth;

"(4) increasing access to health and mental health care and services for runaway and homeless youth;

"(5) increasing access to education for runaway and homeless youth;

"(6) staff training in—

"(A) the behavioral and emotional effects of sexual abuse and assault;

"(B) responding to youth who are showing effects of sexual abuse and assault; and

"(C) agency-wide strategies for working with runaway and homeless youth who have been sexually victimized;

"(7) transportation of runaway and homeless youth, and other street youth in connection with services authorized to be provided under this part;

"(8) the special needs of runaway and homeless youth in rural areas;

"(9) the special needs of family host home programs for runaway youth, homeless youth, and other street youth;

"(10) transitional living programs for homeless youth; and

"(11) innovative methods of developing resources that enhance the establishment or operation of runaway youth, homeless youth, or other street youth centers.

"(c) PRIORITY.—In selecting among applicants for grants under subsection (a), the Secretary shall give priority to applicants that have knowledge of or experience in working with runaway and homeless youth.

"COORDINATION OF ACTIVITIES

"SEC. 337. With respect to matters relating to health, education, employment, and housing, the Secretary shall coordinate the activities of health agencies in the Department of Health and Human Services with the activities of other divisions of that department and other public and private entities and encourage coordination with other departments.".

(h) REPORTS.—Section 361 of the Juvenile Justice and Delinquency Act of 1974 (42 U.S.C. 5715) is amended—

(1) in subsection (a)—

(A) by inserting ", activities," after "status";

(B) by striking "part A," and inserting "parts A, B, C, D, and E,"; and

(2) in subsection (b)—

(A) by striking "and" at the end of paragraph (5);

(B) by striking the period at the end of paragraph (6) and inserting "; and"; and

(C) by adding at the end the following new paragraph:

"(7) plans for the next fiscal year.".

(i) AUTHORIZATION OF APPROPRIATIONS.—Section 366 of the Juvenile Justice and Delinquency Act of 1974 (42 U.S.C. 5751) is amended—

(1) in subsection (a)—

(A) in paragraph (1) by striking "of this title there are authorized to be appropriated such sums as may be necessary for fiscal years 1989, 1990, 1991, and 1992" and inserting "such sums as are necessary for fiscal year 1993 and such sums as are necessary for fiscal years 1994, 1995, and 1996"; and

(B) by adding at the end the following new paragraphs:

"(3) In the use of funds appropriated under paragraph (10) that are in excess of $38,000,000 but less than $42,600,000, priority shall be given to awarding enhancement grants to programs (with priority to programs that receive grants of less than $85,000) if the appropriation were equal to or less than $38,000,000, for the purpose of allowing such programs to achieve higher performance standards, including—

"(A) increasing and retaining trained staff;

"(B) strengthening family reunification efforts;

"(C) improving aftercare services;

"(D) fostering better coordination of services with public and private entities;

"(E) providing comprehensive services, including health care, education, prevention and crisis intervention, and vocational services; and

"(F) improving data collection efforts.

"(4) In the use of funds appropriated under paragraph (1) that are in excess of $42,599,999—

"(A) 50 percent shall be targeted at developing new programs in unserved or underserved communities; and

"(B) 50 percent shall be targeted at program enhancement activities described in paragraph (3).";

(2) in subsection (b)(1) by striking "of this title, there are authorized to be appropriated such sums as are necessary for fiscal year 1989 and such sums as may be necessary for each of the fiscal years 1990, 1991, and 1992" and inserting "there are authorized to be appropriated such sums as are necessary for fiscal year 1993 and such sums as are necessary for fiscal years 1994, 1995, and 1996.";

(3) by redesignating subsections (c) and (d) as subsections (e) and (f), respectively; and

(4) by inserting after subsection (b) the following new subsection:

"(c) There are authorized to be appropriated to carry out part C such sums as are necessary for fiscal year 1993 and such sums as are necessary for fiscal years 1994, 1995, and 1996.".

SEC. 4. MISSING CHILDREN.

Section 407 of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5777) is amended by striking "fiscal years 1989, 1990, 1991, and 1992" and inserting "fiscal year 1993".

SEC. 5. INCENTIVE GRANTS FOR LOCAL DELINQUENCY PREVENTION PROGRAMS.

(a) ESTABLISHMENT OF PROGRAM.—The Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5601 et seq.) is amended by adding at the end the following new title:

"TITLE V—INCENTIVE GRANTS FOR LOCAL DELINQUENCY PREVENTION PROGRAMS

"SEC. 501. SHORT TITLE.

"This title may be cited as the 'Incentive Grants for Local Delinquency Prevention Programs Act'.

"SEC. 502. FINDINGS.

"The Congress finds that—

"(1) approximately 700,000 youth enter the juvenile justice system every year;

"(2) Federal, State, and local governments spend close to $2,000,000,000 a year confining many of those youth;

"(3) it is more effective in both human and fiscal terms to prevent delinquency than to attempt to control or change it after the fact;

"(4) half or more of all States are unable to spend any juvenile justice formula grant funds on delinquency prevention because of other priorities;

"(5) few Federal resources are dedicated to delinquency prevention; and

"(6) Federal incentives are needed to assist States and local communities in mobilizing delinquency prevention policies and programs.

"SEC. 503. DEFINITION.

"In this title, the term 'State advisory group' means the advisory group appointed by the chief executive officer of a State under a plan described in section 223(a).

"SEC. 504. DUTIES AND FUNCTIONS OF THE COMMISSION.

"The Commission shall—

"(1) issue such rules as are necessary or appropriate to carry out this title;

"(2) make such arrangements as are necessary and appropriate to facilitate coordination and policy development among all activities funded through the Department of Justice relating to delinquency prevention (including the preparation of an annual comprehensive plan for facilitating such coordination and policy development);

"(3) provide adequate staff and resources necessary to properly carry out this title; and

"(4) not later than 180 days after the end of each fiscal year, submit a report to the Chairman of the Committee on Education and Labor of the House of Representatives and the Chairman of the Committee on the Judiciary of the Senate—

"(A) describing activities and accomplishments of grant activities funded under this title;

"(B) describing procedures followed to disseminate grant activity products and research findings;

"(C) describing activities conducted to develop policy and to coordinate Federal agency and interagency efforts related to delinquency prevention; and

"(D) identifying successful approaches and making recommendations for future activities to be conducted under this title.

"SEC. 505. GRANTS FOR PREVENTION PROGRAMS.

"(a) PURPOSES.—The Commission may make grants to a State, to be transmitted through the State advisory group to units of general local government that meet the requirements of subsection (b), for delinquency prevention programs and activities for youth who have had contact with the juvenile justice system or who are likely to have contact with the juvenile justice system, including the provision to children, youth, and families of—

"(1) recreation services;

"(2) tutoring and remedial education;

"(3) assistance in the development of work awareness skills;

"(4) child and adolescent health and mental health services;

"(5) alcohol and substance abuse prevention services; and

"(6) leadership development activities.

"(b) ELIGIBILITY.—The requirements of this subsection are met with respect to a unit of general local government if—

"(1) the unit is in compliance with the requirements of part B of title II;

"(2) the unit has submitted to the State advisory group a 3-year plan outlining the unit's local front end investment plan for delinquency prevention and early intervention activities;

"(3) the unit has included in its application to the Commission for formula grant funds a summary of the 3-year plan described in paragraph (2);

"(4) pursuant to its 3-year plan, the unit has appointed a local policy board of no fewer than 15 and no more than 21 members with balanced representation of public agencies and private, nonprofit organizations serving children, youth, and families and business and industry;

"(5) the local policy board is empowered to make all recommendations for distribution of funds and evaluation of activities funded under this title; and

"(6) the unit or State has agreed to provide a 100 percent match of the amount of the grant, including the value of in-kind contributions, to fund the activity.

"(c) PRIORITY.—In considering grant applications under this section, the Commission shall give priority to applicants that demonstrate ability in—

"(1) plans for service and agency coordination and collaboration including the colocation of services;

"(2) innovative ways to involve the private nonprofit and business sector in delinquency prevention activities; and

"(3) developing or enhancing a statewide subsidy program to local governments that is dedicated to early intervention and delinquency prevention.

"SEC. 506. AUTHORIZATION OF APPROPRIATIONS.

"To carry out this title, there are authorized to be appropriated $30,000,000 for fiscal year 1993 and such sums as are necessary for fiscal years 1994, 1995, and 1996.".

(b) STUDY.—After the program established by subsection (a) has been funded for two years, the General Accounting Office shall prepare and submit to Congress a study of the effects of the program in encouraging States and units of general local government to comply with the requirements of part B of title II.

SEC. 6. JUSTICE FOR ABUSED AND NEGLECTED CHILDREN.

The Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5601 et seq.), as amended by section 4, is amended by adding at the end the following new title:

"TITLE VI—JUSTICE FOR ABUSED AND NEGLECTED CHILDREN

"SEC. 601. SHORT TITLE.

"This title may be cited as the 'Justice System Enhancement for Abused and Neglected Children Act.'

"SEC. 602. FINDINGS.

"The Congress finds that—

"(1) every day in this country children are involved in the civil and criminal justice systems as a result of their being severely beaten, seriously neglected, sexually assaulted or tortured;

"(2) many of these severely maltreated children grow up fearful, emotionally disabled, self-destructive, and violent, and as a result of their early childhood experiences they often become involved in juvenile delinquency and later in adult crime;

"(3) many of these severely maltreated children, if their cases are not appropriately addressed by civil and criminal justice systems, are likely to become the clients of costly juvenile delinquency programs;

"(4) reports of suspected child abuse and neglect in the United States have steadily increased over the past 20 years, reaching an all time high of some $2,700,000 in 1991;

"(5) at least 4 children per day are killed as a result of abuse or neglect and the response by civil and criminal justice system professionals to their deaths has been inadequate;

"(6) both our civil justice system and our criminal justice system are faced with the critical task of resolving a multitude of legal and service provision issues related to the handling of child abuse and neglect cases;

"(7) judges, counsel for children, criminal prosecutors, counsel for parents, counsel for child protective agencies, city and county attorneys, attorneys general, and guardians ad litem for children need assistance in facing the greatly increased levels and greater complexity of child abuse and neglect cases that enter the court system; and

"(8) research, training, technical assistance, and demonstration projects are needed to enhance the response of civil and criminal justice practitioners and systems to cases involving child abuse and neglect.

"SEC. 603. PURPOSE.

"It is the purpose of this title—

"(1) to supplement, and in no way supplant, the existing priorities of this Act as expressed in titles I and II, as they affect the responsibilities of the Administrator;

"(2) to bring about major institutional changes in the civil and criminal justice systems' handling of child abuse and neglect cases;

"(3) to mobilize the Department of Justice in a major effort to help ensure that the large numbers of civil and criminal child abuse and neglect cases that are coming before our court systems are promptly and fairly resolved;

"(4) to provide new resources to help in child abuse and neglect case-related training of justice system professionals and the development of specialized judicial procedures sensitive to the needs of children and families while protective of the constitutional rights of those accused of child maltreatment;

"(5) to encourage court systems to provide those trial courts involved with the hearing of child abuse and neglect cases with the status, funding, and judicial personnel befitting these most important of tribunals; and

"(6) to help ensure that every civil child protection-related judicial proceeding has competent legal representation provided to the child, the parents, and the child protective agency at all stages of the proceeding, and that prosecution and defense counsel in criminal child maltreatment cases are adequately prepared for their involvement in these difficult cases.

"SEC. 604. IMPLEMENTATION.

"It is the intent of the Congress that—

"(1) this title supplement, and in no way supplant, the existing priorities of this Act as expressed in titles I and II, both in terms of funding and in terms of administrative attention from the Department of Justice; and

"(2) this title takes effect only when the appropriations for title II have remained level with, or exceeded, those of fiscal year 1992.

"SEC. 605. DEFINITIONS.

"For the purpose of this title—

"(1) the term 'Administrator' means the Administrator of the Office of Juvenile Justice and Delinquency Prevention;

"(2) the term 'civil justice system' includes all judges, providers of court-related services, attorneys, and guardians ad litem involved in civil child abuse and neglect judicial cases, such as proceedings in which a State or county is seeking to protect children through a juvenile or family court action, civil cases involving child abuse or neglect heard in a court of general trial jurisdiction, cases involving allegations of child abuse and neglect that arise in domestic relations proceedings involving child custody or visitation actions, court-related alternative dispute resolution mechanisms designed to avoid unnecessary protracted litigation in child abuse and neglect cases, domestic violence cases in which protective parents are seeking court orders to keep batterers or molesters of their children away from their homes, and the involvement of State appellate courts with any of these matters; and

"(3) the term 'criminal justice system' includes all judges, providers of court-related services, and attorneys involved in felony or misdemeanor cases arising out of acts of child abuse and neglect.

"SEC. 606. DUTIES AND FUNCTIONS OF THE ADMINISTRATOR.

"The Administrator shall—

"(1) issue such rules as are necessary or appropriate to carry out this title, but do so without in any way diminishing the staff or resources necessary to effectively carry out the responsibilities described in title II;

"(2) make such arrangements, without in any way diminishing the staff or resources necessary to effectively carry out the responsibilities described in title II, as may be necessary and appropriate to facilitate coordination and policy development among all civil and criminal justice system improvement activities funded through the Department of Justice, as well as with other Federal agencies (including the Inter-Agency Task Force on Child Abuse and Neglect), relating to abused and neglected children (including the preparation of an annual comprehensive plan for facilitating such coordination and policy development); and

"(3) provide adequate staff and agency resources necessary to properly carry out the responsibilities pursuant to this title, but without in any way diminishing the staff or resources necessary to effectively carry out the responsibilities described in title II.

"SEC. 607. GRANTS FOR RESEARCH, DEMONSTRATION, AND PERMANENT SYSTEM ENHANCEMENT PROGRAMS.

"(a) PURPOSES.—The Administrator may make grants to and enter into contracts with public agencies or private nonprofit organizations, or combinations thereof, for research or demonstration and system improvement projects designed to—

"(1) identify effective approaches to the handling of child abuse and neglect cases in the criminal justice system so that those approaches can serve as models to other jurisdictions;

"(2) identify effective approaches to the handling of child abuse and neglect cases in the civil justice system so that those approaches can serve as models to other jurisdictions;

"(3) research issues concerning the legal system's response as a whole, to child abuse and neglect so that research results can form a basis for improving the administration of justice;

"(4) improve the response of the criminal justice system to the special needs and sensitivities of children who have been abused or neglected;

"(5) improve the response of the civil justice system to the special needs and sensitivities of children who have been abused or neglected;

"(6) enhance coordination between the civil and criminal justice systems in child abuse and neglect cases, as well as coordination between these systems and the social services, mental health, health, and education systems that are also involved in child abuse and neglect cases; and

"(7) enhance the availability of, and access to, child abuse and neglect prevention and treatment services for child victims, their family members, and the perpetrators in child abuse and neglect cases, with special emphasis on diagnostic services for alleged victims and perpetrators as well as treatment programs for child abuse offenders (both adult and juvenile) who are incarcerated or are serving terms of probation or parole.

"(b) PRIORITY.—In considering grant applications under this section, the Assistant Attorney General shall give priority to applicants that demonstrate ability in—

"(1) conducting research and disseminating findings with respect to civil and criminal justice system cases involving child abuse, child neglect, or child maltreatment-related fatalities;

"(2) developing model approaches for responding to civil or criminal justice system cases involving child abuse, child neglect, or child maltreatment-related fatalities; and

"(3) coordinating civil or criminal justice system responses to cases involving child abuse, child neglect, or child maltreatment-related fatalities.

"(c) ADEQUATE FOCUS.—In considering grant and contract applications under this section, the Administrator shall also endeavor to ensure that cases of child abuse and neglect in family settings, in the community, and within residential institutions are all given an adequate focus.

"SEC. 608. GRANTS FOR TRAINING AND TECHNICAL ASSISTANCE.

"(a) PURPOSES.—The Administrator may make grants and enter into contracts with public agencies or private nonprofit organizations, or combinations thereof, for training, technical assistance, and service programs designed to—

"(1) educate prosecutors and defense attorneys in the criminal justice system about the experiences of children who are abused or neglected, and their families, and to improve legal skills and responses in handling child abuse and neglect cases;

"(2) educate judges in the civil and criminal justice system about the experiences of children who are abused or neglected and their families and improve judicial skills and responses in handling child abuse and neglect cases; and

"(3) educate practitioners in the civil justice system—including guardians ad litem, counsel for children and parents, and attorneys representing child protective service agencies—about the experiences of children who are abused and neglected and their families and to improve those practitioners' skills and responses in handling civil child abuse and neglect cases, including their awareness of the rights and responsibilities of parents.

"(b) PRIORITY.—In considering grant applications under this section, the Administrator shall give priority to applicants that demonstrate ability in—

"(1) providing training or technical assistance related to child abuse, child neglect, or child maltreatment-related fatalities to one or more of—

"(A) prosecutors;

"(B) defense attorneys;

"(C) judges;

"(D) counsel for children and guardians ad litem;

"(E) counsel for parents; and

"(F) counsel for child protective agencies; and

"(2) coordinating criminal or civil justice system responses to cases involving child abuse, child neglect, or child maltreatment-related fatalities.

"SEC. 609. CRITERIA FOR GRANTS.

"(a) IN GENERAL.—In carrying out the programs under this title, the Administrator shall establish—

"(1) annual research, demonstration, service enhancement priorities for making grants and contracts pursuant to section 607; and

"(2) criteria based on merit for making such grants and contracts.

"(b) NOTICE AND COMMENT.—Not less than 60 days before establishing priorities and criteria under subsection (a), the Administrator shall publish in the Federal Register for public comment a statement of such proposed priorities and criteria.

"SEC. 610. AUTHORIZATION OF APPROPRIATIONS.

"To carry out this title, there are authorized to be appropriated $20,000,000 for fiscal year 1993 and such sums as are necessary for fiscal years 1994, 1995, and 1996.".

By Mr. CRANSTON (for himself, Mr. SPECTER, Mr. DECONCINI, Mr. GRAHAM, Mr. AKAKA, Mr. DASCHLE, Mr. SIMPSON, Mr. THURMOND, Mr. MURKOWSKI, Mr. JEFFORDS, Mr. BOREN, Mr. BRYAN, Mr. CONRAD, Mr. DIXON, Mr. GLENN, Mr. HEFLIN, Mr. METZENBAUM, Mr. REID, Mr. SARBANES, Mr. SHELBY, Mr. WELLSTONE, Mr. BURNS, Mr. COHEN, Mr. D'AMATO, Mr. KASTEN, Mr. MACK, and Mr. SEYMOUR):

S.J. Res. 309. A joint resolution designating the week beginning November 8, 1992, as "National Women Veterans Recognition Week"; to the Committee on the Judiciary.

NATIONAL WOMEN VETERANS RECOGNITION WEEK

• Mr. CRANSTON. Mr. President as chairman of the Committee on Veterans' Affairs, I am pleased to introduce, along with Senators SPECTER, DECONCINI, GRAHAM, AKAKA, DASCHLE, SIMPSON, THURMOND, MURKOWSKI, JEFFORDS, BOREN, BRYAN, CONRAD, DIXON, GLENN, HEFLIN, METZENBAUM, REID, SARBANES, SHELBY, WELLSTONE, BURNS, COHEN, D'AMATO, KASTEN, MACK, and SEYMOUR, a joint resolution designating the week of November 8–14, 1992, as National Women Veterans Recognition Week. Representative BILIRAKIS plans to introduce a companion House joint resolution in the House of Representatives in the near future.

Because of my commitment to women veterans, for the past 8 years I have sponsored legislation designating a week near Veterans Day as National Women Veterans Recognition Week. I am proud to have sponsored this legislation for so many years and am gratified by the strong support it has received from my colleagues in the Senate.

This year is of particular significance for women veterans as it marks the 50th anniversary of the establishment of the Women's Army Auxiliary Corps/Women's Army Corps [WAAC/WAC], Women Accepted for Voluntary Emergency Service [WAVES], Women Airforce Service Pilots [WASP], and Women's Reserve of the Coast Guard [SPAR]. The 400,000 American women who served in these organizations, together with the women marines, which was established in 1943, made courageous and selfless contributions to our Nation's efforts in World War II.

Women veterans comprise approximately 4.6 percent of the total veteran population, a percentage that is growing as the percentage of military personnel who are women, now 12 percent, continues to rise. These women, who served with honor, skill, and dedication, are a group of veterans who have too often been underestimated, forgotten, or ignored. We must reverse this perception and recognize the historical and growing contributions of women veterans to our national defense. As demonstrated last year by the more than 30,000 who have served in the Persian Gulf region, women are performing a wide range of tasks vital to the Armed Forces and are clearly an integral part of the All-Volunteer Force.

Reductions in the size of the military will result in a significant increase in the number of veterans—both men and women. Various transition assistance programs have been established to ensure that these veterans receive information about the various benefits and services to which they may be entitled, such as health care, disability compensation, vocational rehabilitation, education, employment assistance, and home loan guaranties. However, many women veterans of earlier conflicts are unaware of the benefits and services available to them and often do not apply for them. This lack of awareness has had serious ramifications for VA health care.

With relatively few women veterans seeking treatment at VA health-care facilities, VA was slow to remodel its facilities and provide appropriate services to meet the gender-specific healthcare needs of women veterans. The General Accounting Office recently completed, at my request, a review of women veterans' access to VA health-care services and the quality of the services furnished to them. The review revealed that, although VA has made important advances in addressing the health-care needs and concerns of women veterans, more needs to be done, especially with respect to outreach efforts to new women veterans.

The principal goals of designating a week to recognize and honor women veterans are twofold: To increase the public's awareness of the accomplishments of women in the Armed Forces and to make women veterans more aware of the many benefits available to them because of their service.

Mr. President, our resolution designating the week of November 8 as National Women Veterans Recognition Week will continue the momentum built over the last 8 years to call attention to this important but often overlooked group of veterans. I urge my colleagues to join me in supporting this resolution of vital significance to these women to whom we owe our gratitude and admiration.

Mr. President, I ask unanimous consent that the text of the resolution be printed in the RECORD.

There being no objection, the joint resolution was ordered to be printed in the RECORD, as follows:

S.J. RES. 309

Whereas 1992 marks the 50th anniversary of the establishment of the Women's Army Auxiliary Corps, the Women Accepted for Voluntary Emergency Service, the Women Air Force Service Pilots, and the Women's Reserve of the Coast Guard, in which more than 400,000 women served during World War II;

Whereas there are more than 1,200,000 women veterans in the United States representing 4.6 percent of the total veteran population;

Whereas the number of women serving in the United States Armed Forces and the number of women veterans continue to increase;

Whereas women veterans have contributed greatly to the security of the United States through honorable military service, often involving great hardship and danger;

Whereas women are performing a wide range of tasks in the United States Armed Forces, as demonstrated by the participation of women in the military actions taken in Panama and the Persian Gulf region;

Whereas the special needs of women veterans, especially in the area of health care, have often been overlooked or inadequately addressed by the Federal Government;

Whereas the lack of attention to the special needs of women veterans has discouraged or prevented many women veterans from taking full advantage of the benefits and services to which they are entitled; and

Whereas designating a week to recognize women veterans will help both to promote important gains made by women veterans and to focus attention on the special needs of women veterans: Now therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the week beginning November 8, 1992, is designated as "National Women Veterans Recognition Week", and the President is authorized and requested to issue a proclamation calling upon the people of the United States to observe that week with appropriate ceremonies and activities.•

• Mr. SPECTER. Mr. President, as ranking Republican member of the Senate Veterans' Affairs Committee I am pleased to be an original cosponsor of the resolution designating the week beginning November 8, 1992, as "National Women Veterans Recognition Week" and strongly encourage my colleagues to add their support.

Since the founding of our Republic, women have honorably and proudly served in our armed services. Each succeeding generation of women has contributed in large measure to the preservation of our Nation's democracy and freedom. Women were veterans at Yorktown, Chattanooga, and Bull Run. They survived the epidemics and trenches of Europe and the Bataan Death March of World War II, the elements of weather and battle in Korea, and the prolonged agonies of an unpopular war in Vietnam. Similarly, women served with distinction in Grenada and Panama.

Mr. President, we have only recently witnessed the dramatic contribution of women in the armed services in the Persian Gulf war, as some 33,000 women were deployed. These women served in key combat-support positions. Women in the military participated in the initial invasion into Kuwait and Iraq. They were assigned to several key combat-support positions: They piloted and crewed planes and helicopters, drove trucks, ran prisoner-of-war facilities, served on repair ships, and built the infrastructure in construction battalions. Several were held as prisoners of war.

Since 1973, when the male draft ended and the All-Volunteer Force began, the percentage of women among our Armed Forces has increased dramatically, from 1.6 percent in 1973, to 8.5 percent in 1980, to 10.8 percent in 1989. Presently, the 233,000 women in uniform constitute 11 percent of our Active Forces, while 155,000—13 percent—serve in our Ready Reserve. What is most impressive is that less than 20 years ago, women comprised less than 2 percent of America's Armed Forces. Further, women veterans are currently the fastest growing segment of the veteran population: Our 1.2 million women veterans comprise 4.6 percent of the total veteran population. By the year 2000, that percentage will increase to 5.3 percent.

Yet, Mr. President, women veterans remain a significant minority seeking services in a system with little experience in dealing with the unique needs of women. My assertion is supported in a recent report by the General Accounting Office [GAO] entitled, "VA Health Care For Women: Despite Progress, Improvements Needed," wherein the GAO reported that there are remaining barriers that restrict women veterans' access to health care.

Therefore, it is imperative that the Department of Veterans Affairs continue to work toward: First increasing and improving outreach efforts to all women veterans and educate them regarding both their eligibility of services and the availability of VA services; second, effectively implementing plans to ensure that women veterans receive appropriate clinical services, including physical and mental health care; and third, developing clinical, educational, and research initiatives that focus on the health care needs of women veterans.

Mr. President, I urge my colleagues to cosponsor this resolution designating the week of November 8, 1992, as "National Women Veterans Recognition Week" and thereby pay tribute to the courageous, steadfast, and selfless service of our Nation's 1.2 million women veterans.•

By Mr. DECONCINI (for himself, Mr. GRASSLEY, Mr. ADAMS, Mr. AKAKA, Mr. BIDEN, Mr. BOREN, Mr. BRADLEY, Mr. BROWN, Mr. BRYAN, Mr. BUMPERS, Mr. BURDICK, Mr. BURNS, Mr. CHAFEE, Mr. COATS, Mr. COCHRAN, Mr. COHEN, Mr. CONRAD, Mr. CRANSTON, Mr. D'AMATO, Mr. DIXON, Mr. DODD, Mr. DOLE, Mr. FOWLER, Mr. GLENN, Mr. GORE, Mr. GRAHAM, Mr. HATCH, Mr. HEFLIN, Mr. HOLLINGS, Mr. INOUYE, Mr. JEFFORDS, Mr. JOHNSTON, Mr. KENNEDY, Mr. KERRY, Mr. KOHL, Mr. LAUTENBERG, Mr. LIEBERMAN, Mr. MACK, Mr. METZENBAUM, Ms. MIKULSKI, Mr. MITCHELL, Mr. MOYNIHAN, Mr. MURKOWSKI, Mr. NUNN, Mr. PELL, Mr. PRESSLER, Mr. REID, Mr. ROBB, Mr. ROCKEFELLER, Mr. ROTH, Mr. SARBANES, Mr. SIMON, Mr. SPECTER, Mr. THURMOND, Mr. WARNER, and Mr. WELLSTONE):

S.J. Res. 310. Joint resolution to designate August 1, 1992, as "Helsinki Human Rights Day"; to the Committee on the Judiciary.

HELSINKI HUMAN RIGHTS DAY

• Mr. DECONCINI. Mr. President, as Cochairman of the Commission on Security and Cooperation in Europe, also known as the Helsinki Commission, I am pleased to introduce today, together with a majority of my colleagues, a joint resolution to authorize and request the President to designate August 1, 1992, as "Helsinki Human Rights Day."

On August 1, 1975, the leaders of 35 countries gathered in Helsinki to sign the Final Act of the Conference on Security and Cooperation in Europe [CSCE], also referred to as the Helsinki accords. This agreement launched a dynamic process which has contributed to the positive changes which have occurred in Europe in recent years. The Final Act, the seminal document of this process, covers major aspects of East-West relations, including military security, trade, economic cooperation, environment, scientific and cultural exchanges, as well as human rights and fundamental freedoms.

Membership in CSCE has grown significantly in light of sweeping political developments in Europe, including the demise of the Soviet Union and Yugoslavia. Today, 52 countries are participants in the CSCE process—50 Eurasian states, Canada, and the United States.

Human rights is the cornerstone of the CSCE process. The participating States have recognized that human rights and fundamental freedoms are the birthright of all human beings and that the protection and promotion of these rights is the first responsibility of government. The CSCE remains firmly committed to human rights, democracy, and the rule of law, and has encouraged peaceful change through free and fair elections.

Over the years, the CSCE has inspired individuals and groups to speak out on behalf of those denied their human rights. It has also served as a useful forum in which individual human rights cases could be raised. Hundreds of political prisoners have been released and thousands of families reunited as a result of pressure brought to bear within the framework of the Helsinki process. It has also been successful in chipping away at the barriers which artificially divided Europe for decades. We can be proud of our record of strong support for the CSCE.

Today, Europe is attempting to liberate itself from the legacy of the past, though problems persist. Of particular concern is the threat posed by ethnic strife in Nagorno-Karabakh, Moldova, the former Yugoslav Republics, and elsewhere. The CSCE can play an instrumental role in addressing this issue and others which have serious consequences for the future of Europe. In addition, it can further contribute to the political and economic transition taking place in East-Central Europe and the newly independent countries of the former Soviet Union.

The resolution we introduce today reaffirms our commitment to the Helsinki Accords and the vital importance of respect for human rights and fundamental freedoms in advancing security and cooperation in Europe.

Mr. President, I urge my colleagues to support the timely adoption of this resolution and ask unanimous consent that the text of the resolution be printed in the RECORD.

There being no objection, the joint resolution was ordered to be printed in the RECORD, as follows:

S.J. RES. 310

Whereas August 1, 1992, is the seventeenth anniversary of the signing of the Final Act of the Conference on Security and Cooperation in Europe (CSCE) (hereafter in this preamble referred to as the "Helsinki accords");

Whereas the Helsinki accords were agreed to by the Governments of Albania, Armenia, Austria, Azerbaijan, Belgium, Bosnia-Hezegovina, Bulgaria, Byelarus, Canada, Croatia, Cyprus, Czech and Slovak Federal Republic, Denmark, Estonia, Finland, France, Georgia, Germany, Greece, the Holy See, Hungary, Iceland, Ireland, Italy, Kazakhstan, Kyrgyzstan, Latvia, Liechtenstein, Lithuania, Luxembourg, Malta, Moldova, Monaco, the Netherlands, Norway, Poland, Portugal, Romania, Russia, San Marino, Slovenia, Spain, Sweden, Switzerland, Tajikistan, Turkey, Turkmenistan, Ukraine, the United Kingdom, the United States of America, Uzbekistan, and Yugoslavia;

Whereas the Helsinki accords express the commitment of the participating States to "respect human rights and fundamental freedoms, including the freedom of thought, conscience, religion or belief, for all without distinction as to race, sex, language or religion";

Whereas the participating States have committed themselves to "ensure that their laws, regulations, practices and policies conform with their obligations under international law and are brought into harmony with the provisions of the Declaration of Principles and other CSCE commitments";

Whereas the participating States have committed themselves to "respect the equal rights of peoples and their right to self-determination, acting at all times in conformity with the purposes and principles of the Charter of the United Nations and with the relevant norms of international law, including those relating to territorial integrity of States";

Whereas the Conference on Security and Cooperation in Europe provides an excellent framework for the further development of genuine security and cooperation among the participating States; and

Whereas despite significant improvements, all participating States have not yet fully implemented their obligations under the Helsinki accords: Now, therefore, be it

Resolved by the Senate and the House of Representatives of the United States of America in Congress assembled, That—

(1) August 1, 1992, the seventeenth anniversary of the signing of the Final Act of the Conference on Security and Cooperation in Europe (hereinafter referred to as the "Helsinki accords") is designated as "Helsinki Human Rights Day";

(2) the President is authorized and requested to issue a proclamation reasserting the American commitment to full implementation of the human rights and humanitarian provisions of the Helsinki accords, urging all signatory States to abide by their obligations under the Helsinki accords, and encouraging the people of the United States to join the President and Congress in observance of Helsinki Human Rights Day with appropriate programs, ceremonies, and activities;

(3) the President is further requested to continue his efforts to achieve full implementation of the human rights and humanitarian provisions of the Helsinki accords by raising the issue of noncompliance on the part of any signatory State which may be in violation;

(4) the President is further requested to convey to all signatories of the Helsinki accords that respect for human rights and fundamental freedoms continues to be a vital element of further progress in the ongoing Helsinki process; and

(5) the President is further requested, in view of the considerable progress made to date, to develop new proposals to advance the human rights objectives of the Helsinki process, and in so doing to address the major problems that remain.

SEC. 2. The Secretary of State is directed to transmit copies of this joint resolution to the Ambassadors or representatives to the United States of the other fifty-one Helsinki signatory States.●

● Mr. D'AMATO. Mr. President, I rise today to express my strong support for the proposal to designate August 1, 1992, as Helsinki Human Rights Day. I ask my colleagues to join with me in unanimously approving this resolution to once again demonstrate the U.S. principled and determined support for the cause of human rights, the principles of the Helsinki accords, and the Conference on Security and Cooperation in Europe.

Many of us may have thought that the need to emphasize the human rights provisions of the Helsinki accords and subsequent documents lessened with the fall of the Berlin Wall and the collapse of the totalitarian Communist regimes that dominated Eastern Europe since the end of World War II and central Eurasia since 1917. Newspaper headlines and video images from what used to be Yugoslavia and from Armenia and Azerbaijan have shocked us all and dispelled that perception.

In fact, the battle of Sarajevo and the continued combat in Nagorno-Karabakh have thrown into our faces scenes of ethnic conflict in Europe we have not seen since World War II. Once again, we see images of massacred civilians, their bodies tumbled together in ditches and fields. Their only crime was living in the wrong place and trusting in the goodwill of their neighbors.

Far from lessening the need to press the cause of human rights through the Helsinki process, the fall of the Wall and totalitarian Communist regimes has loosened forces of nationalism, ethnic and religious hatred, and territorial aggression that had been contained and suppressed, producing human rights violation in Europe never seen since Helinski accords were signed on August 1, 1975. I have been a Helsinki Commissioner, Chairman of the Commission during the 99th Congress, and ranking Senate minority Commissioner since 1987. I have never seen situations in the area covered by the Helsinki accords that are as heart-rending and tragic as those we now witness.

I want to commend the Helsinki Commission's distinguished current Chairman, the Honorable STENY H. HOYER, Member of Congress from Maryland, and my colleague, the Commission's equally distinguished current co-chairman, Senator DENNIS DECONCINI, for their selfless and dedicated efforts to advance the Helsinki process and especially to address the true emergency that exists because of these bitter ethnic conflicts. My friends have devoted substantial time and energy to this effort. This is normal for them and for my other friends and colleagues on the Commission—they deeply believe in the Helsinki process and they make personal sacrifices for the cause of human rights.

The Helsinki Commission, the U.S. legislative branch independent agency charged with oversight of the Helsinki process with an emphasis on its human rights provisions, has made a major effort with regard to these ethnic conflicts. While the Commission has no executive authority and does not make U.S. policy, it can and does hold hearings at which both U.S. officials and prominent leaders from these troubled areas have testified. Commissioners travel to affected areas and meet with those immediately affected by the conflicts.

The Commission's efforts make clear the unique and historic role the Commission plays in the Helsinki process. The Commission led when there was widespread doubt about the significance and utility of the accords' human rights provisions. The Commission supported and encouraged direct confrontation of totalitarian Communist regimes in the diplomatic fora provided by the Helsinki process over their human rights violations.

The totalitarian Communist regimes never thought our human rights concerns were valid and used every tactic to empty the human rights provisions of the Helsinki Final Act of meaning and effect. They failed.

In fact, after the Wall fell, many of the very people who were active in human rights efforts under the banner of the Helsinki process in these countries, and who were persecuted and harassed as a result, became the leaders of the new democratic governments of the Baltics, the individual Republics of the former Soviet Union, and Eastern Europe. These independent nations are now charting their own course. It has become clear that the ideals and principles embodied in the Helsinki accords formed part of the moral foundation for popular rejection of these Communist regimes.

Now, the Commission and the States participating in the Helsinki process face a grave and different challenge. Before, we were working with well-established governments in generally firm control over everything that happened on their territory. If a citizen's human rights were violated, we knew who was responsible and held the government accountable.

The current situations in Bosnia-Hercegovina and Nagorno-Karabakh are dramatically different. We are back to basics—the respect for human rights and fundamental freedoms, including the freedom of thought, conscience, religion, or belief, to quote the title of principle VII of the Final Act. While these rights and freedoms were grossly violated for millions of people by totalitarian Communist governments, genocide was not a real issue—arrest, imprisonment, beatings, and other levels and types of State coercion and oppression were.

Now, mass murder by ethnic militias not clearly under any State's control is the issue. Now, ethnic militias, supported by armies, force people from their homes at bayonet point, filling the roads of Yugoslavia and the trans-Caucuses with a flow of refugees not seen in Europe since World War II. These people are fleeing, carrying all of their worldly possessions on their backs, with no real hope that they will ever be allowed to return to their homes. They run because their friends and neighbors have been the victims of indiscriminant artillery fire, air attacks, and small arms fire as one group of people tries to subjugate—or exterminate—another group of people, just because they speak a different language and have a different religion.

These are the rights the Helsinki accords were written to protect. The Helsinki Final Act, in principle VII, provides in part as follows:

> The participating States will respect human rights and fundamental freedoms, including the freedom of thought, conscience, religion or belief, for all without discrimination as to race, sex, language or religion.
>
> They will promote and encourage the effective exercise of civil, political, economic, social, cultural and other rights and freedoms all of which derive from the inherent dignity of the human person and are essential for his free and full development.
>
> Within this framework the participating States will recognize and respect the freedom of the individual to profess and practice, alone or in community with others, religion or belief acting in accordance with the dictates of his own conscience.
>
> The participating States on whose territory national minorities exist will respect the right of persons belonging to such minorities to equality before the law, will afford them the full opportunity for the actual enjoyment of human rights and fundamental freedoms and will, in this manner, protect their legitimate interests in this sphere.

These rights were restated and reinforced in the Charter of Paris for a New Europe in 1990, and in the Document of the Moscow meeting of the Conference on the Human Dimension of the CSCE in 1991. Both Yugoslavia and the U.S.S.R. were signatories to these documents.

The parties to the conflicts in the territories of the former Yugoslavia and Soviet Union are successor States to Yugoslavia and the U.S.S.R. and are still bound by the political commitments made when Yugoslavia and the Soviet Union signed these documents. They do not, however, appear to take these commitments more seriously than their local military and political objectives. Indeed, these commitments are as much casualties of the fighting as are the people who have been killed by the militias and armies.

In light of this situation, it is all the more important that the U.S. Senate make clear its continuing support for the principles of the Helsinki Final Act and subsequent Helsinki process agreements, and its dedication to the cause of human rights, especially in these areas torn by ethnic and religious conflicts. Neither the EC nor the CSCE have made effective progress in bringing to a halt these conflicts or restoring respect for human rights and fundamental freedoms.

Sadly, these conflicts both have a potential to grow beyond their present limited borders. We dare not forget that World War I was triggered by violence in Sarajevo—nor that the conflict between Armenians and Azeris has implications for Turkey and Iran, among others. While the world has yet to find both the political will and the force necessary to bring these conflicts to a halt, we must not stand idly by watching the killing go on and the danger of its spread grow.

The Helsinki Commission has made a determined effort to focus our attention on these conflicts, and to press the CSCE process to come to grips with them, so far as it can. This joint resolution will put the Senate on record on principles that are directly at stake in both of these conflicts. It will strengthen the Commission's hand, and help point the administration toward the need for more effective diplomacy.

Mr. President, I once again express my strong support for this resolution, one that I believe is vitally needed at this time, and call upon my colleagues to join with me in sponsoring and voting for it.•

By Mr. SEYMOUR (for himself, Mr. SANFORD, Mr. PELL, Mr. BOND, Mr. COCHRAN, Mr. PACKWOOD, Mrs. KASSEBAUM, and Mr. GORTON):

S.J. Res. 311. A joint resolution designating February 21, 1993, through February 27, 1993, as "American Wine Appreciation Week," and for other purposes; to the Committee on the Judiciary.

AMERICAN WINE APPRECIATION WEEK

• Mr. SEYMOUR. Mr. President, I rise today to introduce a joint resolution declaring the week of February 21-27 1993, as "American Wine Appreciation Week."

Virtually every State has an active wine industry, and a majority of Americans approve of and enjoy wine as a part of their diet. In fact, grapes are the single largest fruit crop in this country. And 85 percent of all wine consumed in the United States is produced by the more than 1,200 wineries operating in 46 States.

Western culture, tradition, and religions have traditionally viewed wine as the fruit of the vine, God's gift to mankind. The history of winegrape growing in the world dates back over 7,000 years. Moreover, winegrape growing and wine production has been a significant part of America's agricultural industry since the founding of our Nation. Thomas Jefferson himself was a passionate advocate of winegrowing on these shores.

Today, winemaking affords a special value to the American farmer as one of the few agricultural enterprises that can be profitably operated as a family farm without subsidy. Vineyards and wineries typically are family farms. In fact, the American wine industry is comprised of thousands of family owned farms, many of which are passed on from generation to generation, sustained responsible preservation of our agricultural resources.

Mr. President, the wine industry is a pillar of our economy, generating $8 billion in sales annually, sustaining 200,000 jobs nationwide, and providing $1 billion annually in government taxes and fees. We must also underscore the fact that wine produced in the United States accounts for an increasing percentage of U.S. exports, helping to reduce our trade deficit.

It is the American consumer, Mr. President, who ultimately is the enthusiastic beneficiary of the fruit of the American vine. It is clear that wine has fulfilled a valued role in a wide variety of our Nation's cultural, religious, and familial traditions and deserves our recognition.

Mr. President, I urge my colleagues to join with me in support of this resolution, and I ask that the full text of the joint resolution be printed in the RECORD.

There being no objection, the joint resolution was ordered to be printed in the RECORD, as follows:

S.J. RES. 311

Whereas wine was produced by our Founding Fathers, including Thomas Jefferson, and winegrape growing and wine production in the United States continue today as a significant agricultural industry in 43 of the States;

Whereas the history of winegrape growing in the world dates back over 7,000 years and it continues as a proud tradition nurtured by the small farmer in all regions of the United States;

Whereas this agricultural industry is comprised of thousands of family-owned farms, many of which are passed on from generation to generation, sustaining responsible preservation of our agricultural resources;

Whereas more than 1,300 wineries and over 8,000 grape and fruit growers around the country work cooperatively to create wine;

Whereas over 85 percent of all wine consumed in the United States is produced by United States winemakers;

Whereas the direct economic impact of the United States wine industry is estimated to account for over $8,000,000,000 in sales annually, including the support of over 200,000 jobs as well as $1,000,000,000 in governmental taxes and fees;

Whereas the United States wine industry contributes to our quality of life by its ongoing contribution to organizations and associations in the health, civic, and educational sectors of the country;

Whereas acclaim for wine produced in the United States has grown internationally for many years and these products account for an increasing percentage of United States exports, helping to reduce the United States trade deficit;

Whereas wine, consumed in moderation, enhances the appetite and provides delicious accompaniment to all types of regional cuisine in the United States, enriching the quality of life for the citizenry of the United States; and

Whereas wine has fulfilled a valued role in a wide variety of the cultural, religious, and familial traditions of the United States: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled,

That—

(1) the Congress commends the winegrape and fruit growers and vintners of the United States for the production of such high quality agricultural products; and

(2) February 21, 1993, through February 27, 1993, is designated as "American Wine Appreciation Week".

The President is authorized and requested to issue a proclamation calling upon the people of the United States to observe the week with appropriate programs, ceremonies, and activities.●

ADDITIONAL COSPONSORS

S. 1010

At the request of Mr. INOUYE, the name of the Senator from Florida [Mr. GRAHAM] was added as a cosponsor of S. 1010, a bill to amend the Federal Aviation Act of 1958 to provide for the establishment of limitations on the duty time for flight attendants.

S. 1178

At the request of Mr. ROCKEFELLER, the name of the Senator from New York [Mr. MOYNIHAN] was added as a cosponsor of S. 1178, a bill to amend the Internal Revenue Code of 1986 to allow a deduction for expenditures for vehicles which may be fueled by clean-burning fuels, for converting vehicles so that such vehicles may be so fueled, or for facilities for the delivery of such fuels, and for other purposes.

S. 1960

At the request of Mr. MCCAIN, the name of the Senator from Indiana [Mr. COATS] was added as a cosponsor of S. 1960, a bill to indemnify States, political subdivisions of States, and certain other entities from liability relating to the release of hazardous substances at military installations that are closed pursuant to a base closure law.

S. 2327

At the request of Mr. HATFIELD, the names of the Senator from Hawaii [Mr. AKAKA], and the Senator from Connecticut [Mr. LIEBERMAN] were added as cosponsors of S. 2327, a bill to suspend certain compliance and accountability measures under the National School Lunch Act.

S. 2373

At the request of Mr. BOREN, the name of the Senator from Virginia [Mr. WARNER] was added as a cosponsor of S. 2373, a bill to amend the Job Training Partnership Act to establish a community works progress program, and a national youth community corps program, and for other programs.

S. 2389

At the request of Mr. BRADLEY, the names of the Senator from Florida [Mr. MACK], and the Senator from Tennessee [Mr. GORE] were added as cosponsors of S. 2389, a bill to extend until January 1, 1999, the existing suspension of duty on Tamoxifen citrate.

S. 2394

At the request of Mr. HARKIN, the name of the Senator from Illinois [Mr. SIMON] was added as a cosponsor of S. 2394, a bill to amend title XVIII of the Social Security Act and title III of the Public Health Service Act to protect and improve the availability and quality of health care in rural areas.

S. 2509

At the request of Mr. NICKLES, the name of the Senator from Montana [Mr. BURNS] was added as a cosponsor of S. 2509, a bill to provide grants to establish an integrated approach to prevent child abuse, and for other purposes.

S. 2526

At the request of Mr. PACKWOOD, the name of the Senator from New Hampshire [Mr. SMITH] was added as a cosponsor of S. 2526, a bill to amend the Congressional Budget Act of 1974 to provide for truth in budgeting with respect to intragovernmental transactions involving trust funds.

S. 2566

At the request of Mr. ADAMS, his name was added as a cosponsor of S. 2566, a bill to establish partnerships involving Department of Energy laboratories and educational institutions, industry, and other Federal agencies, for purposes of development and application of technologies critical to national security and scientific and technological competitiveness.

S. 2609

At the request of Mr. WOFFORD, the name of the Senator from Hawaii [Mr. AKAKA] was added as a cosponsor of S. 2609, a bill to direct the Comptroller General, in consultation with the Small Business Administration, to conduct a survey to obtain data on the experiences of business firms, and especially the experiences of small business concerns, in obtaining surety bonds from corporate surety companies, and for other purposes.

S. 2624

At the request of Mr. GLENN, the name of the Senator from Nevada [Mr. BRYAN] was added as a cosponsor of S. 2624, a bill to authorize appropriations for the Interagency Council on the Homeless, the Federal Emergency Management Food and Shelter Program, and for other purposes.

S. 2627

At the request of Mr. GRAMM, the name of the Senator from Florida [Mr. MACK] was added as a cosponsor of S. 2627, a bill to ensure the preservation of the Gulf of Mexico by establishing within the Environmental Protection Agency a Gulf of Mexico Program Office.

S. 2652

At the request of Mr. BIDEN, the name of the Senator from Maine [Mr. MITCHELL] was added as a cosponsor of S. 2652, a bill to provide enhanced penalties for commission of fraud in connection with the provision of or receipt of payment for health care services, and for other purposes.

S. 2656

At the request of Mr. FORD, the name of the Senator from Georgia [Mr. FOWLER] was added as a cosponsor of S. 2656, a bill to amend the Petroleum Marketing Practices Act.

S. 2667

At the request of Mr. HEFLIN, the name of the Senator from Maine [Mr. COHEN] was added as a cosponsor of S. 2667, a bill to amend the Federal Food, Drug, and Cosmetic Act to clarify the application of the act with respect to alternate uses of new animal drugs and new drugs intended for human use.

S. 2726

At the request of Mr. BIDEN, the name of the Senator from Florida [Mr. GRAHAM] was added as a cosponsor of S. 2726, a bill to implement and authorize Weed and Seed activities, and for other purposes.

S. 2745

At the request of Mr. DOLE, the name of the Senator from Arizona [Mr. MCCAIN] was added as a cosponsor of S. 2745, a bill to promote youth apprenticeship, and for other purposes.

SENATE JOINT RESOLUTION 235

At the request of Mr. FORD, the name of the Senator from Arkansas [Mr. BUMPERS] was added as a cosponsor of Senate Joint Resolution 235, a joint resolution designating May 7, 1992, as "National Barrier Awareness Day."

SENATE JOINT RESOLUTION 247

At the request of Mr. DOLE, the name of the Senator from Kansas [Mrs. KASSEBAUM] was added as a cosponsor of Senate Joint Resolution 247, a joint resolution designating June 11, 1992, as "National Alcoholism and Drug Abuse Counselors Day."

SENATE JOINT RESOLUTION 255

At the request of Mr. D'AMATO, the name of the Senator from North Carolina [Mr. HELMS] was added as a cosponsor of Senate Joint Resolution 255, a joint resolution to designate September 13, 1992 as "Commodore Barry Day."

SENATE JOINT RESOLUTION 260

At the request of Mr. COCHRAN, the name of the Senator from Rhode Island

[Mr. CHAFEE] was added as a cosponsor of Senate Joint Resolution 260, a joint resolution designating the week of October 18, 1992, through October 24, 1992, as "National School Bus Safety Week."

SENATE JOINT RESOLUTION 273

At the request of Mr. SEYMOUR, the names of the Senator from Nevada [Mr. BRYAN], the Senator from Tennessee [Mr. SASSER], and the Senator from Utah [Mr. GARN] were added as cosponsors of Senate Joint Resolution 273, a joint resolution to designate the week commencing June 21, 1992, as "National Sheriffs' Week."

SENATE JOINT RESOLUTION 281

At the request of Mr. GRASSLEY, the names of the Senator from Arkansas [Mr. BUMPERS], the Senator from Montana [Mr. BURNS], the Senator from Indiana [Mr. COATS], the Senator from South Carolina [Mr. HOLLINGS], the Senator from Kansas [Mrs. KASSEBAUM], the Senator from Georgia [Mr. NUNN], the Senator from Arkansas [Mr. PRYOR], the Senator from Tennessee [Mr. SASSER], and the Senator from Illinois [Mr. SIMON] were added as cosponsors of Senate Joint Resolution 281, a joint resolution designating the week of September 14 through September 20, 1992, as "National Small Independent Telephone Company Week."

SENATE JOINT RESOLUTION 288

At the request of Mr. LIEBERMAN, the name of the Senator from Rhode Island [Mr. CHAFEE] was added as a cosponsor of Senate Joint Resolution 288, a joint resolution designating the week beginning July 26, 1992, as "Lyme Disease Awareness Week."

SENATE JOINT RESOLUTION 295

At the request of Mr. DECONCINI, the names of the Senator from Utah [Mr. GARN], the Senator from Utah [Mr. HATCH], the Senator from Wyoming [Mr. SIMPSON], the Senator from Indiana [Mr. LUGAR], the Senator from Washington [Mr. ADAMS], the Senator from Nevada [Mr. BRYAN], the Senator from Montana [Mr. BAUCUS], the Senator from Pennsylvania [Mr. SPECTER], the Senator from Oregon [Mr. PACKWOOD], the Senator from Texas [Mr. GRAMM], and the Senator from Georgia [Mr. FOWLER] were added as cosponsors of Senate Joint Resolution 295, a joint resolution designating September 10, 1992, as "National D.A.R.E. Day."

SENATE JOINT RESOLUTION 303

At the request of Mr. PELL, the names of the Senator from Oklahoma [Mr. BOREN], the Senator from Arkansas [Mr. BUMPERS], the Senator from North Dakota [Mr. CONRAD], the Senator from Arizona [Mr. DECONCINI], the Senator from Utah [Mr. GARN], the Senator from Wisconsin [Mr. KOHL], the Senator from New Jersey [Mr. LAUTENBERG], the Senator from Connecticut [Mr. LIEBERMAN], the Senator from Idaho [Mr. SYMMS], and the Senator from Illinois [Mr. SIMON] were added as cosponsors of Senate Joint Resolution 303, a joint resolution to designate October 1992 as "National Breast Cancer Awareness Month."

SENATE JOINT RESOLUTION 304

At the request of Mr. ROTH, the names of the Senator from Minnesota [Mr. WELLSTONE], the Senator from Mississippi [Mr. COCHRAN], the Senator from Ohio [Mr. METZENBAUM], and the Senator from Arizona [Mr. DECONCINI] were added as cosponsors of Senate Joint Resolution 304, a joint resolution designating January 3, 1993, through January 9, 1993, as "National Law Enforcement Training Week."

SENATE JOINT RESOLUTION 307

At the request of Mr. MCCAIN, the name of the Senator from West Virginia [Mr. ROCKEFELLER] was added as a cosponsor of Senate Joint Resolution 307, a joint resolution designating the month of July 1992 as "National Muscular Dystrophy Awareness Month."

SENATE CONCURRENT RESOLUTION 113

At the request of Mr. MOYNIHAN, the names of the Senator from Pennsylvania [Mr. SPECTER], and the Senator from California [Mr. CRANSTON] were added as cosponsors of Senate Concurrent Resolution 113, a concurrent resolution concerning the 25th anniversary of the reunification of Jerusalem.

AMENDMENT NO. 1851

At the request of Mr. NICKLES the names of the Senator from South Dakota [Mr. PRESSLER], and the Senator from North Carolina [Mr. HELMS] were added as cosponsors of amendment No. 1851 intended to be proposed to H.R. 5132, a bill making dire emergency supplemental appropriations for disaster assistance to meet urgent needs because of calamities such as those which occurred in Los Angeles and Chicago, for the fiscal year ending September 30, 1992, and for other purposes.

SENATE CONCURRENT RESOLUTION 123—AUTHORIZING THE USE OF THE EAST FRONT OF THE CAPITOL

Mr. HEFLIN submitted the following concurrent resolution; which was considered and agreed to:

S. CON. RES. 123

Resolved by the Senate (the House of Representatives concurring), That the National Aeronautics and Space Administration is authorized to use the East Front parking lot of the Capitol for an exhibit during the period beginning on June 1, 1992 and ending June 5, 1992. The Architect of the Capitol and the Capitol Police Board shall take such action as may be necessary with respect to the physical preparations and security for the exhibit.

SENATE RESOLUTION 302—AUTHORIZING THE PRODUCTION OF RECORDS BY THE PERMANENT SUBCOMMITTEE ON INVESTIGATIONS

Mr. FORD (for Mr. MITCHELL, for himself, and Mr. DOLE) submitted the following resolution; which was considered and agreed to:

S. RES. 302

Whereas the Permanent Subcommittee on Investigations of the Committee on Governmental Affairs has conducted an investigation of allegations concerning the Department of Justice's handling of a contract between the Department and INSLAW, Inc., for computer software;

Whereas Special Counsel Nicholas J. Bua, appointed by the Attorney General to investigate allegations made by INSLAW, Inc., against the Department of Justice, has requested access to records of the Subcommittee's investigation;

Whereas by the privileges of the Senate of the United States and Rule XI of the Standing Rules of the Senate, no evidence under the control or in the possession of the Senate can, by administrative or judicial process, be taken from such control or possession but by permission of the Senate;

Whereas when it appears that evidence under the control or in the possession of the Senate is needed for the promotion of justice, the Senate will take such action as will promote the ends of justice consistent with the privileges of the Senate: Now, therefore, be it

Resolved, That the Chairman and Ranking Minority Member of the Permanent Subcommittee on Investigations of the Committee on Governmental Affairs, acting jointly, are authorized to provide to Special Counsel Nicholas J. Bua records of the Subcommittee's investigation of allegations regarding the computer systems contract between the Department of Justice and INSLAW, Inc.

SENATE RESOLUTION 303—RELATIVE TO SCHOOL LUNCH AND BREAKFAST PROGRAMS

Mr. MITCHELL (for himself and Mr. LEAHY) submitted the following resolution; which was referred to the Committee on Agriculture, Nutrition, and Forestry:

S. RES. 303

Whereas the national school lunch and breakfast programs are vital to protecting the health and well-being of the Nation's children;

Whereas these essential child nutrition programs help prepare children to learn and to combat childhoood hunger;

Whereas the national school lunch program serves approximately 25 million children a day, and the school breakfast program serves approximately 4 million children a day;

Whereas there are 4.2 million eligible low-income students who are not participating in the free and reduced price school meal programs; and

Whereas in the last decade Federal subsidies have been reduced, United States Department of Agriculture bonus commodities have essentially vanished, the administrative complexity and cost of administering the national school lunch and breakfast programs have increased, and indirect cost assessments are draining the financial resources of the programs: Now, therefore, be it

Resolved, It is the sense of the Senate that the Secretary of Agriculture should incorporate into the studies required under section 1779 of the Food, Agriculture, Conservation, and Trade Act of 1990 (42 U.S.C. 1751 note) a study of various options for implementing universal-type school lunch and breakfast programs that includes consideration and assessment of—

(1) how to administratively structure universal-type school lunch and breakfast programs;

(2) how to increase the role of nutrition educaton;

(3) how to encourage schools to increase their participation in the school breakfast program;

(4) an appropriate a la carte food policy to be consistent with universal-type school lunch and breakfast programs;

(5) options for funding the cost of universal-type school lunch and breakfast programs;

(6) administrative cost savings at Federal, State, and local levels as a result of not having to determine family income; and

(7) the need for legislative changes to carry out universal-type school lunch and breakfast programs.

SEC. 2. As used in this resolution, the term "universal-type school lunch and breakfast programs" means school lunch and breakfast programs administered under the National School Lunch Act (42 U.S.C. 1751 et seq.) and the Child Nutrition Act of 1966 (42 U.S.C. 1771 et seq.) under which the Federal reimbursement under the programs for each meal served consistent with United States Department of Agriculture guidelines is provided at an equal rate without regard to the income of the family of the student.

SEC. 3. The Secretary is requested to submit a final report on the information requested by this resolution to Congress with the final report submitted under section 1779(c)(3) of the Food, Agriculture, Conservation, and Trade Act of 1990 (42 U.S.C. 1751 note).

SEC. 4. A copy of this resolution shall be transmitted to the President, the Secretary of Agriculture, the Secretary of Education, the Secretary of Health and Human Services, and the Director of the Office of Management and Budget.

AMENDMENTS SUBMITTED

DIRE EMERGENCY SUPPLEMENTAL APPROPRIATIONS, FISCAL YEAR 1992

LOTT (AND DOLE) AMENDMENT NO. 1852

Mr. LOTT (for himself and Mr. DOLE) proposed an amendment to the bill (H.R. 5132) making dire emergency supplemental appropriations for disaster assistance to meet urgent needs because of calamities such as those which occurred in Los Angeles and Chicago, for the fiscal year ending September 30, 1992, and for other purposes, as follows:

Beginning on page 4, line 2, strike all through page 13, line 6.

DOLE (AND OTHERS) AMENDMENT NO. 1853

Mr. BYRD (for Mr. DOLE, for himself, Mr. LIEBERMAN, Mr. D'AMATO, Mr. PELL, Mr. NICKLES, Mr. PRESSLER, Mr. DECONCINI, and Mr. RIEGLE) proposed an amendment to the bill H.R. 5132, supra, as follows:

At the appropriate place, insert:

"Notwithstanding any other provision of law, up to $5,000,000 of the funds made available for foreign operations, export financing, and related programs in Public Law 102-145, as amended by Public Laws 102-163 and 102-266, and previous acts making appropriations for foreign operations, export financing, and related programs, shall be made available for humanitarian assistance to Bosnia-Hercegovina: *Provided*, That such assistance may only be made available through private voluntary organizations: *Provided further*, That funds made available under this paragraph shall be made available only through the regular notification procedures of the Committees on Appropriations.

GRAHAM AMENDMENT NO. 1854

Mr. GRAHAM proposed an amendment to the bill H.R. 5132, supra, as follows:

On page 5, line 25, delete "and".

On page 6, line 11, after the word "basis", delete the period and insert the following: "; and

"(3) requiring each service delivery area to certify to the Governor of the State in which the service delivery area is located that

"(A) priority for service has been placed on eligible youth who are basic skills deficient, juvenile delinquents, at-risk of school failure, pregnant or parenting, or homeless or runaway youth; and

"(B) the summer program:

"(1) enhances basic educational skills of youth, and

"(2) encourages school completion, or enrollment in supplementary or alternative school programs.".

THURMOND (AND OTHERS) AMENDMENT NO. 1855

Mr. THURMOND (for himself, Mr. HATCH, Mr. DOLE, Mr. GRAMM, Mr. CRAIG, Mr. SIMPSON, Mr. MACK, Mr. WALLOP, Mr. LOTT, Mr. SYMMS, Mr. SEYMOUR, and Mr. GRASSLEY) proposed an amendment to the bill H.R. 5132, supra, as follows:

At the appropriate place in the bill, add the following:

SEC. . VIOLENCE IN THE COURSE OF RIOT OFFENSES.

Section 2101 of title 18, United States Code, is amended—

(1) in subsection (a) by inserting the following new paragraph at the end thereof:

"(2) Whoever knowingly engages in a riot (as defined in section 2102) affecting interstate or foreign commerce and in the course thereof kills or attempts to kill another individual or commits assault resulting in serious bodily injury shall be punished as provided in section 1111, 1112, 1113, and 1113 of this title."; and

(2) by repealing subsection (c) and redesignating subsections (d), (e), and (f) as subsections (c), (d), and (e), respectively.

SEYMOUR (AND DOLE) AMENDMENT NO. 1856

Mr. DOLE (for Mr. SEYMOUR, for himself, and Mr. DOLE) proposed an amendment to the bill H.R. 5132, supra, as follows:

On page 4, line 20 insert after "Congress" the following: ": *Provided further*, That, for the purposes of this Act, of the funds appropriated herein, the first $200,000,000, will be made available as follows: 50 percent will be made available by the Secretary to the service delivery areas containing the 75 cities with the largest population as determined by the 1990 census data, in accordance with the formula criteria contained in section 201(b)(1) of the Job Training Partnership Act; and 50 percent will be allotted among the states in accordance with the formula contained in Section 201(b)(1) and 201(b)(2)(A) to be distributed within the State with a priority for areas with emergency summer youth employment needs; and

On page 4, line 21 insert before "funds" the word "remaining".

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON THE JUDICIARY

Mr. FORD. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to hold a business meeting during the session of the Senate on Thursday, May 21, 1992, at 10 a.m.

AGENDA

I. NOMINATIONS

U.S. Circuit Judges

Morris S. Arnold, to be U.S. circuit judge for the eighth circuit.

Michael Boudin, to be U.S. circuit judge for the first circuit.

U.S. District Judges

Jerome B. Simandle, to be U.S. district judge for the district of New Jersey.

Richard G. Kopf, to be U.S. district judge for the district of Nebraska.

II. BILLS

S. 1521—A bill to provide a cause of action for victims of sexual abuse, rape, and murder, against producers and distributors of hard-core pornographic material—McConnell.

S. 1941—A bill to amend the immigration and Nationality Act for the purpose of reforming procedures for the resettlement of refugees of the United States—Kennedy.

S. 1096—A bill to ensure the protection of motion picture copyrights, and for other purposes—Kohl.

S. 2236—A bill, with an amendment, to amend the Voting Rights Act of 1965 to modify and extend the bilingual voting provisions of the act—Simon.

H.R. 2324—A bill to amend title 28, United States Code, with respect to witness fees—Hughes.

H.R. 2549—A bill to make technical corrections to chapter 5 of title 5, United States Code—Frank.

H.R. 3237—A bill to extend the terms of office of members of the foreign claims settlement commission from 3 to 6 years—Frank.

H.R. 3379—A bill to amend section 574 of title 5, United States Code, relating to the authorities of the Administrative Conference—Frank.

S. 1569—a bill, in the nature of a substitute with an amendment, to implement the recommendations of the Federal Courts Committee, and for other purposes—Heflin.

S. 2099—A bill, in the nature of a substitute, to amend the Immigration and Nationality Act to designate special inquiry officers as immigration judges and to provide for the compensation of such judges—Kennedy.

S. 2087—A bill to prohibit certain use of the terms "Visiting Nurse Association", "Visiting Nurse Service", "VNA", and "VNS"—Simon.

S. 1697, A bill to amend title IX of the Civil Rights Act of 1968 to increase the penalties for violating the fair housing provisions of the act, and for other purposes—Specter.

S. 2610, A bill to amend the antitrust laws to provide a cause of action for persons injured in U.S. commerce by unfair foreign competition—Metzenbaum.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON MEDICARE AND LONG-TERM CARE

Mr. FORD. Mr. President, I ask unanimous consent that the Subcommittee on Medicare and Long-Term Care of the Committee on Finance be authorized to meet during the session of the Senate on May 21, 1992, at 2 p.m. to hold a hearing on ways to reduce inappropriate Medicare.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

Mr. FORD. Mr. President, I ask unanimous consent that the Committee on Commerce, Science, and Transportation, be authorized to meet during the session of the Senate on May 21, 1992, at 9:30 a.m. on the nomination of Karl A. Erb to be an Associate Director of the Office of Science and Technology Policy.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. FORD. Mr. President, I ask unanimous consent that the Committee on Energy and Natural Resources be authorized to meet during the session of the Senate, 9:30 a.m., May 21, 1992, to receive testimony on the Department of Energy's Program for Environmental Restoration and Waste Management.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON PROJECTION FORCES AND REGIONAL DEFENSE

Mr. FORD. Mr. President, I ask unanimous consent that the Subcommittee on Projection Forces and National Defense be authorized to meet on Thursday, May 21, 1992, at 9:30 a.m., in open session, to receive testimony on the near- and long- term outlook for the U.S. Navy in review of S. 2629, the Department of Defense authorization bill for fiscal year 1993.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON EMPLOYMENT AND PRODUCTIVITY

Mr. FORD. Mr. President, I ask unanimous consent that the Employment and Productivity Subcommittee of the Committee on Labor and Human Resources be authorized to meet during the session of the Senate on Thursday, May 21, 1992, at 3 p.m. for a hearing on S. 2373, the Community Works Progress Act of 1992.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON PUBLIC LANDS, NATIONAL PARKS AND FORESTS

Mr. FORD. Mr. President, I ask unanimous consent that the Subcommittee on Public Lands, National Parks and Forests of the Committee on Energy and Natural Resources be authorized to meet during the session of the Senate, 2 p.m., May 21, 1992, to receive testimony on S. 1893, to adjust the boundaries of the Targhee National Forest, to authorize a land exchange involving the Kaniksu National Forest, and for other purposes; S. 2101, to amend the Wild and Scenic Rivers Act by designating the lower Salmon River in Idaho as a component of the National Wild and Scenic Rivers System, and for other purposes; S. 2572, to authorize an exchange of lands in the States of Arkansas and Idaho; and H.R. 2141, to establish the Snake River Birds of Prey National Conservation Area in the State of Idaho, and for other purposes.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON GOVERNMENTAL AFFAIRS

Mr. FORD. Mr. President, I ask unanimous consent that the Governmental Affairs Committee be authorized to meet on Thursday, May 21, 9:30 a.m. for a hearing on the subject: Beyond the Earth summit: developing an energy efficient world.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON DEFENSE INDUSTRY AND TECHNOLOGY

Mr. FORD. Mr. President, I ask unanimous consent that the Subcommittee on Defense Industry and Technology be authorized to meet on Thursday, May 21, 1992, at 2:30 p.m., in open session, to receive testimony on the national defense stockpile, in review of S. 2629, the Department of Defense authorization bill for fiscal year 1993.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON GENERAL SERVICES, FEDERALISM, AND THE DISTRICT OF COLUMBIA

Mr. FORD. Mr. President, I ask unanimous consent that the Subcommittee on General Services, Federalism, and the District of Columbia be authorized to meet on Thursday, May 21, at 2 p.m., for a hearing on the subject: Federal management of civilian aircraft.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FOREIGN RELATIONS

Mr. FORD. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Thursday, May 21, at 4 p.m., to hold an ambassadorial nomination hearing.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON CONSERVATION AND FORESTRY

Mr. FORD. Mr. President, I ask unanimous consent that the Committee on Agriculture, Nutrition, and Forestry Subcommittee on Conservation and Forestry be allowed to meet during the session of the Senate on Thursday, May 21, 1992, at 9:30 a.m., to hold an oversight hearing on the Forest Service's proposed changes in the administrative appeals process.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON ARMED SERVICES

Mr. FORD. Mr. President, I ask unanimous consent that the Committee on Armed Services be authorized to meet on Thursday, May 21, 1992, at 9:30 a.m., in open session, to receive testimony and demonstrations on the use of advanced simulation technology in the Department of Defense in review of the amended Defense authorization request for fiscal year 1993.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON PATENTS, COPYRIGHTS AND TRADEMARKS

Mr. FORD. Mr. President, I ask unanimous consent that the Subcommittee on Patents, Copyrights and Trademarks of the Committee on the Judiciary, be authorized to meet during the session of the Senate on Thursday, May 21, 1992, at 3 p.m., to hold a markup on S. 1165, S. 1506, and S. 526.

The PRESIDING OFFICER. Without objection, it is so ordered.

ADDITIONAL STATEMENTS

CONSERVATION AWARD TO SPRINGFIELD, IL, JUNIOR LEAGUE

• Mr. SIMON. Mr. President, I would like to take this opportunity to congratulate the Junior League of Springfield, IL, for being awarded the Conservation Service Award by Secretary Lujan on May 5, 1992. The Conservation Service Award is the highest honor awarded to a citizen or organization by the Secretary of the Interior. The award recognizes outstanding service performed directly to the Department of the Interior.

The Junior League of Springfield has been a driving force behind the establishment and preservation of the Lincoln Home National Historic Site in Springfield. The league has given time, money, and talent to the Lincoln Heritage Project for over two decades. In 1971, the league's work was recognized and the only home Lincoln ever owned became a national historic site. Since that time, the Junior League has continued to work on the site, establishing a full interpretive program with a variety of options to enhance visitor understanding of our Nation's 16th President.

I commend this fine organization, and I wish them the best in their future efforts.•

TRIBUTE TO CHARLES BEACH, JR.

• Mr. McCONNELL. Mr. President, I rise today to recognize an outstanding Kentuckian who was recently honored as the Kentucky Chamber of Commerce's Volunteer of the Year. Charles Beach, Jr., of Beattyville, KY, received the award at the State's chamber's 46th convention earlier this month.

Charles Beach, Jr., is currently the president of the Beattyville/Lee County Chamber of Commerce, and has long been active in his community. He has been very involved in the local chamber of commerce since its inception in 1952. In 1988, he led a drive to revitalize the chamber, and has been extremely active in its growth and development since that time.

Mr. Beach has worked diligently to promote the Beattyville/Lee County through special events and communities activities. He has been involved in the growth and development of Beattyville's Wolly Worm Festival, purchased a used trolley from the city of Lexington, and organized and implemented the annual chamber tour. In addition, Mr. Beach has worked with the Kentucky Department of Tourism through the matching funds program to produce a brochure advertising the community. He is also working cooperatively with regional government officials and local residents to construct the Lee/Owsley Airport, and is cosponsoring with the Lee County Saddle Club the first annual Fourth of July rodeo this year.

Mr. Beach is also very active in Lee County's business community. He is president of Peoples Exchange Bank, and was recently named 1991–92 Community Banker of the Year in the State of Kentucky. Mr. Beach is also president of C. Beach Insurance, Inc. and Lee County Constant Care, Inc. He worked cooperatively with the city of Beattyville to obtain a natural gas franchise, and is working closely with industry management and State representatives to implement a project for expansion of local industrial development. Mr. Beach has attained membership in numerous professional organizations and has served in several State and local civic groups. He also has an outstanding military record. Known to friends and neighbors in Beattyville as General Beach, he is a major general and past commander of the 100th Division, U.S. Army Reserve. He is also a former president of the Senior Army Reserve Commanders Association.

Charles Beach is truly someone who is dedicated to improving his community, and improving the quality of life for those who live in Beattyville and Lee County. He has devoted much time and effort to his civic responsibilities; it would be very difficult to list all of his activities and contributions. Mr. Beach is certainly deserving of the Chamber's Volunteer of the Year Award, and I congratulate him on this honor.

Mr. President, please enter my comments, along with the article from the Three Forks Tradition, into the RECORD.

The article follows:

[From Three Forks Tradition, May 13, 1992]

BEACH HONORED AS VOLUNTEER OF THE YEAR

Charles Beach Jr., President of the Beattyville/Lee County Chamber of Commerce was honored at the Kentucky Chamber of Commerce's 46th Annual Convention at Fort Mitchell, Ky. on May 7th by being chosen to receive the 1992 K.A.C.C.E. Executives Volunteer of the Year Award. Mr. Beach received a plaque at the dinner meeting that read, "In recognition of outstanding contribution to the community and the Commonwealth." The convention's theme for 1992 was "Moving Volunteerism into the 21st Century."

The honor bestowed upon Beach came on the heels of receiving another prestigious award only a few days ago, that of being selected "Community Banker of the Year for 1991–92 in the State of Kentucky."

Mr. Beach has spent his life striving to improve the quality of life in Lee County, evidenced by his participation and leadership in various community, state and national organizations.

Mr. Beach is President of Peoples Exchange Bank; President of C. Beach Insurance, Inc.; President, Lee County Constant Care, Inc.; September Place Retirement Village and Prestige Place; Bishop's Warden, St. Thomas Episcopal Church; a past member of the Governor's Transportation Task Force; past Chairman, Kentucky Registry of Election Finance; past Chairman, Kentucky Chamber of Commerce; member, Board of Directors, Kentucky Council on Economic Education; member, 1990–91 and 91–92 chairman, Kentucky Mountain Laurel Festival; past President, Kentucky Bank Management Institute, Inc.; member, Southern Kentucky Economic Development Advisory Council; Major General and past Commander, 100th Division, United States Army Reserve (Tng.), Louisville, KY; past President, Senior Army Reserve Commanders Association, Washington, D.C.; past Chairman, Kentucky River Area Development District; past Councilman, City of Beattyville; past Chairman, Kentuckians for Better Transportation; member Kentucky Bankers Association; U.S. Small Business Administration, Banker Advocate of the Year, 1984; Member, Governor's Financial Institutions Board; Trustee, Kentucky Independent College Fund; past member, Kentucky Rural Economic Development Board; Community Bankers of Kentucky "Community Banker of the Year, 1991–92".

The honoree personally takes more pride in his efforts influencing that decision whereby the Lee County Court Complex could be realized and erected and the effort he conceived in developing and building Lee County Constant Care, Inc. September Place Retirement Village, Prestige Place, and the Urban Renewal effort in the construction of People Exchange Bank main office and rental complex.

He has been an active member and officer of the Beattyville/Lee County Chamber of Commerce since its inception in 1952, many times being the sole member to hold this organization together. In 1988 Mr. Beach spearheaded a drive to revitalize the Chamber and since that time has worked diligently towards its growth and development. Exciting things have happened since then. Under his leadership the local chamber has sponsored Christmas Spirit, 1990 and 1991; has been actively involved with the growth and development of the Woolly Worm Festival; purchased a used trolley from the City of Lexington; organized and implemented the annual chamber tour; organized and sponsored the industrial development appreciation dinner; organized and sponsored the annual merchant's appreciation dinner; working with the Kentucky Department of Tourism through the Matching Funds Program, produced a brochure advertising our community; spearheaded a drive to reconstruct Highway 30; worked cooperatively with the City of Beattyville to obtain a Natural Gas Franchise (which should be a reality this year); sponsored the 1990 and 1991 Kentucky River Clean-Up; is working closely with industry management and state representatives to realize a project for expansion of local industrial development; initiated an effort with Eastern Kentucky University to explore the possibility of locating an Extended Campus Program in Beattyville; is working cooperatively with regional government officials and local residents to realize the Lee/Owsley Airport; is co-sponsoring with the Lee County Saddle Club the first annual 4th of July Rodeo, 1992. He has also had the City of Beattyville participating in the Certified Cities Program for 1991 and 1992.

Those attending the convention dinner from Beattyville were Donald Begley, Larry Burgess, Charlotte Chadwell, Charlotte Davis, Dorothy Edwards, Robert Gabbard, Kathleen Hines, David Jennings, Sue Marshall, Malcolm Kilduff, Rosemary Kilduff, Don Stewart, Barbara Thomas and Logan Thomas.

This publication extends our congratulations to Mr. Charles Beach, Jr., "Kentucky's Chamber Volunteer of the Year."•

• Mr. SIMON. Mr. President, last week I made a statement to the Senate regarding a hearing we had in the Judiciary Committee's Subcommittee on Antitrust, Monopolies and Business Rights that focused on the retail gasoline market. I cited numerous examples of price inversions—when refiners charge a wholesale customer more than a retail customer—that were discussed at that hearing. I promised that I would report to the Senate on a regular basis about the continued existence of price inversions in markets all across the country. These inversions occur even as refiners tell us that inversions occurred only during the time period following the invasion of Kuwait by Iraq and the subsequent war.

In the past week I have been notified of several other instances of price inversions which I would like to share with my colleagues. In Toledo, OH, on May 12, a refiner was charging its wholesale customers $1.0615 for gasoline while simultaneously selling to motorists at retail outlets at $1.039.

Another marketer in Pittsburgh, PA, has reported that his supplier is charging him $1.0470 for the same gasoline he is retailing to motorists for $1.029.

A constituent of mine from the Chicago area reports that his supplier charges wholesale customers $0.60 per gallon for diesel fuel, while charging a $0.57 retail price at a refiner directly operated outlet.

In the Los Angeles area, examples of price inversions during the last week abound. Different refiners are selling to wholesalers at $0.920, $0.923, $0.9205, and $0.9182, while the same refiners are charging the following retail prices: $0.889, $0.888, $.885, and $0.870. In all of these cases, there is a 3- to 4-cent price inversion. These examples were all verified between May 13 and May 15, 1992.

In Tulsa, OK, on May 16, a refiner charged his wholesale customers $0.995 for unleaded gasoline while charging retail motorists $0.999. Many of you may look at this example and conclude that it is not an inversion because the price to the wholesale customer is four-tenths of a cent less than the price to a retail motorists.

But it is an inversion because there is absolutely no way that the refiner can transport the gasoline from the terminal, operate the retail outlet, and pay for the costs of the credit card and other operating expenses for less than one-half of 1 cent. Independent marketers who must compete with their own supplier in this market are faced with the difficult choice of being competitive and losing money on every gallon they sell or being noncompetitive and losing volume to their own supplier's retail outlet. No efficient independent businessman should have to make this choice.

These examples are clear illustrations that the price inversion problem did not go away with the end of the war with Iraq. It continues to exist today and it is unfair to independent marketers.

Let us look at some national data on petroleum product pricing. According to the Computer Petroleum Corp., a nationally recognized pricing service, crude oil prices have risen 5.48 cents per gallon between January 6 and May 11. During the same period of time, retail prices have risen nationally by an average of 2.4 cents per gallon. Look at wholesale prices, however. They have risen by 13 cents per gallon—2½ times the price of crude and 6 times the rise in retail prices.

However, it may be easy to say that it is the consumer who benefits from this situation. And it's true that in the short term, consumers in markets where they are refiner direct operated outlets may be getting a price break. But I doubt that in the long run, practices that serve to limit competition in the marketplace are in the best interests of consumers. Those who are worried about the consumer need to consider what will happen if independent sources of competition are eliminated from the market. If we allow this to happen, the consumer will be the ultimate loser.•

DR. ROBERT D. PAUL

• Mr. LAUTENBERG. Mr. President, I rise today to pay tribute to a dedicated individual, Dr. Robert D. Paul. Dr. Paul will officially retire after 15 years as superintendent of the Cranford public schools on November 1, 1992.

Dr. Paul received his bachelor of science at the University of New Hampshire in 1958. He then went on to pursue a master of arts in education. He received his doctorate of education at Boston University in 1971 and continued his postdoctoral studies with a Danforth fellowship.

Dr. Paul's professional career began in 1958 as a talented music teacher at Robert E. Fitch High School in Connecticut. In 1965 he moved to Massachusetts and was employed as a director of music until 1969. He became superintendent of Schools in Amesbury, MA, in 1972 and remained there until he took his current position in New Jersey as superintendent of the Cranford public schools in 1977.

In his years as superintendent, Dr. Paul has made many significant contributions to the Cranford public schools. His accomplishments include raising SAT, Stanford and HSPT scores, initiating numerous staff evaluation methods and developing an award-winning public relations plan. Dr. Paul has strived to place 70 percent or more of graduating classes in advanced education settings. Additionally, he is the author of several publications including, "Administrative Use of the Time Shared Computer Terminal" and "Laboratory Experiments of Principles of Biological Science."

Despite his heavy workload as superintendent, Dr. Paul still finds time for voluntary community service activities. He has been on the board of trustees of both the Cranford Public Library and Common Sense. He is still active in musical arts in various capacities, serving as director of the Lady Liberty's Marching 100, playing with the Suburban Symphony Orchestra and serving on its board of directors, and is active with the St. Michael's Choir.

Mr. President, Dr. Robert D. Paul has given 15 years of service to the Cranford public schools and has enthusiastically committed himself to his community and to public service. I applaud Dr. Paul for his efforts to better the community and for his valued career as a superintendent.

I join Dr. Paul's family, friends, and colleagues as they celebrate his retirement. I wish him and his family my warmest wishes for continued health and happiness in the future.•

SYRIAN JEWS

• Mr. SIMON. Mr. President, many years ago, I was fortunate enough to have been traveling in the Middle East as Anwar Sadat of Egypt and Menachem Begin of Israel negotiated their historic peace accord. Now, over a decade later, we may all be eyewitnesses to history as Israel and her Arab neighbors have begun the peace process anew. While much has changed from the time Sadat and Begin took the first courageous steps toward peace and the present negotiations, one thing, however, has remained the same.

The small Jewish community in Syria has suffered continuous repression by the government of President Hafez al-Assad. I, along with many of my colleagues, have followed the plight of the approximately 4,000 Jews remaining in Syria. The Syrian Government's recent call to ease restrictions on its segregated Jewish population has prompted me to speak out again, for this issue is one that has been important to me ever since my visit to the Jewish ghetto in Damascus many years ago.

At the end of April, the Assad government announced plans to ease restrictions on Syrian Jews, primarily in two areas. First, whereas before Jews were required to put up large travel bonds and could not travel with other family members—to ensure that they would return to Syria—the Syrian Government has now pledged to remove that restriction. Travel to Israel, however, is still not permitted for either Syrian Jews or any other Syrian citizens. Second, the Syrian Government stated that it would remove present restrictions on the sale and transfer of property owned by Jews. Still, in a news conference, Syrian spokeswoman Bushra Kanafani emphasized that the relaxed standards would apply only to the sale of some property.

The contradiction here is clear. What the Syrian Government would have us believe is that it is reinstating rights and liberties that, until just a few weeks ago, it vehemently denied ever revoking. In dealing with a political body so immersed in contradictions and double talk, we must practice extreme caution.

History supports our skepticism. As White House Press Secretary Marlin Fitzwater said shortly after announcing the Syrian change in policy, "We look forward to the full implementation of these decisions affecting Syrian Jews." The key word is implementation. The past is full of lofty promises on the part of the Syrian Government, which have not been followed satisfactorily. Most notable were promises made several years ago to the U.S. State Department to ease emigration policies for divided Jewish families and for unmarried Jewish women, who were unable to find husbands among that country's tiny Jewish population. In theory, those promises gave reason to hope for a relaxation in the harsh control and domination of Jews by the Government. In reality, nothing of the sort has been accomplished as long-range hopes for democratic reform have instead been manipulated into short-term advantage on the part of the Syrian Government. After permitting 32 unmarried women to emigrate in 1988, the numbers dwindled to 24 in 1989 and 14 in 1990 down to zero in 1991. Additionally, in 1989 only two divided families benefited from the so-called reunification plans.

We must also look at the motivation of the Syrian Government for making such a drastic reversal of policy. It may be, as many including myself hope, a sincere effort on the part of the Syrians for establishing peace in the Middle East. But, judging from both history and recent events, it may be another instance of the Syrian Government manipulating circumstances for its own benefit. As numerous observers have recognized, Syrian participation in the allied effort against Saddam Hussein, was motivated strongly by a hope to curry favor—and win large economic gains—from its Middle Eastern neighbors and from the United States. Further, as New York Times correspondent Thomas L. Friedman wrote:

> The Syrian move (to allow Jews more freedom) constitutes a fundamental shift in Syrian policy. . . and appears to be part of a general effort by President Hafez al-Assad to make his country more acceptable to the United States now that Damascus has lost its longtime Soviet partner. . . Now that the Soviet Union no longer exists, the Syrians have also lost their main patron in world affairs and have been seeking to cultivate a new relationship with the west in general and the United States in particular.

What must be recognized is that such changes are not the honest movements toward democratic freedom that they appear to be. Rather, they are superficial responses to deep problems, prompted by external changes. As it was stated by Israeli leader Yossi Ben-Aharon, a representative at the Middle East peace talks:

> We have to wait and see (how the decisions are implemented). . . The Syrians are very shrewd operators who often maneuver for credit even before they follow through.

In this matter of Syrian Jews, we must also not overlook the past and continuing history of abuses of Jewish citizens, which might appropriately be labeled anti-Semitism. In visiting the Jewish ghetto in Damascus, I saw firsthand the animosity confronting Jews on a daily basis merely because of their religious beliefs.

And there are well-documented instances of the spread of harmful anti-Semitic ideas. Foremost among these is the revival of the blood libel by high-ranking members of the Syrian Government. The Syrian Defense Minister, Maj. General Mustafa Tlass, asserts the blood libel as fact in his book "The Matzoh of Zion." In that 1983 work, he writes, "The Jew can * * * kill you and take your blood in order to make his Zionist bread." Numerous instances of arbitrary arrest, incapacitation and brutal torture of Jews have been widely reported. And, despite retired Syrian Ambassador Muwaffak Allaf's declaration that "We do not classify our citizens on the basis of their religion," Syrian Jews are required to have their religion recorded on their passport, and the Syrian Government gives no rationale for that blatant discrimination.

We must also keep in mind when we speak of the Syrian Government, we are speaking of a country with not only a long history of discrimination against Jews, but also a terrifying past list of abuses against its own citizens. In the State Department's "Country Reports on Human Rights Practices for 1991," the section on Syria begins with the following, "Syria is ruled by an authoritarian regime which does not hesitate to use force against its citizens when it feels it is threatened." That history of force employed by the dictator Assad is all too well known by those in the international community.

Our Government must accept some of the blame for the Syrian's despicable record on human rights. Over the course of the past decade, administrations in the United States have cultivated far too cozy a relationship in order to gain concessions from the Syrian Government.

Many experts in the field have drawn insight into the United States-Syrian relationship from the recent allied coalition established against Saddam Hussein. In questioning Assistant Secretary of State for Human Rights Richard Schifter, the House of Representatives Subcommittee on Human Rights and International Organizations presented this issue in its hearing of February 26, 1991:

> Question: Administration policy toward the Government of Syria since August 2, 1990, has clearly been based on a desire by the Bush Administration to ensure Syrian participation in the Allied coalition arrayed against Saddam Hussein. It has even been suggested that the Bush Administration has indicated to President al-Assad that the Bush Administration would be prepared to look very favorably on Syrian interest in future negotiations that might ensue between Syria and Israel. While we are all hopeful that after the Gulf War has been concluded, progress can be on resolving the Arab-Israeli conflict, it appears ironic that, assuming that some of these suggestions are correct, the Syrian Government was able to extract a price from the Administration for joining the coalition, rather than the Administration being able to demand as a price for U.S. protection of Syria from Iraq, that Syria begin to respond specifically to her continued gross violations on human rights.

Although Mr. Schifter denied any such implications, the charges do give good reason to investigate the relations between our Government and President Assad's.

I will never forget my experiences in Syria years ago; the hope for the future, yet the despair for the present. Today, we are very much at the same crossroads and, if we are to hold out hope for peace in the Middle East, we must make the firm decision to commit ourselves to fair and equitable treatment of all parties.

In conclusion, the recent promises by the Syrian Government give hope for a democratic peace in the Middle East; I only pray that that hope is not a false one.•

HUGH O'BRIAN YOUTH FOUNDATION

• Mr. GLENN. Mr. President, I rise today to commend the 29 years of achievement of the Hugh O'Brian Youth Foundation. In 1958, following a visit to Albert Schweitzer in Africa, Hugh O'Brian established his foundation to develop and encourage leadership in young people. The very able and talented O'Brian, who many remember as Wyatt Earp, wanted to make his own contribution to society. Originally begun as a small, yearly exchange of ideas among teenagers, the program has developed into a well-organized seminar involving over 11,000 high school students worldwide. We Ohioans are especially proud that the foundation has chosen Alliance, Granville, and Tiffin, Ohio, as sites for its 1992 leadership seminars.

The seminar participants from a diverse group, representing high schools from the United States, Canada, the Bahamas, Jamaica, and Mexico. The program provides high school sophomores with an opportunity to develop important leadership skills while learning to interact with and appreciate the diverse cultures of our modern world. The students benefit from the expertise of leaders in business, industry, education, and government. Through the combined efforts of these civic leaders, these young people develop a more realistic understanding of the international economy and of the demands of late 20th century life.

Again, I commend Hugh O'Brian and his Youth Foundation for its dedication to young people and wish them many more years of success.•

A GRATEFUL NATION REMEMBERS

• Mr. D'AMATO. Mr. President I rise today, just before Memorial Day, to look back and remember the war that had to be fought and had to be won, World War II. I can think of no better time to remember World War II than at this time of reflection of all veterans living and deceased from all wars and all conflicts. A group of my constituents will be commemorating the 50th anniversary of World War II in a special way in Poughkeepsie, NY, this Memorial weekend.

Poughkeepsie and Dutchess County hold a special connection to World War II since the Presidential home of Franklin Delano Roosevelt is located there. Other famous residents of Poughkeepsie include James Forrestal, Secretary of the Navy during World War II; Hamilton Fish, Sr., founder of the VFW; and John Foster Dulles. Poughkeepsie, NY, is also the home of Walter Bowe, who has been noted to be the first American serviceman to return fire on the Japanese during the attack on Pearl Harbor, December 7, 1941. No other town in America can boast such a claim of distinction. It is because of this great legacy that Dutchess County is having a whole host of festivities to observe and remember World War II.

Our remembrance of our fallen veterans during World War II gives each of us the opportunity to reflect upon the history and lessons of war. More importantly, it offers our Nation the opportunity to say "a grateful nation remembers." It is important that we remember the sacrifices our veterans made 50 years ago. Such sacrifices have helped lead us to victory; a victory that will always be remembered. We remember, too, the brave men and women who have given their lives in the defense of our country. We remember their families and grieve their losses.

As we observe Memorial Day and remember those who served 50 years ago let us pledge to face our future with the same dedication and courage that our heroes have demonstrated in defending the freedom of our Nation.●

IMPRESSIONS OF VIETNAM

● Mr. SIMON. Mr. President, recently, I spotted some impressions from Vietnam by a professor at Wittenberg University, James L. Huffman. Whittenberg is a fine school that my daughter, Sheila Simon, attended.

I wrote to Professor Huffman and asked for a copy of his observations, which I think are significant as we evaluate where we are going in policy toward Vietnam.

My strong feeling is that we should lift the economic boycott to permit American businesses, like Caterpillar in Illinois, to do business in Vietnam.

At the same time, we should make clear to Vietnam that full and friendly relations between our two countries depend on recognition of human rights. We should not repeat the mistakes that we have been making in the People's Republic China.

I ask the remarks of Professor Huffman be printed in the RECORD.

The remarks follow:

IMPRESSIONS OF VIETNAM

(By James L. Huffman, Professor of History, Wittenberg University)

This last week has been exhilarating, depressing, hopeful, eye-opening—and mind expanding. Far and away the dominant first impression of Hanoi was poverty. In fact, its face had so many shapes that it is hard to select a few representatives ones. Even as we landed, there were the peasants with scythes, farming right up to (and between) the concrete runways. On the streets of Hanoi, one sees bikes, oxen, motorscooters—and a few hired cars, or trucks and busses, along with thousands of pedestrians and mounds of dust that turn tree leaves a dull, brownish gray. A typical lunch of fuh costs about 20 cents. Butchered hogs go by on a passing cyclo, on seats later to be used by human passengers. Barbershops consist of a chair in front of a mirror hung from a tree. Beggars sit at all the human traffic junctures. And the younger professors at prestigious Hanoi University greet guests, wearing threadbare, torn suits and yellowing shirts. I was told that detergent for washing is scarce.

A second impression is the administrative controls that keep both foreigners and Vietnamese in check. Professor N, a marvelous host who helped us get our visas, showed up the first evening not only to welcome us but to take our passports. The police, it seemed, had to be notified that we were here and permission had to be obtained for us to go "abroad" (to a nearby village outside the city). Police were ever present, as were photographs of Vietnam's great liberator, Ho Chi Minh. And, we were informed, most Vietnamese stayed away from the guesthouse where our daughter Kristen had lived for four months because it was operated for foreigners by the government. Anyone seen there too often might be suspect for being overly interested in foreigners. Even Mrs. Nguyen, Kristen's marvelous, charming English student who handles visa applications at the Education Ministry (and saw to it that we got ours) had to be careful about being seen "too much" with outsiders.

But though the image of poverty—at least poor-ness (and there is a difference between being poor and being in poverty, a difference that has less to do with income than with perceptions of one's self in relationship to others)—persisted, other images quickly began to dominate. Before long, I became convinced that while Vietnam remains a controlled society, my understanding of the word "control" had been harsher than the reality, influenced overly much by stereotypes rooted in years of struggle between our two countries.

I suppose the first new image was the friendliness and good spirit of the Vietnamese people. They clearly had a volatile side, yelling at each other during bicycle jams, giving me an obscene gesture (fully justified) after the driver of the car in which we were riding bumped and tipped over a cyclo. Inequality and want breed tensions and volatility anywhere in the world, as does human nature itself. But far more pervasive was the Hanoi smile. Kristen told us a smile was important as we dealt with people. How right she was! People smiled as they passed us on our bikes. School children beamed when we took their pictures. Even the police seemed to have trouble playing the somber authoritarian role. At the heavily guarded Ho Chi Minh mausoleum, one guard ordered me to divulge the contents of a bulge in my front pocket (no cameras allowed). When it turned out to be a calculator, he grinned impishly—and warmly. Another put Kristen on the seat of his bike and whisked her off to get the required foreigners' permission to enter the mausoleum. A third joked with us, while we waited, about his lack of a spouse and our "beautiful daughter's" unavailability.

They did not just smile, though. Again and again, these people befriended us. Mrs. Nguyen probably put herself at risk in pushing through our visa applications, then gave Judith one of life's warmest (and most appreciated) embraces at the Hanoi airport and saw to it that the visa work was done promptly. Mr. N made innumerable hour-long trips to set up visits with educators. Principals at two elementary schools interrupted class sessions to show us public education "in action," then spent nonexistent funds on receptions replete with fresh fruit, drinks and floral gifts. A prominent historian left the National Assembly, then in session, to talk with us about the "American War." None of this could have sprung from our status or anything we had to offer. We were simply parents of a college junior, using her study-abroad time as a chance to get to know more about Vietnam ourselves. But our lack of status was irrelevant. The residents of Hanoi came through as a gracious, vibrant people who befriend others simply because they are there, because others express a need or desire.

A second image was their ambivalence about America. There was little question that American people are genuinely liked and that America's wealth is, at least for some, enticing and attractive. Indeed, one of the constant surprises to me during these few days was the absence of any visible xenophobia. Unlike the Chinese who regard all foreigners with a measure of suspicion or contempt—and at variance with what one would expect in a nation that has suffered so much at the hands of Chinese, French and Americans—there was a delightful, impressive eagerness to both learn from and work with other peoples. In particular, a group of professors at Hanoi University discussed repeatedly how eager they were to study other countries, especially those of Southeast Asia, as models for development. And again and again people talked of how they admired the American people.

The key word here, however, was "people"; for just as frequently they drew a distinction between American people and the American government (just as Americans used to do in discussing the Soviet Union). The bitterness created by America's 20-year war to prevent Communism, and then by our continuing embargo and definitions of Vietnam as an "enemy," showed up rather often. The United States, from the Vietnamese perspective, was an aggressor, purely and simply. As the historians at Hanoi University put it, Vietnam wanted independence, no more and no less. Communism was not the issue, except in the sense that Communists befriended and encouraged them in their struggle for independence while American presidents rebuffed Ho's offer to work together after World War II, then actively blocked the creation of a unified, independent state following the defeat of the French in 1954. Since the American defeat—" at the hands of patriots who would not give up because they were fighting for their homeland," according to one young professor—the U.S.embargo has made economic development a practical impossibility.

"And were the Americans any different from the French?" I asked, expecting at least as much animosity toward a European power that had colonized Vietnam for a century, then forcibly resumed control in 1946, even after World War II and the Japanese had driven it out. "Yes," replied another of the historians. "France gave us a great deal: our educational institutions and our political structures. America gave us nothing but a war." His reading of colonial history may have been simplistic, but his point was not a careful reading of history. America had fought to obstruct Vietnamese independence. America had cared not at all about Vietnam itself, either its people or its government. And America, defeated, had created a massive, sustained barrier to Vietnam's economic progress and development. It may have been a one-sided analysis, but there was evidence aplenty—in conversations on the streets of Hanoi, in America's refusal to resume diplomatic relations or let its own citizens phone or FAX Vietnam, in the testimonies of other nations that they cannot engage in full-fledged trade with Vietnam until the U.S. embargo is lifted—that it was not groundless.

The professor's comments did not, however, stop there. He added that it was time to put the past behind. To his obvious bitterness was added a tone, partly pragmatic and partly idealistic, of hope. The United States and Vietnam lost a chance to work together in 1945, at the end of World War II, he and his colleagues said; they foresaw another such opportunity coming (soon, they hoped) and history taught that it could be squandered only at the peril of both nations.

This willingness to rein in bitterness with realism drew into focus one other striking characteristic: the hope that seems everywhere present in Hanoi—in the tables of goods for sale on every sidewalk, in the smallscale construction in each neighborhood, in new products being imported, in the willingness to start American exchange programs and give visas even to the unconnected. Since the onset of doi moi, Vietnam's perestroika, half a decade ago, small scale private enterprise has sprung up everywhere. Sidewalk booths make walking difficult at times and provide Hanoi residents everything from noodles and shuttlecocks to fresh meat and mirrors. People may be poor but they have become hopeful, at times boundlessly so.

Mrs. Giap, a cleaning lady, walked into the "Bar," as Judith, Kristen and I sat wearily but animatedly discussing the day's discoveries late one afternoon. "Vietnam is a poor country, isn't it," she commented. "Yes," replied Judith, "but the people are so good, and they seem happy."

It was as though Judith has raised the watergate. Mrs. Giap agreed: "Yes, we are happy. We can buy things now. A few years ago, nothing was available. Now, if we have money, we can get anything." She became animated. "We believe our government now, because we think it's going to get better. The more time passes, the better it will become."

I found it a provocative conversation. Was she just doing a PR job on a foreigner? Probably not. She knew Kristen well; she had a tough and hardnosed side. Was she naive? Probably so, as all dreamers are naive. But something has happened to awaken hope in a people buffeted for years, even centuries, by foreign nations playing their own ideological and geopolitical games. That hope has spawned new kinds of activity, new directions and new dynamics, both on the streets and in the halls of government.

Is it illusory? Is a new day a dream? Mrs. Giap thinks not. And I hope she is right.•

THE 75TH ANNIVERSARY OF THE NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION COMMISSIONED CORPS

• Mr. BREAUX. Mr. President, I rise today to recognize the outstanding contributions of the National Oceanic and Atmospheric Administration [NOAA] Commissioned Corps on the occasion of their 75th anniversary. Recognizing the long and distinguished history of the NOAA Commissioned Corps, I also salute their predecessor organization, the illustrious U.S. Coast and Geodetic Survey Commissioned Corps.

During the earliest days of this Nation, President Thomas Jefferson, in 1807 established a survey of the coast to foster the main business of this fledgling country, maritime commerce. Once begun, this survey of the coast, called the U.S. Coast Survey, became even more important to the growth of coastal maritime commerce in this Nation. Noting the ever increasing shipping traffic, ever more resources were allocated to the survey and, to bring additional professional engineering expertise into the survey, both Navy and Army officers were assigned. As the coastal ocean surveys grew in scope to cover the Atlantic, Gulf of Mexico, and Pacific coasts, it was apparent that land surveys, also called geodetic surveys, were of increasing importance and, to handle the increased surveys, the Coast Survey was expanded, forming the venerable U.S. Coast and Geodetic Survey [USC&GS]. Land, hydrographic surveys and the new science of oceanography became the province of the professional USC&GS hydrographic engineers and the military officers assigned to USC&GS. During the Spanish-American War, all Navy and Army officers were withdrawn from the U.S. Coast and Geodetic Survey to support the war effort; USC&GS continued the critical science and survey operations using the remaining professional hydrographic engineers as the mainstay for the arduous field and coastal survey work.

With the advent of American participation in World War I, the U.S. Congress passed the act of May 22, 1917, entitled the "Act to temporarily increase the commissioned and warrant and enlisted strength of the Navy and Marine Corps, and for other purposes." In this act, "The President is authorized to appoint, by and with the advice and consent of the Senate, the field officers of the Coast and Geodetic Survey * * *". Noting the wartime survey and mapping requirements, the act also authorized transfer from the Department of Commerce the vessels, equipment, stations, and personnel of the Coast and Geodetic Survey to the War and Navy Departments. Thus the U.S. Coast and Geodetic Survey Commissioned Corps was forged and the USC&GS Commissioned Corps has served this Nation well since World War I.

Established under the jurisdiction of the U.S. Department of Commerce, the U.S. Coast and Geodetic Survey Commissioned Corps has undergone several reorganizations and name changes. Renamed the Environmental Sciences Services Administration Commissioned Corps in 1965 and, again renamed the National Oceanic and Atmospheric Administration [NOAA] Commissioned Corps in 1970, the NOAA Commissioned Corps carries on the proud tradition of the U.S. Coast and Geodetic Survey Commissioned Corps, providing professional expertise in engineering, science and surveying in support of this Nation's commerce.

NOAA Commissioned Corps officers may be found utilizing their scientific expertise while serving on ships of the NOAA fleet, piloting NOAA helicopters and aircraft, conducting underwater scientific diving projects, serving in both the Arctic and Antarctic science programs and managing remote NOAA field operations. On the land, on the sea and in the air, the officers of the NOAA Commissioned Corps carry on the proud tradition established by the U.S. Coast and Geodetic Survey.

All members of the NOAA Commissioned Corps, this Nation's smallest military service, wear their uniforms with confidence and pride, knowing their accomplishments will contribute to the continued prosperity of this great land. At this juncture in their long and distinguished history, I salute the National Oceanic and Atmospheric Administration Commissioned Corps on the 75th anniversary of dedicated service to this Nation.•

DEFENSE TRANSITION

• Mr. PRYOR. Mr. President, Americans today are dealing with one of the more radical periods of change in our history—the end of the cold war and the changes in the U.S. military that go with it.

Those changes have already begun, and they have been marked by a downsized military, shrinking defense companies, layoffs, and devastated communities. But today's problems are the tip of the iceberg, to wit:

Thirty-four military bases will be closed, 48 will be realigned, and more will be announced in 1993.

Up to 350,000 defense workers will lose their jobs each year through 1997—that is roughly 1,000 workers a day, or 40 workers every hour.

But with every challenge comes an opportunity. And with leadership and planning, these challenges can be turned into economic opportunity—opportunity to turn money that was spent on weapons into investments that create economic activity and jobs.

With that in mind, Majority Leader MITCHELL 2 months ago, formed a task force, with me as its chairman, to develop a strategy for the transition from cold war defense spending to domestic necessities at a time when a recession continues and the Soviet threat has all but disappeared.

More simply put, the work of this task force was based on the belief that if we reinvest our defense cuts wisely, we can attempt to create more jobs than we will lose from the defense downturn.

The task force met with more than 60 experts in the last 2 months—experts from the defense industry, from labor and business interests, from State and local governments, from community leaders and from Federal agencies.

What we came up with was a short-term plan of action that fits into a long-term strategy to achieve growth and jobs. These are the elements of the plan:

First, reinvest our human resources: Defense workers deserve more than a pat on the back for years of work in the national defense. This element involves funding for retraining, making retraining programs work better, and giving military men and women incentives to go into public service.

Second, help communities adjust, through support programs that get redevelopment funds into the communities that need it.

Third, help defense community businesses with Small Business Administration loans and possible tax incentives.

Fourth, assist defense companies to grow into new civilian markets and create new jobs for manufacturing, technology and marketing assistance.

Fifth, make the $70 billion Government research budget work as an engine for future civilian economic growth. Make more of the innovations support American civilian technology and manufacturing needs.

These proposals are investments that result in future paybacks. They use proven, successful programs that do not create big new bureaucracies. And they create or promote partnerships between Federal, State and local governments as well as between the Federal Government and businesses.

We estimate that this plan will cost $1.2 billion in the next year. However, the details of any spending programs will have to be worked out during the weeks and months ahead in consultation with many committees and experts.

Sadly enough, the experts we already have consulted tell us the administration is doing nothing to this end. There is no planning, no strategy, no leadership, and as a result, there is no action.

I recently read in a defense publication that our Government has pledged $85 million in technical assistance to aid the military conversion of the former Soviet Union. It is ironic that the administration is doing this at the same time it has sought to cut in half the $7.5 million budget of the Pentagon's Office of Economic Adjustment, and it has sought to completely abolish the Commerce Department's Economic Development Administration. These two Offices are among the few equipped to assist communities in making the necessary transitions I am talking about.

We realize we are working in a very tough budget environment. But our goal is to lay a firm foundation of strong proposals to meet the challenges that lay ahead for America's defense-dependent businesses, communities and workers.

The task force report follows:

U.S. SENATE,
Washington, DC, May 21, 1992.

DEAR MAJORITY LEADER MITCHELL: Few trends today pose greater opportunities or greater challenges to our nation than America's transition from Cold War defense priorities based on the Soviet military threat to domestic peacetime realities during a time of continuing recession.

Two months ago you charged a task force of 21 Democratic Senators to develop a strategy for this transition that will minimize the negative impacts of defense spending cuts and optimize the potential for benefits from changing priorities. If we reinvest defense cuts wisely we can create more jobs than we lose from the defense contraction.

The report to follow contains findings and recommendations of the Task Force that form the elements of a short-term plan for transition and a long-term strategy for investment and growth. Much of the report is based on the recommendations of the over 60 experts with whom the Task Force met.

In the weeks to come, Task Force members will receive comments from all interested parties on this report and its recommendations. The Task Force intends to coordinate with and support the efforts of the appropriate Senate committees that will review the Task Force recommendations.

Thank you for this opportunity and for your support of the Task Force's work.

Sincerely,

DAVID PRYOR,
Task Force Chairman.

EXECUTIVE SUMMARY

LOOMING DEFENSE/ECONOMIC CHALLENGES

America is headed into defense spending cuts, job losses, and industrial disorientation—and the Administration is asleep at the wheel. No plan for transition exists. No strategy for reinvesting our resources for the future is in the works. Worst of all, the Task Force documented important areas in which executive departments have hindered defense transition initiatives.

No planning. No strategy. No leadership. And, as a result, no action.

"Change is Needed", was the message the Task Force heard in testimony from over 60 experts from the defense industry, labor unions, state and local governments and action groups, and Federal agencies. Research by the Office of Technology Assessment, Congressional Research Service and the General Accounting Office further emphasized these conclusions and added that problems facing us today will grow in the years to come.

The outside experts painted a somber picture that was also a call to action:

Defense cuts that will range from $50-$200 billion over the next five years means up to 350,000 defense-related jobs will disappear annually, totalling up to 1.4 million jobs by 1995.

Thousands of U.S. companies reliant on Pentagon contracts or subcontracts, must reorient or reduce.

Hundreds of American communities will suffer as military bases and defense plants begin to close or downsize this year.

Defense-related economic dislocations will be magnified by a recession-weakened economy, chronic unemployment, soaring personal and corporate debt, and the export of U.S. manufacturing and technical know-how overseas.

REINVESTING THE PEACE DIVIDEND

Several themes repeatedly emerged in the testimony the Task Force received from outside experts. These themes serve as useful guidelines for considering options for action:

(1) Focus on economic growth/job creation—make investments today that pay dividends in America's future.

(2) Use and improve successful, needed programs—do not create new government bureaucracies.

(3) Take actions this year that steer us toward a long-term strategy for transition into the post-Cold War economy.

Task Force briefers identified three areas to focus its attention.

The first is dislocated military and civilian workers who will need help reinvesting their talents and expertise in productive non-defense jobs.

Second are defense-dependent communities that can benefit from programs to help them plan for the defense downturn and to take action that will allow the community to grow in new directions.

And finally, defense-dependent companies—especially the more agile small to mid-sized firms—can be given incentives to reorient, diversify and become engines for new job creation and economic growth through a number of enabling government actions, programmatic reforms and a view toward long-term investments.

A DEMOCRATIC PLAN OF ACTION

Americans support investing part of the peace dividend in programs and reform that will build a foundation for a stronger domestic economy. The Task Force recommendations answer this call for change and a new direction. Some of the recommendations are:

I—Reinvest Defense Workers in Non-defense Jobs

Help DoD military and civilian employees and defense industry workers make a productive transition that benefits the worker and the economy

Retrain defense workers to become productive in new areas

Make government worker assistance programs work better

Incentives for soldiers and sailors to go into public service (education, health, etc.)

Create incentives for DoD civilians to find new work

II—Help Communities Rebound

Emphasize the importance of planning assistance for defense-impacted communities by expanding the Office of Economic Adjustment

Fight Administration efforts to kill community economic recovery grants and expand the Economic Development Administration, which helps communities adjust to change

Revive SBA small business loan program designed to help local businesses in transition

Cushion the blow to school districts near base closings with extended Impact Aid

Review tax incentives to spark development in defense-impacted zones.

III—Industrial Diversification, Economic Growth, and Job Creation

(A) Provide Businesses with Marketing, Manufacturing, and Technical Assistance

Help companies diversify and find new markets through "manufacturing extension services"—similar in concept to agricultural extension centers

Support use of advanced technologies by businesses through Regional Technology Alliances"

Encourage fast and flexible response for industry transition through grants for state and regional industrial services.

Help companies find civilian markets abroad

(B) Invest in Technology and Research with Long Term Civilian Pay-offs

Fund and support long-lead research of potential commercial technologies (activities in DoD, Commerce, NASA)

Fund dual-use research projects in DoD that have military and commercial payoff.

Set aside more research funds to give incentives to small business innovation

Redirect defense labs toward helping the civilian economy

Support tax policies that encourage businesses to grow.

TRANSITION COSTS/BENEFITS

Many changes endorsed by the Task Force have no cost. For instance, increasing small business research set-aside requirements would require no new funds but would set aside up to $500 million more for small enterprises. The same would hold for earmarking certain national laboratory funds for industry coordinated research efforts.

Where increased funding is recommended, sound investments to help today's defense-dependent human, community and industrial resources and will pay dividends for years to come. Such investments today can help set the stage for a sustained economic recovery.

Although many of the Task Force recommendations will need further development during the coming months, the Task Force has made a preliminary cost estimate of $1.2 billion for all specific program spending elements. The Task Force plans to continue working with the relevant Senate committees and experts to develop specific funding recommendations.

Finally, it should be noted that, understandably, many of the defense transition programs recommended for increased funding and emphasis are located outside the Defense Department. The Task Force is encouraged that many of these programs can be funded using Defense funds for FY93 only. The process of moving this package forward will require cooperation between numerous committees, the Senate Republican leadership and finally, the White House.

In future years, the Task Force strongly recommends that funding and any control over transition programs that should be located in non-defense agencies be transferred to those agencies.

TOWARD THE FUTURE

This report emphasizes the need for comprehensive planning as we reduce our defense spending. The Task Force recommendations are meant to set in motion immediate, realizable action that will lay a foundation for future efforts to bend growing defense transition challenges into economic expansion and opportunities. Future defense cuts, the shape of the economy, budget law changes, and changes in political leadership could alter the way we can deal with transition issues.

MEMBERS OF DEFENSE TRANSITION TASK FORCE (APPOINTED BY MAJORITY LEADER MITCHELL ON MARCH 3, 1992)

Senator Brock Adams—Washington.
Senator Jeff Bingaman—New Mexico.
Senator John B. Breaux—Louisiana.
Senator Alan Cranston—California.
Senator Christopher J. Dodd—Connecticut.
Senator Bob Graham—Florida.
Senator Ernest F. Hollings—South Carolina.
Senator Edward M. Kennedy—Massachusetts.
Senator Carl Levin—Michigan.
Senator Howard M. Metzenbaum—Ohio.
Senator Barbara A. Mikulski—Maryland.
Majority Leader George J. Mitchell—Maine.
Senator Sam Nunn—Georgia.
Senator Claiborne Pell—Rhode Island.
Senator David Pryor (Chair)—Arkansas.
Senator Donald W. Riegle, Jr.—Michigan.
Senator Charles S. Robb—Virginia.
Senator Paul S. Sarbanes—Maryland.
Senator James Sasser—Tennessee.
Senator Timothy E. Wirth—Colorado.
Senator Harris Wofford—Pennsylvania.

SENATE DEMOCRATIC TASK FORCE ON DEFENSE/ECONOMIC TRANSITION, MAY 21, 1992

I. REINVESTING DEFENSE WORKERS

Summary Findings

According to the Office of Technology Assessment (OTA), roughly 6 million people were employed directly or indirectly in national defense jobs in 1991.

By 1995, 1.4 million defense employment positions will be eliminated at a rate of up to 350,000 per year.

Department of Defense (DoD) military and civilian employees, Department of Energy (DOE) nuclear weapons complex civilians, and defense industry workers will be affected by the reductions in national defense spending.

The Administration took over a year to release $150 million from FY90 DoD funds to the Labor Department for defense worker adjustment services (Defense Conversion Adjustment Program—"DCA").

To date, the Labor Department has released only $22 million of the $150 million, which will expire on September 30, 1993.

Recommendations

A. Fund Worker Adjustment for Peacetime

1. Existing Labor Funds: Continue DCA Program by extending the current obligation of $150 million through FY 97.

2. Urge the Department of Labor to promote and implement demonstration project grants, especially for in-house retraining by defense firms who are seeking to diversify or foster dual use capabilities.

3. Supplement Labor Funds: In FY 93, transfer additional funds from DoD to Labor to be used through FY 97.

B. Job Retraining Program Improvements

1. Support the ongoing efforts to the Senate Labor Committee to improve the overall functioning of the basic worker retraining program ("EDWAA") and to ensure its relevance to the special needs of displaced defense workers.

2. Amend Title 5 so that EDWAA can be extended to workers at military installations scheduled for closure or realignment from 60 days to 12 months.

3. Require State EDWAA Managers to urge defense firm employers to provide increased communication on the status of contract terminations, program curtailment, and the end of a production line.

4. Allow States to reimburse their discretionary accounts with Defense Conversion Adjustment (DCA) funds if they have provided "Rapid Response" services to defense workers, and in doing so, contributed to the depletion of their discretionary accounts.

C. Re-orienting Department of Defense Military Employees

1. Support the proposals to provide the Secretary of Defense voluntary early retirement authority to members having between 15 and 20 years of service.

2. Encourage military personnel who retire under the early retirement program to take approved jobs in the public sector by allowing them to increase their military years of service credit by one year for each year of public service up to a total of 20 years.

3. Help military personnel get the training, education, certification, and job placement which may be required for employment in critical public service jobs, such as education, law enforcement, or medical services.

4. Support a one-year leave of absence with pay for a military employee with relatively few transferable skills to pursue courses of instruction or education either within or outside the military.

5. Provide early retirement incentives and transition benefits for reservists.

D. Assistance for Department of Defense Civilian Employees

1. Urge the Senate Governmental Affairs Committee to report legislation on how to provide the Department of Defense with the necessary tools to manage the downsizing of the civilian workforce. Options to consider include retirement incentives, annual leave accrual as retirement service credit, extended health insurance coverage, expanding DoD's Priority Place Program to include all federal agencies, and creating a toll-free information number at OPM.

2. Direct DoD to make an inventory of training programs within the Defense Department training establishment that can provide skill training for jobs in the civilian economy. Upon completion, DoD should identify which programs would be applicable to non-DoD civilian employment. Authorize DoD civilian employees facing separation through a reduction-in-force or base closing action to receive up to one year of skill training in the Defense training establishment while still employed in DoD.

II. HELPING COMMUNITIES ADJUST

Summary Findings

Currently 34 bases are scheduled for closure, 48 bases will be "realigned". Another round of base closures will be announced in 1993. In addition, many defense industry plants are suffering the effects of reduced defense spending. The OTA estimates that over 150 U.S. communities will be hard hit by defense downsizing.

The Pentagon's Office of Economic Adjustment (OEA) is the agency in charge of helping communities plan for base and defense plant closures. It has a staff of 17 and a budget of $7 million.

The Bush Administration has requested that OEA funding be cut to $4 million in FY 1993.

The Commerce Department's Economic Development Administration (EDA) provides "economic devastation" grants to help communities implement their economic development plans.

The EDA has been targeted for termination by the White House since 1981. The White House slowed the release of $50 million from FY90 DoD funds to EDA until February 1992. As a result, only $100,000 in EDA funds have actually reached impacted communities to date.

Although few dollars have reached the communities, many promises have been made. The Bush Administration began promoting and committing defense-related EDA funds during the campaign season: New Hampshire/Maine in February, Texas in March, and Arkansas in April.

Recommendations

A. Office of Economic Adjustment (OEA)

1. Increase OEA staff levels and grant authority for community assistance coordination and planning grant administration.

B. Economic Development Administration (EDA)

1. Existing EDA Funds: Extend through FY 97 the spending authority on the current $50 million schedule to expire on September 30, 1993.

2. Supplement EDA Funds: In FY 93, transfer additional funds from DoD to Commerce for EDA grants through FY 97.

3. Ensure EDA's Position: the Task Force endorses the mission of the Economic Development Administration which has the function of assisting not only defense dependent communities but also communities which experience non-defense related economic distress. The Administration should be directed to clarify and support EDA's long-term mission of providing support for distressed communities and promoting economic development.

4. Require EDA to streamline the application process and press for better coordination with the Office of Economic Adjustment in making the transition from planning to implementation assistance for affected communities.

C. Small Business Administration (SBA)

1. Preferred Loans to Defense Firms: Provide direct, low interest rate loans to small businesses adversely affected by base closings or contract terminations.

2. Government-Guaranteed Loan Program: Provide supplemental appropriations in FY 92 to ensure that adequate resources are available for such loans.

D. Department of Education

1. Direct the Secretary of Education in conjunction with the Secretary of Defense to report annually on school districts which will be adversely impacted by military base closings, realignments, and redeployments.

2. Impact Aid Grants to School Districts: Allow needy school districts impacted by base closings to receive an additional year of phased-out funding. This would be accomplished by allowing payments under Section 3 of Public Law 81-874, the Impact Aid Program, to be based on prior year data in calculating the formulas for distribution of funds for Impact Aid. This would enable eligible school districts to receive Section 3 payments earlier in the school year and allow them to better plan annual operating budgets.

E. Tax Incentives for Community Growth

1. Urge review of various tax incentives to stimulate economic activity in geographic areas hit hardest by the reduction of U.S. defense spending. Tax incentives should target relief for problems caused by worker displacement due to cancellation of government contracts, defense industry down-sizing, base closings, and force reductions. However, more importantly, these tax incentives should encourage long-term economic growth.

F. Environmental Restoration at Base Closings

1. Encourage joint periodic reviews by the Senate Armed Services Committee and the Senate Committee on Environment and Public Works on the base closing policies and regulations of DoD's Defense Environmental Restoration Program. These reviews would monitor the important funding and regulatory issues that will affect base closing communities, in an attempt to accelerate environmental clean-up ensure rapid public use of closed military installations.

III. INDUSTRIAL TRANSITION, ECONOMIC GROWTH, AND JOB CREATION

A. Industrial Transition and Assistance

Summary Findings

Based on some estimates, DoD outlays for goods and services could decline by as much as 48% over the period 1992–2001.

Many defense firms must diversify into commercial markets and become less defense-dependent to survive.

Small and medium sized defense firms need assistance with sales, marketing, up-to-date technology, and best manufacturing practices to make them competitive and insure successful diversification.

Programs to ease diversification, enhance industrial competitiveness, and create jobs have been under funded.

U.S. programs to provide new overseas markets are much smaller than those of our competitors.

Recommendations

1. Fund Regional and State Manufacturing Extension Services: Ease the transition of defense firms into new markets and bring the overall level of U.S. manufacturing technology up to world class standards through support of manufacturing extension programs assisting small and medium sized firms.

DoC Manufacturing Technology Centers.

DoC State Technology Extension Program (STEP).

DoD Manufacturing Extension Program.

2. Fund Regional Technology Alliances: Address common industry transition needs and encourage overall economic activity through a focus on regional industrial clusters. Fund regional efforts devoted to applied R&D, specialized training, market research, export promotion, and testbed facilities.

3. Provide DoC Grants for Regional and State Industrial Services Programs: Promote a quick and flexible response to the transitional needs of defense and other industries through support of state and regional industrial services programs.

4. Provide Trade and Export Assistance: Help defense and non-defense firms tap new civilian markets overseas by providing additional funding and technical assistance.

Increase funding for U.S. Foreign and Commercial Service.

Increase funding for the Trade and Development Program.

5. Amend DoD Recoupment Policy: Encourage defense firms to diversify and achieve a payoff for the commercial economy on defense R&D, by revising the policy requiring recoupment of R&D money spent on military technologies that are commercialized.

B. Investment in Growth Technologies

Summary Findings

Over the long run, investment in economic growth is the only complete solution to lower defense spending and structural economic changes.

The U.S. government spends approximately $70 billion annually on R&D, over sixty percent of it for defense purposes. As a percentage of GNP, the U.S. spends only two-thirds the amount on non-defense R&R as the Japanese and the Germans.

Economic growth depends on increased productivity, product innovation, and leadership in industries with a high multiplier effect for the economy, all of which create higher wages.

Achieving these factors depends in large part on developing and applying critical technologies which underlie emerging industries with high multiplier effects.

Because of the significant technical risks and financial barriers involved, individual companies are either unwilling or unable to successfully develop many of these critical technologies.

It will be necessary for the government to act as a catalyst as well as a backer in some cases, of U.S. industries' efforts to develop and lead in the application of critical technologies.

Recommendations

1. Critical Technology Partnerships with Industry: Vie for leadership in the industries of the 21st century and create R&D opportunities for defense and non-defense firms through grants to industry-led partnerships developing critical technologies.

Fund DoD Advanced Technology Program (ATP).

Fund Defense Advanced Research Projects Agency (DARPA) Dual-Use Partnerships with Industry.

Support Ongoing Civilian Aerospace R&D Partnerships in NASA.

Initiate National Environmental Technologies Agency (NETA) to Fund Grants for Environmental R&D.

2. Emphasize Dual Use in DoD R&D: Within the DoD R&D budget, set aside additional funds for projects that meet significant defense needs and that have a potential for application in the civilian sector. Such projects would include environmental clean-up, energy efficiency, transportation, computer and communications technology, and others.

3. Increase Small Business Innovation and Research (SBIR) Funding: Capitalize on the resourcefulness of small U.S. companies and increase opportunities in key emerging industries by increasing the set-aside for R&D matching grants to small firms. Focus grants on critical technologies with highest economic potential.

4. Reorient Defense Labs: Redirect these crown jewels of the national R&D infrastructure toward national needs and assisting commercial industry, now that the cold war is over.

Industry-Laboratory Partnership Program: Establish a set-aside fund to support industry-led R&D projects.

Amend Stevenson-Wydler Act: Require "dual-use" R&D be done in partnership with industry whenever possible.

National Academy of Science Study: Commission a study to examine what role the defense labs should fill now that the cold war is over, and how the labs can best fill this role.

5. Fund AgileTech: Help establish U.S. manufacturing preeminence by funding the public-private consortium developing manufacturing concept known as Agile Manufacturing.

6. Extend the R&D Tax Credit: Help make American industry the most technologically advanced in the world through extension of this tax credit for research and development expenditures.

Provide Grants for Manufacturing Education and High Skills Retraining: Insure U.S. industry's access to the best scientists, engineers, and managers, through funding of manufacturing education programs administered by the DoD and NSF. Fund NSF administered retraining programs to high skill former defense industry employees making the transition to commercial industry.

8. Extend the Employer-Provided Educational Assistance Tax Credit: Extend this provision to encourage businesses to continually invest in upgraded skills for their employees.

BACKGROUND ON RECOMMENDATIONS—SENATE TASK FORCE ON DEFENSE TRANSITION, MAY 21, 1992

I. REINVESTING DEFENSE WORKERS

According to the Office of Technology Assessment (OTA), in 1991 about 6 million people were employed in defense-related jobs in the private defense industry and DoD uniform and civilian positions. By 1995, as many as 1.4 million defense-related jobs will be lost at a rate of about 350,000 jobs per year.

A. Fund Job Retraining for Peacetime

Recommendations

1. Existing Labor Funds: Continue DCA Program by extending the current obligation of $150 million through FY 97.

2. Urge the Department of Labor to promote and implement demonstration project grants, especially for in-house retraining by defense firms who are seeking to diversify or foster dual use capabilities.

3. Supplement Labor Funds: In FY 93, transfer additional funds from DOD to Labor to be used through FY 97.

Findings

The Defense Authorization Bill of 1990 provided the "EDWAA" program with $150 million in Department of Defense (DoD) funds earmarked for adjustment services to displaced defense workers. The Administration delayed the transfer of $150 million in DoD funds and the money did not reach the Department of Labor (DoL) until July, 1991, 9 months after authorization. Another 3 months passed before DOL guidelines were in place. During this one year delay, tens of thousands of defense-related jobs were lost, causing the Department of Labor to expend over $37 million for needed assistance to displaced defense workers. This limited the EDWAA resources that were available for assisting non-defense workers hit hard by the current recession.

Currently, the $150 million in DoD funds will expire at the end of Fiscal Year 1993. As of May 20, 1992, displaced defense workers seeking EDWAA services had received a mere $22 million of the $150 million earmarked DoD funds. Should September 30, 1993 arrive before the $150 million is expended, the remaining funds would be returned to the U.S. Treasury rather than reaching the defense workers needing assistance. Due to the delay in the transfer of funds, an extension on the date of expiration for these funds would be appropriate.

The OTA estimates that the $150 million will provide support for a considerable number of defense workers needing assistance, but that additional funds will be necessary to properly satisfy the full scope of defense reductions. Determining proper funding levels for assisting displaced defense workers remains uncertain, based on the difficulty of predicting future U.S. economic conditions and retraining demands. An improving economy would help to ease the transition for displaced defense workers. However, a continuing recession would increase the demands for EDWAA services, thus requiring a greater funding contribution. This suggests that a supplement in Fiscal Year 1993 funds should be modest. Supplemental EDWAA funds should be accompanied by report language that urges a prompt transfer from DoD to DoL. In addition, Congress should monitor the rate of spending of such funds to determine if displaced defense workers are being properly assisted during the transition.

The Department of Labor has set aside $15 million of the transferred $150 million for Demonstration Project grants. Such grants would attempt to promote innovative worker assistance projects. Guidelines for proposals for demonstration project grants were not circulated by the Department of Labor until April 28, 1992, and no such grants have been approved to date. Demonstration project grants would allow entities outside the DoL, such as State governments, local governments, or private firms to initiate creative worker assistance programs. Constructive use of these grants would include in-house retraining by defense firms who seek to retain their current workforce during diversification.

B. Job Retraining program Improvements

Recommendations

1. Support the ongoing efforts of the Senate Labor Committee to improve the overall functioning of JTPA and to ensure its relevance to the special need of displaced defense workers.

Findings

The Task Force was informed at the April 8, 1992 briefing entitled "Private Sector Retraining Issues" that there are some significant problems with existing JTPA programs for dislocated workers. It was stated that these diverse problems are being reviewed by the Senate Committee on Labor and Human Resources. This Committee is studying ways to strengthen JTPA, in the hopes of making this program work better for all workers, including defense employees. The Task Force understands that their efforts include a reexamination of our overall approach to displaced worker policy, perhaps in the context of the North American Free Trade Agreement. In the course of that effort, the Committee on Labor and Human Resources will seek to ensure that future improvements in JTPA take account of the special needs of displaced defense workers.

Recommendations

2. Amend Title 5 so that JTPA can be extended to workers at military installations scheduled for closure or realignment from 60 days to 12 months.

3. Require State EDWAA Managers to urge defense firm employers to provide increased communication on the status of contract terminations, program curtailment, and the end of a production line.

Findings

In 1990, the Base Closure and Realignment Commission announced that 34 military installations would close and 48 would be realigned by 1995. Another round of base closings will be announced in 1993. It has been estimated hat 40,000 civilian DoD employees will lose jobs as a result of base closings and realignments. A significant number of these employees will require retraining and other EDWAA assistance.

The advance notification by the Base Closure Commission provides many DoD employees with the knowledge that their jobs will be terminated often 2 to 3 years before a military base closes. However, currently DoD employees cannot receive EDWAA assistance until after they receive a RIF (reduction in force) notice. This notification takes place 60 days before a military installation closes. An extension of the eligibility date that base employees can receive EDWAA assistance would make these services more proactive to those needing assistance and will capitalize on the opportunity created by the advance notification of base closure decisions. In addition, early access to JTPA assistance will increase an individual's reemployment possibilities and help to reduce the costly and unpleasant scenario of unemployment.

In the case of worker displacement caused by contract terminations, program curtailments, or the end of a production run, the Worker Adjustment and Retraining Notification (WARN) Act requires 60 days notice before layoff, although loopholes in the law make its coverage incomplete. Ideally, workers who receive WARN notices can begin receiving EDWAA services at that time, if the states are prepared to provide rapid response services. Due to the relative uncertainty of defense industry reductions, providing proactive assistance to displaced defense workers is more difficult. However, when defense plant managers should be notified at the earliest possible date so they can begin providing rapid response services to displaced employees.

Recommendation

4. Allow States to reimburse their discretionary accounts with Defense Conversion Adjustment (DCA) funds if they have provided "Rapid Response" services to defense workers, and in doing so, contributed to the depletion of their discretionary accounts.

Findings

Although the DoL indicates that rapid response is encouraged at the state level, current Labor policies are disabling and restrictive in this area. At the April 8, 1992 Task Force briefing entitled, "Private Sector Retraining Issues", the Task Force was informed that an ongoing problem with Department of Labor regulations for Defense Conversion Adjustment (DCA) is that DCA funds cannot be used to reimburse states for rapid response expenditures specific to defense worker assistance. The OTA report states that, "delays in (EDWAA) services are aggravated by the DOL rule that prevents state and local agencies from paying for (rapid response) services up front with their own money and then getting reimbursed." Rapid response services, which include financial and personal counseling, skill assessment, resume writing, and job search skills training, serve as the vital first step in assisting displaced workers. To encourage proactive rapid response services, states should be reimbursed with federal DCA funds for defense-related rapid response expenditures.

C. Re-orienting Department of Defense

Military Employees

By the end of fiscal year 1997, the Department of Defense (DoD) expects to have reduced the size of the active duty military by 25 percent or nearly 550,000 positions. During fiscal years 1992–1993, over 236,000 of these reductions will occur. The Administration has also proposed making massive cuts in the National Guard and Reserve components by the end of fiscal year 1993.

To reduce the size of the military services in the past, large numbers of draftees were demobilized. Today, the situation is different because we have an all-volunteer force. To help ease the burden on those who must leave the service through no fault of their own, Congress has enacted a safety net of pay and benefits for military members having less than 15 years of service. In this Congress, proposals are being considered to help smooth the reductions of senior officers and noncommissioned officers with 15 to 20 years of service and to encourage separating military personnel to pursue public service jobs. These programs will be temporary.

The final briefing of the Worker/Community Group focused on "Preparing Military Personnel for a Civilian Setting." A staff member from the Senate Armed Services Committee described the current benefit programs available to separating military personnel and new proposals to achieve balanced reductions in the military. An official from the Department of Labor described the Transition Assistance Program which provides job search assistance to active duty members scheduled for separation. Finally, a Florida education official described a plan the State has developed to help place ex-military in jobs which may require provisional certification or courses for jobs in regulated industries.

Recommendation

1. Support proposals to provide the Secretary of Defense voluntary early retirement authority to members having between 15 and 20 years of service.

Findings

Congress has provided DoD with a number of tools to plan for the military downsizing and minimize the impact of involuntary separations. In the National Defense Authorization Act for Fiscal Years 1992 and 1993, separation pay and voluntary separation incentives were enacted to ease the burdens on those who leave the military with less than 15 years of service. The Chairman of the Senate Armed Services Committee gave a speech on the Senate floor on February 6, 1992 in which he proposed giving the Secretary of Defense authority to offer early retirement to military personnel having between 15 and 20 years of service. This early retirement authority, available only to members in surplus skill categories, would help reduce the number of senior officers and noncommissioned officers in a compassionate and balanced manner. Individuals who retire under this authority would be eligible for immediate retired pay.

Recommendation

2. Encourage military personnel who retire under the early retirement program to take approved jobs in the public sector by allowing them to increase their military years of service credit by one year for each year of public service up to a total of 20 years.

Findings

Miliary personnel who will leave the service over the next five years represent an enormous pool of talent. These highly trained and well qualified people could fill critical jobs in our communities in a number of occupations—teachers, law enforcement officials, health care professionals, and community service positions. These retirees who won the Cold War could now redirect their talents and help solve many of our Nation's pressing problems while earning credit toward higher retirement pay.

Recommendation

3. Help military personnel get the training, education, certification, and job placement which may be required for employment in critical public service jobs, such as education, law enforcement, or medical services.

Findings

Military employees leaving the services to fill critical public service jobs may need additional training. Some training for critical jobs can be provided through the military, while other training must be done through civilian institutions and programs. The Task Force encourages states and localities to cooperate with DoD to enable these individuals to make a smooth transition into public service jobs.

Recommendation

4. Support a one-year leave of absence with pay for a military employee with relatively few transferable skills to pursue courses of instruction or education either within or outside the military.

Findings

Currently, the Montgomery GI bill provides benefits which are available to military personnel for post-service education. This educational leave of absence would enable active duty military members to take educational leave to prepare for critical civilian jobs. This proposal would help military members prepare for new careers before becoming dislocated.

Recommendation

5. Provide early retirement incentives and transition benefits for reservists.

Findings

By the end of fiscal year 1993, DoD plans to reduce the strength and force of the National Guard and Reserve components by 16 percent. If these cuts are approved by Congress, at least 185,000 people will be released from the Selected Reserve.

The Task Force supports a transition plan which ensures a safety net of benefits to personnel in the Selected Reserves who must leave because of the downsizing of the National Guard and Reserve components. These proposed benefits are consistent with programs already authorized or being proposed for active duty.

D. Assistance for Department of Defense *Civilian Employees*

Recommendations

1. Urge the Senate Governmental Affairs Committee to report legislation on how to provide the Department of Defense with the necessary tools to manage the downsizing of the civilian workforce. Options to consider include retirement incentives, annual leave accrual as retirement service credit, extended health insurance coverage, expanding DoD's Priority Placement Program to include all federal agencies, and creating a toll-free information number at OPM. This effort should be coordinated with the Senate Armed Services Committee.

Findings

While the Department of Defense is carefully planning and managing military force reductions, there does not appear to be a similar effort for civilian employees. Therefore, the Task Force believes that the Department of Defense needs special tools to manage the downsizing of the civilian workforce.

According to the General Accounting Office, DoD expects to reduce its total civilian workforce by 20 percent or 229,000 positions by the end of fiscal year 1997. 87,000 positions will be eliminated during fiscal years 1992–1993. 40,000 jobs will be abolished as a result of base closures and realignments. While these numbers are significant, the actual number of individuals who leave voluntarily or involuntarily will depend on how DoD plans and manages civilian workforce reductions.

On September 26, 1991, three members of the Senate Governmental Affairs Committee, Chairman John Glenn, Senator Sam Nunn, and Senator David Pryor, wrote Defense Secretary Cheney inquiring about the Department of Defense's plans for reducing the civilian workforce. This action was prompted by the previously approved safety net of benefits (Voluntary Separation Incentive and Special Separation Benefit) for separating military personnel provided in the National Defense Authorization Act for Fiscal Years 1992 and 1993. Six weeks later, a DoD official responded, "Our (DoD's) strategy for reducing the workforce is to encourage voluntary attrition * * * using creative out-placement efforts, such as job fairs and job clubs * * * and the * * * Defense Outplacement Referral System."

The first briefing for the Task Force's Worker/Community Group on April 6, focused on "Displaced Defense Workers: Transition Issues." The General Accounting Office told the members that DoD will not be able to maintain a balanced civilian workforce by following its current approach to civilian force reductions—voluntary attrition, retirements, and a partial hiring freeze. GAO also believes that DoD will not reach the required personnel reductions without handing out RIF (Reduction-in-Force) notices. GAO also has concerns about the future of the DoD civilian workforce. Various service officials interviewed by GAO believe that DoD's approach to civilian reductions will create future skill imbalances, an aging workforce, a gap in experience levels, and a "hollowed" force.

The Federal Managers Association, in its presentation to the Task Force, emphasized that DoD must establish a master plan for "rightsizing" the Defense Department and institute some innovative measures, especially voluntary separation incentives for DoD civilians. FMA believes such incentives will enable DoD to better manage the composition of its workforce and reduce the number of forced separations.

The American Federation of Government Employees, AFL–CIO, represents over 700,000 federal employees, one-third of whom work for DoD. AFGE presented a number of proposals to the Task Force to help DoD civilians through the downsizing. AFGE advocated a safety net of transitional assistance including a six-month salary bonus to retirement-eligible employees, early-out retirement incentives at installations affected by base closures and realignments, extension of Federal health benefits coverage for one year, and elimination of contracting out in DoD until downsizing is completed. To create jobs for DoD dislocated workers, AFGE recommended enhancing relocation assistance, extending the Priority Placement Program, and funding and mandating the environmental restoration of defense facilities.

Because of the general state of the economy, the overall reduction in defense-related jobs, and the decline in the acceptance rate of DoD employees eligible for early retirement from 18 percent to 5 percent, DoD needs to carefully plan for reducing civilian personnel so as to minimize the hardships on civilian employees and their families.

The Task Force has also been alerted to the changes occurring in the Department of Energy (DOE) weapons complex. Several DOE facilities will be closing, thousands of jobs will be loss, and communities will be impacted as a result of reduced nuclear weapons requirements. The unique needs of the DOE workforce must be recognized and appropriate assistance provided to these workers and affected communities during the transition from nuclear weapons production to environmental restoration in the DOE weapons complex.

Recommendation

2. Direct DoD to make an inventory of training programs within the Defense Department training establishment that can provide skills training for jobs in the civilian economy. Upon completion, DoD should identify which programs would be applicable to non-DoD civilian employment. Authorize DoD civilian employees facing separation through a reduction in force or base closing action to receive up to one year of skill

training in the Defense training establishment while still employed in DoD.

Findings

According to the OTA report, "The armed forces are the single largest trainer in the United States." Basic training, specialty training, and on-the-job training prepare soldiers for a variety of military occupations. Many military occupations have direct civilian application such as electrical maintenance, computer operation, air traffic controlling, financial management, firefighting, and medical assistance. OTA notes that even some combat occupations have skills that are transferable to civilian jobs such as hoist operators and survey technicians.

Currently, the Department of Defense does not have a comprehensive inventory of capabilities for in-house training that might be transferred to the civilian sector. Such an inventory and survey of potential civilian applications would be helpful in providing DoD civilians with an opportunity to receive up to one year of in-house training or retraining while still employed in DoD. This would enable civilians whose jobs end to make a smoother transition into non-DoD employment.

II. HELPING COMMUNITIES ADJUST

A. Office of Economic Adjustment (OEA)

Recommendation

1. Increase OEA staff levels and grant authority for community assistance coordination and planning grant administration.

Findings

DoD's Office of Economic Adjustment (OEA) is useful in providing communities with technical assistance and economic development planning grants. In addition, this office is responsible for coordinating a Federal response to community disruption caused by military reductions.

Through research, briefings, and contact with local communities, the Task Force was informed that OEA is a useful and competent office. However, additional resources would be helpful in allowing OEA to better focus its vital planning function. In FY 1992, OEA was budgeted $7.5 million. Due to a lack of foresight in planning, the Administration's FY 1993 budget request for OEA is $4 million. This figure should be increased significantly in FY 1993 Defense Authorization and Appropriation bills. The OTA suggests that the greatest demand for government assistance during the defense reductions will take place during FY 1993. Therefore, the important planning and agency coordination function of the OEA must be emphasized through increased funding levels. These funds would reinforce OEA's role in "helping communities to help themselves" by increasing OEA staff and grant authority to better assist in coordinating community planning.

In January of 1992, this small Pentagon office, consisting of 17 professional staff, was providing assistance to over 100 communities nationwide. An increase in OEA staff for community planning assistance would allow this office to become more proactive in providing important planning assistance toward economic development. In addition, targeted OEA regional offices could be operated to allow staff to respond quickly to and interact more frequently with affected communities. Regional offices, if established, should not hinder the grant administration process.

Inevitably, the pace and scope of a community's economic rebound will be determined by the success (or failure) of the OEA's ability to assist communities with the important function of developmental planning. In FY 1992, OEA will administer $5 million in planning grant authority. This planning grant authority should be increased to allow the OEA more flexibility in providing important community planning assistance.

B. Economic Development Administration (EDA)

To complete the full cycle of federal assistance to distressed communities, the services provided by the Commerce Department's Economic Development Administration (EDA) are essential. Whereas, the OEA helps communities to formulate a comprehensive rebound plan, the EDA is responsible for funding implementation projects, such as architectural and utility renovation and overall industrial development.

In the 1970's, EDA provided an average of $3.5 million (in 1991 dollars) for each defense-related project assisted. This figure is indicative of the strong federal role in economic development in the 1970's. During the current defense reductions, the need for similar resolve among federal programs should be anticipated and promoted. Unfortunately, upon reviewing the Economic Development Administration, the Task Force concludes that this office is indicative of the current Administration's hands-off approach toward economic recovery.

The Task Force notes that the EDA has not been included in a President's budget request since FY 1981, nor was it included in President Bush's FY 1993 budget. Continued appropriations by the Congress has kept this office open and operational to date. The current Administration, however, did begin to promise federal funds to economically distressed communities earlier this year.

The current Administration's ambiguity on the importance of EDA is of concern considering EDA's significance in completing a successful community assistance cycle. The planning assistance being orchestrated by the Pentagon's OEA is of little value without the implementation function of the EDA. The OTA estimates that approximately 160 communities will require EDA assistance for defense-related projects by 1997. Unfortunately, the EDA's decade of uncertainty (1981–1991) has made this office painfully unequipped to successfully handle even a remote portion of the upcoming community projects. With an annual budget of merely $12 million for this effort, the EDA will face an overflow of demand from distressed communities that will seek EDA funds to stimulate economic recovery.

Recommendations

1. Existing EDA Funds: Extend through FY 97 the spending authority on the current $50 million scheduled to expire on September 30, 1993

2. Supplement EDA Funds: In FY 93, transfer additional funds from DoD to Commerce for EDA grants through FY 97.

Findings

The Administration delayed the release of the $50 million in FY 1990 DoD funds to supplement EDA assistance grants. These funds did not reach the Department of Commerce until February 1992 and only $100,000 have actually been distributed to communities in need. The transferred $50 million will expire at the end of FY 1993. Increasing demand for EDA services should ensure that these funds are rapidly expended, although an extension of the expiration date would ensure that the funds are fully distributed.

Needless to say, if the President's budget request to kill the EDA is approved, this would bring an abrupt end to numerous constructive community assistance programs that will require EDA's implementation assistance. Furthermore, the Task Force notes that the EDA is the only government agency currently capable of providing communities with economic devastation assistance. As a result, current EDA funding levels appropriated by the Congress would be grossly inadequate for providing necessary assistance to communities suffering from defense and non-defense related economic devastation. The Task Force therefore strongly supports supplementing EDA funds for defense conversion assistance. This should take place through a transfer of DoD fiscal year 1993 funds and by increasing EDA's future funding levels. These funds would allow the EDA to better meet the needs of communities formerly dependent on defense spending. In addition, these actions would be consistent with the Task Force's directive of promoting job creation through economic development.

Recommendations

3. Ensure EDA's Position: The Task Force endorses the mission of the Economic Development Administration which has the function of assisting not only defense dependent communities but also communities which experience non-defense related economic distress. The Administration should be directed to clarify and support EDA's long-term mission of providing support for distressed communities and promoting economic development.

4. Require EDA to streamline the application process and press for better coordination with the Office of Economic Adjustment in making the transition from planning to implementation assistance for affected communities.

Findings

Department of Commerce staff have noted that EDA has not issued constructive policy reform since the office failed to receive the full backing of the Executive Branch in 1981. In short, EDA's policies need to be brought into the 1990's, by concentrating more on effective community programs to help local businesses and communities grow. As a result, constructive reshaping of EDA policies is necessary, so they might better reflect current and future needs. In addition, the insecure nature of EDA's annual battle for survival has hindered the office's ability to maintain a fully effective workforce. As the demand for economic development assistance rapidly increases nationwide, it is imperative that the President clearly defines EDA's role and function. This is necessary to ensure that effective assistance can be provided to communities struggling to recover from a dependence on defense spending.

In addition, the Task Force was informed that applying for and receiving EDA funding is a difficult and lengthy process. Months, or even years, can pass before a community actually receives a grant. To date, although communities have sought over $23 million in EDA funding, only $100,000 have been distributed. The EDA should strive to streamline the grant application process.

C. Small Business Administration (SBA)

Recommendation

1. Preferred Loans to Defense Firms: Provide direct, low interest rate loans to small businesses adversely affected by base closings or contract terminations.

Findings

The Small Business Administration provides financial assistance to small business firms, mostly in the form of government-guaranteed loans. However, small businesses impacted by base closures and defense industry cutbacks may need special financial help in the form of direct emergency loans to generate new economic activity. The Task Force recommends that such a preferred loan program be established to assist small businesses impacted by defense spending reductions at a time when financial help may not be readily available from local lenders.

Recommendation

2. Government-Guaranteed Loan Program: Provide supplemental appropriations in FY 92 to ensure that adequate resources are available for such loans.

Findings

The SBA 7(a) Guaranteed Business Loan program approved guarantees of nearly $30 billion for business loans between 1980 and 1991. This program, which has helped small businessmen start-up or purchase firms more often than commercial loans, has broad base support from both loan recipients and the Congress. However, the Task Force is aware that these loans will run out in July 1992 unless Congress provides supplemental funding. The Task Force recommends that this funding be provided so that the numerous small business firms formerly dependent on defense spending can continue to seek financial assistance.

D. Department of Education

Recommendations

1. Direct the Secretary of Education in conjunction with the Secretary of Defense to report annually on school districts which will be adversely impacted by military base closings, realignments, and redeployments.

2. Impact Aid Grants to School Districts: Allow needy school districts impacted by base closings to receive an additional year of phase-out funding. This would be accomplished by allowing payments under Section 3 of Public Law 81-874, the Impact Aid Program, to be based on prior year data in calculating the formulas for distribution of funds for Impact Aid. This would enable eligible school districts to receive Section 3 payments earlier in the school year and allow them to better plan annual operating budgets.

Findings

The Impact Aid program provides annual subsidies to local education agencies that enroll children of federal dependents. Approximately 40 percent of the current Impact Aid program is used for assisting local education agencies that enroll students from military dependent families. As military installations close and realign in upcoming years, many school districts will be adversely affected. These local education agencies may now face losing these funds, due to the departure of military dependent students after base closings.

The current Impact Aid program allows a gradual, three year phase-out of funding (under Section 3(e) of Public Law 81-874) for local education agencies whose Impact Aid entitlement is sharply decreased as a result of a base closing. In the first year after a base closes, a local education agency receives 90 percent of its previous years entitled funding level. In the second year after a base closes, the education agency receives 90 percent of the previous year's entitled funding level. Finally, in the third year, the education agency receives 90 percent of the funding received in the second year after a base closes. This 90-90-90 phase out is helpful in easing the transition for local education agencies that must restructure their annual budgets to meet the needs of remaining students.

The Senate Education Subcommittee has been attempting to reshape the Impact Aid calculation formula to allow funding distribution to be based on prior year data, rather than current year data. The Task Force supports this program change. If the entire Impact Aid program were to be based on prior year data, an additional year of phase-out funding would be available to local education agencies in base closing areas. Rather than the current 90-90-90 three year phase-out plan, prior year data calculations would provide these education agencies with four years (100-90-90-90 percent) of funding for phase-out assistance.

The Impact Aid program is funded annually at approximately $740 million. However, the Task Force was informed that this program is underfunded and only about 60 percent of the required Impact Aid assistance actually reaches education agencies each year. Therefore, a funding supplement by DoD in fiscal year 1993 to support phase out funding (Section 3e) to base closures should be considered. Such a supplement would be used strictly to help fund the phase-out funding for education agencies in base closing areas, as well as school districts that enroll military dependent students in areas where military bases will remain open and operational.

In an attempt to allow the Department of Education to better understand the impact of the ongoing closing of numerous military installations and realignments that will shift military dependent students from one school district to another, an annual report on the status and implications of these changes is encouraged.

E. Tax Incentives for Community Growth

Recommendation

1. Urge review of various tax incentives to stimulate economic activity in geographic areas hit hardest by the reduction of U.S. defense spending. Tax incentives should target relief for problems caused by worker displacement due to cancellation of government contracts, defense industry downsizing, base closings, and force reductions. However, more importantly, these tax incentives should encourage long-term economic growth.

Findings

The Task Force believes that creative tax incentive programs could stimulate entrepreneurship, create jobs, and promote the revitalization of economically distressed areas caused by cuts in U.S. defense spending.

This general concept is similar to Federal Enterprise Zone legislation passed by Congress in 1987, following the apparent success of similar efforts in numerous States. The defining statute stipulated that up to 100 zones be created in economically distressed areas.

Since the legislation passed in 1987, there have been many legislative proposals before Congress to provide specific tax incentives to economically distressed areas. On March 20, 1992, Congress passed the Tax Fairness and Economic Growth Act of 1992, H.R. 4210, which included tax incentives for urban tax enterprise zones and rural investment zones. However, the President vetoed this effort. Therefore, to date, no zones have been created because legislation providing specific tax incentives has not been written into law.

Tax incentives included in legislative proposals may be grouped as either capital subsidies or labor subsidies. Capital subsidies generally include tax credits for investment, special capital gains treatment, accelerated depreciation, tax-exempt bonds, and deduction for purchase of enterprise zone stock. Labor subsidies generally include tax credit for employers and tax credits for employees.

F. Environmental Restoration at Base Closings

Recommendation

1. Encourage joint reviews by the Senate Armed Services Committee and the Senate Committee on Environment and Public Works on the base closing policies and regulations of DoD's Defense Environmental Restoration Program. These reviews would monitor the important funding and regulatory issues that will affect base closing communities, in an attempt to accelerate environmental clean-up and ensure rapid public use of closed military installations.

Findings

Before military sites can be transferred for non-military purposes, federal law requires the environmental remediation of those sites. But, the OTA found that "(f)or bases due to be closed, the problems of environmental degradation are especially urgent. These problems can greatly limit the options available; they pose health hazards to people who might work in new facilities on the closed base, and they scare off companies that might otherwise set up new operations there."

In 1984, the Defense Environmental Restoration Program was established by Congress in 1984 to promote and coordinate efforts to evaluate and cleanup contamination at Defense installations. The Department of Defense now estimates that it will cost $24.5 billion to investigate and remediate sites now identified.

Prompt environmental restoration of closed bases is needed to facilitate the reuse of base property and to minimize the impact of base closures on communities. In 1991, the Defense Environmental Response Task Force, created by Congress in the Base Closure and Realignment Act of 1988, made several recommendations for legislative and regulatory action to expedite and improve the restoration process. These recommendations deserve serious attention.

As a result, the Task Force believes that the Senate Armed Services and Environment and Public Works Committees should carefully monitor these important environmental issues during base closings.

G. Additional Issues

1. Health Care

Access to high-quality, affordable health care is essential to the well-being of all Americans. However, medical costs continue to increase at an alarming rate. As a result, families fear a major illness will drain their life-savings and the ability of American businesses to compete internationally is undermined. More than 30 million Americans have no health insurance at all, and others worry that they too will join the ranks of the uninsured. In short, we need comprehensive health care reform to provide high quality care to all Americans at a reasonable cost.

The decline in defense employment and the conversion to a peace-time economy further show the need for comprehensive health care reform. Over the next four years, 1.4 million people, military, civilian, and defense industry workers, will lose their jobs because of the cutbacks in defense spending. Not only will these workers face uncertain futures, many will probably lose their health insurance coverage. While laid-off workers may continue coverage under their group health plan at their own expense, the reality for many displaced employees is that they will not have the money to pay for continued coverage.

Defense cuts also pose a significant problem for military retirees who live in communities where bases are scheduled to close. Retirees and their families lose a major benefit—access to local base hospitals, clinics, and pharmacies. Consequently, they will be forced to turn to CHAMPUS or Medicare both of which require cost-sharing.

To deal with the urgent, immediate needs of those impacted by defense cuts, Congress should consider encouraging the Department of Defense to provide military retirees in base closure areas with alternative health care options which are both accessible and affordable. In addition, Congress should explore the possibility of assisting the numerous defense industry employees who lose their jobs because of defense reductions, and as a result, lose access to their health care coverage.

Overall, the Task Force believes that the need for quality, affordable health care for dislocated defense workers as well as for all Americans would best be achieved through comprehensive health care reform.

2. Property Disposal

For many years, the General Services Administration (GSA) was operating numerous defense-related property disposal programs, including programs to remove DoD property from a military installation after a base closes. However, due to a policy change in 1988, the Department of Defense began controlling the property disposal programs for closing military bases. The responsibility for removing and disposing of base property was delegated to the various Armed Services.

The Task Force was cautioned about a growing concern among local communities regarding Department of Defense property disposal policies at closing military installations. The Congress should review the policies surrounding base property disposal, in an attempt to monitor and expedite the distribution process of former base property.

III. INDUSTRIAL TRANSITION, ECONOMIC GROWTH, AND JOB CREATION

A. Industrial Transition and Assistance

According to estimates of the Brookings Institution, DoD outlays for goods and services will decline over the period FY1992-FY2001 by as much as 48%. The Administration's own budget figures project a decline of 25% in these outlays over the period FY92-97. Because the Defense Department does not maintain comprehensive records of subcontractors, it is impossible to say just how many firms will be impacted, but it will be many thousand if not tens of thousands.

Some large, prime defense contractors are adopting strategies to survive lowered defense spending by down-sizing their operations. Some are trying to increase non-military sales to branches of government other than the DoD. Large prime contractors are less suited for diversification into new commercial markets than the smaller primes and subcontractor, though, and as such they are less likely to pursue this strategy on a large scale.

Recommendation

1. Fund Regional and State Manufacturing Extension Services.

Facilitate the transition of defense firms into new markets and bring the overall level of U.S. manufacturing technology up to world class standards through support of manufacturing extension programs assisting small and medium sized firms.

Findings

Many small defense prime contractors and subcontractors—which account for approximately one-third of DoD purchases—are more likely than large prime contractors to already have commercial customers, and are more capable of diversifying into commercial markets since the equipment, processes, and labor force used to produce items for the military are often the same as those used for commercial production.

Nevertheless, small defense firms particularly need assistance with sales and marketing if they are to successfully diversify into new commercial markets. Moreover, the productivity and competitiveness of small and medium sized defense and non-defense firms could be greatly enhanced if they became familiar with and implemented best manufacturing practices and up to date, off-the-shelf technologies.

The United States has over 355,000 of these small and medium manufacturing firms (SMEs) with 500 or fewer employees each. They employ 8 to 10 million workers, account for more than half of manufacturing value-added in the U.S., and they are the heart of the subtier firms that support defense prime contractors. Nevertheless, SMEs in general lag in the adoption of advanced manufacturing technology, broadly defined-equipment, worker training, shop floor organization, quality, etc.

One way to address these needs is through support of manufacturing extension centers. These centers operate on a model analogous to that of agricultural extension programs which assist farmers with improved agricultural production methods. The U.S. currently spends less than $100 million per year on manufacturing extension ($20 mm federal), compared to $1.1 billion on agricultural extension. The Germans and the Japanese on the other hand, invest heavily in these services for their industries. Japan has a public network of 170 manufacturing support centers (kohsetsushi) which employ 7,000 employees and receive $500 million per year in federal funding.

Manufacturing extension programs have been endorsed by several OTA reports, the Competitiveness Policy Council, the Council on Competitiveness, the National Academy of Sciences,and a number of industry associations.

Recommendations

DoC Manufacturing Technology Center

Two manufacturing extension programs are currently operated by the National Institutes of Standards and Technology (NIST), a unit of the Commerce Department's Technology Administration. First are the Manufacturing Technology Centers of MTCs. These centers reach out to small and medium-sized manufacturers, help them modernize equipment and manufacturing practices, and thus help them increase productivity and retain jobs. NIST currently supports five MTCs in Ohio, New York, South Carolina, Michigan, and Kansas, and FY 1992 appropriations will allow the creation of new additional centers. MTCS operate with an annual budget of $6 million each and are funded jointly by NIST and the applicant, usually a nonprofit corporation affiliated with a state government or university. Centers are selected through a competitive process. An expanded number of centers, and closer links with existing state extension activities, could reach significantly more of the nation's small manufacturers and help retain jobs.

The Task Force supports expansion of this program.

Recommendation

DoC State Technology Extension Program (STEP)

Another Department of Commerce manufacturing extension service program is the NIST State Technology Extension Program (STEP). STEP helps state governments improve the coordination and effectiveness of their technology and manufacturing extension programs. STEP does this by providing small planning grants to the states through a competitive awards process and by holding workshops and related activities to share information among state governments. STEP currently operates on a very low budget—$1.3 million per year.

The Task Force recommends that funding for this program be expanded.

Recommendation

DoD Manufacturing Extension Program

A DoD Manufacturing Extension Program has also been authorized, but not funded, to assist with transitional needs and to modernize the defense industrial base. This program provides matching DoD funds for a wide range of existing state, local, and nonprofit programs including in-factory assistance programs, teaching factories, computer integrated manufacturing (CIM) centers, flexible manufacturing networks, and high-performance manufacturing infrastructures. The emphasis of the program is on deploying proven, off-the-shelf technology and manufacturing methods.

Grants are awarded through a competitive process which emphasizes: 1) The need for integrated programs that tackle interrelated problems of training, management, and technology; 2) strong involvement by key customer firms, manufacturing equipment vendors, and industry and labor groups; 3) potential to reach defense SMEs making the transition to the commercial sector. The program would be operated with close coordination between the Defense and Commerce Departments.

The Task Force advocates funding for this program.

Recommendation

2. Fund Regional Technology Alliance

Address common industry transition needs and encourage overall economic activity through a focus on regional industrial clusters. Fund regional efforts devoted to applied R&D, specialized training, market research, export promotion, and testbed facilities.

Findings

As Michael Porter writes in The Competitive Advantage of Nations, highly competitive industries are almost always found in tightly knit clusters (e.g., optics in Rochester, electronics in Silicon Valley, aerospace in Seattle and Southern California). Defense SMEs in a particular sector tend to locate near prime contractors of federal R&D facilities, and thus are often geographically clustered. These regional clusters offer common opportunities and common problems such as transitional assistance, worker training, R&D, export promotion, and the supplier-customer communication necessary to compete in high-value-added commercial markets.

The Regional Technology Alliance program in the Department of Defense (also known as Critical Technology Application Centers) is a way to address these needs. This program, which has been authorized but not funded, would provide federal support for a system of regional, sectorally-based alliances, with top priority for defense-dependent areas. The alliances would be industry led with participation by state and local agencies and universities. Funds would be awarded on a competitive basis with the federal share of funds equal to 50%.

A particular goal of the program would be the promotion of supplier networks and other forms of inter-firm collaboration. It would also provide applied R&D and shared industrial services oriented to SMEs making the transition from defense to commercial production. Such services would include, testing facilities for new products and prototypes; design and management assistance; education and training; manufacturing extension; market research and monitoring; export promotion; quality testing and standards certification; and other services as determined by member firms.

OTA recommends this approach in After the Cold War: Living with Lower Defense Spending, as does the Los Angeles Economic Roundtable in "Transforming a Defense Dependent Industrial Base." Existing alliances are already tackling defense adjustment e.g., Florida's Technology Coast Manufacturing and Engineering Network; Massachusetts' Machine Action Project.

Recommendation

3. Provide DoC Grants for Regional and State Industrial Services Programs

Promote a quick and flexible response to the transitional needs of defense and other industries through support of state and regional industrial services programs.

Findings

Many of the federal programs described above (STEP, DoD Manufacturing Extension Program, Technology Alliances) are decentralized in nature; that is they provide matching federal funds for existing state or regional programs. Because state governmental entities are so close to the problems of firms and workers in their own areas, they can often provide a quicker, more flexible, and more appropriate response to their individual state problems than the federal government can.

To provide additional support for state assistance to industry, and to improve coordination with ongoing federal efforts, the Task Force proposes that a new grant program be developed within the Department of Commerce's State Technology Extension Program. These grants would have three purposes: 1) to promote "one-stop shopping" for companies through the coordination of all Federal and state resources devoted to assisting small defense and non-defense manufacturing firms, including not only technology extension programs but also export promotion services, Small Business Development Centers, worker training programs, and other industrial services; 2) to assist in the creation of industrial services programs in states without them; and 3) to provide direct funding support to ongoing state industrial services programs.

Recommendation

4. Provide Trade and Export Assistance

Overseas markets can provide diversification opportunities for defense firms looking for non-military, commercial opportunities and for non-defense firms looking to expand.

Findings

In an increasingly competitive global economy, exports are fast becoming a major component of business growth. Indeed, during the 1980's, exports provided the engine for U.S. expansion, accounting for about two-thirds of the total growth during the decade. Nonetheless, the U.S. has not yet reached its full potential for exporting, and most other Western industrialized nations export a much higher percentage of their output.

Much of this is attributable to broad political and macroeconomic factors, such as the federal budget deficit and trade barriers abroad. However, it is also clear that U.S. export promotion programs are under-funded and lag far behind those of our competitors. For example:

In FY 1991, according to the General Accounting Office, the U.S. spent $2.67 billion on export promotion programs. About three-fourths of this amount—$1.97 billion—is spent by the Agricultural Department.

In 1987, according to the Commerce Department, Canada spent almost $17 per capita on commercial services, while the U.S. spent $0.41 per capita to promote industrial exports.

In 1990, according to figures compiled by the Commerce Department, France maintained one foreign commercial officer in Tokyo for every six French businessmen there, and Italy maintained one foreign commercial officer for every two Italian businessmen. The U.S. had one for every 62 businessmen.

Recommendation

Increase Funding for U.S. and Foreign Commercial Service

The U.S. and Foreign Commercial Service maintains a network of offices in the U.S. and in major countries across the globe. By helping U.S. companies expand their contracts in other countries, the US&FCS serves literally on the "front lines" in the export promotion effort.

A 1989 GAO report found considerable disorganization at many posts in the U.S. and abroad. However, the US&FCS just completed a full-scale strategic review of its mission and operations, including the performance of its computer network, the Commercial and Information Management System (CIMS). The GAO and other observers believe the US&FCS has made strong progress in tightening up its organization. What it lacks now is funding.

For FY 1993 the Administration requested $115.8 million for the US&FCS, a decrease in real terms from the FY92 level of $114.1 million. The Task Force recommends a gradual but steady increase in US&FCS funding.

Recommendation

Increase funding for the Trade and Development Program

This program provides financing for feasibility studies and other planning project services for major development projects throughout the developing world. These projects, once underway, often provide a large yield to U.S. exporters. It is commonly estimated that each dollar spent on the TDP program eventually yields approximately $70 in U.S. exports.

For FY 1993 the Administration requested $40 million for the TDP, an increase over the FY 1992 level of $35 million. The Task Force recommends that funding for the TDP program be increased further.

Though not a formal recommendation, the Task Force also believes serious consideration should be given to implementing the Market Development Cooperator Program. This program, established in the 1988 Trade Act, requires the Secretary of Commerce to enter into agreements with non-profit industry associations, trade organizations, private industry firms, and state government departments of trade, to promote non-agricultural exports. This program is modelled after similar programs which have been successfully implemented for the agricultural sector. It has not yet been formally implemented by the Department of Commerce.

Title II of the Omnibus Export Administration Amendments Act of 1991, currently awaiting a House-Senate Conference, would establish a $5 million line-item for this program. The Task Force believes this proposal has great merit.

Recommendation

5. Amend DoD Recoupment Policy

Encourage defense firms to diversify and achieve a payoff for the commercial economy from defense R&D by revising the policy which currently requires recoupment of R&D money spent on military technologies that are commercialized.

Findings

Diversification into the commercial sector is difficult for large prime defense contractors, in part because the technical nature of defense production is different from commercial production, e.g., special processes, equipment, and skills used to assemble large weapons systems such as tanks and aircraft.

Nevertheless, defense contracting as carried out by the large primes is so different from commercial production, primarily because of the many unique requirements that the DoD places on the contractors. These requirements include unique accounting practices, auditing practices, procurement practices, military specifications and standards, and other features unique to the defense business.

The DoD and Congress should work prudently to ease these barriers to civil-military integration. Doing so will decrease the defense dependency of military contractors and make future defense down sizings easier for firms. Moreover, the discipline of the commercial market would be likely to encourage greater efficiency in the defense-industrial base, and the technical advances and revenues flowing from commercial activities would reduce the need for government subsidization of R&D and production for defense goods.

Much work needs to be done to make civil-military integration a reality. The Task Force makes one recommendation in furtherance of this goal, namely that the DoD revise its policy requiring recoupment of government R&D spent to develop defense technology which is later turned into commercial products and sold.

As a matter of law, when defense companies sell defense equipment to foreign countries, the companies are required to add to the cost of any such equipment any non-recurring costs of developing the equipment that were paid for by the U.S. government, and to allow the U.S. government to recoup those costs. E.g., if the U.S. government paid for R&D on the system, then a portion of the R&D must be attributed to all subsequent sales, and that portion is repaid to the U.S.

As a matter of policy, not law, DoD has expanded the recoupment policy to cover components. In the 1980s, the policy was further expanded to cover technology. This imposes a significant paperwork burden on companies, because it requires them to track all technology they use, to determine what was developed at DoD expense, and to add that cost to the price of the product.

The difficulty of tracking components and technology serves as a powerful disincentive to the application of defense technologies in the civilian sector, and adds to the cost of civilian products that use defense technologies.

The Task Force initiative would limit the application of DoD's recoupment policy to those areas where it is required by law (e.g. foreign military sales of specific equipment), so that defense companies would not have to track the use of technology and components. This would encourage DoD companies to apply their expertise in the civilian sector without the paperwork and financial burdens that have been imposed by DoD's recoupment policy. Such a revision will benefit defense companies which would be more diversified and hence less vulnerable to defense downsizing, and it will benefit the economy in general which will enjoy the fruits of government funded defense R&D.

B. Investment in Growth Technologies

In the long run, adjusting to lower defense spending and to the structural changes that have battered our economy over the last decade can only be accomplished by private and public investment in strategies and programs which create economic growth. Economic growth depends on increased productivity, product innovation, and leadership in industries with a high multiplier effect for the economy, all of which create higher wages.

A comprehensive growth strategy designed to realize all of these goals would necessitate broad recommendations covering fundamental education and training reform, deficit reduction strategies, changes in tax policy and financial regulation to encourage formation of patient capital, strategic trade policy, and a strategic technology policy.

The Task Force charter was not broad enough to make thorough recommendations in all of these areas. Instead, the focus on transition and reorientation led to a set of growth recommendations guided by the concept of reinvesting defense money and resources in projects which offer high potential pay-off for the commercial economy. Central among such projects are efforts to develop critical technologies which underlie the high value-added, high wage, growth industries of today and the next century. In addition to fostering long-term economic growth, such investments will also provide immediate transitional assistance, since these investments mean new R&D opportunities for companies facing the loss of defense projects.

The U.S. Government spends approximately $70 billion per year on R&D, sixty percent of it for defense related R&D. As a percentage of GNP, the U.S. spends only two-thirds the amount on non-defense R&D as our major competitors the Japanese and the Germans do. Commercial spinoffs of defense research do occur, but relying on spinoffs is not a reliable or efficient way to achieve commercial technological innovation.

While larger overall investment in R&D might be desirable, it is clearly important that with the end of the cold war, the U.S. should be investing a larger portion of its R&D in projects which benefit the commercial economy. Moreover, that portion of the R&D budget which continues to be spent for defense needs should be spent in such a way that it provides greater commercial benefits—so called "dual-use" R&D.

Recommendation

1. Fund Critical Technology Partnerships with Industry

Vie for leadership in the industries of the 21st century and create R&D opportunities for defense and non-defense firms through grants to industry-led partnerships developing critical technologies.

Findings

Because the technical risks and financial barriers to developing critical technologies are so great, no one company has the resources or is willing to take the risks to individually develop some of these technologies successfully. Therefore, it will be necessary for the government to act as a catalyst as well as a backer in some cases, of U.S. industries' efforts to develop and lead in the application of these new technologies.

Moreover, while government substantially directs what defense R&D is performed since it is the ultimate consumer of most defense goods, commercial industry should have a much bigger role in directing commercial needs. Government partnerships with industry are the model to follow for developing many critical technologies. Federal support for commercial R&D can be leveraged and effectively focused if matching requirements are placed on industry recipients. Industry R&D can often be more effective if conducted by consortia and other types of cooperative ventures. Finally, competitive selection of R&D recipients should almost always be the rule when awarding funds.

Several government authorities exist or have been proposed to administer funding for industry R&D partnership programs.

Recommendation

DoC Advanced Technology Program (ATP)

The Task Force proposes a significant expansion of the Advanced Technology Program (ATP), operated by the Commerce Department's National Institute of Standards and Technology (NIST).

Findings

The ATP was created by the 1988 Omnibus Trade and Competitiveness Act and makes awards to companies and groups of companies to support industry-led projects to accelerate the development of important new technologies in such areas as electronics, advanced manufacturing, advanced materials, and bioprocess engineering. Industry shares in funding the projects, and awards are made through a competitive process. The ATP does not support the development of products. Instead, it supports industry-led efforts in the "precompetitive" stage of research, when difficult technical problems must be overcome before companies can turn promising laboratory inventions into successful commercial products. By helping industry with long-term, often economically risky research and development, the ATP helps speed the commercialization of new technologies and helps ensure that American companies get the benefits of American inventions.

To date, the ATP has made two rounds of awards. In March 1991, DOC made its first ATP awards—11 grants totalling $9 million. In April 1992, DOC awarded 27 new grants based on FY 1991 appropriations. FY 1992 appropriations of $49 million will fund a third round of awards. Expanded funding would allow the ATP to support many more industry-led R&D projects.

Recommendation

DARPA Dual-Use Technology Partnerships

The task force recommends that an increased portion of DoD budget be devoted to the Defense Advanced Research Projects Agency's program to enter into dual-use technology partnerships with the private sector.

Findings

These partnerships, which are competitively selected by DARPA and are cost-shared with the private sector, generally involve consortia of private sector firms. These partnerships prominently demonstrate the importance of achieving civil-military integration for technological purposes, since they enable DARPA to stay abreast of private sector R&D efforts in critical dual-use technologies where the commercial marketplace, not the defense sector, increasingly drives technology development. Moreover, they enable the private sector participants to develop and apply these technologies both for commercial and defense purposes more rapidly than they could with only their own resources. Much like the commerce ATP program, the DARPA R&D grants do not support the development of products. Instead, they support industry-led efforts in the "precompetitive" or "generic" state of research.

This program was first authorized in fiscal year 1991 by the Congress. It received a $50 million appropriation in FY91 and a $60 million appropriation in FY92. The administration did not request funds for the program in fiscal years 1992 and 1993, but DARPA has faithfully implemented it.

DARPA is using the first two years' funds to set up thirteen consortia in areas such as optoelectronics, electronics, advanced materials and high-speed communications.

The average DARPA investment in a partnership has been $8 million. In most cases the private sector has at least matched the DARPA investment. DARPA has closely coordinated this program with the Commerce Department's Advanced Technology Program.

Recommendation

Support Ongoing Civilian Aerospace R&D Partnerships in NASA

Findings

An integral part of NASA's mission is to be the catalyst for the development of technologies useful to civilian aviation and space industries. NASA fulfills this role by funding R&D projects in these areas in cooperation with industry. For instance, NASA's Office of Aeronautics and Space Technology conducts research and development on technology which strengthens the leadership of the U.S. in aviation and space use. Technologies development by this office or in development include flight controls for aircraft, technologies for aging aircraft, the next generation Concorde, new launch techniques, and communications technologies.

NASA's Office of Commercial Programs supports efforts to develop the new commercial opportunities that space offers. This office funds a group of Centers for the Commercial Development of Space located at universities around the country, which develop technologies in cooperation with industry including robotics, materials processing in space, and remote sensing technologies.

The U.S. aerospace industry enjoyed a $30 billion trade surplus in 1991, the largest of any domestic manufacturing industry. As DOD funding of aerospace R&D falls, NASA's role in this area will become even more important. While the Task Force does not necessarily recommend increased funding for the NASA aerospace R&D partnership, it recognizes the critically important role the agency and the space program play in maintaining a strong U.S. aerospace industry, and it recommends continued support for these ongong efforts.

Recommendation

Initiate the National Environmental Technologies Agency To Fund Grants for Environmental R&D.

Findings

Legislation to create the National Environmental Technologies Agency (NETA) was introduced by Senator Mikulski on April 29, 1992. The goal of NETA is to assist private industry, universities, and nonprofit research centers in developing environmentally sound and energy efficient technologies to help secure America's environmental security and competitiveness.

According to the Organization for Economic Cooperation and Development, environmental technologies currently represent a $200 billion per year market which will grow to $300 billion per year by the end of the decade. The Task Force recognizes the importance of this class of technologies for future U.S. jobs and economic activity. Examples of such technologies include air pollution control products, water treatment equipment, lead-free products, and others.

NETA would be a small independent agency modelled after the highly successful Defense Advanced Research Projects Agency, or DARPA. NETA is designed to reduce bureaucracy by coordinating efforts of other agencies and streamlining support for research and development. Once formed, the Agency would identify areas that need technical solutions and that are not receiving product oriented research.

NETA would provide support for these efforts by offering loans and grants, or by entering into cooperative agreements with the private sector or the university community. NETA would then assist in deployment of these technologies by coordinating exchange of information and by providing the needed technical assistance to transfer these ideas into consumer and industrial products and equipment.

Recommendation

2. Emphasize Dual-Use in DOD R&D

Within the DOD R&D budget, set aside additional funds for projects that meet significant defense needs and that have a potential for application in the civilian sector.

Findings

Given the substantial reductions in defense expenditures anticipated over the next five years, we can no longer expect defense R&D to be performed primarily by defense-dependent firms that invest substantial amounts of their own funds in R&D in anticipation of profitable returns during large production runs.

We will instead need to rely to a much greater extent on firms that are not dependent primarily upon government funding, but which have a strong commercial base. In addition, defense needs will increasingly be met through the application of dual-use technologies and products.

DoD currently invests in R&D on the basis of specific military priorities. In setting priorities, DoD does not take into account potential civilian applications. The Task Force initiative would encourage DoD to increase its investment in technologies which meet significant military needs, but which also have a substantial potential for civilian applications.

The focus would be on areas where industry has been reluctant to invest its own funds because of risk or the long term of research required before payback. This initiative would build on the successful initiation of the Strategic Environmental Research and Development Program, which has led to DoD giving a much higher priority to R&D programs that serve the dual-use objective of military environmental restoration and civilian environmental clean-up.

The Task Force proposal would require DoD to give greater emphasis to areas of defense research which are now under-funded and which have potential civilian applications, such as computer and communications technology related to military logistics, energy efficiency in military transport, energy conservation in military facilities, and DARPA dual-use partnerships.

Recommendation

3. Increase Small Business Innovation (SBIR) and Research Funding

Capitalize on the resourcefulness of small U.S. companies and increase opportunities in key emerging industries by increasing the set-aside for R&D matching grants to small firms. Focus grants on critical technologies with highest economic potential.

Findings

The SBIR takes 1.25% of the extramural research and development funds of agencies having over $100 million in that budget category, and provides it in three stages of grants and contracts for specific work to small businesses to help commercialize promising technologies/products that Federal agencies think would be helpful for their mission and commercializable. Extramural refers to R&D projects performed outside of government labs. The program is designed to (1) stimulate innovation; (2) assist small businesses in meeting federal research and development needs; (3) encourage minority and disadvantaged persons participation in innovation; (4) increase private sector commercialization derived from federal R&D.

Eleven agencies participate in the program. Five of them—the Department of Defense (DOD), the National Aeronautics and Space Administration (NASA), the National Institutes of Health (NIH), the Department of Energy (DOE), and the National Science Foundation (NSF)—provide over 90 percent of all SBIR funds. Although the Small Business Administration (SBA) is responsible for publishing policy guidelines on and conducting general oversight of the program, each agency maintains its own separate program.

The SBIR has three phases to it:

(1) An agency puts out requests for proposals for concepts/products/technologies that they need developed. The agency may award grants up to $50,000 per proposal to evaluate the scientific and technical merit and feasibility of the concept which is of interest to the agency. This phase usually lasts about 6 months.

(2) Those projects which show potential after the Phase I evaluation can compete to perform principal research and development on the concept for up to $500,000. Funding for Phase II awards usually lasts 1-2 years.

(3) Ideally, funding for commercialization in the last phase comes from the private sector, though an agency may chose to contract with the small business to manufacture the technology, provided that non-SBIR funds are used.

The Task Force recommends that the percentage of funds earmarked for the SBIR be doubled over a five year period.

Recommendation

4. Reorient Defense Labs

Redirect these crown jewels of the national R&D infrastructure toward national needs and assisting commercial industry now that the Cold War is over.

Findings

Federal defense laboratories at DOD and DOE spend approximately $10 billion per year and have great expertise in a wide range of advanced technologies. An opportunity now exists to reorient and consolidate many of these laboratories to help American commercial industry. The laboratories already have clear legal authority to work with companies and an increasing need to do so, given that the commercial marketplace increasingly leads in new technological developments; but so far (with only a few exceptions) laboratory assistance to industry has been small. A new funding mechanism is needed which will support industry-led proposals at the federal laboratories.

Recommendation

Industry-Laboratory Partnership Program

Establish a set-aside in DOD's and DOE's defense laboratory budgets to support industry-led R&D projects. Companies and consortia would propose projects on a cost-shared basis, and awards would be made through a competitive process. The companies would decide with which of the agency's laboratories or laboratory programs they wish to work. We propose an initial set-aside of 2 percent for the first year, 5 percent for the second through fifth years, and 10 percent for subsequent years. During the first year this set-aside would generate about $200 million for these activities. Agencies and defense laboratories also would be required to set up industry-university advisory committees to advise agency heads on which agency technical capabilities might be of most use to industry.

Recommendation

Amend Stevenson-Wydler Act

Amend the Stevenson-Wydler Technology Innovation Act of 1980, which governs technology transfer from federal laboratories, to require that "dual-use" R&D performed by defense laboratories be done in partnership with industry whenever possible. This step will speed the transfer of technology to commercial industry and will ensure that commercial companies can produce these technologies for the military.

Recommendation

National Academies Study

Commission a study by the National Academy of Sciences and the national Academy of Engineering to examine what role the government labs, particularly defense labs, should fill now that the Cold War is over, and how the labs can best fill this role.

Recommendation

5. Fund AgileTech

Support establishment of the Agile Manufacturing Technology Corporation (AgileTech), a private, non-profit consortia of companies and existing consortia, to pursue the research, development and deployment of the technologies and standards necessary for an agile manufacturing infrastructure.

Findings

A new competitive environment for industrial products and services is emerging, forcing a change in manufacturing. Competitive advantage belongs to "agile" manufacturing enterprises that are capable of responding rapidly to demand for high quality, highly customized products.

Agility requires integrating flexible technologies of production with the skill base of a knowledgeable work force, and with flexible management structures that stimulate cooperative initiatives within and between firms.

Agile manufacturing capability will be crucial for commercial industry, and eventually government R&D on agile manufacturing should feature a prominent role for, if not leadership by, one of the civilian technology agencies. Nevertheless, the DOD—which would fund this program—has a strong interest in agile manufacturing since defense-dependent companies, particularly the small and medium-sized firms that make up the backbone of the defense industrial base, do not have the agility or supplier-customer connections necessary to successfully compete in the commercial sector. Moreover, the defense industrial base of the future must have the ability to respond rapidly to changes in the security threat and ramp-up specialized production if necessary. Finally, a large majority of the initial industry participants in the project are defense contractors (at the prime or subtier level).

AgileTech is an industry-developed, industry driven approach to establishing the manufacturing infrastructure necessary for competitive production over the next decade and beyond. Industry would be required to match federal contributions to the project. All research, development, and deployment will be done through existing entities.

Recommendation

6. Extend the R&D Tax Credit

Help make American industry the most technologically advanced in the world through extension of this tax credit for research and development expenditures.

Findings

The Task Force found that in addition to providing direct matching and cost-sharing support of industry research, the government should encourage companies to independently invest significant amounts of their own money in R&D. Section 41 of the Internal Revenue Code currently provides a 20% tax credit to companies for the amount of qualified research expenditures which exceed a base level for the company for the year. Research expenditures eligible for the incremental credit consist of (1) in-house expenses for research wages and supplies; (2) certain time-sharing costs for computers used in research; and (3) 65% of the amount paid for contract research. The credit can also apply to certain corporate cash expenditures supporting university basic research.

A provision of the Tax Fairness and Economic Growth Act of 1992, H.R. 4210, would have extended this provision, which is scheduled to expire June 30, 1992; however, President Bush vetoed the bill and Congress was unable to override the veto.

The Task Force believes this provision should be extended.

Recommendation

7. Provide Grants for Manufacturing Education and High Skills Retraining

Grants for Manufacturing Education

Engineers and managers heading into industry must be trained in the latest manufacturing techniques if U.S. industry is to lead in world competition. Many manufacturing engineering programs lack funding for advanced curricula and equipment. Moreover, programs need to be closely linked to the industry to insure familiarity with current industry challenges and technologies.

The Task Force recommendations a program of matching grants to support new programs or enhance existing programs in manufacturing engineering and management at the undergraduate and graduate level.

Programs funded through these matching grants must combine research, classroom training, and work experience, and have strong ties to industry. Grant recipients would be competitively selected by the DOD—where the program was previously authorized—and by the NSF. The program received a $25 million appropriation for FY92 but is on the Administration's rescission list.

Grants for Retraining of High Skill Defense Workers

OTA estimates that from 1990 to 1995 as many as 127,000 defense engineering jobs could disappear due to the winding down of established weapons programs, and a scarcity of new programs. Many defense engineers will find that to be competitive in the commercial job market they need new skills or specialities, up to date training, or an advanced degree. Because the NSF has developed an unparalleled interface with the academic community and has tightly integrated science and engineering with educational objectives, it can assist with this transition in several ways.

NSF can work with the academic community and engineering professional societies to establish and develop responsive continuing education and retraining programs based on existing programs. Effective academic curricula can be developed for mid-career engineers, which build on the knowledge gained through years of experience and are directed toward practical civilian applications. NSF also has unique experience with distance learning programs that can bring courses directly into the work place. This experience allows NSF to offer engineers suitable courses with a minimum of lost work time.

NSF supports ongoing engineering research activities, such as Engineering Research Centers, which carry out work closely connected to civilian industrial needs. These efforts can be supplemented to provide engineers retraining opportunities at centers, engineering schools, and community colleges.

Recommendation

8. Extend the Employer-Provided Educational Assistance Tax Credit

Extend this provision to encourage businesses to continually invest in upgraded skills for their employees.

Findings

As so many of the preceding Task Force recommendation bear out, the watch words for economic strength in America are, technological change. As the pace of technological change increases, workers will have to adapt, learn new skills, and new ways of thinking. While it is in companies' best interest to enable their employees to adapt to this change, it is also in the country's best interest since a highly skilled work force enables our country to support industries which create wealth for us all. Accordingly, the Task Force believes the government should give companies incentives to continually invest in upgrading their employees' skills.

The Internal Revenue Code currently allows employees to exclude from income for tax purposes, amounts paid by their employers for educational assistance provided through an educational assistance program that meets certain requirements. The exclusion is limited to $5,250 of educational assistance per year. In the absense of this exclusion, an employee generally would be required to include the value of the educational assistance in his or her income, for tax purposes.

A provision of the Tax Fairness and Economic Growth Act of 1992, H.R. 4210, would have extended this provision, which is scheduled to expire June 30, 1992; however, President Bush vetoed the bill and Congress was unable to override the veto.

The Task Force believes this provision should be extended.

Additional Comments

The DOD does not maintain extensive records on its contractor and subcontractor base. Such information could greatly facilitate a more intelligent downsizing designed to minimize damage to the economy. Moreover, this information gap could hamper Congress' efforts to assist firms and workers adversely affected by defense cuts. The Task Force believes the DOD should improve the accuracy and adequacy of data about defense subcontractors.

A second information gap was identified by Task Force member Senator Brock Adams, who also made a proposal to address this gap. Defense firms have indicated that their greatest difficulties in making the transition to commercial sales are: (1) in determining which of their products or services could be competitive and (2) in obtaining adequate information on target markets. Senator Adams proposed that the National Academy of Sciences study the first problem: identification of commercial application products/technologies.

Under this proposal, the National Academy of Sciences (NAS) would undertake a 6-month expedited, priority study of the U.S. defense industry to identify those products that hold promise for commercial use, both immediately and given further development. This study would identify the products or technologies that are available for commercial application, the type of government assistance that will be needed, and where the private sector should focus its energies and resources.

Once the NAS study has been completed, information is needed on potential markets. Senator Adams proposes to use the Department of Commerce's Commercial Information Management System (CIMS) to address this problem. CIMS could be used to target foreign markets for the products and technologies identified by the study. This market information would then be made available to any interested company to assist in the transition to commercial sales.

Though not a formal recommendation of the Task Forces, we believe this proprosal by Senator Adams has merit and deserves further consideration.

LIST OF SPEAKERS FOR DEFENSE/ECONOMIC CONVERSION TASK FORCE BRIEFINGS

Overview Briefing

Ed Knight, Economic Adjustment and Conversion issues, CRS.

Andrew Mayer, Base Closure issues, CRS.

Gary Pagliano, Defense Industrial Bases issues, CRS.

Jeff Hornbeck, Regional Economic Adjustment issues, CRS.

Jack Moteff, R&D issues, CRS.

Ann Lordeman, Job Training and Location Assistance Issues, CRS.

Kitty Gillman, Office of Technology Assessment.

GROUP I (WORKER/COMMUNITY)

Displaced Defense Workers: Transition Issues

Edward Gleiman, Staff Director of Subcommittee.

Barry Holman, GAO National Security and International Affairs Division.

Bruce Moyer, Legislative Council for Federal Managers Association.

Beth Moten, Leg. Director for American Federation of Government Employees, AFL–CIO.

James Sommerhauser, Pres. International Federation of Professional and Technical Engineers, AFL–CIO.

Alan Reuther, Leg. Director United Auto Workers.

Private Sector Retraining Issues

Dr. Anthony P. Carnevale, Exec. Director of Institute of Workplace Learning at the

American Society for Training and Development.

Peggy Taylor, Associate Legislative Dir. AFL–CIO.

Calvin Hines, AFL–CIO.

Peter Mannella, NY State Dept. of Economic Development and NY State Defense Task Force.

Matt Kane, Staff Economist Northeast-Midwest Institute.

John Lederer, Senior Policy Analyst at Human Resource Policy Studies at National Governors' Association.

Existing Federal Programs

Paul Dempsey, Deputy Director of Office of Economic Adjustment, DoD.

Jim Van Erden, Administrator of Office of Work-Based Learning, DoLabor.

Bob Colombo, Director of Title III, DoLabor.

Steven Brennen, Acting Deputy Asst. Sec. for Program Operations, Economic Development Administration, DoCommerce.

Don Patch, Office of Community Planning and Development, DoHUD.

Mary Lukens, Assoc. Deputy Administrator for Business Development at Small Business Administration.

David Witschi, Director Economic Adjustment Division Economic Development Administration DoCommerce.

Base Closings: A Health Care Crisis for Military Retirees

Chris Jennings, Deputy Staff Director, Special Committee on Aging.

David F. Burrelli, CRS, Foreign Affairs and National Defense Division.

Bob Goldich, Foreign Affairs and National Defense Division, CRS.

Rick Storey, Project Leader, Joint Services Group on Health Care Initiatives for Non-Catchment Areas, DoD.

Ron Stephen, Co-Chair of Hospital Subcommittee of Carswell AFB Reuse Task Force.

Repositioning Military Personnel in Civilian Settings

Mary Smith, Education and Public Welfare Division, CRS.

Fred Pang, Professional Staff, Senate Armed Services Committee.

Maj. Bill Crews, Office of Assistant Secretary for Veterans Employment and Training, DoLabor.

GROUP II (INDUSTRIAL/TECHNICAL)

Technology Application and Industrial Expansion Services

Walt Plosila, Head of Montgomery Co. High Technology Council.

Jack Russell, V.P. of Michigan Industrial Tech. Institute.

Joe Houldin, Director of Delaware Valley Industrial Resource Center.

Dr. Robert White, Undersecretary of Technology, DoCommerce.

R&D Policy and Labor Adjustment

Erich Bloch, Distinguished Fellow at the Council on Competitiveness.

Craig Fields, President and CEO of MCC.

Jacques Gansler, Senior V.P. of TASC.

Dr. Roger Nagel, Operations Director of Iacocca Institute at Lehigh U.

Dr. John Alic, Senior Associate at Office of Technology Assessment.

Trade Assistance, Tax Incentives, and Capital Costs

Dr. Gary Hufbauer, Visiting Fellow, Institute for International Economics.

Robert Kuttner, Economics correspondent for the New Republic.

Dr. David B.H. Denoon, Prof. of politics and economics at NY University.

Dr. Ian M. Ross, Chairman of the Nat'l Advisory Committee on Semiconductors.

Julie Gorte, Project Manager with Office of Technology Assessment.

Corporate Diversification/Conversion

Jack Nunn, Senior Analyst with Office of Technology Assessment.

Calvin C. Coolidge, Director of D.C. Office of Texas Instruments Defense Systems and Electronics Division.

Harvey Kreisberg, Director of Corporate Development for AIL Systems.

James A. McDivitt, Senior V.P. of Rockwell International.

PROPOSALS FOR DEFENSE TRANSITION

House Science, Space and Technology Committee

Skip Stiles, Legislative Director.
Robert Palmer, Senior Policy Coordinator.

National Commission for Economic Conversion and Disarmament

Dr. Greg Bichak, Executive Director.

House Armed Services Committee

Larry Smith, Councilor.
Bill Andahazy, Professional Staff.
Chris Aldridge, Professional Staff.

Defense Budget Project

Peter Schmidt, Economic Policy Analyst.
Carol Lessure, Outreach Coordinator.

State of New York

Amy Mall, Legislative Assistant.•

ECONOMIC RECOVERY AND THE HOUSING INDUSTRY

• Mr. **SEYMOUR**. Mr. President, there has been a great deal of talk in this body over the past few months about economic recovery, but very little action. Of last, many indicators point to the beginning of an economic recovery, but this week's news from the Commerce Department is cause for alarm.

As you know, the Department reported starts of new homes slowed dramatically last month, dropping 17 percent below the March rate. The March housing start rate, which registered an increase of 74 percent over the February rate, offered a long overdue positive sign of recovery, but this new drop shows just how precarious the recovery is at this time.

Mr. President, leading indicators such as gross domestic product, the unemployment rate, and the Index of Industrial Production all show modest but positive movement in the economy. But the announcement earlier this week by the Commerce Department casts a dark cloud on the recovery. It is very possible that it is only a passing cloud in an otherwise brightening sky. But after last year's failed recovery, we cannot just sit back and wait to see what happens. I hope the forecasts are correct and that this cloud will pass, but we cannot rest easily on hope alone.

Now is time for action to ensure that 1992 will not be a replay of 1991, when the year began with a tentative recovery that did not live up to expectations.

We need to do our part to spur investment in the real estate economy. Specifically, we need to enact a first-time homebuyer tax credit, and we need to do it soon. I and the other members of the Senate Republican Task Force on Real Estate, which is chaired by Senator DOMENICI, have been pressing for the enactment of such a tax credit since the beginning of the year. This is an idea whose time has clearly come.

In fact, one of the very reasons cited for the explosive growth in home starts in March may have been heightened confidence on the part of first-time homebuyers in response to the President's leadership on this issue.

I am afraid, Mr. President, that the Congress is lagging behind the American people who understand how important this tax credit is for those who seek to participate in the American dream of homeownership. Now is the time to listen to the American people and pass this credit for the good of the economy.

We all know the saying "as real estate goes, so goes the economy." Without a strong recovery in the real estate industry, full recovery for the economy as a whole will be all the more difficult.

I am particularly concerned about my State, Mr. President. As we all know, uncharacteristically, California has been hit harder by this recession that the rest of the Nation. For example, California's unemployment rate stood at 7.7 percent of the labor force in the final quarter of 1991—well above the national average—and, according to some projections, it is expected to remain above 8 percent through this summer.

Well, Mr. President, my first priority, as I consider any legislation this year, is jobs. How can we create more jobs? As I discussed at length before this body 2 months ago, every $1 million spent in the new home market creates 29.6 jobs, and the same dollar in the resale market will create an additional 22 jobs, so this tax credit is a step in the right direction.

Job creation must be our litmus test for legislation this year, Mr. President, and this is one proposal—a tax credit for first-time homebuyers—that clearly passes the test.•

TAIWAN CELEBRATES MAY 20, 1992

• Mr. **BURNS**. Mr. President, I rise to note that today, May 20, 1992, marks the second anniversary of President Lee Teng-hui's first term in office and I wish to join my colleagues in wishing President Lee good fortune and the Republic of China continuing political stability and economic prosperity.

When visiting Taiwan several years ago, I was able to spend some time with President Lee. I was impressed. Since then, he has proven to be a successful leader of his nation. Under his leadership, Taiwan's economy has continued to grow, and Taiwan has had an impressively low unemployment rate. Just as important has been the steady progress toward more political freedom and democracy. Taiwan could serve as a model for reform in mainland China.

Our trade relationship with the Republic of China is one that is highly valued by the United States and mutually beneficial. While there have been some trade disagreements between our countries, as there are disagreements between any group of friends, we appreciate Taiwan's willingness to negotiate in good faith with us on these issues.

I would also like to acknowledge Ambassador Ding Mou-shih, Taiwan's representative in the United States. Much of the cooperative attitude and spirit between our countries is directly attributable to his presence. Ambassador Ding and his staff have made the working relationship between our two countries amiable and productive. I look forward to continued strong relations between the United States and the Republic of China.●

ORDERS FOR MONDAY, JUNE 1 AND TUESDAY, JUNE 2, 1992

Mr. MITCHELL. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in recess until 2 p.m. on Monday, June 1; that on Monday June 1, the Senate meet in pro forma session only; that at the close of the pro forma session, the Senate then stand in recess until 9:30 a.m. on Tuesday, June 2; that on Tuesday, June 2, following the prayer, the Journal of proceedings be deemed approved to date, and following the time for the two leaders there be a period for morning business not to extend beyond 10 a.m. with Senators permitted to speak therein for up to 5 minutes each; that at 10 a.m., the Senate proceed to the consideration of Calendar No. 381, S. 474, the Professional and Amateur Sports Protection Act, and further that any votes ordered in relation to S. 474 be stacked to occur beginning at 2:15 p.m. on Tuesday; that upon disposition of S. 474, the Senate then proceed to the consideration of S. 1504, the Corporation for Public Broadcasting authorization; and that on Tuesday, June 2, the Senate stand in recess from 12:30 p.m. until 2:15 p.m. in order to accommodate the respective party conferences.

The PRESIDING OFFICER. Without objection, it is so ordered.

RECESS UNTIL 2 P.M. MONDAY, JUNE 1, 1992

Mr. MITCHELL. Mr. President, if there is no further business to come before the Senate today, I now ask unanimous consent that the Senate stand in recess under the provisions of House Concurrent Resolution 323 until 2 p.m. on Monday, June 1.

There being no objection, the Senate, at 9:07 p.m. recessed until Monday, June 1, 1992, at 2 p.m.

NOMINATIONS

Executive nominations received by the Senate May 21, 1992:

DEPARTMENT OF JUSTICE

DON J. SVET, OF NEW MEXICO, TO BE U.S. ATTORNEY FOR THE DISTRICT OF NEW MEXICO FOR THE TERM OF 4 YEARS, VICE WILLIAM L. LUTZ, RESIGNED.

DEPARTMENT OF THE TREASURY

JAMES E. GILLERAN, OF CALIFORNIA, TO BE COMPTROLLER OF THE CURRENCY FOR A TERM OF 5 YEARS, VICE ROBERT LOGAN CLARK, TERM EXPIRED.

CIVIL LIBERTIES PUBLIC EDUCATION FUND

THE FOLLOWING NAMED PERSONS TO BE MEMBERS OF THE CIVIL LIBERTIES PUBLIC EDUCATION FUND BOARD OF DIRECTORS FOR THE TERMS INDICATED:

FOR TERMS OF 2 YEARS:

BRUCE T. KAJI, OF CALIFORNIA
TOMIO MORIGUCHI, OF WASHINGTON

FOR TERMS OF 3 YEARS:

EDWIN C. HIROTO, OF CALIFORNIA
WILLIAM H. MARUMOTO, OF VIRGINIA
S. STEPHEN NAKASHIMA, OF CALIFORNIA
GEORGE SHOICHI OKI, SR., OF CALIFORNIA
GRANT MASASHI UJIFUSA, OF NEW YORK

IN THE ARMY

THE FOLLOWING NAMED OFFICER TO BE PLACED ON THE RETIRED LIST IN THE GRADE INDICATED UNDER THE PROVISIONS OF TITLE 10, UNITED STATES CODE, SECTION 1370:

To be lieutenant general

LT. GEN. JAMES W. CRYSEL [redacted] U.S. ARMY.

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE OF LIEUTENANT GENERAL WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, UNITED STATES CODE, SECTION 601(A):

To be lieutenant general

MAJ. GEN. SAMUEL E. EBBESEN [redacted] U.S. ARMY.

IN THE AIR FORCE

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE OF LIEUTENANT GENERAL WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, UNITED STATES CODE, SECTION 601:

To be lieutenant general

MAJ. GEN. BUSTER C. GLOSSON, [redacted] U.S. AIR FORCE.

THE FOLLOWING NAMED OFFICER FOR REAPPOINTMENT TO THE GRADE OF GENERAL WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, UNITED STATES CODE, SECTION 601:

To be general

GEN. GEORGE L. BUTLER, [redacted] U.S. AIR FORCE.

THE FOLLOWING NAMED OFFICER FOR REAPPOINTMENT TO THE GRADE OF GENERAL WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, UNITED STATES CODE, SECTION 601:

To be general

GEN. HANSFORD T. JOHNSON, [redacted] U.S. AIR FORCE.

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE OF LIEUTENANT GENERAL ON THE RETIRED LIST UNDER THE PROVISIONS OF TITLE 10, UNITED STATES CODE, SECTION 1370:

To be lieutenant general

LT. GEN. ROBERT D. BECKEL, [redacted] U.S. AIR FORCE.

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE OF LIEUTENANT GENERAL OF THE RETIRED LIST UNDER THE PROVISIONS OF TITLE 10, UNITED STATES CODE, SECTION 1370:

To be lieutenant general

LT. GEN. ROBERT H. LUDWIG, [redacted] U.S. AIR FORCE.

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE OF LIEUTENANT GENERAL ON THE RETIRED LIST UNDER THE PROVISIONS OF TITLE 10, UNITED STATES CODE, SECTION 1370:

To be lieutenant general

LT. GEN. C. NORMAN WOOD, [redacted] U.S. AIR FORCE.

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE OF LIEUTENANT GENERAL WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER THE PROVISIONS OF TITLE 10, UNITED STATES CODE, SECTION 601:

To be lieutenant general

MAJ. GEN. JOHN E. JACKSON, JR. [redacted] U.S. AIR FORCE.

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE OF GENERAL ON THE RETIRED LIST UNDER THE PROVISIONS OF TITLE 10, UNITED STATES CODE, SECTION 1370:

To be general

GEN. DONALD J. KUTYNA, [redacted] U.S. AIR FORCE.

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE OF GENERAL WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER THE PROVISIONS OF TITLE 10, UNITED STATES CODE, SECTION 601:

To be general

LT. GEN. CHARLES A. HORNER, [redacted] U.S. AIR FORCE.

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE OF LIEUTENANT GENERAL ON THE RETIRED LIST UNDER THE PROVISIONS OF TITLE 10, UNITED STATES CODE, SECTION 1370:

To be lieutenant general

LT. GEN. VERNON J. KONDRA, [redacted] U.S. AIR FORCE.

THE FOLLOWING NAMED OFFICER FOR REAPPOINTMENT TO THE GRADE OF LIEUTENANT GENERAL WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER THE PROVISIONS OF TITLE 10, UNITED STATES CODE, SECTION 601:

To be lieutenant general

LT. GEN. MICHAEL A. NELSON, [redacted] U.S. AIR FORCE.

THE FOLLOWING NAMED OFFICER FOR REAPPOINTMENT TO THE GRADE OF LIEUTENANT GENERAL WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER THE PROVISIONS OF TITLE 10, UNITED STATES CODE, SECTION 601:

To be lieutenant general

LT. GEN. ROBERT L. RUTHERFORD, [redacted] U.S. AIR FORCE.

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE OF LIEUTENANT GENERAL WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER THE PROVISIONS OF TITLE 10, UNITED STATES CODE, SECTION 601:

CONFIRMATIONS

Executive nominations confirmed by the Senate May 21, 1992:

DEPARTMENT OF STATE

KENTON WESLEY KEITH, OF MISSOURI, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF MINISTER-COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE STATE OF QATAR.

TERESITA CURRIE SCHAFFER, OF NEW YORK, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF MINISTER-COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE DEMOCRATIC SOCIALIST REPUBLIC OF SRI LANKA, AND TO SERVE CONCURRENTLY AND WITHOUT ADDITIONAL COMPENSATION OF AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY TO THE REPUBLIC OF MALDIVES.

NUCLEAR REGULATORY COMMISSION

KENNETH C. ROGERS, OF NEW JERSEY, TO BE A MEMBER OF THE NUCLEAR REGULATORY COMMISSION FOR THE TERM OF 5 YEARS EXPIRING JUNE 30, 1997.

DEPARTMENT OF DEFENSE

G. KIM WINCUP, OF MARYLAND, TO BE AN ASSISTANT SECRETARY OF THE AIR FORCE.

THE ABOVE NOMINATIONS WERE APPROVED SUBJECT TO THE NOMINEES' COMMITMENT TO RESPOND TO REQUESTS TO APPEAR AND TESTIFY BEFORE ANY DULY CONSTITUTED COMMITTEE OF THE SENATE.

THE JUDICIARY

MORRIS S. ARNOLD, OF ARKANSAS, TO BE U.S. CIRCUIT JUDGE FOR THE EIGHTH CIRCUIT.

MICHAEL BOUDIN, OF MASSACHUSETTS, TO BE U.S. CIRCUIT JUDGE FOR THE FIRST CIRCUIT.

JEROME B. SIMANDLE, OF NEW JERSEY, TO BE U.S. DISTRICT JUDGE FOR THE DISTRICT OF NEW JERSEY.

RICHARD G. KOPF, OF NEBRASKA, TO BE U.S. DISTRICT JUDGE FOR THE DISTRICT OF NEBRASKA.

U.S. COAST GUARD

VICE ADM. MARTIN H. DANIELL, JR., U.S. COAST GUARD AS COMMANDER, PACIFIC AREA, U.S. COAST GUARD WITH THE GRADE OF VICE ADMIRAL WHILE SO SERVING.

REAR ADM. ROBERT T. NELSON, U.S. COAST GUARD AS VICE COMMANDANT, U.S. COAST GUARD WITH THE GRADE OF VICE ADMIRAL WHILE SO SERVING.

To be lieutenant general

MAJ. GEN. MALCOLM B. ARMSTRONG, [redacted] U.S. AIR FORCE.

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE OF LIEUTENANT GENERAL WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER THE PROVISIONS OF TITLE 10, UNITED STATES CODE, SECTION 601:

To be lieutenant general

MAJ. GEN. JOSEPH W. RALSTON, [redacted] U.S. AIR FORCE.

IN THE ARMY

THE FOLLOWING NAMED OFFICER TO BE PLACED ON THE RETIRED LIST IN THE GRADE INDICATED UNDER THE PROVISIONS OF TITLE 10, UNITED STATES CODE, SECTION 1370:

To be lieutenant general

LT. GEN. ROBERT D. HAMMOND, [redacted] U.S. ARMY.

THE U.S. ARMY RESERVE OFFICERS NAMED HEREIN FOR APPOINTMENT IN THE RESERVE OF THE ARMY OF THE UNITED STATES IN THE GRADES INDICATED BELOW, UNDER THE PROVISIONS OF TITLE 10, UNITED STATES CODE, SECTIONS 593(A), 3371 AND 3384:

To be major general

BRIG. GEN. WILLIAM C. COCKERHAM [redacted].
BRIG. GEN. ROLLYN C. GIBBS [redacted].
BRIG. GEN. FRED E. MARQUIS [redacted].
BRIG. GEN. THOMAS E. MATTSON [redacted].
BRIG. GEN. JOHN C.C. ROTH [redacted].
BRIG. GEN. ROBERT L. RUTH [redacted].
BRIG. GEN. JOSEPH E. TURNER [redacted].

To be brigadier general

COL. WAYNE W. HOFFMAN [redacted].
COL. KENNETH J. KAVANAUGH [redacted].
COL. GERALD L. DEBACKER [redacted].
COL. DOUGLAS E. CATON, [redacted].
COL. RALPH L. HAYNES [redacted].
COL. PETER A. GANNON [redacted].
COL. JAMES D. SLAVIN [redacted].
COL. ANTHONY R. KROPP [redacted].
COL. ROBERT H. BEAHM [redacted].
COL. WILLIAM C. MERCURIO [redacted].
COL. JOHN M. O'CONNELL [redacted].
COL. EVO RIGUZZI [redacted].
COL. CURTIS A. LOOP [redacted].
COL. JORGE ARZOLA [redacted].
COL. JOHN H. BECKROGE [redacted].

THE FOLLOWING NAMED OFFICER TO BE PLACED ON THE RETIRED LIST IN THE GRADE INDICATED UNDER THE PROVISIONS OF TITLE 10, UNITED STATES CODE, SECTION 1370:

To be lieutenant general

LT. GEN. WILLIAM S. FLYNN [redacted] U.S. ARMY.

THE FOLLOWING NAMED OFFICER TO BE PLACED ON THE RETIRED LIST IN THE GRADE INDICATED UNDER THE PROVISIONS OF TITLE 10, UNITED STATES CODE, SECTION 1370:

To be lieutenant general

LT. GEN. MICHAEL F. SPIGELMIRE [redacted] U.S. ARMY.

THE FOLLOWING NAMED OFFICER TO BE PLACED ON THE RETIRED LIST IN THE GRADE INDICATED UNDER THE PROVISIONS OF TITLE 10, UNITED STATES CODE, SECTION 1370:

To be lieutenant general

LT. GEN. AUGUST M. CIANCIOLO, [redacted] U.S. ARMY.

THE FOLLOWING NAMED OFFICER TO BE PLACED ON THE RETIRED LIST IN THE GRADE INDICATED UNDER THE PROVISIONS OF TITLE 10, UNITED STATES CODE, SECTION 1370:

To be general

GEN. JOHN R. GALVIN, [redacted] U.S. ARMY.

THE FOLLOWING NAMED OFFICER FOR REAPPOINTMENT TO THE GRADE OF LIEUTENANT GENERAL WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, UNITED STATES CODE, SECTION 601(A):

To be lieutenant general

LT. GEN. WILLIAM G. PAGONIS, [redacted] U.S. ARMY.

THE U.S. ARMY RESERVE OFFICER NAMED HEREIN FOR APPOINTMENT IN THE RESERVE OF THE ARMY OF THE UNITED STATES IN THE GRADE INDICATED BELOW, UNDER THE PROVISIONS OF TITLE 10, UNITED STATES CODE, SECTIONS 593(A), 3371 AND 3384:

To be brigadier general

COL. JAMES J. SULLIVAN [redacted].

IN THE NAVY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE OF VICE ADMIRAL WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, UNITED STATES CODE, SECTION 601:

To be vice admiral

REAR ADM. (LH) JOHN M. MCCONNELL, [redacted] U.S. NAVY.

THE FOLLOWING NAMED OFFICER TO BE PLACED ON THE RETIRED LIST IN THE GRADE INDICATED UNDER THE PROVISIONS OF TITLE 10, UNITED STATES CODE, SECTION 1370:

To be admiral

ADM. JEROME L. JOHNSON, U.S. NAVY [redacted].

IN THE AIR FORCE

AIR FORCE NOMINATION OF WILLIAM B. BEAZLEY TO BE LIEUTENANT COLONEL, WHICH NOMINATION WAS RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON APRIL 7, 1992.

AIR FORCE NOMINATIONS BEGINNING ROBERT T. KINDLEY, AND ENDING ROBERT W. PATRICK, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON APRIL 28, 1992.

AIR FORCE NOMINATIONS BEGINNING MAJ. DANIEL W. BECK, [redacted] AND ENDING MAJ. SUE E. ROYER, [redacted] WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON MAY 6, 1992.

AIR FORCE NOMINATIONS BEGINNING JAMES T. ABERNETHY, JR., AND ENDING ROBERT W. ZID, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON MAY 13, 1992.

IN THE ARMY

ARMY NOMINATIONS BEGINNING SIDNEY C. FRANCISCO, AND ENDING FRANCIS E. TRAXLER, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON APRIL 7, 1992.

ARMY NOMINATIONS BEGINNING ERNEST F. BIVONA, AND ENDING DALE A. DOUGLASS, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON APRIL 7, 1992.

ARMY NOMINATIONS BEGINNING WILLIAM F. DAVITT, III, AND ENDING JOSEPH A. SNEAD, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON APRIL 28, 1992.

ARMY NOMINATIONS BEGINNING MARK S. ACKERMAN, AND ENDING JOHN I. WINN, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON APRIL 28, 1992.

NAVY

NAVY NOMINATIONS BEGINNING WILLIAM K. DAVIS, AND ENDING KENNETH J. WYDAJEWSKI, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON APRIL 28, 1992.

EXTENSIONS OF REMARKS

FUNDING FOR JOB TRAINING PARTNERSHIP ACT PROGRAMS

HON. PETER HOAGLAND

OF NEBRASKA
IN THE HOUSE OF REPRESENTATIVES
Thursday, May 21, 1992

Mr. HOAGLAND. Mr. Speaker, as a result of consultation with Governor Nelson, Nebraska Labor Commissioner Dan Dolan and Job Training of Greater Omaha Director Ola Anderson, visits with Omaha community leaders and visits to job training sites in Omaha, I am pressing for increased funding for the Federal Job Training Partnership Act [JTPA] programs.

I am asking that the following statement I made before the Appropriations Subcommittee Education, Labor and Health and Human Services be printed in the CONGRSSIONAL RECORD because adequate JTPA Program funding is such an important asset to the Omaha community.

One of the projects I highlighted is the Gateway Program in Omaha, a project that puts public housing residents to work in positive ways. Projects like this can benefit urban areas and in the aftermath of the Los Angeles riots should be promoted.

The statement also points out that even though Nebraska has a low unemployment rate on paper, it is still in serious need of an effective job training development program.

STATEMENT OF CONGRESSMAN PETER HOAGLAND

I want to express my appreciation for the opportunity to come before you today. I represent the second Congressional District of Nebraska which currently encompasses five counties along the Missouri River in eastern Nebraska, including the city of Omaha.

I am here today to urge this subcommittee's support for funding for Job Training Partnership Act programs above the level of the President's request. As you know, the President's request is $4.1 billion for JTPA in fiscal year 1993, $100 million below last year's appropriation. Considering the enormous benefits JTPA programs have in communities all over the country, including my district in Nebraska, it is essential that Congress provide adequate funding so that JTPA can fulfill its mandate of helping the untrained and the undertrained find meaningful employment. I believe the President's reductions for fiscal year 1993 come at a very inopportune time when most of the country is in a recession. This is a shortsighted approach.

Let me describe to you the conditions in my state of Nebraska and specifically in my district, which encompasses Omaha, to highlight the tremendous need for JTPA programs.

Reduced funding for Job Training Partnership Act programs could have a serious effect on the Omaha metropolitan area. The majority of federal grants to states under this program are based on a state's unemployment data. Because the state of Nebraska has a relatively low unemployment rate, now at 2.8%, federal allotments to the state have remained steady or have gone down over the past five years. This has meant that job training administrators in the Nebraska Department of Labor and the three Service Delivery Areas in the state have had to provide the same level of services with less money. In fact, administrators in my state have told me that while their funds are dwindling they must do more and more work to meet tougher federal requirements under the program. These include more thorough determinations of eligibility of individuals entering the programs such as verifying selective service enrollment. At the state level, because of a reduction in funding this year, the Job Training of Greater Nebraska office in Lincoln is in a reduction-in-force mode, recently laying off three administrative personnel.

The Basic problem is that unemployment figures do not reflect the true need and demand for job training programs, especially in Nebraska and Omaha. State officials have estimated that as many as 36% of Nebraskans were underemployed in 1990. These are people not reflected in employment data. Many people have given up searching for jobs because they lack the necessary skills for employment. The underemployed are those who work two jobs, pat-time at low wages just to provide food and shelter for their families. They do not have adequate health care if they have any at all. These people are non-existent as far as the federal government is concerned but they need job training to get full-time, good-paying jobs.

Worker dislocation has also produced increased demand for job training programs in Omaha even though funding for this program, Title III of the Job Training Partnership Act, in the current program year which ends June 30, ran out in January. Assistance for dislocated workers is an increasing need in Omaha. Many large companies such as Enron Corporation, AT&T and US West have moved facilities and jobs, out of the area causing a loss of an estimated $1 billion in wages to the Omaha economy since 1984. Just two weeks ago, Seagate Technology, Incorporated, a major producer of computer equipment world-wide, announced that it was shutting down its facility in Omaha, putting 435 people out of work. At one time, this plant employed 900 people.

Offutt Air Force Base, located just south of the city in Sarpy County, is currently downsizing its force substantially. Over 160, civilian personnel are losing their jobs. Most of these people will need help in learning new skills, finding new employment, preparing resumes, filling out job applications, and providing simple encouragement at a time when they need it most. At a recent job fair at Offutt, Job Training of Greater Omaha (JTGO) provided personnel with job market information in Omaha as well as the services they can provide to help them in their job search.

Even though Nebraska receives a very small share of JTPA funds compared to the rest of the country, it continues to provide employment services on par with any other state. This is especially true in Omaha, where Job Training of Greater Omaha has established a strong and productive partnership with the community.

One of the most recent examples of this is JTGO's participation in the Gateway Program created by the Omaha Housing Authority to create job opportunities for the unemployed and underemployed public housing residents in Omaha. The Omaha Housing Authority, by combining JTPA funds, Economic Development Administration grants and other funds and in cooperation with Metropolitan Community College and the Omaha business community has organized a shop to make doors, windows and window screens for public housing units. The shop will also produce doors, windows and screen products for sale to public housing authorities across the country. Shop employees, all of whom live in public housing, are gaining valuable design, carpentry and management skills that they can use to seek employment. Job Training of Greater Omaha has a contract with the Housing Authority to help provide on-the-job training services to employees. JTGO is providing up to 50 percent of the salaries of the workers while they learn the skills they need for future long-term employment. This is an excellent example of a project that uses federal funds in combination with local resources to help people in distressed areas get out of the spiral of despair and defeat. This, quite frankly, the kind of program that can help prevent desperate incidents like those we saw in Los Angeles recently.

While the Gateway Program is a program for the entire community, JTPA is really the story of individual success. A great example of that is Monique Williams, who received the National Association of Counties (NACO) JTPA Alumni award. Monique was an example of a JTPA success. Dependent on the social services system, she wanted out of her situation and needed help. In 1990, Monique was an unemployed mother of two and an Aid for Families with Dependent Childen recipient. She was referred to Job Training of Greater Omaha in January 1990 by the Nebraska Department of Social Sevices. Job Training of Greater Omaha, after determining she had minimal marketable skills, referred her to Omaha SER Jobs for Progress, a Hispanic community-based organization, to learn an occupational skill. During her training, JTGO assisted with child care, transportation and needs-based payments. Monique successfully completed a twelve-week clerical course in April of that year with high recommendations from staff.

On April 17, JTGO and Omaha SER placed Monique in a job at the North Branch YMCA as a full-time secretary. Monique is a model employee and recently received a raise and a promotion to Office Manager. She is no longer receiving welfare payments, food stamps or child care assistance. Monique has accomplished her goals of getting off the welfare system and into the community of the employed. Her determination and perseverance kept her focused on her goals, but without Job Training of Greater Omaha and the federal JTPA program there to help, she may not have had such an opportunity.

Much of the success of the job training program in Omaha is due to the partnership between the business community and the public sector, especially when public funds have

• This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.
Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

diminished. The Greater Omaha Private Industry Council has helped create programs or projects the Omaha area would not otherwise have been able to afford. In fact, a member of the Greater Omaha Private Industry council has received national recognition for his special dedication to providing the people of Omaha with job training opportunities. Alan Simon, President and Chief Executive Officer of Omaha Steaks International, received the "Presidential award for Outstanding Private Sector Volunteer" at the White House two weeks ago. This is not the first time Alan has been recognized for his volunteer efforts for Job Training. In 1987, he received a Presidential award for his involvement with JTPA as well as last year, he received the Omaha Mayor's Partnership Award for his volunteer service to the community.

The success of Job Training of Greater Omaha and the dedication of its director, Ola Anderson, along with Alan Simon and the countless others in Omaha and across the state of Nebraska are proof that the Job Training Partnership Act programs work and are a tremendous asset to the economic well-being of the community. Although, under current allocation formulas, Nebraska receives very little funding, it has been Omaha's experience that the programs established by this Act are needed more than ever before. I urge my colleagues on this subcommittee to support increased funding for Job Training Partnership programs for Fiscal Year 1993.

Thank you again for the opportunity to appear before you.

OLIVER BEACH IMPROVEMENT ASSOCIATION 60TH ANNIVERSARY

HON. HELEN DELICH BENTLEY

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 21, 1992

Mrs. BENTLEY. Mr. Speaker, I am proud to recognize the Oliver Beach Improvement Association, Inc. upon its 60th anniversary and homecoming celebration on Sunday, May 17.

For six decades, the Oliver Beach Improvement Association, Inc. of Chase, MD, has been working actively in this close-knit community located in Baltimore County, MD. While we have witnessed the unfortunate demise of neighborhoods and communities across this Nation, the community of Chase has continued to flourish. The fond memories many of us share from our childhood of the towns and communities we grew up in no longer exist in the fast paced and often troubled surroundings of today. Even major cities of the past were more like small towns when people shared a common interest in the health and welfare of their community and neighbors.

It is encouraging indeed to see the hard work and dedication of groups such as the Oliver Beach Improvement Association and to see the interest it is taking in its community. At one time, this area was a 500-acre estate belonging to Mr. Robert Oliver who came to America in 1786 from Ireland. A merchant and early pioneer of the shipping industry in the Port of Baltimore, Mr. Oliver bought land situated along the Gunpowder River in 1818 for use as a hunting reservation.

Mr. Oliver commissioned the first American born trained architect, Mr. Robert Mills, to build a large two story home on the property for use as a hunting lodge. Mr. Mills is noted for designing both the Washington Monument in Washington, DC, and the earlier Washington Monument in Baltimore as well as other Federal buildings in Washington.

Mr. Oliver was active in raising money for the completion of Fort McHenry and for the Baltimore & Ohio Railroad, where he served as one of its first directors. At the time of his death in 1834, Mr. Oliver was one of the richest men in America.

The community of Oliver Beach indeed is rich in history and this community has literally grown up around the two-story house built in 1820 as a hunting lodge that now is a symbol of the community. The residents have been fighting to save this house from further development, as it understandably holds a special meaning and importance to them.

When I think of the changes and developments since the time of Robert Oliver, one cannot help but be impressed. Equally impressive is that this small community still has a uniqueness and appeal that harkens back to a nostalgic bygone era. The pride in this uniqueness is clearly evident and shared among its residents.

I am proud that this community is within the second Congressional District and share in the residents pride for their community. I commend the Oliver Beach Improvement Association and thank them for their hard work and dedication to the community. In addition, I appreciated the historical background supplied by Mr. Paul Michael Blitz.

Mr. Speaker, my fellow colleagues, I salute the Oliver Beach Improvement Association, Inc. on its 60th anniversary. May they have continued success and prosperity in the years ahead.

BOB MICHEL SPEAKS ON ELECTION 1992 AND "PEROTSTROIKA"

HON. J. DENNIS HASTERT

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 21, 1992

Mr. HASTERT. Mr. Speaker, Texas billionaire Ross Perot's bid for the White House has captured the headlines in recent weeks. House Minority Leader BOB MICHEL recently examined the Perot phenomenon. What the Republican leader said should be of interest to all our Members. Leader MICHEL put the Perot Presidential race in perspective and I know we can all benefit from his incisive and informed analysis.

At this point, I wish to place in the RECORD, "Perotstroika: The American Dilemma," a speech by House Minority Leader ROBERT H. MICHEL, to the headliners breakfast group, May 21, 1992.

PEROTSTROIKA: THE AMERICAN DILEMMA

(Remarks by Robert H. Michel)

This morning, I want to unburden myself of a few ideas about the latest political fad—or should I say "frenzy"?

I refer to Ross Perot.

This barefoot billionaire from Texas is a genuine political phenomenon.

Gorbachev gave us perestroika.

Perot is giving us "Perotstroika".

Yesterday I was talking with some of the top political pros in this town and everyone of them said that Ross Perot is not a flash in the pan, and that he will definitely affect the 1992 race.

One of these experts went so far to say that he believes this election will usher in a new age of American politics. Nothing will ever be the same.

No question about it.

There will be an unprecedented turnover in Congress.

As the Republican Leader of the House I will be overjoyed if a majority of those new members are Republican. The more Republicans, the merrier.

But just the fact of unprecedented turnover will affect the political system for a decade or more.

There may very well be a three-man presidential race.

We might have to go on to the House of Representatives to choose a president.

I don't know how many of you read Lloyd Cutler's piece in the Post yesterday on that issue.

In the midst of all this, Ross Perot comes on Larry King's television show and says that if people beg him to run, he might condescend to become our next president.

In any other time but our own, anyone who said that—billionaire or not—would be laughed out of political existence.

But Ross Perot has caught on with a substantial body of the American people. Poll after poll shows that.

And that is frightening.

It is frightening because Ross Perot is telling the American people not only that those of us in Washington are bums—shucks, everybody says that.

But Ross Perot is also saying, if you listen to him really closely, is:

These bums in Washington keep arguing with each other, and when I get in we're going to put an end to all that arguing. We're going to do things.

What things, Ross?

Ross won't say.

How will you get things done, Ross, if you face a Congress that disagrees with you on major issues?

Ross won't say.

All Ross will say is: Trust me. I'm a real leader. I'm a chief executive officer. I'll make it all work.

How are you going to do that, Ross?

Ross won't say, except to talk about ideas like national electronic town meetings on TV.

What he's really advocating here is a true Democracy where everything is put to public referendum.

But we don't have a true Democracy.

We have a Republic? That is if we can keep it! Remember?

And Ross Perot's silence, my friends, is frightening.

It is frightening because a large number of good Americans, people who genuinely love this country, desperately want to believe Ross has the answers—even though he won't even tell us the questions.

And what is more frightening is that Ross Perot is exploiting a real, disturbing, genuine disaster that our political system has been undergoing for some time now.

And I'm talking about divided government in Washington.

You are all Washington professionals so I don't have to spell it out for you in detail.

But let me put it this way:

We have come to a point in American history where a President of one party simply cannot lead if the Congress is dominated by the other party.

In the Eisenhower administration, when I first came to town as a Congressman, Ike could work with Lyndon Johnson on major issues.

Sam Rayburn was a fierce partisan, but generally submerged his partisanship to be Speaker of the whole House because he wanted the House to act responsibly.

Things aren't like that these days.

All that the American people see when they look to Washington is squabbling, partisanship, media hype, and legislative gridlock.

And Ross Perot is taking advantage of that breakdown.

The fact that he doesn't have a clue as to how to solve even one major issue doesn't faze him or his followers.

They say:

"Of course Ross doesn't have a clue. That's why we love him. He's just like us, only richer!!!"

But you insiders in Washington haven't solved anything, so give Ross a chance . . ."

And let me stress once again: There is a legitimate grievance that must be met in our political system.

And in my view the only way to solve it is to re-elect President Bush and elect a Republican Congress to work with him.

Give us the chance to really govern.

If we fail, kick us out of Congress in the election of 1994.

But give us the first chance in 38 years to govern with our vision.

It is as if we are all driving on the Beltway and there is one of those terrible traffic jams.

One of those big semis has jackknifed and we're all sitting around in the heat.

There are cars just standing there in both directions.

Tempers are rising. Folks are really angry and hot under the collar.

And Ross Perot is saying:

"Hey, everybody follow me through some back roads."

"I don't know this part of the country at all. I don't know how to drive very well. And I won't tell you where I'm going."

"But, if you all beg me, I'm going to lead you out of this jam."

That's the Perot message: Trust me.

Where have we heard that one before?

Well, in my view, what the American people should do is tell Perot to either show us his roadmap or turn himself into the highway patrol for imitating a "Triple A" tow truck.

And then the American people should get out of their cars, move that damned trailer marked "Divided Government" out of the way and get things moving again.

As the Republican Leader, I do have a big stake in all this.

Most of you have heard me give my little fifteen minute lecture on "What I would do as Speaker".

If you haven't, I have reprints of an article I did for Policy Review magazine.

That gives you the roadmap I'm going to use.

But President Bush—and I have to be quite frank about this—can be in big trouble with this Perot phenomenon.

Let's just look at the hard political facts.

The basic Democratic vote for Clinton is based on a number of groups that comprise the traditional Democratic base. Clinton, if he can, has to build from there.

Clinton could take 90 percent of the black vote in Southern States, chip off just enough hard-core Democrats, and leave the President and Perot splitting the rest of the vote down the middle.

Moreover, I frankly don't see any members of Clinton's groups coming out for Perot.

All I see when I turn on the TV for a report on Perot volunteers is suburbanites, older folks and young folks and farmers—exactly the people we thought were in our Republican camp.

I'm sorry to say that the Bush campaign up to now, has had problems reaching those folks.

If I were asked to give some rhetoric to the President, I'd ask him to say something like this: Maybe not just now, but surely after our convention.

"Are you frustrated because government doesn't work?"

Well, so am I. So are all Republicans.

The Democrats run the Senate. The Democrats run the House. They are running their own private government in Washington.

Divided government isn't working.

We need radical change. Not change for the sake of change, but change for the sake of the people.

Our country—the world itself—is in a time of great and historic transition.

Old ways of doing things are dying out, and new ways are waiting to be born.

From education to the economy, from health care to trade, we stand between two ages.

What the country needs at a critical time like this is government that will make democracy work.

At times like these there are those who will exploit these genuine grievances.

There are those who will talk in slogans make the most of 30-second soundbites and claim to be on the outside, when all they want to be is inside.

They offer the simple answers, the glib reply, the just-folks image, the demagogue's gift for over-simplification.

In this century we have seen what such mountebanks have done when they gained power.

They once said about authoritarianism in America: it can't happen there.

Well, it can happen here unless those who want to work through the democratic system, and not ignore it because it is often inefficient, are determined to turn things around.

Divided government is not working.

Give me a Congress I can work with.

That's what I'd like to hear the President say or at least something like that.

I know—he risks the chance that the American people will choose Clinton.

But that risk is already there.

What the Bush campaign has to do is lift this campaign out of the rut it has drifted into, and tell the American people what is at stake.

This isn't an election just about issues.

It isn't an election just about ideas.

It is an election about whether or not we can assure the American people that their government can indeed work for them again.

My friends, Ross Perot is one of the most amazing political phenomena of our time.

In himself he is not all that important. It is what he represents.

He isn't the first and won't be the last to say that democracy isn't working and that if you trust me with power, I'll solve all your problems.

That message—sometimes sinister, sometime just silly—has been heard all over the world at various time in this century.

That siren call has enchanted good, decent people who are frustrated and disillusioned.

And on every occasion, people are attracted to such simplicity and ignorance because of genuine grievances with their government.

The role of the Republican Party, in my view, is to tell the American people we agree: we can't go on like this any longer. We need a new way in Washington.

But the kind of new way we need is one in which the President and the Congress share certain basic values.

This doesn't mean the President will always get what he wants.

Franklin Roosevelt, with tremendous majorities, didn't always get what he wanted.

What it means is that on the basic issues—of jobs, education, health, and the economy—the President has a fair chance to see his programs enacted, with the minority in Congress there to keep him honest.

The Democrats have had that chance under Roosevelt, Kennedy, Johnson, and Carter.

President Bush deserves that chance.

But he has to fight for it.

He has to fight for it by making clear to the American people that our system can work if we can get that trailer-truck marked "Divided Government" out of the roadway.

With all due respect, Mr. President, the problem isn't "Congress"—the problem is a Congress ruled by a party that has been in power too long and has become a government unto itself.

Ross Perot is the wake-up call for all those who believe that democratic government must be made to work and who are willing to spell out the ways it can work in the old-fashioned America way—before the elections.

Ross Perot, for all I know, may fade away once he comes under public scrutiny.

But recent media disclosures about his past do not seem to have stopped him, so I wouldn't count on it.

But I'll say it again, Perot isn't important.

It is what he represents that is important: he is the focal point of legitimate grievances with gridlocked, irrelevant, divided government.

If Ross Perot never existed, those grievances would be real.

It may turn out that the big story of this campaign was how Ross Perot awakened both political parties.

If so, he has done his country a great service.

SALUTE TO MRS. FRANCES SQUITIERI, DISTINGUISHED PERSON AND VOLUNTEER OF ST. GERARD'S PARISH

HON. ROBERT A. ROE

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 21, 1992

Mr. ROE. Mr. Speaker, it is with the greatest pride and admiration that I rise today to salute a truly outstanding individual from my Eighth Congressional District of New Jersey who has made an enormous contribution to her community, her State and our Nation over the past 50 years.

I am speaking of Mrs. Frances DiPietro Squitieri of Paterson, NJ, who will be honored for her innumerable contributions on May 31, 1992, by the parish of St. Gerard's Roman Catholic Church with a mass at the church and a luncheon following at St. Joseph's Community Center in Paterson, NJ.

I know that this event will be a source of great pride not only to Frances Squitieri, but to her devoted family; her two daughters Rita and Loretta; her sons-in-law Jimmy and Eddie, and all five of Frances' granddaughters Lori, Chrissy, Amy, Melissa, and Michelle, Further, I know this event will also have great significance for the people who have come to know Frances Squitieri through her great involvement with the community both professionally and socially.

Mr. Speaker, Frances DiPietro Squitieri was born on May 9, 1920 in the tiny town of Mota D'Afermo, Sicily, to Filippo and Rosa DiPietro and her two older sisters, Josephine and Maria. At age 17, she left Italy and immigrated to the United States where she resided in Passaic, NJ.

The young Frances having settled in Passaic, began leading a busy life of learning a new language, working as a seamstress and part time at the five and dime, going to night school to become a citizen and of course, becoming a part of her new church community, Mount Carmel. Soon the inklings of volunteerism began to emerge; before long Frances was involved with the Legion of Mary, the Ladies Society, and other church projects such as playing the role of Veronica in the Easter Passion Play.

While working in the clothing factory, fate played a decided role in Frances' life. There she met and became good friends with three sisters from Butler; Edith, Ann, and Tessie Squitieri, who had a very cute, outgoing, redheaded baby brother named Angelo, better known as Red, who had just returned from the war. On September 8, 1946, Angelo and Frances became husband and wife. Once again, her ties with her church came into play; September 8, her wedding day, was also a feast day and the block of streets in her neighborhood were closed off for a feast that included the statue of the Madonna being paraded up and down the street, along with music from a marching band and the delicious aromas of pizza, sausage and peppers, and zeppolis.

The newlyweds brought their first home in Pompton Lakes, NJ, which Frances considered to be too countryish because she was a city slicker from Passaic. However, they were both very happy there and worked very hard at their jobs; Angelo at his new diner in Butler, NJ, and Frances at her job as a seamstress in Passaic, which required her to take three buses a day to get there.

Frances and Angelo were blessed on May 13, 1948, with the birth of their first child, a beautiful daughter, Rita, and thus began the female dynasty in the Squitieri family which has gone on for decades without the birth of a male child. On May 8, 1960, their second child was born, another daughter, Loretta.

In 1969, the Squitieris moved to Haledon, NJ, and became parishioners of St. Gerard's Church. Eager to become involved in the parish, Frances volunteered to sew new linens for the altar of the church. Soon after she joined in and helped Monday night bingo by working in the kitchen with her husband Angelo, and joined the Rosary Society and subsequently serving in various officer positions cleaning and decorating the church for holidays, working at the bazaars making palms, preparing ziti dinners, participating in cake sales, Chinese auctions, church picnics, communion breakfasts, and of course her famous trips locally and overseas.

One of Frances' favorite pastimes was and is to make a special dinner for one of her many priest friends. She was always in her glory to share holiday dinners with these important friends. In addition to her many activities in St. Gerard, she also found time to organize the Xaverian Missionary League of Wayne which is still going strong after 20 years.

It is and was Frances' strong bonds of friendship and love with individuals at St. Gerard's that helped her and her family through the difficult times, most notably the death of her beloved husband Angelo.

Mr. Speaker, it is indeed appropriate that we reflect on the deeds and achievements of our people who have contributed to the quality of life here in America. I am sure that there is much to be said for the friendship and goodwill that Frances Squitieri has so willingly and abundantly given over the years that means so much to the lives of many, many people. As we join together in celebration of this wonderful lady, Frances DiPietro Squitieri, and her accomplishments, I salute her along with the St. Gerard's Church.

TRIBUTE TO THE BATON ROUGE CHAPTER OF THE SERVICE CORPS OF RETIRED EXECUTIVES

HON. RICHARD H. BAKER

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 21, 1992

Mr. BAKER. Mr. Speaker, I rise today to pay tribute to the Baton Rouge Chapter of the Service Corps of Retired Executives [SCORE] for its continued involvement in the small businesses community.

The Baton Rouge Chapter schedules counseling on three mornings per week. In 1991, SCORE volunteers booked 280 one-time sessions and 380 follow-up sessions. Small business people who contact SCORE receive free counseling from experienced business people which helps them in today's tough marketplace. One client wrote that SCORE is a "wonderful organization" whose advice is "paying off".

In 1991, the chapter organized 2 full day seminars for small businesses in Baton Rouge. SCORE members also participated in approximately 12 speaking engagements to various groups and organizations in Baton Rouge and the surrounding community.

I want to thank the members of the Baton Rouge SCORE Chapter for the invaluable service and contribution they provide to area small businesses.

CONGRESSMAN KILDEE HONORS GLENORA ROLAND

HON. DALE E. KILDEE

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 21, 1992

Mr. KILDEE. Mr. Speaker, it is with great pride that I rise before you today to pay tribute to Glenora Roland, a great community leader who has spent her entire life nurturing the social awareness of others. On Friday, May 15, 1992, the Flint Neighborhood Coalition recognized the achievements of its members at its annual awards dinner. I believe that while we recognize the hard work of the volunteers that make the coalition work, we must also recognize the many sacrifices made by Mrs. Roland in her efforts to improve the Flint community.

Glenora G. Roland was born in Kansas City, MO, in 1922 and has been a resident of Flint since 1936. Glenora holds a bachelors degree in social work from Wilberforce University, an associate degree in business administration from Mott Community College and has studied anthropology at the University of Michigan-Flint.

Since her arrival in Flint, she has been at the center of a whirlwind of activism. A member of the Maines Street Block Club in the late 1940's, she convinced a neighborhood shopkeeper to hire a black clerk to integrate his all white staff. Through the block club, residents paved Maines Street and painted 18 houses. More than 40 years later, Mrs. Roland's neighborhood coalition would organize the first annual operation brush up on Flint's northside. The effort painted and landscaped 43 homes in a two-block radius.

A woman of diverse talents, Mrs. Roland has changed careers several times. In the 1950's and 1960's, she worked in the entertainment field as a booking agent. She left her career in entertainment to work for the model cities program in 1966. Her duties included the preparation of bid specifications for employment opportunities and providing technical assistance to employment agencies.

In 1973, Glenora Roland became public relations director and editor of the model cities newspaper. She left model cities later the same year, to join the staff of the newly founded Greater Flint Opportunities Industrialization Center [OIC]. Mrs. Roland served over 12 years with the OIC until her retirement.

Besides the Flint Neighborhood Coalition, Mrs. Roland has served on the board of directors of the Flint Branch of the National Association for the Advancement of Colored People, Flint Neighborhood Improvement and Preservation Project, Inc., and Delta Sigma Theta sorority. She is president of Rolandaire's, Inc., a founder of the Young Women's Guild, Allen Temple and the First Independence National Bank of Detroit. She has served on the Michigan Youth Unemployment Task Force, the Michigan Women's Task Force and is an active member of Vernon Chapel African Methodist Episcopal Church.

Glenora Roland has received many awards during her lifetime of community service. A few of her favorite awards would include the OIC of America 10-Year Service Award, the City of Flint Humanitarian Award, the City of

Flint Public Service Award, the Flint Neighborhood Coalition Pillar Award, and the Central Flint Optimist Club Appreciation Award.

Glenora and her husband, the late Isiah Roland, have four children, Ronald, the late Eugene, Leslie, and Carolyn.

Mr. Speaker, I ask you and my fellow Members of Congress to join me in honoring Mrs. Glenora Roland. Her lifetime commitment to improving the quality of life for the residents of Flint will inspire Americans for years to come.

A TRIBUTE TO WILLIAM L. HODSON, DIRECTOR OF THE SALT LAKE CITY VA MEDICAL CENTER

HON. WAYNE OWENS

OF UTAH

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 21, 1992

Mr. OWENS of Utah. Mr. Speaker, it gives me great pleasure to pay tribute to Mr. Hodson, director of the Salt Lake City VA Medical Center. Today he will be presented with the Veterans Affairs Secretary's Award for advancement of nursing programs. Mr. Hodson, receiving this first time award, was nominated by nursing leaders from his own facility. He became the director of the VA Medical Center in Salt Lake City in 1985 and since then has proven himself to be quite a remarkable leader.

In his second year serving as director, gravely concerned with the growing nursing shortage, in Utah as well as nationally, Mr. Hodson proposed a comprehensive initiative to increase nursing student enrollment. He encouraged the chief nurse to develop innovative programs in collaboration with the deans of the major Utah nursing colleges to foster nursing student recruitment. He also supported a pilot project for a joint University of Utah-VA faculty appointment—whereby a VA faculty member provided clinical instruction and supervision to University of Utah nursing students affiliating at the Salt Lake City VA Medical Center. This joint venture increased student experience at the VA, and eventually increased nurse recruitment to the VA. The success of this project prompted the office of recruitment and retention to fund 20 similar joint faculty positions throughout the Nation.

Mr. Hodson exemplifies true dedication and support to his entire nursing staff. He personally meets with all nurses on their first day of orientation at the medical center and quarterly addresses nursing council meetings to inform the nurses of important changes and answer any questions. He has consistently involved nursing staff on all major medical center committees, task forces, and ad hoc planning projects and has encouraged nursing staff management and leadership.

Mr. Hodson is a primary player of a Professionalism In Nursing [PIN] research project which analyzes factors affecting professionalism at the Salt Lake City VA Medical Center. From the PIN project, Mr. Hodson was able to make valuable changes to increase nursing staff retention. Remarkably, Mr. Hodson has reduced the turnover rate of nurses at the medical center from 20.7 to 12.4 percent in 1991—this is the lowest turnover rate in over a decade.

It is no surprise, that with Mr. Hodson's exemplary commitment to his nursing staff, the Salt Lake City VA Medical Center nurses have attained national and international recognition as lecturers and researchers in critical care, cardiac transplantation, infection control, nutritional support, and management of the assaultive patient.

On a more personal note, I would like to thank Mr. Hodson for all the assistance he has given my office over the years. His guidance has been a tremendous asset.

Congratulations, Mr. Hodson, on a job well done.

DEMOCRATIC ELECTIONS IN KOSOVA SET FOR SUNDAY, MAY 24

HON. DICK SWETT

OF NEW HAMPSHIRE

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 21, 1992

Mr. SWETT. Mr. Speaker, this Sunday, May 24, 1992, marks an important milestone event for the ethnic Albanians of the Republic of Kosova—and, I hasten to add, Mr. Speaker, that the Albanian people make up over 90 percent of the population of that area. This election is unfortunately being opposed, hampered, restricted, and harassed by Serbian Government authorities and by Serbs living in Kosova.

Mr. Speaker, I would like to bring to the attention of my colleagues the background of the election this coming Sunday. Serbian Communist authorities—even before they began their vicious attacks against Croatia, Bosnia, and other areas of the former Yugoslavia—had followed a policy of repression and suppression of democratic rights of the Albanian people of Kosova. The autonomous Republic of Kosova was recognized in the Yugoslav constitution, had an elected parliament, and a number of autonomous rights of self-government, although it was a part of the Republic of Serbia within the old Yugoslav Federation.

Even before Yugoslavia began to disintegrate, the Serbian Communist government undertook its policy of repression and suppression against the Albanian inhabitants of Kosova. The State Department's annual "Country Reports on Human Rights" for the past several years have documented in sickening and confirmed detail the vicious treatment of ethnic Albanians by the Serbian Communist bureaucracy. Kosova's autonomous governing institutions were systematically stripped of all powers and finally the parliament and all other local governing bodies were simply dissolved by Serbian officials. The Serbs were in control of the local police forces and the army, and they had the power to enforce their illegal and unconstitutional actions.

Last year, the Albanians in Kosova held a referendum on the question of the independence of Kosova. Serbian officials, of course, opposed and hampered the referendum, but the intrepid Albanians held the election and an overwhelming majority of the population of Kosova voted for independence.

Mr. Speaker, the 2 million Albanians in Kosova deserve independence. In numbers, there is a population in Kosova as large as the population of Slovenia—whose independence the United States, the European Community, and the rest of the world has recognized. Furthermore, the population is more ethnically homogeneous than any of the other republics of the former Yugoslavia, with the exception of Slovenia—more ethnically homogenous than Croatia, Bosnia-Hercegovina, Macedonia, or even Serbia.

With other colleagues in the Congress, I have sponsored a resolution calling upon the President to extend diplomatic recognition to the Republic of Kosova. This action is consistent with what we have done with the former republics of the Soviet Union and with the republics of the former Yugoslavia.

Mr. Speaker, the elections taking place in Kosova this coming Sunday come at a critical time. The Albanians of Kosova have established a parliament and a government in exile because they have not been able to exercise their inherent right of self government because of Serbian Government repression. This Sunday elections will be held to select members of the Kosova parliament and to elect a President of Kosova. The parliamentary elections will determine the 130 members of the Kosova Assembly, and some 260 candidates representing all political groups in Kosova will contest these elections. Dr. Ibrahim Rugova—one of the leading writers, intellectuals, and human rights leaders of Kosova—is the only candidate for the position of president. All political parties have had the opportunity to nominate candidates, but Dr. Rugova is the only individual who was nominated.

Mr. Speaker, I welcome the elections that will be held on Sunday, May 24. The commitment of the Albanians of Kosova to democracy and democratic procedures is evident by their holding elections in these extremely difficult and dangerous conditions. Those of us committed to freedom and democracy should make known these heroic efforts of the Albanian people of Kosova.

At the same time, Mr. Speaker, we need to emphasize to the Serbian authorities that we will oppose and fight their efforts to suppress the Albanian people, to deny or restrict the Albanians in the exercise of their democratic rights, and to continue their damnable policy of brutally denying the human rights of the Albanian people.

The forces of democracy are in the ascendancy. Freedom is on the march—from the settlements of South Africa to the suburbs of Moscow, from the barrios of Nicaragua and El Salvador to Belgrade. History has taught us that forces opposed to freedom and democracy may temporarily gain control, but in the long run democracy will win. I commend the commitment of the Albanian people to democracy and to freedom, Mr. Speaker, and I urge my colleagues to join me in welcoming Sunday's parliamentary and presidential elections in Kosova.

NBC'S SHAMEFUL DECISION

HON. DOUG BEREUTER

OF NEBRASKA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 21, 1992

Mr. BEREUTER. Mr. Speaker, there is no comprehensible reason for NBC to have aired the autopsy photographs of President John F. Kennedy. This appalling action served no good purpose whatsoever, and it inflicted pain on a great many people. NBC has established a new low in broadcast journalism.

This member commends to his colleagues the following editorial from the Lincoln, NE, Evening Journal.

[From the Lincoln (NE) Evening Journal, May 21, 1992]

NBC's Shameful Decision

We struggle to find a professionally valid reason why "NBC Nightly News" telecast President John F. Kennedy's autopsy photographs Monday night.

No luck.

In the House Tuesday, a nephew of the slain president, Rep. Joe Kennedy, D-Mass., sorrowfully protested NBC's conversion to tawdry sensationalism. Of course it was hurtful. It was appalling. And not to members of the Kennedy family alone.

The only element in the entire documentation of the 1963 murder that the family asked remain private were those autopsy photographs.

If there were any justification for mass public exposure to bloody photographs now, if their display on national television would help the country—more than 28 years later—move toward an unscientific lay judgment about the assassination, then those calling the shots at least could offer a vocational or a claimed higher defense.

But in our gut, all of us know better. No such defense is possible. The photographs were shown because NBC possessed them.

The physicians who attended the stricken Kennedy in Dallas and then the pair of pathologists who later conducted the autopsy are united; the fatal shots were fired from behind the president.

NBC television news executives should be ashamed of themselves. On the other hand, they may lack the decency or capacity to understand their own cruelty.

TRIBUTE TO DELOY R. BARRUS

HON. ROBERT T. MATSUI

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 21, 1992

Mr. MATSUI. Mr. Speaker, I rise today to pay tribute to Mr. Deloy R. Barrus, an outstanding citizen from my congressional district, Sacramento, CA. On June 5, 1992, the North Sacramento School District and his colleagues will hold a retirement dinner in Mr. Barrus' honor. I wanted to take this opportunity to inform my colleagues of the inspiring career of this devoted public servant.

Mr. Barrus will retire from his position of superintendent of the North Sacramento School District after 35 years of service to the North Sacramento community. He has been the superintendent of the North Sacramento School District since July 1, 1985, and was the deputy superintendent of educational services prior to that for 10 years. He served as director of compensatory education from 1966 to 1975 and was a speech therapist for an additional 9 years. Prior to coming to the North Sacramento School District, Mr. Barrus spent 3 years in education, 1 year as a speech therapist, and 2 years as an elementary school teacher.

Deloy Barrus has spent his career devoted to improving the educational opportunities for youngsters in our community. This in itself is something to be overwhelmingly thankful for. However, on top of his efforts in the workplace, he has been involved in many professional teacher/administrators organizations trying to create even better administration and delivery of education.

Mr. Speaker, I commend Mr. Barrus on his accomplishments and contributions to the public education system, and I ask that my fellow colleagues join me in congratulating him on a job well done. I extend my best wishes to him in all his future endeavors.

BALTIMORE COUNTY CAREER DEVELOPMENT CENTER HONORED BY THE U.S. DEPARTMENT OF LABOR

HON. HELEN DELICH BENTLEY

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 21, 1992

Mrs. BENTLEY. Mr. Speaker, I rise today to honor the Baltimore County Career Development Center, which was the recipient of the 1992 Job Training Partnership Act Presidential Award given by the U.S. Department of Labor, on May 6, 1992, in Washington, DC.

The Presidential award is the highest and most prestigious award in the employment and training field and only eight training programs in the country were selected for this honor.

Through the hard work and dedication of Mr. Frank Welsh, Baltimore County's Director of Community Development, Mr. John Wasilisin, administrator of the Baltimore County Office of Employment and Training, Mr. Joseph Shopulski, director of the Baltimore County Career Development Center, and Mr. J. Henry Butta, the "Outstanding Private Sector Volunteer," more than 73 percent of the graduates of the center obtain jobs within 90 days.

The center is operated by both Dundalk and Essex Community Colleges. It is through the partnership of government, higher education, and private business, that the trainees are able to compete in today's ever-changing job market.

The Baltimore County Career Development Center opened in 1983, and has provided training and services to more than 4,000 county residents since that time. Most important is the fact that those trained are people who are in some way disadvantaged.

Without the help of the center, these people probably would remain unemployed with welfare as their only source of income. I commend the Baltimore County Career Development Center for offering successful solutions to those in need who want to work.

In addition to the Department of Labor Award, in 1990 the Career Development Center, was named the best economic development activity in the country by the American Association of Community and Junior Colleges. The center is recognized so widely in the field of employment training that leaders from several foreign countries—including England, Germany, China, and Sweden—have toured the facility. Also, a film crew from the Soviet Union has filmed the center and wants to use it as a model in that country.

This program is so important in today's ever-changing work environment. Many people are being laid off from jobs they have held for years; many others entering the work force lack necessary skills. Through the center they learn everything from how to dress on the job to how to handle real life work problems.

I salute the Career Development Center for helping these people adapt to new jobs and for teacing them new skills.

Mr. Speaker, my fellow colleagues, it is with great respect and admiration that I congratulate the Baltimore County Career Development Center. May it continue to be a valuable training resource for those in need.

PATRIOT—A SUCCESS STORY

HON. ROBERT K. DORNAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 21, 1992

Mr. DORNAN of California. Mr. Speaker, I would like to include for the RECORD a brief article which summarizes the real story behind the performance of the Patriot missile in the Gulf war, and that is a story of success.

Patriot in Desert Storm

Patriot's performance against tactical ballistic missiles in Desert Storm was a major success story for the Nation, the American worker, American technology and the U.S. Army. From a strategic perspective it denied Saddam Hussein any significant success with his most touted weapon. He didn't draw Israel into the war, he didn't split apart the multinational coalition and he didn't break the political will to continue. The coalition won in record time, with minimal casualties and with the full support of the American people.

From a human point of view Patriot prevented the death or injury of untold numbers of soldiers and civilians. In the war of the cities between Iran and Iraq, some 125 Scuds killed over 1,000 civilians and injured 4,000 more. In another example, which happened after Desert Storm, three Scuds killed about 300 people when they landed in a marketplace in Afghanistan. The fact that the Gulf war outcome was so strikingly different is directly attributable to Patriot.

The threat the PAC-2 was designed to counter was based on the basic Soviet Scud found in the then Warsaw Pact countries. The Iraqi's modified the Soviet Scuds to obtain longer range, and as a result they flew at much faster speed. In addition, they often broke apart during flight, causing a corkscrew-like maneuver, a smaller target, and other pieces that had to be distinguished from the piece with the warhead. The impact of all of this resulted in a much different and much more difficult target to kill than what Patriot had been designed for or tested against.

In spite of the difficult and unanticipated nature of the threat, Patriot successfully defeated a majority of the Iraqi Scuds that were headed into areas that Patriot was deployed to protect. The Army's initial assessment of Patriot performance was completed in May 1991 in classified form. It was released in December 1991 and outlined a success rate of more than 80 percent in Saudi Arabia and over 50 percent in Israel. This assessment was based upon all of the data available at the time.

A few weeks prior to the April 7 congressional hearing on Patriot, the Army undertook a two-step effort to refine its previous day-by-day intercept assessments, in response to previous comments by the congressional committee's staff. A team was assigned to relook all of the engagements in Saudi Arabia and Israel and to gather and evaluate any possible new raw data that could be found. In addition, all intercepts were categorized based upon the amount of supporting data that existed. Based on this relook, revised success rates were released at the hearing of over 70 percent in Saudi Arabia and over 40 percent in Israel. Thus, with a year of analyzing, reanalyzing and gathering additional data, together with a change in assessment methodology, the overall score shifted by only about 10 percent from the original assessment.

Patriot is today the only air defense weapons system in the world that can do what was done in the Gulf war and Patriot will retain that uniqueness for most, it not all, of this decade. The Army's established Patriot growth programs will carry its technological edge against tactical ballistic missiles, as well as advanced aircraft and cruise missles, well into the next century. Virtually everybody, including even the most ardent critics of Patriot, support these improvements.

Patriot represents a remarkable American technological achievement. It is now time to look to the future and build on what has been learned rather than reliving the past as the critics seem to want to do. The coalition won Desert Storm and Patriot played a vital role in that victory. If called upon again to protect the lives of innocent civilians in some other place in the world, the United States must ensure that every effort has been made to do the best job that is technologically possible. That is the job at hand and it is time to get on with it.

MCV RESIN: IODINATION TREATMENT BASED ON SPACE TECHNOLOGY

HON. JERRY F. COSTELLO

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 21, 1992

Mr. COSTELLO. Mr. Speaker, I would like to have the opportunity to enter into the CONGRESSIONAL RECORD, an article that appeared in the March, 1992 issue of Water Conditioning & Purification.

This article, "MCV Resin: Iodination Treatment Based on Space Technology," reports on the commercialization of the MCV resin. The material was developed for NASA to purify onboard drinking water on NASA manned space flight missions. The MCV resins and related technologies are now being commercialized for worldwide humanitarian applications by a company in my congressional district.

Many fly by night companies have made erroneous product claims that allege NASA approval to try to legitimate their products or technologies. I am proud to say that the MCV resin technology is the only material ever continuously used by NASA. The commercialization of this product represents a major potential contribution to protecting the world's population from water borne diseases.

As a member of the Science, Space and Technology Committee, I am a strong advocate of our Nation's space program and support the practical application of space technology for domestic and international use. For anyone who would ever question the scientific, economic or humanitarian impact of technologies and products derived from U.S. space research and NASA programs, I would recommend that they study the contents of this article.

Clearly, the positive impact of space research-related technologies, as exemplified by the MCV resin story, is only possible because of America's commitment to NASA and the space program.

[From Water Conditioning & Purification, March 1992]

MCV RESIN: IODINATION TREATMENT BASED ON SPACE TECHNOLOGY

(By Thomas H. Saunders and Gary Kruse)

The widespread incidence of cholera in many parts of the world during 1991 has motivated a resurgence of interest among OEMs of export water purification products to explore the use of iodination technologies for portable, emergency use and in-line systems.

It has been known for years that iodine can be used to create an effective biocidal environment against water borne pathogens, but its use has never been extensive due to a number of factors including the lack of an effective delivery system, the residual taste in water treated with iodine and concern over the effects on human health from long-term ingestion of both iodine and its after product iodide.

In late December 1991, however, an iodinated material known as MCV Continuous. Fixed-Rate Release Iodinated Resin—MCV resin for short—appeared on the market and addressed the major problems of iodine treatment systems. But MCV is not a new innovation, just new to the commercial application market.

MCV stands for Microbial Check Valve, a device invented and developed for NASA by UMPQUA Research Company, Aerospace Facility in Myrtle Creek, OR for use in space shuttle water systems to prevent the back growth of bacteria.

In the mid 1970's NASA requested all of the major aerospace companies and universities to submit proposals for the development of a microbial check valve. UMPQUA Research was selected and initially evaluated a demand type resin, but shortly thereafter developed a continuous release resin which not only served as a back contamination barrier but imparted a predictable iodine residual to the water thus eliminating the need for a disinfectant dispenser for the on-board water system.

Having been referred to in scientific and technical papers for nearly 15 years as the resin associated with the Microbial Check Valve. It is this identical resin, used in the first flight of the Columbia and on subsequent Shuttle flights that is now being commercialized under the MCV trademark for worldwide use by MCV Technologies International, Inc. of Belleville, IL in affiliation with UMPQUA Research. UMPQUA Research has provided MCV resin for all of the shuttle missions and is currently developing hardware using MCV and other technologies for the water recycling systems on the Space Station Freedom.

Because the MCV resin can provide a continuous and controlled iodine concentration without an electrical-mechanical delivery system, predetermined and consistent gallon capacity specifications can be established for any given volume of the iodine release media used in a purification system intended for emergency, portable, stationary, residential, commercial or industrial applications. The resin is engineered through a unique bead preparation process to release a fixed rate of iodine molecules (I-2) into water passing through the resin bed.

The rate is fixed at a level of 4 ppm. The release rate gradually declines to a level of 2 ppm at which time the media should be replaced. The effective life of a 15 cc volume of resin (roughly equivalent to one tablespoon), releasing iodine at 4 ppm until reaching its specified "depleted" level of 2 ppm or below depending on the kind of water being treated, can be rated upwards to 400 gallons.

While the resin will continue to release iodine molecules at decreasing levels of concentration, 2 ppm has been set at the cutoff point of its useful life for unknown sources of water, even though there is effective biocidal action from an iodine environment as low as 1.5 ppm and below. An arbitrary 2 ppm limitation of the specified useful life of the resin was established in order to assure adequate safety levels rather than risk the potential of incomplete kill rates at lower and lower levels of iodine concentration in the water. Technical papers have often referred to the continuing biocidal capacities of iodinated environments as low as 1 ppm and below.

PREDICTABLE, CONSISTENT, AND GUARANTEED LIFE CYCLE CLAIMS

Water purification product design and development engineers have always been concerned over the issue of establishing predictable, consistent and guaranteed life cycle claims for products using any purification media. This is no different for iodine purification.

A central question in the use of an iodinated resin is its ability to control the iodine release rate at consistent and predetermined levels regardless of anion environments, temperature variations or concentrations of pathogens in water being treated. A resin that underreleases, resulting in unsufficient iodine concentration for effective biocidal action, is of equal concern to product engineers as a resin that demonstrates rapid iodine depletion (sloughing off) due to temperature variations or high anion environments.

MCV resin has solved all of these problems with its controlled 4 ppm release rate, ability to consistently release (I-2) regardless of the anion water environment in which it must perform within potable limits, and its ability to custom manufacture resins designed for specific temperature ranges. In tests using water with a high anion environment. MCV resin shows indifference to such challenges.

DEMAND RELEASE VERSUS CONTINUOUS FIXED-RATE RELEASE

Biocidal action of iodinated resin, i.e. how it works, can be described within two broad parameters discussed according to the difference between "demand release" resins and "continuous, fixed-rate release" resins. Understanding the difference between continuous and demand release resins also involve, defining what is meant by contact time in the context of both delivery concepts.

Demand release resin

There are iodination technologies that claim that a biological contaminant upon "contacting"—literally bumping into—a resin bead containing an I-2 molecule will "pull off" that molecule (demand its release) and attach it to the cell wall either killing the cell instantly or otherwise rendering it inactive. This approach makes assumptions concerning the electrostatic properties of both the biological cell and its ability to attract a molecule of iodine and also raises questions about the process of selectively pulling off one or more molecules of iodine attached to a resin bead.

If this "demand release" concept works as described, the biocidal capabilities and longevity of an iodinated resin material would be dependent upon the number of biological contaminants contained in any given water source that demand iodine on contact and deplete the resin of its iodine molecules. This presents a very difficult means of predicting the life cycle and gallon capacity of a demand release resin material:

(1) by requiring precise measurements of water-borne biological contamination for each site at which demand release resin would be used.

(2) by factoring in the presence and action of non-biogenic materials in the water which would accelerate depletion of the iodine stored in the resin, and

(3) by requiring assumptions concerning the consistency of such contamination in the flow of water during the entire tenure of the systems use.

Continuous, fixed-rate release resin

The NASA-developed MCV resign technology functions as a continuous, fixed-rate release resin that establishes an iodinated water environment lethal to bacteria and viruses.

There has been considerable debate over whether iodine release resins are I(3), I(5); I(7); I(9), or I (to the whatever) relating to the amount of I(2) iodine that is released to organisms passing through a resin bed. This nomenclature is confusing at best, but becomes important only if a resin is unstable, releasing iodine at an erratic and non-predetermined rate. MCV resin has been designated I(n), meaning that while a resin bead contains a high concentration of iodine molecules, it is engineered to only release iodine into the water passing through the resin bed at a maximum rate of 4 ppm.

CONTACT TIME

Contact time in the context of the MCV resin is defined only as the period required to kill pathogens exposed to a hostile iodinated water environment consisting of a 4 to 2 ppm iodine concentration.

It is generally accepted that a sufficient contact time can be defined as a 1 to 2 second exposure to an iodine environment—the normal time that water takes to pass through a resin bed at a given flow rate. By continuously releasing iodine at a predictable and consistent rate based upon an established release curve, the life cycle of the iodinated resin can be accurately predicted and provides specific volume parameters, in gallons of water, for a product using any given volume of the iodinated resin material, 10 cc providing x gallons, 20 cc xx gallons, etc.

The "kill time" issue is also dependent upon the nature of the pathogen passing through the resin bed. While an iodinated environment can claim to totally kill pathogens, it cannot claim to kill all biological contaminants instantly. For two pathogens, the poliouvus and the giardia cyst, longer exposure times are required. The poltouvrus, when suspected to be present, requires a minimum 20-minute holding time. The giardia cyst, given the hard shell make-up of the cyst and the clumping of cysts together, is very temperature sensitive when exposed to halogen disinfectants and requires at least a 30-minute holding time unless a 1.3 micron screen is used to filter out the cysts.

IODINE AND IODIDE RESIDUALS

The U.S. Environmental Protection Agency's (USEPA) concern over residual iodine and iodide in decontaminated water led UMPQUA to the development of a filtration media now called IODOSORB.

IODOSORB media has been engineered to remove ALL iodine and module from water biologically decontaminated by MCV resins, thus eliminating any risk of human exposure to those chemicals. While activated carbon will remove most iodine, it will not remove iodide. In filter housings containing both activated carbon and IODOSORB, a ratio of MCV to IODOSORB is set at 1:2. In the absence of activated carbon filtration the ratio is 1:3.

These volume ratios have been established cognizant of the potential loading of IODOSORB with anions contained in the water processed through the system and provides a safety factor to assure that all iodide is removed within the stated capacity of the MCV to purify a given amount of water.

MCV Technologies will only sell the materials to companies whose products and designs are reviewed by MCV Technologies and confirmed to provide the vehicle in which MCV resin will perform according to its specifications. To assist OEMs in the design of products to use the MCV resin, the company offers courtesy confidential design consultation services.

The company urges proper labeling and accurate statements of claims and also suggests that the MCV logo be used on OEM's products to convey that the product has a certified and consistently reliable lifecycle. The company also requires OEMs using the MCV resin to establish an ongoing quality assurance program to audit and certify that the specified amount of materials is always contained in products being shipped to overseas markets.

No material is shipped to an OEM client, regardless of which overseas facility makes the resin, until a sample of each production batch is sent to Oregon and independently tested and certified according to the identical quality assurance procedures used to Fight Certify MCV resin made separately by UMPQUA and NASA.

MCV resin is conservatively rated according to two scales, one for use in emergency use water purifiers where the content and condition of water entering the system is totally unpredictable and the other rating or stationary products including Point-of-Use/Point-of-Entry (POU/POE) products drawing from municipal delivery systems, where make-up and quality can be reasonably predictable.

It may have taken severe cholera outbreaks in different parts of the world to provide the need for this product to become commercialized for use outside the U.S. Space Program and find its way into products serving broad-based and humanitarian needs. But the benefits of research and development efforts from U.S. funded space research is demonstrated in this product commercialization and again is paying off as an American derived technology benefiting humanity.

A CONVERSATION WITH NASA

(EDITOR'S NOTE. In preparation for the article on iodinated resin, Gary Kruse spoke with Richard Sauer, Water Quality Manager for NASA's Johnston Space Center in Houston, TX. The following article is a short summary of their discussion.)

My discussion with Richard Sauer focused around a selected number of questions, the answers in which corroborated the substantive facts contained in our article.

In a telephone conversation that lasted nearly 45 minutes, I was extremely impressed by how thoroughly versed in water technology he was. The following excepts certainly do not do justice to that conversation, but provide insight into some of the key areas that were important to verify concerning the MCV resin and its history of development, evolution and use by NASA.

KRUSE. Is it correct that the MCV resin is the only resin accepted by NASA for the U.S. manned space flight program?

SAUER. That is correct. What is now referred to as MCV resin indeed has been used in all the manned space shuttle flight missions for the treatment of water. Prior to that time. NASA used a chlorine-based purification technology and sought a less complicated system for prolonged missions. The Apollo Command Module used a chlorine system while the lunar module in the Apollo and Sky Lab programs used iodine in the elemental, not resin, form.

KRUSE. Why was that resin chosen?

SAUER. Competitive bids were let by NASA for the development of a Microbial Check Valve (MCV) concept and UMPQUA had submitted the most competitive proposal. Since commercially available iodinated resins were deemed inconsistent in their performance. UMPQUA independently developed a new "continuous resin" and a manufacturing process that was repeatable, reliable and which produced a product that performed consistently from one batch to the next. The UMPQUA resin was predictable in performance and self life.

KRUSE. How strict are NASA's requirements for water disinfection procedures used in the onboard systems in its manned space flight program?

SAUER. There is a thorough and very strict Flight Certification process required of all systems used in this area, including specific testing protocols required prior to shipment of the MCV resin for use in the onboard water purification systems.

KRUSE. What uses are planned for the MCV and associated MCV resin in NASA's future space flight activities and what are your opinions concerning the potential commercial applications and uses for iodinated resin?

SAUER. Iodinated resin will continue to be used on all the upcoming manned space flights, shuttle missions and on the orbiting space station program. As far as its commercial applications, this technology is very attractive way to disinfect water given the advantages of the resin's shelf life and the fact that iodine is considerably less reactive than chlorine as far as combining with organics.

ESSAY CONTEST WINNERS

HON. HENRY J. HYDE

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 21, 1992

Mr. HYDE. Mr. Speaker, it is my privilege every year to sponsor jointly with schools in the Sixth Congressional District an essay writing contest featuring the work of numerous young men and women.

This year's contest elicited a record number of more than 600 entries from junior and senior high school students.

In reading some of the essays, two of which are featured here, I was very heartened by the time and thought that was invested in these papers.

Senior high participants wrote essays on the appropriateness and wisdom of speech codes that some universities are adopting to combat campus racism. In her winning essay, Jan Franklin, a senior at York High School in Elmhurst, IL, argues against speech codes, saying they are "like healthy skin over a cancer. They conceal a corruption in society, a disease that threatens to destroy us. The desire to avoid the true issue—prejudice on our campuses has us searching for an easy, empty solution."

Eighth graders debated the issue of United States aid to the new Commonwealth of Independent States. In her winning essay, Regina Grummon, an eighth grader at Mary Seat of Wisdom School in Park Ridge, IL, recommends humanitarian relief in addition to assistance in restructuring of the region's collapsed economy.

Please permit me to express my heartfelt congratulations to all of the participants who devoted valuable time in researching and writing their papers. A special note of thanks also to Mrs. Vivian Turner who annually coordinates this important event.

I commend the following two exceptional essays to my colleagues for their consideration:

PRETTY VILLAGES OF POLITE WORDS

(By Jan Franklin)

Speech codes are a dangerous idiocy in the name of eradicating a dangerous idiocy. They are a cosmetic solution to racism and bigotry, the equivalent to a healthy coat of rouge on a cancer patient.

They are not a new idea. We've all experienced them, and we've all experienced their failure. Think of the rules grade school teachers try to enforce about "being nice, and not calling names". The outcasts are still outcasts. The teacher can't be there all the time, nor does the teacher have the stomach to repeatedly punish children for what are, after all, only words. Words harm out of all proportion to their intent; a childhood slur leaves a scar forever, long after the taunting classmates have grown up and forgotten. No punishment can be great enough to take away the pain of knowing yourself hated, but at the same time deciding to punish stupidity and childishness is a very serious thing. Who doesn't have a hidden prejudice, or a secret, unjustifiable hatred?

Hatred and prejudice are the greatest evils of humanity, and no one is entirely free of them. We could punish only those who express hatred, since most of us have the sense or the kindness to hide a feeling we know is cruel and unreasonable. But that doesn't remove the hate. A Klan member wearing an NAACP button is still a Klan member, and the college student who is silenced still hates.

But now he has a definite cause. What used to be a general feeling, picked up from his family or the media, has become a real grievance against the Gestapo tactics of an anxious administration. But he, like the grade school child he used to be, doesn't blame the administration for silencing and punishing him. He blames—who knows?—an African-American student, an Asian-American student, a gay student. Even if he never says another racist word, he is prejudiced forever.

Nor does he need to say a word to express his prejudice. A code can't punish every action; hatred can be expressed in a glance, or just a silence. The grade school outcast is still helpless, and he or she can supply the words that are unsaid.

A speech code assumes that minorities and majorities can't get along, and are actually always near violence. Such an armed camp attitude will certainly communicate itself to students. People who are expected to hate each other often do; at the very least, relations between minority and majority become strained.

A politically pretty campus is not necessarily a campus where minorities are welcome. Concealed hatred tends to make itself felt.

What causes hatred? Fear of loss—loss of a job, of money, of status. People fear minorities because they believe the minorities receive better treatment than they themselves do. And they fear admitting their own prejudice. It's a hard thing to reject the beliefs that shape your world, and it's hard to stop believing that your place in the world is guaranteed because of your birth.

But these fears have to be dealt with. They can't be allowed to continue simply because it's easier to ignore them.

Providing a speech code is a false solution, and a bad one, because it crushes discussion. Fears need to be brought into the open and dealt with, not closeted away because their expression may bring punishment.

Words are only words; they can hurt badly but they do not kill. Forcing students to mouth a creed they don't believe, no matter how worthwhile that creed, will create a nation of hypocrites.

Hatred won't vanish overnight. But open discussion will help to end it, provided justice goes along with openness. Fear of a lower pay scale because of skin color won't go away if ethnic minorities really do earn less. Fear of losing tenure because of quotas won't go away if tenures are being lost because of quotas. An unprejudiced world must be a just world.

Speech codes are like healthy skin over a cancer. They conceal a corruption in society, a disease that threatens to destroy us. The desire to avoid the true issue—prejudice on our campuses—has us searching for an easy, empty solution.

During World War II, filmmakers visited German "internment villages" and saw schools, clean houses, and plenty of food. The villages were built for the filmmakers' visits on Nazi orders and then torn down. Our guilt will be like the Nazis' if we build pretty villages of polite words and ignore the true evil of prejudice.

MY ADVICE

(By Regina Grummon)

Let's get involved. I recommend that the U.S. take a cautious but active role in the changes that are occurring in the former U.S.S.R. There are always plenty of reasons not to help someone in need, but in this case the reasons for involvement outweigh those against. I think that the U.S. should provide limited assistance to the people of the Commonwealth of Independent States because we are a Christian nation that has been given many blessings. After all, our motto is "One Nation Under God" and sharing is a way to acknowledge and show our appreciation for what we have.

The United States has shown before that sharing works. We administered the Marshall Plan in Europe and rebuilt Japan after the Second World War. Now these countries are our allies and are important in American trade. Helping the Commonwealth become a successful democratic economy will benefit us as well as bring peace to a large part of the world. It would also provide markets for our products. Another positive thing about giving some help is that it will reduce the chance of millions of poor people migrating to other countries causing chaos and conflict.

We cannot take an active role blindly. There are differences between our post World War II efforts and the way we would have to deal with the Commonwealth's problems. For one thing the U.S. will have to face the fact that the Commonwealth is much larger than Japan or even Europe, and when we helped them before we were the conqueror in a war and we were in charge. Now, we are not in charge and we would have to rely on their own people to carry out their promises. The Commonwealth is also much farther away than either Europe or Japan and we don't have many U.S. citizens who speak their language. America also does not have the same cultural values. America's culture is based on that of Western Civilization while Russia's roots are very different, so there are bound to be problems.

In the Commonwealth there are also ethnic rivalries within the countries, groups of people who have hated and killed each other for years. The Communist regime was able to control these but this will be a problem for the U.S. if we help. When we rebuilt Japan they were a very homogenous society and even in Europe there wasn't this great amount of ethnic hatred to contend with. Also, there isn't a really good banking system in the Commonwealth and this is a basic necessity for a successful economy.

I agree with President Bush who wants the Soviets to go more slowly, step by step toward a free market economy and who feels we should provide small quantities of aid until they complete each stage of reform. I think we should provide humanitarian relief if winter turns harsh and food supplies run low and that the U.S. should loan them money to buy American grain. We should also pay people to go over there to assist them in running different businesses more efficiently. Finally, because of the size of the problem and the distance between the U.S. and the Commonwealth it is vitally important that other countries of the world, especially Japan and Germany, pay back what we did for them by now doing the same for the Commonwealth.

LIKE IT OR NOT, THE INCOME GAP YAWNS

HON. BOB TRAXLER

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 21, 1992

Mr. TRAXLER. Mr. Speaker, I rise today to call the attention of my colleagues to an article by Professor Paul R. Krugman which was published in today's Wall Street Journal. The article, entitled, "Like It or Not, the Income Gap Yawns," helps to set the record straight on the widening of the income gap created by the Reagan/Bush policies.

[From the Wall Street Journal, May 21, 1992]

LIKE IT OR NOT, THE INCOME GAP YAWNS

(By Paul R. Krugman)

Over the past several months there has been a bitter controversy over the widening inequality in the distribution of income and wealth in the U.S., sparked in part by a calculation I made using published data from the Congressional Budget Office. On May 11, The Wall Street Journal published an editorial attacking both me and the New York Times, which has published several stories on income distribution. The editorial claimed that a March CBO memorandum had refuted my calculation, and that the distribution of income in the U.S. has in fact been "remarkably stable." Both claims were false.

It is time to set the record straight.

Let's begin with the important point: There is overwhelming evidence, from many different sources, of an unprecedented increase in inequality in the U.S. since the 1970s. Here are just a few of the statistics:

The CBO finds that between 1977 and 1989 the after-tax income of the top 1% of families rose 102.2%, while that of the middle 20% of families fell 5.2%, and that of the bottom quintile fell 10.4%. Adjusting the numbers for the declining size of families (a procedure that may or may not be appropriate) makes the calculation only marginally different: the top 1% gains 101.7%, the middle quintile now gains 4.5%, and the bottom quintile loses only 9.1%.

A careful study by the Federal Reserve finds that the share of wealth held by the top 1% of families, a ratio long stable at around 31%, surged to 37% between 1983 and 1989.

The economists Lawrence Katz and Kevin Murphy find that while real wages of well-paid male workers—those at the 90th percentile—rose about 20% from 1977 to 1989, those of male workers at the 10th percentile fell about 14%.

The Bureau of the Census reports that the fraction of workers whose wages are too low to bring them above the poverty line even if they can find full-time work jumped from 12.1% in 1979 to 18% in 1990.

Management compensation expert Graef Crystal estimates that the compensation of top CEOs was about 35 times the pay of the average employee in the mid-1970s; by 1990 the ratio had risen to 120.

These pieces of evidence come from different people, some of them political conservatives, using different sources of data; they all show the same picture, a huge increase in income and wealth inequality. Even this year's Economic Report of the President, which does its best to play down the issue, shows a measure of income inequality that had, by 1988, risen to its highest level in the four decades since such statistics have been available.

Early this year I performed a straightforward calculation designed to point up just how large the changes in income distribution have been. Using published CBO data, I estimated that about 60% of the rise in average family income between 1977 (the first year for which the CBO calculated the numbers) and 1989 (the last available year) was accounted for by the rise in the incomes of the top 1%. I described this calculation to a number of journalists, and a reporter at the New York Times eventually used it as the starting point for a story on income distribution.

The New York Times was careful not to blame the rise in inequality on the policies of the Reagan and Bush administrations, pointing out that academic experts are both puzzled and divided about why it is happening. Nonetheless, the administration and conservatives in general have reacted with fury to the suggestion that anything undesirable may have happened on their watch. Their principal reaction has been to shoot the messenger: denounce the CBO for producing evidence of surging inequality, as if the CBO were the only or even the main source of evidence for that surge.

In response to this criticism, the CBO produced a special memorandum on the controversy, which the editorial in this newspaper deemed a declaration of "divorce" from my estimate. Actually, the first thing the memorandum does is to confirm my calculation; the CBO revises the number slightly upward, to 70%. It then suggests an alternative measure, which adjusts for family size. I don't agree with this adjustment: Saying that a family that chooses not to have an additional child is richer as a result seems to me to be a strange measure of economic growth. But in any case, the basic picture of soaring inequality is unchanged: In the original numbers, the share of income received by the top 1% of families rises from 7% to 12% between 1977 and 1989; in the adjusted numbers, the rise is from 8% to 13%.

In response to pressure from Republican members of Congress, the CBO memo also reports numbers that exclude capital gains income. This is a misleading calculation, since it is a fact of life that wealthy Americans realize a significant part of their incomes via capital gains, but in any case it makes little difference. The rise in the share of the top 1% is now estimated at four instead of five percentage points. In other words, the whole argument about capital gains turns out to be a red herring.

The editorial seeks to convey the impression that the CBO has somehow retracted the claim that inequality in America has shown a radical increase. The CBO did not retract the claim; inequality has increased; and the evidence for a huge increase in inequality extends well beyond the CBO's numbers. The facts, pure and simple, are that since the 1970s the poor have become substantially poorer, the middle class has realized at best modest gains, while the very well-off have seen their incomes rise dramatically.

You can argue about what these facts mean, or about whether they are a valid concern for public policy. But no honest observer can deny them. Indeed, it is notable that the professional economists at the President's Council of Economic Advisers have been very quiet through this whole debate: Their political loyalties prevent them from saying what their professional ethics would compel them to admit.

I used to respect The Wall Street Journal, which I thought of as honest and principled even when I disagreed with it. Unfortunately, it seems that the editors of the Journal have now been debased by their association with power: They, and their pet op-ed writers, are prepared to use any argument, distort any fact, to defend the record of their friends.

(Mr. Krugman is a professor of economics at MIT and a winner of the 1991 John Bates Clark medal of the American Economics Association.)

DISCHARGE PETITION FOR BALANCED BUDGET AMENDMENT

HON. BARBARA F. VUCANOVICH

OF NEVADA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 21, 1992

Mrs. VUCANOVICH. Mr. Speaker, I rise today to urge my colleagues to sign the discharge petition for House Joint Resolution 290, the constitutional amendment to provide for a balanced budget for the Federal Government. I also commend the leadership of my colleagues, OLYMPIA SNOWE and CHARLIE STENHOLM. I believe that an amendment is the only way to force Congress and the President to put an end to the runaway budget deficits that threaten the financial well being of our country.

For much too long Congress has played games with the economy, passing meaningless budget resolutions, while making no effort to reform its spending habits. We have a moral obligation to ourselves and to future generations to preserve a strong and prosperous America and, therefore, we must monitor any legislative spending proposals with this goal in mind. A constitutional amendment is necessary to avoid budget deficits and increased taxes.

While I supported statutory changes such as the Gramm-Rudman legislation, it is clear, that as long as Congress can evade statutes such as this and pass exemptions that void the spending restrictions in the statutes, a balanced budget-tax limitation amendment is the only sure fire way to rein in massive budget deficits.

I find it appalling that the Federal budget has been balanced only eight times in the last 60 years, and only once since 1960—in 1969. Prior statutory attempts have failed to solve the problem and today we are faced with a massive deficit and national debt. I urge my colleagues to support this important step to return our country to financial solvency.

LEGISLATION TO PROMOTE FAIR FRANCHISING

HON. JOHN J. LaFALCE

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 21, 1992

Mr. LAFALCE. Mr. Speaker, during the past two decades American small business, and retail business in particular, has undergone a revolution that has challenged our traditional notions of business ownership, retail marketing, and customer service. Franchising has been in the forefront of this revolution and, more than any other business concept, has changed the way Americans do business and the way we purchase goods and services.

In all but the smallest towns in my district and across the Nation, in shopping malls and retail strips, the growing majority of businesses are either franchises or licensed dealers of large national companies or manufacturers.

In short, franchising has permeated all aspects of American life. The franchising sector of our Nation's economy employs an estimated 7.2 million people in more than 60 industries and now accounts for nearly $650 billion in annual retail sales.

As with anything this big and this diverse, however, the growing success of franchising has not been achieved without serious problems and abuses. Press reports provide growing evidence of fraudulent franchise offerings and troubled franchise systems. And despite its importance in the American marketplace, the public has surprisingly little accurate information about franchising and about individual franchise opportunities.

I am today introducing two bills that address the problems of current business franchising. The first is intended to provide more effective public disclosure and strengthened consumer protections in connection with the sale of franchise opportunities. The second seeks to promote greater fairness and equity in ongoing franchise relationships and to provide general standards of conduct in franchising practices. Shortly, I will also be introducing two additional measures, one addressing the manner in which Federal assistance is provided for purchases of franchises through the Small Business Administration, and a second proposal to help remove barriers to the expansion of franchise systems abroad.

The Committee on Small Business has been engaged for more than 2 years in studying franchising practices, issuing a report in August 1990, and holding subsequent hearings on key issues. While the committee's investigation has sought to highlight both the accomplishments and the enormous potential of franchising, it did confirm a number of disturbing trends or developments which tend to substantiate what South Dakota's securities director, Debra Bollinger, has called the dark side of franchising. Much of the committee's inquiry has focused on business format franchising, the fastest growing form of franchising in which franchisees provide goods or services to the public under a business format established and regulated by the franchisor.

The committee found a number of basic problems. There are a large number of business opportunity and other scams masquerading as legitimate franchise systems and claiming to offer proven business concepts and continuing support and assistance to unwary investors. At the other extreme, there are established franchise systems where the franchisor, typically after a change in ownership or leveraged takeover, has ceased selling or assisting franchises and is concentrating its effort on extracting whatever value or equity it can from the franchise system.

In between, there are numerous franchise systems that impose exorbitant hidden costs on franchisees in the form of huge markups on required purchases of equipment, services, and supplies that have nothing to do with product quality or the trademarks and trade secrets of the franchisor. And there are too many franchise systems with an overwhelming imbalance in the legal relationship between the franchisor and franchisees.

While many aspects of these problems require closer scrutiny by Congress, two issues, in particular, present pressing problems for public policy. The first involves the inadequacy of current information about franchising generally, as well as glaring weaknesses in current Federal guidelines governing disclosure of information about specific franchise opportunities. The second issue centers on the continuing lack of viable legal recourse for franchisees in response to unethical or illegal franchising practices.

Despite increasing documentation of franchise failures and of high turnover of franchise ownership, many franchise companies continue to conceal this turnover from prospective investors and to misrepresent individual franchise opportunities with broad, usually unsubstantiated data showing franchises generally to be successful and virtually risk free. Moreover, current Federal guidelines create an enormous loophole that permits franchisors to avoid making formal written disclosure of information relating to potential revenues and earnings of a franchise business—the most critical information required by prospective franchisees. Instead, many franchisors provide such information informally and without any written documentation for which they are legally liable.

In several publications last year, the chairman of the American Bar Association's Forum on Franchising estimated that "for the typical franchise chain, only a third of franchises do well, a third break even, and a third are losing money." This assessment parallels that of the publisher of a major guide to franchise opportunities, who wrote the Small Business Committee last year, "my sense is that success, defined in terms of meeting the franchisee's realistic expectations is no greater than 40 percent, not 95 percent, over five years." And a forthcoming study of the top franchise companies in a variety of market categories, conducted by the consulting firm Rubinoff Rager Inc., has preliminary data showing firm rates averaging roughly 35 percent for the companies studied.

The Rubinoff Rager study found that many franchisors "are not complying with FTC disclosure with regard to financial disclosure and information regarding franchise terminations and failures." Citing the use by many franchisors of alleged Government data purporting that 95 percent or 97 percent of all franchises succeed, the study's authors observe, "the popular perception that only 5 percent of franchises fail after five years is not only incorrect, but is used by many franchisors as a marketing statement even when their own company has much larger franchisee attrition."

A second pressing issue for public policy involves numerous legal and contractual barriers that have the effect of denying franchisees and prospective franchisees any viable legal remedy for fraud or misrepresentation in franchise sales, or for unfair or abusive conduct by franchisors. As various witnesses have told the Small Business Committee, franchise contracts seek to preempt every legal option available to potential franchisees. Indemnification provisions are drafted so broadly as to protect franchisors even "for the franchisor's gross negligence, wanton recklessness, and intentional misconduct." Procedural devices are also routinely employed to bar legal actions, to deny coverage of protections in State laws and to make litigation inconvenient and costly. Even such basic legal standards as good faith conduct, which is recognized in all other contractual arrangements, continues to be debated and denied in franchising.

Part of the problem is that the role of the franchisee is unique in current law. The franchisee is neither an independent contractor, an employee, nor an agent or distributor. And while the franchise relationship incorporates elements of each of these roles, the franchisee benefits from none of the legal protections provided such groups in commercial, labor, or dealership statutes. Too many franchisors have taken advantage of this gap in the law to restrict franchisees to the rights provided in one-sided franchise contracts and to insulate the franchise relationship from the application of broader common law doctrines.

As a result, a growing segment of the American population is routinely required to forego basic legal rights just because they choose to become franchisees. This is unfair, and it is clearly not in the long-term interest of any business.

In summary, we now have a situation in which too many prospective franchisees are induced to make one of the most important investments of their lives with inaccurate or false information designed not only to make franchising appear virtually risk free, but also to misrepresent the operating history and potential for success of individual franchise opportunities. Once this is discovered, or it is found that promised training and support has not been provided, franchisees find they have little opportunity for legal recourse under Federal law, even for blatant violations of Federal disclosure requirements.

PROPOSED FEDERAL LEGISLATION

The legislation I am introducing today is directed at these problems of business-format franchising, both in the representation and sale of franchises to the public, and in the imbalance of rights and privileges throughout the ongoing franchise relationship.

The first proposal, "The Federal Franchise Disclosure and Consumer Protection Act," H.R. 5232, addresses the problems I have outlined involving fraudulent franchise offerings, deceptive or misleading franchise promotions and misrepresentation of the costs, experience, or potential success of established franchise systems. The legislation has three general objectives. First, it seeks to codify and strengthen current Federal law and procedure relating to franchise disclosure and antifraud enforcement.

Second, it creates a right of action that permits individuals injured by violations of the bill to seek redress in the Federal courts. The bill provides an unambiguous congressional mandate for more vigorous and effective public and private enforcement of longstanding Federal standards and procedures to protect the public from fraudulent and deceptive sales practices.

The third objective of the legislation is to enhance the information available to the public regarding specific franchise opportunities. It proposes a number of revised or expanded disclosure requirements which have been urged by experts as necessary to provide prospective franchisees with more useful and accurate information regarding the prior experience and the potential profitability of a franchise opportunity. Let me emphasize, however, that none of these changes would require information that franchisors don't already possess or that isn't already disclosed by many major franchisors.

The second bill I am introducing, "The Federal Fair Franchise Practices Act," H.R. 5233, is intended to promote greater fairness and equity in ongoing franchise relationships and to establish general standards of conduct in franchising practices. As with the first initiative, the legislation also seeks to create a clear, unqualified right of action to permit franchisees to bring suits in Federal court against violations of the act or against fraudulent or unfair conduct by franchisors.

The substantive proposals of this legislation are few in number and focus on problems that are national in scope and involve serious operational or legal issues. These include a limited number of prohibited practices, three general standards of conduct, and several procedural protections for franchisees. The intent of the legislation is to provide a minimum Federal standard of fair conduct in franchising, one that would permit individual States to enact additional or more specific protections and standards.

A CONTINUING PROBLEM

The problems addressed by both bills are not new, nor are they likely to be resolved without legislation. Twenty years ago, John Y. Brown, then president of Kentucky Fried Chicken, warned Congress of the emotional appeal of franchising that induces small businessmen to stake whatever money that can get "on one dream and hope of a franchise concept that very likely could have been misleading and misrepresentative and fraudulent." Ten years later, the General Accounting Office [GAO] described to a subcommittee of the House Committee on Government Operations how many larger franchisors were "in effect running a scam on a lot of well-intentioned small businessmen" who purchase franchises with little awareness that "their failure rate is anywhere from 15 percent up."

In 1984, Forbes magazine warned that "buying a franchise is costlier and riskier than ever before" and that fraud, which was supposedly eliminated with State franchise legislation in the 1970's, "is still franchising's dirty little secret." Articles appearing in Inc. and Venture magazines during 1987–88 uncovered a number of pyramid-like schemes in which major franchisors had obtained millions of dollars in franchise sales and fees while starving franchisees of support and profit.

The Small Business Committee's inquiry into business format franchising has found that these problems not only continue, but have expanded considerably in an environment of weak regulatory oversight and inadequate private enforcement. We currently have no Federal laws governing either franchise disclosure or franchising practices. In the absence of adequate Federal protections, franchisees have sought to address these problems on the State level. In April, the State of Iowa adopted one of the Nation's strongest franchise relationship laws. Similar proposals have been introduced in six other States, including my own State of New York.

I firmly believe that most franchisors are honest and that there are many, many viable franchise opportunities. But I am also aware that there are too many exceptions to this general rule. The proposals I am introducing today are targeted to these exceptions. They offer a balanced, common sense response to abuses in franchising that can enhance franchising's image and growth, and also assure that small business owners are not victimized by unfair or unethical practices. I think there is much in the legislation that reputable franchisors will not only be able to live with, but will support.

Mr. Speaker, Congress has been warned for more than 20 years of abusive franchising practices. It is time we act to provide basic protections in Federal law to discourage such practices and to help strengthen the American dream of small business ownership.

The legislation I am introducing is intended to initiate broad debate, both within the outside Congress, on issues and problems in franchising. In developing the legislation I solicited the views and recommendations of the Federal Trade Commission, the North American Securities Administrators Association, and many individual State regulators and franchise attorneys. Over the next month, I intend to talk with other individuals and groups about the legislation, its potential impact, and its prospects. In addition the Committee on Small Business will hold a hearing on June 17 to further define the important issues of this debate.

A section-by-section analysis of the legislation follows:

H.R. 5232—FRANCHISE DISCLOSURE AND CONSUMER PROTECTION ACT

SECTION-BY-SECTION SUMMARY

A bill to strengthen current Federal law to protect consumers in connection with the representation and sale of franchise businesses; to facilitate increased public disclosure regarding franchise opportunities and to enhance common law remedies for purchasers of franchises, and for other purposes.

Section 1. Short Title—Federal Franchise Disclosure and Consumer Protection Act.

Section 2. Statements of Findings and Purpose.

Section 3. Prohibited Actions—The section includes two sets of prohibited conduct. The first identifies actions or conduct prohibited elsewhere in federal law, including fraud, deceptive practices, misrepresentation of material facts and discrimination, clarifying that such actions or conduct are unlawful for all parties in contractually defined franchise relationships.

Section 3(b) codifies specific prohibitions in current federal disclosure rules to make it unlawful for franchisors, in disclosing information to prospective franchisees: (1) to make an untrue statement of material fact or an omission of material fact; (2) to fail to furnish prospective franchisees with all information as required in regulation; (3) to fail to provide information that is current and (4) to make claims or representations that contradict or are inconsistent with information provided in written disclosure.

Section 4. Material Omissions Defined—The section identifies criteria for disclosure which would be considered omissions of material fact if not properly disclosed to prospective franchisees. Ten of the disclosure criteria either restate existing requirements in the Federal Trade Commission Franchise Rule or in guidelines for the Uniform Franchise Offering Circular (UFOC) or incorporate technical changes in current FTC standards.

Three additional criteria either substantially revise current FTC/UFOC disclosure standards or propose new disclosure requirements. One requires franchisors with sufficient operating data to disclosure potential revenue, costs and earnings of a franchise. This addresses the current problem in which the majority of franchisors provide revenue and earnings information to potential investors, but few do so in compliance with Federal guidelines or with appropriate written documentation. The second change would expand the information available to potential investors about current franchise owners, and also owners who have left the franchise system, in order to provide alternative sources of information about the franchise and detailed data on turnover in franchise ownership. The bill would also require franchisors to disclose to potential investors any agreement, commitment or publicly expressed intention to sell or dispose of the franchise system.

Section 5. Enforcement—The section authorizes the Federal Trade Commission to enforce the provisions of the Act, and enhances current authority by extending the period during which the FTC may bring actions for violations.

Section 6. Actions by Private Persons—The section authorizes any person injured by a violation of the Act to bring an action in any federal district court for a period of up to five years after the date of the violation, or three years following discovery of such violation. Persons injured by a violation, or threatened with injury by an impending violation, would also be authorized to bring actions in federal court for injunctive relief.

Section 7. Prohibition of Waiver of Rights and Liability—The section prohibits a franchisor from requiring franchisees to agree to specific provisions in franchise agreements which would: (1) violate specific prohibitions in the Act; (2) relieve any person of liability or duties imposed by the Act; or (3) waive or restrict any right granted under the Act.

The section clarifies that nothing in the Act is intended to deprive any person of the ability to settle any dispute through arbitration or other non-judicial procedure, provided that use of such procedures is not mandatory on any party under the franchise agreement.

Section 8. Amendment To Federal Arbitration Act—The section proposes a corresponding amendment to the Federal Arbitration Act to clarify that use of arbitration in franchise arrangements is by mutual consent of the parties to the franchise.

Section 9. Effect on State Law—The section clarifies that the Act preempts state laws only to the extent that state laws offer less protection to franchisees than provided by the Act.

Section 10. Study of Need for Additional Protections—The section requires the FTC to study the need for additional provisions in Federal law or regulation to prevent evasions or violations of the requirements of the Act and to report the findings of such study to Congress.

Section 11. Effective Date—Provides that the provisions of the Act will take effect 180 days after enactment.

Section 12. Definitions.

H.R. 5233—FEDERAL FAIR FRANCHISE PRACTICES ACT

SECTION-BY-SECTION SUMMARY

A bill to establish minimum standards of conduct in franchise business relationships, to enhance common law remedies for franchisees, and for other purposes.

Section 1. Short Title—Federal Fair Franchise Practices Act

Section 2. Statements of Findings and Purpose

Section 3. Prohibit Actions—The section includes two sets of prohibited conduct. The first includes actions or conduct prohibited elsewhere in federal law, including fraud, deceptive practices and discrimination, clarifying that such actions are unlawful in contractually defined franchise relationships.

Section 3(b) identifies four specific franchise practices that would be prohibited: (1) requiring franchisees to purchase all equipment, inventory and supplies directly from the franchisor or sources affiliated with the franchisor, except for reasonable quantities of goods or services which incorporate a trade secret or patent owned by the franchisor or its affiliate; (2) terminating a franchise without good cause; (3) prohibiting a franchisee from engaging in a similar business after a franchise contract has expired or been terminated, except where necessary to protect trademarks or trade secrets, or where the franchisor agrees to purchase the assets of the franchise; and (4) prohibiting or hindering the ability of franchisees to organize or participate in trade associations to promote the interest of franchisees.

Section 4. Standards of Conduct—The section clarifies that three standards of conduct broadly recognized in contract and commerical law are applicable to contractually defined franchise relationships: (1) the duty of all parties to a franchise to act in good faith; (2) the duty of a franchisor to exercise due care and common standards of competence in all aspects of its relationship with franchisees; (3) the duty of the franchisor to exercise fiduciary responsibilities in limited circumstances in which the franchisor undertakes financial or accounting services on behalf of frahchisees or administers pooled funds to which franchisees are required to contribute.

Section 5—Procedural Fairness—The section prohibits a franchisor from requiring franchisees to agree to specific provisions in franchise agreements which are intended to: (1) violate specific prohibitions in the Act; (2) relieve any person of liability or duties imposed by the Act; (3) waive or restrict any right granted under the Act; or (4) deprive franchisees of the benefits of the Act, a state law, or the ability to bring legal actions in a court in the state of the franchisee's principal place of business by designating the law of another jurisdiction as governing the franchise agreement.

Section 6. Actions by Private Persons—The section authorizes any person injured by a violation of the Act to bring an action against the violator in any federal district court for a period of up to five years after the date of the violation, or three years following discovery of such violation. Persons injured by a violation, or threatened with injury by an impending violation, would also be authorized to bring actions in federal court to obtain injunctive relief to halt further or likely violations.

The section clarifies that nothing in the Act is intended to deprive any person of the ability to settle any dispute through arbitration or other non-judicial process, provided that use of such procedures is not mandatory on any party.

Section 7. Effect on Other Law—The section clarifies that the Act preempts state laws only to the extent that state laws offer less protection to franchisees than provided by the Act.

Section 8. Scope and Applicability—The provisions of the legislation would apply to all franchise agreements which are entered into, renewed or amended after the date of enactment.

Section 9. Definitions.

THE AMERICAN GOVERNMENT MUST DE-RECOGNIZE FORMER YUGOSLAVIA AND WITHHOLD RECOGNITION OF SERBIA

HON. ELTON GALLEGLY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 21, 1992

Mr. GALLEGLY. Mr. Speaker, Mostar and Sarajevo, two cities in the Republic of Bosnia-Herzegovina that represent all cultures and creeds are currently under attack and have become the main targets of Serbian aggression. The senseless violence taking place in Bosnia-Herzegovina alone has resulted in the loss of 2,000 lives, 3,000 missing people, and 1 million refugees. In addition, hundreds of thousands of people are starving.

The United Nations forces were pulled out of Sarajevo due to increasing violence in the fighting between Serb irregulars, backed by the federal army, and the mainly Slavic Muslin forces. Despite the efforts of the defense forces in Croatia and Bosnia-Herzegovina, the aggression continues.

The defense forces in Croatia and Bosnia-Herzegovina are valiantly attempting to preclude further damage to life and property, but the former Yugoslav National Army persists with vigor. Threats of expulsion from the Conference on Security and Cooperation in Europe and of a general international diplomatic isolation have fallen on deaf ears. Cease-fires are violated as quickly as the negotiators leave.

So that the United States remains true to its own democratic principles, the American Government must act to derecognize the former Yugoslavia and withhold recognition of Serbia. In cooperation with others, the former Yugoslavia's foreign assets should be frozen and an international trade embargo imposed. That is the only way to stop the Serbian war machine and produce a permanent cease-fire. Moreover, the Belgrade Communists must be forced to withdraw their military forces from all occupied territories in Croatia and Bosnia-Herzegovina, as well as to accept the sovereignty of the independent republics of the former Yugoslavia. The world must support what is inherently right.

CONGRESSIONAL SALUTE TO CHARLES KELLY—RECIPIENT OF THE 1992 PAUL HARRIS AWARD

HON. ROBERT A. ROE

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 21, 1992

Mr. ROE. Mr. Speaker, I rise today to pay tribute to Charles W. Kelly, a great American who is the recipient of the 1992 Paul Harris award. The Wayne Rotary will honor Charles with a luncheon on Wednesday, May 27, at the Holiday Inn in my hometown of Wayne, NJ. This prestigious tribute is the highest award that can be bestowed by the Rotary.

Mr. Speaker, it is a high honor indeed to recognize and pay tribute to Charles W. Kelly, who truly embodies the American spirit through all his good deeds and efforts. He is the director of parks and recreation for the township of Wayne, a job that he has performed in stellar fashion since May 1967. This position brings him into daily contact with the community, enabling him to meet the recreation needs of his fellow citizenry.

Charles came to this post with an outstanding educational background, graduating from Montclair State College in 1958 with a B.S. in physical education and recreation. He furthered his studies at both New York and Columbia Universities with graduate studies in recreation. He also served his country on active duty in the U.S. Marine Corps and as an officer with the New Jersey National Guard.

Charles is a member of many civic organizations and has received the following awards for his tireless service: 1970 Wayne Jaycees Outstanding Man of the Year, 1973 and 1977 Wayne PAL for his dedicated service, 1973 Neumann Prep for assisting in their athletic program, 1978 Wayne Elks Citizen of the Year, 1983 Edward Sisco Senior Citizens Village for selfless devotion, 1986 Lionheads Lake Property Owners for acknowledgment of service, 1990 Wayne Veterans Alliance for 20 years of devoted service. He is a man who is truly dedicated to serving the public good.

Mr. Speaker, I extend my heartiest congressional salute to Charles W. Kelly, the 1992 Paul Harris Award honoree. He is a dedicated public servant who selflessly devotes his time and efforts for the good of all the people.

TRIBUTE TO DICK SAWHILL

HON. JERRY LEWIS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 21, 1992

Mr. LEWIS of California. Mr. Speaker, I would like to bring to your attention today the fine work and outstanding public service of my good friend, Dick Sawhill of Chino, CA. Dick, who celebrates his 40th birthday today, will be honored in June as the outgoing president of the Rancho del Chino Rotary Club.

Dick has been a longtime active leader in community affairs. He began his service in the early 1970's by managing a little league baseball team. A short time later, he served as a spokesman for area homeowners and helped defray several controversial land use issues. He has gone on to serve in a great number of civic, community, and local government capacities over the years. He is an active member off the Chino Valley Chamber of Commerce, supporting member of the San Bernardino County Senor Citizen Foundation, a resident of Chino Christmas Street, a member of the citizen advisory committee for the department of corrections, and once managed the campaign to create the Chino Valley Independent Fire District.

Dick is also a two-term city councilman, chairman of the redevelopment agency, the chairman of the Chino Noise abatement Committee, and chairman of the San Bernardino Airport Land Use Commission. In addition to his many activities, Dick works full time as the director of human resources at Hussman Corp.

As a charter member of the Rancho del Chino Rotary Club, he has served as president, first vice president, and organizer, and chairman of Rotary Celebrity Dinner. In addition, he was the organizer and chairman of an annual dinner raising funds for the Chino Police Department, the local library, and the Hillview Acres Children's Home, as well as the organizer of the Academic Team Athletics Program with the Chino Unified School District. Not surprisingly, Dick was selected by his fellow members as the 1991 Rotarian of the Year.

Mr. Speaker, I ask that you join me, Dick's wife, Debbie, his children Christine, Cheryl, and David, and of course, his many friends in recognizing the outstanding contributions of this fine man. His dedication to the community is certainly worthy of recognition by the House of Representatives.

MR. GEORGE V. McGOWAN RECOGNIZED BY THE ADVERTISING & PROFESSIONAL CLUB OF BALTIMORE AS THE 1992 DISTINGUISHED MARYLANDER

HON. HELEN DELICH BENTLEY

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 21, 1992

Mrs. BENTLEY. Mr. Speaker, I rise today to recognize Mr. George V. McGowan, who was recently recognized by the Advertising & Professional Club of Baltimore, Inc. at the 1992 Distinguished Marylander Award Luncheon.

The Advertising & Professional Club of Baltimore recognized Mr. McGowan for his "outstanding contributions to the community." I sincerely regret I could not attend, but extend my best wishes on this momentous occasion. Mr. McGowan is chairman of the board and chief executive officer, member of the executive committee and a director of the Baltimore Gas and Electric Co. However, through his hard work and dedication to civic and community activities, Mr. McGowan has demonstrated that success carries more than a professional connotation.

Among his civic activities, Mr. McGowan has served as chairman of the Baltimore Polytechnic Institute Board of Overseers, Baltimore Polytechnic Institute Foundation, Inc., chairman of the board of Regents—University of Maryland System, and chairman of the Governor's Volunteer Council. The list continues. He is on the board of directors of the Greater Baltimore Committee; United Way of Central Maryland; Maryland Chamber of Commerce; Maryland Child Care Resource Network; Maryland Communications Center, Inc.; Pride of Baltimore; Preakness Celebration, Inc.; the Advertising & Professional Club of Baltimore, Inc.; University of Maryland Medical System and the University of Maryland Foundation. In addition, he is director and vice president of the Baltimore Symphony Orchestra and is director and chairman of the Maryland Economic Growth Association.

It was about this time last year that the Boy Scouts of America, Baltimore Area Council, presented Mr. McGowan with the Distinguished Citizen Award. I again reiterate my belief that it is far too easy for us to judge individuals by monetary or material wealth. Those individuals who truly are blessed are those, like George McGowan, who possess a wealth of character and spirit. George has gone beyond mere professional success and has sought to give of himself to the community and his fellow man. Unfortunately, far too many individuals in positions of power or stature use their positions for selfish gains, yet those like George McGowan have answered a high code of conduct and have demonstrated a greater sense of duty and responsibility.

It is with utmost respect and admiration that I again salute George V. McGowan on a job well done. George personifies the American spirit and the principles that have made this Nation great. At a time when there is much to cite as what is wrong with our country, I like to cite individuals such as George McGowan, who embody what is right with America.

Mr. Speaker, my fellow colleagues, I commend George McGowan and wish him continued success and happiness in the years to come.

DOWNSIZING THE ARMY NATIONAL GUARD MAKES NO SENSE

HON. ANDREW JACOBS, JR.

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 21, 1992

Mr. JACOBS. Mr. Speaker, the following is a most thoughtful analysis of proposals to reduce the National Guard. It is written by Gen. Robert G. Moorhead, one of the most respected military thinkers in our country.

We Hoosiers have the privilege of counting Retired General Moorhead as one of our neighbors.

DOWNSIZING THE ARMY NATIONAL GUARD MAKES NO SENSE

The Department of Defense planned reduction of the Army National Guard is part of the planned across-the-board reduction of the Armed Forces. The proposal is to reduce the Army National Guard, nationwide, by 121,000 (to 338,000) by 1997.

This is based upon the contention that smaller forces are prudent in view of the diminished threat to peace with the demise of the former USSR. In fact, the world continues to be a dangerous place and it would make sense to retain strong Guard (and Reserve) forces to insure that the Army has the capability or rapid expansion in the event of crisis.

The Army National Guard currently get 2% of the Department of Defense budget. Here is what the Nation gets for that relatively small investment.

THE GUARD IS COST EFFECTIVE

An Army National Guardsman can be trained for 25% of the cost of training an active duty soldier

Elimination of units is costly in itself—in terms of the cost of armory close-outs, moving equipment and people.

Guard facilities, supported and utilized by their communities, are less expensive than large active-duty installations.

Once Lost, Guard Units Cannot Be Quickly Rebuilt.

It is misleading to believe that once disbanded, National Guard units can quickly be rebuilt in the event of a fast-moving emergency. This is a myth. The loss of a unit deeply affects the losing community.

THE GUARD IS READY TO RESPOND

In Desert Shield and Desert Storm, of the 398 Army National Guard units mobilized, 97% met or exceeded the active duty deployment standards.

In Desert Shield and Desert Storm, 94% of the Army National Guard soldiers were deployable, 87.5/% of the active duty Army soldiers were deployable.

In Desert Shield and Desert Storm, 64,414 Army National Guard soldiers or 99.99% reported for duty (three did not report two were in civil confinement, and one was in the hospital).

A large Guard and Reserve force serves as an experienced, trained, stable defense force.

More advanced warning techniques allow for a strong Guard force to be ready as needed.

THE GUARD HAS TWO MISSIONS: FEDERAL RESPONSE FOR OUR NATIONAL SECURITY, AND A STATE MISSION

The Guard responds to natural and manmade disasters such as tornadoes, floods, blizzards, and civil disturbance, for their state.

The Guard assists the Governor in responding to local civil authorities.

The Guard assists Federal and State agencies to decrease the flow of drugs into and throughout our nation.

THE GUARD HAS ECONOMIC IMPACT INTO COMMUNITIES

A 50-man Guard units is equal to a small industry of 10 full-time employees.

Guardsmen provide additional income to our communities as they continue to support the ideals on which this nation was founded; life, liberty, and the pursuit of happiness.

THE GUARD ADDS VALUE TO THE LIVES OF ITS CITIZENS

Through educational benefits, the Guard promotes a higher level of education.

Citizens deepen their sense of loyalty and patriotism to the State and Nation through their participation.

A strong Guard and Reserve provides a volunteer community of trained soldiers without a draft.

The Guard is the nation's investment in its citizens.

THE GUARD'S STRENGTH PROVIDES STABILITY AND ASSURANCE IN A WORLD OF UNCERTAINTY

A strong Guard force provides confidence in an uncertain world.

While the Soviet threat is crumbling, their stability and the uncertainty of their leaders intent is unknown, requiring a strong, trained Guard force for quick response, if needed.

Continuous changes in regional situations create a possibility for threats of unknown capability and strength, requiring the Guard and Reserve to support a small active force, under the Total Force policy.

For 2% of the Department of Defense's budget, the Army National Guard is, overall, more cost effective, and has many facets of added value. The announcement by the Department of Defense calls for cuts, while leaving an unreasonably large active duty force, when a smaller active duty force, and a large Guard and Reserve will provide the needed defense more cost effectively.

We owe the American taxpayers the best defense possible during a time of uncertainty.

THE GUARD IS PART OF A BALANCED FORCE FOR RESPONSE

In 1970, the Department of Defense created the Total Force policy which calls for one Guard, one Reserve, and one Active component with one standard.

Grenada, Panama, and Desert Shield and Desert Storm proved this policy effective as Guard, Reserve, and Active Duty soldiers worked together as one fighting force.

A balanced force which includes a mixture of combat and support units allows for a primary and secondary combat capability.

A balanced force allows for replacement of units with trained soldiers who can immediately fill a military need.

THE GUARD IS THE GRASSROOTS LINK BETWEEN THE MILITARY AND ITS CITIZENS

An Army is only as strong as its nation's support.

When the Guard and Reserve is involved, America has made a commitment. National commitments win conflicts.

Desert Shield and Desert Storm proved that a nation's commitment is based on neighbors involvement. When the Guard goes, America goes.

THE GUARD'S HISTORY BEGAN BEFORE OUR NATION WAS FORMED

The militia was born at Lexington and Concord, and is continued today as the National Guard.

The founders of the Constitution believed in a small active force and a large militia.

The National Guard has participated in every conflict that our Nation faced.

IN ADDITION

THE NATIONAL GUARD IS NEEDED FOR STATE SERVICE

The State role of the National Guard is too important to be ignored. The force structure of the National Guard provides assurance to each governor that public protection can be provided in any emergency, whether natural or man-made. At a time when the Guard provides assistance in the war against drugs to all law enforcement agencies, and when external foes threaten to unleash terrorism against United States utilities, and other public institutions, it is clear that the dispersion of the National Guard in 3,200 United States communities is of vital importance. The State service of the National Guard represents a federal asset as well, in that it insures stability, and enables the States to afford assistance to its citizens which may not, under law, be provided by federal military forces.

GEORGE E. HILLEY WINS THE VETERANS OF FOREIGN WARS SCRIPTWRITING CONTEST

HON. RONALD K. MACHTLEY

OF RHODE ISLAND

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 21, 1992

Mr. MACHTLEY. Mr. Speaker, I am pleased to rise today to share with my colleagues George E. Hilley's winning entry in the Veterans of Foreign Wars' scriptwriting contest. George resides in Tiverton, RI, in my congressional district where 147,000 students competed in this prestigious contest to be named one of only 22 top winners.

MEETING AMERICA'S CHALLENGE

(By George E. Hilley, Rhode Island winner, 1991/92 VFW Voice of Democracy Scholarship Program)

News of freedom swept the world. Rumors were rampant that communist domination of Easter Europe was ending. Then at the stroke of midnight of November 9, 1989, the infamous "Berlin Wall" came down, virtually overnight. The cold war between the NATO allies led by the United States, and the Warsaw Pact led by the Soviet Union, was finally over. The communists had conceded defeat. Since the fall of the Berlin Wall, many other victories against communism have been achieved. In fact, even the "mother country", the Soviet Union is at this moment falling apart but still struggling along the way to freedom and democracy.

These events of freedom could not have "just happened". There had to be a reason for the fall of communism and the end of the cold war. Indeed, the free world's victory can only be credited to the United States. Through extraordinary patience and determination never to give in, over many years the United States finally wore the communists down. We now stand on the edge of global peace and freedom which could never have been achieved without the United States' leadership.

With the fall of communism, America must turn its attention to other challenges. Perhaps one of the most important challenges of today is the challenge of making American education again a world leader.

According to a June 17, 1991 article in Newsweek a standardized national math test administered to students in the fourth, eight and twelfth grades, shows that most American students were outperformed by their counterparts in other countries. Other studies seem to confirm the under performance of American students. The International Association for the evaluation of Educational Achievement compared the United States best students to the brightest students from other countries and found our brightest being eclipsed. In student achievement in Advanced Algebra, Functions, Calculus and Geometry, United States students finished from 12th to 14th in a field of 15 contenders.

These results clearly show that America has an educational challenge to meet. But, before we can start to meet this challenge, we must first identify the source of our problem. Is our educational decline the result of limited funding, bad structure, or something more basic. After assessing the situation, one can see that our problems are in fact a result of our attitudes about education.

Maybe we in this country do not hold education in the same high regard as do the people of other countries with whom we must compete. Attitude often leads to effort, and effort often leads to accomplishment. Parents and students, teachers and the schools in general, must start taking more responsibility for their attitudes. Maybe it is time to stop finding fault from without and start to look inward. In Shakespeare's play Julius Caesar, Cassius and Brutus compare their lesser abilities to Caesar's greatness. Cassius perceptively tells Brutus, "The fault, dear Brutus, is not in our stars, but in ourselves."

Our extremely complicated educational problem will not go away by reforming the structure of education or by pumping more money into it. This problem can only be solved when all segments of society begin to change attitudes and start accepting responsibility for performance.

When we realize that the fault is in ourselves, then maybe those golden days of high educational attainment will return to the United States, making us once again the finest, the best and the brightest.

This challenge can be met through hard work and determination. The history of the United States since World War II demonstrates that when we exert the will we can solve any problem. Many during the 50s, 60s, 70s, and 80s saw Communism as the wave of the future. But that future turned out to be pale indeed. The commitment of the United States turned the tide of this global struggle and now we have an educational challenge to confront. But, with commitment, there are few challenges that the United States cannot meet. With determination, there is no doubt that we can rise to this educational challenge and emerge as an even stronger, more secure, and better country.

H.R. 5230, THE AMERICAN TECHNOLOGY AND COMPETITIVENESS ACT OF 1992

HON. GEORGE E. BROWN, JR.

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 21, 1992

Mr. BROWN. Mr. Speaker, today, Mr. VALENTINE and I are introducing legislation aimed at promoting long-term economic growth and reversing the alarming trends evident in U.S. competitiveness.

In this election year, much of the debate over our economy has focused exclusively on the short-term—how to jump-start the economy; whether the United States is in the middle of a long recession, or at the beginning of a shallow, slow recovery; how much of a tax break would be funneled back into immediate consumption. But while the debate is short term, the issues are long term. And the fact is that in many areas—productivity, education, investment, and quality of life—we have been eclipsed or are being overtaken by our economic competitors in Europe and Asia.

What is the evidence pointing to a long-term problem? Recently, the senior economist with the Deutsche Bank described the impending toppling of the United States as the world's leading economic power. This leading German economist concludes that if the investment gap does not narrow, Japan—a country with virtually no natural resoures—will have the largest economy in the world shortly after the turn of the century. Why? Basically, because the United States is being massively out-invested in plant, equipment, and research and development by Japan. To cite but one example, with one-half of our population, Japan's industrial R&D investment already greatly exceeds that of the United States.

These trends are equally disturbing in terms of standards of living. Last week, the Economic Strategy Institute released a study which showed that real wages in the United States have dropped 7.3 percent in the last 12 years. A worker in the United States today makes less money on an hourly basis than did his or her parents. The study also shows that while we have created a large number of jobs during the past 10 years, by and large these have not been good jobs, but low-skilled, poorly paying jobs. In the words of the ESI study director, the decline in our standard of living has been caused by "a long-term adverse shift of jobs toward lower-paying occupations and industries." The Government confirms this trend. According to a Census Bureau study released last week, the proportion of full-time, year-round workers getting what it classifies as low wages jumped from 12 to 18 percent between 1979 and 1990.

The American people intuitively understand these facts. The reason there is so little faith today in the political system is that the voters believe—rightly so—that we, as leaders, are not working together constructively to meet these challenges.

Our goal, then, is clear. We need to create good, high-paying jobs in globally competitive companies. To do this, we need to improve our productivity—which also has shown extremely slow growth relative to our competitors. And the only way to become more productive is to upgrade our work force skills, invigorate the climate for investment, increase our R&D—and apply it more effectively to commercializing technology, and forge a new compact between Government, industry, and our educational system to create a sustainable base for economic recovery. Without such a long-term base, we condemn ourselves to further downward economic spirals as soon as the quick fixes wear off.

The American Technology and Competitiveness Act is intended to address and meet these challenges. It is a pro-growth bill that promotes long-term investment in productive areas. Investment is ultimately the only answer to the economic problems plaguing this country, the only real way to raise living standards, create jobs, and deal effectively with the deficit problem.

It also is a broadly based bill—perhaps the most comprehensive approach to economic reinvestment to emerge from the 102d Congress—with provisions on manufacturing, critical technologies, international standards, education and training, capital formation, and national security reinvestment. I recognize that many of these provisions are outside the jurisdiction of the Committee on Science, Space, and Technology. But given the seriousness of the problems facing us, we intentionally developed the broadest package possible. We intend to work with other committees, with the House leadership, and with the administration in order to enact a comprehensive economic recovery package as broad as the one contained in this bill. As a first step toward that end, we also have introduced today the National Competitiveness Act of 1992 which contains those provisions of the larger bill falling within the jurisdiction of the Science Committee. We hope to move the process along by reporting this smaller bill within the next several weeks.

In developing our legislation, we have had the benefit of a seemingly endless stream of competitiveness studies by panels, commissions, and institutes. Solutions offered by these diverse groups are remarkably consistent, and provide ample evidence that a consensus for action exists. It is time for Congress to enact legislation which reflects that consensus.

What are these points of consensus and how are they reflected in the American Technology and Competitiveness Act?

First, small and medium-sized businesses are the engine of innovation and job creation, but they often are at a disadvantage in obtaining timely access to technology, capital, and information needed to compete effectively with our foreign rivals. This legislation creates a nationwide network of manufacturing outreach centers which build on successful Federal, State, and local technology-transfer services. It provides for the creation of a nationwide communications network to link these centers with the latest information on productive and efficient manufacturing and management practices.

Second, there are a number of critical technologies which will drive economic growth in the 21st century. The bill fosters the development and utilization of these technologies to American companies through focussed R&D programs and through creative financing mechanisms. Specifically, in the R&D area, the bill would enhance funding for the highly successful Advanced Technology Program in the Department of Commerce and would establish two additional industrial consortia along the lines of the SEMATECH Program. In the financing area, the bill contains an innovative program that would create a Government-backed pool of venture capital to stimulate and supplement the flow of capital to businesses developing critical technologies.

A third goal of the bill is export promotion. Exports are the key to building U.S. economic strength into the next century. In many cases, U.S. products are being excluded from foreign markets because they do not meet foreign product specifications or standards. The bill increases funding to promote U.S. standards overseas, and creates a database to provide our Nation's businesses with the information they need to meet import requirements overseas. Nation's businesses with the information they need to meet import requirements overseas.

Fourth, the bill would focus additional resources on education and worker training. All of our great American scientists and engineers will labor in vain if our work force does not have the necessary skills to translate knowledge into products and into wealth. Improving elementary education and worker training are vital for achieving these skills. This bill increases Federal funding for K–12 math and science education. It also provides new budget authority for increasing worker training, creating apprenticeships for vocational students, and extending the quality movement to education.

Fifth, the bill adopts those provisions of the House-passed tax bill which favor investment over consumption. We would make the R&D tax credit permanent. Other proposed changes in the tax code to promote investment include indexing capital gains to inflation, excluding certain gains on the stock of small companies from taxation, increasing temporarily the amounts of investment expenditures which small businesses may deduct, and allowing accelerated depreciation for certain capital investments. These provisions will accumulate investment in our high-technology manufacturing base, promote technological innovation, boost industrial productivity, and create high-skill, high-wage jobs. The cost of these investment provisions would be offset by revenue raising provisions which either close existing loopholes, eliminate unnecessary subsidies, or tax industrial polluters.

Sixth, the bill proposes programs that will permit us to reinvest our defense resources in civilian needs. The bill would create an Advanced Manufacturing Equipment Leasing Corporation, designed to simultaneously upgrade the level of technology available to small businesses and help defense contractors find new commercial markets. It also would retrain eligible military personnel for science and math teaching, retrain specialized military and defense-sector engineers in more widely usable civil manufacturing practices, and begin the conversion of multiprogram Department of Energy laboratories into research, information, and demonstration centers which are much more accessible to industry.

Seventh, the bill would sharpen cooperation between Government and industry in forging a coherent technology policy. We often hear that the United States is the only holdout among industrialized nations in its lack of a national technology policy. But we do have a technology policy; a policy of hand wringing and fretting, a policy of concocting arcane code phrases like "precompetitive generic technologies," a policy of posture and bluff, of negative, recycled, wartime rhetoric. In contrast, our competitors have seized world markets in high-technology industries by forming partnerships between Government and business. By setting long-term, strategic goals and giving industry the resources they need to compete, these countries have catalyzed their economies and taken advantage of our long postwar complacency.

The bill provides technology policy coordination in the form of a Federal Council on Technology and Competitiveness. The council would coordinate all relevant Government agencies to ensure that our national investment in science and technology does not remain in the laboratories, but reaches into our manufacturing sector and helps to move U.S. products to the marketplace effectively and expeditiously.

Mr. Speaker, the American Technology and Competitiveness Act is a comprehensive bill but it is also fiscally responsible. It modestly expands programs that work, creates new programs to address the real causes of our competitiveness problems, and changes the tax code to promote long-term investment. The net new budget authority provided in the package is $4 billion through fiscal 1997. Although the total amount of new spending in this bill for 4 years is less than 1 year's spending on the Strategic Defense Initiative, it should help to secure the Nation's future well-being in a way defense spending cannot.

I have enough training as a physicist and an engineer to know that any structure must be built on a solid foundation with strong pillars of support. To rebuild our economy requires no less. On the foundation of centuries of excellence in science and technology, a foundation on which we still can rely, we must build on four pillars of economic strength:

Strong, efficient, and productive manufacturing—a support that our Nation has taken for granted and allowed to weaken;

Infrastructure, including transportation, energy, and communications—a pillar of the U.S. economy that shows signs of fatigue;

Wisely invested capital available at competitive rates—a pillar that needs repair to be sound again; and

A skilled, motivated work force—a pillar that needs careful and extensive reinforcement.

Our economy can be rebuilt on these four pillars, but only if there is a strong and committed partnership among the builders. With this bill, I am beginning a serious effort to forge a partnership between Democrats and Republicans, the Congress and the administration, and more broadly between Government and industry. Such partnership is absolutely essential if we are to respond constructively to America's competitiveness problems and make a successful transition to a world where healthy economic competition, rather than deadly nuclear confrontation, is the key to national security. I look forward to working with my colleagues and with the administration to enact legislation which deals constructively and comprehensively with the need for long-term economic recovery.

SECTION-BY-SECTION ANALYSIS OF THE AMERICAN TECHNOLOGY AND COMPETITIVENESS ACT OF 1992

Title I—General Provisions

Sec. 101. Short Title: "American Technology and Competitiveness Act of 1992"; table of contents.

Sec. 102. Findings.

Sec. 103. Purposes.

Sec. 104. Goals. The goals of this Act are to—

(1) improve the competitiveness of small and medium-sized manufacturers by improving access to the information and expertise required to compete throughout the world;

(2) improve the United States position in technologies essential to economic growth and national welfare by promoting research, development, and timely utilization of those technologies;

(3) expand the availability of patient capital to United States companies developing critical technologies;

(4) increase the proportion of the United States workforce with world-class skills by providing appropriate educational and training opportunities; and

(5) ease the transition of resources from defense to civilian purposes through the establishment of programs sponsored by the Department of Defense.

Title II—Manufacturing

Sec. 201. Short title: "Manufacturing Technology and Extension Act of 1992."

Sec. 202. Findings and purpose.

Sec. 203. Role of the Technology Administration in manufacturing.—The Stevenson-Wydler Technology Innovation Act is amended by adding Title III—Manufacturing Technology.

"Sec. 301. Lead Agency.—Designates the Department of Commerce as the lead civilian Federal agency responsible for enhancing U.S. mnaufacturing capabilities.

"Sec. 302. Nationwide Network of Manufacturing Outreach Centers.—Directs the Technology Administration to develop and support a nationwide network of manufacturing outreach centers to assist U.S. manufacturers, especially small businesses, in accelerating the use of modern manufacturing practices. Directs the Technology Administration to develop an interactive communications system that provides information to manufacturers on standards, quality, and technology developments. Authorizes $120 million during FY93–94.

"Sec. 303. Advanced Manufacturing Systems and Networking Projects.—Directs the Secretary of Commerce to establish an industry-led, multi-year grants program, administered through the Advanced Technology Program, to develop advanced manufacturing technologies, including communications systems that facilitate timely interaction between manufacturers and their suppliers and customers. Authorizes $20 million during FY93–94.

"Sec. 304. Role of the Secretary and other Executive Agencies.—Requires that the Secretary of Commerce consult with other appropriate agencies regarding manufacturing programs."

Sec. 204. Miscellaneous and conforming amendments.

Sec. 205. Manufacturing Technology Centers.—Enhances the Manufacturing Technology Centers by 1) extending the eligibility for financial support of existing centers; 2) expanding the range of services a center may offer; 3) authorizing establishment of Local Manufacturing Offices, and 4) authorizing $35 million for FY94 to support existing centers and create new centers.

Sec. 206. Engineering Research Centers.—Directs the National Science Foundation to establish up to five new Engineering Research Centers (ERCs) with a research and education focus on advanced manufacturing in critical technology fields. Authorizes $20 million in additional funding during FY93–94.

Title III—Critical Technologies

Subtitle A—Miscellaneous.

Sec. 301. Findings.

Sec. 302. Annual report on international negotiations potentially affecting Federal research and development programs.—Directs the Secretary of Commerce to prepare and submit a report annually to the Congress on Executive Branch activities and positions in international negotiations, including those related to trade, that affect Federal R&D programs and critical technologies R&D conducted by the private sector.

Subtitle B—Council on Technology and Competitiveness.

Sec. 311. Council on Technology and Competitiveness.—Establishes within the Executive Office of the President a Council on Technology and Competitiveness, chaired by the Director of the Office of Science and Technology Policy, to advise the President on policy actions to support technology and utilization that enhance national competitiveness.

Subtitle C—Advanced Technology Program.

Sec. 321. Development of program plan.—Directs the Department of Commerce to prepare and submit to Congress an operating plan for the Advanced Technology Program to (1) increase the number and scope of grant awards, (2) encourage greater industry participation in the program, and (3) improve coordination and cooperation with other complementary Federal R&D programs, especially with the Defense Advanced Research Projects Agency (DARPA).

Sec. 322. Funding of consortia.—Directs the Department of Commerce to select and fund at least two new consortia whose purpose shall be to further the development of critical technologies.

Sec. 323. International cooperation.—Limits involvement of foreign partners in ATP joint ventures.

Sec. 324. Technical amendment.

Sec. 325. Authorization of appropriations.—Authorizes $1.4 billion for ATP grants during the period FY94–97; $150 million is authorized separately for consortia (Sec. 322) during FY94–97.

Subtitle D—Technology Commercialization Loans.

Sec. 331. Technology commercialization loans.—Authorizes the Department of Commerce to make loans to businesses eligible for assistance under the Advanced Technology Program to promote research, development, and utilization of advanced technologies and products. Authorizes $20 million during FY93–94 for this purpose.

Subtitle E—Critical Technologies Development

Part I—General provisions

Sec. 341. Short title. Critical Technologies Development Act of 1992."

Sec. 342. Statement of policy.—To stimulate and supplement the flow of private capital, through licensed intermediaries, to firms engaged in research, development, and manufacturing of critical technologies.

Sec. 343. Definitions.

Sec. 344. General responsibilities.—Assigns responsibility for carrying out this Act to the Under Secretary of Commerce for Technology.

Sec. 345. Advisory Committee.—Requires the Under Secretary to establish an independent advisory committee to provide advice on matters related to program policy, planning, and operation.

Part II—Program structure and operation

Sec. 351. Organization and licensing.—Authorizes licensing of private sector companies (e.g., venture capital firms, universities, etc.) to serve as intermediaries in allocating financial assistance provided under this Act to business concerns engaged principally in research, development, and/or manufacture of critical technologies (i.e. qualified business concerns); establishes licensing procedures and eligibility requirements for licenses.

Sec. 352. Capital requirements.—Establishes minimum private equity capital requirements of $10 million for a regular licensee and $5 million for a university-sponsored licensee.

Sec. 353. Financing.—Authorizes the Under Secretary to purchase preferred securities issued by licensees that meet certain conditions; establishes a borrowing rate for licensees at the Federal borrowing rate plus a small premium; limits borrowing capacity of a licensee to 200 percent of its private capital up to a maximum of $70 million; requires proceeds of borrowing to be invested in qualified business concerns or to be used to redeem outstanding preferred securities; authorizes the Under Secretary to make dividend payments on behalf of a licensee for up to 5 years; authorizes and directs the Secretary to enter into profit participation contracts with licensees to ensure repayment of bridge financing and redemption of preferred securities by licensees.

Sec. 354. Equity capital for qualified business concerns.—Establishes conditions under which licensees may provide equity capital to qualified business concerns.

Sec. 355. Loans to qualified business concerns.—Establishes conditions under which licensees may provide loans to qualified business concerns.

Sec. 356. Limitation on amount of assistance.—Restricts amount of assistance to a single qualified business concern to no more than 10 percent of a licensee's private equity capital.

Sec. 357. Operation and regulation.—Allows licensees to make investments and provide loans on a participating basis with other investors and lenders; authorizes the Secretary of Commerce and the Federal Reserve to provide advisory services to licensees; authorizes the Under Secretary to prescribe regulations to govern the operations of licensees; establishes that the U.S. is not liable for a licensees' actions.

Sec. 358. Annual audit and report.—Requires the Under Secretary to conduct detailed and timely audits and to issue reports on program performance.

Sec. 359. Technical assistance for qualified business concerns.—Directs the Secretary of Commerce to provide consulting services and technical assistance on a waivable fee basis to recipients of financing under this Act to enhance their opportunity for success.

Part III—Enforcement

Sec. 361. Revocation and suspension of licenses; cease and desist orders.

Sec. 362. Investigations and examinations.

Sec. 363. Injunctions and other orders.

Sec. 364. Conflicts of interest.

Sec. 365. Removal and suspension of directors and officers of licensees.

Sec. 366. Unlawful acts.

Sec. 367. Penalties and forfeitures.

Sec. 368. Jurisdiction and service of process.

Sec. 369. Antitrust savings clause.

Part IV—Miscellaneous

Sec. 371. Issuance and guarantee of trust certificates.—Authorizes the Under Secretary to issue trust certificates, representing pools of preferred securities issued by licensees, to the public through the Federal Financing Bank to find the program established by this Act; authorizes the Under Secretary to guarantee 100 percent of principal and interest on trust certificates.

Sec. 372. Authorization of appropriations.—Authorizes $100 million to be appropriated for FY93 through FY94 for administering the program, for assuring interest payments on trust certificates, and for satisfying guarantee liabilities, if any.

Title IV—International Standardization

Sec. 401. Findings.

Sec. 402. Standards pilot program.—Authorizes the Department of Commerce National Institute for Standards and Technology to expand international standards promotion activities. Authorizes $5 million for FY94 this purpose.

Sec. 403. Standards catalogue.—Directs the National Technical Information Service and the National Institute of Standards and Technology to create a standards database with information about national and international standards, testing, conformity assessment, and quality.

Sec. 404. Report on global standards.—Requires the Secretary of Commerce to report to the Congress on global standards issues discussed and described in the Office of Technology Assessment report on that topic.

Title V—Miscellaneous Provisions

Sec. 501. Technology Administration.—Authorizes $20 million for the Office of the Under Secretary of Commerce for Technology Administration for FY94, including $3 million for the Office of the Under Secretary; $5 million for Technology Policy; $2 million for the Japanese Technical Literature Program; and $10 million for the National Technical Information Services to advance technology policy, promote technology transfer, stimulate research and development, and for other purposes.

Sec. 502. National Institute of Standards and Technology.—Authorizes appropriations for the intramural scientific and technical research and services activities of the Institute in the amount of $267.5 million for FY94 by line items, and sets authorization floors for certain activities of the total funds.

Sec. 503. Availability of appropriations.—Provides that appropriations made under the authority of this Title shall remain available as specified in appropriations acts.

Sec. 504. Use of domestic products.

Sec. 505. Malcolm Baldrige Award amendments.—Amends the Stevenson Wydler Act to permit more than two awards to be given in one category.

Sec. 506. Definitions.

Title VI—Competitiveness Research, Evaluation, and Data Collection

Sec. 601. Findings.

Sec. 602. Research.—Establishes a Department of Commerce sponsored research program to evaluate the effectiveness of programs designed to enhance U.S. competitiveness.

Sec. 603. Data collection.—Directs the Secretary of Commerce to establish a program for the collection of data necessary to carry out Sections 602 and 604.

Sec. 604. Evaluation.—Provides for the evaluation of programs developed in this bill, based on research commissioned under Sec. 602.

Sec. 605. Competitiveness Policy Council Advice.

Sec. 606. Authorization of appropriations.—Authorizes $1,000,000 during FY93-94 for these purposes.

Title VII—Education and Workforce Training

Subtitle A—American Indstrial Quality and Training

Sec. 701. Short title.

Sec. 702. Findings and purpose.—To provide America's youth with advanced industrial, technological, and management skills, including apprenticeship-like experiences.

Sec. 703. American workforce quality partnerships.—Authorizes the Department of Commerce to award grants for workforce training consortia between industry and institutions of higher learning. Authorizes $50 million from sums otherwise authorized to be appropriated for each of fiscal years 1993 to 1997.

Sec. 704. Youth technical apprenticeship programs.—Authorizes the Department of Labor to make grants to establish 3- or 4-year apprenticeship programs consisting of 2 years of secondary school and 1 or 2 years of postsecondary education for applied study to acquire needed technical skills. Authorizes $50 million from sums otherwise authorized to be appropriated for each of fiscal years 1993 to 1997.

Sec. 705. Statewide technical education and networks.—Authorizes the Department of Education to make grants to State governments to establish statewide technical education and training networks which have as goals the development of plans or strategies to establish statewide systems for technical education. These networks would build on Federal, State, and local efforts currently designed to provide technical skills, particularly through links with the private sector. Authorizes $15 million from sums otherwise authorized to be appropriated for each of fiscal years 1993 to 1997.

Sec. 706. Industry worker training information.—Requires the Department of Labor, to compile information on the annual expenditure of U.S. industry on formal training programs, the quantity of training, and other relevant worker training information such as by firm size, sector, industry, job classification, and training purpose.

Sec. 707. Use of domestic products.

Subtitle B—Scientific and Technical Education

(Note: Sec. 711-714 applies to associate degree or comparable technical certificate level and Sec. 714 applies to K-12 level.)

Sec. 711. Short title.

Sec. 712. Findings.

Sec. 713. Scientific and technical education.—Establishes programs at the National Science Foundation for the advancement of technical education and training in advanced technology occupations. Authorizes $35 million in FY93 and an equal amount in FY94 for the following purposes:

a. National Advanced Scientific and Technical Education Programs.—Establishes a program to assist accredited, associate-degree granting colleges, and consortia thereof, to provide education in advanced technology skill areas to non-traditional students.

b. National Centers of Scientific and Technical Education.—Authorizes the establishment of up to 10 centers of excellence at associate-degree-granting institutions to serve as clearinghouses and models for technical skills training.

c. Articulation Partnerships.—Provides for grants to students studying mathematics, science, engineering, or technology, to make the transition from associate-degree-granting colleges to bachelor-degree-granting institutions.

Sec. 714. Technology education and literacy initiative.—Authorizes the National Science Foundation to make grants to colleges and universities to develop teacher education and instructional material for the purpose of promoting greater understanding of the importance of technology. Authorizes $10 million for each of FY93 and FY94 for this purpose.

Subtitle C—Miscellaneous

Sec. 721. Education quality award.—Mandates the Department of Commerce to expand the Malcolm Baldrige National Quality Award to educational institutions.

Sec. 722. American Industrial Quality Foundation.—Establishes within the Department of Commerce Technology Administration an American Industrial Quality Foundation for the purpose of identifying best practices and competitiveness strategies, and providing training about quality principles to American industry. Authorizes $10 million in FY93.

Sec. 723. Academic research facilities (NSF).—Authorizes the extension of the National Science Foundation's Academic Research Facilities Modernization Program at $250 million per year for FY94-95.

Sec. 724. Academic research facilities (other agencies).—Requires a 10 year plan modeled after the Academic Research Facilities Modernization Program created under the National Science Foundation Authorization Act of 1988 within each of the following departments or agencies: Agriculture, Defense, Energy, NASA, HIH. Authorizes annually $50 million, $100 million, $50 million, $50 million, and $200 million respectively for FY94 and for FY95.

Sec. 725. Opportunities in science and technology.—Directs the National Aeronautics and Space Administration, the National Science Foundation, and the Department of Energy, as part of their contribution to Section 724, to establish a joint program of awards to community colleges, science-technology centers, and other non-profit educational institutions in support of instructional equipment and facilities for science and technology. Authorizes $50 million during FY 93-95.

726. High performance computing.—Allows greater flexibility in uses of computer net-

works which receive funding support from NSF. No additional expenditure is required.

Sec. 727. Statewide systemic initiative.—Amends the Excellence in Mathematics, Science, and Engineering Education Act of 1990 (P.L. 101-589) to increase the authorization of the NSF Statewide Systemic Initiative in order to allow up to 25 states to participate in the project. Authorizes $60 million for FY94.

Title VIII—Tax and Investment Incentives

Sec. 801. Short title, etc.

Subtitle A—Tax and Investment Incentives.

Part I—Research and experimentation tax credit made permanent.

Sec. 811. Research credit made permanent.—Extends permanently the 20 percent research tax credit for qualified research expenditures and university basic research expenditures.

Part II—Capital gains provisions.

Sec. 821. Indexing of certain assets acquired on or after February 1, 1992, for purposes of determining gain.—Provides for an inflation adjustment to (i.e., indexing of) the basis of certain assets for the purposes of determining gain (but not loss) upon sale or other disposition. Assets eligible for the inflation adjustment generally include corporate stock and tangible property which are capital assets or property used in a trade or business. The adjustment generally applies only to assets held for more than one year and which are acquired on or after February 1, 1992.

822. 50-percent exclusion for gain of individuals from certain small business stock.—Provides taxpayers other than C corporations with a capital gains exclusion with respect to disposition of qualified small business stock. Such taxpayers who hold qualified small business stock for more than five years can exclude 50 percent of their gain from the sale or exchange of such stock.

Part III—Temporary investment incentives.

Sec. 831. Temporary increase in amount of expensing for small business.—Increases the $10,000 amount allowed to be expensed by eligible small businesses to $25,000 for taxable years beginning after December 31, 1991, and before January 1, 1994.

Sec. 832. Special depreciation allowance for certain equipment acquired in 1992.—Allows an additional first-year depreciation deduction equal to 15 percent of the adjusted basis of certain qualified property that is placed in service before July 1, 1993.

Subtitle B—Revenue Provisions.

Sec. 841. Extension of phaseout of personal exemptions of high-income taxpayers.

Sec. 842. Disallowance of deduction for certain employee remuneration over $1,000,000.

Sec. 843. Elimination of deduction for club membership dues.

Sec. 844. Information reporting with respect to certain seller-provided financing.

Sec. 845. 2-year extension of overall limitation on itemized deduction for high-income taxpayers.

846. Mark to market inventory method for securities dealers.

Sec. 847. Increase base tax rate on ozone-depleting chemicals.

Title IX—National Security Reinvestment

Subtitle A—Advanced Manufacturing Equipment Leasing Corporation.

Sec. 901. Purposes.

Sec. 902. Definitions.

Sec. 903. Pre-establishment activities.

Sec. 904. Advanced Manufacturing Equipment Leasing Corporation.—Authorized the Secretary of Defense to charter a corporation to procure advanced manufacturing equipment from DOD contractors, and lease that equipment through Department of Commerce manufacturing outreach centers to small and medium-sized companies seeking to upgrade their manufacturing capabilities.

Sec. 905. Evaluation.

Sec. 906. Authorization of appropriation.—Authorizes $40 million for this pilot program during FY93-94.

Subtitle B—Science and Mathematics Educational Reinvestment

Sec. 911. Findings.

Sec. 912. Definitions.

Sec. 913. Program Goal.

Sec. 914. Fellowships for teaching certification in science and mathematics.—Authorizes the Department of Defense to provide fellowships through the National Science Foundation for eligible military personnel and displaced defense contractor employees for the purpose of obtaining teacher certifications in science and mathematics.

Sec. 915. Failure to complete certification in science and mathematics.

Sec. 916. Prohibition of Federal control of education.

Sec. 917. Authorization of appropriation.—Authorizes $80 million during FY93-94.

Subtitle C—National Security Engineer Retraining

Sec. 921. Findings.

Sec. 922. Definitions.

Sec. 923. Retraining fellowships.—Establishes a program, funded by the Department of Defense and administered by the National Science Foundation, to provide fellowships to broaden the expertise of displaced defense engineers and scientists, to facilitate their employment in the civilian economy.

Sec. 924. Authorization of appropriations.—Authorizes $50 million for FY93 through FY94 for this purpose.

Subtitle D—Multiprogram Laboratory Conversion

Sec. 931. Findings.

Sec. 932. Purposes.

Sec. 933. Definition.

Sec. 934. Joint research and development set aside.—Directs the Department of Energy, within five years, to redirect 10 percent of all R&D funding at multiprogram laboratories toward cooperative R&D agreements with the private sector.

Sec. 935. Priority projects.

Subtitle E—Research and Development Spending

Sec. 941. Sense of the Congress.—Establishes the sense of Congress that (1) any reductions in the research and development budget of Department of Defense should be balanced by equal increases to civilian research and development spending, and (2) Federal defense and civilian research and development spending totals should be made approximately equal as soon as practicable.

Subtitle F—Manufacturing Extension and Critical Technologies Act of 1992

Sec. 951. Authorization of Appropriations.—Authorizes the Department of Defense to provide financial assistance for manufacturing extension programs and critical technology application centers. Authorizes $50 million to be appropriated for manufacturing extension programs in FY93, and $50 million to be appropriated in FY93 for critical technology applications centers.

HONORING THE GREATEST HEROES OF OUR TIME

HON. STEPHEN J. SOLARZ

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 21, 1992

Mr. SOLARZ. Mr. Speaker, the tumultuous events that have gripped Central Europe in recent years have brought great changes, and with them tremendous challenges. A bright new dawn rising over Europe is being felt around the world. The Iron Curtain that had descended over Hungary so many years ago has been lifted.

Through the years of struggle, and now in this remarkable era of change, the Emanuel Foundation for Hungarian Culture has worked to commemorate the sacrifices of the past, and to meet the challenges of the future.

On Thursday, June 4, 1992, the Emanuel Foundation for Hungarian Culture will pause to salute the memory of one of the greatest heroes of our time, Raoul Wallenburg, the courageous Swedish diplomat who rescued thousands of Hungarian Jews who otherwise would have been murdered in the Nazi Holocaust.

The tribute will be most fitting. The foundation will honor Mr. Wallenberg with a salute to some real heroes of our own time. Among the outstanding individuals to be honored on June 4, will be Hadassah Lieberman, the wife of my good friend and colleague Senator JOSEPH LIEBERMAN. Although they are not being singled out for special honors on June 4, I would be remiss if I failed also to note the outstanding efforts of Mr. Leslie Keller and Mr. Andor Weiss of the foundation.

The work of the Emanuel Foundation itself is an inspiration. Thousands of visitors have already filed past the Holocaust Victims Monument, built through the efforts of the foundation. Located on the site of the former Budapest ghetto, it commemorates the suffering of the 600,000 Jews who perished in the Holocaust, yet its very existence is a symbol of hope for a better future.

In the spirit of commemoration and hope, the Emanuel Foundation continues its work today. By working to keep the historical record accurate, by honoring heroes of our time, and by fostering greater understanding for the future, the Emanuel Foundation has truly served the memory of those who perished.

Mr. Speaker, from the ashes of a divided and war torn Europe, a new Europe is rising. We must never forget the terrible events of the past, but we must strive to overcome the burden of that bitter legacy. The opening of Europe, the establishment of relations between Hungary and Israel, the restoration of human rights in Hungary, and the construction of a Holocaust memorial on the site of the Budapest ghetto are all signs of extraordinary change. I am pleased and honored to join the Emanuel Foundation for Hungarian Culture in celebrating these historic events and in honoring these exceptional individuals.

TRIBUTE TO THE JOHN WETHERILL SCHOOL

HON. CURT WELDON

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 21, 1992

Mr. WELDON. Mr. Speaker, I rise today to recognize the John Wetherill School. The school operated successfully for over 60 years, and continues to provide sound scholastic support to its students.

The school is located within the city of Chester, PA, and was erected in 1930 and opened on March 2, 1931. The first principal was Mrs. Laura Dougherty whose stewardship lasted 25 years. She was subsequently followed by Mr. William G. Nealy, Mr. Frank Kapochus, Mr. Joseph Ferrara, and the current principal is Dr. Pamela DeJarnette, the first African American to serve in that capacity.

The Wetherill school has a current population of 390 pupils. Approximately 85 percent of the students are of African American descent. There are a total of 25 professional staff members, 16 of whom are classroom teachers.

The level of parental involvement at the Wetherill School is very impressive. Despite the difficult economic problems facing much of the city of Chester, the school consistently performs well academically. The school has been adopted by WCAU channel 10, the local CBS affiliate, as well as informally adopted by Mobil Corporation.

The Wetherill School has proven itself as a fine educational institution. It is with great pleasure that I congratulate the school for the positive impact that it has had on generations of students that have passed through its doors.

TRIBUTE TO FATHER WILLIAM J. BYRON

HON. MATTHEW J. RINALDO

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 21, 1992

Mr. RINALDO. Mr. Speaker, earlier today, the invocation for the House of Representatives was delivered by a distinguished American and one of our Nation's foremost educators, Father William J. Byron. Father Byron has served as president of Catholic University since 1982 and will shortly retire from that post. I want to join my other colleagues who have taken note of this occasion and extend my deepest respect to Father Byron on this milestone.

The last 10 years have been some of the most challenging in higher education and in the Catholic church in America. Father Byron not only accepted that challenge when he took over the reigns of Catholic University in 1982; he rose to a position of prominence in the educational and religious communities of this Nation. In fact, he had formerly served as president of the University of Scranton and as dean at Loyola University in New Orleans, to both of which positions he brought the commitment, the intellectual honesty, and the unswerving integrity that has always characterized his stewardship at Catholic University.

His accomplishments there are numerous. He laid the foundation for a revitalized academic setting, with newer buildings, a strengthened faculty, greater student aid, a new athletic facility, and at the same time a reinvigorated commitment to the community and the Nation. In 1986, his work earned him the honor of being chosen one of the most effective U.S. college presidents by his peers. He presided the following year over the university's centennial celebration, and subsequently established the Italian American Heritage Center. As an Italian American myself, I salute Father Byron's sensitivity to our Nation's Italian American community, and I want to thank him for making a contribution that will continue for many, many years.

I also want to underscore Father Byron's abiding commitment to his faith. He has not only been an educator, a civic leader, or a college administrator. He is an individual with a vocation, and one whose contributions to his church and his school have embodied the motto of the Society of Jesus: "Ad Majorem Dei Gloriam," To the Greater Glory of God.

I join Father Byron's students, his colleagues, and his peers in the educational community in saluting him on this occasion and wishing him every reward in the years ahead.

TRIBUTE TO REV. WILLIAM J. BYRON, S.J., PRESIDENT OF THE CATHOLIC UNIVERSITY OF AMERICA

HON. C. THOMAS McMILLEN

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 21, 1992

Mr. McMILLEN of Maryland. Mr. Speaker, I rise today to recognize and pay tribute to an exemplary member of the educational and theological communities, and a good friend, Rev. William J. Byron, S.J. as he steps down after a decade of service as the president of the Catholic University of America.

Throughout the course of his illustrious career, Father Byron has challenged the citizens of the community to enhance its service to church and Nation. He has dedicated himself to the values of helping those students that wish to obtain a higher education obtain one. Father Byron demonstrated this at the Catholic University by executing a strategic plan that called for new and renovated facilities, increased student aid, enhanced teaching and research, and expanded alumni participation and support.

We owe Father Byron a debt of gratitude for his extraordinary involvement on behalf of the community to better the lives of so many of its citizens. We, in the Congress wish you continued success in your future endeavors and thank you for years of service in the church and institutions of higher education.

TRIBUTE TO SHELDON SOLLOSY

HON. RONALD K. MACHTLEY

OF RHODE ISLAND

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 21, 1992

Mr. MACHTLEY. Mr. Speaker, I rise today to recognize a leader in the Jewish community of Rhode Island. Sheldon Sollosy is a man who has worked hard for the Jewish community of Rhode Island and the State of Rhode Island as a whole. His work has earned him the Joseph W. Ress Community Service Award. This award has been established to honor a member of the Jewish community who has provided outstanding leadership in both the Jewish and general communities.

Mr. Sollosy has served the Jewish federation in many capacities. He has served as vice president and has been a longtime board member. He carried out many important projects for the president and executive committee with Vaad hakashrut and other important issues. He is currently the director for the Jewish Home for the Aged and the honorary president of Temple Torat Yisreal and Providence Hebrew Day School.

He is also recognized for his work for Rhode Island in general. He is the vice chairman of the Government Affairs Council of the Greater Providence Chamber of Commerce. He has been recognized in the past by many group throughout Rhode Island for his dedication to the community.

We commend Sheldon Sollosy of all his hard work and dedication to the Jewish community and the State of Rhode Island. We wish him all the best in all his future endeavors.

AMERICAN TECHNOLOGY AND COMPETITIVENESS ACT OF 1992

HON. JOAN KELLY HORN

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 21, 1992

Ms. HORN. Mr. Speaker, let me take this opportunity to thank Chairmen GEORGE BROWN and TIM VALENTINE for their imagination, perception, and perseverance in introducing the American Technology and Competitiveness Act of 1992. In many ways, this bill adds to and improves on previous efforts of the Science Committee to establish new relationships in this country—between government and industry, between academia and business, among the three sectors in areas of research and development that are not the traditional military or medical applications.

Economic reality requires that we forge these new partnerships. We must look at the successes of other countries for models as we work toward that uniquely American version that will serve our needs best.

The recession has affected many areas of our country. Defense layoffs have added to this. My own district in the St. Louis region has lost thousands of jobs in civilian and defense related manufacturing in the past few years. McDonnell Douglas, Chrysler, Monsanto, TWA, and Southwestern Bell have all made cuts in the size of their St. Louis work forces. The threat of more job losses hangs over the heads of many of my constituents. The time has come to focus on America, to focus on how we can best utilize our resources, technical and human, stop the steady erosion of good paying jobs that has led to the first decline of our standard of living in generations. We realize that our children and grandchildren will not live as well or be able to afford what we did—if directions are not changed.

Last year, I introduced legislation to aid the transfer of technology from the defense sector to the civilian sector and from the Federal laboratories to small- and medium-sized business. These provisions became law. Some were funded, others were not. This year I redoubled my efforts to ensure that all these proposals receive the necessary support, financial and management, needed to implement them. I am pleased to note that my legislation, H.R. 4918, is included in this competitiveness package.

Our Nation, and especially the St. Louis region, is well positioned to use our technical expertise and extensive basic research capacities to increase productivity through quality workers and machines. We can reclaim our competitive edge in emerging technologies. We can and must recover whatever is possible of the hundreds of billions of taxpayer dollars spent on military research and development for the use and advancement of our civilian sector. The Federal Government must take the leadership role in making this happen. Through its policies it can encourage the transfer of technology from the Federal laboratories to the private sector and from the defense industry to civilian firms. It can facilitate the dissemination of technical knowledge and practical know-how to small- and medium-sized businesses. Improved competitiveness of American firms will mean more economic strength for our economy and more job security for our workers.

Through changes in the tax structure, this legislation encourages more capital investment in our businesses. Using apprenticeship, work force training, and technical education programs, it invests in the quality of our work force. And, finally, it encourages cooperation, through consortia, partnerships, and extension programs, among industry, government, and the universities to pool their resources and work together toward compatible goals.

I am pleased to contribute to and be a cosponsor of this legislative effort.

CONGRESSIONAL REFORM

HON. WAYNE OWENS

OF UTAH

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 21, 1992

Mr. OWENS of Utah. Mr. Speaker, this is a day devoted to reform in the House of Representatives. We are taking important steps toward repairing both the credibility of the Congress and our own personal credibility. Campaign finance reform is decades overdue. And events of the last several months have accentuated the need for administrative reform of the House. These reforms are important. We need to enact them so we can move on with resolving the important issues which confront the American people daily—their jobs, incomes, access to health care, crime in their streets, the education of their children, the quality of their environment.

As my good friend from Connecticut, Mr. GEJDENSEN, knows, I have long advocated a similarly balanced campaign finance reform plan with voluntary spending limits. I commend him and Chairman ROSE for their diligence and commitment in keeping campaign finance reform at the forefront of the House's agenda. More than $3 billion was spent in 1990 on all elections in the United States. House and Senate races alone cost $450 million in 1990. Campaign costs are spiralling into orbit, but this bill brings them back down to Earth. S. 3 represents real reform, and I urge my colleagues to support its passage.

Some, including our President, object to the limited public financing which is possible under this bill. For my part, I can think of few better bargains for the taxpayer than helping to wean the political system from the influence of special interests—and at the same time leveling the electoral playing field by granting challengers the financial opportunity to get their message across to the voters. Partial public financing of elections is nothing new, as President Bush must admit. It is somewhat disingenuous for the all-time leader in federal matching funds to threaten a veto of a bill primarily because it contains a provision on public financing.

I am very supportive of the portions of the conference report that deal with the Senate as well, including the provision that limits personal spending of candidates to $250,000. The fact that the Senate already has at least 27 millionaires is not coincidental, but the natural outgrowth of the current election financing structure which encourages the participation of the very wealthy, to the exclusion of those with more limited resources. There's nothing wrong with being a millionaire—in fact, it is a burden I could bear—but it should never turn into a prerequisite for public service. The Senate recognizes this danger, and I commend that body for their foresight.

Mr. Speaker, even with these reforms, campaigns will still take far too much time and draw attention away from our legislative duties. I still contend that a constitutional amendment for 4-year terms for Congress should be given serious consideration. But under this bill, at least the perpetual campaign will be less burdensome and fairer to our challengers.

Reform of the House itself is also long overdue, as has become painfully obvious over the past few months. We don't need to debate whether all the recent criticisms of Congress have been justified or whether some have been overblown—there's surely been some of both. But the simple truth is that the people demand that we reform the institution. And when they require it of us, we must respond. That is our job. My only complaint is that we have not devoted equal attention, energy, and emotion to resolving the great questions of the day, like health care, like education, like fiscal reform, like economic competitiveness. This would be a very different body if we would feel as compelled to work until three in the morning debating and resolving the health care crisis, instead of spending our time and energy bandaging self-inflicted wounds. The people should require that same firm commitment from us to dealing with genuine issues, Mr. Speaker. More importantly, we must require it of ourselves.

The substantive differences between the Democratic and Republican alternatives are minimal. Both give the minority significantly more power in the operations of the House. I join Norman Ornstein in calling for establishment of an independent commission to review congressional, executive, and judicial "perks." This commission, which could include former Members of Congress and executive branch officials, representatives from the business community, labor, advocacy groups from all sides of the political spectrum, and ordinary citizens would have the responsibility of determining which so-called "perks" are truly necessary to enable a Member to perform his or her duties, and which are merely outdated symbols of privilege.

Such an objective review cannot possibly come from within the Congress. Some Members will try to hold on to outdated symbols of privilege. Others will, for purely political reasons, say that any reform, even if legitimate, is not comprehensive enough. Only such an independent commission would be able to review perks in such an objective, nonpartisan manner, and such a review will hopefully have been completed by this year.

Let us keep in mind, Mr. Speaker, that today's campaign finance and administrative reform efforts represent important, but merely symbolic change. Absent changes in the rules governing the actions of Members, simple administrative changes will not suffice.

The intra-House rules governing the legislative process and the course of legislation should undergo major revision. Pieces of broadsweeping legislation, such as banking reform, energy policy, and wetlands policy are subject to so many committees and so many interests that substantive reform is impossible, the process stagnated. And new, fresh ideas—which abound in the Congress—take far too long to have an impact because of the power accrued by committee chairman.

I have introduced a resolution which, if implemented, would amend the rules of the House such that committee chairpersons are limited to eight years of service in that position. Diversity and innovative ideas already exist in the Congress—and I say that in the spirit of bipartisanship. This resolution, if implemented, would give more Members the authority to implement those ideas while ensuring that discipline within the committee and institutional memory in the Congress are retained. Though not a panacea, this or a similar measure should be a part of a broader, more comprehensive revision of House rules.

There might be some merit to a limitation on proxy voting. It could not be absolute, since other constituent and committee meetings often take place at the same time. But it might foster a richer debate and encourage participation if we set reasonable limits on the number of proxies that a committee could provide to a Member during a Congress.

We must streamline standing committees and rules governing the referral of legislation.

Yesterday, the Interior Committee on which I serve, passed our part of the Energy Bill—but 7 other committees share jurisdiction. This is ridiculous. I have joined LEE HAMILTON and others of my colleagues in an effort to revise this unwieldy process.

Mr. Speaker, I hope today's debate will be a prelude to substantive debate on issues of true importance. Let's clean up the House, get our problems behind us, and, for Heaven's sake, move forward to the issues that touch all our constituents—health care, budget reform, energy policy, the economy, protection of the environment. We have expended enough time and energy on internal housekeeping. Now let's finally get on with our jobs.

MEMORIAL DAY 1992

HON. BENJAMIN A. GILMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 21, 1992

Mr. GILMAN. Mr. Speaker, once again, the calendar, in its inexorable march forward, has come to that day on which, annually, all Americans commemorate the millions of our countrymen who, since colonial times, have given their lives so that we as a people could become free, and remain free.

Memorial Day is unique on our pantheon of national commemorations for it is the only American holiday which sprung up spontaneously from the people.

Mother's Day, for example, came about as the brainstorm of only one person, Mrs. Anna Jarvis, who devoted her life to convincing the Congress and the American people to accept one day a year as a day set aside to honor mothers, despite the fact that she never became a mother herself.

Thanksgiving Day, a beloved American holiday, allegedly dates back to the time of the Pilgrims. In reality, however, the Pilgrims discouraged public celebrations of any type. In fact, Thanksgiving Day as we know it was initiated by President Abraham Lincoln who felt it was appropriate at the time of our Civil War to pay homage to our Creator.

The immediate popularity of Thanksgiving can be gaged by the fact that, when first proclaimed by President Lincoln, the Confederate Armies declared an armistice so that our boys in blue could observe Thanksgiving unfettered, despite their being locked in a life or death struggle against our government.

Two other holidays, Columbus Day and Veterans Day, in fact were copied from other nations when adopted by the United States. Columbus Day, in one form or another, is celebrated by every country in the Western Hemisphere. And Veterans Day was originally the European commemoration of the end of World War I. It now honors our veterans of all Wars.

Memorial Day, however, is unique in that it was not the brainchild of any one individual or group. It was not imposed upon the people by the Government. It sprang up, spontaneously, in the hearts and minds of thousands of Americans in the wake of our Great Civil War. It was thought of and commemorated in thousands of communities, both North and South, both Union and Confederate, who—having lived through the horror and the heartbreak of a fratricidal war—believed the living had a duty to commemorate those who had given the supreme sacrifice on both sides of that bloody conflict.

In each community, in each county, in each State, Memorial Day commemorations were held in the spring. The central feature of each celebration was the decoration of the graves of the fallen heroes. Accordingly, Memorial Day for many years was known by the popular name of Decoration Day.

From its earliest days, led by the brave mothers and widows of the Civil War, these commemorations did not discriminate against any fallen soldier or sailor, despite their allegiance during the War Between the States. Southerners decorated the graves of northerners, and northerners decorated the graves of fallen confederates. Thus, Memorial Day played a major part in healing the scars of our Civil War, when brother fought against brother and father took arms against son.

During the decade following the guns falling silent, as each community spontaneously celebrated decoration day in their own way at their own time, the veterans organizations which were formed in the wake of the war attempted to bring the Nation together in the celebration of this solemn day.

The idea came to celebrate decoration day on the same day nationwide. The day of May 30 was eventually selected, not because of any historic significance, but because by that day the flowers were in bloom in all of the United States, north and south, east and west, So Decoration day became a national day of giving thanks for those who fell on the battlefield, at first during the Civil War, but eventually in all subsequent wars.

Today, Memorial Day seems like some to be more of a "sale day". Some stores and business concerns utilize the opportunity to peddle their wares, But we should never forget, nor allow the American people to forget, the real purpose of Memorial Day. We must remind the people that the freedoms and liberties we enjoy today were not cheaply purchased, but came about because Americans were willing to fight, and to die, for the ideas of our Nation.

We must always remember that: the 25,000 casualties in our Revolutionary War, the 2,300 deaths each in the War of 1812 and Spanish American War, the nearly 500,000 dead on both sides of our Civil War, the 120,000 dead in World War I and the over 400,000 in World War II, the 50,000 in Korea, and 60,000 in Vietnam, were just nameless, faceless statistics.

Each and every one of them was a person and was an American. Each and every one of them left their homes to fight for what America stands for. Each and every one of them left family, friends, loved ones, sweethearts or children who mourned their loss. And who suffered because they never returned.

We must also remember on Memorial Day that, for every American who gave his or her life on the battlefield, other Americans today suffer in V.A. hospitals or other medical facilities from World War II, from Korea, and from Vietnam. In many ways, these heroes equally gave of their lives.

On Memorial Day 1992 we must remember those 2,300 Americans whose fates are still unknown in Southeast Asia, nearly two decades after the termination of our participation in the Vietnam War. We must continue to remember these POW's and MIA's on Memorial Day and on every day until we receive a full accounting.

We must also remember, as my colleague, Congressman "SONNY" MONTGOMERY of Mississippi has stated: "To preserve the peace, we must be constantly prepared. The United States will deserve to be the land of the free only so long as it remains the home of the brave." And while we recall The words of President Ronald Reagan, who stated: "The willingness of some to give their lives so that others might live never fails to evoke in us a sense of wonder and mystery." Likewise, we can never forget the admonition of Abraham Lincoln in his second inaugural address, "to care for him who shall have borne the battle and for his widow and his orphan, to do all which may achieve and cherish a just and lasting peace among ourselves and with all nations."

Thank you and God Bless.

COMMENTS ON THE OLDER AMERICANS ACT

HON. JILL L. LONG

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 21, 1992

Ms. LONG. Mr. Speaker, late on April 9, when the House was trying to complete its legislative business in order to recess for a 2-week district work period, the House considered the Senate amendments to the Older Americans Act. While I supported this legislation, I did so reluctantly.

The Older Americans Act authorizes many important programs for the elderly, such as nutrition, health care, research and training programs, and legal services assistance. However, an agreement was worked out by House and Senate conferees that would nearly double the amount that Social Security beneficiaries can earn without having their benefits affected. The agreement establishes the exempt amount at $12,000 for 1993, and raises it by $2,000 annually to $20,000 in 1997.

Recognizing the need to protect the Social Security trust fund, Congress passed rules in the Omnibus Budget Reconciliation Act of 1990 which make it difficult to bring up measures for a vote which would weaken the financial condition of the Social Security Program. But, instead of abiding by these rules, which applied to the proposal of increasing the Social Security earnings test, we waived the rules.

I agree with the concern that the present system may serve to discourage work in some instances. We should be doing more to better use the talents and skills of our senior citizens. However, the Social Security system was enacted as a safety net for those workers who face the loss of earnings upon retirement. The Social Security system was not devised as a comprehensive pension plan, but rather as a program to help keep senior citizens from impoverishment. The earnings test was established to determine whether a person was, in fact, retired and therefore eligible for Social Security benefits. Opponents of the earnings test argue that it encourages older workers to retire and penalizes those who would like to continue working. If this is the case, in proposing an increase to the earnings test, we need to examine who would actually be affected, contrary to popular belief, repeal of the earnings test would not provide new benefits to the poor. In fact, the Congressional Budget Office [CBO] estimated that 75 percent of the people who would benefit from repeal of the earnings test have family incomes greater than $25,000 annually. The primary consequence of modifying the earnings test would be to increase benefits to senior citizens in higher income brackets, without additional work effort on their parts.

In addition, at a time when we face such severe budget constraints, we must weigh the costs of increasing the earnings test with other priorities which face our Nation. Rather than spending billions of dollars on a change that primarily would benefit the more affluent, Government resources should focus on the needs of low- and moderate-income families.

One of the most difficult budgeting decisions we face is how to limit spending under entitlement programs. Yet, after an hour of debate we passed legislation which is estimated to cost over $7.3 billion over 5 years, and did not even address where these funds will come from. Most likely this increase in the earnings test will deplete funds from the Social Security trust fund and again bring into question the financial integrity of the program. These funds should not be spent to improve benefits for a few, and most financially secure, while posing a potential risk to the majority.

The compromise contained in this legislation is obviously a better alternative than the Senate language, which would have completely eliminated the earnings test. And, the bill that passed the House did contain provisions reauthorizing in-home and legal services, home delivered meals, community service employment programs, and easing benefit limits and eligibility restrictions applicable to widows and widowers. However, considerable time and effort have been spent in Congress attempting to improve the financial integrity of the Social Security Program. If more time had been allotted to debate this provision, I believe we could have better addressed the needs of the elderly and not increased spending in a manner which will not even obtain its goal of helping the elderly in most financial need.

ADDRESSING THE HEALTH NEEDS OF AMERICAN FAMILIES

HON. PETER HOAGLAND

OF NEBRASKA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 21, 1992

Mr. HOAGLAND. Mr. Speaker, there is hardly a more fundamental concern of every American than one's health and the health of one's loved ones.

Yet today, America's health care system is fraught with problems. There is no one solution and the solutions are complex. As many policymakers wrestle with changes, I am offering six bills designed to address some of the concerns of my constituents about our health care system that I hope will be part of Congress' health care reform debate.

Many Americans today live with a nagging fear that a serious illness will be devastating to their families. Costs of health care and health insurance are skyrocketing. American families spend an average of $1,700 per year on out-of-pocket health care costs. Many families find that their health insurance policies cover less than they anticipated. Small business employers have a hard time finding insurance they can afford.

Americans need to have high quality, reliable health care at an affordable price—in short, peace of mind and a healthier life. Access to health care is so basic and so important that our country needs to provide every American the opportunity to buy health insurance and health care that brings peace of mind.

PROBLEM 1: COST

National spending for health is increasing more rapidly than national income. In the 1980's, medical care prices increased much more rapidly than other prices. The cost of health care rose at double digit rates, twice the rate of general inflation in the 1980's. Expensive, complex, medical technology has been one of several factors contributing to rising health care costs.

We have made many impressive advances in diagnosing and treating illness; we are in the era of high-tech medicine. X-ray machines have been replaced with MRI's—magnetic resonance screening—costing from $1 to $2 million. We have $2 million lithotriptors that pulverize kidney stones without expensive and painful surgery. Clearly, these are important advances. They catch problems earlier and reduce sickness and death.

But these are expensive items. Some say that many hospitals and other providers are in a "medical arms race" to see who can lure "customers" by having the most modern equipment. The problem this causes is that in one area several hospitals may purchase the equipment, duplicating services already provided in the area and adding costs to those paying for health care; consumers and insurance companies.

The time has come to encourage hospitals and other health care providers to share some of these expensive, high-tech devices, particularly when sharing would not inconvenience the patient. But hospitals perceive that they might violate our antitrust laws, designed to prevent monopolies and discourage other anti competitive behavior if they enter into joint sharing arrangements. They are justifiably concerned, they will be accused of violating our antitrust laws' prohibitions against price-fixing, anti-competitive collusion, or restraint of trade through monopolies.

My bill would authorize the Department of Health and Human Services to support 20 demonstration projects across the country to facilitate collaboration among 2 or more hospitals or other providers like HMO's or clinics to share capital-intensive medical technology and demonstrate the extent to which such agreements reduce costs without impairing care. And the bill would grant immunity from antitrust laws for these demonstrations until the projects' completion. It would also authorize the Attorney General to create a certificate of review process for facilities wishing to enter into a sharing arrangement and grant limited protection from antitrust violations.

We must continue to develop new diagnostic and treatment methods. But not every hospital in every town has to have every new high-technology machine. Clearly, sharing of these expensive technologies would bring down some costs to consumers without diminishing the quality of health care. This bill is designed to encourage sharing of resources without running into our antitrust laws.

Another factor contributing to the cost of health care is the paperwork of administering insurance plans. And paperwork is a headache for the consumer who must complete claims forms, for doctors and other providers, for insurance companies, and for the Government. Estimates of expenses for administering insurance plans range from 5.5 percent of premium to 40 percent. Documents are often a confusing array of forms written in insurance and difficult to comprehend. Many people, even the best educated, complain about the difficult and burdensome forms and the arcane terminology we must wade through.

I am introducing a bill calling on the National Association of Insurance Commissioners, those who regulate insurance, to develop simplified, model health insurance forms using commonly understood terminology, particularly claims forms that providers or consumers must complete for health insurance companies, Medicare, and Medicaid.

PROBLEM 2: INADEQUATE LONG-TERM CARE

Long-term care for the disabled and the elderly is truly one of the greatest unmet needs in our health system. Today, approximately 1.3 million elderly persons are residents of nursing homes, but for each elderly person residing in a nursing home, there are at least two living in the community requiring a wide range of care. Paying for long-term care services can be a catastrophe that impoverishes many elderly persons and their families.

I am introducing a bill to provide for a modest improvement in the Medicare home health benefit. The bill would provide Medicare coverage of home health services 7 days a week for up to 40 days. Currently, Medicare beneficiaries can receive coverage of home health services on an intermittent basis. Intermittent care is usually defined as 5 days per week for 1 to 2 weeks. This bill is designed to provide some modest assistance to patients who do not need the intensity of services of a hospital, but yet require some skilled services at home to allow them to fully recover from an illness.

Most people, especially the elderly, prefer to remain in their own homes when they are ill. It used to be that family members cared for other family members, but times have changed. Many of today's families have two parents in the work force. Women have traditionally cared for loved ones, but now a majority of women are in the work force. Families have gotten smaller, thus there are fewer family caretakers. And families, who used to live near each other, are more dispersed. Home health nurses today provide the care that families used to provide in many situations.

This bill could create savings for the Medicare Program in the long run. A day in a hospital now costs several hundred dollars just for the bed. A home visit from a registered nurse averages about $75, according to the Visiting Nurses Association. Thus, this bill addresses a real unmet need in the system and may cut long-term costs.

PROBLEM 3: LACK OF EMPHASIS ON PREVENTIVE CARE

Another bill I am introducing would help ensure that America's children get a healthy start in life by making some modest improvements in the immunization of children.

While we have been largely successful in vaccinating school-aged children—95 percent or more of children over age 5 are fully immunized—our preschoolers are not as fortunate. The sad fact is that about one-third of 2-year-olds in the United States are not immunized against deadly diseases. Omaha rates parallel the national figures. Studies by the Douglas County Health Department, in my district, show that only 61 percent of our kindergarten-age children were properly vaccinated at age 2.

This trend is frightening. There are many reasons children do not get proper immunization, from parental laxity to high costs. Declining immunization, in part, reflects a larger lack of access to basic health services for too many children.

We need to reverse these trends. Immunizations are one of the most cost-effective means of preventing disease and saving health care dollars. Studies show that every $1 spent on immunization saves $12 in later medical costs for treatment of vaccine-preventable diseases.

I am introducing two bills to address childhood immunization. The first would require that hospitals provide professionally prepared information about vaccinations to parents of all newborns. Parents need to be educated on the importance of immunizations, the type of immunizations recommended by doctors, and the recommended schedule.

My second immunization bill addresses the fact that many children do not get their shots because parents cannot make the many visits to the doctor or health center required. Under the immunization schedule recommended by pediatricians in this country, a child should have received eleven shots and taken four doses of oral vaccine in five different visits by the time he or she enters kindergarten.

There is interest in the medical community in developing a "supervaccine," which would be a vaccine administered only once in infancy and would produce life-long immunity against a wide range of key infectious diseases. According to medical researchers, an ideal vaccine may be a single-dose, multiple-antigen compound that could be easily administered by untrained personnel, preferably soon after birth. My bill would increase funds for the National Institutes of Health to accelerate research on the "supervaccine" in an effort to make immunization programs more available to children and eliminate the "hassle" factor for parents. The "supervaccine" could reduce costs by making vaccines easier to store and handle and, in turn, increasing coverage by reducing costs to parents and governments.

INSURANCE FOR EVERYONE

Most non-elderly Americans get their health insurance through their own or a family member's job. But several studies are showing serious erosion in health insurance coverage. Once considered to be a standard fringe benefit, health insurance is more and more an item too expensive for employers to offer. And there are 3.5 million Americans without health insurance.

Over time, the basic principle of insurance, to spread the risk broadly, has eroded for many reasons. Small employers find it particularly hard to offer health insurance because there is a smaller pool of workers across which to spread the risk of the sicker employees. In 1991, only 36 percent of small employers offered health insurance compared with 97 percent in large companies; 61 percent of companies with under 25 employees offer no health insurance. Administrative costs of insurance are higher for small businesses than for large companies and insurers are forced to charge small groups higher premiums to protect against expensive illnesses which raise the group's expenses. These problems add costs to consumers.

Some people with insurance through small companies cannot get insurance or are dropped from plans because their illnesses or claims are so expensive they are considered to be "uninsurable." One study showed that one American in four lost health insurance for some period in the 2 years. Because of these problems, many people have "job lock"; they are afraid to change jobs because they will lose the insurance that covers the entire family. A 1991 New York Times survey found that 30 percent of employed people who want to leave stay in their job for fear of losing health coverage.

Most Americans are willing to pay their fair share for insurance for the security of knowing it is there when it is needed. And most Americans want to spread the risk of illness and disability broadly and believe that that is the way insurance is and ought to be. No one wants to live in fear of illness striking, with no way to pay for health care. But given the escalating costs of health care and the increased cost pressures on employers and insurers, many people do feel vulnerable.

I am introducing a bill designed to broaden the pool of the insured in order to spread the risk more broadly and make insurance more available and affordable. My bill requires the National Association of Insurance Commissioners to develop models for what is called reinsurance, which means to "insure again." Under reinsurance, the insurance company would purchase insurance from the reinsurer to cover all or part of the loss against which it protects its policyholders. Reinsurance enables an insurer to accept more risk and to spread risks beyond the one employer's group of employees. Reinsurance, thus, can provide insurer a way of providing more insurance to more people, especially people who work for small- to medium-sized firms. It could help insurance companies insure people across a broader segment of the population and thus spread out the risk and it could provide more stable insurance for individuals.

This "package" six bills is my effort to address some of the serious problems plaguing our health care system. They by no means would solve all the problems, but they are a start. I hope my colleagues here in the House of Representatives will join me in a crusade to make America's health system number one in the world, as we are number one in so many other areas.

HONORING FATHER BYRON

HON. MATTHEW F. McHUGH

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 21, 1992

Mr. MCHUGH. Mr. Speaker, for a decade now, Father William Byron has served as president of the Catholic University of America and has provided outstanding and dedicated leadership for this premier institution of higher learning.

University presidents are perhaps too often judged by their fundraising abilities, but it is certainly true that in this respect Father Byron has been brilliantly successful. During the Byron years, Catholic University's endowment has almost quadrupled.

During this tenure, CUA increased faculty salaries and student aid, built an impressive modern athletic complex, established a board of regents, built a new complex of student residence halls, and expanded the library's capacity to exhibit rare books and special collections. In one of Father Byron's last acts as university president, he presided over the groundbreaking of the new $30 million Columbus School of Law.

So it certainly has been a very successful decade for CUA under Father Byron's leadership. It's a special tribute to his talent and vision that during that time, he also made time to write several acclaimed books. He has been highly involved in the life of the Washington, DC, community, and for his leadership was named "Washingtonian of the Year" in 1988, by Washingtonian magazine.

I have known Father Byron as a fervent adversary of hunger, both in this country and abroad. He has helped to educate the people of our country, as well as many of us in Congress, on our responsibility to respond to human suffering wherever it exists. He has provided inspiration and leadership, and his work is reflected in many of the congressional initiatives to address human hunger and underdevelopment.

As we thank Father Byron for having been a dynamic and inspirational leader in our community and our country for the past decade, we wish him well in all his future work. I am confident he will continue to be busy and fruitful, and we will all continue to be the beneficiaries of his vision and his leadership.

SUPPORT FOR A BALANCED BUDGET AMENDMENT

HON. DICK SWETT

OF NEW HAMPSHIRE

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 21, 1992

Mr. SWETT. Mr. Speaker, decisions we make in Congress often are not easy to make. Soon we will be asked to make one of those tough choices. We will be voting on whether to add a balanced budget amendment to our Constitution. Last week, I had the privilege of presenting testimony to our colleagues on the Budget Committee in support of this important budget reform. I would like to share some of my thoughts with all of my colleagues since all of us will soon be asked to make a choice on this issue.

Mr. Speaker, our Federal budget system has broken down. Despite the efforts of successive administrations and dedicated Members of Congress, our deficit grows larger each year, and our cumulative national debt spirals upward beyond our capacity even to comprehend numbers so large. The numbers are so high they have become almost meaningless.

Because the sky has not fallen since we started running these huge deficits, we are lulled into believing that this irresponsibility has no consequences. President Reagan—who proclaimed support for balanced budgets—never once submitted one to the Congress. George Bush has likewise given us rhetoric about fiscal responsibility, but he, too, has not delivered a balanced budget. The sky has not fallen but we are day by day shortening the horizons for our children and our children's children. Their shoulders will bear the burden of our fiscal failures—their dreams will be constrained by our excesses. It is this gap between action or inaction and consequences which—as a father of six young children—underpins my support for the balanced budget amendment.

No supporter of the balanced budget amendment advocates it as perfect public policy. We all know it would be better if we could end our fiscal paralysis without resort to such a stern and draconian mechanism. But our democratic system of government has not been able to do this so far and, with a worsening deficit, we do not have the luxury of waiting longer.

Those of us who support this amendment have pushed for it to be considered by this House because we believe it is our last, best hope for bringing our deficits under control. We no longer have the luxury of testing some other less draconian measure; we cannot afford to risk 10 or 5 or even 2 years more trying out alternatives that may not work.

We must act now, and act boldly, with the most powerful weapon we can bring to bear against the deficit dragon that is consuming our children's future before they can set out.

I am proud to go on record in support of the balanced budget amendment. I know—in the short term—it will make our choices as Members of Congress much more difficult. But it will make our children's dream more attainable, and that is a tradeoff I am happy to make.

TRIBUTE TO JERRY AND GINNY BARON

HON. RONALD K. MACHTLEY

OF RHODE ISLAND

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 21, 1992

Mr. MACHTLEY. Mr. Speaker, I rise today to recognize two members of the Jewish community who have given themselves to the education of the children of Rhode Island. Jerry and Ginny Baron have been named as the 1992 Amudim awardees for their service to the Providence Hebrew Day School.

Jerry and Ginny have contributed to the success of the school. Jerry has served as the president for the Providence Hebrew Day School and is currently a member of the executive committee of the school. He has also served on the board of directors of Congregation Beth Sholom and a member of the federation demographic study committee.

Ginny has served the Providence Hebrew Day School in many different capacities. She has served as the president of the Parent's Teachers and Friends Association. During her tenure she created the school store which proved to be a very successful venture. During the next 7 years, she served on every possible committee, including a term as vice president of personnel to the executive committee.

I would like to thank Ginny and Jerry for their work with the youth of Rhode Island and wish them all the best in their future endeavors.

TAKING COMPETITIVENESS TOO SERIOUSLY

HON. MICHAEL G. OXLEY

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 21, 1992

Mr. OXLEY. Mr. Speaker, I commend the following column by Robert J. Samuelson, taken from yesterday's Washington Post, to the attention of my colleagues:

TAKING COMPETITIVENESS TOO SERIOUSLY

(By Robert J. Samuelson)

If nothing else, the Los Angeles riot ought to concentrate our minds on what matters—and what doesn't. What doesn't matter is "competitiveness," as it's normally understood. We're told that we're in a race (or worse, a "war") with the Japanese and the Europeans to control new technologies and industries. If we lose, our living standards will drop and we're finished as a superpower.

What we're being asked to believe is that if another country (say, Japan) pioneers a new technology, we won't benefit. This defies logic and history. After World War II, the United States led in most technologies. That hardly prevented Europe and Japan from rapidly raising their living standards. Just the opposite: The availability of proven U.S. technologies accelerated their economic growth.

Taking competitiveness too seriously as a guide for public policy risks distracting us from genuine national problems—poverty, runaway health spending, racial tension—and spawning waste. The beguiling promise of the competitiveness lobby (a hodgepodge of business leaders, academics and commentators) is that government can somehow solve these problems by stimulating economic growth through support of "strategic" industries or technologies. Economist Lester Thurow of the Massachusetts Institute of Technology writes approvingly of Germany's industrial subsidies in his new book ("Head to Head"):

"If the United States were to spend what Germany spends (2.5 percent of GNP), it would be spending more than $140 billion to help its industries in 1991." Whoa. In fact, most German subsidies have gone to declining industries that are uncompetitive in world markets (steel, shipbuilding, coal mining). The Germans are trying to cut these subsidies to finance the rebuilding of eastern Germany.

The competitiveness obsession is mostly nostalgia. We Americans like to think of ourselves as economically self-sufficient and superior. But the understandable urge to recapture past glories is a mirage. The standard model of superiority in specific technologies is (as Robert Reich of Harvard has argued) too simple. All advanced societies will increasingly share capability in new technologies—some more, some less—precisely because multinational companies need to produce and sell around the world.

The fact that some new technologies and products are initially developed abroad may wound our pride, but it doesn't cripple our economy. The rhetoric of competitiveness is misleading, because economic growth—unlike war or a race—can benefit everyone. Even if our growth lags behind Japan's, we can still be much better off than today. (But don't bet on inexorable Japanese superiority. Japan's economy is now in a slump, and its annual growth rates have steadily slowed. The average was nearly 11 percent in the 1960s; projections for the 1990s are for 4 percent or less.)

The pervasive mistake of the competitiveness crowd is to equate the fate of individual companies (or industries) with our national economic well-being. True, General Motors has lost ground to Toyota. But it doesn't automatically follow that the United States—the country—is worse off. Our car companies now make better cars more efficiently than ever. American consumers can buy improved vehicles from either U.S. or Japanese firms.

Our economic well-being ultimately depends on productivity growth: the increase in worker output. Contrary to the competitiveness dogma, the manufacturing sector is not our weak spot. Between 1980 and 1991, manufacturing productivity grew nearly 3 percent annually, while productivity in the service sector (three times as large as manufacturing) grew less than one percent. If the rest of the economy did as well as manufacturing, our incomes would be rising more than twice as fast as they are.

As for dropping living standards, the competitiveness crowd never explains how this is to come about. The only plausible theory is that repaying our overseas debts—which would require us to run a trade surplus to generate export earnings—would impoverish us. But this is nonsense as long as our productivity rises.

Consider a simple example. An economy has $1,000 of annual output and its productivity rises 2 percent a year. That's about $20 of higher output each year. Now suppose it has to run an annual trade surplus of $40 to service its overseas debts. That's about two years of productivity growth. After that time the country's living standards (the local production available for people to buy) will begin rising again.

Everyone wants U.S. companies to excel in global markets. Many do—and will. Microsoft is the titan of the world's software industry; Intel dominates computer microprocessors. Our trade fortunes have fluctuated with the dollar's exchange rate. In 1991, the United States was the biggest global exporter, with 12 percent of world exports compared with Germany's 11.1 percent and

Japan's 8.9 percent. But we ought to remember that our trade balance is only a modest influence on the economy. Although the trade deficit has dropped $53 billion since 1988, unemployment has risen.

Growing foreign competition has hurt some U.S. industries and workers. It requires us to oppose other countries' discriminatory trade practices or subsidies. The loss of our huge technological superiority also poses some tricky policy issues; how, for example, to ensure competence in defense technologies? But it's a delusion to think that these issues constitute the basic challenges facing America.

As a society, our competitiveness with other nations and our standing in the world will depend on much more than a dry comparison of economic statistics. What matters more is our social cohesion, a sense of civility and confidence. Crime, poor schools and AIDS threaten our future more than losing the status (as we have) of having the world's largest bank or steel company. It matters more that we control health costs than regain global dominance in machine tools. Our social and political problems are slowly compromising our economic potential and tearing our social fabric. The race we need two win is not against others but against ourselves.

JOHNNY CARSON: AMERICAN ICON

HON. ANDY IRELAND

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 21, 1992

Mr. IRELAND. Mr. Speaker, I rise today in appreciation of an American icon—Johnny Carson.

As you know, 30 years ago tomorrow, Mr. Carson began keeping a whole nation up past its bedtime, and made all of us who stayed up laugh between our toes as we watched him spin his wondrous magic.

I think we all aspire to be the unparalleled best at what we do. There is no better goal in life. Johnny, through hard work and dedication to his craft, carried that aspiration to reality. We admire that, and thank him for letting us tag along and for entertaining us on the way. It couldn't have been easy to keep us in smiles for so many years.

Certainly, Mr. Carson was and is the king of talk show hosts—late night, early morning, midafternoon, or any time you choose. Johnny led us to grin, titter, snort, and guffaw with him as we laughed at ourselves and all the foibles that come with being human.

Never vulgar or mean, he prodded and pulled us with respect, intelligence, wit, and charm—and, oh yes, that flawless timing. He gently struck our better, smarter side and made us think, while leaving our baser instincts to lesser craftsmen.

And perhaps in that thought we find another legacy of Carson the Magnificent. The great comics that shaped contemporary American humor—the Bennys, Hopes, and Burns of this world—found a kindred soul and equal talent in him, and Johnny kept that grand, peerless tradition alive through his artistry. We owe him much for that, too.

Now, Mr. Speaker, if Ed McMahon and Doc Severinsen were here—we will miss them sorely, too—they would throw their heads back in laughter, reminding us that he's not dead, after all. And that's true. There may be more of that Carson magic to come. But I hesitate to ask him to conjure it up again: He has given so much of himself to us already.

So perhaps the best way for us to say "thank you" would be to crawl under the covers, oh 'round, say, 11:30 tomorrow night, hit that remote control, and laugh between our toes one last time. Thaaaannnnks, Johnny!

NEBRASKANS TAKE PRIDE IN JOHNNY CARSON

HON. DOUG BEREUTER

OF NEBRASKA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 21, 1992

Mr. BEREUTER. Mr. Speaker, when 12 million people say goodbye to Johnny Carson on Friday night, they are saying goodbye to a national institution, but they are also saying goodbye to one of Nebraska's most famous sons. Johnny Carson grew up on the plains of Nebraska. He is a graduate of the University of Nebraska in Lincoln. His hometown, Norfolk, NE, boasts a Johnny Carson Boulevard. And, his years in Burbank have had little impact on his straightforward and unaffected Nebraska manner.

Nebraskans have always taken great pride in Johnny Carson, and he has continually expressed his support for the State and its residents. Several years ago, his generosity made possible the Carson Regional Radiation Center at a hospital in Norfolk, NE. In numerous other ways he has made it clear that, although he left the great State of Nebraska, he has not forgotten his roots.

For the past 30 years, Johnny Carson has had his finger on the pulse of the Nation. Through seven administrations his political humor has been right on target, but he has never revealed his personal politics. He has zealously guarded his privacy and kept his significant benevolence out of public view.

Since 1962, no matter where you are and what else in your life has changed, one thing has remained the same. On week nights, after the late news, there's Johnny Carson. We have escaped from our lives into a world of Carnac the Magnificent, Aunt Blabby, and Floyd R. Turbo. With Johnny we attended the wedding of Tiny Tim and Miss Vicki. With Johnny we wondered at animals brought from the San Diego Zoo by Dr. Joan Embery.

Now all of that will change. Next week the world will be a little different. Next week all of us will miss that famous Nebraskan.

TRIBUTE TO MR. SAMUEL A. McCULLOUGH

HON. GUS YATRON

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 21, 1992

Mr. YATRON. Mr. Speaker, I rise today to pay tribute to Mr. Samuel A. McCullough of Reading, PA. The Eastern Pennsylvania-Delaware Region Anti-Defamation League will present him with the Torch Light of Liberty Award on June 18, 1992 for his outstanding community activities and civic leadership.

The Anti-Defamation League's Torch Liberty Award is presented annually to an individual who "has personified in word and deed the noblest traditions of the United States of America and the Anti-Defamation League." This award recognizes the recipient's dedication to community responsibility and individual freedom. The Torch of Liberty Award honors an outstanding citizen who exhibits a commitment to democratic values and to making the world a better place for everyone. This year's winner, Sam McCullough, embodies all of these principles and is very deserving of this award.

Mr. McCullough is the chairman and chief executive officer of the Meridian Bankcorp, Inc. of Reading, PA. He has spent his entire professional career, 35 years, working in the banking industry. He has overseen the growth of Meridian Bankcorp to being the 41st largest bank in the Nation and the fourth biggest in the Commonwealth of Pennsylvania. Under his leadership, Meridian Bank has become a leader in community development and helping inner city areas. Meridian Bank formed the Meridian Community Partnership Program to promote community development, expand access to banking services, and help increase employment opportunities in underdeveloped communities. Mr. McCullough is also very involved in banking professional associations. He is the newly selected chairman of the Association of Banking Holding Companies, a member of the Government Relations Committee of the Association of Reserve City Bankers and a member of the board of the Federal Reserve Bank of Philadelphia.

Mr. McCullough is also very active in community activities. He is the charman of Pennsylvanians for Effective Government, vice chairman of the Greater Philadelphia First Corp., president of the Boy Scouts of America-Northeast region, a member of the Boy Scouts national executive board, a member of the board of visitors for the University of Pittsburgh Business School and a participant in countless other professional and community activities.

Mr. McCullough is a exceedingly worthy recipient of the Torch of Liberty Award. He has shown an admirable sense of community service and activism. I would like to commend Mr. McCullough for all of his fine efforts for the residents of the Reading area and for the State of Pennsylvania. He is truly an outstanding American and represents the values that have made this the greatest Nation on Earth. I ask all of my colleagues to join me in honoring Mr. McCullough and thanking him for his efforts.

THE RODNEY KING VERDICT

HON. WILLIAM J. HUGHES

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 21, 1992

Mr. HUGHES. Mr. Speaker, it's been nearly a month since the jury in California acquitted four Los Angeles policemen on charges of beating motorist Rodney King. This last few weeks has provided an opportunity for all of us to reflect, not only on the jury verdict, but also on the rioting in Los Angeles which followed in its aftermath.

I have seen the videotape of the beating many times. Even though the videotape does not show the events which took place immediately preceding the beating, I am persuaded by the videotape and other evidence which was presented at the trial that the police used excessive force, and that the jury verdict was a miscarriage of justice.

Unfortunately, it has reinforced the fears among many Americans that there is a dual standard of justice in our country.

I am pleased that the U.S. attorney's office is pursuing the one outstanding charge against one police officer on which the jury deadlocked. I am equally encouraged that the Department of Justice has begun a grand jury investigation to determine if Rodney King's civil rights were violated.

These investigations are an important first step toward restoring people's confidence in our system of justice.

At the same time, I am encouraged that the courts are seeking to vigorously prosecute those who were involved in the rioting and looting which tore Los Angeles apart in the days following the verdict.

There was absolutely no justification for the violence and looting in Los Angeles. Two wrongs do not make a right. Indeed, most victims of the rioting were the very same people who have suffered the most from the crime and poverty which plague their city. This type of lawlessness cannot be condoned.

Just as importantly, our reaction to the events in Los Angeles must not be limited to just the courts. We must also make a commitment as a nation to address the many underlying problems which were exposed during the rioting and contributed to the outburst in Los Angeles.

We need to openly and honestly confront the racial divisiveness which exists in our society. We need to make greater investments in housing, job training, and community redevelopment, especially in our inner cities, which have become spawning grounds for poverty, idleness, substance abuse, disease, gangs, hostility, and violence.

And we need to significantly increase our investments in human resources. I mean not only in those people who have found a place in mainstream society, but also in those who have not.

It's not enough to send disaster assistance to Los Angeles to rebuild businesses and homes which were burned during the riots. The problems are much deeper and fundamental than that. We need to work together in the public and private sectors to address the discrimination, poverty, crime, joblessness, and hopelessness which denies so many the chance to share in the American dream.

Only then can we right the true wrongs of Los Angeles, and restore the greatness for which our Nation has always been known.

REV. FRANKLYN RICHARDSON: BINDING HIS COMMUNITY TOGETHER

HON. NITA M. LOWEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 21, 1992

Mrs. LOWEY of New York. Mr. Speaker, Rev. Franklyn Richardson, pastor of Grace Baptist Church in Mount Vernon, NY, is indeed a special individual. He has led that congregation for 17 years. In doing so, he has served as an important unifying force, not only among his congregants, but also throughout Westchester County. He also serves as president of the United Black Clergy of Westchester, a fitting and appropriate position for a preacher as widely respected as is Reverend Richardson.

Throughout his years of leadership, the Grace Baptist Church, the first African-American church in Mount Vernon, has grown dramatically. Its membership has tripled to more than 2,000 parishioners, and it is today the largest African-American church in Westchester County. The inspiration which he has provided to his congregation has enhanced their sense of mission and their service to the Mount Vernon community at large.

In addition to the important responsibilities to his own parishioners, Reverend Richardson has shown a remarkable ability to take on other challenges within our community. Indeed, his service has enhanced virtually every aspect of life in Westchester County. He has served as Mount Vernon's commissioner of housing, as commissioner of civil service, and as chairman of the Mount Vernon Drug Prevention Council. He has also been a member of the board of directors of the Westchester County Medical Center and continues as chaplain to both the Mount Vernon and Westchester County police forces.

And Reverend Richardson has not limited his service to Westchester County. He currently serves as general secretary of the National Baptist Convention and has served on the governing bodies of the National and World Councils of Churches, Reverend Richardson has literally touched the lives of millions around the globe. He has preached in Africa, Asia, Australia, Europe, North and South America.

In Reverend Richardson, we have found a man whose ability to inspire and lead has shaped lives and transformed futures. We have a man who has assumed leadership responsibility at every level, but has always found time to help people whenever a need arises.

I consider myself very fortunate to work closely with Reverend Richardson to respond to the real needs of our community. Over these past 17 years, he has added greatly to the lives of the people he has served both in his congregation and beyond. In the years ahead, I know that he will continue his leadership and his commitment to bringing diverse people closer together.

TRIBUTE TO THE REVEREND WILLIAM J. BYRON, S.J.

HON. MARCY KAPTUR

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 21, 1992

Ms. KAPTUR. Mr. Speaker, I would like to take this opportunity to pay tribute to a truly extraordinary man, the Reverend William J. Byron. This afternoon many Members of Congress will come together to honor Father Byron at a luncheon in the Capitol. At this gathering we will celebrate Father Byron's 10 years of extraordinary service as President of one of our Nation's most respected institutions of higher education—Catholic University. But for those who know Father Byron we will be celebrating something much greater than his decade of service to the students, faculty, and alumni of Catholic University, we will be honoring a man who has dedicated his life to improving the lives of others.

Father Byron's selfless work on behalf of those who know him and those whose lives he has touched both directly and indirectly has earned him the unyielding respect of many. In 1986 he was chosen one of the most effective U.S. college presidents by his peers; in 1988 he was named Washingtonian of the Year by Washingtonian magazine; in 1989 he was selected by Pope John Paul II as one of the 17 U.S. delegates to consult with the Vatican on Catholic higher education; and in 1991 President Bush appointed Father Byron to the board of the Commission of National and Community Service. And these are just a few of the honors bestowed upon Father Byron.

Father Byron is well-known for his active involvement in the universal causes of elimination of hunger, advancement of education, and building multi-ethnic and interracial understanding in America. Even though he has retired as president of Catholic University, I have no doubt that Father Byron will continue to stay actively involved in improving our community. My congratulations to Catholic University for selecting a man of such outstanding credentials.

TRIBUTE TO MAJOR GENERAL BILLY G. McCOY

HON. JAMES H. BILBRAY

OF NEVADA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 21, 1992

Mr. BILBRAY. Mr. Speaker, I rise today to pay tribute to a man that my home of southern Nevada has adopted as one of our own. Major Gen. Billy G. McCoy has performed his duties as commander of the United States Air Force Tactical Fighter Weapons Center at Nellis Air Force Base with distinction. He is widely regarded by many in our community, including myself, as one of the greatest commanders Nellis Air Force Base has had in its history.

General McCoy has served his country since 1963, when he was commissioned as a second lieutenant through the Air Force Reserve Officer Training Corps Program at Texas A&M University. Following an assignment as a B-52 navigator with the 2d Bombardment Wing, Billy McCoy entered pilot training and received his pilot's wings in 1968. Flying F-4E aircraft, McCoy first flew with the 31st Tactical Fighter Wing, then with the 366th Tactical Fighter Wing where he flew 223 missions with the 4th Tactical Fighter Squadron, Da Nang Air Base, Republic of Vietnam.

Highlights of General McCoy's military career includes: command of the 91st Tactical Fighter Squadron, vice-command of the 347th Tactical Fighter Wing, command of the 31st Tactical Fighter Wing, command of the 1st Tactical Fighter Wing, command of the Tactical Air Command's 832nd Air Division and deputy chief of staff for operations of NATO's Second Allied Tactical Air Force.

The general is a command pilot with more than 2,800 flying hours in a variety of aircraft and has received military awards and decorations too numerous to mention.

When Billy McCoy assumed his present command at Nellis Air Force Base in southern Nevada, I found him to be a man of integrity and great talent. He quickly captured the affection of southern Nevadans with his unyielding quest to produce the finest pilots and crews in the world. The overwhelming skill and superiority that our tactical air and ground personnel displayed in Operation Desert Storm are a tribute to the intense training they receive during Red Flag exercises at Nellis Air Force Base.

It has been a pleasure to work with my friend, Billy McCoy, to ensure that Nellis continues to live up to its nickname, "Home of the Fighter Pilot." General McCoy and his lovely wife, Linda, will be sorely missed.

THE NATIONAL COMPETITIVENESS ACT OF 1992

HON. TIM VALENTINE

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 21, 1992

Mr. VALENTINE. Mr. Speaker, no issue facing our Nation today is more urgent than the ability of our companies to compete and thereby provide more and better jobs for American workers. The ability of U.S. firms to compete in today's global marketplace is affected by a range of factors, including Government policies, national scientific capabilities, human resources and education, and the financial environment. The interplay of these forces contributes to the processes of innovation and world competitiveness. The bill that Chairman BROWN and I are introducing today, the American Technology and Competitiveness Act, is a comprehensive package designed to get America back on track in the global marketplace.

It is now widely accepted that technology development is responsible for up to one half of the Nation's economic growth and is the principal cause for long-term expansion and increases in our standard of living. Technological advances improve productivity and quality, lead to new products and industries, and increase demand for skilled labor. This bill is designed to promote technological development in the private sector as a component of a national economic growth strategy.

The crucial factors in competitiveness are commercialization of new technologies and processes and the speed at which a product is brought to the marketplace. For small- and medium-sized companies, access to capital for the development of new technologies is often nonexistent. Access to information on the application of new technologies and processes is often too time-consuming for companies that are more concerned with meeting this week's payroll. This bill contains provisions for access to capital for firms developing and commercializing advanced technologies. It also contains provisions for establishing a network of manufacturing extension services to speed new information to America's manufacturing community.

Mr. Speaker, this bill addresses a problem that has been before us for many years but has been ignored at all levels of government. It puts in tandem our economic and educational policies. It provides a road map that links education to jobs. At the elementary and secondary school levels, the bill provides for systemic reform in the manner in which math and science is taught. It provides for the development of new curricular and the training of teachers to transform industrial arts programs into technology education programs meant to help students understand the role that technology plays in society. It provides for a bridge between secondary and postsecondary education, and it encourages efficient articulation between education levels. It blends work-based and technical subject matter more effectively with the more traditional core programs of study in the basic sciences.

This bill establishes industrial-community college partnerships to enhance the training of today's work force. It provides technical apprenticeships to combine classroom education with technical work experiences.

America continues to lead the world in higher education, particularly university research. However, there are areas that must be improved. This bill authorizes the establishment of additional engineering research centers to improve the relevancy of university engineering research. And, most importantly, it addresses the increasing problem of the decline in university academic research facilities. The Federal Government should not be totally responsible for the improvement of university research facilities, but it should be responsible for its fair share.

In the international arena, industrial standards are the key to trade. This bill expands the government-industry partnership that is promoting U.S. product standards overseas. In addition, we have made a modest suggestion for changes in the Tax Code by including three specific tax provisions that encourage long-term investment in productive manufacturing, offset by closing loopholes that encourage wasteful consumption.

Technological considerations are frequently left out of U.S. Government policy decisions, to our detriment. For example, economic policy bodies such as the Council of Economic Advisers and the Federal Reserve Bank do not appear to pay serious attention to technology related issues in their deliberations. The Department of Commerce emphasizes trade and economic concerns, often to the exclusion of technology related issues. The Office of Science and Technology Policy has traditionally concentrated on issues of science and defense policy more than technology. This bill expands the role of the Department of Commerce in addressing technology issues and establishes a Council on Technology and Competitiveness with the Office of Science and Technology Policy to coordinate policy linking technology and competitiveness.

Industry is ultimately responsible for bringing new and improved technologies and processes to the marketplace and thereby stimulating economic growth. However, competitive ground-rules are one responsibility of the Federal Government, irrespective of the arguments against picking winners and losers or industrial policy. Past decisions about the Federal role in technology and competitiveness were based on an international economic environment that no longer exists. The question of how to adjust our policy to reflect the realities of an increasingly interdependent, global marketplace must now be answered.

Mr. Speaker, this bill goes a long way to answering that question, but it is by no means perfect. There are portions of the bill that will result in heated debate. I hope there are portions of the bill that are unanimously popular. There are portions of the bill that I like much better than others. It is now time to tackle the tough challenges and make words reality.

TRIBUTE TO FATHER WILLIAM BYRON

HON. JOHN T. MYERS

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 21, 1992

Mr. MYERS of Indiana. Mr. Speaker, a multitalented administrator, public servant, advocate of the poor, and renowned author is about to retire from education and his current position as president of Catholic University of America.

Father William Byron, who has served the national university of the Catholic Church for the last 10 years, deserves the thanks and praise of our Nation.

A brief look at his background will show why this amazing priest has such diverse interests. He grew up in Philadelphia, though he was born in the western part of the State in Pittsburgh. He served in the Army as a member of the 508th parachute infantry from 1945 to 1946 and joined the Jesuit Order of Roman Catholic Priests after college at St. Joseph's in Philadelphia. Father Byron earned degrees from St. Louis University in philosophy and economics, obtained two theology degrees from Woodstock College, and finally a doctorate in economics from the University of Maryland.

During Father Byron's tenure at Catholic University he increased the endowment more than threefold; oversaw the building of a 40-acre athletic center, science center, and a complex of eight residence houses; and developed the Columbus School of Law, which has provided many lawyers for this city and cities throughout the country. This weekend ground will be broken for a new center for CUA's Columbus School of Law which will double the space of the century-old school.

Money and buildings were not Father Byron's primary purpose—his purpose was to enrich the student's education, and in particular, the minority student and the less fortunate student. Under his presidency he created a number of innovative scholarship programs for minorities and the poor at Catholic University. With his encouragement the legal services clinic at Catholic University's Law School now supports a docket of more than 500 cases annually and chemistry workshops in the District of Columbia are helping science teachers better instruct minority students.

Father Byron's leadership in organizations such as Bread for the World helped develop public policy for feeding the poor and his work on behalf of the poor became so notable that President Bush appointed him to the Board of the Commission on National and Community Service. Pope John Paul II recognized Father Byron's contribution to higher education by inviting him to consult with the Vatican on Catholic higher education.

My colleagues in the Congress who have worked with Father Byron can take pride in the wisdom he brought to all of us. We hope he will stay in touch after he assumes parish duties at Holy Trinity Catholic Church in Washington. His gentle nudge has continually reminded us of a greater good for all God's children.

INTRODUCTION OF THE DEFENSE DIVERSIFICATION ACT OF 1992

HON. THOMAS J. DOWNEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 21, 1992

Mr. DOWNEY. Mr. Speaker, I rise today to introduce legislation to assist America's defense industry in adjusting to the reality of shrinking defense budgets in the post cold-war era.

The end of the cold war was both swift and unexpected. After 40 years we now confront a different world where peace, not superpower conflict, is the watchword. Our challenge is to ensure that the people who helped win the cold war do not pay the heaviest price for this peace. The Federal Government must play a role in helping defense companies make the transition to this changing world. With that assistance, the defense industry can begin the process of diversifying their production from military to civilian applications.

The Defense Diversification Act of 1992 calls for using funds from the defense budget to help ease the transition for the defense industry and defense workers.

The legislation establishes a $10 billion loan guarantee program to provide financing for small and large defense companies seeking to diversify. It will also help workers and companies by offering a $10,000 per worker tax deduction to defense firms which hire the unemployed to work on a diversification project.

In addition, the legislation will offer defense firms tax incentives for retooling, and it will encourage innovation by providing a tax credit for research and development.

Finally, the Defense Diversification Act of 1992 will establish a $1 billion matching grant program to help States assist companies in defense diversification.

Throughout the cold war the defense industry and its outstanding work force provided the technology and the high quality products that made victory possible. This is as true in my home State of New York, and home district of Long Island as anywhere else in the country. I believe that if the Government helps ease the transition to peace we can maintain and expand our capacity to remain competitive in an ever changing world.

DR. GERALD K. O'NEILL

HON. DICK ZIMMER

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 21, 1992

Mr. ZIMMER. Mr. Speaker, today I rise and note with sadness the passing of great man from my home State of New Jersey, Dr. Gerald K. O'Neill.

I met Dr. O'Neill after becoming a Member of Congress. He was a member of a panel of highly regarded experts that advised me on science policy matters.

I enjoyed working with him. Gerry's background as an accomplished physicist and inventor made his input helpful and thought-provoking. I was not the first person that he helped grapple with difficult scientific matters. As a Princeton University professor since the late 1940's, he shared his knowledge and experience with some of the country's brightest physics students.

Through his writing, his years as a professor, the companies he founded, and his diligent efforts to help America expand its horizons, Dr. O'Neill has left an unmistakable and invaluable imprint on our country. He forever shaped the way the world thinks about space and technology and the opportunities they offer the human race.

I join in mourning the loss of a great man. But more important, I join in the celebration of the many important contributions Gerry made while he was with us.

A SALUTE TO THE NOAA CORPS 75 YEARS OF SERVICE TO THE NATION

HON. LEON E. PANETTA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 21, 1992

Mr. PANETTA. Mr. Speaker, this Friday marks the 75th anniversary of the NOAA Corps. Being the smallest of the seven uniformed services of the United States, they are, at times, overshadowed by their sister organizations, but their service to the Nation stands alone. Under the auspices of the Department of Commerce, the 400 officers of the NOAA Corps are an integral part of the National Oceanic and Atmospheric Administration and serve with distinction throughout this multidisciplinary scientific organization.

Dating back to 1807, the heritage of the NOAA Corps began when President Thomas Jefferson created the U.S. Coast Guard and Geodetic Survey. Directed by Congress, the Department of War and the Department of the Navy provided commissioned officers to the Survey to chart the U.S. coastlines and for shoreside mapping, thus opening the United States to expanded maritime commerce.

Congress, by the act of May 22, 1917, formally established a separate uniformed service of 124 commissioned officers, patterned after the military, to meet the Survey's growing responsibilities and unique needs. Hydrographic and geodetic surveying operations transitioned to the Environmental Science Service Administration in 1965 and, 5 years later in 1970, these responsibilities were incorporated into what is now the National Oceanic and Atmospheric Administration. Realizing the need for continued flexibility, subsequent legislation converted the commissioned officer corps to the new NOAA Corps, allowing for continued assignment of professionals to remote, hazardous, or otherwise arduous duties.

In the past 12 years, the men and women of the NOAA Corps have operated and managed NOAA's fleet of hydrographic, oceanographic, and fisheries—research ships. Some officers can be found flying helicopters in the most remote areas of our hemisphere while others fly atmospheric measuring aircraft into severe weather conditions to provide early warnings to the communities. These officers may also be transferred to the military in times of national emergency and several are currently crewing the NOAA ship *Mt. Mitchell* stationed in the Persian Gulf.

Most all of us have benefited from the services of these officers. Aeronautical and coastal charts, geodetic survey grids, hurricane information and warnings are a few of the products that we have come to rely on over the years. NOAA Corps officers, past and present, have dedicated themselves to service to the Nation and I ask that you join me in a salute to the men and women of the corps on this their diamond anniversary.

TRIBUTE TO THE MERCHANT MARINE VETERANS OF WORLD WAR II FROM MICHIGAN

HON. DAVID E. BONIOR

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 21, 1992

Mr. BONIOR. Mr. Speaker, I rise today to pay tribute to the merchant marine veterans of World War II from Michigan. They are having their third annual memorial service on May 22, 1992.

This event, which takes place in Marine City, MI, is held to honor the merchant marine veterans of World War II. More than 6,000 seamen and 730 merchant ships were lost during the war.

Our country owes a great debt to these mariners. During World War II, 90 percent of the material and 95 percent of the fuel oil were carried by merchant ships. Merchant ships also carried most of the troops and the merchant seaman manned invasion troopships.

We must never forget the pivotal role these mariners played in securing our freedom. Just a year ago in Operations Desert Shield and Desert Storm, the U.S. merchant marine played a critical role in assembling the largest U.S. military force since World War II.

In particular, Mr. Speaker, I would like to pay tribute to those merchant marine veterans of Michigan, whose previous shipping experience on the Great Lakes made them vitally important during World War II.

Mr. Speaker, I pay special tribute to the brave men and women who have given their lives to keep this great sovereign Nation free; and I commend all those that served in defense of our Nation in the merchant marines.

TRIBUTE TO FATHER WILLIAM BYRON

HON. DAVID R. OBEY

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 21, 1992

Mr. OBEY. Mr. Speaker, I would like to take this opportunity to recognize a man who has dedicated his life to the education and betterment of future generations of Americans.

Mr. Speaker, the end of the cold war has meant a fundamental change in the way our Nation must compete in the global economy. Where our energies were once directed to an alarming arms race, to keep our place as a world leader now we must turn our attention to the pressing health care and educational needs of our citizenry. Father William Byron of Catholic University is one man whose foresight and dedication past will contribute to America's future even after he retires from almost 10 years as president of Catholic University.

During his tenure, Catholic University has witnessed unprecedented growth and prosperity. From the opening of new arts and athletic centers to a $1 million pledge to assist students at the school of engineering and architecture, Father Byron has earned the respect of his colleagues and of the community. Named "Washingtonian of the Year" and twice awarded the President and the Public Award by the Council for Advancement and Support of Education, Father Byron's commitment to country and community goes on. He is also a member of the Joint Commission on the Accreditation of Healthcare Organizations and serves on the boards of the Corporation Against Drug Abuse and the Overseas Development Council; all the while demonstrating a deep commitment to his neighbor, both around the corner and around the globe.

Mr. Speaker, Father Byron has published numerous articles dealing with economics, social ethics, and educational issues. He has never been a man to sit idly by and I can only hope that we continue to be the beneficiaries of his wisdom, insight, and inspiration in the future.

ANY "NEW" YUGOSLAVIA MUST RESPECT CSCE PRINCIPLES

HON. STENY H. HOYER

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 21, 1992

Mr. HOYER. Mr. Speaker, for the past several months in Helsinki, Finland, the 52-nation Conference on Security and Cooperation in Europe has met in an attempt to create a post-cold war European order built on peace and stability. Unfortunately, the lion's share of its time is now being spent trying to stop the senseless killing spree being carried out in Bosnia-Herzegovina by the leaders of Serbia and the Yugoslav Army [JNA].

From the very beginning of the conflict in Yugoslavia last June—when the JNA moved against Slovenia and Croatia in an attempt to crush their independence movements—it was clear that leaders of the Serbian republic were determined to stop the breakup of the Yugoslav federation at all costs.

Now, because of Serbia's continued intransigence, the patience of the international community has worn thin, and attempts by many countries to maintain neutrality in the conflict have been abandoned. While it is recognized that no party involved in the conflict is completely innocent, it is believed that Serbia is responsible for turning the dispute between former Yugoslav republics into a full-blown civil war that has taken well over 10,000 lives, produced one million refugees or displaced persons, and caused unimaginable destruction.

The dilemma for the CSCE—which includes the United States and former Soviet republics among its members—is that the leaders of Serbia and the JNA have repeatedly failed to listen to reason, live up to their words, and desist from their recourse to force and seek instead a genuine, peaceful settlement to the Yugoslav crisis. Repeated CSCE calls for peace continue to go unheeded. And since reason does not work, other actions need to be taken, and need to be taken now. I am therefore submitting today a resolution regarding United States policy toward the former Yugoslav republics. I urge my colleagues to join me in support of this important resolution.

First and foremost, Mr. Speaker, the United States should take no action to recognize the Federal Republic of Yugoslavia proclaimed by Serbia and Montenegro until that federation meets the same criteria for recognition applied to the other republics of the former Yugoslavia and Serbia ceases its aggression against Bosnia-Herzegovina, withdraws its forces from that republic, and guarantees the territorial integrity of Bosnia-Herzegovina. Furthermore, the United States should suspend all United States Government assistance and cooperative programs with both Serbia and Montenegro.

Additionally, the United States should work with the European community and other members of the United Nations to impose more comprehensive sanctions against the former Yugoslavia, and to freeze all available credit lines. I am pleased to note that the CSCE will be sending a delegation to Kosovo to observe the egregious human rights violations.

Furthermore, the United States should continue to press for the full suspension of the Yugoslav seat from CSCE as well as other international bodies. While keeping the door open to dialogue has always been the United States position, there is no doubt that such a move would be fully justified. Serbia, along with Montenegro, has created a new Yugoslav federation and his assumed the old Yugoslavia's seat at the table with the claim of being the legitimate successor. Meanwhile, its policies have shown nothing but contempt for the principles of the CSCE, especially those dealing with nonuse of force, the territorial integrity of states, the equal rights and self-determination of peoples, and respect for human rights and fundamental freedoms. Serbia has blatantly violated these principles in its policies toward the former Yugoslav republics of Slovenia, Croatia, and Bosnia-Herzegovina, as well as to the Albanians of Kosovo, and increasingly the Hungarians in Vojvodina. Even Serbs in Serbia are having many of their basic rights trampled upon by the government of Serbian President Slobodan Milosevic.

Mr. Speaker, recently the Commission on Security and Cooperation in Europe, of which I am Chair, heard the testimony of Dr. Haris Silajdzik, Foreign Minister of Basnia-Herzegovina. In straightforward and simple terms, he described a human tragedy being wrought on his country, and called for urgent measures to prevent further devastation and destruction of lives and property.

As part of our effort to demonstrate our continuing support for the legitimate and democratic government of Bosnia-Herzegovina, the United States should take immediate steps with the European Community and the United Nations to establish a security zone around Sarajevo to ensure the delivery of international humanitarian assistance to the people of Bosnia-Herzegovina. In his testimony, Foreign Minister Silajdzik stressed the need for such a measure, warning that tens of thousands of people were at risk if food and medical supplies could not be assured.

Mr. Speaker, it is both disgraceful and dispiriting that Serbia's contribution to an era of hope in Europe has been actions that have led to regional violence of unprecedented scale since World War II. The loss of life, the numbers of displaced persons and refugees, and the destruction of property are appalling.

When Foreign Minister Silajdzik spoke before the Helsinki Commission, he described the United States response to the crisis as "noble stands." But noble stands are clearly insufficient. The time has come to move beyond that policy. The time has come to take concrete actions that demonstrate our utter rejection of Serbia's tactics and goals. People are dying, Mr. Speaker. We are witnessing a brutal and tragic assault on a true democratic state. Cultural history is being reduced to rubble. New and bitter hates and enemies that will survive the onslaught are being molded. As long as this new Yugoslavia persists in its gross violation of human rights and fundamental freedoms, it must suffer our strictest economic and political isolation and our strongest moral condemnation.

VIEWS ON THE 1993 DEFENSE AUTHORIZATION BILL

HON. ROBERT K. DORNAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 21, 1992

Mr. DORNAN of California. Mr. Speaker, in a few short weeks, the House of Representatives will debate the merits of the fiscal year 1993 Defense authorization bill. Before we discuss this important national security legislation, I hope my colleagues will take the time to read my additional and dissenting views to the bill, as well as an article by noted military expert, Harry Summers, both of which I request be reprinted in the RECORD after my remarks.

ADDITIONAL AND DISSENTING VIEWS OF ROBERT K. DORNAN

Although the committee took some very positive steps towards preserving the security of our nation, brave servicemen and women, and allies abroad, there were also some very dangerous decisions made which could endanger this security in the future.

First, the committee once again failed to fully fund the Administration's request for the Strategic Defense Initiative (SDI). Despite the very real threat of ballistic missile attack, conflict, the committee slashed more than one billion dollars from the SDI request, including no funding for space-based interceptors (Brilliant Pebbles). Without adequate funding for SDI, especially space-based systems, it will be nearly impossible for the United States to provide an effective deterrent and defense against ballistic missile attack against our forward deployed forces, allies, and both coasts of the continental U.S.

Additionally, the committee modified the goal of the 1991 Missile Defense Act by stating that it is the goal of the U.S. to comply with the ABM treaty. This treaty, which has been made obsolete by both political and technological developments, is an unnecessary impediment to an effective missile defense system and should be immediately terminated.

Next, the committee established a new framework for acquisition of the military's four new tactical aircraft—the AX, the F-22, the F/A-18 E/F, and the Multirole Fighter (MRF). While I commend the committee for looking into the future of these four vital systems, I believe the steps taken in this bill unnecessarily delay development of two of these aircraft, the F-22 and the F-18.

Despite the success of the F-22 program, which was even cited as a model by the committee for other aircraft programs, $200 million was reduced from this year's F-22 request. Additionally, the committee stated that the F-22 could be considered for a limited "silver bullet" procurement in the future. I am very concerned that we are drawing the wrong lessons from Desert Storm regarding the importance of this new "air superiority" fighter. In the future, we may not have the luxury of superior numbers and incompetent enemies. Thus, it is imperative that we acquire an aircraft like the F-22 in adequate numbers in order to allow us, in the words of Air Force Chief of Staff General Merrill McPeak, ". . . to be able to dominate the air space anywhere we go in the world to conduct military operations."

This bill also falls short by directing an unjustified prototyping of the F/A-18 E/F. Of the four major aircraft programs under consideration, the upgraded Hornet is the lowest cost and the lowest risk of them all. It was recently approved for engineering and manufacturing development by the Defense Department after rigorous Navy, DOD, and independent analyses. There are no high risks, new concepts or technologies to be demonstrated in a lengthy and expensive prototype program. This recommendation is far from a good example of good government or sound congressional oversight of DOD's acquisition process, and does not properly address the Navy's immediate need for a new carrier strike aircraft.

Finally, I believe the committee improperly addressed the issue of expanding (for the purposes of soliciting bids and proposals for short-term ship overhaul and shipyard repair work) the San Diego Homeport Area to include Long Beach, California. The committee language restricts the Navy from even investigating this proposal, despite the fact that the Long Beach Naval Shipyard has been the most cost effective shipyard in the Navy for three straight years, saving the government over $16 million in fiscal year 1991. I believe the committee's decision on this issue does not promote cost savings, does not promote competition, and does not allow the Navy to adequately study the benefits of such a proposal.

Despite these shortcomings, this bill does take some very positive steps towards preserving and improving our national security, namely in the areas of rotor-wing technology, conventional bomber enhancements, and Identify Friend or Foe (IFF).

The committee's decision to continue to fund the V-22 Osprey tilt-rotor aircraft indicates a willingness to address the Marine Corps' need to immediately replace its aging medium lift fleet. Likewise, by restoring funding for the OH-58D Kiowa Warrior, the committee has taken an important step in addressing this service's continuing need for an advanced scout helicopter.

This bill also funded conventional enhancements for the B-1B "Lancer" and B-2 "Shadow" intercontinental bombers. These enhancements, including precision guided munitions, will enable these revolutionary aircraft to successfully engage targets in all types of weather with improved accuracy.

Finally, the committee approved the Pentagon's request to advance ground combat identification and prevent the proven danger posed by "friendly fire." Additionally, the committee required the Secretary of Defense to report to Congress the results of testing taking place this year on candidate identification systems. 35 out of the 147 Americans killed in action during Desert Storm tragically died as a result of friendly fire. This accounts for nearly a quarter of the American combat deaths during this conflict. There must be a better way in the future, and that way is better ground combat IFF.

Despite the apparent decline in the world threat facing the United States, we must be careful not to ignore the lessons of history which have shown that those best prepared for war are least likely to fight, but if forced, most likely to win. Likewise those least prepared for war are most likely to be forced to fight, and ultimately most likely to lose.

[From the Washington Times, May 14, 1992]

REMEMBRANCE OF THINGS PAST

(By Harry Summers)

FORT KNOX, KY.—The Korean War veterans among us here at the 1992 Armor Conference were recognized by a parade in our honor. On the program were listed the armor and cavalry units of that war, including my old unit, the 78th Heavy Tank Battalion.

Although not deliberately intended, its inclusion was a particularly apt warning for the future, for the 24th Infantry Division's 78th Tank, along with its counterparts in the U.S. Army of Occupation in Japan—the 1st Cav Division's 71st Tank, the 7th Division's 77th Tank and the 25th Division's 79th Tank—were perfect examples of the hollow army of the times.

Formed only a year before the Korean War, there was no battalion as such. In each case only "A" Company was activated, and instead of heavy tanks (which were, in fact, not even in the Army inventory) they were equipped with M-24 Chaffee light recon tanks armed with an ineffectual 75mm gun. These light tanks were less likely to damage the fragile Japanese roads, and besides, everyone knew there was no armor threat in the Far East.

Everyone, that is, except the North Korean "People's" army that spearheaded a June 1950, cross-border invasion of South Korea with some 120 Russian-made T-34 medium tanks of their 105th Armored Brigade. Built with a Christie suspension rejected as too costly by the United States in the 1930s, the T-34s were able to move across rice paddies as if they weren't there. Equipped with a powerful 85mm gun, they made short work of the ROK (Republic of Korea) army defenders. And they made short work of the first U.S. forces to arrive on the scene as well, the 24th Infantry Division's Task Force Smith (the 1st Battalion, 21st Infantry and "A" Battery, 52d Field Artillery).

Neither the South Korean defenders nor Task Force Smith had tanks. But they were on the way. Moving by landing ships from Japan, we younger tankers hovered at the bow, afraid the war would be over before we got there. Our officers and sergeants, almost all World War II veterans, were at the fantail, staring into the distance. Unlike us, they knew what was coming. But even these veterans did not anticipate the debacle ahead.

Arriving in Korea on July 3, 1950, "A" Company, 78th Tank and the Tank Platoon of the 24th Reconnaissance Company (also with M-24 light tanks) moved by rail to Taejon and then marched to the front. I can still remember the roads lined by South Korean civilians, waving triumphant banners and South Korean, U.N. and American flags to welcome their saviors.

In our first engagement, my platoon sergeant, Master Sgt. J.C. Bridges, (who would later lose both feet to frostbite in a North Korean prison camp) fired 12 rounds from his main 75mm gun into an advancing North Korean T-34, only to watch them bounce harmlessly without penetrating the enemy armor. The enemy tank blew out Bridges' engine compartment with a single round.

Within weeks we had lost all our tanks, either to mechanical breakdown or enemy action. And we lost our company commander, too. A cavalry officer badly wounded by shrapnel from a German 88mm gun in World War II, he had returned to duty in 1950 and had been given command of our tank company. He was killed when the tank retriever in which he was riding stalled after the driver was killed by an antitank round. Unable to get it restarted because the solenoid, like most of our spare parts, was on requisition, he and the two crewmen, Cpls. Tacke and Fields, were machine-gunned to death as they tried to make their escape.

As we fell back from the Kum River through Taejon and into the Naktong Perimeter, the villages along the way, once festooned with flags and banners and filled with cheering people, now stood deserted and deadly silent, with white flags hanging from every door. It was a searing experience, one only exceeded two months later as we retraced our steps after the Inchon invasion, only to find thousands of civilian men, women and children massacred by the retreating North Koreans.

But as the 1992 Armor Conference made clear, this recognition of the Korean War veterans was more than just remembrances of things past. Army Chief of Staff Gen. Gordon Sullivan, himself an armor officer, has made "Remember Task Force Smith" the watchword for the future. Among other things, it means no more hollow armies. Whatever the size of the future force, it will be fully equipped, fully trained, and fully combat-ready.

And never again will we be outgunned on the battlefield. Overwhelmed by the German panzers at Faid and Kasserine Pass in North Africa in 1943 and overrun by the Russian-supplied T-34s in the early days of the Korean War, the United States finally gained armor superiority with our superbly trained crews and technologically superior M-1 Abrams tanks in the Persian Gulf war. The challenge for the future is to maintain that edge.

TRIBUTE TO FATHER BYRON

HON. JOHN JOSEPH MOAKLEY

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 21, 1992

Mr. MOAKLEY. Mr. Speaker, "The university has become the multiversity and the nature of the presidency has followed this change * * * The president of the multiversity is leader, educator, wielder of power; he is also office holder, caretaker, inheritor, consensus seeker, persuader, bottleneck. But he is mostly mediator." These words are taken from the Uses of the University. The Godkin Lectures at Harvard University, 1963, but when I read them recently I thought how appropriate they are to describe and pay tribute to Father Byron's 10-year presidency at Catholic University.

It is truly an honor for me to have this opportunity to recognize the monumental achievements of such an outstanding educator, theologian, administrator, and friend, who, throughout his life, has dedicated himself to providing for the needs of others.

In preparing my statement today, I was overwhelmed in reminiscing over the litany of accomplishments Father Byron has had attributed to his administrative and academic career. But, even more impressive, is the unyielding sensitivity and unfettered kindness with which he dealt with others, from those of us in Congress, to our staffs, to his faculty and to his students.

From modest beginnings in the U.S. Army, Parachute Infantry, Father Byron attended what is now St. Joseph's University in Philadelphia, and from there joined the Jesuit Order in 1950. During his years of study, Father Byron earned degrees in philosophy, economics, and theology.

Since his inauguration as the 12th president of Catholic University, and as the first Jesuit ever to lead that institution, Father Byron has been either personally responsible for, or has unceasingly lent his assistance to, countless improvements to Catholic University, ranging from the state-of-the-art athletic facility to the Archbishop Hannan Science Building to the establishment of the board of regents. These results of his hard work and dedication will continue to serve the needs of students and scholars for generations to come.

In the wake of such outstanding service to Catholic University and to his students, I wish Father Byron, my friend, in the words of James Thomson, "an elegant sufficiency, content retirement, rural quiet, friendship and books" as he retires from the presidency; and I know that his return to the classroom will be met with the same excellence that surrounds him as president.

IN COSPONSORSHIP OF THE FREEDOM OF CHOICE ACT, H.R. 25

HON. PAT WILLIAMS

OF MONTANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 21, 1992

Mr. WILLIAMS. Mr. Speaker, today I am adding my name to the list of cosponsors of the Freedom of Choice Act. I do so because I believe the decision reached in the Supreme Court case Roe versus Wade in January 1973 is a sound one.

I would, however, like to make it very clear that I support this legislation because it continues the precedent set in Roe versus Wade, including the provision that permits States to regulate abortion after fetal viability. During the third trimester, the Supreme Court makes an exception to the States' authority when the preservation of the life or health of the mother, as determined by appropriate medical judgment, is at stake. States also have the authority to regulate abortion at the end of the first trimester to promote the health of the mother.

In signing this bill my purpose is to leave with individual States the ability to enact reasonable parental notification laws. I also support the civil rights of doctors and nurses to refuse to perform abortions.

UNION HOSPITAL FOUNDATION NAMES EILEEN J. TORBICK CITIZEN OF THE YEAR

HON. MATTHEW J. RINALDO

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 21, 1992

Mr. RINALDO. Mr. Speaker, I wish to call the attention of the Members of this House to the many outstanding businesswomen who are filling new leadership positions in the State of New Jersey and in the communities that I represent in the 7th Congressional District of New Jersey.

One of these business leaders is Eileen J. Torbick of Union. She is a kind, hard-working, and gentle dynamo whose energies, influence, and goodwill are responsible for the success of many charitable and civic enterprises in Union Township.

As a senior vice president of the Union Center National Bank, Eileen Torbick has helped to promote business growth, jobs, and the economy of the community. Her judgment, knowledge of banking and business, and her involvement in the community make Eileen Torbick an invaluable resource and an essential link between small business and the Union Center National Bank.

Eileen Torbick's professional expertise and volunteer service as president of the Union Township Chamber of Commerce have helped Union to prosper. The involvement of business leaders like Mrs. Torbick is among the reasons why Union Township was designated an All-American City. During her 9 years of service in the chamber of commerce, she served as chairperson of the chamber's publicity committee and the Union Festival on the Green.

Community organizations, such as the Boys and Girls Club of Union, the American Heart Association, the Phil Portnoy Humanitarian Association, and other civic and charitable groups in Union have benefited from Eileen Torbick's active involvement.

On June 5, Eileen Torbick will be honored by her fellow citizens when she receives the Union Hospital Foundation award as Citizen of the Year. It is an award she has earned and which Eileen Torbick richly deserves, and I offer my congratulations to one of Union Township's finest citizens.

CHARLES SUMNER HIGH SCHOOL VISITS WASHINGTON

HON. WILLIAM (BILL) CLAY

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 21, 1992

Mr. CLAY. Mr. Speaker, I wish to recognize the outstanding achievements of the Charles Sumner High School located in St. Louis, MO. Sumner High School is the oldest black high school west of the Mississippi River, having a proud tradition of excellence since 1875.

Many outstanding names in the proud black heritage of this country are numbered among Sumner's graduates. These include, among others, Grace Bumbry, Arthur Ashe, General Roscoe Robinson, Jr., Captain Wendell O. Pruitt, Margaret Bush Wilson, Dick Gregory, Lincoln Kilpatrick, and Robert McFerrin.

The Sumner Acapella Choir will perform at the White House on Wednesday, May 27, 1992, at 10 a.m. The performance is of significant importance because it was planned to highlight the talent and positive achievements of an urban school long before the recent unrest in our cities. Such achievements often go unnoticed and unheralded.

The choir is well-known and their achievements widely recognized throughout the St. Louis area. They have featured on local television. Sumner's Acapella Choir has received superior ratings consistently in State competitions and individual choir members have received area recognition. They proudly uphold the fine tradition of the Charles Sumner High School.

NATIONAL MARITIME DAY—MAY 22, 1992

HON. WALTER B. JONES

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 21, 1992

Mr. JONES of North Carolina. Mr. Speaker, tomorrow, May 22, 1992, is National Maritime Day. In May 1933, the Congress passed a joint resolution designating May 22 of each year as National Maritime Day in commemoration of the first successful transoceanic crossing by a steam-propelled vessel. Each year since 1933, we have honored and remembered the many thousands of men and women who have served this country in the U.S. merchant marine. It is especially significant that we do so this year—the 500th anniversary of the voyages of Christopher Columbus.

Throughout our history, the merchant marine has been a vital element in the defense of the United States and in the movement of goods to and from our shores in international commerce. It is of strategic importance that a healthy U.S. merchant marine be maintained.

However, today, the U.S. merchant marine is not healthy. More and more, vessels calling on our ports and in ports throughout the world do not fly the American flag, do not have U.S. crews on board, and were not built in U.S. shipyards. What a change from the days immediately following World War II when the United States had assembled the largest merchant marine fleet the world had ever seen. We are in danger of losing the U.S. merchant marine. Just recently, two of the major U.S.-flag shipping lines indicated that they will be forced to switch to foreign flag by 1995 unless substantial policy changes regarding the merchant marine are forthcoming.

Many say that with the breakup of the Soviet Union the United States no longer faces a threat from this sector, and that the Armed Forces should be cut back drastically. History should have taught us that there will always be threats to the national security of the United States. The Union of Independent States—formerly Soviet Union—is not stable. The actions of one or more of these states could threaten our national security. What about the Middle East? It certainly is an unstable and volatile area. There are also many developing countries seeking military nuclear capability and some that have the ability and resources to obtain it.

Cutbacks in the Armed Forces have a direct effect on the U.S. merchant marine. During times of war or national emergency, the U.S. merchant marine is an auxiliary of the Armed Forces, charged with the responsibility of delivering supplies to support our fighting men and women wherever they may be in the world. Just look at the role played by U.S. merchant mariners in World War II, Korea, Vietnam, and most recently, during Operation Desert Shield/Desert Storm. However, without shipyards to build the ships and without merchant mariners to man them, the merchant marine cannot ensure a readiness capability in times of war or national emergency. We cannot afford to let down our guard and be unprepared to respond to any threat against the national security of the United States.

So, on this National Maritime Day 1992, let us remember and honor the thousands of merchant mariners who have gone so heroically before us. Let us also honor those merchant mariners who serve today and who are ready to lay their lives on the line in order to protect our Country. Let us also make the decision to do whatever it takes to save the U.S. merchant marine.

PROTECTING FAIR TREATMENT FOR FEDERAL EMPLOYEES IN SEXUAL HARASSMENT AND WHISTLE BLOWER CASES

HON. GEORGE W. GEKAS

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 21, 1992

Mr. GEKAS. Mr. Speaker, I introduced a bill today, the Merit Systems Protection Board Administrative Judges Protection Act of 1992. The bill would make administrative judges at the Merit Systems Protection Board [MSPB] the same statutory status and protections as Administrative Law Judges [ALJ's]. The bill would make MSPB administrative judges, who review employment decisions of Federal agencies for approximately 2 million Federal employees, administrative law judges. Two-thirds of the full-time Federal civilian work force depends upon the fairness and integrity of employment related decisions rendered by 62 administrative judges at the Board.

One of the most widespread employment related problems in the Federal workplace, as documented by the MSPB upon the request of the Congress, is sexual harassment in 1980 and 1987. In 1987 the MSPB sent out questionnaires to 13,000 Federal employees and received 8,523 responses. In 1987, 42 percent of all women and 14 percent of all men reported they experienced some form of uninvited and unwelcome sexual attention. The total cost to the Federal Government for this non-job-related behavior is estimated at $267.3 million during the survey period of May 1985 to May 1987. These costs are based on job turnover, sick leave used, lost individual productivity, and lost group productivity due to sexual harassment.

MSPB administrative judges are responsible for hearing and deciding direct appeals from Federal employees who allege that an adverse personnel action was taken against them because of their "whistleblower activities." In 1989 when the Whistleblower Protection Act was enacted, the Senate report stated that Federal employees may appeal to the MSPB and that the first review is to be by an administrative law judge and then the Board. However, administrative judges hearing these cases at the Board are not ALJ's as the act contemplated, nor do they have the protections of ALJ's under the law to ensure the impartiality and independence of their decisions. This bill will provide this contemplated and long-awaited status as ALJ's to the administrative judges at MSPB.

MSPB administrative judges hear sensitive personnel cases on sexual harassment and whistleblower protections involving highly placed agency officials. In fact the House just recently authorized the MSPB to hear appeals on misconduct cases from the Senior Executive Service. Federal employees relying upon the integrity and independence of the decisions of the MSPB administrative judges are not aware that these judges are subject to removal, suspension, and performance appraisal by their agency on their hearing and decisionmaking functions. Currently, MSPB's performance appraisal determines whether these judges receive cash awards for their work. MSPB conducts both preissuance and postissuance quality reviews of decisions issued by MSPB administrative judges. No facet of a decision is immune from review. Reviewers may include headquarters personnel who perform no hearing or decisionmaking functions. The results of these reviews may influence a judge's overall performance rating and pay.

Most Federal employees believe that they are entitled to a fair hearing before losing one of their most precious possessions, their livelihood. Unfortunately, Federal employees have less protections than we currently grant an individual applying for Social Security benefits will trigger the right to a hearing before an administrative law judge, who cannot be intimidated or influenced because of the statutory protections guarding an ALJ's decisional independence. Federal employees are not aware that their case before the MSPB will be subject to "quality review."

I believe that Federal employees should have the same protections in hearings before the MSPB on critical personnel decisions that may in fact ruin an individual's career. For these reasons, I have introduced a bill to give MSPB administrative judges the same classification status and protections as ALJ's in regard to removal and suspensions only for good cause, rotation of case assignments to ensure impartiality on the part of the decisionmaker and no performance appraisal of their adjudication functions. These protections will guard the integrity of the Merit Systems Protection Board in reviewing Federal employment practices and keep them free from political influence. I think this is important to the civil service system and it is not a difficult task to undertake, since extending these provisions would be budget neutral by CBO standards.

I urge my colleagues to join me in providing these safeguards to the process of reviewing important employment decisions in the Federal Government.

In making administrative judges at the MSPB ALJ's, they will receive the additional compensation now only obtained by cash bonus awards, which is clearly not appropriate for decisionmakers in such sensitive matters. I am also concerned about recent reports that the agency interprets the law for the judges, and I am requesting that the text of an article on this issue by an attorney practicing before the MSPB be included in the RECORD as follows.

THE COMPREHENSIVE NATIONAL ENERGY POLICY ACT

HON. BRUCE F. VENTO

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 21, 1992

Mr. VENTO. Mr. Speaker, I rise today in support of the Comprehensive National Energy Policy Act. A little over a year ago, I stood here to express my dismay at the administration's long-awaited national energy strategy. To follow the proposals laid out at that time by President Bush would have been more detrimental to our future interests than doing nothing at all. It seemed to me that it was the administration's hope—that we would do nothing at all.

Well, I am pleased to say that we in the House have attempted to meet the challenge and the problem of shaping a sound energy policy. The measure before us today, while not perfect, is a very good bill. It is a comprehensive bill, as its title suggests. It is a bill that tries very hard to move beyond competing short-term interests and instead looks toward addressing our long-term needs as a nation. The Comprehensive National Energy Policy Act deserves our support.

Mr. Speaker, as Members will recall, in the late 1970's we made significant progress towards the development of a responsible energy policy. Programs were created to promote research and development of renewable energies such as solar and wind power, as well as to institute strong conservation provisions. This initiative and effort were made only to see such advances lost to the regressive policies of the Reagan administration yesterday and the indifference of the Bush administration today.

Frankly, the lack of Presidential support since 1980 has left this country unprepared to meet its future. Many should take the criticism for this predicament. But more importantly, there are just as many people today who would prefer to keep this same 1980's policy path of energy dependence—leaving us economically frustrated, environmentally damaged, and simply incapable of meeting our energy needs as fossil fuels continue to be expended. This must not be allowed to happen.

The purpose of a national energy strategy should not solely be to free the United States from the stranglehold of foreign oil interests only to turn right around and hand us over into the control of the domestic power interests of oil, nuclear, and coal energy. We must actively work to once again engage viable alternative sources of fuel, promote conservation and increased efficiency, protect our national resources, and maintain our economic viability and energy choices.

Mr. Speaker, this type of balance was not even addressed in the energy plan that President Bush delivered to us last year.

Certainly, there are a number of issues which are not addressed by this measure before the House that I would have hoped could be addressed. For instance corporate average fuel economy [CAFE] standards are not even mentioned, let alone increased. And I note the absence, as well, of the proposal by our colleague HENRY WAXMAN to reduce carbon-dioxide emissions to 1990 levels will not become a part of this act.

I am also extremely concerned by the lengths that this bill goes to promote our reliance on nuclear energy. If we are intent upon moving forward with our nuclear energy program then it is incumbent that we simultaneously move forward with a program to deal with high-level nuclear waste. Unfortunately, we are failing to meet our responsibility in this case. We are pushing forward with the production side while steadily losing ground in our capacity to store the waste byproducts. The President of the United States and the Department of Energy have within their power the authority to develop a much needed long-term nuclear storage plan for America. Yet they refuse to do so. Instead they want this body to take the heat and do their job for them. We must stop this political see-saw. If the administration wants to promote the nuclear energy industry, then it must be willing to face up to the nuclear waste problem.

There is, nevertheless, an overall balance in the bill before us today. Tax credits, educational programs, the promotion of conservation, public safety, and environmental protection. As a true energy strategy, the Comprehensive National Energy Policy Act goes beyond promoting, supporting, and encouraging such initiatives. Rather, this measure implements decisive steps to achieve the policy objectives. Clearly, it is in our Nation's best interest to pass this bill and to get back on track establishing America's long-range energy priorities.

We all know that we have to be prepared for that time when limited, nonrenewable supplies of oil and coal are exhausted. This means a commitment to exploring alternative energy sources. But some may forget that the fossil fuels coal and oil are not the only finite resources in the equation. We must also take into account that the capacity for our water, land, and air to absorb the impact of energy activities is also finite. The environmental damage wrought by continuing to consume large amounts of these fossil fuels is but one example.

Mr. Speaker, we have not even begun to tap the surface of the potential energy available to us through renewables. If they are economically unfeasible at present then it is mainly because we have failed to do enough in this sphere. We have not adequately provided for research and development which will ensure that renewables are feasible. In 1981, renewables accounted for 19 percent of research and development funding; in 1990 this figure fell to a measly 4 percent, a drop of nearly 80 percent in funding commitment. A responsible national energy strategy would not fail on this point. The Comprehensive National Energy Policy Act before us does address positively this responsibility and need.

Furthermore, while it is obvious that working towad the goals of greater energy efficiency and increased use of alternative sources of energy would provide significant benefits to our environment, it is less apparent—but just as true—that our economy would share in these achievements. As some of my colleagues may know, Greenpeace recently released an analysis of the Department of Commerce's own models which demonstrates that 1.5 million new jobs could be created in the first year alone if the Federal Government would only shift more funds to clean energy programs. We have an opportunity today to develop employment and to launch a new economic enterprise which will serve as a national energy strategy for the future.

Mr. Speaker, I would like to briefly mention several specific provisions that I worked to have adopted in the Interior Committee bill. These provisions clarify the authority of the Bureau of Land Management, the Forest Service, and other Federal agencies involved with hydroelectric projects on Federal lands. The administration had asked for codification of these authorities, but their specific proposals were inconsistent with sound management of Federal lands. Fortunately, the administration proposals were rejected by the Senate, but the corresponding provisions in the Senate bill are themselves inadequate.

Title 13 of the bill, as reported by the Interior Committee, improves upon the Senate version by substituting a number of different provisions, most of which have in the past been approved by either the committee or the House as a whole. In particular, section 21301, relating to energy-related right-of-way on BLM and National Forest lands, and to dams within the National Park System, are important provisions reflecting bills previously developed by the Subcommittee on National Parks and Public Lands, which I chair.

These provisions make it clear that BLM and the Forest Service have the authority for issuing and conditioning rights-of-way on the lands they manage related to hydroelectric or similar projects. The effect of this section is to reverse a decision of the Court of Appeals for the Ninth Circuit which incorrectly interpreted the Federal Land Policy and Management Act of 1976.

In addition, section 21302 would prohibit any new dam, either within a National Park System unit, or which would flood any lands within such a unit. This section also makes it clear that no existing dam, either within or capable of flooding park lands, could be relicensed to permit new or increased effects on park lands unless the Secretary of the Interior concurs in that relicensing. This would serve to resolve a dispute over existing law, in ways consistent with the proper protections and management of the National Park System.

Mr. Speaker, I want to commend all the committees that worked to produce this act. I especially want to thank the Energy and Commerce Committee members for the leadership they provided, and my own Interior Committee chairman, Mr. MILLER, who has persistently tried to give us a bill that protects our environment and encourages public participation in these important matters. Mr. Speaker, I urge my colleagues to vote for passage of the Comprehensive National Energy Policy Act.

HONORING GENE BASILI FOR A LIFETIME OF PUBLIC SERVICE

HON. RICHARD E. NEAL

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 21, 1992

Mr. NEAL of Massachusetts. Mr. Speaker, I take this opportunity to recognize Gene F.

Basili for his outstanding service to the Springfield, MA, community. He will soon retire from the school system and he will be greatly missed.

Gene was born Gino Basili on August 4, 1928, in Worcester, MA, where he attended local schools before going on to Worcester Trade High School to become a machinist. Two weeks before graduation, however, Gene dropped out of school and joined the Tony Rand Trio as an accordion player.

Gene played throughout the country with the Variety Boys from 1949 to 1953, before ending up in Springfield as a result of a freak accident with his booking agent. In 1953, he joined the John Brogan Band, where he remained until the group broke up in 1988.

During that time, Gene enrolled in Springfield's Technical High School, before going on to get a Bachelor of Science degree from Westfield State College in 1906. In addition to playing and studying, Gene worked 6 nights a week at the Wayside Restaurant and gave accordion lessons every afternoon.

After going to school nights and summers, Gene received both his Master of Education and C.A.G.S in Administration. Gene began his teaching career in 1960 as a 9th grade science teacher at Classical Junior High School, before going on to teach physics at Technical High School in 1966.

Gene was appointed assistant principal at Forest Park Junior High School in 1969, remaining there until 1973 when he became assistant principal at the High School of Commerce. After 6 years as assistant principal, Gene became the principal.

As principal, Gene expanded the faculty to include foreign language and bilingual teachers, created for computer rooms, and provided electric typewriters for the typing rooms. Innovations in the academic program have been a hallmark for Gene. Programs at local colleges allow Commerce seniors to attend those colleges for free while still at Commerce and receive college credit. As the result of market research and student/faculty labor, the school store operates in conjunction with the Marketing classes. There are now three diplomas offered at the High School of Commerce.

Despite his busy schedule, Gene continues to pursue music as an avocation. He serves on the Board of Local 171—Springfield Musicians and frequently plays the accordion at church youth parties, the Hampden County House of Correction, and various social functions.

Gene serves as a minister and a member of the Parish Council at Holy Name Church. He is also active in the Re-encounter Christ program at the House of Correction and plans to continue after retirement. Last year, he was awarded the Serviam Award at the Columbus day activities for over 30 years of outstanding service to the community.

Gene and his wife, Carol, have four children, Cheryl, Debra, Brian, and Denise, and two grandchildren.

I join with all of Gene's present and former students in wishing him a prosperous retirement and many years of health and happiness.

SUSPEND MFN FOR SERBIA

HON. FRANK R. WOLF

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 21, 1992

Mr. WOLF. Mr. Speaker, I rise today to bring my colleagues' attention to a most horrible example of naked aggression unprecedented since World War II. Today Serbian troops are threatening to shell a major chemical plant outside of Sarajevo that could cause a massive ecological disaster for central Europe. In blatant disregard for all accepted human rights principles, Serbian troops are also blocking thousands of women, children, and elderly from fleeing war-torn Sarajevo.

Since the death of the head of their relief convoy, the International Red Cross, which provides vital humanitarian aid, is pulling out. The Sarajevo airport is occupied by Serbian troops preventing any humanitarian aid from entering Bosnia.

What we're experiencing in Bosnia-Hercevgovina is large-scale genocide. Haris Silajdzic, the Bosnian foreign minister described his home as a slaughter house. Serbia's actions according to the United Nations are inhumane.

Yesterday the State Department announced the termination of JTA, the Yugoslavia's national airline, landing rights in the United States. I urge my colleagues to join me in suspending most-favored-nation trading status for Serbia. This is an urgent attempt to deter Serbia aggression against Bosnia-Hercegovina and other republics of the disintegrating Yugoslav federation.

It is not reasonable for Serbia to be categorized as a most-favored-nation of the United States. Please join me in an attempt to stop Serbia's brutal aggression. Also, Mr. Speaker, I would like to add for the RECORD an editorial which appeared in today's New York Times.

H.R. —

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. WITHDRAWAL OF MOST FAVORED NATION STATUS FROM THE FEDERAL REPUBLIC OF YUGOSLAVIA

(a) IN GENERAL.—Except as provided in subsection (b), nondiscriminatory treatment shall not apply with respect to any goods that—

(1) are the product of the Federal Republic of Yugoslavia; and

(2) are entered into the customs territory of the United States on or after the 15th day after the date of the enactment of this Act.

(b) RESTORATION OF NONDISCRIMINATORY TREATMENT.—Notwithstanding subsection (a), the President may restore nondiscriminatory treatment to goods that are the product of the Federal Republic of Yugoslavia 30 days after he certifies to the Congress that—

(1) such treatment would promote compliance with the provisions of the Final Act of the Conference on Security and Cooperation in Europe (also known as the "Helsinki Final Act"), particularly the provisions regarding human rights and humanitarian affairs; and

(2) the Federal Republic of Yugoslavia—

(A) has ceased its armed conflict with the other ethnic peoples of the region formerly comprising the Socialist Federal Republic of Yugoslavia; and

(B) has agreed to respect the borders of the 6 republics that comprised the Socialist Federal Republic of Yugoslavia under the 1974 Yugoslav Constitution.

[From the New York Times, May 21, 1992]

SHAME IN OUR TIME, IN BOSNIA

A "disgrace for humanity." The words uttered in Washington Tuesday by Haris Silajdzic, Foreign Minister of beleaguered Bosnia, should chill the hearts of all who despise naked aggression.

The Serbian strongman Slobodan Milosevic steps up his brutal bombardment of Bosnia's capital, Sarajevo, and his "ethnic cleansing" of Serb-occupied territory. Hundreds die; ancient towns are turned to rubble. And what is the response of the U.S., the European Community and the U.N.? Sighs, shrugs and evasions.

The bully who violates Bosnia's internationally recognized borders must be confronted by an international coalition prepared to do what is necessary to put him in his place. Otherwise the brutality in Bosnia will, far beyond the Balkans, dash hopes for a new world order.

This little country has been given a ruinous runaround. Washington initially called on the European Community to cope with the threat to peace, even as it disparaged E.C. efforts. When its mediation efforts collapsed, Europe called for U.N. peacekeepers. The U.N. was prepared to send them in February, but then Washington protested that $634 million was too expensive. Another mission to Yugoslavia managed to cut that by $28 million—cheese-paring that cost weeks, and lives.

In March, the blue helmets finally began arriving in force in Croatia. The U.N. established its headquarters in Sarajevo as a way of creating a presence, as well, in Bosnia. But within weeks U.N. officials were whining that peacekeepers "are routinely harassed, the Organization's property stolen and its emblems and uniforms misappropriated." The U.N. pulled out of Bosnia and now ponders withdrawing from the rest of Yugoslavia.

What touching concern for misappropriated emblems—even as whole neighborhoods of Bosnians were being forced to flee for their lives. It is true that the U.N. peacekeepers are too lightly armed to defend against rampaging Serbs. But why is that the only alternative? The larger truth is that the U.N. peacekeepers have become a cover for Western inaction.

Now there's not even the pretense of a U.N. presence in Bosnia. And the world's collective irresponsibility stands exposed as nakedly as the Milosevic aggression. President Bush, proud leader of the free world, had no trouble deciding that Iraq's aggression against Kuwait should not stand. He assembled a global coalition to force withdrawal. Why not a new one now?

Such a coalition need not undertake armed intervention, at least not yet. The economic noose can be tightened and those who help Serbia circumvent it can be pressured. And if cooperative security is to have meaning, the coalition can declare its willingness to use greater force, as a last resort.

Aggression ought to be every bit a despicable in the Balkans as in the Persian Gulf. For the U.S. and its allies to stand by while Milosevic marauders defile Bosnia invites bullies elsewhere to take heart. Peace in our time, spineless leaders said in the 1930's. In our time the word is shame.

TRIBUTE TO JOSEPHINE GILPIN

HON. ROBERT T. MATSUI
OF CALIFORNIA
IN THE HOUSE OF REPRESENTATIVES
Thursday, May 21, 1992

Mr. MATSUI. Mr. Speaker, I rise today to pay tribute to Josephine "Jo" Gilpin, an outstanding citizen from my congressional district, Sacramento, CA. I wanted to take this opportunity to inform my colleagues of the inspiring career of this devoted public servant.

During the past 10 years, Josephine Gilpin has worked for the California Exposition and State Fair, the Environmental Affairs Agency and most recently, the Environmental Protection Agency. I commend Ms. Gilpin for her many contributions to the environment and to the people of California.

Ms. Gilpin will be retiring on May 29, 1992 after almost 20 years of service to the State of California. Next Thursday, a luncheon will be held in her honor.

Mr. Speaker, I ask that my fellow colleagues join me in congratulating Josephine Gilpin on a job well done and extend our best wishes on all her future endeavors.

A TRIBUTE TO HOWARD C. COHEN

HON. STEPHEN J. SOLARZ
OF NEW YORK
IN THE HOUSE OF REPRESENTATIVES
Thursday, May 21, 1992

Mr. SOLARZ. Mr. Speaker, I rise today to pay tribute to a remarkable individual, Howard Cohen. On May 28, 1992, Mr. Cohen will be honored by the Coney Island Hospital Community Advisory Board for 10 years of distinguished service as the hospital's executive director. I am proud to have the opportunity to join my neighbors in honoring Mr. Cohen's work.

Since he began his stewardship in 1982, Howard Cohen has overseen all facets of the 445 bed acute care hospital serving Brooklyn's shore front communities, located in my congressional district. In addition to being a skilled hospital administrator, Mr. Cohen has worked closely with the community that neighbors and depends on the hospital. His close working relationship with many shore front residents has been consistently reflected in the high quality of services tailored to the needs and concerns of my constituents. He has been a true leader, demanding yet responsive, attentive and always ready to respond creatively.

On May 28, staff, patients, neighbors, and local officials will gather to celebrate the tremendous success of Howard Cohen's tenure at Coney Island Hospital, and to give him a long overdue thank you. During a time of economic crisis in our health care industry, Howard Cohen has managed to ensure the consistent delivery of high quality health care at Coney Island Hospital. His tremendous effort and devotion is appreciated by all and worthy of our accolades.

Mr. Speaker, at a time when Americans are justifiably concerned over the future of their health care system, I am pleased to inform my colleagues that in a corner of Brooklyn, dedication to service, skill and creativity have combined to serve a community in need. For that we can thank Howard Cohen, a man I am proud to call my neighbor and my friend. I commend to my colleagues the fine record of this dedicated and tireless public servant.

PROJECT LIBERTY SHIP "JOHN W. BROWN" RECOGNIZED

HON. HELEN DELICH BENTLEY
OF MARYLAND
IN THE HOUSE OF REPRESENTATIVES
Thursday, May 21, 1992

Mrs. BENTLEY. Mr. Speaker, on April 4, 1992, I had the distinct honor and pleasure of being aboard the SS *John W. Brown* at pier 1, Clinton Street in Baltimore, MD. On this momentous occasion I received an award from the America the Beautiful Fund of Washington, DC, on behalf of Project Liberty Ship *John W. Brown* and in turn presented it to Capt. Brian Hope, its chairman.

This award was given for the more than 100,000 hours of volunteer labor performed by the members of Project Liberty Ship in the restoration of the *John W. Brown*. The award represents the unflagging efforts of the volunteers to rescue one of the original 2,770 historic liberty ships, of which only two are left, and thus to salvage, with its successes, a unique moment in our Nation's history when the liberty fleet transported two-thirds of the U.S. exports and played such a key role in the Allies' victory in World War II.

The honor was conferred on Project Liberty Ship also for paying tribute, through the living artifact of the *John W. Brown*, to the men and women of American industry who built the liberty fleet and to the merchant mariners who sailed the ships and to the armed guard who defended them. Project Liberty Ship was honored also for bringing history to life, through the *John W. Brown*, for millions of American young people today and in generations to come, and for inspiring youthful interest in many fields, including geography, economics, and science.

Project Liberty Ship is a solid testament of the power of community action in retrieving and preserving the precious legacies of our Nation's past. Project Liberty Ship's myriad volunteers and benefactors are to be commended for the resurrection of the SS *John W. Brown*. This living memorial serves as an invaluable tool to illustrate the vital role shipping still plays in our Nation's economy and in support of our troops during wartime. It lives again as a cultural and historic treasure for America's third century.

This prestigious award marks the first time the *John W. Brown* was honored by an organization outside of the maritime industry. Since this award is given to only two recipients in each State yearly, the *John W. Brown*, as a 1992 recipient, has added greatly to Baltimore maritime heritage.

Mr. Speaker, my fellow colleagues, I salute Project Liberty Ship *John W. Brown* and take great pride in this national treasure.

CONGRESSMAN KILDEE HONORS THE FLINT NEIGHBORHOOD COALITION

HON. DALE E. KILDEE
OF MICHIGAN
IN THE HOUSE OF REPRESENTATIVES
Thursday, May 21, 1992

Mr. KILDEE. Mr. Speaker, I rise before you today to pay tribute to an organization dedicated to preserving and promoting the neighborhoods of my hometown of Flint, MI. Since 1982, the Flint Neighborhood Coalition has encouraged and empowered the residents of the city of Flint to work together to improve the quality of life in our community.

From a small group of citizens determined to prevent the construction of a convenience store in a residential area, the Flint Neighborhood Coalition [FNC] has grown into a citywide organization. Its members represent the diversity of colors, creeds, and economic standing that comprise the Flint community.

The FNC developed the Helping Hands project, which provides safe houses in the neighborhoods for children who are in danger of being molested or abducted. The FNC successfully lobbied the Flint City Council for a noise ordinance. The coalition also provides technical assistance to organizations and individuals interested in community development. One form of assistance is a leadership skills training program focusing on five areas: Self esteem, behavior modification, motivational skills, neighborhood capacity, and action steps.

The Flint Neighborhood Coalition is working with the Genesee County Health Department to sponsor a health survey. They hope to use the data collected to develop a plan of action to reduce Flint's high rate of cardiovascular problems and to raise the level of children's inoculations.

In 1991, the FNC worked with community organizations, local businesses, city government and residents to conduct the first annual Operation Brush Up. Forty-three homes in a two block area of the city plagued by urban blight were painted and their lawns landscaped. The labor was done by volunteers from every area of the Flint community. And the success of Operation Brush Up just increases with every passing year. Just last week nearly 3,000 people turned out to paint and repair over 80 houses.

This year the Flint Neighborhood Coalition is sponsoring a series of activities during Save Our Neighborhoods Week. the coalition is encouraging residents, businesses and other landowners to clean up their properties. Again the FNC has been able to obtain the cooperation of hundreds of residents citywide.

Mr. Speaker, the Flint Neighborhood Coalition is a shining example of what can be accomplished when a community works together. It is my hope that cities across the Nation will follow the lead of the residents of my hometown, encouraging their citizens to improve the quality of life in their communities. It is with great pride that I ask you and my fellow Members of Congress to recognize the tremendous achievements of the Flint Neighborhood Coalition. They have blazed a path for the Nation to follow.

INTRODUCTION OF WELDON RESOLUTION AUTHORIZING A CITIZENS' COMMISSION ON CONGRESSIONAL ETHICS

HON. CURT WELDON

OF PENNSYLVANIA
IN THE HOUSE OF REPRESENTATIVES
Thursday, May 21, 1992

Mr. WELDON. Mr. Speaker, public approval ratings of Congress are at an all-time low. Americans are crying out for reform of this institution. It is clear that many aspects of our system are broke, and it is time for us to fix them.

Today, along with my Democratic colleague from New Jersey [Mr. ANDREWS], I am introducing legislation which will create an independent body to oversee congressional operations and ethics. This resolution would give additional powers to the newly-created inspector general position, and authorize a bipartisan commission of American citizens to play a coequal role in House ethics and oversight.

As long as it is solely up to Congress to police itself on ethics matters, the public will remain skeptical. It is time to restore people's faith not only in our system—but in the integrity of this institution. Our legislation goes a long way toward achieving that goal.

THE DROUGHT IN SOUTHERN AFRICA

HON. LUCIEN E. BLACKWELL

OF PENNSYLVANIA
IN THE HOUSE OF REPRESENTATIVES
Thursday, May 21, 1992

Mr. BLACKWELL. Mr. Speaker, I rise today to alert my noble colleagues to a grave crisis that has so far been ignored in our country, but desperately warrants our attention: the devastating drought currently ravaging the southern region of Africa.

Mr. Speaker, for thousands of years, Lake Kyle, located near the town of Mashvingo, provided the people of central Zimbabwe with fresh fish, drinking water, and irrigation for their crops. But because of persistent lack of rainfall over the past decade, this once major body of water is now nothing more than a puddle in the middle of a rocky basin, and has left a huge mass of people without a source of life giving water.

In the northern Transvaal, South Africa, villagers look to the skies in December—waiting for the vital spring rains they had expected in August, as they helplessly watch their maize crops wither and their cattle slowly die of starvation.

In Mozambique, farmers scratch the parched ground with sticks to plant crops, and desperately try to irrigate their crops with sea water. Many others simply scavenge for food, and dig for sandy water under dry river beds. Relief workers arrive in arid areas astonished to find the people still alive.

Mr. Speaker, in the face of major drought, the people of southern Africa face malnutrition and famine. South Africa, which usually exports grain to neighboring desert nations, will instead import 6 billion tons of maize this year. Up to 100,000 farm workers could be displaced and add to the nearly 50 percent of all blacks in that nation who are unemployed.

And although the Government has pledged assistance to its people, bickering between the ANC and the National Party has delayed efforts to get food to the people. Operation Hunger reports that its efforts to feed this country have been stalled because it was forced to spend its entire year's budget for fiscal year 1992 in the first 3 months.

Like South Africa, Zimbabwe normally exports food. This year, the nation's grain reserves were depleted by March, and the Government declared a drought disaster; now, the country depends solely on commercial imports. Over 2 million people in that nation have applied for relief, but current Government funding is sufficient for as few as one-half of the victims of drought. Thirty-thousand of its children are reported as malnourished.

And the nation of Mozambique, reeling from the devastations of war, faces even greater privation, since rival groups have used relief food as a political weapon—in fact, nearly 40 percent of food aid rots in warehouses. Meanwhile, people either starve, or flock to other countries where they are herded into crowded, dirty, refugee camps.

Mr. Speaker, the crisis in southern Africa parallels the famine which swept through Ethiopia several years ago. Thirty million people face the horror of starvation over the next 5 years. This time, let us not wait until one-third of the people in that region are dead. Let us not wait for the swollen bellies and sad eyes to appear on the television advertisements of charitable organizations. Let us instead take the necessary steps now, to avert this growing crisis before the crisis achieves its devastating potential.

Mr. Speaker, I fervently urge my colleagues to join me in seeking out ways to aid this ravaged area of the world, and to make sure that our efforts benefit the hungry people of southern Africa—not the political interests of rival factions. I thank you, Mr. Speaker.

COMMEMORATING THE 25TH ANNIVERSARY OF THE CHESAPEAKE BAY FOUNDATION

HON. C. THOMAS McMILLEN

OF MARYLAND
IN THE HOUSE OF REPRESENTATIVES
Thursday, May 21, 1992

Mr. McMILLEN. Mr. Speaker, I rise today to commemorate the anniversary of the Chesapeake Bay Foundation. The Bay Foundation is a nonprofit organization that was founded in 1967, making this year its 25th anniversary of fighting to save the bay. This organization is headquartered in Annapolis, MD, my congressional district.

The Chesapeake Bay Foundation is somewhat unique in that it has only one mission, to protect and restore the Chesapeake Bay. However, this single goal requires the staff and volunteers of the foundation to be well informed and active on a vast array of issues. Everything ranging from global warming to oyster disease impacts the bay, and it is therefore the immense job of this organization to be ready to tackle many different problems at the same time.

To have an appreciation for the Chesapeake Bay Foundation, you really must have an understanding of the bay itself. The Chesapeake Bay is the largest estuary in the United States, supporting more than 2,700 species of plants and animals including bald eagles and ospreys. It is a national treasure, which unfortunately has been severely damaged by pollution, increased population in the watershed, and habitat depletion.

The Chesapeake Bay Foundation performs the valuable functions of educating the public about the environment, defending the bay through the court system, and working to manage the bay watershed. I have personally come to depend on the foundation as an information source and have the utmost respect for the dedication, expertise, and professionalism of its staff.

I commend the Chesapeake Bay Foundation on its first 25 years. If the next 25 are as productive as the first, the bay will be well on its way toward recovery.

EXTENDING CERTAIN EXPIRING TAX PROVISIONS

HON. FRANK J. GUARINI

OF NEW JERSEY
IN THE HOUSE OF REPRESENTATIVES
Thursday, May 21, 1992

Mr. GUARINI. Mr. Speaker, on June 30, 1992, several tax provisions which are sound building blocks for our economy are set to expire. These are proven programs which educate and retrain workers, build low-income housing, help the self-employed afford health insurance, promote research and development, and help first-time home buyers afford a mortgage.

Today, I am introducing legislation to extend these vital provisions for 18 months. This is a bipartisan endeavor to save these measures. I am joined by Representatives MCGRATH, KENNELLY, FORD of Tennessee, MOODY, CARDIN, THOMAS, DOWNEY, PICKLE, RANGEL, SCHULZE, JENKINS, MATSUI, COYNE, ANDREWS, DORGAN, DONNELLY, VANDER JAGT, SHAW, JOHNSON, and MCDERMOTT, a majority of Ways and Means Committee members. Senators DANFORTH and BOREN are introducing similar legislation today in the Senate.

Last year, when we joined together in a bipartisan effort, we were successful in keeping these important programs working, without a break in the status of the tax provisions and the resulting uncertainty that would create. At that time, we passed a 6-month extension with the expectation that the expiring provisions would be dealt with in an economic growth package. The economic growth package was not enacted, so here we find ourselves, again, with the clock ticking in these final days before June 30, 1992, when these programs will expire.

To allow these provisions to lapse is tantamount to a tax increase that the economy can ill-afford. The significant economic benefits of these programs will be lost. Businesses will be unable to plan. The construction of much needed, low-income housing will be postponed. Workers will be denied valuable retraining and educational opportunities. The self-employed will find their insurance costs rising even higher.

One provision in this package that is particularly important to me is employer provided educational assistance. This measure ensures that workers are not penalized with taxes on the value of educational assistance provided to them by their employers. It enables people like Debbie Ireland of Hewlett-Packard to improve their job opportunities. Ms. Ireland was a single mother earning about $15,000 a year as an assembly line worker. With no job skills or qualifications, she simply could not find a higher paying job that would enable her to support her family. Luckily, she worked for an employer who provided educational assistance under section 127 and she was able to get the training she needed. Debbie will soon graduate from college and now makes about $20,000.

This provision also helps improve the quality of our work force and will help ensure our competitiveness. It enables people like Bill Crandall, a computer programmer in San Jose, CA, to take Japanese courses at De Anza Community College in order to help make American developed computer programs compatible with those produced in Japan.

Right now, there are literally thousands of American workers like Debbie Ireland and Bill Crandall, who are waiting to find out whether or not they can continue their classes. These are classes that they need to improve their ability to make it in this tough job market and support themselves and their families.

At a time when we are considering a further extension of emergency unemployment benefits, it is inconceivable to me that we would let lapse a program that enables workers to retrain—to learn new job skills—and to conform to a changing job market. The exclusion for employer provided educational assistance gives people the ability to help themselves. It lets them open doors to new opportunities and options for their future through their own hard work and diligence.

Mr. Speaker and distinguished colleagues, for years we have been extending these provisions retroactively or for short terms. This on-again, off-again treatment is counterproductive. We need to provide more certainty. I urge that we join together for prompt bipartisan action to extend these vital measures that contribute so much to our economy. The families, the workers, and the businesses who depend on certainty in the Tax Code deserve no less.

TRIBUTE TO MAJ. GEN. BARRY R. MCCAFFREY

HON. LINDSAY THOMAS

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 21, 1992

Mr. THOMAS of Georgia. Mr. Speaker, on May 27, 1992, Maj. Gen. Barry R. McCaffrey will complete his tour of duty as commanding officer of the 24th Infantry Division, mechanized at Fort Stewart. This will be a proud occasion to celebrate another mission accomplished by Barry McCaffrey, one of America's greatest combat commanders, and to welcome Maj. Gen. Paul E. Blackwell to the command of one of America's greatest combat divisions.

I cannot let this event go without a special tribute to General McCaffrey and to the men and women who are the heart and soul of the 24th.

I have had the honor of knowing several commanding generals at Fort Stewart and Hunter during the past 10 years. Without exception, they have been extraordinary men with extraordinary skills.

But the unpredictable timing of world events thrust Barry McCaffrey into command in time of war. He was to prove more than equal to the task.

The media and the military historians have well documented the extraordinary accomplishments of the 24th in Desert Shield and Desert Storm.

It was was the first Army unit to arrive in Saudi Arabia with the mechanized infantry and armor units that could defend or attack in a confrontation with the huge Iraqi military. They boarded ships and airplanes in Savannah, GA, with the full expectation that they could be unloading under fire in Saudi Arabia.

It was the Army unit that ultimately led the extraordinary end run around Iraqi forces to deliver the death blow to any hope that Saddam Hussein might have of escaping a crushing defeat.

However, my tribute is not simply for the 24th—I have had the honor of recognizing that outstanding unit before in remarks to the Congress.

Instead, my tribute today is to Maj. Gen. Barry McCaffrey.

I have come to know Barry and his dynamic wife, Jill, quite well during the past 2 years. Simply stated, they are two of the most dedicated, patriotic, and accomplished Americans I have ever met.

On occasion, I hear some of the social critics say that America has no more heroes. They have not met Barry McCaffrey.

General McCaffrey won the Distinguished Service Medal for service during Desert Storm. His earlier decorations for valor include two awards of the Distinguished Service Cross, two awards of the Silver Star, the Bronze Star with "V" device with three Oak Leaf Clusters, and three awards of the Purple Heart for wounds in combat.

In person, this is a man who is every inch a soldier's soldier. His personal courage is battle-tested, his professional skills are almost beyond belief, and his concern for the well being of his troops and his Nation is legendary.

This is not the loud, brash, Hollywood vision of a hero. This is man who is quiet, calm, and dignified. And yet, you know that if you were in a tough spot, this is the man you would want at your side.

Quite simply, this is a commander whose troops would follow him to hell and back, because they know he will not fail them when the chips are down.

Barry McCaffrey is part of that hardened cadre of officers and noncommissioned officers who chose to stay in the Army after Vietnam, at a time when the Army had fallen into poor repute in the eyes of the media and many citizens. Never mind that many of the Army's problems were the result of the failures and neglect of our national political leadership.

It would have been easy for the Barry McCaffrey's of the Army to resign and walk away in the 1970's. He would have found it easy to move into a lucrative civilian career. He is a graduate of the prestigious Phillips Academy, the U.S. Military Academy at West Point, he holds a graduate degree from American University, and he has a host of other remarkable credentials.

He had a growing family, and he and his wife knew all too well the hardships of family life in the military.

But he and Jill would not leave the Army just because times were tough. Instead, Barry McCaffrey and his colleagues became the keepers of the flame in the 1970's. They would not let the high traditions of the United States military fade from the institutional memory of the Army they knew and loved.

Slowly but surely, they carried out their work to rebuild the United States Army. And soon, young soldiers were inspired to transform the Army into an organization that is now the envy of the world.

Today, the Army is what many would describe as the exception to the rule. In a nation where we fear our educational system is failing us, the Army is the best teaching institution in our society. In a nation where racial conflicts have led to riot and ruin, the Army is a comparatively color-blind instituion.

In a nation which many fear is losing the ability to compete, the U.S. Army is second to none in the world in quality and professionalism. In a nation where many say our young people are going from bad to worse, the Army has shown that properly trained and led, our young Americans have no equals.

This is the same Army that, in effect, "won" the cold war and brought about the peaceful dismantling of the Soviet Union and its offensive military capabilities.

As a result of that peaceful victory, the Army now begins the painful process of scaling back our forces. In many ways, this will be a tougher challenge than building up that force. Most especially, we must be fair and honest to the troops who have served our flag.

That is why I thank God that soldiers like Barry McCaffrey are in our Army.

If military leadership can ease the personnel difficulties of the tough months and years ahead, then leaders like Barry McCaffrey are more than up to the challenge.

And beyond that, I take comfort in the fact that as we reduce the size of our force, leaders like Barry McCaffrey will not tolerate a reduction in the quality of that force.

Mr. Speaker, the people of this country owe a debt we can never repay to the likes of Barry McCaffrey and the troops they have led.

For me personally, when I retire from Congress at the end of the year, I will look back on my decade of public service with many fond memories.

But foremost in those memories is the fact that I have had the honor of knowing Maj. Gen. Barry McCaffrey, a soldier in the U.S. Army.

A TRIBUTE TO CHARLES E. LLOYD

HON. MERVYN M. DYMALLY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 21, 1992

Mr. DYMALLY. Mr. Speaker, each year the criminal justice section of the County Bar Association selects judges and lawyers who they consider to be the best of the year in certain categories. Chosen this year is my friend Charles E. Lloyd. Mr. Speaker, this selection is a surprise to me only because attorney Lloyd is long overdue for these honors and has never before even been nominated by this group. Since entering law practice in 1961, Charles has had an outstanding record in his field and richly deserves this honor.

Born July 2, 1934, in Mississippi, Charles Earl Lloyd's dream to be a lawyer nurtured from a visit to an attorney's office with his father at the age of 9. Poor and living in Indianola, MI, Lloyd recalled his father sending him to a local lawyer's office to tell the lawyer he couldn't pay his bill on time. "I walked into that ground level office and could tell the lawyer lived better than I did," he said. "I knew I wanted to be a lawyer." After graduating from Indianola Colored High School as quarterback and captain of the football team and class president in 1952, Charles Lloyd decided to come to Los Angeles.

At the age of 20 he took the Los Angeles police examination and was accepted into the police academy at 21, graduating with the highest academic honors in his class.

Whole working fulltime as a Los Angeles police officer at night, he attended law school fulltime during the day. He received his bachelor's degree from Los Angeles State College, and law degree from the University of Southern California in 1961.

In 1962 he was admitted to the California State Bar, resigned from the police department and entered the Los Angeles city attorney's office, criminal division where he served as chief trial deputy of the criminal division with a direct command of a staff of 25 lawyers. There he won 140 out of 145 jury trials. His record as a defense attorney has been as spectacular, when in 1974, along with attorney Ken Green and attorney Sam Parks jointly won an unprecedented case where three defendants were found not guilty of 96 counts of rape, robbery, and kidnapping.

Attorney Lloyd won so many murder cases in the 1960's, 1970's and 1980's until it was reported when you are charged with murder, don't call the Lord, call Lloyd.

In 1963, he taught law at Van Norman University and in April 1964 he entered the private practice of law.

In 1969 he received a resolution of commendation for outstanding service as an attorney and civic leader, presented by Supervisor Kenneth Hahn for the Los Angeles County board of supervisors. In 1983, his former law partner, Mayor Tom Bradley, presented him with a commendation for outstanding achievements and contributions to the city of Los Angeles in the field of law.

Charles Lloyd has contributed time and money to many charitable and civic organizations, including memberships in the NAACP, Woodcraft Rangers, 28th Street YMCA, Black student associations, and has purchased equipment for students at Los Angeles Jordan and Jefferson High Schools.

In being named to receive this award, Lloyd was beginning to feel like Henry Fonda, who finally was awarded an Oscar for his performance in "On Golden Pond", which Lloyd called an ordinary movie. He added, "You can live and die and not get one. I thought that would happen to me."

So, Mr. Speaker, I stand before you to direct your attention to this man who has so diligently served his country in his field of endeavor. I am honored to have this opportunity to make sure that attorney Charles Earl Lloyd is properly recognized for his great work over the years.

HOUSE OF REPRESENTATIVES—*Tuesday, May 26, 1992*

The House met at 12 noon and was called to order by the Speaker pro tempore (Mr. MONTGOMERY).

DESIGNATION OF SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, DC,
May 26, 1992.

I hereby designate the Honorable G.V. (SONNY) MONTGOMERY to act as Speaker pro tempore on this day.

THOMAS S. FOLEY,
Speaker of the House of Representatives.

PRAYER

The Reverend Dr. Ronald Christian, Office of the Bishop, Evangelical Lutheran Church in America, Washington, DC, offered the following prayer:

Almighty God, the seasons of Your good Earth remind us of the passage of time, the shortness of this life, the importance of this moment, the significance of our work, and the promise of a future.

We pray, O God, let our efforts this day be the plantings of a better tomorrow for those who follow us.

Let us all recognize in our own good deeds this day the growth that has come from someone else's sowing.

And may the truth which frees, the hope that never dies, the love which casts out fear, visit us and redeem us all from a spirit of selfish gain or from the vanity of pride in authorship. Amen.

THE JOURNAL

The SPEAKER pro tempore (Mr. MONTGOMERY). The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore. The Chair will ask the gentleman from Tennessee [Mr. CLEMENT] if he would kindly come forward and lead the membership in the Pledge of Allegiance.

Mr. CLEMENT led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Hallen, one of its clerks, announced that the Senate had passed with amendments in which the concurrence of the House is requested, a bill of the House of the following title:

H.R. 5132. An act making dire emergency supplemental appropriations for disaster assistance to meet urgent needs because of calamities such as those which occurred in Los Angeles and Chicago, for the fiscal year ending September 30, 1992, and for other purposes.

The message also announced that the Senate insists upon its amendments to the bill (H.R. 5132) "An act making dire emergency supplemental appropriations for disaster assistance to meet urgent needs because of calamities such as those which occurred in Los Angeles and Chicago, for the fiscal year ending September 30, 1992, and for other purposes" and requests a conference with the House on the disagreeing votes of the two Houses thereon, and appoints Mr. BYRD, Mr. INOUYE, Mr. HOLLINGS, Mr. JOHNSTON, Mr. BURDICK, Mr. LEAHY, Mr. SASSER, Mr. DECONCINI, Mr. BUMPERS, Mr. LAUTENBERG, Mr. HARKIN, Ms. MIKULSKI, Mr. REID, Mr. ADAMS, Mr. FOWLER, Mr. KERREY, Mr. HATFIELD, Mr. STEVENS, Mr. GARN, Mr. COCHRAN, Mr. KASTEN, Mr. D'AMATO, Mr. RUDMAN, Mr. SPECTER, Mr. DOMENICI, Mr. NICKLES, Mr. GRAMM, Mr. BOND, and Mr. GORTON to be the conferees on the part of the Senate.

The message also announced that the Senate had passed bills and concurrent resolutions of the following titles, in which the concurrence of the House is requested:

S. 1216. An act to provide for the adjustment of status under the Immigration and Nationality Act of certain nationals of the People's Republic of China unless conditions permit their return in safety to that foreign state;

S. 1731. An act to establish the policy of United States with respect to Hong Kong, and for other purposes;

S. 2245. An act to authorize funds for the implementation of the settlement agreement reached between the Pueblo de Cochiti and the United States Army Corps of Engineers under the authority of Public Law 100-202;

S. 2743. An act to deter and punish aggression against the newly independent countries of the defunct Socialist Federal Republic of Yugoslavia, and to promote human rights within the newly constituted Republic of Yugoslavia;

S. 2780. An act to amend the Food Security Act of 1985 to remove certain easement requirements under the conservation reserve program, and for other purposes;

S. 2783. An act to amend the Federal Food, Drug, and Cosmetic Act with respect to medical devices and for other purposes;

S. Con. Res. 122. Concurrent resolution recognizing the 50th anniversary of the Battle of the Coral Sea, paying tribute to the United States-Australian relationship, and reaffirming the importance of cooperation between the United States and Australia within the region; and

S. Con. Res. 123. Concurrent resolution authorizing the use of the East Front parking lot of the Capitol for an exhibit by NASA during the period beginning on June 1, 1992 and ending June 5, 1992.

COMMUNICATION FROM THE CLERK OF THE HOUSE

The SPEAKER pro tempore laid before the House the following communication from the Clerk of the House of Representatives:

WASHINGTON, DC,
May 22, 1992.

Hon. THOMAS S. FOLEY,
The Speaker, House of Representatives, Washington, DC.

DEAR MR. SPEAKER: Pursuant to the permission granted in Clause 5 of Rule III of the Rules of the U.S. House of Representatives, the Clerk received the following message from the Secretary of the Senate on Friday, May 22, 1992 at 2:25 p.m.: That the Senate agreed to the House amendment to S. 870; agreed to the House amendments to S. 2569; and agreed to the Conference Reports on H.R. 4990 and H. Con. Res. 287.

With great respect, I am,
Sincerely yours,

DONNALD K. ANDERSON,
Clerk, House of Representatives.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair desires to announce that pursuant to Rule XLIX, as a result of the adoption by the House and the Senate of the conference report on House Concurrent Resolution 287, House Joint Resolution 494, increasing the statutory limit on the public debt, has been engrossed and is deemed to have passed the House on May 21, 1992.

THE FLIGHT OF THE HAITIAN BOAT PEOPLE

(Mr. SMITH of Texas asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SMITH of Texas. Mr. Speaker, for the past couple months, we have not heard much about the situation in Haiti.

The boat people stopped leaving. The professional activists moved on to other subjects. And the media turned to Ross Perot and the riots in Los Angeles.

☐This symbol represents the time of day during the House proceedings, e.g., ☐ 1407 is 2:07 p.m.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

But those are not the only reasons we stopped hearing about the Haitian exodus. We stopped hearing about the Haitian exodus because the people we returned to Haiti were not being persecuted.

In short, the President's policy was right. Nobody wanted to waste time talking about a rational policy decision that was working well.

The President has made the right decision again on Haiti.

We cannot allow Haitians to get on boats to make an unsafe journey across the open seas when they do not qualify to enter the United States as refugees.

We no longer have the capability to process them in Guantanamo Bay, but we are accepting refugee petitions in Haiti. And any Haitian is free to apply.

Today's Washington Post said the flow of Haitians has already slowed.

It will be interesting to see and hear what the media has to say in a couple weeks when it is evident that President Bush was right once again with Haiti.

WOMEN'S SOCCER SHOULD BE AN OLYMPIC MEDAL SPORT

(Mr. MORAN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MORAN. Mr. Speaker, during the past 50 years, we have witnessed tremendous improvements in women's equality, however a few areas still exist in which women are given unequal and unfair status. Sports competition is one such area.

I was pleased that on February 26 of this year the Washington Post ran an article about the U.S. women's national soccer team and an editorial on the new era Olympics, the latter pointing out that most of America's medals from Albertville were won by women. The athletes described in both these articles are fine role models for today's young people, both boys and girls. They also serve as tremendous examples of the great American competitive sports spirit.

Mr. Speaker, the U.S. women's national soccer team is probably the best in the world. They won the first women's world soccer championship besting 64 other nations' women's soccer teams. Therefore, I was dismayed to learn from a report in the December 16 issue of Soccer America that Joao Havelange, president of the International Football Association, wrote to Juan Samaranch, president of the International Olympic Committee, suggesting that women's soccer wait until the year 2000 to be made a gold medal sport since the schedule of events for 1996 in Atlanta had already been drafted.

The many thousands of soccer fans in my district and around the Nation are disappointed and frustrated that the rescheduling for women's soccer would require such a delay. Considering that President Samaranch was able to incorporate so many new nations and sports into the 1992 games, a delay in gold medal status in women's soccer because a schedule of events has been drafted does not seem to be an adequate, let alone compelling, justification.

Mr. Speaker, I urge all my colleagues to recognize the popularity of women's soccer in their own districts and support my resolution proclaiming that women's soccer should be an Olympic medal sport in 1996.

OVERREGULATION

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Wyoming [Mr. THOMAS] is recognized for 5 minutes.

Mr. THOMAS of Wyoming. Mr. Speaker, I wanted to take just a few minutes again to talk about what I think is one of the most difficult and perplexing problems that we have, and that is the question of overregulation. We seem to talk about it a great deal. Most of us agree we have a problem. Our constituents come to us constantly with the problem, and yet we seem not to do much.

I think there is great impact, and we have talked about the impact of overregulation. We spend a great deal of time, and properly so, talking here about the economy, what we might do to provide jobs, what we might do to stimulate small business. One of the things that keeps those from happening most often is overregulation.

Overregulation affects all industries, but particularly in my home State, and I have just come from there last night. In banking and energy, particularly in energy extraction, we find that there is really no interest in doing things and moving on into new jobs and new small businesses because of overregulation.

I have talked a little bit about the cost. The national cost is recognized to be about $450 billion a year, the cost of regulation. That is more than the deficit. That is more than defense. That is more than interest on the national debt, $450 billion per year.

We talk about that purely abstractly, because it is not coming out of our pocket directly. But some of it is, the cost to us as individuals. Federal receipts, taxes, Federal income averaged roughly $10,000 per household in 1988. Regulatory costs, on the other hand, for households in this country for your family and mine are an additional $4,500 per year. If this component, another 50 percent, was factored into Tax Freedom Day, which was May 8 this year, it would fall somewhere around July 15 before your family would be earning money for itself.

Some say this is not excessive. I say it is. A good portion of that money could go to pay for health costs that your family has or to invest in a home or to invest in new jobs.

□ 1210

Is this regulation worth $4,500 a year?

I think really the issue is what is the role of Government? Certainly there is a role for Government. Certainly there is a role as a referee when we have a private sector, and that is proper.

The question is, What level of Government can do it best? I think most of us would adhere to the notion that the closer to the people, the better we can do.

If our effort is to eliminate all risk, we certainly can do this. Each time you give up all risk, you give up all opportunity as well.

We have a market system which provides us choices. The more we take those choices away, the more freedom is reduced.

It just seems to me that what we ought to seek, Mr. Speaker, is a balance, a balance between regulation and the opportunity for the private sector to work. We seem to be intimidated about doing something about it. We can do something about it. We can provide that each bill that we pass has some indication of what it would cost for regulation. We could have a private sector group that takes a look at regulation and its costs and reports to us.

In my own legislature in Wyoming when I was there, we had a legislative body that looked at agency regulations to see if they were done in the spirit and in keeping with the law. We can do something about it.

We seem to be intimidated by things like balanced budgets and seeking to balance them. We should not be intimidated about overregulation, Mr. Speaker. We can do something about it if we would address ourselves to that chore, and I suggest it is one that we ought to get on with.

IN HONOR OF JOAN ELLISON

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California [Mr. STARK] is recognized for 5 minutes.

Mr. STARK. Mr. Speaker, I ask my colleagues to join me in honoring Joan Ellison, who is retiring this year after 36 years of teaching. Joan is an outstanding teacher who brings her love and experience into the classroom each morning to enrich the lives of the children at the Lorenzo Manor School.

As a first and second grade teacher, and now with her kindergarten classes, Joan is a role model for her colleagues. She works hard to give children a solid foundation as they begin the adventure of learning. At their early age, Joan's students are well prepared to begin reading, the gift that lasts a lifetime. Through experience, skill, and dedication, as well as a recognition of the important role of parents and families in the education process, Joan creates an environment in which every child in her classes feels important and loved.

We can have a little more faith in American education knowing that teachers like Joan have helped to build a better future for our children. She is dedicated to her work and will be missed by the teachers and students she has worked with over 36 years. Those friends will gather on Saturday, May 30, to share their appreciation. I want to take this opportunity to congratulate Joan Ellison and wish her the best in retirement.

THE ASIA-PACIFIC AND THE UNITED STATES: ENTERING INTO THE PACIFIC CENTURY

The SPEAKER pro tempore. Under a previous order to the House the gentleman from American Samoa [Mr. FALEOMAVAEGA] is recognized for 60 minutes.

Mr. FALEOMAVAEGA. Mr. Speaker, I rise today, along with my esteemed colleagues from Hawaii, the Honorable PATSY MINK, and the Honorable NEIL ABERCROMBIE, to commemorate the deep and rich legacy of Americans who have come from Asia and the Pacific Islands. Due to prior commitments in their districts, our distinguished colleague from Guam, the Honorable BEN BLAZ, and the respected delegation from California, the Honorable ROBERT MATSUI and the Honorable NORMAN MINETA, were not able to be present. Their thoughts and hearts are with us today, however, and I submit their statements for the RECORD.

This month, as many of you know, is a special month. President Bush has honored and recognized the contributions of our people by proclaiming May as Asia-Pacific American Heritage Month. The President's action is welcome, overdue, and only fitting, as our Nation prepares for the 21st century, the dawning of the Pacific century.

It has always bothered me that our Presidents visit Europe so often that they qualify for frequent flier status, yet they have rarely travelled to the Asia-Pacific region. I believe this has sent the wrong message to the countries of the Pacific, that our friends there continue to take a backseat to Europe and the Middle East when it comes to U.S. foreign policy.

It was thus noteworthy to see President Bush make his first trip abroad to our part of the world. As the President declared early after taking office—America, too, is a Pacific nation and we must renew our determination to strengthen ties and relationships with our allies and partners in the Pacific. Since then, the President and Vice President have attempted to make good on this commitment by coming to the Pacific on four separate occasions.

It is a beginning, yet, still, not enough attention is being paid by our Government to the Asia-Pacific region. The evolving events of the world make it imperative that this change.

In this decade and into the next century, the countries of the Pacific shall play a more crucial role in the economic, political, strategic, and security needs of the United States and the world. As has been often-stated, the 21st century—the Pacific century—shall truly be an era marked with miraculous economic advancement by this the world's most dynamic and rapidly developing region.

As many of you know, I was born and raised in the Pacific and my love and interest lie in this part of the world. Although I do not claim to be an expert, my years of travel throughout the Pacific, followed by years of service as a member of the House Foreign Affairs Committee and Subcommittee on Asian and Pacific Affairs, have given me a perspective which I would like to share with you.

The economy of the Asia-Pacific region today is staggering in size and breathtaking in growth.

Last year, according to the U.S. Department of Commerce, our Nation did just shy of 325 billion dollars worth of total trade with the region—easily matching United States trade with Europe, and throwing in another $135 billion in excess of our trade relationship with Europe.

Since 1981, United States trade with the Asia-Pacific region has expanded by 148 percent, and is expected to increase to $400 billion by the end of this decade.

Almost two-thirds of the world's population resides in Asia and the Pacific, which perhaps accounts for the Pacific Basin's production of two-thirds of the world's gross national product.

Japan and America—key trading partners—alone, accounted for 40 percent of the world's GNP last year.

Also, in 1991, according to Commerce Department figures, the Asia-Pacific countries purchased close to $125 billion worth of United States products. It is significant to note that American exports to the region have increased by 130 percent since 1981.

South Korea, Taiwan, Hong Kong, and Singapore—known in Asia as the "Four Tigers" for their astoundingly rapid economic growth, have been joined by a new wave of "Little Dragons," Indonesia, Malaysia, and Thailand, as the economic miracle has spread in the Asia-Pacific region. All of these countries have vigorously expanding economies, some up to 11 percent annually, placing them among the fastest growing in the world.

These facts paint a picture that has many experts in international finance and economics predicting that the Asia-Pacific region will shortly replace the North Atlantic as the center of world trade. My feeling is that this has already occurred. Yes, my friends, the Pacific century has indeed begun.

And during this month for celebration, it is only fitting that we honor our fellow Americans of Asian-Pacific descent—both from the past and the present—that have blessed and enriched our Nation. I submit that Asian-Pacific Americans have certainly been an asset to our country's development, and it is most appropriate that our President and Congress have proclaimed May as Asian-Pacific Heritage Month.

The people of the Pacific have contributed much to America's development in the sciences and medicine. For example, in 1899 a Japanese immigrant arrived on the shores of this Nation. After years of study and work, this man, Dr. Hideyo Noguchi, isolated the syphilis germ, leading to a cure for this deadly, widespread disease. For decades, Dr. Makio Murayama conducted vital research in the United States that laid the groundwork for combating sickle cell anemia. In 1973, Dr. Leo Esaki, an Asian immigrant to our country, was awarded the Nobel Prize in physics for his electron tunneling theories. And, in engineering, few have matched the several architectural masterpieces created by the genius of Chinese-American, I.M. Pei.

Major contributions to United States business and industry have also been made by Asian-Pacific Americans. Wang Laboratories, the innovative business enterprise in computer research and development, was founded in 1955 by Chinese-American, An Wang. This Nation's largest tungsten refinery was built in 1953 by industrialist K.C. Li and his company, the Wah Chang Corp. And, in 1964, an immigrant from Shanghai, China, Gerald Tsai, started from scratch an investment firm, the Manhattan Fund, which today has well over $270 million in assets.

In the entertainment and sports fields, Chinese-American martial arts expert Bruce Lee entertained the movie audiences of this Nation, while destroying the stereotype of the passive, quiet Asian male. World-class conductor Seiji Ozawa has lead the San Francisco Symphony through several brilliant performances over the years.

A native Hawaiian named Duke Kahanamoku shocked the world by winning the Olympic Gold Medal in swimming seven decades ago; followed by Dr. Sammy Lee, a Korean-American who won the Olympic Gold Medal in high diving. Then there was Tommy Kono of Hawaii, also an Olympic Gold Medalist in weightlifting. And, yes, perhaps the greatest Olympic diver ever known to the world, a Samoan-American by the name of Greg Louganis—whose record in Gold Medals and national championships will be in the books for a long time. This year, Japanese-American Kristi Yamaguichi's enthralling Gold Medal ice-skating performance at the Winter Olympics continues the legacy of milestone achievements by Asian-Pacific Americans.

In professional sports, of course, we have Michael Chang blazing new paths in tennis, Pacific Islanders Brian Williams and Michael Jones of World Rugby, and the tens of dozens of Asian-Pacific Americans who have made their mark as professional football players in the National Football League.

We also have an Asian-Pacific American who is making his mark on history, not in our country, but in Japan. Samoan-American Salevaa Atisanoe is a 578-pound Sumo wrestler in Japan who goes by the name of Konishiki. Salevaa, or Konishiki, incidentally, also happens to be a relative of mine.

Konishiki is the first foreigner in this centuries-old sport to reach the rarified air of Sumo's second-highest rank. More importantly, though, he is on the verge of attaining the exalted status of grand champion or yokozuna. No foreigner has ever been permitted to fill this position, as the Japanese associate the yokozuna with the essence of Shinto's guardian spirits. The ascendancy to grand champion status goes to the heart of the Japanese religion and culture.

Although Konishiki has defeated the only existing yokozuna and has an excellent tournament record, a controversy has erupted as to whether he has the necessary character to become a grand champion. By merit and skill, it is uncontested that Konishiki qualifies as a yokozuna. Many commentators speculate it is because he is not Japanese that he is being denied promotion. For the benefit of my cousin and relations between the United States and Japan, I hope that this situation does not escalate into a burning issue of racism.

In honoring Asian-Pacific Americans that have served to enrich our country, I would be remiss, as a Vietnam veteran, if I did not honor the memory of the Asian-Pacific Americans who served in the United States Army's 100th Battalion and 442d Infantry Combat Group. History speaks for itself in documenting that none have shed their blood more valiantly for America than the Japanese-Americans that served in these units while fighting enemy forces in Europe during World War II.

The records of the 100th Battalion and 442d Infantry are without equal. These Asian-Pacific American units suffered an unprecedented casualty rate, and received over 18,000 individual decorations, many posthumous, for valor in battle. With so much blood spilled warranting the high number of medals given, it is disturbing and unusual that only 1 Medal of Honor, 24 Distinguished Service Crosses, and 60 Silver Stars were awarded. The great number of Asian-Pacific American lives lost decreed that more of these ultimate symbols of sacrifice should have been awarded. Even so, the 442d combat group emerged as the most decorated combat unit of its size in the U.S. Army.

Mr. Speaker, it is an honor and a privilege that I share with my colleagues a little bit of information concerning the famous 100th Battalion, 442d Infantry. It is interesting to note, Mr. Speaker, that the 100th Battalion is the only battalion in the U. S. Army that has its own shoulder patch. This is a mark of distinction that no other unit of its size can claim, and was awarded because of the courageous feats and accomplishments of the Japanese-American soldiers who fought for our Nation against our enemies in Europe during World War II.

Mr. Speaker, in further recognition of these two famous units, the 100th Battalion and the 442d Infantry Combat Group have now been incorporated as a U.S. Army Reserve unit operating out of Fort Derussy, Honolulu, HI, under the command of Lt. Col. Michael Wong.

I am especially proud that Company B and Company C of the 100th Battalion, 442d Infantry are both assigned as Ready Reserve units in my district. It is with great pride, Mr. Speaker, that I report that the former U.S. Army commander of all Army Reserve units, Maj. Gen. William Ward, at a national military veterans convention last year, stated that this U.S. Army Reserve Infantry unit in American Samoa, as part of the 100th Battalion, 442d Infantry, was the best infantry Reserve unit in the United States.

And I want to pay a special tribute to the officers and enlisted men of Hawaii's U.S. Army Reserve organization for their outstanding leadership and confidence in the ability of our Samoan men and women in the U.S. Army Reserve to promote and maintain the highest standards and traditions of the 100th Battalion, 442d Infantry.

Mr. Speaker, I want to especially commend the following gentlemen: former Maj. Gen. Walter Tagawa of Honolulu for his leadership and initiative to organize a Reserve unit for the 100th Battalion, 442d Infantry in American Samoa; former command Sgt. Maj. Thomas Miyashiro for his tremendous faith and confidence in the Samoan soldier to perform well under combat conditions and to maintain the fine traditions of the 100th Battalion, 442d Infantry; and, former Brig. Gen. Edward Hirata and Maj. Gen. Paul Lister of the U.S. Army IX Corps Headquarters, Honolulu, for their outstanding contributions which have sustained the presence of our Reserve units in Samoa.

I also want to commend Col. Robert Fishman, Chief of Staff, IX Corps Headquarters, and Maj. Mapu Jamias, G–3, IX Corps Headquarters, for their concern, service, and assistance provided during the past 10 years for the Reserve unit in American Samoa.

Mr. Speaker, I also want to recognize and thank the following individuals for their contributions and keen interest in promoting and enhancing the status of our Reserve unit in Samoa—Brig. Gen. Calvin Lau, Commanding General of IX Corps Headquarters, Fort Derussy, Honolulu, retired Lt. Col. Herbert Oyama, Col. Shogiro "Sho" Arakawa, Col. Walter Ozawa, Lt. Col. Robert Lee, Mr. S. Gibbs, Mrs. Sarah Kiaaina, Maj. Ernest Logoleo, Capt. Kyle Keomalu, Capt. Cedric Wingate, 1st Lt. Peleti Mauga, and 1st Lt. Tauapa'I Laupola.

Also, Mr. Speaker, I want to recognize the contributions of one of our finest noncommissioned officers, whose untimely death caught all of us by surprise a few months ago—Company B 1st Sgt. Nation Tilo. He was loved and revered by all of his peers for his leadership and devotion to his family and fellow soldiers. Our hearts go out to his wife and parents, High Chief Tilo Eliga and wife, Mulimuli, all of whom are from the village of Aua.

I am also proud to say that we can count the Honorable DANIEL K. INOUYE, a recipient of the Distinguished Service Cross, and the late highly respected Senator Spark Matsunaga, both from Hawaii, as Members from Congress that distinguished themselves in battle as soldiers of the 100th Battalion and 442d Infantry.

These Japanese-Americans paid their dues in blood to protect our Nation from its enemies. It is a shameful black mark on the history of our country that when the patriotic survivors of the 100th Battalion and 442d Infantry returned to the United States, many were reunited with families that were locked up behind barbed wire fences, living in concentration camps. You might be interested to know, my colleagues on the Hill, Congressmen ROBERT MATSUI and NORMAN MINETA, were children of the concentration camps.

The wholesale and arbitrary abolishment of the constitutional rights of these brave Americans will forever serve as a reminder and testament that this must never be allowed to occur again. It was outright racism and bigotry in its ugliest form. I pray that this will never happen again in America.

Which brings me to the increasingly volatile and complicated subject of our country's state of relations with the nation of Japan.

With Japan leading the way amongst democratic countries of the Asia-Pacific region—being the world's greatest creditor nation, the world's largest donor of foreign aid, and America's strongest financial partner and ally in the defense of our strategically important sea lanes of the Pacific Basin—I am concerned with the hostility mounting in the United States against our longtime friend and ally.

Many have said that with the recent collapse of the Soviet Union and the end of the cold war, Americans just have to find someone or something to worry about. Numerous polls verify that Japan is the new public enemy No. 1.

The myth of the voracious, Japanese economic machine that plays by unfair rules, consumes anything in its path and gives nothing back in return, has been set upon by certain politicians needing a quick public relations fix, corporate America facing sagging sales, and workers running out of unemployment checks. Jumping on the Japan-bashing wagon is fashionable and easy, and a good way to absolve responsibility for the state of our Nation's ills. Unfortunately, it does little to improve our situation but sets loose a Pandora's box of hysteria, nonsense, and outright bigotry, compounding the already difficult period of development our country faces.

When you look at the facts—the statistics of our own Department of Commerce—Japan is actually one of America's best customers, buying over $48 billion of United States goods in 1991. The Japanese buy more United States goods than any nation in the world, except for our neighbor, Canada. Since 1987, Japan has increased imports from our country by 70 percent, and in the same period reduced its trade surplus with the United States by 30 percent.

Taking a longer look back over the last decade, Commerce Department figures reveal that United States exports to Japan rose by 117 percent, which is more rapid growth than our exports to the rest of the world over the past 10 years.

It is significant to note, also, that the latest figures on Japanese investment in the United States show that $130 billion was added to our economy in 1990. The Department of Commerce estimates for 1990 that Japanese investment produced 897,000 jobs for America's labor force. I would be interested to know how many Americans lost their jobs that year as a result of U.S. corporations and companies deciding, for cheaper labor costs, to set up factories and operations in foreign countries.

Rather than mindlessly point the finger of blame at Japan, perhaps we in this country should look inward for the cause of America's economic malaise. Many experts in the field suggest that Americans must address fundamental problems with our society that lead to problems with the economy. In short, we must put our house in order.

The first job is to rigorously renovate our educational system, from kindergarten on up. America's present system is not producing enough skilled workers, managers, and leaders that can compete effectively in the international marketplace.

We must also concentrate on producing engineers and specialists in math and the sciences, vocations that produce actual products and technology. Too many of our brightest minds are diverted to professions that deal with nonproductive paper shuffling for profit. As an attorney, I know a little about this.

The second major task is to rid the public and private sectors of the tremendous debt incurred in the 1980's. In the span of one decade, the United States went from the world's greatest creditor nation to one of its worst debtors. The American people, on the Federal, State, local, and personal levels, must resolve to rid ourselves of this heavy anchor, and start saving. Only then can we hope to compete freely and unburdened, with sufficient capital, as a creditor nation.

Returning to the phenomenon of Japan-bashing, this mindless behavior has precipitated all over the United States increasingly ugly and sometimes violent action against Americans—our Americans of Asian-Pacific descent. Distinction as to ethnicity, let alone nationality, seems not to be evident. Asian features alone have provoked attacks and beatings against Japanese-Americans, Chinese-Americans, Thai-Americans, and Korean-Americans, where the assailants thought the victims were Japanese nationals.

As the U.S. economy has remained stagnant, documented incidents of racist graffiti, name calling, verbal threats, fire bombings, and physical assaults have spread like wildfire from California to Colorado to Michigan to North Carolina and to New York. The pattern of Asian-American killings, such as Jim Loo's beating death last year in Raleigh, Vincent Chin's clubbing murder in Detroit in 1982, the machinegun massacre of five Indochinese kids in 1989 at Stockton, and the unexplained murder of a Japanese businessman in Ventura County a few months ago, underscore that these are not isolated incidents.

Taken as a whole, this is clearly a crisis of national dimension brewing for our Asian-Pacific American communities. Even survivors of the Japanese-American concentration camps and World War II hysteria have commented—it is happening all over again.

So, how do we stop the wholesale destruction of our birthrights as U.S. citizens that occurred in the 1940's from becoming the same nightmare for us today?

I believe Stewart Kwoh of the Asian-Pacific American Legal Center of Southern California has some good ideas.

He recommends that we not remain complacent about Japan-bashing but that we should take a very active stance. Our Asian-Pacific communities must come together for protection, and not remain isolated, fragmented, and thus vulnerable.

Our communities must also aggressively articulate a position against scapegoating, and monitor and hold responsible those elements that make inflammatory anti-Asian statements.

Furthermore, the Asian-Pacific communities must reach out and establish ties with other ethnic groups. With the shocking experience of the burning of Koreatown during the Los Angeles riots fresh in our minds, it is clear that we must work harder to further understanding, compassion, and mutual respect between people of the Asia-Pacific and all other races. Another lesson to be learned from the Los Angeles riots is that during hard economic times, all people of color and low income are in the same predicament. Let us learn not to feed on each other. As Rodney King said, "Can we get along?"

We must also learn to trust and work with law enforcement authorities. Even in the wake of the King beating and legal travesty, and the recent manslaughter mistrial of a Compton, CA, police officer who shot down in cold blood two unarmed Samoan-Americans, shooting them 19 times with 13 bullets in their backs—the vast majority of our men and women in blue are good, honest people, professionals that ensure the peace and stability of our communities. We must use this resource to protect us by religiously and quickly reporting all incidents of hate crime.

Finally, our Asia-Pacific communities must be prepared to network with other associations in the Nation to provide a unified response to combatting racial violence and hostility against anyone, regardless of race, color, or creed.

In concluding, let me say that although Mr. Kwoh's points for protection of our communities are well-taken, I believe that the repulsive Japan-bashing America has witnessed is a temporary affliction.

Mr. Speaker, our Nation has the strength of character, the resilience of ingenuity, and the depth of resources necessary to resolve any problem before her, including our present economic woes. When you see young, upstart entrepreneurs like Bill Gates create a computer software giant like Microsoft—which, incidentally, is worth more on the market than Honda and Sony combined—you know that the United States has the right stuff. So do Motorola, Intel, Merck, Emerson Electric, IBM, Corning, and many other U.S. companies that are thriving in the international marketplace. America has done it before and we will do it again.

Meanwhile, recent events have shown the world that Japan is, as the Wall Street Journal put it, not the invincible economic terminator of our imaginings. In the past several weeks, Japan's stock market has crashed by 50 percent from its peak 2 years ago, and her real estate values in financial centers like Tokyo and Osaka have plummeted drastically. With this unprecedented economic instability, a tremendous amount of Japan's wealth—tens of billions of dollars—has amazingly vanished overnight, and she may be facing for the first time—a recession.

With the dismantling of the Evil Empire, the birth of numerous new democracies from Communist ruins, a victory over a dictator in the gulf war, and a vibrant stock market that portends a strong economic recovery, indeed, the United States is still strong, and remains the most powerful country on the face of this planet.

Against this backdrop, our fellow American citizens of Asian-Pacific descent can take pride, especially this month, for being Americans.

As our Nation enters into the Pacific century, Asian-Pacific Americans can hold their heads high, knowing the contributions of our people have ensured America is, despite her problems, the greatest democracy in the world.

□ 1230

Mrs. MINK. Mr. Speaker, will the gentleman yield?

Mr. FALEOMAVAEGA. I yield to the gentlewoman from Hawaii.

Mrs. MINK. Mr. Speaker, it is with great pride and pleasure that I join my colleagues in recognition of Asian-Pacific American Heritage Month. As an Asian-American I am proud of the rich and unique heritage that has served to enhance the strength of this Nation.

Asian-Pacific American Heritage Month is a time to recognize the achievements of Asians and Pacific islanders, and to reflect upon the culture, traditions and values that have been the foundation of our success. Americans of Asian and Pacific island ancestry have gained national and international prominence in the fields of science, business, and the arts, leaving a distinctive mark in virtually every aspect of American life.

But it is also a time to reaffirm that we do not endanger America, or the American way of life. We are part of it. Abroad and here at home we are often seen as threats to jobs, threats to higher education, threats to job security, and threats to American technological superiority. But to view us this way is painfully misguided.

The recent riots all over this country are a testament to the fact that too many people see the Asian community as a problem, and not a strength. And that people believe that when we move forward we do so at the expense of others in our society. But nothing could be further from the truth. Like other minority groups, Asians are victims of racism and misunderstanding, and we have severe problems stemming solely from our appearance.

As America continues to confront its troubled legacy of racial disharmony it is imperative that all minority groups recognize that nothing is gained if we single each other out as scapegoats. This is a time when we must pull together and benefit from each others strengths.

It is important for Asians and Pacific islanders that we are accepted as no less American than any other group in this society. If one of us makes it to the top, why should it be seen as a threat to others? Certainly, when a white person makes it, nobody regards it as a threat. It must be no different when the success is achieved by Asian-Americans.

Let us recognize the successes of the Asians and Pacific islanders in the past and look forward to even greater achievements from these Americans as they contribute to the improvement of our Nation, and our world community.

Mr. Speaker, I call on my colleagues in the House to join me in honoring the remarkable and inspiring efforts that have made the Asian-Pacific island legacy a proud one.

Mr. FALEOMAVAEGA. Mr. Speaker, I thank the gentlewoman from Hawaii [Mrs. MINK] and I yield back the balance of my time.

Mr. ABERCROMBIE. Mr. Speaker, my home State of Hawaii is widely known for its aloha spirit. The warm and gracious hospitality of our people has left an indelible mark on those who have touched our islands' shores. In our State of aloha, people of all races, creed, and religion live in harmony. There is more than a sense of tolerance for differences in our State, there is pride in our diversity.

Throughout our islands' rich history, we know that the Hawaiians opened their arms to welcome those of Japanese, Chinese, Portuguese, Filipino ancestries. These first groups were later joined by Koreans, Vietnamese, Laotians, Micronesians, and many other groups from different parts of the globe. As a representative of this diverse State—the 50th State in a nation of immigrants—I am proud to recognize Asian-Pacific Heritage Month.

Asians and Pacific islanders are the fastest growing group in the United States and play an increasingly influential role in American life. Like other immigrant groups before them, Asians and Pacific islanders have continued the proud American tradition of furthering the greatness of this country. They have contributed much in the areas of education, business, and government. out doubt, they too have strengthened the fabric of our society.

Mr. Speaker, as we recognize Asian-Pacific Heritage Month, let us also turn our attention to the alarming acts of violence aimed at the 7.3 million Asian-Americans in the United States. Let us not close our eyes and ears to the report of the Federal Civil Rights Commission, which found that Asian-Americans "face widespread discrimination in the workplace and are often victims of racially motivated harassment and violence."

As our country faces these times of recession, it seems that there are those who have found Asian-Americans to be a convenient target for their frustrations. Scapegoats for these troubled times.

The first wave of attacks included the 1982 brutal death of Chinese-American Vincent Chin in Detroit by two laid-off autoworkers who were reported to have made obscene remarks about Asians and Japanese cars. Today, nationally syndicated columnist Clarence Page notes that attacks against Asian-Americans are less random and include specific targets like community centers, senior citizen facilities, and private homes.

Mr. Speaker, this ugliness shakes the very foundation our country was built on. This great Nation was founded on the principles of justice, equality, freedom, respect.

As Members of Congress in these United States, we must take a strong stand against bigotry and discrimination. Let us not forget how our country, only 50 years ago, slipped into a moment of darkness when we interned our fellow Americans because of their Japanese ancestry and our suspicion of their loyalty to a nation they have never visited.

Mr. Speaker, America was built by immigrants. Immigrants from the Western and Eastern Hemispheres. The fabric of American society burst with a rainbow of vibrant hues. A strike against one group is a strike against us all. We cripple ourselves by tolerating any act of violence against any group. As Abraham Lincoln once said, "A house divided against itself cannot stand."

As we recognize Asian-Pacific Heritage Month, let us be reminded that Asians and Pacific islanders have joined other Americans in making America a great nation. A nation where people of all races can live with dignity and respect.

Mr. BLAZ. Mr. Speaker, Asian-Pacific American Heritage Month refocuses the attention of the Nation on the many contributions to the common good made by those of Asian and Pacific Island ancestry.

No country us more sensitive to the contributions of its minorities than the United States. This is as it should be for we are a nation of minorities. Yet, the sensitivity did not come about by accident. Rather, it is the result of hard work by many individuals and organizations which bring about such observances as the Asian-Pacific American Heritage Month.

As a native of Guam, I know that in a nation of such diverse ethnic origins, these times of recognition are important to remind us of where we came from and to give us a period of reflection on where we're going.

I salute the people of my part of the world—Asia and the Pacific Islands—who now call the United States their home, and I congratulate you on your many fine contributions to our great Nation.

At the same time, I wish to remind all Americans that the building blocks of our greatness are our mosaic of many cultures and many ethnic origins.

Mr. MATSUI. Mr. Speaker, I would like to thank my colleague, Congressman FALEOMAVAEGA, for organizing this time on the floor of the House of Representatives to recognize the achievements and future of Asian-Pacific Americans. I am pleased to be able to offer my reflections and high hopes on this occasion.

Asian-Pacific Americans have a rich and diverse history that we can look back on with pride. We all owe a great deal to the first generation that struggled to make a life for themselves and their families here. As a relatively recent group of newcomers to this country, we have the blessing of being closer in touch with our roots. Not only can we celebrate our customs and traditions, we can count the generations of our families going back centuries, and also remember the stories of our families' struggles.

We are all descendants of pioneers who sacrificed a great deal to provide an opportunity for us to succeed in our schooling and careers. But we must also realize that the mentality that led that generation to survive in America is keeping second, third, and fourth generation Asian-Americans from reaching their full potential. Our parents, grandparents, and great-grandparents had a survivalist mentality: they wanted to succeed but didn't want to rock the boat. They didn't want to make a difference or reform society. And maybe they couldn't. But we can. Each and every one of us have a responsibility to provide leadership for the community.

I exhort Asian-Pacific Americans across this great land to look beyond ourselves and see what we can contribute to this country. We must overcome the survivalist mentality and be less conservative in taking on challenges. Clearly, we are up against many obstacles: language barriers, stereotypes, and anti-Asian bigotry. But foremost, Asian-Americans must overcome their apathy in their community and in politics. We cannot sit back and wait for others to come to our aid and assist us. It will require that each of us invest some time and energy to take care of others around us.

I applaud our accomplishments in many diverse fields. Schoolteachers, athletes, scientists, actors and actresses, medicine, police officers, and the small business owners have demonstrated to the world that we can be leaders in any field. We must continue to strive for excellence: to make ourselves, and our community, be the best. Let their be no doubt that this in turn will help make our country strong. Asian-Pacific Americans have an indomitable spirit to work and build, our future promises to be as rich and accomplished as our past.

Mr. MINETA. Mr. Speaker, I'd like to take this opportunity to express my sincere thanks to the gentleman from American Samoa [Mr. FALEOMAVAEGA] for organizing this special order today.

And I think all Americans of Asian and Pacific Islands ancestry owe a debt of gratitude to our friend from New York, Congressman FRANK HORTON.

The gentleman from New York has taken the lead, first with legislation establishing Heritage Week, and now with the ongoing observation of May as Asian Pacific American Heritage Month.

We should make no mistake about it. This annual celebration is important.

A recent report by the United States Commission on Civil Rights found, as we all know, that Asian Pacific Americans are frequently the victims of discrimination, and all too often victims of violence, because of our heritage.

There are many contributing factors to this problem, but the Commission identified one that underlies every other problem we face: ignorance.

To many Americans, an Asian face still means "foreigner."

I remember several years ago when I gave a speech at the opening of a United States-Japan trade center in California.

After the ceremony, one of the U.S. trade officials who was attending came up to me.

He said, "Gee, Congressman. Your English is excellent. What part of Japan are you from?"

I don't know whether he thought he heard an accent, or simply saw a face that fit his definition of "foreign."

I still don't know. But I do know this: there is no such thing as a foreign face in America.

This is a fairly benign example, but that lack of understanding has had devastating consequences both for Asian Pacific Americans, our Nation, and our Constitution.

That was brought home to me by my experience, and those of 120,000 other Americans of Japanese ancestry, during World War II.

When the Empire of Japan launched an unprovoked surprise attack on Pearl Harbor on December 7, 1941, our Government decided that Americans of Japanese ancestry were a categorical threat to the United States.

No matter that these threats were unproven, or that we were either American citizens or permanent resident aliens. The search for scapegoats was on, and we were all tarred with the same indiscriminate brush of racial hatred and fear.

America quickly saw little value in distinguishing between the attackers that Sunday morning and loyal Japanese-Americans who were every bit as much the target of that dawn air raid in Hawaii.

Within months, Japanese-American communities along the West Coast began disappearing one by one: removed into stark, barren camps scattered throughout some of the most inhospitable regions of the United States.

In all, more than 120,000 Americans of Japanese ancestry had their most basic constitutional and human rights stripped away.

Despite this treatment, Japanese-Americans served this country well in the war effort.

The all-Nisei 442d Regimental Combat Team and its 100th Battalion were volunteers from the camps, enlistees fighting Nazi Germany and Fascist Italy while their families remained behind barbed wire. These men became the most decorated Army fighting force in American military history.

In the Pacific, a top-secret war was fought by Japanese-Americans in the Military Intelligence Service—a story that went untold for decades.

But it was they, these volunteers, who cracked code after code—saving countless American lives.

The stories of these dedicated Japanese-Americans volunteers were living proof that the brand of disloyalty was underserved. Educating our colleagues here in the Congress, and educating the American people about their contributions was central to the successful effort to win redress for the injustice of the internment.

When the Congress passed the Civil Liberties Act of 1988, we reaffirmed our commitment to the principles of our great Constitution. We finally acknowledged that Americans are not defined by the color of their skins, or the shape of their eyes. They are defined by a commitment to the ideals of justice and equality that are the true measure of what it means to be an American.

Today, Asian Pacific-Americans are one of the fastest growing populations in this country. Our contributions in the sciences, in business, in medicine, the arts, and in Government are helping to move this Nation into the 21st century.

But we know that the forces that brought about the oriental exclusion laws of the 19th century, and that brought about the internment in the 20th, will follow us into the 21st unless people of conscience continue to bear witness and to fight injustice.

As we learned in the 10-year fight for redress, the most powerful weapon we have is education. The annual observance of Asian Pacific-American Heritage Month is a central part of that effort.

By educating our fellow Americans about our experiences in this country, and about the experiences that brought us or our ancestors to these shores, we are building the ties that will continue to bind us together as a community.

Many people refer to this country as a melting pot, where cultures and histories are somehow blended into a homogenous whole.

I reject that analogy. To me this country has always been, and should continue to be, a tapestry. It is a tapestry woven of diverse threads of different colors and different textures. Each of those threads alone is easily broken. But when they are woven together, those individual threads become a thing of beauty and their diversity becomes our greatest strength.

The recent events in Los Angeles were unmistakable examples of the danger we face should we fail to build those ties.

When we allow ignorance to stand unchallenged, it will lead inevitably to suspicion and fear. As each of us knows, it is but a small step from there to discrimination, anger and violence.

Observances like Asian Pacific-American Heritage Month provide us with an opportunity to fight that cycle of ignorance and anger. By proudly declaring who we are, and by educating our fellow Americans about our history and our accomplishments, we are working to strengthen the American tapestry.

Once again, I would like to thank my good friends, Mr. FALEOMAVAEGA for arranging today's special order, and Mr. HORTON for his continued leadership and dedication to Asian Pacific-American Heritage Month.

GENERAL LEAVE

Mr. FALEOMAVAEGA. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the subject of my special order.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from America Samoa?

There was no objection.

□ 1240

LEGISLATION TO ENSURE SAFETY STANDARDS FOR ABOVEGROUND OIL TANKS

The SPEAKER pro tempore (Mr. CLEMENT). Under a previous order of the House, the gentleman from Virginia [Mr. MORAN] is recognized for 5 minutes.

Mr. MORAN. Mr. Speaker, across this country hundreds of aboveground storage tanks are leaking. Because of a loophole in the law, operators of these tanks, unlike operators of underground storage tanks, are not even required to install the most basic mechanisms to prevent a leak or detect a leak once it has begun. The Environmental Protection Agency recently estimated that it will cost taxpayers and industry $35 billion nationwide to clean up leaky tanks. Unfortunately, without requirements for basic prevention and detected systems, the problem will only get worse.

In Fairfax, VA, residents of a once beautiful, serene community have seen their neighborhood turn into an environmental nightmare overnight because of leaking oil tanks. A tank farm, located nearly 1,000 acres across the woods from the community, may have been leaking for as long as 20 years. Recent estimates indicate that 350,000 gallons of oil have spread through underground water systems, contaminating the water, endangering public health, and causing the property values of nearby communities to plummet.

To make matters worse, hazardous levels of oil vapors have been detected in the basements of nearby residences forcing two families to abandon homes where they have lived for over 25 years. Still, this oil leak is only the beginning of the nightmare for nearby residents. Many more expected to leave because of health and safety hazards. The irony is that the tank farm is still operating today, despite demands from citizens and local leaders that it be shut down, because there are no clear cut laws mandating that such tank farms be closed and the area be cleaned up.

The leak in Fairfax is only one example of this nationwide dilemma. In Senator TOM DASHLE's home State of South Dakota, a leaking tank farm in Sioux Falls contaminated soil and water and resulted in the condemnation of a residence and grade school. Now, more than 5 years after the leaks were discovered, the Federal Department of Health and Human Services issued a report stating that the area is still a public health hazard, and recommended various actions to reduce the chances of human exposure.

And the list continues. In Brooklyn, NY, millions of gallons of oil was discovered that had been underneath the city for decades. In Whiting, IN, more than 16 million gallons of petroleum leaked into ground water surrounding the Amoco Oil refinery. In Port Everglades, FL, hundreds of thousands of gallons of oil leaked over a period of 50 years, through broken hoses, leaky pipes, and cracked tanks, making its way into the underground water supply.

Basic regulations must be put in place to stop these disastrous leaks from continuing. Senator DASCHLE recently introduced legislation in the U.S. Senate to establish comprehensive above-ground tank standards. Today I am introducing companion legislation in the House that would ensure that: secondary containment systems are put on all new and existing tanks; that specific standards for installation and testing are required; regular inspection is required; appropriate enforcement is required; and clear financial responsibility is prescribed by law.

This is a very modest proposal in terms of regulation—but had any of these measures been in effect in recent years, leaks like the one in Fairfax City, Sioux Falls, Brooklyn, and others would not have occurred.

I urge my colleagues to lend their support to this critical legislation and bring an end to leaking tanks which endanger our environment and public health.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. THOMAS of Wyoming) to revise and extend their remarks and include extraneous material:)

Mr. MILLER of Washington, for 60 minutes each day, on June 3 and June 9.

Mr. THOMAS of Wyoming, for 5 minutes, today.

(The following Members (at the request of Mr. ABERCROMBIE) to revise and extend their remarks and include extraneous material:)

Mr. MORAN, for 5 minutes, today.

Mr. STARK, for 5 minutes, today.

Mr. ANNUNZIO, for 5 minutes, today.

Mr. ABERCROMBIE, for 5 minutes, today.

Mr. ROSTENKOWSKI, for 5 minutes, on May 27.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

(The following Members (at the request of Mr. ABERCROMBIE) and to include extraneous matter:)

Mr. ANDERSON in 10 instances.

Mr. GONZALEZ in 10 instances.

Mr. BROWN in 10 instances.

Mr. ANNUNZIO in six instances.

Mr. MAZZOLI.

Mr. STARK.

Mr. PANETTA.

Mr. GUARINI in two instances.

Mr. MORAN.

ADJOURNMENT

Mr. MORAN. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 12 o'clock and 54 minutes p.m.) under its previous order, the House adjourned until tomorrow, Wednesday, May 27, 1992, at 12 noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

3567. A letter from the Attorney General, Department of Justice, transmitting recommendations for coordination of Federal juvenile delinquency programs and activities for 1991, pursuant to 42 U.S.C. 5616(c); to the Committee on Education and Labor.

3568. A letter from the Department of the Interior, transmitting the Department's 1990 annual report on progress in implementing requirements concerning the Nation's worst hazardous waste sites, pursuant to Public Law 99–499, section 120(e)(5) (100 Stat. 1669); to the Committee on Energy and Commerce.

3569. A letter from the Assistant Secretary of State for Legislative Affairs, transmitting notification that Turkey has transferred United States-origin spare parts for C–130 and T–37 military aircraft to Pakistan without United States Government consent; to the Committee on Foreign Affairs.

3570. A letter from the Director, Defense Security Assistance Agency, transmitting the Department of the Navy's proposed lease of defense articles to Korea (Transmittal No. 14–92), pursuant to 22 U.S.C. 2796a(a); to the Committee on Foreign Affairs.

3571. A letter from the Director, Defense Security Assistance Agency, transmitting two entries in the price and availability report for the quarter ending December 31, 1991, dated January 15, 1992; to the Committee on Foreign Affairs.

3572. A letter from the Director, Office of Management and Budget, transmitting OMB estimate of the amount of change in outlays or receipts, as the case may be, in each fiscal year through fiscal year 1995 resulting from passage of H.R. 3337 and H.R. 2454, pursuant to Public Law 101–508, section 13101(a) (104 Stat. 1388–582); to the Committee on Government Operations.

3573. A letter from the International Boundary and Water Commission, transmitting a report of activities under the Freedom of Information Act for calendar year 1991, pursuant to 5 U.S.C. 552(d); to the Committee on Government Operations.

3574. A letter from the Public Printer, Government Printing Office, transmitting the annual report of the U.S. Government Printing Office for fiscal year 1991; to the Committee on House Administration.

3575. A letter from the Acting Secretary, Department of the Interior, transmitting a draft of proposed legislation to amend the High Plains States Groundwater Demonstration Program Act of 1983 (98 Stat. 1675) to authorize additional appropriations, and for other purposes; to the Committee on Interior and Insular Affairs.

3576. A communication from the President of the United States, transmitting a draft of proposed legislation entitled, "New Mexico Public Lands Wilderness Act"; to the Committee on Interior and Insular Affairs.

3577. A letter from the President and CEO, Resolution Trust Corporation, transmitting the status report for the month of April 1992 (the 1988-89 FSLIC Assistance Agreements); jointly, to the Committee on Appropriations and Banking, Finance and Urban Affairs.

3578. A letter from the Secretary of Health and Human Services, transmitting calendar year 1993 Medicare physician fee schedule update and fiscal year 1993 Medicare volume performance standards recommendations, and our calendar year 1992 report on monitoring utilization of and access to services for Medicare beneficiaries; jointly, to the Committee on Ways and Means and Energy and Commerce.

JOINT RESOLUTION ON DEBT LIMIT PASSED UNDER RULE XLIX

Under clause 1 of Rule XLIX, the following joint resolution was engrossed and deemed passed:

[Submitted May 21, 1992]

H.J. Res. 494. Joint resolution increasing the statutory limit on the public debt.

PUBLIC BILLS AND RESOLUTIONS

Under clause 5 of rule X and clause 4 of the rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. CONYERS (for himself, Mr. Boehlert, Mr. Weiss, Mr. Waxman, Mr. Synar, Mr. Lantos, Mr. Wise, Mrs. Boxer, Mr. Owens of New York, Mr. Bustamante, Mr. Martinez, Mr. Payne of New Jersey, Mrs. Mink, Mr. Thornton, and Mr. Sanders):

H.R. 5259. A bill to authorize payments to units of general local government for fiscal years 1992 and 1993; to the Committee on Government Operations.

By Mr. ROSTENKOWSKI (for himself and Mr. Downey):

H.R. 5260. A bill to extend the Emergency Unemployment Compensation Program, to revise the trigger provisions contained in the extended unemployment compensation program, and for other purposes; jointly, to the Committees on Ways and Means and Government Operations.

By Mr. FAWELL (by request):

H.R. 5261. A bill to extend and amend the programs under the Runaway and Homeless Youth Act and the program for runaway and homeless youth under the Anti-Drug Abuse Act of 1988; to consolidate authorities for programs for runaway and homeless youth; and for other purposes; to the Committee on Education and Labor.

By Mr. JONTZ:

H.R. 5262. A bill to amend the Water Resources Development Act of 1986 relating to diversion of water from the Great Lakes; to the Committee on Public Works and Transportation.

By Mr. MONTGOMERY (for himself, Mr. Stump, Mr. Hammerschmidt, Mr. Pickle, and Mr. Geren of Texas):

H.R. 5263. A bill to authorize the Secretary of Veterans Affairs to conduct a demonstration project to determine the cost-effectiveness of certain health-care authorities; jointly, to the Committees on Veterans' Affairs, Ways and Means, and Energy and Commerce.

By Mr. MORAN:

H.R. 5264. A bill to regulate aboveground storage tanks used to store regulated substance, and for other purposes; to the Committee on Energy and Commerce.

H. Con. Res. 324. Concurrent resolution expressing the sense of the Congress that women's soccer should be a medal sport at the 1996 centennial Olympic games in Atlanta, GA; to the Committee on Foreign Affairs.

MEMORIALS

Under clause 4 of rule XXII, memorials were presented and referred as follows:

[Omitted from the Record of May 21, 1992]

444. By the SPEAKER: Memorial of the House of Representatives of the State of Hawaii, relative to providing Federal Housing Impact Aid Funds for infrastructure development, construction, and maintenance for military dependents; to the Committee on Armed Services.

445. Also, memorial of the General Assembly of the State of New Jersey, relative to the New Jersey Medicare DRG waiver and share uncompensated care payments to New Jersey hospitals; jointly, to the Committees on Energy and Commerce and Ways and Means.

446. Also, memorial of the Senate of the Commonwealth of Virginia, relative to the extension of daylight savings time; to the Committee on Energy and Commerce.

447. Also, memorial of the House of Representatives of the State of Illinois, relative to amending the Constitution of the United States; to the Committee on the Judiciary.

448. Also, memorial of the Senate of the State of Michigan, relative to line item vetoes for the President of the United States; to the Committee on the Judiciary.

449. Also, memorial of the Senate of the State of Alabama, relative to ratifying the original proposed second amendment to the Constitution of the United States; to the Committee on the Judiciary.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII,

Mr. MORAN introduced a bill (H.R. 5265) for the relief of Terrill W. Ramsey; which was referred to the Committee on the Judiciary.

ADDITIONAL SPONSORS

Under clause 4 of rule XXII, sponsors were added to public bills and resolutions as follows:

H.R. 25: Mr. Gilman, Mr. McCurdy, Mr. Vento, and Mr. Williams.

H.R. 1495: Mr. Bustamante.

H.R. 2838: Mr. Edwards of Texas and Mr. Borski.

H.R. 3258: Mr. Kostmayer.

H.R. 3612: Mr. Hughes.

H.R. 4399: Ms. Kaptur.

H.R. 4419: Mr. Hughes.

H.R. 4954: Mr. Guarini, Mr. Towns, Mr. Serrano, Mr. Lipinski, Mr. Mfume, Mr. Evans, Mr. Zeliff, Mr. Owens of New York, Mr. Lancaster, Mr. Atkins, Mr. Neal of Massachusetts, Ms. Norton, and Mr. Weiss.

H.J. Res. 411: Mrs. Unsoeld, Mr. Weiss, Mr. Wylie, Mr. Stokes, and Mr. Traficant.

EXTENSIONS OF REMARKS

WHAT THE U.N. TRUSTEESHIP COUNCIL SHOULD KNOW ABOUT THE SITUATION IN PALAU

HON. RON de LUGO

OF THE VIRGIN ISLANDS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 26, 1992

Mr. DE LUGO. Mr. Speaker, the U.N. Trusteeship Council begins its regular annual session today to review the situation of the last part of the last territory of the international trusteeship system: the western Pacific islands of Palau.

The United States remains fully responsible for the governing of these islands and the administration's report will be an important part of the session. So, too, will be the statements of representatives of Palau as well as those of other interested parties.

An additional important part of this year's session will be the report of the first mission of the Council to visit Palau in a few years. That trip took place a couple of months ago.

One of the leaders of Palau that the Council heard from then was Senator Joshua Koshiba. He described some of the most important aspects of Palau's situation very well for the mission in a letter that I will include in the RECORD with this statement.

Before doing so, though, I want to take a minute to explain Senator Koshiba's most important credentials for describing Palau's situation.

Joshua Koshiba is one of a number of leaders of Palau of ability and courage. Until last Christmas he was president of Palau's Senate. He resigned as the presiding officer then, but remains a member of the senate.

I may be best able to explain Senator Koshiba's credentials by telling Members about the way that some people here in Washington reacted to his resignation as senate president. Some of those charged with exercising our Nation's responsibility for Palau did not share my disappointment in the resignation.

Instead, they were relieved to learn that a thorn in their side had been removed.

Senator Koshiba has been an unrelenting opponent of much of what has been wrong with the governing of Palau.

And he has not been a subtle opponent. By contrast, Joshua Koshiba has been an outspoken and effective champion of his people's interests * * * the kind who is not always easy or comfortable to deal with; but, on the other hand, the kind who can be counted on to lead and get things done.

He has fought for integrity in government and unswerving dedication to public service, whether or not it has been convenient, when it has been politically costly to do so, and even when it has entailed significant personal risk.

He has forced others in Palau and many in the Federal Government to do their job, face up to problems, and respond to what is right.

In sum, he has consistently challenged the system for the benefit of his people.

Because he tells it like it is, it will help Members to understand the situation in Palau to know what he told the Trusteeship Council mission in March. His letter follows:

THE SENATE,
THIRD OLBIIL ERA KELULAU,
Republic of Palau, March 30, 1992.

His Excellency THOMAS RICHARDSON,
President, U.N. Trusteeship Council, Deputy Permanent Representative of United Kingdom to United Nations, Permanent Mission of the United Kingdom to the United Nations, New York, NY.

DEAR PRESIDENT: I wish to convey a warm welcome to you and each member of the United Nations Trusteeship Council. I hope your stay in Palau is enjoyable but also productive. I would like to bring to your attention several very serious matters regarding Palau and the United Nations Trusteeship. These matters have been too long ignored by your council and the administering authority. In order to carry out the purpose of the Trusteeship Agreement, you must consider, address and rectify these problems.

The United Nations Trusteeship Council has for many years reported to the United Nations that the United States as the administering authority has fulfilled its obligations pursuant to the trusteeship agreement. However, the Trusteeship Council looks only at the amount of money given to Palau by the United States without considering how the money is being spent and whether the money serves its purpose.

Naturally, Palau wishes to proceed toward self government as contemplated by the trusteeship agreement. But, as things presently stand Palau will never survive on its own because of corruption and inefficiency in government. Palau has no economic base. We are almost completely economically dependent upon the United States. Most of the money we get from the United States is not being used to further Palau's economic progress and development toward self sufficiency. Instead the money is spent on maintaining and fueling inefficient bureaucracy: to pay for salaries and travel.

At the same time basic economic foundations such as roads, water, sewers, and electricity are being neglected. In these important areas, the United States as the administering authority has completely breached its obligations.

Furthermore, there have been important political events which have received at best questionable treatment by the representatives of the administering authority. As you know, in 1985 our President Haruo Remeliik was assassinated. The United States, however, for reasons that are not entirely clear, failed to take the matter seriously. Consequently, the original investigation that took place led to the arrest and conviction of several innocent men causing them and their families much suffering. Now with the assistance of the Special Prosecutor, new arrests have taken place. The recent arrests suggest that high government officials participated in the assassination, and may have taken part in a cover-up. The United Nations has a duty to demand that the administering authority conduct a complete and thorough investigation to identify all who participated.

While the Palauan people cried out for justice in the Remeliik case, the United States ignored our cry. Coincidentally, the high government officials now arrested became ardent supporters of the Compact of Free Association after the killing. Could this have affected the investigation? This question must be addressed. If there was a conspiracy, the families should be compensated at least for the substantial amounts spent on attorneys fees in defending against the fraudulent and baseless charges. This should not be viewed as an internal affair for Palau to handle on its own, but a United States-Palau-United Nation Trusteeship Council affair which calls for the United Nation Trusteeship Council's oversight.

The United States investigated the more recent death of former President Lazarus Salii. Although the investigation concluded that President Salii took his own life, I suggest that this matter be re-investigated by a neutral third party such as the United Nations in light of the developments in the Remeliik case.

The United State's Department of Interior officials have taken the position that any Palauan who opposes the Compact is anti-American. This position is unfounded. Rather, Palau's voting record on the Compact will show that it did not pass because of Palauan's fear of their own government. They feared that corrupt officials would never be brought to justice under the Compact and would continue their corrupt behavior.

Department of Interior officials have themselves participated in corruption here in Palau. I am not suggesting the United States Government was involved, but only some individuals formerly employed by the DOI. Several officials abused their position as administrators of the Trust Territory, pursuant to U.N. mandate. While supposedly representatives of the trustee required to use the utmost degree of trust and good faith, these DOI employees engaged in questionable business practices. These individuals netted handsome profits while costing Palau millions of dollars.

In 1987 Palau suffered through an ugly period of intimidation and corruption known as the "furlough". Department of Interior officials reported to the United Nations and the United States Congress that there was in

---

• This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

fact no intimidation and corruption. Their motives must be questioned. Fortunately for the Republic of Palau the United States Congress heard of our plight and took action resulting in the GAO investigation and the appointment of a special prosecutor to root out corruption. We will be forever thankful to U.S. Representatives Morris K. Udall and Ron de Lugo for their efforts on Palau's behalf.

I bring these matters to your attention in the hope that the United Nations Trusteeship Council will take affirmative action. Remember that the goal of the trusteeship agreement is for Palau to become a self-governing entity. Under the current trust relationship between the United States and Palau, the goal is not being adequately pursued because of corruption and the growing bureaucracy in Palau. The United States is only enforcing those laws that it finds convenient, knowingly allowing corruption to exist. We do not wish to live with corruption. All we ask is for a just and fair society for everyone now. Otherwise one can only speculate about what will happen when the umbrella of the trusteeship is removed. While you have in the past reported that everything is rosy in Palau, that is not true. I have given you above just several examples of the true picture in Palau. It is urgent that these matters be investigated and rectified in order for Palau to reach its goal of self-government. I respectfully ask you the United Nations Trusteeship Council to step in and help us.

Sincerely,

JOSHUA KOSHIBA,
Senator.

RICK SAGE TESTS THE WATERS FOR A BOYS MAGAZINE

HON. ILEANA ROS-LEHTINEN

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 26, 1992

Ms. ROS-LEHTINEN. Mr. Speaker, I would like to bring to the House's attention an example of entrepreneurial initiative by Mr. Rick Sage, a 14-year-old student from my district. Mr. Sage's efforts to identify a niche for a new magazine was recounted in the following Miami Herald article:

BOYS DESERVE THEIR OWN MAGAZINE, TEEN SAYS—EIGHTH-GRADER PUSHING TO PUBLISH ONE

(By Jon O'Neill)

Rick Sage knows an untapped market when he sees one. Especially when he's part of it. Rick, 14, is an eighth-grader at Hammocks Middle School, and he believes it's time someone came out with a magazine for boys between 10 and 18. He believes it so much, he's ready to do it himself.

"There is really nothing for guys my age," he said. "Girls have all kinds of magazines. I'm hoping to find some publishing company willing to try out my idea. I think it would be fun to do. It would be nice to get rich, too."

Rick envisions a magazine that would feature sports, video game and music reviews sports, video game and music reviews and dating tips. There would also be a section in which a teenage female columnist would answer questions from guys.

To prove that such a magazine would sell, Rick did his own market research. With some help from his mom and his teacher, he drew up a survey and distributed it to 400 eighth-graders at Hammocks, 9889 Hammocks Blvd.

"It was all his idea, he implemented the kinds of things we teach every day," principal Althea King said. "Of course we want to support and encourage that."

Rick got the idea after he walked into his mother's room one day and found her surrounded by magazines. In addition to women's magazines, she also had copies of Seventeen, Teen and Young and Modern. That got Rick thinking about why boys didn't have similar magazines.

"I'd like to know how guys in California, New York, Ohio and Colorado are wearing their hair," Rick wrote in his project proposal. "I also want to know how they handle the pressures of school and dating."

"I thought Rick showed a lot of ingenuity," said Leslie Lee, and eighth-grade history teacher. "I had never really thought about it until he brought it to my attention, but it's true. There are no magazines aimed at young guys."

Rick collected the completed surveys and spent two days tabulating the results.

"It was my whole weekend," he said. "It was pain, but it was worth it."

He divided up the answers of girls and boys, tossed out the "totally silly responses"—there were nine—and then broke down the information.

He found, for example, that boys liked to read about sports, sex, fashion and money, in that order. Girls like to read about fashion, dating, sex and money, in that order.

He also found that 53 percent of the boys who answered thought the magazine was a great idea. That didn't surprise him. But he was surprised when he learned that 86 percent of the girls surveyed wanted to see a guys' magazine.

"I thought that was strange," he said. "But I guess that means there's even more of a market out there than I thought."

Even if he doesn't hear back from any of the publishing companies he wrote to, Rick insists he'll keep trying.

"I really think it will work," he said.

"That's what impressed me most about Rick," teacher Lee said. "He not only had a great idea, but he had the perseverance and drive to follow up on it. That's what sets the leaders apart."

Mr. Speaker, I commend Rick Sage for his effort and wish him the best of luck in finding a publisher, as well as in all his future enterprises.

MERRITT E. SCOVILLE WAS INSTRUMENTAL IN SUCCESS OF ADIRONDACK COMMUNITY COLLEGE

HON. GERALD B.H. SOLOMON

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 26, 1992

Mr. SOLOMON. Mr. Speaker, about a mile north of my home is Adirondack Community College, perhaps the greatest asset in the northern part of our 24th New York District.

Merritt E. Scoville is retiring after 30 years on ACC's governing board. And so an era ends, but the legacy of Mr. Scoville will last forever.

Mr. Scoville was a member of the original action committee in the late 1950's which called for the establishment of an area community college. He was instrumental in establishing and developing the ACC Foundation, and served as its first president from 1983 to 1990. I am glad to say that he plans to remain on the foundation's board of directors.

Mr. Scoville has been recognized with many awards for his community service in general. Last year the New York State Community College Trustees Association awarded him its most prestigious award, the Anne M. Bushnell Memorial Award for Special Achievement. In 1983, the Glens Falls Rotary Club awarded him its own highest honor, the Charter Day Award, for outstanding service to club and community.

Mr. Speaker, long before President Bush called for a thousand points of light, Merritt Scoville was a pillar in his community. He has served on the governing boards of more than a dozen community organizations, including the Glens Falls Hospital, United Fund, Samaritan Counseling Center, and Glens Falls Methodist Church.

I certainly second the remarks of Dr. Roger C. Andersen, ACC president, who noted that other than ACC's founding president Charles R. Eisenhart, no other person has had more of an impact on the growth of the college.

The benefits our area has derived from Adirondack Community College are beyond calculation. Countless men and women have learned trades or professions or improved their skills in every imaginable way. And that isn't even counting the large percentage who have transferred to 4-year institutions for their undergraduate degrees. The college is truly Mr. Scoville's monument.

Mr. Speaker, the college will host a dinner in his honor on June 5. I would ask you and other Members to join me in paying our own tribute to Merritt E. Scoville, a great American and a man I'm proud to call a friend.

STATEMENT UPON INTRODUCTION OF H.R. 5195

HON. FRANK HORTON

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 26, 1992

Mr. HORTON. Mr. Speaker, on May 18, 1992, I introduced H.R. 5195, a bill to amend the Harmonized Tariff Schedule of the United States [HTS] with respect to electric toothbrushes and their parts. This bill will bring electric toothbrushes into conformity with international interpretation and preserve the duty rate that applied to these articles under the Tariff Schedules of the United States before adoption of the Harmonized Tariff Schedule.

The need for this amendment arises due to a discrepancy between the classification of electric toothbrushes under the Harmonized Tariff Schedule required by U.S. court decisions, and an explanatory note to the HTS issued by the international Customs Cooperation Council. When Congress approved the conversion from the Tariff Schedule of the United States [TSUS] to the HTS in 1988, we did so with the clear intent that the conversion should be essentially revenue neutral, in particular where the terms used to classify items under the two systems were virtually identical. With regard to electric toothbrushes and their parts, the conversion was revenue neutral for the first 2 years of the HTS. Under the HTS, as under the TSUS, electric toothbrushes were classified under the subheading for toothbrushes and dutiable at a rate of 3.4 percent ad valorem plus 0.2 cents each. This result was dictated by U.S. court decisions and Customs administrative rulings.

However, in a recent administrative ruling, the Customs Service departed from its longstanding position and judicial precedent that electric toothbrushes are classifiable under the subheading for toothbrushes and is now classifying electric toothbrushes under appliances. That provision carries a higher duty rate of 4.2 percent ad valorem. Customs has indicated that the reason for this change is to conform to an international Customs Cooperation Council explanatory note for the subheading covering "other electromechanical domestic appliances" that identifies electric toothbrushes as electromechanical domestic appliances. The explanatory notes have not been adopted or approved by Congress and are not even generally available in the United States.

While I can appreciate Customs' desire to further the objectives of a common international tariff system by conforming U.S. implementation of the HTS to the Customs Cooperation Council's explanatory notes, we should eliminate the discrepancy and not allow Customs to act in an improper manner that is inconsistent with congressional intent and existing U.S. case law.

This legislation would thus reclassify electric toothbrushes under the HTS subheading for "other electromechanical domestic appliances," while maintaining the 3.4 percent ad valorem plus 0.2 cent duty rate which the Congress intended to apply to electric toothbrushes when we adopted the HTS. Because this bill maintains the status quo prior to Customs recent ruling, it should be considered revenue neutral. Therefore, I urge its adoption.

DELIA KATZ: A CREATIVE AND LOVING TEACHER

HON. ILEANA ROS-LEHTINEN

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 26, 1992

Ms. ROS-LEHTINEN. Mr. Speaker, I would like to recognize Delia Katz, a dedicated teacher from my congressional district. Ms. Katz, a graduate of the University of Miami, teaches prekindergarten students with a number of physical and emotional disabilities. Her energy and love of her profession is apparent in the following article, from the Miami Herald, entitled "Learning Begins With Laughter, Special Ed Teacher Believes":

(By Jon O'Neill)

In Delia Katz's classroom at Tropical Elementary School, the rewards are constant for her kids—and for her.

Katz, 26, teaches a prekindergarten exceptional education class at the school, 4545 SW 104th Ave. She wouldn't want to be doing anything else.

"I can't imagine anyone not wanting to do this," she said. "I really feel like I'm making a difference and helping to build their potential. I have some bad days where I want to pull my hair out, but the next day is usually better."

Of the 680 students at Tropical, about 300 participate in the exceptional education program. Katz has 10 students ages 3 to 5 with a variety of disabilities, some emotional, some physical.

"It's a different challenge for every student," Katz said. "They all learn things in different ways. But that's what makes it so much fun."

Fun is important to Katz and her kids. One of her main goals is to make the children's first experience with school a good one, so they look forward to going on to kindergarten.

The kids learn by playing. In class, Katz lets them choose their own activities. Choices are important to her kids because, with their disabilities, they don't always have as many options as other students.

Once they've settled on something they want to do, Katz and teacher aide Jackie Theriault move in to work on academics, like reading and counting, and social skills. Katz also uses a lot of art and music in her class.

"She is one of the most exciting and innovative teachers I've worked with," said principal Wylamerle Marshall. "She has a real love of life and a commitment to her kids and she's very dedicated. It seems like she stays here late every day."

"Delia is creative and loving," said Theriault. "She's all those cliches you use to describe a great teacher."

By her own admission, Katz is carried away with her job. Most days, she's at the school until 5 or 6 p.m. On weekends, she spends a lot of time shopping for classroom things. She does a lot of cutting, gluing and pasting, making things for her room. It drives her husband Israel nuts.

"At least once a day, he tells me to slow down," Katz said. "But when you love doing something, it's not a chore."

Born in Havana, Katz came to the United States as a baby and her family eventually settled in Miami. She has a bachelor's degree in exceptional education and a master's in early childhood exceptional education, both from the University of Miami.

She worked at a private school for one year before starting at Tropical in 1987. She isn't planning to leave anytime soon.

"This is it for me for a while," Katz said. "I'm very happy here."

Mr. Speaker, I commend Ms. Katz for the devotion and energy she brings to her work. I wish her many more years of fulfilling work.

SALUTING ARAM "MO" KAZAZIAN FOR YEARS OF SERVICE AS A COMMUNITY LEADER AND DEDICATION TO BAYONNE'S YOUTH

HON. FRANK J. GUARINI

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 26, 1992

Mr. GUARINI. Mr. Speaker, I ask you and my distinguished colleagues to join me today in saluting a man who embodies the best values of the American spirit. Aram "Mo" Kazazian of Bayonne, NJ, has spent nearly 30 years organizing recreation programs for the city's youth; teaching children the values of hard work, discipline, and fair play; and building a better future for his community by dedicating himself to its young.

This spring, Mo is retiring from the Bayonne Police Athletic League. During his over 30 years of involvement with the PAL, Mo has served in just about every capacity imaginable. He has been an adviser to the drum and bugle corps, a coach, a director, a referee, an umpire, the director of the basketball program, and program director of the PAL Day Care Center.

In addition to his work with the PAL, Mo served for 25 years as truant officer and director of the Bayonne school system's attendance department.

Throughout his involvement with the community, Mo has put kids first. He has been a member of the Bayonne Board of Education's educational support team, he has served as chairman of the parks, recreation and beautification committee for the Bayonne Chamber of Commerce and a member of the Bayonne Citizen's Advisory Committee under two mayors.

Mo has also been actively involved with the Little League, serving in many roles, including that of commissioner. It was under his direction that the Little League stadium was moved from 2d Street and Lexington Avenue to its present site.

Mo has also had another driving interest, judging drum corps competitions. At one point he was corps director of the Ballantine Corps in Irvington. He was also a volunteer in the PAL Corps. Mo has traveled throughout the country judging contests. And upon his retirement several years ago, he was inducted into the Drum Corps International Hall of Fame and the World Drum Corp Hall of Fame.

Several PAL members have worked closely with Mo throughout the years to help the children of Bayonne, and they deserve mention. While it is impossible to list all of those who have contributed their time and energy to this endeavor, I would like to note Walter Farley, his son Jeff, Stanley Hadyka, and Norman Elam. And of course, no one has helped Mo achieve so much as his wife Ann. She too took an interest in drum corps judging and became a judge.

Such everyday heroes as Mo are often overlooked in America today. Too often we fail to take note of their important contributions. More often than not, we hear of the abandonment and neglect of children. We hear of the lack of attention they receive. We are bombarded with grim statistics.

But in Mo, we see someone doing what many just talk about, putting children first. For nearly three decades Mo has been a mentor for the children of Bayonne. He is a leader who has done his best to make sure that these children did not become part of some grim statistic. Mo is truly a man who makes America work, who builds for a brighter tomorrow. His career is a testament to community spirit and hometown pride. It is the lack of such heroes that goes to the root of many of the problems that we have in America today.

And so it is for this reason, Mr. Speaker, that I ask you and my distinguished colleagues to join with me in thanking Mo for helping generations of youngsters to grow to become responsible members of this great Nation.

VIRGINIA JONES—35 YEARS OF GIVING THE GIFT THAT LASTS A LIFETIME

HON. FORTNEY PETE STARK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 26, 1992

Mr. STARK. Mr. Speaker, next year the children at the Corvallis School in San Leandro, CA, will have wonderful educational opportunities, but there will be something missing. Like the rest of the schools in my district, Corvallis is home to dedicated teaches who offer students many ways to learn and grow, but this year Corvallis is saying goodbye to one of its finest.

Virginia Jones is one of those we speak of when we mention the unsung heroes of our society. She has spent 35 years investing in the futures of our children. As a Miller/Unruh reading specialist, Virginia teachers her students to be better readers while instilling in them the love of the written word. She gives the children at Corvallis a gift that cannot be lost or broken, a gift of reading that will give back to them throughout their lives.

On Sunday, May 31, Virginia will be honored for her years of service as friends and colleagues show her how much she will be missed. She has touched many lives in the classroom, and I want to take this opportunity to congratulate and wish her the best in retirement.

LOURDES WINS NATIONAL GEOGRAPHY CONTEST

HON. ILEANA ROS-LEHTINEN

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 26, 1992

Ms. ROS-LEHTINEN. Mr. Speaker, I would like to congratulate students from my congressional district for winning the American Express national geography contest. The five seniors; Lizette Fagundo, Yvette Galliano, Michelle McChesney, Katina Koliniatis, and Maria Gancedo, spent 6 months studying the comparative history of the Miccosukee and Seminole Tribes of Florida. The students achievements were described in the following article that appeared in the Miami Herald:

LOURDES WINS GEOGRAPHY PRIZE

(By Ana Acle)

No matter how many times Lizette Fagundo went to the Miccosukee Indian reservation, she couldn't get used to the alligator pit.

But the experience helped Fagundo and four classmates from Our Lady of Lourdes Academy win a $15,000 prize in the American Express national geography contest. Their project explored the lives of Miccosukees and how the Everglades has helped the tribe preserve its culture. The students won first place in the geography cultural diversity category.

Lourdes, 5525 SW 84th St., is a Catholic school for girls. It has 800 students in grades 9 through 12. The winning students are Fagundo, Yvette Galliano, Michelle McChesney, Katina Koliniatis and Maria Gancedo. Each gets $3,000.

For six months, the five seniors gathered information about the Miccosukees and contrasted it to the Seminoles, who moved from Florida to Oklahoma after signing a treaty with the U.S. government in the 19th Century.

The Everglades swampland is too difficult for modern development and therefore has created a natural barrier between the Miccosukees and the non-Indians, the students found. The barrier isolates the tribe, allowing it to keep to itself and not integrate with Miami's community.

Sometimes the research required firsthand observation.

"They put us in the pit where they feed the alligators. We were about two feet away from them," Fagundo said.

Mr. Speaker, I commend Lizette Fagundo, Yvette Galliano, Michelle McChesney, Katina Koliniatis, and Maria Gancedo for their effort to illuminate the diverse cultural traditions of south Florida. I wish them well in their future academic efforts.

VIRGINIA ANN ANDERSON SERVED LOCAL RED CROSS CHAPTER FOR 23 YEARS

HON. GERALD B.H. SOLOMON

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 26, 1992

Mr. SOLOMON. Mr. Speaker, today I'd like to tell you about a rather extraordinary lady.

As you know, throughout this term President Bush has called for a thousand points of light, which is his way of urging Americans to volunteer in service to their neighbors and community. One good example, in my opinion, is Virginia Ann Anderson, who is retiring after 23 years as executive director of the Adirondack chapter, American Red Cross.

The Adirondack chapter of the American Red Cross serves Washington, Warren, and Hamilton Counties, as well as southern Essex and northern Saratoga Counties. There have been many changes in Virginia Ann Anderson's 23 years, including new programs and new areas of emphasis, such as the Friendly Visitor Program. Much of the credit for the success of these programs must go to Anderson, who, characteristically, has been quick to give the credit to others.

In a recent news story about her retirement, she praised the people she has worked with over the years, both staff and volunteers. But chapter chairman Richard W. Frasier is right when he said Anderson will be "greatly missed by all the people she has worked with over the years."

Anderson studied business and journalism in her native State of Tennessee, to where she'll be returning for her retirement.

Her friends have honored her in a formal ceremony. Mr. Speaker, I would like this body to join me so that we may pay our own tribute to Virginia Ann Anderson, a true point of light whose presence has made our area a better place in which to live.

NATIONAL ALS AWARENESS MONTH

HON. ROMANO L. MAZZOLI

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 26, 1992

Mr. MAZZOLI. Mr. Speaker, this month marks the 51st anniversary of the death of Lou Gehrig from amyotrophic lateral sclerosis [ALS], the tragic disease which now bears his name. Lou Gehrig was one of the Nation's most celebrated major league baseball players as a member of the vaunted, legendary New York Yankees of the 1920's and 1930's, richly earning membership in the Baseball Hall of Fame.

ALS is a fatal disease that can strike anyone regardless of age, sex, race, or ethnicity. There is no known cause or cure for ALS even though it was discovered over 100 years ago.

ALS is a degenerative disease which afflicts the motoneuron system of the body. The disease causes the deterioration of groups of nerve cells, of the pathway to the brain, and of the spinal cord. This condition leads to paralysis, debilitation, total dependency, and finally death. One of the most tragic aspects of ALS is that victims retain their mental capacities even as their muscles and nerves atrophy until, eventually, they become trapped in their own bodies.

The National Institutes of Health have found that many victims of ALS are being stricken at younger ages, some in their teens and twenties. People diagnosed with ALS can expect, on average, to live 2 to 3 more years. However, in the past decade modern medicine and new technology have helped victims to survive 1 to 2 years past the average life expectancy.

In May 1991 a promising breakthrough in the fight against ALS was reported in the New England Journal of Medicine. Researchers discovered the location and identity of the gene responsible for one of the two types of ALS. This is the first major breakthrough in the fight against ALS and a positive step toward finding a cure.

Mr. Speaker, I was proud to support Senate Joint Resolution 174 which designates the month of May as "National ALS Awareness Month." I hope this recognition raises the public's awareness of ALS and I urge our colleagues to join in the fight to find a cure for this terrible disease.

RANSOM EVERGLADES EIGHTH-GRADER LEADS EARTH WEEK CELEBRATION

HON. ILEANA ROS-LEHTINEN

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 26, 1992

Ms. ROS-LEHTINEN. Mr. Speaker, I am pleased to recognize a Ransom Everglades Middle School student, 13-year-old Samantha Ibarguen who was recently featured in the Miami Herald. The article, "Energetic Eighth-Grader Got Earth Day Spinning," by Jon

O'Neill, tells how she organized the Miami school's first-ever Earth Week:

Samantha Ibarguen isn't waiting for someone else to take care of the earth. And she isn't letting many of her classmates wait around, either.

The 13-year-old student at Ransom Everglades Middle School is sort of a one-girl environmental dynamo, and her energy and enthusiasm were the driving force behind the Coconut Grove school's first-ever Earth Week celebration, which ended Wednesday.

"No one realizes what's happening to the earth," said Samantha, an eighth-grader. "And a lot of people who want to help don't know how, or they need someone to get things started. I just wanted more people to be aware of the environment."

The celebration, which included guest speakers, assemblies, poetry, recycling contests and a tree planting, was an unqualified success, teacher Don Kappelman said.

"The kids really did it all," said Kappelman, a science teacher at the school, 2045 S. Bayshore Dr. "Since Samantha has been working with ecology for so long, she knew how to get things done. It just caught on from there."

Ransom's Earth Week had roots in a Manatee Club formed by a group of students at the start of the year. The group grew steadily from there into an environmental club, thanks in large part to Samantha's efforts.

In November, members began recycling at the school. In March, Kappelman, Samantha and the 35 other club members began plotting something for Earth Day, which eventually evolved into Earth Week. They got permission from the school headmaster, wrote letters and lined up speakers, trying to spread the word to as many of the school's 260 students as possible.

"I got involved because I want my kids to have a clean planet," said club member Roy Meyeringh, 12. "That means we have to do something about the environment right now."

The celebration began April 15, with the kids tying green ribbons to everything they could think of. That weekend, the kids cleaned up part of the Barnacle, a historic site in Coconut Grove. They capped off the week by planting a mahogany tree they bought with money from a pizza raffle.

"Everything really took off," said B.J. Stieglitz, 14, another club member. It went beyond all our expectations."

"We accomplished a lot," said Heidi Mason, 14. "But we knew something had to be done. We spent a lot of time working on it, and some of my friends even ended up joining the club."

For Samantha, it was the payoff for work she has been doing since elementary school.

"I'm so happy it happened, because there were times when we didn't think it would," Samantha said. "But I know there's more I can do."

Mr. Speaker, in addition to Samantha, I am happy to pay tribute to Ransom Everglades science teacher Don Kappelman and the other staff members and students at Ransom Everglades Middle School by reprinting this article. Samantha Ibarguen and her friends have shown that no matter how young you are, you can still accomplish a great deal for a good cause through hard work and determination.

PUBLIC DISPLAY OF NATIVE ARTS

HON. ENI F.H. FALEOMAVAEGA

OF AMERICAN SAMOA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 26, 1992

Mr. FALEOMAVAEGA. Mr. Speaker, through Public Law 102–188—Senate Joint Resolution 217, House Joint Resolution 342—Congress and the President designated 1992 as the Year of the American Indian. This law pays tribute to the people who first inhabited the land now known as the continental United States. Although only symbolic, this gesture is important because it shows there is sympathy in the eyes of a majority of both Houses of the Congress for those Indian issues which we as a Congress have been struggling with for over 200 years. In support of the Year of the American Indian, and as part of my ongoing series this year, I am providing for the consideration of my colleagues an article entitled "Native Arts, Tribal Spirits" published in the May 22, 1992, edition of the Washington Post. The article describes problems associated with the public display of some American Indian artifacts.

NATIVE ARTS, TRIBAL SPIRITS

(By Hank Burchard)

We may safely gaze at the American Indian artifacts that go on view Sunday at the National Gallery of Art, even though some of them have war powers and others are imbued with potential mischief.

We're protected from the hidden magic of the 150 objects because the spirits that inhabit them have been propitiated by a proper tobacco ceremony, leaving visitors free to marvel at the visible magic of one of the finest collections of Native American art in existence, most of it from the 19th century.

The blessing was performed on the high catwalk of the East Building. For half an hour Director J. Carter Brown knelt with collector Richard A. Pohrt and curator David W. Penney while Al Chandler of the Gros Ventre tribe passed the pipe and quietly prayed to the powers above to maintain a benevolent presence at the exhibition.

Aided by fellow tribesman George P. Horse Capture, Chandler told the spirits the aesthetic and educational purpose of the exhibit and explained what some Indian people would regard as the improper public display of such sacred items as war shields and power pipes. It was as ecletic a cross-cultural phenomenon as the museum has ever seen. Brown calls the show "a peek under the curtain at what's coming" with the construction on the Mall of the National Museum of the American Indian.

Horse Capture, a professional student of Native American culture and a former museum director, tried to explain the inherent dilemma involved in showing Indian artifacts. "We are proud of this national recognition that our art is art," he said, "but all of these things were made to be used, not hung on a wall. Some have deep religious power: You may feel a tingle as you come near them. I think it is good to share these things with non-Indians, but at the same time I agree with the feeling of many of our people that these things should be held within our circle."

Horse Capture's association with the collection is both deep and ironic. "I left the reservation at the age of six, and knew nothing of my tribe's history or of the Indian way," he said. His ethnic interest and pride were sparked by the Indian seizure of Alcatraz Island, and he began to study Gros Ventre history at Berkeley.

"I kept seeing references to the Porht collection, and finally I went to see him in Michigan. He showed me around, and told me many things. He knew more stories about our own people than any of us, because he came out to our reservation as a young man, and talked to the old women and the warriors and the buffalo hunters. He was adopted by the tribe because he is a good man and our good friend.

"Then he handed me an elkskin bag, and said it had been made by Coming Daylight. She was my great-grandmother, and when I touched this think I felt I had come back to my people, to my place."

Porht, a retired Detroit factory worker now in his 80s, developed his lifelong fascination with Indians from boyhood reading. He's widely recognized as an expert on Indian art, and is honored by Native Americans for his scrupulously fair dealing and his deep respect for their culture. Many supremely sacred objects, such as war and medicine bundles, have been given to him by aiding Indian friends because they felt he would be a worthy custodian.

"I am grateful for this trust, and have tried to be a good 'pipe keeper,' but it's time now for these things to be placed in other hands," he said. Porht's collection, which includes most of the collection of his mentor, Milford Chandler (1889–1981), is being divided among the Detroit Institute of Arts and the Buffalo Bill Historical Center. Some will also go to the new Mall museum.

One of the Porht and Chandler's contemporaries was known as "The Weasel" because of his rapacious collecting and bullying methods. Porht, on the other hand is called Batho by his Gros Ventre brethren. It's a proud name, associated with a universally respected creature that never provokes trouble nor retreats from it: Skunk.

TRIBUTE TO JAMES E. FORTUNE, SR.

HON. JAMES A. TRAFICANT, JR.

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 26, 1992

Mr. TRAFICANT. Mr. Speaker, I rise on this occasion to pay tribute to Mr. Fortune whose outstanding achievements deserve the utmost congratulations.

Mr. Fortune has lived in my 17th District of Ohio most of his life and has made remarkable contributions to the community. For five terms, Mr. Fortune represented the sixth ward as councilman. In his post, he chaired the city council's finance committee and wielded power for the good of the people. He instituted innovative housing programs and initiated the economic recovery activities along Market Street.

Mr. Fortune's other posts included chair of park and recreation, assistant grievance committeeman, and consultant for Alcohol Anonymous for Youngstown Sheet & Tube, as well as a member of the mayor's human relations board.

I am honored, Mr. Speaker, to discuss the accomplishments of Mr. Fortune. He has displayed outstanding commitment to his community and stands as an exemplary representative of the people. During his tenure, the people of the sixth ward were served by his dignity and honor. I wish Mr. Fortune the best and encourage him to continue his outstanding service to people and community.

BLUE LAKES ELEMENTARY SCHOOL MAKES SAVING THE ENVIRONMENT MAIN MISSION

HON. ILEANA ROS-LEHTINEN

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 26, 1992

Ms. ROS-LEHTINEN. Mr. Speaker, I am pleased to recognize Blue Lakes Elementary School which was recently featured in the Miami Herald. The article "Enthusiasm for Environment Has Grown Like Kids' Seedlings," by Alessandra Soler, tells how the Miami school has made saving the environment a top priority:

> For students at Blue Lakes Elementary, discussing the topic of global warming is nothing new. That's because saving the environment has become a schoolwide mission.
>
> Since October, students have dedicated each month to a different environmental issue. January was for trees and plants. All the school's 475 students planted seedlings in milk cartons. On Earth Day, April 22, the seedlings will be replanted on the school grounds.
>
> "The kids are gung-ho about the program," said teacher Angela Tai, who coordinates environmental projects at the school, 9250 SW 52nd Ter. "I think the biggest impact we can make on the lives of these kids is made at an early age."
>
> Tai said the kids love it.
>
> "The kids carry their enthusiasm home with them," said Tai. "I can't even put my bottle of apple juice in the garbage can because my son, who is a first-grader here, won't let me."
>
> Students also designed T-shirts with logos of a tree as part of their "Tall Tree Company." The shirts are sold at the school store in addition to other supplies such as glue, folders and recycled brown paper bags. They use the money to buy trees.
>
> "We're aiming to have all the products which are sold made out of recycled material." said Tai.
>
> In addition to celebrating Earth Day this month, students also will focus on how to keep a nontoxic home.
>
> "I compost my garbage and try not to use spray aerosol," said Colleen Craig, 10, a fourth-grader.
>
> In the classroom, students learn about the environment by watching 10-minute videotapes twice a week.
>
> "The kids are wild about the tapes," said Tai. "It's easy for them to relate to the stars hosting the videos."
>
> After watching the videos, the kids turn in questions that will form the basis for a year-end "Save The Planet Bowl," sort of an environmental version of the TV game show *Jeopardy*.
>
> Aside from participating in hands-on activities, students also take time out to read articles on how to save the planet.
>
> "If we don't conserve our environment as it is, then our grandchildren won't be able to enjoy it or see any of the animals that we see today," said 11-year-old Nory Acosta.

Mr. Speaker, I am happy to pay tribute to teacher Angela Tai and the other staff members and students at Blue Lakes Elementary School by reprinting this article. They have done much to help their community and Nation by participating in a wide variety of programs which have done much to preserve our environment for future generations.

IN HONOR OF JOHN S. ALIOTO—21 YEARS OF DEDICATED SERVICE TO EDUCATION

HON. LEON E. PANETTA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 26, 1992

Mr. PANETTA. Mr. Speaker, I rise today in honor of John S. Alioto, a man who has spent the last 21 years as a dedicated teacher, principal, and school district superintendent. At the close of this school year, we will lose John Alioto to retirement, however his impact and contributions to the field of education will be felt by the students and the community for years to come.

John Alioto grew up in Salinas, CA. He received his A.A. degree from Hartnell College in 1956. From 1956 through 1968, John worked for the Salinas Californian as a printer. He received his B.A. in industrial education from Montclair State College in 1972 and then his master's degree in administration and supervision in 1973. He continued his education from William Patterson University, the University of New Hampshire and Boston University through 1976. Throughout the 1970's, John was a high schoolteacher at Hackensack, High School in New Jersey and at Pequannock High School in New Hampshire. He was a teaching assistant principal at Hillview School in Pompton Plains, NJ, and principal at Lisbon Regional High School in Lisbon, NH. After being principal at Middletown School in Middletown, CA, he was superintendent/principal in the Upper Lake Union School District in Upper Lake, CA.

In 1980, John returned to the 16th Congressional District, and took the position as principal of Main Street School in Soledad. Three years later, John Alioto was selected to be superintendent of the Soledad Union School District where he will remain until his retirement in June 1992.

John Alioto has been a motivating force in education for the last 21 years. He has directly and indirectly affected those that were fortunate enough to work with him. He has always welcomed new ideas and has been diligent in applying them to the district. His primary concern has always been the children and has worked hard to improve the quality and conditions of the learning environment. John's leadership and motivation has strengthened already existing programs such as the bilingual program, and has instigated policies that concentrated on the focus areas the community, parents, and staff saw as priorities. He has consistently been involved with the district's master plan for facilities and enrollment projections. His involvement in the many different aspects of education is truly an inspiration to us all.

In addition to his direct involvement with the schools, John Alioto has been equally dedicated in the community. He is an active member of ACSA and is a past president. He is involved with the Rotary Club, and continues to be generous with his time and energy to assist with their many fundraising activities. John presently lives in Salinas with his wife, Patty, and together have raised three sons and one daughter.

John Alioto has truly been a driving force in the community. His achievements are endless and I have only touched on his boundless contributions. He has been a dedicated father to his family. He has been a inspiring teacher and administrator to his pupils and staff, and has been an example of strength and leadership in the 16th Congressional District of California.

Mr. Speaker, I ask my colleagues to join me now in congratulating John Alioto for his tireless effort to improving the quality of education. John Alioto has generously dedicated his life to one of the most important industries and those of us in the community are grateful for his services. I would like to recognize John Alioto's selfless performance in education and for his abundant contributions to the Soledad Union School District, the State of California, and the Nation as a whole.

POUGHKEEPSIE TO HONOR WORLD WAR II VETERANS

HON. GERALD B.H. SOLOMON

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 26, 1992

Mr. SOLOMON. Mr. Speaker, on the occasion of the ceremonies which will be held on May 30, 1992, in Dutchess County, NY, commemorating the 50th anniversary of World War II, I would like to share my own personal thoughts on the heroes who are being honored.

Anyone familiar with American history knows that Dutchess County possesses a rich and patriotic heritage dating back to our country's earliest days and has been called the home of many distinguished statesmen and national heroes.

This day, we recognize the World War II veterans from this area who served with heroic valor from the very first day of the war when local native Walter Bowe fired the first shot back at the Japanese during the infamous attack on Pearl Harbor.

We salute the leaders who came from this area who inspired our Nation to make sacrifices and fight for the freedoms which we all hold so dear: Hyde Park's native son, President Franklin Delano Roosevelt; Dutchess County resident James Forrestal, who served as Secretary of the Navy during World War II; local Congressman HAMILTON FISH, Sr., who steadfastly led the drive to create a Tomb of the Unknown Solder in Arlington National Cemetery and founded the American Legion in the wake of World War I.

As we take the time to reflect on all these accomplished figures, let us also remember all of America's veterans who risked their lives in defense of their country and those who sacrificed their lives. The preservation of our freedom is neither cheap nor easily won. Those before us, who we honor today, answered the call to arms with valor and bravery. We will never forget their sacrifices and the sacrifices of their loved ones will not have been in vain.

LOUISVILLE ARCHITECTURE PRESERVES ITS PAST

HON. ROMANO L. MAZZOLI

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 26, 1992

Mr. MAZZOLI. Mr. Speaker, I commend to the attention of our colleagues the following article from the May 1992 edition of Historic Preservation. This article describes Louisville's architectural heritage and its many historic sites which will be commemorated during Kentucky's bicentennial celebration beginning June 1, 1992.

Louisville—my birthplace and part of my district—has a proud heritage, preserved through the efforts of people dedicated to the restoration of its unique architecture. Locust Grove, Farmington, Farnsley-Moremen House, and the Louisville Water Tower are just a few of Louisville's architectural gems that have been restored over the years.

Through the efforts of organizations like the Louisville Preservation Alliance, public awareness has been raised about the architectural and artistic treasures of our great city. I am proud to represent a community that continues to remember its past.

LA BELLE LOUISVILLE

(By Eddie Nickens)

"You have to remember," explains Gwynne Bryant, "that in 1790 all but a handful of Louisville's 200 residents lived in one- or two-room cabins." Bryant, the executive director of Louisville's historic Locust Grove estate, gestures toward the floor-to-ceiling walnut closets in an adjoining bedroom. "This was a spectacular place," she says, "a p'ace that most people wouldn't have dreamed they could visit, much less live in."

Times have changed in Louisville since those early frontier days, but preservationists in the city by the Ohio River Falls haven't let progress erase the area's colorful past. And as the state prepares to celebrate its bicentennial on June 1, 1992, the past—historical and architectural—seems a fitting place to begin a visit.

The farm estate of the Major William Croghan family and the residence in which George Rogers Clark, the founder of Louisville, spent the last years of his life, Locust Grove is now surrounded by fifty-five of the original 694 acres on the Ohio River. With its central hall, formal parlor and dining room, and second-floor ballroom, the eighteenth-century mansion was as much a statement by its owners as it was their residence. Yet this is a true Kentucky home. Except for the glass and the hardware, all of the construction materials came from the property itself.

Locust Grove almost didn't survive to see its own bicentennial. In 1961 the Commonwealth of Kentucky and Jefferson County bought the house and acreage when they were put up for auction on the Jefferson County Courthouse steps. The house was then restored to its 1790–1822 appearance under the care of restoration architect Walter M. Macomber. Windows on the south and west facades, lengthened for Victorian tastes, were rebricked to original Georgian height; original interior doors were duplicated; a front porch was removed; and a bracketed Victorian cornice was replaced with a period version. A four-square garden was replanted with trees and shrubs known to flourish in eighteenth-century Kentucky.

The most exciting element of the restoration came when an upstairs partition was removed in the second-floor ballroom, exposing a swatch of the original wallpaper made in France in 1786. The company—Reveillon—was still in business, and the original wallpaper plates were found and reproduced to re-create the wallpaper for the grand ballroom.

"I think it is the single most important discovery in the house," Bryant says of the wallpaper, on which a cast of classical characters frolic across a field of blue: cherubs bearing platters of fruit and maidens dancing across flower-filled urns. "This was classical design here on the edge of the world in 1790. . . . One look at this house and what we've found here and you realize that these people knew what was going on. . . . They've given us new ways of looking at life in early Kentucky."

Across town another Louisville legacy is undergoing a second phase of restoration. Built in 1820 by John and Lucy Fry Speed Farmington is considered one of the finest Federal homes in the state. That accolade has much to do with the building's designer, Thomas Jefferson, who counted among his legal guardians Luck Speed's grandfather.

The Jeffersonian proportions of Farmington are evident from the front lawn. Stairs above a raised basement ascend to a small Roman portico capped by a simple pediment with a fanlight. Symmetry reigns both inside and out. Identical black-shuttered windows flank the portico, identical chimneys rise from the hipped roof. A narrow Jeffersonian staircase opens from the right side of the front hall; its door is balanced by a corresponding door on the left behind which is found a shallow and nearly useless closet. Fanlights between the front and rear halls echo the portico's ornamentation. The mansion's fourteen rooms are designed around the octagonal formal music and dining rooms. Reeded doorways and mantels complement marbleized baseboards and grained woodwork.

The property's summer kitchen is currently being reconstructed on the original foundation behind the carriage house, while downstairs in the manor house floors in what could have been a work room or slave quarters are being stripped, and wooden paneling in place since the 1950s is being removed.

"We have no idea what we'll find underneath all this stuff," says Alexandra Whitman, Farmington's interpretive program director, "and I'm going to be the first one in there with a crowbar."

Bicentennial Grant Fund monies were awarded to the third jewel in Louisville's triple crown of historic properties, the 1820s Farnsley-Moremen House. Restoration of the 1820s Kentucky "I" house was completed in early spring, and preservationists are now reconstructing outbuildings and a ferry landing that was once the centerpiece of this 1,500-acre farm on the Ohio River southwest of town. Community gardens will be planted, and cattle owned by a descendant of Alanson Moremen will soon graze in adjacent pastures. When a visitors' center opens in winter 1992, the Farnsley-Moremen House will interpret the life-style of the common man, a different kind of early Kentucky life from those celebrated at Farmington and Locust Grove.

Not all of Louisville's noted historic properties are residential. One of Louisville's architectural claims to fame is, in fact, its collection of commercial buildings faced with cast-iron facades. In the late 1960s Louisville's Preservation Alliance raised public consciousness about the city's West Main Street treasures, and now almost four blocks of these structures remain intact, many individual fronts having been fully restored.

Ask Norman Berry about the cast-iron facades, and the energetic architect is off and running. Cast-iron architecture came into vogue in Louisville in the 1870s and 1880s. The increased structural rigidity of the solid-metal facades enabled the design of more and larger windows—no small advantage in an era that predated electricity. Additionally, cast-iron buildings were touted as fireproof, an added—if not altogether true—incentive for merchants.

Builders ordered the facades from catalogs, Berry explains, and embellished the basic designs with bolted-on ornamentation: lions' heads, Corinthian capitals, egg-and-dart molding. Some builders used complete iron facades. Berry says, while others married iron supports and ornamentation with stone and masonry construction. To explore the cast-iron district, stop in at the Preservation Alliance bookstore at 716 West Main and pick up a walking guide to downtown Louisville. And bring along a magnet. The builders of West Main's warehouses took a no-holds barred approach to whimsical design, and lacking Berry's expertise, it's the only way to discern between the made-to-order cast-iron architecture and the traditional ornamentations of brick, stone, wood, and terra-cotta.

West Main didn't corner Louisville's market on impressive nonresidential architecture. Two of the most intriguing structures are the water tower and the River Pumping Station #1, which pumped drinking water from the Ohio River from 1860 to 1909. But don't visit the riverbank at Zorn Avenue expecting to find gleaming machinery. The engine house designed by Louisville Water Company chief engineer Theodore Scowden and the accompanying 169-foot standpipe have been Louisville landmarks—and architectural enigmas—since their construction. Enormous fluted columns—topped with Corinthian capitals—and pediments distinguish the front of the engine house, which is flanked by matching wings with similar Greek Revival detailing. The water tower itself, designed in 1890 to replace the original, which was damaged in a tornado, resembles a triumphal column complete with a peristyle on which stand nine classical Greek statues and an American Indian and canine companion.

"You have to wonder what inspired Scowden," muses Chris Whelan of the Louisville Visual Arts Association, which is housed in the engine house. "All we know is that we are thankful."

For the next few months, at least, art won't be the only thing on display. Visitors to the galleries this summer will be able to view a detailed restoration-in-progress. At present, all of the terra-cotta decorations are being restored by the Louisville Visual Arts Association with a Kentucky Bicentennial Grant. Additionally, the entire water tower from the cupola down is undergoing restoration by the Louisville Water Company.

Louisville's historic engine house and water tower will have come full circle. Originally designed to provide residents with water, the tower and pump station will soon, with Louisville's other restorations-in-progress, serve a not-altogether different function: to quench a thirst for architectural and artistic excellence in Louisville citizens today.

TRIBUTE TO JACK AND BETTEJO MURPHY

HON. ROBERT T. MATSUI

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 26, 1992

Mr. MATSUI. Mr. Speaker, I rise to pay tribute to Jack and Bettejo Murphy, who will be celebrating their 50th wedding anniversary on June 7, 1992. In order to mark this joyous and noteworthy accomplishment, the Murphy family has arranged for a family gathering on Sunday, June 14. The entire family, including their 4 children; David, Pat, Kathy, and Bettejo, and their 11 grandchildren; John, Joe, Anna, Selina, Sarah, Eric, Danny, Benjamin, Marion, Ryan, and Brandon, will be on hand to join in the festivities.

I would like to share with you a brief history of the Murphy family. Fifty years ago, Jack was serving in the U.S. Army in Stockton CA. He was assigned to serve as drill instructor for a volunteer women's drill team of which Bettejo Kitt, his bride to be, was a member. Three weeks later, and of course 50 years ago, they were married.

While Jack was in Europe serving his country during World War II, their first child, David, was born. After Jack returned to the United States, he, Bettejo, and David moved to Sacramento where daughters Pat, Kathy, and Bettejo were born. The Murphys have lived there ever since and remain extremely active and important contributors to the Sacramento community.

Mr. Speaker, I believe we could all learn something from the Murphy family and the values that have seen them through a half century together. In honor of their 50th anniversary, I ask my colleagues to join me in wishing Jack and Bettejo congratulations on this most impressive milestone and all the best in the coming years.

COACH LEIBLIE'S TEAM FLIES HIGH IN NATION COMPETITION

HON. ILEANA ROS-LEHTINEN

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 26, 1992

Ms. ROS-LEHTINEN. Mr. Speaker, I would like to recognize the Miami-Dade Community College flight team for their recent effort at the National Competition in Monroe, LA. Coach Loyanne Leiblie took her young team, consisting of Ed Gregory, Bill Hearn, Omar Amaro, Chuck Ball, David Norgren, and Sam Kuntz, to fly against the best school teams in the country. This year's team brought home Miami-Dade's first medal. That medal was won by Omar Amaro in the flight simulator contest. The following article on the team, entitled "Up, Up and Away," was published in the Miami Herald before the competition:

[From the Miami Herald, Apr. 26, 1992]

UP, UP AND AWAY

(By Jon O'Neill)

The blue yonder is likely to get pretty wild for the Miami-Dade Community College flight team this week.

The seven-member team leaves today for Monroe, La., to duel with some of the best college pilots in the country. For the third straight year, the team has qualified for the national competition sponsored by the National Intercollegiate Flying Association.

Twenty-six teams will compete in four days of flying events, as well as a battery of tests and contests on the ground.

"It's a great experience for our team, but things are tough at the national level," said Loyanne Leiblie, coach of the MDCC team. "We're not as big as some of the other teams, so we have to compete in every event."

MDCC, whose flight program has been a staple at the college for 25 years, will fly against schools that have four-year flight programs, such as the Air Force Academy and North Dakota State. That school has captured the national title the past seven years.

The team Leiblie is taking to Louisiana is made up mostly of rookies. Only one, sophomore Sam Kuntz, 26, has been to the national competition before. He was impressed, to say the least.

"It was a real awakening when we went last year," Kuntz said. "It's a very serious competition, not playtime at all. But I'm excited about going. I'm ready to butt heads with these pilots again."

The MDCC team won the right to go to nationals by placing third in a regional contest, held in November at Auburn University. Two other Florida schools, Embry-Riddle Aeronautical University in Daytona Beach and Florida Institute of Technology in Melbourne, are also participating.

The team will practice Monday and Tuesday, then start flying for real Wednesday. The pilots will compete in events such as spot landings with no power, flights from one airport to another and the message drop, which involves dropping a balsa wood container into a barrel from 200 feet, an event the MDCC team won at the regional fly-off.

At night, the contestants will face off in the ground events, which include computer tests and quizzes on flight planning and preparation, Federal Aviation Administration regulations, and weather and mechanical systems.

Not exactly a vacation.

"You really have to be prepared," Kuntz said. "The ground tests are really difficult, because it's not multiple guess. It's all essay and fill in the blank, so you either know it, or you don't."

That's why Bill Hearn's first trip to the nationals is consuming most of his attention.

"I'm a little nervous about it, because we've heard how good everyone else is," said Hearn, 19. "But we can learn from them and we feel good about how we work as a team. It will be fun to go because the nationals are big time.

Mr. Speaker, I commend Coach Leiblie and her team for making it to the national competition and wish them the best of luck in the future.

TRIBUTE TO COL. JOSEPH H. WHERLE

HON. ROBERT T. MATSUI

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 26, 1992

Mr. MATSUI. Mr. Speaker, I rise to pay tribute to Col. Joseph H. Wherle, commander of the 323d Flying Training Wing, Mather Air Force Base, CA. Colonel Wherle will be leaving Mather to become commander of the Goodfellow Technical Training Center in San Angelo, TX. It is a special honor to salute such a remarkable leader, who made a great contribution to the McClellan Air Force Base and the Sacramento community.

Colonel Wherle represents the finest tradition of military officers and the excellence of McClellan Air Force Base. His distinguished military career began following his graduation from the U.S. Military Academy in June 1970. After navigator training at Mather Air Force Base, in 1971, he entered F–4 training at George Air Force Base. Colonel Wherle has since become a master navigator with more than 1,700 flying hours, primarily in the F–4.

Over the last 20 years, Colonel Wherle has served in numerous positions of increasing responsibility. He first served in the 523d Tactical Fighter Squadron, Republic of the Philippines, and from March 1972 to October 1972, he was on temporary duty at Udorn Royal Thai Air Force Base, Thailand. From 1974 to 1982, Colonel Wherle served in Florida, South Korea, Utah, and Texas where he was an action officer and a deputy chief of departmental/joint assignment at the Air Force Military Personnel Center, Randolph Air Force Base, TX.

After graduating from Air Command and Staff College in 1983, the colonel was assigned to Ramstein Air Base, Republic of Germany, first as operations officer and later as commander of the 512th Tactical Fighter Squadron. In July 1986, Colonel Wherle returned to Washington, DC, to attend the National War College.

Colonel Wherle began working at Mather Air Force Base on March 1, 1991, as the commander of the 323d Air Base Group and has been the commander of the 323d Flying Training Wing since July of last year. His decorations and awards include the Defense Meritorious Service Medal, the Meritorious Service Medal with three oak leaf clusters, the Air Medal with eight oak leaf clusters, the Defense Commendation Medal, the Air Force Commendation and the Combat Readiness Medal.

Mr. Speaker, it is with great pride and enthusiasm that I speak on behalf of Col. Joseph H. Wherle. He has been an invaluable resource to McClellan Air Force Base and the Sacramento community, and his contributions will not soon be forgotten. I ask my colleagues to join me in wishing him the best of luck in his new position at Goodfellow Technical Training Center and in all his future endeavors.

THE 50TH ANNIVERSARY OF THE ARMED FORCES RADIO AND TELEVISION SERVICE—MAY 26, 1992

HON. C. THOMAS McMILLEN

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 26, 1992

Mr. MCMILLEN of Maryland. Mr. Speaker, I want to recognize today an outstanding military organization that has for 50 years kept our American military men and women overseas constantly linked to home with news, sports, and entertainment. That organization—the Armed Forces Radio and Television Service—observes its 50th anniversary on May 26, 1992.

Since its shaky beginnings in World War II with tiny transmitters beaming out programs to troops listening in tanks, foxholes, and barracks, the Armed Forces Radio and Television Service—better known as AFRTS—has grown into a world-girdling system beaming news, entertainment, information, sports, and the sounds of home from satellites or local studios to transmitters located wherever the troops are. And it has done so, in war and peace, since 1942.

At Kodiak, AK, in 1941, newly arrived American soldiers built their own radio station to broadcast 15 minutes a day over a wired speaker system in a dining hall. At first they simply played what phonograph records they had. Then they wrote to radio stations and networks in the States for transcriptions of familiar radio programs. Elsewhere in Alaska soldiers made small but effective camp radio transmitters out of souped-up phono-oscillators. Phono-oscillators were used in those days for wireless transmission of music from a phonograph to a loudspeaker in the same room.

One amateur soldier broadcaster in Alaska wired his phono-oscillator station to a large chunk of copper plate taken from a wrecked ship and threw the copper plate into deep salt water. With the help of the salt water, the station's signal could be heard 700 miles away in Fairbanks, AK, by engineers of the Federal Communications Commission. This brought unofficial radio stations to the official attention of the War Department in Washington.

As American troops arrived in the far corners of the globe in World War II, the need for news and entertainment from home became more and more important. And so it was that on May 26,1942—just 50 years ago—the War Department created the Armed Forces Radio Service. In 1953 this became the Armed Forces Radio and Television Service or AFRTS.

From its earliest days in World War II, Armed Forces Radio drew talent from the ranks of Hollywood's top writers, producers, and performers. Then as well as now, much of the programming came from the American broadcast industry. When the call went out for experienced broadcasters to form the nucleus of the fledgling Armed Forces Radio Service, many well-known names in the industry became dollar-a-year men and women. They volunteered their expertise to produce radio programs in Hollywood for shipment and broadcast to American troops overseas. Many others enlisted in the Army or Navy and donned uniforms for the duration to carry on this vitally important work.

CBS donated office space in its Hollywood studios, and NBC shipped programming to the troops in Panama. San Francisco radio station KGEI broadcast shortwave radio programs to our beleaguered troops on Bataan in the Philippines. Such memorable radio programs as "Command Performance," "Mail Call," and "Yanks" starred Bob Hope, Bing Crosby, Judy Garland, Mickey Rooney, and just about every other big star in show business.

Today, trained military broadcasters provide a variety of radio and television services to our Armed Forces and their families in more than 120 countries and aboard Navy ships at sea. AFRTS broadcasters have been shelled, bombed, strafed, killed, wounded, or captured in North Africa, Italy, France, Germany, Korea, Vietnam, Lebanon, Panama, and the Persian Gulf.

AFRTS broadcasters regularly overcome host nation sensitivities, extended logistical lines, complex frequency problems, and harsh climatic operating conditions to get the job done. Through it all, AFRTS broadcasters provide a free flow of uncensored news and Department of Defense internal information to build and maintain the moral and readiness of uniformed Americans overseas. AFRTS broadcasters are often their only link to current news for men and women in isolated, often hostile places. From typhoon warnings on Okinawa to volcano evacuation orders in the Philippines to riot alerts in Panama to Scud missile warnings in Saudi Arabia, AFRTS is there.

AFRTS added color television in the early 1970's and live satellite news and sports in 1977. Today, AFRTS uses seven satellites to provide 24-hour news, sports, and information to 1.3 million U.S. service people and their families overseas. AFRTS pioneered the use of vinyl for records, was the first American broadcaster to use magnetic tape, and pioneered the development of miniaturized and advanced mobile radio-TV vans that have followed American fighting troops since World War II.

Around the world today young AFRTS broadcasters—because of the generosity of the American broadcast industry—continue to provide soldiers, sailors, airmen, and marines with virtually all the quality entertainment, sports, and news programs that are available to people back home in the United States.

From the beaches of Normandy to the hills of Korea, from the jungles of Vietnam to the desert sands of Kuwait, the Armed Forces Radio and Television Service has been there when needed. Poll after poll has shown that members of our Armed Forces stationed overseas consider AFRTS—second only to mail from home—to be the most important moral factor.

I know I speak for Members of this House as well as countless other Americans in and out of uniform in saying thank you and well done to the Armed Radio and Television Service on its 50th anniversary. I am also happy to join the Armed Forces Broadcasters Association in expressing special thanks to the thousands of men and women who for five decades have labored so hard and effectively to make AFRTS a continuing success, always equal to the task.

BETTY CAESAR TEACHES THE ART OF CHILD CARE

HON. ILEANA ROS-LEHTINEN

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 26, 1992

Ms. ROS-LEHTINEN. Mr. Speaker, I would like to commend Betty Caesar, who was profiled in the Miami Herald in its "Super Teacher" series. Ms. Caesar conducts a program on child care at Sunset High School. Her program is an innovative solution to a number of problems. Ms. Caesar's program provides day care for 25 children—many of them are the children of fellow teachers—and a real life setting for her high school students to learn child care and responsibility. Her achievements are outlined in the following article:

[From the Miami Herald May 7, 1992]

KID STUFF

(By Jon O'Neill)

In Betty Caesar's class at Sunset High School, students come full circle.

Caesar teaches the delicate art of child care in a special program, showing her students how to work with little children. They have a day-care center at the school, and Caesar's students teach the younger ones.

It's an eye-opening experience for the students.

"Mrs. Caesar looks after us and we look after the little kids," said Pablo Aguilar, 19. "It teaches us a lot about responsibility and it helps you see a different side of teaching. You look at all your other classes in a different way, because you know what it's like to be at the front of the room."

Caesar, 38, runs the Sunset child-care class, a three-year program that gives the kids who finish it a state certificate. She started the program in 1980 and has watched it grow from three classes a day to a complete day care center with 25 children and 250 students.

"She's an excellent teacher," said Dennis Davis, principal of the school at 13125 SW 72nd St. "You can walk into that room and see what a difference she makes. The students are teaching and the little ones are learning. It's an unreal thing to see."

Caesar loves what she's doing. Not only does she get to spend time with preschoolers, she gets to watch her own students blossom as teachers and parents-in-training.

"You can see them doing things they would never do because being with the children breaks down all their walls," she said. "And you know that no matter where they go from here, this class will give them better parenting skills."

The Sunset day-care center is open from 7 a.m. to 3:30 p.m. for teachers, and from 7:30 a.m. to 2:15 p.m. for other parents. It costs $25 a week and the little kids get breakfast and a snack.

The Sunset students work with the preschoolers under the guidance of Caesar, trying to plan activities to keep the kids busy and help them learn. There's a lot of trial and error, and a lot of learning from each other.

"I try to show our students that little kids are people, too," Caesar said. "We stress positive guidance with them, and I want the students to understand how much they can learn from the preschoolers here."

The students learn the little kids are honest and very rarely allow their teachers to forget promises. They learn that the little ones look up to them, and will often repeat words they hear used in the classroom. They also learn about discipline.

Mr. Speaker, I congratulate Betty Caesar on being recognized as a super teacher for her warmth and capacity to inspire students. I wish her many more successful years in the classroom.

CONGRESSMAN WILLIAM D. FORD ANNOUNCES RESULTS OF 28TH ANNUAL SURVEY

HON. WILLIAM D. FORD

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 26, 1992

Mr. FORD of Michigan. Mr. Speaker, I would like to take this opportunity to share with my colleagues the results of a survey I sent at the end of March to residents of my congressional district in Michigan.

The survey asked 10 questions about some of the most important issues facing the Congress this year, and asked my constituents to list the three areas where they support increased Federal funding as well as three places they would like Federal spending reduced. I have already received 20,000 survey responses with more coming in every day. This is the 28th survey I have conducted since I first came to Congress in 1965. I am truly gratified that so many people took the time to answer and send back the questionnaire. In addition, hundreds of people took the time to make additional comments on the survey questions as well as other issues of concern.

The survey's first question concerned the Trade Enhancement Act, H.R. 4100, a bill I cosponsored to require a 20-percent per year reduction in Japan's trade surplus with the United States. If the deficit is not reduced voluntarily, the United States would limit auto imports into our country; 80 percent of my constituents would like to see H.R. 4100 enacted. The letters and comments that people attached when they returned their surveys show that many of them feel a deep and abiding anger about the damage Japanese trade practices have done to our economy. They know from hard experience that Japan will not act unless its own interests require it to do so.

A slightly higher number, 82 percent, favor passage of a bill I wrote to discourage the relocation of U.S. businesses to low-wage countries. H.R. 3878, the American Jobs Protection Act, would require a company that moves its operations to a country whose average wage is less than half the U.S. average to give 6 months' notice before closing its U.S. facility or laying off U.S. workers.

It would also require the firm to pay 4 weeks' wages and benefits for each year of service to each laid-off employee, along with 12 months' health insurance coverage and up to $10,000 in retraining and relocation benefits.

The House and Senate Labor Committees have held five hearings on the American Jobs Protection Act, including a hearing I chaired in Westland, MI, and another I chaired in Columbus, OH.

U.S. businesses have moved more than 300,000 jobs to Mexico in the last 10 years in order to take advantage of its impoverished workforce and the country's poor enforcement of labor and environmental protection laws. If President Bush negotiates a North American Free Trade Agreement removing barriers to Mexican imports, even more United States companies and jobs will be moved south of the border. H.R. 3878 will put a barrier in front of such relocations and, in the event relocations occur, will provide compensation and reemployment assistance to the American workers who are left behind.

The third question concerned another bill I have introduced, H.R. 3160, the Comprehensive Occupational Safety and Health Reform Act. Ninety percent of my constituents believe we should enact H.R. 3160, which would toughen criminal penalties for knowing violations of the act that lead to death or serious injury, speed the process by which the U.S. Labor Department sets health and safety standards, and extend the coverage of the act to all public employees. The Education and Labor Committee's six hearings on the bill have helped us improve its provisions for joint, employer-employee health and safety committees, quick correction of identified on-the-job hazards, and protection against retaliation for employees who assert their rights under the law.

My constituents are aware of the tragic fire at the chicken processing plant in Hamlet, NC, that killed 25 people and injured another 55, and they have read with horror about the stamping plant deaths at American Bumper in Ionia, MI. They know, as I do, that many of the 10,500 workplace deaths each year are avoidable, as are many of the millions of injuries and illnesses. H.R. 3160, by encouraging employee involvement in health and safety issues, and improving the Government's enforcement efforts, can significantly reduce the terrible toll that unsafe workplaces are causing.

In Michigan and throughout the country, Americans all seem to agree that something needs to be done to reform the Nation's health care system. For those who have health insurance, costs continue to skyrocket. More than 35 million Americans do not have access to coverage.

Perhaps no issue drew a more diverse response than the question concerning proposals to address the national health care problems, 41 percent of my constituents said they favored a single-player plan, modeled after the Canadian approach to health care. Another 31 percent supported pay-or-play as the solution to the health care problem, while 28 percent favored a redistribution of the way current health dollars are spent in order to provide coverage for everyone.

In response to these results, I introduced legislation, the "Universal Medical Care [UniMed] Act of 1992"—(H.R. 5050)—which will ensure universal coverage for all Americans, no matter what their station in life. The plan recognizes the historic role of the workplace as the source of health coverage and creates a fully portable system of health benefits, financed through a variety of sources, including premiums based on the ability to pay. Plus, the plan employs a number of cost containment measures aimed at making health care more affordable while protecting consumer interests in the broad availability of health services.

The diversity of responses from my constituents is very similar to the range of debate throughout the country and in Washington. While there appears to be general agreement on the terms of the problem, lack of access and high costs, my constituents offered a wide range of solutions to the problem. The Committee on Education and Labor, which I chair, will continue to make a contribution toward reaching a consensus in the health care debate and action on a solution.

The survey also asked my constituents to share their views on what they thought would be the best investment for Pentagon savings, the peace dividend generated by the end of the Cold War. Fully 78 percent supported either investing all or some part of Pentagon savings in job creation and education in order to support long-term economic growth in America. 22 percent of those answering the survey supported using Pentagon savings only for deficit reduction.

The people in my district realized that after years of sacrificing important domestic programs in favor of an expensive military buildup, the time has come to make a wise investment of tax dollars to meet the challenges of the future. Consistent with the survey results, I supported legislation in Congress, H.R. 3732, to take down the walls between military spending and domestic spending accounts established in the 1990 budget agreement. This legislation would permit at least some portion of the peace dividend to be used for investment in domestic programs such as education and job training. In addition, I led the way for what I referred to as an "Invest in America Now" budget to target the Nation's resources at education and training efforts necessary to prepare American schoolchildren and workers for an increasingly competitive world.

A major part of our budget deliberations this year will be whether we can continue to fund big ticket items such as the space station. If my constituents were to cast a vote on whether to continue to fund the space station, an overwhelming number would just say NO. Nearly 80 percent oppose any additional funds for the space station. While I don't doubt that some scientific benefits would come from the continued exploration of space, I truly believe that our country can't afford a luxury like this at this time.

I recently voted in favor of an amendment offered to the National Aeronautics and Space Administration Authorization Act, which would have effectively killed the space station program.

I hear every day from people in my district who have lost their jobs and can't make their mortgage payments. Only a few months ago, the people of Ypsilanti, MI, learned that 4,000 jobs would be transferred, and their assembly plant closed.

My constituents couldn't care less about living in outer space. Thanks to this administration's economic policies, many of them are having a hard enough time living on Earth. Until we can provide them with more educational and job training opportunities, quality health care, decent housing, and better roads and infrastructure, I will not support additional dollars for this project.

In addition to pushing our foreign trade partners to play fair, most of my constituents believe Congress should pass legislation which encourages Americans to buy American-made goods. I wholeheartedly agree with this view and have added my name as a cosponsor to two pieces of legislation which worked toward this end, H.R. 4194 and H.R. 4086. H.R. 4194 would provide a tax credit equal to 15 percent of the value of the car, up to a maximum credit of $2,000. H.R. 4086 would restore the deduction for interest paid on loans for American-made automobiles.

My constituents split almost 50–50 on a question which asked whether the United States should provide Russia and the other former Soviet republics with foreign aid. I felt this may have been the most difficult question on the survey. We have spent the last 45 years waging a multitrillion dollar cold war against the former Soviets. Now the American people are being asked to bail out the new countries which have been left in such terrible shape by decades of communism.

There is legitimate concern as to the stability of these nations. An overthrow of the government of one of the republics, particularly the four that house nuclear missiles, could lead to disaster. Aware of this danger, Congress boldly passed legislation last year freeing $500 million in defense funds to be used to help dismantle the nuclear weaponry targeted at the United States.

Earlier this spring, the President put forward a massive aid proposal. Senator CLAIBORNE PELL has introduced the President's proposal as a bill, S. 2532, the Freedom Support Act. The President asserts that no new funds will be required to put his plan into action. I am skeptical about this claim. He can manipulate budget figures until he is blue in the face, but in the end the American public will be called upon to send their tax dollars to the republics.

Under the President's plan, general economic support will be provided through international bodies, specifically the International Monetary Fund [IMF] and the World Bank. The IMF recently announced that Russia and the other republics would require $44 billion in loans and grants to finance their needs for 1992 alone.

The role Congress will play in this process is to approve the IMF quota increase agreed to last year. Under the new quota system, the United States is responsible for an additional $12 billion, swelling our contribution to the IMF to $36 billion. Last year's foreign aid authorization bill contained the quota increase. The bill, however, failed to pass either the House or Senate. We will be asked again this year to approve this massive increase.

I joined nearly 60 of my colleagues in a recent letter to the President to let him know that we will not support his aid package to the former Soviets until he first addresses the problems right here at home. We specifically called on him to extend his support to an extension of unemployment benefits and an accelerated jobs program. If he wants to ask Americans to foot the bill for the rebuilding of the former Soviet Union, he must take steps that put Americans in decent jobs so that they can afford to help our former enemy.

By a margin of nearly 4 to 1, the constituents who participated in my survey favored Congress taking action to reregulate cable television service.

I tend to agree with these constituents. Americans deserve a better choice than purchasing cable television from one local company, at prices that resemble a stick-up, or not having access to cable at all.

I frequently hear from people back home who are fed up with the deal consumers are getting from some cable companies. The Senate has already passed a cable regulation bill, and the House is currently considering cable legislation.

While not every cable franchise has taken liberties with its position as an unregulated monopoly, far too many have. Skyrocketing prices, fouled-up billing and poor or nonexistent customer service standards have become the rule, not the exception. Nobody wants to hobble the cable television industry. Many local cable franchises have behaved responsibly, providing, a valuable service for a reasonable price. In some parts of our country, however, cable television prices have risen several hundred percent since 1986. This does not reflect a simple recovery of costs and a profit. It is a case of balatant abuse by greedy monopolies.

Mr. Speaker, I am pleased to report that the question that garnered the most support from my constituents related to higher education. Ninety percent of those responding support my efforts to expand Federal programs to provide loans and grants to students from working and middle-class families. For too long, these families have been shut out of Federal aid programs aimed at helping them put their children through college. The House recently approved H.R. 3553, the Higher Education Act Amendments of 1992, by an overwhelming vote of 365 to 3.

It is important for people to realize that the Higher Education Act amendments is also an important job training bill. The financial aid programs authorized by the bill do not serve just students in traditional higher education programs. Whether in a white collar or blue collar career track, everyone has equal access to Federal education funds. Of the approximately $22 billion made available to students through the financial aid programs—about one-third, or $7 billion—goes to students in postsecondary occupational and vocational programs. This makes the Higher Education Act the largest source of Federal support for job training. In addition, the student financial aid programs make a vital contribution to employee retraining, since over half of those receiving Federal student aid are working part-time or are over the age of 24.

The access to education and job training provided by the Higher Education Act amendments will enable Americans to compete in today's global economy.

The final section of the survey provided an opportunity for my constituents to list the three areas the Federal Government should spend more on, and three areas on which we should spend less money. I am pleased to report that education was named as my constituents' highest priority for Federal action. As chairman of the Committee on Education and Labor, one of my highest priorities has been funding for education. In addition to the higher education bill, I have been working on legislation aimed at improving our public school system. I have introduced the Neighborhood Schools Improvement Act which responds to the President's education reform proposal.

Last summer, President Bush signed into law the National Literacy Act aimed at improving the literacy skills of our people. In addition, the House has approved an extension of the School Dropout Program.

These education and job training initiatives, along with my health care bill, will continue to be the focus of my committee's work for the remainder of the 102d Congress.

On the other side of the coin, Mr. Speaker, I also asked my constituents where they would most like to see Federal spending reduced. As in years past, foreign aid and military spending topped this list.

On the issue of foreign aid, many of my constituents and I share a simple statement: it just doesn't make sense to give away billions of dollars in aid to foreign countries when Americans are going hungry and homeless. As my colleagues recall, on March 31, Congress approved a continuing resolution to fund foreign aid programs through the end of this fiscal year, September 30. This bill was made necessary by our inability to approve a full 1992 foreign aid appropriations bill last year. The measure, which was signed into law by the President last April 1, was $14.1 billion below the President's request and $707 million below last year's funding level. I expect this downward trend in foreign aid spending to continue in this fiscal year.

According to my constituents, the Pentagon should also be accountable for significant budget cutbacks. Earlier in my statement, I discussed my constituents' views on aid for the Republics of the former Soviet Union. Close to half believe we must offer these new nations some monetary and technical assistance. It is only right that while we contemplate channeling taxpayer dollars to the former Soviets on one hand, we begin to scale back the military machine we erected to defend against the Communists on the other.

On March 5, the House debated and voted on the fiscal 1993 budget. During that debate, I suppoted an amendment which halved military spending within 4 years and channeled savings to important domestic programs. This amendment would have yielded $20.7 billion in savings for the coming fiscal year. Unfortunately, the amendment was defeated 342 to 77. The budget agreement ultimately reached by the House and Senate conferees called for $289 billion for defense spending. This amount represents a $7.1 billion reduction in spending from this year, one-third the cut I recommended.

Mr. Speaker, I have always found the questionnaire to be a useful tool in learning my constitutents' thoughts and views on the important issues of the day. I would like once again to thank my constituents for taking the time to participate in this survey.

IN HONOR OF THE 10TH ANNIVERSARY OF THE WOMEN'S INTERNATIONAL ZIONIST ORGANIZATION

HON. ILEANA ROS-LEHTINEN

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 26, 1992

Ms. ROS-LEHTINEN. Mr. Speaker, I am pleased to have the opportunity to pay tribute to the members of the Women's International Zionist Organization. This year, the members of this international organization are celebrating their 10th anniversary in the United States.

WIZO, a nonprofit voluntary organization with 280,000 members in 56 countries, was founded in 1920. This organization is directly involved with the social welfare, education, and integration of all people, and their work has touched the lives of many across the globe.

One of the projects the women of this WIZO U.S.A. have taken on is the Miami Beach Community Center, located in Ramat Gan, sister city of Miami Beach. Serving as a model for similar facilities in Israel, this vital center serves as a catalyst for education, cultural and social services for all who visit it.

I would like to acknowledge the president of World WIZO, Raya Jaglom; president of WIZO U.S.A., Evelyn Sommer; and the members of the Women's International Zionist Organization Florida executive board which include Mercedes Ivcher, president; Rosita Retelny; Sonja Igra; Beverly Koplowitz, Jana Falic; and Lesley Kruger.

Mr. Speaker, I would like to congratulate the members of this organization for their terrific work and leadership in our community. Together, through their constant change and adaptation to current needs, they have made a considerable difference in the growth of our city. I commend them for their commitment and dedication to others and for their wonderful success as an international organization.

HOUSE OF REPRESENTATIVES—*Wednesday, May 27, 1992*

The House met at 12 noon.

The Chaplain, Rev. James David Ford, D.D., offered the following prayer:

Inspire us, gracious God, to be open to the needs that are all about us so that we can be messengers of good will and ambassadors of peace. May Your Spirit inspire us to bring healing to the afflicted whether of body or spirit and to encourage others from any disappointment. May our lives be an illustration of good deeds and a witness of reconciliation to those who are at enmity from each other. May our vision be lifted from all that must be done to see that which should be done to Your glory and for the help of people everywhere. This is our earnest prayer. Amen.

THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

PLEDGE OF ALLEGIANCE

The SPEAKER. The Chair will ask the gentleman from New York [Mr. WALSH] if he would kindly come forward and lead the membership in the Pledge of Allegiance.

Mr. WALSH led the Pledge of Allegiance as follows:

> I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

ADMINISTRATION FUMBLES ON NUCLEAR TESTING

(Mr. AUCOIN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. AUCOIN. Mr. Speaker, the administration is hopelessly behind the times on halting nuclear explosive tests.

Russia has stopped nuclear testing, and so has France, but not George Bush's America. The Bush administration continues to mumble nonsense about some imaginary need for continued American nuclear testing.

My friends, national security does not depend on tiny tidbits of trivial test data. It depends on taking tactical nuclear weapons out of the reach of terrorists, and we have no hope of stopping the spread of nuclear weapons unless we are willing to set the example by restraining ourselves.

The Nation cannot wait for George Bush and his administration to wake up. By that time, every Tom, Dick, and Mu'ammar may have his own nuke in a ship sailing into an American port.

If the White House will not do this, then it is time for the Congress, in the name of the American people, to pass a nuclear test moratorium on the floor of this House and send it to the White House.

RUNNING THE GAMUT IN THE ENERGY BILL FROM THE GOOD TO THE BAD AND THE UGLY

(Mr. SMITH of Texas asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SMITH of Texas. Mr. Speaker, in H.R. 776, the energy bill, we have the good, the bad, and the ugly.

The good in the energy bill is the $1 billion in alternative minimum tax relief for the independent producer. This provision will start putting back to work thousands of oil field workers who lost their jobs after the 1986 tax reform act dried up oil capital.

The bad in this bill is the mandatory set-aside provisions to fill the strategic petroleum reserve. Such requirements amount to no less than a tax on the consumer—a tax expected to total some $15 billion.

And the ugly is the Markey amendment that prohibits States from establishing production limits for natural gas—a right that Texas has exercised for over 60 years, and a necessity if America wants to further the use of natural gas.

Mr. Speaker, Congress must adopt the Rostenkowski amendment to repeal the strategic petroleum reserve provisions and drop the Markey amendment in conference.

Only then can we turn this energy tragedy into an energy strategy for America's future.

YANKEE GO HOME

(Mr. TRAFICANT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. TRAFICANT. Mr. Speaker, the French do not want Uncle Sam meddling in their business any longer. French President Mitterand said that if Europe is to become a superpower, they must break ties with Uncle Sam on economic matters and defense. In fact, they said they are trying to persuade all of Europe to follow suit. They said Germany already agrees but does not have the courage to tell Uncle Sam face to face.

Now, think about it, folks, after World War II, when we saved their assets and rebuilt all of Europe and protected them from the greatest tyrant in all of world history, Adolf Hitler, things have changed, have they not? Now that the Soviet threat is off, "Yankee go home."

How about a little more foreign aid, Congress? Do we not have more money around here for Europe?

I think it is a good example of how we are wasting American taxpayers' dollars. Let us stop sending them overseas, to let the French and everybody know how we stand, and invest our money in America.

THE LUXURY TAX

(Mr. GOSS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GOSS. Mr. Speaker, as Congress struggles to find initiatives to create quality jobs for Americans, we have a golden opportunity to put thousands of people back to work, and save the U.S. Treasury millions of dollars in the process.

Sadly, despite strong bipartisan support in Congress and the administration, repeal of the luxury tax remains a political bargaining chip in the election year war over tax policy. Even in its relatively short life, this dubious sock it to the rich tax has packed a big punch, costing thousands of jobs, and actually draining money from the Treasury.

Mr. Speaker, in this body we disagree about many things, but we do agree that we need to get people back to work. In an effort to get the ball rolling, 42 of our colleagues have joined me in signing a letter to the chairman and ranking member of the Ways and Means Committee urging them to bring the luxury tax repeal forward as a stand-alone bill. There is no good reason to hold this up any longer.

STOP THE HAITIAN REPATRIATION

(Mr. LEWIS of Georgia asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

☐This symbol represents the time of day during the House proceedings, e.g., ☐1407 is 2:07 p.m.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

Mr. LEWIS of Georgia. Mr. Speaker, I would like to quote from the leading editorial of today's New York Times entitled "Backward Priorities on Haiti":

> The President's cruel decision to have the U.S. Coast Guard turn back Haitian refugees on the high seas marks the low point of a failing American policy. The American-supported trade embargo has failed to dislodge Haiti's repressive coup leaders and only harmed the Haitian poor. And now the order to rebuff refugees at sea without a hearing trashes American commitments to humanitarian treatment of political refugees.

The question must be asked, how long, how long will this administration continue to say there is no room in the inn; no room in the American house for the poor and desperate people of Haiti? Where is our humanity; where is our compassion? Is it impossible for the most powerful nation on this planet to extend a helping hand to these thousands of Haitians who are fleeing political repression?

Mr. Speaker, we must do what we can to stop the forced return of the Haitian refugees. The hour is late, but it is not too late for the Congress and the American people to act.

SEND THE MILITARY INTO HAITI

(Mr. RAVENEL asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. RAVENEL. Mr. Speaker, so far as this most recent problem with Haiti and the refugees is concerned, let me offer this—being honest with ourselves, we all know that we cannot let those poor folks come here. Immediately the word got out that they could come, tens of thousands would pour in, all poor, hungry, and jobless. When we cannot take care of our own, how can we take care of them? Let us go on and send some of our military into Haiti, disarm those devils oppressing their people, hold new free elections under U.N. supervision, see the winners installed properly, and then come on home. If we really mean what we say about being against tyranny and for freedom, then let us prove it in Haiti, unilaterally, and right now. Come on, President Bush, issue the order.

ADDRESS THE REAL PROBLEM IN HAITI

(Mr. SMITH of Florida asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SMITH of Florida. Mr. Speaker, I just sat here and listened to two gentlemen in the well, both of whom wanted to send a helping hand, but neither of whom have touched on the real issue. The real issue is not addressing the problem of the refugees, but addressing the problem of the Government of Haiti. The Government of Haiti is now a military dictatorship. We ought to be doing whatever it takes to get them out and to reinstall Mr. Aristide. That is how you stop the Haitians from coming to the United States.

During the period when he was President for that 8 months out of 200 years that the Haitians had a properly elected democratic government that they wanted, no Haitians came here.

□ 1210

That means that they want to be in Haiti with the leader that they chose. Let us put him back in power.

Five members of the OAS have already said they would be willing on a multilateral basis to talk about reinstalling democratic leaders in this hemisphere. We can do it with them.

Let us attack the root cause of the problem. Let us put democracy back where it belongs in power in Haiti. Then there will not be any boat people. There will not be any people trying to come to the United States. They will be trying to rebuild their country. We owe that to the Haitians. Two hundred years of being dealt from the bottom of the deck, it is time that they turned up a winner from that deck and the United States can make that happen.

GOOD NEWS FROM AFGHANISTAN

(Mr. DREIER of California asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DREIER of California. Mr. Speaker, it has not been fashionable to talk about foreign policy issues, but the last three 1-minute speeches have focused on the problem of Haiti. I would like to take a moment to talk about a success.

It has been 13 years in coming, but this week we have gotten the extraordinarily good news that the two political factions which have been struggling in Afghanistan since we have seen the ouster of the Soviet troops have begun to come together. Ahmed Shah Nasoud and Gulbeddin Hekmatyar, who have been battling for a long period of time, it seems have come to the conclusion that we will be able to hold free and fair elections in Afghanistan.

Now, over the past 13 years we have, with the bipartisan support of this Congress, supported the policy and courage by President Reagan and President Bush to help the people of Afghanistan bring about a degree of self-determination, and I would like to encourage free and fair elections which these two leaders in Afghanistan have said they would bring about, and say that everything the United States can possibly do to encourage that process would be very important so that we can finally see the people of Afghanistan choosing their leaders as other nations throughout the world are doing.

WOMEN'S HEALTH CONCERNS TIED TO NIH REAUTHORIZATION

(Ms. DELAURO asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. DELAURO. Mr. Speaker, nearly 200,000 women will contract breast and ovarian cancer this year. Yet the Director of the National Institute of Health said that she objects to the NIH bill now before Congress because the section on women's health is, quote "unnecessary."

I invite Ms. Healy to explain her objections to the women who make up half this country's population but find their health concerns largely ignored. Women are suffering and dying because not enough research has been done to find cures or treatments for their conditions.

Mr. Speaker, I am one of the lucky few who survived ovarian cancer, and I have a unique appreciation of the need for research for a disease that will kill 13,000 women this year alone—and has a 5-year survival rate of only 39 percent.

This country has systematically denied women the full benefit of its medical expertise, and the policies of the NIH have failed to ensure that women's health research is as aggressive as it must be.

The administration threatened to veto this bill in part because of the provisions on women's health. Yet denying these funds represents a threat to the health and well-being of millions of women.

There is no excuse for playing politics with women's lives—pass the NIH reauthorization and, if necessary, override the President's veto.

CONGRATULATING MARY DUMAIS OF SMALL BUSINESS ADMINISTRATION'S CONCORD, NH, DISTRICT OFFICE

(Mr. ZELIFF asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ZELIFF. Mr. Speaker, today I honor and congratulate an outstanding lady, Mary Dumais of the Small Business Administration's Concord, NH, district office. She is the bronze medal winner in their National Employee of the Year competition.

Mary was first chosen as Employee of the Year in the Concord office, and then for the New England region. In her 25 years with the agency, she has helped thousands of small businesses with their credit needs.

The SBA provides a lifeline for America's small businesses. They make it possible for businesses to keep their doors open and to keep people working. Congratulations to Mary on her well-deserved honor, and thanks to her on behalf of all the small businesses in

New Hampshire that she has helped so much for many years. She is a credit to her profession and an outstanding example of New Hampshire people who are truly making a difference.

CONGRESS MUST LISTEN TO THE VOICES OF THE PEOPLE

(Mr. MAZZOLI asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MAZZOLI. Mr. Speaker, yesterday we had elections in Kentucky, and I am sorry to report that only 25 percent of the registered voters took the time to vote. Only 17 percent of the eligible voters voted, continuing the trend begun last November in the general elections when, after millions of dollars were spent, a total of 30 percent of eligible voters voted. What to do?

Well, Mr. Speaker, first we ought to pass very quickly the so-called motor-voter bill which has been supported and sponsored by the senior Senator from Kentucky. This would allow people, when they apply for a driver's license or renew them, to register to vote.

We should also, Mr. Speaker, immediately pass campaign finance reform which would limit or even eliminate political action committees and give the process of politics back to the people.

A chagrining statistic, Mr. Speaker: 8 of 10 Americans do not believe their voices will be heard in the political realm over the voices of the deep-pocketed special interests.

Mr. Speaker, let us open the political process to the people. Let us open our ears to the voices of the people.

ADMINISTRATION, NIH DIRECTOR SEE RESEARCH ON WOMEN'S HEALTH AS UNNECESSARY

(Ms. SNOWE asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. SNOWE. Mr. Speaker, this week I received a copy of a letter from Dr. Bernadine Healy, Director of the National Institutes of Health, to Secretary Louis Sullivan, regarding the administration's opposition to certain provisions in the NIH reauthorization conference report. The letter bluntly stated, "the section on women's health is unnecessary."

Mr. Speaker, I regret that Dr. Healy felt compelled to send such a letter, since she has been doing an outstanding job as Director, and in particular in women's health research.

I do not think that the 40,000 women who will die from breast cancer this year and their families feel that research on women's health is unnecessary. And you will not hear it from the 13,000 women who will die from ovarian cancer, or the 20 million women who have osteoporosis and know very little about the disease or its treatment.

NIH has had an infamous history of apathy and neglect with respect to women's health which should tell us unequivocally that a section in the NIH reauthorization on women's health is not only justified, but absolutely necessary. We must make women's health a permanent component of the NIH agenda. We can no longer rely on the discretion of an appointed Director of NIH in future years to prioritize research on women's health issues.

The NIH conference report that will be voted on by the House tomorrow provides us with the opportunity to make a long-term commitment to improving women's health. This legislation permanently authorizes the Office of Research on Women's Health, and requires the inclusion of women and minorities in clinical research trials, where appropriate. In addition, the bill increases funding levels for research on devastating diseases like breast cancer, ovarian cancer, and osteoporosis.

Mr. Speaker, I urge my colleagues to vote in favor of the conference report tomorrow and make a statement that women's health is not unnecessary, but rather an integral part of our national health research system.

WOMEN'S HEALTH—THE TIME IS NOW

(Mrs. SCHROEDER asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. SCHROEDER. Mr. Speaker, I rise today in support of H.R. 2507, the National Institutes of Health revitalization conference report.

The Bush administration will attempt to tell you that this bill busts the budget. The Bush administration will try to tell you that this bill is micromanaging and sets bad medical research protocols.

What President Bush won't tell you is that he requested $9.4 billion for the National Institutes of Health for fiscal year 1993. Moreover, President Bush will not tell you that if women and minorities are excluded from clinical trials, no matter how much money is spent on medical research, the money will again be wasted except for applications to men.

H.R. 2507 is not a spending bill. It merely authorizes women's health research at NIH and codifies a policy NIH has often ignored: including women and minorities in clinical trials. In short, this bill will save us money in the long run because it tells NIH to do things right the first time. It says that Congress is tired of expensive mistakes and will no longer fund them.

Women with breast, cervical, and ovarian cancer are watching this vote. Women with osteoporosis are watching this vote. Women with sexually transmitted diseases are watching this vote. Do not let these women down. Do not let H.R. 2507 be defeated.

□ 1220

U.S. FARM INTERESTS HEARTENED BY EC'S DECISION TO REFORM TRADE POLICIES

(Mr. BEREUTER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BEREUTER. Mr. Speaker, for my export 1 minute today, I would like to discuss the European Community's recent, long overdue decision to reform its agricultural policy.

Mr. Speaker, the Uruguay round of the world trade talks moved a step closer to a successful conclusion last week. By announcing their intentions to radically reform the Common Agriculture Policy, the European Community's Agriculture Ministers provided the impetus for a conclusion to these stalled negotiations. This Member applauds the EC for putting these GATT talks back on track.

However, Mr. Speaker, the EC's announcement to reduce internal price supports for grains by 29 percent over 3 years and to take a substantial amount of land out of production is significant but far from a completely detailed proposal.

Left unanswered are extremely important issues covered in the Dunkel proposal but not included in the CAP reform. For instance, could the EC meet their proposal on a crop-by-crop basis as they should or sectorally by greatly reducing production of less valuable commodities while maintaining production levels of their big cash crops? Will the EC ask for a cap on American cereal exports or for smaller reductions in export subsidies? Such proposals would be clearly unacceptable and a weakening of the Dunkel proposal.

Mr. Speaker, because these and other important questions remain, this Member urges his colleagues to closely monitor and carefully comment upon the negotiations taking place this week between Secretary of State James Baker and the EC's top negotiator, Mr. Frans Andriessen. The stakes of these negotiations are monumental.

Mr. Speaker, past EC agricultural policy has hurt American farmers and farmers throughout the world in both developed and developing countries. Therefore, this announcement is certainly welcome news to all those who have been adversely affected. No doubt difficult negotiations lie ahead, but the EC's announcement provides an opportunity—a possible breakthrough—for these world trade talks which have the potential to bring an end to world recession by pumping an additional $4 trillion into world trade.

MEMBERS URGED TO GIVE OVERWHELMING SUPPORT TO NIH BILL, OVERRIDE THREATENED VETO

(Ms. SLAUGHTER asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. SLAUGHTER. Mr. Speaker, I add my voice of outrage to the others heard here today. On behalf of more than 100 million American women—each one of us vulnerable to deadly diseases scientists do not yet understand—I am insulted that the administration will veto the NIH revitalization amendments on the grounds that women's health provisions are unnecessary. Let me tell you what I think is unnecessary.

It is unnecessary that right now, some 12,000 American women with ovarian cancer are dying a slow and painful death because we have no way of detecting the cancer early enough to treat it.

It is unnecessary that, in the same country that eradicated polio, 186 women will die of breast cancer before the President sits down to dinner this evening.

It is unnecessary that osteoporosis cripples millions of Americans in the prime of their lives and costs billions of dollars each year in treatment costs when the modest earmark of $40 million for bone research contained in the NIH bill could yield a cure for this disease.

Finally, it is unnecessary that the administration cares more about the personal life of Murphy Brown—a fictional TV character—than it does about the health and survival of living, breathing, voting, taxpaying American women.

On the Budget Committee, I worked for a $500 million package of increases in women's health research funding. This package was included in the budget resolution and adopted by the House. The women's health provisions of the NIH bill simply embody the funding priorities established in the budget.

Mr. Speaker, I ask my colleagues to pass the NIH bill. Pass it with an overwhelming vote that rejects the administration's threatened veto and affirms the value of the lives of American women.

THE NEED FOR A BALANCED BUDGET AMENDMENT

(Mr. JAMES asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. JAMES. Mr. Speaker, yesterday, the House Budget Committee issued a report indicating how difficult it will be to implement a constitutional amendment to balance the budget. According to that report, over $600 billion in budget cuts, tax increases, and interest savings will be necessary to achieve that goal.

But, if balancing the budget is all that difficult, it is all the more reason why a constitutional amendment is necessary. Otherwise, Congress is likely to keep on saying it wants to balance the budget but never actually doing it.

With deficits of almost $400 billion a year, a debt approaching $4 trillion and debt payments that are soaking up more than 40 percent of the individual income taxes we pay each year, what is needed is fiscal discipline, not more of the same old rhetoric.

A properly crafted balanced budget amendment will give us that discipline. Business as usual will not.

So let us get on with the task of developing such an amendment.

NIH REAUTHORIZATION PROVISIONS CRITICAL TO HEALTH OF AMERICA'S WOMEN

(Mrs. KENNELLY asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. KENNELLY. Mr. Speaker, I was appalled at reading the letter that Dr. Bernadine Healy, Director of the National Institutes of Health, wrote to Secretary Louis Sullivan, concurring with his recommendation that the NIH reauthorization conference report be vetoed.

Dr. Healy's objections to the bill were not on the grounds of the appropriateness of fetal tissue transplantation, because Dr. Healy knows the value of research involving fetal tissue. She knows the potential clinical, even curative results of fetal tissue use for Parkinson's disease, diabetes, Alzheimer's, birth defects, and a host of other devastating conditions. She knows that research is ongoing now in the private sector, without the ethical guidelines proposed in the NIH bill. Fetal tissue research need not, should not, and must not be an issue.

Instead, Dr. Healy chose to object to the bill on the grounds that the women's health provisions are not necessary. I find this argument both disheartening and ill-advised. Contrary to Dr. Healy's comments, there is absolutely no question in my mind that this legislation is good for women's health and the provisions relating specifically to women are vitally important. It calls for such ground-breaking measures as helping to include women as research subjects in clinical trials, and increasing research on breast cancer, ovarian cancer, and osteoporosis.

These are conditions that take women's lives. It is as simple as that. We need these provisions and we need this bill. I urge my colleagues to vote for the conference report.

DR. HEALY'S CONCURRENCE WITH RECOMMENDATION TO VETO NIH BILL

(Mrs. MINK asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. MINK. Mr. Speaker, I too join my colleagues and rise this afternoon in shocked dismay that Dr. Bernardine Healy, Director of the National Institutes of Health, has chosen to write a letter to the Secretary of Health and Human Services. The letter, dated May 20, 1992, in which she says she concurs with the recommendation to the President that the pending NIH bill which authorizes new funding and new programs for women's health programs be vetoed.

Mr. Speaker, I am really very, very much disturbed by this turn of events because I joined with women all across this country in celebrating the appointment of Dr. Healy as the first woman Director of NIH in its 104 years of history.

Mr. Speaker, I expected that, with her appointment, she would join hands with the women of the Congress who for 15 years have been trying to overcome the neglect of that bureaucratic network that persists to ignore the needs of women in this country in terms of research, in terms of clinical trials, in terms of opportunities for women in the field to become part of the resources of this country.

Mr. Speaker, I hope that this bill, when it is vetoed by the President, that veto be overwhelmingly rejected by the House.

OIL EMBARGO AGAINST HAITI

(Mr. RANGEL asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. RANGEL. Mr. Speaker, I want to share with you a conversation I had with the President this morning on the question of his support of an oil embargo against Haiti. I shared with the President that this was belated, long overdue, but that if he did have an effective oil embargo, that it would be certainly only the poor people who would be most pained by it unless the President of the United States personally involved himself in a diplomatic solution to this problem.

□ 1230

Mr. Speaker, we all know that months ago the OAS had an embargo against Haiti, and it was the United States that exempted itself, allowed its friends to bring in the oil. Ships are leaving Miami. Business people are exempt from it. So, it seems to me that, if we have any compassionate concern at all about the refugees, that we have to make a commitment that democracy has to be restored to Haiti, that

President Aristide has to be returned to Haiti and that we will not negotiate with a criminal de facto government.

Mr. Speaker, we cannot have anything short of the President's personal involvement in getting a solution to this problem, and, as my colleagues would note, the President's voice on this important situation has been absent. The Secretary of State is in Yugoslavia, and the direction in which our country is going in providing for leadership in a new world order cannot be found.

OUR HYPOCRITICAL REACTION TO HAITI

(Mr. FLAKE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. FLAKE. Mr. Speaker, as you have heard from my colleague, the gentleman from New York [Mr. RANGEL] who has spoken before me, we are all very concerned, we are very disheartened at what is happening in Haiti. We realize that America has taken a position historically of trying to assist nations as they have tried to emerge from various states of governments where they have been controlled, various dictatorships, such as has happened in Haiti, and in every instance we have stated to them, "You ought to embrace democracy."

Mr. Speaker, Haiti embraced democracy, and now we have turned our backs on them. We have not allowed them the same privileges for entry into America that we have allowed other people from other nations who have come to this country seeking political asylum. Rather we have described their condition and predicament as being a need to escape economic oppression.

The reality is that we, as a nation, if we are to be true to our calling as a nation, a nation that calls on others to practice democracy, we must also practice democracy. We cannot afford to be hypocritical to a nation just because its people do not look the same way as people from other nations who have come to these shores expecting to be received and to be embraced, but we have received not these persons from Haiti simply because they are different. I think it is time for the President of the United States to act and to act in a more positive way so that we can express democracy to Haiti like we have done to other parts of the world.

THE "CAN-DO" SPIRIT OF 1942

(Mr. DORNAN of California asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DORNAN of California. Mr. Speaker, day after day this month I have been meaning to speak about the darkest year in American history since the Civil War and the tragedy and turmoil in Los Angeles, the sad turn of events in Haiti and the unbelievable slaughter in the Balkan States, particularly now that Bosnia has kind of pushed this off, but it is the end of the month, and I just have to mention 1942. This is the 50th anniversary. With the rush of events here, there was no one, except for a beautiful "Dear Colleague" from our colleague, the gentleman from Mississippi [Mr. MONTGOMERY] that mentioned the fall of Corregidor 50 years ago this month, the end of the Bataan Death March, the Coral Sea Battle at the beginning of this month. It was the 50th anniversary, and now today was the 50th anniversary of the beginning of the Japanese move to actually occupy, to invade to take Midway Island with 5,000 troops. We had broken the imperial purple code. We knew they were coming, and in 1942, in spite of all the problems we seem to have now, it was a dark period in American history, and a few Navy torpedo bomber pilots, and particularly the dauntless dive bomber pilots in the first battle in history that was turned by naval air power with career professionals that had all been trained long before Pearl Harbor, we turned World War II in the Pacific.

Mr. Speaker, I hope that our colleagues will think back to that period and get that can-do spirit back around here that there is not anything we cannot accomplish as Americans.

AMERICAN CHILDREN BELONG IN COLLEGE, NOT IN JAIL

(Mr. HAYES of Illinois asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. HAYES of Illinois. Mr. Speaker, I heard a most troubling fact: more African-American youth are in the penal system than are in college.

Just let that sink in. More African-American youth are wasting away in jail than are enrolled in colleges or universities. "A mind is a terrible thing to waste," Mr. Speaker, yet we are allowing a flowering generation—one which is vital to solving America's problems—we are allowing them to die.

We need to remember, when we debate our domestic program, that it costs $17,900 each year to keep someone in a Federal penitentiary. A year in a private college costs $2,000 less.

I am talking priorities, Mr. Speaker. Somewhere between the House bank problems and other internal matters, we have lost sight of why we are Members of Congress. We are intelligent people, yet we have let a small minority decide that this Congress will spend more time on internal matters and things which do not help the people of this country, than deciding the important issues of the day: such as creating jobs, providing educational opportunities, and eliminating poverty.

There are some Members who are masters of 30-second sound bits. I do not hold that against them. But when their only agenda is personal or internal problems of the House, I do hold that against them.

I guess that their next big issue will be the committee funding resolution. Do they really think the people in Los Angeles care about the House administration funding resolution? Do they think small businesses, which are dying in this recession, are helped by such narrow focus?

Let us return to the important issues of the day. America is waiting. Send our children to college, not to jail.

THE NIH CONFERENCE REPORT—A KEY VOTE FOR WOMEN'S HEALTH

(Mrs. MORELLA asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. MORELLA. Mr. Speaker, I rise in strong support of H.R. 2507, the conference report for the NIH reauthorization bill. This vote is critical to women's health; it includes a number of provisions which will go a long way toward filling the enormous gaps in research on women's health.

Many provisions of the Women's Health Equity Act are part of the bill, including the requirement that women and minorities be represented in clinical trials. Funding for breast and ovarian cancer, osteoporosis, and other women's diseases is increased, and the office of research on women's health is permanently authorized. Legislation to establish a national cancer registry is also part of the conference report.

Women's health concerns have lagged behind for generations, and it is vitally important that the needs of millions of women across the country are addressed now—the health of these women cannot wait. I urge my colleagues to demonstrate their commitment to women's health and vote "yes" on H.R. 2507.

THE WHITE HOUSE FANTASY

(Mr. PENNY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PENNY. Mr. Speaker, yesterday House Budget Committee chairman, LEON PANETTA, released the details of several plans designed to eliminate the deficit by 1997, the year a proposed constitutional amendment to require a balanced budget is expected to take effect. The options presented make it clear that deep spending cuts in defense, domestic, and entitlement programs must be part of any serious effort to cut the deficit.

Yet President Bush's Press Secretary accused Chairman PANETTA of "crying wolf." It should be no surprise that the

White House used that reference from the story "The Boy Who Cried Wolf," alternately known as "Crying Wolf Too Often" because on budget issues this administration lives in a fairy tale world.

In the White House fantasy, no painful spending cuts and no tax increases are needed to eliminate $400 billion of red ink. This White House bedtime story is designed to put us to sleep.

But the truth about this Nation's mountain of debt should keep us all awake at night. This is no fantasy tale, Mr. President. The wolf is at the door.

NUCLEAR SAFETY IN EASTERN EUROPE AND THE FORMER SOVIET UNION

(Mr. DICKS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DICKS. Mr. Speaker, the collapse of the Warsaw pact and the Soviet Union is the single most positive world development of the past 45 years for the cause of world peace and freedom. But this collapse has lifted the shroud from conditions that pose a grave danger to the world. The concern over proliferation from the nuclear weapons and technical expertise in these States is well founded. The publicity surrounding this threat has produced constructive steps to deal with this issue, although we are far from being out of the woods.

But this is not the only nuclear challenge revealed to the world by the second Russian revolution. The recent leak of a graphite nuclear reactor near St. Petersburg, Russia, along with incidents in Bulgaria and other emerging nations, has highlighted the terrifying potential of what Maurice Strong, Secretary General of the U.N. Conference on Environment and Development, characterized as "40 Chernobyls waiting to happen." Alexi Yablokov, President Yeltsin's environmental adviser has stated, "in reality they are no less dangerous than nuclear weapons."

That is why I am pleased to join Congressmen STARK and MCCURDY in introducing legislation to focus attention on the critical problem of nuclear safety in Eastern Europe and the former Soviet Union. The bill puts the Congress on record in support of bilateral and multilateral initiatives to address this enormous challenge, and it requires the administration to provide an immediate and systematic assessment of the situation with a description of initiatives and actions contemplated. We also plan to offer the legislation as an amendment to H.R. 5006, the fiscal year 1993 Defense authorization bill, with the support of the chairman of the Armed Services Committee.

I was among the first Americans to visit Chernobyl after the 1986 accident. I saw firsthand the devastation it caused: Up to $352 billion in monetary damages, leaving more than 4 million people living on land contaminated with radiation. There are 16 Chernobyl-type RBMK reactors still in operation in the former Soviet republics with the same design flaws, poor construction, and outdated operating procedures that were evident at Chernobyl. In Eastern Europe, there are many similar reactors, with an added danger: Many of the Soviet operators have gone home, leaving personnel who are even more poorly trained and wholly lacking in experience.

This is not an issue that can be dismissed as their problem. The environmental and economic catastrophe that could result if we ignore these problems would be felt directly by the Western nations.

On March 31 of this year, I wrote to the President urging him to take immediate and aggressive steps, in conjunction with other developed nations, to address this clear and present danger. The administration's initial reaction has not, unfortunately, been characterized by the utmost sense of urgency that I believe is appropriate in this instance. But I am encouraged by recent reports that at the upcoming G-7 economic summit in July the United States is expected to lead the group in announcing a serious long-term plan for meeting the energy requirements of these nations in a way that is safe—for them, and for us. We need to assure that this promise produces real results. And I hope the Congress will recognize the need for the United States to play an appropriate leadership role—though not a unilateral one—in the international response.

The long-term challenge is even greater, and responding to the continuing needs will not be an inexpensive proposition. Some reactors are of such poor design, in such bad condition, and with such unqualified operators that they must now be shut down as soon as possible. Alternative means of providing affordable energy will be required before host nations will agree to such steps. Other reactors can be upgraded to acceptable standards through the application of available technology.

But there are steps we can take now to avoid a nuclear nightmare. The International Atomic Energy Agency can be provided with the monetary and technological resources it needs to complete a comprehensive assessment of the status of these reactors and their operation, so that priorities can be assigned for corrective action. An appropriate increase in our voluntary contribution to this agency should be a part of the answer.

An aspect of the problem at least as serious, and probably more so, than the design deficiencies of these reactors is the lack of anything resembling a safety culture in the operation of reactors in these republics. It is said that competent operation can compensate for poor design of a nuclear reactor and, in fact, it is essential. But in many of the communist bloc nations of Eastern Europe today, poor design and incompetent operations are prevalent. We can, at least, address the human factors in the near-term, and at far less cost than the longterm program that will be required for reactor hardware.

I have been briefed on a proposal to utilize the talents nuclear scientists and engineers formerly employed in Soviet weapons programs, to provide a new capability for improved nuclear reactor safety based on training and collaboration with U.S. Industrial experts. It includes modest seed money for a contract program in which U.S. Industrial organizations and CIS scientific institutes collaborate in training former weapons scientists in state-of-the-art reactor safety practices, and perform pilot projects to improve the overall safety standards in the operation of nuclear powerplants in the CIS. This could serve the twin objectives of giving a jump-start to a safe operations culture while also providing constructive work for scientists who might otherwise be lured by lucrative offers to sell their expertise to rogue nations seeking to acquire nuclear weapons capability.

The first step, however, must be a higher awareness of the problem, and a commitment to do whatever is necessary to assure that the dream of emerging democracy does not become a nightmare of ecological disaster. This bill and amendment are vehicles to take that first step and I urge my colleagues to support them.

□ 1240

SUSTAINED PROGRESS SOUGHT IN NIH ON WOMEN'S HEALTH ISSUES

(Mrs. LOWEY of New York asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. LOWEY of New York. Mr. Speaker, for years we have been trying to prod the National Institutes of Health to act on key women's health concerns.

We now have a new director at NIH, Dr. Bernadine Healy, who is making some progress in this area. These efforts are to be commended, but they are just a beginning.

The NIH reauthorization helps ensure that this progress continues. It creates an office of women's health research at NIH. It requires that women be included in clinical trials, and it expands research efforts on breast and ovarian cancer, contraceptive technology, and gynecological health.

Now Dr. Healy criticizes these changes as micromanaging. For years, NIH operated as if more than half the Nation did not exist.

Now, when Congress asserts that NIH should address the needs of the female population, they say, "don't worry. Let us handle it."

Mr. Speaker, we are pleased with Dr. Healy's innovations, but without legislation to institutionalize her changes, we do not know what the future brings.

Women's lives are hanging in the balance. With Dr. Healy at the helm, and the NIH reauthorization bill in law, we may succeed.

ENVIRONMENTAL CONCERNS ADDRESSED IN OCS MORATORIA

(Mr. DARDEN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DARDEN. Mr. Speaker, I rise to voice my support for the moratoria on Outer Continental Shelf [OCS] leasing and preleasing activities included in title XX of H.R. 776, which the House will be considering again today. The policy reflected in these provisions represents, I believe, a balanced and reasonable approach to the important issue of responsible development of mineral resources in the OCS.

By establishing this 10-year moratoria and creating environmental sciences review panels for the OCS planning areas, this measure provides the necessary time, information, and procedural consistency to give proper weight and consideration to important environmental and socio-economic factors. This measure is particularly well-suited to the needs of States, such as Georgia, in areas that do not currently face the environmental and commercial pressure of OCS development, but would be subject to future leasing under the administration's energy development plan. There are important environmental, recreational, and commercial assets in coastal Georgia that are deserving of the protection that would be provided by the thorough evaluation called for in this measure.

In the moratoria period, the review panels will have ample time to collect and assess the information necessary to make intelligent and prudent decisions regarding the costs and benefits of OCS activities. In addition to appointees from the EPA, the U.S. Fish and Wildlife Service and other agencies, the environmental sciences review panels will include a representative from each State within the review area which will help assure that the panel's evaluation fully addresses State and local interests.

Mr. Speaker, the OCS provisions included in H.R. 776 will serve the long-term interests of our Nation and are deserving our support.

ADMINISTRATION RESPONSE TO HOUSE BUDGET PLAN

(Mr. PANETTA asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PANETTA. Mr. Speaker, yesterday I put forward three alternative deficit reduction packages to try to point the way to what needs to be done if we are going to achieve a balanced budget. It is not enough just to talk about a constitutional amendment. Ultimately we have got to talk about how we get to a balanced budget.

I regret that the administration's response was typical fingerpointing and excuses and saying that this was somehow just "crying wolf," that it really is easy to balance the budget, that all we have to do is use growth and a few selected spending cuts, and that nobody will even notice the difference.

I hope we can set the record straight, because not only do we have to do that but we have to work together. The reality is that we cannot eliminate the deficit with some kind of a magic formula that will increase growth. We have got to make those tough choices on entitlements, on defense, on nondefense, and on taxes, and there are no excuses that get us around those tough choices. There is plenty of blame to go around.

It is unfortunate that the response of the White House to a serious proposal to balance the budget is to blame the messenger for "crying wolf." If the President wants a balanced budget, he should propose one. If he does, the Congress will have to pass one. If we work together, we can take the political grief that will come from making those tough choices. If we do not, make no mistake about it, the deficit will swallow first the rest of the budget and then the American economy.

JOINT REREFERRAL OF H.R. 5176, TERMINATING UNITED STATES ASSISTANCE TO INDONESIA, TO SUNDRY COMMITTEES

Mr. ROSTENKOWSKI. Mr. Speaker, I ask unanimous consent that the bill (H.R. 5176) to terminate United States assistance to Indonesia be rereferred jointly to the Committee on Agriculture, the Committee on Banking, Finance and Urban Affairs, the Committee on Foreign Affairs, and the Committee on Ways and Means.

The SPEAKER pro tempore (Mr. MFUME). Is there objection to the request of the gentleman from Illinois?

There was no objection.

COMPREHENSIVE NATIONAL ENERGY POLICY ACT

The SPEAKER pro tempore. Pursuant to House Resolution 459 and rule XXIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the further consideration of the bill, H.R. 776.

□ 1246

IN THE COMMITTEE OF THE WHOLE

Accordingly the House resolved itself into the Committee of the Whole House on the State of the Union for the further consideration of the bill (H.R. 776) to provide for improved energy efficiency, with Mr. SKAGGS in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. When the Committee of the Whole rose on Thursday, May 21, 1992, the amendment offered by the gentleman from California [Mr. BROWN] had been disposed of.

It is now in order to consider amendment No. 4 printed in House Report 102–533.

AMENDMENT OFFERED BY MR. ROSTENKOWSKI

Mr. ROSTENKOWSKI. Mr. Chairman, I offer an amendment which is provided for under the rule.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. ROSTENKOWSKI: Strike section 1401 beginning with line 3 on page 462 and ending with the material following line 14 on page 472 (and amend the table of contents accordingly).

The CHAIRMAN. Under the rule, the gentleman from Illinois [Mr. ROSTENKOWSKI] will be recognized for 30 minutes, and a Member opposed will be recognized for 30 minutes.

Mr. SHARP. Mr. Chairman, I oppose the amendment, and I wish to control the time.

The CHAIRMAN. The gentleman from Indiana [Mr. SHARP] will control the time in opposition to the amendment.

The Chair recognizes the gentleman from Illinois [Mr. ROSTENKOWSKI].

Mr. ROSTENKOWSKI. Mr. Chairman, I ask unanimous consent that at the conclusion of my remarks the time remaining will be equally divided and controlled by the gentleman from Texas [Mr. ANDREWS] and the gentleman from Texas [Mr. ARCHER].

The CHAIRMAN. Is there objection to the request of the gentleman from Illinois?

There was no objection.

The CHAIRMAN. The time will be divided and controlled as requested.

Mr. ROSTENKOWSKI. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I rise in support of the Ways and Means Committee amendment to H.R. 776 to strike the provisions requiring importers and refiners of crude oil to fill the strategic petroleum reserve. The provision would also require persons lending the oil to the reserve to pay for the Government's storage.

The Ways and Means Committee received sequential referral of this provision because it is a revenue measure. As reported by the Energy and Commerce Committee, this provision is equivalent to a tax. The Ways and

Means Committee agreed to delete this provision because of concerns about its basic fairness, especially in light of the current economic recession and the depressed economic state of the domestic oil and gas industry.

Everyone seems to agree that the new in-kind tax will cause an increase in prices for petroleum products. This price inflation will slow down our economic recovery. Moreover, this tax will be regressive, and will be felt most strongly by those least able to afford it.

The new in-kind tax will further strap the severely depressed independent refining industry, which will not be able to absorb the tax as well as the more diversified major oil companies can.

Moreover, the statutory language of the new in-kind tax raises a host of technical problems and unanswered questions. Many of the important details are simply delegated to the Department of Energy, which opposes the provision and says it will double the management costs of SPRO. Likewise, the Treasury Department opposes the provision and warns that it would result in many new regulations and compliance burdens on taxpayers.

The Justice Department and others have raised serious concerns that the provision might even be unconstitutional.

The bottom line is this: filling the SPRO is a good idea, but this new in-kind tax is a very bad idea.

Voting for the Ways and Means amendment will not affect the current statutory mandate that the SPRO be filled. The Ways and Means Committee has expressed its support for the goal of filling the strategic petroleum reserve, and has urged that amounts appropriated for the reserve be expended as currently mandated. A broad, bipartisan majority of the Ways and Means Committee, however, does not believe that this set-aside provision is an appropriate funding mechanism.

I want to emphasize that in the committee markup, I voted against the amendment to strike the SPRO set-aside provision. Further reflection has convinced me, however, that this provision is a tax whose time has not yet come—and never should.

☐ 1250

Mr. SHARP. Mr. Chairman, I yield myself 6 minutes.

Mr. Chairman, there are many important provisions in the legislation before us that will help us over time slow the growth of our dependence on foreign oil. But our dependence is going to grow, no matter what, and everybody knows it and everybody agrees to that, unless you are willing to pay the great price that it would cost to truly stem our dependence on foreign oil.

Mr. Chairman, the one and only policy that we have in this country to protect consumers, to protect farmers, to protect workers, to protect jobs, to protect our economy when prices shoot up in an oil crisis is the strategic petroleum reserve where we store crude oil in salt domes in Louisiana and Texas which can be sold onto the market to help bring down those rising prices, prices that generally rise because of speculation in this very uncertain world.

Mr. Chairman, the only provision in the legislation before us that can significantly help protect our economy in an emergency is the one the Committee on Energy and Commerce passed, the so-called set-aside for the strategic petroleum reserve, because our reserve is not big enough. It must grow.

Mr. Chairman, our dependency is going to grow. Everybody seems to agree to that. But we seem to have run out of money to pay the freight. So what we have done is created a set-aside whereby we are calling upon the oil companies, the importers, and the refiners to place in the reserve up to 1 percent of their oil per year until we get this reserve filled.

Now, that is what they do in Europe. The governments tell the oil companies they have got to set aside oil as part of their national security. We, of course, require many kinds of reserves in this country. Our banks have them, our commodity traders have them. We do this function in order to provide financial security and stability. This is fundamental economic security. This is the only route left for us to take.

Mr. Chairman, this amendment would seek to strike this out and leave us where we are with very limited protection. Basically what we do in this legislation is put this on a pay-as-you-go basis. In addition, it would reduce the burden on our taxpayers of approximately $1.5 billion over the next 5 years.

Mr. Chairman, let me suggest why this is important and why we need to take action.

If you look at our chart, what it shows is the last three recessions in this country, when people were put out of work, as they are right now, followed major oil price increases.

We have people out of work today because of the oil price increases that happened in the fall of 1990 when the United States, the European governments, and the Japanese embargoed the export of oil from Kuwait and from Iraq after the Iraqi invasion.

That was the right policy, but the administration failed, despite recommendations by Republicans and Democrats in this Congress, despite recommendations by oil experts, the administration failed to use SPRO as a way to temper those highly speculative prices that now have people on the street out of work in this country.

Mr. Chairman, it is very clear each of the recessions followed oil price shocks. That is why we had for a decade strong bipartisan support to get this reserve underway.

Well, Mr. Chairman, the administration still says SPRO is important. They said so in the national energy strategy that they put on the table a year ago. "This is critical. Fill it to one billion barrels." But they have not been willing to appropriate the money.

Mr. Chairman, many of us can understand that. We have a high deficit. So what we have said in this legislation is if you do not come up with the appropriations, if you do not come up with the leasing of oil, like the administration says they would like to do, if those things do not happen, then, and only then, do you kick in the set-aside on the oil companies and you begin to take in the money.

Mr. Chairman, the oil industry says this has a horrendous cost. We believe they overestimated. But let us not even debate that. We will not argue whether they overestimated. Let us take their $15 billion strategy.

Now, they are talking about $15 billion over 10 years. In that period of time they are going to engage in over 1.5 trillion dollars' worth of business.

Mr. Chairman, do you know what happened to this country just in a 5- or 6-month period during the last oil crisis in 1990? Thirty billion dollars, twice the 10-year cost of this, flowed out of this country for oil, and another $30 billion flowed from consumers to the American oil industry.

Tell me this is outrageous and too much. Mr. Chairman, that is the price we pay, and that was the least of our oil shocks that we have had in recent times.

Just yesterday one government worldwide in this competitive market decided they were going to cut back production. Saudi Arabia. When they did, they raised the world price of oil by 5 percent, five times what would happen in 1 year under what we are talking about with this strategic petroleum reserve. They did that in 1 day.

The reality is that if the full costs were passed through to the consumer, and we will accept that as an assumption, even though I am not sure it will totally happen, but if we accept that as an assumption, our consumers face more than a one-half cent gallon fluctuation in the price every day. That half a cent can save them hundreds of dollars, in some cases thousands of dollars, when we get to a situation of an oil price increase.

Mr. Chairman, our proposal has been endorsed by the Consumer Federation of America, which speaks for consumers. It has been endorsed by the environmental groups. It has been endorsed by a variety of religious groups, Methodists, Presbyterians, Quakers, Jews, and others. It has been endorsed by Congressmen who know it is their farmers who will be protected by the strategic petroleum reserve, who know that workers will be protected, who know that our economy will be protected.

Mr. Chairman, we must reject this motion to strike out the possibility of going forward to get this insurance policy for our country. It is a cheap one, and it will not bankrupt anybody in this country to do so.

Mr. Chairman, I reserve the balance of my time.

The CHAIRMAN. Thirteen and one-half minutes each are under the control of the gentleman from Texas [Mr. ANDREWS] and the gentleman from Texas [Mr. ARCHER].

The Chair recognizes the gentleman from Texas [Mr. ANDREWS].

Mr. ANDREWS of Texas. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, our domestic energy industry is in a crisis. OPEC is once again threatening to raise prices, yet we continue to import more than half of our oil.

The U.S. rig count of 649 is now at the lowest point in history, down from 4,000 in 1982. The number of seismic crews, 98, is also at the lowest point in history. There have been 440,000 jobs lost in the energy industry in the past decade, more than any other industry.

The bill before the House today would tax this beleaguered industry $15 billion. Who would be hardest hit? Small- and medium-sized domestic refiners who create the toughest competition for major international oil companies. It would cost Phibro Energy, an independent, domestic refiner, 345 percent of net income.

This tax, which was previously defeated in the Ways and Means Committee by a bipartisan vote of 23 to 12, would also hurt lower income people who must pay a larger portion of their income for energy costs. Gasoline is not a luxury but a necessity in modern society, and this tax would force up the price of gasoline.

People living in rural areas and in certain regions of the country where energy consumption is high would pay a higher share of the tax.

Just 10 States would shoulder 53 percent of the cost; 20 States would pay 75 percent.

Higher oil taxes would slow the economy generally, and industries with high energy inputs—such as automobiles, petrochemicals, and agriculture—would suffer competitively in international markets.

The strategic petroleum reserve is a strategic asset that serves a general public interest. The Nation has stockpiles of other strategic materials—such as platinum, chromium, and cadmium—and in no other case are producers and importers of these materials required to provide the Government, free of charge, a reserve that the Government can use at its discretion.

All Americans benefit because the Nation has a strategic stockpile of oil to protect the economy in case of oil supply disruption. The fairest way of funding such a strategic national resource is the way all other strategic stockpiles are funded—general revenues.

Mr. ARCHER. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I rise in strong support of the amendment. In the Committee on Ways and Means, I was pleased to join my colleague, the gentleman from Texas [Mr. ANDREWS] in offering this amendment to strike. There has been some disinformation on this issue, so I would like to make it clear for my colleagues.

The amendment will not harm the strategic petroleum reserve. It will not affect in any way amounts currently in the strategic petroleum reserve, and the Government can continue to build up the strategic petroleum reserve through other means. The amendment will not affect future strategic petroleum reserve storage locations.

Previously, we have built up the strategic petroleum reserve by purchasing oil on the open market. This time, rather than paying for the oil, the Energy and Commerce Committee established a forced contribution scheme.

The importer or refiner would technically retain title to the petroleum product and would be charged 10 years worth of storage fees up front. Almost all companies will find it infeasible or impossible actually to deposit oil into the strategic petroleum reserve. The bill would allow them to pay the cash equivalent of the oil.

Supporters of this forced contribution scheme can call it a user fee or a funding offset or whatever they wish. That will not disguise it. It is a tax. The oil storage scheme is a charade. In reality, importers and refiners are going to pay a tax in cash equal to 1 percent of their stocks. Those funds will be used to purchase oil for the strategic petroleum reserve. Then they get hit with what amounts to another tax to pay for storage costs.

A massive tax increase is the last thing our fragile economic recovery needs right now. Importantly, it would kill the bill. The Secretary of the Treasury has sent a letter stating that, should this tax remain in the bill, he will recommend that the President veto it.

Not only is section 1401 a tax, but it is a particularly bad one. It is regressive. It falls disproportionately on those individuals who use gasoline, home heating oil, or other petroleum products and it singles out for tax the energy industry which has been hard hit for several years now.

Mr. Chairman, I strongly urge the House to adopt the Ways and Means amendment deleting the strategic petroleum reserve tax. The integrity of the strategic petroleum reserve is not affected by this amendment. If the Congress believes that additional amounts should be stored in the strategic petroleum reserve, it should continue the practice of paying for it as we do for all other strategic materials.

Mr. Chairman, I reserve the balance of my time.

Mr. SHARP. Mr. Chairman, I yield myself 1 minute.

Mr. Chairman, first of all, this proposal that we have before us, not the amendment but the proposal in law has been endorsed by low-income groups because they know that in reality their pocketbooks will be far better protected by paying in a very tiny way now as opposed to paying very greatly later, as they have had to in the past.

Second, Mr. Chairman, it simply is not true that this is going to doom the independent sector or the drilling sector of this country. Not one whit. If that is the case, then what we would expect to have happened after Saudi Arabia's effort yesterday is for there to be a big decline in production in this country tomorrow or the next year. That is not going to happen.

The world price of oil is what sets what these people get. This will in no way affect the world price of oil by requiring the refineries and the importers to set aside up to 1 percent a year. They are taking 10 years worth of costs, cramming them into a small timeframe and trying to make it sound like this is going to imperil the economy. That is pure baloney.

I know the oil companies are lobbying madly against this. With good reason. They do not come in and lobby for taxpayers to pay for SPRO. They lobby against that as well. They do not want SPRO because they do not want us to protect this economy. They do not want us to protect our pocketbooks.

Mr. Chairman, I yield 3 minutes to the gentleman from California [Mr. PANETTA].

Mr. PANETTA. Mr. Chairman, I rise in opposition to the amendment to strike the Committee on Energy and Commerce provisions here related to the strategic petroleum reserve. I do not know how many times we have to learn our lessons. How many times do we have to learn our lessons about our dependence on oil from the Middle East and our failure to not only develop a comprehensive energy policy but to develop the kind of strategic petroleum reserve that we need when we face the problems of an embargo, when we face the problems of a dramatic price increase?

We lost $100 billion out of our economy as a result of the war in Iraq. Are my colleagues telling me that providing this insurance is to much to protect against losing $100 billion out of our economy?

The fact was that if we had this kind of reserve during the time of the Iraq war, it could have been used, not only to soften but to certainly shorten the recession that our country is still in. And, therefore, substantially reduce the Federal budget deficit that is now expected.

The reserve was 590 million barrels in August of 1990. It now holds about 570 million. The administration's budget does not anticipate replacing these 20 million barrels until 2 years from now. The reserve should be filled to the 750 million barrel capacity it now has and it should be built further to the 1 billion barrel level endorsed by the Bush national energy strategy.

This means if we do this that we are providing insurance on a policy that will protect oil refiners, their consumers and the American economy.

This insurance will come at a bargain price. As I said, the 1990 crisis has been estimated to have reduced our GNP in excess of $100 billion. This insurance will cost less than 1 percent of that annually over the next decade.

The bottom line is that H.R. 776 will allow us to fill the Reserve to 1 billion barrels within a decade and at no cost to the American taxpayer or to the budget deficit. It is for all those reasons, for all of those reasons that it is important to reject this amendment and go with the provisions in the bill.

Learn the lessons that we should have learned 10 years ago when we confronted the embargo. Learn them today by adopting the legislation in the bill.

Mr. ANDREWS of Texas. Mr. Chairman, I yield 2 minutes to the gentleman from Texas, Mr. JACK BROOKS, dean of the Texas delegation.

Mr. BROOKS. Mr. Chairman, we tried to teach that lesson 10 or 15 years ago about the dependence of the United States on foreign oil, foreign energy. That situation is the same or worse than it has been.

I rise before the House in support of the amendment of the gentleman from Illinois [Mr. ROSTENKOWSKI].

Title XIV of H.R. 776 imposes a new $16 billion tax on the oil industry by requiring oil companies to contribute a certain percentage of their oil to the strategic petroleum reserve, sufficient to achieve a fill rate of 150,000 barrels a day, which is 1 percent of the domestic consumption. All fine.

□ 1310

We like that. This hidden tax will result in higher energy costs to consumers, which costs the average United States family $156, according to the Congressional Budget Office. I did not dream up that number. U.S. families living in high energy consumption areas would face a higher share of this tax.

This measure would also create a reduction in U.S. oil competitiveness in global markets. Oil-related industries such as petrochemical companies, airlines, steel manufacturers, other related industries, would also be affected. This tax will be an unfair burden to the oil industry that they have singled out, and it will not be shared by other industries that have stockpiles of strategic materials.

The United States has slowly started to recover from the recession that has devastated many businesses and citizens in this country. This new tax on the oil industry would further damage an already fragile economy. The domestic oil and gas industry is currently in its worst financial position since World War II. If the goal of the proposed legislation is to provide insurance against foreign oil dependency, it is difficult to justify enactment, as the program would be severely detrimental to our country's best protection, a vibrant domestic energy industry.

I hope the Members will vote for this amendment and protect American industry and American consumers.

Mr. ARCHER. Mr. Chairman, I yield 2½ minutes to the gentleman from California [Mr. THOMAS], a member of the Committee on Ways and Means.

Mr. ANDREWS of Texas. Mr. Chairman, I yield 1 additional minute to the gentleman from California [Mr. THOMAS].

The CHAIRMAN. The gentleman from California [Mr. THOMAS] is recognized for 3½ minutes.

Mr. THOMAS of California. Mr. Chairman, I rise in support of the amendment. First of all, it is ill-conceived. It is the Committee on Energy and Commerce trying to write tax law, trying to do what they do not have the power to do, the jurisdiction to do, as a committee.

There is no question that this is cleverly devised by a staff that had time on its hands. If the Members will examine what is actually required, it is that oil is loaned in-kind or its equivalent cash. It is not owned by the strategic petroleum reserve. Title is held by the original owner however, the person who loans it, the refinery or importer, does not get the benefit of the oil, cannot count it on the books and cannot get a tax deduction for it. If it is used on a first in-last out basis, then they are paid for oil used—but at what price?

When you examine the bookkeeping nightmare this measure creates, and the cost of its administration, it is ill-conceived. This proposal is far more expensive than the current method filling the SPRO.

It is also ill-advised. What we currently have is a strategic petroleum reserve to be used in times of national emergency. Title XIV changes that to a price maintenence reserve. That is, any time Government decides it wants to affect the price of oil, it will draw down the petroleum reserve, now the price maintenance reserve, and attempt to affect the price of oil. Then it is going to be refilled. But by who? By the people under title XIV, the refiners.

Has there been a study to determine what happens to the salt domes as they are washed in terms of a fill-up and a draw-down? The salt domes originally were to be used as a strategic reserve to be seldom drawn down. Now, in this measure, the salt dome is going to be a local gas station; draw it down and fill it up, draw it down and fill it up. The dome simply cannot be sustained geologically.

Finally, it is unnecessary. The legislation says we need 1 billion barrels of oil, a fixed number, or 90 days net imports. A number influenced by both total consumption and domestic production. Currently in the strategic petroleum reserve we have 568.5 million barrels. What does that equal? It equals 93 days of net imports at 1992, 90 day import usage. We have already met and exceeded the bottom line. How much would 1 billion barrels be? A 164 days. How much do we need? That is open to argument.

Under the Desert Storm problem, in terms of a limitation of petroleum from the Middle East, 20 million barrels were used, 3 million to test the withdrawal capability and 17 million to effect the downturn in the price.

As most of us know, the strategic petroleum reserve's real value is not that it is used, but that it is there. If it is there and there is no will to use it, then it loses its impact on keeping prices down. But it is clear, based upon the Desert Storm usage, that the United States has the capacity and it is willing to use it. We got an immediate turn-around in the price of oil. People now know we have it and we will use it. The fact that it is there and we have used it is the price deterrent we are looking for.

This legislation is ill-conceived. It is not necessary. The strategic petroleum reserve is working, it is there, and it is being filled. Elk Hills, owned by the Government, just next month will begin sending 20,000 barrels a day directly to the strategic petroleum reserve at no net increase to the taxpayers. This is ill-conceived, it is ill-advised, and it is unnecessary. I urge the Members to support the amendment to strike.

Mr. SHARP. Mr. Chairman, I yield myself 1 minute to respond to the gentleman's argument.

Mr. Chairman, first of all our strategic petroleum reserve is now at 85 days of imports, not 93.

Second of all, everybody agrees that this number is going to decline because our oil imports are going to go up, so our protection, if we do nothing by the year 2000, could fall as low as 55 days. We are going to be in a situation of increasing imports. That has been our situation.

Second, the gentlemen from California [Mr. THOMAS] is absolutely correct. The SPR had a powerful impact on oil price when it was used at the beginning of the war. Regrettably, when many of us were advocating it should have been used, in August 1990, it was not used, and we paid a price in unemployment and we paid a price of $65 billion additional spent for our oil. This is four times what the 10-year potential cost of this is, within just a few months' period of time.

Mr. THOMAS of California. Mr. Chairman, will the gentleman yield briefly, just to correct a figure?

Mr. SHARP. I yield to the gentleman.

Mr. THOMAS of California. Mr. Chairman, I would say to the gentleman that his numbers are not the most recent available.

Mr. SHARP. We will get it from the administration. The correct figure from the Energy Information Administration is 85 days.

Mr. SHARP. Mr. Chairman, I yield 3 minutes to the gentleman from Oklahoma [Mr. SYNAR].

Mr. SYNAR. Mr. Chairman, I rise in opposition to the amendment to strike the strategic petroleum reserve provisions of H.R. 776.

Mr. Chairman, I want to commend my friend and colleague, Mr. SHARP, the chairman of the subcommittee, for development and inclusion of this section of the bill, including a new mechanism to ensure that we finally will have a way to reach our goal of a 1-billion-barrel SPR.

I must say that I was not initially supportive of the proposal to impose a small fee on all refiners and importers in order to provide a fall-back funding mechanism for the SPR, particularly because of concerns that it might have some adverse impact on domestic independent producers.

I have studied it carefully and am absolutely convinced those concerns are misplaced.

As a result, and after working closely with Chairman SHARP and his staff on a few changes in the proposal to provide greater administrative ease, I am here today in strong support of the measure.

I want to make just a few points about this new proposal and why I am supporting it.

First, I would emphasize that this fee will kick in only if the administration is not able to consummate appropriate leasing arrangements with oil producing countries.

Many of us have been strong supporters of such arrangements and, I for one, will continue to press the administration to try and negotiate those very sensible agreements.

But make no mistake, they have not been successful in doing so to date, and I'm becoming increasingly pessimistic that they will be successfully concluded.

Second, the new fee program kicks in only if Congress does not appropriate sufficient funding from general revenues to meet the fill rate necessary to achieve our goal of a 1-billion-barrel reserve.

Much as we have tried to find the money for this program, the sad fact is that the funding level has been on a roller-coaster for years, and in the future the money simply may not be there.

Moreover, just as the administration says it supports a 1-billion-barrel reserve, they will not request sufficient funds to meet that goal, nor will they even agree to spend money currently available to them to resume SPR purchases.

So, let's not kid ourselves. If we want a 1-billion-barrel reserve—a goal that Congress has staunchly supported; if we truly believe that this economic safety net is a critical element of the Nation's energy program—and I do—then we have to be willing to pay for it.

It's as simple as that. We can't keep saying we want a 1-billion-barrel reserve and then continue to ignore the funding requirements necessary to meet that goal.

This new fee, which will be imposed only as a last resort, and then only on refiners and importers—not producers—is the right answer.

For those of you who are concerned, as I initially was, about the potential impact on independent producers, I want to repeat: this new funding program has no impact on domestic producers.

They do not have to allocate either barrels or funds for the program.

Only refiners and importers are required to set aside this very small allocation to support our critically needed petroleum reserve.

I have every expectation that this small fee—imposed uniformly on importers and refiners—will be passed through to the pump, not netted back to producers.

It is not large enough to have any meaningful effect on consumer demand or world oil prices.

In fact, it is so small I am confident it will be lost in the noise of daily world price fluctuations of crude and product.

In a perfect world with unlimited general revenues, this new funding mechanism would not be my preference for funding a 1-billion-barrel reserve.

I would prefer to have the funds available from general revenues to meet this goal or see the administration successfully negotiate some good leasing arrangements.

But those just aren't realistic expectations; therefore, we're forced to establish an alternative funding mechanism.

This is it. It's the right thing to do for consumers; it's the right thing to do for America's energy security.

I strongly urge your support for this important program.

□ 1320

Mr. ANDREWS of Texas. Mr. Chairman, I yield 2 minutes to the gentleman from Ohio [Mr. PEASE].

Mr. PEASE. Mr. Chairman, while I have the utmost respect for my colleague, the gentleman from Indiana [Mr. SHARP], I rise in support of the Rostenkowski amendment. I have serious concerns about H.R. 776's program to fund the filling of the strategic petroleum reserve.

I find laughable the concept of requiring refiners and importers to lend a percentage of their petroleum to the Federal Government. It is more than laughable; it is very troubling, for both practical and theoretical reasons. Also, if importers or refiners choose to send money instead of petroleum, I fear that this new funding mechanism could result in, as Chairman ROSTENKOWSKI noted, additional taxpayer costs because of increased tax losses resulting from discount trading in title certificates.

Mr. Chairman, I, too, am supportive of filling the SPR as required by 1990 law. I am also concerned that the administration is dragging its feet in its purported efforts to fill the SPR. However, the funding mechanism in this bill appears to be unworkable.

If we want to fill the SPR, appropriate the money to fill the SPR and let it go at that.

I urge my colleagues to vote in favor of the Rostenkowski amendment.

Mr. ARCHER. Mr. Chairman, I yield 2 minutes to the gentleman from California [Mr. MOORHEAD].

Mr. MOORHEAD. Mr. Chairman, I rise in strong support of the amendment offered by Mr. ROSTENKOWSKI to strike the set-aside mechanism in strategic petroleum reserve title. While the SPR is an important part of our national energy strategy, I cannot support the set-aside provision for filling it contained in title 14 of H.R. 776. Specifically, title 14 would fill the SPR by requiring oil importers and domestic oil refiners to contribute a percentage of their oil imports or purchases or the cash equivalent. The set-aside provisions mandate the involuntary storage of oil or its cash equivalent for a period of time before it is returned to the contributor without interest. This is a tax. Moreover, the contributor is required to pay a fee for the cost of storing the oil while it is kept in the SPR. This is also a tax.

A result of this tax would be an increase in the cost of oil to the consumers of oil products. The impact of the increased cost of oil products would affect the entire U.S. economy and could result in the loss of 45,000 jobs. The cost of this tax to the U.S. economy is estimated to be $1 billion per year.

Similarly, the provision of title 14 which allows importers and domestic refiners to make their contributions in-kind is both expensive and difficult to administer. Since not all oil is uniform in terms of quality, not all types of oil will be accepted by the SPR. The result will be a logistical and administrative nightmare which will require a new bureaucracy to administer. Thus, I urge my colleagues to support the amendment to strike the SPR set-aside fee in H.R. 776.

Mr. SHARP. Mr. Chairman, I yield 1 minute to the gentleman from Mississippi [Mr. TAYLOR].

Mr. TAYLOR of Mississippi. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, there is a saying in the rural parts of our Nation that if a dog bites you once, it is the dog's fault; if the dog bites you twice, it is your fault. Apparently the authors of this amendment have grown fond of dog bites. They are willing to accept them frequently and at any price.

If our Nation has learned anything in the past two decades, not to mention the past 2 years, it is that we are more vulnerable to oil embargoes than at any time in our Nation's history.

Nearly 20 years ago the first major oil crisis threw our economy into a tailspin. Since then, we have witnessed additional oil crises, each sending our Nation's economy into serious recession.

Moreover, we are still paying for the disruption and aftershocks of the most recent oil scare. It is estimated that the Iraqi oil shock cost tens of billions of dollars in GNP. Moreover, we have already forgotten how much Americans were paying for gas just 2 years ago.

U.S. oil imports from the Persian Gulf are up over 500 percent since 1985 and are climbing. In other words, our country depends on the unstable Middle East for nearly 50 percent of our oil.

It is evident that the country needs a larger strategic petroleum reserve now more than ever.

Mr. SHARP. Mr. Chairman, I yield 3 minutes to the gentleman from Massachusetts [Mr. STUDDS].

Mr. STUDDS. Mr. Chairman, I rise in opposition to this amendment.

Members' offices are being flooded as we speak by letters from oil companies and others opposing the SPRO provisions of this bill and supporting the amendment to strike them, and much of what they are telling you is simply not the case.

I have one here from an association representing a major industry, and it says in part, "A vote to strike the SPRO tax will not affect the strategic petroleum reserve. The Federal Government will continue to fill the reserve with funds from general revenues."

That is hallucinatory. It is also wrong.

Other speakers have mentioned these facts, but let me repeat a couple of them. We have less oil in the SPRO now than we did in 1990. That is quite simply because we have not replaced what we drew down during the Persian Gulf war.

Why have we not replaced it? We have not replaced it because we have not appropriated any money to do so since 1990. To make matters worse, the Department of Energy has refused to spend funds that we have appropriated in the past.

What about the fiscal year 1993 budget for that Department for SPRO? It not only eliminates new funding for oil purchases but it also transfers $126 million of prior-year funds.

So if someone tells you that we do not need the set-aside funding because we are going to pay for it out of general revenues, be very careful about what else they tell you. You can hardly wait to pass a constitutional amendment to require a balanced budget.

Those who support this amendment need to ask: What are we going to do instead? Take our chances, keep our fingers crossed, hope and pray that history will not repeat itself? That we will not have another disruption in the Middle Eastern supplies? We will not have price spikes that will drive our economy once again into recession, a recession from which we are still trying to emerge?

I do not think that hoping and praying and wishing and dreaming are sufficient grounds for public policy.

When the gentleman from Indiana first introduced this set-aside proposal, I opposed it, because it applied only to imported oil. That would have disproportionately affected certain regions of this country. The set-aside now applies to all oil, and it fairly spreads the burden. It is, contrary to what you have heard a moment ago, a very small burden, one-half cent a gallon. It would cost a low-income household that heats with oil less than $2 a year. That is less than 1 penny a day. That is a price, to be sure, but it is a very small price to pay for a very large benefit. It is one of the cheapest insurance policies I have ever heard of.

I urge my colleagues in the strongest terms to reject what is a very shortsighted amendment.

Mr. ANDREWS of Texas. Mr. Chairman, I yield such time as he may consume to the gentleman from Oklahoma [Mr. BREWSTER].

Mr. BREWSTER. Mr. Chairman, I thank the gentleman for yielding me this time, and I rise in support of the amendment to strike the SPRO tax.

Mr. Chairman, I rise in support of the distinguished chairman of the Committee on Ways and Means. This $15 billion tax on consumers is unnecessary and unproductive.

As you would expect, the major oil companies and refiners oppose this tax. But they are not alone in their opposition. The American Farm Bureau, the Highway Users Federation, the National Cattleman's Association, the Independent Petroleum Association of America, the National Milk Producers Federation, the Seniors Coalition, and the New England Council join 50 other business, consumer action, and public interest groups in opposing this tax.

Based on the Congressional Budget Office's estimate, this is a $15 billion tax on American consumers which will disproportionately impact lower income people. Time and time again, energy taxes have proven regressive.

For those of us living in rural areas, this tax will dramatically increase the cost of going to work and traveling for pleasure. In most rural districts, there is no mass transit providing a viable alternative to personal automobiles. Of course, those who rely on their vehicles to make a living will see their profits squeezed and their economic viability threatened. This is particularly true in rural areas with our greater distances between wholesalers and retailers.

A grave concern is the effect of this tax on the independent refiners. The small refiners, with higher costs of capital and without multiple lines of business, would contribute disproportionately to fill the SPR. Both the consumers and the refiner are at a disadvantage: The consumer pays more for the products they purchase, and the independent refiner must compete with the major integrated oil corporations who derive their income from more than one source.

Not only is this tax counterproductive, it is unnecessary. There is no similar tax on other strategic materials, such as cadmium, chrome, and platinum, which are stockpiled by the Government for national security.

Currently there are nearly 600 million barrels of oil in the strategic petroleum reserve. The maximum drawdown rate is only 3.9 million barrels per day for the first 60 days and less than that thereafter. Although that 600 million barrels is not a 150-day supply, at 4 million barrels per day, it would take us 150 days to draw down the reserve. In light of the current stockpile and the limited capacity for bringing the reserve to market, there is no justification for imposing this flawed tax.

The Congress has authorized and appropriated nearly $800 million for oil purchases that the administration has not spent. It is important that we maintain a strategic petroleum reserve. But it should be paid for from our general revenues. A regressive, targeted tax is unjustified.

This body has considered many targeted energy taxes. Most often those taxes are targeted at the oil-producing States. I consider that unfair. However, this tax does not target the oil producing States. Fifty percent of this $15 billion tax would be paid for by the top 10 oil consuming States. Although I represent a State that is a net exporter of oil, I take no pleasure in targeting a few States to pay for a program that benefits the whole Nation. It is unfair to target oil-producing States just as it is unfair to target oil-consuming States.

I urge my colleagues to join me in supporting the motion to strike.

□ 1330

Mr. ANDREWS of Texas. Mr. Chairman, I yield 1 minute to the gentleman from Ohio [Mr. REGULA].

Mr. REGULA. Mr. Chairman, I thank the gentleman for yielding this time to me.

Mr. Chairman, I rise in support of the amendment.

The gentleman from Ohio [Mr. PEASE] has made the case, and I certainly endorse the gentleman's remarks.

I serve on the committee that appropriates the funding for SPRO. I would point out there presently remains $660 million from appropriated funds in the account that has not yet been spent.

There is no question we need SPRO. It is a question of how to do it. This would be an administrative jungle. Not all oil is the same. You cannot bring in hundreds of different set-asides and dump them into the same pool.

In my judgment, the DOE would have to triple its staff to handle this kind of an arrangement, and that adds greatly to the cost.

Last, adding to the cost of gasoline at the pump and the feed stock of many industries, and we forget that hundreds of industries depend on feed stocks for plastics that come out of a barrel of oil.

To do this at this point in time would have a chilling effect on the economic recovery, and I think would result in a substantial reduction of jobs, and that is the last thing we need at this point in time.

Mr. ARCHER. Mr. Chairman, I yield 2 minutes to the gentleman from Texas [Mr. FIELDS].

Mr. FIELDS. Mr. Chairman, I rise in strong support of the amendment offered by the gentleman from Illinois [Mr. ROSTENKOWSKI] to strike the strategic petroleum reserve set-aside provisions contained in H.R. 776.

This legislation would change the status quo and require the oil and gas industry to pay for stocking the strategic petroleum reserve through in kind or cash payments.

If Congress wants the reserve filled, Congress should appropriate the funds necessary.

I think it is important to ask the question, what is the state of the oil and gas industry? During the 1980's, 23 major U.S. energy companies were forced to lay off more than 600,000 employees. A far greater number of lost jobs has occurred in the U.S. auto industry.

From 1987 to 1991, U.S. dependence on foreign oil to meet our total oil needs increased from 27 to 46 percent. But it is not just the majors that have been adversely affected by exploration and development restrictions enacted in this country in recent years, or by the lack of money. The impact is felt among the independent energy companies as well. From 1981 to 1985, independents spent $21 billion a year for exploration and development, and that fell to $7 billion a year thereafter.

The Congressional Budget Office has estimated that the set-aside provisions will impose a $15 billion tax on consumers of petroleum products. That is a serious burden on an economy that is already struggling. It is an even more serious burden on an industry that is already struggling.

Mr. SHARP. Mr. Chairman, I yield myself 30 seconds.

This issue of administrative costs is really a red herring. We leave it to the Department of Energy either to take oil or to translate this into money.

Now, everybody knows as a practical matter they will translate it into money. Indeed, the Department of Energy testifying before the Ways and Means Committee finally admitted that if this becomes the law, that is precisely what they will do. They would dramatically simplify the administrative costs and would translate it into dollars, which is the smart and the simple way to do this.

This is just another case where "If you don't like it, this argument helps make it sound reasonable to not like it."

Mr. Chairman, I yield 3 minutes to the gentleman from Michigan [Mr. DINGELL], the distinguished chairman of the full committee.

Mr. DINGELL. Mr. Chairman, my colleagues seem to have a very short memory in this body. It is just a little over a year ago that the United States sent half a million young Americans to the Persian Gulf to protect American interests in that area. And what was the paramount American interest to which we sent those men to defend? It was oil.

Now, what happened? At the time of that invasion by Iraq of Kuwait, the United States saw oil prices in the world about double. We saw it cost every American family $1,000. We saw it be coincidental in time with the start of one of the most persistent, difficult, and hard recessions that this country has faced since 1929.

It may be that some of my colleagues have forgotten some other facts. Three times we had a major recession induced by events in the Persian Gulf. Those caused enormous hardship in every part of this country.

The first oil shutoff caused a 10-percent increase in unemployment, a 10-percent drop in auto production, a 10-percent drop in housing starts, and it moved the U.S. economy to double-digit inflation.

The purpose of the strategic petroleum reserve is not just to provide oil for tanks, planes, and guns. It will do that and it will be used for that purpose, but its real purpose is to provide a measure to stabilize the oil and energy markets in this country. That is perhaps the most important thing.

Look at what oil shutoffs have done to this country and what panics in the oil markets have done in this country and you will understand why we need a strategic petroleum reserve.

Now, we have not put any oil in the strategic petroleum reserve since 1990. That is better than 2 years.

The President says the budget crisis will not permit us to buy oil for that. But look at what the cost of a major oil shutoff or a major perturbation in supply in the Middle East will be to this country and you will understand why this amendment should be voted down.

This is a bad amendment. It strikes at a very sound public policy and it strikes at a very necessary mechanism to meet a major national problem and a very serious economic threat to the well-being of this country.

I want my colleagues to understand, it does not make a whole heck of a lot of difference how you get the oil or how you pay for it. The President says we cannot afford it because there is not enough money in the budget.

My colleague who offers this amendment says we cannot do it because it is essentially a tax invasion.

People who come from the refining and oil-producing areas say, "My, it will create a hardship upon the refiners."

Well, it will create a hardship on the refiners, but that hardship will not last very long, because they will pass it off to the consumer.

And what is the real cost of this to the consumer? It is about half a cent a gallon at the gasoline pump, and for that the American consumer is buying security in a time of severe threat.

Now, if you think that the peril in the Middle East is at an end, you are entirely foolish and you are entirely unaware of the real facts. The harsh fact is that is still one of the most dangerous, unbalanced political, military, and economic areas in this world, and that is where we get our oil. The United States imports about 50 percent of our oil. Our production is dropping and our imports are going up.

The strategic petroleum reserve will cover less of the needs of this country in those situations.

Now, I hope my colleagues will listen. I have outlined the peril. I have outlined the problem. I have outlined the danger. I have outlined the mechanism.

I would hope my colleagues would vote against this amendment, would support the idea that this country should pay the cost of buying economic and energy security for this country. That is what it is all about.

We have had President after President say that one of the major purposes of our energy policy is to see to it that we have a strategic petroleum reserve to protect this country against the economic hardship and the economic downside that affects every American in these events.

A half a cent a gallon is not too much.

My colleagues in the consuming areas say, well, it might mean that we will have an oil import fee. It does not mean an oil import fee. It means that we are going to buy security for this country against oil price spikes which destroy the economy of the country and against economic shutdown and hardship that follows those kinds of events.

□ 1340

I urge my colleagues to reject this amendment, to support a strategic petroleum reserve. Every President pays lip service to it as long as they do not have to buy it.

Well, my advice to this Congress is, "Let's spend the money that it needs."

The strategic petroleum reserve needs more than lip service. It is security, it is opportunity and the well-being of this country on which you are voting here.

Mr. ANDREWS of Texas. Mr. Chairman, I yield 1 minute to the gentleman from Louisiana [Mr. TAUZIN].

Mr. TAUZIN. Mr. Chairman, I thank the gentleman for yielding, and I rise in opposition to this energy tax and in support of the amendment to strike it.

There are those who would say this will answer our concerns about going to war again over oil and gas.

Let me assure you that memory is fresh in many of our minds, but the solution of taxing the refineries of America will hardly protect America. It is refined products coming into this country from imported sources, from refineries outside this country, that most threaten the security of America, that make it most likely we are going to put our young men and women in battle again to defend oil and gas supply somewhere else in the world.

Oh, yes, we have a good memory, but if you really have a good memory and you really want good strategic petroleum reserve for America, might I suggest where you can find one? A strategic petroleum reserve is nothing but taking somebody's oil and putting it into the ground. I have got a secret for you: We have got a lot of oil in the ground in America. You can just tap into it right now. All you have got to do is open up ANWR, all you have got to do is resist these moratoria and drill offshore. The SPR's are here; if your memory is fresh, if you want energy security for America, do not tax energy to death. Start producing it for our country.

Mr. ARCHER. Mr. Chairman, I yield 2 minutes to the gentleman from Oklahoma [Mr. EDWARDS].

Mr. EDWARDS of Oklahoma. Mr. Chairman, I support the motion to strike the SPRO tax from this legislation. You can call it a fee, if you want, but when your constituents begin to pay higher prices at the pump, they are going to know it is a tax. The SPRO provision in this legislation is a $15 billion tax on the oil industry which the American consumer will pay. It will adversely affect all parts of the domestic oil industry and the Nation which depends on it. Those who do not understand this do not understand either economics or the oil and gas industry.

The confusion over the SPRO tax demonstrates again the absolutely weird energy policy which Congress has followed for too long. It is a policy of giving with one hand and taking with the other. We did this in 1986, when we created the alternative minimum tax which provided tax incentives in the regular tax but did include them in the AMT. We did it again in 1990 and again with the AMT when we granted relief in the area of intangible drilling costs and percentage depletion allowance but we subjected that relief to restrictions which undercut the reform and increased the complexity.

The result of this absurd energy policy has been a depleted energy industry. Since 1986 U.S. drilling has decreased 25 percent, 300,000 energy jobs have disappeared and 2 million barrels per day of oil production have dried up. In my State alone in the last year we lost 3,100 of those 300,000 lost jobs.

As evidenced by this so-called energy bill, those hundreds of thousands of lost jobs and billions of dollars in imported oil have taught Congress nothing. We are again preparing to give with one hand and take with the other. The AMT reform, which was necessary and which we have included in this bill, will be offset by the damage that we will inflict on the domestic oil industry through a $15 billion SPRO tax and damage we will inflict on the natural gas industry through this bill's prorationing provision.

This was to be an energy bill, not a tax bill. With this SPRO tax, the President will probably veto this bill and we will have no energy legislation at all. Let us get the oil and gas industry of America back into the business of producing this Nation's energy. We can begin to do that by striking the SPRO tax.

The CHAIRMAN. The gentleman from Indiana [Mr. SHARP] has 6½ minutes remaining, the gentleman from Texas [Mr. ANDREWS] has 2 minutes remaining, and the gentleman from Texas [Mr. ARCHER] has 2 minutes remaining.

Mr. SHARP. Mr. Chairman, I yield myself 2 minutes.

Mr. Chairman, let me just respond to a couple of points. First of all, my colleague from Louisiana [Mr. TAUZIN] is correct, there is a lot of oil in the ground to be drilled in this country. He is also correct that by virtue of law and decisions in Congress and elsewhere, some of it is offbounds and will not be drilled. But that is not the issue about the reserve, because the reserve is something you can get out rapidly, right now, if you have it in place. You cannot get that oil out of ANWR quickly; it takes 10 to 15 years of extensive drilling to do that.

That is why we have a reserve, for an emergency. That is what we are talking about here because it is an emergency when we get hit hard.

Let me make another point that confuses some folks about this debate. All oil in the country, in this country, is treated equally; that is, import, domestic, wherever it is from, will be subject to this.

So we are not putting one person at a disadvantage to another.

The same is true with the independent refiners versus other refiners. All oil is going to be priced in the marketplace competitively at its price.

This set-aside is not about controlling prices.

So the independent refinery is not going to be disadvantaged versus Exxon. But let me tell you who it is that comes to Congress every time there is a price hike and says to us, "Please regulate the oil industry, please engage in allocation systems, please do something to help us." It is the independent oil refineries who have as big a stake as the average consumer in this country in the use of the strategic petroleum reserve, because they do not have their own oil wells in this country supplying their own oil or they do not have their automatic foreign links that an integrated international company has.

So these people, I understand their complaints about this provision, but the independent refiner is not disadvantaged competitively. In fact, it would be far better off in an oil crisis, having a stronger reserve. Unquestionably, the average consumer would be better off, too.

The CHAIRMAN. The Chair will advise that the gentleman from Indiana [Mr. SHARP] will have the right to close on this amendment.

Mr. ARCHER. Mr. Chairman, I yield 2 minutes of the balance of my time to the gentleman from California [Mr. THOMAS].

Mr. THOMAS of California. I thank the gentleman for the time.

Everyone believes in the strategic petroleum reserve, everyone wants to fill the strategic petroleum reserve. As I said earlier, next month, at no net cost to the taxpayers, 20,000 barrels a day will flow from Elk Hills in California through pipelines to fill the strategic petroleum reserve.

There have been a lot of numbers bandied about today, and I want to make sure that my colleagues and the American people understand the truth in the numbers.

The 1 billion barrels capacity is a fixed figure, it is an amount of oil, in barrels. The 90-day use figure is the net import use figure. It is controlled by domestic production and by consumption.

In 1990 the net import figure was 42 percent of our consumption, in 1991 it was 40 percent, so far in 1992 it is 36 percent. There actually has been a slight reduction in the net import usage over the last 2 years. It is a combination of both consumption and domestic production.

The important thing to understand is the way in which the SPRO is to be filled. This is simply the wrong way to do it.

When you see the gentleman from Ohio, DON PEASE, and the gentleman from Texas, BILL ARCHER, both stand up on the same side of the issue, that covers virtually the entire spectrum of the House. Both are in opposition to this measure. It will be an administrative nightmare.

The goal is good, it is the wrong way to do it.

Mr. Chairman, I urge a vote in favor of striking this ill-conceived, ill-advised, and unnecessary provision in an otherwise generally reasonable energy package.

Mr. ANDREWS of Texas. Mr. Chairman, to close our debate, I yield 2 minutes to the gentleman from Texas, [Mr. PICKLE].

Mr. PICKLE. Mr. Chairman, I rise in full support of Chairman ROSTENKOWSKI'S amendment to strike the strategic petroleum reserve because of its harmful effects on our refineries and on the consumer as well.

To impose a tax at a time when the oil rig count is at its lowest number in recorded history simply is not good policy. The tax would cause domestic refiners to take their operations abroad, creating more losses, more job losses. Mr. Chairman, 300,000 jobs have been lost by this industry already. We ought not put a $15 billion tax on an already beleaguered industry.

Further, the cost of the set-aside would be passed on to consumers and business, as has been stated here over and over today. And the hardest hit by these high prices would be the lower income Americans.

□ 1350

No other industry do we find the Government requiring a free reserve of resource.

Now, Mr. Chairman, we have heard statements here today that we ought to mark down as absolutely false. One gentleman got up and said, "When will we ever learn? We ought not to let our strategic oil reserves go too low."

Well, we ought to have learned that what we need to do is give the industry some incentives to go and produce the oil. If I came forward with an incentive today for an oil import fee, or any kind of incentives to drill, the people against this amendment today would be standing up here squealing like a stuck pig. They would not give us the time of day. They have cut out the incentives year after year, and that is where our problem is.

Second, we have had people say, "Well, this really won't hurt our refineries." My refineries in Texas tell me it will hurt us. To say it would not hurt them when we are going to impose a $15 million tax just does not make sense.

That is kind of like a man getting in a dentist's chair, and the dentist has a big long needle, and he says, "Just stay still. This won't hurt you a bit." It is going to hurt our people, and we, therefore, ought not to keep this bill like it is. The amendment of Mr. ROSTENKOWSKI ought to be approved.

Mr. Chairman, we, in the producing States, do not oppose the SRO. We favor it. But the cost of such a reserve ought not be borne by the oil and gas industry alone. That is not fair.

Mr. Chairman, I am in full support of Chairman ROSTENKOWSKI'S amendment to strike the strategic petroleum reserve provision because of the harmful affects the set-aside requirement would have on our domestic petroleum industry, and on consumers.

To impose a tax at a time when the oil rig count is at its lowest number in recorded history is simply bad policy. The tax would cause domestic refiners to take their operations abroad—creating more job losses—when nearly 300,000 jobs have been lost in the oil industry over the past decade. We ought not put a $15 billion tax on an already-beleaguered industry.

Further, the cost of the set-aside would be passed on to consumers and businesses. We all would see higher prices for not only gasoline, but heating fuel, as well. And the hardest hit by these higher prices would be lower income Americans.

In no other industry do we find the Government requiring a free reserve of a resource. In our Ways and Means Committee, we voted to strike this 1 percent tax on oil refiners and importers and I urge my colleagues to do the same today. A mandated set-aside imposed on industry is not a fair way to fill out strategic petroleum reserves.

Mr. SHARP. Mr. Chairman, I yield myself the balance of my time.

Mr. Chairman, we are at a key point on an issue that for more than a decade has had strong bipartisan support to filling the reserve. Our colleague, the gentleman from California [Mr. THOMAS], who has been a strong supporter of SPR, and many other important energy policies in this country, stated it. We all believe in the goal. He does not like the means.

Well, my colleagues, we set this up as a backup. That means that if the administration wants to fill SPR, if the Congress wants to fill SPR, we can do as we have in the past, appropriate the money, and that will happen.

My concern, and the concern of the Committee on Energy and Commerce, has been that increasingly this has not been done despite the fact that everybody says it is critically important. Indeed, because our imports are going to continue to grow, the filling of SPR becomes increasingly important over time.

Mr. Chairman, the SPR is our most important international tool. Whether we use it or not, it is a major deterrent in a world market in which many, or actually a few, governments can make major decisions that have major impacts on the world economy.

Yesterday, one of those governments made a decision that cost much more than the strategic petroleum reserve. In 1 day they made that decision in Saudi Arabia.

My colleagues, this is the only protection we have. Let us keep it.

Now, as to those costs, nobody wants to add any costs. But the reality is we are talking about half-a-cent-a-gallon. As I said, "yesterday, you already got five times that increase." That happens to us daily in this marketplace.

The reality is that we lose tons of money, as we pointed out on several of our charts, when oil shocks come, before the recessions, the last three recessions when people were thrown out of work. The SPR is the only tool available for us. It is not my favorite way to do it, by a setaside, but we have it as a backup. If the administration is committed, if the Congress is committed, we will never see this.

Now my colleagues also know that when we go to conference committee on this, we are going to be scaled back. We will never win the full amount. But, Mr. Chairman, we have got to win something, we have got to start here.

This is the only emergency provision. It is the only policy that we have that can protect the consumer, the economy, the farmer, and the worker at a time of an oil price shock, and it will only be good if we continue to fill it because its need is going to be greater in the future, and I have heard no one here today say there is less likelihood of an oil price shock in the future. No one here today has said we suddenly have stability in the Middle East. Nobody here today has denied the fact that 65 percent of the world's oil reserves are in the Middle East.

Mr. Chairman, we must reject this amendment and protect the Nation's security.

Mr. ARCHER. Mr. Chairman, I yield such time as he may consume to the gentleman from New York [Mr. LENT].

Mr. LENT. Mr. Chairman, I rise in strong support of the amendment offered by Mr. ROSTENKOWSKI to strike portions of title 14 of H.R. 776 dealing with filling the strategic petroleum reserve. The SPR set-aside fee, as reported by the Energy and Commerce Committee, was the one provision of H.R. 776 which did not receive bipartisan support.

I believe that this reserve is critical in protecting the United States from interruptions in oil supply. However, the proposal to fill the SPR by taxing oil importers and domestic refiners is both costly and unworkable.

Presently, the SPR contains about 568 million barrels of petroleum product. This is roughly equivalent to 81 days of supply in the event of a total shutoff of all petroleum imports. This means we already have a significant level of energy security. Thus, I do not feel it is imperative that we now rush to fill the reserve to the serious detriment of the U.S. economy.

The petroleum set-aside provision in title 14 increases the cost of petroleum products to consumers. Its impact on the U.S. economy will be far-reaching, costing possibly $1 billion per year and as many as 45,000 jobs. These costs are especially high in light of the fact that the SPR petroleum account dedicated to financing acquisition of oil for the reserve currently contains about $748 million.

Thus, I urge my colleagues to support the amendment to strike the strategic petroleum reserve set-aside.

Mr. SCHEUER. Mr. Chairman, I rise in opposition to the Rostenkowski amendment. We need the strategic petroleum reserve to reduce our vulnerability and dependence on OPEC oil.

As a member who is deeply concerned about Middle East issues, I feel very strongly about our need for a strategic petroleum reserve. The 1973 Arab-Israeli War was one of the primary reasons for the energy crisis we lived through that year.

The more dependent we are on foreign oil, the greater leverage the Arabs have and the greater the risk to Israel's security. That is why we need the strategic petroleum reserve and why the American Jewish Congress opposes this amendment.

A sufficient and operating strategic petroleum reserve will reduce our dependence on Middle East oil and improve the security of both the United States and Israel.

Three times in the last 20 years, Arab oil embargoes have sent oil prices skyrocketing with severe consequences. We can all remember the long gas lines.

In New York we can remember only being able to buy gas on odd or even days. The last embargo, the one following the Iraqi invasion of Kuwait, was largely responsible for the recession in which we now find ourselves.

Title 14 of H.R. 776 also contains an authorization and a filling mechanism for a regional refined product reserve [RPR]. Despite the fact that the RPR has been in place for 2 years now, the administration has gone out of its way to avoid filling it.

In its 1993 budget request, the Department of Energy requested a grand total of zero dollars to fill the RPR. It is obvious we are need a new method of filling the RPR. H.R. 776 gives us such a method.

For the sake of our economy, for the sake of Israel's security, we need the strategic petroleum reserve. Vote "no" on this amendment.

Mr. LEWIS of Florida. Mr. Chairman, I rise in support of the Rostenkowski amendment, which will strip the several billion dollar tax on all consumers of oil in this country out of H.R. 776, the Comprehensive Energy Policy Act.

Like most in this body, I support the existence of a strategic petroleum reserve. This reserve makes sense from both an economic and military strategic standpoint.

However, the issue here is funding. I believe that we must be honest if we are to accelerate the filling of this reserve. We must buy the oil with appropriated funds.

Going through the back door and requiring petroleum companies to contribute to this fund is nothing more than a thinly disguised gas tax on the American public.

I have been on record opposing a tax of this type for several reasons. First, I believe this type of tax to be regressive. Second, we do not need new taxes, we need to reduce spending. Third, gasoline taxes should be used for transportation purposes, not as general revenue.

Regressive hidden taxes are not the answer to our energy problems. Support the Rostenkowski amendment.

Mr. DORGAN of North Dakota. Mr. Chairman, I just wanted to comment on the mistaken notion presented here that taxing our refiners and petroleum importers by a half cent per gallon of fuel is a good idea for farmers.

I believe farmers have a good understanding of what is good for them, and I find that every major farm organization, whether liberal or conservative, or whether representing those who raise livestock or those who raise crops, are all opposed to the bill's plan for expanding our strategic petroleum reserve.

We all know that we need a SPR, and we know we must continue to increase the SPR to avoid fuel price spikes when our oil import sources are threatened. The best answer to accomplish that, however, is not found in the new tax proposed by the bill, and that is why we must remove it from the bill.

It seems to me that, before we ask American farmers to pay higher fuel costs to enlarge our petroleum reserve, we have an obligation to force the administration to use the SPR the way it was intended, and to continue to increase the SPR under the plan that is already in law.

A good way to build up our SPR would be to apply an import fee on oil whenever the price of oil fell below $20 per barrel. With that kind of plan, I could support a program to rebuild the SPR faster than it is presently being rebuilt.

Mr. MARLENEE. Mr. Chairman, the tax-and-spend mentality of the liberal establishment of this Congress is at it again. In their never-ending search for new ways to extract from Americans their hard-earned dollars, they have stumbled upon another crafty idea—contained in the House comprehensive energy bill. It is a provision that would levy a tax on petroleum refiners and importers to pay for future strategic petroleum reserve purchases—a hidden tax that would immediately be passed on to consumers.

Is it any wonder that the American people are so fed up with the liberal establishment of this Congress? Mr. Chairman, I adamantly urge my colleagues to strike this provision from the bill.

If any of my colleagues really believe the oil industry is going to absorb the cost of this tax, you are either terribly naive or incredibly stupid. They will simply pass the cost on to individual Americans.

They will pass it on to America's independent oil and gas producers, who have suffered the loss of 410,000 jobs nationwide, including some 4,000 in my State of Montana in the past decade.

They will pass it onto Montana's farmers and ranchers, who this year face a drought of potentially devastating proportions.

They will pass it onto our senior citizens and families with young children.

Representative PHIL SHARP, the author of this tax, himself has stated that consumers will "shoulder the brunt of the set-aside costs" of this provision.

And it is the people of my State of Montana who'll carry the heaviest part of the burden. Montana has the fourth largest land mass of any State in the Union. The population is spread out evenly in hundreds of cities, towns, and communities dotting the State.

Transportation is easily one of the biggest costs in Montana. And it comes as no surprise to me that the Congressional Budget Office estimates this tax on the strategic petroleum reserve:

Makes Montana one of 20 States that will pay 75 percent of the cost; and

Forces Montanans to pay the 12th highest cost per family of any of the 50 States.

The average cost of this tax to Montana families is estimated at $200 a year. That's more than 10 percent of the average wage earned by Montanans. Total cost to Montana consumers is estimated at $110 million—about the size of the projected deficit in Montana's State government budget.

Perhaps the east coast urban States can afford to pay this tax, but the people of my State don't have any more to give. If you want to fill up the strategic petroleum reserve—fine. I support that. But don't do it on the backs of our producers and our consumers.

I vehemently urge support of the Rostenkowski amendment to strike this tax from the bill, and I call upon my colleagues to join me in protecting American jobs and American families.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Illinois [Mr. ROSTENKOWSKI].

The question was taken; and the Chairman announced that the ayes appeared to have it.

RECORDED VOTE

Mr. SHARP. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 263, noes 135, not voting 36, as follows:

[Roll No. 140]

AYES—263

Allard
Allen
Anderson
Andrews (NJ)
Andrews (TX)
Annunzio
Applegate
Archer
Armey
Baker
Ballenger
Barnard
Barrett
Barton
Bateman
Bereuter
Bevill
Bilbray
Bilirakis
Blackwell
Bliley
Boehner
Borski
Brewster
Brooks
Broomfield
Bryant
Bunning
Bustamante
Byron
Callahan
Camp
Campbell (CO)
Cardin
Chandler
Chapman
Clement
Clinger
Coble
Coleman (TX)
Combest
Condit
Coughlin
Cox (CA)
Coyne
Cramer
Cunningham
Darden
Davis
de la Garza
DeFazio
Derrick
Dickinson
Dicks
Dooley
Doolittle
Dorgan (ND)
Dornan (CA)
Dreier
Duncan
Edwards (OK)
Edwards (TX)
Emerson
English
Erdreich
Espy
Ewing
Fawell
Fazio
Feighan
Fields
Foglietta
Ford (TN)
Franks (CT)
Frost
Gallegly
Gallo
Gaydos
Gekas
Geren
Gibbons
Gilchrest
Gillmor
Gingrich
Glickman
Gonzalez
Goodling

Goss
Gradison
Grandy
Gunderson
Hall (TX)
Hammerschmidt
Hancock
Hansen
Hastert
Hatcher
Hayes (LA)
Hefley
Hefner
Henry
Herger
Hoagland
Hobson
Hopkins
Horton
Houghton
Hoyer
Hubbard
Huckaby
Hunter
Hutto
Hyde
Inhofe
Ireland
James
Jefferson
Jenkins
Johnson (CT)
Johnson (TX)
Jones (NC)
Kasich
Kleczka
Klug
Kolbe
Kolter
Kopetski
Kostmayer
Kyl
Lancaster
LaRocco
Laughlin
Leach
Lehman (CA)
Lent
Levin (MI)
Lewis (CA)
Lightfoot
Lipinski
Livingston
Lloyd
Long
Lowery (CA)
Luken
Machtley
Marlenee
McCandless
McCrery
McCurdy
McDermott
McEwen
McMillan (NC)
McNulty
Meyers
Michel
Miller (CA)
Miller (OH)
Miller (WA)
Molinari
Montgomery
Moorhead
Moran
Morrison
Murtha
Myers
Nagle
Natcher
Neal (NC)
Nichols
Nussle
Ortiz
Orton
Parker
Patterson
Paxon
Payne (VA)
Pease
Perkins
Peterson (FL)
Peterson (MN)
Petri
Pickett
Pickle
Porter
Poshard
Pursell
Quillen
Rahall
Ramstad
Rangel
Ravenel
Ray
Regula
Rhodes
Richardson
Ridge
Riggs
Rinaldo
Ritter
Roberts
Roemer
Rogers
Rohrabacher
Ros-Lehtinen
Rostenkowski
Roth
Rowland
Sangmeister
Santorum
Sarpalius
Sawyer
Saxton
Schaefer
Schiff
Schroeder
Sensenbrenner
Shaw
Shuster
Sisisky
Skaggs
Skeen
Skelton
Smith (IA)
Smith (NJ)
Smith (OR)
Smith (TX)
Snowe
Solomon
Spence
Spratt
Staggers
Stallings
Stearns
Stenholm
Stump
Sundquist
Tallon
Tanner
Tauzin
Taylor (NC)
Thomas (CA)
Thomas (GA)
Thomas (WY)
Thornton
Traficant
Upton
Valentine
Vander Jagt
Visclosky
Volkmer
Vucanovich
Walker
Walsh
Weber
Weldon
Williams
Wilson
Wise
Wolf
Wylie
Young (AK)
Zeliff
Zimmer

NOES—135

Abercrombie
Ackerman
Andrews (ME)
Aspin
Atkins
AuCoin
Bacchus
Beilenson
Bennett
Berman
Boehlert
Bonior
Boucher
Browder
Brown
Carper
Clay
Coleman (MO)
Collins (MI)
Conyers
Cooper
Costello
Cox (IL)
DeLauro
Dellums
Dingell
Dixon
Downey
Durbin
Dwyer
Dymally
Early
Eckart
Edwards (CA)
Engel
Evans
Fish
Flake
Ford (MI)
Frank (MA)
Gejdenson
Gephardt
Gilman
Gordon
Green
Hall (OH)
Hamilton
Harris
Hayes (IL)
Hertel
Hochbrueckner
Horn
Hughes
Jacobs
Johnson (SD)
Johnston
Jones (GA)
Jontz
Kanjorski
Kennedy
Kennelly
Kildee
LaFalce
Lantos
Lehman (FL)
Lewis (GA)
Lowey (NY)
Markey
Martinez
Mavroules
Mazzoli
McCloskey
McHugh
McMillen (MD)
Mfume
Mineta
Mink
Moakley
Moody
Morella
Mrazek
Murphy
Neal (MA)
Nowak
Oberstar
Obey
Olin
Olver
Owens (NY)
Owens (UT)
Pallone
Panetta
Pastor
Payne (NJ)
Pelosi
Penny
Price
Reed
Roe
Rose
Roukema
Roybal
Sabo
Sanders
Savage
Schumer
Serrano
Sharp
Shays
Sikorski
Slattery
Slaughter
Smith (FL)
Solarz
Stark
Stokes
Studds
Swett
Swift
Synar
Taylor (MS)
Torres
Traxler
Unsoeld
Vento
Washington
Waters
Waxman
Weiss
Wheat
Wolpe
Wyden
Yates
Yatron
Young (FL)

NOT VOTING—36

Alexander
Anthony
Bentley
Boxer
Bruce
Burton
Campbell (CA)
Carr
Collins (IL)
Crane
Dannemeyer
DeLay
Donnelly
Fascell
Guarini
Holloway
Kaptur
Lagomarsino
Levine (CA)
Lewis (FL)
Manton
Martin
Matsui
McCollum
McDade
McGrath
Mollohan
Oakar
Oxley
Packard
Russo
Scheuer
Schulze
Torricelli
Towns
Whitten

□ 1416

The Clerk announced the following pairs:

On this vote:

Mr. Anthony for, with Mr. Levine of California against.

Mr. Lagomarsino for, with Mrs. Boxer against.

Mr. Holloway for, with Mrs. Collins of Illinois against.

Mr. PRICE and Mr. ATKINS changed their vote from "aye" to "no."

Mr. BLACKWELL, Mr. SKAGGS, and Ms. LONG changed their vote from "no" to "aye."

So the amendment was agreed to.

The result of the vote was announced as above recorded.

PERSONAL EXPLANATION

Mr. LEWIS of Florida. Mr. Chairman, I was unavoidably detained during the rollcall vote on the Rostenkowski strategic petroleum reserve amendment to H.R. 776. Had I been here, I would have voted for the amendment.

PERSONAL EXPLANATION

Mr. SCHEUER. Mr. Chairman, I was unavoidably detained and did not have the opportunity to cast my vote on the Rostenkowski amendment to delete the strategic petroleum reserve set-aside funding provision. Had I been present, I would have voted "no."

The CHAIRMAN. It is now in order to consider amendment No. 7 printed in House Report 102–533.

AMENDMENT OFFERED BY MR. RAHALL

Mr. RAHALL. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. Rahall: Page 704, after line 4, insert:

SEC. 2502. COAL REMINING.

(a) Modification of Prohibition.—Section 510 of the Surface Mining Control and Reclamation Act of 1977 (30 U.S.C. 1260) is amended by adding the following new subsection at the end thereof:

"(e) After the date of enactment of this subsection, the prohibition of subsection (c) shall not apply to a permit application due to any violation resulting from an unanticipated event or condition at a surface coal mining operation on lands eligible for remining under a permit held by the person making such application. As used in this subsection, the term 'violation' has the same meaning as such term has under subsection (c). The authority of this subsection and section 515(20)(B) shall terminate on September 30, 2010.".

(b) Period of Responsibility.—Section 515(b)(20) of the Surface Mining Control and Reclamation Act of 1977 (30 U.S.C. 1265(b)(20)) is amended as follows:

(1) Insert "(A)" after "(20)".

(2) Add the following new subparagraph at the end thereof:

"(B) on lands eligible for remining assume the responsibility for successful revegetation for a period of two full years after the last year of augmented seeding, fertilizing, irrigation, or other work in order to assure compliance with the applicable standards, except in those areas or regions of the country where the annual average precipitation is twenty-six inches or less, then the operator's assumption of responsibility and liability will extended for a period of five full years after the last year of augmented seeding, fertilizing, irrigation, or other work in order to assure compliance with the applicable standards.".

(c) Definitions.—Section 701 of the Surface Mining Control and Reclamation Act of 1977 (30 U.S.C. 1291) is amended by striking the period at the end of paragraph (32) and inserting a semicolon in lieu thereof, and by adding the following new paragraphs at the end thereof:

"(33) the term 'unanticipated event or condition' as used in section 510(e) means an event or condition encountered in a remining operation that was not contemplated by the applicable surface coal mining and reclamation permit; and

"(34) the term 'lands eligible for remining' means those lands that would otherwise be eligible for expenditures under section 404 or under section 402(g)(4).".

(d) Eligibility.—Section 404 of the Surface Mining Control and Reclamation Act of 1977 (30 U.S.C. 1234) is amended by adding the following new sentence at the end thereof: "Surface coal mining operations on lands eligible for remining shall not affect the eligibility of such lands for reclamation and restoration under this title after the release of the bond or deposit for any such operation as provided under section 519. In the event the bond or deposit for a surface coal mining operation on lands eligible for remining is forfeited, funds available under this title may be used if the amount of such bond or deposit is not sufficient to provide for adequate reclamation or abatement, except that if conditions warrant the Secretary shall immediately exercise his authority under section 410.".

(e) Abandoned Coal Refuse Sites.—(1) Notwithstanding any other provision of the Surface Mining Control and Reclamation Act of 1977 to the contrary, the Secretary of the Interior shall, within one year after the enactment of this Act, publish proposed regulations in the Federal Register, and after opportunity for public comment publish final regulations, establishing environmental protection performance and reclamation standards, and separate permit systems applicable to operations for the on-site reprocessing of abandoned coal refuse and operations for the removal of abandoned coal refuse on lands that would otherwise be eligible for expenditure under section 404 and section 402(g)(4) of the Surface Mining Control and Reclamation Act of 1977.

(2) The standards and permit systems referred to in paragraph (1) shall distinguish

between those operations which reprocess abandoned coal refuse on-site, and those operations which completely remove an abandoned coal refuse from a site for the direct use of such coal refuse, or for the reprocessing of such coal refuse, at another location. Such standards and permit systems shall be premised on the distinct differences between operations for the on-site reprocessing, and operations for the removal, of abandoned coal refuse and other types of surface coal mining operations.

(3) The Secretary may devise a different standard than any of those set forth in section 515 and section 516 of the Surface Mining Control and Reclamation Act of 1977, and devise a separate permit system, if he determines, on a standard-by-standard basis, that a different standard may facilitate the on-site reprocessing, or the removal, of abandoned coal refuse in a manner that would provide the same level of environmental protection as under section 515 and section 516.

(4) Not later than 30 days prior to the publication of the proposed regulations referred to in this subsection, the Secretary shall submit a report to the Committee on Interior and Insular Affairs of the United States House of Representatives, and the Committee on Energy and Natural Resources of the United States Senate containing a detailed description of any environmental protection performance and reclamation standards, and separate permit systems, devised pursuant to this subsection.

SEC. 2503. SURFACE MINING ACT IMPLEMENTATION.

(a) SUBSIDENCE.—(1) Section 717(b) of the Surface Mining Control and Reclamation Act of 1977 (30 U.S.C. 1307(b)) is amended as follows:

(A) Strike "a surface coal mine" and insert in lieu thereof "surface coal mining operations".

(B) Strike "surface coal mine operation" and insert in lieu thereof "surface coal mining operations".

(2) Title VII of the Surface Mining Control and Reclamation Act of 1977 (30 U.S.C. 1291 and following) is amended by adding the following new section at the end thereof:

"SEC. 720. (a) Surface coal mining operations shall comply with each of the following requirements:

"(1) Promptly repair, or compensate for, damage resulting from subsidence caused to any structure or facility due to underground coal mining operations, without regard to the mining technique used. Repair of damage shall include rehabilitation, restoration, or replacement of the damaged structure or facility. Compensation shall be provided to the owner of the damaged structure or facility and shall be in the full amount of the diminution in value resulting from the subsidence. Compensation may be accomplished by the purchase, prior to mining, of a noncancellable premium-prepaid insurance policy.

"(2) Promptly replace any water supply for domestic, agricultural, industrial, or other legitimate use which has been affected by contamination, diminution, or interruption resulting from surface coal mining operations.

"(b) Within one year after the date of enactment of this section, the Secretary of the Interior shall, after providing notice and opportunity for public comment, promulgate final regulations to implement subsection (a). Such regulations shall include adequate bonding to ensure that the requirements of subsection (a) are met.".

(b) VALID EXISTING RIGHTS.—Section 701 of the Surface Mining Control and Reclamation Act of 1977 (30 U.S.C. 1291) is amended by adding the following new paragraph after paragraph (34) (as added by section 2801(c) of this Act):

"(35) for the purpose of section 522(e) 'valid existing rights' means—

"(A) Except for haul roads and as otherwise provided under this paragraph, those property rights of the applicant in existence on August 3, 1977, that were created by a legally binding conveyance, lease, deed, contract or other document which authorizes the applicant, any subsidiary, affiliate or persons controlled by or under common control with the applicant, to produce coal by a surface coal mining operation; and the person proposing to conduct surface coal mining operations in an area protected under section 522(e) either—

"(i) had been validly issued, or was making a good faith effort to obtain, as of August 3, 1977, all state and federal permits necessary to conduct such operations on those lands; or

"(ii) can demonstrate that the coal is both needed for, and immediately adjacent to, an ongoing surface coal mining operation which existed on August 3, 1977.

"(B) For haul roads the term 'valid existing rights' means—

"(i) a recorded right-of-way, a recorded easement or a permit for a coal haul road recorded as of August 3, 1977, or

"(ii) any other road in existence as of August 3, 1977.

"(C) When an area comes under the protection of section 522(e) after August 3, 1977, the date the protection comes into existence shall be used in lieu of August 3, 1977.

"(D) Notwithstanding the reference to surface impacts incident to an underground coal mine in paragraph (28)(A), for the purpose of section 522(e) the term 'surface coal mining operations' shall not include subsidence caused by an underground coal mine.".

(c) AGREEMENT.—(1) Section 510(c) of the Surface Mining Control and Reclamation Act of 1977 (30 U.S.C. 1260(c)) is amended by adding the following new sentence at the end thereof: "The terms and conditions set forth in the Settlement Agreement, dated January 24, 1990, in *Save Our Cumberland Mountains, Inc. et al. v. Lujan*, Civil Action No. 81-2134 are incorporated herein and the Secretary shall comply with such terms and conditions.".

(2) Section 520(c)(1) of the Surface Mining Control and Reclamation Act of 1977 (30 U.S.C. 1270(c)(1)) is amended to read as follows:

"(c)(1) Any pending or future action brought under this section may be brought in any judicial district where venue is proper under title 28 U.S.C. 1391. In granting relief or approving or reviewing any settlement in any pending or future action under this section, the courts shall afford the relief necessary to achieve full compliance with the Act and regulations.".

(d) RESEARCH.—(1) Section 401(c)(6) of the Surface Mining Control and Reclamation Act of 1977 (30 U.S.C. 1231(c)(6)) is amended as follows:

(A) Insert ", research, and demonstration projects" after "studies".

(B) Strike "to provide information, advice, and technical assistance, including research and demonstration projects".

(2) Section 403(a) of the Surface Mining Control and Reclamation Act of 1977 (30 U.S.C. 1233) is amended by striking paragraph (4) and renumbering the subsequent paragraphs accordingly.

(3) Title VII of the Surface Mining Control and Reclamation Act of 1977 (30 U.S.C. 1291 and following) is amended by adding the following new section after section 720:

"SEC. 721. The Office of Surface Mining Reclamation and Enforcement is authorized to conduct studies, research and demonstration projects relating to the implementation of, and compliance with, title V of this Act, and provide technical assistance to states for that purpose. Prior to approving any such studies, research or demonstration projects the Director, Office of Surface Mining Reclamation and Enforcement, shall first consult with the Director, Bureau of Mines, and obtain a determination from such Director that the Bureau of Mines is not already conducting like or similar studies, research or demonstration projects. Studies, research and demonstration projects for the purposes of title IV of this Act shall only be conducted in accordance with section 401(c)(6).".

(e) COAL FORMATIONS.—(1) Notwithstanding section 205 of Public Law 89-4 and any regulation relating to such section, in furtherance of the purposes of the Act of August 31, 1954 (30 U.S.C. 551-558) the Secretary of the Interior, acting through the Director of the Office of Surface Mining Reclamation and Enforcement, shall enter into a cooperative agreement with any State that has an approved abandoned mine reclamation program pursuant to section 405 of the Surface Mining Control and Reclamation Act of 1977 to undertake the activities referred to in section 3(b) of the Act of August 31, 1954 (30 U.S.C. 553(b)). The Secretary shall immediately enter into such cooperative agreement upon application by a State.

(2) For the purposes of the cooperative agreements entered into pursuant to paragraph (1), the requirements of section 5 of the Act of August 31, 1954 (30 U.S.C. 555) are hereby waived.

(3) Section 8 of the Act of August 31, 1954 (30 U.S.C. 558) is amended by striking "not to exceed $500,000 annually,".

(4) Notwithstanding any other provision of law, independent of the cooperative agreements referred to in this section, any State referred to in paragraph (1) may at its discretion transfer up to 30 percent of the annual grants available to the State under section 402(g) of the Surface Mining Control and Reclamation Act of 1977 for the purpose of undertaking the activities referred to in paragraph (1) if such activities conform with the declaration of policy set forth in section 1 of the Act of August 31, 1954 (30 U.S.C. 551). Such activities shall be deemed to meet the requirements of section 403(a) of the Surface Mining Control and Reclamation Act of 1977.

SEC. 2504. FEDERAL COAL LEASING CONSIDERATIONS.

Section 2(a)(3) of the Mineral Leasing Act (30 U.S.C. 201(a)(3)) is amended by adding the following new subparagraph at the end thereof:

"(F)(i) Prior to the issuance of any coal lease under this Act, the Secretary shall consider the effects which mining of the proposed lease might have on competition in the coal industry, and the market demand for coal from such proposed lease. Included in this consideration shall be a determination as to whether production of coal from the proposed lease would lead to the displacement of coal produced from existing mining operations from markets which have largely been served and can reasonably and economically be served by such coal.

"(ii) This subparagraph shall not apply to the issuance of a coal lease which would in the reasonably foreseeable future prevent the bypass of federal coal deposits, or which would provide for the expansion of existing mining operations.".

SEC. 2505. FEDERAL COAL ROYALTY STUDY.

(a) ROYALTY STUDY.—(1) The Secretary of the Interior shall conduct a study of current Federal coal royalty rates for surface mined and underground mined coal, and the valuation methodology of such coal, for the purposes of assessing, for each of the following, whether the current Federal coal royalty system:

(A) Creates competitive inequities among the Federal coal producing regions and States.

(B) Suppresses coal production in certain Federal coal producing regions and States.

(C) Results in a loss of mineral receipts to the Federal Government and to State government.

(D) Causes inefficiencies in Federal valuation, audit and collection activities.

(2) The Secretary shall compare the alternative royalty systems identified in subsection (b) with the current system and make separate findings, on each of the following, with respect to whether any such alternative royalty system would:

(A) Mitigate any competitive inequities among the Federal coal producing regions and States.

(B) Increase coal production in certain Federal coal producing regions and States.

(C) Result in an increase in mineral receipts to the Federal government and to State governments.

(D) Provide for a more efficient valuation, audit and collection program.

(b) ALTERNATIVES.—(1) For the purposes of making the comparison referred to in subsection (a)(2), the Secretary shall examine each of the following alternative coal royalty systems based on:

(A) The value of coal measured in cents per million British thermal units.

(B) A flat cents-per-ton rate.

(C) Any other methodology the Secretary deems appropriate for the purpose of the study.

(2) For the purposes of making the comparison referred to in subsection (a)(2), the Secretary shall examine the justification for establishing a separate royalty rate for lignite coal and a separate valuation methodology for lignite coal.

(c) NOTICE.—Within 60 days after the date of enactment of this Act, the Secretary shall publish in the Federal Register a notice detailing the scope and methodology proposed to be used in the study, and after opportunity for public comment, publish a final notice on the scope and methodology that will be used in the study.

(d) REPORT.—The Secretary shall report the findings of the study, and recommendations on alternative Federal royalty systems, to the President and the Congress within 2 years after the date of enactment of this Act.

SEC. 2506. ACQUIRED FEDERAL LAND MINERAL RECEIPTS MANAGEMENT.

(a) MINERAL RECEIPTS UNDER ACQUIRED LANDS ACT.—Section 6 of the Mineral Leasing Act for Acquired Lands (30 U.S.C. 355) is amended by inserting "(a)" before the first sentence and by adding the following new subsection at the end thereof:

"(b) Notwithstanding any other provision of law, any payment to a State under this section shall be made by the Secretary of the Interior and shall be made not later than the last business day of the month following the month in which such moneys or associated reports are received by the Secretary of the Interior, whichever is later. The Secretary shall pay interest to a State on any amount not paid to the State within that time at the rate prescribed under section 111 of the Federal Oil and Gas Royalty Management Act of 1982 from the date payment was required to be made under this subsection until the date payment is made.".

(b) AUTHORITY TO MANAGE CERTAIN MINERAL LEASES.—The Mineral Leasing Act for Acquired Lands (30 U.S.C. 351 and following) is amended by adding the following new section at the end thereof:

"SEC. 11. Each department, agency and instrumentality of the United States which administers lands acquired by the United States with one or more existing mineral lease shall transfer to the Secretary of the Interior the authority to administer such lease and to collect all receipts due and payable to the United States under the lease. In the case of lands acquired on or before the date of the enactment of this section, the authority to administer the leases and collect receipts shall be transferred to the Secretary of the Interior as expeditiously as practicable after the date of enactment of this section. In the case of lands acquired after the date of enactment of this section, such authority shall be vested with the Secretary at the time of acquisition. The provisions of section 6 of this Act shall apply to all receipts derived from such leases where such receipts are due and payable to the United States under the lease in the same manner as such provisions apply to receipts derived from leases issued under the authority of this Act. For purposes of this section, the term 'existing mineral lease' means any lease in existence at the time land is acquired by the United States.".

(c) CLARIFICATION.—Section 7 of the Act of August 18, 1941, ch. 377 (33 U.S.C. 701c-3) is amended by adding the following sentence at the end thereof: "For the purposes of this section, the term 'money' includes, but is not limited to, such bonuses, royalties and rentals (and any interest or other charge paid to the United States by reason of the late payment of any royalty, rent, bonus or other amount due to the United States) paid to the United States from a mineral lease issued under the authority of the Mineral Leasing Act for Acquired Lands or paid to the United States from a mineral lease in existence at the time of the acquisition of the land by the United States.".

SEC. 2507. RESERVED OIL AND GAS.

(a) IN GENERAL.—Section 17(b) of the Mineral Leasing Act (30 U.S.C. 226(b)) is amended—

(1) in paragraph (1)(A), by striking out "under paragraph (2)" and inserting in lieu thereof "under paragraphs (2) and (3)"; and

(2) by adding at the end thereof the following new paragraph:

"(3)(A) If the United States held a vested future interest in a mineral estate that, immediately prior to becoming a vested present interest, was subject to a lease under which oil or gas was being produced, or had a well capable of producing, in paying quantities at an annual average production volume per well per day of not more than 15 barrels per day of oil or condensate, or not more than 60,000 cubic feet of gas, the holder of the lease may elect to continue the lease as a noncompetitive lease under subsection (c)(1).

"(B) An election under this paragraph is effective—

"(i) in the case of an interest which vested after January 1, 1990, and on or before the date of enactment of this paragraph, if the election is made before the date that is 1 year after the date of enactment of this paragraph;

"(ii) in the case of an interest which vests within 1 year after the date of enactment of this paragraph, if the election is made before the date that is 2 years after the date of enactment of this paragraph; and

"(iii) in any case other than those described in clause (i) or (ii), if the election is made prior to the interest becoming a vested present interest.

"(C) Notwithstanding the consent requirement referenced in section 3 of the Mineral Leasing Act for Acquired Lands (30 U.S.C. 352), the Secretary shall issue a noncompetitive lease under subsection (c)(1) to a holder who makes an election under subparagraph (A) and who is qualified to hold a lease under this Act. Such lease shall be subject to all terms and conditions under this Act that are applicable to leases issued under subsection (c)(1).

"(D) A lease issued pursuant to this paragraph shall continue so long as oil or gas continues to be produced in paying quantities.

"(E) This paragraph shall apply only to those lands under the administration of the Secretary of Agriculture where the United States acquired an interest in such lands pursuant to the Act of March 1, 1911 (36 Stat. 961 and following).".

(b) EFFECTIVE DATE.—The amendments made by subsection (a) apply with respect to those mineral estates in which the interest of the United States becomes a vested present interest after January 1, 1990.

SEC. 2508. OUTSTANDING OIL AND GAS.

(a) IN GENERAL.—Section 17 of the Mineral Leasing Act (30 U.S.C. 226) is amended by adding the following new subsection after subsection (o):

"(p)(1) Prior to the commencement of surface-disturbing activities relating to the development of oil and gas deposits on lands described under paragraph (3), the Secretary of Agriculture is authorized to require, pursuant to regulations promulgated by the Secretary, that such activities be subject to such reasonable terms and conditions as may be necessary to protect the interests of the United States in accordance with applicable laws, rules and regulations governing the Secretary's acquisition of an interest in such lands, and in accordance with applicable laws, rules and regulations relating to the management of such lands.

"(2) The terms and conditions referred to in paragraph (1) shall prevent or minimize damage to the environment and other resource values.

"(3) The lands referred to in this subsection are those lands under the administration of the Secretary of Agriculture where the United States acquired an interest in such lands pursuant to the Act of March 1, 1911 (36 Stat. 961 and following), but does not have an interest in oil and gas deposits that may be present under such lands. This subsection does not apply to any such lands where, under the provisions of its acquisition of an interest in the lands, the United States is to acquire any oil and gas deposits that may be present under such lands in the future but such interest has not yet vested with the United States.".

(b) REGULATIONS.—Within 90 days after the enactment of this Act the Secretary of Agriculture shall promulgate regulations to implement the amendment made by subsection (a).

SEC. 2509. OIL AND GAS LEASING ON OIL SHALE LANDS.

(a) IN GENERAL.—Section 17 of the Mineral Leasing Act (30 U.S.C. 226) is amended by adding the following new subsection after subsection (n) thereof:

"(o) Notwithstanding any other provision of law, and notwithstanding the reservation of public domain lands located in Garfield County, Colorado, by Executive order of the President dated December 6, 1916 (as amended by Executive order of the President dated June 12, 1919), and by Executive order of the President dated September 27, 1924, such lands shall be available, subject to valid existing rights, at the discretion of the Secretary of the Interior, for leasing under the terms and conditions of this section and such other provisions of this Act as are applicable to oil and gas leases issued pursuant to this section.".

(b) MANAGEMENT.—The Secretary of the Interior, acting through the Bureau of Land Management, shall hereafter manage the surface estate in the lands in Garfield County, Colorado, referenced in subsection 17(o) of the Mineral Leasing Act pursuant to the Federal Land Policy and Management Act of 1976, and the other laws applicable to the public lands.

SEC. 2510. FEDERAL ONSHORE OIL AND GAS LEASING.

Section 17(c)(1) of the Mineral Leasing Act is amended by adding the following after the first sentence: "If more than one qualified person applies for a noncompetitive lease under this paragraph for any unit on the first day on which applications for noncompetitive leases may be submitted under this paragraph for that unit, the Secretary shall not issue a noncompetitive lease for that unit under this paragraph but shall make such unit available for competitive leasing under subsection (b) at the next quarterly competitive oil and gas lease sale held by the Secretary.".

SEC. 2511. OIL PLACER CLAIMS.

Notwithstanding any other provision of law, in furtherance of the purposes of the Act of February 11, 1897, commonly referred to as the Oil Placer Act, and section 37 of the Mineral Leasing Act, the Secretary of the Interior is authorized and directed to, within 90 days after the enactment of this Act, (1) convey by quit-claim deed to the owner or owners, or separately and as an alternative, (2) disclaim and relinquish by a document in any form suitable for recordation in the county within which the lands are situated, all right, title and interest or claim of interest of the United States to those lands in the counties of Hot Springs, Park and Washakie in the State of Wyoming, held pursuant to the Act of February 11, 1897, and which are currently producing covered substances under a cooperative or unit plan of development.

SEC. 2512. OIL SHALE CLAIMS.

Section 37 of the Mineral Leasing Act (30 U.S.C. 193) is amended by inserting "(a)" before the first sentence and by adding the following at the end thereof:

"(b) REVIEW.—(1) Not later than 30 days after the enactment of this subsection the Secretary of the Interior shall publish proposed regulations in the Federal Register containing standards and criteria for determining the validity of all unpatented oil shale claims referred to in subsection (a). Final regulations shall be promulgated within 180 days after the date such proposed regulations are published. The Secretary shall make a determination with respect to the validity of each such claim within 2 years after the promulgation of such final regulations. In making such determinations the Secretary shall give priority to those claims referred to in subsection (c).

"(2) The proposed regulations referred to in paragraph (2) shall be in lieu of proposed regulations concerning oil shale claims published in the Federal Register on January 9, 1991, and shall provide that oil shale claims supported a discovery of a valuable oil shale deposit within the meaning of the general mining laws of the United States on February 25, 1920, not imposed arbitrary limitations on lawful contest proceedings against such claims by the United States with respect to failure to comply with the assessment work requirements of the general mining laws of the United States or sanction an absolute right of resumption with respect to such requirements, and shall be limited in scope to oil shale claims.

"(c) FULL PATENT.—(1) Except as provided under subsection (d)(2), after April 8, 1992, no patent shall be issued by the United States for any oil shale claim referred to in subsection (a) unless the Secretary determines that, for the claim concerned—

"(A) a patent application was filed with the Secretary on or before April 8, 1992;

"(B) all requirements established under sections 2329, 2330, 2331, and 2333 of the Revised Statutes (30 U.S.C. 35, 36, and 37) were fully complied with by that date; and

"(C) the claim is valid pursuant to the regulations referred to in subsection (b).

"(2) If the Secretary makes the determinations referred to in paragraph (1) for any oil shale claim, the holder of the claim shall be entitled to the issuance of a patent in the same manner and degree to which such claim holder would have been entitled to prior to the enactment of this subsection, unless and until such determinations are withdrawn or invalidated by the Secretary or by a court of the United States.

"(d) ELECTION.—(1) The holder of each oil shale claim for which no patent may be issued by reason of subsection (c) shall make an election under paragraph (2) or paragraph (3). Not later than 30 days after the enactment of this subsection, the Secretary shall by certified mail notify the holder of each such claim of the requirement to make such election. The holder shall make the election within such period shall be deemed conclusively to constitute a forfeiture of the claim and the claim shall be null and void.

"(2)(A) The holder of a claim required to make an election pursuant to paragraph (1) may apply for a patent within 1 year after making such election. The Secretary may issue a patent to such claim as provided under this paragraph if the requirements established under sections 2329, 2330, 2331, and 2333 of the Revised Statutes (30 U.S.C. 35, 36, and 37) are met and the Secretary determines the claim to be valid pursuant to the regulations referred to in subsection (b).

"(B) Notwithstanding any other provision of law, the patent referred to in subparagraph (A) shall be limited to the oil shale and associated minerals and may be issued only upon the payment of fair market value for the oil shale and associated minerals by the holder of the claim to the Secretary.

"(C) Any patent issued for an oil shale claim under this paragraph shall be subject to an express reservation to the United States of the surface of the affected lands, and the provisions of sections 4 and 6 of the Act of August 13, 1954 (30 U.S.C. 524 and 526), popularly known as the Multiple Minerals Development Act, and of section 4 of the Act of July 23, 1955 (30 U.S.C. 612), popularly known as the Surface Resources Act, shall apply to such claim in the same manner and to the same extent as such provisions apply to the unpatented mining claims referred to in such provisions.

"(3)(A) The holder of a claim required to make an election pursuant to paragraph (1) may continue to maintain the claim by complying with the general mining laws of the United States, except in order to maintain the claim as valid such claim holder shall also make an annual payment to the Secretary of at least $1,000 for each claim. Payments received under this paragraph shall be deposited into the General Fund of the Treasury.

"(B) The holder of a claim referred to in subparagraph (A) shall comply with the provisions of section 314(a)(1) of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1744) by filing the affidavit referred to in such section and including the payment referred to in subparagraph (A). The payment requirement shall take effect on the first day of the first month of September which occurs more than 90 days after an election is made to maintain a claim under this paragraph.

"(C) Failure to comply with the requirements of this paragraph shall be deemed conclusively to constitute a forfeiture of the oil shale claim and the claim shall be null and void.

"(D) The provisions of sections 4 and 6 of the Act of August 13, 1954 (30 U.S.C. 524 and 526), popularly known as the Multiple Minerals Development Act, and of section 4 of the Act of July 23, 1955 (30 U.S.C. 612), popularly known as the Surface Resources Act, shall apply to oil shale claims under this paragraph in the same manner and to the same extent as such provisions apply to the mining claims referred to in such provisions.

"(e) RECLAMATION.—In addition to other applicable requirements, any person who maintains a claim pursuant to subsection (d) shall be required to reclaim the land subject to such claim and to pose a surety bond or provide other types of financial guarantee satisfactory to the Secretary before disturbance of the land subject to such claim to ensure reclamation.".

SEC. 2513. HEALTH, SAFETY, AND MINING TECHNOLOGY RESEARCH PROGRAM.

(a) HEALTH, SAFETY, AND MINING TECHNOLOGY RESEARCH PLAN.—(1) Every 5 years, the Secretary of the Interior, acting through the Director of the Bureau of Mines (hereinafter referred to as the "Director"), shall develop a Plan for Health, Safety, and Mining Technology Research (hereinafter in this subsection referred to as the "Plan"). After developing a proposed Plan, the Director of the Bureau of Mines shall submit it to the Committee established under subsection (b) for its review.

(2) The Plan shall identify the goals and objectives of the Health, Safety, and Mining Technology program of the Bureau of Mines, and shall guide research and technology development under such program, over each 5-year period.

(3) In preparing the proposed Plan referred to in paragraph (1), the Director shall solicit suggestions, comments and proposals for research and technology development projects from the mining industry, labor, academia and other concerned groups and individuals.

(4) The Director shall prepare a list of all health, safety, and mining technology projects received pursuant to the solicitation referred to in paragraph (3), and all such projects initiated by the Bureau of Mines, and submit the list to the Committee established under subsection (b) as part of the proposed Plan. The list shall contain the following information:

(A) the title and a brief synopsis of each project;

(B) a justification of the health, safety, and employment benefits anticipated by each project;

(C) an estimate of the timeframe to complete each project;

(D) an estimate of the funding requirements of each project; and

(E) an explanation of how each project would assist the Bureau of Mines in achieving the goals and objectives defined in the proposed Plan.

(5) The Director shall to the extent possible adopt the recommendations made by the Committee in the report referred to in subsection (b)(4) in selecting projects for the Health, Safety, and Mining Technology program, unless the Director determines, in writing, that a deviation from such report is necessary to meet a high-priority research need that was unanticipated at the time of the submission of the Committee report. The Director shall submit an explanation for any such deviation to the Secretary and to the Congress.

(b) HEALTH, SAFETY, AND MINING TECHNOLOGY RESEARCH ADVISORY COMMITTEE.—(1) There is hereby established the Health, Safety, and Mining Technology Research Advisory Committee (hereinafter in this subsection referred to as the "Committee"). The Committee shall be composed of 14 members appointed by the Secretary of the Interior. Members of the Committee shall serve for terms of two years. Any member of the Committee may serve after the expiration of a term until a successor is appointed. Any member of the Committee may be appointed to serve more than one term.

(2) The Secretary shall appoint members to the Committee as follows:

(A) A representative from the Mine Safety and Health Administration.

(B) A representative from the National Institute for Occupational Safety and Health.

(C) Two representatives from the coal mining industry, one with expertise in surface mining techniques and one with expertise in underground mining techniques.

(D) Two representatives from the metal, non-metal mining industry, one with expertise in surface mining techniques and one with expertise in underground mining techniques.

(E) Six representatives from unions representing miners, of which 2 shall have expertise in metal, non-metal mining.

(F) A representative from a school of mines with expertise in coal mining research located in the eastern portion of the United States.

(G) A representative from a school of mines with expertise in metal, non-metal mining research located in the western portion of the United States.

(3) Members of the Committee shall serve without compensation as such, but the Secretary may pay expenses reasonably incurred in carrying out their responsibilities under this subtitle on vouchers signed by the Chairman.

(4) Notwithstanding the Federal Advisory Committee Act (Act of October 6, 1972; 86 Stat. 776), the Committee established under this subtitle shall serve as a standing Advisory Committee to the Bureau of Mines. The provisions of section 14(b) of such Act (relating to the charter of the Committee) are hereby waived with respect to the Committee established under this subsection.

(5) The purpose of the Committee shall be to review the proposed Plan submitted by the Director under subsection (a), evaluate the list contained in such proposed Plan using the values set forth in paragraph (5), and submit the proposed Plan within 60 days after it is received by the Committee to the Director as part of a report with recommendations.

(6) Each proposal on the list submitted by the Director as part of the proposed Plan shall be assigned a value by the Committee for each of the following factors: safety, health, impact on employment of miners and timeliness of the proposed project's benefits. The values shall be as follows:

(A) Safety can assume a value of 0 to 5, where a 0 signifies little or no safety value, a 1 signifies an indirect safety benefit, a 3 signifies a direct safety benefit, and a 5 means a significant, direct safety benefit.

(B) Health can assume a value of 0 to 5, where a 0 signifies little or no health value, a 1 signifies an indirect health benefit, a 3 signifies a direct health benefit, and a 5 means a significant, direct health benefit.

(C) Employment can assume a value of 0 to 5, with a value of 0 if miners will be unemployed as a result of the research program, 5 if employment will be increased and 3 if there is no change in employment.

(D) Timeliness can assume a value of 0 to 2, where a 0 signifies that all health, safety, and productivity benefits will require 5 or more years, a 1 signifies that health, safety, and productivity benefits will be realized in 3 to 5 years, a 2 signifies that health, safety, and productivity benefits will be realized in less than 3.

(c) TECHNICAL AMENDMENT.—For the purposes of section 501(b) of Public Law 91-173, as amended, activities in the field of coal or other mine health under such section shall also be carried out by the Secretary of the Interior acting through the Director of the Bureau of Mines.

SEC. 2514. SURFACE MINING REGULATIONS.

Section 710 of the Surface Mining Control and Reclamation Act of 1977 (30 U.S.C. 1300) is amended by adding at the end the following new subsection:

"(i) The Secretary shall make grants to the Navajo, Hopi, Northern Cheyenne, and Crow tribes to assist such tribes in developing regulations and programs for regulating surface coal mining and reclamation operations on Indian lands, except that nothing in this subsection may be construed as providing such tribes with the authorities set forth under section 503. Grants made under this subsection shall be used to establish an office of surface mining regulation for each such tribe. Each such office shall—

"(1) develop tribal regulations and program policies with respect to surface mining;

"(2) assist the Office of Surface Mining Reclamation and Enforcement established by section 201 in the inspection and enforcement of surface mining activities on Indian lands, including, but not limited to, permitting, mine plan review, and bond release; and

"(3) sponsor employment training and education in the area of mining and mineral resources.".

The CHAIRMAN. Pursuant to the rule, the gentleman from West Virginia [Mr. RAHALL] as the designee of the gentleman from California [Mr. MILLER], will be recognized for 20 minutes and a Member opposed will be recognized for 20 minutes.

The Chair recognizes the gentleman from West Virginia [Mr. RAHALL].

Mr. RAHALL. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, this amendment, based on provisions approved by the Committee on Interior and Insular Affairs as part of its version of energy legislation, is premised on the fact that vast deposits of coal, oil and natural gas remain relatively untapped in this country.

Mr. Chairman, is it in order before I proceed with my opening comments to recognize the gentleman from Massachusetts [Mr. MAVROULES] for an amendment to my amendment?

The CHAIRMAN. The gentleman from West Virginia [Mr. RAHALL] may reserve his time and the Chair will recognize the gentleman from Massachusetts [Mr. MAVROULES].

Mr. RAHALL. Mr. Chairman, I reserve the balance of my time.

AMENDMENT OFFERED BY MR. MAVROULES TO THE AMENDMENT OFFERED BY MR. RAHALL

Mr. MAVROULES. Mr. Chairman, I offer an amendment to the amendment offered by the gentleman from West Virginia [Mr. RAHALL].

The CHAIRMAN. The Clerk will designate the amendment to the amendment.

The text of the amendment to the amendment is as follows:

Amendment offered by Mr. MAVROULES to the amendment offered by Mr. RAHALL: Strike section 2509.

The CHAIRMAN. Under the rule, the gentleman from Massachusetts [Mr. MAVROULES] is recognized for 10 minutes, and a Member opposed will be recognized for 10 minutes.

The Chair recognizes the gentleman from Massachusetts [Mr. MAVROULES].

Mr. MAVROULES. Mr. Chairman, I ask the House to delete section 2816.

First, process. This section as worded would avoid stating that it's actually a raid on the naval oil shale reserve in Colorado. The naval oil shale reserves are properly within the jurisdiction of the Armed Services Committee. We are perfectly happy to consider this legislation on its merits through the accepted hearing process. But we reject an effort to slip it by with crafty wording intended to bypass rule X on committee jurisdictions.

Second, the subtle wording also obscures the fact that this has revenue impacts. Right now, any revenues from leases go into the U.S. Treasury. The way this provision is worded, 50 percent of any revenues would be diverted to the Colorado State Treasury.

This provision may have policy merit. And if it does, it will certainly stand up to scrutiny through the normal hearing process by the committee of jurisdiction. But, when we're running a monstrous deficit, I question any provision that would restrict Federal revenues—especially when the provision avoids stating that it deals with revenues.

Let's strike this provision. Let's deal with the issue in the committee where it belongs. Let's be up front and admit this is a local interest measure meant to benefit the Colorado Treasury and only the Colorado Treasury.

Mr. Chairman, it is my understanding that the gentleman from West Virginia [Mr. RAHALL] will accept my amendment.

Mr. RAHALL. Mr. Chairman, will the gentleman yield?

Mr. MAVROULES. I yield to the gentleman from West Virginia.

Mr. RAHALL. Mr. Chairman, without prejudice to the Committee on Interior and Insular Affairs' position on jurisdiction over this matter, I accept the amendment.

Mr. MAVROULES. Mr. Chairman, I have no further requests for time, and I yield back the balance of my time.

The CHAIRMAN. The gentleman from Massachusetts [Mr. MAVROULES] yields back his time. The amendment has been agreed to by the gentleman from West Virginia [Mr. RAHALL].

Is there any Member seeking recognition in opposition to the amendment offered by the gentleman from Massachusetts [Mr. MAVROULES] to the amendment offered by the gentleman from West Virginia [Mr. RAHALL]?

If not, the question is on the amendment offered by the gentleman from Massachusetts [Mr. MAVROULES] to the amendment offered by the gentleman from West Virginia [Mr. RAHALL].

The amendment to the amendment was agreed to.

AMENDMENT OFFERED BY MR. RAHALL, AS AMENDED

The text of the amendment, as amended, is as follows:

Amendment offered by Mr. RAHALL, as amended: Page 704, after line 4, insert:

SEC. 2502. COAL REMINING.

(a) MODIFICATION OF PROHIBITION.—Section 510 of the Surface Mining Control and Reclamation Act of 1977 (30 U.S.C. 1260) is amended by adding the following new subsection at the end thereof:

"(e) After the date of enactment of this subsection, the prohibition of subsection (c) shall not apply to a permit application due to any violation resulting from an unanticipated event or condition at a surface coal mining operation on lands eligible for remining under a permit held by the person making such application. As used in this subsection, the term 'violation' has the same meaning as such term has under subsection (c). The authority of this subsection and section 515(20)(B) shall terminate on September 30, 2010.".

(b) PERIOD OF RESPONSIBILITY.—Section 515(b)(20) of the Surface Mining Control and Reclamation Act of 1977 (30 U.S.C. 1265(b)(20)) is amended as follows:

(1) Insert "(A)" after "(20)".

(2) Add the following new subparagraph at the end thereof:

"(B) on lands eligible for remining assume the responsibility for successful revegetation for a period of two full years after the last year of augmented seeding, fertilizing, irrigation, or other work in order to assure compliance with the applicable standards, except in those areas or regions of the country where the annual average precipitation is twenty-six inches or less, then the operator's assumption of responsibility and liability will extended for a period of five full years after the last year of augmented seeding, fertilizing, irrigation, or other work in order to assure compliance with the applicable standards.".

(c) DEFINITIONS.—Section 701 of the Surface Mining Control and Reclamation Act of 1977 (30 U.S.C. 1291) is amended by striking the period at the end of paragraph (32) and inserting a semicolon in lieu thereof, and by adding the following new paragraphs at the end thereof:

"(33) the term 'unanticipated event or condition' as used in section 510(e) means an event or condition encountered in a remining operation that was not contemplated by the applicable surface coal mining and reclamation permit; and

"(34) the term 'lands eligible for remining' means those lands that would otherwise be eligible for expenditures under section 404 or under section 402(g)(4).".

(d) ELIGIBILITY.—Section 404 of the Surface Mining Control and Reclamation Act of 1977 (30 U.S.C. 1234) is amended by adding the following new sentence at the end thereof: "Surface coal mining operations on lands eligible for remining shall not affect the eligibility of such lands for reclamation and restoration under this title after the release of the bond or deposit for any such operation as provided under section 519. In the event the bond or deposit for a surface coal mining operation on lands eligible for remining is forfeited, funds available under this title may be used if the amount of such bond or deposit is not sufficient to provide for adequate reclamation or abatement, except that if conditions warrant the Secretary shall immediately exercise his authority under section 410.".

(e) ABANDONED COAL REFUSE SITES.—(1) Notwithstanding any other provision of the Surface Mining Control and Reclamation Act of 1977 to the contrary, the Secretary of the Interior shall, within one year after the enactment of this Act, publish proposed regulations in the Federal Register, and after opportunity for public comment publish final regulations, establishing environmental protection performance and reclamation standards, and separate permit systems applicable to operations for the on-site reprocessing of abandoned coal refuse and operations for the removal of abandoned coal refuse on lands that would otherwise be eligible for expenditure under section 404 and section 402(g)(4) of the Surface Mining Control and Reclamation Act of 1977.

(2) The standards and permit systems referred to in paragraph (1) shall distinguish between those operations which reprocess abandoned coal refuse on-site, and those operations which completely remove an abandoned coal refuse from a site for the direct use of such coal refuse, or for the reprocessing of such coal refuse, at another location. Such standards and permit systems shall be premised on the distinct differences between operations for the on-site reprocessing, and operations for the removal, of abandoned coal refuse and other types of surface coal mining operations.

(3) The Secretary may devise a different standard than any of those set forth in section 515 and section 516 of the Surface Mining Control and Reclamation Act of 1977, and devise a separate permit system, if he determines, on a standard-by-standard basis, that a different standard may facilitate the on-site reprocessing, or the removal, of abandoned coal refuse in a manner that would provide the same level of environmental protection as under section 515 and section 516.

(4) Not later than 30 days prior to the publication of the proposed regulations referred to in this subsection, the Secretary shall submit a report to the Committee on Interior and Insular Affairs of the United States House of Representatives, and the Committee on Energy and Natural Resources of the United States Senate containing a detailed description of any environmental protection performance and reclamation standards, and separate permit systems, devised pursuant to this subsection.

SEC. 2503. SURFACE MINING ACT IMPLEMENTATION.

(a) SUBSIDENCE.—(1) Section 717(b) of the Surface Mining Control and Reclamation Act of 1977 (30 U.S.C. 1307(b)) is amended as follows:

(A) Strike "a surface coal mine" and insert in lieu thereof "surface coal mining operations".

(B) Strike "surface coal mine operation" and insert in lieu thereof "surface coal mining operations".

(2) Title VII of the Surface Mining Control and Reclamation Act of 1977 (30 U.S.C. 1291 and following) is amended by adding the following new section at the end thereof:

"SEC. 720. (a) Surface coal mining operations shall comply with each of the following requirements:

"(1) Promptly repair, or compensate for, damage resulting from subsidence caused to any structure or facility due to underground coal mining operations, without regard to the mining technique used. Repair of damage shall include rehabilitation, restoration, or replacement of the damaged structure or facility. Compensation shall be provided to the owner of the damaged structure or facility and shall be in the full amount of the diminution in value resulting from the subsidence. Compensation may be accomplished by the purchase, prior to mining, of a noncancellable premium-prepaid insurance policy.

"(2) Promptly replace any water supply for domestic, agricultural, industrial, or other legitimate use which has been affected by contamination, diminution, or interruption resulting from surface coal mining operations.

"(b) Within one year after the date of enactment of this section, the Secretary of the Interior shall, after providing notice and opportunity for public comment, promulgate final regulations to implement subsection (a). Such regulations shall include adequate bonding to ensure that the requirements of subsection (a) are met.".

(b) VALID EXISTING RIGHTS.—Section 701 of the Surface Mining Control and Reclamation Act of 1977 (30 U.S.C. 1291) is amended by adding the following new paragraph after paragraph (34) (as added by section 2801(c) of this Act):

"(35) for the purpose of section 522(e) 'valid existing rights' means—

"(A) Except for haul roads and as otherwise provided under this paragraph, those property rights of the applicant in existence on August 3, 1977, that were created by a legally binding conveyance, lease, deed, contract or other document which authorizes the applicant, any subsidiary, affiliate or persons controlled by or under common control with the applicant, to produce coal by a surface coal mining operation; and the person proposing to conduct surface coal mining operations in an area protected under section 522(e) either—

"(i) had been validly issued, or was making a good faith effort to obtain, as of August 3, 1977, all state and federal permits necessary to conduct such operations on those lands; or

"(ii) can demonstrate that the coal is both needed for, and immediately adjacent to, an ongoing surface coal mining operation which existed on August 3, 1977.

"(B) For haul roads the term 'valid existing rights' means—

"(i) a recorded right-of-way, a recorded easement or a permit for a coal haul road recorded as of August 3, 1977, or

"(ii) any other road in existence as of August 3, 1977.

"(C) When an area comes under the protection of section 522(e) after August 3, 1977, the date the protection comes into existence shall be used in lieu of August 3, 1977.

"(D) Notwithstanding the reference to surface impacts incident to an underground coal mine in paragraph (28)(A), for the purpose of section 522(e) the term 'surface coal mining operations' shall not include subsidence caused by an underground coal mine.".

(c) AGREEMENT.—(1) Section 510(c) of the Surface Mining Control and Reclamation Act of 1977 (30 U.S.C. 1260(c)) is amended by adding the following new sentence at the end thereof: "The terms and conditions set forth in the Settlement Agreement, dated January 24, 1990, in *Save Our Cumberland Mountains, Inc. et al. v. Lujan*, Civil Action No. 81-2134 are incorporated herein and the Secretary shall comply with such terms and conditions.".

(2) Section 520(c)(1) of the Surface Mining Control and Reclamation Act of 1977 (30 U.S.C. 1270(c)(1)) is amended to read as follows:

"(c)(1) Any pending or future action brought under this section may be brought in any judicial district where venue is proper under title 28 U.S.C. 1391. In granting relief or approving or reviewing any settlement in any pending or future action under this section, the courts shall afford the relief necessary to achieve full compliance with the Act and regulations.".

(d) RESEARCH.—(1) Section 401(c)(6) of the Surface Mining Control and Reclamation Act of 1977 (30 U.S.C. 1231(c)(6)) is amended as follows:

(A) Insert ", research, and demonstration projects" after "studies".

(B) Strike "to provide information, advice, and technical assistance, including research and demonstration projects".

(2) Section 403(a) of the Surface Mining Control and Reclamation Act of 1977 (30 U.S.C. 1233) is amended by striking paragraph (4) and renumbering the subsequent paragraphs accordingly.

(3) Title VII of the Surface Mining Control and Reclamation Act of 1977 (30 U.S.C. 1291 and following) is amended by adding the following new section after section 720:

"SEC. 721. The Office of Surface Mining Reclamation and Enforcement is authorized to conduct studies, research and demonstration projects relating to the implementation of, and compliance with, title V of this Act, and provide technical assistance to states for that purpose. Prior to approving any such studies, research or demonstration projects the Director, Office of Surface Mining Reclamation and Enforcement, shall first consult with the Director, Bureau of Mines, and obtain a determination from such Director that the Bureau of Mines is not already conducting like or similar studies, research or demonstration projects. Studies, research and demonstration projects for the purposes of title IV of this Act shall only be conducted in accordance with section 401(c)(6).".

(e) COAL FORMATIONS.—(1) Notwithstanding section 205 of Public Law 89-4 and any regulation relating to such section, in furtherance of the purposes of the Act of August 31, 1954 (30 U.S.C. 551-558) the Secretary of the Interior, acting through the Director of the Office of Surface Mining Reclamation and Enforcement, shall enter into a cooperative agreement with any State that has an approved abandoned mine reclamation program pursuant to section 405 of the Surface Mining Control and Reclamation Act of 1977 to undertake the activities referred to in section 3(b) of the Act of August 31, 1954 (30 U.S.C. 553(b)). The Secretary shall immediately enter into such cooperative agreement upon application by a State.

(2) For the purposes of the cooperative agreements entered into pursuant to paragraph (1), the requirements of section 5 of the Act of August 31, 1954 (30 U.S.C. 555) are hereby waived.

(3) Section 8 of the Act of August 31, 1954 (30 U.S.C. 558) is amended by striking "not to exceed $500,000 annually,".

(4) Notwithstanding any other provision of law, independent of the cooperative agreements referred to in this section, any State referred to in paragraph (1) may at its discretion transfer up to 30 percent of the annual grants available to the State under section 402(g) of the Surface Mining Control and Reclamation Act of 1977 for the purpose of undertaking the activities referred to in paragraph (1) if such activities conform with the declaration of policy set forth in section 1 of the Act of August 31, 1954 (30 U.S.C. 551). Such activities shall be deemed to meet the requirements of section 403(a) of the Surface Mining Control and Reclamation Act of 1977.

SEC. 2504. FEDERAL COAL LEASING CONSIDERATIONS.

Section 2(a)(3) of the Mineral Leasing Act (30 U.S.C. 201(a)(3)) is amended by adding the following new subparagraph at the end thereof:

"(F)(i) Prior to the issuance of any coal lease under this Act, the Secretary shall consider the effects which mining of the proposed lease might have on competition in the coal industry, and the market demand for coal from such proposed lease. Included in this consideration shall be a determination as to whether production of coal from the proposed lease would lead to the displacement of coal produced from existing mining operations from markets which have largely been served and can reasonably and economically be served by such coal.

"(ii) This subparagraph shall not apply to the issuance of a coal lease which would in the reasonably foreseeable future prevent the bypass of federal coal deposits, or which would provide for the expansion of existing mining operations.".

SEC. 2505. FEDERAL COAL ROYALTY STUDY.

(a) ROYALTY STUDY.—(1) The Secretary of the Interior shall conduct a study of current Federal coal royalty rates for surface mined and underground mined coal, and the valuation methodology of such coal, for the purposes of assessing, for each of the following, whether the current Federal coal royalty system:

(A) Creates competitive inequities among the Federal coal producing regions and States.

(B) Suppresses coal production in certain Federal coal producing regions and States.

(C) Results in a loss of mineral receipts to the Federal Government and to State government.

(D) Causes inefficiencies in Federal valuation, audit and collection activities.

(2) The Secretary shall compare the alternative royalty systems identified in subsection (b) with the current system and make separate findings, on each of the following, with respect to whether any such alternative royalty system would:

(A) Mitigate any competitive inequities among the Federal coal producing regions and States.

(B) Increase coal production in certain Federal coal producing regions and States.

(C) Result in an increase in mineral receipts to the Federal government and to State governments.

(D) Provide for a more efficient valuation, audit and collection program.

(b) ALTERNATIVES.—(1) For the purposes of making the comparison referred to in subsection (a)(2), the Secretary shall examine each of the following alternative coal royalty systems based on:

(A) The value of coal measured in cents per million British thermal units.

(B) A flat cents-per-ton rate.

(C) Any other methodology the Secretary deems appropriate for the purpose of the study.

(2) For the purposes of making the comparison referred to in subsection (a)(2), the Secretary shall examine the justification for establishing a separate royalty rate for lignite coal and a separate valuation methodology for lignite coal.

(c) NOTICE.—Within 60 days after the date of enactment of this Act, the Secretary shall publish in the Federal Register a notice detailing the scope and methodology proposed to be used in the study, and after opportunity for public comment, publish a final notice on the scope and methodology that will be used in the study.

(d) REPORT.—The Secretary shall report the findings of the study, and recommendations on alternative Federal royalty systems, to the President and the Congress within 2 years after the date of enactment of this Act.

SEC. 2506. ACQUIRED FEDERAL LAND MINERAL RECEIPTS MANAGEMENT.

(a) MINERAL RECEIPTS UNDER ACQUIRED LANDS ACT.—Section 6 of the Mineral Leasing Act for Acquired Lands (30 U.S.C. 355) is amended by inserting "(a)" before the first sentence and by adding the following new subsection at the end thereof:

"(b) Notwithstanding any other provision of law, any payment to a State under this section shall be made by the Secretary of the Interior and shall be made not later than the last business day of the month following the month in which such moneys or associated reports are received by the Secretary of the Interior, whichever is later. The Secretary shall pay interest to a State on any amount not paid to the State within that time at the rate prescribed under section 111 of the Federal Oil and Gas Royalty Management Act of 1982 from the date payment was required to be made under this subsection until the date payment is made.".

(b) AUTHORITY TO MANAGE CERTAIN MINERAL LEASES.—The Mineral Leasing Act for Acquired Lands (30 U.S.C. 351 and following) is amended by adding the following new section at the end thereof:

"SEC. 11. Each department, agency and instrumentality of the United States which administers lands acquired by the United States with one or more existing mineral lease shall transfer to the Secretary of the Interior the authority to administer such lease and to collect all receipts due and payable to the United States under the lease. In the case of lands acquired on or before the date of the enactment of this section, the authority to administer the leases and collect receipts shall be transferred to the Secretary of the Interior as expeditiously as practicable after the date of enactment of this section. In the case of lands acquired after the date of enactment of this section, such authority shall be vested with the Secretary at the time of acquisition. The provisions of section 6 of this Act shall apply to all receipts derived from such leases where such receipts are due and payable to the United States under the lease in the same manner as such provisions apply to receipts derived from leases issued under the authority of this Act. For purposes of this section, the term 'existing mineral lease' means any lease in existence at the time land is acquired by the United States.".

(c) CLARIFICATION.—Section 7 of the Act of August 18, 1941, ch. 377 (33 U.S.C. 701c-3) is amended by adding the following sentence at the end thereof: "For the purposes of this section, the term 'money' includes, but is not limited to, such bonuses, royalties and rentals (and any interest or other charge paid to the United States by reason of the late payment of any royalty, rent, bonus or other amount due to the United States) paid to the United States from a mineral lease issued under the authority of the Mineral Leasing Act for Acquired Lands or paid to the United States from a mineral lease in existence at the time of the acquisition of the land by the United States.".

SEC. 2507. RESERVED OIL AND GAS.

(a) IN GENERAL.—Section 17(b) of the Mineral Leasing Act (30 U.S.C. 226(b)) is amended—

(1) in paragraph (1)(A), by striking out "under paragraph (2)" and inserting in lieu thereof "under paragraphs (2) and (3)"; and

(2) by adding at the end thereof the following new paragraph:

"(3)(A) If the United States held a vested future interest in a mineral estate that, immediately prior to becoming a vested present interest, was subject to a lease under which oil or gas was being produced, or had a well capable of producing, in paying quantities at an annual average production volume per well per day of not more than 15 barrels per day of oil or condensate, or not more than 60,000 cubic feet of gas, the holder of the lease may elect to continue the lease as a noncompetitive lease under subsection (c)(1).

"(B) An election under this paragraph is effective—

"(i) in the case of an interest which vested after January 1, 1990, and on or before the date of enactment of this paragraph, if the election is made before the date that is 1 year after the date of enactment of this paragraph;

"(ii) in the case of an interest which vests within 1 year after the date of enactment of this paragraph, if the election is made before the date that is 2 years after the date of enactment of this paragraph; and

"(iii) in any case other than those described in clause (i) or (ii), if the election is made prior to the interest becoming a vested present interest.

"(C) Notwithstanding the consent requirement referenced in section 3 of the Mineral Leasing Act for Acquired Lands (30 U.S.C. 352), the Secretary shall issue a noncompetitive lease under subsection (c)(1) to a holder who makes an election under subparagraph (A) and who is qualified to hold a lease under this Act. Such lease shall be subject to all terms and conditions under this Act that are applicable to leases issued under subsection (c)(1).

"(D) A lease issued pursuant to this paragraph shall continue so long as oil or gas continues to be produced in paying quantities.

"(E) This paragraph shall apply only to those lands under the administration of the Secretary of Agriculture where the United States acquired an interest in such lands pursuant to the Act of March 1, 1911 (36 Stat. 961 and following).".

(b) EFFECTIVE DATE.—The amendments made by subsection (a) apply with respect to those mineral estates in which the interest of the United States becomes a vested present interest after January 1, 1990.

SEC. 2508. OUTSTANDING OIL AND GAS.

(a) IN GENERAL.—Section 17 of the Mineral Leasing Act (30 U.S.C. 226) is amended by adding the following new subsection after subsection (o):

"(p)(1) Prior to the commencement of surface-disturbing activities relating to the development of oil and gas deposits on lands described under paragraph (3), the Secretary of Agriculture is authorized to require, pursuant to regulations promulgated by the Secretary, that such activities be subject to such reasonable terms and conditions as may be necessary to protect the interests of the United States in accordance with applicable laws, rules and regulations governing the Secretary's acquisition of an interest in such lands, and in accordance with applicable laws, rules and regulations relating to the management of such lands.

"(2) The terms and conditions referred to in paragraph (1) shall prevent or minimize damage to the environment and other resource values.

"(3) The lands referred to in this subsection are those lands under the administration of the Secretary of Agriculture where the United States acquired an interest in such lands pursuant to the Act of March 1, 1911 (36 Stat. 961 and following), but does not have an interest in oil and gas deposits that may be present under such lands. This subsection does not apply to any such lands where, under the provisions of its acquisition of an interest in the lands, the United States is to acquire any oil and gas deposits that may be present under such lands in the future but such interest has not yet vested with the United States.".

(b) REGULATIONS.—Within 90 days after the enactment of this Act the Secretary of Agriculture shall promulgate regulations to implement the amendment made by subsection (a).

SEC. 2510. FEDERAL ONSHORE OIL AND GAS LEASING.

Section 17(c)(1) of the Mineral Leasing Act is amended by adding the following after the first sentence: "If more than one qualified person applies for a noncompetitive lease under this paragraph for any unit on the first day on which applications for noncompetitive leases may be submitted under this paragraph for that unit, the Secretary shall not issue a noncompetitive lease for that unit under this paragraph but shall make such unit available for competitive leasing under subsection (b) at the next quarterly competitive oil and gas lease sale held by the Secretary.".

SEC. 2511. OIL PLACER CLAIMS.

Notwithstanding any other provision of law, in furtherance of the purposes of the Act of February 11, 1897, commonly referred to as the Oil Placer Act, and section 37 of the Mineral Leasing Act, the Secretary of the Interior is authorized and directed to, within 90 days after the enactment of this Act, (1) convey by quit-claim deed to the owner or owners, or separately and as an alternative, (2) disclaim and relinquish by a document in any form suitable for recordation in the county within which the lands are situated, all right, title and interest or claim of interest of the United States to those lands in the counties of Hot Springs, Park and Washakie in the State of Wyoming, held pursuant to the Act of February 11, 1897, and which are currently producing covered substances under a cooperative or unit plan of development.

SEC. 2512. OIL SHALE CLAIMS.

Section 37 of the Mineral Leasing Act (30 U.S.C. 193) is amended by inserting "(a)" before the first sentence and by adding the following at the end thereof:

"(b) REVIEW.—(1) Not later than 30 days after the enactment of this subsection the Secretary of the Interior shall publish proposed regulations in the Federal Register containing standards and criteria for determining the validity of all unpatented oil shale claims referred to in subsection (a). Final regulations shall be promulgated within 180 days after the date such proposed regulations are published. The Secretary shall make a determination with respect to the validity of each such claim within 2 years after the promulgation of such final regulations. In making such determinations the Secretary shall give priority to those claims referred to in subsection (c).

"(2) The proposed regulations referred to in paragraph (2) shall be in lieu of proposed regulations concerning oil shale claims published in the Federal Register on January 9, 1991, and shall provide that oil shale claims supported a discovery of a valuable oil shale deposit within the meaning of the general mining laws of the United States on February 25, 1920, not imposed arbitrary limitations on lawful contest proceedings against such claims by the United States with respect to failure to comply with the assessment work requirements of the general mining laws of the United States or sanction an absolute right of resumption with respect to such requirements, and shall be limited in scope to oil shale claims.

"(c) FULL PATENT.—(1) Except as provided under subsection (d)(2), after April 8, 1992, no patent shall be issued by the United States for any oil shale claim referred to in subsection (a) unless the Secretary determines that, for the claim concerned—

"(A) a patent application was filed with the Secretary on or before April 8, 1992;

"(B) all requirements established under sections 2329, 2330, 2331, and 2333 of the Revised Statutes (30 U.S.C. 35, 36, and 37) were fully complied with by that date; and

"(C) the claim is valid pursuant to the regulations referred to in subsection (b).

"(2) If the Secretary makes the determinations referred to in paragraph (1) for any oil shale claim, the holder of the claim shall be entitled to the issuance of a patent in the same manner and degree to which such claim holder would have been entitled to prior to the enactment of this subsection, unless and until such determinations are withdrawn or invalidated by the Secretary or by a court of the United States.

"(d) ELECTION.—(1) The holder of each oil shale claim for which no patent may be issued by reason of subsection (c) shall make an election under paragraph (2) or paragraph (3). Not later than 30 days after the enactment of this subsection, the Secretary shall by certified mail notify the holder of each such claim of the requirement to make such election. The holder shall make the election within such period shall be deemed conclusively to constitute a forfeiture of the claim and the claim shall be null and void.

"(2)(A) The holder of a claim required to make an election pursuant to paragraph (1) may apply for a patent within 1 year after making such election. The Secretary may issue a patent to such claim as provided under this paragraph if the requirements established under sections 2329, 2330, 2331, and 2333 of the Revised Statutes (30 U.S.C. 35, 36, and 37) are met and the Secretary determines the claim to be valid pursuant to the regulations referred to in subsection (b).

"(B) Notwithstanding any other provision of law, the patent referred to in subparagraph (A) shall be limited to the oil shale and associated minerals and may be issued only upon the payment of fair market value for the oil shale and associated minerals by the holder of the claim to the Secretary.

"(C) Any patent issued for an oil shale claim under this paragraph shall be subject to an express reservation to the United States of the surface of the affected lands, and the provisions of sections 4 and 6 of the Act of August 13, 1954 (30 U.S.C. 524 and 526), popularly known as the Multiple Minerals Development Act, and of section 4 of the Act of July 23, 1955 (30 U.S.C. 612), popularly known as the Surface Resources Act, shall apply to such claim in the same manner and to the same extent as such provisions apply to the unpatented mining claims referred to in such provisions.

"(3)(A) The holder of a claim required to make an election pursuant to paragraph (1) may continue to maintain the claim by complying with the general mining laws of the United States, except in order to maintain the claim as valid such claim holder shall also make an annual payment to the Secretary of at least $1,000 for each claim. Payments received under this paragraph shall be deposited into the General Fund of the Treasury.

"(B) The holder of a claim referred to in subparagraph (A) shall comply with the provisions of section 314(a)(1) of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1744) by filing the affidavit referred to in such section and including the payment referred to in subparagraph (A). The payment requirement shall take effect on the first day of the first month of September which occurs more than 90 days after an election is made to maintain a claim under this paragraph.

"(C) Failure to comply with the requirements of this paragraph shall be deemed conclusively to constitute a forfeiture of the oil shale claim and the claim shall be null and void.

"(D) The provisions of sections 4 and 6 of the Act of August 13, 1954 (30 U.S.C. 524 and 526), popularly known as the Multiple Minerals Development Act, and of section 4 of the Act of July 23, 1955 (30 U.S.C. 612), popularly known as the Surface Resources Act, shall apply to oil shale claims under this paragraph in the same manner and to the same extent as such provisions apply to the mining claims referred to in such provisions.

"(e) RECLAMATION.—In addition to other applicable requirements, any person who maintains a claim pursuant to subsection (d) shall be required to reclaim the land subject to such claim and to pose a surety bond or provide other types of financial guarantee satisfactory to the Secretary before disturbance of the land subject to such claim to ensure reclamation.".

SEC. 2513. HEALTH, SAFETY, AND MINING TECHNOLOGY RESEARCH PROGRAM.

(a) HEALTH, SAFETY, AND MINING TECHNOLOGY RESEARCH PLAN.—(1) Every 5 years, the Secretary of the Interior, acting through the Director of the Bureau of Mines (hereinafter referred to as the "Director"), shall develop a Plan for Health, Safety, and Mining Technology Research (hereinafter in this subsection referred to as the "Plan"). After developing a proposed Plan, the Director of the Bureau of Mines shall submit it to the Committee established under subsection (b) for its review.

(2) The Plan shall identify the goals and objectives of the Health, Safety, and Mining Technology program of the Bureau of Mines, and shall guide research and technology development under such program, over each 5-year period.

(3) In preparing the proposed Plan referred to in paragraph (1), the Director shall solicit suggestions, comments and proposals for research and technology development projects from the mining industry, labor, academia and other concerned groups and individuals.

(4) The Director shall prepare a list of all health, safety, and mining technology projects received pursuant to the solicitation referred to in paragraph (3), and all such projects initiated by the Bureau of Mines, and submit the list to the Committee established under subsection (b) as part of the proposed Plan. The list shall contain the following information:

(A) the title and a brief synopsis of each project;

(B) a justification of the health, safety, and employment benefits anticipated by each project;

(C) an estimate of the timeframe to complete each project;

(D) an estimate of the funding requirements of each project; and

(E) an explanation of how each project would assist the Bureau of Mines in achieving the goals and objectives defined in the proposed Plan.

(5) The Director shall to the extent possible adopt the recommendations made by the Committee in the report referred to in subsection (b)(4) in selecting projects for the Health, Safety, and Mining Technology program, unless the Director determines, in writing, that a deviation from such report is necessary to meet a high-priority research need that was unanticipated at the time of the submission of the Committee report. The Director shall submit an explanation for any such deviation to the Secretary and to the Congress.

(b) HEALTH, SAFETY, AND MINING TECHNOLOGY RESEARCH ADVISORY COMMITTEE.—(1) There is hereby established the Health, Safety, and Mining Technology Research Advisory Committee (hereinafter in this subsection referred to as the "Committee"). The Committee shall be composed of 14 members appointed by the Secretary of the Interior. Members of the Committee shall serve for terms of two years. Any member of the Committee may serve after the expiration of a term until a successor is appointed. Any member of the Committee may be appointed to serve more than one term.

(2) The Secretary shall appoint members to the Committee as follows:

(A) A representative from the Mine Safety and Health Administration.

(B) A representative from the National Institute for Occupational Safety and Health.

(C) Two representatives from the coal mining industry, one with expertise in surface mining techniques and one with expertise in underground mining techniques.

(D) Two representatives from the metal, non-metal mining industry, one with expertise in surface mining techniques and one with expertise in underground mining techniques.

(E) Six representatives from unions representing miners, of which 2 shall have expertise in metal, non-metal mining.

(F) A representative from a school of mines with expertise in coal mining research located in the eastern portion of the United States.

(G) A representative from a school of mines with expertise in metal, non-metal mining research located in the western portion of the United States.

(3) Members of the Committee shall serve without compensation as such, but the Secretary may pay expenses reasonably incurred in carrying out their responsibilities under this subtitle on vouchers signed by the Chairman.

(4) Notwithstanding the Federal Advisory Committee Act (Act of October 6, 1972; 86 Stat. 776), the Committee established under this subtitle shall serve as a standing Advisory Committee to the Bureau of Mines. The provisions of section 14(b) of such Act (relating to the charter of the Committee) are hereby waived with respect to the Committee established under this subsection.

(5) The purpose of the Committee shall be to review the proposed Plan submitted by the Director under subsection (a), evaluate the list contained in such proposed Plan using the values set forth in paragraph (5), and submit the proposed Plan within 60 days after it is received by the Committee to the Director as part of a report with recommendations.

(6) Each proposal on the list submitted by the Director as part of the proposed Plan shall be assigned a value by the Committee for each of the following factors: safety, health, impact on employment of miners and timeliness of the proposed project's benefits. The values shall be as follows:

(A) Safety can assume a value of 0 to 5, where a 0 signifies little or no safety value, a 1 signifies an indirect safety benefit, a 3 signifies a direct safety benefit, and a 5 means a significant, direct safety benefit.

(B) Health can assume a value of 0 to 5, where a 0 signifies little or no health value, a 1 signifies an indirect health benefit, a 3 signifies a direct health benefit, and a 5 means a significant, direct health benefit.

(C) Employment can assume a value of 0 to 5, with a value of 0 if miners will be unemployed as a result of the research program, 5 if employment will be increased and 3 if there is no change in employment.

(D) Timeliness can assume a value of 0 to 2, where a 0 signifies that all health, safety, and productivity benefits will require 5 or more years, a 1 signifies that health, safety, and productivity benefits will be realized in 3 to 5 years, a 2 signifies that health, safety, and productivity benefits will be realized in less than 3.

(c) TECHNICAL AMENDMENT.—For the purposes of section 501(b) of Public Law 91–173, as amended, activities in the field of coal or other mine health under such section shall also be carried out by the Secretary of the Interior acting through the Director of the Bureau of Mines.

SEC. 2514. SURFACE MINING REGULATIONS.

Section 710 of the Surface Mining Control and Reclamation Act of 1977 (30 U.S.C. 1300) is amended by adding at the end the following new subsection:

"(i) The Secretary shall make grants to the Navajo, Hopi, Northern Cheyenne, and Crow tribes to assist such tribes in developing regulations and programs for regulating surface coal mining and reclamation operations on Indian lands, except that nothing in this subsection may be construed as providing such tribes with the authorities set forth under section 503. Grants made under this subsection shall be used to establish an office of surface mining regulation for each such tribe. Each such office shall—

"(1) develop tribal regulations and program policies with respect to surface mining;

"(2) assist the Office of Surface Mining Reclamation and Enforcement established by section 201 in the inspection and enforcement of surface mining activities on Indian lands, including, but not limited to, permitting, mine plan review, and bond release; and

"(3) sponsor employment training and education in the area of mining and mineral resources.".

The CHAIRMAN. The Chair recognizes the gentleman from West Virginia [Mr. RAHALL].

Mr. RAHALL. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, in continuation of my explanation of this amendment, it also embraces the concept that responsible energy development in an environmentally and socially responsible manner is possible.

Provisions of this amendment advance the notion that deposits of coal in previously mined areas that can be remined, with the triple benefit of obtaining additional coal production, reducing the need to mine on virgin lands and providing for needed reclamation.

Other provisions of the amendment seek to provide badly needed stability in the Federal Surface Coal Mining Program by settling controversies over subsidence protections, valid existing rights, and the applicant-violator system.

It would also make improvements in the Federal coal, oil, and gas leasing programs.

Further, provisions of this amendment would stop the give away of federally owned oil shale lands for a mere $2.50 an acre.

Finally, this amendment seeks to reduce the rate of fatalities and injuries in the mining industry by improving mine health and safety research conducted by the Bureau of Mines.

All of these provisions have as much to do with energy, as anything that is already in the bill.

But these provisions also say this: There is no free ride in energy development.

The amendment recognizes that federally owned coal in the West can be developed to the benefit of the Western markets while allowing Eastern and Midwestern coal to serve its traditional markets.

In addition, this legislation would provide for increased competition for Federal onshore oil and gas leases; improve the management of oil and gas activities on certain eastern Federal lands.

It would also provide for the more equitable and efficient disbursement of the State share of mineral lease receipts from Eastern Federal lands.

Yes, let us mine coal. At the same time, if that coal mining causes damages to someone's home, this amendment says that person should be compensated.

Vote against this amendment and you are voting to allow peoples' homes to be damaged without compensation.

Let us mine coal. But let us not issue new mining permits to companies with outstanding environmental violations.

Vote against this amendment and you are voting to allow companies in violation of our laws to get off the hook.

Let us mine coal. I would submit, however, that we should not be strip mining in units of the National Park System.

Vote against this amendment and you are saying that parks are a pretty nice place to mine.

And what of those who mine coal. The coal miners. Do they not deserve to see advances made in health and safety technologies?

This amendment says they do. It says that we should make it a priority to reduce the causes of black lung disease by devising new and innovative mining equipment and techniques.

Turning to some of the Federal energy issues in this amendment.

We are faced with a situation where the Interior Department insists on giving away thousands of acres of valuable oil shale land.

In 1986, within weeks after a number of claim holders paid the Interior Department $2.50 an acre for 17,000 acres of these oil shale lands, they turned around and sold the land for as much as $2,000 an acre.

In other words, the Federal Government received $42,500 for this public land. Weeks later the very same land was sold for $37 million.

Today, there are approximately 1,600 of those claims still encumbering over 240,000 acres of public lands in Colorado, Utah, and Wyoming.

The only activity the claim holders have undertaken involved rank speculation and profiteering.

The House has voted on this issue before. Several times. And each time it has passed Interior Committee legislation that would put a stop to this giveaway by overwhelming majorities.

Vote against this amendment, and you are voting to go home to your constituents and explain why Federal land should be given away for fast food hamburger prices.

I would like to raise one other item addressed by this amendment.

We produce a good deal of oil and gas from Federal lands in this country. The tracts are made available by the Interior Department, people bid on them, and if oil and gas is produced, we receive a royalty in return.

What is occuring here is that the competitive leasing process is being subverted, and the Treasury is losing out on bonus bid payments.

In fact, by our calculations, during fiscal year 1990 the Government could have collected $20 million through the bidding process rather than the $722,000 that it did.

Our bill would fix this situation.

Mr. Chairman, in short, this amendment is in the public interest as well as the interest of energy development.

□ 1425

Mr. Chairman, I reserve the balance of my time.

The CHAIRMAN. Is there a Member in opposition to the amendment offered by the gentleman from West Virginia [Mr. RAHALL]?

Mr. LENT. Mr. Chairman, I am opposed to the amendment.

The CHAIRMAN. The gentleman from New York [Mr. LENT] is recognized for 20 minutes.

Mr. LENT. Mr. Chairman, I yield myself 3 minutes.

Mr. Chairman, I strongly oppose the Rahall amendment concerning coal, oil, and gas. This amendment includes provisions affecting coal remining, subsidence, existing rights of surface coal mining, and naval oil shale reserves.

The most objectionable provisions deal with amendments to the Surface Mining Control and Reclamation Act. Section A attempts to impose a national solution on the subsidence problem, when this is a distinctly local problem. Most States have told the Department of the Interior that it should not issue a national rule. Damage to underground water supplies is confined to limited areas.

Section B attempts to define valid existing rights legislatively, rather than through the judicial process. This constitutes a taking because it takes away the mineral rights that have been granted by the Government without any due process. This amendment undermines our ability to mine coal or other minerals by taking away mineral properties that are essential to continuous mining. Moreover, this provision could cost the Government $50 million per year beginning in fiscal year 1994 because this is what the value of mineral rights would be.

Finally, section C would remove the requirement that site specific violations be addressed locally, where the affected citizens and mine operations are located. The balance now in SMCRA between national rules and local problems would be upset. Instead all suits would be brought to the District of Columbia where there is limited contact, resources, and interest.

Finally, Mr. RAHALL's amendment deals with leasing of mineral rights on the Government's naval oil shale reserves. The amendment is fraught with problems. It sets up dual jurisdiction between the Department of the Interior and the Department of Energy. It would lease valuable naval oil reserves for oil and gas production below market rates. There are better ways to deal with this issue in legislation proposed by the Department of Energy.

I urge a "no" vote on Mr. RAHALL's amendment.

□ 1430

Mr. RAHALL. Mr. Chairman, I yield 2 minutes to the gentleman from Colorado [Mr. CAMPBELL].

Mr. CAMPBELL of Colorado. Mr. Chairman, I rise today in support of the Rahall amendment.

Included in the amendment are two provisions I introduced to amend the Mineral Lands Leasing Act of 1920. The first will permanently halt speculators from obtaining patents to oil shale lands; the second will open certain public lands in Colorado to competitive oil and gas leasing. This provision will allow communities in northwest Colorado to immediately capitalize on an underutilized resource associated with oil shale—natural gas.

The House is no stranger to the issue of oil shale reform. During the 100th and the 101st Congresses, by 3-to-1 votes, it passed legislation to prohibit speculators and the Department of the Interior from patenting oil shale claims, essentially transferring public lands to private ownership for $2.50 an acre.

The House took this action after the Interior Department proceeded to transfer 82,000 acres of the public's oil shale land into the hands of four energy companies for $205,000 when the Interior Department estimated the lands to be worth $164 million.

The public was quick to express its outrage over the 1986 Tosco settlement, and my friend Chairman RAHALL responded by sponsoring a bill to halt the giveaway of 270,000 acres of public lands in Utah, Colorado, and Wyoming for $2.50 per acre.

This amendment will bring to an end the threat of losing an additional 250,000 acres of public lands to profiteers. It will also resolve the question of validity of oil-shale mining claims by amending section 37 of the Mineral Lands Leasing Act of 1920.

This is crucial because if legislation is not passed these lands will remain available for speculative purposes with no production criteria. The claimants who will receive the land are not obligated to produce oil shale or make any developments or improvements in any specified time period. In fact, the Bureau of Land Management [BLM] began to process patent applications for an additional 11,000 acres of public land in 1988 following the end of a moratorium on oil shale patenting and an additional 7,729 acres of land this year following a Federal court decision which the Interior Department is refusing to appeal.

The American public is conservative in this sense: It likes to hold onto what it's got, not only mineral resources but those public lands values that contribute to recreation and tourism.

The public well understands that the sale of Federal lands under the guise of oil shale development is a travesty.

This bill will keep 79 percent of all the remaining oil shale claims from being patented. After nearly 75 years, it is not unreasonable to require that the conditions for developing a public resource emphasize diligent development rather than land speculation. Private parties should not be rewarded for their lack of effort in developing a mineral resource by being granted a fee-simple title not only to the subsurface minerals, but also to the surface resources. Congress has a responsibility to ensure that multiple use public lands, valuable for their wildlife, grazing, mineral, and recreational benefits, are not disposed of, as my friend Chairman RAHALL is fond of saying, "for a price less than a six pack of beer."

The House is also familiar with proposals to open the naval oil shale reserves, which are within my congressional district. In 1975, for instance, the House supported an Interior Committee bill that would allow the reserves to be used to meet the total energy needs of the Nation.

This amendment will help achieve that goal by adding to our ability to produce domestic oil and natural gas and to make the United States less dependent upon Arab oil imports. This resulted in the passage of an act in 1975 that specifically authorized the production of oil and natural gas from the naval petroleum reserves and the naval oil shale reserves.

Currently, the Department of Energy is responsible for managing the reserves that were set aside by Executive orders in 1913 and 1924. The oil shale reserves were established specially to provide the Navy with a domestic source of petroleum that scientists and geologists estimate exceeds that of the United States and the Middle East combined—if it could be developed. In the meantime, trapped beneath and between the sedimentary layers of shale is a tremendous amount of natural gas that can only be developed only when DOE signs an exclusive contract with a producer.

DOE's program is not working. If left to its own devices, the Department of Energy will continue to lose money even though natural gas may be this county's hottest commodity. The Department's own records show that it derived only $143,000, when it cost over $1.9 million to administer the program. In contrast, if the Interior Department is in charge of the program and competitively leases the area to private industry, we stand to make at least $200,000 per well simply because private industry is more efficient.

In fact, I am more than a little outraged that these exclusive contracts are considered "privileged proprietary" information. I think the public deserves to know how much it is really costing the DOE to run its program and who is getting rich at the public's expense.

This amendment will transfer the responsibility for managing the oil, gas, and surface resources of the reserve to the Department of the Interior.

Allowing Interior to manage this resource pursuant to the provisions of the 1920 Mineral Lands Leasing Act will immediately provide counties in the Third Congressional District with an additional source of revenue from royalties paid on production. The revenue from the development of trillions of cubic feet of gas will be a shot in the arm to communities that are still reeling from the pullout of the last oil company that had attempted to profit from the development of oil shale.

The amendment also opens the door to multiple use management of the area pursuant to the Federal Land Management and Policy Act. I have received many letters from local cattlemen and hunters who have long wished to retain grazing permits and access to the reserves but cannot because the Bureau of Land Management, the agency that will manage the area, is restricted from reissuing permits and from allowing unlimited public access because it must contract with the DOE in much the same way as producers.

The amendment would not affect the Navy's ability to mine oil shale should it ever become a realistic source of energy, because the shale resource will remain with the Navy. But, the current withdrawal effectively locks up all oil and gas development in this area.

This is due not only to the withdrawals themselves, but also to a 1-mile no-lease buffer zone along the outer edges. The preliminary data that has been collected by Interior indicates the reserves have a high potential for profitable development.

With the recent passage of the Clean Air Act, natural gas and low-sulfur coal will be the fuels of choice for many utilities and industries. It is time to refocus attention to these underutilized resources and this poorly run Government program.

Mr. LENT. Mr. Chairman, I yield 2 minutes to the gentleman from California [Mr. MOORHEAD], a member of the Committee on Energy and Commerce.

Mr. MOORHEAD. Mr. Chairman, I strongly oppose the Rahall amendment concerning coal, oil, and gas. This amendment establishes barriers to the free movement of federally owned coal in order to protect high-sulfur coal, found primarily in the east, from competition with low-sulfur western coal.

Section A imposes a national solution on the subsidence problem. The States have stated that they do not want a national rule, but would deal with the problems locally.

Section B defines valid existing rights in such a way as to take property from individuals owning private coal interests in certain designated lands if their rights had not been exercised before 1977. This would be a legislative taking of property without just compensation and would lead to many law suits to settle the compensation issue.

Development of private oil and gas rights beneath national forests would be subject to additional regulatory delays even though the United States has no property interest in these mineral rights. State oil and gas commissions are the proper forum for regulation of this development, not the U.S. Forest Service.

Finally, Mr. RAHALL's amendment deals with leasing of mineral rights on the Government's naval oil shale reserves. The amendment is fraught with problems. It sets up dual jurisdiction between the Department of the Interior and the Department of Energy. It would lease valuable naval oil reserves for oil and gas production below market rates. There are better ways to deal with this issue in legislation proposed by the Department of Energy.

I urge a "no" vote on Mr. RAHALL's amendment.

Mr. RAHALL. Mr. Chairman, I yield 2 minutes to the gentleman from Pennsylvania [Mr. MURPHY].

Mr. MURPHY. Mr. Chairman, I thank the gentleman from West Virginia [Mr. RAHALL], the chairman of the Subcommittee on Mining and Natural Resources of the Committee on Interior and Insular Affairs, and commend the gentleman from California [Mr. MILLER], the chairman, and the chairman of the Subcommittee on Water, Power and Offshore Energy Resources, for coming to at least a substantial understanding of the provisions that will make the mining of America's largest energy resource better for the people and better for the coal industry.

Truly, without doubt, coal is America's future energy resource, with over 200 years of known reserves already in existence. The method is to find a way to burn it, burn it clean, provide our energy resources, and protect the people who live in our mining communities. This amendment goes a great deal of the way to do that.

I am personally disappointed that we could not address the Federal coal leasing provisions that Chairman RAHALL has sought so strenuously and fought strenuously for in committee. However, I understand that we will address that in the coming months of this Congress, and perhaps again next year. I do hope that this amendment will meet with the majority approval in this Congress. It is truly a step forward in the mining of our coal.

Mr. LENT. Mr. Chairman, I yield 3 minutes to the gentlewoman from Nevada [Mrs. VUCANOVICH].

Mrs. VUCANOVICH. Mr. Chairman, I thank the gentleman for yielding time to me.

Mr. Chairman, I rise in opposition to the amendment offered by Mr. RAHALL to the oil, gas, and coal title. As ranking member of the Subcommittee on Mining and Natural Resources I believe this amendment is counterproductive to fashioning a national energy policy. I concur with the Energy and Commerce Committee view concerning the germaneness of these sections to the bill, but I also wish to point out several areas for which I disagree with the Interior Committee-passed substance of the amendment.

Briefly, the coal leasing provisions establish barriers to free market movement of federally owned coal in order to protect the predominantly high-sulfur coal found in the East from competition with low-sulfur western coal. What kind of energy strategy is that? We should be encouraging use of low-sulfur coal to help meet clean air requirements. Let's not hinder its expansion in the coal-fired electricity generation marketplace. Section 2504 would do just that by tying the Secretary of the Interior's hands with respect to new lease issuance.

Mr. MOORHEAD has explained the definition of valid existing rights.

Furthermore, in this amendment valid existing rights are defined in such a way as to take property from individuals owning private coal interests in certain designated public lands if their rights had not been exercised before 1977. This is clearly a taking of property without just compensation that cannot be defended by reliance upon public nuisance arguments. Time and again, Secretary Lujan has said that coal mining in the parks will not be allowed, but private rights will be compensated. Instead this amendment would just legislate it away. It's an invitation to the Court of Claims to file an inverse condemnation lawsuit and raid the U.S. Treasury on the grounds of a legislative taking. This is not a far-fetched analysis. Just 6 months ago the Supreme Court let stand an award for $140 million in the Whitney Benefits case and agreed that the Surface Mining Act was a legislative taking of private rights without just compensation. Let's not repeat that error today.

Another provision of concern to me is section 2508. It may subject the development of private oil and gas rights beneath national forests to additional regulatory delays despite the fact that the United States has absolutely no property interest in the mineral estate. On the concerned lands, the Forest Service knew at the time of purchase of the surface estate that outstanding rights to the oil and gas existed, but purchased the surface anyway. Now some people want to impose NEPA-style regulation on the exercise of these rights. I oppose this Federal intrusion because it is the job of each State's oil and gas commission to regulate development of the resource, without respect to who owns the mineral rights or the surface estate.

Last, Mr. Chairman, I would like to bring to my colleagues' attention the recent decision of the U.S. Court of Appeals for the District of Columbia in the Save Our Cumberland Mountains versus Lujan case. The court agreed with the administration that citizen suits under the Surface Mining Act must be brought in the judicial district where the harm is alleged, not in Washington, DC. I quote, "A charge that the Secretary is failing to enforce the act must be earthbound." In other words, let's not encourage judge-shopping by a small cadre of DC-based lawyers adept at using these provisions to halt coal development at every turn. If a violation is not being enforced in West Virginia, then bring a suit in Federal court in West Virginia, not here.

Mr. Chairman, I urge a "no" vote.

Mr. RAHALL. Mr. Chairman, I ask unanimous consent that the amendment, as amended, be withdrawn.

The CHAIRMAN. Is there objection to the request of the gentleman from West Virginia?

There was no objection.

The CHAIRMAN. The amendment, as amended, offered by the gentleman from West Virginia [Mr. RAHALL] is withdrawn.

AMENDMENTS EN BLOC OFFERED BY MR. DINGELL

Mr. DINGELL. Mr. Chairman, I offer amendments en bloc.

The CHAIRMAN. The Clerk will designate the amendments en bloc.

The text of the amendments en bloc is as follows:

Amendments en bloc offered by Mr. DINGELL:

Page 704, after line 4, insert:

SEC. 2502. COAL REMINING.

(a) MODIFICATION OF PROHIBITION.—Section 510 of the Surface Mining Control and Reclamation Act of 1977 (30 U.S.C. 1260) is amended by adding the following new subsection at the end thereof:

"(e) After the date of enactment of this subsection, the prohibition of subsection (c) shall not apply to a permit application due to any violation resulting from an unanticipated event or condition at a surface coal mining operation on lands eligible for remining under a permit held by the person making such application. As used in this subsection, the term 'violation' has the same meaning as such term has under subsection (c). The authority of this subsection and section 515(20)(B) shall terminate on September 30, 2010.".

(b) PERIOD OF RESPONSIBILITY.—Section 515(b)(20) of the Surface Mining Control and Reclamation Act of 1977 (30 U.S.C. 1265(b)(20)) is amended as follows:

(1) Insert "(A)" after "(20)".

(2) Add the following new subparagraph at the end thereof:

"(B) on lands eligible for remining assume the responsibility for successful revegetation for a period of two full years after the last year of augmented seeding, fertilizing, irrigation, or other work in order to assure compliance with the applicable standards, except in those areas or regions of the country where the annual average precipitation is twenty-six inches or less, then the operator's assumption of responsibility and liability will be extended for a period of five full years after the last year of augmented seeding, fertilizing, irrigation, or other work in order to assure compliance with the applicable standards.".

(c) DEFINITIONS.—Section 701 of the Surface Mining Control and Reclamation Act of 1977 (30 U.S.C. 1291) is amended by striking the period at the end of paragraph (32) and inserting a semicolon in lieu thereof, and by adding the following new paragraphs at the end thereof:

"(33) the term 'unanticipated event or condition' as used in section 510(e) means an event or condition encountered in a remining operation that was not contemplated by the applicable surface coal mining and reclamation permit; and

"(34) the term 'lands eligible for remining' means those lands that would otherwise be eligible for expenditures under section 404 or under section 402(g)(4).".

(d) ELIGIBILITY.—Section 404 of the Surface Mining Control and Reclamation Act of 1977 (30 U.S.C. 1234) is amended by adding the following new sentence at the end thereof: "Surface coal mining operations on lands eligible for remining shall not affect the eligibility of such lands for reclamation and restoration under this title after the release of the bond or deposit for any such operation as provided under section 519. In the event the bond or deposit for a surface coal mining operation on lands eligible for remining is forfeited, funds available under this title may be used if the amount of such bond or deposit is not sufficient to provide for adequate reclamation or abatement, except that if conditions warrant the Secretary shall immediately exercise his authority under section 410.".

(e) ABANDONED COAL REFUSE SITES.—(1) Notwithstanding any other provision of the Surface Mining Control and Reclamation Act of 1977 to the contrary, the Secretary of the Interior shall, within one year after the enactment of this Act, publish proposed regulations in the Federal Register, and after opportunity for public comment publish final regulations, establishing environmental protection performance and reclamation standards, and separate permit systems applicable to operations for the on-site reprocessing of abandoned coal refuse and operations for the removal of abandoned coal refuse on lands that would otherwise be eligible for expenditure under section 404 and section 402(g)(4) of the Surface Mining Control and Reclamation Act of 1977.

(2) The standards and permit systems referred to in paragraph (1) shall distinguish between those operations which reprocess abandoned coal refuse on-site, and those operations which completely remove an abandoned coal refuse from a site for the direct use of such coal refuse, or for the reprocessing of such coal refuse, at another location. Such standards and permit systems shall be premised on the distinct differences between operations for the on-site reprocessing, and operations for the removal, of abandoned coal refuse and other types of surface coal mining operations.

(3) The Secretary may devise a different standard than any of those set forth in section 515 and section 516 of the Surface Mining Control and Reclamation Act of 1977, and devise a separate permit system, if he determines, on a standard-by-standard basis, that a different standard may facilitate the on-site reprocessing, or the removal, of abandoned coal refuse in a manner that would provide the same level of environmental protection as under section 515 and section 516.

(4) Not later than 30 days prior to the publication of the proposed regulations referred to in this subsection, the Secretary shall submit a report to the Committee on Interior and Insular Affairs of the United States House of Representatives, and the Committee on Energy and Natural Resources of the United States Senate containing a detailed description of any environmental protection performance and reclamation standards, and separate permit systems, devised pursuant to this subsection.

SEC. 2503. SURFACE MINING ACT IMPLEMENTATION.

(a) SUBSIDENCE.—(1) Section 717(b) of the Surface Mining Control and Reclamation Act of 1977 (30 U.S.C. 1307(b)) is amended as follows:

(A) Strike "a surface coal mine" and insert in lieu thereof "surface coal mining operations".

(B) Strike "surface coal mine operation" and insert in lieu thereof "surface coal mining operations".

(2) Title VII of the Surface Mining Control and Reclamation Act of 1977 (30 U.S.C. 1291 and following) is amended by adding the following new section at the end thereof:

"SEC. 720. (a) Surface coal mining operations shall comply with the following requirement: Promptly repair, or compensate for, damage resulting from subsidence caused to any structure or facility due to underground coal mining operations, without regard to the mining technique used. Repair of damage shall include rehabilitation, restoration, or replacement of the damaged structure or facility. Compensation shall be provided to the owner of the damaged structure or facility and shall be in the full amount of the diminution in value resulting from the subsidence. Compensation may be accomplished by the purchase, prior to mining, of a noncancellable premium-prepaid insurance policy.

"(b) Within one year after the date of enactment of this section, the Secretary of the Interior shall, after providing notice and opportunity for public comment, promulgate final regulations to implement subsection (a). Such regulations shall include adequate bonding to ensure that the requirements of subsection (a) are met.".

(b) VALID EXISTING RIGHTS.—Section 701 of the Surface Mining Control and Reclamation Act of 1977 (30 U.S.C. 1291) is amended by adding the following new paragraph after paragraph (34) (as added by section 2801(c) of this Act):

"(35) for the purpose of section 522(e) 'valid existing rights' means—

"(A) Except for haul roads and as otherwise provided under this paragraph, those property rights of the applicant in existence on August 3, 1977, that were created by a legally binding conveyance, lease, deed, contract or other document which authorizes the applicant, any subsidiary, affiliate or persons controlled by or under common control with the applicant, to produce coal by a surface coal mining operation; and the person proposing to conduct surface coal mining operations in an area protected under section 522(e) either—

"(i) had been validly issued, or was making a good faith effort to obtain, as of August 3, 1977, all state and federal permits necessary to conduct such operations on those lands; or

"(ii) can demonstrate that the coal is both needed for, and immediately adjacent to, an ongoing surface coal mining operation which existed on August 3, 1977.

"(B) For haul roads the term 'valid existing rights' means—

"(i) a recorded right-of-way, a recorded easement or a permit for a coal haul road recorded as of August 3, 1977, or

"(ii) any other road in existence as of August 3, 1977.

"(C) When an area comes under the protection of section 522(e) after August 3, 1977, the date the protection comes into existence shall be used in lieu of August 3, 1977.

"(D) Notwithstanding the reference to surface impacts incident to an underground coal mine in paragraph (28)(A), for the purpose of section 522(e) the term 'surface coal mining operations' shall not include subsidence caused by an underground coal mine.".

(c) RESEARCH.—(1) Section 401(c)(6) of the Surface Mining Control and Reclamation Act of 1977 (30 U.S.C. 1231(c)(6)) is amended as follows:

(A) Insert ", research, and demonstration projects" after "studies".

(B) Strike "to provide information, advice, and technical assistance, including research and demonstration projects".

(2) Section 403(a) of the Surface Mining Control and Reclamation Act of 1977 (30 U.S.C. 1233) is amended by striking paragraph (4) and renumbering the subsequent paragraphs accordingly.

(3) Title VII of the Surface Mining Control and Reclamation Act of 1977 (30 U.S.C. 1291 and following) is amended by adding the following new section after section 720:

"SEC. 721. The Office of Surface Mining Reclamation and Enforcement is authorized to conduct studies, research and demonstration projects relating to the implementation of, and compliance with, title V of this Act, and provide technical assistance to states for that purpose. Prior to approving any such studies, research or demonstration projects the Director, Office of Surface Mining Reclamation and Enforcement, shall first consult with the Director, Bureau of Mines, and obtain a determination from such Director that the Bureau of Mines is not already conducting like or similar studies, research or demonstration projects. Studies, research and demonstration projects for the purposes of title IV of this Act shall only be conducted in accordance with section 401(c)(6).".

(d) COAL FORMATIONS.—(1) Notwithstanding section 205 of Public Law 89-4 and any regulation relating to such section, in furtherance of the purposes of the Act of August 31, 1954 (30 U.S.C. 551-558) the Secretary of the Interior, acting through the Director of the Office of Surface Mining Reclamation and Enforcement, shall enter into a cooperative agreement with any State that has an approved abandoned mine reclamation program pursuant to section 405 of the Surface Mining Control and Reclamation Act of 1977 to undertake the activities referred to in section 3(b) of the Act of August 31, 1954 (30 U.S.C. 553(b)). The Secretary shall immediately enter into such cooperative agreement upon application by a State.

(2) For the purposes of the cooperative agreements entered into pursuant to paragraph (1), the requirements of section 5 of the Act of August 31, 1954 (30 U.S.C. 555) are hereby waived.

(3) Section 8 of the Act of August 31, 1954 (30 U.S.C. 558) is amended by striking "not to exceed $500,000 annually,".

(4) Notwithstanding any other provision of law, independent of the cooperative agreements referred to in this section, any State referred to in paragraph (1) may at its discretion transfer up to 30 percent of the annual grants available to the State under section 402(g) of the Surface Mining Control and Reclamation Act of 1977 for the purpose of undertaking the activities referred to in paragraph (1) if such activities conform with the declaration of policy set forth in section 1 of the Act of August 31, 1954 (30 U.S.C. 551). Such activities shall be deemed to meet the

requirements of section 403(a) of the Surface Mining Control and Reclamation Act of 1977.

SEC. 2505. FEDERAL COAL ROYALTY STUDY.

(a) Royalty Study.—(1) The Secretary of the Interior shall conduct a study of current Federal coal royalty rates for surface mined and underground mined coal, and the valuation methodology of such coal, for the purposes of assessing, for each of the following, whether the current Federal coal royalty system:

(A) Creates competitive inequities among the Federal coal producing regions and States.

(B) Suppresses coal production in certain Federal coal producing regions and States.

(C) Results in a loss of mineral receipts to the Federal Government and to State government.

(D) Causes inefficiencies in Federal valuation, audit and collection activities.

(2) The Secretary shall compare the alternative royalty systems identified in subsection (b) with the current system and make separate findings, on each of the following, with respect to whether any such alternative royalty system would:

(A) Mitigate any competitive inequities among the Federal coal producing regions and States.

(B) Increase coal production in certain Federal coal producing regions and States.

(C) Result in an increase in mineral receipts to the Federal government and to State governments.

(D) Provide for a more efficient valuation, audit and collection program.

(b) Alternatives.—(1) For the purposes of making the comparison referred to in subsection (a)(2), the Secretary shall examine each of the following alternative coal royalty systems based on:

(A) The value of coal measured in cents per million British thermal units.

(B) A flat cents-per-ton rate.

(C) Any other methodology the Secretary deems appropriate for the purpose of the study.

(2) For the purposes of making the comparison referred to in subsection (a)(2), the Secretary shall examine the justification for establishing a separate royalty rate for lignite coal and a separate valuation methodology for lignite coal.

(c) Notice.—Within 60 days after the date of enactment of this Act, the Secretary shall publish in the Federal Register a notice detailing the scope and methodology proposed to be used in the study, and after opportunity for public comment, publish a final notice on the scope and methodology that will be used in the study.

(d) Report.—The Secretary shall report the findings of the study, and recommendations on alternative Federal royalty systems, to the President and the Congress within 2 years after the date of enactment of this Act.

SEC. 2506. ACQUIRED FEDERAL LAND MINERAL RECEIPTS MANAGEMENT.

(a) Mineral Receipts Under Acquired Lands Act.—Section 6 of the Mineral Leasing Act for Acquired Lands (30 U.S.C. 355) is amended by inserting "(a)" before the first sentence and by adding the following new subsection at the end thereof:

"(b) Notwithstanding any other provision of law, any payment to a State under this section shall be made by the Secretary of the Interior and shall be made not later than the last business day of the month following the month in which such moneys or associated reports are received by the Secretary of the Interior, whichever is later. The Secretary shall pay interest to a State on any amount not paid to the State within that time at the rate prescribed under section 111 of the Federal Oil and Gas Royalty Management Act of 1982 from the date payment was required to be made under this subsection until the date payment is made.".

(b) Authority To Manage Certain Mineral Leases.—The Mineral Leasing Act for Acquired Lands (30 U.S.C. 351 and following) is amended by adding the following new section at the end thereof:

"Sec. 11. Each department, agency and instrumentality of the United States which administers lands acquired by the United States with one or more existing mineral lease shall transfer to the Secretary of the Interior the authority to administer such lease and to collect all receipts due and payable to the United States under the lease. In the case of lands acquired on or before the date of the enactment of this section, the authority to administer the leases and collect receipts shall be transferred to the Secretary of the Interior as expeditiously as practicable after the date of enactment of this section. In the case of lands acquired after the date of enactment of this section, such authority shall be vested with the Secretary at the time of acquisition. The provisions of section 6 of this Act shall apply to all receipts derived from such leases where such receipts are due and payable to the United States under the lease in the same manner as such provisions apply to receipts derived from leases issued under the authority of this Act. For purposes of this section, the term 'existing mineral lease' means any lease in existence at the time land is acquired by the United States.".

(c) Clarification.—Section 7 of the Act of August 18, 1941, ch. 377 (33 U.S.C. 701c-3) is amended by adding the following sentence at the end thereof: "For the purposes of this section, the term 'money' includes, but is not limited to, such bonuses, royalties and rentals (and any interest or other charge paid to the United States by reason of the late payment of any royalty, rent, bonus or other amount due to the United States) paid to the United States from a mineral lease issued under the authority of the Mineral Leasing Act for Acquired Lands or paid to the United States from a mineral lease in existence at the time of the acquisition of the land by the United States.".

SEC. 2507. RESERVED OIL AND GAS.

(a) In General.—Section 17(b) of the Mineral Leasing Act (30 U.S.C. 226(b)) is amended—

(1) in paragraph (1)(A), by striking out "under paragraph (2)" and inserting in lieu thereof "under paragraphs (2) and (3)"; and

(2) by adding at the end thereof the following new paragraph:

"(3)(A) If the United States held a vested future interest in a mineral estate that, immediately prior to becoming a vested present interest, was subject to a lease under which oil or gas was being produced, or had a well capable of producing, in paying quantities at an annual average production volume per well per day of not more than 15 barrels per day of oil or condensate, or not more than 60,000 cubic feet of gas, the holder of the lease may elect to continue the lease as a noncompetitive lease under subsection (c)(1).

"(B) An election under this paragraph is effective—

"(i) in the case of an interest which vested after January 1, 1990, and on or before the date of enactment of this paragraph, if the election is made before the date that is 1 year after the date of enactment of this paragraph;

"(ii) in the case of an interest which vests within 1 year after the date of enactment of this paragraph, if the election is made before the date that is 2 years after the date of enactment of this paragraph; and

"(iii) in any case other than those described in clause (i) or (ii), if the election is made prior to the interest becoming a vested present interest.

"(C) Notwithstanding the consent requirement referenced in section 3 of the Mineral Leasing Act for Acquired Lands (30 U.S.C. 352), the Secretary shall issue a noncompetitive lease under subsection (c)(1) to a holder who makes an election under subparagraph (A) and who is qualified to hold a lease under this Act. Such lease shall be subject to all terms and conditions under this Act that are applicable to leases issued under subsection (c)(1).

"(D) A lease issued pursuant to this paragraph shall continue so long as oil or gas continues to be produced in paying quantities.

"(E) This paragraph shall apply only to those lands under the administration of the Secretary of Agriculture where the United States acquired an interest in such lands pursuant to the Act of March 1, 1911 (36 Stat. 961 and following).".

(b) Effective Date.—The amendments made by subsection (a) apply with respect to those mineral estates in which the interest of the United States becomes a vested present interest after January 1, 1990.

SEC. 2508. OUTSTANDING OIL AND GAS.

(a) In General.—Section 17 of the Mineral Leasing Act (30 U.S.C. 226) is amended by adding the following new subsection after subsection (o):

"(p)(1) Prior to the commencement of surface-disturbing activities relating to the development of oil and gas deposits on lands described under paragraph (3), the Secretary of Agriculture is authorized to require, pursuant to regulations promulgated by the Secretary, that such activities be subject to such reasonable terms and conditions as may be necessary to protect the interests of the United States in accordance with applicable laws, rules and regulations governing the Secretary's acquisition of an interest in such lands, and in accordance with applicable laws, rules and regulations relating to the management of such lands.

"(2) The terms and conditions referred to in paragraph (1) shall prevent or minimize damage to the environment and other resource values.

"(3) The lands referred to in this subsection are those lands under the administration of the Secretary of Agriculture where the United States acquired an interest in such lands pursuant to the Act of March 1, 1911 (36 Stat. 961 and following), but does not have an interest in oil and gas deposits that may be present under such lands. This subsection does not apply to any such lands where, under the provisions of its acquisition of an interest in the lands, the United States is to acquire any oil and gas deposits that may be present under such lands in the future but such interest has not yet vested with the United States.".

(b) Regulations.—Within 90 days after the enactment of this Act the Secretary of Agriculture shall promulgate regulations to implement the amendment made by subsection (a).

SEC. 2509. FEDERAL ONSHORE OIL AND GAS LEASING.

Section 17(c)(1) of the Mineral Leasing Act is amended by adding the following after the first sentence: "If more than one qualified person applies for a noncompetitive lease under this paragraph for any unit on the first day on which applications for noncompetitive leases may be submitted under this paragraph for that unit, the Secretary shall not issue a noncompetitive lease for that unit under this paragraph but shall make such unit available for competitive leasing under subsection (b) at the next quarterly competitive oil and gas lease sale held by the Secretary.".

SEC. 2510. OIL PLACER CLAIMS.

Notwithstanding any other provision of law, in furtherance of the purposes of the Act of February 11, 1897, commonly referred to as the Oil Placer Act, and section 37 of the Mineral Leasing Act, the Secretary of the Interior is authorized and directed to, within 90 days after the enactment of this Act, (1) convey by quit-claim deed to the owner or owners, or separately and as an alternative, (2) disclaim and relinquish by a document in any form suitable for recordation in the county within which the lands are situated, all right, title and interest or claim of interest of the United States to those lands in the counties of Hot Springs, Park and Washakie in the State of Wyoming, held pursuant to the Act of February 11, 1897, and which are currently producing covered substances under a cooperative or unit plan of development.

SEC. 2511. OIL SHALE CLAIMS.

Section 37 of the Mineral Leasing Act (30 U.S.C. 193) is amended by inserting "(a)" before the first sentence and by adding the following at the end thereof:

"(b) REVIEW.—(1) Not later than 30 days after the enactment of this subsection the Secretary of the Interior shall publish proposed regulations in the Federal Register containing standards and criteria for determining the validity of all unpatented oil shale claims referred to in subsection (a). Final regulations shall be promulgated within 180 days after the date such proposed regulations are published. The Secretary shall make a determination with respect to the validity of each such claim within 2 years after the promulgation of such final regulations. In making such determinations the Secretary shall give priority to those claims referred to in subsection (c).

"(2) The proposed regulations referred to in paragraph (2) shall be in lieu of proposed regulations concerning oil shale claims published in the Federal Register on January 9, 1991, and shall provide that oil shale claims supported a discovery of a valuable oil shale deposit within the meaning of the general mining laws of the United States on February 25, 1920, not imposed arbitrary limitations on lawful contest proceedings against such claims by the United States with respect to failure to comply with the assessment work requirements of the general mining laws of the United States or sanction an absolute right of resumption with respect to such requirements, and shall be limited in scope to oil shale claims.

"(c) FULL PATENT.—(1) Except as provided under subsection (d)(2), after April 8, 1992, no patent shall be issued by the United States for any oil shale claim referred to in subsection (a) unless the Secretary determines that, for the claim concerned—

"(A) a patent application was filed with the Secretary on or before April 8, 1992;

"(B) all requirements established under sections 2329, 2330, 2331, and 2333 of the Revised Statutes (30 U.S.C. 35, 36, and 37) were fully complied with by that date; and

"(C) the claim is valid pursuant to the regulations referred to in subsection (b).

"(2) If the Secretary makes the determinations referred to in paragraph (1) for any oil shale claim, the holder of the claim shall be entitled to the issuance of a patent in the same manner and degree to which such claim holder would have been entitled to prior to the enactment of this subsection, unless and until such determinations are withdrawn or invalidated by the Secretary or by a court of the United States.

"(d) ELECTION.—(1) The holder of each oil shale claim for which no patent may be issued by reason of subsection (c) shall make an election under paragraph (2) or paragraph (3). Not later than 30 days after the enactment of this subsection, the Secretary shall by certified mail notify the holder of each such claim of the requirement to make such election. The holder shall make the election within such period shall be deemed conclusively to constitute a forfeiture of the claim and the claim shall be null and void.

"(2)(A) The holder of a claim required to make an election pursuant to paragraph (1) may apply for a patent within 1 year after making such election. The Secretary may issue a patent to such claim as provided under this paragraph if the requirements established under sections 2329, 2330, 2331, and 2333 of the Revised Statutes (30 U.S.C. 35, 36, and 37) are met and the Secretary determines the claim to be valid pursuant to the regulations referred to in subsection (b).

"(B) Notwithstanding any other provision of law, the patent referred to in subparagraph (A) shall be limited to the oil shale and associated minerals and may be issued only upon the payment of fair market value for the oil shale and associated minerals by the holder of the claim to the Secretary.

"(C) Any patent issued for an oil shale claim under this paragraph shall be subject to an express reservation to the United States of the surface of the affected lands, and the provisions of sections 4 and 6 of the Act of August 13, 1954 (30 U.S.C. 524 and 526), popularly known as the Multiple Minerals Development Act, and of section 4 of the Act of July 23, 1955 (30 U.S.C. 612), popularly known as the Surface Resources Act, shall apply to such claim in the same manner and to the same extent as such provisions apply to the unpatented mining claims referred to in such provisions.

"(3)(A) The holder of a claim required to make an election pursuant to paragraph (1) may continue to maintain the claim by complying with the general mining laws of the United States, except in order to maintain the claim as valid such claim holder shall also make an annual payment to the Secretary of at least $1,000 for each claim. Payments received under this paragraph shall be deposited into the General Fund of the Treasury.

"(B) The holder of a claim referred to in subparagraph (A) shall comply with the provisions of section 314(a)(1) of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1744) by filing the affidavit referred to in such section and including the payment referred to in subparagraph (A). The payment requirement shall take effect on the first day of the first month of September which occurs more than 90 days after an election is made to maintain a claim under this paragraph.

"(C) Failure to comply with the requirements of this paragraph shall be deemed conclusively to constitute a forfeiture of the oil shale claim and the claim shall be null and void.

"(D) The provisions of sections 4 and 6 of the Act of August 13, 1954 (30 U.S.C. 524 and 526), popularly known as the Multiple Minerals Development Act, and of section 4 of the Act of July 23, 1955 (30 U.S.C. 612), popularly known as the Surface Resources Act, shall apply to oil shale claims under this paragraph in the same manner and to the same extent as such provisions apply to the mining claims referred to in such provisions.

"(e) RECLAMATION.—In addition to other applicable requirements, any person who maintains a claim pursuant to subsection (d) shall be required to reclaim the land subject to such claim and to pose a surety bond or provide other types of financial guarantee satisfactory to the Secretary before disturbance of the land subject to such claim to ensure reclamation.".

SEC. 2512. HEALTH, SAFETY, AND MINING TECHNOLOGY RESEARCH PROGRAM.

(a) HEALTH, SAFETY, AND MINING TECHNOLOGY RESEARCH PLAN.—(1) Every 5 years, the Secretary of the Interior, acting through the Director of the Bureau of Mines (hereinafter referred to as the "Director"), shall develop a Plan for Health, Safety, and Mining Technology Research (hereinafter in this subsection referred to as the "Plan"). After developing a proposed Plan, the Director of the Bureau of Mines shall submit it to the Committee established under subsection (b) for its review.

(2) The Plan shall identify the goals and objectives of the Health, Safety, and Mining Technology program of the Bureau of Mines, and shall guide research and technology development under such program, over each 5-year period.

(3) In preparing the proposed Plan referred to in paragraph (1), the Director shall solicit suggestions, comments and proposals for research and technology development projects from the mining industry, labor, academia and other concerned groups and individuals.

(4) The Director shall prepare a list of all health, safety, and mining technology projects received pursuant to the solicitation referred to in paragraph (3), and all such projects initiated by the Bureau of Mines, and submit the list to the Committee established under subsection (b) as part of the proposed Plan. The list shall contain the following information:

(A) the title and a brief synopsis of each project;

(B) a justification of the health, safety, and employment benefits anticipated by each project;

(C) an estimate of the timeframe to complete each project;

(D) an estimate of the funding requirements of each project; and

(E) an explanation of how each project would assist the Bureau of Mines in achieving the goals and objectives defined in the proposed Plan.

(5) The Director shall to the extent possible adopt the recommendations made by the Committee in the report referred to in subsection (b)(4) in selecting projects for the Health, Safety, and Mining Technology program, unless the Director determines, in writing, that a deviation from such report is necessary to meet a high-priority research need that was unanticipated at the time of the submission of the Committee report. The Director shall submit an explanation for any such deviation to the Secretary and to the Congress.

(b) HEALTH, SAFETY, AND MINING TECHNOLOGY RESEARCH ADVISORY COMMITTEE.—(1) There is hereby established the Health, Safety, and Mining Technology Research Advisory Committee (hereinafter in this subsection referred to as the "Committee"). The

Committee shall be composed of 14 members appointed by the Secretary of the Interior. Members of the Committee shall serve for terms of two years. Any member of the Committee may serve after the expiration of a term until a successor is appointed. Any member of the Committee may be appointed to serve more than one term.

(2) The Secretary shall appoint members to the Committee as follows:

(A) A representative from the Mine Safety and Health Administration.

(B) A representative from the National Institute for Occupational Safety and Health.

(C) Two representatives from the coal mining industry, one with expertise in surface mining techniques and one with expertise in underground mining techniques.

(D) Two representatives from the metal, non-metal mining industry, one with expertise in surface mining techniques and one with expertise in underground mining techniques.

(E) Six representatives from unions representing miners, of which 2 shall have expertise in metal, non-metal mining.

(F) A representative from a school of mines with expertise in coal mining research located in the eastern portion of the United States.

(G) A representative from a school of mines with expertise in metal, non-metal mining research located in the western portion of the United States.

(3) Members of the Committee shall serve without compensation as such, but the Secretary may pay expenses reasonably incurred in carrying out their responsibilities under this subtitle on vouchers signed by the Chairman.

(4) Notwithstanding the Federal Advisory Committee Act (Act of October 6, 1972; 86 Stat. 776), the Committee established under this subtitle shall serve as a standing Advisory Committee to the Bureau of Mines. The provisions of section 14(b) of such Act (relating to the charter of the Committee) are hereby waived with respect to the Committee established under this subsection.

(5) The purpose of the Committee shall be to review the proposed Plan submitted by the Director under subsection (a), evaluate the list contained in such proposed Plan using the values set forth in paragraph (5), and submit the proposed Plan within 60 days after it is received by the Committee to the Director as part of a report with recommendations.

(6) Each proposal on the list submitted by the Director as part of the proposed Plan shall be assigned a value by the Committee for each of the following factors: safety, health, impact on employment of miners and timeliness of the proposed project's benefits. The values shall be as follows:

(A) Safety can assume a value of 0 to 5, where a 0 signifies little or no safety value, a 1 signifies an indirect safety benefit, a 3 signifies a direct safety benefit, and a 5 means a significant, direct safety benefit.

(B) Health can assume a value of 0 to 5, where a 0 signifies little or no health value, a 1 signifies an indirect health benefit, a 3 signifies a direct health benefit, and a 5 means a significant, direct health benefit.

(C) Employment can assume a value of 0 to 5, with a value of 0 if miners will be unemployed as a result of the research program, 5 if employment will be increased and 3 if there is no change in employment.

(D) Timeliness can assume a value of 0 to 2, where a 0 signifies that all health, safety, and productivity benefits will require 5 or more years, a 1 signifies that health, safety, and productivity benefits will be realized in 3 to 5 years, a 2 signifies that health, safety, and productivity benefits will be realized in less than 3.

(c) TECHNICAL AMENDMENT.—For the purposes of section 501(b) of Public Law 91-173, as amended, activities in the field of coal or other mine health under such section shall also be carried out by the Secretary of the Interior acting through the Director of the Bureau of Mines.

SEC. 2513. SURFACE MINING REGULATIONS.

Section 710 of the Surface Mining Control and Reclamation Act of 1977 (30 U.S.C. 1300) is amended by adding at the end the following new subsection:

"(i) The Secretary shall make grants to the Navajo, Hopi, Northern Cheyenne, and Crow tribes to assist such tribes in developing regulations and programs for regulating surface coal mining and reclamation operations on Indian lands, except that nothing in this subsection may be construed as providing such tribes with the authorities set forth under section 503. Grants made under this subsection shall be used to establish an office of surface mining regulation for each such tribe. Each such office shall—

"(1) develop tribal regulations and program policies with respect to surface mining;

"(2) assist the Office of Surface Mining Reclamation and Enforcement established by section 201 in the inspection and enforcement of surface mining activities on Indian lands, including, but not limited to, permitting, mine plan review, and bond release; and

"(3) sponsor employment training and education in the area of mining and mineral resources.".

Page 705, line 17, strike "sections 122 and 123" and insert "section 122".

The CHAIRMAN. Pursuant to the rule, the gentleman from Michigan [Mr. DINGELL] will be recognized for 10 minutes and the gentleman from New York [Mr. LENT] will be recognized for 10 minutes.

The Chair recognizes the gentleman from Michigan [Mr. DINGELL].

Mr. DINGELL. Mr. Chairman, I yield myself 3 minutes.

Mr. Chairman, I offer this amendment in cooperation and consultation with the gentleman from New York [Mr. LENT], my dear friend, the senior Republican member of the Committee on Energy and Commerce. The amendment has been modified to meet the concerns of my dear friend, the gentleman from West Virginia [Mr. RAHALL], whose specific concerns are now embodied in there. He and I have had lengthy discussions, both in person and through our staffs, with regard to the substance of this.

I believe that the House owes Mr. RAHALL a considerable vote of thanks, not only for the responsible fashion in which he has handled a difficult problem, but I am sure that his constituents are very pleased that he has met their great concerns in this particular matter.

□ 1440

The amendment, with this exception, is as printed in the RECORD.

Mr. Chairman, I yield such time as he may consume to my dear friend, the gentleman from West Virginia [Mr. RAHALL] for such comments as he chooses to make.

Mr. RAHALL. Mr. Chairman, I thank the distinguished chairman of the Committee on Energy and Commerce for yielding the time.

Mr. Chairman, I do rise in support of the amendments as offered by the distinguished chairman and applaud him for his willingness to work with us, and with all of us on the Interior and Insular Affairs Committee in fashioning this compromise amendment. It does keep a lot intact that is important to us in the coalfields. It does keep the emphasis upon coal, oil, and gas in the lower 48 States, and it does keep the emphasis on mining and producing our energy independent in this country, and in an environmentally sound manner. So I salute the chairman and appreciate the discussion and negotiations that he has allowed to take place between the two of us. I do ask that the Members accept the amendment of the gentleman from Michigan.

Mr. DINGELL. Mr. Chairman, I thank my good friend.

Mr. Chairman, I reserve the balance of my time.

Mr. LENT. Mr. Chairman, I yield 2 minutes to the gentleman from Pennsylvania [Mr. CLINGER].

Mr. CLINGER. Mr. Chairman, I thank the gentleman for yielding time to me.

Mr. Chairman, I must rise in reluctant opposition to this amendment because I am deeply troubled by a provision which would require the promulgation of new regulations by the Department of Agriculture for outstanding mineral rights. This provision is specifically targeted toward oil and gas operators in the Allegheny Forest. I am a strong supporter of the Allegheny Forest as a multiple use forest which is a philosophy that recognizes that the needs of the forest can coexist harmoniously with recreational and economic needs. This has proven to be very successful with regards to the Allegheny Forest—one of the best managed and balanced forests.

With respect to outstanding mineral rights—where there is no legal relationship between the United States, as the owner of the surface, and a private mineral owner of the subsurface—the Department of Agriculture has already indicated that such regulations could constitute a violation of the fifth amendment's taking clause.

But new regulation is unnecessary. There is a longstanding, existing relationship between the Forest Service, the State of Pennsylvania, the EPA, and the oil and gas operators which governs outstanding oil and gas rights and regulates environmental concerns. The oil and gas operators in the Allegheny are, with perhaps a few exceptions, sensitive to environmental concerns. Such regulation would provide an additional and substantial burden on those operators already in compliance with environmental rules—and may indeed duplicate regulations. In addition, this language could effectively impose such a burden that small, independent operators could be put out of business. Given that this industry is responsible for about 1,000 jobs resulting in $20 million in salaries and wages in the Allegheny Forest area—we simply cannot afford to lose this economic base. But as important, additional regulations are just not needed—the Forest Service regulations suffice to address these concerns.

Mr. DINGELL. Mr. Chairman, I yield 1 minute to the distinguished gentleman from Pennsylvania [Mr. KOSTMAYER].

Mr. KOSTMAYER. Mr. Chairman, I rise in very strong support of the amendment offered by the chairman of the committee on which I am privileged to serve, the Committee on Energy and Commerce, and in opposition to my good friend from Pennsylvania who spoke about this provision.

Just let me say in response to my colleague, the gentleman from Pennsylvania [Mr. CLINGER] that the purpose of the section of which he spoke is to provide for greater environmental safeguards on oil and gas development in our national forests in the Eastern United States. In Pennsylvania we have only one national forest, the Allegheny National Forest. My subcommittee, the Subcommittee on Energy and the Environment of the Interior and Insular Affairs Committee, has held hearings there on this very provision which I wrote.

At present, the Forest Service has no regulations whatsoever, Mr. Chairman, governing oil and gas development activities on Forest Service lands where the surface, but not the minerals, are owned by the Federal Government. This section would require that these oil and gas operations be subject to reasonable terms and conditions in order to protect the United States interests in surface resources.

I want to thank the gentleman from Michigan [Mr. DINGELL] for including this provision which originally I offered, and I urge its support.

Mr. LENT. Mr. Chairman, I yield myself such time as I shall consume.

Mr. Chairman, I support the provisions in the en bloc amendment. I originally opposed these provisions because of the adverse impact upon the Government's management of our Nation's coal and oil resources.

The most objectionable provisions, those dealing with replacement of water, leasing of the naval shale oil reserves, and other provisions incorporating the settlement of an agreement in a recent lawsuit have now been removed. As a result, I am pleased to be able to report, Mr. Chairman, that I support the remaining provisions of the en bloc amendments.

Mr. Chairman, I yield back the balance of my time.

Mr. DINGELL. Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN. The question is on the amendments en bloc offered by the gentleman from Michigan [Mr. DINGELL].

The amendments en bloc were agreed to.

The CHAIRMAN. It is now in order to consider amendment No. 9 printed in House Report 102-533.

AMENDMENT OFFERED BY MR. THOMAS OF WYOMING

Mr. THOMAS of Wyoming. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. THOMAS of Wyoming: Page 703, strike line 23 and all that follows through line 4 on page 704 (and redesignate succeeding sections accordingly).

The CHAIRMAN. Under the rule, the gentleman from Wyoming [Mr. THOMAS] will be recognized for 5 minutes, and a Member opposed will be recognized for 5 minutes.

The Chair recognizes the gentleman from Wyoming [Mr. THOMAS].

Mr. THOMAS of Wyoming. Mr. Chairman, I yield myself such time as I may consume.

I rise to urge the committee to strike title XXV which extends the abandoned mine land tax for an additional 15 years, from the present expiration date of 1995 to the year 2010. This extension is unnecessary and, frankly, is nothing less than regional protectionism at the expense of electric consumers and utilities.

The AML fee has existed since enactment of SMCRA in 1977, and was intended to restore lands adversely affected by coal mining before Federal regulations took effect. In 1990, the tax of 15 cents a ton on underground coal and 35 cents a ton on surface coal was extended to 1995.

The AML Program has been highly successful and by the end of the current authorization, virtually all of the priority-1 and priority-2 sites will be reclaimed. The National Academy of Sciences said in 1988 that the reclamation projects identified at that time could be taken care of with the revenue collected through 1992.

There are also serious questions about the priorities of the AML projects recently added to the list. The GAO and Congress have leveled criticism at various projects that have been funded with AML tax money, and the AML Program has been heavy with administrative costs—more than 25 percent of the collections have gone to overhead. The Office of Surface Mining, which administers the AML Program, has said only a few States will have any significant projects remaining after the expenditure of all the revenues anticipated through this year. Those remaining sites can be readily taken care of with the State programs created through the AML Program.

This extension is a tax extender, plain and simple. The AML tax and other taxes and royalties make up half of the cost of coal coming from Wyoming's Powder River Basin. And if this extension to the year 2010 is approved, consumers across the country and the coal industry will pay more than $4 billion into a program that has been quite successful but is virtually complete. That means almost $332 million in Ohio, $356 million in Indiana, and more than $445 million in Texas—all for a program that's virtually completed its priority tasks.

Also, there were no hearings on this issue in the authorizing committee, and when it was originally raised in markup of the energy bill, the purpose for the extension was to fund a nonexistent retired miners health benefit plan. Resistance from the Ways and Means Committee and others in this body stripped that $50 million a year rakeoff from the section before it came to the floor. The extension of the AML tax remains, though, a tremendous, unnecessary economic burden.

Finally, Mr. Chairman, this extension of the AML tax is really regional economic protectionism disguised as environmental action. The low-sulfur coal of the surface mines in the West—the very coal that will help meet the requirements of the Clean Air Act reauthorization we passed just 2 years ago—is taxed 133 percent more than coal from underground mines. By keeping the AML tax in place and making consumers shoulder the burden, this extension would place cleaner Western coal at a market disadvantage and could hinder the goals of the Clean Air Act.

Again, I urge the Members to support my amendment and reject an unnecessary, unreasonable, and protectionist extension of the $4 billion AML tax. The chairman of the Energy and Commerce Committee asked the Rules Committee not to make this section in order because it involved matters outside the scope of this legislation; the Ways and Means Committee asked the Rules Committee to strike this section from the bill; and the administration has clearly stated its opposition to this extension. The reviews are in, Mr. Chairman, and this AML extension gets two thumbs down. Vote for the Thomas amendment striking title XXV.

□ 1450

Mr. Chairman, I reserve the balance of my time.

Mr. RAHALL. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, I yield such time as he may consume to the gentleman from California [Mr. MILLER], the chairman of our Committee on Interior and Insular Affairs.

Mr. MILLER of California. Mr. Chairman, I rise in strong opposition to the Thomas amendment to strike the extension of the abandoned mine reclamation fund.

In 1976 Congress enacted one of the most successful pay-as-you-go environmental cleanup programs ever signed into law: the abandoned mine reclamation program title IV of the Surface Mining and Reclamation Act.

This program—generally referred to as AML—imposed a modest fee on domestically mined coal to be used to cleanup coal mines abandoned in an unreclaimed condition.

To understand the need for this program, you have to understand how coal mining worked before modern reclamation laws. When the coal was exhausted or the operation became uneconomic, the operator simply walked away, leaving:

Hazardous open shafts and pits, mine fires, and gases;

Unstable impoundments subject to failure and flooding;

Subsidence and caving as well as continuous acid drainage; and

Siltation and other water pollution.

And that's just for starters.

Under the AML Program, these problems and scores of others have been successfully treated without expenditure of taxpayer funds, the AML Program is entirely self-supporting.

But we need to finish the job and extension of the AML Program to the year 2010 will do just that.

The Thomas amendment to strike the AML extension should be defeated.

Mr. RAHALL. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I rise in opposition to the amendment offered by the gentleman from Wyoming.

At issue here is the abandoned mine reclamation fund, which serves as the coal industry's version of the Superfund.

For each ton of coal mined, a fee is assessed, deposited into the fund, and then made available to reclaim abandoned coal mine lands.

These old mined-out areas pose serious health, safety, and environmental threats. There have been numerous deaths at these sites.

We have made a great deal of progress since 1977 when the fund was established to address these problems.

Yet, when the existing authority to collect the reclamation fee expires at the end of fiscal year 1995, OSM's own figures indicate approximately $1.6 billion worth of high-priority health and safety threatening sites will remain unreclaimed.

Contained in the pending legislation is an extension of the fund through 2010, the year the Interior Department has said it would be necessary in order to address all of the remaining high-priority sites.

The gentleman from Wyoming is opposed to this provision.

He does not feel that abandoned coal mines are a national problem, that this is something of concern only to States in the Midwest and the Appalachian Region.

However, the question we must ask is who has benefited from the exploitation of our coal resources?

Has it been only West Virginians or Pennsylvanians?

The answer is "no." The Nation as a whole has benefited from the extraction of coal from the Midwestern and the Appalachian States—coal which fueled the Industrial Revolution and today continues to provide a stable source of fuel to produce electricity for much of the country.

The question we must ask ourselves is who bears responsibility for what, when these old mine sites were operating, can only be termed the rape of the Appalachian region?

Is it the people of Appalachia? Are the people from Kentucky, Ohio, and Tennessee solely responsible for the scars left on their landscape due to coal mining practices of the past?

The answer is "no."

Companies which produced coal in Pennsylvania 20 years ago, and left the land unreclaimed, may be producing coal in Wyoming and Montana today.

The fact that a given Western State may soon no longer have any abandoned coal mine lands left simply has no bearing on whether the companies producing coal in that State should pay some type of fee and contribute to the program.

To say otherwise is like arguing that since my State has no Superfund sites listed for remedial action, the chemical and petroleum industries in my State should not pay into Superfund.

It is like saying that since I have no commercially harvestable timber or national forests in my State, no portion of my tax dollars should go to subsidize the Forest Service timber harvest program.

The gentleman's amendment ignores considerations of accountability and social responsibility.

I would further note that this body addressed the question of extending the abandoned mine reclamation fund in 1989. At that time, by a vote of 281 to 63 the House approved an extension measure.

Mr. Chairman, I urge the defeat of this amendment.

Mr. Chairman, I reserve the balance of my time.

Mr. THOMAS of Wyoming. Mr. Chairman, I yield myself 15 seconds simply to say that there has been some responsibility.

Thirty-five percent of the money raised in Wyoming has been used in our State, and 65 percent has gone to fulfill this obligation.

Mr. Chairman, I yield 1 minute to the gentleman from New York [Mr. LENT], the ranking member of the committee.

Mr. LENT. Mr. Chairman, I would like to support this amendment. I think it is a good one.

This is a new tax, plain and simple, as I read it. There is a tax called the abandoned mine land tax that is going to expire in 1995, and the provision that has been inserted in the Interior title XXV would extend that tax an additional 15 years.

If this extension, which would go to the year 2010, is approved, consumers across the country and the coal industry will pay more than a quarter of a billion dollars a year into a program that has been quite successful but is virtually complete now.

This means almost $8 million per year in Wyoming, $13 million a year in Ohio, $14 million a year in Indiana, more than $17 million a year in Texas. So over the life of the extension, this tax will cost consumers and producers more than $4 billion, and that is probably why the Committee on Ways and Means had the good judgment to strike this coal-tax provision during their committee markup.

I would urge a "yes" vote on this amendment.

Mr. RAHALL. Mr. Chairman, I yield 1 minute to the gentleman from Pennsylvania [Mr. MURPHY].

Mr. MURPHY. Mr. Chairman, I thank the gentleman for yielding me this time.

I will try to make this brief, although the abandoned-mine program is a long story.

Chairman Udall led us in our effort to establish this fund in 1977. This is not a new tax but a continuation of an existing charge of 35 cents a ton on strip mine coal and 15 cents a ton on deep-mine coal to restore the areas in our country when mining was privileged to go on without restoration.

Today, we have laws, Federal and State laws, that protect the mining areas from the desecration caused by mining, but during World Wars I and II when the coalfields of West Virginia, Pennsylvania, Kentucky, and throughout the Eastern United States fueled the free world for the victories in World Wars I and II, we could not place restrictions. It would have been unpatriotic to do so. Our lands were desecrated. Our communities were desecrated. Coal banks and slate dumps were created, all in the cause of providing the energy necessary to fuel our country, our industry, and the war efforts.

All we have done since 1978 is to now try to restore that land. We have created public parks. We have restored the land. We are almost there. Let us finish the job and defeat this amendment.

Mr. THOMAS of Wyoming. Mr. Chairman, I yield 30 seconds to the gentleman from California [Mr. MOORHEAD].

Mr. MOORHEAD. Mr. Chairman, I thank the gentleman for yielding me this time.

Mr. Chairman, I rise in strong support of the Thomas amendment.

This extension of the AML tax is really a regional economic protectionism designed as environmental action.

The low-sulfur coal of the surface mines of the West, the real coal that will be used to meet the requirements of the Clean Air Act reauthorization we passed 2 years ago is taxed 133 percent more than the coal from underground mines. By keeping the AML tax in place and making consumers shoulder the burden, this extension will place cleaner Western coal at a market disadvantage and hinder the goals of the Clean Air Act.

Mr. THOMAS of Wyoming. Mr. Chairman, I yield the remainder of my time, 30 seconds, to the gentlewoman from Nevada [Mrs. VUCANOVICH].

Mrs. VUCANOVICH. Mr. Chairman, I rise in support of the amendment of my colleague on the Mining Subcommittee. Although Nevada has not 1 ton of coal mined within its borders, my constituents do indeed consume coal—in the form of electricity. I agree with the gentleman from Wyoming that consumers ought not to have to pay this tax forever.

I note that the original text of the energy bill now contains language to prevent ratepayers served by nuclear utilities from open-ended liability for costs associated with the clean-up of uranium enrichment sites. In my view coal-fired utilities should receive the same treatment from the Congress. Let's not kid ourselves. If we extend this tax for another 15 years beyond its scheduled expiration it is very likely this tax will never go away.

Last, I urge a vote to strike section 2501 because the bill contains reference to a subsection of the Surface Mining Act that does not even exist. This clause is left over from the Interior Committee print wherein $50 million per year were to be diverted to fund retiree health benefits. Although this diversion was supposed to be deleted for purposes of original text, its ghost still lingers in the text we are about to vote upon. That is reason enough to vote "yes" on the Craig amendment.

Mr. DORGAN of North Dakota. Mr. Chairman, the extension of the abandoned coal mine reclamation tax puts a completely unnecessary burden on electric power companies and customers for an additional 15 years.

It is estimated that people in North Dakota will pay $55 million in the form of electric power rates to pay for the extension of this fee to the year 2010, but the State will receive no benefits because the reclamation work for which the fee is intended has already been completed. In fact, all of the necessary reclamation work projected to be done across the entire Nation with revenue from this fee is to be completed by 1955.

The extension of the fund is an example of runaway taxation—a fee that is to be charged long after its purpose has expired. It is inexcusable to add 15 years of charges for a program that is completed and paid for.

The Thomas amendment should be passed.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Wyoming [Mr. THOMAS].

The amendment was rejected.

The CHAIRMAN. Under the rule, it is now in order to consider amendment No. 10 printed in House Report 102-533. The gentleman from Connecticut does not appear to be present in the Chamber to offer his amendment.

It will now be in order to consider amendment No. 11 printed in House Report 102-533.

☐ 1500

EN BLOC AMENDMENT, AS MODIFIED, OFFERED BY MR. DINGELL

Mr. DINGELL. Mr. Chairman, pursuant to the rule, I offer an en bloc amendment, as modified.

The CHAIRMAN. The Clerk will designate the en bloc amendment.

The text of the en bloc amendment, as modified, is as follows:

En bloc amendment, as modified, offered by Mr. DINGELL:

Page 727, strike line 17 and all that follows through page 729, line 12, and insert the following:

"(a) IN GENERAL.—No provision of this Act, or of the Low-Level Radioactive Waste Policy Act, may be construed to prohibit or otherwise restrict the authority of any State to regulate, on the basis of radiological hazard, the management, storage, incineration, or disposal of low-level radioactive waste, or other practices or materials involving low-level radioactivity, if the Nuclear Regulatory Commission, after January 1, 1990—

"(1) exempts such waste, practices, or materials from regulation; or

"(2) issues a regulation governing such waste, practices, or materials that substantially reduces protection of the public health and safety.

"(b) AUTHORITY TO EXCLUDE WASTE.—Any State that is a member of a compact for the disposal of low-level radioactive waste may prohibit or otherwise restrict the importation into such State, for purposes of storage or disposal in such State, of low-level radioactive waste, or other low-level radioactive materials, generated outside the borders of the compact region of such State, if the Commission, after January 1, 1990—

"(1) exempts such waste or materials from regulation; or

"(2) issues a regulation governing such waste or materials that substantially reduces protection of the public health and safety.

Page 730, strike line 5 and all that follows through page 733, line 2 (and redesignate the subsequent provisions, and conform the table of contents, accordingly).

Page 733, line 23, strike "or" and all that follows through "environment" on lines 24 and 25.

The CHAIRMAN. Pursuant to the rule, the gentleman from Michigan [Mr. DINGELL] will be recognized for 10 minutes and the gentleman from New York [Mr. LENT] will be recognized for 10 minutes.

The Chair recognizes the gentleman from Michigan [Mr. DINGELL].

Mr. DINGELL. Mr. Chairman, I yield 3 minutes to my dear friend, the gentleman from California [Mr. MILLER], the chairman of the Committee on Interior and Insular Affairs.

Mr. MILLER of California. Mr. Chairman, I thank the gentleman for yielding this time to me.

Mr. Chairman, I seek recognition for purposes of engaging in a colloquy with the chairman of the Energy and Commerce Committee on subtitle B of title 29, as reported by the Rules Committee.

The Committee on Energy and Commerce and the Committee on Interior and Insular Affairs have reached a compromise on title 29. Unfortunately, we were unable in the short time available to reach agreement on all the details of subtitle B, standards for cleanup of contaminated sites.

This subtitle would codify the existing authority of the Environmental Protection Agency to promulgate general standards for the cleanup of radiologically contaminated site, and set a deadline for such promulgation. In the interest of reaching agreement, the Interior Committee has agreed to drop subtitle B from the bill today.

I would ask the gentleman from Michigan to confirm that the Energy and Commerce Committee generally agrees with the intent of subtitle B.

Mr. DINGELL. Mr. Chairman, will the gentleman yield?

Mr. MILLER of California. I yield to the gentleman from Michigan.

Mr. DINGELL. Mr. Chairman, the gentleman from California is correct. The Committee on Energy and Commerce does agree with the general intent of subtitle B.

I would note further that the EPA should, even in the absence of legislation, immediately proceed to promulgate standards on the basis of its existing authority.

Mr. MILLER of California. Mr. Chairman, I thank the gentleman. I agree with the gentleman that it is more appropriate for the EPA to act immediately to set generally applicable standards.

In addition, we feel it would be advisable for the Nuclear Regulatory Commission to postpone its own promulgation of standards for clean up of contaminated sites pending the EPA's action setting these general standards.

Mr. Chairman, I rise in support of the compromise en bloc amendment offered by Chairman DINGELL to the radiation protection title of H.R. 776—title XXIX. This amendment is the product of negotiations between the Interior and Energy and Commerce Committees.

The radiation protection title was reported by the Interior Committee on April 9, 1992, as title II of the Energy Development and Environmental Protection Act. The Rules Committee then incorporated the title into the H.R. 776 floor vehicle as title XXIX.

The compromise amendment makes technical changes to subtitle A "Below Regulatory Concern" and subtitle C, "Disposal Standards at Mill Tailings Sites" as reported by the Interior Committee.

Subtitle A revokes the Nuclear Regulatory Commission's below regulatory concern policy to deregulate certain radioactive wastes and protects the right of States to regulate any radioactive wastes, practices or materials if the NRC either deregulates or relaxes regulation in this area.

The en bloc amendment also strikes subtitle B "Standards for Cleanup of Contaminated Sites" which directs EPA to issue standards for the decontamination of radiation contaminated sites. I am disappointed that it was necessary to strike this subtitle in order to reach agreement with the Energy and Commerce Committee. Currently, there are no Federal standards in this area even though a standard is desperately needed to rationalize the cleanup of thousands of contaminated sites across the Nation. Billions of dollars could be wasted and public health and safety threatened through botched cleanups if EPA does not issue standards in this area immediately.

Mr. Chairman, I am pleased that the committees were able to reach agreement on this important legislation to ensure that the right of the States to protect public health and safety is preserved. I hope that the committees can continue to work together to resolve the important issue of the need for an EPA cleanup standard for irradiated sites.

Mr. LENT. Mr. Chairman, I yield myself such time as I may consume.

Mr. LENT. Mr. Chairman, I rise in support of Mr. DINGELL's en bloc amendment which includes a compromise on below regulatory concern.

This amendment deals with provisions reported by Mr. MILLER's committee which permit a State to establish its own regulations for very low-level radioactive waste if that State decides for any reason that the Nuclear Regulatory Commission has relaxed its standards. This creates a crazy quilt of 50 possible State determinations of what can and cannot be disposed.

This amendment is a step in the right direction because it reduces the potential for States to engage in mischief by clarifying the standard under which States can exercise regulatory authority. The amendment also clarifies that these provisions do not apply to emissions which are regulated under the Clean Air Act, and it maintains an incentive for States to enter into low-level radioactive waste compacts by limiting the authority to exclude materials covered by the amendment to compact member States.

While this amendment is a step in the right direction, it still creates a big disincentive for NRC to take appropriate steps which most of us would like it to take. For example, if NRC sets decontamination and decommissioning standards for old industrial sites, then a State could act to set lower standards. In other words, NRC regulating creates the opportunity for the States to regulate.

Additionally, the compromise language still presents the possibility of dual regulation by States and the Federal Government of very low-level radioactive waste.

Thus, while I support this amendment, I hope the problems I have just listed will be fixed in conference.

Mr. Chairman, I yield such time as he may consume to the gentleman from Illinois [Mr. HASTERT].

Mr. HASTERT. Mr. Chairman, I rise in support of the amendment.

Mr. Chairman, I rise to express policy-related reservations I have with subtitle C of this title. Subtitle C would prohibit the disposal of waste at title II sites as defined under the Uranium Mill Tailings Radiation Control Act of 1978, unless the Governor of the receiving State agreed. Mr. Chairman, this is in essence an interstate ban on waste shipments.

Furthermore, this amendment also seems to impose redundant restrictions and regulations on the disposal of 11e.2 material as defined under the Atomic Energy Act.

While I will not oppose this title today, I wish to make my objections to this subtitle known.

Mr. LENT. Mr. Chairman, I yield back the balance of my time.

Mr. DINGELL. Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN. The question is on the en bloc amendment, as modified, offered by the gentleman from Michigan [Mr. DINGELL].

The en bloc amendment, as modified, was agreed to.

The CHAIRMAN. It is now in order to consider amendment No. 13 printed in House Report 102-533.

AMENDMENT OFFERED BY MR. GEJDENSON

Mr. GEJDENSON. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. GEJDENSON:

TITLE XXXI—CLASS C AND LOW-LEVEL RADIOACTIVE WASTE

SEC. 3101. REMOVAL OF CLASS C AND HIGHER RADIOACTIVE WASTE FROM LOW-LEVEL PROGRAM.

(a) IN GENERAL.—Section 3 of the Low-Level Radioactive Waste Policy Act (42 U.S.C. 2021c) is amended—

(1) in subsection (a)(1)(A), by striking "class A, B, and C" and inserting "class A or B";

(2) in subsection (a)(2)(A), by inserting "class A or B" after "is not"; and

(3) in subsection (b)(1)(D), by striking "class C" and inserting "class B".

(b) REGULATIONS.—The Nuclear Regulatory Commission shall, not later than 9 months after the date of the enactment of this Act, issue regulations to carry out the requirements of the amendments made by subsection (a).

SEC. 3102. REGULATIONS ON SITING OF LOW-LEVEL RADIOACTIVE WASTE FACILITIES.

(a) ISSUANCE.—The Nuclear Regulatory Commission shall issue regulations by not later than 9 months after the date of the enactment of this Act governing the siting of low-level radioactive waste disposal facilities.

(b) CONTENT.—Such regulations shall include—

(1) requirements that any candidate site be located—

(A) in an area of low population density where the potential for future population growth is estimated to be limited; and

(B) at least 5 kilometers from—

(i) the residential property limits of the nearest urban community in existence at the time of site selection; and

(ii) schools and other facilities that primarily serve children; and

(2) such other requirements as the Nuclear Regulatory Commission determines to be appropriate.

SEC. 3103. AVAILABILITY OF REPOSITORY FOR DISPOSAL OF CLASS C AND HIGHER RADIOACTIVE WASTE.

Section 2(12) of the Nuclear Waste Policy Act of 1982 (42 U.S.C. 10101(12)) is amended—

(1) by striking "and" at the end of subparagraph (A) and by redesignating subparagraph (B) as subparagraph (C); and

(2) by inserting after subparagraph (A) the following new subparagraph:

"(B) other radioactive waste with concentrations of radionuclides that exceed the limits established by the Commission for class B radioactive waste, as defined by section 61.55 of title 10, Code of Federal Regulations, as in effect on January 26, 1983; and".

The CHAIRMAN. Under the rule, the gentleman from Connecticut [Mr. GEJDENSON] will be recognized for 20 minutes, and a Member opposed to the amendment will be recognized for 20 minutes.

PARLIAMENTARY INQUIRY

Mr. VOLKMER. Mr. Chairman, I have a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. VOLKMER. Mr. Chairman, if a Member wishes to ask for a division on the amendment, is it proper to ask for it at this time or when the question is put?

The CHAIRMAN. At either time it would be appropriate.

Mr. VOLKMER. Mr. Chairman, at this time I ask for a division of the question on the amendment.

The CHAIRMAN. The gentleman's request for a division of the question on the three sections of the amendment is noted.

The Chair recognizes the gentleman from Connecticut [Mr. GEJDENSON].

Mr. GEJDENSON. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, let me just take a few minutes to briefly describe the amendment and then hopefully we can spend some time with our colleague to review his concerns.

The amendment has some very basic principles, and that is when it comes to low-level waste and the difficulty as we go across the country, even in some of our very large States, in siting nuclear waste facilities, the low-level waste facilities that many of us had hoped the multi-State compacts would have solved.

From the experience in my State, one of the things that has become clear to me is that the standards are inadequate. We found in eastern Connecticut that suddenly the people who are siting the facility had overlooked housing developments and schools that were only a stone's throw away from the proposed low-level site, so what we propose in this amendment is basically two things. The first is that there be a greater distance, that the sites must be in an area of low population density, that they are at least 5 kilometers from an urban community and 5 kilometers from a school community center and a facility serving children, so that they are at least somewhat removed from highly densely populated areas, or places where young people would congregate.

The reason for this is obvious. Many of our concerns about radiation, it is the long-term exposure that gives the greatest concern, so having young people exposed to this potential hazard over a long period of time during their school years is something we would rather avoid, so we move the site away from schools. We move them away from densely populated areas. That is the first part of the bill.

The second part of the bill separates the low-level wastes into two categories, and again we have chosen these on some very basic and obvious categories.

In the low-level waste category are three types of wastes: class A, class B, and class C. Class C is the only one of those three that requires a 500-year barrier.

□ 1510

Classes A and B require 100-year barriers each. So, again, to try to facilitate what I believe will be a growing challenge to all the States in the Nation to site facilities for low-level waste, we combine these two issues. The first is to remove the facilities from the immediate area of schools and places where populations accumulate, high-density population areas, and, second, to strip away the most radioactive of this waste, that waste which, as compared to the rest of the low-level waste, requires a 500-year barrier rather than a 100-year barrier.

Mr. Chairman, with that opening statement, I would reserve the balance of my time.

The CHAIRMAN. Is there a Member in opposition to the amendment?

Mr. DINGELL. Mr. Chairman, I am opposed to the amendment.

The CHAIRMAN. The gentleman from Michigan [Mr. DINGELL] will be recognized for 20 minutes.

Mr. DINGELL. Mr. Chairman, I yield such time as he may consume to the gentleman from Missouri [Mr. VOLKMER].

Mr. VOLKMER. Mr. Chairman, I had previously asked for a division of the question.

Mr. Chairman, I ask unanimous consent to withdraw that request and not ask for a division.

The CHAIRMAN. The demand for a division of the question is withdrawn.

Mr. VOLKMER. Mr. Chairman, I would like to say to the gentleman from Michigan that I have some severe reservations about parts of this amendment, and I oppose those parts and not others. However, I take the position to vote the whole thing down.

Mr. DINGELL. Mr. Chairman, I yield myself 5 minutes.

Mr. Chairman, the gentleman from Missouri [Mr. VOLKMER] has made a large part of my speech. The amendment should be voted down, vigorously, overwhelmingly, and enthusiastically.

Mr. Chairman, my good friend, the gentleman from Connecticut [Mr. GEJDENSON] for whom I have enormous respect, has reminded us of the debate which took place on the high-level nuclear waste siting provisions late last week.

My colleagues will remember the bitterness and acrimony, they will remember the difficulty that existed with regard to persuading the State to accept the high-level waste.

What the gentleman's amendment does is sort out the low-level waste, nuclear waste. It requires that part of it be stored in a high-level nuclear waste repository. It requires that the balance remain in State custody.

What this means is that we will be overriding and doing away with the changes in law which were adopted a few years ago at the requests of the Governors, at the requests of the State legislatures, which gave the States the responsibility—they sought it and they got it—the responsibility to handle this, their generated nuclear waste of a low-level character.

Now, this means that we will have to set up another whole Yucca Mountain repository for this category of waste. It means that all of the bitterness and all of the angry discussion which occurred last week about Yucca Mountain is going to be replayed in here.

This, the waste that this amendment would give the Federal Government responsibility to store, is not high-level nuclear waste, it is low-level nuclear waste.

It is relatively safe, it is relatively easily managed, but some of the statistics as to what this amendment would do are interesting. First of all, it would require the Federal Government to take back an enormous amount of nuclear waste which the States have said they want to store and they want to manage pursuant to interstate compact.

Now, if the first repository at Yucca Mountain succeeds, the U.S. Government will have barely enough storage capacity for existing high-level nuclear waste. it is currently estimated that the United States generates 30,000 cubic feet of high-level spent fuel every year. This amendment would require that 10,000 cubic feet of class C waste generated annually be also sent to the permanent repository.

Mr. Chairman, this means that very shortly we will find the need for us to commence the management of a substantial additional amount of nuclear waste which the States said they were going to take over. This also means, I say to my colleagues, that those colleagues who come from dry States, Western States, States which are suitable for the placement of nuclear waste, should look to the possibility that they will have a high-level nuclear waste facility possibly in their area, for low-level nuclear waste, which will be imposed upon them by the Federal Government because we are generating enormous amounts of this waste and it has to be put somewhere.

Mr. Chairman, not only does this amendment require the development of a second permanent repository, but the fact is that class C waste does not need long-term permanent disposal. The Governors have said so, the State legislatures have said so, the Nuclear Regulatory Commission have all said so.

The typical half-life of this class C waste is about 20 years. High-level nuclear waste, on the other hand, contains much more dangerous substances, such as plutonium-239, which has a half-life of something like 24,000 years.

If you want to have the Federal Government, in a time of budget constraints when we cannot assist the cities, when we cannot deal with health care needs, when we cannot deal with highways, when we do not have enough money for conservation, when Social Security is threatened and when every program in the Federal Government is threatened, to have to take on additional high-cost programs of storing low-level nuclear waste, then of course you should vote for this amendment.

If you do not and you want to let the States carry forward the responsibilities which they have already said they want, which they have accepted and upon which they have now formed a series of compacts to place this low-level waste, then by all means you should vote against the amendment. If we are to address changes to the compact system, we must do it comprehensively, not in a piecemeal fashion. The amendment is irresponsible, it is mischievous, it is costly, and it is going to cause substantial additional trouble to the Federal Government and to this body if you vote for this amendment.

Mr. GEJDENSON. Mr. Chairman, I yield myself such time as I may consume for the purpose of engaging in small dialog with my friend, the gentleman from Michigan [Mr. DINGELL].

Mr. Chairman, it pains me to be on opposite sides of this or any other issue with my friend from Michigan. I think that obviously there must be some misunderstanding, because I would believe that he would come out where we are on this.

First of all, I have several things, it is not our intention that there need be a second site, that the originally planned for high-level site should be able to take all of this C classification waste. And I guess what I would like to ask the gentleman, is this—and I say—if the gentleman would like to comment on that, I would be happy to yield him some time—but second, it seems to me that the C-level waste, which has plutonium in it, which primarily comes from nuclear powerplants, as compared to the medical and research wastes that are in categories A and B, does need stabilization for five times as long a period as the rest of the low-level waste.

And I understand where the gentleman in coming from when he says this is just kind of putting off a battle. I come at it from the other direction, that I think it makes it easier to site these facilities when you are dealing with items that are not as dangerous.

So I guess there are two questions. First, why is it his belief that we need a second site? Is it the volume that he believes that Yucca Mountain cannot handle? Second, there is this difference in the stabilization needs for C waste, which is 500 years rather than 100 years. Is that not a rational place, since A and B only have to be stabilized or contained in 100-year barrier, and this in the 500-year barrier, does that not make sense?

Mr. DINGELL. Mr. Chairman, will the gentleman yield?

Mr. GEJDENSON. I yield to the chairman.

Mr. DINGELL. I thank the gentleman for yielding.

Mr. Chairman, the answer to the question is no, it does not. And the hard fact is that we generate 30,000 cubic feet of high-level spent fuel each year. This amendment would require us to store, in addition to that, 10,000 cubic feet of class C waste, which is much less dangerous, in a very high cost repository, substantially increasing the cost of storage.

That, I think, is fiscally unwise at a time of major shortages. It is clear that there is not now a sufficient amount of space in the permanent repository to meet the projected loads of nuclear fuel and other high-level permanent waste.

So there are two things wrong with the amendment and I say this with great respect and great affection for my good friend from Connecticut: First of all, it moves low-level waste into a high-level repository, it requires high-cost expenditure effort to control and contain that waste. That is extremely unwise; it wastes a lot of money.

Second of all, it is going to consume more space than is available to handle the nuclear waste of this country.

There is a third argument, and that is that it absolves the States of a major part of the responsibility which they have assumed in legislation adopted earlier by this Congress, at the request of the Governors and at the request of the State legislatures.

Mr. GEJDENSON. Mr. Chairman, reclaiming my time—and I thank the gentleman for his answer—I just want to say these two final points. One, I believe it is going to be impossible for the 50 States, under the present configuration, to site these facilities and that over the long term, if we adopt this amendment, we will have safer low-level facilities and we will be much more likely to site them.

I thank the gentleman for his earnest comments.

□ 1520

Mr. DINGELL. Mr. Chairman, if my good friend desires to deal with the question of low-level waste and to absolve the States of the cost and the need to conduct that program, then he should, by all means, deal with all of the low-level nuclear waste issues comprehensively, not just a small part, which is what this amendment does.

Mr. GEJDENSON. Mr. Chairman, reclaiming my time again, I just say I think we just passed an amendment which removed some radioactive waste from the daily landfills, which I applauded the chairman for and the committee's action on, and I think this goes on to the same kind of rational division.

Mr. Chairman, I yield 4 minutes to the gentlewoman from Connecticut [Mrs. KENNELLY].

Mrs. KENNELLY. Mr. Chairman, I rise today in strong support of the amendment offered by my colleague, the gentleman from Connecticut. This amendment mirrors legislation that we introduced last October.

This amendment would establish new requirements governing the disposal of low-level radioactive waste. It would provide that sites being considered for low-level waste disposal facilities must be located in areas of low-population density, which have limited potential for future population growth, and which are at least 5 kilometers away from urban residential property limits and from schools and other facilities that primarily serve children. Currently a waste facility can be 2 kilometers from a residential area or school. The amendment would require the Nuclear Regulatory Commission to issue new regulations extending the distance from 2 to 5 kilometers.

In addition, this amendment would also remove class C and above wastes from State responsibility under the low-level waste disposal program. Currently there are three classes of waste for near-surface disposal: class A, class B, and class C and above. Class C and above wastes are the most highly radioactive of low-level wastes. They are generated primarily by nuclear power plants. While these wastes constitute about 1 percent of all low-level waste by volume, they constitute approximately 60 percent in terms of radioactivity. This amendment would provide for the disposal of class C and above wastes in facilities by the Federal Government for high-level radioactive waste disposal. This properly classifies hazardous waste material into a more suitable designation for future storage in a high-level waste facility, which would then be the responsibility of the Federal Government rather than the States.

Many States presently struggle with the chore of siting low-level waste facilities, my State of Connecticut among them. I know first-hand of this crisis. Connecticut has experienced this struggle recently over proposed siting ramifications. This amendment will ensure communities that a selected site will not be near schools or growing population. In addition, it will remove the most dangerous types of wastes from the facilities. The site selection process should not be left solely to the States. Congress should provide guidance in the protection of public health and safety.

Present law fails to address the pressing safety needs of thousands of individuals in numerous communities. It is time to correct this now before it jeopardizes the health and safety of future generations.

I urge my colleagues to support this amendment.

Mr. DINGELL. Mr. Chairman, I yield 1 minute to the distinguished gentleman from Missouri [Mr. VOLKMER].

Mr. VOLKMER. Mr. Chairman, Members of the Committee, I had previously asked for a division on this amendment in order to basically oppose that part of it which we have been speaking of here, and that is a siting of these low-level wastes, low-level nuclear wastes, facilities, and in the present law, which has been working, we had made provisions for a compact of States in various areas in order to work together in order to site these nuclear sites for this type of waste. That is working. It is working well.

But now what we are finding, it appears to me, is that in certain areas they do not want that which is generated in their areas. They want to take it to other areas, and I do not think that that is proper, nor is it proper and it does not make sense to me, to build another Federal depository when we are having trouble enough building one, and then take it from all over the country to that one Federal one, unless the gentlewoman would like to have that one in Connecticut. Maybe they would like to have it in Connecticut and we could put it all in there. I do not hear the gentlewoman from Connecticut [Mrs. KENNELLY] saying that.

Mrs. KENNELLY. Mr. Chairman, will the gentleman yield?

Mr. VOLKMER. I yield to the gentlewoman from Connecticut.

Mrs. KENNELLY. No thank you.

Mr. VOLKMER. I did not think you would want it. But do not send me yours either.

Mr. GEJDENSON. It is not going to the gentleman.

Mr. VOLKMER. I know that.

Mr. DINGELL. Mr. Chairman, I ask unanimous consent that I be permitted to yield 6 minutes to the gentleman from New York [Mr. LENT] for use in debate any way he chooses.

The CHAIRMAN. Is there objection to the request of the gentleman from Michigan?

There was no objection.

Mr. LENT. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I rise in opposition to the Miller amendment offered by the gentleman from Connecticut [Mr. GEJDENSON] to move responsibility for class C radioactive waste, which is the most radioactive of the low-level wastes, from the States. The Miller amendment makes this waste orphan waste. It does not automatically become high-level radioactive waste although that presumably is the author's intent.

The effect of this amendment is to shift responsibility for class C radioactive waste from the States which have successfully disposed of this waste for years at the three existing low-level radioactive waste repositories to the Federal Government for disposal in the high-level waste repository which will be completed who knows when.

Contrary to what the gentleman from Connecticut [Mr. GEJDENSON] is arguing in support of this change, removal of class C waste will not lead communities to open their arms to low-level radioactive waste storage facilities. It will only encourage further politicizing of the process, raising the hope of putting responsibility for disposal of all low-level radioactive waste on the Federal Government.

I urge my colleagues to oppose this amendment.

Mr. Chairman, I yield 1 minute to the distinguished ranking member of the Subcommittee on Energy and Power, the gentleman from California [Mr. MOORHEAD].

Mr. MOORHEAD. Mr. Chairman, I rise in strong opposition to the amendment offered by the gentleman from Connecticut [Mr. GEJDENSON].

For years, the States have had the responsibility of disposing of class C radioactive wastes at existing low-level waste repositories. This amendment would transfer that responsibility to the Federal Government and require disposal of class C wastes in the high-level waste repository.

Unfortunately, the high-level repository is not completed, nor do we have any guidance as to when it will be completed. The effect of this amendment, therefore, is to make class C waste orphan waste and further frustrate our attempts to develop safe and efficient alternative sources of energy.

Mr. Chairman, this amendment frustrates our goal of greater energy security, and I urge my colleagues to oppose the amendment.

□ 1630

Mr. LENT. Mr. Chairman, I yield 2½ minutes to the distinguished gentleman from Arizona [Mr. RHODES].

Mr. RHODES. Mr. Chairman, I simply will associate myself with the remarks that have been made by the gentleman from Michigan [Mr. DINGELL], the gentleman from New York [Mr. LENT], and the gentleman from California [Mr. MOORHEAD], concerning the implications of the reclassification of class C waste into high-level waste.

Mr. Chairman, let me spend my time talking about the provisions of the amendment that relate to the siting requirements. First of all, it is interesting to note that virtually every person in this country except the gentleman from Connecticut [Mr. GEJDENSON] and virtually every jurisdiction in this country, apparently with the exception of the State of Connecticut, measures distances in miles. The gentleman from Connecticut [Mr. GEJDENSON] measures distances in kilometers, for what reason I do not know.

This amendment essentially places the Nuclear Energy Commission in the business of local land use planning. What is a more local issue than land use planning? What is a more local issue than determining where certain activities will take place in a local jurisdiction?

But now, because of problems apparently that arose in Connecticut, we are suggesting that the Nuclear Regulatory Commission should determine where radioactive nuclear waste sites should be located in a local jurisdiction.

Mr. Chairman, the Nuclear Regulatory Commission has problems enough of its own in doing the things that it was chartered to do when it was established. Now we are to say that it is to impose its will over local jurisdictions to determine where nuclear waste sites should be located.

Mr. Chairman, I think that there could be no more pure local decision than that. I do not see why we should take it away from the local jurisdictions. It is for them to decide and for their voters to judge the wisdom of their decision.

Mr. GEJDENSON. Mr. Chairman, will the gentleman yield?

Mr. RHODES. I am happy to yield to the gentleman from Connecticut.

Mr. GEJDENSON. Mr. Chairman, I think I can answer many of the questions of the gentleman from Arizona. I would precisely like to answer the issue of kilometers.

It is in the Nuclear Regulatory Commission's own regulations that they use the kilometer measurement. In trying to be consistent with that, we are trying to extend the present 2 kilometers to I think a more reasonable 5 kilometers.

Mr. RHODES. Mr. Chairman, reclaiming my time, I thank the gentleman from Connecticut for his explanation. Consistency certainly is something for which the gentleman from Connecticut [Mr. GEJDENSON] is well known. I appreciate his assistance.

The CHAIRMAN. The Chair will inform Members that the gentleman from New York [Mr. LENT] has 30 seconds remaining, the gentleman from Connecticut [Mr. GEJDENSON] has 8 minutes remaining, and the gentleman from Michigan [Mr. DINGELL] has 8 minutes remaining.

Mr. LENT. Mr. Chairman, I reserve the balance of my time.

Mr. DINGELL. Mr. Chairman, I yield myself 4 minutes.

Mr. Chairman, I have been much interested in the excellent explanation set forth by my dear friend, the gentleman from Connecticut [Mr. GEJDENSON], and also the admirable comments made by the distinguished gentlewoman from Connecticut [Mrs. KENNELLY].

I am beginning to understand a little bit about what this amendment does because I have taken the trouble to read it. All of a sudden I find that this amendment says that the Nuclear Regulatory Commission will set up standards with regard to low level nuclear waste storage facilities.

Mr. Chairman, I am interested in this because, first of all, that power was delegated to the States and State compacts. I get the feeling that this amendment is trying to take back from the States and the State compacts the authority which we gave them earlier to draft the kinds of regulations with regard to siting and safety which would be associated to the establishment of these low level nuclear waste sites.

So essentially what we are doing is taking back from the States by the amendment that is offered by the gentleman from Connecticut [Mr. GEJDENSON] the authority which was given to the States and to the interstate compacts to deal with siting questions, safety, environmental protection, and health.

Mr. Chairman, I am unaware of any need for that to be done, since it directly overrides the actions which the Congress took earlier in response to a request from the Governors and from the State legislatures.

Now I note something else. I am sure my colleagues here concerned with tight budgets would be interested in this. I mentioned this will probably occasion the siting of a second Yucca Mountain facility, because we are generating waste faster under the amendment which the gentleman moves than we will be able to store at Yucca Mountain.

I would observe that there is another interesting phenomenon which comes to mind, and that is that the State of Connecticut is an enormous generator, one of the largest, of class C waste in the country. I thank the gentlewoman from Connecticut [Mrs. KENNELLY] for nodding affirmatively, because that is the case.

What this tells me is that Connecticut, through its very able and outstanding elected Representatives, particularly my good friend, the gentleman from Connecticut [Mr. GEJDENSON], has figured out an adroit way to have the Federal taxpayers in all the other States pick up the cost of storing Connecticut's class C waste.

Mr. Chairman, I want to commend the gentleman from Connecticut [Mr. GEJDENSON] for this adroit move. It took me a good while to figure out what the gentleman was up to and why it was that he wanted to stomp into the mud of the legislation, previously adopted, which dealt with the siting and which conferred power upon the State of Connecticut.

I note with distress that I have finally found out why. The gentleman wants the rest of the country to pick up the costs of storing Connecticut's class C waste.

Mr. Chairman, this is a splendid idea if you are from Connecticut. I would urge my colleagues from Connecticut at all costs and in all haste to vote for this amendment and support it with great vigor. I would assume that the other 49 States would very sensibly oppose this amendment.

Mrs. KENNELLY. Mr. Chairman, will the gentleman yield?

Mr. DINGELL. I yield to my dear friend from Connecticut.

Mrs. KENNELLY. Mr. Chairman, you speak eloquently. You speak with great knowledge. You speak with great experience. I am speaking in favor of this amendment because I have had very recently the experience of having low level sites being chosen in the very heart of communities where schools and housing existed.

We are not talking about high level waste. All we are trying to do by this amendment is to caution our colleagues that the States such as Connecticut who are highly density States have a very definite difficulty in finding a place to put the low level wastes. We are not talking about the high level waste.

Mr. Chairman, what I said in my remarks is, and I would caution my colleagues, be very careful with this vote, because when I went to those towns, I was very glad to say I was not here in 1981 when this legislation was passed, because they were out of their minds with the lack of thought that went into this legislation.

Mr. DINGELL. Mr. Chairman, I reserve the balance of my time.

Mr. GEJDENSON. Mr. Chairman, I yield myself 1 minute just to ask the chairman a question.

I think this is a good amendment in toto, but if the gentleman from Michigan [Mr. DINGELL] is concerned simply about the reclassification of high-level waste, I would ask unanimous consent, if the chairman would then support the amendment, to withdraw the reclassification of class C waste and simply put in place the population density and the 5 kilometers from schools and urban communities standard. If the gentleman's concern is that we are trying to simply push off our waste somewhere else, let us at least give the schoolchildren the protection they deserve.

□1540

Mr. DINGELL. Mr. Chairman, will the gentleman yield?

Mr. GEJDENSON. I yield to the gentleman from Michigan.

Mr. DINGELL. Mr. Chairman, I would simply say to the gentleman, the standards which are fixed with regard to the siting of low-level nuclear facilities are fixed by the States and by their interstate compacts by interstate agreement. There is no reason for us to make that change.

Mr. GEJDENSON. Mr. Chairman, reclaiming my time, let me correct the chairman on one small point. I want to thank him for the kind words he said about me earlier.

Mr. DINGELL. Mr. Chairman, if the gentleman will continue to yield, I admit every one of them.

Mr. GEJDENSON. Mr. Chairman, for States that are not agreement States, it is the NRC that sets the standards, not the States.

Mr. DINGELL. Mr. Chairman, if the gentleman will continue to yield, the standards which are now fixed for low-level nuclear sites, low-level nuclear waste storage sites are fixed by the States, by the interstate compact. There are some Federal standards which are there, but the States and the interstate compacts can, if they so choose, fix much more stringent and much more impressive standards with regard to safety.

Mr. LENT. Mr. Chairman, I yield myself 30 seconds.

Mr. Chairman, I would like to ask the sponsor of this amendment, is it not the fact that his home State, Connecticut, is a member of the low level waste disposal compact and, in fact, asked for this site to be placed in Connecticut?

Mr. GEJDENSON. Mr. Chairman, will the gentleman yield?

Mr. LENT. I yield to the gentleman from Connecticut.

Mr. GEJDENSON. Mr. Chairman, basically what happened is that the Northeast compact is nonfunctioning and that each State has agreed to take its own waste. And, therefore, the chairman's statement regarding the standards set by the States is not accurate. In those cases, the standard is set by the NRC.

Mr. DINGELL. Mr. Chairman, I yield 2 minutes to the gentleman from California [Mr. THOMAS].

Mr. THOMAS of California. Mr. Chairman, I thank the gentleman for yielding time to me.

I am just trying to understand where this amendment came from. If the chairman would allow me to understand, was this an amendment that was brought up and debated and passed in the Committee on Energy and Commerce?

Mr. DINGELL. Mr. Chairman, will the gentleman yield?

Mr. THOMAS of California. I yield to the gentleman from Michigan.

Mr. DINGELL. Mr. Chairman, in all truth, I do not know where it came from. I think the gentleman from Connecticut would have to address that point. I gather that it comes to us from the Committee on Interior and Insular Affairs. I suspect it really comes from Connecticut, which wants to get rid of waste and dump it on the rest of us.

Mr. THOMAS of California. Mr. Chairman, did this come from the Committee on Interior and Insular Affairs? Was it debated and voted on?

Mr. GEJDENSON. Mr. Chairman, will the gentleman yield?

Mr. THOMAS of California. I yield to the gentleman from Connecticut.

Mr. GEJDENSON. Mr. Chairman, my understanding is it was debated in the Committee on Interior and Insular Affairs. It passed in the Committee on Interior and Insular Affairs, apparently, on a voice vote.

Mr. THOMAS of California. Mr. Chairman, reclaiming my time, there was a hearing on the amendment?

Mr. RHODES. Mr. Chairman, will the gentleman yield?

Mr. THOMAS of California. I yield to the gentleman from Arizona.

Mr. RHODES. Mr. Chairman, as a member of the Committee on Interior and Insular Affairs, let me just quickly tell my colleagues, the amendment was brought up at the time of the committee markup. There was no hearing. There was no discussion. It was voice voted. It was brought up initially at markup.

Mr. THOMAS of California. Mr. Chairman, the reason I was concerned was that it sounded as though there was an attempt by the gentleman from Connecticut to offer proposed amendments by unanimous consent on the floor of the House to an amendment that apparently was brought up at the time of markup with hearings or debate in the Interior Committee. The gentleman from Connecticut is basically shopping for something that will pass and it is a concern to all of us, as we examine these amendments that are going to affect a great number of us, to remember that we all have our own narrow interests, but to the extent that the narrow interests are opposed by the chairman of the committee, and by members of other committees and, the author of the amendment is more than willing to shop amendments by unanimous consent on the floor, that perhaps this is something that ought not to move at this time but that a reasoned and considered judgment should prevail that perhaps we ought not to try to shop unanimous-consent amendments to something as important as a fundamental energy bill.

Mr. GEJDENSON. Mr. Chairman, if the gentleman will continue to yield, does the gentleman want class C waste in his district, in his landfill?

Mr. THOMAS of California. Mr. Chairman, my district has nuclear power.

Mr. DINGELL. Mr. Chairman, I yield 1 minute to the gentleman from Utah [Mr. OWENS].

Mr. OWENS of Utah. Mr. Chairman, it is redundant to follow the chairman of the full committee, the gentleman from Michigan [Mr. DINGELL], to agree with him, and I sense it is not necessary here today, but in a remarkable hearing in Utah in December of the Subcommittee on Energy and the Environment of the Committee on Interior and Insular Affairs, we had an interesting thing happen.

One of the ranking officers of the Nuclear Regulatory Commission indicated very clearly it was their intention to move all of the low-level radioactive waste out of the East and put it into Utah and into the Mountain States.

And when asked why, he responded, it was because of the overcrowding.

And I said to him, "Mr. Director, it is really not the overcrowding of people that you are concerned about, is it? It is the overcrowding of Congressmen in the Northeast?" He responded, with a smile, "Mr. Congressman, I think I ought not to respond to that."

I obviously rise in opposition to the amendment of my friend from Connecticut.

Mr. GEJDENSON. Mr. Chairman, I yield myself such time as I may consume.

My colleagues, we can have a lot of diversions here. We can talk about whether there was a hearing on the amendment when it was offered in committee. How many amendments that are offered in committee actually have hearings Let us be honest with ourselves. Whether it is the Committee on Ways and Means or the Committee on Energy and Commerce, that is where Members offer their own insights from their own experience and try to make the legislative process deal with the reality back home.

This reality is not just one for my district. It is one for every district in this country.

The question is, Do Members want to go home and face their constituents and say that they had an opportunity that plutonium from nuclear powerplants will not be buried on their block and they voted "no"? Do they want to go home to their constituents and tell their constituents that they had an opportunity in the U.S. Congress to guarantee that no nuclear wastesite would be within 5 kilometers of a school and they said, "No; we do not have to worry about the kids"?

Let me tell my colleagues the history here. When I was a little kid, we were not rich enough to go to these stores but there were stores one could go buy shoes in, and they have x-ray machines. A person put the shoes on, wiggled their toes, and would look down. Everybody thought it was great. If someone had acne as a kid, they would give them x rays.

Then we found out that was bad news. Those people ended up with cancer.

Each day we learn that as smart as we think we are in dealing with hazardous and toxic substances, we are not quite smart enough.

There was a study on where to dump waste off of Long Island. They figured out, the scientists, where the best place was to dump waste in the ocean. What a great idea. They figured out where the currents would take it right to the bottom, so they moved out to that precise point. And do my colleagues know what happened? The next day all of that stuff washed up on shore.

What I am asking for is let us make sure that we are just a little bit more cautious, that we cannot see the nuclear wastesite from the classroom, that the kids that go to school for 8, 12 years at a clip in a facility ought not to be going to that school and put a nuclear waste repository within 2 kilometers of it, a mile and three quarters or something.

We can go home to our constituents and say that we helped nuclear power today, that we voted against an amendment that would simply add 2 kilometers or 3 kilometers to the existing proposal so that we have 5 kilometers from the school to the wastesite, or we can say we passed on that opportunity, that we did not think it was important enough for the U.S. Congress to take 30 seconds and vote to give children in a classroom a little protection.

We have not located one of these facilities in the country, and the reason is not because we have got too tough a set of laws. It is because the public does not trust us and does not trust the regulators. And if we want to help nuclear power, make it safer, make it tighter, give the public some protection, and then we will have a shot to locate one of these facilities.

Mr. Chairman, I rise in support of an amendment to H.R. 776, the Comprehensive National Energy Policy Act, to remove class C and higher radioactive waste from the Low-Level Waste Program and make this waste eligible for the high level waste repository. It also requires the Nuclear Regulatory Commission [NRC] to establish specific siting criteria for the siting of low-level waste facilities to ensure that any candidate site would be in an area of low population density and not near schools and other public facilities.

In 1979, two of the three low-level radioactive waste operating facilities in Hanford, WA and Beatty, NE, were temporarily closed while the third site, at Barnwell, SC, reduced the annual volume of waste that it would accept by 50 percent. These actions by the host States were due primarily to a series of transportation and packaging incidents. These three States with operating waste disposal sites made it clear that they would no longer accept all the Nation's low-level radioactive wastes. Initially, the U.S. Congress considered a federally oriented solution to the problem of assuring adequate low-level waste disposal capacity.

Eventually, however, in response to police recommendations from State-supported organizations, including the National Governors' Association and the National Conference of State Legislators, the Congress enacted the Low-Level Radioactive Waste Policy Act of 1980.

The 1980 act made each State responsible for providing disposal capacity for low-level radioactive waste generated within its borders. The act also encourage States to form regional compacts to collectively meet their obligations to provide for disposal capacity, and allowing those compacts ratified by the Congress to exclude waste generated outside their borders, beginning January 1, 1986.

By late 1984, it was evident that regions without wastesites were not progressing rapidly enough to have new facilities operating by the 1986 deadline. A change in the law appeared necessary to allow for construction of the additional disposal sites foreseen in the 1980 act. After extensive negotiations between representatives of the States with operating sites and the 47 unsited States, a consensus was reached which enabled Congress to pass the Low-Level Waste Policy Act Amendments of 1985.

This act provided that the States of Washington, Nevada, and South Carolina would agree to continue to make their sites available to the entire country for an additional 7 years—but only if the unsited States and regions demonstrate specific progress toward developing new disposal capacity. The final date when sited sites could exclude waste from outside their regional borders was extended to January 1993. In exchange, the other States and regions were required to meet a series of specific dates and milestones. Among other provisions, the 1985 act also specified precisely which categories of low-level radioactive waste would be the State's responsibility and made the Federal Government responsible for the disposal of commercial low-level radioactive waste exceeding class C concentration limits.

Today, as we all know, the low-level radioactive waste siting process is ongoing in many States. As the 1993 deadline approaches, many States, both individually and in regional compacts, have begun to select and study candidate sites for disposal facilities. To date, all of these candidate sites have facilities.

Mr. Chairman, when Congress enacted the 1980 and 1985 Low-Level Radioactive Waste Acts, we did not have the foresight to prescribe specific siting criteria. In fact, authority to do so was delegated to the NRC. In turn the NRC developed four performance-based objectives by regulation to protect public health and safety and minimize the long-term burden on society. The objectives set out in regulation by the NRC attempt to ensure: First, protection from releases of radioactivity, second, inadvertent intrusion, third, safe operations, and fourth, site stability.

Unfortunately, we find ourselves today in the position where States are selecting candidate sites in locations that run contrary to common sense—in proximity to residential neighborhoods, schools, community centers, and other public facilities. Common sense dictates that if one of the objectives is to secure a site from public intrusion, we shouldn't locate a site in a neighborhood where the likelihood of school-aged children wandering onto the sites is great.

That is the reason that I introduced H.R. 3491, the Low-Level Radioactive Waste Policy Act Amendments of 1991, and join in support of this provision today. As you may know, during Interior Committee consideration of H.R. 776, I offered the provisions of H.R. 3491 which were incorporated into the bill as reported by the committee.

In its regulatory guidelines, the NRC has recommended that low-level waste facilities be at least 2 kilometers from residential boundaries. This amendment, and the language that was included in the Interior Committee version of H.R. 776, seeks to codify this as a siting requirement and further protects the public health and safety by increasing and threshold distance to 5 kilometers between the site and residential boundaries or facilities that primarily serve children such as schools and community centers.

This siting criteria will move States in the direction of at least ensuring that whatever screening techniques are utilized to select an environmentally safe site, at least it will not be near housing or schools.

The second provision of this amendment seeks to ensure that the waste that is sited in States is the least dangerous, by reclassifying class C and greater than C wastes from the Low Level Radioactive Waste Program into the High-Level Radioactive Waste Program. NRC regulations currently allow the following classes of low-level waste for near surface disposal: class A, class B, class C, and greater than C. Low-level radioactive waste typically contains both short lived and long lived radionuclides. Three important time intervals are relied on in setting the waste classification system. One is the length of time the government will actively control access to the site—an upper limit of 100 years was used. The second is the expected life of the waste form—a 300-year period of life expectancy was used. The third is the expected lifetime of engineered barriers or assured burial depth, and the time when total failure of the system is anticipated to occur—a 500-year period was assumed.

Of the categories of waste, class C comprises the smallest volume of low-level waste, only 1 percent, but the highest levels of radionuclides. In fact, it is class C and higher which requires sites to have both a 300-year stabilization period and a 500-year engineered barrier. It is evident that this waste, primarily from nuclear powerplants, should not be the responsibility of the States, but rather the Federal Government.

This amendment achieves this objective by removing class C waste from the jurisdiction of the Low-Level Radioactive Waste Policy Act and placing it under the responsibility of the Federal Government. This amendment would also enable the Federal Government to place this category of waste in the Federal high level nuclear waste repository.

As States struggle with the difficult task of sitting low-level radioactive waste facilities, passage of this amendment will provide our constituents with a greater sense of security that whatever site is finally selected is not near schools or growing population center. Moreover, passage of this amendment will remove from these sites the most dangerous type of waste.

It is my hope that this amendment will be adopted by the House so that States involved in the site selection process will have further guidance on protecting the public health and safety.

I urge the adoption of this amendment.

Mr. Chairman, I yield back the balance of my time.

Mr. DINGELL. Mr. Chairman, I yield myself such time as I may consume.

I want to express great respect and great affection for both the gentlewoman from Connecticut and my dear friend, the gentleman from Connecticut [Mr. GEJDENSON] and to commend them for offering an amendment on behalf of their constituents. They have served them well.

I come from a State where there was a possibility of a low-level nuclear waste facility being established. I know the intensity of public feeling on this matter.

If there is a problem here which requires safety matters to be addressed in terms of low-level nuclear waste, if there are other questions regarding health or the environment which should be addressed, they should be addressed after hearings, after careful thought, after careful consideration and after the entirety of the problem is addressed, to find out what we are doing to Connecticut, to find out what we are doing to the other States, to find out where we are putting the waste, to find out where we are abandoning the waste, to find out the economic consequences, to find out what States are going to pay more and what States are going to pay less, to find out who is going to get out of storing nuclear waste and who is going to be compelled to store more. Those are the kinds of questions which hearings and proper committee consideration is had to obtain the answers to.

I would urge my colleagues to reject this amendment. If there is a problem here which must be addressed, it should be addressed in an orderly process rather than the curious process which we have seen here today on the floor.

☐ 1550

The CHAIRMAN. All time has expired.

The question is on the amendment offered by the gentleman from Connecticut [Mr. GEJDENSON].

The question was taken; and the Chairman announced that the noes appeared to have it.

RECORDED VOTE

Mr. COLEMAN of Texas. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 177, noes 293, answered "present" 1, not voting 23, as follows:

[Roll No. 141]

AYES—117

Abercrombie
Ackerman
Andrews (ME)
Andrews (NJ)
Applegate
Aspin
Atkins
AuCoin
Beilenson
Berman
Blackwell
Boehlert
Bonior
Borski
Bryant
Camp
Cardin
Clay
Coleman (TX)
Cox (IL)
de la Garza
DeLauro
Dellums
Dixon
Dorgan (ND)
Downey
Durbin
Early
Edwards (CA)
Engel
Evans
Fawell
Feighan
Fish
Flake
Foglietta
Ford (TN)
Frank (MA)
Franks (CT)
Gejdenson
Gekas
Gilman
Hall (OH)
Hertel
Hochbrueckner
Houghton
Hughes
Jacobs
Jefferson
Johnson (CT)
Johnson (SD)
Jontz
Kaptur
Kennedy
Kennelly
Kildee
Kostmayer
Lewis (GA)
Lowey (NY)
Luken
Markey
Mazzoli
McCloskey
McCurdy
McDermott
McHugh
McNulty
Mfume
Miller (CA)
Mineta
Moakley
Molinari
Mrazek
Natcher
Neal (MA)
Neal (NC)
Nowak
Olver
Ortiz
Owens (NY)
Pallone
Panetta
Payne (NJ)
Pelosi
Pursell
Rahall
Rangel
Reed
Richardson
Rose
Roybal
Sanders
Savage
Schroeder
Schumer
Serrano
Shays
Sikorski
Slaughter
Snowe
Solarz
Stark
Stokes
Studds
Torres
Unsoeld
Upton
Walsh
Washington
Waters
Waxman
Weber
Weiss
Wheat
Wolpe
Wyden
Yates

NOES—293

Allard
Allen
Anderson
Andrews (TX)
Annunzio
Archer
Armey
Bacchus
Baker
Ballenger
Barnard
Barrett
Barton
Bateman
Bennett
Bereuter
Bevill
Bilbray
Bilirakis
Bliley
Boehner
Boucher
Brewster
Brooks
Broomfield
Browder
Brown
Bunning
Burton
Bustamante
Byron
Callahan
Campbell (CO)
Carper
Carr
Chandler
Chapman
Clement
Clinger
Coble
Coleman (MO)
Collins (MI)
Combest
Condit
Conyers
Cooper
Costello
Coughlin
Cox (CA)
Coyne
Cramer
Crane
Cunningham
Darden
Davis
DeFazio
DeLay
Derrick
Dickinson
Dicks
Dingell
Dooley
Doolittle
Dornan (CA)
Dreier
Duncan
Dwyer
Eckart
Edwards (OK)
Edwards (TX)
Emerson
English
Erdreich
Espy
Ewing
Fascell
Fazio
Fields
Ford (MI)
Frost
Gallegly
Gallo
Gaydos
Gephardt
Geren
Gibbons
Gilchrest

Gillmor
Gingrich
Glickman
Gonzalez
Goodling
Gordon
Goss
Gradison
Grandy
Green
Gunderson
Hall (TX)
Hamilton
Hammerschmidt
Hancock
Hansen
Harris
Hastert
Hatcher
Hayes (IL)
Hayes (LA)
Hefley
Hefner
Henry
Herger
Hoagland
Hobson
Holloway
Hopkins
Horn
Horton
Hoyer
Hubbard
Huckaby
Hunter
Hutto
Hyde
Inhofe
James
Jenkins
Johnson (TX)
Johnston
Jones (GA)
Jones (NC)
Kanjorski
Kasich
Kleczka
Klug
Kolbe
Kolter
Kopetski
Kyl
LaFalce
Lancaster
Lantos
LaRocco
Laughlin
Leach
Lehman (CA)
Lehman (FL)
Lent
Levin (MI)
Lewis (CA)
Lewis (FL)
Lightfoot
Lipinski
Livingston
Lloyd
Long

Lowery (CA)
Machtley
Manton
Marlenee
Martin
McCandless
McCollum
McCrery
McEwen
McGrath
McMillan (NC)
McMillen (MD)
Meyers
Miller (OH)
Miller (WA)
Mink
Mollohan
Montgomery
Moody
Moorhead
Moran
Morella
Morrison
Murphy
Murtha
Myers
Nagle
Nichols
Nussle
Oberstar
Obey
Olin
Orton
Owens (UT)
Oxley
Parker
Pastor
Patterson
Paxon
Payne (VA)
Pease
Penny
Perkins
Peterson (FL)
Peterson (MN)
Petri
Pickett
Pickle
Porter
Poshard
Price
Quillen
Ramstad
Ravenel
Ray
Regula
Rhodes
Ridge
Riggs
Rinaldo
Ritter
Roberts
Roe
Roemer
Rogers
Rohrabacher
Ros-Lehtinen
Rostenkowski
Roth

Roukema
Rowland
Russo
Sabo
Sangmeister
Santorum
Sarpalius
Sawyer
Saxton
Schaefer
Scheuer
Schiff
Schulze
Sensenbrenner
Shaw
Shuster
Sisisky
Skaggs
Skeen
Skelton
Slattery
Smith (FL)
Smith (IA)
Smith (NJ)
Smith (OR)
Smith (TX)
Solomon
Spence
Spratt
Staggers
Stallings
Stearns
Stenholm
Stump
Sundquist
Swett
Swift
Synar
Tallon
Tanner
Tauzin
Taylor (MS)
Taylor (NC)
Thomas (CA)
Thomas (GA)
Thomas (WY)
Thornton
Traficant
Traxler
Valentine
Vander Jagt
Vento
Visclosky
Volkmer
Vucanovich
Walker
Weldon
Whitten
Williams
Wilson
Wise
Wolf
Wylie
Yatron
Young (AK)
Young (FL)
Zeliff
Zimmer

ANSWERED "PRESENT"—1

Sharp

NOT VOTING—23

Alexander
Anthony
Bentley
Boxer
Bruce
Campbell (CA)
Collins (IL)
Dannemeyer

Donnelly
Dymally
Guarini
Ireland
Lagomarsino
Levine (CA)
Martinez
Matsui

Mavroules
McDade
Michel
Oakar
Packard
Torricelli
Towns

□ 1610

The Clerk announced the following pairs:

On this vote:

Mr. Levine of California for, with Mr. Anthony against.

Mrs. Boxer for, with Mr. Martinez against.

Mrs. Collins of Illinois for, with Mr. Packard against.

Mrs. MORELLA changed her vote from "aye" to "no."

Mr. DE LA GARZA, Mrs. SCHROEDER, Mr. CAMP, and Mr. RAHALL changed their vote from "no" to "aye."

So the amendment was rejected.

The result of the vote was announced as above recorded.

The CHAIRMAN. It is now in order, under the rule, to consider the amendment numbered 14 printed in House Report 102-533.

AMENDMENT OFFERED BY MR. MILLER OF CALIFORNIA

Mr. MILLER of California. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. MILLER of California: Page 752, after line 16, insert the following:

TITLE XXXI—FEDERAL AND STATE LANDS

SEC. 3101. RIGHTS-OF-WAY ON CERTAIN FEDERAL LANDS.

(a) EXTENT OF RIGHTS.—(1) Section 501 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1761) is amended by adding at the end of subsection (b)(1) thereof the following: "Any right-of-way granted or issued under this section shall convey only the rights specifically described therein, and shall not convey or be construed to imply conveyance of any rights to the use of the affected lands or the resources of such lands.".

(2) Section 501 of such Act is amended as follows:

(A) Insert in subsection (a), after "public lands" the following: "(as defined in section 103(e) of this Act)".

(B) In paragraph (4) of subsection (a), strike "Federal Power Commission under the Federal Power Act of 1935 (49 Stat. 847; 16 U.S.C. 791)" and insert in lieu thereof "Federal Energy Regulatory Commission under the Federal Power Act, including part 1 thereof (41 Stat. 1063, 16 U.S.C. 791a–825r).".

(b) ENERGY-RELATED RIGHTS-OF-WAY.—Section 501 of the Federal Land Policy and Management Act of 1976 is amended by adding at the end thereof a new subsection, as follows:

"(d)(1) Under this section, a right-of-way on public lands or lands within the National Forest System may be granted or issued for the construction or operation of a non-Federal system (including any dam, diversion, or appurtenant project works) for the generation, transmission, or distribution of electrical energy only if the Secretary or the Secretary of Agriculture, as appropriate, finds that the use of such lands for the construction or operation of the facilities involved in such system—

"(A) is consistent with applicable management plans for such lands, and will not interfere with or be inconsistent with the protection and utilization of such lands for the purposes for which such lands are managed; and

"(B) will not result in substantial degradation of natural or cultural resources, scenic or recreational values, watershed resources, or fish and wildlife populations or habitat affected by the proposed system or affected by the cumulative effects of the proposed system and other uses of such lands or adjacent lands.

"(2)(A) The Secretary concerned shall provide for early and continued public participation in connection with consideration of an application for a right-of-way under this subsection by making a copy of such application available for public inspection in the vicinity of the affected lands for at least 90 days prior to acting on the application and by conducting at least 1 public meeting thereon at a time and location likely to assure public participation.

"(B) All information, including documents and testimony, related to the concerned Secretary's decision on an application under this subsection shall be available for public inspection in regional or local offices of the Bureau of Land Management or Forest Service, and at the same time as such Secretary decides whether or not to grant or issue the requested right-of-way, such Secretary shall publish in the Federal Register an appropriate document stating and explaining the basis for such decision.

"(3)(A) If facilities of a system described in paragraph (1) would be located on lands under the administrative jurisdiction of a single agency of the United States, that agency shall have the principal role in preparing any analysis, under applicable law, of the effects of construction and operation of such facilities on the environment. If such facilities would be located on lands under the administrative jurisdiction of more than 1 such agency, each such agency involved may enter into an agreement among themselves in order to avoid duplication of responsibility or effort, to expedite the consideration of applications for rights-of-way or other rights with respect to use of such lands, to issue joint regulations in appropriate cases, and to assure that decisions about such system are based on a comprehensive review of possible effects on Federal lands and resources.

"(B) Any analysis described in subparagraph (A) of this paragraph shall be prepared by an agency of the United States with administrative jurisdiction over affected lands, or by an independent contractor selected by such an agency, and not by the applicant for a right-of-way under this subsection or by any other party selected or reimbursed by such applicant.

"(C) Nothing in this paragraph shall be construed as precluding an agency of the United States from requiring an applicant for a right-of-way under this section or any other party to provide any necessary information in connection with an analysis described in subparagraph (A) or in connection with decisions about any other aspect of a system described in paragraph (1) of this subsection.".

(c) EFFECTIVE DATE AND IMPLEMENTATION.—(1) The amendments to the Federal Land Policy and Management Act of 1976 made by this section shall not apply to any project for which the land-management agency has completed a final review of an application for a right-of-way prior to the enactment of this section.

(2) No later than 1 year after the date of enactment of this Act, the Secretaries of the Interior and Agriculture shall issue joint regulations to:

(A) establish procedures for appropriate public participation in decisions relating to applications for rights-of-way of the type covered by section 501(d) of the Federal Land Policy and Management Act of 1976; and

(B) establish procedures to coordinate, so far as possible, the timing of review by such Secretaries regarding such applications with review of related projects by other Federal agencies.

SEC. 3102. DAMS IN NATIONAL PARKS.

(a) PROHIBITION.—(1) Except as provided in paragraph (2), no individual corporation, partnership, Federal or State agency, political subdivision, or any other legal entity may commence construction of—

(A) any new dam or other new impoundment within the external boundaries of any unit of the National Park Systems; or

(B) any new dam or other new impoundment which, after the date of enactment of this Act, will inundate any land within the external boundaries of any unit of the National Park System.

(2) The provisions of this subsection shall not apply to a project developed by the National Park Service that the Secretary of the Interior determines necessary to meet the purposes for which the affected unit of the National Park System was established if such project would not degrade the resources or values of such unit.

(b) DEFINITIONS.—For purposes of this section, the following terms shall have the following meanings:

(1) The term "new dam or other new impoundment" means any facility for impoundment or obstruction of the flow of water, construction of which commences after the enactment of this Act.

(2) The term "impoundment' means the formation of a body of water upstream from a dam or other structure caused by the construction or operation of the dam or other structure.

(3) The term "inundate" means to permanently or intermittently cover land with water.

(c) CONCURRENCE.—Notwithstanding any other provision of law, no department or agency of the United States shall renew or reissue any license, or issue a new license, for any dam or other facility for impoundment or obstruction of the flow of water that is located on or that inundates any land within the National Park System, if such action would result in new or increased effects on the resources and values of such land, unless the Secretary of the Interior concurs in such action.

(d) SCOPE.—The prohibition of this section shall be in addition to, and not in lieu of, any other prohibition or restriction on activities within any unit of the National Park System.

(e) OTHER PROJECTS.—Nothing in this section prohibits the Secretary of the Army or any other Federal department or agency from undertaking a study of any project or from submitting a recommendation to Congress for the authorization or licensing of such project.

SEC. 3103. STATE OR LOCAL GOVERNMENT LANDS.

Section 21 of the Federal Power Act is amended as follows:

(1) In the first sentence after the word "right" insert ", temporarily during project construction,".

(2) In the first sentence after the word "damage" insert "(and to restore and repair), ".

(3) After the first sentence insert: "The term 'unimproved dam site' shall not include any site or area that was acquired by a State or local government or agency thereof solely for the purposes of a public park, recreation, or wildlife refuge before the date such licensee is issued a license by the Commission and is owned and operated for such purposes, except that nothing in this sentence shall preclude a State or local government from consenting to the acquisition of such site or area with the licensee."

The amendments made by this section to section 21 of the Federal Power Act shall apply to the exercise of eminent domain by any licensee under such section after the date of enactment of this Act.

SEC. 3104. COORDINATION WITH FEDERAL AGENCIES.

Section 6(g) of the Land and Water Conservation Fund Act of 1965 is amended by inserting the following at the end thereof: "If a State has enacted statutory provisions providing for the permanent protection of the natural, ecological, cultural, scenic, or recreational resources of designated river segments within that State, if such protection is part of a comprehensive Statewide plan approved by the Secretary of the Interior under section 6, and if such provisions prohibit the development of new hydroelectric power projects on such designated segments, neither the Secretary nor any other officer or agent of the United States (other than the Secretary of the Army or the Chief of the United States Soil Conservation Service) shall assist or issue an original license or an exemption for the construction of any new hydroelectric power project if the project is located wholly within that State and if such assistance, license, or exemption would be inconsistent with such prohibition. The preceding sentence shall not apply to any project authorized for construction by the Secretary of the Army before, on, or after the date of the enactment of this sentence and not subsequently deauthorized pursuant to the provisions of Title X of Public Law 99-662 or any other provision of law.".

The CHAIRMAN. Under the rule, the gentleman from California [Mr. MILLER] will be recognized for 20 minutes, and a Member opposed to the amendment will be recognized for 20 minutes.

The Chair recognizes the gentleman from California [Mr. MILLER].

Mr. MILLER of California. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, Members of the House, this amendment is very simple in its form and its results.

The amendment prohibits the construction of new dams in our national parks, and the amendment prevents a Federal agency from licensing new hydroelectric projects on a river that a State has statutorily prohibited from the construction of dams or called for the river's protection in the State's comprehensive outdoor recreation plan.

Mr. Chairman, this is an amendment against the arrogance of Federal power. This is an amendment to preserve the rights of States when they speak through their legislature or they speak through the initiative process and they make the designation to protect a river, they make a statewide decision to protect their resources, and then along can come the Federal Energy Regulatory Commission and site a dam on that particular river that the people of the State have said they wanted to protect.

This is the arrogance of a Federal bureaucracy that can give a right to a private developer to condemn State lands, to condemn State lands for the purposes of private projects against the wishes of the Governor, the legislature, and the people of the State. That is why this amendment is supported by the Western Governors' Association, the League of Conservation Voters, the National Wildlife Federation, Trout, Unlimited, and the American Rivers Campaign, as well as supported by State agencies and Governors from the States of California, Pennsylvania, New York, Massachusetts, Oregon, Kentucky, Tennessee, and Michigan among others. Because they recognize the rights of their citizens to make decisions and not have those overridden by a Federal bureaucracy to damage those resources and to take away the rights of the States to have that say.

It is important that we understand that States make those decisions, and it is for the reason that I offer this amendment to stop what has taken place over the last several years is the ability of people to come and override that with the support and with the power of a Federal agency against the wishes of the State.

Mr. Chairman, I yield 2 minutes to the gentleman from Utah [Mr. OWENS].

Mr. OWENS of Utah. Mr. Chairman, I will soon call up an amendment at the desk which would provide for the opportunity of review by the Secretary of the Interior and for public participation before rights-of-way through public lands are granted for oil and gas pipelines.

The fundamental issue addressed by my amendment is who shall make the value judgment that a right-of-way shall be granted across public lands for a pipeline. My amendment would ensure that before a pipeline right-of-way through public lands is granted that the Secretary of the Interior shall first determine that the use of the pipeline will not conflict with the purposes for which the lands are managed or result in substantial degradation of natural resources, scenic or recreational values.

The Secretary of the Interior is, after all, the official responsible for ensuring proper management of public lands held in trust for the people of this country, and he or she should make the critical decision about the environmental impact of a proposed pipeline on these lands.

In addition, my amendment would require at least one public hearing before the right-of-way could be granted as a means of ensuring public input on the Secretary's decision. By contrast, the committee's version of H.R. 776 would allow the Federal Energy Regulatory Commission [FERC] to make the crucial determination about the environmental effect of a pipeline on public lands.

□ 1620

Having FERC make this decision puts the proverbial fox in charge of the hen house, with predictable consequences.

We had a terrible experience in Davis County in Utah with the Kern River pipeline where the Secretary of the Interior was left out of the process.

The devastating environmental impact of allowing FERC to make the decisions about use of public lands for pipelines is depressingly evident in springtime now in the mountains above Bountiful, UT. During construction of the Kern pipeline, miles of scenic Forest Service land were torn up. Extensive watershed and wildlife areas were devastated and numerous archaeological sites on the National Historic Register were destroyed.

Anyone who questions whether it makes a difference which agency conducts the environmental impact study should visit Davis County and look at the legacy of the Kern River pipeline. The pipeline route is a giant bleeding scar across the beautiful mountains of Davis County.

All of this environmental harm occurred with the full knowledge and acquiescence of FERC. Federal agencies with responsibility for protecting public lands recommended against construction of the Kern pipeline, but FERC overruled those agencies and the public's recommendations.

Why did this happen? Because an agency responsible for building the pipeline—

PARLIAMENTARY INQUIRIES

Mr. YOUNG of Alaska. Mr. Chairman, I have a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. YOUNG of Alaska. Mr. Chairman, I would like to inquire: The gentleman's discussion is not about the Miller amendment. He is talking about an amendment that has not even been offered at this time. It is way off the Miller amendment.

Now, how do we go about doing that?

The CHAIRMAN. The debate at this point should be confined to the pending Miller amendment.

Mr. OWENS of Utah. Mr. Chairman, my amendment is to the Miller amendment.

Mr. YOUNG of Alaska. A further parliamentary inquiry, Mr. Chairman.

The CHAIRMAN. The gentleman will state it.

Mr. YOUNG of Alaska. Mr. Chairman, has the amendment been offered yet?

Mr. OWENS of Utah. Mr. Chairman, I do not want to upset my friend, the gentleman from Alaska.

I now offer my amendment to the amendment.

The CHAIRMAN. Before the gentleman offers his amendment to the amendment, the Chair will inquire whether any Member seeks recognition in opposition to the primary Miller amendment?

Mr. YOUNG of Alaska. Mr. Chairman, I ask for time to oppose the Miller amendment.

The CHAIRMAN. Does the gentleman from Michigan [Mr. DINGELL] seek recognition?

Mr. YOUNG of Alaska. Mr. Chairman, what I am suggesting is that the gentleman from Michigan offered an amendment, and then the gentleman from Utah began talking about his amendment, which was not offered.

Now, I am asking for time to oppose the amendment offered by the gentleman from California.

The CHAIRMAN. Is the gentleman from Alaska in opposition to the amendment of the gentleman from California [Mr. MILLER]?

Mr. YOUNG of Alaska. Yes, I am, Mr. Chairman.

The CHAIRMAN. The gentleman from Alaska will be recognized in opposition for 20 minutes.

Mr. DINGELL. Mr. Chairman, I would like to be recognized in opposition to the amendment offered by the gentleman from California [Mr. MILLER].

The CHAIRMAN. The Chair had inquired and did not hear from the gentleman from Michigan, but as the manager of the bill the gentleman from Michigan would take priority, and the gentleman from Michigan [Mr. DINGELL] will be recognized for 20 minutes in opposition to the Miller amendment and will control the 20 minutes.

Mr. YOUNG of Alaska. Mr. Chairman, to make this easier, I would be glad to yield my 20 minutes to the gentleman from Michigan, if necessary, just as long as I get some time to talk about the Miller amendment.

The CHAIRMAN. The Chair has ruled that the gentleman from Michigan will control the 20 minutes in opposition to the amendment offered by the gentleman from California [Mr. MILLER].

We now will return to the gentleman from Utah [Mr. OWENS] who had an amendment to be offered to the Miller amendment.

PARLIAMENTARY INQUIRIES

Mr. THOMAS of Wyoming. Mr. Chairman, I have a parliamentary inquiry.

The CHAIRMAN. The gentleman will state his parliamentary inquiry.

Mr. THOMAS of Wyoming. Mr. Chairman, I am wondering, how do you get time to oppose the Owens amendment?

The CHAIRMAN. After it is offered, that inquiry will be appropriate.

Mr. DINGELL. Mr. Chairman, I have a parliamentary inquiry.

The CHAIRMAN. The gentleman will state his parliamentary inquiry.

Mr. DINGELL. Mr. Chairman, am I incorrect that the opponents of the amendment offered by the gentleman from California are foreclosed from discussing that amendment at this particular time?

The CHAIRMAN. The time of debate is now controlled by the gentleman from Utah, having been recognized by the gentleman from California.

The Chair had interrupted the gentleman so that we could establish who would control the time in opposition to the underlying amendment by the gentleman from California [Mr. MILLER] and had recognized the gentleman from Michigan for that purpose.

The Chair will return to recognizing the gentleman from Utah, who is I think prepared to offer his amendment to the Miller amendment.

Mr. DINGELL. Well, I had the feeling, Mr. Chairman, that the regular order required that those who are opposed to the Miller amendment would be permitted to be recognized at this time.

Mr. OWENS of Utah. Mr. Chairman, my amendment is an amendment to the Miller amendment.

The CHAIRMAN. The gentleman from Utah will suspend.

The Chair will recognize the gentleman from Michigan initially in opposition to the underlying amendment, and then return to the Owens amendment.

The Chair recognizes the gentleman from Michigan [Mr. DINGELL].

Mr. DINGELL. Mr. Chairman, first, how much time do I have?

The CHAIRMAN. The gentleman from Michigan [Mr. DINGELL] is recognized for 20 minutes.

Mr. DINGELL. Mr. Chairman, I ask unanimous consent that I be permitted to yield 10 minutes to the gentleman from New York [Mr. LENT] for such purposes of debate that he might choose.

The CHAIRMAN. Without objection, the gentleman from New York [Mr. LENT] will control 10 minutes of the time in opposition.

There was no objection.

Mr. DINGELL. Mr. Chairman, I rise in opposition to the amendment which is offered by the gentleman from California.

It is an interesting amendment. It is not an amendment to any energy statute, rather it amends the Federal Land Policy and Management Act of 1976 and the Land and Water Conservation Fund Act of 1965. Neither of these statutes is an energy statute. Neither of these statutes relate to the basic purposes of this legislation. The basic purposes are to move the United States more toward energy sufficiency, to increase conservation and to increase production of energy and reduce our dependence on imported fossil fuels.

Were it not for the extraordinary action of the Rules Committee in making them in order, they would clearly be nongermane and subject to a point of order at this time.

It is plain that these amendments relate to such interesting and I believe important questions as rights-of-way on public lands and lands within the national forest system. They relate to questions such as dams and diversions of water from the public lands and elsewhere.

It must be observed that these amendments in a most curious way create a new and a different procedure for rights-of-way on public lands and on Forest Service lands for generation, transmission, and distribution of electric energy.

These are sweeping amendments. They will adversely affect efforts under this legislation with regard to wheeling and transmission of power and they will adversely impact the efforts made in the legislation to encourage the development of independent power projects and to use energy sources other than coal and oil, energy sources such as biomass, natural gas, solar, and water power.

The amendment will adversely affect the siting of generation facilities, and more importantly, the location of transmission lines or distribution facilities that are essential for interconnection within the grids which exist in the United States for the distribution of power to cities, industries, and rural areas.

The amendment amends one portion of section 501 of the 1976 act to establish a detailed procedure for the consideration of right-of-way applications that do not now apply to such facilities or other right-of-way applications, such as those for pipelines for oil and gas, storage and terminal facilities, reservoirs, tunnels, flumes, ditches, and systems for the transmission, amongst other things, of radio, television, and telephone and other telecommunication means, the siting of roads and highways; and trails, railroads, and canals.

Now, I am not sure why this kind of amendment is here before us. It certainly is not an energy amendment. It is antienergy. It is a not-in-my-backyard amendment.

It also requires the Secretaries of Agriculture and the Interior to implement joint regulations within 1 year, and we all know how the regulatory process works. Clearly, it is not going to be able to respond to this demand in that time, if ever.

It also would prohibit dams, and this is a very interesting thing, and the relicensing of existing dams by the Federal Energy Regulatory Commission and by other regulatory agencies, outside areas within the National Park System.

I am also concerned because this legislation attempts to prohibit dams, including the relicensing of existing dams, outside areas within the National Park System, if the reservoir from those dams inundates even a foot or an inch of the external boundaries of any national park, recreation area, wilderness area, monument, historic site, or other area within the National Park System. This would be true even in the case of a dam by the Corp of Engineers or through the Soil Conservation Service that may be necessary for flood control purposes. In some cases the dams would likely not inundate National Park System lands, except in 100 or 200 years. Nevertheless, this proposal would preclude any new dam or new impoundment of this kind.

Most importantly, it would also affect the relicensing of existing dams without the concurrence of the Secretary of the Interior. This would include the Elwha and Glines Canyon Dams in the Pacific Northwest which are the subject of a bill, H.R. 4844, that has been recently introduced by the Washington State delegation and licensing at the Federal Energy Regulatory Commission. This could have a vast impact on public and private power projects throughout the country that are presently pending relicensing before the Federal Energy Regulatory Commission.

Mr. Chairman, this amendment is not sound from an energy standpoint nor from an environmental standpoint. It should not be adopted.

Shortly, I will offer an amendment to the Federal Power Act which is environmentally sound and consistent with the energy purposes of this legislation. It addresses many of the concerns that I and others concerned about adverse impacts of dams on fish, and wildlife, and natural resources. I urge you to reject the Miller amendment and support my amendment which I will discuss later.

The amendment is not an energy amendment. It is something which is a mish-mash of other matters which might be meritorious if they were offered to another bill or if they were to be brought up under a separate rule. They have no place in this legislation. They will rather make this country more dependent on foreign sources. They will inhibit protection of our public lands. They will inhibit siting of facilities which will be used for prevention of floods or for the generation of power.

□ 1630

Mr. Chairman, I urge my colleagues to reject this amendment and the Owens amendment with it.

Mr. Chairman, I reserve the balance of my time.

AMENDMENT OFFERED BY MR. OWENS OF UTAH TO THE AMENDMENT OFFERED BY MR. MILLER OF CALIFORNIA

Mr. OWENS of Utah. Mr. Chairman, I offer an amendment to the amendment.

The CHAIRMAN. The Clerk will designate the amendment to the amendment.

The text of the amendment to the amendment is as follows:

Amendment offered by Mr. OWENS of Utah to the amendment offered by Mr. MILLER of California: At the end of the amendment, insert the following new section and conform the table of contents accordingly:

SEC. 3105. RIGHTS-OF-WAY FOR OIL GAS PIPELINES.

(a) EXTENT OF RIGHTS.—Section 28(a) of the Mineral Leasing Act is amended by adding at the end thereof the following: "Any right-of-way granted or issued under this section shall convey only the rights specifically described therein, and shall not convey or be construed to imply conveyance of any other rights to the use of the affected lands or the resources of such lands.".

(b) OIL AND GAS RIGHTS-OF-WAY.—Section 28 of the Mineral Leasing Act is amended by adding at the end thereof the following:

"(z)(1) Under this section, a right-of-way through Federal lands may be granted or issued for the construction or operation of an expedited pipeline only if the Secretary of the Interior finds that the use of such lands for the construction or operation of the facilities involved in such system—

"(A) is consistent with applicable management plans for such lands, and will not interfere with or be inconsistent with the protection and utilization of such lands for the purposes for which such lands are managed; and

"(B) will not result in substantial degradation of natural or cultural resources, scenic or recreational values, watershed resources, or fish and wildlife populations or habitat affected by the proposed system or affected by the cumulative effects of the proposed system and other uses of such lands or adjacent lands.

"(2)(A) The Secretary shall provide for early and continued public participation in connection with consideration of an application for a right-of-way under this subsection by making a copy of such application available for public inspection in the vicinity of the affected lands for at least 90 days prior to acting on the application and by conducting at least 1 public meeting thereon at a time and location likely to assure public participation.

"(B) All information, including documents and testimony, related to the concerned Secretary's decision on an application under this subsection shall be available for public inspection in regional or local offices of the Bureau of Land Management, and at the same time as the Secretary decides whether or not to grant or issue the requested right-of-way, such Secretary shall publish in the Federal Register an appropriate document stating and explaining the basis for such decision.

"(3)(A) If facilities for an expedited pipeline would be located on lands under the administrative jurisdiction of a single agency of the United States, that agency shall have the principal role in preparing any analysis, under applicable law, of the effects of construction and operation of such facilities on the environment. If such facilities would be located on lands under the administrative jurisdiction of more than 1 such agency, each such agency involved may enter into an agreement among themselves in order to avoid duplication of responsibility or effort, to expedite the consideration of applications for rights-of-way or other rights with respect to use of such lands, to issue joint regulations in appropriate cases, and to assure that decisions about such system are based on a comprehensive review of possible effects on Federal lands and resources.

"(B) Any analysis described in subparagraph (A) of this paragraph shall be prepared by an agency of the United States with administrative jurisdiction over affected lands, or by an independent contractor selected by such an agency, and not by the applicant for a right-of-way under this subsection or by any other party selected or reimbursed by such applicant.

"(C) Nothing in this paragraph shall be construed as precluding an agency of the United States from requiring an applicant for a right-of-way under this section or any other party to provide any necessary information in connection with an analysis described in subparagraph (A) or in connection with decisions about any other aspect of an expedited pipeline.".

(c) EFFECTIVE DATE AND IMPLEMENTATION.—(1) The amendments made by this section shall not apply to any project for which the land-management agency has completed a final review of an application for a right-of-way prior to the enactment of this section.

(2) No later than 1 year after the date of enactment of this Act, the Secretary of the Interior shall issue regulations to:

(A) establish procedures for appropriate public participation in decisions relating to applications for rights-of-way of the type covered by section 28 of the Mineral Leasing Act; and

(B) establish procedures to coordinate, so far as possible, the timing of review by the Secretary regarding such applications with review of related projects by other Federal agencies.

The CHAIRMAN. Pursuant to the rule, the gentleman from Utah [Mr. OWENS] will be recognized for 5 minutes, and a Member opposed will be recognized for 5 minutes.

Mr. THOMAS of Wyoming. Mr. Chairman, I would like to be recognized in opposition to the amendment to the amendment.

The CHAIRMAN. The gentleman from Wyoming [Mr. THOMAS] seeks recognition in opposition to the amendment and will be recognized for 5 minutes.

Mr. OWENS of Utah. Mr. Chairman, I yield myself 4 minutes.

Mr. Chairman, I rise in support of my amendment to provide the opportunity for review by the Secretary of the Interior and for public participation before rights-of-way through public lands are granted for oil and gas pipelines.

The fundamental issue addressed by my amendment is who shall make the value judgment that a right-of-way should be granted across public land for a pipeline. My amendment would ensure that before a pipeline right-of-way through public lands is granted, the Secretary of the Interior first determines that the use of the pipeline will not conflict with the purposes for which the lands are managed or result in substantial degradation of natural resources, scenic or recreational values. The Secretary of the Interior is the official responsible for ensuring proper management of public lands held in trust for the people of this country, and he or she should make the critical decision about the environmental impact of a proposed pipeline on these lands. In addition, my amendment would require at least one public hearing before the right-of-way could be granted as a means of ensuring public input in the Secretary's decision.

By contrast, the Energy Committee's version of H.R. 776 would allow the Federal Energy Regulatory Commission [FERC] to make the crucial determination about the environmental effect of a pipeline on public land. Having FERC make this decision puts the fox in charge of the henhouse with predictable consequences.

We had a terrible experience in Davis County, UT, with the Kern River pipeline where the Secretary of the Interior was left out of the process. The devastating environmental impact of allowing FERC to make decisions about use of public land for pipelines is as depressing an event as Spring has come and the snow has melted. During construction of the Kern pipeline, miles of scenic Forest Service land were torn up, extensive watershed and wildlife areas were devastated, and numerous archaeological sites on the National Historic Register were destroyed. Anyone who questions whether it makes a difference which agency conducts the environmental impact study, should visit Davis County and look at the legacy of the Kern pipeline. The pipeline route is a giant bleeding scar across the beautiful mountains of Davis County.

All of this environmental harm occurred with the full knowledge and acquiescence of FERC. Federal agencies with responsibility for protecting public lands recommended against construction of the Kern pipeline, but FERC overruled these agencies' and the public's recommendations.

Why did this happen? Because an agency responsible for building pipelines was allowed to make decisions about the value of public lands. What a ridiculous situation in this day of environmental consciousness in Utah. The fox was not simply in charge of the henhouse, the fox divided up the hens and passed them around, and it was all disgustingly legal. What is the value of FERC of a sensitive environmental area? What is the value to this agency of a watershed area in an arid region? And what value does a historic site or scenic mountain range have? The answer is "none." Their job is to build pipelines.

To FERC, none of these environmental concerns carried any weight in its decision. Only two considerations played any role in FERC's decision to authorize a pipeline right-of-way across miles of Forest Service land: speed and cost.

The Kern pipeline was built using optional expedited certificates of public convenience and necessity. FERC turned the expedited procedure into a race among several pipeline companies by issuing multiple certificates to the competitors. The paramount consideration for FERC was which company could get its contracts signed first, not which route was the best for a pipeline. Under the process established by FERC, assessment of the environmental impact of the pipeline was not conducted until late in the process, by which time most of the critical decisions, had already been made. Predictably, environmental concerns were given short shrift.

FERC also arbitrarily allowed companies to exclude any route that would increase the cost over the shortest possible route by more than 10 percent, a requirement found nowhere in the law. Application of this 10-percent cost limitation eliminated 12 proposals for alternative routes that the U.S. Forest Service proposed because these alternatives exceed the 10-percent threshold. FERC was so rigid in holding to its 10-percent limit that a Forest Service proposal to utilize an existing utility corridor was rejected because it would have increased the pipelines' cost by 11 or perhaps 12 percent. Thus, the environmental devastation caused by construction of the Kern pipeline could have been avoided entirely by paying an additional 1 or 2 percent.

The requirements of my amendment are patterned on provisions of title XIII of the Interior Committee's amendment to H.R. 776 which preserve oversight and stewardship roles for the Bureau of Land Management, Forest Service, and Park Service in connection with rights-of-way through public lands for electrical energy projects. The same principle underlies my amendment as the similar amendment previously adopted by the Interior Committee. A separate amendment is required because rights-of-way for pipelines are governed by the Mineral Leasing Act, rather than the Federal Land Policy and Management Act which the Interior Committee's amendment addresses. I offer my amendment as a perfecting amendment to the Interior Committee's amendment.

In constructing either a pipeline or an electric energy project, the agencies responsible for stewardship of public lands should decide, and the public should be involved in the decision, whether a right-of-way will be granted across public lands. Like the Interior Committee amendment it is patterned on, my amendment represents an effort to ensure that energy projects on public lands are consistent with the purposes for which those lands are managed. Unless these safeguards are in place, environmental degradation on the scale of what occurred during construction of the Kern pipeline may become commonplace.

I urge adoption of this amendment to ensure that what happened to Davis County, UT, does not happen anywhere else.

Mr. Chairman, I reserve the balance of my time.

Mr. THOMAS of Wyoming. Mr. Chairman, I yield myself 2 minutes.

Mr. Chairman, we ought to cut to the core of this issue.

Mr. Chairman, we rise up here every day and we worry about jobs, worry about the economy, and worry about overregulation, and then we stand up and do it and put overregulation on these kinds of things.

We come to the floor with issues that add more and more, more, and more regulation. I am a little familiar with the Kern River project, as a matter of fact. It starts in Nopal, WY. It is in operation. It is designed, by the way, to bring clean fuel, abundant gas to California so that the environment there will be cleaner, and use it, and that is what it is designed for.

The section that the gentleman talks about is Forest Service section, which has nothing to do with the Secretary of the Interior. But we had hearings there. The Forest Service changed the route over several times, and I suggest to you that there was really nothing wrong with the process.

You may not have liked the outcome, and some of you folks did not like the outcome, but the process is there.

As a matter of fact, Kern River spent 4 years in getting the necessary permits to do this. There was readjustment of the route, there were meetings held all along the route, there were 150 environmental mitigation requirements attached to the certificate issued by FERC.

So I would not argue that the system worked perfectly, I would not argue the outcome is what you wanted, but I would argue strenuously that we do not need additional regulation, we do not need to pile on additional requirements in order to get an approval for a permit of this kind.

Mr. Chairman, I reserve the balance of my time.

Mr. OWENS of Utah. Mr. Chairman, as offeror of the amendment to the amendment, I have the opportunity to close debate, is that not right, on this amendment to the amendment?

The CHAIRMAN. The gentleman from Utah [Mr. OWENS] has 1 minute remaining, and the Chair would rule that the gentleman is entitled to close.

Mr. OWENS of Utah. Mr. Chairman, I reserve the balance of my time for the close.

Mr. THOMAS of Wyoming. Mr. Chairman, I yield 2 minutes to the gentleman from California [Mr. THOMAS].

(Mr. THOMAS of California asked and was given permission to revise and extend his remarks.)

Mr. THOMAS of California. Mr. Chairman, I represent a district in California that produces more oil than the entire State of Oklahoma. In fact, if Kern County were a State, only Alaska, Texas, and Louisiana would produce more oil.

We talk often about the need to increase domestic energy production. I have an area that produces and wants to produce, but because of the Clean Air Act that this Congress passed and revised recently, it is becoming more difficult to produce oil domestically and in California.

We need to comply with the Clean Air Act. One of the ways in which we can do it is to burn natural gas in the boilers that heat the oil that allow us to bring oil to the surface.

The pipeline that the gentleman from Utah is talking about took 6 years to clear the regulatory process and 9 months to build. As long as we continue this 6-and 7-to-1 ratio of clearing the regulatory hurdles and then building, we will continue to fall behind our needs. A National Environmental Policy Act required FERC, as my friend from Wyoming indicated, to make sure that all of the environmental policies were cleared. it simply is a redundancy that is being placed in this bill and it is not needed, it will only drive up costs. It is another example, albeit a clever one, of "Not in my back yard, and if I can't win under these rules, I want new rules to try to make sure that I win."

Mr. SHARP. Mr. Chairman, will the gentleman yield?

Mr. THOMAS of California. I yield to the gentleman from Indiana.

Mr. SHARP. I thank the gentleman for yielding.

Mr. Chairman, the gentleman is correct, there is a major environmental law in place. The Government can be sued under it if it is not producing and EIS that is real. It is not allowed to do a phony EIS.

We have got serious problems if we add more layers of bureaucracy to agencies fighting each other over this. We need to protect the environment, but we have laws in place to do that.

Mr. THOMAS of California. I thank the gentleman. No one is trying to duck any regulatory policy. We are trying to not duplicate and triplicate procedures and needlessly driving up costs.

Mr. Chairman, this is unneeded.

Mr. THOMAS of Wyoming. Mr. Chairman, I yield 1 minute to the gentleman from California [Mr. MOORHEAD].

Mr. MOORHEAD. I thank the gentleman for yielding time to me.

Mr. Chairman, I rise in opposition to the amendment offered by Mr. OWENS which would restrict the right of way for expedited oil and gas pipelines built on Federal lands.

I believe this amendment is unnecessary and will counteract a lot of the good provisions contained in title II of H.R. 776 which streamline the construction process for natural gas pipelines. Specifically, this amendment would require a new environmental review process for oil and gas pipeline right-of-ways across Federal lands. This environmental review process will be in addition to the comprehensive environmental review which must already be conducted under NEPA. This measure will be unnecessary, costly and most importantly, will prevent all citizens from receiving the environmental benefits of clean-burning natural gas because it will not be able to reach its potential markets.

□ 1640

Thus, Mr. Chairman, I urge my colleagues to vote "no" on this amendment.

Mr. OWENS of Utah. Mr. Chairman, I supported the building of the Kern River pipeline. What I opposed, may I say to my friend, the gentleman from Wyoming [Mr. THOMAS] and others, was the location in the mountains, bringing it through the mountains in Davis County. I argued for an existing corridor to the east about a hundred miles, which was already environmentally sound, which was already in existence and which would have cost, they told me, 1 or 2 percent more than the 10-percent variance that FERC extracted. It is the process which we deal with. This amendment would require that whichever secretary is involved, depending on which kind of publicly owned land is involved, that the secretary, who is the custodian of the land and has responsibility for the land, then would have the obligation or the opportunity to deal with the environmental impacts of the proposed pipeline. I think the natural gas is partly going to be the salvation of our energy problem, and I favor it, but the environmental implications are very real.

(Mr. MARLENEE asked and was given permission to revise and extend his remarks.)

Mr. MARLENEE. Mr. Chairman, I rise in opposition to the Owens amendment because the Owens amendment is ambiguous, overly broad, and seeks to rewrite a great deal of established Federal law merely for individual political gain.

The Owens amendment would establish a new environmental review process for expedited pipelines which would have the effect of delaying them well beyond the existing procedure for issuing a regular certificate.

The Owens amendment would add yet another tier of Federal interference and review to an already burdensome and time consuming process. It would double the review time rather than expedite it.

The Owens amendment will create a cross-jurisdictional morass that ignores the existing NEPA process and the congressional will that establishes the FERC as the lead agency for pipeline certificates.

The Owens amendment was not raised or debated in any committee hearing or mark up and is in direct contradiction with the streamling provisions of the natural gas title which enjoyed full debate and deliberation in the committees of jurisdiction.

The Owens amendment ignores the environmental benefit that natural gas can provide if only we can get it to market. This amendment would make it nearly impossible to construct new pipelines because nobody can overcome these many new requirements that it would impose. Also I ask, what interpretation are the bureaucrats going to place on these new requirements?

More importantly, the Owens amendment ignores those working men and women who rely on pipeline construction and natural gas production for their livelihoods. At what point are we going to stop putting cockroaches and beetles ahead of people?

There is a rational and reasonable system in place that is threatened by this amendment. A right of way should not have a second set of environmental regulations placed upon its already comprehensive and complete environmental review.

If Mr. OWENS wants to punish an individual company or project—let him pursue that in the appropriate forum, the courts. Don't throw the baby out with the bathwater.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Utah [Mr. OWENS] to the amendment offered by the gentleman from California [Mr. MILLER].

The amendment to the amendment was rejected.

AMENDMENT OFFERED BY MR. OWENS OF UTAH TO THE AMENDMENT OFFERED BY MR. MILLER OF CALIFORNIA

Mr. OWENS of Utah. Mr. Chairman, I offer a second amendment to the amendment offered by the gentleman from California [Mr. MILLER].

The Clerk read as follows:

Amendment offered by Mr. OWENS of Utah to the amendment offered by Mr. MILLER of California. At the end of the amendment, insert the following new section and conform the table of contents accordingly:

SEC. 3105. RESTRICTION ON USE, OCCUPANCY, AND DEVELOPMENT OF PUBLIC LANDS FOR PURPOSES OF RADIOACTIVE WASTES OR ELECTRIC ENERGY.

(a) IN GENERAL.—Section 302 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1732) is amended by adding at the end thereof the following:

"(e) The Secretary concerned may not provide for the use, occupancy, or development of lands subject to this Act for any of the following purposes, except as stated for that purpose:

"(1)(A) Handling, storage, disposal, or treatment of low level radioactive wastes or hazardous wastes, unless the Governor of the State in which the lands are located agrees to such use.

"(B) Transportation of low-level radioactive waste or hazardous waste on such lands shall be in accordance with the Hazardous Materials Transportation Act and the regulations issued pursuant to that Act.

"(2) The electric energy purposes described in section 501(a)(4), unless the Secretary concerned, in consultation with the Administrator of the Environmental Protection Agency, determines that such facilities are the best environmental alternative that will meet the demand for electricity. In making such determination, the Secretary concerned shall consider conservation of electrical energy and renewable energy resources as alternatives. Consultation under this paragraph shall be part of the compliance required under section 102(2)(C) of the National Environmental Policy Act of 1969.".

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply to leases, permits, licenses, or other instruments the Secretary deems appropriate for the use, occupancy, or development of lands granted under the Federal Land Policy and Management Act of 1976 after the date of enactment of this Act.

Mr. YOUNG of Alaska. Mr. Chairman, since I do not know the amendment, I am going to rise in opposition to it until I find out.

Mr. OWENS of Utah. Mr. Chairman, I am sure the gentleman from Alaska will agree with my amendment after he hears about it.

The CHAIRMAN. The gentleman from Utah [Mr. OWENS] will be recognized for 5 minutes, and the gentleman from Alaska [Mr. YOUNG] will be recognized for 5 minutes in opposition.

The Chair recognizes the gentleman from Utah [Mr. OWENS].

Mr. OWENS of Utah. Mr. Chairman, I rise in support of my amendment giving a State the authority to prohibit use of Federal public lands within the State for disposal of radioactive or hazardous waste and also imposing certain conditions on the use of these lands for electric energy purposes.

The principle that States should be able to restrict the importation of waste is not just an issue of States' rights. A State's right to say "no" to out-of-state wastes is a logical extension of the Golden Rule: "Don't dump on others what you would not have them dump on you."

This is not a NIMBY response. It is a sane and rational statement about handling of waste. Each area of the country must confront its own waste problems. If each area of the country must deal with its waste products, we learn first to conserve, second to recycle and third to deal with the finite nature of our resources. To be able to ship waste products out of State is to permit the real problems of waste production to be ignored.

The bill contains an amendment that would codify the right of States to say "no" to low-level radioactive waste which is so low it is exempt from regulation by the Nuclear Regulatory Commission, so-called below regulatory concern [BRC] wastes.

Empowering States to say "no" to waste imports prevents exporting States from avoiding their waste problems by shipping the waste someplace else. If States can block out-of-state waste, this forces waste generators to employ more environmentally sound waste management methods; it forces them to conserve and recycle. So, there are strong environmental policy reasons to allow States to say "no" to waste imports.

Among the wastes that would be subject to State exclusion under my amendment are naturally occurring radioactive materials [NORM], which are byproducts of natural gas production, and radioactive wastes generated at uranium processing sites. Authorizing States to exclude imports of these and other hazardous wastes will mean that gas production facilities, uranium processing sites and other energy producers will have to manage byproduct wastes at the production site in many instances. As a result, environmental considerations will likely play a greater role in energy production.

My amendment goes one step further. It would also require, before Federal public lands can be used for electricity generating facilities, that the Secretary responsible for these lands determine that the facility is the best environmental alternative. In making this determination, conservation of electrical energy and renewable energy resources would have to be considered as alternatives.

Recently, a private joint venture proposed to construct a coal-fired generation facility on FLPMA lands located just over the Utah border in the Great Basin desert of Nevada. It was no coincidence that the proposed site was in an area that currently has the cleanest air in the United States. The strategy behind this project was obvious: locate in a place with clean air and minimal risk of State interference, burn inexpensive coal, sell the power produced to the southern California market, and let Utah figure out what to do with the 62,000 tons of air pollutants that would blow into the most populous, lowest air quality areas of our State.

I was astonished to learn that the only legal obstacle to this proposed project was FLPMA land exchange regulations requiring fair value exchanges. The environmental impact statement for this project did not seriously address the need for this additional power or cleaner alternatives for providing it. Nor did it adequately consider possible adverse effects of this project on cleaner generating facilities already serving the southern California market.

Fortunately, this proposed project was politically defeated, but the need for better policy guidance on use of FLPMA lands for electricity generating facilities remains. This amendment will provide this much needed guidance to Federal land management agencies and will help promote electrical generation projects that provide power in the most environmentally benign way possible.

Federal public lands serve many important purposes. They have natural resource, scenic, and recreational values. These other values must be considered when evaluating proposed uses of these lands. Dumping radioactive or hazardous wastes should be the least acceptable use of Federal public lands. By giving a State the right to block the use of Federal public lands in the State as waste sites, my amendment provides additional assurances that these lands will seldom, if ever, be used for disposal of radioactive or hazardous wastes. Similarly, my amendment provides safeguards to ensure that the multiple values of Federal public lands are considered before these lands are used for electrical energy purposes.

Mr. Chairman, I reserve the balance of my time.

Mr. YOUNG of Alaska. Mr. Chairman, I yield 2 minutes to the gentleman from New York [Mr. LENT].

Mr. LENT. Mr. Chairman, I strongly oppose the amendment offered by my colleague Mr. OWENS with respect to the Federal Land Policy and Management Act. This amendment limits the jurisdiction of the Secretaries of Interior or Agriculture from granting leases or permits to use or develop those lands for certain waste-related and electricity-related purposes.

The electricity provision applies to generation, transmission, and distribution of electric power and requires that the Secretary concerned rely upon only environmental considerations when making permit or use decisions. Consideration of cost or technical feasibility is not allowed.

This is improper. The decisionmaking process should be balanced and not rest entirely on environmental considerations. Moreover, the Owens amendment shifts the decision of how to meet demand for electricity from a utility or State public utility commission, and from the Secretary of Energy for the power marketing administrations, to the Secretary of the Interior and Secretary of Agriculture.

The waste provision affects the treatment, storage, or disposal of low level radioactive wastes or hazardous waste by requiring the agreement of the State Governor. This interferes with implementation of the Low-Level Waste Policy Act, by giving the Governor of each State a veto over siting. We do not need additional legislation to encumber the Low-Level Waste Policy Act.

I urge a no vote on the Owens amendment.

Mr. OWENS of Utah. In closing, Mr. Chairman, I point out that my amendment does not supersede existing requirements. It simply would permit a Governor to say no to exclude the importation of hazardous or low level radioactive waste if the Governor finds for any reason that it is not consistent with State regulations or it poses an additional hazard. I think that it is appropriate that the amendment be passed. I think it is very important we understand that only through giving Governors or State legislators the power to say no, to force them into and permit regional compacts in dealing with waste, can we expect that there will be a sane policy of disposal of waste. It is a problem which will not go away.

Mr. Chairman, I urge my colleagues to vote for my amendment this afternoon.

□ 1650

Mr. YOUNG of Alaska. Mr. Chairman, I yield 2 minutes to the gentleman from California [Mr. MOORHEAD].

Mr. SHARP. Mr. Chairman, will the gentleman yield?

Mr. MOORHEAD. I yield to the gentleman from Indiana [Mr. SHARP], chairman of the Subcommittee on Energy and Power of the Committee on Energy and Commerce.

Mr. SHARP. Mr. Chairman, I thank the gentleman for yielding.

Mr. Chairman, I want to rise in opposition to the amendment because of what it does on the electric side of this equation. It brings an entirely new set of regulators and regulations and insists that they pick the best environmental option, which is very difficult to ascertain under any circumstances. It will interfere with State powers and Federal powers. It provides a complication at a time when we are trying to get good sound environmental policy and good sound economic policy, and we simply do not need these additional complications. It has not been thoroughly considered, to begin with. So to lay out a whole set of regulations is just a big mistake.

Mr. MOORHEAD. Mr. Chairman, reclaiming my time, I strongly oppose the amendment offered by my colleague, Mr. OWENS, with respect to the Federal Land Policy and Management Act. This amendment limits the jurisdiction of the Secretaries of Interior or Agriculture from granting leases or permits to use or develop those lands for certain waste-related and electricity-related purposes.

The electricity provision requires that the Secretary concerned rely upon only environmental considerations when making permit or use decisions that apply to generation, transmission, and distribution of electric power. No consideration of cost or technical feasibility is permitted.

This is clearly wrong. We should have a balanced decisionmaking process and not rest entirely on environmental considerations. Moreover, the Owens amendment shifts the decision of how to meet demand for electricity from a utility or State public utility commission, and from the Secretary of Energy for the power marketing administrations, to the Secretary of the Interior and Secretary of Agriculture.

State Governors would have a veto over the treatment, storage, or disposal of low level radioactive wastes or hazardous wastes. This interferes with implementation of the Low-Level Waste Policy Act, by giving the Governor of each State a veto over siting. We do not need additional legislation to encumber the Low-level Waste Policy Act.

I urge a no vote on the Owens amendment.

Mr. YOUNG of Alaska. Mr. Chairman, I have no further requests for time, and I yield back the balance of my time.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Utah [Mr. OWENS] to the amendment offered by the gentleman from California [Mr. MILLER].

The amendment to the amendment was rejected.

Mr. MILLER of California. Mr. Chairman, may I inquire of the Chair how much time each side has remaining?

The CHAIRMAN. The gentleman from California [Mr. MILLER] has 15½ minutes remaining on the principal amendment, the gentleman from Michigan [Mr. DINGELL] has 5 minutes remaining, and the gentleman from New York [Mr. LENT] has 10 minutes remaining.

Mr. MILLER of California. Mr. Chairman, I yield 3 minutes to the gentleman from Minnesota [Mr. VENTO].

Mr. VENTO. Mr. Chairman, I rise in strong support of the Miller amendment and regret some of the characterizations that have taken place today with regard to it.

Basically this amendment does four things, and four things only. They all deal with hydroelectric power and the power of FERC basically that exists in a unique way and is practiced in a way that I think is offensive not just to the other Federal agencies, but to the State and the rights of the public in these particular instances.

Mr. Chairman, this amendment does four things only. One, it clarifies the issue with regard to BLM or the Forest Service requiring a permit for hydroelectric or FERC activities on Federal land. That is an issue that I do not believe is in dispute here today with regard to that issue.

In addition, it provides conditions. Obviously we expect the public lands to be used for the purposes as espoused in the basic organic acts. I would challenge the suggestion that the FLPMA, the basic law, does not address itself to the energy issue. Indeed it does.

This is no extension or duplication of responsibility for these land management agencies. These are primary responsibilities for the land management agencies.

Second, this amendment provides for and clarifies the issue with regard to dams as they affect parks. We designate, Congress designates, the national parks, the monuments, and the other units of the Park System. Clearly, when we do that, we do not intend, for instance, for FERC to disregard or override the laws with regard to such designation.

I would suggest that there are 360 units of the Park System that are in question here. Both these measures of the Miller amendment have been acted upon before. They have passed the gentleman's Committee on Energy and Commerce. The gentleman saw fit to permit the dams and parks bill to go to the Senate, where they did not act on it. So he and his committee and this Congress is on record in the past Congresses.

The other measure has been considered by the gentleman's committee after being passed by the Interior Committee. The gentleman has not seen fit to act on it, so consequently bringing these matters up in this particular purpose is appropriate.

Third, this bill provides that we deal with States, we deal with application and licensure processes we provide due process and respect States rights not permitting areas to be developed simply without regard to a State role. Fourth, the Miller amendment address eminent domain, and that FERC cannot give to the private party the right to condemn State park and conservation lands that are designated as wildlife and wild and scenic rivers. Today FERC is what handing over to private parties such development rights and resources.

Mr. Chairman, I would just point out these four activities all deal with hydroelectric and the unique power that FERC today exercises irrespective of what the impact is in terms of our public lands, where permits should be granted, irrespective of the impact on national parks that we designate, irrespective of the actions that a State has taken to protect their streams and their waterways, and irrespective of public State private property rights, for instance where FERC grants to a private party the power of eminent domain over public State lands.

What the Governors and conservation groups and others are saying is give us back our power. Give us the opportunity for due process. Give us the opportunity for due process. Give us the opportunity to use these lands as they are designated, and the proper authority with the power to exercise it.

Mr. Chairman, I urge a positive vote for the Miller amendment.

Mr. Chairman, this amendment would restore several important provisions that were adopted by the Interior Committee during its consideration of H.R. 776.

One part of the amendment would clarify the authority of the Bureau of Land Management and the Forest Service, regarding issuance of rights-of-way or special use permits associated with hydroelectric projects.

There is an interesting history about the need for this provision:

First, following enactment of the Federal Land Policy and Management Act of 1976, the Federal Energy Regulatory Commission refused to recognize the authority that act gave BLM and the Forest Service for these matters.

Therefore, in 1988 the Interior Committee reported a bill to make it clear that FLPMA meant what it said. Unfortunately, because this was sequentially referred to the Committee on Energy and Commerce, which did not act on it, the bill was not enacted.

At the request of the chairman of the Committee on Energy and Commerce, the General Accounting Office reviewed the legal situation and reported that BLM and the Forest Service did indeed have the authority under FLPMA to control rights-of-way. When Chairman DINGELL brought this to the attention of FERC, FERC modified its rules to recognize the BLM and Forest Service authority.

Unfortunately, a recent court decision has misconstrued the law and overturned those FERC rules—putting the matter back to square 1, and again making it necessary for Congress to act, to remove any question that GAO and FERC got it right and the court was in error.

In its proposals for energy legislation, the administration asked us to eliminate BLM and Forest Service authorities, leaving all right-of-way decisions to FERC. This proposal is simply inconsistent with sound management of Federal lands. Fortunately, the administration proposals were rejected by the Senate, but the corresponding provisions in the Senate bill themselves present serious problems.

This amendment would add to the bill a section, from title XIII of the bill as reported by the Interior Committee, that improves on the Senate version by making clear that BLM and the Forest Service have the authority for issuing and conditioning rights-of-way related to hydroelectric or similar projects on the national lands they manage. The effect of this is to reverse a decision of the Court of Appeals for the Ninth Circuit incorrectly interpreting the Federal Land Policy and Management Act of 1976.

Another part of this amendment would prohibit any new dam that would either be within a National Park System unit or that would flood any lands within such a unit. I would also make clear that an existing dam within or flooding park lands could be relicensed to permit new or increased effects on park lands only if the Secretary of the Interior concurs in that relicensing. Again, this would resolve a dispute over existing law, in ways consistent with the proper protection and management of the National Park System. In many acts, Congress has directed that these park lands receive the highest degree of protection. It makes no sense to leave open a legal loophole that could undermine this protection by allowing the damming and flooding of National Park System lands.

These provisions are an important part of any national energy strategy, because they will assure that development of power projects will occur only in a sound, balanced manner that protects the priceless resources and values of the National Park System and enables the land-managing agencies to properly balance energy production with the other multiple uses of the public lands and national forests. I urge the adoption of the amendment.

Mr. LENT. Mr. Chairman, I yield such time as he may consume to the gentleman from Montana [Mr. MARLENEE].

Mr. LENT. Mr. Chairman, I yield 3 minutes to the gentleman from Alaska [Mr. YOUNG], the ranking member of the Committee on Interior and Insular Affairs.

Mr. YOUNG of Alaska. Mr. Chairman, I rise in strong opposition to this amendment. It doesn't do anything for our energy picture. It makes renewable, clean, and cheap hydropower more difficult to develop. And it will probably result in successful lawsuits against the United States for takings of private property. It is also anti-State's rights.

Let me give you an example. In Alaska, we have over 50 million acres of national parks. Millions of acres in these national parks belong to either the State of Alaska or Alaska Natives. These lands were private- or State-owned before the parks were created. Under section 3102, the State and the Natives can't build dams on their own lands. That means that in at least one case, cheap, renewable, and clean hydropower will be denied Alaska Natives, and they will be forced to burn expensive, dirty diesel fuel in the park. It just doesn't make any sense.

Let me add one more thing. If the chairman really wanted to push this legislation, he would do so in a separate bill. This has a lot more to do with how our national parks are managed than with the national energy strategy. This is just a caboose looking for a train. That's why it wasn't original text—it doesn't have anything to do with energy.

Mr. VENTO. Mr. Chairman, will the gentleman yield?

Mr. YOUNG of Alaska. I yield to the gentleman from Minnesota.

Mr. VENTO. Mr. Chairman, I would point out that the Native American holdings within a park would not be affected by the amendment on the dams and parks.

Mr. YOUNG of Alaska. Mr. Chairman, reclaiming my time, it would be affected according to the way the amendment is being written.

Mr. MILLER of California. Mr. Chairman, I yield 2 minutes to the gentleman from Pennsylvania [Mr. KOSTMAYER].

Mr. KOSTMAYER. Mr. Chairman, what we are talking about here are a couple of provisions which the gentleman from Minnesota [Mr. VENTO] and I have in this amendment. Mine very simply says that if a State, such as the State of Indiana, designates a river within the State as a wild and scenic river, that FERC does not have the right then to override the State of Indiana and license a dam, a hydroelectric dam, on that river. If the State of Indiana believes that there ought to be a hydroelectric dam, of course, they can have one.

□ 1700

It says that if the State chooses to deny FERC the option of licensing a hydroelectric project on its river, it has the right to do so.

The legislation is supported by the States of California, Michigan, New York, and my own State.

Second, the amendment says that if FERC licenses a hydroelectric project, that the party who is the recipient of that license cannot condemn State park land. This has happened in Pennsylvania and, in fact, in Connecticut. In Norwich, CT, a private party got a license from FERC to build a dam on a river which flows through a city park. They built the dam and condemned the park.

This says, "You cannot do that any more." This says, "You cannot do that any more."

We want to give States the right to maintain sovereignty over State and local parks, and we want to give States the right to maintain sovereignty over rivers which they designate wild and scenic. They are two modest provisions. I hope that they will be agreed to.

Mr. LENT. Mr. Chairman, I reserve the balance of my time.

Mr. MILLER of California. Mr. Chairman, I yield 2 minutes to the gentleman from Oregon [Mr. DEFAZIO].

Mr. DEFAZIO. Mr. Chairman, I thank the gentleman for yielding time to me.

I would just take 30 seconds of my time and ask the opponents of the Miller amendment, any such as are here, if they could tell me the names of the members of the Federal Energy Regulatory Commission without consulting with staff. I cannot. That is why I rise in strong support of the Miller amendment.

We have been elected to our positions to represent our constituencies. Part of that is representing the rights of the States and the people that we came to Washington to represent.

We have just had a example here. No one who has risen in opposition to the Miller amendment can name the faceless bureaucrats that sit on the Federal Energy Regulatory Commission. No one can name these faceless bureaucrats, but somehow we are going to allow them to preempt State law, State rights. When the people of the State of Oregon have voted in a public referendum, statewide, to name rivers as wild and scenic, we are going to say that these faceless bureaucrats, appointed by the President of the United States in some subterranean cavern downtown in Washington, that they know better and they can come in and preempt and condemn essentially the lands of the State of Oregon or private lands and force dams to be built on these rivers to destroy these precious public assets.

I rise in strong support of the Miller amendment, and I urge my colleagues, all my colleagues here, to respect the rights of States and the rights of the voters of their districts to have some self-control, some aspect of federalism left, to support the Miller amendment.

Mr. LENT. Mr. Chairman, I yield 3 minutes to the gentleman from Alaska [Mr. YOUNG].

Mr. YOUNG of Alaska. Mr. Chairman, I just cannot let the last statement go by without being challenged. It is ironic to me that this individual talks about the faceless bureaucrats making decisions about what a State shall do and not do on an energy policy. We are the Congress of the whole United States, and we are supposed to be setting energy policy, developing the supply of energy for the people of the United States across every State's borders.

It is ironic to me when an individual stands up and talks about States rights and turns right around and supports the bureaucrats, the faceless bureaucrats that will take private land away from individual taxpaying citizens at the drop of a hat. I am talking about wetlands.

The individual supports the policy of the Corps of Engineers and the EPA of condemning wetlands.

Mr. Chairman, I am suggesting respectfully this is supposed to be an energy package to produce energy. It came out of the Committee on Energy and Commerce a fairly decent bill. But now we are talking about States rights and where a State should have a right to say no, energy should not be developed here, or they were not allowed to do this there and the Federal Government shall do it here.

I am saying, if we are to have a supply of energy, it is important that every State bear its burden and its share.

Alaska itself is very excited about producing energy. We want to produce energy.

I ask the gentleman, is he in support of opening the Arctic Wildlife Range? Is the gentleman in support, yes or no?

Mr. DEFAZIO. Mr. Chairman, will the gentleman yield?

Mr. YOUNG of Alaska. I yield to the gentleman from Oregon.

Mr. DEFAZIO. Mr. Chairman, it is Federal land.

Mr. YOUNG of Alaska. Mr. Chairman, it is Federal land, but is the gentleman in support of opening it up?

Mr. DEFAZIO. Mr. Chairman, if the gentleman will continue to yield, I am not, as it is Federal land.

Mr. YOUNG of Alaska. Mr. Chairman, I am saying, it is ironic that we hear from the gentleman in the well talking about States rights. We have an energy policy. This committee wants to have a policy of energy production for this Nation. I am saying the Miller amendment takes away that right for a policy to be developed by this Congress.

If we want to dissolve the United States into little States, fine, that might be better for us in Alaska. That might be better for many of us. But if we are going to have an energy policy, then we should have a policy that produces something besides hot air. We should have a policy that produces energy that is good for this country and every State must share its burden.

I am tired of the Northeast taking the gas out of Texas and Louisiana. And frankly, I am tired of California taking Alaskan oil and saying no to Alaska drilling.

We have to accept the fact that we need energy in this country. We are doing very little here, and every amendment that is offered by anybody to the energy bill is destroying that bill.

I am suggesting respectfully we adopt the bill of the gentleman from Michigan and the gentleman from New York and let us get on with our business.

Mr. DINGELL. Mr. Chairman, I yield 2 minutes to the distinguished gentleman from Indiana [Mr. SHARP].

Mr. SHARP. Mr. Chairman, the Miller amendment addresses several complex issues. The gentleman from Michigan [Mr. DINGELL] will be offering a substitute which goes part way on several of the portions of the Miller amendment. I think that is a better advised approach for us to take.

We will have an opportunity to hear that in a few minutes. Let me suggest to my colleagues, I see two fundamental problems in this.

One is there is an absolute ban here on any kind of hydroelectric dam that has any impact whatsoever on a national park. When they consider these dams, they consider them for very long term, up to 100 years of trying to assess what will happen. And maybe there will be some very partial flooding in a national park once in 100 years. That in-and-of itself would outlaw any possiblity of creating, and licensing a dam.

I strongly support the National Park System, strongly support additions to it, spending money for it, and adding to it. But as we expand our National Park System, we have got to be mindful of the fact that we have got to be able to have some common sense, some possibility of making an adjustment when we find that it really has very marginal impact.

But the amendment says under no circumstances, unless it is something that directly serves the benefit of the park.

Mr. VENTO. Mr. Chairman, will the gentleman yield?

Mr. SHARP. I yield to the gentleman from Minnesota.

Mr. VENTO. Mr. Chairman, I just wanted to comment to my friend and colleague, who serves on our Committee on Interior and Insular Affairs, that that is already allowed with regard to parks and monuments. There is no question with regard to wild and scenic rivers.

We are talking about the other units in the System. When we designate these on the floor here, we take them up individually. Why can we not change, if there is an impact?

We have done it, incidentally, with Yosemite.

Mr. SHARP. Mr. Chairman, reclaiming my time, we are writing in another hurdle, another problem to get over. I really think that is a mistake.

The second thing is, we are making the States' veto absolute here. The fact is, in the Dingell amendment we are going to give the State a position it has never had in the past, that the Federal Energy Regulatory Commission, if the State takes a position that there can be no dam in a scenic river system, then that will be presumed to be in the public interest and has to be demonstrated as a critical need for this dam.

Mr. MILLER of California. Mr. Chairman, I yield 2 minutes to the gentleman from West Virginia [Mr. RAHALL].

Mr. RAHALL. Mr. Chairman, I thank the gentleman for yielding time to me.

Mr. Chairman, I rise in support of the Miller amendment.

Frankly, I am sick and tired of FERC running roughshod over the justifiable concerns of States like West Virginia when it comes to licensing hydroelectric projects.

Just recently, FERC shoved 16 hydro projects down the throats of 3 States: Ohio, Pennsylvania, and West Virginia. In fact, these projects were approved over the objections of the Interior Department and the EPA as well.

This is incredible. Two Federal agencies and three States.

All arguing that these projects would result in widespread fish kills and that they would be detrimental to water quality. Yet, their views were simply ignored by FERC.

And do you know what happens when the fishery resources of a river are ignored by FERC? The hydro project is built and the fish blow up.

I am serious, the fish blow up.

That is, in fact, what happened at a southwestern Pennsylvania hydroelectric power facility a couple of years ago.

There were massive fish kills.

And let me tell this body. It was awful.

According to the official report, fish were chopped up and mutilated by the turbine blades.

Many of them also died when their air bladders exploded due to rapid water pressure changes.

I think the Miller amendment—and in particular, its provisions that would prohibit Federal licensing of hydro projects on river segments protected under State law—will help alleviate these types of situations.

Mr. Chairman, with the growing demand for outdoor recreational opportunities, we can ill-afford the continued loss of the natural resources on which hydroelectric power is based.

Now can many areas of the country afford to squander away its tourism potential for the sake of unnecessary hydropower developments.

I urge my colleagues to support the Miller amendment.

□ 1710

Mr. MILLER of California. Mr. Chairman, I yield 2 minutes to the gentleman from Idaho [Mr. LAROCCO].

Mr. LAROCCO. Mr. Chairman, I thank the gentleman for yielding time to me.

Mr. Chairman, I rise today in support of the Miller amendment and in opposition to the amendment of the gentleman from Michigan.

The fundamental question before the House is this: Who is the better judge of whether a dam should be licensed and built? Is it the State where the resource is located or the Federal Government?

The answer to that question is an easy one for Idahoans. The Miller amendment would automatically protect an outstanding water resource in Idaho. The north fork of the Payette River tumbles for some 25 miles through Idaho forests. In fact, the north fork is considered by many people to be the finest stretch of whitewater in the United States.

Last year, this stretch of river was made off limits to dams in a State water plan adopted by Idaho's legislature. However, only a few months after the plan was approved, a group began the process of obtaining a hydropower license from the Federal Energy Regulatory Commission. Under current law, if FERC grants the license, there is nothing the State of Idaho can do to stop the dam.

The Miller amendment would solve this problem. I thank the chairman of the Interior Committee and the gentleman from Pennsylvania for bringing this legislation to the floor and urge my colleagues to support their efforts to allow States to protect their own resources.

Mr. VENTO. Mr. Chairman, will the gentleman yield to me?

Mr. LAROCCO. I yield to the gentleman from Minnesota.

Mr. VENTO. Mr. Chairman, I think the gentleman makes a very good point. The question as put today on this floor is whether we have to exploit the resources of this country that we have set aside, that States have set aside, in the name of energy. If FERC is going to go in in terms of hydroelectric, and they don't come to Congress, they don't do anything, it is a rogue elephant out of control in terms of disrespecting the other agencies, disrespect of the issues that are designated, and irregardless, for instance, of what the States have set aside has conserved in terms of these very special State resources.

I just think this hydroelectric activity, Mr. Chairman, all other segments of power should subject themselves to permits, to other processes. But why should we give such developmental rights, and who are these rights given to by FERC? FERC gives such rights to private individuals that can come in with a license and he has rights under law to take public State land and despoil it. This is a throwback to 100 years ago when public policy permitted the exploitation of our Nation's natural resources and public policy gave away the resources of this country without proper care. That was stopped by President Teddy Roosevelt, but I guess some advocate that in the name of energy we open it up today for President George Bush.

Mr. LENT. Mr. Chairman, I yield back the balance of my time.

Mr. MILLER of California. Mr. Chairman, I yield 1½ minutes to the gentlewoman from Hawaii [Mrs. MINK].

Mrs. MINK. Mr. Chairman, I thank the gentleman for yielding time to me.

Mr. Chairman, I rise today in support of the Miller amendment which restores a State's ability to protect its own surface waters from hydroelectric development without Federal intervention.

I am specifically referring to the provision which prohibits the Federal Energy Regulatory Commission [FERC] from licensing hydroelectric projects on rivers which are protected by a State law.

This amendment would allow States to protect rivers and waterways without preemptive intervention from the Federal Government.

Under the current interpretation of the Federal Power Act a developer can circumvent State regulation by voluntarily submitting itself to FERC licensing rather than State law.

In its 1990 decision in *California* v. *FERC* (110 S. Ct. 2024), the Supreme Court upheld FERC's preemptive authority to regulate surface waters and issue hydroelectric permits and licenses to parties who voluntarily apply even though it is not required to obtain a permit or a license from the Federal entity.

This means that even if the FERC determines that it has no jurisdiction over a hydroelectric project, the developer can specifically ask the FERC for a hydroelectric license and thereby preempt any State decision on the project.

This basically ties the hands of the State which then has no power to protect its waterways. And it allows Washington bureaucrats to make crucial decisions about the future of a State's natural and environmental resources without regard for State law or community decisions.

The Miller amendment is a sound step in the right direction. It will empower States and communities to make decisions about the future of their water supply, electric generation, and natural resources.

The Miller amendment allows States to designate certain rivers or segments of rivers for protection without the fear of Federal intervention. It is a balanced approach which requires that the designated waterways must be part of a statewide plan submitted to the Department of the Interior.

For the State of Hawaii this is a small but crucial step in protecting our State waters.

Mr. Chairman, in Hawaii FERC intervention is not even warranted in any case. Unlike the long interstate rivers of the continental United States, Hawaii's streams are isolated on individual islands. They are short and flashy, running off of steep volcanic slopes. There are no interstate rivers or interstate commerce concerns that warrant Federal intervention.

Yet under current interpretation of the law, the FERC can preempt State water use laws and authorize the development of the hydroelectric plant.

FERC's preemption powers has placed Hawaiian streams in grave danger of mismanagement and abuse by invalidating the long history of strict and protective surface water law in Hawaii that has evolved from native Hawaiian custom.

In the State of Hawaii streams are subject to protection under article XII of the State constitution, the State water code, and a comprehensive statewide stream assessment which serves as a basis for protecting stream resources. Proposed hydroelectric projects are subject to a thorough review both when they seek to amend instream flow standards to obtain a State water lease and when they seek to obtain a conservation district use permit.

It in unconscionable to think that the FERC, which is over 5,000 miles away from the unique rivers and streams in Hawaii, is better able to decide the fate of our waters.

The Miller amendment is proenvironment and it is pro-State's rights and I urge my colleagues to vote "aye" on the Miller amendment.

Mr. MILLER of California. Mr. Chairman, I reserve the balance of my time.

Mr. DINGELL. Mr. Chairman, I would ask how much time there is remaining.

The CHAIRMAN. The gentleman from New York [Mr. LENT] yielded back his time, and the gentleman from California [Mr. MILLER] has 3 minutes remaining.

Mr. DINGELL. Mr. Chairman, I yield myself 2 minutes for a brief discussion of some of these matters.

Mr. Chairman, the Members have heard my colleagues talk about States rights and preemption. That is old law. The Federal Power Act in 1920 set forth the proceedings and the way in which these matters are done. It was done under the constitutional power of the Federal Government over interstate commerce and over navigation. It was regarded as a very important power to protect the rights of all the people. Subsequently it has been modified by the Endangered Species Act, the National Environmental Policy Act, and a number of changes have taken place.

This is not a statute which allows frivolous behavior by the Federal Government. The Federal Power Commission and now the Federal Energy Regulatory Commission is hedged in by a large number of careful and carefully drawn constraints. It has to proceed carefully. There is no invasion of States' rights.

Now let us look at what my good friends would do. Here is the statute. It takes one statute which relates to public lands and rights away. It makes it much harder to license a dam or a power line, or a generation facility. It does not make it harder to build a road, and it does not make it harder to build anything else. It makes it virtually impossible to build a dam or provided transmission lines.

The Miller amendment has one other interesting feature my colleagues ought to know about. The Miller amendment allows this kind of situation to occur: If the State legislature does not like what FERC is doing, FERC is getting ready to license a dam, the State legislature at midnight convenes a session, with no notice, and the State legislature then says, "This land is protected. The Federal Government cannot move in and license the construction of a dam or the creation of any kind of energy generating or transmission facilities."

Is that good? No; it is not. It allows sneaky misbehavior. I must confess that the fact that this is sanctified by this kind of amendment gives me dark suspicions that that may be precisely what is intended here.

AMENDMENT OFFERED BY MR. DINGELL TO THE AMENDMENT OFFERED BY MR. MILLER OF CALIFORNIA

Mr. DINGELL. Mr. Chairman, I offer an amendment to the amendment.

The CHAIRMAN. The Clerk will designate the amendment to the amendment.

The text of the amendment to the amendment is as follows:

Amendment offered by Mr. DINGELL to the amendment offered by Mr. MILLER of California:

Strike sections 3101 through 3104 and insert in lieu thereof the following, and make the necessary conforming changes in the table of contents:

SEC. 3101. STATE OR LOCAL GOVERNMENT LANDS

Section 21 of the Federal Power Act is amended as follows:

(1) In the first sentence after the word "right" insert ", temporarily during project construction,".

(2) In the first sentence after the word "damage" insert "(and to restore and repair),".

(3) After the first sentence insert: "The term 'unimproved dam site' shall not include any site or area that was acquired by a State or local government or agency thereof solely for the purposes of a public park, recreation, or wildlife refuge before the date such licensee is issued a license by the Commission and is owned and operated for such purposes, except that nothing in this sentence shall preclude a State or local government from consenting to the acquisition of such site or area with the licensee." The amendments made by this section to section 21 of the Federal Power Act shall apply to the exercise of eminent domain by any licensee under such section after the date of this Act.

SEC. 3102. APPLICATION OF CERTAIN STATE LAWS.

Part I of the Federal Power Act is amended by adding the following new section at the end thereof:

"SEC. 32. APPLICATION OF CERTAIN STATE LAWS.

"If, prior to the filing of any application by any person for an original license under this Act, a State has previously enacted a law (after the Governor of such State has provided prior and timely notice of the State's intention to enact such a law to the Secretary of the Interior, the Secretary of Energy, the Secretary of Commerce, and the Chairman of the Commission, affording each an opportunity of at least 90 days to comment to the Governor and to the State legislature) specifically prohibiting, as part of a comprehensive State plan, development of hydroelectric power facilities and similar facilities, in order to protect permanently specific natural river segments within the State, including adjacent lands, the Commission, in any licensing proceeding, shall afford such State law a rebuttable presumption that issuance of a license for a hydroelectric project on such segments is not desirable and justified in the public interest. Notwithstanding any such State law, any person may apply to the Commission for a license under this part to construct a project on any such segment, and if such applicant rebuts such presumption, the Commission may, pursuant to a majority vote, after taking into consideration the provisions of section 4(e) and 10, issue a license under this part for such project. Nothing in this section shall apply to the issuance of a new license under section 15 for any existing facility in a relicensing proceeding under this Act.".

SEC. 3103. TECHNICAL CORRECTION.

Section 31(c) of the Federal Power Act is amended by striking out "or exemptee" and inserting "exemptee or other person".

SEC 3104. PUBLIC LANDS.

Section 24 of the Federal Power Act (16 U.S.C. 818) is amended by adding the following at the end thereof: "Any lands of the United States reserved as a power site pursuant to this section which are public lands within the meaning of section 103(e) of the Federal Land Policy and Management Act of 1976 shall be considered to be public lands for purposes of section 501 of that Act notwithstanding such reservation, and any reference in such section 501 to 'the Federal Power Act of 1935 (49 Stat. 847; 16 U.S.C. 791)' shall be considered to be a reference to this act, including this part.". Nothing in this section shall apply to the issuance of a new license under section 15 of the Federal Power Act for any existing facility in a relicensing proceeding under that Act.

The CHAIRMAN. Under the rule, the gentleman from Michigan [Mr. DINGELL] will be recognized for 10 minutes on his amendment to the underlying Miller amendment, and a Member in opposition will be recognized for 10 minutes.

The Chair recognizes the gentleman from Michigan [Mr. DINGELL].

Mr. DINGELL. Mr. Chairman, I yield myself 5 minutes.

Mr. Chairman, my amendment is a substitute for the Miller amendment. It relates solely to licensing actions for hydroelectric facilities under the Federal Power Act.

My amendment would prevent hydroelectric power licensees from condemning State and local park, recreation, and wildlife refuge areas to build new dams. This amendment to section 21 of the FPA resolves the concern of our colleague Congressman GEJDENSON.

The provision is identical in the Miller amendment and my amendment.

My amendment would insure that State legislative actions, taken after public notice, to protect natural river segments within a State will be presumed to be in the public interest in licensing proceedings at the Federal Energy Regulatory Commission [FERC] for new hydropower projects, while providing the licensee the opportunity for rebuttal of that presumption. There is no such presumption afforded States under the Federal Power Act today. At the same time, the amendment precludes a State veto of new hydro projects that are important energy sources and ensures that a State cannot adopt a prohibition without public notice, including notice to the relevant Federal agencies.

My amendment reverses the April 3, 1992, decision of the Ninth Circuit Court of Appeals in the Henwood case which rejected a decision of FERC that licensing new hydro projects using Federal public lands requires a right-of-way permit from the Bureau of Land Management under the Federal Land Policy and Management Act. The FERC decision was supported by a 1989 General Accounting Office [GAO] opinion requested by the Energy and Commerce Committee. The amendment reinstates the interpretation adopted by FERC based on the GAO opinion. The FERC decision is environmentally sound and not onerous to the hydro licensees that need Federal lands for such projects.

□ 1720

My amendment corrects a technical problem in the Federal Power Act to authorize FERC to assess and collect civil penalties for violations of the FPA and the relevant regulations. A recent court decision held that FERC could assess civil penalties against FERC licensees who violated the FPA, but not against a person who is a nonlicensee and is in violation of the law for failing to get a license. This amendment is supported by FERC.

The Dingell substitute is solely to the Federal Power Act, not to the Land and Water Conservation Fund Act or the Federal Land Policy and Management Act, which have nothing to do with hydroelectric power or the licensing of non-Federal dams.

The substitute does not affect the relicensing of existing dams in any State. It does not prohibit any new Federal or non-Federal dam, wherever located.

It does not affect matters under the jurisdiction of the Committee on Public Works and Transportation and the Committee on Agriculture.

In regards to proposals to prohibit dams in the National Park System, I point out that existing law, namely, 16 U.S.C. 797(a), prohibits the licensing or permitting of dams within the limits of any national park or national monument as those limits were established in 1921 without a specific authority of Congress. Thus, we already have a prohibition in existing law.

I would, of course, not oppose amending that section of existing law to encompass the exterior limits of the national parks, monuments, and other areas of the National Park System as they exist today. However, the amendment offered by Mr. MILLER does not amend that statute and it is much broader in that it covers dams located outside the exterior area of the National Park System. It also covers the relicensing of existing dams.

We believe that this is a sound environmental proposal. It is important, but short and simple and not complicated. It is effective on enactment. It does not require new joint regulations by the Interior and Agriculture Departments. We urge its adoption in lieu of Chairman MILLER's Federal and State lands amendment, which will require long, extensive, and quite complicated procedures.

Mr. Chairman, I reserve the balance of my time.

Mr. MILLER of California. Mr. Chairman, I rise in opposition to the amendment.

The CHAIRMAN. The gentleman from California [Mr. MILLER] is recognized for 10 minutes.

Mr. MILLER of California. Mr. Chairman, I yield 4 minutes to the gentleman from California [Mr. LEHMAN].

Mr. LEHMAN of California. Mr. Chairman, I rise here to stand between my two chairmen, and reluctantly to oppose the substitute offered by the gentleman from Michigan.

The Miller amendment is common sense, and it is good public policy. The substitute is not.

Under the substitute the Federal Land Management Agency, usually the Forest Service, would not have the ability to manage the land in its jurisdiction. Instead, the Federal Energy Regulatory Commission would be able to dictate land use policy from Washington without public hearings, without regard for multiple use management concepts, and in contradiction of established plans and local interests.

Under the Miller proposal, FERC retains the right to license a power facility even when other Agencies that manage the property are opposed to the project. But the Forest Service or the BLM would retain their right to place reasonable conditions on the right-of-way permit to ensure that the project be consistent with local land management policies that have been adopted after considerable public hearings and deliberation.

Why should we not have public hearings on the management of public lands? Why should not the Agency in charge of the land have the right to protect the integrity of the plan developed over the years of study? Why should one Agency based in Washington have the right not only to license the project but to prevent any other interests, whether it is the logging industry, hunters, off-road enthusiasts, the local water interests, Native Americans, the State Department of Fish and Game, environmentalists, or whatever from having input into the conditions of the right-of-way permit through a public hearing process? Why should we override the wise decision of the Ninth Circuit to grant the public this ability?

The Miller proposal does not affect relicensing of existing projects, only new projects in this regard. Its greatest impact will be on small hydroprojects that are economical only because of PURPA concessions that produce power that utilities do not want and destroy small streams near rural neighborhoods. These projects only go forward because utilities are required to hook up to them and buy the power at avoided cost, and because there is no way for local residents to voice their opposition through public hearings in the FERC process. Only when the local land use management Agency has the authority to place conditions on rights of way will their feelings be hurt.

The Miller substitute also prohibits new dams in national parks. This is not a new idea. It passed this House without opposition 4 years ago.

Should we give FERC jurisdiction over the Park Service in this regard? Of course not. The American people do not want to hear or read about dams in national parks.

Almost 100 years ago in Yosemite we built a dam in a national park, but the people who wanted to build that dam came down here to Congress and had to ask permission to do it. They had to ask us permission to do it. We should require no less of anyone else who wants to build a dam in a national park. We have a trust with the American people in that regard. We should keep the trust and not give away that authority.

Finally, if a State determines that a river it owns should not be dammed because it has unique qualities that the people of that State want to protect, should we allow FERC to override the State's right to protect its own water on its own land? Of course not. The Kostmayer provisions of the Miller amendment protect a State's right to manage its own water.

Again, the Miller amendment is common sense and the substitute is contrary to the public interest. I ask Members to reject the substitute.

Mr. MILLER of California. Mr. Chairman, I yield 1 minute to the gentleman from Pennsylvania [Mr. KOSTMAYER].

Mr. KOSTMAYER. Mr. Chairman, I understand the gentleman from Michigan [Mr. DINGELL] has kept in my provision on the condemnation of State park property, and I appreciate that. There are 33 States in the Union which have laws allowing those State legislatures to designate rivers within those States as wild and scenic. Of those 33 States with such laws, 25 of them specifically prohibit the construction of hydroelectric projects on those rivers that have been designated as wild and scenic. The passage of the amendment offered by the gentleman from Michigan would simply override that.

The States ought to have the right to set a higher standard here and to protect their rivers. I understand what the author of the amendment is getting at and his concern about allowing the national interests to prevail here, and not to be undercut by the States. But I think in this instance if States pass laws protecting rivers within those States, the Federal Government should not have the right to overturn that State law.

Mr. MILLER of California. Mr. Chairman, I yield 2 minutes to the gentleman from Minnesota [Mr. VENTO].

☐ 1730

Mr. VENTO. Mr. Chairman, I rise in opposition to the amendment offered by the gentleman from Michigan [Mr. DINGELL].

Mr. Chairman, this is an area where I spend a considerable amount of time in terms of dealing with public lands and parks, and I think that I know the law very, very well.

The fact is the gentleman from Michigan has painted us a scenario where the legislature is meeting in response to a hydroelectric application or a license is pending, and the legislature acts, and the Governor signs the law. He referred to that as being inappropriate. Well, it may be the wrong decision nationally, and I guess that is the concern. But the other scenario, and let me paint for you the worst-case scenario going the other way, where a developer comes in, asks for a license application on a low-head hydro sitting in some pristine type of wilderness area or on some State land and then we have to buy back the development right that is being granted by FERC under the law because there are no provisions that prevent FERC or disallow that particular type of activity.

I just suggest to the gentleman that that is precisely what happens. That is exactly what can go on in this particular case, because FERC is not going to consider the other requirements.

We are talking about the rogue type of activity of FERC in this particular area. There is no reason for us to do that.

The amendment the gentleman offers suggests that we straighten out the permit process with regard to BLM and the Forest Service. It does not deal with the dams-in-the-parks issue, and I would suggest to the gentleman, as I did before, that the provisions dealing with monuments, parks, and wild and scenic are not applicable to half the units of the national park system. Those are the units that we are trying to address in this amendment.

The House passed this legislation and sent it to the Senate, a reasonable proposal, and I had hoped that we would not throw it out here.

The issue with regard to States rights has been articulated by my friend, the gentleman from Pennsylvania, and I think that the example I have given is a realistic one and one we ought to consider and defeat the gentleman's amendment and go on with the Miller amendment.

Mr. Chairman, I rise in opposition to the Dingell amendment and in support of the Miller amendment dealing with Federal and State lands.

I note the fact that the gentleman from Michigan understands the necessity to add provisions that would add some needed balance to this bill. However, I must oppose the amendment because it falls short of what is needed.

I note the gentleman from Michigan in his amendment recognizes the need to overturn the recent erroneous court decision and restore to BLM and the Forest Service their primacy on granting rights of way across public lands and national forests. However, the Dingell amendment, unlike the Miller amendment, is silent on the procedures for the consideration of right-of-way applications. In the absence of such procedures, his legislative remedy is a limited action that leaves the door open to further uncertainty and litigation.

Another glaring shortcoming of the Dingell amendment is the absence of any provisions to protect national park system units against hydropower dams. The Miller amendment would make sure that the dam builders cannot use whatever legal loopholes, that exit to dam or flood, inundating national park system lands. Such protection for the national park system is an essential part of a truly balanced energy bill, but it is missing from the Dingell amendment, and is included in the Miller amendment.

The Dingell amendment also falls far short in protecting State park and conservation areas, while the Miller amendment includes specific protection for those areas and has won the strong support of the Western Governors Association and numerous conservation groups.

The Dingell amendment would severely undercut important protection the Miller amendment gives to rivers that the States have acted to protect against dams and other projects that can destroy their outstanding environmental and recreational values. The Federal Government has encouraged and assisted the States to identify these outstanding river areas—but under current law, another arm of the Federal Government can simply override such State law and policy and therefore prevent States from protecting such resources. This inconsistent national policy needs to be changed, and the Miller amendment does the job, while the Dingell amendment falls way short. The Dingell amendment holds out the hope of due process, pushing the States into tough notice and planning procedures only to hang the States out to dry with a closed mind FERC arbitrator to protect the national park system, and to bring true balance to this energy bill, I urge the House to reject the half-measures of the Dingell amendment, and to adopt the Miller amendment.

Mr. MILLER of California. Mr. Chairman, I yield myself the balance of my time.

Mr. Chairman, this just is not a complicated issue. This is an issue about, as a number of speakers have said, whether or not we are going to grant essentially unlimited power to one Federal agency to override the concerns not only of other Federal agencies but of the State legislatures, of the people of the States, of the Governors of the States when they make determinations about the protections of the resources within that State, when this Congress makes determinations about the protections of the resources within the Federal Reserve Systems.

We are not talking about a lot of power. We are not talking about great big dams. We are talking about the ability to disrupt, to disrupt water-resource use within a State, land-management use within a State, and impose some kind of Federal zoning over, on the top of, what those determinations that are made.

You know, we hear a lot this year about anti-incumbency, that the people do not believe we are doing their business, that we are not working on their behalf. This amendment is about whether or not the people in our States, the States we represent, the States of the Western Governors' Association, and many other States of this Union that have written us to ask us to oppose the Dingell substitute, because they want their views to prevail, not the view of FERC, not the view of some Federal bureaucrat. They want their view to prevail on the protections of their lands and their rivers.

If you want to amend that, go back to the State legislature and ask them to build the dam on the river. If you want to amend that, come to the Congress.

These bills come out here, and you see them every week, to preserve Federal lands. You are not standing up and asking for the right to build a dam.

But should you like to do that, come to the legislature, come to the people's body. Do not run down to FERC. Do not let some private individual have a Federal franchise to destroy what the people of a given State, the State of Oregon, the State of Connecticut, and others which have confronted this issue head-on have had to spend hundreds of thousands of dollars, millions of dollars fighting this bureaucracy to preserve what: to preserve the will of the people in those States.

That is what this amendment is about. It is about due process. It is about the people's body. It is about whether or not you represent your constituents or whether you represent a Federal bureaucracy.

The Governor of the State of California, not one of my closest allies on these kinds of issues, supports my position and opposes that of the gentleman from Michigan [Mr. DINGELL]; the Western Governors' Association opposes the position of the gentleman from Michigan [Mr. DINGELL].

Why? Because they have all been terrorized by this bureaucracy. They have all been terrorized by this bureaucracy, because no matter what their States do, FERC can come in and override that. The Governor of New York supports this effort. The Governor of Kentucky supports this effort. The Governor of Oregon supports this effort. It goes on and on. Trout Unlimited, because they understand these dams are not about generating power; they are about destroying streams.

Why do we not make them do it under due process? The Miller amendment preserves due process. The Dingell amendment simply grants blind authority to an agency already out of control.

Mr. DINGELL. Mr. Chairman, I yield 2 minutes to the distinguished gentleman from the State of Washington [Mr. SWIFT].

Mr. SWIFT. Mr. Chairman, the sad truth is that every way there is of producing electricity has a downside. There is no perfect way to generate electricity.

As we make public policy, time and time again we take an isolated, small portion of all of the ways there are to generate electricity, and we tighten it down because of what the downsides are with it without regard to the broad question of how we are going to provide the electricity necessary to make this Nation run.

Coal has air-emission problems. Natural gas is terribly inefficient. Nuclear is costly and it poses waste problems. Conservation cannot do it all. New technologies are not on line and almost all of them are enormously expensive. Dams inundate land and pose problems for the fish. Every single way there is to generate electricity has some downside.

The question is: Are we going to permit this country to provide the electricity necessary to make it run?

Now, we have two proposals. They are both narrow. This is not all electric generation. This is not even about all hydroelectric dams. It is about dams on public lands, a small section of the overall problem, and taking it in isolation.

The question here is not are we going to tighten those regulations and those strictures. It is how much we are going to tighten them, because both of these amendments tighten them.

The Miller amendment tightens them more. The Dingell substitute tightens those strictures significantly, but it does not go so far that we shut off yet another option in meeting the Nation's energy needs.

Mr. DINGELL. Mr. Chairman, I yield 2 minutes to the distinguished gentleman from New York

Mr. LENT. Mr. Chairman, I strongly support the amendment offered by Chairman DINGELL as a substitute to Mr. MILLER's provisions on hydroelectric powerplants. Mr. MILLER's hydroelectric provisions would prevent the construction of new hydroelectric projects and force the removal of some existing projects. It would result in redundant regulatory and environmental reviews, loss of recreational opportunities, unnecessary environmental impacts, and failure to develop and conserve river resources in a comprehensive and beneficial way.

Chairman DINGELL's amendment is an improvement over the Miller language because it would allow the Federal Energy Regulatory Commission to authorize hydro projects located on rivers protected by States if those projects would provide public benefits that outweigh their adverse impacts to the river.

Additionally, the Miller provisions increase the regulatory burden on the building of electrical transmission lines across Federal lands. This flies in the face of our objectives in reforming the Public Utility Holding Company Act and expanding transmission access. Our comprehensive national energy bill seeks to enhance the efficiency of the Nation's electricity sector, not to burden it, as does the Miller amendment.

I urge a "yes" vote on the Dingell substitute.

OFFICE OF MANAGEMENT AND BUDGET,
Washington, DC, May 27, 1992.

Hon. WILLIS GRADISON,
House of Representatives,
Washington, DC.

DEAR CONGRESSMAN GRADISON: This responds to your May 22nd letter requesting that the Office of Management and Budget (OMB) analyze the budget impacts of the Outer Continental Shelf (OCS) lease buyback provisions in Title XXIV of H.R. 776, the Comprehensive National Energy Policy Act, as recently reported by the House Rules Committee.

OMB believes that if Title XXIV were enacted, it would increase direct spending and/or decrease receipts. It is therefore subject to the pay-as-you-go (PAYGO) requirements of the Omnibus Budget Reconciliation Act (OBRA) of 1990.

OMB's preliminary scoring estimates for the buyback provisions are presented below. Final scoring of this legislation may deviate from these estimates. If H.R. 776 were enacted, final OMB scoring estimates would be published within five days of enactment, as required by OBRA.

Title XXIV, as reported, requires the Secretary of the Interior, within 90 days after the date of enactment of this Title, to cancel active OCS oil and gas leases in the North Aleutian Basin, and in parts of the Mid-Atlantic and Eastern Gulf of Mexico planning areas. Further, 43 U.S.C. 1334, as amended by Title XXIV, would provide that such cancellation shall entitle the lessee to receive compensation (as direct payments or forgiveness of existing or future lessee obligations), as the lessee shows to the Secretary as being the lesser of the fair value of the canceled rights or all direct expenditures made by the lessee in connection with exploration and development. It is the preliminary interpretation of OMB General Counsel that this language would create mandatory compensation to the lessee either through a subsequent court judgment or the Secretary of the Interior's reduction of lessee obligations.

OMB's preliminary estimates at this time for the cost of buying back OCS leases as mandated in Title XXIV (as direct payments or receipt reductions) could be as high as $1.5 billion in FY 1992 and/or FY 1993, depending on the actual enactment date of H.R. 776. This estimate could change based on, among other things, date of enactment, applicable interest rates, lessee royalty obligations, new leases, and the receipt of more exact estimates of lessee sunk costs.

I hope this answers your question on this matter. Please do not hesitate to call on me in the future for further assistance.

Sincerely,

ROBERT E. GRADY,
Associate Director,
Natural Resources, Energy, and Science.

□ 1740

Mr. DINGELL. Mr. Chairman, I yield myself the final 1½ minutes.

My colleagues have heard the comments of the distinguished gentleman from New York, my colleague, the distinguished colleague from California, and others.

We have also heard the comments of the gentleman from Washington [Mr. SWIFT].

What we are supposed to have here is a bill which will enhance the development of energy in nonenvironmentally hostile ways.

It is said that you will prevent by adoption of the Miller amendment faceless bureaucrats overriding State laws. The permitting of dams in this country has always been a responsibility of the Federal Government and has also been a responsibility of the Federal Energy Regulatory Commission.

The amendment of the gentleman from California [Mr. MILLER] would virtually prohibit that.

It would also prohibit the transmission lines which are necessary to move electric power around.

The bill of the Committee on Energy and Commerce does something very important, mentioned by the gentleman from New York. It makes possible more efficient use of energy, better generation, competitive generation of electric power in a way that will increase the ability of this country to be energy self-sufficient.

The amendment of the gentleman from California [Mr. MILLER] would clearly inhibit or prohibit that kind of consequence.

Mr. Chairman, I would urge my colleagues to reject the Miller amendment, adopt the Dingell amendment, and let us move toward energy independence instead of more strangling of this country's opportunity for growth and evolvement.

Mr. GEJDENSON. Mr. Chairman, I would like to take this opportunity to thank Chairman MILLER, Chairman DINGELL, Subcommittee Chairmen SHARP and KOSTMAYER, for all of their hard work in trying to address a serious problem in the way that the Federal Energy Regulatory Commission [FERC] licenses certain hydroelectric facilities. In particular, those that are proposed to be sited on lands owned by State and local government and which that State or local community has designated as a park or outdoor recreation area.

In recent years, numerous States and local governments throughout the United States have taken steps to establish parks and recreation areas, and to protect important natural resources in their States. In many cases, local governments have spent significant amounts of their own funds and foregone lucrative offers from developers in favor of protecting important aesthetic, recreational, or cultural resources. The citizens of that State or the local community make a conscious decision that protecting a particular parcel of land or a river is important and is a priority.

Despite that, under the current system FERC can and does issue licenses permitting private developers to condemn State or local parkland to build a hydroelectric facility, regardless of the desire of the State or local government to protect that particular site as a park or recreation area.

The language that is proposed by Mr. DINGELL, Mr. MILLER, and myself would simply prevent condemnation of land for hydroelectric development if that land is owned and managed by State or local government for outdoor recreational purposes or natural resource management.

Mr. Chairman, this language is not intended to impair the development of hydroelectric facilities nor would it prevent worthy projects from being undertaken. Under this provision a developer could still acquire the site through a pledge or contract with the State or local government that owns the property. What it would do is make FERC and developers of hydroelectric power more sensitive to the concerns of State and local governments, in particular, recognizing their desire to protect important park or recreation areas and natural resources.

To illustrate the problem being addressed by this provision, let me give two examples of FERC's insensitivity and lack of regard for environmental, cultural, and nondevelopmental economic issues as they relate to the licensing of hydroelectric power plants.

On March 31, 1992, FERC issued a license for a 1-megawatt hydroelectric powerplant at Yantic Falls in Norwich, CT. This property is owned by the city of Norwich, which is managing the falls as a park and recreation area. The city has adamantly opposed the development of this hydroelectric plant since it was first proposed in 1988.

For several years, the city of Norwich has been working to develop Yantic Falls, one of the most beautiful and scenic sites in the area, into a regional park and tourist attraction. As you may know, Mr. Chairman, Connecticut and New England have been experiencing a severe economic downturn, due in part to the decline in defense spending. In response, the city of Norwich has intensified its efforts to promote tourism, which they hope will encourage new economic development and create jobs in eastern Connecticut. A recent study prepared for the Eastern Connecticut Economic Coalition by A.D. Little, Inc. on the region's economy reported that "the tourist industry represents one of the region's brighter opportunities for economic growth." Consequently, steps taken to create this regional park, to diversify and create new nondefense related jobs through tourism, could be severely hurt by construction of the hydroelectric facility.

Let me mention some of those efforts. In conjunction with the State of Connecticut's Heritage Park proposed for Norwich, the city has obtained a grant through the Connecticut Department of Environmental Protection. The city is submitting a grant application through the Transportation Enhancement Act to complete the scenic and recreational improvements of the falls and physically link the linear Heritage Park from Yantic Falls to the Norwich downtown. The Algonquin Gas Co. contributed $13,700 for fencing around the park. The National Park Service is providing technical assistance to the city for the creation of a linear park along the Yantic River and I have prepared a legislative proposal to establish the Quinebaug and Shetucket Rivers Valley National Heritage Corridor as an affiliated unit of the National Park System.

In many cases Mr. Chairman, battles over the protection of natural resources pit environmentalists against the local business community. That is not the case in Norwich. The Eastern Connecticut Chamber of Commerce, representing the area business community, has actively supported the development of Yantic Falls as a tourist site and strongly opposed the hydroelectric proposal. The chamber adopted a resolution opposing the hydro plant and has created an action committee to assist the city in completing actual improvements to the upper falls area. In making this commitment, the chamber of commerce has recognized the economic development potential of the park and understands that the hydroelectric plant will create few, if any, jobs and produce very little electricity. If built, this plant will degrade the falls, devastating its aesthetic and recreational value, which will lessen the economic value of the park.

In addition to the recreational, aesthetic, and economic importance of Yantic Falls, this site has cultural and historic significance as well. Yantic Falls, also known as Indian Leap, is of particular importance to the Mohegan Indians of Norwich and the Narragansett Indians of Rhode Island, since it was the site of the battle of 1643 between the Mohegans and the Narragansetts. Consequently, these two tribes have joined together to oppose this hydroelectric project due to the significance to both their tribal and cultural histories.

To make matters worse, Mr. Chairman, need for the minimal amount of power expected to be generated—one megawatt only three-quarters of the time—has been seriously questioned by energy experts. When the project was first proposed in 1988, New England and eastern Connecticut faced potential electricity shortages and high energy prices. However, because of the economic situation and conservation measures undertaken, demand has declined considerably. The April 1992 Forecast of Electric Loads and Resources 1992–2011, prepared by the Connecticut Municipal Electricity Energy Cooperative [CMEEC] indicates that:

> Cutbacks in the defense industry spending in Connecticut have resulted in a broad-based economic slowdown. The result is a noticeably changed projection of electricity use in affected CMEEC areas. Several years of recovery will be necessary to offset potential losses in the CMEEC territories. In addition to the declines in the manufacturing sector, commercial and residential forecasts are being impacted, particularly in southeastern Connecticut.

In addition, significant new sources of electric power, including the startup of the Seabrook, NH, nuclear powerplant and Hydro-Quebec's transmission line through New England, have allowed Northeast Utilities and other New England utilities to announce retirement of numerous oil-fired steam-generating units by the end of the summer.

Mr. Chairman, as far back as March 1988, when the hydropower plant was first proposed, I made inquiries to FERC to get more information about this project and its potential impacts. Because it made little sense, I continued to work with the city of Norwich in opposition to it. I intervened with FERC numerous times expressing my strong opposition to the project. When FERC was first scheduled to approve the license in 1990, I intervened to get them to delay consideration, as did Senator LIEBERMAN, Senator DODD, and Governor Weicker. In addition, Senator DODD and I invited the FERC Commissioners to view the site and to join us in a town meeting—an invitation they did not accept. As a result, we videotaped the meeting and sent a copy to FERC to demonstrate the level of local opposition to the project. Again and again, when considering this project, FERC ignored the nondevelopmental value of these important resources and dismissed the interests of the people of Norwich and the community.

Mr. Chairman, in addition to working with the city in their efforts to protect Yantic Falls, I have also been involved in alternative approaches to protect these important resources. In 1988, as chairman of the Interior and Insular Oversight and Investigations Subcommittee, I conducted a field hearing in Connecticut to assess current efforts to protect and develop recreation areas and open space in the State. During those hearings, we learned there was overwhelming concern about the need to protect these important resources throughout the community and the State, and about the need to maintain local control of the land and natural resources in Connecticut.

In subsequent months, we looked at various options for preservation and protection of the Yantic River and other important natural resources throughout eastern Connecticut. We discussed them with State and local government officials as well as conservation experts. We looked, particularly, at the Wild and Scenic River Program, but found it was inadequate and too restrictive for our needs. It did not provide the kind of flexibility we need to protect the resources while protecting economic development opportunities near the river due to the quarter mile boundary requirements associated with it. It also restricted water resources activities such as the flood control project begun by the Soil Conservation Service in 1983. Worst of all, it would give significant control of eastern Connecticut's lands to the Federal Government at the expense of the local community. We needed to find a means to protect important natural resources, while maintaining local authority.

Instead, I initiated an effort to establish the Quinebaug and Shetucket Rivers valley as a national heritage corridor. This would provide significantly more flexibility for economic development and natural resource protection for the local community, while ensuring local community control of the resources they are trying to protect. In 1989, the National Park Service began a study on the feasibility and suitability of establishment of the national heritage corridor. Though the study was supposed to be completed more than a year ago, the Park Service has continued to delay and it does not appear they will release it anytime in the near future. Though it had been my desire to wait for the study to be completed, the Park Service seems to be trying to block release of this study. As a result, I am preparing to introduce legislation to establish the Quinebaug and Shetucket National Heritage Corridor. It seems that FERC has also ignored these activities.

Mr. Chairman, regardless of the aesthetic, cultural, archaeological, recreational, nondevelopmental, economic, and energy reasons to reject this proposal, not to mention the overwhelming opposition of the citizens of the Norwich area, FERC issued a license. The insignificant contribution of 1 megawatt to the region does not warrant degradation of this extremely valuable resource. It is hard for me to imagine how a 1 megawatt hydropowerplant, in an area with surplus energy capacity, at a site as significant as Yantic Falls, with nondevelopmental economic potential of the park, could be in the national interest.

Unfortunately, this disregard is not unique to Yantic Falls. In Putnam, CT, also in my congressional district, a developer has proposed to build a 1.2 megawatt hydroelectric plant at Cargill Falls, in downtown Putnam. Cargill Falls is owned by the town and is part of the town's Rotary park. At every step of the way, the town has adamantly opposed the project and made it extremely clear it has no interest in hydrodevelopment of Cargill Falls. Even after the Connecticut Department of Environmental Protection rejected the water quality permit applications, the developer appealed to the Connecticut Superior Court. So far, the town of Putnam has spent nearly $45,000 in legal fees to fight this project. In these tight budgetary times, while the town may be forced to cut back on essential public and social services, they have been forced to divert scarce resources to fighting a senseless hydroelectric project. As Mayor Daniel Rovero says, "How much do we have to spend to say 'no'?" Based on FERC's attitude and history, there is little incentive for developers not to pursue unnecessary and unwanted hydroprojects like Cargill Falls. Despite overwhelming local opposition, economic factors, the fact that the areas are being protected as park lands, coupled with the apparent lack of demand for electricity, developers know that FERC will issue a license regardless of the site.

Passage of this language will bring greater reasonableness and thoughtfulness to the process of hydroelectric licensing. It will allow worthy projects to go forward if the developer and State or local government can agree, but will prevent situations like Yantic Falls. It will also discourage developers from proposing unnecessary and unwanted projects on State or locally owned park lands. Small towns like Putnam and Norwich should not be required to spend tens of thousands of dollars fighting senseless hydroelectric projects on property that they own and that the community has made a conscious decision to protect.

Mr. Chairman, we should not have to be taking up this issue. Environmental, cultural, recreational, nondevelopmental economic issues, and State and local concerns are all things that FERC should be taking into account when considering license requests. Unfortunately cases like the two I have briefly described illustrate the fact the FERC does not say "no" to hydro.

Mr. Chairman, I support hydroelectric power as a clean and renewable source of energy. But the site selection process must make sense. We must make FERC more responsible. The language that we are proposing will make it clear that FERC can no longer highhandedly disregard all nondevelopmental issues when considering hydroelectric licenses. Neither the city of Norwich nor the town of Putnam should have had to go through the painful and expensive process of fighting unnecessary hydroelectric projects. When the citizens of a community make a clear commitment to protecting a park or natural resource, FERC should not be allowed to disregard it.

In conclusion, I urge the Members of the House to support this language. FERC must be held accountable. They must be made to understand that the rights of States and local governments to establish parks and protect natural resources must be recognized.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Michigan [Mr. DINGELL] to the amendment offered by the gentleman from California [Mr. MILLER].

The question was taken; and the Chairman announced that the noes appeared to have it.

RECORDED VOTE

Mr. DINGELL. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 195, noes 221, not voting 18, as follows:

[Roll No. 142]

AYES—195

Allard
Anderson
Archer
Armey
Baker
Ballenger
Barnard
Barrett
Barton
Bateman
Bevill
Bilirakis
Bliley
Boehner
Bonior
Boucher
Brewster
Broomfield
Brown
Bunning
Burton
Callahan
Camp
Campbell (CO)
Carr
Chapman
Clement
Clinger
Coble
Coleman (MO)
Collins (MI)
Combest
Conyers
Cooper
Coughlin
Cox (CA)
Crane
Cunningham
Davis
DeLay
Derrick
Dickinson
Dicks
Dingell
Doolittle
Dornan (CA)
Dreier
Duncan
Eckart
Edwards (OK)
Edwards (TX)
Emerson
English
Espy
Ewing
Fields
Ford (MI)
Ford (TN)
Gallegly
Gallo
Gekas
Geren
Gibbons
Gillmor
Gingrich
Goodling
Goss
Gradison
Grandy
Gunderson
Hall (TX)
Hamilton
Hammerschmidt
Hancock
Hansen
Harris
Hastert
Hatcher
Hayes (LA)
Hefley
Hefner
Herger
Hobson
Holloway
Hopkins
Houghton
Hubbard
Huckaby
Hunter
Hutto
Hyde
Inhofe
Ireland
Jacobs
James
Johnson (TX)
Jones (NC)
Kasich
Kolbe
Kopetski
Kyl
Lancaster
Laughlin
Lent
Lewis (CA)
Lewis (FL)
Lightfoot
Lipinski
Livingston
Lloyd
Lowery (CA)
Manton
Markey
Marlenee
Martin
McCandless
McCloskey
McCollum
McCrery
McEwen
McGrath
McMillan (NC)
McMillen (MD)
McNulty
Miller (OH)
Molinari
Mollohan
Montgomery
Moorhead
Murtha
Myers
Nichols
Nussle
Ortiz
Orton
Oxley
Parker
Patterson
Paxon
Payne (VA)
Price
Pursell
Ray
Regula
Rhodes
Ritter
Roberts
Roe
Rogers
Rohrabacher
Ros-Lehtinen
Rostenkowski
Roth
Roukema
Rowland
Santorum
Sarpalius
Schaefer
Schulze
Sharp
Shaw
Shuster
Skelton
Smith (IA)
Smith (TX)
Spence
Stearns
Stenholm
Stump
Sundquist
Swett
Swift
Tauzin
Taylor (MS)
Taylor (NC)
Thomas (CA)
Thomas (GA)
Thomas (WY)
Thornton
Towns
Traficant
Upton
Valentine
Vander Jagt
Visclosky
Volkmer
Walker
Weber
Whitten
Wise
Wolf
Wylie
Young (AK)
Young (FL)
Zeliff

NOES—221

Abercrombie
Ackerman
Allen
Andrews (ME)
Andrews (NJ)
Andrews (TX)
Annunzio
Applegate
Aspin
Atkins
AuCoin
Bacchus
Beilenson
Bennett
Bereuter
Berman
Bilbray
Blackwell
Boehlert
Borski
Brooks
Browder
Bryant
Bustamante
Byron
Cardin
Carper
Chandler
Clay
Coleman (TX)
Condit
Costello
Cox (IL)
Coyne
Cramer
Darden
de la Garza
DeFazio
DeLauro
Dellums
Dixon
Dooley
Dorgan (ND)
Downey
Durbin
Dwyer
Dymally
Early
Edwards (CA)
Engel
Erdreich
Evans
Fascell
Fawell
Fazio
Feighan
Fish
Flake
Foglietta
Frank (MA)
Franks (CT)
Frost
Gaydos
Gejdenson
Gephardt
Gilchrest
Gilman
Glickman
Gonzalez
Gordon
Green
Hall (OH)
Hayes (IL)
Henry
Hertel
Hoagland
Hochbrueckner
Horn
Horton
Hoyer
Hughes
Jefferson
Jenkins
Johnson (CT)
Johnson (SD)
Johnston
Jones (GA)
Jontz
Kanjorski
Kaptur
Kennedy
Kennelly
Kildee
Kleczka
Klug
Kolter
Kostmayer
LaFalce
Lantos
LaRocco
Leach
Lehman (CA)
Lehman (FL)
Levin (MI)
Lewis (GA)
Long
Lowey (NY)
Luken
Machtley
Matsui
Mavroules
Mazzoli
McCurdy
McDermott
McHugh
Meyers
Mfume
Miller (CA)
Miller (WA)
Mineta
Mink
Moakley
Moody
Moran
Morella
Morrison
Mrazek
Murphy
Nagle
Natcher
Neal (MA)
Neal (NC)
Nowak
Oberstar
Obey
Olin
Olver
Owens (NY)
Owens (UT)
Pallone
Panetta
Pastor
Payne (NJ)
Pease
Pelosi
Penny
Perkins

Peterson (FL)
Peterson (MN)
Petri
Pickett
Pickle
Porter
Poshard
Quillen
Rahall
Ramstad
Rangel
Ravenel
Reed
Richardson
Ridge
Riggs
Rinaldo
Roemer
Rose
Roybal
Russo
Sabo
Sanders
Sangmeister
Savage
Sawyer
Saxton
Scheuer
Schiff
Schroeder
Schumer
Sensenbrenner
Serrano
Shays
Sikorski
Sisisky
Skaggs
Skeen
Slattery
Slaughter
Smith (FL)
Smith (NJ)
Snowe
Solarz
Solomon
Spratt
Staggers
Stallings
Stark
Stokes
Studds
Synar
Tallon
Tanner
Torres
Torricelli
Traxler
Unsoeld
Vento
Vucanovich
Walsh
Washington
Waters
Waxman
Weiss
Weldon
Wheat
Williams
Wilson
Wolpe
Wyden
Yates
Yatron
Zimmer

NOT VOTING—18

Alexander
Anthony
Bentley
Boxer
Bruce
Campbell (CA)
Collins (IL)
Dannemeyer
Donnelly
Guarini
Lagomarsino
Levine (CA)
Martinez
McDade
Michel
Oakar
Packard
Smith (OR)

□ 1803

The Clerk announced the following pair:

On this vote:

Mr. Anthony for, with Mr. Guarini against.

Messrs. FROST, HERTEL, BEREUTER, PICKETT, SKEEN, HALL of Ohio, RAVENEL, CRAMER, TANNER, JONES of Georgia, HAYES of Illinois, RUSSO, GAYDOS, WILSON, KOLTER, STAGGERS, ANNUNZIO, MORRISON, COYNE, SISISKY, and JEFFERSON changed their vote from "aye" to "no."

Mr. OXLEY changed his vote from "no" to "aye."

So the amendment to the amendment was rejected.

The result of the vote was announced as above recorded.

The CHAIRMAN. The Committee will now resume consideration of the amendment offered by the gentleman from California [Mr. MILLER].

Mr. MILLER of California. Mr. Chairman, I understand that I have 3 minutes left.

The CHAIRMAN. The gentleman is correct.

Mr. MILLER of California. The next vote will be on the Miller amendment; is that correct?

The CHAIRMAN. The gentleman is correct.

Mr. MILLER of California. Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN. The question is on the amendment offered by the gentleman from California [Mr. MILLER].

The question was taken; and the Chairman announced that the ayes appeared to have it.

RECORDED VOTE

Mr. BUNNING. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 318, noes 98, not voting 18, as follows:

[Roll No. 143]

AYES—318

Abercrombie
Ackerman
Allen
Andrews (ME)
Andrews (NJ)
Andrews (TX)
Annunzio
Applegate
Aspin
Atkins
AuCoin
Bacchus
Barnard
Beilenson
Bennett
Bereuter
Berman
Bevill
Bilbray
Bilirakis
Blackwell
Boehlert
Bonior
Borski
Boucher
Brewster
Brooks
Broomfield
Browder
Bryant
Bustamante
Byron
Callahan
Campbell (CO)
Cardin
Carper
Chapman
Clay
Clement
Coleman (MO)
Coleman (TX)
Condit
Cooper
Costello
Coughlin
Cox (CA)
Cox (IL)
Coyne
Cramer
Crane
Darden
de la Garza
DeFazio
DeLauro
Dellums
Derrick
Dickinson
Dicks
Dixon
Dooley
Dorgan (ND)
Downey
Dreier
Duncan
Durbin
Dwyer
Dymally
Early
Eckart
Edwards (CA)
Engel
English
Erdreich
Espy
Evans
Ewing
Fascell
Fawell
Fazio
Feighan
Fish
Flake
Foglietta
Ford (TN)
Frank (MA)
Franks (CT)
Frost
Gallegly
Gallo
Gaydos
Gejdenson
Gephardt
Geren
Gibbons
Gilchrest
Gillmor
Gilman
Gingrich
Glickman
Gonzalez
Goodling
Gordon
Goss
Gradison
Green
Guarini
Gunderson
Hall (OH)
Hamilton
Hammerschmidt
Harris
Hatcher
Hayes (IL)
Hefner
Henry
Hertel
Hoagland
Hobson
Hochbrueckner
Horn
Horton
Hoyer
Hubbard
Huckaby
Hughes
Hutto
Jacobs
James
Jefferson
Jenkins
Johnson (CT)
Johnson (SD)
Johnston
Jones (GA)
Jones (NC)
Jontz
Kanjorski
Kaptur
Kennedy
Kennelly
Kildee
Kleczka
Klug
Kolter
Kostmayer
LaFalce
Lancaster
Lantos
LaRocco
Laughlin
Leach
Lehman (CA)
Lehman (FL)
Levin (MI)
Lewis (FL)
Lewis (GA)
Lipinski
Lloyd
Long
Lowey (NY)
Luken
Machtley
Markey
Martin
Matsui
Mavroules
Mazzoli
McCloskey
McCollum
McCurdy
McDermott
McHugh
McMillen (MD)
McNulty
Meyers
Mfume
Miller (CA)
Miller (WA)
Mineta
Mink
Moakley
Mollohan
Montgomery
Moody
Moran
Morella
Morrison
Mrazek
Murphy
Murtha
Nagle
Natcher
Neal (MA)
Neal (NC)
Nowak
Oberstar
Obey
Olin
Olver
Ortiz
Owens (NY)
Owens (UT)
Pallone
Panetta
Parker
Pastor
Patterson
Payne (NJ)
Payne (VA)
Pease
Pelosi
Penny
Perkins
Peterson (FL)
Peterson (MN)
Petri
Pickle
Porter
Poshard
Price
Pursell
Quillen
Rahall
Ramstad
Rangel
Ravenel
Ray
Reed
Regula
Richardson
Ridge
Riggs
Rinaldo
Roe
Roemer
Ros-Lehtinen
Rose
Rostenkowski
Roth
Roukema
Rowland
Roybal
Russo
Sabo
Sanders
Sangmeister
Santorum
Savage
Sawyer
Saxton
Scheuer
Schiff
Schroeder
Schumer
Sensenbrenner
Serrano
Sharp
Shaw
Shays
Sikorski
Sisisky
Skaggs
Skelton
Slattery
Slaughter
Smith (FL)
Smith (IA)
Smith (NJ)
Smith (TX)
Snowe
Solarz
Solomon
Spratt
Staggers
Stallings
Stark
Stokes
Studds
Sundquist
Swett
Synar
Tallon
Tanner
Taylor (MS)
Thomas (GA)
Thomas (WY)
Thornton
Torres
Torricelli
Traficant
Traxler
Unsoeld
Upton
Valentine
Vander Jagt
Vento
Visclosky
Volkmer
Walsh
Washington
Waters
Waxman
Weber
Weiss
Weldon
Wheat
Whitten
Williams
Wilson
Wise
Wolf
Wolpe
Wyden
Wylie
Yates
Yatron
Young (FL)
Zimmer

NOES—98

Allard
Anderson
Archer
Armey
Baker
Barrett
Barton
Bateman
Bliley
Boehner
Bunning
Burton
Camp
Carr
Chandler
Clinger
Coble
Collins (MI)
Combest
Conyers
Cunningham
Davis
DeLay
Dingell
Doolittle
Dornan (CA)
Edwards (OK)
Edwards (TX)
Emerson
Fields
Ford (MI)
Gekas
Grandy
Hall (TX)
Hancock
Hansen
Hastert
Hayes (LA)
Hefley
Herger
Holloway
Hopkins
Houghton
Hunter
Hyde
Inhofe
Ireland
Johnson (TX)
Kasich
Kolbe
Kopetski
Kyl
Lent
Lewis (CA)
Lightfoot
Livingston
Lowery (CA)
Manton
Marlenee
McCandless
McCrery
McEwen
McGrath
McMillan (NC)
Miller (OH)
Molinari
Moorhead
Myers
Nichols
Nussle
Orton
Oxley
Paxon
Pickett
Rhodes
Ritter
Roberts
Rogers
Rohrabacher
Sarpalius
Schaefer
Schulze
Shuster
Skeen
Smith (OR)
Spence
Stearns
Stenholm
Stump
Swift
Tauzin
Taylor (NC)
Thomas (CA)
Towns
Vucanovich
Walker
Young (AK)
Zeliff

NOT VOTING—18

Alexander
Anthony
Ballenger
Bentley
Boxer
Brown
Bruce
Campbell (CA)
Collins (IL)
Dannemeyer
Donnelly
Lagomarsino
Levine (CA)
Martinez
McDade
Michel
Oakar
Packard

□ 1823

Messrs. DICKS, CALLAHAN, RAY, and HAMMERSCHMIDT changed their vote from "no" to "aye."

So the amendment was agreed to.

The result of the vote was announced as above recorded.

The CHAIRMAN. The Chair is advised that the next amendment in order by the gentleman from Connecticut [Mr. GEJDENSON], No. 18, will not be offered.

The question is on the amendment in the nature of a substitute, as amended.

The amendment in the nature of a substitute, as amended, was agreed to.

Mr. AuCOIN. Mr. Chairman, I'd like to call special attention to two important provisions of H.R. 776, the Comprehensive National Energy Policy Act.

First, I'm pleased that H.R. 776 addresses the issue of Oregon and Washington offshore oil and gas leasing. All Oregonians applaud the provision in this bill that protects our prized marine resources.

Some of us in the Northwest have been working for years to keep our coast and our fisheries safe from environmental peril—all for the sake of a few days' worth of oil.

In 1986, the House first passed my OCS leasing moratorium amendment. Our efforts to protect critical coastal resources culminated 2 years ago in the adoption of the AuCoin-Dicks amendment to the Interior Appropriations bill.

This provision suspended leasing activities off the Oregon and Washington coast for at least a decade. I'm pleased that H.R. 776 would put this provision into law.

Our marine resources are too important to be left at the mercy of risky ventures which may have little or no payoff. We've rolled the dice one too many times with our endangered salmon runs and we are now paying the price.

I hope we've learned from our past mistakes and I urge the adoption of this important legislation. I strongly urge the conferees to consider making this moratorium permanent for the entire Oregon and Washington coast.

Second, I support section 1701(b), which will help to ensure that fishway regulations adequately protect fish as they swim past power-generating dams. This section is a compromise designed to solve a serious problem created by the Federal Energy Regulatory Commission [FERC] last year.

Last May, FERC issued a rule that flew in the face of common sense and congressional intent. FERC decreed that requirements for fishways—passages for fish around hydropower dams—applied only to fish traveling upstream. In other words, adult salmon should be protected on their way upstream to spawn, but young salmon were on their own as they tried to make it past dam turbines on their way down to the sea.

Needless to say, this bizarre ruling shocked the Pacific Northwest. The FERC Commissioners "must have taken leave of their senses," editorialized one newspaper. "Congress should reel in the panel," commented another.

Oregonians were furious because we understand perfectly well that we must protect the entire life cycle of our salmon. Representative UNSOELD and I introduced legislation H.R. 3002 to overturn this ridiculous ruling.

FERC subsequently revised the ruling to provide downstream protection measures but still claimed that the Fish and Wildlife Service and the National Marine Fisheries Service should not have a strong role in ensuring that fishway regulations were adequate.

Section 1701(b) recognizes that an agency capable of ignoring the laws of nature must share the responsibility for protecting fish, including threatened and endangered species, with agencies that have greater expertise in this crucial matter. The section gives FERC a year to revise its regulation and requires it to consult with NMFS and the Fish and Wildlife Service.

I support this provision, and I commend Mr. DINGELL, Mr. STUDDS, and Mrs. UNSOELD for their excellent work on this issue.

Mr. LEVIN of Michigan. Mr. Chairman, a matter of concern relating to the drafting of the language of section 1913 of this bill has come to my attention. This provision, which I sponsored together with my colleague on the Ways and Means Committee, the gentleman from Texas [Mr. ANDREWS], is intended to advance energy security and environmental goals by encouraging the availability of clean fuels and the use of vehicles capable of running on clean fuels.

One of the most promising strategies for encouraging clean fuels is the introduction of fuel-flexible vehicles or FFV's, that can run on clean fuel as well as conventional fuel. The development and introduction of these user-friendly FFV's is strongly endorsed by State and local energy and environmental agencies. When I sponsored section 1913, my understanding was that FFV's would qualify for the section 179A tax deduction equally with other clean-fuel vehicles—in other words, that the deduction would be based on the total cost, and not the incremental cost, of the qualifying engine, exhaust, and fuel systems.

This understanding was based on an agreement that section 1913 would be modeled on S. 1178, a bill introduced in the other body by Senator ROCKEFELLER. S. 1178 provides capped deductions based on the total cost of qualifying components, not incremental cost. Senator ROCKEFELLER's office has assured me that the natural gas industry, as well as other alternative-fuels industries, agreed to the total-cost language when the various parties, after long consideration, reached a compromise agreement on a tax deduction bill for alternative-fuel vehicles and infrastructure development.

Section 1913 was intended to reflect this agreement. However, the reported version of section 1913 contains a provision that would limit the deduction for FFV's to incremental cost. This was not part of my original intention, nor did the summary of the provision to the committee before its adoption reflect such a limitation, and I am concerned that it would undercut the purposes and intended fuel-neutrality of the bill. A fuel-neutral bill would apply the total-cost concept to all clean-fuel vehicles, including FFV's. I am also aware that the recent cost estimate indicates that the cost of adopting this approach might be more than was originally understood.

It is my hope and expectation that during the conference on H.R. 776, an approach can be worked out that will embrace the thrust of the original Rockefeller bill in order to treat FFV's fairly and achieve fuel neutrality.

Mr. WEISS. Mr. Chairman, I rise in support of H.R. 776, the National Energy Policy Act of 1992. Passage of this comprehensive legislation will mark the end of an era of deliberate, calculated inaction—an era which began with the Reagan administration's elimination of conservation and alternative energy programs, and reached its low point last January, with half a million American men and women dug in to the sands of the Saudi Desert.

For 12 years, the Nation's energy security has been held hostage by the special interests of the energy industry. Our self-proclaimed Environmental President, meanwhile, has made tending to big-business-as-usual his top priority.

Time and again, the administration's energy policy has proven itself contrary to the national interest. Recently, my colleague from Michigan [Mr. WOLPE] uncovered a confidential Energy Department analysis of its own $5 billion R&D effort, which ranked the Nation's true energy needs in almost exactly the opposite order of the President's spending priorities. Energy efficiency and conservation programs that were ranked highest by the administration's own staff members received the smallest increases in the President's budget last year, while a recommended cut in costly nuclear programs was overruled in favor of a 22-percent budget increase.

This sort of white-is-black, black-is-white approach is typical of the short-sighted leadership we have experienced in recent years.

With the measure before us today, the country will return once again to a long-term, strategic approach in planning for our future energy needs, taking into explicit account sustainable economic development and preservation of the global environment which we must all share. That such sweeping legislation can maintain its integrity and still enjoy the broad support of industry and environmentalists alike is testimony to the diligent efforts of the nine committees that contributed to the bill.

H.R. 776 recognizes the United States' role as both the world's leading consumer of energy, and its potential as a leader in the field of conservation. If the bill stopped only with its concrete incentives for development of alternative energy sources and the reduction of ozone-threatening greenhouse gases, it would be a bold step in the right direction. Instead, it goes on to assure that technology will quickly be shared with developing nations, where the environmental pinch is most acute.

Under the bill, solar, geothermal, and wind-generated power will once again have the support they deserve from the Department of Energy. It contains measures making it easier for alternative energy producers to obtain private financing, and guaranteeing them the right to sell their product via the existing commercial power grid.

The Energy Act also created important new environmental protections. It imposes a 10-year moratorium on oil and gas drilling along most areas of the U.S. coastline, and will sharply reduce the emission of greenhouse gasses. In a major victory, the commercial nuclear power industry will be forced to share the costs of cleaning up the Federal plants which produced the enriched nuclear fuels to drive their atomic plants.

Finally, H.R. 776 reauthorizes the Department of Energy's research and development programs for the first time in nearly a decade, establishing a formal mandate requiring planners to consider energy security, environmental safety, and least-cost efficiency when allocating Federal research dollars.

We made some mistakes crafting this bill; that is the risk you take in setting out to craft a workable rule of law governing such a wide body of conflicting interests.

By striking provisions which would have required oil companies to set aside 1 percent of their production for inclusion in the Strategic Petroleum Reserve, we missed a unique and innovative opportunity to insulate the U.S. economy from the devastating impact of the next oil price shock, and to do so at minimal cost to producers and consumers alike. Hopefully, that will be corrected by an amendment from the floor.

Similarly, my colleagues voted to rewrite the rules governing the licensing of nuclear powerplants in a manner which I believe will cut off vital avenues of public involvement.

But the broad mandate behind this legislation represents a stunning triumph over the parochial concerns that have held American energy policy in check for 12 years. H.R. 766 offers the bold action we have been waiting for since 1981. I urge my colleagues to join together and pass the National Energy Policy Act.

Mr. DARDEN. Mr. Chairman, I rise in strong support of H.R. 776, the Comprehensive National Energy Policy Act. I commend the efforts of all nine committees in creating a measure that addresses many critical policy issues including development of renewable energy sources, increased energy and water efficiency in Federal facilities and State building guidelines, expansion of alternative motor fuels programs, nuclear waste disposal and power generation, and increased efficiency and competition in the electricity and natural gas market. This measure will serve as a comprehensive blueprint for future efforts to address national energy policy questions.

Mr. Chairman, I am especially supportive of the moratoria on Outer Continental Shelf [OCS] leasing and preleasing activities included in title XX of this measure. The policy reflected in these provisions represents, I believe, a balanced and reasonable approach to the important issue of responsible development of mineral resources in the OCS. By establishing this 10-year moratoria and creating environmental sciences review panels for the planning areas, this measure provides the necessary time, information, and procedural consistency to give proper weight and consideration to relevant environmental and socioeconomic factors.

This measure is particularly well suited to the needs of States, such as Georgia, in areas that do not currently face the environmental and commercial pressure of OCS development, but would be subject to leasing under the administration's energy development plan. There are important environmental, recreational, and commercial assets in coastal Georgia that are deserving of the protection that would be provided by the thorough evaluation called for in this measure. Georgia's coastal region contains many preserves and scenic areas including the Cumberland Island Wilderness Area and National Seashore, the Wolf Island National Wildlife and Wilderness Area, the Wassaw National Wildlife Refuge, and many other sanctuaries, parks, and refuges.

In the moratoria period, the review panels will have ample time to collect, assess, and develop the information necessary to make intelligent and prudent decisions regarding the costs and benefits of OCS activities. In addition to appointees from the EPA, the U.S. Fish and Wildlife Service, the National Oceanic and Atmospheric Administration [NOAA], and the Minerals Management Service, the Environmental Sciences Review panels will include a representative from each State within the review area which will help assure that the panel's evaluation fully addresses State and local interests.

Finally, I would note that in supporting the provisions of title XX, I do not wish to see OCS development permanently ended, but only delayed until appropriate information and technical advances allow for the extraction of OCS resources in an environmentally and socially responsible fashion.

Mr. Chairman, I urge my colleagues to support H.R. 776 and the moratorium on Outer Continental Shelf mineral exploration.

Mr. LENT. Mr. Chairman, this is a historic day, because 3 years after President Bush took the lead by offering his comprehensive program, Congress is finally on the verge of passing a national energy strategy.

And it's not a moment too soon. Throughout this debate, we've heard how America desperately needs a comprehensive coordinated blueprint to secure her future energy supply. For more than a generation, we've done a lot of talking about reducing our dependency on foreign oil. Today, we are doing something about it.

This bill makes dramatic, necessary steps toward a sound energy policy. It fosters greater reliance on alternative sources of energy, such as solar, geothermal, and nuclear. It streamlines gas pipeline construction, which increases the flow of clean-burning and inexpensive natural gas. It encourages the use of alternative fuels, such as electricity and compressed natural gas, in the vehicles we use. And in doing these things, we will afford greater environmental protections to our precious natural resources.

There are many people who deserve recognition for today's accomplishment. First and foremost, our thanks go to President Bush, who had the foresight and leadership to introduce his energy plan in 1989, long before the Iraqi invasion of Kuwait brought energy back to the front page headlines. I would like to thank my good friend from Michigan, the chairman of the Energy and Commerce Committee [Mr. DINGELL]; the chairman of the Energy and Power Subcommittee [Mr. SHARP]; and my good friend from California [Mr. MOORHEAD], the ranking subcommittee Republican, for their leadership and perseverance in moving this massive piece of legislation to this point.

I would also like to take this time to thank the members of the Energy and Commerce minority staff, who worked 18-hour days and spent many sleepless nights drafting and refining this legislation. Their names won't make the news stories detailing this bill, but were it not for their efforts, we would not have a bill at all. So I offer my thanks to: Jessica Laverty, Cathy Van Way, Margaret Durbin, John Hambel, John Shelk, Darlene McMullen, Freida Depe, Anne-Whitney Powers, and Mimi Paredes, for their dedication and hard work. I would also like to thank Leonard Coburn of the Department of Energy and Michael Rafkey of the Nuclear Regulatory Commission, who were detailed to the minority staff, for their assistance as well.

Now comes the difficult task of reconciling the differences that exist between the House and Senate versions of the bill. I urge my colleagues to adopt the policies of openness and compromise that were displayed thus far so that we may send to the President for his signature a balanced and reasonable energy bill.

Mr. PANETTA. Mr. Chairman, I rise in support of H.R. 776, the National Energy Policy Act. For the third time in two decades this country's economy and national interests were seriously jeopardized by our failure to develop a strong energy policy. In previous years the United States failed to adequately respond to these energy crises by failing to take steps to safeguard ourselves from future supply disruptions and curb our appetite for oil. I am pleased that the legislation being considered today moves in the right direction toward achieving these goals.

Energy policy is an issue I feel very strongly about as I believe it will have great impact on the future of this Nation. Last year I introduced a comprehensive energy bill, H.R. 560, to take steps to assure America's energy future over the short and long terms by taking immediate steps to make us significantly less vulnerable to energy supply disruptions, and promoting the use of conservation and alternative fuels to curb our dependence on oil over the long term. H.R. 776 contains a number of provisions either identical or similar to those contained in my bill including: the bill's provision to require more rapid and certain filling of the strategic petroleum reserve to guard against disruptive oil shortage; encourage the development of alternative fuel vehicles by assisting the transition of government and other vehicle fleets; encourage research and development of energy conservation; and require State utilities to conduct least-cost planning.

I am also very supportive of the legislation's provisions to defer sensitive areas of our coastline from Federal offshore oil and gas leasing until environmental studies are conducted to adequately determine the impact of development on these areas.

As my colleagues know, I have led the fight in the Congress in opposition to Outer Continental Shelf [OCS] development in environmentally sensitive areas. For more than a decade we have fought year-to-year battles to protect these areas through annual leasing bans on the Interior Appropriations bill.

It has always been my position that while OCS development has a legitimate role to play in our Nation's energy policy, it should not be our first line of defense. We must pursue conservation measures and alternative sources of energy before we seek the development of sensitive areas of our Nation's coastlines. Moreover, I believe the Congress should set up a process by which we would permanently protect the particularly sensitive areas of our coastline while allowing development to safely proceed in other areas. This effort has been hampered by the Department of the Interior's inadequate data base which has been criticized by the National Academy of Sciences as being inadequate and unreliable as a basis for making decisions concerning the environmental impacts of leasing. For this reason, the Congress has held that the Department should not proceed with leasing in particular areas until we can adequately determine the impacts of offshore development.

The legislation being considered today provides the appropriate deferrals for these areas while joint Federal/State scientific panels obtain the information necessary to make responsible decisions concerning the impacts of development on sensitive regions. While the issues of permanent protection is yet to be addressed, this legislation advances the process by which Congress may consider areas for permanent protection in the future. I urge my colleagues to support these provisions which I believe will lead to a long-term resolution of this contentious issue.

I would also like to note, Mr. Chairman, that these provisions would not have been possible without the leadership of Chairman SID YATES, Chairman GEORGE MILLER, and Chairman

WALTER JONES, and want to commend them for their excellent work on this important issue.

Before I close I want to state for the record that I find it regrettable that important energy issues like fuel economy standards are not being addressed as part of this legislation. Adopting strict fuel economy standards is perhaps the single most important step we can take to help curb our dependency on oil over the long term and lead this Nation to a more positive energy future. I am concerned that until forceful action is taken to promote conservation we have failed to fully address our energy problems and act in the best long-term interest of this Nation. Nonetheless, I believe this bill makes important new gains in energy policy by promoting greater energy efficiency, the development of alternative sources of energy, and protecting the Nation with a large petroleum reserve. I urge my colleagues to support its adoption.

Mr. GILLMOR. Mr. Chairman, I want to express my support for H.R. 776, the Comprehensive National Energy Policy Act, and in particular its provisions to amend the Public Utility Holding Company Act and expand wholesale power competition. Increasing competition in the generation of wholesale electric power will ultimately reduce rates paid by electric customers. I therefore would urge my colleagues to protect provisions for expanded transmission access and Public Utility Holding Company Act reform as they prepare to reconcile differences in the conference committee.

Nevertheless, certain strengthening modifications to the electricity title are essential to fully achieve the intent of the Congress. I suggest the following strengthening modifications:

First, section 723 of the bill would authorize the Federal Energy Regulatory Commission [FERC] to require transmitting utilities to transmit electricity to wholesale power purchasers, but would prohibit any requirement that a transmitting utility transmit electricity directly to an ultimate retail consumer. However, under the bill as presently written, it would be possible for a new wholesale purchaser of electricity to be created solely for the purpose of circumventing the prohibition against mandatory transmission to ultimate consumers.

The prohibition against mandatory transmission service to individual retail consumers, such as large industrial installations, is necessary to protect the right of a utility to serve customers of all classes within its service area. Failure to protect this right would lead to higher rates and charges for electric service provided to residential and small commercial consumers served by a utility, without any offsetting economic benefit to the community. It is my understanding that this issue may be addressed without unduly affecting development of legitimate independent power producers or municipal systems. I would hope that my colleagues in conference will work to close this loophole.

Second, the drafters of the bill recognized that it would be unfair to permit issuance of an order by the FERC requiring mandatory transmission service if the provision of such service is economically disadvantage the customers of the transmitting utility subject to the order.

Utility transmission systems are interconnected to form a multistate transmission grid. Because of a basic law of physics, a mandatory transmission order issued to one utility may affect the reliability of service and costs to consumers of other utilities owning portions of the interstate transmission system. There is no valid reason to protect the consumers of the transmitting utility subject to the mandatory wheeling order without similarly protecting consumers of other utilities which may be affected. It would therefore be consistent with Congress' pro-consumer intentions to expand the existing prohibition against mandatory wheeling orders having an undue adverse impact on transmitting utilities in order to assure that consumers of all utilities which may be affected by the order are properly protected.

Third, the bill requires FERC to establish for mandated transmission service rates and charges sufficient to compensate the service transmitting utility for all prudent costs incurred in connection with transmission and necessary associated services. Although it is my understanding that the necessary associated services include the provision of standby generation by the transmitting utility which may be utilized in the event the delivery of electricity to the transmitting utility is interrupted, the bill does not specifically provide for recovery of the costs of this service. Failure to specify that the costs of this standby generation service may be recovered from the transmission service customer will lead to costly litigation and may result in denying to the transmitting utility the right to recover the costs of standby generation capacity. The bill should therefore be clarified to provide assurance that FERC will be required to consider the cost of standby generation service in establishing rates and charges for transmission service.

Fourth, I am concerned about provisions that require utilities to make a good-faith effort to build additional transmission capacity in order to handle the needs of others. If the utility cannot build due to being unable to obtain the necessary approvals under applicable Federal, State, and local environmental siting laws, they will be relieved from the order to build. My concern is that the conditions of relief are incomplete. What if the utility is unable to acquire the land? What if the State denies a request for a certificate for convenience and necessity? What if there are other zoning restrictions? Also the definition of what constitutes a good-faith effort is critical. Does the utility have to offer 5 or 10 times market value to buy the land? Does the utility have to try for 5 or 10 years before they are relieved of the order? When is enough enough? The conferees should ensure the language is clear and fair so that a good-faith effort is not impossible.

With these changes, the Comprehensive National Energy Policy Act will better achieve the enhanced efficiencies in electric energy production and transmission which the Congress desires.

Mr. DE LUGO. Mr. Chairman, I rise in support of section 1404. This section recognizes the need for special planning to ensure that the U.S. associated insular areas would not be inadvertently cut off from their sole energy source should there be a disruption in the Nation's oil supplies.

It does so by requiring the Secretary of Energy to undertake a study of the unique vulnerabilities of these relatively small and distant islands to oil supply disruption. Consultation with those Federal agencies with responsibilities for these insular areas—the Office of the President in the case of Puerto Rico and the Secretary of the Interior in the case of the other insular areas—is intended so that a thorough, balanced outcome is achieved.

The focal point of this study, Mr. Chairman, would be to plan how these eight Caribbean and Pacific Island groups for which the Committee on Interior and Insular Affairs has special responsibilities, will gain access to oil during times of national emergency.

These insular areas are almost totally dependent upon imported oil, and their only means of obtaining it is through ocean shipping. Complicating their vulnerability further is their distance from any sources of oil in general, and the strategic petroleum reserve in particular. A cut off in any oil supply to them would literally be a cut off in a lifeline to them.

These points illustrate that, although the current system of allocating petroleum from the strategic petroleum reserve may be efficient in the case of the mainland United States, the current system is far from dependable where the insular areas are concerned. Workable adjustments should therefore be made, Mr. Chairman, in light of these areas' unique situations and needs.

One cost-effective and practical solution to this problem might be the creation of regional reserves in the Pacific and the Caribbean. This has been requested by all of the U.S. insular area governments and proposed in the U.S. Senate.

Another possibility supported by the Senate and the Interior and Insular Affairs Committee, is that the insular areas be guaranteed a small percentage of a drawdown from the strategic petroleum reserve if the Secretary agrees that this is needed to avert an insular oil crisis.

Yet another proposal endorsed by the Senate and the Interior and Insular Affairs Committee would permit priority loading of insular area vessels in order to avert an insular energy crisis.

Representatives of the Energy and Commerce Committee were not ready to agree to these proposals. But our distinguished colleagues, Chairman JOHN DINGELL and Subcommittee Chairman PHILIP SHARP, recognized that special provisions may need to be made to ensure insular access to vital oil supplies during an energy crisis.

Thus, they, on behalf of the Energy and Commerce Committee, and Chairman GEORGE MILLER and I, on behalf of the Interior and Insular Affairs Committee, reached agreement on this provision. It substitutes for one in the Interior and Insular Affairs Committee's reported bill.

I have suggested some of the ways in which the emergency oil supply needs of the insular areas may be addressed, Mr. Chairman. Careful thought and analysis will produce others, I am sure.

The key point is that unlike the mainland States, which obtain their oil via rail, highway, pipeline, and tanker, these insular areas can get their oil only via tanker. They simply have no other options.

In view of this, I commend all involved for recognizing the need to address this matter which is of such serious concern to the insular areas. In particular, as chairman of the Insular and International Affairs Subcommittee, I appreciate the cooperation of Chairmen DINGELL and SHARP; the leadership of Chairman GEORGE MILLER; the support of my fellow Representatives from insular areas, ENI F.H. FALEOMAVAEGA, ANTONIO COLORADO, and BEN BLAZ; and, in the other body, the leadership of DANIEL AKAKA and actions of DANIEL INOUYE and J. BENNETT JOHNSTON.

Mrs. UNSOELD. Mr. Chairman, a sound and balanced national energy strategy is a cornerstone to national security, economic prosperity, and the environment.

H.R. 766, the Comprehensive National Energy Policy Act contains many important provisions. I want to focus my comments on several that are of great importance to the people in the Pacific Northwest.

The first provision suspends all oil and gas preleasing and leasing activities off the coasts of Washington and Oregon until after the year 2000. This measure will ensure interim protection from administration officials who have promoted the Outer Continental Shelf [OCS] as an energy reserve needing only to be explored and tapped, and from officials who have pushed aggressive leasing programs despite conflicts with other resources and desires of coastal areas. I fully support this provision as a way of providing interim protection from oil and gas development until we are able to secure a permanent ban.

Permanent protection is provided by H.R. 766. However, for a discrete area soon to be designated by the National Oceanic and Atmospheric Administration [NOAA] as a national marine sanctuary. This fall, NOAA is expected to issue a final environmental impact statement and regulations to designate the sanctuary on the Olympic coast of Washington State. I offered this provision for permanent protection in the Merchant Marine and Fisheries Committee, because by all accounts this region of the coast provides some of our country's most valued resources and warrants immediate permanent protection from the threat of offshore oil and gas production.

H.R. 766 also contains an important provision to reverse a decision by the Federal Energy Regulatory Commission [FERC] to restrict the authority of the U.S. Fish and Wildlife Service [FWS] and the National Marine Fisheries Service [NMFS] to prescribe fishways for hydropower projects. Last year, through its rulemaking process, FERC tried to limit the authority of the FWS and the NMFS by defining fishways as facilities for upstream fish passage, but not for downstream passage. This action was not only a roadblock to efforts to rebuild our fisheries, but also a clear infringement upon the authorities of the Federal agencies charged with protecting and enhancing these resources.

In light of public outrage, and legislation I introduced, FERC modified its fishway definition to recognize the downstream passage needs of some fish. However, this revised definition still limits the role of the Federal fisheries agencies. For the first time in some 70 years, FERC would be in the position of deciding which fishway prescriptions were required and which were not.

Title 17 of H.R. 766 would repeal this improper FERC rule and clarify that the authority for establishing fishway prescriptions belongs to the FWS and the NMFS, and not FERC. I urge my colleagues to support this provision.

Finally, while I am pleased with aspects of H.R. 776 that suspend oil and gas leasing activity and ensure adequate fish passage at hydroelectric projects, I am disappointed that this bill does not address the problem of global warming.

Scientists have concluded that continued emissions of carbon dioxide and other greenhouse gases will lead to global warming. While the full consequences of this are difficult to gauge, experts fear they may be catastrophic. Some of the possible results are: severe droughts, hurricanes and floods; increased spread of infectious disease; devastation of many of our planets ecosystems; and drastic declines in agricultural productivity.

Given the seriousness of these threats, our Government cannot delay any longer. It is essential that we join the other industrialized nations and act now to stabilize the emission of carbon dioxide. The European Community, Canada, Japan, and Australia have already agreed to support stabilization of carbon dioxide emissions at 1990 levels by the year 2000. According to studies by the Environmental Protection Agency, the National Academy of Sciences, and other organizations, this can be achieved with little cost. Some studies even predict net savings.

This is a critical turning point in human history. The actions we take now—or fail to take now—could well determine the fate of our species and our planet. We will have an opportunity to vote on an amendment to stabilize U.S. emissions at 1990 levels by the year 2000 and I support it.

Mr. UPTON. Mr. Chairman, I want to take this opportunity to express my concern about portions of the transmission access provisions in title VII of this bill. I am referring to the potential for so-called sham wholesale transactions that could result in mandatory wheeling of electricity to retail customers.

The current provisions of H.R. 776 prohibit the Federal Energy Regulatory Commission [FERC] from directly ordering utilities to wheel power for third parties to retail customers. However, the language as written could result in FERC issuing wheeling orders for transactions that appear to be wholesale but actually are retail in nature—a sham wholesale transaction. For example, FERC could order a utility to wheel power to a broker who would simply resell the power directly to the utility's retail customers. Another example is a large shopping center that tries to purchase electricity at wholesale rates and resells it to the building's tenants.

If these types of transactions are allowed to occur, the result will be higher electric bills for small businesses and residential customers. Utilities are obligated to provide electricity to all of the customers in their service territories. They must plan for enough generating, distribution, and transmission capacity to meet the projected demands from their customers. If some of a utility's more significant customers are able to switch to other electricity suppliers, the fixed costs of the utility's system will be paid for by the smaller pool of small commercial and residential customers.

I also would like to point out that one of the major objectives of the bill before us is to encourage utilities to expand their energy efficiency efforts. However, retail wheeling will penalize those utilities which have aggressive demand side management [DSM] programs—that I support.

Because energy efficiency programs result in lower electricity demand, near-term electricity rates increase in order for a utility to recover its costs. If large customers are allowed to shop among electric generators for the cheapest power, it is likely that the most attractive candidates will be those generators which do not have extensive DSM program. Requiring utilities to compete for large customers would discourage utilities from engaging in DSM program, as well as public service programs, such as low-income home energy assistance.

Mr. Chairman, I urge my colleagues who will serve on the conference committee on this bill to address these concerns. Otherwise, this country's small businesses and residential customers will inevitably see their utility bills increase.

Mr. PENNY. Mr. Chairman, although I strongly endorse the concept of a national energy policy in this country, I am going to vote today in opposition to H.R. 776, the National Energy Policy Act. I am disappointed that this bill does little to promote alternative fuels, but rather continues the policy of relaying primarily on nuclear power and foreign energy sources for our Nation's energy requirements. Congress should be advocating a long-term energy policy which emphasizes the development of domestically produced, renewable, and non-petroleum sources of energy.

Last week, the House rejected the Jontz/Ewing amendment which would have directed the Department of Energy to establish an octane replacement program using domestically produced, renewable, nonpetroleum sources. This octane replacement program would have provided an incentive for oil companies to shift from the use of aromatic hydrocarbons, which cause toxic emissions, to the cleaner burning ethanol which reduces these emissions in exhaust fumes. Also, the amendment would have reduced imports of foreign oil by 80 million barrels in the first year and by 300 millions barrels by 2006.

While the bill does contain some tax incentives for renewable energy and alternative fuels, it is unlikely that these provisions will survive conference committee because the Senate's version of this legislation did not contain incentives for renewable and alternative fuels.

The United States needs to move away from our dependence on foreign energy and begin to promote domestic alternatives. H.R. 776 falls short on these priorities. For that reason, I intent to vote no on the National Energy Policy Act.

Mr. PAYNE of Virginia. Mr. Chairman, I rise in support of the energy package before us today.

I believe we must encourage our Nation's energy independence and help secure economic growth. I believe this bill addresses these needs in a responsible and workable fashion.

I have long held the view that we must invest in our future if we are going to be competitive in today's world market.

One important provision of this bill would require the Secretary of Energy to disregard certain costs in evaluating bids to perform nuclear hot cell services.

There is only one commercially available hot cell laboratory located in the United States that can perform post-irradiation examination on full size pressurized water reactor fuel assemblies. This facility, Babcock and Wilcox, Inc., in Lynchburg, VA, has undergone frequent expansions and continuous upgrades to rank as one of the most versatile commercial facilities available for irradiated materials research today.

The Department of Energy has been awarding contracts and subcontracts for these services to foreign competitors. Less stringent environmental regulations and government subsidies abroad enable these competitors to make lower bids.

Most importantly, U.S. bidders have to include a 27-percent decommissioning charge in their bids, while foreign competitors do not.

This legislation will restore a level playing field to this area of research and development by requiring the Secretary of Energy to review bids for hot cell services with the same regulatory add-ons applied to foreign bids as to U.S. bids.

The United States cannot allow this vital research and yet another industrial capability to move offshore. I believe we must stem this troubling trend for many of our small and services industries across America and keep Americans working.

I commend Chairmen DINGELL, Chairman SHARP, Mr. LENT, Mr. MOORHEAD, and all other committees and subcommittees with jurisdiction for their hard work in producing such a comprehensive energy package. I urge my colleagues to support the bill.

Mr. GALLO. Mr. Chairman, today, I rise in support of the Comprehensive Energy Policy Act, H.R. 776. I believe the eight committees involved have done an excellent job in crafting an energy bill that has taken a balanced approach.

Last year, I praised the President for his leadership when he sent to Congress a national energy strategy that addressed his priorities and highlighted the importance of this issue as part of his domestic agenda. I commend him for making energy policy a national issue.

H.R. 776 puts forth many provisions that promote energy efficiency, energy conservation, and the use of alternative fuels. I was very pleased to see that the Ways and Means Committee included Representative ANDREWS' provision for alternative fuels refueling stations in the bill.

The bill provides for a $100,000 tax deduction for refueling equipment. I have always believed that it is very important for the United States to provide incentives for individuals to use clean alternative fuels and am happy to support this provision.

Last month, I introduced similar legislation to promote the use of alternative fuels. My bill, H.R. 5016, would provide grants to States and individuals to develop clean fuels distribution outlets in areas with severe ozone problems.

Under the Clean Air Act passed last year, Congress required States to meet tough clean air standards. States like New Jersey are going to have a tough time meeting these requirements unless we take aggressive action now to promote cleaner fuels. We cannot afford to do nothing.

I believe the comprehensive energy strategy, H.R. 776, takes an important step in the right direction. However, I still believe we can do more. That is why I will continue to urge the Energy and Commerce Committee to pass my legislation so that we build upon the incentives in H.R. 776 and provide for the expanded use of alternative fuels.

As the author of H.R. 193, a bill to provide a mass transit incentive up to $75 a month, I am pleased to see that H.R. 776 includes a provision that provides for a realistic fringe benefit in the amount of $60 for those who use mass transit.

With this critical energy-saving program in place, we can promote the use of mass transit by offering realistic alternatives to individual commuters. It has become very clear that reducing the amount of traffic on our highways must be a top priority if we are committed to reducing energy consumption as well as to meeting Clear Air Act standards.

The best way to reduce traffic is through improvements in mass transit and a greater emphasis on car pooling in areas where mass transit could not meet the needs of commuters.

Even though my original legislation would have set a ceiling at $75, I was especially pleased to see that compromise language could be reached. H.R. 776 sets the monthly incentive at $60, but allows the rate to rise in future years to adjust for inflation. I am please with the strong bipartisan support for this energy-saving measure, and am happy to support this monumental piece of legislation.

Also contained in H.R. 776 is a bipartisan effort by members of the northeast-midwest congressional coalition to encourage utilities to assist industries in achieving greater energy efficiency.

The provision provides grants to States which encourage utilities to provide energy efficiency and technology assistance to industries within their service areas. Programs such as this one contribute greatly to our national goal of energy efficiency and I believe the manufacturing sector can be an important player in meeting that goal.

This is a positive program that will create a partnership between Government and the private sector to make our industries more energy efficient and cleaner. These grants will fund projects to conserve energy, cut waste, operate more efficiently, and remain competitive. The best way to preserve our industrial base is to prepare for future needs and this provision encourages just that.

As cochair of the coalition, I am proud of this bipartisan effort to promote conservation and competitive policies as critical components of our Nation's energy policy. This is exactly the reason why the northwest-midwest coalition exists—to provide effective leadership on issues of great importance to our region.

In addition, this bipartisan support allowed us to be successful in beating back efforts to limit supplies of both oil and gas to our region. Specifically, we were able to pass an amendment which makes it illegal for States to restrict the production of natural gas for the purpose of raising oil prices. We were also successful in not allowing an amendment which would have established an oil import fee by setting a floor price for crude oil. This amendment alone could have cost American consumers billions of dollars in higher energy bills.

Overall, Mr. Chairman, H.R. 776 goes a long way in providing important measures and policies to meet our Nation's energy needs and I enthusiastically support this bill.

Mr. DE LUGO. Mr. Chairman, title 27 would be the Insular Areas Energy Security Act. It includes most of the provisions reported by the Interior and Insular Affairs Committee to address the unique energy-related problems of the insular areas for which the United States has special responsibilities.

The energy situations of these eight Caribbean and Pacific Island groups are different from those of the States. For example, in some cases insular power systems—like insular infrastructure in general—are so underdeveloped that the quality of life is less than that which most Americans enjoy, the health of individuals is imperiled, and the economic development that the areas need is impeded.

Insular areas often cannot benefit from economies of scale, are distant from supplies, and cannot link into other power systems. They are almost totally dependent upon imported oil as well as ocean shipping of it and are extremely vulnerable to increases in oil prices.

Our islands have an abundance of potential energy created by the sun, the wind, and the ocean. But they lack the resources needed to tap this potential.

They also lack political and economic power, and are treated inequitably under some programs. Yet, they have relatively greater social needs than the States.

Insular areas face different environmental circumstances and pollution problems than the U.S. mainland. Federal actions have left a legacy of lingering problems of nuclear contamination and toxic wastes in some islands.

Section 2702 would update the existing authorization for projects to reduce insular dependence upon imported oil and maximize use of indigenous renewable resources. It would expand the authorization—which relates to projects identified in a 1982 report by the Energy Department—to include any projects that meet the law's objectives.

Section 2703 would expand the ban on consideration of the Marshall Islands as a site for nuclear waste disposal to all of the insular areas, consistent with the law that requires specific congressional approval for the storage of nuclear waste in the United States and U.S.-administered insular areas.

Section 2704 would require the Interior Department to plan how to develop the electrical system of Palau, including meeting any related obligations, in consultation with the government of the islands. It is consistent with our Nation's responsibility to develop this trust territory.

Although the United States has had this obligation for 45 years, some people in the islands do not have electricity at all and others only have it for part of the day. Further, Palau faces substantial claims related to its primary power facilities acquired in a bad and corrupt deal made possible by the actions of some Federal officials.

Section 2705 would reinstate the eligibility of the Marshall Islands and Micronesia for cleanup of PCB's brought into the islands in power equipment installed during the United States trusteeship.

An issue that would have been addressed by another one of the provisions reported by the Interior and Insular Affairs Committee—insular access to oil during shortages—is addressed, as I explained earlier, by section 1404 of the bill under a compromise between the Interior and Insular Affairs and Energy and Commerce Committees.

The intent and background of the insular provisions of this bill are further explained in the report of the Interior and Insular Affairs Committee.

As chairman of the Insular and International Affairs Subcommittee, I want to express my appreciation for the leadership of the chairman of the full committee, GEORGE MILLER, and not the support of my fellow Representatives of the insular areas, ENI F.H. FALEOMAVAEGA, ANTONIO COLORADO, and BEN BLAZ, on them.

Finally, I urge my colleagues to accept this title and the House to approve this bill.

Mr. ECKART. Mr. Chairman, today I rise in support of H.R. 776, the Comprehensive National Energy Policy Act. I want to commend the chairmen and ranking members who have worked so diligently to resolve the many differences that confronted us in crafting this legislation.

Our Nation has lacked a comprehensive energy policy for far too long. This bill is an important step in that direction. However, there are a few provisions which I remain concerned over and which merit our attention as we prepare to move this bill toward conference with the Senate.

The electricity title of the bill authorizes the Federal Energy Regulatory Commission to require transmitting utilities to transmit electricity to wholesale power purchasers, but would prohibit any transmission to an ultimate consumer. The Energy and Commerce Committee clearly intended this provision to be a complete ban on retail wheeling. The purpose of transmission access has been to increase competition in the wholesale and not retail power markets.

Nevertheless, I am concerned that reform may be construed to circumvent this ban. It is possible that a new wholesale purchaser of electricity may be created solely for the purpose of skirting the prohibition against mandatory transmission to retail customers.

Eliminating this loophole is important to Ohio's ratepayers. The prohibition against mandatory transmission service to individual retail customers is necessary to protect the right of a utility to serve customers of all classes within its service area. Failure to protect this right, and the loss of large retail customers because of sham transactions, could lead to higher rates and charges for electric service provided to ratepayers in Ohio and across the Nation.

For example, if a larger retail customer were to purchase power from a sham entity who served only that customer, those residential ratepayers who remain would have to bear the costs of a system which was built to handle all customers. Additionally, because the entity is a sham, the community would not receive an economic benefit that would normally be associated with legitimate wholesale competition. It is therefore necessary to close the existing loophole in the bill in order to preserve the intent of Congress to preclude mandatory retail wheeling and to ensure that large industrials do not subsidize the costs of greater wholesale power competition through those ratepayers who remain.

Finally, as I stated during full Energy and Commerce Committee markup, transactions between an affiliate and its parent should be allowed in terms of power and nonpower sales, as long as States are granted jurisdiction over all facets of the transactions and the transactions benefit consumers. In order to increase wholesale power competition, all suppliers, including affiliates, should be given the opportunity to compete. Therefore, I urge my colleagues to work in conference to craft provisions which counter the abuses associated with self-dealing while still allowing for affiliate transactions to occur.

Mr. McEWEN. Mr. Chairman, H.R. 776, the Comprehensive National Energy Policy Act, broadens the authority of the Federal Energy Regulatory Commission [FERC] to order utilities to wheel power for others. In addition, under this broader authority, the FERC will be able to require utilities to build new transmission lines for use by others. This increased authority raises two serious concerns.

First, it is not clear that merely having the FERC require a utility to build will result in lines being built. There are permits and land rights to acquire that are largely at the dictates of the States. The States can certainly frustrate the process of adding new lines.

The second issue deals with the matter of who pays for lines. Again, requiring a utility to build new transmission lines will not necessarily result in the costs being placed upon the right parties. There is a great deal of risk involved with construction and clearly the beneficiaries should bear them. Any orders to build must fully resolve any cost allocation issues before construction begins.

Mr. Chairman, the issues involved in the construction of new lines are serious and their resolution is critical to the expansion of our Nation's transmission capacity. At the very least, the States should have a say in determining if new construction is required or who will pay. I urge our conferees on the energy bill to include a role for the States in this process.

Mr. KLECZKA. Mr. Chairman, I appreciate this opportunity to express my strong support for passage of H.R. 776, the National Energy Policy Act.

Two years ago, the Iraqi dictator, Saddam Hussein, invaded Kuwait, and by so doing threw the oil-consuming world into economic turmoil as he wantonly destroyed large oil supplies in that occupied nation.

The stirring and painful memories of American men and women fighting a war last year in the Persian Gulf—and dying—reminds us of the absolute necessity to wean ourselves from a dangerous dependence on foreign oil. Another madman could once again plunge us into bloody battle over oil. We owe it to those who never came home from the Persian Gulf to avoid being forced again into war over oil.

It is for this reason that I became a cosponsor of the National Energy Policy Act. Our involvement in the Persian Gulf conflict demonstrated that our national energy policy is a piecemeal affair. Without establishing well-defined goals and commitment, our economy and quality of life remain exposed to the upheavals stemming from a dependence upon foreign oil. We must become better stewards of our energy resources and the planet—and I believe H.R. 776 accomplishes these goals.

The cornerstone of the bill are the energy efficiency provisions. The legislation promotes energy efficiency in several key ways. First, by mandating improved efficiency in buildings. Second, by requiring the Federal Government to use energy more wisely. Third, by encouraging public utilities to reduce the demand for energy. Fourth, by establishing stringent minimum efficiency standards for lights, electric motors, showerheads, and commercial heating and cooling equipment. Finally, by requiring overall improvements in energy efficiency in the manufacturing sector. These provisions represent a sound response to the global warming threat, for through these improvements, we will conserve the energy equivalent of 800,000 barrels of dirty-burning oil per day by the year 2000. The direct benefit of these provisions is greater energy security and heightened protection of the environment.

It is especially rewarding to me that the energy bill contains provisions of H.R. 4422, a measure I and other members of the Wisconsin delegation, along with Representative SYNAR of Oklahoma, introduced earlier this year. H.R. 4422 requires the Federal Government to establish a fund from which agencies can make withdrawals to finance energy efficiency improvements at their respective facilities. The Federal energy efficiency bank represents responsible government, and deserves support.

Complementing the bill's emphasis on efficiency and conservation are its provisions to promote the development of alternative, nonoil fuels. These fuels include, but are not limited to, ethanol, natural gas, propane, methanol, ethers, and electricity. If we can turn increasingly to these safer, cleaner burning fuels, as H.R. 776 would help us do, then we can strike directly at our Nation's dependence upon imported oil.

In addition to providing much needed financing for the research and development of alternative fuels, this bill establishes goals and programs to ensure that the new fuels and vehicles powered by them are widely used by the beginning of the 21st century. For example, H.R. 776 sets a goal of 10-percent alternative fuel use by the year 2000, and 30-percent use by the year 2010. Under terms of the legislation, one-half of the Federal fleet of vehicles must be fueled by alternative fuels by 1998. Privately owned fleets of vehicles must gradually switch to cars, vans, and trucks capable of operating on alternative fuels. A commercial demonstration program for electric vehicles is created by the bill. Moreover, the legislation establishes a low-interest loan program to assist small business with acquiring alternative fuel vehicles for their fleets. Together, these far-reaching incentives and goals reinforce the Clean Air Act amendments of 1990, and help our society lessen its dependence upon foreign oil and petroleum in general.

Finally, turning to the issue of nuclear power, H.R. 776 takes a crucial step toward resolving the looming crisis with spent nuclear fuel. Studies of Yucca Mountain in Nevada, the probable location for disposal of spent nuclear fuel, have progressed slowly. Procrastination is no longer in our national best interest. Further delays to construction of the Yucca Mountain facility will endanger dozens of communities where onsite storage capacity for spent fuel is quickly disappearing. To avoid this ecological and public health catastrophe, the bill provides that State and local permits are no longer needed for the Department of Energy [DOE] to conduct feasibility studies at Yucca Mountain. It should be noted that the bill is sensitive to States' rights. The standing of the State of Nevada to sue in Federal court over Government breaches of State environmental standards is preserved in H.R. 776.

Bringing resolution to the question of where nuclear waste ultimately will be stored is important to Wisconsinites. In the southeastern part of my State, the Wisconsin Electric Power Co.'s [WEPCO] Point Beach nuclear facility is expected to run out of onsite storage space by the turn of the century. Yet, it never was the intent of our national nuclear policy to create dozens of storage facilities nationwide such as that at Point Beach. Instead, to avoid this situation, Congress agreed upon the least onerous and safest option: One large site which would be continuously monitored by the Federal Government. Spurring on site characterization and construction of the disposal facility at Yucca Mountain improves the safety of nuclear programs and communities throughout Wisconsin.

Overall, the National Energy Policy Act represents a comprehensive and responsible response to the manifold energy shortcomings in our society today. Through its emphasis on conservation and efficiency, the bill safeguards the environment while extending our energy resources. Likewise, the development of alternative, clean-burning fuels which will follow from the bill also will protect the environment while increasing our energy security.

Most importantly, however, this legislation will substantially lessen the probability that our Nation ever again would enter a war over oil. Accordingly, I plan to vote for passage of H.R. 776, and encourage my colleagues on both sides of the aisle to do likewise. This bill deserves our support.

Mr. MARKEY. Mr. Chairman, as we conclude our deliberations on the Comprehensive National Energy Policy Act, I raise a note of caution with respect to the electricity transmission access provisions of title VII. Some have proposed that electric utilities in one State be exempted from the otherwise nationwide authority of the Federal Energy Regulatory Commission to order the wheeling of power. Although this proposal was not considered by the House, it was suggested that this one-State exemption might be addressed in conference.

I sincerely hope that is not the case and that we have heard the last of proposals to carve out a State-line exemption from this legislation's transmission access provisions. That is my hope because such efforts to Balkanize the rules of transmitting electric energy would do extreme violence to the bill's goal of replacing Holding Company Act regulation of electricity generators with the market discipline of vigorous competition in wholesale electricity markets.

Over the past decade, competition has grown tremendously in the generation of electricity, providing lower rates for many consumers. Notwithstanding that increased competition, too often generators of competitive power were prevented from getting their low-cost electricity to market by transmission monopolists that routinely refuse to transmit competitive power on fair and reasonable terms. Recognizing that transmission is the highway—the railline, the pipeline—of electric flows and competitive opportunities, my colleagues, Mr. MOORHEAD, Mr. BOUCHER, Mr. STUDDS, and Mr. DANNEMEYER joined me last May in introducing the Electric Power Fair Access Act of 1991, H.R. 2224, to authorize the FERC to order procompetitive transmission access where to do so would be in the public interest and would not lessen the reliability of electric service.

In the Energy and Commerce Committee, H.R. 2224 was coupled with proposals to relax certain of the regulations that the Holding Company Act imposed on competitive generators of wholesale power. Relaxation of those consumer and investor protections was believed appropriate since the market discipline of competition would supplant the need for certain of the Holding Company Act's regulatory protections.

Transmission access, however, has always been central to that tradeoff. Competition will emerge and inject market discipline only if uniform transmission access rules permit all competing power generators and willing purchasers to come together in all markets and in every State. Whether it be in Massachusetts, Texas, or California, the transmission access provisions lay at the heart of the vigorous competition that must emerge to protect consumers and investors once we relax the regulatory burdens of the Holding Company Act. State-by-State transmission rules simply will not do the job and may actually stymie competition.

We are setting forth an energy strategy for the Nation intended to produce a secure and competitive energy future for all of our citizens. We must resist efforts to Balkanize wholesale power markets along State lines. Exemption of any State or region from the transmission access provisions of the energy bill will destroy the balance—the quid pro quo—between less Holding Company Act regulation and the emergence of real competition. We simply cannot lessen the nationwide consumer and investor protections contained in the Holding Company Act unless we make sure that we have a nationwide system of vigorous wholesale power competition, ensured by uniform rules of nondiscriminatory transmission access.

Mr. OLVER. Mr. Chairman, I rise today in strong support of H.R. 776, the National Energy Policy Act.

This long overdue legislation will take significant steps toward improving and encouraging energy efficiency, reducing our reliance on foreign oil, broadening the use of renewable sources of energy, encouraging alternative motor fuels, and limiting the use of ozone-depleting gases.

This bill offers a long-term, forward thinking approach to energy policy. Not since the late 1970's has Congress mobilized to address our Nation's energy needs, and energy future. Today, we will do just that.

With today's bill, we will begin to turn back the tankers that carry oil from the Middle East. We will reassert our independence, and reduce the overseas reliance which has hurt our economy, and dragged us into war and conflict. We must end the high price—in lives and dollars—that has been placed on foreign oil.

With the bill before us, we recognize our Nation's reliance on nonrenewable energy sources cannot solve our long-term energy needs. In this rare occasion, Congress will look to the future and break with the mistakes of the past. We will take action which will protect our children, and our children's children. Through renewed research and development, and Federal incentives, renewable energy sources will become a larger and more important part of our Nation's energy picture.

Finally, this bill recognizes the urgent needs of our environment. Through reducing CFC's providing tax incentives for energy efficiency and use of nonpolluting energy sources, and increasing research and development on conservation and renewable energy, H.R. 776 finally brings environmental protection to the forefront of a national energy policy.

I am proud of the work this Congress has done to craft a comprehensive energy bill, and bring it to the floor. And I am pleased that two portions of the bill which I sponsored have been included in the final version.

In the Environment Subcommittee, I offered an amendment to study the factors that inhibit or promote the use of energy efficiency technology. In this time of tight budgets, this study will ensure that our ever limited energy dollars are spent wisely and not wasted. The investment we make in this small provision will much more than pay for itself, and greatly expand our base of knowledge regarding energy efficiency.

I am proud to be an original cosponsor of this legislation, now part of the energy bill, which will help the paper industry become more energy efficient and therefore more cost effective. The paper industry in western Massachusetts, and throughout New England like many other businesses, is facing difficult economic times. By improving energy efficiency, they will be able to save money, save energy, and incorporate environmental protection into their work and therefore save jobs.

Mr. SYNAR. Mr. Chairman, the House today takes a significant step toward enactment of a national energy strategy to guide America through the 1990's. I have been proud to play an active role in the development of this long-overdue legislation and am very gratified that so many of my own proposals were adopted by the Energy and Commerce Committee or by other committees with jurisdiction over energy-related areas. As a result of these achievements, I had looked forward to enthusiastic endorsement of the bill on final passage. Regrettably, adoption last week of the Markey-Scheuer amendment, limiting the legitimate and longstanding rights of my State and others to protect their natural resources, constitutes such an affront to the sovereignty of my State, that I am compelled for this reason alone to vote against the bill on final passage.

This vote, however, in no way diminishes my support for numerous other aspects of the bill. H.R. 776 is not a perfect bill. It is not everything I personally would have written if the decision was left only to me. To be sure, each and every Member of the House undoubtedly feels the same. But individual Members do not write legislation—it is formulated by compromise and conciliation undertaken in an effort to achieve common goals. In this case the overriding goal of all Members, I believe, was to craft for our Nation—for all of our constituents—a meaningful energy strategy to enhance our domestic security, a bill to move us away from the disastrous laissez-faire energy policy of the 1980's, a "non-policy" which many of us repeatedly warned against. H.R. 776 embodies many, many months of hard work and includes many essential programs and provisions which I worked to include and wholeheartedly endorse. I want to address those now.

As a result of the policy failures of the 1980's, we watched our domestic oil and gas industry be devastated, losing 400,000 jobs over the last decade. We saw our Nation become more and more dependent on unstable sources of foreign oil, especially from the volatile Middle East. Indeed, we fought a war in the Persian Gulf that many believe would not have been fought were we and other nations not so heavily dependent on Persian Gulf oil. In short, the decade of the '80s is notable for the opportunities we lost for a significant change in the direction of America's energy policy. In this regard, the lack of leadership by Presidents Reagan and Bush has been a particular disappointment to me. Today, however, the House reverses that destructive trend.

As a member of the Energy and Commerce Subcommittee on Energy and Power, which developed the primary bill, I went into our early work last year with some very specific goals I believe any national energy strategy should achieve.

First, I said an energy strategy must be comprehensive and deal with our entire energy mix, addressing both existing and future energy sources. By and large, H.R. 776 accomplishes that goal by covering a broad spectrum of fuels, including development of new fuels for the future.

Second, I said that any energy strategy must make substantial strides toward increased energy efficiency for the United States. H.R. 776 does that, with important efficiency goals set for the Federal Government as well as the private sector.

Third, I said any strategy should result in overall improvements in our environmental quality. By placing greater emphasis on efficiency gains and cleaner-burning fuels, H.R. 776 accomplishes that goal.

Fourth, I said our new energy strategy must make sense economically, and enhance competitiveness wherever possible and, to the greatest extent, direct scarce public and private resources to areas where we can get the biggest bang for our buck, that is, energy security gains plus environmental, economic and/or competitiveness gains. While I would have liked to see some further provisions in this respect in H.R. 776, I am very gratified by its clear thrust in this direction.

Fifth, I said the strategy should be flexible and should rely on or encourage market-based responses wherever possible. Where regulation is essential, I believed it should strive for the most practical and least intrusive form of regulation. H.R. 776 makes great strides in this respect.

Sixth, I said any strategy must result in reduced U.S. dependence on unstable foreign energy supplies. Again, H.R. 776 make significant progress in this respect. Key in this regard are two elements: alternative minimum tax relief for domestic independent oil and gas producers, which is essential to the health and viability of that industry, and new provisions designed to encourage a significantly greater role for domestically produced alternative fuels.

Last, I noted that our new strategy should attempt to strengthen the energy security of our own hemisphere, in particular the United States, Canada, Mexico, and Venezuela, by encouraging the free and fair flow of energy resources between our nations. I am disappointed the final bill includes only some Western Hemisphere provisions, but hope it will be further enhanced in conference.

While not as much as we could do, or as much as I would like to do, H.R. 776 as a whole is a giant step for a more secure America.

Mr. Chairman, the dimensions of our energy problems are extraordinarily complex and, as a practical matter, Congress simply is not able to address each and every problem confronting us. It is not possible for us to look into a crystal ball and know precisely what our energy future holds. Like energy markets, energy problems are dynamic and we must not attempt to construct an inflexible course for the future. I think H.R. 776 incorporates that needed measure of flexibility to permit us to plan sensibly and respond wisely to developing energy needs.

In this regard, I want to turn now to some of the particular provisions of H.R. 776, including many which I personally worked to include in the final bill.

One of the most important parts of this legislation for the future of Oklahoma's economy is its programs to stimulate the development of alternative transportation fuels including Oklahoma natural gas. The transportation sector consumes almost two-thirds of all oil consumed in the United States and its share continues to increase. Without a strong effort to develop alternative fuels, such as domestically produced natural gas, the Nation will be forced to continue its dependence on imported oil.

This legislation takes a number of critical steps to ensure that widespread use of alternative fuels becomes a reality and sets a target of replacing half of our transportation fuels with alternative fuels. I am especially pleased that the Energy and Commerce Committee and the Government Operations Committee reported these provisions agreed that the Federal Government should take a leadership role by expanding the Government's research program and by requiring the purchase and use of AFV's in the Federal vehicle fleet. Beginning in fiscal year 1993, the bill requires the Federal Government to purchase 5,000 such vehicles increasing to a requirement that 50 percent of all new light-duty vehicles be alternative-fueled by 1998.

The bill will also remove from Federal regulation the natural gas sold for vehicle fuels and establishes incentives for State and local government and private purchases of AFV's. These incentives include Federal grant, loan and bus programs totaling over $200 million and, along with increased Federal and private purchases of AFV's mandated in the bill, will help create the market necessary to encourage vehicle manufacturers to produce these vehicles and allow economies of scale which will reduce production costs. In addition, the legislation greatly expands the Federal commercial demonstration program for alternative-fueled vehicles to include such technologies such as natural gas fuel cells and electric technologies and expands the Government's vehicle R&D programs.

I want to thank both the chairman of the Energy and Commerce Committee, Mr. DINGELL, and the chairman of the Energy and Power Subcommittee, Mr. SHARP, for their willingness to work with me and my staff on crafting these alternative fuel provisions. The expanded use of domestically produced alternative fuels, such as natural gas, offers the promise of increased energy security, reduced environmental pollution, and an improved balance of trade.

I also want to thank Mr. SHARP for his help in making a number of improvements in the bill's coal programs. As the gentleman knows, I have had a longstanding concern over the Department of Energy's clean coal technology program. I am not against research on the use of coal, which is one of this country's most abundant energy resources, but I am deeply concerned about the use of billions of taxpayer dollars for the construction of demonstration projects. These projects often benefit individual electric utility companies or coal technology companies with little return to the U.S. Treasury.

I also note that the clean coal program was created by the Appropriations Committees without approval of the authorizing committees with more than $2.7 billion already appropriated to construct commercial demonstration projects. At my request, the U.S. General Accounting Office [GAO] analyzed the first three rounds of clean coal projects selected by the Department and made a number of suggestions concerning how the program could be improved. I think that the changes that were made by the Energy and Commerce Committee to this program respond to many of GAO's suggestions and are important improvements which ensure that taxpayer funds are not wasted on unproductive projects. These changes establish minimum project criteria, repayment requirements, and oversight procedures which will help reduce taxpayer risk and increase the likelihood of success. I am also pleased that, at long last, the authorizing committees have taken the initiative to provide specific authority for these projects and that taxpayers in Oklahoma and across the country will be protected.

I am less enthusiastic about provisions in the bill concerning nuclear energy and nuclear waste. I am particularly concerned about a number of provisions which were never considered in the Energy and Commerce Committee, but were adopted on the floor, to speed up the licensing process for nuclear powerplants. The nuclear industry has finally succeeded in convincing a majority of both Houses of Congress effectively to eliminate the operating license review that occurs before a nuclear powerplant is allowed to begin operation and to prevent local citizens and State and local governments from raising questions about the safety of the plant at this final stage. The industry has also succeeded in obtaining changes to allow it to standardize plant design which will allow the use of an approved design for many years regardless of improvement in technology or safety.

The licensing process is not to blame for the fact that no new nuclear plants have been ordered in this country for almost 2 decades. The public confidence that the industry seeks will not be increased by lowering the regulatory hurdles, nor will utility companies embrace a technology that cannot compete in the marketplace against less expensive, more flexible alternatives. Likewise, I regret the action taken by the House to overturn the rights of the State of Nevada to issue environmental permits under Federal environmental laws for the exploration of the Yucca Mountain as a site for geologic disposal of high-level radioactive waste. Nevada has, in fact, issued all requested environmental permits and to further politicize the process of selecting a site for the permanent disposal of high-level waste can only threaten what little public confidence remains in the Department of Energy's high-level waste program.

I also have serious reservations concerning the provisions creating a new Federal uranium enrichment corporation. There is little doubt that the current program has been the victim of poor management decisions costing billions of dollars. There is also little doubt that the program has billions of dollars of unfunded liabilities consisting of unrecovered costs, environmental costs, and decommissioning and decontamination costs. The theory behind the creation of the corporation is that by writing-off or deferring these debts and by providing the corporation with additional flexibility to enter into contracts we can make the enterprise self-sustaining and create a cash flow to pay for decommissioning.

I remain concerned that the underlying problems of the uranium enrichment industry, in general, and in the United States in particular, remain unaddressed. Existing U.S. plants will still utilize outdated technology. Substantial excess capacity exists both in the United States and worldwide. New laser isotope technology has yet to be proven commercially competitive. Environmental and decommissioning liabilities are enormous and the taxpayers will never recover billions of dollars in ill-conceived investments in plant expansions. Consequently, neither the Congress nor the public should be lulled into thinking that the creation of a new Government enrichment corporation will solve all of the problems facing this enterprise.

The bill includes significant new initiatives and tax changes that benefit our region. Perhaps the most important of these are changes in the Tax Code which alter the way that independent producers of oil and gas make their calculations under the alternative minimum tax program. These producers often pay tax on their businesses as if they were individuals, limiting the kinds of deductions they otherwise would be permitted to take.

The changes in alternative minimum tax treatment should go a long way toward restoring financial health to the independent oil and gas industry which is responsible for finding and producing much of our Nation's oil and gas. They will also spur the increased used and enhanced oil recovery techniques which unlock the 300 billion barrels of oil reserves which remain in the ground after initial drilling is completed. The Energy Department estimates that enhanced oil recovery could contribute 1.4 million barrels per day to U.S. supplies by 2005 or 3 million barrels per day by 2010.

Other important tax changes in H.R. 776 affecting our region include provisions encouraging the use of alternative vehicle fuels such as those fueled by compressed natural gas. They allow deductions for the cost of a vehicle's alternative fuel equipment as well as for the cost of fuel storage and delivery systems. In 1991, the General Accounting Office identified these kinds of upfront costs as significant impediments to increased alternative fuel use in a hearing held by the Environment, Energy and Natural Resources Subcommittee which I chair.

These tax provisions were originally included in a bill by my colleague, Congressman MIKE ANDREWS of Texas which I cosponsored, as well as in my own bill, H.R. 2960, the Clean Domestic Fuels Enhancement Act. Without them, the goals of the voluntary and mandatory alternative fuel sections of the Comprehensive National Energy Policy Act would be difficult to achieve.

H.R. 776 also contains other provisions originally found in H.R. 2960. These include an extensive research funding package for the oil and gas industries with money allocated for: enhanced oil recovery research and cost-shared grants; unconventional gas extraction; natural gas heating and cooling; higher efficiency heat engines; research, development and demonstration for fuel cells; and, alternative fuel vehicle research, development, and demonstration.

If the United States is serious about becoming less dependent on insecure foreign sources of energy supply we must fund research into developing and using the resources we have here at home. Otherwise we may discover in 10 years that we have no domestic energy industry left.

H.R. 776 also mandates a new program for State energy conservation initiatives for updating building codes and encouraging changes in State regulatory programs governing utility investments in conservation. It also sets up new energy efficiency standards for a wide range of products.

But the most significant part of the efficiency title deals with energy conservation efforts undertaken by the Federal Government. The Federal Government is our Nation's biggest energy user and our biggest energy waster. The bill requires a major new push to get agencies to install technologies that would reduce Federal energy consumption.

I was disappointed that at this time the Energy and Commerce and Public Works Committees rejected the energy conservation revolving fund which I authored with my good friend Congressman BILL CLINGER and which was reported out unanimously by the Government Operations Committee. Instead, we jointly agreed to provide for a study of funding alternatives for Federal energy efficiency investments. The bill also includes language I coauthored with Congressman CLINGER to ease the administrative burdens on companies which contract with the Federal Government for energy management services so that more of these money-saving agreements can be executed. These industry-financed contracts provide the best means of funding Federal energy-saving investments. I will work to strengthen both of these amendments in conference.

Another title of great importance to my region and the Nation deals with electricity, including reform of the Public Utility Holding Company Act [PUHCA], and access to electricity transmission services. The independent power producers who are expected to spring up in response to PUHCA reform are a large new market for natural gas, our cleanest fuel.

The title also contains language mandating access to transmission so that the new independent power producers will have a way to move and market their power. I had planned to offer a consensus amendment to this section which has been the subject of months of intense debate among all segments of the utility industry, from rural coops to investor-owned utilities. The amendment offers a new, alternative approach to transmission—voluntary, regional groups of utilities would jointly plan the location and utilization of transmission facilities. This method should make for a more efficient, environmentally sensitive and cheaper transmission system.

The bill breaks entirely new ground with the inclusion for the first time of a greenhouse warming section. The title requires the Department of Energy to set up an accounting system for voluntary reductions made by industry in the gases which contribute to global climate change. Industry could be credited with reductions due to actions such as tree-planting, switching to cleaner burning fuels like natural gas, production of more energy-efficient products and other relatively lost-cost activities. I am pleased that the Energy Committee included this amendment which was a modification of the Carbon Dioxide Offsets Policy Efficiency Act, H.R. 2663, which I cosponsored with Congressman COOPER.

In title XVIII of the bill we have, for the first time, adopted some essential reforms in FERC's regulation of oil pipelines. I have worked to gain enactment of such reforms for more than a decade and authored several bills during that period to mandate oil pipeline regulatory changes. I was pleased to have the full Energy and Commerce Committee unanimously adopt a bill I authored last fall to streamline and simplify FERC's regulation of oil pipelines, which historically has been plagued by inefficiency, unnecessary costs and unacceptable regulatory uncertainty affecting both shippers and pipelines. I especially appreciate the assistance of Chairman DINGELL and Chairman SHARP in encouraging both pipelines and shippers to come to agreement on this matter, so that Congress might enact these much needed reforms after a decade of debate.

This particular part of the bill was sequentially referred to the House Public Works Committee, which adopted a revised version of title XVIII. With the cooperation and assistance of the pipeline industry and certain shipper groups, a modified version of title XVIII was developed which retains many essential elements of my original proposal. While the final version is not everything I had hoped for, it nevertheless constitutes a significant step forward in reforming FERC's monstrously inefficient and costly regulatory process. First, it requires FERC to develop a simplified ratemaking methodology generally applicable to all oil pipelines. The purpose of this provision is to end the uncertainty we have experienced in the past, where major rate cases resulted in different approaches to ratemaking regulation, leaving every pipeline and its shippers uncertain as to what the future would hold for them. Second, the provision incorporates a transition mechanism for existing base rates, so that we can avoid thousands of unchallenged rates being unnecessarily subject to question under a new methodology. Finally, the provision includes mandated procedural reforms designed to simply and streamline the regulatory process and to insure that proceedings are not needlessly instituted or continued. An important aspect of these procedural reforms is a requirement that, to the maximum extent practicable, FERC employ negotiation or dispute resolution as an alternative to costly adjudication.

The Energy and Commerce version of H.R. 776 included provisions to stabilize and enhance funding to fill the Strategic Petroleum Reserve and reach our ultimate goal of a 1—billion-barrel reserve—a goal supported both by Congress and the administration. While a 1—billion-barrel SPR is now widely advocated as the cornerstone of our emergency response program, the administration refuses to request funds to support the fill rate necessary to achieve this goal, or even to spend funds currently available to it to resume SPR oil purchases. Because of the lax support for this important program by both the current administration as well as the previous administration, Congress has not been able to garner sufficient support for full funding for the reserve. The consequent uncertainty over the availability of funds has caused serious disruption in this program, especially troublesome at times when crude oil prices are low and purchases would therefore be most beneficial for the taxpayers. Additionally, the administration has not been successful in negotiating appropriate alternative leasing arrangements for SPR oil, and many are pessimistic such arrangements will ever be consummated.

To stabilize funding for SPR purchases and ensure we are capable of meeting our goal of 1 billion barrels, the committee adopted a measure which provides a funding mechanism of "last resort"—a small fee, or set-aside, imposed on oil refiners and importers. Admittedly, I was not an early proponent of this alternative funding mechanism. My primary concerns centered on possible administrative complications connected with delivery of actual barrels of oil by refiners and importers, and my concern over a possible adverse effect on domestic independent producers. I very much appreciate Chairman SHARP agreeing to my proposal to permit importers and refiners to submit fees in lieu of actual barrels, which will vastly ease the administrative burden of the new mechanism. Additionally, I am now confident the new fee would have had no adverse impact on independent producers, because the fee is almost certain to be passed on to consumers of oil products not netted-back to producers. Finally, I was concerned that if a fee must be imposed at all that it be imposed uniformly on importers and refiners in order to avoid any competitive disadvantage to one group versus the other. That was done.

Mr. Chairman, as I made clear during my remarks on the motion to strike the SPR provisions, this new funding mechanism is not my preference. My preference would be, first, that the administration aggressively pursue appropriate leasing arrangements to reduce the burden on American taxpayers and, barring that, that Congress have the money available from general revenues to fund this critical energy security program. But Mr. Chairman, those may not be realistic expectations. That being the case, we cannot continue to support our goal of a 1-billion-barrel reserve while ignoring the funding required to meet that goal. If we want a meaningful reserve, then we must be willing to pay for it. It's as simple as that. The provisions adopted by the Energy and Commerce Committee did recognize that responsibility by including this new funding mechanism which would kick in only if leasing arrangements are not consummated or full funds are not appropriated by Congress. Having taken this important step to protect America's economy from the devastation of another disruption, I especially regret that the full House opted to delete these provisions.

Last, title II of H.R. 776 incorporates numerous provisions to broaden and streamline the regulatory review process at FERC to expedite construction of new natural gas pipelines. My oversight subcommittee held a hearing on FERC's natural gas pipeline certificate process in June of 1990, during which we identified and examined a number of delays and other administrative problems with this process. Because of the need to ensure that pipelines can be constructed in a timely way to meet new market demands which will result in large part from enactment of the Clean Air Act and this new energy strategy, I am an enthusiastic supporter of the gas pipeline procedural reforms included in title II. Many of these reforms are a direct response to problems we identified during my subcommittee's investigation of this program, and they will go a long way toward ensuring that FERC's natural gas certificate process—and especially its cumbersome environmental review process—are revised in ways which can significantly reduce costs, unnecessary duplication and overall delay.

Unfortunately, when the House considered the title II provisions on natural gas pipelines last week, it adopted an amendment by Congressmen MARKEY of Massachusetts and SCHEUER of New York which would limit the rights of Oklahoma and other States to implement necessary—and historically legitimate—natural gas conservation measures to prevent waste of this resource and protect the correlative rights of producers and royalty owners. Despite the fact that the Markey-Scheuer amendment involves complex issues of constitutional law with serious implications for 39 States with existing natural gas conservation authority, the amendment was given only 20 minutes of debate in the full House—10 minutes to each side.

This ill-conceived and misguided amendment, adopted by a vote of 238 to 169, represents such an unwarranted intrusion upon the sovereignty of my State, that I am compelled to vote against H.R. 776 on this basis alone.

I am especially disappointed that a few Members chose to use this energy strategy as a vehicle for action on a parochial and regionally divisive measure, when our goal had been to develop a strategy for the whole Nation and the benefit of all Americans. I am further disappointed by the unwillingness of many Members to give this complex issue the scrutiny it deserves, so that the House might have a fuller and better understanding of the nature of, and reasons for, State natural gas conservation measures. Indeed, the Markey-Scheuer prorationing amendment had not been the subject of any hearing by any committee of Congress, and it was clear from the limited debate permitted on the floor that our State natural gas conservation rules are widely misunderstood. Despite the absurd contention by sponsors of the amendment, these rules are not designed to constrain production below demand in order to artificially drive gas prices up, nor will they have that effect.

I am also deeply disappointed by the administration's lack of involvement in this issue and in our efforts to defeat this divisive and destructive amendment. Indeed, when the House acted on this critical amendment on May 20, the Department of Energy circulated a position paper which stated that DOE had no position on the amendment at that time. Only today, long after its adoption by the House, did the Department indicate that it opposed the Markey-Scheuer amendment. In light of the administration's ostensible support for States rights and the President's personal background in the industry and understanding of State conservation authorities, I am especially disturbed by the administration's belated and meaningless response on this important issue.

While I have every expectation that this provision will be deleted in the House-Senate conference on H.R. 776, and anticipate being a House conferee on the bill, I am still unable to support the bill on final passage if it includes the Markey-Scheuer amendment. I sincerely regret that I am forced to take this action, but wish to make clear my support for many, many other provisions of the legislation and my plan to work toward enactment of a bill without the Markey-Scheuer amendment.

I hope we will soon be able to present the President with a sound and viable comprehensive national energy strategy, so that we may begin to move the Nation toward a cleaner and more secure energy future.

Mrs. BOXER. Mr. Chairman, this bill, H.R. 776, the National Energy Policy Act, contains some good measures that will help the Nation achieve a sound national energy policy, but it also contains some bad points that do not further this goal. Although it does not go far enough, I am supporting this important legislation because of the provisions which would promote energy efficiency in homes, businesses, and the Federal Government. Residential and commercial building energy efficiency codes and standards along with a technical assistance program will help consumers save money by reducing energy expenditures. The bill also contains provisions which specify goals for energy reduction and management within Federal agencies, which will reduce the Federal budget.

In addition to energy conservation programs, this legislation would encourage further development of renewable energy sources and the production and use of alternative fuels. The use of alternative fuels such as alcohols, electricity, hydrogen and natural gas, will result in substantial energy security and environmental benefits. H.R. 776 will provide these benefits through an increased Federal fleet requirement for vehicles which use alternative energy and low-interest loans for small businesses to convert their fleets. These proposals are strongly supported by such groups as Sierra Club, U.S. Public Interest Research Group, Natural Resources Defense Council, National Audubon Society, Citizen Action and others.

I want to point out some priorities that are not reflected in this legislation. Increased fuel economy is an integral part of any truly comprehensive and meaningful national energy package. The energy savings from a modest increase in fuel efficiency would amount to 3.1 million barrels per day, more than half the oil the U.S. imports daily from the entire Persian Gulf.

Although the bill's extension of the gas and oil leasing moratoria is a step in the right direction, it is not enough. The risks presented by offshore oil and gas exploration far outweigh the 5 percent of the Nations' undiscovered oil and gas reserves that could be recovered. The environmental consequences of offshore drilling are enormous. Permanent protection of our fragile ocean and coastal resources is another key component of a responsible and environmentally sound strategy for managing the Nation's energy needs.

On the whole, this legislation, because it will reduce our dependence on foreign oil and nonrenewable energy sources generally, will yield benefits for our economy, our balance of trade, and our quality of life. Therefore, depsite my misgivings, I support final passage of the National Energy Policy Act.

Mr. FRANKS of Connecticut. Mr. Chairman, I rise today to support passage of a long-awaited national energy policy, H.R. 776. I am pleased to see that after going through 10 congressional committees, this bill has remained as strong and comprehensive as it is. The gulf war illustrated this country's need for a comprehensive energy program. While there are provisions which need to be added and some deleted, this bill brings the United States much closer to having a national energy strategy than was thought possible just a few months ago.

This legislation has left no area of energy policy untouched. The natural energy policy addresses solar, wind, renewable, nuclear, and alternative sources of energy. Its comprehensive packaging focuses on the production of energy sources, the transition away from fossil fuels, and the conservation and efficient use of all energy sources. I believe that this bill will increase U.S. energy security without imposing anticompetitive and expensive regulations on American businesses.

This bill increases incentives to manufacture and use alternative energy sources, through the use of tax credits and incentive programs. It also includes measures to improve the energy efficiency of appliances and residential and commercial buildings through the use of product-specific standards and energy assessments.

Through the use of conservation measures and increased use of alternative fuels, this bill will help this country reduce its dependence on foreign oil imports. Using less oil will also benefit the environment by reducing the amount of harmful emissions released into the air.

I would like to briefly mention one amendment which is especially important. The natural gas production amendment is an important one. I believe that this amendment is a balanced one which preserves the right of States' and individual producers' resource conservation efforts which limits their ability to artificially increase the price of natural gas. In addition, the national energy policy promotes the use of natural gas as an alternative to other fuels. The ability to restrict the supply of natural gas will impede the transition to the increased use of natural gas.

Mr. Chairman, I look forward to passing this legislation today. I hope that the House and Senate can work out differences quickly and final passage of this bill can occur shortly thereafter.

Ms. LONG. Mr. Chairman, I rise to clarify my position regarding this bill, the Comprehensive National Energy Policy Act (H.R. 776). I commend my colleague from Indiana and the chairman of the Subcommittee on Energy and Power, Mr. SHARP, and the chairman of the full Committee on Energy and Commerce, Mr. DINGELL, for their diligence in bringing to the forefront of our national agenda this thoughtful and carefully crafted piece of legislation. Some of this body's most energetic and tireless Members took on the monumental task of piecing together an energy policy of this magnitude for America.

As we all can remember in the summer of 1990, we experienced a dramatic and immediate increase in the price of oil and gas, which was brought on in response to the surprise invasion of Kuwait by Iraq. This sharp increase in prices directly resulted in increased costs to consumers and businesses, less consumer spending, less money flowing through the economy, culminating in a deep recession from which we are only now slowly emerging.

As I said then, and maintain today, it is unconscionable that since the oil crisis of the 1970's and early 1980's, this Nation has been without a thoughtful energy policy to strengthen U.S. energy independence and reduce our Nation's rate of energy consumption. I also believed then—as I do now—that this Nation needed to become more energy independent if it wished to remain a strong and stable Nation by further developing our Nation's abundant natural resources. I also believed, however, that our first priority should have been to institute energy efficiency and conservation methods to offset this Nation's increasing rate of energy consumption. For these reasons, I joined as an original cosponsor of H.R. 776 in its original form in February 1991.

As a result of 2 years of legislative activity, weeks of hearings, and a determined Energy and Commerce Committee, we now have the opportunity to institute an effective policy to do many of the things that I believed in 1990 were needed and which are contained in H.R. 776. Among many other things, the Comprehensive National Energy Policy Act would promote more efficient uses of energy in homes, Federal buildings, and businesses to reduce energy use and costs; further develop the use of renewable energy, such as solar, geothermal, and wind energy, providing for an increased number of jobs; phase in an increased use of alternative motor fuels for our automobiles; and encourage investments in further development and use of energy efficient technologies. This legislation thoughtfully responds to the need for a long-term solution to our Nation's growing rate of energy consumption and dependence on foreign sources of fossil fuels.

It is unfortunate, however, and I sincerely regret, that I will be unable to cast my vote in favor of this legislation. I made a promise to the people of the Fourth Congressional District of Indiana who elected me that I would not support an increase in any tax. Although this entire bill is revenue neutral, H.R. 776 includes an increase in the excise tax on the production of chemicals which contribute to the depletion of our Earth's ozone layer. This provision would further protect our environment and quicken the phaseout of these chemicals, many of which are already scheduled to be completely phased out by the year 2000 under the Clean Air Act Amendments of 1990. Also included in the bill are tax incentives to offset potential revenue losses resulting from this provision. Although this is thoughtful policy, I made a promise to the people of Indiana's Fourth Congressional District which I have not broken and intend to keep today.

Mr. OXLEY. Mr. Chairman, I want to express my support for the gentleman from Illinois' amendment to strike section 1401 of the legislation before us. This provision would essentially impose a tax on refiners and importers of oil.

The strategic petroleum reserve was created in 1975 to serve as an insurance policy against future oil supply disruptions. Filling the strategic petroleum reserve to the authorized level of 1 billion barrels is an important defense against economic shocks resulting from supply disruptions. This program, historically funded from general revenues, will provide protection for all Americans in this event of another energy crisis.

Unfortunately, the bill before us shifts the burden of paying for that protection from all sectors of society to energy consumers. H.R. 776 would impose an in-kind tax on petroleum refiners and importers totaling nearly $15 billion. While supporters of this funding mechanism argue that it is a user fee, it is really a regressive tax which falls most heavily on low income people who pay a larger portion of their income for energy, and on rural areas where energy consumption is high. It would also place an enormous burden on industries with high energy costs, such as automobiles, petrochemicals, and agriculture. It would increase agriculture production expenses alone by $25 to $50 million annually.

Mr. Chairman, this economic impact is unacceptable, particularly because it will undoubtedly slow the economy, make our industries less competitive, increase our trade deficit, and ultimately costs jobs.

The amendment to strike the set-aside provisions is supported by farm groups, industries, senior citizens, and consumer groups and I am happy to lend my support for it as well.

Ms. PELOSI. Mr. Speaker, I rise today in support of H.R. 776, the National Energy Policy Act [NEPA]. Our Nation has been adrift for too long without a national strategy for the conservation of our existing energy resources and the development of alternative energy sources.

The consequences of this lack of direction became disturbingly apparent when we found ourselves at war with Iraq when the world's oil supplies were threatened. Despite the war with Iraq, the United States' dependence on foreign oil has been increasing at dramatic rates. It is estimated that we will import 70 percent of our oil from foreign sources by the year 2000. Clearly, if we seek to protect our national security, we must wean ourselves from our reliance on foreign oil.

Mr. Speaker, through its array of energy conservation and energy development provisions, H.R. 776 takes important steps toward making the United States self sufficient in its energy consumption. While working to protect our national security, NEPA also provides improved protection for our environment through its goals for energy conservation and utilization of less polluting energy sources.

It is unfortunate, however, that the United States remains isolated among industrialized nations in its refusal to agree to reduce CO_2 emissions to 1990 levels by the year 2000. The Bush administration's inflexible stand on this issue has resulted in our losing an unprecedented opportunity at the UNCED Conference in Rio De Janeiro next month. Instead of an international conference that aggressively seeks to address global environmental concerns, the Bush administration has reduced the Earth Summit to a photo opportunity. I would like to commend Chairman WAXMAN for his valiant attempts to include strict CO_2 emission goals in this legislation.

Mr. Speaker, one of the important goals of NEPA is the opening of new markets and the establishment of new industries in the energy field. No national energy strategy can be effective unless concrete efforts are made to instill a wholesale change in the way businesses and consumers view opportunities for energy conservation and alternative energy sources. While polls show an overwhelming majority of Americans support NEPA's goals, in fact, 70 percent of American auto buyers say they would be willing to pay more money for more fuel-efficient cars, the high costs of establishing markets to achieve these goals has resulted in an energy policy based on increased energy consumption.

The so-called green package of NEPA provides the farsighted approach that is needed to develop new alternative energy production and conservation markets. Tax incentives and fleet requirements will go far toward the development of demand and markets for these energy sources. Once these markets have been established, the financial and environmental savings achieved from them will undoubtedly justify the investment we are asked to make today.

Mr. Speaker, we must not let the entrenched policies and economics of the past forestall energy investment opportunities that are certain to have high rewards in the future. I urge my colleagues to vote yes on H.R. 776.

Mr. COLEMAN of Texas. Mr. Chairman, I rise today in support of my colleague's amendment to establish new requirements governing low level, radioactive waste storage. The most importment part of this amendment would remove class C radioactive waste from the low-level waste disposal program.

This amendment is critical because of the possible siting of a low-level radiation waste storage site in Sierra Blanca, TX, of questionable geological safety. It was decided by the State of Texas to put it there for political, not scientific, reasons. This amendment would remove at least class C wastes from State responsibility, ensuring that such State storage facilities, as the one proposed for Sierra Blanca, would not be recipients of the more dangerous radioactive wastes like plutonium. The siting of class C radioactive wastes in low-level sites are detrimental to the safety of the surrounding communities and rivers where they may be located.

It is imperative that we hold the Federal Government accountable for the disposal of class C wastes, as well as high-level wastes. As we know, class C wastes are generated mostly by nuclear power plants; they constitute about 1 percent of all low-level waste by volume, and about 60 percent in terms of radioactivity. This amendment correctly would provide for the disposal of class C wastes in the facilities being developed by the Federal Government for high-level radioactive waste disposal. In addition, this amendment would require the Nuclear Regulatory Commission to issue new regulations for the siting of these facilities.

Mr. Chairman, I believe that we should endorse this amendment to ensure that the Federal Government remain actively involved in the regulation of radioactive wastes and to protect the lives and lands of our children and grandchildren.

Mr. RIGGS. Mr. Chairman, I rise in support of the language included in the comprehensive energy legislation, H.R. 776, which calls for a moratorium on offshore oil drilling off the north coast of California.

The north coast, which is only a small part of the overall area protected under the moratorium, is an environmentally sensitive area that is home to some of the most beautiful and pristine coastline in this country. The mountains that abut the Pacific Ocean along much of the north coast make the area inaccessible to much more than foot traffic. As a result, the area has been able to keep the excessive development seen elsewhere in California at bay.

I realize that this country's oil imports constitute a strategic risk, and also make up a large part of our trade deficit, but the tapping of our valuable coastline does not need to occur. The energy needs of this country would not be best served by allowing oil drilling in this sensitive area. Certain industries have expressed to me their views that 80 percent of the increase in energy demands can be met by greater energy efficiency. In addition, we need to maintain the current domestic production capabilities in both oil and natural gas. This bill accomplishes both.

The Green Package reported out by the Committee on Ways and Means will stimulate conservation and efficiency, not by overburdening this Nation with regulations, but by providing incentives to conserve. Also, by lowering the alternative minimum tax on independent oil producers, it allows more small businesses to survive and produce oil instead of forcing us to import our oil.

Mr. Chairman, I stand in support of this legislation because it is good legislation and will address the underlying energy needs of this country.

Mr. PETERSON of Minnesota. Mr. Chairman, let me just say one thing about this provision of the energy bill, section 1401, which is now before the House. We should follow the lead of the Ways and Means Committee and vote to throw it out.

Mr. Chairman, I represent a predominantly rural district in the northwestern portion of Minnesota. Most of my constituents are farmers struggling to make ends meet, or their livelihoods are closely related to the health of agriculture. The counties along the Red River of the north, between Moorhead and East Grand Forks, are most famous for their sugar beet production, but the farmers of my district also produce a fair amount of wheat and dairy products.

I'm not a farmer, but I grew up on a farm, and I know what tough times can be like on a farm. I know the sacrifices farmers must make when the rains come at the wrong time, or not at all. When my constituents tell me they're hurting, I'm able to share their hurt. While a member of the Minnesota Senate, I always looked out for farmer's interests. Since I came to Washington 2 years ago and became a member of the Agriculture Committee, I've continued to stand up for those interests, because I'm convinced that the Nation's economic strength derives in no small part from the strength of American agriculture.

Mr. Chairman, this Energy and Commerce Committee proposal for funding a rapid expansion of the strategic petroleum reserve [SPR] by requiring the oil industry to provide oil or dollars is unfair to farmers. it does absolutely nothing to reduce this country's growing dependence on oil from the Persian Gulf because it hits importers and domestic refiners alike. Sure, it would raise the cost of gasoline, diesel, and propane a couple of percentage points, which its authors claim is no big deal. I really doubt that a cost increase of this size will encourage many people to change the way they operate. So fuel switching or fuel conservation isn't going to happen as a result of this proposal. No, Mr. Chairman, all this SPR provision would accomplish is increase farm operating expenses.

Why has the Commerce Committee put this proposal before us? Nobody has explained to me why the United States suddenly needs to increase the SPR from the size it's been for the past year—some 570 barrels—to 1 billion—one thousand million—barrels of crude oil and refined products. Where in the world is the Department of Energy even going to put it? What ever happened to the peace dividend we were supposed to get at the end of the cold war? Does somebody know something I don't know? Are Kuwait and Saudi Arabia about to call for another oil embargo? Give me a break.

I'm glad that a month ago the Ways and Means Committee voted to throw it out. That's what I believe this House should do right now—strike section 1401.

Ms. OAKAR. Mr. Chairman, I rise in strong support of H.R. 776, the Comprehensive National Energy Policy Act. It is the first broad energy policy legislation to come before the House in more than a decade, and deserves the support of every Member.

I heartily commend the distinguished chair of the Energy and Commerce Committee, Representative DINGELL, and the chair of the Subcommittee on Energy and Power, Mr. SHARP, for their achievement in developing and assembling this complex and important legislation and guiding it to the point of floor consideration.

My compliments, also, to all of the 10 committees which considered the legislation for their cooperation in producing this landmark bill. Witnesses at hearings I have conducted on energy security matters over the years have despaired of ever seeing agreement on a significant energy policy in this country. But, the extraordinary efforts and skill of Representatives DINGELL and SHARP, and the comity of the other committees involved have shown that, where leadership is present, such policies are possible.

SCOPE OF THE BILL

The breadth of H.R. 776 is indicated by its 25 titles, affecting all major U.S. energy sources—traditional fossil fuels, nuclear, renewable and alternative fuels, energy efficiency, and energy related tax provisions.

The bill also provides a 5-year authorization for Energy Department research. This scope is an indication of the broad significance of this legislation.

THE ISSUE OF HAVING AN ENERGY POLICY

For the past 4 years, I have been urging that the President fulfill the responsibilities under the Energy Department Organization Act of 1977 to develop and transmit to the Congress a 5- and 10-year energy policy plan. The statute requires that the plan balance the interests of energy producers, consumers, motorists, business, industry, and the environment.

I have made this case in a dozen hearings since 1988, at which many of the most prominent energy experts in this country, such as former Secretary of Energy and Secretary of Defense James Schlesinger, dramatized the risks of America's national security that result from the lack of such a plan to reduce U.S. dependence on oil imports from unstable parts of the world.

These witnesses cataloged the six crises since the Suez Canal was closed in 1956 that interrupted, or threatened to interrupt, the flow of oil to the world's industrialized nations.

These problems, and their regularity, argue powerfully for an energy policy with identifiable 5- and 10-year goals for such matters as oil import levels, energy efficiency, and the security of electricity supply, so that all concerned could make their investments with a clear national policy as a foundation.

However, the President has not lived up to his responsibilities in the 1977 law. The energy strategy which the President submitted in February 1991, did not set national goals and therefore shortcutted the process envisioned by Congress. Further, the President's strategy emphasized energy production and did not deal adequately with energy savings through efficiency and conservation. Thus, in my opinion, it amounted to perhaps one-third of an energy policy.

Evidence of these shortcomings are found in the President's Department of Energy budget for fiscal year 1993. Representative WOLPE has done a useful service by revealing that, while the Department of Energy "spring planning process" recommended increased funding for national energy security programs because of concerns about the Persian Gulf war, the President's Energy Department budget reduced the oil vulnerability programs by $185 million or 14 percent—hearings of the Subcommittee on Investigations and Oversight, House Science Committee, April 30, 1992.

CONGRESSIONAL EFFORTS TO FORGE AN ENERGY POLICY

As one effort to encourage an adequate long-term energy policy for this country, I have introduced a bill (H. Con. Res. 53) that calls for specific goals for U.S. energy policy for the year 2000 against which performance can be measured from year to year.

The Energy Policy Act now before the House is further evidence of how much has been left undone. Although there are some Presidential recommendations incorporated into the bill—as modified by the legislative process—the major thrust of the bill is a congressional initiative.

CLEAN COAL TECHNOLOGY ADVANCED

Another aspect of this legislation that I would like to applaud is the combined work of several committees on title XIII, to provide for further development of clean coal technology.

This is important, not only for our own country, but for many other nations, because coal is more widely distributed globally than oil as a source of energy for development. The use of coal also supports the independence of these nations by reducing their import bills and international debt.

The United States is the Saudi Arabia of coal. We have approximately 270 years worth of coal. We should be able to take advantage of these resources.

However, there are, of course, environmental factors associated with coal use, as the Rio Summit Conference on the Environment is currently discussing. I feel strongly that American ingenuity can help the world overcome the side effects to the extent that these abundant supplies of energy can be used for base load, main line electricity generation in an environmentally sustainable manner.

OHIO AS LEADER IN CLEAN COAL TECHNOLOGY

Actually, my own State of Ohio leads in experimental projects to advance clean coal technologies that hold enormous potential for controlling emissions of sulfur dioxide, nitrogen oxide, and other gases and solids. Ohio and other Federal-State projects place the United States at the threshold of perfecting the technologies that can lead to the integrated clean coal refineries of the future. These facilities may be able to cut emissions by more than 90 percent and increase energy efficiency from the current 30 to 35 percent range up to 45 or 55 percent.

This bill advances clean coal as a logical and vital element of our national energy policy mix, and I hope that the Department of Energy works diligently to further implement this program. We are not alone in this quest. European nations are also pursuing clean coal solutions, and are active competitors for the world markets that could mean billions in profits to American businesses and thousands of jobs for American workers.

COMPETITION IN ELECTRIC POWER GENERATION

I also want to commend the work of the Energy Committee on title VII of the bill, which deals with promoting competition and efficiency within the utility industry by fostering additional sources of electricity supply. This is being done through amendments to the Public Utility Holding Company Act of 1978, which I believe has been generally rated a success so far in lowering costs for electricity consumers. I very much favor this trend.

However, some utilities in my State have raised concerns about certain provisions of this title, such as section 723. The utilities point out that the Federal Energy Regulation Commission currently prohibits transmission of wholesale power to retail customers, which H.R. 776 upholds. Many utilities fear that, in the future, the complex interplay of Federal and State law and regulation may permit entities to be created that would be able to purchase wholesale power for retail customers in a way that violates the intent of the law.

I support greater competition in the wholesale power market, but I also want to assure that competition is administered so that no loopholes are created that undermine a fair balance between independent power producers, municipal utility systems, and investor-owned utilities that also serve the public.

The utilities are also concerned about the reliability of the common electricity grid and the apparent absence in title VII of a specific provision for transmitting utilities to recover the costs of standby generation capacity.

It would thus be in order, I believe, for the conferees to review the various provisions of title VII concerned, so that utilities will be able to provide the best and lowest cost energy to their customers without having the reliability of their service impaired, and so business, industry, independent power producers, utilities, municipal power authorities, and electricity consumers will all benefit from the bill.

Mr. APPLEGATE. Mr. Speaker, while I do have some strong reservations with regard to certain provisions in H.R 776, the Comprehensive National Energy Policy Act, there are other provisions that will, if enacted, lead to enhanced efficiency in the energy sector of our economy, and produce increased competition and reduced regulation where it can be achieved in the public interest.

Title VII of the proposed bill is designed to increase competition in the electric utility industry so that electric utilities providing retail electric service will have more bulk power supply alternatives available. This title will, among other things, permit the Federal Energy Regulatory Commission to require utilities which own and operate facilities forming the Nation's interconnected transmission system to transmit power generated by another utility over those facilities and to establish the rates and charges to be paid to the transmitting utility for rendering this service.

I support the policies reflected in the bill, and commend the members and staff of the Committee on Energy and Commerce for their diligence in crafting a bill designed to implement these policies. Nevertheless, there are certain modifications to title VII which I believe are essential if we are to fully achieve the intent of the Congress. These modifications are necessary from our situation as a major coal producing region where we anticipate more competitive energy markets based on healthy competition from legitimate wholesale power developers providing tangible economic gains through jobs and construction as distinguished from possible sham transactions conferring special windfalls on selected, privileged market segments. In this way we can support our domestic markets and remain a viable option for other markets dependent on foreign oil imports. Thus, I suggest the following modifications:

First, section 723 of the bill would authorize the FERC to require transmitting utilities to transmit electricity to wholesale power purchasers, but would prohibit any requirements that a transmitting utility transmit electricity directly to an ultimate retail consumer. However, under the bill as presently written, it would be possible for a new wholesale purchaser of electricity to be created solely for the purpose of circumventing the prohibition against mandatory transmission to retail users.

The prohibition against mandatory transmission service to individual retail consumers, such as large industrial installations, is necessary to protect the right of a utility to serve customers of all classes within its service area. Failure to protect this right would lead to higher rates and charges for electric service provided to small commercial and residential consumers served by a utility, including low-income consumers without any offsetting economic benefit to the community. It is, therefore, necessary to close the existing gap in the bill in order to preserve the intent of Congress to preclude mandatory retail wheeling.

Second, the drafter of the bill recognized that it would be unfair to permit issuance of an order by the FERC requiring mandatory transmission service if the provision of such service would unduly impair the reliability of service or economically disadvantage the customers of the transmitting utility subject to the order.

Utility transmission systems are interconnected to form a multistate transmission grid. Because of a basic law of physics, a mandatory transmission order issued to one utility may affect the reliability of service and costs to consumers of other utilities owning portions of the interstate transmission system. There is no valid reason to protect the consumers of the transmitting utility subject to the mandatory wheeling order without similarly protecting consumers of other utilities which may be affected. It would therefore be consistent with the intent of Congress to expand the existing prohibition against mandatory wheeling orders having an undue adverse impact on transmitting utilities in order to assure that consumers of all utilities which may be affected by the order are properly protected.

Third, the bill requires the FERC to establish rates and charges for transmission service required to be provided which are sufficient to compensate the service transmitting utility for all prudent costs incurred in connections with the transmission services and necessary associated services. Although it is my understanding that the necessary associated services include the provision of standby generation by the transmitting utility which may be utilized in the event the delivery of electricity to the transmitting utility is interrupted, the bill does not specifically provide for recovery of the costs of this service. Failure to specify that the costs of this standby generation service may be recovered from the transmission service customer will lead to costly litigation and may result in denying to the transmitting utility the right to recover the costs of standby generation capacity. The bill should therefore be clarified to avoid any uncertainty over whether the FERC is required to consider the cost of standby generation service in establishing rates and charges for transmission service.

I believe that with these changes, the Comprehensive National Energy Policy Act will be better able to achieve the enhanced efficiencies in the production and transmission of electric energy which the Congress desires.

The CHAIRMAN. Under the rule, the Committee rises.

Accordingly the Committee rose; and the Speaker pro tempore (Mr. GEPHARDT) having assumed the chair, Mr. SKAGGS, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 776) to provide for improved energy efficiency, pursuant to House Resolution 464, he reported the bill back to the House with an amendment adopted by the Committee of the Whole.

The SPEAKER pro tempore (Mr. GEPHARDT). Under the rule, the previous question is ordered.

Is a separate vote demanded on any amendment to the amendment in the nature of a substitute adopted by the Committee of the Whole? If not, the question is on the amendment.

The amendment was agreed to.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

MOTION TO RECOMMIT OFFERED BY MR. FIELDS

Mr. FIELDS. Mr. Speaker, I offer a motion to recommit.

The SPEAKER pro tempore. Is the gentleman opposed to the bill?

Mr. FIELDS. In its present form, I am, Mr. Speaker.

The SPEAKER pro tempore. The Clerk will report the motion to recommit.

The Clerk read as follows:

Mr. FIELDS moves to recommit the bill, H.R. 776, to the Committee on Energy and Commerce.

The SPEAKER pro tempore. Without objection, the previous question is ordered on the motion to recommit.

There was no objection.

The SPEAKER pro tempore. The question is on the motion to recommit.

The motion to recommit was rejected.

The SPEAKER pro tempore. The question is on the passage of the bill.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

RECORDED VOTE

Mr. LENT. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 381, noes 37, not voting 16, as follows:

[Roll No. 144]

AYES—381

Abercrombie
Ackerman
Alexander
Allard
Allen
Anderson
Andrews (ME)
Andrews (NJ)
Annunzio
Applegate
Aspin
Atkins
AuCoin
Bacchus
Barnard
Barrett
Barton
Bateman
Beilenson
Bennett
Bereuter
Berman
Bevill
Bilbray
Bilirakis
Blackwell
Bliley
Boehlert
Boehner
Bonior
Borski
Boucher
Brewster
Brooks
Broomfield
Browder
Brown
Bryant
Bunning
Burton
Byron
Callahan
Camp
Campbell (CO)
Cardin
Carper
Carr
Chandler
Clay
Clement
Coble
Coleman (MO)
Coleman (TX)
Collins (MI)
Condit
Conyers
Cooper
Costello
Coughlin
Cox (CA)
Cox (IL)
Coyne
Cramer
Cunningham
Darden
Davis
DeFazio
DeLauro
Dellums
Derrick
Dickinson
Dicks
Dingell
Dixon
Dooley
Dorgan (ND)
Dornan (CA)
Downey
Dreier
Durbin
Dwyer
Dymally
Early
Eckart
Edwards (CA)
Edwards (TX)
Emerson
Engel
Erdreich
Espy
Evans
Ewing
Fascell
Fawell
Fazio
Feighan
Fish
Flake
Foglietta
Ford (MI)
Ford (TN)
Frank (MA)
Franks (CT)
Frost
Gallegly
Gallo
Gaydos
Gejdenson
Gekas
Gephardt
Geren
Gibbons
Gilchrest
Gillmor
Gilman
Gingrich
Glickman
Goodling
Gordon
Goss
Gradison
Grandy
Green
Guarini
Gunderson
Hall (OH)
Hamilton
Hansen
Harris
Hastert
Hatcher
Hayes (IL)
Hayes (LA)
Hefley
Hefner
Henry
Hertel
Hoagland
Hobson
Hochbrueckner
Holloway
Hopkins
Horn
Horton
Houghton
Hoyer
Hubbard
Huckaby
Hughes
Hutto
Hyde
Ireland
Jacobs
James
Jefferson
Jenkins
Johnson (CT)
Johnson (SD)
Johnston
Jones (GA)
Jones (NC)
Jontz
Kanjorski
Kaptur
Kasich
Kennedy
Kennelly
Kildee
Kleczka
Klug
Kolbe

Kolter
Kopetski
Kostmayer
Kyl
LaFalce
Lancaster
Lantos
LaRocco
Laughlin
Leach
Lehman (CA)
Lehman (FL)
Lent
Levin (MI)
Lewis (CA)
Lewis (FL)
Lewis (GA)
Lightfoot
Lipinski
Lloyd
Lowery (CA)
Lowey (NY)
Luken
Machtley
Manton
Markey
Martin
Matsui
Mavroules
Mazzoli
McCandless
McCloskey
McCollum
McCrery
McCurdy
McDermott
McEwen
McGrath
McHugh
McMillan (NC)
McMillen (MD)
McNulty
Meyers
Mfume
Miller (CA)
Miller (OH)
Miller (WA)
Mineta
Mink
Moakley
Molinari
Mollohan
Moody
Moorhead
Moran
Morella
Morrison
Mrazek
Murphy
Murtha
Myers
Nagle
Natcher
Neal (MA)
Neal (NC)
Nichols
Nowak
Nussle
Oberstar
Obey
Olin
Olver
Orton
Owens (NY)
Owens (UT)
Oxley
Pallone
Panetta
Parker
Pastor
Patterson
Paxon
Payne (NJ)
Payne (VA)
Pease
Pelosi
Perkins
Peterson (FL)
Peterson (MN)
Petri
Pickett
Pickle
Porter
Poshard
Price
Pursell
Quillen
Rahall
Ramstad
Rangel
Ravenel
Ray
Reed
Regula
Rhodes
Richardson
Ridge
Riggs
Rinaldo
Ritter
Roberts
Roe
Roemer
Rogers
Rohrabacher
Ros-Lehtinen
Rose
Rostenkowski
Roth
Roukema
Rowland
Roybal
Russo
Sabo
Sanders
Sangmeister
Santorum
Savage
Sawyer
Saxton
Schaefer
Scheuer
Schiff
Schroeder
Schulze
Schumer
Sensenbrenner
Serrano
Sharp
Shaw
Shays
Shuster
Sikorski
Sisisky
Skaggs
Skeen
Skelton
Slattery
Slaughter
Smith (FL)
Smith (IA)
Smith (NJ)
Snowe
Solarz
Solomon
Spence
Spratt
Staggers
Stallings
Stark
Stearns
Stokes
Studds
Sundquist
Swett
Swift
Tallon
Tanner
Tauzin
Taylor (MS)
Taylor (NC)
Thomas (CA)
Thomas (GA)
Thomas (WY)
Thornton
Torres
Torricelli
Towns
Traficant
Traxler
Unsoeld
Upton
Valentine
Vander Jagt
Vento
Visclosky
Volkmer
Walker
Walsh
Washington
Waters
Waxman
Weber
Weiss
Weldon
Wheat
Whitten
Williams
Wilson
Wise
Wolf
Wolpe
Wyden
Wylie
Yates
Yatron
Young (AK)
Young (FL)
Zeliff
Zimmer

NOES—37

Andrews (TX)
Archer
Armey
Baker
Bustamante
Chapman
Clinger
Combest
Crane
de la Garza
DeLay
Doolittle
Duncan
Edwards (OK)
English
Fields
Gonzalez
Hall (TX)
Hammerschmidt
Hancock
Herger
Hunter
Inhofe
Johnson (TX)
Livingston
Long
Marlenee
Montgomery
Ortiz
Penny
Sarpalius
Smith (OR)
Smith (TX)
Stenholm
Stump
Synar
Vucanovich

NOT VOTING—16

Anthony
Ballenger
Bentley
Boxer
Bruce
Campbell (CA)
Collins (IL)
Dannemeyer
Donnelly
Lagomarsino
Levine (CA)
Martinez
McDade
Michel
Oakar
Packard

□ 1844

The Clerk announced the following pairs:

On this vote:

Mr. Lagomarsino for, with Mr. Ballenger against.

Mrs. Collins of Illinois for, with Mr. Packard against.

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Mr. CRANE. Mr. Speaker, earlier today the House voted on an amendment offered by Mr. ROSTENKOWSKI to H.R. 776, the National Energy Policy Act. The amendment struck those provisions in the bill which required the Energy Department to fill the strategic petroleum reserve [SPR] at a rate of 150,000 barrels per day and which required oil companies to contribute oil to fill the reserve.

Unfortunately, I was unable to be present for this vote. For the record I do not support the SPR provisions in H.R. 776. Had I been present I would have voted in favor of the Rostenkowski amendment as I did when the Ways and Means Committee, on which I serve, considered this very issue last month.

Mr. OXLEY. Mr. Speaker, I was unavoidably absent from the House Chamber during rollcall vote No. 140 on the amendment to strike section 1401 of H.R. 776. Had I been present, I would have voted "yea."

PERSONAL EXPLANATION

Mr. BRUCE. Mr. Speaker, on Wednesday, May 27, and Thursday, May 28, 1992, I was granted a leave of absence on account of the death of my father. I was not able to vote on the following rollcall votes: Rollcall Nos. 140, 141, 142, 143, and 144.

Had I been present, on May 27 I would have voted "aye" on rollcall 140, "aye" on rollcall 141, "aye" on rollcall 142, "aye" on rollcall 143, and "aye" on rollcall 144.

EXPRESSION OF APPRECIATION TO STAFF FOR WORK ON H.R. 776, COMPREHENSIVE NATIONAL ENERGY POLICY ACT

(Mr. SHARP asked and was given permission to address the House for 1 minute.)

Mr. SHARP. Madam Speaker, I just want to recognize the enormous work done by members of the staff, and I want to mention those people. Sue Sheridan, Wesley Warren, Judi Greenwald, John Berner, Tom Runge, Shelley Fidler, Rick Counihan, Paul Downs, and our staff director on our subcommittee, Jack Riggs, who did superior work in bringing us together.

Also I want to recognize the great work of the full committee staff, Michael Woo, David Finnegan, Lisa Kountoupes, and also the minority staff, particularly Jessica Laverty. These folks did yeoman work for months and months and have helped the Members of the House reach the decisions that we have reached.

Mr. LENT. Madam Speaker, will the gentleman yield?

Mr. SHARP. I yield to the gentleman from New York.

Mr. LENT. Madam Speaker, I thank the gentleman for yielding. I want to commend the gentleman for the arduous work, good work that he did on his energy bill and would like to join the gentleman from Indiana in taking this time to thank the members of the Energy and Commerce minority staff who worked 18-hour days and spent many sleepless nights drafting and refining this legislation. Their names, of course, will not make the news stories tomorrow detailing this bill, but were it not for their efforts we would not have a bill at all.

So I offer my thanks to Jessica Laverty, Cathy Van Way, Margaret Durbin, John Hambel, John Shelk, Darlene McMullen, Freida Depe, Anne-Whitney Powers, and Mimi Paredes for their dedication and hard work.

I also would like to thank Leonard Coburn of the Department of Energy and Michael Rafkey of the Nuclear Regulatory Commission who were detailed to the minority staff for their assistance as well. And I thank the gentleman for yielding.

Mr. SHARP. I thank the gentleman. I want to indicate also that there were support staff on the Energy and Commerce Committee that made contributions as well as I might say staff from some other committees and other members of the staff that deserve commendation.

AUTHORIZING CORRECTIONS IN ENGROSSMENT OF H.R. 776, COMPREHENSIVE NATIONAL ENERGY POLICY ACT

Mr. SHARP. Madam Speaker, I ask unanimous consent that, in the engrossment of the bill H.R. 776, the Clerk be authorized to correct section numbers, cross references, punctuation, and indentation, and to make any other technical and conforming changes necessary to reflect the actions of the House in amending the bill.

The SPEAKER pro tempore (Ms. SLAUGHTER). Is there objection to the request of the gentleman from Indiana?

There was no objection.

GENERAL LEAVE

Mr. SHARP. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on H.R. 776, the bill just passed.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Indiana?

There was no objection.

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 5253 AND HOUSE JOINT RESOLUTION 490

Mr. ROEMER. Madam Speaker, I ask unanimous consent to remove my name as a cosponsor from H.R. 5253 and House Joint Resolution 490. My name was added inadvertently.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Indiana?

There was no objection.

□ 1850

COMMUNICATION FROM THE HONORABLE DAN BURTON, MEMBER OF CONGRESS

The SPEAKER pro tempore (Ms. SLAUGHTER) laid before the House the following communication from the Honorable DAN BURTON, Member of Congress:

HOUSE OF REPRESENTATIVES,
Washington, DC, May 27, 1992.

Hon. THOMAS S. FOLEY,
Speaker, House of Representatives,
Washington, DC.

DEAR MR. SPEAKER: This is to notify you, pursuant to Rule L (50) of the Rules of the House, that I have been served with a subpoena issued by the Superior Court, Marion County, Indiana.

Sincerely,

DAN BURTON,
Member of Congress.

COURT VACANCIES LOSE FAITH IN JUDICIAL PROCESS

(Mr. DE LUGO asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. DE LUGO. Mr. Speaker, I have taken the floor a number of times to decry the deplorable situation that continues to plague the people of the Virgin Islands because of the vacancies in the District Court of the Virgin Islands.

Since the second vacancy in this special two-judge territorial court was created in 1989, we have been faced with a system of visiting judges which, as a recent article published in the Georgetown Journal of Legal Ethics correctly says, has caused many Virgin Islanders to lose faith in the judicial process.

This article by Diane Russell, who was formerly an intern in my office, explains many of the problems with this system.

The vacancies have created: A sense that justice is being imposed from the outside; problems because temporary judges are unfamiliar with the local laws they must rule on and apply inconsistent procedures; problems because temporary judges are assigned to sentence individuals when they were not present for the trial; and problems of scheduling, transportation, and cost.

I am including Ms. Russell's article in the RECORD with this statement to help Members better understand this problem and in the continuing hope that it will encourage the President to fulfill the requirement of the law that organized the territory and established this court to nominate two judges so that the court can function as it was intended to and justice will be served.

Mr. President, please do your duty and send forward your nomination for the second vacancy so that justice can be done in this U.S. territory.

SOME ETHICAL CONSIDERATIONS OF JUDICIAL VACANCIES: A CASE STUDY OF THE FEDERAL COURT SYSTEM IN THE UNITED STATES VIRGIN ISLANDS

(By Diane Russell*)

As of January 1, 1992, there were twenty-one judicial vacancies on the U.S. courts of appeals and 108 in the U.S. district courts across the country.[1] The Administrative Office of the U.S. Courts has called eleven courts "judicial emergencies"—seats that have been empty for more than eighteen months.[2] But the longest standing vacancy is in the district court for the United States Virgin Islands,[3] where a seat has effectively been empty since December 31, 1986.[4]

This Note explores the ethical implications of vacant federal judgeships in the U.S. Virgin Islands. First, the Note provides a helpful background of the Virgin Islands including the political and legal climate. Second, the Note examines the federal judicial appointment process—how the process works in the U.S. and how it works in the Virgin Islands. Part III of the Note is dedicated to exploring the ethical conflicts that results when federal judgeships are vacant. This section examines inevitable ethical conflicts that arise for attorneys and judges in the U.S. Virgin Islands. The Note demonstrates that the federal judicial appointment process functions so that attorneys and judges in the Virgin Islands are susceptible to ethics violations, even if these officers want to comply with the provisions of the *Model Rules of Professional Conduct*[5] and the *Code of Judicial Conduct*.[6] Part IV suggests that the U.S. Senate has a higher responsibility to communities that have no voting Congressional representative. In this light, the Senate must act quickly to fill the vacant judicial seats in the U.S. Virgin Islands. Filling the seats quickly would eliminate the inherent bias against judges and attorneys in the U.S. Virgin Islands, while reducing community discontent with the judiciary.

I. BACKGROUND

The U.S. Virgin Islands are indicative of the complete breakdown in the judicial appointment process—the territory's two federal judgeships[7] have been vacant for years. On December 31, 1986, Chief Judge Almeric Christian assumed senior status at the district court of the Virgin Islands.[8] On October 31, 1988, Judge Christian retired from the St. Thomas post, leaving vacant a federal judicial seat.[9] President Reagan nominated attorney Adriane Dudley for the post, but "her nomination got caught in the national political wringer and died a lingering death."[10] With the death of Judge David V. O'Brien, the St. Croix post has been vacant since December 22, 1989."

Since 1988, the U.S. Court of Appeals for the Third Circuit[12] has been forced to shuttle judges to the Virgin Islands from all over the country to handle the court load in the territory.[13] The judicial caseload has grown to monstrous proportions.[14] Because of the number of criminal cases which require disposition under the Speedy Trial Act,[15] there is a significant backlog of civil cases.[16] There are two new judges[17] an average of every four weeks.[18] Naturally, this high turnover of judges, coupled with an incredible backlog of civil cases, has caused severe problems in the Virgin Islands legal community.

The federal government is spending thousands of dollars every month for hotels, travel and support staff for the judges.[19] The unstable nature of the judiciary makes for inefficient trials, no continuity and scheduling nightmares.[20] Attorneys complain of inconsistent judicial styles, temperaments and procedures.[21] The public is in an uproar because cases are being tried by off-island judges who are unfamiliar with the Virgin Islands lifestyle and culture.[22] Virgin Islands demand native judges or at the very least, judges who are familiar with the Virgin Islands culture.[23] Finally, attorneys complain that after years of waiting for a trial date, many of the native witnesses and litigants have left the islands, forgotten important facts, decided to drop their case out of frustration or died. This is not an exhaustive list of the problems caused by the high turnover of visiting judges and the backlog of civil cases in Virgin Islands. Ethical considerations resulting from the judicial vacancies, the focus of this Note, are discussed in Part III.

II. JUDICIAL APPOINTMENT PROCESS

The judicial appointment process begins with interested parties who suggest names and support individual candidates to fill vacant judicial seats. The primary constitutional actor in the process is the President of the United States.[24] However, since presidents may not have time to review and select candidates, the Department of Justice has the primary executive role in selecting the great majority of federal judges.[25] The attorney general's formal letter of recommendation usually results in the nomination of a candidate chosen largely by the Department of Justice.[26]

In most recent administrations, except in highly visible cases where the attorney general or the president himself may be involved, it is the deputy attorney general's office that plays the major role in recruitment and selection.[27] The deputy's staff makes a list of possible nominees in conjunction with or after negotiations with other powerful interests, including party officials, bar leaders and especially senators from the state where the vacancy exists.[28] The senators from the president's party play a leading role in the selection and appointment process.

The key to this powerful role lies in the practice of "senatorial courtesy": the propensity of the Senate to support an individual senator, especially of the president's party, who opposes a nominee from his state.[29] When both senators being to the president's party, agreements are usually worked out in which they jointly recommend either candidates or alternates when vacancies occur.[30] When one senator is from the opposite party, he or she usually has less power.[31] When neither senator is from the president's party, congressional delegation or the state party organization plays a significant role.[32]

Often times, party officials, interest group representatives, attorneys and private citizens make recommendations for judgeships. Usually, these recommendations are directed to the senators concerned in an attempt to persuade them to endorse an individual, but sometimes they are addressed to the Department of Justice or to the White House.[33]

Once a candidate is nominated or seriously considered, the Senate Judiciary Committee conducts a screening process in an attempt to avoid an unsuitable appointment.[34] A subcommittee reviews the qualification of candidates for federal judgeships; the Senate Judiciary Committee receives the subcommittee's reports and makes them a part of the formal hearings.[35]

It is clear that the political process plays an important role in the selection of judges.

Footnotes at end of article

The principal actors are senators and lobbying groups that apply pressure on the Senate to act swiftly. In a sense, the selection of a judge succumbs to party politics. Where there is no senatorial representation, however, or congressional representation, the people are at a disadvantage because they lack the necessary bargaining chip—a vote—to effect speedy change.

Virgin Islanders are in the unique position of having no voting representative in the Senate or House of Representatives who can apply pressure on the Senate to act speedily.[36] In a nation where powerful senators essentially select federal judicial candidates, the Virgin Islands, without a voting member in Congress, are at an inherent disadvantage.

III. ETHICAL CONSIDERATIONS

A. Attorneys

The current judicial appointment process as it applies to the U.S. Virgin Islands is structured so that all attorneys in the Virgin Islands are always vulnerable to charges of violating the ABA *Model Rules of Professional Conduct*.[37] This inherent structural deficiency holds a special danger for Virgin Islands attorneys and judges who, as the most visible actors in the client's eyes, are susceptible to charges of ethics violations.

According to Rule 1.3, a lawyer shall act with reasonable diligence and promptness in representing a client.[38] The comment states that a client's interests can be adversely affected by the passage of time or a change of conditions. Even when the client's interests are not affected in substance however, unreasonable delay can cause a client needless anxiety and undermine confidence in the lawyer's trustworthiness. Many courts have upheld bar association findings, sanctioning attorneys for violating Rule 1.3.[39]

Like courts in other jurisdictions, courts in the Virgin Islands can sanction attorneys for violating Rule 1.3. In fact, the Virgin Islands civil attorney is more susceptible to charges of Rule 1.3 violations than in other jurisdictions because the attorney, under present conditions, is unable to act diligently and promptly in representing his or her client. Due to the unfilled judicial vacancies, all civil cases are susceptible to unreasonable delay.[40] A client may have to wait years in order to get a court date; attorneys have to wait months to get a ruling on a motion; different judicial temperaments needlessly delay the trials. Constant delay in the civil trial process causes anxiety in clients and necessarily undermines a lawyer's trustworthiness. The present structure makes it impossible for an attorney to work diligently and promptly in representing a client.

A necessary companion to Rule 1.3 is Rule 3.2, which states that a lawyer shall make reasonable efforts to expedite litigation consistent with the interests of the client.[41] The comment makes clear that dilatory practices bring the administration of justice into disrepute. The comment further states that delay should not be indulged merely for the convenience of the advocates, nor for the purpose of frustrating an opposing party's attempt to obtain rightful redress for repose. Courts in various jurisdictions have sanctioned attorneys for violating Rule 3.2.[42]

Like courts in other jurisdictions, a Virgin Islands court could find an attorney guilty of violating Rule 3.2. Since it could take years for a trial date to be set, a defense counsel in the Virgin Islands could sit back, using the inevitable delays to her advantage. A plaintiff, almost always at a disadvantage because of built-in delays, will either settle for a much lower value of the case or withdraw the case out of frustration. Furthermore, because a motion can take weeks to be decided, an attorney could file motions simply for the purpose of delaying the prosecution of a case and frustrate the purpose of the judiciary.[43] If the system is not structured efficiently, attorneys as well as clients suffer in the process. Attorneys are charged with not performing their work diligently, though in reality it is not their fault.

Another rule that an attorney in the Virgin Islands could be charged with violating is Rule 1.1.[44] The comment states that competent handling of a particular matter includes inquiry into and analysis of the factual and legal elements of the problem, and use of methods and procedures meeting the standards of competent practitioners. It also includes adequate preparation. Courts in other jurisdictions have sanctioned attorneys for violating this rule.[45]

A Virgin Islands attorney could fulfill all of the factors enumerated in Rule 1.1 and still be charged with incompetence. Because attorneys are subjected to so many judicial styles and nuances of visiting judges every month, it becomes an extremely difficult task to adapt to these different styles over a period of time. If an attorney has difficulty adjusting, he or she may appear incompetent in the eyes of his or her client. If an attorney is chastised in court for not following "proper procedures" when the proper procedure is a judicial nuance, the attorney does seem incompetent in the eyes of the client.[46] Moreover, many of the visiting judges are subjected to overloaded court calendars which can often lead to short-notice cancellation of scheduled cases. This short-notice cancellation adversely affects an attorney's scheduling.[47] This may lead a client to believe an attorney is disorganized and cannot properly manage his or her workload. Because of the judicial vacancies, attorneys are placed in difficult positions above and beyond other jurisdictions. Attorneys practicing in the Virgin Islands must weigh additional factors when deciding to settle a case or not, including the cost of built-in delays, instability and unpredictability in this jurisdiction. An attorney can be viewed as incompetent because he or she is unable to negotiate a favorable settlement for the client. A client questions an attorney's ability when the attorney suggests settling a case for a fraction of the value the client requested or expects. In the eyes of a client, the attorney wants to settle her case for a fraction of the value in order to receive a quick fee.

Attorneys in the Virgin Islands can also be charged with violating Rule 1.5.[48] Courts in other jurisdictions have sanctioned attorneys for violating this rule.[49] What may be reasonable to an attorney given all of the legal constraints in the Virgin Islands may not be reasonable to a client. For example, if expert witnesses must be flown back and forth from the mainland for on again-off again trials, attorneys must charge the client for this amount. This is an unnecessary burden on the client and the law firms which are generally run by sole practitioners.[50] Furthermore, the hassles associated with reacquainting oneself with a new judge, the judges' courtroom procedures and the inherent delays are all factors which will necessarily affect court costs. In this small legal community, attorneys are caught in a dilemma: charging what is perceived as an exorbitant fee on islands where goodwill goes a long way versus losing money on a case.

It is the lack of stability and predictability created by judicial vacancies in the district court of the Virgin Islands that is the culprit in this jurisdiction. Representing different clients in different matters places attorneys in the situation of choosing whether to represent the very wealthy client who can pay fixed fees or the contingency fee client. At best, sole practitioners can sit and wait for wealthy clients to appear at the office, requesting assistance; at worst, they can go bankrupt, trying to fund contingency cases for the clients who are unable to pay. Where attorneys used to accept torts cases on a contingency basis before the vacancies existed, attorneys now shy away from contingency suits since they are unable to project how long it will take for a case to be heard and the costs associated with its prosecution. This situation not only strains the relationship between a client and an attorney, but also between attorneys and the judicial branch.

Rule 1.16 suggests that a lawyer may withdraw from representing a client if withdrawal can be accomplished without material adverse effect on the interests of the client.[51] However, because of the steady influx of visiting judges, withdrawal from cases pending in the district court of the Virgin Islands will cause a material adverse effect on the client's interest, since the system is so unpredictable and unstable. This material adverse effect may pose difficulties for the client seeking to retain substitute counsel since attorneys shy away from contingency cases. No attorney wants to accept a contingency case that will take an unknown length of time to complete. An attorney is necessarily in violation of the comment to Rule 1.16 which states that a lawyer should not accept representation in a matter unless it can be performed competently, promptly, without improper conflict of interest and to completion.[52] A Virgin Islands attorney is always unsure if he is able to comply with these guidelines.

Even though a lawyer can withdraw if representation will result in an unreasonable financial burden on the lawyer, any case, especially contingency-based cases, can have an unreasonable financial burden on a lawyer in the Virgin Islands, leaving people who need help in a compromising situation. This means a large number of people are not being represented because the system inherently places financial burdens on attorneys. Justice is not served when a system that is charged with administering justice makes it so difficult for justice to exist.

B. Judges

The basic rule of the *Code of Judicial Conduct* reflects the concern that judges avoid not only impropriety, but also the appearance of impropriety in all things relating to their office.[53] The *Code of Judicial Conduct* also reflects a concern that judges perform the duties of office impartially and diligently.[54] Courts in various jurisdictions have disciplined judges for violating Canons 2 and 3.[55]

Like judges in other jurisdictions, a temporary judge sitting in the federal district court of the Virgin Islands could be charged with violating Canons 2 and 3 of the *Code of Judicial Conduct*. A major conflict stems from the fact that many of the judges appointed to the Virgin Islands are unfamiliar with the court system in the islands and with the culture as a whole.[56]

Many of the visiting judges have performed their duties satisfactorily.[57] The issue lies with public perception of the judiciary. The public as a whole is frustrated with the backlog of cases, the seemingly incompetent nature of their attorneys in the courtroom, and the parade of judges every two weeks. The public is especially concerned with the different faces on the bench who have little or no familiarity with the culture of the Virgin Islands.[58] Consequently, there is a growing public sentiment that the judges are impartial or biased.[59]

For any court system to work, the public must have faith that the system is in place to serve or help them; that the courts are a place where issues are resolved and clients can see results.[60] Because of the constant barrage of judges from the mainland, their unfamiliarity with Virgin Islands culture, the lack of stability in sentencing and inconsistent court-room procedures, the public perceives the visiting judges as being inherently biased or impartial.[61]

According to Canons 2 and 3, the appearance of bias or impartiality is a ground for disqualification. Judicial disqualification goes to the heart of the judicial process.[62] However, Virgin Islands attorneys who practice in the federal district court rarely utilize the provisions in the *Code of Judicial Conduct* since they know very little about the rotating judges' background and since the attorneys are unsure of when a new judge will hear their case.[63]

IV. CONCLUSION

The legal system has a responsibility to provide trials to those who want them. Public confidence is essential to the effective functioning of the legal system because the system depends primarily on the willingness of members of society to follow its mandates and participate as jurors. The legal system could not function as a viable institution in a democracy if the public lost faith in the impartiality and integrity of attorneys and judges.[64]

Unfortunately, many Virgin Islanders have lost faith in the federal judicial process. The community, lacking two permanent federal judges for years, is frustrated with the lack of stability had predictability the U.S. legal system provides. This problem is compounded by the incredible backlog of civil cases and the parade of judges who are unfamiliar with the Virgin Islands people and culture. Consequently, there is little public confidence that justice is being served.

Even if attorneys and judges want to comply with the provisions of the *Model Rules* and the *Code of Judicial Conduct*, they are vulnerable to charges of ethics violations. Incredible delays and the adjustment to visiting judges approximately every two weeks make attorneys seem incompetent.[65] To Virgin Islanders, the parade of unfamiliar judges appears both uncaring about the community and racist.[66] Appearances count because one responsibility of judges is to the citizenry at large.[67] Judges owe responsibilities to a wider circle than just the parties and their counsel in the particular case being decided.[68] The public is concerned that every case is fairly decided.

The fact that Virgin Islanders have no Congressional representative plays a major role In the inattentiveness of the Senate. There are no "power" Senators to lobby the Senate to act speedily. Even tough other states have unfilled federal seats,[69] the Virgin Islands have had the longest standing vacancy in the United States.[70]

Where there is no Congressional representative with the power of a vote, the Senate should have a higher responsibility to the people of a community. Communities that do not vote do not have the necessary "check" that is necessary for a democracy to function effectively.

People in the Virgin Islands believe that the United States President and Congress have abandoned the Virgin Islands community. This perception of the community could reduce the level of confidence in the federal system even further, perhaps to the level of lawlessness and chaos. Before the community totally rejects the federal judiciary, including the federal laws of this nation, the Senate must act to fill the judicial seats as quickly as possible.

FOOTNOTES

*I.D. 1992, Georgetown University Law Center.

1. Telephone Interview with David Sellers, Public Information Officer for the Administrative Office of U.S. Courts (Jan. 15, 1992). There are 179 authorized judicial seats on the U.S. courts of appeals and 649 authorized seats in the U.S. district courts across the country. *Id.* This figure represents a slight increase in vacant judicial seats from last year's figure. *See* Marcia Coyle et al., *Vacant Seats*, Nat'l L.J. Feb. 4, 1991, at 18 (citing 18 judicial vacancies on the U.S. courts of appeals and 106 judicial vacancies on the U.S. district courts across the country).

2. Coyle, *supra* note 1, at 18.

3. *Id. See also* Judi Hasson, *Two Proposed for Judgeships*, Gannett News Service, May 7, 1991 (Virgin Islands judicial seats have had the longest vacancies in the country).

The U.S. Virgin Islands are made up of hundreds of tiny islands in the Caribbean. Originally part of the Danish West Indies, the United States purchased St. Croix, St. Thomas and St. John from Denmark for $25 million in 1917. The islands were purchased to block German plans to acquire them for a submarine base. Presently, 110,000 people live in the Virgin Islands. *See generally* Pearl, Varlack & Norwell Harrigan, The Virgins: A Descriptive and Historical Profile (1977); Mario Moorhead, Mammon vs. History: American Paradise or Virgin Islands Home (1973); Edwin Potter, The History of the Penal System in the Virgin Islands (1980); Eulalie Rivera, Growing Up in St. Croix: A Recollection on a Crucian Girlhood (1982).

4. Judge Almeric Christian assumed senior status in 1986, Judi Hasson, *Dudley Nomination Sent Back to White House*, Gannett News Service, August 30, 1990. Assuming senior status means that the Judge announces plans to reduce his caseload, notifying the Justice Department and the White House that he will soon retire. Judge Christian retired from the bench in 1988. Letter from Ron deLugo, Virgin Islands, Congressional Delegate, to Richard Thornburgh, Attorney General of the United States (Feb. 2, 1990) [hereinafter Letter from Ron deLugo] (on file with Delegate deLugo's office).

5. Model Rules of Professional Conduct (1983).

6. Code of Judicial Conduct (1990).

7. There are two types of courts of general jurisdiction in the Virgin Islands: the territorial court and the federal district court. There are nine territorial court judges: four on St. Croix and five on St. Thomas. One district court judge presides in St. Croix and one in St. Thomas-St. John. Under the Virgin Islands system that existed until October 1, 1990, jurisdictional statutes required that any crime where the maximum sentence did not exceed imprisonment for five years and any civil case not exceeding the sum of $200,000 was heard in the territorial court. V.I. Code Ann. tit. 4, §76 (1981).

On October 1, 1990, the territorial court expanded its jurisdiction to handle criminal cases with a maximum penalty of 15 years, reducing the caseload in the district court, V.I. Code Ann. tit. 4, §76 (1991). On October 1, 1991 the territorial court further extended its original jurisdiction to include all civil cases, regardless of the amount involved, which are not subject to federal jurisdiction. *Id.*

The legislature envisioned expanding the criminal jurisdiction of the territorial court on October 1, 1991. *See* Government of the Virgin Islands v. Bryan, 738 F. Supp. 946 (D.V.I. 1990) (Act 5050 gave territorial court original jurisdiction in criminal actions wherein maximum sentence did not exceed imprisonment for 15 years and, one year later, jurisdiction in all criminal actions). However, the expansion of jurisdiction in criminal cases was delayed. *See* John Shaw, *Territorial Court Ready to Handle Bigger Caseload*, Daily News of the V.I., July 23, 1990, at 3 (Judge Verne Hodge, Presiding Judge of the Territorial Court said his court cannot handle unlimited jurisdiction, due to begin October 1, 1991, until the new territorial courthouse is built).

The jurisdiction of the Virgin Islands district court is far broader than that of the district courts in the states. Letter from Ron deLugo, *supra* note 4. Even when the existing judgeships were filled, it became apparent that, because of an overwhelming caseload, a third judge would be needed. *Id.*

On June 1, 1990, the Judicial Conference of the United States recommended a third judge for the Virgin Islands, based on a detailed study of the workload in the courts. Report of the Proceedings of the Judicial Conference of the United States 58 (1990). "But considering [the Department of] Justice's inexcusable failure to fill the two longstanding judicial vacancies in the Virgin Islands, the House Judiciary Committee put the third judgeship on hold." Ron deLugo, Virgin Islands Congressional Delegate, Remarks to House of Representatives (September 25, 1990) (on file with Delegate de Lugo's office).

8. Hasson, *supra* note 4.

9. Letter from Ron deLugo, *supra* note 4.

10. *Courting a Backlog*, Daily News of the V.I., Dec. 15, 1989, at 11. *See also* Lynda Lohr, *Reservations on Adriane Dudley's Federal Judgeship*, St. Croix Avis, Sept. 1, 1990, at 3: Fredreka Schouten, *Justice Officials 'Desperately' Looking for Judges*, Daily News of the VI, Jan. 7, 1991, at 3: Hasson, *supra* note 4.

11. Actually, the post could have been considered vacant as early as June 1989, when Judge O'Brien was diagnosed with Hodgkin's disease and reduced his workload and the amount of time spent on the bench. Telephone Interview with Ronald Russell, former law clerk of Judge O'Brien (January 1992).

12. The Third Circuit includes the federal districts of Delaware, New Jersey, eastern, middle and western Pennsylvania and the Virgin Islands. An appeal from the district court of the Virgin Islands goes directly to the Third Circuit.

13. Judi Hasson, *DeLugo Criticizes Bush Over Court Vacancies*, Gannett News Service, February 26, 1991.

14. Courting a Backlog, *supra* note 10, at 11. *See infra* notes 15 and 16.

15. 18 U.S.C.A. §§3161–3174 (West Supp. 1991). The Speedy Trial Act requires that criminal defendants have the right to be tried within 70 days of their first court appearance. 18 U.S.C.A. §3161(c)(1). *See* Letter from Joel Holt, Former President of the Virgin Islands Bar Association to Barbara Drake, Special Assistant to the Attorney General of the United States (June 8, 1989) (noting that the situation is one of extreme urgency for consideration by your office because of the number of criminal cases which require disposition under the Speedy Trial Act as well as the significant back log of civil cases) (on file with the Virgin Islands Bar Association). Unfortunately, there is an overwhelming number of criminal cases in the jurisdiction that federal judges are required to try under the Speedy Trial Act. Letter from R. Eric Moore, Member of the Third Circuit Laywers Advisory Committee to Richard Thornburgh, Attorney General of the United States (Sept. 6, 1989) (on file with the Virgin Islands Bar Association). Moreover, newspapers have reported that an increasing involvement of the Colombian drug connection through the Virgin Islands to the mainland has increased the burden of federal district court judges. *Id.*

Federal judges in the U.S. Virgin Islands hear major felony cases and had the highest criminal caseload per judge among all the federal courts in 1990. Saundra Torry, *For Some Federal Judges, Long Days in Paradise*, Wash. Post, July 1, 1991, at 5. *See also* Telephone Interview with John Heyman, Circuit Executive of the Administrative Office of the Third Circuit (January 15, 1992) (stating that Virgin Islands Courts have the highest number of criminal filings per judgeships in the nation).

In 1990, there were 211 criminal filings per judgeship. Justice Research Institute, Report and Plan of the Advisory Group of the District Court of the Virgin Islands (1991) (*See infra* table 1). In 1991, there were 126 criminal filings per judgeship. *Id.* For projected trends in criminal filings, see table 2. *Id.*

Five-year trends indicate that the total number of civil and criminal cases filed in the Virgin Islands is increasing by approximately one percent annually. Justice Research Institute, *District Court of the V.I. Adopts Plan to Reduce Court Cost and Delay in Civil Cases*, Dec. 23, 1991, at 2 [hereinafter V.I. *Adopts Plan*]. This is a marked difference from the three percent rate of decline nationally. *Id.*

16. *See* William Steif. *Overworked Federal Courts in V.I. Need Immediate Help*, Daily News of the V.I. June 20, 1989 at 10 (reporting that the median time for disposition of civil cases was twice as long as any other district in the Third Circuit). *See also* Letter from Joel Holt, former President of the Virgin Islands Bar Association, to Barbara Drake, Special

Assistant to the Attorney General of the United States (April 21, 1989) (on file with the Virgin Islands Bar Association) (noting that civil litigants have to wait four years from the date of filing before they can expect a trial date).

In 1990, there were a total of 1,714 cases pending. JUSTICE RESEARCH INSTITUTE, *supra* note 15 (*see infra* table 3). This figure represents pending civil and criminal cases. In 1991, there were a total of 1,696 cases pending. *Id.*

In 1990, there were 283 civil filings per judgeship. *Id. (see infra* table 4). In 1991, this figure rose to 393 civil filings per judgeship. *Id.* For projected trends in civil filings, see table 5. There were a total of 988 filings in 1990. *Id. (see infra* table 6). This figure represents filings for civil and criminal cases. In 1991, there were a total of 1,038 filings. *Id.* For projected trends in total filings, see table 7.

Even if the civil caseload of the District Court is substantially reduced, it will still, in all likelihood, be handling cases far in excess of the national average for federal judges. *V.I. Adopts Plan, supra* note 15, at 2. In 1991 the Virgin Islands judgeships were asked to handle 519 filings per judge. *Id.* This number is far higher than the national average of 372 filings per judge. *Id.*

17. Presently, the Acting Chief Judge of the District Court of the Virgin Islands (sitting by designation) is U.S. District Court Judge Stanley S. Brotman from Camden, New Jersey. Judge Brotman administers the system that essentially brings judges to St. Croix and St. Thomas every month.

18. Larry Davis, *White House Allows V.I. Judgeships to Go Vacant*, Gannett News Service, October 24, 1990.

19. *Id.* The typical judges comes with a law clerk—sometimes a secretary, sometimes a court reporter. Torry. *supra* note 15, at 5 (quoting Julio Brady, former Lieutenant Governor of the Virgin Islands). The maximum a judge can spend daily for hotel and meals in the Virgin Islands is $291 during the peak of tourist travel to the Virgin Islands and $237 during the low season. *Id.* This allocation is the highest per diem in the nation. *Id.* The allowance for staff is 50% less. *Id.*

The Justice Department sends down two different judges, each with a law clerk, every month. Memorandum from Bruce Bishop to Cathy Ball, Administrative Office of U.S. Courts (June 19, 1990) (on file with Delegate deLugo's office). The annual bill for transporting, housing and feeding these 48 people is estimated at $250,000. *Id.* Salary requirements for the 24 judges and their 24 law clerks raises the figure to well over $500,000 per year. *Id.* The cost of two permanent Virgin Island district court judges, at $125,100 annually per judge, is $250,000. Telephone Interview with John Heyman, Circuit Executive of the Administrative Office of the Third Circuit (January 15, 1992). It is cheaper to have resident judges appointed, no question about it. Torry, *supra* note 5, at 5 (quoting Judge Stanley Brotman, Acting Chief Judge of the District Court of the Virgin Islands).

20. Torry, *supra* note 15, at 5. *See also* Remarks by Ron deLugo, Virgin Islands Congressional Delegate to the House of Representatives (September 5, 1990) (on file with Delegate deLugo's office) (The backlog of cases is growing enormously. And public confidence in the courts is suffering, as the people of the Virgin Islands see long delays, and watch a procession of new judges file through our courts, with one judge handling the trial and another judge handling the sentencing, and no continuity); Hasson, *supra* note 4 ("you can't run a court system with interim judges who are there from two to four weeks and still get the continuity and stability which is inherently required" (quoting A. Leon Higginbotham, Jr., former Chief Judge of the Third Circuit)).

One attorney had four judges in one criminal case. Torry, *supra* note 15 at 5. In a civil case lawyers and witnesses flew to New Jersey for a trial, after a visiting judge was forced by his schedule to head back home. *Id.* At times, a defendant gets one judge at trial, another at sentencing. *Id.* When that happens, the judge [who may be sentencing] is looking at a cold record and he will not have the same flavor or feel for it. *Id.* (quoting Thurston McKelvin, Public Defender in the Virgin Islands).

21. For example, an attorney recalls the unusual style of a visiting judge. When the jury was leaving for deliberations, all of the attorneys stood, which is the usual practice in the Virgin Islands. However, the judge demanded that the attorneys sit in "her court." Shortly after her visit, a new visiting judge presided over the court and the attorneys sat when the jury left for deliberations. The new judge chastised the attorneys for sitting while the jury left. Virgin Islands Attorney Joel Holt states, "We don't know when to sit or stand." Interview with Joel Holt in St. Croix, March 31, 1991. *See also* Letter from Joel Holt, Former President of the Virgin Islands Bar Association to Barbara Drake, Special Assistant to the Attorney General of United States (April 21, 1989) (on file with the Virgin Islands Bar Association) (noting that because of the continual delays in nominating a new judge, the backlog of civil cases has reached emergency levels which is of great concern to the Bar Association and the litigants the Bar represents): Letter from Ron deLugo, Virgin Islands Congressional Delegate, to President George Bush (January 11, 1989) (on file with Delegate deLugo's office) (writing that local attorneys must, with considerable risk to the interests of their clients, attempt to adjust to the differing methods and judicial styles of an ever-changing cast of judges).

22. *See* Remarks by Ron deLugo, Virgin Islands Congressional Delegate, to the House of Representatives (July 10, 1991) ("We have seen in some instances justice miscarried and we have seen frustration in the legal community and the community at large because of [judicial vacancies.]"): Torry, *supra* note 15, at 5 (stating that "with each passing week the district continues without a single resident judge, Virgin Islanders become more convinced that they have a third class status in our federal judicial system. The long-term consequences are . . . tragic to contemplate" (quoting Letter from Leon Higginbotham, Jr., Chief Judge of the Third Circuit, to Richard Thornburgh, Attorney General of the United States)); *Courting a Backlog, supra* note 10, at 11 (observing that "the president's inaction on this matter is puzzling, bordering on insulting. It suggests that a judgeship in this American territory is not a matter of import to the White House. That is a sad commentary on our relationship with the U.S. government, reinforcing the suspicion that we remain second-class citizens on too many fronts"): Letter from Joel Holt, Former President of the Virgin Islands Bar Association, to Barbara Drake. Special Assistant to the Attorney General (April 21, 1989) (on file with the Virgin Islands Bar Association) ("Third Circuit Court of Appeals has attempted to alleviate the situation by sending down several visiting judges whose assistance is greatly appreciated but whose help has done very little to restore an orderly processing of cases, particularly on the civil docket").

23. *See* Telephone Interview with Sen. Lilliana Belardo de O'Neil, 19 Legislature of the Virgin Islands (February 28, 1991) (We need native judges who are sensitive to our unique Virgin Islands culture and values); Telephone Interview with Angel Suarez, former Chief of Staff of Sen. Holland Redfield, 19 Legislature of the Virgin Islands (28 February 1991) (It is not necessary to understand someone's culture to judge him, however, it is necessary for constituents to feel that the court can address their needs. People in the Virgin Islands do not believe the court is a place they can turn to seek redress). *See also* Letter from R. Eric Moore, Member of the Third Circuit Lawyers Advisory Committee, to Honorable Richard Thornburgh (September 6, 1989) (on file with the Virgin Islands Bar Association) (I have been authorized by the President of the [V.I.] Bar and the Board of Governors to state that we feel there are qualified resident lawyers capable of filing the unfilled needed judicial position): Letter from Ron deLugo, Virgin Islands Congressional Delegate, to Richard Thornburgh, Attorney General of the United States (February 2, 1990) (on file with Delegate deLugo's office) (writing that "we believe there are a number of local attorneys who could serve with distinction on this court and that there has been ample time to review the qualifications of potential appointees").

24. Neil McFeeley, Appointment of Judges 13, (1987). Through the use of delay, a president can apply pressure to "Difficult" senators who may be placed in compromising positions with over worked sitting judges and local lawyers to go along with the president's candidate. *Id.* at 14. *See generally* Harold W. Chase, Federal Judges: The Appointing Process (1972); Nancy Chinn and Larry Berkson, Literature on Judicial Selection (1980); Allan Neff, the United States District Judge: Nominating Commissions: Their Members, Procedures and Candidates (1981).

25. McFeeley, *supra* note 24, at 14.

26. *Id.*

27. *Id.*

28. *Id.*

29. *Id.* at 18.

30. *Id.*

31. *Id.* at 19.

32. *Id.* at 18.

33. *Id.*

34. *Id.* at 19.

35. *Id.* at 22.

36. Ron deLugo, the Virgin Islands Delegate to Congress, has no voting power, Puerto Rico, American Samoa, Guam and Washington, D.C., also have no voting representative in the Senate or House of Representatives.

37. Attorneys in the Virgin Islands are governed by the ethical rules adopted by the American Bar Association Rule 57(e)(2) of 5 Virgin Islands Code App. V. *See, e.g.*, Isadora Paiewonski Assoc., Inc. v. Sharp Properties, Inc., Civ. No 1987-44 (D.V.I. April 3, 1991); Brice v. Hess Oil of the V.I., Inc., Civ. No. 1989-214 (D.V.I. Nov. 16, 1990).

38. MODEL RULES Rule 1.3.

39. *See In re* Cardenas, 791 P.2d 1032 (Ariz. 1990) (finding that lawyer did not use due diligence in representing his client's affairs and failed to control his workload so that the matter could be properly handled); Louisiana State Bar Ass'n v. James 570 So. 2d 1161 (La. 1990) (suspending for six months an attorney who violated Rule 1.3); Louisiana State Bar Ass'n v. Martin, 559 So. 2d 483 (La. 1990) (suspending for three years an attorney who violated Rule 1.3); *In re* Barr, 796 S.W.2d 617 (Mo. 1990) (suspending indefinitely, with leave to reapply after six months, an attorney who violated Rule 1.3); *In re* Nicolini, 814 P.2d 1385 (Ariz. 1991) (suspending an attorney who violated Rule 1.3); *In re* Stewart, 782 S.W.2d 390 (Mo. 1990) (disbarring an attorney who neglected legal matters and failed to act with reasonable diligence and promptness in representing his clients); Oklahoma v. Phillips, 786 P.2d 1242 (Okla. 1990) (suspending for three years an attorney who failed to act with reasonable diligence and promptness in representing his client).

40. *See supra* notes 16 and 20.

41. MODEL RULES Rule 3.2.

42. *See* Oklahoma v. Phillips, 786 P.2d 1242 (Okla. 1990) (suspending for three years an attorney who violated Rule 3.2); *In re* Stewart, 782 S.W.2d 390 (Mo. 1990) (disbarring attorney who violated Rule 3.2); Louisiana State Bar Ass'n v. Jones, 570 So. 2d 1161 (La. 1990) (suspending for six months an attorney who violated Rule 3.2).

43. According to FED. R. CIV. P. I:

These rules govern the procedure in the United States district courts in all suits of a civil nature whether cognizable as cases at law or in equity or in admiralty, with the exceptions stated in Rule 81. They shall be construed to secure the *just, speedy, and inexpensive determination of every action.* (emphasis added).

44. According to Rule 1.1:

A lawyer shall provide competent representation to a client. Competent representation requires the legal knowledge, skill, thoroughness and preparation reasonably necessary for the representation.

45. *See* Attorney Grievance Comm'n v. Montgomery, 460 A.2d 597 (Md. Ct. App. 1983) (holding attorney guilty of violating Rule 1.1 for a single failure to appear in court); State *ex. rel* Oklahoma Bar Ass'n v. Hensley, 661 P.2d 527 (Okla. 1983) (disbarring attorney who handled estate incompetently); Attorney Grievance Comm'n v. Brown, 517 A.2d 1111 (Md. 1986) (reprimanding attorney who acted incompetently in certain matters relating to estate administration and federal estate taxation).

46. *See supra* note 21.

47. *See supra* note 20.

48. Rule 1.5 states in relevant part:

a) A lawyer's fee shall be reasonable. The factors to be considered in determining the reasonableness of a fee include the following:

1) the time and labor required, the novelty and difficulty of the questions involved, and the skill requisite to perform the legal services properly;

. . . .

5) the time limitations imposed by the client or by the circumstances;

6) the nature and length of the professional relationship with the client;

. . . .

8) Whether the fee is fixed or contingent.

49. *See* Attorney Grievance Comm'n v. Kerpelman, 591 (Md. 1991) (ordering attorney who violated Rule 1.5 to pay all costs, including costs of transcripts); Virginia State Bar v. Gallaher, 376 S.E.2d 346 (W.Va. 1988) (issuing a public reprimand to attorney who violated Rule 1.5 and ordering client restitution); *In re* Berl. 540 A.2d 410 (Del. 1988) (finding attorney guilty of violating Rule 1.5); Jackson Parish Bank v. Durbin, 535 So. 2d 1074 (La. App. 1988) (ordering attorney who violated Rule 1.5 to repay client); *In re*

Schuldt, 428 N.W.2d 251 (S.D. 1988) (reducing fees for attorney who violated Rule 1.5); 7 Am. Jur. 2d, *Attorneys* §55.5 (1991); Dale R. Agthe, Annotation, *Attorney's Charging Excessive Fee As Ground for Disciplinary Action*, 11 A.L.R.4th 133 (1982).

Many courts have held a contingent fee is clearly excessive if the skill and labor required of the lawyer are grossly disproportionate to the fee. *See, e.g., In re* Schwartz, 686 P.2d 1236 (Ariz. 1984) (*en banc*); Anderson v. Kenelly, 547 P.2d 260 (Colo. App. 1984); Florida Bar V. Moriber, 314 So. 2d 145 (Fla. 1975); Horton v. Butler, 387 So. 2d 1315 (La. App. 1980).

50. Of the 381 attorneys in the Virgin Islands, approximately three-fourth work in firms of five or fewer lawyers. Telephone Interview with Executive Director, Virgin Islands Bar Association. (Jan. 28, 1992).

51. Model Rules Rule 1.16.

52. Model Rules Rule 1.16 cmt.

53. Code of Judicial Conduct Canon 2 states in part:

A judge should avoid impropriety and the appearance of impropriety in all his activities.

A. A judge should respect and comply with the law and should conduct himself at all times in a manner that promotes public confidence in the integrity and impartiality of the judiciary.

54. Code of Judicial Conduct Canon 3.

55. *See In re* Blackman, 591 A.2d 1339 (N.J. 1991) (finding judge guilty of violating Canon 2); *In re* Wilkes, 403 So. 2d 35 (La. 1981) (suspending for 90 days without compensation a judge who violated Canons 1, 2 and 5(c)(1)); *In re* Rasmussen, 734 P.2d 988 (Cal. 1987) (censuring publicly a judge who violated Canons 1, 2 and 3); *In re* Lockwood, 804 P.2d 738 (Ariz. 1990) (censuring publicly a judge who violated Canons 1 and 2); *In re* Sheffield, 412 So. 2d 743 (Miss. 1982) (suspending for two months, without pay, a judge who violated Canons 2 and 3).

56. *See supra* note 23.

57. They start early, work late and sometimes even hold court on Saturdays. Torry, *supra* note 15, at 5, Senior Judge Frank Kaufman of Baltimore stated he would go to work at 8 or 8:30 [a.m.] and it was usually 6 or 7 p.m. before he left work. *Id.* Many Virgin Islands lawyers admit visiting judges work long and hard as they juggle caseloads at home and handle the huge court dockets on St. Croix and St. Thomas. *Id. But see* Lynda Lohr, *Hassles in the Court*, St. Croix Avis, Sept. 4, 1990, at 4 (U.S. Attorney Terry Halpern said that a robbery case that had been heard by a jury was dismissed because the judge who heard the case refused to return for the sentencing). At times a defendant gets one judge at trial, another at sentencing. Torry, *supra* note 15, at 5. A judge looking at a cold record will not have the same flavor or feel for it. Torry, *supra* note 15, at 5 (quoting Thurston McKelvin, Public Defender in the Virgin Islands).

58. *See supra* note 23 and accompanying text.

59. *See Racial Justice*, St. Croix Avis, June 5, 1990 at 6 (Within days of arriving on St. Croix Judge Robert R. Mehrige has widened the split along racial lines on this once tranquil community); *Zilch for the Killing*, Daily News of the V.I., May 30, 1990 at 11 ("A sentence handed down by a visiting judge recently has left the Virgin Islands community surprised and somewhat concerned about the way justice was meted out in the killing of a young man. Whatever the reasoning behind the sentencing, this part-time dispensing of justice in the territory by visiting jurists is forcing residents to draw certain conclusions—and they are not complimentary to the judicial system"). *See also* Tory *supra* note 15, at 5 (two visiting judges asserted in a letter to former Third Circuit Judge A. Leon Higginbotham, Jr., that there is a "sense that justice is being imposed from the outside" in a territory that is predominantly black).

60. *See* Seth E. Bloom, *Judicial Bias and Financial Interest as Grounds for Disqualification of Federal Judges*, 35 Case W. Res. L. Rev. 662, 663 (1985) (public confidence is essential to the effective functioning of the judiciary).

61. *See supra* note 59 and accompanying text.

62. Karen N. Moore, *Appellate Review of Judicial Disqualification Decisions in the Federal Courts*, 35 Case W. L. Rev. 829, 829 (1984).

63. Telephone Interview with Andrew Capdeville, president of the Virgin Islands Bar Association (February 28, 1991) (The court calendar can change every day; attorneys are frequently called to the courtroom at the last minute or have had cases canceled without notice); Letter from Ron deLugo, Virgin Islands Delegate to Congress, to President George Bush (Jan. 11, 1991) (on file with Delegate deLugo's office) ("The most urgent criminal cases are rushed through and sentencing is often delayed until the trial judge is once again available on his next hurried visit"). One attorney had four judges for one criminal case. Torry, *supra* note 15 at 5. In a civil case, lawyers and witnesses flew to New Jersey for a trial, after a visiting judge was forced by his schedule to head back home. *Id.*

64. Bloom, *supra* note 60, at 663. *See Ex parte* Balogun, 516 So. 2d 606, 610 (Ala. 1987) (it is of paramount importance that the absolute integrity and the absolute appearance of integrity of the court system be maintained at all times).

65. *See supra* note 21.

66. *See supra* note 59.

67. *See Code of Judicial Conduct* Canon 1 (an independent and honorable judiciary is indispensable to justice in our society).

68. Andrew L. Kaufman, *Judicial Ethics: The Less-Often Asked Questions*, 64 Wash. L. Rev. 851, 854 (1989).

69. *See supra* note 1 and accompanying text.

70. *See* Coyle, *supra* note 3 and accompanying text.

GENERAL LEAVE

Mr. ABERCROMBIE. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and to include therein extraneous material on the subject of the special order today by the gentleman from Illinois [Mr. ROSTENKOWSKI].

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Hawaii?

There was no objection.

H.R. 5270, THE FOREIGN INCOME TAX RATIONALIZATION AND SIMPLIFICATION ACT OF 1992

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Illinois [Mr. ROSTENKOWSKI] is recognized for 5 minutes.

Mr. ROSTENKOWSKI. Madam Speaker, today, along with the Honorable Bill Gradison, I am introducing H.R. 5270, the Foreign Income Tax Rationalization and Simplification Act of 1992. This legislation would significantly improve and simplify the tax rules governing both U.S.-based companies conducting business abroad and foreign persons doing business in the United States.

Madam Speaker, for a significant period of time, the Committee on Ways and Means has been considering issues relating to international competitiveness and the proper taxation of U.S.-based multinational corporations. Last year, the committee held 10 days of public hearings on issues related to international competitiveness, receiving testimony on a wide range of topics, including tax, trade, education, technology and other important issues affecting our ability to compete internationally. In addition, the committee recently concluded its annual issue retreat dedicated to an in-depth discussion of issues relating to our Nation's competitiveness.

As the result of this extensive study, Bill Gradison and I feel it is important to take the next step and introduce this bill to further the debate on the critically important issue of international competitiveness. The bill we are introducing today is a balanced package designed to bring rationality to the tax rules applicable to the foreign income of U.S.-based multinational companies. Additionally, this legislation would ensure that foreign persons doing business in the United States or deriving income from domestic sources pay their fair share of tax to our Government.

Madam Speaker, the first part of this legislation corrects several problems in the current tax law that could result in overtaxation of income earned by U.S. companies conducting business abroad. The most significant provision in this section of the bill would correct anomalies in the apportionment of interest expense of U.S. multinational companies between domestic and foreign source income. This is a critical component in the calculation of the foreign tax credit for a significant number of U.S. multinational corporations.

Madam Speaker, several members of the business community have told me that this issue relating to the proper apportionment of interest expense may be the No. 1 tax problem for U.S. multinational corporations attempting to conduct business effectively abroad. The correction of these anomalies and the rationalization of these rules would promote the significant policy objective that U.S.-based multinational corporations should be taxed fairly on income generated from overseas operations, and should not be subject to double taxation on such earnings.

Further, the bill would repeal the current law 90-percent limitation on the use of the foreign tax credit against the minimum tax. This current limitation contradicts the principle that no U.S. tax should be due on foreign income which is fully taxed abroad.

In addition, the legislation contains several other provisions aimed at ensuring that income earned by U.S. multinational companies, and currently taxed by the United States, is taxed fairly. In this regard, the carryover period of foreign tax credits would be lengthened from 5 to 15 years, and the carryback period lengthened from 2 to 3 years. This modification would allow additional time for companies to obtain credit for taxes paid to other jurisdictions.

The legislation also includes a modification to the calculation of the foreign tax credit in a year following a domestic loss, regulatory authority to provide appropriate relief from complex calculations required under the uniform capitalization rules, and an election to eliminate numerous separate foreign tax credit limitation baskets and thereby simplify tax compliance related to foreign-based joint ventures.

Moreover, the legislation contains the foreign tax simplification provisions that were passed by Congress as part of the Tax Fairness and Economic Growth Act of 1992, but vetoed by the President. These simplification provisions would provide U.S.-based multinational corporations significant relief from compliance burdens and uneconomic restrictions, by substantially simplifying rules governing the translation of foreign tax payments into U.S.-dollar amounts, and by allowing the indirect foreign tax credit for taxes paid by certain foreign subsidiaries.

Madam Speaker, I also want to bring to the public's attention that the permanent modification of the rules governing the allocation of foreign research and development expenses—the so-called 861 issue—is not included in this bill, although it is a significant competitiveness issue affecting many U.S. multinational corporations. Senator BENTSEN and I wrote to Secretary Brady at the Treasury Department on March 20, 1992, urging him, in the strongest possible terms, to issue permanent 861 regulations in conformance with the policies and proposals set forth in the President's budget for fiscal year 1993. I recently wrote Secretary Brady again on May 11, 1992, restating the position taken by Senator BENTSEN and myself, and inquiring why Senator BENTSEN and I have not even had the courtesy of a reply. I also regret that permanent resolution of these long-contested regulations was not even mentioned in the Treasury Department's recently announced, so-called regulatory business plan. If the President and his advisors at the Treasury Department are truly interested in promoting international competition, they'll stop stonewalling this issue, and issue permanent 861 regulations as Congress has urged.

Mr. Speaker, according to estimates provided by the staff of the Joint Committee on Taxation, the tax relief contained in H.R. 5270 would approximate $11 billion over the next 5 years. In order to make this legislation revenue-neutral, consistent with the pay-as-you-go requirements enacted in 1990, BILL GRADISON and I have advanced several provisions to finance this bill. While we know that many of the proposals will be controversial, these revenue offsets represent a good-faith effort to begin the discussion of how to pay for the bill. Both BILL GRADISON and I are open to alternative suggestions. But compliance with the pay-as-you-go requirements will have to be achieved for this, or any similar bill, to advance legislatively.

In addition, I want to emphasize that I do not intend that the revenue offsets contained in the bill be used for deficit reduction or any purpose other than funding this bill. I invite the Treasury Department and any members of the public who believe that the revenue offsets may raise revenues in excess of the amounts estimated by the staff of the Joint Committee on Taxation to submit data or other evidence that might assist in the preparation of more accurate revenue estimates.

Madam Speaker, H.R. 5270 contains several controversial offsets including the proposed end to deferral on a prospective basis, supplemented by an election that would allow an affiliated U.S.-based multinational group to treat foreign affiliates as domestic corporations for all purposes, including the consolidation of losses. Thus, U.S.-multinational corporations with losses on foreign operations or in other appropriate circumstances may benefit from making such an election. Another controversial revenue offset would reduce by 15 percent the so-called 936 credit provided for certain operations in Puerto Rico or other U.S. possessions. However, certain current-law provisions enhancing industry's ability to earn tax-favored income from exports, including the Foreign Sales Corp. rules and the title passage rule, would be retained under the legislation.

H.R. 5270 also includes other revenue-raising provisions, including modification of the rules relating to the source of gain from sales of inventory property in order to stop manipulations of those rules involving related party transactions and U.S. imports. The bill would also modify the foreign tax credit treatment of passive-type income derived in connection with foreign shipping and oil and gas extraction operations, thereby placing these industries on the same standard as every other industry.

Madam Speaker, H.R. 5270 also contains several reforms of the taxation of foreign persons conducting business in the United States. Many Members of Congress and American taxpayers feel that certain foreign persons doing business in the United States or holding investments in the United States do not pay their fair share of U.S. taxes. Chairman PICKLE and other members of the Oversight Subcommittee of the Committee on Ways and Means have conducted extensive oversight over the last several years pointing out that very large companies in certain profitable industries headquartered abroad are paying little or no taxes to the U.S. Treasury, even though sales of their products in this country are extremely successful and profitable.

Madam Speaker, our country has invested enormous sums of money to provide reliable credit markets, infrastructure, roads, ports, communications networks, and other avenues of interstate commerce that allow companies, foreign and domestic, the ability to sell and compete in our markets. Everyone doing business here must pay a fair share of the governmental costs involved in providing ready and available access to American markets.

In the Omnibus Budget Reconciliation Acts of 1989 and 1990, Congress enacted provisions, based on the recommendations of Chairman PICKLE's Oversight Subcommittee, that required additional tax compliance by foreign persons. It appears, however, that the underlying issue of nonpayment of taxes from profitable United States operations and investments of foreign persons seems not to have been solved. Accordingly, the bill we are introducing today would make substantive revisions to the tax law to ensure that foreign persons earning income in the United States pay an appropriate and fair share of tax.

First, the legislation would revise the current law rules relating to so-called transfer pricing, to ensure that foreign-owned companies conducting business in the United States and selling goods here pay a fair share of taxes on such operations.

Specifically, the bill would retain the current law arms-length rules relating to transfer pricing to determine the clear reflection of taxable income for business activities. Taxpayers, however, who have not negotiated a prior agreement setting forth an appropriate transfer pricing method with the Internal Revenue Service must determine taxable income based on the average profit of similar domestic corporations. The applicable profit percentages for various lines of business would be computed by the Secretary of the Treasury.

This provision would ensure that foreign persons pay a minimum level of tax to the United States based on existing arms-length transfer pricing principles. The IRS could determine upon audit, as under current law, that more taxable income should be allocated to the U.S. operations of these corporations. Madam Speaker, this revision to the transfer pricing rules is necessary because of the apparently low levels of compliance of certain foreign corporations under current law.

Madam Speaker, the bill also ensures that foreign persons pay taxes on U.S.-related earnings. While respecting our treaty obligations, the bill would require foreign persons to pay a capital gains tax on their profits earned in the United States. The bill would also prevent foreign persons from avoiding tax on their profits from U.S. investments through so-called treaty shopping tax avoidance techniques. The bill would also increase the current law excise tax on property and casualty reinsurance policies provided by foreign insurance companies located in tax haven countries.

Finally, the bill modifies rules relating to the source of income received in the form of education and training grants and awards, the allowance of deductions against that income when earned by visiting scholars, and the estate tax marital deduction in cases of certain foreign individuals who come to this country as employees of international organizations.

In conclusion, Madam Speaker, the legislation that BILL GRADISON and I are introducing today will undoubtedly stimulate many comments and points of view. In order to allow a full discussion of this important legislation, I am today announcing public hearings on H.R. 5270 by the full Ways and Means Committee. The hearings will be held on July 21 and 22. These hearings will provide an opportunity for all interested persons to provide their perspectives on the introduced bill, as well as constructive suggestions for its improvement.

SUMMARY OF H.R. 5270—FOREIGN INCOME TAX RATIONALIZATION AND SIMPLIFICATION ACT OF 1992

1. *Revise application of interest allocation rules (sec. 101).*—The bill provides that taxpayers may take into account the interest expenses and assets of foreign subsidiaries for purposes of allocating and apportioning interest expenses between gross income from U.S. and foreign sources. In addition, the bill expands the types of corporations that are treated as financial institutions for purposes of applying the one-taxpayer rule separately to financial institutions in a related group.

2. *Repeal of limitation on alternative minimum tax foreign tax credit (sec. 111).*—The bill repeals the 90-percent limitation on the utilization of the alternative minimum tax foreign tax credit.

3. *Recharacterization of overall domestic loss (sec. 112).*—The bill applies a resourcing rule to U.S. income where the taxpayer has suffered a reduction in the amount of its foreign tax credit limitation due to a domestic loss. Under the bill, in the case of a taxpayer that has incurred an overall domestic loss, that portion of the taxpayer's U.S. source taxable income for each succeeding taxable year which is equal to the lesser of (1) the amount of the unrecaptured overall domestic loss, or (2) 50 percent of the taxpayer's U.S. source taxable income for such succeeding taxable year, is recharacterized as foreign source taxable income. Any U.S. source income that is resourced under the bill is allocated among and increases the various foreign tax credit separate limitation categories in the same proportion that those categories were reduced by the domestic losses which are responsible for the resourcing.

4. *Extension of period to which excess foreign taxes may be carried (sec. 113).*—The bill extends the excess foreign tax credit carryback period from 2 to 3 years and extends the carryforward period from 5 to 15 years. Similar extensions are provided for excess oil and gas extraction taxes.

5. *Election to treat certain companies as controlled foreign corporations (sec. 114).*—The bill permits a domestic corporation that normally would treat a foreign company as a noncontrolled section 902 corporation to elect to treat that company, for foreign tax credit limitation and subpart F purposes, as a controlled foreign corporation of which the electing domestic corporation is a U.S. shareholder. In order to make the election, a U.S. corporation is required to treat as controlled foreign corporations all foreign corporations that would, absent the election, be noncontrolled section 902 corporations with respect to it.

6. *Regulatory authority to exempt foreign persons from uniform capitalization rules (sec. 121).*—The bill provides that to the extent provided in regulations, the uniform capitalization rules shall apply to any taxpayer who is not a U.S. person only to the extent necessary for purposes of determining the amount of tax imposed on subpart F income or on U.S. effectively connected income. Thus, for example, the bill grants the Treasury authority to waive the application of the uniform capitalization rules in the case of a noncontrolled section 902 corporation (the income of which is not subject to current U.S. taxation), for the purpose of measuring the corporation's multiyear earnings "pools" under section 902.

7. *Modification of certain look-through rules (sec. 122).*—The bill modifies the look-through rules that apply under the passive foreign corporation regime (which replaces the PFIC regime under the bill's simplification provisions), by reducing the ownership thresholds from 25 percent to 20 percent in both the general look-through rule and the special domestic-subsidiary look-though rule.

8. *Repeal of deferral for controlled foreign corporations (sec. 201).*—The bill generally repeals deferral on controlled foreign corporations by treating as subpart F income generally all of a controlled foreign corporation's earnings and profits for the taxable year. Under the bill, the Code retains much of present law solely to preserve the tax treatment applicable to earnings and profits (and deficits in earnings and profits) attributable to years beginning prior to the effective date of the bill.

9. *Election to treat controlled foreign corporations as domestic corporations (sec. 202).*—The bill provides an opportunity to operate businesses through controlled foreign corporations yet have those corporations be treated as domestic for U.S. tax purposes (such as sharing losses with affiliated U.S. companies). In the case of certain commonly controlled foreign corporations, domestic company treatment must be elected on a consistent group-wide basis.

10. *Source of income from certain sales of inventory property (sec. 203).*—The bill makes two changes to the method by which income from the sale of inventory property is sourced. First, where the property is produced by the taxpayer and sold to a related person, and the income is derived partly within and without the United States, the amount allocated to production activities under the production/marketing split can be no less than the amount that would be so allocated by applying the production/marketing split to the relevant combined income of the taxpayer and any related person. Second, where inventory property sold abroad is sold by a U.S. resident directly or indirectly to another U.S. resident, the property sold is used, consumed, or disposed of in the United States, and the sale is not attributable to an office or other fixed place of business maintained by the first U.S. resident outside the United States, the gross income of the seller from the sale will be sourced domestically.

11. *Taxation of certain stock gains of foreign persons (sec. 301).*—The bill provides that, unless a treaty provides otherwise, where a foreign corporation or nonresident alien individual owns or has owned, at any time during the previous 5 years, 10 percent or more of the stock in a U.S. corporation, gain or loss from the disposition of the stock is treated as income effectively connected with the conduct of a U.S. trade or business and attributable to a U.S. permanent establishment.

12. *Limitation on treaty benefits (sec. 302).*—The bill imposes a qualified resident requirement, similar to that now in the branch tax provisions, as a prerequisite for reducing U.S. tax on any foreign entity under any treaty. In addition, the bill would prevent any person from obtaining U.S. tax benefits under a treaty with respect to any income that bears a significantly lower tax under the laws of the other treaty country than similar income arising from sources within such foreign country derived by residents of such foreign country.

13. *Excise tax on certain insurance premiums paid to certain foreign persons (sec. 303).*—The bill raises from 1 percent to 4 percent the excise tax on certain premiums paid to foreign persons in low-tax countries for reinsurance covering casualty insurance and indemnity bonds. The bill includes provisions to assist the IRS in collecting tax in connection with reinsurance of a U.S. risk provided by a reinsurer not eligible for relief with respect to the 4 percent tax on reinsurance.

14. *Special section 482 rules for certain foreign and foreign-owned corporations (sec. 304).*—The bill sets a minimum amount of taxable income to be reported (absent IRS agreement to accept a different amount) by 25-percent foreign-owned domestic corporations that engage in more than a threshold level of transactions with foreign related parties. (A similar rule also applies to U.S. branches of foreign corporations.) Generally the taxpayer's taxable income from any category of business would be no less than 75 percent of the amount determined by applying an industry profit percentage to the taxpayer's gross receipts from that business category.

15. *Treatment of certain grants (sec. 403).*—The bill provides that income received by an individual in the form of a scholarship or fellowship grant for study, training, or research is treated as derived from sources in the location of the funded activity. The bill also provides that income received as a prize or award made primarily in recognition of religious, charitable, scientific, educational, artistic, literary or civil achievement is treated as derived from sources in the location of the activities that formed the basis of the prize or award. The bill also allows certain deductions, based on the standard deduction and multiple personal exemptions, to offset certain U.S. source gross income of visiting foreign individuals received in the form of scholarships and fellowships granted by certain tax-exempt or governmental entities.

16. *Estate tax marital credit for employees of international organizations (sec. 404).*—Under present law, the marital deduction from the Federal estate tax generally is disallowed for the value of property passing to a noncitizen spouse. The bill provides a limited credit for such property if either the decedent or the spouse is employed full-time in the United States by a public international organization, so long as neither the decedent nor the spouse is a U.S. citizen or lawful permanent resident of the United States. The amount of the credit generally equals an exemption of $600,000, but, in the case of a decedent domiciled outside the United States, is reduced by the amount of the unified credit.

17. *Reduction of Puerto Rico and possession tax credit (sec. 411).*—The bill reduces the section 936 credit from 100 percent to 85 percent of pre-credit U.S. tax on a company's possession-based operations and qualified possession source investment income.

18. *Treatment of passive income related to foreign oil and gas extraction income and shipping income (secs. 412 and 201).*—The bill treats passive types of income related to oil and gas extraction activities, such as interest income derived from bank deposits or temporary investments of working capital, as passive income under the separate foreign tax credit limitation rules. In addition, the bill provides that income which would meet the definition of both foreign personal holding company income and foreign base company shipping income under present-law rules is considered passive income for foreign tax credit purposes. The bill also eliminates the treatment of any income that qualifies as passive income for foreign tax credit separate limitation purposes (e.g., interest income from bank deposits or temporary investments) as foreign oil and gas extraction income for purposes of computing the special limitation on foreign tax credits related to extraction activities.

19. *Simplification (secs. 401–402, 501–504, 511–514, and 521–524).*—The bill includes those simplification provisions passed by Congress on March 20, 1992 (and vetoed by the President), in title IV of the Tax Fairness and Economic Growth Act of 1992 (H.R. 4210), that relate to foreign income, including provisions relating to the foreign tax credits and currency transactions of individuals, the treatment of passive foreign corporations, the treatment of controlled foreign corporations the translation of taxes paid in foreign currencies, the alternative minimum tax foreign tax credit limitation, and inbound and outbound property transfers.

20. *Studies (secs. 601–603).*—The bill requires a Treasury study on tax issues relating the maintenance and enhancement of the competitiveness of the American economy in light of changing economic policies in Europe and the increasing globalization of the world economy. The bill also requires a study on administrative and compliance issues related to a value added tax. The bill further requires a study on issues related to transfer pricing rules and the proper taxation of foreign persons conducting business in the United States, including the effectiveness of provisions in the bill, issues relating to the unitary method of taxation, and the advisability of providing additional confidentiality for information provided by domestic corporations for use in formulating third-party comparable information. Treasury is required to report to Congress on all three studies by January 1, 1994.

Mr. GRADISON. Madam Speaker, today along with Chairman ROSTENKOWSKI, I am introducing the Foreign Income Tax Rationalization and Simplification Act of 1992.

In many fundamental respects the U.S. economy is becoming export oriented, and our economic growth export led. Exports now account for almost 7 percent of gross domestic product, almost double what it was during the 1960's. The share of corporate profits attributable to foreign operations has grown from 6.5 percent in the 1960's to 15.4 percent during the 1980's, and is likely to continue increasing throughout the 1990's.

At the same time that many companies are expanding their overseas operations, they are faced with an unfair and inequitable U.S. Tax Code. Many provisions of the current tax system cause double taxation of foreign source income or treat foreign operations worse than domestic operations.

Last year, I introduced H.R. 2948, the Foreign Income Tax Reform Act of 1991, to help correct many of the inequities in the current tax code faced by American companies operating abroad. That bill has received the support of many in the business community and has helped raise the interest of Members of Congress in these complex issues.

As a result of H.R. 2948 and the Ways and Means Committee's hearings last summer on factors affecting U.S. international competitiveness, the chairman and I have developed a second bill which addresses many of the problems identified in H.R. 2948 and, importantly, covers the associated revenue loss. This, I believe, is the next step in the process of correcting the problems.

The Joint Tax Committee has assured us that this bill is revenue neutral over the 5-year budget period, but has not yet developed year by year estimates. As this legislation progresses next year, I expect the legislation to be revenue neutral in each year, and to comply fully with the Budget Enforcement Act of 1990.

I realize that many individuals and companies will like some of the proposals in the bill, but oppose some or all of the financing mechanisms. I urge them to analyze the bill in its entirety, and not just react to the revenue offsets contained in the legislation.

The Ways and Means Committee will be holding hearings on this bill later this summer. I urge all interested parties to come in and give us their comments on the bill. The revenue-raising provisions in the bill are merely suggested possible mechanisms. We are not wedded to them. If individuals like some of the provisions in the bill, but not how we pay for them, then I hope that they will suggest alternative ways to raise the money necessary to fix these serious problems. Chances are remote at best, I believe, that we will be able to find politically acceptable funding mechanisms outside the foreign area.

Many individuals have expressed concern that the revenue raisers contained in the bill might be used for purposes other than fixing the problems in our foreign tax system. I want to reassure them that I will strongly oppose any such effort. In my opinion, foreign source income I not undertaxed. If anything, it faces a higher tax burden than domestic source income.

I also hope that the hearings will help us identify problem areas which we have no addressed in the bill, which admittedly is aimed primarily at the problems facing manufacturers. In particular, I am interested in learning more about the problems our Tax Code poses for the service sector operating abroad.

This bill will not become law in its present form. I expect that we will modify this bill in light of the testimony that we receive this summer, and then reintroduce next year a revised version which will probably be substantially different than the current version. we do not plan on legislating this year.

While some have urged me not to introduce this bill, mainly because they disagree with the revenue raisers in the bill, I believe that this is the best way to advance this critical discussion. In my view, it is better to have a full and open discussion about how to finance correcting the serious tax impediments facing American firms, than to wait and suffer for years with the status quo in the hope that the problems will miraculously solve themselves.

THE COMPREHENSIVE NATIONAL ENERGY POLICY ACT

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Washington [Mrs. UNSOELD] is recognized for 5 minutes.

Mrs. UNSOELD. Madam Speaker, not having had the opportunity to speak when the body was considering H.R. 776, I would like to take this opportunity, because a sound and balanced national energy strategy is the cornerstone to national security, economic prosperity, and the environment.

H.R. 776, the Comprehensive National Energy Policy Act, contained many important provisions. I would like to comment on a couple of them that are of great importance to the people of the Pacific Northwest.

The first such provision suspends all oil and gas preleasing and leasing activities off the coasts of Washington and Oregon until after the year 2000. This measure will ensure interim protection from administration officials who have promoted the Outer Continental Shelf, the OCS, as an energy reserve needing only to be explored and tapped, and from officials who have pushed aggressive leasing programs despite conflicts with other resources and desires of coastal areas.

I fully supported this provision as a way of providing interim protection from oil and gas development until we are able to secure a more permanent ban. Permanent protection is provided by H.R. 776 for a discrete area soon to be designated by the National Oceanic and Atmospheric Administration, NOAA, as a national marine sanctuary. This fall NOAA is expected to issue a final environmental impact statement and regulations to designate the sanctuary on the Olympic coast of Washington State.

I offered this provision for permanent protection in the Committee on Merchant Marine and Fisheries, because by all accounts, this region of the coast provides some of our country's most valued resources and warrants immediate permanent protection from the threat of offshore oil and gas production.

H.R. 776 also contains an important provision to reverse a decision by the Federal Energy Regulatory Commission, FERC, to restrict the authority of the U.S. Fish and Wildlife Service and the National Marine Fisheries Service, NMFS, to prescribe fishways for hydropower projects. Last year, unbelievably, through its rulemaking process, FERC tried to limit the authority of Fish and Wildlife Service and NMFS by defining fishways as facilities for upstream fish passage but not for downstream passage. This action was not only a roadblock to efforts to rebuild our fisheries but also a clear infringement upon the authority of the Federal agencies charged with protecting and enhancing these resources.

In light of the public outrage and legislation I introduced, FERC modified its fishway definition to recognize the downstream passage needs of some fish. However, this revised definition still limits the role of the Federal fisheries agencies.

For the first time in some 70 years, FERC would be in the position of deciding which fishway prescriptions were required and which were not. Title XVII of H.R. 776 would repeal this improper FERC rule and clarify the authority for establishing fishway prescriptions, that it belongs to the Fish and Wildlife Service and NMFS and not to FERC.

Finally, while I am pleased with aspects of H.R. 776 that suspend oil and gas leasing activities and assure adequate fish passage at hydroelectric projects, I am really disappointed the bill does not address the problem of global warming. Scientists have concluded that continued emissions of carbon dioxide and other greenhouse gases will lead to global warming. While the full consequences of this are difficult to gauge, experts fear they may be catastrophic.

Some of the possible results are severe drought, hurricanes and floods, increased spread of infectious disease, devastation of many of our planet's ecosystems, and drastic declines in agriculture productivity.

Given the seriousness of these threats, our Government cannot delay any longer. It is essential that we join the other industrialized nations and act now to stabilize the emission of carbon dioxide. The European Community, Canada, Japan, and Australia have already agreed to support stabilization of carbon dioxide emissions at 1990 levels by the year 2000.

According to studies by the Environmental Protection Agency, the National Academy of Sciences, and other organizations, this can be achieved with little cost. Some studies even predict net savings.

This is a critical turning point, Madam Speaker, in human history. The actions we take now or fail to take now could well determine the fate of our species and our planet. We must continue efforts to stabilize U.S. emissions.

LEGISLATION TO HELP STOP THE NEXT CHERNOBYL NUCLEAR REACTOR ACCIDENT

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California [Mr. STARK] is recognized for 5 minutes.

Mr. STARK. Madam Speaker, I risk today to speak about the leading nuclear-related threat in the world today: the 13 Chernobyl-type RBMK reactors still operating in the former Soviet Union.

These reactors are real-life nightmares waiting to happen. The RBMK's suffer from fundamental flaws in design, construction, and operation, and should be shut down immediately. The Chernobyl nuclear reactor accident in 1986 cost the former Soviet Union the equivalent of billions of dollars, contaminated thousands of acres of land, and will contribute to countless cancer-related deaths. A similar accident at this time could cause tremendous long-term health and environmental damage, exacerbate the former Soviet Republics difficult progress toward economic recovery and reform, and possibly lead to political instability.

In addition, aside from the RBMK's, there are dozens of other Soviet-designed reactors in Eastern Europe and the former Soviet Union with poor construction and lax and outdated operating procedures. Many of these reactors should be shut down; others should be upgraded to Western safety standards.

While nuclear power makes up only a small percentage of the overall energy output in the former Soviet Union, certain regions depend heavily on these unsafe reactors. The United States must take the lead in helping stop these ticking nuclear time bombs from dispersing radiation clouds all over the Eurasian continent. We should help Eastern Europe and the former Soviet Union to achieve energy efficiency and get alternative energy sources on line, so that the most dangerous reactors can be shut as soon as possible. Additionally, we should provide technical and other assistance so that those reactors which can be made safer are upgraded as much as possible.

I wish to commend the administration for its recent announced plans to help address this problem in coordination with the other G-7 countries. Today, I am introducing, along with Mr. DICKS and Mr. MCCURDY, legislation that will complement these important efforts. This bill calls for the President to help the countries in Eastern Europe and the former Soviet Union to shut down the Chernobyl-type reactors, upgrade their other reactors, bring on line alternative power sources, and bring about energy efficient measures and technologies. Additionally, the legislation urges the President to help make great resources available to the International Atomic Energy Agency to promote programs of nuclear safety in these countries.

The United States must act now to prevent another Chernobyl. It Is critical that both the Congress and the President make their voices heard on this important issue.

□ 1900

HAITIAN REFUGEES

The SPEAKER pro tempore (Ms. SLAUGHTER). Under a previous order of the House, the gentleman from Illinois [Mr. HAYES] is recognized for 5 minutes.

Mr. HAYES of Illinois. Madam Speaker, it seems that our U.S. Government is moving further away from being the humanitarian nation that she once proudly proclaimed. Never in my life have I seen such incompassion for human life and common decency. Today, I stand here to ask President Bush to have compassion on the Haitian refugees who have fled their country because of fear of political persecution. The actions that are being taken by the U.S. Government are deplorable. How can we live with ourselves? We are supposed to be a compassionate nation, a nation that cares about the world community, and now we refuse to take a moral stance to assist the Haitians simply because they are poor and black. There is no other explanation for this travesty, because there have been too many other situations where we have gladly opened our arms to refugees from other lands. When trouble erupted in Central America, refugees were given the chance to apply for asylum in large numbers. I ask you, what is the difference?

After 7 months of economic pressure from the Organization of American States there is still no hope that the de facto government in Haiti will fall. Negotiations have not produced relief and the crisis continues with refugees fleeing in record numbers. I understand that no one policy alone can guarantee freedom and democracy in Haiti. However, the United States can take a tough stand for the principles of democracy as well as lend a helping hand by accepting the Haitian refugees on a temporary basis.

There are many refugees at Guantanamo Bay who have not even had an adequate review to determine their status. The President contends that such a review process can be conducted at the United States Embassy in Haiti. This is totally unrealistic because the Haitian Government is closely monitoring those that have been returned by fingerprinting them. Those refugees that were screened were determined to have had a credible fear of return, and yet the Bush administration believes that the fear is based solely on economic reasons and not political persecution. It is not beyond reason to think that the refugees can both fear starvation and bodily harm. I'm saddened that the President can sleep at night with the blood of those suffering on his hands.

I call for immediate action by the Congress in response to this emergency. Let's stop these illegal deportations and return to the humane principles that we once proclaimed. Thank you, Mr. Speaker.

THE 46TH ANNIVERSARY OF THE FOUNDING OF THE ITALIAN REPUBLIC

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Illinois [Mr. ANNUNZIO] is recognized for 5 minutes.

Mr. ANNUNZIO. Madam Speaker, it gives me great pleasure to announce to my colleagues that June 2 marks the 46th anniversary of the founding of the Italian Republic.

On that date in 1946, the freedom-loving people of Italy voted in a plebiscite to replace their monarchy with a republican form of government. Barely 18 months later, the ingenious people of Italy approved a new Constitution on January 1, 1948. This document echoed our own Constitution in its declaration that "Sovereignty belongs to the people who exercise it within the forms and limits of the government." In addition, Italy's Constitution affirmed that the "inviolable rights of man" require equal treatment under the law for all people regardless of race, sex, religion, or creed.

It is inspiring to recall that this Constitution laid the groundwork for a revival of Italy after the disastrous calamity of World War II. With crucial assistance provided by the United States through the Marshall plan, the postwar reconstruction of Italy represents nothing short of a second renaissance. Italy's industries now compete worldwide, and the country has made tremendous strides in education, health care, and other vital services.

At the same time, Italy has maintained her obligation to defend democracy at home and abroad. During the cold war, the Italian people demonstrated their commitment to freedom by actively participating in the North Atlantic Treaty Organization.

These are highly fitting accomplishments for Italy, a nation whose democratic roots stretch back to ancient Rome. For more than 2,000 years, the world has benefited tremendously from Italy's contributions to the arts, law, literature, religion, science, philosophy, and other fields. Italy's innumerable achievements since World War II suggest a destiny of success. I firmly believe that Italy's future is as bright as the spirit of her proud people.

On that note, Madam Speaker, I would like to offer my congratulations to the Italian people on this 46th anniversary of the founding of their Republic. I also would like to offer on this occasion my best wishes to all people of Italian descent in the United States, around the world, and of course, in the 11th Congressional District of Illinois, which I am honored to represent.

In the 46 years since the rebirth of democracy in Italy, her people have endured great sacrifices. It is highly appropriate then that they may now enjoy the benefits of their hard-won freedom. May the Republic of Italy continue to experience prosperity, progress, and stability, and may the friendship between our countries and our people continue to flourish in the years ahead.

IMPLEMENTING A BALANCED BUDGET CONSTITUTIONAL AMENDMENT

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California [Mr. PANETTA] is recognized for 5 minutes.

Mr. PANETTA. Madam Speaker, today I am introducing legislation to establish a mechanism for enforcing a constitutional amendment requiring a balanced Federal budget.

The Balanced Budget Enforcement Act of 1992 would require a gradually increasing amount of deficit reduction each year, leading to a balanced budget by 1997. The President's budget, the annual concurrent resolution on the budget, and enacted legislation would be required to meet those targets. If the goals were not met by the enactment of specific spending cuts or tax increases, sequestration—across-the-board spending cuts and surtaxes on corporate and individual income taxes—would be ordered.

It is increasingly likely that Congress will recommend to the 50 States a constitutional amendment requiring a balanced budget. What is unclear, however, is how such an amendment would be enforced. In my view, we need an enforcement mechanism that is tough and workable. This legislation seeks to provide that kind of mechanism.

Like the Gramm-Rudman-Hollings and Budget Enforcement Acts which are its predecessors, this measure seeks to pressure the President and the Congress to make the tough policy choices needed to achieve deficit reduction. And like those measures, it imposes an across-the-board solution when the regular budget, reconciliation, legislative, and appropriations processes fail.

Unlike those laws, however, it seeks to make sequestration as fair as possible, eliminating exemptions from spending cuts and adding taxes to the mix in order to ensure that the wealthy bear a share of deficit reduction. At the same time, the process limits the amount of damage that can be done to the entitlement programs that exist for the most vulnerable in our society.

Madam Speaker, I have long believed that no process change can endow the President or the Congress with the courage or the political will to make tough budget choices. But clearly, if a balanced budget constitutional amendment is adopted, we would be irresponsible not to seek to enforce it. Without a strong, orderly enforcement process, the result could be chaos. I hope my colleagues will join me in supporting this difficult but necessary procedure.

Following is a description of the Balanced Budget Enforcement Act of 1992:

BALANCED BUDGET ENFORCEMENT ACT OF 1992

Purpose: The purpose of this Act is spelled out in Section 2 of the Act:

The purpose of this Act is—

(1) to mandate and achieve enough deficit reduction in each year through fiscal year 1997 to eliminate the deficit by that year or, if more optimistic estimates prevail, to achieve a surplus in that year;

(2) to mandate additional deficit reduction in fiscal years 1996 and 1997, if any is needed to offset deterioration in current estimates;

(3) from fiscal year 1998 onward, to mandate whatever deficit reduction may be needed to eliminate any deficit that may be estimated;

(4) in meeting balanced budget requirements, to—

(A) determine the applicable deficit reduction estimate as close to the start of the fiscal year as possible;

(B) allow provisions for "specific excesses"; and

(C) establish a Stabilization Reserve Fund and, starting in fiscal year 1998, allow its balances to cover rainy days;

(5) to establish a Board of Estimates to arbitrate between OMB and CBO;

(6) to require the 5-year figures in the President's budget and the budget resolution to meet the provisions of this Act;

(7) to enforce each year's deficit reduction/elimination requirements through the Congressional Budget Act, including multiyear allocations and reconciliation directives;

(8) to supplement Congressional Budget Act enforcement with sequestration whenever the deficit reduction or balanced budget requirements of this Act are not met;

(9) to provide that sequestration enforces the overall deficit reduction mix among appropriation reductions, entitlement reductions, and revenue increases set forth in budget resolutions;

(10) to create a backup formula-based sequestration applicable in any fiscal year in which the deficit reduction mix in a budget resolution is not enforceable; and

(11) to provide that reconciliation savings and sequestration savings shall be permanent.

General Description: The bill establishes deficit reduction requirements, requires the President and Congress to meet those deficit reduction requirements, and has automatic sequestration at the end of any session of Congress in which the deficit reduction requirements for the budget year were not fully met.

(A) Use of Sound Estimates by the President and Congress: A Board of Estimates is established; its function is to meet twice a year, initially to establish official deficit reduction targets for the year, and ultimately to determine whether those targets have been met. It makes those determinations in each case by selecting without change either all the calculations made by CBO or all the calculations made by OMB. Those calculations follow the rules under this Act, and their product is a deficit reduction target for the budget year. The choice is disjoint; the Board may not pick some of CBO's assumptions but others from OMB, nor may it make its own calculations. The President and Congress are required to achieve the deficit reduction target chosen by the Board. OMB and CBO are required to use the economic and major technical assumptions chosen by the Board in their subsequent calculations. That requirement does not by itself produce identical CBO and OMB bill cost estimates. Identical bill cost estimates are neither achievable nor desirable; each agency acts as a check on the other. However, this system is designed to accomplish three goals; (A) to have the most realistic assumptions used for establishing the presidential and congressional budgets; (B) to encourage OMB and CBO to converge rather than diverge in their initial estimates since a set of estimates that differs substantially from the mainstream is unlikely to be chosen; and (C) to have the deficit reduction requirements be the same for the President and the Congress.

The Board makes its initial choice by January 15th (or possibly later if Congressional adjournment was extremely late, and optionally earlier if Congressional adjournment was early). The President then has three weeks to complete his or her Budget, and must achieve the deficit reduction target for the budget year chosen by the Board. In the period through 1997, the President's Budget must also meet the outyear deficit reduction targets chosen by the Board.

For fiscal years 1993 through 1996, the targets and assumptions chosen by the Board are locked in for the entire session of Congress. Thus, the Board need not meet again until the end of the session, at which time it reviews the bill cost estimates made by CBO and those made by OMB and choose one set (without modification). On the basis of that choice, either sufficient deficit reduction will have been achieved, or it will not. If not, a sequester order is issued.

The approach to meeting once at the beginning and again at the end of the session is modified starting for fiscal year 1997; with that year there is a requirement for an "August update." CBO and OMB made a new set of calculations in August, which either confirm or revise the deficit reduction target for the budget year. If more deficit reduction is required, the President must submit a new budget that meets the new target—this is the Midsession Review, whose date is moved to August 29. Congress may choose to adopt a new budget resolution, and in any event will have to meet the deficit reduction target chosen by the Board.

The budgetary and legislative system works more easily if deficit reduction targets are set at the beginning of the cycle and not changed. Clearly, it is difficult for the Government to change gears suddenly and at the last minute; it is always hard to hit a moving target. The requirement of an August update starting with fiscal year 1997 is not an ideal way to do business. However, if a Constitutional amendment requires Congress to adopt a budget that is in balance, a logical inference is that the President and Congress should use up-to-date assumptions in achieving that mandate. If it is judged constitutionally acceptable to meet the requirement based on start-of-session estimates, however, then the August update probably should be dispensed with.

Setting the deficit reduction target at the start of the session and then again in August does guarantee that Congress will adopt a budget that is balanced or be faced with an automatic sequestration. In other words, when Congress adjourns to end the session, the budget will be balanced through legislation or sequestration. However, it is possible that the estimating assumptions chosen by the Board will be wrong; a surplus or a deficit might arise to the extent that the estimates were incorrect, even without any further legislation for the fiscal year. Under this bill, the Government is neither allowed to spend such an unexpected surplus nor is it required to continually monitor the daily Treasury statement through the last day of the fiscal year to try to offset any deficit that may actually occur.

I believe there is no way to guarantee that actual outlays do not exceed actual receipts, short of handing the President unilateral power to impound funds at will (even after contracts have been signed and fulfilled) and to adjust tax withholding rates at will. I am not prepared to delegate such power to the President and this bill does not do so. The proponents of constitutional balanced budget amendments uniformly assert that their amendments neither directly grant, nor implicitly require a legislative delegation, of such authority to the President. I do not know if their constitutional analysis is sound; but taking their word as to their intent, it follows that the budget must be balanced when Congress acts on it, but that later reestimates are not by themselves constitutionally suspect.

(B) Deficit Reduction Requirements: For fiscal years 1993 through 1997, the bill prescribes a deficit reduction path. The mechanics of this are straightforward. A "current policy baseline" is defined. CBO currently projects deficits under that baseline to shrink somewhat until fiscal year 1996 (as the recession and the deposit insurance costs recede), then start rising steadily and permanently. This bill requires, and specifies by statute, $53.6 billion in deficit reduction from that baseline in fiscal year 1993, an additional $53.6 billion in deficit reduction in fiscal year 1994 (for a total in fiscal year 1994 of $107.1 billion), and so on. By fiscal year 1997, $267.8 billion in deficit reduction is required. Over the five-year period, the deficit reduction required by this Act totals $800 billion.

	Fiscal year—				
	1993	1994	1995	1996	1997
Deficit reduction	53.6	107.1	160.7	214.2	267.8

In addition to the deficit reduction specified by this Act, interest savings will occur and grow rather rapidly, simply because the Government will have a smaller debt than if the savings had not occurred. Those interest savings, when added to the policy savings specified in the Act, will produce a balanced budget in fiscal year 1997 if CBO's current estimates are correct.

Note that the deficit reduction required by this bill is stated as changes from a current policy baseline. This is necessary so that later baseline estimates can be used to judge compliance. However, it is fair to note that the 1990 budget summit, as codified in the Budget Enforcement Act of 1990, requires additional deficit reduction to be achieved (beyond the existing current policy baseline) in fiscal year 1993 through fiscal year 1995. Though this bill would replace and supersede the BEA, a relevant question is how much deficit reduction this bill would require in addition to that already required by the BEA. CBO's estimate of those figures are:

	Fiscal year—				
	1993	1994	1995	1996	1997
Additional reduction	37	65	102	153	203

There are three points to be made about requiring deficit reduction. First, the bill does not specify fixed deficit targets from fiscal year 1993 through fiscal year 1996. This is not a repeat of GRH I or II. Thus, if major fluctuations occur in the baseline because of, say, a major reestimate in the timing of deposit insurance outlays and collections, the deficit reduction requirement is not altered. The bill requires $107.1 billion in deficit reduction for fiscal year 1994 whether new estimates show the fiscal year 1994 deficit to be higher or lower than currently projected.

Second, if CBO's current projections are too pessimistic, then the $267.8 billion in deficit reduction required for fiscal year 1997 will produce a surplus. OMB's current projections imply a small surplus in that year, given the deficit reduction requirements of the bill. This bill does not include a provision to reduce the deficit reduction requirements—thus, if OMB is right, this bill requires a small 1997 surplus.

Third, CBO's current projections may prove too optimistic. If so, the deficit reduction path specified in the bill will not achieve balance in fiscal year 1997. Therefore, a fail-safe mechanism is included. Starting with fiscal year 1996, a projection will be made of the 1997 surplus or deficit assuming full compliance with the basic deficit reduction requirements. If that projection shows a fiscal year 1997 deficit rather than a balance or surplus, then one-half that deficit will be added to the fiscal year 1996 and to the fiscal year 1997 deficit reduction requirements. For example, if in fiscal year 1996 the fiscal year 1997 projection (assuming compliance) showed a $20 billion deficit, then the fiscal year 1996 deficit reduction requirement would be increased by $10 billion (to $224.2 billion) and the fiscal year 1997 deficit reduction will be increased by $10 billion (to $277.8 billion).

Then in fiscal year 1997, the deficit for the budget year—fiscal year 1997—will again be projected. By now, the deficit target has become a fixed target of zero. If a deficit is projected, the amount of that deficit will be added to the deficit reduction requirement for fiscal year 1997. This is algebraically equivalent to saying that the amount of that deficit will be that session's deficit reduction requirement. Put most simply, if a deficit is projected, the Government will have to eliminate it.

The requirements for fiscal year 1998 and subsequent fiscal years are just as simple: a current policy projection will be made of the surplus or deficit for the budget year; if a deficit is projected, the Government must pass enough laws to eliminate it.

In setting a deficit reduction target for the Government for fiscal year 1997 and thereafter, the bill takes into account that any given amount of deficit reduction will produce an extra increment of interest savings. The policy savings plus the attendant interest savings must eliminate the projected deficit.

(C) Sequestration Formula: It is my hope that the President and Congress, when faced with a deficit reduction requirement, will work together to meet that requirement. I expect that major disputes over philosophy, economic goals, and politics will make the negotiations and decisions within Congress and between the two branches contentious and difficult; I expect there will be partisan disputes. These are normal, and in the broadest sense healthy; Members are elected to be advocates for their deeply held beliefs and those of their constituents. But contention and strife should eventually lead to resolution through the legislative process. It is my hope that they do not lead to stalemate—a legislative inability to enact any law achieving the necessary deficit reduction.

But stalemate is a possibility. And a constitutional requirement does not allow the budget to be unbalanced merely because there is no majority for any given deficit reduction plan, or merely because the President could not impose his or her will on Congress, or vice versa. Therefore, this bill, like the three incarnations of the Balanced Budget and Emergency Deficit Reduction Act, includes sequestration as the ultimate deficit reduction vehicle.

The sequestration targets are based primarily (but not exclusively) on the deficit reduction target for the budget year. The budget cat has a long deficit tail; in the period from fiscal year 1993 through fiscal year 1997 we have the choice of cutting of that tail by inches or all at once. Obviously, major entitlement cuts and tax increases are likely to be enacted between now and FY 1997 to achieve balance. This bill does not require that they all be enacted this session; it merely requires that we make the first of five annual payments this session. Thus, sequestration is based on the budget-year's deficit reduction target—for this session, that target is $53.6 billion.

The bill provides two alternative forms of sequestration: Categorical Sequestration and, as a fallback, General Sequestration. Categorical sequestration divides the budgetary world into three types of budgetary action: discretionary appropriations (which cover defense, international, and domestic programs in a single group); direct spending (i.e., entitlements, user fees, and any other form of backdoor spending such as trust funds); and receipts (i.e., revenues). The premise behind categorical sequestration is similar to the premise behind the BEA; that each type of budgetary action should have its own target, should be held accountable for meeting its own target, and should not be held accountable for the failure of wither of the other two categories to meet their targets. Colloquially, this punishes the guilty and protects the innocent. It also means that if, in one category, more deficit reduction is achieved than required, the other two categories are not relieved of the obligation to meet their own targets.

It is not possible to establish in fiscal year 1993 the correct mix of discretionary reductions, entitlement reductions, and tax increases for the next five years. The world is too changeable, and the law must allow flexibility to meet new challenges. But categorical sequestration must be measured using calculations that have a statutory base. Therefore, in order for categorical sequestration to work, the Government must enact a statute at the start of each session that establishes the deficit reduction requirements in each of the three categories. (This is an algebraic requirement; that statute could, conceivably, allow deficit increasing legislation in one category, to be offset by deficit reducing legislation in the other two categories, which would also bear all the burden of deficit reduction for that session. In fiscal year 1993 through fiscal year 1997, however, for which major increases in deficit reduction are required each year, the prospects for an agreement to let any one category off the hook is extremely remote.)

The bill uses the congressional budget process to create the statute setting the deficit reduction requirements for each of the three categories. A budget resolution may (as an option) contain a "spin-off bill" that would set the percentage proportions of deficit reduction to be achieved in each of the three categories. Those proportions, when multiplied by the dollar deficit reduction requirement chosen by the Board, produce a dollar deficit reduction requirement in each of the three categories.

(The use of percentage rather than dollar amounts in the spin-off bill is irrelevant from fiscal year 1993 through FY 1996; the two are synonymous. Starting with fiscal year 1997, however, there will be an August update which will revise the deficit reduction target for the budget year. If Congress does not wish to pass a new budget resolution in September, does not wish to retain categorical sequestration, or is satisfied with the proportions enacted through the extant budget resolution, then proportions are useful. They will automatically produce new dollar targets in each category.)

Adoption by Congress of a conference agreement on a budget resolution will create the spin-off bill, which will be deemed passed by the House and the Senate. That bill will go to the President for his signature or veto, a veto could be overridden by the normal constitutional process. If enacted, categorical sequestration is in effect, but for the budget year only. The process would be repeated each year.

For the purposes of categorical sequestration, adoption of a law that provides for (or alters) the taxation of an entitlement benefit is considered a direct spending law. This make sense in two ways; first of all, taxing benefits is simply a mechanism for reducing benefits, and should be treated as a reduction in spending. Second, it gives the committees that wish to be less regressive when they cut benefits a simple mechanism (the tax code), rather than forcing them to create a complex income-based systems for reporting and awarding benefits.

General sequestration is the fallback in any budget year for which no spin-off bill is enacted. Under general sequestration there is no separate statutory target for each category. Obviously the budget resolution is a target, but absent a spin-off bill, it cannot be the base against which a sequestration requirement is measured.

Therefore, under general sequestration, if the aggregate deficit reduction target for the budget year is not achieved for any reason (i.e., because of inadequate reconciliation or excessive appropriations), there is a formula-based sequester. One-half of the sequestration is achieved through a tax surcharge on corporate and personal income tax liability, one quarter is achieved through a reduction in direct spending programs, and one quarter through a reduction in discretionary appropriations. Implementation of these sequestrations will be discussed below.

In my belief, categorical sequestration is superior to general sequestration for a number of reasons. First, it protects all the parties that agreed to the budget resolution from any major change in priorities among the three categories. Second, as noted, it protects the innocent and punishes the guilty, which is important for institutional equity among the major committees of Congress. The lack of this feature was a major flaw with GRN I and II. Third, it provides both a carrot and a stick when it comes to complying with the deficit reduction targets in the budget resolution. At least with regard to the three categories, the committees are sequestered in their own home if they fail to meet their deficit reduction target (with no one else to share the burden of their failure); at the same time, if they do meet their target, they have bought sequestration insurance for their home. I am convinced that voluntary compliance is better when there is a carrot as well as a stick. And finally, if one category achieves more than enough deficit reduction, no other category can use it; therefore, we get lower deficits. Given the magnitude of the task, every extra bit helps.

(D) Application of Sequestration: As described, sequestration occurs in three categories: discretionary appropriations, direct spending, and revenues. For discretionary appropriations, the concept is similar to existing law. That is, if a sequester is needed, discretionary budget authority is reduced across-the-board by a single, uniform percentage. There are no longer any "walls" among defense, international, or domestic appropriations; all accounts are cut to achieve the required savings. Further, there are no longer any exemptions (formerly, WIC was exempt) or limitations (formerly, Veterans medical care and some other medical programs were limited to a two percent cut under any sequestration). The President retains the option of partially or fully exempting any military personnel from sequestration, but if he uses that option, the additional amount that needs to be saved must come entirely from other defense spending. In addition, the President is given a new option to exempt some proportion of Federal civilian personnel from sequestration. This option must be across-the-board; the President cannot pick favored agencies. If, for example, he exempts 50% of civilian personnel from sequestration, this really means that funding for all such accounts (whether DoD civilians or domestic civilians) will be cut by a uniformly smaller amount, and every other program account in the government (whether missile procurement or EPA sewer construction grants) will be cut by a uniformly higher percentage.

Sequestration of revenues is accomplished by the imposition of a single, uniform percent surtax on the income tax liability of corporations or individuals. This does not increase the marginal rates by the same number of percentage points; rather, it increases tax liability by the same percent. Thus, it retains exactly the amount of average progressivity as in the current tax code. The surtax is effective with the taxable year that starts on or after January 1. This means that the amount of surtaxes collected in the fiscal year is about 9/12 (or slightly less) of the increase in full-year tax liability. Therefore, the surtax is set high enough so that the dollar amount collected in the fiscal year meets the dollar deficit reduction target for the fiscal year.

Sequestration of direct spending is accomplished by cutting payments under direct spending programs. All those programs currently subject to sequestration remain so, but the base of sequestrable programs is widened significantly by removing the exemptions for Social Security; Civil Service, Military, and other Federal retirement; the Postal Service; Veterans programs; and the low-income entitlements (Food Stamps, AFDC, SSI, Child Nutrition, and Medicaid). Medicare reductions would continue to be capped at 4%; that is, no sequester could reduce medicare payments by more than 4%. The cut in Social Security, Federal Retirement, and Veterans benefits would be capped at 2%. The cut in low-income entitlements would be capped at 1%. For both the latter two categories, a sequestration would be effective in January (or later if congressional adjournment is delayed), which means that the cut in benefits would only generate 9/12 of a full-year's amount of savings. As a result, the overall percentage would be slightly higher, in order to achieve the necessary amount of savings. The cut in benefits would be exactly that; benefits would be calculated as under existing law (including whatever full COLAs are due); then beneficiaries would receive checks that paid, for example, 98 cents on the dollar. This feature thus treats people who become eligible slightly before the date of a sequestration exactly the same way as people who become eligible slightly after that date; it prevents the creation of future "notches".

A special feature of the direct spending sequestration applies to Social Security (including Railroad Retirement Tier I). For that program, a sequester would *not* cut benefits. Instead, it would achieve the necessary savings by increasing the income tax liability of the retirees who receive Social Security benefits. Under current law, 50% of the benefits for retirees above a specified income threshold are considered taxable income. A sequestration would both lower that threshold and increase the proportion of benefits that are considered taxable income (by the same uniform percentage). This type of sequestration exempts the poorest Social Security recipients from any cuts, and achieves the savings in a progressive fashion.

Both the direct spending and the surtax sequestrations would be permanent, rather than one-year, changes in law. Since the amount of deficit reduction that is required grows significantly from one year to the next, the Government cannot afford to enforce this year's targets by one-year, temporary sequesters. While it is possible to imagine saving $53.6 billion in one fiscal year, it is almost inconceivable to save $107.1 billion in one fiscal year. Yet that would be the fiscal year 1994 requirement if fiscal year 1993 savings were accomplished through a purely temporary sequestration.

The analogy is with reconciliation. Just as we will need reconciliation savings to be permanent so that we can ratchet down the deficit one year at a time, so we will need sequestration savings to be permanent. To argue against permanent savings is, by implication, to wait until fiscal year 1997, then try to achieve the entire $267.8 billion in deficit reduction in that year alone. Of course, a "permanent" sequestration is merely a law. Nothing would prevent Congress from later repealing that sequestration if the costs of that repeal were paid for.

The fact that direct spending and surtax sequestrations are permanent means that the caps (e.g., the 4% cut in Medicare) is really a cap only on the reduction brought about through a single sequestration order. If legislative stalemate occurred two years in a row, medicare could be cut by an additional 4%, and so on. Again, this may seem extreme, but a constitutional mandate to balance the budget by 1997 is a mandate, not an option.

Finally, since the necessity of permanent reconciliation savings is obvious, a so-called "penalty sequester" is created. On top of whatever sequestration is needed to achieve a budget-year target for deficit reduction, there is an additional sequester in the budget year if the reconciliation bill does not achieve as much, on average, in the outyears as it does in the budget year. This is hardly an onerous requirement, in that real savings almost always grow over time.

All sequestrations have a "de minimis"—an appropriations or a direct spending sequestration occurs only if it is at least $250 million, and a surtax is rounded to the nearest 1-tenth of one percent. In theory, this means that very small shortfalls in deficit reduction are not offset by sequestration.

An additional feature with a somewhat similar result is that both target amount for discretionary appropriations and the measurement of appropriations compliance is achieved by measuring budget authority rather than outlays, and then multiplying that aggregate budget authority savings by an aggregate spendout rate. This prevents two games. First, it stops the President or Congress from assuming an unrealistic mix of increases in slow-spending appropriations; we cannot load up our budget with budget authority and pretend that outlays won't occur. Second, it removes any possible advantage to the recent practice of "delayed obligations". The Appropriations Committee will be judged by how much they appropriate, not how slowly they let it dribble out. However, this feature leaves open the small possibility that actual outlays will be slightly higher than outlays recorded for purposes of meeting the deficit reduction targets.

Both the de minimis and obligation/outlay features of this bill are offset by the requirement that, starting in fiscal year 1997, $2 billion per year be paid into a Stabilization Reserve Fund. Because of that payment, the bill actually aims for a $2 billion surplus each year, offset by the trivial slippage allowed under the de minimis rules and the appropriations crediting rule.

In addition, the Stabilization Reserve Fund will receive amounts equal to any actual surpluses that the Government rules. If the Government is provident enough to run surpluses during good economic times, then these surpluses can be transferred to the Treasury by enactment of a law during bad economic times, to help pay for the costs of a recession. 34 States specifically provide for such rainy day funds, and virtually every State achieves that result by putting the balances from the prior year on the books of the current year. I believe that this approach, which requires that we must run surpluses before we can spend the money that is saved, is consistent with the intent of the sponsors of various constitutional balanced budget amendments.

(E) Budget Act Changes: The Congressional Budget Act is changed in ways to make it consistent with the requirements of this Act. Primarily, this requires making budget resolutions enforceable over five-year periods. That is current law, but that feature is due to expire at the end of fiscal year 1995; this bill makes it permanent. Likewise, the definition of budget authority needs to be made complete in order for the control of appropriations through limits on budget authority rather than outlays to be fully effective. Finally, given that approach, Senate points of order that depend on spendout rates and other aspects that purely affect outlays are eliminated.

THE HAITIAN REFUGEE CRISIS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Michigan [Mr. CONYERS] is recognized for 60 minutes.

Mr. CONYERS. Madam Speaker, the Haitian refugee crisis has gone from bad to worse.

We are now saying, "Sorry, the inn is filled up and we are not willing to help Haitians in their struggle against repression and domination."

The irony is that today, May 27, is exactly 53 years earlier that the Hamburg American Lines Cruiser, the *St. Louis*, arrived in the Caribbean. On board were 930 passengers who had a red "J" stamped on their passports identifying them as Jewish refugees fleeing Hitler's Germany. With embarrassment and the only other time that has happened, the Jews on the *St. Louis* could find no sanctuary in the United States.

This weekend on the golf course, the President determined that there would be no further processing of Haitians, and by Executive order he declared that they would be picked up in their ships and returned to Haiti. Forgetting, I hope, that one out of two of these boats never make it to the United States, he has now indulged in a policy of drowning, because who is to say which of these rickety craft that made it over here on a 50-percent chance will ever make it back to the shores of Haiti.

No more question about political asylum as a reason or economic asylum as a reason. No more question about the laws of the U.S. immigration, no more concern about in the international treaty that has been our guide in immigration matters, the Geneva accord, since 1968. From this point on, unlike any other case other than the voyage of the damned in 1939, 53 years ago today, the President now says nobody will be processed from Haiti who comes to these shores.

Madam Speaker, I would like now to yield to several of my colleagues who have brief comments. I would start off with the gentleman from New York [Mr. RANGEL], whose leadership in this matter has been exemplary. I refer to the chairman of the Narcotics Committee, and I yield to the gentleman from New York [Mr. RANGEL].

Mr. RANGEL. Mr. Speaker, I thank the gentleman for yielding to me, not only for having this special order, but for being involved with the leadership of the Congressional Black Caucus who has brought this moral and this legal issue before the Congress, and I am so pleased to see we are joined by so many of our friends.

You know, if this country was not so small, if it were not so poor, if they were not so black, we would never even concede that a great power like the United States of America would send its ships to this country and under no color of law determine that they cannot leave the country. If they do, we are going to return them to their country.

We might say that is because we are trying to save them from themselves. They are escaping from a building on fire and we are taking them, saying that you will be better inside this building than you would outside on a Coast Guard cutter.

But the truth of the matter is that we have signed international agreements and we have said that we will give political asylum to those people who are suffering political persecution. Even under the high artificial standards that are set by the Immigration Service, even as we find these awkward people on boats trying in broken Creole to say whether these people are political or economic, because it is hard to believe that you can be poor and black and hungry and still be subjected to political persecution.

Thirty percent of the people who have been screened have reached these standards. So you have to assume that not only are we violating the principles of international law in stopping them, but we also are violating the law in not allowing those who are eligible to come to the United States.

I have never felt more proud of my country than I was when I was with Assistant Secretary of State Lawrence Eagleburger at the OAS Conference that was held last weekend, where America's voice was heard loud and clear that we will not allow the international community to recognize this illegal and immoral military coup government and that they will not be recognized until they restore democracy and President Aristide.

I was waiting for the President of the United States, the leader of the free world, the leader of the new world order, to get this report from his Secretary of State and to tell the free world that you can count on the United States for help.

□ 1910

And the President has said now, "We are going to enforce an embargo." I shared with the President this morning that an embargo that includes oil is long, long overdue. But, I said, "Mr. President, if you just enforce the embargo, which is going to bring further pain and suffering on the poor, without personally interceding and providing the leadership to let these people know once and for all that they are going to have to yield to democracy, then it is not worth the effort. We need the diplomatic initiative on the highest possible levels if we are going to employ those types of sanctions."

So I implore the religious community as well as our leaders around this country, if there ever was a time, no matter whether you are black or white, whether you are Jew or gentile, whether you are Protestant or Catholic, it is something immoral to say that there is, "no more room in the inn."

I thank the gentleman from Michigan for taking this special order to give us an opportunity to share our views in the CONGRESSIONAL RECORD.

Mr. CONYERS. I thank the gentleman for his comments, and I yield to the gentleman from New York.

Mr. GILMAN. Madam Speaker, I thank the gentleman for yielding and commend him for his remarks in behalf of a critical issue. I want to congratulate the gentleman from Michigan for taking this special order.

Madam Speaker, the people of Haiti have long suffered under the brutal and arbitrary rule of dictatorship. In 1986, the Haitian people demonstrated incredible courage when they ousted the then President-for-life Claude Duvalier. In 1987, an overwhelming majority of Haitians declared themselves in support of democratic rule by approving a constitution, which established a legal framework for the election of a civilian government.

In 1987, the Presidential election was cancelled due to widespread violence in Haiti on the day of the election. On December 16, 1990, in a free and fair election, Jean-Bertrand Aristide was elected President, by almost 70 percent of the vote.

Mr. Speaker, with the democratization of Eastern Europe before us, many of us were willing to believe the ways of the Haitian dictator was almost over—but on September 30, 1991, elements of the Armed Forces launched an attack against president Aristide and the people of Haiti, forcing the President of leave Haiti with the Haitian Government in the hands of a military junta. While we certainly recognize that the duly elected government of Haiti did not have a stellar human rights record, it is still, in fact, the duly elected Haitian Government.

Throughout the entire period of tumult in Haiti, I have kept a watchful eye on developments in that nation. Just a few months ago I accompanied the distinguished gentleman from New York [Mr. RANGEL] to Haiti. After our extensive series of meetings with Government officials, military offices, and private citizens, our delegation came to the conclusion that some of the refugees being forcibly repatriated could face repercussions from the illegitimate government that rules Haiti.

I have raised this matter with the Attorney General of the United States in the recent past, and I remain firmly convinced that it goes against the very nature of our national character to force these refugees to return to Haiti.

Since the fall, the United States Coast Guard has picked up some 30,000 Haitians. Of these, roughly 14,000 have been returned to Haiti after being screened by the INS, 8,000 have been permitted to seek political asylum in the United States, and 12,000 remain at the Guantanamo Bay Naval Base in Cuba.

Some have contended that the Haitians fleeing Haiti are economic refugees. We recognize that poverty is nothing new or recent to Haiti. It is the repression by the military dictatorship currently in power that these people seek to escape.

Mr. Speaker, I want to thank the gentleman from Michigan [Mr. CONYERS] for his outstanding efforts in arranging this special order. I call upon our executive and legislative branches to work together to forge a humane and acceptable policy to resolve this crisis until democracy is restored to Haiti.

Madam Speaker, again I thank the gentleman for yielding.

Mr. CONYERS. I thank the gentleman from New York [Mr. GILMAN], my colleague and friend for his remarks, which are very important and timely. He has joined us in the well before to raise this issue, and I am honored to have him in this discussion with us.

Madam Speaker, the administration of the incumbent President has done, in other instances, exactly what we ask him to do in this instance: to grant temporary safe haven until a democratic government is restored.

After all, we refused to recognize the dictatorship in Haiti. We know that it is a terroristic, military-operated criminal operation that cannot stand the scrutiny of a diplomatic examination. So the striking irony is that what we are asking for Haiti has been granted by President Bush to the Lebanese, to the Liberians, to the Palestinians, to the Chinese. Why not the Haitians?

It has been granted in other instances—to Hungary, Romania, Cuba, the Dominican Republic, Czechoslovakia, Chile, Vietnam, Laos, Cambodia, Ethiopia, Uganda, Iran, Nicaragua, Afghanistan, Poland, El Salvador, the People's Republic of China, Liberia, Somalia, Kuwait—but not the Haitians.

I think we have now reached a groundswell in American public opinion where common sense requires us to, again, through the legislative route, petition the President.

I would now like to yield to our colleague and distinguished friend, the gentleman from Indiana, Mr. ANDREW JACOBS, who has been a former member of the Committee on the Judiciary and whose concern in this area and in human rights generally has made him an important contributor to issues of this kind.

Mr. JACOBS. Madam Speaker, I thank the gentleman from Michigan [Mr. CONYERS] for yielding to me, and I am particularly appreciative of the gentleman's historic perspective on this unhappy hour for our beloved country, namely the rejection of Jews who were the subject of persecution in Nazi Germany by our own beloved country, a dark moment in American history which could never happen again—until now.

I just wonder how many people in this country who are really, really honest with themselves would deny the obvious reason for all this. Why the Jews? Why the African-Americans? Why not anybody else?

And to compound the outrage is the fact that this Government, this administration, which is a continuum of the 1980's administration, has sent young Americans to foreign countries to end their dreams, their lives, their beings forever to protect freedom in countries where there was absolutely no freedom to protect.

Here was a country, as has been pointed out, where the leader was freely elected by 70 percent of the public. Now I really believe the administration—I think it goes deeper than just this, just how people in the administration see the world from, as the gentleman says, a golf course or perhaps even the locker room of a country club, and that is this: I believe this administration has discovered a new form of public finance of campaigns. If you can use your official office to send a signal, why waste money on a Willy Horton ad?

Madam Speaker, again I thank the gentleman from Michigan for yielding.

Mr. CONYERS. Madam Speaker, I thank the gentleman for his observations. I would like to point out that it has now been brought to our attention that there are things that can be done. There are those who consider this to be an impossible situation. But if the OAS embargo was raised to a United Nations embargo, we would stop the filtrations of European products and oil that are coming in. If we would cut off the visas of the foreign flights that land regularly from Haiti to Miami and close down the bank accounts of those who are supporting this incredible terroristic government, we could begin to put a circle around these predators of their own nation.

□ 1920

If we were to send in from the United Nations an investigatory force to determine the circumstances that exist, incredibly enough the State Department still maintains that no one person repatriated has been subjected to violence or death, even in the face of eyewitness reports, testimony from Amnesty International, the Washington office on Haiti and individuals who have been there and report the violence.

So, Madam Speaker, there are things that are not being done that send an oh-so-discrete signal to those vicious thugs in Haiti that really deep down this administration is not that concerned about restoring democratic rule. Deep down Kuwait is more important than Haiti. Deep down stopping Iraq is more important than Haiti. Deep down invading Grenada is more important than Haiti. Deep down bombing Libya is more important than protecting democracy in Haiti.

I am now pleased to recognize the gentleman from Pennsylvania [Mr. FOGLIETTA], the chairman of the urban caucus, one who has worked with us on human rights issues from the first day he entered the Congress.

Mr. FOGLIETTA. Madam Speaker, I rise today to express my strong opposition to the Bush administration's decision to immediately return sea-going Haitian refugees to their country. No interview, no screening, no hearing to determine if they deserve political asylum. This policy is hard-hearted, immoral, and even racist.

At the heart of this wrong-headed action is the failed United States policy toward Haiti. Just a short time ago this administration organized an international effort to restore the royal family to the throne in Kuwait. Not too long ago, this administration invaded a country in this hemisphere to bring down a military dictator and alleged drug dealer.

But when real democracy is in danger, this President is nowhere to be found. Where is the President who organized an international effort in the Middle East? Where is the President who talked about a new world order?

We now see how thin President Bush's words were 1½ years ago. We now see that President Bush's new world order is a vision for just part of the world as he defines it.

Madam Speaker, we must decide what is in our national interest. Haiti is a desperately poor country right on our doorstep.

We have an interest in seeing that Haiti is stable, prosperous, and democratic. Our policy must reflect this interest. We talk a lot about democracy and fundamental human rights. Sadly, however, too often our action is less than our words.

Well, Madam Speaker, it is time to change our policy towards Haiti. It is time to show what we will do when we are faced with a true and immediate threat to democracy on our doorstep. The best way to stop the flow of refugees is to stop its cause. We should move immediately to restore democracy to that nation.

Again, Madam Speaker, I thank the gentleman from Michigan [Mr. CONYERS] for this opportunity.

Mr. CONYERS. Madam Speaker, I thank the gentleman from Pennsylvania [Mr. FOGLIETTA].

Many years ago I met, fighting for jobs, justice and peace, a municipal elected official of Philadelphia whose burning passion for democracy has led him to hold now a seat in the Federal legislature, and I am pleased that he shares this special order with us tonight, and I yield now to the gentleman from Pennsylvania [Mr. BLACKWELL].

Mr. BLACKWELL. Madam Speaker, once again we rise to address the adversities that plague the people of Haiti. Over 30 years ago, as a labor leader, I attended many meetings in Miami, FL, and I watched as the Cuban refugees came to this country, and I watched as they were allowed to partake of every good thing that this country has to offer, and today there are great people in the city of Miami. And over the years I have watched as the Vietnamese have come to the city of Philadelphia. I watched as the Hmongs have come to the city of Philadelphia. I watched as the Cambodians have come to the city of Philadelphia. I watched as the Japanese and the Koreans have come to Philadelphia. Great people. Great people. They are doing a very fine job.

Madam Speaker, there is something wrong with a country that does not respect persons, and that is what is happening in this country today. Scripture tells us not to be a respecter of persons. Well, I say to great Russia, "We spent all this money on defense to defend this country to defeat communism, and today we tell the people that we were afraid of, that were going to destroy the world, we say to them, 'Come sit beside us and be our partners in this thing called the world. We're going to give you $24 billion that we do not have while our people are sleeping on the streets.'"

Yet, Madam Speaker, when it comes to a little, small country like Haiti that needs help, we say to them, "You can't even come to these shores." We say to them, "It's all right for the little babies to drown in the ocean."

Prophet Micah says, "What does the Lord require of me but to do justly, to allow mercy and to walk with thy God?" Where is the mercy for the Haitians? Where is the justice for the Haitians? Why are we arrogantly, not humbly, saying it is all right for them to be mistreated in their own country, to be slaughtered, to be shot down, chase the newly elected President out of the country and say, "It's all right for that to happen."

It is all right to go into other countries to stop that, Madam Speaker, and yet today we would turn these people back after, after placing an embargo on this country so that no jobs are going in. According to the gentleman from New York [Mr. RANGEL], he reported to us last week, and he is doing a magnificent job in reporting to us making sure we know what is going on in the country, but after the President's embargo and having pain and suffering, having men and women that are suffering, then we say they cannot come to these shores.

It is a sin before God. It is the most outrageous thing that this country has ever done. I have seen this administration do many things, but I never thought that they would turn people back just for one reason, because their skin is of a darker hue than anyone else. No one in the history of this country has ever been turned away from these shores, but no one, so it is time, Madam Speaker, to be fair to the Haitians, do justly, love mercy and to do it in the name of the Lord.

□ 1930

Mr. CONYERS. Madam Speaker, I believe we now have a new and spirited determination in the House to turn around this policy of drowning that cannot be allowed to be maintained.

It is with great pleasure I yield now to the gentleman from Hawaii [Mr. ABERCROMBIE], who is so outstanding that he has already become the leader of the freshman Members of Congress.

Mr. ABERCROMBIE. Madam Speaker, I have with me a copy of today's Washington Post. If you can see this picture, Madam Speaker, you will see that the words beneath this picture say, "One of the initial returnees." They are called returnees.

We have these marvelous ways of creating expressions to be attached to human beings in chains under threat of torture, those who have experienced the terrors of leaving Haiti, trying to escape desperately to freedom. They are now returnees, as if they were coming home under the new rules.

I find it fascinating that the Post can print this. "One of the initial returnees under new rules."

What are these new rules? The new rules are to be fingerprinted by the Haitian police—by the Haitian police. We all know what fingerprinting is all about in a police station, and we certainly know what it is in a police station in Haiti. It is the formal recognition that that person, who has been forced back to Haiti by the actions of the United States of America—give me your poor, give me your wretched, give me your oppressed. That is what we say at the Statue of Liberty.

I put my few dollars that I was able to get together toward the Statue of Liberty restoration. Mr. Iacocca and the rest of the committee who were so proud of their heritage, so proud of those people who left oppression and injustice in their lands, who came through Ellis Island, to restore that statue. That is what they said, because that is what America is all about.

There are all kinds of people. It is not just people of color. It is people who have known oppression and injustice.

My Scotch ancestors were run off their land by barons and nobles. We even use the word today, oh, what a noble attitude.

I will tell you what a noble is. A noble is a thief and a torturer and a murderer who lives off the sweat and labor of other people. They enclosed their land with fences. They enclosed people.

What they did is they put animals ahead of people. Of course, my ancestors, they were so stubborn they went to Ireland and they got their lesson all over again.

A pig on the road had the right-of-way over a human being if he or she was Irish. They came thence to Canada and then to the United States, and they found freedom in the United States.

Nobody asked my grandfather whether he was Scottish or he came from Ireland or came through Canada. They wanted to know if you can handle this eight-horse team. That is where the name "teamsters" came from, because he could handle an eight-horse team.

He delievered on that wagon. All he asked for was a chance to work.

My other grandfather delivered coal, tons of coal, and he had to have a shovel in his hand. He had to go down to the coalbins in Buffalo, NY, and shovel that coal into that big truck, and then shovel it again into the coalbins all over Buffalo by hand. Nothing was automated. The sweat of his brow and the strength of his back, that is all they asked from my grandfather. It is all this country asked, "Are you willing to work? Are you willing to make your contribution to this society?"

He did not get fingerprinted in any police station. Not in this country. That is not what it was supposed to be about.

But that is what we are doing today to our neighbors. Is this not the country with the good neighbor policy? Are we not supposed to in this hemisphere work with one another and be good neighbors to one another?

How is it to be a good neighbor to send a small child back into the ocean? I come from an island people. Hawaii is in the middle of the ocean. I recognize that every time I go back looking down. I know what the limits are, and I know what that ocean is.

The power and the majesty of the ocean takes precedence over any human quality. The people of the islands, the Polynesian people have taught all of us who have come to live in the islands that nature comes first and nature rules.

Who are we to talk about returnees? These poor people in these poor rickety little boats, subject to the power of nature and the ocean. Do you think this is a cruise? This is not the President and the Vice President and some of their rich friends out on a cruise. This is not America's Cup. This is not America^3 and $65 million given to a foundation so you can get tax benefits out of it. This is not gentlemen sailing on the ocean for their pleasure.

These are people who face murder, who face the disintegration of their families, who understand that unless they escape they are going to die. This is what this is about.

This is what this picture is about, with this little benign phrasing underneath it, "The returnee under the new rules."

I ask you, Madam Speaker, what will those new rules be, besides fingerprinting?

The administration's decision to forcibly—forcibly—return, that word was left out. This is not the forced returnee, this is the returnee, as if you are coming back from a sail in the afternoon from the yacht club.

This is Haitians fleeing an illegal military dictatorship which contravenes all the principles of human rights. Furthermore, this policy violates the United States Refugee Act of 1980, articles 13 and 14. I can get legalistic like the President does, too.

I will tell you what articles 13 and 14 say of the universal declaration of human rights. Universal, it applies to all of us.

Article 33 of the U.N. Refugee Convention and Protocol. This is what we tried to do. This is what the President told us we were supposed to be. We were supposed to be neighbors in the world. We were supposed to be a rainbow of people in a new world order all going to look out for each other.

It prohibits the return of a refugee in any manner whatsoever to a place where his or her life would be threatened. That is what it says.

We can either believe it or not. There is no in between, not as far as this Member is concerned.

Madam Speaker, sending these refugees back to Haiti will not solve the grave situation which exists there today. Thousands of people are in hiding. Torture, arbitrary arrests, and extrajudicial executions are being committed by security forces of the military.

In addition, since the United States-backed embargo began in October, the economic climate of Haiti, as has been pointed out by others, has deteriorated.

Madam Speaker, I am sorry to say that some of our allies, particularly those in the European Community that are now preaching to us as to what we should do in trade policies, are trading with these people. They are gangsters, they are murderers, they are torturers. I cannot be any more explicit.

I am standing here on the floor of the U.S. House of Representatives. I am proud to be here. I looked at the word "justice" right behind the gentleman from Michigan [Mr. CONYERS]. Right behind the gentleman from Michigan [Mr. CONYERS] right now is the word "justice" engraved on your podium, Madam Speaker.

That is what we are supposed to be for. It is not just a word, it is not just a concept. It is something we are supposed to embody here as the representatives of what the Constitution means here in this country.

So with violence and repression widespread, it is no surprise that Haitians have fled Haiti for the United States, because we are the dream. They look to us, not to be their savior, but to be their brother, to be their sister, to reach out to them in friendship.

They expect that from us. These are desperate people, Madam Speaker. The United States must not turn its back on them. We need to reverse the administration's hypocritical and inhumane policies. They need our protection, not our mistreatment.

For this reason, I urge you, Madam Speaker, and all of our colleagues to support legislation to grant temporary protected status to Haitians until such time as the democratically elected government is restored. The way to do that is for us to join together to see that that embargo works and that it works across the board, and that our allies are not allowed to be allies unless they fulfill their obligations as allies.

□ 1940

The least that these people can expect from us is the temporary protected status that should be granted to anyone seeking freedom under the condition that the Haitians face today.

Madam Speaker, I have with me a copy of today's Washington Post which shows the photograph of one of the initial Haitian returnees being fingerprinted by Haitian police. Do we know the current status of this individual? It is a fact, Madam Speaker, that these refugees face torture and execution upon their return.

The administration's decision to forcibly return Haitians fleeing an illegal military dictatorship contravenes all the principles of human rights. Furthermore, this policy violates the U.S. Refugee Act of 1980, articles 13 and 14 of the Universal Declaration of Human Rights, and article 33(1) of the U.N. Refugee Convention and Protocol which—"prohibits the return of a refugee in any manner whatsoever" to a place where his/her life would be threatened.

Madam Speaker, sending these refugees back to Haiti will not solve the grave situation which exists in Haiti today. Thousands of people are in hiding. Torture, arbitrary arrests, and extrajudicial executions are being committed by security forces of the military. In addition, since the United States-backed embargo in October, the economic climate of Haiti has deteriorated. Unfortunately, this has not deterred the military rules from holding on to power.

With violence and repression widespread, it is no surprise that thousands of Haitians have fled Haiti. These are desperate people, Madam Speaker. The United States must not turn its back on them. We need to reverse the administration's hypocritical and inhumane policy. They need our protection, not mistreatment. For this reason I urge my colleagues to support legislation to grant temporary protected status to Haitians until such time as the democratically elected government is restored.

I come from an island people.

Do you know the power and majesty of the ocean?

Mr. CONYERS. Madam Speaker, I yield to the distinguished gentleman from New Jersey [Mr. PAYNE], who serves on the Committee on Government Operations as well as the Committee on Foreign Affairs.

Mr. PAYNE of New Jersey. Madam Speaker, President Bush has again demonstrated his insensitivity to people of color by his latest action to send back Haitian refugees without proper screening procedures to determine their rights of asylum.

By forcing refugees to return to Haiti where their lives or freedom would be threatened, President Bush has topped his lack of leadership following the Rodney King decision and the ensuing reaction in Los Angeles.

And of all the times for President Bush to implement this new policy, he selected the Memorial Day weekend, a time when we remember the many black and other minorities who served so gallantly along with their white brothers and sisters in our Armed Forces.

We also have a debt to pay the Haitian people on Memorial Day. Few of us can recall the history of the Revolutionary War.

At that time there was a voluntary battalion of 1,550 French Haitians who fought side by side with us against the British in the battle of Savannah. And that battalion, President Bush, included a black unit called a Company of Color.

The Haitian people are our neighbors. They are not way off somewhere in Asia, Europe, or even Africa.

They are only a few hundred miles from our shore. They are a kind and gentle people whose colorful art decorates many American homes. Why then do we treat these friends in such an unwelcoming manner?

President Bush states this is for their safety, and they can apply for asylum in the United States at the U.S. Embassy in Haiti.

Yet, we all know the United States has reduced its personnel in the Embassy as a show of disfavor to the Haitian Army coup that caused their democratically elected President Aristide to flee the country.

Today, I received a report from Mr. Worth Cooley-Prost, who is at the dockside in Port-au-Prince monitoring the forced return of the refugees.

Mr. Cooley-Prost, who is president of the board of directors of the Washington office on Haiti, said that when the arriving refugees were told to go to the United States consulate, numerous attempts were made to phone the consulate and the phone at the consulate was never answered.

The refugees at the docks expressed fear of going to the consulate and did so only when accompanied by an American volunteer. The refugees complained of long interrogations that tried to prove their claims false.

At the docks the refugees were further intimidated when the Haitian military took their fingerprints. Some were even singled out for a second fingerprinting by the police.

When asked why, the American volunteers were told by an unnamed U.S. consulate officer at the docks that those doing the fingerprinting could not even read them and were doing it for intimidation purposes only.

President Bush said there is no more room at Guantanamo. True, the old aircraft runway there is crowded with refugees.

And, it also gets hot in tents erected on the runway with summer coming. Water is provided through pipes laid on the surface and when the temperature reaches well over 100 degrees, we are told the water is virtually undrinkable. But, there is plenty of other open space at Guantanamo if the refugees could just be taken off the runway.

The State Department reports they have interviewed 1,800 of the first 11,600 involuntarily returned refugees to Haiti. In not even one of these interviews do they report any persecution taking place.

I have a hard time reconciling this clean report with others we read from respected human rights groups.

It is obvious to many that when people live in an environment of killing and reprisal taking, that they would be hesitant to say things that would bring further harm. When a GAO report was requested by Chairman CONYERS of the Government Operations Committee, we found out that mistakes were made at Guantanamo Bay by our Government; 54 refugees were sent back to Haiti, whom our Government certified had credible asylum claims.

There also could be mistakes made in the methodology used in the interview of the 1,800. I believe we should also have an investigation by GAO of those interviews.

Madam Speaker, I feel that the American people are being subjected to a program of disinformation by our own Government. Surely, these actions do not represent the heart and values of the American people.

We can do better.

Mr. CONYERS. Madam Speaker, I insert for the RECORD the documents, depositions, and affidavits that attest to harm of 14 people who were forcibly repatriated Haitians.

TESTIMONY OF YALE LAW SCHOOL AT APRIL 9, 1992, GOVERNMENT OPERATIONS HEARING

APPENDIX D: PLAINTIFF' EVIDENCE IN HAITIAN CENTERS COUNCIL VERSUS MCNARY—RE: HARM TO FORCIBLY REPATRIATED HAITIANS

Gene McNary, Commissioner of the Immigration and Naturalization Service, alleges that the INS has found no credible evidence of persecution of Haitian refugees forcible repatriated to Haiti. The GAO reports that its findings regarding the treatment of forcibly returned refugees is inconclusive. Here we attach specific evidence from documents, depositions and affidavits submitted and/or gathered for *HCC* v. *McNary*, that attests to harm to 14 people who the INS forcibly repatriated. We also attach copies of some of the exhibits entered in that lawsuit that describe this persecution in further detail.

Executive Summary

1. Luma Dukens, was repatriated to Haiti on November 20, 1991. Upon his return, he was tortured by soldiers. The military told him they would counter the efforts of people escaping Haiti by beating, imprisoning, and killing returnees, and disposing of their bodies so that no one would know what happened to them. (P.E. 28, Affidavit of Luma Dukens).

2. Marie Zette was a young Haitian woman who had fled Haiti, had been screened-in, and who was forcibly repatriated by the INS. The day after she was sent back to Haiti, her name was called to go to Miami for asylum processing. About two weeks later, relatives of Marie Zette arrived in Guantanamo. They said she had been killed by Tonton Macoutes while she slept, the very first night of her forced return to Haiti. (P.E. 52, Affidavit of Marcus Antoine).

3. Jeanette Bousico was a woman repatriated to Haiti by the INS. Upon her arrival she was murdered by the military. Her story was reported on Radio Soleil on or about February 15, 1992. (Declaration of Kate Ramsey).

4–7. Harold Fremont, Eugene Miclis, Yvela Fremont and Jocelyn Clairemont are four cousins who were repatriated on March 27, 1992. All four of these people were "mandateurs," Aristides's official election observers. Mandateurs are now primary candidates for persecution by the Haitian military. The cousins had been put into Camp 3, a camp for screened-in-people. Also, their three cousins, who had similar experiences in Haiti, were put in Camp 3 and now are in the U.S. for asylum proceedings. The four repatriated cousins are currently in hiding in Haiti. (See P.E. 54, Affidavit of Jerry Salut et al.; Declaration of Kate Ramsey; Affirmation #2 of Jordan Levine; P.E. 49, Affidavit of Anne Fuller and Manifest).

8–9. Ernest Belisere and Jean-Michel Pavaluce were repatriated to Haiti in February, 1992, after being screened-out. Rather than go back to stay with his wife and seven children in Port-au-Prince, Ernest Belisere is in hiding because he is too well known as a painter of political murals in his home town. His neighbors tell him that the police are looking for him as a result of these murals. His brother-in-law, Jean-Michel Pavaluce is in hiding with him because his name appears on a death list. (National Public Radio's Morning Edition, February 11, 1992).

10. Harold Laurent was a Lavalas supporter who only had five minutes to tell his story on Guantanamo before he was repatriated. He planned on going into hiding because otherwise he would be killed. (See P.E. 61, "Toronto Star" article).

11–12. Elie Rocher and Direst August were sent back to Haiti three days before their names were called as people boarding a plane for the U.S. (See Affirmation #1 of Jordan Levine, in which Elie Rocher's name is misspelled as "Elie Roche").

13–14. Louissera Merzier and Rodrigue Jacinthe were both people held in Camp 3, a camp for screened-in refugees. They were sent back to Haiti on March 27th. (See P.E. 55, Affirmation of Jeannie Su, P.E. 49, Affidavit of Anne Fuller and Manifest).

For additional accounts of harm suffered by people forcibly repatriated to Haiti, see e.g., the January 23, 1992 memo from Scott Busby to Gregg Beyer and the Deposition of Grover Rees, General Counsel, INS. (P.E. 50 at 66–67).[1]

Persecution of Repatriates

The following are detailed accounts of the harm that befell Luma Dukens, Marie Zette and others who were repatriated to Haiti by the INS. Some of these people fled Haiti once, only to be returned and persecuted. They fled again. Others never had the opportunity to flee a second time because they were killed by the military upon their return.

1. Luma Dukens

Luma Dukens was a member of his local peasant group, called Mouvement Peyizan Papaye (MPP). Groups such as his cropped up all over Haiti in the wake of Aristide's election, and its members were avid Aristide supporters. He worked with his group, cleaning up his community and running literacy programs. After the coup that ousted Aristide, Luma Dukens participated in demonstrations against the military in the streets of his neighborhood. On the day after the coup, he broke his leg while fleeing from the military, but he was too afraid to go to the hospital and get medical care. He hid in the bush for a while and then he finally decided to flee with a group of others. His friends carried him to the boat because he was unable to walk on his broken leg.

Luma Dukens was picked up by a Coast Guard cutter soon after he fled. He was subjected to a short interview aboard the cutter. The interviewer and interpreter did not identify themselves, and he was very frightened during the interview. In addition, the interviewer did not inquire about Luma Duken's specific political involvement. He was very frustrated during the interview and felt that he was being continually cut off. After the interview he was taken off of the cutter briefly in order to have his leg put in a cast. Then he was returned to Haiti.

---

[1] The cites that appear at the end of each narrative refer to some of the 70 plaintiffs Exhibits filed in *HCC* v. *McNary*. Please reference these materials for a more detailed description of each story.

Upon his return, he was greeted by the Haitian Red Cross (which is not a member of the International Red Cross). He also met a sea of cameras. He was fearful that Tonton Macoutes were taking his photograph, and if they had his picture, they would identify him as a member of Aristide's movement, and would come after him. The Haitian Red Cross provided him with bus fare and a van ride to the bus terminal. Before the van left, soldiers stopped it and asked for his parents' names, his address, age, and how he broke his leg. He told them the truth because he was not sure whether or not his file from the Coast Guard cutter, which contained the actual information, had made it into the hands of the military.

Luma Dukens traveled only as far as his cousin's house in Cite Soleil because he did not have enough money to go all the way to his mother's house in Cap Haitien. His cousin gave him money to continue his journey, and the next morning he left in search of transportation. As he struggled to walk, he was stopped by members of the military. These soldiers asked him who he supported in the election. He lied, because he was fearful for his life, and said that he supported Marc Bazin, and that members of Lavalas, Aristide's party, had broken his leg. They forced him to walk with them, on his broken leg, to a house, where they pressed him further. They forced him to lie on his stomach, and they beat him with a stick on the left side of his body—the same side as his broken leg. He refused to change his story and continued to pretend that he hated members of Lavalas. They did not believe him and persisted in the beating. After they finished, they let him go because, they said, they wanted others to see him and to know that this is what would happen to them if they left Haiti. One soldier told him, "[T]hose of you who are leaving, you are causing trouble in Haiti." They told him the military would counter the efforts of these people, and that they would beat, imprison and kill returnees, and dispose of their bodies so that no one would know what had happened.

Luma Dukens does not know how these soldiers found him, or knew that he had just returned to Haiti. He suspects that they followed him from the dock.

After the beating, Luma Dukens continued on to his mother's house in Cap Haitien. When he arrived in town, neighbors warned him not to go home because there had been soldiers at his house regularly, trying to find him. His friends hid him in the countryside, and his mother would come and sneak him food. She told him to leave Haiti because the military had come back and searched the house. On December 2, his friends found another boat leaving Haiti, and Luma Dukens fled a second time.

He was picked up again on December 3, 1992 by a Coast Guard cutter. This time he was interviewed by immigration officials on land. He was also able to sleep and bathe before his interview, which lasted significantly longer than his first interview. This time he was screened-in to the United States, and he has since been brought to the United States to pursue his asylum claim.

2. Marie Zette

Marie Zette's story was related to us in Miami by a refugee named Marcus Antoine. Marie Zette was his friend, and he described her in detail. She was a young woman, about sixteen or seventeen years-old. She was short and round and had long black hair. She used to sing to her friends on Guantanamo about her fears of returning to Haiti. She had told her friends, as well as immigration, that she would be killed if she were sent back to Haiti. Nonetheless, in early February her name was called out over the microphone in her camp, and she was told she was to be repatriated. The very next day her name was announced again, only this time she was called to go to Miami. It was too late. She had already been sent back to Haiti.

In mid-February, about two weeks after she had left, a new group of refugees were brought to Guantanamo. Among them were relatives of Marie Zette. They said that she had been killed by Tonton Macoutes while she slept the first night after she arrived in Haiti. Her murder led her relatives to flee for their lives. Marie Zette's life was lost because of an administrative error on Guantanamo.

3. Jeanette Bousico

Jeanette Bousico was a woman who was forcibly repatriated to Haiti. Upon her arrival in Port-au-Prince, she was murdered by members of the military. The account of her death was broadcast on the air of Radio Soleil on or about February 15, 1992. Haitians on Guantanamo heard this broadcast. Among them was Jeanette's brother, who was held in Camp 4(a).

4–7. Harold Fremont, Eugene Miclis, Yvela Fremont, and Jocelyn Clairemont

The following story of four "mandateurs" who were wrongfully sent back to Haiti was sworn to by their three cousins Jerry Salut, Ken Ramone, and Marty Abel. Their names are Harold Fremont, Eugene Miclis, Yvela Fremont, and Jocelyn Clairemont. Their names appeared on the manifest of the boat that went back to Haiti on March 27th, 1992. All four of the returned cousins were "mandateurs" (Aristide's official election observers) for the December 16, 1990 election, making them the first targets of persecution after the September 30, 1991 coup. These four men had also worked to organize public meetings in support of Aristide in their home town of Bayader. They all made speeches at these rallies. As a result of this activity, as well as their positions as mandateurs, they had problems with the local Section Chief.

The four mandateurs and their three cousins (also mandateurs) were held in Camp 3 on Guantanamo. They had similar stories and all seven believed they had been screened in. On Thursday March 26, however, only the three cousins, in a group of about sixty-two Haitians, were moved to Camp 5 to begin their process of leaving for Miami. The four mandateurs, though, were included in a group of about twenty-seven other people from Camp 3 who were taken to Camp 1, the camp for people being sent back to Haiti. A man named Joseph Fricher knew Harold Fremont and, in addition to the three cousins, he watched as Harold was taken to the boat.

Since arriving in New York this past week, one of the cousins of these four mandateurs spoke to his sister in Port-au-Prince to see whether or not she had heard any news from them. She said that she had not, but that she was not surprised because she knew they could not go back to their house for fear they would be killed. She herself was afraid to talk on the phone, but indicated that things were getting worse for her and that she was thinking of fleeing Haiti herself.

8–9. Ernest Belisere and Jean-Michel Pavaluce

These two brothers-in-law fled together from Haiti on November 23, and they were picked up by the Coast Guard two days later and taken to Guantanamo. Both were pro-Aristide activists. Belisere was well-known in his neighborhood as an artist who painted murals of Aristide and of the red rooster that is Aristide's symbol. Pavaluce's name was on a death list in the possession of the military. In February, these two men were repatriated together to Haiti after being screened-out by the INS.

They are now in hiding at the home of relatives outside of Port-au-Prince. Belisere has stated that he is afraid to return to his wife and seven children in Port-au-Prince because his neighbors tell him that the police have been looking for him. Pavaluce knows that his life is in danger because his name remains on the death list.

Alan Tomlinson reported the story of these two men for National Public Radio, and confirmed the story with Belisere's neighbors. He did not make inquiries to the military regarding the death list because he did not want to alert them to Pavaluce's presence in Haiti.

10. Harold Laurent

Harold Laurent was a supporter of Lavalas and had worked as a body guard for Aristide when he visited his hometown of St. Marc. After the coup, two of his friends were killed by soldiers. When he was brought to Guantanamo, he only had five minutes to tell his story. His claim was rejected and he was returned. He planned to go into hiding after being sent back to Haiti, because otherwise he would be killed.

11–12. Elie Rocher and Direst August

Bertha Hilaire, a fifteen year old refugee, knew these two people both in Haiti and in Guantanamo. She heard their names called on a Saturday for repatriation, and again heard their names called the following Monday for the same flight that brought her to Miami, but they did not appear for the plane. The name of Elie Rocher appears on the manifest of the ship sent back to Port-au-Prince on March 27th, 1992.

13–14. Louissera Merzier and Rodrigue Jacinthe

Louissera Merzier and Rodrigue Jacinthe were part of a group of 22 refugees who had stayed in Camp 3, a screened-in camp, who were forcibly repatriated on March 27th. Their name was called over the microphone, and they were told to line up. They did not know what specifically was happening to them. On March 30th, friends of these two people were interviewed at Church World Service in Miami, and they explained that these two people were screened-in and should have been brought to Miami. Their names are on the manifest of the boat that went to Port-au-Prince on March 27th.

Ms. PELOSI. Madam Speaker, I thank the gentleman from Michigan for calling this special order and for his leadership on this important moral issue.

Madam Speaker, in the last few days the administration's policy regarding Haitian refugees has gone from bad to worse. On Sunday, the President ordered the Coast Guard to return all Haitians rescued at sea immediately to their country, without the opportunity to apply for political asylum.

As a result, individuals who have a justifiable, immediate fear for their lives are no longer receiving political asylum interviews on the Coast Guard cutters or at the United States Naval Base at Guantanamo, Cuba. Instead, the administration has left the Haitians with only one alternative: To apply for political asylum at the United States consulate at Port-au-Prince.

And what's wrong with going to the U.S. consulate for help? Perhaps the better question is what's not wrong with this option. First, the Haitian people are understandably leery of openly going to the consulate for fear of retaliation from the Haitian Army, the same army that was responsible for the bloody military coup that ousted President Aristide.

Second, up until this point the consulate has not been accepting walk-ins. Instead, it has required all applicants to phone for an appointment. The problem with this ill-conceived procedure is that the overwhelming majority of Haitians have no access to a telephone.

And finally, even if a person decides to go to the consulate and risk retaliation from the military, and even if that person is able to arrange for an appointment with consulate personnel, there is very little hope that they will be granted political asylum. Since February, of the 279 individuals who have been interviewed at the consulate, only about 2 individuals a month have been admitted to the United States. What is so remarkable about these dismally low numbers is how they compare to the 9,000 out of 27,000 people interviewed at Guantanamo that have been cleared by the INS for entrance into the United States.

Certain administration officials explain this discrepancy in numbers by saying that naive INS interviewers were fooled by the boat people they interviewed at Guantanamo into granting so many requests for political asylum. Madam Speaker, the only people being fooled are the members of the international community who are being told that this administration places a high priority on human rights.

Mr. FAZIO. Madam Speaker, I rise once more in support of the plight of the thousands of Haitians who, fearing for their lives, are seeking a safe haven until democracy is restored in their homeland.

I agree that we cannot afford to open our doors to all the poor people of every nation who want to enter the United States to better their lives. But Haitians do not want this. They want to be able to live in their own country, in a democracy, where their basic human and civil rights are respected. When this was the case, Haitians were not setting sail for the United States.

But we all know that this is not the current situation. When last September's coup shook the island of Haiti, its democratically elected Government was overthrown, its President was forced into exile, and the military took over. Over 1,500 Haitians were killed, and thousands more began to flee their country, fearing for their lives.

The Haitian people have two very limited options. They can remain in Haiti, where the military now rules with an iron had and where supporters of democracy face torture, and even death. Or they can risk death on the high seas, as they attempt to seek refuge here in the United States.

We cannot continue to turn our backs on these people. It is cruel. It is inhumane. It is heartless. It is wrong. Madam Speaker, I commend my colleague from Michigan, Mr. CONYERS, for calling this special order and for not allowing us to forget the plight for our Haitian neighbors. I urge my colleagues on both sides of the aisle to revisit this issue so that we, as true Americans, can demonstrate our commitment to fairness, justice, and basic human rights.

Mr. FAZIO. Mr. Speaker, I wish once more to take advantage of the opportunity to adress the House on behalf of the plight of the thousands of Haitian refugees who are being forcibly returned to their homeland.

The situation in Haiti is not only bad; it is also very complex. Haiti's democratically elected President has been forced into exile, the military thugs are in power, and the OAS embargo is choking the life out of the Haitian economy. Haitians are both economically and politically oppressed.

But not every Haitian who flees the island in fear for his or her life is an economic refugee. Not every Haitian who risks life and limb in an attempt to reach safety here in the United States wants to remain here. The Haitian refugees' first wish is to return home where they can enjoy the same rights and liberties that we do here in America. Taking to the high seas is a last ditch effort in their attempts to escape torture, and even death—the fate of those Haitians who support democracy. The journey to the United States is a last resort in their struggle for survival.

And that is why I find the administration's position in regard to these people both cruel and insensitive. I can neither understand nor support it. I agree that it is important to distinguish between political and economic refugees. And I acknowledge that we cannot afford to open our doors to all the poor people of every nation who want to enter the United States to better their lives.

But that's the reason for the asylum process—for granting hearings—to determine if, indeed, because they are being politically persecuted at home, Haitian refugees are entitled to come into our country. So why don't we let the process decide? Why don't we grant these people the hearings to which they are entitled, and then make our decisions?

If we are not going to deal with the bigger problem, if we are not going to take stronger steps to ensure that democracy returns to Haiti, we must at least give our Haitian neighbors the benefit of due process.

I again thank the gentleman from Michigan, Mr. CONYERS, for his diligence in ensuring that this issue remains high on the congressional agenda.

Mr. TOWNS. Mr. Speaker, today I join with my colleagues in expressing outrage over the recent Executive order issued by the President. This policy of forcibly returning Haitian refugees without giving them a fair opportunity to apply for political asylum, is clearly cruel and inhumane. Moreover, it is a gross violation of international human rights.

I am deeply disturbed by the insensitivity displayed by the administration, to the Haitian plight. Never before has the United States had a policy of return for any group suffering from civil strife other than these black refugees. How can we allow these refugees who are fleeing tyranny to be turned back, to travel in dangerous shark-infested waters and face further oppression when we know their chances for survival are slim? It is simply barbaric and inconsistent with what this Nation is supposed to stand for.

Civil strife does exist in Haiti. The people are attempting to escape from the political repression and the increasing human rights abuses that are occurring there. Therefore, these refugees should be given a chance to obtain political asylum. They should not be sent back without some fair process to evaluate their claim to asylum. I believe the Haitians at least should be granted extended voluntary departure status.

I call on the President to immediately rescind this racist policy of forced repatriation. Instead of exerting energy to keep Haitian refugees out of the United States, the Government should work diligently to help restore democracy to that troubled country.

GENERAL LEAVE

Mr. CONYERS. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the subject of my special order.

The SPEAKER pro tempore (Ms. SLAUGHTER). Is there objection to the request of the gentleman from Michigan?

There was no objection.

A TIME FOR LEADERSHIP: NEGOTIATE A COMPREHENSIVE TEST BAN

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Iowa [Mr. LEACH] is recognized for 60 minutes.

Mr. LEACH. Madam Speaker, last week China conducted the largest underground nuclear test in its history. The explosion, which some seismologists thought at first to be a major earthquake, equalled one megaton. This is roughly equivalent to 1 million tons of TNT or 70 times the explosive power of the first atomic bomb.

In reaction, the United States promptly called on China to exercise restraint in its nuclear testing program. But the force and effect of Washington's diplomatic representations have been undercut by our own stubborn commitment to a policy of continued nuclear testing.

Madam Speaker, it is time for leadership, time to negotiate a comprehensive test ban.

At the profoundest level the issue is simply this: As hardy a planet as this one is, it has enough problems adjusting to earthquakes, volcanic eruptions, and an occasional meteor shower. Dusting the planet with radioactive material and puncturing the earth's crust with super kinetic explosions jeopardize the balance of nature, survivability of the species.

For six administrations up to President Reagan's, it was the policy of the United States to support a comprehensive test ban once the Soviets accepted on-site inspection. Not only has the principle of on-site inspection now been embraced, but the former Soviet

Union under Gorbachev and current C.I.S. leadership under Yeltsin have provided model confidence-building inspection precedents.

In this regard, many scientists believe it is easier to assess violations of a comprehensive as contrasted with threshold test bans where infractions may or may not be intended.

A CTB is not the most important arms control issue of our times, but in historical terms, it is nonetheless significant. While late—the issue having been under consideration for almost five decades—this still would be a particularly propitious moment to announce U.S. support for a moratorium on testing coupled with serious intent to negotiate a comprehensive test ban.

In terms of timing, several factors should be stressed:

First, China's new testing aggressiveness contrasts with France's recent decision to adopt a testing moratorium, a position ironically more difficult for a French than American Government to embrace;

Second, the implications of the ending of the cold war; issues which we have viewed primarily in a bipolar context now clearly have grave if not graver implications for the developing world;

Third, the growing problem of nuclear proliferation, especially in the Middle East and on the Korean peninsula and Indian subcontinent, and the understanding that, without a United States initiative on a test ban, substantive criticism of new testers or intervention by the United States or other members of the world community would lack credibility, if not lawfulness;

Fourth, a pending decision by Russia's President Yeltsin to resume testing in 1993, which almost certainly would be reversed if the United States took a bold step forward on the test ban issue;

Fifth, the closing down of our nuclear weapons manufacturing facilities, with the doubtful prospect that Congress will appropriate the billions of dollars it will cost to redesign and reconstruct these facilities under existing strategic assumptions; and

Sixth, the forthcoming Earth summit at Rio, at which an American announcement of a testing moratorium coupled with a draft treaty and/or updated atoms-for-peace approach would co-opt and overshadow all other proposals.

With regard to international politics, the United States decision to continue nuclear testing puts us at odds with our oldest ally, France, our geographically closet ally, Canada, as well as our newest emerging partner, Russia, all of whom favor a test moratorium. Despite the fact Russia has announced a moratorium on testing through the rest of this calendar year, there are strong signals—including preparations at an underground testing site in the Russian arctic—that Moscow may resume testing in 1993, absent United States leadership on this issue. Ironically, within its society Russian leadership appears more constrained by democratic forces on this issue at this time than American.

For the moment, Washington is in the awkward position of appearing to tag along with Beijing and, to a lesser extent, London, in asserting the necessity of continued nuclear testing. In this regard, the United States and the Department of Defense are clinging to an aspect of cold war strategic doctrine that has lost persuasive force. This protesting stance not only undermines our credibility with established nuclear powers whom we are urging to act responsibly, that is, China, but also with aspiring nuclear powers in the third world whom we are urging to cease and desist.

A CTB is regarded by most nonnuclear countries as the single most important step nuclear powers can take toward effective and verifiable arms control. This undue public skepticism—or implicit private opposition—toward a test ban by the United States has the unfortunate result of undercutting the continued viability of the Nuclear Non-Proliferation Treaty, as well as other vital elements of America's non-proliferation regime. This is particularly true in the case of South Asia, where negotiation of a CTB holds some, if not the only, prospect of gaining Pakistani and Indian support for the NPT. Indeed, in the Indian subcontinent a global approach to arms control clearly has a better chance than regional initiatives which we theoretically support, but, because of the uncooperative attitudes of the parties, represent cop-out exhortations of the need for restraint. As for the Middle East, I can think of few initiatives more important for Israel's survival than a CTB.

While testing is no longer essential to the development of simple atomic weapons, a test ban could make a major contribution to nonproliferation by slowing down decision-making in countries on the cusp of testing, conceivably precluding entirely the development of those complex fission and thermonuclear weapons which require testing.

Successful negotiation of a test ban would also greatly strengthen the consensus for substantial extension of the NPT in 1995, as well as increase the leverage of the United States and its allies to insist on the development of a highly intrusive inspection regime for a CTB as well as related non-proliferation regimes, presumably including sanctions for violations, which would patently be of significance vis-a-vis potential proliferators, a la North Korea. In this context a CTB would buttress the development of more effective restraints on the transfer of services and technology associated with weapons of mass destruction, as well as the case for intervention by outside parties in countries which may be bent on developing such weapons.

In this context I would reference an out-of-fashion word: freeze. A ban on testing, if widely accepted by other parties, has the effect of freezing the world community at a place where the United States is ahead in number of tests, and most particularly, degree of sophistication in tests. This is particularly important in making it more difficult for rogue countries or terrorist groups to develop the smaller warheads necessary for delivery by missile. A CTB may not obviate the need for ABM systems, but it makes the prospect of potential enemies, particularly in the Third World, developing nuclear-tipped ICBM capabilities substantially more difficult.

In terms of presidential politics, it is understood that the American public remains profoundly concerned with the problem of proliferation of weapons of mass destruction, a concern made more poignant by revelations about the extent of Iraq's clandestine nuclear weapons program. Hence, if it refuses to lead, the administration risks losing the electoral support of concerned citizens who want to put definition into a new world order and an additional lock on the nuclear nonproliferation regime.

To be sure, there are a number of so-called test ban moderates who suggest that the United States ought to consider intermediate steps like a lower threshold ban or the maintenance of testing for reliability and safety purposes. There is some credibility to reliability and safety arguments, but they miss the big picture. The big picture is that the international community will only give credibility to a comprehensive test ban. If we are to put a tighter lock, albeit an imperfect one, on the nonproliferation regime, a partial test ban will be of marginal significance. Nonnuclear countries are not going to give credence to a nuclear country continuing testing, even for alleged safety purposes.

The ultimate irony of American hard-headedness on the issue is that our lead in sophisticated testing is so large and our technological ability to extrapolate proven data so much vaster than other nuclear powers that we have the least to gain and the most ground to give up by legitimatizing the testing-for-reliability or testing-for-safety rationale.

In particular, the argument that testing must be continued for warhead reliability purposes has two weaknesses: (a) very few tests have so far been made that fall into this category, which suggests the low priority professionals in the field place upon this need; while problems can arise with

warheads, the United States has far greater understanding and capacity to deal with such thorough quality control and certification of parts without further testing than any other country; and (b) presumably a test ban would not preclude the right of a party to replace a warhead with a like-designed device. Thus if the United States became apprehensive a given warhead was in danger of going out of condition, we could simply replace it without the need for further testing.

The only argument against replacement as a testing substitute comes from the nuclear weapons labs. Some there contend that technological expertise will be lost if testing stops, with the alleged inevitable result that tomorrow's nuclear warhead builders will have lower levels of competence than those of today. This argument is self-servingly defiant of the history of modern science, where knowledge once garnered is seldom lost.

There is greater, although not necessarily compelling, argumentation to the rationale for safety tests, that is, to prevent accidental explosions or release of radiation. In the first instance, many experts note that the issue of inadvertent explosion has been resolved through redundancy of safety features. With regard to the accidental dispersal of plutonium or enriched uranium due to fire or plane crashes, for example, the testing that is done is really of a reliability nature—because the test is to ensure that bomb encasements designed to prevent accidents don't themselves interfere with the performance characteristics of the warhead. In any regard, arguments for maintaining safety and reliability tests pale before the dangers of accidental or intentional explosions by other countries which can be expected to expand nuclear weapons development absent a comprehensive test ban. The "safety" rationale simply cannot be considered compelling if it leads to a less safe world.

Here it should be stressed that with the President's September 1991 arms restraint initiative the total number of safety tests needed may be far less than a dozen—one former prominent Labs scientist is now suggesting less than a handful. If this argument is considered persuasive by the White House, the administration could consider announcing a 6-month moratorium to be followed by a handful of tests exclusively for safety—with the goal of negotiation and signing of a comprehensive test ban within a year.

From a congressional perspective, it must be noted that the executive branch is in danger of losing control of this issue to a Congress that is almost certain in the not too distant future to legislate prohibitions on funding for further testing. Absent dramatic destabilizing changes in the strategic environment, it is highly unlikely that Congress will either appropriate the billions of dollars it will cost to redesign and reconstruct our deteriorating nuclear weapons manufacturing facilities or continue to fund new testing.

It may well be that the administration will have the votes to sustain a veto over legislated restraints on testing, but at minimum the executive branch will become politically vulnerable if it vetoes a progressive commonsense proposal and at worst look weak if Congress overrides, thus supplanting the executive branch in national security as well as environmental leadership.

The environmental implications of usage, accidental or otherwise, of nuclear weapons are profound. Even underground nuclear testing carries with it enormous environmental implications. In the first instance, testing creates unusable national sacrifice zones that are reduced to an environmental hazard. In addition, underground tests, particularly by less sophisticated countries, carry a risk that radioactivity may be released through venting. Although the United States has done a professional job since 1970 of containing radiation associated with underground tests in Nevada, other countries may not be as thorough. Hence the concern with French nuclear testing in Polynesia, as well as concern in Russia and Kazakhstan with Moscow's former underground testing at Semipalatinsk and Scandinavian concerns about new testing at Novaya Zemlya.

Because the environmental movement, at the nub, is concerned far more than with chlorofluorocarbons, the administration has the potential to establish itself as a world leader on environmental as well as arms control issues by announcing a test ban initiative at the Rio Earth summit, particularly if such an initiative is coupled with a resurrection of Eisenhower's atoms-for-peace proposal.

Weapons-grade material dismantled from warheads. Instead, their awesome destructive potential should be converted to peaceful, humanitarian purposes.

As we all understand, arms control to date has dealt more with delivery systems than warheads. As delivery systems are cut back, the administration has the opportunity not only to turn swords into fewer swords but through a CTB and atoms-for-peace, the chance to thwart the development of new nuclear swords and turn some, if not into plowshares, at least into the energy that will produce heat to shape new industrial products and light to illuminate man's imaginative capacities to utilize them.

Experts tell us the technology is available to make such a weapons-to-energy conversion a reality. All that is needed is the political will to make it happen. If the United States was prepared to take such a step, it would, as President Eisenhower put it, be dedicating some of its strength "to serve the needs rather than the fears of mankind."

Strategic leadership cannot be exercised in a world of political chaos. A comprehensive test ban may well be the most anti-anarchy initiative that the world community can contemplate at this time. Without action now, we may not have enough fingers and toes to count the number of nuclear powers that could develop by the turn of the century.

2020

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mrs. COLLINS of Illinois (at the request of Mr. GEPHARDT), for today and the balance of the week, on account of medical reasons.

Mr. BRUCE (at the request of Mr. GEPHARDT), for today and the balance of the week, on account of death in the family.

Mr. ANTHONY (at the request of Mr. GEPHARDT), for today through June 6, on account of necessary leave.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. SOLOMON) to revise and extend their remarks and include extraneous material:)

Mr. WALKER, for 60 minutes each day, on May 28 and June 3, 4, 9, 10, 11, 16, 17, and 18.

Mr. LEACH, for 60 minutes, today.

Mr. RIGGS, for 60 minutes, on today and on May 28.

Mr. ROBERTS, for 5 minutes, on May 28.

Mr. THOMAS of California, for 5 minutes, on May 28.

Mr. BARRETT, for 5 minutes, on May 28.

Mr. SHUSTER, for 60 minutes each day, on June 8 and 15.

(The following Members (at the request of Mr. ABERCROMBIE) to revise and extend their remarks and include extraneous material:)

Mrs. UNSOELD, for 5 minutes, today.

Mr. STARK, for 5 minutes, today.

Mr. HAYES of Illinois, for 5 minutes, today.

Mr. ANNUNZIO, for 5 minutes, today.

Mr. PANETTA, for 5 minutes, today.

Mr. CONYERS, for 60 minutes, today.

Mr. GEPHARDT, for 60 minutes, today.

Mr. ROSE, for 5 minutes, on May 28.

Mr. SWIFT, for 5 minutes, on May 28.

Mr. KLECZKA, for 5 minutes, on May 28.

Ms. KAPTUR, for 5 minutes each day, today, and on May 28, June 2, 3, and 4.

Mr. GEPHARDT, for 60 minutes each day, on May 28, 29, June 1, 2, 3, 4, 5, 8, 9, 10, 11, and 12.

Mr. MURTHA, for 60 minutes each day, on June 8 and June 15.

Mr. GONZALEZ, for 60 minutes each day, on June 1, 2, 5, 8, 12, 15, 19, 22, 26, and 29.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

(The following Members (at the request of Mr. SOLOMON) and to include extraneous matter:)

Mr. WELDON.
Mr. GEKAS.
Mr. MCDADE.
Mr. LENT in two instances.
Mr. GINGRICH.
Mr. FISH.
Mr. BEREUTER.
Mr. EMERSON.
Mr. CAMPBELL of California.
Mr. FIELDS.
Mr. SCHAEFER.
Mr. SCHULZE.
Mr. RIGGS.
Mr. MCEWEN.
Mr. GALLO.
Mr. HERGER.
Mr. HOUGHTON.
Mr. MICHEL.
Mr. CRANE.
Ms. ROS-LEHTINEN in six instances.

(The following Members (at the request of Mr. ABERCROMBIE) and to include extraneous matter:)

Mr. SKELTON in three instances.
Mr. LANTOS in two instances.
Mr. FALEOMAVAEGA in five instances.
Mr. COLORADO.
Mr. JONTZ.
Mr. REED.
Mr. MAZZOLI.
Mr. LEVINE of California.
Mr. SIKORSKI.
Mr. SCHUMER.
Mr. SMITH of Florida.
Mr. HAMILTON.
Mr. FOLEY.
Mr. DE LUGO.
Mr. FASCELL in two instances.
Mr. ACKERMAN.
Mr. ROSTENKOWSKI.
Mr. BLACKWELL.
Mr. PANETTA.
Mrs. BOXER.
Mr. SCHEUER.
Mr. PAYNE of New Jersey.
Mr. SYNAR.
Mr. SERRANO.
Mr. MAVROULES.

SENATE BILLS REFERRED

Bills of the Senate of the following titles were taken from the Speaker's table and, under the rule, referred as follows:

S. 1216. An act to provide for the adjustment of status under the Immigration and Nationality Act of certain nationals of the People's Republic of China unless conditions permit their return in safety to that foreign state; to the Committee on the Judiciary.

S. 1731. An act to establish the policy of United States with respect to Hong Kong, and for other purposes; to the Committee on Foreign Affairs.

S. 2245. An act to authorize funds for the implementation of the settlement agreement reached between the Pueblo de Cochiti and the U.S. Army Corps of Engineers under the authority of Public Law 100-202; to the Committees on Interior and Insular Affairs and Public Works and Transportation.

S. 2780. An act to amend the Food Security Act of 1985 to remove certain easement requirements under the conservation reserve program, and for other purposes; to the Committee on Agriculture.

ENROLLED BILL SIGNED

Mr. ROSE, from the Committee on House Administration, reported that that committee had examined and found truly enrolled a bill of the House of the following title, which was thereupon signed by the Speaker:

H.R. 4990. An act rescinding certain budget authority.

SENATE ENROLLED BILLS SIGNED

The SPEAKER announced his signature to enrolled bills of the Senate of the following titles:

S. 870. An act to authorize inclusion of a tract of land in the Golden Gate National Recreation Area, California.

S. 2569. An act to provide for the temporary continuation in office of the current Deputy Security Advisor on a flag officer grade in the Navy.

ADJOURNMENT

Mr. LEACH. Madam Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 8 o'clock and 5 minutes p.m.) the House adjourned until tomorrow, Thursday, May 28, 1992, at 10 a.m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

3579. A letter from the Secretary of Agriculture, transmitting a draft of proposed legislation entitled "The Rural Telephone Loan Credit Quality Act of 1992"; to the Committee on Agriculture.

3580. A letter from the Department of the Navy, transmitting notification that the Department intends to offer for lease two naval vessels to the Republic of Korea, pursuant to 10 U.S.C. 7307(b)(2); to the Committee on Armed Services.

3581. A letter from the Department of the Navy, transmitting notification that the Department intends to offer for lease a naval vessel to the Republic of Korea, pursuant to 10 U.S.C. 7307(b)(2); to the Committee on Armed Services.

3582. A letter from the Office of General Counsel, Department of Defense, transmitting a draft of proposed legislation to amend title 37, United States Code, to aid certain members of the uniformed services who are evacuated from areas outside the United States, or other places designated by the President; to the Committee on Armed Services.

3583. A letter from the Secretary of Education, transmitting notice of Final Priority—Demonstration Projects for the Integration of Vocational and Academic Learning Program (Model Tech-Prep Education Projects), pursuant to 20 U.S.C. 1232(d)(1); to the Committee on Education and Labor.

3584. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting notification of a proposed license for the export of major defense equipment sold commercially to Korea (Transmittal No. OTC-17-92), pursuant to 22 U.S.C. 2776(c); to the Committee on Foreign Affairs.

3585. A letter from the Solicitor, U.S. Commission on Civil Rights, transmitting a copy of the annual report in compliance with the Government in the Sunshine Act during the calendar year 1991, pursuant to 5 U.S.C. 552b(j); to the Committee on Government Operations.

3586. A letter from the Secretary of Labor, transmitting the quarterly report on the expenditure and need for worker adjustment assistance training funds under the Trade Act of 1974, during the quarter ending March 30, 1992, pursuant to 19 U.S.C. 2296(a)(2); to the Committee on Ways and Means.

3587. A letter from the Office of Thrift Supervision, transmitting the Office's 1991 Annual Consumer Report to Congress; jointly, to the Committees on Banking, Finance and Urban Affairs and Energy and Commerce.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. ROSTENKOWSKI: Committee on Ways and Means. H.R. 4727. A bill to extend the emergency unemployment compensation program, to revise the trigger provisions contained in the extended unemployment compensation program, and for other purposes; with an amendment (Rept. 102-536, Pt. 1). Ordered to be printed.

Mr. CONYERS: Committee on Government Operations. Report on They Went Thataway: The Strange Case of Marc Rich and Pincus Green (Rept. 102-537). Referred to the Committee of the Whole House on the State of the Union.

Mr. CONYERS: Committee on Government Operations. Report on Coins, Contracting, and Chicanery: Treasury and Justice Departments Fail to Coordinate (Rept. 102-538). Referred to the Committee of the Whole House on the State of the Union.

PUBLIC BILLS AND RESOLUTIONS

Under clause 5 of rule X and clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. ANDREWS of Texas:

H.R. 5266. A bill to provide grants to the Bureau of Justice Assistance to expand the capacity of correctional facilities in the States, increase programs for major offenders and parolees, and for other purposes; jointly, to the Committees on the Judiciary and Ways and Means.

By Mr. CONYERS:

H.R. 5267. A bill to address the Haitian refugee crisis, to express United States support for the restoration of democratic constitutional government in Haiti, to grant temporary protected status to Haitians until such a government is restored, to terminate the migrant interdiction agreement between the United States and Haiti, and to direct the President to establish expanded processing facilities for Haitians seeking refuge; jointly, to the Committees on Foreign Affairs, Merchant Marine and Fisheries, and the Judiciary.

By Mr. DEFAZIO (for himself, Mr. MINETA and Mrs. BOXER):

H.R. 5268. A bill to amend the Federal Aviation Act of 1958 to establish deadlines relating to the issuance of rules by the Administrator of the Federal Aviation Administration, and for other purposes; to the Committee on Public Works and Transportation.

By Ms. OAKAR (for herself, Mr. ROSE, Mr. ROBERTS, Mr. KLECZKA, Mr. KOLTER, Mr. MANTON, Mr. RUSSO, Mr. DICKINSON, Mr. THOMAS of California, and Mr. PANETTA):

H.R. 5269. A bill to add to the area in which the Capitol Police have law enforcement authority, and for other purposes; to the Committee on House Administration.

By Mr. ROSTENKOWSKI (for himself, and Mr. GRADISON):

H.R. 5270. A bill to amend the Internal Revenue Code of 1986 to improve the application of the tax laws to American businesses when operating abroad, to eliminate the deferral of tax on income of controlled foreign corporations, and for other purposes; to the Committee on Ways and Means.

By Mr. PAYNE of Virginia:

H.R. 5271. A bill to authorize the National Park Service to provide funding to assist in the restoration, reconstruction, rehabilitation, preservation, and maintenance of the historic buildings known as "Poplar Forest" in Bedford County, VA, designed, built, and lived in by Thomas Jefferson, and for other purposes; to the Committee on Interior and Insular Affairs.

By Mr. PANETTA:

H.R. 5272. A bill to require a balanced Federal budget by fiscal year 1997 and each year thereafter, achieve significant deficit reduction in fiscal year 1993 and each year through 1997, establish a Board of Estimates, require the President's budget and the congressional budget process to meet specified deficit reduction and balance requirements, enforce those requirements through a multiyear congressional budget process and, if necessary, sequestration, and for other purposes; jointly, to the Committees on Government Operations, Ways and Means, and Rules.

By Mr. SUNDQUIST:

H.R. 5273. A bill to amend the Tariff Act of 1930 to strengthen those provisions relating to preventing the circumvention of antidumping and countervailing duty orders; to the Committee on Ways and Means.

By Mr. WISE:

H.R. 5274. A bill to amend title 39, United States Code, with respect to the nondisclosure by the U.S. Postal Service of lists of names and addresses in its possession; to the Committee on Post Office and Civil Service.

By Mr. WYDEN (for himself, and Mr. RICHARDSON):

H. Con. Res. 325. Concurrent resolution concerning the establishment of a bilateral commission of the environment between the United States and Mexico; jointly, to the Committees on Foreign Affairs, Ways and Means, Energy and Commerce, and Public Works and Transportation.

By Mr. COSTELLO:

H. Con. Res. 326. Concurrent resolution to express the sense of the Congress that the United States Trade Representative must negotiate a tough but fair multilateral trade agreement regarding steel products; to the Committee on Ways and Means.

MEMORIALS

Under clause 4 of rule XXII, memorials were presented and referred as follows:

450. By the SPEAKER: Memorial of the House of Representatives of the State of Hawaii, relative to the right of the Hawaiian people to sovereignty and self-determination; to the Committee on Interior and Insular Affairs.

451. Also, memorial of the General Assembly of the State of New Jersey, relative to the beating of Rodney G. King; to the Committee on the Judiciary.

452. Also, memorial of the House of Representatives of the State of Missouri, relative to the right of free expression; to the Committee on the Judiciary.

453. Also, memorial of the House of Representatives of the State of Missouri, relative to Veterans Administration disability compensation; to the Committee on Veterans' Affairs.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII,

Mr. RAHALL introduced a bill (H.R. 5275) for the relief of Rola Alami Zaki; which was referred to the Committee on the Judiciary.

ADDITIONAL SPONSORS

Under clause 4 of rule XXII, sponsors were added to public bills and resolutions as follows:

H.R. 110: Mr. JONTZ.

H.R. 127: Mr. SIKORSKI.

H.R. 237: Mr. KILDEE and Mr. ERDREICH.

H.R. 327: Mr. ZIMMER.

H.R. 589: Mr. KOPETSKI.

H.R. 722: Mr. WYDEN and Mr. GLICKMAN.

H.R. 723: Mr. WYDEN and Mr. GLICKMAN.

H.R. 886: Ms. OAKAR and Mr. TAYLOR of Mississippi.

H.R. 977: Mr. SHAYS.

H.R. 1213: Mr. PANETTA.

H.R. 1497: Mr. FISH and Mr. BONIOR.

H.R. 1515: Mr. PENNY.

H.R. 1573: Mr. HEFNER, Mr. WISE, Mr. LEWIS of Georgia, Mr. LAUGHLIN, and Mr. ROSE.

H.R. 1637: Mr. RAHALL.

H.R. 1799: Mr. NEAL of North Carolina.

H.R. 2104: Mr. GRADISON.

H.R. 2355: Mr. JOHNSTON of Florida.

H.R. 2559: Mr. JOHNSTON of Florida.

H.R. 2782: Mr. MOAKLEY, Mr. COSTELLO, Mr. EARLY, Mr. HUGHES, and Mr. MARKEY.

H.R. 2872: Ms. MOLINARI and Mr. HOCHBRUECKNER.

H.R. 2906: Mr. FISH.

H.R. 3195: Mr. EVANS.

H.R. 3198: Mr. FAZIO and Mr. MCMILLEN of Maryland.

H.R. 3236: Mr. JONES of North Carolina and Mr. FISH.

H.R. 3250: Mr. WALSH, Mrs. COLLINS of Michigan, and Mr. RANGEL.

H.R. 3518: Mr. WYLIE and Mr. SPRATT.

H.R. 3538: Mr. FAWELL.

H.R. 3542: Mr. GUARINI.

H.R. 3545: Mr. SIKORSKI.

H.R. 3555: Mr. FIELDS, Mr. RINALDO, and Mr. FRANKS of Connecticut.

H.R. 3605: Mr. KASICH.

H.R. 3660: Mr. FRANKS of Connecticut.

H.R. 3675: Mr. PENNY, Mr. FOGLIETTA, Mr. ACKERMAN, and Mr. LAGOMARSINO.

H.R. 3689: Mr. WISE and Mr. ENGLISH.

H.R. 3725: Mr. COX of California.

H.R. 3838: Mr. MARTINEZ, Mr. INHOFE, Mr. LIVINGSTON, and Mr. RAY.

H.R. 3871: Mr. KOPETSKI, Mr. WAXMAN, Mr. FROST, Mr. HYDE, Mrs. LOWEY of New York, and Mr. SOLARZ.

H.R. 3939: Mr. MINETA and Mrs. MORELLA.

H.R. 3949: Mr. SCHUMER.

H.R. 3994: Mr. ZIMMER.

H.R. 4025: Mr. KASICH.

H.R. 4045: Mr. BORSKI and Mr. JACOBS.

H.R. 4083: Mr. GUARINI.

H.R. 4192: Mr. STARK, Mr. MCDERMOTT, Mr. DURBIN, and Ms. OAKAR.

H.R. 4246: Mr. CRAMER.

H.R. 4256: Mr. SIKORSKI, Mr. WILLIAMS, Mr. LANCASTER, Mr. ESPY, Mr. POSHARD, Mr. JOHNSON of South Dakota, Mr. PAYNE of Virginia, Mr. SENSENBRENNER, and Mrs. MINK.

H.R. 4464: Mr. ESPY, Mr. POSHARD, Mr. BEREUTER, and Mr. JOHNSON of South Dakota.

H.R. 4472: Mr. KLUG and Mr. CARPER.

H.R. 4490: Mr. WILLIAMS, Mrs. PATTERSON, Mr. PAYNE of Virginia, and Mr. LEWIS of Florida.

H.R. 4688: Mr. DYMALLY, Mr. KLECZKA, and Mr. STARK.

H.R. 4729: Mr. WEISS, Mr. EVANS, Mr. JONES of Georgia, and Mrs. SCHROEDER.

H.R. 4742: Mr. Horton and Mrs. MINK.

H.R. 4755: Mr. LANCASTER, Mr. HARRIS, Mr. WEBER, Mr. ESPY, Mr. POSHARD, Mr. WILLIAMS, Mr. VOLKMER, MR. JOHNSON of South Dakota, Mr. TAYLOR of North Carolina, and Mr. BAKER.

H.R. 4790: Mr. PENNY, Mr. RAVENEL, Mr. SABO, Mr. CAMPBELL of Colorado, Ms. KAPTUR, Mr. TOWNS, Mr. RAHALL, Mr. HORTON, Mr. VANDER JAGT, Mr. DICKS, and Mr. KYL.

H.R. 4831: Mr. JENKINS.

H.R. 4918: Mr. GEJDENSON.

H.R. 4929: Ms. HORN.

H.R. 4930: Mr. CLINGER, Mr. LEWIS of California, Mr. PETRI, Mr. RHODES, and Mr. RIGGS.

H.R. 4983: Mr. SMITH of Oregon, Mr. OXLEY, Mr. EMERSON, Mr. GOSS, Mr. RIDGE, Mr. DANNEMEYER, Mr. CUNNINGHAM, Mr. DORNAN of California, Mr. LOWERY of California, Mr. TAYLOR of Mississippi, Mr. SKEEN, Mr. PETERSON of Minnesota, Mr. GLICKMAN, Mr. ARCHER, Mr. KASICH, Mr. HYDE, Mr. BOEHNER, Mr. RIGGS, Mr. HOBSON, and Mr. GINGRICH.

H.R. 5010: Mr. GAYDOS.

H.R. 5013: Mr. EVANS and Mr. MARKEY.

H.R. 5024: Mr. DEFAZIO, Mr. KOPETSKI, Mr. WISE, Mr. WELDON, Mr. MCNULTY, Mr. YOUNG of Florida, Ms. NORTON, Mr. WYLIE, Mr. SKELTON, Mr. MARTIN, and Mr. SLATTERY.

H.R. 5026: Ms. NORTON.

H.R. 5039: Mrs. UNSOELD.

H.R. 5056: Mr. NEAL of North Carolina.

H.R. 5075: Mr. CAMPBELL of Colorado, Mr. TOWNS, Mr. DE LUGO, Mr. FRANK of Massachusetts, Mr. HORTON, and Mrs. MINK.

H.R. 5109: Mr. HUGHES and Mr. RHODES.

H.R. 5113: Mr. PENNY and Mr. EMERSON.

H.R. 5178: Ms. LONG.

H.R. 5194: Mr. GOODLING, Mr. FAWELL, Mrs. LOWEY of New York, and Mr. BARRETT.

H.R. 5216: Mr. HOUGHTON, AND MR. SANTORUM.

H.R. 5234: Mr. BUSTAMANTE and Mr. FIELDS.

H.R. 5240: Mr. PALLONE and Mr. RICHARDSON.

H.J. Res. 237: Mr. PANETTA.

H.J. Res. 239: Ms. SNOWE.

H.J. Res. 357: Mr. KASICH.

H.J. Res. 391: Mr. HAMILTON, Mr. FAZIO, Mr. DICKINSON, Mrs. PATTERSON, Mr. JACOBS, Mr. BEVILL, Mr. PICKLE, Mr. BENNETT, Mr. PETERSON of Florida, Mr. APPLEGATE, Mr. REGULA, Mr. IRELAND, Mr. VENTO, Mr. FASCELL, and Mr. CAMP.

H.J. Res. 397: Mr. KLUG.

H.J. Res. 411: Mr. YOUNG of Alaska, Mr. VOLKMER, and Ms. SNOWE.

H.J. Res. 445: Mr. LEACH, Mr. EARLY, Mr. VENTO, Mr. FRANKS of Connecticut, Mr. LENT, Mr. RHODES, Mr. KLECZKA, Mr. JENKINS, Mrs. BYRON, Mr. DE LA GARZA, Mr. BORSKI, Mr. SISISKY, Mr. CHANDLER, Mr. CARDIN, Mr. ROHRABACHER, Mr. BEVILL, Mr. DICKS, Mr. BROWN, Ms. LONG, Mr. MATSUI, Mr. MONTGOMERY, Mr. SMITH of Florida, Ms. KAPTUR, Mr. SAXTON, Mr. KANJORSKI, Mr. PAYNE of New Jersey, Mr. VANDER JAGT, Mr. ANDREWS of New Jersey, Mr. WISE, Mrs. LOWEY of New York, Mr. KILDEE, Mr. AUCOIN, Mr. DORGAN of North Dakota, Mr. CHAPMAN, Mrs. MORELLA, Mr. SOLARZ, Mr. ENGEL, Mr. HENRY, Mr. NATCHER, Mr. PACKARD, Mr. DOOLITTLE, Mr. WALSH, Ms. SLAUGHTER, Mr. MARTIN, Mr. BERMAN, Mr. MARKEY, Mr. MAVROULES, Mr. KENNEDY, Mrs. BENTLEY, Mr. BROOMFIELD, Mr. BREWSTER, Mr. CONYERS, Mr. PANETTA, Mr. PALLONE, and Mr. PORTER.

H.J. Res. 455: Mr. GUARINI.

H.J. Res. 470: Mr. BUNNING and Mr. LEVINE of California.

H.J. Res. 478: Mr. TAUZIN, Mr. LAFALCE, Mr. LENT, Mr. HORTON, Mr. FRANKS of Connecticut, Mr. CHAPMAN, Mr. JEFFERSON, Mr. BILIRAKIS, Mr. JONES of Georgia, Mr. TORRICELLI, and Mr. COBLE.

H.J. Res. 482: Mr. ERDREICH, Mr. POSHARD, Mr. MCGRATH, Mr. MCMILLEN of Maryland, Mr. SERRANO, Mr. FRANKS of Connecticut, Mr. CHAPMAN, Mr. MOODY, Mr. PAXON, Mr. MCHUGH, Mr. FISH, Mr. HOCHBRUECKNER, and Mr. HOYER.

H. Con. Res. 308: Mr. MCCLOSKEY.

H. Con. Res. 309: Mr. GRANDY, Mr. ANTHONY, and Mr. GILCHREST.

H. Con. Res. 316: Mr. BRUCE, Mr. YATES, Mr. TORRICELLI, Mr. LEVINE of California, and Mr. ACKERMAN.

H. Res. 361: Mr. LEHMAN of California.

H. Res. 372: Mr. SAXTON, Mr. OWENS of New York, Mr. GILMAN, and Mr. TORRICELLI.

H. Res. 399: Mrs. BENTLEY, Mr. FISH, Mr. FROST, and Mr. MACHTLEY.

H. Res. 448: Mr. WOLF and Mr. SOLARZ.

DELETIONS OF SPONSORS FROM PUBLIC BILLS AND RESOLUTIONS

Under clause 4 of rule XXII, sponsors were deleted from public bills and resolutions as follows:

H.R. 5253: Mr. ROEMER.

H.J. Res. 490: Mr. ROEMER.

AMENDMENTS

Under clause 6 of rule XXIII, proposed amendments were submitted as follows:

H.R. 5006

By Mr. DICKS:

—At the appropriate place in the bill, insert the following new section:

SEC. . NUCLEAR SAFETY IN EASTERN EUROPE AND THE FORMER SOVIET UNION.

(a) FINDINGS.—The Congress finds that—

(1) the Chernobyl nuclear reactor accident on April 26, 1986, has resulted in $283 to $352 billion worth of damage, with more than 4,000,000 people still living on land contaminated with radiation;

(2) there are 16 Chernobyl-type RBMK reactors now operating in Russia, Ukraine, and Lithuania, all of which have faulty designs, poor construction, and dangerously lax and outdated operating procedures;

(3) there are dozens of Soviet-designed reactors now operating in Eastern Europe and the former Soviet Union with poor construction and lax and outdated operating procedures;

(4) a serious nuclear reactor accident in one of the newly freed states of Eastern Europe and the former Soviet Union would seriously exacerbate these states' difficult progress towards economic recovery and could lead to political instability;

(5) retrofitting the RBMK reactors with modern Western safety equipment will result in only marginal safety improvements at great expense; and

(6) alternative power sources, such as natural gas turbines, and modern energy efficiency measures and technologies could displace the need for much of the power which these reactors provide.

(b) UNITED STATES POLICY.—It is the sense of Congress that the President should undertake bilateral and multilateral initiatives, including trade initiatives, to—

(1) assist in bringing on line enough replacement power and modern energy efficiency measures and technologies in the states of Eastern Europe and the former Soviet Union so that the RBMK reactors may be shut down as soon as possible and placed in stable condition to prevent radiological contamination;

(2) assist the states of Eastern Europe and the former Soviet Union in upgrading their other nuclear reactors to Western standards of safety and in ensuring that all of their nuclear reactors receive routine maintenance and repairs;

(3) encourage and provide technical assistance to Russia and Ukraine to enact domestic legislation governing nuclear reactor safety;

(4) negotiate formal agreements for nuclear cooperation with Russia and Ukraine;

(5) identify nuclear safety research as a principal focus of the soon-to-be created nuclear science center in Ukraine; and

(6) make greater resources available to the International Atomic Energy Agency to promote programs of nuclear safety in Eastern Europe and the former Soviet Union.

(c) REPORTING REQUIREMENT.—Not later than 60 days after the date of enactment of this Act, the President shall submit to Congress a report with a systematic assessment of the nuclear reactor safety situation in Eastern Europe and the former Soviet Union, with a description of specific bilateral and multilateral initiatives the Administration is taking and plans to take to address these nuclear safety issues.

EXTENSIONS OF REMARKS

HONORING DENNIS RIVERA

HON. BILL RICHARDSON

OF NEW MEXICO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 27, 1992

Mr. RICHARDSON. Mr. Speaker, with Hispanics expected to be the largest minority in this country by the year 2010, it is little wonder why more and more Hispanics are being elected to local, State, and Federal office. But serving in elected public office is not the only way Hispanics can improve their community's quality of life. In fact, one of the most powerful and successful Hispanics in the Nation is the head of a health care labor union in New York, Dennis Rivera.

Not only has Mr. Rivera been able to forge coalitions and reach compromise in an effort to improve working conditions for his members, but this labor leader continuously and aggressively also stresses the importance of a strong, viable, and working health care system. His efforts and broad based philosophy is drawing considerable praise.

The New York Times Magazine recently featured Mr. Rivera on its cover and described in a flattering article the trials and tribulations of his young career. I urge my colleagues to review the following article so that they can better understand and appreciate a rising star in America's growing Hispanic political movement.

[From the New York Times Magazine, May 10, 1992]

A NEW FACE FOR AMERICAN LABOR

(By Sam Roberts)

Dennis Rivera is in a hurry sporting his distinctive Indiana Jones-style fedora with a tiny hole in the crease and lugging a bulging, battered leather satchel, he charges into a Capitol Hill hotel late for the first formal session of a national Hispanic political fundraising committee. He pauses briefly in the hotel lobby to greet friends from New York, then tries to slip unnoticed into the basement ballroom where the meeting of nearly three dozen political figures has already begun.

Instead, to a rousing ovation, he is ushered to the only vacant seat at the head of a U-shaped table, next to Gloria Molina, the newly elected Los Angeles County supervisor. Later that day, his attempt to duck out of a Georgetown cocktail party is thwarted by another ovation. In between, in a series of meetings and meals, as self-conscious Rivera is lionized by speaker after speaker. At lunch, Bill Richardson, the Democratic Representative from New Mexico, who heads Hispanic PAC U.S.A., limits his introductions to elected officials, with one exception. "Dennis may not be an elected official," Richardson says, "but he controls about nine million votes."

That's about nine million more than Rivera controlled just seven years ago, when he was left broke and in tears after being dismissed from his $270-a-month job wheeling patients through the halls of Beth Israel Medical Center in Manhattan. Today, the slight, mustachioed 41-year-old college dropout, already a potent force in New York politics, is rapidly becoming a muscular national presence. His emergence is all the more remarkable because it is built on two shaky foundations—organized labor and the fractured Hispanic community.

As head of the nation's largest union local for health-care workers, Rivera has vigorously injected his voice into partisan politics. "Our ability to win good contracts is directly dependent on the politics of health care in our country," he says, speaking with a pronounced Spanish accent.

But Rivera aspires to be something more than an effective advocate of better salaries, benefits and working conditions for his members, most of whom are poor black and Hispanic women. If his demands are met—as now seems likely—before the year is out, his Local 1199 of the Drug, Hospital and Health Care Employees Union, with its 100,000 members, will rejoin the AFL–CIO and forge a formidable coalition with 600,000 other health-care employees in 39 states. The proposed American Conference of Health Care Workers would comprise Rivera's union and the health-care units of the American Federation of State, County and Municipal Employees, representing government workers, and the Service Employees International Union, most of whose members are in the private sector. As executive vice-president, Rivera would be in day-to-day charge of the conference, which he expects to give him a national platform, especially in health-care policy.

"He's maybe the best piece of talent around in the labor movement," says Victor Gotbaum, the former municipal union leader in Chicago and New York. Rivera is also a vice chairman of the Democratic State Committee in New York, where he helped fashion the diverse coalition that elected David N. Dinkins as New York City's first black Mayor in 1989.

Rivera is also the brightest new star in Hispanic politics, although his ambition to speak for the nation's exploding Hispanic population may be harder to realize. Few Hispanic leaders have even tried to develop a national following, and fewer yet have succeeded. The reasons are plain.

While Hispanic Americans will account for about one-tenth of the nation's population by the decade's end, almost one in three Hispanic adults are not yet citizens. Many others are too young to vote. And many are dispersed not just geographically but culturally—by country of origin—so their influence has been confined to discrete areas. As a result, Hispanic political representation is paltry, with less than 1 percent of the nation's 500,000 elected officials of Hispanic origin.

In the labor movement, few Hispanic leaders stand out beyond Cesar Chavez, the 65-year-old head of the farmworkers whose membership—like that of Jack Otero's Transportation Communications International Union—is much narrower than Rivera's. Local 1199 represents 40,000 service and maintenance workers, 33,000 professional, technical and clerical employees, 18,500 home care workers, 4,500 registered nurses, 4,000 pharmacists and 15 doctors—a pyramidal slice of the nation's fastest-growing industry.

Back at the Hispanic Political Action Committee meeting in Washington, Rivera and Andy Hernandez of the Southwest Voter Registration Education project are lamenting the decision of New York's Governor, Mario M. Cuomo, to skip the Presidential race because of budget problems in Albany. The Governor is among the few people in public life who approach the moral threshold that defines Rivera's heroes.

"Will he get a budget?" Hernandez asks hopefully.

"Well, it's a contradiction," Rivera replies. "Some of us are fighting like hell against the budget he wants." Nudged by the Rev. Jesse Jackson, Rivera eventually endorsed Edmund G. Brown Jr.

Rivera's election to the presidency of Local 1199 in 1989 marked the culmination of a 12-year association with the union, during which he went from hotshot organizer to hated, "disloyal" rival of Doris Turner, a former president of the union who had Rivera fired several times in an effort to silence him. He has evolved into a canny crusader, who plunges headfirst into every fight that he believes needs to be fought. "I have tried to be a little more patient," he says. "On the other hand, my contempt for some of the political process has increased."

The transition from struggling, downtrodden outsider to inside political operator promises to be difficult for Rivera, who is a curious mix of idealistic, 60's-style liberal and tough, blunt-speaking realist who doesn't hesitate to take on liberalism's sacred cows. In fact, he is unsparing in his criticism of organized labor, and particularly of its leadership.

But his character-authentic, and certainly in tune with the populist 90's—is also his greatest strength. As Basil Paterson, a former New York City deputy mayor who is Local 1199's lawyer and a key adviser, says of Rivera: "He views things as an outsider even when he's an insider."

Leaving a union rally at Columbia-Presbyterian Medical Center in Washington Heights, Rivera muses about how far he has come in the 15 years since he emigrated from his native Puerto Rico. "More people work at this hospital," he says, "than live in my hometown."

He was raised in the small, rural town of Aibonito, where his parents met while his Irish-American father was scouting for non-union sites for a women's underwear factory. (The factory was built, and his father stayed on as the manager.) Throughout his youth, Rivera showed little interest in politics, preferring baseball and basketball. That phase ended abruptly when he was drafted during the Vietnam War. "When I said I wasn't going, it wasn't for political reasons," he recalls with his usual candor. "I didn't want to die."

While he regained his student deferment, the process changed his outlook. He embraced the socialist agenda of his draft-resistant counselors and joined the Puerto

• This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

Rican Independence Party (he now generally favors continued commonwealth status). Fired by his discovery of social injustice, he eventually quit college several credits short of graduation and devoted himself full time to labor organizing.

In those early days, Rivera was long on enthusiasm but short on experience and street smarts. At a rally of psychiatric workers in San Juan, he was jailed for spitting at the hospital's boss. Soon after, he organized a walkout of San Juan garbage men—without bothering to tell the garbage men. "We had already mobilized the media and we got to the garage at 4 a.m." he recalls. "We said we needed to strike. There was silence. So we called it off.

"Small detail," he says wryly. "You cannot do a strike without the workers." That lesson learned, he helped build unions of health-care workers and municipal employees that still endure in Puerto Rico.

Rivera came to New York in 1977, primarily to accompany his girlfriend, a medical intern who had applied for residency in a Brooklyn hospital. They married, had a son, Jaime, now 11 years old, and were divorced in 1982, partly, he says, because of the pressures of his union activities.

Rivera's career with the hospital workers union, although beginning on shakier ground, has endured longer. His early introduction to Leon J. Davis, who was a pro-Communist drugstore clerk when he founded Local 1199 in the Depression, was not promising: Davis was dismissive, suggesting that Rivera might find it difficult to organize workers because he barely spoke English. "He threw us out of his office," Rivera says, "The office I now occupy."

When Davis retired in 1982, he was succeeded by Doris Turner, who quickly plunged the union into a ruinous strike. Turner won re-election in 1984 in a ballot that the Labor Department subsequently voided, after Turner loyalists admitted to irregularities.

These were lean years for Rivera, especially after 1982, when he joined with Davis loyalists in supporting a national merger with the Service Employees union—a merger Turned opposed. Enraged, she made sure he was assigned to a series of dead-end jobs and, ultimately, fired him, even though he was an elected organizer.

Things only got worse in the next two years, particularly after Rivera joined a slate to challenge Turner in the 1984 elections. In early 1985, one day shy of the two-month probationary period, he was dismissed from his job of transporting X-ray patients at Beth Israel. A janitor's job in a unionized Long Island nursing home nearly ended the same way.

Fortunately for Rivera, the Labor Department had by then extracted an agreement for a Federally supervised rerun of the 1984 election, making him eligible to campaign full time as a $200-a-week organizer for the insurgent Save Our Union coalition.

Finally, in April 1986, Rivera was elected executive vice-president of Local 1199 on a slate headed by Georgianna Johnson, who proved less destructive than Turner but equally ineffective. In 1989—with the help of Bill Lynch, who would direct the Dinkins campaign, and Moe Foner, a savvy Davis-era veteran who now heads the union's cultural program—Rivera ousted Johnson and emerged as the newest star in labor circles.

Three days after his election, Rivera was pitched into negotiations on a new contract. It rapidly became plain that, under Rivera, face-to-face bargaining was only a part of the process. His counterpart in the negotiations, William J. Abelow, who headed New York's League of Voluntary Hospitals, recalls that Rivera's performance at the bargaining table seemed merely a sideshow to his lobbying and public relations efforts, which "had all the trappings of a political campaign."

Norman Metzger, an author and Abelow's predecessor, praises Rivera's effectiveness. "Rivera, with far less support than Davis among the rank and file, is far more successful," Metzger says. "Traditional across-the-table negotiations are not his metier. He goes to the top. He calls in chits from politicians. He uses government officials as allies. And he brings the civil rights issue back into labor relations.

"You might bite your lower lip and be angry at the effects, given the fact that hospitals are faced with enormous financial difficulties," Metzger concludes. "But Rivera has changed collective bargaining in this industry."

A prime Rivera tactic, one used to great effect by the hospitals in the past, is to divide and conquer. So it was that, one week after the contract expired, the Roman Catholic Archdiocese defected from the hospitals coalition. Rivera then orchestrated a series of brief walkouts that demonstrated the union's muscle without overtiring its members. And he delayed a strike deadline until after the mayoral primary, to free workers for the campaign and to avoid embarrassing Dinkins. One month later, the other hospitals capitulated.

The key alliance for Rivera, one that continues to this day, was struck with John Cardinal O'Connor, the Roman Catholic Archbishop of New York, who had been something of a mentor to the young labor leader since 1987, when Rivera enlisted him and the Rev. Jesse Jackson to rally support for home health-care workers.

If the Cardinal, the son of a union man, was predisposed toward Rivera, their relationship—and a new contract—was cemented when Rivera passionately pleaded his case in a meeting after 10:15 Mass at St. Patrick's Cathedral. "I told him he had impressed me very much as a man of integrity," the Cardinal recalls. "The union movement so desperately needs people with real leadership ability who are incorruptible.

"I would love to see him grow and mature and achieve a national leadership position," Cardinal O'Connor continues. "But only if he keeps his integrity and doesn't just end up with happiness and high pay." To date, Rivera's integrity is unchallenged. Happiness—contentment, anyway—has been more elusive. And high pay? He still makes under $50,000 and—following a policy set by Davis—links his own raises to whatever percentage he negotiates for the rank and file.

Rivera's character was shaped two decades ago in the slums of San Juan, where labor organizing was so highly charged that he carried a revolver in his belt. Today, he is armed with a flip-top cellular telephone, which he wields, with his Casio calculator watch, just as casually as he wears the blazers he buys secondhand in thrift shops and the khaki pants he purchases at army-navy stores.

Rivera's agenda for change doesn't stop with labor. "I've heard him for two years delivering a message that many of the Democratic candidates and some Republicans are delivering—about reinvesting in America and about health care," says Gerald McEntee, president of Afscme. "I hate to put Dennis in this category, but Newt Gingrich is saying some of the same things."

Publicly, Rivera usually speaks in absolutes, sometimes in slogans like "Tax the Rich." He likes to quote the recent health-care essay by Cardinal O'Connor, a social conservative. "Politics may well be the art of compromise, but not every compromise is morally right and good," the Cardinal wrote. "Compromise can save a lot of lives. Compromise can send a lot of people to their deaths."

But for all his bumper-sticker oratory, Rivera's thinking is nuanced and surprisingly undogmatic. He disputes the labor canon that a union member is necessarily a better human being, an unusual public admission for an organizer. He maintains that more money itself is no antidote to poor health care—"in this country we spend 12 percent of G.N.P. on health care, while Canada spends only 9 percent, and polls show they're more satisfied," he says.

And he admits to profound troubles about abortion. "I have tremendously mixed feelings," Rivera says. "I don't think I'm definitely out of the pro-choice corner, but I have taken a position that the union should not have a position. Many women activist friends react in horror when they talk to me, but we've become so jaded, so uncivilized. It's like euthanasia. Where do we stop?"

He reads voraciously and rattles off figures and quotations from books and from think tanks that provide statistical backbone for his metaphorical references to class warfare—even if middle-class concerns are sometimes overlooked in his obsession with the disparities between rich and poor.

While disenchanted with many public officials, Rivera is not eager to run for public office. He lost his only attempt, for town council in Puerto Rico. Since then, he has concentrated on pushing the candidacies of favored politicians like David Dinkins, who has been a mild disappointment to Rivera. "He is a gentleman and a conciliator," Rivera says. "Is that what New York needs right now? I don't know."

Rivera is openly critical of Governor Cuomo. "The Governor is cutting Medicaid by 20 percent," Rivera says in only a slight overstatement. "He's cutting schools by 2.5 percent, not that I'm advocating cutting schools. The richest among us are paying the lowest taxes. We need a progressive tax system."

To Cuomo's warnings that Rivera's tax-the-rich nostrum would drive taxpayers from New York, Rivera replies: "If the quality of life deteriorates any further, they will leave anyway. Do you think we're going to have a mass exodus because these people oppose paying $350 more? They spend more than that on a meal. I don't know a single person who is leaving New York because of taxes. They're leaving because they can't ride the trains, because they can't hire kids who can read or write, because they don't feel secure."

"I'm not a radical," Rivera says. Rather, he defines his ideology as humanist, populist and, without apologies, liberal. In organizing opposition to health cuts, he admits to a convenient melding of the unions' and the public interest. "The need for our services hasn't decreased," Rivera says. "What has decreased is the commitment of politicians to fund our health-care system."

Nevertheless, Rivera the realist concedes that "it's highly unlikely we'll succeed completely. But we establish a line. The strategy of government is, 'Let's slash where we get the least resistance.' What I'm trying to do is put up some resistance."

His immediate goal this year was to fend off the state's proposed Medicaid cuts. He generated resistance by rallying 20,000 shivering marchers in February and threatening black and Hispanic legislators with political reprisals (this spring, the union registered 40,000 new voters from its own ranks, and 102,000 New Yorkers overall). But his success was modest at best.

His larger agenda is a system of government-paid national health care patterned on the Canadian model. But he warns that this goal may be doomed by a conspiracy of "1,500 insurance companies, the American Medical Association and the concept, scary to some, that this is a socialistic measure."

If current projections prove accurate, perhaps only 10 percent of American workers will be union members by the year 2000—down from about 35 percent in the 1950's and about 16 percent today.

Rivera is candid about assessing blame for this decline, and he doesn't train all his fire on the Republicans. Yes, he would like laws to simplify the union certification process, to repeal right-to-work measures and to prohibit employers from hiring permanent replacements for striking workers. Right now, he says, "the rules of the game are stacked against labor."

But Rivera is highly critical of organized labor itself. "Dennis," complains Barry Feinstein, president of Local 237 of the International Brotherhood of Teamsters in New York, "has been more articulate in the negative about labor leaders than is appropriate."

Says Rivera: "The labor movement right now is part of the problem. It's fat. It has more in common with the employers than with the rank and file. That makes you less daring, less hungry, less desirous of fighting the good fight. They start seeing this as a business, not a mission or a cause.

"The fundamental problem is how untruthful we are to our mission. That's when I get into trouble. Is it our job to change things or to get reelected? That's a common thread I see in labor and in elected officials. If you don't involve too many people, you will stay in power. But where does that get you?"

Rivera's differences with his labor colleagues flared during the Daily News strike in 1990 and 1991, when he pleaded with the city's moribund Central Labor Council (in a meeting, he recalls slyly, in the Waldorf-Astoria's Herbert Hoover room) to provide volunteers and financial aid. When the council declined, Rivera jumped into the vacuum, even pumping $55,000—more than half of Local 1199's bank balance at the time—into a strike fund. His critics called it grandstanding.

"The labor movement mentality is, we have a crisis, you're not supposed to talk about it," Rivera responds. "If I do they say, 'Who is this showboat, Dennis Rivera?' They didn't understand the catastrophic symbolism of the unions being destroyed at the labor paper read by the working class in a union town."

Dennis Rivera, Cardinal O'Connor says, "is a man who tries to do what is the right thing whether it is the popular thing or not. He's a man who trusts and who looks to political leaders as people of honesty and integrity. He looks at the system and he's getting maybe a bit mildly disappointed, and I think he's coming to feel a little bit overwhelmed, wondering if it can change and wondering if he can change it.

"His greatest danger is in getting not cynical but heartbroken, in seeing others fail to live up to their promise and fail to have the same ideals he has."

For now, Rivera is occupied with the more mundane aspects of his job. Last month, he was re-elected president of Local 1199, without opposition. Negotiations continue with his prospective merger partners, and bargaining on a new hospital contract is to begin this week.

In the longer future, though, he will be pushing a broader theme. "The objective reading at this moment is that this society ain't functioning," Rivera says. "What we are articulating, to quote José Martí, the Cuban patroit, is 'sailing against the wind.' That's the kind of leadership we need."

He acknowledges that labor is a part of the problem, but for a reason management might dispute. "Its fault is being ineffective. If it doesn't change the rules under which it operates, it will cease to be an institution in American life.

"If 84 percent of all American workers do not belong to a labor union, labor is not the problem," Rivera concludes. "Labor is irrelevant."

TRIBUTE TO COL. ROGER ALEWEL

HON. IKE SKELTON

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 27, 1992

Mr. SKELTON. Mr. Speaker, today I pay tribute to a distinguished Missourian who has dedicated a great portion of his life to service in uniform, active duty, Guard, and Reserves. The man of whom I speak is Col. Roger Alewel, who was commissioned as a second lieutenant in the Air Force in 1959 through the Reserved Officers Training Corps at the University of Missouri. Colonel Alewel served on active duty with the Air Force for 5 years, flying B–52 bombers. Thereafter, he was with the Missouri National Guard for 23 years, the last 3 of which were spent on active duty at Fort Campbell, KY. Colonel Alewel now ends his military career having served the last 5 years in the Army Reserves.

Col. Roger Alewel epitomizes the citizen soldier who has made America militarily strong throughout our history. He will retire from his military duties on July 8 of this year.

In his civilian role, Colonel Alewel serves as the director of the Missouri State Fair in Sedalia.

I know other Members will join me in congratulating Col. Roger Alewel for his many years of devotion to duty and service to our country.

TESTIMONY IN SUPPORT OF ESTABLISHING THE JOINT COMMITTEE ON CONGRESS

HON. ROMANO L. MAZZOLI

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 27, 1992

Mr. MAZZOLI. Mr. Speaker, on Thursday, May 21, I had the privilege of testifying before the House Rules Committee in support of House Concurrent Resolution 192, which would establish a joint committee to study and suggest reforms on all aspects of congressional operations. Although campaign finance reform may not be under the direct jurisdiction of the Committee on Congress, it must nevertheless remain at the forefront of any efforts to reform Congress.

I insert the full text of my testimony in the RECORD at this point:

TESTIMONY OF HON. ROMANO L. MAZZOLI

Mr. Chairman, I commend you for convening this hearing on H. Con. Res. 192, and I commend our colleagues Lee Hamilton and Bill Gradison for their foresight in putting this idea on the table long before the recent troubles in the House swelled public sentiment for reform.

Congress is meant to be a deliberative body—one where decisions are made after thoughtful examination and discussion. However, the economic and social problems facing our nation today are so staggering that the American people cannot and will not tolerate unnecessary delay or gridlock. They want action.

I believe first and foremost that we must reform our system of campaign finance. People need to be put back at the heart of the political process. Elections should be about ideas and records, not about who has more money and more television commercials. The public, sadly, believes that Congressional decisions are more often based on money than on the merits or demerits of an issue. I realize that this issue is not necessarily within the purview of H. Con. Res. 192, but real reform of the House cannot take place without reform of the election process.

With or without this needed campaign reform, there must be dramatic changes in the way we consider and move legislation in the House and in the way we operate in general.

I tend to categorize our problems into two areas: Legislative Process and Administrative.

On the legislative process side, we need to update and streamline the process in the House for considering budget and money matters. I urge two specific changes:

Move to a system of biennial budgeting. Let's grapple with the budget every two years instead of every year, with good oversight on the off years. (Better oversight might prevent future S&L or HUD-type scandals). Two-year budgeting would also allow for better planning and execution by the agencies and programs that rely on federal funding.

Streamline the lengthy and complex authorization and appropriation processes. Why not authorize a program and appropriate funding for it in the same bill? That would eliminate revisiting issues over and over again, both in Committee and on the House Floor. Biennial budgeting also could help refine this procedure.

Also on the legislative process side, we need to reduce the number of committees and subcommittees. To this end, I offer the following five suggestions:

Eliminate all permanent select committees. Either make them temporary (no more than two years) or integrate their functions into permanent standing committees.

Eliminate the distinction between "Major" and "Non-Major" committees. All House committees should be organized so that they are roughly equal in stature and responsibility.

Limit Member service to one full committee and two subcommittees at a time.

Limit length of committee service to eight years and rotate Chairs every four.

End proxy voting in committee and subcommittee.

On the Administrative side, the first issue I feel needs to be addressed is scheduling. The unpredictable and uneven schedule of the House makes for late night sessions, last-minute change in travel plans, and cancellations in appearances back home—all of which detract from the productivity of the House and add to public perception that we are undisciplined and disorganized. There is a myriad of options we can look at to improve our system of scheduling; I offer a couple of options to be put into the mix:

Rotate every other week between a five day workweek and a three-day workweek. On the five-day workweek, let's make Mondays and Fridays full and productive workdays for the House. Bring the House in at 2 p.m. on Mondays (to allow for Member travel time from the district) but start right in on legislative business—perhaps Suspensions. Set aside Wednesday for Committee meetings only, no Floor schedule. Have the House meet at 10 or 11 the rest of the week, including Fridays, to avoid late-night sessions. On the three-day weeks, don't meet at all on Mondays and Fridays. This will give Members definite dates to schedule events in their districts.

Also on the Administrative side, we should: Prohibit Congressional exemptions from laws that cover everyone else. We started in the right direction several years ago when we put Congress under Social Security. Last year we placed Hill employees under the Fair Labor Standards Act and the Americans with Disabilities Act. But, we and our employees should be brought under all the laws which cover individuals and businesses.

Continue to make strong franking reforms, including the prohibition on mass mailings into adjacent districts. Every Member should have postage funds to correspond with all constituents who write or call. However, I don't believe Members of Congress should spend hundreds of thousands of dollars for postal patron mailings that go to each and every mailbox in the district, nor should taxpayers foot the bill for large-scale targeted direct mailings.

Continue to eliminate unnecessary services provided to Members. Many of the services and conveniences provided to Members are reasonable and sensible—comparable to employee benefits and opportunities available to most Americans in private as well as public employment. The key is to see that Members pay the "going rate" for these services, just like anyone else.

Thank you, Mr. Chairman, and Members of the Committee, for your time and attention. I would be happy to answer any questions you might have.

RONALD K. MACHTLEY AWARD

HON. RONALD K. MACHTLEY

OF RHODE ISLAND

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 27, 1992

Mr. MACHTLEY. Mr. Speaker, it is my distinct pleasure to congratulate Jennifer Carter of Pawtucket, as this year's recipient of the Congressman Ronald K. Machtley Academic and Leadership Excellence Award for William M. Davies Junior High School in Lincoln, RI.

This award is presented to the student, chosen by William M. Davies, Junior High School, who demonstrates a mature blend of academic achievement, community involvement, and leadership qualities.

Jennifer Carter has more than fulfilled this criteria. As a member of the top 10 percent of her senior class, Jennifer was named to the Rhode Island Honor Society and was duly honored with the Robert C. Byrd Scholarship. She also contributes herself to her school as captain of the cheerleading squad and as a member of the yearbook staff.

I commend Jennifer Carter for her outstanding achievements and wish her all the best in her future endeavors.

IT IS TIME TO USE THE IMMIGRATION EMERGENCY FUND

HON. LAWRENCE J. SMITH

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 27, 1992

Mr. SMITH of Florida. Mr. Speaker, the recent changes in United States policy concerning Haitian boatpeople does not reduce the need to prepare for a future influx of immigrants into south Florida.

As you know, in 1986, Congress passed the immigration revolving fund, which I introduced. It protects States like Florida from facing excessive immigrant-induced financial burdens. I was determined not to let Florida's taxpayers face another immigration emergency like the 1980 Mariel boatlift when 125,000 Cubans arrived on Florida's shores. The boatlift cost the State of Florida $400 million.

My proposal eventually became section 113 of the Immigration Reform and Control Act of 1986. It permits States to receive up to $35 million in Federal assistance if they face an immigration emergency—about $31 million after the recent rescission. This money is to reimburse them for money they already spent absorbing immigrants.

However, the President must declare that an immigration emergency exists before the money becomes available. I repeatedly have asked President Bush to exercise his authority under the law so that Florida can gets its long overdue reimbursement. Until the President declares such an emergency, and I am sorry he has not especially since reasonable people know what constitutes an emergency, the welfare of the citizens of south Florida will continue to be threatened.

It's well past time the Federal Government did something. The people of Florida deserve better. The fund was authorized to help States overburdened by immigration problems. Let us put it to its intended use.

The Miami Herald concurs with the need to prepare for an immigration emergency. For the benefit of my colleagues, I am including the paper's editorial at the end of my remarks. Now, if only we could get the administration to read it.

[From the Miami Herald, May 23, 1992]

EMERGENCY APPROACHES

The Coast Guard's decision to stop interdicting seaworthy Haitian boats could mean a new influx of refugees reaching South Florida's shores. It therefore behooves local, state, and federal social service agencies—and especially the Immigration and Naturalization Service—to get ready.

It's impossible, of course, to foretell how many Haitians on how many boats will make it across 600 miles of open seas. So the region's governments and the INS must factor that grim unknown into their preparedness. But prepare they must.

The Krome Avenue Detention Center, for example, can hold 450 detainees comfortably, 550 in a pinch. Krome at times held more than 1,000 during the early 1980's Haitian influx; yesterday it held 390. So any appreciable new influx would overtax Krome in a trice.

Thus the federal government must plan to use other facilities, if needed, for housing and feeding Haitian refugees until they can be screened. If recent trends hold, nearly one in three screened will be deemed eligible to pursue a political asylum claim.

Altough the Coast Guard has stopped interdicting seaworthy boats, an INS official denies that that's a change in policy. It's merely a temporary response to an emergency, he says. The United States will continue to repatriate Haitians from Guantanamo Bay, he adds, and to bring from there to this country interdicted Haitians eligible to pursue political asylum claims.

Federal agencies, including the Pentagon and the Coast Guard, have complained recently about the cost—some $60 million in all—of dealing with this unprecedented wave of refugees. They say that other items in their budgets are imperiled by diverting money to the Haitians.

If you infer from those complaints that Washington won't readily reimburse Florida or South Florida governments for refugee costs, you infer correctly. There's $35 million set aside for reimbursing state governments for costs of refugee emergencies. President Bush has only to declare an emergency to trigger the process.

There's no emergency in South Florida because of Haitian refugees—yet. But under the maxim that forewarned is forearmed, this region's governments and the INS would be irresponsible if they didn't ready their "what if" plans as if "what if" meant next week. Because it might.

ANOTHER DAY, ANOTHER ATROCITY IN WAR-TORN BOSNIA-HERCEGOVINA

HON. TOM LANTOS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 27, 1992

Mr. LANTOS. Mr. Speaker, Serbian President Slobodan Milosevic's Communist forces have once again shocked the civilized world. Yesterday Serbian fighters fired mortar shells into a crowd gathered to purchase bread in Sarajevo. At least 20 were killed and scores were wounded.

These continuing atrocities by the Communist Serbians are an outrage and demand immediate and unequivocal actions on the part of the U.S. Government. The complete isolation of Serbia and its ally, Montenegro, must be implemented at once. Comprehensive sanctions against Serbia need to be enacted to force an end to this prolonged and bloody nightmare in the heart of Europe.

On Monday, the Washington Post published an article by Jeri Laber and Ivana Nizich of Helsinki Watch. It is an excellent piece that shows Milosevic for what he is: a violent Communist thug whose repression of Kosova was but the first phase of his vicious land grab scheme. I ask that this article be placed in the RECORD and I urge my colleagues to read it carefully.

MILOSEVIC'S LAND GRAB

(BY JERI LABER AND IVANA NIZICH)

The U.S. government is finally taking a strong position with regard to the violent unraveling of Yugoslavia based on Serbia's indiscriminate and undisguised aggression in Bosnia-Hercegovina. It must now follow through by taking the lead in urging countries throughout the world to isolate the Serbian government through ostracism and economic sanctions, including an oil embargo, the freezing of Serbia's assets abroad and the denial of diplomatic recognition to Serbia and Montenegro as the "new Yugoslavia." At the same time, it must not turn away from the desperate needs of the people in the region and must push for U.N.-escorted convoys of humanitarian aid.

Unfortunately, Washington's belated call for strong collective action against Serbia comes at a time when many world leaders seem prepared to abandon the former Yugoslav republics altogether. Thousands of helpless civilians in Bosnia-Hercegovina are without food or medicine, at the mercy of Serbian forces that are shelling and blockading their cities and towns.

"We are not dangerous; we are not rich. We just don't count," lamented Haris Silajdzic, the Foreign Minister of Bosnia-Hercegovina, recently in New York. Silajdzic believes, perhaps with some justification, that if Bosnia-Hercegovina were, say, oil-rich Kuwait, the United States and other world powers might not be standing idly by talking about "fierce ethnic conflicts" that must play themselves out to the end.

The ethnic wars in the Balkans are not, as many want to believe, the results of age-old hostilities long repressed by the communists that are now emerging spontaneously with renewed force. Rather, they are the results of a relentless propaganda campaign, aimed at stirring up old tensions and engineered by Serbia's irresponsible, power-mad leader, Slobodan Milosevic, and communist who turned nationalist to further his own cause.

Milosevic developed what has become his distinctive pattern of aggression when he established a military occupation in the province of Kosovo in the late 1980s on the pretext of defending the Serbian minority there. The Albanians in Kosovo, who make up 90 percent of Kosovo's population, once enjoyed autonomous status, but this came to an end when Milosevic moved his troops in and began a deliberate policy of colonization, resettling Serbs in Kosovo and marginalizing the local population.

The Kosovo parliament was dissolved, about 50 major enterprises were seized (including hospitals and energy plants), and employees were fired from these institutions and from the media, which are now under strict Serbian control. The government closed Rilindja, the only Albanian-language daily in Kosovo. More than 85,000 people are said to have lost their jobs. In a series of secret meetings, the officially dissolved Kosovo parliament has declared Kosovo's sovereignty and adopted its own constitution.

Ethnic Albanians held public elections yesterday for new members of parliament, but it is too soon to know what the Serbian response will be. Not much attention is paid to the repression in Kosovo these days, perhaps because open warfare has not occurred there. But if war were to break out in Kosovo—where nearly 2 million Albanians share a common border with at least as many in neighboring Albania—it would add a stick of dynamite to the already inflamed Balkan tinderbox.

Milosevic's subjugation of Kosovo was followed by attacks against Croatia and Bosnia-Hercegovina, ostensibly to protect the Serbian populations living in those regions. In each case, he grossly exaggerated the threat. In fact, he is involved in an insatiable land grab. Under the pretext of protecting Serbs, his government—using the Yugoslav army and Serbian paramilitary forces—has committed just about every crime against civilians known to international law; summary executions, hostage taking, indiscriminate shelling and destruction of towns and cities, and forcible removal of populations.

These tactics have resulted in more than 12,000 dead and more than 1.5 million displaced in Croatia and Bosnia-Hercegovina; the figures from Bosnia-Hercegovina are swelling these statistics by the day.

To be sure, Serbia is not the only violator of human rights in these conflicts: Each side is guilty of serious abuses. But Serbia has clearly emerged as the instigator of the hostilities, and its refusal to negotiate has made it impossible to bring the conflicts to an end.

The United States, which supported Yugoslavia all through the Cold-War years when it was *our* communist country as distinct from *theirs*, must now urge every measure possible to shame and isolate Milosevic, including a call for an international tribunal to investigate Serbia's war crimes. Some of the worst dictatorships in the world have proved to be susceptible to international pressure. This is the time to keep the pressure on.

TRIBUTE TO AARON RHODES

HON. PAUL E. GILLMOR

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 27, 1992

Mr. GILLMOR. Mr. Speaker, I want to take this opportunity to pay tribute to Aaron Rhodes of Clyde, OH, who recently accepted an appointment to the U.S. Air Force Academy as a member of the class of 1996.

When I nominated Aaron Rhodes for admission to the Air Force Academy, I knew I was nominating a young man with great potential for leadership. Whether as the No. 1 student in his class or as a varsity letterman in two sports, Aaron Rhodes has demonstrated repeatedly the ability to achieve excellence in all that he does.

In recent years, America has experienced the end of the cold war between the superpowers and defended self-determination in the Persian Gulf. American resolve has resulted in the new embrace of freedom and peace around the globe. These victories for our principles occurred in large part due to the honor, talent, and dedication of the men and women who serve this country in the U.S. Armed Forces. And the service academies are the linchpin of this distinguished military tradition.

By accepting his appointment to the Air Force Academy, Aaron Rhodes is preparing to make a valued contribution to that tradition. I congratulate him, and wish him and his family all the best.

RONALD K. MACHTLEY AWARD

HON. RONALD K. MACHTLEY

OF RHODE ISLAND

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 27, 1992

Mr. MACHTLEY. Mr. Speaker, it is my distinct pleasure to congratulate Ronald James Kreiger of North Smithfield, as this year's recipient of the Congressman Ronald K. Machtley Academic and Leadership Excellence Award for North Smithfield High School in North Smithfield, RI.

This award is presented to the student, chosen by North Smithfield High School, who demonstrates a mature blend of academic achievement, community involvement, and leadership qualities.

Ronald Kreiger has more than fulfilled this criteria. As a senior, Ronald served dutifully as vice president of both the National Honor Society and the Letterman's Club, while his peers chose him captain for both the soccer and basketball teams. He also devoted himself to others in his community as Youth League coach and tutor.

I commend Ronald Kreiger for his outstanding achievements and wish him all the best in his future endeavors.

IN MEMORY OF JOHN A. GUEGUEN

HON. IKE SKELTON

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 27, 1992

Mr. SKELTON. Mr. Speaker, an outstanding resident of Lexington, MO, died on May 9. John A. Gueguen, a highly regarded citizen and civic leader was 81 at the time of his death.

A life-long Lexington resident, Mr. Gueguan worked for the Army Corps of Engineers for 35 years, retiring as an administrative assistant in 1965. While with the corps, he received several merit citations. He was a member and past officer of the Bishop Ellis Council of the Knights of Columbus, as well as a past board member of the Lexington Museum. Mr. Gueguen was a member of the Immaculate Conception Catholic Church in Lexington and was a graduate of the Chillicothe Business College.

He is survived by his wife Marjorie, one son, and four daughters.

His life was one dedicated to his family, community, and his church. He will be greatly missed by the citizens of Lexington. I know the Members of this body join me in extending sympathy to his family and friends.

A TRIBUTE TO LAW ENFORCEMENT OFFICERS

HON. ROMANO L. MAZZOLI

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 27, 1992

Mr. MAZZOLI. Mr. Speaker, on May 13, the law enforcement community of the United

States held its fourth annual National Law Enforcement Officers Memorial Candlelight Vigil. This moving event was observed during National Police Week, May 10–16.

The candlelight vigil honored in a special way all police officers who have lost their lives preserving and protecting the rights and security of all of us. But, the vigil ceremony also specially recognized an additional 367 officers who have died over the years.

The vigil brought together families from across the Nation who have borne the pain of losing a loved one. In lighting the candles, the participants memorialized the officers that have fallen in the line of duty, and their grieving families, loved ones and friends.

The National Fraternal Order of Police [FOP]—the sponsor of the ceremony—is headquartered in the district which I am privileged to serve, in Louisville and Jefferson County, KY. I wish to commend the work of Dewey R. Stokes, national FOP president, and Ralph Orms, national FOP secretary, for their outstanding work on behalf of law enforcement officers and their families.

Finally, I would like to call attention to the FOP's Project Blue Ribbon, a program designed to reinforce public awareness about the people who safeguard our lives, property, and protect us against violence. During May, the display of blue ribbons has served as a recognition of slain officers, their families and all law enforcement officers.

Mr. Speaker, we must never forget the members of our law enforcement community who have lost their lives while protecting ours.

VIOLENT CRIME

HON. LEE H. HAMILTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 27, 1992

Mr. HAMILTON. Mr. Speaker, I would like to insert my Washington report for Wednesday, May 27, 1992 into the CONGRESSIONAL RECORD:

VIOLENT CRIME

The fear of crime is a part of life for far too many Americans. This pervasive fear gnaws away at our spirit, restricts our freedom, and forces us to rearrange our lives. All of us are victims of crime. We pay the cost of crime in higher taxes, insurance rates and prices for goods and services, and in the erosion of the quality of our lives. Combatting crime, once primarily a matter of public policy, has become a personal challenge requiring private action. People have lost confidence in the ability of the government to shield them from the threat of violent crime. We see more burglar alarms, handgun training, and self-protection tactics. Fear of violent crime registers as a top concern of Hoosiers in every poll. They worry that laws are not strictly enforced; that organized crime is given a free hand; that sentences are too light; that judges are too lenient; and that dangerous criminals are let free to roam the streets.

CONGRESSIONAL ACTION

Dealing with violent crime has traditionally been the responsibility of state and local government, but as Americans clamored for tougher anti-crime measures, the federal government joined the war against crime. In the last decade, Washington has enacted four comprehensive crime control bills. These laws overhauled the federal sentencing system to establish mandatory sentencing guidelines and eliminate parole for over 2,000 federal crimes; revised bail statutes to permit pretrial detention of dangerous individuals; required mandatory minimum sentences for career criminals and those guilty of certain drug crimes; expanded authority for seizure and forfeiture of assets gained through criminal activity; increased penalties for drug crimes and allowed the execution of "drug kingpins;" and created a "drug czar" to develop national drug-control policy. In addition, each house of Congress has approved, but not yet enacted, measures which would expand the use of the death penalty to over 40 more federal crimes. Furthermore, since 1965, federal anti-crime spending has risen over 2000%, to $11.7 billion in 1992.

Partly as a result of these actions, America's prison population has surged. Today, there are over 800,000 inmates in state and federal prisons. In 1980, there were 316,000. Prison capacity has not kept pace with demand, causing an overcrowding crisis in Indiana and 41 other states.

CRIME RATES

The total crime rate—which includes violent crimes like assault and less dangerous crimes like theft—actually declined slightly over the past two decades. But the rate of violent crime has increased every year since 1972. Last year, 2.6 million violent crimes were committed—an 8% increase from the year before. The number of attempted and completed violent crimes—6.4 million—was the highest since 1973.

ASSESSMENT

What has been the impact of the legislation of the past decade? First, despite these tough measures and enormous spending to fight crime, the crime rate continues to get worse. The frustrations and anger we all feel about the rise in crime is justified. One has to wonder about the effectiveness of our strategy, and whether we are getting enough results for the dollars and effort spent. It may be too soon to accurately evaluate all of these efforts; results take time. But it may also be that we have not yet found the best ways to fight crime.

Second, we have learned important lessons about how to deter crime. Much of what we do in the criminal justice system only marginally affects crime. For example, experts doubt that a decision by the U.S. Supreme Court has much effect on the rates of crime, or that an increase in the maximum prison sentence deters crime. Most agree that deterrence of crime depends primarily on the swiftness and certainty of punishment, and less on its severity.

Third, the criminal justice system—police, prosecutors, courts, correction facilities—is highly interdependent, like a chain only as strong as its weakest link. Each part must function efficiently or the whole system breaks down. If the police do not catch the offenders, the prosecutors cannot prosecute. If the prosecutors do not get convictions, police are frustrated in their efforts. Courts, the central institution in the system, separate the guilty from the innocent, shape the activities of the police, sentence prisoners, mold and apply the criminal law, and regulate the flow of the entire system. And if prisons do not restrain or rehabilitate, the more prisoners capable of crime are at large.

CONCLUSION

My strong impression is that people have not been well served by the debate on crime in Washington, much of which is irrelevant to the task of stopping street crime. For national political leaders, crime is almost entirely a symbolic issue. The crimes which worry people the most—assault, rape, armed robbery, and child abuse—are usually not federal crimes. Washington politicians continue to over-promise and under-deliver on the crime issue. State and local governments carry the major burden of reducing crime in this country, and officials at those levels are understandably more reluctant to make promises about cleaning up crime. I think we have to be careful not to exaggerate expectations of federal anti-crime programs for reducing violent crime dramatically and quickly. Anyone who promises to rid the country of crime is not being forthright. I find people understand that the problem of crime is complex and the solutions elusive.

My hope lies with state and local governments, which have been experimenting for a number of years with innovative approaches to crime: community policing, in which emphasis is placed on forming partnerships between neighborhoods and the police; anti-drug treatment and literacy programs in prisons; the use of sanctions short of incarceration; speedier trials aimed at certainty of punishment for wrongdoers; and, of course, extensive efforts to remedy the social causes of crime. I have come to the view that the best thing the federal government can do to fight violent crime is to help local and state governments figure out through research what works, help train criminal justice system personnel, provide a national information system, and provide money and leadership to find ways and means of deterring and preventing crime.

A TRIBUTE TO C. DAVID HENRY

HON. LUCIEN E. BLACKWELL

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 27, 1992

Mr. BLACKWELL. Mr. Speaker, I rise today to honor one of Pennsylvania's finest citizens, Mr. C. David Henry, for his more than two decades of service to the people of Pennsylvania and Delaware. Over the years, Mr. Henry has distinguished himself both as a minority business innovator and as an unselfish philanthropist, and I am proud to speak for him today.

Mr. Speaker, Mr. Henry began his career in 1967 as a successful Philadelphia auto dealer. While building his businesses in Philadelphia, and then later as the first minority auto dealership owner in Delaware, he has devoted his life to tireless work for his fellow man. Through his involvement with Blacks Networking for Progress, Operation PUSH, and Black Lincoln-Mercury Dealers Association, he has sought to uplift the black community and to help other minority businesspeople achieve the same success that he enjoyed. Mr. Henry has also demonstrated commitment to the young by sponsoring the Wade Wilson Scholarship Football and the Middletown, DE, Pop Warner Football League. He has also formed several civic awareness groups, and has coordinated campaigns for various civic-minded political leaders.

Mr. Speaker, David Henry has long been a beloved husband to his wife, Helen, and a devoted father to Christina, Joyce, Courtney, and

Chad. His family and friends know him as a kind and gregarious man who will aggressively help anyone whenever possible. Over the years, such civic organizations as the Philadelphia Council of Elders, PUSH, and the Citywide Parents Council have recognized his contributions with community service awards, and most recently the Friends of Dave Henry have established a fund to aid kidney patients on his behalf.

Mr. Speaker, I am pleased to express my admiration today for Mr. C. David Henry. His dedication to the people of Philadelphia and Delaware should inspire us all in our efforts, and I wish him health and happiness in the future. Mr. Speaker, I ask my colleagues to join me in praising this generous, compassionate individual for all he has given to humanity, Mr. C. David Henry.

THE MISSOURI GENERAL ASSEMBLY RATIFIES THE 27TH AMENDMENT

HON. BILL EMERSON

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 27, 1992

Mr. EMERSON. Mr. Speaker, the Missouri General Assembly ratified the 27th amendment to the U.S. Constitution on May 5, 1992, and the Missouri Senate has requested that its ratification resolution be reprinted in full in the CONGRESSIONAL RECORD. I have attached the resolution, to be printed following these remarks.

SENATE COMMITTEE SUBSTITUTE FOR SENATE CONCURRENT RESOLUTIONS NOS. 14 AND 16

Whereas, the First Congress of the United States of America, at its first session, sitting in New York, New York, on September 25, 1789, in both Houses, by a Constitutional majority of two-thirds thereof, has proposed an amendment to the Constitution of the United States of America in the following words, to wit:

"Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, two-thirds of both Houses concurring, that the following [Article] be proposed to the Legislatures of the several states, as [an Amendment] to the Constitution of the United States, . . . which [Article], when ratified by three-fourths of said Legislatures, to be valid to all intents and purposes as part of the said Constitution, viz;

"[An article] in addition to, and Amendment of the Constitution of the United States of America, proposed by Congress, and ratified by the Legislatures of the several states, pursuant to the fifth Article of the original Constitution.

"Article the second. . . . No law, varying the compensation for the services of the Senators and Representatives, shall take effect, until an election of Representatives shall have intervened."

Whereas, Article V of the United States Constitution allows the General Assembly of the State of Missouri to ratify this proposed amendment to the Constitution of the United States; and

Whereas, the proposed amendment to the Constitution of the United States has already been ratified by the Legislatures of the following states in the years indicated, to wit: Maryland in 1789; North Carolina in 1789; South Carolina in 1790; Delaware in 1790; Vermont in 1791; Virginia in 1791; Ohio in 1873; Wyoming in 1978; Maine in 1983; Colorado in 1984; South Dakota in 1985; New Hampshire in 1985; Arizona in 1985; Tennessee in 1985; Oklahoma in 1985; New Mexico in 1986; Indiana in 1986; Utah in 1986; Arkansas in 1987; Montana in 1987; Connecticut in 1987; Wisconsin in 1987; Georgia in 1988; West Virginia in 1988; Louisiana in 1988; Iowa in 1989; Idaho in 1989; Nevada in 1989; Alaska in 1989; Oregon in 1989; Minnesota in 1989; Texas in 1989; Kansas in 1990; Florida in 1990; and North Dakota in 1991; and

Whereas, Article V of the United States Constitution does not state a time limit on ratification of an amendment submitted by the Congress, and the First Congress specifically did not establish a deadline for the ratification of this particular proposed amendment; and

Whereas, the United States Supreme Court has ruled in the case of Coleman v. Miller, 307 US 433 (1939), that a proposed amendment to the United States Constitution, submitted without any deadline, may be ratified by states at any time and Congress must then determine whether a reasonable amount of time has elapsed since its initial submission when—in the presence of certified ratifications from the requisite number of states—the time arrives for the promulgation of the adoption of the amendment; and

Whereas, the General Assembly of the State of Missouri finds that the proposed amendment is still meaningful and needed as part of the United States Constitution and that the present political, social and economic conditions are the same as or are even more demanding today than they were when the proposed amendment was first submitted for its adoption;

Now, therefore, be it resolved by the Missouri Senate, the House of Representatives concurring therein, that the proposed amendment to the Constitution of the United States as aforequoted be and the same hereby is ratified by the Eighty-sixth General Assembly of the State of Missouri; and

Be it further resolved that the Secretary of the Missouri Senate be instructed to send a certified copy of this resolution to the Archivist of the United States, Washington, D.C.; the Vice President of the United States; the Speaker of the United States House of Representatives; and to each member of the United States Congress from Missouri with the request that it be printed in full in the Congressional Record.

RONALD K. MACHTLEY AWARD

HON. RONALD K. MACHTLEY

OF RHODE ISLAND

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 27, 1992

Mr. MACHTLEY. Mr. Speaker, it is my distinct pleasure to congratulate Shannon B. Cassidy of Pawtucket, as this year's recipient of the Congressman Ronald K. Machtley Academic and Leadership Excellence Award for St. Raphael Academy in Pawtucket, RI.

This award is presented to the student, chosen by St. Raphael Academy, who demonstrates a mature blend of academic achievement, community involvement, and leadership qualities.

Shannon B. Cassidy has more than fulfilled this criteria. As an honors' student for all her 4 years at St. Raphael Academy, Shannon earned membership to the National Honor Society and was honored with certificates of merit in religion, geometry, and chemistry. She also served as editor-in-chief of the yearbook and graciously volunteered her time at a health office and animal hospital in her community.

I commend Shannon B. Cassidy for her outstanding achievements and wish her all the best in her future endeavors.

WELCOME TO MINTIMER SHARIPOVICH SHAIMIEV, PRESIDENT OF TATARSTAN

HON. TOM LANTOS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 27, 1992

Mr. LANTOS. Mr. Speaker, I invite my colleagues in the Congress to join me in welcoming to our Nation's Capital and to the Congress His Excellency Mintimer Sharipovich Shaimiev, the President of the Republic of Tatarstan. President Shaimiev is leading a political and economic delegation that will hold meetings with political leaders here in Washington, DC, and with business and financial leaders in New York.

The Republic of Tatarstan is an autonomous republic within the Russian Republic, and because of its substantial oil reserves and economic potential, Tartarstan will play a key role in the future economic development in that part of the world.

Mr. Speaker, the people of Tatarstan are fortunate to have as their leader at this critical time a man so well prepared as President Shaimiev. He was born in what is now the Republic of Tatarstan on January 20, 1937, and received his education at the Agricultural College of Kazan in the Republic's capital city. After a period of technical leadership in agriculture, President Shaimiev became Minister of Melioration and Water Resources of the Tatar Autonomous Soviet Federal Republic, a post which he held from 1969 until 1983. He then became First Deputy Chairman of the Council of Ministers—Deputy Prime Minister—of the Tatar Republic, and from 1985–89, he was Chairman of the Council of Ministers—Prime Minister—of the Tatar Republic. He served as Chairman of the Parliament and the head of state of the Tatar Republic, 1990–91, and since 1991 he has served his people as president of the Tatarstan Republic.

Mr. Speaker, in addition to President Shaimiev, the delegation from the Republic of Tatarstan includes a number of distinguished and prominent leaders: Mr. Mansur Chasanovich Chasanov, President of the Tatarstan Academy of Sciences; Mr. Ravil Fatychovich Muratov, Deputy Prime Minister of Tatarstan; Mr. Sandor Demjan, adviser to the President; and Mr. Kamil Shamilevich Ischakov, the mayor of Kazan. In addition the delegation includes a number of prominent leaders of business and industry of the Republic.

Mr. Speaker, the visit of President Shaimiev and his delegation provides an outstanding opportunity to encourage economic and political cooperation between the United States and the Republic of Tatarstan. I wish the President and the delegation great success in their visit, and invite my colleagues to join me in welcoming them to the Congress, to Washington, and to the United States.

TRIBUTE TO FRANCES ADAMS, R.N., F.N.P.

HON. PAUL E. GILLMOR

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 27, 1992

Mr. GILLMOR. Mr. Speaker, I want to take this opportunity to pay tribute to Frances Adams, R.N., F.N.P., who is retiring after 22 years of service in the Wood County Health Department.

There is a great debate going on in America about the future of health care. But there is one subject upon which we all can agree: Quality care in this country cannot be sustained without the service of talented, dependable professionals who commit their lives to the well-being of others. Mr. Speaker, Frances Adams is without a doubt one such professional.

Frances Adams can look back on her career at the Wood County Health Department with great pride. Her tireless work in the area of prenatal care has helped so many during the challenging and miraculous experience of pregnancy and childbirth. For more than two decades, Frances Adams has touched the lives of parents, babies, and all of Wood County.

Frances Adams is recognized by her peers for her professionalism and hard work, and as Congressman for Ohio's Fifth Congressional District, I join in thanking her for her years of valued service.

TRIBUTE TO DR. ETHEL B. STALLING

HON. IKE SKELTON

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 27, 1992

Mr. SKELTON. Mr. Speaker, today, I pay tribute to a distinguished lady from the Fourth Congressional District of Missouri, Dr. Ethel B. Stalling. She recently completed her 51st year as a chiropractor, all except 8 years having been in Pleasant Hill, MO.

Dr. Stalling is a graduate of Cleveland Chiropractic College, and recently was the recipient of the Alumnus of the Year Award from that college's alumni association.

Dr. Stalling has not only practiced chiropractic medicine throughout the years, but has been an influential member of the Missouri State Chiropractic Association.

She has received numerous awards, including service awards from Cleveland Chiropractic College, the International Chiropractors Association, the Missouri State Chiropractors Association, the Academy of Missouri Chiropractors, and was named chiropractor of the year by the International Chiropractors Association.

I have known her many years, as her roots are in my home county of Lafayette. I know other Members of this body join me in congratulating Dr. Stalling on 51 years of service and wishes her the very best in the days ahead.

RONALD K. MACHTLEY AWARD

HON. RONALD K. MACHTLEY

OF RHODE ISLAND

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 27, 1992

Mr. MACHTLEY. Mr. Speaker, it is my distinct pleasure to congratulate Ameurfinna Felangela Dimen of Southbury, CT, as this year's recipient of the Congressman Ronald K. Machtley Academic and Leadership Excellence Award for St. George's School in Middletown, RI.

This award is presented to the student, chosen by St. George's School, who demonstrates a mature blend of academic achievement, community involvement, and leadership qualities.

Ameurfinna Dimen has more than fulfilled this criteria. During her sophomore year, Ameurfinna was honored by the faculty with the Allen Prize for high standards in all areas of scholastic life. She also has selflessly devoted herself to community volunteer work as a Big Sister, a Rhode Island Hospital candystriper, and as a member of the Feed a Friend Program.

I commend Ameurfinna Dimen for her outstanding achievements and wish her all the best in her future endeavors.

GUARD US FROM HORSETRADING

HON. JACK REED

OF RHODE ISLAND

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 27, 1992

Mr. REED. Mr. Speaker, I would like to place an article in the RECORD that I hope all my colleagues will read.

This piece, which ran in the Providence Journal-Bulletin newspaper, accurately describes both the importance of the Reserves and the partisan gamesmanship that results in questions about the preparedness and the usefulness of these troops.

Most recently we saw the Reserves in action in Los Angeles and I have heard no one question the value of their help in that crisis situation.

The authors of this article are Maj. Gen. Leonard Holland, Adjutant General of Rhode Island from 1961 to 1983, and Robert Riesman, who served as a civilian aide to the Secretary of the Army from 1963 to 1969 and from 1978 to 1980.

Both Major General Holland and Mr. Riesman know this subject. They have had responsibility for and worked with the Reserves. They have seen the value of this program in Rhode Island and on a national level. And they both know—as I do—that the Reserves did an outstanding job in Operation Desert Storm.

I was proud to visit Rhode Island troops preparing at Fort Picket to go to Operation Desert Storm and I truly regret the tone of the remarks that have been made about the performance of Reserve troops. The men and women I saw were doing a terrific job and making a great sacrifice. These individuals deserve our praise and our continued support.

I urge everyone to read this thoughtful piece in defense of our Reserve Forces.

[From the Providence Sunday Journal, Apr. 26, 1992]

GUARD US FROM HORSETRADING

(By Leonard Holland and Robert A. Riesman)

Rhode Islanders are not alone in their deep concern about the Bush administration move to reduce military reserves and National Guard. There is nationwide disquiet at the Defense Department decision to cut these forces by 234,000 over the next five years, affecting hundreds of units in all 50 states. While we favor reductions in our defense budget, we fear that political horse-trading by the executive branch may permanently impair our reserve forces.

More than a whiff of politics can be sensed in the way the administration is dealing with the National Guard and the reserves. The President and Secretary of Defense have set $50 billion as the target for reduction in our nation's defense budget, while the Democrats in Congress clamor for a much larger cut.

In announcing on March 27 the reduction of 140,000 in reservist and Guard strength during the next two years, Secretary Cheney needled congressional Democrats, noting that they called for greater cuts in the defense budget, but "not in my district."

This is a time-honored ploy of the executive branch, whether of our nation or of a municipality. When the mayor of a city is attacked for too high a budget, his first reaction is to announce the reduction of fire and police protection, together with less frequent garbage collection. On a national level, the President and Secretary Cheney are indulging in similar political gamesmanship with Congress, at the expense of our national preparedness and public safety.

Unquestionably, we must cut our defense budget for all the obvious reasons, and must reconfigure our forces to deal with the world's new strategic balance. And if we are going to cut our Army and Air Force, we should maintain a rational balance between our active and reserve strength. However, there is a "red line" below which our National Guard and reserve must not be cut.

A quarter-million Reserve and Guard soldiers, sailors, airmen, airwomen, and Marines were mobilized for Desert Shield/Desert Storm. One of the first US units in Iraq was an Army Guard engineer company. Air Guard units flew more than 3,500 fighter-bomber missions, and Army Guard artillery units performed admirably in combat. From Rhode Island, the 115th, 118th, and 119th Military Police companies, our 143rd Tactical Airlift Command, 281st Combat Communications Group and 282nd Combat Communications Squadron, together with the 102nd Tactical Control Squadron, accomplished indispensable missions.

Once disbanded, Guard units cannot be summoned overnight. The individual training, and the training and experience of operating as a unit over time, cannot be replaced by mobilization cadres. In Iraq, the attack helicopter once more proved its unique effectiveness. The announced cutbacks in the 1st Battalion of the 126th Army Aviation Brigade stationed at Quonset Point are, therefore, a matter of concern, and leave us wondering where the ax will fall next.

The dissolution of the Soviet Union did not make the world more stable, and for the foreseeable future we shall need a balanced military posture. At home, the Red Army may no longer threaten us, but Mother Nature has not been disarmed. Every state depends on its National Guard as an irreplaceable and indispensable force for public safety in time of flood, hurricane or other disasters or emergencies.

Our own state has turned to the Guard in emergencies: The 1938 and 1954 hurricanes, the blizzard of 1978, and last year's hurricane Bob. When the guards at the ACI walked out in 1974, order could not have been maintained except by the round-the-clock protection provided by the Guard. Without the Guard, what organized and trained body is there to deal with these emergencies? With the deactivation of Fort Devens, there will not be an active Army unit within 200 miles of Rhode Island. Even if there were, the active Army is not prepared for civil emergencies. Other states face similar problems, as Army bases throughout the nation are being closed.

If it weren't so serious, the reaction of the national media to Secretary Cheney's proposal would be funny. From their Manhattan listening post, the editors of the New York Times derided "weekend warriors" and attempts to "preserve the peacetime patronage for part-timers." Similarly, The Wall Street Journal dismissed the National Guard and military Reserve as "pork." The lack of readiness of one individual unit to be deployed to the Persian Gulf was used to denigrate the entire National Guard. Until you leave the island of Manhattan, you don't appreciate what the National Guard means to our country, at bargain rates to the taxpayer.

We favor a reduced defense budget, but cannot accept reductions in the National Guard and Reserves that would imperil our mobilization base or public safety and civil defense of our states. The Guard and Reserve must not become a political football, nor part of a game of chicken between the executive and legislative branches. It is our good fortune that every member of the Rhode Island delegation to Congress has served in the armed forces and understands the problem.

The Second Amendment to our Constitution calls for a militia, for the protection of our citizens. Our country and every state in the Union needs our Reserve forces—at least, until our collective political genius can devise another citizen-based, locally oriented, trained and organized body that can respond to national and public emergencies.

ALTERNATIVES MUST BE STUDIED FOR CHEMICAL WEAPON DESTRUCTION

HON. JIM JONTZ

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 27, 1992

Mr. JONTZ. Mr. Speaker, I had the opportunity of meeting some time ago with several residents of Vermillion and Parke Counties in Indiana, who are opposed to the U.S. Army's current plans to demilitarize the chemical weapons stored at Newport Army Ammunition Depot. They presented me with an "Open Letter to the Members of the U.S. Congress" asking that we insist that the Army thoroughly investigate all alternatives to the incineration of the chemical stockpile. I agree with the concerns of the Newport Study Group and present a copy of their letter for my colleagues' information.

THE ARMY'S PROBLEMS WITH CHEMICAL WARFARE MUNITIONS DESTRUCTION

OPEN LETTER TO THE MEMBERS OF THE U.S. CONGRESS

Honorable Members of the U.S. Congress:

The U.S. Congress in 1985 instructed the Army to destroy and dispose of all outdated chemical warfare munitions and agents.

In the intervening years the Army has investigated—albeit for the most part superficially—a number of destruction processes and methods, but soon focused primarily on incineration as the "most efficient" and presumably "safest," not to mention "least expensive" technology. This decision was largely based on the advice in a report by the Nation Research Council, advice that, incredibly, failed to deal with the many problems pertaining to the incineration of hazardous substances.

The Army has since developed an incinerator known under the acronym JACADS, and has built a less than full-sized prototype at Tooele, Utah, as well as a full sized incinerator on Johnston Atoll in the pacific. Both are still being tested and both have experienced a large number of problems.

The program to date has been a costly one, in part legitimately so because of the treacherous nature of the material to be destroyed: Munitions containing a variety of explosives (fuses, propellants, bursters) in addition to the extremely poisonous warfare agents. But moreover due to what the GAO report of Nov. 1991 calls "cost growth" and "schedule slippages," as well as design and fabrication problems, such as the substandard air filtration system (GAO Report, P. 28).

It is painfully clear by now that the Army has place "all its eggs into the incineration basket" and has spent a vast amount of tax money to get the JACADS to perform according to the Army's specifications and the EPA's emission requirements, but with disappointing result, and there is no guarantee, nor even likelihood, that those standards may ever be achieved with the present system, or any other incinerator design.

It seems appropriate to us that Congress, having ordered the Army to dispose of the chemical warfare munitions and agents in the first place, should now step in and instruct the Army first: to consult (with the assistance of knowledgeable citizen's groups) private industries and/or engineering departments at first-rate universities interested and knowledgeable in the development of alternative technologies to incineration. And, second: to select one or two of such industries with the most promising processes to start testing their systems on chemical warfare agents and explosives. Several of the newly developed alternative technologies are bound to be notably more benign than incineration, and hence in terms of human health concerns than incineration. However, there is no doubt that all of them will also generate toxic wastes such as "ashes" containing heavy metals. These waste products must either be placed in designated hazardous waste landfills, or further processed chemically to reclaim the metals.

It is not possible to predict the cost of following our suggested course at this point, but what can be predicted with confidence is the elimination of two of the most serious categories of environmental pollutants associated with incineration, namely the generation of nasty and environmentally persistent toxins in the cooling gas stream of the smokestack (dioxins, furans, etc.), and the emission of ultrafine-grained particulates (~0.3μm inϕ) which do not show as smoke, but tend to become coated with toxic organic compounds. These particulates constitute a serious health hazard, because they are not trapped by the ciliated lining of the windpipe and bronchi, but are carried into the tiny gas chambers (alveoli) of the lung where they may produce cancer lesions.

In conclusion we respectfully suggest, on behalf of some 13,000 concerned citizens living in the vicinity of the Newport Army Ammunition Plant, that Congress direct the Army to stop wasting taxpayer's money on an inappropriate and chronically malfunctioning technology, and focus its attention on one or two alternative methods of disposal of the chemical warfare munitions and agents.

SUPPORT FOR SPOTTED OWL MANAGEMENT PLAN

HON. WALLY HERGER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 27, 1992

Mr. HERGER. Mr. Speaker, last week I cosponsored legislation, H.R. 5256, which would implement President Bush's plan to reduce timber industry job losses in California, Oregon, and Washington resulting from implementation of the Endangered Species Act for the northern spotted owl. This proposal is a step in the right direction toward a balanced solution that considers the needs of our northern California timber communities as well as the needs of the spotted owl. However, this "Preservation Plan," as it has been entitled, still does not sufficiently address the devastating economic impacts of the spotted owl recovery plan on our northern California communities. As such, I will continue working with Secretary of Interior Lujan and Secretary of Agriculture Madigan toward developing a plan which more adequately addresses the unique characteristics of California's forests, and ultimately protects more jobs.

We know now that there are many more spotted owls in California than was estimated when the species was listed under the Endangered Species Act. To date, over 1,500 owl sites have been confirmed throughout California, with over 500 sites on private lands which have only partially been surveyed. Moreover, spotted owls are known to be living and reproducing in managed, second-growth forests throughout the State. It is significant to note that the Fish and Wildlife Service has already ruled that a plan by Sierra Pacific Industries to manage the forests for timber production and the protection of spotted owls on private lands will not result in a take of the species under the ESA.

Unfortunately, the Preservation Plan fails to allow us to manage our forests for owls, jobs, and an affordable supply of wood products for the American public. I will continue working with the administration and my colleagues in the House toward developing a spotted owl management plan which achieves these objectives and addresses the needs of our northern California timber-dependent communities.

TRIBUTE TO WILLIAM W. CORCORAN

HON. RONALD K. MACHTLEY

OF RHODE ISLAND

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 27, 1992

Mr. MACHTLEY. Mr. Speaker, I rise today to recognize William W. Corcoran for his efforts to the Visiting Nurse Service of Newport County. These efforts have earned him the Mary A. Dwyer Award, an award given annually in memory of the late Mary A. Dwyer, the agency's executive director from 1954 to 1979. The award is given to the individual that has displayed a history of outstanding service to the agency.

William Corcoran began his involvement with the visiting nurse service when he joined the board of directors in 1960. Mr. Corcoran became president in 1965 and remained in the position until 1980. During the 28 years, Mr. Corcoran has been involved with the visiting nurse service. The agency has grown from 8 staff members to almost 40 members. Mr. Corcoran's dedication and commitment to the principles set forth by the visiting nurse service is what brings this service to so many needy people.

I commend William Corcoran for his work and dedication and wish him all the best in his future endeavors.

ARIZONA PROPOSITION THREATENS WILDLIFE MANAGEMENT, SPORTSMEN, AND SOUND CONSERVATION

HON. RICHARD T. SCHULZE

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 27, 1992

Mr. SCHULZE. Mr. Speaker, as chairman of the congressional sportsmen's caucus, whose present bipartisan membership includes 29 percent of the Congress, I want to bring to the attention of my colleagues a pending situation that has the potential of establishing one of the most dangerous precedents against professional wildlife management this Nation has ever faced. I am speaking of the initiative that will be submitted to the voters in the State of Arizona in November of this year known as Proposition 200.

The stated policy of this initiative is purportedly to manage wildlife and protect property by "humane and nonlethal methods." Specifically, however, the proposal seeks to prohibit the taking of wildlife on public lands, both Federal and State, "with any leghold trap and conibear style trap of the instant kill or body-gripping type design * * *."

First of all, the issue of "humaneness" is a subjective term. The only place in Federal law where an attempt to define humane taking in the wild is the Marine Mammal Protection Act where it is stated as "the least degree of pain and suffering practicable * * *" 16 U.S.C. 1362(4). The legal cases that have interpreted this clause make it clear that each case must be determined individually.

Obviously, the phrase "humane * * * methods" in Proposition 200 will be a legal quagmire that will materially hamper orderly wildlife management.

Second, and more ominous, is the issue that, even though the proposition purportedly exempts traditional hunting and fishing, it is totally unclear what is intended under "nonlethal" methods. At best, there will be a rash of litigation on the subject by antisportsmen which may be the unstated intent of the initiative in the first place.

CONGRATULATIONS TO THE REPUBLIC OF CHINA ON TAIWAN

HON. DAN SCHAEFER

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 27, 1992

Mr. SCHAEFER. Mr. Speaker, in the past 2 years, the Republic of China on Taiwan has made great progress in strengthening democracy and the rule of law, while economic growth continues at an impressive rate. These are no small accomplishments, in view of the ever-present military threat from the mainland, whose rulers have never renounced the use of force against Taiwan.

I believe that credit for this economic prosperity and political liberalization should go to President Lee Teng-hui and his Vice President, Dr. Li Yuan-zu. Their wise leadership bodes very well for the future of the Republic of China and its citizens.

Mr. Speaker. President Lee and Vice President Li mark their second anniversary in office this month. I congratulate them—and the Republic of China on Taiwan—and wish them all the best in the months and years to come.

OFF TARGET

HON. CHARLES E. SCHUMER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 27, 1992

Mr. SCHUMER. Mr. Speaker, I would like to call my colleagues' attention to an article called Off Target by Steven Emerson, which appeared in the May issue of Washington Journalism Review. It describes the events which contributed to the unfortunate smear of Israel when it was falsely accused of supplying Patriot missiles to China. While I have shortened the article to save space in the CONGRESSIONAL RECORD, I urge my colleagues who are interested in the subject to obtain the full article and read it.

In April, 24 other Members and I called on President Bush to apologize to Israel for the leaks which besmirched its name. We have received no response to our request to date. I believe this article provides important new facts surrounding our Government's role in this episode, and further justification for an official apology.

OFF TARGET

(By Steven Emerson)

The Washington Times, the Wall Street Journal, ABC News and Evans and Novak all reported that Israel illegally had sold U.S. weapons technology to China. They got it wrong.

In mid-March, an already tenuous relationship between Israel and the United States was rocked by a series of shocking news reports alleging that Israel had illegally sold vital U.S. technology to other countries. First came a story that Israel might have transferred a Patriot missile to China. Another article said that, among other illicit acts, Israel secretly sold U.S.-designed weapons systems to China and South Africa. But the most extravagant accusation was that Israel was planning to sell U.S. "stealth technology" to China.

Many of these charges were broadcast on television news shows and printed in newspapers throughout the United States. The allegations also generated an acrimonious debate between A.M. Rosenthal of the New York Times and syndicated columnists Rowland Evans and Robert Novak, who were making their own serious accusations against Israel.

When the smoke cleared, however, it turned out that some of the charges were patently false and others highly questionable. In their zeal to get a "good story," did veteran U.S. journalists fail to obtain corroborative evidence to substantiate such serious allegations?

On the morning of March 12 the Washington Times, a newspaper known for its access to intelligence reports, ran a front-page banner headline proclaiming "China may have Patriot from Israel." The article, written by Bill Gertz and Rowan Scarborough, reported that the "Bush administration is investigating intelligence reports that Israel secretly supplied a U.S. Patriot missile or its technology to China. . . ."

If true, it was an extraordinarily shocking revelation. Disputes between Israel and the United States are always hot news. But coming at a time of extremely strained U.S.-Israeli relations and only days before a U.S. visit by Defense Minister Moshe Arens, the Patriot story spread quickly around Washington. The true test of whether it would become a high-profile national issue would come several hours later at daily briefings at the White House, State Department and Pentagon.

As a rule, Bush administration officials have refused to comment on intelligence reports. Moreover, the administration has demonstrated an aversion to leaks based on unverified raw intelligence reports, as illustrated by its bitter denunciation of the FBI reports leaked to reporters regarding allegations against Supreme Court nominee Clarence Thomas.

But on March 12, the Bush administration seemed to go out of its way to confirm this leak. At the State Department, Defense Department and White House, officials carefully stated on the record that they would "not comment." Yet ubiquitous but anonymous "senior officials," which included the briefers and top policymakers, made themselves available on "background" for reporters at daily briefings to "confirm" the existence of the allegations. For example, according to reporters present, Assistant Secretary of State Edward Djerejian vouched that the allegations were "serious." His comments, like those of his colleagues, guaranteed that the Washington Times story had legs.

In classic Washington cover-your-tracks style, however, Djerejian on March 17 publicly criticized leaks about alleged Israeli arms transfers. Before a congressional committee, Djerejian declared, "What is regrettable is there have been these irresponsible leaks by unnamed officials which have come into the press. . . ." (When asked about his March 12 background comments, a spokeswoman for Djerejian said the State Department would not comment on "anything Secretary Djerejian may or may not have said on background.")

By the end of the day on March 12, the story was publicized worldwide. While Israeli officials unequivocally rejected the Patriot missile charges and claimed they were leaked before being investigated by the Bush administration or before Israel had a chance to respond, neither they nor the U.S. media were privy to the intelligence report that generated the allegation. And if they couldn't see the report, how could they respond to the charge? It was a Catch-22 situation typical of the intelligence world.

In retrospect, it became apparent that the Washington Times had exaggerated the allegations against Israel to include the charge that Israel had possibly transferred a complete Patriot missile to the Chinese. Bush administration officials said that the "intelligence report" received by the administration raised only the possibility that China had acquired Patriot technology from Israel, not the missile itself. Nevertheless, by elevating the allegation to including the transfer of hardware, the Times helped raise the story to another level. And because anything is possible in the intelligence world, the notion of a missile transfer could not be dismissed out of hand. The Washington Times' Scarborough said in an interview that his article was accurate. "I'm firmly convinced that the intelligence report mentioned the possibility that the Patriot itself had been transferred," he said. "We confirmed this through several sources in the administration." . . .

MORE ALLEGATIONS ABOUT ISRAEL

On March 13, the Israel-China story picked up steam when veteran investigative reporter Edward T. Pound of the Wall Street Journal published a front-page report in which senior U.S. officials alleged improper Israeli transfer of U.S. technology to China, Ethiopia, South Africa and Chile. The result of a six-week investigation, the Journal story was extensively documented and included references to a classified draft of an upcoming report on technology transfer to Israel by State Department Inspector General (IG) Sherman Funk. . . .

The article further reported that government officials "suggest Israel uses several schemes to transfer" U.S. technology, including repackaging American components in systems exported by Israel and "reverse-engineering"—disassembling U.S. weapons to appropriate their secret designs.

For journalists, Pound's story seemed to indirectly confirm the Washington Times story, even though the Journal didn't focus on the Patriot missile allegations, if only because it alleged that Israel was selling other advanced U.S. technology without permission. The Journal story was particularly damning because its description of purported Israeli deception and scheming made any charge of Israeli duplicity more credible.

Israel's response to the Journal story seemed equivocal. An Israeli government spokesperson said that the stories about alleged sales to China and other countries "are sensitive matters which are subject to negotiation" between Israel and the United States. Was that an implicit acceptance of the U.S. allegations, as some reporters believed and indeed wrote? . . .

The fact that journalists had paid relatively scant attention to previous disputes over technology transfer did not make the charges against Israel any less newsworthy. Although U.S. officials did not inspect Israeli military systems, Pound concluded in his Wall Street Journal article that "the intelligence reports have been so pervasive as to leave no doubt in the intelligence community that Israel has repeatedly engaged in diversion schemes."

Yet contrary to the portrayal of an intelligence community holding a monolithic view on alleged Israeli diversion, a series of interviews with officials in the Defense Department, State Department and CIA leaves no doubt that there are major and bitter disagreements about whether the intelligence reports about Israel were as conclusive as some claimed. For example, a senior Defense Department official who examined both the classified and unclassified versions of the IG report, as well as the raw intelligence reports collected by Funk to assemble his study, said firmly that the "IG abjectly misrepresents the intent and bottom line of the documents upon which his report was based." And a former government official who had access to the raw intelligence charged that the IG report was politicized. "The IG report," he said, "was a dumping ground for anyone who wanted to get their digs in on Israel."

Pound cannot be faulted for accurately reporting what various intelligence officials had told him and what had been confirmed by government documents. Yet the debate about Israel in the intelligence community often parallels the debate about U.S. Middle East policy. Officials collect, interpret and even generate "intelligence" designed to promote their views. Were the sources interviewed for this story simply providing the opposite of what Pound's sources told him?

Perhaps. But in reporting on the IG document, the unclassified version of which was released April 1, journalists largely overlooked evidence that raised doubts about the accuracy of the IG's conclusions. Moreover, the media generally disregarded the same independent Israeli military analysts who are quoted extensively when they criticize Israeli policies. This time, these Israeli analysts rejected the technology transfer charges as entirely unfounded and a "smear" against Israel. . . .

One of the few American reporters to delve into the issue beyond merely restating charges along with Israeli denials was Jackson Diehl of the Washington Post. In a March 18 story, Diehl reported from Jerusalem that "as Israeli sources explain it, the dispute over technology is, in fact, a tangled and technical one that reflects the degree to which the military establishments of the two countries became meshed in recent years." Diehl's point lay at the heart of the issue: Israel and the United States have been involved in joint research and weapons development for the past 25 years. Some of the research is so intertwined, according to U.S. and Israeli defense officials, that it is impossible to determine the exact nature of its parentage.

Another factor, which most reporters missed, is that because of the huge decline in international arms sales, the United States and Israel are now beginning to compete in an increasingly desperate search for arms buyers. What better way to undercut Israeli competition than to assert U.S. parentage of technology? . . .

In addition to the evidence supporting Israeli claims that it developed its own weapons systems, reporters missed another key element that would have demonstrated why the entire affair was much more gray than black and white. In recent years, the United States has exported weapons systems that have incorporated advanced Israeli technology to Arab countries such as Egypt, Jordan, Saudi Arabia and Kuwait. This hardware includes enhanced F-16 fuel tanks, helicopter altitude warning systems and F-16 avionic and structural improvements.

GUNNING FOR ISRAELI

As happens so often in Washington journalism, the allegations of Israeli transfer of technology had provided a hook for other reports about Israeli wrongdoing. By this time, the invisible critical mass—the journalistic threshold that results in pack reporting—had been reached. Now it seemed as if almost any allegation related to the Israel-China nexus was fair game, regardless of its accuracy, as long as it could be pinned on anonymous "U.S. intelligence sources."

In a segment on ABC's "World News Tonight" on March 16, John McWethy reported that Israel had secretly transferred a laser-guided artillery shell called the Copperhead to China. But there was a serious problem with the story: It wasn't true. According to Defense Department and congressional officials, Israel has not purchased any Copperheads (whereas dozens were sold to Arab countries). A spokesman for "World News Tonight" said in an interview, "We stand by our report."

Meanwhile, some editorial writers presumed the error-filled reports were true instead of questioning the leaks of unverified intelligence or raising questions about the accuracy of the charges. For example, the March 20 lead editorial in the New York Times blasted Israel in unusually harsh rhetoric for the "alleged sale of Patriot technology" to China and for "installing U.S. components" in Israeli-exported weapons systems. The editorial said that "stern sanctions" should be imposed on Israel if the reports proved to be true. At the same time, Times columnists Leslie Gelb and A.M. Rosenthal questioned the truthfulness of the allegations and the political agenda behind the leaks. . . .

NO EVIDENCE

In early April the Israel-Patriot-China story came to a conclusion. A special 17-member U.S. military inspection team had been dispatched to Israel—a development that had reinforced the credibility of the initial charges but which had originated at Israeli insistence—to investigate whether any of the Patriot missiles in Israel had been tampered with. On April 2, the State Department announced that the investigators found "no evidence that Israel had transferred a Patriot missile or Patriot missile technology" to China and that "the Israeli government has a clean bill of health on the Patriot issue."

The day before the United States exonerated Israel, State Department Inspector General Funk released an unclassified 69-page report alleging a "systematic and growing pattern of unauthorized transfer of sensitive United States items and technology" by an unidentified country that was unambiguously Israel. In interviews with reporters, however, Funk revealed, according to David Hoffman's account in the Washington Post, that State Department "auditors had never actually tracked any transfer of U.S. technology by Israel, but rather established that intelligence reports about such transfers were credible."

In the end, journalists were left to report unverified allegations about possible technology transfers. Every day government officials receive scores of such intelligence reports, but often they consist of nothing more than an allegation by an informant, often with a political agenda, who reports it to a U.S. intelligence agent or diplomat. Most reports don't check out. Consider the famous 1981 report of a secret Libyan hit squad stalking President Reagan. The report, it turned out, was not true; the informant had misled U.S. officials.

The New York Times and the Washington Times acknowledged publishing tainted intelligence reports on Israeli weapons transfers and blamed their sources. On April 4, the New York Times tried to make amends for its premature editorial that had blasted Israel. Noting that Israel was found "not guilty" of the Patriot missile transfer charge, the Times editorialized that the "U.S. officials who hurried to publicize the allegation before all the facts were in owe Israel an apology."

On April 13, the Washington Times published a lead editorial that also criticized government leakers for feeding the press false information. The editorial, which conceded that the paper had printed the original unsubstantiated report on the Patriot transfer, enumerated the charges and countercharges that had been reported subsequently in the Wall Street Journal and in the Evans and Novak-Rosenthal exchanges. "The blame," the Washington Times concluded, "lies not with the press, which is reporting what it finds out, but with whomever is doing the leaking of spurious accusations."

The Washington paper also chastised the "highest officials" in the Bush administration for failing "to say anything on Israel's behalf to counterbalance the feeding frenzy in the press that the [original] leak set off. They now owe Israel an apology for allowing the erroneous report to further undermine relations between the two countries."

To be fair, perhaps the New York Times, The Washington Times—and much of the Fourth Estate—should apologize as well.

U.S. CAPITOL POLICE REFORMS

HON. MARY ROSE OAKAR

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 27, 1992

Ms. OAKAR. Mr. Speaker, I rise today to introduce a very important piece of legislation concerning the U.S. Capitol Police. This bill addresses several areas that merit our immediate consideration.

The bill contains five components: Expanding jurisdictional boundaries in which the Capitol Police have law enforcement authority, enhancing Capitol Police arrest authority, reorganizing the Capitol Police Board, establishing a joint or unified payroll system, and finally, providing for a lump-sum payment for retiring sworn members of the Capitol Police Force.

Mr. Speaker, daily, we read news accounts about random acts of violence that are occurring in every community in the country, including our own community of Capitol Hill. These acts of violence have affected individuals from all walks of life. We were especially devastated by the tragic death of the young Senate aide from Senator SHELBY's office, and the brutal, armed attack on Senator CONRAD's wife on the Senator's private property.

Mr. Speaker, what will it take to put a stop to this random violence? We are fortunate to have one of the most highly trained and best equipped police forces in the country, and we owe it to the citizens who live on Capitol Hill, who work on Capitol Hill, and who visit Capitol Hill, the best protection available.

One way to address this need is to expand Capitol Police jurisdictional boundaries. The Capitol Police, under 40 U.S.C. Section 212a (1988), has the power to police the Capitol buildings and grounds and to make arrests therein. When this language was enacted in 1948, it met the needs of the Capitol Police. Today, however, the buildings and areas we now use are located beyond this original jurisdiction. There are buildings outside the original jurisdiction which include two House office buildings as well as several parking lots that the Capitol Police now patrol, such as the House Child Care Center. While it is true the police have jurisdiction within these buildings and areas, it is the area surrounding these buildings and grounds that present the problems the Capitol Police face today.

Enhanced arrest authority means that members of the Capitol Police will have the authority to make arrests and enforce the laws of the United States and the laws of the District of Columbia: within the District of Columbia, with respect to crimes committed within the U.S. Capitol grounds; within the District of Columbia, with respect to any crime in the presence of a member, if the member is in the performance of official duties when the crime is committed; and within the District of Columbia, to prevent imminent loss of life or injury if the officer is in the performance of official duties when the authority is exercised. This will remove the gaps in the existing Capitol Police jurisdiction.

The third area addressed in the bill is a change in the composition of the Capitol Police Board. Currently, the board is comprised of the House Sergeant at Arms, the Senate Sergeant at Arms and the Architect of the Capitol. The legislation would change the composition of the board to the chair and ranking minority party member of the Committee on House Administration and the chair and ranking minority party member of the Senate Committee on Rules and Administration. The House and Senate Sergeant at Arms would serve as executive officio members of the board without the right to vote.

The Capitol Police Board has certain responsibilities in formulating and implementing the policies of the U.S. Capitol Police Force. Greater accountability will be achieved if that authority rests with a bipartisan group consisting of members and Senators of the committees that set the internal policies of Congress.

The fourth component of the bill would establish unified payroll administration. Currently, members of the Capitol Police Force are paid either by House or Senate funds. Through this legislation, a single disbursing authority for all members of the Capitol Police, including civilian support positions, would be established.

The final area addressed in the legislation is the lump-sum payment which would be available to sworn members of the Capitol Police who are separating from service because of retirement. This section does not pertain to civilian members of the Capitol Police Force.

Currently, there are 96 officers who must retire on or before October 31, 1992, in accordance with the Capitol Police Retirement Act that became law on October 15, 1990. These officers must use their accumulated annual leave and compensatory time by the close of business October 31, 1992. Therefore, it will be necessary to carry some of these officers in a terminal leave status for a period of 5 or more months. Additionally, it will be necessary to work other officers overtime to cover the post assignments that otherwise would have been manned by those officers on terminal leave.

There is going to be a substantial cost to the Department during this period of time. These officers, while on terminal leave, will continue to receive their salary and benefits until October 31, 1992. The overtime to cover the posts/assignments during this time is projected to cost $1.4 million.

If a lump-sum payment was available for their accumulated annual leave only, a $876,439 savings could be realized. The projected cost for a lump-sum payments for annual leave including benefit cost and replacement cost is $1,057,923 versus $1,934,362 for the projected cost of salaries, benefits, leave accrual and overtime costs to cover positions while in terminal leave status. It must be noted that this cost is calculated from the dates that these officers would otherwise be placed on annual leave in order to utilize their annual leave before October 31, 1992.

Lump sum payments were funded through legislative branch appropriations for fiscal year 1992. We need merely to provide the authorization for that payment.

Mr. Speaker, by enacting this legislation, we will have met our goal by bringing to completion the Capitol Police reform package that the Subcommittee on Personnel and Police has been working toward since the beginning of the 101st Congress. Since that time, the subcommittee and the Committee on House Administration has enacted the Capitol Police Retirement Act, created the position of Director of Employment Practices, reviewed and revamped the Capitol Police grievance procedure, special technician positions were made competitive, sensitivity training and educational assistance programs were instituted, civilian positions were created and pay compression was instituted.

In conclusion, Mr. Speaker, if it were not for the leadership of my good friend, my chairman, Hon. CHARLIE ROSE, we would never have reached this point today. I would like to commend him for his constant assistance and support, and I will always be greatly appreciative of his guidance as chairman of this committee.

RULE ON H.R. 5260, THE UNEMPLOYMENT COMPENSATION AMENDMENTS OF 1992

HON. DAN ROSTENKOWSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 27, 1992

Mr. ROSTENKOWSKI. Mr. Speaker, I wish to serve notice to my colleagues that, pursuant to the rules of the Democratic caucus, I have been instructed by the Committee on Ways and Means to seek less than an open rule for the consideration by the House of Representatives of H.R. 5260, the Unemployment Compensation Amendments of 1992.

JETON ANJAIN HAS MADE US FACE NUCLEAR TESTING RESPONSIBILITY

HON. RON de LUGO

OF THE VIRGIN ISLANDS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 27, 1992

Mr. DE LUGO. Mr. Speaker, the administration is reportedly considering limiting nuclear weapons tests, but not halting them, as many Members—and countries such as Russia, France, and Canada—have urged.

As it reconsiders its policy, the administration should keep in mind that the United States still has unfinished business from past testing in the Marshall Islands, which were, at the time, a territory for which our country was fully responsible.

The individual who, more than any other, has made our Nation face up to the sad legacy relating to one of the Marshall Islands atolls adversely affected by that testing, Rongelap, is Marshall Islands Senator Jeton Anjain of Rongelap.

The massive test at Bikini Atoll in 1954 exposed Rongelap—and its people—to a substantial dose of radiation.

Although the Department of Energy reported that high levels of contamination were still present in 1982, it asserted that Rongelap was safe for its people to live on.

The people of Rongelap doubted the Energy Department's assurances of safety, however. So, led by Senator Anjain, they moved to another island in 1985 where they continue to live today under difficult conditions and with concerns about their home atoll's—and their own—exposure to radiation.

In response to their concerns articulated by Senator Anjain, the 1986 law that made the Marshall Islands a self-governing state in free association with the United States included a provision insisted upon by the Committee on Interior and Insular Affairs that pledged our Nation to take the measures necessary to make Rongelap safe for its people.

The first step was to be an independent review of the 1982 energy report. The second was to be a comprehensive study if the review found any deficiencies with the 1982 report.

The initial review, which Senator Anjain made sure got done, did identify problems. Then the effort to get phase two done began.

Finally, after considerable lobbying by Senator Anjain and his capable representatives here, David Weiman and Cooper Brown; hearings and recommendations by the Insular and International Affairs Subcommittee; and under the leadership of our distinguished colleague, Chairman SIDNEY YATES of the Interior Appropriations Subcommittee, funds were appropriated for this project last year.

Included was $1 million for the comprehensive study and $1,975,000 for the cleanup and resettlement of Rongelap, including $500,000 to enable its people to live in exile. The Insular and International Affairs Subcommittee has recommended additional funds be appropriated this year.

Until recently, this administration—like its predecessor—resisted living up to our responsibilities regarding Rongelap every step of the way. Secretary of Energy James Watkins and Deputy Assistant Secretary Harry Pettengill, however, began to work with Senator Anjain and have been getting the administration to show greater responsibility about the Rongelap problem.

As Chairman of the Insular and International Affairs Subcommittee, I have worked with Senator Anjain in his struggle to get our Government to meet its responsibilities to his people.

He is a soft-spoken but tenacious man who is now also fighting a battle with cancer. He should be able to take some comfort in knowing, though, that his long and just battle for his people is finally winning.

Last month, Senator Anjain's creative and courageous campaign was recognized with what has been called the world's largest environmental prize. This is the annual award to grassroots heroes from the six inhabited continents given by the Goldman Environmental Foundation.

I congratulate Senator Anjain, as well as the Goldman Foundation, for this recognition of very important work. To help Members understand it better, I quote from a foundation explanation of it:

> Marshall Islands Senator Jeton Anjain, 59, led the evacuation of his community from the Rongelap Atoll, contaminated by United States nuclear testing. He also successfully obtained U.S. funding for an independent radiological assessment of the atoll.
>
> In 1954, the U.S. exploded the "Bravo" hydrogen bomb on the Bikini Atoll in the Pacific. It was the largest nuclear weapons device ever detonated by the U.S., 1,300 times the destructive force of the bomb dropped on Hiroshima. That morning the wind was blowing towards the Rongelap Atoll, 100 miles away, where 82 islanders were exposed to extremely high levels of radioactive fallout. The white-powdered fallout covered the islands and, thinking that it was snow, the children played in it. By night, the islanders had become acutely ill. It was not until two days later that the U.S. evacuated everyone to another island. Then, in 1957, even though the soil, water and food remained contaminated, these people were returned to Rongelap, along with an additional 200 islanders who were not on Rongelap during the test. The U.S. officials assured the islanders that no radiation danger remained. However, serious medical problems soon developed, including thyroid cancer, leukemia, and the birth of unformed fetuses.
>
> During the following years, the Department of Energy (DOE) continued to study the people of Rongelap without their consent and without informing them of the findings. In 1982, DOE released a study indicating that the levels of contamination on Rongelap exceeded those on Bikini, which had been evacuated but not resettled. At that time, Jeton Anjain, trained as a dentist and serving as health minister of the Marshall Islands, began to question these results. He resigned his ministerial position in order to better represent the people of Rongelap as a senator to the Nitijela, the Marshall Islands parliament. He sought evacuation assistance in vain from the Marshall Islands and U.S. governments. Finally in 1985, Anjain organized the evacuation of Rongelap with the aid of the Greenpeace ship, the Rainbow Warrior. Like a modern day Moses, he led his people to a new home.
>
> The community was relocated to the isolated island of Mejatto, one-tenth the size of their homeland. It is located in the rough, high seas, making fishing in the area difficult. The new home also lacks the tree crops that the islanders use in their daily lives. No longer self-sufficient, the people now depend on canned food supplies provided by the U.S. Department of Agriculture.
>
> For years, Anjain has been the key person lobbying the U.S. House of Representatives and Senate for an independent radiation assessment of Rongelap. Anjain was instrumental in getting a clause in the 1986 Compact of Free Association law between the U.S. and the Marshall Islands, stating that the U.S. should provide for an independent assessment of Rongelap. DOE produced a report in 1988 indicating that Rongelap would be safe to resettle for healthy adult males, provided that they avoided the local foods. Anjain found this report unacceptable. In 1991, after years of persistent and patient lobbying, he succeeded in obtaining congressional action. The House and Senate appropriated $3 million to fund an independent health and radiological study on the atoll and establish a clean-up and humanitarian assistance fund. This will be the first study of its kind in the world.
>
> The danger is not over for the Marshall Islanders. In 1990, Anjain's research revealed that the U.S. government is maintaining a readiness stance in the Rongelap Atoll in the event testing is required for reasons of national security.

INTRODUCTION OF LEGISLATION REGARDING H.R. 4901

HON. ANTONIO J. COLORADO

OF PUERTO RICO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 27, 1992

Mr. COLORADO. Mr. Speaker, I wish to commend you for your rising to the challenge presented by the years-old vacancies in the District Court of the Virgin Islands, by introducing H.R. 4901. I must also commend you for your unwavering commitment to protecting the interests of the people of all the insular areas associated with the United States during your tenure as chairman of the Subcommittee on Insular and International Affairs.

Let me say, Mr. Speaker, that as someone who has devoted my professional career to the practice and upholding of the law, I am profoundly concerned by the failure of the system to provide the people of the Virgin Islands with the two judges required for the proper functioning of the District Court of the Virgin Islands.

The people of the Virgin Islands deserve more. The people of the Virgin Islands are entitled to have a judicial system that takes their court cases seriously—that takes them seriously.

The type of backlog that these two vacancies have created is unacceptable. Temporary judges presiding over cases with which they are hardly familiar is unacceptable. And judges knowing little about the laws upon which their deliberations must be based on unacceptable.

Finally, the passive waiting and hoping by the people of the Virgin Islands that someday, someone will consider appointing these badly needed judges is unacceptable.

H.R. 4901 helps the Virgin Islands help itself.

H.R. 4901 recognizes that the people of the Virgin Islands have opinions and insights regarding those members of the legal profession best equipped to preside objectively, impartially, and effectively as judges to the District Court of the Virgin Islands.

And H.R. 4901 permits the people of the Virgin Islands to recommend five such qualified candidates to the President, so that he may—with the advice and consent of the Senate—appoint two.

Mr. Speaker, I am encouraged by the U.S. Supreme Court having upheld as constitutional a law enabling a commission to submit to the U.S. President three names for nomination to the Superior Court of the District of Columbia. I am mindful of the support of very thoughtful and respected Members of Congress for your bill. And I am proud to be a part of this effort to give the people of the Virgin Islands the voice, the input, the respect they so richly deserve.

OF PERKS, POLITICS AND PUBLIC SERVICE

HON. DOUG BEREUTER

OF NEBRASKA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 27, 1992

Mr. BEREUTER. Mr. Speaker, I commend to my colleagues the following Mobil Corp. advertisement that appeared in a recent edition of Time magazine:

OF PERKS, POLITICS AND PUBLIC SERVICE

Surely, by now, we have all had our fill of media reports about the House Bank scandal, low-cost haircuts, presidential perks, and who knows what-all is to come.

Okay, some public officials have created a mess and perhaps voters have the right to ask: How can they run the country if they can't run their own organizations?

It's a fair question. However, the fact is that the abuses have now been recognized and something is being done about them. In fact, the House of Representatives recently voted to employ a manager. Good news. Good move. Good-bye to further rhetoric—we hope.

It's time for the Congress to get back on track and perhaps time for the voters to ask themselves: Are we missing the main point in this sometimes sad, occasionally comical, media event? Are we spending too much time gnashing our teeth and ferreting out "wrongdoers" on a side issue that is only diverting both sides from the real battles facing the nation today? In our fervor to redress what some perceive as grievous wrongs, are we harassing good people out of public service?

Placing blame is not going to reduce the federal deficit. Slinging mud is not going to solve the nation's health care crisis. Killing some perks is not going to find the funds for improving education across the country.

The problem here is not one of which perks are improper. Such side issues only divert Congress from the task at hand. The real concern is how to get Congress away from these petty issues and back on track. How can get Congress to concentrate more on long-term economic, energy, health and education issues rather than taking the political pulse of the hometown activists before every major vote? Why do so many bills in Congress have to be considered by a plethora of committees and subcommittees? Are there too many committees and subcommittees? How can we reduce them and, thus, the bloated staffs of some in Congress?

A sign of the times and our legislators' inability to focus on the real issues of the day is the recent announcement by Senator Warren Rudman of New Hampshire that he would not run for reelection. The reason: frustration over paralysis in government, and particularly the stale-mate over curbing budget deficits.

Why are we losing good people like this? Because playing politics and covering posteriors in Washington has become more consuming than the original intent for which the Congress was established: mainly, "To make all laws which shall be necessary and proper. . ."

In a way, the fact that they don't—or can't is our fault, too. We should be demanding performance on the major issues of the day. Instead, we are allowing ourselves to be consumed with diversions that, in the end, don't really affect the nation's long-term welfare.

It's time to call an end to it. The Administration and Congress on both sides of the aisle need to get back to work on the really important concerns of the day. And we, the electorate, need to give them the proper tools to attract the right people to get the job done. That doesn't necessarily mean a gaggle of staff members. But if it takes a $5 haircut to find someone who can shave the deficit, what's the problem?

EBENEZER BAPTIST CHURCH CELEBRATES 100TH ANNIVERSARY

HON. HAMILTON FISH, JR.

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 27, 1992

Mr. FISH. Mr. Speaker, I rise to recognize and pay special tribute to the Ebenezer Baptist Church of Poughkeepsie, NY. This week they are celebrating their 100th anniversary.

The area I represent, the 21st Congressional District of New York, is rich in historical significance. The region played a significant role in colonial history, the Revolutionary War and into the 19th century. The chief repositories of that history are our older churches, each of which has a uniquely splendid history of its own.

The history of Ebenezer Baptist Church dates back to the spring of 1891, when a group of Christians began holding weekly prayer meetings in each other's homes. These informal meetings continued for 2 years under the direction of Rev. Charles Fariess, who came to Poughkeepsie as a missionary worker from Yonkers, NY. The group's first public meeting was held in the Leslie School House on Academy Street.

On January 19, 1891, the church was formally organized in what was called the law building on Union Street. In honor of his hometown church in Richmond, VA, Reverend Fariess suggested the name Ebenezer. Quarters were also located at Little Smith and Main Streets, until a fire destroyed the property, and for a short time on South Clinton Street. Groundbreaking for a new edifice at the present site began in 1904.

The Ebenezer Baptist Church has been the center of social life as well as a place of worship for countless families. But its role and influence has extended even further. Since its inception, the church has reached out to the community to offer spiritual guidance and counseling. It has confronted, head on, the pressing social issues of the day and was instrumental in establishing a multiracial committee—the outgrowth of which became the Dutchess County Human Rights Council.

The church, through its social committee, has been active in urban renewal programs, relocation and minority housing, the Model City Program and most of the other housing programs in the city of Poughkeepsie. The Empty Stocking Christmas Fund was created to provide toys and gifts for the less fortunate children of Dutchess County.

Religious faith has always been the essence of strength for free peoples. As guardians of this faith, our churches and synagogues seek to continually renew the spirit of brotherhood, family, and concern for one's fellow man. This is the spirit that built and preserved our freedom and made us a humane and God-fearing people. From the time of our Founding Fathers, the fire of faith has burned brightly all across this land, and as long as it lives, so will the America we cherish.

Mr. Speaker, I am well aware of the outstanding contributions that the Ebenezer Baptist Church has made over the years that have greatly benefitted the people of Poughkeepsie and the county of Duchess. The history of the Ebenezer Baptist Church is a precious part of the history of my county and State—our Nation—and of our common religious heritage. All who are associated with it are helping to further that heritage in a time when it is truly needed.

May God continue to bless and guide their work in the second century of the Ebenezer Baptist Church.

TRIBUTE IN MEMORY OF EDWARD SUTTON

HON. LUCIEN E. BLACKWELL

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 27, 1992

Mr. BLACKWELL. Mr. Speaker, today I am deeply saddened to inform my distinguished colleagues about the passing of one of our most beloved community figures, Mr. Edward

Sutton. Mr. Sutton has made substantial contributions to the city of Philadelphia over the course of his fruitful life, and will be sorely missed by his many dear friends.

Mr. Speaker, Mr. Sutton was born on September 2, 1939, and made Philadelphia his home for all of his 53 years. For 30 years, he worshiped at the Christian Tabernacle Church of God and Christ, under the leadership of the late Bishop R.T. Jones. He spent 15 years with the Brotherhood of the Edward Henry Lodge 1235 I.B.P.O.E. Elks of the World, and for 21 years he sang with the Spiritual Inspiration Gospel Singers. But he will certainly be remembered and loved best for his leadership of the Holly Bridge/Albert M. Reed Python Drum and Bugle Cadets, which he served for 30 years.

Though the drum and bugle corps marched for schools, churches, and senior citizen programs all over the city, Mr. Sutton never accepted money for his services, preferring to march solely for the love of his community. People remember "Bootsie," as he was known since childhood, as an extraordinary person, who was a father or brother figure to all who knew him. He was never without money for the homeless and the hungry, and his children could count on his unflinching support in times of need. And he was equally willing and available to share in his friends' sorrows as he was their joys.

Mr. Speaker, Edward Sutton was taken from us far too soon. Though he was recognized by many civic organizations over the years, his greatest tribute will forever remain in the hearts and memories of those who loved him. I ask for my distinguished colleagues to join me in memorializing this devoted servant of Christ and humanity, Edward Sutton.

BOB MICHEL ON ROSS PEROT

HON. NEWT GINGRICH

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 27, 1992

Mr. GINGRICH. Mr. Speaker, I hope all my colleagues read the following speech by BOB MICHEL titled "Perot-Stroika: The American Dilemma," and the remarks David Broder made in the Washington Post on May 27:

PEROT-STROIKA: THE AMERICAN DILEMMA

(Remarks by Robert H. Michel)

This morning I want to unburden myself of a few ideas about the latest political fad—or should I say "frenzy"?

I refer to Ross Perot.

This barefoot billionaire from Texas is a genuine political phenomenon.

Gorbachev gave us perestroika.

Perot is giving us "Perotstroika"

Yesterday I was talking with some of the top political pros in this town and every one of them said that Ross Perot is not a flash in the pan, and that he will definitely affect the 1992 race.

One of these experts went so far to say that he believes this election will usher in a new age of American politics. Nothing will ever be the same.

No question about it.

There will be an unprecedented turnover in Congress. (Etemp)

As the Republican Leader of the House I will be overjoyed if a majority of those new members are Republican. The more Republicans, the merrier.

But just the fact of unprecedented turnover will affect the political system for a decade or more.

There may very well be a three-man presidential race.

We might have to go to the House of Representatives to choose a president.

I don't know how many of you read Lloyd Cutler's piece in the Post yesterday on that issue. (Extemp)

In the midst of all this, Ross Perot comes on Larry King's television show and says that if people beg him to run, he might condescend to become our next president.

In any other time but our own, anyone who said that—billionaire or not—would be laughed out of political existence.

But Ross Perot has caught on with a substantial body of the American people. Poll after poll shows that.

And that is frightening.

It is frightening because Ross Perot is telling the American people not only that those of us in Washington are bums—shucks, everybody says that.

But Ross Perot is also saying, if you listen to him really closely, is:

These bums in Washington keep arguing with each other, and when I get in we're going to put an end to all that arguing. We're going to do things.

What things, Ross?

Ross won't say.

How will you get things done, Ross, if you face a Congress that disagrees with you on major issues?

Ross won't say.

All Ross will say is: Trust me. I'm a real leader. I'm a chief executive officer. I'll make it all work.

How are you going to do that, Ross?

Ross won't say, except to talk about ideas like national electronic town meetings on TV.

What he's really advocating here is a true Democracy where everything is put to public referendum.

But we don't have a true Democracy.

We have a Republic!! That is if we can keep it! Remember?

And Ross Perot's silence, my friends, is frightening.

It is frightening because a large number of good Americans, people who genuinely love this country, desperately want to believe Ross has the answers—even though he won't even tell us the questions.

And what is more frightening is that Ross Perot is exploiting a real, disturbing, genuine disaster that our political system has been undergoing for some time now.

And I'm talking about divided government in Washington.

You are all Washington professionals so I don't have to spell it out for you in detail.

But let me put it this way:

We have come to a point in American history where a President of one party simply cannot lead if the Congress is dominated by the other party.

In the Eisenhower administration, when I first came to town as a Congressman, Ike could work with Lyndon Johnson on major issues.

Sam Rayburn was a fierce partisan, but generally submerged his partisanship to be Speaker of the whole House because he wanted the House to act responsibly.

Things aren't like that these days.

All that the American people see when they look to Washington is squabbling, partisanship, media hype, and legislative gridlock.

And Ross Perot is taking advantage of that breakdown.

The fact that he doesn't have a clue as to how to solve even one major issue doesn't faze him or his followers.

They say:

"Of course Ross doesn't have a clue. That's why we love him. He's just like us, only richer!!!"

But you insiders in Washington haven't solved anything, so give Ross a chance * * *"

And let me stress once again: There is a legitimate grievance that must be met in our political system.

And in my view the only way to solve it is to re-elect President Bush and elect a Republican Congress to work with him.

Give us the chance to really govern.

If we fail, kick us out of Congress in the election of 1994.

But give us the first chance in 38 years to govern with our vision.

It is as if we are all driving on the Beltway and there is one of those terrible traffic jams.

One of those big semis has jackknifed and we're all sitting around in the heat.

There are cars just standing there in both directions.

Tempers are rising. Folks are really angry and hot under the collar.

And Ross Perot is saying:

"Hey, everybody follow me through some back roads."

"I don't know this part of the country at all. I don't know how to drive very well. And I won't tell you where I'm going."

"But if you all beg me, I'm going to lead you out of this jam."

That's the Perot message: Trust me.

Where have we heard that one before?

Well, in my view, what the American people should do is tell Perot to either show us his roadmap or turn himself in to the highway patrol for imitating a "Triple A" tow truck.

And then the American people should get out of their cars, move that damned trailer marked "Divided Government" out of the way and get things moving again.

As the Republican Leader, I do have a big stake in all this.

Most of you have heard me give my little fifteen minute lecture on "What I would do as Speaker".

If you haven't, I have reprints of an article I did for Policy Review magazine.

That gives you the roadmap I'm going to use.

But President Bush—and I have to be quite frank about this—can be in big trouble with this Perot phenomenon.

Let's just look at the hard political facts.

The basic Democratic vote for Clinton is based on a number of groups that comprise the traditional Democratic base. Clinton, if he can, has to build from there.

Clinton could take ninety percent of the black vote in southern states, chip off just enough hard-core Democrats, and leave the President and Perot splitting the rest of the vote down the middle.

Moreover, I frankly don't see any members of Clinton's groups coming out for Perot.

All I see when I turn on the TV for a report on Perot volunteers is suburbanites, older folks and young folks and farmers—exactly the people we thought were in our Republican camp.

I'm sorry to say that the Bush campaign up to now, has had problems reaching those folks.

If I were asked to give some rhetoric to the President, I'd ask him to say something like this: maybe not just now, but surely after our convention.

"Are you frustrated because government doesn't work?

Well, so am I. So are all Republicans.

The Democrats run the Senate. the Democrats run the House. They are running their own private government in Washington.

Divided government isn't working.

We need radical change. Not change for the sake of change, but change for the sake of the people.

Our country—the world itself—is in a time of great and historic transition.

Old ways of doing things are dying out, and new ways are waiting to be born.

From education to the economy, from health care to trade, we stand between two ages.

What the country needs at a critical time like this is government that will make democracy work.

At times like these there are those who will exploit these genuine grievances.

There are those who will talk in slogans make the most of 30 second soundbites an claim to be on the outside, when all they want to be is inside.

They offer the simple answers, the glib reply, the just-folks image, the demagogue's fight for over-simplification.

In this century we have seen what such mountebanks have done when they gained power.

They once said about authoritarianism in America: it can't happen here.

Well, it can happen here unless those who want to work through the democratic system, and not ignore it because it is often inefficient, are determined to turn things around.

Divided government is not working.

Give me a Congress I can work with.

That's what I'd like to hear the President say or at least something like that.

I know—he risks the chance that the American people will choose Clinton.

But that risk is already there.

What the Bush campaign has to do is lift this campaign out of the rut it has drifted into, and tell the American people what is at stake.

This isn't an election just about issues.

It isn't an election just about ideas.

It is an election about whether or not we can assure the American people that their government can indeed work for them again.

My friends, Ross Perot is one of the most amazing political phenomena of our time.

In himself he is not all that important. It is what he represents.

He isn't the first and won't be the last to say that democracy isn't working and that if you trust me with power, I'll solve all your problems.

That message—sometimes sinister, sometime just silly—has been heard all over the world at various times in this century.

That siren call has enchanted good, decent people who are frustrated and disillusioned.

And on every occasion, people are attracted to such simplicity and ignorance because of genuine grievances with their government.

The role of the Republican Party, in my view, is to tell the American people we agree: we can't go on like this any longer. We need a new way in Washington.

But the kind of new way we need is one in which the President and the Congress share certain basic values.

This doesn't mean the President will always get what he wants.

Franklin Roosevelt, with tremendous majorities, didn't always get what he wanted.

What it means is that on the basic issues—of jobs, education, health, and the economy—the President has a fair chance to see his programs enacted, with the minority in Congress there to keep him honest.

The Democrats have had that chance under Roosevelt, Kennedy, Johnson, and Carter.

President Bush deserves that chance.

But he has to fight for it.

He has to fight for it by making clear to the American people that our system can work if we can get that trailer-truck marked "Divided Government" out of the roadway.

With all due respect, Mr. President, the problem isn't "Congress"—the problem is a Congress ruled by a party that has been in power too long and has become a government unto itself.

Ross Perot is the wake-up call for all those who believe that democratic government must be made to work and who are willing to spell out the ways it can work in the old-fashioned American way—before the elections.

Ross Perot, for all I know, may fade away once he comes under public scrutiny.

But recent media disclosures about his past do not seem to have stopped him, so I wouldn't count on it.

But I'll say it again, Perot isn't important.

It is what he represents that is important: he is the focal point of legitimate grievances with gridlocked, irrelevant, divided government.

If Ross Perot never existed, those grievances would be real.

It may turn out that the big story of this campaign was how Ross Perot awakened both political parties.

If so, he has done his country a great service.

[From the Washington Post, May 27, 1992]

BOB MICHEL'S CHALLENGE

(By David S. Broder)

House Minority Leader Robert H. Michel (R–Ill.) is one of those familiar Washington figures who usually draws more affection than deference. Since he came to Congress from Peoria in 1956, he has been known to colleagues as a great companion for a songfest or a round of golf. But as one of the permanently outnumbered Republicans, he rarely put his stamp—and never his name—on a major piece of legislation.

So there was great surprise last week that it was old-shoe Bob Michel, 69, who defined the political, constitutional and institutional crisis facing this country in 1992 more bluntly than anyone else in either party has done.

In a speech that reflected more of Michel's own reactions than any outside advice, he made four basic points:

The candidacy of Ross Perot could very possibly throw the choice of the next president into the House of Representatives, by denying any one of the three candidates—Perot, George Bush and Bill Clinton—an electoral-college majority. The inside-the-House politicking, with each state delegation casting a single vote, no matter its size—would be "an utter disaster" for the country, an outrage to the whole concept of popular sovereignty.

Perot as a possible president is a scary prospect, not only because "he doesn't have a clue how to solve even one major issue," but because—to Michel's eye, at least—he has "the demagogue's gift for oversimplification" and could, if elevated to power, prove that "authoritarianism * * * can happen here."

More important than Perot himself is the fuel that is powering his undeclared candidacy—"the frustration of the American people when all they see when they look to Washington is squabbling, partisanship, media hype and legislative gridlock."

"If Ross Perot never existed," Michel said, "those grievances would be real."

The source of the frustration—the real reason the grievances exist—is "the fact of divided government in Washington. We have come to the point in American history where a president of one party simply cannot lead if the Congress is dominated by the other party."

That is the ugly secret of American politics and Washington's failure. But it has been a long time since any major politician in either party stood up on his hind legs and said it to the people.

Back in 1960, John F. Kennedy campaigned by saying that it made no sense to elect Rep. Jones or Sen. Smith, good Democrats both, to Congress "and then put Richard Nixon in the White House." He won—barely. Party loyalties, though weakened by the six years of divided government and the spread of ticket-splitting under Dwight D. Eisenhower, still meant something then.

But for 20 of the past 24 years we have had divided government—a Republican in the White House and Democrats controlling at least one and usually both houses of Congress. A whole generation has grown up thinking this is natural and normal.

The members of that "permanent" Democratic congressional majority certainly did not tell their constituents that they were wrong to split their tickets. They wanted to pretend that they would be "effective" no matter who was in the White House. Maybe they are bringing home the bacon, but they are not dealing with national problems.

Still less did Republican presidents and presidential candidates want to say, plainly, that it made no sense to elect them unless they had enough allies on Capitol Hill to pass their programs. Ronald Reagan came closest to doing it in 1980—and the results showed: a Republican Senate and a conservative-controlled House. But only for two years. He retreated into the usual Republican tolerance of divided government when the recession swamped the GOP in 1982.

Now Michel has broken the code of silence and showed the guts to plead for a Bush campaign that would say "the only way" to break the impasse that is so frustrating to the voters is to end divided government. Give one party—he'd prefer it were the Republicans—control of the White House and Congress and if they fail to deliver, "kick us out" in the next election.

Will Bush take the challenge? At the moment his campaign is so desperate and defensive, in the face of the Perot surge, that no one knows.

Will a leading congressional Democrat step forward to say what Michel has said—that the voters are simply courting more frustration if they reflect Democratic congressional incumbents and then split their tickets for Bush or Perot?

What is needed is a steady drum-fire of messages from the leaders of both parties at both ends of Pennsylvania Avenue informing the public of the lesson that has been forgotten: that the collective responsibility that results from giving one party at a time "a chance to govern," as Michel put it, is the only real way to ensure accountability in a representative government.

What Bob Michel said is true. You can either vote for further frustration in the form of divided government, or you can pick a party to trust and hold to account, or you can put your country's future in the hands of Ross Perot and his promise to take charge—with all that is unknown about his real goals and all that is untested about his self-restraint in the exercise of vast power.

SUPPORT FOR PUBLIC TELEVISION

HON. JOHN D. DINGELL

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 27, 1992

Mr. DINGELL. Mr. Speaker, several weeks ago George Will wrote a series of columns on public broadcasting that were syndicated in newspapers across America. While Mr. Will can be entertaining, and even sometimes correct, his attack on public broadcasting was way off the mark.

In response to these columns, Mr. Robert F. Larson, the president and general manager of Detroit's public television station, has composed an eloquent and stirring rebuttal to Mr. Will. In light of the importance of public broadcasting to the American people, I would like to share that letter with my colleagues.

While the House passed the reauthorization for the Corporation for Public Broadcasting last November, the Senate has not yet acted, and Members of the House may raise questions about public television when a final bill is brought before us later this year. In order to correct any misunderstandings about public television generated by Mr. Will's columns, I insert Mr. Larson's letter in full:

CHANNEL 56, WTVS,
Detroit, MI, May 7, 1992.

Mr. THOMAS BRAY,
Editorial Page Editor, Detroit News, Detroit, MI.

DEAR MR. BRAY: Channel 56 would like to take issue with George Will's columns published in The Detroit News editions of April 24 and May 3 that criticized federal funding for public broadcasting.

Above all, public television works. It has accomplished what Congress has asked of it and what the 1967 Carnegie Commission promised. It has produced programs that have enriched our lives at home and in the classroom. Yet it faces perennial attempts to shut it down.

As Broadcasting Magazine observed 20 years ago: "If public broad-casting draws large audiences, it is attacked for seeking the masses; if it programs for small select groups, it is damned as an insufferable snob. If it tackles tough issues, it is trendy, left-wing, unrepresentative and misusing the taxpayers' money; if it presents fine drama and stimulating discussion, it is aloof and uninvolved."

This time around, the arch critic is conservative columnist George Will. Will objects to public funding of non-commercial television not because there is anything specifically wrong with it, but because he regards it as a luxury, an "ornament," and at a time of massive budget deficits, expendable. He says, it is time to pull the plug or, as Dr. Lawrence Jarvik of the Heritage Foundation has suggested, to sell it, copyrights and klystron tubes, to the highest bidder.

Maybe public television works too well for the testes and purposes of its critics. Our programs reflect a wide range of opinions, not one political or philosophical point of view. Public television insists that its audiences have the capacity to sort out truth from falsehood and reflects more confidence in the ability of viewers to make up their own minds than their self-appointed defenders do. The champions of uniform perspectives have identified only a dozen hours of "too liberal programs" out of 600 hours each year. A recent survey found that 79% of Americans found public television programming neither too liberal nor too conservative. PTV works . . . in its commitment to fairness, balance, and objectivity.

The special relationship public broadcasting has created with its audience is evident in the broad support it has attracted from foundations, corporations, and individual contributors. Last year, the 345 television stations that make up the national system received more than five times as much financial support from these sources as they received from the federal government. And WTVS, Detroit Public Television, received $10 from its community for every dollar it received in federal funds.

But why any federal funds? These are the crucial "seed monies" from which have grown The Civil War, The MacNeil/Lehrer Newshour, and local programming and educational services such as telecourses for high school completion and college degrees. They telecourses for high school completion and college degrees. They are a good investment for the American taxpayer, and only one dollar per citizen per year goes to public television and radio. So the system works financially, and tax dollars are leveraged to serve the public with value far beyond appropriated dollars.

George Will brands public television an "upper middle-class entitlement." He says it is federally subsidized programming for an elite few. But it is Mr. Will himself who is sounding "elitist" in asserting that people not in that "upper middle class' aren't watching. Public television's viewership closely mirrors the American population. Public television reaches 87 million people a week. Sesame Street reaches nearly a quarter of all U.S. households with incomes under $10,000. In general, more than half of all public television viewers (59%) live in households with incomes under $40,000 a year.

Nor is public television merely federally subsidized competition for the commercial channels. It is an enterprise which has enlarged the vision of the entire industry. If commercial channels and television producers entered into areas of educational, public affairs, and cultural programming that were once largely a public television monopoly, it is because public television demonstrated the viability of these programs and an audience for them. Those channels which George Will thinks should supplant public broadcasting exist technically because of its example and leadership. The future of broadcasting would be diminished without it.

Interestingly, no one is arguing about the significance of the past achievements of public broadcasting. Praise is unanimous for the contributions of Nature, Nova, Masterpiece Theater, Joseph Campbell, Pavarotti, Sesame Street, and The MacNeil/Lehrer Newshour. Why then are questions being raised about public television's place in the future? And why do we spectulate that public television, which created the first satellite network, closed captioning for the hearing impaired, and descriptive video for the visually impaired will be overwhelmed and made superfluous by a proliferation of technologies and channels?

WTVS has entered what we believe will be the most dynamic, challenging, and useful period in its history. It is engaged in an adventure that employs new technologies and rests on an enlarged relationship with the community. The station has forged a new partnership with community organizations and agencies, religious institutions, the press, and commercial radio and television in order to work together for a better future for the children of Southeastern Michigan.

WTVS has been a forum for individuals and groups to express their concerns and to confront special interests. We have been a learning center, a medium for adult education, a provider of college credit courses, and resource station for literacy efforts, an electronic town meeting where thousands have come together. We have been a way-station for those planning strategies to combat substance abuse, a facilitator for coalitions of those concerned about children at risk, the unemployed, the homeless, and dropouts. We have called these efforts Project Graduation, The Working Channel, Project Literacy, Detroit Black Journal, Club Connect, City for Youth * * *.

We have been seeking to discover how telecommunications can advance community problem solving. It is not enough to produce brilliant programs. We want to find out how this community resource can support the work of others in the community. In Detroit we have focused our resources on two priorities: the welfare of our children and race relations. These two challenges will occupy us for years to come. Not content with providing a mirror to our regions, we have accepted a more active role as a catalyst and agent for change. We shall be public broadcasters by participating in the life of the community we serve.

To Mr. Will we say, stretch a little. Free yourself from the ideological pouting of people like Jarvik. Weigh the accomplishments of public television. Consider its future. The new technologies you say threaten us offer new opportunities for public colloquy and community action.

Public television can bring people together in a quest for understanding and common purpose. It can be our electronic town hall, a city square where ideas and opinions are exchanged and where people who have been separated by racial and economic and cultural boundaries can come together in a new context. This is what we have been attempting to do in Detroit, and we believe that we are venturing out into the future of public television. In a time of enormous economic transition, urban decay, and resurgent racism, public television will be distinguished by the attention we give to our immediate geography, the communities we serve.

Public television will continue to be a vehicle for the dramas of Broadway, the music of our cities, and operas of Lincoln Center, the news of Washington and Wall Street, and the serious research into the natural world around us. But it will also expand its role as a meeting place and forum for the people, enlarging the definition and meaning of public television. Again to Mr. Will we say, we have just begun, and the dollars we are requesting to support public broadcasting will be multiplied in the value of communication services unavailable anywhere else. Public television works. Watch it work in the years ahead. Nipping at our heels will only make us run a little faster into a new era of public broadcasting. And we thank you for that.

Sincerely,

ROBERT F. LARSON,
President and General Manager.

ONE PERSON CAN MAKE A DIFFERENCE

HON. GERRY SIKORSKI

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 27, 1992

Mr. SIKORSKI. Mr. Speaker, in a couple of weeks, delegations from around the world will gather in Rio to address environmental problems on a global scale. We'll be focused on thinking globally and acting locally—looking at things we can do in our communities to make a difference for the environment.

Thinking globally, acting locally embraces the theme that one person can make a difference. Whether it's fighting for protection of our environment or fighting for the protection of the basic human rights of all people. the message is the same—one person can make a difference.

Fellow Minnesotan, friend and an American who has tirelessly fought for human rights is Steve Endean, founder of the Human Rights Campaign Fund. Fighting against hate crimes and bigotry, ignorance and stubbornness—Steve has tirelessly championed basic human rights for Americans. His battles have not always been easy, his accomplishments not won without struggle, but his commitment and dedication embody the deeply rooted part of the human spirit—the thirst for human justice.

One person can make a difference—Steve Endean has. We can learn by his example and must continue fighting to carry out his work.

THE 50TH ANNIVERSARY OF THE HOME BUILDERS ASSOCIATION OF DAYTON AND THE MIAMI VALLEY

HON. BOB McEWEN

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 27, 1992

Mr. McEWEN. Mr. Speaker, it gives me great pleasure to rise today to recognize that the Home Builders Association of Dayton and the Miami Valley will celebrate 50 years of serving the housing industry on June 3, 1992.

The Home Builders Association of Dayton and the Miami Valley is a professional association affiliated with the Ohio Home Builders Association and the National Association of Home Builders. The association promotes and represents the building industry and the housing needs of the community. Committed to improving the quality of housing in the community, the association serves its membership by creating and maintaining industry standards, as well as offering a variety of informative and educational programs.

For many, the American dream come true is owning a home. To make that dream a reality in the Miami Valley, the Home Builders Association has developed a strong network of professionals in the industry that share common objectives—providing economic support to the community and solving communication problems. The Home Builders Association of Dayton and the Miami Valley is nationally recognized for its outstanding, innovative programs and services. Through the association, members are afforded the opportunity to participate in a wide range of programs, such as networking opportunities, industry promotion, educational opportunities, informational resources, effective representation, and community service. Hundreds of successful, stable business people in the Miami Valley are members of the association, including builders, subcontractors, suppliers, and service firms.

Since its inception in 1942, the Home Builders Association has successfully generated industry support and understanding in the community in which it serves. With its commitment to building America's dream and actively working to enrich the quality of life and housing, I am confident that the association will continue to be recognized as the leader and authority in the building industry.

It has been a pleasure to work with Mr. James Ernst, president of the association, and Mr. Phillip Parker, executive director of the association, as well as other members, in the past, and I very much look forward to continuing my friendship with this dedicated group of professionals in the months and years ahead.

RONALD K. MACHTLEY AWARD

HON. RONALD K. MACHTLEY

OF RHODE ISLAND

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 27, 1992

Mr. MACHTLEY. Mr. Speaker, it is my distinct pleasure to congratulate Christopher J. Kovolski of Esmond, as this year's recipient of the Congressman Ronald K. Machtley Academic and Leadership Excellence Award for Smithfield High School in Esmond, RI.

This award is presented to the student, chosen by Smithfield High School, who demonstrates a mature blend of academic achievement, community involvement, and leadership qualities.

Christopher J. Kovolski has more than fulfilled this criteria. As a member of the National Honor Society, Christopher was chosen worthily by his peers to be treasurer of the student council during his senior year. He also served as a representative of the Smithfield High School community as a member of Little Rhody's Boy's State and in attending leadership conferences.

I commend Christopher J. Kovolski for his outstanding achievements and wish him all the best in his future endeavors.

THE NEED FOR A STRONG MERCHANT MARINE

HON. JACK FIELDS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 27, 1992

Mr. FIELDS. Mr. Speaker, as a member of the House Merchant Marine and Fisheries Committee for the last 11 years, I have long been concerned about the state of America's merchant marine industry. That is why I am pleased that the Bush administration has shown renewed interest in taking those actions necessary to revive our domestic maritime industry.

Under the able leadership of Transportation Secretary Andrew Card, a new policy coordinating group has been established to devise solutions to the problems facing the troubled merchant marine industry. Like everyone familiar with the maritime industry, I hope that Government, industry, and labor can find new and innovative ways to work together to strengthen and revitalize our Nation's merchant marine.

Capt. Timothy A. Brown, international president of the International Organization of Masters, Mates & Pilots recently addressed the New York City chapter of the U.S. Merchant Marine Academy Alumni Association, and in his speech Captain Brown made some interesting points. I hope that by inserting his remarks in the RECORD, my House colleagues, administration officials, members of Secretary Card's policy coordinating group, industry officials and labor representatives will all have an opportunity to benefit from Captain Brown's views as expressed in his speech.

ADDRESS OF CAPT. TIMOTHY A. BROWN

Good afternoon. I'm Tim Brown, President of the International Organization of Masters, Mates & Pilots. It's a pleasure to be with you today, and to see a number of familiar faces.

It was just a little more than a year ago that I took a leave of absence from my employer, Sea-Land Service, to come ashore and assume an entirely new command—that of leading the Masters, Mates & Pilots. What a year it's been, too. The U.S. maritime industry has been confronted with more challenges and experienced more change on all fronts during the past year than we've seen in decades.

What has become increasingly obvious to me since going to work on behalf of the 6,800 members of the Masters, Mates & Pilots is that the decisions the leaders of maritime labor and management make in the very near term will be the guiding influence on the fate and the future of the entire industry.

As we all are no doubt aware, the United States-flag shipping industry has been in a steady state of decline since the end of World War II. What we must now accept is that our industry will shift from a state of decline to a faster state of dissolution—unless we act now!

I truly believe the complete disappearance of our industry is not inevitable. Fortunately, many labor and corporate leaders agree, and we are working together aggressively to spur the government into action. I can assure you I did not become president of the MM&P to preside over its and our industry's disintegration!

There are those in and out of government—including one person who recently addressed this group—who watch the decline of our national fleet with veritable glee and an "I told you so" attitude. In fact, I become singularly annoyed when I deal with the Washington bureaucrats. I'm not sure what happens inside the capital beltway or whether there is something in the water down there. When I point out that we did not have enough ships to carry our own supplies throughout Desert Shield and Desert Storm, I am told that it makes no difference because we had allies who would carry them. When I suggest that the British could not duplicate their own success in the Falkland Islands today, I am told this has no historical significance. When I counter that conceivably we might have to fight a war such as Vietnam or Korea again with limited friends, I am told that I don't know foreign policy and that the lesson from Desert Shield/Desert Storm is: Don't fight wars without allies. By this time I figure I should be living inside the beltway or driving around it endlessly.

The bureaucrats attack existing maritime programs for failing to create a significantly larger and more prosperous American merchant marine. They espouse the propaganda used by foreign shipping interests which calls for the elimination of American programs such as cargo preference and the Jones Act, and their replacement by "free trade" shipping policies which exist nowhere else in the world.

It is my firm belief that these arguments against American maritime programs and in support of free trade are at best intellectually dishonest. It is too convenient and too easy to blame the plight of our industry on existing programs and to claim, because our industry has shrunk, that they have failed.

Rather, an honest analysis leads to the opposite and inevitable conclusion that these programs—cargo preference, operating subsidy reform, and the Jones Act, for example—are not failures but enormous successes. They have enabled our industry to maintain an American-flag fleet despite the numerous obstacles thrown at our industry by our government.

Remember, our government has in recent years eliminated the investment tax credit; increased vessel depreciation to ten years; and effectively ended construction and operating subsidies and Title XI. It imposes the most stringent vessel standards in the world on American ships only, and constantly tries to evade its own cargo preference requirements. During this same period, foreign governments have moved in just the opposite direction. More and more, other nations have given greater and greater direct and indirect assistance to their fleets—all because they truly recognize the economic and strategic importance of a strong merchant marine flying its national flag.

It is ludicrous for critics of the U.S. commercial maritime industry to claim that labor unions, manning standards and crew wages are the reason why our industry is in decline. As a union member, a union leader and a master mariner, I make absolutely no apologies for the wages maritime personnel in all ratings earn. U.S. crew members aboard U.S.-flag ships are the most highly and thoroughly trained in the world and make American ships the safest afloat. As each of you must remember, the steps leading to graduation from the U.S. Merchant Marine Academy were difficult, and the testing arduous but gratifying. For those who maintain their documents and actively sail, you know that continuing education is expected and required to keep abreast of new technology and to keep our skills sharp. The requirements we must meet are time-consuming and expensive and our wages reflect that deduction. We should not be expected to maintain this skill level and live like third-world citizens, yet this is what our critics would expect us to do. It is not a fair, reasonable or equitable expectation, and it is an expectation which we steadfastly refuse to meet.

We, at the Masters, Mates and Pilots, are doing a lot of thinking about the future of the American merchant marine and where we fit into the New American Merchant Marine. Fortunately, we have a great deal of talent in the MM&P in all divisions.

The goal of the Masters, Mates and Pilots is to provide the best trained and productive ship manager in the world. In 1972, we took a great step toward this goal with the opening of the Maritime Institute of Technology and Graduate studies located outside of Baltimore. Captain Tom O'Callaghan, then MM&P President, saw that the ship of the future would be more technically advanced requiring more skills, primarily for the ship's Officers but particularly for the Deck Officers. MITAGS stands today as Tom O'Callaghan's legacy.

The goal of the Maritime Institute is to become the premier maritime advanced training facility in the world. We are on the way to that goal. I envision that in the near future we will be working toward granting advance degrees at MITAGS for those who already have Bachelor of Science degrees, similar to what is currently being done at other maritime schools. We currently have several programs designed to give our Officers a strong background in computer user skills but we intend to make them stronger. We will be concentrating on more leadership and organizational skill courses in the future.

As I mentioned, we have a lot of talent in the MM&P and I am determined to tap into all of it. Recently, Masters, Mates & Pilots member Scott Robeson, a fellow Kings Pointer and classmate, has formalized a number of thoughts about where he believes the MM&P has to be in the years ahead. We are currently circulating this paper for even more input. However, the goal that Scott sees for the MM&P is to create a supply of Officers which are second to none in training, ability and leadership. And with these three qualities these Officers will be able to manage a ship and her assets and to integrate these attributes into a productive relationship with our employers in a cost conscious and safety related manner. There can be no argument with this goal.

In addition, I believe that the era of confrontational unionism has to be put on the back burner and replaced with a problem solving approach. Labor is clearly a derived demand and without shipping companies there will be no jobs for Deck Officers or any other sailors. At the MM&P, we are working with the shipping companies and other unions in order to achieve the legislation necessary to rebuild the American merchant marine. At the same time, there are still unresolved questions about vessel manning levels which will tell the story about how much cooperation can be achieved on the waterfront. This Saturday I will be riding a Maersk ship with a crew of 14, including a Master and three Deck Officers, from Baltimore to New York. I want to see this state-of-the-art ship myself. I want to see the condition of the ship, the quality of her bridge and engine room and I want to talk with her Officers and crew. Only in this manner can we be knowledgeable about what is needed and practical in the future.

As I mentioned, we are working closely with MEBA1/PCD and the SIU in the development of legislative programs to promote the American merchant marine. Legislation was introduced last week to close the loophole in the Taft-Hartley law that does not provide the same protection for supervisors that is available for non-supervisors and this was supported by MM&P, MEBA and SIU. At the same time, we see no reason for merging with other unions. We continue to enjoy excellent relations with John Bowers and the ILA and look forward to at least another 20 years of association. Still, we need to send a message to the federal government that there is no percentage in trying to divide the unions for very limited objectives. I believe that overall survival goals can be achieved among all the unions if we communicate properly. This is my goal, this is why I got involved.

This is not to say we are blind to any and all suggestions for changes in this area. As I said, the MM&P is totally committed to doing our part to achieve the objective of a strong American merchant marine. We are equally committed to pursuing through the collective bargaining process and consistent with shipboard safety and health criteria, a discussion and examination of Federally-mandated vessel crewing requirements and standards. As determined by collective bargaining and consistent with our responsibilities to our membership, the public and those concerned about the safety of our environmentally sensitive waterways and harbors, we will continue to assist American companies to compete more effectively.

This is why all of us who care about the future of the American merchant marine must come together and speak with one voice so that those in government and those who want to be in government will hear our message.

1997 marks the end of a major U.S. maritime promotional program. The Operating Differential Subsidy program will cease to exist, and currently there are no alternatives to ensure that the remaining U.S.-flag fleet will be able to afford to stay under the United States flag.

This is not just a labor issue, or a problem facing labor unions. It is not solely a matter for union leadership or members, nor is it just an issue shared with U.S. shipping companies. As Kings Point alumni, we share a wealth of knowledge about the importance of a strong American merchant marine that many do not.

I can count among us today individuals who currently sail, and some who, like myself, have recently come ashore. Others of you have taken the value of our Kings Point training and put it to use on the beach. No matter what vocational path we have chosen, as citizens of the United States and as alumni of one of the best maritime institutions in the world, it is incumbent upon us—each and every one of us—to call our government to action.

For too long, our own government has treated us like a stepchild—shouldering us with frequently burdensome and expensive requirements, demanding our attention in time of conflict and then lambasting us for not being the most competitive in the world market.

Back in September, the newly-elected leaders of the SIU and MEBA District 1 and I issued a call to action among all segments of the maritime industry and government to maintain the American flag on the high seas. We said then, and we maintain now, that the dilemma is not irreversible. What we are currently in the process of doing is identifying some of the most major issues and defining again the importance of a domestic deep-sea fleet. The Merchant Marine Act of 1936, amended and modernized with the support of President Nixon in 1970, has continuously constituted a reliable cornerstone for a strong, competitive U.S. merchant fleet. It is from this historical document and its far-sighted philosophy that we draw many of our tenets to revise the industry.

And it is not just labor working together. In a very significant development, American President Lines and Sea-Land are jointly formulating a maritime policy initiative intended to assure the continued existence of a United States-flag liner shipping industry. Equally important, maritime labor has been working with these companies to help develop a meaningful and politically realistic package of reforms.

I believe Congress can and should act this year to eliminate the unfair and unnecessary regulatory burdens imposed on American vessel operators through vessel design, equipment, maintenance and operation standards. If our government can accept as safe the international standards followed by the vessels of all other nations that use American poets, then it should treat American ships the same. The additional requirements are extremely costly and put American ships at a competitive disadvantage. The time is now to end this economic discrimination against our merchant marine.

I believe Congress can and should act now to begin eliminating the unrealistic and unworkable statutory provisions that impede the acquisition of merchant vessels by American companies. The industry is currently in a stranglehold of leftover requirements which have no promotional programs to assist in their implementation. Since, for example, there are no funds to implement the construction differential subsidy program and since the Title XI loan guarantee program is all but nonexistent, requirements such as the "three-year rule" for the carriage of preference cargoes by U.S.-flag ships built abroad need to end. Without hesitation, the use of privately-owned U.S.-flag ships to transport preference cargoes should be reaffirmed and clarified.

I believe Congress can and should act now to begin the long-overdue overhaul of the tax laws governing the U.S.-flag fleet. Present tax policies do not recognize the largely international and intensely competitive arena in which the United States-flag merchant marine operates. The capital construction fund should be modernized so as to allow operators to construct vessels anywhere in the world. Vessel depreciation schedules for American ships should be brought in line with those available to foreign vessels. The ad valorem duty on foreign repairs should be eliminated.

I firmly believe that, with this level of serious talk and cooperation, we will see at least the beginnings of a real solution before this Congress adjourns for the year. Each goal worth achieving starts with one single step. We have taken that step and we do not intend to be swayed from our course.

In conclusion, I again urge everyone concerned about the future of the American merchant marine to seize the opportunity presented to us this year. Question those running for Federal office as to their position on issues and programs important to our industry. We have a right to know whether those who would serve in government are committed to: the preservation of the integrity of the merchant marine; the spirit and letter of existing cargo preference statutes; the reform of government policies so that U.S.-flag operators are treated fairly under government contracts; and the construction and operation of United States-flag ships that are competitive with foreign flag vessels.

Maritime labor and management are ready to do our part to develop the programs and policies that will carry our merchant marine into the next century. To be successful in this effort, we need your help and the support of the United States government. Together, we can and will succeed.

A CONGRESSIONAL SALUTE TO MRS. ELENA YBARRA

HON. GLENN M. ANDERSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 27, 1992

Mr. ANDERSON. Mr. Speaker, I rise today to pay tribute to a remarkable woman who has served her community with great distinction, Mrs. Elena Ybarra. On Friday, May 29, 1992, Elena will be honored by the SCAN Health Plan and the Daily Breeze as their 1992 South Bay Senior of the Year. This award is presented to individuals who have made significant contributions to their fellow senior citizens.

Mrs. Elena Ybarra has not allowed age to impede her good Samaritan efforts. She continues to give freely of her time and energy to many community activities and organizations. Her volunteer credentials include serving as an active and caring member of the Senior Club of Toberman Settlement House since the 1970's. In addition, Elena works with the El Rancho projects nutrition program. Not only does she serve food to those seniors attending the program but, she plays a dynamic role in providing food service to those who are not able to travel to the center. Mrs. Ybarra also insures that the message concerning the Meals on Wheels Program reaches people who may not have been aware that such program exists. Known as a quiet and diligent worker, Elena has earned a reputation for being as dedicated to soliciting respect for the aged as she is to procuring meals for them.

Mr. Elena Ybarra's dedication to her cause is obvious and the value of her services enrich and touch many lives. I take great pride in joining with all those attending this special occasion in expressing the gratitude she so richly deserves.

My wife, Lee, joins me in extending this congressional salute to Mrs. Ybarra. We wish her all the best in the years to come.

SMALL BUSINESS—A JOB CREATING MACHINE

HON. TOM CAMPBELL

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 27, 1992

Mr. CAMPBELL of California. Mr. Speaker, I would like to offer my reason for supporting H.R. 4111. Even in the toughest of economic times, small business has consistently created jobs. Small business owners made up 99.6 percent of all private sector employers and accounted for 90 percent of the net private job growth in 1990. Small firms have been responsible for much of this country's innovation and holds great potential for our competitive future.

HIGH TECHNOLOGY

According to the National Federation of Independent Business, over half of our country's cutting-edge technological innovations are generated by small firms. Small business has proved to be very efficient in converting research and development dollars into new products. These technologies have in turn spurred new growth in vital high-value-added sectors such as medicine, manufacturing, and science.

AMERICAN COMPETITIVENESS

As small business entrepreneurs thrive, our competitive position in the world is bolstered. Close-knit small firms have limited tolerance for duplication, waste, and bureaucratic central control. This need to shed layers of management has led to flexibility in responding to shifts in the market—a prime virtue of successful capitalism. With increasing technological innovation and management efficiency, American products will be more competitive and marketable at home and abroad. The small business sector decreases our trade deficit, raises the GDP, and strengthens American industry.

Congress has acknowledged small business' vital role in our economy by passing H.R. 4111. By expanding the SBA guaranteed loan levels and the authorization for the Development Company Loan Program, the bill will help alleviate the credit crunch which small businesses face.

The combination of a recovering economy, weak capital ratios at major banks, and the weakness of the financial sector generally means that small businesses have borne the brunt of the credit crunch and need relief. In order to secure the continued economic expansion, I applaud the efforts of my colleagues to alleviate the credit crunch for small business.

MIAMI SUNSET SENIOR HIGH SCHOOL THEATRE IN OUR SCHOOLS MONTH

HON. ILEANA ROS-LEHTINEN

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 27, 1992

Ms. ROS-LEHTINEN. Mr. Speaker, I would like to congratulate Miami Sunset Senior High School, especially their theatre department, and the cast and crew of their remarkable production of the play "Painted Rain". Miami Sunset Senior High presented this award-winning production for Theatre In Our Schools Month on March 20 this year.

"Painted Rain" received a superior rating at the district 8 thespian one-act play festival and was chosen to represent the district at the Florida State Theatre Conference. Jorge Citino was selected as best actor, Christina Vasquez as best supporting actress, and Angel Rodriquez was selected for the all star cast.

At the State conference, the Miami Sunset production received a superior rating and was selected third place in the State. Jorge Citino was selected to be part of the all-State all-star cast.

Miami Sunset's production of "Painted Rain" was selected to perform a mainstage show at the international festival to be held at Ball State University in Muncie, IN during the last week of June. The international festival will host 3,000 people from theatre and theatre education programs all over the United States and 7 other countries.

Through theatre productions such as this one, and programs like Theatre In Our

Schools Month, the continuing development of art and culture in our Nation are fostered. Organizations such as the Florida Association for Theatre Education, and educators like Robert Strickland of Miami Sunset Senior High School contribute to the quality of life for generations to come.

Mr. Speaker, I commend Miami Sunset Senior High School and the cast and crew of "Painted Rain" for their outstanding effort and achievement. I also commend them, along with the Florida Association for Theatre Education and the organizers of State, national, and international theatre festivals for their outstanding contribution to our national culture.

A TRIBUTE TO JAMES TRENZ

HON. GARY L. ACKERMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 27, 1992

Mr. ACKERMAN. Mr. Speaker, I rise today to pay tribute to Mr. James Trenz, late president and founder of local 463 of the International Union of Electrical, Radio & Machine Workers. I do so on the occasion of his being honored this weekend at the 41st anniversary dinner of local 463.

The career of James Trenz is a story of all that is best in the American working man, and yields accomplishments enough for any lifetime. The son of immigrants, James Trenz grew up in the multicultural southeast Bronx. Mr. Trenz was a patriot who served in the Army Air Corps in the Second World War, where he rose to the rank of first lieutenant. He was also a working man and labor leader. In 1951, he founded local 463. It was James Trenz who made this local a pioneer in labor organization in this country. Under his guidance, local 463 established new pension, welfare and educational funds to the benefit of thousands of union members and their families.

Jim Trenz's vision for the improvement of labor organization extended over many horizons. He was appointed labor member of the Minimum Wage Board for Puerto Rico, where he helped raise the wages in the industry during the 1960's. In 1977 President Trenz was elected a member of the IUE international executive board. In this position he worked with labor unions from over 50 countries, and traveled on trade union missions all over the globe.

Along with being an active union president, James Trenz was also an intellectual. He taught at Cornell University, where he received his master's degree in Industrial and Labor Relations. He also taught at the AFL-CIO George Meany Labor Relations College in New York, and was the author of many publications on union-related topics.

Busy as he was with all of this, James Trenz never forgot to pay attention to his own community, and gave generously of his time as a community leader. He served on a long list of local organizations, civic clubs, and scholarship funds, and performed other good works. He was married to the former Rita Grogan in 1947, and was blessed with four children and six grandchildren.

James Trenz will be missed by his immediate family, and also by the enormous extended family who were touched by him and who have benefited for decades from his work. Mr. Speaker, I ask all of our collegues in the House to rise and join me in thanking Mr. James Trenz, and also congratulating local 463 on the occasion of its 41 years.

TRIBUTE TO SENATOR GALE W. McGEE OF WYOMING

HON. THOMAS S. FOLEY

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 27, 1992

Mr. FOLEY. Mr. Speaker, in April of this year there passed from among us a man who had devoted more than 50 years to the public service of his State, his Nation, and the broader international community. Professor, Senator, Ambassador, a man for all seasons in its truest sense, Gale W. McGee of Wyoming. There are a multitude who benefited from closer relationships with the man than I, but in an age when as a nation we ironically seem to have less faith in our own system of government than dozens of nations abroad which seek to emulate it, it seems important to once again get a measure of this man who chose to spend a lifetime serving the public.

For an era infatuated with the 15-second sound bite, Gale McGee would have frustrated anyone seeking an easy label. Conservatives applauded his hawkish stance on defense and foreign policy issues such as Vietnam in the seventies. Liberals and progressives endorsed his broad-gauged commitment to the Government's domestic responsibilities and his abiding faith in the constructive role of international organizations such as the United Nations.

But Gale McGee's were never the views of the wetted finger searching for the prevailing wind or the latest public opinion poll. In keeping with the 23 years he devoted to university classrooms, his Responsibilities of World Power (1968) was a lucid articulation of his commitment to an international role for the United States. But his was also an unwavering stance which he refused to reverse for expediency when it became a clear political liability as our role in Vietnam was heavily criticized. The United Nations' recent role in the Persian Gulf has brought a new public consensus to our national role in the United Nations. However, at the time Gale McGee's 1958–1977 Senate career was so closely identified with the United Nations it was in the face of hostile public outcries of, "Get the U.S. out of the U.N. and the U.N. out of the U.S." While his foresight has been vindicated, the passage of years has dimmed our memory of the shrill hostility in many quarters to the Panama Canal Treaty negotiations he devoted so much time to as U.S. Ambassador to the Organization of American States from 1977 to 1981. In a word, Gale McGee stood for something. He was principled even when it might have been easier to sail with rather than against the wind.

Were the reforming spirit of Gale McGee more characteristic of our politics today, perhaps the apparent public preference for the outsider would be less pervasive. His career speaks eloquently for the experience of the past applied to the future. His concerns 20 years ago of low voter turnout and strong advocacy for minimizing the complications of voter registration have been vindicated by the pending legislative success of a new motor-voter law which will allow citizens to register while renewing driving licenses. He was the author and prime sponsor of the Postal Reorganization Act of 1970 which created the U.S. Postal Service. And, for a Nation which has become increasingly concerned with preserving the national patrimony of our environment, his role in the passage of the Wilderness Act stands as a landmark.

From the beginning to the end, Gale McGee was his own man. When Wyoming Democratic leaders urged him to make a run for Congress in 1950, he reportedly turned them down saying he needed more time to become informed about Wyoming issues. He ran for and won his Senate seat 8 years later. When he entered the U.S. Senate in 1958 as a professor of history at the University of Wyoming, he was one of only five nonlawyers among the 16 new Members elected. Ours is a system of party politics, and Gale McGee was a Democrat with the best of us, but he also had a sense of governance which made his talents sought by Republican administrations whether as Ambassador to the OAS under President Reagan or service on the Indochinese Refugee Panel under Secretary of State George Shultz.

To Gale McGee's wife Loraine, his four children David, Robert, Mary Gale Clark and Lori Ann Stagnaro, I extend my sincerest sympathies for the loss of such a man. And, to the University of Wyoming, which honored him with their invitation to address their 100th anniversary commencement in 1990 and which will serve as the repository for the Gale McGee research papers, I offer my hope that future generations of students will reflect on the career of Gale W. McGee. He brought a special devotion to public service and represented those qualities that honor all of us who have chosen to make our careers in politics. His death should trigger among all of us the desire to reach for the higher goal and to reflect on, in the face of the criticism that everyone in public life inevitably encounters, his words on the cover of his memorial service program which reads: "What goes wrong is what we hear about. What goes right is what we depend upon from day to day and generation to generation." Gale W. McGee's more than 50 years of public service has left us with a handsome dividend of what is right in our politics.

TRIBUTE TO REV. WILLIAM BYRON

HON. JOSEPH M. McDADE

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 27, 1992

Mr. McDADE. Mr. Speaker, God has blessed this Nation with many fine individuals and he has blessed me with many good friends. I can think of no finer person or no better friend than Rev. William Byron, president of Catholic University. Father Byron will be retiring in the coming weeks from academic administration after a decade of service to the university.

Father Byron is one of the true jewels of this world. He has dedicated his life to God and doing God's work on Earth. He is a man of great conscience, devoting his time, talents, and energy to such causes as world hunger, social ethics, community service, and improving American education.

I say these things with great personal knowledge. Father Byron and I go back a long way together. We are both natives of Pennsylvania, and share an interest in the Commonwealth, and particularly the Scranton area, which I have represented for the past 30 years. I became well acquainted with Father Byron while he served as president of the University of Scranton from 1975 to 1982.

We worked on countless projects together to improve the Scranton community and to further advance higher education at the university. I can testify personally that Father Byron is someone who made a real difference and a positive contribution to the students and the community. The people from the Scranton area hold a special place in their hearts for Father William Byron.

I have also witnessed the fine work Father Byron has done as the president of Catholic University. Our paths have crossed many times as he has worked with me and others in Congress on projects of importance to the university. He has come to me many times with thoughtful projects to benefit this Nation. It is truly fitting that he led this body in prayer last week since he has many friends in the House.

As Father Byron steps down as president of Catholic University, I speak from the heart in congratulating him on an illustrious career and wishing him all the best in his undertakings. His Nation and his church have been enhanced by his outstanding service.

TRIBUTE TO THE CHESTER ROTARY CLUB

HON. CURT WELDON

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 27, 1992

Mr. WELDON. Mr. Speaker, I rise today to congratulate the Chester Rotary Club on their 75 years of service to the Chester area. I am proud of the Rotary activities. This active volunteer club may not always get much attention, but the services they provide affect thousands of people all around southeastern Pennsylvania. All of us in Delaware County are aware of the Chester Rotary's good work.

The Rotary's motto is "Looking Beyond Yourself." This truly expresses their attitude toward their fellow man. Their services, which target the young people of my area, are helping America prepare for the future by bringing out the best in our youth. The Rotary helps underprivileged boys and girls through the Boys/Girls Club activities and Camp Sunshine. Each year, the Chester Rotary sponsors scholarships at Widener University to prepare young adults for their future. Through programs like these, the Rotary has proven to be a huge asset to the entire Chester area.

More recently, the Rotary Foundation has started landmark programs to wipe out polio and illiteracy. It is a credit to the club that the Rotary has chosen to tackle these other urgent tasks. I am sure the Rotarians will attack these problems with their usual zeal.

Once again, I would like to commend the Chester Rotary on their 75 years of service to our community. The Rotary members, who donate their time and funds for the betterment of their fellow man, are local heroes in Delaware County. On behalf of everyone in the Delaware Valley, I would like to extend my congratulations to the Chester Rotary Club.

MIAMI'S EPIPHANY SCHOOL TURNS ALUMINUM CANS INTO GOLD FOR MIGRANT CHILDREN

HON. ILEANA ROS-LEHTINEN

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 27, 1992

Ms. ROS-LEHTINEN. Mr. Speaker, I am pleased to recognize Miami's Epiphany School which was recently featured in the Miami Herald. The article "Classes collect cans to help youngsters", by Jon O'Neill, tells how the Miami school has won international recognition through a recycling program which has raised more than $1,000 for 30 migrant children the school adopted this year:

> The students at Epiphany School have turned aluminum cans into gold for a group of migrant children. And they did it so well that three students will speak at the United Nations about the project Sunday.
>
> The 922 students at the school, led by an eager third grade class, raised more than $1,000 for 30 migrant kids they adopted earlier this year. They ended up winning a contest sponsored by the World Children's Foundation, which is affiliated with UNICEF—the United Nations Children's fund.
>
> Schools from more than 130 countries took part in the contest and each winning school will make a presentation at the UN. The audience will be made up of kids from around world and UN diplomats.
>
> "I'm extremely proud of what our students did," said Sister Marita Thomas, principal of the school at 5555 SW 84th St. It was a marvelous effort by them and by the parents, too."
>
> Assistant principal Maria Lopez is the Florida coordinator for the foundation and she got the school involved in the contest, which started in January. Through substitute teacher Patti Lampthier, who also works with the Parent Outreach program at Florida City Elementary, each class adopted a child.
>
> To raise money, the kids fanned out and collected aluminum cans to recycle. The money they raised will go to a college savings account established for each migrant child.
>
> "Everyone worked really hard, from the students who collected the cans to the parents who picked them up every Friday for recycling," Lopez said.
>
> Susan VanderWyden's third grade class collected 521 pounds of cans, more than any other group in the school. For them, it wasn't hard work because they knew it was for a good cause.
>
> "It's a nice idea," said Willie Llosa, 9. "They're poor and we can help them go to college."
>
> Three eight-graders—Jeanelle Ortiz, Javier Vialuso and Maria-Teresa Garcia-Saladrigas—are traveling to New York to speak before the U.N. Of the trio, only Javier says he isn't nervous about it.
>
> "I'm just glad to be representing the school," he said. "I know that if I do my best, everything will come out all right."
>
> Jeanelle is looking forward to the trip, but confessed: "I'm really nervous about talking in front of all those people. When we were practicing, I was shaking."
>
> Maria-Teresa, the school's student council president, is proud of what Epiphany did. She's also pleased about her first venture to the Big Apple.
>
> "I guess I'll be nervous about speaking, but we're going to have fun," she said. "I'm leaving two days earlier so I can go shopping."

I am happy to pay tribute to Principal Marita Thomas, Assistant Principal Maria Lopez, substitute teacher Patti Lampthier and the other staff members, and students at the Epiphany School by reprinting this article. They have done much to help both the environment and their community, by reaching out to their less fortunate neighbors.

RONALD K. MACHTLEY AWARD

HON. RONALD K. MACHTLEY

OF RHODE ISLAND

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 27, 1992

Mr. MACHTLEY. Mr. Speaker, it is my distinct pleasure to congratulate Raymond J. Haskell of North Providence, as this year's recipient of the Congressman Ronald K. Machtley Academic and Leadership Excellence Award for LaSalle Academy in Providence, RI.

This award is presented to the student, chosen by LaSalle Academy, who demonstrates a mature blend of academic achievement, community involvement and leadership qualities.

Raymond J. Haskell has more than fulfilled this criteria. With a 90.11 cumulative grade point average, Raymond was duly granted membership to the National Honor Society. After gaining acceptance to Providence College, Fairfield University, Roger Williams College, and Stonehill College, he will be attending Providence College in September as a political science major.

I commend Raymond J. Haskell for his outstanding achievements and wish him all the best in his future endeavors.

OIL AND GAS PLATFORM POLLUTION

HON. LAWRENCE J. SMITH

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 27, 1992

Mr. SMITH of Florida. Mr. Speaker, many of the opponents of the leasing moratoria in the National Energy Policy Act claim that drilling platforms, especially gas drilling platforms, pose no serious threat to the environment. That could not be farther from the truth.

What follows is the testimony from several oil and gas platform workers describing the

environmental damage their drilling caused. I hope that all the Members will read it and recognize that you do not need an *Exxon Valdez* type of oilspill to cause horrendous damage.

A MESSAGE TO CONGRESS FROM FORMER AND CURRENT OIL/GAS OFFSHORE WORKERS WHO SUPPORT A 100-MILE DRILLING BAN FOR THE FLORIDA PANHANDLE

A MESSAGE TO CONGRESS FROM JOHN COOLEY, A FORMER OIL/GAS OFFSHORE PLATFORM MANAGER

Background

"My name is John Cooley. I worked in the oil industry off of Louisiana and Texas" coasts for eighteen years. I started laying natural gas/oil pipelines for J. McDermott. For the last twelve years, I worked as a production manager (in charge of the actual lease and production of the platforms) for two major oil companies: Transco Exploration Company and Amoretta Hess out of New York."

"Drilling is drilling"

"They're saying that they are just going to drill for natural gas; it's non-polluting. Drilling is drilling—whether you drill for oil or gas. I guarantee you'll see mud streaking off these rigs for miles. Drilling muds go in an overboard line straight into the Gulf. Produced water [which contains heavy metals, toxic and radioactive chemicals], bactericides—these things go overboard into the Gulf of Mexico. Trash, oil drums, paint cans—it's just dumped. You've got clean water here. Why take a chance?

"I don't care how much logging they do, seismographs—there is no way they can predict they will find only natural gas. Whatever they find, you are going to see an adverse effect on these beaches.

"There is nobody to regulate this. I have never heard of a ruling in federal waters that says, 'Ah, that's oil! Can't produce that. Cap that well.' It's a producer and they're going to cap it? I just can't see that."

MMS oilspill contingency plan

"Let me explain something about an oil spill contingency plan—something I am very, very knowledgeable on. All an oil spill contingency plan is is a plan on paper. A production manager's responsibility is to know that plan. All that plan tells you is: A. How much was spilled. B. What times it was spilled. C. Who to contact in the event of a spill. D. What you have to do to actually stop that oil or condensate spill right then. In that plan they have guidelines—so many barrels you do not have to report it; so many more barrels you have to report it within 24 hours; so many more barrels, it has to be reported immediately. This is not a cure-all for the spill! It is not a plan to clean up."

Survived two blow outs on natural gas rigs

"The two blowouts I have survived were on gas rigs. On one, a casing valve blew out on a platform, which was a very high pressure well with a shut-in tubing pressure 9600 psi. A packer gave out on the production casing side. The pressure got into the casing itself and blew the casing valve out, which resulted in a large fire and large spill—until they could get a company to come in and drill a relief well. It was 12 days before they could get the fire out, the relief well drilled, and the condensate spill stopped.

"Another gas rig blew during a clean out operation of the pipeline. There was miscommunication and some bad judgment by some operators, and it blew out the end of the pig trap—a large metal part of the pipeline that catches these cleaning devices. After the blow out, there were about eight miles of pipeline filled with gas, some condensate. It was detrimental to life. 700–850 barrels of condensate went into the Gulf that day."

Negligent operations on Chevron Gas Rig

"I was on a Chevron platform where the operation was leased out to Transco. The operating procedures for the physical operation of the well was not conducted within Transco's compliances. I reported these incidents to my company. After that, I was asked to report to another work location. I was asked to never come back and oversee the operation.

"The well shut in by an automatic shut down device, which detected something like a high level fluid pressure. In order to safely bring the well back on-line, the procedure called for the production operators to manually close some valves. Then slowly bring the well back on line.

"There were some sets of ladders and steps they would have to climb to get to the controls. There was a panel about 20 feet away where they could just pull a lever and open the automatic valves. The two operators decided it was easier for them to use the automatic valves, which created a huge gas surge. This was a good, high-pressure well, and the pressure surge shook the entire platform, disrupted the down-hole formation. This formation damage caused the well to be junked.

"There are some good companies operating, but Chevron is not one of them. The only thing Chevron looks at is the dollar. They don't care about—let's take care of this pristine area here. 'Well, we dumped fifty barrels of condensate overboard last night, and the current is going to the south. It's not going to get on the beach.' I'm afraid something like that might happen here. I know in my heart how they operate."

MMS office on the take

Once a month these platforms have to go through an MMS inspection. That's checking all the safety devices and everything. Some heads of Samadan Oil Company, MMS, and a third party inspector split money that wasn't spent. This inspector came up with all these things wrong on this platform on paper. "You need to order a new panel board here. You need hundreds of thousands of new safety devices here." and MMS said, "Yes, this is true—what they need." They weren't ordering this stuff. Whoever was writing the checks, wrote them, and they were splitting the money up with offices in Houma, Louisiana. MMS—they all got caught, but Samadan had nineteen to twenty platforms.

Condensate spill

"On a new platform, one night, when I knocked off my shift, the complete production system was flooded with condensate, which is a high grade oil like WD40. And the vessels were full, and they could not produce anymore. We had to shut the wells in, which is actually physically closing the wells off, until we produce all that condensate we had on board. The next morning, when I went on shift I took meter readings—one of my responsibilities. There was no way that the barrel count could have matched up with the amount of condensate that was in all the vessels. The vessels were cleaned up the next morning, and there was no record of where that condensate went. So there was only one place it could have gone—into the Gulf of Mexico.

"Until they get the system leveled out on a new production platform, you are going to run across problems like that, because they have no idea how much condensate they are going to produce. And in this particular incident, the vessels weren't big enough for the production they had on stream. And the orders were, "Do not shut the wells in. Keep those wells producing." The condensate had to go somewhere. It was done at night, under the cover of darkness. The currents carried it—nobody was to know."

Conclusion

"I support the 100 mile drilling ban for Northwest Florida, because I have seen the pollution and destruction of the coastlines of Louisiana and Texas. I cannot believe that the oil companies are geared up to come here to drill, to produce, to have a shore base where they will have zero pollution on the Panhandle.

"Mr. Hutto, listen to your district. Northwest Florida really supports a 100 mile drilling ban. The main stay of these people's lives is the tourism industry. These oil people are going to come in here. They are going to pump a few dollars into the economy. They are going to get what they want. They are going to pollute. They are going to leave. And we are going to be stuck with it. We like the way it is right now. Why risk these beautiful beaches for just 14 days of U.S. energy and with just a thirty mile buffer zone? Support a permanent 100 mile drilling ban for Northwest Florida—and for the entire coastline of Florida."

A MESSAGE TO CONGRESS FROM AN OIL/GAS INDUSTRY EMPLOYEE WHO WISHES TO REMAIN ANONYMOUS

RUSSELL. Without giving us a specific location, can you tell us approximately how many years you have worked in the oil/gas industry, and what were the jobs you performed?

OIL/GAS INSIDER. Ten years. For three years, I tested and serviced drilling equipment used by rigs in South Louisiana and Texas—on land and offshore. Then, I ran crewboats for seven years, running personnel and supplies to drilling rigs and production platforms in Texas, Louisiana, and Alabama.

RUSSELL. Why do you support a 100 mile oil/gas drilling ban for the Florida Panhandle?

OIL/GAS INSIDER. I am presently fishing these waters. I have a charter boat in Destin. To disrupt the pristine beauty with unsightly drilling and production operations is going to take away the one natural resource this area depends on. I feel tourism would be affected greatly. That's just the short term effect. In the long run, from the overboard discharge to the pipelines and production plants, it would disturb our inland marshes where a great deal of varied sea life depends on that link in the food chain.

It's bad enough that they are drilling to the west and still discharging with every restriction—discharging in the same Gulf of Mexico as ours—and in the world ocean.

RUSSELL. Each of our five oil/gas insiders had independent volition to attend a Save Our Shores meeting. Why were you impelled to attend?

OIL/GAS INSIDER. I wanted to find out what I can do to help prevent the oil companies from drilling in our coastal waters.

RUSSELL. "Former oil/gas industry employees, Captain Robert Turpin and John Cooley, have told us about gas blow outs, unreported spills, trash dumping, navigational hazards, etc. . . . What is the most disturbing safety, health, or environmental abuse you have witnessed?

OIL/GAS INSIDER. No one single major incident comes to mind. The gross injustice is the overall, everyday lack of concern by the decision makers involved in the entire operation. If it makes their job easier, it is going to go overboard.

A lot more could be done to protect the environment if the right laws were in place—with serious financial fines—nationwide newsreporting, naming the companies and the infractions—so the public will know.

Education of environmental laws and current guidelines should be mandatory of all ranks of employees before they are allowed to begin work—no matter how temporary or how long in tenure their job may be. Also workers should be informed of their obligation to report negligence.

A toll free phone number of an environmental hot line should be, by law, posted at every mode of operation for all workers to see. With verifications, this should be an effective step at creating an outlet for in-house policing of all levels of employees.

Replace the norm, which is some guy deciding standard operating procedures, telling you to do things, which you know are wrong. There is an ever present atmosphere of "Keep your mouth shut! Look the other way, or you will lose your job."

RUSSELL. The Destin Dome contains over 200 leases, some sites as close as 10.2 miles from shore. Do you think rigs could be visible on our horizon, as they are west of us?

OIL/GAS INSIDER. Yes.

RUSSELL. Chevron says they will construct only 8 platforms in the Destin Dome and that they will cap wells that hit oil. Should we believe those promises?

OIL/GAS INSIDER. No. The cost to drill a hole in this area is so restrictive, that it takes years of drilling and production to make it feasible to move into this area.

RUSSELL. When S.O.S. lobbies Congress for the protection of Panhandle waters, what message would you like us to carry for you?

TRIBUTE TO TAYLOR-WHARTON ON ITS 250TH ANNIVERSARY

HON. GEORGE W. GEKAS

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 27, 1992

Mr. GEKAS. Mr. Speaker, I rise today to commemorate the 250th anniversary of Taylor-Wharton, the oldest metalworking company in continuous operation in the United States. Taylor-Wharton, founded in 1742, is based in Harrisburg, PA, and enjoys a rich heritage dating back to our Nation's colonial era.

The company was started by two Philadelphians, William Allen—a judge, Pennsylvania legislator, mayor of Philadelphia, and founder of Allentown—and Joseph Turner—a lifelong sea captain, State legislator, and trustee of what later was the University of Pennsylvania. The company first began operations near High Bridge, NJ, under the name Union Forge. Robert Taylor was hired as a bookkeeper in 1759, and later became the first of five Taylors to manage the company.

The company manufactured cannonballs for Gen. George Washington's army during the Revolutionary War, and has provided products for our Armed Forces in every major war America has fought. In the early years, the company manufactured crude oxshoes, steel rims for conestoga wagon wheels, and metal forgings. At the same time, the William Wharton, Jr. Co. in Philadelphia was manufacturing railroad switches and track rails. Their common interests led both companies to merge into the Taylor-Wharton Iron & Steel Co. Taylor-Wharton has continued to thrive as a division of Harsco, Inc., and now has three manufacturing facilities and five business centers on three continents.

I am pleased to say that this American company has remained faithful to the motto uttered by one of its presidents, Taylor Knox, in 1917: "The test of time is the hardest test of all. It requires blood and bone and brain to meet it. It requires honor and loyalty and charity, and we have had all these in abundance."

Mr. Speaker, I ask all of my colleagues to join me in congratulating Taylor-Wharton and all of its employees in the company's 250th year of operation, and in wishing continued success in the years ahead.

A TRIBUTE TO EYVIND EARLE

HON. MEL LEVINE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 27, 1992

Mr. LEVINE of California. Mr. Speaker, I rise today to pay tribute to American master artist Eyvind Earle. For many decades millions of people worldwide have viewed, collected, and admired his art for its unique vision and the moving and powerful images he portrays.

Mr. Earle was recently selected by the United Nations and the Earth Society Foundation to represent the United States of America for Earth Day 1992–93. This prestigious honor enabled Mr. Earle to create a special commemorative poster and a six-piece serigraphic portfolio entitled "Homage to Planet Earth" which will be unveiled in Los Angeles, CA, on June 5, 1992, at the Tamara Bane Gallery. This event will coincide with World Environment Day and the World Earth Summit Conference.

Through his work, Mr. Earle has portrayed the beauty and harmony of our planet when it is unspoiled by man. His images demonstrate the critical need for all of us to do our part to work toward restoring the Earth's environment in order to ensure health and prosperity to mankind for generations to come.

Mr. Earle and his beautiful pictures truly serve as an inspiration to us all and it is a pleasure to ask my colleagues and the Speaker of the House to join me in commending him for all that he has accomplished. We wish him many more years of good health and thank him for all that he has brought to his fellow man.

DADE COUNTY PUBLIC SCHOOLS' CAUSE PROGRAM PROMOTES ENVIRONMENTAL AWARENEES

HON. ILEANA ROS-LEHTINEN

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 27, 1992

Ms. ROS-LEHTINEN. Mr. Speaker, I am pleased to recognize the Dade County Public Schools' CAUSE [Children Alerted to Understand and Save the Environment] program in the Miami Herald. The article "CAUSE and effect: kids learn to help environment", by Jon O'Neill, tells how this program has worked successfully in seven elementary schools:

> As far as Hy and Joan Rosner are concerned, kids can learn best about the environment outside the classroom.
>
> That's why they started CAUSE—Children Alerted to Understand and Save the Environment—in Dade public schools. CAUSE is modeled after a program the two retired educators have run successfully in schools in Albuquerque, N.M.
>
> This year, seven Dade elementary schools used CAUSE to teach students about pollution, trees, recycling and other environmental issues. Wednesday, kids from two of the participating schools met at South Miami Elementary to discuss some of the projects they've worked on.
>
> "We want to make kids aware of the environment and get them doing something about it," said Rosner. "We also want them to take what they learn home and educate their parents."
>
> Jim Connell, who teaches gifted fourth-, fifth- and sixth-grade students at South Miami, believes the way to teach everyone about ecology is to start with students.
>
> "It works backward," he said. "You teach the children and they teach their parents. Eventually, we all learn there is fallout from what we do."
>
> Students from the seven schools that used CAUSE—South Miami, David Fairchild, Avocado, Sunset, Perrine, Kelsey Pharr and Dunbar—have taken field trips and done school and community projects.
>
> At Perrine, for example, the kids exchanged an ecological scrapbook with a fourth-grade class in Ohio, put together a saltwater fish tank and planted a garden. At South Miami, 6800 SW 60th St., the kids did several projects such as building toys out of recyclable materials and making a butterfly garden outside their classroom.
>
> "It was fun," said Margia Arguello, 11, a student at South Miami.
>
> Margia knows that being ecologically sound can also be profitable. Her family has started recycling cans.
>
> "Last week I made a dollar and a penny," she said.
>
> One highlight of the year was a CAUSE overnight campout. Although it was a little tough on the adults, the kids had a great time.
>
> "The hammock was the best," said South Miami student Britt Lake. "There were lots of roots and lots of places to hide. And there were lots of gumbo limbo trees."
>
> The 11-year-old said she learned much from the CAUSE lessons, but confided she had a more practical reason for enjoying the program.
>
> "It meant that we didn't have to do social studies," she said.

I am happy to pay tribute to the CAUSE program's founders, Hy and Joan Rosner, and the staff and students at South Miami, David Fairchild, Avocado, Sunset, Perrine, Kelsey Pharr, and Dunbar Elementary Schools by reprinting this article. They have performed an invaluable service to the school system, the community, the environment, and the Nation through this model program for learning about environmental issue.

RONALD K. MACHTLEY AWARD

HON. RONALD K. MACHTLEY

OF RHODE ISLAND

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 27, 1992

Mr. MACHTLEY. Mr. Speaker, it is my distinct pleasure to congratulate Alan J. Tenreiro of Pawtucket, as this year's recipient of the Congressman Ronald K. Machtley Academic and Leadership Excellence Award for Mount St. Charles Academy in Woonsocket, RI.

This award is presented to the student, chosen by Mount St. Charles Academy, who demonstrates a mature blend of academic achievement, community involvement, and leadership qualities.

Alan J. Tenreiro has more than fulfilled this criteria. As a member of both the National Honor Society and Exelsior Honor Roll, Alan served his peers honorably as a student council officer. He also represented his school as an all-division soccer player.

I commend Alan J. Tenreior for his outstanding achievements and wish him all the best in his future endeavors.

A CONGRESSIONAL SALUTE TO MRS. JOAN PINCHUK

HON. GLENN M. ANDERSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 27, 1992

Mr. ANDERSON. Mr. Speaker, I rise today to pay tribute to an exceptional woman whom I greatly admire, Mrs. Joan Pinchuk. Mrs. Pinchuk, in recognition of her tireless efforts on behalf of the refugee population of Los Angeles County, will receive this year's Public Service Award. This award will be presented to her at a dinner on Thursday, May 28, 1992, hosted by the United Cambodian Community, Inc.

Born in Chicago, IL, and raised in Miami, FL, Joan moved to California and graduated from California State University at Los Angeles where she received her bachelor's degree. Soon after Joan embarked upon a career as a social worker in South Central Los Angeles for Los Angeles County. Following this position, she became an appeals supervisor and public information supervisor for the Department of Public Social Services and worked for the board of supervisors. For the past 11 years, Joan has been with the Department of Community and Senior Citizens Services [DCSCS] where she has served as a legislative analyst, public information officer, and presently as the refugee coordinator of Los Angeles County. In her role as the refugee coordinator, Joan has been instrumental in creating and implementing innovative programs that aid and assist these various populations. She has testified on behalf of various refugee groups of Los Angeles County before State and Federal legislators. In addition, Mrs. Pinchuk has served as a liaison for Los Angeles County between Federal and State officials and foreign delegations from such countries as Japan, Sweden, Sudan, Bulgaria, and Switzerland.

As the administrator of the $9 million Refugee Employment Training and Acculturation Programs in Los Angeles County, which has the largest population of refugees in the Nation, Joan is viewed as the definite authority on refugee matters.

My wife, Lee, joins me in extending our thanks to Mrs. Joan Pinchuk on recognition of her contributions to our community. She is a very special individual who has devoted her talents and energies to making our community a better place to live. We wish Joan and her husband all the best in the years to come.

BOB MICHEL'S CHALLENGE

HON. AMO HOUGHTON

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 27, 1992

Mr. HOUGHTON. Mr. Speaker, I rise today to bring attention to a column in the Washington Post written by David S. Broder entitled "Bob Michel's Challenge." I just cannot help thinking that the minority leader is right on in his assessment of our current state of paralysis.

House Minority Leader Robert H. Michel (R-Ill.) is one of those familiar Washington figures who usually draws more affection than deference. Since he came to Congress from Peoria in 1956, he has been known to colleagues as a great companion for a songfest or a round of golf. But as one of the permanently outnumbered Republicans, he rarely put his stamp—and never his name—on a major piece of legislation.

So there was great surprise last week that it was old-shoe Bob Michel, 69, who defined the political, constitutional and institutional crisis facing this country in 1992 more bluntly than anyone else in either party has done.

In a speech that reflected more of Michel's own reactions than any outside advice, he made four basic points:

The candidacy of Ross Perot could very possibly throw the choice of the next president into the House of Representatives, by denying any one of the three candidates—Perot, George Bush and Bill Clinton—an electoral-college majority. The inside-the-House politicking, with each state delegation casting a single vote, no matter its size—would be "an utter disaster" for the country, an outrage to the whole concept of popular sovereignty.

Perot as a possible president is a scary prospect, not only because "he doesn't have a clue how to solve even one major issue," but because—to Michel's eye, at least—he has "the demagogue's gift for oversimplification" and could, if elevated to power, prove that "authoritarianism . . . can happen here."

More important than Perot himself is the fuel that is powering his undeclared candidacy—"the frustration of the American people when all they see when they look to Washington is squabbling, partisanship, media hype and legislative gridlock."

"If Ross Perot never existed," Michel said, "those grievances would be real."

The source of the frustration—the real reason the grievances exist—is "the fact of divided government in Washington. We have come to the point in American history where a president of one party simply cannot lead if the Congress is dominated by the other party."

That is the ugly secret of American politics and Washington's failure. But it has been a long time since any major politician in either party stood up on his hind legs and said it to the people.

Back in 1960, John F. Kennedy campaigned by saying that it made no sense to elect Rep. Jones or Sen. Smith, good Democrats both, to Congress "and then put Richard Nixon in the White House." He won—barely. Party loyalties, though weakened by the six years of divided government and the spread of ticket-splitting under Dwight D. Eisenhower, still meant something then.

But for 20 of the past 24 years we have had divided government—a Republican in the White House and Democrats controlling at least one and usually both houses of Congress. A whole generation has grown up thinking this is natural and normal.

The members of that "permanent" Democratic congressional majority certainly did not tell their constituents that they were wrong to split their tickets. They wanted to pretend that they would be "effective" no matter who was in the White House. Maybe they are bringing home the bacon, but they are not dealing with national problems.

Still less did Republican presidents and presidential candidates want to say, plainly, that it made no sense to elect them unless they had enough allies on Capitol Hill to pass their programs. Ronald Reagan came closest to doing it in 1980—and the results showed: a Republican Senate and a conservative-controlled House. But only for two years. He retreated into the usual Republican tolerance of divided government when the recession swamped the GOP in 1982.

Now Michel has broken the code of silence and showed the guts to plead for a Bush campaign that would say "the only way" to break the impasse that is so frustrating to the voters is to end divided government. Give one party—he'd prefer it were the Republicans—control of the White House and Congress and if they fail to deliver, "kick us out" in the next election.

Will Bush take the challenge? At the moment his campaign is so desperate and defensive, in the face of the Perot surge, that no one knows.

Will a leading congressional Democrat step forward to say what Michel has said—that the voters are simply courting more frustration if they reelect Democratic congressional incumbents and then split their tickets for Bush or Perot?

What is needed is a steady drum-fire of messages from the leaders of both parties at both ends of Pennsylvania Avenue informing the public of the lesson that has been forgotten: that the collective responsibility that results from giving one party at a time "a chance to govern," as Michel put it, is the only real way to ensure accountability in a representative government.

What Bob Michel said is true. You can either vote for further frustration in the form of divided government, or you can pick a party to trust and hold to account, or you can put your country's future in the hands of Ross Perot and his promise to take charge—with all that is unknown about his real goals and all that is untested about his self-restraint in the exercise of vast power.

MAKING THE DIFFERENCE

HON. ROBERT H. MICHEL

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 27, 1992

Mr. MICHEL. Mr. Speaker, I would like to bring, to the attention of our colleagues the wonderful work of one of my constituents, Toni Driscoll.

Toni has spent 20 years at the Internal Revenue Service providing help to the citizens of our country, particularly the elderly and financially disadvantaged. Toni has demonstrated a dedication and work ethic that is to be commended.

At this time, I would like to insert into the RECORD an article by Bob Bouyea of the Peoria Journal Star, "End of Tax Time is End of Career," which describes the outstanding work of Toni Driscoll.

END OF TAX TIME IS END OF CAREER

(By Bob Bouyea)

For 20 years Toni Driscoll has helped solve other people's problems.

But today is the last day she will do that—at least professionally.

She is retiring as a tax preparer service representative at the Internal Revenue Service.

"Whatever a person wants to know I try to help them," she said from the IRS's 13th floor office in the Talman Building. "I was never bored. I enjoyed coming to work every day."

She likens what she does to solving a puzzle. She sees through a person's problem and leads them to the solution. "I'm interested in the work and it's a challenge. I like to see a problem solved."

The walls of the office are lined with forms and booklets explaining the complicated tax laws, but Driscoll knows most of the answers or how to find them quickly.

"People ask me, 'How do you remember all that?' A lot is the same problems. It's easy to remember with 20 years experience," Driscoll said.

Wednesday, an elderly couple came into her office needing information. She knew the answer even before they had finished their question and in a reassuring voice directed them to the right booklets to find the information they needed.

Answering the questions before they are asked is her biggest problem, she said. "I just know it so well."

Her clientele consists mainly of elderly and lower income people. She said the office is there to help people who can't afford an accountant or attorney.

"A lot of people come in frightened. They are worried when they get a bill," she said. "I try to project a better image of the IRS, but people are going to be resentfull and frightened. Hopefully they will leave in happier mood."

But not all do.

Driscoll told of a man who came into the office many years ago. For 20 minutes she listened to the man's problem and tried to help him. "But I didn't give him the answer he was looking for."

As he grumbled, he made a reference to being frugal with his money.

Frustrated, Driscoll said to the man, "I bet you still have your first nickel."

She said the man walked out of the office to the nearest phone and called her supervisors who in turn called Driscoll.

"She said, 'Toni, that's not like you. Next time walk away,'" Driscoll said. "That was my only reprimand."

She always tries to be sympathetic to a person's problem, she said, but in the case where the man would not listen to her or when someone doesn't file a return for 10 to 15 years and then on the last day decides to file the previous returns, she has little sympathy.

One person who walked in the office wanted forms for the past five years. When she asked him why he waited, the man said, "I just got the energy."

Driscoll said she doesn't know how she is going to feel when she walks out of the office for the last time this afternoon, but is looking forward to seeing more of her grandchildren and traveling with her husband Jack, who retired from Wilkens Pipe and Supply in October.

MIAMI CORAL PARK SENIOR HIGH SCHOOL JUNIOR RESERVE OFFICER'S TRAINING CORPS

HON. ILEANA ROS-LEHTINEN

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 27, 1992

Ms. ROS-LEHTINEN. Mr. Speaker, I would like to congratulate the Junior Reserve Officer Training Corps of Miami Coral Park Senior High School for their outstanding achievements during the 1991–92 school year. The young men and women of the corps not only performed exceptionally well in military drill competitions, but performed many services for the school and the community.

Beginning in October, the cadets participated in the tricounty drill competition at Lake Worth, FL, where they earned three first place drill team trophies, two second-place trophies, and one third-place. In addition, Cadet Cpl. William Rubiano won first place in individual knockout drill.

In February, the cadet drill team and color guard participated in the University of Miami Air Force ROTC drill team competition. The representatives of Miami Coral Park brought home 14 trophies, including the overall championship trophy. Especially notable were the performances of Cadet Capt. Richardo Santander, who was awarded the trophy as best color guard commander, and Cadet 1st Lt. Jose Silva, as best drill team commander.

Later that month, the Miami Coral Park Battalion participated in the University of Miami Army ROTC Drill Meet. The cadets brought home 19 trophies, including both first and second place overall championships.

In April, the color guard and drill team participated in the National High School Drill Team Championships in Daytona Beach, FL. They were ranked 13th overall in the Nation, and the women of the corps won four trophies for their school. Cadet Capt. Elsie Sacasa and Cadet Maj. Elizabeth Lopez took second place in female dual exhibition drill and the school also received third place in female inspection competition, and fifth place in female color guard competition.

Throughout the year, the cadet corps assisted the school with ceremonial occasions, providing escorts and orientation for parents and prospective students, and color guards for sports events and special occasions, and participated in civic events including Black History Month activities and the veterans' weekend parade. The men and women of the corps organized and carried out fundraising activities to finance their competitions, and participated in a variety of field training exercises.

Most importantly, these young men and women participated, day in and day out, in the training of our Nation's future leaders, both military and civilian, themselves. Under the leadership of Cadet Maj. Deymos Borgen, the battalion commander, and with support and instruction from M. Sgt. Pat Hemminger, Sgt. Maj. Ed Yarbrough, Maj. Al Schmitt, and Principal Carnell A. White, the Junior Reserve Officer Training Corps at Miami Coral Park is training the future citizen-soldiers who will be the backbone of our national defense efforts, and the leaders of Florida and the Nation in the 21st century.

Mr. Speaker, in their biannual inspection conducted on March 20, Miami Coral Park's Junior Reserve Officer Training Corps earned the rating of honor unit with distinction. I commend the young men and women of the corps and those who serve as their instructors for their outstanding effort and achievement.

TRIBUTE TO NORM AND JOY LEVY

HON. NORMAN F. LENT

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 27, 1992

Mr. LENT. Mr. Speaker, I rise to pay special tribute to two good friends and fellow Long Islanders, the Honorable and Mrs. Norman J. Levy.

It has come to my attention that the Merrick Jewish Centre, which is located in my Long Island, NY, district, is planning to honor Norm and Joy Levy at its 17th annual dinner dance on May 31, 1992. I want to commend the officers and the members of the board of directors of the Merrick Jewish Centre for making such an enlightened selection for this year.

Norm Levy has served with distinction in the New York State Senate since 1971. He has been a tireless advocate of the suburban communities he represents and has worked hard to protect the interests of individual constituents.

Norm's skill as a legislator was apparent from very early in his career. In January 1973, Senator Levy was appointed chairman of the Senate Committee on Labor where he compiled a distinguished record as an advocate for working men and women. In particular, he sponsored laws to improve occupational health and safety standards as well as to strengthen unemployment insurance, workers compensation, and disability programs.

In 1982, Norm Levy became the chairman of the Senate Committee on Transportation. As the leader of this critically important panel, Senator Levy has guided the maintenance and growth of the Empire State's transportation infrastructure. His dedication and vision have been instrumental in forging bipartisan solutions to a great number of the most difficult issues that have faced my home State during the last decade.

It is a particular pleasure to note Norm's longstanding commitment to safety issues. In fact, Senator Levy has been a pioneer in the development of legislation to improve and update highway and school bus safety, require the use of seatbelts in automobiles, protect the rights of the physically challenged, and fight the scourge of drunk driving.

Joy Levy has demonstrated an equal commitment to the ideals and principles Norm has worked so hard to advance in Albany. In spite of physical hardship, I can say that Joy is the most appropriately named person I know. She is a truly delightful person and has the rare ability to light up a room with her presence. I know how important she and Norm are to each other and the pride with which they seek to make their home State and home region a better place to live.

Mr. Speaker, while I always have always considered it a privilege to address the Members of this institution, it has never been more so than at this moment. I am proud to inform my colleagues that my friends, Norm and Joy Levy, are examples of the very finest in the American tradition of public service. For this and for other reasons, they are truly deserving of the recognition they will soon receive from the Merrick Jewish Centre. On behalf of my wife, Barbara, and the people of New York's Fourth Congressional District, I want to extend warm wishes to them on this happy occasion.

IN HONOR OF JIMMY LYONS—35 YEARS OF THE MONTEREY JAZZ FESTIVAL

HON. LEON E. PANETTA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 27, 1992

Mr. PANETTA. Mr. Speaker, I would like to take this opportunity to recognize a great man who has spent his lifetime dedicated to bringing jazz music to the 16th Congressional District of California. Jimmy Lyons, the founder of the Monterey Jazz Festival, will retire after the festival's 35th show, and although the show will continue on with the hard work and dedicated members it is known for, no one will ever replace the love that Jimmy brought to the festival.

James L. Lyons, the son of a Presbyterian missionary, was born in Peking, China, in 1916. At the age of 6, Jimmy moved to the United States, first to Cleveland, OH, and later to California. Jimmy began his appreciation for music at a young age, and began his career in 1939 as a radio announcer for KVOE, Laguna Beach, CA. In 1942, Jimmy worked as an announcer with the Stan Kenton Band in Balboa and traveled with the band. While in New York, Jimmy got a job writing for NBC and, during World War II, he applied his talents to the Armed Forces Radio as producer of the "Jubilee Show," the AFR's jazz program. In 1948, Jimmy began producing a jazz show on KNBC radio in San Francisco and became one of the Bay Area's most popular deejays. During this time, Jimmy Lyons developed what he terms as "a love affair with the Monterey Peninsula." He moved to Big Sur and began work at KDON radio station in Salinas.

While working out of downtown Monterey, Jimmy met Hal Hallett, a local printer and jazz enthusiast. Both of them shared the dream of a great weekend of jazz, somewhere out in the country, with the great jazz people performing.

And so began the first annual Monterey Jazz Festival.

With hard work and perseverance, the Monterey Jazz Festival has grown beyond expectations. At the first annual festival, performers included Dizzy Gillespie, Mel Lewis, the Modern Jazz Quartet, Billie Holiday, Ernestine Anderson, Dave Brubeck, Max Roach, and Harry James. The same caliber of artists continue to participate in the Monterey Jazz Festival every year. Since 1958, the Monterey Jazz Festival has presented over 170 concerts, performed by more than 7,000 jazz artists from all over the world. The festival has devoted 100 percent of its profits to music and education totaling over $41,350,000 to date. The organization has maintained music education as one of its primary goals and has been responsible for providing funding for scholarship programs, youth organizations, and the festival's own Jazz Education Fund.

This year represents the 35th anniversary of the Monterey Jazz Festival and the show has been dedicated to its well-deserving founder, Jimmy Lyons. Tim Jackson, general manager of the Kuumbwa Jazz Center in Santa Cruz, will join Jimmy as coproducer of this show and then assume the position of general manager of the Monterey Jazz Festival following the anniversary show. It will truly be a show that represents the feelings of the jazz community—a combination of the history of jazz and the ideas of the future.

Mr. Speaker, I would like to ask my colleagues to join me now in thanking Jimmy Lyons for his commitment and dedication to the Monterey Jazz Festival. His contributions to the jazz community are immeasurable, and the people of the 16th Congressional District are truly thankful for the joy he has brought to our community, the State, and the Nation as a whole.

CHANGING THE COURSE OF ENERGY IN AMERICA

HON. OLYMPIA J. SNOWE

OF MAINE

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 27, 1992

Ms. SNOWE. Mr. Speaker, America has had a long, inseparable affair with energy. The Americans of the 19th century would not have realized their manifest destiny without the railroad and its steam engines. New York's Pearl Street station, designed by Thomas Edison in 1882, demonstrated the immense possibilities of large-scale electricity generation that would revolutionize America and the world. And of course, the 20th century is posted with landmark American innovations and inventions in oil use and production, nuclear power, and solar energy.

With today's work in the House, the United States enters a new chapter in energy use. The legislation before us, H.R. 776, the Comprehensive National Energy Policy Act, largely reflects a growing consensus that we need to get smarter about energy. Around the country, people are concerned that the world's only superpower and its most powerful allies are dependent on oil imports, most conspicuously on the oil of the volatile Middle East. They are concerned that the way we use energy, paradoxically, threatens the very quality of life which affordable, accessible energy supplies help to improve; the threats include acid rain, air toxics, and global warming. And finally, people want to avoid spending larger and larger percentages of their income to meet monthly energy bills.

H.R. 776 takes bold measures to address and act upon the concerns of the people. Perhaps the most important of these is the title on energy efficiency. Our largest energy resource is the energy that we waste or use needlessly, and we have this resource, unfortunately, in abundance. Tapping into this wealth of energy is the cheapest and most effective means of achieving our most important national policy objectives: Reducing pollution, diminishing our reliance on imported oil, and enhancing the competitiveness of American business while decreasing energy bills. The importance of the last goal is underscored by the fact that our two most formidable economic competitors, Japan and Germany, use 40–50 percent less energy to produce every dollar of GNP than we do.

Recognizing the widespread nature of energy inefficiency in the American economy, H.R. 776 adopts a holistic remedial approach. Its provisions to raise the standards for appliances, lights, showerheads, and heating and cooling equipment will subtly, but markedly, improve energy efficiency in the home and the workplace. The title encourages public utilities to consider least-cost planning and cost recovery for energy savings programs, and to incorporate the external costs of energy use such as air and water pollution in all planning decisions.

A keystone element of the efficiency title is its provision on building efficiency. About $170 billion is spent annually on energy used in U.S. residential and commercial buildings, but numerous studies show that we have the technology to lower this bill substantially. A recent OTA report shows that implementing all cost-effective energy-efficient technologies could save one-third of the energy that would otherwise be expended by 2015 under a business as usual projection; it would also reduce greenhouse gas emissions by 1 billion tons per year.

H.R. 776 confronts energy waste in buildings by requiring States to upgrade the efficiency standards of their construction codes for homes and businesses. It also aims to take a bite out of the annual $12 billion energy bill of the Federal Government. To address this problem, the Energy and Commerce Committee combined its own language with provisions from two bills of which I am proud to be a cosponsor, H.R. 2452, the Federal Energy Savings Incentives Act of 1991, and H.R. 2916, the Government Energy Efficiency Act of 1991. Federal facilities will be given 10 years to install comprehensive energy-saving measures with a payback time of 10 years or less. To help pay for these improvements, a special account will be established to provide managers of Federal facilities who achieve high levels of efficiency with cash and other bonuses.

While the bill's energy efficiency provisions will break new ground on energy demand—and the Nation will reap environmental, economic, and strategic savings from them—attention must also be focused on the supply side of the energy equation. By the year 2000, thanks to the policies that we are voting on today, the United States will be supplied by a much more diverse energy mix and we will enjoy a smaller trade deficit. Natural gas, ethanol, methanol, and hydrogen will power more of the Nation's trucks, vans, cars, and heavy equipment; these fuels will also generate more of the electricity in our homes. We will see more windmills, and more solar reflectors. And nearly all of these new energy sources will be made in America, thanks to the alternative fuels and renewable energy provisions of H.R. 776.

One obstacle might have precluded these new sources of energy from becoming commercially viable—had the committee not rightly dismantled it. Congress enacted the Public Utilities Holding Company Act in 1935, at a time when monopolies and consumer exploitation weighed more heavily on the minds of citizens than diverse and stable energy supplies. By 1991, we can see that PUHCA has become a corral, restricting who can produce energy and where they can sell it. It stifles competition and discourages risk-taking; and it keeps the price of energy artificially high. H.R. 776 injects market forces back into the electrical power industry by loosening the restrictions on wholesale power suppliers. Under this bill, more entrepreneurs can sell energy, and they don't have to sell it in a confined geographical area. In short, more competition will help to keep prices down, and new, renewable technologies will have a chance to get established.

Mr. Speaker, we have reached a fork in the road on energy policy. On one side we know the route. It's called the status quo. It's a road full of potholes, with a destination of energy dependence, national insecurity, hazy air, and dirty water. But if we pass this bill, we take the other route, albeit with modest speed. This route leads to an America which produces more energy than it consumes, with producers competing more freely; a future in which the energy bill becomes a smaller part of the monthly expenses. We can also expect the high living standards that energy provides without air that chokes and rain that contaminates water. And we will be doing less to artificially warm the planet. H.R. 776 is the result of hard work by the committees, and compromise by a spectrum of interests. It isn't perfect, but it charts a new course for energy in America. I urge my colleagues to vote with me in support of H.R. 776.

A CONGRESSIONAL SALUTE TO JUDITH LUTHER

HON. GLENN M. ANDERSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 27, 1992

Mr. ANDERSON. Mr. Speaker, I rise today to pay tribute to a dynamic and inspiring woman who has served her community and the arts with great distinction, Ms. Judith Luther. On Thursday, May 28, 1992, the United Cambodian Community, Inc. will present Ms. Luther with the Cultural Preservation Award. This occasion affords me that opportunity to express my sincere appreciation for her many years of dedicated work to the Greater Los Angeles community.

Ms. Luther, who recently served as executive director of Los Angeles International Festival, which featured arts of the Pacific Rim countries, has a history of lecturing, developing, administering, and volunteering her time to establish cultural arts programs in the Greater Los Angeles area. This $6 million Los Angeles Festival played host to 1,600 artists and was considered a success by all.

Currently, Judith is the executive director of the American Woman's Economic Development Corporation, a nonprofit organization sponsored in part by the Small Business Association. AWED is a demonstration project that provides high quality/low cost technical training and support to women entrepreneurs in the southern California area. Prior to this post, she was the managing partner with ALW & Associates, an arts management firm specializing in marketing, planning, fund development, and project coordination. Her impressive client list included the United Cambodian Community, Inc., where she was responsible for the planning and fund raising for a 15,000 square foot community center, the Museum of African American Art, and California Arts Council, and the Grand Kabuki.

Judith's touch can be felt in a broad spectrum of community organizations. She is a board member on the International Visitors Council of Los Angeles, a public art panelist with the Los Angeles County Transportation Commission, and a commissioner with the Los Angeles County Performing Arts Commission. In addition, Ms. Luther is on the board of trustees for the Long Beach Civic Light Opera and a commission member of the Los Angeles Local Development Corporation.

These noteworthy contributions to the arts and her community have not gone unnoticed; Judith was chosen the 1989 Woman of the Year by the Cambodian Business Association. She has received numerous awards and honors from the mayor of Los Angeles, the mayor of Long Beach, and State senate and State assembly, and the Los Angeles County Board of Supervisors.

Mr. Speaker, on this very special occasion, my wife, Lee, joins me in extending our heartfelt thanks to Ms. Judith Luther. We wish Judith and her husband, Marc Wilder, her two sons, Kevin and Scott, all the best in the years to come.

PERSECUTION OF THE HAITIAN PEOPLE

HON. JOSE E. SERRANO

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 27, 1992

Mr. SERRANO. Mr. Speaker, I rise today to express my profound disgust with the Bush administration's complicity in the persecution of the Haitian people.

On September 30, 1991, Haiti's first democratically elected president, Jean-Bertrand Aristide, was overthrown in a coup staged by elements of the Haitian military. In the immediate aftermath of the coup, troops attacked the homes of presumed Aristide supporters in the poor neighborhoods and shantytowns of Port-au-Prince, killing hundreds of innocent people.

As you know, Mr. Speaker, the persecution of the Haitian people did not end when the coup leaders consolidated their power. No, the thugs in power continue to beat and kill Haitians who are even remotely associated with Haiti's exiled president.

Many thousands of Haitians, in fear for their lives, have attempted to flee their homes by sailing rickety boats into dangerous seas. In its latest response to the continuing crisis in Haiti, the Bush administration has ordered the U.S. Coast Guard to thwart the desperate efforts of Haiti's refugees and return them immediately by force to Port-au-Prince.

Mr. Speaker, this is an outrage. The so-called "leader of the free world," rather than make greater efforts to end the reign of terror of Haiti's outlaw government, has decided instead to condemn those who have risked so much to escape it. What makes the administration's actions more chilling still is the documented fact that the regime in Haiti is carefully identifying for future torment the hapless souls our Coast Guard is so helpfully depositing into its hands.

Of course, as Members of this esteemed body we also bear responsibility for the actions of the U.S. Government. I personally am deeply ashamed. We must do all that is in our power to put an end to the persecution of the Haitian people. Only when the killings and the beatings have stopped can we consider forgiveness for the innocents we have caused to suffer.

DEVELOPMENT AND ENVIRONMENT: WHAT CAN THE UNITED NATIONS DO?

HON. JOHN R. KASICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 27, 1992

Mr. KASICH. Mr. Speaker, I am pleased to inform the House that a constituent of mine has written the winning essay in the 1992 National High School Essay Contest on the United Nations. Justin Spicer, a student at the Columbus Academy in Columbus, OH was judged to have submitted the best essay on the topic, "Development and Environment: What Can the United Nations Do?" The contest, sponsored by the United Nations Association of the United States, the Dailey Family Foundation, and the United Nations Development Programme, generated some 1,000 entries.

I congratulate Justin, and bring his essay to the attention of the House.

DEVELOPMENT AND ENVIRONMENT: WHAT CAN THE UNITED NATIONS DO?—FIRST PRIZE WINNING ESSAY

(By Justin R. Spicer, 12th grade, the Columbus Academy, Gahanna, OH)

Secretary-General Ghali, Conference Director Strong, ladies and gentlemen of the

United Nations, and distinguished guests, it is an honor to speak to you today as a privileged visitor to the United Nations Conference on Environment and Development. As a high school student from the Northern hemisphere, I have come to share my view of the United Nations as a vehicle to create harmony between the demand for development in the Third World and the absolute necessity to avoid further degradation of the environment. My few days here in Rio de Janeiro have driven home the contrasts of this South American city; one rich in material wealth and technology but still backward in its ability to help the thousands of impoverished farmers and urbanites in its vicinity. This contrast epitomizes the struggle between North and South, whose differences in economy and development have hindered the progress of global treaties and cooperation. I hope to outline a plan that will create a world partnership that will commit itself to minimizing future ecological damage.

The environment has always been overshadowed by progress, and our global economists have failed to factor environmental damage into their calculations of gross national products. No subtractions are made for destruction of forests, soils, air quality, and other national resources. By failing to include these crucial factors, we create a false sense of economic growth and an illusion of progress. Those who have the most to lose from this are developing Third World countries, whose economies are closely tied to "primary resources," like timber, minerals, and agricultural crops. [1] Once these resources are used up in their development, a country can be left "ecologically bankrupt." Consider this: of what value is a $50 million lumber mill if there is not timber to supply it?[2]

In the struggle to save the environment, the rift between North and South has played a negative role. Take, for instance, the current debate over chloroflourocarbon (CFC) emissions; agreements have been stalled by countries like the United States and the former Soviet Union, whose refusal to pledge substantial dollars to the reduction of these chemicals has left those willing to commit with a lack of support from superpowers whose world influence goes far beyond dollar amounts.

This rift has been caused by negative feelings on both sides, the South blaming the North for the world's environmental problems, the North seeing the South as backward and incapable of development on its own. The South sees the North's "new environmental conscience" as an attempt to hinder Southern growth, and thus, until mutual agreement is reached, this rift will continue to burden treaty talks.

A rising world population has severely taxed environment's ability to sustain man. More people leads to increased need for food, energy, shelter and development. How does one couple progress and preservation? Development must take place, technology must be implemented, cultures must grow: but how can we do this without destroying that which sustains us?

Vaclav Havel, President of Czechoslovakia, so eloquently addressed his peers at the World Economic Forum, in Davos, Switzerland, on February 4th of this year, when he remarked, that maybe the solution will come when a new mind-set is established.

"Man's attitude to the world must be radically changed. We have to abandon the arrogant belief that the world is merely a puzzle to be solved, a machine with instructions for use waiting to be discovered, a body of information to be fed into a computer in the hope that sooner or later, it will spit out a universal solution."[3]

In regards to environment and development, we have been guilty of always seeking the concrete answer, assuming that the scientific method will always produce a cure. We must broaden our thinking and encourage philosophical cogitation to create the attitudes, from which the answers will grow. As Havel says, "We must try harder to understand, than to explain."[4]

How has the United Nations addressed these issues and problems of development and environmental protection? The General Assembly has proclaimed the 1990's the "International Decade for Natural Disaster Reduction."[5] The actions of the United Nations Development Program have encouraged the governments of many countries to begin developmental programs that are environmentally sound. The UNDP and the World Bank have lent billions of dollars to developing countries for construction projects, crop planting, technological study, and infrastructural improvements. The United Nations Environment Program has worked tirelessly to provide suggestions for minimizing ecological damage in these nations.

This year we celebrate the twentieth anniversary of the first U.N. Environmental Conference, in Stockholm, which set the precedent for future meetings. Recently, conferences in Vienna (1985), Montreal (1988), London (1989), and The Hague (1989), have called for positive action in reducing environmental problems.[6] In addition to signing agreements outlining plans of action, these conferences have called on the U.N. to strengthen its environmental and developmental branches, and broaden the jurisdiction of the International Court of Justice, allowing it to act as a world policeman to enforce U.N. action. As the governing body of the International Court of Justice, the U.N. has done too little to call on this resource to safeguard and implement the policies it creates. Signing treaties that one agrees to follow is one thing, knowing that an international court will prosecute those who break the rules is another.

By increasing its scope, the U.N. has globalized the environmental movement, strengthening local organizations, improving education, and backing reform projects. The UNEP has played a critical role in "breaking down the force of veto coalitions," those countries or groups of countries who slow the treaty-making process because they are largely responsible for the environmental problem and hesitate to participate in any agreements."[7] By sponsoring joint scientific research, the U.N. has created a consensus for action, bringing countries together behind the scenes and forging alliances. The Executive Director of UNEP, Mostafa Tolba, has been credited with "bringing the difference" between many of these nations.[8]

In September of 1991, the U.N. sponsored a conference, which brought investors willing to sink dollars into Third World investment projects together with providers of environmental goods and services. This unique economic partnership provided a newfound thrust for progress in developing countries.[9]

The distribution of many publications, including "Environmental Perspective to the Year 2000 and Beyond" and the *Human Development Report* has given rise to a growing consciousness among citizens, that immediate coordinated action must occur to balance development and conservation. In the *Human Development Report*, the authors have formulated the Human Development Index, that uses mathematical equations that combine figures on life expectancy, literacy, and command over the resources to enjoy a decent standard of living." This marks the development of an alternative indicator of human progress.[10]

Still, I insist that it is not mathematical equations but the creation of a new mind-set that will bring the answers to a problem which has baffled us for so long.

But not enough has been done, and my proposals for action begin at the top, with the United Nations. Environment and development must continue to be issues on the forefront of world politics, and a forum for discussion must continue to exist. Funding to the UNDP and UNEP must be drastically increased, as environmental concern is at its highest point ever.

To bridge the gap between the UNDP and UNEP, a U.N. Council For Technological Dissemination should be created. It is paramount to Third World countries that they receive the latest and most advanced techniques for implementing development in an environmentally sound manner. By establishing ties to industrialized nations, the Technological Council could draw on new technologies in their efforts to provide advice to countries in need of developmental assistance. With funding from the World Bank, the Council would maintain close relationships with the UNDP, the UNEP, the General Assembly, and the International Court of Justice.

As well, the growth of population must be curbed by encouraging small family size, and by offering material incentives to those who abuse by these limitations. The funding and implementation of this proposal could be overseen by the U.N. Fund for Population Activities. Finally, the U.N. can begin to reassess the gross national product. If can no longer be calculated as just a measure of monetary profit; it must include factors that adjust it for damage to the environment and loss of national resources. A new spiritual and moral conscience must grow in regards to honestly reporting the economic condition of a particular nation.

On the national level, governments must be cooperative in participating in global agreements, and prominent business leaders must lead the charge in using and developing clean technologies.

Governments must continue to fund nongovernmental groups like environmental organizations and service groups, which worldwide, have millions of members. For the world's youth, I propose a World Student Environmental Council, a student-run political forum which would be supplemented by an international computer and telecommunications link between students worldwide. This arena for discussion will allow students to consult a vast database of information on the environment. High school and college students will be able to discuss their views, feelings, personal experiences, and proposals for action regarding development and environment. Funding for this Council could come from the UNEP, as well as from State and local governments.

Youth programs, science fairs, research assignments, writing contests, and educational seminars must continue to challenge today's students. A science competition led to my involvement in researching new methods for replacing depleted wetland ecosystems, and most definitely raised my environmental conscience.

Walt Whitman, an American poet, once wrote:

"Earth, my likeness,
Though you look so impassive, ample and spheric there
I now suspect that is not all;
I now suspect there is something fierce in you eligible to burst forth, . . ."[11]

Ladies and Gentleman, we are but the likeness of the earth we live on. If we continue to allow the rate of social and economic development to grow while incurring such terrible damage to our home, we will, in effect, be homeless. We will have lost our likeness: our earth. Our faces will not look "so impassive, ample, and spheric," any longer, and we will be unable to "burst forth" with the creative energy and excitement that is characteristic of the human race.

My proposals to you require action and initiative, drive and determination, dedication and foresight. We must not let our petty jealousies of regionalism get in the way of a higher goal. We have in our hands an opportunity to mold our future, to ensure the prosperity of all peoples, and to create a new world harmony. We cannot fail to act on this opportunity.

Thank you.

FOOTNOTES

---

[1] Sandra Postel, "Toward A New Eco-Nomics," *World Watch*, September 1990:21.

[2] Postel 23.

[3] Vaclav Havel, "The End of the Modern Era," *New York Times*, 1 March 1992: sec A:13.

[4] Havel 13.

[5] "To Help Our Planet Survive," *Environmental Perspective*, March 1988: 33.

[6] Marine Stetson, "Who'll Pay to Protect the Ozone Layer?" *World Watch*, July 1990: 36–37.

[7] Gareth Porter and Janet Welsh Brown, *Global Environment Politics* (Boulder; Westview Press, 1991) 40.

[8] Porter and Brown 40.

[10] United Nations Development Program, *Human Development Report 1990* (New York: Oxford, 1990) 37.

[11] Walt Whitman, "Earth, My Likeness," in *The Mentor Book of Major American Poets*, ed. by Oscar Williams and Edwin Honig (New York: Mentor, 1962) 165.

IN MEMORIAM: LINDA WOODRUFF

HON. ILEANA ROS-LEHTINEN

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 27, 1992

Ms. ROS-LEHTINEN. Mr. Speaker, it is my sad duty to note for the RECORD the untimely passing of Miss Linda Woodruff, a middle school teacher at North Miami Middle School. Those who knew her well described her as an intelligent and energetic person filled with boundless enthusiasm. For the past 6 years, she had fought against the cancer that ultimately claimed her life. Despite her illness, Linda continued to follow her love of teaching. She would schedule her chemotherapy sessions in the morning so as to be back in her classroom by afternoon. The Miami Herald published the following article on the occasion of her death:

BELOVED TEACHER SUCCUMBS TO LONG ILLNESS

(By Marjorie Valbrun)

Linda Woodruff was so devoted to teaching that she insisted on coming to class until the very end. She was unstoppable—until the cancer she had fought so valiantly won.

A Dade County school-teacher for more than 20 years, Woodruff died Thursday after a five-year struggle against the disease. She was 40 years old.

"From the onset of her illness she exhibited great fortitude, wanted no sympathy or special attention," said Majorie Donohue, a longtime friend of Woodruff's family. "So dedicated was she to her students that she often had chemotherapy treatments early in the morning and was back in her class in the afternoon."

Woodruff, a native of Miami, taught ninth-grade English and social studies at North Miami Middle School for 14 years. She started her teaching career at the former Norland Jr. High School.

She was a graduate of North Miami High and Barry University.

"Linda was more than a teacher, she was a dear friend of mine and other people here at the school," said Freddie Pittman Sr., principal of North Miami Middle School. "She lived to love other people. She enjoyed comforting those who were discomforted. She never failed a kid in her life. If a kid was under pressure or having bad times they always found Linda Woodruff and it always appeared her broad shoulders had room for one more kid."

Pittman said that when Woodruff was first diagnosed with cancer in 1986, she told the teaching staff about her disease and asked that they not give her any special considerations.

"She indicated then she was going to fight until the end and that was her last comment to me again on Wednesday night. I used to tell her she had the strength and courage of an eagle. And so she adopted that name. On Wednesday she said to me that the eagle was going to fly on either Thursday or Friday. She died Thursday."

Woodruff is survived by her mother Louise Woodruff, brothers John and Donald Woodruff of Miami and her close friend James Collings.

Mr. Speaker, I wish to extend my heartfelt condolences to the Woodruff family, her friends, fellow teachers, and students. She will be missed by all who knew her.

CONGRATULATIONS TO MARTHA WASHINGTON

HON. DONALD M. PAYNE

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 27, 1992

Mr. PAYNE of New Jersey. Mr. Speaker, I would like my colleagues here in the House of Representatives to join me today in honoring the achievements of a very special person, Ms. Martha Washington, on the occasion of her retirement.

Ms. Washington was born and educated in Newark, NJ, where she attended Waverly Avenue Elementary School, later renamed after Rosa Parks. She attended Cleveland Junior High School and South Side High School, now Malcolm X. Shabazz High School.

Ms. Washington received here B.S. and M.S. degrees from Newark State Teachers' College, which is now Kean College. She did graduate work at Bank Street College in New York, and obtained certification in elementary education, remedial reading, administration and supervision.

She began her teaching career at Warren Street School, where she taught the second grade for 13 years, She received a Fullbright Fellowship and taught in England for 1 year, from 1963–64.

Ms. Washington was assigned to Camden Street School the year the new school was opened, and taught remedial reading for 5 years.

In 1971, she was promoted to the position of vice principal and assigned to Bragaw Annex, now called Floyd Patterson High School. At that time, Bragaw Annex consisted of two buildings—grade four was housed in the basement of the Union Chapel A.M.E Church on Wainwright Street. Grades five and six were located in the building on Lyons Avenue. Ms. Washington was promoted to principal and later transferred to Bragaw Avenue Main Building, where she remained until her retirement.

Through her love of education, Ms. Washington has touched countless lives over the course of her distinguished career. She will be missed by her students and colleagues, but I know that she will continue to be an active member of our community.

Mr. Speaker, I know my colleagues join me in congratulating Ms. Martha Washington on her retirement and in wishing her every success in the years ahead.

FUEL PRICES AND NATIONAL ECONOMY

HON. RON MARLENEE

OF MONTANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 27, 1992

Mr. MARLENEE. Mr. Speaker, our Nation is facing an energy crisis—one which threatens to cripple our already moribund economy. In my home State of Montana, gas prices at the pump have soared by nearly 30 cents per gallon in a few short weeks. Fuel prices impact every segment of our national economy. Simple supply and demand economics has played its customary role, as gas prices have dramatically increased as the supply has declined. Once again, we have allowed the countries of OPEC to control our economy. We must regain control of our own economy, and a strong, first step would be to guarantee a safe, dependable supply of domestic oil.

Oil has always been recognized as a strategic necessity. Yet, the Congress has stood idly by, while our domestic oil industry has become a shambles. Domestic oil production has reached all-time record lows four times this year. The equipment used in oil production, the basic framework of our oil industry, is deteriorating, while industry jobs—more than 317,000 in the last 10 years—have disappeared. Congress is allowing our oil industry to collapse, and when that infrastructure, technology and knowledge is gone, it won't be easily regained.

We are importing more than half of our oil, while wells remain capped, and the number of seismic crews looking for new wells is almost nonexistent. The alternative minimum tax [AMT] has contributed to the devastation our oil industry is already experiencing. ATM can mean oppressive effective tax rates of more than 70 percent—a level which is driving companies out of the oil business.

At a time when our entire economy is stagnant at best, it is the height of stupidity to continue this devastation. The viability of several vital segments of our national economy, like agriculture, transportation, small business, and even tourism is dependent upon the price of oil. As domestic companies choose not to produce oil, as the price of gas continues to spiral upwards, we lose an ever-increasing number of farmers and ranchers, truckers and small businesses. Tourists will choose to stay close to home—or travel abroad, rather than touring America. Instead of using a carrot to encourage domestic oil production, and the benefits it means to our economy, Congress is beating the oil industry, and in turn the American consumer, with a stick.

At what point will Congress wake up and realize the damage it has done? When our domestic oil industry no longer exists, and OPEC is able to extort ever-increasing prices? Are we going to allow our country to be held hostage due to our own inaction? We can no longer allow domestic oil production to disappear. We must take strong, aggressive action immediately to restore the vitality of our oil industry.

I support the Archer amendment language as it now appears in the Energy legislation which repeals the alternative minimum tax and the unnecessary burden on our oil and gas industry. I reserve serious concerns about the bill's overall impact on Montana's economy.

ERDREICH SUPPORTS 27TH AMENDMENT

HON. BEN ERDREICH

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 27, 1992

Mr. ERDREICH. Mr. Speaker, I rise in support of Congress validating the recently ratified 27th amendment. This amendment made good sense when James Madison proposed this as one of the original amendments to our Constitution, which later became known as the Bill of Rights, and it certainly makes good sense now.

Alabama has had this prohibition in effect since the late Lieutenant Governor of Alabama, Albert Boutwell, proposed it in 1952.

I proposed Alabama's law when I was first elected to Congress and I have encouraged my colleagues to adopt some Alabama common sense in this area. No elected officials should be able to vote themselves a raise in pay.

Alabama was one of the most recent States to ratify this amendment and I applaud our State legislature for taking this action.

Some of my colleagues argue that this amendment is no longer valid because it is too old. I disagree. There is nothing in our Constitution concerning a time limit for an amendment to be ratified. In addition, the Supreme Court ruled in the 1939 case of Coleman versus Miller that Congress can determine this issue.

One week ago, I proposed a concurrent resolution asking Congress to declare this amendment valid. I urged my colleagues to support my legislation then, and I am urging support of this legislation today. This amendment has been alive for over 200 years and it's past time we declare it law. I urge support of the bill.

DAVID CASTILLO, LORI TALBOTT HONORED BY DADE COUNTY COMMITTEE FOR NATIONAL VOLUNTEER WEEK

HON. ILEANA ROS-LEHTINEN

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 27, 1992

Ms. ROS-LEHTINEN. Mr. Speaker, I am pleased to recognize Hialeah High School senior David Castillo and Florida International University senior Lori Talbott who were featured in the Miami Herald after being honored for being among the Miami area's top volunteers. The article "NW Dade Students Honored for Altruism," by Karla Guadamuz tells how they have dedicated much of their time to those who are less fortunate:

Two Northwest Dade students who have found time to do volunteer work at homeless shelters, at retirement homes and with AIDS patients were honored April 30 by the Dade County Committee for National Volunteer Week.

David Castillo, 18, a Hialeah High senior, and Lori Talbott, 29, a senior at Florida International University, were among nine finalists honored as the county's top volunteers during a ceremony at the Miami Airport Hilton.

Talbot has worked for two years at Miami Bridge, 1149 NW 11th St., a shelter for abused, homeless and runaway teenagers. She visits the shelter twice a week and does a variety of things, including reading to teens or just chatting with them.

"They're neglected and I just want to make them feel important," said Talbott, a Country Club of Miami resident who's majoring in education. "I can't turn my back on them because they need me right now."

Jose K. Fuentes, community relations coordinator at Miami Bridge, said Talbott is "more than a volunteer—she's part of their lives and the kids look forward to her visits."

Castillo, this year's valedictorian at Hialeah High, has been working for almost two years at the Hospice Outreach, a center for AIDS patients who have only a few months to live.

This summer, he plans to organize a reading program for patients at the hospice, at 4770 Biscayne Blvd.

A lot of the time, he comforts the patients just by talking— and listening—to them. "The patients have a lot to say, so I listen," he said.

Ibiset Salinas, outreach volunteer director at the hospice, said Castillo's dedication is impressive.

"He's a friend; the patients depend on him for support," she said.

Castillo also plans to volunteer this summer at Kings Court Retirement Village, 140 W. 28th St. in Hialeah, arranging gettogethers for senior citizens.

I am happy to pay tribute to David Castillo and Lori Talbott by reprinting this article. They have both worked hard to deserve the recognition they have received as volunteers, through their work at homeless shelters, retirement homes, and with AIDS patients.

REVEREND OBEY'S STRONG LEGACY

HON. J.J. PICKLE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 27, 1992

Mr. PICKLE. Mr. Speaker, last week the Reverend James Earl Obey of Austin, TX, passed away. A memorial service was held Saturday, and religious, political and civic leaders, and friends from all over the State poured into Austin to celebrate the life of this good man.

Together with his most capable wife, Hazel Obey, his church has been the meeting place of many national and State political leaders. Clearly, his church has been the town hall meeting of people who seek justice and fairness from their Government. And James Obey has worked tirelessly all his life for these principles.

Mr. Speaker, I include an editorial from the Austin American Statesman, together with my own evaluation of this good man:

[From the Austin American Statesman, May 5, 1992]

OBEY LEAVES TO COMMUNITY A STRONG LEGACY OF SERVICE

The Austin community lost a strong and vibrant voice with the death this week of the Rev. James Obey Sr. As it is with all leaders, the minister left us all too soon.

Obey, 70, pastor of David Chapel Missionary Baptist Church for nearly 30 years, died Monday. His was a voice that championed social causes. His was a voice that advised political leaders who run the gamut from former Texas Gov. Dolph Briscoe to former presidential candidate the Rev. Jesse Jackson.

Besides his ministerial and family duties, Obey was a community leader and organizer. He helped start a program for the homeless and an employment initiative for the elderly. His presence was felt throughout the community. He served on the Human Relations Commission, was on the board of directors of National Bank of Texas and volunteered extensively with the Red Cross.

The former president of the Ministerial Alliance of Austin also helped the East Austin community through two trying periods in its relationship with the Austin school district; the closing of the old Anderson High School and integration of the Austin school district. Obey frequently stressed the importance of education during his sermons. And, he preached that education is a lifelong endeavor.

In his role as a minister, Obey understood that the pulpit should be a vehicle for change. His combination of courage and political savvy put him in a position where he could give his congregation political guidance as well as moral and spiritual guidance. He preached, in a strong and commanding voice, to his members about the importance of citizenship and voting.

His church attracted a broad spectrum of the community. Members with limited education and members with doctoral degrees could both feel at home in his East Austin church. Those who attended church every Sunday and those who attended once a year would be warmly received in Obey's church.

This month, Obey was honored as an Austin Living Legend at the 19th anniversary celebration of The Villager newspaper for his long, continuous service to the community. The community has benefited by that legacy of service; it will be missed.

Mr. Speaker, as we gather today, we contemplate the goodness and greatness of this one man who cast such a long shadow for us. His involvement in this community, and in promoting education of young and old alike, is legendary. His calm, reasoned, confident leadership has served as a beacon of hope for members of this church—and East Austin.

Locally, when the ministers of East Austin met to express a joint feeling, it was the calm, reasoned voice of James Obey who set the tone and moulded a decision. Here on a national basis, and I can personally attest to this, it was the calm, reasoned voice, and leadership of James Obey—marching hand in hand with Hazel Obey—that was the hallmark of this unique couple. The Democratic Party has been made better and stronger because of this couple.

I was always touched by his eyes. In his eyes, one could see the inner peace of a man who had a personal relationship with his God. A quiet man, normally, but when he mounted his pulpit, his eyes became alive—there was fire in his eyes, and a mission in his heart.

It is a tribute to this man that nearly every national leader who visited Austin requested a visit with this man. Here—in this church—many national and State political leaders have appeared to appeal for justice and fairness. This church has been our town hall. That's a tribute to the character and leadership of James Obey—and Hazel.

To some, James Obey was their friend and adviser. To some, he was their pastor and shepherd. To many in East Austin, he was the father image of this community.

He was my friend and honest adviser. He never asked anything for himself—always for others. "Yes, Lord, for others." Now he's headed on the upward way—new heights—he's gaining everyday—still praying as he's upward bound—Lord, his feet now are on Heaven's Table Land.

Rev. James Obey has given us a vision. Now, it's up to us—you and I—to keep that vision alive.

TRIBUTE TO SKIP HADDAD

HON. MARCY KAPTUR

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 27, 1992

Ms. KAPTUR. Mr. Speaker, over the past weekend our community lost a truly exceptional young man when Skip Haddad was tragically killed in an automobile accident in Toledo, OH. Only 39 years old, Skip was well-known in our community and looked to as one who could be counted on to be there when the going got tough. He was one of those exceptional human beings that come along once in a lifetime.

Skip was a gentle man whose kindness touched each one of us. His perseverance impressed us all. His chuckle caused others to smile and his sideward glance let you know a friend was in the room.

I know this because Skip was one of the first members of my congressional staff. He was a hard worker, possessed an astute mind, and had a wry sense of humor. But most of all, Skip was well-liked and respected by those who worked with him. After he left my staff, Skip continued to serve northwest Ohioans in a variety of capacities. At the time of his death, Skip was our area's representative for Senator JOHN GLENN. Previous to that he was northwest Ohio's representative for then-secretary of state Sherrod Brown. Skip loved his community and its people. He felt that the best way to give back something to northwest Ohioans was through public service.

Despite Skip's impressive achievements and professional successes, he always remained willing to listen and help those in need. He was driven—but not at the expense of others. Indeed, Skip Haddad was one of those rare individuals who just kept giving to society and his fellow-man while expecting nothing in return but the hope of making his community a better place for all its citizens.

Our heartfelt sympathies go out to Skip's family—his parents, Eugene and Jean Haddad; and sisters, Cindy Hopkins, Mindy Null, Holly Kropp, and Barbara Haddad. To the family, thank you for sharing him with us. To Skip our community owes a debt of gratitude for leaving the town he called home more humane as a result of his presence, more involved as a result of his civic and political activities, more beautiful by his support of the arts, and more gentle by his very nature.

Alfred Lord Tennyson, 1809–92 wrote the poem Ulysses to reflect the deep personal loss he experienced on the death of a dear friend. Through his beautiful poetry, he revealed his belief in the individual triumph of the spirit. Excerpts from his poem remind us of Skip.

. . .Much have I seen and known—cities of men
And manners, climates, councils, governments,
Myself not least, but honor'd of them all,
And drunk delight of battle with my peers,
Far on the ringing plains of windy Troy.
I am a part of all that I have met;
Yet all experience is an arch where-thro
Gleams that untravell'd world whose margin fades
For ever and for ever when I move. . .
Little remains; but every hour is saved
From that eternal silence something more,
A bringer of new things. .
Most blameless is he, centred in the sphere
Of common duties, decent not to fail
In offices of tenderness. . .
My mariners,
Souls that have toil'd and wrought, and thought with me,
That ever with a frolic welcome took
The thunder and the sunshine. . .
Death closes all; but something ere the end,
Some work of noble note, may yet be done. . .
The lights begin to twinkle from the rocks;
The long day wanes; the slow moon climbs. . .
Come my friends
'Tis not too late to seek a newer world. . .
Tho' much is taken, much abides; and tho'. . .
. . .that which we are, we are
One equal temper of heroic hearts. . .

Skip Haddad for all of us was a heroic heart. He will be missed. God Bless him and his family always.

THE CHILDREN'S TORAH FOUNDATION

HON. JAMES H. SCHEUER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 27, 1992

Mr. SCHEUER. Mr. Speaker, I am extremely pleased to rise today to recognize the tremendous accomplishments of the Children's Torah Foundation in New York.

Three years ago, several leading members of the New York Jewish community joined together in an attempt to solve a serious problem: the lack of access to Yeshiva education for recently arrived Soviet and Iranian Jewish children. Their efforts resulted in the formation of the Children's Torah Foundation.

Three men—Irving Laub, Jack Schmidt, and Charles Reichman—all gave selflessly of themselves, not only with finances but also with that precious commodity we all cherish, time, to found the Children's Torah Foundation. Each a successful businessman in his own right, these three men found the time not only to raise many of the funds necessary to support the foundation's programs, but also to administer many of them. Mr. Speaker, let me enumerate just a few of these:

To foster American values among these immigrant children, the Children's Torah Foundation established and financed a preparatory high school.

To assist the youngest in their studies, the foundation began after-school homework centers, which operate throughout the school year and are staffed by American-born students.

Recognizing the role of the family in inculcating traditional Jewish values in the home, the foundation established additional programs and activities to help the children's parents adjust to everyday American life.

Mr. Speaker, in the last 3 years, the foundation has granted scholarships generously, with the result that nearly 1,000 children have passed through its stewardship.

The foundation has placed 500 of these students in Jewish Day Schools and Yeshivas, where it continues to pay their tuition.

In addition, Mr. Speaker, the foundation has placed hundreds of these children in summer camps, ensuring that they enjoy positive experiences all-year round.

Mr. Speaker, for these significant efforts on behalf of some of our newest immigrants—Jewish children from Iran and the former Soviet Union—I salute the Children's Torah Foundation and its founders, Irving Laub, Jack Schmidt, and Charles Reichman.

A CONGRESSIONAL SALUTE TO DR. SAM-ANG SAM

HON. GLENN M. ANDERSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 27, 1992

Mr. ANDERSON. Mr. Speaker, I rise today to pay tribute to an outstanding individual and a remarkable achiever whom I greatly admire and respect, Dr. Sam-Ang Sam. Dr. Sam in recognition of his distinguished career and his diligent efforts to preserve and share his cultural heritage will be honored by the United Cambodian Community, Inc. He will be presented with the Cultural Preservation Award, Thursday, May 28, 1992.

Born January 8, 1950, in Pursat, Cambodia, Dr. Sam studied at the University of Fine Arts in Phnom Penh, receiving both his diplome es arts in 1970 and his baccalaureates arts in 1973. He continued his education in the Philippines at the Conservatory of Music, University of the Philippines where he completed his bachelor of arts degree in music composition. Following his relocation to the United States, Dr. Sam attended Connecticut College receiving a bachelor's degree and master's degree in music composition. In 1988, Dr. Sam-Ang Sam earned his Ph.D. in ethnomusicology from Wesleyan University. Currently, Dr. Sam is the artist-in-residence, teaching Khmer music ensemble and ethnomusicology at the School of Music, University of Washington.

As an expert musician, ethnomusicologist, and lecturer, Dr. Sam has performed throughout the United States and on international stages. His use of traditional Cambodian instruments such as the tror, khimm, korng vung, make his performances a memorable event. His published works include Silent Temples, Songful Hearts: Traditional Music of Cambodia and Khmer Court Dance: A Performance Manual. His 1989 recording, "Music of Cambodia," was selected by the United States Library of Congress as an outstanding folk recording.

Throughout his career, Dr. Sam has been the recipient of numerous awards and honors. In 1991, he received the Arts and Culture Preservation Award from the United Cambodian Students of America. He has been honored with the National Endowment for the Arts grant, the Indochina Studies Program/Social Science Research Council grant, and the Middletown Commission on the Arts grant, to name just a few.

Mr. Speaker, as a long time supporter of the arts, I take great pleasure in joining with all those attending this dinner to thank Dr. Sam-Ang Sam for his contributions to the music world.

My wife, Lee, joins me in extending this congressional salute to Dr. Sam-Ang Sam. We wish him all the best in the years to come.

URGING TERMINATION OF ADMINISTRATION POLICY TO REPATRIATE HAITIAN REFUGEES WITHOUT INS HEARINGS

HON. NICHOLAS MAVROULES

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 27, 1992

Mr. MAVROULES. Mr. Speaker, yesterday the Coast Guard cutter *Escanaba* unloaded 38 Haitians in Port-Au-Prince without so much as a cursory hearing to determine their immigration or asylum eligibility. Instead they were told to apply at the U.S. consulate. Unfortunately, the consulate offers little chance of success and much danger of retribution.

Of the almost 300 Haitians who have contacted the Embassy, only nine have been admitted to the United States. This is in stark contrast to the situation in Guantanamo Bay where a third of those interviewed have been cleared for entry into the United States. In addition, it is brutally obvious that those who contact the U.S. consulate and return home to wait are in danger of retribution by the ruling junta; a junta that has shown a blatant disregard for political and human rights. This policy also excludes those for whom a trip across Haiti to the capital is more dangerous than riding a leaking, frail boat traversing the expanse of the Caribbean.

Indeed, each and every man, woman, and child fleeing Haiti is fleeing a nation wracked by political turmoil and suffering under a harsh military dictatorship. Now is the time for the United States to offer a safe refuge from the political oppression of Haiti's despots, if only on a temporary basis. It is clear-cut hipocracy to allow Cubans into the United States and criticize Iraq for its treatment of refugees only to turn away Haitians escaping similar crimes against humanity. I am extremely disappointed that America refuses to accept these refugees and turns her back on Haiti's "tired * * * poor * * * huddled masses yearning to breathe free. The wretched refuse of [her] teeming shore * * * the homeless, tempest-tossed". These words of Emma Lazarus should be as applicable today as they were over 100 years ago. I implore the Bush administration to reverse its cruel refugee policy.

ANTIDUMPING LEGISLATION

HON. DON SUNDQUIST

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 27, 1992

Mr. SUNDQUIST. Mr. Speaker, today, I am introducing legislation that addresses the issue of circumvention of our antidumping laws. To end this unfair trade practice is a goal we all share. Yet, we must craft our laws so that the violation is prevented but take care not to disrupt legitimate competition or business activity.

Circumvention occurs when a firm, in say, Germany, has an outstanding antidumping order against it and tries to avoid paying the offsetting duty designed to prevent dumping. The company merely moves parts and components, rather than the original product, into the United States or to a third country for what is called a screwdriver assembly operation.

These quickly established firms add little additional value and merely try to redefine the product to skirt the dumping duty. However, assembly operations that require substantial processing, including fabrication, and add significant value do not constitute circumvention. Such firms are considered to have legitimate investment and production, even if parts and components are sourced worldwide. Automobile manufacturers in America would be an example of legitimate, high-value assembly operations. There are many other examples.

This is the difficulty legislators and negotiators face. How do we construct a definition of circumvention that hits violators but does not punish or disrupt legitimate investment and production? After all, States like my home State of Tennessee, as well as our economy as a whole, have made tremendous efforts to attract foreign investment and thereby increase economic growth and employment.

My bill is designed to forge a reasonable and effective approach to anticircumvention that both recognizes the progress we have made on this issue in the Uruguay round of multilateral trade negotiations and bolsters our continuing efforts to make improvements in the current negotiating text, the so-called Dunkel text, as it pertains to circumvention.

First, my bill defines the relationship between the original violator and subsequent suppliers of parts and components by requiring that such parties be related to, acting on behalf of or be an historical supplier to the original violator. This is an improvement in existing law and consistent with the Dunkel text.

Next, my bill establishes conditions that are designed to separate circumventors from legitimate investors. These conditions require that, to find circumvention, the value of the transferred parts and components must be at least 70 percent of the cost of all parts and components used in the assembly operation. Also, where the value added by the assembly operation represents at least 25 percent of the ex-factory cost of the merchandise, then the imported parts are not circumventing the antidumping duty order. This is consistent with the Dunkel text and with the U.S. negotiating position.

My bill is tougher on circumvention than the Dunkel text in the following respects. First, Dunkel requires a direct correlation be made between import and export levels in the markets where components are first produced and then transferred. I reject this. Second, the Dunkel text requires a close comparison of prices between the assembled product and the product subject to the original antidumping duty order. Pricing is irrelevant under my bill.

Finally, the Dunkel text requires that the products be "like" products, not just merchandise of the same class or kind as provided under U.S. law. My bill, consistent with the U.S. negotiating position, omits these limiting conditions found in the Dunkel text, and strengthens our hand.

Also, my bill improves the Dunkel text, and existing U.S. law, by requiring that there need only be "evidence" that expanding the antidumping order is necessary to prevent or offset the continuation of the injury that has already been proved for the original product. This mild injury test would apply to both assembly operations done in the United States and in third countries. The Dunkel text requires a new, formal injury determination be made for third country assembly. My bill is consistent with our negotiators position that the same general "evidence of injury" test apply to both.

There is one issue that my bill does not address. That is whether, when looking at assembly operations in both the United States and a third country, to include parts and components sourced from additional countries. Once the sources of parts and components become widely dispersed, it becomes extremely difficult to prove that such sourcing was set up merely to circumvent an antidumping order. I leave this in the hands of our negotiators to find an international consensus on how to define fourth, fifth, or sixth country sourcing as part of any circumvention activity.

To summarize, I believe that my bill provides a sound basis for resolving the problem of circumvention without disrupting legitimate competition and threatening jobs. My legislation also seeks to reinforce the position of our negotiators in the Uruguay round. Unfortunately, provisions included in H.R. 5100 dealing with circumvention are so broad that their enactment could lead to disastrous results and cost hundreds of jobs in my State alone.

The administration is strongly opposed to the circumvention provisions contained in H.R. 5100. The Commerce Department has expressed serious concerns about the consistency of the circumvention section of H.R. 5100 with our international obligations and that "in a number of aspects, it could brand as circumvention what may in fact be normal business behavior."

I hope my legislation can serve as an alternative. However, I believe it is more appropriate to pursue such changes in the implementing legislation for the Uruguay round, rather than in a premature trade bill. We must give our negotiators the support and flexibility they need to solve this problem in a multilateral context. Otherwise, the United States becomes the lone policeman of those who are trying to exploit the international trading system.

I urge my colleagues to review my legislation and to join me as cosponsors. In this way, we can work with our negotiators to achieve the best agreement for the United States.

TRIBUTE TO MRS. MINNIE MIZZLES

HON. RALPH M. HALL

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 27, 1992

Mr. HALL of Texas. Mr. Speaker, I rise today to pay tribute to Mrs. Minnie Mizzles of Van Zandt County in the Fourth District of Texas. Mrs. Mizzles is an extraordinary woman who was recently given the Governor's Yellow Rose Award in honor of her many years of community service.

The Texas Yellow Rose Award originated with the legend of Miss Emily Morgan during the Texas fight for independence from Mexico. Miss Morgan was a beautiful golden-skinned slave girl with long black hair who was captured by Gen. Antonio Lopez de Santa Anna at Morgan's Point near Galveston. She was loyal to the Texas Army and sent word of Santa Anna's location to Gen. Sam Houston's army. This heroic act was instrumental in the capture of Santa Anna at the Battle of San Jacinto on April 21, 1836, that led to Texas independence.

In honor of Miss Morgan, former Texas Governor, Allan Shivers, instigated the Yellow Rose Award to commend outstanding Texas women who go beyond the call of duty to contribute to their communities and to Texas as a whole.

Mr. Speaker, I cannot think of a more deserving candidate for this award than Mrs. Minnie Mizzles, known to many as just Miss Minnie. Born during the heart of the Great Depression, she lived with six brothers and sisters in a three-room farmhouse. It was here, in the midst of great poverty, that she learned the importance of family values and helping neighbors.

Miss Minnie has long been involved in community projects, volunteer efforts, and politics. As Justice of the Peace for 6 years, she performed weddings, pronounced death as needed, and served as counselor and mediator to her friends and neighbors. She has always kept a keen eye over local politics, making sure elections are conducted straight by the book. Miss Minnie has also served as an entrepreneur to fill needs of her small community, running businesses ranging from an earthworm farm to a grocery store. Her home has also been a haven for neighbors down on their luck who needed a hot meal and a warm bed at night. Although all of her good deeds are far too numerous to mention, perhaps none highlights Miss Minnie's enthusiasm and ability to get things done better than her Midway Fire Department project.

Miss Minnie and her husband, Harry, donated the land for a fire station almost 20 years ago. Miss Minnie then rallied her neighbors to give money, time, and labor to build a volunteer fire department. Originally starting with a $25 donation, she mobilized the community behind the project and even convinced them to manually help her lay the building blocks. Miss Minnie held fundraisers and bake sales to raise the money to equip the fire hall, buy fire trucks, and train volunteer firefighters—herself included.

It is through Miss Minnie's efforts that the citizens of Van Zandt County can rest well at night knowing that there is a well-equipped force of firefighters ready to come to the rescue if necessary. And it is also through Miss Minnie's efforts that we know that the spirit of the Yellow Rose of Texas is alive and well in Van Zandt County.

Mr. Speaker, I commend Mrs. Minnie Mizzles for her outstanding service and devotion to her family, her community, and her State. She is truly a Yellow Rose of Texas and of this Nation as well.

THE 20TH ANNIVERSARY OF TOURO COLLEGE

HON. GARY L. ACKERMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 27, 1992

Mr. ACKERMAN. Mr. Speaker, I rise today to recognize the singular accomplishments of Touro College and its president, Dr. Bernard Lander, on the occasion of Touro's celebration of its 20th anniversary.

Founded in 1972 with an initial class of 35, this Jewish-sponsored institution is currently educating more than 8,000 students in New York City, Long Island, Israel, and Moscow. Touro's programs have touched every segment of the community from dozens of students studying in Yeshiva Ohr haChaim in Queens to hundreds of law students in Huntington, from thousands of Latin American, Asian, Africa, and the Middle Eastern immigrants to tens of thousands of black and Hispanic students in the inner city.

Today Touro's divisions include: the Jacob D. Fuchsberg Law School, the Barry Z. Levine School of Health Sciences, a College of Liberal Arts and Sciences, a Graduate School of Jewish Studies, a Division for New Americans, a School of General Studies, as well as an International School of Business and Management.

The opening celebration of Touro College's 20th anniversary year is a banquet sponsored by the College Alumni Association on Monday, June 1. It is fitting that on that evening Dr. Lander, the college's founder and president, will receive a tribute from the members of the Touro community and alumni. Dr. Lander's wisdom guided the college during its formative years establishing a solid foundation from which Touro could reach out to students from a myriad of backgrounds. His vision and determination continually inspire the college to meet new challenges providing a ladder of opportunity for all those who wish to better themselves and our society.

Three members of Touro's original faculty, Dr. Emil Kon, professor of chemistry, Dr. Michael Popkin, associate professor of languages and literature, and Rabbi Dennis Weiss, associate professor of Talmud, will also receive accolades for their service to their students and the college. These three professors have guided thousands of men and women motivating them to pursue excellence. Their former students rank among the leaders in academia, the profession, and industry.

Among Touro's distinguished alumni three outstanding individuals have been selected for distinction at this dinner. Eli Epstein, class of 1975, president of CALCO of New York; Yossi Haber, class of 1982, vice president of marketing of the USA Dannon Yogurt Co. of New York; and Deborah Seidel Chames, Esq., class of 1977, a partner in the law firm of Heller and Chames of Fort Lauderdale, FL, have each made a notable contribution to life in their community.

Touro's growth during the past two decades has been truly remarkable. Its capacity for helping students from all backgrounds is an example for other educational institutions to emulate. I would like to ask my colleagues in the House to join me in saluting Touro College, Dr. Lander, and all the other honorees.

SENATE COMMITTEE MEETINGS

Title IV of Senate Resolution 4, agreed to by the Senate on February 4, 1977, calls for establishment of a system for a computerized schedule of all meetings and hearings of Senate committees, subcommittees, joint committees, and committees of conference. This title requires all such committees to notify the Office of the Senate Daily Digest—designated by the Rules Committee—of the time, place, and purpose of the meetings, when scheduled, and any cancellations or changes in the meetings as they occur.

As an additional procedure along with the computerization of this information, the Office of the Senate Daily Digest will prepare this information for printing in the Extensions of Remarks section of the CONGRESSIONAL RECORD on Monday and Wednesday of each week.

Meetings scheduled for Thursday, May 28, 1992, may be found in the Daily Digest of today's RECORD.

MEETINGS SCHEDULED

JUNE 1

10:00 a.m.

Finance

Health for Families and the Uninsured Subcommittee

To hold hearings on S. 2116, to improve the health of children by increasing access to childhood immunizations.

SD–215

JUNE 3

9:00 a.m.

Appropriations

Defense Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1993 for the Department of Defense, focusing on medical programs.

SD–192

10:00 a.m.

Agriculture, Nutrition, and Forestry

To hold hearings to review computer operations at the Department of Agriculture.

SR–332

Foreign Relations

To hold hearings on the nominations of Adrian A. Basora, of New Hampshire, to be Ambassador to the Czech and Slovak Federal Republic, Richard Goodwin Capen, Jr., of Florida, to be Ambassdor to Spain, William Henry Gerald Fitzgerald, of the District of Columbia, to be Ambassador to Ireland, Peter Barry Teeley, of Virginia, to be Ambassador to Canada, and Donald Herman Alexander, of Missouri, to be Ambassador to the Kingdom of the Netherlands.

S–116, Capitol

Veterans' Affairs

To hold oversight hearings on the implementation of veterans health programs.

SR–418

JUNE 4

9:30 a.m.

Energy and Natural Resources

To hold hearings on S. 2527, to restore Olympic National Park and the Elwha River ecosystem and fisheries in the State of Washington.

SD–366

Governmental Affairs

To hold oversight hearings on Department of Defense contracting and subcontracting practices.

SD–342

10:00 a.m.

Commerce, Science, and Transportation

Merchant Marine Subcommittee

To hold hearings to examine issues relating to maritime reform.

SR–253

Judiciary

To hold hearings on the nominations of Susan H. Black, of Florida, to be United States Circuit Judge for the Eleventh Circuit, Irene M. Keeley, to be United States District Judge for the Northern District of West Virginia, Loretta A. Preska, to be United States District Judge for the Southern District of New York, and Sonia Sotomayor, to be United States District Judge for the Southern District of New York.

SD–226

2:30 p.m.

Armed Services

Conventional Forces and Alliance Defense Subcommittee

Defense Industry and Technology Subcommittee

To hold joint hearings on S. 2629, to authorize funds for fiscal year 1993 for military functions of the Department of Defense, and to prescribe military personnel levels for fiscal year 1993, focusing on the impact of the defense build-down on the ability of the U.S. industrial and technology base to meet national security requirements.

SD–106

JUNE 8

10:00 a.m.

Appropriations

Military Construction Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1993 for military construction programs, focusing on base closures.

SD–192

JUNE 9

9:30 a.m.

Finance

To resume hearings to examine comprehensive health care reform, focusing on proposals for expanding employment-based health insurance coverage.

SD–215

10:00 a.m.

Agriculture, Nutrition, and Forestry

Agricultural Research and General Legislation Subcommittee

To hold hearings on the utility of expanded lamb reporting services by the Department of Agriculture.

SR–332

Appropriations

Interior Subcommittee

To hold hearings on proposed budget estimates for the Department of the Interior.

S–128, Capitol

2:30 p.m.

Appropriations

Interior Subcommittee

To continue hearings on proposed budget estimates for fiscal year 1993 for the Department of the Interior.

S–128, Capitol

JUNE 10

9:30 a.m.

Commerce, Science, and Transportation

Aviation Subcommittee

To hold hearings to examine competition in the airline industry, and on S. 2312, to revise the Federal Aviation Act of 1958 to enhance competition at, and the provision of essential air service with respect to high density airports.

SR–253

Energy and Natural Resources

Business meeting, to consider pending calendar business.

SD–366

JUNE 11

2:00 p.m.

Armed Services

Strategic Forces and Nuclear Deterrence Subcommittee

To resume hearings on S. 2629, to authorize funds for fiscal year 1993 for military functions of the Department of Defense, and to prescribe military personnel levels for fiscal year 1993, focusing on the bomber "road map" and related bomber programs.

SR–222

JUNE 17

9:30 a.m.

Commerce, Science, and Transportation

Communications Subcommittee

To hold hearings to examine telecommunications technology as related to the field of education.

SR–253

Finance

To resume hearings to examine comprehensive health care reform, focusing on proposals for instituting universal coverage through public health insurance programs.

SD–215

Rules and Administration

Business meeting, to mark up pending calendar business.

SR–301

JUNE 18

9:30 a.m.

Commerce, Science, and Transportation

Consumer Subcommittee

To hold hearings on S. 2232, to require manufacturers of new automobiles to affix a label containing certain consumer information on each automobile manufactured after a specified year.

SR–253

Finance

To continue hearings to examine comprehensive health care reform, focusing on proposals for tax-incentive based health care reform.

SD–215

10:00 a.m.

Veterans' Affairs

Business meeting, to mark up pending calendar business.

SR–418

JUNE 23

9:30 a.m.
Commerce, Science, and Transportation
Communications Subcommittee
To hold hearings on proposed legislation authorizing funds for programs of the National Telecommunications Information Administration, Department of Commerce.
SR-253

JULY 1

9:30 a.m.
Commerce, Science, and Transportation
Communications Subcommittee
To hold hearings on mobile communications.
SR-253

JULY 2

10:00 a.m.
Veterans' Affairs
To hold hearings on proposed legislation to provide health care assistance for women veterans.
SR-418

HOUSE OF REPRESENTATIVES—*Thursday, May 28, 1992*

The House met at 10 a.m.

The Chaplain, Rev. James David Ford, D.D., offered the following prayer:

We pray, O God, that our actions will reflect our good words and our deeds will relate to our intentions. Teach us always, gracious God, to begin each day with the language of prayer, praise, and thanksgiving and to remember those noble words when we go about our daily tasks and accept the responsibilities of public service. Give us the gifts of eyes with vision, hearts of integrity, and hands eager to work for justice in our land and in the world. In Your name, we pray. Amen.

THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

PLEDGE OF ALLEGIANCE

The SPEAKER. The Chair will ask the gentlewoman from New York [Mrs. LOWEY] if she would kindly come forward and lead the membership in the Pledge of Allegiance.

Mrs. LOWEY of New York led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

INTRODUCTION OF THE FOREIGN TAX RATIONALIZATION AND SIMPLIFICATION ACT OF 1992

(Mr. PICKLE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PICKLE. Mr. Speaker, yesterday, Ways and Means Chairman ROSTENKOWSKI introduced the Foreign Tax Rationalization and Simplification Act of 1992. A portion of this bill deals with the taxation of foreign-controlled companies operating in the United States. There are 46,000 foreign firms operating in the United States and more than 70 percent of these companies do not pay any Federal income tax.

In 1990, the Subcommittee on Oversight, which I chair, reviewed 200 tax returns for 36 foreign-owned companies and found that more than half of the returns showed little or no taxes paid. Last month, the subcommittee conducted a followup hearing to review the most recent tax returns and tax data of the same companies. The subcommittee found that tax compliance has worsened.

The bill introduced yesterday is responsive to concerns that have been raised at the subcommittee's hearings. Under the Foreign Tax Rationalization and Simplification Act, IRS would have an additional mechanism to measure how much income, at a minimum, should be shown on the return as taxable income. The taxable income formula would be based on amounts reported by domestic companies in the same industry. For example, if U.S.-owned electronics companies had taxable incomes equaling 3 percent of total receipts, foreign-owned companies operating in the United States would have to show similar taxable incomes. Of course, if a foreign-owned company believes this figure is too high, the company could use IRS' advance pricing agreement procedure to arrive at a more appropriate taxable income level.

I believe this provision is straightforward, workable, and fair. It will help ensure that most foreign firms operating in the United States pay their taxes.

AUTHORIZING USE OF EAST FRONT PARKING LOT OF CAPITOL FOR EXHIBIT BY NASA, JUNE 1 THROUGH JUNE 5, 1992

Mr. SAVAGE. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the Senate concurrent resolution (S. Con. Res. 123) authorizing the use of the east front parking lot of the Capitol for an exhibit by NASA during the period beginning on June 1, 1992 and ending June 5, 1992, and ask for its immediate consideration.

The Clerk read the title of the Senate concurrent resolution.

The SPEAKER. Is there objection to the request of the gentleman from Illinois?

Mr. INHOFE. Mr. Speaker, reserving the right to object, under the reservation, I yield to the distinguished gentleman from Illinois for an explanation of the resolution.

Mr. SAVAGE. Mr. Speaker, I thank the gentleman from Oklahoma for yielding and also for his valuable assistance and contribution in this matter.

Mr. Speaker, Senate Concurrent Resolution 123 simply authorizes use of the east plaza of the Capitol Grounds for a space station exhibit sponsored by NASA.

The display consists of a full-scale replica of two modules of the space station known by the name *Freedom* showing the living environment of a large space station. Also, visitors will be able to view the station's advanced laboratory and the complex research activities which will be conducted aboard it.

Moreover, this exhibit, providing a valuable learning opportunity, will be open to the public free of charge, to be set up the afternoon of June 1. It will be open June 2, 3, and 4 from 9:30 a.m. to 6 p.m., and dismantled the morning of June 5.

Security will be provided by NASA, and no food or beverages will be sold.

Mr. Speaker, may I conclude that information about the science and technology of space exploration should generate more interest in our frontiers of knowledge and lead to a greater national commitment to further investment in this critical area, and, mind you, this could prove essential to our Nation's ability to compete successfully in the global economy of the 21st century.

Mr. Speaker, I now urge adoption of this resolution.

The SPEAKER. Is there objection to the request of the gentleman from Illinois?

Mr. INHOFE. Mr. Speaker, further reserving the right to object, I want to associate myself with the remarks of the previous speakers. Senate Concurrent Resolution 123 which will allow NASA to have an exhibit on the east plaza of the Capitol, deserves the support of this body. The proposed exhibit consists of two trailers and represents a full-scale mockup of the habitation and laboratory modules of the space station *Freedom*.

The *Endeavour* crew recently captured the admiration of the entire Nation when they were able to first secure a nonworking communications satellite and then repair it and set it back into orbit. While this operation provides further evidence of the high level of expertise that exists for working and living in space, it also translates into increased momentum for the space program. However, given our severe budget constraints, each program—including the space program—must be closely scrutinized prior to continued or increased funding. The proposed NASA exhibit on the Capitol Grounds will, in my estimation, provide Members and the general public with a rare opportunity to see first hand how tax dollars are being spent.

Increasing our understanding of the space station project will result in better decisions during future budget deliberations on the program and thus, I urge my colleagues to support the resolution.

Mr. HAMMERSCHMIDT. Mr. Speaker, I rise in support of Senate Concurrent Resolution 123 which will allow NASA to have an exhibit on the east plaza of the Capitol June 2 through June 4. The exhibit consists of two trailers and represents a full-scale mock-up of the habitation and laboratory modules of the space station *Freedom.* This exhibit will allow Members of Congress, staff, and the public to see firsthand the facilities our astronauts will use on the space station.

The spectacular success of the *Endeavour* crew in retrieving and repairing an errant communications satellite highlighted once again the feasibility of working and living in space. In addition, the *Endeavour* mission illustrated the fascination the American public has with space. The proposed NASA exhibit on the Capitol Grounds will provide an up-close view of life in space.

I urge my colleagues to support the resolution.

Mr. INHOFE. Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER. Is there objection to the request of the gentleman from Illinois?

There was no objection.

The Clerk read the Senate concurrent resolution, as follows:

S. CON. RES. 123

Resolved by the Senate (the House of Representatives concurring), That the National Aeronautics and Space Administration is authorized to use the East Front parking lot of the Capitol for an exhibit during the period beginning on June 1, 1992 and ending June 5, 1992. The Architect of the Capitol and the Capitol Police Board shall take such action as may be necessary with respect to the physical preparations and security for the exhibit.

The Senate concurrent resolution was concurred in.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. SAVAGE. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on Senate Concurrent Resolution 123, the Senate concurrent resolution just concurred in.

The SPEAKER. Is there objection to the request of the gentleman form Illinois?

There was no objection.

SUPPORT THE NIH REAUTHORIZATION

(Mrs. LOWEY of New York asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. LOWEY of New York. Madam Speaker, when it comes to health care, women have been forgotten for far too long. Forgotten in clinical trials, forgotten in preventive care, and forgotten in the health professions.

That is about to change. The NIH reauthorization bill contains important provisions to ensure that women are forgotten no longer.

It provides $225 million for basic research on breast cancer, a disease that will take the lives of 45,000 American women this year.

It redesignates the National Center for Nursing Research as an Institute so that the nursing profession and nursing research are given the status they clearly deserve. It establishes three contraceptive and two infertility research centers which are desperately needed to help women with family planning and to prevent unwanted pregnancies.

H.R. 2507 remembers women. I urge my colleagues to support the NIH reauthorization.

□ 1010

IN SUPPORT OF H.R. 5229, THE FUNDAMENTAL COMPETITIVENESS ACT OF 1992

(Mr. ZIMMER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ZIMMER. Madam Speaker, I am proud to be an original cosponsor of H.R. 5229, the Fundamental Competitiveness Act of 1992, which has been introduced by the gentleman from Pennsylvania [Mr. WALKER] and the other Republican members of the Committee on Science, Space, and Technology.

I think there can be no starker demonstration of the difference in philosophy between our two political parties than the two bills on competitiveness that have been introduced recently. Whereas the Democrats ask, "What can we—the Government—do for you?"—generally with your own tax dollars, the Republicans ask, "What can we stop doing to you? How can we relieve you of the burden of taxes, regulation and litigation, the debt and the deficit?"

I believe that American industry can compete quite effectively internationally if we can only remove the shackles that have been put on it by Federal policy.

I think that one of the most impressive and imaginative elements of this legislation is the public debt reduction title. This provision would allow individual taxpayers to dedicate up to 10 percent of their tax bill to reduce the Federal debt and simultaneously to cut Federal spending by the same amount.

Madam Speaker, I urge my colleagues to support H.R. 5229.

WHAT IS WRONG WITH CONGRESS AND THE WHITE HOUSE?

(Mr. TRAFICANT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. TRAFICANT. Madam Speaker, last month's trade deficit is no great surprise. It shot up to nearly $6 billion, with a "b", $4 billion of it to Japan alone.

Now, is it any wonder that Japan continues to dump products in our markets, keeps our products out; and our Government, the Congress, and the President turn their backs and allow illegal trade, with American jobs going overseas and American investment going overseas.

What is wrong with Congress? What is wrong with the White House?

In another 5 years of this business, American workers will be buying Mao suits and riding on bicycles and rickshaws. Maybe then the Congress will wise up. There will not be a job left in our country, Madam Speaker.

WOMEN AND MINORITIES IN MEDICAL RESEARCH

(Mrs. VUCANOVICH asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. VUCANOVICH. Madam Speaker, while it may not be clear to some, it is to me: Men and women are not alike. Although this seems obvious, it was not at one time for the medical research community. Landmark studies using only white men to determine the response of a treatment for heart disease is proof of that.

Thankfully, health researchers are now noticing the differences between white males, females, and ethnic minorities—and learning that they must study each separately before developing useful conclusions.

Congress, too, has stressed the importance of using women and minorities in medical research, and established the Office of Research on Women's Health last year. I am very pleased to note that the NIH reauthorization conference report, which will come before us today, includes provisions to strengthen women and ethnic medical research. We must continue this commitment this year and in the future.

As a breast cancer survivor, I know the importance of medical research. I also know the many questions that run through your head—why, how, and why me? We need diverse research to provide us with these essential answers.

Madam Speaker, I thank you for this opportunity to offer my support to women and ethnic medical research.

AMERICA'S SMALL TOWNS, RURAL AREAS HAVE PROBLEMS TOO

(Mr. VOLKMER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. VOLKMER. Madam Speaker, the urban problems of America's largest cities, like Los Angeles and Chicago, have been highlighted recently by the national press and brought to the attention of Congress and President Bush.

But what about the problems of America's smaller, but certainly not less important, towns? These cities and towns, located in America's rural areas, are not exempt from the problems that are currently plaguing our larger inner-cities. I have witnessed substandard housing, deteriorating and nonexisting water and sewer systems, and many more problems that most Americans associate as being exclusive to large inner-cities.

Madam Speaker, I contend we must address the needs of America's inner-cities, but at the same time we cannot afford to ignore the rural regions of our country.

Hard decisions must be made. In our zest to restore and improve our inner cities, let us not forget the plight of rural America. We, in Congress, must work together in taking an active interest in renovating and reinvigorating our rural and inner-city communities.

FETAL TISSUE RESEARCH

(Mr. ZELIFF asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ZELIFF. Madam Speaker, we have another example today of why the American people hold this Congress in utter disrespect.

The American people want Congress to be accountable. They want to know where their Members stand on the vital issues of the day.

Millions of Americans want us to allow fetal tissue research, to help find a cure for the debilitating diseases of diabetes, Parkinson's, Alzheimer's, as well as blood disorders and spinal cord injuries. I strongly support the vitally needed fetal tissue research. What kind of leadership makes us cast one vote on these two diametrically opposed issues? Congressional reform should start today, Madam Speaker, by dividing these two important issues. Let us run this place with a little common sense. It is no wonder that the American people are disgusted with Congress.

The American people want to know where we stand on this vital, but emotion ridden, question. Will the House leadership let us have a simple "yes" or "no" vote on this potentially lifesaving issue? Of course not. Congress' archaic rules, procedures, and leadership insist that the vote on fetal tissue research be combined with a $3.1 billion increase in Federal spending for the National Health Institutes.

I am strongly against this $3.1 billion spending increase.

SUPPORT THE NATIONAL INSTITUTES OF HEALTH

(Mr. McDERMOTT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. McDERMOTT. Madam Speaker, today we will take up the NIH conference report.

This bill commits us to improving Americans' health. It supports our biomedical research community in the search for new treatments and cures for a host of illnesses. It recognizes the long-neglected health needs of women. And it lifts the ban on fetal tissue research, which has shown such promise for treatment of Parkinson's, Alzheimer's, diabetes, and other diseases.

I am appalled at the way health care has become such a political football in this country. I hope today we will tell millions of people, who suffer from hundreds of illnesses, that we care more about them than about election-year politics.

This bill is based on the highest ethical standards of the medical profession. It maintains the integrity of the National Institutes of Health. And it allows the research community to do what it is supposed to do—to ease suffering and save lives.

I urge my colleagues to support good science, good health, and good public policy, and vote for this bill.

SUPPORT OUR VETERANS

(Mr. APPLEGATE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. APPLEGATE. Madam Speaker, once again the Ways and Means Committee is exercising its arbitrary and dictatorial authority. The Ways and Means Committee is taking $339 million away from America's veterans, when we are short on moneys to provide all the services that are required: Health benefits, compensation benefits, and particularly this money was going to be used for DIC, to create an equitable program for widows and surviving orphans.

Where is the money going to go? Well, the Ways and Means Committee said they are going to use it to pay for minimum tax relief for oil and gas companies.

What the hell are they going to do for Americans and American veterans and their survivors?

Madam Speaker, I think this is a shame, and I think that the Congress should be riled up about it.

I am asking that the veterans of this country write to the Ways and Means Committee and let them know how they feel about this.

COMMEMORATING 100TH ANNIVERSARY OF SOUTHERN COLLEGE OF SEVENTH-DAY ADVENTISTS

(Mrs. LLOYD asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. LLOYD. Madam Speaker, I am pleased to introduce legislation today to commemorate the 100th anniversary of Southern College of Seventh-day Adventists. Southern College is located just east of Chattanooga, TN, in the foothills of the Great Smoky Mountains. Southern College was founded in 1892 with only 23 students. Since that time, it has flourished and grown into a 4-year accredited institution, with an administration, faculty, and student body committed to academic excellence.

Southern College has distinguished itself by providing a challenging educational experience and valuable community service programs. It can well be described by the centennial slogan: "A tribute to the past. A commitment to the future."

Southern College's strong sense of community involvement is a model for the Nation. I urge my colleagues to join with me in recognizing the school's legacy of excellence in education by congratulating Southern College of Seventh-day Adventists on their 100th anniversary.

□ 1020

RTC: A GLIMMER OF LIGHT AT THE END OF THE TUNNEL

(Mr. DREIER of California asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DREIER of California. Madam Speaker, the Resolution Trust Corporation is not the most heralded of Government agencies, but it seems to me that as we look at the issue of funding, which has been controversial, there appears to be a little glimmer of light at the end of the tunnel. By that I mean we have an opportunity to bring an end to that agency by allowing it to successfully complete the job of closing down insolvent financial institutions and, in fact, meeting our Government commitment to insure all deposits up to $100,000.

Over the past several months we have been battling over whether or not to provide that influx of capital to close down those institutions. The job is nearly complete. We need to work out a compromise on, what could be, the last funding bill, so that all those depositors who know that the full faith and credit of the U.S. Government is behind them are not in fact ignored.

IT'S TIME FOR SUNSHINE AND ACCOUNTABILITY IN THE BOARDROOMS OF AMERICA

(Mr. AUCOIN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. AUCOIN. Madam Speaker, everyone knows our economy in this country is in trouble. Over 8 million Americans are currently unemployed, and that includes over 115,000 people in my own State of Oregon.

Madam Speaker, meanwhile the profits of American corporations fell by 18 percent last year. Now, you would think that the pay of this country's top executives would reflect in some way this sorry economic performance. But, no, in 1991 the pay of senior corporate executives shot up by 26 percent while unemployment skyrocketed.

The average annual—that is annual—compensation of top executives in America today is about $2.4 million per year. It may sound incredible, but one look at the newspaper will tell you that it's so. For example, I read recently that MNC Financial, Inc. has just given its chairman stock options worth $4.8 million while the company lost $510 million over the last 2 years.

Madam Speaker, whatever happened to making money the old-fashioned way: By earning it? It is not happening in corporate America. I think it is time to put some sunshine and accountability in the boardrooms of this country. Let's let shareholders hold the top brass accountable for the companies' performance.

Madam Speaker, the Securities and Exchange Commission should require full disclosure of compensation packages to the shareholders of these companies. I urge my colleagues to join me in writing to the chairman of the Securities and Exchange Commission urging him to do this without delay.

AMERICA'S WOMEN HAVE BEEN SUBJECTED TO SECOND-CLASS MEDICAL CARE

(Mrs. SCHROEDER asked and was given permission to address the House and to revise and extend her remarks.)

Mrs. SCHROEDER. Madam Speaker, the American magazines of the past few weeks have been filled with articles about how women have been subjected to, really, second-class medical care in America. I think we have seen them all over the newsstands.

Today there is very good news: This House will have a chance to say that we are going to close the gap and insure that women get the same first-class type of medical treatment men have.

Those magazine articles have pointed out that women have been neglected in gender-specific illnesses, such as cancer, osteoporosis, menopause, and a whole range of things, and they have also been left out of all the studies on diseases that affect both men and women.

Madam Speaker, I am very pleased that in the NIH reauthorization we can close that gap. People will say that we should not specifically mandate women be included, that they are going to do it anyway. Well, if they are going to do it anyway, then why are they fighting it?

Believe me, we have been trying to get them to do it for 12 years, and they have not.

Madam Speaker, today let us make sure we never see them roll back on the promises again and vote the NIH bill out of here with a terrific mandate.

PRIVILEGES OF THE HOUSE—AUTHORIZING SERGEANT AT ARMS TO PROVIDE CERTAIN RECORDS TO SPECIAL COUNSEL RELATIVE TO OPERATION OF HOUSE BANK

Mr. GEPHARDT. Madam Speaker, I rise to a question of the privileges of the House, and I offer a privileged resolution (H. Res. 471) and ask for its immediate consideration.

The SPEAKER pro tempore (Mrs. UNSOELD). The Clerk will report the resolution.

The Clerk read the resolution, as follows:

H. RES. 471

Whereas on April 29, 1992 the House of Representatives adopted House Resolution 441 directing the release of certain materials relating to the inquiry of the operation of the Bank of the Sergeant at Arms pursuant to House Resolution 236 as a "cooperative response" to requests for those materials from the Honorable Malcolm R. Wilkey, Special Counsel to the Attorney General of the United States;

Whereas pursuant to House Resolution 441 the 41 microfilm rolls provided to the Special Counsel were furnished without prejudice to any future consideration by the House or the Judiciary of requests for documentary or testimonial evidence from Members, Officers of employees of the House, but only upon assurances of the Special Counsel that he will take such steps as are necessary to provide for protection of the confidentiality of the records provided;

Whereas pursuant to House Resolution 441 the House expressed its will to maintain such communication and cooperation with the Special Counsel as will promote the ends of justice consistent with the privileges and rights of the House and consistent with the constitutional or legal rights applicable or available to any Member, Officer or employee of the House or any other individual;

Whereas the Special Counsel has requested the production of further documentary evidence in addition to that furnished pursuant to House Resolution 441;

Whereas, by the privileges of the House no evidence of a documentary character under the control and in the possession of the House can, either by the mandate of process of the ordinary courts of justice or pursuant to requests by appropriate Federal or State authorities, be taken from such control or possession except by the permission of the House; Now therefore be it

Resolved, That the material requested by the Special Counsel consisting of: for the period July 1, 1988 through October 1991 the general ledgers of the bank; the "throwout books"; lists or other compilations of persons whose check privileges had been suspended or otherwise restricted; for accounts in which there were one or more "overdrafts" any list or other compilation of individuals who had been granted signature authority by account holders and any list or other compilation of individuals who had been designated by Members as a staff contact person; information relating to overdrawn accounts and general bank administration maintained in the computers of the bank; in addition, and without respect to the time limitation referenced above, any list or other compilation relating to promissory notes made by the National Bank of Washington, shall be collected by the Sergeant at Arms and he shall commence production thereof to the Special Counsel not later than five p.m. on Monday June 1, 1992; Be it further

Resolved, That upon receipt of further requests for documentary or testimonial evidence from the Special Counsel addressed to any Member, officer, or employee of the House, the Leadership Legal Advisory Group (consisting of the Speaker, the majority leader, the minority leader, the majority whip and the minority whip), is hereby authorized to respond to and to take appropriate action with respect to such requests from the Special Counsel in a manner consistent with the privileges and precedents of the House.

The SPEAKER pro tempore. The resolution states a question of privilege of the House.

The gentleman from Missouri [Mr. GEPHARDT] is recognized for 1 hour.

Mr. GEPHARDT. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, the Republican leader and I have this morning introduced a privileged resolution which provides an appropriate response to a request made by Special Counsel Malcolm Wilkey with respect to his ongoing inquiry of the operation of the House Bank. This resolution is a result of bipartisan discussions in the Speaker's Legal Advisory Committee and direct discussions with Judge Wilkey's staff.

The resolution not only authorizes the Sergeant at Arms to provide certain records, such as the general ledgers, relating to the general operation of the bank but also puts in place a mechanism that will permit bipartisan consideration and response by the Legal Advisory Committee to any future request made by Special Counsel Wilkey.

In addition both the Speaker and the Republican Leader plan to consult with a wide range of Members on both sides of the aisle with respect to any such future requests.

The resolution authorizes and directs the Sergeant at Arms to collect and promptly provide, beginning no later than the close of business Monday—and with every expectation of completion in a matter of days, given the requirements of the search and reproduction process—the following categories of records:

First, the bank's general ledgers—in effect the bank's overall running balances;

Second, the bank's throwout books—which are the daily settlement sheets;

Third, any list maintained by the bank of persons, Members, or others, whose check privileges had been suspended or restricted;

Fourth, for accounts with overdrafts lists of individuals, other than the Member, who had been granted signature authority or who were designated as staff contact persons;

Fifth, certain information contained in computer files relating to accounts with overdrafts;

Sixth, records relating to certain promissory notes which prior to the early or mid 1980's had been made by Members to the National Bank of Washington.

With respect to all but the last of these categories the request for records is limited to the same 39-month period which framed the House's earlier resolutions relating to the bank.

As Members will appreciate from this description these records are documents collateral to those previously provided by the House. It is my understanding, and that of the Legal Advisory Committee, confirmed in communications with the special counsel's office, that this resolution authorizes a complete response to all aspects of the special counsel's current request.

Care has been taken to limit, wherever possible, this request to only those general bank records which relate to the accounts in which there were overdrafts and to the time period previously specified.

There may, of course, be future requests submitted to the House by Counsel Wilkey. The resolution provides an orderly bipartisan procedure to expeditiously address, with full consideration of the privileges and precedents of the House, any such future request.

☐ 1030

Madam Speaker, for purposes of this debate only, I yield such time as he may consume to my friend, the minority whip, the gentleman from Georgia [Mr. GINGRICH].

Mr. GINGRICH. Mr. Speaker, I rise in support of the resolution.

Let me state first that this is the natural progression from the original House Resolution where we agreed to turn over the House Bank records on microfilm. Those records are currently being copied and entered into a database at FBI headquarters.

Judge Wilkey has now submitted an additional request as outlined by the majority leader. The Republican leader, myself, and others on the legal advisory group concur that this information should be released to Special Counsel Wilkey.

This resolution also sets up a procedure so that the House does not have to formally vote on each additional request when the legal advisory group is in agreement.

I should add that if the legal advisory group does not agree, the House will be informed of that disagreement. Additionally, if the legal advisory group decides not to provide information requested, Judge Wilkey can subpoena the information and such subpoena will be handled in a manner consistent with the rules of the House.

Finally, the leader and I will counsel with legal experts to advise us on the constitutional questions involved as well as other points of relevant law.

I urge Members on my side of the aisle to support the resolution so that we can continue our cooperation with Judge Wilkey and set up procedures to expedite such further requests.

Mr. GEPHARDT. Mr. Speaker, I yield back the balance of our time, and I move the previous question on the resolution.

The previous question was ordered.

The SPEAKER. The question is on the resolution.

The question was taken; and the Speaker announced that the ayes appeared to have it.

Mr. GINGRICH. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 396, nays 5, answered "present" 1, not voting 32, as follows:

[Roll No. 145]

YEAS—396

Abercrombie
Ackerman
Allard
Allen
Anderson
Andrews (ME)
Andrews (NJ)
Andrews (TX)
Annunzio
Applegate
Armey
Aspin
Atkins
AuCoin
Bacchus
Baker
Ballenger
Barnard
Barrett
Barton
Bateman
Beilenson
Bennett
Bentley
Bereuter
Berman
Bevill
Bilbray
Bilirakis
Blackwell
Bliley
Boehlert
Boehner
Bonior
Borski
Boucher
Brewster
Brooks
Broomfield
Browder
Brown
Bryant
Bunning
Burton
Bustamante
Byron
Callahan
Camp
Cardin
Carper
Carr
Chandler
Clay
Clement
Clinger
Coble
Coleman (MO)
Coleman (TX)
Collins (MI)
Combest
Condit
Conyers
Cooper
Costello
Coughlin
Cox (CA)
Cox (IL)
Coyne
Cramer
Crane
Cunningham
Darden
de la Garza
DeFazio
DeLauro
DeLay
Dellums
Derrick
Dickinson
Dicks
Dingell
Dooley
Doolittle
Dorgan (ND)
Dornan (CA)
Downey
Dreier
Duncan
Durbin
Dwyer
Early
Eckart
Edwards (CA)
Edwards (OK)
Edwards (TX)
Emerson
Engel
English
Erdreich
Espy
Evans
Ewing
Fascell
Fawell
Fazio
Feighan
Fields
Fish
Foglietta
Ford (MI)
Ford (TN)
Frank (MA)
Franks (CT)
Frost
Gallegly
Gallo
Gaydos
Gejdenson
Gekas
Gephardt
Geren
Gibbons
Gilchrest
Gillmor
Gilman
Gingrich
Glickman
Goodling
Gordon
Goss
Gradison
Grandy
Green
Guarini
Gunderson
Hall (OH)
Hall (TX)
Hamilton
Hammerschmidt
Hancock
Hansen
Harris
Hastert
Hayes (IL)
Hayes (LA)
Hefley
Henry
Herger
Hertel
Hoagland
Hobson
Hochbrueckner
Holloway
Horn
Horton
Houghton
Hoyer
Hubbard
Huckaby
Hughes
Hunter
Hutto
Hyde
Inhofe
Ireland
Jacobs
James
Jefferson
Jenkins
Johnson (CT)
Johnson (SD)
Johnson (TX)
Johnston
Jones (GA)
Jones (NC)
Jontz
Kanjorski
Kaptur
Kasich
Kennedy
Kennelly
Kildee
Kleczka
Klug
Kolbe
Kolter
Kopetski
Kostmayer
Kyl
LaFalce
Lancaster
Lantos
LaRocco
Laughlin
Leach
Lehman (CA)
Lehman (FL)
Levin (MI)
Lewis (CA)
Lewis (FL)
Lewis (GA)
Lightfoot
Lipinski
Lloyd
Long
Lowery (CA)
Lowey (NY)
Luken
Machtley
Markey
Marlenee
Martin
Martinez
Matsui
Mavroules
Mazzoli
McCandless
McCollum
McCurdy
McDermott
McEwen
McGrath
McHugh
McMillan (NC)
McMillen (MD)
McNulty
Meyers
Mfume
Miller (CA)
Miller (OH)
Miller (WA)
Mineta
Mink
Moakley
Molinari
Mollohan
Montgomery
Moody
Moorhead
Moran
Morella
Morrison
Mrazek
Murphy
Murtha
Myers
Nagle
Natcher
Neal (MA)
Neal (NC)
Nichols
Nowak
Nussle
Oberstar
Obey
Olin
Olver
Ortiz
Orton
Owens (NY)
Owens (UT)
Oxley
Pallone
Panetta
Parker
Pastor
Patterson
Paxon
Payne (NJ)
Payne (VA)
Pease
Pelosi
Penny
Peterson (FL)
Peterson (MN)
Petri
Pickett
Pickle
Porter
Poshard
Price
Pursell
Quillen
Rahall
Ramstad
Rangel
Ravenel
Ray
Reed
Regula
Rhodes
Richardson
Ridge
Rinaldo
Ritter
Roberts
Roemer
Rogers
Rohrabacher
Ros-Lehtinen
Rose
Rostenkowski
Roth
Roukema
Rowland
Roybal
Russo
Sabo
Sanders
Sangmeister
Santorum
Sarpalius
Savage
Sawyer
Saxton
Schaefer
Scheuer
Schiff
Schroeder
Schulze
Schumer
Sensenbrenner
Serrano
Sharp
Shaw
Shays
Shuster
Sikorski
Sisisky
Skaggs
Skeen
Skelton
Slattery
Slaughter
Smith (FL)
Smith (IA)
Smith (NJ)
Smith (OR)
Smith (TX)
Snowe
Solarz
Solomon
Spence
Spratt
Staggers
Stallings
Stark
Stearns
Stenholm
Stokes
Studds
Stump
Sundquist
Swett
Swift
Synar
Tallon
Tanner
Tauzin
Taylor (MS)
Taylor (NC)
Thomas (CA)
Thomas (GA)
Thomas (WY)
Thornton
Torricelli
Towns
Traficant
Unsoeld
Upton
Valentine
Vander Jagt
Vento
Visclosky
Volkmer
Vucanovich
Walker
Walsh
Waters
Waxman
Weber
Weiss
Weldon
Wheat
Williams
Wilson
Wise

Wolf
Wolpe
Wyden
Wylie
Yatron
Young (AK)
Young (FL)
Zeliff
Zimmer

NAYS—5

Dymally
Gonzalez
McCloskey
Washington
Yates

ANSWERED "PRESENT"—1

Flake

NOT VOTING—32

Alexander
Anthony
Archer
Boxer
Bruce
Campbell (CA)
Campbell (CO)
Chapman
Collins (IL)
Dannemeyer
Davis
Dixon
Donnelly
Hatcher
Hefner
Hopkins
Lagomarsino
Lent
Levine (CA)
Livingston
Manton
McCrery
McDade
Michel
Oakar
Packard
Perkins
Riggs
Roe
Torres
Traxler
Whitten

□ 1058

So the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 1790

Mr. COLEMAN of Missouri. Madam Speaker, I ask unanimous consent to have my name removed as a cosponsor of H.R. 1790.

The SPEAKER pro tempore (Mrs. UNSOELD). Is there objection to the request of the gentleman from Missouri?

There was no objection.

□ 1100

CONFERENCE REPORT ON H.R. 2507, NATIONAL INSTITUTES OF HEALTH REVITALIZATION AMENDMENTS OF 1992

Ms. SLAUGHTER. Madam Speaker, by direction of the Committee on Rules, I call up House Resolution 466 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 466

Resolved, That upon adoption of this resolution it shall be in order to consider the conference report on the bill (H.R. 2507) to amend the Public Health Service Act to revise and extend the programs of the National Institutes of Health, and for other purposes. All points of order against the conference report and against its consideration are hereby waived. Debate on the conference report shall continue not to exceed one hour, to be equally divided and controlled by the chairman and ranking minority member of the Committee on Energy and Commerce.

The SPEAKER pro tempore (Ms. UNSOELD). The gentlewoman from New York [Ms. SLAUGHTER] is recognized for 1 hour.

Ms. SLAUGHTER. Madam Speaker, I yield the customary 30 minutes to the gentleman from New York [Mr. SOLOMON], pending which I yield myself such time as I may consume. During consideration of this resolution, all time yielded is for the purpose of debate only.

Madam Speaker, House Resolution 466 provides for the consideration of the conference report on H.R. 2507, the National Institutes of Health Revitalization Amendments of 1992.

The rule waives all points of order against the conference report and against its consideration. The conference report specifically requires waivers of House rules on the scope of conference reports.

Further, the rule provides 1 hour of debate on the conference report to be equally divided and controlled by the chairman and ranking member of the Committee on Energy and Commerce.

Madam Speaker, the conference report on H.R. 2507, the bill for which the committee has recommended this rule, authorizes through fiscal year 1996 the National Cancer Institute, the National Heart, Lung, and Blood Institute, and the National Institute of Aging.

As Congress struggles to reduce the budget deficit and to address the skyrocketing costs of health care, the medical research undertaken by the NIH provides an average for accomplishing both. Medical research is a sound investment in the reduction of future medical costs and in the future of America's health care.

Investing in medical research promises not only a healthier future for the American people, but also for the American economy. Until we bring skyrocketing health care costs under control, the price of medical care and health insurance premiums will continue to rise beyond the reach of more and more middle-class American families. If NIH researchers were to uncover a cure for the 3 million Americans who suffer from Alzheimer's disease, the United States would annually save more than $10 billion in long-term care costs. Finding a cure for diabetes would save $14 billion.

These budgetary projections make a solid economic argument in favor of increased Federal funding for medical research, but say nothing for the more important, more compelling reason our Government must actively support medical research: human suffering.

Madam Speaker, this bill is, in large part, a women's health bill. It seeks to narrow a decades-old gap in federally funded health research which, until now, left female diseases and disorders grossly understudied.

Breast cancer is running rampant through American families, striking one woman in nine. The NIH Revitalization Act offers our best hope for finding a cure for this killer by authorizing an increase in appropriations for breast cancer research of $325 million.

Today, we don't know how to detect ovarian cancer early enough to treat it successfully but the bill we consider today provides just the boost in ovarian cancer research which may lead to a method for early detection, treatment, and cure of this deadly cancer.

Osteoporosis cripples millions of older women each year and costs our health care system more than $10 billion annually in treatment. A $40 million increase for research on osteoporosis and related bone disorders—as authorized in this bill—is a sound investment, not only in the productivity and quality of life of affected women, but also in reducing at least a portion of our skyrocketing health care costs.

Finally, Madam Speaker, the bill would make permanent the authorization for the Office of Research on Women's Health at NIH. This Office which is new, is critical to the success of the ambitious women's health agenda begun in the 101st Congress and continued in this Congress through the NIH reauthorization and the budget resolution, which also contained a package of important women's health provisions. The Office of Research on Women's Health is charged with identifying women's health research needs, making sure that women are appropriately included in clinical trials, and increasing the representation of women senior scientists and physicians at NIH.

Madam Speaker, America's families, America's mothers, America's daughters, and America's sisters can look to this bill for reassurance that our health research dollars are being equitably distributed and that every possible step is being taken to ensure their good health and well being.

Madam Speaker, I ask my colleagues to support this rule so that we may proceed with consideration of the merits of this important conference report.

Madam Speaker, I reserve the balance of my time.

Mr. SOLOMON. Madam Speaker, I yield such time as I may consume.

We are here today to debate the rule for consideration of the conference report to H.R. 2507, the National Institutes of Health Revitalization Amendments of 1992.

As the gentlewoman from New York explained, the rule would waive all points of order against the conference report, and against its consideration.

While the conference report is highly controversial, the rule itself is not controversial at all. In fact, the rule was necessary only because of scope problems in the conference report. While I do believe conference committees should not, and I say "not," become accustomed to legislating beyond what the House and Senate have already approved, in this particular case the scope problems seem to be minor in my view anyway. The scope problems involve a noncontroversial provision added by the Senate that requires the Arthritis Institute to do research on juvenile arthritis, and to set up a center for that purpose.

A provision was also added to establish a commission to study scientific fraud and financial conflicts of interest among scientists. Since this is an authorization bill and is not scored in the budget, the conference report does not violate the budget authorization.

However, I would also point out to my colleagues that the conference report does increase authorization levels $3.1 billion over the President's request.

For this reason alone, I will be voting against the bill. But I urge all Members to join me in supporting the rule.

□ 1110

I will refrain from debating the contents of the conference report at this time and leave that to the bill managers, but I would urge my colleagues to pass this rule so we can debate the legislation promptly.

Madam Speaker, I reserve the balance of my time.

Ms. SLAUGHTER. Madam Speaker, for the purposes of debate only, I yield 1½ minutes to the gentlewoman from Missouri [Ms. HORN].

Ms. HORN. Madam Speaker, I rise in support of House Resolution 466, the rule for the reauthorization of the National Institutes of Health.

The conference report on reauthorization of the National Institutes of Health contains much needed provisions for women's health, for wonderful programs for research, treatment, education, and prevention of diseases that afflict all Americans. But I rise to speak on one provision that touches me in a personal and emotional way.

But, Madam Speaker, I rise today as a mother.

Madam Speaker, I have a diabetic son. Steve has had juvenile type diabetes since he was 15. He is now 29, married, and the father of two wonderful little boys. Diabetes is an incurable disease. It causes the blood sugar to fluctuate wildly, with terrible long-term effects on the limbs because of circulation problems, on the eyes, leading to blindness. It attacks nearly every biological system of the human body.

Other Members of this body have spoken of personal and family situations—of being affected by Alzheimer's, cancer, spinal cord injuries, Parkinson's and Huntington's diseases. All of these afflictions may benefit from the research that will be made possible by the availability of fetal tissue.

Madam Speaker, I ask my colleagues: Think of the human benefits, the lives that may be lengthened and enriched by treatments and cures for this wide range of diseases.

As many true and committed supporters of the pro-life position have agreed—this is not an issue of abortion. It is an issue of the quality and the length of life for many Americans and of hope and prayer for their families. Of mothers and fathers everywhere. Remember all of us as you vote—remember my son. Support the rule and support the NIH reauthorization.

Mr. SOLOMON. Madam Speaker, I yield 3 minutes to the gentlewoman from Maryland [Mrs. MORELLA].

Mrs. MORELLA. Madam Speaker, I thank the gentleman for yielding time to me.

Madam Speaker, I rise in strong support of H.R. 2507, the conference report for the NIH reauthorization bill.

This vote is critical to women's health—it includes a number of provisions which will go a long way toward filling the enormous gaps in research on women's health. Many provisions of the Women's Health Equity Act are part of the bill, including the requirement that women and minorities are represented in clinical trails. Funding for breast and ovarian cancer, osteoporosis, and other women's diseases is increased, and the Office of Research on Women's Health is permanently authorized. Legislation to establish a National Cancer Registry is part of the conference report.

The bill also overruns the ban on the use of Federal funds for fetal tissue transplant research. Fetal tissue research has already led to a number of medical advances and is very promising in fighting diseases ranging from Alzheimer's and Parkinson's disease to juvenile diabetes, and leukemia.

The legislation includes important safeguards to ensure that any future research is conducted in an ethical manner. For example, fetal tissue could not be sold nor could donations be targeted to any particular individual. As a result of these protections, ethical concerns have been addressed. A fetal tissue bank, as proposed by the administration, is simply not adequate. Countless researchers and other experts have expressed their view that ectopic pregnancies and spontaneous abortions will not produce enough transplantable tissue to meet the needs of researchers.

Indeed, former HHS Secretary, Otis Bowen, has stated that:

> A bank of tissue from miscarriages and ectopic pregnancies is medically unworkable and will be unable to provide tissue free from infections and genetic defects. Such tissue has always been unaffected by the ban, but the problems of quality and availability are so insurmountable that research has come to a halt. This political compromise will produce no scientific results.

Madam Speaker, the NIH conference report is critical to the health of millions of Americans. I urge my colleagues to vote "yes" on H.R. 2507 and thereby pave the way for vital scientific progress.

Ms. SLAUGHTER. Madam Speaker, for purposes of debate only, I yield 2 minutes to the gentlewoman from Connecticut [Ms. DELAURO].

Ms. DELAURO. Madam Speaker, I rise in support of the rule and this morning's bill.

Madam Speaker, this bill is more than legislation that reauthorizes the National Institutes of Health. It has the potential for saving tens of thousands of people's lives: men, women, and children. It contains money for AIDS, for childhood vaccines, for research on osteoporosis, and other diseases. It is a bill that will help us accomplish that most cherished mission—alleviating suffering and saving human lives.

The provisions for women's health research are an important and integral part of this bill. For years, women's health concerns have been systematically ignored by the Federal Government. Often overlooked by researchers and left out of clinical trials, women are suffering and dying because not enough has been done to find cures or treatments for the diseases that afflict them.

I know, because I have experienced this neglect first hand. By chance, I was diagnosed with ovarian cancer, and by luck I survived a disease that kills 13,000 women each year. Since then, other women with similar experiences have sought me out, wanting to tell their stories and asking me to do something to make women's health concerns central to our national health care debate.

This bill takes an important step in making up for past neglect. It authorizes $75 million for basic and clinical research on ovarian and other reproductive cancers affecting women, as well as $375 million for breast cancer.

We cannot continue to ignore the diseases that affect our women, our daughters, our mothers. We must encourage the understanding that the diseases affecting women must be understood, analyzed, and treated with the same care and diligence with which we fight all other diseases. This bill helps to do that. It puts some balance into medical research, and provides millions of American women with the hope that their medical needs may be met.

Mr. SOLOMON. Madam Speaker, I yield 3 minutes to the gentleman from Nevada [Mrs. VUCANOVICH].

Mrs. VUCANOVICH. Madam Speaker, I rise in sorrow today because of provisions in this conference report which taint the authorization of the National Institutes of Health. I have always been supportive of NIH and have great respect for the goals and efforts of each institute, especially the National Cancer Institute. I was pleased that this measure authorizes $2.2 billion in fiscal year 1993 for NCI and includes an additional $400 million for research on breast, ovarian, and other important cancers.

I was also very happy that this legislation stresses the importance of the participation of women in medical research and believe that this action can only further our commitment in finding a cure for such devastating diseases. As a breast cancer survivor, I understand the special problems of women when faced with such illnesses.

But, Madam Speaker, I also have a responsibility to my constituents and to human life. As such, I am appalled that the conferees have tainted this important legislation by permitting federally funded transplantation research involving human subjects to use fetal tissue from induced abortions. I cannot and will not support legislation which would likely create a demand for aborted babies.

Instead, we have an alternative—a fetal tissue research bank. I am extremely supportive of the establishment of a fetal tissue research bank which would use tissue from ectopic pregnancies and spontaneous abortions for the development of research and treatments for various diseases. We have already seen promising results in treating Hurlers syndrome with such tissues. We must continue to use this untapped source of normal viable fetal tissue.

Also, I cannot support legislation which would take the authority from the Secretary of Health and Human Services and put it in the hands of an advisory board, whose decision may not be overturned. Recalling our history lessons, we know that this mandate is an unconstitutional encroachment on the President's appointment power, and I will not vote for it.

Madam Speaker, I urge my colleagues to vote no on the conference report, which will be vetoed, and demand deletion of these provisions. Give us all a chance to vote on a NIH reauthorization bill we can be proud of.

□ 1120

Mrs. SLAUGHTER. Madam Speaker, for purposes of debate only, I yield 3 minutes to the gentleman from New York [Mr. SCHEUER]

Mr. SCHEUER. Madam Speaker, I rise strongly in support of this rule. The rule is a pro-life rule, and I am proud to take a pro-life position on this pro-life rule.

The rule provides for research that will help us attack the scourge of diabetes, Parkinson's disease, Alzheimer's disease, and of spinal cord injuries.

The fetal tissue research helped Dr. Sabin produce the polio vaccine in the early 1950's. It was not early enough for me. My problem came in the late 1940's, but it came in time to save hundreds, if not millions of kids from a life of crippling and disabling disease.

The research this time around covers all Americans, a major impact on women's diseases, on cancer.

In Long Island where I am currently serving, the rate of breast cancer for women is many times that of the surrounding areas and representative areas across the country. We must know the hows and the whys and the wherefores of why breast cancer on Long Island is prevalent at such a high incidence level.

We also attack not only breast cancer but prostate cancer which afflicts so many of the men among us.

Madam Speaker, I could go on and on and on, but truly this is a pro-life bill, and I am happy to support it. I urge my colleagues to do likewise.

Mr. SOLOMON. Madam Speaker, I yield 3 minutes to the gentleman from Illinois [Mr. PORTER].

Ms. SLAUGHTER. Madam Speaker, I yield 4 minutes to the gentleman from Illinois [Mr. PORTER].

Mr. PORTER. Madam Speaker, I support the conference report on the NIH reauthorization, which overturns the administration ban on fetal tissue transplantation.

Opponents of this bill have gone out of their way to make this vote another referendum on abortion. How sad for our country. Once again, pro-life and pro-choice come down to this floor to shout past each other without listening to each other. In so doing today, caught up in our obsession with extremist politics, we may deprive all Americans of potential cures for diabetes, Parkinson's, Alzheimer's, and perhaps hundreds of other dreaded diseases.

Madam Speaker, we spend nearly $10 billion every year on biomedical research. We are constantly frustrated by the pace of progress in that research. We still cannot cure cancer and hundreds of other diseases that afflict our people. But we are making spectacular progress on some very common and debilitating and life threatening diseases. The recent revolution in molecular biology gives hope to millions of Americans that they will be treated or cured of disease within their lifetimes. Researchers are very near a cure for juvenile diabetes. They are nearing an effective treatment for Parkinson's. And they are making great progress on Alzheimer's.

But now, on the brink of almost unbelievable success, after billions of dollars and years of research, those who oppose the legislation would have us throw away our investment because these breakthrough treatments involve the use of human fetal tissue from induced abortions—tissue that would otherwise be consigned to the medical waste heaps of our Nation's hospitals and clinics.

Pancreatic tissue from a first trimester fetus, when infused into an insulin-dependent diabetic, differentiates, replaces damaged islet cells, and helps regenerate the host tissue. As such, this treatment may provide, within a few short years, a cure for millions of Americans with diabetes. In addition, fetal tissue is nonimmunogenic and poses no risk of rejection by the recipient, thereby overcoming one of the major obstacles to any kind of transplant.

Fetal brain tissue from a first trimester fetus can be transplanted into Parkinson's suffers. This tissue regenerates brain tissue in the recipient, increases dopamine production, and alleviates many of the worst symptoms of the debilitating Parkinson's disease which robs young people as well as old of dignity, ability, and quality of life.

Our Nation's preeminent biomedical researchers attest to the value of this research and the opportunities we are missing. The Director of the National Institutes of Health [NIH], Dr. Raub, told Congress in 1990 that the fetal tissue moratorium shut down promising research on Parkinson's treatment. Dr. Gorden, the Director of the Diabetes Institute told us that efforts to develop substitutes for fetal tissue transplants were unsuccessful. Dr. Goldstein, Director of the National Institute on Neurological Disorder and Stroke told us that the administration's moratorium slowed progress on Parkinson's and prohibited further promising studies.

Madam Speaker, I am the first to acknowledge the ethical implications of transplanting tissue from one individual to another, and the particular difficulties involved with fetal tissue. On the Labor, HHS, and Education Subcommittee of Appropriations, we deal with these and the myriad other ethical dilemmas of biomedical research every day.

This bill contains comprehensive safeguards to prevent researchers from encouraging abortions for any reason. The decision to donate fetal tissue for research must be made after, and completely separate from, the decision to have an abortion. Neither the woman nor the physician may alter any condition of the abortion, including timing, as a result of their decision to donate tissue. The specter raised by opponents of fetus-farms is wholesale invention and fantasy.

Women cannot direct the tissue to a specific donor or even know the identity of the eventual recipient. No one may sell or purchase fetal tissue, researchers and physicians must disclose any potential financial interest—such as the development of marketable cell lines—to the donor, and researchers must acknowledge in writing that donated tissue may result from an induced abortion. At no point may the decision to donate tissue intrude upon, or mingle with, in any way, the decision to abort.

Some critics have suggested that this legislation may encourage women to seek second or third trimester abortions. But researchers universally acknowledge that fetal tissue is not useful for transplantation beyond the first trimester. Undifferentiated tissue from the 8th through the 12th week of pregnancy is usable. Beyond that, the tissue matures, losing the properties that benefit recipients.

The administration makes much of its recent decision to establish a fetal tissue bank to receive donations from spontaneous abortions, stillbirths, and ectopic pregnancies. But every serious researcher knows the bank is a nonstarter. Spontaneous abortions, by their nature, do not occur in health care settings where the tissue may be adequately preserved for research purposes. Ectopic pregnancies are, by their nature, abnormal occurrences and rarely yield tissue that may be used for research purposes, let alone for transplantation into humans. Stillbirths occur late in pregnancy, after tissue has differentiated and is therefore of little use to researchers.

President Reagan's Secretary of HHS, the Honorable Otis Bowen, M.D., recently emerged from private life to denounce the establishment of the fetal tissue bank as a "political compromise [that] will produce no scientific results." Dr. Bowen is just one prominent example of the many pro-life and proresearch individuals who support this legislation.

Madam Speaker, the use of human fetal tissue in research is obviously an issue that involves abortion. But it is not about abortion. This bill includes safeguards that clearly separate the decision to abort from the decision to donate. It forthrightly addresses the myriad ethical implications raised by fetal tissue transplantation and ensure that this legislation will in no way encourage abortion.

I believe that there is room for pro-life, pro-choice, and pro-research within this bill. By defeating this bill, you will not reduce abortions. You will not limit access to or availability of abortions. You will ensure that tissue that might otherwise be used to benefit society will be tossed on the medical waste heap. And in so doing, you will destroy the hope of millions of Americans who suffer from potentially curable and treatable disease.

Madam Speaker, I ask every Member of this House to vote for this bill.

□ 1130

Mr. SOLOMON. Madam Speaker, I yield 3 minutes to the gentlewoman from Maine [Ms. SNOWE].

Ms. SNOWE. Madam Speaker, today there is a great deal at stake with the NIH conference report. That is why I rise in support of the rule. This bill represents no less than the Federal Government's long overdue realization that women's health and women's lives matter. Your vote today on this legislation will determine whether or not you think women's health issues are important enough to be an integral part of the NIH research agenda, whether or not women's health issues are important enough to be part of permanent statute so that it reflects an ongoing commitment, or that it is not important enough and it is relegated to a future of uncertainty, subject to change, depending on the priorities and the inclination of whoever might be the Director of NIH, and currently we have an outstanding Director, but that always can change sometime in the future, or the discretion of those who are in charge of research at NIH, or subject obviously to the annual appropriations process as well.

If you think that is not so, then why is it that the NIH ignored its own policy, its own internal policy that require women to be part of the clinical study trials? It is because it had the flexibility and the option to do so.

Now, I know the administration has described this legislation as being micromanagement and unnecessary with respect to women's health issues, but let us take a look at some of the provisions as to why they are included in this legislation.

This legislation includes a permanent Office of Research on Women's Health, as well as mandating the policy that women be included in the clinical study trials.

Why? Because if we do not do so, sometime down the road that office and that policy can be removed if it is not part of permanent statute.

The legislation also would require information available to women about women's health and about what clinical trials exist for women. No such clinical trials data bank or clearinghouse exists at the NIH.

In addition, there are provisions in this legislation that expand significantly the research on breast, cervical and ovarian cancer, as well as osteoporosis.

Why? Because we are attempting to make up for an egregious past.

I think we all know about the history of the NIH apathy and neglect with respect to these issues in the past and we are trying to make up for decades of that neglect and inattention to these issues.

The NIH bill establishes an OB-GYN research program at NIH. No separate gynecological research program exists at NIH, although they have expanded the number of gynecologists who are doing research there. Up until a couple years ago, there were only three gynecologists at NIH.

The NIH bill requires the establishment of a national program of cancer registries in the Centers for Disease Control and a study to determine factors contributing to the elevated breast cancer rates in some States.

Why? Because there is currently no such study.

The NIH bill requires the establishment of a study on adolescent health, an area identified by the Office of Technology Assessment as one which needs more research. There is currently no such study.

Madam Speaker, I hope today that we will not make women's health issues a medical afterthought and to make sure that it is no longer a missing page in America's medical textbook.

Madam Speaker, there is a great deal at stake in the NIH conference report. This bill represents no less than the Federal Government's long overdue realization that women's health and women's lives matter. And your vote today will determine whether women will, in fact, become an integral part of the NIH research agenda.

Up until this point, American women have had to rely on the short-term appropriations process and the discretion of an appointed Director of the National Institutes of Health for research on diseases primarily affecting them. But we have only to look at the alarming rates of breast cancer, osteoporosis, and other reproductive diseases to determine that this policy—or lack of policy—has failed.

NIH's infamous history of apathy and neglect with respect to women's health tells us unequivocally that a section in the NIH reauthorization on women's health is not only justified, but absolutely necessary. Women's health must be a permanent component of NIH's research agenda.

Madam Speaker, today we have the opportunity to make this long-term commitment to improving women's health by supporting the NIH reauthorization bill. This conference report contains numerous provisions that have been a top priority of the congressional caucus for women's issues, which I cochair along with the gentlelady from Colorado. H.R. 2507 permanently authorizes the Office of Research on Women's Health that was established by NIH in 1990. The main purpose of this office is to oversee and coordinate efforts to improve the previous overlooked women's health research at NIH.

In addition, the office will work with the Secretary of Health and Human Services to evaluate and increase the representation of women among senior physicians and scientists. The lack of women in high ranking positions at NIH has been one of the root causes of NIH's historic myopia toward women's health. As a result of this history, this essential office must be permanent, and not subject to erratic, unpredictable appropriations funding.

The conference report also codifies NIH's policy that requires the inclusion of women and minorities in clinical research trials, where appropriate.

By now, I am sure that most of you are familiar with the past egregious omissions of women in research trials at NIH. You may recall that the breakthrough finding of the Physician's Health Study that established the connection between aspirin and coronary disease prevention couldn't be applied to women—because the study looked at 22,071 men and no women. That is in spite of the fact that heart disease is the leading cause of death for women over age 60. The result is that aspirin might be effective for women also, but the lack of data keeps it as speculation.

Finally, the authorized funding levels in the conference report for research on devastating diseases like breast cancer, ovarian cancer, and osteoporosis will begin to temper the enormous legacy of neglect that women's health has confronted.

Madam Speaker, policy changes are the only lasting way to maintain the pace of progress we have recently established on women's health. The NIH reauthorization gives us a vehicle to revise our priorities and once and for all place women on equal footing with men in our health research system. I urge you to vote in favor of the conference report.

Madam Speaker, I include the following material from the congressional caucus for women's issues:

CONGRESSIONAL CAUCUS FOR WOMEN'S ISSUES

The National Institutes of Health Reauthorization Bill, H.R. 2507, includes a number of provisions from the Women's Health Equity Act. These provisions are not unnecessary as claimed by NIH Director Bernadine Healy.

The NIH bill permanently established the Office of Women's Health Research and the requirement which mandates the inclusion of women in clinical trials.

The NIH established this office and the clinical trials policy only in response to the introduction of the Women's Health Equity Act (which is now part of H.R. 2507). These changes at NIH can disappear as quickly as they appeared.

The NIH bill would make information available to women about women's health and about what clinical trials exist for women to enroll in. Women need access to information and research.

No such clinical trials data ban and clearinghouse exist at NIH.

The NIH bill would allow for guidance by an outside advisory committee made up of non-government scientists and physicians who specialize in women's health.

The administration considers such public input and oversight "micromanagement".

The NIH bill establishes an ob-gyn research at NIH.

No separate gynecological research program exists at NIH, although they have expanded the number of gynecologists working at NIH in response to the Women's Health Equity Act.

The NIH bill requires the establishment of a national program of cancer registries through the Centers for Disease Control, and a study to determine factors contributing to the elevated breast cancer rate in some states.

There is currently no such study.

The NIH bill requires the establishment of a study on adolescent health, an area identified by the Office of Technology Assessment as one which needs more research.

There is currently no such study.

The NIH bill establishes 5 contraceptive and infertility research centers in the extramural program of NIH to compensate for the lack of research at NIH on contraception and infertility.

The NIH established 4 of these centers in response to the Women's Health Equity Act. These centers and this area of research could disappear as quickly as they appeared.

Other provisions in the bill expand ongoing research areas in such critical areas as breast cancer, ovarian cancer, and osteoporosis. These areas have not received a high enough priority at NIH in the past and need increased research to make up for lost time and effort.

Ms. SLAUGHTER. Madam Speaker, for purposes of debate only, I yield 2 minutes to the gentleman from Vermont [Mr. SANDERS].

Mr. SANDERS. Madam Speaker, I thank the gentlewoman for yielding this time to me.

Madam Speaker, the headline in this New York Times ad for an article in this month's Reader's Digest says it all. "The Cancer Weapon America Needs Most," and that is exactly what we are voting upon today when we approve the Cancer Registries Amendment Act of 1992, which is included in this NIH authorization. This is a bill which I introduced in the House several months ago and Senator PATRICK LEAHY of Vermont introduced in the Senate.

Madam Speaker, this NIH legislation, in addition to putting some $300 million into breast cancer research, research which is long overdue, will also establish, for the first time, a national system of statewide cancer registries. These registries collect data, presently lacking in over half our States, including my own State of Vermont, which is used to track cancer clusters and identify environmental causes of cancer. This bill would also establish a study of the alarmingly high rate of breast cancer mortality in New England and the mid-Atlantic States.

Madam Speaker, Dr. John Healey, chief of orthopedic surgery at the Sloan-Kettering Cancer Center in New York, describes in his Reader's Digest article how an effective cancer registry in California saved thousands of women there when their registry picked up on a 50-percent increase in uterine cancer in the San Francisco area in the early 1970's—an increase which was later found to be caused by the use of too high doses of estrogen to treat symptoms of menopause. Dr. Healy writes:

> Why does the United States lag behind many other Western nations in gathering cancer data that could save thousands of lives and billions of dollars?

Well. I do not know why, but today I hope we are going to end that lag, and we are going to go forward and develop the best national system of cancer registries that exists in this world. And when we do, we are going to have much needed information that we do not have today as to who gets cancer, where they live, where they work, what drugs they take, the effectiveness of their treatment. And when we have all that information we are going to know a lot more about cancer, we are going to strike a real blow for cancer prevention, and we are going to save a whole lot of suffering.

Lastly, Madam Speaker, I want to thank thousands of my fellow Vermonters, led by JoAnna Rathgeb and Virginia Soffa, whose concern about the lack of strong Federal action in the area of cancer prevention is largely responsible for the creation of this legislation.

Madam Speaker, I include the article from the Reader's Digest, "The Cancer Weapon America Needs Most."

THE CANCER WEAPON AMERICA NEEDS MOST

(By John H. Healey, M.D.)

Donald Austin was astonished by what he saw that day in 1975. As chief of the California cancer registry, Austin directed one of the largest storehouses of local cancer statistics in the world, and researchers frequently consulted him about the incidence of the disease in the San Francisco area.

On this afternoon, Austin had been asked for a tally of all cases of breast, uterine and ovarian cancer. As his eyes skimmed the computer printout, he was startled by a disturbing trend: year by year, cases of uterine cancer were climbing dramatically.

Austin found that since 1969, uterine cancer in the Bay Area had risen by 50 percent. Worse, the incidence among women age 50 and over from affluent Marin County had doubled. Why were these well-off women at greater risk?

It didn't take long to finger a possible culprit. Between 1965 and 1975, prescriptions of estrogen—the hormone used to treat symptoms of menopause—had tripled nationwide. Large doses (far larger than are prescribed today) were being given, mostly to affluent women over 50.

Many in the medical profession doubted the link. To them, estrogen was a wonder drug. But to be safe, the Food and Drug Administration advised that women receive only the smallest possible dose and the doctors balance its effects with the hormone progesterone. Within three years, the rate of uterine cancer returned to normal. Thanks to a good cancer registry, at least 3000 women a year—in California alone—are spared.

With no cancer registry at their disposal, Massachusetts health officials were baffled by a sudden epidemic of cancer in Woburn, a Boston suburb. Only days after Anne Anderson's 3½-year-old son, Jimmy, was found to have leukemia, she learned that two other neighborhood children also had the disease. Then a fourth case cropped up. And when Anderson brought Jimmy to Boston's Massachusetts General Hospital for treatment, she was amazed to see a number of familiar Woburn faces in the waiting room. Could there be something in Woburn that's giving leukemia to our children? she wondered.

By October 1979, Anderson and her pastor, the Rev. Bruce A. Young, had tracked down 12 leukemia cases in Woburn—double the normal incidence. That same year, state environmental engineer Richard Chalpin suspected that toxic chemicals illegally dumped in Woburn had made their way into the water supply. He checked two municipal wells and discovered dangerously high levels of an industrial solvent. Then Harvard professors Marvin Zelen and Steve Lagakos found that, on average, the children with leukemia had consumed twice as much contaminated water as other Woburn youngsters had.

Jimmy Anderson died in 1981, but his mother was determined to help other kids. That's when she and Bruce Young helped persuade the Massachusetts legislature to create a cancer registry. Clusters of the disease are now detected long before they become as widespread as the tragic Woburn cases.

These two battles in the war against cancer illustrate how vital statistics can be. Ideally, researchers should be able to gather intelligence on all forms of cancer, not only because the disease is so widespread (one in three Americans are expected to contract some type of it in their lifetime) but also because it is infinitely complicated. It comes in dozens of different forms, and each cancer can have many causes—some inborn, others environmental. There are also dozens of ways to treat the disease. To battle such a beast, researchers need an exact statistical profile.

But many parts of the United States lack such information. Ten states have no cancer registries. Most of the others do not record all cases within their borders. And more than a third fail to record how patients are treated or whether they have been cured.

Back in the 1930s and 1940s, many states passed laws requiring health officials to keep track of cancer. But in almost every case, these laws went unfunded. (The notable exception was Connecticut, which has operated a model registry since 1935.)

Then, in the early 1970s, the National Cancer Institute began keeping accurate records for cancer patients in five states (Hawaii, Utah, New Mexico, Iowa and Connecticut) and four metropolitan areas (Detroit, Atlanta, San Francisco and Seattle). These SEER (Surveillance, Epidemiology and End Results) registries cover roughly ten percent of the nation's population. They are useful for making broad estimates of cancer rates. But because the registries ignore 90 percent of the population, they miss smaller trends such as the leukemia outbreak in Woburn.

Three years ago, the American College of Surgeons, with the help of the American Cancer Society, started a second national registry, the National Cancer Data Base, to track how well different treatments work. The data base covers only 30 percent of all cancer patients and misses victims cared for outside hospitals or in hospitals without registries.

Gilbert H. Friedell, director of Kentucky's state registry, uncovered exactly the kind of problem that neither SEER nor the National Cancer Data Base would have picked up. While reviewing state statistics, he noticed that women in Kentucky's poverty-stricken Appalachian areas were dying of cervical cancer at twice the national rate. Friedell found that many women there were unaware of the importance of regular pap smears, which can detect cervical cancer when it is still curable. Kentucky officials have established a community outreach program to correct the problem.

Even if SEER and the National Cancer Data Base kept track of more cancer patients, they are not geared to spot local trends. By contrast, a good state registry can identify dozens of cancer clusters every year. Even when a cluster cannot be linked to some special circumstance, it is important that the public understand the situation.

Consider the 1990 scare in Taylorville, Ill., where neuroblastoma, a rare cancer of the nervous system, had stricken three infants. Such a rate was several times the expected incidence, and parents suspected the children had been harmed before birth by contaminants their mothers inhaled from a toxic-waste site. After extensive interviews, however, the Illinois State Cancer Registry determined none of the mothers had been at the site, and careful monitoring showed that no contaminants had made their way to the outside air. The town of Taylorville heaved a sigh of relief.

As important as the need for good registries is the need for uniform statistics. Unless data from all 50 states can be tallied, we cannot get detailed pictures of rare cancers.

Consider osteogenic sarcoma, or bone cancer. Even at major facilities like New York City's Memorial Sloan-Kettering Cancer Center, we cannot collect enough data to detect broad trends in the disease. But in Sweden, which operates an excellent cancer data base, orthopedists recently discovered that the mean age of people afflicted with bone cancer—generally considered a disease of growing bones—has gradually been increasing. Perhaps, then, we should be watching for a second variety of osteogenic sarcoma, caused by different genetic mechanisms than in the younger person's form of the disease. If we could track the cancer's path through the entire U.S. population, who knows what we might learn?

I would also be useful to track the rare side effects people experience from cancer therapies. Some reactions, such as the minor brain damage that can develop in leukemia patients who have received whole brain radiation, occur many years after the patient is treated. So unless all cancer victims are followed for their entire lives, we cannot study these debilitating side effects and develop alternative therapies.

Why does the United States lag behind many other Western nations in gathering cancer data that could save thousands of lives and billions of dollars? Perhaps policy makers have always assumed that money is best spent on research and patient care. Record-keeping pays off only well into the future, after data have been collected long enough to reveal trends. Thus we tend to gamble it won't be necessary.

Treating an advanced case of breast cancer, for example, may cost $60,000 more than treating a case detected early. Good registries could save these costs by pinpointing areas where women are not getting mammograms or performing self-examinations.

Although not as glamorous, cancer tabulation can be more important in the fight against cancer than performing an intricate operation or an elegant experiment. A network of cancer registries can be our most potent new weapon against the disease.

The Cancer Registries Amendment Act of 1992 could solve this problem by enabling each state to have a registry operating under uniform standards. Cost to federal taxpayers would run about $30 million.

The Cancer Registries Act—and funding to support it—is needed now. Please write your Senators and your Representative to urge creation of uniform registries.

People do not naturally rally round a cause like cancer recordkeeping because no one can point to victims who will suffer without it. Rather, it is our larger understanding of cancer that suffers. And thus, we are all victims.

Mr. SOLOMON. Madam Speaker, I yield 5 minutes to the distinguished gentleman from Illinois [Mr. HYDE].

Mr. HYDE. Madam Speaker, I have heard this called a pro-life bill. Whose life? The one life always overlooked is that of the unborn. That life does not seem to count.

Nobody opposes fetal research, and to list all the diseases that are subject to research is interesting and instructive, but it does not advance this debate.

The question is, do we need to use fetal tissue from induced—that is intentional abortions—to conduct our fetal research?

Well, the President has created a fetal tissue bank and registry.

Now, I have heard from very well-meaning people quotations that denigrate the existence of that fetal bank and registry.

May I simply say that I guess as in any controverted issue, you pay your money and you take your choice. There are experts on both sides, but I think you ought to know there are some pretty good people who think the fetal tissue bank ought to be given a chance to work. For example, Bernadine Healy, M.D., the Director of the National Institutes of Health says this:

> In terms of the Fetal Tissue Bank I can state unequivocally as a physician and scientist that this approach is feasible and should be given a chance to prove its efficacy. I believe such a Bank with an established and NIH funded tissue procurement effort will provide a means to continue the transplantation research effort.

Now, here are some doctors from the UCLA School of Medicine:

> Your Executive Order to the President would allow fetal tissue transplantation research to proceed without engaging in the abortion debate.
>
> Substantial evidence exists that spontaneous abortions are an acceptable source of fetal tissue for transplantation because the tissue will be cryo-preserved and bank safeguards can be established to screen for infection, which is necessary regardless of the source of the tissue.

And on and on and on and on.

□ 1140

Distinguished doctors, teachers in medical schools, and professors and writers; so please do not say it will not work, do not say it is a nonstarter. Give it a chance.

You know, if you think abortion is a good thing, then you ought to support this bill. But if you think abortion is a bad thing, that it is taking an innocent, inconvenient life for whatever reason, then you should think twice about harvesting babies, taking involuntarily their organs for research.

Now, the reason this bill is offered today is to reverse the historical abuses by science of fetal research.

What would you think of an experiment such as severing the heads from recently aborted, but still living, late-term children and keeping their brains alive in aquariums? Does that sound Frankensteinish, ghoulish, and grisly? Well, it is documented; it was done.

Madam Speaker, the American Association of Obstetricians and Gynecologists, which once gave its foundation prize to an experiment in which eight living, aborted children, one as old as 6½ months, were hooked up to an artificial placenta in tanks of saltwater and eventually allowed to suffocate while under observation.

Now, those are the kinds of things that brought about the moratorium on induced abortions for fetal research. And if you want to go back to those things, if you think scientists are not above that, then you go ahead and do it.

Look, we can have the research; at the same time we can respect the value and the dignity of our children waiting to be born, by not treating them as things to be harvested and cannibalized for their parts.

When you donate an organ, you do it knowingly. When you are fetally researched, you have no voice in what is going on. No one with a conscience should lend support for such an abusive process.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mrs. UNSOELD). The Chair will remind visitors in the gallery that displays of emotion are not acceptable under the House rules.

Ms. SLAUGHTER. Madam Speaker, for purposes of debate, I yield 2½ minutes to the gentleman from Georgia [Mr. ROWLAND].

Mr. ROWLAND. Madam Speaker, I want to speak to the practicality of the proposed bank using spontaneous abortion products of conception and ectopic pregnancies for that purpose. I do not know who thought up this idea, but I can tell you as a person who practiced medicine for over 30 years and who attended many patients with abortion and ectopic pregnancies, it is not practical. It simply will not work.

Up to 60 percent of spontaneous abortions come about because of chromosomal abnormalities. It is the natural rejection of that pregnancy by the body because it is abnormally formed.

The tissue is not viable in these instances. The fetus may even be absent. The fetus may be infected. It is simply not usable under those circumstances.

There would not be the kind of tissue available that is needed for this type of research.

With reference to ectopic pregnancy, the person is bleeding internally. All efforts are made to stop that bleeding. It usually takes place in the first 4 weeks of pregnancy. No attempt can be made to try to extract the small amount of tissue for future use. All attempts have to be applied to trying to save the life of that individual who is bleeding to death.

So, it is not practical to try to have a tissue bank using the products of conception from spontaneous abortions or from ectopic pregnancies. I can tell you from experience it just will not work.

Mr. SOLOMON. Madam Speaker, I yield 5 minutes to the distinguished gentleman from New Jersey, Mr. CHRIS SMITH.

Mr. SMITH of New Jersey. Madam Speaker, earlier in today's debate, the gentlelady from Maryland [Mrs. MORELLA] suggested that there wouldn't be enough fetal brains, livers, and other organs available for research if the Bush moratorium on using baby parts obtained from induced abortion remained in place.

Madam Speaker, that assertion simply doesn't stand up to serious scrutiny.

Dr. Bernadine Healy stated in a letter that "unequivocally as a physician and a scientist" the President's tissue bank is "highly feasible."

In a letter dated May 27, Dr. Healy wrote:

> NIH has been charged through the President's executive order with the establishment of a fetal tissue bank. An aggressive approach to identifying and collecting fetal tissue from ectopic and spontaneous miscarriages has never been tried. NIH scientists have vast experience with cryopreservation (freezing) of a wide variety of human adult and fetal tissues with the subsequent use of that tissue in a viable and functional state. Methods of culture and expansion of human cells and tissues are constantly improving and this combined with now standard cryopreservation make an effective fetal tissue bank highly feasible. NIH is committed to establishing the bank and will name a team of scientists to closely monitor and evaluate the effectiveness of the bank.
>
> Although fetal tissue transplantation is but one of many research options for patients suffering with Parkinson's disease and diabetes, it should be pursued. We should give the bank a chance to succeed and perhaps usher in a new collaborative spirit among all of those who would like to see this research move forward.
>
> Sincerely yours,
>
> BERNADINE HEALY, M.D.,
> *Director.*

According to Dr. Louis Sullivan, Secretary of Health and Human Services, "the tissue that would be available from a bank of this sort can meet the current estimated research needs."

Dr. Sullivan wrote on May 19, that the "total number of transplants over the last 30 years is around 60, while suitable tissue from ectopic pregnancies and spontaneous abortions is estimated at 2,000 per year."

Moreover, the Secretary pointed out, this is "a conservative estimate based on a total of 750,000 spontaneous abortions and 100,000 ectopic pregnancies" per year.

Thus, Madam Speaker, the medical efficacy of transplantation of fetal cells can and will be ethically explored.

My good friend from Illinois, Mr. PORTER, suggested that somehow associating the abortion issue with this conference report is "extreme."

But, I say to my colleague, that is exactly what this debate is all about.

No one in this House is arguing against fetal tissue research providing the brains and other organs and tissue are obtained in an absolutely ethical manner.

President Bush deserves high praise for his moral courage in insisting that medical research be done in a way that is least likely to encourage more abortions or in any way put unborn children at risk. In establishing the tissue bank, he is acting on the advice of the top health officials in our Nation—Dr. Sullivan, Dr. Healy, Assistant Secretary for Health Dr. James Mason—as well as the expertise of numerous researchers and professors in medicine.

Before the President issued his Executive order, Dr. R.C. Cefalo—a member of the 1988 NIH panel who voted to recommend lifting the moratorium—and Dr. Watson Bowes of the University of North Carolina School of Medicine wrote to the President encouraging him to create by Executive order "a human tissue registry, fetal tissue bank and fetal cell lines using tissue obtained from spontaneous abortions and ectopic pregnancies."

Many highly respected researchers from the University of Southern California, UCLA, Georgetown, University of Tennessee, University of Cincinnati, and Case Western have also written to the President in support of the proposed tissue bank and have endorsed its scientific efficacy. The consensus of these researchers is that medical research should avoid unnecessary controversy and that using tissue from intentionally aborted babies is not necessary to meet research needs given the viable, nondiseased tissue from spontaneous abortions and ectopic pregnancies.

The gentleman from New York [Mr. SCHEUER] made various references to the alleged role fetal tissue played in developing the polio vaccine. It should be noted for the RECORD that fetal tissue was never essential to growing the polio virus and thus, to the development of the polio vaccine. Dr. Peter McCullagh, senior fellow in developmental physiology at the John Curtin School of Medical Research at the Australian National University has stated:

> [F]ollowing the 1949 reports of growth of polio virus in a range of tissues, sources of tissues other than the fetus were identified as optimal for the purposes.
>
> Thus, the crucial discovery which had made the "breakthrough" of polio virus growth in non-nervous tissues possible in 1949 was not the use of fetal tissues. As recognized by the original researchers, and described in the Journal of Immunology in 1952, the "breakthrough" was a critical modification of cell culture technique."
>
> The technology of production of cell lines rests on the potential of a single cell, appropriately cultivated, to undergo multiplication and produce enormous supplies of cells. * * * [T]he entirety of world production of polio vaccine between 1968 and the late 1970s appears to have been achieved with the progeny of one fetal cell line.
>
> [F]etal tissue did not fill the essential role often assigned to it in polio vaccine development. Attempts to assert the polio vaccine could not have been developed if fetal tissue had not been used represent selective amnesia. Fetal tissue represented one of several alternatives for growth of polio virus.

Madam Speaker, the practice of harvesting baby parts from intentionally aborted children is unconscionable, but the situation will be worse if the House votes to subsidize with Federal funds this unethical experimentation when other, ethical, and promising avenues of research are being explored.

□ 1150

Ms. SLAUGHTER. Madam Speaker, I yield 4 minutes to the gentlewoman from Colorado [Mrs. SCHROEDER].

Mrs. SCHROEDER. Madam Speaker, I thank the gentlewoman from New York [Ms. SLAUGHTER] for yielding this time to me, and I must say it pains me to come to this floor to have to, one more time, plead that we refocus what this issue is about. It is about women's health and the fact that this country has never taken that issue seriously.

Madam Speaker, time after time I have come to this Congress with people as distinguished as Betty Ford, as distinguished as Mrs. Rockefeller, and many, many others, talking about how the medical community and the tax dollars that they send into this Federal Government never seem to be spent on their health needs. They always got pats on the head and, "How nice you are here," but there is always some reason this body cannot vote to do it this year, at this time.

This is an absolutely critical women's health bill. It deals with all the research on diseases that both men and women have, heart disease and all sorts of things like that, and women have been left out of, and, therefore, it is very important that we do that, and make sure that women are included in those trials, and that never again do they exclude them.

As I have said, when women have those kinds of diseases, they may as well go to a veterinarian because we do not have the research to know how to treat women when they get those, and then there is the whole area of things that basically only women get that they have also not focused on. They are always going to get to it another year and another time.

Madam Speaker, this bill straightens that out.

Now what do we hear this year? We hear, first of all, that it breaks the budget.

Madam Speaker, it does not break the budget. It is under the cap, and this is an authorization bill, so do not let anybody say that. It does not do that. Do not use that excuse.

We also hear that this is unnecessary, that suddenly, after 200 years, NIH has a new vision, and they are going to do this.

Madam Speaker, they are going to do this only because this bill is coming at them at 100 miles an hour, and they do not have any choice.

And I also say, if they are going to do this, why are they so upset then if we pass a bill saying we must do this? That makes me a little suspicious if they say, "This is unnecessary because we will do it anyway."

Believe me, those of us who have been around here for a long time have heard that promise from NIH before, and they did not keep their word before. They may intend to, but something always happened.

And now we are also hearing from people, "Oh, it's the fetal issue area that is keeping us from voting for this."

Let me say this entire list of medical groups in America has said that the fetal tissue bank that the President is proposing will not work. Such distinguished Members of the other body as STROM THURMOND, who is certainly not pro-choice, has said, "The fetal tissue will not work, the bank that the President is proposing," and the prior Reagan Secretary of Health and Human Services, Dr. Bowen, has come forward and said, "The President's fetal tissue bank will not work."

Madam Speaker, we could have used that at any time during the last 12 years. We did not because, unfortunately, miscarried tissues often have genetic problems and infection problems, and they cannot work for that kind of research.

So, the only ones who are saying it will work are those who have a political hatchet over their head, and, if they do not want to say that it will not work, then, let me tell my colleagues, they are out of a job.

I tend to believe the ones who are anti-choice, but worked for Reagan, but now do not have a political hatchet over their head. I tend to believe all the rest of the medical community outlined on this page. I tend to believe distinguished Members, such as STROM THURMOND, who no one can accuse of being soft on ethics or anything else when he stood up in the other body and said, "No, we must move forward on this."

My colleagues, please let us send this out with a resounding vote. Let us move forward on the very important issues of women's health that have been ignored for 200 years, and let us not hear any more excuses.

Mr. SOLOMON. Madam Speaker, I yield 4½ minutes to the distinguished chief deputy minority whip, the gentleman from Pennsylvania [Mr. WALKER].

Mr. WALKER. Madam Speaker, I thank the gentleman from New York [Mr. SOLOMON] for yielding this time to me.

Madam Speaker, there is another minor little matter that the gentlewoman from Colorado [Mrs. SCHROEDER] did not talk about that does disturb a few of us, and that is the issue of the amount of spending which is in this bill. We have heard the issue framed here today as an issue of health, and in some cases it has been called an issue of women's health. We have talked about the fetal tissue issue. Those are important and related issues to this bill. There is absolutely no doubt about it, but they are not the only issues.

Madam Speaker, the issue for many in this body, at least, ought to be about spending, the nonhealth and the nonfetal tissue spending, which is in this bill. This bill is $3.1 billion over the President's budget. It left the House $450 million over. Many of us thought that was outrageous. It is now $3.1 billion over. At a time when we are just about to vote on a balanced budget amendment to the Constitution the question becomes: How often do we listen to people who continue to come to the floor and suggest to us that there are billions, and billions, and billions, and billions, and billions, and billions and billions more for us to continue to pour into programs and somehow not have it impact on the Federal deficit?

Mrs. SCHROEDER. Madam Speaker, will the gentleman yield?

Mr. WALKER. I yield to the gentlewoman from Colorado.

Mrs. SCHROEDER. Madam Speaker, I think, if the gentleman from Pennsylvania [Mr. WALKER] looks, he will see this is an authorization bill, and I think he will find it is under the caps that came out for the House budget and the only thing that stands out are the line items that we put in for breast cancer, cervical cancer, and ovarian cancer.

Mr. WALKER. Madam Speaker, I am just about to inform the gentlewoman from Colorado that there is something a little bit different being authorized in the bill that goes well beyond some of the issues she has raised, and let me just give her a couple of examples because it adds up to about $200 billion in the bill which does not relate to any of those line items.

For example, how about $342 million for a brand new campus for the NIH that was put in there? It is pure pork barrel. It was put in there and singularly given to the State of Maryland by who else? The Senator from Maryland decided to get a little bit in the bill, $342 million worth. That is the estimate of NIH for the upgrade of infrastructure and land acquisition.

Now there is another little problem in here, and that is that there is a $1.6 billion project in here. That happens to be for the Warren Magnuson Clinical Center. This is not my estimate. This comes from the Army Corps of Engineers. They took a look at this thing and figured out we got $1.6 billion in money that is in the bill for this Warren Magnuson Clinical Center. That is just about $2 of the $3 billion I am talking about that are in there for two projects.

Madam Speaker, I would suggest to the gentlewoman from Colorado [Mrs. SCHROEDER] that none of those have anything to do with breast cancer research. None of them have anything to do with the line items she is talking about. It is $2 billion of money that may be very worthwhile and may do all kinds of good things, but the fact is they are not related to the items she is talking about. That is my point here.

Madam Speaker, we heard a series of speeches, including the speech of the gentlewoman from Colorado [Mrs. SCHROEDER] about all the good things that are in this bill. I have do doubt there are many good things in this bill. There are a lot of us that would like to vote for a bill that is fiscally responsible and does all those good things.

It is an authorization bill, but authorization bills do have consequences. In all honesty, I am a little tired of people like the gentlewoman from Colorado [Mrs. SCHROEDER] coming to the floor and suggesting that authorization bills do not have consequences on spending.

Mrs. SCHROEDER. Madam Speaker, will the gentleman yield?

Mr. WALKER. Of course they do. When the money is way over, the fact is that that money becomes an appropriations level then which is not possible to do, and the appropriators are expected to try to come up and to try to hit those levels, and the gentleman from Kentucky, when he brings his HHS bill to the floor, will be under tremendous pressure to come up and meet what we have done in this authorization bill.

The fact is that we ought not do a couple of these things at a time when we have tight fiscal constraints. We cannot at the present time, in my opinion, justify doing $3.1 billion over what the President has suggested as a level, particularly when I can find on just two projects $2 billion of that $3.1 billion—$2 billion into two projects, one of them in Maryland and one of them in the Warren Magnuson Clinical Center.

Madam Speaker, that is too much money. We cannot afford it at the present time. That has nothing to do with health issues; that has nothing to do with fetal tissue. It has to do with spending what we can afford.

□ 1200

Ms. SLAUGHTER. Madam Speaker, I yield 3 minutes to the gentleman from New Mexico [Mr. RICHARDSON].

Mr. RICHARDSON. Madam Speaker, I rise in strong support of this legislation.

This is not a bill of special interests and pork. This is a bill that is going to benefit women's health, children's health, and the health of the elderly. What it does is it redresses the imbalance in research on women's health issues such as osteoporosis, such as breast cancer research, and such as ovarian cancer and prostate cancer research.

If we reject this bill, these are the consequences: Would we slow breast cancer research when 1 of every 9 American women will have breast cancer over her life and when over 40,000 American women will die this year of the disease?

Would we eliminate the prostate cancer research provisions when prostate cancer is the leading cause of cancer in men and the second leading cause of cancer deaths in men?

Would we slow heart disease research when it is still the No. 1 cause of death?

Would we slow research on aging when the elderly are the fastest growing portion of the American population?

Madam Speaker, the fetal research position is not a pro-life or a pro-choice position. I think that has been established. I have a quote here: "Support for fetal tissue research is the true pro-life position." That is from Senator ROBERT DOLE, minority leader of the Senate. We have pro-choice and pro-life individuals supporting this legislation.

There are a number of safeguards in this legislation. There is a prohibition on the sale of human fetal tissue. There is a prohibition against directed donation of fetal tissue for a specific individual. There is a prohibition against payment for abortion.

Madam Speaker, we are starting to play politics with this issue. Fetal tissue research can save lives. It can help us in the fight against diabetes.

Mrs. SCHROEDER. Madam Speaker, will the gentleman yield?

Mr. RICHARDSON. I yield to the gentlewoman from Colorado.

Mrs. SCHROEDER. Madam Speaker, I want to thank the gentleman from New Mexico for his very kind statement and for yielding.

The gentleman who spoke previously would not yield further, and I just want to point out that what I wanted to say was that what this is about is renovating the labs that are there to do the research the gentleman in the well is talking about, and the sums were those that were necessary to renovate, not to move, but we know in science that we must upgrade to be able to do those kinds of things.

Madam Speaker, I think the gentleman is making an excellent statement, that to do those things in the modern world we have to keep current.

Mr. RICHARDSON. Madam Speaker, I thank the gentlewoman for her contribution. She has said it. This spending is under the cap, and the American people want us to spend money in human investment and on health care, on the aging, on women's research, and on prostate cancer.

This fetal tissue bank issue is politics. It really is not something that this body should consider as a true pro-choice or pro-life position.

Madam Speaker, let us support this legislation. It is important. It needs to move ahead, and it deserves our support.

Madam Speaker, as the cochair of the congressional biomedical research caucus and a member of the Energy and Commerce Committee which has jurisdiction over this legislation, I rise in strong support of the conference report on H.R. 2507, the National Institutes of Health Reauthorization Act.

Despite the fact that women represent over half of our population, astonishingly little research has been done on women's health issues. I support the NIH conference report because it establishes an Office of Research on Women's Health and contains vitally important language ensuring that women and minorities will be included in all NIH supported research.

The report also contains important language authorizing an additional $40 million in research on osteoporosis that I and my colleagues OLYMPIA SNOWE and MARCY KAPTUR worked to include. This debilitating disease affects an estimated 27 million Americans of all ages and is responsible for 1.3 million bone fractures annually. While the medical costs of osteoporosis are an estimated $27 million per day, scientists are convinced we can bring osteoporosis under control with an expanded research program.

There has also been a great deal of discussion about the bill's fetal tissue research provisions. I understand the concerns that have been raised but I am convinced that women do not take the issue of abortion lightly nor do I believe women would seek to gain financially or otherwise from an abortion. More importantly, I am convinced the provisions of the conference report provide strong safeguards against the abuse of fetal tissue research.

The conference report codifies the procedural safeguards and ethical guidelines recommended by the Reagan appointed Human Fetal Tissue Transplantation Review Panel and adds additional prohibitions and requirements. These include:

A prohibition on the sale of human fetal tissue;

A prohibition against directed donation of fetal tissue for a specific individual;

A prohibition against payment for abortions;

A requirement that there be written informed consent from the woman donating the tissue;

In the case of induced abortion, a requirement that the attending physician provide a written statement that the woman gave consent for the abortion prior to giving consent for tissue donation;

In the case of an induced abortion, a requirement that the attending physician provide a written statement that no alteration in the timing, method, or procedures used to terminate the pregnancy were made solely for the purpose of obtaining the tissue;

A requirement that the researcher provide a written statement that disclosure has been made to any researchers involved and to potential recipients;

A requirement that the researcher provide a written statement that he or she has had no part in any decision on timing, method, or procedures used to terminate a pregnancy;

A prohibition against the transplantation of tissue into a relative of the donating individual; and finally,

The report contains strict civil and criminal penalties for any violation of these prohibitions or requirements.

The President knows his proposed compromise to establish a fetal tissue research bank using only fetuses lost from miscarriages or ectopic pregnancies won't work. The President's campaign has even acknowledged that there are no substantive reasons for the White House to oppose this legislation.

In closing, this is what we know: Fetal tissues research can save lives, it can help us in the fight against diabetes, Parkinson's, Alzheimer's, and Huntington's diseases, among others. The President is playing politics and it is time to stop. I urge my colleagues to support this very important legislation.

[From the Albuquerque Journal, May 24, 1992]

REJECT BUSH'S CYNICAL SOP TO FETAL TISSUE RESEARCH

(By Charles Krauthammer)

WASHINGTON.—Once more around the block. In 1988, the Reagan administration imposed a ban on federally funded transplantation research that uses fetal tissue taken from abortions. The ban effectively killed U.S. research on fetal tissue transplants, research that may be crucial to the understanding and treatment of Parkinson's, diabetes, and other intractable and debilitating diseases. Because fetal tissue is almost magically adaptable and regenerative, there has been pressure from both scientists and citizens' groups (the "disease lobbies") to lift the ban.

Congress is now poised to do exactly that. With several anti-abortion senators coming out strongly in favor of fetal research, there might be enough votes to override a presidential veto. Accordingly, President Bush has tried to defuse the issue and win swing votes with an executive order creating a "Fetal Tissue Bank" to meet research needs with tissue taken only from spontaneous abortions and ectopic pregnancies.

Problem is, however, that it will not meet the need. Spontaneous abortions occur, generally speaking, when the fetus is non-viable, often due to chromosomal damage or infection. Only 1 percent of spontaneous abortions produce tissue suitable for transplantation research. And nearly 9 out 10 of that 1 percent occur outside a medical setting, making the tissue unrecoverable for scientific purposes.

It makes no sense to try to support transplant research using only spontaneous abortions and ectopic pregnancies. It will cost a fortune and it won't work. Meanwhile millions of abortions are being performed legally in medical settings throughout the country and the tissue ends up simply being discarded.

The Fetal Tissue Bank is a transparent device to try to appease the scientific community while remaining on the right side of the more fundamentalist pro-lifers. In order to appear adamantly anti-abortion to a constituency that rightly questions his fealty, President Bush finds it necessary to make a show of steadfastness on this most tangential proxy issue.

The Bush position is more than politically cynical. It is intellectually flimsy. When the Bush administration reaffirmed the Reagan ban in 1989 it did so on the stated grounds that allowing the use of aborted fetal tissue encourages abortion. Can you think of one person who would be influenced to have an abortion because of the research value of the tissue? Well, you might say, what about a poor woman? Or a woman whose father needed a fetal tissue transplant for Parkinson's?

These are the only conceivable ways in which fetal research might be an inducement to abortion. Accordingly, proponents of fetal research, from the 1988 National Institutes of Health panel that voted to overturn the Reagan ban to the congressmen trying today to do the same, insist on three ironclad safeguards that break any connection between fetal research and the abortion decision.

First maintain and enforce the legal prohibition against the sale of fetuses or parts of fetuses. Second, prohibit any woman from designating the recipient of her fetal tissue. This prevents a family member from voluntarily conceiving and aborting in order to provide fetal tissue for the experimental treatment of a loved one. And third, prohibit raising the issue of using aborted tissue for research until after the decision to abort has already been made.

The federal government has every right to try to do what it can to discourage abortion, but wrecking fetal transplantation research is a particularly useless and particularly destructive way to go about it.

One legitimate avenue of discouragement is, for example the gag rule. It prohibits all but doctors from discussing abortion with patients in federally financed clinics. A government elected on an openly anti-abortion platform has no obligation to subsidize abortion counseling and referral. (The objection that the gag rule might endanger the life of the mother is answered adequately by allowing the one person uniquely qualified to evaluate the danger, namely the doctor, to discuss abortion if he or she believes it medically warranted.)

Counseling and referral have an obvious and real connection to a woman's decision to abort. Fetal research has only the remotest connection, and even that can be broken with simple safeguards. If the president feels the need to make a stand on abortion, fine. It's a free country and an election year. But fetal research is the wrong place to make that stand. With so much at stake in fetal research, it is a shame to make it hostage to the politics of abortion.

Mr. SOLOMON. Madam Speaker, I yield 1 minute to the gentleman from Nebraska [Mr. BEREUTER].

Mr. BEREUTER. Madam Speaker, despite the characterizations by the media and by Members here, this is not an issue on fetal tissue research. I want to make it clear, however, that I support the changes with the limitations and safeguards that are part of this legislation.

This is also not an issue about research activities related to women's health issues.

I support those kinds of changes. I have been a strong supporter of increased attention focused on women's health issues such as breast and ovarian cancer.

This is a budgetary issue. This is $3.1 billion more authorized than the President asked for. This is $1 billion more than what came out of the House in the first place. This is an issue about medical pork. This is an issue about reallocating resources at the National Institutes of Health. That is what it is about.

This is also about this syndrome of the disease of the month or the disease of the week. There simply must be a limitation on the amount of funds we are authorizing. The American people want research, but they want it to be done in a fiscally responsible fashion.

Madam Speaker, the conference report authorizes over $1 billion more than was included in the House-passed bill. This measure also includes $3.1 billion more than was requested by the administration for the National Institutes of Health programs reauthorized by this bill.

In Congress, this Member has been a strong supporter of increased attention focused on women's health issues, such as breast and ovarian cancer research. However, because of fiscal constraints, this Member believes that deserved increases for funding for these important programs must come at the expense of other NIH budgetary elements. Congress must not continue this borrow-and-spend mentality.

One of the most controversial sections of this measure would overturn a 4-year moratorium of federally funded fetal tissue transplant research from induced abortions. As amended, H.R. 2507 now imposes a variety of restrictions intended to ensure that a woman does not have an abortion in order to supply fetal tissue. Under the measure, a woman donating fetal tissue must complete a written consent form stating that the woman donates the fetal tissue for research purposes, the donation must be made without any restrictions as to the recipient of the transplant, and the woman must not be informed of the identity of the recipient. These are important provisions which I support.

If there were the opportunity for a straightforward vote on fetal tissue research, this Member would vote to allow fetal tissue transplant research from induced abortions. The safeguards surrounding the use of fetal tissue for research purposes included in this legislation should ensure that abortions will not be encouraged for the purpose of providing fetal tissue for research.

Nevertheless, I must oppose the legislation because of the large increase in funding for NIH—for larger than current levels and far larger than the administration's proposed increase.

Madam Speaker, I rise in support of the rule but in opposition to the conference report.

Ms. SLAUGHTER. Madam Speaker, I yield 30 seconds to the gentlewoman from California [Ms. PELOSI].

Ms. PELOSI. Madam Speaker, I thank the gentlewoman from New York for yielding time to me, and I rise in support of the rule.

Madam Speaker, new advances in research involving the transplantation of fetal tissue hold promise for the treatment and cure of many diseases, including Alzheimer's disease, Parkinson's disease, diabetes, and even AIDS. However, since 1988, the National Institutes of Health [NIH] have been prohibited from doing this promising research because of an administration ban on the use of fetal tissue in research.

Today, Congress will take up a conference report on legislation reauthorizing the research functions of the NIH. This conference report includes provisions overturning the current prohibition on fetal tissue transplantation research. I strongly urge my colleagues to support this report.

This legislation contains specific safeguards recommended by President Reagan's panel that would prohibit directed donations and sale of fetal tissue. The decision to have an abortion must be made separately from the decision to donate tissue. Thus, allowing this research will not increase the number of abortions.

Lifting the prohibition on fetal tissue transplantation research will bring hope to millions of Americans who suffer from a variety of diseases and disabilities. Let today be a victory for hope.

Madam Speaker, I support the rule and the conference report.

Mr. SOLOMON. Madam Speaker, I yield myself the balance of our time on this side of the aisle.

Madam Speaker, let me just say this to my colleagues: From those who support the conference report that this rule makes in order, we have heard a lot of very legitimate and very sincere appeals to spend more money on research concerning women's breast cancer, men's prostate cancer, Parkinson's disease, arthritis, heart disease, and many other very serious and debilitating illnesses. I sympathize with every one of them. I lost my mother not too many years ago to that dreaded disease of cancer, and I have suffered from a prostate problem myself for the last number of years. So I know firsthand what the problems are.

But there is a whole list, a whole litany of other programs, too, such as WIC, which I support very strongly, and Head Start, that need additional funding. But I say to my colleagues that the money is not there. We are operating in a sea of red ink that is bankrupting this Nation and making us a debtor Nation. This conference report is a perfect example of how we got to that point.

So with all due respect, let me say this: I recognize all the sincerity and conscientiousness of those who have spoken for the conference report, but this legislation is an example of what I am talking about. We have $3.1 billion in unrequested authorizations here, and the money is not there. We have got to turn the economy around so there will be more money to spend on these programs. That is why those of us who oppose this conference report will be voting for the rule to get the legislation on the floor. But I ask the Members to vote against the conference report itself. Let us have a little fiscal responsibility around here. When we restore some fiscal discipline and sanity around here, the economy will be on the road to recovery and the money to pay for worthwhile programs will be available.

Madam Speaker, I yield back the balance of my time.

Ms. SLAUGHTER. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, if I might just reiterate one thing I said in my previous statement, almost every dollar that we spend in health research is going to save us $10 or $20 in health costs in the future.

Madam Speaker, I yield such time as she may consume to our last speaker, the gentlewoman from Tennessee [Mrs. LLOYD], who will sum up our position.

Mrs. LLOYD. Madam Speaker, I thank my colleague for yielding this time to me.

Madam Speaker, I do support this conference report, and I urge my colleagues to do the same.

This is under the spending caps. It is within the Budget Act, and it is within the budget resolution for the year.

A lot has been said about some of these diseases that we are hoping we can learn new ways of treating, and I must tell my colleagues that these are not diseases that go by the week or go by the month. These are diseases that affect every one of us. If not individually, they affect a member of our family.

□ 1210

A very important feature of this bill includes the language to overturn the administration's ban on fetal tissue research. The use of fetal tissue is considered critical by the medical research community for research to treat incurable debilitating diseases such as Alzheimer's, Parkinson's disease, and diabetes.

Madam Speaker, I suppose all of us, when we get here on such critical legislation, always have one or two of their constituents that come to mind. That is no less true for me today.

Charles and Margaret Hokett go to church where I do, and, Madam Speaker, they used to be there every time the doors were open, Sunday morning, Sunday night. But Charles and Margaret are not there any more, because Charles has Parkinson's disease, and his wife Margaret asked me to vote to overturn the administration's ban on fetal tissue research. She and her husband are hoping that they can find a cure for his dreaded illness.

So to Charles and Margaret and the thousands like them across this country, we say, this one is for you, and I urge my colleagues to vote to support this legislation.

Madam Speaker, I rise today in strong support of H.R. 2507, the conference report on National Institutes of Health Revitalization Amendments Act, and urge my colleagues to pass this critical legislation.

As a nation, we witness many miraculous and exciting programs funded by our Government. A few weeks ago we watched with great anticipation and wonder as our astronauts performed the longest space walk in history while tending to a multiton satellite in need of repair.

We also read about important medical breakthroughs which unlock the mystery of disease and give hope to afflicted patients and their families. These advances do not occur overnight. They are the result of years of adding to our existing building blocks of knowledge. With science we never know which experiment or research project will unlock the door to knowledge or a cure. We do know that unfunded research efforts and a lack of commitment get us nowhere.

Breast cancer is case in point. Breast cancer rates have increased for the past 20 years. More than 46,000 women will die this year and we still know very little about its cause or cure.

We as a nation pay for the medical advances that benefit us. We determine what is important to us. Ultimately, all taxpayers can take credit for the exciting advances that can provide answers to our questions and give hope to those diagnosed with disease. This bill before us today continues that commitment to eradicating the diseases that plague our Nation.

Last June, I joined with my colleagues on the congressional caucus for women's issues to challenge our medical research community to find the causes and cure for breast cancer research by the year 2000. Dr. Sam Broder, Director of the National Cancer Institute, accepted our challenge provided the Institute be given the resources to succeed. H.R. 2507 contains the fuel to keep those NCI research fires burning in order to rid breast cancer from the lives of women through an increased emphasis on basic and clinical research, through the development of innovative programs to attract talented scientists, and through improved education and outreach efforts.

The conference report also contains a number of key provisions to move us closer toward understanding, treating, and ultimately curing other diseases that cause so much needless suffering and loss of human life, such as osteoporosis, prostate cancer, ovarian and reproductive cancers, and multiple sclerosis.

This bill also includes language to overturn the administration's ban on fetal tissue research. The use of this tissue is considered critical by our medical research community for research to treat incurable, debilitating diseases such as Alzheimer's, Parkinson's disease, and diabetes. Important legal safeguards to prevent potential abuses of the use of fetal tissue are included in the bill, such as a prohibition on the sale of fetal tissue, an informed consent requirement from women donating the tissue, and increased penalties for violations of these provisions. As a matter of fact, Margaret Hokett, a member of my church, recently appealed to me to support the fetal tissue provisions of this bill to aid her husband, Charles, currently suffering from Parkinson's disease.

I am pleased to note that the conference report includes legislation which I recently introduced with my colleagues, Representative WYDEN and Representative DOWNEY, and Senators ADAMS and BINGAMAN, which will provide for two studies to address the serious problem of malnutrition and the elderly. Not only does malnutrition affect the health and quality of life of older Americans, it also is a cause of often preventable institutionalization. The first study will address the cost-effectiveness and efficacy of nutrition screening among our older population.

The second study will take a look at the causes of malnutrition among the institutionalized elderly as well as individuals living independently within the community.

Improving the Nation's research commitment is fundamental to improving the health care received in this country. Let's pass H.R. 2507.

Ms. SLAUGHTER. Madam Speaker, I yield back the balance of my time, and I move the previous question on the resolution.

The previous question was ordered.

The SPEAKER pro tempore (Mrs. UNSOELD). The question is on the resolution.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. SOLOMON. Madam Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 308, nays 100, not voting 26, as follows:

[Roll No. 146]

YEAS—308

Abercrombie
Ackerman
Anderson
Andrews (ME)
Andrews (NJ)
Andrews (TX)
Applegate
Aspin
Atkins
AuCoin
Bacchus
Baker
Barnard
Barrett
Bateman
Beilenson
Bennett
Bentley
Bereuter
Berman
Bevill
Bilbray
Bilirakis
Blackwell
Bliley
Boehlert
Boehner
Bonior
Boucher
Brewster
Brooks
Broomfield
Browder
Brown
Bryant
Bustamante
Byron
Camp
Cardin
Carper
Carr
Chandler
Chapman
Clay
Clement
Coleman (MO)
Coleman (TX)
Combest
Condit
Conyers
Cooper
Coughlin
Cox (CA)
Cox (IL)
Coyne
Cramer
Cunningham
Darden
DeFazio
DeLauro
Dellums
Derrick
Dickinson
Dicks
Dingell
Dooley
Doolittle
Dorgan (ND)
Downey
Dreier
Durbin
Dwyer
Early
Eckart
Edwards (CA)
Edwards (TX)
Engel
English
Erdreich
Espy
Evans
Ewing
Fascell
Fawell
Fazio
Feighan
Fish
Flake
Foglietta
Ford (MI)
Ford (TN)
Frank (MA)
Frost
Gallegly
Gallo
Gejdenson
Gekas
Gephardt
Geren
Gibbons
Gilchrest
Gillmor
Gilman
Gingrich
Glickman
Gonzalez
Gordon
Gradison
Grandy
Green
Guarini
Hall (OH)
Hamilton
Harris
Hastert
Hayes (IL)
Hayes (LA)
Hefner
Henry
Hertel
Hoagland
Hobson
Hochbrueckner
Hopkins
Horn
Horton
Houghton
Hoyer
Hubbard
Huckaby
Hughes
Inhofe
Jacobs
Jefferson
Jenkins
Johnson (CT)
Johnson (SD)
Johnston
Jones (GA)
Jones (NC)
Jontz
Kaptur
Kennedy
Kennelly
Kildee
Kleczka
Klug
Kolbe
Kopetski
Kostmayer
Kyl
LaFalce
Lancaster
Lantos
LaRocco
Laughlin
Lehman (CA)
Lehman (FL)
Levin (MI)
Lewis (CA)
Lewis (GA)
Lipinski
Lloyd
Long
Lowey (NY)
Machtley
Markey
Marlenee
Martin
Martinez
Matsui
Mavroules
Mazzoli
McCandless
McCloskey
McCrery
McCurdy
McDermott
McEwen
McGrath
McHugh
McMillan (NC)
McMillen (MD)
McNulty
Meyers
Mfume
Miller (CA)
Miller (WA)
Mineta
Mink
Moakley
Molinari
Montgomery
Moody
Moorhead
Moran
Morella
Morrison
Mrazek
Murphy
Myers
Nagle
Natcher
Neal (MA)
Neal (NC)
Nichols
Oberstar
Obey
Olin
Olver
Ortiz
Owens (NY)
Owens (UT)
Oxley
Pallone
Panetta
Pastor
Patterson
Payne (NJ)
Payne (VA)
Pease
Pelosi
Perkins
Peterson (FL)
Petri
Pickett
Pickle
Porter
Price
Pursell
Rangel
Ravenel
Reed
Richardson
Ridge
Riggs
Ritter
Roe
Rohrabacher
Ros-Lehtinen
Rose
Rostenkowski
Roukema
Rowland
Roybal
Russo
Sabo
Sanders
Santorum
Savage
Sawyer
Scheuer
Schroeder
Schumer
Serrano
Sharp
Shaw
Shays
Shuster
Sikorski
Sisisky
Skaggs
Skeen
Skelton
Slattery
Slaughter
Smith (FL)
Smith (IA)
Smith (NJ)
Smith (TX)
Snowe
Solarz
Solomon
Spence
Spratt
Staggers
Stark
Stokes
Studds
Swett
Swift
Synar
Tanner
Thomas (CA)
Thomas (GA)
Thomas (WY)
Torricelli
Towns
Traficant
Unsoeld
Upton
Valentine
Vander Jagt
Vento
Visclosky
Walker
Walsh
Waters
Waxman
Weiss
Wheat
Whitten
Williams
Wilson
Wise
Wolpe
Wyden
Yates

NAYS—100

Allard
Allen
Annunzio
Archer
Armey
Ballenger
Barton
Borski
Bunning
Burton
Callahan
Clinger
Coble
Costello
Crane
Davis
de la Garza
DeLay
Dornan (CA)
Duncan
Edwards (OK)
Emerson
Fields
Franks (CT)
Gaydos
Goodling
Goss
Gunderson
Hall (TX)
Hammerschmidt
Hancock
Hefley
Herger
Holloway
Hunter
Hutto
Hyde
Ireland
James
Johnson (TX)
Kanjorski
Kasich
Kolter
Leach
Lewis (FL)
Lightfoot
Lowery (CA)
Luken
McCollum
McDade
Miller (OH)
Mollohan
Murtha
Nowak
Nussle
Orton
Parker
Paxon
Penny
Peterson (MN)
Poshard
Quillen
Rahall
Ramstad
Ray
Regula
Rhodes
Rinaldo
Roberts
Roemer
Rogers
Roth
Sarpalius
Saxton
Schaefer
Schiff
Schulze
Sensenbrenner
Smith (OR)
Stallings
Stearns
Stenholm
Stump
Sundquist
Tallon
Tauzin
Taylor (MS)
Taylor (NC)
Thornton
Volkmer
Vucanovich
Weber
Weldon
Wolf
Wylie
Yatron
Young (AK)
Young (FL)
Zeliff
Zimmer

NOT VOTING—26

Alexander
Anthony
Boxer
Bruce
Campbell (CA)
Campbell (CO)
Collins (IL)
Collins (MI)
Dannemeyer
Dixon
Donnelly
Dymally
Hansen
Hatcher
Lagomarsino
Lent
Levine (CA)
Livingston
Manton
Michel
Oakar
Packard
Sangmeister
Torres
Traxler
Washington

□ 1230

Messrs. RHODES, WYLIE, and TAYLOR of Mississippi changed their vote from "yeas" to "nay."

Messrs. HOBSON, McCANDLESS, MARLENEE, DOOLITTLE, and BATEMAN changed their vote from "nay" to "yea."

So the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Mr. WAXMAN. Madam Speaker, pursuant to rule XXVIII and House Resolution 466, I call up the conference report on the bill (H.R. 2507) to amend the Public Health Service Act to revise and extend the programs of the National Institutes of Health, and for other purposes, and ask for its immediate consideration.

The Clerk read the title of the bill.

The SPEAKER pro tempore (Mrs. UNSOELD). Pursuant to the rule, the conference report is considered as having been read.

(For conference report and statement, see proceedings of the House of Monday, May 18, 1992, at page 11597.)

The SPEAKER pro tempore. The gentleman from California [Mr. WAXMAN] will be recognized for 30 minutes and the gentleman from Virginia [Mr. BLILEY] will be recognized for 30 minutes.

The Chair recognizes the gentleman from California [Mr. WAXMAN].

Mr. WAXMAN. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, I will be brief, because I know there are many Members who wish to speak and there is very little time. This conference report is about many things. It is an important piece of legislation. It is about creating a new program for breast cancer research, the disease that will strike 1 out of 9 American women and will kill 40,000 American women this year. It is about creating a new program for prostate cancer research, the leading cause of cancer in men, and the second leading cause of cancer deaths in men. It is about extending programs in heart disease research, the No. 1 cause of death in America, and it is about research on aging, on children's vaccines, on osteoporosis, AIDS, on fertility, and on ovarian cancer. It is about the health of America.

We hear a lot about health care costs. One way to deal with those costs is to find out a way to control and prevent these diseases through research at the NIH. However, the major point of debate is the provision regarding fetal tissue transplantation. This research is promising for treatment of Parkinson's disease, Alzheimer's disease, diabetes, spinal cord injury, and even genetic diseases and birth defects.

The bill before us would reverse the current ban on Federal funding for such research. It would implement the safeguards recommended by the Reagan-appointed review panel at NIH. It would prohibit the sale of fetal tissue and would prohibit the donation of tissue for any specific person. This is not a bill about whether abortion is legal or should be legal or not. It is about what happens after an abortion, whether the tissue from the abortion may be used to save another life or simply thrown away.

This bill will not cause more abortions. I cannot believe the comments that we hear, that women will simply go out and have more abortions to support research. I find that an incredible statement. It is a theoretical possibility, but for those of us who have heard from Rev. Guy Walden, a man whose wife had had two children with Hurler's syndrome, a genetic disease that causes death shortly after birth, we know about reality. He has talked about the ability of the in utero transplant of fetal tissue to save the life of his child, a situation in which most people would go out and get an abortion. If we can correct these problems before the child is born, more women will, in fact, avoid abortions, and that will not be theoretical.

Women simply do not have abortions done to support research. How do we know that? In countries where they allow fetal tissue transplantation, there has been no evidence of women going out and getting abortions to support research. The fact of the matter is, no increase in abortions has been shown to be caused as a result of this research.

There have been people who have lobbied hard on this bill. Unlike the lobbyists who have financial interests in the legislation, we have had the incredible efforts of Anne Udall, the daughter of our colleague, Mo Udall, who has told us what fetal transplantation would mean to her father, who is suffering from Parkinson's.

There is Joan Samuelson, who has knocked on doors, a young women who has Parkinson's herself, simply making a plea on her own behalf and others who are suffering from that disease. They can be helped. Do not deny them the help that this research may bring. It can save their lives and many others.

I urge my colleagues to overturn the ban, to bring hope to those people who are suffering from diabetes, spinal cord injury, Alzheimer's, and other diseases. We need to understand these diseases and treat them in a way that can give the gift of life. Just as we allow transplant of organs, we should allow transplants of fetal tissue from a fetus that is dead, just as a human being who has died donates an organ for transplant purposes.

Madam Speaker, I would now like to comment on other provisions of the conference report.

The principal purpose of the legislation is to preserve America's preeminence in biomedical and behavioral research. Maintaining a strong, independent NIH is critical to this objective. The success of NIH in medicine and the health sciences testifies to the wisdom that Congress and the American public have demonstrated by their continued support of this noble institution.

The legislation under consideration today will further Congress' support for the NIH. It provides the national research institutes with the necessary authorities to meet the exciting challenges ahead in the 1990's.

Last year, we celebrated the 20th anniversary of the National Cancer Act. That act established the National Cancer Institute and led to our Nation's leadership in, and commitment to, cancer research. That commitment has yielded impressive dividends with significant advances in understanding the disease about which Americans are most fearful.

The conference report builds upon the success of the past 20 years. It proposes major funding increases for breast, ovarian, and prostate cancer research. The report provides for a significant increase in cancer control activities by requiring that at least 10 percent of the NCI budget be allocated to control activities, particularly those cancer control activities identified in the annual bypass budget. An expanded commitment to cancer control will spur development of programs to lift the shadow these diseases cast upon the lives of thousands of patients and their families.

The conference agreement also provides for increased involvement of the Centers for Disease Control in developing prostate cancer prevention programs. In carrying out this authority, the CDC and State and local health department should give priority to those individuals at highest risk of developing prostate cancer and those individuals with limited access to the appropriate preventive health services.

Madam Speaker, the conference agreement addresses more than cancer research. New initiatives are proposed in areas of aging, women's health, trauma care, chronic fatigue syndrome, toxicological research, and multiple sclerosis. The agreement addresses longstanding concerns over the infrastructure of our Nation's research facilities. A new construction grant program is authorized to help in the replacement of outmoded facilities and to increase capacity to accommodate the increasingly sophisticated research environment. Special provisions have been included to facilitate improvements at the national primate research centers. The conference agreement also addresses the need for improvements in the intramural laboratories and clinical facilities on the NIH campus, including the establishment of a satellite campus in Maryland.

The conference agreement also includes provisions to address concerns over scientific misconduct, conflicts of interest, and retaliation against whistleblowers in connection with research supported by the NIH. Implementation of these requirements will help maintain the historically high and deserved level of public confidence enjoyed by NIH and the talented scientists that it supports.

Finally, the legislation contains important provisions designed to put in place a procedure to further important, lifesaving research involving the use of fetal tissue. The legislation lifts the Bush administration's imposed ban on research involving the transplantation of fetal tissue. Despite the recommendations of two Federal panels that this research is promising and should proceed, the administration has stubbornly refused to yield to empirical evidence and expert opinion.

The administration has implicitly told Americans afflicted with Alzheimer's disease, Parkinson's disease, and paralysis that the cure for their disease is too controversial to study and too political to pursue. Twice before, once in the House and once in the Senate, overwhelming majorities have passed legislation authorizing this important research to go forward. A strong showing of support today, for the conference report, will reaffirm our Nation's commitment to scientific freedom and to the pursuit of knowledge that can cure disease and ameliorate human suffering.

Madam Speaker, I urge support for the report and reserve the balance of my time.

□ 1240

Madam Speaker, I reserve the balance of my time.

Mr. BLILEY. Madam Speaker, I yield 4 minutes to the gentleman from Georgia [Mr. GINGRICH].

Mr. GINGRICH. Madam Speaker, I first want to say categorically that there should be no discrimination against women and minorities with respect to inclusion in clinical research studies. And this is certainly the administration's position. To respond to past problems, the National Institutes of Health in February 1992, issued 80 pages of detailed guidelines ensuring the inclusion of women and minorities as subjects in research.

The conference report goes way too far to address a legitimate concern. The conference report creates a Federal mandate for a quota system of minorities and women as subjects in clinical studies at the NIH. This section requires that women and members of minority groups be included in all clinical research projects. The statute specifically states that the additional, and possibly prohibitive costs, of including minorities and women in a research project cannot be a permissible consideration for exclusion of these individuals from a study.

In addition, the statute specifically dictates to the highly trained scientific researcher the type of methodology and statistical analysis he or she should use in designing the study. The legislation mandates that the Secretary ensure that every project is designed and carried out in a manner that provides for a valid statistical analysis of whether the variables being tested in the study affect women and members of minority groups differently than other subjects. I am sure that our elite biomedical scientists will be shocked to learn that Congress is now directly interfering with the design and analysis of their complicated research projects.

Now let us take a look at how this mandate is going to affect research in the real world. Biostatisticians at the National Heart, Lung, and Blood Institute of NIH were asked to look at how the quota requirement of this legislation would affect a current study.

Board No. 1: The first board shows the current study of the digitalis investigation group at the National Heart, Lung, and Blood Institute [NHLBI]. This study is determining whether digitalis reduces mortality for those suffering from heart failure. This trial randomly assigns patients with heart failure to a treatment group or a placebo group. The sample size is 7,000 subjects to assure that statistical differences between the groups can be detected. The cost of the study is $16 million.

Board No. 2: Now let us look at the study design as it would be transformed under the conference report. To meet the gender and minority mandate of statistically valid samples we now have five male ethnic groups and five female. These ethnic groups include American Indian/Alaskan Native, Asians, Blacks, Hispanics, and whites. To meet the requirements of the conference report, the study would need 70,000 subjects at a cost of $160 million.

Board No. 3: Let me repeat that—the study would cost $160 million—10 times the amount of the current study. And could this astronomical cost be considered in redesigning the study more realistically? No. Why? Because section 131 provides that in designing research studies the guidelines "May not provide that the costs of including women and minorities in clinical research are a permissible consideration."

This one example demonstrates that this provision of the legislation, while well-intentioned is totally unrealistic in the real world. The bottom line effect of this provision is that biomedical research will be stifled—under current law 10 studies could be conducted for the price of 1 under the conference report. Mr. Speaker, this alone is reason enough to vote against this conference report.

I would like to quote from a letter I received from Secretary Sullivan concerning this provision:

> Of critical concern is section 131 of this bill, which—while well intentioned—is unacceptable and unworkable on scientific grounds. * * * such an inflexible requirement could in fact jeopardize the initiation of NIH clinical trials, including the very trials that would provide data relevant to women's health.

Finally, I would like to quote several passages from a memo sent to the Director of NIH from Dr. Vivian Pinn, Director, Office of Research on Women's Research and Dr. William Harlan, Associate Director for Disease Prevention and I would like to introduce this into the RECORD. Referring to the research mandate in the conference report, these two research physicians state:

> The following requirement has grave implications for clinical research.
>
> This provision would have a stultifying effect on clinical research and paradoxically could hamper planned investigation of racial/ethical differences that have been identified.
>
> In summary, the provision would profoundly and adversely affect the conduct of clinical research, however well intentioned it may be.

Madam Speaker, I enter in the RECORD a letter from the Secretary of Health and Human Services, Dr. Louis Sullivan, a letter from Dr. Bernadine Healy, the Director of NIH, and a letter from two senior researchers, Dr. Vivien Pinn, Director of the Office of Research on Women's Health, and Dr. William Harlan, Associate Director for Disease Prevention, on the kind of destructive impact this quota system will have on mandating congressional interference with the design of research.

The letters to which I referred follow:

THE SECRETARY OF HEALTH
AND HUMAN SERVICES,
Washington, DC, May 20, 1992.

Hon. NEWT GINGRICH,
House of Representatives, Washington, DC.

DEAR NEWT: This is in further response to our mutual concern about the peer review provisions contained in the conference agreement on H.R. 2507, the NIH Reauthorization Act of 1992.

Of critical concern is Section 133 of this bill, which—while well intentioned—is unacceptable and unworkable on scientific grounds. This section would require that a large percentage of the clinical trials conducted or supported by the NIH assess gender and racial differences in treatments under evaluation even in the absence of a scientific reason to suspect that such differences exist. Such an inflexible requirement could in fact jeopardize the initiation of NIH clinical trials, including the very trials that would provide valuable data relevant to women's health.

As you know, the conference agreement on H.R. 2507 contains a number of other unacceptable provisions previously addressed by the Administration. These provisions are discussed more fully in the attached Statement of Administration Policy.

Sincerely,

LOUIS W. SULLIVAN, M.D.

PUBLIC HEALTH SERVICE,
NATIONAL INSTITUTES OF HEALTH,
Bethesda, MD, May 28, 1992.

Hon. LOUIS W. SULLIVAN,
Secretary of Health and Human Services, Washington, DC.

DEAR SECRETARY SULLIVAN: I am writing to alert you to the impact on clinical research that would occur if the Clinical Research Equity Act contained in Title 1, Subtitle B of H.R. 2507, the National Institutes of Health (NIH) Revitalization Amendments of 1992 was enacted.

As you know, I strongly endorse the need for representation of women and minorities in clinical research. I believe that the NIH is making great strides to insure their appropriate inclusion. However, the requirement embodied in H.R. 2507 would have grave implications for clinical research. It specifies that, "the NIH Director shall ensure that the project is designed and carried out in a manner sufficient to provide a valid analysis of whether the variables being tested in the research affect women or minorities differently than other research subjects." This would have the effect of multiplying the sample size for any given group by a factor of at least 5 to 10, depending upon the study. A clinical study comprising both men and women would need an approximate tenfold increase in size to test for differential affects by gender and ethnicity.

This requirement would affect the design of all clinical studies despite the fact that no important differences in effect across race/ethnic groups are expected for most clinical questions. Where differences would have been expected, the study design including sample size would be altered to provide for reliable group analysis. Paradoxically, the excessive costs this Act demands could hamper planned investigations of racial/ethnic differences that have already been identified.

For example, the Dietary Intervention Trial of the Women's Health Initiative already requires the inclusion of 48,000 women at a cost of $26 million a year for fourteen years. This study is intended to determine if a reduction in dietary fat will have an impact on the incidence of breast and colon cancer in post-menopausal women. If it were necessary to answer the questions of the Dietary Intervention Trial in 5 ethnic groups, the number of women required would be 5 x 48,000, or 240,000, and the cost would be approximately $130 million per year for fourteen years. If conducted under the requirements of this Act, the annual cost of this single study would greatly exceed the annual cost of the entire Women's Health Initiative and all of its attendant trials.

In planning clinical trials, NIH investigators strive to answer health questions which affect the entire population irrespective of ethnicity. The structure of a clinical trial allows us to generalize the results of the trial to other people with characteristics similar to those who entered the trial. When it is suspected that there may be differences among ethnic groups, NIH scientists will continue to conduct trials to determine those differences. However, the mandatory design of all NIH clinical trials to include representative populations for each ethnic group will greatly limit our ability to conduct the large number of clinical studies on many different diseases and necessitate the conduct of only a few very large trials on a smaller number of diseases.

This information must be seriously considered due to the fact that it would greatly hamper our ability to conduct clinical research.

Sincerely yours,

BERNADINE HEALY, M.D.

PUBLIC HEALTH SERVICE,
NATIONAL INSTITUTES OF HEALTH,
Bethesda, MD, May 27, 1992.

To: Bernadine Healy, M.D., Director, NIH.
From: Associate Director for Disease Prevention.
Subject: NIH Reauthorization Legislation.

The purpose of this memorandum is to alert you to the potential impact on clinical research of proposed Clinical Research Equity (Title 1, Subtitle B) of the NIH Reauthorization Legislation.

Women and minorities should be included in clinical research studies and attention should be directed to insuring their inclusion and we all endorse the need for their representation. However, the following requirement has grave implications for clinical research. It specifies that, "the NIH Director shall ensure that the project is designed and carried out in a manner sufficient to provide a valid analysis of whether the variables being tested in the research affect women or minorities differently than other research subjects." As specified, this would have the effect of multiplying the required sample sizes for clinical trials and epidemiological studies. The sample sizes for observational and interventional studies are based on providing adequate power to reliably detect estimated differences in effect. If the differences must be detected for each group the total sample needed would be multiplied by factors of 5 or 10. Assuming 5 minority groups, a single gender study such as the Women's Health Initiative would need 5 times the current estimated size of 50,000 women to reliably detect differential responses of each race/ethnic group. A clinical study comprising both men and women would need approximately tenfold increase in size to test for differential effects by gender and ethnicity.

This requirement would affect the design of all clinical studies despite the fact that no important differences in effect across race/ethnic groups are expected for most clinical questions. Where differences would have been expected, the study design including sample size has been altered to provide for reliable group analysis.

This provision would have a stultifying effect on clinical research and paradoxically could hamper planned investigation of racial/ethnic differences that have been identified. As the sample size increases severalfold, issues of feasibility, availability of all groups within a particular geographic region and cost are similarly multiplied. Researchers in some geographic areas may not have adequate numbers of certain minority groups available. Several studies are under way or being planned to explore differences in disease risk or treatment response in a particular racial/ethnic group (e.g. hypertension in African Americans). Would these studies be required to increase the sample size so as to include other groups? This could actually impede scientific investigation of important differences.

In summary, the provision would profoundly and adversely affect the conduct of clinical research, however well intentioned it may be.

WILLIAM R. HARLAN, M.D.,
Associate Director for Disease Prevention.
VIVIAN W. PINN, M.D.,
Director, Office of Research on Women's Health.

Mr. WAXMAN. Madam Speaker, I yield 1 minute to the gentleman from North Carolina [Mr. ROSE] for the purposes of a colloquy.

Mr. ROSE. Madam Speaker, I thank the gentleman for yielding me the time.

Madam Speaker, some questions have arisen concerning section 251 of title II of the conference report to this bill. Section 251 makes it a crime to engage in various acts against federally funded health facilities such as stealing facilities' records or property. I know of no one in Congress, myself included, that would in any way condone or excuse theft or vandalism on behalf of a cause, and we do not in this situation. But I would like to ask the gentleman if any of the language in section 251, particularly the reference to "break or enter" or to "engage in conversion" are intended to thwart or inhibit or even criminalize whistle blowing?

Mr. WAXMAN. Madam Speaker, will the gentleman yield?

Mr. ROSE. I yield to the gentleman from California.

Mr. WAXMAN. Madam Speaker, if the gentleman will permit me to say, the intent of this legislation to the conference report to H.R. 2507 is not to limit or inhibit whistle blowing. I want to add that nothing in title II, Protection of Health Facilities, is intended to make an offense out of entering a facility without actually breaking in, or out of copying records, or taking photographs, or disseminating any information and material with the intent to show that a violation of a State or Federal law or regulation may have occurred in that facility. I hope that clears this matter.

Mr. ROSE. I thank the gentleman and urge my colleagues to support the conference report.

Mr. BLILEY. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, I rise in strong opposition to the conference report on H.R. 2507, the National Institutes of Health Revitalization Amendments of 1992. The bill is flawed in every respect and is far worse from a philosophical, fiscal, and management viewpoint than the bill that passed the House.

First and foremost, the conference report authorizes spending of an estimated $3 billion above the President's fiscal year 1993 budget request and the House-passed bill. We need to remember that when the House passed the bill it cost $4.3 billion. The conference report now ups the ante to $7.3 billion. Members who are serious about reducing the Federal deficit cannot possibly vote for this bill in good conscience.

Second, the conference report includes provisions that require the HHS Secretary to appoint an Ethics Advisory Board comprised of private citizens whenever he declines to fund research on ethical grounds. The decision of these private citizens could then overrule objections by the Secretary and the President. Thus, these new boards would have unilateral authority to make important decisions concerning major research initiatives. While this provision is usually discussed in the context of fetal transplantation, it has much wider implications. This provision clearly violates the appointments clause of the Constitution. It is blatantly unconstitutional.

Third, the conference report is weighed down with a new construction program for universities authorizing spending of $100 million. This is not new money; it will have to come out of existing research dollars—in real terms it will mean the loss of 400 research grants per year. This $100 million is in addition to the $1 billion in indirect costs for the maintenance, renovation, and replacement of university owned facilities that the Federal Government already pays.

Finally, the bill authorizes the NIH to purchase 300 acres of land in the State of Maryland for a satellite campus. This provision is pork barrel, plain and simple. It was never the subject of hearings or any type of serious scrutiny. The administration letter correctly points out that this provision confers special benefits to a single geographic location.

I urge my colleagues to join me in voting "no."

Madam Speaker, I reserve the balance of my time.

Mr. WAXMAN. Madam Speaker, I yield 2½ minutes to the gentleman from Minnesota [Mr. OBERSTAR].

□ 1250

Mr. OBERSTAR. Madam Speaker, my colleagues, 9 years ago this month my wife received the shattering news that a biopsy revealed the presence of breast cancer. In the succeeding years, she went through two surgeries, seven courses of chemotherapy, two kinds of hormone therapy, and the maximum dose of radiation.

Just a few days after she was admitted to the hospital a year ago this coming July for what were to be her last 2 weeks of life, a letter from the Secretary of Health and Human Services to the Committee on Energy and Commerce was handed to me as I was coming over to the floor, with this passage: "The $50 million earmarked for breast cancer research and development of a test for early detection of ovarian cancer is unnecessary." I exploded. I went directly to the floor and, in very strong terms, denounced the Secretary's statement.

My wife did not like emotion-laden discussion, preferring rational discussion, and I told her that evening, "I am sorry, honey, I lost it. I was furious," and I repeated what I had said on the House floor. She said, "Maybe some good will come of this disease."

She left behind three daughters, who are now third-generation vulnerable to breast cancer.

We need early detection. We need research on cures. We need more, not fewer, minds committed to research on breast cancer. We need more, not fewer, dollars committed to the cause of finding a cure and developing humane, physically tolerable, effective treatments.

In that 9 years, over 350,000 women died of breast cancer, and now comes a letter from the Director of the National Institutes of Health saying in part, "I believe that the section in this bill on women's health is unnecessary." Congress is being told: Do not earmark it. We will take care of it. We will address this issue. Trust us, but the women's health initiative is unnecessary. Targeting funds for breast cancer research is unnecessary.

Are women also unnecessary? I do not believe this administration believes that, but I will tell you, I do not trust them to make the appropriate investments in the breast cancer and other women's health programs, unless we prioritize the initiative, commit the funds, and direct the NIH to pursue specific programs designated in legislation.

There was a song in the 1960's of the civil rights protest movement that asked, "How many deaths will it take until they know that too many people have died?"

Those who have lost a wife, a mother, a sister to breast cancer know that one is too many. I do not want any more. This bill will help us to get the cause and to the cure and to the human treatment of women afflicted with this epidemic-size disease in our society. Three weeks ago a coalition of woman, led by Mrs. Christine Norton, gathered in a peaceful rally on the steps of the State capitol in St. Paul, asked for no less than what this conference report offers. I must keep faith with their plea.

For me, this is the overriding issue, to deal humanely with women, the authors of life.

Madam Speaker, a final note: We have heard reports of a veto threat because of the fetal tissue provision in this conference report. If the president decides to veto this bill, and if the veto is limited only to the fetal tissue provision and does not endanger the rest of this bill, I could vote to sustain such a veto.

Mr. BLILEY. Madam Speaker, I yield 1 minute to the gentleman from Missouri [Mr. EMERSON].

Mr. EMERSON. Madam Speaker, I rise in strong opposition to the conference report as it currently stands. We do need to fund the NIH; we need to fund cancer research, and diabetes research, and Parkinson's research, and Hurler's research, and Alzheimer's research, and more, and we all know that we will do that—irrespective of the outcome of the debate today. But we do not need to overturn the regulatory moratorium on fetal tissue transplantation. I know that many of our well-respected colleagues who are ordinarily pro-life are convinced that this issue is not one of abortion. I say to all of them, both here in the House and in the other body: You have been misled. This is an issue of abortion, and abortion only.

The plain and simple truth is that we already have enough fetal tissue to meet research needs, and the President's order establishing a tissue bank makes existing tissue even easier to access. Ectopic pregnancies and spontaneous abortions provide more than enough fetal tissue. Proponents of fetal tissue research will tell you that 99.7 percent of the fetal tissue from ectopic pregnancies and miscarriages is not usable. Even if that's true, that means that 0.3 percent—three per thousand—is usable. There are about 800,000 ectopic pregnancies and spontaneous abortions annually in this country. Do the math—2,400 of these provide usable tissue. Considering that only 60 transplants have been done in the last 30 years, 2,400 per year should be more than enough—particularly when the new human fetal tissue bank is established at NIH.

Proponents here on the floor are telling us that the tissue bank will not work. But scientists and researchers are telling us that the tissue bank will work. Consider the words of Drs. DeGiorgio and Goodwin from the USC and Dr. Shewmon of UCLA: "Substantial evidence exists that spontaneous abortions are an acceptable source of fetal tissue for transplantation." Or the words of Drs. Caudle and Holls from the University of Tennessee: "The problems—of chromosomal disorders or infections—should not detract from the fact that a reasonably high proportion of spontaneous abortion fetuses have normal undiseased tissue suitable for transplantation." Or the words of Dr. Michejda of Georgetown University: "Tissues—from spontaneously aborted fetuses—could be collected in tissue banks * * * [this] preserves the life-saving elements of the original legislation but removes the morally objectionable aspects."

It is clear that we do not need elective abortions to provide fetal tissue for research. Why, then, are we having this debate? The issue boils down to one of abortion, and abortion only. Take Professor Tribe at his word: He testified that medical demand for fetal tissue gives Congress constitutional authority to pass the so-called Freedom of Choice Act to ensure a nationwide policy of abortion on demand.

Mr. WAXMAN. Madam Speaker, I yield 1 minute to the gentleman from Arizona [Mr. PASTOR].

Mr. PASTOR. Madam Speaker, today this body will vote on a piece of legislation that will have a profound impact on millions of people throughout this Nation. I am speaking of H.R. 2507, which seeks to overturn the senseless ban of fetal tissue research.

The lifting of this ban is critical. Some 13 million people in this country suffer from Alzheimer's, diabetes, or Parkinson's disease. Research has shown that as many as a third of the people suffering from these conditions could benefit from research with fetal tissue transplants.

In my own State of Arizona and in this august body, we have seen one of our best-loved public figures struck down by Parkinson's disease. I am speaking of course, of our friend and colleague, Mo Udall.

I applaud the untiring efforts of the Udall family to overturn the ban on fetal tissue research. Their personal odyssey has touched us all, and made us more aware of the profound and personal impact the repeal of this ban can have on millions of people.

I urge my colleagues to face with courage and conviction, this moral obligation to save lives and vote for H.R. 2507.

Mr. BLILEY. Madam Speaker, I yield 1 minute to the gentleman from Texas [Mr. DELAY].

Mr. DELAY. Madam Speaker, I thank the gentleman for yielding me this time.

Madam Speaker, I wish my colleagues would just put the fetal tissue issue aside.

I know how most Members feel, but look at the bill, read the bill. it is one of the most awfully written bills I have seen come down in a long time.

What most Members have been saying is that they think that more money means better research and more money buys you a cure to disease.

Our debt leads to economic disaster. A poor nation cannot cure any disease. We are not talking about no research here. What we are saying is living within our means.

Madam Speaker, we are already spending almost $10 billion on NIH. The issue here is: Do you want to add $3 billion to your children's debt? That is the amount the conferees added over and above the President's request.

We are talking, when this bill left the House, as you well know, it was $238 million over the President's request, and it comes back from the conference committee at a staggering $3.1 billion above the President's request.

There is an economy of diminishing returns here. With or without the massive budget-busting increase in this bill, breast cancer research will continue. Prostate cancer research will continue. What will also continue, unless we vote against this bill, is more debt which will burden our children.

Mr. WAXMAN. Madam Speaker, I yield 1 minute to the gentlewoman from Connecticut [Mrs. KENNELLY].

Mrs. KENNELLY. Madam Speaker, the NIH conference report is a vital piece of legislation. The debate over this bill has been mired by unnecessary controversy over whether or not it is ethical and appropriate to use transplanted fetal tissue in research. The medical community has been heard on this subject and strongly supports using fetal tissue. The research in this area will save many lives. We must reach out to the victims of Parkinson's disease, diabetes, birth defects, and the other devastating conditions for which fetal tissue research may provide treatment or even a cure. Moreover, fetal tissue research is ongoing in the private sector, but without the ethical guidelines this bill would establish.

But, Madam Speaker, we should not have to stand here today and talk about the ethics of fetal tissue transplantation. We should be talking about the crucial research funding this bill provides. In spite of the comments of the Director of the National Institutes of Health, this bill includes what are obviously much needed provisions to advance women's health research, including breast cancer, ovarian cancer, osteoporosis, Paget's syndrome and other conditions specific to women.

These are but a small piece of the vital programs this bill funds: AIDS research, heart and lung illnesses, adolescent health, the establishment of cancer registries, and many, many others.

Madam Speaker, let us not be sidetracked by nonissues and misguided arguments. This bill is important. I urge my colleagues to support the conference report.

Mr. BLILEY. Madam Speaker, I yield 2 minutes to the gentlewoman from Connecticut [Mrs. JOHNSON].

Mrs. JOHNSON of Connecticut. Madam Speaker, I thank the gentleman for yielding me this time.

Madam Speaker, I rise in strong support of the NIH conference agreement and urge my colleagues to vote to overturn the ban on fetal tissue research.

My colleagues, each one of us has benefited from fetal tissue research. The polio and German measles vaccines were developed from research that used fetal tissue.

How can we as beneficiaries stand in the way of research that promises cures for a number of today's most devastating diseases?

We know more than we did when the Department of Health and Human Services first implemented the ban on fetal tissue research almost 4 years ago. We know that the effect of the ban has been to bring fetal tissue transplant research to a near standstill with only two research facilities in the Nation able to raise significant private funds to move research forward.

The suffering of patients with Parkinson's and Alzheimer's is being needlessly prolonged. Hope for children with diabetes fades as we struggle to gain the courage to reinstate research that went on without controversy for 30 years and brought us to this moment of opportunity.

□ 1300

Today we have a chance to muster the courage to allow this research to move forward and also to govern it responsibly in the public and private sectors.

In offering to set up a bank for tissue from miscarriages and ectopic pregnancies, the administration has recognized that fetal tissue research holds great promise and can be responsibly governed. As important, they have acknowledged that such research requires a small supply of tissue, and so in fact fetal tissue research will not provide an incentive for abortions.

I am pleased the administration has now rejected the incentive argument and recognized the need for this research. The tissue bank they will provide, however, will not work. In the real world, and this is what matters, in the real world tissue from spontaneous abortions is too often genetically inadequate, infected, or oxygen starved. Miscarriages and ectopic pregnancies happen as emergencies, and so assembling the right team of the neurosurgeon, the neuroanatomist, the cryotechnologist to dissect and process the tissue in the 20-minute window allowed is extremely difficult. Furthermore, gaining consent for needed blood tests to assure tissue quality, obtaining appropriate tissue for the 7- to 12-week period of fetal development that is needed makes gathering tissue from this source extremely difficult.

We cannot risk the transplantation of defective tissue, and I hope those who care about the future will vote to raise the ban on this important research issue.

Mr. WAXMAN. Madam Speaker, I yield such time as he may consume to the gentleman from Indiana [Mr. SHARP].

Mr. SHARP. Madam Speaker, I rise in strong support of the NIH conference report and I urge the House to give it overwhelming support.

Although the focus of controversy has been on fetal tissue research the bill establishes a number of vitally important initiatives and continues others which are now threatened by the unjustified position taken by the President. Specifically, the bill would establish an Office of Research on Women's Health to identify women's health research needed at NIH and to make sure women and, in other sections of the bill, minorities are included as research subjects. The authorization for funding research into breast cancer, ovarian cancer and osteoporosis is substantially increased. A new Office of Scientific Integrity is established to address scientific misconduct and to protect whistleblowers who have serious questions about scientific misconduct or who cooperate with investigations. The bill requires support for research in the development of new and improved childhood vaccines. It requires support for research into biomedical research and experiments not requiring the use of animals. It establishes a juvenile arthritis research center and allows NIH to support chronic fatigue syndrome research centers.

The true controversy centers on the provisions of the bill lifting the ban on funding research involving fetal tissue imposed under the Reagan administration. Frankly, both sides in the dispute understand that there are ethical standards and safeguards established by the legislation if the ban is repealed, applicable to both federally funded research as well as privately financed research which is not currently subject to guidelines or restrictions. The moratorium has greatly diminished very promising research that could save and improve the lives of the many Americans that suffer from Huntington's disease, Parkinson's disease and other debilitating conditions and diseases. In no way can anyone seriously conclude that under these tight restrictions this type of research will entice any woman to seek an abortion. The results of the research, in fact, are very likely to both extend and improve the quality of life for millions of Americans.

I urge anyone considering voting against the conference report to read the guidelines and restrictions, and then tell me and the rest of the House how it is conceivable that one single additional abortion might be performed as a result of this legislation. To the extent that any is now occurring in the private sector, these restrictions will stop it. I urge a "yes" vote on the conference agreement.

Mr. WAXMAN. Madam Speaker, I yield 1 minute to the gentlewoman from the District of Columbia [Ms. NORTON].

Ms. NORTON. Madam Speaker, the importance of this bill goes beyond the authorization of a sum of money. It represents the recognition that the health of one-half the population is as vital as the health of the other half.

It is deeply demoralizing to imagine how many women's lives might have been saved had equality been a part of health research and health funding before now.

Would the present epidemic in breast cancer be the case today if we had invested in breast cancer research yesterday?

Would ovarian cancer, cervical cancer, and osteoporosis be pervasive, life-threatening diseases?

Even when breast cancer struck women who could not go unnoticed, a Vice President's wife, Happy Rockefeller, and First Lady Betty Ford in the 1970's, NIH did not get it. There is no better way to get it than to appropriate money to get it done, and the permanent establishment of the Office of Research on Women's Health is the only way to insure that it continues to be done.

The exclusion of people of color from clinical trials was less surprising in light of our history, but the inclusion of both minorities and women is necessary in a democracy that values equally the lives of all its citizens.

Madam Speaker, this entire bill is overdue. It deserves our support.

Mr. BLILEY. Madam Speaker, I yield 1 minute to the gentleman from Minnesota [Mr. WEBER].

Mr. WEBER. Madam Speaker, the President's proposal for the establishment of a fetal tissue research bank is a scientifically sound proposal that deserves better consideration than it has been given in the course of this debate. Unfortunately, it appears to me that ideology on this issue has decided the issue for many before they actually consider the facts.

I serve on the appropriating subcommittee for NIH. I have a commitment to NIH and I want to support valuable research of all types.

Less than 100 fetuses have been utilized for research in the last 30 years. It is important to keep the scope of this research well in mind. The NIH estimates today that a maximum of 200 fetuses per year could be effectively utilized for research, 200 per year. We are talking about a small number. So when opponents of the President's proposal suggest that only a fraction of the fetal cadavers resulting from spontaneous abortions and tubal pregnancies are useful, they are right, but that does not disprove the validity of the President's proposal.

There are 750,000 spontaneous abortions a year and 100,000 tubal pregnancies, and the administration estimates that 2,000 usable fetuses could result from these 850,000 spontaneous and tubal pregnancies, 2,000 total; that is 10 times the number estimated as the maximum number that could be effectively utilized in research today.

Madam Speaker, the President's proposal should be a consensus proposal for everybody who is interested in this research. There is no reason to overturn the ban by people who are supportive of fetal research.

Mr. WYDEN. Madam Speaker, I yield 1 minute to the gentleman from Ohio [Mr. GRADISON].

Mr. GRADISON. Madam Speaker, I have requested this time for the purpose of entering into a colloquy with the distinguished gentleman from Michigan, a member of the Appropriations Committee.

One of the arguments against this bill is that it will cost too much money and is above the President's budget request. Is it not true that the exact funding will in fact be decided by the Labor-HHS Appropriations Subcommittee, of which the gentleman from Michigan is a member?

Mr. PURSELL. Madam Speaker, if the gentleman will yield, that is absolutely correct. The budget-buster argument does not hold water here when it comes to this bill. As Members know, this is an authorization bill. Today we will be supporting the goals of that bill, but at a later date members of the Appropriations Committee will set the funding levels and it is at that time that we will be debating and arguing the levels of funding for each of these programs that will be set by the Appropriations Committee.

Mr. GRADISON. It is my further understanding that once those figures are set, they must be within the cap set by the budget agreement in 1990; therefore, not a dime of additional spending could result, no matter what the level of this authorization might be.

Mr. PURSELL. Madam Speaker, that is right. There are a lot of authorization bills with a high authorization level that are not funded by the Appropriations Committee because of the caps and the restraints of fiscal responsibility.

Mr. BLILEY. Madam Speaker, I yield 1 minute to the gentleman from Louisiana [Mr. HOLLOWAY], a member of the committee.

Mr. HOLLOWAY. Madam Speaker, I want to speak to those who supported and voted for this bill when it was up before the House.

Basically, this bill has been totally changed. I respect the colloquy I just heard. If it was the gentleman from Michigan who was going to be doing the appropriating, I would not have a problem voting for this bill, because I know what he would vote and he would vote in a way that I would vote, and that would be not to spend taxpayers' money that we do not have; but I want to speak to the people who supported it and say that there is a lot more in this bill than meets your eye and a lot more in this bill than we voted for the last time. I want you to take another look at it.

To those who have joined in the cry of special interest and legislation with runaway deficit spending, I say take another look. This bill is more than it is cracked up to be. This bill is wholly different from the House bill agreed on last July.

The NIH conference agreement authorizes spending which could reach $3 billion above the House plan level.

How? It provides $1.6 billion for rebuilding the NIH clinic that was not in the original legislation. It allows $150 million that is now in the bill for construction authority.

Now, you did not vote for the additional $342 million to buy 300 acres of land. I wish I had 300 acres of land to sell at $342 million of the Government's money. That is special interest in itself.

Mr. WAXMAN. Madam Speaker, I yield 1 minute to the gentlewoman from Colorado [Mrs. SCHROEDER].

Mrs. SCHROEDER. Madam Speaker, I thank the gentleman for yielding me this time.

I just want to put a few things out in perspective one more time.

As I said, since I have been here there has always been a reason not to vote for women's health. It is always that they are for it, but it is just in this one case they do not like this thing or that thing.

Let me point out today, this is the biggest breakthrough we have ever had. I certainly hope no one tries to duck behind any issues that they are using.

□ 1310

This is either for women's health or against it; these are not diseases of the week or month. These are very serious diseases that affect over half the population and contribute very significantly to the money that does the research. But the budget issue is equally important. This is not above the cap, it is below the budget cap. These things that are being talked about may have to go in for upgrading the laboratories. You are not moving them. You are not buying new ones. But you have got to keep them contemporary.

Finally, we are constantly told that every dollar invested in research saves the Federal Government many, many, many more dollars in further health care.

So it is the best investment we can make, job creating and everything else. I just cannot understand why anybody could be against this.

Mr. BLILEY. Madam Speaker, I yield 2 minutes to the gentleman from Wisconsin [Mr. GUNDERSON].

Mr. GUNDERSON. Mr. Speaker, I thank the gentleman for yielding this time to me.

Madam Speaker, and colleagues, the issue we face here today is whether or not we have to support the enactment of a bad bill in order to support this Congress' commitment to fetal tissue research. I think the issue of fetal tissue research has been resolved in the broad majority of Members' minds here in the Congress. I, like many of my colleagues, have members of my family suffering from genetic diabetes, and I would like to find a research tool that can help solve that problem.

So I would like to vote for fetal tissue research, but do I want to vote for this bill in order to get it?

The first question everyone legitimately asks is, and it is quite unfortunately special-interest groups, is:

> Well, the Administration has raised this fetal tissue bank and, frankly, the question is do they really mean it and are they really serious about it?

Frankly, that is a fair question.

I asked that question, and I was not content for a very long time that they were serious. But in conversations with Dr. Bernadine Healy, the director of NIH, I have now been given the assurance that they are serious.

Madam Speaker, in a letter received this morning, she wrote:

> NIH is committed to establishing a bank and will name a team of scientists to closely monitor and evaluate the effectiveness of the bank. After 1 year NIH will review the progress of the bank and report its results to the Secretary.

Listen to those words if there is any doubt, there is going to be the naming of a scientific panel to monitor and evaluate and advise in the creation and establishment of the tissue bank. The department will within 1 year report back to this Congress as to the availability of the fetal tissue through the processes they have suggested in the tissue bank.

The reality of that is that within 1 short year from the date of enactment they have to not only have it up and running but they have to have a sufficient history to prove that indeed the fetal tissue is available because if it is not, you and I well know this Congress at that point will then lift the ban.

This says we can achieve it in a way that is, hopefully, acceptable to the majority of Americans. I think it merits a trial.

Mr. WAXMAN. Madam Speaker, I yield myself 1 minute.

I would like to respond to the gentleman's last comment. I want to point out to the Members that what this administration has done is to try to defuse the absolute outrage that people feel when they are being told this research will not be conducted. The administration came out just a couple of days ago with the idea that it will have a tissue bank consisting of fetal tissue from spontaneous abortions and ectopic pregnancies.

Well, they could always have done that. It is just not sufficient for the research because that tissue is diseased in more cases than not.

But Secretary Bowen, the Secretary of HHS, under President Reagan, indicated he thought we ought to have this ban lifted. And he said that for those who are pro-life and pro-research, the research should go forward. The Reagan-appointed panel also recommended the research go forward. I think what the gentleman has just illustrated is another ruse, another excuse why this administration is going to try to keep us from lifting the ban. And that ban will be in place and research will be stopped and people will die, and it is wrong; it is absolutely wrong.

Mr. BLILEY. Madam Speaker, I yield 1 minute to the gentlewoman from New Jersey [Mrs. ROUKEMA].

Mrs. ROUKEMA. Madam Speaker, I thank the gentleman for yielding this time to me.

Madam Speaker, I rise in strong support of this conference report, H.R. 2507, to reauthorize the National Institutes of Health. I would first associate myself with the remarks of so many of my colleagues, who have so eloquently discussed the countless people who will benefit from the research, medical, and scientific advances this legislation will foster. In that light, the funds we invest today are truly some of the wisest, compassionate, and cost-effective dollars we spend.

I must address my remarks today, however, to the issue that has become central to this debate: The administration's moratorium on fetal tissue transplant research, and the provisions within this conference report which overturn that ban.

I urge each of my colleagues to ignore the rhetoric and the Washington babble that surrounds this issue, and look instead to what medicine and science tell us: Simply, that this ban must be lifted. Now. Lifted to enable research, treatment, and knowledge on real world problems—diabetes, Alzheimer's, Parkinson's disease—to go forward. Lifted to allow medicine and science to advance. Faced with such a choice, I do not think we can afford to engage in politics as usual.

So much political babble has come to surround the issue of fetal tissue transplant. I am sure many of you have been besieged this week, as I have, by letters and callers who fear Congress is poised to legalize baby harvesting. That we are ready to sell spare parts for humans. Or that women will now casually undertake the most personal and painful experience of abortion, to supply some demand cycle. These blatant untruths would be laughable, were they not morally repugnant.

This bill does no such thing. What it does is allow research on cures for diseases plaguing millions of Americans to continue.

We do not arrive at this position easily, or without scientific documentation. And, it is clear that this reauthorization does protect the complex medical, personal, and ethical rights surrounding fetal tissue donation. The conferees have heeded the counsel of two separate panels of NIH medical and scientific experts—appointed, I might add, by President Ronald Reagan—which reported that fetal tissue transplant research should continue, within the guidelines contained in this bill.

Perhaps our good friend, the former Secretary of Health and Human Services under President Reagan, Dr. Otis Bowen, put it best. Calling for an end to this moratorium, Doc Bowen notes:

> In 1987, we needed answers about the science and ethics of this new research, and now we have them * * * vital scientific progress should not fall victim to politics.

That is the choice we have before us today. The incendiary rhetoric of the radical right, or the opportunity afforded us by science and medicine. I cannot imagine a more humane and ethical choice.

I urge my colleagues to support H.R. 2507.

Mr. WAXMAN. Madam Speaker, I yield 1 minute to the gentleman from Michigan [Mr. DINGELL], the distinguished chairman of the Committee on Energy and Commerce.

Mr. DINGELL. Madam Speaker, I support the conference report, I support the efforts of the distinguished chairman of the subcommittee, the gentleman from California [Mr. WAXMAN], to see to it that this conference report is adopted.

Madam Speaker, I rise in support of the conference report on H.R. 2507, the National Institutes of Health Revitalization Amendments of 1992.

The National Institutes of Health [NIH] is the principal biomedical research agency of the Federal Government. Through the conduct, support, and promotion of biomedical research, NIH seeks to improve the health of the American people by: Increasing the understanding of processes underlying human health, disability, and disease; advancing knowledge concerning the health effects of interactions between humans and the environment; developing methods of preventing, detecting, diagnosing, and treating disease; and disseminating research results for critical review and ultimately for medical application. In the pursuit of this critical mission, NIH supports biomedical and behavioral research in this country and abroad, conducts research in its own laboratories and clinics, trains promising young researchers, and promotes the acquisition and distribution of medical knowledge. Such research activities will determine much of the quality of health care for the future and reinforce the quality of health care currently available.

Madam Speaker, the legislation before us, today, is a comprehensive bill addressing a wide variety of health research issues. Its primary purpose is to reauthorize: First, the National Cancer Institute; second, the National Heart, Lung and Blood Institute; third, the Medical Library Assistance Act; fourth, the National Center for Biotechnology Information; fifth, the National Research Service Awards Program.

Other provisions of the bill would: Provide new authorization of appropriations for the National Institute on Aging; increase funding for research on breast and ovarian cancer; nullify the moratorium on Federal funding for human fetal tissue transplantation research; protect federally funded health facilities from illegal activities; and increase the focus on women and minorities in clinical research.

Madam Speaker, during the past year, the Subcommittee on Oversight and Investigations conducted a number of hearings which raised questions about the adequacy of NIH mechanisms to guard against scientific misconduct. In response to those concerns this legislation contains provisions that would: First, establish an Office of Scientific Integrity to conduct investigations into allegations of scientific misconduct; second, mandate the establishment of standards to protect against financial conflicts of interest in clinical research; and third, create standards to protect whistleblowers who report cases of alleged misconduct. These measures are necessary to restore public confidence in NIH and its vital mission.

Madam Speaker, the research activities of NIH are critically important to our Nation's future health care. These activities represent the most productive investment funded by the Federal dollar. Biomedical research offers a ray of hope to those suffering in the darkness of disease. New discoveries in disease prevention greatly reduce the enormous burden of human suffering and economic loss inflicted by illness. These discoveries significantly improve the quality of life and health of the American people. Through biomedical research, we shape the effectiveness of the American health care system. I strongly urge my colleagues to support this legislation.

Mr. BLILEY. Madam Speaker, I yield 2 minutes to the gentleman from New Jersey [Mr. SMITH].

Mr. SMITH of New Jersey. Madam Speaker, I thank the gentleman for yielding time to me.

Madam Speaker, by Executive order last week President Bush established a fetal tissue bank which provides the opportunity to conduct medical research on tissues garnered from unborn children who die as a result of miscarriages or as a result of ectopic pregnancies. When fully operational, the bank will include approximately 20 centers strategically located throughout the country.

What the President has wisely done is to provide an ethical, rational, and effective means by which fetal tissue research can be conducted.

Dr. Bernadine Healy, Director of the National Institutes of Health, has stated unequivocally as a physician and a scientist that the President's fetal tissue bank—

> Is feasible and should be given a chance to prove its efficacy in terms of furthering one of the many needed research options for treatment of diseases such as diabetes, Parkinson's and certain inherited disorders.

According to Dr. Louis Sullivan, Secretary of HHS: "The tissue that would be available from a bank of this sort can meet the current estimated research needs."

Dr. Sullivan wrote on May 19, that the total number of transplants over the last 30 years is around 60, while suitable tissue from ectopic pregnancies and spontaneous abortions is estimated at 2,000 per year.

Moreover, the Secretary pointed out, this is a conservative estimate based on a total of 750,000 spontaneous abortions and 100,000 ectopic pregnancies per year.

Thus, Madam Speaker, the medical efficacy of transplantation of fetal cells can and will be ethically explored—its potential to cure or mitigate disease either scientifically verified or debunked.

Significantly, two highly respected researchers, Drs. R.C. Cefalo and Watson A. Bowes, Jr., from the University of North Carolina School of Medicine have written that—

> The creation of a human fetal tissue registry, fetal tissue bank and fetal cell lines using tissue obtained from spontaneous abortions and ectopic pregnancies * * * (have) great merit. There is evidence that a proportion (5-7%) of spontaneous miscarriages will provide tissue appropriate for use in tissue transplantation research.

Dr. Cefalo voted to lift the fetal tissue moratorium as a member of the NIH panel. He now endorses the administration's fetal tissue bank because it will be free from the controversy that currently surrounds the use of tissue from induced abortions.

According to Maria Michejda, M.D., of the International Center for Interdisciplinary Studies of Immunology at Georgetown University Medical Center,

> * * * On the basis of our survey we believe that there may be a sufficient amount of healthy and viable fetal tissue available for transplantation. Clearly, an ability to make use of fetuses from spontaneous abortions would reduce the current reliance on fetuses from induced abortions. It would obviate many of the moral concerns associated with transplanting fetal tissue.

And according to six additional professors of obstetrics and gynecology from the University of Southern California School of Medicine—C. Paul Morrow, M.D., Kathryn Shaw, M.D., Laila Muderspach, M.D., Lynda Roman, M.D., T. Murphy Goodwan, M.D., and Richard Paul, M.D.:

> In our institution we see more than 1,000 cases of spontaneous pregnancy loss occurring at greater than 9 weeks gestation. In addition, we see an average of 350 ectopic gestations per year. Based on the collective experience of numerous colleagues, in 5 to 10 percent of cases a recently dead fetus will be identified at the time of surgery. Most of these will be suitable for tissue harvesting since the incidence of anomalies or infection in this condition is low. Thus a total of 85 to 100 fetuses suitable for obtaining fetal cells can be expected from our institution alone each year.

Let me remind Members that the son of Rev. Guy Walden received his lifesaving transplant from fetal tissue obtained from an ectopic pregnancy—not from an induced abortion. Again this type of ethical transplantation is entirely permissible under the President's policy.

Dr. Frank Young, Deputy Assistant Secretary for Health, Science and the Environment has written that—

> It is likely according to NIH that 500 to 800 ectopic pregnancies with embryos, that are chromosomally normal and uninfected would be available nationwide per year.

Drs. Michael R. Caudle and William M. Holls of the University of Tennessee Medical Center at Knoxville have also called on the administration to establish such a tissue bank—

> We think that substantial scientific evidence exists that tissue obtained from spontaneous miscarriages would satisfy the needs of these studying fetal tissue transplantation.

The Bush approach embraces a deep and abiding reverence and respect for the lives of unborn children—children that the abortion lobby and some in the research community sadly regard as throwaways—while recognizing the desirability of going forward with ethical fetal tissue research.

The Bush approach is fair and it's humane. The conference report on the other hand, establishes an unethical policy that reduces an unborn child to the status of an object, a commodity, a mere body parts provider wanted only for his or her innate ability to involuntarily donate a brain or other organs.

If you want to get a clear picture of what your vote in favor of H.R. 2507 will fund, consider this verbatim description of some fetal tissue extractions reported in the June 1989 issue of Archives of Neurology.

> Two methods to collect fetal material were used. With the first method, a plastic cannula, connected to a 60 ml syringe, was inserted into the uterus. Under ultrasound guidance, the opening of the cannula was directed to the fetal head. Suction was applied, and the fetus was slowly aspirated and fragmented into the cannula. Alternatively, a similar low-pressure vacuum aspiration technique (regulated by a vacuum pump), but without ultrasound guidance and using a metal cannula, was employed.

You may be shocked to learn that one member of the research team that conducted these hideous brain-sucking, brain stealing experiments included one of the NIH fetal tissue panelists Dr. Barry Hoffer of the University of Colorado, who was among those who voted to overturn the administration's moratorium on fetal tissue research from induced abortion.

It is outrageous that ultrasound—that marvelous diagnostic tool—is being used to search, in order to destroy the baby in a way that is most likely to yield usable baby brain tissue.

If you think this kind of cruel research is ethical, applying suction to the skulls of helpless infants—your vote is for the conference report.

But it seems to me that we wouldn't treat our pet dog or cat with the same cruelty, indifference, irreverence, and insensitivity afforded unborn children in this legislation.

If you believe that establishing a close collaborative relationship between abortion mills and researchers is prudent and ethical, your vote is for the conference report. But it seems to me that linking medical research with those who butcher babies for profit is not morally or ethically defensible.

Madam Speaker, the issue of giving one's consent to be carved up for science is another compelling issue that must be considered in this debate. Who gives it? The parents who abandon their child to the abortionist's knife and suction machine?

All organ donations are predicated on the premise of consent and in the case of a child, a responsible guardian acting in the interests of the child assumes this responsibility. The conference report fails miserably in this regard.

When a child's life is lost through miscarriage or ectopic pregnancy, surely a reasonable assumption can be made that the parents, acting as guardian and protector, didn't will the death of the infant and thus can exercise moral authority over disposition of the body. No such child-centered concern or humanitarian care, or love is apparent when the child is deliberately handed over to an abortionist.

Then there's the concern expressed by many of us including Dr. James Mason, head of the U.S. Public Health Service who has said that:

> Permitting the human fetal research at issue will increase the incidence of abortion across the country. The additional rationalization of directly advancing the cause of human therapeutics cannot help but tilt some already vulnerable women toward a decision to have an abortion.

In response to the so-called safeguards—a fig leaf if ever there was one—Dr. Mason has said a distinction between the decision to abort and the decision to donate the body may be easy to theorize but such a neat separation is very doubtful.

Studies show that—ambivalence toward abortion is a well documented reaction of many women when confronted with a problem pregnancy—said two NIH panelists in 1988.

In their heavily footnoted report "Dissent to the Report of the Human Fetal Tissue Transplantation Research Panel of the National Institutes of Health," panel members James Bopp and James Burtchaell provide insight to why this bill will likely lead to more abortions. They wrote:

> Ambivalence toward abortion is a well-documented reaction of many women when confronted with a problem pregnancy. A period of intense anxiety and ambivalence is often experienced during the first twenty-four hours preceding an abortion. This ambivalence is reflected in the fact that from one-fourth to approximately one-half of women aborting find the decision difficult to make. In addition, studies of pregnant women who chose to abort and others who chose to deliver their children, approximately one-third to 40 percent of the women, whatever their ultimate decision, were reported to have changed their decision at least once, with women who aborted being significantly more likely to report their decision as a relatively difficult one, to rethink their initial choice, and to regret having to have made that decision. Some women who have made an initial decision to abort will change their minds at the last minute, with approximately five percent changing their minds after making an appointment to have an abortion and approximately one percent changing their minds at the abortion clinic itself. Significantly, studies reveal that from 24 to 37 percent of women who abort do not make up their minds until just before the procedure.

Thus, the knowledge that the aborted baby's remains might be of use in medical research or transplantation could tip the scales in favor of abortion. No one is suggesting fetal transplantation is likely to constitute the sole reason for proceeding ahead with an abortion—but it is likely to provide an additional rationalization in certain circumstances.

Madam Speaker and Members, we should be under no illusions that the pro-abortionists desperately want the Bush pro-life moratorium lifted in order to undermine efforts in the States to protect unborn children from abortion.

This not-so-hidden abortion rights agenda was underscored in recent testimony before the House Judiciary Committee by Harvard Prof. Lawrence Tribe. In urging passage of the so-called Freedom of Choice Act, he stated that the interstate nature of medical technology may give Congress authority under the commerce clause to ensure that it will not be—hinder (ed), by a—patchwork of State and local restrictions.

Madam Speaker, Members are being encouraged to embrace the conference report in order to curb commercial traffic in fetal tissue.

What Members are not being told is that such trafficking in fetal tissue is already illegal with offensives punishable by 5 years in prison or a $50,000 fine as a result of enactment in 1988 of the Organ Transplant Act.

To the best of my knowledge no case has been made by Mr. WAXMAN or anyone else that the criminal provisions contained in the Organ Transplant Act are inadequate.

Finally, the ugly specter of authorizing federally funded experimentation on live unborn babies is contained in the Conference Report.

In the past, grisly experiments on infants were subsidized by NIH.

In one such NIH-supported experiment, researchers severed the heads of dying victims of second-trimester abortions and kept their brains alive to study brain metabolism.

Those who participated in these cruel experiments, it seems to me, should have been prosecuted rather than given Government grants.

But then again, the sick logic of the abortionists is at least consistent. If a child is deemed to have no rights whatsoever and Government no duty to protect that child, why not engage in live fetal experimentation if it might yield useful information. Of course such a view dehumanizes the child to the level of guinea pig.

The conference report strips the power and authority of the Secretary of HHS to withhold funding for experiments he finds ethically objectionable and vests that power instead in ethics boards packed with researchers and those with a vested interest.

The way the language of the pending legislation reads, an experiment must be approved if the ethics board can't muster a majority vote condemning the experiment as ethically objectionable.

Given their track record in the past, it is highly likely that these ethics boards will approve unethical experimentation on live unborn kids and you and I and the administration will be almost powerless to stop it.

☐ 1320

Mr. BLILEY. Madam Speaker, I yield 1 minute to the gentleman from Wyoming [Mr. THOMAS].

Mr. THOMAS of Wyoming. Madam Speaker, I rise to express my disappointment in this report. I basically support the right-to-life notion, and I have voted that way. However, when this issue came up in the Senate, I took a great deal of time to look at it and talked about it with people in my district. I concluded that I am in support of the idea of using fetal tissue, and I am prepared to do that.

So, Madam Speaker, I am disappointed, however, when it comes in at $3 billion over the President's request because I also believe in a balanced budget, and I lined up, as did many people in this House down here the other day, to sign up to balance the budget, and I think there is a great inconsistency between doing that and voting for a bill with an authorization that goes $3.1 billion over where we ought to be to balance the budget.

Mr. WAXMAN. Madam Speaker, I yield myself 1 minute.

Madam Speaker, I yield this 1 minute to myself just to make a comment to the gentleman from Wyoming [Mr. THOMAS]. I do not know if he was here to hear the comments that the gentleman from Ohio [Mr. GRADISON], the ranking Republican on the Committee on the Budget, made. He pointed out the fact that this bill does not break the budget, that it is an authorization bill and that the appropriation would be consistent with that budget resolution.

Madam Speaker, the question of the budget is another one of those ruses to try to pull people off this bill who might otherwise support it, who believe, as the gentleman has indicated he does, that fetal tissue transplantation research offers hope.

Madam Speaker, that hope will go away if this legislation goes away, and I think those who are arguing the budget are misleading people into thinking that this bill perhaps should be voted against for other reasons.

I wanted to share that with the gentleman from Wyoming and refer him to the comments of the gentleman from Ohio [Mr. GRADISON] in the RECORD.

Madam Speaker, I yield 1 minute to the gentleman from Florida [Mr. SMITH].

Mr. SMITH of Florida. Madam Speaker, I thank the gentleman from California [Mr. WAXMAN] for yielding this time to me, and I want to commend him for his work.

Madam Speaker, there are a lot of people who have come to this floor on this debate today and previous to today. They have talked about this as an issue of choice, and they are right. The only difference is it is not the choice of abortion or non-abortion. The choice here is whether people will live and whether people will die, whether people who are sick will be cured, or whether people who are well will ever be prevented from becoming sick.

Madam Speaker, I say to my colleagues, when your mother, your father, your family, your parents, your grandparents are ill with a disease that might possibly be cured under the provisions of this bill, are we going to stand and argue that a few dollars stood in the way? Are we going to deny people the right to be able to seek and receive the best medical attention that can be provided to them as American citizens? Veterans who have spent many years protecting this country? Elderly citizens who have made this country what it is? Young people who have the future ahead of them who may be helped? Cured from their diseases by what happens in this bill?

Madam Speaker, that is the choice we are facing, and, if it was me, and I was alone on this floor, I would stand here to my death arguing that this bill is the right thing to do for the American people, and I urge a "yes" vote.

Mr. WAXMAN. Madam Speaker, I yield 2½ minutes to the gentleman from Michigan [Mr. HENRY].

Mr. HENRY. Madam Speaker, I rise as a strong and consistent supporter of the right-to-life position. I believe personally that abortion on demand, as provided for and protected under the conditions of Roe *v.* Wade, is one of the great moral outrages of contemporary American law, and it is within that moral and legal framework, in addition to personal conviction, which I rise in support of the National Institutes of Health authorization conference committee report.

Madam Speaker, I believe the leadership of the right-to-life community has made a major political and ethical misjudgment in attacking this legislation because it would allow for the Federal Government to renew its past practice of providing funds for fetal research. Surely the entire area of biomedical research raises a host of morally troubling and complex questions. But to focus on this question of tissue research, choosing this particular concern amidst broader questions related to biomedical research and ethics, has trivialized the question. And I am afraid it may have the effect of weakening the overall right to life argument.

What about in vitro research in which many fertilized ova are discarded in favor of the one ovum which will live? What about DNA research and human genome research? Yes, there are major ethical issues of import associated with fetal tissue research—but they must be discussed and debated on a much higher plane and a more comprehensive framework than that which has been posed thus far in the current question before us.

While serious questions can and must be raised in regard to overviewing these forms of research, it is nonetheless important to note that the purpose and effect of such research is directed toward restoring the wholeness and fullness of life, not destroying it.

Madam Speaker, of all the people phoning my office and writing to me expressing their concerns about this, most of them have taken advantage, for themselves or for their children, of measles inoculation, polio vaccine, and most of them, I am sure, would take advantage of subsequent medical breakthroughs that this research promises.

Madam Speaker, as a right-to-life supporter, I urge cautious support for this legislation.

I would like to make one other point for my right-to-life friends. For the first time in 20 years, since *Roe* v. *Wade*, we are finally to the point where the court, we hope, we pray from my side of this question, will reopen this question and cause the American public to reexamine the entire issue of abortion on demand, which I find morally reprehensible. For right to life to attach itself to this issue as we approach this national debate is, I fear, destructive to the cause and the interests which I have sought to represent as a Member of Congress, and I would urge those who feel this way with me to have the courage to speak up in this afternoon's vote.

Mr. BLILEY. Madam Speaker, I yield 2 minutes to the gentleman from Texas [Mr. JOHNSON].

Mr. JOHNSON of Texas. Madam Speaker, as my colleagues know, the backbone of this country is the American family, and we are now considering a bill which is riddled with provisions that go against the grain of our traditional American values.

We talk about balancing the Federal budget and getting our economy back on track. Yet it amazes me that some of my distinguished colleagues would even consider a bill that exceeds the President's budget request by $3.1 billion. That is ridiculous. They are talking about brand-new research facilities, expenditures not even included in the President's budget request. They are talking about a purchase price for a piece of property that no one has bothered to figure out what the cost is.

Madam Speaker, I just do not get it, and neither will the American taxpayers. We are once again threatening the legitimate research and health programs with a bill chock full of wasteful liberal spending. This Nation is nearly $4 trillion in debt, and here we go again, one bill after another jeopardizing the good will of American people who work.

I recognize that some of my colleagues have said it is not an appropriation it is an authorization. Come on. Madam Speaker, let us put aside this election year rhetoric. It has got to stop somewhere, and, if we do not stop it in the authorization, it will never stop in the appropriation.

I urge my colleagues to vote no on this report, send it back, and let us cut out the pork.

Mr. WAXMAN. Madam Speaker, I yield 1 minute to the gentlewoman from Hawaii [Mrs. MINK].

Mrs. MINK. Madam Speaker, I rise today in strong support of the conference report on H.R. 2507, the National Institutes of Health reauthorization bill.

This bill, which authorizes our primary source of Federal health research, is absolutely vital to the future of American women.

For over a century, women have suffered from neglect by the medical establishment and the lack of Federal funds for research on women's health needs.

Documented by a 1990 General Accounting Office report, no one disputes the fact that women have been purposely left out of clinical trials, and that research on diseases which affect only women have been tragically insignificant.

We all know and recognize this, and for the first time we are about to authorize the largest increase in women's health research which will begin, and only begin, to correct the inequity that women have faced throughout history.

This bill will permanently establish in the law, the Office of Women's Health Research at the NIH, and it promotes increased participation of women and disadvantaged individuals in the field of biomedical and behavioral research. It also provides for $300 million for increased basic research on breast cancer, $40 million for osteoporosis and related diseases, and $20 million for contraception and infertility research centers.

Of primary concern to me is the authorization of $75 million for research on ovarian and other reproductive cancers, which is in line with a bill I introduced at the beginning of this Congress, H.R. 179, the Ovarian Cancer Research Act.

Ovarian cancer is perhaps one of the most glaring examples of the neglect and disregard of women's health needs. As ovarian cancer continues to threaten over 21,000 women each year, there is still no early detection test to diagnose this disease in its early stages. The result is that two-thirds of the women with this terrible disease will die.

Yesterday, it was with shock and utter dismay that I read a letter from the Director of the NIH recommending a veto of this legislation, not primarily on the issue of fetal tissue research, but citing that the women's health provisions are unnecessary.

They call this micromanagement. Well, for a system of research that has discriminated against women for over 100 years, I think some intervention by this Congress is necessary.

I don't want to discredit the tremendous gains that the NIH has made over the last 2 years in establishing an Office of Women's Health Research and directing more funding toward breast cancer, ovarian cancer, osteoporosis, and contraceptive and infertility research. But unless we continue to be vigilant, unless the women of this country have a voice in the kind of research that is being conducted by the Federal Government, the gains that we have made in the last several years could be lost.

Madam Speaker, I urge my colleagues to recognize the importance of the legislation before us today, and what it means for the women of our Nation. Vote "aye" on the NIH reauthorization conference report.

□ 1330

Mr. BLILEY. Madam Speaker, I yield 1 minute to the gentleman from Missouri [Mr. VOLKMER].

Mr. VOLKMER. Madam Speaker, there is much in most of this bill that

I and others in this House support. However, because of the provisions for fetal tissue research from the voluntary termination of pregnancies, I must ask Members to reject this conference report.

There have been statements on this floor today that you cannot use fetal tissue from ectopic pregnancies because the tissue is no longer usable. However, just back in April, last month, you had testimony before one of the subcommittees of this House that tissue from ectopic pregnancies was used and used successfully, and that it can be used.

Dr. Bernadine Healy, Director of the National Institutes of Health, has stated unequivocably as a physician and a scientist that the President's fetal tissue bank is feasible and should be given a chance to prove its efficacy.

Madam Speaker, we have only had about 60 fetal tissue transplants in this country in all this time. We can have from involuntary abortions, from miscarriages, and ectopic pregnancies, at least 2,000 fetal tissue transplants a year for research. That is sufficient. We do not have to use voluntary abortion fetal tissue.

Mr. BLILEY. Madam Speaker, how much time is remaining on both sides?

The SPEAKER pro tempore (Mrs. UNSOELD). The gentleman from Virgina [Mr. BLILEY] has 7 minutes remaining, and the gentleman from California [Mr. WAXMAN] has 11 minutes remaining.

Mr. BLILEY. Madam Speaker, I yield 2 minutes to the gentleman from California [Mr. DORNAN].

Mr. DORNAN of California. I would say to the gentleman from California [Mr. WAXMAN] that I am going as slow as I can here, vamping for you. Maybe the gentleman will give me a minute to kill some of his time, pardon the expression, until some of his speakers get over here. I would rather have gone a little closer to the end of the debate.

Madam Speaker, I spent some time at the platform hearings for my party with a lady who ran abortion clinics all the way through north Texas. Without any pride she says that she was the overseer of over 35,000 deaths in the abortion clinics.

I would vote against this bill on economic reasons alone. The point has been made in this well over and over and over again that it is a budget buster.

There are exceptions to everything, and there are some exceptions to what I am about to say, and that is that most abortionists, who do nothing else, deal in raw evil and killing at a level every bit worthy of the name holocaust in this slaughter of 1,600,000 American children, because they are all Americans, in their mother's womb.

I did see a red-headed lady doctor traveling the Dakotas like a doctor of old with a surry with a fringe on top, saying that she was doing it because it was her feminist cause. I am willing to accept that she had other motives.

But most doctors in the abortion industry, who are not obgyn, who do nothing else, they skim dollars exactly like Bugsy Segal in Las Vegas at the Flamingo. They come in with a wham, bam, thank you, young lady, where is your cash. They do not even look at the faces of one of their victims, and they kill the other victim.

They cheat the IRS. They are like prostitutes in the street, with even less dignity, and they kill by the tens of thousands.

Carol Everett of Texas described it to me, when a girl is dying in an abortion clinic, and this happened at killer Tiller's operation in Wichita, they send them down the street to die in a motel so they can tell other young girls, "No one has ever died in our clinic."

If people think these doctors are not going to harvest little fetuses for tissue and rake off more money, they are sadly mistaken.

Mr. BLILEY. Madam Speaker, I yield 1 minute to the gentleman from California [Mr. DREIER].

Mr. DREIER of California. Madam Speaker, who cannot be in support of attempts to try and deal with the various health crises that we face in this country and throughout the world. Obviously, we all want to find cures for all of these ailments, and I applaud the work of NIH and the important advances achieved in biomedical research. But, Madam Speaker, we have a very serious malady when it comes to our budget.

Madam Speaker, I voted against H.R. 2507 when it was $400 million over budget and sent to conference with the Senate. Now it comes back $3.1 billion over budget. That is the reason I am going to vote against this conference report.

Madam Speaker, if we continue down the road that we have for the past several decades, we are not going to see any prospect for balancing our budget at all. So it seems to me that the responsible thing to do is to oppose this conference report, send it back to conference, and let them bring back something that is within the budget, so that we can effectively turn the corner on this fiscal malady which we face.

Mr. WAXMAN. Madam Speaker, I yield 1 minute to the gentleman from North Carolina [Mr. NEAL].

Mr. NEAL of North Carolina. Madam Speaker, I thank the gentleman for yielding.

Madam Speaker, I wish to enter into a colloquy with the gentleman from California [Mr. WAXMAN].

Madam Speaker, I heard an earlier claim that this was $3 billion, I believe was the figure, over what the House passed. I looked into it a little bit. Now I understand that that is not the case, because those that are saying that this is $3 billion over what the House passed are claiming some very high amount for refurbishing facilities at the National Institutes of Health, amounts that are not in our bill.

Mr. WAXMAN. Madam Speaker, will the gentleman yield?

Mr. NEAL of North Carolina. I yield to the gentleman from California.

Mr. WAXMAN. Madam Speaker, the gentleman is correct. The authorization for most of NIH is such sums as may be necessary, to be filled in by the Committee on Appropriations. This authorization spells out numbers for the Cancer Institute and for the Heart, Lung, and Blood Institute. But when these numbers are thrown out as being $3 billion over the President's budget, they are just making wild statements to try to discredit the bill.

Mr. NEAL of North Carolina. Madam Speaker, reclaiming my time, so the amount in this bill is somewhat more than the amount that left the House before the conference committee, but that amount is for prostate cancer research, breast cancer research, and so on. Is that not correct?

Mr. WAXMAN. If the gentleman will yield further, the gentleman is correct.

Mr. BLILEY. Madam Speaker, I yield 1 minute to the gentleman from Minnesota [Mr. RAMSTAD].

Mr. RAMSTAD. Madam Speaker, I rise today in opposition to the conference report, the NIH reauthorization bill. I do this with a heavy heart. I certainly do not want to vote against more funding for cancer research, for breast cancer research, for AIDS research, research on Parkinson's disease, Alzheimer's disease, or any of the other meritorious and necessary research projects. But I rise in opposition to this conference report because it is, if you look at the numbers, $3.1 billion over the President's budget.

Madam Speaker, given the unprecedented $400 billion deficit facing this country, this is no time to promise the American people more than we can afford. This is a classic example of what is wrong with the authorization process and why the American people are angry at Congress. We are promising more than we know we can deliver.

Madam Speaker, this is a flawed process, and somebody has to blow the whistle on it. Nobody wants to vote against these meritorious and necessary research projects. But when we have a $400 billion deficit, I do not believe it is responsible to vote for a bill that authorizes spending up to $3.1 billion over budget.

Madam Speaker, I rise today in opposition to the conference report on H.R. 2507, the NIH reauthorization bill.

While listening to this debate, I have been very disappointed to see that the issue of fetal tissue research has clouded over the most objectionable aspect of this bill: deficit spending.

This conference report authorizes $3.1 billion in funding over the level requested by the President. Given the unprecedented $400 billion budget deficit facing America, this is no time to promise the American people more than we can afford.

Unfortunately, that's exactly what Congress has done year after year, sowing the seeds for economic disaster by spending over $3 trillion it does not have. As a result, we are paying nearly $300 billion on interest on the debt alone, destroying American jobs and competitiveness.

Last week, we took a small step toward this goal when we passed the conference report for H.R. 4990 to rescind $8 billion in Government spending.

But we must do more. Congress has been playing a shell game with the American people, and it's the average American taxpayer who stands to lose the most. It's time to blow the whistle on runaway deficit spending and this phony authorization process.

I urge my colleagues to vote against this conference report and for deficit reduction.

□ 1340

Mr. WAXMAN. Madam Speaker, I yield 1 minute to the gentleman from Oregon [Mr. WYDEN].

Mr. WYDEN. Madam Speaker, the gentleman from California [Mr. DORNAN], who has been very sincere and very blunt about his views over many years, has suggested in his remarks that somehow the abortion clinics would be in cahoots with the medical researchers if this legislation were to go into effect, and that somehow this legislation would encourage abortions.

I just want to emphasize to my colleagues the protections in this bill that would prevent that from happening. Under this legislation, tissue could not be sold. Under this legislation, it would not be possible to specify the donee. Under this legislation, one cannot change the timing and method of procedures. And I would say to my colleagues that all of this is backed up with criminal penalties. All of these provisions are backed up with criminal penalties. That is to make sure there would not be inappropriate abuses, or the kind of abusive relationship between researchers and abortion clinics, that seems to have been discussed and would not be permissible under this legislation.

I hope my colleagues will look specifically at the protections, the very sincere and strong restrictions that bar the abuse of fetal tissue.

Mr. WAXMAN. Madam Speaker, I yield 2½ minutes to the gentlewoman from Kansas [Mrs. MEYERS].

Mrs. MEYERS of Kansas. Madam Speaker, we have heard a great deal about the provisions in this bill that would lift the current ban on the use of Federal funds for fetal tissue transplantation research. Due to the great promise this type of research holds for the sufferers of Alzheimer's disease, Parkinson's disease, or diabetes, I support those provisions in the bill overturning the current moratorium.

However, there are several other important provisions in the conference report that are worthy of my colleagues' support. This bill authorizes an additional $400 million in fiscal year 1993 for research on breast, ovarian, and other cancers of a woman's reproductive system; $72 million is authorized for research on prostate cancer.

The conference agreement will also require that women and minorities be included as subjects in NIH-funded research projects, except in those cases where it would be inappropriate to the purpose of the research or place the participants at risk. Congress should not dictate to NIH researchers how to do this work but Congress should ensure that federally funded research take into consideration the health needs of women in this country.

The conference agreement also contains important provisions in support of contraception and infertility research. The lack of research in this area has led to the development of one truly new contraceptive method—Norplant—in the last three decades. Further, while 3 million unplanned pregnancies occur each year to American women, many others find themselves unable to conceive children.

One in every six couples in the United States is infertile, or fails to conceive within a year of deciding to have a child. This conference report provides funds to establish five applied research centers—three for research into new and improved methods of contraception and two devoted to new treatments of infertility.

This conference agreement will also increase funding for research on osteoporosis, Paget's disease, and other related bone disorders.

Madam Speaker, this bill is about research that will help save the lives of millions of Americans, and it deserves the support of all my colleagues.

Mr. WAXMAN. Madam Speaker, I yield myself 2 minutes.

I want to take this opportunity to thank the people on our staff that have done such yeoman work on this legislation: Ruth Katz, Tim Westmoreland, Rip Forbes, for the subcommittee; for the full committee, David Keeny; for the Legislative Counsel's Office, Peter Goodloe.

Finally, I want to say to my colleagues: I have had Members tell me that they recognize this research is promising and that they agree with the Reagan-appointed blue ribbon panel that it will not increase abortion. But then they say they cannot face the opponents of abortion if they vote with us.

First, I want Members to recognize that there are many people who are opposed to abortion who do support this legislation, ranging from former Secretary of HHS Dr. Bowen to many distinguished Members of this and the other body.

Second and more important, if Members vote "yes" today, they may have to face some extreme antiabortion groups for the next few weeks. But if they vote "no," if they vote against this legislation, they will have to face people with Parkinson's, parents of diabetic children, and families with genetic diseases, and they will have to say, "I knew what you needed and I didn't do it." And a Member will have to say that for the rest of his or her life and the rest of the lives of these individuals with devastating diseases.

There are few opportunities in this body to be clear about politics and substance, about right and wrong. This is one.

Support research, support hope. Vote "yes."

Mr. BLILEY. Madam Speaker, I yield such time as he may consume to the gentleman from Illinois [Mr. HYDE].

Mr. HYDE. Madam Speaker, we have heard so much misinformation today, and I do not say it is deliberate misinformation, but it is just wrong.

On the efficacy, on the workability of the fetal tissue bank, we have letters not only from the head of the National Institutes of Health, but we have letters from the following universities and professors and doctors: Stanford University, the University of Southern California Medical School, UCLA Medical School, University of North Carolina Chapel Hill, University of Tennessee, Georgetown University, University of Cincinnati, Case Western.

All of these people certify this is workable, this is doable, and we do not need induced abortions to conduct the research.

Why can we not understand that? Why do we negate all of these responsible professionals who will not lose their jobs if they failed to support the bank, as the gentleman from Colorado charged?

These are professional teachers and experts in the medical profession who say this is workable and feasible.

Do my colleagues want to know another name? I direct this to my good friend from California: C. Everett Koop, M.D., supports this, the former Surgeon General, whom the gentleman learned to admire and respect and he thinks the fetal tissue bank is workable. So why not give it a chance?

Now, private research goes on. We are only talking about federally funded research. And before I lose my time, let me share with my colleagues a letter from American Humane, protecting animals since 1877, a worthy cause, the animal rights people. And they support this bill, oh, do they support this bill, because it says, "It would forward important research, including promoting the development and validation of alternatives to the use of animals."

In other words, we will save the guinea pigs and the hamsters. Let us use human tissue. Let us use little babies instead of animals.

The problem with this bill is, it will create a market for fetal tissue. It advances abortion by providing a rationalization to an indecisive and vulnerable woman who is pregnant to go ahead and have the abortion because at least the dead baby's tissue will be put to good use.

There is a fundamental difference between being an organ donor who knowingly and voluntarily donates an organ, and having ones organs coercively "donated," taken from the baby without him or her ever having a voice in the matter. This is what happens when fetal tissue from induced abortion is used.

This bill is one more step toward desensitizing our culture toward the preborn so that they are reduced to being things, commodities, means, not an end in themselves.

First of all, private research will continue. Second, there are 700,000 spontaneous abortions, 100,000 ectopic pregnancies from which fetal material from about 2,000 of these fetuses can be extracted, frozen and then used in research. This will provide ample fetal material for testing.

Please vote no. This bill is dehumanizing and unnecessary.

□ 1350

Mr. WAXMAN. Madam Speaker, before yielding for the closing arguments on our side, I want to thank several private citizens who deserve special recognition for their unique contributions on behalf of scientific freedom: Guy Walden of Florida, Joan Samuelson of California, Anne Udall of Arizona, and Judy Culpepper of Florida.

Madam Speaker, I yield the balance of my time to the gentleman from Michigan [Mr. UPTON], a member of our committee who has taken a leadership role in advancing research at the National Institutes of Health and ending this moratorium on the most promising research using fetal tissue.

The SPEAKER pro tempore (Mrs. UNSOELD). The gentleman from Michigan [Mr. UPTON] is recognized for 5 minutes.

Mr. UPTON. Madam Speaker, I rise in strong support of the NIH conference report. A vote for this bill is a vote for important research and treatment for so many diseases affecting literally millions of Americans.

As a Republican, it is never easy for me to oppose this administration, but the rhetoric and the inaccuracies that have been thrown around here about this bill, particularly about the fetal tissue transplantation research, greatly disturbs me. I would like to take this opportunity to knock down some of those straw dummies.

First, there is the assertion that fetal tissue research will cause more abortions. I will remind the Members that it was a Reagan panel led by a pro-life judge that voted 18 to 3 that this research would not lead to more abortions. Every safeguard they recommended and then some were included in this bill. What really surprised me was that my amendment, which prohibits the sale of such tissue in the private sector, where there are no restrictions today, was actively opposed by this administration. Why? It improved the bill. Why not put these safeguards where there are none now?

The second assertion many Members are hiding behind is that the tissue bank established by the administration will be enough to continue this vital research. Wrong again. As the former Secretary of HHS, Dr. Otis Bowen, who was there at the time the ban was put into place recently, said, "Politics should have no place in the world of scientific research." He said that in a statement urging Congress and the administration to overturn the ban, saying that the political compromise put forth by the administration will produce no scientific results.

There are those who are in the forefront of fetal tissue research, who know that this type of tissue that would be used at the so-called fetal tissue bank is of little or no value in advancing their efforts to find cures and treatments for some of the most devastating diseases known to date.

The third argument against the bill that I have heard a lot is that the bill simply costs too much, especially when compared to President Bush's budget. I am sorry that the President's budget did not include enough money for breast cancer, which strikes one in nine American women. Want to talk about politics in an election year? Try going home to your constituents and telling them that you thought that we were spending too much to find a cure for breast cancer, when 44,000 women died last year from this insidious, terrible disease. Good luck.

The bottom line—and everyone in this Chamber knows this full well—is that the funding issue will be decided at the Appropriations Committee in the Labor/HHS bill—not here. I know many of us spend time with folks that have terminal diseases. Rare is it that one finds a single family that hasn't been struck with cancer. We all have known a spouse, a staffer, a parent, a neighbor, a child—a colleague—with some terrible, tragic, disease that has snuffed out their life long before their time. And when you sit by that bedside—holding their hand, somehow showing your strength, praying for a miracle, looking for that sparkle in their eye, their acknowledgement that hope is alive. That's what this bill does. This bill is promise and hope.

How can you possibly go back to your district and face your neighbor who has perhaps Lou Gehrig's disease or Parkinson's, your brother with diabetes, your wife/mother with breast cancer, or Alzheimer's, and tell them you voted against their hope? How is it that this body can pass billions for a space station bringing vision to our planet and then deny hope and vision for millions of its own people? This bill is life and I ask that you let your head and your heart dictate your vote, not politics.

Mr. FAZIO. Madam Speaker, I rise today in support of the conference report on H.R. 2507, the bill that will reauthorize funding for the National Institutes of Health [NIH]. H.R. 2507 will enable our Nation's top scientists and researchers to continue the basic, essential research that will lead to the new knowledge necessary to help prevent, detect, diagnose and treat disease and disability.

The controversy in H.R. 2507 surrounds its fetal tissue transplantation research provisions. In 1988, the Reagan administration banned funding of research performed on transplanted fetal tissue obtained through induced abortions. This ban went into effect—supposedly temporarily—pending recommendations of an NIH advisory committee. Needless to say, 4 years later, we find ourselves still stifled by the Reagan ban, in spite of the fact that this very same Reagan-appointed advisory committee determined that this research is acceptable, so long as ethical guidelines are developed. We find ourselves still stifled by the Reagan ban even though Dr. Otis Bowen, who was Reagan's Secretary of Health and Human Services and who originally ordered the ban back in 1988, has now come out of retirement to say that the ban should have been lifted years ago.

H.R. 2507 is controversial because it now lifts the ban on fetal tissue transplantation research. Opponents of this research will argue that it increases the number of abortions in this country. Yet, it has been documented that countries in which fetal tissue transplantation research is supported experience no abortion increase. Opponents will also maintain that this research will create a demand for fetal tissue. But the ethical provisions in H.R. 2507 ensure that a woman's decision to have an abortion remains separate and distinct from the decision to donate the resulting tissue to research.

Opponents ignore the fact that fetal tissue transplantation research holds tremendous promise for a number of incurable diseases and conditions, including Parkinson's disease, diabetes, Alzheimer's disease and epilepsy, as well as for the prevention of birth defects. Doctors have found that, if fetal tissue is transplanted into a diseased or disabled part of a patient's body—such as the brain of a Parkinson's disease victim—the fetal tissue cells may begin to function as units of the patient's disabled organ, causing the patient's health to improve. Unlike adult cells, transplanted fetal cells are not rejected by the patient's body. There are people whose lives are unalterably changed by the impact of fetal tissue research—adults and children, both born and unborn, whose lives are extended due to fetal tissue transplants.

The controversy surrounding fetal tissue transplantation research generates a lot of attention. But what we need to focus on is the essence and substance of the work that is done at NIH—the work that this bill authorizes. For example, NIH research encompasses juvenile diabetes, as well as heart disease and arthritis in our children, and results in immunizations against the infectious diseases that threaten them. It has resulted in decreases in both heart disease and stroke mortality in Americans of all ages.

Recognizing that, in the course of a lifetime, one in every three Americans is expected to contract some form of cancer, H.R. 2507 includes a provision enabling all States to set up cancer registries—for all cancers—operating under uniform standards.

One out of every nine women in this country will develop breast cancer; this year alone, 46,000 women will die from this terrible disease. H.R. 2507 establishes the first congressional program targeted specifically at breast cancer prevention and cure. It increases research on the causes and prevention of breast cancer, ovarian cancer and other cancers of the female reproductive system. It also requires that women be included in clinical research studies, where appropriate.

H.R. 2507 contains an amendment that increases research and prevention programs in prostate cancer, a disease that is diagnosed in 132,000 American men every year. Prostate cancer kills 34,000 American men annually—second only to lung cancer.

H.R. 2507 is supported by the Alzheimer's Association, the American College of Obstetricians and Gynecologists, the Huntington's Disease Society of America, the American Academy of Pediatrics, the American Cancer Society, the American Diabetes Association, the American Heart Association, the American Medical Association, the Juvenile Diabetes Foundation International, the March of Dimes, and more.

Madam Speaker, I commend Chairman WAXMAN and his subcommittee for their efforts in bringing this bill to the floor and for reminding us of the challenge that remains—the challenge for us to better prevent and treat cancer, diabetes, heart disease, kidney disease, stroke, Alzheimer's disease, AIDS, blindness and arthritis, and to better understand both the aging process and the lifestyle practices that affect our health. NIH research is one of the best tools we have in meeting this challenge.

Madam Speaker, I urge my colleagues on both sides of the aisle to support the reauthorization of our National Institutes of Health. A vote for H.R. 2507 is an investment in the health of America's citizens.

Mr. FRANKS of Connecticut. Madam Speaker, I rise today in support of lifting the ban on federally funded fetal tissue research. Yet, my colleagues and I once again find ourselves embroiled in the abortion debate. And once again, this debate has managed to focus attention away from the real reason we are here today—to do our part to encourage research that will save the lives of people who are suffering from deadly and debilitating diseases.

Fetal tissue from induced abortions is important in research for cures to diseases, such as diabetes, Parkinson's and Alzheimer's. Some have suggested that this research can continue using fetal tissue obtained from miscarriages or ectopic pregnancies. However, this tissue is often unhealthy, and therefore useless for research purposes. With the current ban on tissue from induced abortions, necessary research has come to a virtual standstill and progress has slowed. Madam Speaker, I don't think we can afford to ignore research that has proven to promise cures for so many diseases.

Opponents argue that lifting the ban on fetal tissue research will encourage women to have an abortion. I don't believe lifting this ban will promote abortion. I believe fetal tissue research can and is being done in an ethical manner. The bill before us today explicitly states a number of safeguards which separate what I believe to be a woman's personal decision to have an abortion from the use of fetal tissue in promising research. Under this bill, a woman cannot sell fetal tissue, it must be donated for research. This bill also makes it a Federal crime to solicit or accept donations of fetal tissue intended for a specific individual. In addition, a woman must acknowledge, in writing, that her consent to have an abortion was obtained before her consent to donate the fetal tissue.

Madam Speaker, the debate here should be focused on how lifting the ban on fetal tissue transplantation research will help save the lives of so many people now, and in the future. Although we are not, and cannot, be dependent solely on fetal tissue research to find a cure, we cannot throw away the opportunity this research has proven to provide. In my judgment, we need to encourage, not discourage, research that is providing opportunities for cures for deadly and debilitating diseases.

Mr. SERRANO. Madam Speaker, I rise today in strong support of the conference report for the National Institutes of Health Revitalization Act, H.R. 2507.

The National Institutes of Health [NIH] is one of our Nation's most vital institutions. For over 100 years NIH has been at the forefront of the scientific community's efforts to understand and find cures and treatments for diseases that have afflicted millions of people here in the United States and around the world.

But as we are all so painfully aware, the demands upon the resources of NIH have never been greater. The expanding AIDS epidemic and the continuing crises of heart disease and cancer strike thousands of people in this country every single day. The crippling effects of Alzheimer's and Parkinson's disease, multiple sclerosis and cystic fibrosis, are becoming ever more visible and heart rending.

Madam Speaker, we need to fully support the extensive efforts of NIH to eradicate these and many other threats to our Nation's health. The return on the investment in research and preventive medicine is tremendous, saving our Nation billions of dollars in eventual health care costs and the losses that accompany worker disability.

Madam Speaker, we must move forward in our efforts to overcome the devastating diseases that afflict Americans and people around the world. The work of the National Institutes of Health deserves and needs our unwavering support.

Mr. PACKARD. Madam Speaker, I rise in opposition to H.R. 2507. I do so with reluctance, as the bill authorizes funds for cancer, AIDS and other important research and programs.

However, I cannot countenance the use of Federal funds for research on the remains of elective abortions. H.R. 2507 would lift the current moratorium which prohibits the use of Federal funds for research using human fetal tissue from induced abortions. The moratorium does not apply to research funded by the private sector.

As we all know, the President has created a nonprofit fetal tissue bank to provide tissue from ectopic pregnancies and spontaneous abortions that produce usable tissue. This bank provides approximately 10 times what our present research needs are. I believe that this is a moral solution to this problem.

In addition, the total cost of this bill exceeds the President's budget by $3.1 billion. For all of these reasons, I cannot support this bill, and urge my colleagues to oppose its passage.

Mr. COX of Illinois. Madam Speaker, I rise today in support of H.R. 2507, which would lift the current ban on fetal tissue research. Many of my colleagues, who are opposed to lifting the ban, contend that this is one of the most important pro-life votes of the year. I agree. The use of transplanted fetal tissue has proven to be beneficial to the treatment and research of several catastrophic diseases, such as Parkinson's disease, diabetes and cancer. A "yes" vote will give the victims of these and other illnesses a glimmer of hope. A "no" vote will send a message that, although we have the technology to relieve pain and perhaps save lives, we do not care to do so.

Madam Speaker, the administration would have you believe that we can accomplish the same goal by using only those fetuses that were spontaneously miscarried. This is untrue. Miscarriages are not only far less prevalent, but the tissue is often damaged or genetically abnormal to the point of uselessness. The President's alternative is simply not enough.

Antichoice activists are trying to make people believe that this is an abortion issue. It is not. It is a question of what should be done with fetuses that are safely and legally aborted—dispose of them, or use them to advance medical research.

Understandably, there are concerns that lifting the ban will create a free market with people buying and selling fetuses for profit. This bill embodies several ethical safeguards to assure that these fears will not become reality. Consent for the abortion must be obtained prior to and separate from the decision to donate the fetal tissue. The sale of fetal tissue is prohibited. The legislation makes it a Federal crime to sell or solicit human tissue punishable by fines and imprisonment.

The ethical concerns having been addressed, the decision should be uncomplicated. We can vote to work toward treatment and cures for debilitating diseases from which thousands of Americans suffer, or we can continue to deny our medical technology and ignore this crisis altogether. One can maintain a pro-life position and pro-choice position and vote "yes" on H.R. 2507. Let us lift the ban on fetal tissue research today.

Ms. PELOSI. Madam Speaker, I rise today to voice my support for H.R. 2507, the National Institutes of Health reauthorization bill which includes a number of provisions for women's health and ends the moratorium on fetal tissue research. Dr. Bernadine Healy, Director of NIH, recently recommended that

President Bush veto the bill because she feels the women's health provisions are unnecessary and because she personally disagrees with fetal tissue research. I strongly disagree with Dr. Healy's recommendations. Both provisions are extremely important and are far from unnecessary. In fact, women's health concerns have been ignored and overlooked for far too long.

A few of the women's health provisions in this bill that the administration believes are unnecessary: a permanent authorization of the office for Research on Women's Health; a requirement that women be included in clinical trials where appropriate; and increased funding and emphasis for research on important women's health concerns such as breast and ovarian cancer. The bill also establishes five contraceptive and infertility research centers. These requests are for basic, fundamental research on health concerns for women.

Madam Speaker, I urge my colleagues to support this bill and let the women of America know that you understand and support their concerns and well-being.

Mrs. COLLINS of Illinois. Madam Speaker, I rise in strong support of the conference report to H.R. 2507, the National Institutes of Health reauthorization bill.

Of primary importance to me, Madam Speaker, is the significant increase in both attention to and funding for women's health problems. For too long, medical problems unique to women have been either ignored, or funding levels were kept so low as to stifle serious research. This legislation, however, includes many of the important provisions of the Women's Health Equity Act and once and for all sets women on the path to equality with men in terms of medical research.

Last year, Madam Speaker, I sponsored National Breast Cancer Awareness Month, which was signed into law by the President, and I am pleased to see the message is finally sinking in that breast cancer must be stopped; 46,000 American women, and even 300 men, will die from breast cancer in 1992. H.R. 2507 authorizes an additional $325 million for breast cancer research and will hopefully go a long way to assuring the demise of this tragic disease. In addition, this legislation significantly expands funding for ovarian cancer and ob-gyn research.

Also of importance to women is the permanent authorization of the Office of Women's Health Research at NIH, the establishment of several centers for the study of infertility and contraception, as well as provisions to assure that women and minorities are equally represented in all research funded by NIH.

This is not to say that women are the only beneficiaries of this legislation. All Americans will benefit by the important research funded by this bill into the causes of cancer, diabetes, osteoporosis, heart disease, AIDS, and a host of other tragic diseases which will probably affect every American's life at one time or another. Furthermore, H.R. 2507 will fund important education initiatives to teach Americans preventive medical techniques.

With regard to fetal tissue research, I find it extremely disheartening that the administration and antiabortion advocates have once again chosen to make this vote a litmus test on abortion. Overturning the ban on fetal tissue research will not in any way increase the number of abortions performed in the United States. But it will give new hope to those Americans who suffer from diabetes, Parkinson's disease, and other diseases which could be cured by research using fetal tissue. Overturning this politically motivated ban on fetal tissue is the true pro-life position, Madam Speaker, and I ask my colleagues to support the conference report to H.R. 2507.

Mr. WEISS. Madam Speaker, I rise today in strong support of the conference report to H.R. 2507, the National Institutes of Health Revitalization Amendments of 1992.

This measure authorizes $5.4 billion in fiscal year 1993 and such sums as may be necessary in fiscal year 1994 through fiscal year 1996 for the National Institutes of Health [NIH] and NIH-related activities. The conference report provides authorization for the National Cancer Institute, the Heart, Lung, and Blood Institute, and the National Institute on Aging, and continues and makes improvements in the other institutes of the NIH.

Of utmost importance is the measure's provision lifting the administration's onerous ban on the use of Federal funds for fetal tissue transplant research. Fetal tissue transplantation is the vanguard of biomedical research. It has shown great promise in treating a number of incurable diseases by substituting healthy cells from an aborted fetus into an individual with genetic, metabolic, or neurological conditions. If the transplant is successful, these cells may take on the function of the organ into which they are transplanted. This research provides a ray of hope for the millions of Americans and their families who suffer from the most debilitating diseases known to science, including Parkinson's, Alzheimer's, epilepsy, hemophilia, diabetes, cystic fibrosis, and spina bifida. Tragically, a majority of these diseases afflict the most vulnerable in our society, our children and our seniors.

Despite its immeasurable value, fetal tissue transplantation research has been held hostage by the Bush administration's unbelievable claim that it promotes abortions. This preposterous position has been rejected even by the Reagan administration official who first recommended a moratorium on fetal research, former Secretary of Health and Human Services, Dr. Otis R. Bowen. According to Dr. Bowen, the ban was issued in 1988 as a temporary measure until a Reagan-appointed panel answered a series of medical and ethical questions about the transplants. Well, the panel reported in December 1988 that the experiments should go ahead, that they would not encourage abortions. But the Bush administration has ignored the recommendations. Just this week, Dr. Bowen urged a long overdue reversal of the ban on publicly funded research in this area.

Now, contrary to the recommendations of scientists and the medical community, President Bush threatens to veto this conference report because of its fetal tissue research provisions. In a spiteful attempt to deceive the public and offer an excuse for an unjustifiable veto, President Bush recently announced the establishment of a tissue bank for federally funded research. But the tissue bank would use only tissue from miscarriages and ectopic pregnancies. This tissue usually contains chromosomal damage or infections and, therefore, is rarely suitable for successful fetal tissue research. True freedom of research can be achieved only through a direct lifting of the ban. True freedom of research can be achieved only by approving this conference report by a veto-proof margin.

The conference agreement also contains ground breaking provisions relating to women's health, including the statutory establishment of an Office of Research on Women's Health in NIH—which will identify and resolve the gaps in women's health, standards for the inclusion of women in clinical trials in NIH research, and an osteoporosis research program. The conference report also contains new initiatives and increased authorization for breast cancer research, prostate cancer research, and research into reproductive cancers.

I also want to express my strong support for the provisions of this conference report that address problems with bias and fraud in biomedical research. These provisions are based in part on legislation I introduced last year, H.R. 1819, the NIH grants research integrity amendments. NIH deserves our greatest praise for the quality of research it conducts and supports. Nevertheless, the Human Resources and Intergovernmental Relations Subcommittee, which I am privileged to chair, has investigated cases where NIH-funded researchers were biased in their reporting of medical treatment. Any fraudulent reporting relating to the effectiveness and safety of treatments risks harm to millions of people. That is why I am very pleased that the conference report mirrors my bill's provisions regarding whistleblower protection, conflicts of interest, and scientific integrity, which are aimed at ensuring that federally funded research is not tainted by scientific misconduct or bias.

Madam Speaker, to have life-saving programs and funds threatened by antichoice politicking is unconscionable. We must lift the ban on fetal tissue transplant research and we must authorize the vital NIH initiatives contained in this conference report. I urge my colleagues to approve this conference report by a veto-proof margin.

Mr. STUDDS. Madam Speaker, consideration of the conference report on the National Institutes of Health revitalization amendments is especially timely. Just last week, the Governor of Massachusetts announced that breast cancer is an epidemic in our State.

Between 1982 and 1988, the incidence of breast cancer in Massachusetts increased 26 percent. This year, 1,200 Massachusetts women will die from this disease.

I recently wrote the conferees on this bill to urge them to authorize additional funding for breast cancer and other serious illness striking. I am heartened that the conference report increases the authorization for breast cancer research by $325 million, for ovarian and other reproductive cancers by $25 million, and osteoporosis research by $40 million.

If fully funded, these additional money will help bolster and sustain the tremendous advances we are witnessing on many fronts in treating and possibly preventing breast cancer. For example, the nationwide clinical testing of the anti-estrogen drug tamoxifen holds promise for preventing breast cancer in women at high risk of the disease. Similarly, the experimental drug taxol, derived from the Pacific yew tree, has shown promise in combating breast and ovarian cancer.

This legislation contains numerous other provisions which will increase our understanding of women's health conditions. In particular, it would rectify past practices to ensure that women are included in appropriate Federal clinical trials.

Madam Speaker, we cannot sit back and watch helplessly as an epidemic claims the lives of millions of American women. The conference report on this bill makes breast cancer research a top priority and I urge its adoption.

Mrs. MORELLA. Mr. Speaker, I rise in strong support of H.R. 2507, the conference report for the NIH reauthorization bill.

This vote is critical to women's health—it includes a number of provisions which will go a long way toward filling the enormous gaps in research on women's health. Many provisions of the Women's Health Equity Act are part of the bill, including the requirement that women and minorities are represented in clinical trails, when appropriate. This provision is vitally important to the understanding of diseases as they affect women, and the effectiveness and safety of drug treatments on women. For example, because so few women have been enrolled in AIDS clinical trails, many questions remain unanswered about the progression, manifestations, and treatment of the disease in women.

Funding for breast and ovarian cancer, osteoporosis, and other women's diseases is increased. Funding for women's diseases has long lagged behind, and this bill includes clinical increases for this research. The legislation also requires the establishment of three contraceptive and two infertility research centers, and requires the National Institute of Child Health and Human Development to establish a clinical research program in obstetrics and gynecology.

The Office of Research on Women's Health is permanently authorized in the bill. Its purpose is to identify the research priorities for women's health and to ensure that women are adequately represented in clinical trials. The Office also is to work to increase the numbers of women who are senior scientists and physicians at NIH and NIH-funded institutions.

I am pleased that the conference report also includes the provisions of H.R. 4206, legislation introduced by Congressman SANDERS to establish a national cancer registry; I am an original cosponsor of the bill. If we are to wage an effective campaign against cancer, it is critical that we establish a national system of statewide cancer registries. Many of our States lack statewide cancer registries, and the States with registries are often incomplete and lacking in the resources necessary to adequately track the incidence, stage, and treatment of cancer. A complete and uniform system would allow health professionals to effectively target and evaluate cancer prevention and control efforts.

The legislation also authorizes a study of the high increase of breast cancer in the Northern and Mid-Atlantic States. Indeed, Maryland ranks ninth in the country for breast cancer mortality; it ranks No. 1 in cancer deaths. If we are to reverse the higher incidence in certain States, we must understand the factors behind this phenomenon.

Women's health concerns have lagged behind for generations, and it is vitally important that the needs of millions of women across the country are addressed now—the health of these women cannot wait.

The bill also overturns the ban on the use of Federal funds for fetal tissue transplant research. Fetal tissue research has already led to a number of medical advances and is very promising in fighting diseases ranging from Alzheimer's and Parkinson's disease to juvenile diabetes and leukemia.

The legislation includes important safeguards to ensure that any future research is conducted in an ethical manner. For example, fetal tissue could not be sold nor could donations be targeted to any particular individual. As a result of these protections, ethical concerns have been addressed. A fetal tissue bank, as proposed by the administration, is simply not adequate. Countless researchers and other experts have expressed their view that ectopic pregnancies and spontaneous abortions will not produce enough transplantable tissue to meet the needs of researchers.

Indeed, former HHS Secretary Otis Bowen has stated that:

> A bank of tissue from miscarriages and ectopic pregnancies is medically unworkable and will be unable to provide tissue free from infections and genetic defects. Such tissue has always been unaffected by the ban, but the problems of quality and availability are so insurmountable that research has come to a halt. This political compromise will produce no scientific results.

Madam Speaker, the NIH conference report is critical to the health of millions of Americans. I urge my colleagues to vote yes on H.R. 2507 and thereby pave the way for vital scientific progress.

Mrs. BOXER. Madam Speaker, I support the National Institutes of Health [NIH] conference report which makes women's health issues a top priority.

Last year, I joined my colleagues from the congressional caucus for women's issues on the House floor to make the case for greater Federal funding for research on breast cancer and ovarian cancer—two giant killers of women—and osteoporosis, a damaging disease leading to frailty and sometimes permanent disability for women.

We demonstrated that NIH fails to adequately include women in clinical research trials, and that contraceptive research is woefully behind many European countries. We pointed out that NIH only spends 13 percent of its budget on women's health.

Today, we have a historic opportunity to rectify the imbalance, and I am proud to support the NIH conference report which permanently establishes the Office for Research on Women's Health, mandates the inclusion of women in clinical trials, permanently establishes contraceptive and infertility research centers, authorizes an additional $225 million for basic research on breast cancer, an additional $100 million for clinical research on breast cancer and further prevention efforts, $75 million for research on ovarian and other reproductive cancers, and $40 million for research on osteoporosis.

The bill also authorizes an additional $72 million for research on prostate cancer, and $20 million for prostate cancer screening programs and other preventive measures. It further assists the Centers for Disease Control in establishing State cancer registries to record data on the incidence, stage, and treatments of all cancers. This information is vital to our national efforts to cure cancer.

I thank my colleagues in the House and Senate for recognizing the importance and urgency of adequately funding these necessary programs.

Mr. KOPETSKI. Madam Speaker, I rise in strong support of H.R. 2507.

Madam Speaker, the primary issue holding up passage of this important reauthorization bill is the use of fetal tissue in research. This particular bill is different, however, in that many pro-life members are supporting it. They are doing so for a number of reasons.

First, fetal tissue research holds great promise for significant medical breakthroughs.

Second, the fetal tissue bank proposed by the White House, using tissue from miscarriages and ectopic pregnancies, will be of little or no use to researchers.

Third, the use of fetal tissue will not lead to increased abortions. This is the overwhelming conclusion not of a pro-choice group, but of a panel appointed by the Reagan administration in 1988 to consider the science and ethics of fetal tissue research. H.R. 2507 mandates that consent for the use of fetal tissue can only be obtained or requested after the woman has decided to have an abortion. Additionally, H.R. 2507 prohibits compensation for the donation of tissue to both public and private research facilities. Currently, women who have had an abortion can be paid for tissue donated to private facilities.

Madam Speaker, the National Institutes of Health is our Nation's medical research department. It needs to be reauthorized, and it needs to have its blinders taken off.

Finally, I would like to thank the gentleman from California and the gentleman from North Carolina for clarifying that the bill's provisions regarding the protection of health facilities do not apply to whistleblowers who may photocopy records or take photographs in efforts to call attention to possible violations of State or Federal statutes or regulations.

Mr. LAGOMARSINO. Madam Speaker, I believe I have no recourse other than to cast my vote against this conference report because I am unalterably opposed to lifting the ban on fetal tissue transplantation.

I cannot support this legislation because it contains language to suspend the 4-year ban on federally supported research on the use of living fetal tissue acquired from induced abortions.

My position on the use of Federal funds for abortions is a matter of record and my position has not changed and will not change. I have stated that if such language was included I would be forced to vote against this authorizing legislation.

By lifting this ban I feel we are encouraging women who might not otherwise do so to seek abortions. I cannot and will not be a party to sanctioning such a move.

Also contained in this bill are several noteworthy provisions which would increase funding for women's health research including breast cancer, ovarian cancer, and osteoporosis as well as making the Office for Research on Women's Health a permanent entity. I strongly support these initiatives.

I applaud the research which is being conducted at the National Institutes of Health to find a cure for diseases such as Alzheimer's, Parkinson's, and diabetes. I have no objection to the use of fetal tissue as proposed by President Bush.

Should this conference report be sent back to the House without this particular provision, I would then support it.

Mr. SCHEUER. Madam Speaker, I rise today in support of H.R. 2507, the National Institutes of Health Revitalization Act. The conference report authorizes $400 million for research on breast, ovarian, and prostate cancers, as well as $30 million for State cancer registries. The President's budget provides absolutely no money for research on these types of cancers.

There are several Members of this Congress who have been stricken and have survived the trauma of breast cancer. I admire and respect these Members for sharing their experiences with us in hopes that people will realize that breast cancer has become a virtual epidemic in the United States.

In my district on Long Island the breast cancer rate is extremely high, and I recently conducted a field hearing to address the possible correlation between environmental pollution and the instances of breast cancer. The money authorized under the conference report can assist in discovering the possible link between the environment and breast cancer rates.

Breast cancer threatens the lives of millions of American women, and it is only through extensive funding for research that we will be able to gain the knowledge and technology necessary to save the lives of millions of women through methods of early detection.

H.R. 2507 also requires that women and minorities be included in clinical research studies. History has repeatedly shown that women have been treated as second-class citizens in business, education, and social relations. Health care has proven to be no exception. Studies of the treatment of heart disease have revealed that women are treated less aggressively and there is very little data available on the effectiveness of heart disease treatment on women.

The National Commission on AIDS recently identified women as the fastest growing group in the HIV epidemic, yet a number of barriers currently prevent access for high-risk women to preventive and treatment services. Under H.R. 2507, researchers will no longer assume that women are just like men, and will begin to examine the differences in the treatment of disease that ultimately will expand the knowledge and extend the lives of the women of this country.

The controversy—the veto bait—of this reauthorization bill is the lifting of the ban on fetal tissue research. It is through fetal tissue research that we will be able to find cures to the debilitating ailments of Parkinson's disease, Alzheimer's disease, diabetes, and spinal cord injuries.

These diseases do not discriminate by sex or race. While some may be more susceptible to one or the other, these diseases can strike anyone at any time. The administration says it wants to maintain a partial ban on fetal tissue research and only permit the use of miscarried fetuses. But the President must realize that a miscarriage results in damaged fetal tissue—and damaged tissue cannot be used in research.

The fetal tissue research dilemma all boils down to the issue of abortion—this is yet another gag rule that the President wants to impose on the field of medicine. If we were to poll the citizens of this country, we would find that they support life and they support choice; ultimately they would support the use of fetal tissue in order to save millions of lives from the ravages of Parkinson's, Alzheimer's, diabetes, and injuries to the spine.

It is a travesty to the democratic process that a small group of individuals is able to hinder progress that will benefit the majority. It is time to return to majority rule and lift the senseless ban on the use of fetal tissue.

There is no question that H.R. 2507 raises the dark curtain that has concealed women's health concerns for much too long. It places them in the light, to be examined and treated as concerns of the entire Nation.

As the Earth summit approaches, I have to wonder how the United States expects to hold itself up as a model for other nations to follow when we continually take steps backward to the time when a woman was not able to make decisions about her own welfare. H.R. 2507 is a life-saving bill, it advocates good health, well-being, and progress. I urge my colleagues to join me in support of life and support the National Institutes of Health conference report.

Mr. STOKES. Mr. Speaker, I rise in support today of the conference agreement for H.R. 2507, the National Institutes of Health reauthorization bill. I would like to commend the gentleman from California for his leadership in bringing this bill to the floor. This bill is significant in that it funds the NIH which is the Federal agency which has primary responsibility for much of the biomedical research that is supported in this country. Activities supported by NIH are vital to improving the health of the people of this Nation, as well as health of others across the world. These programs deserve the support of Congress and will require our continued investment over the years.

The conference agreement we have before us today endorses and enhances the role NIH historically has played in helping our Nation become the world's leader in biomedical and behavioral research. Specifically, H.R. 2507 authorizes $2.2 billion in fiscal year 1993 for the National Cancer Institute, and such sums as may be necessary for fiscal years 1994 through 1996. It extends the authorization for AIDS research programs at NIH, and lifts the current ban on the use of Federal funds for fetal tissue transplant research from induced abortions.

Additionally, Mr. Speaker, some of the most exciting initiatives contained in the bill address the issue of minority participation in medical research. Similar to the House bill, the conference agreement requires that women and minorities be included as subjects in NIH-funded research projects, except in special circumstances. For instance, under the agreement, women and minorities could be excluded from studies if first, it would be inappropriate to the purpose of the research; second, it could put participants at risk; or third, it is determined to be inappropriate under the circumstances specified by the Director of NIH.

Other provisions of the bill provide for the establishment of a scholarship and loan repayment program to address the continued underrepresentation of individuals from disadvantaged backgrounds pursuing professional careers in the life sciences and in midlevel and senior scientific and administrative positions at NIH and the Alcohol, Drug Abuse and Mental Health Administration. These programs, modeled after legislation I introduced last spring, H.R. 2000, would allow NIH and ADAMHA to enhance their ability to recruit and retain scientists and administrators while increasing their representation of individuals from disadvantaged backgrounds within their professional work force.

As the House noted in its report, this type of loan repayment program for clinical researchers from disadvantaged backgrounds will help to address their disincentives that large educational loan debts place on postdoctoral graduates considering Federal health science as a career. Specifically, the bill gives NIH and ADAMHA authority to provide scholarships of up to $10,000 per year to individuals from disadvantaged backgrounds who are undergraduates at accredited institutions of higher education and who wish to train for careers in professions needed by those agencies.

Another key provision in the bill authorizes the construction of biomedical research facilities at some of our Nation's institutions of emerging excellence. This program was included as part of the reauthorization in recognition of the emerging and significant contributions that many of our Nation's minority health professions schools are making to study diseases and disorders that disproportionately affect African-Americans and other minorities in this Nation. The Senate committee, which established the provisions developing this authority for biomedical facility construction at minority schools, recognized that those institutions which are participating in the Research Centers at Minority Institutions Program [RCMI] through NIH have been developing their research infrastructure by further enhancing their research capacities, improving their research lab equipment, and taking on the challenging task of studying the difficult questions of why minorities suffer disproportionately high rates of cancer, stroke, diabetes, AIDS, and other prevalent disorders. RCMI has helped these schools begin to address these national problems.

Currently, there is a proposal by the Department of Health and Human Services in the fiscal year 1993 budget for $12 million for facilities development at historically black colleges and universities and similar institutions. This is the second year that this program has been proposed by the Department. Last year, the Labor—Health and Human Sciences—Education Appropriations Subcommittee was unable to provide the funding because a distinct authority did not exist. Once H.R. 2507 is passed and signed by the President, our Health Appropriations Subcommittee should be able to consider providing the funding for this program in fiscal year 1993.

Mr. Speaker, biomedical research stands on the threshold of significant discoveries that have the potential to put within our reach the cures and preventative treatments for many diseases including AIDS, diabetes, cancer, heart disease, stroke, and much more. The bill we have before us today will permit us to pursue the many advances that will reduce sickness and suffering for persons throughout the United States and across the globe. For this reason, I ask my colleagues to join me in passing this measure.

DEPARTMENT OF HEALTH AND HUMAN SERVICES, PUBLIC HEALTH SERVICE, NATIONAL INSTITUTES OF HEALTH,
Bethesda, MD, May 20, 1992.

Hon. LOUIS W. SULLIVAN,
Secretary of Health and Human Services, Washington, DC.

DEAR SECRETARY SULLIVAN: I know the House will soon be considering the Conference Report on H.R. 2507. I would concur with the recommendation to the President to veto the bill. I have several concerns. For example, the highly intrusive language of the bill micromanages some of NIH's important research programs. I believe that the section on woman's health is unnecessary. NIH has moved ahead of the bill with aggressive programs on the health of woman and minorities and their career development, and on inclusion of women and minorities in clinical trials. The bill also imposes activities and a number of advisory committees, including an Ethics Board, on NIH that are costly, unnecessary and duplicative, and in some cases intrude on the existing authorities of the Secretary.

With regard to the fatal tissue transplantation moratorium, my own personal views are well known. However, in terms of the fatal tissue bank, I can state unequivocally as a physician and scientist that this approach is feasible and should be given a chance to prove its efficacy in terms of furthering one of the many needed research options for treatment of diseases such as diabetes, Parkinsons and certain inherited disorders.

I believe that such a bank with an established and NIH funded tissue procurement effort will provide a means to continue the transplantation research effort. In particular, harvesting tissue from ectopic pregnancies, which are life threatening to women, should be vigorously pursued. Such tissue is apt to be uninfected and more likely to be genetically normal. Furthermore, with existing echocardiographic diagnostic technology, ectopic pregnancies are being detected earlier resulting in the opportunity for surgical removal of viable and intact fetal tissue in some of these cases. Indeed, in the case of the widely reported success story of fetal tissue transplantation into a young child from Texas for a devastating disease called Hurlars syndrome, the source of the successful transplant was an ectopic pregnancy.

NIH is committed to establishing the bank and determining its efficacy within one year of its initiation. Using this tissue we hope also to accelerate research to establish human fetal cell lines in laboratory cultures where they can be properly characterized, assured of being pathogen free, and in some cases genetically engineered to be of more therapeutic value.

NIH exists to find the best ways to enhance the health and quality of life of the American people. A simple extension of appropriation authorization would be the most affective way to continue our work.

Sincerely yours,

BERNADINE HEALY, M.D.

Mr. WAXMAN. Madam Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. Without objection, the previous question is ordered on the conference report.

There was no objection.

The SPEAKER pro tempore. The question is on the conference report.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. BLILEY. Madam Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently, a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 260, nays 148, not voting 26, as follows:

[Roll No. 147]

YEAS—260

Abercrombie
Ackerman
Anderson
Andrews (ME)
Andrews (NJ)
Andrews (TX)
Annunzio
Applegate
Aspin
Atkins
AuCoin
Bacchus
Beilenson
Bentley
Berman
Bevill
Bilbray
Blackwell
Boehlert
Bonior
Borski
Boucher
Brewster
Brooks
Browder
Brown
Bryant
Bustamante
Byron
Cardin
Carper
Carr
Chandler
Chapman
Clay
Clement
Coleman (MO)
Coleman (TX)
Collins (IL)
Condit
Conyers
Cooper
Cox (IL)
Coyne
Cramer
Darden
DeFazio
DeLauro
Dellums
Derrick
Dicks
Dingell
Dooley
Dorgan (ND)
Downey
Durbin
Dwyer
Early
Eckart
Edwards (CA)
Edwards (TX)
Engel
English
Erdreich
Espy
Evans
Fascell
Fawell
Feighan
Flake
Foglietta
Ford (MI)
Ford (TN)
Frank (MA)
Franks (CT)
Frost
Gallo
Gejdenson
Gephardt
Geren
Gibbons
Gilchrest
Gillmor
Gilman
Glickman
Gonzalez
Gordon
Gradison
Green
Guarini
Hall (TX)
Hamilton
Harris
Hayes (IL)
Hefner
Henry
Hertel
Hoagland
Hobson
Hochbrueckner
Horn
Horton
Houghton
Hoyer
Hubbard
Huckaby
Hughes
Jacobs
Jefferson
Jenkins
Johnson (CT)
Johnson (SD)
Johnston
Jones (GA)
Jones (NC)
Jontz
Kaptur
Kennedy
Kennelly
Kildee
Kleczka
Klug
Kolbe
Kopetski
Kostmayer
Lancaster
Lantos
LaRocco
Laughlin
Leach
Lehman (CA)
Lehman (FL)
Levin (MI)
Lewis (CA)
Lewis (FL)
Lewis (GA)
Lipinski
Lloyd
Long
Lowey (NY)
Machtley
Markey
Martinez
Matsui
Mavroules
McCloskey
McCurdy
McDermott
McHugh
McMillen (MD)
McNulty
Meyers
Mfume
Miller (CA)
Miller (WA)
Mineta
Moakley
Molinari
Montgomery
Moody
Moran
Morella
Morrison
Mrazek
Murtha
Nagle
Natcher
Neal (MA)
Neal (NC)
Nowak
Oberstar
Obey
Olin
Olver
Owens (NY)
Owens (UT)
Pallone
Panetta
Pastor
Patterson
Payne (NJ)
Payne (VA)
Pease
Perkins
Peterson (FL)
Peterson (MN)
Pickett
Pickle
Porter
Price
Pursell
Rangel
Ravenel
Reed
Richardson
Ridge
Riggs
Rose
Rostenkowski
Roukema
Rowland
Roybal
Russo
Sabo
Sanders
Sangmeister
Savage
Sawyer
Scheuer
Schumer
Serrano
Sharp
Shaw
Shays
Shuster
Sikorski
Sisisky
Skaggs
Skeen
Slattery
Slaughter
Smith (FL)
Smith (IA)
Smith (TX)
Snowe
Solarz
Spratt
Staggers
Stark
Stokes
Studds
Swett
Swift
Synar
Tallon
Tanner
Thomas (CA)
Thomas (GA)
Torres
Torricelli
Towns
Traficant
Unsoeld
Upton
Valentine
Vento
Visclosky
Washington
Waters
Waxman
Weiss
Wheat
Whitten
Williams
Wilson
Wise
Wolpe
Wyden
Yates
Zimmer

NAYS—148

Allard
Allen
Archer
Armey
Baker
Ballenger
Barrett
Barton
Bateman
Bennett
Bereuter
Bilirakis
Bliley
Boehner
Broomfield
Bunning
Burton
Callahan
Camp
Clinger
Coble
Combest
Costello
Coughlin
Cox (CA)
Crane
Cunningham
Davis
de la Garza
DeLay
Dickinson
Doolittle
Dornan (CA)
Dreier
Duncan
Edwards (OK)
Emerson
Ewing
Fields
Fish
Gallegly
Gaydos
Gekas
Gingrich
Goodling
Goss
Grandy
Gunderson
Hall (OH)
Hammerschmidt
Hancock
Hansen
Hastert
Hayes (LA)
Hefley
Herger
Holloway
Hopkins
Hunter
Hutto
Hyde
Inhofe
Ireland
James
Johnson (TX)
Kanjorski
Kasich
Kolter
Kyl
LaFalce
Lightfoot
Lowery (CA)
Luken
Marlenee
Martin
Mazzoli
McCandless
McCollum
McCrery
McDade
McEwen
McGrath
McMillan (NC)
Miller (OH)
Mollohan
Moorhead
Murphy
Myers
Nichols
Nussle
Ortiz
Orton
Oxley
Parker
Paxon
Penny
Petri
Poshard
Quillen
Rahall
Ramstad
Ray
Regula
Rhodes
Rinaldo
Ritter
Roberts
Roe
Roemer
Rogers
Rohrabacher
Ros-Lehtinen
Roth
Santorum
Sarpalius
Saxton
Schaefer
Schiff
Schulze
Sensenbrenner
Skelton
Smith (NJ)
Smith (OR)
Solomon
Spence
Stallings
Stearns
Stenholm
Stump
Sundquist
Tauzin
Taylor (MS)
Taylor (NC)
Thomas (WY)
Thornton
Vander Jagt
Volkmer
Vucanovich
Walker
Walsh
Weber
Weldon
Wolf
Wylie
Yatron
Young (AK)
Young (FL)
Zeliff

NOT VOTING—26

Alexander
Anthony
Barnard
Boxer
Bruce
Campbell (CA)
Campbell (CO)
Collins (MI)
Dannemeyer
Dixon
Donnelly
Dymally
Fazio
Hatcher
Lagomarsino
Lent
Levine (CA)
Livingston
Manton
Michel
Mink
Oakar
Packard
Pelosi
Schroeder
Traxler

☐ 1416

The Clerk announced the following pairs:

On this vote:

Mrs. COLLINS of Michigan for, with Mr. LAGOMARSINO against.

Mrs. BOXER for, with Mr. PACKARD against.

Mr. LEVINE of California for, with Mr. LIVINGSTON against.

So the conference report was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PERSONAL EXPLANATION

Ms. PELOSI. Madam Speaker, on the last vote I was at a location where the bells were not audible.

Had I been present, I would have voted "aye" on the conference report on the NIH reauthorization bill.

PERSONAL EXPLANATION

Mrs. SCHROEDER. Madam Speaker, I was in the same meeting where the bells did not ring.

Had I been here, I would have voted "aye" on the conference report on the NIH bill.

PERSONAL EXPLANATION

Mrs. MINK. Madam Speaker, on the vote just taken on the NIH conference report, I was unavoidably detained at a meeting and unable to cast my vote.

Had I been here, I would have voted "aye."

PERSONAL EXPLANATION

Mr. FAZIO. Madam Speaker, I missed the last vote on the National Institutes of Health reauthorization because I was in a room here in the Capitol in which no bells functioned. So I want to go on record as saying that if I had been here, I would have voted "aye" on the authorization, and I wish to be recorded as such in the RECORD immediately following the vote.

PERSONAL EXPLANATION

Mr. TORRES. Mr. Speaker, I was unavoidably absent on official business during rollcall votes Nos. 145 and 146. Had I been present on the House floor I would have cast my vote as follows:

Rollcall No. 145: "Yea" on House Resolution 471, Mr. GEPHARDT'S resolution authorizing the Sergeant at Arms to provide certain records to the Special Counsel relative to the operation of the House bank.

Rollcall No. 146: "Yea" on House Resolution 466, the rule providing for consideration of the National Institutes of Health reauthorization conference report.

AUTHORIZING FUNDS FOR INVESTIGATIONS AND STUDIES BY STANDING AND SELECT COMMITTEES OF THE HOUSE

Mr. GAYDOS. Mr. Speaker, by direction of the Committee on House Administration, I call up a privileged resolution (H. Res. 379) providing amounts from the contingent fund of the House for the expenses of investigations and studies by standing and select committees of the House in the 2d session of the 102d Congress, and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 379

Resolved, That there shall be paid out of the contingent fund of the House in accordance with this primary expense resolution not more than the amount specified in section 2 for investigations and studies by each committee named in such section, including expenses—

(1) in the case of a committee named in section 3, for procurement of consultant services under section 202(i) of the Legislative Reorganization Act of 1946; and

(2) in the case of a committee named in section 4, for provision of assistance for members of professional staff in obtaining specialized training under section 202(j) of such Act.

SEC. 2. The committees and amounts referred to in the first section are: Select Committee on Aging, $1,650,197; Committee on Agriculture, $2,370,834; Committee on Armed Services, $2,833,694; Committee on Banking, Finance and Urban Affairs, $4,683,453; Select Committee on Children, Youth, and Families, $1,081,160; Committee on the District of Columbia, $397,626; Committee on Education and Labor, $4,527,765; Committee on Energy and Commerce, $6,992,081; Committee on Foreign Affairs, $4,299,933; Committee on Government Operations, $4,051,337; Committee on House Administration, $2,079,350; Select Committee on Hunger, $719,392; Permanent Select Committee on Intelligence, $130,000; Committee on Interior and Insular Affairs, $2,294,516; Committee on the Judiciary, $2,846,343; Committee on Merchant Marine and Fisheries, $2,548,069; Select Committee on Narcotics Abuse and Control, $802,426; Committee on Post Office and Civil Service, $2,111,864; Committee on Public Works and Transportation, $3,526,439; Committee on Rules, $722,479; Committee on Science, Space, and Technology, $3,081,602; Committee on Small Business, $1,117,000; Committee on Standards of Official Conduct, $400,000; Committee on Veterans' Affairs, $882,576; and Committee on Ways and Means, $5,280,493.

SEC. 3. (a) Of the amounts provided for in section 2, each committee named in subsection (b) may use not more than the amount specified in such subsection for consultant services under paragraph (1) of the first section.

(b) The committees and amounts referred to in subsection (a) are: Committee on Agriculture, $50,000; Committee on Armed Services, $40,000; Select Committee on Children, Youth, and Families, $10,000; Committee on the District of Columbia, $12,000; Committee on Education and Labor, $100,000; Committee on Energy and Commerce, $25,000; Committee on Government Operations, $35,000; Committee on House Administration, $225,000; Permanent Select Committee on Intelligence, $5,000; Committee on Interior and Insular Affairs, $500; Committee on Post Office and Civil Service, $175,000; Committee on Public Works and Transportation, $50,000; Committee on Science, Space, and Technology, $55,000; Committee on Standards of Official Conduct, $250,000; Committee on Veterans' Affairs, $37,500; and Committee on Ways and Means, $10,000.

SEC. 4. (a) Of the amounts provided for in section 2, each committee named in subsection (b) may use not more than the amount specified in such subsection for specialized training under paragraph (2) of the first section.

(b) The committees and amounts referred to in subsection (a) are: Committee on Agriculture, $9,000; Committee on Armed Services, $8,000; Committee on the District of Columbia, $1,000; Committee on Education and Labor, $10,000; Committee on Government Operations, $2,000; Committee on House Administration, $20,000; Permanent Select Committee on Intelligence, $10,000; Committee on Interior and Insular Affairs, $500; Committee on the Judiciary, $5,000; Committee on Public Works and Transportation, $30,000; Committee on Rules, $4,500; Committee on Science, Space, and Technology, $18,000; Committee on Standards of Official Conduct, $5,000; and Committee on Veterans' Affairs, $2,500.

SEC. 5. Payments under this resolution shall be made on vouchers authorized by the committee involved, signed by the chairman of such committee, and approved by the Committee on House Administration.

SEC. 6. Amounts shall be available under this resolution for investigations and studies carried out during the period beginning at noon on January 3, 1992, and ending immediately before noon on January 3, 1993.

SEC. 7. Amounts made available under this resolution shall be expended in accordance with regulations prescribed by the Committee on House Administration.

Mr. GAYDOS (during the reading). Mr. Speaker, I ask unanimous consent that the resolution be considered as read and printed in the RECORD.

The SPEAKER pro tempore (Mr. MURTHA). Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

COMMITTEE AMENDMENT IN THE NATURE OF A SUBSTITUTE

The SPEAKER pro tempore. The Clerk will report the committee amendment in the nature of a substitute.

The Clerk read as follows:

Committee amendment in the nature of a substitute: Strike out all after the resolving clause and insert:

H. RES. 379

(1) in the case of a committee named in section 3, for procurement of consultant services under section 202(i) of the Legislative Reorganization Act of 1946; and

(2) in the case of a committee named in section 4, for provision of assistance for members of professional staff in obtaining specialized training under section 202(j) of such Act.

SEC. 2. The committees and amounts referred to in the first section are: Select Committee on Aging, $1,542,240; Committee on Agriculture, $2,359,544; Committee on Armed Services, $2,627,451; Committee on Banking, Finance and Urban Affairs, $4,518,362; Select Committee on Children, Youth, and Families, $764,593; Committee on the District of

Columbia, $356,400; Committee on Education and Labor, $4,326,063; Committee on Energy and Commerce, $6,608,119; Committee on Foreign Affairs, $4,502,070; Committee on Government Operations, $3,420,756; Committee on House Administration, $2,067,644; Select Committee on Hunger, $654,274; Permanent Select Committee on Intelligence, $130,000; Committee on Interior and Insular Affairs, $2,284,516; Committee on the Judiciary, $2,575,819; Committee on Merchant Marine and Fisheries, $2,426,550; Select Committee on Narcotics Abuse and Control, $729,502; Committee on Post Office and Civil Service, $2,015,876; Committee on Public Works and Transportation, $3,125,480; Committee on Rules, $722,479; Committee on Science, Space, and Technology, $3,031,973; Committee on Small Business, $1,103,530; Committee on Standards of Official Conduct, $400,000; Committee on Veterans' Affairs, $830,287; and Committee on Ways and Means, $5,100,260.

SEC. 3. (a) Of the amounts provided for in section 2, each committee named in subsection (b) may use not more than the amount specified in such subsection for consultant services under paragraph (1) of the first section.

(b) The committees and amounts referred to in subsection (a) are: Committee on Agriculture, $50,000; Committee on Armed Services, $40,000; Select Committee on Children, Youth, and Families, $10,000; Committee on the District of Columbia, $12,000; Committee on Education and Labor, $100,000; Committee on Energy and Commerce, $25,000; Committee on Government Operations, $35,000; Committee on House Administration, $225,000; Permanent Select Committee on Intelligence, $5,000; Committee on Interior and Insular Affairs, $500; Committee on Post Office and Civil Service, $175,000; Committee on Public Works and Transportation, $50,000; Committee on Science, Space, and Technology, $55,000; Committee on Standards of Official Conduct, $25,000; Committee on Veterans' Affairs, $37,500; and Committee on Ways and Means, $10,000.

SEC. 4. (a) Of the amounts provided for in section 2, each committee named in subsection (b) may use not more than the amount specified in such subsection for specialized training under paragraph (2) of the first section.

(b) The committees and amounts referred to in subsection (a) are: Committee on Agriculture, $9,000; Committee on Armed Services, $8,000; Committee on the District of Columbia, $1,000; Committee on Education and Labor, $10,000; Committee on Government Operations, $2,000; Committee on House Administration, $20,000; Permanent Select Committee on Intelligence, $10,000; Committee on Interior and Insular Affairs, $500; Committee on the Judiciary, $5,000; Committee on Public Works and Transportation, $30,000; Committee on Rules, $4,500; Committee on Science, Space, and Technology, $18,000; Committee on Standards of Official Conduct, $5,000; and Committee on Veterans' Affairs, $2,500.

SEC. 5. The Committee on House Administration—

(1) shall, through House Information Systems, develop, operate, maintain, and improve computer and information services for the House, including direct computer and information systems support for Members, committees, administrative offices, and other governmental entities, and shall conduct necessary investigations and studies of such services;

(2) is authorized to receive reimbursement for services under paragraph (1) and to expend amounts so reimbursed in accordance with policies of the committee; and

(3) is authorized to provide for professional development programs, office and personnel management consultation services, and periodic publication of handbooks, guides, bulletins, and other items necessary for the House.

SEC. 6. Payments under this resolution shall be made on vouchers authorized by the committee involved, signed by the chairman of such committee, and approved by the Committee on House Administration.

SEC. 7. Amounts shall be available under this resolution for investigations and studies carried out during the period beginning at noon on January 3, 1992, and ending immediately before noon January 3, 1993.

SEC. 8. Amounts made available under this resolution shall be expended in accordance with regulations prescribed by the Committee on House Administration.

SEC. 9. The Committee on House Administration shall have authority to make adjustments in amounts for investigations and studies under section 2, if necessary to comply with an order of the President issued under section 254 of the Balanced Budget and Emergency Deficit Control Act of 1985 or to conform to any reduction in appropriations for the purpose of such section 2.

Mr. GAYDOS (during the reading). Mr. Speaker, I ask unanimous consent that the committee amendment in the nature of a substitute be considered as read and printed in the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

AMENDMENT OFFERED BY MR. GAYDOS TO THE COMMITTEE AMENDMENT IN THE NATURE OF A SUBSTITUTE

Mr. GAYDOS. Mr. Speaker, I offer an amendment to the committee amendment in the nature of a substitute.

The SPEAKER pro tempore. The Clerk will report the amendment to the committee amendment in the nature of a substitute.

The Clerk read as follows:

Amendment offered by Mr. GAYDOS to the committee amendment in the nature of a substitute: Page 2, strike out line 11 and all that follows through page 3, line 9, and insert in lieu thereof the following:

SEC. 2. The Committees and amounts referred to in the first section are: Select Committee on Aging, $1,542,240; Committee on Agriculture, $2,257,937; Committee on Armed Services, $2,464,082; Committee on Banking, Finance and Urban Affairs, $4,336,240; Select Committee on Children, Youth, and Families, $764,593; Committee on the District of Columbia, $342,035; Committee on Education and Labor, $4,110,649; Committee on Energy and Commerce, $6,287,459; Committee on Foreign Affairs, $3,840,825; Committee on Government Operations, $3,282,875; Committee on House Administration, $1,941,450; Select Committee on Hunger, $654,274; Permanent Select Committee on Intelligence, $130,000; Committee on Interior and Insular Affairs, $2,192,434; Committee on the Judiciary, $2,430,018; Committee on Merchant Marine and Fisheries, $2,322,057; Select Committee on Narcotics Abuse and Control, $729,502; Committee on Post Office and Civil Service, $1,910,783; Committee on Public Works and Transportation, $2,893,963; Committee on Rules, $722,479; Committee on Science, Space, and Technology, $2,901,410; Committee on Small Business, $1,055,000; Committee on Standards of Official Conduct, $400,000; Committee on Veterans' Affairs, $739,451; and Committee on Ways and Means, $4,780,000.

Mr. GAYDOS (during the reading). Mr. Speaker, I ask unanimous consent that the amendment to the committee amendment in the nature of a substitute be considered as read and printed in the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

The SPEAKER pro tempore. The gentleman from Pennsylvania [Mr. GAYDOS] is recognized for 1 hour.

□ 1420

Mr. GAYDOS. Mr. Speaker, for purposes of debate only, I yield the customary 30 minutes to the gentleman from Ohio [Mr. GILLMOR], the ranking minority member of the Subcommittee on Accounts, pending which I yield myself such time as I may consume, with the understanding that any additional time which I may yield will be subject to the specific limitation, for debate purposes only.

Before explaining this amendment, I wish to indicate how we arrived at the present situation.

The funding resolution is the product of a very exacting and detailed commnittee budget review process which begins after the adoption of the previous year's resolution. Specifically, during the year subcommittee staff monitors and reviews committee expenditures on a monthly basis. This task is an important oversight function that is often overlooked.

The resolution before the House, today, began to take shape in a systematic way in November and December of last year. At that time, subcommittee staff met with each of the committees' top staff persons to review expenditures for 1991 and budget plans for 1992. These meetings for the most part facilitated the submission of rational, timely, and thorough budgets from the committees for 1992.

In early February, the committees submitted detailed budgets to the Subcommittee on Accounts for consideration and review. At this time, I wish to thank all of the chairmen, the chairwoman, and the ranking minority members from the respective committees, and their staffs. Their cooperation enabled us to evaluate all the budgetary requests in a thorough and timely manner.

Upon receipt of these budgets, the staff provided the subcommittee members with a very detailed analysis of each budget submission in preparation for hearings on each budget proposal. These hearings were conducted during the last week of February and the first week of March. At the hearings, testimony was heard from each chairman and ranking minority member which was subject to questioning by the subcommittee members.

At the conclusion of the hearing process, the subcommittee conducted a markup session on March 11 at which it reported the committee amendment in the nature of a substitute which is pending before the House today. This bipartisan committee amendment was reported from full committee on March 19. The committee amendment was reported from both the subcommittee and full committee by unanimous voice vote and it reflected a 4.9-percent overall increase.

The overall increase of 4.9 percent was justified on grounds that the amount was within the appropriation and that it provided for the 4.2-percent Federal pay comparability increase [COLA] and the inflation factor of 3.3 percent [CPI]. Furthermore, it was justified when measured against the approved administrative and personnel budgets of several executive branch agencies. For example, a review of executive branch department budget authority for the 1992 fiscal year indicated that several entities received large increases over 1991 fiscal year budget authority in their administrative and personnel accounts.

Thus, by March 19, the subcommittee and the committee had discharged its obligations regarding the funding of committees in a very timely, professional, and thorough manner. It delivered a bipartisan agreement to the House for consideration.

Concerning the rationale for amending the committee amendment, it is based on a sense of what the majority of Members desire. These are difficult financial times for the country. We are in a recession and the availability of Government funds is very limited. Accordingly, adoption of this amendment would set an example and restrain the growth of committee funding this year by freezing the 1992 authorization at the 1991 level.

Accordingly, my amendment to the committee amendment reduces the funding level for each committee from the level provided in the committee amendment with the exception of the three committees seeking no additional funds for 1992—Committee on Rules, Committee on Standards of Official Conduct, and the Permanent Select Committee on Intelligence. The amendment accomplishes this reduction by providing a substitute amount for each of the 22 committees seeking increases. This substitute amount is equal to each committees' 1991 authorized amount. The amounts provided to the other three committees are identical to the amounts contained in the committee amendment.

As a result of this reduction, the amendment would establish a total authorization of $55,031,756 for investigations and studies by all standing and select committees of the House of Representatives with the exception of the committees on appropriations and the budget for 1992. The total authorization for 1991, excluding funding for HIS, was $55,050,356. Therefore, the total amount contained in the pending amendment represents a decrease of .03 percent from this total 1991 authorization. Furthermore, the amendment, in effect, cuts the sum of all the amounts requested by the committees in their original expense resolutions for 1992 by $6,398,873.

It should be noted that the Federal pay comparability adjustment [COLA] for most Federal workers is 4.2 percent. This amendment provides no additional funds to any committee for the COLA. The amendment, also, does not provide any additional funds to compensate for the 3.3-percent projected rate of inflation for 1992. The bottom line is that the level of funding in our pending authorization will require tough fiscal discipline and perhaps, we shall set an example for other governmental entities.

On the subject of pay equity, as chairman of the Subcommittee on Accounts, I have encouraged the committee chairmen and the ranking minority members to review their compensation practices on a continuing basis to assure that there is no prohibited discrimination. This encouragement was made during the hearings and in the preliminary meetings between the staff of the accounts subcommittee and their staff directors of the respective committees. During the past 8 years, improvements have been made. More and more women are occupying key policymaking positions at the subcommittee and full committee levels. For example, women hold the position of staff director on the Committee on Education and Labor, the Committee on Agriculture, the Committee on Post Office and Civil Service, Select Committee on Children, Youth and Families, and the position of General Counsel on the Committee on Armed Services. On the Committee on House Administration the minority staff director is a woman. These are but a few of many examples indicating substantial progress.

Since this funding resolution will be the final one that I present to the House, I wish, at this time, to acknowledge my deep appreciation to all Members who have served on the Accounts Subcommittee with me during the full 8 years of my chairmanship. In particular, I thank AL SWIFT, MARY ROSE OAKAR, SAM GEJDENSON, FRANK ANNUNZIO, BILL THOMAS and PAUL GILLMOR. I am indebted to each of you for your hard work, wise counsel, and vigorous support over the years. If nothing else, I think that all of us have exemplified the congressional decisionmaking process at its best. Our budget review process and markups should serve as a model to others. Our work together has demonstrated that Members with different and sometimes very strong views can reach a sound rational consensus if attempted with consideration, cooperation, and good faith.

Finally, I urge my colleagues to vote in favor of the amendment, the committee amendment as amended, and the resolution.

Mr. GILLMOR. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I would like first to recognize Chairman GAYDOS for his diligent efforts and hard work as chairman of the Accounts Subcommittee. He has been a pleasure to work with and he will be very much missed in the next Congress.

This has been a very unusual year in Congress, to which many of us can attest. The Members of this Congress are facing some very harsh realities, which will result in many Members not returning to Congress next year. There are those who have been elected and have decided not to run for re-election due to their frustration, due to their inability to make a difference in representing their constituents.

This frustration has become a two-edged sword as many of our constituents have lost faith in our collective ability to represent them in giving them good government.

Many of our fellow Americans are simply saying that we are out of touch. The time has come when we are seeing a national anti-incumbent movement developing. Many of our constituents are saying they have had enough of high taxes, increased spending, and mindless projects that have received financial support here.

Now, I mention those things because it is in that context, in the public climate, that we consider this resolution for the funding of our committees.

The Accounts Subcommittee originally looked to providing committee funding along the lines of the COLA, which for this year is 4.2 percent. In fact, the committee resolution reported by the full committee was 4.9 percent. After that, many Members of this Chamber looked to their homefront and they saw that their constituents did not receive a COLA in their paychecks; rather, many of them were faced with financial setbacks from unemployment to health insurance costs.

The internal operations of this House are being scrutinized as they have never been scrutinized before. We are being held accountable for our every action.

I support the amendment to be offered to lower the committee funding from that reported to the freeze level, at last year's level.

Over the past 30 years, we have seen our committees increase dramatically, not only in staff numbers but in the dollars that we give them. I think we are fortunate to have some truly outstanding people working on the staff of this House and in our offices; but in fact, since 1960 the congressional staff has tripled in numbers.

Select committees which have no legislative jurisdiction have been created over the years. While many of these select committees do excellent work, they do consume more funds year by year.

It is time that the structure of our committees be evaluated and be assessed wherein their jurisdiction lies. Complaints of overlapping jurisdiction with staff members from different committees doing the same work are common. While it is not within the jurisdiction of the Accounts Subcommittee to restructure the committee system, it is within that subcommittee's jurisdiction to affect the purse strings.

Representation on our committees should be reformed to allow for the one-third ratio which Republicans have sought for the minority in order to be effective.

There have, and I commend the chairman of the subcommittee, been in recent years some modest progress made in that direction.

Today we are going to be bringing to the floor an amendment which will freeze all the committees' budgets to last year's level.

□ 1430

The only exception is Intelligence, which will receive $130,000 less than their budget last year and which is what they requested this year. Thus the amendment will actually represent a 3/100ths-percent increase in actual dollars. But I think it is worth pointing out that the freeze amendment in fact is a cut because in real dollars adjusted for inflation the freeze is a cut in terms of purchasing power.

Mr. Speaker, I reserve the balance of my time.

Mr. GAYDOS. Mr. Speaker, I yield 1 minute to the gentleman from Kansas [Mr. GLICKMAN].

Mr. GLICKMAN. I thank the gentleman for yielding this time to me.

Mr. Speaker, I want to compliment the chairman of the committee, the gentleman from Pennsylvania [Mr. GAYDOS], for coming in with a freeze on committee budgets as opposed to an increase in committee funding. I know this is a difficult thing for people around here who have been accustomed to continuous increases over the years. I do not want to be self-righteous about this, but I do believe at a time when we are talking about potential major cuts as a result of a constitutional amendment to balance the budget, when we are talking about programs all over this country being cut and when people believe that charity "begins at home," that it is appropriate for us to live a little bit by example by cutting, or at least freezing, our committee budgets. But this year I think it is appropriate that Congress looks as if it is hearing the message from the American people that some of the excesses in Government need to be stopped.

So I want to compliment the gentleman from North Carolina [Mr. ROSE], the chairman of the full committee, and the gentleman from Pennsylvania [Mr. GAYDOS], chairman of the subcommittee, as well as some of my colleagues here in the House, such as the gentleman from Minnesota [Mr. PENNY], the gentleman from Illinois [Mr. DURBIN], and others who have been the leaders trying to make sure that the committee budgets are restrained during a very difficult year in this country.

Mr. GILLMOR. Mr. Speaker, I yield 3 minutes to the gentleman from Nebraska [Mr. BARRETT].

Mr. BARRETT. I thank the gentleman for yielding this time to me.

Mr. Speaker, I rise in support of a freeze on committee funding. This is my second year serving with my colleague Congressman GILLMOR as a referee in the game of committee funding. This year the game has taken an interesting twist, and has essentially gone into overtime.

The minority began this committee funding adventure with a game plan that targeted an increase of only 4.2 percent, for cost-of-living adjustments. While reviewing budget proposals in the subcommittee on accounts, the minority tried to keep the budget allowances as close to that mark as we could, without cutting our own precious and few committee staffers.

As we approached the March 30 deadline, albeit, what we thought was the end of the game, it became clear that in these tough economic times, it would be wise for Congress to do as many American families have had to do, and cut back on our expenses.

Thus, the game of committee funding went into overtime, and these committees continued to operate on 1991 funding levels. As we prepare to end this game, and pass a final resolution, an interesting question presents itself. That question is: Who are the winners and losers?

It would seem that because Congress will be spending less money, the American taxpayers would be the winners. However, my fear is that the minority staff of these committees will be the losers, once the budget cuts come down. Right now the minority receives approximately 20 percent of total committee funding, some receive more, and others less. This barely gives the minority enough staff and resources to keep up with the majority.

However, let us think about what would happen if the minority received less. If the minority did not receive enough funding to adequately do our job, could Congress really be considered representative of the American people? Would alternative plans even be adequately studied and considered? Probably not. While this may sound great to those in the majority party, the lack of consideration of minority views, would ultimately make the American people the losers in this game.

Mr. Speaker, I wholeheartedly support the reduction of Government spending, but if cuts are going to be made, I want an assurance that these cuts will be fair. I understand that the minority submitted legislation that guaranteed that the minority funding would also remain at 1991 levels, if a funding freeze occurred. Unfortunately, this request was rejected.

I think Congressman GILLMOR and his hard-working staff for their work on this matter, as well as the House Administration Committee staff, who put in many hours on what is usually a noncontroversial issue.

Mr. GAYDOS. Mr. Speaker, I yield 2 minutes to the gentleman from Hawaii [Mr. ABERCROMBIE].

Mr. ABERCROMBIE. I thank the gentleman for yielding to me.

Mr. Speaker, I want to oppose this freeze. I think it is incredible that the minority can come up here and ask to have it both ways. If you do not think the people working for your staffs are worth the money, if you do not think they are worthy of their labor, then say so. They are right here on the floor. Turn around and tell them they are not worth the money. The people who work on the staffs of all the committees work for the people of the United States, and they do terrific service for them.

To try and blame the staffs and have them take the heat for profligate spending by this Congress or by the administration is totally unfair. It is victimizing them.

Every public employee across the country who is out there doing their job, that man or woman doing the job on behalf of the people, on behalf of justice and on behalf of opportunity for everybody in the country, is being victimized by this kind of an attitude.

You say your constituents are worried about it. Your constituents have been the victims of the Reagan/Bush administrations for the last 12 years. And if you want to set the blame, then set it where it belongs.

Why take it out on the people that are doing the work for us? We get terrific service. I am on the Committee on Armed Services, the Committee on Interior and Insular Affairs and the Select Committee on Aging, and I defy you to find a better group of people who work on a nonpartisan basis for everybody in this country. To make them bear the burden of somebody standing up politically, to take a shot at you, who say you are paying too much, who say that you are not doing your job, if you cannot stand up to that, what are you doing in the Congress? Why are you making the employees of the people of the United States stand in for you because you cannot take the heat?

And to stand up and argue now that you want to make sure that your employees get the full funding, after standing up here saying that those folks are not entitled to the money that they have earned, is the ultimate hypocrisy. Stand up now and turn around and tell the people sitting on this floor who work for you that they are not worth the money. Otherwise you are hypocrites.

I am not going to be a hypocrite. I am voting for the people who work for the people of the United States their full share. And if somebody wants to take me on, or any other Member, and say that we are spending too much money, I am willing to take that shot any time, not make people who are earning their money have to take the shots for us.

Mr. GILLMOR. Mr. Speaker, may I inquire as to how much time we have left on this side?

The SPEAKER pro tempore (Mr. MURTHA). Each side has 22 minutes remaining.

Mr. GILLMOR. Mr. Speaker, I yield such time as he may consume to the gentleman from California [Mr. THOMAS], the ranking member of the Committee on House Administration.

Mr. THOMAS of California. I thank the gentleman for yielding to me.

Mr. Speaker, now back to the matter at hand. For over a decade I have worked on this committee, originally on the Subcommittee on Accounts. Now it has been my pleasure to turn that work over to some other folks—but on the full committee, I serve with the gentleman from Pennsylvania [Mr. GAYDOS]. I know that in many instances we are required to assume partisan positions. My guess is that before this vote is finally recorded, there will be some partisan positions assumed.

So prior to doing that, I want to let the gentleman from Pennsylvania [Mr. GAYDOS] know that in the years that I have worked directly with him, which was the better part of a decade, I did not work with a fairer, more reasonable person or one who attempted to make things work if it was at all possible. You cannot ask for more than that in this business. Unfortunately, it is not found often enough.

□ 1440

I am sorry he is leaving, but I enjoyed very much the working relationship and the friendship that I had with the gentleman from Pennsylvania [Mr. GAYDOS].

During that same time period, Mr. Speaker, while working with the gentleman from Pennsylvania, committees have been and still are statutorily required to have a one-third ratio between the majority and the minority. The minority gets one-third of the staffing and resources.

In the area of investigative employees, a growing area over the last several decades, there were no hard and fast structures. There were no guidelines, and so there was a tremendous diversity between committees. Some committees honor the one-third structure in their investigative funding, as well as in their statutory funding. The Committee on Public Works and Transportation and the Committee on Agriculture, are two that readily come to mind. There are others, however. Some committees were not conducted in that fashion. It was deplorable, the way in which the investigative staff was controlled, frankly, by the majority and some of the chairmen.

Over the decades we have seen the chairmen change. We have seen an attitudinal change among the Democrats which has resulted in a structural change in dealing with investigative staff leading to 1989 committee report language filed by the Committee on House Administration which said;

> The minority has proposed that, during this funding cycle, investigative staff positions designated for the minority be at least 20% of the total number of the investigative staff positions on each committee. The minority proposes to increase this percentage annually over the next few years until it reaches 33%. When committees use bipartisan or non-partisan staff, the minority has indicated that an agreement needs to be reached as to a reasonable percentage allocation between majority and minority staff positions. The majority agrees with these principles but believes that the minority proposal cannot be achieved without additional funding as well as through attrition.

There were two ways to reach this goal, through attrition, where possible, but through additional funding as well.

This did not become the Democrat caucus rule; in fact, it was stood on its head. Rule XXXIV, paragraph F in the Democrats' rules says that the committee caucus shall not be required to provide for more than 20 percent of the total funding for minority investigative staff for the full committee and each subcommittee of that committee. It became a ceiling rather than a floor.

Notwithstanding that rule, there are a number of committees that continue to honor the one-third provision, and there are a number of committees that are striving to reach the 20 percent.

Both sides of the aisle began the discussion this year focusing on the 4.2 percent number. A 4.9-percent number was agreed to in the committee, and I think everybody on the floor needs to know that everything above the 4.2 number went to the minority. It was our commitment to fulfill the agreement to move to reasonable investigative numbers through attrition or additional funding, and the additional funding above the freeze at the 4.2 COLA level went to the Republicans, went to the minority. We committed to support that.

However, Mr. Speaker, as we began discussing what could or could not be done, frankly things began to slip in terms of some kind of reasonable comity between the groups. First it was a 4.2 across-the-board with no examination whatsoever in terms of the functions of the committees, whether or not they even had the ability to move legislation. We currently have a number of committees called select committees that are growing in size, consuming resources, but have no legislative function. At some point, Mr. Speaker, we are going to have to examine whether or not we can continue to treat these committees as though they were full legislative committees with the power to move legislation, especially in light of the kind of amendment which is now being offered, a freeze across the board at 1991 levels.

This background, Mr. Speaker, is to provide you with a bit of concern about the way in which the amendment has been presented, as the minority has been willing to vote for more than this amount. If it was to assist the committee's agreed-upon agenda in changing the ratios of the investigative staff, it seems entirely appropriate that, if we entered into a freeze, that there be an understanding on the part of the majority that the committee chairmen do not find the money they believe they need between the 1991 freeze and a 4.2-percent increase out of the Republicans' budget.

This is likely to happen. We were hopeful that the majority would own up to its commitment in terms of honoring a continued professionalization on the side of the minority and provide language in the amendment which would not allow the chairmen to take money away from the minority. We did not want language which specified fixed dollar amounts. We simply requested that the chairmen and the ranking members work it out between them. It might be entirely possible that shifts in funding between the minority and the majority would solve both of their problems.

I am sorry to say that I believe that the vote today is a step backward. It is a step backward, one, because it removes the continued working together of the majority and the minority on the Committee on House Administration to professionalize the committee staffs on both sides of the aisle. Second, by failure to include any kind of language which indicates that the committee was willing to honor its previous agreement, it appears as though that agreement has been repudiated, that we have not moved forward, we have moved backward. In the area of committee funding of investigative staff, when the majority on one committee has 120-plus staffers and the minority has less than two dozen, when it is a 6-to-1 and a 7-to-1 ratio, and there is no willingness to even protect that feeble allocation, then it is a clear indication to me that the majority of the committee is giving in to a number of Members on their side of the aisle who have never been happy with the fact that the minority could possibly have a professional staff, that the minority could reach a ratio of three members to each staff, or even two members to each staff, to begin to counter the Democrats' two staffers to each member or three staffers to each member ratio.

Mr. Speaker, that condition is intolerable, and to the degree this resolution not only perpetuates it, but allows it to slip in terms of a ratio, this Member is willing to enter into any kind of activities necessary to communicate to the majority that the decision we are making today in terms of funding is clearly secondary and unimportant compared to the slippage of what I thought was a firm commitment on the part of the majority of the committee to allow the minority side to continue to professionalize itself.

Mr. GAYDOS. Mr. Speaker, I yield 3 minutes to the gentleman from Washington [Mr. SWIFT].

□ 1450

Mr. SWIFT. Mr. Speaker, House Resolution 379 was reported by the Committee on House Administration at 4.9 percent, an increase that represented a fair and bipartisan approach in committee to funding all the committees of the House. This essential task has not always been undertaken in the harmonious spirit of bipartisanship which was evidenced this year by our committee's unanimous vote in support of the subcommittee's version of House Resolution 379.

When Chairman GAYDOS assumed the leadership of the Subcommittee on Accounts in 1985, the vote on the funding resolution drew 158 nays. By 1988, the no votes were down to 104; and last year only 58 Members voted against the resolution. That trend line resulted from the bipartisan approach of Chairman GAYDOS and a sincere recognition that funding levels needed to be set with restraint.

During his years, the issue of pay equity for women employees, was consistently pursued. When Chairman GAYDOS took over the leadership of the subcommittee there were no women committee staff directors. Today there are four, with several chief counsels, as well.

Supplemental funding resolutions were routinely granted in the 1970's, if a committee ran out of money during the year. They were never granted under Chairman GAYDOS, except in rare cases of institutional emergency such as judicial impeachment or ethics investigations. The average annual increase in committee funding since 1985 to the present is only 2.5 percent.

Chairman GAYDOS will retire after this session. He can be proud of this evenhanded stewardship of this important subcommittee over the last 8 years.

Unfortunately, partisan rancor has replaced comity lately and threatens to undermine the progress which has been made. The amended version of House Resolution 379 which is before you, provides for a freeze across the board, except for one committee who requested less this year than they received last year. The approach we take this year sidetracks the bipartisan process established by Chairman GAYDOS. We should all hope that it can be reestablished after the current feeding frenzy within this institution is over. In the meantime, we need to recognize the progress which has been made and thank you, JOE for a job well done.

Mr. GILLMOR. Mr. Speaker, I yield 2½ minutes to the gentleman from Florida [Mr. JAMES].

Mr. JAMES. Mr. Speaker, the trouble with this committee funding freeze proposal is that it comes too late.

Had Congress frozen funding for committee staffs and for many other programs in recent years, the Federal budget deficit would not be nearing $400 billion a year. And debt service would not consume over 40 percent of the individual income taxes we pay annually.

But Congress did not exercise that sort of discipline. It did not vote for freezes when they could have kept us out of the budget crunch we now face.

As a consequence, an occasional freeze is not enough. Budget cuts reinforced by a constitutional amendment to balance the budget are essential if we are going to get the Nation's financial house in order.

So really I am going to vote no on the previous question, and hope there will be an amendment which will provide a further reduction, hopefully a 5-percent reduction. I think there is planned to be one.

If the budget is to be balanced, with or without a constitutional amendment, we must begin to actually cut spending. And what better place to start than right here, with the committees of the House of Representatives.

Cutting committee funding would set the tone and establish the precedent for cuts in other Federal programs. It would tell the country that Congress is serious about cutting spending and that it will not exempt itself from the cuts.

Mr. GAYDOS. Mr. Speaker, I yield such time as he may consume to the gentleman from North Carolina [Mr. ROSE], the chairman of the Committee on House Administration.

Mr. ROSE. Mr. Speaker, I thank the gentleman from Pennsylvania [Mr. GAYDOS], the chairman of the Subcommittee on Accounts of the Committee on House Administration. Let me join those voices that have given much deserved praise to JOE GAYDOS, who through the years has guided the Subcommittee on Accounts and produced extremely good results for all the committees of the House. Chairman GAYDOS is going to be greatly missed on the Committee on House Administration, but I am sure we will have an opportunity to call on his abilities from time to time in the future.

Mr. Speaker, let me pick up on something the gentleman from California [Mr. THOMAS] mentioned. Members heard the gentleman talk about how the Committee on Accounts very carefully crafted a 4.9-percent increased budget, and that everything over 4.2 percent went to the minority.

Then I listened to the gentleman very carefully, and the gentleman from California [Mr. THOMAS] said somewhere after that, the lines of comity sort of broke down.

Mr. Speaker, my impression of what broke down was that not because of the gentleman, by any means, or anybody on the committee, but the decision was made somewhere on your side of the aisle that they were not going to put any votes behind what the gentleman and the gentleman from Ohio [Mr. GILLMOR] and your colleagues had done. So the gentleman was left with the rest of us supporting a 4.9-percent package coming out of committee, and he had to back away from that position. I feel very badly about that.

Mr. THOMAS of California. Mr. Speaker, will the gentleman yield?

Mr. ROSE. I yield to the gentleman from California.

Mr. THOMAS of California. Mr. Speaker, I thank the gentleman for yielding.

What occurred, I believe, was a discussion in the committee about the ability to move that percentage on the floor. I think the gentleman heard assurances that our leadership was supporting that position. It was the gentleman's side of the aisle that questioned that number, and the agreement began to break down.

Where I was concerned was following that, and the subsequent decision to move to 4.2 percent, and now to a freeze. It has been done in a way that we have not assessed the workloads of the committees. When you are adding money to the pile, it is less urgent to examine workloads and rules of the committees. When you are subtracting money from the pile, I think it is absolutely critical that you examine what committees can do and cannot do. There has been no critical examination of those committees that simply have no legislative jurisdiction, but they are being carried along with the rest of them. At some point we need to sit down and begin to examine in a tight money time which committees do the work, and which committees do not.

Mr. ROSE. Mr. Speaker, reclaiming my time, I will yield to the gentleman further on another point in just a minute that I am sure we need to discuss together. But basically I went to the Members on my side of the aisle and said, "Who will support a 4.2-percent increase?" We were pretty close to 200 people, but without having sufficient votes on this side, and without any assistance from the other side, that is why we agreed to go to this freeze.

Mr. Speaker, let me tell you why this is a problem. All of our office staffs got 4.2-percent increases in January. All of the statutory staffs around here that are not covered by the Speaker's pay order got 4.2 percent. Members of Congress and everybody under the Speaker's pay order got 3.5 percent.

The executive branch of Government gave 4.2 percent to all of the white collar workers, and most of the committee chairmen gave 4.2 percent to the investigative staffs in January.

Basically what we are saying now to the committee chairmen is you have got to eat the 4.2-percent increase that you gave to your investigative staff in January. You either have to take it away from them, or you have to collapse the work of the committee to make up for that.

The gentleman rightfully asked that there be assurances given with respect to the division of the funds remaining for 1992. I would say the committee chairmen are going to have to look at the work of their committees and make decisions on what they have in front of them for the remainder of 1992, and then make those decisions.

I would say this, though, to all the committee chairmen, and I think my colleague, the gentleman from California [Mr. THOMAS], whom I enjoy working with very much, I think the gentleman would agree, the committee chairmen should be very careful to be fair in the division of these funds for the remainder of 1992, because the gentleman from California [Mr. THOMAS] and I will be monitoring that very closely. Then next year is another budget cycle, and we will begin in January of next hopefully to prepare for the next Congress, if we are reelected.

□ 1500

Mr. THOMAS of California. Mr. Speaker, if the gentleman will continue to yield, there may be some Members that assume that a COLA is automatic and has to be given to everybody and their committee budget is trouble, but I can assure the gentleman that this Member's office does not automatically pass through anything, but ensures that it is merit that determines whether or not even something like a cost of living is received by staff.

I know that there are committees that are in part run in that fashion. When the chairman indicates that the committees are going to have to eat the reduction, the concern of this Member is that it is not Republicans that are eating.

Mr. ROSE. Mr. Speaker, I agree.

Mr. THOMAS of California. Mr. Speaker, both of us know and can name those committees that are of great concern to us. If the chairman will assure me that this will be one of the primary considerations in examining committee funding and that those committees which, in fact, require the minority to suffer during this period, which we hope is temporary, will be scrutinized in terms of the amount of money that they are to receive, that is not nearly as satisfactory a position as requiring the chairman and the ranking member to work together to come to an agreement as a team on a committee, but at least it is an assurance that those Members who might be partially consumed can at least get some kind of assistance after the fact.

Mr. ROSE. Mr. Speaker, I give the gentleman that assurance.

I would also remind the committee chairmen, they know that the gentleman and I attempt to work together by unanimous agreement on what we do in the committee and that many of the chairmen have come to me and said, "We have worked with Mr. Thomas. He ought to be happy with us now because we are giving the minority more of what they need for the work of the committee."

Mr. THOMAS of California. Mr. Speaker, if the gentleman will continue to yield, on that point there is no question there is more cooperation on a number of committees. It is a much better working atmosphere. Those are not the committees we are concerned about.

Mr. ROSE. Mr. Speaker, I understand.

Mr. THOMAS of California. Mr. Speaker, the gentleman knows and understands the committees. It, in part, is a reflection of the chairmen of those committees. And to the degree the chairman assures me, which he has, that the funding of the committee the next year will in large part be reflected on the basis of the way in which they handle the difficulties during this period, then this gentleman is minimally satisfied.

Mr. ROSE. Mr. Speaker, I would add, and the gentleman does not need to respond to that, it would not be any other way because the gentleman would not agree to anything if I did not agree to that. So that is the bottom line.

I see one of our colleagues from Alabama out in the audience, who many Members told me they thought he ran, and on our side of the aisle, they thought he ran his full committee staff for a number of years, until the current chairman came in place. But he did a good job.

I want to thank the gentleman from Pennsylvania [Mr. GAYDOS] for his magnificent work here. I urge my colleagues to vote for this freeze, and I urge that the committee chairmen be, as we have said with the gentleman from California [Mr. THOMAS], very fair and judicious in the way they handle the rest of the year's money.

Mr. GAYDOS. Mr. Speaker, I want to thank my committee chairman for those kind remarks.

Mr. Speaker, I yield 1 minute to the gentleman from Minnesota [Mr. PENNY].

Mr. PENNY. Mr. Speaker, I rise in support of the Gaydos amendment and the 1992 committee funding resolution. Let me take just a moment to commend Chairman GAYDOS for his responsible handling of this resolution.

As reported from the Committee on House Administration, House Resolution 379, provided for $57.8 million in committee funding, nearly a 5-percent increase over 1991. Many of us on both sides of the aisle found a $2.7-million increase over 1991 levels excessive given our budget deficit and the need to tighten our internal belt and clean up the general operation of the House.

Along with our colleagues CHARLIE STENHOLM and DAN GLICKMAN, I was prepared to move to defeat the previous question in order to make a freeze-level amendment in order. Fortunately with the cooperation of the committee, such an action is not necessary.

This funding resolution is a responsible action on our part and should not disrupt committee operations. In fact, a little belt tightening and reorganization of subcommittee and committee activities is needed. Hopefully, we can swiftly move to consider the Hamilton-Gradison resolution to set up a committee to in part study committee operations. With reorganization, additional committee funding reductions may follow.

Let me also challenge the Appropriations Committees to carefully scrutinize all executive branch funding requests. I intend to do my own review and, if necessary, offer floor amendments to reduce administrative funding for Cabinet agencies and departments.

Mr. Speaker, again I commend Chairman GAYDOS for his handling of this resolution and for graciously accepting the concerns earlier expressed by myself and others. I urge an aye vote on the resolution.

Mr. GILLMOR. Mr. Speaker, I yield 2 minutes to the gentleman from Iowa [Mr. NUSSLE].

Mr. GAYDOS. Mr. Speaker, I yield 30 seconds to the gentleman from Iowa [Mr. NUSSLE].

The SPEAKER pro tempore. The gentleman from Iowa [Mr. NUSSLE] is recognized for 2½ minutes.

Mr. NUSSLE. Mr. Speaker, I thank the gentleman for yielding time to me.

Maybe the genteman from Minnesota [Mr. PENNY] before he leaves can answer a question for me. I have a letter indicating that he was willing to cut funding for committee staff and willing to introduce a bill and a resolution similar to the one that I would like to introduce today, which would cut funding 5 percent.

I cannot believe some of the conversations I have had, as a new Member of Congress, with the different committee members as we have worked through the committee funding bills individually on the different committees on which I serve.

I remember when I was at a committee hearing over this resolution and we were talking about how much money was necessary to increase funding this year. And I was having a colloquy with one of my chairmen and I said, "How does this work? You just come up here and you ask for 7 percent and you really hope for 5 and so you ask for a little bit more, knowing that you are going to get cut?"

And he said, "That is basically how it works."

I said, "Isn't that a game?"

He said, "Yes, it is kind of a budget game that we play around here."

I said, "Isn't it time to stop that game playing?"

I mean, there are some people out there that are listening, Mr. Speaker, that do not get to play that game, when they are sitting around their coffee table balancing their checkbook, trying to decide what bills to pay during the month. They do not get to play that game. They do not get to decide that they get to spend a little bit extra here, ask for a little bit more so that they have a little bit, so that if they get cut, they actually get to spend exactly what they wanted.

We play that game. We ask for a little bit, knowing that we are going to get cut, so that we can justify our existence.

I just do not think that is right. I would like to defeat the previous question. I would like to suggest to Members of Congress that they defeat the previous question so that we can introduce a resolution that would cut committee funding 5 percent.

I think that is reasonable. I think that is justified, especially when just this last week, I heard another committee chairman come before the media and say that this balanced budget amendment that we have coming up is going to be so difficult because we cannot find any places to cut.

I would suggest that we could find maybe one little place to cut right here and now, and I think this is a good place to start. Why not start today?

If it is going to be so difficult next year, why not just start today?

Mr. THOMAS of California. Mr. Speaker, will the gentleman yield?

Mr. NUSSLE. I yield to the gentleman from California.

Mr. THOMAS of California. Mr. Speaker, how does the gentleman propose to deal with the majority/minority problem that I outlined earlier?

Mr. NUSSLE. Mr. Speaker, I think one of the ways that my resolution, if we could defeat the previous question, and if I have the opportunity to introduce it, it would cut 5 percent on both sides, which is fair, 5 percent for the majority side, 5 percent for the minority side. That way they cannot play around with the gamesmanship that we always hear about.

Let us not even get to that point. Let us say 5 percent for one side, 5 percent for the other side.

I think that is fair. It is a fair way to dispose of this. It is a fair way to move the process along. It is a fair way to talk about what we can do individually as Members of Congress in order to get ourselves back into fiscal sanity.

I ask my colleagues to defeat the previous question.

Mr. GAYDOS. Mr. Speaker, will the gentleman yield?

Mr. NUSSLE. I yield to the gentleman from Pennsylvania.

Mr. GAYDOS. Mr. Speaker, is the gentleman cognizant of the fact that as of this time, the appropriation already has been set and that the resolution that I have finally proposed does cut 5 percent?

Mr. NUSSLE. Mr. Speaker, would the gentleman explain to all of us how that would work?

Mr. GAYDOS. Mr. Speaker, if the gentleman will continue to yield, it is not how it would work, it is working if we pass this resolution in the form that I have submitted. It would be a 5-percent cut in the appropriation.

Mr. NUSSLE. It would be easy for the gentleman to make that statement. We do not believe that on this side. We would like to know how that would work.

Mr. GAYDOS. Mr. Speaker, not how it works, it will be an accomplishment. It will be a 5-percent cut.

Mr. NUSSLE. Mr. Speaker, the gentleman is saying that next year, that the committees will be receiving 5 percent less, 5 percent less than they received this year?

Mr. GAYDOS. Mr. Speaker, this is a 5-percent cut.

Mr. NUSSLE. For next year?

Mr. GAYDOS. This year.

Mr. NUSSLE. I am talking about next year. What about next year? Is the gentleman saying that it is a 5-percent cut this year over last year?

Mr. GAYDOS. It is a 5-percent cut over the moneys that have been appropriated for this year.

Mr. NUSSLE. What kind of increase was that in appropriation over last year?

Mr. PANETTA. Mr. Speaker, will the gentleman yield?

Mr. NUSSLE. I yield to the gentleman from California.

Mr. Speaker, we have as a matter of fact, in the budget solution that was adopted, enacted, a 5-percent reduction in the legislative operations as well as the executive operations for fiscal year 1993. And hopefully, that will be reflected in the appropriations bills because that is reflected in the budget resolution.

Mr. NUSSLE. Mr. Speaker, this gentleman is talking about this year. What about this year then? He is talking about 1993.

□ 1510

Mr. PANETTA. Obviously for this year what is being proposed here is a freeze, which represents close to a 5-percent reduction.

Mr. NUSSLE. Exactly. And reclaiming my time, if I may, I am proposing a 5-percent cut.

Mr. NUSSLE. That is the difference between the hocus pocus that is being proposed here.

Mr. GAYDOS. Mr. Speaker, I yield 3 minutes to the gentleman from Mississippi [Mr. MONTGOMERY], the chairman of the Committee on Veterans' Affairs.

Mr. MONTGOMERY. Mr. Speaker, I plan to vote for the resolution, but a freeze is going to adversely affect our Veterans' Committee work. I appreciate the leadership of the subcommittee chairman, the gentleman from Pennsylvania [Mr. GAYDOS], and the ranking minority member, the gentleman from Ohio [Mr. GILLMOR].

I also want to thank the chairman of the full committee, Mr. ROSE, and the ranking minority member of the full committee, Mr. THOMAS.

Although I do support the resolution, I regret that our committee will have to operate at last year's funding level. Our committee's history shows that it has kept its budgets and staffing levels to a minimum. Except for the Committees on Rules and the District of Columbia, the Committee on Veterans' Affairs has the smallest budget for permanent standing committees in the House. Yet, the workload continues to increase and Members continue to expect more investigations and studies. The requests come from both sides of the aisle. We cannot continue to be as active this year as we have been in the past.

The freeze in this year's budget means a shortfall of $63,186 for our committee investigative and oversight budget. It means severe reductions in travel funds for oversight investigations within our 172 VA medical centers and other VA facilities located throughout the country; it means a delay in the purchase of much needed equipment. What this means is that some staff will not receive merit increases.

Last year our committee requested only a 2.7-percent increase in its budget but let it be known that a higher increase would be required in 1992. This year's freeze hits our committee particularly hard since last year's increase was so low.

My colleagues on the committee and in the House need to know that it is very likely that many of our oversight plans may have to be curtailed simply because travel funds will not be available because of the freeze.

We will live within the constraints of this resolution and will continue to do the best work possible within those constraints. But, a freeze this year will cause problems in carrying out our oversight responsibilities of our VA facilities.

Mr. THOMAS of California. Mr. Speaker, will the gentleman yield?

Mr. MONTGOMERY. I am glad to yield to the gentleman from California.

Mr. THOMAS of California. Mr. Speaker, I do want to respond to the gentleman from Mississippi, and he is absolutely correct. His committee is one of those committees that is victimized by the terror of percentages; that when we deal only in percentage increases, those committees with the larger amounts getting a fixed percentage increase get far more dollars.

I want to pledge to the gentleman that I will continue to try to fight to make sure that the allocations are not mindless and across the board, but that those committees that need the money will get the money, and that I want to try to do a dollar amount, rather than a fixed percentage. We need adjustments between committees as well as equity among all committees. His committee is the prime example of the tyranny of the percentage increase.

I apologize to the chairman for what occurred to him, and will do everything we can to make it up.

Mr. GILLMOR. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. GAYDOS. Mr. Speaker, I would like to make a closing statement. I would like to refer back to my friend and colleague, the gentleman from Iowa [Mr. NUSSLE]. He mentioned this is somewhat of a game. I want to be most sincere when I explain that we have been going through this game for 24 years, as long as I have been on the committee. I want to assure the gentleman it is not a game. Every month we are in very close contact with every standing committee and the select committees. We monitor what they are spending and what they are spending for.

I want the gentleman to understand that the committee interrogates specifically on many items, including the items that are referred to by the gentleman from California [Mr. THOMAS] when he talked about equity and fairness, and we have been doing that for the last 24 years. I have been on the subcommittee as a chairman for the last 8 years, but for those that preceded me, those were items that were paramount in our consideration.

It is very complicated to take a lump sum like $60 million and then try to divide that equitably. Maybe one of the comparisons would be with a mother bird or chicken that would have so many peeps, everyone asking for their share and their share alone, and not paying any attention to the needs and wants of other committees. It is the same thing. It is a very difficult task.

I do not say this in criticism to my friend, who was going to support the resolution he talked about, or the motion. I do want to impress upon him that I thought he did somewhat of a disservice to the committee, because of the hard work that the committee has done over the years.

Mr. NUSSLE. Mr. Speaker, will the gentleman yield?

Mr. GAYDOS. I yield to the gentleman from Iowa.

Mr. NUSSLE. Mr. Speaker, my point was not that I called it a game. My point was that a committee chairman called it a game. That is the person the gentleman needs to talk to, is the committee chairman who said, "Yes, I guess it is a game." That is what offended me and offends the people that listen.

Mr. GAYDOS. I am sure that my good friend is not gullible. That is probably one of the chairmen where we said, "Hey, you have had enough. Last year we took care of you. This year you have not justified what you need." That is probably who the gentleman talked to.

Mr. Speaker, I want at this time to compliment the Members on my side and also on the Republican side that serve on the committee for the work that they have done over the years. It is very tedious work, the members are criticized, it is very sensitive work, and I think it serves a vital function as far as providing funds for actually running this establishment or this House.

Since this funding resolution will be the final one that I present to the House, I wish, at this time, to make personal acknowledgement and give my deep appreciation to all the Members that have served with me during the full 8 years of my subcommittee chairmanship, on the Subcommittee on Accounts on the Committee on House Administration.

I particularly thank the full committee chairman, the gentleman from North Carolina [Mr. ROSE]; also the gentleman from Washington, AL SWIFT, who has been so close and so affirmative in his support of what we have been doing over the years; the gentlewoman from Ohio, MARY ROSE OAKAR; the gentleman from Connecticut, SAM GEJDENSON; the gentleman from Illinois, FRANK ANNUNZIO; and on the other side, the gentleman from California, BILL THOMAS; the gentleman from Ohio, PAUL GILLMOR; and the gentleman from Nebraska, BILL BARRETT, who is doing a great job, and I know he will continue to next year.

I am indebted to each of the Members for their hard work, wise counsel, and vigorous support over the years. If nothing else, I think that all of us have exemplified the congressional decisionmaking process at its best.

I am hopeful that our budget review process and markups would throughout the years serve as a model to the others who have that task before them. Our work together has demonstrated that Members with different and sometimes very strong personal views can reach a sound, rational consensus, if attempted with consideration and sincere cooperation, fairness, and good faith.

Finally, I urge my colleagues to vote in favor of the amendment, the committee amendment as amended, and the resolution.

Mr. Speaker, I yield such time as he may consume to the gentleman from Texas [Mr. DE LA GARZA].

Mr. DE LA GARZA. Mr. Speaker, I rise in support of the resolution.

Mr. Speaker, I support the committee funding resolution, which freezes funding at the 1991 level, but I do so with some reluctance, since a freeze does not accommodate the 4.2 percent pay increase which all executive branch employees received and other inflationary increases, and therefore reduces the real value of funding which is necessary for committees to do the legislative and oversight work of the House. But we do recognize the state of the Nation's economy which prompts this resolution to be presented without any increase and we will attempt to meet our agenda with the freeze.

Providing our committees with adequate resources to develop effective and responsive legislation to the many complex and vital issues before us is important. At the moment, our own committee is involved in legislation to amend the law which governs use of pesticides and insecticides which affect the safety and quality of our food and ground water; legislation which affects the old-growth forest reserve and the endangered spotted owl; a bill to improve the delivery of credit to our farmers and ranchers; and legislation which governs the operation of the trading of futures, valued in the tens of trillions of dollars, on the commodities markets.

The work of committees in overseeing the Federal programs within our respective jurisdictions is vital. Good oversight can result in significant taxpayer savings—limiting the investigative ability of a committee through reduced funding could, in the long run, be fiscally unwise.

During the 8 years that Mr. GAYDOS, as chairman of the Subcommittee on Accounts, has been responsible for committee funding, the aggregate increase has been about 3 percent. This is not an extravagant figure.

The Committee on Agriculture has traditionally been a conservatively funded and staffed committee; and at year's end, we have often returned considerable amounts to the Treasury when we have found it possible to meet our commitments without spending our entire authorization. The budget proposals we submit for the consideration of the Subcommittee on

Accounts are not deliberately inflated. The amount requested is intended to give us the resources to meet the proposed legislative and oversight agenda of our eight subcommittees and the full committee which we plan to undertake for the session. During the 12 months of our authorization we are mindful of the way these funds are expended and we conserve wherever and whenever we can.

The majority and minority members and staff of the Committee on Agriculture work well together and we have always endeavored to equitably share funding and other resources with our minority.

We do intend to continue doing the best work possible for the House of Representatives and using allocated funds thoughtfully to ensure that taxpayer dollars are used judiciously. Unfortunately, the freeze in funding will hurt the investigative staffs of committees by not allowing the 4.2-percent cost-of-living adjustment, which the President recommended for all Federal employees.

Mr. DINGELL. Mr. Speaker, I rise in support of the committee funding resolution, and I commend the chairman of the Committee on House Administration, Mr. ROSE, and the Subcommittee on Accounts, Mr. GAYDOS, for their diligent labors on this unrewarding task. In particular, I want to pay tribute to the distinguished subcommittee chairman, who will be retiring at the end of this Congress and has always dealt with our committee courteously and fairly.

I would be less than candid, however, if I did not express my profound disappointment and distress over the course this resolution has taken since the Subcommittee on Accounts acted in executive session to recommend a 5.1-percent increase for our committee—an increase that, while not all we asked for, was certainly well within the bounds of fairness and supported by the real needs of the committee as it addresses a difficult and heavy legislative burden.

The Committee on Energy and Commerce requested for 1992 an 11.2-percent increase over its 1991 authorization. This request was comprised of two components—a 7-percent increase sought for committee operations, and a 27.5-percent increase that the minority requested for its operations. Only after our minority submitted its request—which, I emphasize, we incorporated whole and unchanged in our submission to House Administration—did the Republican leadership decide that its position would be that committee funding should be limited to a 4.2-percent increase for 1992.

One would have thought this was enough. But instead, we have spent the last several months bottom fishing, talking about freezes, 5-percent cuts, and 10-percent cuts. This is penny wise and pound foolish. Through diligent oversight and investigation, the Committee on Energy and Commerce alone has returned to the taxpayer over the last several years many times the amounts spent to fund its operations. In 1991, our work resulted in savings of $125 million, and an additional $500 million in questionable billings to the taxpayer are currently being reviewed. Freezes and cuts may look good to your constituents today—but they seriously hamper our ability to root out the real waste, fraud, and abuse that plague us.

I would also observe that the President of the United States does not appear to be limiting himself in the same manner that we are being asked to limit ourselves. The Bush administration's budget for fiscal year 1993 proposes an increase of 16.8 percent in the Executive Office of the President. Even excluding the 238 percent increase sought for the office of the drug czar, the President has requested an increase of 4.8 percent for the White House Office—including 13 new staff members—a 7.4-percent increase in special assistance to the President, which can charitably be described as DAN QUAYLE'S slush fund, a 4.9-percent increase for the Council of Economic Advisers, a 7.9-percent increase for the Office of Environmental Quality, a 4.9-percent increase in the Office of Policy Development, a 5.8-percent increase for the U.S. Trade Representative, and—get this—a 100-percent increase for the Points of Light Foundation.

I will support a freeze today because it is preferable to a cut and because we are not being offered the opportunity to vote for a higher amount. I appreciate the hard work and diligent efforts of Chairman ROSE and Chairman GAYDOS, and only wish that their colleagues had given them the support they needed to do their difficult job properly.

Mr. EDWARDS of Oklahoma. Mr. Speaker, I rise in opposition to the resolution because it doesn't go far enough in reducing committee funding.

Government is too big for its own good and for the good of the people it's supposed to serve. Our Nation faces a $4 trillion debt and a $400 billion Federal deficit—it's no wonder that Congress itself has grown by leaps and bounds. The sheer size of the Congress speaks volumes: There are nearly 13,000 congressional staff and support staff—a figure which is 9 times larger than the number of staff at the Canadian Parliament, the second largest legislative body in the world; there are 27 committees and 136 subcommittees. In 1960, the budget for the House and Senate was $130 million. In three decades, that figure has risen by more than 1,600 percent to $2.24 billion.

What can be done to halt this hiring binge? Very simply, we must cut funding for the committees in this House. Second, bring up for House consideration, a bill I introduced which would reduce the number of congressional committee staff by 30 percent. It goes without saying, Mr. Speaker, that staff and funding reductions should affect Democrats and Republicans equally.

Cutting committee funding won't eliminate the debt or the deficit but it's a small step in the right direction and it's a step worth taking. Let's begin a process of returning more of the Government back to the people; let's reduce the amount of funding for congressional committees.

Mr. GAYDOS. Mr. Speaker, I yield back the balance of my time, and I move the previous question on the amendment to the committee amendment in the nature of a substitute, the committee amendment in the nature of a substitute, and the resolution.

The SPEAKER pro tempore (Mr. MURTHA). The question is on ordering the previous question.

The question was taken; and the Speaker pro tempore announced that the ayes appear to have it.

Mr. NUSSLE. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 254, nays 146, not voting 34, as follows:

[Roll No. 148]

YEAS—254

Abercrombie
Ackerman
Anderson
Andrews (ME)
Andrews (NJ)
Andrews (TX)
Annunzio
Applegate
Aspin
Atkins
AuCoin
Bacchus
Beilenson
Bennett
Berman
Bevill
Bilbray
Blackwell
Boehlert
Bonior
Borski
Boucher
Brewster
Brooks
Browder
Brown
Bryant
Bustamante
Byron
Cardin
Carper
Carr
Chapman
Clay
Clement
Coleman (TX)
Collins (IL)
Condit
Conyers
Cooper
Costello
Cox (IL)
Coyne
Cramer
Darden
de la Garza
DeFazio
DeLauro
Dellums
Derrick
Dingell
Dooley
Dorgan (ND)
Downey
Durbin
Dwyer
Early
Eckart
Edwards (CA)
Edwards (TX)
Engel
English
Erdreich
Espy
Evans
Fascell
Fazio
Feighan
Flake
Foglietta
Ford (MI)
Ford (TN)
Frank (MA)
Frost
Gaydos
Gejdenson
Gephardt
Geren
Gibbons
Gilchrest
Glickman
Gonzalez
Gordon
Guarini
Hall (OH)
Hall (TX)
Hamilton
Hammerschmidt
Harris
Hayes (IL)
Hayes (LA)
Hefner
Hertel
Hoagland
Hochbrueckner
Horn
Horton
Hoyer
Hubbard
Huckaby
Hughes
Hutto
Jefferson
Jenkins
Johnson (SD)
Johnson (TX)
Johnston
Jones (GA)
Jones (NC)
Jontz
Kanjorski
Kaptur
Kennedy
Kennelly
Kildee
Kleczka
Kopetski
Kostmayer
LaFalce
Lancaster
Lantos
LaRocco
Laughlin
Lehman (CA)
Lehman (FL)
Levin (MI)
Lewis (GA)
Lipinski
Lloyd
Long
Lowey (NY)
Luken
Markey
Martinez
Matsui
Mavroules
Mazzoli
McCloskey
McCurdy
McDermott
McGrath
McHugh
McMillen (MD)
McNulty
Mfume
Miller (CA)
Mineta
Mink
Moakley
Mollohan
Montgomery
Moody
Moran
Morella
Mrazek
Murphy
Murtha
Nagle
Natcher
Neal (MA)
Neal (NC)
Nowak
Oberstar
Obey
Olin
Ortiz
Orton
Owens (NY)
Owens (UT)
Pallone
Panetta
Parker
Pastor
Patterson
Payne (NJ)
Payne (VA)
Pease
Pelosi
Penny
Perkins
Peterson (FL)
Peterson (MN)
Pickett
Pickle
Poshard
Price
Rahall
Rangel
Reed
Richardson
Roe
Roemer
Rose
Rostenkowski
Rowland
Roybal
Russo
Sabo
Sanders
Sangmeister
Sarpalius
Savage
Sawyer
Scheuer
Schroeder
Schumer
Serrano
Sharp
Sikorski
Sisisky
Skaggs
Skelton
Slattery
Slaughter
Smith (FL)
Smith (IA)
Solarz
Spratt
Staggers

Stallings
Stenholm
Stokes
Studds
Swett
Swift
Synar
Tallon
Tanner
Tauzin
Taylor (MS)
Thomas (GA)
Thornton
Torres
Torricelli
Towns
Traficant
Unsoeld
Valentine
Vento
Visclosky
Volkmer
Washington
Waters
Waxman
Weiss
Wheat
Whitten
Williams
Wilson
Wise
Wolpe
Wyden
Yates
Yatron

NAYS—146

Allard
Allen
Archer
Armey
Baker
Ballenger
Barrett
Barton
Bateman
Bentley
Bereuter
Bilirakis
Bliley
Boehner
Broomfield
Burton
Callahan
Camp
Chandler
Clinger
Coble
Coleman (MO)
Combest
Coughlin
Cox (CA)
Crane
Cunningham
Davis
DeLay
Dickinson
Doolittle
Dornan (CA)
Dreier
Duncan
Emerson
Ewing
Fawell
Fields
Fish
Franks (CT)
Gallegly
Gallo
Gekas
Gillmor
Gilman
Gingrich
Goodling
Goss
Gradison
Grandy
Green
Gunderson
Hancock
Hansen
Hastert
Hefley
Henry
Herger
Hobson
Holloway
Hopkins
Houghton
Hyde
Ireland
Jacobs
James
Johnson (CT)
Kasich
Klug
Kolbe
Kyl
Leach
Lewis (CA)
Lewis (FL)
Lightfoot
Lowery (CA)
Machtley
Marlenee
Martin
McCandless
McCollum
McCrery
McDade
McMillan (NC)
Meyers
Miller (OH)
Miller (WA)
Molinari
Moorhead
Morrison
Myers
Nichols
Nussle
Oxley
Paxon
Petri
Porter
Pursell
Quillen
Ramstad
Ravenel
Regula
Rhodes
Ridge
Riggs
Rinaldo
Ritter
Roberts
Rogers
Rohrabacher
Ros-Lehtinen
Roth
Roukema
Santorum
Saxton
Schaefer
Schiff
Schulze
Sensenbrenner
Shaw
Shays
Shuster
Skeen
Smith (NJ)
Smith (OR)
Smith (TX)
Snowe
Solomon
Spence
Stearns
Stump
Sundquist
Taylor (NC)
Thomas (CA)
Thomas (WY)
Upton
Vander Jagt
Vucanovich
Walker
Weber
Weldon
Wolf
Wylie
Young (FL)
Zeliff
Zimmer

NOT VOTING—34

Alexander
Anthony
Barnard
Boxer
Bruce
Bunning
Campbell (CA)
Campbell (CO)
Collins (MI)
Dannemeyer
Dicks
Dixon
Donnelly
Dymally
Edwards (OK)
Hatcher
Hunter
Inhofe
Kolter
Lagomarsino
Lent
Levine (CA)
Livingston
Manton
McEwen
Michel
Oakar
Olver
Packard
Ray
Stark
Traxler
Walsh
Young (AK)

□ 1537

Messrs. GOODLING, MORRISON, and RHODES changed their vote from "yea" to "nay."

So the previous question was ordered.

The result of the vote was announced as above recorded.

The SPEAKER pro tempore (Mr. MURTHA). The question is on the amendment offered by the gentleman from Pennsylvania [Mr. GAYDOS] to the committee amendment in the nature of a substitute.

The amendment to the committee amendment in the nature of a substitute was agreed to.

The SPEAKER pro tempore. The question is on the committee amendment in the nature of a substitute, as amended.

The committee amendment in the nature of a substitute, as amended, was agreed to.

The SPEAKER pro tempore. The question is on the resolution, as amended.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. THOMAS of California. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The vote was taken by electronic device, and there were—yeas 323, nays 76, not voting 35, as follows:

[Roll No. 149]

YEAS—323

Ackerman
Anderson
Andrews (ME)
Andrews (NJ)
Andrews (TX)
Annunzio
Applegate
Archer
Aspin
Atkins
AuCoin
Bacchus
Barrett
Barton
Bateman
Beilenson
Bennett
Bentley
Berman
Bevill
Bilbray
Bilirakis
Blackwell
Bliley
Boehlert
Bonior
Borski
Boucher
Brewster
Brooks
Broomfield
Browder
Bryant
Bustamante
Byron
Cardin
Carper
Carr
Chapman
Clay
Clement
Clinger
Coleman (MO)
Coleman (TX)
Collins (IL)
Combest
Condit
Conyers
Cooper
Costello
Coughlin
Cox (IL)
Coyne
Cramer
Cunningham
Darden
Davis
de la Garza
DeFazio
DeLauro
DeLay
Dellums
Derrick
Dickinson
Dicks
Dingell
Dooley
Dorgan (ND)
Downey
Durbin
Dwyer
Early
Eckart
Edwards (CA)
Edwards (TX)
Emerson
Engel
English
Erdreich
Espy
Evans
Fascell
Fazio
Feighan
Fish
Flake
Foglietta
Ford (MI)
Ford (TN)
Frank (MA)
Frost
Gallegly
Gallo
Gaydos
Gejdenson
Gephardt
Geren
Gibbons
Gilchrest
Gillmor
Gilman
Glickman
Gonzalez
Goodling
Gordon
Green
Guarini
Gunderson
Hall (OH)
Hall (TX)
Hamilton
Hammerschmidt
Harris
Hastert
Hayes (IL)
Hayes (LA)
Hefner
Hertel
Hoagland
Hobson
Hochbrueckner
Hopkins
Horn
Horton
Houghton
Hoyer
Hubbard
Huckaby
Hughes
Hutto
Hyde
Jefferson
Jenkins
Johnson (CT)
Johnson (SD)
Johnson (TX)
Johnston
Jones (GA)
Jones (NC)
Jontz
Kanjorski
Kaptur
Kasich
Kennedy
Kennelly
Kildee
Kleczka
Klug
Kolbe
Kopetski
Kostmayer
Kyl
LaFalce
Lancaster
Lantos
LaRocco
Laughlin
Lehman (CA)
Lehman (FL)
Levin (MI)
Lewis (CA)
Lewis (GA)
Lightfoot
Lipinski
Lloyd
Long
Lowery (CA)
Lowey (NY)
Luken
Machtley
Markey
Martin
Martinez
Matsui
Mavroules
Mazzoli
McCandless
McCloskey
McCrery
McCurdy
McDade
McDermott
McGrath
McHugh
McMillen (MD)
McNulty
Mfume
Miller (CA)
Mineta
Mink
Moakley
Molinari
Mollohan
Montgomery
Moody
Moran
Morella
Morrison
Mrazek
Murphy
Nagle
Natcher
Neal (MA)
Neal (NC)
Nichols
Nowak
Oberstar
Obey
Olin
Olver
Orton
Owens (NY)
Owens (UT)
Oxley
Pallone
Panetta
Parker
Pastor
Patterson
Payne (NJ)
Payne (VA)
Pease
Pelosi
Penny
Perkins
Peterson (FL)
Peterson (MN)
Pickett
Pickle
Porter
Poshard
Price
Rahall
Ramstad
Rangel
Ravenel
Reed
Rhodes
Richardson
Rinaldo
Roberts
Roe
Roemer
Rogers
Rose
Rostenkowski
Roukema
Rowland
Roybal
Russo
Sabo
Sanders
Sangmeister
Santorum
Sarpalius
Savage
Sawyer
Schaefer
Scheuer
Schiff
Schroeder
Schumer
Serrano
Sharp
Shuster
Sikorski
Sisisky
Skaggs
Skeen
Skelton
Slattery
Slaughter
Smith (FL)
Smith (IA)
Smith (NJ)
Smith (TX)
Solarz
Solomon
Spence
Spratt
Staggers
Stallings
Stenholm
Stokes
Studds
Stump
Sundquist
Swett
Swift
Synar
Tallon
Tanner
Tauzin
Taylor (MS)
Thomas (CA)
Thomas (GA)
Thomas (WY)
Thornton
Torres
Torricelli
Towns
Traficant
Unsoeld
Valentine
Vander Jagt
Vento
Visclosky
Volkmer
Washington
Waters
Waxman
Weiss
Wheat
Whitten
Williams
Wilson
Wise
Wolf
Wolpe
Wyden
Wylie
Yates
Yatron

NAYS—76

Abercrombie
Allard
Allen
Armey
Baker
Ballenger
Bereuter
Boehner
Burton
Callahan
Camp
Chandler
Coble
Cox (CA)
Crane
Doolittle
Dreier
Duncan
Ewing
Fawell
Fields
Franks (CT)
Gekas
Gingrich
Goss
Gradison
Grandy
Hancock
Hansen
Hefley
Henry
Herger
Holloway
Hunter
Ireland
Jacobs
James
Leach
Lewis (FL)
Marlenee
McCollum
McMillan (NC)
Meyers
Miller (OH)
Miller (WA)
Moorhead
Myers
Nussle
Paxon
Petri
Pursell
Quillen
Regula
Ridge
Riggs
Ritter
Rohrabacher
Ros-Lehtinen
Roth
Saxton
Schulze
Sensenbrenner
Shaw
Shays
Smith (OR)
Snowe
Stearns
Taylor (NC)
Upton
Vucanovich
Walker
Weber
Weldon
Young (FL)
Zeliff
Zimmer

NOT VOTING—35

Alexander
Anthony
Barnard
Boxer
Brown
Bruce
Bunning
Campbell (CA)
Campbell (CO)
Collins (MI)
Dannemeyer
Dixon
Donnelly
Dornan (CA)
Dymally
Edwards (OK)
Hatcher
Inhofe
Kolter
Lagomarsino
Lent
Levine (CA)
Livingston
Manton
McEwen
Michel
Murtha
Oakar
Ortiz
Packard
Ray
Stark
Traxler
Walsh
Young (AK)

□ 1555

The Clerk announced the following pairs:

On this vote:

Mr. Anthony for, with Mr. McEwen against.

Mr. Dymally for, with Mr. Packard against.

Mr. GINGRICH changed his vote from "yea" to "nay."

Messrs. ARCHER, DELAY, HOBSON, and NICHOLS changed their vote from "nay" to "yea."

So the resolution, as amended, was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. GAYDOS. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the resolution just agreed to.

The SPEAKER pro tempore (Mrs. UNSOELD). Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

COMMUNICATION FROM THE HONORABLE MICHAEL J. SHINAY, POSTMASTER, U.S. HOUSE OF REPRESENTATIVES

The SPEAKER pro tempore laid before the House the following communication from the Postmaster of the U.S. House of Representatives:

HOUSE OF REPRESENTATIVES,
OFFICE OF THE POSTMASTER,
Washington, DC, May 28, 1992.

Hon. THOMAS S. FOLEY,
The Speaker, H-204, The Capitol, House of Representatives, Washington, DC.

DEAR MR. SPEAKER: This is to notify you pursuant to Rule L (50) of the Rules of the House that three (3) employees of my office have been served with subpoenas issued by the United States District Court for the District of Columbia.

Sincerely,
MICHAEL J. SHINAY.

COMMUNICATION FROM THE HONORABLE DAN BURTON, MEMBER OF CONGRESS

The SPEAKER pro tempore laid before the House the following communication from the Honorable DAN BURTON, Member of Congress:

HOUSE OF REPRESENTATIVES,
Washington, DC, May 27, 1992.

Hon. THOMAS S. FOLEY,
Speaker, House of Representatives, The Capitol, Washington, DC.

DEAR MR. SPEAKER: I have previously notified you of my receipt of a subpoena issued by the Superior Court of Marion County, Indiana.

After consultation with the General Counsel, I have determined that compliance with the subpoena is not consistent with the privileges and rights of the House.

Sincerely,
DAN BURTON,
Member of Congress.

WAIVING POINTS OF ORDER AGAINST CONFERENCE REPORT ON S. 1306, ADAMHA REORGANIZATION ACT

Mr. HALL of Ohio. Madam Speaker, by direction of the Committee on Rules, I call up House Resolution 467 and ask for its immediate consideration.

The Clerk read the resolution as follows:

H. RES. 467

Resolved, That upon adoption of this resolution it shall be in order to consider the conference report on the bill (S. 1306) to amend title V of the Public Health Service Act to revise and extend certain programs, and for other purposes. All points of order against the conference report and against its consideration are hereby waived.

The SPEAKER pro tempore. The gentleman from Ohio [Mr. HALL] is recognized for 1 hour.

Mr. HALL of Ohio. Madam Speaker, I yield the customary 30 minutes to the gentleman from California [Mr. DREIER] for purposes of debate only, pending which I yield myself such time as I may consume. During consideration of this resolution, all time yielded is for the purpose of debate only.

Madam Speaker, House Resolution 467 is the rule providing for the consideration of the conference report on S. 1306, the Mental Health and Substance Abuse Services Improvement Act of 1992. The rule waives all points of order against the conference report and against its consideration. This rule is necessary so that we may expeditiously bring up the report which was agreed to by the conferees.

This legislation, Madam Speaker, is the culmination of several years of negotiations over the reauthorization of Federal substance abuse and mental health programs. The agreement reorganizes the current block grant structure to be more responsible to the needs of communities in fighting substance abuse, and in responding to mental health needs. The measure authorizes funds for fiscal years 1993 and 1994, and crates several new worthwhile programs to offer help to children and families who suffer the effects of drug and alcohol abuse.

Madam Speaker, this conference report is a carefully crafted compromise. The rule was unanimously voted out of the House Rules Committee, and I urge my colleagues to adopt it.

Madam Speaker, I reserve the balance of my time.

□ 1600

Mr. DREIER of California. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, this conference report was brought up on the Suspension Calendar last week, but it failed to attain the necessary two-thirds vote for passage. This rule allows the conference report to be considered under regular order.

It does waive points of order against what our friend, the gentleman from California [Mr. WAXMAN] refers to as minor scope and germaneness problems. I take him at his word that these are minor problems, and I have no serious objections to the rule.

I do, however, have some concerns about one of the offices contained in the new Substance Abuse and Mental Health Services Administration. It is the Office of Substance Abuse Prevention, which will be renamed the Center for Substance Abuse Prevention. It has been brought to the attention of many of us in the House that OSAP may be involved in direct or indirect lobbying activities that are prohibited by law.

The gentleman from Texas [Mr. HALL] and I, along with nearly 100 of our colleagues from both sides of the aisle will be sending a letter to the GAO requesting an investigation into allegations of inappropriate lobbying or advocacy activities on the part of OSAP. The office undertakes a number of worthwhile activities, and I would hate to see their efforts tarnished by legislative advocacy that deviates from their legal mandate.

I hope that a GAO investigation can adequately clear up these allegations. In the meantime, Madam Speaker, I believe we should move forward with this process, and I reserve the balance of my time.

Mr. HALL of Ohio. Madam Speaker, I would ask the gentleman from California [Mr. DREIER] if he has any requests for time.

Mr. DREIER of California. Madam Speaker, we have no requests for time, I urge support of the rule, and I yield back the balance of my time.

Mr. HALL of Ohio. Madam Speaker, I yield back the balance of my time, and I move the previous question on the resolution.

The previous question was ordered.

The resolution was agreed to.

A motion to reconsider was laid on the table.

MEDICAL DEVICE AMENDMENTS OF 1992

Mr. WAXMAN. Madam Speaker, I ask unanimous consent to take from the Speaker's table the Senate bill (S. 2783) to amend the Federal Food, Drug, and Cosmetic Act with respect to medical devices and for other purposes, and ask for its immediate consideration in the House.

The Clerk read the title of the Senate bill.

The SPEAKER pro tempore (Mrs. UNSOELD). Is there objection to the request of the gentleman from California?

Mr. BLILEY. Madam Speaker, reserving the right to object, while I will not object, I take this reservation for the purpose of asking the gentleman from California [Mr. WAXMAN] to explain what is in the bill.

Mr. WAXMAN. Madam Speaker, will the gentleman yield?

Mr. BLILEY. I yield to the gentleman from California.

Mr WAXMAN. Madam Speaker, I thank the gentleman from Virginia [Mr. BLILEY] for yielding to me.

Madam Speaker, the Medical Device Amendments of 1992 represent several modifications to the Safe Medical Device Act of 1990. These modifications have been enacted unanimously by the Senate. They have been agreed to by the gentleman from New York [Mr. LENT], the gentleman from Virginia [Mr. BLILEY], the gentleman from Michigan [Mr. DINGELL], and myself. The modifications have been developed at the request of representatives of medical device companies and consumer. The administration and representatives of hospitals have been consulted. I know of no opposition to the bill, and I would urge that we be permitted to adopt this legislation by unanimous consent.

STATEMENT OF EXPLANATION ON S. 2783, THE MEDICAL DEVICE AMENDMENTS OF 1992

SECTION 1. SHORT TITLE AND REFERENCE

Section 1 states that the short title is the "Medical Device Amendments of 1992."

SECTION 2. EFFECTIVE DATE AND REGULATIONS TO IMPLEMENT SECTION 519(e)

Section 2 pertains to the timetable for issuing final regulations and the effective date for final regulations for section 519(e) of the Federal Food, Drug and Cosmetic Act ("FFDC Act"). Section 519(e) was added by section 3(b) of the Safe Medical Devices Act of 1990, Pub. L. 101–629 ("SMDA"). The SMDA required the Food and Drug Administration ("FDA") to issue proposed regulations within nine months of the date of enactment (August 28, 1991), and final regulations nine months later (May 28, 1992). It also provides that if the agency misses the deadline for the final regulations, the proposed regulations will go into effect and become the final regulations, with the statute to take effect immediately.

The FDA issued the proposed regulations to implement section 519(e) on March 27, 1992. Even though the deadline for the final regulations is May 28, 1992, the agency provided a 60-day comment period. Thus the comment period will close one day before the final regulations are due to be issued. The agency has informed the Congress that it does not intend to issue the final regulations by the may 28 deadline.

Therefore, under section 3(c)(2) of the SMDA, the FDA's proposed tracking regulations will become the final regulations on May 28, 1992. Section 2 of S. 2783 provides that the tracking regulations that became final regulations by operation of section 3(c)(2) of the SMDA will revert to their proposed status as of May 27, 1992. Under section 2 of S. 2783, the deadline for issuing final device tracking regulations will be extended by 6 months, or until November 28, 1992. The agency has indicated that this extension will allow sufficient time to issue the final regulations. However, if the final regulations are not issued by November 28, 1992, then Section 2 provides that the proposed regulations will become the final regulations on November 29, 1992. The FDA is directed to publish promptly in the Federal Register notice of the new status of the proposed regulations.

Section 2 also provides that the final regulations will go into effect 9 months after they are published or no late than August 29, 1993 (9 months after November 29, 1992). This date may not be extended by the FDA under any circumstances.

In some cases, device manufacturers may need to obtain a section 510(k) clearance or an approval of a supplemental device application prior to initiating tracking of devices. This could occur where an effective tracking system required new packaging (such as single packaging instead of bulk packaging) or an alteration in processing (such as the sterilization of the product. It is expected that the FDA will expedite decisions on such clearance applications so that manufacturers can have tracking systems in place by the effective date of the regulations.

SECTION 3. POSTMARKET SURVEILLANCE

Section 3 makes failure to comply with a requirement imposed by section 522 of the FFDC Act (Postmarket Surveillance) a prohibited act subject to criminal and civil penalties. Section 3 also makes any device product misbranded if there was a failure or refusal to comply with a requirement under section 522 with respect to the device.

SECTION 4. REPAIR, REPLACEMENT, OR REFUND

Section 518(b) of the FFDC Act provides the circumstances under which the FDA may order a manufacturer, importer or distributor to repair a device, replace it, or refund the purchase price to the consumer. Under subsection (b)(1)(A)(ii), the Secretary must determine that there are reasonable grounds to believe that the device was not properly designed and manufactured with reference to the state of the art as it existed at the time of its design and manufacture.

There is some concern that this provision could not be applied to a device that was improperly designed (but properly manufactured) or improperly manufactured (but properly designed). Such an interpretation makes no sense, and the amendment would make it clear that subsection (b)(1)(A)(ii) may be satisfied by a demonstration of improper design or manufacture.

SECTION 5. REPORTING

Section 5 amends section 519 of the FFDC Act, which requires manufacturers, distributors and certain users of devices to report adverse device experiences to the FDA. The Medical Device Amendments of 1976 added section 519(a) to require manufacturers, importers and distributors to make certain reports to the FDA. In 1984, the agency issued regulations to implement section 519(a) which, among other things, require manufacturers and importers to report information that "reasonably suggests that one of its marketed devices may have caused or contributed to serious injury or death." 21 C.F.R. 803.1(1991). Although the 1984 regulations did not cover distributors, the Safe Medical Devices Act of 1990 added section 519(a)(6) which directs the FDA to issue regulations that require reporting by distributors.

Section 519(b) covers user reporting and requires device users (such as hospitals) to report to the FDA or the device manufacturer information that "reasonably suggests that there is a probability that a device has caused or contributed" to a death, serious illness, or serious injury. In proposed regulations that the agency published on November 26, 1991, the agency proposed to use the statutory standard for device users for both users and manufacturers. 56 Fed. Reg. 60024.

Section 5(a) would adopt a single standard that would determine when injuries caused by devices must be reported to FDA. Under Section 5(a), where information "reasonably suggests that a marketed device may have caused or contributed to serious injury or death," the manufacturer, importer or user would be required to report to the FDA.

Section 5(a) also provides a new definition of the types of injuries or illnesses that must be reported. The agency's regulations require reporting of "serious injuries" which are defined to mean injuries that are "life threatening," that could result "in permanent impairment of a body function or permanent damage to a body structure," or that "necessitate medical or surgical intervention" to prevent such impairment or damage. 21 C.F.R. 803.1(h)(1991). Section 519(b)(5)(6) includes a similar definition for the types of injuries that must be reported by medical device users, although it states that the injury must necessitate "immediate" medical or surgical intervention. The regulations applicable to manufacturer and importers (but not the statutory definition applicable to users) go beyond the provisions described above and require the reporting of injuries that necessitate medical or surgical intervention to "relieve unanticipated temporary impairment of a body function or unanticipated temporary damage to a body structure." 21 C.F.R. 903.1(h)(1991). In the proposed revisions to its regulations regarding manufacturer reporting, the FDA has deleted the requirement for reporting of unanticipated temporary impairment or damage. 56 Fed. Reg. 60025, 60033 (November 26, 1991).

Section 5(a) adopts a single definition for "serious injury." This definition applies to device manufacturers, importers, distributors and users. It requires reporting of an injury that "(A) [is] life threatening, (B) results in permanent impairment of a body function or permanent damage to a body structure, or (C) necessitates medical or surgical intervention to preclude permanent impairment of a body function or permanent damage to a body structure." This definition differs from the current definition of "serious injury" that is applicable to device users since the immediacy requirement in Section 519(b)(5)(B) has been dropped.

In addition, language directing the FDA to require reporting of other significant adverse experiences that it identifies in regulations has been added to both section 519(a) (manufacturer, importer and distributor reporting) and section 519(b) (user reporting).

These amendments are not intended to mandate that the FDA adopt the requirements of its current regulations, 21 C.F.R. 803.1, 803.3(h) (1991), for manufacturers. However, the amendments do give the agency the discretion to identify adverse device experiences that must be reported. While this language is not limited to injuries, examples of injuries that might not qualify under the definition of "serious injury" but which the agency could require to be reported are: concussions or fractures (which could be caused by a defect in a stretcher, hospital bed or platform for an MRI system), burns, temporary paralysis, temporary loss of sight, temporary loss of hearing, or temporary loss of smell.

Section 519(b), which is applicable to user reporting uses the term "serious illness" in addition to serious injury to describe the events that must be reported. Although the term "serious illness' is not used in section 519(a), the agency's proposed regulations issued on November 26, 1991, would require manufacturers to report serious illnesses in addition to serious injuries. While the term "injury" probably covers any illness that could be caused by a device, the bill is not in any way serious illnesses by manufacturers of devices.

SECTION 6. TECHNICALS

Section 6 makes a number of changes to correct a number of technical errors in current law. The changes are as follows.

(a) In the definition of device in section 201, "any of its principal" is stricken and "its primary" is substituted to make the section read consistently. No substantive change is intended.

(b) References throughout the FFDC Act to Department of Health, Education and Welfare are changed to Department of Health and Human Services, and the term "Commissioner" is defined as the "Commissioner of Food and Drugs."

(c) Certain incorrect references in section 304(d)(1) are corrected.

(d) In section 503(g)(3), the word "clearance" is substituted for "approval" so that the definition of "market clearance" in section 503(g)(4)(B) applies.

(e) In section 513(f)(3), incorrect designations of three subparagraphs are corrected and the word "section" is added before "510(k)."

(f) An incorrect citation in section 517(a)(10) is corrected.

(g) Several incorrect citations in the Safe Medical Devices Act of 1990 are corrected.

Mr. BLILEY. Madam Speaker, I strongly support the request of the gentleman from California [Mr. WAXMAN]. This bill solves a medical problem that has arisen with regard to the implementation of the Safe Medical Devices Act of 1990 and is supported by all interested parties.

Mr. WAXMAN. Madam Speaker, will the gentleman yield further to me?

Mr. BLILEY. I yield to the gentleman from California.

Mr. WAXMAN. Madam Speaker, I indicate to the gentleman from Virginia that he and I have agreed to a statement of explanation as to the legislative intent of S. 2783.

Mr. BLILEY. Madam Speaker, I certainly agree with that.

Madam Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

The Clerk read the Senate bill, as follows:

S. 2783

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE AND REFERENCE.

(a) SHORT TITLE.—This Act may be cited as the "Medical Device Amendments of 1992".

(b) REFERENCE.—Whenever in this Act an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of the Federal Food, Drug, and Cosmetic Act.

SEC. 2. EFFECTIVE DATE AND REGULATIONS TO IMPLEMENT DEVICE TRACKING.

(a) AMENDMENT.—Section 3 of the Safe Medical Devices Act of 1990 (21 U.S.C. 360i note) is amended—

(1) is subsection (b)(3), by striking out "upon the effective date" and inserting in lieu thereof "upon the expiration of 9 months after the issuance";

(2) in subsection (c)(2)—

(A) by striking out "and 519(e)" the first place it occurs; and

(B) by striking out "and 519(e) of such Act are" and inserting in lieu thereof "of such Act is"; and

(3) by adding at the end of subsection (c) the following:

"(3) Not later than November 28, 1992, the Secretary shall issue final regulations to implement section 519(e) of the Federal Food, Drug, and Cosmetic Act. If the Secretary does not promulgate such final regulations by November 28, 1992, the Congress finds that there is good cause for the proposed regulations to be considered as the final regulations without response to comment because the implementation of section 519(e) of such Act is essential to protect the health of patients who use devices. In such event, the proposed regulations issued under paragraph (1) shall become the issued final regulations on November 29, 1992. There shall be promptly published in the Federal Register notice of the new status of the proposed regulations.".

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall take effect as of May 27, 1992 and any rule to implement section 519(e) of the Federal Food, Drug, and Cosmetic Act proposed under section 3(c)(2) of the Safe Medical Devices Act of 1990 shall revert to its proposed status as of such date.

SEC. 3. POSTMARKET SURVEILLANCE.

(a) PROHIBITED ACT.—

(1) IN GENERAL.—Section 301(q)(1) (21 U.S.C. 331(q)(1)) is amended—

(A) by striking out "or (B)" and inserting in lieu thereof "(B)"; and

(B) by inserting before the period a comma and "or (C) comply with a requirement under section 522".

(2) MISBRANDED DEVICES.—Section 502(t) (21 U.S.C. 352(t)) is amended—

(A) by striking out "or (2)" and inserting in lieu thereof "(2)"; and

(B) by inserting before the period a comma and "or (3) to comply with a requirement under section 522".

(b) APPROVAL.—Section 522(b) (21 U.S.C. 3601(b)) is amended—

(1) by striking out "(a)" and inserting in lieu thereof "(a)(1)";

(2) by inserting a comma after "commerce"; and

(3) by adding after the first sentence the following: "Each manufacturer required to conduct a surveillance of a device under subsection (a)(2) shall, within 30 days after receiving notice that the manufacturer is required to conduct such surveillance, submit, for the approval of the Secretary, a protocol for the required surveillance.".

SEC. 4. REPAIR, REPLACEMENT, OR REFUND.

Section 518(b)(1)(A)(ii) (21 U.S.C. 360h(b)(1)(A)(ii)) is amended by striking out "and" each place it occurs and inserting in lieu thereof "or".

SEC. 5. REPORTING.

(a) AMENDMENTS.—Section 519 (21 U.S.C. 360i) is amended—

(1) by redesignating paragraphs (1) through (6) of subsection (a) as paragraphs (4) through (9), respectively, and by inserting before paragraph (4) (as so redesignated) the following:

"(1) shall require a device manufacturer or importer to report to the Secretary whenever the manufacturer or importer receives or otherwise becomes aware of information that reasonably suggests that one of its marketed devices—

"(A) may have caused or contributed to a death or serious injury, or

"(B) has malfunctioned and that such device or a similar device marketed by the manufacturer or importer would be likely to cause or contribute to a death or serious injury if the malfunction were to recur;

"(2) shall define the term 'serious injury' to mean an injury that—

"(A) is life threatening,

"(B) results in permanent impairment of a body function or permanent damage to a body structure, or

"(C) necessitates medical or surgical intervention to preclude permanent impairment of a body function or permanent damage to a body structure;

"(3) shall require reporting of other significant adverse device experiences as determined by the Secretary to be necessary to be reported;"; and

(2) in subsection (b)—

(A) in paragraph (1), by striking out "there is a probability that a device has" each place it occurs and inserting in lieu thereof "a device has or may have";

(B) in paragraph (1)(B)—

(i) by striking out "aware of information" and inserting in lieu thereof "aware of—

"(i) information"; and

(ii) by striking out "facility, the facility" and inserting in lieu thereof: "facility, or

"(ii) other significant adverse device experiences as determined by the Secretary by regulation to be necessary to be reported,

the facility";

and

(C) in paragraph (5)(B)(iii), by striking out "immediate".

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall take effect—

(1) 1 year after the date of the enactment of this Act; or

(2) on the effective date of regulations of the Secretary to implement such amendments,

whichever occurs first.

SEC. 6. TECHNICALS.

(a) SECTION 201.—Section 201 (21 U.S.C. 321) is amended—

(1) in subsection (h), by striking out "any of its principal" and inserting in lieu thereof "its primary"; and

(2) by adding at the end the following:

"(ff) The term 'Commissioner' means the Commissioner of Food and Drugs.".

(b) REFERENCE.—

(1) Subsections (c) and (d) of sections 201, subsections (a), (d), (h), (i), (l), (m), and (o) of section 408, subsections (a) and (b) of 536, section 701(b), and subsections (a) and (b) of 801 (21 U.S.C. 321 (c) and (d), 346a (a), (d), (h), (i), (l), (m), and (o), 360mm (a) and (b), 371(b), and 381 (a) and (b)) and section 351(c) of the Public Health Service Act (42 U.S.C. 262(c)) are each amended by striking out "Health, Education, and Welfare" each place it appears and inserting in lieu thereof "Health and Human Services".

(2) Section 201(y), section 506(a), section 507(a), section 702(c), section 702A, and section 706(b)(5)(C)(i) (21 U.S.C. 321(y), 356(a), 357(a), 372(c), 372a, and 376(b)(5)(C)(i)) are each amended by striking out "of Health, Education, and Welfare" each place it appears.

(c) SECTION 304.—Section 304(d)(1) (21 U.S.C. 334(d)(1)) is amended—

(1) by striking out "801(d)" each place it occurs and inserting in lieu thereof "801(e)"; and

(2) by striking out "clauses" and inserting in lieu thereof "paragraphs".

(d) SECTION 503.—Section 503(g)(3) (21 U.S.C. 353(g)(3)) is amended by striking out "approval" and inserting in lieu thereof "clearance".

(e) SECTION 513.—Section 513(f)(3) (21 U.S.C. 360c(f)(3)) is amended by redesignating clauses (i), (ii), and (iii) as subparagraphs (A), (B), and (C), respectively, and by striking out "the 510(k)" and inserting in lieu thereof "the section 510(k)".

(f) SECTION 517.—Section 517(a)(10) (21 U.S.C. 360g(a)(10)) is amended by striking out "520(c)(4)(B)" and inserting in lieu thereof "520(h)(4)(B)".

(g) SAFE MEDICAL DEVICES ACT OF 1990.—Section 18(b) of the Safe Medical Devices Act of 1990 is amended—

(1) by striking out "(b)(4)(B)" and inserting in lieu thereof "(b)";

(2) in paragraph (1), by striking out "(3)" and inserting in lieu thereof "(4)"; and

(3) in paragraph (2), by striking out "(4)" and inserting in lieu thereof "(5)".

The Senate bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

CONFERENCE REPORT ON S. 1306, ADAMHA REORGANIZATION ACT

Mr. WAXMAN. Madam Speaker, pursuant to rule XXVIII and House Resolution 467, I call up the conference report on the Senate bill (S. 1306) to amend title V of the Public Health Service Act to revise and extend certain programs, to restructure the Alcohol, Drug Abuse, and Mental Health Administration, and for other purposes.

The Clerk read the title of the Senate bill.

The SPEAKER pro tempore. Pursuant to House Resolution 467, the conference report is considered as having been read.

(For conference report and statement, see proceedings of the House of May 14, 1992, at page 11320.)

Mr. BILIRAKIS. Madam Speaker, I am opposed to this legislation. I understand that neither of these two gentlemen are, and, under rule XXVIII, I am requesting that I be permitted to control one-third of the time on general debate.

The SPEAKER pro tempore. Is the gentleman from Virginia [Mr. BLILEY] opposed to the conference report?

Mr. BLILEY. No, Madam Speaker, the gentleman from Virginia is not opposed to the conference report.

The SPEAKER pro tempore. The gentleman from Florida [Mr. BILIRAKIS] is entitled to one-third of the time, so the time will be divided, as follows:

The gentleman from California [Mr. WAXMAN] will be recognized for 20 minutes, the gentleman from Virginia [Mr. BLILEY] will be recognized for 20 minutes, and the gentleman from Florida [Mr. BILIRAKIS] will be recognized for 20 minutes.

The Chair recognizes the gentleman from California [Mr. WAXMAN].

GENERAL LEAVE

Mr. WAXMAN. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the conference report on S. 1306.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. WAXMAN. Madam Speaker, on behalf of the House conferees, I am pleased to present the conference report on S. 1306, the ADAMHA Reorganization Act. Passage of this landmark legislation represents an important continuation of the Federal Government's leadership in the fields of addictive and mental disorders.

First and foremost, the legislation provides for the reorganization of the Alcohol, Drug Abuse and Mental Health Administration. Under the legislation the three ADAMHA National Research Institutes for Alcohol Abuse, Drug Abuse and Mental Health will be transferred to the National Institutes of Health. All service related activities of the institutes, including clinical training and program evaluation activities, are transferred to the new Substance Abuse and Mental Health Services Administration. Under the proposal, three new Centers—the Center for Mental Health Services, Center for Substance Abuse Prevention, and Center for Substance Abuse Treatment Improvement—will be established to administer the Federal Government's substance abuse prevention, treatment, and mental health services programs.

The legislation also provides for the first comprehensive reform of the Federal Alcohol, Drug Abuse and Mental Health Services Block Grant. The conference agreement reflects the original House proposal to establish two discrete block grants: one for mental health services and one for substance abuse services. In addition, the funding formula for allotting block grant funds between the States is revised to more accurately target funds to those populations most in need. Under the agreement, the relative population at risk will be taken into account as well as the State's fiscal capacity and cost of providing services.

In addition to extending expiring programs, the legislation establishes several new initiatives.

In the mental health area a new categorical program is authorized to develop systems of care to assist severely disturbed children and adolescents. The gentleman from California [Mr. MILLER] deserves special recognition for his leadership—and that of the Select Committee on Children, Youth and Families, in promoting this initiative. Combined with related incentives in the Mental Health Services Block Grant, the legislation will help put the needs of children, a particularly vulnerable population, back on the national mental health agenda.

In the substance abuse area I want to highlight three important initiatives. The conference agreement provides for establishment of new categorical programs to establish treatment programs for expectant mothers, to provide financial assistance to trauma centers impacted by drug-related violence, and finally to establish a first rate, national treatment demonstration program in the National Capital Area. The agreement represents the culmination of three years of work by many Members and I'd like to recognize several for their contributions.

The gentleman from Illinois [Mr. DURBIN] was of great assistance in advocating establishment of residential treatment programs to help reduce the numbers of infants born exposed to drugs. The agreement responds forcefully to the continuing problem of women being denied access to drug and alcohol abuse treatment programs because they are pregnant. Under the legislation, new residential treatment programs will be established that can provide the child care and prenatal services that these women seeking drug treatment need. In addition, the legislation prohibits the denial of treatment services to women because of their pregnancy and makes States responsible—as a condition of receiving block grant funds—for assuring the availability of appropriate care.

The gentleman from Texas [Mr. COLEMAN] and the gentleman from California [Mr. LOWERY] were tireless advocates for including trauma care centers as full partners in the fight against illicit drugs. The legislation authorizes a new program of grants to assist financially troubled trauma centers, particularly those serving large undocumented populations.

The gentleman from Oklahoma [Mr. SYNAR] was instrumental in fashioning provisions of the conference agreement assuring that States enforce—as a condition of receiving Federal substance abuse block grant funds—minimum age of sale laws for tobacco products. The legislation also requires that federally funded drug prevention programs include strategies that will discourage the use of tobacco products by youth. The legislation recognizes the important relationship between early tobacco use by minors and the use of illicit drugs such as marijuana.

The gentleman from Virginia [Mr. MORAN], first as mayor of Alexandria, and now as a colleague, provided eloquent testimony of the need to channel new drug treatment resources into the National Capital Area to make it an example of quality for the Nation. Under the agreement, the Department of Health and Human Services will allocate $25 million over 3 years to better organize and improve the availability of drug treatment in Washington and the surrounding jurisdictions of Maryland and Virginia.

Passage of the legislation is also necessary to implement the recommendations of the President's National Drug Control Strategy. The legislation: First, establishes a new substance abuse treatment capacity expansion program; and second, provides greater State accountability for the use of Federal substance abuse block grant funds through the preparation of State substance abuse prevention and treatment plans.

Finally, I want to say a few words about the importance of this legislation in the fight against AIDS. It has become increasingly clear that AIDS and substance abuse are public health threats that are integrally linked. The conference agreement recognizes this reality. New provisions are provided to require the provision of interim treatment services—including interim methadone at the option of the State and only if the State health officer certified that such treatment would not reduce the availability of comprehensive treatment services—to all intravenous drug abusers seeking assistance and to begin, on a limited basis, the provision of intervention services to IV drug users infected with HIV. In view of the skyrocketing rates of HIV among many drug using populations, it is essential that HIV risk reduction methods be incorporated into all drug treatment programs.

Madam Speaker, I urge support for the conference agreement.

□ 1610

Mr. BLILEY. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, despite significant strides that have been made in the reduction of illicit drug abuse, many problems associated with substance abuse still remain. Among the problems that continue to plague the country:

Each year an estimated 375,000 babies are born exposed to cocaine and other drugs;

Fetal alcohol syndrome [FAS] affects as many as 1 to 3 infants per 1,000 live births;

Nearly 50 percent of Federal prison inmates and 75 percent of State prison inmates have used drugs. In major cities, as many as 80 percent of those surveyed who were arrested for serious crimes tested positive for drug use; and

IV drug use now accounts for almost a third of the people infected with AIDS and is the primary cause of transmission of AIDS to newborns. Over half of the heterosexuals infected with HIV have contracted the virus through sex with an IV drug user.

These few statistics demonstrate the need for an effective program of substance abuse treatment. In light of this, I am pleased that a compromise could be reached on the reauthorization of the Alcohol, Drug Abuse and Mental Health Administration [ADAMHA].

One of the major objections that the minority has had with the House bill is that it placed a number of onerous set-asides, earmarks, and taps on the block grant to fund new categorical programs. This shifting of moneys from the block grant to set-asides and categorical grant programs significantly reduces the flexibility of States to address the critical needs of their populations.

To increase State flexibility in administering the block grant, the conference agreement has eliminated the set-aside for drug abusers and narrowed the existing set-aside for women. In addition, the taps on substance abuse and mental block grants have been eliminated or considerably narrowed.

Also, I am pleased to state that this conference report meets the administration's goal to reorganize the agencies of ADAMHA. This legislation transfers the three research Institutes to the National Institutes of Health [NIH]. The remaining agencies are reconstituted as the Substance Abuse and Mental Health Services Administration, with the responsibility for Federal treatment and prevention programs. Also, a new Center for Mental Health Services has been created.

Madam Speaker, I ask my colleagues to support this bill.

Madam Speaker, I would like to engage in a colloquy with the gentleman from California [Mr. WAXMAN].

Madam Speaker, I am concerned that one of the block grant enforcement provisions in the conference report would give complainants a right to participate in noncompliance hearings that is broader than the right they currently enjoy. Under current law, complainants may present evidence at a hearing, but may not participate as parties. I do not believe that the conferees intended to give complainants the right to participate as parties, but the conference report provisions are somewhat ambiguous and might be misconstrued to expand the participation rights of non-Federal entities. Will the chairman confirm that we did not intend to expand such rights?

Mr. WAXMAN. Madam Speaker, will the gentleman yield?

Mr. BLILEY. I yield to the gentleman from California.

Mr. WAXMAN. The gentleman is correct.

Mr. BLILEY. Am I, therefore, correct that if the conference report is enacted into law, non-Federal entities should not be permitted to participate as parties in noncompliance hearings?

Mr. WAXMAN. I agree with the gentleman's statement.

Mr. BLILEY. Madam Speaker, I reserve the balance of my time.

Mr. BILIRAKIS. Madam Speaker, I yield myself such time as I might consume.

Madam Speaker, I would like to preface my remarks with two assurances: First, the conference report on S. 1306 does indeed implement many needed accountability measures, safeguards, and new initiatives vital to the field of alcohol, drug abuse, and mental health services across this country.

Second, while my own State of Florida, as well as Texas, Arizona, Colorado, Virginia, Maryland, Delaware, Nevada, and California, stand to lose substantial funds as a result of the proposed funding allocation formula, it is not my intent to propose changes to the formula itself. While many components of the proposed formula are of questionable merit and even are controversial, I recognize that the formula is a result of prolonged and tireless bipartisan efforts. I stand ready to support the formula.

Having laid out those assurances, let me now bring to your attention some concerns. While the first concern relates only to the States that stand to lose funds, the remaining concerns impact every State in this country.

Due to these concerns, I will oppose the bill and will be supporting a motion to recommit the conference report at the end of general debate.

Madam Speaker, the nine States that I just mentioned, and I will repeat them, Texas, Arizona, Colorado, Virginia, Maryland, Delaware, Nevada, California, and Florida, stand to collectively lose $36,226,806 by this legislation.

Three-quarters of these funds, Madam Speaker, have already been allocated to these States, and in some cases spent or planned for by the respective State legislatures. To require these States to revert these funds, to refund these funds, if you will, at this stage of the Federal fiscal year, is not only unprecedented, but would cause irreparable harm. Florida alone will lose $16.5 million as a result of this legislation.

Madam Speaker, let me take a few minutes to describe how these reductions will affect the State of Florida.

First, there would be a $12.5 million reduction for substance abuse services. Reductions would be seen in residential services, which include detox, short- and long-term residential facilities and halfway houses. Outpatient services, which include counseling, testing, methadone treatment, aftercare, case management, and day treatment services would also be drastically cut.

The improvement to the entire health picture, the entire drug picture, substance abuse picture that this legislation is intended to help, would in fact be hurt.

Currently, there are over 3,000 clients on waiting lists statewide for residential and outpatient services at this time. As a result of these reductions, statewide waiting lists will increase by over 100 percent. Is that what we want to accomplish here in this Congress? I think not.

Florida would also lose the Florida Addiction Treatment Center, the only statewide facility exclusively for substance abusers with mental health problems. This loss will result in 450 clients not receiving services.

In adult mental health services, the State of Florida will see a $4 million reduction. Most adult mental health initiatives will be set back.

By reducing the ability of communities to serve people with serious mental illness, increased utilization can be expected in mental health institutions and crisis stabilization units, all of which are already overcapacity.

Madam Speaker, several of my colleagues will address concerns with Federal funding for clean-needle programs and also address the provision allowing the Health and Human Services Secretary to issue regulations permitting methadone maintenance treatment programs and, therefore, I will not go into any extension of those.

My colleagues, I say to you through the Speaker, you owe it to yourselves and the constituents of your respective States to consider how this legislation might adversely affect your State through loss of dollars and through other mandatory provisions, and then demand an improved version.

By opposing the bill and supporting the motion to recommit, my colleagues can prevent bad public health policy and legislative procedure from becoming law. The result of investing a minimal amount of additional time and effort in conference over the next week or over the next few days will be a sound ADAMHA Reorganization Act, which implements responsible public health and drug abuse policy of which we can all be proud.

Madam Speaker, I reserve the balance of my time.

Mr. WAXMAN. Madam Speaker, I yield myself such time as I may consume on the issue of the formula for allocation for mental health and substance abuse funds.

Madam Speaker, this formula I think is fair and equitable. It was developed in close consultation with the General Accounting Office. It targets funds to States based upon the relative need of the State. The mental health formula allocates funds based on each State's population at risk for mental illness, the State's fiscal capacity, and the State's relative cost of providing services.

□ 1620

The substance abuse formula takes into account both the fiscal capacity of the State, the relative cost of providing services, and the population at risk, particularly the population of urban youth. Current law formula is flawed. Mental health funds were allocated by the same formula that applied for substance abuse. The populations at risk are very different.

Under current law, the formula placed great emphasis upon the relative urban population of a State. Urban population is a reasonable measure of the need for substance abuse services but not mental health services.

In 1991, the Department of Health and Human Services notified each State that its allotment for fiscal year 1992 would likely change. States were notified at the request of the gentleman from Michigan [Mr. DINGELL], Senator KENNEDY, and myself. It was made clear to each State that the allocation formula was likely to change and, too, the change would be effective in fiscal year 1992.

States were encouraged to budget accordingly. All States were given protection.

In addition to providing States with early notification of change, the conference agreement includes provisions that protect for 3 years any State allocation from falling below the fiscal year 1991 level. All States are protected uniformly. Not every State is happy with the allocations, with the outcome. Some States, such as Florida or Texas, actually prefer current law. It is understandable. Current law provided larger net increases relative to fiscal year 1991 than the conference agreement.

No States, however, will actually experience a loss of funding. Every State was aware that a formula change was likely in fiscal year 1992.

If we go back into the conference, as some would have us do, to try to do something more for Florida and Texas, as they would like, we are going to have to do less for States that have done well, such as Indiana, New York, Ohio, Michigan, Washington, Tennessee, South Carolina, Rhode Island, Massachusetts, Maine, Louisiana, Kentucky, Alabama, and Arkansas, just to name a few. My own State of California could argue that they should get more money, and I would love to get more money for the State of California. But we have got to get a formula that everyone can agree upon and get this bill moving. We have been deadlocked on this legislation for some years over this fight.

I want to point out again, a reminder to every Member, when the conference report came to the conferees, every single member of the conference signed it and every single member of that conference is supporting it. And that is on a bipartisan basis.

There are Members going to be unhappy with various aspects of this conference agreement. Some States, like Florida, are unhappy. Some are going to be unhappy about other provisions. We did the very best we could.

I would urge that we support this conference agreement, put this issue behind us in a way that I think resolves these outstanding questions in a fair and equitable manner.

Madam Speaker, I reserve the balance of my time.

Mr. BLILEY. Madam Speaker, I yield 4 minutes to the gentlewoman from Maryland [Mrs. MORELLA].

Mrs. MORELLA. Madam Speaker, I rise in support of S. 1306, legislation to reauthorize Federal substance abuse and mental health programs.

This legislation will provide the authority for a number of critical substance abuse prevention and treatment programs. I am particularly pleased that the conferees retained language providing for residential substance abuse treatment for pregnant women. This provision embodied legislation introduced by my good friend and colleague, Congressman DURBIN; I am an original cosponsor of the bill.

Our failure to provide residential treatment for pregnant women has had a tragic impact on our Nation. An estimated 375,000 drug-affected babies are born every year, many with serious medical problems. The cost of providing medical treatment and foster care for these children is far greater than the cost of residential substance abuse treatment for pregnant women. Hospital care for drug-affected newborns alone totaled $121 million in Maryland in 1989. The cost of providing hospital and foster care services through age 5 for the 9,000 cocaine-exposed children in only 8 major cities in 1989 totaled $500 million. This cost does not include special education programs and services needed after the age of 5.

And yet, two-thirds of the hospitals surveyed in 1989 by the Select Committee on Children, Youth, and Families reported that they had no place to refer pregnant addicts for treatment. This bill authorizes grants for residential treatment, providing these women with the services needed to regain control over their lives, and preventing damage to their children. Society will benefit from the contributions of these women and their children, and we will avoid the enormous costs of caring for addicted infants.

I also commend the conferees for selecting the Washington, DC, metropolitan area for a substance abuse treatment demonstration program. Local governments will provide comprehensive substance abuse treatment services to thousands of area substance abusers, and will allow the Capital area to serve as a national model for treatment service delivery. This is particularly important in view of the recent revelation that the Washington area has the highest rate of new HIV infection in the country—and the disease is now spreading most quickly among intravenous drug users.

The Metropolitan Washington Council of Governments reports that more than 128,000 individuals over the age of 12 need drug or alcohol treatment; however, public resources are available to treat only 40,000 individuals. In addition, clients seeking treatment must wait from 4 to 24 weeks to enter available services. Increased Federal funding in combination with State, local, and regional efforts is necessary if we are to provide critical and cost-effective treatment services.

Madam Speaker, I commend Chairman WAXMAN and the members of the committee for their efforts, and I urge my colleagues to join me in supporting this legislation.

Mr. BILIRAKIS. Madam Speaker, I yield 3 minutes to the gentleman from Minnesota [Mr. RAMSTAD].

Mr. RAMSTAD. Madam Speaker, I rise today in opposition to the conference report on S. 1306.

Last week, 148 Members voted against passing this conference report on the Suspension Calendar. Much of this opposition was due to the fact that this reorganization bill does not include the current prohibition on the use of Federal funds for needle exchange programs.

As a result, States would be allowed, for the first time, to use Federal tax dollars for the distribution of needles to intravenous drug users. This would be a disastrous move and a virtual surrender of the fight against drug abuse.

I call my colleagues' attention to an editorial in the Washington Post dated February 29, 1992, about a failed needle exchange experiment in Zurich, Switzerland, known as Platzspitz.

Under this program, heroin addicts could gather together in a park, far from residential neighborhoods, where they were provided clean needles and medical care. The purpose of the park was twofold: To slow the spread of AIDS among intravenous drug users and to separate potentially dangerous abusers from the rest of society.

The experiment was, in the words of the Post, a disaster. In addition to the increased number of violent crimes and medical emergencies—including 81 drug-related deaths in 1 year alone—park users claimed that the absence of legal prohibitions against drugs attracted many youngsters to the park.

Fortunately, city officials came to their senses and closed the park in February. But not until after too many people had died from drug overdoses, or had been victims of drug-related crime, or had become addicted to drugs after visiting the park.

The lesson from Platzspitz is simple: The only way to keep people who use intravenous drugs from killing themselves is to get them into real, zero tolerance treatment programs and off drugs for good.

That is what ADAMHA is supposed to be about: Programs to help people receive the treatment they need for substance abuse problems. That's why ADAMHA does and should continue funding projects like the consolidated chemical dependency treatment fund in Minnesota, which pools together Federal, State, and local assistance for cost-efficient treatment services.

But legitimate programs like these suffer when funds are used for experiments, like needle exchange programs, that encourage, facilitate, or condone illegal drug use. In addition to providing money for substance abusers, we must give them the right message. Unfortunately, the present conference report does not do that.

That's why I sent a letter with a number of my colleagues asking the administration to support this motion to recommit the conference report, and I am pleased by the administration's decision to do so.

I urge my colleagues to support the antineedle exchange position of the National District Attorneys Association and vote for this motion to recommit the bill to conference. Let's pass an ADAMHA reorganization bill which will help save lives, not destroy them.

I ask that along with the full text of my statement, this editorial from the Washington Post, the policy position paper of the National District Attorneys Association, my letter to Secretary Sullivan, and the administration's policy statement be printed in the RECORD.

[From the Washington Post, Feb. 29, 1992]

SECOND THOUGHTS IN SWITZERLAND

An experiment prompted by good intentions has failed in Switzerland. In response to the rising rate of both heroin addiction and AIDS in that country, city authorities in Zurich decided in 1989 to create a refuge for addicts in a park near the main railroad station. Because of this central location, the area, known as Platzspitz, was easily accessible to addicts, and because it is on a peninsula of land it was easily avoided by the general public.

The idea was to gather the addicts in a convenient place to keep them out of the increasingly frightened residential neighborhoods, while also making medical care, free syringes and condoms available at a place of congregation. But in order to draw drug users, a moratorium on arrests for possession and use was declared, and small sales were ignored.

In theory, it was a thoughtful, well-meaning plan. In practice it was a disaster. A few hundred addicts came in the beginning, but as the word spread, tens of thousands congregated, many from other countries in Europe. By last year, drug dealers from as far away as the Middle East had moved in.

International coverage of conditions in the park, including some stories in this paper, presented a picture of young people shooting up, hallucinating, acting wild or staring, stoned, into space. Television images were powerful. In Zurich, citizens were quickly disillusioned. There were increases in theft and violence in the area and almost continuous medical emergencies. Last year, there were 81 drug-related deaths in the park.

Swiss officials closed Platzspitz in February, and though they fear the dispersal of addicts throughout the city, they could no longer tolerate either the flood of outsiders or the chaotic conditions in the park. The incidence of AIDS in Switzerland is still high, though authorities claim that the rate of increase among intravenous drug users in Zurich has been slowed. Is there more addiction? That is not yet known. Statistical comparisons are hard to make because of the influx of addicts from other cities in Europe. But even some of the park's users have said that the absence of barriers to use and the easy availability of drugs in a public place attracted youngsters.

There must be a better way to reach addicts and to deal with AIDS in that population. That effort must continue. But an important lesson can be learned from the Zurich experience and from a similar experiment in Amsterdam, where drug use in public was tolerated. Notwithstanding the crime and related social problems associated with the drug culture, addiction itself is a terrible condition—degrading, dehumanizing and dangerous. One glimpse of the faces in the crowds at Platzspitz should convince even the most fervent reformer that legalization is the wrong way to go.

OFFICIAL POLICY POSITION OF THE NATIONAL DISTRICT ATTORNEYS ASSOCIATION

OPPOSING NEEDLE EXCHANGE EXPERIMENTATION

Whereas, a number of jurisdictions have or are considering experimentation with needle exchange programs; and

Whereas, proponents of needle exchange experimentation argue that permitting addicts to trade dirty for clean needles will reduce the transmission of HIV through shared needles; and

Whereas, this argument contains several faulty and unsupported assumptions such as:

Incorrectly assuming that addicts share needles because clean needles are unavailable. America's police and prosecutors have learned through interviews of addicts and seizures from addicts that needle sharing occurs as part of the drug culture even when addicts have unused needles readily available. Addicts often share the drugs contained in a single syringe and view needle sharing as an expression of trust with one another.

Incorrectly assuming that a needle exchange experiment will make needles more available. Insulin needles are commonly available and inexpensive. Several jurisdictions which have experimented with needle exchange have failed to show any benefit from the experiment, few addicts have exchanged needles, and no decrease in the spread of HIV has been established.

Incorrectly assuming that the only harm to be avoided is the transmission of HIV and ignores the fact that drug usage, particularly during pregnancy, causes permanent and even fatal effects on users and infants; and

Whereas, needle exchange experiments, to the extent they are successful, encourage addicts to continue illegal drug usage and are inconsistent with providing for education, enforcement, and treatment;

Therefore, be it resolved, that the NDAA condemns needle exchange experiments because they are being supported by faulty and unsupported assumptions which ignore the realities of drug usage; and

Be it further resolved that NDAA condemns needle exchange experiments as tolerating and even encouraging illegal drug usage; and

Be it further resolved the NDAA supports drug education, aggressive enforcement and readily available treatment as the most effective combination to eliminate the host of evils caused by the illegal use of drugs.

HOUSE OF REPRESENTATIVES,
Washington, DC, May 27, 1992.

Dr. LOUIS W. SULLIVAN,
Secretary, U.S. Department of Health and Human Services, Washington, DC.

DEAR DR. SULLIVAN: We the undersigned respectfully request that you and the Bush Administration oppose the present conference report on S. 1306, the Alcohol, Drug

Abuse and Mental Health Administration Reorganization Act of 1991.

We have two specific problems with the conference report: it does not include the current prohibition on federal funds for needle exchange programs and it requires the Department of Health and Human Services to issue regulations permitting "no-frills" methadone maintenance programs.

This is unsound public policy. Hard-core addicts need emergency outreach and drug treatment programs, not clean needles. They need comprehensive treatment and rehabilitative services, vocational training and employment counseling—not methadone. They need programs that *save* lives, not destroy them.

As you wrote House and Senate conferees on March 29, 1992, "There is no evidence that such programs reduce the incidence of HIV infection. Making sterile needles available to HIV Drug users only encourages more drug use." You were absolutely right.

While all of us are concerned with the spread of AIDS in our nation's cities, it does not make sense to remedy the problem by adopting HIV control programs that encourage dangerous and illegal drug use. Instead, we should promote aggressive outreach programs to educate intravenous drug users about the dangers of the HIV virus and drug treatment programs to get people off drugs for good.

Last week, 148 members voted against the conference report after minimal notification. We want to see an ADAMHA reorganization bill pass this year, but not if it includes provisions encouraging drug abuse.

For these reasons, we urge your support for a motion to recommit the conference report with instructions to the conferees to reinstate the prohibition on needle exchange and the removal of the "no-frills" methadone maintenance program. Your support will be a crucial factor in our efforts to clean up the conference report.

Thank you for your efforts and those of the Bush Administration to free America from the scourge of drugs. We look forward to your support for the motion to recommit.

Sincerely,

Jim Sensenbrenner, Tom DeLay, James M. Inhofe, Vin Weber, Porter J. Goss, Jim Ramstad, Robert K. Dornan, Bill Paxon, Sam Johnson, John T. Doolittle,

Members of Congress.

THE SECRETARY OF HEALTH AND HUMAN SERVICES,
Washington, DC, May 28 1992.

Hon. THOMAS S. FOLEY,
Speaker of the House of Representatives, Washington, DC.

DEAR MR. SPEAKER: We understand that you will soon have under consideration the conference report to accompany S. 1306, the ADAMHA Reorganization Act.

We are pleased that the conferees chose to include as the centerpiece of the legislation the reorganization of the Alcohol, Drug Abuse, and Mental Health Administration (ADAMHA). We also support the other provisions that are consistent with the Administration's proposals to establish a substance abuse capacity expansion programs and to require statewide substance abuse treatment and prevention plans.

The Administration strongly objects to the conferees' removal of the prohibition against the use of State block grant funds for clean needle exchange programs. There is no evidence that such programs reduce the incidence of HIV infection. Making sterile needles available to IV drug users only encourages more drug use. We feel adamantly that the prohibition should not have been removed and we will support a motion to recomit with instructions to add the prohibition to the bill. The adoption of the prohibition would make the conference report acceptable to the Administration.

We are advised by the Office of Management and Budget that there is no objection to the presentation of this report from the standpoint of the Administration's program.

Sincerely,

LOUIS W. SULLIVAN, M.D.

☐ 1630

Mr. WAXMAN. Madam Speaker, I yield 1 minute to the gentleman from New Jersey [Mr. PAYNE].

Mr. PAYNE of New Jersey. Madam Speaker, I rise in support of the bill, particularly section 124, which targets trauma centers that are troubled by drug-impacted violence.

Madam Speaker, I wish to pose to the distinguished chairman of the Subcommittee on Health and the Environment of the Committee on Energy and Commerce, my colleague, the gentleman from California [Mr. WAXMAN], a question, to secure clarification on title VI of the conference agreement concerning trauma centers and drug-related violence.

The city of Newark, in the heart of my district, is the location for a nationally recognized level I trauma center, one which is confronted daily with a high incidence of drug use-related violence and injury. In addition, this trauma center serves an inordinately large indigent population.

This is the type of trauma center considered eligible to apply for assistance under the program. My question is, therefore, Mr. Chairman, in my interpretation, the violence stemming from drug trafficking emphasized by the conference report is inclusive of drug use-related violence and injury, as well as the violence associated with the importation, distribution, and sales of illicit drugs.

Mr. WAXMAN. Madam Speaker, will the gentleman yield?

Mr. PAYNE of New Jersey. I yield to the gentleman from California.

Mr. WAXMAN. Madam Speaker, the gentleman is correct, and I appreciate the opportunity to clarify this point.

Mr. PAYNE of New Jersey. I thank the gentleman for his response.

Mr. WAXMAN. Madam Speaker, I yield 5 minutes to the gentleman from New York [Mr. RANGEL].

Mr. RANGEL. Madam Speaker, I thank the gentleman from California, the distinguished chairman of the subcommittee [Mr. WAXMAN], for the professional job that he has always done in this area.

Madam Speaker, I reluctantly rise in opposition to the bill and support its recommittal, because nowhere in the House bill and nowhere in the Senate bill did I find a provision which would allow for the interim use of methadone maintenance. Most of my colleagues know that methadone is an addictive drug, far more addictive than heroin, and many times it has been proposed as a treatment for heroin addicts, but only if provided with some type of counseling, some type of therapeutic assistance, but never just as a substitute drug.

HHS had already considered a proposed rule that would authorize the use of methadone, methadone maintenance, without providing the type of support service, and in the proposal in 1989 and 1990, State drug treatment agencies all over the country indicated that we were further eroding a very fragile treatment delivery system by superimposing the congressional will on those professionals who know best how to take care of drug addicts.

I have gone around the State and around the country as the chairman of the Select Committee on Narcotics Abuse and Control, and nowhere have I found that using methadone by itself as a treatment modality should be accepted. Indeed, I have in my hand a telegram that was sent to me by the former Director of the Division of Substance Abuse, Herbert D. Klieber, who is now a professor of psychiatry, that says that:

> Because the intra-methadone maintenance provision is not only a bad idea in itself, but that bad treatment can be worse than no treatment, it carries the risk of undercutting effective treatment, and given the budget difficulties of many States, it is conceivable that the full service slots might be sacrificed to expand these slots.

Indeed, as relates to the AIDS epidemic, we may be doing more damage than what we are trying to cure.

Madam Speaker, I do not know why this matter could not have had hearings, could not have been debated, could not have come before the House. But in the middle of the night it finds itself in the conference report. I must say that I would hope that even though it is in the bill, that the bill be recommitted and the conferees try to bring back to us what we have deliberated, what we have debated, and what we have asked them to come back with in conference, and not this material that was germane, but certainly was not voted in the House or Senate.

Mr. WAXMAN. Madam Speaker, will the gentleman yield further?

Mr. RANGEL. I yield to the gentleman from California.

Mr. WAXMAN. Madam Speaker, first, we would not permit under this legislation permanent treatment slots to be turned into these temporary slots. The idea behind this interim service notion was that when people are on the waiting list to get into a treatment slot, and if there is not one available to them, we simply do not say, "Go home and we will call you when something is available." We let them, at the State option, choose to provide some interim services. A State would have the determination, the power to determine, what that would mean. A State could use methadone.

I know the gentleman opposes that, but from our point of view, better to do that than nothing; better to do counseling than nothing, especially when IV drug users might be sharing needles and spreading AIDS.

I would prefer, as the gentleman would, that everyone who needs a drug addiction program be given full and comprehensive services, but interim services are better than no services at all. That was our hope, to see them be made available under this legislation.

Mr. RANGEL. Madam Speaker, I would like to respond to the gentleman. That might be the right legislative view, and indeed, it might be the political view, but those that provide the services say that we may be doing more damage than good. We have had hearings on this and we have had State agencies say that if they cannot provide a full service, they should not be giving this very dangerous drug called methadone. There would be diversion, there would be people that OD by using this with other drugs. If we take a look at the places that are providing these interim services, they are not places we would want to see our friends or family have to attend.

Mr. WAXMAN. It sounds like the gentleman distrusts the ability of the States to use their good judgment on this matter, and in terms of the bill, we leave it up to the State to determine what short-term services should be available.

Mr. BLILEY. Madam Speaker, I yield 2 minutes to the gentleman from Ohio [Mr. OXLEY].

Mr. OXLEY. Madam Speaker, I rise in support of the conference report, and give a great deal of credit to the conferees for putting together what I consider to be a very effective package. I say that for several reasons. First of all, the funding formula, particularly concerning the hold harmless clause, makes certain that no State is inadvertently or otherwise taken advantage of in the overall funding formula. I think that that has been, in the funding formula, set up very well by the committee to make certain it was fair.

Second, I think all of us for a long time had hoped that we could essentially split the alcohol-drug abuse program block grants from mental health, recognizing that they had two different and distinct functions. As a result of the conference committee report, we are doing exactly that.

Last, Madam Speaker, in regard to the needle exchange program, I for one oppose the concept of needle exchanges. However, I have to say that in the conference report the language is neutral. Indeed, it really does not speak to that controversy, essentially allowing jurisdictions to make their own determinations.

While I would like to see an outright ban, I recognize that in many instances it was simply impossible to provide, particularly based on what the Senate language had provided. So for those reasons, I think that those who apparently are trying to derail this worthwhile conference report by arguments about the needle exchange programs, I would ask that the Members keep their eyes on the ball here and find out specifically how their own individual State will do under the new funding formula, understand that the silence of the language regarding needle exchange is there for a purpose, and look to see how their own particular State does.

I, for one, urge particularly my colleagues from Ohio to support this worthwhile conference report.

□ 1640

Mr. BILIRAKIS. Madam Speaker, I yield 3 minutes to the gentlewoman from Nevada [Mrs. VUCANOVICH].

Mrs. VUCANOVICH. Madam Speaker, I thank the gentleman for yielding me the time.

Madam Speaker, I rise today in opposition to the conference report on S. 1306. Because of the change in the funding formula proposed in the conference report, the State of Nevada would lose approximately 5 percent of its funding for mental health services and alcohol and drug abuse services.

While 5 percent may not seem large to you, it is to Nevadans. In fact, it means that approximately 200 Nevadans would not be able to access alcohol and drug treatment and over 1,000 will be denied alcohol and drug prevention activities because of these cuts. Mental health services, too, would suffer losing $106,639.

The most troubling aspect of this conference report is that the formula change becomes effective immediately and is retroactive to October 1, 1991. Since three-quarters of these funds have already been allocated to States and used by some States like Nevada, these States would be required to return to return these funds. Surely this would cause irreparable harm to Nevada which is already under financial distress.

Let me share some statistics with you. According to a U.S. Senate Judiciary Committee study, Nevada ranks second in the Nation in the number of hardcore cocaine addicts. Even worse, over 50 percent of Nevada sixth graders report the use of alcohol and other drugs. The numbers are quite startling.

Furthermore, Madam Speaker, this conference report would allow the use of Federal funds to give needles to drug addicts. Rather than supporting this gimmick, Federal funds should be used for useful treatment programs—to improve the quality of life of our citizens in Nevada, and throughout the country.

Madam Speaker, we cannot let drug, and alcohol, and mental health statistics get worse. The conferees must reconsider this report so that States' awards for this fiscal year are held harmless and the formula is not implemented until October 1992. I urge my colleagues to vote to recommit this legislation.

Mr. BLILEY. Madam Speaker, I yield 3½ minutes to the gentleman from California [Mr. LOWERY].

Mr. LOWERY of California. Madam Speaker, I would like to take this opportunity to thank the managers of this bill, Mr. WAXMAN and Mr. BLILEY, for their efforts and cooperation in ensuring that the measure I introduced, H.R. 4285, the Trauma Care Center Alien Compensation Act of 1992, stayed intact throughout the House and Senate conference. I would also like to thank the conferees for their support of this important piece of legislation. I introduced this same measure last Congress, with the intention of assisting State and local governments in the maintenance and improvement of regional systems in trauma care.

Based upon recent Congressional Budget Office estimates of the undocumented alien population and the Census Bureau's estimates of yearly growth in this targeted population, approximately 6 million undocumented aliens and alien workers will be potential users of America's health care systems in 1992. Of the 6 million undocumented aliens present in the country, approximately 1.8 million will utilize some form of health care services available to the population at large, and of that, 40 percent of the costs incurred will be attributable to emergency medical services.

My legislation establishes a program of formula grants to compensate in whole or in part certain trauma care centers for unreimbursed costs incurred by treating undocumented aliens. It is my understanding that the conferees realized the crisis facing our Nation's trauma care centers and authorized $100 million to assist them for the fiscal year 1993.

Under my provision, trauma care centers must prove that at least 15 percent of their unreimbursed trauma care costs are attributable to undocumented aliens. Furthermore, trauma care centers must prove that they attempted to track down the patient to recover the costs. But once they have demonstrated to the Secretary of Health and Human Services that a genuine effort at recouping the costs of trauma care provided has been attempted, assistance from the Federal Government will be provided. While the formula may be subject to change, it is estimated that the 15 percent figure will address the most dramatic needs of the various trauma care centers throughout the country—enabling them to keep their doors open.

This problem is not a new one. In 1977, the House Committee on Interstate and Foreign Commerce and the House Subcommittee on Health and the Environment held hearings on five separate pieces of legislation which would have authorized the Public Health Service to provide financial assistance to medical facilities for trauma and medical emergency treatments provided to indigent and undocumented aliens. More recently, on September 11, 1985, the House Subcommittee on Immigration, Refugees, and International Law held similar hearings on this exact issue.

I do not think it is necessary for me to stand here on the floor and praise the virtues of trauma care centers and the role they play in saving lives. Without immediate treatment, many trauma patients die within the first hour of sustaining their injury. States such as California and Florida have set up trauma care network systems to ensure that state of the art surgical services would be available during the critical 60-minute period in which trauma patients must receive medical treatment or quite possibly die.

However, the financial viability of trauma centers is under tremendous strain. My legislation is but one response to the plea for Federal assistance from various hospitals and trauma care centers throughout the country.

While undocumented aliens are not the sole reason for the untimely closings and financial problems facing many of our Nation's trauma care centers, these individuals receive approximately 18 percent of our Nation's uncompensated emergency care. If the Federal Government ever gets around to implementing an effective immigration policy and regaining control of our international borders, the costs associated with this bill will decrease significantly.

I am pleased that the House and Senate conferees found that there is a proper role for the Federal Government to assist State and local governments with the costs of providing uncompensated trauma care to undocumented aliens. The costs of providing emergency medical services to undocumented aliens are increasing the already heavy burden shouldered by county taxpayers. Cities such as San Diego, Los Angeles, Houston, Tucson, Miami, and El Paso are treating a growing number of uninsured, undocumented trauma patients. The closing of over 60 trauma care centers in recent years is clear and convincing evidence that the time for Federal assistance is now. Closing trauma care centers is literally a matter of life and death.

I realize that there are larger financial problems facing our Nation's trauma care centers. However, it is my belief that a limited measure at this time is all that is possible in light of today's budget environment. But, Madam Speaker, I know with certainty that this beginning will save lives. It may be a child hit by a car, a heart attack patient, or an innocent victim of some senseless crime. We may not know who these benefactors will be, but we can know that our good efforts today will preserve life tomorrow.

Before I close, I wish to thank the chairman and ranking member of the Energy and Commerce Committee, Mr. DINGELL and Mr. LENT, the chairman and ranking member of the Subcommittee on Health and the Environment, Mr. WAXMAN and Mr. BLILEY, and the members of the House and Senate conference for ensuring the viability and integrity of this much-needed measure.

Mr. BILIRAKIS. Madam Speaker, I yield 3 minutes to the gentleman from Florida [Mr. BACCHUS].

Mr. BACCHUS. Madam Speaker, I rise today in support of the motion to recommit S. 1306, the conference report that reauthorizes the Alcohol, Drug Abuse, and Mental Health Administration. I certainly recognize the hard work and leadership of chairman WAXMAN and members of the Energy and Commerce Committee. There is much good in this conference report. Regrettably, I am unable to support the report because of the harmful effect it will have on Florida and many other States.

I am voting for this motion in the hopes that the conferees will address the retroactive funding provision for the new funding formula block grant. I am deeply troubled that, under this report, the formula would take effect immediately and would be retroactive to October 1, 1991. Three-quarters of the funds for this fiscal year have already been allocated to the States. In many cases these funds have already been spent or allocated. To require these States to give back these funds is not only unprecedented; it would cause irreparable harm.

In addition to the retroactive funding provision, the conference report also mandates certain substance abuse programs that further limit a State's ability to meet its own substance abuse needs. While these may be laudable programs, the conference report does not provide additional funding to help finance these new services. For example, the conference report requires that each State spend not less than 5 percent of its 1993 allocation on new services for pregnant women and for women with dependent children. Such services should be provided; however, there is not funding increase to meet this mandate. Quite the contrary, this conference report would immediately cut Florida's allocation of these block grant funds by $16.5 million—or more than 20 percent of the State's allocation of Federal funds. How can we cut funding retroactively and still mandate that another $3 million be set aside to provide new services for pregnant women and women with dependent children? Florida simply does not have the resources to meet these needs.

Like so many States during these recessionary times, Florida faces a severe budget crisis. Florida's State government is having to cut minimal services, while State and local administrators must stretch public funds to their limit to meet substance abuse and mental health needs, all of which are multiplying in our fastgrowing State. A reduction in these funds 8 months into this fiscal year would be a devastating blow to Florida's ability to maintain the current marginal levels of critically needed alcohol, drug abuse, and mental health services. This conference report is an abandonment of people in Florida and many other States who rely on these services. I support the motion to recommit this bill to the conferees.

Mr. BLILEY. Madam Speaker, I yield 2 minutes to the gentleman from Florida [Mr. PETERSON].

Mr. PETERSON of Florida. Madam Speaker, I thank the gentleman for yielding me this time.

Madam Speaker, I rise in strong support of the motion to recommit the conference report on S. 1306, the Alcohol, Drug Abuse, and Mental Health Administration block grant program.

If this legislation is approved by Congress here today, the State of Florida will lose approximately $16.5 million of our share of the block grant. To make matters worse, this loss is retroactive to October 1, 1991. Florida would have to give back $16.5 million with only 4 months left in the current fiscal year.

Of this cut, $4 million would be taken from mental health programs, which will result in an elimination of services to an estimated 3,536 seriously emotionally disturbed individuals requiring a range of community support services in order to be productive members of society.

The remainder of the cut would come in the form of a $12.5 million reduction in grants for substance abuse programs in Florida. This will result in elimination of services for an estimated 1,383 alcohol and drug abusing/addicted individuals requiring a wide range of community-based treatment services.

Madam Speaker, I am unaware of any such cut being imposed on a State before. It is unacceptable for this legislation to be retroactive. This bill reneges on a $16.5 million obligation to the State of Florida. It is an unsound and unfair financial practice to take back $16.5 million of Florida's grant award with only 4 months remaining in the grant year left to obligate the funds under statutory requirements of a 1-year obligation period.

But this is only one in a series of examples where Florida gets the shaft when it comes time to return Federal funds. In fact, Florida, the Nation's fourth most populous State, is next to last among the States, 49th out of 50, in receipt of Federal formula and grant programs for State and local governments. And under this bill, Florida would lose more money, $16 million, than any other State by far. This is blatantly unfair and impossible to justify.

Madam Speaker, I urge my colleagues in the strongest possible terms to support the motion to recommit.

Mr. BLILEY. Madam Speaker, I yield 1 minute to the gentleman from Wyoming [Mr. THOMAS].

Mr. THOMAS of Wyoming. Madam Speaker, I rise in support of the conference report, and I particularly want to comment on one aspect of it.

These are grants that are used for various purposes, and in the past they have been rather restrictive, and I think most of us have worked for more flexibility so that when they come to a State they can be used for those purposes that are of the highest priority for that particular State.

So I want to thank the chairman and the ranking member for the work that has been done in this particular bill to make those, particularly for intravenous drug users, more flexible and more useful for a State like mine.

I urge my colleagues to support the conference report.

Mr. BLILEY. Madam Speaker, I yield 1½ minutes to the gentleman from Florida [Mr. GOSS].

Mr. GOSS. Madam Speaker, I thank the gentleman for yielding me this time.

Madam Speaker, I rise today to oppose the conference report on S. 1306 and support the motion to recommit. I cannot, in good conscience, support the clean needle exchange provision or the methadone maintenance stations, especially when these programs in part will be instituted at the expense of drug abuse and mental health clients in the State of Florida. How in the world do we justify supporting the drug habits of hard-core addicts across this country at the same time closing the doors of working treatment and outreach centers in Texas, Florida and several other States? There is no logic in forcing States to return money that is currently well spent, committed to providing successful treatment to victims of drug and alcohol abuse. What can we tell individuals who suffer from mental illness and are currently receiving treatment in Florida? "Here's a clean needle? Have some methadone?"

Madam Speaker, I am asking my colleagues to recommit S. 1306 because it sets terrible precedents and because States like Florida will be unable to make up the million dollar losses to substance abuse and mental health programs. These vital assistance programs are counting on this money to continue their work for the next 4 months. It this bill passes, it is likely that: First, the State of Florida will fall out of compliance with Federal regulations, resulting in a Federal court takeover of adult mental health services; second, an additional, multimillion dollar cost to the State's taxpayers, and; third, loss of additional block grant funds because on noncompliance with public law.

I am asking my colleagues to recommit S. 1306 because we will lose the only statewide facility exclusively for substance abusers with mental health problems, the Florida Addiction Treatment Center. A waiting list of over 3,000 individuals will grow as residential services to 1,383 clients are cut, outpatient services to 2,416 clients are cut and, as the immigrant population continues to increase, Florida and every other reorganized border State will be in deep trouble.

I am asking my colleagues to recommit S. 1306 because we must provide for these people today, before they end up on Medicaid and everyone, State and Federal Governments, will end up footing an even greater bill.

Mr. BLILEY. Madam Speaker, I yield 30 seconds to the gentleman from Florida [Mr. BENNETT].

Mr. BENNETT. Madam Speaker, no State in the Union has greater problems with regard to the things that are attempted to be helped by this legislation, and to make a retroactive cut of $16 million against Florida seems to me to be not wise and certainly not fair.

The State of Florida has tried real hard to control drugs. It has a large area of penetration where people could come in with drugs.

The State of Florida has a lot of people who come to Florida who have been ill and are experiencing mental problems, and there are many special problems with regard to Florida. I think the new formula is unfair to Florida and should be corrected, and I hope the people will send this back by a motion to recommit.

Mr. BLILEY. Madam Speaker, I yield 3 minutes to the distinguished minority whip, the gentleman from Georgia [Mr. GINGRICH].

Mr. GINGRICH. Madam Speaker, I thank the gentleman for yielding me this time.

Madam Speaker, let me say that I rise because I will have a motion to recommit which has been cleared with the gentleman from Illinois [Mr. MICHEL] and which is strongly supported by the Bush administration. The motion to recommit has nothing to do with the funding issue and no one should have any concern from the State level with a State that is involved in the funding fight.

The motion to recommit is narrowly and specifically instructing the managers to agree to a prohibition against using Federal funds to provide individuals with hypodermic needles or syringes so that such individuals may use illegal drugs.

Let me read from a letter today from Secretary of Health and Human Services Lou Sullivan to the Speaker:

> The administration strongly objects to the conferees' removal of the prohibition against the use of State block grant funds for clean needle exchange programs. There is no evidence that such programs reduce the incidence of HIV infection. Making sterile needles available to IV drug users only encourages more drug use. We feel adamantly that the prohibition should not have been removed and we will support a motion to recommit with instructions to add the prohibition to the bill. The adoption of the prohibition would make the conference report acceptable to the administration.

Madam Speaker, let me emphasize this for just a moment. A "yes" vote will be a vote to insist that the Federal Government not pay for any clean-needle programs for drug addicts. A "yes" vote will be a vote which says we are going to stop any taxpayer money at the Federal level from going to pay for drug addicts getting needles from their Government. Let me quote again what the Secretary of Health and Human Services said: "Making sterile needles available to IV drug users only encourages more drug use."

So in Lou Sullivan's words, based on his judgment as a doctor and as the head of Health and Human Services, a "no" vote would be a vote to encourage more drug use. I do not want any Member to be confused about this, that to vote against the motion to recommit as characterized by the Secretary of Health and Human Services, not by me, but by Dr. Sullivan, a "no" vote allows an activity to go on which, as he says, only encourages more drug use. So I want to ask every Member of the House to join in. I believe this can be handled cleanly and simply, to pass the motion to recommit, to accept the Senate language to prohibit using Federal funds to provide individuals with hypodermic needles or syringes so that such individuals may use illegal drugs.

I would strongly urge every Member to vote "yes" for the motion to recommit to cut off any Federal money being used to give needles to drug addicts.

Again, I would strongly urge you not to vote "no," because as Dr. Sullivan characterized it, a "no" vote would "encourage more drug use."

Mr. WAXMAN. Madam Speaker, I yield such time as he may consume to the gentleman from Texas [Mr. STENHOLM].

Mr. STENHOLM. Madam Speaker, I thank the gentleman for yielding time to me.

Madam Speaker, I rise in reluctant opposition to the bill and in support of the motion to recommit.

Madam Speaker, I must reluctantly rise today to oppose this conference report on the Community Mental Health and Substance Abuse Services Improvement Act. It is with regret that I oppose the conference report because of the many critically needed programs authorized in this bill.

For example, the conference report includes a provision sponsored by my colleague CRAIG THOMAS which allows rural States more flexibility in meeting the needs of drug abuse victims. Another very important provision contained in this bill is sponsored by GLENN POSHARD. It directs the National Institute of Mental Health to establish an Office of Rural Mental Health whose purpose is to develop ways to deliver basic mental health outreach services to Americans living in rural areas.

These programs and others like them make it very difficult for me to vote against this bill. However, the funding allocation in the conference report contains a provision which would retroactively cut $10 million from Texas' funding for the current fiscal year. To me, this is unconscionable. It will effectively reduce for Texas residents the very services this legislation is designed to provide. I urge my colleagues to support the motion to recommit without instructions.

□ 1700

Mr. WAXMAN. Madam Speaker, I yield myself 3 minutes to oppose the motion to recommit and in support of this legislation.

I want to point out to my colleagues that this is not a conference report condoning needle exchange programs. The original House bill, H.R. 3698, passed the House on March 24 under suspension of the rules. That legislation did not restrict the option of States to design drug treatment programs, including the option of needle exchange programs as a part of AIDS prevention activities. In this regard, the conference report is identical to the original House-passed provision.

The point that has been raised is really a tangential issue to what this bill is all about. I do not think it is being raised legitimately in terms of what the provision does.

There are no provisions regarding needles in this bill. States have total discretion in this area. We should have confidence that the State drug directors will act in the best interests of their States.

The National Commission on AIDS recommended against a Federal ban on State-run needle exchanges.

The AIDS epidemic in some States is highest among IV drug abusers and their sexual partners and children, but we should not federally preempt the ability of States to slow the spread of AIDS.

Now, there are a lot of people here who have talked against this bill because they do not like the funding formula. They think that Florida ought to do better. I understand that you would like your State to do better. The motion to recommit does not address that issue. The motion to recommit, however, will put us all back into conference.

I think we ought to recognize that once we are in conference, there is a good chance that we will get so bottled up on all the issues that might be raised that we may not come out of conference again. It took 3 years for us to work on this formula issue and to resolve it.

I am very much concerned if this motion to recommit is adopted that we end up with an inability to address the important mental health substance abuse programs, the research programs.

The administration supports this conference report because they want the reorganization of ADAMHA, and that is what the conference agreed to.

I would urge that the Republican motion to recommit be defeated. Those who do not like the conference report, do not vote for it, but let us get this thing adopted by, I think, the overwhelming majority here who should want to support this legislation.

Mr. BLILEY. Madam Speaker, I yield such time as he may consume to the gentleman from California [Mr. HERGER].

Mr. HERGER. Madam Speaker, I rise in opposition to the conference report on S. 1306. This bill was correctly defeated under suspension of the rules last week and should be defeated again today.

This conference report removes the current prohibition on the use of Federal funds for drug needle exchanges. How can we claim to be fighting a war on drugs when we are giving abusers the very tools of their self-destruction.

As a member of the Select Committee on Narcotics Abuse and Control, I understand the exploding problem of AIDS among intravenous drug users. We need treatment and prevention programs that address this problem, but this provision sends the wrong message.

I also join a number of my colleagues who are concerned about the mandate for no-frills methadone treatment. It has been reported that addicts would be able to go to a number of different methadone centers every day, even receiving doses to go. This is not treatment, it is abuse.

It has been reported that individuals have died as a result of unrestricted access to methadone. We cannot allow that.

This is an important bill, but too seriously flawed to be passed by this House. I urge your "No" vote on the conference report.

Mr. BLILEY. Madam Speaker, I yield 1 minute to the gentleman from Louisiana [Mr. HOLLOWAY].

Mr. HOLLOWAY. Mr. Speaker, I rise in reluctant opposition to this because I do believe that it is a good bill overall, but I do have a problem with giving free needles when proven facts show it does not work.

It bothers me to think that if we were to give condoms out, to think we would have less sex, and if we give free needles out, we think we would have less drug use, and figures show that we are not preventing the spread of the HIV virus by doing it. It bothers me very much.

The gentleman just said that we do not want to go back to conference. I think the only thing we would like to see happen with this bill is to go back to conference and take out the ability to use block grant funds to give out free needles.

I know other States have problems with funding levels.

I think the bill is a good bill, but so often we end up having to vote against a bill in this Chamber because of something that is put in it that makes it totally offensive to support.

So I rise in opposition to this. I ask that we recommit this bill and in doing so that we encourage the conferees to take out the use of block grant funds for free needle use.

Mr. BILIRAKIS. Madam Speaker, I yield the balance of my time to the gentleman from Florida [Mr. SHAW].

Mr. SHAW. Madam Speaker, I would like at this time to associate myself with the remarks of my colleagues from Florida.

Madam Speaker, I yield to the gentleman from Florida [Mr. JOHNSTON].

Mr. JOHNSTON of Florida. Madam Speaker, I reluctantly request the body to agree to the motion to recommit because of the formula.

Madam Speaker, we are all here today to support vital programs dealing with alcohol, drug abuse, and mental health services. In general, the aims of S. 1306 should be applauded; however, I must reluctantly rise in support of a motion to recommit the S. 1306 conference report because of provisions that place undue burdens on several States including the State of Florida.

The aims of S. 1306 are undermined when it includes provisions to slash funding for vital State services. Florida alone stands to lose $16.4 million. Because of these cuts, 11,500 substance abuse clients and 3,400 mentally ill clients will go without necessary treatment services.

Congress must move forward in partnership with State government to provide a strong program of alcohol, drug abuse, and mental health services. S. 1306 includes retroactive provisions to reclaim funds already appropriated for State services. To require States to give back program funds is unprecedented and unfair, and destroys the foundation of trust between Federal and State government.

The funding provisions in S. 1306 must be reexamined to affirm our commitment to alcohol, drug abuse, and mental health services. Please support the motion to recommit.

Mr. SHAW. Madam Speaker, I would urge all my colleagues to take a very close look at this bill. It has many fine parts, there is no question about it. The committee has worked very hard and it has a lot of bipartisan support right here in this body, but there is one thing in this bill other than the funding which I am upset about, and that is an original basis, on a State basis; but I am terribly concerned that for the first time this bill would permit federally subsidized needle exchange programs.

Now, how many times do we have to say no to drugs? How many times do we have to talk about this, and the people who are supporting this and put this in the bill have been very strong on the idea of educating people on the harmful effects of illegal drugs in this country.

Then you turn around and say, "But if you are going to use it, we are going to be sure that you have clean needles."

That is like you are saying you are going to outlaw bullets, but if somebody is going to use them, you are going to give them the guns. It makes absolutely no sense.

And look at this. You are telling the American taxpayer that out of some of their tax dollars we are going to make funds available for drug users to go shoot themselves up.

Now, what sense does that make? How are we going to possibly go home and explain that wasteful use of Federal money?

Now, there are enough problems around here to last us for two or three sessions. This is one we certainly do not need.

A vote for the motion to recommit is a vote to instruct the conferees simply to take that portion out of the bill which relates to federally mandated needle exchanges, and nothing else.

A vote to recommit does not solve Florida's problem, unfortunately, but a vote to recommit makes sense for everybody here in this Chamber, no matter what your State formula is.

Mr. BLILEY. Madam Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. LEWIS of Florida. Madam Speaker, I rise today in strong opposition to S. 1306, the conference report on ADAMHA authorization.

As a microcosm of the national drug problem, my home State of Florida continues to lead the Nation in innovative law enforcement and drug treatment programs. However, should the provisions of this bill be enacted, Florida will lose $16 million in critically needed substance abuse and mental health funding. This will not only critically injure an already overburdened drug and mental health treatment system, but divert funds away from a State which holds a unique position to create and implement positive solutions to the nations's drug problem.

Second, while I share my colleagues' goal of stemming the spread of the AIDS virus, distribution of clean hypodermic needles for intravenous drug use cannot accomplish this. Such action only encourages the spread of this deadly plague by allowing current users to safely continue their addiction until the day they use an infected needle because the government isn't there to put a clean one in their hand. Let's reduce the spread of AIDS by reducing drug use, not encouraging it.

I urge my colleagues to oppose the conference report.

Mr. DURBIN. Madam Speaker, I would like to call to the attention of my colleagues the provision of this conference report that establishes a new grant program to provide comprehensive residential treatment services to substance-abusing pregnant and post partum women and their children.

It has been my pleasure to work on this provision with the chairman of the subcommittee, Mr. WAXMAN, and I would like to thank him for his support.

Madam Speaker, 375,000 babies are born each year in the United States who were exposed to illegal drugs before birth—1 out of every 10 newborns. The cost of caring for them is enormous: Hundreds of millions of dollars in hospital costs each year just to stabilize them immediately after birth, and billions of dollars annually for health care, foster care, special education, and other social services they will need as they grow up.

For many addicted pregnant women, only a long-term residential treatment program can provide the services they need, including counseling, child care, room and board for the women and their children, and other services. Many women need to be able to get away from the environment that nurtures their drug use. A residential treatment program provides the support system they need to stop their drug use and focus on their recovery.

According to the Institute of Medicine, the clients of longer term residential treatment programs end virtually all illicit drug taking and other criminal behavior while in residence. They also demonstrate lower drug use and criminal activity and greater social productivity after discharge than they did before admission and than other individuals who did not receive similar treatment. As a result, the Institute of Medicine included residential treatment programs for pregnant women and their children in its core strategy for addressing our Nation's drug treatment needs.

Unfortunately, many of our Nation's residential treatment programs currently refuse to serve pregnant women or refuse to make provision for their children. As a result, pregnant women who desperately need treatment languish on the waiting lists for the few programs that are available. While they look for a program that has an opening and will accept them, they and their children suffer the continuing effects of their addiction.

This measure will help change that tragic reality, by establishing a grant program offering to addicted pregnant women and their children the opportunity for comprehensive treatment in a residential setting in which the children are allowed to reside with their mother.

The legislation spells out the comprehensive list of services that must be provided, so that programs will deal with the women and children's full range of needs. For example, services for women must include health care, AIDS, and domestic violence counseling, training in parenting, involvement of other family members as appropriate, counseling on obtaining employment, and planning and counseling to assist re-entry into society both before and after discharge. Similarly, services for children must include health care, child care, counseling as appropriate, and other social services to help them overcome the effects of maternal addiction.

This residential treatment grant program and a related outpatient program for pregnant women are jointly authorized at a funding level of $100 million in 1993, and such sums as necessary in 1994. Emphasis is given to the residential treatment program, including additional funding from the block grant and potential funding from the special drug asset forfeiture fund. It is my hope that we will soon see many women and their children given a new lease on life because of the residential treatment services authorized in this program.

Mr. YOUNG of Florida. Madam Speaker, as I did last week when the House first considered this legislation, I again rise in strong opposition to this conference report on S. 1306, the Alcohol, Drug Abuse, and Mental Health Administrative Reorganization Act, because it would cause irreparable damage to alcohol, drug abuse, and mental health programs throughout Florida.

This legislation significantly alters the formula under which Federal alcohol, drug abuse, and mental health block grants funds are awarded to the States. Most importantly, it includes a retroactive change to the formula effective October 1, 1991. This unfair retroactive change in the formula means Florida will lose more than $16.5 million in Federal funds which are planned for use in the final quarter of the current fiscal year for substance abuse treatment and mental health programs. In principal, I oppose any legislation that seeks to retroactively recapture previously allocated funds especially in a case when the care and lives of thousands of individuals are jeopardized.

As I indicated to my colleagues during debate on this legislation last week, Pinellas County, FL, which I represent, has developed a number of nationally recognized model programs in these areas. The retroactive loss of Federal support will force many of these programs to close or substantially reduce the number of people they serve.

Two of the principal sponsors of these programs in my district, Operation PAR, and Gulf Coast Jewish Family Services, would be greatly impacted by the retroactive formula changes in this legislation and redistribution of Federal funds allocated for these programs earlier this year. Operation PAR runs a number of outpatient and residential substance abuse treatment programs including an in-jail substance abuse program which would be eliminated. Florida already has a waiting list of 3,000 persons seeking outpatient and residential services. The impact of this bill will be a doubling in the size of this waiting list.

Gulf Coast Jewish Family Services would have to eliminate its geriatric caregiver support team which provides support for the families of mental health patients. This will drive up the cost to families and the Federal and State government by forcing families to rely more heavily on nursing homes and other institutional care facilities to provide these services at much greater cost.

Following my remarks, Madam Speaker, I would like to include for the benefit of my colleagues an editorial entitled "A Cruel Federal Cut" from the May 25 edition of the St. Petersburg Times which reiterates the catastrophic impact the enactment of this legislation would have on these types of programs in Florida. In many cases, entire programs will have to close leaving vulnerable residents of all ages without vital services.

Florida is one of 12 States which will lose funds under these new formulas and the dropping of any protection offered by a hold harmless provision which would prevent the recapture of funds awarded to the States earlier this year. Given the financial situation of Florida and the other State governments, it is doubtful that the State can find available funds to offset this reduction in Federal support.

State officials advise me that in Florida's case, the $12 million reduction in Federal support for substance abuse programs will result in a loss of services for 1,400 alcohol and drug abusing and addicted individuals seeking community based help. The $4 million in lost mental health funding will mean 3,500 seriously disturbed individuals will not receive the support they require to remain in their communities and not in more expensive institutional settings.

Madam Speaker, through my work on the House Appropriations Subcommittee which funds our Nation's substance abuse and mental health programs, I am aware of the urgent need to provide greater, not less, support for these community based programs which provide innovative services that help thousands of American families. Public and private agencies throughout the State of Florida, and particularly in Pinellas County which I represent, have developed a number of exceptional programs to combat the problems of drug abuse and mental illness. Their work and innovation are threatened by this conference report today and I again urge my colleagues in the House to reject this legislation. We should support the upcoming motion to recommit this legislation back to the conference committee. There it can be amended to include a hold harmless provision to protect Florida in the current fiscal year or some other way revised so that it does not unfairly and retroactively penalize Florida and the 11 other States that would lose vital Federal support for a number of important ongoing programs.

[From the St. Petersburg (FL) Times, May 25, 1992]

A CRUEL FEDERAL CUT

A drug rehabilitation program in Pinellas County keeps substance abusers and their newborns together. The special needs of babies born to addicted mothers are tended at PAR Village, and the bonding helps speed the mothers' recovery.

Families who care for elderly mental health patients benefit from special attention themselves. Gulf Coast Jewish Family Services runs a geriatric care-giver support program that provides the encouragement and nurturing that is so critical to families facing such a challenge.

These are just two of the effective programs in serious jeopardy because of congressional action. The Florida delegation should scramble to stave off an impending loss of $16.5-million.

What makes this worse than most cuts in federal funding is that Florida already has received most of the money allotted for the current fiscal year, has planned for its use and, in some cases, already spent it. The Federal Government in essence would be asking Florida to hand the money back, an unacceptable request in any year but preposterous in this time of painful budget cuts at the state level.

The problem resulted from a restructuring of the formula used to distribute federal money, something that was not unexpected by officials who administer alcohol, drug abuse and mental health programs for Florida. Traditionally, the formula had favored states with heavy urban populations at the expense of more rural states, and there was a need to revise the distribution process to make it more equitable.

What wasn't anticipated and, officials say, was unprecedented, is the provision in the legislative package that would refigure Florida's 1991–1992 share under the new formula and require the state to return the difference.

"At no point did we expect they would take out the money we (already) were programing to spend," said Pam Petersen, deputy assistant secretary for drug and alcohol abuse at Florida's Department of Health and Rehabilitative Services.

A final vote on the package has been delayed in Congress. It should be sent back to conference committee and at the least, language should be restored that would allow Florida and 11 other affected states to keep this year's allotment.

That would give state legislators a little more time to figure how to make up for the loss of federal support. It also would give them more time to consider the suffering they cause by lacking the courage to accomplish serious financial reform.

Mr. KOSTMAYER. Madam Speaker, I rise in support for the conference report for the Alcohol, Drug Abuse and Mental Health Administration [ADAMHA] Reorganization Act.

I am proud to have worked in the Energy and Commerce Committee to ensure that this legislation maintains the current level of funding for drug and alcohol rehabilitation programs in the State of Pennsylvania. Further, I am pleased that the conference report includes a provision which I introduced which allows the State to maintain the current funding level for it's mental health programs.

Pennsylvania provides one of this Nation's most effective and established programs for mental health services and residential and out patient drugs and alcohol treatment. I encourage all of my colleagues to support this legislation which will continue this Nation's efforts in combating drug abuse and provides treatment for the mentally ill.

Mr. KOPETSKI. Madam Speaker, I rise today in strong support of the conference report on S. 1306, the Community Mental Health and Substance Abuse Services Improvement Act of 1992.

Mental disorders and substance abuse are among the most widespread, destructive, and costly public health problems our Nation faces. Nearly 19 percent of American adults suffer from mental or addictive disorders in any 6-month period. Some 7.5 million American children suffer from mental disorders such as depression, autism, and learning disabilities. The direct and indirect costs of disorders of the brain and central nervous system are estimated to be $401.1 billion. These are serious illnesses, and they deserve a serious and substantial effort targeted at their elimination and treatment.

Most attention in this debate on the reauthorization is focused on two issues, the block grant formula and needle exchange programs.

Madam Speaker, this conference report represents the end of a long road for the issue of the alcohol, drug abuse, and mental health services, or ADMS, block grant program formula.

Since its creation in 1981, the ADMS block grant formula has been the focus of great controversy. An initial problem with the formula was that States which aggressively pursued funding under the earlier Community Mental Health Centers Program were essentially penalized, because the formula was based on States' 1981 allocation for mental health and substance abuse services. The formula was changed in 1984 to reflect the relative population and per capita income of each State. However, a 1986 report by the University of California, San Francisco, recommended that the formula be refined to include need indicators based on age and gender. The war on drugs of the mid- to late-1980's resulted in preference in the formula being given to States with large urban areas, when the block grant was reauthorized in 1988.

Madam Speaker, ever since then, rural States have come out on the short end of the stick, despite the fact that residents of rural areas have the same incidence rates for alcohol abuse and mental disorders. The General Accounting Office recommended changing the formula to remove the urban weight in these categories, and the conference report's formula does this. This new formula is largely the same as the one contained in the Senate version of the bill. The Senate unanimously passed its version of this bill, showing the breadth of support for the formula. Much of this support is due to the inclusion of a hold harmless provision for largely urban States. The conference report contains a hold harmless provision for length of the authorization, which is 3 years.

Madam Speaker, while there will be some short-term pain for a handful of States, the new formula contained in the conference report is a dramatic improvement.

A second controversial issue regarding the conference report is needle exchange programs. I would like to clarify that this bill will not establish a Federal needle exchange program. However, it will give States the discretion to use Federal funds for programs that provide clean needles or bleach to drug addicts to reduce the spread of disease and induce addicts to enter treatment. The President's Commission on AIDS strongly endorses needle exchange programs based on the available evidence that suggests such public health measures can reduce the spread of AIDS and encourage addicts to enter treatment programs.

Madam Speaker, needle exchange programs work. Taking this treatment option out of the hands of States is short-sighted.

I urge my colleagues to support the conference report.

Mr. WAXMAN. Madam Speaker, I urge the Members to vote against the motion to recommit and support the conference report.

Madam Speaker, I yield back the balance of our time.

The SPEAKER pro tempore (Mrs. UNSOELD). Without objection, the previous question is ordered on the conference report.

There was no objection.

MOTION TO RECOMMIT OFFERED BY MR. GINGRICH

Mr. GINGRICH. Madam Speaker, I offer a motion to recommit.

The SPEAKER pro tempore. Is the gentleman opposed to the conference report?

Mr. GINGRICH. I am opposed, Madam Speaker.

The SPEAKER pro tempore. The Clerk will report the motion to recommit.

The Clerk read as follows:

Mr. GINGRICH moves to recommit the conference report to accompany the bill, S. 1306, to the committee of conference on the disagreeing votes of the two Houses on the amendments of the House to the bill with instructions to the managers on the part of the House to agree to section 205(f) of the Senate bill (relating to a prohibition against using funds to provide individuals with hypodermic needles or syringes so that such individuals may use illegal drugs).

Mr. BROOKS. Madam Speaker, I rise before the House in support of the motion to recommit S. 1306. I do not usually support motions of this nature, and I am aware and appreciative of the dedicated bipartisan efforts that have been put into this measure. But I cannot support the immediate retroactive cut in funding that the State of Texas and the eight other States will be forced to accept should this bill not be recommitted to conference. At a time when our State health communities are faced with serious budget crises, a retroactive cut in funding will cause a critical disruption of assistance to our constituents who need alcohol, drug abuse, and mental health services. Texas is slated to lose $10 million in this conference report—effective in this fiscal year. This action could deal a devastating blow to our States—we must not put our ability to deliver critically needed health services in jeopardy. If this bill is recommitted to conference and States are held harmless for these much needed funds, we can prevent our States from serious financial burdens.

The SPEAKER pro tempore. Without objection, the previous question is ordered on the motion to recommit.

There was no objection.

The SPEAKER pro tempore. The question is on the motion to recommit.

The question was taken; and the Speaker pro tempore announced that the noes appeared to have it.

Mr. GINGRICH. Madam Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 214, nays 157, answered "present" 1, not voting 62, as follows:

[Roll No. 150]

YEAS—214

Allard
Allen
Andrews (TX)
Applegate
Archer
Armey
Bacchus
Baker
Ballenger
Barrett
Bateman
Bennett
Bentley
Bereuter
Bevill
Bilbray
Bilirakis
Bliley
Boehlert
Boehner
Boucher
Browder
Bryant
Burton
Bustamante
Callahan
Camp
Carper
Carr
Clement
Clinger
Coble
Coleman (MO)
Coleman (TX)
Combest
Condit
Coughlin
Cox (CA)
Crane
Cunningham
Davis
de la Garza
DeLay
Dooley
Doolittle
Dornan (CA)
Dreier
Duncan
Edwards (TX)
Emerson
English
Erdreich
Ewing
Fascell
Fawell
Fields
Fish
Franks (CT)
Frost
Gallegly
Gallo
Gekas
Geren
Gibbons
Gilchrest
Gillmor
Gilman
Gingrich
Glickman
Gonzalez
Goodling
Gordon
Goss
Gradison
Gunderson
Hall (TX)
Hamilton
Hammerschmidt
Hancock
Hansen
Harris
Hastert
Hayes (LA)
Henry
Herger
Hobson
Hochbrueckner
Holloway
Hopkins
Horton
Houghton
Hubbard
Huckaby
Hunter
Hutto
Hyde
Ireland
James
Johnson (CT)
Johnson (SD)
Johnson (TX)
Johnston
Jones (NC)
Kasich
Kleczka
Klug
Kyl
LaRocco
Laughlin
Lewis (FL)
Lightfoot
Lipinski
Lloyd
Lowery (CA)
Lowey (NY)
Luken
Machtley
Martin
Mazzoli
McCandless
McCollum
McCrery
McDade
McGrath
McMillan (NC)
McMillen (MD)
McNulty
Meyers
Miller (OH)
Miller (WA)
Molinari
Mollohan
Moorhead
Myers
Nichols
Nussle
Olin
Ortiz
Orton
Patterson
Paxon
Penny
Peterson (FL)
Petri
Pickett
Pickle
Porter
Poshard
Pursell
Quillen
Rahall
Ramstad
Rangel
Ravenel
Regula
Rhodes
Ridge
Riggs
Rinaldo
Ritter
Roberts
Roemer
Rogers
Rohrabacher
Ros-Lehtinen
Roth
Sangmeister
Santorum
Sarpalius
Saxton
Schiff
Schroeder
Sensenbrenner
Serrano
Shaw
Shays
Shuster
Sisisky
Skeen
Skelton
Slattery
Smith (FL)
Smith (NJ)
Smith (OR)
Smith (TX)
Snowe
Solomon
Spence
Spratt
Staggers
Stallings
Stearns
Stenholm
Stump
Sundquist
Swett
Tauzin
Taylor (NC)
Thomas (CA)
Thomas (WY)
Traficant
Upton
Visclosky
Volkmer
Vucanovich
Walker
Weber
Weldon
Wise
Wolf
Wylie
Young (FL)
Zeliff
Zimmer
Swift
Synar
Tallon
Tanner
Taylor (MS)
Thomas (GA)
Thornton
Torres
Towns
Unsoeld
Valentine
Vento
Washington
Waters
Waxman
Weiss
Wheat
Whitten
Williams
Wolpe
Wyden
Yates

NAYS—157

Abercrombie
Ackerman
Anderson
Andrews (ME)
Andrews (NJ)
Annunzio
Aspin
Atkins
AuCoin
Berman
Blackwell
Bonior
Borski
Brewster
Byron
Cardin
Conyers
Cooper
Costello
Cox (IL)
Coyne
Cramer
Darden
DeFazio
Dellums
Derrick
Dickinson
Dicks
Dorgan (ND)
Downey
Durbin
Eckart
Edwards (CA)
Engel
Espy
Evans
Fazio
Feighan
Flake
Foglietta
Ford (MI)
Ford (TN)
Frank (MA)
Gejdenson
Gephardt
Grandy
Green
Guarini
Hall (OH)
Hayes (IL)
Hefner
Hertel
Hoagland
Horn
Hoyer
Hughes
Jacobs
Jefferson
Jenkins
Jones (GA)
Jontz
Kanjorski
Kaptur
Kennedy
Kennelly
Kildee
Kolbe
Kopetski
Kostmayer
LaFalce
Lancaster
Lantos
Lehman (FL)
Lewis (GA)
Long
Markey
Martinez
Matsui
Mavroules
McCloskey
McCurdy
McDermott
McHugh
Mfume
Miller (CA)
Mineta
Mink
Moakley
Montgomery
Moody
Moran
Morella
Mrazek
Nagle
Natcher
Neal (MA)
Neal (NC)
Nowak
Oberstar
Obey
Olver
Owens (NY)
Owens (UT)
Oxley
Pallone
Panetta
Parker
Pastor
Payne (NJ)
Pease
Pelosi
Perkins
Peterson (MN)
Price
Reed
Richardson
Rose
Rostenkowski
Rowland
Roybal
Russo
Sabo
Sanders
Savage
Sawyer
Scheuer
Schumer
Sharp
Sikorski
Skaggs
Slaughter
Smith (IA)
Solarz
Stokes
Studds

ANSWERED "PRESENT"—1

Levin (MI)

NOT VOTING—62

Alexander
Anthony
Barnard
Barton
Beilenson
Boxer
Brooks
Broomfield
Brown
Bruce
Bunning
Campbell (CA)
Campbell (CO)
Chandler
Chapman
Clay
Collins (IL)
Collins (MI)
Dannemeyer
DeLauro
Dingell
Dixon
Donnelly
Dwyer
Dymally
Early
Edwards (OK)
Gaydos
Hatcher
Hefley
Inhofe
Kolter
Lagomarsino
Leach
Lehman (CA)
Lent
Levine (CA)
Lewis (CA)
Livingston
Manton
Marlenee
McEwen
Michel
Morrison
Murphy
Murtha
Oakar
Packard
Payne (VA)
Ray
Roe
Roukema
Schaefer
Schulze
Stark
Torricelli
Traxler
Vander Jagt
Walsh
Wilson
Yatron
Young (AK)

□ 1733

The Clerk announced the following pairs:

On this vote:

Mr. Brooks for, with Ms. DeLauro against.

Mr. Payne of Virginia for, with Mr. Dymally against.

Messrs. THOMAS of Georgia, DERRICK, TAYLOR of Mississippi, HAYES of Illinois, MFUME, and CRAMER, Mrs. KENNELLY, and Ms. KAPTUR changed their vote from "yea" to "nay."

Messrs. SMITH of Florida, BUSTAMANTE, COBLE, SWETT, DOOLITTLE, RAHALL, WISE, and VISCLOSKY, Mrs. SCHROEDER, and Messrs. TRAFICANT, COX of California, and BOUCHER changed their vote from "nay" to "yea."

Mr. LEVIN of Michigan changed his vote from "nay" to "present."

So the motion to recommit was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PERSONAL EXPLANATION

Mrs. COLLINS of Michigan. Mr. Speaker, due to an emergency involving my mother, I was forced to miss five important votes. Had I been present, I would have voted "yes" on the rule to the conference report on H.R. 2507, the National Institutes of Health Revitalization Amendments of 1992, and "yes" on the final passage of this conference report. Programs under the National Institutes of Health are critical not only for medical research, but also for the development of a universal health plan that assists all Americans, both rich and poor. These programs are also crucial for studying women's health issues which have been largely ignored. Should the President veto this measure, I will also support the override.

On the vote authorizing funds for investigations and studies by standing and select committees of the House, I would have voted "yes" on the rule, and "yes" on final passage of the measure.

On the vote on the motion to recommit S. 2783, the medical device amendments, I would have joined 157 of my colleagues in voting "nay."

I apologize to my constituents for being unable to vote on these consequential subjects.

PERSONAL EXPLANATION

Mr. BRUCE. Mr. Speaker, on Thursday, May 28, 1992, I was granted a leave of absence on account of the death of my Father. I was not able to vote on the following rollcall votes: Rollcall No. 145, 146, 147, 148, 149, and 150.

Had I been present on May 28, I would have voted "aye" on rollcall 145, "aye" on rollcall 146, "aye" on rollcall 147, "aye" on rollcall 148, "aye" on rollcall 149, and "aye" on rollcall 150.

LEGISLATIVE PROGRAM

(Mr. SOLOMON asked and was given permission to address the House for 1 minute.)

Mr. SOLOMON. Madam Speaker, if the Members would listen up, we are about to hear what is going to happen for the rest of the week and next week. I would yield to the majority leader to enlighten the membership.

Mr. GEPHARDT. Madam Speaker, I thank the gentleman for yielding. Obviously that is a very effective way to bring order in the House.

Madam Speaker, we are finished for today with business. There will not be votes on tomorrow.

The House will meet at noon on Monday, but there will be no legislative business.

On Tuesday the House will meet at noon and take up seven bills on suspension, but any votes on the suspensions will be postponed until the end of the day on Wednesday.

The suspensions to be taken up are:

H.R. 4801, to extend the authorization for the historic preservation fund.

H.R. 3905, to authorize appropriations for the advisory council on historic preservation.

House Concurrent Resolution 156, emancipation of the Baha'is.

House Concurrent Resolution 297, Israeli Embassy bombing in Buenos Aires.

House Concurrent Resolution 299, regarding the Kurds in northern Iraq.

House Concurrent Resolution 305, commending Albania for democratic elections, and a House resolution.

House Concurrent Resolution 305, regarding Burma.

On Wednesday, June 3, and the balance of the week, the House will meet at noon on Wednesday. We will be taking up the Department of Defense authorization bill for fiscal year 1993, subject to a rule. Members can expect a possible vote on a rule by 1:30 or 2 o'clock on Wednesday. There then is general debate. Last year the general debate was approximately 1 hour. So Members can expect amendments would start on that bill and votes might start at 3 or 4 o'clock in the afternoon.

At the end of the day on Wednesday we will take up the votes, if any, on the suspensions.

On Thursday and the balance of the week we will continue with the Department of Defense authorization and the Unemployment Compensation Amendments of 1992, subject to a rule.

Mr. SOLOMON. Madam Speaker, I thank the majority leader.

Just to repeat what was said, there will be no votes on Monday and Tuesday at all, and the earliest there may be possible votes on Wednesday would be sometime around 1 o'clock.

Mr. GEPHARDT. Madam Speaker, that is correct.

Mr. SOLOMON. Madam Speaker, if the majority leader could tell us, the Committee on Rules being a committee of jurisdiction, reported the Hamilton-Gradison congressional reform resolution today. Might that be taken up next week at all?

Mr. GEPHARDT. Madam Speaker, it will not be taken up next week.

Mr. SOLOMON. Madam Speaker, the other matter of interest to Members is the appointment of conferees to the supplemental. Is that likely to take place early next week?

Mr. GEPHARDT. Madam Speaker, that will take place early next week.

Mr. SOLOMON. Madam Speaker, the majority leader did not mention next Friday. Is there any way to judge from this calendar for next week whether we would expect votes next Friday?

Mr. GEPHARDT. Madam Speaker, we do expect votes on Friday.

Mr. SOLOMON. We expect to be in session and have votes on Friday?

Mr. GEPHARDT. That is our expectation.

Mr. SOLOMON. Madam Speaker, is there any idea when we might adjourn on Friday, so that Members can make their reservations?

Mr. GEPHARDT. We always try to adjourn at an early hour on Friday, no later than 3 o'clock.

Mr. SOLOMON. Madam Speaker, I thank the majority leader for enlightening us and wish him a good weekend.

Mr. GEPHARDT. Madam Speaker, I would inform Members that at this point we will be taking up right after this the report from the Committee on House Administration on the House post office. That report will be forthcoming in the next few moments. There will be no votes on that, but that report will be taken up.

HOUR OF MEETING ON MONDAY, JUNE 1, 1992

Mr. GEPHARDT. Madam Speaker, I ask unanimous consent that when the House adjourns today, it adjourn to meet at noon on Monday next.

The SPEAKER pro tempore (Mrs. UNSOELD). Is there objection to the request of the gentleman from Missouri?

There was no objection.

HOUR OF MEETING ON WEDNESDAY, JUNE 3, 1992, AND THURSDAY, JUNE 4, 1992

Mr. GEPHARDT. Madam Speaker, I ask unanimous consent that when the House adjourns on Tuesday, June 2, 1992, it adjourn to meet at noon on Wednesday, June 3, 1992, and that when the House adjourns on Wednesday, June 3, 1992, it adjourn to meet at noon on Thursday, June 4, 1992.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Missouri?

There was no objection.

DISPENSING WITH CALENDAR WEDNESDAY BUSINESS ON WEDNESDAY NEXT

Mr. GEPHARDT. Madam Speaker, I ask unanimous consent that the business in order under the Calendar Wednesday rule be dispensed with on Wednesday next.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Missouri?

There was no objection.

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 5056

Mr. ALLEN. Madam Speaker, I ask unanimous consent that the gentleman from Oregon [Mr. DEFAZIO] be removed as a cosponsor of H.R. 5056.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Virginia?

There was no objection.

□ 1740

AUTHORIZING LITIGATION RELATIVE TO CERTAIN TRIBES OF SOUTH DAKOTA, NORTH DAKOTA, AND MONTANA

Mr. JOHNSON of South Dakota. Madam Speaker, I ask unanimous consent that the Committee on Interior and Insular Affairs be discharged from further consideration of the Senate bill (S. 2342) to amend the act entitled "An act to provide for the disposition of funds appropriated to pay judgment in favor of the Mississippi Sioux Indians in Indian Claims Commission dockets numbered 142, 359, 360, 361, 362, and 363, and for other purposes," approved October 25, 1972 (86 Stat. 1168 et seq.), and ask for its immediate consideration in the House.

The Clerk read the title of the Senate bill.

The SPEAKER pro tempore (Mrs. UNSOELD). Is there objection to the request of the gentleman from South Dakota?

Mr. RHODES. Madam Speaker, reserving the right to object, I do so for the purpose of yielding to the gentleman from South Dakota to explain the bill.

Mr. JOHNSON of South Dakota. Madam Speaker, S. 2343 is sponsored by Senator DASCHLE of South Dakota. The bill simply extends the period of time that three Sioux Tribes may challenge the validity of a 1972 act which was to distribute a judgment fund to them. The judgment came from the Indian Claims Commission in 1967. In 1972, the Congress passed an act which recommended distributing the judgment fund to the tribes and provided for a 25-percent distribution to lineal descendants who are not members of the tribes. This provision was inserted by the Interior Department. The tribes opposed a distribution to nonmembers and the lineal descendancy funds have not yet been distributed. The tribes missed the 6-year deadline after the enactment of the act to file a legal challenge. S. 2342 allows the tribes to get into court to challenge the act. The committee views this as a fair and reasonable approach.

This bill requires no Federal spending and has bipartisan support.

I urge my colleagues to support this measure.

Mr. RHODES. Madam Speaker, I thank the gentleman for his explanation. The minority has no objection to the passage of the bill.

Madam Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from South Dakota?

There was no objection.

The Clerk read the Senate bill, as follows:

S. 2342

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. AMENDMENT TO ACT OF OCTOBER 25, 1972.

The Act of October 25, 1972 (86 Stat. 1168), is amended by adding at the end thereof the following new sections:

"SEC. 306. AUTHORITY TO BRING ACTION.

"Notwithstanding any other provision of law, any action of the Sisseton-Wahpeton Sioux Tribe of South Dakota, the Devils Lake Sioux Tribe of North Dakota, or the Sisseton-Wahpeton Sioux Council of the Assinibione and Sioux Tribes of Montana filed in the United States District Court for the District of Montana to contest the constitutionality or validity under law of this Act shall not be barred by any statute of limitations, lapse of time, or bar of laches, if the complaint is filed no later than April 1, 1993. Exclusive original jurisdiction over any such action filed on or before such date is hereby vested in the United States District Court for the District of Montana. Nothing in this section or section 307 shall be construed as an inference of liability on the part of the United States.

"SEC. 307. AUTHORITY TO SETTLE ACTION.

"Notwithstanding any provision of this Act or any other provision of law, the Attorney General is authorized to settle any action that may be brought pursuant to section 306 of this Act.".

The Senate bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

Had I been present, on May 28, I would have voted "aye" on rollcall 145, "aye" on rollcall 146, "aye" on rollcall 147, "aye" on rollcall 148, "aye" on rollcall 149, and "aye" on rollcall 150.

GENERAL LEAVE

Mr. JOHNSON of South Dakota. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on the Senate bill just passed.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from South Dakota?

There was no objection.

PERMISSION FOR EXTENSION OF TIME RELATIVE TO REPORT OF COMMITTEE ON HOUSE ADMINISTRATION ON THE HOUSE POST OFFICE

Mr. ROSE. Madam Speaker, I ask unanimous consent that the time period contained in House Resolution 340 for the Committee on House Administration to report on the House post office be extended until July 6, 1992.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from North Carolina?

There was no objection.

Mr. ROSE. Madam Speaker, I ask unanimous consent that I be recognized for 30 minutes.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from North Carolina?

There was no objection.

Mr. ROSE. Madam Speaker, I yield 15 minutes to the gentleman from Kansas [Mr. ROBERTS], pending which I yield myself such time as I may consume.

Mr. Speaker, on February 5, 1992, the House adopted House Resolution 340, which directed the Committee on House Administration to conduct a thorough investigation of the operation and management of the House post office. Immediately thereafter, I consulted with my ranking Republican Member and established a bipartisan task force of three Democrats and three Republicans to investigate the post office.

I want to describe the unprecedented way in which the task force was set up and ran its investigation. The process was a true test of bipartisan cooperation. Back in February, as chairman, I promised my colleagues that no reasonable line of inquiry would be refused. This has been a very thorough and professional investigation. The task force has conducted 59 extensive interviews of post office personnel, members of the Capitol Police, and others, and reviewed countless post office documents.

In fact, in order to ensure that all areas of inquiry have been addressed, the task force has agreed to conduct two additional interviews in June. These interviews will necessitate that we file our written report in June, rather than today. We would have liked to have conducted these interviews already. However, one of the witnesses was seriously ill and not available to the task force. Another appeared before the grand jury, and the U.S. attorney asked the task force to delay its interview of this person. Thus, the task force needs a little more time to finish and that is the reason for our unanimous-consent request.

I should note that the task force effort has been accomplished in the face of a major impediment to our investigation. As many of my colleagues are aware, the Justice Department has been conducting a separate investigation into criminal allegations relating to the post office for over 1 year. Their investigation was triggered by the discovery of an embezzlement last April. Audits conducted by the Capitol Police and the United States Postal Inspection Service led to the discovery of additional shortages and the well-publicized indictments.

I join with all members of the task force in condemning the embezzlements which have been uncovered. We have been very sensitive to the Department of Justice's investigation. When the task force itself discovered possible evidence of criminal wrongdoing, it was immediately forwarded to the U.S. attorney's office. Yet, despite this, we, in the House, did not receive the same amount of cooperation in return. In fact, the Justice Department asked us to leave the investigating to them. This the task force could not do. Because our process has not been equally respected by the executive branch, we are compelled to ask for a delay in filing our written report until June.

Clearly, the post office in its operations was an imperfect institution, and we have uncovered many problems which warrant attention. But I am also happy to report that we have worked closely with the new Acting Postmaster to identify and solve those problems. A host of changes have already been made. At the same time, the Acting Postmaster assures me that the vast majority of employees in the

House post office are hard-working, competent individuals, who enthusiastically put in a day's work for a day's pay. In fact, the Acting Postmaster told the task force that, contrary to news reports, there were absolutely no so-called ghost employees at the House post office.

Our written report will identify the problems that existed. Some will have been cured, and we will recommend actions to ensure that others are corrected. If need be, possible violations of ethics rules will be referred to the Standards Committee. Mismanagement of the post office will be fully uncovered. I am hopeful that we can use this experience as a valuable lesson in bipartisan cooperation and problem solving for the future.

Madam Speaker, I reserve the balance of my time.

Mr. ROBERTS. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, I rise to join my colleagues assigned the task of investigating the House post office to request additional time to allow completion of our work.

On February 3, I took a special order on the floor of the House to urge the creation of a special counsel to conduct an independent investigation of the House post office.

My suggestion followed multiple published allegations of the operations of the House post office, including drug use and sales, embezzlement of funds, ghost employees, overtime fraud, and other abuses.

During my special order I had a colloquy with the gentleman from North Carolina regarding the need to conduct a thorough investigation and review of the allegations. At that time he agreed such a review should proceed and said, "Let the chips fall where they may."

The following day, April 4, the House approved House Resolution 340, a Democrat resolution to begin a House Administration review of this matter.

□ 1750

This matter has been very difficult for both sides of the aisle, with several disagreements, frustrating time delays, and unforeseen scenarios regarding all of the witnesses. We have had problems with the Department of Justice, and the retrieval of documents and other materials have all slowed the progress of the task force.

The task force has also found itself on the frontlines of defending the interests and the prerogatives of the Congress as outlined in the U.S. Constitution, while still attempting to protect the integrity of an ongoing criminal investigation by the Department of Justice.

Madam Speaker, I want to assure my colleagues on both sides of the aisle that every effort to get to the bottom of this entire situation is being made. As the gentleman from North Carolina, Chairman ROSE, has indicated, key witnesses with substantial background and experience in the Post Office are yet to be interviewed. The task force has agreed that the information obtained from these individuals may lead to the interviewing or the reinterviewing of their witnesses. That fact really complicates imposing any future deadline, an issue discussed by the task force at great length. The chips should, indeed, be allowed to fall where they may.

Many reports have appeared in the press speculating on the activities of the task force and the Department of Justice, and commenting on these reports directly could threaten the outcome of both reviews. Several dozen individuals have been interviewed and considerable information has been found. It will be appropriately reported by the task force.

In an effort to fully achieve the objections of House Resolution 340, the investigation must be allowed to continue into the not too distant future. With interviews to still be conducted and documents still to be obtained and reviewed, it is obvious that the work simply cannot be completed by the imposed May 30 deadline. Simply, the House should approve this request to allow the investigation to continue until a comprehensive and thorough review and management proposals can be provided by the task force.

Finally, I would like to close by concurring with the remarks of the gentleman from North Carolina [Mr. ROSE], that the task force is working closely with Acting Postmaster Shinay to make several changes in the Post Office as the investigation does proceed. As well, other recommendations from the task force will be forthcoming in the final report, and our interviews have, indeed, found several individuals in the Post Office, many, that are dedicated, hard-working employees. They have become the innocent victims of the speculation and rumors that have surrounded this investigation. I would hope that this situation could end.

I urge my colleagues to support this request, and would add only one remark to the statement made by the chairman, and that is his statement in regard to ghost employees and the fact that no evidence has been found in regard to ghost employees.

Let me emphasize that this is a finding. I would hope that the chairman would not make any statements in regard to findings at this particular juncture. What he defines as a ghost employee and perhaps what other members of the task force would define as a ghost employee, I would say to the gentleman, could be quite different.

Mr. ROSE. Madam Speaker, will the gentleman yield?

Mr. ROBERTS. I am happy to yield to the gentleman from North Carolina.

Mr. ROSE. Madam Speaker, I will accept the gentleman's reservation, and I will keep an open mind as to the final conclusion.

Mr. ROBERTS. I appreciate the gentleman's statement. I just want to say for the record that no findings have been made. There are serious allegations. Some of them do involve ghost employees and all of the other wrongdoings and the allegations that have been made in the press, and what we have determined by interviews. There are no findings. That will be subject to the task force's report.

Mr. BARRETT. Madam Speaker, will the gentleman yield?

Mr. ROBERTS. I am delighted to yield such time as he may consume to the gentleman from Nebraska [Mr. BARRETT], who is an outstanding member of the task force.

Mr. BARRETT. Madam Speaker, I thank the gentleman for yielding.

Madam Speaker, over a month ago I stood on this floor as a member of another bipartisan task force attempting to implement some reform in the management of the House. Today I am back as a part of yet another historical bipartisan equal task force that has been working to figure out exactly what went on under our noses in the House Post Office for the past many months, perhaps years, and how we can prevent this from happening again.

When I came to Congress a little over a year ago, I never imagined that I would be spending my time investigating an internal Post Office situation, as we are today. However, it did not take me long to realize that some major changes needed to be made in the operation of this entire institution, in order for us to effectively do our jobs. A month ago a small window of opportunity opened up for change, as the task force on reform attempted to implement change including change in the House Post Office. However, the majority was only willing to let reforms go so far and the window was closed. So this time it is my hope that we can get the job done right.

House Resolution 340 called for a "thorough investigation of the Office of Postmaster." The creators of this resolution evidently thought a thorough investigation could be done in 3 months. Meanwhile, the U.S. Attorney's Office has been investigating this matter for almost a year. Granted, we are not getting into the depths of criminal matters that the U.S. attorney is looking into, but because we do not wish to impede the course of justice, we have been trying to work with the grand jury investigation. Let me tell the Members, it gets tough when our task force is not even informed that Members of Congress are being subpoenaed to testify before a grand jury until a week after those subpoenas have been served.

As the Members have heard from my colleague, the gentleman from Kansas

[Mr. ROBERTS], this task force has experienced other various delays, delays that were beyond our control. In addition, we have all read the reports today concerning the ongoing grand jury investigation. Clearly, these reports indicate the seriousness of the problems resulting from the mismanagement in the House Post Office. I am satisfied that these delays and the seriousness of this investigation warrant the need for an extension of time, an extension of the deadline, and I, too, ask my colleagues to support this request. I, like them, want to see the investigation done correctly, and I want to see that well thought-out changes are implemented in the House Post Office.

Mr. ROBERTS. Madam Speaker, I yield such time as he may consume to the gentleman from California [Mr. THOMAS], the ranking member of the Committee on House Administration and a member of the investigative task force.

Mr. THOMAS of California. Madam Speaker, I thank the gentleman for yielding.

Madam Speaker, we are forced to come before the House for an oral report meeting the requirements of House Resolution 340 which asks for a May 30 deadline. When we examine a chronology of events unfolding, both just prior to and after the House's passage of Resolution 340, we understand that the time prior to February 5 is dotted with a number of newspaper articles investigating, making allegations and charges of activities at the House Post Office. I am somewhat proud to say that following the passage of that resolution there have been very few newspaper stories, and those newspaper stories that have been written have utilized resources and information from areas other than the task force on the Post Office.

The task force has done, I believe, an exemplary job of investigating a very difficult area, cutting across Members, employees, and activities on a daily basis dealing with one of the primary arteries of the House of Representatives, and that is contact through mail with constituents.

We have gone through a difficult period with the officer of the House who is charged with running the Post Office resigning, an interim appointment, and numerous changes made in the structure of the Post Office, before we even concluded our investigation of the Post Office. But if the Members will look at events that unfolded following the February 5 passage of the resolution, there are two things, I think, that stand out.

□ 1800

They are two activities that I believe are paramount and bring us largely to the point of asking for this extension of time that has been passed unanimously.

One was the creation of the task force. I will place in the RECORD at this point an exchange of letters between myself and the chairman of the Committee on House Administration, CHARLIE ROSE, which are attempts to come to a structure under which the task force would operate.

The exchange of letters referred to follows:

COMMITTEE ON HOUSE ADMINISTRATION,
Washington, DC, February 21, 1992.

Hon. WILLIAM THOMAS,
Ranking Minority Member, Committee on House Administration, Washington, DC.

DEAR BILL: Thank you for your letter of February 13, 1992, regarding procedures governing the charge given to the Committee on House Administration with respect to H. Res. 340.

The terms of the procedures governing the Task Force operation are:

Equal bipartisan representation; Charlie Rose to be Chair, and the Ranking Minority Member of the Committee on House Administration to designate a Vice-Chair.

Both the Chairman and the Ranking Minority Member of the Committee on House Administration will designate staff for the Task Force.

Decisions will be made by a majority of the Task Force.

Staff of both parties should be present at all stages of the investigation, including depositions.

The Chairman and the Ranking Minority Member of the Committee on House Administration each shall have the power to issue subpoenas. At least one Member of each party must be present when testimony under oath is taken.

No meetings of the Task Force may be scheduled without bipartisan consent.

The Task Force Members shall have the right of access to committee records on this subject.

No Officers of the House or any of their employees should be involved in the investigation other than to respond to Task Force inquiries.

The results and recommendations of the Task Force must be printed and publicly available no later than 10 days following the conclusion of the Task Force.

As we agreed, our staff will prepare a nondisclosure agreement for all Task Force staff to sign, to ensure that we complete our mission without public disclosure of information pertaining to our investigation. The Chairman and the Ranking Minority Member of the Committee on House Administration will together make any public disclosures.

I look forward to working with you.

Sincerely,

CHARLIE ROSE,
Chairman.

COMMITTEE ON HOUSE ADMINISTRATION,
Washington, DC, February 13, 1992.

Hon. CHARLIE ROSE,
Chairman, Committee on House Administration, Washington, DC.

DEAR CHARLIE: The Committee is now charged with investigating the operations of the House Postmaster. I believe that an agreement on the structure and process of the Task Force should be reached prior to any action being taken regarding the investigation of the House Postmaster. At a minimum, I think it is vital that our Task Force operate under the following procedures:

Equal bipartisan representation; each party shall designate a co-chair.

Equal staff, to be designated by the Chairman and Ranking Minority Member of the Committee.

Decisions must be made by a majority vote of the Task Force.

Staff of both parties should be present at all stages of the investigation, including depositions.

Each co-chair shall have power to subpoena witnesses and take testimony under oath. At least one Member of each party must be present when testimony under oath is taken.

No meetings of staff or Members shall be scheduled without bipartisan consent.

The Task Force, including staff, shall have the right of access to committee records on this subject.

No Officers of the House or any of their employees should be involved in the investigation other than to respond to the Task Force's inquiries.

The results and recommendations of the Task Force must be printed and publicly available no later than 10 days following the conclusion of the Task Force.

I was pleased to hear your commitment on the floor to conducting an open and bipartisan investigation and I look forward to working with you. Please let me know your thoughts on the above principles and any suggestions you may have regarding the Task Force.

Best regards,

BILL THOMAS,
Ranking Republican Member.

The result was that on February 21 an unprecedented task force began its investigation. It was a task force that had not only a bipartisan composition, but a structure in which every Member was a full partner. This is virtually unprecedented in the history of the House except for the Committee on Standards of Official Conduct. I believe that in the area of staff and the relationship to Members and each individual Member's ability to arrive at what they believe to be the truth that this particular task force transcends even the Committee on Standards of Official Conduct.

It is unfortunate to have to say that this is the only time this structure has ever been used. The recent reorganization, passed largely by the majority party, creating the so-called bipartisan structure of a House Administration subcommittee to oversee the House Administrator simply pales in comparison to the point that it is not a true bipartisan structure. So this is the first step, setting up a structure in which everyone believed that they could get to the bottom of a problem, and we could find out what went on for the purpose of restructuring the House post office to better serve the Members and the staff.

The ongoing investigation and our attempts to compel the testimony of individuals' information that was necessary to understand the structure then occupied a period of time, and we soon ran headlong into the Department of Justice and its attempt to carry out a criminal investigation. No one on the task force, nor any of the staff of the task force ever had any interest in impeding that criminal investigation at all. Quite to the contrary, we from day one and to this day have attempted to cooperate and coordinate in supplying information and evidence and in attempting also to change our calendar to allow the Department of Justice to go forward with that criminal investigation. As a matter of fact, if Members examine a chronology of an exchange of letters beginning in early March, including about four exchanges of letters in March, four exchanges in April, and finally an early May letter they will see that the task force and leadership attempted to work out a reasonable timetable for both the House task force to do its work within the timeframe required under House Resolution 340 and for the Department of Justice to go forward with its criminal investigation.

I will include a letter from the U.S. attorney dated May 4 in the RECORD as well, Madam Speaker.

The letter referred to follows:

U.S. DEPARTMENT OF JUSTICE,
Washington, DC, May 4, 1992.

Hon. CHAIRLIE ROSE,
Chairman, Committee on House Administration, House of Representatives, Washington, DC.
Hon. WILLIAM M. THOMAS,
Ranking Minority Member, Committee on House Administration, House of Representatives, Washington, DC.

DEAR CONGRESSMEN: I am writing to request that the House Administration Committee Task Force reviewing Post Office operations hold in abeyance for a period of 30 days its interview of Mr. James C. Smith, the former Director of Accountable Papers at the House Post Office.

During the afternoon of April 30, 1992, we learned that the Task Force had scheduled an interview of Mr. Smith for later that day. In response to a request by this office, the Task Force agreed to cancel the scheduled interview. However, the Task Force asked that our request be made in writing, with supporting reasons, so that it could be considered further by the Task Force.

We anticipate that Mr. Smith will testify before a Federal Grand Jury in the near future. Because information that he possesses is within the purview of the grand jury's ongoing criminal investigation, an interview of Mr. Smith by the Task Force at this time would be disruptive to that investigation. We anticipate that our request that the Task Force forbear will extend not more than 30 days.

Your cooperation in this matter is appreciated.

Sincerely,

JAY B. STEPHENS,
U.S. Attorney.

That letter indicates that there was a request to hold in abeyance an interview for 30 days. I would also place a May 12 letter from the Republican leader, BOB MICHEL of Illinois, and myself in the RECORD.

The letter referred to follows:

OFFICE OF REPUBLICAN LEADER,
Washington, DC, May 12, 1992.

JAY B. STEPHENS, Esq.
U.S. Attorney, District of Columbia, Judiciary Center, Washington, DC.

DEAR MR. STEPHENS: We understand from your letter of April 24, that the Grand Jury continues to hear testimony from the same witnesses which the House Administration Task Force Investigating the Operations of the House Post office also seeks to interview.

As previously stated in our letter of April 2, we do not want to impede an ongoing criminal investigation by the Department of Justice. At that time we thought it was possible for both the House investigation and the Department's investigation to be conducted simultaneously without conflict. We are no longer of that opinion.

After consultation with Republican Members on the Task Force, we will recommend to the Majority that the House investigation, as authorized in H.Res. 340, issue a preliminary report by May 30, based on the information they have to date. The House investigation would continue after allowing your office reasonable time to conclude its investigation. Reconvening on June 15 would provide your office with more than the requested 30 days. At that time we expect the internal investigation would continue until its completion without interference from your office.

We believe this proposal will allow both investigations to come to conclusion without conflict and in a manner that serves justice and the overall operations of the House.

Sincerely,

ROBERT H. MICHEL,
Republican Leader.
WILLIAM M. THOMAS,
Ranking Republican, Committee on House Administration.

That letter indicates that we agreed with the Justice Department 30-day delay. Clearly that would extend our investigation past the May 30 date. But to extend every opportunity to cooperate with the Department of Justice, we indicated that we would attempt to prolong the task force's period so that we could honor the 30-day period suggested in the Department of Justice's letter and still allow both of us to do our work.

Our side of the bargain is represented by the unanimous consent request which was granted to extend to July 6 the reporting date for this task force. I am sorry to say that after the Republican leader and myself offered this letter, we could not get the Democratic leadership to support a willingness to stand firmly against the Department of Justice so the House investigation could proceed.

The SPEAKER pro tempore (Mrs. UNSOELD). The time of the gentleman from Kansas [Mr. ROBERTS] has expired.

Mr. ROSE. Madam Speaker, I yield 5 minutes to the gentleman from Kansas.

Mr. ROBERTS. Madam Speaker, I thank the gentleman for yielding time and continue to yield such time as he may consume to the gentleman from California [Mr. THOMAS].

Mr. THOMAS of California. Madam Speaker, I thank the gentleman for the time and thank the chairman of the committee for the time.

We continue to try to work with the Department of Justice. We understand their important job.

The task force's primary job, based upon House Resolution 340, was to conduct a thorough investigation of the operation and management of the Office of the Postmaster and report the findings and recommendations back to the House. In the process of attempting to understand, again, a knowledge of the operation and management of the post office, we inevitably have come upon information and material which may reflect upon the behavior of Members or staff, whether it be a violation of House rules or perhaps criminal statutes, and we have and will supply that information to either the Department of Justice or to the Committee on Standards of Official Conduct. That is an ongoing obligation that we will fulfill until the last day of this task force.

We will also write a report to the House on the operation and management of the post office, and our recommendations for change.

I have to say, Madam Speaker, that it has been somewhat helpful to have an interim postmaster who is willing and eager to work with us to make changes as soon as we are aware of problems, so that the adjustments in the operation and management of the post office do not have to wait for a final report but are actually instituted as we discover them and work with the postmaster.

I do have to say though, that the fundamental problem that presented itself in terms of the operation of the post office, both in its reflection on staff and on Members, is that the post office was from its inception and until very recently run on a patronage system. This problem has not fully been resolved, nor can it be fully resolved for some time. It is a situation in which you correct the egregious problems, and then you work through the other problems as you are able. We need the support of the entire House as we make these fundamental changes to an important part of the House of Representatives. Changes are being made, and they need to continue to be made, but people need to understand that this task force in presenting its final conclusions will be focusing primarily upon the operation and the management of the post office.

We, regretfully, will be forwarding to other committees and to the Department of Justice information that may lead to activities on the part of those particular committees or that department. We are grateful to the House for providing a unanimous agreement for us to go forward, because the timetable that we are operating on now is not of our own making. It is largely a reaction to the criminal investigation being carried out by the Department of Justice and our attempt to accommodate their very real needs.

This has been a difficult task force, in part because it has been a unique experience for both Republicans and Democrats in a truly bipartisan operation. There have tended to be some learned behavior reactions which either are not necessary or are not useful. I hope that at the end of this experiment of true bipartisanship there will be enough people who will say that it was useful, it was helpful, and it was significant enough to continue. I had wished that we would have had this continuation in the bipartisan structure that oversees the House administrator. I continue to lend my efforts to the opportunity that a truly bipartisan structure will oversee the new management of the House, because if it does not, many of the same problems we are visiting now we will revisit later, because temptations on one side sometimes are just too great. They need to be shared. There needs to be a pooled, cooperative, truly bipartisan oversight of this institution. We are not yet there in the structure. We are there only in the task force that is attempting to point out the problems of the past.

Unfortunately, I have to point out a problem of the future in a structure that has now been put in place. I hope that we will be able to change that in the near future so that the structure of the task force will in fact be the structure of the bipartisan committee to continue oversight.

□ 1810

Mr. ROBERTS. Madam Speaker, I thank the gentleman for his contribution.

Mr. ROSE. Madam Speaker, I yield the balance of my time, 5 minutes, to the gentleman from Washington [Mr. SWIFT], a member of the task force.

Mr. SWIFT. Madam Speaker, I thank the chairman for yielding me this time.

Madam Speaker, this morning on the Fox Morning News the Republican whip, the gentleman from Georgia [Mr. GINGRICH], was asked by one of the interviewers:

> Are you satisfied, though, that the House, the post office scandal is being properly looked into?

And Mr. GINGRICH responded in part:

> Well, we have some real concern. PAT ROBERTS, the Republican from Kansas who is vice chairman of the investigation into the post office, has encountered consistent problems and consistent delays on the Democratic side.

I have listened very carefully to the reports of my colleagues, and particularly my Republican colleagues, and there is not even an echo of that charge in what they have had to say, and that is because it is simply not true.

The task force is made up of six independent individuals, and because we are each independent, it means we do not always agree with each other. I suppose, if on each occasion when we disagreed, each of us could charge the other with delay so long as it took some time for those disagreements to be resolved, but that would be absurd.

Bipartisanship works, and it only works when you establish a level of trust sufficient that each of the six of us in this instance can turn our back on any of the other five and know that when we turn around there is not going to be anything sticking out of it. I believe we have that relationship, the six of us. We do disagree, not incidentally always along partisan lines. We have worked out those disagreements, and we each feel we can turn our backs on the other and get on with the work we need.

Madam Speaker, that level of trust is essential for true bipartisan work on something as sensitive, as difficult, as controversial as this, but remarks from external kibitzers who are obviously not in possession of the facts is very harmful to that bipartisanship, because apparently we not only have to not worry about those we are working with when we turn our backs, but we apparently have to worry about others now who are external to the task force who would like to plant something in some of our backs. That is very harmful to a process that is working very, very well.

I simply wanted to call the body's attention to the fact that the remarks made in the Fox Morning News by the minority whip today were not accurate. They were not helpful. They were not true. And if you need any verification of that statement, I urge you to read the reports presented just now on the floor by all of my colleagues.

Mr. ROBERTS. Madam Speaker, will the gentleman yield?

Mr. SWIFT. I am happy to yield to the gentleman from Kansas.

Mr. ROBERTS. Madam Speaker, I do not think now is the time to make definitions in regard to what is a serious, say, disagreement or how we proceed in a bipartisan manner or perhaps what the minority whip said over a television station in regard to his interview.

But I would remind the gentleman that we have had serious disagreements, not to say that we cannot put them aside and go forward, and as the gentleman has indicated, without having to worry about something from your back side, perhaps a gentle shove, a swift kick, a whispering in the ear, you know, whatever, and we have been through all of that in regard to this investigation.

A case in point, in talking with the chairman, I did not think the statement would be made that we had made a decision on findings in regard to ghost employees. No finding has been made in regard to that. We have serious disagreements in that regard.

I do not know how the minority whip would refer to that in terms of a TV interview. I am certainly not coaching him, not really privy, not his press assistant. I am not in that business. I am full-time trying to proceed with this investigation.

The gentleman was present when we had quite a bit of difference of opinion as to the direction of the investigation. We thought we had it settled, only to find the next morning that the investigation was closed. The locks were being changed, and we do not need to go into all of that, but that was a pretty serious disagreement, so I would only gently remind my good friend and colleague, the gentleman from Washington, that we will persevere, and that we will try to get to the end of the trail in a bipartisan fashion.

The SPEAKER pro tempore (Mrs. UNSOELD). All time has expired.

Mr. ROSE. Madam Speaker, I ask unanimous consent for permission to proceed for 2 additional minutes.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from North Carolina?

There was no objection.

Mr. ROSE. Madam Speaker, I yield 2 minutes, the remainder of my time, to the gentleman from Washington [Mr. SWIFT].

Mr. SWIFT. Madam Speaker, I thank the gentleman for yielding. I will continue to yield to the gentleman from Kansas [Mr. ROBERTS].

Mr. ROBERTS. Madam Speaker, I thank the gentleman for yielding.

It is in that spirit that we will proceed in the investigation.

I guess when we write things on the blackboard in terms of a definition of what is obstruction, what is a problem, you know, what is being bipartisan cooperation, the gentleman from California put it very well. It has been a rocky road on our side. I would not use the words adjectives, and adverbs that the chairman has indicated, but we will get there. I trust we will get there.

So I take the gentleman's comments in regard to the minority whip's concern to heart. We will have a discussion, and we will try to proceed, and we will try to do it in a bipartisan fashion, and I think we have made our point, and I thank the gentleman for yielding.

Mr. SWIFT. Reclaiming my time, I thank the gentleman. I do not disagree with anything the gentleman has said.

I want to make it clear that it is nothing that the gentleman or other Republican members of the task force have said or done that causes me any concern. We have had disagreements. We worked them out. We are continuing. We probably will have more, and I believe we will continue to work them out.

But the major cause for the delay was a disagreement institutionally between the task force representing Congress and the Justice Department. I am not here making a charge that the Justice Department has done something evil and foul in terms of slowing the process. The fact remains that the disagreement between this institution and the Justice Department is the cause of the delay, clearly and simply. Probably it is very important that we resolve those institutional problems between an administrative agency and the Congress.

But for the whip of either side to go on television and charge the other side with being the cause of the delay is inaccurate, and it is not helpful to the bipartisan spirit we need if we are going to get past difficult times that we have had in the past, and those that we obviously are going to have in the future.

The SPEAKER pro tempore. All time has again expired.

Mr. THOMAS of California. Madam Speaker, I ask unanimous consent for permission to proceed for 1 additional minute.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. THOMAS of California. Madam Speaker, I will conclude.

Friction is not necessarily all bad and, frankly, this interesting experiment in bipartisanship has led, I think, to a healthy growth curve on the part of the Democrats. The fact that they cannot just dictate and let it go at that; and the fact that Republicans actually share in the responsibility of the decisions that are being made, and cannot throw bombs and walk away is healthy for both sides. I wish there was more of it.

I am saddened that it will not continue in the form that we have.

So when you look back on this experiment that is not yet concluded, I think you have to say that the most important aspect was the thing that is not done very often around here, and that is to spend a little time in the other person's shoes. That is a very, very healthy thing for this institution.

Mr. SWIFT. Madam Speaker, will the gentleman yield?

Mr. THOMAS of California. I am happy to yield to the gentleman from Washington.

Mr. SWIFT. I would agree with that. I simply was suggesting that I agree with the gentleman, that we should not throw a bomb and walk away. I merely said that this morning that was done, and it should not happen again.

□ 1820

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 5253

Mr. BONIOR. Madam Speaker, I ask unanimous consent that my name be removed as a cosponsor of H.R. 5253.

The SPEAKER pro tempore (Mrs. UNSOELD). Is there objection to the request of the gentleman from Michigan?

There was no objection.

INTRODUCTION OF RESOLUTION TAKING AWAY MOST-FAVORED-NATION STATUS FROM SERBIA

(Mr. WOLF asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WOLF. Mr. Speaker, today's Washington Post, referring to Yugoslavia, says as follows:

> A volley of mortar fire crashed into a crowded marketplace in besieged Sarajevo today, killing at least 20 civilians and wounding more than a hundred others in what local officials described as perhaps the bloodiest single attack of Bosnia's two-month-old factional war.
>
> "It was horrible, unimaginable. There were people with arms and legs missing. The street was a river of blood," said one journalist by phone from the Bosnian capital. "There were people cut to pieces with their brains spilling out * * *
>
> * * * * *
>
> Two men carried a woman whose foot had been nearly blown off; another woman cradled her severed leg in her arms * * *.

And it goes on and on.

This Congress and this Government should speak out. I have a resolution which would take away the most-favored-nation status from Serbia. This should be an immediate consideration by this Congress next week.

We have over 70 cosponsors of this bill. For those who are not cosponsors, I ask you to call my office and cosponsor.

For this Congress to remain silent when innocent men and women are being killed in Yugoslavia is absolutely wrong.

I am including the entire article from today's Washington Post in the RECORD as follows:

THE STREET WAS A RIVER OF BLOOD

(By Laura Silber)

BELGRADE, May 27.—A volley of mortar fire crashed into a crowded marketplace in besieged Sarajevo today, killing at least 20 civilians and wounding more than a hundred others in what local officials described as perhaps the bloodiest single attack of Bosnia's two-month-old factional war.

"It was horrible, unimaginable. There were people with arms and legs missing. The street was a river of blood," said one journalist by phone from the Bosnian capital. "There were people cut to pieces with their brains spilling out," a witness told Sarajevo radio amid the screams and sobs of the wounded.

More than 2,500 people have been killed and tens of thousands wounded in the savage conflict between powerful Serb militia units and Bosnia's Muslim-led defense forces, but today's bombardment of men, women and children lined up for bread and ice cream seemed to raise the level of violence to a new pitch.

The scene of the shelling—as shown on Sarajevo television and around the world on Cable News Network—was one of carnage, and some broadcasters warned viewers that they might wish to look aside. Mutilated bodies and body fragments covered the market pavement, and the sidewalk where one group of people had been standing was awash with blood.

Two men carried a woman whose foot had been nearly blown off; another woman cradled her severed leg in her arms; one elderly man, clutching a loaf of bread he had just bought, leaned helplessly against a stone wall as blood poured down his face.

Officials of Bosnia's Muslim-dominated government told journalists that the mortar fire came from the same Serb batteries around Sarajevo that have been raining shells on the city for weeks. But Serb militia commanders called the assertion "Muslim propaganda" and insisted that none of their troops had fired the fatal rounds.

The United States and the European Community have labeled the militant nationalist regime of neighboring Serbia as the aggressor in the Bosnian conflict, and today's attack in Sarajevo came hours before EC officials voted to impose economic sanctions on the new two-republic Yugoslav state that Serbia created and controls.

The EC agreed to ban trade with the new Yugoslav union—composed of Serbia and its tiny longtime ally, Montenegro—freeze export credits and suspend all scientific and technical cooperation with the Belgrade government. Serbia and Montenegro sold more than half their exports to the EC last year, and the trade ban could cost them an estimated $140 million a month in lost revenue.

The EC officials considered an oil embargo, but sources close to the discussions said it was likely the conferees would leave such a step to the United Nations, which is also readying tough sanctions against Belgrade. An oil embargo imposed by West European nations alone would have little effect, said one EC official, since Serbia and Montenegro obtain most of their petroleum products from Russia, China, Iran and Romania.

[The United States is consulting with other members of the U.N. Security Council on a package of economic sanctions against the Belgrade government, and U.S. officials said they were hopeful the council would be ready to vote on the matter by Friday.

[In Washington, State Department spokesman Richard Boucher described the continuing Bosnian bloodshed as "cruelty and suffering" the like of which "Europe has not seen . . . since 1945." Boucher reiterated that the United States considers "Serbia and its allies in the so-called Yugoslav military overwhelmingly responsible for this appalling tragedy."]

Full-scale combat broke out in Bosnia in early April, after the republic won international recognition of its independence from the old six-republic Yugoslav federation. Since then, Serb militias—backed by the Serbian government and the Serb-dominated Yugoslav army—have seized control of about 70 percent of the republic, mostly at the expense of Bosnia's Slavic Muslims.

Muslims—who make up about 44 percent of Bosnia's 4.4 million population and lead its current government—have been the chief victims of the war, accounting for most of the dead and wounded and nearly all of the more than 700,000 people left homeless by Serb attacks on towns and villages. Militants among Bosnia's Serb community—which accounts for about 31 percent of the population—have proclaimed an autonomous state on Bosnian territory with close political ties to adjoining Serbia.

The Sarajevo mortar salvo also shattered a short-lived local ceasefire that surrounding Serb forces had agreed to on Tuesday so that international relief flights could bring humanitarian aid to the capital's 300,000 hard-pressed civilians—most of whom have been without adequate food and medical supplies for weeks. The truce, brokered by Russian Foreign Minister Andrei Kozyrev, had been viewed by Western diplomats as part of a broad new diplomatic effort by Serbia to avert economic sanctions, but analysts here noted scornfully that Belgrade's latest peaceful pleas and promises sounded like many it had made—and ignored—in the past.

On Monday, the Belgrade government sent a letter to U.N. Secretary General Boutros Boutros-Ghali pledging to help promote a peaceful resolution to the Bosnian conflict and to seek "unhindered engagement" of U.N. and other relief agencies in Bosnia. But at the United Nations today, Venezuelan Ambassador Diego Arria told the Reuter news agency: "I don't buy that. The time for cordial relations is finished. Nothing they can do will stop the actions of the Security Council."

GENERAL LEAVE

Mr. SENSENBRENNER. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include therein extraneous material on the subject of my special order tonight.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Wisconsin?

There was no objection.

POSSIBLE SELECTION OF PRESIDENT IN THE HOUSE OF REPRESENTATIVES

The SPEAKER pro tempore. Under a previous order of the House the gentleman from Wisconsin [Mr. SENSENBRENNER] is recognized for 5 minutes.

Mr. SENSENBRENNER. Madam Speaker, the time has come for the House of Representatives to seriously consider adopting procedures should the selection of the next President of the United States fall to the House of Representatives under the 12th amendment to the U.S. Constitution.

Today, I have introduced a resolution amending the permanent rules of the House of Representatives to open up the process for the election of a President should the House be called upon to do this duty. The resolution that I have introduced is rather straightforward. It adopts a new rule 54 of the Rules of the House, entitled "Procedures for Choosing a President," and it says:

> Whenever the right of choice shall devolve upon the House, any vote of a Member from a state in determining the vote of that state to choose a President shall be recorded by the Clerk in open session.

The last time the House of Representatives had to select a President was in 1825 following the failure of all four candidates to obtain a majority in the Electoral College in the Presidential election of 1824. In looking at the precedents that were established in the 1825 election of the President, it is clear that two things happened.

First, the House met in closed session with everybody except House Members, stenographers, officers of the House, and Senators being excluded; and second, the votes cast in each State delegation were done in secret, so not only did the public not know how every Representative voted in the selection of the President, but they did not know how each State's vote was cast.

At the end of the process, the Speaker of the House just announced which candidates had how many States' votes and declared John Quincy Adams elected President of the United States.

Obviously, this secrecy will not do should the new House of Representatives be called upon to select a President beginning January 6, 1993, due to the failure of the three Presidential candidates to achieve a majority in the Electoral College.

It is incumbent upon this House of Representatives to set up the ground rules now before anybody can accuse the House of trying to engineer those rules to favor one candidate or the other, so that the most important vote that is cast by those Representatives who are elected on November 3, that is the election of the President of the United States, will be open to the public and on the record.

My resolution proposes to do that. It opens up the process so that Members of the House can be accountable on how they cast this very important vote should the House be called upon under the 12th amendment to perform this very important function.

Madam Speaker, I would invite my colleagues to cosponsor this resolution. It is one of openness and accountability against backroom deals and secrecy and something that we should make clear prior to the time the voters cast their votes for President on November 3.

I thank the Speaker for recognizing me for this time.

THE CURRENT SITUATION IN YUGOSLAVIA

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Wisconsin [Mr. MOODY] is recognized for 5 minutes.

Mr. MOODY. Madam Speaker, the civil war in Yugoslavia has already claimed over 10,000 lives and created close to 2 million refugees. The long years of U.S. investment in economic viability, human rights, and—eventually—democracy for that country is in deep, deep jeopardy.

As someone who lived and worked in Yugoslavia for 2 years, speaks the language, has friends in all parts of the country, and recently met with top leaders in Zagreb, Belgrade, and Sarajevo, please let me share with you some key points about the current tragedy there.

KEY POINTS

First, the conflict is not about ideology or about democracy versus communism, as frequently alleged, although 50 years of rigid, winner-take-all Communist ideology has made political compromise much more difficult. The conflict is about ethnicity and religion, compounded by deep frustration. The Croatians have been frustrated in their long held desire to be independent of a larger Serbia. The Serbs have been frustrated that the West has been so ignorant and indifferent to the suffering visited upon them by the previous independent Croatian state, the 1941–45 Ustashi government which killed over 700,000 Serbs in addition to Jews and Gypsies—seen to this day by Serbs as attempted genocide and ethnic purification.

Second, this frustration reached the boiling point when first Germany, then the European Community as a whole, and then the Bush administration recognized Croatia with borders that consigned roughly 800,000 Serbs to involuntary Croatian citizenship without any serious guarantees for their physical safety or cultural and political rights. The fact that Croatia's new President, former Communist Gen. Franjo Tudjman, had recently run an explicitly anti-Semitic, anti-Serbian campaign for office preceding independence heightened Serb fears.

When, in a sudden reversal of policy, the Bush administration recognized not only Croatia but also Bosnia, where 1.3 million Serbs are one-third of the population and live on about two-thirds of the space, even greater Serbian frustration and fear took hold. The Serb people feel deeply that once again they are fighting for their survival, their homes and their right to exist.

Third, the allegations that Serbs seek to conquer their neighbors or take their territory is simply untrue. But they don't agree that heavily Serbian areas in Croatia and Bosnia can be preemptually detached from Yugoslavia, given the history of persecution of Serbs in those areas. In fact, the Serbs have a noble history of supporting freedom and democracy, and stood with the Allies in World War I and II at great, great cost. Serbia has never seen itself as an ambitious conqueror, but now feels beaten into a corner by the self-interested behavior of the European Community—especially Germany, which has tried to dominate the Balkans in two world wars, directly or through surrogates.

Fourth, Serbia was always the lead group for a united Yugoslavia with civil and religious freedoms for each ethnic nationality. Of all the groups in Yugoslavia, the Serbs have historically been the most tolerant. The attempted genocide of Serbs in Croatia never had its counterpart against Croatians in Serbia. There is absolutely no history of anti-Semitism in Serbia and many Yugoslav Jews survived the facist period by finding safety in Serbia.

Fifth, it is important to separate both the Serbian people and the Croatian people from the heavily armed irregular and guerilla groups operating outside formal government control. These groups—on both sides—have done most of the atrocities.

Sixth, it is important to distinguished the Serbian people from the Yugoslav National Army, the last Communist-led military in Europe. While Yugoslavia is dead, the army lives on with its own agenda of preserving as large a state as possible to sustain the army's vast size. I can tell you personally that the national army is very unpopular in Serbia.

CRUCIAL ISSUE

Now let me elaborate a bit on the second point made earlier. Having come through Axis support of Croatian separatism during World War II, the Serbs felt they had to defend their very lives and the land they have inhabited for centuries when they saw history repeating itself. Specifically in the Krajina area of Croatia and nearby areas of Bosnia, Serbs suffered unspeakable atrocities in the past. Serbs now find it beyond comprehension that the West has deprived exclusively them of the right to self-determination which the Slovenes, the Croats and the Bosnian Moslems have all been encouraged by the European Community, and now the United States, to assert.

CONCLUSION

In conclusion, there are no easy answers to this horrible, bloody conflict. It is not a good-guys-versus-bad-guys scenario. There have been terrible actions and atrocities by individuals and roving bands on both sides. The fear and anger among the Serbs and Croatians is intense and enduring—like the bitterness of most civil wars, including our own some 100-plus years ago.

It is tragic that the West, particularly the United States, failed to take decisive action to see that United Nations troops take up stations in Bosnia before the violence began in that Republic. Everyone knew that Bosnia would be the worst killing ground once violence there began. In my opinion it was doubly tragic that the United States—the only country possibly able to play the honest broker role—suddenly abandoned its careful and neutral policy and threw in with the European Community, led by Germany, to recognize an independent Bosnia where the Serbian minority felt most desperate and insecure.

LOOKING FORWARD

Looking forward from this tragedy, there are some constructive actions the United States can take to reduce or end the violence, although there are serious extra difficulties now. What the United States should not do, given the history of the area, is continue to let European Community policy dictate our policy. Most of all, the United States should seek to be the peacemaker, not the punisher or enforcer.

Specifically, the United States should not call for punishing the ordinary people of Serbia itself—or for that matter Serbian people as a whole—for the actions of the national army. Nor for the violence committed by irregular and paramilitary groups in Bosnia. Nor should the Congress itself act in haste to condemn one side or the other. Either action would only fuel the zeal of the various extremists, isolate the Serbian people, and reduce the ability of moderate, peace-seeking people of all nationalities to find an enduring solution. Reconciliation, no matter how hard, must be the goal.

Caution, understanding, and diplomacy are in order. For the people of the region, not we, must live with the result.

EFFORTS TO BRING ABOUT A PEACEFUL SOLUTION IN YUGOSLAVIA, BOSNIA-HERCEGOVINA

The SPEAKER pro tempore (Mrs. UNSOELD). Under a previous order of the House, the gentleman from Oklahoma [Mr. MCCURDY] is recognized for 5 minutes.

Mr. MCCURDY. Madam Speaker, I rise today to speak about the crisis that is laying waste to the countries that formerly composed the State of Yogoslavia.

By every account, what is happening in Bosnia-Hercegovina is a humanitarian tragedy of incredible magnitude brought on by mass terror. Yesterday, we saw grisly images of a mortar attack by Serbian forces which killed at least 20 innocent civilians and injured over 100 people in Sarejevo as they stood in line to buy bread. This despicable act came on the heels of a Serbian military attack on a maternity hospital which caused 200 mothers, infants, and medical personnel to take refuge in the hospital's basement. And last week, Madam Speaker, Serbian forces launched rockets at a convoy of Red Cross vehicles and hijacked 11 food trucks chartered by the U.N. High Commission on Refugees. As a result of these attacks, both the Red Cross and the United Nations have been forced to suspend their operations in Bosnia-Hercegovina.

These atrocities are part of a much larger and tragic war conducted by the Milosevic regime throughout the former Yugoslavia that has left at least 12,000 people dead, destroyed an estimated $100 billion in property, and created over 1 million refugees. This represents the largest refugee crisis in Europe since the Second World War.

Incredibly, Madam Speaker, throughout most of the agony in this crisis, the Bush administration has stood on the sidelines and watched the last Communist dictatorship in Europe unleash a war and wreak havoc on the ancient cities of Sarajevo, Dubrovnik, and others. Instead of helping Bosnia-Hercegovina, Croatia, Slovenia, Macedonia, and Kosovo break from their totalitarian pasts and become part of a community of democratic nations, the grand architects of the new world order in the Bush administration last year tried to hold Yugoslavia together, even when its breakup was a fait accompli. When that policy failed, the world's only superpower hid under the table for 10 months as more than 50 other countries extended diplomatic recognition to Croatia, Slovenia, and Bosnia-Hercegovina. In the meantime, the Europeans, divided and incapable of developing a coherent policy, would only wring their hands and issue statements which the Milosevic regime treated with utter contempt.

It is only now that the United States and the European Community are beginning to put pressure on the tyrant in Belgrade. Yesterday, the European Community imposed a partial economic embargo against the Belgrade regime, and the United States has imposed some additional symbolic sanctions. But these sanctions are only partial, and we can only speculate if they will have any impact on those responsible for this war. If we want to take this conflict seriously, the international community should impose a complete trade and oil embargo against the Belgrade regime and freeze its international assets. We should expel the Belgrade regime from international financial institutions, deny recognition to Serbia as the successor state to Yugoslavia, and take the lead in ensuring that humanitarian relief supplies reach the victims of this war. If these sanctions do not persuade the Milosevic regime and its henchmen to stop the killing, the United States should take the lead in proposing a NATO peace-keeping mission for Bosnia-Hercegovina and other affected areas.

Madam Speaker, if the humanitarian side of this conflict is not enough to move the world to take serious steps, we would do well to consider the strategic implications of further inaction. The war in former Yugoslavia could be a harbinger of things to come in the former Soviet empire, as long-simmering ethnic rivalries rise to the surface and the difficulties of building democracies and free market economies from the wreckage of communism create new hardships.

Moreover, the war in Bosnia-Hercegovina could easily spread into other parts of Europe and into the Central Asian republics of the former Soviet Union. The people of Kosovo have voted for independence, and it could only be a matter of time before Belgrade unleashes a new round of violence against them. The question of Macedonia's independence has yet to be settled. Ethnic tensions have generated conflict in the former Soviet Republics of Georgia, Armenia, and Azerbiajan.

And the Milosevic regime has conducted itself in a way which could eventually generate bitter divisions between Christians and Moslems throughout that part of the world.

Finally, Madam Speaker, this conflict has demonstrated the pivotal role that the United States will often have to play in resolving international crises in the post-Soviet world. The fall of the Iron Curtain created an enormous opportunity for the people of Europe and the people of the former Soviet empire to live in peace and build democratic governments. Yet we are watching this opportunity to slip away. The old zone of conflict defined by the Iron Curtain has now shifted to the Central Asian fault line, and the Bush administration seems unwilling to recognize this important change.

We should not succumb to the dangers of isolationism when demagogues or our foreign policy savants invoke old cliches about the dangers of the United States becoming the world's policeman. If stopping a war in Europe is not in the national interests of the United States, then we must ask ourselves: What are our interests?

I will enter several articles into the RECORD and urge my colleagues to give this conflict the attention it deserves.

The articles are as follows:

[From the New Republic, Feb. 24, 1992]

YUGOBLUNDER

(By Patrick Glynn)

For months after Secretary of State James Baker's fateful visit to Belgrade in June 1991, observers debated whether the American secretary had inadvertently contributed to civil war in Yugoslavia by throwing his weight behind Yugoslavian "unity" at the very moment when the republics of Slovenia and Croatia were preparing to secede. Since then the mischievous consequences of U.S. policy toward Yugoslavia have so multiplied that the fuss over Baker's trip seems dwarfed by other disasters. In December Germany publicly broke with the United States, announcing recognition of Slovenia and Croatia. In January the EC followed. What began as a gruesome civil war has expanded into a crisis in U.S.-European relations, with major implications for the post-cold war balance of power. At last count thirty-nine nations—including Canada—have recognized the republics. The United States, still resisting recognition, remains isolated, its relations with Germany damaged, its influence and prestige in Europe clearly diminished.

U.S. policy-makers were quick to blame the Germans. In early January The New York Times described State officials "below the level of James A. Baker 3rd"—widely assumed to be Deputy Secretary of State Lawrence Eagleburger, the State Department's lead man on U.S. policy toward Yugoslavia—as beginning to "wince" at German assertiveness. But the effect of such self-exculpating statements was only to aggravate an already bad situation, increasing rancor with Bonn, hastening the loss of American influence in Europe.

What went wrong? U.S. handling of the Yugoslav crisis is in fact a case study in how not to conduct foreign policy in the post-cold war world, combining lack of intellectual rigor and carelessness with what Senator Al Gore has termed "moral obtuseness" about the conflicts and issues at stake. It epitomizes the essential superficiality of the administration's approach to foreign affairs.

Even now administration officials remain unrepentant. When I requested interviews for this story at the office of Eagleburger aide Kenneth Juster, public affairs director Joseph Snyder, to whom I was referred, told me after two days that State officials at the "highest levels," including Eagleburger's office, had determined that "nobody in the building" would talk on the subject. The reason given was the "murky" situation, in which officials' comments would be "overtaken by events." (The likelier explanation was an article critical of U.S. policy on Yugoslavia that I had written the previous week for The Washington Post.)

The main factor in the Bush administration's mishandling of Yugoslavia was its devotion to geopolitical "stability" at the expense of democratic values and human rights. U.S. policy toward Yugoslavia paralleled and was subordinated to U.S. policy toward the Soviet Union. In both cases the administration sought to prop up a declining Communist central government at the expense of democratically minded republics. In the USSR it was Gorbachev; in Yugoslavia it was the reform-minded Prime Minister Ante Markovic. In both cases the effort failed. But while in the Soviet instance it failed peacefully, in Yugoslavia U.S. policy may have contributed to a violent civil war. The errors were reinforced by clientism on the part of State's Belgrade-orientated Yugoslav hands—and possibly, in Eagleburger's case, by a history of personal financial dealings with firms owned by Yugoslavia's Communist government.

What was occurring during 1989 and 1990 in Yugoslavia was an uneven shift to democracy. In the spring of 1990 both Slovenia and Croatia elected non-Communist governments in internationally monitored free elections. Both adopted democratic constitutions. Slovenia, the most prosperous and ethnically homogeneous of the six Yugoslav republics, was also the most eager for independence. The Croatian situation was more complex, given the presence of a 12 percent Serb population and memories of brutal mass murders of Serbs and other minorities under a fascist puppet regime during World War II.

But if Croatia's human rights situation was problematic, human rights problems in Serbia were clear-cut and acute. Since 1987 Serbia had been ruled by a hardline Communist, Slobodan Milosevic, who increasingly based his appeal on fiercely nationalist themes. Under Milosevic, Serbia had perpetrated extreme abuses in the dominantly Albanian province of Kosovo—shooting and jailing protesters, torturing prisoners, firing ethnic Albanians from jobs and invading their homes. Moreover, in sharp contrast to elections in Slovenia and Croatia, Serbia's December 1990 elections were neither free nor fair. Restrictions on freedom of expression, unmonitored army voting, and a scheme whereby Serbian banks were ordered to print almost $2 billion in Yugoslav currency to be distributed to employees of state-owned enterprises prior to the election helped ensure victory for Milosevic and his nationalist neo-Communists.

By 1990 communism in Yugoslavia was ceding to nationalism, but in uneven fashion. In Slovenia and Croatia, nationalism had assumed an imperfect democratic tinge, while in Serbia it remained married to hard-line Leninism. The State Department's crucial failure was to miss the importance of this distinction. Even as Slovenia and Croatia edged toward democracy and the Serbian human rights record worsened, the United States strove to maintain an artificially evenhanded policy. "We have never been admirers of Communist ideology," U.S. ambassador to Yugoslavia Warren Zimmermann told the Serbian newspaper Borba in March 1991. "However, we think that every people, the Yugoslav people included, have a right to the system they choose themselves and to the people they elect. We respect that right, and if they choose communism and the Communists, we are prepared to deal with their leadership."

Back home in Washington, State officials resisted efforts by legislators to change policy. Human rights problems in Yugoslavia, a senior congressional aide was told by high level State Department officials, "are the results of ethnic tensions. . . . Don't make a big deal about them. The Serbs are trying to hold the country together. . . . Don't break up [Yugoslavia] because the Soviet Union will use it as a model. If the Soviet Union breaks up, [the consequences] could be nuclear."

In part, however, policy was also dictated by a flawed conception of how violence in Yugoslavia might originate. Eagleburger warned legislators of deep historical ethnic hatreds in Yugoslavia, arguing that unity was the key to ethnic peace. What he and others failed to see was the difference between democratic and undemocratic nationalism. When violence arose in Yugoslavia, it would come not from the newly democratic republics but rather from the republic—Serbia—where Communist authoritarian forces held sway. The key issue was not ethnic tension but the willingness to employ violent methods.

Eagleburger's approach is best seen as part of the Bush administration's broad return to Kissingerian ideas of stability, where stability—in contrast to Reagan's approach—would be given clear priority over human rights. (Eagleburger was a former Kissinger aide.) Throughout 1990 and 1991 Eagleburger consistently opposed measures that might undercut Yugoslavian unity—or penalize the Serbian republic. Following a high-level congressional trip to Yugoslavia in August 1990, in which visiting senators, headed by Republican leader Bob Dole, were shocked to witness firsthand a crackdown by Serbian police on ethnic Albanians, Senator Don Nickles introduced legislation designed to redirect U.S. aid away from the Yugoslav central government, which had no power to curb Serbian abuses, and toward individual republics, based on criteria of free elections and human rights. State resisted, pleading for Yugoslav unity, and found an ally in Representative Helen Bentley, of Serbian parentage and a tireless defender of Serbian interests. Bentley joined in the House-Senate negotiations on the Nickles amendment, even though she did not belong to the relevant committee. "She camped out in the committee room reading a book called The Rape of Serbia," a congressional aide recalls. Nickles and Bentley were able to strike a compromise—a provision for six-month delay—that permitted the amendment to pass. Bentley was the only individual I interviewed who expressed complete satisfaction with U.S. policy. Even Representative Jim Moody, who also has strong Serbian sympathies, regretted that the United States hadn't played a more active role as a broker between the parties.

In theory, the Nickles amendment provided a new policy framework, anchored more closely to democracy and human rights. Human rights groups such as Helsinki Watch had urged just such an approach. The point was not just to penalize Serbia, which was committing the grossest abuses, but to increase leverage with Croatia, where the human rights picture was still unclear. Croatia's 1990 elections had been highly nationalistic in tone. Traveling in dominantly Serb regions of Croatia in 1990, Helsinki Watch executive director Jeri Laber says she found "genuine fear" among Serbs of a possible resurgence of World War II persecution and genocide. Laber and others point out that Milosevic deliberately stirred and manipulated such fears—some argue in preparation for a coming war. Moreover, Croatia's President Franjo Tudjman attempted (somewhat unsuccessfully) to respond to Serb complaints in what the U.S. consul in Zagreb described in an August 1990 cable as "sound and judicious" fashion. Tudjman offered the head of the minority Servian Democratic Party the vice presidency but was turned down. Eager for an international presence and receptive to human rights monitoring. Croatia has shown a willingness to meet EC demands. Many now agree a more visible U.S. presence in Croatia and Serbia, backed by the threat of sanctions, might have done much both to reassure Serbs in Croatia and to deter the Serbian republic from violent intervention.

In May 1991 the Nickles sanctions were imposed, and aid was cut to the Yugoslav central government and Serbia. However, a mere twenty days later President Bush waived the sanctions after a phone call with Markovic, the Yugoslav "Gorbachev." But by now Markovic's authority had been completely undercut by Milosevic, whose December money-printing scandal had destroyed the convertibility of the dinar and with it the Markovic economic reforms. Moreover, nine days earlier Serbia had blocked the scheduled assumption of Yugoslav's collective presidency by Stipe Mesic, a Croat, destroying any pretense of a neutral federation.

During the winter of 1990–91, State continued to resist measures to treat the republics differently or to link U.S. aid to human rights. In January 1991 Dole introduced legislation calling for aid to republics in both Yugoslavia and the Soviet Union, based on democratic and human rights criteria. State opposed the measure. Throughout 1991—as militant Serbs in Croatia, stirred by Milosevic, mounted armed rebellion, eventually declaring a small independent state—Serbia resisted efforts by Slovenia and Croatia to negotiate a looser Yugoslav confederation. State advocated standing aside. In May Croatians voted overwhelmingly for independence in a referendum, following a similar vote by the Slovenes. In June Baker traveled to Belgrade and gave his speech emphasizing U.S. interest in the "territorial integrity" of Yugoslavia. "I believe [Baker's speech] suggested to the Serbs—to Milosevic—that we were going to support extreme things to keep the country together," says Yugoslav expert Steven Burg of Brandeis University. Even after the declarations of independence by Slovenia and Croatia, White House spokesman Marlin Fitzwater condemned "unilateral actions that preempt dialogue," arguing that "separation will lead to violence," implicitly blaming Slovenia and Croatia for the war that Serbia and the Yugoslav army were about to start.

As late as October 1991, with war raging and thousands of Croatian civilians fleeing their homes, State testified against legislation introduced by Senator Alfonse D'Amato (another veteran of the Dole trip to Kosovo) calling for a cutoff of aid to and sanctions against Serbia.

From the beginning of the war, Germany and Austria leaned toward recognition of Croatia and Slovenia as the best solution. The United States, following U.N. special envoy Cyrus Vance, argued rather that recognition would only escalate the war. As late as mid-December Eagleburger told the mayors of the besieged Croatian towns of Dubrovnik and Osijek that recognition would only lead to expansion of the war into Bosnia and Herzegovina and Macedonia.

Instead, the German decision to recognize the two republics, coming in December and January, brought the first enduring ceasefire. With Yugoslav army desertions growing, the Serbian economy flagging, and the war increasingly unpopular at home, Serbia's Milosevic now appeared ready to talk. As is not uncommon in dealing with a dictator, pressure had worked. The situation was far from resolved, but for the first time in fifteen cease-fires, the Croatian countryside was mostly quiet. One only wonders now what a differential policy pursued earlier in the game might have done. "If we had summoned the moral courage to act," says Gore, "we could have saved thousands of lives."

In the end of the Yugoslav crisis did more than create two new states: it marked the re-emergence of Germany as a great power. It was an ironic reversal of roles. Throughout the 1980s, when the United States pursued tough tactics against Communist leaders, based on a commitment to democratic principles, West Germany steered a more neutral middle path between East and West based on realpolitik. Now the Germans were acting from principle against a dictator while the United States cultivated realpolitik. It was a measure of the fundamental difference between the Bush and the Reagan foreign policies. It was also a measure of the declining power of the United States. One of the great lessons of the 1980s was that those countries fared best in the global power struggle that stood firmly for their principles. In the 1990s, returning to Kissingerian ideas of stability, the United States eschewed such a course. The result was not merely a botched opportunity and an unnecessary loss of lives, but an absolute loss of international power for the United States.

[From the New York Times, May 21, 1992]

PUNISH THE SERBS

(By William Safire)

In the face of Serbia's bloody invasion of its neighbors, President Bush has ducked under his desk in a way that recalls Benjamin Harrison's 1888 doctrine: "We Americans have no commission from God to police the world."

Excuses for inaction range from "it's Europe's problem" to "our vital interests are not involved" to "those historic hatreds run so deep, there's nothing anybody can do."

The unspoken excuse is that in an election year, no American politician wants to commit American forces to what may be a quagmire. Yet the lack of any threat of harsh consequences encourages the aggression.

What would the other candidates do to stop the killing if they were President right now? I phoned that question to Ross Perot's spokesman and was faxed this prompt, if Carteresque, response: "I would be actively working with the United Nations in an effort to restore peace to the area." Can't get in trouble with a platitude.

Bill Clinton, after criticizing Bush "indifference," responded: "The United States and the international community must adopt immediately the kinds of tough sanctions that will make the Milosevic regime pay a heavy price for continuing its aggression, such as freezing assets, an oil embargo, and suspension or explusion from appropriate international organizations."

That's at least a policy that offers change. Opinion makers as far apart as Anthony Lewis and Jeane Kirkpatrick agree that if collective security is to have meaning, the President of the United States must do more during mass slaughter than send Margaret Tutwiler out to wring her hands and play Benjamin Harrison.

Last year we saw how televised pictures of atrocities turned around a callous, let-it-happen policy in Iraq. After the public outcry, Mr. Bush put a protective air cap over much of Iraqi Kurdistan; as a result, this week, for the first time in a thousand years, Kurds are voting in a free, democratic election.

A Bosnia-Herzegovinan official—this year's Haile Selassie—says that if the world intervened to escort relief to starving, persecuted Kurds, why not Bosnians? "We are real people, too."

Did America set a precedent by protecting the Kurds? Or was that a special case, where our interests were at stake, where we had a moral responsibility because we had called for the anti-Saddam uprising, and where the American public supported our intervention?

Answer: both. The extent of our participation will depend on previous commitment, vital national interest and sphere of influence. But wherever in the world brutality is inflicted on millions of people, America's place is in the vanguard of marshaling civilization's response.

The Serbs have earned a reputation for ferocity. They are now represented by—and not oppressed by—their own dictator, Slobodan Milosevic. They are seizing territory they believe was stolen from them. If this causes death and desolation, they say, so be it—Serbs have suffered in the past, too.

Sorry, but the law of the jungle has been repealed. No longer should any people get away with barbarism in the name of vengeance.

How do we stop the killing? The international community—that's Germany, France, Britain, Russia and the U.S., under U.N. or regional auspices—must put an intolerable cost on continued aggression.

This does not mean Operation Balkan Storm; the Serbs, unlike the Iraqis, would fight forever. Nor would this mean namby-pamby sanctions like suspending airline landing rights.

It means, as Mr. Clinton suggests, embargoing Serbia's oil and freezing its assets. Beyond that, we should impinge on its long-sought sovereignty by seizing Serbian airspace, much as we have done in Kurdistan.

This would not immediately stop Serbian aggression, but it would be a painful and humiliating penalty. Peacemakers would have cards to play.

Harrisonism need not paralyze us. "Chronic wrongdoing," wrote Theodore Roosevelt, "or an impotence which results in a general loosening of the ties of civilized society, may. . . ultimately require intervention by some civilized nation."

Update that to "alliance of nations" and apply the responsibility to intervene to the Balkans today.

[From the New York Times, May 17, 1992]

THE NEW WORLD ORDER

(By Anthony Lewis)

LEXINGTON, VA.—When President Bush took this country and others into the Persian Gulf war 16 months ago, he acted in the name of a new world order. This was not just a war for oil, he said; it was the beginning of an age when aggression against the weak would not be tolerated anywhere.

How cynical that promise sounds today. The world is if anything nastier. There are more victims of aggression. And political leaders show no signs of the firmness needed to stop it—least of all George Bush.

The most painful disappointment is in what was Yugoslavia. For nearly a year now Serbia's Communist leader, Slobodan Milosevic, has used his troops and Serbian irregulars to kill and terrorize other ethnic groups in the neighboring republics. And what are the rest of us doing? Essentially standing by and wringing our hands.

The United States, the European Community and the United Nations have tried various devices in the former Yugoslavia. They have sent mediators, stationed truce monitors on-site, dispatched peacekeeping forces. All have failed to stop the bloodshed.

The reason they have failed is plain. Mr. Milosevic and his Serbian allies do not want peace. They want to acquire territory by force. They will not be stopped by exhortation.

The only thing that would have stopped the aggressors was a credible threat of force. And the United States and European Community gave that leverage up at the start, indicating that in any event they would not intervene militarily to stop the slaughter.

Intervention in struggles among ethnic or religious groups is tricky business. It is often not easy to say who are the good guys, if any. In this case, I have no illusion that the other Yugoslav groups are saints. But the Serbs were and are the principal aggressors. "Stop the Serbian aggression," The Economist wrote recently, "and you end the bloodshed."

Moreover, there have been moments when the aggression was so naked that European and American intervention would have been generally regarded as justified. One was when the Serbian forces pounded Dubrovnik, a Croatian city of great historic and cultural interest and no imaginable strategic value.

Another such occasion is here now, in the merciless Serbian attacks on Sarajevo, the capital of Bosnia and Herzegovina. Watching the television pictures of shells falling on that city and civilians huddling in fear, I thought that civilization had not advanced since Nazi bombs fell on Rotterdam. Some new world order.

At Dubrovnik last fall there was, and at Sarajevo now there is, a way for the United States and the Community to act effectively without undue risk of being embroiled in military action on the ground. That is to take command of the air.

The Americans and Europeans have plenty of warplanes, based near enough, to do exactly that. We could have said to Mr. Milosevic, and still could: Stop your aggression at once, or our military aircraft will control your skies. Not just over Dubrovnik or Sarajevo but over Belgrade.

The Bush Administration has kept Iraq's warplanes grounded since the gulf war—although it had to be shamed into enforcing that rule after Saddam Hussein's slaughter of Kurds and Shiites. The threat to do the same to Serbia would surely be credible.

The failure of nerve and imagination in the face of Serbian aggression is Europe's as well as America's. But President Bush raised expectations so high in the gulf war that disappointment naturally focuses on him. What has happened to the man who three days after Iraq grabbed Kuwait said, "This will not stand"?

The Iraqi invasion must have had special connotations for George Bush: echoes of Munich, the personalized devil figure of Saddam Hussein. Or else the difference really was no more than oil.

There is no oil in Sarajevo. But the failure to stop the Serbian anschluss may have large consequences. The world is that much less likely to be able to prevent the ethnic conflagrations that threaten in large areas of Eastern Europe and the former Soviet Union. We might remember that this terrible century began its downward slide 78 years ago in Sarajevo.

[From the Washington Post, May 18, 1992]

FOLDING IN THE FACE OF VIOLENCE

THIS ISN'T A COMIC-OPERA WAR, SO HOLD THE TALK OF A NEW WORLD ORDER

(By Jeane Kirkpatrick)

"Milosevic plays by different rules than other European leaders," a European diplomat said last week of Serbia's military leader. According to the diplomat, this "slickest con man in the Balkans" used his "extraordinary personal charm" to deceive U.N. envoy Cyrus Vance, European Community mediator Lord Peter Carrington and U.N. peace forces director Marrack Goulding.

These men thought Slobodan Milosevic was serious about the successive peace talks and cease-fires in which they involved him. "He can utter the most egregious falsehoods with the appearance of the utmost sincerity," another senior European diplomat added.

How quickly diplomats and international lawyers are misled by the likes of Milosevic (and the Ayatollah Khomeini and the Argentine generals and Saddam Hussein). It is difficult for the civilized leaders of civilized governments to believe that the man across the negotiating table is about to bomb civilians, wipe out families and towns, and break solemn agreements. It is difficult to conceive that the smiling leader who is offering assurances of his peaceful intentions is a political psychopath who will respond only to force.

Eventually, though, the reality emerges. Now, at last, Western diplomats think they understand Milosevic's violent behavior. Thus, to protest, the European Community has withdrawn its military monitors and the United States has withdrawn its ambassador, to wait him out in a safer place.

"We are risking too much," Reuters quoted the EC missions leader as saying. "There is wrong behavior toward us, and some people are out of control. I have no right to put my people in danger. . . . Some have wives and children."

As mortar and tank shells bombard neighborhoods of Sarajevo and snipers pick off anyone in sight, Europeans and Americans announce they will punish Milosevic. They will isolate his new Yugoslav state. They will impose economic sanctions. They will deny the new state membership in all international bodies.

And, from a safe distance, they will wait while the sanctions do their work. Meanwhile, Milosevic's troops slaughter Slavic Muslims, more than 1,000 of whom have already perished in the Serbian effort to seize Bosnia-Herzegovina.

The American response is no more heroic—or helpful—to the victims of Serbian violence than that of the European Community. The State Department announced that, in addition to recalling the ambassador, the United States will join in diplomatic efforts and economic sanctions.

"But we are not about to get out in front of the Europeans. They must define the distance and set the pace for the international community in dealing with Yugoslavia," a high-level State Department official commented to me last week while requesting anonymity.

His heroic lines could as easily have been uttered when Mussolini invaded Ethiopia or when Adolf Hitler marched into the Rhineland.

"There's no percentage in injecting yourself in the cross-fire between people intent on killing each other and yelling 'Stop' when they're not listening. We had to fall back on the idea that there wasn't much we or anyone could do until they got the blood lust out of their system and became more willing to listen to reason," he said.

How readily the will of the international community gives way before violence. How flimsy the structures of conflict resolution and peacekeeping turn out to be. How limited the Western commitment to collective security is when confronted with guns and determination—even when slaughter and civil war occur in the heart of Europe, in the very city where World War I was born.

Let us not speak, then, of collective security except as a dream. Collective security depends on having force and will available when mediation and diplomacy fail. Without the option of force to deal with force, there is no collective security. Neither diplomacy nor economic sanctions are an adequate shield against tanks and mortars.

There is anarchy today in Yugoslavia. There is timidity in Brussels and Washington. So let us not speak yet of a new world order. It remains to be built.

□ 1840

UPDATE ON HAITI

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New York [Mr. OWENS] is recognized for 60 minutes.

Mr. OWENS of New York. Madam Speaker, I wish to briefly do an update report on the situation in Haiti.

An astounding release came from the Associated Press today reporting that the San Diego Union Tribune newspaper reported today that a supersecret commando team, known as Seal Team Six, rescued a group of former Haitian officials from their country 2 months ago.

Madam Speaker, the Seals are a naval counterterrorism squad.

The paper quotes an unspecified Pentagon source as saying that the squad rescued a handful of former Haitian officials whose lives were in danger. The raid was reportedly authorized by President Bush, and the former officials were thought to be members of deposed President Jean-Bertrand Aristide's government.

However, Madam Speaker, the Defense Department does not acknowledge the existence of any Seal Team Six, and the Pentagon officials will neither confirm, nor deny, that the incident occurred. A special operation command is responsible for the Navy sea-air-land special commandos known as Seals.

The paper quotes its unidentified source as saying that there were no casualties in the operation. I find that a very interesting piece of news for several reasons. I have no quarrel with the rescue of people who are in danger in Haiti. I have no quarrel with the rescue of people, certainly if they were part of President Aristide's deposed government.

The problem is, if our Government, by order of the President, conducts such a rescue of any persons from Haiti, it is certainly admitting, it is certainly acknowledging, that Haiti is a dangerous place, that it is a place where there is a need to rescue people whose lives are threatened.

Madam Speaker, this is in direct contradiction with the position that our Government has taken publicly that there is no danger to anyone in Haiti and that not only a handful of people are not in danger, but thousands can be returned. They propose to return 15,000 people whose bodies have been plucked from the high seas, who have been carried to Guantanamo Bay and then repatriated to Haiti. This is a shocking situation. It means that public policy means nothing to this administration, that they choose, when they wish, to utilize their military forces, the Armed Forces, the special command, the Seals, whatever you want to call them, as their own private army to do their own private thing. Evidently, there was some group of people they felt individually, privately deserved to be rescued, so those that deserved to be rescued, for whatever reason, were rescued by forces of the U.S. Government.

And my colleagues might say, "Well, why accept this report as the truth? The Pentagon is not confirming, and they're not denying." Well, we have all been around long enough to know that, when the Pentagon refuses to deny it, then that is a confirmation. We have all been around long enough to know that this kind of report from a responsible newspaper would not have surfaced.

This is in direct contrast to the horror of the public posture and the public position of our Government. The horror of our public position is that our Government, the administration, has taken the position that the final solution to the Haitian problem is death by drowning.

Now those are strong words. When I say "final solution," I am well aware of the fact that "final solution" is a phrase associated with Adolph Hitler. I am also well aware of the fact that "new world order" is a phrase that was first coined by Adolph Hitler. Is this the new world order that we envisage where certain people are going to be written off and considered as undersirables, as people who have no place in the new world order? Certain people can be eliminated, not by gas chambers in this case, but by drowning at sea? If the policy of our Government, as announced recently by the President, by the administration, is that we no longer will be picking up Haitians who are in overcrowded boats and in danger of capsizing, we are not going to pick them up and take them to safety, our policy is we are just going to keep them from getting to the shores of the United States, what does that mean? Translated into honest, commonsense language, what does that mean?

Madam Speaker, if we are not going to pick people up in rickety boats, overloaded boats, if we are going to let them venture on into the high seas, as long as they do not get close to our shores, then the likelihood is that those rickety boats will capsize. The likelihood is that those people will drown. If they do not drown voluntarily, if the high seas do not get them, then, as they near the shores of our country, we are saying we will turn them back. The rickety boats will be intercepted. They will be forced to turn back and travel the distance back to Haiti, or in the process of turning them back they might drown in the sea. Many will drown in the sea.

Madam Speaker, it is a final solution to the Haitian problem by drowning people in the sea, and I can think of nothing worse. I can think of nothing more horrible. I can think of no act that our Government ever committed that I would be more ashamed of than to have the problem of Haitian refugees solved by letting them drown at sea.

We have many alternatives of course. The numbers are not so great. We have absorbed many more refugees in the past than the 15,000 who at one time accumulated at Guantanamo. We can make room in a nation of more than 200 million people for a measly 25,000, 30,000, even 100,000 people. That is not the problem. We have absorbed many more Cubans. Some 400,000 Cubans were absorbed in a period of just a few years in Florida. We brought in many plane loads of Hungarian refugees. Thousands and thousands of people at particular times have been absorbed when we felt they were worthy of being saved.

Madam Speaker, the message that we are getting from this administration is that in the new world order that we envisage certain people do not deserve to be saved. This action by the Seals rescuing some people from dangerous Haiti, a place where our Government has publicly said is not dangerous, is an indication that some people deserve to be saved and some do not.

□ 1850

We are picking and choosing human beings who deserve to be saved. Haiti is a dangerous place. I have no quarrel with the administration taking action to save some people from Haiti. But we should go on to recognize and admit to the public and to the whole world, and the United Nations should admit it. I am not proud of the actions of the United Nations. They sit silent and acquiesce and bow to the policies of our present administration. They are not taking the kind of strident positions they should take in defense of the lives of Haitian refugees.

All of us, the United States, the OAS, the United Nations, Europe, and Japan, everybody should admit that this is a situation which is very dangerous, and that anybody seeking to escape from Haiti has a justification for leaving.

The situation has grown more dangerous in the last few days. We returned 587 Haitian refugees just yesterday. At the same time it was reported that in Port-au-Prince there have been shootings in the city every night for the last week. The same report indicates that 16 people were murdered in the past week. One of the victims murdered in Port-au-Prince was the brother of a prominent Haitian businessman who was raising campaign funds in anticipation of the return of deposed Haitian President Aristide. The killers shot the businessman's brother by mistake, thinking he was the businessman. The incident occurred only 150 feet away from a police station in downtown Port-au-Prince.

Haiti is a dangerous place. People need to be rescued from Haiti. Not just a handful should be chosen by the U.S. Navy and rescued, but large numbers need to be rescued. We need a policy where we take them in temporarily into this country by the thousands.

At the same time that the murders were going on, the army brigades were doing other things also which underscore the danger in Haiti.

Scores of young people, as young as people in the sixth through twelfth grades, were arrested last week by Haiti's military thugs because they staged a demonstration against the military government.

Consequently, after that demonstration the government has closed public secondary schools to prevent more protests. They are not only depriving these youth of their freedom of expression, they are also depriving these same youth of an education.

Yesterday soldiers entered a private secondary school to stop another antigovernment demonstration, and they beat students in the school's courtyard.

Haiti is a dangerous place. It is a place where people should be rescued in large numbers.

In Petionville, Haitian police rounded up some young men standing in an open market in an apparent attempt to crush support for President Aristide and intimidate the people of the town. Petionville was a center of support for Aristide from the very beginning. So the fact they have rounded up young people at random in order to prevent them from getting any ideas is nothing unusual.

At the same time, Haiti's outlaw government refuses to accept an accord that was worked out by the Organization of American States. There was an accord worked out after months and months and months of negotiation. The accord was worked out right here in Washington, at the Organization of American States headquarters.

That accord forced Aristide to do some things he did want to do. But in order to alleviate the situation, the rightfully elected President of Haiti, a man elected by 70 percent of the people, agreed to accept some onerous terms, for example, the appointment of a Prime Minister that he did not particularly select. They selected him back in Haiti. He had to appoint that Prime Minister in order to come back.

President Aristide had to agree to grant amnesty to certain people in order to come back. He agreed to all of these terms, and still the regime, the outlaw government in Haiti, refuses to let him come back. They claim if Aristide tries to come back, if he tries to assume his rightful place again as the country's President, Aristide will be arrested for, among other things, murder.

The military thugs who are committing murder every day are threatening to arrest the lawfully elected President if he should return for murder. The outlay government says it will accept a plan for a reconstructed government, but it will not have reconstructive government with Aristide. It must be without Aristide. They are not willing to accept any compromise.

The White House still claims that the safety of Haitians is best assured by remaining in their own country. They made that claim before the newspaper issued this recent piece of news saying that the White House itself had authorized the rescue of some people in Haiti because of the dangers there.

Their official position as of this very moment is that the safety of Haitians is best assured by remaining in their own country. Reports from Haiti strongly indicate that conditions are far from safe, as I just indicated.

The people of Haiti are not allowed the President of their choice, and, as I said before, any open displays of support for Aristide are met with military violence.

Madam Speaker, I support temporary protected status for Haitian refugees in this country. We passed a bill here in the House. We should have that same bill passed by the Senate.

We really do not need a bill. The President, the administration, has the authority under the present immigration laws to accept the Haitians into this country under temporary status. They can temporarily take them in for a period of 6 months without having to do anything else, no interviews, nothing of any consequence has to happen for 6 months.

They do not all have to be taken to Florida or Guantanamo. There are many other places to take them.

Our country has a history of providing asylum. As I said before, we have made arrangements for those people we deem worthy. The problem is we are making an exception in the case of Haitians. We are saying the Haitians are different.

What is the difference? We are sad to say that the difference that is most visible is that the Haitians are black. The only large number of black refugees that have sought to escape persecution and come into this country have been the Haitians. Time after time, the Haitians have received negative special treatment.

We are continuing to subject the Haitians to the same negative special treatment. What alarms me most is we have escalated that negative special treatment, and we are now condemning Haitians to die by drowning at sea.

Our Government has much to be ashamed of. Every American is tainted by this position taken by our Government.

Given Haitians, who are fleeing persecution, who are fleeing a dangerous situation, giving them temporary shelter is the least we can do.

Madam Speaker, I would like to submit for publication in the CONGRESSIONAL RECORD an article by Bill Frelick which appeared in the Sunday, May 24, Washington Post concerning Haitians' forced repatriation.

Mr. Frelick is a senior policy analyst for the U.S. Committee for Refugees.

Madam Speaker, I submit the article for the RECORD.

[From the Washington Post, May 24, 1992]

HAITIAN EXODUS

(By Bill Frelick)

By its Draconian treatment of Haitian boat people, the U.S. government has managed to shift the debate farther and farther away from how best to treat refugees in need of protection to how to avoid the worst mistreatment. Put simply, the United States ought to recognize that: (1) the military regime that grabbed power in Haiti is viciously and systematically conducting a reign of terror that persecutes large numbers who supported the ousted president and keeps the population as a whole in fear and misery, and (2) refugees fleeing that repression should be provided temporary protection.

Since the beginning of the crisis, however, the United States has sought to avoid its minimal obligations to protect refugees from persecution. In the first stage, our government shopped around the region attempting to coerce or entice poor neighboring countries to take in the Haitian refugees. Not surprisingly, it was difficult to convince these countries that they were better able to provide for the refugees than the United States itself.

Then we held the refugees aboard Coast Guard cutters until there was no room left. Within hours of returning the first boatloads to Haiti in late November, a court order prevented further forced repatriations until the underlying question of international law could be decided: Was this a case of refoulement—the forced return of refugees to a place where their lives or freedom would be threatened—a practice prohibited by the U.N. Refugee Convention and Protocol? The Bush administration argued before the U.S. Supreme Court that the Refugee Convention's ban on forced return "applies only to refugees within the territory of the contracting state." In other words, if we interdict refugees in international waters—physically preventing them from entering our country—we can send them back to imprisonment, torture or death and not be held accountable under international law created to protect refugees from that fate.

Until the Supreme Court lifted the injunction—it never considered the case on the underlying legal merits—the government had to offload the Haitians onto the U.S. naval base at Guantanamo Bay, Cuba. From Guantanamo, the Immigration and Naturalization Service began "pre-asylum" screening interviews to determine which Haitians had a "credible fear of return." About one-third met that standard, allowing those who were not precluded for health reasons to be brought to the United States for full asylum hearings. Those who were "screened out" were forcibly repatriated to Haiti without access to legal counsel or to appeal negative decisions.

Despite the resumption of forced repatriation, the numbers fleeing have outpaced the ability of the INS to conduct even the prescreening interviews. Now, the government announces that it will no longer pick up the refugees unless their boats are in imminent danger of sinking, because the Guantanamo base has reached its capacity. Navy Comdr. Greg Hartung, a Pentagon spokesman, explained: "There is no room at the inn."

Coast Guard cutters were seen as a magnet attracting boat departures; withdrawing them is seen as a deterrent measure. But what if the refugees keep coming? For a decade now the Coast Guard has stopped them from landing. They are likely to continue interdicting the boats before they hit U.S. territorial waters. In that case, the prospect looms that the Haitians may be summarily returned with no screening for refugee claims whatsoever.

What are the alternatives? First, despite claims to the contrary, the naval base at Guantanamo Bay is not full. The 47-square-mile base has segregated the 12,500 Haitians on one airfield. The real worry is that within a month or so heat and hurricanes are likely to render the tent encampments uninhabitable. The navy needs to start building shelters now that can withstand the elements.

The second major headache for the government is the overwhelmed INS asylum officer corps. Considering the difficulties of their task—both in terms of conditions at Guantanamo and political pressures exerted on them from the State Department—the asylum offices have, on the whole, performed admirably. However, this relatively small unit of the INS has reached its limit, and regular asylum adjudications back in the United States are backing up and creating a backlog that may take years to process.

The solution is to stop treating this on the model we use for individual asylum applicants. This is a mass exodus. In other parts of the world, when mass flows of refugees flee Afghanistan, Somalia, Cambodia or any of scores of other countries, they are admitted as a group. After being provided "first asylum," they are assisted and protected to the extent the host country is able to help with the support of the international community. This is a well-established practice that has the imprimatur of the U.N. system.

Our government need not consider individual refugee claims—in a mass influx, it is widely accepted internationally that the individual approach would overwhelm any country's asylum adjudication system. But there is an obligation we cannot shirk. We need to provide temporary protection. Many other countries with far fewer resources than the United States do just this.

The United States certainly is better able to temporarily assist refugees than a Sudan, or a Malawi or any of the countries in the Caribbean basin. We also have a legal framework under the Immigration Act of 1990 for providing Temporary Protected Status without having to grant permanent asylum. We can—and should—admit the Haitians on a temporary basis.

We cannot pretend that those risking their lives on the high seas do not exist. We also cannot continue the outrageous fiction that Haitians do not have legitimate fear of persecution upon return. Our government should put its energies into restoring democracy to Haiti. Until that is done, anything less than providing minimal, temporary refuge puts us in violation of the fundamental principles of refugee protection we have heretofore consistently promoted.

PLIGHT OF HAITIAN REFUGEES

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Michigan [Mr. CONYERS] is recognized for 60 minutes.

Mr. CONYERS. Madam Speaker, we continue in the House of Representatives to speak out against this cruel, inhumane blockade on Haitians desperately attempting to flee a hated dictatorship that exists in their country.

Today the United Nations High Commissioner for Refugees has added her voice of criticism to this new decision to turn back Haitian boat people without giving them a chance to apply for asylum.

High Commissioner Ogata said that she was deeply disturbed by President Bush's order that the United States Coast Guard directly return Haitians to their homeland without determining if they are political refugees or economic immigrants.

Even the High Commissioner expressed surprise and concern at the Executive order, in light of reports of serious human rights abuses and violence in Haiti. Listen to the words of the High Commissioner.

□ 1900

> I am deeply disturbed that the Executive Order denies those Haitians genuinely in need of international protection the opportunity to present their claims, thus exposing them to risk upon their return to Haiti.

But today, in Georgia, President Bush said the Haitians were fleeing poverty, not political repression. He said:

> Yes, the Statue of Liberty still stands and we still open our arms to people that are politically oppressed. We cannot, as long as the laws are on the books, open the doors to economic refugees all over the world.

He also denied accusations that the policy is racist. It almost sounds as if the President is unaware of the import and impact of his Executive order over the weekend, which does not bother to interrogate anybody. There is no processing anymore. We now have a policy of drowning at sea, to return rickety boats that have only a 50-percent chance of getting to the United States, now turned around, sent all the way back to pursue that very dangerous course in international waters, shark-infested waters, all over again.

I am sorry, Mr. President, you do not understand that you are making the Statue of Liberty weak. You have turned your back on people fleeing repression and violence for the simple reason that they are Haitians. Where, sir, is you humanity?

Listen to Amnesty International, who have called the policy racist. Listen to the United Nations High Commissioner for Refugees who said that the new Executive order "denies those Haitians genuinely in need of protection the opportunity to present their claims, thus exposing them to risk upon return to Haiti."

Please, sir, consider the course of conduct that you are now costing the lives of people within this hemisphere.

Madam Speaker, I yield to the gentleman from California [Mr. TORRES], a gentleman who has always stood with Members in this body in support of justice and human rights and civil rights.

Mr. TORRES. Madam Speaker, I thank the gentleman from Michigan for taking this special order to bring to the American public and to bring to this House of Representatives in these sad hours this serious crisis that besets not only the conscience of America but obviously that of the entire world which is watching this drama.

I deem it so insidious that the President of the United States, in the comfort of a golf course, would issue such an order, such an Executive order, denying to thousands of men and women who are fleeing, indeed, political repression, who are fleeing a totalitarian regime, the likes of which we have not seen in our hemisphere as that that exists in Haiti and to deny them, to ask the Coast Guard to return those people in those rickety boats back to certain death, either by drowning or truly eaten by sharks, children, women, men.

I say to the gentleman from Michigan [Mr. CONYERS] and the gentleman from New York [Mr. OWENS], indeed, this is a sad hour for us in this House.

Ironically, yesterday, and I came upon the CONGRESSIONAL RECORD, citing that ironically yesterday, just yesterday we marked 53 years, when this Nation, the United States of America, returned the Hamburg Lines cruiser, the *St. Louis*, which had arrived on American shores with 930 passengers whose passports had a J marked on them, J standing for Jewish. And this Nation, 53 years ago, denied them entry to this country and sent them about to other countries to seek refuge, which was also denied.

And those people, holding those J-marked passports, indicating they were Jews fleeing the oppression of Hitler, went back to Germany.

What was their fate? Where did they end up? To be sure, some of them in camps. Where did those children end up? Men and women who came to our shores to seek safe haven?

We cannot do this now to Haitians simply because they are black. It is a terrible message that the administration is sending out. It is a subtle message and I am so sorry and I am so sad that this message goes out at a time when our Nation is embroiled in a political time. It is a subtle message to tell people that this President, that this administration will not allow these people to our shores simply because they are people from Haiti and they are black.

I want to commend the gentleman from Michigan [Mr. CONYERS] and the gentleman from New York [Mr. OWENS] for bringing about this attention today, yesterday, that we need as a House of Representatives as Americans who watch us, to tell the world, to tell our President, to tell our administration that we cannot act in this way, that we must, as a House, as a body, as a legislative body, enact the legislation that would provide the temporary protected status which the bill of the gentleman from Michigan [Mr. CONYERS], H.R. 5267, seeks.

We have no other choice. We must do this. We must send the message forth that we are a nation that cares, especially at this time, for these poor people of Haiti who are only seeking an escape for their lives because of the despots that rule their country.

I commend the gentleman from Michigan [Mr. CONYERS] for having brought up this special order.

Mr. CONYERS. Madam Speaker, I yield to the gentleman from Iowa [Mr. NAGLE], whose work on civil rights matters, on matters of civil liberty, and questions of conscience have made him a leader in the House of Representatives on these related subjects.

Mr. NAGLE. Madam Speaker, I thank the gentleman for his kind words. I hope my conduct merits even small measure toward some success in the degree that the gentleman described.

I rise tonight to join the gentleman at what I think is a pivotal and troublesome time in this country's history.

In 1976, 1977, 1978, we had a Republican Governor in Iowa by the name of Bob Ray, and that was at the time of the Vietnam boat people. People were fleeing that area of the country, getting in boats and going out to sea.

Our Republican Governor at that time, from Iowa, which one would not expect, went to the refugee camps and started a program within our State with the cooperation of Iowa citizens generally and Iowa churches in which we actually recruited those people to come to our State. It caused some eyebrows to be raised around the country because one would not think stodgy old Iowa would be of that nature, but I think it reflected well on our State.

Those people came to our State, and we put food together for them. We found them jobs. We put their kids in school.

A decade later, a decade and a half later those Vietnamese people are among our best citizens. They are among our best students, and we would argue that the experience of having those people among Iowans has actually expanded and enhanced our State and broadened our horizons.

Actually, while they may have benefited a little, our State, and we believe our country, has benefited a great deal.

The American experience has always been one of renewal, of different cultures, of different people, of different lands coming to this country, earning their place alongside of us and benefiting all of us in the process with their ideas and their ability to be different. The American experience is based on renewal and diversity of different thoughts and different perceptions and different people from different times and different lands.

□ 1910

I would submit to you tonight that of all we have said about this, the outrage that every one of us feels towards the President's policies, which could almost be termed, if one were cruel, racist in origin and generation, political at a minimum, that maybe the real losers are not just the people on those boats in that ocean, but maybe the real loser for now and for the future is the American experience, and maybe we are losing as much as they, if not more, because we have lost their talent, their energy, their determination, and their ambition to seek a better life. There are really two groups that are losing. We are losing, as Americans, and they are obviously in great jeopardy.

I cannot tell the Members how strongly and how deeply I feel a sense of outrage about this decision by the administration. The party of Lincoln, the White House that was controlled by the Great Emancipator, today sits in isolation and in disarray, unable to even pick up the hint of the tradition of their greatest President and act in his capacity to reach out and bring America together and broaden America and renew America.

I do not know what history will write of the Presidency, of the Bush experience, but I know that if they do write, this will be seen as the most blatant, political decision the White House has ever made, one that utterly denies all of us our heritage and our tradition of this country.

I spoke with Bob White this morning. Sixteen more Haitians were killed last night. The mayor of a major city, who was once arrested and beaten, was arrested again. Still we sit here with disinterest and neglect, and pretend that this is not a political problem, that these are not political refugees, and they really do not need our help. The magnificent generosity of this country, which is our tradition and our birthright, can be extended to a few people, even to allow them to sit on an island in the Caribbean in a military base until we can restore the legitimate Government of Haiti.

Every American, irrespective of party, should take up this cause. Every American who believes that Statue of Liberty really represents the best of this country should bombard the White House and this House and the Senate with letters of outrage and frustration urging the administration to reconsider its darkest policy.

I know when the gentleman from California, ESTEBAN TORRES, spoke, he is Hispanic, I am Irish, the gentleman from Michigan is black. That is what makes this country the greatest thing possible, is the fact that different people and different ideas and different concepts can come here and mingle together, equal and free. The American experience should not be denied to the people who seek our shores. We are big enough, we are broad enough, we are generous enough to offer that to them.

I will do everything that the leader of our organization from Michigan tells me to do to reverse this policy. The gentleman [Mr. CONYERS] is a leader in this cause, and I wish to enlist in his army, and I hope every American of every heritage, of every ethnic origin, or every religion, of every color, will stand with him until those people are allowed to be safe and free, and America itself renews its dream.

Mr. CONYERS. The gentleman from Iowa [Mr. NAGLE] has brought an incredible recall of an experience that many of us have forgotten, that the people of your State and its leaders at that time indulged the Vietnamese in.

We have documented over 20 instances in which safe haven has been granted by our country under far less extenuating circumstances. Here we have a country that has such a dictatorship that we refuse to recognize it; that we now find that a supersecret Pentagon commando team had spirited out many of the Aristide Haitian officials from their war-torn country, in effect, because they knew that their lives were in danger, and all we ask is what about the other Haitians seeking to flee the same violence and repression? What about the lives of those who were not senior government officials? Why are we refusing now to even listen to those who fled today and last week?

This policy cannot stand the test of legal scrutiny because it violates our immigration law and the Geneva accord treaty that we signed, ratified by the Senate in 1968, and it contradicts the lame State Department excuses that they do not know of any retaliation going on. We have affidavits and documents that have already been presented that detail people who have been repatriated and were killed, people who have been repatriated and were arrested, people who were repatriated by mistake and were subsequently murdered the first night they returned.

This evidence is growing into a pile of irrefutable documented affidavits, videos in some cases, which give lie to the pathetic assertion that we do not know what is going on.

Mr. NAGLE. Madam Speaker, will the gentleman yield for a moment?

Mr. CONYERS. I yield to the gentleman from Iowa.

Mr. NAGLE. Madam Speaker, I will tell the gentleman, I will bet that if that island had oil, we would be there with military force. If that island had a canal, we would be there with a military force. I even suspect that if that island had a population of whites like Granada did, we would be there with a military force. We draw our distinctions from this administration on the basis of what they can do for us, whether we have a national security interest there.

I heard the other day that they are going to say next to us, "It is okay, we will return them back, and we will determine the political refugees there on the island after we take them back." About 1 in 4 right now can actually qualify in Guantanamo Bay for political refugee status. The estimates we have from the reporters on the island itself are that 25 percent figure, when you get the Haitians back on the island, drops to 1 percent at best, the highest mark; 99 percent will not be admitted; 99 percent will be denied relief, and the hypocrisy of our policy of finding national interest when it suits our needs and denying it when it does not meet the political needs of the White House because of a county in Florida that is important in the fall election is probably one of the things about the policy that troubles me the most.

Mr. CONYERS. The gentleman has helped give all of those Americans who feel ashamed as we do an understanding that this is not a national policy that we will go quietly into the night accepting. This embarrassment grows daily. The incidents, the deaths, the contradictions in our own law, continue to mount. It seems to me that we are doing precisely what in a democratic society must be done. We must find a way to reverse the policy.

Ambassador White, who the gentleman mentioned, has done an exceedingly important service as a person who has gone back there, has seen, interviewed, been an eyewitness, has talked with citizens and officials as well, whose background and integrity is unimpeachable, and helped add to this testament of misery and suffering and death that this immigration policy is visiting upon citizens of the poorest nation in our hemisphere.

Mr. NAGLE. If the gentleman will yield further, one of the things Ambassador White told me this morning and the thing that he asked me to emphasize today, if I had the opportunity to speak, which the gentleman has been kind enough to give to me, was that there are really two aspects of this. We have talked a bit about the inconsistencies, the hypocrisy, the outrage, as to the people in the boat. But he also spoke to me to understand the longer term solution that is needed, not just to deal with the immediate problem of the refugees, but also to deal with the problem of how we bring down that government.

Ambassador White advocated and asked me to mention this evening, and I do so with his permission, that just simply taking care of the refugees does not solve the problem. We have to remove the government. Here the administration has been as equally recalcitrant and short-sighted as it has on the policy of the former.

Ambassador White would argue, were he to have floor privileges, what we need to do is to tighten the embargo aggressively, we need to go to the European Common Market and cut off the oil supply and do so quickly, and put a real economic embargo on that country that works with the cooperation of our allies.

One of the puzzlements I have is how we could organize 101 nations to go to war in the Persian Gulf overnight and go to the United Nations with great pride and fanfare, and we cannot get the countries who are trading down there in conflict with our stated objectives to organize effective economic boycotts to bring that government down.

He argues, and I concur, that that is the second prong that is needed here, is to bring that government down, to bring it down quickly, to use every legitimate nonviolent step necessary, and to, with force if necessary, use persuasion in the strongest possible terms, convince our allies to join us in an effective embargo, and not to listen, not to listen to the handful of American companies that are still down there doing business that are lobbying the domestic policy advisers at the White House, "You really don't need to do this. It is not as bad as you are being told."

□ 1920

So I think the second thing we have to do is not only ask America to be true to its own dream and generation, but also to put in an effective policy from the White House that brings that government down and restores legitimate, freely elected democratic government that was in place until the military coup.

I thank the gentleman for yielding.

Mr. CONYERS. The gentleman from Iowa has done us a service by reporting those views of Ambassador White, because they coincide with some discussions with Members on the House floor yesterday in which it has been pointed out that until we lift the OAS sanction to a United Nations sanction we cannot really affect the European nations and their corporations who are still doing business.

Until we impound the bank accounts of that part of the elite who fomented this coup, cut off their financial resources, and then suspend the foreign commercial aircraft who travel every day from Miami to Port-au-Prince, until those several things combined with the recommendations that the gentleman has reported on this floor, there is no way that the embargo can be more than a token, which gives rise to the growing suspicion about the lack of good faith that we are going about trying to close down these wagtag military thugs which are not highly organized, which do not have up-to-date weaponry, who from my reports have only a few tanks, a few trucks, different kinds of hand weapons, many operating on their own without even any military supervision. And the only thing that they can use to maintain power is the terror of the gun. The only way that they can stay in power is to continue to terrorize, kill, and intimidate people.

So what we are doing is forcing people to continue to emigrate any way they can to escape a condition that we are allowing to exist. So we have us contributing to, I hope it is inadvertently, the remaining in power of people that, considering other kinds of coups that have occurred, could be relatively easily brought down.

Mr. NAGLE. Will the gentleman yield further?

Mr. CONYERS. With pleasure, I yield to the gentleman from Iowa.

Mr. NAGLE. I thank the gentleman for yielding. I do not mean to turn this into an intellectual argument, but an intellectual argument sometimes serves the basis for policy, and I realize we are talking about people here. But it seems to me what the gentleman has just described is a political problem in the island, a freely elected democratic government having been removed, the administration making a decision of a political solution to a political problem, that is, a limited, ineffective embargo which causes the people of the island to flee the political situation. And then we deny them admission to this country because we say they are not a political refugees, they are really economic refugees. It seems to me almost by definition in the manner in which the administration has handled it they have established the legitimate political refugees status of the Haitians that they will not now even let get off the boat at Guantanamo, if they are even able to get across the ocean, and it is incorrigible or incomprehensible that logic cannot drive a policy down there, but politics drives it, but they will not realize the political nature of the refugee situation.

Mr. CONYERS. The gentleman's analysis I think is absolutely correct. I think he gives rise to the lie that these are just poor people trying to find a job.

The truth is as the poorest nation state in the hemisphere, they have always been poor. But that did not drive them to leave their country, to risk death on the high seas. It was the political terrorism of a coup that makes them decide that notwithstanding the perils of international shark-infested waters that they will risk their lives knowing that they may be turned back, rearrested, or anything can happen to them. These are incredibly difficult decisions to be forced upon individuals who are now wreaking the terrible misdirection of American diplomatic policy.

I hope that our voices will grow. I hope that the American people will understand that his is not a politically or partisan-driven debate, that they understand that the honor of our country hangs in the balance. We who criticized the British for turning back the Vietnamese boat people, they are bringing up the White House communications and the State Department bulletins right now, reviewing how we lectured other people about the barbarity of the very policy that we have now come to adopt.

GENERAL LEAVE

Mr. CONYERS. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the subject of my special order this evening.

The SPEAKER pro tempore (Mrs. UNSOELD). Is there objection to the request of the gentleman from Michigan?

There was no objection.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. CAMPBELL of Colorado (at the request of Mr. GEPHARDT), for today, on account of family emergency.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Member (at his own request) to revise and extend his remarks and include extraneous material:)

Mr. SENSENBRENNER, for 5 minutes, today.

(The following Members (at the request of Mr. TORRES) to revise and extend their remarks and include extraneous material:)

Mr. MOODY, for 5 minutes, today.

Mr. MCCURDY, for 5 minutes, today.

Mr. ANNUNZIO, for 5 minutes, today.

Mr. CONYERS, for 60 minutes, today.

Mr. BONIOR, for 60 minutes each day, on June 2, 3, 4, 5, 8, 9, 10, and 11.

Mr. FAZIO, for 60 minutes each day, on June 2, 3, 4, 5, 8, 9, 10, and 11.

Mr. CONYERS, for 60 minutes each day, on June 2, 3, and 4.

Mr. WOLPE, for 5 minutes, on June 3.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

(Mr. BROOKS, prior to vote on motion to recommit on conference report on S. 1306 in the House today.)

(The following Members (at the request of Mr. SENSENBRENNER) and to include extraneous matter:)

Mr. BROOMFIELD.

Mr. SUNDQUIST in two instances.

Mr. THOMAS of California.

Mr. GALLEGLY.

Mr. BEREUTER.

Mr. BILIRAKIS.

Mr. OXLEY.

Mr. CAMP.

Mr. MICHEL in two instances.

Mr. GOODLING.

Mr. GUNDERSON.

Mr. RINALDO.

Mr. JOHNSON of Texas.

Mr. PACKARD.

Ms. ROS-LEHTINEN in 10 instances.

Mr. ZIMMER.

Ms. MOLINARI.

Mrs. ROUKEMA.

Mr. SMITH of New Jersey.

(The following Members (at the request of Mr. TORRES) and to include extraneous matter:)

Mr. CARDIN.

Mr. FAZIO in two instances.

Mr. BONIOR.

Mr. LAROCCO in two instances.

Mr. YATRON in two instances.

Mr. LEHMAN of California.

Mr. KOSTMAYER in two instances.

Mr. SCHEUER.

Ms. LONG.

Mr. LEVINE of California.

Mr. HERTEL.

Mr. REED.

Mr. SMITH of Florida.

Ms. DELAURO.

Mr. ROYBAL.

Mr. OLVER.

Mr. MANTON.

Mr. SWETT.

Mr. KENNEDY.

ADJOURNMENT

Mr. NAGLE. Madam Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 7 o'clock and 29 minutes p.m.) under its previous order, the House adjourned until Monday, June 1, 1992, at 12 noon.

EXPENDITURE REPORTS CONCERNING OFFICIAL FOREIGN TRAVEL

Reports of committees of the U.S. House of Representatives concerning the foreign currencies used by them for official foreign travel during the first quarter of 1992 pursuant to Public Law 95–354 are as follows:

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON THE JUDICIARY, U.S. HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JAN. 1 AND MAR. 31, 1992

Name of Member or employee	Date		Country	Per diem[1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]
Hon. William J. Hughes[3]	2/7	2/9	Portugal		270.00		740.00				1,010.00
	2/9	2/11	Switzerland		462.00		23.50				485.50
	2/11	2/16	France		1,365.00						1,365.00
	2/16	2/18	Ireland		630.00						630.00
Hayden Gregory[3]	2/7	2/9	Portugal		270.00		740.00				1,010.00
	2/9	2/11	Switzerland		462.00		23.50				485.50
	2/11	2/16	France		1,365.00						1,365.00
	2/16	2/18	Ireland		630.00						630.00
Committee total					5,454.00		1,527.00				6,981.00

[1] Per diem constitutes lodging and meals.

[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

[3] Transportation and other expenses will be reported by the Committee on Public Works and Transportation.

JACK BROOKS, Chairman, May 7, 1992.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON ENERGY AND COMMERCE, U.S. HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JAN. 1 AND MAR. 31, 1992

Name of Member or employee	Date		Country	Per diem[1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]
David Leach	2/26	3/2	Spain		850.00		3,220.00				4,070.00
Gerry Waldron	2/26	3/2	Spain		850.00		3,220.00				4,070.00
Michael Reagan	2/26	3/2	Spain		850.00		3,220.00				4,070.00
Finnegan	2/5	2/8	Switzerland		693.00		3,271.80				3,964.80
John Berner	1/24	2/3	Russia		3,550.00		3,513.50				7,063.50
Hon. Dennis Eckart	2/6	2/8	Switzerland		462.00		3,271.80				3,733.80
Hon. Bill Richardson	1/5	1/8	Russia		1,018.00						1,018.00
	1/8	1/12	Portugal		1,100.00						1,100.00
Hon. Ed Towns	11/29	12/2	Honduras		600.00		1,170.00				1,770.00
Hon. Alex McMillan	2/2	2/3	Mexico		286.50						286.50
Hon. Bill Richardson	2/2	2/3	Mexico		286.50						286.50
Committee total					10,546.00		20,887.10				31,433.10

[1] Per diem constitutes lodging and meals.

[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

JOHN D. DINGELL, Chairman.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referrred as follows:

3588. A letter from the Secretary of Agriculture, transmitting a draft of proposed legislation to amend the Rural Electrification Act of 1936; to the Committee on Agriculture.

3589. A letter from the Chairman, Federal Deposit Insurance Corporation, transmitting a report required by section 918 of the Financial Institutions Reform, Recovery, and Enforcement Act of 1989 for 1991, pursuant to 12 U.S.C. 1833; to the Committee on Banking, Finance and Urban Affairs.

3590. A letter from the Secretary of Education, transmitting notice of final priority for fiscal year 1992—Protection and Advocacy of Individual Rights, pursuant to 20 U.S.C. 1232(d)(1); to the Committee on Education and Labor.

3591. A letter from the Secretary of Health and Human Services, transmitting a compilation and analysis of State activities in implementing the fourth year of the Child Abuse and Neglect Prevention Challenge Grant Program, pursuant to 42 U.S.C. 5116a(1), 5116g; to the Committee on Education and Labor.

3592. A letter from the Director, Defense Security Assistance Agency, transmitting notification of the Department of the Navy's proposed Letter(s) of Offer and Acceptance [LOA] to Korea for defense articles and services (Transmittal No. 92-23), pursuant to 22 U.S.C. 2776(b); to the Committee on Foreign Affairs.

3593. A letter from the Director, Defense Security Assistance Agency, transmitting notification of the Department of the Air Force's proposed Letter(s) of Offer and Acceptance [LOA] to the Coordination Council for North American Affairs for defense articles and services (Transmittal No. 92-24), pursuant to 22 U.S.C. 2776(b); to the Committee on Foreign Affairs.

3594. A letter from the Assistant Legal Adviser for Treaty Affairs, Department of State, transmitting copies of international agreements, other than treaties, entered into by the United States, pursuant to 1 U.S.C. 112b(a); to the Committee on Foreign Affairs.

3595. A letter from the Director, Office of Management and Budget, transmitting OMB estimate of the amount of change in outlays or receipts, as the case may be, in each fiscal year through fiscal year 1997 resulting from passage of H.R. 4774 and S. 2378, pursuant to Public Law 101-508, section 13101(a) (104 Stat. 1388-582); to the Committee on Government Operations.

3596. A letter from the Director, U.S. Information Agency, transmitting the semiannual report of the inspector general covering the period October 1, 1991, through March 31, 1992, pursuant to Public Law 99-399, section 412(a); to the Committee on Government Operations.

3597. A letter from the Clerk, U.S. House of Representatives, transmitting the quarterly report of receipts and expenditures of appropriations and other funds for the period January 1, 1992 through March 31, 1992, pursuant to 2 U.S.C. 104a (H. Doc. No. 102-336); to the Committee on House Administration and ordered to be printed.

3598. A letter from the Deputy Associate Director for Collection and Disbursement, Department of the Interior, transmitting notice of proposed refunds of excess royalty payments in OCS areas, pursuant to 43 U.S.C. 1339(b); to the Committee on Interior and Insular Affairs.

3599. A letter from the Deputy Associate Director for Collection and Disbursement, Department of the Interior, transmitting notice of proposed refunds of excess royalty payments in OCS areas, pursuant to 43 U.S.C. 1339(b); to the Committee on Interior and Insular Affairs.

3600. A letter from the Deputy Associate Director for Collection and Disbursement, Department of the Interior, transmitting notice of proposed refunds of excess royalty payments in OCS areas, pursuant to 43 U.S.C. 1339(b); to the Committee on Interior and Insular Affairs.

3601. A letter from the Deputy Associate Director for Collection and Disbursement, Department of the Interior, transmitting notice of proposed refunds of excess royalty payments in OCS areas, pursuant to 43 U.S.C. 1339(b); to the Committee on Interior and Insular Affairs.

3602. A letter from the Assistant Secretary (Civil Works), the Department of the Army, transmitting recommendations for the modification to the authorized flood damage reduction project for Santa Barbara County Coastal Streams, California, pursuant to 42 U.S.C. 1962d-5(a) (H. Doc. No. 102-337); to the Committee on Public Works and Transportation and ordered to be printed.

3603. A letter from the Administrator, General Services Administration, transmitting an informational copy of a lease prospectus, pursuant to 40 U.S.C. 606(a); to the Committee on Public Works and Transportation.

3604. A letter from the Comptroller General of the United States, transmitting a report entitled "Nuclear Waste: DOE's Repository Site Investigations, a Long and Difficult Task" (GAO/RCED-92-73); jointly, to the Committees on Government Operations, Energy and Commerce, and Interior and Insular Affairs.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. BROWN: Committee on Science, Space, and Technology. H.R. 3614. A bill amending the Land Remote-Sensing Commercialization Act of 1984 to secure U.S. leadership in land remote-sensing by providing data continuity for the Landsat Program and by establishing a new national land remote-sensing policy, and for other purposes; with amendments (Rept. 102-539). Referred to the Committee of the Whole House on the State of the Union.

REPORTED BILLS SEQUENTIALLY REFERRED

Under clause 5 of rule X, bills and reports were delivered to the Clerk for printing, and bills referred as follows:

Mr. FORD of Michigan: Committee on Education and Labor. H.R. 3711. A bill to authorize grants to be made to State programs designed to provide resources to persons who are nutritionally at risk in the form of fresh nutritious unprepared foods, and for other purposes; with an amendment; referred to the Committee on Agriculture for a period ending not later than June 5, 1992, for consideration of such provisions of the bill and amendment as fall within the jurisdiction of that committee pursuant to clause 1(a)(7), rule X. (Rept. 102-540, Pt. 1). Ordered to be printed.

PUBLIC BILLS AND RESOLUTIONS

Under clause 5 of rule X and clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. TAUZIN (for himself, Mr. FIELDS, and Mr. SKELTON):

H.R. 5276. A bill to amend the Solid Waste Disposal Act to prohibit the Administrator of the Environmental Protection Agency from listing used oil and affiliated materials as a hazardous waste under that act, to require the Administrator to establish cost effective management standards for generators, transporters, and recyclers of used oil, to conserve a valuable resource, and to reduce the amount of lead in used oil fuels; to the Committee on Energy and Commerce.

By Mr. ACKERMAN:

H.R. 5277. A bill to amend the Public Health Service Act to establish programs to increase the supply of professional nurses and provide educational assistance to nurses, and for other purposes; jointly, to the Committees on Energy and Commerce and Ways and Means.

By Mr. ANDREWS of New Jersey:

H.R. 5278. A bill to amend the Internal Revenue Code of 1986 to increase the amount of gain which may be excluded from gross income on the sale of the principal residence of an individual who has attained age 55 to compensate for the 50 percent increase since 1981 in the median price of a home in the United States; to the Committee on Ways and Means.

H.R. 5279. A bill to provide for economic growth by reducing income taxes for most Americans, by encouraging the purchase of American-made products, and by accelerating transportation-related spending, and for other purposes; jointly, to the Committees on Ways and Means, Public Works and Transportation, Banking, Finance and Urban Affairs, Post Office and Civil Service, and Appropriations.

H.R. 5280. A bill to amend the Internal Revenue Code of 1986 and the Housing and Community Development Act of 1987 to provide tax incentives for investments in enterprise zone businesses and domestic businesses; jointly, to the Committees on Ways and Means and Banking, Finance and Urban Affairs.

By Mr. BAKER:

H.R. 5281. A bill to suspend until January 1, 1995, the duty on 2.2-Dichlorophenylacetic Acid Ethel Ester [DCPAE]; to the Committee on Ways and Means.

By Mr. DURBIN (for himself, Mr. FRANK of Massachusetts, Mrs. KENNELLY, Mr. HERTEL, Mr. TOWNS, Mr. SARPALIUS, Mr. TRAXLER, Mr. LEWIS of Florida, Mr. PENNY, and Mr. BORSKI):

H.R. 5282. A bill to restrict assistance for Russia until its Armed Forces are removed from the Baltic States; jointly, to the Committees on Banking, Finance and Urban Affairs and Foreign Affairs.

By Mr. DYMALLY:

H.R. 5283. A bill to preempt State and local sanction measures against Namibia; to the Committee on Foreign Affairs.

By Mr. EDWARDS of California:

H.R. 5284. A bill to amend the U.S. Commission on Civil Rights Act of 1983 to provide an authorization of appropriations; to the Committee on the Judiciary.

H.R. 5285. A bill to authorize appropriations to carry out the activities of the Federal Bureau of Investigation for fiscal year 1993, and for other purposes; to the Committee on the Judiciary.

By Mr. ESPY (for himself, Mr. Whitten, Mr. Montgomery, Mr. Parker, and Mr. Taylor of Mississippi):

H.R. 5286. A bill to provide for the establishment of the Lower Mississippi River Museum and Riverfront Interpretive Site, and for other purposes; jointly, to the Committees on Public Works and Transportation and Interior and Insular Affairs.

By Mr. GEREN of Texas:

H.R. 5287. A bill to amend title 10, United States Code, to provide for the grade of major general for the Chief of the Dental Service of the Air Force; to the Committee on Armed Services.

By Mr. GOODLING (for himself, Mr. Michel, and Mr. Gunderson):

H.R. 5288. A bill to revise the Federal vocational training system to meet the Nation's work force needs into the 21st century by establishing a network of local skill centers to serve as a common point of entry to vocational training, a certification system to ensure high quality programs, and a voucher system to enhance participant choice, and for other purposes; jointly, to the Committees on Education and Labor, Agriculture, Veterans' Affairs, Ways and Means, and the Judiciary.

By Mr. KILDEE (for himself, Mr. Emerson, Mrs. Schroeder, Mr. Hall of Ohio, Mr. Solarz, Mr. Neal of North Carolina, Mr. Foglietta, Mr. Lipinski, Mr. Edwards of California, Mr. Glickman, Mr. Evans, Mr. Berman, Mr. Coyne, Mr. Hertel, Mr. Scheuer, Mr. Fazio, Mr. Conyers, Mr. Jefferson, Mr. Clay, Mr. Staggers, Mr. Mavroules, Mr. Boucher, Mr. Vento, Mr. Hughes, Mr. Traxler, Mr. Mfume, Ms. Pelosi, Mr. Dellums, Mr. Andrews of Maine, Mr. Mrazek, Mr. Rangel, Mr. Blackwell, Mr. Johnson of South Dakota, Mr. Downey, Mr. Markey, Mr. Gonzalez, Mr. Owens of Utah, Mr. Colorado, Mr. McNulty, Mr. Reed, Mr. Towns, Mr. Oberstar, Mr. Poshard, Mr. AuCoin, Mr. Wheat, Mr. Moran, Mr. Fish, Mr. Sikorski, Mr. Waxman, Ms. Slaughter, Ms. Norton, Mr. Rahall, Mr. Stark, Mr. DeFazio, Mr. Hochbrueckner, Mr. Richardson, Mrs. Unsoeld, Mr. Upton, and Mr. Miller of California):

H.R. 5289. A bill making appropriations to begin a phase in toward full funding of the special supplemental food program for women, infants, and children [WIC] and of Head Start Programs, and to expand the Job Corps Program for the year ending September 30, 1993, and for other purposes; to the Committee on Appropriations.

By Mr. KOSTMAYER (for himself and Mr. Blackwell):

H.R. 5290. A bill to require the Secretary of Veterans Affairs to conduct a pilot program to demonstrate the feasibility of installing telephones in patient rooms in Department of Veterans Affairs medical facilities; to the Committee on Veterans' Affairs.

By Mr. MARTINEZ:

H.R. 5291. A bill to provide for the temporary use of certain lands in the city of South Gate, CA, for elementary school purposes; to the Committee on Interior and Insular Affairs.

By Mr. OBERSTAR (for himself, Mr. Roe, Mr. Hammerschmidt, and Mr. Clinger):

H.R. 5292. A bill to provide for the appointment of Gen. Thomas C. Richards, U.S. Air Force (retired) as Administrator of the Federal Aviation Administration; to the Committee on Public Works and Transportation.

By Mr. OBERSTAR (for himself, Mr. Mineta, Ms. Horn, Mr. Jontz, Mr. Davis, Mr. McCloskey, and Mr. Vander Jagt):

H.R. 5293. A bill to amend the Federal Aviation Act of 1958 to enhance competition among air carriers by prohibiting an air carrier who operates a computer reservation system from discriminating against other air carriers participating in the system and among travel agents which subscribe to the system, and for other purposes; to the Committee on Public Works and Transportation.

By Mr. RAHALL:

H.R. 5294. A bill to provide assistance for environmental infrastructure facilities for economically distressed areas; to the Committee on Public Works and Transportation.

By Mr. RINALDO (for himself, Mr. Roe, Mr. Gallo, Mr. Zimmer, Mr. Smith of New Jersey, and Mr. Hughes):

A bill to direct the Administrator of the Federal Aviation Administration and the Administrator of the National Aeronautics and Space Administration to jointly conduct a research program to develop new technologies for quieter jet aircraft engines and airframes; to the Committee on Science, Space, and Technology.

By Mr. STARK (for himself, Mr. Dicks, and Mr. McCurdy):

H.R. 5296. A bill to require a report on nuclear safety in Eastern Europe and the states of the former Soviet Union; jointly, to the Committees on Foreign Affairs and Ways and Means.

By Mr. STENHOLM (for himself, Mr. Allard, Mr. Barton of Texas, Mr. Boehner, Mr. Brewster, Mr. Brown, Mr. Condit, Mr. Cramer, Mr. Dooley, Mr. Glickman, Mr. Goodling, Mr. Grandy, Mr. Green of New York, Mr. Gunderson, Mr. Hastert, Mr. Hatcher, Mr. Herger, Mr. Hopkins, Mr. Huckaby, Mr. Johnson of South Dakota, Mr. Jontz, Mr. Montgomery, Mr. Morrison, Mr. Myers of Indiana, Mr. Nagle, Mr. Nussle, Mr. Oxley, Mr. Penny, Mr. Peterson of Minnesota, Mr. Regula, Mr. Roberts, Mr. Sarpalius, Mr. Smith of Oregon, Mr. Stallings, Mr. Towns, Mr. Volkmer, and Mr. Walsh):

H.R. 5297. A bill entitled the "Animal Medicinal Drug Use Clarification Act of 1992"; to the Committee on Energy and Commerce.

By Mr. STUDDS:

H.R. 5298. A bill to amend title XVIII of the Social Security Act to direct the Secretary of Health and Human Services to include a description of the medical assistance for Medicare cost sharing available under title XIX of such act in the annual notice of benefits provided to Medicare beneficiaries; jointly, to the Committee on Ways and Means and Energy and Commerce.

By Mr. TAYLOR of Mississippi (for himself, Mr. Whitten, Mr. Espy, Mr. Mazzoli, Mr. Chapman, Mr. Guarini, Mr. Montgomery, Mr. Peterson of Florida, Mr. Wise, Mr. Parker, Mr. Holloway, Mr. Clinger, Mr. Laughlin, Mr. Walsh, Mr. Spratt, Mr. Derrick, Mrs. Lloyd, Mr. Jones of North Carolina, Mr. Machtley, Mr. Marlenee, Mr. Bryant, Mrs. Patterson, Mr. Swett, Mr. Browder, Mr. Valentine, Mr. Spence, Mr. Hochbrueckner, Mr. Huckaby, Mr. Jefferson, Mr. Frank of Massachusetts, Mr. Livingston, Mr. Abercrombie, Mr. Brewster, Ms. Slaughter, Mr. Smith of Texas, Mr. Rahall, Mr. Bevill, Mr. Saxton, Ms. Horn, Mr. Johnson of South Dakota, Mr. English, Mr. LaRocco, Mrs. Mink, Mr. Franks of Connecticut, Mr. Bruce, Mr. McCrery, Mr. Brooks, Mr. Zeliff, Mr. Smith of Florida, Mr. Bacchus, Mr. Weldon, Mr. Erdreich, Mr. Morrison, Mr. Hoyer, and Mr. Dorgan of North Dakota):

H.R. 5299. A bill to prohibit the transfer of excess Department of Defense construction and fire equipment to foreign governments; to the Committee on Foreign Affairs.

By Mr. MFUME:

H.R. 5300. A bill to amend the Federal Transit Act to increase for 2 fiscal years the Federal share of the costs of establishing and operating a university transportation center; to the Committee on Public Works and Transportation.

H.R. 5301. A bill to provide for a temporary partial waiver of the requirement that the States match a portion of the Federal funds provided for the job opportunities and basic skills training program of the States; to the Committee on Ways and Means.

By Mr. BILIRAKIS (for himself, Mr. Dornan of California, Mr. Lightfoot, Mr. Jefferson, Mr. Evans, Mr. Moakley, Mr. Wolf, Mr. Harris, Mrs. Vucanovich, Mr. McMillen of Maryland, Mr. Guarini, Mr. Kildee, Ms. Horn, Mr. Lipinski, Mr. Horton, Mr. Boehlert, Mr. Espy, Mr. Franks of Connecticut, Mr. Bliley, Ms. Oakar, Mr. Sisisky, Mr. Scheuer, Mr. Ravenel, Mrs. Johnson of Connecticut, Mr. Paxon, Mr. Ackerman, Mrs. Lloyd, Mr. Lehman of California, Mr. Towns, Mr. Montgomery, Ms. Slaughter, Mr. de la Garza, Mr. McNulty, Mr. Waxman, Mr. McGrath, Mr. Walsh, Mr. Blaz, Mr. DeFazio, Ms. Molinari, Mr. Bennett, Mr. Fish, Mr. Erdreich, Mr. Rangel, and Mr. Stump):

H.J. Res. 495. Joint resolution designating the week beginning November 8, 1992, as "National Women Veterans Recognition Week"; to the Committee on Post Office and Civil Service.

By Mr. GEPHARDT (for himself, Mr. Bonior, Mr. Rostenkowski, Mr. Obey, Mr. Murtha, Mr. Traxler, Mr. Fazio, Mr. Stark, Mr. Durbin, Mr. Eckart, Mr. Edwards of California, Mr. Frost, Ms. Kaptur, Mr. Skaggs, Mr. Abercrombie, Mr. Hochbrueckner, Ms. Horn, Mrs. Schroeder, Mr. Traficant, and Mr. Wyden):

H.J. Res. 496. Joint resolution proposing an amendment to the Constitution of the United States to provide for a balanced budget of the United States Government; to the Committee on the Judiciary.

By Mrs. LLOYD:

H.J. Res. 497. Joint resolution commemorating the 100th anniversary of Southern College of Seventh-Day Adventists; to the Committee on Post Office and Civil Service.

By Mr. OBERSTAR (for himself, Mr. Clinger, and Mr. Inhofe):

H.J. Res. 498. Joint resolution designating the week commencing October 4, 1992, as

"National Aviation Education Week"; to the Committee on Post Office and Civil Service.

By Mr. PAYNE of New Jersey (for himself, Mr. BEVILL, Mr. ANNUNZIO, Mr. SAWYER, Mr. HEFNER, Mr. MCMILLEN of Maryland, Mr. HARRIS, Mr. BILBRAY, Ms. LONG, Mr. EVANS, Mr. GONZALEZ, Mr. HORTON, Mr. GUARINI, Mr. RICHARDSON, Mr. MFUME, Mr. TANNER, Ms. WATERS, Mr. SANDERS, Ms. HORN, Mr. FASCELL, Mr. CLAY, Ms. NORTON, Mrs. MINK, Mr. CHAPMAN, Mr. NAGLE, Mr. NEAL of Massachusetts, Mr. FALEOMAVAEGA, Mr. LEHMAN of California, Mr. SCHEUER, Mr. VANDER JAGT, Mr. STOKES, Mr. TALLON, Mrs. BOXER, Mr. BLILEY, Mr. SISISKY, Mrs. UNSOELD, Mr. MCNULTY, Mr. MAZZOLI, Mr. KASICH, Mr. RINALDO, Mr. POSHARD, Mr. EMERSON, Mr. BRUCE, Mr. STALLINGS, Mr. TOWNS, Mr. MONTGOMERY, Mrs. JOHNSON of Connecticut, Mrs. PATTERSON, Mr. STUDDS, Mr. GORDON, Ms. SLAUGHTER, Mr. PRICE, Mr. BERMAN, Mrs. LOWEY of New York, Mr. FORD of Michigan, Mr. ROE, Mr. HUBBARD, Mr. DE LUGO, Mr. SABO, Mr. BOUCHER, Mr. VENTO, Mr. WEISS, Mr. RANGEL, Mr. WALSH, Mr. PURSELL, Mr. WAXMAN, Mr. DARDEN, Mr. HUCKABY, Mr. BONIOR, and Mr. OWENS of New York);

H.J. Res. 499. Joint resolution designating July 2, 1992, as "National Literacy Day"; to the Committee on Post Office and Civil Service.

By Mr. CARDIN (for himself, Mr. HOYER, Mrs. BENTLEY, Mr. MCMILLEN of Maryland, Mr. MFUME, Mr. GILCHREST, and Mrs. BYRON):

H. Con. Res. 327. Concurrent resolution expressing the sense of the Congress regarding visionary art as a national treasure and regarding the American Visionary Art Museum as a national repository and educational center for visionary art; to the Committee on Education and Labor.

By Mr. GEPHARDT (for himself and Mr. MICHEL):

H. Res. 471. Resolution directing the release of certain materials relating to the inquiry of the operation of the bank of the Sergeant at Arms pursuant to House Resolution 236; considered and agreed to.

By Mr. SENSENBRENNER:

H. Res. 472. Resolution amending the rules of the House of Representatives to require that the votes of individual Members be recorded in open session when choosing a President pursuant to the 12th amendment to the Constitution; to the Committee on Rules.

By Mr. SOLARZ (for himself and Mr. LEACH):

H. Res. 473. Resolution expressing the continuing concern of the House of Representatives about the situation in Burma and its implications for the region; to the Committee on Foreign Affairs.

MEMORIALS

Under clause 4 of rule XXII, memorials were presented and referred as follows:

454. By the SPEAKER: Memorial of the Senate of the State of Hawaii, relative to proposed legislation entitled "The Earthquake Project"; to the Committee on Banking, Finance and Urban Affairs.

455. Also, memorial of the Senate of the State of Hawaii, relative to antiprogersterone steroid mifepistone, known as RU–486; to the Committee on Energy and Commerce.

456. Also, memorial of the Senate of the State of Hawaii, relative to the U.N. Conference on Environment and Development; to the Committee on Foreign Affairs.

457. Also, memorial of the House of Representatives of the State of Colorado, relative to global democracy; to the Committee on Interior and Insular Affairs.

458. Also, memorial of the Legislature of Guam, relative to support of H.R. 4901; to the Committee on Interior and Insular Affairs.

459. Also, memorial of the House of Representatives of the State of South Carolina, relative to the Older Americans Act; to the Committee on Ways and Means.

ADDITIONAL SPONSORS

Under clause 4 of rule XXII, sponsors were added to public bills and resolutions as follows:

H.R. 650: Mr. SABO.

H.R. 693: Mr. MCCLOSKEY.

H.R. 766: Mrs. SCHROEDER.

H.R. 961: Mr. TAYLOR of North Carolina.

H.R. 1200: Mr. BARNARD.

H.R. 1218: Mr. PANETTA and Mrs. COLLINS of Michigan.

H.R. 1335: Mr. LAGOMARSINO and Mr. TRAFICANT.

H.R. 1536: Mrs. BENTLEY and Ms. KAPTUR.

H.R. 1573: Mr. DARDEN.

H.R. 1624: Mr. WALSH.

H.R. 1703: Mr. BACCHUS.

H.R. 1753: Ms. HORN.

H.R. 1820: Mr. SWETT, Mr. MILLER of California, and Mr. FROST.

H.R. 2070: Mr. WHEAT and Mr. KOSTMAYER.

H.R. 2164: Mr. BROWDER, Mr. RICHARDSON, and Mr. LUKEN.

H.R. 2819: Mr. TRAXLER and Mr. JONES of Georgia.

H.R. 2966: Ms. HORN.

H.R. 3071: Mrs. BYRON and Mr. WHEAT.

H.R. 3137: Mr. BROWN and Mr. ZIMMER.

H.R. 3160: Mr. ATKINS, Mrs. COLLINS of Michigan, Ms. DELAURO, Mr. DOOLEY, Mr. GEJDENSON, Mr. MFUME, Mr. OBEY, Mr. PASTOR, Mr. ROYBAL, Mr. SOLARZ, and Mr. WOLPE.

H.R. 3277: Mr. KENNEDY, Mr. KILDEE, Mr. SANDERS, Ms. OAKAR, Mr. SANTORUM, Mr. SANGMEISTER, Mr. WELDON, Mr. TAYLOR of Mississippi, Mr. RAVENEL, Mr. CRAMER, Mr. SMITH of Florida, Mr. BILBRAY, Mr. MINETA, Mr. RAHALL, Mr. NEAL of Massachusetts, Mr. PETERSON of Minnesota, Mr. JONES of North Carolina, Mr. JOHNSON of South Dakota, and Mr. FISH.

H.R. 3373: Mr. WILSON, Mr. SHAW, Mr. FRANKS of Connecticut, and Mr. SWIFT.

H.R. 3463: Mr. COBLE.

H.R. 3486: Mr. DWYER of New Jersey.

H.R. 3516: Mr. OXLEY.

H.R. 3517: Mr. AUCOIN.

H.R. 3518: Ms. KAPTUR.

H.R. 3535: Mr. KENNEDY.

H.R. 3763: Mr. MORRISON.

H.R. 3878: Mr. ACKERMAN, Mr. ALEXANDER, Mr. CONYERS, Mr. OBERSTAR, Mr. OLVER, Ms. PELOSI, Mr. TORRES, and Mr. TRAFICANT.

H.R. 3927: Mr. SCHEUER, Mr. ECKART, and Mr. HARRIS.

H.R. 3938: Mr. FROST and Mr. FISH.

H.R. 3986: Mr. KOSTMAYER.

H.R. 4008: Mr. KOLTER and Mr. SANTORUM.

H.R. 4078: Mr. DEFAZIO.

H.R. 4174: Mr. ATKINS.

H.R. 4278: Mr. TORRES.

H.R. 4304: Mr. HALL of Ohio and Mr. VENTO.

H.R. 4315: Mr. ATKINS and Mr. SUNDQUIST.

H.R. 4338: Mr. CRAMER, Mr. TORRICELLI, Mr. LANCASTER, Mr. CARPER, Mr. SERRANO, Mr. GOSS, Mr. GALLEGLY, Mr. REED, Mr. ROSE, Mr. DURBIN, Mr. WISE, Mr. VALENTINE, Mr. JOHNSTON of Florida, Mr. SUNDQUIST, Mr. ECKART, Mr. WEISS, Mr. JONES of Georgia, Mr. RAY, Mr. TAYLOR of Mississippi, Mr. PRICE, Mr. SWETT, Mr. CARDIN, Mr. MOLLOHAN, Mr. PETERSON of Florida, Mr. BEREUTER, Mr. SHAYS, Mr. PARKER, Mr. OBEY, Mr. PORTER, Mr. ESPY, Mr. DELLUMS, Mr. THOMAS of Georgia, Mr. DORNAN of California, Mr. BROWDER, Mr. FRANKS of Connecticut, Mr. BACCHUS, and Mrs. COLLINS of Michigan.

H.R. 4427: Mr. GILCHREST and Mr. GUARINI.

H.R. 4432: Mr. CARPER.

H.R. 4481: Mr. UPTON.

H.R. 4502: Mr. HOPKINS, Mr. BACCHUS, Mr. WILSON, Mr. ABERCROMBIE, Ms. HORN, Mr. BLAZ, Mr. LIVINGSTON, Mr. SMITH of Texas, Mr. SLATTERY, Mr. POSHARD, Mr. OLIN, Mr. JEFFERSON, Mr. SAXTON, Mr. COBLE, Mr. BEVILL, Mr. LUKEN, Mr. LAGOMARSINO, Mr. RANGEL, and Mr. JONES of North Carolina.

H.R. 4550: Mr. HUGHES.

H.R. 4591: Mr. JOHNSON of South Dakota, Mr. SMITH of Florida, Mr. TOWNS, and Mrs. UNSOELD.

H.R. 4617: Mr. MCMILLAN of North Carolina.

H.R. 4618: Mr. MCMILLAN of North Carolina.

H.R. 4619: Mr. MCMILLAN of North Carolina.

H.R. 4620: Mr. MCMILLAN of North Carolina.

H.R. 4621: Mr. MCMILLAN of North Carolina.

H.R. 4622: Mr. MCMILLAN of North Carolina.

H.R. 4623: Mr. MCMILLAN of North Carolina.

H.R. 4624: Mr. MCMILLAN of North Carolina.

H.R. 4625: Mr. MCMILLAN of North Carolina.

H.R. 4626: Mr. MCMILLAN of North Carolina.

H.R. 4627: Mr. MCMILLAN of North Carolina.

H.R. 4628: Mr. MCMILLAN of North Carolina.

H.R. 4629: Mr. MCMILLAN of North Carolina.

H.R. 4630: Mr. MCMILLAN of North Carolina.

H.R. 4631: Mr. MCMILLAN of North Carolina.

H.R. 4632: Mr. MCMILLAN of North Carolina.

H.R. 4633: Mr. MCMILLAN of North Carolina.

H.R. 4655: Mr. MCMILLAN of North Carolina.

H.R. 4656: Mr. MCMILLAN of North Carolina.

H.R. 4657: Mr. MCMILLAN of North Carolina.

H.R. 4658: Mr. MCMILLAN of North Carolina.

H.R. 4659: Mr. MCMILLAN of North Carolina.

H.R. 4660: Mr. MCMILLAN of North Carolina.

H.R. 4661: Mr. MCMILLAN of North Carolina.

H.R. 4662: Mr. MCMILLAN of North Carolina.

H.R. 4663: Mr. MCMILLAN of North Carolina.

H.R. 4664: Mr. MCMILLAN of North Carolina.

H.R. 4665: Mr. MCMILLAN of North Carolina.

H.R. 4666: Mr. MCMILLAN of North Carolina.

H.R. 4667: Mr. MCMILLAN of North Carolina.

H.R. 4668: Mr. MCMILLAN of North Carolina.

H.R. 4669: Mr. MCMILLAN of North Carolina.

H.R. 4670: Mr. MCMILLAN of North Carolina.

H.R. 4671: Mr. MCMILLAN of North Carolina.

H.R. 4672: Mr. MCMILLAN of North Carolina.

H.R. 4673: Mr. MCMILLAN of North Carolina.

H.R. 4674: Mr. MCMILLAN of North Carolina.

H.R. 4675: Mr. MCMILLAN of North Carolina.

H.R. 4676: Mr. MCMILLAN of North Carolina.

H.R. 4677: Mr. MCMILLAN of North Carolina.

H.R. 4678: Mr. MCMILLAN of North Carolina.

H.R. 4679: Mr. MCMILLAN of North Carolina.

H.R. 4680: Mr. MCMILLAN of North Carolina.

H.R. 4681: Mr. MCMILLAN of North Carolina.

H.R. 4682: Mr. MCMILLAN of North Carolina.

H.R. 4683: Mr. MCMILLAN of North Carolina.

H.R. 4684: Mr. MCMILLAN of North Carolina.

H.R. 4724: Mr. JOHNSTON of Florida, Mrs. MEYERS of Kansas, Mr. NICHOLS, Mr. RICHARDSON, Mr. SWETT, and Mr. TRAFICANT.

H.R. 4725: Mr. KOSTMAYER and Mr. VENTO.

H.R. 4822: Mr. SOLARZ, Mr. WALSH, Mr. NEAL of North Carolina, Mr. FOGLIETTA, Mr. MAZZOLI, Mr. LIPINSKI, Mr. EDWARDS of California, Mr. GLICKMAN, Mr. EVANS, Mr. FASCELL, Mr. BERMAN, Mr. COYNE, Mr. HERTEL, Mr. SCHEUER, Mr. FAZIO, Mr. CONYERS, Mr. JEFFERSON, Mr. CLAY, Mr. STAGGERS, Mr. MAVROULES, Mr. BOUCHER, Mr. VENTO, Mr. MOODY, Mr. HUGHES, Mr. TRAXLER, Mr. MFUME, Ms. PELOSI, Mr. DELLUMS, Mr. ANDREWS of Maine, Mr. MRAZEK, Mr. RANGEL, Mr. BLACKWELL, Mr. JOHNSON of South Dakota, Mr. DOWNEY, Mr. MARKEY, Mr. GONZALEZ, Mr. OWENS of Utah, Mr. COLORADO, MR. MCNULTY, Mr. REED, Mr. TOWNS, Mr. OBERSTAR, Mr. POSHARD, Mr. AUCOIN, Mr. WHEAT, Mr. MORAN, Mr. MILLER of California, Mr. HAYES of Illinois, Mr. MORRISON, Mr. UPTON, Mr. SIKORSKI, Mr. WAXMAN, Ms. SLAUGHTER, Mr. WHITTEN, Mr. LEHMAN of California, Ms. NORTON, Mr. RAHALL, Mr. STARK, Mr. BONIOR, Mr. DEFAZIO, Mr. HENRY, Mr. HOCHBRUECKNER, Mr. RICHARDSON, and Mrs. UNSOELD.

H.R. 4851: Mr. PACKARD.

H.R. 4852: Mr. PACKARD.

H.R. 4853: Mr. PACKARD.

H.R. 4854: Mr. PACKARD.

H.R. 4855: Mr. PACKARD.

H.R. 4856: Mr. PACKARD.

H.R. 4857: Mr. PACKARD.

H.R. 4858: Mr. PACKARD.

H.R. 4859: Mr. PACKARD.

H.R. 4860: Mr. PACKARD.

H.R. 4861: Mr. PACKARD.

H.R. 4862: Mr. PACKARD.

H.R. 4863: Mr. PACKARD.

H.R. 4864: Mr. PACKARD.

H.R. 4865: Mr. PACKARD.

H.R. 4866: Mr. PACKARD.

H.R. 4867: Mr. PACKARD.

H.R. 4868: Mr. PACKARD.

H.R. 4869: Mr. PACKARD.

H.R. 4870: Mr. PACKARD.

H.R. 4871: Mr. PACKARD.

H.R. 4872: Mr. PACKARD.

H.R. 4873: Mr. PACKARD.

H.R. 4874: Mr. PACKARD.

H.R. 4875: Mr. PACKARD.

H.R. 4876: Mr. PACKARD.

H.R. 4877: Mr. PACKARD.

H.R. 4878: Mr. PACKARD.

H.R. 4930: Mr. DYMALLY.

H.R. 4941: Mr. SPRATT, Mr. MOODY, and Mr. FAZIO.

H.R. 4961: Mr. DOOLEY.

H.R. 5020: Mr. RAY, Mr. CRAMER, Mr. HORTON, Mr. FRANK of Massachusetts, Mr. ROHRABACHER, Mr. DORNAN of California, Mr. TOWNS, Mr. BLAZ, Mr. FASCELL, Mr. MILLER of Washington, Mr. LIPINSKI, Mr. JEFFERSON, Mr. LAGOMARSINO, Mr. GILMAN, Mr. LENT, and Mr. STAGGERS.

H.R. 5099: Mr. TORRES and Mr. VENTO.

H.R. 5111: Mr. KYL.

H.R. 5117: Mr. MURPHY, Mrs. MORELLA, Mr. RIGGS, Mr. MCCURDY, Mr. LAGOMARSINO, Mr. HYDE, Ms. NORTON, Ms. KAPTUR, Mr. PENNY, Mr. POSHARD, Mr. LIPINSKI, Mr. BONIOR, and Mr. TRAFICANT.

H.R. 5126: Mr. BENNETT, Mr. CARDIN, Mr. COSTELLO, Mr. ECKART, Mr. LEHMAN of Florida, Ms. NORTON, Mr. RICHARDSON, Mr. ALLARD, Mr. BUNNING, Mr. GORDON, Mr. GUARINI, Mr. HASTERT, Mr. PRICE, Mr. RHODES, Mr. SMITH of Florida, and Mr. TORRICELLI.

H.R. 5135: Mr. FROST.

H.R. 5136: Mr. SAXTON.

H.R. 5153: Mr. LIVINGSTON.

H.R. 5162: Mr. MCHUGH, Mrs. SCHROEDER, Mr. RANGEL, and Mrs. UNSOELD.

H.R. 5191: Mr. IRELAND.

H.R. 5192: Mr. SPENCE.

H.R. 5208: Ms. WATERS, Mr. MILLER of California, Mr. MILLER of Washington, Mr. ANDREWS of Maine, Mrs. BOXER, Mr. OWENS of New York, Mr. OLVER, Mr. YATES, Mr. SCHUMER, Mr. WYDEN, Mr. WHEAT, Mr. BLACKWELL, Mr. GEJDENSON, Mr. LEHMAN of Florida, Mr. LEVINE of California, and Mrs. COLLINS of Michigan.

H.R. 5209: Mr. MILLER of California, Mr. DEFAZIO, Mr. LEHMAN of Florida, Mr. ABERCROMBIE, Mr. LUKEN, Mr. POSHARD, Mr. BLACKWELL, Mr. FRANK of Massachusetts, Mr. DELLUMS, and Mr. WASHINGTON.

H.R. 5216: Mr. WELDON.

H.R. 5237: Mr. PENNY, Mr. MCCLOSKEY, Mr. PETRI, Mr. MYERS of Indiana, Mr. JOHNSON of South Dakota, Mr. GILMAN, and Mr. WEBER.

H.R. 5238: Mr. COMBEST and Mr. STENHOLM.

H.R. 5255: Mr. HERGER and Mr. DANNEMEYER.

H.R. 5269: Ms. NORTON.

H.J. Res. 271: Mr. MOORHEAD.

H.J. Res. 351: Mr. KLECZKA.

H.J. Res. 399: Mr. EWING and Mr. WISE.

H.J. Res. 411: Mr. DUNCAN and Mr. SHAYS.

H.J. Res. 426: Mr. HAYES of Illinois.

H.J. Res. 433: Mr. ASPIN, Mrs. BENTLEY, Mr. BUSTAMANTE, Mr. CARPER, Mr. LIVINGSTON, Mr. MCEWEN, Mr. MCGRATH, Mr. MURPHY, Mr. TALLON, Mr. TAYLOR of Mississippi, and Mr. VANDER JAGT.

H.J. Res. 445: Mr. MURTHA, Mr. WYDEN, Mr. DIXON, Mr. VALENTINE, Mr. TANNER, Mr. SMITH of Oregon, Mr. SAWYER, Mr. SCHEUER, Mr. SERRANO, Mr. SOLOMON, Mr. RAHALL, Mr. ROEMER, Mr. LOWERY of California, Mr. FORD of Tennessee, Mr. GREEN of New York, Mr. FAZIO, Mr. NEAL of North Carolina, Mr. SCHULZE, Mrs. PATTERSON, Mr. FALEOMAVAEGA, Mr. OWENS of Utah, Mr. NOWAK, Mr. MOODY, Mr. HAYES of Louisiana, Mr. LIGHTFOOT, Mr. RIDGE, Mr. COSTELLO, and Mr. JONES of Georgia.

H.J. Res. 457: Mr. FALEOMAVAEGA, Mr. OWENS of Utah, Mr. BALLENGER, Mr. BARTON of Texas, Mr. BILIRAKIS, Mr. BUNNING, Mr. DREIER of California, Mr. GILLMOR, Mr. HANSEN, Mr. HASTERT, Mr. HOLLOWAY, Mr. HORTON, Mr. INHOFE, Mr. MILLER of Ohio, Mrs. MORELLA, Mr. PORTER, Mr. PURSELL, Mr. RAVENEL, Mr. REGULA, Mr. RITTER, Ms. SNOWE, Mr. ZELIFF, Mr. ZIMMER, Mr. HYDE, Mr. MCCRERY, Mr. TRAFICANT, Mr. OWENS of New York, Mr. PAYNE of New Jersey, Mr. RINALDO, Mr. YATRON, Mr. CLEMENT, Mr. GRANDY, Mr. SPRATT, Mr. SLATTERY, Mr. FISH, Mr. HAMILTON, Mr. TAUZIN, Mr. DARDEN, and Mr. EVANS.

H.J. Res. 459: Mr. ACKERMAN, Mr. BUSTAMANTE, Mr. COUGHLIN, Mr. DINGELL, Mr. GONZALEZ, Mr. GORDON, Mr. MONTGOMERY, Mr. MFUME, Mr. NAGLE, Mr. ROTH, Mr. SISISKY, and Mr. WELDON.

H.J. Res. 479: Mr. JOHNSON of South Dakota, Mr. SPENCE, Mr. ESPY, Mr. BILBRAY, Mr. LAFALCE, Mr. BONIOR, Mr. KOSTMAYER, Mr. FRANK of Massachusetts, Mr. FISH, and Ms. SLAUGHTER.

H.J. Res. 483: Mr. FISH.

H. Con. Res. 156: Mr. DICKS, Mr. CRAMER, Mr. KILDEE, Mr. DE LUGO, Mr. SPENCE, Mr. HERGER, Mr. CHANDLER, and Mr. RAHALL.

H. Con. Res. 192: Ms. SLAUGHTER, Mrs. KENNELLY, and Mr. SAWYER.

H. Con. Res. 233: Mr. MURPHY, Mr. GAYDOS, Mr. SMITH of Florida, Mr. SANGMEISTER, Mr. COLEMAN of Missouri, Mr. BARNARD, and Mr. STALLINGS.

H. Con. Res. 246: Mr. FISH and Mr. SANGMEISTER.

H. Con. Res. 276: Mr. CAMP, Mrs. MEYERS of Kansas, Mr. WAXMAN, Mr. EVANS, Mr. KOPETSKI, Mr. JOHNSON of Texas, Mr. STARK, Mr. BACCHUS, Mr. FALEOMAVAEGA, Mr. MCGRATH, Mr. MCNULTY, Mr. BLAZ, Mr. JEFFERSON, Mr. SKELTON, Mr. ATKINS, Ms. OAKAR, Mr. ROHRABACHER, Mr. ABERCROMBIE, Mr. RHODES, Mr. BROOMFIELD, Mr. DUNCAN, Mr. PERKINS, Mr. DWYER of New Jersey, Mr. WALSH, Mr. MYERS of Indiana, Mr. CHAPMAN, Mr. TALLON, Mr. LEVINE of California, Ms. SLAUGHTER, Mr. FRANK of Massachusetts, Mr. DINGELL, Mr. BILIRAKIS, and Mr. TRAFICANT.

H. Con. Res. 298: Mr. MATSUI, Mr. ENGEL, Mr. WEISS, Mr. MRAZEK, Mrs. LOWEY of New York, Mr. PASTOR, Mr. SAXTON, Mr. MOODY, Mr. FASCELL, Mr. GILMAN, Mr. BEILENSON, Mr. DELLUMS, Mr. VALENTINE, Mr. RAHALL, Mr. LENT, Mr. MILLER of Washington, Mr. SARPALIUS, Mr. MCNULTY, Mr. SWETT, Mr. YATES, Mr. WALSH, and Mr. RANGEL.

H. Con. Res. 301: Mr. FRANKS of Connecticut, Mr. WAXMAN, Mr. DARDEN, and Mr. FROST.

H. Con. Res. 309: Mr. PAYNE of New Jersey.

H. Con. Res. 314: Mr. THORNTON, Ms. NORTON, Ms. PELOSI, and Mr. WHEAT.

H. Con. Res. 316: Mr. RANGEL and Mr. FISH.

H. Res. 448: Mr. TRAFICANT, Mr. ROHRABACHER, Mr. PENNY, Mr. WYLIE, and Mr. SHAYS.

DELETIONS OF SPONSORS FROM PUBLIC BILLS AND RESOLUTIONS

Under clause 4 of rule XXII, sponsors were deleted from public bills and resolutions as follows:

H.R. 1790: Mr. COLEMAN of Missouri.

H.R. 5056: Mr. DEFAZIO.

H.R. 5253: Mr. BONIOR.

EXTENSIONS OF REMARKS

THE PRESIDENT'S COMMITMENT TO URBAN RENEWAL

HON. ROBERT H. MICHEL

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 28, 1992

Mr. MICHEL. Mr. Speaker, the distasteful blame game has reared its ugly head in relation to the riots in Los Angeles. Too many have sought to blame the President or Ronald Reagan or the Rodney King trial for the Los Angeles riots. But true leaders do not assign blame, they find solutions.

The President, in his speech to the community leaders in Los Angeles, demonstrated his leadership abilities when he outlined his solutions to the causes of the riots. He did not seek to pin the blame nor did he seek to shirk responsibility. Instead, in his role as a healer and as a uniter, the President reached out to the Los Angeles community to help them through this difficult period.

We, in the Congress, should assist the President in his efforts. We should pledge to work with him to implement his strategy to revitalize our urban areas.

For those who doubt the President's commitment to urban renewal, I would like to submit for the RECORD his remarks to the community leaders in Los Angeles on May 8, 1992:

[From the Presidential Documents, May 1992]

REMARKS OF PRESIDENT GEORGE BUSH TO COMMUNITY LEADERS IN LOS ANGELES

I would get off to a bad start if I didn't say what I think everybody else is feeling, and I want to just congratulate Larisse for that marvelous rendition of the Star-Spangled Banner.

And may I first thank all of you for being here today. I think they were introduced at the very beginning, but I want to single out two members of my Cabinet, Secretary Lou Sullivan of HHS and Secretary Jack Kemp from Housing and Urban Development who are here with me. We've really had a good tour. I want to salute Senator Seymour, Governor Wilson, who's been at my side, both of them, as we've made this tour through the city. Pat Saiki of SBA, the Administrator of the Small Business Administration, came out early and she is on the ground and doing a first-class job. And of course, I would like to also salute Mayor Tom Bradley who has been so extraordinarily helpful on this visit. And I'm not going to forget the inspirational leader of the Challenger, Lou Dantzler.

I would also say to the city officials that I can just imagine, given what you all have been through, the headache that this visit has caused. And I promise you we plan to leave right on schedule so things can get back to normal. But I want to thank everybody involved in facilitating this visit that came, I'm sure, at a very complicated time for the city. The Governor, the Mayor, the police, the L.A. community, everyone has been just fantastic.

And let me say I am truly heartened by the speed with which the millions of dollars of Federal relief have reached the city, from FEMA grants to the small business loans to urgent food aid. And I salute David Kearns and others who came here to coordinate not to dictate, not to try to dominate but to coordinate with the city and local officials. And I'm very please to see that there is smooth coordination, everyone pulling together on the Federal, State, and local level.

It was important I feel, that as President, I come here to Los Angeles. The community has been the site of a terrible tragedy. Not just for you who were impacted the most, but for our entire country. And everyone around the world feels this trauma, everyone who looks to us as a model of freedom and justice.

And that's why I want to say just a few things about my visit, to speak to you about what I've seen in this city and, most importantly, as I said at that marvelous ecumenical church service yesterday at Mt. Zion, we are one people, we are one family, we are one Nation under God. And so I want to speak about our course as a nation.

I can hardly imagine. I try, but I can hardly imagine the fear and the anger that people must feel to terrorize one another and burn each other's property. But I saw remarkable signs of hope right next to the tragic signs of hatred. This marvelous institution, this boys an girls club stands unscarred, facing a burned-out block. And its leader is this wonderful man next to me, Lou Dantzler. And he started it on the back of an old pickup truck with a group of kids what wanted to get off the street. And its existence proves the power of our better selves. And let's never forget it, and let's count our blessings.

Now let me personalize it a little bit and tell you why clubs like this matter. A story about a little kid, Rudy Campbell. I saw him on television. He looked about 8 years old. His father was murdered a few years back, and I didn't see his mother. Rudy is raised by his 22-year-old sister who has five kids of her own. And he lives in South Central. Think about what he has already been through. Now he says he fears that things will only get "badder and badder and badder." And it breaks your heart, and our children deserve better than that.

I talked a week ago about the law and the pursuit of justice. And today I want to talk about what went wrong in L.A. and the underlying causes of the root problems. It can all be debated, and it should be, but not to assign blame. Casting blame gets us absolutely nowhere. Honest talk and principled action can move us forward. And that's what we've got to do for Rudy; that's what we've got to do for our children, these kids right here.

This tragedy seemed to come suddenly, but I think we would all agree it's been many years in the making. I know it will take time to put things right. I could have said "put things right again," but that would miss a point I want to make: Things weren't right before a week ago Wednesday. Things aren't right in too many cities across our country. And we must not return to the status quo. Not here, not in any city where the system perpetuates failure and hatred and poverty and despair.

Most Americans now recognize some unpleasant realities. Let me just spend a minute on those. For many years we've tried many different programs. All of them, let's understand this, had noble intentions to meet the need of adequate housing or education or health care. Much of it went to construct what has been known as "the safety net," a compassionate safety net to provide security and stability for people in need. Many other programs and policies aimed at stemming the tide of urban violence and drugs and crime and social decay.

And we have spent huge sums of money. Some estimates are as high as $3 trillion over 25 years. And even in the last decade Federal spending went up for these kinds of efforts, everything from child care to welfare to health care has been the subject of some Commission or report or study.

But where this path has taken us I think we would all agree is not really where we wanted to go. Put away the studies and just look around. For anyone who cares about our young people, it is painful that in 1960 the percentage of births to unwed mothers was 5 percent, and now it is 27 percent. It's hard to read about a young black man dying when the odds are almost one out of two that he was murdered. Kids used to carry their lunches to school, and the parents that I've talked to know that today some kids carry guns. I'm afraid some of you kids, you know that, too. Everyone knows that drug and alcohol abuse are serious problems almost everywhere.

In the wake of the L.A. riots, in the wake of a lost generation of inner city lives, can any one of us argue that we have solved the problems of poverty and racism and crime? And the answer clearly is no. Some programs, ones like Head Start or Aid to the Elderly, have shown some time-tested, positive results. All programs were well-intentioned; I understand that very, very well. Many simply have not worked.

Our welfare system does not get people off of welfare, it keeps people trapped there. The statistics are sobering. The reality is sobering. The sum and substance is this: The cities are in serious trouble, and too many of our citizens are in trouble. And it doesn't really have to be this way.

Government has an absolute responsibility to solve this problem, these problems. I'm talking about all levels of government. And I've taken a hard look at what the Government can do and how it can help communities with concerns that really matter: how people can own property, own their home, start a business, create jobs, and ensure that people, not Government, make the big decisions that affect the health and the education and the care of one's own family.

Think of the way that the world looks right now to the single mother on welfare. Government provides you just enough cash for the bare necessities. Government tells you where you can live, where you kids go to school. And when you're sick, Government tells you what kind of care you get and when. And if you find a job, the Government cuts the welfare benefits. And if you save, if

• This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

you manage to put a little money away, maybe toward a home or to help your kid get through college, the Government says, hey, welfare fraud. Every one of those things happen with the system that we have in place right now. And then we wonder, why can't folks on welfare take control of their lives? Where's their sense of responsibility?

Well, if we had set out to devise a system that would perpetuate dependency, a system that would strip away dignity and personal responsibility, I guess we could hardly have done better than the system that exists today. Every American knows that it is time for a fresh approach, a radical change in the way we look at welfare and the inner city economy.

Every hour of meetings yesterday—and they were, for me, very emotional, very moving—confirmed why I believe in the plan that we have proposed for urban America. I kept hearing words like ownership, independence, dignity, enterprise, a lot of time from people who have never had a shot at dignity or enterprise or ownership. And it reinforced my belief that we must start with a set of principles and policies that foster personal responsibility, that refocus entitlement programs to serve those who are most needy, and increase the effectiveness of Government service through competition and true choice.

I believe in keeping power closer to the people, using States as laboratories for innovation. We cannot figure it all out back in Washington, DC, in some subcommittee or in the White House. And I believe in policies that encourage entrepreneurship, increase investment, create jobs.

And these form the heart of the agenda for economic opportunity that I want to mention here. Families can't thrive, children can't learn, jobs can't flourish in a climate of fear, however. And so first is our responsibility to preserve the domestic order. And a civilized society cannot tackle any of the really tough problems in the midst of chaos. And you know and I know it's just that simple. Violence and brutality destroy order, destroy the rule of law. And violence must never be rationalized. Violence must always be condemned.

We can reclaim our crime-ravaged neighborhoods through a new initiative that we call "Weed and Seed." And today, I'm announcing a $19-million "Weed and Seed" operation for the city of Los Angeles to weed out the drug dealers and career criminals and then seed those neighborhoods with expanded educational employment and social services. With safe and secure neighborhoods we can spark an economic revival in urban America.

And so, the second part of the agenda is to ask Congress to take action on enterprise zones. With a zero capital gains rate—create those zones with a zero capital gains rate for entrepreneurs and investors who locate businesses and create jobs right here in America's inner cities.

And yes, I recognize that at the same time, we must help States bring innovation to the welfare systems. And at the Federal level, we've got to reform our own AFDC rules; stop penalizing people who want to work and save. These are the people who are mustering the individual initiative to get off welfare. And we've got to pledge ourselves to, at the Federal level, change the rules that keep them from doing just that.

Three: safe, drug-free schools are places where our children can learn, but that's not enough. We've got to revolutionize our schools through community action, through competition, through innovation, through choice: principles at the heart of the strategy that we call America 2000. We must give children, these kids, these kids right here, the same opportunity as kids out in the suburbs.

And the fourth point: we must promote new hope through homeownership. People want a real stake, a real stake in their community, something of value that they can pass along to their kids. And that's what this HOPE initiative does. It turns public housing tenants into homeowners.

Now, these are just the highlight of an action agenda to bring hope and opportunity back to our inner cities. We have other ideas to try as well. Many in this room have innovative ideas they're trying right now.

My first order of business upon my return to Washington will be to build a bipartisan effort in support of immediate action on this agenda. And I know some will say, well, you've proposed all this before, and that's true, they're right. And I'm proposing it again. Because really we must try something new. We've got to try something new. It does not take a social scientist to know that we must think differently. We've tried the old ways of thinking. And now, as Lincoln says, "It is time to think anew."

And our approach is really a radical break from the policies of the past. It's new. Yes, it's new because it's never been tried before. And for the sake of the people of South Central, and the people in America's inner cities everywhere, I will work with the Congress to act now on this commonsense agenda.

You've been through an awful lot. You've been through an awful lot. And when I saw the verdict in the King case my reaction was the same as yours; I told the Nation that. But I remain confident in our system of justice. And when I saw the violence and rage erupt in your streets my reaction was the same as yours. We all knew we had to restore order. And when I saw and read about the heroic acts of firefighters and police or the selfless acts of so many citizens, my reaction was one of relief, one of hope for the future.

This morning I stopped by the hospital, Cedar, to see a young fireman who had been wantonly shot in the head as he was driving a fire truck to go out and put out fires that were ravaging somebody's neighborhood, maybe yours. The man's fighting for his life. And I think when we all go home we ought to pray for him.

In the very short time that I've been out here I could sense that the real anguish in south central L.A. is a parent's concern about the kids, neighbors' concerns about the kids. And people are worried sick about the children. All must agree that whatever we do must be about the children. These kids are our future. And our actions in the wake of the tragedy are for them, not just here in Los Angeles. This is showcased now because of what you've been through, but it's all across the country.

And so for these remarks I've mentioned what Government can do. And now let me talk just a little about what society must do. And yes, we have tried hard, spent a lot of money and haven't solved the problems. And some critics say that we are a morally, spiritually, and intellectually bankrupt nation. I don't believe that for one single minute. And, yes, we have problems. We have tough problems to solve. But we remain the freest and the fairest and the most just and the most decent country on the face of the entire Earth. And we now—I know that we have the drive and the gumption to prevail over these problems we face.

Tom Bradley, your Mayor, was among a group of mayors who came to see me last January. He and I may differ on how we approach one Federal program or another. But I've repeated often what he and others said to me that day. They said that the most important problem facing our cities is the dissolution, the decline of the American family. And they're absolutely right. He was right; a mayor from a tiny town in North Carolina, he was right. The decline of the family is something we must be concerned about. And history tells us that society cannot succeed without some fundamental building blocks in place.

The state of our Nation is the state of our communities. And good communities are safe and decent. And the young people are cared for and they're instilled with character and values and good habits for life. Good communities have good schools. And they provide opportunity and hope, rooted in the dignity of work and reward for achievement.

And that's why guaranteeing a hopeful future for the children of our cities is about a lot more than rebuilding burned-out buildings. It's about the love right here under this roof. It's about building a new American community. It's about rebuilding bonds between individuals and among ethnic groups and among races. And we must not let our diversity destroy us. It is central, you see, it is central to our strength as a nation.

Our ability to live and work together has really made America the inspiration to the entire world. Across this country tens of thousands of groups, hundreds of thousands of individuals who have never been involved before, who will never be paid one single nickel for their efforts, must become partners in solving our most serious social problems.

The people right here in this room know exactly what I'm talking about. An officer in the LAPD who's a board chairman right here, I believe, in this organization, giving of his time, he knows what I'm talking about. Government alone cannot create the scale and energy needed to transform the lives of the people in need.

And I look around this auditorium and I am preaching to the choir because you're the ones that have your sleeves rolled up in your churches and in your communities, trying to help the other guy. In my conversations with the leaders of L.A.'s many communities, I heard over and over again that L.A. has many of the answers within itself.

I see our friend Bill Milliken here. He lives halfway across the country. There are four of his Cities in School programs, helping children learn here. And many members of a group called 100 Black Men, an inspirational group, they mentor, for those not familiar with it, they mentor to the kids, the boys in south central.

Now, if instead of 4, there were 25 Cities in School programs, and instead of 100, 10,000 black men working with boys, and so on with the hundreds of people in groups that work with the kids, there is no question that what happened last week wouldn't have been as bad. And so it only makes sense that a large part of our challenge is to dramatically expand in community after community the scale of what we already know works.

The phrase that I've repeated a lot and perhaps more than any other is worth repeating: From now on in America, any definition of a successful life must include serving others. And when we look to restoring a decent and hopeful future for our children, I mean this about every community.

First, every group and institution in America, schools, businesses, churches, certainly, must do its part. We must praise what works and share what works.

And secondly, all leaders, all leaders—must mobilize and inspire their people to take action.

And third, community centers must link those that care with those that are crying out for help.

And fourth, with respect, the media needs to show from time to time what's working, needs to cover what is working. And that way would help us share, that would really help us share and repeat these successes many times over.

And finally, this one perhaps a little technical, but we've got to change our liability laws that frighten people away from helping others. We ought to care for each other more and sue each other less.

But there's something else. There's something else that society must cultivate that Government cannot possibly provide. Something we can't legislate, something we can't establish by Government order. And I'm talking about the moral sense that must guide us all. The simplest, I guess the simplest way to put it is, I'm talking about knowing right from wrong and then trying to do what's right.

Let me come back again to the little boy I spoke about earlier, Rudy Campbell. Remember, "badder, badder, badder?" There's a lesson he learned that survived the horror and the hate. And in the midst of all the chaos, in the midst of so much that's gone wrong, he knows what's right. When he was asked about the violence, here's what he said: "They should know what's right and wrong. Because when I was four, that's what I learned."

Now, that has got to give us hope. May God bless the person who cared enough to teach that little guy right from wrong. But it's up to us to guarantee that all the millions of kids like him grow up in a better America.

And I believe we are right about family. We're right about freedom and free enterprise. And we're right with respect to the clergymen here and the church men and church women here. We are right about faith. And most of all, we are right about America's future.

You see, I fervently believe that we have the strength and the spirit in our Government. You can see it here today in our communities and in ourselves to transform America into the nation that we have dreamed of for generations.

May God bless each and every one of you in your work. And thank you very, very much.

EDITORIALS REGARDING H.R. 5100

HON. MICHAEL G. OXLEY

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 28, 1992

Mr. OXLEY. Mr. Speaker, I recommend the following editorials from yesterday's Washington Post and New York Times for Members' attention regarding H.R. 5100. These editorials correctly point out that protectionism would have a negative impact on the U.S. economy at a time when job creation and economic growth are directly linked to exports:

[From the New York Times, May 27, 1992]

THE DEMOCRATS, STANDING SMALL

The European Community has taken what might be a historic step against protectionist farm policies. How are House Democratic leaders responding to this dramatic opportunity for trade? They're proposing a giant leap backward, sponsoring a bill that could victimize American workers in Japanese-owned auto factories, provoke Europe to retaliate against U.S. exports and undermine trade talks.

Dan Rostenkowski, the usually sensible chairman of the Ways and Means Committee, and Richard Gephardt, the House majority leader, as they anticipate the elections, are eager to portray their party as standing tall, ready to bully trade partners into submission. That's an ignoble purpose. Protectionism would jack up car prices and shower Chrysler, Ford and General Motors with windfall profits. It won't create jobs or prosperity.

European officials last week approved far-reaching cuts in Government subsidies to farmers—a sign that they're finally listening to pleas from exporting nations to stop dumping subsidized food on international markets while keeping out foreign food imports. Yet instead of building on this opening, the Democratic bill would constrict trade—limiting imports of Japanese cars and, astonishingly, production of cars in Japanese-owned factories in this country.

Under the bill, the Japanese would be allowed to export more cars to the U.S. only if they also import more cars from American-owned—but not Japanese-owned—factories in the U.S. That would set one group of Americans against another. In effect, the Japanese would be asked to dismiss American workers in Tennessee so that workers in Detroit could keep their jobs. And the bill would raise the price of the typical car by $1,200, a stiff, regressive burden on consumers.

The bill would also target for retaliation countries that run trade surpluses with the U.S. This provision is wrong and insidious. Wrong because the U.S. trade deficit is caused by a shortfall in savings, not foreign trade barriers. Insidious because the provision will backfire. The U.S. runs huge trade surpluses, for example, with Europe. The bill thus begs protectionists there to retaliate.

The bill is so odious that General Motors, a major beneficiary, refuses to go along. Faithful to its longstanding commitment to free trade, G.M. hasn't leaped for the temporary gain offered by this unprincipled plunge. Sadly, though Mr. Rostenkowski and friends understand protectionism and principle, they are embracing the first as they flout the second.

[From the Washington Post, May 27, 1992]

MORE PROTECTION FOR AUTOS

In their latest attempt to protect the American automakers from Japanese competition, the House Democrats are now pushing a genuinely dangerous idea. The majority leader, Richard Gephardt, is the prime mover behind a bill that would put limits, tied to their imports, on auto production in the American factories owned by Japanese companies.

It is conventional, and perhaps accurate as well, to say that this trade bill is merely campaign-year posturing. Even if Congress actually passed it, President Bush would certainly veto it. But it sets a terrible precedent by treating foreign-owned factories here in the United States differently than their American-owned competitors. As for the election campaign, it reaffirms the identification of an important element of the Democratic Party with protectionism, which has yet to win the party an election.

In 1981, President Reagan negotiated "voluntary"—that is, involuntary—quotas with Japan to limit its shipments of cars to this country. If the Japanese are going to sell cars here, the American companies declared, they should build them here. Half a dozen Japanese companies are now doing exactly that. Imports from Japan have been falling recently, while production from Japanese companies' American plants has risen. In response Mr. Gephardt and the Democrats supporting him now want to extend the limits to both imports and the American factories.

The bill directs the president to negotiate a new agreement with Japan, under which each Japanese company would have a ceiling—its 1992 imports plus its 1992 production in the United States. That ceiling would remain for seven years. If a company's imports rose, it would have to cut its production here—laying off American workers. If it wanted to increase its American production, it would be required to cut its imports.

The ceilings could rise if Japan imports more American-made cars in the years ahead—but only if most of those cars are made by General Motors, Ford and Chrysler. Ford and Chrysler are both vigorously supporting this bill. GM, to its credit, is not.

Because this country needs foreign investment, legislation that treats foreign investors differently from Americans does damage to the economy. This country needs even more urgently to raise its exports, and legislation that gives other countries precedents for protectionism inflicts severe damage on the economy. The United States is now counting on exports to drive its recovery from the recession. Mr. Gephardt and his allies are once again leading their party and Congress down the wrong road.

PINE GROVE HIGH SCHOOL CLASS OF 1932 CELEBRATES 60TH YEAR REUNION

HON. GUS YATRON

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 28, 1992

Mr. YATRON. Mr. Speaker, I rise today to pay tribute to an esteemed group of citizens, the 1932 graduating class of Pine Grove High School, of Pine Grove, PA on their 60th year reunion. I would like to honor the members of the class of 1932 and wish them a wonderful celebration of a momentous occasion in their lives. The Pine Grove High School Alumni Association gathered at the high school on May 23, 1992, and a second reunion is planned for the 1932 class on June 17, 1992, to be held in the Palmyra home of class member, Mr. Wilfred Longsderff.

The class of 1932 is a close-knit group who meet every 10 years for a class reunion and annually for luncheon meetings. Many of the class members have remained in southeastern Pennsylvania, and they continue to maintain the true and dear friendships established in their youth. Due to the unfortunate passing of the class vice president, the members will be electing a new officer.

Mr. Speaker, I offer my condolences to those class members that have passed away, and I ask all of my colleagues to join me in honoring the class of 1932 in their 60th reunion year. They are a testament to the enduring bonds of friendship and community, and I wish each class member health and happiness in the future.

TRIBUTE TO DALE FRANCIS

HON. JILL L. LONG

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 28, 1992

Ms. LONG. Mr. Speaker, I want to comment for the RECORD today in order to honor an exceptional man, Dale Francis, Mr. Francis' contribution to northeastern Indiana through his writing lingers despite his death this year.

Mr. Francis, from Huntington, IN, served as the editor of the Troy Daily News from 1962 until 1964. He served as editor during one of the most traumatic events in our country's history, the death of John F. Kennedy. Mr. Francis' paper devoted the entire front page to Kennedy's death—all within 2½ hours before their deadline. However, Mr. Francis' dedication to journalism did not end there. The readers of the Huntington Herald-Press and Our Sunday Visitor also had the pleasure of experiencing Mr. Francis' journalistic ability. He continued to write for the Troy Daily News until his death earlier this year at the age of 75.

I have taken the liberty of submitting an editorial written about Mr. Francis for the RECORD.

[From the Troy Daily News; Mar. 24, 1992]

DALE FRANCIS: TRUE JOURNALIST

(By Joel Walker)

We stopped signing editorials a long time ago because what appears in this space is a consensus of our editorial board rather than what might seem to be one person's opinion when they contain a byline or signoff.

But today I'm making an exception. Anyway, this isn't an editorial. It's a tribute to a former TDN editor, my personal tribute to Dale Francis who died early this morning.

Some of us believe journalists are born, not made. It's in your genes, it's in your blood. You know what I mean. Dale Francis was a "journalist." And along with being "born a journalist" comes certain instincts, instincts about news coverage, instincts about how a story should be written, instincts about how a story should be presented to the readers.

What I'm about to say will explain what I'm talking about.

Dale Francis was the editor here during one of the world's most dramatic and tragic news events in our history, the assassination of President Kennedy.

News of the shooting in Dallas came across our national wire about noon, maybe a little later. Much of the work on page one had been completed, but all of us knew this news meant a remake of the page and a little later presstime than our usual 2 p.m. start.

We printed by letterpress in those days, a more cumbersome, hot metal method than the cleaner, clearer photo offset method we use today. It took longer to prepare the stories and pages for the press than it does today. We were at the mercy of the wire, and, as it turned out, Dale Francis' instincts.

I was a young sports editor at the time, just two years out of college. But I'd had experience designing pages and after we'd finish the sports pages, I'd often get involved helping Dale and others on the desk with the news pages. That was the situation that November day in 1962.

News of the president's death came over the wire about 2 p.m. From the time of the first flash of the shooting, we'd decided to wait until about 2:30 to go to press so we would have the latest story.

Given our normal 2 p.m. deadline, we'd have a pretty complete story that our afternoon rivals in the area wouldn't have because they had earlier deadlines. It was even possible that the Dayton Daily News (then an afternoon paper) wouldn't have anything because of a pre-noon deadline.

Normal procedure would be to redesign the front page, moving the stories at the top of the page to the bottom, eliminating some at the bottom and putting the major breaking story (in this case Kennedy's death) at the top of the page.

There was a chance we might get one picture from our wire to use with the story, but it wasn't likely given the time. So we'd have the Kennedy story at the top and other stories of the day below it.

As we stood around the wire machine reading the dispatches coming from Dallas, I glanced over at the filing cabinets to see Dale on his hands and knees rummaging around in a bottom drawer.

"I found it," he yelled. Those who knew Dale knew his filing skills didn't match his writing and editing skills. But with that photographic memory he had, he remembered where he put things even though it logically might not be where they belonged.

What he found was an artist's illustration of Kennedy's life that he had "filed" months before. It would take up about three-fourths of a news-paper page and was perfect to go with the story of the tragic shooting. So, not only would be have a complete story of the assassination, we'd have a perfect illustration, too.

As it turned out, we were the only newspaper in the U.S. with its front page devoted entirely to the assassination on the day that it happened November 22, 1963.

That's what journalism is all about. That's what editing is all about. And that's what Dale Francis was all about, a truly dedicated, respected, instinctive newspaperman.

GOOD THINGS ARE HAPPENING IN AMERICA'S PUBLIC SCHOOLS

HON. LARRY LaROCCO

OF IDAHO

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 28, 1992

Mr. LAROCCO. Mr. Speaker, contrary to what you might have heard, good things are happening in America's public schools these days. And if you want to see what educational excellence looks like, you should look to Cascade High School in Cascade, ID.

The editors of Redbook magazine, in conjunction with their "America's Best Schools" project, have recognized Cascade High School as Idaho's best in 1992.

This small high school in Idaho's central heartland is quietly demonstrating that outstanding achievement and excellence can be accomplished. In Cascade, community commitment delivers a quality experience, and provides students the opportunity to prepare for life in the 21st century.

To quote Redbook:

At this small but overachieving school for 97 students, all the seniors graduate, a third of the grads get scholarships, and many earn State awards in math, science, and choir.

This is quite an accomplishment.

I want to congratulate the students, the parents, the faculty, and the entire community of Cascade, ID. They have demonstrated what can be achieved through combined effort and commitment. Their efforts should inspire us, and we should examine their accomplishments, and their methods.

I urge all Members to visit the outstanding schools in their States, and see for themselves the good things that are happening in the public schools. Our children's schools can be excellent, and examples like Cascade High School prove that it can be done.

SUPPORT COMPETITION AND COST SAVINGS IN NAVY SHIP REPAIRS

HON. DANA ROHRABACHER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 28, 1992

Mr. ROHRABACHER. Mr. Speaker, on May 21, 1992, I and 11 of our colleagues sent a letter to House Rules Committee Chairman MOAKLEY asking that the committee make it in order to offer an amendment to the defense authorization bill that requires the Navy to study and report to Congress on the cost savings that could be achieved by creating a single San Pedro/Long Beach-San Diego homeport bidding area for short-term ship repairs.

This amendment would be offered by Congressman DYMALLY and would be a substitute for anticompetitive language added to the bill during markup in committee on a narrow 25 to 28 vote.

Mr. DYMALLY's amendment is in the best interests of both the Navy, who will save scarce financial resources in an era of shrinking defense budgets, and the taxpayer.

I urge the Committee on Rules to allow this important amendment to be offered to the DOD authorization bill.

I call to the attention of all my colleagues a letter that I received from Charles J. Shoemaker who until his retirement worked for the Long Beach Naval Shipyard for 34 years. He says that many times during his career Navy commanders asked the naval shipyard for estimates on work being performed in private shipyards "in order to keep the private contractors reasonably honest. Some of their price estimates and gouging by change orders was unconscionable."

Mr. DYMALLY's amendment will lead to the formalization of what has been the informal practice of the Navy for years. I urge all my colleagues to support this amendment if the Rules Committee allows it to be offered.

I insert Mr. Shoemaker's letter at this point in the RECORD.

SEAL BEACH, CA,
May 20, 1992.

Congressman ROHRABACHER: In the Orange County Register I read that Long Beach Naval Shipyard would not be allowed to bid against the San Diego industrial activities for naval ship repair work.

As a retired Long Beach Naval Shipyard employee for over 34 years I am well aware of what takes place when the competition is confined to the "private sector".

Many times I was involved in helping the type commanders get estimates from the navy yard in order to keep the private contractors "reasonably honest". Some of their price estimates and gouging by "change orders" was unconscionable.

As a taxpayer, I am for open competition to keep everyone (public and private sector) "reasonable". Confining bidding to the San Diego activities *only* smacks of eliminating competition.

Are the San Diego activities afraid to compete? If Long Beach Naval Shipyard is kept out of the bidding, will ship repair costs go down?

I think the answer is obvious.

Thank you,

CHARLES J. SHOEMAKER.

FLORIDA DESIGNATES JUNE 1-6, 1992 AS MANAGEMENT WEEK IN FLORIDA

HON. JIM BACCHUS

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 28, 1992

Mr. BACCHUS. Mr. Speaker, I rise today in strong support of the State of Florida's proclamation designating June 1-6, 1992, as Management Week in Florida. The National Management Association is a professional, nonprofit organization with more than 68,000 members. I am proud of the public service and civic involvement of the association as it promotes and recognizes management as a profession through education and fellowship. Mr. Speaker, I am inserting Florida's proclamation in the CONGRESSIONAL RECORD as recognition of management as a profession and hope that all concerned citizens observe June 1-6, 1992, as Management Week in Florida.

PROCLAMATION

Whereas, the National Management Association is a professional, non-profit association dedicated to improve the quality and promote unity in management by education and fellowship of more than 72,000 members; and

Whereas, the members of this Association in the State of Florida desire to perform a public service by officially recognizing management as a profession; and

Whereas, during the week of June 1, 1992, these members will join management in our society and encourage the promotion of our American Enterprise System;

Now, therefore, I, Lawton Chiles, by virtue of the authority vested in me as Governor of the State of Florida, do hereby proclaim June 1-6, 1992, as "Management Week" in Florida and urge all concerned residents, industries, businesses, and professional bodies to actively and appropriately participate in its observance.

REMEMBERING SHANEY ERIN WATTERS

HON. BILL RICHARDSON

OF NEW MEXICO

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 28, 1992

Mr. RICHARDSON. Mr. Speaker, it has been said that there is no greater pain than the hurt felt when a parent loses a child. In Clayton, NM, Rocky and Kathleen Watters are feeling this terrible grief. Their bright, energetic, enthusiastic and beautiful 16-year-old daughter has died after a year-and-a-half long battle fighting non-Hodgkin's lymphoma.

Despite being only 16, Shaney accomplished quite a lot and touched a considerable number of lives. In addition to being an honor roll student at Clayton High School, she excelled in sports and other extracurricular activities. Even her illness did not slow Shaney. Remarkably, at the time of her death, she was serving as president of her sophomore class and was manager of the co-State championship girls basketball team.

This country, the State of New Mexico and the town of Clayton have lost a brave young woman who did more in 16 short years than many people accomplish in a lifetime. I urge my colleagues to join me in extending our condolences to Shaney's parents, brothers, grandparents and her many friends and acquaintances. The following appeared in the Union County Leader, Shaney's hometown newspaper:

SHANEY ERIN WATTERS

Funeral services for Shaney Erin Watters, 16 of Clayton were at 2 o'clock Friday afternoon, May 15, in the First United Methodist Church with the pastor, Rev. Ran Loy, officiating. Burial was in the North Section of the Clayton Memorial Cemetery.

Born in Durango, Colorado, on December 14, 1975, she died early Tuesday morning, May 12, at the University of Nebraska Medical Center at Omaha where she was undergoing treatment for non-Hodgkin's lymphoma, which she had battled since October of 1990.

Survivors include her parents, Rocky and Kathleen Watters of Clayton; and three brothers, Jason Conrad of Eagle, Colorado, and by Lance Watters and Nolan Watters, both of Clayton. Also surviving are her grandparents, Jay and Pat Byers of Dolores, Colorado, and Bill and Betty Watters of Clayton.

A resident of Clayton since the age of three, she was a sophomore at Clayton High School listed on the "A" Honor Roll. She excelled in sports, especially track. At the time of her death, she was serving as manager of the Clayton Yellowjackettes the perennial New Mexico state championship girls basketball team coached by her uncle, Miles Watters.

During her freshman year, she was elected the freshman class representative to the Student Council. She also served as drum majorette for the CHS Marching Band.

At the time of her death, she was serving as president of the sophomore class. She was a member of the Student Council and was involved in the school's Youth-to-Youth organization.

She had served as a pioneer in innovative cancer treatment procedures, becoming involved in a new treatment program inaugurated by Texas Tech University in cooperation with local hospitals as one of 52 young cancer patients under the age of 21. Cooperating professionals with Union County General Hospital were involved in the project allowing her to receive some of her treatments in Clayton.

In addition to fighting her own battle against this disease, Shaney became involved in the lives of other young cancer patients. Last year, she served as a volunteer counselor at Camp Alphie, a summer camping program for families with children who have, or have had cancer.

When it became evident that Shaney would need a bone marrow transplant for the next phase of her therapy, she encouraged people in the Clayton area who were willing to be tested for a possible donor match to place their names on the National Bone Marrow Registry and be willing to give the gift which could save the life of some other victim elsewhere. Many were inspired to do so by her simple act of selflessness. The Veterans of Foreign Wars hosted a bingo to pay for these initial tests.

The national registry lists two persons who might have been a match for her; however, it was believed her own marrow remained free of the disease and was harvested to be replaced after intensive chemical and radiation therapy at the Nebraska facility.

It is the recommendation of the family that memorial contributions be made to the University of Nebraska Foundation, Children's Cancer Research Fund, 8712 West Dodge Rd., suite 260, Omaha, NE 68114.

A TRIBUTE TO DR. ROGER S. HERTZ

HON. GUS YATRON

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 28, 1992

Mr. YATRON. Mr. Speaker, I rise today to pay tribute to Dr. Roger S. Hertz of Exeter Township in Berks County, PA. On June 26, 1992, there will be a ceremony held in Dr. Hertz's honor to recognize his retirement after his 44-year career in education.

I am pleased to be included in honoring Dr. Hertz. Roger and I were high school and college classmates at Reading High School and Kutztown University. We played football together at both Reading High and Kutztown. I have had the privilege to know him for over 40-years as a teammate, a fellow community activist, and friend.

Roger has spent his entire life in education. In addition to his bachelors degree from Kutztown, he also earned a masters degree and a doctorate in education from Temple University. He has spent his entire 44 years working in the Berks County schools. He spent over 10 years as a social studies teacher in the Exeter Township School District. He spent the next 10 years in administrative positions in Exeter Township, including serving as an assistant high school principal and then as an elementary school principal. In 1966, he became the assistant superintendent of the Berks County School System in charge of business management and community relations. From 1971 until 1981, he served as the assistant executive director of the Berks County Intermediate Unit. In 1981, he became the executive director of the BCIU, and has served in this role since then. The BCIU is a support agency which serves as the link between the State and Berks County schools. The intermediate unit operates training programs and assists the local school districts. In his role as director, he has expanded the services provided by the intermediate unit and has improved the relationship between the business community and the local schools. Roger has also been actively involved in a variety of community activities including professional, civic and church organizations.

Roger Hertz has been admirable in his contributions to the field of education in Berks County. His commitment and dedication to education has had a profound influence on lives of Berks County children for over 44 years. I ask all of my colleagues to join me in honoring this outstanding educator and congratulating him for 44 years of exemplary service. He will be greatly missed by his colleagues and the schools of Berks County. I wish him the greatest success and good fortune in his retirement.

DISADVANTAGED BUSINESS ENTERPRISE PROVISIONS

HON. ELEANOR HOLMES NORTON

OF THE DISTRICT OF COLUMBIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 28, 1992

Ms. NORTON. Mr. Speaker, I rise today in support of H.R. 4691, the Airport and Airway Safety Capacity, and Intermodal Transportation Act of 1992. In particular, I join my colleagues' support of the language in section 110 of the bill which requires disadvantaged business enterprise [DBE] participation in all airport concessions and services, specifically including ground transportation, baggage carts, automobile rentals, and other consumer services. Section 110 also permits airports to meet the minimum 10-percent goal by including management contracts, and by including goods and services purchased from DBE's by majority firms operating at the airport.

I want to make clear that my colleagues and I on the Public Works and Transportation Committee who support this language at all times have attempted to be practical and realistic about the way in which DBE's are to participate in airport business activities. For example, we did not insist that this provision apply to airlines and fixed-based operators which, unlike any other business, provide aeronautical activities at airports. Essentially, what we seek is to include minority and women-owned businesses in airport commerce, so that these traditionally excluded groups become a part of the economic mainstream, not separate from it.

For those industries and businesses who are skeptical about DBE participation in the Airport Improvement Program, I assure them that the sky is not falling, and that the DBE provision in this bill will not require them to do business in some extraordinarily different or radical way.

This is why I joined with my committee colleague, Congressman GREG LAUGHLIN of Texas, and others to fashion amendment language which explicitly states that the DBE assurance provision will not require a corporation to provide for a direct ownership arrangement in order to meet the provision's requirements. I also worked to craft report language to further clarify this point. The cooperation among members of the committee in this effort produced a strong measure we all can support.

I must note with dismay that representatives of the major car rental firms have vigorously argued, despite the clarity of Mr. LAUGHLIN's amendment, that the DBE provision will cause them to reorder their corporate structure, and that like the airlines, they too should be excluded from coverage of section 110 of the bill. I find this disappointing and want to make clear that we cannot accept a different set of rules for one business or industry. That is the end of affirmative action itself. It would be the beginning of discrimination among businesses themselves. Imagine holding some business at airports, such as duty-free shoppers, to standard affirmative action requirements, while car rental firms were immune based on a self-serving claim of uniqueness. All businesses have profoundly, widely different structures. And yet, affirmative action in this country has applied to that great diversity of business for more than 25 years. To exempt car rental firms from DBE participation would have been an unprecedented and discriminatory concession that should not enter into this legislation or any other legislation passing through this Congress.

Section 110 of the legislation leaves car rental companies able to enter into various arrangements with DBE firms, including direct ownership arrangements, if they are practical. But the provision certainly does not require them to do so, and never have they been required to do so under previous legislative enactments. In fact, there is not a single instance where a car rental company has been compelled to enter into a direct ownership arrangement. Some companies on their own, however, have incorporated DBE ownership arrangements. Provisions for direct DBE participation in the car rental business can be found at airports in Birmingham, Las Vegas, and Orlando, among others.

Finally, Mr. Speaker, I want to state emphatically that nothing in section 110 of this bill would prevent an airport from issuing solicitations giving preferences to non-DBE firms which have direct participation arrangements with DBE firms. The statutory presumption of section 110 of this bill, as well as paramount objective of the DBE program, is to encourage direct DBE participation in order that DBE's perform commercially useful functions. The plain meaning of the language in section 110 is that purchase of DBE goods and services is an option only if direct ownership arrangements are not practicable. Accordingly, all businesses deriving a benefit from operating at airports, including car rental firms, bear the statutory burden of demonstrating that direct DBE participation is not practicable. Any other construction of this language is a diversion and flies in the face of congressional intent.

I urge your support of this measure, and thank Chairman ROBERT ROE, Congressman JAMES OBERSTAR, Congressman WILLIAM CLINGER and Congressman JOHN PAUL HAMMERSCHMIDT for their work on this important act.

LOOKING BACK AT THE EVIL EMPIRE

HON. DOUG BEREUTER

OF NEBRASKA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 28, 1992

Mr. BEREUTER. Mr. Speaker, the Soviet Union is now relegated to the dustbin of history, and this body would do well to reflect back on the sordid history of this Marxist empire. Over the decades, there were many Americans who insisted on looking at the Soviet Union in a positive light. There was a predisposition by many intellectuals to view the Soviet Union as an innocent victim of circumstances, incapable of doing evil. When the state-sponsored famine in the Ukraine occurred in the 1930's, these individuals simply denied the famine had ever occurred. When evidence came to light of the Soviet gulags and slave labor practices, many Western journalists and intellectuals simply dismissed this evidence as United States propaganda. And, when Ronald Reagan stood up and correctly labeled the Soviet Union an "Evil Empire," these skeptics chose to mock the President rather than face up to the truth. These discussions had the taint of arrogant and condescending anti-Americanism, and it was most unseemly for this Member to witness.

But now, as the old Soviet archives are revealed, it has become clear that President Reagan was indeed correct. Documents now reveal that Moscow was underwriting the Communist Party in the United States, and bankrolling various subversive organizations. It is similarly clear that the Soviet Union was promoting terrorist organizations worldwide, and assisting the most radical Palestinian elements to gain control of the Palestinian movement. Far from being a paragon of virtue, it is now clear that the Soviet Communist Party was a corrupt institution that manipulated insurgent forces worldwide.

No doubt there will continue to be individuals who disbelieve this new evidence. Truth is hard to accept for those who have been apologizing for Soviet misbehavior for so many years. But the new documentation that has been released leaves no room for doubt—the Soviet Union was indeed an evil empire, and Ronald Reagan was correct in pointing that out.

Mr. Speaker, recently a very insightful editorial was published by the Omaha-World Herald. It does not reflect the conventional wisdom of the liberal intellectual establishment, but it does reflect the truth. According to the World-Herald:

> The more the picture comes into focus, the more it can be seen that Ronald Reagan was right when he described the Soviet Union as an Evil Empire. For the American public, that means it's long past time to end the guilt trip.

Mr. Speaker, I insert the May 27, 1992, editorial entitled "The Empire Was Evil, Indeed; Now the Guilt Trip Should End," into the CONGRESSIONAL RECORD. I commend it to my colleagues.

[From the Omaha World-Herald, May 27, 1992]

THE EMPIRE WAS EVIL, INDEED; NOW THE GUILT TRIP SHOULD END

Not too many years ago, a person could get laughed off some of the more liberal U.S. college campuses for suggesting that the Soviet Union sponsored Mideast terrorism.

The campus view was that terrorist attacks were America's fault, an inevitable result of U.S. support for Israel. Palestinians, it was said, were the victims of that policy and were consequently justified in blowing up buildings, taking hostages and destroying airplanes carrying hundreds of innocent people.

Attempts to look critically at the Soviet Union, on the other hand, were ridiculed. In the politically correct thinking of the times, the Soviet Union wasn't evil. It was just misunderstood by world leaders who had little sense of socialist destiny.

Such thinking, simplistic as it was, was repeated often enough by liberal commentators and authors to put some Americans on a guilt trip. They swallowed the line that they were morally culpable for much of what went wrong in the world. They felt that there was something wrong with being called an anti-communist. They were careful to avoid talk that could get them accused of "Red-baiting" or "Soviet-bashing."

What an embarrassment it must have been for the proponents of trendy anti-Americanism when Soviet communism collapsed and the new Russian leaders opened the files.

Recently released documents have shed more light on Moscow's attempts to destabilize democratic governments with disinformation, threats and clandestine shipments of money to communist operatives. For the first time, it was confirmed that the Soviet Communist Party bankrolled the Communist Party of the United States, which many intellectuals of the time defended as a grassroots vehicle for a legitimate American point of view.

Then, a few days ago, documents came to light proving that the Communist Party, indeed, was a financier of Mideast terrorism. The party helped to arm a radical Palestinian group and encouraged the group to carry out terrorist attacks against American and Israeli citizens. The terrorists were given foreign weapons that couldn't be traced to the Soviets.

The documents add detail to the picture of Soviet communism that has been in place for decades, although some people had trouble seeing it. The more the picture comes into focus, the more it can be seen that Ronald Reagan was right when he described the Soviet Union as the Evil Empire.

For the American public, that means it's long past time to end the guilt trip.

INTRODUCTION OF LEGISLATION TO ENHANCE THE ENFORCEMENT CAPABILITIES OF THE INS

HON. DANA ROHRABACHER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 28, 1992

Mr. ROHRABACHER. Mr. Speaker, last week I, and six of my colleagues introduced legislation to enhance the enforcement capabilities of the INS. That bill, H.R. 5255, will allow the transfer of information from federally funded social services agencies to the INS.

I was unaware of the ludicrous prohibition on the transfer of information between two agencies of Government until it was brought to my attention by INS field agents. So, you can imagine my surprise when, on the day this bill was introduced, INS spokesman Duke Austin told the press that: First, there is no current prohibition on the transfer of information, and; second, passage of this bill will result in a much heavier workload for the INS.

Well, today, I received a fax from the FEMA information office in Pasadena, CA, which seems to dispute Mr. Austin's first denial. FEMA tells applicants that "The privacy of the application process is protected by Federal law, officials point out." It goes on to specifically say that information is not shared with the INS.

And as for Mr. Austin's second denial, I say to him, you speak for some of the hardest working people in this country, do not imply that they are lazy or shrink from their duty. I know many fine INS agents who simply want the opportunity to do their jobs efficiently and effectively.

FEDERAL/STATE/LOCAL
COORDINATING OFFICE,
Pasadena, CA, May 27, 1992.

OFFICIALS CONCERNED THAT SOME DISASTER VICTIMS MAY NOT APPLY FOR FEDERAL/STATE AID

Officials at the disaster field office in Pasadena have expressed concern that small pockets of people who are eligible for State and Federal disaster aid may not apply for various reasons, including a reluctance to deal with the government.

The privacy of the application process is protected by federal law, officials point out. Individuals who report to the application centers have no reason to fear that the information provided with be used against them in the future. Information is not shared with any other government agency including the Internal Revenue Service (IRS) and the Immigration and Naturalization Service (INS).

"We are here simply to help people whose livelihood and personal welfare have been adversely affected by the recent fires and civil unrest. The Federal Emergency Management Agency (FEMA) has no charter or interest beyond the accomplishment of this objective," said William M. Medigovich, Federal Coordinating Officer.

"We are striving to reach people who are out of the mainstream," Medigovich added. "Some have serious needs and uninsured losses, but are yet hesitant to apply for aid.

"We want to stress that the funds received through the various state and federal grant programs are tax dollars which do not require repayment by the recipients." Low interest loans provided by the Small Business Administration (SBA) do have a payback requirement similar to commercial bank loans.

Although some are reluctant to deal with government, other population segments may also lose out, officials acknowledge. These include people who are unable to read, write or comprehend well enough to use information in the media and other sources.

Shut-ins by reason of age and health are also targets of FEMA's special outreach concerns.

Available to disaster victims are grants for temporary housing and minor repairs, personal property loss, medical expenses, transportation and other disaster-related needs. Low interest loans are also available for more substantial amounts to those who qualify. Victims who are unable to manage a low interest loan are likely to qualify for grant programs.

Business owners and home owners who face financial hardship due to the fires and civil unrest may also be eligible for mortgage and rental assistance in the form of grants which require no payback.

Persons who may be reluctant to inquire about assistance available to them are urged to call the disaster hotline, 1-800-525-0321.

ST. THOMAS UNIVERSITY LAUNCHES HUMAN RIGHTS INSTITUTE

HON. ILEANA ROS-LEHTINEN

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 28, 1992

Ms. ROS-LEHTINEN. Mr. Speaker, it is my great pleasure to recognize St. Thomas University's Human Rights Institute which was inaugurated on March 18, at a special ceremony and celebration at St. Thomas' Convocation Hall.

St. Thomas University's latest addition to its academic community is designed to ensure the greatest participation of the individual human being in the process of shaping human values. The institute was proposed 2 years ago by St. Thomas University's president. Dr. Richard E. Greene, as a demonstration of its "willingness to transform its values and beliefs into action and service to the world community."

The institute will conduct scholarly research and writing in the area of human rights law, policy and ethics. It will also develop and offer courses, seminars, workshops at various levels of the educational service. Another vital function it will serve is to provide sensitivity training to law enforcement personnel and other Government officials.

One of its most important purposes will be to serve as an advocate for human rights by educating the public, and combating human rights abuses on a local, regional, and global scale. Miami is a fitting location of this institute, since it has long served as a refuge for many people who came here seeking individual freedom and human rights.

The institute's inaugural ceremony included an academic procession and inaugural welcome by Dr. Greene, who will also serve as the institute's chairman. A member and immediate past president of the Inter-American Commission on Human Rights, Patrick L. Robison, offered the support of his organization in the keynote address. The legal counsel to the U.S. High Commissioner for Human Rights, Fernando Chang-Muy also gave his support at the ceremony. The archdiocese of Miami's auxiliary bishop, the Most Reverend Agustin Roman gave the invocation, and Msgr. Bryan O. Walsh gave the closing remarks and benediction.

In addition to Dr. Greene, I wish to thank the members of the institute's board of directors: executive director Maria R. Dominguez; Dr. Gabrielle Berryer; Dr. Joseph A. Iannone; George F. Knox; Dade State attorney Janet Reno; Thomas E. Scott; Ambassador Dr. Andres Vargas Gomez; Msgr. Bryan O. Walsh; Prof. Siegfried Wiessner; and board of advisors chair the Most Reverend Agustin Roman. They should be very proud of their important role in creating this significant asset, which will greatly aid those fighting for human rights.

THE WASTE SITS

HON. LARRY LaROCCO

OF IDAHO

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 28, 1992

Mr. LaROCCO. Mr. Speaker, yesterday, the House passed comprehensive energy legislation, but failed to correct the problem of nuclear waste that is plaguing my State of Idaho.

Idaho continues to receive high-level, low-level, and transuranic waste from across the country and even from foreign nations.

Although Idaho does not receive the benefits of commercial nuclear power—although Idaho was not selected as a safe site for long-term nuclear waste disposal—and although Idahoans are united in their opposition to accepting continued shipments of waste—the waste still comes.

And the waste sits. It sits in containment buildings that are too unsafe for the NRC to license. It sits above one of the largest freshwater aquifers in North America. It sits upstream of the Snake and Columbia Rivers and ultimately, the Pacific Ocean.

Mr. Speaker, when Idahoans fight against nuclear waste they are not fighting to save a few pennies per kilowatthour. They are fighting for the safety of their farms, the safety of their drinking water, and the safety of their children's future.

Clearly, this issue is too important to walk away from. Although the energy bill passed by the House yesterday does not address the problem of interim storage of nuclear waste as desired by the Interior Committee, I will be back. Shortly, I will introduce legislation that will move to put an end to this crisis and protect the future of the people of my State.

HEARING AND SPEECH CENTER OPENS AT THE LONG ISLAND JEWISH MEDICAL CENTER

HON. JAMES H. SCHEUER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 28, 1992

Mr. SCHEUER. Mr. Speaker, I rise today to recognize the opening of the new Hearing and Speech Center at the Long Island Jewish Medical Center in New Hyde Park, NY. On June 2, 1992 the new expanded center will open and provide Long Island's oldest and largest comprehensive hearing and speech facility with the most modern technical equipment for fitting, repair, and adjustment of hearing amplification devices. The Hearing and Speech Center at LIJ serves patients from Nassau and Suffolk Counties, New York City, and parts of New Jersey and Connecticut.

The center's rehabilitation specialists and facilities are instrumental in helping patients of all ages realize their maximum hearing and speech potential. Treatment is provided for the full range of disorders for pediatric, adult, and geriatric individuals.

I wish to congratulate the LIJ on the opening of the new center and recognize the generosity of the Hearing Speech Society, its friends, and supporters. In particular I would like to recognize the foresight and leadership of the center's director Dr. Allan L. Abramson, the chairman of the Department of Otolaryngology and Communicative Disorders, as well as the president of the Hearing and Speech Society, Mr. Jonathan Leigh. I am confident that the newly expanded facility will continue the Hearing and Speech Center's national preeminence in speech and language evaluation and treatment for many years to come.

TRINITY SCHOOL: LACROSSE CHAMPIONSHIP

HON. ILEANA ROS-LEHTINEN

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 28, 1992

Ms. ROS-LEHTINEN. Mr. Speaker, I would like to congratulate the Palmer-Trinity School and its outstanding lacrosse team which this year won the Florida Lacrosse League Championship. This team, coming from a 0 to 12 start in 1989, was able to pull together the teamwork and drive to take the league championship just 4 years later.

This result is a tribute to the leadership of the team's coach, Gary Robinson, who was able to mold a cohesive team of young men from three competing high schools: Palmer-Trinity, Coral Gables, and Ransom-Everglades. The championship also honors the teamwork and dedication of Trinity players like Bill Freyer and Robert Brawner, their teammates from Coral Gables and Ransom-Everglades, and the outstanding athletic ability of Jim Oltz. Mr. Oltz is expected to be one of two all-American lacrosse players to be named from Florida high school teams this summer. My colleague from Maryland, Congressman GILCHREST will be pleased to know that Jim Oltz is planning to attend Salisbury State in Maryland, where he will continue to play lacrosse.

The Miami Herald published an article describing the exciting finish in the second overtime of the Florida Lacrosse League Championship, and I would like to include it in the RECORD:

CHAMPS AT LAST: TRINITY LACROSSE TEAM ENVISIONED BIG SUCCESS

(By Todd Martman)

The year was 1989 and the Trinity School lacrosse team was bad. Bad as in 0–12. A rambunctious group of ninth-graders didn't know any better. Said star defenseman Jim Oltz: "Ever since I was in ninth grade we were saying this is the year."

The vibes proved accurate. Last Sunday, those former ninth-graders closed out four years of high school lacrosse with a Florida Lacrosse League championship.

"I've been dreaming of this moment ever since last season," said senior defenseman Bill Freyer. "I just sat down on the ground afterward saying, 'We won it.' I still get goose bumps talking about it."

The victory—10–9 against Boca Raton St. Andrews School—was a dramatic one, as the team, now under the banner of the recently merged Palmer-Trinity School, came back from deficits of 6–3, 8–6 and 9–8 and won it on a goal in the second overtime.

"People there, who saw it in person, said it was the most exciting thing they've seen in their lives," Freyer said.

Those were the same words spoken by senior midfielder Robert Brawner, who called the game "the most exciting of my life." He joked that two overtimes were no problem, as by then he got his "fifth wind."

A stepbrother of Freyer, Brawner was with the team since its 0–12 beginnings in 1989. "This team's like a family," Brawner said.

Palmer-Trinity's team, which also has two players from Coral Gables High and a pair from Ransom Everglades, proved to be the best of the 10 that play in the Florida Lacrosse League. The 10 come from all over South and Central Florida, and represent schools varying from 1A to 4A in size classification.

Oltz, a senior, was probably Palmer-Trinity's best player. He is one of only two athletes from Florida expected to be among the approximately 120 All-American high school lacrosse players to be named this summer. Oltz said he'll likely attend Salisbury State, an NCAA Division III school in Maryland, where he'll continue playing lacrosse.

Oltz said "there was definitely a feeling" that Palmer-Trinity would win a league title before the season started. He said teammates could see it coming as early as December, at a winter lacrosse camp. "We saw it clicking right away," he said.

Said Gary Robinson, Palmer-Trinity's coach: "We expected to be fighting for the state title. Even though we were a .500 team last year, we had played the state champ and runner-up close. And we returned 11 of 13 starters."

If Robinson and his players had one more wish, they'd ask for the sport's popularity to spread in Florida. Well-established in the Northeast, lacrosse is still unrecognized locally.

Robinson said there are more than 20 teams in the state that play, but only 10 that feel prepared to play in the Florida Lacrosse League. In Dade, there are three other teams, besides Palmer-Trinity, that play in the league. They are Gulliver Prep, Ransom Everglades, and a club team at Palmetto High.

If lacrosse continues to grow, as it slowly has, most of the Palmer-Trinity kids won't be around here to see it. "It's going to be hard to say goodbye to all of these people," Freyer said. "I'm just glad we were able to say goodbye like this."

Mr. Speaker, I commend the dedication and endurance of the Palmer-Trinity Lacrosse Team, and congratulate them on their hard-earned victory.

COPRESIDENT OF FLAAG TESTIFIES BEFORE SUBCOMMITTEE ON IMMIGRATION

HON. MEL LEVINE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 28, 1992

Mr. LEVINE of California. Mr. Speaker, I am concerned about the challenges facing the estimated 3,500,000 civilian Americans living abroad, especially their children's access to their basic right of citizenship. Mr. Peter C. Alegi, copresident of the Federated League of Americans Around the Globe [FLAAG], recently testified before the House Judiciary Committee Subcommittee on Immigration on behalf of FLAAG's tens of thousands of members. Mr. Alegi states that the members of

FLAAG support citizenship legislation under consideration which could help ensure this most basic right from which all our other rights spring. This legislation could offer to many children, who are strongly connected to the United States by ties of both blood and culture, the opportunity to enjoy rights which in most other industrial societies would be theirs as a matter of course.

I commend these citizenship issues to my colleagues' attention. These issues will become even more important as our citizens become increasingly involved in a global economy. I commend Mr. Alegi's testimony to my colleagues:

TESTIMONY OF PETER C. ALEGI

Mr. Chairman, I appear today on behalf of FLAAG, the Federated League of Americans Around the Globe, the largest organization dedicated solely to enhancing the interests of overseas Americans. We thank you for your invitation, which demonstrates the growing concern you and your colleagues have for the special problems of the estimated 3,500,000 civilian United States citizens who reside abroad. The interests we represent are 100% American, without need for qualification by adjective or hyphenated expressions, and we especially avoid the word "expatriate."

The original sponsors of FLAAG were Democrats Abroad (of which I am the current chairman) and Republicans Abroad. We hope that this joint effort by the two major parties will emphasize to Congress and to all Americans that the demands of overseas Americans are not for political preference, power, personal prestige, or special interest, but for our basic rights, especially citizenship. During our short lifetime, FLAAG has attracted tens of thousands of members, principally through the participation of over twenty overseas organizations as group members. Our pledge to our membership is to seek a full and informed hearing in Washington on each issue and to pursue legislative and administrative reforms that can better their lives. We thank the subcommittee and its staff for their response to these efforts and would like to express our general support for the amendments under consideration.

There is an historical background which we should consider before dealing with the specific legislative proposals. First, until relatively recent times, two separate principles of international law provided the only rules the world knew governing citizenship. The more common of which followed bloodline while the other was based upon the geography of birth. Not until after World War I did Congress address in detail the setting of standards for determining who would be considered citizens of the United States in other than a naturalization context.

While I am unaware of any statistics going back to the twenties, one may state that relatively few Americans were scattered around the globe before Colonel Lindbergh made his flight. While the original Adams family comes to mind along with Ernest Hemingway and his friend Gertrude Stein from the field of literature, American businessmen were few and far between, and the flow of professionals and their families drawn overseas by those businesses had not yet begun to build to a flood. The issues which Congress faced were those of immigration and naturalization rather than the rights of Americans living abroad. Now, however, the estimated 3.5 million civilians overseas amount to 1.4% of the population counted by the 1990 census (a census which did not attempt to count us). I suspect that this is at least ten times the percentage of Americans living abroad than at the time citizenship legislation first became a concern.

The causes of this growth are many: the explosion of international business; the development of international institutions—beginning with the United Nations and its agencies—recruiting U.S. citizens; the emergence of educational exchange programs; military marriages immediately following the Second World War; and retirements to what used to be considered less expensive overseas environments.

Looking at the question from a different perspective, with the relative ease of modern travel, both tourism and business have produced what is sometimes termed an interdependent world. Communications are instantaneous. We awake in Rome to view the morning news on CNN or to watch Dan Rather's CBS news taped a few hours earlier by our local station. The International Herald Tribune, long the only publication available to Americans overseas, is now published via satellite in many cities throughout the world besides Paris, including Rome, and even new York, where its parent newspaper has long since disappeared. Alongside the International Herald Tribune, we read USA Today, which is completing ten years of serving the American community overseas. Specialized magazines and local newspapers for overseas Americans have sprung up throughout the world. In addition, MCI and ATT compete vigorously for the vast quantity of telephone traffic back to the United States.

The upshot of this communications explosion is that those of us who live overseas have growing opportunities to inform ourselves on life in the United States, often on a real time basis. This enables us to follow cultural, economic, social and political developments and to be in a position to cast an informed ballot. As you know, a series of overseas voting acts have simplified requirements for our voting in U.S. federal elections, and proposed amendments, which FLAAG is vigorously pressing, will improve our exercise of these rights.

The sum of these changes is that an American community has been created outside the boundaries of our nation which is both able to and interested in enjoying the rights and bearing the obligations of United States citizenship. We are greater in number than the population of nearly half of the states of the Union! It is against this background that we ask this committee to consider the amendments before you, which offer so many of our people who are strongly connected to the United States by ties of both blood and culture the opportunity to enjoy rights which in most other modern industrial societies would be theirs as a matter of course.

Recent actions by member states of the European Economic Community—a common market composed of twelve nations which share much in terms of history and heritage with the United States—are especially helpful in examining this question. Many of us trace our origins to those countries, including numerous people who are in this room today. The great changes which are taking place in the EEC with respect to recognition of citizenship may be instructive. For instance, two countries with which a large number of us are familiar, Ireland and Italy, have recently made substantial amendments to their citizenship laws, which now operate basically on a grandfathering principle, that is, any person who had at least one citizen grandparent is entitled to citizenship. We here find ourselves tied to residence requirements, and not at the level of the grandparent but at the level of the parent. In our view, this wrongfully denies citizenship to dedicated, patriotic individuals and ignores the realities of American life today, which contains a substantial overseas component. The student going abroad to study and the professor going abroad to teach often stay on and marry and produce offspring who consider themselves Americans and are considered American by the society in which they find themselves. They are frequently our best ambassadors, and their desire to be recognized as citizens means more to them than to many born within the boundaries of the 50 states.

Turning to the specific provisions:

First, we welcome the recognition of the eligibility of U.S. citizens born abroad for the Office of the President, which should result from the adoption of Section 202(a)(1). The issue which was discussed several decades ago when Governor Romney sought our highest office impacts many overseas Americans, sometimes in curious ways. At the risk of over-personalizing, let me note that I have three sons. Their mother is not a U.S. citizen. Two of my sons were born in the U.S. but moved with me to Italy before they were 2 years old when my professional activity led me to transfer there "temporarily" in July of 1965. Their brother was born in Rome, educated there through high school, and graduated two days ago from a U.S. college. He is very involved politically and socially in U.S. life and will soon be joining an American group which provides teachers to the Third World, in this case, a Township in South Africa. The gap in present law creates the possibility that his career will be more limited than that of his brothers. Congress should exercise its constitutionally granted discretion to determine eligibility for the highest office in the land by defining "natural born" citizen so as to eliminate this pointless potential discrimination.

We support amendment of section 301(g) of the Immigration and Nationality Act. That paragraph presently covers the citizenship of a person with one citizen parent and one alien parent who is born outside the U.S. and its possessions. Presently, the statutory rule would require the citizen parent to have been "physically present in the United States" or its outlying possessions for a period or periods totalling not less than five years, at least two of which after attaining the age of fourteen years. It is proposed to replace those burdensome requirements by instead requiring that the citizen parent shall have been physically present "one year in the aggregate". The amendment is in keeping with the changed facts of American life overseas described earlier. There are literally thousands of persons residing abroad who, in order not to avoid interruption of their educational career or because of financial circumstances, have been unable to come to the United States for the time period currently required. These individuals are functional and valuable Americans, and the interests of the United States are amply protected by the suggested amendment. Existing law presumably reflects congressional policy intending to assure that essential connections with our homeland exist so as to promote a meaningful exercise of the right to vote. Extensive U.S. educational systems overseas (which are in need of greater support) make a substantial contribution towards the realization of these civic goals, together with improved communications.

We view the one year aggregate requirement as sufficient under today's circumstances. We believe it should be passed and adequately tested over the next few years. It may well be that at some future time we will return to recommend its application at the level of grandparent rather than the parent level. It is difficult, we realize, to formulate any standard for avoiding perpetual, unlimited transmission of citizenship which will not create some unfairness. We are confident that as experience develops with these less stringent rules, the Congress will have an adequate response.

We would, however, urge reconsideration of the effective date provided for by paragraphs (3) through (5) of subsection (a) of the proposed amendment. As now drafted, it would prevent our children of more than 18 years of age from enjoying the benefits of these provisions. It is difficult to discern an appropriate rationale for discriminating among our children. There will be many families with children born one year apart whose citizenship status and ability to transmit citizenship will be different. This distinction serves no purpose but to highlight the unfair treatment presently existing. Indeed, it would create an invidious discrimination which would in many other areas of law not withstand constitutional scrutiny, although that certainly is not my principal reason for urging reconsideration. Our fundamental concern is promotion of citizenship rights. Nevertheless if a need is felt to limit the applicability of these amendments, we suggest that it would be much more appropriate to introduce a transitional provision giving affected individuals who have already reached the age of 18 a period of, say, one year in which to opt for citizenship. Wholesale disqualification is simply not justified, especially in the context of a bill intended to right existing wrongs.

We would also ask that the amendments be expanded to include a plan for naturalization of children adopted abroad. A dozen members of this House were with us in Paris two years ago when Ben Davis, a U.S. lawyer working with an international institution in Paris, described the difficulties facing him and his American-born wife in obtaining U.S. citizenship for their adopted children. As Ben Davis wept, several congressmen wept too.

The law as it reads today would require Ben Davis to abandon his work in the field of international arbitration and to take up residence in the United States to provide his children with American citizenship. No valid United States government interest is involved. Rather, a traditional reluctance even to appear to grant "easy" citizenship seems to linger on. Once more, we invite you to consider the changed world in which these issues now are raised. Is it in the interest of the United States' overseas business and broader concerns that dedicated young citizens like Ben Davis and his wife work abroad for international organizations, or should they be forced to abandon their overseas work in order to protect their rights? We strongly urge that simplified, expedited procedures for the naturalization of the minor children of U.S. citizens residing abroad be adopted.

FLAAG also recommended that the bill before us be expanded to include a provision which would enable individuals who lost their right to citizenship under the now repealed provisions of Section 301(b) to be reinstated in their citizenship in accordance with the provisions of Section 324(c). The number of persons eligible under a reopener provision is uncertain. But again we oppose the concept that citizenship should be an entitlement the right to which depends upon a few days or weeks, more or less, especially when the legislation has subsequently changed in a manner favorable to retaining citizenship. In today's world, such punishment is self-defeating. Again, FLAAG proposes a "reopener" which would provide a period of time in which eligible individuals may opt to regain their citizenship.

In conclusion, the membership of FLAAG salutes this committee, and in particular Congressman Mazzoli and Congressman Berman for their sensitivity in recognizing the need to avoid the pointless denial of citizenship to tens of thousands of your fellow Americans. We pledge to use our citizenship not as a mere personal asset, but as a means of contributing, each in our own way, to the ongoing well-being of the United States of America.

FIFTEEN DISTRICT OF COLUMBIA STUDENTS COMPETE AS FINALISTS FOR ACADEMIC AWARDS

HON. ELEANOR HOLMES NORTON

OF THE DISTRICT OF COLUMBIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 28, 1992

Ms. NORTON. Mr. Speaker, I want to salute the accomplishments of 15 gifted young District of Columbia women and men who are taking their place alongside students from every part of this country as finalists for the most prestigious awards granted to graduating high school seniors—the National Merit Scholars; the National Achievement Scholars Program for Outstanding Negro Students, and the National Hispanic Scholar Awards Program. In 1989, there were no finalists from the public schools of the District in any national scholarship program, but in only 2 years, through a concerted effort organized and directed by Dr. Eugene Williams through the Test Improvement Program, our numbers are competitive with many other cities. These winnng students surely indicate that academic excellence and scholastic achievement is alive and well in our public school system, and, indeed that there is much more there.

The tribute belongs, first and foremost to the winners, but their families, their teachers, advisors and mentors must also be considered co-winners. These awards are a tribute to the goals and expectations these young people have set for themselves, and that their families, teachers and others have set for them.

I am proud to present them and their outstanding achievements to you for the RECORD:

Rebecca Altes, National Merit: Along with her academic achievements, including membership on her school's "It's Academic" team, Rebecca is devoted to the technical aspects of theater and is active in the community theater group at Wilson High School. She has studied art at the Corcoran Gallery, and has volunteered at the Corcoran as an assistant teacher of an art class. She plans on majoring in English or history, and continuing her involvement in the theater.

Jeanette Brown, National Merit: Looking to a future in the Peace Corps, Jeanette's activities range from competitive swimming for Wilson High School to running a summer playgroup for 2-year-olds. She also works for a small publishing company, plays the piano, sews, and found time last summer to live with a family in Chile. According to Jeanette, she hopes to find a career that "lets me feel good about myself by letting me aid others."

Tamara L. Carrington, National Merit: Tamara, a student at Wilson, is a cellist who plays with a string quintet; a studnet of foreign cultures who has represented her school in a citywide program that sent cultural envoys to Senegal; a tutor of physically disabled students; and a vegetarian cook. She is most of all, an award-winning scholar and school leader who plans on studying the biological science with a goal of doing something for the "national or world community, especially for African-American people"

Brian Edmonson, National Achievement: A mathematician and student at Wilson High School who has been placed in accelerated classes since eighth grade, Brian is also on both the baseball and swimming teams. A competitive person, he loves swimming, he says, because when he wins he knows both that he has done his best and that "I have done better than the rest." He plans to be a mathematics teacher at a larger university, or perhaps be a mathematician who works from home.

Eric Elsworth, National Merit: A versatile student at Wilson, Eric says his aptitude lie with the sciences, but he is also a student of international studies, history and the social science. An outdoorsman and athlete, he is on his schools swimming and rowing teams, and works as a certified soccer referee for youth leagues. He claims he "aims high in school, and elsewhere" and hopes he can make a difference in the world.

Lawana Holland, National Achievement: A teaching assistant at a school for the mentally retarded, a model, captain of Wilson High's It's Academic team, and an award-winning designed, Lawana lists her interests as art, history, reading and writing. She exemplifies the well-rounded leader of the future, whatever her career choice.

Andrea Huttinger, National Hispanic Scholar: Having promised herself that she would take on the "incredible challenge of saving the world," through a career in environmental science and, involved in her Hispanic heritage, Andrea wants to combine these interests with her concern for the people of Central and South America. A photographer and student at Wilson, her interest is in discovering the lives of people through their expressions.

Anthony Jackson, National Achievement: Anthony has been preparing for his career in mechanical engineering since junior high school, and has continued his courses in a preengineering program at Wilson High School. An intern at the Department of Commerce, he is a member of the school band who plays the tuba, saxophone, french horn, guitar and piano.

Diedre Lee, National Achievement: Diedre is president of Banneker High School's senior class, and vice president of her National Honor Society chapter. She has been an exchange student in the Cote d'Ivoire, an active member of the Youth NAACP, and winner of numerous leadership awards. Diedre is also listed in "Who's Who in American High schools."

Kedeisha, Matthews, National Merit: Kedeisha, of Banneker High School, who plans to become a pediatrician, claims to be a person who wants to "avoid other people's definitions and limitations" of her, and "form my own view of what I am and will be." For now, that means active involvement as a peer counselor, participation in the national April 1992 Citizen Bee Program, and volunteering at a homeless shelter. In preparation for her future, she is also doing volunteer work at a hospital, and lists, as one of her hobbies, "like most teenagers, shopping."

William O'Hara, National Merit: William says he loves to learn and reads "anything I can get my hands on, from astronomy to zoology." A starter on the Banneker High School Chess Team, he is a neighborhood playground basketballer. William, who plans to be a physicist, attended the National Youth Science Camp, which, he says, "opened my eyes to the scientific world."

Sala Patterson, National Achievement: "Call me a dreamer, call me an idealist, and I'll say Thank you, you are absolutely correct," writes Sala, a 16-year-old senior who volunteers as a prejudice reduction workshop leader. Sala is a science tutor for younger students at her former elementary school because "giving back is just as important, if not more important, than getting." She is president of the Wilson H.S. National Honor Society chapter, and of a group that meets hunger and homeless needs. She plans to major in American studies and air history.

Michael Winter, National Achievement: Michael is looking to a career as an international lawyer and is preparing for it by focusing on international and multicultural courses at Wilson High School. A runner and tennis player, he is also a member of his school's volleyball club. He serves as a student representative to the PTA and leads workshops to help discourage racism and prejudice.

Andy Wong, National Merit: Andy cites Washington's multicultural population as a great advantage of living in Washington. He is baseball player and a community volunteer in his neighborhood. He has spent his summers at an engineering research institute and plans on a career in banking and finance.

A TRIBUTE TO CONVAL HIGH SCHOOL—WINNERS OF THE 1992 AMERICAN TOUR DE SOL

HON. DICK SWETT

OF NEW HAMPSHIRE

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 28, 1992

Mr. SWETT. Mr. Speaker, I rise today to ask my colleagues to join me in paying tribute to the students and faculty of Conval High School in Peterborough, NH. Of particular merit is a program initiated some 4 years ago which has spawned the development of a solar-powered automobile.

With a meager budget, limited resources and very little time available, Conval students and alumni reconstructed and refitted their solar car, the "Sol Survivor II." The objective was to compete in the 1991 "Tour De Sol"—a 300-mile course between Albany, NY, and Brookline, MA. Under the guidance of Dill Bigelow and Paul Watterman, a handful of students accepted the challenges of this race against almost overwhelming odds and faced competition from major colleges and universities that have vast financial and technical resources.

When it came time for the race, the team broke into squads, each with a specific task which was essential to the overall mission. One squad had to be awake before dawn each day in order to capture the early morning sunlight for the battery packs. Another squad, in charge of maintenance and repair, was faced with locating hard-to-find spare parts along the route. Then there was the driving squad, comprised of people who could steer the course while maintaining energy efficiency with the technical elements of the car. The squads made up the team * * * and, in this case, the winning team.

In spite of the fact that they were high school students pitted against some of the top colleges and universities in the country, limited funding and fewer resources on which to draw than the other teams, Sol Survivor II and Conval High School won the 1992 American Tour De Sol. The most remarkable aspect of this win is that their efficiency rating was 20-percent higher than any of their competition, proving that ingenuity and determination are the most essential elements in overcoming objectives.

Mr. Speaker, I congratulate Conval High School for the outstanding winning achievement of the Sol Survivor II team. And, even more importantly, I commend the team for accepting the challenge of this race and for facing such tremendous obstacles and conquering them. It is through the fostering of new technologies that this Nation will rise to meet the challenges of the future, and the attitudes of these Conval students are a great example of what America needs to remain a technological leader.

CUSHMAN SCHOOL RECOGNIZED FOR EDUCATIONAL VISION AND CONTRIBUTION TO HISTORY

HON. ILEANA ROS-LEHTINEN

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 28, 1992

Ms. ROS-LEHTINEN. Mr. Speaker, I would like to congratulate the Cushman School of Miami which has recently been selected for inclusion in an historical tour by the National Trust for Historic Preservation.

The Cushman School was founded in 1924 by Laura Cushman, an outstanding educator who began her nonprofit school when the city was forced to close kindergartens because of population growth and lack of funds. For 68 years, the Cushman School has provided quality education for young children, based on a dedication to character development and intellectual growth.

Dr. Joan Lutton, the current principal, has continued this tradition of excellence. With Ms. Cheryl Rogers, the assistant principal, and Ms. Marsha Beisel, director of the preschool, Dr. Lutton supervises a faculty and staff of 36. Together, they teach 302 students from 32 countries the subjects of hands-on science, computer programming, and Spanish, as well as the usual required curriculum.

The school's board of trustees, chaired by Paul Buhler, carries on the tradition of excellence established by Laura Cushman nearly 70 years ago. Mr. Buhler is assisted in guiding and supporting the school by his deputy, Ron Silber, Board Secretary Grace Humbertson, Treasurer James Moore, Counsel Amy Lehman, and members Robert Baron, Dr. Loretta Ciraldo, Franklin Cushman, grandson of the founder, Beth Dunlop, Sallie Grable, Dr. Barth Green, Linda Meyers, Leah Sims, Ann Stobs, Thomas Tew, and Michael Whalen. Under the supervision of the board of trustees, and with the support of the Cushman School Parents Association and its president, Ms. Anita Grossman, Cushman School is building its first addition in 47 years.

The vision of this school and its founder were described in a recent article in the Miami Herald, which I am submitting for inclusion in the RECORD:

> There are many public schools of historical importance scattered throughout Dade County, but no private school is older than the Cushman School, 592 NE 60th St. in Miami. Founded by a visionary educator in 1924, the nonprofit school continues to provide quality education for children from the ages 3 to 11.
>
> Laura Cushman was born in Iowa in 1887 and moved to Miami with her family in 1913 to teach at Coconut Grove Elementary School. After one year, she decided to further her education and went back to college in Boston.
>
> Upon returning to Miami in 1916, Cushman began teaching kindergarten at Riverside Elementary and organized a school to train other teachers. In 1923, the school board was forced to close the kindergartens due to lack of funds (mostly caused by the sudden increase of population at the time), but Cushman continued to teach from the front porch of her parents' home.
>
> A year later, Cushman opened the Cushman School at 337 NE 38th St. in Miami. The school, made up of three simple bungalows, was well received due to her growing reputation as a quality educator. In 1926, the construction of Biscayne Boulevard, which cut right through the Cushman School campus, forced her to relocate.
>
> Architect Russell Skipton, working from a plan by Cushman, designed the new two-story, V-shaped building. Although the building's exterior is plain, the courtyard formed by the inside of the "V" features examples of Mediterranean-style architecture. The school's bell, donated to Cushman by the Deering family, was used to call in the workers that built the Vizcaya estate. Originally built without windows (just screens) to benefit from the cool bay breezes, the windows used today came from the now demolished Royal Palm Hotel.
>
> Cushman, who served as the school's principal until 1974, died in 1986 at age 99. Part of the reason the school remains so highly regarded is her teaching philosophy, which remains in effect today. "Our first aim is that all teachers and pupils in our school should preserve a happy attitude," Cushman said. "We believe that a well child whose environment is conducive to character development and intellectual growth is a happy child."
>
> Today, 302 students representing 32 nationalities attend Cushman School, served by a faculty and staff of 36. Computer program-

ming, hands-on science, physical education and Spanish classes are part of the current curriculum. The school will be part of the National Trust for Historic Preservation Tour in October. The first addition to the school in 47 years, a one-story, two-classroom complex, is under construction.

Sources: Barbara Skigen, director of public affairs and development for Cushman School; City of Miami Designation Report; Miami Herald library.

Mr. Speaker, I commend the Cushman School Board of Trustees, the Parents Association, and especially Dr. Lutton and her faculty and staff for producing one of the success stories in American education.

THE 100TH HAPPY BIRTHDAY CLARA LOUISE CAPE

HON. J.J. PICKLE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 28, 1992

Mr. PICKLE. Mr. Speaker, recently Mrs. Ed Cape celebrated her 100th birthday in San Marcos, TX. She comes from one of the pioneer families of Hays County. Together with her husband, Ed Cape, they have been an active part of almost every civic development that took place in Hays County for nearly 100 years.

We have no more prominent citizen or one whose family has meant so much to this area. It was Mr. Ed Cape who gave leadership necessary to establish the Guadalupe Blanco River Authority. And, Ed Cape and Mrs. Cape were close confidants of former President Lyndon Johnson. Whenever Lyndon Johnson was in San Marcos, he made his home at the Cape residence. Today, Bob Thornton and his wife, Mary Louise (Cape) Thornton, are carrying out the splendid tradition of this grand family.

Mr. Speaker, I include this writeup of Mrs. Cape for the CONGRESSIONAL RECORD.

[From the San Marcos (TX) Daily Record, Mar. 25, 1992]

LOCAL HISTORIAN CELEBRATES 100TH BIRTHDAY

(By Kim Bradley)

Today marks the 100th birthday of Clara Louise Cape, highly regarded by her friends and family for her devotion as a wife, mother, grandmother, and great-grandmother and friend to all who surround her.

Mrs. Cape will be honored today at Hillside Nursing Home with a special party.

In her 80s, Mrs. Cape was still writing history and encouraging every young person she saw to move ahead, family friend Alice Morgan said. "Do it now. Don't wait until tomorrow, it might get away from you," she is remembered as saying.

Mrs. Cape has left an indelible mark on those who know her, Morgan said. Her longevity has been a blessing to those around here.

She has always been known by many as "Mrs. Eddie," a name that even Lyndon Baines Johnson, a long-time family friend, called her. Her husband, Edward Matthew Cape, now deceased, was known as "Mr. Eddie."

Mrs. Cape's image and that of her family plays a prominent role in the make-up of not only the city of San Marcos, but also Hays County.

A scholarship in the name of her husband, Ed Cape, has been established at Southwest Texas State University. The scholarship was developed with a view towards encouraging its recipient towards attainment of higher education.

Mrs. Cape has been honored many times throughout her life. She received a Certificate of Merit for Outstanding Civic Achievement from the San Marcos Bicentennial Commission, now known as the Heritage Association of San Marcos.

Mrs. Cape was appointed to the original commission by Mayor Luciano Flores. She was an original charter member of the Hays County Historical and Genealogical Society, and contributed to its Quarterly.

She has an empathy for other historians and has contributed generously from her extensive personal research into the background of San Marcos and Hays County, always ready to help in any way she can.

She continues to keep up her research and coordination of the records she has accumulated through the years, which will be a wealth of information for the new historical archives.

Mrs. Cape is a member of the Captain Thomas Moore Chapter of the Daughters of the American Revolution and the Bicentennial Commission, the forerunner of the Heritage Association of San Marcos.

Mrs. Cape's influence on San Marcos has been great. She has an interest in genealogy, having completed five books on family history.

The author of the books, "A Century with Old St. Mark's Church, San Marcos," and "Llewellyn Jones, (1760–1820) Ancestors and Descendants (1674–1974). Cape has always been proud of her family's heritage.

Mrs. Cape placed a Revolutionary marker on the grave of her great-great grandfather, Captain Louis Llewellyn Jones, who fought with George Washington at Valley Forge.

She has one daughter, Mary Louise Cape Thornton; two grandsons, Col. Robert Edward Thornton and Russell Cape Thornton; and three grandchildren, Stacy Ann, Kendall Louise, and George Thornton.

Mrs. Cape was born in Huntsville, Alabama. Her father, Kibble Johnson Harrison, was a farmer there, and her family moved to San Marcos when she was 15. She has been a life-long Episcopalian, baptized and confirmed in the Church of Nativity in Huntsville, Alabama.

Her father became a salesman, and she graduated from East End School in 1908. She studied Expression at the Coronal Institute and taught school for one year in Lockhart, where she and Ed Cape were married in 1913.

The story of their marriage is romantic. The big flood of 1913 forced Plum Creek, Purgatory Creek, and the San Marcos and Blanco Rivers out of their banks, washing away bridges, roads, and railroads. Mr. Cape went to Lockhart on a work train to help repair the railroad tracks so the train could get through.

The train reached Lockhart early in the morning, and Mr. Cape went to the courthouse and secured a marriage license. He walked to the boarding house where Clara Louise was living, and they were married in the Methodist Church.

Mrs. Cape was a strong supporter of her husband's activities. Her husband set up a law practice in San Marcos in 1913, becoming President of State Bank and Trust Company upon the death of Will Barber.

In 1947, a ten-year drought devastated the area. Mr. Cape began an effort to dam the Guadalupe and Blanco rivers to conserve water. General Omar Bradley wrote of Cape: "Our democracy is like a tall stand of timber. We cannot cut from it more than we plant in it without endangering its survival. And forests, like gardens, cannot be bought. They must be cultivated well with toil and nourished with the sweat of those that would keep them. Ed Cape has toiled hard and cultivated well on the behalf of his community, his river valley, and his state. Few men live, who are fortunate enough to bring about achievements that time can never erase. Ed Cape has."

As Mrs. Cape reflects on her long and wonderful life, she is sure to count her blessings today, when she celebrates her 100th birthday, surrounded by family and friends.

And as she reflects on a century of life, the wisdom she imparts will continue to ring true. Her encouragement and advice for young people is, as it has been for so many years, "Do it now, don't wait until tomorrow, it might get away from you!"

Happy birthday, Mrs. Cape.

TRIBUTE TO ROBERT SUTTON WATT

HON. VIC FAZIO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 28, 1992

Mr. FAZIO. Mr. Speaker, I rise today to honor my constituent, Robert Sutton Watt, who retires on June 30 of this year as superintendent for the Woodland Joint Unified School District in Woodland, CA.

Bob joined the Woodland Joint Unified School District as superintendent in 1982 after having worked 4 years as superintendent for the River Delta Unified School District. Bob's career in the education profession began in 1955 as a teacher at Jefferson High School. He joined Jefferson after receiving his bachelor of arts and general secondary credential from San Francisco State College. Bob continued to teach at Jefferson while he earned his master of arts, also from San Francisco State College. In addition, Bob's credentials include a life diploma, elementary and secondary grades; a life diploma, secondary school administration; and a life diploma, general administration.

As he completed his post graduate education, Bob's career progressed. During 1960 and 1961, Bob was the Summer School principal for the Jefferson Union High School District. In 1961, he was named the dean of boys at Terra Nova High School. From 1962 to 1966, Bob worked as the assistant principal for Oceana High School, and in 1966 Oceana High selected Bob to become their principal. While fulfilling his new responsibilities as Oceana's principal, Bob received his doctorate in education from the University of California, Berkeley. In 1972, Dr. Watt returned to the Jefferson Union High School District to become the assistant superintendent, business-operations.

Bob's long and successful career in education was enhanced by his participation in a number of professional and community organizations. From 1986 to 1989, Bob was the commissioner for the Western Association of Schools and Colleges. He became the commission chairperson for this organization in

1990 and continues to hold this office in 1992. He is a member of Capitol Center Mathematics, Engineering, Science, Achievement [MESA] and has served as both co-chairperson and co-vice chairperson. He is a board member of the Woodland Health Care, Woodland Chamber of Commerce, Woodland United Way, and the Woodland Chapter of the American Heart Association. In addition, Bob has held elected offices for the Rotary Club in several cities, including Woodland, Rio Vista, and Pacifica. At his church, Woodland Presbyterian Church, he is serving as an elected member of session.

Dr. Watt's distinguished career has been acknowledged by the communities he served. Bob received the 1991–92 Golden Apple for Outstanding Administrator from the Yolo County School Boards Association as well as the 1990 Superintendent's Award for Distinguished Service to Vocational Education from the Association of California School Administrators.

In addition to his service to education and his community, Bob is a husband, father, and grandfather. Bob and his wife Darlyn have four children: Cindy Zuidema, Linda Watt, Michael Watt, and Susan Dawley; and three grandchildren: Brian, Wesley, and Hannah.

I am honored to have the opportunity to recognize Bob's outstanding career in the education profession. I join my colleagues today in wishing Bob and his family a happy and fulfilling retirement.

WHAT THE VICE PRESIDENT REALLY SAID

HON. ROBERT H. MICHEL

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 28, 1992

Mr. MICHEL. Mr. Speaker, much ado has been made about Vice President DAN QUAYLE's remark concerning the television character, Murphy Brown. The media, in their rush to defend a fictional colleague, neglected to inspect the Vice President's deeper message.

Just once, I would like the media to look beyond the sound bites and delve into the real issues. The President's urban strategy includes full funding for the Home-ownership and Opportunity for People Everywhere Program, enterprise zones to create jobs in the most hard-pressed urban areas, an education strategy—America 2000—that will vastly improve education, and comprehensive welfare reform.

These were all facts mentioned in the Vice President's speech, little of which was reported by the media. I would like to submit for the RECORD the entirety of Mr. QUAYLE's speech so the American people can see what they missed:

REMARKS OF VICE PRESIDENT DAN QUAYLE

As you may know, I've just returned from a week-long trip to Japan. I was there to commemorate the 20th anniversary of the reversion of Okinawa to Japan by the United States, an act that has made a lasting impression on the Japanese.

While I was there, Japan announced its commitment to join with the United States in assisting Eastern and Central Europe with a 400 million dollar aid package. We also announced a manufacturing technology initiative that will allow American engineers to gain experience working in Japanese businesses.

Japan and the United States are allies and partners. Though we have our differences, especially in the area of trade, our two countries—with 40 percent of the world's GNP—are committed to a global partnership in behalf of peace and economic growth.

But in the midst of all of these discussions of international affairs, I was asked many times in Japan about the recent events in Los Angeles. From the perspective of many Japanese, the ethnic diversity of our culture is a weakness compared to their homogenous society. I begged to differ with my hosts. I explained that our diversity is our strength. And I explained that the immigrants who come to our shores have made, and continue to make, vast contributions to our culture and our economy.

It is wrong to imply that the Los Angeles riots were an inevitable outcome of our diversified society. But the question that I tried to answer in Japan is one that needs answering here: What happened? Why? And how do we prevent it in the future?

One response has been predictable: Instead of denouncing wrongdoing, some have shown tolerance for rioters; some have enjoyed saying "I told you so;" and some have simply made excuses for what happened. All of this has been accompanied by pleas for more money.

I'll readily accept that we need to understand what happened. But I reject the idea we should tolerate or excuse it.

When I have been asked during these last weeks who caused the riots and the killing in L.A., my answer has been direct and simple: Who is to blame for the riots? The rioters are to blame. Who is to blame for the killings? The killers are to blame. Yes, I can understand how people were shocked and outraged by the verdict in the Rodney King trial. But there is simply no excuse for the mayhem that followed. To apologize or in any way to excuse what happened is wrong. It is a betrayal of all those people equally outraged and equally disadvantaged who did not loot and did not riot—and who were in many cases victims of the rioters. No matter how much you may disagree with the verdict, the riots were wrong. And if we as a society don't condemn what is wrong, how can we teach our children what is right?

But after condemning the riots, we do need to try to understand the underlying situation.

In a nutshell: I believe the lawless social anarchy which we saw is directly related to the breakdown of family structure, personal responsibility and social order in too many areas of our society. For the poor the situation is compounded by a welfare ethos that impedes individual efforts to move ahead in society, and hampers their ability to take advantage of the opportunities America offers.

If we don't succeed in addressing these fundamental problems, and in restoring basic values, any attempt to fix what's broken will fail. But one reason I believe we won't fail is that we have come so far in the last 25 years.

There is no question that this country has had a terrible problem with race and racism. The evil of slavery has left a long legacy. But we have faced racism squarely, and we have made progress in the past quarter century. The landmark civil rights bills of the 1960's removed legal barriers to allow full participation by blacks in the economic, social and political life of the nation. By any measure the America of 1992 is more egalitarian, more integrated, and offers more opportunities to black Americans—and all other minority group members—than the America of 1964. There is more to be done. But I think that all of us can be proud of our progress.

And let's be specific about one aspect of this progress: This country now has a black middle class that barely existed a quarter century ago. Since 1967 the median income of black two parent families has risen by 60 percent in real terms. The number of black college graduates has skyrocketed. Black men and women have achieved real political power—black mayors head 48 of our largest cities, including Los Angeles. These are achievements.

But as we all know, there is another side to that bright landscape. During this period of progress, we have also developed a culture of poverty—some call it an underclass—that is far more violent and harder to escape than it was a generation ago.

The poor you always have with you, Scripture tells us. And in America we have always had poor people. But in this dynamic, prosperous nation, poverty has traditionally been a stage through which people pass on their way to joining the great middle class. And if one generation didn't get very far up the ladder—their ambitious, better-educated children would.

But the underclass seems to be a new phenomenon. It is a group whose members are dependent on welfare for very long stretches, and whose men are often drawn into lives of crime. There is far too little upward mobility, because the underclass is disconnected from the rules of American society. And these problems have, unfortunately, been particularly acute for Black Americans.

Let me share with you a few statistics on the difference between black poverty in particular in the 1960's and now.

In 1967 68% of black families were headed by married couples. In 1991, only 48% of black families were headed by both a husband and wife.

In 1965 the illegitimacy rate among black families was 28%. In 1989, 65%—two thirds—of all black children were born to never-married mothers.

In 1951 9.2% of black youth between 16–19 were unemployed. In 1965, it was 23%. In 1980 it was 35%. By 1989, the number had declined slightly, but was still 32%.

The leading cause of death of young black males today is homicide.

It would be overly simplistic to blame this social breakdown on the programs of the Great Society alone. It would be absolutely wrong to blame it on the growth and success most Americans enjoyed during the 1980's. Rather, we are in large measure reaping the whirlwind of decades of changes in social mores.

I was born in 1947, so I'm considered one of those "Baby Boomers" we keep reading about. But let's look at one unfortunate legacy of the "Boomer" generation. When we were young, it was fashionable to declare war against traditional values. Indulgence and self-gratification seemed to have no consequences. Many of our generation glamorized casual sex and drug use, evaded responsibility and trashed authority. Today the "Boomers" are middle-aged and middle class. The responsibility of having families has helped many recover traditional values. And, of course, the great majority of those in the middle class survived the turbulent legacy of the 60's and 70's. But many of the poor, with less to fall back on, did not.

The intergenerational poverty that troubles us so much today is predominantly a poverty of values. Our inner cities are filled with children having children; with people who have not been able to take advantage of educational opportunities; with people who are dependent on drugs or the narcotic of welfare. To be sure, many people in the ghettos struggle very hard against these tides—and sometimes win. But too many feel they have no hope and nothing to lose. This poverty is, again, fundamentally a poverty of values.

Unless we change the basic rules of society in our inner cities, we cannot expect anything else to change. We will simply get more of what we saw weeks ago. New thinking, new ideas, new strategies are needed.

For the government, transforming underclass culture means that our policies and programs must create a different incentive system. Our policies must be premised on, and must reinforce, values such as: family, hard work, integrity and personal responsibility.

I think we can all agree that government's first obligation is to maintain order. We are a nation of laws, not looting. It has become clear that the riots were fueled by the vicious gangs that terrorize the inner cities. We are committed to breaking those gangs and restoring law and order. As James Q. Wilson has written, "Programs of economic restructuring will not work so long as gangs control the streets."

Some people say "law and order" are code words. Well, they are code words. Code words for safety, getting control of the streets, and freedom from fear. And let's not forget that, in 1990, 84 percent of the crimes committed by blacks were committed against blacks.

We are for law and order. If a single mother raising her children in the ghetto has to worry about drive-by shootings, drug deals, or whether her children will join gangs and die violently, her difficult task becomes impossible. We're for law and order because we can't expect children to learn in dangerous schools. We're for law and order because if property isn't protected, who will build businesses?

As one step on behalf of law and order—and on behalf of opportunity as well—the President has initiated the "Weed and Seed" program—to "weed out" criminals and "seed" neighborhoods with programs that address root causes of crime. And we have encouraged community-based policing, which gets the police on the street so they interact with citizens.

Safety is absolutely necessary. But it's not sufficient. Our urban strategy is to empower the poor by giving them control over their lives. To do that, our urban agenda includes:

Fully funding the Home-ownership and Opportunity for People Everywhere program. HOPE—as we call it—will help public housing residents become home-owners. Subsidized housing all too often merely made rich investors richer. Home ownership will give the poor a stake in their neighborhoods, and a chance to build equity.

Creating enterprise zones by slashing taxes in targeted areas, including a zero capital gains tax, to spur entrepreneurship, economic development, and job creation in inner cities.

Instituting our education strategy, AMERICA 2000, to raise academic standards and to give the poor the same choices about how and where to educate their children that rich people have.

Promoting welfare reform to remove the penalties for marriage, create incentives for saving, and give communities greater control over how the programs are administered.

These programs are empowerment programs. They are based on the same principles as the Job Training Partnership Act, which aimed to help disadvantaged young people and dislocated workers to develop their skills to give them an opportunity to get ahead. Empowering the poor will strengthen families. And right now, the failure of our families is hurting America deeply. When families fail, society fails. The anarchy and lack of structure in our inner cities are testament to how quickly civilization falls apart when the family foundation cracks. Children need love and discipline. They need mothers and fathers. A welfare check is not a husband. The state is not a father. It is from parents that children learn how to behave in society; it is from parents above all that children come to understand values and themselves as men and women, mothers and fathers.

And for those concerned about children growing up in poverty, we should know this: marriage is probably the best anti-poverty program of all. Among families headed by married couples today, there is a poverty rate of 5.7 percent. But 33.4 percent of families headed by a single mother are in poverty today.

Nature abhors a vacuum. Where there are no mature, responsible men around to teach boys how to be good men, gangs serve in their place. In fact, gangs have become a surrogate family for much of a generation of inner-city boys. I recently visited with some former gang members in Albuquerque, New Mexico. In a private meeting, they told me why they had joined gangs. These teenage boys said that gangs gave them a sense of security. They made them feel wanted, and useful. They got support from their friends. And, they said, "It was like having a family." "Like family"—unfortunately, that says it all.

The system perpetuates itself as these young men father children whom they have no intention of caring for, by women whose welfare checks support them. Teenage girls, mired in the same hopelessness, lack sufficient motive to say no to this trap.

Answers to our problems won't be easy.

We can start by dismantling a welfare system that encourages dependency and subsidizes broken families. We can attach conditions—such as school attendance, or work—to welfare. We can limit the time a recipient gets benefits. We can stop penalizing marriage for welfare mothers. We can enforce child support payments.

Ultimately, however, marriage is a moral issue that requires cultural consensus, and the use of social sanctions. Bearing babies irresponsibly is, simply, wrong. Failing to support children one has fathered is wrong. We must be unequivocal about this.

It doesn't help matters when prime time TV has Murphy Brown—a character who supposedly epitomizes today's intelligent, highly paid, professional woman—mocking the importance of fathers, by bearing a child alone, and calling it just another "lifestyle choice."

I know it is not fashionable to talk about moral values, but we need to do it. Even though our cultural leaders in Hollywood, network TV, the national newspapers routinely jeer at them, I think that most of us in this room know that some things are good, and other things are wrong. Now it's time to make the discussion public.

It's time to talk again about family, hard work, integrity and personal responsibility. We cannot be embarrassed out of our belief that two parents, married to each other, are better in most cases for children than one. That honest work is better than hand-outs—or crime. That we are our brothers' keepers. That it's worth making an effort, even when the rewards aren't immediate.

So I think the time has come to renew our public commitment to our Judeo-Christian values—in our churches and synagogues, our civic organizations and our schools. We are, as our children recite each morning, "one nation under God." That's a useful framework for acknowledging a duty and an authority higher than our own pleasures and personal ambitions.

If we lived more thoroughly by these values, we would live in a better society. For the poor, renewing these values will give people the strength to help themselves by acquiring the tools to achieve self-sufficiency, a good education, job training, and property. Then they will move from permanent dependence to dignified independence.

Shelby Steele, in his great book, "The Content of Our Character," writes, "Personal responsibility is the brick and mortar of power. The responsible person knows that the quality of his life is something that he will have to make inside the limits of his fate . . . The quality of his life will pretty much reflect his efforts."

I believe that the Bush Administration's empowerment agenda will help the poor gain that power, by creating opportunity, and letting people make the choices that free citizens must make.

Though our hearts have been pained by the events in Los Angeles, we should take this tragedy as an opportunity for self-examination and progress. So let the national debate roar on. I, for one, will join it. The president will lead it. The American people will participate in it. And as a result, we will become an even stronger nation.

TRIBUTE TO BRANDY WHITAKER

HON. PETE PETERSON

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 28, 1992

Mr. PETERSON of Florida. Mr. Speaker, I rise today to call attention to the unbelievable heroism of a truly remarkable young lady. Ten-year-old Brandy Whitaker, of Marianna, FL, who is partially paralyzed with cerebral palsy, risked her own life in attempting to rescue two complete strangers at the Florida Caverns State Park.

While enjoying the day at the park, the Riverside Elementary School student jumped into the water when she realized that two people were drowning. Within a short time, Brandy, despite her physical handicaps, had managed to help rescue a mother and daughter.

Brandy Whitaker has proven herself to be a credit to her family and the community. Her courageous actions will be remembered as an inspiration to us all.

I ask that the following article by Anne Spencer, which appeared in the Jackson County Floridan on Sunday, May 24, 1992, be submitted in the CONGRESSIONAL RECORD.

[From the Jackson County Floridan, May 24, 1992]

DARING RESCUE ATTEMPT: MARIANNA GIRL JUMPS INTO POND, PULLS 2 ABOVE WATER

(By Anne Spencer)

A 10-year-old Marianna girl with cerebral palsy rescued a drowning child and her mother Saturday at the Florida Caverns State Park swimming area, but the mother later died at Jackson Hospital.

Cindy Warren, 32, of Chattahoochee, died Saturday afternoon, a hospital spokeswoman said.

The spokeswoman would not comment on the cause of death, but nurse Benita Cooley who performed cardiopulmonary resuscitation on Warren speculated it could have been cardiac arrest.

Park officials referred all media inquiries to state park headquarters in Tallahassee, which was closed for the Memorial Day weekend.

However, Brandy's mother, Karen Whitaker, and Cooley told the Floridan that Brandy Whitaker, a Riverside Elementary School student, who has cerebral palsy and another disease that left her partially paralyzed, jumped into the swimming area and rescued the child and mother.

They said Brandy was on the park's dock when she saw a girl, about 8, jump in the water and come up, only to go under again and not emerge.

Brandy then saw Warren jump in to help the child, but Warren stayed under as well.

Cooley said the girl panicked and latched onto Warren.

Brandy dove in and got the girl's head above water. With the girl resting on her hip, Brandy reached down and pulled Warren by the hair until her head was out of the water.

Brandy began screaming and a man jumped into the pond, took Warren in his arms and pulled her to shore.

Cooley, who was with the Whitakers, started CPR, and Jackson County Fire-Rescue and park rangers were called.

The mother was under the water two minutes and had just eaten. "it could have been she was so scared," Cooley said.

"I did CPR and the Heimlich and she threw up and had very little water in her lungs."

"Brandy was kind of really upset," Whitaker said, "She was crying over people she had never met. She was blaming herself when she saw the woman not responding to the medical attention."

"We tried to explain to her she did a heroic, fantastic job, and there was nothing more she could have done. Especially with her condition, we were extremely proud," Whitaker said.

ENVIRONMENTAL INFRASTRUCTURE ASSISTANCE ACT

HON. NICK JOE RAHALL II

OF WEST VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 28, 1992

Mr. RAHALL. Mr. Speaker, today, I have introduced legislation which will assist the small communities of this Nation in meeting the environmental regulations which this Congress and the administration continue to impose upon them. It is my intention that this bill will finally focus on the financial burden placed on small communities by endless heaping on of environmental regulations.

Most small towns missed out on the grants offered until 1991 under Title II of the Clean Water Act for construction of wastewater treatment facilities, because these grants were focused on the largest cities which were also the largest polluters. Many of these small towns are also unable to take advantage of loans available through the State Revolving Fund program which has replaced the grant program because they are not financially able to pay interest on a loan, let alone repay the principal. Furthermore, there is little assistance available to communities for the construction of public water systems.

The Environmental Infrastructure Assistance Act which I have introduced takes steps to assist economically distressed areas to build environmental infrastructure facilities which they desperately need. This bill authorizes the U.S. Army Corps of Engineers to assist eligible local governments in the planning, design and construction of wastewater treatment works, public water systems or solid waste management facilities. The local share of such projects would be 10 percent of the project cost, which could include provision of necessary lands, easements and right of way.

In order to be eligible, communities would have a population of 25,000 or less, and would be classified as a labor surplus area by the U.S. Department of Labor or would have a per capita income that is less than or equal to 70 percent of the national average per capita income as determined by the most recent census.

The Environmental Infrastructure Assistance Act would authorize $500 million per year for the Corps of Engineers to carry out activities under this act. While this may seem like a large amount, it is minuscule when compared with the documented need for environmental infrastructure facilities. The EPA 1991 Needs Survey for Wastewater Treatment Systems has reported that current need for these facilities alone is $138 billion. As Safe Drinking Water Act and Resource Conservation and Recovery Act regulations continue to be imposed, the need will only increase.

Furthermore, I feel that the Corps of Engineers is the correct entity to carry out these activities. The Corps has experience in the construction of environmental facilities. They were an integral part of the on the ground management of construction projects under the title II construction grant program. I feel this new program is a natural extension of the mission of the Corps of Engineers.

This program will be in addition to others, such as the FmHA Water and Water Disposal loan and grant program which is currently in effect, or the Rural Community Environmental Assistance Act which I will be introducing shortly.

It is high time that the needs of small communities be considered. We have gone on long enough piling regulation after regulation on small, rural towns while providing no financial or technical assistance for these regulations to be met. It is my hope that my colleagues will also recognize this need and join me in cosponsoring this measure.

NATIONAL AVIATION EDUCATION WEEK

HON. JAMES L. OBERSTAR

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 28, 1992

Mr. OBERSTAR. Mr. Speaker, today I introduce a joint resolution to declare the week of October 4 through October 10, 1992, as National Aviation Education Week.

The purpose of this resolution is to encourage schools—at all levels and in all parts of the country—to focus on aviation and its contribution to our society, and to encourage students to consider career opportunities in this exciting field. Pilots, engineers, flight attendants, technicians, radio and radar operators, air traffic controllers and airport managers are just a few examples of the hundreds of careers in the aviation industry. This resolution also encourages educators to use aviation as a tool to promote learning in a wide range of subject areas.

This House recognizes the importance of aviation in our society. This is apparent by our overwhelming vote just last week to reauthorize $20 billion for Federal aviation programs for the next 2 years.

Indeed, Mr. Speaker, the aviation industry makes important contributions to the national economy and our way of life. These contributions are made by passenger, cargo, and general aviation groups as well as manufacturers of aircraft, aircraft parts, and avionics. In May 1992, our trade deficit was at its lowest level in 8 years, thanks, in large part, to aviation exports. The FAA and the commercial and general aviation industry groups project a steady growth in the aviation industry beyond the year 2000.

As a result of this projected growth, industry experts project a shortage of pilots, engineers, technicians, and other skilled workers. Also, women and minorities have, in the past, been underrepresented in technical fields such as aviation. We must find ways to continue the growth of the aviation industry as a whole and to include greater numbers of women and minorities in this industry, because they are a valuable resource that must not be neglected.

Mr. Speaker, the future contribution of aviation to the United States is dependent on an informed and educated public. Again, let me say that I believe it is important that schools at all levels, nationwide, actively pursue the advancement of education through aviation. Mr. Speaker, several of my colleagues and I support the use of aviation material, theories, and principles to excite today's youth in their learning. Be it in reading, art, math, science, history or whatever the subject matter, aviation can be a valuable tool for helping educators turn youth on to education.

Mr. Speaker, I urge my colleagues to cosponsor this resolution to declare October 4 through 10, 1992, as National Aviation Education Week.

HARRY DELLAS: COACH OF A LIFETIME

HON. ILEANA ROS-LEHTINEN

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 28, 1992

Ms. ROS-LEHTINEN. Mr. Speaker, at Southwest Miami High School in west Dade County, where I went to high school, there is a coach who is setting an example for educators across this Nation. Coach Harry Dellas is making a difference for young men in west Dade County.

Coach Dellas, who was a collegiate soccer star at Heidelberg College in Ohio, has persuaded his alma matter to enroll five young soccer players from Southwest and Braddock High Schools. He arranged for Heidelberg to help these young men set up Federal aid to cover their tuition costs. These five young men, Alejandro, Alberto, and Adolfo Carriles, Juan Carlos Garcia, and Thomas Hernandez, never dreamed they would get a chance to attend a 4-year college.

The Carriles brothers came to this country on a raft from Cuba 12 years ago and only dared to hope that they could attend a junior college. Thomas Hernandez and Juan Garcia who immigrated from Nicaragua as small children now have the opportunity to try for their dreams of becoming a lawyer and a doctor.

The Miami Herald published an article about this remarkable coach and his assistance to these men, which I ask to include in the RECORD:

CHANCE OF A LIFETIME

(By Todd Hartman)

Five West Dade athletes who never dreamed they would get a shot at a four-year college or play collegiate soccer are likely going to do both—and all at the same place—thanks to a persuasive coach.

The coach, Harry Dellas of Southwest High, persuaded Heidelberg College in Ohio, a private school of 1,200 students, to bring the five in to play soccer and to help set up federal aid to cover tuition costs.

The athletes say it's remarkable.

"It's a new life for me, my future," said Alejandro Carriles. "Before this I was thinking Miami-Dade, and I never thought about playing soccer after high school."

Alejandro, 19, is one of three Carriles brothers—his twin Alberto and Adolfo, 17,—who are benefiting from the deal. The two other athletes are Juan Carlos Garcia and Thomas Hernandez. All but Adolfo Cariles attend Southwest High; Adolfo goes to Braddock.

Dellas, an alumnus and former soccer star at Heidelberg, said he "had to do a lot of talking" to get the students admitted because of their average grades. "I called the coach, called the admissions director, the athletic director. The coach has taken my word on these kids."

Brian Haley, the coach at Heidelberg, said he welcomes the players, who he hopes will bring some flair to the sport. "These kids have a passion for the game," Haley said. "When Harry told me about them, I was pretty excited."

The story is a wonderful one for the players, all of whom left their home countries years ago with their families, seeking a better life in the United States. The Carriles brothers left Cuba on a raft 12 years ago, and Hernandez and Garcia both came to Miami from Nicaragua as children.

"Everything just feels great," said Hernandez, who said he wants to get a degree at Heidelberg, then return to Miami to study law. "I was planning to go to college, but my options were pretty limited."

Garcia, who still must score well enough on an SAT test before official acceptance, said he wants to study medicine. "I'm excited," he said. "This is the only chance I've had. I've got to take advantage of it.

Hernandez, 20, and Garcia, 19, were especially thankful to Dellas, who lobbied for them, though neither played on Southwest's team this season (both missed the age cutoff). "If it wasn't for him, I'd be at Miami-Dade," Garcia said.

Haley echoed the sentiment: "If someone like Harry Dellas wasn't pushing these kids, then Brian Haley wouldn't know about them."

The only unanimous concern among the fivesome was cold weather. All five are loading up on jackets and long underwear and preparing to practice in sweats for the first time in their lives. "They'll probably freeze on me," Haley said.

Mr. Speaker, this country needs more educators like Coach Harry Dellas who puts out maximum effort to give hope to the young men of his community.

TRIBUTE TO THE JOSEPH RODMAN DRAKE SCHOOL

HON. JOSÉ E. SERRANO

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 28, 1992

Mr. SERRANO. Mr. Speaker, I rise today to pay very special tribute to an institution that has prepared thousands of Bronx youths for the challenges of the future for three-quarters of a century: the Joseph Rodman Drake School, P.S. 48. On Friday, May 29, 1992, P.S. 48 will celebrate its 75th year of providing outstanding educational service to the Bronx community.

The Joseph Rodman Drake School is housed in a unique five-story light brick and limestone building rendered in the collegiate gothic style. Its external walls display stone tracery, shields, open books, bas relief heads of children, and gargoyles that stand sentry over the east and west wings. The building was designed by C.B.J. Snyder, superintendent of school buildings for the New York City Board of Education from 1893 to 1923, who is considered the dean of New York City's early school architects.

Since its inauguration in 1917, P.S. 48 has provided students from a great variety of cultural backgrounds with an encouraging atmosphere in which to learn and develop. It has achieved this through the commitment of a dedicated and competent staff that strives to motivate the students and interact closely with them. Moreover, the students' parents have always been integral members of the school community, playing an active role in the school's daily operation and acting as a supportive body.

In the difficult task of educating our youth, the Joseph Rodman Drake School has succeeded in furnishing students with the basic educational tools necessary to confront the challenges life sets before them and set out on the path to achieving their goals. Throughout its many years of existence, P.S. 48 has been a great source of pride and joy to its community.

Today, on behalf of the people of the south Bronx, I would like to salute the Joseph Rodman Drake School and express my deep appreciation for the invaluable educational service it has provided us all for the past 75 years.

TRIBUTE TO JUDGE LEONARD P. EDWARDS

HON. NORMAN Y. MINETA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 28, 1992

Mr. MINETA. Mr. Speaker, there is no issue that we face today more important than those issues involving the education and the welfare of our children. There is not a Member of Congress who, regardless of party, regardless of philosophy, who does not recognize that one of our main objectives—the definition of the American dream—is to pass on a better country to our children.

Mr. Speaker, our children's welfare is the future of our country. Our children's welfare concerns us not only because we are legislators, but because we are parents, grandparents, or because as adults we are charged with caring for our children.

That is why I am particularly proud that Judge Leonard P. Edwards, the presiding judge of Santa Clara County, CA, has been named the Juvenile Court Judge of the Year by the National Court Appointed Special Advocates Association.

In Santa Clara County, Judge Edwards is well known not only as an outstanding jurist, but as one of the leading experts in how our society treats its children. And while Judge Edwards has the keen mind of the expert, he also possesses the heart of a compassionate advocate for our children.

Mr. Speaker, too often the systems that we set up to address the problems of society are imperfect. Too often, the systems permit children to be neglected, abused, or simply forgotten. Too often the system itself moves too slowly to correct the wrongs suffered by our children.

Mr. Speaker, Judge Edwards is a public servant who has shown that there are those individuals in the system who not only can make a difference, but who have made such a difference in helping children that the national organization that does this every day has called him the strongest voice for children in California's judiciary.

Mr. Speaker, today more than ever we are learning that much of the pain and suffering in our society today can be prevented if we spend time on people when they are young. Judge Edwards has worked hard to reunite families, preserve the family structure, stop family violence, prevent juvenile delinquency, and increase adoptions.

Judge Edwards is a worthy recipient of this important national award. He is also well deserving of the thanks of his community and our Nation. I am proud to bring the announcement of this award as well as his work to the attention of the Congress.

He should be proud of his work. I know his community and his family, particularly his father, our colleague, Congressman DON EDWARDS are extremely proud of him. And I know, Mr. Speaker, that you and the rest of the House of Representatives join with me and our colleague, Mr. EDWARDS, in offering our congratulations and gratitude to Judge Edwards.

JIM CLAYTON SALUTED

HON. DON SUNDQUIST

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 28, 1992

Mr. SUNDQUIST. Mr. Speaker, it is my privilege to salute the achievement of a man who has worked his way from humble circumstances to become America's largest retailer of manufactured homes. Jim Clayton, chairman, CEO and president of Clayton Homes in Knoxville, was honored last year by the Horatio Alger Foundation. The story of his rise from boyhood in Finger, TN to his current position is exactly the sort of American success story one associates with Horatio Alger.

But Jim Clayton has never forgotten his roots, as evidenced by his decision this year to endow a $5,000 scholarship at Chester County High School. As a result, a young man by the name of Chad Smith has the opportunity to attend college this fall.

It seems to me that Jim Clayton's example of hard work, perseverance, and civic mindedness are much to be admired. And I ask that the following profile of him, which appeared in the University of Tennessee alumni magazine, be reprinted in the CONGRESSIONAL RECORD:

[From the University of Tennessee Alumni Magazine]

HOME, SWEET MANUFACTURED HOME

(By Diane Ballard)

Famous Amos the cookie man was there, along with flyboy Chuck Yeager, Stan "the Man" Musial, and Joint Chiefs chairman Colin Powell. And so was housing exec Jim Clayton from Knoxville, whose entrepreneurial exploits had won him the Distinguished American award of the Horatio Alger Association.

Soft lights shimmered off natty tuxedos and bejeweled gowns. The Marine Band played as 1,250 people, among them governors, members of Congress, and business tycoons, packed the Wasington, D.C., hotel ballroom anticipating the evening's main event, the presentation of 1991's ten distinguished Americans.

Each honoree, including Clayton, Powell, Musial, and McDonald's exec Fred Turner, flared larger than life on giant video screens, then made short speeches in person.

In his video, Clayton told of his dream, when he was very young and very poor in West Tennessee, of growing up to be on the Grand Ole Opry.

But, he admitted when he rose to speak, this stage was just as nice. Instead of the Opry, he chose education (two UT degrees) and a life running the entrepreneurial rapids. So what if he went under once? The ride has been well worth the dunking.

His name may not be in lights, but it's on the New York Stock Exchange.

Clayton (Knoxville '57, '64) is chairman, CEO, and president of Clayton Homes in Knoxville, the largest retailer of manufactured homes in the nation. "Manufactured" is '90s talk for what used to be mobile homes, and before that even, trailers. But selling is just part of the Clayton enterprise. The company also builds the units, finances them, and provides "communities" in which to locate them. Vertical integration, it's called; Clayton's has a handhold on every rung of the manufactured housing ladder.

Clayton stock was one of the 10 best performers on the NYSE in 1990. Revenues soared to more than $300 million last year, just as Clayton himself soars through the airways taking care of business.

"If we get a letter threatening any kind of legal action, I jump in a helicopter or on one of our planes and go knocking on the customer's door. That sends the right signals to our people that we all must be responsive."

If Clayton came knocking on your door, you would see a smallish guy, balding, with a luxuriant gray beard and (could it be any other kind) aviator glasses. He's softspoken, insatiably curious, and not in the least ashamed of his humble beginnings.

"I think we're all proud of what we build and accomplish. You have to look back and see what you started with."

In Clayton's case, it was precious little. He grew up in Finger, Tennessee, in a cabin that didn't have electricity until he was 10 or plumbing until after he left home. His first stop after leaving Finger was Memphis, where he says he "stumbled" into Memphis State University's pre-engineering program. Then it was on to Knoxville, where he worked his way to an engineering degree.

He only practiced engineering for a few months with the Tennessee Valley Authority.

"I wanted to design small, intricate electronic stuff. They had me designing conduit. It was boring."

Plus, Clayton was already involved in his first entrepreneurial venture, a used car lot.

"I became more and more involved in the automobile business. I liked selling cars. Like all those sales books say, the biggest high is making a sale. I loved the competitiveness."

But that maiden voyage into business ended in bankruptcy. Undaunted, Clayton started over and pursued a UT law degree on the side. Shortly after he got the degree, he started his first mobile home lot. Within two years, it was the largest in the world. He never practiced law, but he couldn't have gotten where he is today without his UT experience, he says.

The degrees "opened doors and increased networking ability and self-esteem." And his fraternity, Sigma Phi Epsilon, gave him friends and connections he still enjoys.

"Being able to network with people in the fraternity, in engineering, and in law has really been beneficial. Being able to call someone in a distant city and talk a little about the Vols, the Hill, Ayres Hall, Sigma Phi Epsilon, and the Smoky Mountain Market has been meaningful so many times throughout my career," he says. "The University is very dear to me."

The engineering and law degrees helped in Clayton's day-to-day business, too.

"I've designed a lot of mobile homes. And we pay out a fraction of the legal costs that other firms pay. Until about a month ago, I was in-house counsel."

He worries that his four children won't have the same desire to succeed that he has.

"Maybe I was lucky. I didn't think so; I would not want to do it again. But my children are so smart, and they've been exposed to so much. Where do they go from there?

"They have good values and a basic kind of lifestyle, though. They're great citizens."

Clayton Homes is a solid corporate citizen, supporting education, Junior Achievement, United Way, and other agencies.

Clayton says he didn't have much extra cash to give away for a lot of years.

"A business takes more capital than you ever have. I had to put every penny back in the business until 1983, when I took the company public.

"People are amazed that we grew the business on its own capital—didn't bring in any venture capital. When I took it public, I owned 100 percent. I own about one-third now."

Clayton describes his lifestyle as conservative (he claims to enjoy bargain hunting at a Knoxville wholesale house), except when it comes to airplanes.

Clayton Homes owns four airplanes and a helicopter, and Clayton himself owns a jet. He's an instrument-rated jet pilot and also holds a pilot license for helicopters and gliders.

"Sometimes I'll jump in the jet and fly to New York to do the museums or plays," he says, but quickly adds that the Clayton Homes fleet is efficiently and economically used.

His inherent curiosity inspires him to always be doing and learning.

"I play tennis. I run. I listen to bluegrass music one day and Chopin the next. I've taken dance classes and wine classes. I skied the Rockies five times last year." He enjoys learning more about art and music. On a recent trip to Europe, he visited Mozart's home and wanted to be able to stay longer and learn more. He made the largest single gift ever to the arts in Tennessee—$3.25 million to Knoxville's art museum.

But, when all is said and done, the business is his first love.

"My primary interest always has been work. It's fun. It's a privilege to build a business with good people, to be involved in engineering an environment where you see such incredible growth.

"Entrepreneurship is risky business. My timing hasn't always been good. Things haven't always happened the way I would have planned them. But I don't question God a lot. His way works out best."

TRIBUTE TO LT. DAVE DEVRIES

HON. DAVE CAMP

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 28, 1992

Mr. CAMP. Mr. Speaker, it is with great pleasure that I rise today to recognize an outstanding individual from mid Michigan, Lt. Dave DeVries. Dave is retiring from his position as team commander of the Michigan State Police Department in Gladwin, MI, where he has contributed numerous years of outstanding service.

Dave started his career in the Michigan Department of State Police in 1968. Throughout his career he has worked in a variety of locations which include Lansing, Ionia, Gladwin, Erie, Newberry, and Gladwin again, where he worked his way up from trooper to sergeant and finally to team commander.

Prior to his position within the Michigan State Police, Lieutenant DeVries served in the Navy for 3 years. He was stationed in the Mekong Delta area with the Navy Riverine patrols during the Vietnam war and earned several citations and awards from the Department of Defense. After his discharge he worked for the Michigan Bell Telephone Co. in Grand Rapids before joining the State Police.

Dave is an active member of several distinguished organizations including the Gladwin Lions Club, the Veterans of Foreign Wars, American Legion, Gladwin Care Committee, Gladwin Eagles Club, Gladwin 911 Steering Committee and the 911 board. Plus, he served as the chairman of the Gladwin area "Walk for Warmth," which raised funds for fuel expenses for needy families.

His unselfish commitment to the safety of his community and the citizens of Michigan is beyond the ordinary. He has been recognized by numerous organizations for his hard work and dedication. Among the awards he has received include the Meritorious Award, the Honorable Mention Award, the Professional Excellence Award and an award from the Michigan Blockade Committee for apprehending two armed felons wanted for an armed robbery.

Lieutenant DeVries family resides in Gladwin, MI. His wife, Nanette, is employed at the Gladwin Intermediate School system and also works part time at the Mid Michigan Regional Hospital in Gladwin. They have three sons, the eldest, John, served with the 1st Calvary Division in Iraq during Operation Desert Storm and is currently attending Central Michigan University. The second eldest son, Michael, has recently graduated from Navy Basic Training Command in Great Lakes, IL, and is enrolled in school for aircraft repair and maintenance. Their youngest son, Brad, is presently a junior in the Gladwin High School system.

Mr. Speaker, Lt. Dave DeVries is truly a remarkable individual. I know that you will join with me, his family, coworkers and the community of Gladwin in commending and thanking Dave for his service to mid Michigan over the past 24 years. I know he will be sorely missed by all those who worked with him.

GULLIVER PREP SCHOOL: SOFTBALL CHAMPIONSHIP

HON. ILEANA ROS-LEHTINEN

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 28, 1992

Ms. ROS-LEHTINEN. Mr. Speaker, I would like to congratulate the Gulliver Preparatory School and its outstanding softball team which this year was able to make the transition from slow pitch to fast pitch softball and still increase its string of district softball titles to five in a row. This team, which had grown comfortable in its ability to win championships in slow pitch softball, overcame reluctance to move to a sport with different rules, a faster pace, and a need for new skills and techniques.

Five of the team members spent last summer playing for an independent fast pitch softball team, to learn the game, and communicate their skills to their teammates. These dedicated players were Tiffany Smith, Kerry Vilela, Lisa Markowitz, Dani Polley, and Jennifer Ingham. Coach Mark Schusterman is especially grateful for the sacrifice of the seniors of the team, Suzanne Parker and Chrissy Ford, who gave up their comfortable enjoyment and risked their winning streak to take on a new challenge.

The Miami Herald published an article describing the Gulliver team's remarkable transition which I would like to include in the RECORD:

PITCH SWITCH: GULLIVER GETS IN THE SWING AND WINS THE DISTRICT TITLE

(By Todd Hartman)

Mark Schusterman remembers the struggle of making the switch from slow-pitch to fast-pitch softball at Gulliver Prep.

He's the coach, and he watched painfully as his pitchers threw everywhere but over the plate: "We were playing teams who had nine runs before swinging the bat," he said.

Not all the players were sold on it, either. Juniors and seniors who had spent two or three seasons racking up district titles saw their softball careers pass before their eyes. Visions of light-speed pitches and ensuing strikeouts brought nightmares. Said senior Suzanne Parker: "It was a really big change. I couldn't hit. Everything was going wrong."

That was late February; since then, opinions have changed. Last Thursday, Gulliver capped its inaugural season of fast-pitch softball with a surprising 7-6 win against Our Lady of Lourdes in the District 8-3A championship game. With the victory, Gulliver increased its string of district softball titles to five in a row and earned a spot in Friday's Region 4-3A title game against Naples High.

"It has not been as tough as I thought it would be," said Schusterman, who is still pretty surprised. He joked that his pitchers were so wild that, at some points, "our kids were more scared of our pitchers than they were of the opponent's."

What surprised Schusterman, his players and opposing coaches the most is how quickly Gulliver players learned to hit fast pitches.

"Some players see the pitches and say, 'Oh my God,'" said junior Tiffany Smith. "But it's easy to hit fast pitches. You just swing your bat. If you hit, you hit it."

Schusterman hands a lot of credit to five players—Smith, Kerry Vilela, Lisa Markowitz, Dani Polley and Jennifer Ingham. All spent last summer playing for the South Dade Mustangs, an independent fast pitch team that plays games statewide.

"That really helped," he said. "They gave us a nucleus."

But much of Schusterman's gratitude is reserved for a handful of seniors who gave up the security and skill they had developed playing slow pitch. Two of those were Parker and Chrissy Ford, both of whom say they had heavy doubts going into the season.

"I was kind of disappointed. It was going to be my last year, and I wanted to keep things the same," Ford said. "We were winning titles, but it wasn't only that. We didn't know if it would be as fun."

Even Smith, one of the fast-pitch veterans, had her doubts. "I didn't think we could pull it off," she said. "Our first couple of games, no one left base [players weren't familiar with base-running rules]. No one knew what they were doing."

Added Parker. "We'd have games where our pitchers walked people around the bases 10 runs at a time."

Now players are thrilled, especially after beating out long-time private school softball powers St. Brendan and Lourdes for the district title. And as for the pitching, Polley and Ingham—both sophomores—are beginning to settle into the position.

"I was definitely surprised," said Ford. "Now that we've learned everything it wasn't as bad as we thought."

Added Smith: "I didn't believe we could do it, but we did."

Mr. Speaker, I commend the dedication, flexibility, and endurance of the Gulliver School team, and congratulate them on their hard-earned victory.

A CONGRESSIONAL SALUTE TO GTE CALIFORNIA AND ROBIN L. KOONS

HON. GLENN M. ANDERSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 28, 1992

Mr. ANDERSON. Mr. Speaker, I rise today to pay tribute to GTE California and one of its dedicated employees, Ms. Robin L. Koons. On Thursday, May 28, 1992, the United Cambodian Community, Inc. will host a dinner to honor GTE California and Ms. Robin Koons with the Community Service Award. It is with great pleasure that I bring them to your attention.

Robin L. Koons is typical of the type of employee GTE recruits. Joining the company in 1969, Robin began her career as a cashier with the Long Beach district office. Named special services superintendent in 1983, San Gabriel Valley district manager/community relations in 1987, and Long Beach Division public affairs manager in 1989, Robin has advanced through the ranks of management positions with the company.

With her current assignment, Robin is responsible for all company related activities with respect to the Long Beach, Lakewood, Signal Hill, Cerritos, Artesia, and Hawaiian Gardens communities. Ms. Koons serves on the Chamber of Commerce board of directors for the cities of Lakewood and Signal Hill, and the board of directors and the executive council for the Long Beach area chamber. In addition, Robin serves on the board of directors for Cities in Schools, Community Family Guidance Center, American Red Cross, and United Cambodian Community Center. She is a board member and secretary for the National Conference of Christians and Jews and the Long Beach PhoneFriend.

Robin's dedication to her community is further enhanced by her involvement as a member of the Downtown Lion's Club, the SCAN Board of Governors, and as a trustee for the St. Mary's Medical Center. She is the cochairperson of the Explorer Council for the Boy Scouts of America, Long Beach and on the board of directors with the Conservation Corp of Long Beach. Her volunteer credentials is as long as it is impressive. In 1986, Robin was a loaned executive for the United Way of Orange County and the 1988 Campaign vice-chair for the Southeast Area of San Gabriel Valley.

It is because of these and the many other accomplishments Robin L. Koons has achieved that I take great pride in joining with all those attending this special occasion in expressing the gratitude she so richly deserves.

My wife, Lee, joins me in extending this congressional salute to Ms. Koons and GTE California. We wish Robin, her son Eric, and daughter-in-law, Sydney and GTE California all the best in the years to come.

THE AFRICAN-AMERICAN LESBIAN AND GAY COMMUNITY CELEBRATES BLACK GAY PRIDE DAY

HON. ELEANOR HOLMES NORTON

OF THE DISTRICT OF COLUMBIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 28, 1992

Ms. NORTON. Mr. Speaker, on Sunday, May 24, the African-American lesbian and gay community celebrated Black Gay Pride Day in Washington, DC, culminating a month-long series of fundraising entertainment and religious events that both celebrate gay pride and raise desperately needed funds for AIDS services in the African-American community. With a theme of "Pride in ourselves and our ability to accomplish what we want and need for ourselves," the celebration started with the dream of three Washingtonians, Dr. Ernest Hopkins, Mr. Theodore Kirkland, and Dr. Welmore Alfred Cook, whom many have called the father of Washington's African-American gay community.

This year's Black Lesbian and Gay Pride Day is a tribute to Welmore Cook, a person of great conviction with a dream of raising significant sums of money for African-Americans living with HIV/AIDs. Welmore Cook died of AIDS on April 22, but not before acting on his dream of increasing funds for community-based African-American AIDS service organizations and instilling a new sense of dignity in the African-American gay community.

For much of my adult life, I have been in the battle to secure and maintain fundamental rights for gays and lesbians as part of my efforts to foster civil rights that should be guaranteed to all Americans. We can all learn lessons from the African-American gay and lesbian community of Washington, which, while bearing the burden of double discrimination, can celebrate their individuality within their own community and the diversity of all Americans.

The AIDS virus is spreading among African-Americans in Washington at a rate far higher than in other communities. The sense of responsibility the participants in Black Lesbian and Gay Pride Day bring to persons who are struggling with AIDS is an example for us all to emulate.

Mr. Speaker, I ask you and my colleagues to join me in congratulating the organizers of this important celebration and in commending the African-American gay and lesbian community of the District of Columbia for their vital leadership on eradicating AIDS and eliminating discrimination.

SOUTHWEST HIGH STUDENTS FIGHT AIDS WITH ENGLISH CLASS PROJECT

HON. ILEANA ROS-LEHTINEN

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 28, 1992

Ms. ROS-LEHTINEN. Mr. Speaker, I would like to call my colleagues' attention to a crusade against AIDS which is being conducted by four students at Southwest High School in Miami, my alma mater. Silvia Alvarez, Michelle Fonte, Robert Lopez, and Melissa Lopez began their project as a junior year English project. The assignment from their teacher, Susan Black, was a group project to write on a topic that illustrated a positive or negative aspect of the American dream. It was intended to be a research and critical thinking project.

The four students began by electing to research sexual attitudes among their classmates. They conducted a survey of 169 students on subjects including how sexually active they were to whether they used contraceptives. The results surprised the four students, and changed a project designed largely for entertainment value into a deadly serious crusade.

They discovered that many of their fellow students were sexually active, that they were not taking precautions against pregnancy or disease, and that they did not know as much as they needed to know about how easy it is to transmit AIDS. Learning this, they decided not only that action was needed, but that they would take the responsibility to help their fellow students.

To learn more about the subject, Robert, Silvia, Michelle, and Melissa obtained a video camera and interviewed a doctor, an AIDS patient, and some of their classmates, and recorded a session with the doctor in which Robert was given an AIDS test. They conducted an AIDS awareness session with 100 other students. All of this information is being assembled for their class report, but they have said that once the report is given, they will continue to work for more AIDS education in the classroom.

The Miami Herald published an article on the Southwest High School crusade which I would like to include in the RECORD:

CLASS PROJECT EVOLVES INTO ANTI-AIDS CRUSADE

(By Jon O'Neill)

Four students at Southwest have turned a half-hearted project on sexual attitudes into a serious crusade against AIDS.

The juniors, Robert Lopez, Silvia Alvarez, and Michelle Fonte, all 17; and Melissa Lopez, 18, have had an AIDS awareness meeting with 100 other students, surveyed another group of students, interviewed an AIDS patient and a doctor. They've viodetaped all the sessions, including one where Robert got an AIDS test.

"The problem is a lot of people don't know enough about it," Robert said. "We believe that when it comes to AIDS, you can never know too much."

The group plans to pass out condoms to classmates when they give their report next month, and all want to continue educating people—especially students—about the disease.

"Kids are having sex, that's fact," Michelle said. "And people are dying because of ignorance. We want to change that."

The crusade sprang from an English assignment in April. Teacher Susan Black divided the class into groups and had them pick a topic that illustrated a positive or negative aspect of "the American Dream."

"It's a critical thinking and research project," Black said. "They really got fired up over this. It's done a lot for them. It's interesting because it started off as kind of a silly thing, but it hasn't turned out that way."

The project started with a survey of 169 kids on questions ranging from how sexually active they are to how many used contraceptives. The results surprised the teenagers and moved them to action.

"We had to educate ourselves first," Robert said. "There were a lot of things we didn't know."

The students interviewed a local doctor and an AIDS patient, who told them what it was like to have the disease and how easy it was to get it.

"It only takes one night of carelessness," Siliva said. "People need to understand the chances they are taking."

"A lot of people think they know enough already, but they don't," Melissa said.

Friday, the group randomly selected 100 students for a discussion on AIDS in the school cafeteria.

"It was amazing how naive people were," said Michelle. "A lot of them were sure you couldn't get AIDS from oral sex."

The students also asked their peers about condoms.

"A lot of kids think there should be a way to get condoms in school," Melissa said. "We believe that, but we think there needs to be education, too."

The four say they will continue to work for more AIDS education in the classroom.

Teacher Black said: "I'm proud of them. They're setting an example. They made AIDS a comfortable subject to talk about in the classroom."

Mr. Speaker, I commend the work of Melissa Lopez, Michelle Fonte, Silvia Alvarez, and Robert Lopez of Southwest High School. As Melissa Lopez told the Miami Herald, "Kids are having sex, that's a fact. And people are dying because of ignorance. We want to change that."

Mr. Speaker, we in this Chamber have a duty to help them change it.

THE AIRCRAFT NOISE RESEARCH AND ABATEMENT ACT OF 1992

HON. MATTHEW J. RINALDO

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 28, 1992

Mr. RINALDO. Mr. Speaker, I rise today to introduce the Aircraft Noise Research and Abatement Act of 1992, a bill to enhance Federal research efforts to develop quieter jet aircraft engines and airframes.

Noise generated by jet aircraft represents a significant and steadily growing environmental problem in the United States. Millions of Americans living near airports across the country are subjected to a daily barrage of jet thunder, with little prospect for relief in the future.

Nowhere is the problem more severe than that in the State of New Jersey. Thousands of

New Jersey residents are subjected to a daily barrage of jet thunder as a result of the ill-conceived expanded east coast plan, which was implemented by the FAA in 1987. What is equally frustrating is the lack of effective action on the part of Federal agencies like the Federal Aviation Administration to protect residential areas from the excessive noise generated by jet aircraft.

The people of New Jersey deserve immediate relief from the noise, and I remain hopeful that the environmental impact study currently being conducted in the State will finally leverage changes to the aircraft routing structure over New York and New Jersey to vector aircraft away from residential neighborhoods.

The near-term objective of bringing about noise relief through route changes is extremely important. However, I also believe that we must begin to take a long-term view of the problem of aircraft noise, both in New Jersey and across the country. The density of the population in New Jersey and growing frequency of the air traffic overhead virtually assures that aircraft noise will continue to be a fact of life for years to come.

What is needed is a concerted effort to control noise at the source. Congress adopted this approach in part through passage of legislation in 1990 to phase out the operation of older, noisy, Stage II jet aircraft by the end of the decade. However, it is generally recognized that this is a very limited solution to the problem, and that any noise relief that is achieved will be temporary as the air transport industry continues to expand in the future to meet the growing demand for air travel.

The projected growth in air traffic through the year 2000 and beyond virtually assures a corresponding growth in the problem of aircraft noise. To solve this problem, we need to implement an aggressive, long-term research agenda to develop technologies that will permit passenger aircraft to operate at noise levels significantly below what is currently attainable.

It is for this reason that I am introducing the Aircraft Noise Research and Abatement Act of 1992. This legislation directs the Administrator of the FAA and the Administrator of NASA to jointly conduct and manage a research effort to develop new technologies for quieter jet aircraft engines and airframes. The goal of the program is to develop jet aircraft technology—ready for industry application by the year 2000—that will operate at four to six decibels below current stage III aircraft noise levels. To support this research initiative, the bill authorizes $25 million for fiscal year 1993, and such sums as necessary thereafter.

This legislation will not end the aircraft noise problem overnight. What it will do is greatly enhance the Federal commitment to aircraft noise abatement by creating a sustained and coordinated research program to expedite the availability of quieter aircraft for the future. I urge my colleagues to give this important legislation prompt and favorable consideration.

INTRODUCTION OF THE JOB TRAINING 2000 ACT

HON. STEVE GUNDERSON

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 28, 1992

Mr. GUNDERSON. Mr. Speaker, I am pleased to join today with my distinguished colleague from Pennsylvania [Mr. GOODLING] and with our honorable minority leader, Mr. MICHEL, in introducing the Job Training 2000 Act. This legislation, developed through the leadership of President Bush, has the goal of reforming our Federal job training system to meet the needs of the Nation's work force into the 21st century.

The bill that we are introducing today is similar to the Job Training 2000 Act submitted to the Congress by the President in April, with one important exception. The original proposal would have transferred postsecondary vocational education funds to private industry councils, established under the Job Training Partnership Act, to be used to provide vocational training vouchers to the economically disadvantaged. Currently, these funds, which total $396 million, are used to assist postsecondary institutions develop and improve their vocational education courses.

Mr. Speaker, this proposal to redirect vocational training funds, while well-intentioned, was one that I opposed, and has generated a great deal of controversy, diverting attention from what we believe is an excellent proposal deserving the full and immediate attention of the Congress. It is important that there be serious discussion of the four key principles underlying the Job Training 2000 Act, and it should not be weighted down by the more controversial vocational education voucher provisions. Therefore, after discussions with officials within the administration, it was agreed that in the interest of moving this important legislation forward, these controversial provisions should be eliminated from the bill. Accordingly, the legislation we are introducing today retains the current use of postsecondary vocational education funds. However, participants in programs that receive Perkins Act postsecondary funds must be referred to skill centers, and the programs of study must be certified by the State certifying agency, as provided for under the legislation.

As outlined in my remarks for the original introduction of the Job Training 2000 Act in April, the four key underlying principles of "Job Training 2000" have been retained in this bill. First, the proposal is designed to simplify and coordinate services for individuals seeking vocational training or information relating to such training. Second, it would decentralize decisionmaking and create a flexible service delivery structure for public programs that reflects local labor market conditions. Third, it would ensure high standards of quality and accountability for federally funded vocational training programs. And fourth, it would encourage greater and more effective private sector involvement in the development and implementation of vocational training programs.

Under our current Federal vocational and job training system in the United States, we have 60 training programs receiving Federal support, administered by seven different Federal agencies, at a cost of $18 billion per year. Under this system, services are disjointed and duplicative in many instances. Local providers are often unable to provide individuals in need of services with sufficient access to information on program quality, job opportunities, or even the range of services available. Eligible populations overlap, and businesses, the ultimate consumers of education and employment training programs, have only limited involvement with the system. Therefore, the ultimate goal of this legislation, that of providing a more comprehensive, coordinated, accountable, and easily utilized system, is a good and necessary one.

At the heart of Job Training 2000, is the establishment of a network of local skill centers to provide one-stop shopping or single point of entry for individuals in need of vocational and job training services. These centers would provide students, job seekers, workers and employers with needed information about the local labor market, training and vocational education programs, and related support services. Under the proposal, skill centers would coordinate local delivery of vocational and job training services currently provided through a range of programs including the Job Training Partnership Act [JTPA], Job Corps, the Employment Service, Veterans' Employment Service, Perkins postsecondary vocational education and training programs, and Federal student financial aid provided for vocational training programs. Training vouchers for programs under the Job Training Partnership Act would be provided to allow for more participant choice in training decisions. Private industry councils, which already coordinate JTPA programs at the local level, would play an expanded role under Job Training 2000, with the goal of ensuring that all vocational education and training providers meet high standards of quality as well as local labor market needs. The legislation also provides for increased coordination between the various vocational and job training programs at the Federal and State levels through the establishment of a Federal Vocational Training Council, and the establishment of State human resource investment councils in each State to oversee implementation of these programs.

I strongly support the core of the Job Training 2000 Act. I do however continue to have some concerns over specific provisions in the legislation, particularly those that deal with the certification of local vocational training programs. One of the issues that has yet to be resolved is the question on whether or not the current private industry council, as it is now established, can or even would want to have the added responsibility of being the local certifying body for all postsecondary vocational programs. My concerns can, and I am confident will, be worked out in the consideration of this bill however. And these concerns in no way erode my support for the general thrust of this measure. The eventual enactment of legislation that will ensure a comprehensive and cohesive employment and training delivery system for our Nation is imperative, particularly as we strive to meet the needs of the rapidly changing and increasingly complex workplace.

Again, I commend the President for his leadership in the area of work force preparedness. I look forward to working with him, with the U.S. Departments of Labor and Education, and with my colleagues in the Congress as we consider this important legislation in the future.

THE NATION'S GREAT LOSS

HON. LAWRENCE J. SMITH

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 28, 1992

Mr. SMITH of Florida. Mr. Speaker, like most south Floridians, I am terribly saddened by DANTE FASCELL's announcement that he will be retiring at the end of this term.

I knew DANTE FASCELL before I came to Congress. In fact, he is part of the reason I wanted to come to Washington. He has been both a mentor and a father figure to me and I look forward to continuing our friendship long after we leave Washington.

His sense of humor and pragmatic, common sense approach to politics will be sorely missed. For the last 38 years he has been an invaluable, well loved addition to the House of Representatives. In fact, I do not know one Member of the U.S. House of Representatives, senior or freshman, who does not like DANTE FASCELL. His friendships span his 38 years in Congress and will continue long after he returns home.

I would like to insert into the RECORD the following editorial from today's Miami Herald. I think its title, "The Nation's great loss" speaks volumes for my friend, Congressman DANTE FASCELL.

Dante Fascell retiring? Say it isn't so! But it is: Yesterday the veteran South Dade congressman announced in Washington that he won't seek a 20th term on Capitol Hill. Neither will he convert to his personal use, though legally he could, the $500,000 or so in his campaign treasury. That's fully consistent with his integrity, public and private.

Representative Fascell is a close second in seniority, but a clear first in esteem, among the members of Florida's congressional delegation. He has served with distinction as chairman of the House Foreign Affairs Committee.

Never was his wisdom on better display than during 1990's congressional debate of America's role in the Persian Gulf. His reasoned support for deploying multinational forces against Saddam Hussein was pivotal to winning House approval of President Bush's policies.

Yet Mr. Fascell, 75, also knows full well that violence rarely resolves international disputes. Long before Iraq's invasion of Kuwait, for instance, he had built a solid record of support for negotiations to bring peace to the Mideast while ensuring Israel's security. He also played a key role in congressional efforts to end violence and injustice in Central America and to restore democracy and human rights in Cuba, Haiti, Nicaragua, El Salvador, and Chile.

Less visible but arguably as important was Mr. Fascell's work in concert with leading European parliamentarians on behalf of human rights behind the Iron Curtain. Their efforts to free dissidents and goad the Eastern bloc to honor the Helsinki accords may well have helped hasten tyranny's demise and the Cold War's end.

For Floridians, losing Dante Fascell—especially now—is a major blow to the state's dwindling influence on Capitol Hill. Florida's congressional delegation already had lost seniority and clout with the death in 1989 of Rules Committee Chairman Claude Pepper. This year's previous retirement announcements from Reps. William Lehman, Larry Smith, Craig James, and Andy Ireland—coupled with redistricting that pits other incumbents against each other—mean that Florida will have one of the least experienced delegations when Congress reconvenes next year. With its House delegation expanding to 23 members from 19, Florida already was guaranteed four freshmen. Now it will have at least nine and possibly several more.

Mr. Fascell says that the new district carved for him—a misshapen, elongated blob that stretches north from Key West through the Keys and South Dade to include much of West Broward—was not the determining factor in his decision.

If he says that it wasn't, then it wasn't. Among Mr. Fascell's endearing traits is one all too rare among elected officials: candor. He still has a way of cutting through baloney to get to the point. You can believe what he says.

You can also believe, however, that Mr. Fascell might leave some things unsaid in deference to his longtime colleagues and to an institution that he loves. Some retiring congressmen have spoken bitterly of their disillusionment with politics and of the "poisonous atmosphere" pervading Capitol Hill. Mr. Fascell said that it was simply time to go after nearly 38 years of service.

Even so, there's cause for concern over Mr. Fascell's departure. Granted, many term-limits advocates would argue that he had already stayed on too long. It ought to be worrisome, though, when able public servants no longer feel that serving in Congress is rewarding enough or enjoyable enough to make them want to stick around.

For the nation and for Florida, then, Mr. Fascell's retirement is a loss. Beyond that, though, the obvious erosion in public service's attractiveness to candidates of his stature is an even greater loss.

THE EARTH SUMMIT, THE ELDERLY, AND THE ENVIRONMENTAL IMPACT ON THE HUMAN AGING PROCESS

HON. EDWARD R. ROYBAL

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 28, 1992

Mr. ROYBAL. Mr. Speaker, I rise today, as the chairman of the House Select Committee on Aging, to address the agenda for the 1992 United Nations Conference on the Environment and Development. We are pleased the United States is playing a significant role in making this conference a success and we anticipate and encourage the President's participation to demonstrate this Nation's commitment to healing an ailing planet and implementing preventative measures for the health of the global community.

The reason I am standing before you today is because I want to bring your attention to what I believe is a tragic omission in the Earth Summit agenda. The elderly are not included as a major population. This is occurring in 1992, the year designated by the General Assembly of the United Nations as the 10th anniversary of the World Assembly on Aging, marking the adoption of the International Plan of Action on Aging. It is also a period when the demographics of the elderly population is expected to shift, more that doubling by the year 2030, with alarming increases anticipated in developing countries.

I believe the United States should provide the leadership in ensuring the elderly are included. We have reached a critical juncture where we must engage in international dialogue about the long-term consequences of planetary and atmospheric destruction and the associated human, financial, and environmental costs. It is clear the effects of the depleting ozone layer, increased air and noise pollution, hazardous and toxic waste dump sites, pesticides, and workplace chemicals contribute to environmental stress and accelerate the aging process.

We must also recognize the harmful effects of environmental pollutants are not limited to the elderly population. Children, women, and minorities are also victims, Unfortunately, there is a paucity of data on the cumulative effects of exposure to pollutants, toxins, and other substances. Therefore, it is urgent to conduct more research in this area, capitalizing on the present movement focusing on health care reform, prevention, and the environment. We need to recognize the possible consequences of our continued assaults on the environment.

An international effort to curtail our present course of destruction should be made a priority, because every one of us is victim of our own destruction. The international legacy of health and the environment is of the utmost importance, and we must make an investment in research and prevention today. We can start by including the elderly and the human aging process in the Earth Summit agenda, and I have included a suggested amendment for the record.

I ask my colleagues today to join me in sending a strong message to the rest of the world. This issue is critical to the success of an international environmental movement. The United States should provide the leadership, involving all populations in an international health and environmental education and prevention program. Failing to take action and what seems to be a small step will be magnified when we are faced with the long-term costs of caring for the ill elderly and a sick planet.

PROPOSED ROYBAL/MORELLA AMENDMENT TO U.N. AGENDA 21 TO RECOGNIZE THE ROLE OF THE ELDERLY

INTRODUCTION

Regrettably, a major segment of the population is not included in this document, namely the elderly. Therefore, it is recommended the following chapter be added as Chapter 10 of Section 3. This document is based on the decision of the General Assembly resolution 40/30 of 1985 as well as on the UN Plan of Action on Aging and the Principles for Older Persons agreed upon at the General Assembly meeting at its 48th session in 1991.

PROGRAMME AREA

Recognizing, Strengthening and Incorporating the Role of the Elderly.

Basis for Action

The impact of the environment on human development and the aging process is a very important area of research. Recently more attention is being focused on this field, especially with increased life expectancy and the corresponding growth in the international elderly population, rising health and long-term care costs, prevention and the need to respect and preserve the environment. Unfortunately, there is a paucity of data on the subject of the environment and the aging process. Studies are being conducted which use a longitudinal methodology and follow the progression of the age levels from infant to the elder years. Many, however, are in the initial stages and the data will not be available for many years.

The importance of this population is found in the wealth of information, history, energy, and experience accumulated through their collective lifetimes. Given the rapidly increasing elderly population, especially in the developing world it would be advantageous to tap into this enormous potential resource. Current projections show dramatic changes in international demographics. Over the next thirty-five years, the elderly population will increase both numerically, and as a percentage of the total population in developed countries throughout the world. By the year 2025 there will be more than one billion people over the age of 60 in the world. 70% of the elderly will be living in developing countries. By 2030 the elderly population is expected to more than double globally.

Given the size and potential force of this population, we cannot afford to ignore their needs. We must capitalize on the great human resource potential this population offers. The elderly offer a generation link for humanity. They are vested with the responsibility of passing on a legacy. They are the educators, providing cultural, traditional, and familial history on the elements of their culture. Their talents, experience and advice help guide us as we choose different challenges and journeys throughout life.

This growing population provides an enormous potential resource of experienced and talented people who can contribute expertise in every aspect of environment and development. It is an exceedingly diversified pool of men and women with skills in environmental management, public policy, conservation, technology, prevention and leadership at every level. Their knowledge, wisdom and prestige can be vital to educating, organizing, and mobilizing people and communities to assume leadership responsibility and to ensure that environmentally sustainable development is practiced.

Objectives

1. Identify and utilize the skills of the elderly population which can be used to support the government, private sector, and NGO policies and actions on development, environment, and health, at the local, national, and international levels.

2. Ensure each country supports, practices and enforces the United Nations Principles for Older Persons in pursuance of the International Plan of Action on Aging adopted by the World Assembly on Aging and endorsed by the General Assembly in its resolution of 37/51 of December 1982.

3. Establish a national "bank" of senior experts in each country.

4. Utilize the history, experience, and the wealth of information elderly persons have to offer in individual cultural, familial or other settings, but also as a collective international memory or library of information which can be disseminated, shared and implemented by other individuals or countries.

5. Launch a program or campaign promoting a service similar to the Senior Environment Corps in the United States, where the elderly use their expertise and time to participate in environmental programs.

6. Promote elderly involvement, especially for those retired or working part-time, on a volunteer basis as this will allow funds to be distributed to other essential programs, especially during fiscally conservative times.

Activities

1. Involve the elderly in the education process, especially with youth on assorted environmental and developmental activities where they can be "visiting experts" in classrooms and other educational institutions and at all levels of the education system.

2. Target rural areas for educational programs and generational linkage as described under Activity Number 1.

3. Utilize the knowledge and skills of the elderly, as experts in technology, management, accounting, agriculture, medicine, and other fields, on a paid or volunteer basis, both in developing and industrialized worlds.

4. Encourage the involvement and participation of the elderly population, on an individual and collective team basis.

5. Provide information and educational material which is culturally sensitive and language appropriate to community leaders who will share it with their communities in policy and decision making to develop environmental awareness and encourage a lifestyle reinforcing these values globally.

6. Establish an International Volunteer Corps for the Elderly, and possibly (a) using the United States Senior Corps as a model; and (b) and in cooperation with the UN Volunteer programme.

7. Develop materials for the elderly, appropriate to the cultural heritage and values of that particular population, and which addresses issues for the elderly as consumers and producers.

Means of Implementation

1. Strengthen the Aging Unit of the UN Centre for Social Development and Humanitarian Affairs which acts as a focal point for interagency cooperation in the United Nations and to facilitate cooperation among countries in sharing ideas, programs and activities.

2. Ensure countries have funds to develop a database of local elderly expertise and in cases where funds are not available, provide for special funding determined by the size, facilities, and human resources of the particular country.

3. Ensure funds are available at the national level to provide the personnel necessary to make appropriate placements of volunteers, or short term experts as well as manage any necessary support services.

4. Ensure funds are available at the international level to finance international travel, information exchanges, technology maintenance, education, administration, volunteers, etc.

MARY MOSES: MIAMI DEVON AIRE ELEMENTARY'S SUPER TEACHER

HON. ILEANA ROS-LEHTINEN

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 28, 1992

Ms. ROS-LEHTINEN. Mr. Speaker, I am pleased to recognize Mary Moses, who recently was featured in the Miami Herald as one of Dade County's super teachers. The article, "Teacher's Aides" by Jon O'Neill tells how the Devon Aire Elementary School teacher goes out of her way to make learning an interesting and amusing experience:

> To the fourth-graders in Mary Moses' class, school makes sense—and it's also a lot of fun.
>
> Moses teaches at Devon Aire Elementary and for her, the kids are like part of a large family. She goes out of her way to make them relax, usually by making them laugh, and the atmosphere in her classroom is one of enthusiasm and excitement.
>
> "I want to give the kids confidence to meet any challenge," said Moses, 39, "That includes academically, socially and emotionally. Sometimes teachers can make kids uptight, so I want them to realize I'm on their side.
>
> Most of the kids do.
>
> "She's different," said Joel Zusman, 10. "She's fun and she's funny and she's never boring."
>
> Jeanine Brimo, 10, agrees.
>
> "She helps us understand all of our work," she said, "I feel very lucky to have her."
>
> Moses relates well to the kids because she thinks of herself as one. She is just as easily bored and distracted as they can be, so she works hard on keeping herself interested. She knows that if she's into the work, the kids will be too.
>
> Monday, she gave a math lesson by setting up "Mrs. Moses' store" using items brought from home. The kids were given a pretend bank account, then they had to shop at the store and figure out how much they spent and how much they were owed.
>
> Moses made up some play money for the kids to use. There was lots of laughter—and learning.
>
> Once this year, when the class was studying fractions, Moses dressed up as a pizza maker and drew pizzas on the chalkboard. The class learned how to divvy them up, and also learned their fractions. She's also big on rewards, the most popular being the homework busters, which allow kids who have performed well to skip one homework assignment.
>
> Moses tries to treat each student as an individual, but with 32 of them in her class, it's not always easy. At the start of the year, students make a "Me" box, a shoe box filled with things that interest them. Moses also has at least one meeting with every parent.
>
> "My job is to give everyone a chance to shine," Moses said. "I need to know what makes each child learn and what their strengths are."
>
> Curtis Taylor, assistant principal of the school at 10501 SW 122nd Ave., calls Moses "a terrific teacher."
>
> "She brings out the potential in each child," he said. "And she never lets them forget that they come first."
>
> Moses, a Miami native, graduated from Coral Gables High, has a bachelor's degree from Stetson University and a master's degree from the University of Miami. And she is devoted to the UM Hurricanes football team.
>
> Moses started working as a kindergarten teacher at Sunset Elementary in 1974, and came to Devon Aire when it opened in 1979. She has taught fourth grade for 10 years.
>
> "I love it," she said. "I like working with this age group, because they're independent. Plus they get most of my jokes."

I am happy to pay tribute to Ms. Moses by reprinting this article. Ms. Moses' success at motivating her students is an inspiration to those who are working for quality education.

FAIRNESS FOR AMERICAN VETERANS

HON. PETER H. KOSTMAYER

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 28, 1992

Mr. KOSTMAYER. Mr. Speaker, following the Vietnam war, American soldiers returned to their country. Instead of the national outpouring of affection and thanks that soldiers from previous wars experienced, these men and women faced indifference in the best circumstances and outright hatred in others.

Even the Government who sent them to fight seemed to turn its back on the new veterans. The hospitals that injured soldiers went to were often inadequate, dirty, and poorly staffed. Those who were exposed to harmful chemicals by our own military were denied proper care and compensation.

In many ways, the recent war in the Middle East gave America the chance to change course. We agreed we would not take our policy differences out on those men and women who sacrificed their lives, left their families, and went to Saudi Arabia to answer their country's call.

Unfortunately, we have a long way to go. Our veterans hospitals are still inadequate. The U.S. Government still denies veterans the most basic of services, a bedside telephone. For a patient in one of these facilities to make a phone call, he or she must use a public phone in the hallway. For many this is simply an inconvenience, but for bedridden patients this situation effectively cuts them off from friends and family who cannot visit the hospital.

Today, I, along with my colleague Representative BLACKWELL, am introducing legislation to require the Veterans' Administration to begin putting telephones at the bedsides of patients in two of its facilities which currently have the capacity for bedside phones. Is access to a telephone too much to ask for those who have served this country in combat?

These individuals need and deserve the best possible care and the most comfortable surroundings while they recover and heal. The Congress should act now to ensure that patients in veterans hospitals are given the same conveniences that are given to patients in hospitals all over the country.

I urge all my colleagues to join me in cosponsoring this important legislation to bring fairness to veterans in America.

A RIVER OF BLOOD

HON. WAYNE OWENS

OF UTAH

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 28, 1992

Mr. OWENS of Utah. Mr. Speaker, the devastation in a Sarajevo marketplace yesterday was horrifying. Television newscasters had to warn their viewers that the videotape about to be aired of the scene was extremely graphic. As one journalist noted in the Washington Post, "The Street Was a River of Blood."

For my colleagues who did not see the reports, artillery shells fired by Serbian batteries tore into a crowded marketplace killing at least 20 civilians and wounding over 100.

Tragically, yesterday's carnage was just another day of Serbian brutality in the besieged town of Sarajevo, in Croatia, Slovenia or Kosovo. Only this time it was captured on film and broadcast to the world.

For the first time, the terrible war in the newly independent former Yugoslav Republics was seen in America's living rooms. For the first time, Serbian military doctrine, in all its ferocity and savagery, was witnessed by millions.

In recent days the European Community and the United States have moved toward imposing sanctions on Serbia. This is a welcome, if belated move. We must hit Serbia where it will hurt—freeze its assets, embargo its oil, deny it the international legitimacy it seeks—while protecting the civilian targets of Serbian aggression. In addition, I strongly urge the President to push for a war crimes trial against Serbia's dictator Slobodan Milosevic.

Mr. Speaker, the innocent people cannot afford to wait.

[From the New York Times, May 21, 1992]

PUNISH THE SERBS

(By William Safire)

WASHINGTON.—In the face of Serbia's bloody invasion of its neighbors, President Bush has ducked under his desk in a way that recalls Benjamin Harrison's 1888 doctrine: "We Americans have no commission from God to police the world."

Excuses for inaction range from "it's Europe's problem" to "our vital interests are not involved" to "those historic hatreds run so deep, there's nothing anybody can do."

The unspoken excuse is that in an election year, no American politician wants to commit American forces to what may be a quagmire. Yet the lack of any threat of harsh consequences encourages the aggression.

What would the other candidates do to stop the killing if they were President right now? I phoned that question to Ross Perot's spokesman and was faxed this prompt, if Carteresque, response: "I would be actively working with the United Nations in an effort to restore peace to the area." Can't get in trouble with a platitude.

Bill Clinton, after criticizing Bush "indifference," responded: "The United States and the international community must adopt immediately the kinds of tough sanctions that will make the Milosevic regime pay a heavy price for continuing its aggression, such as freezing assets, an oil embargo, and suspension or expulsion from appropriate international organizations."

That's at least a policy that offers change. Opinion makers as far apart as Anthony Lewis and Jeane Kirkpatrick agree that if collective security is to have meaning, the President of the United States must do more during mass slaughter than send Margaret Tutwiler out to wring her hands and play Benjamin Harrison.

Last year we saw how televised pictures of atrocities turned around a callous, let-it-happen policy in Iraq. After the public outcry, Mr. Bush put a protective air cap over much of Iraqi Kurdistan; as a result, this week, for the first time in a thousand years, Kurds are voting in a free, democratic election.

A Bosnia-Herzegovinan official—this year's Haile Selassie—says that if the world intervened to escort relief to starving, persecuted Kurds, why not Bosnians? "We are real people, too."

Did America set a precedent by protecting the Kurds? Or was that a special case, where our interests were at stake, where we had a moral responsibility because we had called for the anti-Saddam uprising, and where the American public supported our intervention?

Answer: both. The extent of our participation will depend on previous commitment, vital national interest and sphere of influence. But wherever in the world brutality is inflicted on millions of people, America's place is in the vanguard of marshaling civilization's response.

The Serbs have earned a reputation for ferocity. They are now represented by—and not oppressed by—their own dictator, Slobodan Milosevic. They are seizing territory they believe was stolen from them. If this causes death and desolation, they say, so be it—Serbs have suffered in the past, too.

Sorry, but the law of the jungle has been repealed. No longer should any people get away with barbarism in the name of vengeance.

How do we stop the killing? The international community—that's Germany, France, Britain, Russia and the U.S. under U.N. or regional auspices—must put an intolerable cost on continued aggression.

This does not mean Operation Balkan Storm; the Serbs, unlike the Iraqis, would fight forever. Nor would this mean namby-pamby sanctions like suspending airline landing rights.

It means, as Mr. Clinton suggests, embargoing Serbia's oil and freezing its assets. Beyond that, we should impinge on its long-sought sovereignty by seizing Serbian airspace, much as we have done in Kurdistan.

This would not immediately stop Serbian aggression, but it would be a painful and humiliating penalty. Peacemakers would have cards to play.

Harrisonism need not paralyze us. "Chronic wrongdoing," wrote Theodore Roosevelt, "or an impotence which results in a general loosening of the ties of civilized society, may . . . ultimately require intervention by some civilized nation."

Update that to "alliance of nations" and apply the responsibility to intervene to the Balkans today.

IN OBSERVANCE OF MEMORIAL DAY

HON. VIC FAZIO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 28, 1992

Mr. FAZIO. Mr. Speaker, across the Nation this past Monday, Americans of differing backgrounds and ideologies joined together to remember our fallen war heroes in observance of Memorial Day. Such observances have been an honored tradition of our Nation since the end of the Civil War.

Americans throughout the country gathered to pay their respect to all veterans. Those who journeyed to our National Cemetery in Arlington, VA, to observe the holiday could not help but be moved by the sight of the American flag gracing the grave site of each veteran buried there. It is most fitting that we take time to pause and remember those soldiers who gave the ultimate sacrifice in service to our country during wartime. These men and women made it possible for us to meet the new challenges we face today in this era of peace.

Mr. Speaker, as this Nation moves forward, we must keep the spirit of our veterans alive in both our thoughts and our actions.

ANIMAL MEDICINAL DRUG USE CLARIFICATION ACT OF 1992

HON. CHARLES W. STENHOLM

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 28, 1992

Mr. STENHOLM. Mr. Speaker, I am pleased today to introduce the Animal Medicinal Drug Use Clarification Act of 1992.

This legislation will clarify the authority of the Food and Drug Administration [FDA] to establish guidelines for the Federal regulation of certain modern veterinary practices.

Since 1968, a provision of the Food, Drug and Cosmetic Act—the act—has required the FDA to evaluate and approve new animal drugs being developed for the market. The basis for approval must be the directions contained on the label. The FDA's charge is to protect public health and ensure that pure and safe drugs are marketed. A company producing an animal drug must appraise that chemical compound for, among other criteria, safety to the target animal species for a particular dose, in a particular method of administration. A drug intended for use in food producing animals must also be evaluated for its ultimate effect on the food products to be derived from the treated animal, and withdrawal times and safe drug residue levels generally are established.

However, because of the extremely high cost of animal drug approval it is not cost effective to seek an approved label for all species, uses, and doses for which a drug is beneficial and safe. Mr. Speaker, in the practice of veterinary medicine there are many variables that must be considered for drug use: multiple species of animals in which a drug could be used, the specific dosage required, and the route of administration, for example under the skin, in the muscle, or orally. For example, an anesthetic which is labeled for the use in dogs and horses may be equally safe and effective in a goat and cat, but could not be used under the law by a licensed veterinarian. This provision of the act created a dilemma for veterinarians. These highly skilled and respected professionals were forced to choose between strict adherence to the law or their obligations under their professional oath to provide for the health care of animals. The law, with respect to prescription drugs, equated veterinarians with lay individuals rather than human physicians in their ability to decide on appropriate drug therapies to treat disease and alleviate pain.

The Food and Drug Administration, in implementing this provision of the act, realized this dilemma and developed an extra-label use policy designed to provide veterinarians with the necessary flexibility to practice medicine. Extra-label use refers to the use of a drug in a manner that is not in accordance with the drug label. The extra-label use policy applies only to veterinarians. It is included in FDA's compliance policy guides (CPG 7125.06 and 7125.35).

The compliance policy guide for extra-label use of animal drugs in food producing animals (CPG 7125.06) provides that such use may only be considered by a veterinarian when: First, the health of animals is immediately threatened and suffering or death would result from failure to treat the affected animals; and second when certain criteria are met and precautions observed. These precautions include the institution of procedures to assure that the identity of the treated animal is carefully maintained and that steps are taken to assure that no illegal residues occur. My amendment is intended to require the FDA to issue regulations codifying its current practice established in this compliance policy guide.

The compliance policy guide for human drugs distributed to veterinarians for animal use (CPG 7125.35) notes that most veterinary use of human drugs occurs in companion—nonfood—animal practice. For this reason, my amendment authorizes extra-label use of human drugs, with appropriate precautions, for companion animals only, not for food-producing animals.

Veterinarians need appropriate flexibility to treat animals. The FDA needs authority to develop practical and constructive regulations to enhance its ability to define violations of the act. And the amendment is important to the American public for two reasons. It will assure the safety of our food supply by strengthening the regulatory mechanism for managing prescription drugs in food producing animals, and it will help to control animal disease and suffering. Ultimately, farmers, ranchers and pet owners will continue to have available the safest and most effective treatment for their animals.

Mr. Speaker, in concluding my remarks, I would insert the text of the Animal Medicinal Drug Use Clarification Act of 1992 in the RECORD:

H.R. —

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This act may be cited as the "Animal Medicinal Drug Use Clarification Act of 1992".

SEC. 2. FINDINGS.

Congress finds that—

(1) the Federal Food, Drug, and Cosmetic Act currently permits the use of animal drug, or a drug intended for human use, that is approved by the Food and Drug Administration, only in accordance with the specific labeling approved for the drug;

(2) there are not such approved animal drugs available to relieve pain and suffering, or to treat every specific disease or condition found, in each species of animal;

(3) it is sometimes necessary for veterinarians to use such an approved animal drug or approved drug intended for human use in a manner that is not in accordance with the label of the drug if—

(A) the health of an animal is immediately threatened; and

(B) suffering or death would result from failure to provide effective treatment; and

(4) duly licensed veterinarians possess the professional training and medical judgment to administer drugs in a clinically-appropriate manner that benefits animals and safeguards the public health.

SEC. 3. PURPOSES.

The purposes of this Act are—

(1) to permit veterinarians to use such an approved animal drug, or approved drug intended for human use, for therapeutic purposes in animals in a manner that is not specified on the label of the drug, if a valid veterinarian-client-patient relationship exists; and

(2) to permit the Secretary of Health and Human Services to establish conditions for such use as may be necessary to protect the public health.

SEC. 4. ALTERNATIVE USES.

Section 512(a) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 360b(a)) is amended by adding at the end the following new paragraphs:

"(4)(A) Except as provided in subparagraph (B), if an approval of an applicant filed under subsection (b) is in effect with respect to a particular use or intended use of a new animal drug, the drug shall not be deemed unsafe for the purposes of section 501(a)(5), and shall be exempt from the requirements of section 502(f), with respect to a different use or intended use of the drug, if such use or intended use—

"(i) is by or on the lawful written or oral order of a licensed veterinarian within the context of a veterinarian-client-patient relationship, as defined by the Secretary; and

"(ii) is in compliance with regulations promulgated by the Secretary under subparagraph (C).

"(B) Notwithstanding subparagraph (A), if the use of a new animal drug results in residues in food that the Secretary has determined to be in violation of established safe levels for such drug, such drug shall then be deemed unsafe for the purposes of section 501(a)(5), and shall be subject to the requirements of section 502(f).

"(C) The Secretary shall implement final regulations that establish the conditions for the use or intended use of new animal drugs, as provided under this paragraph and as may be necessary to protect the public health, not later than one year after the enactment of this Act.

"(5)(A) If an approval of an application filed under section 505 is in effect with respect to a particular use or intended use of a drug intended for human use, the drug shall not be deemed unsafe for the purposes of section 501(a)(5), and shall be exempt from the requirements of section 502(f), with respect to a use or intended use of the drug in nonfood producing animals, if such use or intended use—

"(i) is by or on the lawful written or oral order of a licensed veterinarian within the context of a veterinarian-client-patient relationship, as defined by the Secretary; and

"(ii) is in compliance with regulations promulgated by the Secretary under subparagraph (B).

"(B) The Secretary shall implement final regulations that establish the conditions for the use or intended use of human drugs, as provided under this paragraph and as may be necessary to protect the public health, not later than one year after the enactment of this Act.".

MIAMI KIDS SPEAK WITH FIRE IN ORATORICAL CONTEST

HON. ILEANA ROS-LEHTINEN

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 28, 1992

Ms. ROS-LEHTINEN. Mr. Speaker, I would like to congratulate Terrick Sullivan, a sixth grader from Charles Drew Elementary School; Crystal Williams, a fourth grader from Phyllis Wheatley; and all of the 88 students who performed prose and poetry during the 15th annual Rev. Theodore R. Gibson Oratorical Contest in Miami. The Reverend Gibson Oratorical Contest allows children and young men and women in high school to develop and share their abilities in writing, reciting and performing poetry, oratory, and monologs.

Twenty one of these young people won first, second, or third place trophies. They include Travis Strowbridge, Shaka Smith, and Brittany Sharpton in the elementary school division, and Myles Battle, Wilanda Grandberry, and Shenika Williams in the middle schools.

In the high school division, Judy Barr, Yolanda Preston, and Wilda Pierre won prizes for original poetry or rap and Judy Barr, Janetha Collier, and Shaunte McClary took prizes for their recitation of published poetry. Frank Hosein and Sabine Gorges won for original oratory, and Vonette Woods, Shundra Fussell, Judith Eaton, and Lissette Labrousse won in the published speeches category. Charles Young, Shannell Deal, and Kinasha Taylor earned trophies for performance of monologs.

Through programs like this one, the continuing development of art and culture in our Nation are fostered. These young people are learning the skills necessary for communication in art, business, teaching, and yes, even politics. Their accomplishments were recounted in an article in the Miami Herald which I would like to include in the RECORD:

KIDS SAY IT WITH FIRE, FLAIR IN ORAL CONTEST

(By Charisse L. Grant)

"Justice! Justice! Oh J-u-u-stice," called Terrick Sullivan, peering around the crowded room in search of the stranger. "Has anybody here seen Justice?"

Laughter rippled as the Charles Drew Elementary sixth-grader, fell into character for the poem Justice Is in America? a satirical work about black Americans' quest for equality.

Terrick was among 88 Dade County students who showcased their best prose, poetry and passion Thursday during the 15th annual Rev. Theodore R. Gibson Oratorical contest, named for the late Miami city commissioner. From the smallest mouths came recitations with themes that ranged from black pride to frustration to pure childish comedy.

Crystal Williams, 10, recited her own composition, I'll Never Forget, recalling how she tucked her fallen tooth under her mattress one night and awoke the next morning to find $140 there.

"I was so pleased," said Crystal, a fourth-grader at Phillis Wheatley Elementary. "I went and told my aunt and she said, 'Girl, put my money back!' "

Other competitors were fiercely serious. Frank Hosein's measured words rang with fervor as he performed his original speech, What Must Be Done?

"Black people are hungry for equality in a society that has rejected us politically, economically and socially," he said.

Frank said his speech, which earned him first place in original oratory, came from the heart.

"It just comes from a deep love for my community," said the Central High senior.

Twenty-one students won first-, second- or third-place trophies. For those who didn't, it still was a chance to bask in the spotlight.

For Gigi Watson, who wrote Justice in Amercia, it meant even more.

"It makes me feel so good to see them," said Watson, a Dade teacher. "I feel like I'm igniting a writing fire and speaking fire with these kids."

THE WINNERS

Elementary

First place, Travis Strowbridge, Richmond; second place, Shaka Smith, Highland Oaks; third place, Brittany Sharpton, North Dade Center for Modern Languages.

Middle School

First place, Myles Battle, Richmond Heights; second place, Wilanda Grandberry, Hialeah; third place, Shenika Williams, Carver Middle.

High School

Original poetry: first place, Judy Barr, Carol City; second place, Wilda Pierre, Central.

Original poetry/rap: first place, Yolanda Preston, Central.

Original oratory: first place, Frank Hosein, Central High; second place, Sabine Georges, Norland.

Published poems: first place, Judy Barr, Carol City; second place, Janetha Collier, Carol City; third place, Shaunte McClary, Carol City.

Published speeches: first place, Vonette Woods, Miami Springs; second place, Shundra Fussell, Norland; third place, Judith Eaton, Norland and Lissette Labrousse, Design and Architecture High.

Monologue: first place, Charles Young, Jackson; second place, Shanell Deal, Jackson; third place, Kinshasa Taylor, Jackson.

Mr. Speaker, I commend the 88 students who participated in this contest, the contest organizers, and the teachers of these students. They are building skills that may one day be put to use by those same young people in this Chamber.

JOHNSON COMMENDS AMERICANS' WORK IN RUSSIA

HON. SAM JOHNSON

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 28, 1992

Mr. JOHNSON of Texas. Mr. Speaker, I rise today to present before this assembly a group of 318 fathers, mothers, and young people who traveled to Russia recently under invitation of the Moscow Department of Education.

They traveled as representatives of families to strengthen Russian families, as representatives of their churches to encourage the formerly persecuted church, and as American citizens to explain the universal Biblical principles upon which the American Founding Fathers established the ideals of liberty in our Nation.

The young people and parents visited schools, orphanages, churches, homes, and Government offices, and also conducted two training seminars especially for fathers.

Their visits to orphanages were of particular significance, affecting such a change in the orphans' attitudes that even the wife of President Yeltsin noticed a difference during one of her visits to an orphanage which had been visited. The chairman of the Department of Education further initiated an agreement to open all 53 Moscow orphanages and boarding schools for families of these Americans to live at the schools and provide leadership and training.

In recognition of the significant work of these men and women, I would like to ask that this congressional body join with me in commending those who took part in this opportunity and who are named below:

Buddy Blair (ID), Gail Blair (ID), Roger Blair (ID), Nathan Bordewich (CA), Joel Boyd (MI), Candace Boyle (CT), Thomas Boyle (CT), Ronnie Bradford (TX), Kathryn Breznik (ON), Danna Brown (TX), Denise Brown (TX), Summer Burdette (GA), Kenneth Burns (MO), Adrian Burwell (TX), Edwin Burwell (TX), Steve Byrd (TX), Edward Byrne (MI), James Byrne (MI), Mindy Calderwood (MD), Laura Call (NY), Michael Calloway (TX), Delores Carrillo (TX), Julie Cave (TX), Kristy Cave (TX), Michael Cave (TX), Sharon Cave (Mother; TX), Sharon Cave (Daughter; TX).

Harris Adams (GA), Laura Adams (GA), Raeanna Adams (GA), Ed Ahrens (OR), Julie Allen (TX), David Ameen (MI), Jeremy Ameen (MI), Harvey Amos (KS), Gavin Amrhein (IN), Helen Anderson (MN), Leon Anderson (MN), Brian Anderson (PA), Robert Armstrong (WA), Rachel Baker (OH), Kimberly Barnard (NY), Anton Bayer (IL), James Beaird (TX), Allison Behmer (AL), Edward Behmer (AL), Michael Behmer (AL), Julianne Bell (IL), Robert Ian Bell (IL), Verle L. Bell (IL), Craig Bergen (KS), Charles Berry (TX), Sarah Bingham (HI), Britney Blair (ID).

Mark Christensen (NM), Lisa Cload (OH), Robert Cload (OH), Carl Codling (MI), Carlene Codling (MI), William Coe (GA), Tiffany Cole (TX), Andrew Cornings (NY), Robert Conrad (NC), Joel Conwell (MO), Jacob Cope (SC), Marty Cope III (SC), Ruben Copico (ON), Kenneth Copley (MN), Ronald Corley (TX), Gary Cox (CO), Jennifer Cox (CO), Barry Crain (AR), David Cummings (WA), Colin Curry (TX), Benjamin Daggett (TX), John Daggett (TX), Jim Davis (MO), Ethan DeSota (MI), Karyn Dean (GA), Andrew Deister (KS), Chris Deister (KS).

Frederick Depp (MD), Jeffrey Dickerson (OR), Don Dillahunty (TX), Pete Dixon (TN), Margo Dixon (TN), Christina Domont (IL), Andrew Dosh (NC), Katy Jane Downhour (OH), Robert Dunnam (AR), William Ehnis (MI), Gary Ellison (CA), Edgar Emery (CT), Raymond English (TX), John Everson (OH), Andrew Falk (IN), Larry Falk (IN), Bill Fast (CA), Christopher Fear (FL), Peter Fear (FL), Jim Ferguson (OR), Steve Ferguson (OR), Chris Fleming (GA).

Alan Fluegge (MD), Scott Forrester (TN), Jennifer Freeman (CA), Han Frist (SC), Howard Frist (SC), Ruthie Fritsch (WA), Becky Fuhrman (IL), Caryn Fuhrman (IL), Eric Fuhrman (IL), Joyce Fuhrman (IL), Ron Fuhrman (IL), April Futhey (KS), Jeanette Gardner (GA), Curtis Gelotte (WA), Craig Gendron (MI), Gianna Geraci (OH), William Geraci (OH), Amanda Gibson (KS), John Gibson (KS), Jeffrey Gill (AZ), Wayne Glassman (ID), James Golden (TX).

Randall Golden (TX), Scott Gordon (WA), Pepper Goslin III (PA), Bill Gothard (IL), Michael Gray (TX), Jeff Grose (IL), Brian Guy (MO), Heidi Haas (OH), Kurt Haas (OH), Timothy Habermehl (MI), Susan Hall (PA), Desiree Hansen (BC), David Hardwick (OH), James Hardwick (OH), Rebecca Hardwick (OH), Sharon Hardwick (OH), Stephanie Hardwick (OH), Gayden Harrell (MS), Claire Harris (GA), Brandon Harstad (CA), Karen Hart (MI), Mary Hatmaker (AL).

Aaron Hawkins (AZ), Nathan Hawkins (AZ), Titus Heard (OK), Dean Hertzler (PA), Dean Hertzler Jr. (PA), John Hinshaw Jr. (AL), Tamra Hoagland (IL), Michael Hobbs (PA), Gerald Hood (OH), David Howlett (MI), Prem Jacob (IL), Paivi Janhunen (ON), Earl Jantz (KS), Jamie Jensen (WY), Larry Johnson (IA), George Johnston (IN), John Johston (IN), T.P. Johnston (VA), Dough Jones (MI), Joseph Jones (GA), Tim Jones (OK), Angela Keileen (MI).

Jillene Keileen (MI), Ronald Keileen (MI), Charles Kilby (CA), Laura Killingsworth (GA), Robert Kimbrough (MS), Mark Kincaid (IN), Justin King (MI), David Kinney (NY), Kirsten Kinser (MN), Stacey Kirk (FL), Gregory Koening (SD), Joseph Kress (AL), Roger Kurtz (CA), Ryan Kurtz (CA), Candy Lacey (FL), Nicholas Lancette (MT), Fritz Lang (TX), Chris Larson (VT), Richard Larson (VT), Todd Lawrence (CA), Micheal LeFebvre (OH), Lowell LeFebvre (OH).

Lisa Ledbetter (OK), Chris Ledeatt (PA), Larry Lehman (KS), William Lehman (KS), Allison Lindsey (AL), Daniel Linn (TX), James Linn (TX), James Linn IV (TX), Edna MacNoughton (OH), Harold Mally (IA), Diana Macinone (CT), George Martin (MO), Janis Martin (MO), Dewayne Martin (IN), Stephen Martz (WA), Denny Mashburn (AL), Joel Mattix (ID), George Mattix (ID), Lewis May (WA), Lori McAtee (OK), Robert McCurley (NY), Emily McDermitt (MD).

Jamie McFadin (TX), Sarah McFee (OR), Kerry McKerracher (CA), Julie McKim (TX), Kade McKim (TX), Kase McKim (TX), Keith McKim (TX), Ken McKim Jr. (TX) Kenneth McKim (TX), Kirk McKim (TX), Klayt McKim (TX), Kyle McKim (TX), Meg McKim (TX), Melisa McKim (TX), Melody McKim (TX), Millie McKim (TX), Mindy McKim (TX), Molly McKim (TX), Bennie McWha (AR), Shelby McWha (AR), Franz Menge (GA), Joshua Menge (GA).

Meg Menge (GA), Carrie Meuser (ID), Mark Meuser (ID), Rodney Miranda (MS), William Moran (NY), Helen Mordh (MN), Renee Morris (MI), Steve Nabors (GA), Amy Joy Neufeld (BC), Tony Neufeld (BC), Joseph Norris (TX), Joshua Nunez (MI), Nathan O'Bryon (WI), Ron O'Bryon (WI), Elizabeth Oldham (GA), Larry Oldham (GA), Tamara Pierce (GA), Roger Potts (MS), Bryan Pound (OR), Janet Rake (KY), Donna Reed (OH), Sharon Reeder (TX).

James Rockwell (FL), Valerie Rockwell (FL), Sharon Rogers (NY), Susan Rogers (NY), Greg Rosenquist (IL), Max Rosenquist (IL), Betty Rosenquist (IL), Peter Rumley (MI), Bob Runella (CA), Rhett Runella (CA), Ryan Runella (CA), Roxanne Santin (AB), Kent Schmidt (IL), David Schwind (CA), Elizabeth Sharp (GA), Kristine Shoemaker (IL), Carol Showalter (ON), Rachel Sias (MN), Angela Smoot (IN), Mark Stanley (MN), Dane Sternecker (WI), Margaret Swartz (MD).

Gary Swartz (MD), Grace Swartz (MD), Gretchen Swearingen (VA), John Swearingen (VA), Marian Swearingen (VA), Stephany Taylor (TX), Debra Templeton (CA), Jonathan Thorne (KS), Michael Thorne (KS), Shannon Toombs (IN), Misty Treadwell (CA), Jeanette Trebilco (CA), LaMar Troyer (WI), Vic Ullrey (CO), Tonya Ullrey (CO), Alayna Vaughn (TX), Susan Vaughn (TX), Chelsea Von Ruden (OR), Alan Von Ruden (OR), Christopher Voyer (CA).

Cynthia Voyer (CA), Jerry Voyer (CA), Jeanette Voyer (CA), Kathy Voyer (CA), Taneka Walker (MD), Bradford Wall (GA), Marilyn Walls (TX), Winston Walls (TX), Gerald Walton (PA), Jonathan Watson (WA), Pamela Watson (WA), Jeff Williams (TX), Ronny Williams (TX), Tanya Williams (TX), Courtney Worley (TX), Matthew Wright (AR), Gary Wulfekuhle (WA), David York (WI), Christine Zimmerman (NC).

DEMOCRACY FLOURISHING IN THE PHILIPPINES

HON. PETER H. KOSTMAYER

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 28, 1992

Mr. KOSTMAYER. Mr. Speaker, today I offer my congratulations to the people of the Philippines on their recent elections. The fact that Imelda Marcos could run for that nation's Presidency without hesitation speaks louder than any words as to how far that country has gone down the path of democracy since the last elections and President Corazon Aquino's dramatic victory over the late dictator Ferdinand Marcos.

While the stunning democratic movements in Eastern Europe and the newly independent states of the former Soviet Union have captured the world's attention, we should not forget that similar movements are occurring throughout other parts of the world, including Southeast Asia. Only days ago we watched as the people of Thailand faced down another dictator, rejecting continued authoritarianism. It should be noted well that the peoples of the world at large owe the Filipino people and the People Power movement of 1986 a great debt of gratitude for blazing the path in that part of the world.

While all of the Filipino people share in this great victory of democracy, I would like to single out President Corazon Aquino and Fidel Ramos for particular praise. A most unlikely candidate, President Aquino has held office during the consolidation of democracy in her country. Returning to face her slain husband's nemesis in what was widely expected to be a rigged and cynical electoral process, she risked all and ultimately led her people to victory over the forces of authoritarianism.

Former Gen. Fidel Ramos has also proven his dedication to democratic principles. Instrumental in President Aquino's victory, General Ramos did not prove to be a fairweather democrat, as did others who joined him in siding with President Aquino and facing down the military forces loyal to Ferdinand Marcos. In the best tradition of a professional military officer, he chose to serve the civilian Government faithfully, and no fewer than half a dozen times played an instrumental role in saving the beleaguered Aquino administration from consecutive coup attempts.

As such, Fidel Ramos has certainly earned President Aquino's endorsement in these elections. Although the ballots in the Filipino election are still being counted, Mr. Ramos is currently the frontrunner and projected to win. While our two nations may differ on some issues, should his election come to pass, the United States certainly owes this graduate of the U.S. Military Academy our congratulations and thanks for his role in consolidating and continuing the democratic process in his country.

TRIBUTE TO CARL G. BECKER

HON. DAVID E. BONIOR

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 28, 1992

Mr. BONIOR. Mr. Speaker, on the evening of May 28, Dr. Carl Becker will be honored at a special dinner at Fern Hill Country Club. I am very pleased to join the Clinton Valley Council Boy Scouts of America in commending a remarkable individual who will be receiving the Macomb County Distinguished Citizen Award.

Assuming an active role in our community is a responsibility we all share, but few of us fulfill. Dr. Becker has unfailingly devoted himself to this task. While a dedicated and thorough family physician for over 30 years, Dr. Becker has also been affiliated with many community organizations. His involvement and contributions to the Clinton Valley Council Boy Scouts demonstrate his commitment to our young leaders of tomorrow. In addition, he has volunteered long hours with Mount Clemens General Hospital, the American Cancer Society and Turning Point.

Mr. Speaker, through his hard work, Dr. Carl G. Becker has touched countless lives as a dependable, caring citizen. On this special occasion, I ask that my colleagues join me in saluting the fine accomplishments of Carl G. Becker and extended to him our best wishes for all his future endeavors.

HIALEAH-MIAMI LAKES SENIOR HIGH TEAM WINS NATION MOCK TRIAL COMPETITION

HON. ILEANA ROS-LEHTINEN

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 28, 1992

Ms. ROS-LEHTINEN. Mr. Speaker, I would like to congratulate the Hialeah-Miami Lakes Senior High School mock trial team who took top honors in the National High School Mock Trial Competition.

The team consists of five seniors, together with a 10th grader and a 9th grader. The team was lead by its captain, Raimundo Araujo, and coached by teachers Tony DeFillippo and Walt Gishler. The other team members included: Rick Gonzalez, Veronica Sanchez, Dorys Andani, Gladys Mesa, Freddy Hernandez, and Sam Maldonado. The team also had the help of volunteer coach Julie Waldman, a local attorney, who assisted in the preparation of the team.

This victory was the culmination of months of hard work by the students, their coaches, and the local attorney who volunteered to help train the students. The students and their instructors put in over 25 hours a week of after-school time researching the legal issues and honing their speaking skills. Their efforts were outlined in an article in the Miami Herald, which follows:

DEDICATION OF TEENS, COACH PAYS OFF IN LAW COMPETITION

(By Ana Acle)

The Hialeah-Miami Lakes High mock trial team members are state champions again because:

(A) The seven-student team went undefeated through 10 local and state trials;

(B) A lawyer spent 25 hours a week coaching the team after school and on weekends; or

(C) Two legal studies teachers taught them legal strategies and motivated them to compete.

The answer is all of the above.

For the second consecutive year, the Hialeah-Miami Lakes High mock trial team captured the state title March 30 in Tallahassee. They will be in Madison, Wis., May 7-10 to compete for the national title.

Last year, the team placed fifth in the national contest in New Orleans, losing to the eventual national champions from New Jersey.

THE STUDENTS

The team is a collection of high achievers: Five will go to college next year, one is a sophomore with enough credits to graduate next year and the seventh is a freshman who impressed everyone during tryouts.

The team returns three students from last year's state championship: Raimundo Araujo, the team captain who plans to attend the University of Florida; Veronica Sanchez, who has received a scholarship to attend Duke University; and Ricky Gonzalez, the school valedictorian and student body president who is going to Georgetown University.

The other two seniors are Gladys Mesa, who will attend the University of Florida and Dorys Andani, who will attend Florida International University.

Sophomore Freddy Hernandez and freshman Sam Maldonado complete the team.

"The main thing is they're all very bright, articulate, well-spoken, confident and they prepare well," said Julie Waldman, a lawyer for HRS and the team's coach. "Interestingly enough, none of their homework has suffered."

THE COACH

Waldman devotes at least 25 hours a week to the Hialeah-Miami Lakes High students—after she finishes her full-time job with the state Department of Health and Rehabilitative Services.

The team spends so much time together—four hours a day, Monday through Thursday evenings, and all day Sundays—they're like a family. Waldman even had the team members over for a Passover seder last weekend.

"In the past, I've had attorneys that have paid two to three visits to the school and that was a lot to ask of a lawyer," said HML teacher Walter Gishler. "Now we have Julie, who is always here. That tells you a lot about her dedication to the students."

In competition, students must be ready to argue for and against a case assigned to them. Waldman takes the students to the St. Thomas University law library to look up relevant cases, just like lawyers do. Then Waldman and the students discuss the case in a brainstorming session.

The team decides which students will argue each side of the case and which students will testify as witnesses.

Once each student's role is defined, Waldman coaches the team members individually: one lawyer and one witness one day, and another pair the next. Eventually, the whole team practices together.

At the competition, schools compete by arguing different sides of the case. Schools do not know ahead of time which side they'll be arguing.

For the national competition, the fictitious case is "Atalan Nation vs. Columbus State Historical Museum." The Native American nation of Atalan is suing a state museum because the museum has artifacts the Atalans believe are theirs.

THE TEACHERS

In addition to Waldman's coaching, two legal studies teachers, Gishler and Tony De Fillippo, teach law classes during regular school hours and a seventh-period class given by the Hialeah-Miami Lakes Adult Education office.

Each student must be in, or have been in, one of the law studies class to be on the mock trial team. That means that in addition to the preparation outside of class, many of the team members learn law techniques and legal strategies in class.

De Fillippo said he first started helping the mock trial team four years ago when he became a teacher at the school. "I had no idea what was going on or what I was getting into," he said. "It has been well worthwhile."

Gishler has been teaching the class and helping the team for 10 years. He is looking forward to the national competition. "I feel that there is an advantage to having been there once before," he said.

The team's record is 10-0, having won against five high school teams in the county—Central, Coral Gables, South Dade, Miami Beach and Sunset—and five teams in the state (Zephyrhills High in Pasco County came in second). The team would have to win five rounds of trials in Madison to win the national title.

"Winning state for a second time makes us feel as though it's not just luck," said Araujo.

Mr. Speaker, I commend these young people for their dedication and self-discipline. I wish them much success in their future academic and professional lives.

TRIBUTE TO FATHER BYRON

HON. JOHN J. LaFALCE

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 28, 1992

Mr. LAFALCE. Mr. Speaker, it is my great pleasure this morning to join with my other colleagues here in paying tribute to our guest chaplain. Father Byron, who is stepping down as president of the Catholic University of America, has a lot of friends and admirers in this body and I am happy to count myself among that number.

This year marks Father Byron's 10th year at Catholic University, a decade of notable service and great achievement. I am not alone in my high and enthusiastic regard for Father Byron. Just 5½ years ago, he was selected as one of the most effective college presidents in a survey of his peers. A little over 3 years ago, Washingtonian Magazine named him Washingtonian of the Year. And today, he is recognized by everyone as a great spiritual, academic, and community leader.

During his tenure as president, Catholic University has been literally transformed with the addition of a new athletic complex, a new science center, and—beginning this month—the groundbreaking for a new Columbus School of Law.

But Father Byron's legacy at Catholic University is a great deal more than mere bricks and mortar. He has, during his tenure, set a moral and spiritual tone that has helped establish Catholic University as a leading institution of higher learning.

I am thrilled that he has been able to join us here today and I know I speak for all of us in wishing him the very best in all his future endeavors.

TEHACHAPI WATERSHED PROJECT COMPLETED

HON. WILLIAM M. THOMAS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 28, 1992

Mr. THOMAS of California. Mr. Speaker, in 1982, I first won approval to fund an important water control project in my district to ensure the safety of my constituents, their homes, their farms and their businesses. Ten years later, I am proud to say the project has been fully completed.

On May 15, 1992, I was pleased to visit the city of Tehachapi to attend groundbreaking ceremonies for the completed Tehachapi Watershed project. This area, located in Kern County, 25 miles from Bakersfield, has been subjected to severe flooding from intense rainfall in the past. Following periods of intense rainfall, flood waters creep up mountain canyons along the south side of the watershed.

Damaging flows, primarily from the Antelope and Blackburn canyons, originate in the steeper reaches of those areas and move across farmland, depositing sediment and boulders and ravaging crops.

The watershed project was a top priority for the California Soil Conservation Service, will protect more than 3,000 acres of farmland, including the City of Tehachapi and will ameliorate water and land management as well as reduce soil erosion. This project was not only necessary and useful, but timely as well. I am pleased that the final phase of the project, the Blackburn Dam, has been completed, and that the people of Tehachapi can feel safe from the uncertainties of nature.

For more than 30 years, from the first feasibility study in 1950 to the vision and hard work of Fred Jasper, Bob Patterson, Karl Backes, Darrell Sorenson and Stuart Pyle, and Bob Cree, the president of the Tehachapi Resources Conservation District, this project has moved forward to the groundbreaking at the Blackburn Dam. This is a historic moment for the people of Tehachapi, and I am proud to see this project through its completion.

HARDING ACADEMY CHORUS NOTED

HON. DON SUNDQUIST

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 28, 1992

Mr. SUNDQUIST. Mr. Speaker, I recently had the pleasure of hosting in Washington the Harding Academy Acappella Chorus from my hometown of Memphis. As some of my colleagues will recall, the 64-member chorus under the direction of Jim Chester performed a 15-minute patriotic concert on the steps of the Capitol.

I know that others enjoyed the performance as much as I did, and I simply wanted to commend the Harding Academy Acappella Chorus and note their fine work in the RECORD.

PRIDE INDUSTRIES

HON. VIC FAZIO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 28, 1992

Mr. FAZIO. Mr. Speaker, I rise today to recognize the contributions of PRIDE Industries of Roseville, CA. Established in 1966, PRIDE is the sixth largest manufacturer in the area. It employs nearly 1,100 residents of Placer, Sacramento, Nevada, Yolo, Solano and Monterey counties in a variety of business and service units, including electronics, custodial services, grounds maintenance and warehousing and delivery.

What makes PRIDE unique, however, and the reason why its contributions need to be acknowledged here on the floor of the House of Representatives today, is the fact that 70 percent of PRIDE's employees—over 750 people—are disabled. PRIDE has created an environment in which physically and developmentally disabled members of our communities are able to perform meaningful, productive, satisfying work for a company that is employee-oriented, committed to community and—last, but not least—extremely successful.

And tomorrow, President Bush will be acknowledging PRIDE Industries' contributions when he presents them with the Chairman's Award of the President's Committee on Employment of People with Disabilities in recognition of PRIDE's contributions to the quality of life and independence of Americans with disabilities.

The committee has singled out PRIDE's creative program of rehabilitation assistance, including vocational assessment, job placement and follow-through, and supported employment, as well as its emphasis on "choice," noting that this combination of services has "significantly advanced the independence, productivity, and personal empowerment of individuals with disabilities, including persons with severe disabilities."

Mr. Speaker, I am honored to have PRIDE Industries in my district. I wish to acknowledge PRIDE Industries and its achievements, and to commend its chief executive officer, Michael Ziegler, and board chairman, Michael Snegg, for their leadership, for their business acumen, and for their commitment to their people and to our communities.

BARBARA HARKINS BRINGS OUT THE BEST AT OLIVER HOOVER KINDERGARTEN

HON. ILEANA ROS-LEHTINEN

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 28, 1992

Ms. ROS-LEHTINEN. Mr. Speaker, I would like to call my colleagues' attention to the work of Barbara Seniors Harkins, an outstanding teacher. Barbara Harkins believes that students, including her kindergarten kids at Oliver Hoover Elementary School in Miami, should read and write every day. She has them record their daily experiences in journals, and then act them out on the class puppet stage. She gets help when she needs it, from parents whom she encourages to volunteer to work in her class.

Barbara Harkins believes every student has tremendous potential, and that it is her responsibility and the responsibility of the parents to unlock it. She actively encourages parents of children who are having problems to help out in class, even if only for a few minutes. Just that much involvement can make a major difference in the child's involvement and success.

The Miami Herald published an article about this outstanding educator, which I would like to include in the RECORD:

TEACHER THRIVES ON COAXING OUT KIDS' BEST

(By Jon O'Neill)

Barbara Seniors Harkins believes every student has tremendous potential. It's her job to unlock it.

Harkins teaches an active group of kindergarten kids at Oliver Hoover Elementary, and makes things happen in her classroom. She's the kind of teacher who sets high standards for her students, but never lets them forget she is there to help them.

"It's great to have teachers like her," said Sam Jerkins, principal of the school at 9050 Hammocks Blvd. "She is probably the most giving person I have ever worked with, and she get people involved in what she's doing. She feels a real obligation to her kids, her school and the community."

Harkins makes things work in several ways. First, she tries to expose her students to as many different experiences as possible, and she has them act out what they learn. Monday, the kids staged a little play about black history, using characters that ranged from themselves to principal Jerkins to Martin Luther King Jr.

The play ends with the kids yelling: "Read, read, read." That's something else Harkins believes in. The kids read every day; they also write every day, using their own journals to document experiences, which they act out on the class puppet stage.

It's important to Harkins that her students know she cares about them, which is why there is lots of laughter and hugs between the work. She admits she gets very attached to her kids. But they get attached to her, too.

"I like her because she's nice, first of all," said Sofia Kehyanian, 6. "But she always shows us how to do things and it's fun to come here. There are hundreds of things to do."

"I push them," said Harkins. "I want them to be creative and I try to keep things hopping in the classroom."

Sometimes it seems there is more going than any one person could keep up with, but Harkins has boundless energy.

"I think she's hyperactive," Jerkins said.

Harkins also has help when she needs it from parents who volunteer to work in her class, something she encourages.

"I want them involved with us," she said. "Especially if there is a child who is having some problems. I try to have that parent come in, even if it's only for five minutes to read some flash cards or something. It's amazing the difference it makes. The kids really respond to it and everyone feels good."

Harkins, who was born in Homestead, graduated from Mays High School, got her bachelor's degree from Florida A&M University and studied for a while in Greece. Later, she got her master's degree from Nova University.

"I always wanted to help kids learn," she said. "When I was growing up, I just thought there wasn't enough caring and concern in school. I wanted to change that."

Her first teaching job was at R.R. Moton Elementary in 1969. After several years in the classroom. Harkins became a reading coordinator and later an assistant principal. But, she said, she missed the classroom.

In 1989, she started working at Hoover.

"I love doing this," she said. "It's always such a thrill to see the kids growing and grasping a concept they didn't understand before."

Mr. Speaker, I commend the work of Barbara Seniors Harkins and the sense of accountability for teachers, and responsibility for parents that she stands for. Our country needs more teachers of her high quality.

IN RECOGNITION OF THE RETIREMENT OF THOMAS J. BENSON, SUPERINTENDENT OF SCHOOLS, UPPER SADDLE RIVER SCHOOL SYSTEM, UPPER SADDLE RIVER, NJ

HON. MARGE ROUKEMA

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 28, 1992

Mrs. ROUKEMA. Mr. Speaker, I would like to pay tribute today to one of northern New Jersey's most distinguished citizens, Mr. Thomas J. Benson, superintendent of the Upper Saddle River School District, Upper Saddle River, NJ. Mr. Benson will be retiring effective August 1, 1992 after serving in his present position for 18 years.

While our community has benefited by his 18 years of innovative work, allow me to chronicle his career for my colleagues:

In 1944, Thomas Benson answered his country's call to duty in the U.S. Navy. Through 1946, Mr. Benson was a pilot and involved with radar operations. After his tour of duty, Mr. Benson returned to his education.

He received his B.A. degree from Central Connecticut University majoring in mathematics, his M.A. in secondary education from the University of Bridgeport. Mr. Benson continued his education with a sixth-year professional diploma from the University of Connecticut in elementary education. During this time, Mr. Benson taught in the Darien, CT School System and served on the Darien Board of Education. After several years in the private sector, Mr. Benson returned to work with the Greenwich Board of Education as the assistant principal of Central Junior High School from 1961–64.

During the summer of 1969, Mr. Benson launched an international educational career. He was one of three administrators who ran a school for American students at Cambridge University in England, sponsored by the American Institute for Foreign Study. In the summer of 1970, Thomas Benson was a principal of a traveling contemporary Europe school for American students also run by the American Institute of Foreign Study. He would continue to serve as the principal of similar schools through 1979.

In 1974, Thomas Benson joined us in Bergen County as superintendent of the Upper Saddle River School System. During his noteworthy tenure, he has provided leadership on many creative levels. Among his accomplishments is a well-respected program for gifted and talented students which was recognized by WOR Channel 9 in 1980–81. He also is responsible for the Micro-Computer Program which Channel 3 and Channel 68 carried in 1982. As of 1991, there are 110 micro units for a 53-classroom complex! Mr. Benson is to be commended for his innovation and sponsorship of such pioneering programs.

Thomas Benson is an accomplished author in the field of mathematics and title 1 programs and guidance counseling. Mr. Benson received a National Science Foundation grant where he studied mathematics and science at Yeshiva University.

Of course, Mr. Benson's influence is felt well beyond the classroom. He is active in many professional education associations, including the National Association of Secondary School Principals, National Association of Elementary School Principals, and the American Association of School Administrators.

In addition to his innumerable contributions to the educational field, Mr. Benson has found the time over many years to donate his talents for the benefit of the community. He is a trustee of the Upper Saddle River Library and a chairman of the Bergen County Superintendent's Association of Gifted Education. He has served as president of the Darien Babe Ruth Baseball League, commander of the Darien Catholic War Veterans, and the vice chairman of the Darien Boy Scout Committee.

Without a doubt, our community is a better place to learn and live for his efforts. Thomas Benson has made important contributions to the lives of many of our friends and neighbors. I urge my colleagues to join me in saluting this outstanding individual and wishing him well as he moves into retirement.

THE HOSTAGE CRISIS IS NOT OVER

HON. DICK ZIMMER

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 28, 1992

Mr. ZIMMER. Mr. Speaker, for the first time since Israel came into existence, the Israeli Government has been able to sit down in direct talks with most of its Arab neighbors. However, there are still many difficult matters that need to be resolved to ensure the success of these historic negotiations.

Among the most important of these issues is the need for all parties involved to respect the human rights of everyone in the region. While all of the American hostages are now free, it is possible that as many as four Israeli soldiers are being held outside the normal legal process. Yehuda Katz, Zachary Baumel, and Zvi Feldman have been missing since June 11, 1982. There is little information about whether these men are even alive. The fourth, Ron Arad, has been missing since October 16, 1986. Officials have more evidence about him than the others indicating that he is still alive.

The families of the Americans held in the Middle East suffered the agony of having nothing more than hope to get them from one day to the next. The same is true for the Israeli families who still do not know if their loved ones will be home soon—or even if they are still alive.

Mr. Speaker, we must not ignore the fact that the hostage crisis is still not over in the Middle East. And we must realize that, as long as the fate of these men is still unknown, this situation will be a major impediment to achieving peace in the region.

TRIBUTE TO JULIA BRESSLER—WINNER OF THE CABLE IN THE CLASSROOM AWARD

HON. DICK SWETT

OF NEW HAMPSHIRE

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 28, 1992

Mr. SWETT. Mr. Speaker, I rise today to honor the achievements of an outstanding educator from my home State of New Hampshire, Ms. Julia Bressler, a Spanish teacher at Nashua Senior High School. She was recently selected as a recipient of the 1992 Cable in the Classroom Educator Award presented by Warner Cable Communications of Nashua, NH. She is among a select group of 10 people nationwide chosen this year to receive the award.

Students from grades 10 to 12 at Nashua Senior High School participated in a conversational Spanish course under the guidance of Ms. Bressler and her assistants, Silvia Abelleira, Norman Ducas, Irene Oliveira, and Robert Schultz. This course was a new project designed to introduce students to many of the different Spanish dialects spoken by native speakers by viewing a variety of programs on the cable network Univision. Four separate television programs selected by Ms. Bressler and her staff presented several different Spanish dialects for the young students trying to expand their language skills. Traditional quizzes accompanied the viewing of the television programming in order to ensure that the students were learning and retaining the information.

Under the direction of Ms. Bressler and her staff, the students developed greater listening comprehension by hearing dialects from several Latin American nations as well as Spain. As a result, those involved in this creative learning environment have dramatically improved their foreign language skills. This program has established remarkable results in a time when traditional learning in the United States is not standing up to the standards established by the other countries of this world. It is an alarming statistic that only one-third of our high school students are studying a foreign language. Additionally, many of those who do study a foreign language are not reaching a high level of language competency. English has become the universal language in today's world, while we Americans in turn have neglected our responsibility of learning the languages of the nations with whom we associate.

Mr. Speaker, our country desperately needs outstanding educators like Julia Bressler to initiate innovative programs designed to aid students to recognize and reach their full academic potential. Creative programs in education will help students to develop greater self-confidence and challenge them to expand their minds and abilities. Each day we are becoming increasingly aware of the value found in hands-on programs such as these which encourage students to stay in school and also to excel in their studies.

Mr. Speaker, I ask my colleagues to join me in congratulating Julia Bressler on receiving this important award which recognizes her accomplishments in the teaching profession. Julia Bressler, her staff, and her students have come together to join a nationwide movement to make the educational process more enlightening, relevant, and enjoyable. It is refreshing to know that even though our Nation's educational system has faltered at times, there are people like Ms. Bressler who are effectively teaching our students in creative ways that will ultimately make a difference, not only in the lives of our children, but also in the future of our country.

A TRIBUTE TO FALLEN POLICE OFFICERS

HON. THOMAS J. MANTON

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 28, 1992

Mr. MANTON. Mr. Speaker, I rise today to pay tribute to two men who gave their lives in service to the city of New York, Officer Michael Buczek and Officer Anthony Dwyer of the New York City police force. Both men were killed in the line of duty on October 18, 1988. While almost 4 years has passed since their tragic murders, I believe it is important to take a moment to reflect on their valor to keep their memory alive.

Mr. Speaker, when a young person joins the New York City police force, they know their job will be a dangerous one. As a former New York City policeman, I know the kind of sober commitment this job requires. However, police work has changed dramatically since I left the force in 1960. Today, in addition to the kind of crimes I dealt with, New York City police officers must deal with persistent drug and gang related criminal behavior. The men and women of the New York City police force risk their lives every day to ensure safety for the people of New York, for little personal gain. They are true public servants. Thus, when one of them dies, all New York feels the loss. Today, I want to tell the friends and family of Officer Buczek and Officer Dwyer that the people of New York are grateful for their efforts and have not forgotten the bravery and personal sacrifice of these fine young men.

Officer Michael Buczek was only 24 years old when he was killed. He was shot by one of two suspects he had encountered in the hallway of a building of W. 161 Street where he had just answered a call for assistance. After a chase, one of the suspects turned and shot Officer Buczek with a semiautomatic weapon. Although Officer Buczek had served only 3 years on the force, he had already earned more than 40 police awards for meritorious service. Mike Buczek was a young man just beginning his life. He had been married just 1 year to his wife Christine. That gunshot 4 years ago, put an end to all their hopes and dreams for the future.

Officer Anthony Dwyer was also a young police force veteran. Tony, as he was known to family and friends, was just 23 but had served on the force for 2 years. He also served as a volunteer fireman with Engine Company No. 2 in Elmont. Tony will be remembered as a dedicated young man who was committed to serving and helping others. Officer Dwyer was murdered when a robbery suspect he had been pursuing pushed him off the roof of a building in Times Square. He died of the massive internal injuries he suffered as a result of the fall. Officer Dwyer was a young man with a bright future. Tragically, we will never know what promise the future would have held for Tony Dwyer. His murderers robbed the citizens of New York of a fine public servant. The city is less than it could be as a result.

Mr. Speaker, although Officer Buczek's and Officer Dwyer's lives were brief, they are examples of lives well lived. These were young men who sacrificed their lives for their fellow men, who wanted to make the world a better place. It is important that their families and friends know that the people of New York are eternally grateful for their bravery.

IN HONOR OF PETER ABLONDI

HON. ROSA L. DeLAURO

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 28, 1992

Ms. DELAURO. Mr. Speaker, I would like to offer a tribute to Peter Ablondi, whose lifetime of public service serves as an outstanding example to his fellow Americans. A lifelong resident of Branford, CT, he has devoted more than two decades to his community.

Peter's personal dedication and strong leadership have made a tremendous difference in the lives of countless individuals and our entire community. Throughout his long tenure as town clerk and his 3 years as first selectman, Peter has shown a remarkable dedication to his civic responsibilities. With scrupulous attention to detail and unflagging personal integrity, Peter Ablondi proved to be a skilled leader during a difficult time in Branford.

Peter has also contributed enormously to Branford's community spirit through his support of Branford's athletic programs. His instrumental role in establishing the Branford Sports Hall of Fame is typical of the many ways he has enriched the lives of Branford families. From baseball games to golf tournaments, he has consistently brought families and individuals together, uniting them in a common love of sports and good sportsmanship.

Peter's efforts have truly enhanced life in his community. As a public official and as a volunteer, he has richly served his town, and brought pleasure to its people. Combining political and civic activism with a warm, enthusiastic personality, this caring individual has made many friends. As Peter battles cancer, I would like to join his friends and family in expressing my fondness and admiration for him, and my gratitude for all that he has done.

CAROLE McARTHUR HELPS SPECIAL KIDS AT CUTLER RIDGE MIDDLE SCHOOL

HON. ILEANA ROS-LEHTINEN

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 28, 1992

Ms. ROS-LEHTINEN. Mr. Speaker, I would like to call my colleagues' attention to the work of Carole McArthur, a very special teacher. Teaching physical education to the disabled students at Cutler Ridge Middle School is work that takes a lot of patience and dedication. Carole McArthur not only loves her work, but carries it on into her own time by coaching the school's Special Olympics team.

John Williams, assistant principal of Cutler Ridge, and Anne Wheeldon, her co-coach, both praise her energy and dedication for going way beyond the call of duty, spending her personal time and money helping her special students learn coordination and develop strength.

Carole McArthur says her job is the best job in the world. She loves the students and loves seeing them learn to accomplish new feats. But she says the social skills and self-confidence they achieve are even more important.

The Miami Herald published an article about this outstanding educator, which I would like to include in the RECORD.

GREATEST JOB IN THE WORLD

(By Jon O'Neill)

Although a lot of people might not think so, Carole McArthur believes she has the best job in the world.

McArthur teachs physical education to disabled students at Cutler Ridge Middle School, and also coaches the school's Special Olympics team. It's work that takes a big heart and lots of patience, too. But McArthur loves it.

"How could you not?" she asks. "These kids are so special. They're responsive and they appreciate everything we do with them. I'm very happy here."

Thursday, McArthur and her co-coach Anne Wheeldon showed the class how to run a relay race. The kids, basking in the sun, were loving it. McArthur also spent part of the morning getting another group of kids ready for a Friday square dance at Cutler Ridge Mall and still another group ready to go skating Friday night.

"She's amazing, just wonderful," Wheeldon said. "She really taught me everything I know."

McArthur, 52, is well-known around the school for her energy and dedication.

"A normal day doing what she does is a load," said John Williams, assistant principal of the school at 19400 SW 97th Ave. "But she goes way beyond that. She spends a lot of her personal time and money helping the kids."

With her kids, McArthur works on the basics, things such as coordination and strength. The students run, do push-ups and jumps and record their progress on charts in the classroom.

"They love to improve, even in small ways," McArthur said. "They end up pushing themselves to get better."

There are other benefits.

"It also helps build up their social skills, and that's important," McArthur said. "It teaches them how to work as a team and gives them things that carry with them always."

Special Olympics is another important part of McArthur's life. She has been involved with the games for more than 10 years and believes in them. She and Wheeldon had a team of 63 kids at a recent competition at Tropical Park, playing tennis, riding horses and participating in track and field sports.

Last year, one of their students won a silver medal in gymnastics. They also took a basketball team to the state finals in Tallahassee.

"The Special Olympics gives the kids a chance to perform," McArthur said. "They can also see and be around other kids who are just like them. It helps their self-esteem in so many ways."

McArthur took the long road to "the best job in the world." Born in Waycross, Ga., she graduated from Florida State University with a degree in physical education.

She taught in schools in Georgia, Alabama and North Carolina before coming to Palmetto Middle School in 1972 as a regular physical education teacher. She later worked at Riviera Middle before coming to Cutler Ridge Middle in 1978.

At the time, the exceptional education program was small. Today, it has more than 90 kids from all over South Dade and McArthur works with most of them—including her son Drew, who is 15.

"I'm a happy camper," McArthur said. "So many people feel sorry for these kids, but you can't change the way they are. They're all wonderful and they all can learn. I love being with them."

Mr. Speaker, I commend the work of Carole McArthur and the enthusiasm and dedication she brings to teaching her very special students. Our country needs more teachers of her high quality.

A TRIBUTE TO CLARKE SCHOOL FOR THE DEAF IN RECOGNITION OF THEIR 125TH ANNIVERSARY, SERVING THE HEARING IMPAIRED

HON. JOHN W. OLVER

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 28, 1992

Mr. OLVER. Mr. Speaker, I am pleased to announce the 125th anniversary of the Clarke School for the Deaf, in Northampton, MA. The school was established in 1867 by Gardiner Greene Hubbard, after Gov. Alex Bullock signed legislation to incorporate the school.

Throughout the past 125 years, the school has been responsible for numerous breakthroughs in the education of the hearing impaired. The Clarke School boast the reputation of being the first school to prepare the deaf for life in the world of the hearing, through speech the lip reading. The first to educate teachers of the deaf in the oral method, and the first to offer a master of the deaf degree, through it's teacher education department.

The Clarke School has gone far beyond education, and into the future with research. The use of computers and television have been introduced into the curriculum. Clarke is also conducting studies in psychology, mainstreaming, curriculum development, and language acquisition.

Over the years, the Clarke School has been affiliated with many famous people. Gardiner Greene Hubbard, the founder of Clarke, was also the first president of the Bell Telephone Co., and the National Geographic Society.

Alexander Graham Bell taught visible speech at Clarke for 51 years, and was a researcher and consultant. Between 1917 and 1922, Mr. Bell was president of the school board. President Calvin Coolidge served on the board of education from 1920 until 1933. President Coolidge also married a Clarke schoolteacher, Ms. Grace Goodhue. After the presidency, Mrs. Coolidge returned to Clarke where she served as board president from 1935 until 1952.

President John F. Kennedy participated in Clarke's activities as a member of the national committee of sponsors from 1955 until his death in 1963. President Kennedy also signed legislation which provided Federal assistance for those who wished to pursue a career in educating the deaf.

The Clarke School for the Deaf has helped in unlocking doors which were once closed to the hearing impaired. Not only is the Clarke School an asset to my district, but to people throughout the world. Graduates of Clarke have gone on to teach the hearing impaired in 45 States and 33 foreign countries.

Mr. Speaker, I ask all of our colleagues in the House to join me in honoring the Clarke School for the Deaf. For 125 years Clarke has enlightened the lives of others. With the recent passage of the Americans With Disabilities Act, deafness has been put on the national agenda, and I am certain Clarke will be there to pass on the gift of knowledge.

TRIBUTE TO GEORGE MANGIARACINA

HON. SUSAN MOLINARI

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 28, 1992

Ms. MOLINARI. Mr. Speaker, on the evening of June 3, 1992, a very special event will take place in the Bay Ridge community of Brooklyn. There will be a reception in honor of a very special person, the outgoing president of the Bay Ridge Community Council, George Mangiaracina.

George has devoted his time and energy for many years by actively participating in community service organizations, as a Boy Scout Explorer adviser and a Little League coach. He also has held various positions and been an active member in many important organizations including the Police Athletic League, the Hamilton Harbor Association, the Knights of Columbus, the Catholic Youth Organization, and the Metropolitan Funeral Directors Association. He has worked on the Committee for Immigrant Registration and is actively involved as promoter for the Jesuit's Loyola Retreat House and as a Release Time teacher at St. Patrick's CCD program. I am personally grateful for the time George has contributed as a member of my Health Care Task Force. I must acknowledge George's leadership and commitment helped us realize the Homeport as well as the successful opening of Dayton Manor.

Because of the active role George has taken, he has been honored with many rewards. He received the Thomas Quinn Award in recognition of his leadership, scholastic achievement, and service in the funeral industry and was bestowed with the honor of St. Patrick's Man of the Year for his commitment and service to his church and his community. Most recently, he received the distinguished International Brotherhood Award in recognition for outstanding service to the community.

The Bay Ridge Community Council has been well served by George Mangiaracina. He has been the senior delegate from St. Patrick's Holy Name Society, the council's treasurer, the first vice-president, and has cochaired the police liaison committee and chaired the photography and dinner dance committees. For the past year he has served as president of the council and once again has shown everyone his commitment to improving the Brooklyn community.

Mr. Speaker, George Mangiaracina has an unselfish devotion to his family, friends, and community. Those who know him personally, and I am one of the fortunate, have a loyal friend who can always be counted on when needed. It is a privilege for me to be able to honor a man who has committed so much of his time and himself to our community. On behalf of the residents of Bay Ridge, Dyker Heights, and Fort Hamilton, I would like to congratulate George for serving as president of the Bay Ridge Community Council this past year, and to thank him for his commitment to our community.

USED OIL RECYCLING ACT OF 1992

HON. W.J. (BILLY) TAUZIN

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 28, 1992

Mr. TAUZIN. Mr. Speaker, before the end of today, do-it-yourself oil changers will needlessly flush down storm sewers, dump into rivers and streams, and pour on the ground more than 2 million gallons of used motor oil.

This will occur again tomorrow, the next day, and every day after. By the end of the year, according to EPA, some 175 million gallons of used motor oil will have been improperly disposed of in this way.

The dumping of this oil is both a tragedy and an opportunity. It is a tragedy because of the tremendous shock to the environment—the equivalent of an *Exxon Valdez* accident every 3 weeks, year in and year out.

It is an opportunity because we can stop it. Used oil is a resource. It can easily be recycled—rerefined into new motor oil, gasoline, diesel fuel or burned as fuel oil. We can and should drastically expand recycling and keep more used motor oil out of the environment.

The reason so much used motor oil is not now recycled—only about 10 percent of the total generated—is largely because of years of regulatory uncertainty, which have discouraged many private organizations from collecting and recycling used motor oil. Hanging over the heads of potential used oil collectors and recyclers is the threat that used motor oil destined for recycling could be listed as a hazardous waste under EPA regulations.

If that happened, the cost of recycling would rise dramatically. Listing would increase potential legal liabilities and drastically increase the cost of liability insurance. It would cause zoning and lease problems for potential collection facilities.

These looming costs have scared away people who might have established used oil collection facilities. Fewer collection centers are available to do-it-yourself oil changers. Fewer recycling programs put used oil to good use. In short, our current laws and regulations have effectively discouraged the proper recycling of used oil.

That is why I am introducing the Used Oil Recycling Act of 1992. The legislation would remove obstacles to used oil recycling by explicitly prohibiting listing of used oil as hazardous waste.

It would also establish a comprehensive used oil management system—the foundation of which is a set of management standards that protect the environment without placing unnecessary and costly burdens on handlers of used oil.

The standards require generators, collectors and transporters of used motor oil to properly handle, label, and store it. Standards exist for facility maintenance and operation, record keeping, contingency plans, release detection and response, financial responsibility, class permitting, closure and response to past practices that may have harmed the environment, and reduction in lead content of used oil to be burned as a fuel.

The standard for lead content is important because much used oil that is recycled is burned as fuel. EPA currently authorizes burning used oil as a valid and environmentally protective form of energy recovery, and the current EPA lead standard for on-specification used oil fuel is 100 ppm. This bill would reduce that to 10 ppm—just 10 percent of the current level.

The bill would also substantially reduce lead content in industrial specification fuels and subject burning of off-specification fuels to stringent air emission limits.

Dumping of used motor oil is one of the Nation's most serious environmental problems. It is also a problem for which a ready solution exists.

My bill helps pave the way for implementation of that solution. It is an environmentally responsible way to encourage the recycling of millions of gallons of used motor oil each year that now wreak havoc on our environment.

I invite my colleagues to join me in supporting this critically needed legislation, and I urge the House to give consideration to its early passage.

THE JOB TRAINING 2000 ACT

HON. WILLIAM F. GOODLING

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 28, 1992

Mr. GOODLING. Mr. Speaker, today my distinguished colleague from Illinois, Mr. MICHEL, my distinguished colleague from Wisconsin, Mr. GUNDERSON, and I are introducing the Job Training 2000 Act. This proposal is very similar to one we introduced by request last month. We are reintroducing this bill with the one modification because of our belief in the importance of the overall approach proposed by this bill.

Unfortunately, the change to the Carl D. Perkins Vocational and Applied Technology Education Act proposed in H.R. 5038 detracted from the goals of that bill. Hence, eliminating that proposed change will allow for thoughtful discussion of the more important provisions and purposes of this proposal and merits our support.

With these changes, I believe this bill will improve the capability of our country's employment training and vocational education system to serve all Americans. If we want the United States to remain a competitive world leader, we must recognize we are dependent on a well-trained, well-educated work force. I wish to commend the President for his leadership in bringing forth this legislation, and as proposed, it merits our hearty support. I strongly support the goals set forth in this bill of coordinating the education and training system, encouraging greater and more effective private sector involvement, simplifying program services, decentralizing decisionmaking, creating a flexible delivery structure, and ensuring high standards of accountability.

I agree with the goals of this proposal for more local control and for better coordination; however, we will need to consider carefully the ability of the current private industry council to fulfill this role and the certification procedures outlined need careful consideration program by program.

Again, I am in strong support of the Job Training 2000 Act and I hope you will join me in supporting this legislation.

TRIBUTE TO WALTER "SALTY" BRINE

HON. JACK REED

OF RHODE ISLAND

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 28, 1992

Mr. REED. Mr. Speaker, I rise today to pay tribute to a Rhode Island institution, Mr. Walter "Salty" Brine. For five decades Salty has graced the airwaves as Rhode Island's premiere radio/television celebrity. Today, I am pleased and honored to join with my fellow residents of the Ocean State in celebrating the occasion of Salty's 50th anniversary in broadcasting.

Since his earnest beginnings in 1942 as a news announcer, Salty has made a lasting impression on generations of Rhode Islanders. From Salty's Shack, to his home on WPRO, to no school announcements, Salty's leadership, professionalism, and affable personality has made a lasting mark in the fabric of our community.

Rhode Islanders have literally grown up with Salty and his melodious voice. During his career he has seen the world change, and reported the news, and commented on current events, both joyful and tragic. He has been a stable and calming institution and our community has benefited deeply from his personal example. He is an extraordinary symbol of integrity, goodness, and geniality.

Through the years, Salty and his wife Mickey have gained a special place in our hearts. For my generation and for young, and old like, Salty and Mickey are symbolic parents—kind, strong, decent, caring, inspiring.

On the occasion of his anniversary, I proudly join with my fellow Rhode Islanders in paying tribute to Salty. As we celebrate this milestone, we pause to remember fondly all the memories he has made for us in Rhode Island broadcast history. Mr. Speaker, I am honored that this wonderful man and his family make their home here in Rhode Island, and I am proud to be their Congressman.

SOUTH MIAMI HIGH SCHOOL STUDENTS SHARE WITH "ABUELITOS"

HON. ILEANA ROS-LEHTINEN

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 28, 1992

Ms. ROS-LEHTINEN. Mr. Speaker, I would like to call my colleagues' attention to the work and learning being shared by students at South Miami High School and their adopted grandparents at the Little Havana Activities Center in Miami.

Three hundred South Miami High students and about 500 older people are involved in the Youth and Elderly Against Crime project which brings young and old together to discuss community issues. Among their activities this year was a trip by 40 of the students to the Little Havana Center to present skits, which they wrote themselves, showing how crimes can take place and explaining how to avoid them.

The Miami Herald published an article about this outstanding program, which I would like to include in the RECORD:

STUDENTS TAKE THE STAGE TO OFFER ANTI-CRIME TIPS

(By Jon O'Neill)

A group of kids from South Miami High School brought a lesson to their adopted grandparents at the Little Havana Activities & Nutrition Centers on Tuesday.

The students used short skits to show their abuelitos how to avoid becoming crime statistics. And they had a good time doing it.

"They relate to us like grandchildren," student Ayetzsha Garay, 18, said of the 500 people who gathered at the center, 700 SW Eighth St. to watch the kids. "We enjoy coming here because we have fun with them. One of them told me that after our last visit, she was so excited she couldn't sleep."

The visit was sponsored by the Youth and Elderly Against Crime Project, which was cited this week as one of President Bush's Points of Light. It's part of a larger school system-sponsored program called the Intergenerational Law Advocacy Program, and it brings young and old together to discuss community issues and learn from each other.

South Miami High, 6856 SW 53rd St., has about 300 students involved in the program. Almost 40 made the trip to Little Havana. The school and the centers adopted each other several years ago, and they take turns visiting each other for breakfasts, lunches and other get-togethers.

"The last time we came here we played dominoes and danced," student Raymond Blanco, 18, said. "They can dance a lot more than we can."

Tuesday, the kids performed three skits they wrote themselves. One depicted a credit card scam, another a home invasion and the third a robbery at an automatic teller machine.

"We're trying to give them some hints about what they should and shouldn't do," said Richard Vera, 19, who portrayed a robber.

The kids did the skits in Spanglish and had the audience laughing and learning at the same time.

"We want to keep them from being conned or deceived," said student Jennifer Noll, 18. "A lot of times, it seems like they have nobody to help them, and they seem to like what we do."

"It's a very important learning experience for the students," teacher Patricia Coyle said. "It helps them develop sensitivity toward the elderly."

Elisa M. Juara, nutrition director of the center, said the visits are just as important for the elderly.

"The kids bring them energy," she said. "It makes them feel so special and they can share so much with each other. The people here may be a little older, but they still have a lot to give."

Mr. Speaker, I commend the students of South Miami High School for their spirit of service, and for their recognition that older people not only can learn from them, but also have a great deal to teach them. They are a point of light illuminating the way for all of us.

RONALD K. MACHTLEY AWARD WINNER

HON. RONALD K. MACHTLEY

OF RHODE ISLAND

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 28, 1992

Mr. MACHTLEY. Mr. Speaker, it is my distinct pleasure to congratulate Jacki Johnson of Providence, as this year's recipient of the Congressman Ronald K. Machtley Academic and Leadership Excellence Award for Mount Pleasant High School in Providence, RI.

This award is presented to the student, chosen by Mount Pleasant High School, who demonstrates a mature blend of academic achievement, community involvement and leadership qualities.

Jackie Johnson has more than fulfilled this criteria. While being named to the honor roll, Jackie served her school as a member of the Senior Social Committee and as a member of the executive board of M.P. for Peace, a service group. She also plays softball and works at a part-time job in her community.

I commend Jacki Johnson for her outstanding achievements and wish her all the best in her future endeavors.

QMB NOTIFICATION LEGISLATION

HON. GERRY E. STUDDS

OF MASSACHUSETTS
IN THE HOUSE OF REPRESENTATIVES
Thursday, May 28, 1992

Mr. STUDDS. Mr. Speaker, today I am introducing legislation to require the Secretary of Health and Human Services to include a description of the Qualified Medicare Beneficiary [QMB] Program in the annual notice HHS mails each year to all Medicare beneficiaries.

As you know, Congress created the QMB Program in 1988 for Medicare recipients who earn too much to qualify for Medicaid yet are unable to pay their Medicare out-of-pocket expenses. QMB was designed to aid our Nation's neediest seniors—seniors whose earnings and assets meet the Federal poverty limits. Under the QMB Program, qualified Medicare beneficiaries are eligible to receive Medicaid coverage of Medicare's premiums, deductibles and coinsurance costs.

The tragedy, Mr. Speaker, is that the vast majority of senior citizens that QMB was created to serve do not even know that it exists. Hundreds of thousands of our Nation's neediest seniors who qualify for QMB coverage are unaware, for example, that they are entitled to the $31.80 that is deducted each month from their Social Security checks.

Thirty-one dollars and eighty cents a month. It may not seem like a lot to an administration intent on keeping the QMB Program a closely guarded secret. But $31.80 each month can mean an awful lot to a senior citizen living on the edge of poverty. $31.80 is a week's worth of groceries, a month's utility bill, or the cost of traveling to church, to the store and to the doctor each month.

The legislation I am introducing today would require that the Secretary of Health and Human Services include an easy-to-understand description of the QMB Program in the annual notice mailed to all Medicare beneficiaries. It is a simple bill, it is an inexpensive bill, but it is an urgently needed bill. I encourage my colleagues to review it, and I hope they will support it.

ETHNIC ALBANIANS IN KOSOVO HOLD HISTORIC VOTE

HON. WM. S. BROOMFIELD

OF MICHIGAN
IN THE HOUSE OF REPRESENTATIVES
Thursday, May 28, 1992

Mr. BROOMFIELD. Mr. Speaker, I want to commend the ethnic Albanians in the former semiautonomous province of Kosovo in what was Yugoslavia for their recent brave decision to freely express their political desires.

On Sunday, overwhelming numbers of ethnic Albanians in Kosovo elected Ibrahim Rugova to be President and selected a legislative assembly. Dr. Rugova, who heads the Democratic League of Kosovo, is strongly committed to democracy and the restoration of the semiautonomous status of Kosovo. He also supports the eventual independence of the region through nonviolent means. Before the elections, which were monitored by international observers, 23 political parties declared their intention to participate and over 500 candidates registered for the 100 parliamentary seats.

Kosovo lost its semiautonomous status in 1990 following a brutal crackdown by Serbian authorities which killed scores of demonstrating Albanians. Since then, Kosovo has been a police state, under martial law, and totally occupied by Serbian security forces. Ethnic Albanians are routinely denied basic liberties, including freedom of assembly, speech, and press, and ethnic Albanian political activists are often beaten, harassed, and sometimes killed. Even though ethnic Albanians represent 90 percent of the population of Kosovo, Serbia dissolved the province's parliament and sacked more than 85,000 ethnic Albanian doctors, teachers, and workers for refusing to sign a loyalty oath. Serbian officials control Kosovo's police, media, hospitals, hotels, and even schools.

Before the elections, which Serbian authorities opposed and described as illegal, Serbian security personnel sealed off the headquarters of the Democratic League of Kosovo and seized election materials. I am particularly disturbed by unconfirmed reports that one of the key ethnic Albanian organizers of the election was brutally killed after the election.

In the aftermath of the cold war, the desires of the ethnic Albanian community in Kosovo for self-determination, freedom, and democracy strike a chord with a growing number of nations around the world. I only hope that the Serbian strongman, Slobodan Milosevic, will see the writing on the wall and resist any temptation to direct aggression against the freedom-loving ethnic Albanian community there. Even with all of his military power and horrible brutality, the Serbian madman cannot stop the tide of democracy that is surging through former Yugoslavia.

TRIBUTE TO UNCLE SAM ROUNSEVILLE

HON. JOSEPH P. KENNEDY II

OF MASSACHUSETTS
IN THE HOUSE OF REPRESENTATIVES
Thursday, May 28, 1992

Mr. KENNEDY. Mr. Speaker, I include the following resolution:

Whereas, the strongest asset of the United States of America is the talent, energy and drive of the citizens of our great country, and

Whereas, each citizen has a unique opportunity to make our nation stronger and greater through their individual effort, and

Whereas, each time an individual makes a small or large contribution to benefit his or her fellow citizen, we become a stronger and better nation as a whole, and

Whereas, in the course of human events, all citizens benefit from the individual and collective efforts of others who foster better education, volunteerism, pride in America, and freedom and peace throughout the world.

Now therefore, on behalf of the people of the United States of America, we pause to pay special recognition to such an individual, "Uncle Sam Rounseville", who has distinguished himself by his many civic and charitable endeavors, namely, promoting volunteerism, helping the United States Government in its Savings Bond Drive, helping to raise funds for the Heroes Welcome Home for the Gulf War Veterans, visiting schools to promote reading and scholastic activities by students, visiting nursing homes and hospitals to cheer up the less fortunate, raising funds for the U.S. Olympic Team, and personally going to Albertsville, France, in support of our Olympic Team, together with many other civic and charitable events too numerous to mention. In appreciation and in recognition of your volunteer efforts, we salute and commend you, "Uncle Sam".

NATIONAL WOMEN VETERANS RECOGNITION WEEK

HON. MICHAEL BILIRAKIS

OF FLORIDA
IN THE HOUSE OF REPRESENTATIVES
Thursday, May 28, 1992

Mr. BILIRAKIS. Mr. Speaker, in 1984, I sponsored the first piece of legislation introduced in Congress that called for national recognition of women veterans. The VA estimates that there are more than 1.2 million women veterans in this country, representing 4.2 percent of the total veteran population. Approximately 88,000 women veterans reside in my home State of Florida.

While I was pleased to be the originator of this worthwhile endeavor, I was surprised and disappointed that such recognition had not been given before. I am proud to say that ever since, Congress and the President have approved National Women Veterans Recognition Week.

One reason I sponsored National Women Veterans Recognition Week is to honor the women who have served in the Armed Forces and to increase the public awareness of their significant contributions to the defense of this great Nation.

Although official military participation began with the formation of the Army Nurse Corps in 1901, followed by the Navy Nurse Corps in 1903, women have served in and with the military services since our country was founded.

During World War I, the Army held fast to its prohibition against enlisted women, but the Navy Department took advantage of the clerical skills women offered by signing up 13,000 women in the Navy and the Marine Corps. These women—who worked as telephone operators, clerical workers, typists and stenographers—were the first to be accorded full military rank and status. When World War I ended, however, they were demobilized, and except for the Nurse Corps, the American armed services were once again all-male institutions.

World War II marked a turning point in the history of women in the military. On May 14, 1942, the Women's Army Auxiliary Corps, or WAACs, was created, followed 2 months later by the WAVES, which stands for "Women Accepted for Voluntary Emergency Service."

A total of 350,000 women served in the four services during World War II and their contribution to the war effort was invaluable. Perhaps the greatest compliment paid to the American women who served came from Albert Speer, Adolf Hilter's weapons production chief. Speer is reported to have said:

> How wise you were to bring your women into your military and into your labor force. Had we done that initially, as you did, it could well have affected the whole course of the war. We would have found out, as you did, that women were equally effective, and for some skills, superior to males.

In 1947–48, Congress recognized the valuable service of women during World War II by granting them active duty status in the regular Army, Navy, Marine Corps and Air Force. Women continued to play an active role in Korea and Vietnam. In 1975, Congress further recognized the important contributions of women by requiring the service academies to admit women. In 1980, the first women were graduated.

Whether women served as nurses, clerical support, mechanics, technicians, pilots, cryptographers or one of the many other positions of service, they have contributed and continue to contribute mightily to our defense in times of both war and peace. And despite the fact that women are officially excluded from combat duty, we all know that many women veterans served under very difficult and dangerous circumstances—some even gave their lives for their country.

In fact, in every war before the 20th century in which the United States was involved, small numbers of women disguised themselves as men in order to serve in combat roles. Among the most famous of these were Deborah Sampson, alias Robert Shurtleff in the Revolutionary War; Lucy Brewer, alias George Baker, in the War of 1812; and Loretta Vasquez, alias Harry T. Buford, in the Civil War.

Despite the continuous service of women throughout the history of our Nation, we have not always recognized their tremendous contributions, nor have we paid attention to their needs as veterans.

It is my hope that "National Women Veterans Recognition Week" will highlight the special needs of women veterans, particularly in the areas of health care, employment, and readjustment problems. Of greatest importance is to increase women veterans' awareness of the availability of VA benefits and services for which they are eligible. Although much has been accomplished in the past several years, women veterans are less likely than their male counterparts to use veterans benefits such as VA health care and the home loan guarantee program.

"National Women Veterans Recognition Week" is a time for the country to become better acquainted with the service of women veterans and to express our gratitude to them for that service. However, it is also a time for women veterans themselves to remember their years in uniform and take pride in the many contributions they have made to the security and well-being of our great country.

As new windows of opportunities open for women in the military, there will be an increasing number of female veterans eligible for health care and other benefits. It is incumbent upon us to see that those services are available to them.

Today, I have once again introduced "National Women Veterans Recognition Week," and I hope my colleagues will support this important resolution.

IN RECOGNITION OF THE ACHIEVEMENTS OF LEONARD RAMIREZ

HON. RICHARD H. LEHMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 28, 1992

Mr. LEHMAN of California. Mr. Speaker, I rise before my colleagues today to honor and congratulate Mr. Leonard Ramirez for receiving Continental Cablevision's Cable in the Classroom Educator Award. Each year 15 such awards are given to outstanding educators and media specialists from across the country who have developed innovative ways to use cable educational programs enhance classroom curriculum.

Mr. Ramirez is a media technician at the Instructional Media Center of the Fresco Unified School District. In his position, Mr. Ramirez has profoundly affected the quality of education in the Fresno Unified School District. Mr. Ramirez has used his technical expertise and creativity to utilize local cable services by developing a complete media facility at Fresno Unified. He records Assignment Discovery, Arts & Entertainment classroom programs and C–SPAN short subject programs, making these programs available to teachers through a centralized audio visual circulation department. Teachers are then able to access any type of cable programming for use in their classroom.

Not only has Mr. Ramirez developed this video facility within the Fresco Unified School, but he also facilitated communication between the local cable company and his children's Kingsbury School District. As a result of his efforts, the school district and cable company now have a strong working relationship.

At a time when school budgets are severely constrained, and many educational systems are under much criticism, Mr. Ramirez took the time and the initiative to enhance Fresno Unified's educational curriculum. Because of his concern, the children of Fresno and Kingsbury Counties have the opportunity to be exposed to top quality, up-to-the-minute cable programming. Teachers also now have the resources and opportunities to develop the most creative and informative lesson plans for their students.

Mr. Speaker, it is with great pride and pleasure that I take this opportunity to congratulate and honor Mr. Leonard Ramirez on the floor of the House of Representatives. His ability and devotion to improving the quality of education is both inspirational and admirable. I am very fortunate to have someone like Leonard Ramirez in my district, and I am confident that he will continue to use his skill and creativity to further enhance the curriculum of the schools he works with.

FRANK V. MEEHAN, CHIEF OF POLICE FOR EL SEGUNDO, RETIRES AFTER 34 YEARS OF SERVICE

HON. MEL LEVINE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 28, 1992

Mr. LEVINE of California. Mr. Speaker, today I rise to salute Frank V. Meehan, chief of police for the city of El Segundo. Chief Meehan will be honored on June 12, 1992, on the occasion of his retirement from the law enforcement field after an impressive 34 years of dedicated service.

As chief of police, he applied his vast experience in law enforcement and his dedication to assist our neighboring communities with innovative projects. From 1988–92, he launched the Westnet Task Force which became the Los Angeles Inter-Metropolitan Policy Agency Crime Team, as well as L.A. Impact, a countywide drug enforcement team. He also established the Reach Out Against Drugs Organization [ROAD] to interact directly with the youth of the city in a fight against drug and alcohol use. During his tenure as chief of police for the nearby city of Redondo Beach, he initiated a regional 19-member burglary apprehension team that served as a model for numerous teams still operating today statewide.

The same innate talents Chief Meehan brought to the police departments that he served faithfully, he brought to other projects. He served as a senior associate for Triton Corp. in Washington, DC, from 1983 to 1985. In this position, he was responsible for the structure and presentation of the Federal Emergency Management Agency's integrated emergency management course. He also served as law enforcement liaison for the district attorney of Los Angeles County from May to November 1983.

Despite the enormous responsibilities of guiding a police department, Chief Meehan has also been active in many professional associations such as: The California Peace Officer's Association; the International Association of Chiefs of Police; the Police Management Association, Washington, DC; the Los Angeles County Peace Officers' Association; the police chiefs' section, the League of California Cities; the Los Angeles County Police Chiefs' Association; and the South Bay Police Chiefs' Association.

Among his many accomplishments Chief Meehan is a veteran of the U.S. Army where he served in the Far East theater of operations prior to being discharged in December 1947. While serving the city of Chino, he earned his bachelor of science degree from the California State University of Los Angeles in June of 1970, and later earned his master of public administration from the University of Southern California in 1975.

Throughout his endeavors, Chief Meehan has enjoyed the love and support of his family, including his wife of 42 years, Marie, his daughter, Lisa, and his two sons, Sean and Joseph.

El Segundo is extremely fortunate to have had the leadership of an individual as dedicated, experienced, and successful as Frank V. Meehan. I ask that my colleagues join me in saluting Chief Meehan on the occasion of his retirement from the law enforcement field, and to wish him and his family continued success.

SALUTE TO ROBERT OWENS

HON. ELTON GALLEGLY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 28, 1992

Mr. GALLEGLY. Mr. Speaker, I rise today to honor one of the giants of California law enforcement as he retires after more than 38 years of service.

Oxnard Police Chief Robert Owens has earned national recognition for his innovative and effective ideas in combating crime. During his 22 years as Oxnard's chief, he has established his department as one of the best in the State, and has worked especially hard—and successfully—to maintain strong support from all segments of the community.

Bob began his career with the Los Angeles County Sheriff's Department, where he served for 13 years and rose to the rank of lieutenant before leaving to become the San Fernando police chief for 3 years. In 1970, he was named chief in Oxnard, and began the innovative approach that has been his hallmark.

For example, Bob launched the serious habitual offender program in 1979 to keep track of criminals in and outside of the corrections system. In an effort to reduce recidivism, criminals receive job training, counseling, job referrals and, if necessary, even clothes for job interviews. The program has worked so well that last year the department received a Federal grant to create a similar program for gang members.

Bob also has long been a supporter of community policing, the concept that is now gaining popularity in a number of big city departments. Bringing together city agencies and community groups, police spearheaded urban renewal programs and gained support by increased foot patrols and other measures.

Mr. Speaker, Ventura County District Attorney Michael Bradbury perhaps best summed up Bob's career when he called Chief Owens "the Renaissance man of law enforcement." Bob formally retires on June 15, and his many friends will honor him at a retirement dinner on June 5. I urge my colleagues to join me in saluting him as well for an outstanding career, and in wishing him and his wife, Linda, well.

EFFECTS OF PRORATIONING EVEN GREATER

HON. JAMES H. SCHEUER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 28, 1992

Mr. SCHEUER. Mr. Speaker, last week when the House considered the Markey-Scheuer natural gas prorationing amendment, I stated that gas prices had gone up 32 cents per thousand cubic feet at the well-head in the 6 weeks since Texas and Oklahoma adopted their prorationing regulations.

I was wrong, and for this I humbly apologize to my colleagues. As it turns out, the price of gas has gone up more than 50 cents per thousand cubic feet and experts are saying that part of that increase is due to prorationing. Prorationing and the recent increase in natural gas prices would not cost American gas consumers $6 billion, it will cost them nearly twice that.

When the Congress passed the Markey-Scheuer amendment last week, with a majority of both Democrats and Republicans voting "aye," it did the right thing. We made it clear that we will not allow States to use prorationing policies to restrict output and raise prices.

TRIBUTE TO S. SGT. FREDERICK GRIMES

HON. CLYDE C. HOLLOWAY

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 28, 1992

Mr. HOLLOWAY. Mr. Speaker, it is with great pride that I rise today to salute my constituent, S. Sgt. Frederick Grimes of Alexandria, LA, who was recently honored as the "United States Air Forces in Europe Medical Technician of the Year." This recognition, Mr. Speaker, is not something which the Air Force grants lightly or without reason. On the contrary, naming Sergeant Grimes as "Technician of the Year" represents the Air Force's confirmation of his professional skill, value, and management and leadership ability. Mr. Speaker, Sergeant Grimes is richly deserving of this award. I commend his selection. He is a credit to his family, his community, his State, and our Nation.

TRIBUTE TO STEWART H. GAMAGE

HON. RICHARD A. GEPHARDT

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 28, 1992

Mr. GEPHARDT. Mr. Speaker, I would like to take this opportunity to acknowledge and thank a member of my staff, Stewart H. Gamage, who is leaving the Hill to pursue other interests. Ms. Gamage served as floor assistant and policy director on my majority leader staff. In both of those capacities, her quick intelligence, wide range of interests, and commitment made her an effective and valued aide. I know that these qualities will ensure her success in her future endeavors. I also know that she will be missed by her many friends and colleagues in the Congress. I thank her for her good work and wish her the best of luck.

TRIBUTE TO ROBERT GAINER

HON. DENNIS M. HERTEL

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 28, 1992

Mr. HERTEL. Mr. Speaker, I rise today to pay tribute to an old friend, Robert Gainer, a valued member of the Capitol Hill Police force whose last day of work is tomorrow, Friday, May 29, 1992. Bob has been with the force for 21 years and will be retiring in October. In June 1971, Bob began his career with the patrol division where he directed traffic, walked foot patrol and worked in a scout car. While directing traffic he could often be seen in an intersection pleading with people to come on through. He transferred after 9 years to the House division. Here, many of us have been greeted by his friendly face in the mornings as we enter the Longworth garage.

Prior to coming to Capitol Hill, Bob had a distinguished career in the U.S. Army. He is a veteran of both the Korean and Vietnam wars. In Korea, Bob was wounded and was then sent to Japan where he was stationed for 3 years with the military police and ordnance. In addition to his service in Korea and Japan, he also served from 1967 to 1968 in Vietnam as a supply officer. Throughout Bob's 20 year career in the military he served in many parts of the United States starting at Fort Knox, KY and ending at Aberdeen Proving Ground, MD. During his career, he received the Korean Service Medal, Japan Occupation Ribbon, Vietnam Service Ribbon with Accommodation, U.N. Defense Ribbon and was awarded the good conduct medal numerous times.

Bob is a West Virginia native and is proud of his Preston County roots and their famous buckwheat cakes. He is an avid sports fan and continues to root for the West Virginia Mountaineers as well as the Washington Redskins and the Pittsburgh Pirates. There are probably no stronger Redskins' fans than Bob and his family. Often, on the day after the game, you could find Bob replaying it play by play with his colleagues. As a young man he tried out for the Pittsburgh Pirates and even though he was cut from the team, he still enjoys following "his team", the Pirates.

Mr. Speaker, I ask that you join me, Bob's wife, Celia and his children, Janice, Sharon and Rick, and of course his many friends in recognizing the numerous contributions of this fine man. I ask that my fellow colleagues join me in congratulating him on a job well done. I wish him continued success and happiness.

INTRODUCTION OF THE AMERICAN VISIONARY ART MUSEUM RECOGNITION ACT

HON. BENJAMIN L. CARDIN

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 28, 1992

Mr. CARDIN. Mr. Speaker, today I, joined with colleagues from the Maryland delegation, am introducing the American Visionary Art Museum Recognition Act. This legislation expresses the sense of Congress regarding visionary art as a national treasure and regarding the American Visionary Art Museum as a national repository and educational center for visionary art.

Visionary art is produced by individuals independent of the influence of mainstream art. The visionary artist is driven by his or her own internal impulses to create. Prominent among the creators of visionary art are the mentally ill, the disabled, and the elderly. Their work exemplifies the human capacity to overcome difficulty through creative response.

The American Visionary Art Museum, which will be located in Baltimore's Inner Harbor, is the only visionary art museum in the United States. The legislation we are introducing in the House as a companion to legislation introduced by Senator MIKULSKI in the Senate will regard visionary art as a national treasure and proclaim the American Visionary Art Museum a national repository and educational center for visionary art.

The primary vision of the museum is to increase public awareness of America's rich heritage of uncommon art produced by common people in response to extraordinary circumstances. It also seeks to provide educational outreach to the public, especially school-age children and the elderly, by exposing them through art, film, and special events to new ideas about the value of individual and creative, self-reliant expression.

I would ask my colleagues to join me in sponsoring this very important legislation.

SENATE—*Monday, June 1, 1992*

(Legislative day of Thursday, March 26, 1992)

The Senate met at 2 o'clock and 32 seconds p.m., on the expiration of the recess, and was called to order by the Honorable CHARLES S. ROBB, a Senator from the State of Virginia.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore [Mr. BYRD].

The legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, June 1, 1992.

To the Senate:

Under the provisions of rule I, section 3, of the Standing Rules of the Senate, I hereby appoint the Honorable CHARLES S. ROBB, a Senator from the State of Virginia, to perform the duties of the Chair.

ROBERT C. BYRD,
President pro tempore.

Mr. ROBB thereupon assumed the chair as Acting President pro tempore.

RECESS UNTIL 9:30 A.M., TUESDAY, JUNE 2, 1992

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate now stands in recess until 9:30 a.m. on Tuesday, June 2, 1992.

Thereupon, at 2:01 p.m., the Senate recessed, under the order of Thursday, May 21, 1992, until Tuesday, June 2, 1992, at 9:30 a.m.

NOTICE

We wish to inform all Members of Congress that today's Congressional Record has been printed entirely on paper manufactured from 100-percent postconsumer recovered material.

CHARLIE ROSE, *Chairman,*
Joint Committee on Printing.

• This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

59-059 O—97 Vol. 138 (Pt. 9) 42

HOUSE OF REPRESENTATIVES—*Monday, June 1, 1992*

The House met at 12 noon and was called to order by the Speaker pro tempore [Mr. MONTGOMERY].

DESIGNATION OF SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, DC,
June 1, 1992.

I hereby designate the Honorable G.V. (SONNY) MONTGOMERY to act as Speaker pro tempore on this day.

THOMAS S. FOLEY,
Speaker of the House of Representatives.

PRAYER

The Chaplain, Rev. James David Ford, D.D., offered the following prayer:

We are grateful, O God, for all Your gifts to us, those that have the potential for changing our lives or the world and those that give meaning to the details of daily life. On this day we pray for the gifts of patience and diligence. With all the pressures for action that cry out each day and with all the concern and worry that accompanies any responsibility, we pray that our lives and the lives of every person will know Your peace that passes all our human understanding. May Your still, small voice that speaks to us in the depths of our hearts illuminate our minds and our spirits and enable each one to view the daily concerns with confidence and with hope. This is our earnest prayer. Amen.

THE JOURNAL

The SPEAKER pro tempore. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore. The Pledge of Allegiance will be given by the gentleman from Nebraska [Mr. BEREUTER].

Mr. BEREUTER led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

PRACTITIONERS CALL FOR WOMEN'S HEALTH EQUITY

(Mrs. SCHROEDER asked and was given permission to address the House for 1 minute and to revise and extend her remarks and include extraneous matter.)

Mrs. SCHROEDER. Mr. Speaker, today, June 1, the Josiah Macy, Jr., Foundation will release results from its November 1991 conference, "The Obstetrician/Gynecologist in the Twenty-First Century: Meeting Society's Needs." The conference brought obstetricians, gynecologists, health analysts, and public policy advocates together to develop comprehensive guidelines for women's health.

The conference participants made eight recommendations to improve women's health care. These recommendations, which I would like to share with my colleagues, call for universal access to health care for women and children, trained providers for women, and Government inclusion of women and minorities in clinical trials.

Over 40 House colleagues have endorsed a similar set of principles developed by the congressional caucus for women's issues and the campaign for women's health. On Thursday, May 28, 264 Members voted for the NIH reauthorization bill, which mandated the inclusion of women and minorities in clinical trials and expanded women's health research at NIH. The message from both Congress and the Josiah Macy, Jr., Foundation report is clear. Women want health equity. Women deserve health equity.

Mr. Speaker, I am including a summary of the conference in the RECORD, as follows:

(The conference was held in Phoenix from November 20 to November 23, 1991 to define a path that the specialty of obstetrics and gynecology could follow to best serve women's health needs in this decade and into the next century. The conference was chaired by Edward E. Wallach, M.D. and co-chaired by Nancy Milliken, M.D.)

THE OBSTETRICIAN/GYNECOLOGIST IN THE TWENTY-FIRST CENTURY—MEETING SOCIETY'S NEEDS

Lack of access to health care is the greatest threat today to the health of American women. More than 33 million Americans lack health insurance and tens of millions more lack adequate insurance. This, coupled with increasing medical costs, is an insurmountable barrier to millions of Americans seeking health care. Women are disproportionately affected by this problem because insurance coverage is tied to full employment.

Since 1970, more than 15 percent of obstetrician/gynecologists have discontinued their obstetrical practices and many parts of the country lack trained obstetricians. Millions of American women are giving birth without proper prenatal care which translates into America's alarmingly high infant mortality rate placing it twenty-second among industrialized nations.

Women's access to health care is compromised further by governmental funding restrictions that limit access to family planning, especially for poor women and women of color. In addition, language barriers, culturally insensitive care, and lack of patient education and awareness keep many women from getting needed care.

Improving access to care for all women is only one of many challenges confronting the specialty. Obstetrician/gynecologists face growing malpractice insurance costs, conflicting pressures to provide primary care versus specialty care, difficult ethical questions arising from the introduction of new technologies, and increasingly complex medical and social problems associated with growing numbers of pregnant teenagers, drug and alcohol addicted women, and aging women.

To address these challenges, this conference was convened by the Josiah Macy, Jr. Foundation in November, 1991. The 40 invited conference participants included not only senior leaders of the specialty but also younger obstetrician/gynecologists and representatives from the women's health movement, women's interest groups, the legal profession, the field of medical ethics, state government, and other health specialties including certified nurse midwifery, public health, pediatrics, and family practice. These participants sought to define how the specialty of obstetrics and gynecology could best serve women's health care needs during the 1990's and into the next century.

The conference began with a call for action from the Honorable Patricia M. Schroeder, U.S. Representative from Colorado and a leading advocate for women's rights and for equity in women's health care and research. She called on individual obstetrician/gynecologists and their organizations to provide leadership as the nation debates health care issues. Despite recent legislative gains for women's health care, Representative Schroeder reminded the conference participants of the long road ahead to achieve real equity for women and their health care and emphasized that, "American health care gets an 'A' for the last days of life and a big 'F' for the beginning of life."

The conference was organized around four topics: the obstetrician/gynecologist's social contract; professional personnel needed for the future; quality assurance and liability; and ethics and public policy affecting reproductive health. The participants reached a consensus on a number of fundamental issues:

Obstetrician/gynecologists have a moral mandate to improve access to quality reproductive health care for all American women. Their social contract includes not only providing quality care to individual patients and pursuing research on women's reproductive health, but also participating in public education, public service, and public advo-

☐This symbol represents the time of day during the House proceedings, e.g., ☐ 1407 is 2:07 p.m.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

cacy for the health of the most vulnerable and least served women in our society.

Obstetrician/gynecologists should work in partnership with the women they serve. Reproductive health care affects the core of a woman's life and she must be provided with the information necessary for her to make decisions regarding this care. Consistent with the principles of informed consent, obstetrician/gynecologists should recognize that each woman is best suited to accept or reject recommended medical care.

Obstetrician/gynecologists should work with women to identify pertinent research agendas, to devise accessible and acceptable clinical programs, to control the proliferation of unnecessary therapies and procedures, and to formulate public policy on significant social issues.

Obstetrician/gynecologists should be specialists who provide consultation, evaluation, and direct care for the reproductive health of women. Although primary care is not implicit in this professional definition, in given practice settings the obstetrician/gynecologist may choose to take responsibility for a woman's primary care. Because expensively trained specialists are not best used to provide primary care, the specialty should not formally incorporate primary care into its training. Since an estimated 50 percent of patients see only their obstetrician/gynecologist for medical care, each woman should have access to information regarding the training and scope of practice of her obstetrician/gynecologist.

The increasing numbers of women entering obstetrics and gynecology face special challenges. Their unique roles as professionals and child bearers and child rearers demand increasing flexibility from training programs, practice settings, and academic institutions. The conference participants agreed that ways must be explored "to level the playing field" for women and men with time-consuming family responsibilities.

Obstetrician/gynecologists as well as the specialty's organizations are facing increasingly complex ethical issues. Obstetrician/gynecologists should possess the skills necessary for identifying ethical issues in the care of patients, in research, or within organizational policy making. Competence in identifying ethical issues and in ethical decision making should be required at every level of education.

From these fundamental agreements, the conference organizations, their educational programs, and to governmental agencies influencing American health care:

Recommendations

1. Endorse universal access to comprehensive care for women as an essential step in improving the health of women and children. As a first step, preconceptional, maternity, and newborn care must be available to all women and their infants. The American College of Obstetricians and Gynecologists (ACOG) should join with other health groups that have publicly advocated for a national health program.

An important element of the social contract of the specialty is a commitment to the health of all women, not just individual patients. Many American women face both financial and geographic barriers to adequate health care. Universal health care is the norm for all other industrialized democracies.

2. Improve access immediately, by establishing incentives for obstetrician/gynecologists and hospitals to implement an interim system which will encourage and enable physicians, other practitioners, and hospitals to accept Medicaid and uninsured patients, including undocumented aliens.

All obstetrician/gynecologists should accept their social responsibility for the reproductive health care of the women in their communities. This is not a burden that should fall solely on public hospitals; private hospitals must work with physicians to provide care for those underserved populations. ACOG and the American Hospital Association should develop models of cooperation in the provision of this care. Membership in specialty organizations could be contingent upon providing care to these groups. However, if obstetricians and other obstetrical providers are to provide this care, a program should be developed to offer them some relief from the additional malpractice exposure it would involve. Access also could be improved by increasing the numbers of all providers of women's health care (e.g., obstetrician/gynecologists, certified nurse midwives, family practitioners) as well as expanding the National Health Service Corps to place these providers in underserved areas of the country.

3. Support the participation of all adequately trained health professionals such as certified nurse midwives, nurse practitioners, and family physicians in the provision of women's reproductive health care.

There is a nationwide shortage of obstetrician/gynecologists who alone cannot meet the health care needs of pregnancies, simple gynecologic problems or the preventive health care needs of most women is neither logical nor cost effective. In addition, sparsely populated areas, where there are the greatest shortages of obstetrical care, cannot support the specialized services of an obstetrician/gynecologist. Only by adopting a team approach can the reproductive needs of all American women be met in a cost effective manner. ACOG with the American College of Certified Nurse Midwives should study successful models of collaborative care so that their best elements can be improved upon and implemented in other settings. Training in collaborative roles in interdisciplinary teams must begin in medical schools and residency programs.

4. Include women as partners with obstetrician/gynecologists and policy makers in the development of acceptable and accessible quality reproductive health care.

Specialty organizations such as ACOG and the American Fertility Society should include on their advisory boards a significant number of women's health advocates. Expanding the breadth of the membership of those boards will enable the specialty to better understand and respond to the health care needs of all women including those who are least served by the medical community. Representatives of women's health advocacy groups should have official representation at the National Institutes of Health to participate fully in funding decisions regarding women's health research. Specialty organizations should constantly advocate for new opportunities for women's participation in policy decisions affecting their health and health care.

5. Emphasize at all levels of training and practice an understanding of the social, cultural, and economic factors which may affect a woman's health.

Obstetrician/gynecologists often lack knowledge of how different cultural, social and economic factors can affect a woman's health. They are often not appropriately empathetic to the personal values of women from different backgrounds. Cultural sensitivity and language skills can mean the difference between health and illness and may determine whether or not women will return to a setting for monitoring or care. The Association of Professors of Gynecology and Obstetrics and the Council on Residency Education in Obstetrics and Gynecology should develop curricular guidelines for medical school and residency education with input from women's health groups. These educational goals must be reinforced through examinations and the certification process.

6. Advocate for the health of all women especially poor women and women of color by: (a) opposing all coercive and non-medical application of therapies and technologies to control reproduction; (b) insisting on full informed consent on any research or non-approved uses of drugs and therapies affecting reproduction; and (c) resisting any governmental restraints on the full range of reproductive services and counselling for women.

In the past, women's biologic differences have been used as a rationale to limit their opportunities. Obstetrician/gynecologists have an ethical obligation to be advocates for women who historically have been vulnerable medically, legally, and economically in our society. Governmental restraints such as the "Gag Rule," which prohibits federally funded clinics from providing complete information on reproductive options, continue to unfairly limit the choices available to some women. Restraints such as these can contribute to life threatening conditions in some women.

7. Explore new avenues from implementing quality assurance including shared responsibility with patients and legally assigned health authorities; and insure adequate research on efficacy, safety, and cost before introducing new technologies and therapies into routine practice.

The technologic revolution in medicine has created problems as well as opportunities. New therapies and procedures have been accepted before they have been adequately assessed. The routine use of technologies such as prenatal ultrasound and fetal monitoring and their lack of correlation to better outcomes for maternal and fetal health is a cause for great concern as is the rapid rise of the cesarean section rate. In New York State a collaborative program between ACOG and the Department of Health has effectively reduced the cesarean section rate. This kind of collaborative program should serve as a model for other states. Consumers have a potentially powerful role to play in quality assurance but can only do so if they have access to good information upon which to make decisions about their acceptance of new technologies and treatments.

8. Insure that the government provides adequate and equitable resources for clinical research on women's health with particular attention to the needs of poor women and women of color.

Biomedical research priorities have largely neglected the diseases specific to women, such as breast and ovarian cancer. In addition, because much research has excluded female subjects, it is not known whether the medical and therapeutic information gained from many federally funded studies is applicable to women. Though Congress and the National Institutes of Health are to be commended for their renewed focus on women's health research, major efforts will be required to reverse decades of neglect and to close the gap in what is known about women as compared to men.

HOUSING LEGISLATION

(Mr. BENNETT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BENNETT. Mr. Speaker, today I am introducing legislation to provide affordable housing for more Americans. My legislation would allow a refundable tax credit of up to $5,000 for a first-time home buyer. This tax credit program would stimulate the production of 315,000 homes and 600,000 jobs over 2 years. It is estimated that this $1.6 billion bill would generate a $6 billion increase in Federal tax revenues; so you see, it would be an investment which returns four times its value within 2 years.

My legislation would also repeal the regulation imposed by the Department of Housing and Urban Development which limits the amount of closing costs an individual can finance into their mortgage. Under current regulation, an individual can finance only 57 percent of closing costs on the purchase of a new home. My bill would enable more Americans to become home owners by allowing them to finance 100 percent of their closing costs.

In enabling more Americans to purchase homes, new jobs would also be created. This bill is an important step toward setting our Nation on its way to economic growth and instilling a sense of hope and pride in those discouraged by poverty.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (as the request of Mrs. SCHROEDER) to revise and extend their remarks and include extraneous material:)

Mr. ANNUNZIO, for 5 minutes, today.

Mr. WYDEN, for 60 minutes, today.

Mr. LIPINSKI, for 5 minutes, on June 2.

Mr. LIPINSKI, for 60 minutes, on June 3.

Ms. WATERS, for 60 minutes each day, on June 3 and 4.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

(The following Members (at the request of Mrs. SCHROEDER) and to include extraneous matter:)

Mr. ANDERSON in 10 instances.

Mr. GONZALEZ in 10 instances.

Mr. BROWN in 10 instances.

Mr. ANNUNZIO in six instances.

Mrs. LLOYD in five instances.

Mr. HAMILTON in 10 instances.

Mr. DE LA GARZA in 10 instances.

Mr. KANJORSKI.

ADJOURNMENT

Mrs. SCHROEDER. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 12 o'clock and 6 minutes p.m.), the House adjourned until tomorrow, Tuesday, June 2, 1992, at 12 noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

3605. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. act 9-214, "Life and Health Insurance Guaranty Association Act of 1992," pursuant to D.C. Code, section 1-233(c)(1); to the Committee on the District of Columbia.

3606. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. act 9-215, "Newsprint Recycling Amendment Act of 1992," pursuant to D.C. Code, section 1-233(c)(1); to the Committee on the District of Columbia.

3607. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. act 9-216, "District of Columbia Public Hall Regulation Temporary Amendment Act of 1992," pursuant to D.C. Code, section 1-233(c)(1); to the Committee on the District of Columbia.

3608. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. act 9-217, "Retired Police Officer Redeployment Temporary Amendment Act of 1992," pursuant to D.C. Code, section 1-233(c)(1); to the Committee on the District of Columbia.

3609. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. act 9-218, "Medicare Supplement Insurance Minimum Standards Temporary Act of 1992," pursuant to D.C. Code, section 1-233(c)(1); to the Committee on the District of Columbia.

3610. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. act 9-210, "District of Columbia Health Occupations Revision Act of 1985 Professional Counselors Amendment Act of 1992," pursuant to D.C. Code, section 1-233(c)(1); to the Committee on the District of Columbia.

3611. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. act 9-211, "Namibia Sanctions Repeal Amendment Act of 1992," pursuant to D.C. Code, section 1-233(c)(1); to the Committee on the District of Columbia.

3612. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. act 9-212, "Uniform Commercial Code, Leases, Act of 1992," pursuant to D.C. Code, section 1-233(c)(1); to the Committee on the District of Columbia.

3613. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. act 9-213, "First Degree Murder Amendment Act of 1992," pursuant to D.C. Code, section 1-233(c)(1); to the Committee on the District of Columbia.

3614. A letter from the Secretary of Labor, transmitting the Secretary's annual report on employment and training programs, pursuant to 29 U.S.C. 1579(d); to the Committee on Education and Labor.

3615. A letter from the Director, Defense Security Assistance Agency, transmitting notification of the Department of the Navy's proposed letter(s) of offer and acceptance [LOA] to the Coordination Council for North American Affairs for defense articles and services (Transmittal No. 92-22), pursuant to 22 U.S.C. 2776(b); to the Committee on Foreign Affairs.

3616. A letter from the Acting Director, Defense Security Assistance Agency, transmitting notification of the Department of the Army's proposed letter(s) of offer and acceptance [LOA] to Saudi Arabia for defense articles and services (Transmittal No. 92-27), pursuant to 22 U.S.C. 2776(b); to the Committee on Foreign Affairs.

3617. A communication from the President of the United States, transmitting a report that he has exercised his statutory authority in order to declare a national emergency to respond to the threat to the national security created by the actions and policies of the Governments of Serbia and Montenegro, pursuant to 50 U.S.C. 1703(b) and 1631 (H. Doc. No. 102-338); to the Committee on Foreign Affairs and ordered to be printed.

3618. A letter from the Director, Office of Management and Budget, transmitting OMB estimate of the amount of change in outlays or receipts, as the case may be, in each fiscal year through fiscal year 1997 resulting from passage of H.R. 4774 and S. 2378, pursuant to Public Law 101-508, section 13101(a) (104 Stat. 1388-582); to the Committee on Government Operations.

3619. A letter from the Secretary of Energy, transmitting the semiannual report of the Office of Inspector General covering the period October 1, 1991 to March 31, 1992, pursuant to Public Law 95-452, section 5(b) (102 Stat. 2515, 2526); to the Committee on Government Operations.

3620. A letter from the Secretary of Labor, transmitting the semiannual report of the inspector general for the period October 1, 1991 through March 31, 1992, pursuant to Public Law 95-452, section 5(b) (102 Stat. 2526); to the Committee on Government Operations.

3621. A letter from the Director, ACTION, transmitting a copy of the semiannual report on activities of the inspector general for the period October 1, 1991 through March 31, 1992 and a copy of the management's report on audits, pursuant to Public Law 95-452, section 5(b); Public Law 100-504; to the Committee on Government Operations.

3622. A letter from the Chairman, Equal Employment Opportunity Commission, transmitting a copy of the semiannual report on activities of the inspector general for the period October 1, 1991 through March 31, 1992, pursuant to Public Law 95-452, section 5(b) (102 Stat. 2526); to the Committee on Government Operations.

3623. A letter from the Chairman, National Credit Union Administration, transmitting a copy of the semiannual report on activities of the inspector general for the period October 1, 1991 through March 31, 1992, pursuant to Public Law 95-452, section 5(b) (102 Stat. 2526); to the Committee on Government Operations.

3624. A letter from the Acting Chairman, National Endowment for the Arts, transmitting the semiannual report of the inspector general and the semiannual report on final action for the NEA, pursuant to Public Law 95-452, section 5(b) (102 Stat. 2526); to the Committee on Government Operations.

3625. A letter from the Director, Norfolk Naval Shipyard Co-operative Association, transmitting the Norfolk Naval Shipyard Pension Plan for plan year 1990, pursuant to 31 U.S.C. 9503(a)(1)(B); the Committee on Government Operations.

3626. A letter from the Public Printer, transmitting the semiannual report on audits and investigations performed by the inspector general for the period ending March 31, 1992, pursuant to 44 U.S.C. 3903 (102 Stat. 2531; to the Committee on Government Operations.

3627. A letter from the Deputy Assistant Secretary, Land and Mineral Management, Department of the Interior, transmitting a report on the oil and gas potential and wilderness characteristics of Alaska North Slope lands, other than those included in the Arctic National Wildlife Refuge and the National Petroleum Reserve—Alaska; to the Committee on Interior and Insular Affairs.

3628. A letter from the Executive Director, Architectural and Transportation Barriers Compliance Board, transmitting Activities of the board, pursuant to 29 U.S.C. 792; jointly, to the Committee on Education and Labor and Public Works and Transportation.

3629. A letter from the Chairman, Nuclear Regulatory Commission, transmitting a report on abnormal occurrences at licensed nuclear facilities for the fourth calendar quarter of 1991, pursuant to 42 U.S.C. 5848; jointly, to the Committees on Energy and Commerce and Interior and Insular Affairs.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. MILLER of California: Committee on Interior and Insular Affairs. H.R. 3905. A bill to amend the Historic Preservation Act to authorize appropriations for the Advisory Council on Historic Preservation, and for other purposes. (Rept. 102–541). Referred to the Committee of the Whole House on the State of the Union.

Mr. MILLER of California: Committee on Interior and Insular Affairs. H.R. 4801. A bill to amend the National Historic Preservation Act to extend the authorization for the Historic Preservation Fund (Rept. 102–542). Referred to the Committee of the Whole House on the State of the Union.

PUBLIC BILLS AND RESOLUTIONS

Under clause 5 of rule X and clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. BENNETT:

H.R. 5302. A bill to amend the Internal Revenue Code of 1986 to allow a refundable credit for the purchase of a principal residence by a first-time home buyer and to amend the National Housing Act to prohibit the Secretary of Housing and Urban Development from limiting the amount of closing costs financed in connection with a loan insured under the single family housing mortgage insurance program; jointly, to the Committees on Ways and Means and Banking, Finance and Urban Affairs.

By Mr. MANTON:

H.J. Res. 500. Joint resolution designating March 1993 as "Irish-American Heritage Month"; to the Committee on Post Office and Civil Service.

MEMORIALS

Under clause 4 of rule XXII, memorials were presented and referred as follows:

460. By the SPEAKER: Memorial of the General Assembly of the Senate of Missouri, relative to the National Guard; to the Committee on Armed Services.

461. Also, memorial of the General Assembly of the State of Missouri, relative to an amendment to the Constitution of the United States relating to congressional compensation; to the Committee on the Judiciary.

462. Also, memorial of the General Assembly of the State of Missouri, relative to an amendment to the Constitution of the United States relating to congressional compensation; to the Committee on the Judiciary.

ADDITIONAL SPONSORS

Under clause 4 of rule XXII, sponsors were added to public bills and resolutions as follows:

H.R. 2555: Mr. HUGHES.

H.R. 3071: Mr. KOSTMAYER, Mr. MORAN, Mrs. BENTLEY, Mr. BLILEY, Mr. HOYER, Mr. SISISKY, Ms. NORTON, Mr. CARDIN, and Mr. BOUCHER.

H.R. 3258: Ms. NORTON.

H.R. 3462: Mr. BORSKI, Mr. CARPER, Mr. TRAXLER, and Mr. RIGGS.

H.R. 4268: Mr. SCHIFF and Mr. BOEHNER.

H.R. 4410: Ms. KAPTUR.

H.R. 4742: Mrs. LLOYD.

H.R. 4764: Mr. NUSSLE, Mr. BOEHLERT, Mr. BREWSTER, Mr. HARRIS, Mr. PAXON, Mr. HANSEN, Mr. UPTON, Mr. WALKER, Mr. HASTERT, Mr. COMBEST, Mr. FIELDS, Mr. GOODLING, Mr. THOMAS of Georgia, Mr. MCCLOSKEY, Mr. ROWLAND, Mr. JENKINS, Mr. PEASE, and Mr. ENGLISH.

H.R. 5153: Mr. QUILLEN.

H.R. 5169: Mr. MCMILLEN of Maryland.

H.R. 5258: Mr. LIVINGSTON, Mr. KYL, Mr. WEBER, Mr. HOCHBRUECKNER, Mr. HUGHES, Mr. LEHMAN of Florida, Mr. LIPINSKI, Mr. MAZZOLI, Mr. POSHARD, Mr. SPRATT, Mr. SERRANO, and Mr. TRAFICANT.

H. Con. Res. 232: Mr. GEJDENSON.

H. Con. Res. 319: Mr. HUBBARD and Mr. WILSON.

EXTENSIONS OF REMARKS

ASSISTANCE TO THE FORMER SOVIET UNION

HON. LEE H. HAMILTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Monday, June 1, 1992

Mr. HAMILTON. Mr. Speaker, on April 30 I asked Secretary of State Baker at a hearing of the Committee on Foreign Affairs several questions about U.S. assistance to the former Soviet Union. I asked the Secretary about the amounts of assistance provided this fiscal year to each of the new countries in the former Soviet Union, what the United States plans for the remainder of this fiscal year, and what is planned for next fiscal year. On May 27 I received a response from the Department of State. The text of the reply follows:

SECRETARY BAKER'S APPEARANCE BEFORE THE HOUSE FOREIGN AFFAIRS COMMITTEE

Mr. HAMILTON. What U.S. economic assistance has been provided this fiscal year to each of the new countries of the former Soviet Union? What do you plan to provide to each state the rest of this fiscal year? And what are your plans for each state for next fiscal year?

ANSWER. I would like to provide for the record fact sheets on assistance provided to each of the twelve countries as of May 15, 1992. You will note that all twelve have received humanitarian assistance. We are focussing our initial technical assistance programs, however, on those six states with which we first established diplomatic relations: Russia, Ukraine, Armenia, Kazakhstan, Kyrgyzstan, and Byelarus. That said, some of our programs—such as the Farmer-to-Farmer Program (which is not funded with ESF), the International Executive Service Corps, and several of the democracy initiatives will be implemented in all twelve states from the outset.

We do not have country-specific budgets for each of the new independent states. As you know from our notifications for the $85 million, we have designed nine regional projects from which we can draw as appropriate to meet the needs in each of the new states. We do have a notional idea of which programs will be implemented in each country, but because of the nature of technical assistance it is very difficult to attach a dollar value to it. For example, the energy efficiency program for FY 1992 will focus solely on the first six states. The total value for that component of the energy project is $13.6 million. That does not necessarily mean, however, that the project will be divided evenly into six pieces. It is very difficult to predict in advance what the dollar value will be for each state's overall assistance program. That said, we do keep very close tabs on the assistance that has been provided and that which is to be delivered, as you will note in the attached fact sheets.

In designing the programs for each country, we differentiate between those states that are more reform-minded and those which are not. We carefully watch the steps these states are taking with respect to the principles described in the Freedom Support Act submitted by the President, including the establishment of democratic systems, respect for international recognized human rights, economic reform based on market principles, respect for international law and obligations, and adherence to responsible security policies.

As a general rule, we estimate that about half of the overall amount of assistance will go to Russia because of its size, its commitment to reform, and the enormous stake we as well as Russia's neighbors have in seeing reform succeed there. Even so, we do not believe that it is appropriate to assign a specific dollar value to the assistance program for Russia. The situation in the new independent states is still very unpredictable. We need the flexibility to shift resources between countries as the priorities and circumstances change.

As we get additional resources and as these countries continue to demonstrate their commitment to economic and political reform, we will expand our programs appropriately. Our regional project design permits us to do this with great expediency. We plan to have regional AID offices functioning in four states by the end of the summer. These offices, along with the other embassy staff, will provide valuable input to the further design and implementation of these programs.

It is very difficult to determine now how much of our FY 1993 funds will be available for each individual country of the former Soviet Union, for the reasons cited above. We also do not yet know how much money we will have in FY 1993. We plan to continue to follow this regional approach which provides us the flexibility to respond to new and changing priorities in the region. We intend to remain in close contact with your Committee and other relevant committees as we develop further our assistance plans and implement this very important program.

U.S. ASSISTANCE TO RUSSIA

I. HUMANITARIAN ASSISTANCE

Twenty-four flights delivered an estimated 1200 tons of food and 100 tons of medical supplies under Provide Hope Phase I. Provide Hope Phase II is delivering about 16,000 tons of surplus DoD food and 262 tons of medical supplies to 9 Russian cities.

We have shipped $12.3 million in medical assistance under the President's Medical Initiative through Project Hope.

Under the Food for Progress Program, USDA has signed agreements with 5 Private Voluntary Organizations to deliver approximately $90 million worth of commodities (incl. transp.) to Russia. USDA is in final negotiations to provide a further grant of $34 million worth of butter, which will be monetized.

II. CREDIT GUARANTEES

USDA has allocated $3.75 billion in CCC Credit Guarantees to the former Soviet Union for the purchase, mostly by Russia, of almost 25 million tons of agricultural products. An additional $600 million in CCC Credit Guarantees for Russia was announced by the President on April 1.

EXIM financing has been made available: to date 9 export financing transactions worth $185 million have been approved and EXIM has reached agreement in principle on a $1 billion facility with 5-year financing for U.S. oil and gas equipment and services. An OPIC agreement has been signed and OPIC has approved one Russian project worth $159 million.

III. TECHNICAL ASSISTANCE

We have committed $25 million to establish an International Science and Technology Center in Russia.

We have sent defense conversion advisers to Nizhniy Novgorod and plan to send additional advisers to Yekaterinburg in 1992.

Agricultural Assistance: USDA plans to establish a model agricultural community near St. Petersburg and will provide experts to establish private wholesale food markets in Moscow. AID plans to send specialists in post-harvest loss and feed storage. The majority of the 1500–1800 U.S. volunteers in the Farmer-to-Farmer Program will be placed in Russia.

The following programs are under way: Special American Business Internship will train Russian scientists and managers (13 have been trained so far); International Executive Service Corps will provide private sector advisers; 100 Peace Corps volunteers are in training for October placement; a resident housing adviser is on the ground in Moscow; a U.S.-Russia Children's Health Partnership began in May; Energy Efficiency team will install energy-saving equipment in Moscow this fall.

Other TA programs in planning include: Rule of Law, Public Policy Training, Democratic Initiatives, Legal Advisers, American Business Initiative, Nuclear Plant & Coal Mine Safety.

U.S. ASSISTANCE TO BYELARUS

I. HUMANITARIAN ASSISTANCE

Two flights delivered 50 tons of medical supplies to Minsk during Provide Hope Phase I.

Provide Hope Phase II delivered 25 tons of medical supplies by air.

We have shipped $1.6 million in medical assistance to Byelarus under the President's Medical Initiative through Project Hope. Shipments have been delivered to Minsk and Gomel, at the heart of the area affected by the Chernobyl disaster.

Under USDA's Food For Progress and Section 416(b) programs, agreements have been signed with CitiHope International for 3,540 metric tons of infant formula, vegetable oil, rice, wheat flour and non-fat dry milk worth approximately $4.7 million (incl. transport costs).

II. AGRICULTURAL CREDITS

Byelarus is eligible for a share of the remaining unallocated $390 million of $500 million USDA Commodity Credit Corporation guarantees announced by President Bush on April 1.

III. TECHNICAL ASSISTANCE

Byelarus will be eligible to participate in the Farmer-to-Farmer Program, which sends U.S. volunteers to work with local farmers

• This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

and agribusinesses, as well as USDA's Loaned Executive Program.

Participants from Byelarus will be eligible to take part in the Commerce Department's Special American Business Internship Training (SABIT) program.

Energy Efficiency experts have conducted audits of a district heating plant in Minsk. These experts plan to return in early fall to install energy-saving equipment before the onset of winter.

Other TA programs still in planning stages for which Byelarus may be eligible include: Democratic Institution Building, Health Care Partnership, Food System Restructuring, Economic Restructuring and Financial Reform, and Private Sector Initiatives.

U.S. ASSISTANCE TO MOLDOVA

I. HUMANITARIAN ASSISTANCE

Two flights delivered 17.5 tons of food and 35 tons of medical supplies to Chisinau during Provide Hope Phase I.

Provide Hope Phase II will deliver 25 tons of food and 33 tons of medical supplies by surface.

II. AGRICULTURAL CREDITS

Moldova is eligible for a share of the remaining unallocated $390 million of $500 million USDA Commodity Credit Corporation guarantees announced by President Bush on April 1.

III. TECHNICAL ASSISTANCE

Moldova will be eligible for the Farmer-to-Farmer program, which sends U.S. volunteers to work with local farmers and agribusinesses.

Moldova's private sector will benefit from the Commerce Department's Special American Business Internship Training Program (SABIT) and volunteer U.S. executives from International Executive Services Corps.

Other TA programs still in planning stages for which Moldova may be eligible include: Democratic Institution Building, Health Care Improvement, Economic Restructuring and Financial Reform, and Private Sector Initiatives.

U.S. ASSISTANCE TO UKRAINE

I. HUMANITARIAN ASSISTANCE

Five planeloads of Provide Hope Phase I assistance were delivered to Kiev (61.5 tons of medical supplies), Kharkov (24 tons of food), and Lvov (42 tons of food) in February.

Provide Hope Phase II plans to deliver to Kiev about 67 tons of medical supplies and Kharkov 33 tons of medical supplies.

We have shipped over $14.8 million in medical assistance under the President's Medical Initiative through Project Hope.

II. AGRICULTURAL CREDITS

USDA has announced credit guarantees of $110 million in two tranches. Beginning May 13, $55 million in CCC credit guarantees were made available to Ukraine. The remaining $55 million will be made available after June 30. Nearly 70 percent of the guarantees will be applied to purchases of wheat and the rest to feed grains. $390 million of $500 million for non-Russian republics announced April 1 remains unallocated.

III. TECHNICAL ASSISTANCE

We will be mounting several Agricultural Technical Assistance programs including: opening of a wholesale market in Kiev, a Farmer-to-Farmer program, and technical assistance in post harvest loss and feed storage.

$10 million has been committed to establish a Science and Technology Center in Kiev to support Ukrainian weapons scientists.

EXIM has made available short term financing insurance for U.S. business efforts in Ukraine. OPIC has signed an agreement.

An initial Peace Corps program of 60 volunteers will be in place in Ukraine by the end of 1992.

A Defense Conversion advisor is already in Kharkov.

Ukraine will be an important focus of the Coal Mine Safety program.

An initial Energy Efficiency program has begun operation in Kiev and a housing advisor will be in place in Kharkov by May.

The International Executive Service Corps and Special American Business Internship (SABIT) programs have set up offices and begun interviewing candidates.

Other TA programs in planning stages include: Health Care Partnerships, Rule of Law, Public Policy Training, Democratic Initiatives, Legal Advisors, and Private Sector Initiative.

U.S. ASSISTANCE TO GEORGIA

I. HUMANITARIAN ASSISTANCE

During Provide Hope Phase II, 75 tons of food and 25 tons of medicines and medical supplies were delivered to Tbilisi.

Under the President's Medical Initiative, a Project Hope shipment of 25 tons of medical supplies has arrived in Tbilisi.

We have shipped approximately 10 tons of medicines from the Baltimore Chapter of the American Hospital Association to Tbilisi. Additional private medical supplies are being shipped.

II. AGRICULTURAL CREDITS

Georgia is eligible for a share of the remaining unallocated $390 million of $500 million USDA Commodity Credit Corporation guarantees announced by President Bush on April 1.

III. TECHNICAL ASSISTANCE

Georgia will be eligible to participate in the Farmer-to-Farmer Program, which sends U.S. volunteers to work with local farmers and agribusinesses.

Participants from Georgia are eligible to take part in the Commerce Department's Special American Business Internship Training (SABIT) program.

Georgia must pass a check-list of possible legislative prohibitions before it becomes eligible to participate in other assistance programs. We expect this process to be completed soon.

U.S. ASSISTANCE TO ARMENIA

I. HUMANITARIAN ASSISTANCE

During Provide Hope Phase I, seven flights delivered 450 tons of food and 25 tons of medical supplies to Yerevan. Provide Hope Phase II plans to deliver about 500 tons of food by surface to Yerevan. 25 tons of medicines were sent by air.

We have shipped $1 million in medical assistance to Yerevan under the President's Medical Initiative through Project Hope.

In FY90, AID signed contracts with three private voluntary consortia, providing $9.8 million in humanitarian assistance over three years to earthquake victims in Armenia.

Under USDA's Food For Progress and Section 416(b) programs, agreements have been signed with American Diocese of the Armenian Church and World Vision Relief and Development for 16,000 metric tons of agricultural commodities worth approx. $26 million (incl. transport costs). These include: butter, nonfat dry milk, wheat, and vegetable oil.

II. AGRICULTURAL CREDITS

Armenia is eligible for a share of the remaining unallocated $390 million of $500 million USDA Commodity Credit Corporation guarantees announced by President Bush on April 1.

III. TECHNICAL ASSISTANCE

Armenia has signed an OPIC agreement.

We have already placed an interim resident housing advisor in Yerevan. Two full-time housing advisors will be in place by the end of August.

Energy Efficiency experts plan to install energy-saving equipment in Yerevan in time to have an impact this winter.

USDA experts have already begun working with the Government of Armenia on the creation of an agricultural extension service.

Armenia is eligible for the Farmer-to-Farmer Program, which sends U.S. volunteers to work with local farmers and agribusinesses.

Participants from Armenia will be eligible to take part in the Commerce Department's Special American Business Internship Training Program (SABIT).

Other TA programs in planning stages for which Armenia may be eligible include: Democratic Institution Building, Health Care Improvement, Food System Restructuring, Economic Restructuring and Financial Reform, and Private Sector Initiatives.

U.S. ASSISTANCE TO AZERBAIJAN

I. HUMANITARIAN ASSISTANCE

Four flights delivered 36 tons of medical supplies and 20 tons of food during Provide Hope Phase I.

Provide Hope Phase II will deliver 450 tons of food and 33 tons of medical supplies by air. 25 tons of medicines were delivered to Baku.

II. AGRICULTURAL CREDITS

Azerbaijan is eligible for a share of the remaining unallocated $390 million of $500 million USDA Commodity Credit Corporation guarantees announced by President Bush on April 1.

III. TECHNICAL ASSISTANCE

Azerbaijan is eligible for the Farmer-to-Farmer Program, which sends U.S. volunteers to work with local farmers and agribusinesses.

Azerbaijan's private sector will benefit from the Commerce Department's Special American Business Internship Training Program (SABIT) and volunteer U.S. executives from International Executive Services Corps.

Other TA programs in planning stages for which Azerbaijan may be eligible include: Democratic Institution Building, Health Care Inprovement, Economic Restructuring and Financial Reform, and Private Sector Initiatives.

U.S. ASSISTANCE TO KAZAKHSTAN

I. HUMANITARIAN ASSISTANCE

Four flights delivered 171.5 tons of food and 51.5 tons of medical supplies to Alma Ata during Provide Hope Phase I. Provide Hope Phase II will deliver 515 tons of food and 74 tons of medical supplies by surface.

We have shipped $1.9 million in medical assistance under the President's Medical Initiative through Project Hope. Shipments have been delivered to Alma Ata and to Kzyl-Orda and Aralsk in the environmentally devastated Aral Sea region.

Under USDA's grant food aid programs, agreements have been signed with Mercy Corps International to deliver 30,000 metric tons of butteroil worth approximately $10.7 million (incl. transport).

II. AGRICULTURAL CREDIT GUARANTEES

Kazakhstan is eligible for a share of the remaining unallocated $390 million of $500 million USDA Commodity Credit Corporation guarantees announced by President Bush on April 1.

III. TECHNICAL ASSISTANCE

Kazakhstan has signed an OPIC agreement.

USDA's Loaned Executive and Farmer-to-Farmer programs will send U.S. volunteers to work with Kazakh farmers and agribusinesses.

Kazakhstan's private sector will benefit from the Commerce Department's Special American Business Internship Training Program (SABIT) and volunteer U.S. executives from International Executive Services Corps.

Other technical assistance programs currently being implemented include: an Energy Efficiency Project and a Resident Housing Advisors Program.

Other TA programs in planning stages include: Health Care Partnerships, Rule of Law, and Public Policy Training Democratic Initiatives, Legal Advisers, Peace Corps, American Business Initiative, Coal Mine Safety.

We are holding discussions on an Assistance Partnership with Turkey to design joint projects to provide a range of technical assistance to Central Asia. These projects could include assistance in areas such as bank training, small business development, health care, and telecommunications.

U.S. ASSISTANCE TO TURKMENISTAN

I. HUMANITARIAN ASSISTANCE

During Provide Hope, Phase I, 90 tons of food and medical supplies were delivered in four air missions.

During Provide Hope Phase II, plans are to ship about 500 tons of food and 33 tons of medical supplies by surface to Ashkhabad.

We will be immunizing 520,000 infants over the next four months in four states of Central Asia, including Turkmenistan. A DC-8 vaccine flight arrived May 8.

We have shipped $610,140 in medical assistance to Ashkhabad and Tashauz under the President's Medical Initiative through Project Hope.

USDA has signed an agreement with the American Red Cross to distribute 6,100 metric tons of agricultural commodities worth approximately $15.1 million (incl. transport costs) to Turkmenistan under the Food For Progress and Section 416(b) programs. These include: nonfat dry milk, infant formula, rice, wheat flour, vegetable oil and lentils.

II. AGRICULTURAL CREDITS

Turkmenistan is eligible for a share of the remaining unallocated $390 million of $500 million USDA Commodity Credit Corporation guarantees announced by President Bush on April 1.

III. TECHNICAL ASSISTANCE

Turkmenistan is eligible for the Farmer-to-Farmer Program, which sends U.S. volunteers to work with local farmers and agribusinesses.

Participants from Turkmenistan will be eligible to take part in the Commerce Department's Special American Business Internship Training Program (SABIT).

Turkmenistan has expressed an interest in having an international resident housing advisor: in order to become eligible, the project documents would have to be amended.

Other TA programs in planning stages for which Turkmenistan may be eligible include: Democratic Institution Building, Health Care Improvement, Economic Restructuring and Financial Reform, the Eurasia Foundation, and Private Sector Initiatives.

We are holding discussions on an Assistance Partnership with Turkey to design joint projects to provide a range of technical assistance to Central Asia. These projects could include assistance in areas such as bank training, small business development, health care, and telecommunications.

U.S. ASSISTANCE TO UZBEKISTAN

I. HUMANITARIAN ASSISTANCE

Four flights delivered 52.5 tons of food and 17.5 tons of medical assistance during Provide Hope Phase I.

Provide Hope Phase II will deliver 150 tons of food and 50 tons of medical supplies by surface.

We will be immunizing 520,000 infants over the next four months in four states of Central Asia, including Uzbekistan.

We have shipped $1 million in medical assistance under the President's Medical Initiative through Project Hope. Shipments have been delivered to the following cities in Uzbekistan: Tashkent, Urgench, Khiva, Muinak, and Nukus, which is located in the Karakalpak region of Uzbekistan near the environmentally devastated Aral Sea.

Utilizing 5 C-141 aircraft, oil well fire-fighting equipment was transported from Texas to Tashkent. The cost of airlift to USG was about $1 million.

II. AGRICULTURAL CREDITS

Uzbekistan is eligible for a share of the remaining unallocated $390 million of $500 million USDA Commodity Credit Corporation guarantees announced by President Bush on April 1.

III. TECHNICAL ASSISTANCE

Uzbekistan is eligible for the Farmer-to-Farmer Program, which sends U.S. volunteers to work with local farmers and agribusinesses.

Participants from Uzbekistan are eligible to take part in the Commerce Department's Special American Business Internship Training Program (SABIT).

Tashkent may be eligible for an international resident housing advisor.

Other TA programs in planning stages for which Uzbekistan may be eligible include: Democratic Institution Building, Health Care Improvement, Economic Restructuring and Financial Reform, and Private Sector Initiatives.

We are holding discussions on an Assistance Partnership with Turkey to design joint projects to provide a range of technical assistance to Central Asia. These projects could include assistance in areas such as bank training, small business development, health care, and telecommunications.

U.S. ASSISTANCE TO TAJIKISTAN

I. HUMANITARIAN ASSISTANCE

Four flights delivered 50 tons of food and 50 tons of medical supplies during Provide Hope Phase I.

Provide Hope Phase II will deliver 50 tons of food and 60 tons of medical supplies by surface.

We have shipped $1.6 million in medical assistance to Dushanbe under the President's Medical Initiative through Project Hope, an international private voluntary organization.

We will be immunizing 520,000 infants over the next four months in four states of Central Asia, including Tajikistan.

II. AGRICULTURAL CREDITS

Tajikistan is eligible for a share of the remaining unallocated $390 million of $500 million USDA Commodity Credit Corporation guarantees announced by President Bush on April 1.

III. TECHNICAL ASSISTANCE

Tajikistan is eligible for the Farmer-to-Farmer Program, which sends U.S. volunteers to work with local farmers and agribusinesses.

Participants from Tajikistan are eligible to take part in the Commerce Department's Special American Business Internship Training Program (SABIT).

Other TA programs in planning stages for which Tajikistan may be eligible include: Democratic Institution Building, Health Care Improvement, Economic Restructuring and Financial Reform, and Private Sector Initiatives.

We are holding discussions on an Assistance Partnership with Turkey to design joint projects to provide a range of technical assistance to Central Asia. These projects could include assistance in areas such as bank training, small business development, health care, and telecommunications.

U.S. ASSISTANCE TO KYRGYZSTAN

I. HUMANITARIAN ASSISTANCE

Three flights delivered 25 tons of food and 30 tons of medical supplies to Bishkek during Provide Hope Phase I.

Provide Hope Phase II will ship to Bishkek 506 tons of food and 33 tons of medical supplies by surface.

We have shipped $2.3 million in medical assistance to Bishkek under the President's Medical Initiative through Project Hope, an international private voluntary organization.

We will be immunizing 520,000 infants over the next four months in four states of Central Asia, including Kyrgyzstan.

II. AGRICULTURAL CREDITS

An OPIC agreement has been signed with Kyrgyzstan.

Kyrgyzstan is eligible for a share of the remaining unallocated $390 million of $500 million USDA Commodity Credit Corporation guarantees announced by President Bush on April 1.

III. TECHNICAL ASSISTANCE

Kyrgyzstan is eligible for the Farmer-to-Farmer Program, which sends U.S. volunteers to work with local farmers and agribusinesses.

Participants from Kyrgyzstan are eligible to take part in the Commerce Department's Special American Business Internship Training Program (SABIT).

Kyrgyzstan is eligible for assistance under the housing advisor program, but is not included in the initial tranche of funding.

Bishkek is a selected site for the energy efficiency program.

Other TA programs in planning stages for which Kyrgyzstan may be eligible include: Health Care Partnerships, Rule of Law, and Public Policy Training, Democratic Initiatives, Legal Advisers, Peace Corps, and American Business Initiatives.

We are holding discussions on an Assistance Partnership with Turkey to design joint projects to provide a range of technical assistance to Central Asia. These projects could include assistance in areas such as bank training, small business development, health care, and telecommunications.

TRIBUTE TO ROBERT L. BOISVERT

HON. RONALD K. MACHTLEY

OF RHODE ISLAND

IN THE HOUSE OF REPRESENTATIVES

Monday, June 1, 1992

Mr. MACHTLEY. Mr. Speaker, it is my distinct pleasure to congratulate Robert L.

Boisvert of Woonsocket as this year's recipient of the Congressman Ronald K. Machtley Academic and Leadership Excellence Award for Woonsocket Senior High School, in Woonsocket, RI.

This award is presented to the student, chosen by Woonsocket Senior High School, who demonstrates a mature blend of academic achievement, community involvement, and leadership qualities.

Robert Boisvert has more than fulfilled this criteria. While a member of the National Honor Society and in the top 10 percent of his senior class, Robert served his school as the resident video expert. He also selflessly devoted countless hours to volunteering with school and community organizations.

I commend Robert Boisvert for his outstanding achievements and wish him all the best in his future endeavors.

HONORING ABE AND MARIAN SILVER

HON. BILL RICHARDSON

OF NEW MEXICO

IN THE HOUSE OF REPRESENTATIVES

Monday, June 1, 1992

Mr. RICHARDSON. Mr. Speaker, more than 200 New Mexicans recently gathered in Santa Fe to honor Abe and Marian Silver as they received the 1992 Distinguished Community Service Award from the Anti-Defamation League.

The Silvers are longtime Santa Fe residents who are being recognized for having substantially contributed by deed and leadership to the well-being of their community.

Marian is a director of the United New Mexico Bank of Santa Fe and president of the Museum of New Mexico Foundation. She also is a member and past president of the Santa Fe Opera Guild and a member of the New Mexico Commission on the Status of Women. Marian also has been involved in numerous other organizations. She is a former co-owner, and the buyer and fashion coordinator for the Guarantee in Santa Fe and currently is managing partner of Blatt-Pollock Rentals.

Abe belong to numerous community organizations including the board of directors of the American Heart Association, New Mexico affiliate; he is trustee of the Santa Fe Opera Foundation; treasurer of the Santa Fe Boys and Girls Club; and treasurer of the Friends of the Fine Arts Museum. He is a member of the Southwestern Association on Indian Affairs; the Friends of the Library, College of Santa Fe; and the Regents Circle, Museum of New Mexico Foundation. He is a senior marketing advisor to United New Mexico Bank and former executive manager and vice president of the guarantee. After receiving a degree in journalism, he worked as a golf editor and as a sports reporter for the Times-Picayune of New Orleans.

Having known the Silvers for many years, I can attest to their worthiness for this prestigious award. They are great leaders in the Santa Fe business community who spend considerable time working on behalf of numerous local charities. Abe and Marian are living institutions in Santa Fe.

I urge my colleagues to join me in congratulating the Silvers and recognizing their many accomplishments as they receive the Anti-Defamation League's 1992 Distinguished Community Service Award.

ST. JOHN NEPOMUCENE PARISH CELEBRATES CENTENNIAL

HON. PAUL E. KANJORSKI

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Monday, June 1, 1992

Mr. KANJORSKI. Mr. Speaker, this summer the parishioners of St. John Nepomucene Parish in Freeland, PA. will celebrate its centennial.

In the late 19th century, many Slovak people immigrated to America. A number of these immigrants settled in and around Freeland. In 1889, a group of Slovak men organized and founded St. John's Lodge. Plans were made to erect a place of worship and Bishop O'Hara granted permission to begin work on the church. The building was built by Mr. Lou Lentz for a sum of $6,500. In 1890, the completed church was dedicated by the bishop and it was named St. John Nepomucene Roman Catholic Church. Father John Libar Jakovick served as its first parish priest.

By 1915, the parish had outgrown its building. The church which houses the present day parish was completed in 1917. Father Joseph Korman was the pastor at this time. The archives of the church are extensive and have chronicled the lives and times of its parishioners. Sadly, these records show the first funeral held in the parish to be that of an 11-year-old boy who was killed while working in the local coal mines.

St. John's church has never been a wealthy parish. However, its parishioners have always cared for and maintained the church as they would their own homes. They consider the building to be a tribute to God, and to their ancestors, who sacrificed to provide it. There is a community spirit among these proud people that has been evident since the church's humble beginnings in 1889. Father John Boyle, who presently leads the congregation, challenges his parishioners to not only maintain the structure itself, but to build and develop the Community of Faith known as St. John Nepomucene Church. Father Boyle can be extremely proud to be associated with a parish so rich in history and heritage. It pleases me today to recognize St. John's parish on the occasion of its 100th anniversary.

TRIBUTE TO ERIN BURKE LYNCH

HON. RONALD K. MACHTLEY

OF RHODE ISLAND

IN THE HOUSE OF REPRESENTATIVES

Monday, June 1, 1992

Mr. MACHTLEY. Mr. Speaker, it is my distinct pleasure to congratulate Erin Burke Lynch of Rumford, as this year's recipient of the Congressman Ronald K. Machtley Academic and Leadership Excellence Award for the Lincoln School in Providence, RI.

This award is presented to the student, chosen by the Lincoln School, who demonstrates a mature blend of academic achievement, community involvement and leadership qualities.

Erin Burke Lynch has more than fulfilled this criteria. While a member of the top 5 percent of her senior class, Erin was honored as an Amey Willson and Frances E. Wheeler Scholar and named to the national Cum Laude Society. She was also recognized with the HS Poe Art Award, Yale Book Award, and Theatre Award, for her notable achievements in the arts.

I commend Erin Burke Lynch for her outstanding achievements and wish her all the best in her future endeavors.

REMEMBERING LEWIS SUTIN

HON. BILL RICHARDSON

OF NEW MEXICO

IN THE HOUSE OF REPRESENTATIVES

Monday, June 1, 1992

Mr. RICHARDSON. Mr. Speaker, there are rare individuals who have dedicated their lives to upholding individuals' freedoms, especially in the face of opposition. Lewis Sutin, lawyer and judge on the New Mexico Court of Appeals, was one of those unique individuals.

It is with great sorrow that I report to my colleagues that New Mexico and this Nation lost a great jurist with the recent death of Judge Sutin.

Judge Sutin touched many lives during his long life and most successful career. I had the great fortune of knowing this fine man and recognize that his family, friends, and many acquaintances will miss him dearly.

I urge my colleagues to join me in extending the Congress' condolences to the Sutin family. My colleagues may be interested to learn more about the judge's lifetime contributions by reading the following article which appeared in the Albuquerque Journal:

[From the Albuquerque Journal, May 26, 1992]

LAWYER, JUDGE LEWIS SUTIN DIES

(By Anthony DellaFlora)

Lewis Sutin, one of New Mexico's most well-known and controversial legal minds, died Monday morning of natural causes in Albuquerque.

Sutin, 83, was known for the long white beard he sported in his later years, his ever present cigar and his willingness to battle the status quo, first as a lawyer and later as a state Court of Appeals judge.

"I think he's going to be the most remembered as fighter and a very talented and very successful trial lawyer and judge," his son, Jonathan Sutin, said Monday.

"I think he will be remembered for his concern about individual rights and freedoms," he added.

The younger Sutin said his father still came to his law office every day, although it was mainly to write letters.

Sutin was best known for his outspokenness on legal issues and an ongoing feud with members of the Court of Appeals during his later years.

A legal opinion issued in 1978 gained him worldwide attention.

Writing on a case involving a 24-year-old woman charged with having sex with a 15-

year-old boy, he contended the act did not contribute to the delinquency of a minor.

Sutin said the incident was "nothing more than sex education essential and necessary in his growth toward maturity and subsequent domestic family life."

Sutin was part of the 2-1 majority that overturned the woman's indictment. The New Mexico Supreme Court reversed the decision, however.

The opinion made national headlines and was written about in at least one national news magazine. Sutin received angry letters from as far away as Australia.

He later said he was dismayed by the reaction to the decision. "Why people think that one statement on sex should be exploded into an international issue is silly and a little disturbing," he said in a newspaper interview in 1978.

Even before that controversy, Sutin bickered with fellow judges on the Court of Appeals and later contended that they tried to gag his often flamboyant legal opinions.

Sutin criticized some judges for what he termed "assembly line" justice meted out by the Court of Appeals.

Supporters characterized him as a protector of individual rights, and he pointed out that despite his reputation as a maverick, he was usually in the majority on court decisions.

He was the son of an immigrant tailor. He was born in Kansas City, Mo., and graduated from the University of Illinois law school in 1931.

IN RECOGNITION OF THE 100TH ANNIVERSARY OF LOCAL 16 OF THE INTERNATIONAL ALLIANCE OF THEATRICAL STAGE EMPLOYEES AND MOVING PICTURE MACHINE OPERATORS

HON. NANCY PELOSI

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, June 1, 1992

Ms. PELOSI. Mr. Speaker, I rise today to pay tribute to local 16 of the International Alliance of Theatrical Stage Employees and Moving Picture Machine Operators on the occasion of its 100th anniversary as a labor union. Since the time of San Francisco's origin, the theater and entertainment industry has been an extremely important aspect of the city, and, naturally, theater technicians and crafts people are needed to run the show. In 1892, prompted by substandard working conditions and inadequate wages, local 16 was organized and received its charter. Robert Little was elected president, with William Rusk as business agent. Mr. Rusk became a guiding force of local 16 for more than 40 years, until his death in 1934.

The union met its first challenge with the 1906 earthquake, which destroyed the theaters, opera houses, and dance halls representing the members' livelihood. Local 16 formed a relief committee with local 7 in Oakland and worked to assist those in need. Soon the theaters opened, and local 16 experienced more prosperous times.

In 1920, as theaters began to spring up throughout the city, local 16 expanded its membership to 143 and created the aged members fund to provide relief for older members of the union. The opening of the War Memorial Opera House in 1932 created work for union members in the midst of the Great Depression. Local 16 has provided craft and technical support for the San Francisco Opera since its inception.

Local 16's technicians and crafts people have assisted in the productions of the Panama Pacific International Exposition in 1915, the Golden Gate International Exposition in the 1930's, the U.N. Conference in 1945, and countless plays and musicals at various theaters in San Francisco. Throughout the 1960's and 1970's, film production became an important factor in San Francisco, no doubt due in part to the resident excellence of local 16.

The membership of local 16 continues to reflect the diversity of the arts community. Members work as technicians in theater, on film and television productions, in multimedia, and a variety of other performing arts.

In 1963, Edward Powell was appointed local 16's business agent, a position he holds today. Mr. Powell led the way in establishing a health and welfare program and pension plan for the union.

Mr. Speaker, it gives me great pleasure to congratulate Edward Powell and local 16 on their centennial of service to San Francisco's arts community.

TRIBUTE TO SUSAN D. MASSE

HON. RONALD K. MACHTLEY

OF RHODE ISLAND

IN THE HOUSE OF REPRESENTATIVES

Monday, June 1, 1992

Mr. MACHTLEY. Mr. Speaker, it is my distinct pleasure to congratulate Susan D. Masse of Bristol, as this year's recipient of the Congressman Ronald K. Machtley Academic and Leadership Excellence Award for Bristol High School, in Bristol, RI.

This award is presented to the student, chosen by Bristol High School, who demonstrates a mature blend of academic achievement, community involvement and leadership qualities.

Susan Masse has more than fulfilled this criteria. While serving as secretary of the National Honor Society, Susan was duly elected by her peers as president of the student council and was a member of the executive board. She also volunteered in her community by organizing a recycling program and blood drive.

I commend Susan Masse for her outstanding achievements and wish her all the best in her future endeavors.

A SALUTE TO THE "ARTISTIC DISCOVERY" WINNERS OF THE 21ST CONGRESSIONAL DISTRICT

HON. LOUIS STOKES

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Monday, June 1, 1992

Mr. STOKES. Mr. Speaker, during the past few months, I, along with other Members of Congress, have hosted the Artistic Discovery contest throughout the district in conjunction with the 11th annual Congressional Art Competition for high school students. The contest allows Members to join together to recognize the creative spirit of American high school students in a nationwide art competition.

I am excited to be a part of an endeavor that is so very important to the development of our youth. I can proudly say that each piece of artwork from my district is of tremendous talent and ability. This year, artwork was received from 137 students representing 12 high schools.

These students and their parents recently were honored at city hall in Cleveland Heights. I am pleased that more than 150 people attended the reception, marking the end of a week long Salute to Young Artists.

The judges had a difficult time selecting this year's winner. In the end, Rayshawn Hunt, a senior from the Cleveland School of the Arts, was selected as the winner. Rayshawn's eloquent oil painting titled "Masked Still Life" recently arrived in Washington where it will become part of a mosaic of culturally diverse paintings from students nationwide.

I join my colleagues in looking forward to the official Artistic Discovery opening on June 23. I thank the principals and art instructors from schools throughout my district who encouraged the students to participate. I also take this time to thank the Artistic Discovery judges as well as Cleveland Heights mayor, Barbara Boyd, and her staff for accommodating us at city hall during the Salute to Young Artists.

Mr. Speaker, the walls of the Capitol are about to be masked with an array of culturally diverse paintings. Each one of these paintings represents the creative spirit of our youth. More importantly, these paintings will make the walls of the Capitol more beautiful.

TRIBUTE TO INGA CHRISTANA WOHLGEMUTH

HON. RONALD K. MACHTLEY

OF RHODE ISLAND

IN THE HOUSE OF REPRESENTATIVES

Monday, June 1, 1992

Mr. MACHTLEY. Mr. Speaker, it is my distinct pleasure to congratulate Inga Christana Wohlgemuth of East Providence, as this year's recipient of the Congressman Ronald K. Machtley Academic and Leadership Excellence Award for East Providence High School, in East Providence, RI.

This award is presented to the student, chosen by East Providence High School, who demonstrates a mature blend of academic achievement, community involvement and leadership qualities.

Inga Wohlgemuth has more than fulfilled this criteria. While a member of the National Honor Society, Inga was an active participant in the student council, band, performing Arts Club, and Youth-to-Youth Club. She also devoted herself to others in her community as a Sunday school teacher and by offering oboe lessons.

I commend Inga Wohlgemuth for her outstanding achievements and wish her all the best in her future endeavors.

TRIBUTE TO BETHANY BRYDEN

HON. RONALD K. MACHTLEY

OF RHODE ISLAND

IN THE HOUSE OF REPRESENTATIVES

Monday, June, 1, 1992

Mr. MACHTLEY. Mr. Speaker, it is my distinct pleasure to congratulate Bethany Bryden of North Providence, as this year's recipient of the Congressman Ronald K. Machtley Academic and Leadership Excellence Award for North Providence High School, in North Providence, RI.

This award is presented to the student, chosen by North Providence High School, who demonstrates a mature blend of academic achievement, community involvement, and leadership qualities.

Bethany Bryden has more than fulfilled this criteria. While maintaining an A+ average, Bethany served as editor of both the yearbook and literary magazine. Her high academic standing earned her membership to the National Honor Society, and she was also an accomplished member of the math team.

I commend Bethany Bryden for her outstanding achievements and wish her all the best in her future endeavors.

SENATE COMMITTEE MEETINGS

Title IV of Senate Resolution 4, agreed to by the Senate on February 4, 1977, calls for establishment of a system for a computerized schedule of all meetings and hearings of Senate committees, subcommittees, joint committees, and committees of conference. This title requires all such committees to notify the Office of the Senate Daily Digest—designated by the Rules Committee—of the time, place, and purpose of the meetings, when scheduled, and any cancellations or changes in the meetings as they occur.

As an additional procedure along with the computerization of this information, the Office of the Senate Daily Digest will prepare this information for printing in the Extensions of Remarks section of the CONGRESSIONAL RECORD on Monday and Wednesday of each week.

Meetings scheduled for Tuesday, June 2, 1992, may be found in the Daily Digest of today's RECORD.

MEETINGS SCHEDULED

JUNE 3

9:00 a.m.

Appropriations

Defense Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1993 for the Department of Defense, focusing on medical programs.

SD–192

9:30 a.m.

Armed Services

Strategic Forces and Nuclear Deterrence Subcommittee

To resume hearings on S. 2629, to authorize funds for fiscal year 1993 for military functions of the Department of Defense, and to prescribe military personnel levels for fiscal year 1993, focusing on civil defense programs and policy.

SR–222

Banking, Housing, and Urban Affairs

Business meeting, to mark up S. 1423, proposed Limited Partnership Rollup Reform Act, and to consider the nomination of David J. Ryder, of Virginia, to be Director of the Mint.

SD–538

10:00 a.m.

Agriculture, Nutrition, and Forestry

To hold hearings to review computer operations at the Department of Agriculture.

SR–332

Commerce, Science, and Transportation

To hold hearings in conjunction with the National Ocean Policy Study to examine New England's groundfish restoration.

SD–628

Commerce, Science, and Transportation

Communications Subcommittee

To hold hearings on the Federal Communication Commission's proposed reallocation of the two gigahertz communications band.

SR–253

Finance

To hold hearings to examine the effectiveness of enterprise zones as a spur to investment in economically distressed areas.

SD–215

Foreign Relations

To hold hearings on the nominations of Adrian A. Basora, of New Hampshire, to be Ambassador to the Czech and Slovak Federal Republic, Richard Goodwin Capen, Jr., of Florida, to be Ambassador to Spain, William Henry Gerald FitzGerald, of the District of Columbia, to be Ambassador to Ireland, Peter Barry Teeley, of Virginia, to be Ambassador to Canada, and Donald Herman Alexander, of Missouri, to be Ambassador to the Kingdom of the Netherlands.

SD–419

Veterans' Affairs

To hold hearings on veterans health legislation, including S. 1424, to revise chapter 17 of title 38, United States Code, to require the Secretary of Veterans Affairs to conduct a mobile health care clinic program for furnishing health care to veterans located in rural areas of the U.S., S. 2575, to revise chapter 74 of title 38, United States Code, to revise certain pay authorities that apply to nurses and other health care professionals, and S. 2740, to revise title 38, United States Code, to revise and improve the provision and evaluation of preventive health services by the Department of Veterans Affairs.

SR–418

2:00 p.m.

Select Committee on Intelligence

To hold closed hearings on intelligence matters.

SH–219

2:30 p.m.

Armed Services

To hold hearings on the Department of Defense's 1994–1999 defense planning guidance.

SR–222

JUNE 4

9:30 a.m.

Energy and Natural Resources

To hold hearings on S. 2527, to restore Olympic National Park and the Elwha River ecosystem and fisheries in the State of Washington.

SD–366

Governmental Affairs

To hold oversight hearings on Department of Defense contracting and subcontracting practices.

SD–342

Judiciary

Patents, Copyrights and Trademarks Subcommittee

To hold hearings on S. 2013, to revise chapter 1 of title 17, United States Code, to enable satellite distributors to sue satellite carriers for unlawful discrimination.

SR–328A

Labor and Human Resources

Children, Family, Drugs, and Alcoholism Subcommittee

To hold hearings on S. 2343, to provide for demonstration projects in six States to establish or improve a system of assured minimum child support payments.

SD–430

10:00 a.m.

Budget

To hold hearings to review proposals providing for a Constitutional Amendment to balance the Federal Budget.

SD–608

Finance

Taxation Subcommittee

To hold hearings to examine excessive executive compensation, focusing on disclosure and possible tax code changes.

SD–215

Foreign Relations

Business meeting, to consider pending calendar business.

SD–419

Judiciary

To hold hearings on the nominations of Susan H. Black, of Florida, to be United States Circuit Judge for the Eleventh Circuit, Irene M. Keeley, to be United States District Judge for the Northern District of West Virginia, Loretta A. Preska, to be United States District Judge for the Southern District of New York, and Sonia Sotomayor, to be United States District Judge for the Southern District of New York.

SD–226

2:30 p.m.

Armed Services

Conventional Forces and Alliance Defense Subcommittee

Defense Industry and Technology Subcommittee

To hold joint hearings on S. 2629, to authorize funds for fiscal year 1993 for military functions of the Department of Defense, and to prescribe military personnel levels for fiscal year 1993, focusing on the impact of the defense build-down on the ability of the U.S. industrial and technology base to meet national security requirements.

SD–106

JUNE 5

9:30 a.m.

Governmental Affairs

To hold hearings on information available to consumers regarding the adequacy of protection from sunscreens and sunglasses.

SD–342

Joint Economic

To hold hearings to examine the employment-unemployment situation for May.

SD–628

JUNE 8

10:00 a.m.

Appropriations

Military Construction Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1993 for military construction programs, focusing on base closures.

SD–192

JUNE 9

9:30 a.m.

Finance

To resume hearings to examine comprehensive health care reform, focusing on proposals for expanding employment-based health insurance coverage.

SD–215

10:00 a.m.

Agriculture, Nutrition, and Forestry

Agricultural Research and General Legislation Subcommittee

To hold hearings on the utility of expanded lamb reporting services by the Department of Agriculture.

SR–332

Appropriations

Interior Subcommittee

To hold hearings on proposed budget estimates for the Department of the Interior.

S–128, Capitol

2:30 p.m.

Appropriations

Interior Subcommittee

To continue hearings on proposed budget estimates for fiscal year 1993 for the Department of the Interior.

S–128, Capitol

JUNE 10

9:30 a.m.

Commerce, Science, and Transportation

Aviation Subcommittee

To hold hearings to examine competition in the airline industry, and on S. 2312, to revise the Federal Aviation Act of 1958 to enhance competition at, and the provision of essential air service with respect to high density airports.

SR–253

Energy and Natural Resources

Business meeting, to consider pending calendar business.

SD–366

JUNE 11

2:00 p.m.

Armed Services

Strategic Forces and Nuclear Deterrence Subcommittee

To resume hearings on S. 2629, to authorize funds for fiscal year 1993 for military functions of the Department of Defense, and to prescribe military personnel levels for fiscal year 1993, focusing on the bomber "road map" and related bomber programs.

SR–222

JUNE 17

9:30 a.m.

Commerce, Science, and Transportation

Communications Subcommittee

To hold hearings to examine telecommunications technology as related to the field of education.

SR–253

Finance

To resume hearings to examine comprehensive health care reform, focusing on proposals for instituting universal coverage through public health insurance programs.

SD–215

Rules and Administration

Business meeting, to mark up pending calendar business.

SR–301

10:00 a.m.

Veterans' Affairs

Business meeting, to mark up pending calendar business.

SR–418

2:00 p.m.

Commerce, Science, and Transportation

Merchant Marine Subcommittee

To hold hearings to examine issues relating to maritime reform.

SR–253

JUNE 18

9:30 a.m.

Commerce, Science, and Transportation

Consumer Subcommittee

To hold hearings on S. 2232, to require manufacturers of new automobiles to affix a label containing certain consumer information on each automobile manufactured after a specified year.

SR–253

Finance

To continue hearings to examine comprehensive health care reform, focusing on proposals for tax-incentive based health care reform.

SD–215

JUNE 23

9:30 a.m.

Commerce, Science, and Transportation

Communications Subcommittee

To hold hearings on proposed legislation authorizing funds for programs of the National Telecommunications Information Administration, Department of Commerce.

SR–253

JULY 1

9:30 a.m.

Commerce, Science, and Transportation

Communications Subcommittee

To hold hearings on mobile communications.

SR–253

JULY 2

10:00 a.m.

Veterans' Affairs

To hold hearings on S. 2028, to revise title 38, United States Code, to improve and expand health care and health-care related services furnished to women veterans by the Department of Veterans Affairs.

SR–418

HOUSE OF REPRESENTATIVES—*Tuesday, June 2, 1992*

The House met at 12 noon.

The Reverend Barbara St. Andrews, executive director of medicine and philosophy, California Pacific Medical Center, San Francisco, CA, offered the following prayer:

Most Holy Sovereign, whose power to serve takes residence in us, we acknowledge Your presence in our midst and ask Your guidance in the decisions we must make to preserve and guide Your world. Keep us mindful that we share Your spirit with all people, that our own limitations seek amendment by Your grace. Enable us to see difficult problems differently, to become yielding disciples of life. We ask that our attention may be directed by Your larger purposes, not by expected results, that we may be open in each moment to gifts of inbreaking surprise and hopes reinforced by lives surrendered to Your power. Teach us to work together for just and courageous causes, not separately for personal causes. In patience, in peace, and always in Your name, Amen.

NOTICE

We wish to inform all Members of Congress that today's Congressional Record has been printed entirely on paper manufactured from 100-percent postconsumer recovered material.

CHARLIE ROSE, *Chairman,*
Joint Committee on Printing.

THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

PLEDGE OF ALLEGIANCE

The SPEAKER. Will the gentleman from Kentucky [Mr. MAZZOLI] come forward and lead the House in the Pledge of Allegiance.

Mr. MAZZOLI led the Pledge of Allegiance as follows:

> I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

THE CONSTITUTIONAL AMENDMENT TO BALANCE THE BUDGET

(Mr. SMITH of Oregon asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SMITH of Oregon. Mr. Speaker, in a little more than a week, Members of this body will face one of the most important votes you will ever cast while you are a Member of Congress. You will have the historic opportunity to pass a balanced budget amendment to the Constitution of the United States.

Even Thomas Jefferson said:

> If I could pass just one amendment to the Constitution, I would pass the amendment which provides that the government cannot borrow money.

Well, to this day, the words of Thomas Jefferson still ring in our ears.

We know the problem. The problem is a $400 billion deficit, $4 trillion in debt. We know it is time for a change, which people are crying for. We know it is time to begin to restrain spending.

So what is the solution for our children, for our economy, for our country? The solution is support the Stenholm-Smith amendment to balance the budget of the U.S. Treasury.

THE CASE OF JOHN DEMJANJUK

(Mr. TRAFICANT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. TRAFICANT. Mr. Speaker, John Demjanjuk, the retired Cleveland autoworker, was convicted and sentenced to death as being Ivan the Terrible of Treblinka, the gas chamber operated to kill nearly 1 million Jews.

Demjanjuk claims he was innocent from the beginning.

Now since that conviction, there are over 70 statements from 37 different individuals that named Ivan Grossny Ivan the Terrible, as a man named Ivan Marchenko, taller, older, black hair, long scar on the neck.

Demjanjuk, blond hair, no scar on the neck.

Mr. Speaker, John Demjanjuk is not Ivan the Terrible. Our Justice Department went after Nazis and pursued headlines.

Now our Justice Department has headaches.

The tragedy is that the Demjanjuk family has heartaches over this matter. It is time for Israel to set him free, bring him back home to America. Our Government should be ashamed for kicking the rights of this man down the drain, because his case was sensitive.

There are no asterisks in our Constitution. What is our country coming to?

Ivan Marchenko is Ivan the Terrible. John Demjanjuk is a retired autoworker from Cleveland.

IN SUPPORT OF THE BALANCED BUDGET AMENDMENT

(Mr. THOMAS of Wyoming asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. THOMAS of Wyoming. Mr. Speaker, I rise in support of our opportunity next week to vote for a balanced budget amendment. Certainly there cannot be anything more important to this Government than to be fiscally responsible.

There is great discussion now in the news about the fact that we do not need a constitutional amendment, that a constitutional amendment will not do any good.

The fact is that for 30 years we have not been fiscally responsible in this Government and we need a procedural change. We need something that provides to this Congress and to this President and other Presidents a constitutional restraint on spending more than we take in.

It is interesting and frustrating, frankly, to hear last week in a committee that I am in to authorize a bill for housing 21 percent over the previous year's spending and expect to balance the budget.

Just last week on this floor, we talked about the National Institutes for Health, a wonderful institution, one we need, $3 billion over the President's request on a $5 billion process.

There is no way that this Congress will balance the budget without the constitutional restraint, and I urge my colleagues to support it when it comes up in the near future.

☐ This symbol represents the time of day during the House proceedings, e.g., ☐ 1407 is 2:07 p.m.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

REMEMBERING THE ANNIVERSARY OF THE TIANANMEN MASSACRE

(Mr. ABERCROMBIE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ABERCROMBIE. Mr. Speaker, 3 years after the June 4 Tiananmen massacre, China's human rights record falls far short of internationally recognized standards. No American who witnessed the horrifying sight of armed troops slaughtering hundreds of peaceful students in Tiananmen Square can be comfortable with a China policy that fails to register our clear outrage.

Mr. Speaker, as we remember this sad day, I would like to pay a special tribute to Wang Dan, one of the prominent student leaders of the prodemocracy movement in Beijing. Wang was arrested on July 2, 1989, after requesting help in fleeing China from a Taiwanese journalist. Although apprehended in July, his arrest was only acknowledged a month later.

Authorities charged him with counterrevolutionary propaganda and incitement, and in mid-1990 he was held in solitary confinement and required to write confessional materials every day. Wang has never admitted to the charges laid against him. His government appointed lawyer could only defend him on condition that he pleaded guilty.

Mr. Speaker, how many more of those like Wang Dan have been sentenced merely for voicing their yearning for democracy, human rights, and freedom. We must not forget them. They must be freed.

They have turned to the United States, Mr. Speaker. Chinese democracy leaders have told me explicitly that most favored nation is by far the most effective means of bringing American influence to bear on human rights issues. In my meeting with the Dalai Lama, he made it clear that most favored nation is the strongest lever that we can use to secure progress in the area of human rights. There is only one way, Mr. Speaker, deny the President's renewal of conditional most favored nation for China.

□ 1210

CONTROLLING COSTS CITED AS ONLY RESPONSIBLE WAY TO ADDRESS HEALTH CARE CRISIS

(Mr. GOSS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GOSS. Mr. Speaker, our Nation's health care crisis is not news to anyone anymore. What is news is the fact that this crisis can be addressed without making brash and irresponsible promises of free health care for everyone. We cannot shift the blame to business or impose simplistic caps on health care expenditures. We must address this problem realistically. Three of my colleagues and I have introduced legislation that improves upon the idea of incremental reform we started 2 years ago. We are building consensus by addressing the problem the only responsible way—controlling costs. Lower costs means greater access to millions of Americans. This legislation channels waste and mismanagement into real health care dollars savings which can be utilized for underserved individuals. There is a reason our health care delivery system has failed us and now there is a solution—join me in cosponsoring H.R. 4280—we owe it to our constituents to become part of the solution.

WE SHOULD PRESERVE, CONSERVE, AND REHABILITATE ALL THE WORLD'S RAIN FORESTS

(Mr. VENTO asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. VENTO. Mr. Speaker, I was astounded by President Bush's call for $150 million to manage forests around the globe. The fact of the matter is that the Bush policy at home has been a political clear cut of our temperate rain forests.

Mr. Speaker, the need is for global treaties and agreements that deal effectively with the protection of that fauna and flora biodiversity that exists. And the Bush administration has reneged, has backslided on signing treaties—agreements that address biodiversity—just as the President personally intervened to weaken and shattered the goals of achieving a compact on greenhouse gases that are, of course, damaging our environment.

Mr. Speaker, the answer is, of course, to preserve, conserve, and rehabilitate all of our rainforests whether in tropical or temperate areas and the biodiversity so important on planet Earth.

Pumping more dollars into reforestation by the President to underwrite global forests after advocacy of a policy to write off forests to clear cut around the globe is deficient, to say the least. In fact, sound policy should begin at home. It should begin in the U.S. forests and public lands not the Bush administration policy being pursued nor the rhetorical statement around the world yesterday that the President voiced.

Predictably, the reaction of the world community has been condemnation of the Bush policy with nonmanagement of rainforests. And the rejection of overall environmental agreements. Neither the world community nor the American people are going to be bought off concerning our national and international natural heritage.

STRUGGLING DEMOCRACIES WOULD IMPROVE MANUFACTURING BASE WITH U.S. HELP

(Mr. UPTON asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. UPTON. Mr. Speaker, we all realize that our Nation does not live in a vacuum and that economic stability in the world is a prerequisite for a peaceful environment here at home. In order to address these needs, I have introduced H.R. 4839, with Congressman HOWARD WOLPE, which would send technical teams of U.S. professionals overseas to assist struggling democracies in improving their manufacturing base. The idea is simple common sense and would not require any new appropriations.

In order to receive this technical assistance, foreign nations need to be in the process of developing a free market economy and to have a manufacturing sector which is inefficient and unproductive. These teams of American professionals would help individual companies modernize their plants with U.S. products and expertise.

This program would employ Americans, bolster the economies of struggling democracies, and our economy as well. With the end of the cold war, and an emerging global economy, we have got to make sure that our foreign aid programs support not just American ideals but also American workers and products.

H.R. 4839 is a bargain for America and would promote our Nation's economy and ideals. I would urge my colleagues to support and cosponsor this bipartisan legislation.

TARGETED JOBS TAX CREDIT

(Mr. EDWARDS of Texas asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. EDWARDS of Texas. Mr. Speaker, over the years, the effectiveness of the targeted jobs tax credit [TJTC] as a hiring tool has been well documented. This program helps economically disadvantaged individuals find meaningful employment by providing a tax credit incentive for employers who hire targeted categories of unemployed Americans. One of the specific TJTC categories is Vietnam-era veterans.

This bill would broaden the eligibility requirement, changing Vietnam-era veterans, to conflict-era veterans. Thus, this legislation would make all veterans who may be experiencing employability problems eligible for participation in the TJTC Program. Recent studies indicate that approximately one-third of the Nation's homeless are veterans. TJTC could be a useful tool in prevention of long-term unemployment if used effectively with our newest generation of wartime veterans. I firmly believe this is a small, but extremely effective, incentive to do this.

I urge you to join me in support of this measure to assist those most deserving men and women who served, and will serve, in our Nation's defense.

COMMUNICATION FROM THE HONORABLE ROBERT H. MICHEL, MINORITY LEADER

The SPEAKER pro tempore (Mr. MONTGOMERY) laid before the House the following communication from the Honorable ROBERT H. MICHEL, minority leader:

HOUSE OF REPRESENTATIVES,
Washington, DC, June 1, 1992.

Hon. THOMAS S. FOLEY,
Speaker of the House, House of Representatives, Washington, DC.

DEAR MR. SPEAKER: Pursuant to Sec. 6010(d)(1)(C) of Public Law 102-240, I hereby appoint Mr. George Ebersole of Chicago, Illinois, to serve as a member of the National Council on Surface Transportation Research.

Sincerely,

ROBERT H. MICHEL,
Minority Leader.

COMMUNICATION FROM THE HONORABLE J. DENNIS HASTERT, MEMBER OF CONGRESS

The SPEAKER pro tempore laid before the House the following communication from the Honorable DENNIS J. HASTERT, Member of Congress:

HOUSE OF REPRESENTATIVES,
Washington, DC, June 1, 1992.

Hon. THOMAS FOLEY,
Speaker of the House,
The Capitol, Washington, DC.

DEAR MR. SPEAKER: This is to formally notify you pursuant to Rule L (50) of the Rules of the House that I have been served with a subpoena issued by the Circuit Court of Kane County, Illinois, in the case of Roger X. Baker vs. Osco Drug Company (American Drugstores).

After consultation with the General Counsel to the Clerk, I have determined that compliance with the subpoena is consistent with the privileges and precedents of the House.

Sincerely,

J. DENNIS HASTERT,
Member of Congress.

COMMUNICATION FROM THE CLERK OF THE HOUSE

The SPEAKER pro tempore laid before the House the following communication from the Clerk of the House of Representatives:

WASHINGTON, DC,
May 29, 1992.

Hon. THOMAS S. FOLEY,
Speaker, House of Representatives,
Washington, DC.

DEAR MR. SPEAKER: This is to notify you pursuant to Rule L (50) of the Rules of the House that I have been served with a subpoena issued by the United States District Court for the District of Maryland.

After consultation with my General Counsel, I have determined that compliance with the subpoena is consistent with the privileges and precedents of the House.

With great respect, I am
Sincerely yours,

DONNALD K. ANDERSON,
Clerk, House of Representatives.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to the provisions of clause 5 of rule I, the Chair announces that he will postpone further proceedings today on each motion to suspend the rules on which a recorded vote or the yeas and nays are ordered, or on which the vote is objected to under clause 4 of rule XV.

Such rollcall votes, if postponed, will be taken on Wednesday, June 3, 1992.

EXTENSION OF AUTHORIZATION FOR HISTORIC PRESERVATION FUND

Mr. VENTO. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 4801) to amend the National Historic Preservation Act to extend the authorization for the Historic Preservation Fund.

The Clerk read as follows:

H.R. 4801

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 108 of the National Historic Preservation Act, as amended (16 U.S.C. 470h), is further amended by striking "1992" and inserting in lieu thereof "1997".

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Minnesota, [Mr. VENTO] will be recognized for 20 minutes, and the gentleman from Wyoming [Mr. THOMAS] will be recognized for 20 minutes.

The Chair recognizes the gentleman from Minnesota [Mr. VENTO].

GENERAL LEAVE

Mr. VENTO. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on H.R. 4801, the bill presently under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Minnesota?

There was no objection.

Mr. VENTO. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, H.R. 4801, which I introduced at the administration's request, and which has bipartisan support, would amend the National Historic Preservation Act to extend to 1997 the period for which deposits are credited to the historic preservation fund. The historic preservation fund, which is annually credited with $150 million, derived from offshore oil and gas receipts, provides matching Federal funds for the national trust for historic preservation as well as matching Federal funds for State historic preservation programs and projects. This preservation partnership has been responsible over the years for much of this Nation's preservation efforts. By assisting States to have professional preservation programs and by supporting the efforts of the national trust for historic preservation, the historic preservation fund stretches Federal dollars in very worthy ways.

Although important, H.R. 4801 is primarily technical. Still, there is a time sensitivity in acting on this bill because the existing authorization of deposits to the historic preservation fund expires September 30, 1992. At the hearing before the Subcommittee on National Parks and Public Lands on this bill, both the administration and the public witnesses testified in its favor. I support H.R. 4801 and urge passage of this noncontroversial measure by the House.

Mr. Speaker, I reserve the balance of my time.

Mr. THOMAS of Wyoming. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of H.R. 4801, a bill which would extend the authorization for the historic preservation fund at the current ceiling of $150 million annually through fiscal year 1997.

Mr. Speaker, on this side of the aisle, we support the historic preservation programs as described by the chairman and funded under this bill. This historic preservation fund is a critical element of our country's program to save historic buildings, sites and objects. While we believe that a greater percentage of the funds authorized under this program should go to actual bricks and mortar construction projects, instead of bureaucrat salaries and studies, we do support the overall program, at least in part because the inherent matching requirements of this program ensure these funds will be effectively spent.

I join with the administration in supporting this measure introduced by Chairman VENTO, but I must point out that it is somewhat ironic to me that certain Members are supporting huge outlays from the receipts of offshore oil and gas sales in terms of the historic preservation fund and the land and water conservation fund at the same time they are advocating drastic cuts in the offshore energy programs of this country. These two positions are on a direct collision course.

□ 1220

Mr. Speaker, I yield back the balance of my time.

Mr. VENTO. Mr. Speaker, of course, in supporting this, I want to point out to the Members that historically, the historic preservation fund has been growing and has well over $1.5 billion, in the fund. We want the revenue that is produced from offshore oil and gas to continue to flow in a proportionate amount to the historic preservation fund as it has in the past. Ideally, we would hope the resource coming from this fund could be used for the myriad of historic preservation projects that need funding within our country that deal with our cultural and historic heritage. Unfortunately, because of budgetary limitations, especially in the last decade, there has been too few dollars which have flowed out of the fund and into physical restoration of resources within the States, and so the fund has held great promise, I might say, Mr. Speaker, but little fulfillment in terms of accomplishing the goals that have been established, but nevertheless, I think, within the decade of the 1990's, hopefully we will witness a more effective advocacy and agenda in terms of our fiscal problems and will be able to finally use these historic preservation funds for the purposes intended.

I want to just point out further, Mr. Speaker, that the concept here is that, as we deplete one resource; that is, our outer continental shelf oil and gas, that we in fact provide those resources to flow for the restoration and preservation of other resources in the historical preservation programs across this country. It is the idea of trying to use the natural resources to help store up the cultural and historic resources, much as we do at the land water conservation fund, which of course addresses itself most specifically to natural resources in the States and in our Nation.

Mr. Speaker, I have no requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore (Mr. MONTGOMERY). The question is on the motion offered by the gentleman from Minnesota [Mr. VENTO] that the House suspend the rules and pass the bill, H.R. 4801.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended, and the bill was passed.

A motion to reconsider was laid on the table.

AUTHORIZING APPROPRIATIONS FOR THE ADVISORY COUNCIL ON HISTORIC PRESERVATION

Mr. VENTO. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 3905) to amend the Historic Preservation Act to authorize appropriations for the Advisory Council on Historic Preservation, and for other purposes.

The Clerk read as follows:

H.R. 3905

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 212(a) of the Historic Preservation Act (16 U.S.C. 470 et seq.) is amended by deleting the last sentence and inserting in lieu thereof the sentence "There are authorized to be appropriated for purposes of this title not to exceed $5,000,000 in each fiscal year 1992 through 1996.".

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Minnesota [Mr. VENTO] will be recognized for 20 minutes, and the gentleman from Wyoming [Mr. THOMAS] will be recognized for 20 minutes.

The Chair recognizes the gentleman from Minnesota [Mr. VENTO].

GENERAL LEAVE

Mr. VENTO. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the legislation presently under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Minnesota?

There was no objection.

Mr. VENTO. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, H.R. 3905, introduced by my Interior Committee colleague Congressman CRAIG THOMAS, increases the authorization of appropriations for the Advisory Council on Historic Preservation. The Advisory Council on Historic Preservation, established in 1966, provides the Congress, the President, governmental agencies and the public with guidance on the implementation of historic preservation principles and policy. Through its consultations, training courses, and publications it educates about historic preservation's purposes and practices. The Advisory Council on Historic Preservation also acts as a referee and reviews actions relating to the Federal Historic Preservation Program.

In testimony before the Subcommittee on National Parks and Public Lands, H.R. 3905 received support from both the administration and the public witnesses. The legislation needs expedient action because additional authorization is required if the Advisory Council on Historic Preservation is to receive increased funding in fiscal year 1993 and beyond. Under current law, there is authorized to be appropriated $2,500,000 annually to carry out the Council's functions. The President's fiscal year 1993 budget requested $2.798 million for the Council. Without this additional authorization, the Advisory Council on Historic Preservation would not be authorized to receive increased appropriations. I support H.R. 3905 and am not aware of any controversy associated with this measure.

Mr. Speaker, I reserve the balance of my time.

Mr. THOMAS of Wyoming. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of H.R. 3905, a bill which I sponsored reauthorizing the Advisory Council on Historic Preservation for 5 years. This is a bill which has moved quickly through subcommittee hearings and markup, as well as through full committee markup. It also has the full support of the administration.

I was pleased to host Mrs. Lucille Dumbrill, a constituent and long-time friend from Newcastle, WY, and member of the Advisory Council, as the Council's witness before the Subcommittee on National Parks and Public Lands. Her enthusiasm for the programs of the Advisory Council was instrumental in my introduction of this bill.

The Advisory Council serves as a facilitator for Federal agencies to comply with the myriad of historic preservation laws and regulations we now have in place. While we each have our own opinion about the burdens that have been created with historic preservation statutes, the Advisory Council provides valuable assistance to Federal agencies in meeting those requirements.

Although this reauthorization bill doubles the appropriation ceiling for the Advisory Council to $5 million per year, the need for this reauthorization is clear. The fiscal year 1992 Interior appropriations bill exceeded the authorization for the Advisory Council, and the administration's request for fiscal year 1993 does as well. It's my hope and expectation that the Council's requests will remain well below H.R. 3905's ceiling of $5 million for the duration of the authorization period, but it is good legislative policy to set the authorization to match the appropriations actions of the administration and Congress.

That said, I thank the House and Chairman VENTO for bringing this bill to quick action. I'm pleased that we have moved expeditiously to have this reauthorization complete in time for passage of fiscal year 1993 Interior appropriations bill, and to continue the work of the Advisory Council on Historic Preservation.

Mr. Speaker, I have no requests for time, and I yield back the balance of my time.

Mr. VENTO. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I think it is appropriate that we recognize, in terms of the Historic Advisory Council, 11 citizen members from across the Nation that serve on the council. Our national policies on historic preservation in these instances is dependent upon the State and historic preservation offices of the 50 States who contract in agreement with the National Park Service to carry out the Historic Preservation Act. From time to time, there are differences of opinion as to what constitutes historic preservation and appropriate actions with regards to actions within the States, and the council has played a unique role in terms of arbitrating differences as to the preservation of historic fabric and appropriate action by a developer to modify historic property.

In addition, my staff and I had the opportunity to work with the Council on Historic Preservation, when there have been differences of opinion concerning the various agencies and National Government. Mr. Speaker, it may be interesting to the body to recognize that, for instance, the National Aeronautics and Space Administration [NASA], had in fact a controversy growing about how to handle some of its cultural and historic resources, that existed in various sites that they managed. Clearly, in their enthusiasm, some Members of Congress sought to exempt NASA, the National Aeronautics and Space Administration, from the provisions of the Historic Preservation Act. It was the role of the Advisory Council on Historic Preservation that interceded and prevailed convincing Members—along with the support of a good number of Members that are interested in such resources—to forgo such exemption. The consequence was an agreement that was obtained by the National Aeronautics and Space Administration to, in fact, come up with a plan to deal appropriately with our historic resources—related to NASA.

□ 1230

Mr. Speaker, this is repeated throughout the agencies and departments of our Federal Government, and that is one of the reasons I would ask Members to support this small authorization of appropriation today.

Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore (Mr. MONTGOMERY). The question is on the motion offered by the gentleman from Minnesota [Mr. VENTO] that the House suspend the rules and pass the bill, H.R. 3905.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

EMANCIPATION OF THE BAHA'IS

Mr. HAMILTON. Mr. Speaker, I move to suspend the rules and agree to the concurrent resolution (H. Con. Res. 156) concerning the emancipation of the Baha'i community of Iran, as amended.

The Clerk read as follows:

H. CON. RES. 156

Whereas in 1982, 1984, 1988, and 1990, the Congress, by concurrent resolution, declared that it holds the Government of Iran responsible for upholding the rights of all its nationals, including members of the Baha'i Faith, Iran's largest religious minority;

Whereas in such resolutions the Congress condemned the Iranian Government's persecution of the Baha'i community, including the execution of more than 200 Baha'is, the imprisonment of thousands of Baha'is, and other oppressive actions against Baha'is based solely upon their religious beliefs;

Whereas the Congress has urged the President to work with other governments and the United Nations in support of the rights of Iranian Baha'is;

Whereas recent reports indicate that most Iranian Baha'is imprisoned because of their religion have been released, and some confiscated business and personal properties of such Baha'is have been restored; and

Whereas despite such actions, the Government of Iran summarily executed a leading member of the Baha'i community in March 1992 and continues to deny the Baha'i community the right to organize, to elect its leaders, to hold community property for worship or assembly, to operate religious schools, and to conduct other normal religious community activities: Now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That the Congress—

(1) continues to hold the Government of Iran responsible for upholding the rights of all its nationals, including members of the Baha'i community, in a manner consistent with Iran's obligations under the Universal Declaration of Human Rights and the international covenants on human rights;

(2) notes that the Government of Iran summarily executed a prominent Iranian Baha'i in March 1992, the first such execution in more than 3 years, and further notes that reports indicate that several Baha'is have been arrested during 1992;

(3) expresses concern that, despite some recent improvements in the treatment of individual Baha'is, the Baha'i community continues to be denied legal recognition, and the basic rights to organize, elect its leaders, educate its youth, and carry on the normal activities of law-abiding religious community;

(4) urges the Government of Iran to extend to the Baha'i community the rights guaranteed by the Universal Declaration of Human Rights and the international covenants on human rights, including the freedom of thought, conscience, and religion, and equal protection of the law; and

(5) calls upon the President to continue—

(A) to urge the Government of Iran to emancipate the Baha'i community by granting those rights guaranteed by the Universal Declaration of Human Rights and the international covenants on human rights;

(B) to emphasize that the United States regards the human rights practices of the Government of Iran, particularly its treatment of the Baha'i community and other religious minorities, as a significant element in the development of its relations with the Government of Iran; and

(C) to cooperate with other governments and international organizations, including the United Nations and its agencies, in efforts to protect the religious rights of the Baha'is and other minorities through joint appeals to the Government of Iran and through other appropriate actions.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Indiana [Mr. HAMILTON] will be recognized for 20 minutes, and the gentleman from Michigan [Mr. BROOMFIELD] will be recognized for 20 minutes.

The Chair recognizes the gentleman from Indiana [Mr. HAMILTON].

Mr. HAMILTON. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in strong support of House Concurrent Resolution 156 as amended, a resolution which concerns the emancipation of the Baha'i community in Iran. This resolution was passed out of the Committee on Foreign Affairs on May 21 by voice vote.

The purpose of the resolution is to recognize the responsibility of the Government of Iran for upholding the rights of all its nationals, including the members of the Baha'i faith, Iran's largest religious minority.

This is the fifth time in the last decade that Congress will have recognized this important human rights issue in Iran. Unfortunately, as the recent execution of a Baha'i leader and the recent arrests of several Baha'i community members indicates, these resolutions are still needed. We need to continue to monitor the human rights situation in Iran carefully.

Mr. Speaker, I also want to note that May 29, last Friday, was a day of special significance for the Baha'i community. More than 100,000 Baha'is met in communities across the United States to mark the 100th anniversary of the death of Baha'ullah, the prophet-founder of the Baha'i faith.

I also want to recognize the leadership of my colleagues, Congressman WAYNE OWENS of Utah, the chief sponsor of the resolution, and Congressman BEN GILMAN of New York, in bringing this issue before the Congress.

It is hoped that through resolutions like this one that the human rights problems in Iran will be given the attention they deserve and the world community can be energized to work for improvements in respect for international recognized human rights in Iran.

I urge adoption of House Concurrent Resolution 156, as amended.

Mr. Speaker, I reserve the balance of my time.

Mr. BROOMFIELD. Mr. Speaker, I yield myself such time as I may consume.

At the outset I would like to compliment the gentleman from Utah [Mr. OWENS], as well as the gentleman from New York [Mr. GILMAN], for sponsoring this particular resolution.

Mr. Speaker, I wish to express my strong support for this resolution.

Since its founding, our Nation has regarded religious freedom as a fundamental right. Regardless of the nature of their beliefs, all Americans are free to profess and practice their religious faith.

Freedom of religion is enshrined not only in our Constitution, but also in the Universal Declaration of Human Rights, which has been signed by virtually every nation in the world.

Since it came to power in 1979, however, the self-styled Islamic Government of Iran has constantly persecuted the Baha'i religious community. Baha'is are the largest religious minority in Iran. More than 200 Baha'is have been executed and thousands more have been imprisoned.

Mr. Speaker, the repression of the Baha'is has occurred despite the fact that they have neither opposed the Government of Iran nor engaged in any subversive activities. The truth of the matter is that the Baha'is were singled out for persecution solely on the basis of their religious beliefs.

During the past few years, it seemed that conditions for the Baha'i community in Iran had improved. No executions of Baha'is has been reported since December 1988, and many of those who had been imprisoned due to their religious beliefs had been released.

But on March 18 of the this year, Iranian authorities secretly executed a prominent member of the Baha'i community. His wife was not informed until April 5, and the authorities buried him in an unmarked grave. He had not been charged with any crime nor had he received a trial.

This incident demonstrates that Iran is continuing to deny the Baha'i community legal protection and basic rights to religious freedom, despite its repeated public denials of discrimination against them. this situation violates international conventions signed by Iran, and affronts the values of the civilized world.

House Concurrent Resolution 156 will help send a message to the Iranian Government that it must respect the religious freedom of all its citizens if it wishes to become a member of the international community. I urge my colleagues to support it.

Mr. Speaker, I yield such time as he may consume to the gentleman from New York [Mr. GILMAN], a cosponsor of this legislation.

Mr. GILMAN. Mr. Speaker, I rise in support of House Concurrent Resolution 156, a resolution urging the Iranian Government to once and for all, emancipate its Baha'i community. I am pleased to join my good friend and distinguished colleague on our Foreign Affairs Committee, the gentleman from Utah, [Mr. OWENS] as an original cosponsor of this resolution, House Concurrent Resolution 156, and I commend the gentleman for his outstanding work on this measure. I also want to thank our distinguished committee ranking member, the gentleman from Michigan, [Mr. BROOMFIELD] and the distinguished chairman of our subcommittee on Europe and the Middle East, the gentleman from Indiana, [Mr. HAMILTON] for their support. For far too long, the Baha'i community in Iran has been oppressed by the Government of Iran.

Just a few months ago we took note of recent progress with respect to Iran's treatment of individual members of the Baha'i faith. However, we were recently outraged and sickened by the execution of a leading member of the Iranian Baha'i community by representatives of the Iranian Government on March 18, 1992. This was the first such execution in 3 years. Additional reports indicate that several more Baha'is have been arrested this year. We can only hope and pray that a similar fate does not await them. Once and for all, let us call upon the Iranian Government to institutionalize human rights and religious rights for their largest religious minority group.

It is my sincere hope that this congressional action will inspire the United Nations Human Rights Commission to press the Iranian Government to abandon, once and for all, its persecution of these peaceful people.

Permit me to thank the American Baha'i spokesman, Prof. Firuz Kazemzadeh, for his outstanding articulation of the plight of the Baha'is. We recently had the honor of Professor Kazamzadeh's testimony before our Subcommittee on Europe and the Middle East, on central Asia, his area of scholarship and expertise. It is a result of this relentless work, as well as the voice of the U.S. Congress, which for so long has focused the world's attention on this issue, that, at least to some degree, Iran has moderated its most heinous, and reprehensible actions against individual members of the Baha'i faith.

Mr. Speaker, the Baha'i community, as a group, is denied legal recognition as well as the day-to-day rights to which any law-abiding religious group should be entitled.

Accordingly, I urge our colleagues to support this measure, and to once again send a message to Iran and the Baha'i people that we in the United States continue to care about the human rights situation in Iran, and the suffering of the peace-loving Baha'i people of that nation.

Mr. BROOMFIELD. Mr. Speaker, I yield such time as he may consume to the gentleman from Illinois [Mr. PORTER].

Mr. PORTER. Mr. Speaker, I thank the distinguished gentleman, the ranking member of the Committee on Foreign Affairs for yielding to me, as well as for his leadership on these vital issues of human rights.

Mr. Speaker, I am pleased to rise in strong support for House Concurrent Resolution 156, concerning the emancipation of the Baha'is in Iran. This resolution sends a clear message to the Government of Iran that the United States Congress supports the fundamental rights of members of the Baha'i faith, the largest religious minority in Iran. Once again, we condemn the persecution inflicted on the more than 300,000 Baha'i faithful and we call on the Iranian Government to restore internationally recognized human rights to Baha'is.

Despite the notion that there is a more moderate government in power in Iran today, there has been no significant improvement in the government's human rights practices, particularly with regard to its treatment of the Baha'is and other religious minorities. Individual Baha'is continue to be considered unprotected infidels who have no legal rights. Baha'is are not allowed to practice their religion: they are denied the right to organize, select their leaders, acquire and maintain places of worship, educate their youth, or conduct religious activities.

In addition, they are denied access to jobs, pensions, ration cards, and university education solely on account of their religious beliefs.

I was particularly shocked to learn of the recent execution of a leading Baha'i who was summarily executed the day after he was arrested. This execution, the first in 3 years, shows that the Iranian Government is up to its old tricks of using attacks on Baha'is as a means to mollify extremist elements in Iran. I strongly condemn this brutal act and call on the Iranian authorities to take immediate steps to ensure that no further executions of Baha'is take place.

Recently, the Baha'i world community marked the 100th anniversary of the death of their prophet and founder, Baha-u-llah. In the first major event of their holy year, Baha'is around the world took part in solemn observance to reaffirm their founder's principles of the unity of all religions and the oneness of mankind. As members of this community, Iranian Baha'is maintain strict adherence to peaceful, apolitical, and nonviolent principles. They are a lawabiding and innocent religious minority within Iran. They seek no special privileges but only the rights to which they are entitled under international law.

Because Iran does not recognize nor respect the rights of Baha'is, it is incumbent upon the United States and other governments to speak out on their behalf in order to free them from suffering and systematic discrimination. The congressional human rights caucus initiated a new project last year to coordinate a global effort on behalf of the Baha'is. We have been in touch with over 250 parliamentarians around the world urging them to pass similar resolutions to the one we are considering today. The caucus received many favorable replies to this initiative and I am pleased to say that the German Parliament recently passed a resolution on the Baha'is and mentioned our initiative in their debate.

The Iranian Government's treatment of the Baha'is is a clear example of pure religious discrimination and a blatant violation of basic human rights. I feel confident that with United States congressional appeals and with unified international pressure on behalf of the Baha'is, the Iranian authorities will be forced to cease their systematic persecution of this peaceful community.

Mr. LANTOS. Mr. Speaker, I rise to support House Concurrent Resolution 156, the Baha'i community emancipation resolution.

Eight years ago, I chaired a hearing of the Subcommittee on Human Rights and International Organizations during which leaders of the American Baha'i community described in searing terms the persecution of Baha'is in Iran.

At that time, many leaders of the Iranian Baha'i community had been executed because of their religious beliefs. The Islamic revolutionary regime was jailing and torturing innocent men, women, and children solely on account of their religion.

Baha'is, who were the best educated group in Iran, had been driven from their positions in the civil service, in universities, and the professions. All Baha'i community property had been confiscated, and the homes, businesses, and properties of many individual Baha'is had also been seized by the Iranian Government. All Baha'i students were expelled from universities, and many from high school and even elementary school.

The very survival of a peaceful, lawabiding community appeared to be in danger.

Mr. Speaker, Congress responded to this persecution with a series of strong appeals to the Iranian Government, in resolutions adopted by the House in 1982, 1984, 1988, and 1990.

I am delighted to know that these resolutions, together with appeals by other nations and the United Nations, have helped to persuade the Iranian Government to retreat from some of its most repressive actions against Baha'is.

Most Baha'is have been released from prison, and no Baha'is were executed for more than 3 years. Sadly, however, Mr. Speaker, the recent murder of a prominent leader of the Iranian Baha'i community, Bahman Samandari, shows that the Baha'is continue to be vulnerable to persecution.

The circumstances of the case are particularly horrifying: Mr. Samandari was summarily killed in Evin Prison, in Teheran, 1 day after his arrest. No charges were filed. There was not even the semblance of a trial. Samandari was murdered in secret. He was secretly buried, and authorities refuse to disclose the location of his grave.

Since 1979, more than 200 Baha'is have been executed. We must hope that the savage killing of Mr. Samandari does not presage a renewal of executions.

Today, individual Baha'is continue to suffer pervasive economic and social discrimination. The Iranian Government considers Baha'is unprotected infidels, and Baha'is have no constitutional rights. The Baha'i community is not permitted to organize, elect its leaders, and carry on the normal activities of a lawabiding religious community.

By adopting this resolution, we send a strong message to the Government of Iran: We are aware of your actions, which violate not only international law, but the basic standards of human decency.

Mr. Speaker, we will continue to appeal for religious rights for the Baha'i community of Iran. As this resolution makes clear, we urge the Government of Iran to emancipate the Baha'i community by granting those rights guaranteed by the Universal Declaration of Human Rights and by other international covenants on human rights to which the Government of Iran has acceded.

Mr. OWENS of Utah. Mr. Speaker, I rise in strong support of House Concurrent Resolution 156, the Baha'i community emancipation resolution.

Since 1982, Congress has adopted four resolutions calling on the Iranian Government to cease repressive actions against the Baha'is and other religious minorities. These resolutions have won broad bipartisan support.

As originally introduced, House Concurrent Resolution 156 actually reflected some improvement in Iran's treatment of Baha'is, in that no executions had been reported for more than 2 years and many Baha'is imprisoned had been released.

Sadly, this statement is no longer true. Just 2 months ago, Bahman Samandari, a prominent Iranian Baha'i was arrested and promptly executed. No charges were filed, no meaningful judicial proceedings, no appeals. Just a cold, calculated summary execution.

Not only was Mr. Samandari executed, but his family subjected to emotional torture. Called in by the Iranian authorities under the pretext of clearing up some administrative items, Mr. Samandari left his house on March 17. He was executed the next day. For nearly 3 weeks his family did not know of his whereabouts and Mrs. Samandari did not learn of her husband's murder until April 5.

Even after the execution the Iranian Government refused to reveal the location of the cemetery where Mr. Samandari was buried. After checking the grave registration at each Teheran cemetery, Mrs. Samandari located the cemetery. Still, the Government refused to disclose her husband's gravesite.

I want to publicly extend my condolences to his widow and family and to strongly urge the Iranian Government to immediately disclose to the Samandari family the location of the grave.

During markup of House Concurrent Resolution 156, an amendment was offered to reflect the unacceptable and inhumane execution of Mr. Samandari. I strongly supported this amendment and only wish we could do more to protest Iran's brutality.

House Concurrent Resolution 156 makes clear that Congress continues to be deeply concerned about Iran's human rights practices, especially its denial of rights to members of the Baha'i community, Iran's largest religious minority.

Iran is attempting to work its way back into the civilized world. But satisfying the West outside of its borders, while depriving its citizens of their fundamental human rights inside its borders, is unacceptable. So long as Iran continues to oppress the Baha'i community and other minorities, it must be repudiated and denied a place among the humane nations of the world.

Mr. FASCELL. Mr. Speaker, I rise in support of House Concurrent Resolution 156 concerning the emancipation of the Baha'i community of Iran. I am pleased to support this measure, which like similar resolutions over the last 10 years, expresses Congress' continued concern about the fate of members of the Baha'i community, Iran's largest religious minority. I commend the author of this resolution, the distinguished gentleman from Utah [Mr. OWENS] for his leadership and for his dedicated efforts to keep this important issue under the spotlight of international attention.

I am hopeful that, due to the concerted effort to hold Iran to its commitments under the Universal Declaration of Human Rights and the International Convenants on Human Rights, of which this resolution is a part, the Government of Iran will be induced to further modify its treatment of Baha'is and to respect religious freedom for all in Iran. I am convinced that whatever progress has been made in this regard to date has been due to the pressure that past congressional resolutions, along with many efforts in other Western nations and in international fora, have generated.

I urge unanimous support of House Concurrent Resolution 156.

Mr. BURTON of Indiana. Mr. Speaker, I rise in strong support of this legislation, which is both appropriate and timely. The peaceful Bahai community of Iran has been subjected for years to the brutality and tyranny of the regime in Teheran. We simply cannot tolerate such flagrant abuse of religious and human rights, because as our Founding Fathers observed: "A threat to freedom anywhere, is a threat to freedom everywhere."

Mr. Speaker, the Bahais in Iran want nothing more than to be allowed to practice their religion in peace. The U.N. Human Rights Commission is already on record condemning Iranian human rights abuses, including the persecution of the Bahais. This legislation puts the Congress of the United States firmly on the record with regard to the Bahais. In the words of Armando Valladares, the fearless crusader for human rights, "International condemnation is the only thing capable of pressuring the torturers, it is the only thing capable of forcing them, in order to repair their image, to free prisoners, to be more careful, to trangress less."

Mr. PRICE. Mr. Speaker, I rise in support of House Concurrent Resolution 156 which urges the Government of Iran to extend to the Baha'i community basic human rights which are guaranteed by the Universal Declaration of Human Rights and other international agreements to which Iran is a party.

The right of individuals and communities to freedom of religious worship and expression is deeply rooted in our own Nation's history. It is thus imperative that we speak out against the denial of this basic freedom wherever we find it, and in Iran the violations have been severe indeed.

Over 200 Baha'is have been executed since 1979 and many more have disappeared and have been kidnaped. In addition, many Baha'is are denied food, pay, education and the right to organize and conduct religious ceremonies. The secret and summary execution of Mr. Bahman Samandari, a prominent Baha'i, on March 18 demonstrates the need for continued international pressure to bring about change in Iran.

While reading about the Baha'i, I was struck by two of the underlying tenets of their faith. The first is obedience to the civil law of the land. The second is the belief that religious truth is not exclusive to the Baha'i and that all the great religions of the world are divine in origin. How ironic that a faith so tolerant of other faiths and which poses no political threat to the government in the land in which it originated, would find itself the victim of such religious intolerance.

I urge my colleagues to vote for this resolution.

□ 1240

Mr. BROOMFIELD. Mr. Speaker, I yield back the balance of my time.

Mr. HAMILTON. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore (Mr. MONTGOMERY). The question is on the motion offered by the gentleman from Indiana [Mr. HAMILTON] that the House suspend the rules and agree to the concurrent resolution, House Concurrent Resolution 156, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the concurrent resolution, as amended, was agreed to.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. HAMILTON. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the concurrent resolution just agreed to.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Indiana?

There was no objection.

CONDEMNING THE BOMBING OF ISRAELI EMBASSY IN BUENOS AIRES

Mr. HAMILTON. Mr. Speaker, I move to suspend the rules and agree to the concurrent resolution (H. Con. Res. 297) condemning the bombing of the Embassy of Israel in Buenos Aires, as amended.

The Clerk read as follows:

H. CON. RES. 297

Whereas a terrorist bomb destroyed the Embassy of Israel in Buenos Aires, Argentina, on March 17, 1992;

Whereas at least 24 innocent individuals died and 250 innocent individuals were wounded as a result of the detonation of the bomb;

Whereas the terrorist organization Islamic Jihad has claimed responsibility for the bombing; and

Whereas the bombing is an atrocity: Now, therefore, be it

Resolved by the House of Representatives (the Senate Concurring), That the Congress—

(1) condemns the bombing of the Embassy of Israel in Buenos Aires, Argentina, on March 17, 1992;

(2) mourns the victims of the bombing;

(3) extends its condolences to the families and friends of the victims; and

(4) declares that the Government of the United States should *continue to cooperate fully* with the Government of Argentina and the Government of Israel in identifying and bringing to justice all of the individuals responsible for the planning, preparation, and execution of the bombing.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Indiana [Mr. HAMILTON] will be recognized for 20 minutes, and the gentleman from Michigan [Mr. BROOMFIELD] will be recognized for 20 minutes.

The Chair recognizes the gentleman from Indiana [Mr. HAMILTON].

Mr. HAMILTON. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of House Concurrent Resolution 297, a resolution condemning the March 17, 1992, bombing of the Israeli Embassy in Buenos Aires, Argentina, in which 24 people were killed and some 250 were wounded.

This resolution was introduced March 20 by Congresswoman MEYERS of Kansas and I commend her for her leadership in bringing this resolution before the Congress.

Even though there is still an international investigation underway to try to find out the perpetrators of this terrorist attack, many American observers close to this incident see the evidence pointing to Iran and feel that this attack was in response to the death of the Hizbollah leader Abbas Musawi in southern Lebanon.

I do not know the reasons for this senseless attack or who carried it out, but I consider the resolution important as a reminder of the problem of international terrorism and of the need for all of us to work to reduce terrorism and to make governments and individuals supporting terrorism accountable.

I urge adoption of the resolution.

Mr. Speaker, I reserve the balance of my time.

Mr. BROOMFIELD. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I support this resolution and commend Congresswoman JAN MEYERS for sponsoring this important legislative initiative.

I wish to join all my colleagues in strongly condemning this bombing. Our hearts go out to the Israelis and Argentines who died or were injured in this senseless attack. All indications point to the Islamic Jihad, a pro-Iranian terrorist group, as the organization responsible for this horrible attack.

I am greatly concerned about this bombing because it occurred in a country that was considered extremely unlikely to have a terrorist attack of this nature. It is especially disturbing as a sign that the Islamic Jihad may be planning additional attacks on other Israeli embassies and possibly U.S. diplomatic posts overseas.

I strongly urge the Department of State to enhance its security at American facilities around the world in response to this tragic bombing. I also urge the Department to continue to emphasize security and not drop the protections against terrorism.

Mr. Speaker, the recent attack in Buenos Aires is proof positive that terrorist madmen are still waiting for opportunities to take the lives of the innocent. I urge my colleagues to support this resolution.

Mr. Speaker, I yield such time as she may consume to the gentlewoman from Kansas [Mrs. MEYERS], the principal sponsor of the resolution.

Mrs. MEYERS of Kansas. Mr. Speaker, I would like to thank the leadership on the committee, the gentleman from Florida [Mr. FASCELL], the gentleman from Indiana [Mr. HAMILTON], the gentleman from Michigan [Mr. BROOMFIELD], and the gentleman from New York [Mr. GILMAN] for assisting me in bringing this measure to the floor.

Mr. Speaker, I rise in support of this resolution. In a way this is an inadequate response to the atrocity that occurred on March 17. It is just one more expression of outrage over a despicable crime, and sympathy for those whose lives have been shattered by it.

The terrorist bombing of the Israeli Embassy in Buenos Aires killed 32 innocent people and left another 250 wounded. The President immediately condemned the attack and offered American assistance to the Argentines and Israelis to investigate this crime. I believe it is important for Congress to make its own statement condemning this terrorist act extending sympathy to the families and supporting President Bush's offer of American cooperation with the Argentines and Israelis to bring the perpetrators to justice.

The sophistication of the bombing attack is evidence that this was an act of state-sponsored terrorism. Investigators are still picking through the debris, looking for clues. FBI forensic teams are analyzing the results. This investigation is obviously going to take an enormous amount of time and effort. We must emphasize that the United States will be in it for the long haul, and provide whatever assistance is necessary to identify and bring the terrorists to justice. We must make it clear to the world that American resolve against international terrorism is as strong as ever.

□ 1250

Mr. BROOMFIELD. Mr. Speaker, I yield 2 minutes to the gentleman from New York [Mr. GILMAN], who sponsored this resolution.

Mr. GILMAN. Mr. Speaker, I rise to express my strong support for House Concurrent Resolution 297, a resolution regarding the bombing of the Israeli Embassy in Buenos Aires and I commend the gentlelady from Kansas [Mrs.

MEYERS] for her thoughtful and timely measure, and I further commend the distinguished ranking member of the Foreign Affairs Committee Mr. BROOMFIELD. On March 17, 1992, at least 24 innocent individuals died and 250 innocent persons were wounded as a result of this diabolical and despicable act.

We have followed the activities of the terrorist organization responsible for this act for quite some time now. They have been responsible for acts of murder and brutality in the West Bank and Gaza. We know they have as their objective the termination of the peace process as well as the ultimate destruction of Israel.

Mr. Speaker, I am pleased to join the gentlewoman from Kansas in expressing my condolences to the families and friends of the victims. I also join in calling upon our Nation to fully cooperate with the Government of Israel in identifying and bringing to justice all of the terrorists involved in every phase of the operation. We must make our message resoundingly clear: that violence only begets further violence. Accordingly, Mr. Speaker, I urge the unanimous passage of this resolution.

Mr. PORTER. Mr. Speaker, I thank the distinguished gentleman from Michigan for yielding time to me.

Mr. Speaker, I strongly support House Concurrent Resolution 297 which condemns the bombing of the Israeli Embassy in Buenos Aires and urges continued United States support to the Argentines to identify and bring to justice the cowards who perpetrated this crime. I thank the gentlewoman, Representative MEYERS, for introducing and showing strong leadership on this important piece of legislation.

On March 17 a huge blast rocked central Buenos Aires, destroying the 5-story Israeli Embassy, killing 24 innocent individuals and injuring over 250, including 13 in a nearby school. The death and destruction was wanton and indiscriminate. The bomb—between 45 and 90 pounds of high explosives—was apparently either secreted into the Embassy in a load of construction materials or planted in a truck outside the Embassy. When it exploded, it killed passersby, workers, elderly people, children, Israeli Embassy personnel, and everyone else in the vicinity. It was not a focused, well-planned attack. It was an attack against humanity, targeting any living person who might randomly be strolling down a main boulevard in Buenos Aires on a Tuesday afternoon.

It was not a political statement. It was pure terrorism that took fathers from their families and children from their parents. It has caused immense human suffering that will do nothing to further any political cause. In fact, heartless, mindless violence like the Buenos Aires bombing will only serve to turn all civilized people against the cause that promoted it.

This bombing was the work of desperate people supporting a failing and illegitimate cause through barbaric means. No one can look at this tragedy and emote the tiniest scintilla of support for its perpetrators or their causes.

The Argentine police are working closely with Israeli's Mossad secret service and the Central Intelligence Agency to locate and punish the criminals who planned and carried out this atrocity.

Recently the Washington Times has reported that U.S. investigators have strong indications that Iranian diplomats may have helped plan the attack and it is rumored that the diplomats may have even slipped the explosives into Argentina in an Iranian diplomatic pouch. These charges must be investigated fully and if they are true, I would call on the United States and all other nations to cut off all relations with Iran and any other nations implicated in the crime.

Again, I thank Mrs. MEYERS for bringing this important bill to the floor and for keeping this issue at such a high profile and I strongly support its passage.

Mr. SCHEUER. Mr. Speaker, I am pleased to support House Concurrent Resolution 297, which condemns the heinous bombing of the State of Israel's Embassy in Argentina on March 17.

On that day, a car packed to the brim with explosives detonated and destroyed the Israeli Embassy and much of the surrounding Buenos Aires neighborhood.

Numerous people, 24 Israelis and Argentines, were killed and scores more wounded in the explosion.

I salute my distinguished colleague from Kansas, Mrs. MEYERS, the principal sponsor. I am proud to be a cosponsor of this bill. This legislation not only condemns the bombing, but also commits the U.S. Government to continue to cooperate to the fullest extent possible in identifying and bringing to justice those individuals responsible for the bombing.

As with all cowardly terrorist acts, we must pursue the perpetrators to the ends of the Earth and see that justice be done. It is the relentless pursuit of terrorists and the punishment of those responsible for terrorist acts that ultimately will end such activity.

Conversely, any slackening of our efforts to seek out and prosecute such terrorists sends the wrong message—that terrorists can strike with impunity.

I salute the Argentine Government, as well as our own administration, for their efforts to track down the terrorists responsible for this sickening case of wanton destruction of human life and property.

Mr. OWENS of Utah. Mr. Speaker, I rise in strong support of House Concurrent Resolution 297, the resolution condemning the bombing of the Israeli Embassy in Buenos Aires. I do so, Mr. Speaker, with a sense of sadness and futility.

Passing this resolution is the right thing to do. But it won't bring back the victims or return the injured to their prior condition. No, Mr. Speaker, this resolution can express our outrage and our condolences to the victims and their families but it can't right a murderous wrong.

The scenes of the destruction and carnage at the Israeli Embassy in Buenos Aires were hauntingly all too familiar. At least 6 people died, over 100 were wounded, and the 3-story Embassy building was nearly totally demolished.

It is a sad fact that terrorism is alive, well, and killing. It is a testament to the people of Israel, that, despite the constant terrorism, they continue to support the Middle East peace process.

America's commitment to Israel's security and well-being is at the core of our Middle Eastern objectives. This administration would do well to remember that our loyal friend, Israel, still the only democracy in a volatile region, continues to be the target of senseless terrorism and rejectionism.

One year ago, we were saluting Israel's perseverance and self-restraint in the face of dozens of Iraqi Scud attacks. One year ago we were thanking our lucky stars that a decade earlier the Israeli Air Force destroyed the Iraqi Osiraq nuclear facility, removing a threat that would have seriously impeded—if not altogether rendered impossible—efforts to dislodge Saddam Hussein.

Today, we bow our heads to remember the innocent victims of violence, and we hope that we never again have the sad occasion of considering a similar resolution.

Mr. BROOMFIELD. Mr. Speaker, I yield back the balance of my time.

Mr. HAMILTON. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore (Mr. MONTGOMERY). The question is on the motion offered by the gentleman from Indiana [Mr. HAMILTON] that the House suspend the rules and agree to the concurrent resolution, House Concurrent Resolution 297, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended, and the concurrent resolution, as amended, was agreed to.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. HAMILTON. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the resolution just agreed to.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Indiana?

There was no objection.

EXPRESSING SENSE OF CONGRESS REGARDING KURDS IN NORTHERN IRAQ

Mr. HAMILTON. Mr. Speaker, I move to suspend the rules and agree to the concurrent resolution (H. Con. Res. 299) expressing the sense of the Congress regarding the Kurds in northern Iraq, as amended.

The Clerk read as follows:

H. CON. RES. 299

Whereas the Government of Iraq brutally suppressed a Kurdish uprising in February and March 1991, forcing hundreds of thousands of Kurds to flee across the border into Turkey;

Whereas this sudden, massive refugee flow into Turkey resulted in shortfalls of shelter, food, medicine, and potable water that placed thousands of Kurdish lives at risk;

Whereas the best solution to this humanitarian crisis was to encourage the Kurds to return to their homes in northern Iraq by creating a security zone in northern Iraq in which the United States guaranteed that they would not be attacked by Iraqi aircraft or other forces;

Whereas in response to the extraordinary humanitarian need of the Kurds, the United States took the lead in organizing Operation Provide Comfort, in which the United States and other forces undertook a major relief effort for the Kurds both within Turkey and in the designated security zone in northern Iraq;

Whereas in June 1991 the United Nations High Commissioner for Refugees took over the prime responsibility for all relief operations in northern Iraq;

Whereas the United Nations High Commissioner for Refugees still maintains a large presence in northern Iraq, including over a thousand civilians involved in relief activities as well as hundreds of United Nations guards;

Whereas the United Nations High Commissioner for Refugees is currently negotiating with the United Nations Children's Fund and other United Nations organizations to take over the functions being performed in northern Iraq by the United Nations High Commissioner for Refugees;

Whereas the memorandum of understanding between Iraq and the United Nations which authorizes the United Nations presence expires in June 1992;

Whereas the severe shortages of food within the security zone as a result of the Iraqi blockade of northern Iraq make a continued international relief effort essential in order to prevent famine among the Kurdish population;

Whereas the courageous decision of the Government of Turkey to permit the stationing of United States military forces in southern Turkey, despite the possibility of Iraqi retaliation against Turkey, was essential to the success of Operation Provide Comfort;

Whereas Operation Provide Comfort is still necessary in order to deter Iraqi attacks against the Kurdish population in the security zone in northern Iraq;

Whereas the agreement between the United States and Turkey that permits the stationing of United States military forces in southern Turkey expires in June 1992; and

Whereas if this agreement is not extended and if Operation Provide Comfort is terminated, it is extremely likely that Iraqi forces will attack the security zone, resulting in substantial loss of lives and possibly generating another massive wave of Kurdish refugees into Turkey: Now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That it is the sense of the Congress that—

(1) the United States should seek Turkish permission to extend beyond June 1992 the agreement that permits the stationing of United States military forces in southern Turkey for purposes of Operation Provide Comfort;

(2) the Government of Turkey, whose continued commitment to Operation Provide Comfort is essential if the operation is to be continued, should respond positively to a United States request to extend that agreement;

(3) the United Nations presence in northern Iraq should be extended;

(4) the United States and the international community should attach high priority to persuading the Government of Iraq to lift the economic boycott of northern *Iraq; and*

(5) in working to ameliorate the conditions of the Iraqi Kurds, the United States should continue to support the sovereignty and territorial integrity of all states, and the internationally recognized human rights of all peoples, in the region.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Indiana [Mr. HAMILTON] will be recognized for 20 minutes, and the gentleman from Michigan [Mr. BROOMFIELD] will be recognized for 20 minutes.

The Chair recognizes the gentleman from Indiana [Mr. HAMILTON].

Mr. HAMILTON. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of House Concurrent Resolution 299, as amended, which deals with issues concerning the Kurdish community in northern Iraq. This resolution was considered by the Foreign Affairs Committee on May 20 and passed by voice vote.

Mr. Speaker, this resolution addresses four issues. First, it urges the continuation beyond June 1992 of the stationing of United States forces in southern Turkey for purposes of Operation Provide Comfort. Second, it calls for extension of the United Nations presence in northern Iraq. Third, it underscores the need for continued humanitarian help for the Iraqi Kurds. And, finally, it urges the administration to take efforts to gain the immediate lifting of the economic embargo by Baghdad of northern Iraq.

On May 19, 1992, the Iraqi Kurds successfully held local elections in northern Iraq. This is a trend toward greater democracy that we would like to see repeated in the rest of Iraq, and elsewhere throughout the Middle East. These elections would not have been possible without the presence of Operation Provide Comfort in southeastern Turkey. I think this is a particularly appropriate time to recognize the need to continue Operation Provide Comfort and to work for peaceful and democratic change elsewhere in Iraq.

I commend our colleagues, Mr. BILBRAY and Mr. SOLARZ, for their leadership on this issue and I urge adoption of House Concurrent Resolution 299, as amended.

I recognize Mr. GILMAN for his work on behalf of this resolution.

Mr. Speaker, I reserve the balance of my time.

Mr. BROOMFIELD. Mr. Speaker, I yield myself such time as I may consume. I support this timely resolution, which urges continuation of Operation Provide Comfort and the security zone in northern Iraq, along with the United Nations presence there. I commend the sponsor, Congressman BILBRAY, as well as Mr. SOLARZ and Chairman FASCELL of the Foreign Affairs Committee, and Congressmen HAMILTON and GILMAN of the Europe and Middle East Subcommittee.

Saddam Hussein's regime has a terrible record of brutality toward the Kurds in Iraq. Every day, new evidence is uncovered that reveals systematic efforts to murder, torture, and maim innocent Kurds who are supposedly citizens of Iraq.

In addition to maintaining the current security zone, our Government is now also assisting the Kurds by removing detailed Iraqi security records which carefully document the extent of Saddam Hussein's atrocities. Soon, the world will know the truth about these horrible human rights abuses.

We cannot forget Iraq's brutal suppression of the Kurdish uprising in early 1991. I believe that Saddam Hussein is ready, willing, and able to launch another military operation against the Kurds if international protection were withdrawn. We must do everything possible to ensure that Operation Provide Comfort continues and that the security zone remains intact.

The Kurdish people have recently shown their commitment to the democratic process and their wish for greater autonomy by conducting free and fair elections. Massive numbers of Kurds voted and elected a Kurdish National Assembly and a leader of the Kurdish movement. Despite threats from Baghdad, the Kurds in Iraq bravely set out on the road to a democratic future.

As long as the current regime in Iraq retains power, the Kurdish people there remain threatened by further repression. I urge my colleagues to join me in supporting this resolution.

☐ 1300

Mr. Speaker, I yield such time as he may consume to the gentleman from New York [Mr. GILMAN].

Mr. GILMAN. Mr. Speaker, I rise to express support for House Concurrent Resolution 299, a resolution expressing the sense of Congress regarding the Kurds in northern Iraq. I join in commending the gentleman from Nevada [Mr. BILBRAY], the gentleman from New York [Mr. SOLARZ] as well as the gentleman from Indiana [Mr. HAMILTON], the distinguished chairman of our Foreign Affairs Subcommittee on Europe and the Middle East, and our committee's distinguished minority member, the gentleman from Michigan [Mr. BROOMFIELD] for their outstanding work on this measure.

The plight of the Kurds has received some attention; but, in my view, not enough attention.

Mr. Speaker, it is obvious that Operation Provide Comfort remains necessary in order to deter Iraqi attacks against the Kurds in northern Iraq.

I believe the United States should seek Turkish permission to extend beyond June 1992, the agreement that permits the stationing of United States military personnel in southern Turkey for purposes of Operation Provide Comfort.

Mr. Speaker, the United Nations and the entire international community should use the forces of moral suasion to pressure the despicable government of Saddam Hussein to lift its economic boycott of northern Iraq.

Accordingly, as a proud cosponsor of this resolution, I urge its unanimous adoption.

Mr. HAMILTON. Mr. Speaker, I yield 5 minutes to the gentleman from New York [Mr. SOLARZ], one of the chief sponsors of this resolution.

Mr. SOLARZ. Mr. Speaker, I want to pay tribute to the distinguished chairman of the Subcommittee on Europe and the Middle East for bringing this resolution before us, and also to my very good friend, the gentleman from Nevada [Mr. BILBRAY], who has been the driving force behind the formulation of this resolution. I am also pleased to thank our friends on the other side of the aisle; that great statement, the gentleman from Michigan [Mr. BROOMFIELD], that extraordinary Member of the House, the gentleman from New York [Mr. GILMAN], and some of my other friends whom I see over there; the gentlewoman from Kansas [Mrs. MEYERS], the gentleman from Nebraska [Mr. BEREUTER], and the gentleman from Illinois [Mr. PORTER], who are supporting it as well.

Mr. Speaker I attach considerable importance to the adoption of this resolution. It underscores, in my judgment, two very significant and enduring realities in that part of the world. The first is that there are literally hundreds of thousands of Kurds now living in northern Iraq whose security and perhaps even whose lives would be in jeopardy if Operation Provide Comfort were to come to an end in June.

I was in northern Iraq several months ago, where I had an opportunity to witness for myself the enormous devastation which Saddam and his forces had inflicted upon the Kurdish people in the late 1980's. Thousands of villages which had existed for centuries were literally leveled. Chemical weapons were used not just in Halabja, the village where several thousands were killed and about which we all know, but in literally dozens of other villages as well. And there can be little doubt that if Operation Provide Comfort comes to an end, and the deterrent presence of the United Nations is removed from northern Iraq, not to mention the potential deterrent presence of coalition air forces in Turkey, Saddam will move once again against these people. And if he does, then once again tens of thousands, and perhaps even hundreds of thousands, will be rendered homeless, and many of them may even lose their lives.

So the objective of this resolution, which calls for the extension of Operation Provide Comfort, is an objective of enormous humanitarian significance. But the resolution underscores one other significant and perhaps enduring reality, and that is the extent to which any satisfactory resolution of the problem in the Persian Gulf will clearly require the continued cooperation of Turkey.

Had it not been for Turkey, it would not have been possible to impose effective sanctions against Iraq after the Iraqi invasion of Kuwait, inasmuch as it was Turkey's willingness to cut the oil pipeline from Iraq which made sanctions viable. And Turkey, of course, cooperated fully with us during the course of the war and made it possible for us to stage air raids against Iraq during the course of Desert Storm. In a similar sense, had it not been for the willingness of Turkey to make its territory available, Operation Provide Comfort simply would not have been possible.

That is why I believe this resolution, which calls upon not only our government to urge Turkey to agree to an extension of Provide Comfort, but which also urges our Turkish friends to provide their consent for a continuation of Provide Comfort is so important. I am hopeful that Turkey will continue to be as cooperative in the future as they have been in the past, and I believe that if we are able to continue working together we will be able to continue making it possible for the Kurdish people, who have perhaps suffered more than almost any other peoples in the history of that tortured and troubled part of the world, to at least have some security in the year ahead.

Mr. Speaker, for all of these reasons, I urge the adoption of the resolution.

Mr. BROOMFIELD. Mr. Speaker, I yield 3 minutes to the distinguished gentleman from Nebraska [Mr. BEREUTER].

Mr. BEREUTER. Mr. Speaker, as ranking member of the Human Rights Subcommittee, I rise in strong support of this resolution.

Mr. Speaker, the ongoing turmoil in northern Iraq, and the extremely precarious situation of the Iraqi Kurds, is a situation that troubles us all. Saddam Hussein has demonstrated his intent upon punishing the Kurds for their disloyalty to his ruthless regime. All that stands in his way is the international relief effort known as Operation Provide Comfort.

But, as my colleagues have mentioned, the mandate of Operation Provide Comfort is about to expire. The U.N. peacekeepers who have stood as a barrier against Saddam Hussein may have to be withdrawn very soon. If the international community abandons the Kurds at this point in time, this Member believes we can accurately predict what will happen to them. The Kurds can expect a reign of terror that exceeds their worst nightmare.

House Concurrent Resolution 299 seeks to prevent that devastation. It expresses the sense of Congress that the United States should seek to extend Operation Provide Comfort, and work with the Turkish Government to ensure that international relief efforts in northern Iraq are not terminated. It makes the important statement that the United States simply cannot forget about the vicious nature of the Iraqi regime, and the vulnerability of the Kurdish people.

This Member would note that House Concurrent Resolution 299 was amended at full committee to recognize the territorial integrity of the states in the region. Again, Mr. Speaker, this is consistent with United States policy, and addresses the legitimate concerns that the Turkish Government has regarding a Kurdish separatist movement. This change of language strengthens the resolution, and increases the likelihood that the Turkish Government will respond favorably.

Mr. Speaker, this important resolution would not have been possible had it not been for the diligent efforts of its author, the gentleman from Nevada [Mr. BILBRAY]. The chairman of the Subcommittee on Europe and the Middle East [Mr. HAMILTON], and the chairman of the Subcommittee on Human Rights and International Organizations [Mr. YATRON] deserve acknowledgment for moving this House Concurrent Resolution 299 in an expeditious manner. This Member would also point to the important contributions of the gentleman from New York [Mr. GILMAN] and the gentleman from Michigan [Mr. BROOMFIELD] in preparing the legislation before this body today. House Concurrent Resolution 299 is indeed a bipartisan effort.

Mr. Speaker, this Member urges the adoption of House Concurrent Resolution 299.

Mr. HAMILTON. Mr. Speaker, I yield 3 minutes to the gentleman from Nevada [Mr. BILBRAY], who is one of the chief sponsors of this resolution.

□ 1310

Mr. BILBRAY. Mr. Speaker, I want to thank Chairman HAMILTON and Chairman SOLARZ along with the assistance of Chairman FASCELL and Congressman GILMAN for helping those of us who have cared for the Kurdish cause for so long to finally send a message to the administration that the American Government intends to keep their promise to the Kurds.

For well over a year, a million Kurds, mostly women and children, have known only cold and hunger as they were forced to flee to the Turkey-Iraq border in order to avoid the genocide that the Saddam Hussein had in mind. Well over a year ago, we encouraged these ancient and proud people to assist us in the overthrow of Saddam Hussein and when all did not go well, our administration left them to the wolves of the Iraqi army. Only through U.N. intervention and Operation Provide Comfort have we been able to maintain the troops of Saddam's army at bay and prevented the slaughter.

But time is once again running out. Soon deadlines will expire and these people will once again be left to their own resources, with no one to turn to but themselves, and facing the much better equipped Iraqi army.

House Concurrent Resolution 299 takes the position that this administration has avoided for many months, to defend those we asked to assist us in our hour of need and to ask the pertinent international organization, the United Nations, to continue their peacekeeping role in the area. This is not a call for money. This is not a call for sending our troops over there. It is a call for the U.S. leadership to once again lead the international community to continue the protection that is already in place and has been to critical to the continued safety of the Kurds.

I would like to take the opportunity to congratulate the Kurds, who only 2 weeks ago took the opportunity to express their democratic dreams, and held their free election, without fraud and without violence. I would like to submit for the RECORD, a series of articles that former two term Governor of Nevada Mike O'Callahan wrote after monitoring those elections. Not only do his writings offer us a true insight into the violence and misery in the world around us, but also the hope. It is clear from his writing and other reports that I have received, that it is the United States that these people admire and look to.

Let us keep our promises and ask our administration to finally take a position in support of the Kurds. These proud people have already proven their thirst for democracy, and their desire for a lasting peace in the region. Let us finally ask the administration to keep their promises to these people.

Let us make sure that what happened to the Armenians does not happen to the Kurds. They need a democratic, free-elected area, an autonomous area within Iraq. We must show our support.

Mr. Speaker, I would like to thank all those who have expressed their support for the Kurdish people.

Mr. Speaker, I include an article by Mike O'Callahan, as follows:

WHERE I STAND

(By Mike O'Callaghan)

DAHOK, KURDISTAN (Iraq).—There were at least 3,000 to 4,000 Kurds lined up to vote outside of the Bisav School. The sun was showing its late morning strength, but the men, women and children weren't complaining. They had come to freely cast a ballot for the first time in Kurdish history. By noon Tuesday, about 2,500 would cast their ballots at this voting center, one of 174 polling stations in northern Iraq.

The night before, I had stayed in a house with a couple of dozen armed peshmarga guerrillas. During the night, they had been patrolling the area to prevent Saddam Hussein's people from possibly disrupting the elections to be held from 8 a.m. until midnight. Election day, they dropped their arms and went to vote in small groups. The only armed people on the town streets election day were the police near and around the polling centers.

The election had been delayed for two days because the original supply of ink brought in from Germany wasn't indelible and had to be treated. When voting, each person had to put a forefinger in the ink so they wouldn't be able to cast a second ballot. Some Iraqi identification, usually the card all Iraqis must carry under penalty of death, or an Iraq driver's license, had to be shown at the polling center.

Later in the day, I watched a young man who studies in Baghdad plead not to put his finger in the ink. "I can't go back to Baghdad with this marking. They will arrest me and maybe even kill me," he told the election official. Nevertheless, like all other Kurds 18 years of age and older, he wanted to vote. I don't know what the election judge's final decision was on this matter, but I'm certain the student voted, even if it meant risking his personal freedom.

A couple of weeks ago, this city was rather tense when a bomb was detonated downtown near election headquarters. Then Sunday night in nearby Zakho, the power was interrupted twice by the government in Baghdad. Shortly after midnight Tuesday, another car with dynamite was intercepted in Zakho and the driver arrested. But there was nothing going to stop the Kurds from voting for a president and an assembly to speak for them with one voice in northern Iraq.

Voting day was calm, and other than some unhappiness when the polls closed at midnight before everybody in line had voted, it was a perfect example of how a democracy should be developed.

As I observed 10 voting centers in this city, the rural area and Zakho, the same story was told over and over again. Thousands stood in line for hours at a time, waiting to cast their ballots.

After checking the procedures and questioning voters with the aid of an interpreter, I would let the people ask me questions. Most of them wanted to know my opinion of their election. Several of them offered to share their food with me, and one man asked me to go to his home for lunch. A lady gave me a bouquet of wildflowers.

Many Kurds were surprised to see an American watching them. However, there were three other Americans on the other side of the country also watching the voting. One lady thought I was a German and wanted me to take a message to her son who escaped Saddam 10 years ago and went to Frankfurt. After he left Iraq, his father was tortured and killed by the secret police. "they tied his feet and dragged him up and down the stone steps until his brains came out," the 70-year-old woman told me.

The Kurds are a rugged people who have been bludgeoned throughout history by the officials running Iraq, Iran, Turkey, Syria and the Soviet Union. They have been battered—Saddam has killed at least 300,000 and this shows in the larger proportion of women at some voting centers—but never beaten. They are good people who deserve a better hand than history has dealt them.

Let me share with you some of the remarks they made to me during the first free election held by these ancient people.

A 26-year-old peshmarga: "This is the first day for all of us."

Woman, 19, in modern dress: "Previous years, in Saddam's day, we were forced to vote. Now we vote because we want to vote."

Man, 60, with sad eyes: "On behalf of our people, we must all vote. Four of my children have been taken by Saddam. I don't know where they are."

Man, 30, after voting: "Have a cigarette, it's a great day!"

Man, 70, an Iraqi soldier in 1945: "I'm happy. We can vote because of the American people."

Man, 82, in tribal dress: "What can I say? I'm happy! I once had to vote for Saddam by force."

Man, 90, with some teeth missing: "I wish it ends happily. It's a new day!"

Woman, 65, wearing traditional black face cover and shawl: "I've been in line three hours. I'm going to stay until I vote."

Woman, 40: "I'm tired, but it doesn't matter. I'm here for Massoud Barzani (presidential candidate). I knew his father."

Man, 20: "Tell the West we want your help and are worth being friends. We are a democracy."

During a question-and-answer period outside of a voting center, a man about summed it all up when he told me to "tell the whole world we only want to be ourselves. This remark was made after standing in line seven hours to vote.

On Monday, in the combined holiday edition of the newspaper, I'll share some photographs with our readers. In Tuesday's column, we will take a look at some of our U.S. military as viewed by the Kurds and the Kurdish women in the electoral process, among other things.

WHERE I STAND

(By Mike O'Callaghan)

DAHOK, KURDISTAN (Iraq).—For the second time in two years, I have been most fortunate to watch the U.S. military through the eyes of people seeking survival. The small military mission, until last week led by Army Col. Richard Naab, in Zakho, Kurdistan (Iraq), was my latest experience.

It was in May 1990 that I watched the U.S. military bring doctors and nurses into the isolated Honduran jungles of Bocay to rescue more than 900 women, babies and disabled men. They were the families of Contra soldiers who had left for the long walk back home to Nicaragua.

That's when I wrote that the best thing "that will happen for days took place as U.S. military people poured forth from the chopper and immediately set up communications and began to organize the people to be airlifted. . . . Nurse Capt. Ana Perez-Sarzano, dressed in field gear, moved in among the women and children and let them know she cared. Soon she, along with Sgt. Ramon Martinez, were putting ear plugs in little ears and preparing the children for flight. . . . USAF S/Sgt. Wilbert R. Salazar of Glendale, Calif., moved from group to group of huddled children and parents as they waited to climb up the knoll to the helicopter. Those that needed aid found Salazar ready and willing to help them carry their belongings and babies up the incline.

Every American moved and worked continuously, and the second day of the operation I returned to find them working at the same rate of speed. No matter how busy they became, all of them, including Lt. Col. Rodriguez, took time to carry a child or a heavy bag up the steep incline to the helicopter. None of them were too busy to wipe a little nose, brush away a tear or give a hug to the children and the elderly."

Here, among the Kurds, the humanitarian aid given them by the U.S. military during the terrible winter months, when they were pursued by Saddam's forces, will never be forgotten. Col. Richard Naab, a Notre Dame man, has become the living symbol of everything good about the United States.

Naab, soon to retire from the Army, has a deep and sincere love for the people he has been helping. His respect for these tough and loving people is returned a hundredfold. Former Iraqi Foreign Minister Sami Abdul Rahman, now seeking a seat in the Kurdish Assembly, told me that Naab has "left his mark on Kurdish history." A more emotional peshmarga guerrilla said, "He's why all Kurds must love your country!"

The Kurds, and the whole world, know that the Bush administration encouraged them to revolt against Saddam Hussein following Desert Storm. They did, and we watched as the Bastard of Baghdad butchered them with the helicopter and other weapons we failed to destroy when stopping the war about two days before it should have been terminated.

Because of the pictures of suffering refugees coming out of the mountains of Iraq, the conscience of the world was bothered. Great Britain's Prime Minster, John Major, was the first to call for enforcement of a safe haven for the Kurds. "I love John Major. He saved our lives with the safe haven concept," Hussain Sinjari told me. President Bush followed this lead and U.S. military fighter planes covered the area, and food and supplies were dropped to the cold and starving refugees.

The Kurds want only to recall the help given them by the U.S. and their allies. Generations of suffering have taught them how to forget being misled by U.S. policy and think only about the humanitarian aid they have received. U.S. Army Col. Richard Naab is their reminder of what is good about America.

Flying in a chopper with Naab from Zakho to meet with several Kurdish leaders in Shaqlawah was a rewarding experience. He loves flying the American flag low over the countryside where people see it and wave to him and his men. During the flight of almost one hour, he continually pointed to villages and problems that concerned him. It was easy to see why the Kurds and his own men respect him.

Now that the Kurds have shown their desire to have a democratic form of government, Naab sees the need for job development. "They no longer should believe that being a peshmarga (guerrilla) is an occupation," he reminds us. The Kurds will work and have talent, but they need cement, lumber and supplies.

There's no reason for famine in the Kurd-controlled part of Iraq because of the available land and irrigation water. It is necessary for us to give them continued air protection as long as Saddam remains in Baghdad. Naab does believe they need a powerful television station so they can broadcast throughout their area and into Baghdad.

If Naab had his way, we would also help them bring back their chicken farms and feed lots for sheep; help renew their carpet and textile industry; let them drill known oil deposits; and then back off and let them live. Another democratic people who have learned to love and respect the United States.

Our foreign policy may seem somewhat confusing to us, but we are fortunate to have people in our military units who bring the real America to people around the world. Because of Nash, and people like him, the uniform of the U.S. military spreads confidence and security among those who need help to survive in a world still haunted by brutal leaders and bloody regimes.

The Honduran jungles and Iraq are on opposite sides of the world, but similar experiences with the U.S. military and people who need help bring them close together in my mind.

WHERE I STAND

(By Mike O'Callaghan)

After being out of contact with American media for a week, I was shocked back into the real world when picking up a copy of USA Today after arriving in Rome from Istanbul. I could hardly wait to learn what important things had been happening back home while I was in Iraq watching the Kurds hold a free election under the nose of Saddam Hussein.

There it was, the BIG story, some television character by the name of Murphy Brown had given birth to a baby on a nationally broadcast program. Well, this wasn't really the BIG story because even I had heard it was going to happen before leaving home. The BIG story was that Vice President Dan Quayle was upset by the lifestyle choice of Murphy Brown, an unmarried mother, on national television.

If this was truly the most important thing happening back home then it must have been a quiet day for news. Thumbing through the newspaper, it soon became obvious that this was the BIG story in my home country. After watching people risk their lives, homes and families to express themselves in a free election, the entire Murphy Brown scenario presented in a leading American newspaper made me cringe.

The BIG story made me realize just how fortunate Americans are in today's world. While people in other nations are worried about living through the night, having food for their children, openly expressing their feelings and beliefs about politics and defying dictators, we have the time and freedom to worry about a television sitcom. Did our nation's No. 2 man have time to watch, and with the help of spin doctors turn a television situation into a national political issue? Or was it just one more light headed news story that outgrew its importance?

Not finding much else to read, I boarded the plane for New York and reviewed the campaign material of the Kurdistan Popular Democratic Party, one of several active political groups in northern Iraq. It was such a contrast when compared to Murphy Brown's lifestyle and other campaign rhetoric here at home.

After reviewing a list of natural resources available in their area, the KPDP stated as part of its manifesto:

"The Kurdish people can have a much better standard of living if these resources could be utilized properly. But, unfortunately, our people live in poverty and misery. Many of them, especially children endure malnutrition and real hunger. Numerous families had to sell their furniture or even clothes in order to buy food for their small loved ones. The living conditions of the populations can and must be improved, and economic activities stimulated through the following measures:

Working harder for lifting the economic blockade imposed upon Kurdistan by the government of Iraq since October 1991;

Exerting more efforts to increase humanitarian aid and distributing it to the population; and making fuel available to the inhabitants on a fair basis, at official prices, under the control of elected bodies, such as city councils;

Starting production in existing factories and mines, exporting any surpluses;

Providing seeds, fertilizers, tools, instruments and loans to stimulate agricultural production in the approaching summer season;

Revitalizing the countryside according to feasible programs and by building modern villages supplied with running water, electricity, schools, health and social centers, roads, etc.;

Encouraging the return to the rural areas by supplying those who wish to return with seeds, fertilizers, tools, instruments, loans, livestock, sheep and poultry; this process requires foreign help and loans but leads to the revival of the agricultural sector in Kurdistan and reduces dependencies on humanitarian aid and imports;

Distributing land to farmers and agricultural producers;

Building small water dams, regulating water distribution and gradually modernizing agricultural production;

Building primary, secondary, and tertiary (service) industries according to feasible programs that take into consideration available raw materials and market demands as well as the raising of the level of living of the population;

Producing, refining and directly exporting oil and natural gas in order to meet local market demand and acquire funds to finance various development programs and projects;

Establishing a competent central customs and revenues office;

Borrowing abroad to finance development projects if and when needed."

You get the general idea of how a poor people must strive to improve a shattered economy and must look to the future when they hope to become self sufficient. These sound like some of the basic problems faced by our Founding Fathers. the manifesto also has sections on government administration, foreign policy, internal politics, social and health services, environment, educational and cultural services and the Kurdish nation.

It's heavy stuff—and not one mention of savings and loan scandals, Murphy Brown's lifestyle, pot smoking, a billionaire's campaign or how to run the rest of the world.

Yes, I'm blessed to be an American, where we have campaigns that no longer need to reach into solving the problems that plague our nation. It isn't necessary to get down to finding real solutions. We have for more than two centuries survived and prospered sometimes because of great leadership and other times despite weak leadership. Most Americans have come to believe a great nation can survive no matter who is put in charge and no matter how large our deficit spending.

But can we remain great? This is the question that will only be answered over a period of time. Some of our better thinkers are worried that time might be running out unless we identify and solve the basic problems we have allowed to develop during the past few decades.

Mr. BROOMFIELD. Mr. Speaker, I yield 3 minutes to the gentleman from Illinois [Mr. PORTER].

Mr. PORTER. Mr. Speaker, I thank the distinguished gentleman from Michigan for yielding me this time.

Mr. Speaker, I rise in support of this concurrent resolution.

Mr. Speaker, the congressional human rights caucus that I am privileged to cochair throughout its almost entire 10-year history has directed great interest and concern for the Kurds. That has occurred both prior to and since Desert Storm.

Several years ago, we brought Mrs. Francoise Mitterrand to Washington, the First Lady of France, to tell of her great concerns about the Kurdish people and their mistreatment in all of the countries in which they find their population spread. That discrimination and suffering has been great in each of these countries, but it has been most profound in Iraq where Saddam Hussein turned his toxic chemical weapons upon his own people, the Kurdish people, killing thousands of them and where that suffering and discrimination has been intensive throughout this entire period.

So I want to commend my colleagues in the Congress, the gentleman from Nevada [Mr. BILBRAY], the gentleman from New York [Mr. GILMAN], the gentleman from New York [Mr. SOLARZ], the gentleman from Indiana [Mr. HAMILTON], the gentleman from Michigan [Mr. BROOMFIELD], the gentleman from Nebraska [Mr. BEREUTER], and the gentleman from Pennsylvania [Mr. YATRON], all of whom have shown great concern for the suffering of the Kurdish people, and for bringing this resolution to the floor of the House.

Elections have now been held in northern Iraq. We commend the people for their courage and for taking this important step, but our support for the Kurdish people must continue to provide the protection for them that is absolutely essential, and this resolution points us in the right direction, Mr. Speaker, and I would urge its adoption by the House of Representatives.

Mr. Speaker, history has been very unkind to the Kurds. For centuries they have been in ethnic limbo, split between as many as four different nations and always prevented from fully expressing their political will. In times of political or military uncertainty, the Kurds frequently have been brutally repressed by leaders who fear that they will rise up and demand representation or independence.

The latest chapter in the sad tale of the Kurds has been the gulf war. Following Saddam Hussein's crushing defeat at the hands of the U.S. military, he sent his forces north to crush a fledgling Kurdish uprising. With the help of the United States and the United Nations, Saddam's aggression against the Kurds was checked and relief supplies were made available to them through Operation Provide Comfort. In addition, a security zone was established in Iraq north of the 36th parallel to provide a haven for the Kurds. This zone is patrolled by U.N. observers. In addition, the Turkish Government has agreed to allow United States forces to use bases in southern Turkey to provide assistance to the Kurds. Unfortunately, the agreements allowing the United States to operate in southern Turkey and the United Nations to operate in northern Iraq both expire in June 1992.

House Concurrent Resolution 299 urges the United States to seek an extension of the agreement with Turkey which will allow United States forces to continue to assist the Kurds. This legislation also urges the United Nations to continue to operate in northern Iraq.

Mr. Speaker, the Kurds must not be forgotten. If the United States and United Nations turn their backs on the Kurds, Saddam will have a free hand to commit the types of human rights abuses that we all know he is capable. I urge members to support House Concurrent Resolution 299 and to support the human rights of the Kurdish people.

Mr. FASCELL. Mr. Speaker I rise in support of House Concurrent Resolution 299 regarding the Kurds in northern Iraq. I am pleased to be an original cosponsor of this measure and commend the author, the distinguished gentleman from Nevada [Mr. BILBRAY] for his commitment to alleviating the plight of the Kurds in Iraq. I also commend the distinguished chairmen of the Human Rights and International Organizations Subcommittee, Mr. YATRON, and the Subcommittee on Europe and the Middle East, Mr. HAMILTON, for their willingness to take prompt action on this timely measure so that it could be considered by the full House today.

Mr. Speaker, the agreement that allows the United States to station military forces in southern Turkey in order to provide protection to the Kurds in northern Iraq expires this month. Furthermore, the agreement between the United Nations and the Government of Iraq, which established humanitarian centers and safe areas in northern Iraq for Kurds and others, also expires at the end of this month. It is imperative that both these agreements be extended immediately. The lives of thousands of Kurds, who have suffered massively under the brutal regime of the Iraqi dictator Saddam Hussein, depend on the protection afforded them by the United Nations presence in the north of Iraq and by the coalition forces stationed in Turkey. We cannot allow Saddam Hussein to once again unleash his tyranny on these beleaguered people.

House Concurrent Resolution 299 addresses this urgent need. It calls upon the Turkish Government to permit the continued stationing of United States and other coalition forces on its territory. The measure calls for the extension of the United Nations presence in northern Iraq and calls upon the Iraqi Government to lift the economic boycott of northern Iraq. I believe firmly that the U.S. Government should work vigorously toward these ends.

Mr. Speaker, that Iraqi Kurds took a giant step toward the realization of their democratic aspirations last month when they conducted, under difficult conditions, what are acknowledged to be free and fair elections. We, in the United States, who have rightly made democratic reform and respect for human rights a cornerstone of our foreign policy, cannot now abandon those who, at great personal risk, seek to exercise those rights. The Kurds deserve our support and protection. I urge unanimous consent of House Concurrent Resolution 299.

Mr. YATRON. Mr. Speaker, House Concurrent Resolution 299 expresses the sense of the Congress that the international community should extend the mandate of Operation Provide Comfort in northern Iraq and southern Turkey.

Provide Comfort, a U.N.-sponsored operation, has supplied security, food, and shelter for hundreds of thousands of Kurdish refugees now living in northern Iraq and Turkey. These refugees were forced to flee their homes in February and March of 1991 when Iraqi forces brutally suppressed a Kurdish uprising.

Operation Provide Comfort's mandate has been relatively successful in protecting the Kurds against Iraqi attacks.

Turkey has permitted United States forces to be stationed on its soil to provide air cover for the Kurds and the U.N. High Commissioner for Refugees has been administering the camps.

However, Ankara's agreement with the United States military and the United Nations accord with Iraq to administer the refugee camps are both set to expire in June.

The Government of Turkey is currently considering whether it should extend the agreement with the United States beyond June.

The United Nations High Commissioner for Refugees will soon be transferring its responsibilities for administering the camps to UNICEF which must reach a new agreement with Baghdad on the continued presence of the United Nations in the security zone.

This resolution calls on all parties to extend the mandate and also calls on Iraq to end its economic boycott of northern Iraq which is responsible for the massive suffering of thousands of civilian Kurds.

Mr. Speaker, while it is critically important to support Operation Provide Comfort, it is clear that as long as Saddam is in power the Kurds will never be safe from Iraqi aggression.

The resolution complements U.S. policy objectives with respect to this issue. The administration has informed us in writing that they have no objection to this resolution.

Mr. Speaker, I would like to commend Chairman FASCELL, Congressman BROOMFIELD, Chairman HAMILTON, Congressman BEREUTER, Congressman BILBRAY, and Congressman GILMAN for supporting this resolution.

I urge my colleagues to adopt this resolution.

Mr. BROOMFIELD. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. HAMILTON. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore (Mr. MONTGOMERY). The question is on the motion offered by the gentleman from Indiana [Mr. HAMILTON] that the House suspend the rules and agree to the concurrent resolution, House Concurrent Resolution 299, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the concurrent resolution, as amended, was agreed to.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. HAMILTON. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include therein extraneous material on House Concurrent Resolution 299, the concurrent resolution just agreed to.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Indiana?

There was no objection.

COMMENDING ALBANIA FOR DEMOCRATIC ELECTIONS

Mr. HAMILTON. Mr. Speaker, I move to suspend the rules and agree to the concurrent resolution (H. Con. Res. 305) commending the people of Albania for their successful democratic election, urging the acceleration of market reforms in Albania, urging the President to expedite the negotiation of a commercial agreement with Albania, and urging an increase of aid to Albania, as amended.

The Clerk read as follows:

H. CON. RES. 305

Whereas the people of Albania held a successful democratic election on March 22, 1992;

Whereas the newly elected government of Albania has promised to institute market reforms and establish democratic institutions; and

Whereas the Albanian economy has collapsed and the Albania people are unable to meet any basic needs: Now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That the Congress—

(1) commends the people of Albania for the successful democratic election that was held on March 22, 1992, and that was both equitable and representative;

(2) urges the newly-elected Albanian government to accelerate market reforms and complete the establishment of democratic institutions at all levels of government;

(3) urges the President to take steps to increase trade opportunities between the United States and Albania;

(4) urges that increased humanitarian assistance be provided to Albania, especially emergency shipments of basic food commodities; and

(5) urges that priority be given to helping the Albania agricultural sector provide adequate food supplies to the Albanian people.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Indiana [Mr. HAMILTON] will be recognized for 20 minutes, and the gentleman from Michigan [Mr. BROOMFIELD] will be recognized for 20 minutes.

The Chair recognizes the gentleman from Indiana [Mr. HAMILTON].

Mr. HAMILTON. Mr. Speaker, I yield myself such time as I may consume.

Mr. HAMILTON. Mr. Speaker, I rise in support of House Concurrent Resolution 305 as amended. This resolution: Commends the people of Albania for successful democratic elections held March 22, 1992; urges the newly elected government to accelerate market reforms; urges the President to increase trade opportunities between the United States and Albania; urges that increased humanitarian assistance be provided to Albania; and urges that priority be given to helping the Albanian agricultural sector provide adequate food supplies to the Albanian people.

I would like to underscore for my colleagues the importance of adequate food and medical assistance to Albania at this time. A new democratically elected government in Albania cannot succeed if its election is followed by mass hunger, or even starvation. I hope the United States will provide leadership and energize the international community to address Albania's pressing humanitarian needs.

I would like to commend my colleague from Kansas, Mrs. MEYERS, for her leadership in introducing this resolution. I also would like to commend Chairman FASCELL, for his willingness to expedite this resolution's consideration.

I urge adoption of House Concurrent Resolution 305, as amended.

Mr. BROOMFIELD. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I want to commend Congresswoman MEYERS for her fine work in crafting this legislation.

This resolution commends the people of Albania for their recent democratic election, urges the new Albanian Government to adopt free market economic principles and urges our Government to increase humanitarian assistance to that poor country.

In recent years, I have been personally involved in encouraging the administration to recognize Albania, open an Embassy there, and assist the Albanian people in every way possible. I commend President Bush for his fine efforts to date, but note that much more needs to be done if we are to avert a real disaster in Albania.

The economy of Albania has been shattered, and more humanitarian assistance is badly needed. Albania's hospitals lack the basic equipment and medicines that we in the United States take for granted. I want to highlight the excellent humanitarian work of a good friend and constituent of mine, Ekrem Bardha, one of the top leaders of the ethnic Albanian community in the United States. He has dedicated much time and effort to providing medical equipment to the hospitals in Albania. We Americans have done a first-class job in helping to end communism in that once-closed society, but now the real work of nation-building begins.

The new government of Dr. Sali Berisha desperately needs more assistance if he is to keep his promises to the Albanian people who bravely chose democracy over communism. Authoritarian forces in Albania are waiting for the new Berisha government to stumble and fall. We do not want to turn our backs on that struggling democracy when it desperately needs our helping hand.

I urge my colleagues to support this timely resolution.

□ 1320

Mr. Speaker, I yield 3 minutes to the gentlewoman from Kansas [Mrs. MEYERS], the principal sponsor of this resolution.

Mrs. MEYERS of Kansas. I thank the gentleman very much for yielding this time to me.

Mr. Speaker, I would like to thank the leadership of the Committee on Foreign Affairs, the gentleman from Florida [Mr. FASCELL] and the gentleman from Michigan [Mr. BROOMFIELD] for their assistance, and certainly the chairman of the Subcommittee on Europe and Middle East, the gentleman from Indiana [Mr. HAMILTON] and the gentleman from New York [Mr. GILMAN].

Mr. Speaker, the xenophobic regime of Enver Hoxha and his successors left Albania the poorest and most isolated in Europe. The people of Albania deserve our congratulations for their efforts to bring their country out of the economic and social wreckage caused by the 45-year-long communist dictatorship. The new government under President Sali Berisha has promised to turn Albania into a market economy and establish democratic institutions. We must encourage them to follow through on those promises as quickly as possible, and give them whatever technical assistance and advice they need to set up those institutions.

The United States has reached a trade agreement with Albania, and the President has waived Jackson-Vanik. This agreement must be finalized so Congress can approve it so Albania can get most-favored-nation status and American investments in Albania will be eligible for OPIC insurance. American exports to Albania have tripled in the past 2 years, and the potential is there for much more. Several American companies are exploring for oil, and there is also the potential for tourism along the Adriatic coast.

But the Albanian people are still in a dire situation. The departing communist government has left the economy in a tragic shambles. I met with the new Albanian Minister of Trade and Foreign Economic Relations last month, Mr. Naske Afezzoli, and he told me that the former government gave false figures to the European Community concerning the amount of food Albania needed. As a result, the Albanian people cannot get cooking oil, sugar, rice, eggs, cheese, meat, or soap. He expressed a desperate need for emergency food commodities.

America and Americans are very popular in Albania. The Secretary of State was mobbed by well-wishers when he was there. I think everything should be done to help these poor people. There is a real danger of famine. I hope we can demonstrate that America will help Albania recover from the darkness and poverty that that poor country was subjected to.

Mr. BROOMFIELD. Mr. Speaker, I yield 3 minutes to the distinguished gentleman from New York [Mr. GILMAN].

Mr. GILMAN. I thank the gentleman for yielding this time to me.

Mr. Speaker, I rise in strong support of House Concurrent Resolution 305 and I join in commending the gentlelady from Kansas [Mrs. MEYERS] for her outstanding and timely work on this measure and for the support by our distinguished chairman of our Subcommittee on Europe and Middle East, the gentleman from Indiana [Mr. HAMILTON] and the distinguished committee ranking member, the gentleman from Michigan [Mr. BROOMFIELD], for their support.

This measure, most appropriately, commends the people of Albania for their successful democratic election held on March 22, 1992, and urges the newly elected Government of Albania to accelerate market reforms and complete the establishment of democratic institutions at all levels of government.

In addition, it urges our President to take steps to increase trade opportunities between the United States and Albania. As many of you know, our Nation recently signed a trade agreement with Albania, the first phase of which, I hope can be implemented shortly.

Finally, Mr. Speaker, this measure urges increased humanitarian assistance to Albania, especially emergency food assistance. This is an appropriate and timely measure and I strongly support and urge its unanimous adoption.

Mr. BROOMFIELD. Mr. Speaker, I yield 1 minute to the distinguished gentleman from Nebraska [Mr. BEREUTER].

Mr. BEREUTER. Mr. Speaker, I thank the gentleman for yielding and rise in strong support of House Concurrent Resolution 305 and commend the gentlewoman from Kansas [Mrs. MEYERS], my colleague, for introducing this legislation.

It is entirely appropriate, of course, that we commend the Albanian people on their move toward democracy and their leaders on moving toward market reforms and democratic institutions. But I think, as our colleagues who visited Albania recently and other Americans would attest, conditions there are desperate. They are the worst we find in any place in central, eastern or southeastern part of Europe.

They have a desperate need for humanitarian assistance and for technical assistance, and despite the isolation they have labored in for decades now, they know about America, they expect great things from us and they want to emulate us.

They have a desperate need that we should help them meet at this time.

I think it is important we also send a message to the administration that is already receptive that as soon as possible we fully implement the programs of the Export-Import Bank, OPIC, in addition to the humanitarian assistance which is needed right now in great amounts, food and medical supplies being at the top of the list.

Mr. Speaker, it is important, therefore, that we send a message of support to them and a recognition that we understand their needs, and I thank my colleagues for their initiative in forwarding this legislation.

Mr. BROOMFIELD. Mr. Speaker, I yield 3 minutes to the distinguished gentleman from Illinois [Mr. PORTER].

Mr. PORTER. Mr. Speaker, I thank my colleague, the gentleman from Michigan [Mr. BROOMFIELD] for yielding this time to me.

Mr. Speaker, I join my colleagues on the floor today in recognizing the democratic shift in Albania in the past 3 years, including the free and fair elections held on March 22, 1992, and I commend Mrs. MEYERS and all the members of the Committee on Foreign Affairs for their leadership in offering this important resolution.

Through history, Albania's central location, the Adriatic coast between Greece and Yugoslavia, has subjected it to occupation by a number of invaders, including a long occupation by the Ottomans.

In 1912, Albania gained its independence from the Ottomans. After a brief period of democratic development in the 1920's, Albania was ruled by King Zog until the Italians invaded in 1939. After World War II, the Communists under Enver Hoxha took control and molded Albania into one of the most closed, secretive, and repressive societies on Earth. Hoxha's extreme Stalinist rhetoric led to breaks with Moscow in the 1960's and Beijing in the 1970's and further isolated Albania.

Although Albania is resource rich, strict adherence to Communist dogma has run its economy into the ground, making Albania the poorest nation on the European continent. Desperate economic conditions coupled with democratic transformations in other Central and Eastern European nations and a very large population of jobless young people led to mass demonstrations in January 1990 in many cities, including the northern city of Shkoder.

This March, true democracy took root in Albania as elections were held for the 140 seats in the unicameral People's Assembly. The Democratic Party, which advocates broad-based and widespread economic and political reforms, won just under two-thirds of the Assembly seats. The Socialist Party—the former Communists—won only a small number of seats.

An election observation team from the Commission on Security and Cooperation in Europe was in Albania for the election and certified that the electoral outcome legitimately reflected the will of the people of Albania.

Many problems remain in Albania as a result of years of statist, authoritarian control. As a result of the years of Communist rule, the economy is in shambles, food is in short supply, and unemployment is staggering. Nevertheless, the Albanians recognize that democracy is the most solid foundation for building a strong, vibrant society and they have taken the important first step of holding free and fair elections.

The United States welcomes Albania back into the community of nations, supports its fledgling democracy, and looks forward to continued adherence to democratic principles in Albania.

□ 1330

Mr. BROOMFIELD. Mr. Speaker, I yield 3 minutes to the distinguished gentleman from New Hampshire [Mr. ZELIFF].

Mr. ZELIFF. Mr. Speaker, I recently led a privately funded delegation to Yugoslavia and Albania. What a thrill is was to see these people throw off the yoke of oppression and vote for a democratic form of government. On March 22, 1992, election day in Albania, we were traveling from Struga on the Yugoslavian-Albanian border to Tirane, the capital of Albania.

As our group traveled down out of the mountains we traveled through many small villages. The Albanians in seeing our motorcade pass by, on roads where cars are not seen regularly, raised their hands with the victory sign. This we were hopeful meant that the election was proceeding smoothly and towards democracy and away from communism.

Upon arriving in Tirane we were briefed by representatives of the Albanian Government and international observing teams who were there to try to ensure truly free and fair elections. International observers as well as U.S. Embassy personnel had been traveling by road where possible and by helicopter where there are no roads to monitor the process. The early reports that night were very encouraging.

Early the next day, the day after the elections, I had the privilege to meet with Ambassador Ryerson and his staff at the U.S. Embassy. Even with many villages to be heard from it appeared that the elections had gone better than anyone had expected and that there was an overwhelming victory for the democratic movement.

Later that morning, I had the good fortune to meet Sali Barishia who at that time was the leader of the Democratic Party and who has subsequently been elected President by the new parliament. In a brief conversation with Barishia I inquired as to whether or not he had enough skilled people to fill the key cabinet positions in his government.

He indicated he did but that the problem they had was that they did not know how to draft legislation or amend their constitution and needed help in developing a plan to create a democratic form of government. He called on the mature democracies of the world to send advisers to help the new government leaders with these tasks.

A few minutes after this meeting we were on the platform with President Barishia in Skenderberg Square when he spoke to hundreds of thousands of his euphoric countrymen. What an experience it was to hear these extremely poor people chanting God bless democracy and even God bless America.

Mr. Speaker, I encourage adoption of House Concurrent Resolution 305. One of Albania's most critical needs is humanitarian aid. In addition, their agricultural production has fallen drastically during the last year or two. I was glad to learn from Ambassador Ryerson that one of the immediate actions of the United States was arranging for the importation of fertilizer in an attempt to help alleviate the critical food shortage.

Albania also needs all forms of medicine and medical equipment. I toured their best children's hospital and witnessed the crudest of medical care. Sterilization was by hot water boiled in a pan. There was no blood testing equipment of any kind and there was a dire shortage of even the most rudimentary supplies such as needles.

According to many experts, Albania is the poorest of the emerging democracies in Eastern Europe and the former Soviet Union. If it is to survive as a democracy, the Free world must unite by providing both public and private assistance. Albania is rich in natural resources and has great natural beauty.

It is in the United Sates' interest to see Albania and the other emerging democracies of Eastern Europe and the former Soviet Union grow and prosper so that the peace dividend we are now enjoying will be permanent.

Let freedom ring.

Mr. Speaker, I again support House Concurrent Resolution 305.

Mr. HOYER. Mr. Speaker, I rise today in support of House Concurrent Resolution 305. This timely resolution commends the people of Albania for their successful democratic election, urges the newly elected Albanian Government to accelerate market reforms and complete the establishment of democratic institutions at all levels of government, urges the President to take steps to increase trade opportunities between the United States and Albania, and urges that increased humanitarian assistance be provided to Albania. I commend Representatives MEYERS, BROOMFIELD, and GILMAN for introducing House Concurrent Resolution 305, and I urge my colleagues to join me in its support.

As Chairman of the Commission on Security and Cooperation in Europe, the Helsinki Commission, I have held a longstanding interest in Albania's progress toward democracy. Indeed, just over 1 year ago, following Albania's flawed first multiparty elections and a Commission delegation visit to Albania led by our cochairman, Senator DECONCINI, the Commission convened a hearing regarding democratic developments in that country. Among the witnesses was Sali Berisha, then chairman of the Demoractic Party, the first alternative political party in Albania. Today, 1 year later, Sali Berisha is Albania's President, poised to steer his country through a new era of reform. Also presenting testimony was Ismail Kadare, Albania's best-known novelist, who had defected in 1990 and has only recently returned to his homeland.

The March 1992 elections that brought Mr. Berisha to power were Albania's second multiparty elections since political pluralism was first accepted by that country's Communist leadership in late 1990. Despite the decision to ban ethnically based parties and groups from running candidates—a decision which violated Albania's commitments under CSCE—the elections as a whole were held in a manner that legitimately reflected the will of the people of Albania. In an almost complete reversal of the first electoral contest, the Democratic Party garnered just under two-thirds of the seats in the national parliament, known as the People's Assembly.

But successful democratic elections are only the beginning of Albania's difficult journey. As noted in the report of the Helsinki Commission staff delegation that observed the March 1992 elections, given the desperate state of the economy and an absence of social order, the new Assembly, Government, and President will all have to take quick advantage of the favorable political momentum to lead Albania—the poorest country in Europe—out of the dire straits in which the country finds itself. Its needs are certainly great. Popular expectations are high, however, and insufficient effort to meet these expectations may result in a quick decline in the political fortunes of the new leaders as well as continued deterioration in the overall situation in Albania.

House Concurrent Resolution 305 urges the newly elected Albanian Government to respond to this challenge with the acceleration of market reforms and the completion of the establishment of democratic institutions at all levels of government. At the same time, it urges President Bush to take steps to increase trade opportunities between the United States and Albania, and urges an increase of humanitarian assistance. This element is crucial. For now that Albania has moved into a new era, the international community, and especially the United States, should assist that country in meeting its many challenges. I do believe that the administration, and particularly our Ambassador to Albania, William Ryerson, realize this and are responding. The resolution before us is important in that it expresses congressional support for and further encouragement of these efforts.

Mr. Speaker, when Sali Berisha spoke before the Helsinki Commission last year, he emphasized that America's engagement was of real encouragement to the forces of democracy in his country. As he put it then, "the opening and not the closing of the United States toward Albania, the intensification of relations and not the practice of wait and see, are essential for the development of democracy in Albania." The people of Albania, in the latest elections, have signaled their commitment to the democratic path. It would be shortsighted for the West, through negligence or indifference, to make them think they made the wrong choice.

Mr. BROOMFIELD. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. HAMILTON. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore (Mr. HUTTO). The question is on the motion offered by the gentleman from Indiana [Mr. HAMILTON] that the House suspend the rule and agree to the concurrent resolution (H. Con Res. 305), as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended, and the concurrent resolution, as amended, was agreed to.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. HAMILTON. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on House Concurrent Resolution 305, as amended, the concurrent resolution just agreed to.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Indiana?

There was no objection.

REGARDING BURMA

Mr. SOLARZ. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 473) expressing the continuing concern of the House of Representatives about the situation in Burma and its implications for the region.

The Clerk read as follows:

H. RES. 473

Whereas the people of Burma continue to live under a brutal military regime that has restricted freedom of expression and association, has imprisoned and tortured political opponents, has refused to implement results of national elections held in 1990, and has detained under house arrest the leader of the political opposition, Daw Aung San Suu Kyi.

Whereas the Burmese regime has also conducted military operations against ethnic insurgents in border areas, during which Burmese troops have committed egregious human rights abuses against civilians, including rape, torture, summary execution, destruction of property, and forced relocation;

Whereas these operations have resulted in internal displacement and outflows of hundreds of thousands of Burmese into several countries in the region;

Whereas the Burmese regime's ability to conduct such military operations has been enhanced through the import of arms and military equipment;

Whereas the People's Republic of China is by far the largest supplier of arms and military equipment to the Burmese regime;

Whereas the refugee outflow from Burma has imposed an extraordinary burden upon the Government of Bangladesh, which has provided asylum to more than 250,000 Rohingyas who have recently fled Burma;

Whereas although the Government of Burma and the Government of Bangladesh have reached an accord on the voluntary repatriation of Rohingya refugees, the Burmese authorities have not provided credible and verifiable assurances that the repression that prompted the refugee exodus has ended and have not agreed to permit the United Nations High Commissioner for Refugees to be present in Burma to monitor the return of refugees;

Whereas without such assurances and a monitoring presence by the United Nations High Commissioner for Refugees, it is unlikely that Rohingya refugees will elect to return to Burma in significant numbers;

Whereas the United Nations Commission on Human Rights, by a unanimous vote on March 3, 1992, adopted a resolution condemning Burma for human rights violations and appointing a special rapporteur to give a public report at the next meetings of the United Nations General Assembly and Commission on Human Rights; and

Whereas the Burmese regime has announced the release of some 100 political prisoners, as well as its intention to begin discussions on the formation of a national convention to draft a new constitution: Now, therefore, be it

Resolved, That the House of Representatives—

(1) condemns ongoing abuses of internationally recognized human rights in Burma, and strongly urges the Burmese authorities to lift martial law and all restrictions on freedom of speech and expression, to release all persons confined for the peaceful expression of their political opinions, including Daw Aung San Suu Kyi, and to commit to the prompt transition to a freely elected civilian government;

(2) welcomes the efforts of governments within the region to provide asylum for Burmese refugees and displaced persons, and urges that no Burmese asylum-seeker be returned to Burma under current conditions;

(3) commends the extraordinary effort of the Government of Bangladesh to provide assistance to Rohingya refugees, urges increased levels of United States refugee assistance to Bangladesh for the Rohingya refugees, welcomes the decision of the Government of Bangladesh not to return any Rohingya refugee against his or her will, and urges the Government of Bangladesh to work closely with the United Nations High Commissioner for Refugees to ensure against repatriation until the conditions for safe and secure return are in place;

(4) urges the Burmese authorities to provide credible and verifiable assurances that the repression that prompted the refugee exodus has ended and to permit the United Nations High Commissioner for Refugees to be present in Burma to monitor the return of refugees;

(5) urges the Government of the People's Republic of China to end all military transfers to Burma, which have served to strengthen the ability of the Burmese regime to undertake combat operations that have fostered the refugee exodus; and

(6) commends the President for implementing an arms embargo against Burma and urging other nations to implement similar measures, and urges the President to seek a mandatory international arms embargo on Burma.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from New York [Mr. SOLARZ] will be recognized for 20 minutes, and the gentleman from Michigan [Mr. BROOMFIELD] will be recognized for 20 minutes.

The Chair recognizes the gentleman from New York [Mr. SOLARZ].

Mr. SOLARZ. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, the situation in Burma, to put it bluntly, is a mess. At a time when the winds of democracy seem to be sweeping over almost every corner and continent of the globe, the stench of tyranny that emanates from Burma is like the smell of sulfur from some kind of chemical plant that pollutes an entire neighborhood. The regime in that country is a regime whose trademark is terror, torture and tyranny, and this resolution is designed to call attention to continuing abuses of human rights in Burma and the negative implications for regional security and stability that are the direct consequences of the repressive policies and practices of tyranny in Rangoon.

Mr. Speaker, in 1988, in the fall of that year, in an action which provided us with an awful pre-vision of the massacre in Tiananmen Square in China a year later, the regime in Rangoon cracked down on the people of Burma at a moment when it appeared as if people power was about to triumph in that country. As a result, thousands lost their lives, and thousands of others were thrown into prison. In an effort to reestablish a degree of political normality in that country, the so-called State Law and Order Restoration Council arranged for national elections to be held in 1990. But much to their surprise, the National League for Democracy, led by one of the most courageous and remarkable women of our time, Daw Aung San Suu Kyi—who had already been placed under house arrest by the time of the elections—won a majority of the vote. As a demonstration of how little they were committed to the restoration of genuine democracy and civilian government, the State Law and Order Restoration Council, unhappy with the results of the election, promptly decided to cancel the election and threw many of Daw Aung San Suu Kyi's supporters into prison.

As if this was not enough, the regime in Rangoon then launched intensified campaigns of military repression against the various ethnic minorities in Burma, as a result of which, over the course of the last year, a quarter of a million Rohingyas—Muslim Burmese—have been driven from their villages and forced to seek refuge in the neighboring country of Bangladesh.

This resolution, Mr. Speaker, calls attention to all of these deplorable developments. It urges the Burmese authorities to lift martial law and the other restrictions on freedom of speech and the press that exist there. It takes note of the fact that the Burmese regime recently released about a hundred political prisoners, but points out that Daw Aung San Suu Kyi—who, since being placed under house arrest, was awarded the Nobel Peace Prize—and many others remain in custody, and urges their release as well. It also notes that the Government of Bangladesh, in a selfless act of humanitarian compassion, has permitted the 250,000 Rohingya refugees to remain in Bangladesh. It urges that they not be returned against their will, and that repatriation not take place until the conditions in Burma are such that Rohingyas can be sent back with arrangements having been made for their security and well-being.

□ 1340

If anyone listening to this debate wonders how we square a call for the safety of the refugees in Bangladesh with the recent decision to return all of the Haitian boat people to Haiti without even attempting to determine whether they are eligible for refugee status, I must say I do not have a very good answer. I suppose someone could say that a foolish consistency is the hobgoblin of little minds, although in this case it would not be a foolish consistency. The truth is that our new policy toward the Haitian boat people is a national embarrassment, and it will doubtless render somewhat hypocritical in the eyes of the Government of Bangladesh the text of this resolution, which urges them not to send back refugees to Burma against their will, and not to repatriate Rohingyas until arrangements have been established which would guarantee their safety.

I can only say, Mr. Speaker, that two wrongs do not make a right, and it would only compound the tragedy which has now befallen the Haitian boat people if, as a consequence of this misguided and misbegotten policy, we were to feel restricted and unable to express our concerns about the mistreatment of those fleeing oppression elsewhere.

Finally, Mr. Speaker, this resolution urges the Government of China, which is providing the bulk of the arms that the Burmese regime is using to suppress its own people, to stop military transfers to Burma, and it commends the President for implementing a unilateral United States arms embargo against that country.

Mr. Speaker, I do not anticipate that this resolution and the action of the House in adopting it will be a front-page story in the Washington Post or the New York Times or any of the other major newspapers around the country, but it will undoubtedly be featured on the Voice of America. And given the extent to which millions of Burmese depend on VOA for news about what is happening both in the world and in their own country, I have no doubt it will serve to let them know that they have not been forgotten, and that the Congress of the United States, the embodiment of the aspirations of men and women to be free all over the world, is prepared to continue taking up the cudgels on their behalf.

Mr. Speaker, I reserve the balance of my time.

Mr. BROOMFIELD. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I merely take this time to compliment the distinguished gentleman from New York [Mr. SOLARZ], as well as the distinguished gentleman from Iowa [Mr. LEACH], for sponsoring this important resolution.

Mr. Speaker, in 1988, Burma's military government, the so-called State Law and Order Restoration Council suppressed a massive pro-democracy movement. In 1990, it disregarded the National Assembly election results in which the National League for Democracy overwhelmingly defeated the government, winning 80 percent of the seats.

These two events are examples of the deplorable human rights situation that exists in Burma today. Burma is a police state with troops posted in all the major cities. Politically motivated arrests continue—as does torture, arbitrary detention, and forced labor. Freedom of speech, press, and assembly are nonexistent.

The Burmese Government's actions have also been felt outside its borders. In the past few months, over 250,000 Burmese Moslems have fled to Bangladesh, and over 70,000 other ethnic minorities have crossed to Thailand. These people have been fleeing policies that subject them to torture, rape, murder, and slave labor.

The administration should be commended for its efforts to increase bilateral and multilateral pressures on Burma. This resolution would help present a unified view, through the actions of the executive and legislative branches, that the United States is firmly opposed to the oppressive human rights and political situation in Burma today.

Mr. Speaker, this is an important message to send. I commend the chairman of the Foreign Affairs Committee, DANTE FASCELL, and Congressmen SOLARZ and LEACH of the Asia Subcommittee, for bringing this resolution before us. I urge my colleagues to give it their support.

Mr. Speaker, I turn the balance of my time over to the gentleman from Iowa [Mr. LEACH], who is the ranking member of the Subcommittee on Asian and Pacific Affairs.

Mr. LEACH. Mr. Speaker, I thank the gentleman from Michigan [Mr. BROOMFIELD] and I yield myself such time as I may consume.

Mr. Speaker, let me just say first that this is a small reflection but an important reflection of why this House is so well served by the gentleman from New York [Mr. SOLARZ]. We all hope that the gentleman's contributions to this body will be noted by all.

This is a timely expression of ongoing congressional concern for Burma. It is bipartisan, it is bi-institutional, and I would simply like to stress that while people may differ from time to time with our administration's foreign policy in any part of the world, it is the United States of America that has taken the lead on this issue.

The United States has embargoed the export of arms to Burma, it has worked to establish the international arms embargo, it has monitored the sale of arms to Burma by third parties, it has worked to discourage such sales, it has terminated aid to Burma, it has worked to build a consensus among developed countries to also withhold bilateral aid, it has suspended GSP trade preferences, it has declined to renew the bilateral textile agreement, it has opposed loans to Burma by the international financial institutions, and it has worked with other interested countries to develop multilateral initiatives in the General Assembly of the United Nations and the United Nations Human Rights Commission.

There is one point which the gentleman from New York made which I think is very poignant and ought to be stressed, and that is that 250,000 Rohingyas—and these are Moslem minorities—have voted with their feet to leave Burma and go to the world's poorest society, Bangladesh, at least the poorest society in Asia. This gives us an enormous indication of the kinds of treatment that are being received in Burma itself.

What we have is the existence of what can only be described as a pogrom against a minority within a small province. My own view is that it is incumbent on all of us to work to see that this activity is brought to an end, and it is only likely to be brought to an end if what the gentleman from New York has described as the State Law and Order Restoration Council is also brought to an end.

I must say that every once in a while an acronym has achieved the sound of its own meaning, and the State Law and Order Restoration Council—SLORC—stands very much in the course of history with other great acronyms like KGB and MVD, and this country has a very real reason to do what it can to see that things change in this great country.

Mr. Speaker, I conclude my remarks simply with a commendation of Secretary Baker's initiatives in this part of the world and also with a commendation of Aung San Suu Kyi when she—and I think this is very telling—said that "Where there is no justice there can be no secure peace." Also Aung San Suu Kyi in her book made a comment that I thought was very profound as kind of a caveat to Lord Acton, who, as we all know, said in effect that "Power corrupts and absolute power tends to corrupt absolutely," when she modified this caveat with this added dictum, with the notion that "there is nothing more corrupt than fear of losing power."

That is exactly the fear that exists in Burma today. It is a fear that has led to the worst kind of oppression, and it is something that this House has as a democratic institution an obligation to comment upon.

Mr. Speaker, this is a timely expression of ongoing Congressional concern with the situation in Burma. It is a bipartisan endeavor and has the full support of the minority.

Members are all too familiar with the events of September 1988, when the Burmese military engineered a coup, declared martial law, and violently suppressed massive demonstrations for democracy.

In 1990, Burma's military dictatorship, the State Law and Order Restoration Council—better known by the odious acronym SLORC—sought to legitimize its rule by holding relatively free elections. They badly miscalculated. The SLORC was overwhelmingly repudiated by the people at the polls. The opposition National League for Democracy won 392 of the 485 contested seats, even though its leader, Aung San Suu Kyi, who was awarded the 1991 Nobel Peace Prize, was under house arrest. Ignoring the vehement protests of the international community, the SLORC has failed to implement the election results despite continuing promises to do so.

In this regard, the United States has led the international community in efforts to convince the Burmese military regime to transfer power to a civilian government and release political prisoners.

In particular, the United States has embargoed the export of arms to Burma; worked to establish an international arms embargo; monitored the sale of arms to Burma by third countries and worked to discourage such sales; terminated aid to Burma and worked to build a consensus among other developed countries to also withhold bilateral aid; suspended Burma's GSP trade preferences; declined to renew a bilateral textile agreement; opposed loans to Burma by the international financial institutions; and worked with other interested countries to develop multilateral initiatives in the U.N. General Assembly and U.N. Human Rights Commission.

In addition, the United States has made significant diplomatic and financial contributions toward a humane resolution of the ongoing Rohingya refugee crisis. More steps unfortunately will have to be considered to relieve the plight of the Burmese people, including the over 250,000 Rohingyas now encamped in Bangladesh, but to date the effort of the administration has been impressive. Likewise, the extraordinary efforts of the Government of Bangladesh and international aid agencies to provide food, medicine, land and shelter to the beleaguered Rohingya refugees deserve our commendation and continued support.

The brutal pogrom against this Moslem minority must be brought to an end; such a prospect is likely to occur only if the egregious misrule of SLORC is also brought to an end.

The plain fact with which we must contend, however, is that the influence of the United States—and most of the developed world—in Burma is limited. Likewise, international consensus on appropriate sanctions does not exist.

Hence the import of endeavoring to convince Burma's neighbors in the region, particularly ASEAN, China, and Japan, that their dialog with Burma should not be an end in itself but means to an end: namely, a more humane, efficient, and law-abiding government in Rangoon which contributes to regional economic growth and stability. This was, of course, the basic message of Secretary Baker at the ASEAN post-ministerial meeting last July.

We have seen some very tentative signs that Burma may increasingly be seen by some ASEAN states as the region's most important post-Cambodia diplomatic problem. In this regard, Malaysia and Indonesia, in particular, have undertaken a welcome leadership role. Realistically, however, we must assume that regional actors will tend toward caution, be reactive, and largely driven by events. It is therefore incumbent on Washington to continue urging ASEAN to seriously examine the question of Burma and accord it an important place on their diplomatic agenda.

There has been some encouraging evidence of change in Rangoon in recent weeks, including the release of over 100 political prisoners. Nevertheless, it must be emphasized that there can be no hope of stability along Burma's borders, or respect for human rights within, until the SLORC releases its grip on power and cedes legal authority to a representative civilian government. In the words of Aung San Suu Kyi, recipient of the 1991 Nobel Peace Prize, "where there is no justice, there can be no secure peace."

Power, as Lord Acton noted, tends to corrupt, but as Aung San Suu Kyi notes in a Burmese context: As corrupting as the acquisition of power is, nothing is more corrupting than the fear of losing it.

I urge the adoption of this resolution.

Mr. Speaker, I yield 5 minutes to the distinguished gentleman from New York [Mr. GILMAN], under whose leadership I look forward to working in the next Congress.

Mr. GILMAN. Mr. Speaker, I rise in strong support of House Resolution 473, a resolution expressing continued concern about the situation in Burma and implications for the region. I commend the chairman of the Asia and Pacific Subcommittee, Mr. SOLARZ and the ranking minority member, the gentleman from Iowa [Mr. LEACH], for their leadership on this issue. And I thank the chairman of our Foreign Affairs Committee, the gentleman from Florida [Mr. FASCELL], and the ranking minority member, the gentleman from Michigan [Mr. BROOMFIELD], for bringing this resolution before the House at this appropriate time.

Two weeks ago, Prof. Michael Aris, the husband of Daw Aung San Suu Kyi spoke at a news conference in Bangkok after the first reunion with his wife since December 1989. She has been under house arrest in Rangoon since July of that year. The State Law and Order Restoration Council [SLORC] of Burma has finally allowed him and his children to have a short visit with the 1991 Nobel Peace Prize winner. In addition, Burma has released a few political prisoners.

All of this is a part of SLORC's effort to appear to the outside world to be liberalizing its rule. Mr. Aris said his wife, "is not yet convinced that this is the beginning of genuine reform. But she is prepared to give the authorities the benefit of the doubt." He repeated for emphasis: "Please mark my words, she is prepared to give the authorities the benefit of the doubt."

Mr. Speaker, I can see why this brave woman, who only can depend on her words and hopefully the concern of the international community, would say such a thing. But I do not believe many of us here will be fooled by any cosmetic attempt by Burma to conceal the execution of the estimated 3,000 prodemocracy demonstrators and the jailing and torturing of many of Suu's followers.

According to the 1992 international narcotics control strategy report published by the Department of State, the production of illicit drugs in Burma has doubled since the formation of the SLORC in 1988. It comes, therefore, with further alarm that we learned that Burma was able to afford to purchase nearly $1 billion worth of Chinese arms and were engaged in waging war against many of its ethnic minorities and government opposition groups.

SLORC is starting to become concerned about international attention to their hard rule and they have taken some reconciliatory actions. An arms embargo against SLORC would not only benefit those struggling for democratic rule in Burma but it would make our own Nation more secure as we battle against drug usage here in our own Nation. Hopefully, as Burma undertakes its reconciliatory actions, it will abide by international humanitarian concerns and will join our Nation in battling illicit drugs.

Accordingly, in the interim, I support House Resolution 473 and urge my colleagues to vote for the bill.

□ 1350

Mr. LEACH. Mr. Speaker, I yield 3 minutes to the gentleman from Nebraska [Mr. BEREUTER].

Mr. BEREUTER. Mr. Speaker, as ranking member of the Human Rights Subcommittee, I rule in strong support of this resolution.

Mr. Speaker, democratic revolution that has swept so many tyrannies from the world has suffered a tragic setback in Burma. This brutal and repressive military dictatorship, which calls itself the State Law and Order Restoration Council [SLORC], seems determined to erase any trace of human dignity.

Having stolen the 1990 election from the clear victor—Ms. Daw Aung San Suu Kyi—the military junta no longer even attempts to justify its continued repressive rule. The army rules simply because it has the guns, and they make no apologies. As the State Department's Human Rights Country Reports notes—

> An 11 p.m. to 4 a.m. curfew; surveillance of government employees and private citizens; restrictions on contact with foreigners; arrests, harassment, and torture of political activists; and repeated denunciations of agitators and foreign interference buttress the military's control.

Mr. Speaker, as mentioned by the distinguished gentleman from Iowa [Mr. LEACH], this barbarity has created a situation where hundreds of thousands of refugees have fled to Thailand and desperately poor Bangladesh. This is not surprising in a repressed society like Burma where anyone who can read and write is suspected of being a subversive. Indeed, even the families of individuals who have attended schools, or have expressed a political belief, are at risk. And this mind-boggling self-destruction has resulted in a flood of refugees.

Today's resolution condemns the Burmese Government for its repressive behavior, and commends the U.N. High Commissioner for Refugees for its willingness to assist the refugees from Burmese tyranny. The resolution recognizes the mammoth task facing the UNHCR, and urges the administration to provide what assistance it can through existing refugee programs.

Mr. Speaker, this Member would commend the author of this resolution, the gentleman from New York [Mr. SOLARZ], for his drafting of this resolution. As chairman of the Subcommittee on Asia, he has labored mightily to ensure that the human rights violations of the illegitimate Government of Burma are not ignored. As an aside, Mr. Speaker, this Member would commend the gentleman from New York for referring to Burma, rather than accepting the military junta's national name change to Myanmar. This resolution talks about Burma, not Myanmar, and this Member recognizes and appreciates the significance and legitimacy of this distinction.

This Member would also mention the work of the chairman of the Subcommittee on Human Rights and International Organizations [Mr. YATRON], who was willing to move this legislation forward on very short notice. In addition, the chairman and ranking member of the Foreign Affairs Committee also helped to speed House Resolution 473 through the legislative process.

The subcommittees and full committee moved so speedily on this matter because this issue is so important.

Mr. Speaker, it is important for this body to address the pressing human rights issues of our day. While resolutions such as the one we are considering today often escape the attention of the Washington Post or the New York Times, we know by examples that they do draw the attention of our intended audience. This body can be absolutely certain that the thugs who continue to terrorize Burma are watching this debate with interest. And the U.S. House is delivering the message that their misbehavior is not going unnoticed. This body is delivering the message that the Burmese regime is, and until democracy is restored will continue to be, a pariah nation. It is a message that is well worth delivering.

Mr. LEACH. Mr. Speaker, I wish to thank the gentleman from Nebraska [Mr. BEREUTER] for his very thoughtful comments.

Mr. Speaker, I yield 3 minutes to the gentleman from Illinois [Mr. PORTER], one of the great human rights leaders of the House.

Mr. PORTER. Mr. Speaker, I wish to thank the gentleman from Iowa [Mr. LEACH] for his kind remarks.

Mr. Speaker, I rise in support of House Resolution 473, a resolution concerning the dire situation in Burma. This resolution is essential to show the military government currently in power that the United States Congress will not sit silently by while ongoing violations of human rights in Burma continue.

The gentleman from New York [Mr. SOLARZ] did not overstate in the least the terrible oppressive nature of the military regime in Rangoon. It is among the most barbaric and cruel on Earth. Torture, killings, disappearances, people held without trial or charge, all characterize the barbarity of this regime. We must demonstrate to the Burmese people that we will not allow them to be subjected to these abuses any longer.

Mr. Speaker, for 30 years, the Burmese people have had to endure life under an oppressive military government. Efforts to create a democratic society in Burma through peaceful demonstrations and elections have been thwarted by the ruling military junta. Aung San Suu Kyi, president of the National League for Democracy, bravely led her people in their most recent demonstrations for respect for basic rights in Burma. But she has been under house arrest since July 1989, because of her public protests against the Government. In 1990, her party won 80 percent of the seats in Parliament, by they were prohibited from filling the seats by the ruling military regime. To this day, the legitimately elected Government in Burma has still not been recognized.

Aung San Suu Kyi, a lady of great courage and devotion to principle, was most deserving of the Nobel Peace Prize which she was awarded last year recognizing her nonviolent campaign for democracy in Burma. However, despite the international support that has been given to the democratic movement in Burma, life for most Burmese citizens continues to be miserable.

More than 250,000 Burmese Moslems have been forced to flee to Bangladesh in order to seek shelter from the Burmese Army. There are reports that the army has been indiscriminately raping and killing members of this religious community. The ruling junta in Burma has expelled members of the National League for Democracy and stepped up its campaign of terror against political opposition figures.

Mr. Speaker, we condemn these ongoing human rights abuses that have taken place in Burma and urge the Burmese Government to release all political prisoners, lift martial law, and regain its position among the community of nations.

Mr. LEACH. Mr. Speaker, I would simply like to end by again extending my appreciation to the gentleman from New York [Mr. SOLARZ], the distinguished chairman of the subcommittee.

Mr. YATRON. Mr. Speaker, I rise in support of the resolution on Burma and commend Congressman SOLARZ for introducing this very important resolution concerning the serious human rights situation in that country.

Even though the military regime has recently released over 100 political prisoners, conditions in Burma continue to deteriorate at an alarming rate. The military still refuses to recognize the 1990 election results and it is buying massive amounts of arms from China to use against its own people.

Because Burmese military atrocities have been particularly severe in the northwest, over 250,000 Burmese Moslems have sought refuge in neighboring Bangladesh. This resolution commends the Government of Bangladesh for providing asylum, and other countries in the region that have offered safe haven to Burmese fleeing the suppression of the military regime.

The role of the Chinese Government's support of the unelected military regime in Burma cannot be overstated. House Resolution 473 urges the Chinese Government to end all military transfers to Burma. The resolution also commends the President for implementing an arms embargo and further calls on the President to seek a mandatory international arms embargo against Burma.

I would urge my colleagues to send a strong message to the military regime in Burma by voting for this resolution.

Mr. RANGEL. Mr. Speaker, our colleagues STEPHEN SOLARZ and JIM LEACH have joined in introducing House Resolution 473, which expresses the continuing concern of the House of Representatives about the situation in Burma and its implications for the region. I join my two colleagues in condemning ongoing abuses of internationally recognized human rights in Burma. I supported House Resolution 473 because it strongly urges the Burmese authorities to lift marital law and all restrictions on freedom of speech and expression, to release all persons confined for the peaceful expression of their political opinions, including Daw Aung San Snu Kyi, and to commit to the prompt transition to a freely elected government. In addition, the resolution urges the Burmese authorities to provide credible and verifiable assurances that the repression that prompted the refugee exodus has ended and to permit the U.N. High Commissioner for Refugees to be present in Burma and to monitor the return of refugees.

Mr. Speaker, I deplore the human rights abuses which are occurring in Burma today. I am concerned about the continued political stability in Burma, because this Nation is the largest producer of illicit opium and heroin. A repressive government which rules through intimidation cannot devote all the attention necessary to bring opium production under control. We continue to hear reports of complicity by some members of the regime and the military in the drug trade.

Burma's opium poppy is cultivated mostly in rugged mountainous areas of the Shan State. Mr. Speaker, from 1974 until 1988, the Government of Burma [GOB] cooperated with the United States in drug control efforts, because narcotics revenues supported the insurgents, particularly the Burmese Communist Party [BCP]. The BCP collapsed in 1989, and its forces divided into its ethnic Wa and Kokang components.

The GOB's crackdown on the democratic movement however, has made the drug situation worse. The military government's shift in 1988, of police and army resources from eradication and drug law enforcement efforts to suppression of domestic political opponents has enabled traffickers to expand their opium cultivation, heroin refining, and trafficking. The largest increases in opium cultivation have occurred in those areas where the State Department's Bureau of International Narcotics Matters had funded eradication prior to 1988. At present, Burma's military rulers appear to attach a higher priority to peaceful coexistence with former insurgent groups than to combatting narcotics.

Meanwhile, poppy cultivation continues to expand. The U.S. Government estimated the 1989 to 1990 crop to be about 2,250 metric tons and the 1990 to 1991 crop to be about 2,350 metric tons. Large narcotics refineries, which operate with impunity along the Chinese border, now produce significant quantities of heroin, along with their thriving counterpart along the Thai/Burma border.

Mr. Speaker, passage of House Resolution 473 would send a clear signal to Burmese leaders to get their political house in order, restore full human and political rights and dignity to the Burmese people and stimulate forceful action to curtail opium cultivation and heroin production.

Mr. LEACH. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. SOLARZ. Mr. Speaker, I thank my friends on the other side of the aisle for their harsh words about the SLORC and their kind words about me.

Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore (Mr. HUTTO). The question is on the motion offered by the gentleman from New York [Mr. SOLARZ] that the House suspend the rules and agree to the resolution, House Resolution 473.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the resolution was agreed to.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. SOLARZ. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks, and include therein extraneous material on House Resolution 473, the resolution just agreed to.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

There was no objection.

TEENAGE SMOKING HABITS AND TOBACCO ADVERTISING

(Mr. MAZZOLI asked and was given permission to address the House for 1 minute and to revise and extend his remarks and to include extraneous material.)

Mr. MAZZOLI. Mr. Speaker, today three of my esteemed colleagues are joining with me in a letter addressed to the chairman and president of RJR Nabisco Co., the manufacturer of Camel cigarettes, requesting that RJR Nabisco discontinue its "Old Joe" Camel cigarette advertising campaign.

According to studies printed in the American Medical Association Journal of December 11, 1991, it is established that the "Old Joe" Camel campaign is especially appealing, if not targeted, to young people. It encourages them to smoke and to smoke Camel cigarettes.

The Surgeon General of the United States, Antonia Novello, in March a few months ago, requested that RJR Nabisco discontinue the "Old Joe" Camel advertising campaign.

Later today or sometime this week, time permitting, I will go into these Journal of the American Medical Association records more thoroughly, but I certainly hope, Mr. Speaker, that RJR Nabisco will exhibit the proper kind of corporate awareness and discontinue this kind of advertising campaign which does cause our young people to smoke and to expose themselves to its hazards.

Mr. Speaker, I include the letter to RJR Nabisco, as follows:

HOUSE OF REPRESENTATIVES,
Washington, DC, June 1, 1992.

Mr. LOUIS V. GERSTNER, Jr.,
Chairman/President/C.E.O., RJR Nabisco Holdings Corp., New York, NY

DEAR MR. GERSTNER: We are writing concerning a study published in the December, 1991 issue of the Journal of the American Medical Association (JAMA) which concludes that there is a close connection between teenage smoking habits and tobacco industry advertising.

In our view, this JAMA study of the RJR Nabisco Company's "Old Joe" advertising campaign for Camel cigarettes establishes that the cigarette brand preferences of young people are directly linked to tobacco advertising. It concludes that advertising promoted by the tobacco industry, whether intended or not, can and does encourage smoking among young people.

Since no one suggests smoking is good for the health or well-being of children, it would follow that any practice or activity which encourages smoking among children does them no benefit and should be discontinued.

We respectfully urge RJR Nabisco Company to comply with the March 9, 1992 request of Surgeon General Novello and voluntarily end the "Old Joe" advertising campaign for Camel cigarettes. Terminating this advertising campaign would demonstrate RJR Nabisco's concern for the health and well-being of the children of America.

Your consideration is appreciated. We look forward to your response.

Sincerely,

ROMANO L. MAZZOLI,
CHESTER G. ATKINS,
MIKE SYNAR,
PATRICIA SCHROEDER,
Members of Congress.

□ 1400

HELP FOR INNER CITIES

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Wyoming [Mr. THOMAS] is recognized for 5 minutes.

Mr. THOMAS of Wyoming. Mr. Speaker, I rise this afternoon to talk about an issue that has been before us and will be again this week, and that is funding and assistance to cities, in particular to inner cities and communities. No question, I think in any of our minds, that we need to provide some assistance to cities, that cities are troubled. The Los Angeles event, of course, is the most recent, but often there might well be the point that there would be others.

The point, I think, that needs to be made is the method that we use to assist. We have continued to think that whenever there is a problem, particularly in the case of cities and in the case of communities, that what we ought to do, as the Federal Government, is to provide more money and send money in very much the same fashion that we have traditionally spent money over the years.

I guess the real question we ought to ask ourselves is, why would there be any expectation for change if we continued to do what we have been doing, which clearly does not work?

This is a year of change, I hope. We talk a lot about change. We talk a lot about procedural changes, and we closed the bank. And we do those things which we should do. The point is, we need also to take a look at the kinds of programs and expenditures that we have made over the years to see if indeed there are better ways to do what we have been doing in the past. We really need to ask ourselves, what are the real problems, what are the causes of the difficulties? What are the fundamental issues that we need to deal with? Is it a matter of jobs? Is it a matter of skills for people to hold jobs? Is it a matter of lack of investment, family cohesiveness, education? A number of things, of course, that probably all have some role.

Two things are certain: One is that continuing to send more money on the same basis to do the same thing will not result in change. The second clearly is that the Federal Government does not have an excessive amount of money. On the contrary, this same week that we will be talking about assistance to cities, we will also be talking about seeking a balanced budget and fiscal responsibility in this body. So as we think about it, I hope we will take a little look at some of the facts that surround the matter of financing and how we might best do that.

One of the bills that will be considered is a bill for $4.5 billion to be sent to communities. This, I must confess, is better than the one that was introduced and heard in this committee, the Committee on Government Operations, several weeks ago, for $55 billion.

Direct aid, of course, in communities, as pointed out by the sponsors, has dropped off between 1981 and 1989. And that is true. Federal assistance dropped from a high of $22 billion in 1981 to $17 billion in 1988. The figure, however, has risen in 1989, and we now send $18.4 billion to direct aid to communities.

In 1990, State governments provided $172 billion to 39,000 communities in this country. That includes some Federal passthroughs but not all of the $18 billion in that category. Communities themselves collected $3.89 billion from a variety of taxes and fees. When totaled, the communities in this country had more than $580 billion at their disposal in 1990, $580 billion.

This is a 9-percent increase over 1989, when the figure is $532 billion.

Obviously, there is need and always a way to use more money. We could do things, undoubtedly, for people if we had more money to spend. There may be some question about management in cities. In New York, the mayor just recently signed a new deal with sanitation workers, I understand, breaking a tougher deal which would pay them $40,000 a year to pick up garbage 4 days a week for 4 hours.

One might question that kind of expenditure, if one comes from Greybull, WY, and one is expected to send more money to New York to solve some of the problems there.

My point, Mr. Speaker, is that sending more money, particularly when we have none to send, is a questionable issue and one that we ought to examine in great detail.

I happen to think that Secretary Kemp has some notions that are probably more useful, that of creating jobs, that of creating incentives, that of creating investment, that of choice in schools so that workers can be skilled enough to undertake those jobs.

Mr. Speaker, we will be dealing with that question this week, I believe, in our committee, at least the Committee on Government Operations. I hope that we will look into it deeply, find a way to be helpful, find a way to change, find a way to fundamentally take a look at what we are doing and to weed out those things that have not been successful in the past, seek to find some ways that will indeed be successful in the future.

SHIPPING IS PICKING UP ON TENN-TOM WATERWAY

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Mississippi [Mr. MONTGOMERY] is recognized for 5 minutes.

Mr. MONTGOMERY. Mr. Speaker, I want to share with my colleagues an article that appeared in the June 1 edition of the Jackson, MS, Clarion-Ledger. It points out that shipping is up on the Tennessee-Tombigbee Waterway and there are some indications that the total tonnage levels may break all records on the waterway. Recreation activities along the Tenn-Tom are also well ahead of expectations.

The article was written by Mac Gordon, a member of the Clarion-Ledger's business section.

[From the Clarion-Ledger, June 1, 1992]

OFFICIALS LOOK FOR SHIPPING OVERFLOW ON TENN-TOM

(By Mac Gordon)

Shipping on the Tennessee-Tombigbee Waterway during 1992's first quarter may be the good omen oficials have awaited since it opened in 1986.

"This year is starting out very good. We had a better first quarter than even in 1988 when we set our tonnage record," said Norm Connell, area engineer for the Columbus office of the U.S. Army Corps of Engineers.

Increased shipping on the 224-mile waterway connecting the Ohio, Upper Mississippi and Tennessee river systems with the Gulf of Mexico is considered a key element to further development of the state's Golden Triangle region.

Whether the waterway is a boon or boondoggle hasn't been definitively answered as yet, but area officials point out that it opened during the barge transport industry's worst slump ever and that the recession which followed has held all economic sectors back.

They also target the Tenn-Tom's youth:

"Remember that it is still a relatively young waterway. It was designed for a 50-year life and we're only seven years into that. Considering the recession we've been in, I think it is doing fine," Connell said.

"The waterway has been up and down, but I always tell people to be patient about it because it is an historic project and you couldn't expect overnight results," said Bill Boyd, executive director of the West Point-based North Mississippi Industrial Development Association.

"It continues to be a draw. We're working on several industrial projects now that have need of the waterway."

Low water levels on the Mississippi River in 1988 rerouted some barge traffic to the Tenn-Tom, helping to set the annual tonnage record of 9.9 million tons. The next three years produced loads in the 5 million ton range.

If this year's first-quarter results—1.523 million tons shipped—become a trend, totals could go above 6 million tons for the first time since 1988.

Coal transported from western Kentucky to an Alabama steam plant dominated Tenn-Tom shipping in its infancy, but the forest products industry has steadily taken over. The waterway region currently boasts of about 65 pulp and paper mills and 17 wood-related facilities are now in operation or proposed directly on the Tenn-Tom.

Recreation was another purpose of the waterway when conceived. Figures in that arena show "probably the most tangible short-term results of the Tenn-Tom," Boyd said. "You go out there on warm weekends in the spring and summer and it is very crowded with recreational traffic."

Connell said, "With recreation, we've exceeded projections and we are still in the throes of completing the initial recreational developments."

To date, 39 public use recreational arenas have been completed or are under contract. The $50 million investment includes campgrounds, boat launches and parks.

Later this year, the Delta Queen steamboat, a tourist vessel that usually plies the nation's major river systems, will make a maiden voyage on the Tenn-Tom.

REFORM THE UNEMPLOYMENT SYSTEM TO PROMOTE ENTREPRENEURSHIP

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Oregon [Mr. WYDEN] is recognized for 30 minutes.

Mr. WYDEN. Mr. Speaker, later this week the House is going to consider H.R. 5260, the Unemployment Compensation Extension and Reform bill. H.R. 5260 would make important changes to repair this critical safety net which has been strained by more than a decade of neglect. With unemployment stubbornly sticking over 7 percent and more than 9 million Americans unemployed, clearly the Congress must extend unemployment benefits again and it must do so before the current extension expires on July 4.

But I believe Congress must go much further. Before this year is over, Congress should move to reform the unemployment insurance system to enable States to pursue more opportunities for the unemployed to start up their own small businesses and become self sufficient. The idea that many unemployed might become successful small business owners may sound like an impossibility to many Members, but right now two States—Massachusetts and Washington—have shown that programs can create small business owners from the small business ranks. The Massachusetts program was created by Federal law that I authored in 1987. For the first time in our country's history, workers could use their unemployment checks to become entrepreneurs and start small businesses. They could use their weekly checks for something other than to just hang on and hope that things might get better.

□ 1410

The Washington program was created by a Department of Labor grant. Last week the subcommittee that I chair in the Committee on Small Business heard from these States and their promising results. The experience in Massachusetts and Washington makes a good case that Congress ought to allow all States to start similar programs with their unemployment system.

Using existing unemployment compensation funds, not new dollars, the participants in the Massachusetts program have created dozens of new small businesses. The Massachusetts program offered training and counseling, access to startup loans from a local bank, and a special break that allowed the program participants to collect their unemployment benefits while they were in the self-employment program. With all these services offered, and with program participants receiving unemployment benefits for 24 weeks, the self-employment program saved money in relation to the status quo. The entrepreneurs in this program collected 9 percent less in regular benefits than was the State average. They collected 60 percent less in Federal-State extended benefits, and they collected 45 percent less in the emergency extended benefits. Self-employment participants were twice as likely to start a business or find a job before the end of the benefit period as was the average unemployed person. The overall savings in Federal and State benefits averaged $1,425 per participant. Even without counting the benefits to the State for the taxes and unemployment insurance contributions that were paid by the new businesses, the Massachusetts self-employment program came out ahead. These are extraordinary results: Dozens of new businesses created, savings in the unemployment program, additional workers hired, and new taxes paid, all without spending additional funds.

The Washington program was designed a little bit differently from Massachusetts, but it offered the same training, the same counseling, the same sort of monitoring, and again, there were the impressive results. In Washington, dozens of new businesses were created, and those new businesses hired 123 additional workers at an average wage of $9.22 an hour. The Washington program paid $1.9 million in unemployment benefits to program participants, and in just a few months those participants have paid back $1.2 million in the form of new wages to newly hired workers. Again, by any sort of calculation, this is an outstanding rate of return on a critical investment of unemployment insurance funds. By themselves, the Massachusetts and Washington programs demonstrate, in my view, that it is time for Congress to extend to all States the authority to create self-employment programs using existing unemployment insurance compensation dollars. But the true story of the successes that have been seen in Massachusetts and Washington goes way beyond the statistics, and it is seen in the lives of real people who saw their families turn around as a result of this opportunity.

Two small business owners testified before my subcommittee last week. Sandy Duncan of New Bedford, MA, lost her job last year when the company she worked for went bankrupt. Sandy is a single mother with two small children and a mortgage. She had 12 years of uninterrupted work experience, but in the Massachusetts economy, her prospects for finding a new job were slim. In the meantime, her weekly unemployment insurance benefit of $283 did not even cover her fixed expenses. Chances are that if Massachusetts did not have a self-employment program, Mrs. Duncan would have exhausted her savings and lost her home. Instead, Mrs. Duncan entered the self-employment program and opened her 1-hour photo store called Photos & More. She has hired two other people, both of whom were also unemployed, and she hopes to open a second store within the next year.

Mrs. Duncan told my subcommittee, and I wish all the Members could have heard this, "I always thought I gave 110 percent to my employers, but now I am giving 150 percent to my own small business."

Mrs. Duncan's story is typical of many of the unemployed. She wants to work, she wants to succeed, but she got a bad break through no fault of her own, and if she had just a little bit of help, if the unemployment insurance program and other programs were just a little more flexible, Mrs. Duncan, and in my view many Americans from coast to coast, could get back on their feet, and in many instances quickly.

However, if Mrs. Duncan had not been able to create her own job, chances are she would have stayed on unemployment insurance, exhausted her benefits, possibly lost her home, and many of the opportunities that were essential for her and her family.

There are other stories that I would hope that the Members would pay attention to in the days ahead. Paul Dionne, another unemployed Massachusetts worker, was a 25-year-old plumbing contractor who was laid off because of the recession. Again, Mr. Dionne received $283 a month, just enough to cover expenses, in this case because his spouse was working. He wanted to start his own business, but thought he would not be able to, because of the work-search requirement and regulations that limit the amount of money an unemployed person can earn.

Fortunately, this gentleman was able to enter the self-employment program where he, too, received training in marketing and accounting and guidance in developing a business plan. More important, the fact that he was able to collect his unemployment compensation while remaining in the program enabled him to focus full time on his new business and to plough the revenue back into his company. Neither of these prospects would have been possible under the regular unemployment insurance program.

Mr. Dionne has hired two other people, and one of them was his father, a gentleman who was 55, unemployed, and given all the circumstances, Mr. Dionne's father was an individual who might not have been hired again. Now he, too, is paying wages, paying taxes, including taxes into the State unemployment insurance fund, and his business is bonded and successful. He plans to incorporate within a year and employ 8 to 10 people within the next 3 years.

These stories, Sandy Duncan's and Paul Dionne's, are remarkable, but across this country there are thousands of unemployed workers who could remake their lives like Sandy Duncan and Paul Dionne did, but who are prevented from doing so by outdated, unnecessary Federal regulations.

Congress ought to change the unemployment insurance system so that industrious, self-reliant Americans could become entrepreneurs. Unemployment insurance must do more than income maintenance. Unemployment insurance must become a program that uses existing funds to invest in the collective efforts of thousands of men and women like Sandy Duncan and Paul Dionne who want to start businesses, provide new jobs, and create wealth. By freeing the unemployed to start their own small businesses, Congress could turn the unemployment insurance safety net into what one expert has called a trampoline, and as a result, many Americans would become self-sufficient for the long run.

□ 1420

Unfortunately, Federal employment regulations needlessly restrict would-be entrepreneurs among the unemployed by weighing them down with burdensome regulations. The unemployment system actively discourages enterprises, it discourages success. In many instances it says to people wait for a job, even wait for a job that may never appear. The unemployment system, I would say to my colleagues, is stuck in a time warp.

The evidence shows that this system, which was designed to meet the needs of workers in 1935, is not meeting the needs of unemployed workers in 1992. In 1935, most unemployed workers were eventually rehired by their old company, or at least they had a chance to be rehired in their old industry. But today the U.S. economy is undergoing dramatic changes, and it is far more likely that an unemployed worker will have to find a completely new job or a completely new field to work in. For many workers, the best option may be to start their own small businesses.

We know that there is a lot of interest in unemployed workers in being part of these programs. In Massachusetts and Washington the unemployment programs had to turn unemployed workers away. Both received calls from unemployed people across the country who hoped that they could participate. Both received calls from State governments that wanted to set up similar programs.

For the sake of those thousands of people who want and deserve a chance to get off unemployment and start their lives again as entrepreneurs, I would hope that before Congress adjoins this year, it will pass legislation to allow any State that chooses to to set up a self-employment program.

When I introduced the legislation which created the Massachusetts program and was passed 5 years ago, there was opposition on two fronts. Some were concerned that the program would cost the unemployment insurance system money and waste funds that could be used on other unemployed workers. The record for Massachusetts and Washington now shows that this is not so. These programs saved money, and they saved money even without counting the secondary benefits.

Others were concerned that the program participants would be creating unfair subsidized competition to existing businesses. Again, this concern has been contradicted by the record of these programs. Few participants set up companies that competed with their old employer. None received subsidies. Certainly $283 a week to live on cannot be considered a subsidy. In fact, the programs actually helped existing businesses, because they saved them unemployment insurance tax payments, and in some instances the new companies were often valuable customers or suppliers. As a result, some business groups in Massachusetts actively support the self-employment program.

Mr. Speaker, Robert E. Friedman, chairman of the Corporation for Enterprise Development, is probably the father of self-employment programs in our country. He worked closely with me and my office to pass legislation 5 weeks ago that made possible the Massachusetts program, which for the first time allowed unemployment insurance checks to be used to let workers start small businesses. Mr. Friedman testified before the subcommittee last week, and he made a number of points that I think Congress should consider as we look at unemployment insurance compensation legislation again.

The first key point that Mr. Friedman made was that Congress should not overlook the value of cost-effective, simple programs. Congress will authorize nearly $6 billion in spending over the next 5 years on a variety of unemployment changes. The Democratic task force is considering a $9 billion program for the cities. Other Members are proposing a $5.5 billion revenue-sharing program. There is no doubt in my mind that Congress needs to do more to address the needs of the unemployed in the cities, and so many who have suffered in this last decade.

New spending is going to be necessary, but I would hope that we would also recognize that success also comes from taking modest, practical steps. The fact that self-employment programs are a simple, straightforward and cost-effective way to get Americans back to work should not be a reason to devalue these programs.

New spending to repair the safety net will be necessary. But let us not leave this congressional session and pass up sensible, simple regulatory changes that can have a positive effect on people's lives and not spend any new money.

There is great cost if Congress delays on going forward with additional self-employment programs, because Congress is not extending self-employment programs in the unemployment compensation legislation at this time, and because the Federal Department of Labor has been unwilling to push for an extension of the two existing programs. The Washington self-employment program has already stopped bringing in new people and Massachusetts will have to stop accepting new participants in September.

There is a financial cost to delay because the record shows that self-employment programs save money to the unemployment insurance system. But more important, there are extraordinary human costs to delay. These are the costs of denying thousands of unemployed workers all across this country the chance to start their lives all over again and contribute to their communities as they pay taxes, as they hire workers, as they remake their lives.

The Government has been too slow in responding to the pressing needs of the victims of this recession. Last year's extension of emergency unemployment benefits was needlessly held up by political wrangling. This year there will probably be new fights over financing methods.

In the meantime, so many unemployed hang on, hoping that the Government eventually will put their needs first and allow them to use resources like those in the unemployment compensation system to get back to work. It is time to stop compounding the problem our unemployed workers face by enforcing outdated regulations that actively block the States from helping the unemployed get back on their feet. What the States need is maximum flexibility to design their own self-employment programs with the necessary safeguards and performance requirements to ensure that there is not waste or cost overruns, and that they are effective programs such as we have seen in Massachusetts and Washington. States should be free to match up their individual needs and their resources, and to join their unemployment insurance program with other State programs as appropriate.

Today I am introducing legislation to do just that. I would hope my colleagues would join me as cosponsors in the effort to put our citizens back to work. The unemployment insurance system has traditionally been run by the State. The money belongs to the States, and State governments are at least as accountable to the voters as the Federal Government. So why not also give States the freedom, as I propose, to use existing resources to create more jobs for the unemployment line?

In closing, I would like to point out that over 80 percent of the jobs created in our country are now created in companies with less than 20 workers. Self-employment rates generally rise during recessions when wage and salary employment drop as entrepreneurs, of necessity, try to get back on their feet. The Federal Government ought to be encouraging these thrifty, self-reliant, and industrious Americans instead of, as happens today, the Government throwing roadblocks in their path. If workers are successful at adapting to the many changes in the American economy, they will not need long-term public assistance. But if the Federal unemployment insurance system remains locked in the old days, locked in the way business was done in 1935, our unemployment insurance system will fail too many workers and increase the burden on an already strained safety net.

□ 1430

The Massachusetts and Washington programs show great promise. Unfortunately some of those in the Federal agencies are saying, "Do not extend these programs yet. Let us study these programs with all deliberate bureaucratic speed," the way agencies do in so many instances.

But I think it is clear our country is going through hard times, and Congress should not sit around and wait for every single study from every single consultant, every single agency who might possibly have a new, tiny notion of why the Government ought to wait in extending self-employment to the unemployed. It is time to move now, and for the unemployed timber worker in Oregon, for the laid-off defense worker in California, for the unemployed auto worker in the Midwest, for the unemployed factory worker in new England, let us give them the opportunity to get back on their feet using unemployment compensation dollars.

I would close by saying that one of the unemployed workers put it best to me when he said, "The unemployment compensation system today, for me as a worker, is a little bit like economic methadone. They give me my check, I get it every month, but I cannot do anything to break out of the habit. I cannot have the opportunity to get back on my feet."

Let us now change the unemployment compensation system so it is in line with the 1990's, so our unemployed workers have a chance to get back on their feet and become entrepreneurs, become self-employed when they have the skills and the talents to do so.

OLD JOE CAMEL ADVERTISING CAMPAIGN MUST BE ENDED

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Kentucky [Mr. MAZZOLI] is recognized for 60 minutes.

Mr. MAZZOLI. Mr. Speaker, tobacco, the growing, the processing, the marketing, the transportation of tobacco have been vitally important economically and for generations in my home State of Kentucky. For generations, Kentuckians, Louisvilleans, Jefferson Countians, tens of thousands of these hard working, highly principled, decent, and honest people have earned their living and have raised their families and supported their churches and supported their communities on money earned from the various activities relating to tobacco.

Nevertheless, and in view of that important situation in my home State and with the greatest of respect to the people and to the tobacco industry, I have earlier today, and am today right now, asking that the RJR Nabisco Co. which manufactures Camel cigarettes, heed the request which was made in March by the Surgeon General of the United States, Antonia Novello, who requested then that RJR Nabisco discontinue its Old Joe Camel advertising campaign.

Today, in a letter which is cosigned by the gentleman from Kentucky, who is in the well now, along with his colleagues, the gentlewoman from Colorado [Mrs. SCHROEDER], the gentleman from Oklahoma [Mr. SYNAR], and the gentleman from Massachusetts [Mr. ATKINS], have also written the president, chairman, and chief executive officer of RJR Nabisco once again requesting that the Old Joe Camel advertising campaign be ended.

I would further ask that RJR Nabisco and the tobacco industry as a whole cease and desist from any advertising or any promotions which have the effect, even if inadvertent, of attracting young and impressionable children and adolescents into smoking or the use of smokeless tobaccos.

Mr. Speaker—and I will talk about this in a moment—the Journal of the American Medical Association in its December 11, 1991, issue, carried three articles, and I will be reading from those articles in a moment, dealing with this question of tobacco advertising and its propensity to make young children smoke. These published results establish, for me at least, a clear and persuasive connection between teenage, and even younger, smoking and tobacco industry advertising.

The American Medical Association Journal also cites evidence, which I will relate in a moment, that children recognize the Old Joe Camel logo more readily than adults do, and that these recognition rates of the Old Joe logo average over 50 percent for the very young children; and, when our children reach a certain age, they recognize Old Joe Camel as readily as they recognize the Disney Channel logo, and that, of course, should cause us all a certain amount of pause.

The most ardent industry advocate does not believe that the use of tobacco by youngsters is good or prudent or advisable and, therefore, Mr. Speaker, I would respectfully request again that RJR Nabisco voluntarily discontinue the Old Joe advertising campaign for Camel cigarettes.

Such a show on RJR Nabisco's part of community and health concerns would reflect credit on that corporation, reflect credit on the tobacco industry, and would set a standard of care, sensitivity, and awareness which, since RJR Nabisco is a leader in not just tobacco but throughout the corporate community, would soon then become a standard for all industry.

Mr. Speaker, having laid the groundwork here, I would like to read from parts of the December 11, 1991, Journal of the American Medical Association reports on this question of tobacco and teenage smoking, of RJR Nabisco and the Camel advertising campaign featuring that cool character called Old Joe.

The first of the articles that I would read from is entitled, "Does Tobacco Advertising Target Young People to Start Smoking?" And this report is primarily based on a study in California. The objective of the study was to evaluate whether tobacco advertising encourages teenagers younger than 18 to start smoking. The results are these: The most advertised brands of cigarettes were Marlboro, according to 33-plus percent of the adults and 42 percent of the teenagers, and Camel, according to 13 percent of the adults and 28 percent of the teenagers, and it was named as the most often advertised brand by 12- to 13-year-olds at around 35 percent.

The conclusions of this study are these: The perception of advertising is higher among young smokers; market share patterns across age and sex groups follow the perceived advertising patterns, and changes in market share resulting from advertising occur mainly in younger smokers. "Cigarette advertising," according again to the AMA, "encourages youths to smoke and should be banned."

I further continue reading from the AMA study:

Does Tobacco Advertising Target Young People to Start Smoking?

Objective.—To evaluate whether tobacco advertising encourages teenagers younger than 18 years to start smoking.

Results.—The most advertised brands of cigarettes were Marlboro, according to 33.6% of adults and 41.8% of teenagers, and Camel, according to 13.7% of adults and 28.5% of teenagers—named most often by 12- to 13-year-olds (34.2%). The brands that were purchased most often were Marlboro and Camel. Together these were the brands of choice of 79.9% of males and 85% of females aged 12 through 17 years. Marlboro's market share increased in youths and young adults up to age 24 years and then decreased gradually with age; Camel's market share decreased abruptly with age: it was the brand of choice of 24.5% of males aged 12 through 17 years but was chosen by only 12.7% of males aged 18 through 24 years; for females, 21.7% aged 12 through 17 years chose Camels, while only 5.5% aged 18 through 24 preferred this brand. Both Marlboro and Camel brands had a higher market share in California in 1990 compared with that for the United States in 1986. Of interest in that the market share for Camel increased among the younger smokers but was more evenly distributed for Marlboro.

Conclusions.—Perception of advertising is higher among young smokers; market-share patterns across age and sex groups follow the perceived advertising patterns; and changes in the market share resulting from advertising occur mainly in younger smokers. Cigarette advertising encourages youths to smoke and should be banned.

Cigarettes are one of the most heavily marketed consumer products in the United States. For nearly two decades, public health advocates and representatives of the tobacco industry have hotly debated whether cigarette advertising encourages children to start smoking. The central concern of the public health community is that the themes and images used in tobacco advertising are attractive to children and inspire them to experiment with smoking. The tobacco industry has argued that advertising is necessary for tobacco companies to maintain market shares of this legal product and has claimed that advertising by individual tobacco companies targets adults only and encourages regular smokers to switch brands or to maintain brand loyalty. Despite evidence that 90% of recent adult smokers started smoking regularly before the age of 18 years, both tobacco product manufacturers and representatives of the major association of advertisers have consistently denied that cigarette advertising targets adolescents or encourages them to smoke or to use other tobacco products.

We hypothesized that credible evidence against tobacco advertising would include (1) recent survey data that showed that heavily advertised tobacco brands were noticed more by minors than by older adults; (2) market share of the cigarette brands in minors that reflected the pattern of recognition of advertising; and (3) the market share of a cigarette brand that only recently has targeted young people has increased disproportionately in the young.

One brand that has undergone a major new advertising campaign is Camel. Camel cigarettes were first introduced in 1913 by RJ Reynolds and their advertising approach remained unchanged until 1988, with such themes as "Camel. Where a man belongs." However, in February 1988, RJR decided to update the Camel image and introduced the "smooth character" multimedia advertising campaign, which features a cartoon camel.

The "smooth character is proving just how much a well-executed image blitz can do for a decrepit brand." The Tobacco Reporter also indicated how this campaign halted slumping sales, "contributing to a hefty 14 percent change in the brand's market share during 1990."

Several public health professionals have claimed that this advertising campaign targets children in particular.

In this article, we compare the performance of Camel with that of Marlboro, which has had the largest advertising budget for many years and has been the consistent market leader in recent times.

NAMING OF THE MOST ADVERTISED CIGARETTE BRAND

One-third (33.6%) of all adults (18 years old) identified Marlboro as the most advertised brand; Camel was identified by 13.7% of adults as the most advertised brand. Among teenagers (aged 12 through 17 years), 41.8% identified Marlboro and 28.5% identified Camel as the most advertised brand.

In each age group Marlboro was the brand most often named as the most advertised cigarette, and both Camel and Marlboro were named more often by adolescents than by adults. However, the youngest respondents (aged 12 through 13 years) most often named Camel as the most advertised brand, with 34.2% of this age group identifying Camel as the most advertised brand of cigarettes. Moreover, the percentage of respondents who named Camel steadily declined by age to

22.7% for 16-through 17-years-olds, 19.8% for 18- through 24-year-olds, and less than 10% for all respondents aged 45 years and older.

COMMENT

The data in this article add to the evidence that tobacco advertising differentially targets young people, particularly minors.

Some health professionals have suggested that the cartoon character advertising for the Camel brand preferentially targets and influences adolescents and even children. This impression is bolstered by the fact that RJR spent $100 million in 1990 both on its advertising campaign and on promotional giveaways of items that are appealing to adolescents. Our data support these concerns. The greatest recognition of the Camel advertising campaign occurred in the youngest age group examined in this study (ages 12 through 13 years).

Not only was the perception of Camel advertising highest among 12- to 13-year-olds, but it was also particularly high among those adolescents who were at considerable risk of starting to smoke.

We conclude that tobacco advertising, particularly of Camel cigarettes, has been effective in targeting adolescents in the United States.

It was those in the 12- through 13-year age group who had the highest recall of the advertisements, and recall was particularly high among those who did not yet smoke but who were considering smoking.

Our results suggest that tobacco advertising is causally related to young people becoming addicted to cigarettes; the sum of this evidence is considerable although not yet complete. Also, there is strong evidence that most smokers become addicted when they are minors and do not understand the long-term consequences of smoking.

Given the potential harm to the health of future generations, public policy should, as a matter of urgency, extend the ban on tobacco advertising to cover not only electronic media but also all other forms of cigarette advertising and promotion.

[From the Journal of the American Medical Association, Dec. 11, 1991, Vol. 266, No. 22]

RJR NABISCO'S CARTOON CAMEL PROMOTES CAMEL CIGARETTES TO CHILDREN

Objectives.—To determine if RJR Nabisco's cartoon-theme advertising is more effective in promoting Camel cigarettes to children or to adults. To determine if children see, remember, and are influenced by cigarette advertising.

Results.—Children were more likely to report prior exposure to the Old Joe cartoon character (97.7% vs. 72.2%). Children were better able to identify the type of product being advertised (97.5% vs. 67.0%) and the Camel cigarette brand name (93.6% vs. 57.7%). Children also found the Camel cigarette advertisements more appealing. Camel's share of the illegal children's cigarette market segment has increased from 0.5% to 32.8%, representing sales estimated at $476 million per year.

Conclusion.—Old Joe Camel cartoon advertisements are far more successful at marketing Camel cigarettes to children than to adults. This finding is consistent with tobacco industry documents that indicate that a major function of tobacco advertising is to promote and maintain tobacco addiction among children.

With the number of U.S. smokers declining by about 1 million each year, the tobacco industry's viability is critically dependent on its ability to recruit replacement smokers. Since children and teenagers constitute 90% of all new smokers, their importance to the industry is obvious. Many experts are convinced that the industry is actively promoting nicotine addiction among youth.

Spokespersons for the tobacco industry assert that they do not advertise to people under 21 years of age, the sole purpose of their advertising being to promote brand switching and brand loyalty among adult smokers. However, industry advertising expenditures cannot be economically justified on this basis alone. This study was therefore undertaken to determine the relative impact of tobacco advertising on children and adults.

There is abundant evidence that tobacco advertising influences children's images of smoking.

Children as young as the age of 6 years can reliably recall tobacco advertisements and match personality sketches with the brands using that imagery. In fact, children who are most attuned to cigarette advertising have the most positive attitudes toward smoking, whether or not they already smoke.

Historically, one brand that children have not bought is Camel. In seven surveys, involving 3,400 smokers in the seventh through 12th grades, conducted between 1976 and 1988 in Georgia, Louisiana, and Minnesota, Camel was given as the preferred brand by less than 0.5%.

In 1986, Camels were most popular with smokers over the age of 65 years, of whom 4.4% chose Camels, and least popular among those 17 to 24 years of age, of whom, only 2.7% preferred Camels.

In 1988, RJR Nabisco launched the "smooth character" advertising campaign, featuring Old Joe, a cartoon camel modeled after James Bond and Don Johnson of Miami Vice.

To determine the relative impact of Camel's Old Joe cartoon advertising on children and adults, we, AMA, used four standard marketing measures. 1. Recognition. 2. Recall. 3. Appeal. 4. Brand preference.

MATERIALS

Seven Camel Old Joe cartoon character advertisements were obtained from popular magazines during the 3 years prior to the study. One ad was masked to hide all clues (except Old Joe) as to the product and brand being advertised.

PROCEDURE

Subjects were first shown the masked ad and asked if they had seen the Old Joe character before. They were then asked to identify the product being advertised and the brand of the product.

The subjects were then shown, one at a time, the six unmasked advertisements and asked to rate how the advertisements and the Old Joe cartoon character appealed to them.

RESULTS

Children were much more likely than adults to recognize Camel's Old Joe cartoon character (97.7% vs. 72.2%).

When shown the masked advertisement, the children were much more successful than the adults in identifying the product being advertised (97.5% vs. 67.0%) and the Camel brand name (93.6% vs. 57.7%).

On all four measures, the children found the Camel cartoon advertisements more appealing than did the adults. Children were more likely to think the advertisements looked "cool" or "interesting."

The brand preference data revealed a dramatic reversal in the market segment pattern that existed prior to Camel's Old Joe cartoon character campaign. Camel was given as the preferred brand by 32.8% of the children up to the age of 18 years who smoked, 23.1% of Massachusetts adult smokers aged 19 and 20 years, and 8.7% of those 21 years of age and over.

Children were more likely to smoke if they believed that smoking is pleasurable and that it makes a person more popular and attractive—all common themes in cigarette advertising.

COMMENT

Our data demonstrate that in just 3 years Camel's Old Joe cartoon character had an astounding influence on children's smoking behavior. The proportion of smokers under 18 years of age who choose Camels has risen from 0.5% to 32.8%. Given that children under 18 years account for 3.3% of all cigarette sales, and given a national market share of 4.4% for Camel, we compute that Camel's adult market share is actually 3.4%. Given a current average price of 153.3 cents per pack, the illegal sale of Camel cigarettes to children under 18 years of age is estimated to have risen from $6 million per year prior to the cartoon advertisements to $476 million per year now, accounting for one quarter of all Camel sales.

From both a legal and moral perspective, it is important to determine if the tobacco industry is actively promoting nicotine addiction among youngsters. However, from a public health perspective it is irrelevant whether the effects of tobacco advertising on children are intentional. If tobacco advertising is a proximate cause of disease, it must be addressed accordingly.

Our data show that children are much more familiar with Camel's Old Joe cartoon character than are adults.

The industry targets poster advertisements for "key youth locations/meeting places in the proximity of theaters, records [sic] stores, video arcades, etc." It is common to see Old Joe poster advertisements in malls, an obvious gathering spot for young teens. Billboards, T-shirts, baseball caps, posters, candy cigarettes, and the sponsorship of televised sporting events and entertainment events such as the Camel "Mud and Monster" series are all used to promote Camels. All are effective marketing techniques for reaching children.

The fact that children are much more attracted to the themes used in the Old Joe cartoon character advertisements may also explain why they are more familiar with them.

Previous research makes it clear that children derive some of their positive images of smoking from advertising. Children who are aware of tobacco advertising, and those who approve of it, are also more likely to be smokers. Children's favorable attitudes toward smoking and advertising precede actual tobacco use and correlate with the child's intention to smoke, suggesting that the images children derive from advertising encourage them to smoke.

Since a child's intention to smoke is considered to be a good predictor of future smoking behavior, it seems reasonable to conclude that a belief in the psychological benefits of smoking, derived from advertising, precedes, and contributes to, the adoption of smoking.

The study found that for boys, "[t]he single most commonly voiced reason for quitting among those who had done so * * * was sports." The tobacco industry's sponsorship of sporting events, such as the Camel Supercross motorcycle race, should be seen in relation to its need to discourage teenage boys from quitting.

Our study provides further evidence that tobacco advertising promotes and maintains nicotine addiction among children and adolescents. A total ban of tobacco advertising and promotions, as part of an effort to protect children from the dangers of tobacco, can be based on sound scientific reasoning.

[Journal of the American Medical Association, Dec. 11, 1991, Vol. 266, No. 22]

BRAND LOGO RECOGNITION BY CHILDREN AGED 3 TO 6 YEARS

Objective.—Little is known about the influence of advertising on very young children. We, therefore, measured product logo recognition by subjects aged 3 to 6 years.

Results.—The children demonstrated high rates of logo recognition. When analyzed by product category, the level of recognition of cigarette logos was intermediate between children's and adult products. The recognition rates of The Disney Channel logo and Old Joe (the cartoon character promoting Camel cigarettes) were highest in their respective product categories. Recognition rates increased with age. Approximately 30% of 3-year-old children correctly matched Old Joe with a picture of a cigarette compared with 91.3% of 6-year-old children.

Conclusion.—Very young children see, understand, and remember advertising. Given the serious health consequences of smoking, the exposure of children to environmental tobacco advertising may represent an important health risk and should be studied further.

Several types of research have been used in the past decade to examine the association between cigarette advertising and rates of underage smoking.

Collectively, these studies provide compelling evidence that cigarette advertisements are seen by adolescents and that they respond to the advertisements' intent. Some health experts, therefore, now believe that cigarette advertising is casually linked to smoking behavior.

In contrast, the tobacco industry argues that cigarette advertising is not targeted to adolescents and that advertising does not increase the use of tobacco products. These companies claim that advertising and promotion are designed instead to produce brand switching by adults who already smoke. In 1988, the tobacco industry spent $3.27 billion on cigarette advertising and promotions, making cigarettes the second most heavily advertised product in the United States. This level of advertising cannot be justified on the basis of brand switching alone, since only 10% of current smokers change brands within a given year.

There has been considerable speculation but little published research on the impact of advertising on very young children.

There is, however, some evidence that very young children understand advertising.

We studied the recognition level of 22 brand logos by children aged 3 to 6 years. Included were logos from two of the most heavily advertised cigarette brands: Camel and Marlboro.

METHODS

The study design was based on the well-accepted market research concept of advertisement recognition.

Recognition was measured by having the subjects match 22 logo cards to one of 12 products pictured on a game board.

RESULTS

Two hundred twenty-nine children were recruited. Subjects ranged in age from 3 to 6 years.

Each subject's parent was asked to report the number of hours of television watched per day by his or her child.

As would be expected, children had high recognition of the children's brand logos ranging from 91.7% for The Disney Channel to 25.3% for Cheerios.

Old Joe, the cartoon character promoting Camel cigarettes, had the highest recognition rate among the tested cigarette logos. More than half of the subjects correctly matched this figure with a picture of a cigarette. The other cigarette logos were correctly recognized at rates of 18.0% to 32.8%.

Cigarette logo recognition rates ranged from 11.4% (Camel) to 30.4% (Old Joe) for 3-year-old subjects. This rate increased to between 43.5% (Camel) and 91.3% (Old Joe) for children 6 years of age.

While the Disney Channel's logo recognition was higher for subjects aged 3, 4, and 5 years, this difference in recognition was not significant in subjects aged 6 years. In that age group, both the silhouette of Mickey Mouse and the face of Old Joe were nearly equally well recognized and correctly matched by almost all children.

COMMENT

Children are referred to by marketing researchers as "consumers in training." As stated by McNeal, "All of the skills, knowledge, and behavior patterns that together we call consumer behavior are purposely taught to our children right along with toilet training, toddling and talking."

Research has identified three distinct children's markets. First are the markets directly under the control of children.

The second market is for products in which children influence household purchasing decisions.

The third market is for products that children will consume when they become adolescents and adults. Market researchers believe that brand awareness created in childhood can be the basis for product preference later in life.

This potential influence has raised concern about the exposure of children to cigarette advertising. For instance, it has been suggested that children receive positive messages about smoking when they view cigarette advertisements and that this may influence later decisions to smoke.

The children in this study demonstrated high recognition rates of brand logos for products that are targeted to both children and adults.

It is no surprise that most children can properly match the McDonald's arches to a hamburger. It is also not surprising that there is high recognition of the Chevrolet and Ford logos. Automobiles are heavily advertised on television, and many children are exposed to these brands through personal family use. In contrast, the high recognition rate of cigarette logos may be counterintuitive. After all, cigarette advertising no longer appears on television and very young children cannot read. Yet by the age of 6 years, Old Joe is as well recognized as Mickey Mouse.

Children's knowledge of cigarette brand logos is most likely the result of their exposure to "environmental tobacco advertising." Camel and Marlboro brand advertising is ubiquitous, appearing in movies, on billboards, promotional displays at youth-oriented events, on television during sporting events, and on "line extenders," such as T-shirts, posters, and caps.

It is obviously impossible to predict how the exposure of children to environmental tobacco advertising might influence their later smoking behavior. While cigarette companies claim that they do not intend to market to children, their intentions are irrelevant if advertising affects what children know. R.J. Reynolds Tobacco Company is as effective as The Disney Channel in reaching 6-year-old children. Given this fact and the known health consequences of smoking, cigarette advertising may be an important health risk for children.

☐ 1500

Mr. Speaker, I will conclude at this point by reminding those who have been listening to or observing these proceedings, that what I was reading for the last few minutes was from three studies published on December 11, 1991, in the Journal of the American Medical Association.

These studies may be refutable, they may be impeachable, they may be on shaky scientific and demographic grounds, and they could possibly be challenged, and successfully, whether within the industry or outside the industry. However, Mr. Speaker, they are important. They were published, they are advanced by a reputable organization which is devoted to improving the health of this Nation and the public health of the world, and I think they ought to be studied very carefully.

I go back to where I began today in my first words in my 1-minute speech, and that is that four of us, the gentlewoman from Colorado [Mrs. SCHROEDER], the gentleman from Oklahoma [Mr. SYNAR], the gentleman from Massachusetts [Mr. ATKINS] and the gentleman from Kentucky now in the well, myself, Mr. MAZZOLI, jointly sent a letter to RJR Nabisco today requesting that it discontinue voluntarily the Old Joe advertising campaign for Camel cigarettes. That same request has been made many, many times and, very recently, by Surgeon General Antonia Novella on March 9 of this year.

Mr. Speaker, I hope that RJR Nabisco will do this. I think it will be evidence on its part that it recognizes social responsibility and that there may be some credible evidence that smoking and youth are mixed together because of attractive advertising campaigns. If RJR Nabisco were to drop the campaign, of course it would reflect very well on the tobacco industry going an extra, an unmandated, mile to do the right thing, and furthermore it would certainly reflect well upon the corporate community since RJR Nabisco is a leader in that community.

For our children's sake, Mr. Speaker, I hope that Old Joe Camel is retired.

Mr. Speaker, I include for the RECORD the materials I referred to.

[Journal of the American Medical Association, Dec. 11, 1991, Vol. 266, No. 22]

DOES TOBACCO ADVERTISING TARGET YOUNG PEOPLE TO START SMOKING?

(By John P. Pierce, PhD; Elizabeth Gilpin, MS; David M. Burns, MD; Elizabeth Whalen, MA; Bradley Rosbrook. MS; Donald Shopland; Michael Johnson, PhD)

Objective.—To evaluate whether tobacco advertising encourages teenagers younger than 18 years to start smoking.

Design.—Comparison of 1990 California telephone survey data with data from a 1986 national telephone survey (both used a random-digit dialing system); 95% confidence intervals were calculated. To test our hypothesis, we considered whether the perception of advertising was related to age, whether the pattern of market share across age and sex groups followed the pattern of perceived advertising, and whether changes in market share paralleled changes in advertising as perceived by the youngest age group.

Participants.—There were 24,296 adults and 5,040 teenagers.

Results.—The most advertised brands of cigarettes were Marlboro, according to 33.6% of adults and 41.8% of teenagers, and Camel, according to 13.7% of adults and 28.5% of teenagers—named most often by 12- to 13-year-olds (34.2%). The brands that were purchased most often were Marlboro and Camel. Together these were the brands of choice of 79.9% of males and 85% of females aged 12 through 17 years. Marlboro's market share increased in youths and young adults up to age 24 years and then decreased gradually with age; Camel's market share decreased abruptly with age: it was the brand of choice of 24.5%±5.8% of males aged 12 through 17 years but was chosen by only 12.7%±3.6% of males aged 18 through 24 years; for females, 21.7%±13.7% aged 12 through 17 years chose Camels, while only 5.5%±3.2% aged 18 through 24 years preferred this brand. Both Marlboro and Camel brands had a higher market share in California in 1990 compared with that for the United States in 1986. Of interest is that the market share for Camel increased among the younger smokers but was more evenly distributed for Marlboro.

Conclusions.—Perception of advertising is higher among young smokers; market-share patterns across age and six groups follow the perceived advertising patterns; and changes in market share resulting from advertising occur mainly in younger smokers. Cigarette advertising encourages youth to smoke and should be banned.

Cigarettes are one of the most heavily marketed consumer products in the United States. For nearly two decades, public health advocates and representatives of the tobacco industry have hotly debated whether cigarette advertising encourages children to start smoking. The central concern of the public health community is that the themes and images used in tobacco advertising are attractive to children and inspire them to experiment with smoking which is highly addictive. The tobacco industry has argued that advertising is necessary for tobacco companies to maintain market shares of this legal product and has claimed that advertising by individual tobacco companies targets adults only and encourages regular smokers to switch brands or to maintain brand loyalty. Despite evidence that 90% of recent adult smokers started smoking regularly before the age of 18 years, both tobacco product manufacturers and representatives of the major association of advertisers have consistently denied that cigarette advertising targets adolescents or encourages them to smoke or to use other tobacco products.

The effects of tobacco advertising have become increasingly important and relevant issues, as can be seen by recent events in Canada. In that country, public health advocates successfully used the argument that advertising promotes smoking by minors to convince the national legislature to ban all tobacco advertising. The tobacco industry appealed, and in the first round of appeal, the judge overturned the law (although the law remains in effect pending the next round of appeal). This judicial decision was based on acceptance of the tobacco industry's argument on the purpose of its advertising. This decision demonstrates the need to document further the evidence that tobacco advertising does target young people to smoke.

We hypothesized that credible evidence against tobacco advertising would include (1) recent survey data that showed that heavily advertised tobacco brands were noticed more by minors than by older adults; (2) market share of cigarette brands in minors that reflected the pattern of recognition of advertising; and (3) the market share of a cigarette brand that only recently has targeted young people has increased disproportionately in the young. To address this third issue, it would be important to choose a brand for which there has been a major new advertising campaign in recent years and compare its performance with a brand that has been heavily advertised for years.

One brand that has undergone a major new advertising campaign is Camel. Camel cigarettes were first introduced in 1913 by RJ Reynolds (RJR), and their advertising approach remained unchanged until 1988, with such themes as "Camel. Where a man belongs." However, in February 1988, RJR decided to update the Camel image and introduced the "smooth character" multimedia advertising campaign, which features a cartoon camel. It has been claimed that, since the introduction of this campaign in 1988, "the character has reversed the fortunes of Camel cigarettes, now the No. 6 brand in the $40 billion market" and that the "smooth character is proving just how much a well-executed image blitz can do for a decrepit brand." The Tobacco Reporter also indicated how this campaign halted slumping sales, "contributing to a hefty 14 percent change in the brand's market share during 1990."

Several public health professionals have claimed that this advertising campaign targets children in particular. Even within the tobacco industry, one hears some suggestions that the new Camel campaign does just that. Bird quotes a "source close to Marlboro" as having said: "When you see teenage boys—people the cigarette companies aren't supposed to be targeting in the first place—going crazy for this guy [the cartoon camel], you know they're [RJR] hitting their target." The RJR company has countered by claiming that "Camel smokers are principally white males over the age of 21 years."

Camel is a brand that has undergone a change in its marketing strategy from one clearly targeted at adult men to one that is now accused of aiming its heavy advertising at minors. In this article, we compare the performance of Camel with that of Marlboro, which has had the largest advertising budget for many years and has been the consistent market leader in recent times. We present evidence that Camel and Marlboro cigarettes are perceived by minors as being heavily advertised; that minors when compared with adults differentially smoke heavily advertised brands; and that the market share of minors and young adults has increased disproportionately for Camel cigarettes compared with Marlboro over the past 5 years.

METHODS

Data Sources

In 1990, the California Department of Health commissioned a series of California Tobacco Surveys (CTS). Herein we report data from in-depth telephone interviews of 24,296 adults and 5,040 teenagers. These interviews were obtained after a stratified Waksberg random-digit dialing method was used to screen 32 <> 135 households to recruit participants (J. Waksberg, unpublished data, December 17, 1984).

Response Rates and Survey Methods

All adult smokers and former smokers who had quit within the last 5 years were interviewed; a random 28% of all other adults were interviewed. The survey team interviewed all adolescents between the ages of 12 and 17 years in the screened households. The response rates were 75.3% and 78.4% for the adult and teenage surveys, respectively. The aforementioned sampling probabilities were used as part of the design effect to develop an initial weighting formula to provide population estimates. Poststratification weighting ensured that the sample was representative of the state population by age, sex, county-region, education, and race-ethnicity.

We compared data from the CTS with data collected in a similarly designed national survey, the Adult Use of Tobacco Survey (AUTS). The AUTS was a national sample of 13,031 adults older than 17 years. The response rates for the AUTS and for the in-depth surveys were 85.5% and 86.9%, respectively. Poststratification weighting was undertaken in this survey to ensure that the population was representative of the adult population of the United States by age, sex, education, and race-ethnicity.

Definitions of Smoking Status

The definitions of current smoking were those standards that are used in all national surveys in the United States. Adults were asked whether they had smoked 100 cigarettes in their lifetime and whether they smoked now. Former smokers were those who had smoked 100 cigarettes but did not currently smoke, and those who smoked fewer than 100 cigarettes were considered to have never smoked. Teenagers were classified as current smokers if they reported smoking a cigarette within the previous 30 days. We further classified teenagers who were not current smokers as follows: respondents who had smoked (but not within the 30-day time frame) were considered to have experimented with smoking or to be former smokers; those who had never smoked but indicated that they might smoke in the future were categorized as adolescents contemplating smoking; and, finally, teenagers who said they would never smoke were placed in a "never" category.

Survey Questions

In both the adult and the teenage CTS, information on brand smoked was obtained by asking current smokers. "What brand do you usually buy?" In the 1986 AUTS, current smokers were asked, "What brand of cigarette do you usually smoke now." In the 1990 CTS, all respondents were asked the following question about cigarette advertising: "Think back to the cigarette advertisements you have recently seen on billboards or in magazines. What brand of cigarette was advertised the most?"

Calculation of Confidence Intervals (CIs)

For all percentages in the figures and tables, we have provided 95% CIs. In the CTS, these were derived by a variant of the jackknife procedure, in which 33 subsamples were taken from the full survey file, and sample weights were computed according to the same procedure as for the full sample. Variances were estimated on the basis of the deviations of the subsample percentages and the percentage for the full sample. The variances were than used to compute the 95%

CIs on the basis of the critical value from Student's *t* distribution. For the 1986 data, a design effect (1.5), which represents the cost in lack of precision for choosing a sampling design other than a simple random sample, published with the survey results, was used to inflate the initial variance, which was computed as if the study sample were a simple random sample.

RESULTS

Naming of the Most Advertised Cigarette Brand

One third (33.6%) of all adults (18 years old) identified Marlboro as the most advertised brand; Camel was identified by 13.7% of adults as the most advertised brand. Among teenagers (aged 12 through 17 years), 41.8% identified Marlboro and 28.5% identified Camel as the most advertised brand. No more than 3% of either the adult or teenage respondents named any other single brand.

In each age group (except the youngest, in which the 95% CIs overlapped), Marlboro was the brand most often named as the most advertised cigarette, and both Camel and Marlboro were named more often by adolescents than by adults. However, the pattern of recognition for Marlboro advertising across age groups was somewhat different from the pattern for Camel advertising. The percentage who named Marlboro as being the most advertised increased with age among adolescents, peaking at 48.1% among the 16- through 17-year-old age group before declining among adults. However, the youngest respondents (aged 12 through 13 years) most often named Camel as the most advertised brand, with 34.2% of this age group identifying Camel as the most advertised brand of cigarettes. Moreover, the percentage of respondents who named Camel steadily declined by age to 22.7% for 16- through 17-year-olds, 19.8% for 18- through 24-year-olds, and less than 10% for all respondents aged 45 years and older.

Identification of Brand in Adolescents by Smoking Status and Sex

Among teenagers, the brand that was named the most advertised varied by smoking status among boys and girls. Among boys who had smoked in the month before the survey, 56.7% named Marlboro and 28.4% named Camel (95% CIs did not overlap). Among boys who had never smoked but who were contemplating smoking, 44.5% identified Marlboro and 36.7% identified Camel as the most advertised. Thus, Marlboro was most frequently named the most advertised brand in all male adolescent groups; more than 40% of all boys named it, and the current smokers named it more often than did respondents from the other groups. Camel cigarettes were named particularly often by boys who were contemplating starting to smoke (about 36%), although 95% CIs for the different smoking status groups overlapped.

Among girls, Marlboro was identified as the most advertised brand by more than one-third of each smoking status group. As among boys, girls who reported some experience with smoking were the ones who most often named Marlboro. In all but one group (95% CIs did not overlap), Camel cigarettes were named less frequently than Marlboro; among the group of teenage girls who were contemplating starting to smoke, the percentage who identified Camel as the most advertised brand (35%) was slightly higher (95% CIs overlapped) than the percentage who identified Marlboro.

Reported Preference for Cigarette Brands, California 1990

The pattern of cigarette brands purchased by California smokers paralleled the reported perception of advertising.

Marlboro and Camel dominated the adolescent male market: 79.9% of the 12- through 17-year-old male smokers reported purchasing these brands. The market share controlled by the two brands declined steadily with the increasing age of the smoker: 84% of the 18- through 24-year-old market; 75.5% of the 25- through 29-year-old market; and 58.2% of the 30- through 44-year-old market. In contrast to a relatively gradual decline in market share across the different age groups for Marlboro, the decline in Camel's market share occurred abruptly between adolescent and adult groups. Market share decreased from 24.5% among male adolescents to about 12% among men between the ages of 18 and 44 years; 95% CIs between the teenage and first adult group did not overlap.

The market-share pattern for females for Marlboro and Camel was somewhat similar to that for males. The two brands shared 85% of the adolescent female market and 74.9% of the 18- through 24-year-old market; the market-share again declined rapidly with age. Marlboro was the most often purchased brand: 63.3% of teenage female smokers and 69.4% of 18- through 24-year-old female smokers reported purchasing that brand. For Camel, the step-function decline in the postadolescent market share was even more dramatic among female smokers than among male smokers. Camel cigarettes reached a market share of 21.7% in 12- through 17-year-old girls who smoked; market share then decreased to under 6% in all older age groups (95% CIs barely overlapped.)

Increases in Camel Market Share Between 1986 and 1990

We examined whether the preference for Camel cigarettes by California smokers in 1990 was recent by comparing the brand preference of California smokers in 1990 to the preferences of all US smokers in 1986. Rate ratios compare the percentage of California smokers who bought Camel and Marlboro in 1990 with the percentage of US smokers who bought these two brands in 1986. The rate ratios greater than 1 indicate that the percentage of smokers who reported purchasing these brands of cigarettes was considerably higher in California in 1990 than it was in the United States in 1986 in each age and sex group. Rate ratios are given separately for three age groups and for males and females.

TABLE 1.—BRANDS PURCHASED BY SMOKERS IN CALIFORNIA

Age, y[2]	Brand purchased, percent[1]			Sample size, n
	Marlboro	Camel	Other	
Males:				
12 to 17	55.4±12.6	24.5±8.0	18.0±13.4	131
18 to 24	71.3±5.1	12.7±3.6	16.0±4.5	567
25 to 29	61.7±7.6	13.8±6.9	24.5±5.8	470
30 to 44	47.7±2.9	10.5±2.1	41.8±3.3	1579
More than 45	21.1±2.7	8.1±2.8	70.8±3.3	1316
Females:				
12 to 17	83.3±15.7	21.7±13.7	13.4±9.6	102
18 to 24	69.4±7.1	5.5±3.2	25.1±7.3	461
25 to 29	49.5±7.2	3.6±2.5	46.9±8.3	467
30 to 44	33.0±4.0	2.3±0.9	64.7±4.2	1500
More than 45	12.7±3.1	2.2±1.2	85.1±3.6	1594

[1] Numbers given are percentages ±95% confidence intervals.

[2] In the youngest age group of both sexes, a small percentage did not purchase cigarettes but obtained them by other means.

TABLE 2.—DIFFERENCES IN MARLBORO AND CAMEL BRANDS PURCHASED BY SMOKERS IN CALIFORNIA IN 1990 COMPARED WITH SMOKERS IN THE UNITED STATES IN 1986

Age, y	Market share[1]						Rate ratio	
	1986			1990				
	n	Marlboro	Camel	n	Marlboro	Camel	Marlboro	Camel
Males:								
18 to 29	571	49.6±5.2	5.8±2.4	1037	66.8±5.0	13.2±3.7	1.4	2.3
30 to 44	950	26.4±3.8	6.8±2.0	1579	47.7±2.9	10.5±2.1	1.8	1.5
More than 45	799	11.7±2.8	7.0±2.2	1316	21.1±2.7	8.1±2.8	1.8	1.2
Females:								
18 to 29	619	39.4±4.9	1.0±1.0	928	59.0±4.8	4.6±2.1	1.5	4.5
30 to 44	830	17.0±3.2	1.0±0.9	1500	33.0±4.0	2.3±0.9	1.9	2.3
More than 45	879	4.5±1.7	1.5±1.0	1594	12.7±3.1	2.2±1.2	2.8	1.5

[1] Numbers given are percentages ±95% confidence intervals.

The market share for Marlboro was 40% to 80% higher among males in California in 1990 compared with 1986 US data. The market-share increase for Camel was 230% in the youngest age group and was 50% and 20% in the two older age groups. The proportionate increases in market share of both brands were higher among females than among males for all age groups. Among females, the Camel brand had a low market base in 1986. The percentage of female smokers between the ages of 18 and 29 years who purchased

Camel cigarettes in California in 1990 was 450% higher than that for the country as a whole in 1986.

In both males and females, Marlboro's rate ratio increased somewhat consistently across age groups. However, this was not the case for Camel: the major source of Camel's market-share increase appears to have come from the younger smokers.

COMMENT

The data in this article add to the evidence that tobacco advertising differentially targets young people, particularly minors. We have considered some expected consequences should tobacco advertising target minors: first, the perception of the advertising would be inversely related to age: second, the pattern of market share across age and sex groups would follow the pattern of the perceived advertising; and third, changes in market share caused by increased targeting of advertising would occur differentially in the youngest age groups.

In California in 1990, people generally perceived Marlboro to be the most advertised brand of cigarettes, followed by Camel. These two brands were named most advertised by 70% of adolescents and 47% of adults. Some health professionals have suggested that the cartoon character advertising for the Camel brands preferentially targets and influences adolescents and even children.[18] This impression is bolstered by the fact that RJR spent $100 million in 1990 both on its advertising campaign and on promotional giveaways of items that are appealing to adolescents. Our data support these concerns. The greatest recognition of the Camel advertising campaign occurred in the youngest age group examined in this study (ages 12 through 13 years). Indeed, the level of recognition was inversely related to the age of the subject. This nearly linear inverse trend was not demonstrated with all cigarette advertising, as evidenced by our results for Marlboro. While Marlboro has enormous recognition as the most advertised brand in all age groups, peak recognition occurred at ages 16 through 17 years. Not only was the perception of Camel advertising highest among 12- to 13-year-olds, but it was also particularly high among those adolescents who were at considerable risk of starting to smoke. Although there is an electronic-media ban on tobacco advertising, tobacco companies have devised other means to promote their products to minors.

Marlboro and Camel had the largest market shares of all cigarette brands in California in 1990. This was particularly the case in young smokers; these two brands had 80% of the market share among 12- through 17-year-old smokers and 84% among 18- through 24-year-old smokers. The pattern of market share for both brands was the same as the pattern for recognition of the advertising. In both males and females, the proportion of smokers who reported smoking Camel cigarettes decreased with age. Furthermore, the market share for Camel among 12- through 17-year-old boys was almost twice that among 18- to 24-year-old men. Similarly, the market share for Camel in 12- through 17-year-old girls was many times higher than in the next highest age group (18 through 24 years). The peak market share for Marlboro was in the 18- and 24-year-old age group for both males and females, and the age pattern of the market share was similar to the age pattern for identification of Marlboro as the most advertised brand. Thus, the pattern of market share for each brand is different and appears to mirror the pattern of recall of advertising for that particular brand.

A final purpose of our analysis was to relate changes in the market share of Camel compared with Marlboro since the start of the new smooth character Camel campaign. We were particularly interested in determining whether the estimated change in market share for the Camel brand occurred in the younger age groups to which the advertising appears to be targeted. Unfortunately, the data that we had for this assessment were less than optimal; the only brand data that we had available were for the whole nation in 1986 compared with California only in 1990. In addition, the 1986 data set included adults only (18 years and older) and so did not include the majority of teenagers. Accordingly, we examined the ratio of change across adult age groups between the Camel and Marlboro brands. We hypothesized that if Camel advertising more effectively targets young people than does Marlboro advertising, then the increase in market share for Camel will disproportionately come from the younger age groups compared with the pattern of increase in market share for Marlboro.

The market share for both Marlboro and Camel appears to have increased between 1986 and 1990. The market share for Marlboro appears to have increased more in those older than 30 years than in those younger than 30 years in both men and women. In contrast, the market share for the Camel has shown a marked increase among men and women younger than 30 years than among those older than 30 years.

We conclude that tobacco advertising, particularly of Camel cigarettes, has been effective in targeting adolescents in the United States, (indeed, the 1990 CTS were undertaken during a major antismoking advertising campaign in California, so our results may actually underestimate the problem.) It was those in the 12- through 13-year age group who had the highest recall of the advertisements, and recall was particularly high among those who did not yet smoke but who were considering smoking. These advertisements appear to influence these prospective new smokers to start smoking the brand that is advertised. Our data suggest an association between the brands identified as most highly advertised and market share for the same brands. Not only is the market share of brands similar to recall of the most advertised brands, but the brand that appears to be aimed the most at adolescents has demonstrated a differential increase in market share in the youngest adolescents over time. Resolving this issue will require a longitudinal study, which we hope to undertake in the near future.

Our results suggest that tobacco advertising is causally related to young people becoming addicted to cigarettes; the sum of this evidence is considerable although not yet complete. Also, there is strong evidence that most smokers become addicted when they are minors and do not understand the long-term consequences of smoking. Overcoming this addiction is a lifelong struggle for many smokers, and the failure rate for cessation attempts is extremely high. Unless those responsible for protecting our young take action quickly, the declines that we have seen recently in the proportion of our youngsters who start to smoke may be in jeopardy. Given the potential harm to the health of future generations, public policy should, as a matter of urgency, extend the ban on tobacco advertising to cover not only electronic media but also all other forms of cigarette advertising and promotion.

This study was supported by contract 89-97872 from the California Department of Health Services. Tobacco Control Section, Sacramento.

[From the Journal of the American Medical Association, Dec. 11, 1991, Vol. 266, No. 22]

RJR NABISCO'S CARTOON CAMEL PROMOTES CAMEL CIGARETTES TO CHILDREN

(By Joseph R. DiFranza, MD; John W. Richards, Jr. MD; Paul M. Paulman, MD; Nancy Wolf-Gillespie, MA; Christopher Fletcher, MD; Robert D. Jaffe, MD; David Murray, PhD)

Objectives.—To determine if RJR Nabisco's cartoon-theme advertising is more effective in promoting Camel cigarettes to children or to adults. To determine if children see, remember, and are influenced by cigarette advertising.

Design.—Use of four standard marketing measures to compare the effects of Camel's Old Joe cartoon advertising on children and adults.

Subjects.—High school students, grades 9 through 12, from five regions of the United States, and adults, aged 21 years and over, from Massachusetts.

Outcome Measures.—Recognition of Camel's Old Joe cartoon character, product and brand name recall, brand preference, appeal of advertising themes.

Results.—Children were more likely to report prior exposure to the Old Joe cartoon character (97.7% vs 72.2%, $P<.0001$). Children were better able to identify the type of product being advertised (97.5% vs 67.0% $P<.0001$) and the Camel cigarette brand name (93.6% vs 57.7%; $P<.0001$). Children also found the Camel cigarette advertisements more appealing ($P<.0001$). Camel's share of the illegal children's cigarette market segment has increased from 0.5% to 32.8%, representing sales estimated at $476 million per year.

Conclusion.—Old Joe Camel cartoon advertisements are far more successful at marketing Camel cigarettes to children than to adults. This finding is consistent with tobacco industry documents that indicate that a major function of tobacco advertising is to promote and maintain tobacco addiction among children.

With the number of US smokers declining by about 1 million each year, the tobacco industry's viability is critically dependent on its ability to recruit replacement smokers. Since children and teenagers constitute 90% of all new smokers, their importance to the industry is obvious. Many experts are convinced that the industry is actively promoting nicotine addiction among youth.

Spokespersons for the tobacco industry assert that they do not advertise to people under 21 years of age, the sole purpose of their advertising being to promote brand switching and brand loyalty among adult smokers. However, industry advertising expenditures cannot be economically justified on this basis alone. This study was therefore undertaken to determine the relative impact of tobacco advertising on children and adults.

There is abundant evidence that tobacco advertising influences children's images of smoking. In Britain, the proportion of children who gave "looks tough" as a reason for smoking declined after tough images were banned from cigarette advertisements. Children as young as the age of 6 years can reliably recall tobacco advertisements and match personality sketches with the brands using that imagery. In fact, cigarette advertising establishes such imagery among children who are cognitively too immature to understand the purpose of advertising. Subsequently, children who are most attuned to cigarette advertising have the most positive attitudes toward smoking, whether or not they already smoke. Children who are more aware of, or who approve of, cigarette advertisements are more likely to smoke, and those who do smoke but the most heavily advertised brands.

Historically, one brand that children have not bought is Camel. In seven surveys, involving 3,400 smokers in the seventh through 12th grades, conducted between 1976 and 1988 in Georgia, Louisiana, and Minnesota, Camel was given as the preferred brand by less than 0.5% (Saundra MacD. Hunter, PhD. Weihang Bao, PhD. Larry S. Webber, PhD, and Gerald S. Berenson, MD, unpublished data, 1991: D.M., unpublished data, 1991). In 1986, Camels were most popular with smokers over the age of 65 years, of whom 4.4% chose Camels, and least popular among those 17 to 24 years of age, of whom only 2.7% preferred Camels.

In 1988, RJR Nabisco launched the "smooth character" advertising campaign, featuring Old Joe, a cartoon camel modeled after James Bond and Don Johnson of Miami Vice. Many industry analysts believe that the goal of this campaign is to reposition Camel to compete with Philip Morris' Marlboro brand for the illegal children's market segment. To determine the relative impact of Camel's Old Joe cartoon advertising on children and adults, we used four standard marketing measures.

1. Recognition. We compared the proportions of teenagers and adults aged 21 years and over who recognize Camel's Old Joe cartoon character.

2. Recall. We compared the ability of teenagers and adults to recall from a masked Old Joe advertisement the type of product being advertised and the brand name.

3. Appeal. We compared how interesting and appealing a series of Old Joe cartoon character advertisements were to teenagers and adults.

4. Brand preference. We compared brand preferences of teenaged smokers prior to the Old Joe cartoon character campaign with those 3 years into the campaign to determine if the campaign had been more effective with children or with adults, and to determine if Camel had been repositioned as a children's brand.

METHODS

Subjects

Since adolescent brand preferences may vary from one geographic location to another (Saundra MacD. Hunter, PhD, Weihang Bao, PhD, Larry S. Webber, PhD, and Gerald S. Berenson, MD, unpublished data, 1991; D.M., unpublished data, 1991), we selected children from Georgia, Massachusetts, Nebraska, New Mexico, and Washington, representing five regions. One school in each state was selected based on its administration's willingness to participate. Schools with a smoking prevention program focused on tobacco advertising were excluded.

A target of 60 students in each grade, 9 through 12, from each school was set. In large schools, classes were selected to obtain a sample representative of all levels of academic ability. Students were told that the study concerned advertising and were invited to participate anonymously.

Since adult brand preferences are available from national surveys, adult subjects were recruited only at the Massachusetts site. All drivers, regardless of age, who were renewing their licenses at the Registry of Motor Vehicles on the days of the study during the 1990-1991 school year were asked to participate. Since licenses must be renewed in person, this is a heterogeneous population.

Materials

Seven Camel Old Joe cartoon character advertisements were obtained from popular magazines during the 3 years prior to the study. One ad was masked to hide all clues (except Old Joe) as to the product and brand being advertised.

The survey instrument collected demographic information and information on past and present use of tobacco, including brand preference. Children were considered to be smokers if they had smoked one or more cigarettes during the previous week. Previously validated questions were used to determine children's intentions regarding smoking in the next month and year and their attitudes toward the advertised social benefits of smoking.

Subjects rated the ads as "cool or stupid" and "interesting or boring." Subjects were asked if they thought Old Joe was "cool" and if they would like to be friends with him. Each positive response to these four questions was scored as a one, a negative response as a zero. The "appeal score" was the arithmetic sum of the responses to these four questions, with the lowest possible score per respondent being a zero and the highest a four.

Procedure

Subjects were first shown the masked ad and asked if they had seen the Old Joe character before. They were then asked to identify the product being advertised and the brand name of the product. Subjects who could not answer these questions were required to respond "Don't know" so they would not be able to write in the correct answer when the unmasked advertisements were shown. The subjects were then shown, one at a time, the six unmasked advertisements and asked to rate how the advertisements and the Old Joe cartoon character appealed to them. Subjects then completed the remainder of the survey instrument.

Adolescent brand preference data from this study were compared with the data obtained by seven surveys completed prior to the kickoff of Camel's Old Joe cartoon character campaign early in 1988 (Saundra MacD. Hunter, PhD, Weihang Bao, PhD, Larry S. Webber, PhD, and Gerald S. Berenson, MD, unpublished data, 1991; D.M., unpublished data, 1991).

Tests of significance were made using the Two-tailed Student's t Test for continuous data and the χ^2 and Fisher's Exact Test for discrete data. A P value of less than .05 was used to define statistical significance.

The study was conducted during the 1990-1991 school year.

RESULTS

A total of 1060 students and 491 subjects from the Registry of Motor Vehicles were asked to participate. Usable surveys were obtained from 1055 students (99%) and 415 license renewal applicants (84.5%). Seventy drivers were under 21 years of age, leaving 345 adults aged 21 years or older. Students ranged in age from 12 to 19 years (mean, 15.99 years) and adults from 21 to 87 years (mean, 40.47 years). Females represented 51.0% of the students and 54.8% of the adults.

Children were much more likely than adults to recognize Camel's Old Joe cartoon character (97.7% vs 72.2%; P<.0001). It is not plausible that the children were simply saying they had seen Old Joe when they had not, since they also demonstrated a greater familiarity with the advertisement on the two objective measures.

When shown the masked advertisement, the children were much more successful than the adults in identifying the product being advertised (97.5% vs 67.0%; $P<.0001$) and the Camel brand name (93.6% vs 57.7%; $P<.0001$). Even when the analysis was limited to those subjects who were familiar with the Old Joe cartoon character, children were still more likely than adults to remember the product (98.6% vs 89.6%; $P<.0001$) and the Camel brand name (95.0% vs 79.1%; $P<.0001$). This confirms that Old Joe cartoon advertisements are more effective at communicating product and brand name information to children than to adults.

Because Massachusetts adults may not be representative of adults in the other four states where children were surveyed, the above analyses were repeated comparing only Massachusetts children and adults. In all cases the differences between adults and children were significant and of even greater magnitude ($P<.0001$), excluding the possibility that the above findings were due to a lighter level of advertising exposure in the Massachusetts area.

On all four measures, the children found the Camel cartoon advertisements more appealing than did the adults. Children were more likely to think the advertisements looked "cool" (58.0% vs 39.9%; $P<.0001$) or "interesting" (73.6% vs 55.1%; $P<.0001$). More of the children thought Old Joe was "cool" (43.0% vs 25.7%; $P<.0001$) and wanted to be friends with him (35.0% vs 14.4%; $P<.0001$).

The brand preference data revealed a dramatic reversal in the market segment pattern that existed prior to Camel's Old Joe cartoon character campaign. Camel was given as the preferred brand by 32.8% of children up to the age of 18 years who smoked, 23.1% of Massachusetts adult smokers aged 19 and 20 years, and 8.7% of those 21 years of age and over. The figures for the Massachusetts adults were significantly higher than the national market share for Camel, 4.4%, suggesting that Massachusetts adults may be more familiar with the Old Joe Camel campaign than adults in general. Camel cigarettes are now most popular with children and progressively less popular with older smokers.

About equal proportions of adults (28.2%) and children (29.0%) reported some current cigarette use, making it unlikely that this factor influenced any of the above findings. Although there were some statistically significant differences in the responses of children from different regions, these were not the focus of this study.

When compared with nonsmokers, children who were currently smoking gave higher approval ratings to the advertisements (mean approval score of 2.8 for smokers vs 1.8 for nonsmokers; $P<.0001$). Approving attitudes toward cigarette advertisements seem to precede actual smoking. Among the nonsmoking children, those who either were ambivalent about their future smoking intentions or expressed a definite intention to smoke were more approving of the advertisement than those children who intended not to smoke (mean approval scores of 2.6 and 1.8, respectively; $P<.0001$).

Children were more likely to smoke if they believed that smoking is pleasurable (relative risk [RR], 6.6; $P<.0001$) and that it makes a person more popular (RR, 2.0; $P<.0001$), and attractive (RR, 2.5; $P<.0001$), all common themes in cigarette advertising. Among nonsmoking children, those who believed that smoking would make them more attractive were eight times more likely to express an intention to smoke in the next year ($P<.0001$).

COMMENT

Our data demonstrate that in just 3 years Camel's Old Joe cartoon character had an astounding influence on children's smoking behavior. The proportion of smokers under 18 years of age who choose Camels has risen from 0.5% to 32.8%. Given that children under 18 years account for 3.3% of all cigarette sales, and given a national market share of 4.4% for Camel, we compute that Camel's adult market share is actually 3.4%. Given a current average price of 153.3 cents per pack, the illegal sale of Camel cigarettes to children under 18 years of age is estimated to have risen from $6 million per year prior to the cartoon advertisements to $476 million per year now, accounting for one quarter of all Camel sales.

From both a legal and moral perspective, it is important to determine if the tobacco industry is actively promoting nicotine addiction among youngsters. However, from a public health perspective it is irrelevant whether the effects to tobacco advertising on children are intentional. If tobacco advertising is a proximate cause of disease, it must be addressed accordingly. In the following discussion we will examine the evidence produced by this study, the marketing practices of the tobacco industry as a whole as revealed in industry documents, and the marketing practices used by RJR Nabisco, in particular, to promote Camel cigarettes. The quotations cited below are from tobacco industry personnel and from documents obtained during litigation over Canada's ban of tobacco advertising.

Our data show that children are much more familiar with Camel's Old Joe cartoon character than are adults. This may be because children have more exposure to these advertisements, or because the advertisements are inherently more appealing to youngsters. The tobacco industry has long followed a policy of preferentially placing selected advertisements where children are most likely to see them. For example, print advertisements are placed in magazines "specifically designed to reach young people." Paid cigarette brand promotions appear in dozens of teen movies. Camels are featured in the Walt Disney movies "Who Framed Roger Rabbit?" and "Honey I Shrunk the Kids."

The industry targets poster advertisements for "key youth locations/meeting places in the proximity of theaters, records [sic] stores, video arcades, etc. It is common to see Old Joe poster advertisements in malls, an obvious gathering spot for young teens. Billboards, T-shirts, baseball caps, posters, candy cigarettes, and the sponsorship of televised sporting events and entertainment events such as the Camel "Mud and Monster" series are all used to promote Camels. All are effective marketing techniques for reaching children.

The fact that children are much more attracted to the themes used in the Old Joe cartoon character advertisements may also explain why they are more familiar with them. The themes used in tobacco advertising that is targeted at children are the result of extensive research on children conducted by the tobacco industry to "learn everything there was to learn about how smoking begins. Their research identifies the major psychological vulnerabilities of children, which can then be exploited by advertising to foster and maintain nicotine addiction.

The marketing plan for "Export A" cigarettes describes their "psychological benefits": "Export smokers will be perceived as * * * characterized by their self-confidence, strength of character and individuality which makes them popular and admired by their peers."

Consider a child's vulnerability to peer pressure. According to one industry study, "The goading and taunting that exists at the age of 11 or 12 to get nonsmokers to start smoking is virtually gone from the peer group circles by 16 or 17." If peer influence is virtually gone by the age of 16 years, who is the intended target group for RJR-MacDonald's Tempo brand, described as individuals who are "[e]xtremely influenced by their peer group"? (RJR-MacDonald is a wholly owned subsidiary of RJR Nabisco). The recommended strategy for promoting this brand is the "[m]ajor usage of imagery which portrays the positive social appeal of peer group acceptance." In one Camel advertisement, a cowboy (a Marlboro smoker?) is being denied admission to a party because "only smooth characters [i.e., Camel smokers] need apply". It appears that Camel advertisements are also targeted at individuals who are influenced by their peer group.

Children use tobacco, quite simply, because they believe the benefits outweigh the risks. To the insecure child, the benefits are the "psychological benefits" promised in tobacco advertisements: confidence, an improved image, and popularity. Children who believe that smoking will make them more popular or more attractive are up to 4.7 times more likely to smoke.

Previous research makes it clear that children derive some of their positive images of smoking from advertising. Children who are aware of tobacco advertising, and those who approve of it, are also more likely to be smokers. Children's favorable attitudes toward smoking and advertising precede actual tobacco use and correlate with the child's intention to smoke, suggesting that the images children derive from advertising encourage them to smoke. Our data confirm these earlier findings. Among nonsmoking children, those who were more approving of the Old Joe advertisements were more likely either to be ambivalent about their smoking intentions or to express a definite intention to smoke. Nonsmoking children who believed that smoking would make them more popular were eight times more likely to express an intention to smoke in the future.

Since a child's intention to smoke is considered to be a good predictor of future smoking behavior, it seems reasonable to conclude that a belief in the psychological benefits of smoking, derived from advertising, precedes, and contributes to the adoption of smoking.

There are other lines of evidence indicating that tobacco advertising increases the number of children who use tobacco. In countries where advertising has been totally banned or severely restricted, the percentage of young people who smoke has decreased more rapidly than in countries where tobacco promotion has been less restricted. After a 24-year decline in smokeless tobacco sales, an aggressive youth-oriented marketing campaign has been followed by what has been termed "an epidemic" of smokeless tobacco use among children, with the average age for new users being 10 years.

Many of the tobacco industry documents cited above provide abundant evidence that one purpose of tobacco advertising is to addict children to tobacco. In the words of one advertising consultant, "Where I worked we were trying very hard to influence kids who were 14 to start to smoke." Two marketing strategy documents for Export A also reveal that it is the youngest children they are after. "Whose behavior are we trying to affect?: new users." The goal is "[o]ptimizing product and user imagery of Export 'A' against young starter smokers." The average age for starter smokers is 13 years.

The industry also researches the best ways of keeping children from quitting once they are "hooked on smoking." The purpose of one tobacco industry study was to assess the feasibility of marketing low-tar brands to teens as an alternative to quitting. The study found that for boys, "[t]he single most commonly voiced reason for quitting among those who had done so * * * was sports." The tobacco industry's sponsorship of sporting events, such as the Camel Supercross motorcycle race, should be seen in relation to its need to discourage teenage boys from quitting. Similarly, its emphasis on slimness serves as a constant reinforcement of teenage girls' fears of gaining weight as a result of quitting.

Our study provides further evidence that tobacco advertising promotes and maintains nicotine addiction among children and adolescents. A total ban of tobacco advertising and promotions, as part of an effort to protect children from the dangers of tobacco, can be based on sound scientific reasoning.

[Journal of the American Medical Association—Dec. 11, 1991, Vol. 266, No. 22]

BRAND LOGO RECOGNITION BY CHILDREN AGED 3 TO 6 YEARS

(By Paul M. Fischer, MD; Meyer P. Schwartz, MD; John W. Richards, Jr, MD; Adam O. Goldstein, MD; Tina H. Rojas)

Objective.—Little is known about the influence of advertising on very young children. We, therefore, measured product logo recognition by subjects aged 3 to 6 years.

Design.—Children were instructed to match logos with one of 12 products pictured on a game board. Twenty-two logos were tested, including those representing children's products, adult products, and those for two popular cigarette brands (Camel and Marlboro).

Setting.—Preschools in Augusta and Atlanta, Ga.

Participants.—A convenience sample of 229 children attending preschool.

Results.—The children demonstrated high rates of logo recognition. When analyzed by product category, the level of recognition of cigarette logos was intermediate between children's and adult products. The recognition rates of The Disney Channel logo and Old Joe (the cartoon character promoting Camel cigarettes) were highest in their respective product categories. Recognition rates increased with age. Approximately 30% of 3-year-old children correctly matched Old Joe with a picture of a cigarette compared with 91.3% of 6-year-old children.

Conclusion.—Very young children see, understand, and remember advertising. Given the serious health consequences of smoking, the exposure of children to environmental tobacco advertising may represent an important health risk and should be studied further.

Several types of research have been used in the past decade to examine the association between cigarette advertising and rates of underage smoking. These studies have included econometric modeling, the measurement of advertisement recognition, and experimental studies of adolescents' reactions to advertisement imagery. In one recent study of teenagers, the self-perceived influence of cigarette advertising had the strongest and most consistent effect on the initiation of smoking among a group of variables that included parental smoking, sibling smoking, peer influence, and intention to smoke. Collectively, these studies provide compelling evidence that cigarette advertisements are seen by adolescents and that they respond to the advertisements' intent. Some health experts, therefore, now believe that cigarette advertising is causally linked to smoking behavior.

In contrast, the tobacco industry argues that cigarette advertising is not targeted to adolescents and that advertising does not increase the use of tobacco products. These companies claim that advertising and promotion are designed instead to produce brand switching by adults who already smoke. In 1988, the tobacco industry spent $3.27 billion on cigarette advertising and promotions, making cigarettes the second most heavily advertised product in the United States. This level of advertising cannot be justified on the basis of brand switching alone, since only 10% of current smokers change brands within a given year.

There has been considerable speculation but little published research on the impact of advertising on very young children. Typical survey methods are generally unreliable when conducting research involving this age group since children have limited verbal skills and, therefore, cannot articulate concepts that they may understand. There is, however, some evidence that very young children understand advertising. Donahue et al used nonverbal measures (i.e., picture games) to study young children's knowledge of television commercials. They concluded that by 3 years of age, children understand both the intent of television commercials and the sophisticated concept of audience segmentation (i.e., that advertisements are targeted to specific groups).

We studied the recognition level of 22 brand logos by children aged 3 to 6 years. Included were logos from two of the most heavily advertised cigarette brands: Camel and Marlboro.

METHODS

The study design was based on the well-accepted market research concept of advertisement recognition. Recognition of an advertisement indicates that it has been both seen and remembered.

Twenty-two brand logos were collected from a variety of printed sources including advertisements and product packaging. These included the logos of 10 products that are, in part, targeted to children, five logos representing two cigarette brands, and seven logos of products primarily targeted to adults (Table). No logos had specific image or word clues that might indicate what kind of product the brand represented (e.g., the "Marlboro man" was not smoking). One of the current Surgeon General's warnings ("Quitting Smoking Now Greatly Reduces Serious Risks to Your Health") as it appears on printed advertisements was also included as a test item.

Recognition was measured by having the subjects match 22 logo cards to one of 12 products pictured on a game board (Table). Product position on the board was made by random assignment and was not varied between subjects.

TABLE 1.—LOGOS TESTED.[1] CORRECT PRODUCT RESPONSE, AND RECOGNITION RATES FOR 229 SUBJECTS AGED 3 TO 6 YEARS

Product category and logo	Correct product response	Recognition rate (percent)
Children's brands:		
Disney Channel	Mickey Mouse	91.7
"McDonald's"	Hamburger	81.7
"Burger King"	Hamburger	79.9
"Domino's Pizza"	Pizza	78.2
"Coca Cola"	Glass of cola	76.0
"Pepsi"	Glass of cola	68.6
"Nike"	Athletic shoe	56.8
"Walt Disney"	Mickey Mouse	48.9
"Kellogg's"	Bowl of cereal	38.0
"Cheerios"	Bowl of cereal	25.3
Cigarette brands:		
Old Joe	Cigarette	51.1
"Marlboro" and red roof	Cigarette	32.8
Marlboro man	Cigarette	27.9
Camel and pyramids	Cigarette	27.1
"Camel"	Cigarette	18.0
Adult brands:		
"Chevrolet"	Automobile	54.1
"Ford"	Automobile	52.8
Apple	Computer	29.3
"CBS"	Television	23.1
"NBC"	Television	21.0
"Kodak"	Camera	17.9
"IBM"	Computer	16.2
Surgeon General's warning	Cigarette	10.0

[1] Quotation marks on the logo indicate that the brand name is part of the test item.

Subjects were recruited from 10 preschools in Augusta and Atlanta, GA. The schools were selected in an attempt to balance the sample for race and socioeconomic variables. Each subject's parent signed a parental consent form and completed a short questionnaire about the child's age, gender, race, number of hours of television watched each day, frequency with which the child requested specific brands, number of years of parental education, and the use of cigarettes in the subject's home.

On the following day, each child was individually tested in a quiet, separate area of his or her classroom. It was explained to the child that he or she would play a game matching cards with products. Each of the 12 products on the game board was then named. A demonstration of matching was done with a sample logo card. The child was then given a test card to match. After the child placed the card on the board (whether correct or incorrect), the child was told, "That's good." No other feedback or encouragement was given. Following each match, the card was removed from the board and the child was presented with the next card. The cards were randomized for each subject to prevent bias due to the order of presentation.

Responses were graded as either correct (grade of 1) or incorrect (grade of 0), and a score was derived by summing the binary values assigned to each logo. Subscores were calculated for each product type (i.e., children's brands, cigarette brands, or adult brands), which were then transformed into a recognition rate score based on the percentage of correct matches for that type of product and for the products overall. These were then compared with data from the parental questionnaire. Analyses using the x test were used to test for independence between categorical variables. The McNemar Test was used to test for the significance of change in correct responses between two logos (The Disney Channel and Old Joe). A correlation analysis was used to test for association of recognition rates by age. A multifactor analysis of variance was used to test the significance of the survey variables and the recognition of logos.

RESULTS

Two hundred twenty-nine children were recruited. Subjects ranged in age from 3 to 6 years. Seventy-nine were 3 years of age (34.5%), 67 were 4 years of age (29.3%), 60 were 5 years of age (26.2%), and 23 were 6 years of age (10.0%). One hundred twenty-three (53.7%) were boys. One hundred sixty-six (72.5%) were white and 63 (27.5%) were black. Of the subjects' parents, 67 (29.3%) had less than 12 years of education, 123 (53.7%) had 12 to 16 years of education, and 39 (17.0%) had more than 16 years of education. Many subjects (34.1%) came from homes where at least one person smoked.

Each subject's parent was asked to report the number of hours of television watched per day by his or her child. One hundred eight (47.2%) of the subjects watched up to 2 hours per day, 100 (43.7%) watched 2 to 4 hours, and 21 (9.2%) watched 4 or more hours per day.

The parents were also asked to rate how often their child requested specific product brands, measured with a four-item Likert scale. Thirty-seven parents (16.2%) reported almost always, 106 (46.3%) reported often, 79 (34.5%) reported infrequently, and seven (3.1%) reported never. Unexpectedly, x analysis revealed no association of more frequent brand requests among older children. Fifty-two percent of 3-year-old children, 73% of 4-year-old children, 63% of 5-year-old children, and 65% of 6-year-old children often or almost always requested specific brands ($P=.10$).

The mean logo recognition rates for all subjects are shown in the Table. As would be expected, children had high recognition of the children's brand logos ranging from 91.7% for The Disney Channel to 25.3% for Cheerios. Random guessing alone would produce a recognition rate of 8.3% (i.e., one of 12 items).

Old Joe, the cartoon character promoting Camel cigarettes, had the highest recognition rate among the tested cigarette logos. More than half of the subjects correctly matched this figure with a picture of a cigarette. The other cigarette logos were correctly recognized at rates of 18.0% to 32.8%. The logos for adult products were recognized by 16.2% to 54.1% of subjects, with automobile brand logos having the highest recognition rates.

Logo recognition was highly associated with the subject's age. Figure 1 shows mean recognition rates by age for each of the three product categories. This association of increased recognition with older age was significant for children's products ($\gamma=.51$; $P<.0001$), cigarette brands ($\gamma=52$; $P<.0001$), and adult brands ($\gamma=.50$; $P<.0001$).

Cigarette logo recognition rates ranged from 11.4% (Camel) to 30.4% (Old Joe) for 3-year-old subjects. This rate increased to between 43.5% (Camel) and 91.3% (Old Joe) for children 6 years of age.

Figure 2 compares the recognition rates for The Disney Channel and Old Joe by subject age. These two were the most highly recognized logos in their respective product categories. While The Disney Channel's logo recognition was higher for subjects aged 3, 4, and 5 years, this difference in recognition was not significant in subjects aged 6 years. In that age group, both the silhouette of Mickey Mouse and the face of Old Joe were nearly equally well recognized and correctly matched by almost all children.

Neither race nor gender was associated with the recognition scores of any of the three product categories. A multifactor analysis of variance that included each of the other survey variables showed that the hours of television watched were positively associated with the recognition of children's product logos ($F_{(2,198)}=10.1$; $P<.0001$) and adult logos ($F_{(2,198)}=4.41$; $P=.01$), but not with cigarette logos. Parental education was positively associated with the recognition of adult product logos ($F_{(2,198)}=6.14$; $P=.002$), but not with children's products or cigarettes.

The recognition of cigarette logos was independent of the use of cigarettes in the subjects' homes.

Only 23 (10.0%) of the subjects matched the Surgeon General's warning with the picture of a cigarette. The recognition rate for the warning in subjects aged 3, 4, and 5 years was only 8.4%, a rate nearly equal to that expected for random guessing.

COMMENT

Children are referred to by marketing researchers as "consumers in training." As stated by McNeal, "All of the skills, knowledge, and behavior patterns that together we call consumer behavior are purposely taught to our children right along with toilet training, toddling and talking."

Research has identified three distinct children's markets. First are the markets directly under the control of children. Children aged 5 to 12 years spend $4.2 billion of their own money each year. By age 6 years, half of all children regularly go shopping by themselves.

The second market is for products in which children influence household purchasing decisions. Children influence the spending of $131 billion each year, including $82 billion for food and beverages, $17 billion for leisure activities and products, and $13 billion for apparel (Business Week. September 9, 1991:94).

The third market is for products that children will consume when they become adolescents and adults. Market researchers believe that brand awareness created in childhood can be the basis for product preference later in life. It has been shown that children prefer the brands that they see advertised. This effect has been shown to even influence their preference of products that they are too young to use, such as lipstick and diet soft drinks. This potential influence has raised concern about the exposure of children to cigarette advertising. For instance, it has been suggested that children receive positive messages about smoking when they view cigarette advertisements and that this may influence later decisions to smoke.

The children in this study demonstrated high recognition rates of brand logos for products that are targeted to both children and adults. It is no surprise that most children can properly match the McDonald's arches to a hamburger. It is also not surprising that there is high recognition of the Chevrolet and Ford logos. Automobiles are heavily advertised on television, and many children are exposed to these brands through personal family use. In contrast, the high recognition rate of cigarette logos may be counterintuitive. After all, cigarette advertising no longer appears on television and very young children cannot read. Yet by the age of 6 years, Old Joe is as well recognized as Mickey Mouse.

Children's knowledge of cigarette brand logos is most likely the result of their exposure to "environmental tobacco advertising." Camel and Marlboro brand advertising is ubiquitous, appearing in movies, on billboards, promotional displays at youth-oriented events, on television during sporting events, and on "line extenders," such as T-shirts, posters, and caps. In addition to this paid advertising, Camel and Marlboro brand logos appear on video arcade games, children's toys, and candy products (Washington Post, March 13, 1990:sectA:8).

There are several limitations to the current study. First, the subjects were a convenience sample and, therefore, did not include children cared for at home. While the sample does represent children from families with a range of ethnic and socioeconomic backgrounds, it is unknown how the sampling method might have influenced the study results. The study design relied on the ability of children to match cards picturing brand logos to products on a game board. This is a novel design that has face validity, but which would be difficult to validate in any other way. Finally, there is some obvious arbitrariness to the selection of specific logos as test items. The choice of children's products was based on published data describing children's markets. Heavily advertised cigarette brands were tested. Adult brands were chosen from among those products that are primarily targeted to consumers who are older than the study subjects. Of all the brands tested, only the manufacturers of cigarettes specifically claim not to advertise to children.

It is obviously impossible to predict how the exposure of children to environmental tobacco advertising might influence their later smoking behavior. While cigarette companies claim that they do not intend to market to children, their intentions are irrelevant if advertising affects what children know. R J Reynolds Tobacco Company is as effective as the Disney Channel in reaching 6-year-old children. Given this fact and the known health consequences of smoking, cigarette advertising may be an important health risk for children.

HOUSE OF REPRESENTATIVES,
Washington, DC, June 1, 1992.

Mr. LOUIS V. GERSTNER, Jr.,
Chairman/President/C.E.O., RJR Nabisco Holdings Corp., 1301 Avenue of the Americas, New York, NY.

DEAR MR. GERSTNER: We are writing concerning a study published in the December, 1991 issue of the Journal of the American Medical Association (JAMA) which concludes that there is a close connection between teenage smoking habits and tobacco industry advertising.

In our view, this JAMA study of the RJR Nabisco Company's "Old Joe" advertising campaign for Camel cigarettes establishes that the cigarette brand preferences of young people are directly linked to tobacco advertising. It concludes that advertising promoted by the tobacco industry, whether intended or not, can and does encourage smoking among young people.

Since no one suggests smoking is good for the health or well-being of children, it would follow that any practice or activity which encourages smoking among children does them no benefit and should be discontinued.

We respectfully urge RJR Nabisco Company to comply with the March 9, 1992 request of Surgeon General Novello and voluntarily end the "Old Joe" advertising campaign for Camel cigarettes. Terminating this advertising campaign would demonstrate RJR Nabisco's concern for the health and well-being of the children of America.

Your consideration is appreciated. We look forward to your response.

Sincerely,

ROMANO L. MAZZOLI,
CHESTER G. ATKINS,
MIKE SYNAR,
PATRICIA SCHROEDER,
Members of Congress.

PERMISSION TO FILE PRIVILEGED REPORT ON H.R. 5006, DEPARTMENT OF DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 1993

Mr. MOAKLEY. Mr. Speaker, I ask unanimous consent that the Committee on Rules have until midnight tonight to file a privileged report on H.R. 5006, the National Defense Authorization Act for Fiscal Year 1993.

The SPEAKER pro tempore (Mr. HUTTO). Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

SUNDRY MESSAGES FROM THE PRESIDENT

Sundry messages in writing from the President of the United States were communicated to the House by Mr. McCathran, one of his secretaries.

PLACING BLAME FOR THE BUDGET DEFICIT

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Michigan [Mr. BONIOR] is recognized for 60 minutes.

Mr. BONIOR. Mr. Speaker, it is a subject about which both sides of the aisle are in rare agreement. We all think the budget deficit is a terrible thing, which it is.

How bad is it?

Well, as somebody pointed out, let us use the comparison most favored by the man most responsible, Ronald Reagan. He used to rail about the national debt. I remember him calling a $52 billion deficit extremely dangerous.

Ronald Reagan used to point out that if you stack $1,000 bills 4 inches high, you have got $1 million. Well, try stacking them 254 miles high. That gives you $3.8 trillion in deficit.

As the Atlanta Constitution put it the other day, that towering pile of bills is perhaps the single most powerful and troubling symbol of our national political bankruptcy.

The tragedy of the deficit is not one that developed over a long time, as is commonly perceived in this country. Since 1980 we rolled up more debt than all those administrations from George Washington to Jimmy Carter combined.

Just servicing the debt takes the income taxes of all Americans west of the Mississippi, $315 billion, the largest single item in the budget.

So there is no question that this is an enormous problem. From 1950 to 1980 Washington borrowed less than 10 percent of our national savings. There was plenty available for companies to invest in their futures and America's future. A lot of investment went on in all parts of our country, from the industrial heartland of the East and Northwest States, to the Midwest, to the blossoming Western States, California, Washington, and Oregon, to the emergence of our Sun Belt States. A lot of investment went on during this 30-year period, from 1950 to 1980.

Now the deficit sucks up two-thirds of our private savings. It was 10 percent between 1950 and 1980, and now two-thirds of our private savings. Of course, that just accelerates or boosts interest rates and makes it difficult for investment and productivity in the future. It robs us of our ability to invest in research and development. It slows up job creation.

Well, who is responsible for this mess? I do not want to suggest it is the result of one man.

It is a little like the story of two men in an airplane with a broken air-conditioning system. After an hour one turns to the other and says, "Whoa, one of our deodorants isn't working."

"It must be yours," says the second. "I don't use any."

In Washington people are always trying to duck blame. I might add that it is outside of Washington, too. You can see this in State legislatures, you can see this in town halls, you can see this in city villages. You can see this in community neighborhood meetings. People do not like to take the blame.

When it comes to the deficit, everybody gets to share some of the blame, Congress, the Executive, interest groups of our constituencies. But two people, I think it is fair to say, get most of it, Ronald Reagan and George Bush. Because by now it is clear the explosion of debt beginning with the first Reagan administration was not any accident. It came directly out of those huge defense increases and Laffer-curve cuts that he thought were the great achievement of his administration.

Do you remember those days? Remember when he tried to tell Americans we would grow our way out of the deficit? "This is an administration committed to a balanced budget, and we will fight to achieve it by 1985," Ronald Reagan said. That was in 1981 he said that.

For the past 12 years he and President Bush have repeatedly called for a balanced budget amendment. The fact is though that in these same 12 years they failed to present even one balanced budget to the Congress. Not one.

Meanwhile, Congress has been approving budgets that are less than the Reagan-Bush administrations have asked for. They are not balanced, but less than what the administrations have asked for.

Even so, the deficit has even gotten more and more out of hand. So I understand the impulse to do something rather drastic.

Yet the move now to pass a radical quick-fix budget amendment is, I think, a classic example of throwing the baby out with the bath water. It will not make things better. It is going to make things worse.

It is going to do it in four ways. First, it would require draconian spending cuts and massive—and I want to emphasize the word "massive"—massive tax increases.

Let us not kid anybody here. Our colleague from California, Mr. PANETTA, the distinguished chairman of the Committee on the Budget, has for the last few years, and particularly the last several weeks, laid out the facts in a very detailed way.

The gentleman from California [Mr. PANETTA] made these points: The Draconian amendment that we will be considering next week would take $560 billion in spending cuts, tax increases, or both; $560 billion.

It would mean deep cuts in Medicare, Social Security, and veterans health care. It would probably mean sharp increases in corporate and individual income taxes. There is a good chance it might mean the creation of a national sales tax.

Are we willing to cut spending for highways, for airports, for rural development, for aid to schools and libraries, for college tuition?

We are discussing right now in several rooms in this very Capitol an urban package, it is for areas of the country that are economically depressed, whether they are urban or rural areas.

We have serious, serious structural problems in our economy today, exemplified by the hopelessness exhibited in many of our urban areas. It is not just Los Angeles, or Atlanta, but throughout the country.

Do we want to eliminate the space program, close prisons, close hospitals, and cut back on public transportation. This is a time when we need to have a work force second to none to compete with the giants—or mini-giants—of Asia, Korea, Singapore, Japan, Taiwan, and the emerging unified economic system in Western Europe, the European Community. Are we willing to eliminate the basic tools which will educate our people to be competitive so we can face that challenge in the West and in the East? What tools are they? The math and science programs, where our students are falling further, and further, and further behind.

After a weekend where nine people were shot to death in this city alone, do we want to cut police protection and cut law enforcement by 100 percent?

At a time when our cities need help, do we want to slash programs to keep kids off the streets? Do we want to slash the meager job training programs that we have?

We have a generation of predominantly young males, but not necessarily so, in our urban areas, between 17 and 30 years of age, who need basic training so they can get work. Do we want to cut off whatever is left of the training programs for them, let alone expand them?

We are talking about enterprise zones right now in this Capitol, to provide opportunity in these urban areas for people to get jobs and for businesses to locate with reduced tax requirements.

□ 1520

Provide them with opportunity to provide jobs for people by giving them a targeted job tax credit and giving them capital gains tax breaks, providing all the social net programs to help people become productive and earn a wage and pay taxes and be part of their community. That is thrown out the window with the balanced budget amendment. We will not touch that concept.

That is what we are talking about here. Maybe this is the necessary bitter pill that America needs to restore a sound economy. The trouble with that is many economists believe this radical balanced budget approach would damage the economy, not help it. It would risk causing more frequent recessions and make the recessions longer and deeper.

It would also rob America of its ability to invest in the things that promote long-term growth at a time when it has never been more critical. We are losing our productive edge in this country.

One of the reasons, our infrastructure, that big word, but basically that means our roads, bridges, schools, our public facilities are falling apart. Sixteen percent of our roads in this country need repair. Two bridges a day fall apart. Thirty-one percent of our schools were built before 1950. I could go on and on and talk about the need to restore our sewer and our water systems, things that we have put off over these past 12 years that we have got to make up and catch up on so that we can be competitive.

After all, we are in a recession that is virtually 2 years old. Let us not forget that. And while there has been in recent days and in recent weeks some positive economic news that we are starting to inch our way out of this recession, we are still in a 2-year deep prolonged recession; 7.2 percent, almost 10 million of our people are out of work. And if we take that figure and apply it specifically to those who are not even on the rolls because they have become discouraged from looking for work, I am talking about that 17- to 30-year-old in the urban area, if we add them to the unemployment rolls as well as the people who cannot find full-time work, working only part-time, it is about 14 percent of the American people without full-time employment. Nearly 1.7 million have been out of work for more than 26 weeks. In my State of Michigan the rate is 9.4 percent and climbing. Over half a million people out of work in Michigan. That is just the official rate, as I have told my colleagues.

At times like these it is essential that we retain the flexibility to deal with that right here. That is a second reason the balanced budget amendment now being discussed would be disastrous. The radical amendment that is being proposed would give the minority veto power over vital spending decisions during the worst times of economic hardship. Under the amendment of my colleague from Texas, we would have to do more cutting during a recession than during a period of growth, just the opposite of what we need. After all, cutting Government spending slows the economy even more. To balance it during hard times could tip us into a recession.

There is a third reason this amendment is a recipe for disaster. I will give it in two words: Social Security. This solution could take over $100 billion, the solution of the gentleman from Texas, out of Social Security COLA's alone. I cannot accept that. We cannot have a plan that takes away the basic promise we have made to all Americans, the promise of a secure retirement, the promise that they and their employers have paid into all their working life.

We cannot tell 46 million people who receive Social Security retirement disability benefits in this country, SSI benefits, that they are going to lose them, lose them after they have been promised them by their Government. We should not fix the budget by breaking the sacred promise that we made to our elderly and disabled.

Mr. Speaker, I do not always agree with editorial writers, and I think my colleagues know that. I think sometimes they live in a fairyland of offices and books and do not catch the pulse and the reality of what is happening in the country. But I must tell my colleagues, this time the chorus of editorials denouncing this idea have been precisely on target. We just do not have to look at the headlines in the newspaper, read the editorials: "Trivializing the Constitution," the Washington Post; "A Silly Balanced Budget Amendment," the Atlanta Constitution; "Fix the Budget, Not the Constitution," the Seattle Times; "Washington Offers Sleight of Hand," the Detroit Free Press.

Why are they so severe in their criticism? They are severe because they know the truth. There is not a single tool we need to produce a balanced budget that we do not already have here in Washington. The President complains about the budget deficit, and his call for a balanced budget is simply a copout. He and President Reagan chose not to send us a balanced budget because they have never wanted to outline the kind of cuts and tax increases necessary to do the job, but they could have produced one at any time they chose simply by giving the Office of Management and Budget the orders to do so.

Now there are those that argue this way. They say, "Well, States balance their budgets, why shouldn't Washington?"

Remember this fact, most States are required to balance their operating budgets, not their total budgets, not their capital budgets, their operating budgets. The Federal budget has a far larger impact on the economy than States budgets do. Balancing the Michigan State budget will not cause a recession. Balancing the Federal budget can, especially in a time of recession that we find ourselves in today.

With this amendment States will not be able to balance their budgets without big increases in State taxes.

Mr. Speaker, this country has urgent needs. There are millions out of work. We have had the lowest economic growth since World War II. We are losing 9,400 jobs a month. We have lost that amount at that rate for the last 3 years. The problem is not just the pink slip to those people who are out of work. Working families, people who have jobs now, are terribly squeezed on every front. It requires two and sometimes three people in households in Michigan to maintain the standard of living at which they were accustomed with one worker not too many years ago. Families have been squeezed from every angle, squeezed by the recession, by a health care system whose costs are increasing more than 3 times the rate of wages. Squeezed by an educational system that has seen its college tuition costs rise 88 percent in the last decade, squeezed by tough competition from abroad that has led Americans to see "Made in Japan" labels on everything from TVs to telephones. We need to be debating on the unemployment bill that the President still opposes. We need to be debating the growth package. We need to be debating health care reform. We need to be debating issues of industrial policy so we know where we are going in specific industries in the next 4 or 5 or 6 years.

Where are we going to be in terms of sales and competitiveness with our European corporate counterparts and nations by the year 2000 in biotechnology, in automobiles, in computers, in semiconductors? We need to be debating how we are going to be competitive in this new regionalization of trade that is emerging in Asia and in America and in Europe.

□ 1530

We do not need to be debating this appealing but misguided idea of a balanced budget amendment. Woodrow Wilson once wrote that, and I quote:

> The Constitution of the United States is not a mere lawyer's document. It is a vehicle of life and its spirit is always the spirit of the age.

Mr. Speaker, we need to balance the budget. We did so with great skill for almost 200 years. We have the tools to do the job now. All we need is the courage. Let us make those tough choices. We all agree where we should go. Let us make sure we take the right road to get there.

Mr. Speaker, I urge my colleagues, before they cast their vote on this critically important debate that we will have on this radial approach to the Constitution a week from today, or a week from tomorrow, that they consider the implications of this most serious of vehicles to our national economic and constitutional health. It will be one of the most important debates that we could have engaged in this 102d Congress.

There are many things that need to be done in this country and many issues to be debated and compromised on. This amendment will cause irreparable harm to the programs, to the tax base, and to the welfare of the people that we represent. It sounds good, it sounds magic, but words are not magic, not when it comes to the budget. What is magic is the will and fortitude and courage to face up to the realities and choices that we have. We have a unique opportunity to begin that process because of the changing world situation, because of the diminished defense needs as a result of the end of the cold war, the break up of the former Soviet Union, the dissolution of the Warsaw Pact. We have a unique opportunity to rebuild again what was once the heart and soul of the industrial base of the Free world. I urge my colleagues not to give away that opportunity with this amendment, not to give away hope to those who are hopeless in our urban areas with this amendment, not to give away hope for those who want a good education at our colleges and universities by passing this amendment, not to give away those who want to feel safe on our streets because of the crime that surrounds many of our neighborhoods by voting for this amendment.

The choice will be very clear, and I ask my colleagues to rise above partisanship, to rise above their own political needs, and do what is right, do what is right for their country, for their constituencies, and for the document that has served us so very, very well for over 200 years, the Constitution.

ANNUAL REPORT OF ST. LAWRENCE SEAWAY DEVELOPMENT CORPORATION, FISCAL YEAR 1991—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES

The SPEAKER pro tempore (Mr. HUTTO) laid before the House the following message from the President of the United States; which was read and, together with accompanying papers, without objection, referred to the Committee on Public Works and Transportation.

To the Congress of the United States:

I transmit herewith the Saint Lawrence Seaway Development Corporation's Annual Report for fiscal year

1991. This report has been prepared in accordance with section 10 of the Saint Lawrence Seaway Act of May 13, 1954 (33 U.S.C. 989(a)), and covers the period October 1, 1990, through September 30, 1991.

GEORGE BUSH.

THE WHITE HOUSE, *June 2, 1992.*

ANNUAL REPORT OF THE U.S. ARMS CONTROL AND DISARMAMENT AGENCY, 1991—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES

The SPEAKER pro tempore laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, without objection, referred to the Committee on Foreign Affairs:

To the Congress of the United States:

I am pleased to transmit the United States Arms Control and Disarmament Agency Annual Report for 1991.

The report provides information about the nature and significance of treaties signed during the year, the conduct of arms control negotiations, the coordination of treaty implementation procedures, and other activities conducted pursuant to the Arms Control and Disarmament Act, as amended.

The international security environment, which has changed considerably since the submission of last year's report, continues to evolve. Our bilateral arms control agenda, including the START treaty that is reviewed extensively in Chapter 2, continues. At the same time, our efforts to curb proliferation and deal with the regional conflicts have been expanded, and the implementation of the growing number of existing treaties and agreements has become more demanding. The work of arms control, therefore, is expanding.

As our defense program reorders its priorities, our arms control program is doing the same as a consequence of the changed East-West relationship.

GEORGE BUSH.

THE WHITE HOUSE, *June 2, 1992.*

WHERE HAVE YOUR SOCIAL SECURITY DOLLARS GONE?

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California [Mr. STARK] is recognized for 5 minutes.

Mr. STARK. Mr. Speaker, a number of constituents, mostly seniors, have been writing to my office asking what has happened to their Social Security money. There's a lot of folks out there trying to convince them that it's been stolen, so they've been writing to me with a lot of questions. Here is my response:

> DEAR CONGRESSMAN, I am outraged that Washington politicians have spent every penny of our Social Security Trust Fund on * * * wasteful and unnecessary government spending programs * * * now the money is completely gone. This is outright theft!

That's what the postcards coming into my office scream.

The stolen Social Security funds postcards are part of a campaign to raise money for a bunch of fastbuck artists who scare people into contributing to their cause. They take the money and pay themselves fancy salaries and use the rest to send out another scary mailing.

But a lot of people believe it. In the budget poll I sent out this spring, I got more questions about Social Security spending as part of the budget than I did on any other issue.

I thought it would help to lay out some facts. If anyone doesn't believe what I am about to say, please let me know and I'll send you the proof.

Basically, I get three kinds of worrying questions about Social Security:

Where is all the money that's supposed to be in the trust funds?

Why is Social Security treated as part of the Federal budget when it is supposed to be a separate trust fund?

How come money is going to people who never contributed?

Where is all the money in the trust fund?

Or if it is not in gold bars I can see and feel, is it really there?

Let's trace what happens to your Social Security taxes:

Almost every American worker pays 7.65 percent of his or her payroll in taxes for Social Security retirement, disability, and Medicare insurance on a certain amount of their wages. The employer matches it with another 7.65 percent. The money goes in the form of a check to the Treasury Department, earmarked for the Social Security and Medicare trust funds, where it is cashed.

What does the Treasury do with the cash that belongs to the Social Security trust funds?

Let's think of the options:

They could put all that cold cash under the world's biggest mattress, or—pretty much the same thing—in a vault in Fort Knox and earmark it for the trust funds.

It would be safe. You could see it. Every year someone could run their hands through it to really make sure it was real. It would also not earn interest. In fact with roughly 3–4 percent a year inflation, it would gradually lose value. About every 20 years the value of this cold cash would be cut in half because of inflation. That's not a great way to prepare for the millions of baby boomers who will start retiring in about 20 years.

They could invest it in gold bars and put it in Fort Knox in the name of the trust funds.

Same problem: no interest, and worse, the world price of gold can move up and down pretty dramatically. Most of the gold in the world comes from Russia and South Africa. If they produce more, the price goes down and the Social Security investment could be largely wiped out.

They could buy stocks and bonds on Wall Street or they could buy something very tangible like land and put it in the name of the Social Security trust funds.

Some years that would be great. The stock market has been bullish and rising for a long, long time now. But some of you remember 1929. All of us remember 5 years ago when the market fell a shocking 508 points in 1 day. As for land, the collapse of land values is one of the reasons about 20 percent of the S&L's in the country are bankrupt and a whole lot of banks are in deep trouble.

Could we come up with something safer? Japanese yen? German marks? Diamonds? Cans of caviar? I think not.

So it comes down to this:

How much do we want to gamble on the retirement income of tens of millions of people? If we don't want to gamble too much—if you want a sure-thing, safe, conservative investment, where should Treasury invest that cash on behalf of the Social Security trust funds?

U.S. Treasury notes and savings bonds.

One of the safest, most dependable investments in the world are U.S. Government notes or savings bonds. They may not get the best rate of return; they may not be flashy or the way to strike it rich—but boy are they safe. So that's what Treasury does; it takes the cash from your Social Security taxes, buys bonds from another part of the Treasury Department, and gives those bonds to the Social Security trust fund.

The bonds earn interest. Last year, the Social Security trust funds earned about $19,800,000,000—that's $19.8 billion—in interest which it reinvested in Treasury bonds belonging to the Social Security trust fund. When Social Security needs cash to pay a retiree, it goes back to Treasury, turns the bond in, and gets back cash, plus interest, which it sends to the beneficiary.

So what happened to the cash in the Treasury? The postcards say it was stolen and spent on wasteful Government programs.

Since the Government is currently running a deficit, every penny of cash is spent on running the day-to-day operations of the Government: the Alameda Naval Station, rebuilding the Nimitz Highway, FAA flight controllers' salaries, you name it. You may say that some Government programs are wasteful, but I don't think you can say the money has been stolen. It has been loaned, just as a private bank loans and spends the money you put into a savings account or CD.

Is there any chance that it could be stolen, that someday Social Security will knock on Treasury's door and say they'd like cash for some bonds and Treasury will laugh and say "go away"?

We've never done that in 203 years, even in the middle of a Civil War, not even when the British burned Washington. The U.S. Government is currently in no danger of going bankrupt or defaulting on its obligations. Any defaulting future government would probably be lynched by the 40 to 50 million people dependent on Social Security—as well as the beneficiaries of every other Government program—and if not lynched, they'd surely be defeated in the next election. In short, we shouldn't stay up at night worrying about it!

That's the true story.

The next time some demagog wants you to send him money to save the Social Security trust fund, please don't waste your 29 cents writing him. And for goodness sake, don't send him any money!

Why is Social Security still listed in the Federal budget calculations when it is a separate trust fund?

There are lots of different ways and reasons for figuring the Federal budget. One reason is to understand the total impact of all Federal programs and taxes on the total economy.

To ignore Social Security spending and taxes would be to say that the Federal Government is having about 20 percent—or $300 billion—less impact on the economy than it really does.

That's a lot to ignore.

How come money is going to people who never contributed?

It's not.

If you or someone in your family did not contribute, you don't get Social Security trust fund money. You are ineligible.

If you know someone who is getting Social Security who doesn't fall into one of the above categories, let me know—anonymously if you want—and we'll get the auditors to check it out.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. LEACH) to revise and extend their remarks and include extraneous material:)

Mr. BILIRAKIS, for 60 minutes, on June 16.

Mr. THOMAS of Wyoming, for 5 minutes, today.

Mr. SMITH of Oregon, for 60 minutes, on June 3.

(The following Members (at the request of Mr. WYDEN) to revise and extend their remarks and include extraneous material:)

Mr. MONTGOMERY, for 5 minutes, today.

Mr. ANNUNZIO, for 5 minutes, today.

Mr. WYDEN, for 30 minutes, today.

Mr. MAZZOLI, for 60 minutes, today.

Mr. OBEY, for 60 minutes, today.

Mr. CARPER, for 60 minutes, on June 3.

Mr. PAYNE of Virginia, for 60 minutes, on June 3.

Mr. OBEY, for 60 minutes each day, on June 3, 4, 5, 8, 9, 10, 11, 12, 15, 16, 17, 18, 19, 22, 23, 24, 25, 26, 29, 30, July 1, 2, and 3.

Mr. ATKINS, for 5 minutes, on June 3.

(The following Member (at the request of Mr. BONIOR) to revise and extend his remarks and include extraneous material:)

Mr. STARK, for 5 minutes, today.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

(The following Members (at the request of Mr. LEACH) and to include extraneous matter:)

Mr. CLINGER.

Mr. BROOMFIELD.

Mr. GILMAN in two instances.

Mr. MCGRATH.

Mr. LEACH.

(The following Members (at the request of Mr. WYDEN) and to include extraneous matter:)

Mr. ROE in two instances.

Mrs. COLLINS of Michigan.

Mr. FASCELL in two instances.

Mr. HOYER.

Mr. BONIOR.

Mr. BROWN.

Mr. BLACKWELL in two instances.

Mr. FORD of Michigan.

Mr. NEAL of Massachusetts in two instances.

Mr. BILBRAY.

ADJOURNMENT

Mr. BONIOR. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 3 o'clock and 35 minutes p.m.) under its previous order, the House adjourned until Wednesday, June 3, 1992, at noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

3630. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. act 9-220, "District of Columbia Noise Control Amendment Act of 1992," pursuant to D.C. Code, section 1-233(c)(1); to the Committee on the District of Columbia.

3631. A letter from the Acting Assistant General Counsel, Department of Energy, transmitting notice of meetings related to the International Energy Program; to the Committee on Energy and Commerce.

3632. A letter from the Secretary, Interstate Commerce Commission, transmitting notification that it has extended the time period for acting on the appeal in Ex Parte No. 346 (Sub-No. 14A), pursuant to 49 U.S.C. 10327(k); to the Committee on Energy and Commerce.

3633. A letter from the Acting Director, Defense Security Assistance Agency, transmitting notification of the Department of the Air Force's proposed letter(s) of offer and acceptance [LOA] to Saudi Arabia for defense articles and services (Transmittal No. 92-28), pursuant to 22 U.S.C. 2776(b); to the Committee on Foreign Affairs.

3634. A letter from the Acting Director, Defense Security Assistance Agency, transmitting notification of the Department of the Army's proposed letter(s) of offer and acceptance [LOA] to Saudi Arabia for defense articles and services (Transmittal No. 92-29), pursuant to 22 U.S.C. 2776(b); to the Committee on Foreign Affairs.

3635. A letter from the Acting Director, Defense Security Assistance Agency, transmitting notification of the Department of the Army's proposed letter(s) of offer and acceptance [LOA] to Saudi Arabia for defense articles and services (Transmittal No. 92-25), pursuant to 22 U.S.C. 2776(b); to the Committee on Foreign Affairs.

3636. A letter from the Acting Director, Defese Security Assistance Agency, transmitting notification of the Department of the Air Force's proposed letter(s) of offer and acceptance [LOA] to Saudi Arabia for defense articles and services (Transmittal No. 92-26), pursuant to 22 U.S.C. 2776(b); to the Committee on Foreign Affairs.

3637. A letter from the Administrator, Agency for International Development, transmitting progress in conserving tropical forests and biological diversity in developing countries, pursuant to 22 U.S.C. 2151p; to the Committee on Foreign Affairs.

3638. A letter from the Assistant Secretary of Defense, transmitting the 1991 annual report on the financial status of the military retirement system, pursuant to 31 U.S.C. 9503; to the Committee on Government Operations.

3639. A letter from the Chairman, Federal Election Commission, transmitting a copy of the semiannual report on activities of the inspector general for the period October 1, 1991 through March 31, 1992, pursuant to Public Law 95-452, section 5(b) (102 Stat. 2526); to the Committee on Government Operations.

3640. A letter from the Chairman, Securities and Exchange Commission, transmitting the semiannual report of the inspector general and the management response of the Securities and Exchange Commission, pursuant to Public Law 95-452, section 5(b) (102 Stat. 2526); to the Committee on Government Operations.

3641. A letter from the Secretary, Department of the Interior, transmitting the 21st annual report of the actual operation during water year 1991 for the reservoirs along the Colorado River; projected plan of operation for water year 1992, pursuant to 43 U.S.C. 1552(b); to the Committee on Interior and Insular Affairs. §611.11

3642. A letter from the Secretary of Energy, transmitting a draft of proposed legislation entitled "Power Marketing Administration Timely Payment Act"; to the Committee on Interior and Insular Affairs.

3643. A letter from the Director, Federal Judicial Center, transmitting the 1991 annual report of the Federal Judicial Center, pursuant to 28 U.S.C. 623(b); to the Committee on the Judiciary.

3644. A letter from the Administrator, Federal Aviation Administration, transmitting the report of progress on developing and certifying the traffic alert and collision avoidance system [TCAS], pursuant to Public Law 100-223, section 203(b) (101 Stat. 1518); jointly, to the Committees on Public Works and Transportation and Science, Space, and Technology.

3645. A letter from the Secretary of Health and Human Services, transmitting a draft of proposed legislation entitled "Puerto Rico Medicaid Improvement Act of 1992"; jointly, to the Committees on Ways and Means and Energy and Commerce.

3646. A letter from the Federal Reserve System, Board of Governors, transmitting a copy of a report on concerns relating to the soundness, stability, and integrity of domestic and international capital markets, pursuant to Public Law 101-432, section 8(a) (104 Stat. 976); jointly, to the Committees on Energy and Commerce, Banking, Finance and Urban Affairs, and Agriculture.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. ROSTENKOWSKI: Committee on Ways and Means. H.R. 5260. A bill to extend the emergency unemployment compensation program, to revise the trigger provisions contained in the extended unemployment compensation program, and for other purposes. (Rep. 102–543, Pt.1). Ordered to be printed.

Mr. FROST: Committee on Rules. House Resolution 474. Resolution providing for the consideration of H.R. 5006, a bill to authorize appropriations for fiscal year 1993 for military functions of the Department of Defense, to prescribe military personnel levels for fiscal year 1993, and for other purposes (Rept. 102–545). Referred to the House Calendar.

REPORTED BILLS SEQUENTIALLY REFERRED

Under clause 5 of rule X, bills and reports were delivered to the Clerk for printing, and bills referred as follows:

Mr. McCURDY: Permanent Select Committee on Intelligence. H.R. 5095. A bill to authorize appropriations for fiscal year 1993 for intelligence and intelligence-related activities of the U.S. Government and the Central Intelligence Agency Retirement and Disability System, and for other purposes with amendments; referred to the Committee on Armed Services for a period ending not later than June 15, 1992, for consideration of such provisions of the bill and amendment as fall within the jurisdiction of that committee pursuant to clause 1(c) of rule X. (Rept. 102–544, Pt. 1). Ordered to be printed.

PUBLIC BILLS AND RESOLUTIONS

Under clause 5 of rule X and clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. EDWARDS of Texas (for himself, Mr. MCCLOSKEY, Mr. GEREN of Texas, Mr. JEFFERSON, Mr. EVANS, Mr. JONES of Georgia, Mr. FISH, and Mr. HAYES of Illinois):

H.R. 5303. A bill to amend the Internal Revenue Code of 1986 to make the targeted jobs credit permanent and to treat as a member of a targeted group every individual who has received a Department of Defense campaign ribbon, liberation ribbon, or national defense service medal; to the Committee on Ways and Means.

By Mr. FRANK of Massachusetts:

H.R. 5304. A bill to provide that a State court may not modify an order of another State court requiring the payment of child support unless the recipient of child support payments resides in the State in which the modification is sought, or consents to seeking the modification in such other State court; to the Committee on the Judiciary.

By Mr. SCHUMER:

H.R. 5305. A bill to amend title 18, United States Code, with respect to environmental crimes; to the Committee on the Judiciary.

By Mr. WYDEN:

H.R. 5306. A bill to amend the Internal Revenue Code of 1986 to permit amounts in State unemployment funds to be used to provide self-employment allowances; to the Committee on Ways and Means.

By Mr. PETERSON of Florida:

H.R. 5307. A bill to amend title 10, United States Code, to remove the limitations on the number of units of the Junior Reserve Officers' Training Corps that may be established and maintained at secondary educational institutions that apply for such units; to the Committee on Armed Services.

MEMORIALS

Under clause 4 of rule XXII, memorials, were presented and referred as follows:

463, By the SPEAKER: Memorial of the Senate of the State of Hawaii, relative to the exoneration of Captain Charles Butler Mcvay III; to the Committee on Armed Services.

464. Also, memorial of the Senate of the State of Hawaii, relative to the exoneration of Captain Charles Butler Mcvay II; to the Committee on Armed Services.

465. Also, memorial of the Senate of the Commonwealth of Pennsylvania, relative to the Pennsylvania Army and Air National Guard, to the Committee on Armed Services.

466. Also, memorial of the Senate of the State of Hawaii, relative to requesting the Congress to support legislation proposed in "The Earthquake Project"; to the Committee on Banking, Finance and Urban Affairs.

467. Also, memorial of the Senate of the State of Hawaii, relative to the antiproesterone steroid mifepristone, known as RU–486; to the Committee on Energy and Commerce.

468. Also, memorial of the Senate of the Commonwealth of Pennsylvania, relative to breast cancer; to the Committee on Energy and Commerce.

469. Also, memorial of the Senate of the State of Hawaii, relative to the United States to commit to strong environmental leadership at the United Nations' Conference on Environment and Development; to the Committee on Foreign Affairs.

470. Also, memorial of the Senate of the State of Hawaii, relative to the United States to commit to strong environmental leadership at the United Nations' Conference on Environment and Development; to the Committee on Foreign Affairs.

471. Also, memorial of the House of Representatives of the State of Hawaii, relative to Guam in their quest for commonwealth status with the United States; to the Committee on Interior and Insular Affairs.

472. Also, memorial of the House of Representatives of the Commonwealth of the Mariana Islands, relative to political union with the United States; to the Committee on Interior and Insular Affairs.

473. Also, memorial of the Senate of the State of Iowa, relative to the Missouri River Fish and Wildlife Mitigation Project; to the Committee on Public Works and Transportation.

ADDITIONAL SPONSORS

Under clause 4 of rule XXII, sponsors were added to public bills and resolutions as follows:

H.R. 431: Mr. ORTON.

H.R. 540: Mr. VISCLOSKY.

H.R. 911: Mr. RIGGS, Mr. ALLARD, Mr. WISE, Mr. NUSSLE, and Mr. VALENTINE.

H.R. 962: Mr. WEISS.

H.R. 1536: Mr. HAYES of Illinois, Mr. SAVAGE, Mr. MFUME, and Mr. WOLPE.

H.R. 1809: Mr. MOORHEAD.

H.R. 1886: Mr. MURPHY and Mr. MURTHA.

H.R. 2806: Mr. LANTOS, Mr. RIGGS, Mr. SCHIFF, Mr. CLINGER, and Mr. ROEMER.

H.R. 3222: Ms. KAPTUR and Mr. LEVIN of Michigan.

H.R. 3236: Mr. MCCLOSKEY.

H.R. 3472: Mr. ZIMMER.

H.R. 3518: Mr. SANTORUM, Mr. TORRES, Mr. SERRANO, and Mr. WILSON.

H.R. 3542: Mr. MAVROULES.

H.R. 3705: Mr. THOMAS of Wyoming.

H.R. 3953: Mr. EVANS, Mr. JONTZ, Mr. ROSE, Mr. WILLIAMS, and Mr. FISH.

H.R. 4002: Mr. HUGHES, Mr. TORRICELLI, and Mr. FISH.

H.R. 4204: Mr. WHEAT.

H.R. 4222: Mrs. MINK and Mr. TAUZIN.

H.R. 4310: Ms. NORTON and Mr. SAXTON.

H.R. 4354: Mr. OWENS of Utah.

H.R. 4376: Mr. JONTZ.

H.R. 4490: Mr. ENGEL.

H.R. 4507: Mr. COOPER, Mr. MARKEY, Mrs. MINK, Mr. SHAW, Mr. ESPY, Mr. SWIFT, Mr. MCDERMOTT, Mr. ENGEL, Mr. SUNDQUIST, and Mr. IRELAND.

H.R. 4567: Mr. LEHMAN of California.

H.R. 4613: Mr. RIGGS.

H.R. 4706: Mr. WHEAT.

H.R. 4829: Mr. ENGEL.

H.R. 4924: Mr. DELLUMS.

H.R. 4991: Mr. SAVAGE, Mr. GONZALEZ, Mr. BROWN, Mr. GEJDENSON, Ms. PELOSI, Mr. MANTON, and Mr. HOAGLAND.

H.R. 4996: Mr. HAMILTON, Mr. FROST, Mr. FISH, and Mr. HAYES of Illinois.

H.R. 5073: Mr. BRUCE.

H.R. 5079: Mrs. LOWEY of New York and Mr. MCCLOSKEY.

H.R. 5206: Mr. MINETA.

H.R. 5216: Mr. STEARNS and Mr. NATCHER.

H.R. 5219: Mr. BEILENSON, Mr. NOWAK, and Mr. GEJDENSON.

H.R. 5240: Mr. SWIFT, Mr. ROE, Mr. MCMILLEN of Maryland, Mr. GALLO, Mr. MAZZOLI, Mr. KOSTMAYER, and Mr. NEAL of Massachusetts.

H.R. 5282: Mr. FAWELL and Mr. VISCLOSKY.

H.J. Res. 271: Mr. STOKES and Mr. FRANK of Masschusetts.

H.J. Res. 353: Mr. BATEMAN, Mr. BUSTAMANTE, Mrs. COLLINS of Michigan, Mr. DARDEN, Mr. DUNCAN, Mr. EVANS, Mr. HOCHBRUECKNER, and Mr. SMITH of Texas.

H.J. Res. 378: Mr. ENGEL.

H.J. Res. 380: Mr. CARDIN, Mr. GORDON, Mr. WHITTEN, Mr. QUILLEN, Mr. HUNTER, Mr. TANNER, Mr. COOPER, Mr. YOUNG of Alaska, Mr. HENRY, Mr. LANTOS, Mr. WISE, Mr. VANDER JAGT, Mr. REED, Mr. BUNNING, Mr. MORAN, Mr. SWETT, Mr. LEVIN of Michigan, Mr. RICHARDSON, and Mr. SUNDQUIST.

H.J. Res. 391: Mr. SOLOMON, Mr. DELAY, Mr. ARCHER, Mr. PRICE, and Mr. MCNULTY.

H.J. Res. 393: Mr. DEFAZIO, Mr. STEARNS, Mr. EARLY, Mr. BONIOR, Mr. MCCLOSKEY, Mrs. MINK, Mrs. COLLINS of Michigan, Mr. CALLAHAN, Mr. HASTERT, Mr. MACHTLEY, Mr. GRANDY, Mr. STARK, Mr. HARRIS, Mr. FOGLIETTA, Mr. HAYES of Illinois, Mr. COOPER, and Mr. RAY.

H.J. Res. 411: Mr. JONES of North Carolina and Mr. HAYES of Illinois.

H.J. Res. 426: Mr. LANCASTER and Mr. QUILLEN.

H.J. Res. 478: Mr. POSHARD and Mr. MANTON.

H.J. Res. 483: Mrs. JOHNSON of Connecticut and Mr. ROSE.

H. Con. Res. 180: Mr. STARK, Mr. SANDERS, and Mr. SCHUMER.

H. Con. Res. 282: Mr. ANDREWS of New Jersey, Mr. ANTHONY, Mr. HOAGLAND, Mr. DONNELLY, Mr. SAVAGE, and Mr. SIKORSKI.

H. Con. Res. 297: Mr. GEJDENSON.

H. Con. Res. 305: Mr. GUARINI, Mr. ATKINS, and Mr. LEVINE of California.

H. Con. Res. 316: Mr. SMITH of Florida, Mr. SCHEUER, Mr. LEVIN of Michigan, Mr. KOPETSKI, Mr. ZELIFF, Mr. HOCHBRUECKNER, Mr. MANTON, Mr. HUNTER, Mr. BILBRAY, Mr. MACHTLEY, Mr. BEILENSON, Ms. MOLINARI, Mr. BERMAN, and Mr. WEISS.

H. Res. 204: Mr. FIELDS.

H. Res. 422: Ms. HORN, Mr. WOLPE, Mr. ESPY, Mr. GUARINI, Mr. MRAZEK, Mrs.

SCHROEDER, Mr. ENGEL, Mr. JEFFERSON, Mr. PETRI, Mrs. UNSOELD, Mr. KLUG, Mr. LAGOMARSINO, Mr. LUKEN, Mr. MCNULTY, and Mr. TOWNS.

H. Res. 448: Mr. DANNEMEYER, Mr. ZELIFF, and Mr. HORTON.

PETITIONS, ETC.

Under clause 1 of rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

159. The SPEAKER presented a petition of the Office of the Mayor, the city of East Orange, NJ, relative to the brutal beating of Rodney King; which was referred to the Committee on the Judiciary.

SENATE—*Tuesday, June 2, 1992*

(Legislative day of Thursday, March 26, 1992)

The Senate met at 9:30 a.m., on the expiration of the recess, and was called to order by the Honorable J. ROBERT KERREY, a Senator from the State of Nebraska.

PRAYER

The Chaplain, the Reverend Richard C. Halverson, D.D., offered the following prayer:

Let us pray:

Judge not, that ye be not judged. For with that judgment ye judge, ye shall be judged: and with what measure ye mete, it shall be measured to you again.—Matthew 7:2. *For all have sinned, and come short of the glory of God.*—Romans 3:23.

Eternal God, perfect in truth, justice, and righteousness, as Your Word declares, we are all in the same boat. It hardly behooves any of us to stand in judgment against another. We are all sinners. We have all come short of the glory of God. We have all failed to measure up to Your perfect truth, justice, and righteousness.

Patient Father, forgive us for condemning others with the same condemnation which we deserve. Forgive us for the scapegoating which persists in casting blame upon others while we absolve ourselves. Help us to see ourselves as God sees us and, having accepted our condition, help us to confess and receive Your absolution.

In the name of the Lamb of God that takes away the sin of the world. Amen.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore [Mr. BYRD].

The legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, June 2, 1992.

To the Senate:

Under the provisions of rule I, section 3, of the Standing Rules of the Senate, I hereby appoint the Honorable J. ROBERT KERREY, a Senator from the State of Nebraska, to perform the duties of the Chair.

ROBERT C. BYRD,
President pro tempore.

Mr. KERREY thereupon assumed the chair as Acting President pro tempore.

RECOGNITION OF THE MAJORITY LEADER

The ACTING PRESIDENT pro tempore. Under the standing order, the majority leader is recognized.

THE JOURNAL

Mr. MITCHELL. Mr. President, am I correct in my understanding that the Journal of proceedings has been approved to date?

The ACTING PRESIDENT pro tempore. The majority leader is correct.

SCHEDULE

Mr. MITCHELL. Mr. President, this morning the period for morning business will extend until 10 a.m., with Senators permitted to speak for up to 5 minutes each.

At 10 a.m., the Senate will begin consideration of S. 474, the Professional and Amateur Sports Protection Act. Consideration of this bill will be governed by unanimous-consent agreement, details of which can be found on page 2 of the Senate Legislative Calendar.

As noted in that agreement, the only amendment in order to the bill other than a modification of the committee substitute is one to be offered by Senator GRASSLEY, with a maximum of 2 hours for debate on the amendment.

Any rollcall votes ordered relative to the bill will occur no earlier than 2:15 p.m. today.

The Senate will stand in recess from 12:30 p.m. until 2:15 p.m. in order to accommodate the respective party conference luncheons.

Following disposition of the sports gambling bill, the Senate will proceed to the consideration of S. 1504, the Corporation for Public Broadcasting authorization bill. That bill will be governed by a unanimous-consent agreement, which is also printed on page 2 of the Senate Legislative Calendar.

Under that agreement, there is a finite list of amendments remaining in order to the bill.

Therefore, Senators should be alerted to the fact that the first vote relative to the sports gambling bill will occur no earlier than 2:15, and it is expected to occur at about 2:15 p.m., and other votes are likely to follow in relation to the Corporation for Public Broadcasting authorization bill.

RESERVATION OF LEADER TIME

Mr. MITCHELL. Mr. President, I reserve the remainder of my leader time and all of the leader time of the distinguished Republican leader.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

VOTING SCHEDULE FOR JUNE 1 THROUGH JULY 2

Mr. MITCHELL. Mr. President, I want to call the attention of Senators to the letter which I had written to Senators prior to Memorial Day in which I set forth the legislative schedule for the legislative period commencing today and ending just prior to the Fourth of July.

I ask unanimous consent that a copy of that letter be printed in the RECORD at the conclusion of my remarks today.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

(See exhibit 1.)

Mr. MITCHELL. Senators should be aware, and the letter places Senators on notice, that when the Senate is in session, rollcall votes can occur at any time.

I want that clearly understood by all Senators, that rollcall votes may occur at any time when the Senate is in session. There are relatively few legislative days left in this session, and it is imperative that we make the most efficient use of the time in which the Senate is in session. And that means that Senators must be present or remain within close proximity to the Capitol in order to respond to rollcall votes.

So Senators are on notice, and have been now for nearly 2 weeks. I want to remind everyone that rollcall votes can occur at any time that the Senate is in session.

Mr. President, I yield the floor.

EXHIBIT 1

OFFICE OF THE MAJORITY LEADER,
Washington, DC, May 22, 1992.

DEAR COLLEAGUE: I am writing to advise you of the voting schedule during the legislative period from Monday, June 1 through Thursday, July 2.

Mondays: There will be no rollcall votes on June 1 or on June 8. Rollcall votes may occur after 5:00 p.m. on June 15, June 22 and June 29.

Tuesdays: Rollcall votes may occur at any time.

Wednesdays: Rollcall votes may occur at any time.

Thursdays: Rollcall votes may occur at any time.

Fridays: There will be no rollcall votes on June 5. There will be no session on July 3, the federal holiday in observance of Independence Day. Rollcall votes may occur prior to 3:00 p.m. on June 12, June 19 and June 26.

This schedule will be observed unless otherwise specifically stated. Whenever adjustments are necessary, I will attempt to give you as much notice as is possible under the circumstances.

Other than as specifically excluded above, rollcall votes may occur "at any time" that

• This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

the Senate is in session. "This includes the possibility of procedural votes to ensure the attendance of Senators. All Senators are hereby placed on notice of the possibility of such votes, and at any time, without prior notice, including on Monday evenings and on Fridays."

I will write you again prior Independence Day to announce the voting schedule for the next legislative period.

Sincerely,

GEORGE J. MITCHELL.

MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, there will now be a period for the transaction of morning business not to extend beyond the hour of 10 a.m., with Senators permitted to speak therein for not to exceed 5 minutes each.

Mr. HEFLIN addressed the Chair.

The ACTING PRESIDENT pro tempore. The Senator from Alabama.

CONSTITUTIONAL AMENDMENT TO BALANCE THE FEDERAL BUDGET

Mr. HEFLIN. Mr. President, I rise today to support legislation requiring the Federal Government to achieve and maintain a balanced budget. Senate Joint Resolution 18, introduced by Senator SIMON, passed the Judiciary Committee and has been on the calendar for over a year. I am proud to be an original cosponsor of this resolution, which has strong bipartisan support. Floor action on this measure has been promised, and I anticipate that the Senate will have an opportunity to vote on this proposed amendment to the Constitution during this month of June.

Throughout my tenure as a U.S. Senator, in every Congress I have introduced legislation proposing a constitutional amendment requiring a balanced budget, and I have dedicated myself to work with my colleagues to curb Federal spending. Indeed, the fiscal irresponsibility demonstrated over the years has convinced me that the only way to achieve and maintain a balanced Federal budget is by a constitutional requirement.

For much of our Nation's history, a balanced Federal budget was the status quo and part of our unwritten constitution. For our first 100 years, this country carried a surplus budget, but in recent years this Nation's spending has gone out of control.

Congress has made efforts to bring the budget under control by legislative means, but it is clear that it has failed. Constitutional discipline is the only way we can achieve the goal of reducing deficits. Ever since I have been in the Senate, I have supported and advocated efforts which have come close to moving a balanced budget amendment through Congress. During the 97th Congress, a measure was passed in the Senate with the necessary two-thirds vote, but failed to gain passage in the House. In the 99th Congress, after extensive debate, passage of a balanced budget amendment by the Senate failed by one vote—it achieved 66 votes. The constitutional requirement of two-thirds was one shy.

Last Congress, I supported a measure which passed the Judiciary Committee, but it was never considered by the full Senate. Therefore, I continue to call on my colleagues to support this crucial initiative.

Section 1 of Senate Joint Resolution 18 requires a three-fifths vote of each House of Congress before the Federal Government can engage in deficit spending. A 60-percent vote in the Senate is a very difficult one to obtain. This requirement should establish the norm that spending will not exceed receipts in any fiscal year. If the Government is going to spend money, it should have the money on hand to pay its bills.

Section 2 provides for the submission by the President of a balanced budget to Congress. This section reflects the belief that sound fiscal planning should be a shared governmental responsibility by the President as well as the Congress.

Section 3 of the amendment requires a majority vote of the whole number of each House of Congress any time Congress votes to increase revenues. This holds public officials responsible, and puts elected officials on record for any tax increase which may be necessary to support Federal spending.

Section 4 of the amendment not only permits a waiver of the provisions for any fiscal year in which a declaration of war is in effect, but also contains a waiver provision in cases of less than an outright declaration of war—where the United States is engaged in military conflict which causes an imminent and serious threat to national security, and is so declared by a joint resolution. Under this scenario, a majority of the whole number of each House of Congress may waive the requirements of a balanced budget amendment.

The United States has engaged in only five declared wars, yet the United States has engaged in hostilities abroad which required no less commitment of human lives or American resources than declared wars. In fact, our Nation has been involved in approximately 200 instances in which the United States has used military forces abroad in situations of conflict. Not all of these would move Congress to seek a waiver of the requirement of a balanced budget, but Congress should have the constitutional flexibility to provide for our Nation's security.

Section 5 of the amendment provides that total receipts shall include all receipts of the United States except those derived from borrowing. In addition, total outlays shall include all outlays of the United States except those for repayment of debt principal. This section is intended to better define the relevant amounts that must be balanced.

Mr. President, the future of our Nation's economy is not a partisan issue. Furthermore, the problem of deficit spending cannot be blamed on one branch of Government or one political party. Similarly, just as everyone must share part of the blame for our economic ills, everyone must be united in acting to attack the growing problem of deficit spending. I recognize that a balanced budget amendment will not cure our economic problems overnight, but it will change the course of our future and lead to responsible fiscal management by our National Government.

Mr. President, I received a letter from former Senator William Proxmire, dated May 18, 1992. I ask unanimous consent that the letter be printed in the RECORD following my remarks.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

WASHINGTON, DC,
May 18, 1992.

Hon. HOWELL HEFLIN.

DEAR HOWELL: When I left the Senate, I said that I would not be coming back to lobby my colleagues on pending legislation. I did not and I do not now intend to make a second career out of wielding influence on the legislative process on behalf of any particular industry or interest group.

I have chosen, however, to make a single exception to this general rule. I am writing today to urge you to support S.J. Res. 18, a proposed amendment to the Constitution to require a balanced federal budget.

Our situation has, indeed, become dire. As the annual federal deficit continues to grow, and the total national debt soars out of control, a greater and greater portion of our national budget now goes to pay interest on that debt. The numbers are virtually incomprehensible. How much debt is the $4 trillion that the United States owes to bondholders around the world? The money must ultimately come from the American taxpayer, and the debt comes out to $16,000 for every man, woman and child in America.

This cannot continue. The Balanced Budget Amendment to the Constitution has become a necessity. When S.J. Res. 18 comes to the floor for consideration, I ask you to support it.

Sincerely,

WILLIAM PROXMIRE.

Mr. DOLE. Mr. President, is my leader time reserved?

The ACTING PRESIDENT pro tempore. Yes.

Mr. DOLE. I thank the Chair.

(The remarks of Mr. DOLE pertaining to the introduction of S. 2794 and S. 2795 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

Mr. DOLE. Mr. President, I reserve the remainder of my time.

The ACTING PRESIDENT pro tempore. The Senator from Colorado is recognized.

THE UNCED BIODIVERSITY CONVENTION

Mr. WIRTH. Mr. President, this morning, I shall take a few minutes to begin a series of statements that I intend to make this week on the U.N. Conference on Environment and Development [UNCED] beginning in Brazil tomorrow.

The Earth summit, as it has come to be known, will be the most important environmental meeting, and perhaps the most significant international gathering of any nature, in our history. It is imperative that we understand what is at stake as the nations of the world gather to confront what I believe is a major ecological crisis.

We, in the United States, stand with all nations of the world at a crossroads. There is a growing realization that civilization has encountered a defining moment in its history.

Because humanity has gained unprecedented power to disrupt the web of ecological services that make life—all life—possible, we are now faced with choices that will determine the well-being of our descendants and of the globe for generations to come.

For the first time, we recognize that we are a profound force on the global environment. That is what the Earth summit is all about—reconciling our power to alter the global environment with our ability to reason and to create opportunity for the future.

We cannot continue activities that doom not only our ability to provide an acceptable quality of life for ourselves, but threaten even our continued existence and the existence of the majority of God's creation. We simply cannot continue business as usual. It is unsustainable. Nowhere is this more evident than in terms of what we are doing to the land around the globe. We are systematically destroying forests, soils, and species.

The issue of land degradation can be divided into separate but interdependent problems: the destruction of soils, deforestation, desertification, and the loss of biodiversity. Many of my colleagues have read in the media recently about the treaty on conserving biological diversity. This convention has been negotiated by the nations of the world to address each of these issues, on a nation-by-nation basis, by promoting the protection and sustainable use of entire ecosystems.

Past patterns of unrestrained exploitation and development has led to a alarming crisis, which is explicitly recognized by the biodiversity treaty that nations are trying to agree on in Brazil.

Unfortunately, the United States, for various reasons, has said it would not sign this treaty and I am hopeful as my remarks will indicate that the United States may come around and that we may be able to develop a way in which the United States can agree and can lead the world as the world expects us to lead.

We are losing productive lands to rampant clearing of forests, soil productivity is dropping and soil erosion increasing, semiarid and arid lands are turning to desert from overuse, species are disappearing from the planet at approximately about 1,000 times the normal rate, a patch of rain forest disappears every second.

Reversing these trends is not a luxury, it is a necessity. Human beings, by sheer numbers and technological ingenuity, have gained the ability to disrupt entire regions and indeed the global environmental balance. Eastern Europe provides a profound example of what awaits those who disregard all environmental consideration in blind pursuit of economic considerations. And while economic activity can have important impacts on the environment, the environment is also an important component of economic development. Again, Eastern Europe is a powerful example. As the nations of Eastern Europe seek to attract investment and develop free market economies, they are finding environmental decay to be a powerful obstacle for locating new businesses. Many businesses simply do not want to locate where profound pollution exists.

Similarly, economic prudence demands that we conserve and nurture our soils and forests to maintain these building blocks of our economic, social, and physical livelihood.

The extent of what we are doing to the land has become very clear in recent years. The signs of global ecological decay are all around us. Just a few months ago, the U.N. Environment Program reported that since the end of World War II, 10 percent of the world's soil has been destroyed through deforestation and poor land management. On a global basis we are now destroying 25 billion tons of topsoil annually. Soils which take decades to develop are being ruined each year.

Similarly, tropical deforestation increased 50 percent during the 1980's, to an average of 40 million acres per year. This is particularly disturbing considering that half of the world's species are found in tropical forests. These rainforests function as carbon sinks, removing carbon dioxide—the primary greenhouse gas—from the atmosphere. Preserving forests around the globe will result in benefits manyfold: conserving the richness of biodiversity—the genetic building blocks of life; maintaining climate stability and the predictability of global weather patterns; and maintaining the ability of nature to cleanse the air and water we depend on for life.

I welcome the President's initiative—announced yesterday—on protecting forests around the globe. It is a step forward. But the President must understand that leadership begins at home. We cannot call on the Brazilians or others to protect their native, mature forests while at the same time allowing the continued destruction of our own ancient forests and endangered species at home. That is an unreasonable and inconsistent position. The President needs to reconcile his international policy with his domestic policy.

Desertification, a third trend in our assault on the land, is the process by which arid lands are transformed into desert through various factors including human activity and climate variations. Desertification is a silent crisis, affecting as it does more than one-sixth of the world's population and one-quarter of the total land area of the planet. Occurring primarily in the developing world, poverty is the most widespread and pernicious cause of this troubling trend.

And while we are destroying species, cutting down forests, and turning land into desert, we are also witnessing an explosion in population—a rapid growth in the numbers of human beings who depend on the natural resources we are denuding. The world's population has doubled to 5.4 billion and is projected to double again sometime around the middle of the next century. How can we continue to destroy our land and resources and hope to feed and clothe all these new people?

Uncontrolled population growth will doom every hope of stable economic development in the Third World, and every initiative to combat poverty and hunger worldwide. It also will bring increasing pressure to bear on international security, as impoverished peoples—environmental as well as economic refugees—begin moving to regions with food, hope and the promise of fulfilling basic human needs. Ignoring this situation condemns not just nature, but humanity as well.

Increasing international recognition of the global environmental crisis provided the impetus for the U.N. Conference on Environment and Development, scheduled to begin this week in Rio. The force driving the UNCED process is the clear and widely recognized need to link economic and environmental pursuits.

The goal is to structure future development in such a way as to prevent irreparable damage to the Earth's life-sustaining ecological systems, whose vast and complex natural processes we depend on for our survival.

And so it was with great expectation and hope that the UNCED process was begun in 1990. Through a series of preparatory meetings, it was hoped that leadership would be provided to establish a global partnership to protect our land resources and employ them in sustainable development.

As these negotiations have progressed, I have been struck by the tremendous power of the United States. Many in our country despair of our future. Some fear that we are in a period of protracted decline. To me, the UNCED process has reaffirmed our immense power. The world is looking to us for leadership. If the United States sets a course, the world will follow. Unfortunately, our lead has been too timid, and so has been the result.

Again last week, I was saddened to learn of President Bush's decision not to sign the important draft biological diversity treaty—which relates directly to the issues of land loss I have been discussing this morning. The biodiversity treaty as an important first step in an international process designed to confront the continuing and unsustainable assault on the Earth's lands. This treaty—and others on forests and global climate change—while not as comprehensive as the situation may warrant, will begin a process toward addressing our most pressing environmental challenges and mark the beginning of an era of sustainable development.

The Draft Convention on Biological Diversity has as its objective the conservation of the planet's biological diversity of the planet and the sustainable use of genetic resources. The treaty recognizes that the conservation of biodiversity is a common cause for us all and that each nation has a responsibility to ensure that its activities do not damage the global commons.

Our negotiators have expressed concern with some provisions of the treaty. U.S. concern with the treaty arises primarily from sections that address the protection of intellectual property rights. During the treaty negotiations, our negotiators argued for a separation of the treatment of technology accompanied by an inherent intellectual property right and technology with no such a right.

The administration—legitimately, I believe—felt that adequate protection for intellectual property rights and of the commercial benefits which may be gained from the use of genetic resources was essential. This is consistent with our position in the Uruguay round of talks on the General Agreement of Tariffs and Trade, or GATT, negotiations which are also underway. The developing nations argued that the developed world has an obligation to share the tools necessary to achieve sustainable development, and that patents and property rights should not be used as barriers to technology transfer.

A second issue in the negotiations has been the treatment of benefits arising from the promising expansion of biotechnology. I have long argued that instead of looking at global environmental protection as an economic hurdle, we must also look for the economic opportunities that will emerge as we confront—as we must—unsustainable ecological trends. And when looking for opportunities, there may be no greater example than that of the pharmaceutical and biotechnology industries of which we can be proud of in this country.

So what are the economic opportunities coming out of a biodiversity convention, Mr. President? Today, chemical compounds whose origins can be traced to tropical rain forests generate more than $40 billion in economic activity. Pharmaceuticals are more than a $100 billion market. Looking to a more environmentally sound future, we can see that biological diversity begs for economic creativity and entrepreneurial activity.

American pharmaceutical companies can be leaders in prospecting the rain forests of the world for plants with promising commercial values.

The world's largest pharmaceutical company, Merck, announced last fall a joint agreement with Costa Rica's National Institute of Biodiversity to screen plants and insects found in the Costa Rican rain forest for chemical compounds that might be used for drugs.

This is the first step in an effort to link U.S. biotechnology/bioengineering capabilities with the genetic capital of the natural world. The developing nations are naturally concerned that they share in any commercial successes related to the exploitation of genetic resources derived from plants and animals found in their countries. That is a perfectly legitimate position, in my opinion. The benefits of genetic prospecting should be shared, and I regret that the administration is reluctant to signal this important new era of cooperation.

Elimination of the profit motive can be a strong disincentive to the protection of the world's biodiversity. Just as we need to protect patent rights to create incentives for biological conservation, so too must we promote economic incentives for the nations that house our genetic inheritance with a motive for protecting these treasures.

Again, I respect the administration's views on the elements of the biodiversity convention that may counterproductively discourage private enterprise from moving in this direction. With leadership, however, we might have been able to protect property rights while ensuring that developing nations are rewarded for their contribution to resource development. Unfortunately, that did not occur.

Therefore, these concerns—together with other issues related to the obligation and means to channel funding for sustainable developing to the developing world—have resulted in a flawed agreement. But while it is flawed, it should be signed.

Instead of narrowly focusing on these flaws, we need to consider the larger issue at stake, which is the promise that the UNCED process offers for continued international cooperation, not only in commercial enterprises such as chemical prospecting but in fashioning global responses to a wide variety of global problems.

When 160 nations negotiate an agreement, no single nation will consider the final product ideal. That is why the agreement contains provisions to amend its content as developments warrant. If we do not take up that challenge, if we do not sign this agreement, the entire treaty will be diminished. We are that important to this process.

Despite its flaws, the draft biodiversity convention can provide a sound foundation for the work of reducing loss of biodiversity, deforestation, and desertification. Should the United States refuse to sign, as the President has stated is his intention, a historic opportunity will have been lost.

During negotiations on the climate change convention, the United States was able to gain acceptance of a position that most of the rest of the world thought was something less than was ideal or desirable. They agreed to a flawed convention knowing of the importance of gaining agreement on the start of an international process for the nations of the world to confront a threat to all of humanity.

For this same reason, the United States should sign the biodiversity convention with the intention of improving its workings over time. To refuse to do so condemns humanity to a delayed entry in the battle to care for all life, to harness the economic opportunities that await discovery, and ultimately we run the risk of condemning ourselves to the effects of mass extinction of biologic capital.

Conserving biodiversity is not just about saving a national symbol, or establishing animal reserves. Its about maintaining the natural systems of the Earth that support all life. These systems purify the water we drink, recycle and balance the atmosphere we breathe, maintain the fertility of our croplands, and provide our food and medicine for our use. The rich and diverse genetic library of the world's life—the irreplaceable bounty of nature—is our gift. It would not be wise to squander it.

The whole point of the Earth summit, and of the biological diversity convention, is to arrange prudent and necessary economic development in a way that is both mindful of the needs and requirements of civilization and the natural world.

Unless we protect the world's natural systems, our efforts to improve our quality of life and standard of living will be undermined—and doomed to failure. But if we refuse to use the Earth's bounty prudently—in a sustainable fashion—we deny our children a future. The preservation of the globe's soils, forests, and species are that important and must engage us all.

Mr. President, I ask unanimous consent that various materials related to this subject be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From Time magazine, June 8, 1992]

MAKING THINGS HAPPEN IN RIO

(By Thomas E. Lovejoy)

This planet—once described by Lewis Thomas as "hanging there in space and obviously alive"—is showing disturbing vital signs. The symptoms include accelerating deforestation and loss of species, and growing atmospheric pollution by greenhouse gases and the ozone-eating chlorofluorocarbons (CFCs). The full list is familiar. The causes are rooted in our growing numbers and the complexities of society's interaction with the natural world upon which we depend.

This week the largest international meeting in history, let alone just on the subject of the environment, will convene in Rio de Janeiro, replete with 100 heads of state and a cast of tens of thousands. Some would assert that just having the meeting represents progress, but there is every reason to wish for and expect more. Fortunately, it is no longer possible that it will be naught but an environmental Woodstock or an enormous black hole for diplomatic talent and energy. With a last-minute flurry of negotiation possible, it is as yet unclear how much progress will be made with earth's daunting problems.

The difficulty with the issues is not only their scale and urgency but also the way in which all that is wrong or perceived wrong with the world can in some way be linked with environment. It is not surprising to see old issues such as North-South inequities arise in new guises. Now the debates are about who is responsible, who pays and how much, as well as access to resources whether natural or intellectual. There is an urgent need to move beyond finger pointing. The truth is that almost no nation is environmentally innocent, and all countries—whatever the extent of their responsibility—have a vested interest in solving the problems.

No organism can exist without affecting its environment. Lions dine on gazelles. A growing tree will shade out sun-loving herbaceous plants. All organisms excrete wastes. So the question facing the Earth Summit and humanity in general is not whether to affect the environment or not, but in what ways.

The need is not just for restraint but also for creativity. There are opportunities for economic growth that bear the environment in mind. There is money to be made in efficient use of resources and in new technologies that make it possible. This intriguing and encouraging message—that environmental sensitivity is an essential element of competitiveness—comes from the Business Council for Sustainable Development, which includes CEOs of many prominent corporations.

An interesting piece of sustainable development is already emerging unheralded from the intersection of biotechnology and biological diversity. Pharmaceutical companies already reap huge sales from this or that wild and wonderful molecule discovered in the natural variety of plant and animal life. Natural or genetically enhanced organisms aid with environmental cleanup. A CFC-eating bacterium was recently found in sediments of the Potomac River. A basic laboratory for biotechnology and diagnostic medicine uses a heat-resistant enzyme derived from a bacterium native to Yellowstone hot springs. Upward of nearly $100 billion of annual economic activity is generated at this intersection of biotechnology and biological diversity. The potential is staggering, and it is easily sustainable because it is usually not necessary to destroy the biological resource to benefit from the particular desired molecule.

Ironically, at the very moment that biotechnology is opening the door on an era during which humanity can benefit from biological diversity as never before, and when that potential is an important segment of the sustainable development that the world requires, various activities, particularly habitat destruction, are elevating species extinctions to something like 1,000 times the normal rate. The choice is therefore not between economic activity and environmental luxury, as some have viewed biological conservation, but rather between maximum and diminished potential for economic return. Joint ventures in tropical nations to which they bring their genetic capital, and companies in industrialized nations bring technological capital, would provide serious incentives to protect biological diversity.

The Earth Summit has been billed as the environmental crossroads for humanity. Indeed, many are concerned that environmental problems are so large that they soon may pass a point where anything significant can be done. Of all problems none is more irreversible than the extinction problem; every time a species is lost unnecessarily, a 3.5 billion-year lineage comes to a halt.

It is hard to assess how much can actually be achieved at Rio. But it is clear that there will be plenty to do afterward, and it is not too soon to think about how new strategies might be most effectively pursued. Certainly we cannot depend on periodic mechanisms like the Earth Summit, which manage to be both ponderous and convulsive at the same time. There is a need for an interim continuing structure like the Security Council within the United Nations. An alternative might be a voluntary mechanism like the Group of Seven meetings, but one that includes some of the major developing nations and would therefore be more likely to produce recommendations acceptable to the broader sweep of countries. Looking beyond Rio should not get in the way of achieving as much as possible at the Earth Summit, but a focus on the future is a critical piece of the agenda.

(Thomas E. Lovejoy is assistant secretary for external affairs at the Smithsonian Institution.)

[From the New York Times, Mar. 5, 1992]

DRUG INDUSTRY GOING BACK TO NATURE

(By Andrew Pollack)

Skin of frog, venom of spider and saliva of leech. Ingredients for the witch's brew at the beginning of "Macbeth"? No, they are potential sources of drugs.

The pharmaceutical industry is going back to nature, scoring the oceans for algae, the soil for fungi and the jungles for plants, insects and beasts that might provide chemicals to fight cancer, AIDS and other diseases. Such chemical prospecting could also provide an economic incentive for preserving rain forests and endangered species, conservationists and drug company officials say.

The resurgence of interest in such natural sources is surprising because biotechnology was supposed to have ushered in the age of "rational drug design," in which drugs would be formulated using scientific principles, doing away with the need to rely on Mother Nature.

Instead, biotechnology has produced techniques that allow drug companies to screen tens of thousands of substances a year in an attempt to find just one that will fight disease.

"The testing procedures have become like factories," said Dr. John H. Fried, vice chairman of the Syntex Corporation and president of its research division. "You can run a lot of products through."

Syntex signed an agreement last year under which science academies in China will supply it with up to 10,000 plant extracts a year for testing. SmithKline Beecham has hired Biotics Ltd., a young British company, to supply it with hundreds of plant extracts each year from the jungles of Ghana and Costa Rica.

The National Cancer Institutes which dropped its natural-drug screening program in the early 1980's, resurrected it a few years ago. It collects nearly 4,000 plant samples each year around the world, plus thousands more samples of marine organisms and microorganisms.

Biotechnology companies are also working with natural-drug sources. Natural Product Sciences Inc. of Salt Lake City and Cambridge Neuroscience Inc. of Cambridge, Mass., hope that spider venom, which can paralyze the spider's prey, will yield drugs for human brain and nervous-system disorders.

Xenova Ltd., a new British company, has assembled a library of more than 20,000 fungi and microorganisms that it screens and allows other drug companies to use.

Some promising drugs isolated from natural sources are already in development. Cor Therapeutics, a South San Francisco biotechnology company, is testing a drug to prevent unwanted blood clots. If found the drug by screening the venom of 70 species of snakes. Other companies, including Biogen and Ciba-Geigy, are developing anti-clotting compounds modeled on agents used by leeches, which are known for their blood-sucking ability.

Magainin Pharmaceuticals of Plymouth Meeting, Pa., is developing anti-infection agents modeled after naturally occurring molecules found in the skin of frogs.

Drugs can come from seemingly contradictory places. A tree in China known as the tree of joy yields the same anti-cancer drug now being tested by SmithKline Beecham, as another tree in India called the stinking tree.

Not all natural drugs come from exotic jungles. Merck & Company derived the avermectins, which are used to treat river blindness and other infectious diseases, from a microorganism found in the soil of a Japanese golf course.

Drug experts say rational drug design is still the wave of the future, but it has so far proved difficult to design drugs completely from scratch. Millions of years of evolution, meanwhile, have led to the development of many chemical structures that mankind has not even thought of.

AID FROM BIOTECHNOLOGY

Biotechnology techniques, like growing cells in test tubes, have actually spurred the return of natural-product testing by allowing for the design of highly efficient and highly automated tests.

The National Cancer Institute, for instance, previously tested potential anti-cancer drugs in mice that had leukemia, a cumbersome process. Now it grows 60 different types of cancer cells in cultures and can test drug candidates on all 60 types, performing 20,000 such tests a year. Affymax Research

Institute, a company in Palo Alto, Calif., that is owned by Affymax N.V. of the Netherlands, developed a technique that could make it possible to test thousands of compounds in a day.

Genetic engineering has also allowed scientists to clone receptors, which are parts of a cell to which proteins bind, setting off some metabolic process. Drugs often work by binding to a receptor or by blocking something else from binding. So scientists can test thousands of substances to see which bind to receptors associated with a particular disease.

"We can set up very specific screens we couldn't do before," said Randall Johnson, director of biomolecular discovery at SmithKline Beecham.

USE OF ROBOTS IN TESTING

Ligand Pharmaceuticals, a biotechnology company in San Diego, has synthesized or licensed receptors for several types of hormones. Using robots and technicians, Ligand has already gone through half of the 110,000 compounds in the library of Pfizer Inc., a drug company with which it has an agreement, searching for chemicals that bind to the receptors. The company also tests natural marine substances obtained through a scientist at the Scripps Institute of Oceanography nearby.

Screening for drugs this way is like looking for a needle in a haystack, only worse, because finding a usable substance is only the first step in producing a drug.

"You are not expecting to find something you can put into a bottle and sell to a pharmacist," said William A. Scott, senior vice president for exploratory and drug discovery research at Bristol-Meyers Squibb.

A plant extract, for instance, might contain thousands of compounds, which then have to be laboriously separated to see which is responsible for making the extract noticeable in the screening test. In addition, the natural substance often has to be modified to make it safer or more effective, or to make it capable of being manufactured.

The search for natural drugs does not automatically mean riches for those involved. The collection end, in particular, involves lots of work for low pay.

Take the case of Spider Pharm in Black Canyon City, Ariz., a mom-and-pop business run by Charles and Anita Kristensen that collects spiders and sells their venom to drug companies. When interviewed in January, the Kristensens had 40,000 to 50,000 spiders on hand, representing more than 20 species, most of them stashed in little plastic cups in their garage.

MILKING A SPIDER

Milking is laborious work. The spider is anesthetized with gas and a tube is stuck beneath its fangs. Then the spider is given an electric shock, which prompts the release of venom. All the while, the spider's mouth is suctioned clean to prevent vomit from contaminating the venom.

Each milking might produce as little as a millionth of a liter. Not surprisingly then, venom is expensive. The venom of black widow spiders can run $15,000 a milliliter.

Despite the high prices, however, Spider Pharm has run up huge debts, Mr. Kristensen said. Indeed, as he spoke, he was preparing to pack his arachnids and move to Pennsylvania to take a job helping the American Cyanamid Company develop insecticides from natural sources. He and Mrs. Kristensen plan to maintain the spider farm, however.

A POSSIBLE ROUTE TO PROFIT

A better route to profit might be to make natural products in large quantities. Foraging for jungle plants or milking spiders might be fine for obtaining small samples for testing, but it will usually be impractical as a way of producing large volumes needed when a drug reaches the market.

Calbiomarine Technologies Inc., a tiny company in Carlsbad, Calif., hopes to use aquaculture to grow marine organisms and harvest drugs from them. An initial candidate is an anti-cancer compound in clinical trials that comes from tiny marine invertebrates.

Aquaculture, says the company's president, Janice Thompson, is bound to be more economical than the current method of collection—sending divers to scrape the animals off rocks or the undersides of ships.

[From the Environmental Defense Fund, Friends of the Earth, Audubon, National Wildlife Federation, Natural Resources Defense Council, Sierra Club, Washington, DC]

KEY ISSUES AT THE EARTH SUMMIT

BIODIVERSITY CONVENTION

An international agreement to conserve and manage the planet's imperiled species, genetic resources, and ecosystems has been drafted, and may possibly be signed at the Earth Summit. It is intended to protect the large proportion of the planet's biological resources which remain unprotected by the existing patchwork of international laws and conventions. But the agreement lacks key provisions for incentives or commitments.

Like the climate change convention, the biodiversity convention is being developed in a negotiating process that is parallel to the Earth Summit but separate from it. Final negotiations on the treaty, which are being organized by the United Nations Environment Programme, are now ongoing in Nairobi, Kenya. Among the questions that were still to be resolved in the biodiversity treaty negotiations as they commenced were those that dealt with biotechnology, financial assistance for developing countries, failure to address marine diversity, compensation for resources taken from a country, and the threat of global warming to biological resources.

As expected, the United States continued to call for changes in the already weak text to eliminate provisions potentially affecting U.S. business practices, especially those of the biotechnology industry, or U.S. law. The latest report indicates that a key outstanding issue is the question of whether the convention should contain a provision on global lists of species and protected areas, which apparently the United States and a number of developing countries are opposing.

CAPE '92 RECOMMENDATIONS

1. Financial resources should be made available to assist developing countries in efforts to establish and manage protected areas.
2. "Hot spots" in need of immediate protection should be identified.
3. Technical expertise should be provided to assist developing countries in sustainable forest and protected area management.
4. Subsidies for natural resource extraction should be eliminated.

[From the Washington Post]

PROTECTING THE EARTH'S GENETIC LIBRARY

(By Rodger Schlickeisen)

As we approach the landmark United Nations Earth Summit to be held next month in Rio de Janeiro, the media seem single-mindedly absorbed with the treaty to reduce global warming. But another treaty on the Rio agenda is equally vital to global well-being and is quietly gaining momentum. This is the proposed Convention on Biological Diversity.

Although present treaties protect some elements of biodiversity, they fall far short of comprehensive conservation of genetic resources. Nor do they cover related issues of use, ownership, funding and the transfer of technology developed from biological resources. Global guidelines for protection of the world's "genetic library" are sorely needed.

Mustafa K. Tolba, executive director of the U.N. Environment Program, has shepherded such a proposal for several years. But no one thought it had a chance of being ready for Rio until a breakthrough in negotiations last February. The document that evolved from these meetings is one of the most comprehensive conventions ever drafted. If strengthened and adopted, it could greatly increase the protection of our biological heritage.

But as so often happens with the United Nations, the negotiation process has now turned into something of a soccer game, with the developed countries (which often are "species-poor") on one side and the developing countries (often "species-rich") on the other, booting the ball back and forth with no one scoring any points. The United States wants continued access to genetic resources of other countries without assuming specific legal and financial obligations for genetic preservation. Many developing countries want to profit from biotechnological products derived from species within their borders, including breakthrough medicines and new crop varieties, while asking developed countries to bear the lion's share of the costs. Up to now, these products have usually been developed by Western nations or companies, patented and then sold back to the countries of origin at a profit.

Both of these views smack of unenlightened self-interest. The draft treaty is a hodgepodge of provisions advocated by the two sides, and efforts have been made to water it down to a vague and meaningless initiative that would have no significant benefit for wildlife. An internal memo in Vice President Quayle's office targeted the strongest provisions of the agreement for weakening during negotiations last week in Nairobi. The administration's team was partially successful. The final Nairobi draft agreed to on Friday lacks important provisions. Even so, there is concern that President Bush may not sign the treaty in Rio.

The United States should be prepared to support the treaty both legally and financially with the following principles in mind:

First, the primary goal of the treaty must be the conservation of biological resources. Sustainable use is a worthy aim, but to hinge the existence of thousands of species purely on their economic benefit to humankind falls far short of the necessary prescription for a healthy global ecosystem. It should be made clear that each nation that signs this treaty accepts the responsibility of conserving its own biological resources. Congress and the president could set an example of other countries by approving biodiversity legislation pending in Congress.

Second, preliminary drafts called for the creation of global lists of endangered species and biologically important areas. While the treaty should protect unlisted areas and species as well, these lists could help identify those needing immediate attention. Earlier drafts also included assistance to countries in managing these areas and protecting their species. At the insistence of developing nations, listing was dropped from the Nairobi agreement. The United States should work for the introduction of a listing system.

Third, the agreement should affirm a fundamental tenet of international environmental common law: that a nation is responsible for actions under its control whether within that nation's boundaries or outside them. This seems obvious. No nation has the right to harm the natural heritage of another. Preliminary drafts required environmental impact statements and other steps to avert adverse environmental impacts. Yet U.S. negotiators successfully opposed inclusion of language in the Nairobi agreement that would make countries responsible for damage done outside their borders. This is not altogether surprising, since in the Supreme Court case Lujan V. Defenders the Bush administration argued to keep from requiring federal agencies to obey the Endangered Species Act on projects overseas. A decision in the case could come before the meeting in Rio begins.

Finally, finding the money for programs is always contentious, but unless the United States and other developed nations commit new funding to help developing countries meet the terms of the treaty, the convention will have little impact where it is needed most.

As negotiators argue over questions of national sovereignty and biotechnology, they should keep in mind a universal truth that transcends national self-interest. No generation has the right to squander the heritage of those that will follow. We have the incredible opportunity to help ensure that this won't happen. A strong Convention on Biological Diversity would be one of the best legacies we could leave.

(The writer is president of Defenders of Wildlife.)

The ACTING PRESIDENT pro tempore. The Senator from Ohio is recognized.

The Chair will advise the Senator from Ohio the period for morning business will expire at 10 a.m.

EXTENSION OF MORNING BUSINESS

Mr. METZENBAUM. Mr. President, I ask unanimous consent that the period for morning business be extended for 10 minutes and the Senator from Ohio be recognized for that 10-minute period.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

At this point Mr. ROBB assumed the chair.

REGULATORY POLICY

Mr. METZENBAUM. Mr. President, I rise today to express grave concern about the Bush administration's regulatory policy. It is well known to Americans, from their junior high civics lessons, that Congress passes laws and the President signs them. But what they did not teach you is the little known fact that the President has the ability to frustrate the will of Congress and the American people through the regulatory process.

Regrettably, since January the Bush administration has pursued this objective with a vengeance. This deregulatory binge may be an effort to line the pockets of the President's business supporters. He may owe them an obligation. It may be an effort to salvage the President's reelection campaign in the face of a dwindling national approval rating. But whatever the motivation, one thing is clear: The American people are paying the price.

The story begins last January when the President announced in his State of the Union Message that he was imposing a 90-day moratorium on all proposed regulations. The moratorium was to be coordinated by Vice President QUAYLE's Council on Competitiveness, and no new regulations were to be approved unless they would promote economic growth.

Vice President QUAYLE greeted this announcement with glee, telling the business community: "Now is your chance. Come and tell us which regulations and rules are burdening the business sector." In other words, here is your license, business community, to do it your way, not necessarily the right way.

No similar pronouncements were made with respect to the American consumer, the American working people, the American senior citizens, the children of America. But for the business community Vice President QUAYLE says here is your chance, come and tell us which regulations and rules are burdening the business sector.

The President told us that this regulatory moratorium was good for the Nation because it would help promote economic growth and end the recession. Come on, Mr. President. Who are you kidding? The American people do not accept that. Nobody accepts that. You yourself know it is not a fact.

Well, it may be that the business community will, in fact, reduce some regulatory costs. But the President neglected to tell us that these savings would come at the expense of the health and safety of the American people. For it is the American people that are paying for this moratorium, in the currency of death, injury, and illness.

According to Public Citizen and OMB Watch, which have carefully monitored the regulatory moratorium, some 43 health, safety, and environmental regulations have been delayed as a consequence of the moratorium. Another three health, safety, and environmental regulations have been issued—but in weakened form. And three health, safety, and environmental regulations have been killed outright.

I ask unanimous consent that a list of affected regulations be printed in the RECORD at the conclusion of my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. METZENBAUM. First let us take a look at the impact of this policy on American workers. Using the Department of Labor's estimates, suspending the regulatory agendas of OSHA and MSHA—that is the Occupational Safety and Health Administration and the Mine Safety and Health Administration—suspending it for 90 days would cost 293 lives and 1.3 million workplace injuries and illnesses. Those are the Department of Labor's own estimates.

The Secretary of Labor said she would not do anything as part of the moratorium to endanger the health and safety of American workers. But she told her staff in January that the moratorium review would involve "considerable staff time," and that her staff should conduct the review "even if other efforts have to be slowed." As the Secretary clearly understood, the moratorium will inevitably eat up precious resources and slow the regulatory process.

What that means, plain and simple, is that more American workers will die waiting for their Government to do what the Government is required to do by the laws of the United States.

Mr. President, I know that not too many Americans are lying awake at night wondering about the Bush-Quayle moratorium. But a lot of workers ought to be losing sleep over this. Let me give you an example. OSHA has been formally considering a "confined spaces" standard since 1975.

Now to the average American, a "confined spaces" standard are just words. It means nothing unless it happens to affect you.

This regulation would protect workers from toxic gases when working in confined areas—such as storage tanks—without adequate ventilation. OMB has studied the standard a number of times, including one review that lasted 2½ years, from December 1986 to April 1989. Since the time OSHA began formal consideration, by its own estimates, 884 workers have died and another 59,000 have been injured in accidents that could have been prevented if the proposed standard were in place. Those are the Department of Labor's own figures, and 17 years later, it still has not been adopted.

The Secretary of Labor said last fall that this standard would be out in February 1992. Hooray. But along came the regulatory moratorium, and lo and behold, the Secretary now says the regulation will not be issued until October. And you can bet all the tea in China they are not going to be issued 1 month before the election. By the Department of Labor's own calculations, this additional 8-month delay will result in 34 deaths and another 2,352 injuries.

Only statistics, only numbers, unless it is your son, or your daughter, or your father, or your mother.

Between now and October, your son or daughter, your brother or your sister, your father or your uncle may die in a confined spaces accident that would not have happened if the rule was in effect.

Earlier this month, a young woman named Diane Clodfelter told the Labor and Human Resources Committee about how her 20-year-old brother, Homer Dwayne Stull, died in a confined spaces accident last year at a Kansas meatpacking plant. Homer was asphyxiated by toxic fumes while cleaning a filtering screen inside a blood vat. Two other workers jumped in. They died trying to rescue him. These deaths, which occurred 16 years after OSHA began consideration of a confined spaces standard, could easily have been prevented. As Diane Clodfelter so eloquently put it, "How many more workers must die before the Government finally lives up to its responsibility to protect workers?"

But the story gets much worse. In March, during the second month of the moratorium, the President's Office of Management and Budget blocked the adoption of health standards for 6 million construction, maritime, and agricultural workers. OSHA estimated that the proposed rules, which were adopted for most other industries 3 years ago, would prevent over 30,000 occupational illnesses annually.

But OMB declined to review and approve the proposed rules. Its theory was that added regulatory costs result in lower wages and fewer jobs, which might have a negative impact on workers' health. In short, OMB's reasoning was that less protection saves lives. What a ridiculous, farcical, and cynical explanation.

Just think about it. Every year, over 10,000 American workers die on the job, tens of thousands more die of occupational disease, and another 1.7 million suffer disabling injuries. Studies estimate that up to 80 percent of these incidents could be prevented with existing technology. Does the President want to tell these workers and their families that they need less not more, protection?

Shortly after OMB's announcement, I sent a letter cosigned by 11 other Senators asking the President to order OMB to rescind its directive and allow the Department of Labor to issue the proposed regulations. OMB responded by resuming review of the proposed regulations. But OMB says it will continue to pursue this absurd "less protection saves lives" analysis in this and other rulemakings.

I must also ask, How is this moratorium supposed to promote economic growth? A 1991 report by the Rand Institute, certainly no liberal, leftwing, new little group—the Rand Institute estimated that the cost of workplace injuries to employers, employees, and taxpayers amounted to $83 billion in 1990. Significantly, the Rand Institute concluded that 62 percent of these costs—over $50 billion—are born by business and by taxpayers. Delaying protective regulations will cause more injuries and illnesses, at an even higher total cost. That will not promote economic growth.

Ironically, the only regulation the President has been pushing this year in the name of protecting American workers is one that would increase unions' reporting costs tenfold. This would not save a single life, or a limb, or an eye. But once again, it pleases the business interests that want to keep their boots on the back of the necks of American workers.

Of course, the moratorium has not just affected worker safety regulations. Under the Clean Air Act Amendments of 1990, Congress required the Environmental Protection Agency to issue regulations by November 15, 1991, to set up a permit system for environmental polluters. But these regulations have still not been issued. And last week, Vice President QUAYLE and his probusiness Competitiveness Council interceded on behalf of the business community and persuaded the President to weaken substantially the proposed regulations, over EPA's objections. Who bears the cost of those delays and obstructions? The American people, who are breathing in millions of pounds of poisonous toxins that are released into the air each year by utilities, oil companies, and factories.

In the Nutrition Labeling and Education Act of 1990, Congress required the Food and Drug Administration to issue food labeling protections. These regulations will provide consumers with complete and accurate dietary information, so they can reduce their risk of diet-related disease. By the FDA's own estimates, these regulations will have enormous health benefits for Americans, and will prevent thousands of deaths and tens and thousands of cases of coronary heart disease.

But sorry, America, you will have to wait for them, because last week the President's Secretary of Health and Human Services told the Senate sponsors of that 1990 legislation that the FDA will allow a 9-month extension for the entire food industry. Public Citizen and OMB Watch estimate that this delay will result in 1,858 deaths and 7,552 cases of cancer and coronary heart disease. Once again, the President's deregulatory accomplishment comes at the expense of the health of American families.

The moratorium has affected pesticide regulations as well. EPA concluded that a certain fungicide represented a "probable human carcinogen," and proposed banning the use of the chemical on 45 food crops. As part of the regulatory relief agenda, EPA changed its position by cutting that ban back to affect only 11 crops. That means American consumers will be buying 34 types of produce that may have been treated with a "probable human carcinogen." Vice President QUAYLE listed this as one of the President's greatest deregulatory achievements.

The President even killed regulations to put warning labels on dangerous children's toys. Children's toys; can you believe it? It is incredible. The Consumer Product Safety Commission specifically found that mandatory labeling "is expected to save children's lives." But the President decided we did not need that regulation, and that killing it would somehow promote economic growth—maybe at the cost of children's lives. Even if that were true, is that how we as a nation want to pursue economic growth, at the expense of our own children?

The President claims his regulatory moratorium will save American billions of dollars. The administration has yet to substantiate one dollar of that figure. What is clear, however, is that it does not include the cost of deregulation in human lives and in the health of American citizens.

But there is even more. Last month, the President announced that he was extending the regulatory moratorium for another 4 month. He said, "During the next 120 days, I expect many more gains for freedom." He is so right—Americans will be free to inhale polluted air; our working men and women will be free to be killed, injured, and crippled by disease on the job; and our children will be free to play with hazardous toys that could kill or maim them.

For another 120 days, let freedom ring. That is the President's position.

I ask you, what are they thinking about over at the White House? Are they thinking only politics? Where is the humane aspect of this administration? Have they no compassion? Have they no concern for the lives that can be saved? Have they no sense of common decency? Have they no common sense?

The President has children and grandchildren. The Vice President has children. Is there not any concern for children? For People? For working people? For the health of the people of this country?

The President's moratorium makes no sense as a matter of policy. It is an absurdity. But it also raises serious constitutional issues. Article 2 of the Constitution obligates the President to "take care that the laws are faithfully executed." But the President's moratorium seeks to block the execution and implementation of dozens of regulatory statutes passed by Congress. Even if few regulations are officially delayed, the diversion of resources for the required review of all existing and proposed rules frustrates the will of Congress as expressed in countless laws.

The President has an obligation to enforce the law. I question the legal right of the President to suspend a regulation that has been duly enacted under the normal procedures and pursuant to the laws of the Congress. This Senator does not believe that the President has that authority. But this Senator recognizes that court processes take more than 3 months or 6 months or a year and nobody could challenge, within a reasonable time, the President's acts. So they become effective.

When Vice President QUAYLE says "we want the Federal bureaucracy to be far more responsive to us, our desires, than [to] Congress," he reveals his ignorance of the President's obligation to faithfully execute laws passed by Congress. If the President can halt regulations for 7 months, what is to stop him from doing it for his entire term of office?

Over 150 years ago, in Kendall versus U.S. (1838) the Supreme Court ruled that the obligation imposed on the President to see that the laws are faithfully executed does not imply any power to forbid their execution.

Ultimately, the American people should be most troubled by the President's regulatory policy because of its complete lack of accountability. This principle is one of the most fundamental hallmarks of our democratic system of government.

As a general rule, executive branch agencies are held accountable for their actions because their rulemaking proceedings are made public. But few Americans know that OMB and Vice President QUAYLE's Council on Competitiveness have secretly undone countless statutory mandates, at the behest of the business community. The regulatory moratorium has only widened this accountability gap, and threatens to breach the trust placed in this Government by its citizens.

In sum, I am very worried—and I believe the American people have a right to be worried—that the President's policy may represent a conscious effort to subvert the will of Congress.

This President talks about law and order. This President, in this Senator's opinion, is not obeying the law in permitting the regulatory process to move forward.

In the past 5 months, the President has acted more like a monarch than a Chief Executive. But however we characterize his actions and his motivations, one thing is certain: This deregulatory frenzy comes at the expense of the American people.

It may not necessarily affect the people the President knows personally—it may not harm a soul that the Vice President has ever come in contact with.

But if the President and Vice President are truly caring and compassionate men, then they will understand that the pain and the suffering they are causing is very real indeed—and they will end this dangerous charade.

Mr. President, I yield the floor.

EXHIBIT 1

SELECTED REGULATIONS AFFECTED BY THE REGULATORY MORATORIUM

Updated April 22, 1992.

OMB Watch and Public Citizen originally released the following list of regulations on January 24, 1992, in anticipation of the President's 90-day regulatory moratorium. Here is an update of the status of each regulation at the conclusion of the 90-day freeze, as well as the status of additional regulations not included on the original list.

WORKER SAFETY—OCCUPATIONAL SAFETY AND HEALTH ADMINISTRATION (OSHA)

Recordkeeping and Reporting Injuries and Illnesses; Fatality/Catastrophe Reporting—requires employers to report work-related injuries, illnesses, and deaths to the state or federal OSHA. Delayed.

Permissible Exposure Limits (PELs) to Hazardous Chemicals for Agriculture, Construction, and Maritime—sets an exposure limit for workers in the agriculture, construction and maritime industries. Delayed, weakened.

Confined Spaces—prevents death and injury from work done in confined spaces (such as manholes). Over the past 16 years—the amount of time this standard has been delayed—560 people have died and 85,000 have been injured working in confined spaces. Delayed.

Ergonomics—protects workers from repetitive motion injuries and sets standards for a healthy office environment. Delayed.

Worker Protection from Exposure to Hazardous and Toxic Chemicals—several regulations would protect workers from chemicals such as Glycol Ethers, Methylene Chloride, Formaldehyde, Asbestos and Cadmium. Delayed.

Standards for Logging—sets safety standards for workers in the logging industry. Delayed.

Respiration Protection—update of standard that protects workers from respiratory illness (current standard does not reflect state-of-the-art). Delayed.

Safety and Health in Longshoring—protects longshoremen from injury, standard on books now has not been updated since 1960. Delayed.

Personal Protective Equipment—would apply to general industry; calls for proper equipment to protect the eyes, face, head, and feet of workers. Delayed.

Welding in Shipyards—sets safety standards for shipyard welders. Delayed.

Storage and Handling of Hazardous Materials—sets standards for handling of hazardous materials. Delayed.

Employer Safety Belt Responsibility—requires employers to provide safety belts in vehicles and helmets for motorcyclists. Delayed.

Farmworker Safety—would set requirements for employers to have vehicle liability insurance to cover migrant and seasonal workers. Delayed.

Industrial Accident Prevention—would require industry to put in place measures to reduce toxic chemical accidents, which, in 1989, caused more than $700 million dollars in property damage. Delayed.

Definitions of Mixed Hazardous Waste—would ensure that wastes containing hazardous constituents be correctly handled and monitored. Weakened, delayed.

Onboard Controls for Motor Vehicles—under the Clean Air Act, this rule would require auto manufacturers to install a canister in all new cars to catch pollution-causing hazardous vapors that escape into the air during refueling. Killed.

AUTO SAFETY—NATIONAL HIGHWAY TRAFFIC SAFETY ADMINISTRATION (NHTSA)

Newborn Infant Test Dummies—would improve real world testing for the safety of newborn infants and very young children. Delayed.

Seat Belt 'Lockability' to Secure Child Safety Seats—requires that safety belts lock to hold child seats securely in place. Delayed.

Elimination of Defective Seat Positions—prohibits manufacture and sale of child safety seats that are dangerous when adjusted in certain seat positions. Delayed.

Automatic Brake Adjustment for Large Trucks—to improve truck brake maintenance and operation for trucks and semitrailers over 10,000 pounds. Delayed.

Public Lands Visitor Safety Belt Use—to require safety belt use on federal recreational lands in states that do not have a mandatory seat belt law. (This regulation is promulgated by Department of the Interior.) Delayed.

Child Restraints Registration—would improve communication to parents about defects or recalls of child restraints that they've purchased. Delayed.

Daytime Running Lights—would increase visibility of cars in low light, at dusk and dawn, or in poor weather conditions. Delayed.

Pedestrain Head Impact Protection—would reduce severity of head injuries to pedestrians struck by motor vehicles. Delayed.

HUMAN SERVICES—DEPARTMENT OF HEALTH AND HUMAN SERVICES (HHS)

Child Care—regulations implementing two new laws passed by Congress last year. One provides child care subsidies for working families "at risk" of needing welfare; the other sets out standards for day care providers and funding. Delayed.

Nursing home reform—enforces quality of care standards, including resident's rights and nurse staffing. Delayed.

Patient Dumping—would prevent hospitals from denying treatment to patients in emergency conditions and to women in labor because of inability to pay. Delayed.

HOUSING HEALTH AND SAFETY—DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT (HUD)

Lead-based paint poisoning prevention—seeks to eliminate lead-based paint poisoning in HUD-associated housing, which causes detrimental health effects in children. Delayed.

Protection for Farmworkers from Unfair Labor Practices—would confirm standards under which agricultural employers may import foreign temporary workers, so that such a practice will not lower U.S. labor standards for things such as housing, transportation, and safety. Delayed

CONSUMER HEALTH AND SAFETY—FOOD AND DRUG ADMINISTRATION (FDA)

Safe Medical Devices—these regulations are designed to assure that medical devices entering the market are safe and effective and that the FDA learns quickly about faulty devices and has the authority to remove them from the market. Delayed

Over-the-Counter Drugs—FDA is reviewing over-the-counter drugs, from cold remedies to diaper rash and weight control products, to make sure that ingredients are both safe and effective. Delayed

Infant Formula Quality Control, Testing, and Record-Keeping Requirements—would strengthen existing record-taking requirements, including the results of testing for microbiological contaminants and consumer complaints. Also, would ensure safer manufacturing practices and testing of infant formula for essential nutrients. Delayed

Orphan Drug Amendments—regulates the production and approval of drugs for the treatment of rare diseases and conditions and provides incentives for companies to develop these drugs, which are expensive to produce. Delayed

Salmonella—would protect consumers from eggs contaminated by salmonella enteritidis. The Center for Disease Control estimates that 80,000-800,000 people are stricken with salmonella-associated illnesses every year. Delayed

Physical Restraints—would prohibit use of physical restraints in nursing homes and hospitals without a physician's prescription. Delayed

FOOD SAFETY—U.S. DEPARTMENT OF AGRICULTURE

Nutrition labeling for meat and poultry—would require better labeling of foods containing meat and poultry, a policy akin to FDA's massive overhaul of nutrition labeling of all other foods. Delayed

ENVIRONMENTAL PROTECTION—ENVIRONMENTAL PROTECTION AGENCY (EPA)

Worker Protection from Agricultural Pesticides—would protect farmworkers from exposure to dangerous pesticides. Delayed

Pesticide Restrictions—EPA has announced several pending actions on pesticides, including restrictions on the cancer causing EDBCs, widely used on fruits and vegetables. Weakened

Biotechnology—these regulations, which would set health and safety standards for products of biotechnology, have been delayed for years. Weakened

Pollution Prevention—would expand the public's "right-to-know" by requiring manufacturing facilities to report their efforts to reduce hazardous emissions to the EPA. Delayed, possibly killed

Ground Water Monitoring—protects ground water from hazardous waste contamination at hazardous and solid waste landfills. Delayed

Community Development Block Grant Funded Code Enforcement—federal grants used by localities to ensure the health and safety of housing occupants. Delayed

PRODUCT SAFETY—CONSUMER PRODUCT SAFETY COMMISSION (CPSC)

Small parts on children's toys—would require warning labels on certain toys, balloons, marbles, etc. Between 1980 and 1991, 186 children died from complications associated with small toy parts. Killed

MINING AND ENDANGERED SPECIES—DEPARTMENT OF THE INTERIOR

Subsidence Surface Mining—would prevent mining that causes the ground to cave in, taking homes, water supplies and anything else on it with it. Killed

Endangered Species Act—to qualify for full protection under this law, the Fish and Wildlife Service must list animal and plant species threatened by extinction, but since the moratorium began, not a single endangered species has been listed. Delayed

CONSUMER BANKING PROTECTION

Federal Reserve Board:

Truth in Savings—new law designed to properly inform consumers about their savings accounts. For example, requires banks to report accurate interest rates. Issued

Federal Deposit Insurance Corporation (FDIC):

Replenishing the Bank Insurance Fund—so that banks, and not taxpayers will be paying for their own bailout, the Federal Deposit Insurance Corporation (FDIC) is drafting a schedule for banks to pay back the $70 billion loan from the government. Delayed

Office of Thrift Supervision (OTS):

Security Sales at S&Ls—would prohibit sale of securities by S&Ls in order to prevent scandals like the Lincoln Savings & Loan bondholder scam. Delayed

Comptroller of the Currency:

Insider Dealing—would protect banks and depositors from insider dealing. Delayed

EDUCATION—DEPARTMENT OF EDUCATION

Vocational Education—provides guidance to states to ensure that disadvantaged youth have access to vocational education. Delayed

CAPT. WILLIAM PINKNEY'S HISTORIC SAIL

Mr. KENNEDY. Mr. President, it is with great pleasure that I rise today to commend Capt. William Pinkney. On June 9, 1992, when Captain Pinkney sails into Boston Harbor, he will become the first African-American to have sailed alone around the world by way of the difficult southern route.

As a sailor myself, I can begin to appreciate the task Captain Pinkney set for himself, as he risked the treacherous seas of the southern oceans and bypassed easier shortcuts through the Suez and Panama Canals. This inspiring adventurer and his remarkable voyage have become symbols for thousands of children, helping teach them to reach for ambitious goals and to persevere in pursuit of their own dreams.

Raised on the southside of Chicago, William Pinkney was educated in the public schools, served in the Navy, and built a business career as a marketing executive, before deciding at age 50 to act on his dream to circumnavigate the globe by sailboat.

Captain Pinkney began his journey on August 5, 1990, when he sailed from the Charlestown Navy Yard aboard his 47-foot cutter, the *Commitment*. His voyage has taken him around the five great capes of the world and to ports on five continents, including Bermuda, Uruguay, South Africa, and Tasmania.

Captain Pinkney has not been content to meet only the challenges of the open sea. Throughout his voyage, he has shared his experiences with over 1,500 schoolchildren in the Greater Boston area through the Boston Voyages in Learning Program.

Voyages in Learning, which uses marine themes to present a broad range of subjects such as environmental science, mathematics and geography, has incorporated Captain Pinkney's trip into the curriculum of 20 Boston-area elementary and secondary schools. Students have followed the captain's progress with pins on a map and had letters waiting for him at various ports along his route. In his return letters and in meetings with students during a trip back to the United States in 1991, Captain Pinkney has used sailing as a metaphor to encourage students to set goals and to meet them with courage, confidence, and commitment.

Through his devotion to Boston's schoolchildren, Captain Pinkney has become an important role model who has touched many lives. His courageous voyage has earned him a permanent place in our country's maritime history, and I ask the Senate to join me today in recognizing this truly heroic American.

MIND EXTENSION UNIVERSITY

Mr. BURNS. Mr. President, as my colleagues are aware, I have long been supportive of expanding access to education for our Nation's citizens through the use of advanced technology. Given my interest in this area, I would like to share with my colleagues how four Americans will have succeeded on May 15, 1992, in obtaining their masters of business administration [MBA's] degrees from Colorado State University, without ever stepping foot on the campus.

Through the use of a 24-hour cable television channel devoted solely to direct instruction, educational programming, Mind Extension University, the Education Network, delivered the academic courses necessary for the following individuals to become the first Mind Extension University graduates to earn their MBA's while in their own homes. Tracy Smith of Homer, AK; Patti Hoffman of Tulsa, OK; Bob Foley of Windsor, CT; and Christ Broz of Sausalito, CA.

Since these individuals "attended" classes by watching programming delivered via cable television, when they accepted their degrees on May 15 at Colorado State University, at Fort Collins, CO, it was the first time they had set foot on that campus.

Although all four students had different reasons for electing to obtain an advanced degree through distance education, they all cited one of the most important benefits—flexibility. Mind Extension University provided the instructional programming that enabled these individuals to fulfill their academic requirements without a commute, while at the same time affording them the opportunity to create a schedule to accommodate a family, job, and way of life.

For Tracy Smith, a 25-year-old accounting supervisor at a local utilities company, Mind Extension University offered the only option for earning an MBA without having to move from Homer, AK, 225 miles south of Anchorage. This would have entailed finding a new job, new friends, and a place to live. Fellow graduate Patti Hoffman, from Tulsa, OK, needed an academic program with enough flexibility to meet her time-intensive career and family responsibilities.

Bob Foley, who will also be receiving his degree on May 15, viewed Mind Extension University as an opportunity to earn an advanced degree while balancing the demands of a job as a financial systems analyst with the U.S. Postal Service in Windsor, CT, with the time he desired to spend with his wife and children.

Independent business consultant Chris Broz, from Sausalito, CA, decided at the age of 41 that he needed to develop further his business skills in order to compete with professionals of the younger generation. Mind Extension University provided a way for him to accomplish his objectives while allowing him to continue to gain practical experience from his job.

Through Mind Extension University these students completed the same rigorous program as their on-campus classmates. The Colorado State University MBA Program, which is fully accredited by the American Assembly of Collegiate Schools of Business, develops fundamental skills in a range of marketing specialties, including accounting, finance, organizational structure, and human resources management. Students are required to complete 33 credit hours and then must choose between three options to receive their degree: a comprehensive examination by a student's committee, a thesis, or a professional research paper.

In addition, applicants for the MBA degree program must meet the admission requirement of Colorado State University. Students register for courses, order textbooks and course materials; access information on credits, schedules, grading procedures, policies, prerequisites, and tuition, and inquire about fees by calling the Mind Extension University Education Center.

Communication with professors takes place through a special 800 number set up at the beginning of each course. In several instances, an electronic bulletin board offers interaction with classmates. Moreover, students must fulfill the same requirements as their on-campus counterparts, including writing papers and taking tests, which are monitored by a proctor.

Founded in 1987, Mind Extension University, the Education Network, is the country's leader in distance education—so named because students can watch lectures that are transmitted to them via cable, satellite, or video cassette while they remain at home, or at a distance from the instructor. Today, the Network delivers undergraduate and graduate courses and degree programs to more than 18 million homes nationwide.

Mind Extension University demonstrates how advanced technology can be utilized to expand access to quality education. Through its academic degrees programs, such as the MBA available at Colorado State University, the Masters of Arts in Education Technology at George Washington University and others, ME/U is helping Americans develop the skills necessary to meet the challenges of the 21st century.

As we talk about those issues in this body, we must now plan to make those policies necessary to advance these kinds of activities to all Americans across this country.

It is very important, and I think that, probably, the real worth and real mission of government when it comes to serving the people.

Mr. President, I yield the floor.

RECOGNITION OF KENTUCKY'S BICENTENNIAL

Mr. FORD. Mr. President, it gives me great pleasure to recognize the 200th anniversary of the Commonwealth of Kentucky as Statehood Day was celebrated across Kentucky yesterday. June 1, 1992, marked the date 200 years ago when President George Washington signed the proclamation admitting Kentucky as the 15th State of the Union.

As the statehood celebration culminated yesterday, I would like to take a moment to reflect back on the evolution of our great State over the years and also recognize the outstanding efforts by those who have so diligently prepared Kentucky for her bicentennial. The members of the Kentucky Bicentennial Commission and the citizens themselves have given tirelessly to prepare the many events and celebrations across the State this year and I commend them for their hard work and dedication. I would also like to take this opportunity to thank my colleagues here in the Senate for their help in securing passage of Senate Joint Resolution 61, which declared June 1, 1992, Kentucky Bicentennial Day.

Mr. President, as a former Governor of Kentucky, I have always found special enjoyment in exploring and celebrating in our State's history. When Daniel Boone and other frontiersmen led expeditions through the Cumberland Gap in the late 1700's, they discovered a world of unmatched beauty and potential. The land attracted the interest of explorers and settlers alike, and many chose to stay and call it home. But that was far from an easy task.

The territory we now know as Kentucky was cherished by Virginians as well. However, the population was increasing at a rapid rate and the people's attitude toward Virginia was changed by neglect and their own concerns of freedom and safety from possible attack. The daughter of Virginia was growing up and the struggle for statehood began.

The early Kentuckians were headstrong in their pursuit of statehood and liberty. The majority of the delegates from western Virginia—which would soon be Kentucky—opposed the Federal Constitution at the Virginia Convention in 1787. This original Constitution did not guarantee the individual liberties sought by patriots in the struggle for independence. Nevertheless, this objection was historically significant in that it contributed to the adoption of our constitutional liberties, the Bill of Rights, in 1791. The protest led to statehood for Kentucky and promoted a new free spirit to meet future conflict.

Kentucky was the first to take a stand for its citizens rights. The Kentucky Legislature responded to the people's demands in the Kentucky Resolutions, which were authored by Thomas Jefferson. This document reaffirmed a system of checks and balances established in the Constitution for the protection of individual liberties and called for the repeal of the Alien and Sedition Acts. To me, this dedication to freedom and independence characterizes the passionate nature of the early Kentuckians as they began to mold the State.

In the years that followed, our pioneer farmers made the fields of Kentucky bloom, turning the State into one where agriculture has become the economic mainstay. Today, we are proud to be the Nation's second ranked tobacco producing State and the Nation's largest producer of both burley tobacco and bourbon whiskey. In addition to our vast agricultural resources, our State finds herself as one of the largest producers of coal.

In Kentucky, we like to think there is room for all, either in agricultural pursuits, mining, the horse industry or other business. Our State is even home to a few famous political figures. Ironically, Kentucky was the birthplace of the Union President Abraham Lincoln, and the Confederate President, Jefferson Davis. The two great men were born in log cabins within 1 year and 100 miles of each other. We are also proud to call Kentuckians such prominent contributors to our Nation's history as Henry Clay—the "Great Compromiser" and three-time Presidential candidate, President Zachary Taylor, and four Vice Presidents, Richard M. Johnson, John Cabell Breckinridge, Adlai Stevenson, and Alben Barkley.

In short, Kentucky's rich history of outstanding accomplishments and constant hospitality is attributable to the past contributions of such prominent individuals and to the continued dedication of hard-working families in every corner of our great State. Mr. President, to me the essence of Kentucky can be summed up in the words of the great Kentucky author Jesse Stuart, who once said, "If our nation can be called a body, then Kentucky can be called its heart."

Mr. President, as the Kentucky bicentennial celebration continues to spread its enthusiasm across the State, I would like to take this opportunity to encourage all Americans to visit Kentucky. Our State is home to beautiful mountains, lakes, trees and farms and maintains one of the Nation's most outstanding State Park systems. As we all were recently reminded last month, Kentucky also boasts as the home of the thoroughbred horse industry and the world's most celebrated horse race, the Kentucky Derby. Whether you enjoy the many activities available or the quiet countryside, the quality of life in Kentucky is unsurpassed.

Over the years, I have learned one thing about our citizens—they are proud of our State, proud to be called Kentuckians and never miss a chance to demonstrate our Kentucky pride and heritage to others. There is energy and excitement that cannot be matched. From the smallest town to the largest cities, the people of Kentucky are pausing to look back to the accomplishments of the past as they prepare for the bright and promising future. I hope others will join me in celebrating our bicentennial this year.

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. The period for morning business is now closed.

PROFESSIONAL AND AMATEUR SPORTS PROTECTION ACT

The PRESIDING OFFICER. Under the previous order, the Senate will now proceed to the consideration of S. 474, which the clerk will report.

The bill clerk read as follows:

A bill (S. 474) to prohibit sports gambling under State law.

The Senate proceeded to consider the bill, which has been reported from the Committee on the Judiciary, with an amendment to strike all after the enacting clause and inserting in lieu thereof the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the "Professional and Amateur Sports Protection Act".

SEC. 2. PROFESSIONAL AND AMATEUR SPORTS PROTECTION.

(a) IN GENERAL.—Part VI of title 28 of the United States Code is amended by adding at the end the following:

"CHAPTER 178—PROFESSIONAL AND AMATEUR SPORTS PROTECTION

"Sec.
"3701. Definitions.
"3702. Unlawful sports gambling.
"3703. Injunctions.
"3704. Applicability.

"§3701. Definitions

"For purposes of this chapter—

"(1) the term 'amateur sports organization' means—

"(A) a person or governmental entity that sponsors, organizes, schedules, or conducts a competitive game in which one or more amateur athletes participate, or

"(B) a league or association of persons or governmental entities described in subparagraph (A),

"(2) the term 'governmental entity' means a State, a political subdivision of a State, or an entity or organization, including an entity or organization described in section 4(5) of the Indian Gaming Regulatory Act (25 U.S.C. 2703(5)), that has governmental authority within the territorial boundaries of the United States, including lands described in section 4(4) of such Act (25 U.S.C. 2703(4)),

"(3) the term 'professional sports organization' means—

"(A) a person or governmental entity that sponsors, organizes, schedules, or conducts a competitive game in which one or more professional athletes participate, or

"(B) a league or association of persons or governmental entities described in subparagraph (A),

"(4) the term 'person' has the meaning given such term in section 1 of title 1, and

"(5) the term 'State' means any of the several States, the District of Columbia, the Commonwealth of Puerto Rico, the Commonwealth of the Northern Mariana Islands, Palau, or any territory or possession of the United States.

"§ 3702. Unlawful sports gambling

"It shall be unlawful for—

"(1) a governmental entity to sponsor, operate, advertise, promote, license, or authorize by law or compact, or

"(2) a person to sponsor, operate, advertise, or promote, pursuant to the law or compact of a governmental entity,

a lottery, sweepstakes, or other betting, gambling, or wagering scheme based, directly or indirectly (through the use of geographical references or otherwise), on one or more competitive games in which amateur or professional athletes participate, or are intended to participate, or on one or more performances of such athletes in such games.

"§ 3703. Injunctions

"A civil action to enjoin a violation of section 3702 may be commenced in an appropriate district court of the United States by the Attorney General of the United States, or by a professional sports organization or amateur sports organization whose competitive game is alleged to be the basis of such violation.

"§ 3704. Applicability

"(a) Section 3702 shall not apply to—

"(1) a lottery, sweepstakes, or other betting, gambling, or wagering scheme in operation in a State or other governmental entity, to the extent that the particular scheme actually was conducted by that State or other governmental entity prior to August 31, 1990;

"(2) a lottery, sweepstakes, or other betting, gambling, or wagering scheme in operation in a State or other governmental entity where both—

"(A) such scheme is authorized by law; and

"(B) a scheme described in section 3702 (other than parimutuel animal racing or jai-alai) actually was conducted in that State or other governmental entity during the period beginning September 1, 1989, and ending August 31, 1990, pursuant to the law of that State or other governmental entity; or

"(3) parimutuel animal racing or jai-alai.

"(b) Except as provided in subsection (a), section 3702 shall apply on lands described in section 4(4) of the Indian Gaming Regulatory Act (25 U.S.C. 2703(4)).".

(b) CLERICAL AMENDMENTS.—The table of chapters for part VI of title 28, United States Code, is amended—

(1) by amending the item relating to chapter 176 to read as follows:

"176. Federal Debt Collection Procedure .... 3001",

and

(2) by adding at the end the following:

"178. Professional and Amateur Sports Protection .... 3701".

The PRESIDING OFFICER. Under the order, the time is controlled. The Senator from Arizona [Mr. DECONCINI] and the Senator from Utah [Mr. HATCH] control 60 minutes on the bill; the Senator from Iowa controls 30 minutes on the bill; one amendment permitted with time equally divided between the proponents and opponents.

The Senator from Arizona is recognized.

Mr. DECONCINI. Mr. President, I yield myself whatever time is necessary.

MODIFICATION OF COMMITTEE AMENDMENT

Mr. DECONCINI. Mr. President, directed by the committee, I modify the committee amendment to S. 474 as follows: In lieu of the committee amendment, insert the following, and I send it to the desk.

The PRESIDING OFFICER. The amendment is so modified.

The amendment, as modified, is as follows:

In lieu of the Committee substitute insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the "Professional and Amateur Sports Protection Act".

SEC. 2. PROFESSIONAL AND AMATEUR SPORTS PROTECTION.

(a) IN GENERAL.—Part VI of title 28 of the United States Code is amended by adding at the end the following:

"CHAPTER 178—PROFESSIONAL AND AMATEUR SPORTS PROTECTION

"Sec.
"3701. Definitions.
"3702. Unlawful sports gambling.
"3703. Injunctions.
"3704. Applicability.

"§3701. Definitions

"For purposes of this chapter—

"(1) the term 'amateur sports organization' means—

"(A) a person or governmental entity that sponsors, organizes, schedules, or conducts a competitive game in which one or more amateur athletes participate, or

"(B) a league or association of persons or governmental entities described in subparagraph (A),

"(2) the term 'governmental entity' means a State, a political subdivision of a State, or an entity or organization, including an entity or organization described in section 4(5) of the Indian Gaming Regulatory Act (25 U.S.C. 2703(5)), that has governmental authority within the territorial boundaries of the United States, including lands described in section 4(4) of such Act (25 U.S.C. 2703(4)),

"(3) the term 'professional sports organization' means—

"(A) a person or governmental entity that sponsors, organizes, schedules, or conducts a competitive game in which one or more professional athletes participate, or

"(B) a league or association of persons or governmental entities described in subparagraph (A),

"(4) the term 'person' has the meaning given such term in section 1 of title 1, and

"(5) the term 'State' means any of the several States, the District of Columbia, the

Commonwealth of Puerto Rico, the Commonwealth of the Northern Mariana Islands, Palau, or any territory of possession of the United States.

"§ 3702. Unlawful sports gambling

"It shall be unlawful for—

"(1) a governmental entity to sponsor, operate, advertise, promote, license, or authorize by law or compact, or

"(2) a person to sponsor, operate, advertise, or promote, pursuant to the law or compact of a governmental entity,

a lottery, sweepstakes, or any other betting, gambling, or wagering scheme based, directly or indirectly (through the use of geographical references or otherwise), on one or more competitive games in which amateur or professional athletes participate, or are intended to participate, or on one or more performances of such athletes in such games.

"§ 3703. Injunctions

"A civil action to enjoin a violation of section 3702 may be commenced in an appropriate district court of the United States by the Attorney General of the United States, or by a professional sports organization or amateur sports organization whose competitive game is alleged to be the basis of such violation.

"§ 3704. Applicability

"(a) Section 3702 shall not apply to—

"(1) a lottery, sweepstakes, or any other betting, gambling, or wagering scheme in operation in a State or other governmental entity, to the extent that the scheme was conducted by that State or other governmental entity at any time during the period beginning January 1, 1976, and ending August 31, 1990;

"(2) a lottery, sweepstakes, or any other betting, gambling, or wagering scheme in operation in a State or other governmental entity where both—

"(A) such scheme was authorized by a statute as in effect on October 2, 1991; and

"(B) a scheme described in section 3702 (other than one based on parimutuel animal racing or jai-alai games) actually was conducted in that State or other governmental entity at any time during the period beginning September 1, 1989, and ending October 2, 1991, pursuant to the law of that State or other governmental entity; or

"(3) parimutuel animal racing or jai-alai games.

"(b) Except as provided in subsection (a), section 3702 shall apply on lands described in section 4(4) of the Indian Gaming Regulatory Act (25 U.S.C. 2703(4)).".

(b) CLERICAL AMENDMENTS.—The table of chapters for part VI of title 28, United States Code, is amended—

(1) by amending the item relating to chapter 176 to read as follows:

"176. Federal Debt Collection Procedure .... 3001",

and

(2) by adding at the end the following:

"178. Professional and Amateur Sports Protection .... 3701".

Mr. DECONCINI. Mr. President, I am pleased that the Senate is now considering S. 474, the Professional and Amateur Sports Protection Act.

This bill serves an important public purpose, to stop the spread of State-sponsored sports gambling and maintain the integrity of sports in America, our national pastime.

Under the bill, States would not be allowed to sponsor, authorize or license sports lotteries or any other type of sports betting that is based on the outcome of professional or amateur games.

State authorized sports gambling threatens to change the nature of sporting events from wholesome entertainment for all ages to devices for gambling.

It threatens to undermine public confidence in the integrity of professional and amateur sports.

Furthermore, State sanctioned sports gambling will promote gambling among our Nation's young people.

Teenage gambling-related problems are increasing throughout the Nation. Of the approximately 8 million compulsive gamblers in America, 1 million of them are under the age of 20.

Teenagers gambling on State lotteries and sports is just unacceptable. Governments should not be in the business of encouraging people, especially young people, to gamble.

Dr. Lorenz, the executive director of the National Center for Pathological Gambling, in her testimony before my Judiciary Subcommittee, clearly summarized the problem. She noted that "sports are uniquely attractive to young people. A sports lottery not only teaches youngsters how to bet on sports but would also encourage them to bet on sports. The knowledge that children would acquire through sports lotteries would quickly lead to illegal sports gambling as they would discover the greater odds of winning and payoffs and not paying taxes on them."

STATUS

During the hearing held on this bill last year the testimony presented as well as additional letters and materials included in the RECORD, clearly established the need to prevent States from placing their stamp of approval on sports betting.

Senator BRADLEY from New Jersey testified from his personal experience as a major league basketball player about the difference between their player's game and the gambler's game, and how "there is a value to sports that goes far deeper than the gambler's game." He made a compelling case in favor of this particular bill. I want to thank him for his participation and strong support, as well as the time he took to testify before our committee.

The subcommittee also heard from football, basketball, baseball, hockey about their concern that without this legislation sports would turn into a device for gambling rather than the wholesome family entertainment it is today.

Mike Singletary, middle line backer for the Chicago Bears stated,

> When I go out on the football field to play the game of football, which I love so dearly, one of the things I want to know, and I almost need to know, is that all 11 guys out there on the field are thinking about one thing, and that's winning the football game, giving their best on every play, going out there to do the very best they possibly can. When you add the gambling issue, I really feel that you are going to present problems that eventually and inevitably will ruin the game.

The Senate Judiciary Committee on November 21, agreed that this legislation was needed and approved the bill by voice vote.

Support for the bill is very strong. There are 62 cosponsors, including my colleagues on the Senate Judiciary Committee Senators HATCH, SIMON, THURMOND, SPECTER, SIMPSON, and BROWN. I want to thank Senator HATCH for his strong support of this. This bill would not be here today if it were not for his leadership.

Numerous public interest groups, State legislators, Governors, college presidents, sports teams, and individuals have expressed their support for this bill.

NEED FOR LEGISLATION

Many States are looking for ways to raise revenue and legalizing sports betting is the latest fad. With the U.S. budget deficit raging at almost $400 billion, I can sympathize with the problem facing State treasuries. However, legalizing sports betting is not the answer, no matter how noble the cause.

As articulated by Dr. Lornez during the hearing on this bill "the desire of government for added revenues and the profit motive of the gambling industry must be tempered with social concern and accountability. Compulsive gambling among our young people is already a serious problem, and we need to work together to prevent it from becoming a national tragedy."

Thirty-two States and the District of Columbia have State-sponsored lottery games. This bill would not interfere in any way with the approximately $8 billion in annual net revenues these lotteries are already providing for lottery States.

The problem this bill seeks to prevent is the spread of sports gambling. All 32 States have considered or are reviewing the possibility of a sports theme for their lotteries. It is the cumulative effect that State sponsored sports betting could have on sports that is the real fear that motivates this bill.

In the broader sports gambling area, Florida, California, and a number of other States are considering a wide variety of State sponsored gambling schemes. Some would allow sports gambling on river boats, others would take bets on sports at off-track betting parlors, still others propose casino style sports books.

Law enforcement authorities have told me time and again that legalizing sports betting will not reduce illegal betting. Why? Because you can get credit, better odds and not pay taxes on your winnings when you bet with the local bookie. What they do tell me is legalizing sports betting may have the opposite effect and increase illegal betting. Why? Because legalized gambling broadens its appeal and teaches you how to bet. Then you look to bookies for credit, better odds and no taxes on winnings.

STATES RIGHTS ISSUE

Opponents of this legislation argue that legalizing sports gambling is a question of raising State revenues and should be left to the States.

I disagree, Mr. President. Sports gambling is not a benign revenue source. It tarnishes sports contests, converting them from family entertainment into vehicles for wagering. It diminishes the function of athletes as role models for young people. It creates a pervasive atmosphere of suspicion about honest misplays and human error.

Sadly, memorable sports gambling scandals have created a justifiable public demand that sports authorities police their games carefully, supported by the moral authority of the law. State sponsored sports gambling would significantly undercut these efforts.

Gambling and lotteries are already subject to Federal regulation and this legislation is meant to be consistent with and clarify existing Federal law and policy. In 1965, Congress made it a Federal crime to fix or attempt to fix a sporting event. A 1975 criminal code amendment provides that State lotteries cannot involve "the placing or accepting of wagers or bets on sporting events or contests.

Unfortunately, this has not been interpreted to prohibit sports lotteries.

S. 474 is a civil enforcement bill which will reaffirm Congress' commitment to protect the integrity of athletic competition.

Furthermore, the interstate nature of sports clearly demonstrates the appropriateness of Congress addressing this issue.

The answer to State budgetary problems should not be to increase the number of lottery players or sports bettors, regardless of the worthiness of the cause. The risk to the reputation of one of our Nation's most popular pastimes, watching professional and amateur sporting events, is not worth it.

STATE EXEMPTIONS

The intent of the legislation is not to interfere with existing laws, operations, or revenue streams. Therefore, it provides an exemption for those sports gambling operations which already are permitted under State law.

Some Members have raised concerns about providing such exemptions in this bill. I understand these concerns, but feel there are overriding reasons for providing the exemptions.

All of the States which are grandfathered by the bill have laws authorizing some type of sports betting scheme. Nevada has its sports books, Oregon has a sports lottery on football games, and Delaware conducted a sports lottery in the past and still has a law on the books.

It has recently come to my attention that Montana also has legalized certain forms of sports betting. For years, Montana has permitted sports pools and calcutta pools. In 1991, they passed new legislation that allows for fantasy sports leagues and sports tab games. These are limited-stakes sports wagering games played in bingo parlors.

Because of this new Montana law, the committee substitute before us today changes the effective date of the grandfather to cover those gambling schemes authorized prior to October 2, 1991.

Let me make it clear that the grandfather provision only allows those States that have sports gambling authorized by State law to continue to do what they are doing now or could do under State law.

For example, Nevada could not conduct a sports lottery and Oregon could not introduce other forms of sports betting.

What this bill will do is stop the spread of sports gambling and the threat that gambling will spoil all the games involved.

GAMBLING ON INDIAN LANDS

Since the law we are proposing today is a clear Federal prohibition on sports gambling it should apply to Indian gaming. This is consistent with the intent of the Indian Gaming Regulatory Act.

The Indian gaming law requires this to occur specifically. Therefore, my bill includes the proper references to the Indian gaming laws.

CONCLUSION

I urge my colleagues—Senator HATCH has done so well this morning—to support this bill and that we stand against the spread of State sports betting. I do not think it is a good thing for the country, a good thing for our youth, or a good thing for the athletic events, whether it be professional or collegiate.

We must address the problem of sports gambling, which threatens the integrity of and public confidence in amateur and professional sports. This bill will solve that problem.

I yield the floor.

The PRESIDING OFFICER. Who yields time?

Mr. HATCH addressed the Chair.

The PRESIDING OFFICER. The Chair recognizes the Senator from Utah [Mr. HATCH].

Mr. HATCH. Mr. President, I thank and compliment the distinguished Senator from Arizona for his leadership on this issue. It has been a pleasure to work with him on so many issues, but I do not think there is anything that has brought more downright satisfaction than voting together and fighting together on this particular issue because it is so important.

The distinguished Senator from Arizona has spend his time and effort bringing this to the floor, managing to get the cosponsors, as I have done, and I believe this bill is going to pass and I hope it passes intact. These are important principles he is talking about. These are important principles for our country. These are important principles for our young people.

I personally admire Senator DECONCINI and his leadership in so many ways but especially on this particular bill. So I am pleased that we are turning to the Professional and Amateur Sports Protection Act, S. 474. Both of our staffs have worked long and hard to get this bill to the floor. I want to thank Senator DECONCINI's staff Karen Robb, Janis Long, and Dennis Burke. Others have worked very hard on the Judiciary Committee and in the House of Representatives as well to bring this bill forward.

As Senator DECONCINI mentioned, Senator BRADLEY is an authority on this issue, and I think ought to be listened to. I have great respect for him. I loved him as a basketball player and admired him through the years, as an old basketball player myself, and have great respect for him, not only as a basketball player but as a U.S. Senator. He is very strongly behind this bill, as I think are other professional sports people.

The act bars States and their political subdivisions from sponsoring, operating, advertising, authorizing, licensing, or promoting any lottery or gambling scheme that is based directly or indirectly on the games of a professional or amateur sports team. It is that simple. It just basically does away with State-backed gambling.

I think everybody knows I am opposed to gambling. If sports gambling is utilized for revenue, State governments, not just racketeers, will be defrauding the public. Moreover, sports gambling does not produce the long-term stable source of revenue its promoters would like States to believe. Under State-sanctioned sports gambling, the only real winners would be the bookies and the private companies that encourage States to run the games in the hope of administering them.

There is no question, of course, that both legal and illegal gambling is widespread. A State's approval of sports gambling, in my view, poses a special threat to the character of these games. It erodes the good will in the service marks of the teams. And it sends the wrong message to our Nation's youth.

Religious leaders, law enforcement officials, educators, athletes, and sports officials all condemn sports gambling arrangements. The National Football League, the National Basketball Association, the National Hockey League, major league baseball, and the NCAA all support this bill.

Paul Tagliabue, Commissioner of the National Football League, testified in support of S. 474 on June 26, 1991, in our Patent, Copyrights, and Trademarks Subcommittee. His words are worth noting. He said:

> We do not want our games used as bait to sell gambling. We should not gamble with our children's heroes.

Commissioner Tagliabue noted that, in order to avert violations of current Federal law prohibiting the fixing of sporting contests, or attempts to fix sporting contests, the NFL bars anyone connected with the NFL from gambling on NFL games or associating with gamblers.

"Legalized sports gambling threatens all that we have worked for in this respect—and more." He then listed four basic reasons to oppose the spread of legalized sports gambling:

First, sports gambling threatens the characters of team sports. Instead of standing for healthy competition through teamwork and honest preparation, professional sports contests "will come to represent the fast buck, the quick fix, the desire to get something for nothing."

Second, sports gambling undermines the integrity of team sports and public confidence in such sports. "Sports lotteries inevitably foster a climate of suspicion about controversial plays and intensify cynicism with respect to player performances, coaching decisions, officiating calls and game results." Some fans who bet on losing teams will assume the fix was in.

Third, "legalized sports gambling sends a terrible message to youth." Perceptions of athletes are diminished in young minds if they are reduced in stature by being participants, however unwilling, in gambling schemes. State-sponsored sports gambling sends a message to our young people that raising revenue is more important than moral standards.

Finally, Commissioner Tagliabue said, legalizing gambling will encourage gambling by our Nation's youth. Commissioner Tagliabue cited a comment by Dr. Valerie Lorenz, executive director of the National Center for Pathological Gambling, that the increase in gambling by teenagers is linked to the increase in the spread of State lotteries in general. Dr. Lorenz said: "The message they're conveying is that gambling is not a vice but a normal form of entertainment." Indeed, Dr. Lorenz, who is also cochair of the task force on gambling addiction of the Maryland Department of Health and Mental Hygiene and director of the Forensic Center for Compulsive Gambling, also testified before our subcommittee. She said:

> [This bill] without doubt, [is] the most positive piece of legislation I have seen in Federal or State government in recent years from the standpoint of stemming compulsive gambling, especially among young people.

She testified that gambling among our Nation's youth has been alarmingly on the rise.

> We believe that the spread of State lotteries in the past 20 years has contributed significantly to this problem. For states to establish sports lotteries or to legalize other forms of sports gambling would be to take a bad situation and make it even worse. Many of the victims would be our children.

She said that gambling has become more widespread in our society.

> Particularly alarming is the preponderance of younger gamblers—those in their early twenties or thirties—who are now addicted and the rise of gambling, among young single men * * *. The growth of State lotteries undoubtedly has played a significant role in the rise of teenage gambling.

State sports lotteries will lead to a further increase in teenage gambling because our young people are attracted to sports activities.

Mr. President, I could go on. But the bottom line is this: sports gambling is bad for the country. It is bad for our young people. It is bad for everybody. We ought to pass this bill overwhelmingly and send it to the President.

I remember a number of years ago where a nuclear scientist was a member of my faith and of my church, but he was a compulsive gambler. He made a whopping amount of money for that time and place. He loved his wife and children, but he could not control his compulsive gambling. Even though he made more money than anybody in our congregation or anybody that I know of, he was always broke and his family was always destitute because of his compulsive gambling. Magnify that thousands, if not millions, of times over and you start to understand why it is so important for society to take an interest in these important moral issues.

This is an important bill. We should not weaken it. We should not create loopholes in it or delay its implementation. I believe that we ought to pass it intact, exactly as it is, and everybody in this society will be better off; everybody in this society will understand that we do have some restraints on conduct that is important to our society.

This is a matter where almost everybody who is anybody in sports feels very strongly. Almost everybody who is anybody in sports wants this bill to pass.

The Senator from Arizona and myself have worked long and hard, along with countless others, to try to get this to the floor and, hopefully, get it passed this year so that we can prevent some of these problems that we have been talking about on the floor today. I hope we are able to do so. I hope our colleagues will vote for this bill today in overwhelming numbers. I do not think they could possibly be reluctant to do so, and they will have a lot of acclaim from the people who know most about this for having done so.

Mr. President, I yield the floor.

Mr. GRASSLEY addressed the Chair.

The PRESIDING OFFICER. The Chair recognizes the Senator from Iowa [Mr. GRASSLEY].

AMENDMENT NO. 1857

(Purpose: To provide for certain exemptions to prohibited State activities, and for other purposes)

Mr. GRASSLEY. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

> The Senator from Iowa [Mr. GRASSLEY] proposes an amendment numbered 1857.

Mr. GRASSLEY. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

> On page 5, line 21, strike out the quotation marks and the last period.
>
> On page 5, insert between lines 21 and 22 the following:
>
> "(c) The provisions of section 3702 shall not apply to any lottery, sweepstakes, or other betting, gambling or wagering scheme in a State which, prior to January 1, 1985, enacts legislation stating that such State desires to be exempt from such prohibition.".

The PRESIDING OFFICER. Under the previous order the debate will be controlled with 1 hour under the control of the Senator from Iowa, and 1 hour under the control of the Senators from Arizona and Utah.

Mr. GRASSLEY. I yield myself such time as I consume at this point.

Mr. President, the Senator from Arizona and the Senator from Utah just gave very good speeches on the subject of the ills of gambling generally and on the ills of sports gambling.

I say amen, except for their willingness to let the evils of sports gambling continue in the States of Delaware, Oregon, Montana, and Nevada. That, Mr. President, is where I part company from the admirable goals of Senator DECONCINI and Senator HATCH and other supporters of this bill because gambling in any form is not something to encourage or to promote.

If this were a bill about banning gambling, I would probably have a different point of view. But that is not what this bill is about. This bill purports to restrict gambling on sporting events by prohibiting certain States from conducting sports lotteries, and it does so by discriminating against many States, including my State of Iowa, and preferring four States.

In my judgment this is not a distriction that Congress should tolerate. And my amendment is intended to correct this deficiency. My amendment will allow States, all States, a reasonable opportunity to declare that they do not want to be covered by this bill's reach. States would have 2 years under the amendment, until January 1, 1995, to opt out of this bill's coverage.

Mr. President, this bill exempts four States from its reach, and those are Delaware, Oregon, Montana, and Nevada. Oregon currently has a sports lottery. Delaware, it is my understanding, has had one in the past. Montana, I believe, allows fantasy leagues based on real sporting events. And, in Nevada, gambling on sports events is perfectly legal. But out there in the remainder of the 50 States, State governments will be excluded from conducting lotteries based on sporting events if this bill becomes law without my amendment. And that will occur despite the fact that 32 States already have some form of lottery, including my own State of Iowa.

Congress often preempts the States from acting in certain areas. We do it where consistency and uniformity require preemption. But I can not recall where we have legislated preemption on a piecemeal or patchwork basis, and that is what we are about to do here. There is no reason that four States should have more power to get themselves exempt from this bill's provisions. This is a very dangerous precedent, one that takes us down a perilous path.

After all, why does Congress have the right to restrict the source of revenues for 46 States, but not for 4 States? This has the potential to undermine our Federal system, and this is something we should not take lightly.

Moreover, it is an issue the courts have looked at with some disfavor.

As far back as 1936, the Supreme Court examined a so-called grandfather clause and struck it down as an arbitrary and discriminatory violation of the Constitution. In Mayflower Farms versus Ten Eyck, the Supreme Court struck down a statute which only permitted milk producers which had been in business before a specified date to avoid the statute's pricing restrictions.

The Court found the pricing law was:

> An attempt to give economic advantage to those in a given business at an arbitrary date as against all those who enter the industry after that date.

It is true that the courts require a showing of only a rational basis to uphold a grandfather clause. But that rational basis must be substantiated by a valid legislative purpose.

It could be a legitimate legislative purpose for Congress to ban gambling to protect the welfare of the people. But that is not what this bill is about. This bill, specifically, openly, and candidly, as stated by the sponsors, favors 4 States and penalizes the other 46.

The third circuit in a 1981 case—Delaware Basin Commission versus Bucks County Water & Sewer Authority—noted:

> Favoritism of this sort might often appear the product of a political arrangement that does no more than favor one interest at the expense of another rather than the result of a reasoned judgment about a socially beneficial policy.

In that case, the appeals court could not find any rational basis for the grandfather clause which exempted from water use charges any withdrawals or diversions which could have been made without charge before the effective date of the Delaware Basin compact.

Likewise, there is no rational basis for letting some well-connected States with sports gambling get away with what the other 46 cannot.

If we are going to legislate in this manner, let us at least give the rest of the States the same opportunity that Delaware, Oregon, Montana, and Nevada have. Let us give the States the chance to opt out. And that is what my amendment would allow.

Mr. President, as I have said, I respect the goals of the proponents of this bill. Successful sports men and women are today's heroes, and they are role models for young Americans.

We do not want the sports world to be tarnished by gambling. We do not want to encourage gambling on sporting events.

But, Mr. President, this bill does not outlaw gambling on sports events. Office pools on football games are a weekly event in the fall. Betting pools on the NCAA basketball championship are a common occurrence. Every spring, people buy and sell baseball players in rotisserie leagues. And the list goes on.

The fact is that this bill will not change those practices one bit.

At least lotteries are regulated and policed by the States. This street gambling goes on without any constraint, unless the police happen to crack down. And with the increase in violent crime, it does not seem that our police forces, having their hands full, and with resources being scarce, are going to do much cracking down on this sort of gambling.

The proponents of the bill assert that sports lotteries create a climate for possible tampering with legitimate play. After all, the lottery pools run into the millions, sometimes tens of millions of dollars. And, the proponents argue that these large pots could provide an inducement to tampering with a game's results.

But I respectfully disagree with this assertion.

You do not have to be a close student of the sports world to be aware of the millions of dollars players are paid in today's market. Any player in a position to throw a game is already receiving a huge paycheck. It is hard to imagine that a player with a multiyear, multi-million-dollar contract would risk throwing it all away to win a lottery.

And while the supporters of this bill are no doubt sincere in their desire to see sports not tainted by gambling, they are somewhat less than pure in their motives in putting this bill forth. After all, lotteries with sports themes will still be permitted. And famous athletes and people connected to them will still be permitted to endorse lotteries, as well as products which do cause harm to young people.

No one can dispute that the proponents of this bill benefit by sports themes and by product endorsements. It is these types of business transactions that further elevate and enhance sporting events.

Mr. President, there is also another point of additional significance and that is the right of Indian tribes to engage in gambling on Indian reservations. Under the Indian gaming regulations, an Indian tribe may engage in certain forms of gambling that are not prohibited by Federal law, provided they enter into a compact with the State government.

Without the adoption of my amendment, Indian tribes will clearly be prohibited from conducting sports gambling. That is the express intent of this bill. My amendment, however, would enable Indian tribes in those States which opt out of the bill's coverage to conduct sports lotteries, provided the Indian tribe reaches an appropriate agreement with the State.

Mr. President, there are many other issues that I would like to discuss concerning this bill, but I think I will approach them during the general debate after my amendment is considered.

I want to merely close at this point by saying that without my amendment this bill discriminates between States that already have this sort of gambling and the other 46 States that will be banned from it. Such discrimination, in my judgment, is just plain wrong and, as I pointed out from two court cases on grandfather clauses, arguably unconstitutional.

My amendment will eliminate that discrimination. It will in a sense say what is good for the goose is good for the gander. If 4 States are entitled to revenues from sports gambling, then the other 46 States should have an opportunity to share in that revenue. If we really believe sports gambling is bad, as I know we do, then we should have a nationwide consistent policy—it should be prohibited in Oregon, Nevada, Montana, and Delaware as well.

Mr. President, it is for these reasons that out of a matter of fairness I urge the adoption of this amendment, and I retain the remainder of my time.

The PRESIDING OFFICER (Mr. SANFORD). Who yields time?

The Chair recognizes the Senator from Utah.

Mr. HATCH. Mr. President, I have enjoyed listening to my distinguished colleague from Iowa, and I know he is against sports gambling. On the other hand, if sports gambling is bad and all we can do is stop 46 States from gambling, it seems to me that is a step in the right direction. It is certainly not a step in the wrong direction. Under his amendment, he would just open up a loophole that any State that wants to could opt out within the next 2 years and start gambling practices.

Now, the four States that are grandfathered-in in this bill are States that have gambling. And, as a matter of just trying to resolve the problems surrounding getting an important bill like this through, we agreed to grandfathering because we had no choice.

It would have been better off to have banned all State sponsored sports gambling. But the least we can do, it seems to me, is stop the trend of such gambling. So we decided to act prospectively, which is about all we can do. I think it is entirely rational to stop the spread of this kind of sports gambling. We have the power to do so under the commerce clause, and I hope we are going to exercise it today.

The amendment by the distinguished Senator from Iowa creates a window of slightly over 2 years in which any State or all of the 46 States may enact legislation which would exempt the particular State or those States from the prohibitions of this bill.

If the underlying premise of the bill is sound, and I think the distinguished Senator from Iowa has said that it is, and I and 61 cosponsors also believe that it is, this amendment must be rejected. The amendment is completely inconsistent with the purpose of the bill. A vote in favor of this amendment is a vote in favor of permitting unlimited State-sponsored sports gambling.

If the abuse of sporting contests through State-sponsored or authorized gambling should be prohibited, it should be prohibited now. This amendment postpones the effect of this bill for slightly more than 2 years.

The amendment creates a window during which States can opt out of coverage under this bill. Under the Grassley amendment, when a State votes to take itself out from the bill's coverage, it preserves forever its right to sponsor State gambling, State sports gambling, if you will.

Of course, sports gambling promoters will press hard to get State legislatures to enact such an opt-out provision. They will urge the States to preserve their options for the future.

This amendment is not a compromise. The bill itself currently represents a compromise by being basically prospective in effect. The bill allows a few exceptions, four States, in carefully circumscribed situations, where such schemes are already provided for. Compromise is frequently necessary around here, of course, in order to enact legislation.

The Grassley amendment, in contrast, renders the bill a complete and total nullity for at least 2 more years, as the battle rages in those 46 States for them to protect their options. As a practical matter, it opens the door to rendering the entire bill a complete and total nullity on a permanent basis.

The amendment, in my opinion, sends precisely the wrong message, namely, that it really is acceptable for States to undertake sports gambling. And I think using the argument that it is only fair since four States, which are already doing this, have been exempted or have been grandfathered in this bill, it is only fair to allow the rest of them to gamble even though we hate gambling, I think that is wrong.

A vote for the Grassley amendment is a vote to gut this bill. The National Football League, the National Hockey League, the National Basketball Association, major league baseball, and the NCAA, all oppose the Grassley amendment.

I urge the defeat of this amendment. If we want to do something about sports gambling we should really get on the ball and change this situation. If we want to stop our teenagers from being grabbed by sports gambling, if we want to stop the decimation of families around this country because of gambling, then we ought to vote for this bill. We certainly should vote for a bill without the Grassley amendment which would open it up for 2 years, and a complete and total debate over the whole country in all of the States, or at least the vast majority of the States, concerning sports gambling.

I would not want to do this to the country. I do not think it is right or fair. And I do not think this is the thing to do, especially if we oppose sports gambling and State sponsorship of sports gambling. I think this is very, very important. This is not some itty-bitty bill. It is an important bill and involves the very fiber of our country, our youth, and our families.

The best we can do at this time is to apply this to 46 States and circumscribe narrowly the other 4, which we are trying to do by this bill. Who knows? Perhaps the other four States will have to be revisited at some future time. Right now it is the best we can do, and it is a heck of a good job. It has the support of everybody in organized athletics to my knowledge, and of the major players, and it is right for the American people in whose best interest we all ought to be working.

Anybody who has seen athletes succumb to some of these gamblers, and some of these underworld types, understands what we are talking about. Anybody who has seen close games where large betting has gone on, knows what we are talking about. It is time to face the music and do the best we can. This bill is the best we can do, and I hope we pass it without the Grassley amendment.

Normally, I support my colleague from Iowa in every way. He is a person of great good judgment and good sense and stands up on so many issues in a way that creates a lot of admiration in me. But on this one, I think he is off base.

And, even though I agree he is trying to be fair, it is not fair to the kids, to families, to people in the 46 States that this bill basically applies to, to allow them to have to go through another 2 years of fighting over this issue when we can solve this problem now.

So, Mr. President, I hope we can support this bill without any amendments. In the end, I think we will all be better off and society will benefit from it.

Again, I thank my dear colleagues, both from Iowa and from Arizona, for the work they have done to help us thus far on this bill, and I hope we can go forward to the vote at about 2:15, and pass it in its current form.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. DECONCINI. Mr. President, I thank the Senator from Iowa sincerely for his cooperation in bringing this bill to the floor. I understand from working with him for over a year on a particular problem he has with the existing legislation, that he could have been very difficult and we would have had a strong debate here, maybe even going into several days. I appreciate that, and I want the Senator to know that. I do not take that lightly because I understand every Senator has that right and must preserve it at certain times.

As the Senator from Utah said, so often I support the Senator from Iowa. I have to oppose this amendment, and I urge my colleagues to oppose it and to vote against it. If this amendment is agreed to, it will delay the effective date of the bill for 2 years. This amendment is completely inconsistent with the goal of the legislation and would set a very bad precedent in the Congress. States should not be given the choice about whether or not they want to be covered by the law. If it is the public policy that this legislation is necessary, and if it is passed by both Houses and signed by the President, I do not see a justification to let States opt out at their own will.

As the Senator from Utah pointed out, there are 62 cosponsors of the bill. Clearly, the U.S. Senate, at least based on cosponsorship, believes the legislation is good policy. I think we have the votes to pass it.

I hope we have the votes to defeat the amendment of the Senator from Iowa. I believe the amendment would stimulate a rush to State legislatures to enact legislation to opt out from coverage of the bill in order to preserve their option of authorizing sports betting if they decided to do that. That is what we want to discourage. That is what we want to prohibit—not just discourage. Proponents would be able to push such legislation with a great sense of urgency because there would be a deadline—2 years—and the purpose of the bill would be lost.

To prohibit sports gambling on one hand and to approve potential expansion on the other is really inconsistent and, in my judgment, not good policy. The amendment is counterproductive and completely contradictory to the bill's purpose, which is to stop the growth of sports gambling.

I make no bones about it, Mr. President, this bill prohibits sports gambling. The Senator from Iowa is correct, there are four exemptions and they are very carefully crafted to only include those States and only include what the States have specifically, by legislation, been authorized to do. It does not permit those States to expand into other areas of sports gaming that they do not already involve themselves in.

We did that, the Senator is correct, out of compromise. Maybe that is unfair. But, it seems to me, we probably would not even be here today, trying to discourage and prohibit sports gaming, if we had a long, protracted debate on whether we should exempt one State and not another one: One because it is a major industry; one because it is only on basketball and football, and so we should exempt that. And it just was not really worth it.

You are caught with this, perhaps—an inconsistency. What do you do? As the Senator from Utah pointed out, this is a compromise. Except for certain States, sports gaming in amateur and professional sports will be barred. That is what we want to achieve here.

I would like to have it effective on all 50 States but that is not in the cards. We have a chance to pass this bill. We have a chance to see it pass the House and enact it into law.

The House, by the way, has passed a sports lottery prohibition through the omnibus crime bill, H.R. 3371. We went to conference and it stayed in with a modification by one Congressman and that conference report is pending on the Senate Calendar. So if we ever pass the crime bill—which many of us feel is necessary—this would be part of it. So this is what has brought us here today, to enact this legislation so we can proceed with this part of the crime bill that we feel is necessary and has tremendous support.

The Senator from Iowa believes that this issue should be left to the States. I feel strongly that it is not a States rights issue. Sports are our national pastime, not just confined in the geographic area of one State. There is nothing that can harm sports more than to have wholesale gambling on them permitted.

Some States have worked on and had some success with this. The State of Oregon started its gaming, a lottery on basketball and football, in 1989. But it is really questionable as to how much revenue is really taken in. They projected $10 million for 1989. They actually grossed $7 million and netted $2.5 million. In 1990, the actual gross was $7.2 million and the net was $2.4 million. In 1991, the actual gross was $7 million and the net was $1.7 million. I think it is worthwhile to move ahead and permit that State, as small an amount as that is to them, to continue to operate. I do not think it is a violation of our Constitution at all. I think we can justify what we are doing here under the authority vested in the Congress of the United States. I do not think there is any question that we want to discourage and we want to stop sports gambling.

I yield the floor.

The PRESIDING OFFICER. Who yields time on the amendment?

The Senator from Iowa.

Mr. GRASSLEY. Mr. President, I yield myself such time as I may consume under the 43 minutes I have remaining.

Again, as I stated just a few short minutes ago, this bill has some worthy motives that, and if it provided a nationwide standard affecting all 50 States, I could not find fault with it. But it is because of its selective treatment of some States that I have proposed my amendment.

This bill purports to prohibit the States from allowing lottery and sweepstakes and other betting, gambling and wagering schemes based on a sporting event. There are many good proponents of this bill to whom I would only say that if what you propose is good for the country, then it also ought to be good for Oregon, Delaware, Nevada, and Montana; they should not have these exemptions. We have sports leagues and college athletic associations and others that have stated very worthwhile goals in the advancing of this bill. They have claimed that gambling on sports events has a negative impact on the sports world and it also has a negative impact on our children who look up to our heroes in the world of athletics. Those are assertions that I find pretty common among most people in America.

Gambling is not something that should be encouraged in our Nation. I do not want to take the position of encouraging gambling. Even policymakers in Congress and State legislatures find the need for regulating it as opposed to promoting it. And I hope most States, except perhaps Nevada and one or two others, where it is very much a part of their economy, see it that way.

But I differ with the approach taken in this bill. There is not a prohibition on sports gambling; it is a piece of Swiss cheese. The bill contains loopholes that effectively exempt the States of Oregon, Delaware, Nevada, and Montana. So if sports leagues really want to end gambling on sporting events, they would seek a complete ban nationwide. If the dangers my Senate colleagues and these groups outside the Senate are trying to eradicate pose such a threat, then why can we allow sports gambling in Las Vegas?

The bill in its present form penalizes my home State of Iowa. Iowa is 1 of 32 States which has a lottery, although we do not have a sports lottery. But this bill would prohibit my State—in other words, the policymakers of my State—from doing exactly what has been done in Nevada, Montana, Delaware, and Oregon. I think my State ought to have the right to do that, although I would hope that my State would not authorize sports gambling. But we are denying my State the opportunity for some revenue that these other four States will have.

This bill prohibits my State from expanding our existing lottery to include a sports lottery.

So my amendment creates a window of opportunity for the other 46 States, at least a short period of time of 2 years where the State might make such a determination.

It would give, then, my State of Iowa, as one of these 46 States, an opportunity, and it would allow them to pass legislation stating that the State does not want to be covered by this bill, as the States of Oregon, Nevada, Montana, and Delaware are exempt.

Both of my colleagues stated they would prefer to see it prohibited in all States but that as far as the practicalities of getting a bill passed, it is better to do it for the 46 States.

I think my colleague from Utah was the one who mentioned that this is a step in the right direction because it is regulating what is bad in at least 46 States even if we cannot regulate it in those other 4 States. He is saying that I have one gigantic loophole for 2 years for other States then to exempt themselves. He says that is bad.

But my colleagues have already agreed for one State, the State of New Jersey, to have a window of opportunity that I want to give to all States of the country. And they have not done that through a policy that they have gotten through the Senate, admittedly. But because the Senate has agreed to the House position on the crime bill, and in the House version of the crime bill there was a provision banning sports lotteries except in the States of Nevada, Oregon, Delaware, plus the State of New Jersey.

New Jersey has not enacted a sports lottery bill, just as 46 other States have not. But the compromise that was agreed to by the Senate in accepting the House sports lottery bill as part of the House crime bill gives New Jersey a window of opportunity. And I might add that it is the only State that has that window of opportunity.

Why, if we are going to in this bill exempt Nevada, Montana, Oregon, and Delaware because they already have a sports lottery, and why, if we are going to give New Jersey an opportunity through the crime bill to pass such legislation—why can't we allow 45 other States the same opportunity?

Now, what is there about New Jersey and about Nevada that would get this sort of attention in the Congress of the United States? Is it not very obvious? I hope it is very obvious. It is because gambling interests are very strong in Nevada and New Jersey, and they are in a position to have a strong lobbying effort to accomplish their goals of exemption.

I suppose it is similar, because agriculture is such an important industry in my State—it is the bedrock of our economy as probably gambling is the bedrock of the economy of Nevada—that farm groups maybe would come to Congress for certain exemptions from some other laws we might pass in that area.

So the proponents of this legislation may criticize my amendment as a big loophole, but it is not different from what they agreed to in the conference report on the crime bill.

Again, this bill singles out four States for preferential treatment, and the crime bill, which includes the sports lottery bill, gives the same preferential treatment also to the State of New Jersey.

As I've said before, what is good for the goose ought to be good for the gander. If the sports lottery business is bad for the country—and I think generally, just from the standpoint of creation of wealth, we all have to agree that gambling does not create any new wealth. You take money out of one pocket and put it in another. But if it is bad for the country, then it seems to me it has to be bad in Nevada, Oregon, Montana, and Delaware as well. And why give New Jersey this window of opportunity to pass sports gambling legislation that would get them in on this game as well?

Well, I think it's fair to assume that New Jersey would probably take advantage of it, since gambling is now a major industry in that State. So, it seems clear to me that we ought to have a consistent policy for our country.

I yield the floor and reserve the remainder of my time.

Mr. DECONCINI. Mr. President, how much time is remaining on the amendment of the Senator?

The PRESIDING OFFICER. The Senator from Arizona has 23 minutes. The Senator from Utah has 23 minutes. The Senator from Iowa has 29 minutes.

Mr. DECONCINI. Mr. President, that is on this pending amendment?

The PRESIDING OFFICER. On the amendment.

Mr. DECONCINI. I thank the Chair.

Mr. President, the Senator is correct to the extent he said the conferenced legislation that was in the crime bill did extend the grandfather clause to New Jersey. But I think it is important to know that it only allowed a 1 year window and is subject to a constitutional amendment being passed by that State and it being implemented within that 1 year.

The bill before us, Mr. President, does not have such an inclusion. New Jersey is not part of this legislation.

Now, we could play games and say, gee, let us just apply it across the board, make it retroactive, and that does not offend me. But if you are from Nevada or you are from Oregon, you would have to fight that, I am sure. It is whether or not we want to stop the spread of sports gambling. I submit it is in the public interest to do just that.

Let me, while I have a moment, Mr. President, show you how some of the leagues feel about this bill. They are concerned about the penetration of gambling as to both the image and the reality of what could happen. This poster illustrates the point that we do not want to see the spread of sports gambling. This poster was put out by the NFL, the National Hockey League, and the National Basketball Association to demonstrate there is a move on their part already to eliminate and discourage gambling, not just in lotteries but in anything else.

Here is another one. "Are we teaching them about fast breaks or fast bucks?"—indicating let us not gamble on sports.

Now, we know there is always going to be gambling on sports. There is no way we can stop that. I am not suggesting that this bill is going to stop that. But we can discourage it. We can prohibit it being sponsored by the States. The revenues are so insignificant it just does not make good sense to me.

Mr. President, the Senator from Iowa makes an argument that this bill is not fair. Well, the world is not always fair, I must admit, and I think he will admit it is not fair. But I think it is important to note that this is not some special interest, as might have been reported by one of the local newspapers, that all of a sudden they get their way here. We have been working on this legislation since 1989, and we have had hearings on it. We have talked to those States that do have a limited amount of gambling, and of course the State of Nevada. We understand the State of Nevada in the sense that gambling is an industry. That is what they rely on. As the Senator from Iowa said, farming is just as important to his State as legalized gambling is to Nevada. So instead of trying to have the Government run roughshod over a State that has built its economy around that, we exempted them. It seems to me that is what good legislation is all about, being understanding of the economic gains in each State.

So now the Senator from Iowa would say, well, let us extend this to everybody, at least give them an opportunity to opt out of this. And that to me would be contrary to the public policy this legislation would establish, and that is to prohibit sports lotteries in all the States except what is already being conducted.

As I mentioned before, in the State of Oregon they have sports lotteries on football and at one time, on basketball. They cannot do any sports gaming such as Nevada has today.

So, Mr. President, I hope my colleagues will vote against the amendment of the Senator from Iowa. I understand his strong commitment to this issue, but I believe it would undermine the effectiveness of this bill.

The PRESIDING OFFICER. Who yields time?

Mr. DECONCINI. I suggest the absence of a quorum, Mr. President.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. DECONCINI. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DECONCINI. Mr. President, I ask unanimous consent that the next quorum call be divided equally on both sides.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DECONCINI. Mr. President, on the bill itself let me just add a thing or two here. I think it is very important for our colleagues to understand why we are here. Why is this the first order of business? I want to thank the majority leader, Senator MITCHELL, who had some reservations about bringing this bill to the floor. I appreciate immensely his willingness to schedule it on our first day back. I also want to thank the many Senators who have worked hard to get this bill to the floor, in particular Senator FORD, of Kentucky, who has a great interest in the gambling area, especially those dealing with horses. And I appreciate his effort as well as many, many others.

I have already mentioned Senator BRADLEY and Senator HATCH, who have been strong supporters of this particular legislation.

Mr. President, we must remember that a short-term gain at the expense of a detriment to society really cannot be justified. That is what we would be doing in this particular case if we adopted the amendment of the Senator from Iowa. We would, in fact, be permitting each State to come in and undo what I hope will be legislation that will pass and will be signed into law.

It is important also to note that this legislation has been around since 1989 when the bill was first introduced. So there has been ample time for States to attempt to pass sports gambling legislation, and legislature after legislature has turned this down because they have seen the public policy that they do not want to allow sports gambling on amateur and professional sports. And I am glad they have done that.

We do not know what lies in the future. That is why this bill is here, because we want to make it very clear that it is public policy and actual legislative purpose that there should be a prohibition on permitting sports gambling by States.

So, Mr. President, I hope the Senator's amendment will not pass.

I suggest the absence of a quorum and ask that it be charged to each side.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. DECONCINI. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BRADLEY. Mr. President, I rise to express my opposition to the amendment proposed by Senator GRASSLEY.

Senator GRASSLEY's amendment would establish a 2-year window in which all States could choose to exempt themselves from the ban on sports betting. Since this would result in a stampede of States attempting to legalize sports betting, I strongly oppose this amendment.

Mr. President, my position on this issue is fairly clear. If I had my way, sports betting would be prohibited in every State in this country. I have agreed not to fight the exemptions in this bill for States which have already legalized sports betting in an effort to see this bill passed and sports betting prohibited in at least 45 States. Given what we know about the dangers sports betting poses for organized sports, their athletes, and sports fans, it would be wrong for this body to allow more States the option of legalizing sports betting.

Mr. President, the Senator from Iowa believes the question of whether or not to prohibit sports betting should be left up to the States. I am sensitive to arguments in favor of deferring to the States, and believe that the Federal Government should be careful to preempt State authority only when an issue is of national importance. But, based on what I know about the dangers of sports betting, I contend that its dangers are of national importance. Such dangers and the interstate effects of sports gambling justify this Federal action. If you support the efforts of Senators DECONCINI, HATCH, and others to ban sports betting, you should vote against this amendment. If States are given 2 more years to implement sports betting, more athletes and youngsters will suffer as a result.

Mr. DECONCINI. Mr. President, I understand the Senator from Iowa is prepared to yield back the remainder of his time on his amendment, and I am authorized to do so on behalf of the Senator from Utah. I yield back any time remaining on the Senator's amendment.

The PRESIDING OFFICER. All time is yielded back. The question is on the amendment.

Mr. GRASSLEY. Mr. President, I yield back my time as well.

The PRESIDING OFFICER. Pursuant to the previous order the vote for or in relation to the Grassley amendment No. 1857 will occur at 2:15 p.m. today.

Mr. DECONCINI. We are prepared to voice vote.

Mr. GRASSLEY. We are prepared to vote right now. I ask unanimous consent that whatever that order is be vitiated.

The PRESIDING OFFICER (Mr. KERRY). Without objection, it is so ordered.

The question is on agreeing to the amendment of the Senator from Iowa.

The amendment (No. 1857) was rejected.

Mr. DECONCINI. Mr. President, I move to reconsider the vote.

Mr. GRASSLEY. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. DECONCINI. Mr. President, I thank the Senator from Iowa for his cooperation and assure him we will work with him on other matters where we have mutual understanding and can find common ground.

Mr. President, I know of no further amendments. However, in case anybody wants to speak on the bill I am not prepared at this time to yield back the time. I do not believe the Senator from Utah is either. So, I will suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. LEAHY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LEAHY. Mr. President, I ask I be recognized as though in morning business for not to exceed 12 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LEAHY. Mr. President, I thank the Chair and thank the distinguished Senator from Arizona for his courtesy.

FOREIGN AID TO IRAQ

Mr. LEAHY. Mr. President, I am rising today to discuss the Senate Agriculture, Nutrition, and Forestry Committee's continuing investigation of United States aid to Iraq.

Before I begin, I would also like to praise House Banking Committee Chairman HENRY GONZALEZ who has sought, as we have, to discover the truth in this complex and difficult matter.

Much has been written recently about this issue. It is generating significant media attention and network news coverage. That media attention in turn has, unfortunately, caused some people—both supporters and opponents of the administration's policy toward Iraq—to unfortunately try to politicize this issue.

That is not what the American people want.

Senator LUGAR and I have been very careful in conducting the Senate Agriculture Committee's investigation. Our goal is not to assign blame. We are simply trying to find out how the United States ended up spending $1.9 billion for foreign aid for Saddam Hussein.

One billion, nine hundred million dollars is a substantial sum. If that money had been spent on domestic needs—instead of covering Iraq's refusal to pay its debts—our Nation could have bought a hot lunch for 9.5 million schoolchildren for every day of the school year. Or our Nation could have afforded to fully fund the WIC [Women, Infants, and Children] Program, providing food to 3.8 million pregnant women, infants, and young mothers that do not get WIC now.

Now I do not know whether this was by mistake or fraud at this point. In a sense it does not matter. The result is the same. The American taxpayer ends up paying a foreign aid bill for Saddam Hussein for $1.9 billion. I cannot believe that there is an American who wants to pay a $1.9 billion tab for Saddam Hussein.

AGRICULTURAL CREDITS TO IRAQ

The Commodity Credit Corporation [CCC] Export Credit Guarantee Program is sound policy with good goals—by increasing foreign purchases of U.S. agricultural products we are helping American farmers.

The problem starts when this administration, or any administration, uses the CCC Program as under-the-table foreign aid. Apparently that is what happened here.

Under the CCC Program, the U.S. Government does not actually write a check up front to a foreign nation. Rather, it entices domestic and foreign banks to loan money by promising to guarantee the loan. If the foreign government fails to pay back the loans, U.S. taxpayers will.

Of the $5 billion in credits the United States extended to finance Iraq's purchases of United States farm products, Iraq has defaulted on nearly $2 billion since its invasion of Kuwait. American taxpayers are left with the bill.

Evidence uncovered suggests that the administration extended CCC loans to Iraq even though its officials knew that Iraq was not creditworthy and United States taxpayers might very well be left holding the bag. In fact, by mid 1989, no nation, except the United States, was extending long-term loans of a year or more to Iraq because they feared that Iraq—heavily indebted after the end of the 8-year Iran-Iraq war—might default on long-term loans.

The following is some of the evidence that shows administration officials knew Iraq was not creditworthy when the loans were approved.

The November 1990 General Accounting Office report, "Iraq's Participation in U.S. Agricultural Export Programs," found:

> As early as January 1985, one member of the National Advisory Council voiced his opposition against granting credit guarantees to Iraq. He was concerned about Iraq's creditworthiness and strongly questioned Iraq's capacity to service additional debt. In that meeting, another member of the NAC added that Iraq's short-term debt had increased over the last two years at the point where Iraq might be incapable of rescheduling it.
>
> During 1988 and 1989, warning signs were building concerning Iraq's creditworthiness. According to an April 19, 1989 analysis by one NAC member agency, Iraq had rescheduled or refused to repay most payments owed to foreign creditors. Only those creditors providing larger amounts of new money were being repaid. Because of Iraq's policy of rescheduling old debt, while at the same time taking on new debt, it was predicted that Iraq's debt would continue to grow at a faster pace than its income, thus preventing it from being able to service its debt. * * *
>
> [Foreign Agricultural Service] risk assessment documents noted that Iraq was effectively tying repayment of past debt to continued participation in the GSM export credit guarantee program.

According to minutes of a November 8, 1989, National Advisory Council [NAC] meeting, various administration officials raised concerns about Iraq's ability to repay the United States Treasury:

> [The Federal Reserve representative] cautioned that extending 20 percent of the CCC's guarantee authority for a fiscal year to one country was not desirable in terms of risk-management especially when that country was engaged in unilateral debt rescheduling. Finally, noting the foreign policy considerations brought forward by State, Federal Reserve said that he, too, did not want to be obstructionist, but had reservations about a one billion dollar program.
>
> The Department of Commerce representative noting Iraq's large external debt and questions surrounding its creditworthiness voiced an uneasiness with the proposed program. However, noting the foreign policy concerns of State and the large export market that Iraq represented, he said Commerce didn't want to obstruct the proposal.
>
> The Treasury representative, in summarizing the sense of the meeting, indicated that absent compelling agricultural export and foreign policy interest this proposed program probably would not go forward.
>
> The Ex-Im representative said that the Iraqis were currently delinquent by $12 million.

The purpose of the November 8, 1989, meeting was to determine the amount of fiscal year 1990 CCC loan guarantees to Iraq. The NAC decided to grant Iraq the full $1 billion, but to release it in two separate $500 million parts. The first $500 million was released immediately, but the second was contingent on the Banca Nazionale del Lavoro investigation, subsequent measure of creditworthiness, and correction of Iraqi program violations. Because of the invasion of Kuwait, the money was never released.

At the May 21, 1992, hearing before the House Committee on Banking, Finance, and Urban Affairs, John E. Robson Deputy Secretary of the Treasury admitted that, for deliberations for fiscal year 1990 allocations:

> Concerns about Iraq's future repayment of its guaranteed credits were based on reports of Iraq's failing to make scheduled payments to creditors in other countries and high military expenditures which raised questions about the future availability of funds to service its debts.

The administration likes the CCC Program because it requires no congressional approval before specific guarantees are extended.

Unfortunately, this allows the administration to camouflage foreign aid as CCC loans. When money is disguised as "loans" to a nation that is not creditworthy, the administration is not being honest with the American people.

This is what happened with Iraq. And I fear the administration has not learned its lesson as it is using the CCC program to make loans to Russia and other members of the Commonwealth of Independent States, which may very well not be creditworthy.

MISLEADING CONGRESS?

The evidence uncovered so far shows that foreign policy considerations weighed heavily in the administration's decision to extend CCC credit guarantees to Iraq. This, in and of itself, does not constitute a violation of the law. The 1990 farm bill bars the use of the CCC Program for foreign policy reasons and requires that borrowing nations be creditworthy. But these reforms—legislated after the administration guaranteed loans to Iraq—were made after Congress saw what happened with Iraqi credits and did not want American taxpayers left paying the bills in the future.

The problem here is that not only did foreign policy concerns result in bad loans, but the administration may have misled Congress and the American people about the facts.

At the end of my statement, I have included a chronology on this issue, entitled "Foreign Policy and CCC Credit Guarantees." I will just summarize the key points here.

On February 12, 1990, I wrote a letter to then-Agriculture Secretary Clayton Yeutter saying:

> I am also disturbed by rumors that foreign policy pressures have encouraged the Department to give Iraq special treatment in this case.

Secretary Yeutter replied on February 20, 1990:

> You mentioned that there were "rumors" that foreign policy pressures have encouraged the Department to give Iraq special treatment in this case. To the contrary, the extension of GSM-102 guarantees in connection with sales to Iraq have recently been subject to special scrutiny because of the BNL investigation.

Chairman GONZALEZ has placed into the March 16, 1992, CONGRESSIONAL RECORD what appears to be an earlier draft of Secretary Yeutter's February 20 letter—a version that may give us a clearer sense of USDA's "state of mind":

> You mentioned that there were "rumors" that foreign policy pressures have encouraged the Department to give Iraq special treatment in this case. I can assure you that there is no basis to this rumor.

The day after Secretary Yeutter's letter, Richard Crowder, Under Secretary, for International Affairs and Commodity Programs, testified at the February 21, 1990, Senate Agriculture Committee hearing. I asked him:

> I assume that you are getting some pressure, whether from the State Department or elsewhere, within the administration to loan money to Iraq? Or is this just an internal decision made simply by the Department of Agriculture?

Mr. Crowder responded:

> We are not getting undue pressure from anyone on either side, either for Iraq or for anyone else at this time. If we did not agree with it, we would not recommend it.

But as is detailed further in the attached chronology—"Foreign Policy and CCC Credit Guarantees"—foreign policy played a decisive role in the administration's decision to extend these credits—contrary to the representations of Secretary Yeutter and other USDA officials.

On October 31, 1989, less than 4 months before I wrote to Secretary Yeutter, he was called by Secretary of State James Baker. Talking points for that conversation have been inserted in the March 2, 1992, CONGRESSIONAL RECORD:

> On foreign policy grounds, we support a program of up to one billion, released in tranches, with periodic compliance reviews. * * * With safeguards, I hope we can get this important program back on track quickly.

According to the February 24 and 25, 1992, reports in the Los Angeles Times, Secretary Baker wrote on his talking points that Secretary Yeutter told him during that phone call: "I think we're seeing it the same way you guys are." The loans were extended to Iraq soon thereafter.

On February 25, 1992, Secretary Baker testified before the Foreign Operations Subcommittee of the Senate Appropriations Committee, which I also chair. I asked Secretary Baker:

> Stories in the Los Angeles Times say that officials at the Department of Agriculture and the Ex-Im Bank oppose further aid to Iraq because of questions about Iraq's creditworthiness. But the assistance went forward, notwithstanding the creditworthiness problems, because of foreign policy consider-

> ations. I am concerned enough about these stories that have been floating around Washington for some time that I have asked for a GAO investigation of them.
>
> In the Los Angeles Times story it says "On October 31, 1989, Secretary of State James Baker telephoned Agriculture Secretary Clayton Yeutter and persuaded Yeutter to reverse Agriculture's position and approve $1 billion in new loan guarantees to Iraq.
>
> Four months later I wrote to then-Secretary of Agriculture Yeutter. I wrote I was disturbed by rumors that foreign policy pressures had encouraged the Department to give Iraq special treatment in this case. He responded: "To the contrary, the extension of GSM guarantees in connection with sales to Iraq have recently been subject to special scrutiny because of the BNL investigation."
>
> The story in today's Los Angeles Times indicates to me that the rumors I was hearing were correct, the response given by then-Secretary Yeutter was wrong, and that indeed he was pressured by you or by the Administration on foreign policy grounds.
>
> So my question is was Secretary Yeutter telling me the truth when he said to me that foreign policy considerations played no role in the extension of credit guarantees to Iraq.

Secretary Baker then confirmed that foreign policy played a role in this decision:

> Senator, I do not have any basis to question what Secretary Yeutter wrote to you. On the other hand, I will not deny that at the time in question * * * there was a National Security Decision directive calling for us to seek to improve, if possible, the relationship of the U.S. and Iraq. * * *
>
> I think that on all issues like this, again its been my experience after 18 years up here that these are all subject to interagency discussions and interagency positions. And I suppose it would not come as a surprise to you that the Secretary of State would be supportive of the position reflected by the President in his National Security Decision directive.

The question still remains: Why did the administration mislead Congress and the American people about the reasons it was giving aid to Iraq in the months and years before that nation invaded Kuwait?

HOW WAS THE MONEY FROM CCC LOANS USED?

The goal CCC Program is to promote the export of U.S. farm products. While Iraq was receiving guarantees to buy food, it is clear that Saddam Hussein received other benefits as well.

On one level, at a time when Iraq was financially devastated and strapped for cash, the administration used United States taxpayer money to—perhaps inadvertently—prop up Saddam Hussein and help the dictator rebuild his nation and his war machine after the Iran-Iraq war. In fact, it was a poorly kept secret that Saddam Hussein was spending a huge portion of Iraq's gross national product on military weapons.

Saddam Hussein needed cash to buy food to feed his people. But by receiving U.S. agricultural credits, he was able to spend these limited resources on other items, such as military weapons and machinery—some of which may have been used against our soldiers in the Persian Gulf war.

Money is fungible. The money the administration provided to Iraq for food freed up other dollars to build Saddam Hussein's war machine.

On a second level, the committee will investigate whether CCC credit guarantees were actually diverted from the purchase of food to other uses.

The committee is concerned that in spite of assurances from the Department that the Export Credit Guarantee Program was not used for military purposes, evidence continues to come to light indicating that there was such a connection.

For example, a State Department official wrote in a memorandum that USDA officials knew of this connection and continued to extend credits anyway:

> Although additional research needs to be done, it appears more and more likely that CCC guaranteed funds and/or commodities may have been diverted from Iraq to third parties in exchange for military hardware.

And an October 16, 1989, Federal Reserve Bank of Atlanta internal memorandum on the BNL investigation stated that:

> Iraq admitted [to USDA investigators] that it routinely receives "after sales services" [from CCC guaranteed sales] such as armored trucks from suppliers. * * * USDA investigators are reviewing shipping documents for evidence that CCC insured goods actually made it to Iraq. Most of the letters of credit show destination other than Iraq such as Aqaba, Jordan.

An April 5, 1990, New York Federal Reserve Bank internal memorandum reports on Iraq's request to BNL that it finance the purchase of nuclear triggers. While BNL turned down this request, we do not know if Iraq was successful in persuading others to finance purchase of the triggers or other equipment.

BANCA NAZIONALE DE LAVORO [BNL]

As is now well known, the Atlanta, GA, branch was instrumental in helping Saddam Hussein's generate needed credit between 1984 and 1989, when Federal agents raided it and shut it down. Just this morning, the central and final figure in the BNL scandal reportedly agreed to plead guilty to all 347 counts of conspiracy and fraud brought against him. The plea means that there will be no trial—and no public airing in court—of the Atlanta bank branch that made over $4 billion in loans to Iraq.

Following the raid of BNL's Atlanta branch, the committee monitored the administration's investigation. The administration assured us that USDA's inspector general's office was undertaking a thorough investigation.

Despite USDA's assurances, it now appears that no thorough investigation was conducted. Instead of an investigation, the inspector general only audited the program. This means that the IG simply reviewed documents rather than virogously following leads and questioning all witnesses under oath.

In one case, the IG discovered a cable from a grain exporter to an Iraqi bank that mentions military equipment. The IG refused to interview the writer of the cable or pursue the lead further.

Because of the unanswered questions, Senator LUGAR and I sent letters on May 22, 1992, to Secretary of State James Baker, Federal Reserve Chairman Alan Greenspan, Treasury Secretary Nicholas F. Brady, and Agriculture Secretary Edward Madigan, requesting their documents that may aid the Senate Agriculture Committee's investigation. And Senator LUGAR and I have also insisted the Treasury Department cease its delaying action in blocking the General Accounting Office's access to documents.

To assist my colleagues in their deliberations, I have prepared a brief chronology of one issue—extending CCC guarantees for foreign policy reasons. I am happy to provide other detailed information if that is helpful.

I raise this today for another reason. This month, President Boris Yeltsin is going to come to the United States. He is going to ask for a very substantial foreign aid package and the President and others want to give him a substantial foreign aid package. Nobody has said yet how much it is going to cost, but they said they want to. CCC credits will be part of it.

I do not want to lose a historic opportunity in the Commonwealth of Independent States. I agree with President Bush. I agree with the Democratic leadership of the Congress. I agree with the Republican leadership of the Congress. The United States should not lose this chance as the leading member of the free world, as the leading democratic country in the world to help democracy take root in what was the Soviet Union.

But let us be honest and let us look at the mistake made in Iraq and let us not make the same mistake twice. Let us not pretend there is no money involved if we simply cosign a loan that we did not have to pay back. Let us not say that we gain anything by simply removing all restrictions and say you get the foreign aid whether you observe basic human rights tenets or not, you get the foreign aid whether you commit genocide or not, you get the foreign aid whether or not you pose a threat to us or your neighbors, and on and on. Let us not write anymore blank checks in foreign aid.

First, I cannot believe there is anybody in the American public, of whatever party, who wants us to write foreign aid blank checks. But if there is one person left out there who thinks the idea of a blank check in foreign aid makes sense, then look what happened in Iraq when a blank check was written, and now we send $1.9 billion to pay it back.

Mr. President, I ask unanimous consent that a number of letters from Senator LUGAR, myself, and other correspondents be printed in the RECORD.

There being no objection, the material was ordered to be printed in the Record, as follows:

FOREIGN POLICY AND CCC CREDIT GUARANTEES

The Senate Agriculture, Nutrition, and Forestry Committee is continuing to uncover more information about the importance the Administration placed on foreign policy considerations when deciding to extend Commodity Credit Corporation loan guarantees to Iraq. This is a portion of the information that has been collected.

On February 12, 1990, I wrote a letter to then-Agriculture Secretary Clayton Yeutter:

"Despite our requests, the Department failed to notify us in advance of the $500 million allocation that was granted to Iraq late last year. More recently, we discovered through our own inquiries to the Department that the CCC had received notices that Iraq was late on payment of several loans that are covered by CCC guarantees and had stopped further use of Iraq's credit line.

"I am disturbed that despite repeated requests, the Department has not kept us promptly informed of all developments in this case. Almost all information that we have obtained has been the result of our own specific inquiries to the Department. I am also disturbed by rumors that foreign policy pressures have encouraged the Department to give Iraq special treatment in this case.

"Quite frankly, the advent of this case has caused me to become more concerned about the potential liability to the U.S. Treasury evidenced by credit guarantees issued by the CCC. The export credit guarantee program seems to be concentrated in a few countries, many of which may be poor credit risks.

Secretary Yeutter replied on February 20, 1990:

"You mentioned that there were "rumors" that foreign policy pressures have encouraged the Department to give Iraq special treatment in this case. To the contrary, the extension of GSM-102 guarantees in connection with sales to Iraq have recently been subject to special scrutiny because of the BNL investigation.

Chairman Gonzalez has placed into the March 16, 1992, Congressional Record what appears to be an earlier draft of Secretary Yeutter's February 20 letter—a version that may give us a clearer sense of USDA's "state of mind":

"You mentioned that there were "rumors" that foreign policy pressures have encouraged the Department to give Iraq special treatment in this case. I can assure you that there is no basic to this rumor."

Only in hindsight, with the release of many internal Administration documents have we learned that foreign policy considerations played in important role in the decision to extend CCC guarantees.

For example, a Fall 1989 USDA memorandum recognizes the importance of foreign policy in the program:

"[T]his program cannot be seen by Iraq outside the context of the overall U.S.-Iraqi political relationship * * *. Ambassador [Glaspie]'s cables have stressed the threats to the overall political relationship that a cutoff in the CCC program would pose." [Congressional Record, March 16, 1992.]

An October 26, 1989 internal to Secretary of State, James Baker, regarding "whether to push for a full CCC program for Iraq," National Security Directive 26 (NSD-26)—President Bush's directive for expanding political and economic ties with Iraq—was discussed:

"Earlier this month, the President signed NSD-26 mandating pursuit of improved economic and political ties with Iraq. * * * Our ability to influence Iraqi policies in areas important to us * * * will be heavily influenced by the outcome of the CCC negotiations * * *.

"Offering a program of up to $1 billion would strengthen relations with Iraq, in line with NSD-26, and help U.S. exporters."

The internal memorandum recommended that Secretary Baker:

"* * * telephone Clayton Yeutter to urge that we go forward rapidly with a CCC program, with safeguards and to be made available in tranches, that could go up to the full $1 billion, provided the review process turns up no evidence of Iraqi wrong doing."

Talking points for Secretary Baker's phone call to Secretary Yeutter were attached to the memorandum:

"Our information about the investigation indicates that the prosecutor does not now intend to indict Iraq officials. * * * On foreign policy grounds, we support a program of up to one billion, released in tranches, with periodic compliance reviews * * *. With safeguards, I hope we can get this important program back on track quickly." [Congressional Record, March 2, 1992.]

An October 27, 1989 internal memorandum to Secretary Baker, stated:

"Assuming that USDA finalizes a sanitized CCC program, I recommend that you assert to Yeutter the political and economic rationale for going forward with this whole program, by tranche, to the $1 billion level. If we are comfortable with a $400 million exposure, based on our new anti-corruption safeguards, we ought to be comfortable with a billion dollar program. The CCC program is crucially important to our bilateral relationship with Iraq." [Congressional Record, March 2, 1992.]

On October 21, 1989 Secretary Baker telephoned Secretary Yeutter to persuade him to reverse USDA's position and approve $1 billion in new CCC guarantees to Iraq. According to the February 24 and 25, 1992 reports in The Los Angeles Times, Secretary Baker writes on his talking points that Yeutter told him: "I think we're seeing it the same way you guys are. I'll get into it."

In November 1989, an internal memorandum to Lawrence Eagleburger stated:

"In your conversation earlier today, Department of the Treasury Deputy Secretary John Robson asked that you send him a letter outlining the policy reasons for which State strongly backed USDA's proposal for a full, billion-dollar program of Commodity Credit Corporation credit guarantees, with safeguards."

The following draft letter was attached and eventually sent.

"Dear John: Further to our discussion, on foreign policy grounds we support the Department of Agriculture's proposal for a full, billion-dollar program of CCC GSM-102 export credit guarantees in FY90, with adequate safeguards, for Iraq." [Congressional Record, March 2, 1992.]

John Robson, Deputy Secretary of the Treasury and Chairman of the National Advisory Council on International and Monetary Issues at the deputy secretary level, later described in his May 21, 1992 testimony, before the House Banking Committee, the deliberations at the November 8, 1989 NAC meeting which determined that Iraq would receive a first tranche of $500 million in CCC guarantees for FY90:

"Four issues were paramount in the NAC's discussions [of whether Iraq should receive CCC guarantees]: Iraq's creditworthiness; the U.S. interest in maintaining our share of the Iraqi market for agricultural exports; possible wrongdoing by Iraqi officials; and U.S. foreign policy interests * * *.

"Foreign Policy. * * * the State Department was consistent and firm in its view of the Iraqi relationship's foreign policy significance to the United States and the importance of the CCC program to the maintenance of that relationship. * * * The foreign policy considerations * * * centered on the importance of the CCC guarantees to the maintenance of U.S. relations with Iraq and the harm that terminating the CCC program would cause to that relationship and to the prospects for achieving our foreign policy objectives in areas where we sought Iraq's cooperation."

November 8, 1989 Department of State talking points for the NAC Alternatives meeting stated: "The CCC program is crucially important to our bilateral relationship with Iraq. State strongly supports immediate action by the NAC Deputies to approve the new program proposed by USDA." [Congressional Record, March 2, 1992.]

According to the November 8, 1989 minutes of the NAC Alternates meeting, State Department's Robert Kimmitt stated:

"[My] comments reflect the views of Secretary Baker who believes that the CCC program in Iraq was crucial to the U.S. bilateral relationship with Iraq. He noted that in NSD 26 the President called for improvement of the U.S. relationship with Iraq, and bilateral trade expansion offer a good means to achieve that end. * * * To abruptly terminate the CCC program in Iraq would clearly run counter to the President's intention and would furthermore cause a deterioration in our relationship with the Iraqis." [Congressional Record, March 2, 1992.]

Prior to my writing the February 12, 1990 letter to Secretary Yeutter that I referred to earlier, at the Committee's request, General Sales Manager of the Foreign Agricultural Service, F. Paul Dickerson provided a written update on Iraq's participation in the GSM program and described some basic facts about the program.

"The GSM 102/103 programs are not foreign aid or foreign assistance programs. Rather, those programs were instituted to assist the US agricultural sector to develop and maintain commercial export markets for U.S. agricultural products. * * * The decision whether to extend credit guarantees, and for how much, is the result of very thorough review of many factors [sic], including creditworthiness, past performance in the program by the foreign country, benefits to U.S. agricultural sectors, and long term market opportunities. Clearly this seems at odds with the memoranda circulating within the Administration.

At a February 21, 1990 Senate Agriculture Committee hearing, I asked Richard Crowder, Under Secretary, for International Affairs and Commodity Programs:

"I assume that you are getting some pressure, whether from the State Department or elsewhere, within the Administration to loan money to Iraq? Or is this just an internal decision made simply by the Department of Agriculture?

Mr. Crowder responded:

"With respect to Iraq or any other country, the review process is that we make proposals and then it goes through an interagency process, the NAC committee on International Monetary Funding and so forth. So it is approved there. So we do not make a unilateral decision. We make recommendations in terms of what should be funded, and then we sent it through the NAC process for approval. We are not getting undue pressure from anyone on either side, either for Iraq or for anyone else at this time. If we did not agree with it, we would not recommend it."

On February 23, 1990, ten days after updating the Committee on the CCC program, General Sales Manager F. Paul Dickerson wrote a memorandum to R.E. Anderson, Foreign Agricultural Service Administrator discussing the foreign policy and political ramifications on announcing additional credit guarantees for Iraq:

"Politically, Iraq has strategic importance as a bulwark against Iran and controls a significant amount of the Middle East's oil. * * * Not announcing the program will be considered by the Iraqi Government as unwarranted and an affront to their dignity. They might stop paying on their GSM obligations which could result in a large outlay by CCC. Current Iraq GSM obligations are approximately $2.2 billion.

"Domestic political concerns about the Iraq GSM-102 program are driven both by concern that no HUD or savings and loan type scandal be permitted within CCC programs, and by linkage of domestic lobbying groups to both human rights groups and Israeli interests. Israel is concerned that Iraq emerged from the Iran-Iraq war with the strongest Arab army—both battle seasoned and technologically advanced—in the region."

An April 26, 1990 Treasury Department internal memorandum describes a meeting between USDA, State, and Treasury and paraphrases the concern raised by USDA officials about keeping the true nature of the CCC Program from public scrutiny.

"The USDA official said USDA is concerned that foreign policy considerations may cause curtailment of the (CCC) program, and is uncomfortable emphasizing foreign policy as the public rationale for making available the first tranche of the fiscal year 1990 Iraq CCC guarantees." [Congressional Record March 16, 1992.]

On May 25, 1990, an internal Treasury Department memorandum summarized another meeting between the USDA, Treasury, and State Department:

"[The] meeting has been initiated by the NSC [National Security Council] staff because they want to prevent the CCC program from being canceled as is would exacerbate the already strained foreign policy relations with Iraq. Agriculture had planned to put out a press release on May 21, 1990 that said the program was being suspended until the investigation into improprieties in the program were completed. The NSC prevailed on Agriculture to say only that their investigation showed the improprieties may have occurred and remained silent on the suspension. In fact there is a suspension in effect." [Congressional Record March 16, 1992.]

In October 1990, GSM Manager Dickerson testified before the House Banking Committee that foreign policy pressures do not influence the GSM program:

"[The CCC program for Iraq] was a market driven agriculture-related program without reference to other issues."

On March 7, 1991, I asked the General Accounting Office to investigate a number of issues:

"[A]llegations of fraud and abuse pertaining to Iraq's participation in the GSM programs. I am particularly concerned about the possibility that Iraq's receipt of export credit guarantees enabled it to purchase military equipment. Therefore, I am requesting the GAO to undertake an immediate review of the NAC minutes concerning Iraq. * * * I am interested in determining the criteria which were used in the decisions to extend credit to Iraq. In particular, was the issue of money fungibility ever raised during these meetings? I would like to know if key decision makers within the organization ever discussed whether providing GSM guaranteed funds to Iraq would free up its foreign exchange for the purchase of weapons and military related equipment. If it was raised, I would like to know who continued to support the extension of credit guarantees to Iraq."

On February 25, 1992, Secretary Baker testified before the Foreign Operations Subcommittee of the Senate Appropriations Committee, which I chair. I asked Secretary Baker:

"[S]tories in the Los Angeles Times say that officials at the Department of Agriculture and the Ex-Im Bank oppose further aid to Iraq's creditworthiness. But the assistance went forward, notwithstanding the creditworthiness problems, because of foreign policy considerations. I'm concerned enough about these stories that have been floating around Washington for some time that I've asked for a GAO investigation of them.

"In the Los Angeles Times story it says 'On October 31, 1989, Secretary of State James Baker telephoned Agriculture Secretary Clayton Yeutter and persuaded Yeutter to reverse Agriculture's position and approve $1 billion in new loan guarantees to Iraq.'"

"Four months later I wrote to then-Secretary of Agriculture Yeutter. I wrote I was disturbed by rumors that foreign policy pressures had encouraged the Department to give Iraq special treatment in this case. He responded: 'You mentioned that there were "rumors" that foreign policy pressures have encouraged the Department to give Iraq special treatment in this case. To the contrary, the extension of GSM guarantees in connection with sales to Iraq have recently been subject to special scrutiny because of the BNL investigation.'"

"The story in today's Los Angeles Times indicates to me that the rumors I was hearing were correct, the response given by then-Secretary Yeutter was wrong, and that indeed he was pressured by you or by the administration on foreign policy.

"So my question is this, was Secretary Yeutter correct when he was telling me the truth when he said to me that foreign policy considerations played no role in the extension of credit guarantees to Iraq."

Secretary Baker responded as follows:

"Senator, I don't have any basis to question what Yeutter wrote to you. On the other hand, I will not deny that at the time in question * * * there was a National Security Decision directive calling for us to seek to improve, if possible, the relationship of the U.S. and Iraq. * * * I think that on all issues like this, again its been my experience after 12 years up here that these are all subject to interagency discussions and interagency positions. And I suppose it would not come as a surprise to you that the Secretary of State would be supportive of the position reflected by the President in his National Security Decision directive."

On March 2, 1992, I wrote to Agriculture Secretary Madigan, again on the subject of foreign policy considerations:

"As Chairman * * * I on several occasions in 1989 requested information from the USDA about Iraq's participation in the GSM-102 program, and the investigation of the Banca Nazionale del Lavoro in Atlanta, Georgia, with which Iraq conducted financial transactions. These inquiries were repeated in a letter addressed to then-Secretary Clayton Yeutter dated February 12, 1990. My questions concerning these issues and events persist today.

"It has been reported by several sources, and most recently in the Los Angeles Times on February 25, 1992, that foreign policy considerations took precedence over more prudent financial concerns in the decision in late 1989 to grant one-half billion dollars in export credit guarantees to Iraq. The Times also reported on October 31, 1989, Secretary of State Baker telephoned former Secretary Yeutter and persuaded him to reverse the USDA's initial opposition to granting export credit guarantees to Iraq. Secretary Baker argued that foreign policy considerations should take precedence, and he later recorded in a handwritten note that former Secretary Yeutter ultimately acceded to his concerns, and assured him: 'I think we're seeing it the same way you guys are.'"

"I was assured in a letter from then-Secretary Yeutter on February 20, 1990, that foreign policy considerations did not play a role in the decision to grant export credit guarantees to Iraq. He wrote: 'To the contrary, the extension of GSM-102 guarantees in connection with sales to Iraq have recently been subject to special scrutiny because of the BNL investigation.' I inferred from this response that foreign policy did not play a role in this decision. Secretary Baker testified in a hearing before the Subcommittee on Foreign Operations on Feb. 25, 1992 in response to my question about the accuracy of then-Secretary Yeutter's statement: 'Senator, I don't have any basis to question what Secretary Yeutter wrote you.' He also acknowledged, however, during this testimony that both he and then-Secretary Yeutter supported the President's national security directive at the time to improve relations between the United States and Iraq, implying linkage between the decision to grant GSM-102 export credit guarantees and the National Security Directive.

"In light of former Secretary Yeutter's letter of February 20, 1990, the Los Angeles Times newspaper stories, and Secretary Baker's testimony, were Secretary Yeutter's assurances that foreign policy considerations did not affect the decision to grant the export guarantees correct?"

On April 30, 1992, Secretary Madigan responded to my March 3 letter:

"During [1989-90], this Department viewed the GSM-02 program first and foremost as agricultural exporters and producers. * * *

"You have written that you inferred from a letter from then-Secretary Yeutter dated February 20, 1990, that foreign policy considerations did not play a role in the decision to make available these export credit guarantees. You indicated that this inference is derived from the following two sentences in Secretary Yeutter's letter: 'You mentioned that there were "rumors" that foreign policy pressures have encouraged the USDA to give Iraq special treatment in this case. To the contrary, the extension of GSM-102 guarantees in connection with sales to Iraq have recently been subject to special scrutiny because of the BNL investigation.' You will recall that the line of credit guarantee availability in connection with the sales to Iraq was ultimately limited to $500 million rather than the requested historical annual allocation of $1 billion. This fifty percent reduction in the allocation quantifies the special scrutiny of the USDA upon the program at the time.

"The export credit guarantee program is an was operated by the Department on the basis of market development considerations and financial responsibility."

On May 6, 1992, Under Secretary Crowder testified before the Senate Agriculture, Nutrition, and Forestry Committee. I said the following to him:

"I am concerned that information was withheld from us on the question of Iraq, concerns and red flags were raised by others within the Administration was withheld from us on Iraq. A foreign policy determination was made that here's a way to get foreign aid to Iraq and everybody was ignored on it. And now the taxpayers are holding the bill for, of all things, foreign aid. And I'm absolutely convinced that there's going to be more that's going to come out of that. * * *

"I must admit to some trepidation when we haven't been given adequate answers in the past in the Agriculture Committee, when information has been withheld, when even today on some aspects of Iraq I can't even get my letters answered or responded to from the administration. And I'm asked—in a way, what I hear back is, 'Don't ask us any questions about what we withheld from you in the past, but trust us in the future.'" * * *

On May 22, 1992, I sent letters to Secretary of State James Baker, Federal Reserve Chairman Alan Greenspan, Treasury Secretary Nicholas F. Brady (two letters), and Agriculture Secretary Edward Madigan, asking them to produce documents to assist the Committee with its investigation.

COMMITTEE ON AGRICULTURE,
NUTRITION, AND FORESTRY,
Washington, DC, May 22, 1992.

Hon. EDWARD MADIGAN,
Secretary of Agriculture, Department of Agriculture, Washington, DC.

DEAR MR. SECRETARY: We are writing to inform you that the Committee on Agriculture, Nutrition, and Forestry is continuing its investigation of the extension of export credit guarantees to Iraq.

As you are well aware, the Committee has been concerned about this matter for several years. We have communicated with you or your predecessor about it on a number of occasions.

The Committee is concerned about three majors issues.

First, the Committee is concerned that the Department has not fully and correctly informed it about matters involving the export credit guarantee program and Iraq, the Department's investigation into Banca Nazionale del Lavoro's participation in the program, and the role that foreign policy considerations, rather than creditworthiness and export considerations, played in this decision.

For example, in spite of assurances from former Secretary Yeutter to the contrary, there is overwhelming evidence in the public record that indicates that foreign policy considerations played the pivotal role in determining whether export credit guarantees were extended to Iraq.

Second, the Committee is concerned that in spite of assurances from the Department that there is no evidence that the export credit guarantee program was misused for military purposes, evidence continues to come to light indicating that there was such a connection.

For example, a memorandum written by a Department of State official has recently come to light that indicates that USDA officials had indicated to him that such a connection existed. It states, "Although additional research needs to be done, it appears more and more likely that CCC guaranteed funds and/or commodities may have been diverted from Iraq to third parties in exchange for military hardware."

Just this week, the U.S. News and World Report contained a quote from a memorandum written by a Federal Reserve employee stating that there was some connection between the export of nuclear triggers to Iraq and Commodity Credit Corporation programs.

Third, the Committee will investigate whether the assurances that the Department gave it about the role that the Banca Nazionale del Lavoro/Iraqi matter were based on a thorough investigation.

The Committee was assured by a memorandum transmitted to it that the Inspector General's Office was undertaking an investigation of this entire matter at the request of Mr. Richard T. Crowder, the Under Secretary, for International Affairs and Commodity Programs.

It is now clear that although the Committee relied on this assurance, that instead of an investigation, the Inspector General produced only an "audit" of the program. An "audit" is simply a review of documents rather than a thorough investigation in which every significant lead is followed to its conclusion including questioning of witnesses under oath.

The significance of this distinction became apparent to the Committee when it found that even though the Inspector General's audit discovered a cable between a grain exporter and an Iraqi bank mentioning military equipment, it did not interview the writer of the cable, and refused to do so before the audit was released.

As the first step in this investigation, we would like your cooperation in the following matters.

First, please provide to the Committee in seven days all of the documents supplied to the Committee on Banking, Finance and Urban Affairs of the House of Representatives. With those documents, please provide a list of those documents, indicating which if any have been classified. Please deliver any classified documents to the Office of Senate Security. Also, please provide a longer list of all records of or in the possession of the Department of Agriculture related to BNL and Iraq. Please understand that by the use of the term "records" the Committee means any knowledge or information retained in any manner whatsoever.

Second, please provide the following information related to the two attached memoranda which suggest a military connection to the export credit guarantee program.

With regard to the first memorandum, dated October 13, 1989, which we understand to be written by Mr. Frank Lemay of the Department of State, please provide all records of or in the possession of the Department, including notes of that meeting and all notes of the members of the team that visited Atlanta, Georgia to be briefed on the status of the Banca Nazionale del Lavoro investigation.

With regard to the second memorandum, entitled "REDACT" and dated October 16, 1989 please provide the Committee with the names of the USDA employees mentioned on page 2 who "met with the Iraqis on October 5, 1989 * * * (in which meeting) Iraq admitted that it routinely receives "after sale services" such as armored trucks from suppliers." Please provide any records in the possession of the Department of that meeting, including notes.

Please also provide the names of the "USDA investigators (who) are reviewing shipping documents for evidence that CCC insured goods actually made it to Iraq."

In undertaking this investigation it is essential that the Committee have the full cooperation of the Department. We would like your personal assurance that you will direct the Department to cooperate fully and openly with the Committee in this investigation, including making available to the Committee employees which the Committee, or its staff, may wish to question under oath.

Because of the urgency of this investigation, we request that this Committee's request for records not be cleared through the National Security Council or the White House.

If you have any questions about the request, please contact Jim Cubie, the Committee's Chief Counsel at 224-2035.

Sincerely,

PATRICK LEAHY,
Chairman.
RICHARD LUGAR,
Ranking Minority Member.

MEMORANDUM OF CONVERSATION

Date; October 13, 1989.

Subject: USDA Comments on Investigations of Iraq and the Banco Nazionale del Lavoro, Atlanta Branch, Scandal.

Distribution:

E: Richard T. McCormack, Under Secretary of State for Economic Affairs. Sam Hoskinson, Executive Assistant to the Under Secretary of State for Economic Affairs.

L: Abraham D. Sofaer, Legal Adviser.

NEA: Jock Covey, Acting Assistant Secretary.

EB: Eugene McAllister, Assistant Secretary. Robert Downes, Office of Development Finance.

Participants: State: Frank Lemay, Special Assistant to the Under Secretary for Economic Affairs.

USDA: Tom Conway, Associate General Counsel; Kevin Brosch, Attorney, Office of the General Counsel, FAS; Peter Bonner, Attorney, Office of the General Counsel, FAS; Larry McElvain, Director of Export Credits, CCC.

Location: Department of Agriculture, Office of the General Counsel, Room 2307.

SUMMARY

There are currently 10 separate investigations of Banco Nazionale del Lavoro, Atlanta Branch (BDLA), lending activity to Iraq. As investigators dig further into the paper morass, more and more indications of significant wrong-doing on the part of BDLA and Iraq are surfacing. It now appears that at a minimum elements of the Government of Iraq (GOI) knew of the illegal dealings of the BDLA but found it convenient to continue using its good offices. Indications are that in addition to violating US banking laws, the BDLA's activities with Iraq may have led to diversion of CCC guaranteed funds from commodity programs into military sales either directly, through barter arrangements during transit, and/or through requiring fees to be paid on various transactions in violation of US regulations. In addition, payments required by Iraq of exporters wishing to participate in the Iraqi market may have been diverted into acquiring sensitive nuclear technologies. This has yet to be fully substantiated. End Summary.

THE INVESTIGATIONS

The FBI, Federal Reserve, Comptroller of the Currency, US Attorney, USDA Inspector General Office, DOD Inspector General Office, Georgia State Banking Regulators, US Customs, the IRS, and Italian Bank Regulators are currently all investigating Banco Nazionale del Lavoro, Atlanta Branch, lending activity to Iraq. As Brosch put it "The investigations are at the explosion state," As investigators begin to dig through the BDLA's records and as BDLA officers agree to cut deals with the US Attorney, we can expect further revelations of who knew what when.

USDA expectations are that the investigation could "blow the roof off the CCC." With reference to the CCC program the question is whether GOI officials were involved in breaking US law and CCC regulations. As Conway pointed out, the GOI knew fully that its dealings with the BDLA were not sanctioned by the Banco Nazionale del Lavoro home office. The GOI could have approached the home office for financing at any time. Because it did not do so, Conway said, "the US attorney believes the GOI was malfeasant and involved."

Although most of the investigations are focusing on the illegal banking activities of the BDLA, USDA is looking at possible diversion of CCC guaranteed commodities during transit, illegal payments required by Iraq of exporters in order to enter the Iraqi market, and "After Sales Services" which require exporters to provide such items as trucks, spare parts and other agricultural and non-agriculture equipment as part of CCC deals. Companies that would not make payments and/or provide after sales service were apparently kept on a black-list and not allowed to participate in the Iraqi market. Violation of banking regulation is beyond USDA's scope; breaking CCC regulations is of paramount concern.

PAYMENTS

Available information indicates that the GOI required exporters to pay a substantial "consulting fee" to an Ohio based company named Churchill Matrix. The US Attorney has found that Churchill Matrix has its headquarters in Great Britain and is a wholly owned subsidiary of TMG, a GOI fully owned holding company. Some information has been developed that Churchill Matrix has been involved in supplying military hardware to Iraq. It is not clear if the fees required of exporters went to pay for the military purchases. Information indicates, but is not conclusive, that users of CCC program guarantees were forced by the GOI to pay the fees as well. If exporters did pay the fees, CCC was probably guaranteeing financing for both commodities and, through inflated pricing, the required additional payments.

AFTER SALES SERVICES

The GOI reportedly required exporters participating in CCC guaranteed exports to Iraq to provide "After Sales Services". These services required exporters to provide, free of charge, various types of equipment and spare parts to Iraq. The GOI was told by USDA about 18 months ago that these practices were illegal but they continued. The problem with these services, as with the payments, is that exporters figure the cost of the services into the declared value of the commodity sale. The upshot is that CCC is again guaranteeing financing of both commodities and non-commodity goods.

In both the required fee payments and the after sale services it is the exporter who is liable under US law for falsifying documents given to the USG. If they can show that Iraqi officials were involved, conspiracy charges could be brought against all those involved. The GOI has admitted to using both practices and sees both as "good business practice".

DIVERSION OF CCC GUARANTEED FUNDS/ COMMODITIES

Although additional research needs to be done, it appears more and more likely that CCC guaranteed funds and/or commodities may have been diverted from Iraq to third parties in exchange for military hardware. McElvain reported that although, in the cases where adequate documentation exists, CCC commodities can be traced as far as Jordan and Turkey, in many cases it is not clear that they ever reached Iraq. Where documents indicate shipments arrived in Baghdad, the timing appears improbable—shipments arrive in Baghdad prior to arriving at interim ports. McElvain and the USDA IG are concerned that commodities were bartered in Jordan and Turkey for military hardware. BDLA paperwork is so sloppy on this point that it may be months (or never) that we can reach a firm conclusion on the diversion issue.

NUCLEAR RELATED EQUIPMENT

USDA's Brosch noted that the U.S. Attorney said there was some indication that diverted funds (and possibly direct bank lent funds) were used to procure nuclear related equipment. Noted in particular were a "nuclear fuel compounder" and a "nose cone burr." Here the evidence of CCC diversion is not fully developed by the case remain open. DOD is apparently investigating this aspect of the problem.

ADDITIONAL ALLEGATIONS

Brosch and Conway said that the U.S. attorney is looking at additional allegations in the BDLA scandal. These include allegations of substantial over-pricing of commodities guaranteed under CCC; inclusion of non-U.S. origin commodities in guarantee program shipments; and, shipment of equipment under CCC commodity guarantee financing.

CONCLUSION AND COMMENT

Taken together the points discussed during the meeting indicate we should proceed carefully in urging the immediate provision of CCC guarantees to Iraq. If smoke indicates fire, we may be facing a four alarm blaze in the near future. This is particularly true given the intense scrutiny the CCC program has been under during the last year. McElvain indicated that there were 19 investigations of CCC this year and the "integrity of the program is now in question." USDA attorneys will be going to Atlanta for discussions with the U.S. attorney during the coming week. Additional information on the various investigations will be available upon their return.

FEDERAL RESERVE BANK OF ATLANTA,
October 16, 1989.

OFFICE CORRESPONDENCE

To: Zane R. Kelley, Vice President.
From: Robert Kennedy.
Subject: BNL–A Weekly Update.

This memorandum summarizes the events related to Banca Nazionale del Lavoro, Atlanta agency (BNL–A) during the week of October 9, 1989. Most significantly, on October 12, 1989, Banca Nazionale del Lovoro (Lavoro) filed a civil suit in the Atlanta division of the U.S. District Court against former BNL–A officers Christopher Drogoul and Paul Von Wedel. The suit alleges that the defendants negotiated and executed a series of unauthorized credit facilities with the Iraqis and others. The suit further alleges that the defendants deliberately engaged in actions to conceal these unauthorized transactions from Lavoro, its internal and external auditors, and state and federal regulators. Thus, Lavoro maintains that the defendants breached their fiduciary duty to Lavoro and defrauded the bank. Lavoro is asking for recovery of unspecified damages, trebled under the Racketeer Influenced and Corrupt Organizations Act (RICO).

FEDERAL RESERVE'S EXAMINATION

The Reserve Bank continues to progress in its examination and in developing the charges for administrative action with completion expected by the end of November.

ASSISTANT U.S. ATTORNEY AND F.B.I. INVESTIGATION

I continue to work with Gale McKenzie, the Assistant U.S. Attorney for the BNL–A criminal case, and the F.B.I. in developing ———.

U.S. STATE DEPARTMENT REVIEW

The State Department is trying to determine whether the actions of Iraq in the BNL–A case were those of renegade Iraqis or reflected official Iraqi government policy. The latter case appears to be true. Secretary Baker recently raised some questions concerning the BNL–A connection with Iraq with its Prime Minister.

U.S. DEPARTMENT OF AGRICULTURE INVESTIGATION

The USDA investigation appears to be focusing on three areas. First, the USDA met with the Iraqis on October 5, 1989, regarding the proposed $1.2 billion CCC guarantee program for 1990. Iraq admitted that it routinely receives "after sale services" such as armored trucks from suppliers. These after sales services might be construed as kickbacks which the USDA warned Iraq in 1988 were in violation in the CCC program. (We understand that in a recent meeting between the Iraqis and Mr. Drogoul and his attorneys, Iraq denied receiving kickbacks.) Second, USDA investigators are reviewing shipping documents for evidence that CCC insured goods actually made it to Iraq. Most of the letters of credit show destinations other than Iraq such as Aqaba, Jordan. Third, the USDA continues to investigate BNL–A's role in a larger problem involving guarantees for U.S. tobacco exports. USDA alleges that non–U.S. tobacco was substituted for the U.S. product. USDA further alleges that various tobacco industry people received illegal kickbacks.

EX-IM BANK INVESTIGATION

On October 13, 1989, Assistant U.S. Attorney Gale McKenzie and I spoke with the associate general counsel and a loan officer for the Ex-Im Bank concerning the Bank's exposure to Iraq on loans originated by BNL–A. This exposure totals $10 million in outstanding loans and $32 million in loan commitments. The Ex–Im Bank will send its BNL–A files to Ms. McKenzie for review to determine whether there are any criminal violations or any other acts which might negate the Bank's guarantee. We will review the files for any misrepresentations by BNL–A, for loans involving———.

COMMITTEE ON AGRICULTURE,
NUTRITION, AND FORESTRY,
Washington, DC, May 22, 1992.

Hon. NICHOLAS F. BRADY,
Secretary of the Treasury and Chairman, National Advisory Council on International Monetary and Financial Policy, Washington, DC.

DEAR MR. SECRETARY: Over one year ago, the Committee requested that the General Accounting Office investigate allegations of fraud and abuse pertaining to Iraq's participation in the U.S. Department of Agriculture's GSM export-credit guarantee programs.

We are writing because the Department of the Treasury has repeatedly denied the General Accounting Office full access to National Advisory Council meeting minutes and other documents required to respond to my request. The General Accounting Office made a written request for documents on June 24, 1991; however, the Department of the Treasury allowed the General Accounting Office only to read—but not copy—many of these documents. Cooperation in providing this information is especially important in light of public concern that a National Security Council committee, chaired by a White House counsel, is delaying the release of documents and interfering with Congressional investigations.

After extensive research, the General Accounting Office has compiled the following list of NAC meeting minutes and other Department of the Treasury documents which are essential for the investigation:

1. All classified and unclassified NAC meeting minutes dealing with Iraq from 1980 to the present.

2. All correspondence between the Department of the Treasury and the Department of State regarding the Banca Nazionale del Lavoro (BNL), the BNL investigations, or U.S. policy towards Iraq.

3. All correspondence between the Department of the Treasury and U.S. Embassies regarding BNL, the BNL investigations, or U.S. policy towards Iraq.

The General Accounting Office is conducting this investigation directly at the Committee's request and we insist that the Department of the Treasury cooperate fully by providing copies of these documents without delay.

Thank you for your immediate attention to this request.

Sincerely,
Patrick Leahy,
Chairman.
Richard Lugar,
Ranking Minority Member.

Committee on Agriculture,
Nutrition, and Forestry,
Washington, DC, May 22, 1992.

Mr. Alan Greenspan,
Chairman, Board of Governors of the Federal Reserve System, Washington, DC.

Dear Chairman Greenspan: The Committee on Agriculture, Nutrition, and Forestry is undertaking an investigation related to the involvement of the Banca Nazionale del Lavoro (BNL) in the misuse of the agricultural export guarantee program. The investigation will also examine any connection between these programs and the military equipment for Iraq. We request that the Board of Governors of the Federal Reserve System, and the Federal Reserve Banks of Atlanta, New York, San Francisco and Chicago cooperate with this investigation.

Specifically, the Committee would like to examine, and as necessary, make copies of all records:

1. Relating to the Federal Reserve System's involvement in the regulation, supervision and examination of BNL over the past five years that refer in any way to Iraq, to any agricultural matters, or to any military or foreign policy matter.

2. Pertaining to the above matters, but that were made available to, or forwarded to any other government agency:

3. A copy of the April 1990 memorandum referenced in the May 18, 1992, U.S. News and World Report, which states on page 43 that:

"According to an April 1990 memorandum obtained from the Federal Reserve Bank of New York, CCC loan money obtained by an Iraqi intermediary from the Atlanta branch of Italy's state-owned Banca Nazionale del Lavoro was apparently used to purchase nuclear triggers later seized by British Customs inspectors. '[Regarding] the nuclear triggers that were seized in London.' Fed official Thomas Baxter wrote to a superior, 'as you suspected, there is a connection.'"

We request that you provide us with this memorandum within three working days.

Please understand that by the use of the term "records" the Committee means any knowledge or information retained in any matter whatsoever.

If you have any questions about this request, please contact Jim Cubie, the Committee's Chief counsel at 202-224-2035.

Sincerely,
Patrick Leahy,
Chairman.
Richard Lugar,
Ranking Minority Member.

Committee on Agriculture,
Washington, DC, May 22, 1992.

Hon. Nicholas F. Brady,
Secretary of the Treasury and Chairman, National Advisory Council on International Monetary and Financial Policy, Washington, DC.

Dear Mr. Secretary: The Committee on Agriculture, Nutrition, and Forestry is undertaking an investigation into the operation of Banca Nazionale del Lavoro (BNL) and BNL's participation with Iraq in U.S. Government-sponsored export promoting programs. In your capacity as Chairman of the National Advisory Council (NAC), we request your cooperation with this investigation.

Specifically, the Agriculture Committee is investigating the role the NAC played in approving Iraqi participation in U.S. Department of Agriculture (USDA) programs, and the influence the BNL scandal had on the NAC process.

We request that you prepare a list of all records in your agency's possession dealing with NAC consideration of Iraqi or BNL participation in USDA and Eximbank programs. Please list all letters, memorandum, notes, telexes, facsimiles, computer files, etc., including, but not limited to:

a. Minutes of all NAC meetings dealing with Iraq and BNL for the years 1983–1990;

b. All supporting records related to NAC consideration of Iraq or BNL participation in USDA programs;

c. Correspondence between the Department of the Treasury and other U.S. Government agencies related to NAC consideration of Iraqi or BNL participation in USDA programs;

d. Records not listed above related to Treasury Department consideration of Iraq or BNL participation in USDA or Eximbank programs.

Please understand that by the use of the term "records" the Committee means any knowledge or information retained in any manner whatsoever.

The Agriculture Committee asks that the above list be completed by the close of business, Friday, June 5, 1992. Please feel free to have your staff contact Mr. Jim Cubie, the Committee's Chief Counsel, to discuss this request at 224–0014.

Thank you for your cooperation with the Committee's investigation. We look forward to your timely reply.

Sincerely,
Patrick Leahy,
Chairman.
Richard Lugar,
Ranking Minority Member.

Committee on Agriculture,
Nutrition, and Forestry,
Washington, DC, May 22, 1992.

Hon. James A. Baker III,
Secretary of State, Washington, DC.

Dear Mr. Secretary: The committee on Agriculture, Nutrition, and Forestry is conducting an investigation of the Department of Agriculture's extension of export guarantees to Iraq and of the role of Banca Nazionale del Lavoro (BNL) in that matter. We request for the State Department's assistance with this investigation.

As a member of the National Advisory Council on International Monetary and Financial Policy (NAC), the State Department participated in the decision to guarantee more than $5.7 billion in loans to Iraq utilizing various Commodity Credit Corporation (CCC) and Export-Import Bank (Eximbank) programs. Since Iraq stopped payment on its foreign debts, the U.S. Government is now being called to honor its commitment to reimburse creditors under the CCC and Eximbank programs.

So that the Committee may better understand the NAC's decision to guarantee loans to Iraq, and the impact the BNL scandal had on the guarantee programs, the Committee would like to review the following records which are in the State Department's possession:

1. Copies of all correspondence, including telexes, facsimiles, letters, logs and notes of phone conversations, etc., between the U.S. Embassy in Baghdad and the State Department in Washington, D.C., related to Iraq's or BNL's involvement in Department of Agriculture and Export-Import Bank programs between 1982 and the present;

2. All records directly related to NAC decisions involving Iraq or BNL between 1982 and the present;

3. Copies of all records including letters, memoranda, telexes, facsimiles, etc., between the State Department and any other U.S. Government Agency (e.g. the Department of Justice, U.S. Customs Service, Federal Reserve System, Department of Agriculture, Department of Defense, etc.) related to Iraq of BNL participation in USDA;

4. All letters, telexes, facsimiles, logs or notes of phone conversations, etc., between the U.S. Embassy in Rome and the State Department in Washington, D.C., related to the BNL scandal;

5. All letters, telexes, facsimiles, logs or notes of phone conversations, etc., between the State Department and the Governments of Italy or Iraq related to the BNL scandal;

6. All letters, telexes, facsimiles, logs or notes of phone conversations, etc., between the State Department and BNL.

In order to facilitate the committee's review of this information, please prepare a list of the documents referred to above by the close of business, Friday, June 5, 1992.

Please understand that by the use of the term "records" the Committee means any knowledge or information retained in any manner whatsoever.

Questions regarding this request may be directed to Mr. Jim Cubie, the Committee's Chief Counsel at 224–2035.

Thank you for cooperation. The Committee looks forward to your timely reply.

Sincerely,
Patrick Leahy,
Chairman.

RICHARD LUGAR,
Ranking Minority Member.

Mr. CRAIG addressed the Chair.

The PRESIDING OFFICER. The Senator from Idaho.

Mr. CRAIG. Mr. President, I ask unanimous consent to proceed as in morning business.

The PRESIDING OFFICER. The Senator is advised, under the previous order, the Senate is to go out at the hour of 12:30.

Mr. CRAIG. Mr. President, I ask unanimous consent to proceed for 5 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

TODAY'S BOXSCORE OF THE NATIONAL DEBT

Mr. CRAIG. Mr. President, our friend Senator HELMS is in North Carolina preparing for heart surgery and he has asked me to submit for the RECORD each day in the Senate what he has called the congressional irresponsibility score box. I do that with pleasure, but also with great interest because I think this information is critical and necessary on a day-to-day basis for the American people to recognize the failure of their Government and this Congress to successfully control Federal spending.

The Senator instituted this report on a daily basis starting on February 26. It is a report of the daily national debt growth. The Federal debt run up by Congress as of May 29, last reported, was $3,934,434,849,742.96. On a per capita basis, every man, woman, and child owes $15,317.49, thanks to big spenders in Congress for the past half century. Paying interest on this massive debt will now average approximately $1,127.85 per year per each man, woman, and child in America. And that comes to a grand total of about $4,511.40 to pick up that tab as it now stands before the Government.

A TRIBUTE TO PHILIP HABIB

Mr. CRAIG. Mr. President, I want to call attention to an article in this Sunday's Washington Post recognizing the late Philip Habib as a great diplomat of our Government throughout time, because he was a graduate of my alma mater, the University of Idaho.

Mr. President, the art of statecraft lost a true master last week. The State of Idaho and its land grant school, the University of Idaho, lost a son and brother of whom we were more than proud.

Philip Habib preceded me at the university by several years. His reputation as a superb craftsman of the building blocks of world peace, however, had already been established by the time I came there. That reputation was to grow in the ensuing years as his accomplishments multiplied.

Many of the structures he helped put in place are the primary reasons we are at peace today, and have given us a start toward the permanent peace we all seek to build in the world.

Philip Habib's tools were a superb intellect, striking modesty, a keen sense of humor, and an unshirking dedication to honesty in all things. None of us could select a more lofty or appropriate role model.

He then deserves to be memorialized in this body and before the American people he served so well. Therefore, I ask unanimous consent that the following remarks by his former colleague Richard Holbrooke, printed this past Sunday in the Washington Post, be printed in the RECORD.

I highly recommend that my fellow Senators read this article with close attention to its application to their own service.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the Washington Post, May 31, 1992]

PHILIP HABIB: BRAVE BUREAUCRAT

(By Richard Holbrooke)

When a Brooklyn kid from a Lebanese Christian family named Philip Habib joined the Foreign Service in 1949, he was entering hallowed precincts then reserved almost exclusively for members of what Joseph Alsop later called the "WASP ascendancy." Yet when he died last week at 72, Phil Habib's name had long since taken its place alongside those of men like Charles Bohlen and George Kennan as one of the preeminent career diplomats in American postwar history. The kid from Brooklyn had lived out an inspiring American success story and offered our generation a triumphant, but unfortunately rare, example of professionalism and public service.

Even when he was a tough-minded and valued adviser to secretaries of state (from Rusk to Schultz) and presidents (Johnson to Reagan), he still marveled at his own success. National service had taken Phil Habib out of Brooklyn, but you couldn't take Brooklyn out of Phil Habib. Once, on his way back from a high-level meeting, he ran into a friend on the street. "Look at these," he said, holding one foot in the air and pointing at his shoes with a combination of pride and amazement. "They cost $100. Can you believe that I could ever spend $100 for a pair of shoes?"

George Kennan, the most famous career diplomat of the century, will always be remembered for his intellectual contributions to the creation of the postwar world. Phil Habib, the Foreign Service officer of his generation, was almost the exact opposite: the operational diplomat without peer who carried out the most difficult assignments with consummate skill but at the same time spoke his mind frankly only in private. (Kennan, of course, became famous for his public statements.)

But Habib, like Kennan, was that rarest of people, a brave bureaucrat, telling the most senior members of five administrations the truth as he saw it no matter how unwelcome it might be—and still keeping their respect—indeed, affection.

In part he did this by keeping his personal dissents on policy carefully hidden from public view; even among his many friends in journalism, he was a famously "lousy source."

But plenty of people in Washington don't tell the press exactly what they think. Phil's true value to the nation came from personal values that he brought to public service—honesty and integrity. When he told the famous Wise Men's dinner in March of 1968 that the war in Vietnam could not be won within a reasonable period of time, his words were painful for him and decisive to his distinguished audience of senior presidential advisers. They carried special weight because he had to say them in front of his immediate superiors, including Dean Rusk, who, although greatly disturbed by them, never waivered in their support of the mid-level diplomat. That critical moment in the history of the Vietnam War—also the most memorable moment for Phil in his own career—was only the beginning of two more decades of assignments of ever-greater importance in the Middle East, Central America and East Asia.

While personifying the American dream, Habib loved to complain about the decline and fall of almost everything, and this sometimes gave him an almost Archie Bunker-like quality. But Phil enjoyed his own life, and the human comedy in general, as much as anyone I have known. His zest for living kept him alive—and those who loved him in awe—for 20 years after a series of heart attacks that should have felled him. Those years, in which arduous diplomatic assignments and three-star restaurants alternated with painful and dangerous surgical procedures, were productive and satisfying.

The Foreign Service was always his greatest love, and he lived to see its leadership pass to a generation of officers whom he had played a central role in choosing. Nothing made him more proud than the arrival of "his boys" at the top. But none of them matched his unique combination of intelligence, integrity, humanity and humor—all of which he imposed on an environment that normally punished his kind of candor.

Phil's answer to this would have been characteristically simple: Let's stick, in both our foreign policy and our professional lives, to the very American values that had propelled him out of Brooklyn and onto the world stage.

Mr. CRAIG. I yield back the remainder of my time.

The PRESIDING OFFICER. Time is yielded back.

Mr. DECONCINI. Mr. President, I ask unanimous consent that the order for recessing at 12:30 p.m. be postponed for 3 minutes.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

Mr. DECONCINI. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. DECONCINI. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROFESSIONAL AND AMATEUR SPORTS PROTECTION ACT

The Senate continued with the consideration of the bill.

Mr. DECONCINI. Mr. President, I ask unanimous consent that at 2:15 p.m. today, there be 45 minutes remaining for debate on the bill, with the time controlled as follows: 25 minutes total under the control of myself, the Senator from Arizona, and the Senator from Utah [Mr. HATCH]; 15 minutes under the control of the Senator from Iowa [Mr. GRASSLEY]; 5 minutes under the control of the Senator from New Jersey [Mr. BRADLEY]; further, that when all time is used or yielded back, the Senate without intervening action or debate proceed to the vote on final passage of S. 474.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

Mr. DECONCINI. Mr. President, I ask for the yeas and nays on final passage.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The bill is open to further amendment. If there be no further amendment to be proposed, the question is on agreeing to the committee amendment in the nature of a substitute, as amended.

The committee amendment in the nature of a substitute, as amended, was agreed to.

RECESS UNTIL 2:15 P.M.

The PRESIDING OFFICER. Under the previous order, the Senate will stand in recess until the hour of 2:15 p.m.

Thereupon, at 12:35 p.m., the Senate recessed until 2:16 p.m.; whereupon, the Senate reassembled when called to order by the Presiding Officer [Mr. ADAMS].

PROFESSIONAL AND AMATEUR SPORTS PROTECTION ACT

The Senate continued with the consideration of the bill.

The PRESIDING OFFICER. Who seeks recognition?

Mr. GRASSLEY addressed the Chair.

The PRESIDING OFFICER. The Senator from Iowa.

Mr. GRASSLEY. Am I accurate in stating that I have time reserved for me to debate on the bill itself?

The PRESIDING OFFICER. The Senator is correct. The Senator from Iowa has 15 minutes allocated on the bill from the time that has been allocated the Senator from Arizona and the Senator from Utah.

Mr. GRASSLEY. Let me announce to the body that I do not think I will use my entire time. If there are those who want to use some of my time, they should make that known very quickly because I want to yield back time and not prolong the debate.

Mr. President, I want to take this opportunity to explain my reasons for opposing this bill. I want to state again at the outset that I am not here as an advocate for legalized gambling. On the contrary, it is my desire not to see an expansion of gambling on sporting events or under any other terms.

Gambling is a danger to our society. I firmly believe that controlling it is very necessary, but I do not want to be in a position of promoting it.

I know this legislation does not deal with that, but there are other things about the bill that I do have problems with because this bill is not about banning gambling. It is about the power of organized sports. I know that is not a popular view. After all, many Americans get a lot of pride and pleasure from watching their favorite sports teams compete, and our athletes are the heroes to our children and oftentimes great models for the youths in our society.

I will tell my colleagues that being a good first baseman like Stan Musial was a goal of mine. I never attained that. I do have my heroes out there in sports as well. But I want my colleagues to get it right. The sports leagues do what is in their economic interest, and they have determined that stopping the spread of sports lotteries is in their economic interest.

I want to share an example from a recent issue of Forbes magazine, and I ask unanimous consent that entire article be printed in the RECORD. But I want to highlight it.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From Forbes magazine, May 11, 1992]

BIG LEAGUE BLACKMAIL

(By Marcia Berss)

Okay, maybe blackmail is too strong a word. But what do you call it when a major league baseball team owner tells municipal officials to build the team a new stadium or he'll move the team to a city that will?

The Chicago White Sox's lead owner, Jerry Reinsdorf, played this kind of hardball with Illinois pols and won. In 1988 Reinsdorf told then Chicago Mayor Harold Washington and then Governor James Thompson that he'd move his team to St. Petersburg, Fla. unless a new ballpark was built. The threat paid off. Last year the Chicago White Sox began playing in the spanking-new, $135 million Comiskey Park. The stadium is funded by a 2% local tax on hotel and motel rooms; the White Sox will pay rent on the facility, but only if attendance and media revenues rise above specified levels.

It didn't take owners of other major league teams long to follow Reinsdorf's lead. A new $206 million stadium opened last month for the Baltimore Orioles; the team's former owner, the late Edward Bennett Williams, refused to sign more than a one-year lease at the old Memorial Stadium. The city was still smarting from the loss of its pro football team to Indianapolis; Maryland officials arranged for a new baseball park financed via lottery revenues. The Orioles will pay rent on their new quarters only if they show a profit.

The Cleveland Indians have one of the worst attendance records in baseball. But in 1990 voters in that city narrowly approved a tax to build a new ballpark; a similar plan was decisively defeated in 1984. "There was a heightened fear the Indians would leave," explains Thomas Chema, executive director of Gateway Corp., Cleveland's stadium project. In 1994 the Indians will trot onto a new baseball diamond.

Robert Milbourne, executive director of the Greater Milwaukee Committee, is trying to get a new ballpark for the Milwaukee Brewers. The team's owner, Bud Selig, has made it plain that he'll look for a new home for the Brewers if the stadium isn't built. Milbourne's central selling point: "Without major league sports, Milwaukee would be like Des Moines."

In their negotiations with the local politicians and voters, team owners have a powerful weapon: the brand-new and empty, stadium in St. Petersburg, Fla. The city built its $115 million ballpark—completed in 1990—hoping that a team would come once the park existed. Sadly, one hasn't. Last year St. Petersburg failed to get one of the expansion teams created by the National League; the teams were awarded to Denver and Miami. Now the city's empty stadium serves as a stalking horse for team owners trying to get new ballparks or better leases in their hometowns.

Behind the owners' push to get taxpayers to give them better and cheaper facilities is the fact that big league baseball economics are as bad as they've every been. Player salaries (about half of a team's expenses) continue to escalate—witness the $6-million-a-year contract Chicago Cubs infielder Ryne Sandberg signed in March. Average player salaries jumped 50% in 1991 over 1990 levels.

Meanwhile, broadcast revenues are likely to fall. CBS is paying the American and National league teams $1.06 billion for national broadcast rights for the 1990-93 seasons—60% more than the prior contract. The deal's been a bust. CBS has already written off $443 million from baseball. National sports network ESPN paid $400 million for rights to broadcast big league baseball on cable TV. But ESPN, too, is losing money on the deal.

Annual attendance growth at the parks is a weak 2% as fans vote with their feet against rising ticket prices. The new ballparks are smaller than the old ones but are built with lots of luxury suites marketed to local corporations for entertaining. Sell 100 of these suites at a typical $80,000 per season, and the $8 million revenue for the team nearly doubles the $10 million a year that a weak-drawing team may bring in at the turnstile.

Will new stadiums reverse the fortunes of financially weak teams? No, but like a new coat of paint on an old house, the better facilities might make a team more salable. That's worth noting, because nearly one-third of the 26 major league baseball teams are currently for sale. Says Dean Baim, a Pepperdine University economist and analyst of the baseball business: "The owners are trying to get out while the getting is good." Voters beware.

Mr. GRASSLEY. It is titled, "Big League Blackmail." And it is about the threats that major league baseball teams are making to the cities which host them. If the cities do not provide new stadiums and favorable leasing terms, the teams threaten to leave.

Baseball Commissioner Fay Vincent just a few weeks ago at a Judiciary Committee hearing said that baseball's antitrust exemption helps make sure that a team does not leave a city in a huff for a better offer across the country. But this article dispels that myth. The teams threaten all the time to leave until they get the right deal.

Let me tell you, as an example, what is going on in Milwaukee.

There, according to this article, the Brewers are threatening to leave unless they get a new stadium. The official who is in charge of trying to get a new ball park believes the threat is real, and he makes his point by telling city officials that "Without major league sports, Milwaukee is like Des Moines."

Well, Milwaukee will never be like Des Moines, IA, I assure you, because Des Moines, IA, is a great city. But we do not have major league sports in Iowa. We do, however, have an outstanding Triple A team. But we Iowans do not believe that the quality of life revolves around whether we have a sports team. And, aside from our Triple A team, we have some outstanding college and even high school sports, from volleyball and girls' basketball to football.

But the sports leagues exert a great deal of influence around here. If there are teams in your State, you want to stay on their good side. Because, otherwise, you might find yourself without a team when you wake up one morning.

Your mayors and Governors give them new stadiums and tax breaks, and we give them an antitrust exemption. But that is not enough. Now we have to penalize 45 other States through this legislation, because the sports leagues claim that they can only protect the public by having Congress ban sports lotteries in 45 States.

I do not doubt that they are sincere when they say gambling corrupts sports. It does. But this bill will not prevent or crack down on sports gambling. It will just prevent 45 States from doing what 4 other States can do.

In 1990, State-run lotteries provided close to $8 billion in net revenue to the 32 States which have them. The lotteries' revenues fund education, senior citizen programs, and economic development programs, just to name a few. This is the revenue source that this bill will shut down, just at a time when here in Washington we are telling the States that we cannot fund their programs.

There is another troubling provision in this bill, and that is the enforcement mechanism. The sports leagues and teams, in addition to the Attorney General, have standing to sue for a violation. I am baffled as to why the sports leagues need the right to sue for enforcement. The bill does not provide that any damages can be awarded, just that the lotteries can be enjoined.

Why can the Attorney General not handle this responsibility? That should be a perfectly adequate enforcement mechanism, unless the sports leagues are going to use this as a precedent to go after the States or individuals on other theories in the future. We seem to be at the top of one of those slippery slopes.

Mr. President, I fail to understand why the leagues cannot press their case at the State legislatures to ensure that lotteries are properly regulated. They want Congress, by banning 45 States from sports lotteries, to do their work for them. After all, 32 States have lotteries. Those lotteries are carefully regulated. And as the arms of the State government, those lotteries are accountable to the people on the issues of fairness and honesty and protecting the public welfare.

We need not, Mr. President, displace the States from regulating activities that they are very capable of regulating, and do everyday. I also want to note that when this bill came out of the Judiciary Committee last year, three States were grandfathered in. Now today it is up to four States.

The bill's supporters want to move it now so that they do not have to extend the grandfather clause to any other States. Well, instead of expanding the grandfather clause, the sports leagues should have taken the principled position, banned it across the board in all 50 States, and stand up for what they say they believe in, without exception. Instead, a few States have clout, and so they are exempt. It is really not the way we should be passing this legislation.

Finally, Mr. President, I want to note that in promoting this bill, the sports leagues have made their position on gambling clear: They do not want sports events to be the subject of gambling. They do not want to see a connection or link between gambling and sports. I do not have any quarrel with that position. I support that concept.

But the sports leagues are closely linked to the promotion of alcohol. In the public's minds, sporting events go hand-in-hand with consuming alcoholic beverages. Sports programming is filled with commercials for this sort of beverage. And while the sports leagues and teams may not have direct control over the content of advertising, they can't deny the close link in the public's mind between consuming alcohol and watching sports.

I do not think any one of my colleagues would disagree that alcohol is as gravely harmful to our youth as gambling is. So it is time to break the connection between sports and alcohol. I challenge the sports leagues to take the lead, to end this sort of link, and to put a distance between themselves and sporting events on the one side, and alcoholic beverages on the other side. Athletes and their teams should tell young people the dangers of alcohol—the same way that they want to make sure that gambling does not influence our young people.

I think that would be a very important message to send to the young people of America, in the same vein that they are trying to end the connection between sports and gambling.

I know that my view opposing this bill, because it is inconsistent and exempts four States, is not going to be a prevailing view in this Chamber today. I strongly believe that we ought to be consistent in the passage of our legislation. We should treat all States the same, and if this message is good for gambling, it should also be applied to the connection between alcoholic beverages and sports, because that association has negative consequences for the young people of America.

Mr. President, I yield the floor, and I reserve the remainder of my time.

The PRESIDING OFFICER. Who seeks recognition?

Mr. BRADLEY addressed the Chair.

The PRESIDING OFFICER. The Senator from New Jersey.

Mr. BRADLEY. Mr. President, I will be brief. I want to make several points. I support the legislation before the Senate in its present form. I would prefer that sports betting be banned in all States in the United States. I think 45 States is better than none. My State has a gaming industry. It is an industry run by competent business professionals, and the public interest is served through vigorous regulation by the State of that industry.

But I cannot go along with sports betting. I think it is a mistake. I think it will not eliminate the illegal gambling. In fact, a 1988 study in New Jersey by the New Jersey Advisory Commission on Gambling concluded that legalized gambling has reduced neither the magnitude nor the frequency of illegal gambling in New Jersey.

Mr. President, the reason legalized sports betting would not eliminate illegal betting on sports is that the illegal sector would still offer better odds, easier credit and, of course, the opportunity to avoid taxes.

I think it is an illusion to say this would eliminate or dramatically reduce illegal sports betting. To the contrary, it would lure a lot of young people into the betting business. And make no mistake, this would not be sports betting only on the Super Bowl, or the finals of the NBA, or the World Series. This could be sports betting on every college game in your State; on every junior college game in your State. It could get totally out of hand.

So, Mr. President, where sports gambling occurs, I think fans cannot help but wonder if a missed free throw, or a dropped flyball, or a missed extra point was part of a player's scheme to fix the game. If sports betting spreads, more and more fans will question every coaching decision and every official's call. All of this puts undue pressure on players, coaches, and officials, and State-sponsored sports betting could change forever the relationship between the players and the game, and the game and the fans. Sports would become the gamblers' game and not the fans' game, and athletes would become roulette chips.

I do not believe that this is what we want in this country. People say, well, you know there is illegal betting on sports now. That is true. I have seen the effect of that firsthand.

I remember one game in Madison Square Garden. Toward the end of the game, one of my teammates happened to throw the ball up. We were ahead 6 or 8 points, I forget which. He threw the ball up at the other end of the court and the ball went in the basket. The next week, the press speculated about whether it was timed to beat the line on the game. It was this kind of speculation and this kind of accusation that will be fed if we put the imprimatur of the State on sports betting.

Earlier in my life, when I was in high school and college, there were major sports scandals. Sports-fixing scandals. But the State came in and said this is wrong, and vigorously prosecuted. If we have the State sponsoring sports betting, legitimizing it, this would promote activity such as the scandal that I remember. For those who say that there is no Federal role here to prohibit sports betting, I would simply cite title 18 of the United States Code, which prohibits the use of various interstate instrumentalities in connection with lotteries; 18 U.S.C. 1301 to 1304.

It was in 1957 when Congress exempted State lotteries from those prohibitions. While it did so, it specified that State sports lotteries would remain subject to those prohibitions, and did so by providing that the lotteries to which the exemption could apply could not be lotteries that include "the placing of bets or wagers on sporting events or contests."

Mr. President, I ask unanimous consent to have another 3 minutes.

The PRESIDING OFFICER. Does the Senator from Arizona yield another 3 minutes to the Senator from New Jersey?

Mr. DECONCINI. I yield whatever time the Senator from New Jersey wants.

The PRESIDING OFFICER. The Senator is recognized for an additional 3 minutes.

Mr. BRADLEY. So title 18 also makes it a Federal offense to influence or attempt to influence by bribery any sporting contest. According to 18 United States Code 224, which is the one I just read; the offense is punishable by a fine of up to $10,000 and imprisonment up to 35 years, or both.

This is not merely assimilative conduct which is criminal under Federal law because it is criminal under State law. Congress thus recognized a distinct Federal interest in protecting sports from corruption.

Mr. President, that is what this bill is attempting to do in prohibiting sports betting in 45 of the States in this Union. It is strongly supported by professional and amateur sports organizations, by law enforcement agencies and authorities, by church groups, and by newspapers across the country.

I ask unanimous consent that editorials in opposition to sports betting and in support of this legislation be placed in the RECORD at this time.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the Trenton Times, Feb. 16, 1992]

SPORTS GAMBLING: BAD IDEA

New Jersey has more than enough forms of legalized gambling (not even counting the stock market) to accommodate anyone who cares to risk a buck, or a bundle, on his luck or his skill. There's church bingo at one end of the spectrum and the casinos at the other, and in between are the lottery, betting on thoroughbred racing, betting on harness racing, betting on simulcasts of races elsewhere. Who needs additional outlets?

Some legislators seem to think New Jersey does, and what they have in mind is sports betting. The proposal is being touted as a great source of "painless" state revenue—aren't they all?—and is getting a particularly friendly look these days because of a shortfall in the Casino Revenue Fund, which pays for services for senior citizens and the disabled. Money from sports betting could replace the lost casino revenues and there would be no need to raise taxes or cut popular services, goes the reasoning.

It's a bad idea, and not merely because it would get the state still deeper into the unsavory business of persuading people to throw their money away. It would compromise sports, turning what is now a popular and exciting entertainment into just one more variation on rolling the dice. Sen. Bill Bradley, a former pro basketball player, has a bill in Congress that would forbid states to take this shameful route. It's a good proposal. But New Jersey should reject sports gambling on its own.

[From the Bergen Record, Mar. 16, 1992]

BAD BET FOR NEW JERSEY

You could see it coming. When New Jersey legalized casino gambling, it stipulated that the state's share of the proceeds pay for a range of programs for the aged and disabled. That was all very nice, but what would happen if casino revenues dropped to the point where they could no longer pay the full cost of the programs? The unstated plan was that gambling would be expanded, of course.

It's beginning to happen. The Casino Revenue Fund is expected to run up a deficit of $156 million by June 1993. To alleviate the problem, Republican Assemblymen Robert Singer and Melvin Cottrell of Ocean County want to legalize sports betting in Atlantic City's gaming halls. They're proposing that voters be asked to approve a constitutional amendment to that effect in November.

That's a terrible idea. Virtually all sports organizations oppose legalized sports betting on grounds it could compromise their athletes. Imagine the point-shaving scandals that may be in the making.

Far more important, however, is the fact that legalized sports betting in New Jersey would add to the impression—especially among the young—that gambling is an admirable activity.

Think of it: New Jersey already encourages gambling in the form of a state lottery, horse racing, and casinos. Next to Nevada, it is the second leading state for gamblers. We're a magnet for losers.

If sports gambling were legalized, New Jersey would be encouraging bets on baseball, football, and basketball—all of them followed intensely by young people. Instead of trying to create an atmosphere that New Jersey residents can take pride in, backers of sports gambling are adding to the state's reputation for sleazy behavior.

Obviously, even sports gambling won't fulfill the state's never-ending need for revenue. The Casino Revenue Fund would still have a deficit, and Trenton will be averse to raising taxes or cutting back heavily on programs for the aged.

So what's next? Maybe we could lower the legal age so that children could bet on Little League games.

[From the Bergen Record, June 28, 1991]

CONGRESS SHOULD HALT LEGALIZED SPORTS BETTING

Commissioners of major league baseball, basketball, and football urged Congress this week to halt the spread of legalized sports betting across the nation. Representatives of revenue-hungry states, and of casinos eyeing millions of dollars in new profits, are complaining. But Congress should ban new state schemes to sponsor gambling on football or other sports. Legalized gambling could corrupt professional athletics. The United States already has too many forms of betting. The last thing the nation needs is a new enticement to gamble.

Paul Tagliabue of the National Football League, Fay Vincent of Major League Baseball, and David Stern of the National Basketball Association all testified before a congressional subcommittee Wednesday. "We do not want our games used as bait to sell gambling," said Mr. Tagliabue.

Mr. Tagliabue knows as well as anyone that illegal betting on football is already something of a national passion. But he and other commissioners argue that there's no reason to make gambling opportunities even more available.

As the recession forces states to search for new revenue, legalized sports betting looks like the next stop on government's eternal search for a painless fiscal cure. Oregon has a lottery tied to the outcome of pro sports, and Nevada allows sports betting in casinos.

Jack Gallaway, president of Trop World Casino and Entertainment Resort in Atlantic City, says sports betting should be the next major item on the New Jersey casino industry's agenda. And Steven Perksio, chairman of the Casino Control Commission, sounds favorable to the idea. Race track operators, fearing even stiffer competition from casinos, say they would want a piece of any new action. The pressure is on, and building.

Sen. Bill Bradley, a star with the New York Knicks before he entered the Senate, is among the cosponsors of the bill to ban new sports betting. As the commissioners testified, legal sports gambling leads to a situation in which fans start cheering to beat the spread, not just for the home team to win. "When our fans begin to leave games feeling disappointed or cheated even though 'their' team has won, that spells trouble," said the NBA's Mr. Stern. Legal betting would also make it more likely that underworld types would try to fix a game. Even if that didn't happen, fans would be suspicious.

Gambling fever has gripped the United States. Almost every state in the nation now has some form of gambling, from jai alai to greyhound racing to casinos. For people who like to gamble, and who can bet sensibly, there are abundant opportunities.

But some people can't bet sensibly. Encouraged by billboards and TV ads, they bet—and lose—their mortgage money, or the family food money. The time to call a halt is now. Congress should enact a federal ban on new forms of sports betting.

[From the Asbury Park Press, July 11, 1991]

BAN SPORTS LOTTERIES

Senator Dennis DeConcini, D-Ariz., is on the right track as he tries to derail a form of legalized sports gambling before it leaves the station. The senator has drafted a bill that would prohibit new sports lotteries in the 48 states that don't have them.

A variety of sports betting is legal in Nevada; Oregon and Delaware already have sports lotteries. Among the bill's supporters is Sen. Bill Bradley, D-N.J., a former professional basketball star. Testifying before the Senate Subcommittee on Patents, Copyrights and Trademarks, Bradley went to the heart of the issue when he said that any kind of betting on games greatly diminishes the nature of sportsmanship.

Bradley, who played for the New York Knicks, recalled that the team sometimes would be booed by the home crowd, even though it was far enough ahead to be assured a victory, because the Knicks' late scoring spree had beat the "point spread" set by the professional gamblers in Las Vegas. How humiliating, degrading and demeaning of the team's talent, pride and integrity!

Also testifying in favor of the legislation were Commissioners Paul Tagliabue of the National Football League, David Stern of the National Basketball Association, and Fay Vincent Jr., representing major league baseball. Vincent called sports gambling "inherently corrupting."

Another supporter, Mike Singletary of The Chicago Bears, said, "There is no greater threat to the role of athletics in the development of our youth than state legalized sports gambling."

Opponents of the bill include some state lottery directors, who say their governments are struggling to find revenue to replace federal funds eliminated by budget cuts. Among them is Thomas O'Heir, director of the Massachusetts lottery, who said state sports lotteries will simply divert money that otherwise would be wagered in illegal gambling or office pools—Massachusetts is considering a sports lottery that could raise between $25 million and $50 million annually.

O'Heir is dreaming. All he has to do is look at the New Jersey experience; the state has legalized bingo games, boardwalk games, wagering on horse racing seven days a week at one track or another, multiple variations of state lotteries with daily drawings, and 12 casinos in Atlantic City that may stay open around the clock on weekends. Has all this legalized gambling put the bookies and numbers operators out of business? Have office pools disappeared? The answer, of course, is no.

An organization called the North American Association of State and Provincial Lotteries also opposes the proposed ban on sports lotteries. A retired football veteran, Ben Davidson, who represented the association at the hearing, said, "The issue is not whether gambling exists, but who controls it." His reasoning is as specious as that of O'Heir.

Most of the money spent on lotteries and other legalized gambling comes from ordinary working folks, some of whom can least afford it. Can it be presumed that they will find ways to gamble that money away—legally or illegally—if opportunities to gamble are not created and promoted? Again, the answer is no. Legalized gambling, viewed in the context of a government revenue source, is simply a tax by another name.

Legalized sports lotteries would link gambling to sports, spawning suspicion about the "spread" when a batter strikes out, a field goal attempt is wide or a basket is missed. Neither the athletes nor the sports fans of this nation deserve that.

[From the Newark Star-Ledger, Feb. 9, 1992]

SPOILSPORTS

Being governor at a time the opposing party holds overwhelming legislative majorities is not always a bad deal. It can take the heat off a governor, and allow him to take a step back and give situations a long look. He can even suggest that his legislative opponents make some of the tough decisions.

Gov. Jim Florio has shown signs that he is not adverse to occasionally taking such a hands-off approach, allowing the Republican Legislature to try its hand at problem solving. The situation surfaced the other day in Trenton and may indicate a new approach by the Governor.

This incident involved a potentially serious problem in state government that requires attention. A fund financed by revenues from Atlantic City casinos may run a deficit of $158 million by the middle of next year. Since this fund pays for services for the elderly and disabled, there may be a need to cut these programs.

Richard Keevey, director of the Florio administration's Office of Management and Budget, informed the Legislature of the impending crisis and outlined several options. But he didn't suggest that they necessarily follow any of them.

"The Governor wants the Legislature to take a crack at solving this and we would participate with them," Mr. Keevey commented. "The ball is in their court so to speak."

Mr. Keevey presented the legislators with options ranging from cutting services to raising new revenues by requiring pharmaceutical manufacturers who benefited from the plan to pay rebates to the state. But the GOP lawmakers appeared to be looking for revenue from one option that the Governor didn't mention.

This was a plan for legalized sports betting in New Jersey. The proposal, which is being touted as a substantial revenue producer, apparently will get a full hearing in Trenton.

That is unfortunate. New Jersey has ample forms of gambling now, from the lottery to casinos to betting on flat and harness horse racing, as well as "simulcasts" of races in other states. The last thing we need is one more way to allow gamblers to loss their money—a sentiment affirmed by voters in previous referenda.

Sports betting reduces one of the most exciting forms of entertainment to mere gambling. In fact, Sen. Bill Bradley has a bill pending in Congress that would outlaw sports gambling throughout the nation, a good proposal that deserves enactment.

Perhaps there will be an upturn in the economy that will keep the senior's fund solvent. If not, money will have to be raised in a more conventional manner. Adding new and undesirable forms of gambling is not the answer.

[From the Daily Record, Nov. 29, 1991]

GAMBLING FOR DOLLARS

Some politicians in Washington and Trenton have been renewing the call for legalized sports betting as the answer to our economic ills.

The crime bill that died in Congress Thanksgiving Eve had a provision that would have exempted New Jersey for a year from a nationwide ban on sports betting. The bill would have allowed time to ask voters whether they'd like sports gambling to be allowed in Atlantic City casinos, and possibly at New Jersey's five racetracks. Now they have all the time in the world.

Currently Nevada, Oregon and Delaware allow sports betting. Nevada has it in the casinos in Las Vegas, Oregon has football lottery; Delaware has never implemented its law allowing sport betting.

Rep. William Hughes, a South Jersey Democrat, maintains he's not necessarily in favor of sports gambling. But he wants the state's voters to decide if they want in Atlantic City what's already allowed in Las Vegas.

Other proponents are more up front. They say sports betting goes on everywhere so why not take a bite from the underworld's profits?

Rep. Robert G. Torricell, D-Bergen, said: "Whether we like it or not, sports gaming is a reality; legal in Las Vegas and practiced just about everywhere else, on street corners and in office pools."

But is that any reason to elevate the Vice of sports gambling to a legal and legitimate status?

We don't think so.

Sen. Bill Bradley is taking the higher road in this debate. A former All-American basketball player at Princeton University and then a New York Knick, Bradley knows what a bookie can do to a game. He knows gambling, would raise suspicions about the purity of sports. He knows legal sports betting can poison young people's sense of fair play and sportsmanship.

There also are many people susceptible to compulsive gambling to consider. New Jersey is the only state to offer all three major forms of wagering—casinos, racetracks and a lottery. As a state we already do more than our share to promote gambling.

The debate over legalized sports gambling is an old one, and the death of the anti-crime bill in Congress leaves New Jersey with a free choice, where sports betting can indeed be legalized. But don't be fooled—its corrupting influence can only leave us poorer, not richer, as a state.

[From the New Brunswick Home News, Mar. 12, 1992]

PAYING THE PIPER

It's piper-paying time in the Legislature—time for legislators who have been loading new, senior citizen-pleasing programs onto the Casino Revenue Fund to figure out a way to close a projected $156 million deficit in the fund by next year. Unfortunately, it's a job that brings out the worst in the Legislature.

Predictably, the first solution legislators are reaching for is more gambling: If the casinos aren't generating enough tax revenue to pay for prescription drugs, utility discounts, property-tax rebates and the 20 other programs for low-income senior citizens and the disabled, why not legalize sports betting, too?

Why not, indeed. Because New Jersey already has too much legalized gambling and already is too dependent on unreliable gambling revenues. And besides, even if the voters were reckless enough to legalize sports betting, the new action wouldn't produce enough tax revenue to erase the casino-fund deficit.

The painful fact is that the Legislature must reduce the costs of Casino Revenue Fund-financed programs—by raising the income eligibility for programs, increasing copayments (particularly for the fast-growing prescription program) and looking for other cost-cutting measures. Most senior citizens would accept that if legislators would have the courage to explain how costs—and demographics—are driving the fund into the red. But for the same reason legislators have added program after program to be financed by the casino fund—because senior citizens vote—legislators are terrified of asking senior citizens to help balance the budget for those programs.

Piper-paying is tough, and the Legislature still is looking for an easy way out.

[From USA Today, June 26, 1991]

STATES SHOULD KEEP OUT OF SPORTS BETTING

States are becoming addicted to gambling.

Gambling is big business: $290 billion is bet each year. Like high rollers deeply in debt, states are relying more and more on games of chance to lift them out of their fiscal ruts.

Iowa, closely followed by Illinois, is leading the charge down the Mississippi with riverboat gambling.

Thirty-three states and the District of Columbia have joined in the lottery craze.

New Jersey, Nevada, and South Dakota allow casino gambling.

A USA Today survey shows 13 states have considered or are considering joining Oregon and Nevada in legalizing betting on sporting events.

That concerns the heads of all the professional sports leagues as well as amateur athletics. Today, they'll tell a Senate panel they want to keep sports gambling from spreading to other states.

Despite the views across the page, the commissioners are right.

In previous editorials, USA Today has opposed states' spending large sums on lottery promotions; it has also opposed a national lottery that would compete with the states.

Sports gambling is another bad bet for states—

Because it encourages gambling, particularly among our youth.

Because it can lead to crime; one study showed 10% of teen-agers committed crimes to support their habit.

Because money doesn't always go where it is intended; in Oregon, for the first two years, much of the revenue went into the general fund instead of college sports.

Because the odds are poor; the odds of winning Lotto America, for example, are 13 million to 1.

And because it preys upon the poor.

Gambling is especially bad for sports because it would raise concerns about the fixing of games. Fans would root for their bets rather than for their home teams.

States see gambling as a way to fill their coffers, but too many people see it as a way to fulfill their dreams.

Look across the USA, and you'll see the broken lives and unfulfilled dreams of those who took the risk—and lost.

Art Schlichter's promising National Football League career was cut short when he was suspended for gambling.

Chet Forte was at the pinnacle of the TV industry at ABC Sports until sports gambling destroyed his life.

Pete Rose was headed for baseball's Hall of Fame.

Compulsive gamblers have doubled in the last decade to 8 million—a million of them teen-agers.

Gambling is already reaching the saturation point. States should not be using sports to try to make a big score.

Mr. BRADLEY. Mr. President, the disadvantages of State-sponsored sports gambling far, far outweigh the advantages. I know that States are facing difficult financial decisions, and I recognize they are turning to gambling as a possible answer. But I think that they would be making a big mistake by legalizing sports gambling. I also believe that we have legitimate authority and interest to do what the Senator from Arizona is attempting to do with this legislation.

I think that this legislation is a step forward, would preserve the integrity of the game, and the opportunity for all young people who desire to participate in sports to regard the game as their game and not the gamblers' game.

I hope we will pass this bill by a sizable margin and move on to conference and enact it into law.

I yield the floor.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. DECONCINI. Mr. President, I yield myself 5 minutes.

Mr. President, I thank the Senator from New Jersey for his support of this bill and for testifying during our hearing. As a number of very nice things were said about the Senator this morning when he was not here, I urge him to read the RECORD. He will feel very good about it. But he deserves the leadership in having this bill before us today.

Mr. President, along with the Senator from New Jersey, I would like to enter in the RECORD several letters and resolutions—one from the State of Florida, by Governor Lawton Chiles, a former colleague here—in support of S. 474. And there is one from President Hesburgh of Notre Dame University, just to mention a few. I will put the balance of these in, as well as some editorials in support of this legislation.

I want to pay particular thanks to Jerry Colangelo, chief executive of the Phoenix Suns—my hometown—and a number of others which we will submit at this time, and I ask unanimous consent that they be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

THE GOVERNOR OF THE
STATE OF FLORIDA,
January 10, 1992.

Hon. GEORGE J. MITCHELL,
Russell Senate Office Building, Washington, DC.

DEAR GEORGE: I strongly support S. 474, the Professional and Amateur Sports Protection Act, which would stop the spread of sports gambling. In view of the situation we face in Florida, I was most disappointed that time did not permit action on the bill by the Senate before adjournment. I respectfully urge that the legislation be scheduled for a vote in January when Congress returns.

Sports gambling is a serious problem for Florida, especially for our young people. Just last month, our newspapers reported the arrest of a Coral Springs high school junior for running a gambling ring. Most of the bets the youth reportedly took were on professional football games. According to the Broward County Sheriff's office, the boy took thousands of dollars in sports bets from his classmates and threatened them with a fictional thug if they welshed on their debts. The boy has been charged with two counts of felony bookmaking and misdemeanor counts of gambling and conspiracy.

The last thing we should be doing is telling our young people that their government considers sports gambling to be a legitimate activity. Nevertheless, it is already apparent that proposals to legalize sports gambling will be a focus of major attention in my state this spring.

As a former Senator and a sitting Governor, I am acutely sensitive to issues of federalism and believe Congress should refrain from legislating in areas where federal jurisdiction is unclear. Sports gambling, however, has long been an area of federal concern and lawmaking. For Congress to reaffirm federal policy against sports gambling presents no troubling incursion into state authority and is, in my view, thoroughly appropriate.

Sports gambling is destructive of so many values we hold dear. It debases the athletic contests themselves and sends a terrible message to our nation's youth. I strongly urge Congress to move promptly to pass S. 474 when it returns in January.

With kind regards, I am

Sincerely,

LAWTON CHILES.
Governor.

STATE OF FLORIDA—RESOLUTION

Whereas, the State University System athletic games, the National Football League, National Basketball Association or Major League Baseball games should not be used as bait for gambling activities; and

Whereas, viewing such sporting events is a national pastime enjoyed by families and friends, men and women, and young and old; and

Whereas, many athletes become important role models for our youth, displaying ability, courage and integrity on and off the field; and

Whereas, the impact of legalized sports betting on our youth would be devastating, allowing sports to represent the fast buck rather than an arena where competition, cooperation, self-evaluation, teamwork, preparation, motivation, and sportsmanship signal success; and

Whereas, mistakes are an inevitable part of intense competition and can result in even the best players missing critical plays, the best coaches making decisions which backfire, and the game officials misjudging important calls; and

Whereas, these examples of human imperfection can affect the "point spreads" on which sports betting is based; and

Whereas, legalization of sports betting would create a pervasive climate of suspicion about any controversial play and would threaten to corrupt the games themselves; and

Whereas, sports betting would fundamentally threaten public confidence in the integrity of amateur and professional athletics: Now, therefore, be it

Resolved, That the Governor and Cabinet of the State of Florida support federal legislation which would protect professional and amateur sports from sports gambling, and encourage the Florida Legislature to oppose any attempt to legalize such gambling activities in this state.

UNIVERSITY OF NOTRE DAME,
Notre Dame, IN, June 24, 1991.

Hon. DENNIS DECONCINI,
Senate Judiciary Subcommittee on Patents, Copyrights and Trademarks, Washington, DC.

DEAR DENNIS: I am honored by your request that I appear before your subcommittee to discuss the problem of state-sponsored sports gambling. Unfortunately, a prior long-standing obligation will prevent my participation. However, as a co-chair of the Knight Commission on Intercollegiate Athletics, an educator and an admirer of athletics, I would be remiss to remain silent during the consideration of this important issue. Therefore, I will set forth below a summary of my views on the idea of state-sponsored sports gambling.

You, Congressman Bryant and the other members of Congress who have devised this legislation have my heartfelt support. I urge the Congress to swiftly pass this needed bill.

I long have believed that gambling of any kind its detrimental to both individuals and to society. While I realize that certain forms of gambling are inherently appealing, fortunately these activities are highly regulated, circumscribed and affect a small segment of our society. The emergence of state-sponsored lotteries and sports gambling based on amateur and professional sports, however, are cause for great concern. A dangerous precedent is set when a government places it imprimatur on such activities. In my view, the attempt to cast them in the form of a lottery is even more troubling. The so-called sports pool lotteries are misnomers. The activity is tantamount to outright wagering because the "lottery" is based on the point spreads and outcomes of sports contests.

As an educator, I also am concerned that this betting scheme will negatively affect athletes and athletics. Recent revelations concerning sports and gambling place in stark yet clear light the problems that arise from gambling and gambling-related activities. As sports gambling proliferates, athletics will increasingly be viewed as a gambling activity rather than healthy competition between schools. This trend will undermine public confidence in organized athletics despite the dedicated efforts of many to maintain that confidence. The pressures on athletes will diminish their performance and raise questions about their integrity. This could result in a negative and unfortunate impact on our youth who often view athletes as role models.

I hope that Congress will not delay in considering and passing the sports gambling legislation. It is important that the Congress make clear that these state-sponsored efforts are ill-advised and will not be permitted. Please do not hesitate to contact me if I can be of further assistance in this matter.

Sincerely,
(Rev.) THEODORE M. HESBURGH, C.S.C.,
President Emeritus.

INTERNATIONAL ASSOCIATION OF CHIEFS OF POLICE,
Arlington, VA, June 21, 1991.

Hon. DENNIS DECONCINI,
U.S. Senate, Hart Senate Office Building, Washington, DC.

DEAR SENATOR DECONCINI: The International Association of Chiefs of Police (IACP), meeting at their Annual Conference in Tulsa, Oklahoma during October, 1991, passed the enclosed resolution which I am sending for your information and use. The resolution acknowledges our support for legislation you introduced in the 101st Congress to protect the service marks of professional sports organizations from misappropriation by state lotteries. We are pleased to see that you have introduced a similar bill, S. 473, in the 102nd Congress and we hope the Senate will speedily pass this legislation.

The IACP wholeheartedly supports the proposition that we should not allow the intermingling of professional sports and legalized gambling. To do so would severely undermine public confidence in the integrity of professional football, and quite possible, present the law enforcement and criminal justice systems with other problems.

History eloquently addresses the results of such intermingling: the Black Sox baseball scandal in 1919; the painful Pete Rose saga of last year; point shaving allegations involving North Carolina State University's basketball team, etc. The reasons are obvious: lotteries were created as gambling vehicles and are based on pure chance. Sports betting, on the other hand, involves gambling on the performances of human beings and were never designed to be gambling devices. We ignore this basic difference at our own peril.

Gambling is not a new topic for the IACP. As far back as 1936, the membership considered legal gambling to be a significant lure for the "criminal element" and stated unequivocally that "* * * the attraction of these criminal elements brings about definitely undesirable conditions, in that breeding sports for crime thereby result; * * *" It appears that the organization's orientation toward gambling has not changed a great deal since that time.

Thank you for your attention to this matter and we look forward to working with you to secure passage of this legislation.

Sincerely,
LEE P. BROWN,
President.

RESOLUTION—PROHIBITION ON LEGALIZED SPORTS BETTING

Whereas, In 1936 the membership of the International Association of Chiefs of Police, in a formal resolution, considered legalized gambling to be a significant lure for the "criminal element" and stated unequivocally that "* * * the attraction of these criminal elements brings about definitely undesirable conditions, in that breeding sports for crime thereby result" and

Whereas, a growing trend is being evidenced wherein state lotteries are requesting the authority to sponsor public betting on professional football games and other team sports; and

Whereas, The establishment of such a trend presents the law enforcement and criminal justice systems with additional enforcement and prosecution problems; and

Whereas, The National Football League has stated their unequivocal opposition to any and all legislation authorizing state lotteries to use the names and logos of professional football teams because to do so threatens public confidence in the integrity of professional football; and

Whereas, The National Football League has asked the IACP for their support and aid in opposing such legislation; now, therefore be it

Resolved, That the International Association of Chiefs of Police hereby formally records their unequivocal opposition to the intermingling of professional sports and legalized gambling because lotteries were created as gambling vehicles and based on pure chance, while sports betting involves gambling on the performances of human beings, and was never designed to be a gambling device, and be it further

Resolved, That the IACP endorses S. 1772, introduced by Senator Dennis DeConcini (D-AZ), and other such legalization, which would protect the service marks of professional sports organizations from misappropriation by state lotteries, and urges both the Senate and House of Representatives to speedily pass such legislation.

U.S. BASEBALL FEDERATION,
Trenton, NJ, July 24, 1991.

Hon. DENNIS DECONCINI,
Chairman, Subcommittee on Patents, Copyrights and Trademarks, U.S. Senate, Committee on the Judiciary, Washington, DC.

DEAR SENATOR DECONCINI: On behalf of 19 million amateur baseball players in the United States and 57 million related fans, friends, and families of those players, I'm writing as the Chief Executive Officer of the United States Baseball Federation to express our support for S. 474, which would prohibit sports betting regarding professional sports.

"Whoever wants to know the heart and mind of America had better learn baseball." The majority of the American amateur sports people do not want liquor, cigarettes and/or tobacco support and/or involvement with "America's sport". America also doesn't want sports betting involvement which only leads to further problems and concerns affecting young athletes and their ultimate choice to be possibly a gold medalist in the Olympic Games and/or a professional baseball player.

As an authority in amateur baseball and a spokesman for the millions of people involved, I urge you to support the Professional and Amateur Sports Protection Act (S. 474). If you have any questions pertaining to this subject, please contact me directly at our "Homeplate" in New Jersey.

Respectfully,
RICHARD W. CASE,
Executive Director/CEO.

DREW UNIVERSITY,
Madison, NJ, June 20, 1991.

Hon. DENNIS DECONCINI,
Chairman, Subcommittee on Patents, Copyrights and Trademarks, U.S. Senate, Committee on the Judiciary, Washington, DC.

DEAR SENATOR DECONCINI: I am writing to express my support for S. 474. I commend you and your co-sponsor Bill Bradley for sponsoring this important and necessary legislation.

As Governor of New Jersey I worked to develop and encourage high quality professional and collegiate sports in our state. In fact, New Jersey has for the past two decades sought out professional sports franchises to locate in New Jersey and five professional franchises are now resident in our world renowned Sports Complex in the Hackensack Meadowlands. In addition, our universities and colleges are nationally recognized for their sports programs, as well as academics.

I believe legalized sports betting will undermine the integrity of sports and will in turn, tarnish the image New Jersey has sought to create as a home for professional and collegiate sports. Sports betting will ultimately change the nature of the games. Rather than being contests to be enjoyed for their entertainment and recreational value the games will become gambling devices. It will change fans into bettors and will surround each game with an aura of cynicism and suspicion. Even more importantly sanctioned sports betting will undermine the value athletes have as role models for our children.

Sports betting is a national problem and, therefore, is in need of a national solution. Congress has recognized the national interest in preventing sports betting when in 1975 it barred states from conducting lotteries that involve the placing and accepting of bets or wagers on sporting events or contests, 18 U.S.C. 1307(d). Congress has also enacted legislation making it a federal crime to influence the outcome of professional or collegiate sports events.

S. 474 reaffirms existing federal policy and therefore is not a fresh pre-emption of state power. I urge Congress to enact S. 474 without delay.

Sincerely,

THOMAS E. KEAN.

OFFICE OF THE GOVERNOR,
Columbus, OH, June 27, 1991.

Hon. DENNIS DECONCINI,
Chairman, Subcommittee on Patents, Copyrights and Trademarks, U.S. Senate, Committee on the Judiciary, Washington, DC.

DEAR SENATOR DECONCINI: I am writing to express my support for S. 474, which would prohibit sports betting pursuant to state law. Federal action in this area is both appropriate and urgently required.

Sports betting is a national problem. It calls for a national solution. The harms it inflicts are felt beyond the borders of those states that sanction it. The moral erosion cannot be limited geographically. And, once a state sponsors or authorizes sports gambling, the economics will, over time, make it extremely difficult for neighboring states to resist the lure.

Congress recognized the national interest in preventing sports betting pursuant to state law when it provided in 1975 that states may not conduct lotteries that involve "the placing or accepting of bets or wagers on sporting events or contests." 18 U.S.C. 1307(d). Congress has enacted similar legislation making it a federal crime to influence the outcome of games.

S. 474 thus is fully consistent with existing federal law in this area. It reaffirms existing federal policy and represents no fresh preemption of state power. I commend you for your initiative in introducing this important legislation. I urge Congress to enact S. 474 without delay.

Sincerely,

GEORGE V. VOINOVICH,
Governor.

RIKER, DANZIG, SCHERER,
HYLAND & PERRETTI,
Morristown, NJ, June 20, 1991.

Hon. DENNIS DECONCINI,
Chairman, Subcommittee on Patents, Copyrights and Trademarks, U.S. Senate, Committee on the Judiciary, Washington, DC.

DEAR SENATOR DECONCINI: I was Deputy Attorney General of the United States with responsibility, under Attorney General Robert Kennedy, for commenting on proposed legislation at the time when the federal statute making it a crime to influence or attempt to influence by bribery any sporting contests was enacted in 1964 (18 U.S.C. §224).

The Department supported that legislation because of the strong national interest in protecting the integrity of professional and amateur sports from corruption. In reporting the legislation, the House Judiciary Committee rightly declared such corruption to be "a challenge to an important aspect of American life—honestly competitive sports."

Legislation has been introduced in this Congress (S. 474) to prohibit state sports lotteries and any other form of sports gambling sponsored or authorized by state law. This legislation is a direct descendant of the legislation enacted by Congress in 1964. It reaffirms and reinforces Congress's long-standing commitment to protecting the integrity of professional and amateur sports.

I have not changed my views in the intervening years and I wholeheartedly support S. 474 and urge its swift adoption. While I personally adhere to these views, you should know that my law firm serves as counsel to the National Football League.

Sincerely,

NICHOLAS DEB. KATZENBACH.

THE NATIONAL COLLEGIATE
ATHLETIC ASSOCIATION,
Overland Park, KS, June 25, 1991.

Hon. DENNIS DECONCINI,
Chair, Subcommittee on Patents, Copyrights and Trademarks, Washington, DC.

DEAR SENATOR DECONCINI: The National Collegiate Athletic Association strongly supports S. 474, legislation to arrest the spread of state-sanctioned gambling. We commend you for introducing this legislation and we urge its prompt enactment.

Gambling and intercollegiate sports do not mix. Sports gambling tarnishes the integrity of athletics competition. It unalterably taints the way fans approach sports contests. It creates suspicion and cynicism about game and performance outcomes. It degrades players in the eyes of fans generally and young people in particular. Athletic contests, both at the college and professional level, now represent wholesome family entertainment. Gambling cheapens them.

The amateur and professional sports organizations have long understood this problem and have been scrupulous to police the relationship between gambling and sports. It would be tragic if states could defeat these efforts by promoting sports gambling. Government resources must not be used for that purpose.

We are aware that many states face hard fiscal times, but to search for new revenues by exploiting the popularity of sports is truly misguided. If states choose to find revenues from gambling, surely they can devise mechanisms that have no relationship to actual athletics outcomes or performance.

Some will argue that this is an issue best resolved at the state level. We strongly disagree. Protecting the integrity of athletics is a national concern, needing uniform legal treatment. Congress has recognized this through Federal criminal statutes that penalize game fixing and bar state lotteries involving state betting. Your legislation is consistent with and complementary to long-standing Federal policy.

I regret that irreversible scheduling conflicts, involving a most important meeting of our Presidents Commission, prevent me and NCAA President Judy Sweet from voicing these views at your subcommittee's June 26 hearing, but I ask that this letter be made part of the hearing record.

Again, thanks for your leadership in this important matter.

Sincerely,

RICHARD D. SCHULTZ.

THE PHOENIX SUNS,
Phoenix, AZ, Sept. 6, 1991.

Hon. DENNIS DECONCINI,
Washington, DC.

DEAR DENNIS: I am writing to thank you for your support of sports anti-betting proposals in Congress (S. 474 and H.R. 74).

It is our feeling that proposals to establish state run sports lotteries that involve betting on professional sports games would adversely affect the teams, players and the public at large. As such, legalized sports betting represents bad public policy and should not be enacted in individual states.

The Phoenix Suns and the National Basketball Association along with the NFL, Major League Baseball, the NHL, the American Horse Council, and many other groups interested in halting the spread of sports betting on a national basis thank you for your support of these bills.

If you have any questions, please do not hesitate to contact me.

Sincerely,

JERRY COLANGELO,
President and Chief Executive Officer.

CALIFORNIA LEGISLATURE,
June 21, 1991.

Hon. DENNIS DECONCINI,
Chairman, Subcommittee on Patents, Copyrights and Trademarks, U.S. Senate, Washington, DC.

DEAR SENATOR DECONCINI: I am writing to express my support for S. 474, your bill to prohibit sports betting pursuant to state law.

Sports betting is a national problem that calls for a national solution. Congress has long recognized that sports gambling is not a benign revenue source. The modest sums produced by sports wagering cannot possibly be worth the damage gambling brings to the integrity of athletic contests. In addition, state-approved sports betting sends the harmful message to our nation's youth that gambling and sports are compatible.

Thank you for sponsoring this important piece of legislation. Please add my name to the measure's growing list of supporters.

Sincerely,

ROSS JOHNSON,
Assembly Republican Leader.

CALIFORNIA STATE SENATE,
June 19, 1991.

Hon. DENNIS DECONCINI,
Chairman, Subcommittee on Patents, Copyrights and Trademarks U.S. Senate, Washington, DC.

DEAR SENATOR DECONCINI: I am writing to express my support for S. 474, a bill which would prohibit sports betting pursuant to state law. I believe that federal action on this issue is both prudent and consistent with past congressional legislation.

Sports betting is a national problem that calls for a national solution. Congress has long recognized that sports gambling is not a benign revenue source. Federal legislation (Title 18 U.S.C. Section 1307 (d)) permitting states the exemption to conduct lotteries already prohibits sports betting. Last year, both Houses of Congress passed legislation very similar to the bill now pending, after concluding that additional legislative clarity was needed.

S. 474, therefore, is consistent with existing federal law in this area. It reaffirms existing federal policy and presents no new preemption of state power.

I certainly am aware of our own states' urgent need for revenue, but the modest sums produced by sports wagering cannot possibly be worth the damage gambling brings to the actual and apparent integrity of athletic contests. In addition, state-sponsored sports betting sends the wrong signal to our nation's youth that gambling and sports are compatible.

It is time to reaffirm federal policy against sports betting. Thank you for sponsoring this important piece of legislation and add my name to the growing list of supporters.

Sincerely,

KENNETH L. MADDY.

NATIONAL ASSOCIATION OF COLLEGIATE DIRECTORS OF ATHLETICS,
July 3, 1991.

Senator DENNIS DECONCINI,
Senate Office Bldg., Washington DC.

DEAR SENATOR DECONCINI: Our Association is greatly concerned about the possibility of states being permitted to implement sports lottery games which are built upon the result of actual sporting competitions. Therefore, we are requesting your support of S. 474, "The Professional and Amateur Sports Protection Act."

If states are allowed to secure sports betting as a legal exploit, it could change the face of sporting events from outcomes based on skill and strategy as well as wholesome, family entertainment to a vehicle for gambling. Sports contests would no longer be enjoyed for the pure satisfaction and thrill of the competition, but rather for profitable gain.

No longer would bad calls, coaching decisions or mistakes by individual players be seen as part of the game. Fans would become suspicious of who was reaping the benefits of "fixed competitions" and in turn the integrity of sports would be lost.

With the loss of integrity comes the negative values communicated to the youth of our nation. Gambling is a growing problem among our youth and to promote legalized sports gambling would only escalate the situation.

In the opinion of our Association it is vital that S. 474 be enacted in order to keep the good character and sense of fairplay in both professional and amateur sporting events.

Sports was based upon pure competition, let's keep it that way. Support S. 474.

Sincerely,

MICHAEL J. CLEARY,
Executive Director.

P.S.—The above opinion is that of a national association, however, there are state universities in Nevada, Oregon and Delaware whose legislators have chosen to fund state university athletic programs with lottery dollars. These states feel each state should have the ability to choose how it funds its state university athletic programs.

FRANKLIN PIERCE COLLEGE,
June 24, 1991.

Hon. DENNIS DECONCINI,
Chairman, Subcommittee on Patents, Copyrights and Trademarks, U.S. Senate, Committee on the Judiciary, Washington, DC.

DEAR SENATOR DECONCINI: I have been informed that you have recently introduced a bill to prohibit sports betting and related activities on a national level. While many will be concerned about federal action in this area, I want you to know you have my personal support for your bill.

As a former Governor of New Hampshire and now as the President of a small liberal arts college for the past sixteen years and a member of the NCAA Presidents Commission, I view sports betting as an unwelcome intrusion in what should be a wholesome and healthy interscholastic and intercollegiate experience for students. It seems far better to me, particularly when one considers the interstate character of both professional and intercollegiate sports, that the preferable way to deal with the pervasive effects of money and the inherent temptations associated with gambling is on a federal level rather than on a state-by-state basis.

I am sure you are aware that Congress has previously recognized the harmful effect of gambling on both professional and amateur sports. Title 18 of the United States Code contains a specific federal position against state sports lotteries (18 U.S.C., 1307 (d)). Congress has also made it a federal crime under Title 18k to influence the outcome of sporting events.

The proposed legislation, S.474, is consistent with an existing federal law and poses no threat to present state laws in this area. I hope that swift consideration and prompt action will be taken on this legislation to protect the integrity of professional and amateur sports and to preserve the values they represent to America's young people.

Sincerely,

WALTER PETERSON,
President.

NEW JERSEY SENATE,
June 20, 1991.

Hon. DENNIS DECONCINI,
Chairman, Subcommittee on Patents, Copyrights and Trademarks, Senate Judiciary Committee, U.S. Senate, Washington, DC.

Re: Professional and Amateur Sports Protection Act (S-474)

DEAR SENATOR DECONCINI: I am writing to express my support for Senate Bill 474, a bill to prohibit state sanctioned or state run sports betting operations. I understand that your subcommittee will be hearing this legislation on June 26th and I hope you will act favorably upon it.

I am immediate past president of the State Senate in New Jersey and a former prosecutor. I have seen first hand the tragedy of state sponsored and state promoted gambling activities luring families with limited incomes into financial hardship and ruin. I have seen our state become overly addicted to gambling as a source of revenue to fund essential services.

Sports betting is a national problem that calls for a national solution. Congress recognized the potential dangers of sports gambling when in its legislation authorizing the states to conduct lotteries (18 U.S.C. 1307) it specifically prohibited sports betting in that connection.

Senate Bill 474 therefore is consistent with existing federal policy in this area and presents no new pre-emption of state power.

With the possible exception of Nevada, New Jersey is the most heavily dependent state on gambling as a source of revenues. Though I have consistently opposed such measures throughout my legislative tenure, others in government have found the lure of "easy money" too hard to resist. In short, we may need federal action to save us from ourselves.

New Jersey is proud to host five professional sports franchises at our world renowned Meadowlands Complex as well as to have outstanding intercollegiate athletic programs at our colleges and universities. I would not wish to see them tarnished by an association with legalized gambling. State sponsored and promoted sports betting would send the wrong signal to our nations youth: it would tell them that gambling and sports are inextricably intertwined and the state encourages participation in wagering on the outcome. Our kids would go to the games no longer to see who wins or loses but merely to find out if the point spread is covered.

I am pleased that Senator Bradley who is certainly not without experience in the athletic arena has joined with you in seeking to reaffirm the federal policy against sports betting. I hope you will be successful in moving this legislation expeditiously.

Sincerely,

JOHN F. RUSSO,
Senate President Pro Tem.

[From Sports Illustrated, Aug. 26, 1991]

A LOSING BET

(By William F. Reed)

Whenever I go to the racetrack, which is considerably more often than the average citizen, I bet on almost every race. I like the action. I like having a personal rooting interest. What's more, I see absolutely no contradiction between my betting at the track and the fact that I'm dead-flat opposed to any further legalization of gambling on baseball, football, hockey and basketball.

Sure, I've heard all the seductive arguments in favor of legal sports gambling. The main one is that because illegal gambling on sports events is already at least a $38 billion-a-year industry, why not take it away from criminals and put it into the hands of the states? That would remove the stigma from gambling, put illegal bookmakers out of business and give cash-starved state governments a lucrative source of revenue. Simple, huh? Well, don't believe it. I say such a plan would be opening new cans of worms.

The way I see it, there's already too much legal gambling. As recently as 15 or 20 years ago the only places in this country where you could get a bet down without breaking the law were racetracks and the Nevada casinos. The gaming industry was so limited that many people who had no business gambling were discouraged from doing so. To go to a track, for example, you had to have the money for transportation, admission, a program and the Daily Racing Form. In addition to the cost, not everyone could afford the time or the trouble. Sure, there were bookies, but many people were—and are—reluctant to indulge in an illegal activity.

Now, however, we are a nation of gamblers, mainly because legal betting has become so readily available. Off-track betting, which operates in 11 states, is as much a part of some neighborhoods as the convenience store. Casino gambling in Atlantic City is within a day's drive of 60 million people, and you can even play craps and blackjack on riverboats in Iowa and soon in Illinois. Most insidious of all are the various state lotteries, which expose government at its greedy worst.

Even though a lot of lottery tickets are sold to the people who can least afford them, states shamelessly pour millions of dollars into promoting and glamorizing their lotteries instead of emphasizing that the chances of winning are umpteen million to one. The longest shot at the racetrack is far more likely to be a winner than a ticket in most lottery jackpots, yet the public keeps pouring billions down the drain. And to this we're going to add betting on games?

Aside from concerns that the passion to get rich quick through gambling is replacing devotion to hard work and saving as the American way, here are five reasons to oppose further expansion of legalized sports gambling:

Expansion of legalized gambling would induce even more people to become bettors.

That, in turn, would only lead to a higher incidence of compulsive gambling. If the sad case of Pete Rose served any useful purpose, it was to emphasize that addiction to gambling can be just as ruinous as addiction to alcohol or drugs. At least Rose could afford his habit better than many others can. How about the thousands of families that are destroyed each year because the breadwinner taps out? How do we reconcile the notion that government is supposed to protect the public welfare with the idea of its simultaneously promoting an activity certain to increase a debilitating addiction?

Fan hostility toward athletes, already a growing concern, would only increase. With more second-guessing, especially about crucial decisions and plays that affect the point spread. My hunch is that legal betting on soccer in Europe has to be one of the factors behind the many riots that mar matches there.

Increased gambling on baseball, football, basketball and other sports would have a serious negative impact on horse racing and dog racing simply because team sports are so popular. Some may shrug this off as the law of the marketplace, and of course it is. But do states really want to risk further damaging industries that have proven their ability to generate thousands of jobs and millions of dollars in revenue but are already showing signs of weakness?

Legalized gambling would not drive the illegal bookmakers out of business because state-run betting operations would not be able to issue credit, which is one of the bookies' major enticements to gamblers.

Legalized gambling just doesn't make sense from a practical standpoint. For openers, who would establish the betting line? Are states willing to trust some guy in Las Vegas? How would the states know that the oddsmaker would not be susceptible to a bribe? What would a state do if it suddenly found itself taking a bath because of a bad line? A bookmaker can balance his books by laying off bets with other bookies. I'm not sure states would be willing or able to do the same thing.

Oh, yes, I also should mention the moral contradictions. Let me see if I've got this straight. The numbers rackets is illegal if it's run by mobsters but perfectly all right if the states run it and call it a lottery. And betting on games is illegal if you call your friendly neighborhood bookie, but it's O.K. if the government gets into it. Everybody see the difference? If so, there are a lot of guys in jail for illicit gambling—most of whom have been apprehended at considerable cost to the taxpaying public—who would like an explanation.

[From USA Today, June 26, 1991]

States Should Keep Out of Sports Betting

States are becoming addicted to gambling.

Gambling is big business: $290 billion is bet each year. Like high rollers deeply in debt, states are relying more and more on games of chance to lift them out of their fiscal ruts.

Iowa, closely followed by Illinois, is leading the charge down the Mississippi with riverboat gambling.

Thirty-three states and the District of Columbia have joined in the lottery craze.

New Jersey, Nevada, and South Dakota allow casino gambling.

A USA Today survey shows 13 states have considered or are considering joining Oregon and Nevada in legalizing betting on sporting events.

That concerns the heads of all the professional sports leagues as well as amateur athletics. Today, they'll tell a Senate panel they want to keep sports gambling from spreading to other states.

Despite the views across the page, the commissioners are right.

In previous editorials, USA Today has opposed states' spending large sums on lottery promotions; it has also opposed a national lottery that would compete with the states.

Sports gambling is another bad bet for states—

Because it encourages gambling, particularly among our youth.

Because it can lead to crime; one study showed 10% of teen-agers committed crimes to support their habit.

Because money doesn't always go where it is intended; in Oregon, for the first two years, much of the revenue went into the general fund instead of college sports.

Because the odds are poor; the odds of winning Lotto America, for example, are 13 million to 1.

And because it preys upon the poor.

Gambling is especially bad for sports because it would raise concerns about the fixing of games. Fans would root for their bets rather than for their home teams.

States see gambling as a way to fill their coffers, but too many people see it as a way to fulfill their dreams.

Look across the USA, and you'll see the broken lives and unfulfilled dreams of those who took the risk—and lost.

Art Schlichter's promising National Football League career was cut short when he was suspended for gambling.

Chet Forte was at the pinnacle of the TV industry at ABC Sports until sports gambling destroyed his life.

Pete Rose was headed for baseball's Hall of Fame.

Compulsive gamblers have doubled in the last decade to 8 million—a million of them teen-agers.

Gambling is already reaching the saturation point. States should not be using sports to try to make a big score.

[From the New York Times, Apr. 22, 1991]

Shame of the States

(By William Safire)

Harper's Ferry, W.Va.—In Deadwood, S.D., where in 1876 Wild Bill Hickok was shot in the back during a poker game while holding a hand of aces and eights, gambling was re-introduced in 1989. Despite a betting limit of $5, the amount wagered by tourists and other suckers in the once-moribund town has already passed a third of a billion dollars.

That's only for openers. South Dakota's state lottery, reaching for the youth market, has also invested in video games, the modern equivalent of state-sponsored slot machines. West Virginia is experimenting with video machines at racetracks.

New York and Connecticut up the ante with telephone off-track betting, likely to spread to faxes and computer modems for hacker-touts. And liberal Iowa, on the pretense of reviving interest in the less savory elements of its history, has launched riverboat gambling on the Mississippi—retaining 20 percent of casino winnings, which longtime gamblers grumble is too much vigorish.

All this means that Americans at the state level are deciding that gambling is good—not just a tolerable evil, but a positive value. Gambling has become a goal of public policy.

Only a few years ago, proponents of state lotteries were claiming that state control would channel the profits of an unstoppable human frailty toward good ends. Why let numbers racketeers and Mafia casino operators bilk the public, their argument went—why not steer those ill-gotten gains into public schools.

The answer is spreading like a poison through state and local governments: immoral means have never led to moral ends. We are no longer skimming the profits from a criminal activity: we are putting the full force of government into the promotion of moral corruption.

What am I, some kind of stiff? Is a friendly game of gin rummy at a penny a point to be frowned upon, or a church social that raises its costs at a bingo game to be condemned, or a privately owned gambling yacht catering to rich drunks cause for conservative concern?

I'm a libertarian. If people want to titillate themselves with a game of chance, or delude themselves into thinking they can beat the odds, that's their private business. I just do not think it should be the public business.

Gambling promotion has become a key to state budget-balancing. Card-carrying right-wingers are not supposed to mind taxing the poor, but really soaking the poor—as this excessively regressive taxation does—sticks in my craw.

Why? Because it is wrong for the state to exploit the weakness of its citizens. It is the most unfair and painful form of "painless" taxation. The money isn't coming from a few big bookies and croupiers, but from the pockets of millions.

And gambling taxation feeds on itself. We cannot give up the state income from betting, say legislators who feel guilty about pretending that gambling is good, because the states have become dependent on the money, or because other states will use casinos to lure their tourism. They have become as hooked on gambling as a source of revenue as any compulsive gambler betting the milk money.

Here's what you can do to stop the explosion of government-sponsored gambling:

Tell your local television anchor you've had it with media hype and gambling. Features of giggling lottery winners or hoohahing over million-dollar jackpots is cheap-shot journalism, show us some people impoverished by gambling, or expose the cost of the state bureaucracy pushing it.

Apply truth-in-advertising to state sponsored slots, lotteries and video games. Display prominently the odds against winning; state the number of losers for every winner. Demand stations make free equal time available for anti-gambling messages.

Demand that gubernatorial gamesters stop using their "take" for advertising. The old numbers racket was never permitted mass-market advertising; the creation of fresh demand for gambling by a public agency is against the public interest.

Tell your kids that gamblers are life's losers. Private gambling, like prostitution, should not be illegal, but it should not be treated as a value. And to make the state hustling of gambling profits the basis for state education is like shooting Marshal Hickok in the back.

Mr. DECONCINI. Mr. President, I think it is important that we underline a couple of things. S. 474 is needed to stop the spread of State-sanctioned sports betting, clear and simple. Thirty-two States and the District of Columbia have lotteries, including my State of Arizona. Many are considering sports gambling. A number of States are considering casino-style betting, riverboat gambling, including betting on sports. This is what we believe, by this legislation, should be prohibited.

As the Senator from New Jersey points out, why raise the specter over the few dollars that might be brought into the State coffers through a sports lottery or sports gaming? Why raise the specter of the doubt of the public, of the players, and certainly of the fans, that a decision made on the field by a player or a coach or an official was not made in the best interest of winning the game? I think it is just too risky for something that has served our country so well, and I hope our colleagues will pass this bill.

Mr. President, S. 474 is needed to protect America's youth. We have heard a lot about that, where there are teenagers who are attracted to gambling because it looks like big-time stuff. We realize they are still going to bet with the bookies. But why have the attraction and advertisements on television that you can bet on some player or some game this particular week by buying a lottery ticket?

It is a national problem that needs a national solution. The harm sports gambling inflicts is felt beyond the borders of those States that sanction it. I think there is erosion here that goes way beyond the geographics of a State boundary, and I think that this is a way to address this problem without using a meat ax.

S. 474 is needed to clarify and strengthen existing Federal law. The Federal lottery statute specifically excludes lotteries that involve the placing or accepting of bets or wagers on sporting events or contests. Unfortunately, this has not been interpreted to stop sports gambling, and that is what prompted this legislation.

In 1963, the Congress made it a Federal crime to fix or attempt to fix sporting contests, clearly reflecting the Federal interest in this issue. This bill is needed to protect sports gambling from becoming an acceptable form of behavior, and State-authorized sports betting carries enormous symbolism. It uses taxpayers' money to promote gambling and in an area where I do not think we can afford to let ourselves get further down that slippery slope, as the Senator from Iowa pointed out.

Legalized sports betting will not reduce illegal betting. We know that. We are not contending that is going to happen. What it will maintain is the public perception that sports, both amateur and professional, are played for the game, for the contest, and not, perhaps, because of who made a call or who bet last Saturday night.

I yield.

The PRESIDING OFFICER. Who yields time? The Senator from Arizona controls the time.

Mr. DECONCINI. I yield the Senator from Connecticut 5 minutes.

The PRESIDING OFFICER. The Senator from Connecticut is recognized for 5 minutes.

Mr. LIEBERMAN. Mr. President, I rise to speak as in morning business. I thank the Senator from Arizona for yielding at this time.

The PRESIDING OFFICER. Is there objection to the Senator speaking as in morning business? Without objection, it is so ordered. The Senator from Connecticut is recognized.

THE RISK OF RADAR GUNS

Mr. LIEBERMAN. Mr. President, I rise to discuss an issue of importance to police officers, highway patrolmen, and all law enforcement officers who use hand-held traffic radar guns. Today, Connecticut will become the first State in the Nation to outlaw the use of hand-held radar guns that emit microwave radiation.

Connecticut adopted this law to protect police officers from the risk of cancer caused by the use of hand-held radar devices. Law enforcement officers in my State of Connecticut, as well as many other States, have been suffering from disturbingly similar varieties of cancer, such as testicular, cervical, brain, and eye cancers. The preliminary evidence suggests that radar guns may be the cause.

Although a number of Federal agencies are responsible for controlling radar guns and microwave radiation, no one seems to be taking charge. The General Accounting Office way back in 1978 recommended Federal regulation of microwave radiation, but nothing has happened. EPA has pulled out, OSHA is dormant, and FDA has done little more than measure emissions from radar guns. No one has moved to issue Federal standards.

Worse yet, Mr. President, research into the biological effects of low-level microwave radiation is all but nonexistent, even though many studies point to biological effects at levels that are many times lower than current industry guidelines.

I believe we may have turned our back on the health of our police, as well as the general public, in our efforts to promote the benefits of radar guns. Today, I am asking the Secretaries of Health and Human Services and Labor, as well as the Administrator of the Environmental Protection Agency, to identify those steps that have been, are being, and will be taken by their respective agencies to determine the threat of low-level police radar.

The Connecticut State Police have stopped using hand-held radar. Other police forces have moved larger, stationary units from inside patrol cars to the roof. All this is being accomplished at a minimal cost to local and State government.

I would also like to compliment Mr. Santo Franzo, of the International Brotherhood of Police Officers, who worked tirelessly for this bill in Connecticut. It is largely through his efforts and the work of the Connecticut State Police Union that hand-held radar has been banned in Connecticut and that so many police forces in Connecticut have already phased out its use. It certainly demonstrates that personal initiative can make a difference.

Mr. President, as proud as I am of Connecticut's decision to ban hand-held radar until more is known about the dangers it may pose to police officers, this should be just the beginning, not the end of the story.

More specific work is needed to determine whether these units in fact do cause cancer. One police officer in Ohio, Gary Poynter, has put together an informal registry of affected officers. Currently, over 100 active duty and retired officers, who have used radar guns, have come forward with uncommon forms of cancer. But this is not a formal scientific study.

We now need the expertise and resources of the Department of Health and Human Services, including the National Institutes of Health, the Food and Drug Administration, the Centers for Disease Control, and the Public Health Service, to conduct a scientific study of active and retired police officers. Only with a study of a large group of officers can we understand whether radar guns are causing an increased incidence of cancer.

Mr. President, as I have learned more over the past few months about what we know about the risks that microwave radiation emitted by radar guns may pose to law enforcement officers, I am struck by the lack of research, governmental oversight, and Federal standards.

Today, over 75,000 radar guns are in use across the United States. The radar in these guns is a small but continuous beam of microwave radiation—radiation much like that we use to cook food. But microwave ovens are heavily shielded to prevent exposure to users. Radar guns, by their nature, are not. The radar must come out the front end of the gun.

Police officers may be endangering their health when they put the guns in their laps or hold it up to their eye. Unsuspecting officers do this both when calibrating the gun and while waiting for cars to come by. Since police often use these guns for hours at a time, they can be exposed to microwaves repeatedly and for substantial lengths of time.

I congratulate the State of Connecticut for taking the lead in ensuring that the law enforcement officers who patrol our highways will not be subject to the suspected health risks of hand-held radar guns. Many of Connecticut's State and local police chiefs already doing their part by voluntarily halting use of hand-held radar units and modifying the use of stationary microwave radiation.

And also today, I want to indicate that I intend to hold a hearing of my Subcommittee on Consumer and Environmental Affairs of the GAC this summer to explore what can be done to assess the risks of radar guns and to review the activity of the Federal Government in conducting needed research and regulating microwave emissions from hand-held radar guns.

I thank the Chair and the Senator from Arizona and I yield the floor.

PROFESSIONAL AND AMATEUR SPORTS PROTECTION ACT

The Senate continued with the consideration of the bill.

The PRESIDING OFFICER. The Senator from Arizona controls the time. Who yields time?

Mr. DECONCINI. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. DECONCINI. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. THURMOND. Mr. President, today, the Senate is considering a substitute to S. 474, the Professional and Amateur Sports Protection Act, which I have cosponsored. This important legislation would prohibit the States from establishing sports lotteries and would also prohibit any other form of sports gambling authorized by State law based on professional or amateur games.

Without question, sports gambling undermines public confidence in the integrity of the sports involved and clearly places undue pressure on the players and coaches. This bill recognizes that the spread of sports lotteries and sports gambling should be stopped. It authorizes injunctive relief by the Department of Justice or any affected sports organization. The action can be brought against the operator of any State-sponsored sports lottery or other gambling scheme which is based on the outcome of a sports contest. However, in deference to those States which already have authorized gambling or lotteries, they are exempted from this legislation. In addition, parimutuel racing and jai-alai are exempt.

Mr. President, action on this legislation is imperative. Sports lotteries and gambling communicate the wrong message to our young people about the purpose and worth of athletic competition. Sports gambling threatens the integrity of, and public confidence in, team sports. Furthermore, sports gambling promotes gambling among young people, which I strongly oppose.

The opposition to this bill, which is limited, comes from those who believe that the bill will impede the ability of States to raise revenue. Yet, this bill does not prohibit all lotteries or gambling. It only prohibits gambling or lotteries on sports. Furthermore, this bill does not break new ground in trying to protect the integrity of sports contests. It is already illegal under Federal law to influence or attempt to influence by bribery a sporting contest. Clearly, Congress has already recognized that there is a distinct Federal interest in protecting sports—both amateur and professional—from corruption.

Mr. President, this bill is supported by all major professional and amateur sports organizations including the NFL, the NBA, and the NCAA. Sports gambling is a national problem which requires our attention. The continued integrity of organized sports is certainly of interest to America. Sports should not be used as a lone cure for State revenue problems nor should we gamble with our children's heroes. Congress must act to pass this important bill.

For these reasons, I urge my colleagues to support this measure.

Mr. BURNS. Mr. President, it is with reluctance that I vote for this legislation, S. 474, the Professional and Amateur Sport Protection Act, better known as the sports betting bill. I want to associate myself with the comments of others here today regarding their concern about the integrity of professional and amateur sports in this country. As a former amateur football referee, I am also very sensitive to the concern that widespread sports gambling may encourage attempts to fix sporting games. That would be a travesty.

I do have concerns with the preemption of States' rights in this bill and would have voted with Senator GRASSLEY had his amendment been put to a vote. I know that the proponents of this legislation will disagree with me, but this bill does preempt the States on the issue of sports gambling. In fact, had it not been for the cooperation of the good Senator from Arizona [Mr. DECONCINI], my State would have been prohibited from enacting some laws already passed by the Montana Legislature and signed by the Governor. It is Montana law, as of October 1, 1991, to allow sports tabs and fantasy sports leagues. Under the bill as reported from committee, Federal law would have illegalized those activities. However, Senator DECONCINI, being a fair-minded person, agreed to change the effective date to protect current law in Montana. I want to thank Senator DECONCINI for his willingness to work with myself and Senator BAUCUS to change the effective date. I believe that we have protected Montana to the maximum extent practicable; and although I still have some concerns about the bill, I will support it in its current form.

Mr. LAUTENBERG. Mr. President, I am going to vote against this legislation.

Mr. President, reasonable people can disagree on the wisdom of State-sanctioned sports gaming. And, in fact, many reasonable people do disagree. There are reasonable arguments on both sides.

But the real issue underlying this bill is more fundamental than that. The real issue is: Who should decide?

Mr. President, people in New Jersey have begun a vigorous debate on sports betting in our State. Many believe that sports betting would provide substantial benefits to the State's economy, would create many much—needed new jobs, and would reduce the enormous financial pressures facing the State government.

On the other hand, many others in the State are opposed to sports betting, and believe that it would threaten the integrity of sporting events, increase compulsive gambling, and lead to various other problems.

The debate over sports gaming has been taken up by the New Jersey State Legislature. The legislature is actively considering a proposal that would establish a referendum on the issue, and give the voters of New Jersey the right to decide.

Our State's Governor, Governor Florio, has said that he, and the rest of the people of the State, would like to get the benefit of the full discussion that would flow from placing the question of sports betting on the ballot.

Mr. President, the issue before us today is whether Congress should intercede in this ongoing debate, and impose its will. Or whether the decision should be left to the people of New Jersey.

In my view, this is a matter that should be left to the State and the people of New Jersey. They can listen to the arguments on both sides. And they can make up their own minds.

Mr. President, I am also concerned that this bill unfairly discriminates against certain States, and could put New Jersey at an unfair competitive disadvantage. The bill carves out special exceptions for five States: Nevada, Oregon, Delaware, North Dakota, and Montana. Under those exceptions, sports betting would be allowed in each of those States, permanently. Yet, on the other hand, the other 45 States will permanently be banned from even considering the issue.

Mr. President, the casino industry in Atlantic City, NJ, is in competition with its counterpart in Nevada. Yet Nevada gets a permanent special exemption under the bill, while Atlantic City casinos would forever be precluded from offering similar options to their customers. It would be one thing, Mr. President, if the people of New Jersey themselves decided not to get into sports betting. But for Congress to make that decision for New Jersey, while imposing no such requirement on Nevada and other States, is not fair.

In conclusion, Mr. President, my main point is this: let's leave it to the State and the people to decide. Let us trust them to do what is right. I have confidence that, in New Jersey, they will.

Mr. KERRY. Mr. President, as a cosponsor of S. 474, the Professional and Amateur Sports Protection Act, I rise in support of its immediate passage so that we might stop the spread of legalized and State-sponsored sports gambling.

We know that professional and amateur team sports are especially popular among young people, and it is this vulnerable segment of society that legalized and popularized sports gambling will hit hardest. I would like to share a letter I received in support of S. 474 from Thomas Dwane, of the Waltham Boys and Girls Clubs, a man who works with troubled youth in the Waltham area on a daily basis. Mr. Dwane observed that

> Kids today have enough pressures to face, such as booze, cocaine, and teen pregnancies. By legalizing sports betting, today's teenagers would have yet another social pressure to deal with—gambling.

For this reason, the New England Boys and Girls Clubs have joined a broad-based, bipartisan organization—called the Bay State Coalition Against Sports Betting—to support S. 474 and other attempts to halt the spread of legalized sports gambling. The Coalition includes a wide array of organizations and individuals, including sports-related groups, school groups, church organizations, and Boston's major league professional sports franchises.

Mr. President, I ask unanimous consent that the attached list of the members of the Bay State Coalition Against Sports Betting be inserted into the RECORD at this time, along with a copy of a resolution in support of S. 474 that received unanimous support from the Boston City Council.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

CITY OF BOSTON IN CITY COUNCIL

Whereas: many states, including Massachusetts and Rhode Island, have proposed legalized sports gambling as a way to enhance dwindling state revenues; and

Whereas: the negative impacts of state sponsored sports gambling would far outweigh its fiscal advantages—here in Massachusetts and throughout the United States; and

Whereas: of particular concern is the potential negative affect such a practice would have on young people, many of whom are fascinated by sports and professional athletes; and

Whereas: State sponsored sports gambling would serve to cheapen amateur and professional sports by shifting their focus to betting; and

Whereas: legalized sports gambling would reduce the value of athletes as role models for our children and would send young people the message that gambling for a fast buck is a normal, legal, and acceptable part of athletic competition; and

Whereas: a federal statute designed to prohibit state sponsored sports betting would be an important tool in the effect to preserve the integrity of professional and amateur sports in this country; therefore be it

Resolved, That the Boston City Council supports "The Professional and Amateur Sports Protection Act" and urges the members of the Massachusetts Congressional delegation to vote to enact this important piece of legislation.

Adopted in City Council August 14, 1991.

BAY STATE COALITION AGAINST SPORTS BETTING

ORGANIZATION

American Alliance for Health, Physical Education and Recreational Dance
American Baptist Churches of Massachusetts
American Legion Baseball
Boston Bruins
Boston Celtics
Boston Red Sox
Boston Univ. Center for Advancement of Ethics and Character
Cape Cod League Baseball
Center for the Study of Sports in Society
Greater Springfield Council of Churches
MA Fellowship of Christian Athletes
Massachusetts Interscholastic Athletic Association
New England Boys & Girls Club
New England Patriots
School of Education Boston University

INDIVIDUALS

Matt Barron
Dr. Ed Bilik
William J. Cleary, Director
Armand Colombo
Roy Condon
Dr. Bill Connsidine
David Cowens
Dr. Robert Curtin
Dr. Kathy Davis
Jim Dusenberry
Tom Dwayne
Martin C. Finnegan
Steve Glover
Attorney General Scott Harshburger
Ms. Rosemary Hurley
Tom Keady, Jr.
Mike Kociela
Dr. Richard Lapchick
John Lee
Ralph Lord
Dr. Mary Lydon
Boston City Councilor Michael McCormack
Robert Monahan
Dr. Mimi Murray
Mike O'Connor
Detective Sergeant John O'Neil
State Rep. Marc Pachaco (D-Taunton)
Tom Paulini
Ted Porada
Tom Reilly
Dan Ryan
Dick Samaria
Ed Schuntz
Dr. Howard Shaffer
Gary Strickler
Ernie Thebado
Dr. Mary Lou Thornburg
State Rep. Michael Walsh (D-Agawam)
Mike Whelton
Rev. Wesley Williams
Dr. Len Zaichowski
Richard Zides

Mr. KERRY. Another coalition member, Dr. Howard J. Shaffer of Harvard University's Center for Addiction Studies, suggests another reason to stop the expansion of legalized sports betting. Dr. Shaffer warns that legalized sports betting will "increase the prevalence of problem gambling" among adults and that "many young people will be introduced to this activity specifically because it is lawful." Dr. Shaffer also observed that "the gambling-produced problems that result may eventually cost millions of treatment dollars."

Mr. President, the growth of legalized sports betting imposes economic and human costs beyond the scope of any particular State's boundaries. I urge immediate passage of S. 474 to deal with this national problem on a nationwide basis. Thank you.

Mr. RUDMAN. Mr. President, I speak today as a supporter and cosponsor of S. 474, the Professional and Amateur Sports Protection Act. This bill would stop the spread of legalized and State-sponsored sports gambling.

Since my days as the attorney general of the State of New Hampshire, I have opposed legalized gambling in general, and have particularly objected to the legalization of State-sponsored gambling on sporting events. There are many excellent reasons to vote in favor of a ban on sports gambling sponsored at the State level. Legalized sports betting distorts the positive lessons taught our youth by team sports and introduces a new and particularly seductive social pressure for our young people to confront. Sports gambling may well undermine the public confidence in the integrity of the sports involved. Moreover, the addition of yet another form of gambling increases the risk that additional forms of illegal gambling will proliferate.

Congress has recognized that sports gambling poses unique concerns. In the 1970's, title 18 was amended to permit States to sponsor lotteries. In that amendment, however, Congress expressly stated that sports gambling would remain prohibited. No other area was singled out for this treatment, thereby reflecting Congress's recognition of the dangers of sports gambling.

Mr. President, professional and amateur sports are America's favorite pastimes, and we must act at the Federal level to prevent legalized sports gambling from undermining, in a permanent way, the remarkable role that team sports have played in the development of America's young people. I urge immediate passage of S. 474 to stop the further expansion of legalized sports gambling.

Mr. DECONCINI. Mr. President, I want to thank my staff, Janis Long, for the excellent work she has provided on this, as well as the Judiciary Committee; Mark Disler of the staff of the Senator from Utah who has worked so diligently in putting this together, and all of Senator Hatch's people who have helped.

The PRESIDING OFFICER. Has all time has been yielded back?

Mr. DECONCINI. Mr. President, I yield back the remainder of time.

The PRESIDING OFFICER. All time having expired, the question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed for a third reading and was read the third time.

The PRESIDING OFFICER. The bill having been read the third time, the question is, Shall it pass, as amended? The yeas and nays have been ordered. The clerk will call the roll.

The legislative clerk called the roll.

Mr. KOHL (when his name was called). Present.

Mr. FORD. I announce that the Senator from Los Angeles [Mr. JOHNSTON] is necessarily absent.

Mr. SIMPSON. I announce that the Senator from Missouri [Mr. BOND], the Senator from Missouri [Mr. DANFORTH], the Senator from California [Mr. SEYMOUR], the Senator from Wyoming [Mr. SIMPSON], are necessarily absent.

I also announce that the Senator from North Carolina [Mr. HELMS], is absent due to illness.

I further announce that, if present and voting, the Senator from Missouri [Mr. BOND], the Senator from North Carolina [Mr. HELMS] the Senator from California [Mr. SEYMOUR], and the Senator from Wyoming [Mr. SIMPSON] would each vote "yea."

The PRESIDING OFFICER (Mr. REID). Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 88, nays 5, as follows:

[Rollcall Vote No. 111 Leg.]

YEAS—88

Adams
Akaka
Baucus
Bentsen
Biden
Bingaman
Boren
Bradley
Breaux
Brown
Bryan
Bumpers
Burdick
Burns
Byrd
Chafee
Coats
Cochran
Cohen
Conrad
Craig
Cranston
D'Amato
Daschle
DeConcini
Dixon
Dodd
Dole
Domenici
Durenberger
Exon
Ford
Fowler
Garn
Glenn
Gore
Gorton
Graham
Gramm
Harkin
Hatch
Hatfield
Heflin
Inouye
Jeffords
Kassebaum
Kasten
Kennedy
Kerrey
Kerry
Leahy
Levin
Lieberman
Lott
Lugar
Mack
McCain
McConnell
Metzenbaum
Mikulski
Mitchell
Moynihan
Murkowski
Nickles
Nunn
Pell
Pressler
Pryor
Reid
Riegle
Robb
Rockefeller
Roth
Rudman
Sanford
Sarbanes
Sasser
Shelby
Simon
Smith
Specter
Stevens
Symms
Thurmond
Warner
Wellstone
Wirth
Wofford

NAYS—5

Grassley
Hollings
Lautenberg
Packwood
Wallop

ANSWERED "PRESENT"—1

Kohl

NOT VOTING—6

Bond
Danforth
Helms
Johnston
Seymour
Simpson

So the bill (S. 474), as amended, was passed, as follows:

S. 474

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Professional and Amateur Sports Protection Act".

SEC. 2. PROFESSIONAL AND AMATEUR SPORTS PROTECTION.

(a) IN GENERAL.—Part VI of title 28 of the United States Code is amended by adding at the end the following:

"CHAPTER 178—PROFESSIONAL AND AMATEUR SPORTS PROTECTION

"Sec.
"3701. Definitions.
"3702. Unlawful sports gambling.
"3703. Injunctions.
"3704. Applicability.

"§ 3701. Definitions

"For purposes of this chapter—

"(1) the term 'amateur sports organization' means—

"(A) a person or governmental entity that sponsors, organizes, schedules, or conducts a competitive game in which one or more amateur athletes participate, or

"(B) a league or association of persons or governmental entities described in subparagraph (A),

"(2) the term 'governmental entity' means a State, a political subdivision of a State, or an entity or organization, including an entity or organization described in section 4(5) of the Indian Gaming Regulatory Act (25 U.S.C. 2703(5)), that has governmental authority within the territorial boundaries of the United States, including lands described in section 4(4) of such Act (25 U.S.C. 2703(4)),

"(3) the term 'professional sports organization' means—

"(A) a person or governmental entity that sponsors, organizes, schedules, or conducts a competitive game in which one or more professional athletes participate, or

"(B) a league or association of persons or governmental entities described in subparagraph (A),

"(4) the term 'person' has the meaning given such term in section 1 of title 1, and

"(5) the term 'State' means any of the several States, the District of Columbia, the Commonwealth of Puerto Rico, the Commonwealth of the Northern Mariana Islands, Palau, or any territory or possession of the United States.

"§ 3702. Unlawful sports gambling

"It shall be unlawful for—

"(1) a governmental entity to sponsor, operate, advertise, promote, license, or authorize by law or compact, or

"(2) a person to sponsor, operate, advertise, or promote, pursuant to the law or compact of a governmental entity,

a lottery, sweepstakes, or any other betting, gambling, or wagering scheme based, directly or indirectly (through the use of geographical references or otherwise), on one or more competitive games in which amateur or professional athletes participate, or are intended to participate, or on one or more performances of such athletes in such games.

"§ 3703. Injunctions

"A civil action to enjoin a violation of section 3702 may be commenced in an appropriate district court of the United States by the Attorney General of the United States, or by a professional sports organization or amateur sports organization whose competitive game is alleged to be the basis of such violation.

"§ 3704. Applicability

"(a) Section 3702 shall not apply to—

"(1) a lottery, sweepstakes, or any other betting, gambling, or wagering scheme in operation in a State or other governmental entity, to the extent that the scheme was conducted by that State or other governmental entity at any time during the period beginning January 1, 1976, and ending August 31, 1990;

"(2) a lottery, sweepstakes, or any other betting, gambling, or wagering scheme in operation in a State or other governmental entity where both—

"(A) such scheme was authorized by a statute as in effect on October 2, 1991; and

"(B) a scheme described in section 3702 (other than one based on parimutuel animal racing or jai-alai games) actually was conducted in that State or other governmental entity at any time during the period beginning September 1, 1989, and ending October 2, 1991, pursuant to the law of that State or other governmental entity; or

"(3) parimutuel animal racing or jai-alai games.

"(b) Except as provided in subsection (a), section 3702 shall apply on lands described in section 4(4) of the Indian Gaming Regulatory Act (25 U.S.C. 2703(4)).".

(b) CLERICAL AMENDMENTS.—The table of chapters for part VI of title 28, United States Code, is amended—

(1) by amending the item relating to chapter 176 to read as follows:

"176. Federal Debt Collection Procedure .... 3001",

and

(2) by adding at the end the following:

"178. Professional and Amateur Sports Protection .... 3701".

Mr. DECONCINI. Mr. President, I move to reconsider the vote.

Mr. DOLE. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. KOHL. Mr. President, I note for the record that although supportive of this legislation, I have recused myself from participation in the debate on the sports gambling bill, and pursuant to Senate Rule 12 paragraph 3, voted "present" because of a possible conflict of interest resulting from my ownership of a National Basketball Association professional basketball team franchise.

Thank you, Mr. President.

Mr. HOLLINGS. Mr. President, I voted against S. 474 because it is a substantial intrusion into States rights. This bill infringes on the fundamental rights of States to raise revenue to fund State programs. Mr. President, I am opposed to gambling, but I do not believe that we should allow Federal preemption into an area that has long been left up to the individual States.

The issues of lotteries and betting have traditionally been issues left to the States to resolve. States use the revenue generated by these lotteries for important State programs such as education and economic development. At a time when States are facing severe budgetary restraints, Congress has no business telling the State's how they can or cannot raise revenue. Mr. President, in South Carolina gambling is prohibited and, Mr. President, I oppose gambling of any sort. I agree that gambling on sports takes away from the enjoyment of it and puts undue pressure on coaches and athletes. However, Mr. President, I have long supported State law and State's rights over Federal preemption. I believe it should be left up to each State to decide whether or not they want to allow gambling. And, as you know, Mr. President, the Federal Government has no business advising anybody on fiscal matters.

PUBLIC TELECOMMUNICATIONS ACT OF 1991

The PRESIDING OFFICER. Under the previous order, the Senate will now resume consideration of S. 1504, which the clerk will report.

The legislative clerk read as follows:

A bill (S. 1504) to authorize appropriations for public broadcasting, and for other purposes.

The Senate resumed consideration of the bill.

Mr. DOLE addressed the Chair.

The PRESIDING OFFICER. The Republican leader is recognized.

Mr. DOLE. Mr. President, I ask unanimous consent that I may proceed as in morning business for 5 minutes before taking up this bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

IMPOSITION OF SANCTIONS ON SERBIA

Mr. DOLE. Mr. President, last weekend, the U.N. Security Council voted to impose comprehensive sanctions on Serbia.

Mr. President, these sanctions are long overdue. The Senate unanimously passed sanctions legislation 3 weeks ago. And, there are many of us who supported sanctions legislation, introduced by the distinguished Senator from New York, Senator D'AMATO, more than 8 months ago.

For months now, people have been dying as a result of Serbian President Milosevic's brutal and bloody land-grab in Croatia and Bosnia-Hercegovina. But, last week, the whole world witnessed the slaughter of innocent people in a breadline in Sarajevo. These scenes—more than any statistics—truly captured the murderous intentions of the butcher of Belgrade and his henchmen. It was this tragic event that made the world determined to put an end to Milosevic's reign of terror.

While the U.N. Security Council was voting on the sanctions resolution, in Belgrade, thousands of Serbs, including many young people, protested against the Milosevic government and the war waged by it against Bosnia-Hercegovina and Croatia. Days earlier the hierarchy of the Serbian Orthodox Church distanced itself from the policies of the Milosevic government and this weekend, the Serbian democratic opposition boycotted Milosevic's sham elections.

But, Mr. President, in my view, these sanctions are just the first step—and a step that is, at this point, largely symbolic of the world's resolve to stop Milosevic now—before more people are killed and before he moves his forces into Kosova to annihilate the 2 million Albanians who are trapped there.

I am not optimistic that Serbia's hardline president will respond to international economic pressure—which will not be felt overnight—or even the potential suffering of his own people. And, I doubt that Milosevic yet comprehends that he stands against the entire world.

The latest ceasefire negotiated by the United Nations in Bosnia lasted less than 2 hours. Then heavy shelling of the capital and aerial bombing—with Mig aircraft from Serbia—began, once again.

The problem before us is that it will take time for external and internal pressure on Milosevic to build, but the people of Bosnia do not have time.

Millions of people are still starving throughout Bosnia-Hercegovina. Food sent by the United States and other countries never reached the needy. The Red Cross pulled its personnel out last week following an attack on a Red Cross team by Serb forces in which one person was killed.

While U.N. Resolution 757 demands that conditions be created to facilitate the delivery of humanitarian aid, including the establishment of a security zone, no deadline has been set for the achievement of the necessary conditions.

Who will create these conditions? As I mentioned before, yesterday's ceasefire lasted less than 2 hours. More than 15 cease-fires were agreed to in Croatia before one took hold. And despite that cease-fire, at this moment Dubrovnik is being shelled as are other parts of Croatia. It is estimated that 1,000 shells have fallen on Dubrovnik in 24 hours further damaging world-renowned historic monuments. It doesn't take a genius to figure out that Milosevic has not been intimidated by the U.N. sanctions. He seems as determined as ever to continue his genocidal war against Bosnia and its people. So the world better not wait for his cooperation as a precondition to helping the people of Bosnia-Hercegovina who are in desperate need of humanitarian assistance.

Therefore, the following steps need to be taken immediately:

First, the airport in Sarajevo needs to be reopened as the core of a security zone; second, food and medicine must be delivered to this security zone; third, these supplies must be delivered to other regions of Bosnia under military escort—since convoys of food and medicine led by humanitarian organizations have been routinely attacked by Serb forces; and fourth, to facilitate the delivery of humanitarian aid, and in view of continued aerial bombing by Serb forces, the United Nations and/or NATO must address, as a top priority, the matter of closing the airspace over Bosnia-Hercegovina.

Furthermore, if attacks on Dubrovnik do not cease in the very near future, the implementation of a naval blockade must also be addressed.

Mr. President, the catastrophic war in Bosnia-Hercegovina has already claimed the lives of thousands, destroyed its economy, and much of its history and culture, in effect dwarfing the war in Croatia—which itself was unprecedented in scale in Europe since the Second World War. For nearly a year the world looked the other way while Milosevic and his forces plundered, killed, and occupied in the name of a "Greater Serbia." So now, that the international community has finally committed itself to stopping Milosevic, it must follow through on that commitment.

Mr. President, I thank my colleague from Hawaii and my colleague from Alaska.

I yield the floor.

PUBLIC TELECOMMUNICATIONS ACT OF 1991

The Senate continued with the consideration of the bill.

The PRESIDING OFFICER. The Senate will now proceed to the consideration of S. 1504 pursuant to the previous order.

Who yields time?

Mr. INOUYE. Mr. President, I yield myself whatever time is necessary.

The PRESIDING OFFICER. The Senator from Hawaii is recognized.

Mr. INOUYE. Mr. President, we are here today to consider S. 1504, the Public Telecommunications Act of 1991. This legislation authorizes funding for the Corporation for Public Broadcasting [CPB] for fiscal years 1994 through 1996 and the Public Telecommunications Facilities Program [PTFP] for fiscal years 1992 through 1994. The Committee on Commerce, Science, and Transportation reported this bill out of committee without objection on October 3, 1991, and similar legislation was passed by the House on November 25, 1991, H.R. 2977.

Mr. President, this legislation was first brought to the Senate floor on March 3.

However, at that time several Senators raised a variety of concerns about public broadcasting. And so Senator STEVENS and I have worked with Senator DOLE and others to address these concerns.

This has been a long and difficult process that really began last November when the bill was originally scheduled for floor action.

My friend from Alaska, Senator STEVENS, and I will offer several amendments that address most of the concerns raised during these long discussions.

I believe that these amendments are not objectionable and are supported by Senator DOLE and others who first raised these concerns. However, other amendments will be offered and I cannot support them, and at the appropriate time I will discuss those matters.

I believe that much of what these amendments reflect stem from a misunderstanding of how the Public Broadcasting System operates. The supporters of these amendments do not offer an accurate picture of the vast array of programming and services offered by public radio and television stations around the country.

I think we must be careful not to choose 1, 2, 3 or 10 hours of programming that we find objectionable and try to portray the entire program offering of public radio and television as somehow contemptible.

I think it is important to remember that one of the mandates of public broadcasting, reinforced by the 1988 act, is to serve the diversity of the American population.

That means programming for and about segments of society that are represented by small groups or a minority of the audience. In addition, public broadcasting is supposed to educate, inform, and entertain.

Informing the electorate about the workings of our Government, governments of other countries, changing societal mores and lifestyles often challenge contemporary views and options. What we must remember is that public broadcasting programs are on the cutting edge and are sometimes provocative. But that is what we intended them to be.

Informing and challenging people to think about what is right and what is wrong in our society is part of the mission of public broadcasting. When they succeed there will always be some who disagree with what they see and hear. There is nothing wrong with that. In fact, it makes for a better informed electorate.

Over the past 24 years, the Federal investment in public broadcasting has enabled the public broadcasting community to build a nationwide service. Reaching 86 percent of the American people with a public radio signal and 98 percent with a public television signal. Today public television is viewed each week by approximately 87 million people, 149 million people each month and 12.5 million children under 12 each week. Public radio reaches approximately 13.8 million listeners each week.

Public broadcasting has always been guided by the principle of localism: Every broadcaster's first obligation is to the community to which it is licensed, not to Congress or the CPB.

Those stations have demonstrated a commitment to serving the communities to which they are licensed both through local and national programming. The goal of this act is to encourage and foster the full development of local public broadcasting in America. Moreover, the stations, not the CPB, not PBS, not NPR, have the sole authority and responsibility to determine what programming will be broadcast.

I believe that every Member of the House and Senate can point to important contributions that his or her local public television and radio stations have made to his or her communities.

The work of the CPB and our public broadcasting stations is not finished. This legislation comes at a critical time for public broadcasting. Stations are finding it increasingly difficult to fund existing operations and programming, not to mention research and development. The total public broadcasting support, including Federal and non-Federal sources, represents only 4.5 percent of the total revenues available to commercial broadcast stations.

Clearly, this is money well spent by the Federal Government. The way some of the opponents of public broadcasting have been talking one would think that all of public broadcasting's funding comes from the Federal Government. And that is not so.

For every dollar that the Federal Government contributes to public broadcasting, the stations and program producers raise $5 from non-Federal sources. In fact, the percentage of Federal Government support for public broadcasting has declined.

In 1980, the CPB provided 27.3 percent of station's funding; CPB now provides only 16.9 percent.

The funding authorized in this bill will ensure that the CPB can assist stations in the maintenance and expansion of current high quality programming, enhance program production, and further technological developments in the industry.

Public broadcasters will also be provided the resources necessary to continue expanding their educational services to viewers at home and to our schools and universities and expanding public radio service to 14 percent of the population currently unserved.

Accordingly, this legislation authorizes funding for the CPB in the amount of $310 million for fiscal year 1994, $375 million for fiscal year 1995, and $425 million for fiscal year 1996.

These funding levels are reduced from the levels originally proposed in S. 1504 as introduced.

Funding for the Public Telecommunications Facilities Program [PTFP] is also authorized in this legislation.

This bill authorizes $42 million per year for fiscal year 1992, 1993, and 1994. This level of funding is necessary to overcome the effects of inflation and to permit an increase in the number of stations assisted.

PTFP provides matching grants to help public radio and television licensees purchase equipment to put new stations on the air, and upgrade or replace wornout or obsolete equipment in existing stations.

It has been a key factor in building a public broadcasting system that now reaches 95 percent of the American people with a public television signal, and 86 percent of the population with a public radio signal.

It has been argued by the administration that there is no longer a need for the PTFP. Contrary to the administration's claim, the PTFP program's mission has not been completed.

PTFP is an important player in bringing service to the 14 percent of the population still unserved by public radio. In addition, the program promotes the congressional goals of extending service to unserved and underserved audiences, and the opportunities for women and minorities to operate public broadcast stations. When we talk about improving the capability of existing stations, we are talking about upgrading facilities and replacing wornout and obsolete equipment.

As our country becomes more diverse and the public radio and television systems get older, the importance of these last goals—reaching minority audiences and strengthening public telecommunications services by replacing expensive, obsolete equipment at noncommercial stations—has increased.

This is an effective program which deserves continued support.

In closing, I want to thank the chairman of the Commerce Committee, Senator HOLLINGS, for his support and efforts on this measure and all of the members of the committee, particularly Senators STEVENS and MCCAIN for their work on this bill.

I, also want to thank the CPB, the public broadcast stations, including the Hawaii public television and radio stations, and all of the other interested parties that worked with the committee to reach a consensus on this bill.

I urge my colleagues to support this legislation.

Mr. STEVENS. Mr. President, I am pleased to be able to present this bill to the Senate today along with my distinguished colleague from Hawaii, the chairman of the Communications Subcommittee. The Corporation for Public Broadcasting has received tremendous scrutiny of late, particularly during the past year. There is going to be a series of amendments offered to the bill, which are necessary to address the concerns that have been raised by Members of this body. The efforts of our Republican leader, Senator DOLE, along with Senator INOUYE and the Senator from Missouri [Mr. DANFORTH] and the Senator from California [Mr. SEYMOUR] have been particularly helpful as we worked on this bill.

Mr. President, public broadcasting is very important to my State. Public broadcasting has supported the development of statewide networks for both radio and television. We are a State that is one-fifth the size of the United States. In many parts of Alaska, public radio is the only source of local, State, and national news, job information and emergency services. Without public broadcasting, many of my people would be without any news at all because they do not have daily newspapers and they do not have over-the-air commercial stations.

In addition, the public radio station functions as what we call the Mukluk telegraph. That is where people call in and relay messages over the air to friends or loved ones in isolated communities, in cabins in the wilderness and at fish camps.

On any given day almost all public radio stations in Alaska will broadcast messages about the important things of rural life in Alaska: births, deaths, when groceries are coming in on a particular landing strip where there is no one there other than the person to whom the packages are addressed, or the fact that Joe is waiting out the storm in Shaktoolik and cannot get back to his family, but he will be venturing back up the river once the storm is over.

If anyone has ever had occasion to listen to these messages they would understand the importance of this kind of communication in an area, as I said, that is one-fifth the size of the whole country.

I have had my differences with CPB, particularly over the issue of how funds are allocated in these rural areas, and I share the concerns of many Members of the Senate concerning the need for accountability, objectivity and balance in this publicly supported system. This bill addresses many of those concerns about funding for rural radio and TV, and the amendments that will be offered, that have been worked out with the distinguished Senator from Hawaii and myself, I think send a strong message to the CPB Board that they must implement the existing authority that has been given to them by current law.

This bill, with the amendments that will be offered, will ensure that the Corporation for Public Broadcasting will continue to serve this Nation by increasing the reach of public radio and TV, by going to the underserved and the unserved areas of the country as well as providing a yardstick in the areas where there is already competition in the private sector, by providing innovative programming, and by ensuring the balanced presentation of competing views.

Where we are using taxpayers' money, fairness is implied. We must be assured that there is objectivity and balance in the expression of public views through this system. I have long been a supporter of public broadcasting. I think, as I have stated, the Senate should realize it is extremely vital to my State of Alaska. Lives often depend upon the information that only these stations can provide to the people living in the rural areas of Alaska.

Through the thoughtful and cooperative efforts of many Members here in the Senate, the Senate, I think, has before it today legislation that will allow CPB to continue its important work in rural America with safeguards to ensure that the mandates in existing law are met.

I want to compliment my good friend from Hawaii. He has been very patient in working on this bill with a great many people. This bill, I think the Senate will see, is almost worked out. We have almost reached the point where even those who are detractors of CPB realize it is absolutely essential to move forward with this authorization.

I look forward to this debate and I hope the Senate will join the Senator from Hawaii and me in supporting the passage of S. 1504 as a piece of legislation that is vitally necessary to the continued health of public broadcasting in the United States.

Thank you, Mr. President.

The PRESIDING OFFICER. The Senator from Hawaii.

Mr. INOUYE. Mr. President, I thank my colleague for his very generous remarks.

If I may, Mr. President, I would like to send to the desk for the RECORD a letter from Daniel Burke, president and chief executive officer of Capital Cities/ABC, Inc., and Mr. Thomas Murphy, chairman of the board of Capital Cities/ABC, supporting S. 1504.

I ask unanimous consent it be printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

CAPITAL CITIES/ABC, INC.,
New York, NY, May 8, 1992.

HON. DANIEL K. INOUYE,
Chairman, Senate Communications Subcommittee, U.S. Senate, Washington, DC.

DEAR CHAIRMAN INOUYE: As the Senate nears floor consideration of S. 1504, the Public Telecommunications Act of 1991, we would like to express our support for a fully-funded, strong, and independent public broadcasting system.

In particular, we support providing the Corporation with the full funding provided for in S. 1504 as reported by the Senate Commerce Committee. We urge you and your colleagues in the Senate to resist any weakening amendments that would reduce authorized expenditures below this needed level.

We have spent our professional lives in commercial broadcasting and are familiar with its great strengths, as well as its limitations. Our Company, Capital Cities/ABC, Inc., owns and operates the ABC Television Network, eight commercial television stations, 21 commercial radio stations, and several radio networks.

We strive to provide the highest quality news, entertainment, and sports programming on all of our commercial outlets. But we are limited by our need to reach audiences large enough to attract advertisers who will support the cost of our programming. There are many fine programs that for economic reasons, we must forego.

Together with others, our Company also owns three cable programming services: ESPN, Arts & Entertainment, and Lifetime. Some cable services such as these provide programming that to some degree overlaps with what public broadcasting provides. But not all the programming provided by public broadcasting is, or could be, duplicated on cable. Moreover, 40 percent of the nation's households do not subscribe to cable television, with the result that public television reaches a larger audience than any cable programming service can reach.

We continue to need a strong broadcast system free from day-to-day commercial constraints to ensure that high-quality programming that may not be commercially viable is delivered to all Americans regardless of their ability to pay. An arbitrary cap on federal payments to the system would endanger the ability of public broadcasters to fulfill this mandate.

We know from direct experience that public broadcasting has a special educational role that could not easily be replaced. For the past six-and-a-half years Capital Cities/ABC and the Public Broadcasting Service have worked together on Project Literacy U.S. (PLUS). PLUS is an ongoing public service effort that seeks to raise awareness and stimulate community action on adult illiteracy in America. We regularly broadcast public service announcements, and both ABC and PBS have broadcast news documentaries on literacy themes. The broadcasts are augmented by outreach projects on the local level, in which special kits on PLUS themes are provided to both ABC affiliates and PBS member stations.

Last year the ABC Television Network and the Public Broadcasting Service collaborated on "In the Shadow of Love: A Teen AIDS Story." This drama on the spread of AIDS among young people was broadcast first on PBS and then as an ABC Afterschool Special on our network.

Peter Jennings, the anchor of World News Tonight, has worked extensively with public broadcasters. In 1987, to celebrate the 200th anniversary of the signing of the U.S. Constitution, Mr. Jennings was the senior writer and host of "We the People." These four programs on the role of the U.S. Constitution in contemporary America, were broadcast in prime time on public broadcasting stations. Mr. Jennings also did a ten-part series on the same subject for use as program inserts on National Public Radio.

Most recently, Mr. Jennings undertook "The AIDS Quarterly" programs, seven public television broadcasts to educate the public on the implications of AIDS. He then did an eighth broadcast, "The Health Quarterly."

We appreciate the opportunity to express our views on this important matter.

Sincerely,

DANIEL B. BURKE,
President & CEO.

Thomas S. Murphy,
Chairman of the Board.

AMENDMENT NO. 1858

(Purpose: To make an amendment in the nature of a substitute)

Mr. INOUYE. Mr. President, I will now send to the desk and ask immediate consideration of an amendment. While the amendment is being sent, I would like to advise the Senate that this amendment I have sent to the desk contains provisions which clarify that underserved audiences include deaf and hearing impaired and blind and visually impaired individuals; that require that recipients of CPB funding must comply with the FCC's Equal Employment Opportunity requirements and submit to the CPB a report detailing employment statistics for positions available and filled the previous year.

This amendment specifies that the CPB will fund the independent production service through fiscal year 1995 and provide funding for training programs for employees of public broadcast stations and for expanding the Community Outreach programs; and clarify that the requirements of the Children's Television Act apply to both commercial and noncommercial television licensees.

These provisions are identically to provisions included in the House bill, H.R. 2977, and have been cleared on both sides of the aisle.

I ask that this amendment be treated as original text.

Mr. President, I now send the amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Hawaii [Mr. INOUYE], for himself and Mr. STEVENS, proposes an amendment numbered 1858.

Mr. INOUYE. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

In lieu of the matter proposed to be inserted by the committee amendment, insert the following:

SHORT TITLE

Section 1. This Act may be cited as the "Public Telecommunications Act of 1992".

PUBLIC TELECOMMUNICATIONS FACILITIES AUTHORIZATION

Sec. 2. Section 391 of the Communications Act of 1934 (47 U.S.C. 391) is amended by striking the first sentence and inserting in lieu thereof the following: "There are authorized to be appropriated $42,000,000 for each of the fiscal years 1992, 1993, and 1994, to be used by the Secretary of Commerce to assist in the planning and construction of public telecommunications facilities as provided in this subpart.".

SERVICES FOR UNDERSERVED AUDIENCES

Sec. 3. Section 393(b)(4) of the Communications Act of 1934 (47 U.S.C. 393(b)(4)) is amended by inserting immediately before the period at the end the following: ", including services to underserved audiences such as deaf and hearing impaired individuals and blind and visually impaired individuals".

CONGRESSIONAL DECLARATIONS OF POLICY

Sec. 4. Section 396(a) of the Communications Act of 1934 (47 U.S.C. 396(a)) is amended—

(1) by striking "and" at the end of paragraph (7);

(2) by redesignating paragraph (8) as paragraph (10); and

(3) by inserting immediately after paragraph (7) the following new paragraphs:

"(8) public television and radio stations and public telecommunications services constitute valuable local community resources for utilizing electronic media to address national concerns and solve local problems through community programs and outreach programs;

"(9) it is in the public interest for the Federal Government to ensure that all citizens of the United States have access to public telecommunications services through all appropriate available telecommunications distribution technologies; and".

BOARD OF DIRECTORS

Sec. 5. (a) Reduction in Number of Members.—(1) Section 396(c)(1) of the Communications Act of 1934 (47 U.S.C. 396(c)(1)) is amended—

(A) by striking "10" and inserting in lieu thereof "9"; and

(B) by striking "6" and inserting in lieu thereof "5".

(2) Section 396(c)(2) of the Communications Act of 1934 (47 U.S.C. 396(c)(2)) is amended by striking "10" and inserting in lieu thereof "9".

(b) Term of Office.—Section 396(c)(5) of the Communications Act of 1934 (47 U.S.C. 396(c)(5)) is amended to read as follows:

"(5) The term of office of each member of the Board appointed by the President shall be 6 years, except as provided in section 5(c) of the Public Telecommunications Act of 1992. Any member whose term has expired may serve until such member's successor has taken office. Any member appointed to fill a vacancy occurring prior to the expiration of the term for which such member's predecessor was appointed shall be appointed for the remainder of such term. No member of the Board shall be eligible to serve in excess of 2 consecutive full terms.".

(c) Transition Rules.—(1) With respect to the three offices whose terms are prescribed by law to expire on March 26, 1992, the term for each such office immediately after that date shall expire on March 26, 1998.

(2) With respect to the two offices whose terms are prescribed by law to expire on March 1, 1994, the term for each of such offices immediately after that date shall expire on March 26, 2000.

(3) With respect to the five offices whose terms are prescribed by law to expire on March 26, 1996—

(A) one such office, as selected by the President, shall be abolished on March 26, 1996;

(B) the term immediately after March 26, 1996, for another such office, as designated by the President, shall expire on March 26, 2000; and

(C) the term for each of the remaining three such offices immediately after March 26, 1996, shall expire on March 26, 2002.

(4) As used in this subsection, the term "office" means an office as a member of the Board of Directors of the Corporation for Public Broadcasting.

COMPENSATION OF OFFICERS

Sec. 6. Section 396(e)(1) of the Communications Act of 1934 (47 U.S.C. 396(e)(1)) is amended by striking the fourth sentence and inserting in lieu the following: "No officer of the Corporation, other than the Chairman or a Vice Chairman, may receive any salary or other compensation (except for compensation for services on boards of directors of other organizations that do not receive funds from the Corporation, on committees of such boards, and in similar activities for such organizations) from any sources other than the Corporation for services rendered during the period of his or her employment by the Corporation. Service by any officer on boards of directors of other organizations, on committees of such boards, and in similar activities for such organizations shall be subject to annual advance approval by the Board and subject to the provisions of the Corporation's Statement of Ethical Conduct.".

CONTENTS OF ANNUAL REPORT

Sec. 7. Section 396(i)(1) of the Communications Act of 1934 (47 U.S.C. 396(i)(1)) is amended—

(1) by striking "and" at the end of subparagraph (B);

(2) by redesignating subparagraph (C) as subparagraph (D); and

(3) by inserting immediately after subparagraph (B) the following new subparagraph:

"(C) a listing of each organization that receives a grant from the Corporation to produce programming, the name of the producer of any programming produced under each such grant, the title or description of any program so produced, and the amount of each such grant;".

CORPORATION FOR PUBLIC BROADCASTING AUTHORIZATION

Sec. 8. (a) Extension of Authorization.—Section 396(k)(1)(C) of the Communications Act of 1934 (47 U.S.C. 396(k)(1)(C)) is amended—

(1) by striking "180,000,000 for fiscal year 1981," and all that follows through "$245,000,000 for fiscal year 1991,";

(2) by striking "and" after "fiscal year 1992,"; and

(3) by inserting immediately after "fiscal year 1993" the following: ", $310,000,000 for fiscal year 1994, $375,000,000 for fiscal year 1995, and $425,000,000 for fiscal year 1996".

(b) Annual Report.—Section 396(k)(1) of the Communications Act of 1934 (47 U.S.C. 396(k)(1)) is amended by adding at the end the following new subparagraph:

"(E) In recognition of the importance of educational programs and services, and the expansion of public radio services, to unserved and underserved audiences, the Corporation, after consultation with the system of public telecommunications entities, shall prepare and submit to the Congress an annual report for each of the fiscal years 1994, 1995, and 1996 on the Corporation's activities and expenditures relating to those programs and services.".

TRAINING AND PROFESSIONAL DEVELOPMENT

Sec. 9. Section 396(k)(3)(A)(i)(II) of the Communications Act of 1934 (47 U.S.C. 396(k)(3)(A)(i)(II)) is amended by inserting immediately after "other than English" the following: "or for assistance in the provision of affordable training programs for employees at public broadcast stations".

INDEPENDENT PRODUCTION SERVICE

Sec. 10. Section 396(k)(3)(B)(iii)(V) of the Communications Act of 1934 (47 U.S.C. 396(k)(3)(B)(iii)(V)) is amended—

(1) by inserting immediately after "expenditures of the independent production

service" the following: ", including carriage and viewing information for programs produced or acquired with funds provided pursuant to subclause (I)"; and

(2) by striking "fiscal year 1992" and inserting in lieu thereof "fiscal years 1992, 1993, 1994, and 1995".

GRANT DISTRIBUTION CRITERIA

SEC. 11. Section 396(k)(6)(B) of the Communications Act of 1934 (47 U.S.C. 396(k)(6)(B)) is amended by inserting "(which the Corporation shall review periodically in consultation with public radio and television licensees or permittees, or their designated representatives)" immediately after "eligibility criteria".

COMPLIANCE WITH EQUAL EMPLOYMENT OPPORTUNITY REQUIREMENTS BY FUND RECIPIENTS

SEC. 12. (a) CERTIFICATION AND EMPLOYMENT REPORTS REQUIRED.—Section 396(k) of the Communications Act of 1934 (47 U.S.C. 396(k)) is amended by adding at the end the following new paragraph:

"(11)(A) Funds may not be distributed pursuant to this subsection for any fiscal year to the licensee or permittee of any public broadcast station if such licensee or permittee—

"(i) fails to certify to the Corporation that such licensee or permittee complies with the Commission's regulations concerning equal employment opportunity as published under section 73.2080 of title 47, Code of Federal Regulations, or any successor regulations thereto; or

"(ii) fails to submit to the Corporation the report required by subparagraph (B) for the preceding calendar year.

"(B) A licensee or permittee of any public broadcast station with more than five full-time employees to file annually with the Corporation a statistical report, consistent with reports required by Commission regulation, identifying by race and sex the number of employees in each of the following full-time and part-time job categories:

"(i) Officials and managers.
"(ii) Professionals.
"(iii) Technicians.
"(iv) Semiskilled operatives.
"(v) Skilled craft persons.
"(vi) Clerical and office personnel.
"(vii) Unskilled operatives.
"(viii) Service workers.

"(C) In addition, such report shall state the number of job openings occurring during the course of the year. Where the job openings were filled in accordance with the regulations described in subparagraph (A)(i), the report shall so certify, and where the job openings were not filled in accordance with such regulations, the report shall contain a statement providing reasons therefor. The statistical report shall be available to the public at the central office and at every location where more than five full-time employees are regularly assigned to work.".

(b) COMPILATION OF REPORTS BY CORPORATION.—Section 396(m)(2) of the Communications Act of 1934 (47 U.S.C. 396(m)(2)) is amended by adding at the end the following new sentence: "Such report shall include a summary of the statistical reports received by the Corporation pursuant to subsection (k)(11), and a comparison of the information contained in those reports with the information submitted by the Corporation in the previous year's annual report.".

AUDIT REQUIREMENT FOR PUBLIC TELECOMMUNICATIONS ENTITIES

SEC. 13. (a) ALTERNATIVE TO AUDIT FOR CERTAIN ENTITIES.—Section 396(*l*)(3)(B)(ii) of the Communications Act of 1934 (47 U.S.C. 396(*l*)(3)(B)(ii)) is amended—

(1) by designating the existing text as subclause (I);

(2) by striking "and" at the end of subclause (I), as so redesignated, and inserting in lieu thereof "or"; and

(3) by adding at the end the following new subclause:

"(II) to submit a financial statement in lieu of the audit required by subclause (I) if the Corporation determines that the cost burden of such audit on such entity is excessive in light of the financial condition of such entity; and".

(b) FREQUENCY OF AUDIT.—Section 396(*l*)(3)(B) of the Communications Act of 1934 (47 U.S.C. 396(*l*)(3)(B)) is amended—

(1) in clause (ii) by striking "biannual" and inserting in lieu thereof "biennial"; and

(2) in clause (iii) by striking "biannually" and inserting in lieu thereof "biennially".

REPEAL

SEC. 14. Paragraph (4) of section 396(*l*) of the Communications Act of 1934 (47 U.S.C. 396(*l*)) is repealed.

CLARIFICATION OF CONGRESSIONAL INTENT

SEC. 15. Section 103(a) of the Children's Television Act of 1990 (47 U.S.C. 303b(a)) is amended by inserting "commercial or noncommercial" immediately before "television broadcast license".

EFFECTIVE DATE

SEC. 16. Section 5(a) shall take effect on March 26, 1996. All other provisions of this Act are effective on its date of enactment.

The PRESIDING OFFICER. The Senator from Alaska.

Mr. STEVENS. Mr. President, I join with the Senator from Hawaii in presenting this series of amendments. I think they are worthy improvements of our bill.

The PRESIDING OFFICER. On this amendment do the Senators yield back their time?

Mr. INOUYE. I do.

Mr. STEVENS. I yield back my time.

The PRESIDING OFFICER. If there be no further debate, the question is on agreeing to the amendment.

The amendment (No. 1858) was agreed to.

Mr. BYRD addressed the Chair.

The PRESIDING OFFICER. If the Senator would withhold, under the previous order the amendment will be considered original text of the bill.

The Senator from West Virginia is recognized.

AMENDMENT NO. 1859

(Purpose: To require the Federal Communications Commission to promulgate regulations to restrict indecent broadcasts)

Mr. BYRD. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from West Virginia [Mr. BYRD] proposes an amendment numbered 1859.

Mr. BYRD. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

At the appropriate place, insert the following new section:

BROADCASTING OF INDECENT PROGRAMMING

SEC. . (a) FCC REGULATIONS.—The Federal Communications Commission shall promulgate regulations to prohibit the broadcasting of indecent programming—

(1) between 6 a.m. and 10 p.m. on any day by any public radio station or public television station that goes off the air at or before 12 midnight; and

(2) between 6 a.m. and 12 midnight on any day for any radio or television broadcasting station not described in paragraph (1).

The regulations required under this subsection shall be promulgated in accordance with section 553 of title 5, United States Code, and shall become final not later than 180 days after the date of enactment of this Act.

(b) REPEAL.—Section 608 of the Department of Commerce, Justice, and State, the Judiciary, and Related Agencies Appropriations Act, 1989 (Public Law 100-459; 102 Stat. 2228), is repealed.

Mr. BYRD. Mr. President, I have long been concerned about the powerful influence of television on its viewers, particularly on our children. I am increasingly disturbed by the smutty language used on so many television shows, and by the violence and lack of morality evident in too many programs.

According to research by the American Academy of Pediatrics, children spend an average of 3 to 3½ hours a day watching television. At this rate, the Academy calculated that individuals will have spent about 7 years in front of the television set by the time they are 70 years old.

Children are increasingly exposed to the profanity, the vulgarity, the violence, and crudeness that are broadcast on our television screens today. I believe that the behavior of these children in the years ahead will reflect the behavior and standards to which television has exposed them in their most vulnerable and malleable years—childhood years of which cynical, money-driven television executives have robbed the children with glamorizations of crude and vulgar behavior and language.

Such television programming is teaching our children that gutter speech and antisocial behavior are acceptable—even preferred—norms of "cool," "hip," sophisticated speech and conduct. In fact, such television programming is like taking arsenic to build up immunity against poison. With each dose of television profanity, pornography, promiscuity, murder, and other violence, a person becomes able to tolerate a little more of these moral poisons. Eventually, sensitivity and human decency are seriously undercut, particularly in the young viewer, for whom adults—all adults—have been pointed out as role models, even those, and particularly those, on the electronic tube.

I know from my mail that many West Virginians and people all across the country share my concern about such objectionable television programming. This is why I am offering this amendment today.

My amendment would extend the Federal Communications Commission's [FCC] authority to prohibit indecent broadcasts. Currently, the Commission has enforcement authority over broadcasts that occur during the daytime hours, but is constrained from taking enforcement action on indecent broadcasts that occur after 8 o'clock p.m. My amendment would extend the FCC's enforcement authority—after the completion of a notice and comment period—through the hour of 12 o'clock midnight. In order to accommodate public television and radio stations that go off the air at or before 12 midnight, the FCC's enforcement authority would extend through the hour of 10 o'clock p.m. for those stations.

Personally, I would like to ban indecent programming 24 hours a day every day of the year. A recent FCC report concluded that "the best available evidence indicates that there is a reasonable risk that significant numbers of children ages 17 and under listen to radio and view television at all times of the day or night." However, a recent decision by the United States Court of Appeals overturned a law passed by the Congress directing the FCC to prohibit indecent broadcasts 24 hours a day. On Monday, March 2, the United States Supreme Court refused to hear this case, thereby upholding the decision of the United States Court of Appeals.

While my amendment would not accomplish all that I would like, by extending the restrictions to broadcasts that occur during the hours between 6 a.m. and 12 midnight, the risk of children in the broadcast audience would at least be lessened.

No one can contest that television at its best—the American astronauts' walk on the Moon, the dismantling of the Berlin Wall, last year's Civil War documentary, the excellent shows that are portrayed by Alistair Cooke and presently Elizabeth R. that is being viewed in this area, and the drama, musical performances, and public affairs programming provided by public television—can be compelling, vital, and life-changing and history-changing. But, in the main, one of the marvels of human invention has been reduced to a purveyor of bad taste, violence, and profanity.

Television programming has been called "bubble gum for the mind," but that, I suggest, is a charitable view. Much television programming today is nothing more than packaged corruption for the soul. At nearly any hour, a child may switch television channels and witness a rape in progress in a secluded parking lot——

The PRESIDING OFFICER. The Senator's time has expired.

Mr. BYRD. How much time did I have, Mr. President?

The PRESIDING OFFICER. Five minutes.

Mr. BYRD. I thought I had 10 minutes.

The PRESIDING OFFICER. Ten minutes equally divided.

Mr. INOUYE. Mr. President, I yield to my leader any time that he needs.

The PRESIDING OFFICER. The Senator is recognized for 5 minutes.

Mr. BYRD. I thank the distinguished Senator from Hawaii [Mr. INOUYE] for his courtesy.

At nearly any hour, a child, as I say, may participate vicariously in the mugging of an unsuspecting victim in a New York subway station, or learn the art of sniffing cocaine at a celebrity bash in Hollywood. If our TV programs are a mirror of the values of our society, I believe, Mr. President, we are in serious trouble. For first amendment reasons, if none other, we cannot proscribe or censor the content or storylines of television programs en masse—though one might hope that television producers might use better judgment about their choices of those contents. But, at the very least, we can take the small step that I am proposing today to try to shield our children from this particularly odious type of airwave pollution.

We can get this corrupting, unfit "mental junk food" off the air during the hours when our children are most likely to be watching and listening. We can do this before another generation of children comes of age hearing and witnessing, under the guise of harmless situation comedy and cliched adventure drama, language and pornographic images that still shock even the more sophisticated of their parents. Indeed, we can take this small step before the salacious, prurient imaginings of irresponsible scriptwriters of today become the norms of conversation and behavior a decade or two from now. For these reasons, I urge the adoption of my amendment.

(By request of Mr. DOLE, the following statement was ordered to be printed in the RECORD:)

• Mr. HELMS. Mr. President, I am pleased to support the amendment offered by the distinguished Senator from West Virginia [Mr. BYRD], to protect our children from indecent programs on radio and television which are contributing to the erosion of family values in America.

Specifically, this amendment prohibits the broadcast of indecent material on radio and television except between midnight and 6 a.m. This legislation is deemed necessary because a Federal court of appeals decision found the 24-hour ban on indecent broadcast to be unconstitutional.

I was surprised and dismayed by the court's decision. I would prefer a complete ban or at least a compromise with the court, one pushing the prohibition to 2 a.m. or 3 a.m. But for the time being, I will support the midnight to 6 a.m. so-called safe harbor. If the midnight rule is ineffective in protecting children, I intend to revisit this issue legislatively in the Senate.

Mr. President, the American people have been deluged with increasingly sleazy programs on radio and television, programs that promote sexual promiscuity, homosexuality, and sexual violence.

Even a 1989 Planned Parenthood study found that networks broadcast "79,000 instances of sexual material" per year. About 9,000 of those were specific references to intercourse or deviant sexual practices.

Mr. President, television has gone from bad to worse. In a movie called "Favorite Son," shown during prime time on November 1, 1988, on a major network, a young woman in bikini underclothes was portrayed seducing a young man, and then asking him to bind her, hands and feet, to the bed.

Another program showed a young woman in underclothes from the back removing her bra, asking a stranger if he thought her boyfriend would like her better without the bra. This program prompted Terry Rakolta of Michigan to complain to the sponsors of the show. Mrs. Rakolta said, "I don't want my 8-year-old girl to think that the only way to impress men is for her to take off her clothes."

Mr. President, the networks have converted prime time into sleaze time. And the American people are fed up. A recent Gallup poll is a measurement of public disgust. The poll found that 58 percent of adults either frequently or occasionally feel uncomfortable about the contents of the TV programs they watch with their children. They most often object to sexually explicit material, 48 percent, more so than violent programs, 37 percent.

Mr. President, radio is just as bad. Many of the songs and the shock-jocks are disgusting. I do not refer to a few dirty words, or merely suggestive language. I am talking about filthy, vile descriptions or references to bestiality, sodomy, and child sex.

Among specific examples of programs that were found by the FCC to be indecent are the lyrics of a song entitled "Making Bacon." The words of this song describe various sexual acts and make explicit references to sexual organs.

Another example, entitled "The Jerker," is a sick discussion between two homosexuals describing how they perform their perverted acts. This filth, obviously, has no business being broadcast on the public airwaves. And that is why this amendment is so essential.

Mr. President, there are 42 million children in America, and many of them listen to the radio and watch television alone. The average child watches between 21 and 26 hours of television a week.

The bottom line is that this flood of sex and violence is influencing our children and molding their behavior. Studies show that television influences our children and it can have a potentially harmful effect. The 1972 Surgeon General's report concluded: "We know children imitate and learn from everything they see * * * it would be extraordinary, indeed, if they did not imitate and learn from what they see on television.

Another researcher stated that "television entertainment is saturated with sexual lessons which are likely to have an impact on young viewers' sexual development." I ask unanimous consent that excerpts from other studies which come to a similar conclusion, be printed at the conclusion of my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. HELMS. Mr. President, we are raising a generation of children who are desensitized to violence and who assume that sexual promiscuity and profane language are acceptable forms of behavior. Unspeakably trashy radio and television are contributing to the decline of traditional family values.

Mr. President, television and radio are easily accessible to children of all ages. Children are in the audience at late hours. During its recent notice of inquiry [NOI], the FCC compiled substantial evidence in support of these two points.

The FCC found that 63 percent of homes have more than one television set and 99 percent have several radios. As many as 44 percent of children have their own television sets. And 68 to 80 percent have their own radio—walkman radios are now as common as baseball gloves and dolls—NOI paras. 23–26.

Furthermore, it is abundantly clear from the data that children are in the radio and television audience at midnight and even later. The FCC final report found that there were 1,471,000 teens listening to the radio between midnight and 12:15 a.m.—FCC report, para. 41. This is consistent with the data promulgated by one of the commentators, Salem Communications, which found the average number was 1,334,557 from midnight to 1 a.m. The cumulative number of all teens that tuned in during that time frame was 5,441,542.

The numbers also demonstrate that millions of children watch television late at night. For example, arbitron numbers in New York City show that 360,360 teens and 142,836 children watched television from 11 p.m. to 11:30 p.m. In Los Angeles, 114,345 teens and 58,323 children were in the audience during that time period—Salem Communications comments.

On a nationwide basis, it is projected that 4,293,848 teens watch television between 11 p.m. and 11:30 p.m., and this does not include children under age 12.

Mr. President, the FCC concluded that "there is a reasonable risk that significant numbers of children are in the audience for radio and television broadcasts at all times of the day and night"—FCC report, para. 65. —

Furthermore, parents are not always able to supervise their children, especially since so many have their own radios and televisions. As the FCC concluded, "the data further show that a significant number of children in the broadcast audience are not subject to active parental supervision. * * *" Therefore, parental supervision is not a cure-all. Parents deserve and need the added protection for children which this amendment offers.

It is impossible to argue that children are not in the audience at midnight—the evidence to the contrary is indisputable. In addition, the studies cited earlier indicate that children are influenced by televisions and radio.

Mr. President, the numbers and the studies prove that Congress must prohibit the broadcast of indecent material—at the very least up until midnight—if, as the courts put it, the "psychological well-being" of children is to be protected.

Do we not have a moral obligation to stand up and fight for the preservation of family values? If we remain silent, if we do nothing, we become a party to the pollution of the minds of our children and the degeneration of our society.

EXHIBIT 1

EXCERPTS FROM STUDIES AND ARTICLES ON EFFECTS OF TELEVISION

Roberts, Elizabeth J., "Television and Sexual Learning in Childhood," in D. Pearl, L. Bouthiler, and J. Lazar, op. cit. (Vol. II), 1982, pp. 209–223.

"Our concern with television's sexual curricula is of more than speculative interest. At the simplest level, one implication of the research is clear: television is a sex educator of our children and a potentially powerful one. Contemporary television entertainment is saturated with sexual lessons, lessons which are likely to have a impact on young viewers' sexual development and behavior."

Pearl, David; Bouthiler, Lorraine; and Lazar, Joyce, eds., "Television and Behavior: Ten Years of Scientific Progress and Implications for the Eighties" (Vol. I). (Washington, D.C.: U.S. Government Printing Office, 1982), p. 87.

"Almost all the evidence testifies to television's role as a formidable educator whose effects are both pervasive and cumulative. Television can no longer be considered as a casual part of daily life, as an electronic toy. Research findings have long since destroyed the illusion that television is merely innocuous entertainment. While the learning it provides is mainly incidental rather than direct and formal, it is a significant part of the total acculturation process."

Lowery, S. and Defleur, M., Milestones in Mass Communications Research, p. 384 (1983).

"There now seems little doubt that individuals learn from viewing television and that what they learn depends upon the content that they watch. In short, television can no longer be dismissed as mere entertainment. It is a major source of observational learning for millions of people. In that role it may be one of the most important agencies of socialization in our society."

Lowery, S. and Defleur, M., Milestones in Mass Communications Research, p. 406–7 (1983).

"Indeed, many parents believe television to be a major source of sex education for their children. In a 1978 study, about half of the 1400 parents interviewed indicated that their children learned more about sex from television than from any other source except themselves."

"During the 1970's, there was an increase of sexually suggestive behavior and innuendo."

"For example, sexual intercourse was frequently implied. It is significant that most references to intercourse on television * * * occurred between unmarried partners * * * this occurred five times as often as references to sexual activity between married couples."

Couglin, Ellen K., "Is Violence on TV Harmful to Our Health? Some Scholars, A Vocal Minority, Say No." The Chronicle of Higher Education—Scholarship. March 13, 1985.

"The 1982 study by National Institute of Mental Health, according to Professor Rubenstein 'describes TV as a very large influence on child development.' "

U.S. Surgeon General's Scientific Advisory Committee on TV and Social Behavior. "Television and Growing Up." United States Public Health Service, 1972.

"We know that children imitate and learn from everything they see—parents, fellow children, schools, the media; it would be extraordinary, indeed, if they did not imitate and learn from what they see on television."

Liebert, Robert M. "Television and Social Learning: Some Relationships Between Viewing Violence and Behaving Aggressively." (Television and Social Behavior. U.S. Department of Health, Education and Welfare, 1972).

"Investigators interested in socialization have virtually * * * all acknowledged that a child's values, knowledge and behavior may be developed and molded at least in part, by observational learning."

Liefer, Aimee Dorr, and Roberts, Donald F., "Children's Responses to Television Violence." (Television and Social Behavior. U.S. Department of Health, Education and Welfare). Stanford University, 1972.

"Given the nature of the medium, the large amount of time children devote to viewing * * * and the fact that children learn a great deal through simple observation of behavior it is difficult not to believe that television has a significant impact on children's social behavior."

Eckholm, Erik. "Two Studies Link Teen-Age Suicides to TV Programs," New York Times, Thursday, September 11, 1986.

"The new reports * * * strongest evidence to date that an 'imitative effect' influences the rate of teen-age suicides."

[Before the Federal Communications Commission, Washington, DC]

REPORT OF THE COMMISSION (PROCEEDING TERMINATED)

(MM Docket No. 89–494)

In the Matter of Enforcement of Prohibitions Against Broadcast Indecency in 18 U.S.C. §1464.

Adopted: July 12, 1990.

Released: August 6, 1990.

By the Commission: Commissioner Quello concurring and issuing a statement.

I. INTRODUCTION

1. In this report we respond to a remand of the record granted by the U.S. Court of Ap-

peals for the District of Columbia Circuit in *Action for Children's Television v. FCC* (*ACT II*).[1] In its remand order, the court directed the Commission to conduct a "full and fair hearing" on the constitutionality of a statutory provision[2] which requires the Commission to prohibit the broadcast of indecent material 24 hours a day.[3] The court granted the remand in light of the Supreme Court's recent decision in *Sable Communications of California, Inc. v. FCC* (*Sable*),[4] which held that government may regulate indecent speech if the regulation promotes a "compelling" government interest and is "narrowly tailored" to serve that interest. The Commission accordingly issued a *Notice of Inquiry* (*NOI*)[5] to solicit public comment on issues relevant to analyzing the validity of the 24-hour indecent broadcasting prohibition in view of the *Sable* decision.[6]

2. After careful consideration of the responses to our inquiry, we conclude that a 24-hour prohibition on indecent broadcasts comports with the constitutional standard the Supreme Court enunciated in *Sable* for the regulation of constitutionally protected speech. First, the Supreme Court has expressly recognized the government's compelling interest in protecting children from broadcast indecency, both to facilitate parental supervision and to promote the well-being of children who may be exposed to indecent material. Moreover, the narrowness with which courts have interpreted "obscenity" has commensurably broadened the range of patently offensive material that could be deemed "indecent" if broadcast, rendering the government interest in protecting children even more compelling. Second, the record in this proceeding reveals that no alternative to a 24-hour prohibition on indecent broadcasts would effectively serve this government interest. The best available evidence indicates that there is a reasonable risk that significant numbers of children ages 17 and under listen to radio and view television at all times of day and night. Neither time channeling nor ratings and warning devices permit effective parental control over these activities, and technologies that may permit control are not currently available. On the other hand, indecent material similar to that broadcast is readily available on other media over which parents can exercise control. Accordingly, we conclude that the compelling government interest in protecting children from indecent broadcasts would not be promoted effectively by any means more narrowly tailored than a 24-hour prohibition.

3. We recognize, however, that there may be instances in which children are not in the broadcast audience at a given time of day in a given market. We therefore have decided to modify our enforcement procedures to permit stations accused of airing indecent material to demonstrate that children in fact are not present in the broadcast audience in their market at the time the alleged indecent program was aired. We believe that, as thus enforced, the 24-hour prohibition against broadcast indecency clearly meets the narrowly tailored criteria applied by the Supreme Court in Sable.

II. BACKGROUND

4. This proceeding addresses Section 1464 of the Criminal Code, 18 U.S.C. §1464 (1988), first enacted by the Radio Act of 1927, reenacted by the Communications Act of 1934, and later codified in the Criminal Code. Throughout this period of more than 60 years, Section 1464 and its identical predecessor provisions have prohibited the broadcast of indecent language. Since 1934, the Commission has been authorized by the Communications Act to enforce Section 1464's provisions by, among other things, assessing forfeitures for its violations.[7]

5. In 1978, the Supreme Court affirmed the Commission's enforcement of Section 1464's prohibition on indecent broadcasting, including the Commission's definition of indecent language.[8] *F.C.C. v. Pacifica Foundation (Pacifica)*, 438 U.S. 726 (1978); *See also Action for Children's Television v. F.C.C.*, 852 F.2d 1332, 1339 (D.C. Cir. 1988) (*ACT I*). In *Pacifica*, the Court also reaffirmed its holding in *Ginsberg v. New York*[9] "that the government's interest in the 'well-being of its youth' and in supporting 'parents' claim to authority in their own household justified regulation of otherwise protected expression." The Court found that these concerns, along with the broadcast media's uniquely pervasive presence and unique access to children, justified special treatment of the broadcast of indecent material. *Id.* at 748–749.

6. In *ACT I*, the D.C. Circuit Court affirmed the Commission's action in one case involving the daytime broadcast of indecent material, but remanded for further explanation two other cases involving broadcasts aired after 10 p.m. In the two cases remanded, the court found that the Commission had not adequately justified its narrowing the "safe harbor" during which indecent material could be broadcast from the hours of 10 p.m.–6 a.m. to midnight–6 a.m. The court also rejected the Commission's suggestion that channeling decisions could be made on a case-by-case basis, finding that such an approach could have a chilling effect on broadcasters' exercise of their First Amendment rights. Thus, the court directed the Commission to afford broadcasters clear notice of reasonably determined times at which indecent material safely may be aired.

7. Shortly after the *ACT I* decision, Congress directed the Commission to enforce the broadcast indecency provisions of Section 1464 on a 24-hour basis.[10] In response, the Commission promulgated the rule which now is at issue in this case.[11] A number of petitioners challenged the rule, and on January 23, 1989, the D.C. Circuit in *ACT II* stayed its implementation pending judicial review.

8. Before briefing and oral argument had occurred on the merits of the 24-hour prohibition, the Supreme Court, in its *Sable* decision, addressed the extent to which the government may regulate indecent telephone messages. After noting that indecent speech is protected by the First Amendment, the Supreme Court nevertheless affirmed that "[t]he government may, however, regulate the content of constitutionally protected speech in order to promote a compelling interest if it chooses the least restrictive means to further the articulated interest." *Sable*, 109 S. Ct. at 2836. Restating the point later in its opinion, the Court described the relevant constitutional standard as requiring that the means chosen by the government be "carefully tailored" or "narrowly tailored" to achieve the regulatory ends. *Id.* at 2839.

9. The Supreme Court in *Sable* distinguished the telephone medium from the broadcast medium, noting that "unlike an unexpected outburst on a radio broadcast, the message received by one who places a call to a dial-a-porn service is not so invasive or surprising that it prevents an unwilling listener from avoiding exposure to it." 109 S. Ct. at 2837. Also, in a concurring opinion, Justice Scalia suggested that indecent broadcasts could be prohibited if data demonstrate "the infeasibility of alternate means to provide . . . adequate protection of minors." *Id.* at 2840 (Scalia, J., concurring).

III. DISCUSSION

10. As noted above, based on the record in this proceeding and the Court's decision in *Sable*, we believe that the Commission's enforcement of a 24-hour prohibition on indecent broadcast programming comports with the First Amendment. Using the "compelling interest/narrowly tailored" standard set forth in *Sable*, we conclude that a 24-hour prohibition is the most narrowly tailored means of effectively promoting the government's compelling interest in protecting children from broadcast indecency because there is a reasonable risk that a significant number of children are in the broadcast audience at all times of day and night. In addition, we find that: (1) "children" are appropriately defined as minors 17 and under; (2) the government has a compelling interest in regulating children's access to indecent broadcast material, as the courts and Congress consistently have found; (3) our definition of indecency is not vague or overbroad and, in fact, repeatedly has been upheld by the courts; (4) other alternatives for protecting children, such as ratings, warning devices, or lock-out mechanisms would be ineffective; (5) because the risk of exposure to children exists even in the late evening and early morning hours, a time channeling approach would not protect children from indecent broadcast materials; and (6) adults have alternative sources of indecent materials. In order to tailor our enforcement of the 24-hour prohibition on indecent broadcasting as narrowly as possible, however, in actual cases of alleged indecent broadcasting stations will be permitted to demonstrate that children were not in fact present in the broadcast audience for the market at the time the programming at issue aired.

A. Constitutional standard

11. Several parties argue that the constitutionality of the indecency prohibition should be judged under the time, place and manner standard, rather than the more rigorous compelling interest/narrowly tailored standard applied by the Supreme Court in *Sable*.[12] However, based upon the Supreme Court's having applied the more demanding test in *Sable*, and similar views expressed by the D.C. Circuit in *ACT I* that content-based restrictions are sustainable only if "the regulation is a precisely drawn means of serving a compelling state interest,"[13] we believe it appropriate to apply the more rigorous standard.

12. It is well established that the First Amendment does not protect obscene speech, and that therefore the government has broad authority to regulate commerce in obscenity without reference to First Amendment principles. *Sable*, 109 S. Ct. at 2835; *Paris Adult Theatre I v. Slaton*, 413 U.S. 49, 69 (1973); *Roth v. United States*, 354 U.S. 476, 481 (1957). In contrast, as the Supreme Court observed in *Sable*, "[s]exual expression which is indecent but not obscene is protected by the First Amendment. . . ." 109 S. Ct. at 2836. *See also Pacifica*, 438 U.S. at 743 (Stevens, J.), 756 (Powell, J.). Nonetheless, the Supreme Court has indicated that it will uphold governmental regulation of indecent speech if the regulation meets the constitutional standards that the Court has articulated.

13. In *Sable*, the Court set forth the constitutional standard that governs restrictions on protected speech: the government may "regulate the content of constitutionally protected speech in order to pro-

---

footnotes at end of article

mote a compelling interest if it chooses the least restrictive means to further the articulated interest." 109 S. Ct. at 2836. The Court also stated that the means chosen by the government must be "carefully tailored" or "narrowly tailored" to achieve the regulatory ends. *Id.* at 2836, 2839. While the standard has been expressed with somewhat different wording,[14] we understand it to require, essentially, a showing that the regulation or statute serves a compelling governmental interest and is narrowly tailored to serve that interest. This standard is substantially more rigorous than the time, place and manner test applied to content-neutral regulation of speech,[15] which requires only that the regulation be a reasonable means of serving "a significant governmental interest" and that it leave "ample alternative channels for communication." *Consolidated Edison Co. of New York v. Public Service Commission of New York*, 447 U.S. at 535. *See also Clark v. Community for Creative Nonviolence*, 468 U.S. 288, 293 (1984); *Regan v. Time, Inc.*, 468 U.S. 641, 648 (1984).

B. Governmental interest

14. In effectuating our statutory mandate, our primary concern has been and remains the protection of children from exposure to indecent materials. *See* 134 Cong. Rec. S9912 (daily ed. July 26, 1988) (statement of Senator Helms); *Reconsideration Order*, 3 FCC Rcd 930, 931 (1987), *aff'd in relevant part sub nom. ACT I*, 852 F.2d at 1340; *Pacifica Foundation*, 56 FCC 2d at 97, *recon. denied*, 59 FCC 2d 892 (1976), *rev'd, Pacifica Foundation v. F.C.C.*, 556 F.2d 9 (D.C. Cir. 1977); *rev'd, Pacifica*, 438 U.S. 726. In both *Pacifica* and *Sable* the Supreme Court recognized the government's interest in assisting parental supervision of their children and, generally, in protecting the well-being of youth, citing *Ginsberg v. New York*, 390 U.S. 629, 639 (1968). *Sable*, 109 S. Ct. at 2836; *Pacifica*, 438 U.S. at 749–750. In the *NOI*, we solicited comment on whether a 24-hour prohibition of broadcast indecency advances this interest. We also noted that courts have recognized an alternative governmental interest in protecting the public's right to be free from indecent material in the privacy of their homes, and sought comment on this point.

15. Although parties generally agree that the government has an interest in protecting minors from indecent broadcasts, they differ on the scope of that interest. Some parties maintain that the government's sole legitimate interest is to facilitate parental supervision, and not to substitute governmental for parental supervision.[16] In contrast, Morality in Media (MIM) argues that a 24-hour prohibition on broadcast indecency advances an independent governmental interest in the well-being of minors,[17] and that the *Pacifica* decision can be read to establish an "indecent for all" (including adults) standard, and not merely an "indecent for children" standard.[18] On the other hand, Broadcasters argue that there is no legitimate interest in protecting adults from indecency, as adults have a right to receive constitutionally protected indecent material.[19] Several commenters argue that a 24-hour prohibition also advances a governmental interest in protecting the public's right to be free from indecent material in the privacy of their homes.[20] Cohn and Marks (C&M) disagrees, arguing that adults, unlike children, are capable of receiving the "first blow" from constitutionally protected indecent speech without undue damage.[21]

16. It is well established that protecting children from exposure to indecent material is a compelling governmental interest. *See e.g.*, *Sable*, 109 S. Ct. at 2836; *New York v. Ferber*, 458 U.S. 747, 756–57 (1982); *Ginsberg v. New York*, 390 U.S. 629, 639–40 (1968); *Carlin Communications, Inc. v. FCC*, 749 F.2d 113, 121 (2d Cir. 1984). Two related rationales underlie this interest. First, as the Court explained in *Ginsberg* and reiterated in *Pacifica*, *see* 438 U.S. at 749–750, "parents' claim to authority in their own household to direct the rearing of their children is basic in the structure of our society," and parents are "entitled to the support of laws designed to aid discharge of that responsibility." 390 U.S. at 639. Thus, the regulation of broadcast indecency is intended "to facilitate parental supervision of children's listening." *ACT I*, 852 F.2d at 1343. In addition, the Supreme Court has expressly stated that "a State's interest in 'safeguarding the physical and psychological well-being of a minor' is 'compelling.'" *New York v. Ferber*, 458 U.S. at 756–57, quoting *Globe Newspaper Co. v. Superior Court*, 457 U.S. 596, 607 (1982). As stated by the Court in *Ginsberg*, "[t]he State also has an independent interest in the well-being of its youth." 390 U.S. at 640. The Court quoted with approval from *People v. Kahan*, 15 N.Y. 2d 311, 312, 206 N.E.2d 333, 334 (C.A.N.Y. 1965) (Fuld, J., concurring), which dealt with the sale of sexually explicit material to children:

> While the supervision of children's reading may best be left to their parents, the knowledge that parental control or guidance cannot always be provided and society's transcendent interest in protecting the welfare of children justify reasonable regulation of the sale of material to them. It is, therefore, altogether fitting and proper for a state to include in a statute designed to regulate the sale of pornography to children special standards, broader than those embodied in legislation aimed at controlling dissemination of such material to adults.

390 U.S. at 640. *See also Prince v. Massachusetts*, 321 U.S. 158, 165 (1944) (state interest in protecting "the welfare of children" and preventing abuses that might prevent their "growth into free and independent well-developed men and children").[22] These two related purposes, supporting parental supervision and promoting the well-being of youth, support the enforcement of narrowly drawn measures to restrict children's access to indecent materials.

17. Despite the fact that protecting children from exposure to indecent material is recognized as a compelling governmental interest, some parties, including P.E.N. American Center *et al.* (PEN) and Broadcasters, argue that there is no proof that exposure to indecent broadcasts harms children. Broadcasters submit a study that concludes that few studies have been performed regarding harm resulting from indecency and that there is little evidence of harm to children.[23] On the other hand, Salem Communications Corporation (Salem) and American Family Association *et al.* (AFA) submit studies to support their argument that exposure to indecent broadcasting has the potential to harm children. For example, AFA submitted findings from a clinical psychologist who concludes that children are harmed by pornography.[24]

18. The debate over harm to children is not at issue here. Irrespective of the continuing social science debate, the courts have recognized Congress' authority, derived from the governmental interest in protecting its youth, to regulate access by children to indecent material. As a legal matter, it is well established that exposure of children to such material may be harmful, even if that effect has not been completely proven scientifically. *See Pacifica*, 438 U.S. at 757–58 (Powell, J., concurring); *Ginsberg*, 390 U.S. at 641–43. In proscribing the dissemination of indecent material to minors, Congress has considered testimony that cites its harmful effects and has responded not only with the statute and mandate before us in this particular case, but also with the passage of other statutes that limit the availability of indecent material to minors.[25] For example, Congress has acted to protect minors from indecent telephone messages,[26] and the Supreme Court in *Sable* fully recognized Congress' authority to do so (although it held that Congress in that case had not sufficiently tailored its effort to serve this interest). *See* 109 S. Ct. at 2839. Similarly, in 1984, Congress required cable operators to make available to their customers a device to enable them to control reception of indecent programming to protect minors from inadvertent access. *See* 47 U.S.C. §544(d)(2)(A). More broadly, the Supreme Court has upheld, in the face of a First Amendment challenge, a congressional statute which protects the public, and particularly children, from unwanted mail which the recipient considers offensively lewd. *See* 39 U.S.C. §§3008 and 3010 (1988); *Rowan v. Post Office Department*, 397 U.S. 728 (1970). These statutes evidence findings by Congress that children deserve protection from harm that indecent material may inflict. It is significant that the 24-hour prohibition specifically has been mandated by the Congress, and although Congress is not the ultimate interpreter of the Constitution, its findings and purposes are due deference as those of a coequal branch of government charged with providing for the general welfare of the United States. *See Metro Broadcasting v. F.C.C.*, No. 89–453, 58 U.S.L.W. 5053, 5061 (U.S. June 27, 1990).

19. Our concern with the harm to children caused by exposure to indecent broadcast material is particularly strong given the range of materials that could be included in the "indecent" programming category (and thus conceivably could be broadcast between 8 p.m. and 6 a.m., given the current restrictions on our enforcement authority). As Justice Scalia noted in his *Sable* concurrence, "the more narrow the understanding of what is 'obscene,' and hence the more pornographic what is embraced within the residual category of 'indecency,' the more reasonable it becomes to insist upon greater assurance of insulation from minors." *Sable*, 109 S. Ct. at 2839 (Scalia, J., concurring).

20. It thus is significant that the courts have applied a very narrow definition of obscenity in ruling on pornographic films, holding movies containing graphic depictions of sex acts, such as "Deep Throat" and "Debbie Does Dallas," are not legally obscene.[27] We recognize that these cases have not involved the broadcast media and that most broadcasters are likely to exercise self-restraint and not air such movies unedited. Our own enforcement actions demonstrate, however, that some broadcasters have been willing to air patently offensive, sexually explicit material that would seem to tread close to the obscenity line.[28]

21. The broad range of sexually-oriented material that has been or could be considered indecent or "protected speech"—but not obscene speech—accordingly heightens our concerns for preventing harm to children. Specifically, we find that Justice Scalia's statement in *Sable* is extremely relevant in the broadcast indecency context. It has become "more reasonable . . . . to insist upon greater assurance of insulation from minors" in light of the extremely pornographic na-

ture of what may be encompassed within the category of broadcast indecency.

22. Although the Commission has focused on the government's interest in protecting children as a basis for regulating broadcast indecency, preserving the privacy of the home provides an alternative basis for upholding the constitutionality of the 24-hour prohibition. In *Pacifica*, the Supreme Court's first stated rationale for sustaining the Commission's decision was the right of all members of the public to be free of indecent material in the privacy of their homes. The Court found that "the broadcast media have established a uniquely pervasive presence in the lives of all Americans. Patently offensive, indecent material presented over the airwaves confronts the citizen, not only in public, but also in the privacy of the home, where the individual's right to be left alone plainly outweighs the First Amendment rights of an intruder." 438 U.S. 726, 748, *citing Rowan v. Post Office Dept.*, 397 U.S. 728 (1970); Id. at 759–60 (Powell, J., concurring in part).[29] In *Sable*, the Supreme Court again referred to this residential privacy interest, noting the "unique" attributes of broadcasting, *i.e.*, that it "can intrude on the privacy of the home without prior warning as to program content." 109 S. Ct. at 2837.[30]

23. The government's interest in preserving the privacy of the home reinforces its interest in protecting children. As D.C. Circuit Judge Leventhal noted in his dissenting opinion in *Pacifica*, "[w]ith the pervasiveness of TV-radio and its reach into the home the choice made by broadcasters precludes an effective choice by the family. Because of the unique interest in home life, especially strong in homes where children are being raised, it is bootless to quote from cases that reflect a more permissive attitude to speech in public streets and places, without attention to the difference . . . . The reality of broadcasting's special access to the home conjoins with the passivity of TV-radio reception—a mere click, without current purchase." 556 F.2d at 33 (Leventhal, J., dissenting). While the record demonstrates that a 24-hour prohibition on broadcast indecency is needed to advance our primary interest in controlling children's access to indecent materials, it also supports this alternative residential privacy interest, particularly the evidence concerning the pervasiveness of the broadcast media, the prevalence of random tuning and remote control devices, and the ineffectiveness of prior warnings. *See infra* at pp. 17–18 and 34–35.

C. Operative definitions

1. Definition of Indecency

24. In carrying out its statutory responsibility to enforce Section 1464, the Commission consistently has defined indecency as "language that describes, in terms patently offensive as measured by contemporary community standards for the broadcast medium, sexual or excretory activities or organs." *Pacifica Foundation*, 56 FCC 2d at 98, 100 (1975), *aff'd, F.C.C. v Pacifica Foundation*, 438 U.S. 726 (1978); *Reconsideration Order*, 3 FCC Rcd. at 930 92 (1987), *rev'd on other grounds, ACT I*, 852 F.2d at 1338–39.[31] We continue to believe that this definition is sufficiently narrow to continue to pass muster under the First Amendment. Indeed, we note that the U.S. Court of Appeals for the D.C. Circuit, relying upon the Supreme Court's opinion in *Pacifica*, explicitly affirmed this definition recently in *ACT I*, 852 F.2d at 1340.

25. Many commenters agree that the Commission's generic definition of indecency retains its validity because it is sufficiently narrow and has survived Supreme Court scrutiny.[32] Others, however, claim that the definition is unconstitutionally vague,[33] and that the vagueness could suppress broadcast material with serious literary, artistic, social, and cultural value, as well as discussions on a range of subjects.[34] Several parties argue that the Commission should adopt a rule that defers to the reasonable, good faith judgments of licensees.[35] Finally, Broadcasters argue that a licensee should have a right to a trial *de novo* whenever the Commission applies the definition to specific circumstances.[36]

26. We do not believe that application of our definition of indecency will lead to unconstitutional censorship. We have emphasized that "subject matter alone does not render material indecent. Only when that matter is presented in a *manner* that is patently offensive will it be considered indecent." *Reconsideration Order*, 3 FCC Rcd at 932 (emphasis in original).[37]

27. Furthermore, we will continue to give weight to reasonable licensee judgments when deciding to impose sanctions in specific cases. We cannot, however, abrogate our statutory duty to enforce Section 1464 by deferring absolutely to broadcasters' judgments. *See ACT I* at 1340 n.14. Finally, in response to the suggestion by Broadcasters that a trial *de novo* be available, we note that under the procedure we have utilized for indecency enforcement actions, issuance of notices of apparent liability, a trial *de novo* is in fact available to any station that challenges the Commission's determination by not paying its forfeiture. *See* 47 U.S.C. §504.

2. Definition of Children

28. We find that for the purpose of enforcing Section 1464,[38] children ages 17 and under constitute the category of persons that should be defined as "children." This conclusion is supported by the legislative history of the statutory 24-hour prohibition against indecent broadcasts, Supreme Court decisions addressing the regulation of other sexually explicit indecent materials, and other statutes governing the availability of indecent materials to children.

29. In the *NOI*, we noted that our 1987 enforcement rulings indicated that children 17 and under should be protected from indecent broadcasts, and sought comment on whether we should continue to so define children. Arguing generally that including all minors would be consistent with state laws protecting minors from other sexually explicit speech, some parties agree that "children" should include persons 17 years old and under.[39] However, opposing parties argue that even though states may protect children from obscenity, they do not protect children from indecency,[40] and that in any event there is no evidence that exposure to indecent speech harms children.[41]

30. Defining children to be protected from indecent broadcasts as those 17 years old and under is consistent with the legislative history of the statutory provision requiring the Commission to enforce Section 1464 twenty four hours a day. That history reveals that the statute's author intended to encompass children 12 to 17, as well as those under 12, within the class of persons to be protected by the 24-hour prohibition.[42] Since the statutory provision originated as an amendment introduced on the Senate floor, no committee reports exist for reference. The author's explanation, delivered immediately before the measure was adopted, therefore must be accorded substantial weight in interpreting the provision.[43]

31. In addition, defining children as those 17 and under is consistent with other laws regulating the availability of sexually explicit indecent materials to children. One such statute is the "dial-a-porn" prohibition, 47 U.S.C.A. §223(b)(3) (Supp. 1990), enacted in 1989, which prohibits indecent telephone communications to persons under the age of 18. This provision is strong evidence that Congress has found that persons 17 and under should be protected from indecent materials. In addition, contrary to the comments cited above, the *NOI* at Appendix A lists statutes from 48 states that penalize persons for disseminating to minors materials that are sexually explicit, and not necessarily obscene by adult standards. Most of these state laws protect children ages 17 and under.

32. The government's interest in protecting children 17 and under from exposure to indecent materials also has been recognized by the courts. For example, when discussing an earlier version of the "dial-a-porn" statute, the Supreme Court in *Sable* explicitly recognized the government's "compelling interest in preventing minors from being exposed to indecent telephone messages," and tacitly approved Congress' decision to apply the statute to children ages 17 and under. 109 S. Ct. at 2839. Similarly, in *Ginsberg*, 390 U.S. at 631, and *Bethel School District No. 403 v. Fraser*, 478 U.S. 675, the Supreme Court found a compelling governmental interest in controlling the availability of indecent matter to persons in the 12–17 age group. These precedents make clear that the government has a legitimate interest in protecting persons 17 and under from exposure to indecent broadcast materials.

33. We recognize that the court in *ACT I* criticized the Commission for not clearly defining "children" for purposes of applying Section 1464 and for failing to justify its application to the 12–17 age group.[44] In this report we clarify that all children 17 and under will be included in the protected age group. We find sufficient justification for adopting this definition in analogous federal and state statutes, Supreme Court precedent, and in the legislative history of the 24-hour statutory prohibition against indecent broadcasts. Accordingly, for purposes of protecting children from exposure to indecent broadcast materials, we will consider "children" to be persons age 17 and under.

D. Narrowly tailored means

1. Accessibility to Children

34. As did the Supreme Court in *Pacifica*, we find that the broadcast medium is uniquely pervasive and accessible to minors, and that these characteristics further justify prudent regulation of indecent broadcast programs. The Supreme Court has recognized that "each medium of expression presents special First Amendment problems." *Pacifica*, 438 U.S. at 748. Broadcasting has specific characteristics that support regulation of indecency that would not necessarily be permissible if applied to other media. In particular, for purposes of regulating indecent broadcasting, the Court has noted "that broadcasting is 'uniquely pervasive,' can intrude on the privacy of the home without prior warning as to program content, and is 'uniquely accessible to children, even those too young to read.'" *Sable*, 109 S. Ct. at 2837, quoting *Pacifica*, 438 U.S. at 748–49.[45]

35. Notably, the Supreme Court in *Sable* distinguished indecent telephone services from broadcasting, observing that the caller to a "dial-a-porn" service must "take affirmative steps to receive the communication," 109 S. Ct. at 2837. In contrast, "[b]ecause the broadcast audience is constantly tuning in and out, prior warnings cannot completely protect the listener or

viewer from unexpected program content." *Pacifica*, 438 U.S. at 748. Thus, "[p]lacing a telephone call is not the same as turning on a radio and being taken by surprise by an indecent message." 109 S. Ct. at 2837.

36. The *Sable* decision strongly suggests that a 24-hour broadcast indecency prohibition is constitutional if it is the most narrow tailored means of protecting children from exposure to indecent materials. The reversal of the dial-a-porn prohibition in *Sable* rested not on the failure to channel such communication, but on the government's failure to show that a complete prohibition on indecent dial-a-porn was necessary to meet the government's interest in protecting children from the indecent material. The emphasis the Court placed on the inadequacy of the record in *Sable* thus supports a conclusion that a total prohibition on indecency would be upheld if the record demonstrates that no alternative would effectively serve the compelling interest at stake.

37. The record in this proceeding confirms the general pervasiveness and accessibility of broadcasts to chilcren. TV, available in virtually every household, is viewed an average of 26 hours per week by children ages 2 to 17 years old.[46] Between 25% and almost 50% of children have a TV set for their personal use.[47] Radio is even more pervasive, with each household having an average of over five radios. Over 99% of children age 12 to 17 listen to radio at least once a week.[48] Moreover, as described in detail *infra*, children do not just have general access to the broadcast media, but they in fact tune in to their radio and television sets without meaningful supervision at all times of the day and night.

2. Children's Listening and Viewing Habits

38. The record indicates that there are children in the radio and television audience at all hours of the day and night. The data further shows that a significant number of these children are not subject to active parental supervision, even during the late evening and early morning hours.

a. Radio

39. The data submitted in response to the *NOI* indicate that there are children in the radio listening audience at all times of day, with an average of nearly three-quarters of a million children listening to radio between midnight and 6 a.m. From this data we conclude that there is no time during which indecent material could be broadcast on radio without a reasonable risk that significant numbers of children will be listening to it.

40. The Commission's initial review of radio ratings and surveys revealed little quantitative information about the radio listening habits of children under 12 years of age, although listening data for children ages 12-17 were available. These data indicated that, in all time frames measured, including midnight to 6 a.m., a higher percentage of all children ages 12-17 listened to radio than the percentage of all adults 18 and over listening to radio. Furthermore, post-midnight listening for children ages 12-17 averaged 2¾ hours per week.[49]

41. The *NOI* indicated that the national listening audience for children ages 12–17 between midnight and 6 a.m. peaked at 1,471,000 between 12:00 and 12:15 a.m., decreased gradually to a low of 309,000 between 3:45 and 4:00 a.m., and then increased to 1,429,000 between 5:45 and 6:00 a.m. The average quarter-hour audience for the entire six hour block of midnight to 6 a.m. was 716,000 children ages 12–17. The average one day cume (the estimated number of *different* persons who listen to radio for a minimum of five minutes within a specified time frame) for between midnight and 6 a.m. was 3,533,000 children ages 12–17. That is, during any given midnight to 6:00 a.m. time frame on any given day, 3,533,000 different children ages 12–17. These listeners constituted 10 to 12 percent of the post-midnight total listening audience and this proportion was generally consistent for daytime listening as well.[50] We requested comment on these data and asked commenters to submit any other data or studies regarding listening habits of children and adults.

42. Commenters supporting the 24-hour prohibition submit that children ages 12–17 make up a substantial portion of the radio audience. MIM submits radio listening data for children ages 12–17 for New York, Chicago and Los Angeles collected by Arbitron for the summer of 1989.[51] MIM combines the data for the three markets and makes a national projection of post-midnight listening by children ages 12–17 that is remarkably close to the national data presented in the NOI.[52] MIM estimates that from 12 to 1:00 a.m. the average quarter hour audience for this age group nationally is 1,334,557, which is very close to the Commission's estimate of 1,429,000 for 12 to 12:15 a.m. MIM's estimated low in listening among children ages 12–17 occurs at 4–5 a.m. with 220,067 in the audience, whereas the Commission estimated 309,000 in the audience from 3:45 to 4:00 a.m.

43. Bonneville International Corporation (Bonneville) reviewed data on audiences for several of its radio stations that it classifies as having "some teen appeal," and found that children ages 12–17 are in the audience post-midnight. Bonneville also reviewed data for non-Bonneville stations in markets in which Bonneville has stations and, similarly, found stations with greater post-midnight listening by children ages 12–17 than any other demographic group.[53] Salem submits a Bakersfield, California, radio study showing that 28% of children ages 12–17 in that market listen to radio between midnight and 6 a.m.[54] National Religious Broadcasters (NRB) also submits radio data for Detroit and Tampa showing large numbers of 12 to 17 year olds listening to radio at all times of the day and night.[55]

44. Broadcasters claim that the audience for certain programming that the Commission is reviewing as (or has deemed to be) indecent contains few children, referring to a Gallup survey of New York area households with children ages 6–11 commissioned by Infinity Broadcasting indicating that in 99.6% of households surveyed, no children in that age group listen to the Howard Stern morning radio show.[56] In the sole household that reported a child listening to that show, it was reported that the child was supervised by an adult.[57] MIM responds that although Broadcasters assert that few children ages 6 to 11 listen to the Howard Stern show, there are older children in the audience. As reported in Arbitron's *Summer 1989 "Radio Market Report"* for New York, only 5 of the 48 stations listed for the New York market have a greater audience of children ages 12–17 than WXRK–FM Monday through Friday, 7–8 a.m., when a portion of the Howard Stern show is broadcast. MIM further states that Arbitron reports an estimated 10,600 children ages 12–17 listened to the Stern show for at least 5 minutes during any quarter hour from 7–8 a.m. Monday through Friday in the summer of 1989.[58]

45. Other commenters opposing the 24-hour prohibition dispute the Commission's initial findings and submit radio listening data in support of their position. KDVS–FM (KDVS) urges that channeling be used to enhance parental responsibility, and states that Arbitron and other radio surveys suggest that the number of young children in the audience during school hours is only between 3 and 5% of the potential audience of children ages 12–17. This group comprises only 1–4% of the total audience during these broadcast hours. Both of these figures are far lower than even those seen in the 11 p.m.-midnight sampling, and approximate the post-midnight sampling. KDVS claims that these statistics suggest two appropriate times for channeling—during the school day and the late evening hours. KDVS also states that the same survey (Arbitron *Fall 1983*) reported that, during Monday through Friday, 7 p.m. to midnight, only 10% of the total audience of children ages 12–17 listened to radio outside the home at those hours. Therefore, argues KDVS, most of the children in the radio audience would be subject to adult supervision.[59]

46. KDVS also states that children ages 12–17 make up only 10% of a very small midnight to 6 a.m. listening audience. KDVS maintains that nationally, only about 3.5% of children ages 12–17 are present in any quarter hour post-midnight time frame for all stations. KDVS estimates that if this age group comprises 10% of the population, then the 3.5% of all children ages 12–17 listening to radio post-midnight represents only 0.35% of the entire population.[60] Finally, KDVS states that the Commission, in the *NOI*, did not identify estimates of the sampling error or relative standard error involved in the ratings.[61]

47. Pacifica Foundation *et al.* (Pacifica) also claims that listening statistics regarding children ages 12–17 are flawed in their application. Pacifica states that the Commission gives the impression that a significant number of children in this age group listen to radio generally. Pacifica, like KDVS, claims that the percentage of children ages 12–17 of the total listening population (the largest possible representation of these data) does not reflect the percentage of these children in the actual total population. Pacifica states that the 12–17 year old listening population should be divided by the total population to obtain a more realistic representation of this group's listening.

48. Pacifica further observes that such data do not reflect children's listening to public radio stations. Pacifica relies on data from Arbitron, Spring 1989, to conclude that children ages 12–17 listening to public radio stations account for a mere 0.2% share of this group's listening to radio and no [0] share of total radio listening. Only 1.5% of the population of children ages 12–17 tuned into public radio for 5 minutes during an average week from this survey.[62] Broadcasters also refer to the minimal audience of children ages 12–17 that National Public Radio (NPR) attracts. Broadcasters submit that, according to the Arbitron National Report (Spring 1989), member stations carrying NPR programming have *no* measurable audience in this age group from 6 to 10 a.m. and 6 p.m. to 6 a.m.[63]

49. The submitted data confirm our initial determination that there are a significant number of children in the listening audience at all times of day and night. MIM, Salem and NRB have submitted data illustrating that the listening patterns of children ages 12–17 are similar to those described in the *NOI*,[64] which indicated that the percentage of children in this age group listening to radio during all time frames was higher than the percentage of adults age 18 and over listen-

ing to radio.[65] These 12 to 17 year olds represent over 10% of the 6.9 million total average quarter-hour listening audience from midnight to 6 a.m.[66] Although KDVS maintains that there are few children ages 12–17 in the listening audience during the day, even low numbers of children (KDVS' submission indicates that 1–4% of the total audience is children ages 12–17) confirm that there are significant numbers of children listening to radio during school hours. Similarly, although KDVS maintains that 12 to 17 year olds listening between midnight and 6 a.m. during any quarter hour make up only 0.35% of the total population, this figure represents 3.5% of all children in this age group in the U.S., or 716,000 children ages 12–17.[67]

b. television

50. Our initial data, and data supplied by several commenters, validate the Commission's concerns regarding children's viewing, especially late night viewing, of television. These data demonstrate that there is a reasonable risk that a significant number of children are present in the nationwide television viewing audience at all times.

51. The *NOI* stated that, based on ratings data, children are in the television audience throughout the day. Unlike radio, there are no reported data reflecting television viewing by age between 2:00 and 6:00 a.m. That which is available, however, demonstrates that children, particularly those ages 12–17, remain in the viewing audience throughout the last reported time period ending at 2:00 a.m. The data also indicate that between 3% (for ages 2 to 5) and 8% (for ages 12–17) of children's weekly viewing occurs between 11:00 p.m. and 1:00 a.m. The *NOI* also analyzed Arbitron data depicting the percentage of persons by age group that watch TV from 6:00 p.m. to 1:45 a.m. in four selected markets. These data show that percentage-wise, as many children ages 12–17 as adults watch television during the late evening hours, and that a higher percentage of 12 to 17 year olds than adults may watch television during these hours in some markets during the summer months.[68] We requested comment on these data and solicited additional studies or data regarding children's viewing.

52. The United States Catholic Conference (USCC) submits results of a radio listening and television viewing survey of almost 8100 children attending Catholic diocesan schools (5,726 age 12 and under and 2,346 age 13–18). The USCC survey indicated that children 12 and under watch an average of 3.5 hours of television per day, mostly from 3–9 p.m. Monday through Friday, and an average of 6 hours per day on the weekend, mostly from 8–11 a.m. and 7–11 p.m. USCC also reported that children age 13–18 watch an average of 3.5 hours per day, mostly from 4–11 p.m. Monday through Friday, and an average of 6 hours per day on the weekend, mostly from 7–9 a.m. and 2–11 p.m.[69] USCC concludes that *if* a reasonably clear distinction between times when children are and are not in the audience can be discerned, then time of day restrictions for the broadcast of indecent material could be established.

53. KDVS takes issue with the Commission's graphic representation of Arbitron television viewing data for the four markets that appear in Appendix C of the *NOI*. It asserts that the post-10:30 p.m. periods are measured in fifteen-minute intervals, whereas pre-10:30 p.m. time periods are measured in thirty-minute intervals, thus depicting the rate of audience decline after 10:30 p.m. as slower than it is in reality. KDVS further states that the Commission has implied incorrectly that the proportion of age groups represented on the charts is indicative that each group is similar in size.[70]

54. Several commenters have filed evidence indicating that children comprise a significant portion of the late night audience. Salem and NRB submit data showing that, in five metropolitan areas, the number of children in the viewing audience late at night is substantial.[71] For example, in the Washington, D.C. market, for July 1989, seven percent of children ages 12–17 and four percent of children ages 2–11 are in the viewing audience from 1:45 to 2:00 a.m., Monday through Friday. Salem averages the data for the five markets and projects the national television audience for various post-11:00 p.m. time frames. For the 1:45–2:00 a.m. period, Salem projects that, nationally, 4.8% of children ages 12–17 watch television. This translates to over 970,000 12 to 17 year olds in the television audience at that hour.[72]

55. These data and our initial data confirm our belief that there is a reasonable risk that significant numbers of children are watching television at all times, including late at night. USCC's suggestion that distinctions can be made as to when children are or are not in the viewing audience is unpersuasive. Its survey indicates only that children watch TV *mostly* in certain time frames, but these time frames are not all-inclusive of children's viewing. In addition, we note that 66.9% of U.S. television households have videotape recorders (VCRs).[73] Through VCRs, children can record late night programming for viewing during daytime, thus obtaining access to programs even if they are not in the audience when the programs are initially aired.

56. KDVS' arguments regarding the data presented in the NOI also are unpersuasive. Depicting audience in 15 minute intervals as opposed to 30 minute intervals from 10:30 p.m. to 1:45 a.m. achieves a greater level of accuracy in the measurement of late night TV audiences. Using 30 minute increments does not alter the percentage of each age group that is watching TV at those times. We agree with KDVS that the rate of decline for *all* audience segments is relatively steep late at night. This does not change the evidence indicating that children remain in the viewing audience late at night. With regard to KDVS' contention that the Commission implied that each age group in the four markets charted in Appendix C of the *NOI* is similar in size, such an implication was not made. The *NOI* states that the percentage of each demographic group is represented on the chart. While the percentages of each group are, in some cases, equal, the actual numbers of each group are not. Nevertheless, there appears to be a reasonable risk that significant numbers of children are in the television viewing audience at all times.

c. supervision

57. As previously noted, the government has a clearly established compelling interest in protecting children from exposure to indecent broadcast materials, both to facilitate parental supervision of their children and to generally promote the well-being of youth. In order to compile a record with respect to supporting parental supervision, the *NOI* requested comment on parents' ability to supervise children's listening and viewing, whether parents in fact supervise listening and viewing, and whether parents are concerned about their children's exposure to indecent broadcasts. Our preliminary finding was that there is significant unsupervised television viewing by children on a daily basis. In addition, while there are fewer data available to measure unsupervised radio listening among children, we preliminarily concluded that, because of the number of radios per household, a significant number of children have the opportunity for, and actually engage in, unsupervised listening.[74] Our review of the record in this proceeding confirms the validity of these preliminary findings, and demonstrates that unsupervised children are watching and listening to television and radio at all times of day or night.

58. Broadcasters dispute the NOI's assumption that in order to supervise their children, parents must co-view or co-listen with them or have specific knowledge of their viewing or listening. Broadcasters argue that as long as parents or other adults are present, they have the opportunity to supervise their children's viewing and listening. Broadcasters maintain that examining the presence of adults as the key to whether children are subject to adult supervision is analogous to the methods used by courts to examine the regulation of indecent material by cable and telephone. Rather than examining the actual use of technical devices to block reception of indecent material transmitted by cable or telephone, or examining parental supervision, Broadcasters state that courts instead analyze the opportunity to use these methods to block reception.

59. Broadcasters commissioned a survey of 1,000 homes with children 17 and under to determine opportunities for parental and adult supervision. According to the survey, over 88% of children were under parental supervision and 98% were under adult supervision between the hours of 8:00 p.m. and 6:00 a.m. During the 10:00 p.m. to 6:00 a.m. period, over 93% of children were under parental supervision and 99% were under adult supervision. Between midnight and 6:00 a.m., over 98% of children were under parental supervision and 99% were under adult supervision.[75] Broadcasters claim these data demonstrate that parents or other adults have the opportunity to supervise their children's viewing and listening during these hours.

60. MIM disputes Broadcasters' study, arguing that under the "opportunity for supervision" theory advanced by Broadcasters, the study equates presence with supervision, assumes that a child will not watch television or listen to the radio after his or her bedtime, and assumes that supervision by anyone over the age of 18 is the equivalent of parental supervision.[76] AFA argues that even if a child is in the presence of an adult, that adult may not supervise a child as a parent would.[77] Even when parents are home, AFA argues, there is limited parent-child co-viewing habits of television. AFA submits the results of a 1989 study of co-viewing habits of parents and children that concludes that parents generally do not view family series with their children. The study found that, on average, parents and second graders co-viewed 5.6 prime time and 1.96 syndicated series in the last year. Parents and sixth graders co-viewed 7.21 prime time and 2.05 syndicated series, while parents and tenth graders co-viewed 7.63 prime time and 2.8 syndicated series. The study determined that for all series and for prime time series only, the mean co-viewing frequency was between something less than "just a few times this year" and "have watched [together], but not in the last year."[78] The authors of this study claim that "parents co-view with children, particularly when their viewing preferences coincide, and that co-viewing is associated with generally positive parental attitudes toward television and specific beliefs in encouragement for children learning from television. [The data] do not, however, suggest

that co-viewing is very much motivated by an active determination to mediate children's television experiences."[79] On the other hand, USCC submits a survey of over 8,000 parochial school students showing that 81% of the respondents ages 12 and under, 70% between the ages of 13 and 18, watch television with an adult at night. The study also shows that 72% of the respondents ages 12 and under, and 90% between the ages of 13 and 18, sometimes or almost never listen to radio with an adult.[80]

61. The record before us demonstrates that the pervasiveness and accessibility of television and radio, coupled with the lack of effective parental control mechanisms, discussed *infra*, make effective parental supervision exceedingly difficult if not impossible for the average parent. We noted in the *NOI* that 63% of television households have more than one television set, and of the ninety-nine percent of households with radios, each household has, on average, over five.[81] The number of televisions and radios in households can easily prevent a parent from actively supervising a child's viewing and listening habits. In a household with more than one television, a child may watch a program without parental knowledge. VCRs permit a child to tape a television program for later viewing without parental knowledge. The ability to listen to radio without parental knowledge is even greater, given the number of radios in the average household, their portability, and the widespread use of headphones.

62. We note, moreover, that parents' control of children's television viewing and radio listening differs from parental control of cable viewing and telephone calls. Technical means are readily available to block children's access to indecent cable programs and indecent telephone calls. Upon request, cable operators must provide a device such as a "lock-box" or "parental key" that permits a subscriber to restrict access to selected programming,[82] and access codes and scrambling are among the methods which can restrict children's access to dial-a-porn services.[83] In both instances, these methods can restrict access by children whether or not parents are physically present and actively supervise. In the case of television and radio, however, there is no comparable means that is readily available upon which parent may rely to prevent children from watching indecent off-the-air broadcast television programs or listening to indecent radio programs. Most television receivers do not permit blocking of specific channels,[84] and channel blocking devices are not available for radios. There is no evidence in the record that a lockbox type of device is available for attachment to televisions and radios to prevent access to specific channels. Therefore, because parents cannot rely on technical devices to prevent children from viewing indecent programs, parents can effectively supervise their children only by co-viewing or co-listening, or, at a minimum, by remaining actively aware of what their children are watching at all times. As many concerned parents filing comments in this proceeding emphasized, however, it is not practical for parents to exercise this type of control. The letter of Elizabeth Urquhart of Houston, Texas, addressed to Commissioner Duggan, succinctly sums up the point made in a large number of other letters submitted in this proceeding in stating the "[I]t is not a matter of my responsibility to monitor. A person (parent) would have to be super human to monitor every program a child might watch—in and out of our home [*sic*]."[85]

63. We do not believe that Broadcasters' study demonstrates that parental presence alone can adequately protect children from indecent broadcast programming. Broadcasters' data show that at no time during the day are all children under parental supervision. Even during the period of time from 1:00 a.m. to 6:00 a.m., the survey found that 1.2 percent of the children were neither with a parent nor asleep.[86] Since children are in the broadcast audience during this period, it is not unlikely that some of these children could watch indecent programming broadcast late at night. In addition, although the survey asked parents if the child in question was "in the presence of at least one parent, stepparent, or legal guardian," the term "presence" was apparently undefined. A respondent may have answered that the child was in the "presence" of a parent even if the child was awake in another part of the home and the parent asleep. Nor did the survey ask what parents were doing during the hours that they were in the presence of children. Because there is no technical means to prevent children from viewing or listening to particular programs, supervision requires parents either to co-view or co-listen, or to remain actively aware of a child's viewing or listening at all times. As a practical matter, mere "presence" in the same house as a child does not necessarily translate into supervision.

64. Commenters have not disputed our estimates of the amount of unsupervised television viewing by children. Our analysis, based on a 1980 study of 817 American househoulds with children between the ages of 6 and 17, estimated that the maximum amount of unsupervised children's daily viewing ranges from 212 to 222 minutes and the minimum ranges from 40 to 54 minutes.[87] We also estimated that among children in certain age groups the maximum amount of unsupervised children's daily viewing could range from 357 to 375 minutes, if we assume that all of a child's viewing in two-television households occurs on a separate set from the parents'.[88] The *NOI* also suggested that the number of radios in households made a substantial amount of unsupervised radio listening by children likely. The data submitted by the parties to this proceeding do not refute these estimates. In any event, the record demonstrates that parents cannot always provide meaningful supervision, even when they are present at home. Accordingly, we conclude that there is a substantial amount of unsupervised viewing and listening by children, and that as a practical matter, the pervasiveness and technology of broadcasting serve to deny parents the means necessary to exercise effective control over these activities.

d. Conclusions

65. The above evidence indicates that there is a reasonable risk that significant numbers of children are in the audience for radio and television broadcasts at all times of the day and night. The number of children present, moreover, clearly is more than "a few of the most enterprising and disobedient young people." *Sable*, 109 S. Ct. at 2838. For example, evidence submitted by the commenters indicates that, in all time frames measured, a higher percentage of all children between the ages of 12 and 17 listened to radio than the percentage of all adults age 18 and over, even between midnight and 6 a.m.[89] Although some commenters claim that 12 to 17 year olds listening between midnight and 6 a.m. during any quarter hour make up only 0.35% of the total population,[90] this figure represents a full 716,000 children between the ages of 12 and 17.[91]

66. Similarly, the record demonstrates that there is a reasonable risk that a significant number of children are in the television audience throughout the broadcast day and night. As previously noted, available data show that children, particularly those between the ages of 12 and 17, are in the viewing audience until the last time period reported for television ratings. The data further show that as high a percentage of children ages 12 to 17 as adults watch television during the late evening yours. Indeed, for the 1:45 to 2:00 a.m. time period, one commenter has estimated that there are over 970,000 12 to 17 year olds in the television audience.[92] These figures, of course, do not take into consideration the number of children who may be using VCRs between midnight and 6 a.m. to record television programs for viewing at a later time.

67. The data further show that a significant number of children in the broadcast audience are not subject to active parental supervision, even during the late evening and early morning hours. Although Broadcasters have submitted a study alleging that many children are under "parental supervision" at all times of the broadcast day, the study does not establish that parents in fact actively supervise their children's viewing and listening of radio and television; rather, it shows only that most children are usually in the "presence" of an adult, an undefined term that leaves open the possibility that children may be watching or listening to a television or radio while their parents (or other adults) are in other parts of the house or are asleep. The record, moreover, indicates that children engage in unsupervised viewing and listening throughout the day and night not because of a lack of concern by parents, but because of the impracticality of total supervision that derives from a combination of the technology involved and the lack of available and effective parental control devices.

68. In sum, the evidence establishes that, given the pervasiveness and accessibility of radio and television, unsupervised children in pursuit of entertainment need be neither "enterprising" nor "disobedient" to turn on a television or radio, or to record a program on a VCR, at any time of day or night. Accordingly, we conclude that there exists a reasonable risk that a sufficient number of children are in the broadcast audience at all times to warrant narrowly-tailored government regulation of indecent broadcasting aimed both at facilitating parental supervision and promoting the well-being of youth. Such regulation is particularly necessary since, as previously discussed, a wide range of sexually explicit and patently offensive material may be encompassed within the definition of "indecency."[93]

E. Alternatives to 24-hour prohibition

69. The *NOI* solicited comment on alternatives to a 24-hour prohibition, including (1) channeling indecent broadcasts to a time of day when children most likely will not be exposed to them; (2) using program rating codes or pre-broadcast warnings to protect children; and (3) relying upon broadcast technologies to limit children's access. After careful consideration of the record, we conclude that none of these options can effectively advance our interest in protecting children from indecency and, accordingly, that a 24-hour prohibition is the most narrowly tailored means of serving this compelling government interest.

1. Time Channeling

70. Time channeling would establish a specific time period during which noon-obscene,

but indecent adult-oriented programming could be aired. The feasibility of this alternative depends on whether indecent broadcasts could be channeled to hours when it is unlikely that children would be in the audience. We conclude that, based on the data indicating that there is a reasonable risk that children are present in the viewing and listening audience at all times, there is no time when the reasonable risk of children in the audience is sufficiently low to make their exposure to indecent programs unlikely. Accordingly, we conclude that it would not be possible for broadcast stations, as a general matter, to channel indecent material to certain times of the broadcast day without risk that a significant number of children will be watching or listening without meaningful parental supervision.

71. Broadcasters argue that channeling broadcasts to times of day when parents have an opportunity to supervise their children gives parents a meaningful opportunity to prevent children's access to indecent programs.[94] A 24-hour prohibition, argue Broadcasters, places government in the position of deciding what children should see and hear.[95] KDVS suggests that the Commission implement time channeling during school days, when there is a reduced risk that children would be in the broadcast audience.[96] Other parties, however, note that a number of children are along during various time of the day.[97] In this regard, we note that *ACT I* affirmed the Commission's regulation of a daytime indecent broadcast.[98]

72. Finally, AFA argues that the effectiveness of a time channeling approach is diminished by the proliferation of VCRs, claiming that an estimated seventy-five to eighty percent of households with children have VCRs.[99] KDVS counters AFA's claim, arguing that most VCRs are purchased by parents, frequently for the personal use of their children, and that parents therefore must be aware of the possibility that their children may use VCRs to tape broadcast programming.[100]

73. After further consideration of time channeling, we conclude that we cannot identify a time when the reasonable risk of children in the audience is sufficiently low to make their unsupervised viewing of indecent programs unlikely.[101] We have determined that at all times there is a reasonable risk that significant numbers of children are in the broadcast audience for television and radio. The proliferation of VCRs further undermines a channeling approach for television, for, as AFA noted, a majority of households with children have VCRs that children may operate to tape a program. Clearly, many teens and even younger children know how to use the recording and playback functions of a VCR. As a result, delaying viewing on a VCR provides children with access to programs broadcast at a time when their live viewing is least likely.

74. Broadcasters' argument that stations should be permitted to channel indecent programming to times of day when parents have an opportunity to supervise their children, moreover, fails to address the impracticality of parents supervising their children's listening and viewing 24 hours a day.[102] The record in this case includes thousands of letters from parents addressing this issue and convinces us that parents who wish to exercise such supervision do not have the tools or time available to do so because of the pervasiveness of the broadcast media and the lack of effective parental control devices.[103] Although Broadcasters' study attempts to show that opportunities for parental supervision are extensive, it fails to demonstrate that meaningful parental supervision is possible as a practical matter.[104] Indeed, in view of the substantial amount of unsupervised viewing and listening by children, the number of children who are without parental supervision and the factors interfering with parental ability to supervise children's viewing and listening effectively, we must conclude that time channeling would be an ineffective means of protecting children from broadcast indecency.

75. Several commenters also argue that, because the Commission's definition of indecency and its indecency enforcement policies are allegedly vague, unless a time channeling approach is adopted in lieu of a 24-hour prohibition, the threat of sanctions could deter some broadcasters from presenting programs that are not actually indecent.[105] C&M maintains that time channeling recognizes the rights of broadcasters to transmit constitutionally protected indecent speech and the rights of listeners to receive indecent programming.[106] This request for a "safe harbor" to present indecent programming reflects a belief that a broadcaster cannot determine with any degree of certainty whether a specific program violates the guidelines adopted in this proceeding. This is incorrect. Our definition of indecency, read in conjunction with our decisions in enforcement actions, provides licensees sufficient guidance to decide whether a program would be indecent.

2. Rating and Warning Devices

76. Another alternative to a 24-hour prohibition of broadcast indecency is the use of a voluntary industry ratings code for television and radio broadcasts. The ratings, which would be published in television and radio guides and announced prior to each program, would alert the viewer or listener to the content of the program. We conclude that ratings and warnings would not effectively limit children's exposure to indecent programming, since this and viewing at all hours and in all locations. The effectiveness of ratings and warnings is further reduced by random tuning behavior known as "grazing," rapidly tune through the entire channel menu until they find something interesting enough to hold their attention.

77. The *NOI* requested comment regarding the use of a voluntary industry ratings code for television and radio braodcasts. However, the *NOI* expressed doubt that ratings and warnings would prevent minors from viewing or listening to indecent programming because the broadcast audience is constantly tuning in and out of programs, and suggested that random tuning behavior may be even more prevalent today than when *Pacifica* was decided in 1978.[107] The *NOI* suggested that children could be exposed to different programming in rapid succession without warning as to content either because they graze or because they are co-viewing with others who are grazing.

78. Several commenters address the possible use of ratings and warning devices. USCC and KDVS suggest that a combined time channeling and ratings system could be effective.[108] However, AFA and Salem suggest that ratings require parental supervision in order to be effective.[109] Other commenters fear that an indecency warning could attract children to a particular broadcast [110] or that a warning could serve to "license" an indecent broadcast by warning the viewer of content.[111] Several commenters also specifically responded to the Commission's discussion of grazing. Broadcasters submits a study conducted by Arbitron and NAB of 13,000 radio listeners aged 12 and over showing that this group listened to an average of 2.99 radio stations per week.[112] Broadcasters concludes that this study indicates that neither adults nor children engage in significant random tuning for radio. Pacifica claims that radio listeners, especially those who listen to noncommercial radio stations, do not engage in grazing.[113] On the other hand, others contend that grazing is prevalent.[114]

79. We conclude that ratings and warning would not effectively limit children's exposure to indecent programming. Currently there is no device which would permit a parent to "lock out" programming. Unless it were practical for parents to supervise viewing at all times, a child may ignore a warning and view or listen to indecent programming. Indeed, a warning may attract a child's attention and lead the child to view or listen to the program. This is of particular concern because of the significant amounts of unsupervised viewing and listening by children. We also believe that grazing is sufficiently common to reduce the effectiveness of ratings, even if a child is supervised. Grazing and channel changing by either a parent or a child may cause the viewer or listener to miss a content warning.[115] We believe the study cited by Broadcasters indicating the average number of radio stations listened to per week is not relevant in determining whether grazing occurs. Grazing involves turning to a number of channels in a short period of time, and such rapid switching may not be reflected in ratings. Broadcasters do not state whether the study asked listeners if they engaged in grazing to find those channels, or if they ever engaged in grazing. Therefore, we conclude that lack of parental supervision, coupled with the proclivity of viewers and listeners to graze, would undermine the efficacy of a system of ratings and warnings.

3. Broadcast Technologies

80. The *NOI* requested comment on whether there are feasible broadcast technologies that could restrict children's access to indecent broadcasts. We conclude that although such technology may be feasible, no such technologies are currently available to the public for this purpose.

81. The *NOI* suggested that the FM or television aural subcarrier could be used for the broadcast of audio indecency. The subcarrier signal would be receivable only by special decoders. Salem supports the *NOI's* assessment that subcarriers could be used to provide audio indecency. Salem maintains that an FM station could install a subcarrier signal generator at minimal expense, and that decoders for home use currently cost approximately $60, but could be expected to fall in price if produced in large quantities.[116] John W. Olivo, Jr., suggests use of a signal that would permit electronic blocking of programs by home receivers. KDVS, however, suggests that alternative broadcast technologies may not be financially feasible for many broadcasters, particularly noncommercial stations.[117]

82. As another alternative, NRB suggests that the Commission permit the broadcast of scrambled indecent material at any hour.[118] Kennedy Broadcasting ("Kennedy") similarly suggests that low power television (LPTV) stations be permitted to offer adult-oriented programming if scrambled. NRB and Kennedy argue that the decoder necessary to view scrambled programming would protect children from indecent material in much the same way as a cable lockbox or parental key. Kennedy also asks the

Commission to state whether indecency standards will be applied to subscription television.

83. With respect to scrambling, we note our previous statements that we do not impose regulations regarding indecency on encrypted services, such as subscription television, that lack "the indiscriminate access to children that characterizes broadcasting." *Video 44*, 3 FCC Rcd 757, 760 n.2 (1988), *rev. on other grounds sub nom. Monroe Communications Corp. v. F.C.C.*, 900 F.2d 351 (D.C. Cir. 1990). While signal blocking and subcarrier use appear to be technologically feasible to prevent reception by individuals not wishing to receive certain signals, neither is available today, so we cannot rely on these technologies either to protect children from exposure to indecent broadcasts or to assist parents in supervising their children's viewing and listening. Use of a signal as suggested by Olivo also is not available today nor expected to be available in the foreseeable future, and may or may not prove practical. However, we encourage interested parties to continue to bring to our attention technologies or other means capable of restricting access by children to indecent broadcast programs.

F. Non-Broadcast Alternative Programming Sources

84. We recognize that we must be sensitive to the concern of the Supreme Court that the adult population not be reduced to seeing or hearing only what is fit for children.[119] In *Pacifica*, the Supreme Court recognized that non-broadcast alternatives to broadcast indecency are available to adults, including tapes, records, theaters and nightclubs. The *NOI* requested comment on whether these non-broadcast alternatives and additional non-broadcast alternatives, including cable with a lock-box capacity, videocassettes, audiocassettes, and motion pictures, provide adults with access to visual and audio programs functionally equivalent to those that would be proscribed from broadcast. We noted that cable television, a non-broadcast alternative not mentioned by the *Pacifica* Court, provides adults with access to programming designed for mature audiences yet incorporates equipment that facilitates parental control over the viewing of their children. Several commenters agree with the Commission's assessment that adults have many alternative sources of indecent material.[120] AFA submits an analysis of the MPAA ratings for 1,309 movies shown on premium cable services from December 26, 1987, through January 12, 1990, and claims that 663, or 51%, were R-rated.[121]

85. In response, Broadcasters argue that total suppression of indecent material in the broadcast medium would deprive adults of their ability to receive protected material, and thereby would violate their First Amendment rights,[122] because much material that might be indecent either is not available elsewhere or could be found only with time or effort. Broadcasters also claims that live radio and television talk shows, special news reports, public affairs programs, and many made-for-television entertainment programs are not available elsewhere. Broadcasters maintains that at least seven of the broadcast programs that triggered Commission action in 1989 contained material that was unavailable in any other medium.[123] Even if some material is available, Broadcasters asserts, many adults will be deterred from obtaining the material because they will have to determine if the material is available and then purchase it. Furthermore, the timeliness of the material will be lost and, with it, a large measure of at least some of the programs' value.[124] Broadcasters also argues that adults' ability to purchase indecent material is irrelevant constitutionally because the Supreme Court has "made clear that free speech may not be 'abridged on the plea that it may be exercised in some other place.'"[125] Broadcasters also claims that "every decision cited in the long history of this proceeding, whether in broadcasting, cable, telephone, or print, unhesitatingly concluded that blanket bans on indecency violate the First Amendment."[126]

86. We conclude that a 24-hour prohibition on broadcast indecency will not, in the words of the *Pacifica* Court, "reduce adults to hearing [or seeing] only what is fit for children."[127] The Court specifically referenced *Butler* in affirming the Commission's action in *Pacifica*, noting that "[a]dults who feel the need may purchase tapes and records or go to theaters and nightclubs to hear these words." 438 U.S. at 750 n.28. *See also* 438 U.S. at 760 (Powell, J., concurring). Thus, the Court has recognized that the opportunity to obtain access to indecent material through other outlets is sufficient even if those outlets are not absolutely fungible with broadcasting.

87. In addition, indecent material is available on media that are largely indistinguishable, from the viewer's perspective, from broadcast television, although their characteristics facilitate restricting access to adults. Parties do not question that adults can obtain indecent material through cable television, wireless cable,[128] home satellite dishes,[129] or satellite master antenna television systems (SMATV)[130] and, soon in the future, DBS.[131] We note, for example, that as of July, 1990, 53.9 million households, or 58.6% of the total television households, subscribed to cable, and 71.3 million television households were passed by cable.[132] The individual who seeks indecent material via cable television need not leave his or her home to obtain the material. Furthermore, through the use of a lock-box or parental key, parents can control children's viewing, even permitting children to view indecent material if parents believe that doing so is in a child's best interest. AFA in its comments demonstrates that a significant number of R-rated movies are shown on cable. Accordingly, imposition of a 24-hour prohibition on broadcast indecency will not significantly interfere with the ability of adults to view or listen to indecent programming.

88. Moreover, *Butler* does not address the situation presented here, in which there is no feasible way to offer adults access to the medium without offering access to children. *Butler* concerned the sale *to adults* of books "tending to incite minors to violent or depraved or immoral acts manifestly tending to the corruption of the morals of youth." 352 U.S. at 381. Distributors of books or other media such as magazines, movies, and video and audio cassettes, with a salesperson behind the counter, have the means to control access by children at their point of sale or access. Thus, in the words of Justice Powell, "dissemination of this kind of speech to children may be limited without also limiting willing adults' access to it." *Pacifica*, 438 U.S. at 758 (Powell, J., concurring). Broadcasting, however, has no salesperson behind the counter or lockbox which parents may use to control access. Unlike other media, broadcasting is delivered directly into the privacy of the home and does not distinguish among recipients. Accordingly, "such a physical separation of the audience cannot be accomplished in the broadcast media. * * * [T]he broadcaster cannot reach willing adults without also reaching children." *Id.* at 758–759. *Butler* simply does not address the conflict between adults' right to obtain indecent material and the need to protect children from exposure to such material in the broadcast medium. We believe, however, that the established compelling interest in protecting children, coupled with the impossibility of separating children from adults in the broadcast audience, must outweigh the right of adults to view or to hear broadcast indecency, especially when adults can readily see or hear such material on widely available and readily accessible media which can separate children and adults. As Justice Powell said, *Butler's* attentiveness to adults' rights "is not sufficiently strong to leave the Commission powerless to act" to control broadcast indecency. *Pacifica*, 438 U.S. at 760 (Powell, J., concurring).

G. Enforcement

89. The foregoing demonstrates that only a 24-hour prohibition would effectively serve to protect children from broadcast indecency. Nonetheless, although audience surveys and data demonstrate the likelihood that significant numbers of children may be found in broadcast audiences at all times of the day and night, in the future we will consider, on a case-by-case basis, evidence from a station charged with indecent broadcasting that the data concerning children's viewing or listening are not applicable in its specific market. In other words, we will permit the broadcaster to submit evidence illustrating that only "a few of the most enterprising and disobedient young people" are in the broadcast audience in the station's market at the time of the broadcast in question. In this regard, stations will not be required to show that children were not in the market audience on the specific date and at the specific time that the allegedly indecent program was aired (*e.g.*, Thursday, July 12, 1990 at 11:30 p.m.). Rather, stations will be permitted to demonstrate through ratings data or other probative evidence that children typically are not in the audience on the day and at the time in question (*e.g.*, Thursday nights at 11:30 p.m.). This policy will ensure that enforcement of the broadcast indecency statute will be narrowly tailored to situations in which there is in fact a risk that children are in the audience. We do not believe this requirement is unduly burdensome for a licensee.[133]

90. We note that in several prior instances, parties have responded to Letters of Inquiry or Notices of Apparent Violations with data which, they argue, demonstrate that few or no children were likely to have been listening to their particular station when the alleged indecent language was aired. Listeners and viewers, however, often switch indiscriminately from station to station and, particularly in the case of radio, "tune into a station generally without the benefit of a schedule of programs or warning as to potentially offensive content." *In re Pacifica*, 2 FCC Rcd at 2701, citing *Pacifica*, 438 U.S. at 760 n.2 (Powell, J., concurring). As a result, if children in a given market are in the broadcast audience, they may well tune into a particular station when "grazing" through different channels on their radio or TV set. Accordingly, to ensure that children are not exposed to indecent programming, we will require a station defending against a broadcast indecency complaint to demonstrate that children in fact are not in the broadcast audience for the entire market, not just the particular station, at the time it aired the allegedly indecent material.

IV. CONCLUSION

91. Based upon the information contained in the record and discussed in this *Report*, and our analysis of the applicable constitutional law as recently set forth by the Supreme Court in *Sable*, we conclude that the 24-hour prohibition on broadcast indecency is the most narrowly tailored means of protecting children from indecent material. In 1988 Congress, concerned with children's access to indecent material through broadcast stations, statutorily required this Commission to enforce the prohibition against indecent material on a 24-hour-a-day basis. In response to the Court's remand of the record in *Act II*, in which the validity of the statute and the Commission's implementation of it was put at issue, we have conducted a full and fair proceeding to assess the validity of the 24-hour prohibition. In the *NOI*, we invited comment on a broad range of relevant issues and received comment on these and additional issues that responding parties wished to address. Over 92,500 comments have been received in response to this *NOI*, the vast majority of which favor the 24-hour prohibition.

92. Congress and the courts have determined that indecent material is potentially harmful to children. The Commission's definition of indecency has been affirmed by the Supreme Court, and permits broadcasters to identify material that is indecent. Because data gathered in this proceeding establish that children are in the broadcast audience at all times of the day and night, we do not believe that a channeling mechanism will accomplish the compelling governmental purpose of protecting children. Adults, on the other hand, have other means to access such material should they so desire.

93. To comply with *Sable's* requirement that the means to accomplish the governmental interest be tailored as narrowly as possible, we have decided, when enforcing the 24-hour prohibition, to consider on a case-by-case basis any information that children are not in the broadcast audience in the market of the station accused of airing indecent material. This policy, we believe, will ensure that enforcement actions are taken only against those stations that broadcast indecent material when children are in the audience.

V. ORDERING CLAUSES

94. Accordingly, it is ordered, That the late filed copy comments of AFA are accepted.

95. It is further ordered, That upon release, the General Counsel is instructed to submit this *Report* to the U.S. Court of Appeals for the District of Columbia Circuit in response to the remand of the record in *Action for Children's Television v. F.C.C.*, No. 88–1916.

96. It is further ordered, That this proceeding is terminated.

FEDERAL COMMUNICATIONS COMMISSION,
DONNA R. SEARCY,
Secretary.

FOOTNOTES

[1] No. 88–1916 (D.C. Cir. Sept. 13, 1989).

[2] The Commission's 1989 appropriations law states: "By January 31, 1989, the Federal Communications Commission shall promulgate regulations in accordance with section 1464, title 18, United States Code, to enforce the provisions of such section of a 24 hour per day basis." *Making Appropriations for the Departments of Commerce, Justice, and State, the Judiciary, and Related Agencies for the Fiscal Year Ending September 30, 1989, and for Other Purposes*, Pub. L. No. 100–459, §608, 102 Stat. 2186, 2228 (1988).

[3] Enforcement of the FCC regulation promulgating the 24-hour prohibition, codified at 47 C.F.R. §73.3999 (1989), was stayed pending judicial review by the court in *ACT II*.

[4] 109 S. Ct. 2829 (1989).

[5] 4 FCC Rcd 8358 (1989).

[6] We received over 92,500 formal and informal responses to our *NOI*. Almost 88,000 informal letters supported a 24-hour prohibition, while approximately 4,500 letters opposed it. Formal commenters are listed in Appendix A, and the informal comments have been placed in the docket file. American Family Association *et al.* (AFA) filed its reply comments one day late. In the interest of assembling a full and complete record, and the lack of prejudice resulting to any party, we will accept those comments.

[7] *See* 47 U.S.C. §§312(a)(6) and (b), 503(b)(1)(D) (1988).

[8] The Commission's definition of indecent language remains "language that describes in terms patently offensive as measured by contemporary community standards for the broadcast medium, sexual or excretory activities or organs." *Pacifica Foundation*, 56 FCC 2d 94, at 98, 100 (1975). In our *Reconsideration Order* we explained that we separately consider the nature of the material involved and the time of broadcast because the time of broadcast is pertinent to whether the broadcast is actionable, rather than to whether it is indecent. *See* 3 FCC Rcd 930, 936 n.6 (1987); *ACT I* at 1338 n.8.

[9] 390 U.S. 629 (1968). In *Ginsberg*, the Court upheld a state statute that prohibited the sale to minors (17 and under) or sexual material deemed by the legislature to be obscene as to children.

[10] *See* n. 2, *supra*.

[11] 47 CFR §73.3999 (1989). *See Order in Enforcement of Prohibitions Against Broadcasting Obscenity and Indecency in 18 U.S.C. §1464*, 4 FCC Rcd 457 (1988).

[12] Morality in Media (MIM) Comments at 23–32; Salem Communications Corporation and Focus on the Family (Salem) Reply Comments at 24–27.

[13] *ACT I* at 1343 n. 18, quoting *Consolidated Edison Co. v. Public Service Comm'n*, 447 U.S. 530, 540 (1980).

[14] *Cf. United States v. Grace*, 461 U.S. 171, 177 (1983) (regulation must be "narrowly drawn to accomplish a compelling governmental interest); *Consolidated Edison Co. of New York v. Public Service Commission of New York*, 447 U.S. 530, 540 (1980) (regulation must be "a precisely drawn means of serving a compelling state interest"); *Schaumberg v. Citizens for a Better Environment*, 444 U.S. 620, 637 (1980) (law invalid because state's interest could be "served by measures less intrusive"); *Cornelius v. NAACP Legal Defense and Educational Fund*, 473 U.S. 788, 800 (1985) (state can exclude speakers if "compelling state interest" and "narrowly drawn exclusion"); *Perry Education Association v. Perry Local Educators Association*, 460 U.S. 37, 45 (1983) (government must show that "regulation is necessary to serve a compelling state interest and that it is narrowly drawn to achieve that end"); and *First National bank of Boston v. Bellotti*, 435 U.S. 765, 786 (1978) ("closely drawn to avoid unnecessary abridgment," quoting *Buckley v. Valeo*, 424 U.S. 1, 25 (1976) (per curiam)).

[15] *See ACT I* at 1343 n. 18.

[16] Capital Cities/ABC (ABC) Comments at 28; Pacifica Foundation *et al.* (Pacifica) Comments at 32; P.E.N. American Center *et al.* (PEN) Comments at 9; Cohn and Marks (C&M) Comments at 20; and Comments submitted jointly by a number of broadcasters and organizations, including the National Association of Broadcasters, CBS Inc., Action for Children's Television, and the American Civil Liberties Union *et al.* (hereinafter collectively referred to as "Broadcasters") at 19, 23.

[17] MIM Reply Comments at 15–16.

[18] MIM Comments at 4–5.

[19] Broadcasters Comments at 5–6.

[20] MIM Comments at 12–14; AFA Comments at 2–7; Salem Reply Comments at 49–53.

[21] C&M Comments at 19 n.28. C&M's reference to absorbing the "first blow" derives from *Pacifica*, 438 U.S. at 749: "To say that one may avoid further offense by turning off the radio when he hears indecent language is like saying that the remedy for an assault is to run away after the first blow." *See also* n.29, *infra*.

[22] There seems to have been some understandable confusion in the past as to the extent to which we relied on both of these two purposes—supporting parental supervision and promoting the well-being of youth—in serving the compelling interest of protecting children. *Compare, e.g., Reconsideration Order*, 3 FCC Rcd at 930 ¶3, with 3 FCC Rcd 931 ¶11. The court in *ACT I* understood the Commission's position as based solely on its interest in supporting parental authority. *ACT I*, 852 F.2d at 1343. However, the Supreme Court in various cases, including *Ginsberg*, *Pacifica*, and *Sable*, has recognized a broader governmental interest in protecting children which goes beyond merely supporting parental supervision, and Congress specifically referenced this broader interest in directing the adoption of the 24-hour prohibition on broadcast indecency. *See* 134 Cong. Rec. S9912 (daily ed. July 26, 1988) (statement of Sen. Helms). We take this occasion to state that, consistent with Congress' direction, the broader view more accurately reflects what we seek to accomplish—specifically, to support parental supervision and to promote generally the well-being of youth.

[23] Broadcasters Comments at Appendix A.

[24] AFA Reply Comments at Appendix 2. In defining pornography, Victor B. Cline, author of the study, noted that "something could be regarded as 'pornographic' but still not be legally obscene." *Id.* at 1.

[25] *See Telephone Decency Act of 1987*, Hearing Before the Subcommittee on Telecommunications and Finance of the U.S. House of Representatives Committee on Energy and Commerce, 100th Cong., 1st Sess. (Serial No. 100–99, Sept. 30, 1987) at pp. 22–26, 27, 63–64, 96–97; *Cable-Porn and Dial-A-Porn Control Act*, Hearing Before the Subcommittee on Criminal Law of the United States Senate Committee on the Judiciary, 99th Cong., 1st Sess. (July 31, 1985, Serial No. J–99–46) at pp. 103, 135–138.

[26] *See* Pub. L. 98–214, 97 Stat. 1469 (1983); amended by Pub. L. 100–297, 102 Stat. 424 (1988); further amended by Pub. L. 101–106, 103 Stat. 1159, 1192–1194 (1989).

[27] *See United States v. Various Articles of Obscene Merchandise, Schedule No. 2102*, 709 F.2d 132 (2d Cir. 1983). Other movies found not to be obscene included "Insatiable," "Star Virgin," "The Opening of Misty Beethoven," and "Inside Desiree Cousteau." The court described these movies as "examples of hardcore pornography, describing and depicting a wide range of scenes of explicit sex on the part of adults, singly and in groups, including detailed portrayals of genitalia, sexual intercourse, fellatio, and masturbation." 709 F.2d at 134. *See also Hermann v. United States*, 259 A.2d 347 (D.C. 1969), holding the movie "Threes, Menage a Trois" not to be obscene. The movie was described by the court as depicting "a succession of more or less disconnected scenes portraying or suggesting sexual activities including repetitive self-fondling of female nipples, lesbian-like stroking, some displays of female genital areas and pubic hair, and poses suggestive of cunnilingus between a fully dressed man and a partly dressed woman." 259 A.2d at 348.

[28] Examples of the patently offensive indecent material broadcast by some stations are included in Appendix B.

[29] In his concurrence, Justice Powell noted that "broadcasting—unlike most other forms of communication—comes directly into the home, the one place where people ordinarily have the right not to be assaulted by uninvited and offensive sights and sounds . . . . Although the First Amendment may require unwilling adults to absorb the first blow of offensive but protected speech when they are in public before they turn away, . . . a different order of values obtains in the home." 438 U.S. at 759 (Powell, J., concurring in part) (citation omitted).

[30] The Court has recognized the government's substantial interest in protecting the privacy of the home in non-broadcast contexts as well. *See, e.g., Frisby v. Schultz*, 487 U.S. 474, 484 (1988) (upholding a narrowly-tailored ban on picketing a specific residence and stating that "we have repeatedly held that individuals are not required to welcome unwanted speech into their own homes and that the government may protect this freedom"); *Carey v. Brown*, 447 U.S. 455, 471 (1980) ("The State's interest in protecting the well-being, tranquility and privacy of the home is certainly of the highest order in a free and civilized society"); *Bolger v. Youngs Drug Products Corp.*, 463 U.S. 60, 77–78 (1983) (Rehnquist, J., concurring) ("We have often recognized that individuals have a legitimate 'right to be left alone' in the privacy of the home . . . the one place where people ordinarily have the right not to be assaulted by uninvited and offensive sights and sounds").

[31] Our initial definition of indecency included the language "when there is a reasonable risk that children may be in the audience." *Pacifica*, 56 FCC 2d at 98. Starting with our 1987 decisions, however, we have treated the nature of the material involved and the presence of children in the audience as separate issues because the question whether there is a reasonable risk of children in the audience is "more pertinent to . . . whether a broadcast is 'actionable' under 18 U.S.C. §1464 than to whether it is indecent." *Reconsideration Order*, 3 FCC Rcd at 936 n.6. *See supra*, n.8.

[32] *See, e.g.*, MIM Reply Comments at 22–25; Salem Reply Comments at 10–21; and AFA Reply Comments at 3–7.

[33] *See, e.g.*, Broadcasters Comments at 35–40; PEN Comments at 11–16; Post-Newsweek Stations (Post) Comments at 1–2; ABC Comments at 19–21; C&M Comments at 7–16; and Cox Comments at 9–15.

[34] PEN Comments at 16–20; Pacifica Comments at 13–20; Post Comments at 2–5; and KDVS Comments at 11–14.

[35] Broadcasters Comments at 40; ABC Comments at 36–41; and Arizona Board of Regents *et al.* (Joint Parties) Comments at 22–23.

[36] Broadcasters Comments at 44.

[37] We also note that the courts already have determined that our definition of indecency is not unconstitutionally vague. *See ACT I* at 1338–1339.

[38] Section 1464 states that "Whoever utters any obscene, indecent, or profane language by means of radio communication shall be fined not more than $10,000 or imprisoned not more than two years, or both." 18 U.S.C. §1464.

[39] *See, e.g.*, AFA Comments at 13; Bonneville International Corporation (Bonneville) Comments at 5; and Salem Reply Comments at 21–24.

[40] *See* Broadcasters Comments at 26–29. *See also* Cox Enterprises (Cox) Comments at 26–28 and PEN Comments at 20–23.

[41] Broadcasters Comments at 13–17 and Appendix A; Broadcasters Reply Comments at 10–12; Pacifica Comments at 30–31; and ABC Comments at 23–28.

[42] In enacting the 24-hour prohibition, Senator Helms, the author of the legislation, relied upon data regarding children 12 to 17 in arguing for enactment of the prohibition and, therefore, intended for it to apply to this age category. 134 Cong. Rec. S9912 (daily ed. July 26, 1988) (Statement of Sen. Helms).

[43] *See North Haven Board of Education v. Bell*, 456 U.S. 512, 526–527 (1982); *Steiner v. Mitchell*, 350 U.S. 247, 254 (1956) (remarks of legislation's sponsor is an authoritative guide to statute's construction and deserves to be accorded substantial weight). *See also National Woodwork Manufacturers Association v. NLRB*, 386 U.S. 612, 640 (1967) ("It is the sponsors that we look to when the meaning of the statutory words is in doubt.").

[44] The Court in *ACT I* noted that the Commission in a 1976 legislative proposal had recommended that the regulation of broadcast indecency be directed to protecting children under 12. *See* 852 F.2d at 1342, citing 122 Cong. Rec. at 33,367 n.119. At the time, we made this recommendation for two reasons. First, we proposed that broadcasters could defend against an indecency complaint by showing that they had made efforts to minimize the risk of exposure to children. Including 18-year olds in the definition of children, we feared, would deprive broadcasters of this defense because of the difficulties inherent in effectively shielding 18-year olds from indecent programming. Second, we observed that age 12 "is the accepted upper limit for children's programming in the industry and at the Commission." 122 Cong. Rec. at 33,367 n.119; *see* 122 Cong. Rec. at 33,364 (Sept. 29, 1976).

However, not outside the confines of that debate and on further examination, we conclude that the appropriate "upper limit for children's programming" differs from the appropriate upper limit for protecting children from exposure to indecent material. To the extent the public interest requires broadcasters to offer age-specific or other special programming for children, that interest subsides when the child reaches an age, such as 12 years old, when general interest programming serves his or her needs. In contrast, the wide usage of the age of 17 and under in other federal and state laws intended to protect children from access to sexually explicit material demonstrates the general acceptance of the need to protect children older than 12 from exposure to such material. Moreover, our recommendation to Congress in 1976 simply struck a different balance between the need to protect children and the rights of adults to see or hear indecent matter from that struck by Congress in 1988 when it directed the Commission to enforce the prohibition on indecent broadcasting 24 hours a day.

[45] Similarly, in enacting the 24-hour prohibition on broadcast indecency, the statute's author expressed concern regarding the pervasiveness and accessibility of the broadcast medium. 134 Cong. Rec. S9912 (daily ed. July 26, 1988) (statement of Sen. Helms).

[46] *NOI* at 8361.

[47] *Id.* Additional data submitted by AFA illustrates the pervasive nature of television, using the Chicago television market as an example. Chicago has 5 VHF and 3 UHF TV stations, of which most broadcast at least 20 hours a day, 7 days a week. As a result, for over 80% of all hours in a week, day or night, there are at least 8 different programs being broadcast simultaneously. In a typical 168 hour broadcast week, there are over 1,120 hours of programs broadcast. AFA Comments at 41–42.

[48] *Id.*

[49] *Id.* at 8361.

[50] *Id.*

[51] MIM Comments at 42–62.

[52] *NOI* at 8361.

[53] Bonneville Comments at 6–7. Bonneville's statistics are from Spring 1989 Arbitron Radio Ratings (Metro AQH M–F midnight–1:00 a.m.).

[54] Salem Reply Comments at Exhibit 1.

[55] NRB Reply Comments at Exhibit 2.

[56] Mr. Stern's morning radio show was the subject of one of the Commission's 1987 indecency decisions. *See Infinity Broadcasting Corp. of Pennsylvania*, 2 FCC Rcd 2705 (1987).

[57] Broadcasters Comments at 26 n.65, citing a poll by the Gallup Organization, WXRK Radio, Special Listenership Study (Dec. 1989).

[58] MIM Reply Comments at 20.

[59] KDVS Comments at 7–9.

[60] KDVS Reply Comments at 3–4.

[61] *Id.* at 5–6.

[62] Pacifica Comments at 23–25 and Attachment 4.

[63] Broadcasters Comments at 26.

[64] *NOI* at 8361 and Appendix B, Tables 3 and 4.

[65] *NOI* Appendix B, Table 3.

[66] With regard to KDVS' concern that the Commission omitted estimates of the sampling error or relative standard error in the data presented in the *NOI*, the Commission does not attach the rating companies' descriptions of methodology with error and reliability estimates for their data. However, these descriptions are readily available in ratings reports, and do not suggest that this information is systematically skewed.

[67] *NOI* at Appendix B, Table 4.

[68] *NOI* 8362 and Appendix C.

[69] USCC Comments at 5. We note that USCC admits that the results of its survey are not conclusive, and that it was unable to receive a full response to its survey. *Id.* at 5–6.

[70] KVDS Reply Comments at 4.

[71] Salem Reply Comments at Exhibit 2 and NRB Reply Comments at Exhibit 1, citing data from Arbitron *Television Market Reports* for the five markets for July 1989.

[72] Salem multiplies the 20,524,000 total population of 12 to 17 year olds cited in the *NOI* by 4.8% to arrive at 972,192 children in this age range. Salem Reply Comments at 65.

[73] *1990 Nielsen Report on Television* at 1.

[74] *NOI* at 8363.

[75] *Id.* at 2–34, Appendix C.

[76] MIN Reply Comments at 18–19.

[77] AFA Reply Comments at 8.

[78] AFA Comments at 38–39.

[79] *Id.* at n.55.

[80] USCC Comments at 5–6.

[81] *NOI* at 8361.

[82] Cable Communications Policy Act of 1984 §624(d)(2), 47 U.S.C. §544(D)(2).

[83] *See* 47 U.S.C.A. §223 as amended by Pub. L. 101–66, 103 Stat. 1159, 1192–1194 (1989); *Regulations Concerning Indecent Communications by Telephone* (*Report and Order*), FCC No. 90–230, adopted June 14, 1990.

[84] In replay comments, Broadcasters submit a list compiled by the Consumers Union of selected television models currently sold in the United States. Broadcasters claim that over 120 models are equipped with a channel blocking feature that prevents unauthorized access to channels. Broadcasters Reply Comments n. 14, Appendix 5. Virtually all of the televisions on this list have at least a twenty-inch screen and, judging by the list price, appear to be color televisions. Broadcasters provide no data showing the market share held by these models. No commenters submitted evidence as to whether channel blocking devices for attachment to existing television sets are available. Furthermore, Broadcasters offer no information as to how channel blocking works, particularly whether a channel blocking feature completely prevents access to a particular channel or whether it may easily be circumvented. Moreover, most television sets used in homes today do not have any blocking mechanism. Finally, no party has submitted evidence regarding the feasibility of using televisions with channel blocking in this context, or of the market penetration of these televisions.

[85] Many letters submitted in this proceeding emphasized the impossibility of close supervision. Representative of these are the following five. Mrs. Barbara Gigous of Warsaw, Indiana, wrote: "I have two teenage boys who have their own walkmans and tape recorders. There is no way that I can know what they are listening to all the time." Donald and Sandra Lee of Irving, Texas stated: "As working parents, our children have access to television at times when neither my husband nor myself are available to screen their viewing. The radio is available everywhere they go and it is equally offensive. . . ." Yvonne Thomas of Boonesboro, Maryland, a public school teacher, wrote "Many children live alone with a television as both parents are working." Another teacher, Ann Davis of Shrewsbury, Pennsylvania, wrote: "I turned in the radio about 6 A.M. to see if any of the schools had been delayed [due to inclement weather]. This was the station suggested at school to listen to. I heard the most foul language and sexual innuendos I'd ever heard in public. . . . I had to ask [my son] to leave the room saying that I would let him know when the announcement was made." Cheryl Mayer of Bronson, Michigan, reported: "As I was driving my four children to school one morning, around 7:30, I was appalled at what I heard on a radio station. . . . two D.J's were very crude."

[86] Broadcasters Comments, Appendix C, Table 2.

[87] *NOI* at 8363 and Appendix B, Table 5 at 8376.

[88] *Id.*

[89] MIM Comments at 42–62; Salem Reply Comments at Exhibit 1; NRB Reply Comments at Exhibit 2; *see also* NOI at 8361 and Appendix B, Tables 3 and 4.

[90] KDVS Reply Comments at 3–4.

[91] *NOI* at Appendix B, Table 4.

[92] Salem Reply Comments at 65.

[93] *See* ¶¶ *19–21, supra.*

[94] Broadcasters Comments at 21.

[95] *Id.* at 23.

[96] KDVS Comments at 7–8. KDVS submits data from a 1983 Arbitron survey of the San Francisco metropolitan area showing that teens comprise one to four percent of the total television broadcast audience during the day.

[97] AFA Comments at 36–37; Lynda Beams (Beams) Reply Comments at 8–9 and Exhibit G; Bonneville Comments at 8.

[98] *ACT I*, 852 F.2d at 1341.

[99] AFA Comments at 29. *See also* Salem Reply Comments at 63, note 92, in which Salem cites a 1990 Nielsen study that over 14% of VCR taping is done from 11:00 p.m. to 6:00 a.m., and over 50% of VCR recordings are made when the television is turned off.

[100] KDVS Reply Comments at 6.

[101] For this reason, we overrule the conclusion reached in the *Reconsideration Order*, 3 FCC Rcd 930 (1987), that time channeling is an effective means of controlling children's access to indecent broadcasting.

[102] Indeed, it appears that the most effective means for parents to actively supervise their children's listening and viewing activities is to remove all televisions and radios. This result not only is highly impractical, but also would deprive families of the many benefits of the broadcast media.

[103] *See* n.85, *supra*.

[104] *See* ¶¶ 57–64, *supra*.

[105] *See* Post Comments at 1–2; Cox Comments at 24–25.

[106] C&M Comments at 28–30.

[107] *NOI* at 8363 and n.44. The *Pacifica* Court noted, "Because the broadcast audience is constantly tuning in and out, prior warnings cannot completely protect the listener or viewer from unexpected program content." 438 U.S. at 738.

[108] USCC Comments at 6; KDVS Comments at 1.

[109] AFA Comments at 46; Salem Reply Comments at 72.

[110] Beams Reply Comments at 10; Salem Reply Comments at 72; AFA Comments at 46.

[111] MIM Reply Comments at 30.

[112] Broadcasters Reply Comments at 9, n.17.

[113] Pacifica Comments at 21–23.

[114] AFA Comments at 44–46, n.65; Salem Reply Comments at 72, n.105; MIM Reply Comments at 35–36.

[115] We note that the broadcast in question in *Pacifica* was heard by a man while driving with his young son, and that the parent apparently missed the warning aired before the broadcast. *Pacifica*, 438 U.S. at 730.

[116] Salem Reply Comments at Appendix 18.

[117] KDVS Reply Comments at 7.

[118] NRB Reply Comments at 13.

[119] *Butler v. Michigan*, 352 U.S. 380, 383 (1957). In striking down a state statute that prohibited the sale to adults as well as to children of books "tend-

ing to the corruption of the morals of youth," the Court held that the statute was not reasonably tailored to its expressed purpose. In this case, a book arguably within the prohibited category was sold to an adult, and the Court stated that the effect of the statute was to reduce adults to reading only what is fit for children.

[120] *See* Bonneville Comments at 8–9; AFA Comments at 49–52; AFA Reply Comments at 34–36.

[121] AFA Comments at Appendices 4 and 5. In addition, Appendix 3 lists over 200 titles of videotapes available through sexually-oriented magazines.

[122] Broadcasters Comments at 6. *See also* PEN Comments at 8–9.

[123] Broadcasters Reply Comments at 3. Six of the broadcasts mentioned by Broadcasters consisted of radio talk shows, and the seventh included a live telephone conversation.

[124] Broadcasters Comments at 8–9.

[125] Broadcasters Comments at 9, citing *Schneider v. State*, 308 U.S. 147 (1939).

[126] Broadcasters Comments at 9–10.

[127] *Pacifica*, 438 U.S. at 750 n.28.

[128] "Wireless cable" is a relatively new service that provides multiple channels of video entertainment and informational programming using microwave frequencies and special reception equipment. Currently there are 50 or more systems operating in the United States, and numerous additional systems are planned. *See* Competition, Rate Deregulation and the Commission Policies Relating to the Provision of Cable Television Service, Report, MM Docket 89–600 at 53 (released July 31, 1990, FCC 90–276).

[129] An estimated 2.8 million home satellite dishes are in use. *Id.* at 55.

[130] Approximately 500,000 viewers subscribe to SMATV service. *Id.* at 57.

[131] *See Id.* at 56.

[132] *See Broadcasting*, July 16, 1990, at 94.

[133] We note that broadcast licensees are obligated to know and to serve the special needs of children, *see Children's Television Programming*, 55 R.R.2d 199, 214 (1984), and as a result, they appear to be uniquely able to demonstrate that children are not present in the listening or viewing audience.

[Before the Federal Communications
Commission, Washington, DC]

REPLY COMMENTS TO NOTICE OF INQUIRY

(MM Docket No. 89–494)

In the Matter of: Enforcement of Prohibitions Against Broadcast Indecency in 18 U.S.C. Section 1464.

To: The Commission.

Prepared by: Salem Communications Corporation, Focus on the Family, H. Robert Showers, Esq., Legal Counsel.

Submitted on Behalf of: Salem Communications Corporation, Edward G. Atsinger, III, President, Focus on the Family. Dr. James C. Dobson, President.

1. Radio Listening by Children During Late Night Hours.

In *New York*, during July 1989, over 92,000 children between ages 12 and 17 listen to radio at least 5 minutes during an average 15 minute period (average quarter hour) and 368,000 listen for at least 5 minutes (cume) between 12:00 midnight and 1:00 p.m. That number is 7% and 28% respectively, of all teens in New York Metropolitan area. 57,400 teens listen on the average quarter hour and 246,400 listen during the time period 1:00 a.m.–2:00 a.m. In fact, the number of teens listening never drops below 16,000 per quarter hour and 66,000 per cume for any period during 12:00 midnight to 6:00 a.m. *See* Exhibit 1 at 1.

In *Chicago*, the trend is showing high numbers and percentage of teens in the radio listening audience during the late night/early morning hours. For example, 49,600 or 7.2% teens are listening on the average quarter hour between 12:00–1:00 a.m. and 29,500 or 4.29% of teens per quarter hour average from 1:00 a.m.–2:00 a.m. When examining the cume, the numbers jump to 216,300 or 31.5% for 12:00–1:00 a.m. and 133,000 or 19.4% from 1:00 a.m.–2:00 a.m. *See* Exhibit 1 at 2.

In *Los Angeles*, during July 1989 the statistics are similar showing 46,900 and 25,700, respectively, for 12:00–1:00 a.m. and 1:00 a.m. to 2:00 a.m. time slots for quarter hour teen listening audience. For the same time periods, 184,400 or 21.8% of all teens and 115,000 or 13.6%, respectively, are listening to one of the top 20 radio stations in Los Angeles. *See* Exhibit 1 for total late night teen audience and percentages in Los Angeles, New York, Chicago, Des Moines, Tampa & Bakersfield. When the three large metropolitan areas are combined, over *188,000 teens* on the quarter hour and *769,000 teens* for cume listen to radio between 12:00–1:00 a.m. Almost 27% of all teens in these three cities listen to radio for at least 5 minutes during that hour.[90]

The following chart indicates the national estimates for total teen listening audience:

ESTIMATES OF NATIONAL TOTALS

NUMBER OF CHILDREN LISTENERS 12 TO 17—NATIONAL ESTIMATES [1]

Time Slot Weekly Basis	Average quarter hour [1]	Cume	Percent of teens listening during hour
12 to 1 A.M.	1,334,557	5,441,542	26.87
1 A.M. to 2 A.M.	796,771	3,495,607	17.26
2 A.M. to 3 A.M.	447,211	1,935,320	9.56
3 A.M. to 4 A.M.	285,875	1,243,983	6.14
4 A.M. to 5 A.M.	220,067	850.000	4.20
5 A.M. to 6 A.M.	600,055	2,536,084	12.52

[1] 20,254,000. *See* Morality in Media Reply Comments at 49–60

If any alternative is successful in preventing all but a "few of the most enterprising and disobedient young people to secure access to such indecent messages," then a ban would be unconstitutional according to Justice Scalia in *Sable*. However, 5.4 million teens or 27% of all teens listening to radio between 12:00 a.m.—1:00 a.m. are not "a few young people." Even in a relatively small radio market like Bakersfield, California, 15.38% per quarter hour and 28.1% cume of teen population will listen to radio between 12:00 midnight and 6:00 a.m. *See* Exhibit 1 at 8. The national average estimates highlighted above are surprisingly similar to FCC estimates reported in the Notice. For example, 1,334,557 children are estimated to be listening on the average quarter hour 12:00 midnight to 1:00 a.m. above, while 1,429,000 teens are estimated to be listening between 12:00 midnight and 12:15. In fact, the Commission's low estimate between 3:45—4:00 of 309,000 is almost identical to the low estimate above of 285,000 for 3:00 a.m.–4:00 a.m. quarter hour average.

While the Court in *ACT* criticized the Commission for only estimating "the number of teens in the total radio audience" instead of indicating "the size of the predicted radio audience for the specific radio stations in question" per market by market data, the fact that teenagers are constantly dialing to locate different stations leads one to conclude that market data of children listening audience will also give you the potential listening audience per station. *See ACT*, 852 F.2d at 1341. In fact, the number one method of finding out about a station is flipping the dial with over 70% listeners discovering a station by that method. *Radio Trends*, 3 (May 1989). Ironically, the petitioners in ACT criticized the Commission for its use of specific station data rather than general time periods to determine reasonable risk of children in the audience.[91]

Thus, whether reviewed by national average or by market analysis, time channeling during late night hours will not prevent substantial numbers of children from listening to indecent radio broadcasts.

2. Television Viewing By Children During Late Night Hours.

The data discovered and presented in Exhibit 2 about the omnipresence of children in the television audiences and our children's television-watching habits are equally disturbing when considering time channeling and/or parental supervision as alternatives. Exhibit 2 of these Reply Comments summarizes the voluminous data about children (ages 2–11 and ages 12–17) in the late night television audience of Washington, D.C. during July 1989, New York Metro area during July 1989, Los Angeles during November 1989, Chicago Metro area during July 1989, and Des Moines during May 1989, as well as estimates of national averages. The figures are startling.[92]

In *Washington, D.C.*, 89,304 teens and 35,304 children (24% and 6% of the total teen and children population, respectively) are watching on an Average Quarter Hour Rating according to 1989 Arbitration statistics. By 2:00 a.m. 26,047 teens and 23,968 children (7% and 4%, respectively) are still watching. As with radio, at any time between 11:00 a.m.-2:00 a.m. there are greater percentages of children (under 18) in the television audience than adults. One can presume from the statistics that this logically remains true throughout the early morning hours especially when the "remainder time period" (which includes 2:00-6:00 a.m. Monday-Sunday) in the Nielsen TV Viewing Activity Chart, shows that children and teenage combined percentages are significantly higher than adults. *See* Exhibit 2 at "1989 and 1990 Nielsen TV Viewing Activity for Children, Adults and All Persons."

---

[90] *See* Exhibit 1 at 4–6 for smaller cities' teen listening audiences during times traditionally reserved for channeling indecent broadcasts.

[91] Petitioners alleged that the station approach may have the practical effect "to cause broadcasters to forego the broadcast of certain protected speech altogether, rather than to channel it to certain specified late night shows." *Infinity Broadcasting, et al.*, 3 FCC Red. 930, 937, n. 47 (1987). However valid the objection by the ACT Court, three factors make the point here moot and irrelevant: (1) almost 54% of teens are listening (over 12 million nationwide) in any market from midnight to 6:00 a.m., *See* Exhibit 1 at 7; (2) Commission past history shows large numbers of teens listening to station, i.e., *Pacific Foundation, Inc. KPFR–FM*, 112,000 teens per quarter hour were listening at the time, 2 FCC Rcd. 2698 (1987); Regents of the University of California on KCSB–FM, 12,000 children per quarter hour were listening, 2 FCC Rcd. 2703 (1987) and *Infinity Broadcasting Co. of PA* on WYSP–FM, 60,000 teens in audience per quarter hour, 2 FCC (Rcd. 2705 (1987). *See* Exhibit 5.

[92] With the advent of video cassette recorders (VCRs), television has become more pervasive and accessible to children. VCRs permit children, particularly adolescents, to record a program during late night hours and view it later unsupervised. It is noteworthy that while nationally approximately 64% of all households had a VCR, "75%–80% with children have acquired one." M. Winn, "The VCR, A New and Important Baby Sitter?" *The New York Times*, p. 29, vol. 6 (Aug. 27, 1989). Over 14% of VCR usage is done in late night hours from 11:00 p.m.–6:00 a.m. Over 50% of all VCR recordings were made when the television was off. *See* Nielsen, 1990, Report on Television at 17. Thus, VCR has inserted a complicating factor to the equation of preventing children's exposure to indecent broadcast material.

Young children can even tape a program during the late night viewing and view it at a later time, presumably outside parental supervision. Out of 62,763,000 children under 18 identified by the Census in 1986, only 73.9% lived with both parents and 63.9% of the wives worked outside the home. Statistical Abstract of the U.S. 1988, No. 69,62 and 624 (108th Ed. U.S. Dept. of Commerce Bureau of the Census) on any given weekday, approximately 44,387,311 will be either in a home where the mother works outside the home or in a single parent home. thus, a significant number of parents are not physically able to monitor their children's listening or viewing habits simply because they are not present in the home with the child.

When this fact is combined with the over 5 million children (12–17) listening to radio and over 3 million watching television, only one conclusion can be reach—millions of children who are unsupervised are listening to indecent broadcasting in the late night hours. The real harm from access and exposure to indecent *visual* material is to pre-adolescent and adolescent children, who are becoming sexually curious, actively viewing and potentially imitating the inappropriate and, at times, dangerous sexual behavior depicted on indecent television.

In *New York*, 360,360 teens and 142,836 children (24% and 6%) watch TV from 11:00-11:30 p.m. Monday-Friday while on Friday and Saturday night the figures skyrocket to 345,345 teens and 95,224 children (23% and 4%, respectively) for Friday-Midnight to 12:15 a.m. and 450,450 and 142,836 (30% and 6% respectively) for Saturday night midnight to 12:15 a.m. In New York, large numbers of teens and children (2–11) are still in the television watching audience at 2:00 a.m.—90,090 teens and 23,806 children on the weekend.

The trend on the high number of children in the late night television audience continues for *Los Angeles* and *Chicago*. For example, in Los Angeles from 11:00 p.m.-11:30 p.m. Monday-Friday, 114,345 teens and 58,323 children are watching television with the number escalating again for weekends with 249,480 teens and 58,323 children watching television between midnight and 12:15 a.m. on Saturday night (24% and 3%, respectively).[93] In Chicago, 212,613 children (under 18) are watching television midnight-12:15 during the week and 288,812 and 276,315 children, respectively are watching on Friday and Saturday nights, post midnight (12:00-12:15 a.m.).

The national averages of teen television watching, as reflected below, are staggering:

NATIONAL AVERAGE ON TEEN TV WATCHING—(12–17)

Time	Average Percent	Total
11:00 to 11:30 P.M.	21.2	4,293,848
11:30 to 1:00 A.M.	15.2	3,078,608
1:45 to 2:00 A.M.	4.8	972,192
6:00 to 7:00 A.M.	3.0	607,620
Mid. to 12:15 A.M. (Friday)	17.8	3,605,212
Mid. to 12:15 A.M. (Saturday)	19.4	3,929,276

While one survey reveals that 81% of children under 12 and 70% of teens watch television with an adult during prime time 8:00 p.m.—11:00 p.m., statistics for all other times of the day show children under 18 watching television alone.[94] As was true with radio, children under 18 are watching television during the late night hours in greater percentage than even adults both weekdays (i.e., Washington, D.C., 23% to 19% from 12:00—12:15, Chicago 27% to 19% midnight to 12:15) and weekends (i.e., Los Angeles 27% to 20%, New York 36% to 22%, Washington, D.C. 25% to 19% and Chicago 33% to 20% from midnight—12:15 a.m. on Saturday night). With over 4 million teens (not counting children 2–11) in the television audience from 11:00—11:30 a.m. and over 3 million teens watching between 11:30—1:00 a.m. on the weekdays, the time channeling approach will not work for television either.[95]

C. The Extensive Late Night Child Broadcast Audience and New Technology Undermines Parental Supervision and Requires Governmental Assistance.

Parental supervision during late night hours has become virtually impossible where between 79.9% and 53% have radios in their bedrooms, many of which have headphones making the sound almost impossible for the parent to detect.[96]

CHILDREN WATCHING LATE NIGHT TELEVISION

NATIONAL AVERAGE ON CHILDREN WATCHING TV—(12–17)

Time	Average percent	Total
11:00 to 11:30 P.M.	21.2	4,293,848
11:30 to 1:30 A.M.	15.2	3,078,608
1:45 to 2:00 A.M.	4.8	972,192
6:00 to 7:00 A.M.	3.0	607,620
Mid. to 12:15 A.M. (Friday)	17.8	3,605,212
Mid. to 12:15 A.M. (Saturday)	19.4	3,929,276

Assuming the Arbitron data on the five metropolitan areas to be universally representative of national TV viewing patterns among teens, we calculated national average by determining average percentage rates for Chicago, New York, Los Angeles, Des Moines, and Washington, and then applied the average percentages to the total number of teens in the United States, 20,254,000 as reported by the FCC on page 13 of the Notice.

CHILDREN WATCHING LATE NIGHT TELEVISION

WEEKLY TV VIEWING ACTIVITY FOR CHILDREN, ADULTS, AND ALL PERSONS

[In percent]

	Children			Adults[2]	All Persons 2+
	2–5	6–11	12–17[1]		
Mon to Sun 11:00 p.m. to 1 a.m.	4	4	8	5	9
Sat 1 to 8 p.m./Sun 1 to 7 p.m.	10	12	12	12	11
Sat and Sun 7 a.m. to 1 p.m.	10	11	7.5	5	5
Mon to Fri 10 a.m. to 4:30 p.m.	22	11	11	13.0	15
Mon to Fri 4:30 p.m. to 7:30 p.m.	16	19	17	13.5	14
Mon to Sat 8 to 11 p.m. & Sun 7 to 11 p.m.	21	29	32	31	30
Remainder (1 to 10 a.m. Mon/Fri and 1 to 7 a.m. Sat/Sun and 7:30 to 8 p.m. Mon/Fri	17	14	12.5	16	16
Total	100	100	100	100	100

Source: Nielsen Report on Television 1990, p. 8.

WEEKLY TV VIEWING ACTIVITY FOR CHILDREN, ADULTS, AND ALL PERSONS

[In percent]

	Children			Adults[2]	All Persons 2+
	2–5	6–11	12–17[1]		
Mon to Sun 11:00 p.m. to 1 a.m.	3	4	8	10	9
Sat 1 to 8 p.m./Sun 1 to 7 p.m.	10	12	12	12	11
Sat and Sun 7 a.m. to 1 p.m.	12	12	7	4	6
Mon to Fri 10 a.m. to 4:30 p.m.	21	11	11	14	14
Mon to Fri 4:30 p.m. to 7:30 p.m.	16	18	17	14	14
Mon to Sat 8 to 11 p.m. & Sun 7 to 11 p.m.	21	28	32	31	31
Remainder (1 to 10 a.m. Mon/Fri and 1 to 7 a.m. Sat/Sun and 7:30 to 8 p.m. Mon/Fri	17	15	13	15	15
Total	100	100	100	100	100

[1] Average male and female figures.

[2] 18+ category used.

Source: Nielsen Report on Television 1989, p. 8.

ADI/rank/survey period and day part or time period	Demographic group[1]	ADI rating[2]	ADO [erspms[3]
Washington/9 July 1989:			
Sign on-Sign off	Teens	19	70,699
Sun-Sat	Children	17	101,864
8:00–11:00 pm	Teens	31	115,351
M–F	Children	22	131,824
11:00–1130 pm	Teens	24	89,304
M–F	Children	6	35,952
11:30 pm–1:30 am	Teens	19	70,699
M–F	Children	4	23,968
Midnight–12:15 am	Teens	21	78,141
M–F	Children	5	29.960
1:45–2:00 am	Teens	7	26.047
M–F	Children	4	23,968
6:00–7: am	Teens	4	14,884
M–F	Children	3	17,975
7:00–9:00 am	Teens	6	22,326
M–F	Children	17	101,864
Midnight–12:15 am	Teens	25	93,025
Friday (i.e., Sat. Morning)	Children	7	41,944
Midnight–12:15 am	Teens	21	78,141
Saturday (i.e., Sun. Morning)	Children	4	23,968
1:45–2:00 am	Teens	14	52,094
Saturday (i.e., Sun. Morning)	Children	3	17,976
New York/1 July 1989:			
Sign on-Sign off	Teens	22	330,330
Sun-Sat	Children	18	428,508
8:00–11:00 pm	Teens	32	480,480
M–F	Children	22	523,732
11:00–11:30 pm	Teens	24	360,360
M–F	Children	6	142,836
11:30–1:00 pm	Teens	19	285,285
M–F	Children	3	71,418
Midnight–12:15 am	Teens	21	315,315
M–F	Children	4	95,224
1:45–2:00 am	Teens	6	90,090
M–F	Children	1	23,806
6:00–7:00 am	Teens	2	30,030
M–F	Children	6	143,836
7:00–9:00 am	Teens	8	120,120
M–F	Children	20	476,120
Midnight–12:15 am	Teens	23	345,345
Friday (i.e., Sat. Morning)	Children	4	95,224
Midnight–12:15 am	Teens	30	450,450
Saturday (i.e., Sun. Morning)	Children	6	142,836
1:45–2:00 am	Teens	16	240,240
Saturday (i.e., Sun. Morning)	Children	1	23,806
Los Angeles/2 November 1989:			
Sign on-Sign off	Teens	19	197,505
Sun-Sat	Children	18	349,938
8:00–11:00 pm	Teens	32	332,640
M–F	Children	21	408,261
11:00–11:30 pm	Teens	11	114,345
M–F	Children	3	58,323
11:30 pm–1:00 am	Teens	4	41,580
M–F	Children	1	19,441
Midnight–12:15 am	Teens	3	31,185
M–F	Children	1	19,441
1:45–2:00 am	Teens	2	20,790
M–F	Children	1	19,441
6:00–7:00 am	Teens	5	51,975
M–F	Children	7	136,087
7:00–9:00 am	Teens	8	83,160
M–F	Children	25	486,025
Midnight–12:15 am	Teens	6	62,370
Friday (i.e., Sat. Morning)	Children	2	38,882
Midnight–12:15 am	Teens	24	249,480
Saturday (i.e., Sun. Morning)	Children	3	58,323
1:45–2:00 am	Teens	9	93,555
Saturday (i.e., Sun. Morning)	Children		
Chicago/3 July 1989:			
Sign on-Sign off	Teens	22	156,002
Sun-Sat	Children	19	235,220
7:00–10:00 pm	Teens	35	248,185
M–F	Children	28	346,640

---

[93] During the school year (November 1989), the teens and children television watching somewhat decreases as compared to summer but the weekend's high rates remain constant. Despite the expected decrease during the weekday schooldays, 114,345 teens and 58,323 children are watching 11:00-11:30 Monday-Friday and over 40,000 children (under 18) still watching television at 2:00 a.m. on a school night. *See* Exhibit 2 and 3.

[94] U.S. Catholic Conference Comments at 5.

[95] During weekend late night hours, the teenage TV viewing swell to 3,605,212 and 3,929,276 for Friday and Saturday nights midnight—12:15.

[96] *Wired Bedroom* at 1 and P. Christenson & P. De Bendedittis *Eavesdropping on the FM Bend*, 36 J. of Comm. 27,30 (Spring 1986). While research indicates that parents have little effect on their children's listening habits, the post-midnight hours provide the best opportunity for children to listen to radio without their parent's supervision. For example, one study directly contrary to ACT and NAB parental supervision "report," found that 72% of children under 13 and 90% of 13–18 teenagers listen to the radio with an adult only "sometimes" or "almost never." U.S. Catholic Conference Comments at 6. Catholic Conference's data also confirms the data summarized in Exhibit 1 at 1–8 that children listen to radio in far greater numbers then adults and predominantly late at night and early in the morning.

ADI/rank/survey period and day part or time period	Demographic group [1]	ADI rating [2]	ADO [erspms [3]
10:00–10:30 pm	Teens	29	205,639
M–F	Children	11	136,180
10:30 pm–Midnight	Teens	27	191,457
M–F	Children	7	86,660
Midnight–12:15 am	Teens	23	163,093
M–F	Children	4	49,520
1:45–2:00 am	Teens	8	56,728
M–F	Children	1	12,380
6:00–7:00 am	Teens	2	14,182
M–F	Children	4	49,520
7:00–9:00 am	Teens	6	42,546
M–F	Children	22	272,360
Midnight–12:15 am	Teens	32	226,912
Friday (i.e., Sat. Morning)	Children	5	61,900
Midnight–12:15 am	Teens	25	177,275
Saturday (i.e., Sun. Morning)	Children	8	99,040
1:45–2:00 am	Teens	7	49,637
Saturday (i.e., Sun. Morning)	Children	2	24,760
Des Moines/66 May 1989:			
Sign on-Sign off	Teens	12	9,024
Sun-Sat	Children	11	14,630
7:00–10:00 pm	Teens	30	22,560
M–F	Children	21	27,930
10:00–10:30 pm	Teens	18	13,536
M–F	Children	5	6,650
10:30–Midnight	Teens	7	5,264
M–F	Children	1	1,330
Midnight–12:15 am	Teens	2	1,504
M–F	Children		
1:45–2:00 am	Teens	1	752
M–F	Children		
6:00–7:00 am	Teens	2	1,504
M–F	Children	3	3,990
7:00–9:00 am	Teens	7	5,264
M–F	Children	23	30,590
Midnight–12:15 am	Teens	4	3,008
Friday (i.e., Sat. Morning)	Children		
Midnight–12:15 am	Teens	2	1,504
Saturday (i.e., Sun. Morning)	Children	2	2,660
1:45–2:00 am	Teens	2	1,504
Saturday (i.e., Sun. Morning)	Children	1	1,330

[1] Demographic groups are defined according to the Arbitron "Demographic Characteristics" Table: i.e., "Children" are those ages 2 through 11, and "Teens" are ages 12 through 17. The respective populations within the five ADIs presented in this exhibit are as follows:

	Washington	Chicago	Los Angeles	New York	Des Moines
Children	599,200	1,238,000	1,944,100	2,380,600	133,000
Teens	372,100	709,100	1,039,500	1,601,500	76,200

[2] Average Quarter Hour Rating, persons (within the identified demographic group) viewing television.

[3] I.e., ADI Rating ADI Population .01

Source of all data in this exhibit: The Arbitron Company Television Market Reports: New York, July 1989; Chicago, July 1989; Washington, July 1989; Los Angeles, November 1989; Des Moines, May 1989.•

The PRESIDING OFFICER. The Senator from Hawaii.

Mr INOUYE. Mr. President, I am pleased to advise the Senator, I have studied this amendment, and I wish to be associated with it, and we support it.

Mr. STEVENS addressed the Chair.

The PRESIDING OFFICER. The Senator from Alaska.

Mr. STEVENS. I, too, join the Senator from West Virginia in support of this amendment and yield back the remainder of my time.

The PRESIDING OFFICER. Is there further discussion?

Mr. BYRD. Mr. President, I ask for the yeas and nays on this amendment.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

Mr. INOUYE. Mr. President, I ask unanimous consent that the vote on this amendment be held at 12 noon pursuant to the leader's advice.

The PRESIDING OFFICER. The Senator from Hawaii has requested this vote——

Mr. STEVENS. What was the time, Mr. President?

The PRESIDING OFFICER. To be held at 12 o'clock tomorrow.

Mr. INOUYE. Subject to the leaders' approval.

Mr. STEVENS. Subject to the joint leadership; that is fine with me.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BYRD. Mr. President, I wish to thank both managers of the bill for their courtesy in helping me to arrange offering this amendment under a time limitation.

Mr. INOUYE. Mr. President, I believe the Senator from Colorado wishes to speak on the bill. I yield him 7 minutes.

The PRESIDING OFFICER. The Senator from Colorado is recognized for 7 minutes.

Mr. WIRTH. I thank the distinguished chairman for yielding to me and for his good work on this bill, and that of the distinguished Senator from Alaska.

Mr. President, I rise in support of S. 1504, legislation to reauthorize the Corporation for Public Broadcasting for fiscal years 1994–96.

Public broadcasting has been making significant contributions to our cultural life for decades. Public television is a national treasure, showcasing the best of American culture and history, providing a valuable source of entertainment and information, and filling a true need for educational programming on television.

Public broadcasting helps fill the gaps that exist in our commercial broadcasting system, targeting audiences whose needs are not met by commercial broadcasters.

Commercial television does not broadcast a wide variety of documentaries about our history and culture. Public television does give viewers access to that kind of programming.

One of the areas where Americans have made the greatest cultural contributions is in music. Our popular music has spread around the world. That music grew out of the many varieties of American music—jazz, blues, bluegrass, extra—that developed in different regions of our country. Those music forms remain vital today and the millions of Americans who enjoy them turn to our public radio stations for that type of programming.

In the early 1970's, public television grew significantly. Programs that began in those years are still with us today and have made significant contributions to our culture. I wonder how many of us have enjoyed "Masterpiece Theatre," "NOVA," "Frontline," "Wall Street Week," or "Washington Week in Review" over the years or encouraged our children to watch "Sesame Street."

Sesame Street has had perhaps the greatest impact of any public television program. It is as much a part of the collective memory of a generation as any program offered on commercial television. Big Bird, the Cookie Monster, and the other residents of "Sesame Street" continue to teach and entertain our children today.

That kind of educational programming is one of public broadcasting's greatest achievements and builds on the educational channels that our public television system grew out of years ago.

The near universal familiarity with Big Bird illustrates one of the most important reasons for a viable public broadcasting system. It can give us a common unifying experience.

This is particularly important today when we are seeing the development of a growing number of television channels that offer specific types of programming.

We are seeing a fragmentation of the television audience. The weakening dominance of the networks, the explosive growth of cable, and the increase in the number of television channels available to the average viewer have all helped divide the audience into a variety of market niches.

Some argue that this means we no longer need a public television system, that viewers who want a type of programming offered on public television can now find a cable channel that specializes in their area of interest.

We have to recognize that we are losing something in this process. Like it or not, television is our primary source of information about what is happening in our country. We do not communicate through other media or common gatherings as we did in the past. If we fragment the television audience into a collection of market niches, we will lose one of the remaining common cultural bonds that help unite us.

Public television helps us look at ourselves as one people, not a collection of groups with little in common but a shared geographic area. It does not exist to serve a market and does not face pressure to develop an niche to attract advertisers. Instead, it can focus on serving all of us.

It is also available to all of us. Public television reaches 96 percent of the population. Not all of those people have, or can afford, the option of subscribing to cable to obtain access to programming unavailable through commercial broadcasters.

Public television brings us programs like "The Civil War" or "Eyes on the Prize" that allow us to recall some of the events that have made us the country we are today. Programs like those simply would not have the same impact if they were only available on a history channel which only a handful of viewers ever turn to.

That is why it is important that we have a strong public television system even as alternative programming becomes available through niche channels. Public broadcasting stations will provide a greater variety of programming on one channel. Viewers who tune in for a historical documentary may be drawn to a cultural program that they would be unlikely to seek out on a separate channel.

It is important that we have channels that provide a wide variety of programming that appeals to Americans with very different tastes, backgrounds, and interests. Public television introduces viewers to elements of our culture and history that they might not otherwise be exposed to. It broadens our common understanding of our diverse country and culture in a way that a package of niche channels can never match.

Marshall Turner, the former Chairman of the Corporation for Public Broadcasting, has written an article on the national role of public television that appeared in the March issue of Current, public television's magazine. I think it is a thoughtful piece and encourage Senators to read it.

EDUCATION

I would like to turn to an area of long-standing interest to me: children's television and the important role television can play in education.

We all know that the media is a powerful influence in our society. Parents, commentators, educators, psychologists, law enforcement professionals, child care specialists, clergymen, and many others constantly decry the negative influence of the commercial media, especially television, on our youth and our culture in general.

A recent report by the Carnegie Foundation for the Advancement of Teaching cited the corrosive effects of commercial television on very young children.

Recently, the American Psychological Association released a report on the subject. The report argued poor viewing habits can lead to antisocial behavior, gender and racial stereotyping, and diminished academic performance.

While both of these organizations lament the influence of television in general, they hold out public television as an oasis of excellence in the vast wasteland. In fact, both organizations call for increased funding of public television.

Television is a unique medium that offers incredible opportunities to enrich the lives of America's children. Virtually every developed country in the world devotes more resources than we do on educational television for children.

Unfortunately, we do not make very good use of television's educational potential. If anything, we may have gone backwards. It's ironic that, in a very real sense, the more we know about the educational potential of television, the less we do to use it.

Our commercial broadcasters often ignore the child audience or offer cartoon programs that are principally designed to promote toys to children. We can do better that this. Indeed, we must do better if we expect America's youth to enjoy the same opportunities to learn from television as children from countries where television is used more wisely as an educational resource.

I hope that the situation will soon improve. Last Congress, I worked closely with Senator INOUYE and others to enact the Children's Television Act of 1990. This legislation should help bring more educational programming to commercial television in the future.

But public broadcasting already does do better. Indeed, it is likely that more people know public broadcasting through children's shows such as "Sesame Street," "Wonder Works," "Newton's Apple," and "Degrassi Junior High" than through any other programs.

Public broadcasting's educational role, moreover, goes far beyond what most of us see on television or hear on the radio.

Every school day, public television reaches 27 million students; hundreds of thousands of working adults receive higher education through college courses distributed by public television; public television brings courses in Japanese and Russian, advanced placement math and science to rural and other underserved students across the country; public television will soon be training Head Start teachers in remote Alaskan villages, Indian reservations, and migrant labor populations via satellite.

We can use the power of television to expand preschool and K-12 education, improve teacher training, advance adult literacy, and build community partnerships to solve problems.

We have built the public telecommunications infrastructure to serve our country. We are just beginning to realize our potential to harness that infrastructure for education.

We should be finding ways to develop that potential rather than tearing the system down because you do not like a few hours of programming.

It is true that cable television offers many valuable educational programs as well. But good programming is useless if viewers do not have access to it. And many more people have access to public television than to cable.

In addition, cable viewers have to pay for programming. The families that are least able to afford educational material and entertainment alternatives are the most likely to have children who spend money hours of their free time watching television. They are also the least able to afford cable and the educational programs offered by cable systems.

These families and their children will only be able to benefit from television's educational potential through broadcast television. Commercial broadcasters simply have not done as good a job of providing educational and children's programming as public broadcasters have done. It is important we keep a viable public television system in order to meet those needs.

INDEPENDENCE

The final theme I want to touch on is independence. Public television is independent—independent of government guidance and independent of advertiser guidance.

That independence was very carefully provided when the Corporation was established. The Corporation receives some Federal funds but it is required to obtain other funds in order to support programming. CPB is not a part of the Government and the vast majority of its funds—more than 80 percent—come from non-Government sources.

Public broadcast stations are themselves independent. The Public Broadcasting System and National Public Radio are not umbrella organizations that control member stations. Rather they are owned by the stations.

The result is a system that is not dependent on any one funding source. Nobody's agenda drives programming.

Public television is public television; the system is rooted in the fertile ground of its individual stations and the public that watches and support them, not in an overarching bureaucracy that develops programming from the top down.

That is the way it should be. Television is a very powerful medium. We should not allow the Government to dictate the content of broadcasts, to determine what should be our official culture.

Today, Mr. President, we find public broadcasting under attack from some quarters. Yet, tearing down public broadcasting would be a tragic mistake. We have public broadcasting because the American people want public broadcasting. They know that public television and radio are positive influences on the quality of life in their communities.

It is true that the current system may produce programming that some individuals will dislike; after all, you can't please everyone and if you try, you're likely to come up with something that pleases no one.

Diversity is an important goal. And diversity means that we should expect to be able to find programs we like and programs we don't like when we turn on our TV or radio.

It's legitimate to criticize such programs and to look at the quality and direction of public broadcasting as a whole. That kind of feedback can only help public broadcasters better serve the public. But I hardly think that we should move onto the slippery slope of Government restriction of programming.

The independence of CPB and its public/private nature exists for a reason. Public broadcasting would not exist on the scale it does today without Government support; but it would not serve the public nearly as well as it does today if we begin to subject it to government control.

With the relatively small amount of funding received each year, the public broadcasting community has done an excellent job of serving the American people.

Despite this record, the Reagan administration repeatedly sought to eliminate the Corporation for Public Broadcasting.

I stood guard for 6 years as chairman of the House Telecommunications Subcommittee against this effort. Many of those supporting the legislation today led the same fight on this side of the Capitol.

I would hope we do not need to do so again.

We have delayed action on this matter because of issues unrelated to the substance of the legislation. I am pleased we have resolved the delay and can once again return our attention to this important matter.

We will apparently have three or four controversial amendments related to the legislation. We should debate them. But in the end, we should pass legislation that ensures we will continue to have viable and vibrant public television and radio.

So, Mr. President, I need not remind all of my colleagues and those who are watching of the remarkable diversity that comes from public broadcasting. The fact is this Nation's cultural heritage is played out in so many ways with narrow audiences and broad audiences that are not necessarily those that would be reached by commercial television and for the most part are not reached by commercial television, both because commercial television has a different mission—it is a mission of bringing an audience and a market together. It is market-driven. That is not something that dominates public broadcasting, nor should I suggest that this is something that necessarily can be borne out by cable television. Much as cable television has brought also great diversity, cable television also has a commercial base and very significant parts of the public broadcasting that bring a unique and valuable message to the American public.

Leaving aside that diversity of programming, which I think we should all rejoice in, and leaving aside the very unhappy, I thought, allegations made in the Washington Post by George Will—and I would like to include his remarks and those of Sharon Rockefeller at the end of my comments—I want to target particularly the issue of children.

The distinguished President pro tempore, the distinguished senior Senator from West Virginia, made some comments related to the impact of television on children, pointing out the number of hours that children spend watching television, the overall impact that television has on children.

It used to be, Mr. President, that the three institutions in our society that socialized the young were family, church, and school. To that has been added a fourth, television. Children spend more time in front of the television set than they do in the classrooms. The impact of television on kids is enormous, and yet, for the most part, we as a society have totally neglected the important influence that television can have on children. And yet as we neglect this enormous instrument, this very powerful instrument, on the other hand we lament the decline in the educational capabilities of our children. Well, right in front of us is a perfect example.

Neglect begets, unfortunately, a drop in performance. The amount of attention that we spend on and the amount of funds that we invest in television and the relationship of television and children is appallingly small compared to what our competitors around the world will do, what the Japanese are doing, what the British are doing, what the Germans are doing, what the French are doing. We invest almost nothing in this enormously powerful medium and we leave it to those very commercial instruments that were reflected in the comments of the Senator from West Virginia.

In fact, it is only public television that almost alone uses the magic of television and the power of television through such programs as Sesame Street, Wonder Works, Newton's Apple, Degrassi Junior High, and so many other programs. It is to public television that we owe an extraordinary debt. Every school day public television reaches some 27 million students and hundreds of thousands of people are receiving higher education, various specialized courses, through public television. It is this remarkable achievement and remarkable capacity of public television that I think we should rejoice in and support in passing this legislation today.

Last year the distinguished Senator from Hawaii and I were working on the Children's Television Act of 1991, a very important piece of legislation, to try to bring back to commercial television some modicum of accountability and some modicum of sense of the public interest. There is built into the Communications Act of 1934 the idea that broadcasters should broadcast "in the public interest, convenience, and necessity." The public interest standard.

Maybe we can have public broadcasting provide an even better example to commercial broadcasting. The distinguished Senator from Hawaii and I tried to move the debate a little more in that direction. I hope that with the amendment of the Senator from West Virginia and other efforts we will able to now do much more for children in our society.

A final comment, Mr. President, on public broadcasting. I am very pleased that we avoided all of the censorship amendments that were going to be offered. It is enormously important that we allow public broadcasting to be free, public broadcasting to breathe the kind of free expression, noncensored public media that we should have. We should no more censor public broadcasting than we should attempt to censor paperback books or attempt to censor what is taught in schools of art.

Mr. President, I ask unanimous consent that there be printed in the RECORD the exchange of views between George Will and Sharon Rockefeller, each of them in two columns, and finally what I thought was a very fine column written by Marshall Turner, the former Chairman of the Corporation for Public Broadcasting, entitled "The difference is that public TV serves a country, not a market."

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the Washington Post, May 12, 1992]

$1.1 BILLION FOR PUBLIC TV?

(By George F. Will)

With a spirit stronger than the reasoning behind it, Sharon Percy Rockefeller, president of WETA, Public Broadcasting in Washington, reprimands me for advocating an end to federal subsidies for public television [op-ed, April 28]. My offense, which her riposte moves me to re-commit, is this argument: Whatever one thinks of the case made a generation ago for public funding, the case collapses in today's utterly transformed technological and fiscal contexts.

To advance the argument, I will stipulate that public television is a net enhancement of American life. If the waving of a magic wand could sustain it, the wand should be waved. But what public television wants is another $1.1 billion for three years. So the pertinent question is not whether, as Rockefeller says, public television "improves" us. Rather, the question is whether public television—a paradigm of government's ornamental activities, pleasant but inessential—has a strong claim on some of government's scarce resources. Are its claims stronger than those of child immunization, the National Institutes of Health and a thousand competing causes?

Rockefeller says public television is part of government's promotion of "the pursuit of happiness." Actually, it exemplifies government in the distorted role of deliverer of happiness. And to whom? To an economically and intellectually advantaged constituency that could and should fend for itself to satisfy its appetite for cultural services.

When public television began, before the advent of cable and the VCR, it increased from three to four the choices available to most viewers. Today most households have scores of channels to choose from, including some (e.g., Discovery and Arts & Entertainment) that offer programming comparable to much of public television's programming.

Rockefeller responds, "More outlets do not necessarily mean more choices; an increase in quantity does not automatically result in more diversity or higher quality." Surely Rockefeller is not denying the explosion of televised diversity. Instead, her argument suggests that any demand the market satisfies must be of dubious quality. The implication is that no matter how many choices the market offers, government has a duty to add others by offering programs for which the market registers no demand. The argument guarantees that government television can forever, no matter what, be called "necessary." But it achieves this guarantee at a cost: It underscores the perverse rationale for federal subsidies.

The rationale is that no matter how much programming the market provides, government is supposed to provide more. Why? Because its programming is supposed to serve an audience so small or idiosyncratic or devoted to "quality" that market forces, even those now offering a proliferation of programming to a much-segmented market, will not satisfy it.

Rockefeller says of me, "He concludes that government should consign public broadcasting—and by extension other cultural institutions—to the forces of the marketplace." And she likens public television to "public schools, universities, libraries, hospitals, museums, symphonies and national parks." But it is Rockefeller who makes an unreasonable extension. Reasonable distinctions are necessary; let's make some.

Many cultural institutions serving small and primarily affluent audiences should indeed be warned from dependence on tax dollars, especially federal dollars. And it is not in Rockefeller's interest to put public television on any list with hospitals, which are institutions of life and death, and schools and universities, which are essential for preparing the population for freedom and social competence. Such lists underscore the fact that public television is a social adornment, not an essential.

Which brings us to today's fiscal facts as public television seeks a 50 percent increase in its subsidy.

Beginning in 1969 (two years after creation of the Corporation for Public Broadcasting), the Nixon administration debated establishing a guaranteed annual income. Debate raged concerning practicalities and ethics—but not costs. Sen. Daniel Patrick Moynihan (D-N.Y.) later published a 559-page book on the controversy, devoting just 34 lines—lines—to costs. Back then, he says, "it was simply a given" that money would be found" for any nice idea.

Today, although the defense budget has declined in real terms for eight years, every defender of a domestic spending program still says, "The military wastes money!" Thus Bill Moyers says the military spends $200 million on marching bands, therefore Congress can vote more than six times that sum for public television.

Such crashing non sequiturs acquire a kind of crazy plausibility after a decade of fiscal vandalism. Given the $400 billion deficit, what difference does another $1 billion make? That is, no choices are necessary as long as government borrowing can push costs into the future. But the need for spending cuts is indisputable. So as it contemplates public television's subsidy, Congress should ask two simple questions: If not here, where? If not now, when?

If something as marginal as public television successfully defends its subsidy, cuts can come only at the expense of Americans less affluent, educated, articulate and skillful at lobbying than public television's aggressively moralistic constituency. And public television will be a paradigm of government's role as servant of the comfortable and defender of the strong at the expense of the future.

[From the Washington Post, Apr. 23, 1992]

WHO WOULD KILL BIG BIRD?

(By George F. Will)

Is nothing sacred? Evidently not. Even public television is being questioned by some conservatives who evidently do not understand the importance of being earnest.

Some troglodyte Neanderthal Puritan Yahoo philistine reactionary inquisitorial Victorian barbarian blue-nosed Cromwellian know-nothing Savonarolas—that is, conservatives, as the public television lobby sees them—are wondering why taxpayers should give another $1.1 billion to public television. A good question.

The Corporation for Public Broadcasting was born 25 years ago as a final filigree on the Great Society. It already has a quarter of a billion of federal funds for 1992 and another quarter of a billion in 1993. At issue today is a 50 percent increase to $1.1 billion for 1994–96. The caliber of the defense of the CPB can be seen in Sen. Gore's cri de coeur: "How many senators here have children who have watched 'Sesame Street' and 'Mister Rogers' Neighborhood'? * * * This is one thing that works in this country."

How apt: A wealthy legislator in a chamber well-stocked with people like him, calling for subsidies for his children programming because it "works," whatever that means.

Does Big Bird need a subsidy? He is a product of Children's Television Workshop, a multi-media giant grossing more than $100 million from programming, publications and licensing fees.

The original argument for public television was that over-the-air broadcasting allows only a few competitors who are driven to seek a broad—and low—common denominator. That argument has been obviated by technology—by cable and the onset of "narrowcasting" to many small segments of the American audience.

Public television's advocates argue that almost all households can receive it, whereas only 60 percent of households are wired for cable. But leaving aside the continuing spread of cable, a crucial question is: How many people who do not have cable because they cannot afford it are watching public television? Not many. Public television's audience always has been economically and intellectually up-scale.

The original rationale for public television was wonderfully sealed against questioning. It was that government had to subsidize such programming precisely because so few people wanted it. The argument goes like this: If the public were more discerning, there would be no need for government subsidies—but, then, a discerning public would not object to government subsidies. After all, by definition, a discerning public discerns the merits of government as a provider of services.

The CPB provides 16 percent of the funding for public television stations. But those stations claim 5.2 million voluntary donors. If each would give another $70 a year (less than the average cable subscriber pays for three months of service), they would raise the $1.1 billion without requiring taxpayers to subsidize their entertainment.

Dr. Laurence Jarvik of the Heritage Foundation has another idea about what to do with the CPB: Sell it. Jarvik believes, reasonably, that there are ample cable, broadcast and home video markets for magnificent work like Ken Burns's "Civil War" series. Therefore private investors could make and syndicate such quality programming. Today, Jarvik says, public television is "a solution in search of a problem."

Walter Goodman of The New York Times asks: "Is Dr. Jarvik so satisfied with commercial TV that he can see no room for further innovation?" The answer is: No, but does Goodman believe that any possibility of "innovation" in any sector of society justifies a federal subsidy? If not, what makes television special?

Politically, what is special is public television's audience. For example, WETA, Washington's public station, says its contributors have an average household income of $94,583. They would have $94,513 after sending WETA an extra $70 to keep the senators' children wholesomely entertained.

WETA's audience would be an advertiser's dream. Indeed it is a dream for those who advertise in WETA's magazine. Thus government is entangled in subsidizing competition against private print as well as broadcasting enterprises.

The public television lobby is, in part, another example of government-as-an-interest group. It is government lobbying itself. It is an effective lobby because it is in most congressional districts—wherever there are public stations and audiences. Public television audiences are, like the members of the American Medical Association, the National Association of Manufacturers and many other muscular lobbies, largely affluent, educated and articulate.

Public television is a paradigm of America's welfare state gone awry. It is another middle-class actually, upper-middle-class—entitlement. If you doubt the entitlement mentality of the public television lobby, hear its indignant rhetoric equating any questioning of their subsidy with censorship. The public television lobby consists disproportionately of people with the financial and educational means to provide their own entertainment, but who have the political competence to bend public power to their private advantage.

Think of it this way: The relationship of CPB spending to affluent America is approximately that of agriculture subsidies to agribusiness.

[From the Washington Post, Apr. 28, 1992]

BIG BIRD: SOMEONE DIDN'T DO HIS HOMEWORK

(By Sharon Percy Rockefeller)

George Will's column "Who Would Kill Big Bird?" [op-ed, April 19] portrays public television as an example of the "welfare state gone awry"—a vehicle for entertaining the rich and powerful at the expense of the ordinary taxpayer. While it is refreshing to see Mr. Will in his guise of a populist, he has neglected to do his homework. His statements about public television are often distorted, often just plain wrong. Some examples:

Citing "The Civil War" to point out the "ample cable, broadcast and home video markets . . ." available to public television is like using Thomas Alva Edison as an example of why all inventors should make money. It is also 20/20 hindsight. Where were all those potential investors when a young, unknown filmmaker came to public television and proposed 11 hours of photographs buttressed by music and voice? They were salivating over "Roseanne." WETA—and public television—believed in "The Civil War" and Ken Burns, and supported him from the moment he began his research. Furthermore, we supported him not because his program looked good on a financial forecast but because we felt that what he had to say was important. Our yardstick was good programming, not profit.

A more apt question for Mr. Will to consider: Would private investors fund the hundreds of hours of extraordinary television on PBS that are not potential blockbusters but nonetheless inform, enrich, educate and delight viewers? Of course not.

Is WETA's audience "an advertiser's dream"? Perhaps, if we sold advertising; but we don't. We tried once: In the early 1980s, public television conducted an FCC and congressionally authorized 10-market advertising experiment. It confirmed that our programming could not generate enough advertising revenue to support the system, and concluded that continued government funding was essential.

The fact is that public television remains the only place a viewer can watch operas, ballets, symphonies or public affairs documentaries the way they were designed to be watched—without commercial interruption. Public television stations need public support precisely because their value lies in producing and broadcasting high-risk programs of quality that do not necessarily make money. Just ask the networks.

Mr. Will believes that because of cable television, the audiences once served by public television will be served by the expanding marketplace. He is wrong. More outlets do not necessarily mean more choices; an increase in quantity does not automatically result in more diversity or higher quality.

Radio offers an example. Dozens of stations dot the dial; yet they compete for audiences within a few formats: talk, news, rock and roll, country, some classical. There is nothing like National Public Radio's "All Things Considered" or "Morning Edition" anywhere in commercial radio. Why does Mr. Will assume that the television environment without PBS would be any different? Perhaps he should examine the British system, where recent efforts to force broadcasters to rely on advertising for funding threaten to push documentaries and cultural programming right off the air.

Mr. Will selectively quotes statistics to imply that public television is an elitist activity. In fact, the demographics of public television closely mirror the demographics of the American population. A third of public television households have annual incomes of less than $20,000, and 60 percent earn less than $40,000. Recent surveys of the "Sesame Street" audience show that the program reaches nearly a quarter of all U.S. households with incomes under $10,000, over half of the Hispanic households that have children, and over 40 percent of African-American households with children. "Sesame Street" is also shown in thousands of day care centers. This is elitist?

Mr. Will's statistics are distorted partly because he fails to distinguish between viewers and members—between those who watch and those who contribute to public television. His failure is disingenuous: It stands to reason that members are most likely to be drawn from the more affluent viewers. Like all other institutions that rely on contributions, public television has a membership that is more skewed to the higher income groups than its viewership.

But the most troubling part of Mr. Will's column is his extraordinarily crabbed view of the role of our government. He concludes that government should consign public broadcasting—and by extension other cultural institutions—to the forces of the marketplace.

Yet, as he has often reminded us, our government was formed to promote not just life and liberty but also "the pursuit of happiness." In this effort it assists all sorts of institutions: public schools, universities, libraries, hospitals, museums, symphonies and national parks. Historically the province of the elite, these institutions have now become available to everyone. We spend a tiny portion of the federal budget on them; in fact, only 6.2 percent of WETA's $43 million budget comes directly from the federal government via the Corporation for Public Broadcasting.

The idea behind this support is always the same—that promoting access to education, the arts and the outdoors enriches the whole society. Far from being elitist, it is one of the great unifying themes of our country. By giving everyone access to Beethoven and Dickens, Alvin Ailey and Leonard Bernstein—and, yes, to Ken Burns and Big Bird too—we improve ourselves.

Is Mr. Will against all such support—or just that for public television? Does he deny that government has a role in perpetuating the cultural vitality of society? If so, he should come out and say it. If so, we differ.

(The writer is president of WETA radio and television.)

[From the Washington Post, May 25, 1992]

AN ANSWER TO GEORGE WILL'S ANSWER

(By Sharon Percy Rockefeller)

George Will's second attack on public television in three weeks [op-ed, May 12] offers the extraordinary spectacle of a columnist in retreat. In response to my arguments, he has dropped his reflections on the wealth of public television's members and discarded his contention that public television could survive on advertising. He now stipulates that public television is "a net enhancement of American life." Just months ago, he applauded WETA and Ken Burns's "Civil War" series by saying, "If better use has ever been made of television, I have not seen it."

He has now focused on a single central issue: Is public television an essential service, deserving of federal support?

Will's reasoning is based on an analysis of our audience and today's "utterly transformed technology." Sadly, it remains flawed and ignorant of the facts.

Will calls public television's audience "an economically and intellectually advantaged constituency that could and should fend for itself." The truth is that almost 80 percent of all American families watch public television each month—well over 100 million people. Furthermore, our audience mirrors the demographics of the United States as a whole: Thirty-three percent of public television viewers live in households with less than $20,000 in annual income. Sixty percent live in homes with less than $40,000.

Perhaps more important, many of them are children—hardly people who "could and should fend for themselves." For them, programs like "Sesame Street," "Mister Rogers' Neighborhood," "Shining Times Station" and "Where in the World Is Carmen Sandiego?" offer alternatives to the violence of commercial cartoons and a window on the excitement of learning. Laurance Jarvik of the Heritage Foundation, whom Will quotes approvingly, says, "'Sesame Street' is just another kids' program—no better than 'Underdog' or 'The Flintstones.'" Tell that to parents worried about the role models their children see on commercial television.

Public television is the largest classroom in the world. Some 75 percent of all schools, representing 30 million students, can use public television, and most do. Thousands of viewers have secured high school equivalency degrees by watching. Nearly 2 million have taken college courses for credit with the help of public television.

Will counts on "the explosion of televised diversity" to satisfy our hunger for programming of quality. He feels that the advent of cable provides an opportunity for programming now on public television to find its niche in the commercial world. But what about the 40 percent of Americans who cannot afford or choose not to purchase cable? He also implies that programs that could not find a niche are programs "for which the market registers no demand." He is wrong, on two counts:

If public television has accomplished anything, it has been to make the best of our cultural heritage available and affordable to more people than at any other time in human history. When we broadcast Wagner's "Ring Cycle" in 1990, more people saw it in one week on American public television than had ever seen it live in all the "Ring" productions since 1876. Far from serving "small or idiosyncratic" audiences, public television is replete with programs that register significant demand—but not enough to be commercially viable. It is also, at least in part, responsible for the remarkable growth of the performing arts in the United States. I don't know how to put a dollar value on inspiring a child in Wyoming or Watts to become a teacher, scientist or artist; I do know that it is worth the public's support.

The for-profit motive of commercial television is different from the motives that drive public television. Commercial television's primary goal is to deliver viewers to advertisers. Public television's standard is programming that stimulates and informs. By its very nature, this essential difference in programming philosophy makes public television's programs unique, distinctive—and essential.

While federal funding is only 17 percent of all of public television's revenues, it provides critical leverage, making possible a partnership of government, corporate, foundation and individual support. About 5.2 million families contribute to their local stations. Public broadcasting in America receives roughly $1 per person from the federal government, compared with $40 in the United Kingdom, $32 in Canada and $18 in Japan.

Public television is not a marginal endeavor, an "ornamental activity." As television has evolved to become the central medium of communication and information in our society, public television has grown in importance as a source of alternative expression, a provider of cultural diversity. Would its programs survive in the commercial marketplace? Speaking to Ted Koppel on "Nightline," Will confessed that he had no idea, but that's a chance he's willing to take. I'm not. And I don't believe that most Americans are either.

[From Current Magazine, Mar. 2, 1992]

THE DIFFERENCE IS THAT PUBLIC TV SERVES A COUNTRY, NOT A MARKET

(By Marshall Turner)

Some say that the advent of new media—in particular, the challenge of cable television—has decreased the need for public broadcasting and its partial support. The opposite is true. Such suggestions miss the point of public television's enduring potential. Our opportunities to serve the American public are growing as a result of changes in the broadcasting environment. We should welcome discussions of public broadcasting, with the confidence that a clearer understanding of our purpose, and perhaps some adjustments of our structure or tasks, will strengthen our service. If anything, the need for public television and federal support of it is stronger now than in 1967, when the Public Broadcasting Act was passed.

It should be noted that federal support is not the heart of public television: member support is. Federal money makes up about 17 percent of total public TV revenues. In 1990, individuals contributed to public TV stations a larger percentage of revenues—22 percent—than any other category of supporter.

Public television originally was conceived as a voice of quality in what former FCC Chairman Newton Minow called "a vast wasteland." For the third of us who do not have or cannot afford cable, including many with the greatest need for educational programs, broadcast television is even less distinguished than it was then.

For viewers with access to many channels, television may not be a wasteland, but it is a thick jungle of largely undistinguished programs. To be heard in a noisy jungle, one needs to have a distinctive voice. Public television has that voice.

Personally, I have never felt that "noncommercial" is a good adjective to apply to public broadcasting. We raise most of our money from noncommercial sources, but an important part of our financing comes from corporate underwriting. And at least some of a corporation's desire to identify itself on public television comes from what anyone would consider a commercial motivation.

So what makes public broadcasting "public"? Is it just a matter of degree? Is it just "less commercial" than other television? Is commercial television just "less public" because it airs high-quality programs less often and interrupts them with commercials instead of running underwriter credits at beginning and end?

I think the answer to this question, and the key to the purpose of public broadcasting, relates to the difference between a country and a market.

The geographic United States and its population are a market. So is every other place and people. But we are also—very importantly for those of us who live here—a country. I think we all understand the difference.

A country is a body politic and a culture that, if successful, enables a people to make good collective decisions, express their purposes, share some common values, protect themselves, develop to their full potential, and enhance their lives.

"Markets" are vigorous, challenging, flexible and ultimately truthful. Their ability to learn, react and satisfy inspires admiration. But markets have no thoughts, values or higher purposes beyond their reflective response to needs. Few people have knowingly fought or died for a market.

A people needs to nurture those things that help it be a country. Common experiences, such as wars, elections, art, music, drama and sports events are examples of things that help us to be country-like. A common language and a common analogy base, rooted in knowledge of the shared history and literature that define us, are critical to our ability to discuss issues and make decisions as a body politic.

We are not thrown into as much oral communication as we once were. Newspapers, town meetings, neighborhood bars and even schools have faded in quality or importance for this purpose. For good or ill, most Americans today rely on television as their principal source of information about their country, other Americans and subcultures with which they have little contact. They also rely on television for knowledge of their leaders and potential leaders, for most of the theater and opera they will see, for too much of the American history and literature they will learn and for much of the information, education and individual expectations that help us work as a country.

Only public television—non-market-driven television, excellence-diven television—has as its sole purpose the education and development of the American community. Public television's best programs such as The Civil War, MacNeil/Lehrer News Hour, Sesame Street and Eyes on the Prize, exemplify its service commitment and raise the hurdle for our performance in the future.

These lofty ambitions, and public TV's acceptance of federal funds, are great responsibilities, with great obligations. public television must never be "government" television. It must never sacrifice its quality or educational goals to build audience numbers. It must never become a service available only to those who can afford cable or direct satellite services. It must not narrow the breadth of opinion it expresses or of financial support it receives. It must not advocate, even by implication, positions on partisan political issues, and must be equally accessible to the broad spectrum of mainstream political views. It must always work hard to preserve the characteristics that made it "public."

(This article is based on remarks by Marshall Turner, chairman of the CPB Board, at the board's Jan. 27 meeting in Columbia, S.C. Turner is an engineer and partner in the San Francisco venture capital firm of Taylor and Turner Associates and a 10-year member of the KOED-TV/FM Board.)

Mr. WIRTH. I thank the Chair. I yield the floor.

The PRESIDING OFFICER (Mr. LIEBERMAN). Who yields time? The Senator from Hawaii.

Mr. INOUYE. I believe the Senator from Nevada wishes to be recognized.

Mr. REID. The Senator from Hawaii is correct.

Mr. INOUYE. Ten minutes.

Mr. REID. I ask of the floor leader that I have 10 minutes on this matter.

The PRESIDING OFFICER. The Senator from Hawaii has yielded 10 minutes to the Senator from Nevada.

Mr. REID. I extend my thanks to the manager of this bill, the Senator from Hawaii, for his cordiality on this and all matters on which I deal with him.

Mr. President, we in Congress spend a great deal of time on matters relating to very specific issues, not to the public in general. On this issue, this matter now before this body, we are going to talk about something that means a lot to the average American. One of the reasons we have come under so much criticism lately in Congress is that we do not spend enough time on matters that relate to more of the American people.

This bill is important, I repeat, to the average American. I know it is important to the people of Nevada for a lot of reasons. KLVX, the public television station in Las Vegas, which is known as channel 10 to those of us who spend a lot of time in southern Nevada, and KNPB, channel 5 in Reno—we refer to channel 10 in the south, channel 5 in the north—if this legislation passes, would receive $1.3 million in the form of community service grants. These grants which support many of these stations' operations and services are leveraged into many State, local, corporate, and individual contributions.

Public television and public radio in Nevada, as elsewhere, cultivate literacy, freedom from drugs and alcohol, voluntarism, public-private partnerships, education reform, and much more.

We hear so much in modern-day America about voluntarism. There is nothing that is more exemplary of voluntarism than public television and public radio. These two stations that I have talked about are valuable community partners, promoting effective local involvement and helping people determine their own future.

In 1992, KNPB is undertaking a community outreach project called Election '92. The objectives of this project are ambitious. Their objectives are to achieve by the November general election the highest turnout of voters in the viewing area and to have the most informed electorate in any election ever before. I think they can do it. The station will work with local officials to assist in registering voters, especially those groups of citizens who traditionally have not participated in the process.

And KNPB will produce a series of programs that will question the candidates running for office, specifically on issues of local interest.

In other outreach programs, KLVX produced "Income Tax Open Line," a live, phone-in program featuring local accountants and IRS representatives answering questions concerning income tax and filing procedures.

KLVX also produces the weekly series "Law for the Layman," which consists of roundtable discussions with local attorneys who give viewers answers to legal questions, in language that can be easily understood, on such topics as driving under the influence; child support and custody; estates, trusts, and wills; and many workers' rights, workers always having problems with what their respective rights and obligations are in the workplace.

For Black History Month, KLVX produced "The Road to Las Vegas: A Black Perspective," documenting the migration of black families from Louisiana and Arkansas to Las Vegas and exploring special features of the African-American cultural heritage.

Public broadcasting is also an essential educational resource that makes a difference. Nevada public television stations provide instructional programming to more than 160,000 elementary and secondary school students in more than 225 schools. Both stations also provide teacher guides to the programming and utilization workshops for educators.

We have some teachers that specialize, Mr. President, in using public television to teach students.

We all know that Nevada, by area, is mostly a rural State. Las Vegas takes up a very small percentage of the State, as does the Greater Reno area. The little town of Lund, NV, for example, has a high school with only 20 students. They cannot afford a foreign language teacher. But thanks to KLVX, two of these students are able to take a French class. This is a language and a culture the students of Lund would never have the opportunity to know about if it were not for public broadcasting. Three other small towns—Panaca, Laughlin, and Mesquite—these are spread out over a large area of the State of Nevada—also participate in this French program, bringing the total number of students to 22. Twenty-two students in the State of Nevada are able to take a French class, for example, they would not ordinarily be able to take.

John Hill, director of KLVX, told me about a time he visited the little town of Mesquite, approximately 90 miles from Las Vegas. He walked into a classroom unannounced to find students with headphones on watching intently the French lesson being given on his station. A student afterward told him he had always had trouble learning languages until he was able to take this televised class.

In cooperative arrangement with Reno's Access Cable 30, KNPB's instructional programs are rebroadcast several times a week to ensure greater access to this programming. Through Truckee Meadows Community College, KNPB also provides broadcast courses for college credit, and the station works with professional organizations in the community to offer continuing education opportunities.

Both the Reno and Las Vegas stations also produce quality local programming. KNPB produces "Silver State," now in its sixth season of weekly indepth discussions about issues facing Nevada and Nevadans; the weekly "Journalists' Notebook: Nevada News in Review," a series with the area's top journalists discussing the week's major news stories from northern Nevada "Open Line," occasional live, call-in programs bringing experts from a variety of disciplines and allowing viewers to offer their questions and comments; and "The Nevada experience," a monthly series examining the people, places, history, and culture of Nevada. KLVX produces a similar variety of quality local programming in the southern part of the State.

"The Nevada Experience" is a fascinating show. The Nielsen rating analysis of a November 1991 broadcast showed that one out of every five people watching television were tuned to this show. There are a number of these shows that come to mind. For example, there was one of the itinerant Basque sheepherders who roamed the mountains and valleys of Nevada and left behind thousands of carvings on the trunks of aspen trees.

I had the opportunity, Mr. President, to take a pack trip into a new wilderness area, the Table Mountain Wilderness Area. And one of the highlights of that trip was that we went to an area where a sheepherder many, many years ago had carved on these trees various pictures, some of which I guess, if you stretch your imagination a little, can be slightly pornographic. This lonely sheepherder out in the middle of nowhere in Nevada was carving little pictures on the tree, but as the trees grew, they are now big pictures on the tree. This was one part of the television programming.

There was another segment that presented the 80-year history of "The Virginia and Truckee Railroad," perhaps the most famous of all short-line railroads ever in the history of this country. I watched it. It was a great program. They went around and found where the locomotives are now located, and have pictures of the trains and histories of those trains. It was fascinating.

Yet other segments tell the story of the prehistoric Indians who inhabited the shores of Lake Lahontan, the history of the Pony Express in Nevada, and many other vital historical perspectives of our State that simply never, never would have been shown but for public television.

I would also like to say a few words about Nevada Public Radio. Federal funding through the CPB has helped Nevada Public Radio expand its service area immensely. Almost all of southern Nevada is now served by KNPR, Las Vegas; KTPH, in Tonapah, and KLNR, in Panaca. These stations have increased their audience in the last 2 years from 30,000 to almost 60,000. This is in 2 years.

KNPR has grants in preparation that will establish Nevada's first Radio Reading Service for the blind and visually handicapped. This essential service will not be possible without Federal support. This bill that Senator INOUYE and Senator STEVENS are talking about is legislation that affects people at home in our States, like the small State of Nevada.

Last year, KNPR produced two half-hour documentaries about the history of race relations in Las Vegas that were broadcast locally and then picked up by NPR nationwide.

In addition, their station KNPR produces "Jazz Night from Las Vegas" which is heard on over 130 stations nationwide. This jazz performance program is now entering its 10th year.

On March 24, KNPR won the 1991 Jack R. Howard Award for Journalistic Excellence. The award was for a two-part documentary broadcast last summer entitled, "Las Vegas: Mississippi of the West or Promised Land?" The documentary, written and narrated by William Drummond and Faith Fancher and produced by John Stark, explored the little-known segregationist system that developed early in Las Vegas resorts as well as race relations in the gaming industry today. That exciting program was done on the radio.

In northern Nevada, KUNR-FM serves one of the largest land areas in the public radio system. The station has translators in Yerington/Smith Valley, Hawthorne, Lovelock, Winnemucca, Incline Village, Verdi, Alturas, and Bishop.

Mr. President, this station even goes into California. It covers hundreds and hundreds of square miles.

Next month, a translator will be operating in the town of Elko, NV, another 400 miles away. This translator will allow listeners to pick up KUNR all the way across the State on Route 80.

Despite this large area, KUNR does not have a news department due to lack of funds. In fact, this is part of the voluntarism I spoke about when I announced earlier that there was a great example of voluntarism. In fact, 76 percent of the air time on KUNR is engineered or hosted by volunteers.

Remember, this is a program that is broadcast even into California; the station even goes into California. It goes to faraway Elko, 400 miles away.

Public broadcasting provides a strong return on Federal Government investment. In fiscal year 1990, over 14,000 subscribers contributed more than $866,000 to support the services of KLVX and KNPB, and nearly 2,000 people volunteered their time.

This is extraordinary. If this is not evidence of public broadcasting supported by the public, then we cannot give evidence because you cannot give more. For two radio stations, the listening audience contributed almost $1 million and donated time of 2,000 people amounting to tens of thousands of hours.

The Corporation for Public Broadcasting is a valuable national asset, and it is essential to the education of the cultural life of America, especially States like Nevada which have large rural areas.

I urge my colleagues to pass this bill without weakening amendments, so that the work of this worthwhile public service may continue.

Mr. President, I yield the floor.

The PRESIDING OFFICER. Who yields time?

Mr. HOLLINGS. The Public Telecommunications Facilities Program [PTFP] was established to extend the delivery of public broadcast services, increase the number of facilities serving and operated by women and minorities, and assist stations in improving their facilities. In addition, the PTFP now funds nonbroadcast telecommunications projects designed to expand the use of telecommunications for educational purposes.

Section 393(b)(4) of the Public Telecommunications Facilities Act of 1978 limits PTFP facilities improvement grants to existing public broadcasting stations. I understand that the National Telecommunications and Information Administration [NTIA] has interpreted this provision to mean that existing nonbroadcast educational entities are eligible for improvement grants only if their projects will extend their service to a new geographical area. As a result, the National Technological University [NTU] is not eligible for grants unless it will use the grant to expand service to new areas.

NTU is a 43-member consortium of the leading U.S. engineering universities, and the University of California-Berkeley, and I am proud that the University of South Carolina was one of the charter members. This organization was created through a partnership of businesses and educators to provide engineering courses to schools that could not provide those courses themselves, in order to address the shortage of engineers in this country today.

Accordingly, I ask the distinguished chairman of the Communications Subcommittee whether section 393(b)(4) is meant to be more inclusive than the NTIA interpretation.

Mr. INOUYE. While I continue to believe that the PTFP's primary mission is to assist public broadcast stations to expand service to unserved areas of the country and assist existing stations in replacing obsolete equipment, I am aware of NTIA's vital role in helping to finance some of the country's most successful distance learning systems. This support has made it possible for groups like NTU to help strengthen our educational system and economy.

I am also aware of NTIA's rulings on the eligibility of nonbroadcast improvement grant applications. It is my view that section 393(b)(4) can be read as being more inclusive to permit an existing nonbroadcast entity to compete for improvement grants to extend service to a new geographical area or to enable a nonbroadcast entity to acquire equipment needed to produce and/or deliver important new programming to be distributed within the current geographical contours of an existing nonbroadcast network.

Mr. HOLLINGS. I thank my colleague for his statement. As one of the principal authors of the Public Telecommunications Financing Act of 1978 that extended financing to nonbroadcast applications, I agree with his interpretation of the scope of section 393(b)(4).

AMENDMENT NO. 1860

(Purpose: To make certain changes concerning the Board of the Corporation for Public Broadcasting and to make certain information available for public inspection)

Mr. INOUYE. Mr. President, I send to the desk an amendment and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The bill clerk read as follows:

The Senator from Hawaii [Mr. INOUYE] proposes an amendment numbered 1860.

Mr. INOUYE. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

Strike all on page 3, line 4, through page 4, line 23, of the Inouye substitute to the committee amendment and insert in lieu thereof the following:

BOARD OF DIRECTORS

SEC. 5. (a) REDUCTION IN NUMBER OF MEMBERS.—(1) Section 396(c)(1) of the Communications Act of 1934 (47 U.S.C. 396(c)(1)) is amended—

(A) by striking "10" and inserting in lieu thereof "9"; and

(B) by striking "6" and inserting in lieu thereof "5".

(2) Section 396(c)(2) of the Communications Act of 1934 (47 U.S.C. 396(c)(2)) is amended by striking "10" and inserting in lieu thereof "9".

(b) TERM OF OFFICE.—Section 396(c)(5) of the Communications Act of 1934 (47 U.S.C. 396(c)(5)) is amended to read as follows:

"(5) The term of office of each member of the Board appointed by the President shall be 6 years except as provided in section 5(c) of the Public Telecommunications Act of 1992. Any member whose term has expired may serve until such member's successor has taken office, or until the end of the calendar year in which such member's term has expired, whichever is earlier. Any member appointed to fill a vacancy occurring prior to the expiration of the term for which such member's predecessor was appointed shall be appointed for the remainder of such term. No member of the Board shall be eligible to serve in excess of 2 consecutive full terms.".

(c) TRANSITION RULES.—(1) With respect to the three offices whose terms are prescribed by law to expire on March 26, 1992, the term for each such office immediately after that date shall expire on January 31, 1998.

(2) With respect to the two offices whose terms are prescribed by law to expire on March 1, 1994, the term for each of such offices immediately after that date shall expire on January 31, 2000.

(3) With respect to the five offices whose terms are prescribed by law to expire on March 26, 1996—

(A) one such office, as selected by the President, shall be abolished on January 31, 1996;

(B) the term immediately after March 26, 1996, for another such office, as designated by the President, shall expire on January 31, 2000; and

(C) the term for each of the remaining three such offices immediately after March 26, 1996, shall expire on January 31, 2002.

(4) As used in this subsection, the term "office" means an office as a member of the Board of Directors of the Corporation for Public Broadcasting.

Strike all on page 10, line 23 through 25, of the Inouye amendment to the committee amendment, and insert in lieu thereof the following;

AVAILABILITY OF INFORMATION FOR PUBLIC INSPECTION

SEC. 14. (a) CPB INFORMATION.—Section 396(*l*) of the Communications Act of 1934 (47 U.S.C. 396(*l*)) is amended by striking paragraph (4) and inserting in lieu thereof the following:

"(4)(A) The Corporation shall maintain the information described in subparagraphs (B), (C), and (D) at its offices for public inspection and copying for at least 3 years, according to such reasonable guidelines as the Corporation may issue. This public file shall be updated regularly. This paragraph shall be effective upon its enactment and shall apply to all grants after January 1, 1993.

"(B) Subsequent to any award of funds by the Corporation for the production or acquisition of national broadcasting programming pursuant to subsection (k)(3)(A)(ii)(II) or (iii)(II), the Corporation shall make available for public inspection the following:

"(i) Grant and solicitation guidelines for proposals for such programming.

"(ii) The reasons for selecting the proposal for which the award was made.

"(iii) Information on each program for which the award was made, including the names of the awardee and producer (and if the awardee or producer is a corporation or partnership, the principals of such corporation or partnership), the monetary amount of the award, and the title and description of the program (and of each program in a series of programs).

"(iv) A report based on the final audit findings resulting from any audit of the award by the Corporation or the Comptroller General.

"(v) Reports which the Corporation shall require to be provided by the awardee relating to national public broadcasting programming funded, produced, or acquired by the awardee with such funds. Such reports shall include, where applicable, the information described in clauses (i), (ii), and (iii), but shall exclude proprietary, confidential, or privileged information.

"(C) The Corporation shall make available for public inspection the final report required by the Corporation on an annual basis from each recipient of funds under subsection (k)(3)(A)(iii)(III), excluding proprietary, confidential, or privileged information.

"(D) The Corporation shall make available for public inspection an annual list of national programs distributed by public broadcasting entities that receive funds under subsection (k)(3)(A)(ii)(II) or (iii)(II) and are engaged primarily in the national distribution of public television or radio programs. Such list shall include the names of the programs (or program series), producers, and providers of funding.".

(b) INDEPENDENT PRODUCTION SERVICE INFORMATION.—Section 396(k)(3)(B)(iii) of the Communications Act of 1934 (47 U.S.C. 396(k)(3)(B)(iii)) is amended by adding at the end the following new subclause:

"(VI) The Corporation shall not contract to provide funds to any such independent production service, unless that service agrees to comply with public inspection requirements established by the Corporation within 3 months after the date of enactment of this subclause. Under such requirements the service shall maintain at its offices a public file, updated regularly, containing information relating to the service's award of funds for the production of programming. The information shall be available for public inspection and copying for at least 3 years and shall be of the same kind as the information required to be maintained by the Corporation under subsection (l)(4)(B).”.

Strike all on page 11, lines 5 through 8, of the Inouye amendment to the committee amendment and insert in lieu thereof the following:

EFFECTIVE DATE

SEC. 17. Section 5(a) shall take effect on January 31, 1996. All other provisions of this Act are effective on its date of enactment.

Mr. INOUYE. Mr. President, the minority leader, Senator DOLE, Senator STEVENS, and I have all agreed to the adoption of the amendment regarding the disclosure of information by the CPB and the terms of the Board members.

This amendment is straightforward. The disclosure amendment requires that the CPB maintain a public file containing information concerning national programming that the CPB funds directly, information on national programs produced or acquired by public radio stations with grants from the CPB for national programs, and an annual list of national programs distributed by public broadcasting entities that receive grants from the CPB for the production of programming and that are engaged in the national distribution of public television or radio programs. In addition, as a condition of receiving any funding from the CPB, the CPB shall require that the Independent Television Service maintain a public file with certain information concerning the programming it funds.

This amendment responds to concerns that have been raised over the ease with which the public can gain access to information concerning national public broadcasting programming. Much of the data to be available for public inspection are already kept by the CPB or can be provided easily by the awardees of program funds and are already made available to Congress. By requiring CPB to maintain all of the required information at its offices, however, we will facilitate the public's access to information on the expenditure of Federal funds to support public broadcasting.

Mr. President, I am pleased that the objective of ensuring the availability of this information is being met without applying the Freedom of Information Act to the Corporation. We all know that CPB is a private, nongovernmental corporation and that it would be inappropriate to apply Government agency regulations to it, particularly considering the first amendment activities in which the recipient of its funds engages. This amendment is consistent with the means Congress has used in the past to apply worthwhile public policies to public broadcasting without endangering its non-Government status.

I would also like to point out that these disclosure requirements only apply to national programming after that programming has been aired by public radio and television stations and we do not intend that any information be collected by the CPB prior to the airing of the programs involved. In the case of grants given out by the CPB directly to producers for the production of programs, the CPB is required to give out information set forth in section (4)(B) of this act after the award of the grant for the program.

Moreover, under no circumstances, are the CPB or the recipients of CPB funds required to make available to the public any proprietary information of a privileged or confidential nature; internal documents or correspondence with outside parties, this includes but is not limited to information dealing with policy development, programming proposals, or preliminary audit findings, congressional correspondence; internal working papers; confidential personnel information; or, any other information which, if released, could impair the Corporation's or recipient's capacity to carry out their mandated responsibilities in an independent manner free from Government direction, supervision, or control.

We leave to the Board of the Corporation the responsibility for setting policies and procedures concerning the form under which information will be submitted by public broadcasting entities covered by this provision and the terms and conditions under which the public may have access to information. For example, the CPB may find it necessary to charge members of the public who seek large numbers of copies for the cost of copying the information in its public file.

BOARD TERMS

This amendment simply changes the date on which CPB Board members' terms expire to January 31, of the appropriate year and permits members whose terms expire before their successor is confirmed to sit for the remainder of the calendar year or until their successor is confirmed. Under current law, Board members must vacate the Board on the date their term expires, whether or not a successor has been confirmed. S. 1504, as reported by the committee permitted the Board members to remain on the Board until their successor was confirmed. The amendment we are considering today will simplify this process by permitting the CPB's Board members to sit until the end of the calendar year in which their term expires.

Mr. STEVENS. Mr. President, I associate myself with the Senator's comments on this amendment, and we will agree to it. I yield the remainder of my time.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment (No. 1860) was agreed to.

Mr. STEVENS. Does the Senator from Montana have an amendment?

Mr. BURNS. I have a statement I would like to make at this time.

Mr. STEVENS. I yield to the Senator from Montana such time as he may need.

Mr. BURNS. Mr. President, I want to take a few minutes to talk about an amendment that I considered offering, but will not offer out of respect for the chairman, Mr. INOUYE, and of his desire to get this bill passed as soon as possible. As he knows, I am also a strong supporter of the Corporation for Public Broadcasting and especially of its commitment to education. I am an even stronger advocate, however, of distance learning in general, which is why I considered offering as an amendment to this bill, my bill, S. 2377.

The purpose of S. 2377 is to help remove some of the technological barriers that are stunting the growth of distance learning. Distance learning is the use of telecommunications technology to bring instruction into the schools. It gives students in rural Montana, or inner-city New York, access to advanced math, science, or language courses that otherwise would not be available due to the lack of resources in these areas. Distance learning can take place via a variety of technologies including satellite, microwave, cable, and fiber optics. I am totally committed to making a nationwide broadband fiber optic network that will benefit every school, library, health care facility, home, and business a reality. However, I happen to believe that the most cost-effective, immediately available way to foster the growth of distance learning is through satellite transmission. S. 2377 establishes a program of Federal loan guarantees making it possible for a non-Federal, nonprofit, public corporation to obtain financing for the purchase or lease of a dedicated education satellite system for the delivery of instructional programming.

A dedicated education satellite will allow the education sector to take full advantage of the opportunities available through distance learning via satellite. It will allow instructional programmers to collocate their programming on one satellite system. A system that is run by, and for, educators. A system that makes education its first priority, giving all instructional programmers equal access at an equal price. Such a system addresses two of the major barriers that instructional programmers face in the commercial market—cost and preemption. Because educational users are considered occasional buyers, they often pay the highest rates for time that is preemptable by commercial users. The benefits of collocation to education are similar to the benefits realized by the cable industry when they collocated. Programmers benefit because they are on a system that reaches a broader range of users; and users benefit because they have access to a wide range of programs all on one system. Currently, educational/instructional programming is being offered on 12 to 15 different satellites. A school can only have its dish focused on one satellite at a time; thus it is likely to have access only to the one or two programs on that satellite. If all the programming was collocated on a single satellite, schools would have access to at least 24 channels of instructional programming—24 different programs—every hour of the school day. They could than offer a number of courses via satellite at the same time. In short, they could make a more cost-effective use of their ground equipment.

I think this initiative has a lot of merit, Mr. President, but there are others with a different point of view. Over the past few weeks, my staff and I have met and talked with representatives from the Corporation for Public Broadcasting [CPB] and the Association of Public Television Stations [APTS]. Through our discussions, it became clear to us that they believe their system may be sufficient to meet the needs to the education sector. They will have Telstar 401 launched at the end of 1993, and through digital compression plan to offer more channel capacity to education. I certainly support their efforts, but I do not believe, as some may, that a satellite system dedicated to education will duplicate their system. At a minimum, there will be a 5- to 7-year interim period between now and the time the education sector can make full use of Telstar 401's capacity. First, since the satellite's launch takes place in the middle of the school year, the first year of availability to the schools will begin in the fall of 1994. Second, the use of digital compression will require a substantial investment in new equipment by both educational/instructional programmers and users. Programmers will have to purchase a $40,000 to $100,000 encoder to send programming to the satellite; and users will have to purchase a $600 to several thousand dollar decoder to pull the programming down. Given that State and local education budgets are tight, it may be some time before that type of investment is made on a widespread basis. Even in the long term, I believe there are enough programmers and users out there to benefit from both systems. Capacity questions aside, I must also hold strong to my belief that Federal support of an education satellite system be premised on the principals of equal access at an equal price for all instructional programmers.

It is because Senator INOUYE expressed to me his concern that the options and issues need to be more fully explored and that he is willing to work with me to do so, that I decided not to offer my amendment to this bill. Let me just say in closing, I look forward to working with the Senator from Hawaii to promote distance learning. He is certainly one of the most well-respected members of this body and very knowledgeable on telecommunications issues.

Mr. INOUYE. I want to thank my colleague for his explanation of his bill and for not offering it at this time as an amendment to this particular bill. I do believe that his proposal has merit, as do many other proposals on this subject. It is for this reason that I have scheduled a hearing on June 17, on telecommunications and education. Senator BURNS has already indicated his willingness to participate in that hearing. I am also asking the Senator to suggest some witnesses that we can have at that hearing to speak specifically to his proposal.

Mr. BURNS. I certainly appreciate that offer, and will plan to take the Senator up on it. I think that a hearing on this subject will help clarify for us the issues that need to be addressed. My legislation is not comprehensive legislation, it was not intended to be. There are other barriers to distance learning and other opportunities for Congress to promote distance learning. I look forward to working with you, Senator INOUYE, on comprehensive distance learning legislation. I believe strongly in the benefits that accrue to education through more effective, efficient use of distance learning technologies. We hear a lot about the need to reform education. Distance learning is a cost-effective way to spread our educational resources to every student, regardless of wealth or geographic location. I think we need to do more in this area.

Mr. INOUYE. I agree wholeheartedly. I look forward to working with you Senator BURNS, and I look forward to starting that process next month with this hearing.

Mr. BURNS. Thank you, and I yield the floor.

Mr. INOUYE. Mr. President, I suggest the absence of a quorum and ask unanimous consent that the time not come out of the bill.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. INOUYE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. INOUYE. Mr. President, I believe the Senator from Connecticut wishes to be recognized.

I yield him 10 minutes.

The PRESIDING OFFICER. The Senator from Connecticut [Mr. DODD] has the floor.

Mr. DODD. Mr. President, I rise today in very strong support of the Public Telecommunication Acts of 1991 which authorizes funding for public broadcasting programs and services through 1996.

At the outset, Mr. President, I want to commend the Senator from Hawaii, who chairs the Subcommittee on Communications, for his critical role in developing this legislation.

And, second, I would like to commend and recognize the efforts of Senator HOLLINGS of South Carolina, the chairman of the full Committee of Commerce, Science, and Transportation, who has also done a masterful job in bringing this legislation to the floor.

Public broadcasting is a very fine example of a public-private partnership that works. With modest amounts of Federal seed money, public broadcasters raise contributions from thousands of local companies and individuals. Using those public and private funds, local public stations provide first rate programs which help educate our youth, train our work force, and increase our cultural awareness.

The measure before us today would help strengthen that partnership and ensure that during these very troubled times, our public broadcasting stations can continue to provide the programs and services that have become such an important part of the American social fabric.

Since the establishment of the Corporation for Public Broadcasting a quarter of a century ago, millions of Americans have enjoyed educational, historical, and culturally enriching productions aired on their public stations. We have been entertained and enlightened by programs such as "Masterpiece Theater," "Firing Line," the "McNeil/Lehrer Newshour," and special series such as "Eyes on the Prize" and, of course, the "Civil War."

Public broadcasters have also been instrumental in developing educational programs for our Nation's youth. Programs such as "Sesame Street," "Mister Rogers' Neighborhood," and "Reading Rainbow" expand the educational opportunities of young children. Additionally, 24 million students now benefit from carefully designed, instructional programs that are used in thousands of classrooms across this country, all as a result of public television and our commitment to it.

With the funding provided by this legislation, the Corporation for Public Broadcasting can expand its educational services to further provide programs that help children arrive at school ready to learn; technological innovations and training for teachers to facilitate the use of programs in schools; new instructional programming for a wide range of subjects; and programs that build greater awareness of pressing community issues, such as drug abuse and discrimination.

I am pleased to report that public stations in my home State of Connecticut are leading these efforts. For example, a series developed by Connecticut Public Television, "Scientific American Frontiers," is currently used as a teaching tool in science classrooms all across this country.

In light of these many accomplishments, it is not surprising that the overwhelming majority of Americans support public television. Almost 80 percent of all American families watch their public station each month. Additionally, in survey after survey, public television and radio programs get the highest marks from their viewing and listening audiences.

As we well know, there are critics of public broadcasting. They argue that we no longer need to support public stations, that the marketplace can provide the same quality programs that are produced by public broadcasters. But those critics miss the point. Public broadcasting was originally established because commercial programmers were not serving all of the needs of the American public. Although there are many more stations today, public broadcasters continue to provide programming that is simply not available on commercial stations.

Ken Burns, who created the "Civil War" series, makes this point quite eloquently. He notes:

> PBS offers a vital meeting place for Americans to see creative, thoughtful shows that are not dependent on the whims of advertisers or programmers concerned only with the bottom line.

Although public broadcasters have expanded the options of the American public, they do not always please all of the people all of the time, nor should they. But the structure of CPB ensures that public broadcasters are accountable to their communities. Local stations make the programming decisions. It is much better to have the local stations—the people who live and work in the community—determining whether programs meet the needs of the community rather than the Federal Government making that decision for them.

Additionally, local stations are accountable to their audiences in a very important way. They depend upon donations from those very audiences, the local audiences, for their survival.

Let me reemphasize that point, if I can, Mr. President. I do not think it is appropriate or proper for this body, or for Washington, to be deciding what kind of programs local communities would like to see on their public broadcasting stations. And the best proof of that is that local people and businesses support their local stations. If a community becomes unhappy with the quality of programming on its public broadcasting stations, that station would cease to exist. It would go out of business. What better test could we have to determine whether a station is servicing local consumers?

A few conservative critics have also argued that the Corporation for Public Broadcasting is a luxury, something that only a few people seem to enjoy. They suggest that because of the explosion of cable stations across the country, public broadcasting is no longer necessary.

But 40 percent of the American public do not have cable television. Public broadcasting stations are available to people who do not have cable. So, while there is an explosion of good broadcasting that is occurring on cable stations, it does not fill the need in many, many homes.

Furthermore, when you examine what the Nation gets for its money, you see that public broadcasting is a wise investment. Programs that help educate our children, expand our cultural horizons, and inform our citizens are not a luxury, they are an absolute necessity. They are needed to prepare our children for the work force, and to remove barriers between the races, and to strengthen our democracy and democratic institutions.

In short, public broadcasting, like our Nation's parks and libraries, has become a vital cultural resource. It is a public-private partnership that has demonstrated an ability to provide high quality, cost-effective programs and services to the American audience. With the funds authorized by this legislation, public broadcasters can continue to provide those programs and services and expand their educational efforts.

Mr. President, before I yield the floor, I would like to commend Ms. Sharon Percy Rockefeller for several articles that appeared in the Washington Post which she wrote in response to several columns written by George Will.

George Will is about as succinct and precise a columnist as there is writing today and Mrs. Rockefeller has responded, I think, with telling arguments.

I would like to emphasize several points that she made, particularly in her May 15 op-ed piece.

Let me quote from her article. At one point she notes that:

> Public television is the largest classroom in the world.

What a wonderful line. We talk about the millions of people who benefit from this, but this is the largest classroom that we have in the world. She continues:

> Some 75 percent of all schools, representing 30,000 students, can use public television, and most do. Thousands of viewers have secured high school equivalency degrees by watching. Nearly 2 million people in this country have taken college courses for credit with the help of public television.

With that kind of success, I do not understand how people can argue that we cannot afford to support public television. What other governmental program do we have that can point to such success?

Ms. Rockefeller goes on to state:

> If public television has accomplished anything, it has been to make the best of our cultural heritage available and affordable to more people than at any time in human history.

That is such an important point. She notes that when CPB broadcast "Wagner's Ring Cycle" in 1990, "more people saw it in one week on American public television than had ever seen it live in all the Ring productions since 1876." That fact is truly remarkable.

I hope, Mr. President, that during this debate, Senators will listen to their constituencies and the consumers in their States. The vast majority who watch and support their local stations. Public broadcasting has provided an invaluable service for this country for a quarter of a century. It would be a great tragedy to diminish this vital resource which continues to make important contributions to the Nation.

I yield the floor.

Mr. INOUYE. Mr. President, I wish to commend my friend from Connecticut for a strong and eloquent statement in support of this measure. It is one of those speeches one would describe as "I wish I had delivered that."

Mr. HOLLINGS. Mr. President, I rise today in support of S. 1504, the Public Telecommunications Act of 1991, which I have cosponsored. This bill authorizes essential funding for the Corporation for Public Broadcasting [CPB] and the Public Telecommunications Facilities Program. Passage of this measure will provide for the continued growth and development of the American system of public broadcasting, a vital part of our broadcasting industry.

Mr. President, first I congratulate the Communications Subcommittee chairman, Senator INOUYE, and my colleague Senator STEVENS on their efforts in readying this bill for floor consideration. It has been a long and arduous road, but I believe that the services provided by public radio and television are well worth the effort.

The closing years of the 20th century promise a world of steadily increasing complexity and diversity, a world where communications are instantaneous and knowledge is elusive. Public broadcasting's commitment to in-depth news and information has become all the more important in an era of sound-bite journalism. The more rapidly the world changes, the more listeners and viewers turn to public broadcasting for thoughtful information.

There are many reasons to support this legislation. Of particular importance is the assistance that the legislation provides for public broadcasting stations serving rural areas and underserved audiences. The Commerce Committee has stressed to the CPB the importance of providing additional assistance to stations serving such communities. In many rural areas, public broadcasting is the only access to the outside world and is not just an alternative to commercial broadcast programming. In addition, other groups, such as minorities and the hearing impaired, are underserved by commercial and public broadcasting. The committee recognizes that the CPB has been working to extend the reach of public broadcasting, particularly public radio, to these communities, and we hope that this effort continues.

In the area of education, public broadcast stations, particularly public television stations, play a critical role in expanding and supplementing the available curricula in our schools and universities. Public broadcasting continues to serve as an economical and efficient mechanism of distributing educational information to our children, both in their homes and in schools.

In South Carolina alone, there are 11 public television stations and 9 public radio stations. The South Carolina Educational Television [SC ETV] is operated on a statewide basis. SC ETV and the South Carolina Department of Education's Office of Instructional Technological Development [OITD] provide instructional programming to children in grades kindergarten through 12 throughout the State. Eighty-three percent of all of the State's public school students—over 500,000—use the Intelligent Television system. Instructional programming is broadcast over SC ETV's 11 broadcast stations and through its Instructional Television Fixed System. During the period 1991–92, 637 teachers received credit through 2 certificate renewal courses carried by SC ETV.

On a typical day, SC ETV delivers more programming than ABC, CBS, NBC, and CNN combined, including over 100 hours of instructional programming, in addition to in-home viewing. Over 3,000 rooms can receive the SC ETV system in South Carolina, including those in public schools, hospitals, law enforcement sites, the Department of Health and Environmental Control, community colleges and universities. SC ETV provides teleconferencing for the Medical University of South Carolina and three major teaching hospitals in the State. In 1991, there were over 29,000 medical education viewers of SC ETV's ITFS closed circuit network. It is estimated that the SC ETV teleconferencing facilities save the State $11.5 million in travel and productivity.

SC ETV provides higher education telecourses and has numerous programs focused on early childhood education, and its member stations do a great deal at the local level to address problems facing communities in South Carolina. I could go on and on about all the SC ETV contributions to the residents of the State of South Carolina.

Another important component of the public broadcasting system that also involves South Carolina is the Satellite Educational Resources Consortium [SERC], a 23-State partnership of educators and public broadcasters that helps schools to meet the needs of students and teachers through live interactive satellite-delivered courses. This consortium was created by several State public broadcast systems, including SC ETV. Through these satellite programs, schools that are geographically or economically disadvantaged may now offer courses that would otherwise not be available. In addition to South Carolina, SERC members include: Alabama; Arkansas; Detroit, MI; Florida; Georgia; Iowa; Kansas City, MO; Kentucky; Louisiana; Maine; Michigan; Mississippi; Nebraska; New Jersey; New York; North Carolina; North Dakota; Ohio; Pennsylvania; Texas; Virginia; West Virginia; and Wisconsin.

SERC offers courses in languages, advanced math, economics, physics, and geography. Sixty percent of the schools it serves are in rural areas, and 75 percent of the schools have enrollments of less than 1000. I applaud the efforts of the CPB and the stations, and I hope that their partnership in education continues to grow and expand the educational programming available to this Nation's children and adults.

The nine public radio stations in South Carolina also provide important services for the community. For example, eight of those stations run a program four days a week during the school year, called "Staff Development," which is designed to help teachers and school staff deal with the every day problems they face. The hour-long program features teachers, principals and other school staff who talk about everything from discipline problems to new teaching methods. Those stations also broadcast a program titled "Give a Child a Book," where children's books are read on the air. Both of these programs have been extremely popular.

In addition, public broadcasting is a constant source of high-quality national programming, like the "Civil War" series. Millions of Americans rely on public broadcasting to bring to their homes cultural events from all over the country and the world. Public broadcasting stations serve as an important source of alternative programming for those Americans who are not content to rely on commercial broadcast stations.

In recent months, there has been a great deal of discussion about the importance of preserving the independence and autonomy of the local licensee. I concur with the statements of the floor managers that it is the licensee that has the sole responsibility and obligation to determine what mix of programming best meets the needs and interests of its local community. This principle is crucial to the continued success of public broadcasting, and cannot be overstated.

Mr. President, for just a moment I will discuss another subject equally important—national public radio and television programming. National programming makes public broadcasting more than just a loose federation of local stations programming for their individual markets. National programming creates an awareness of American cultural treasures in music and drama, and has stimulated interest in, and greater appreciation for, American performers, conductors, directors, producers, and organizations. National programming is a tool that strengthens the capacity of local stations to serve their audiences with a vibrant mix of national and local coverage.

The national-local partnership, which congressional support has done so much to foster, is an asset today in ways that may not even have been anticipated 25 years ago. In a high-technology tide of broadcasting homogeneity, this partnership can help us keep track of ourselves as a people. This partnership must be encouraged and nurtured.

Mr. President, this brings me to the amendment of the senior Senator from Alaska. There has been a great deal of discussion about what this amendment means and does not mean to the rights and obligations of local broadcasters. Let me address for a moment what this amendment does not mean for national program producers—this amendment in no way impinges on the editorial freedom and independence of the producer. Once a program or series of programs has been accepted for funding, the producer is in total control of the project. This amendment does not make CPB the executive producer of programming that it funds.

In closing, I thank the chairman of the Communications Subcommittee and the sponsor of this bill, Senator INOUYE, and Senator STEVENS for all their work on this legislation and the amendments we will be considering today. I also thank the other cosponsors and members of the committee for their combined efforts in crafting this bipartisan legislation. Given the importance of public broadcasting, the funding provided for in this legislation is far less than what is needed, but is realistic given today's budgetary constraints. I urge my colleagues to support this bill.

Mr. GORE. Mr. President, I urge my colleagues to join me in support of the Corporation for Public Broadcasting [CPB] reauthorization bill. Several weeks ago, we debated the CPB bill and the merits of public broadcasting programming decisions. I said at that time and say again today that those of us in Congress and those in the administration must let CPB continue its fine record of providing grants to public broadcasting stations without political interference or censorship. CPB was designed for this purpose and has fulfilled its mission well.

Just as importantly, I urge my colleagues to support full reauthorization levels for CPB. The Corporation for Public Broadcasting has proven a wise use of Federal funds in the past. With high quality programming for all ages, public broadcasting challenges Americans from preschool to senior citizens. As a parent, I am particularly indebted to public broadcasting's fine children's programming targeted to learning and development in early childhood years. Programs like "Sesame Street" and "Mr. Rogers' Neighborhood" help kids get a vital head start on learning before they enter school. CPB has been successfully helping us reach a goal, only recently set: that by the year 2000, children enter school ready to learn.

The CPB reauthorization bill seeks to expand these very programs which have a demonstrated record of success. Increased funding would go toward programs that ensure that children arrive at school ready to learn: for instance, CPB would expand the "Mr. Rogers' Neighborhood" program with extending the neighborhood to help improve the learning and social skills of children in childcare centers. In today's economy where so many parents have no choice but to both work, more and more children acquire their basic learning and social skills in daycare facilities. Improving preschool education is an important way for the United States to catch up with other industrialized nations in education; we need to start at the beginning to improve U.S. educational standards. Children who are ready to learn when they arrive at kindergarten get more out of school throughout their educational experience.

As an important corollary, CPB is also targeting funding toward training childcare providers. By expanding the project Early Childhood Professional Development Network, CPB funding will assist in the training of childcare providers through videotapes and teleconferencing.

In addition, this bill seeks to make new technologies more accessible to schools and teachers. For example, the bill directs additional funds to the Satellite Educational Resource Consortium, which helps provide instruction in areas which areas which have teacher shortages. SERC helps provide a diversity of educational subjects, including mathematics, science, and foreign languages. SERC courses reach many disadvantaged students and help to give them the tools necessary to compete successfully in a global marketplace.

Funding in the bill would expand online computer networks that help teachers and librarians intergrate learning technologies into educational curriculum. By using electronic forums, the computer networks bring students, teachers and teaching concepts together at the same time on an interactive basis. CPB seeks to expand this Learning Link Program to serve areas which are currently unserved.

The bill would increase the availability of instructional television. The National Instructional Television Satellite schedule provides instructional programming for classroom use in all subjects from kindergarten through 12th grade. Eighty percent of all schools use some form of instructional television. NITSS also provides guides and instructional materials to teachers and librarians to assist them in making full use of this educational programming.

The bill adds funds to train teachers in the use of new educational technologies. One of the most cost-effective ways to help teachers be better at their jobs is to connect them with other teachers, administrators, educational institutions and community groups simultaneously through live, interactive videoconferences. These videoconferences allow educators to share ideas and talk directly with experts. The Annenberg/CPB Math and Science Project is a collaborative effort to assist teachers in science and mathematics instruction with the use of computers. The project uses communications and educational technologies, including computers, two-way video, laser discs, electronic networks and data services to promote science and math in elementary and high schools. Thus, CPB has been moving us toward another important education goal we have set for ourselves by the year 2000: that American students be first in the world in mathematics and science achievement.

CPB has a proven track record of successful educational programming which it seeks to expand under this bill. There is no question that our educational system needs new ideas to enlist children more actively in the learning process. This bill is a cost-effective way for the Federal Government to offer assistance to the State and local governments in education. Nationwide educational and teacher training programs use technology to improve education by increasing its availability, by providing diversity, and by challenging our students and teachers to use technology as a learning tool. In an increasingly technology-driven marketplace and world, educational efforts that embrace technology are exactly what is needed to prepare students for the future.

I support full CPB authorization levels. I do so because our country's continued success depends on the preparation we provide our citizens today.

On other issue relating to CPB is the agreement reached on the applicability of the Freedom of Information Act to CPB. I am pleased that the objective of ensuring the availability of information pertaining to national programming is being met without applying the act to CPB. At the time FOIA was enacted, Congress wisely excluded CPB from its coverage to avoid any effect that enforcement of the act might have on the operations of CPB. Nevertheless, in its role as the entity accountable for Federal support of public broadcasting, CPB adopted and has maintained a policy of honoring and implementing the principles of FOIA, in a manner consistent with CPB's status as a private, nongovernmental corporation engaging in constitutionally protected activities in the area of broadcast program support.

I urge my colleagues to join me in supporting full CPB funding for a better future.

Mr. BINGAMAN. Mr. President, I rise today to commend the public television stations in New Mexico for their fine work in expanding the educational and cultural opportunities of our citizens. KNME in Albuquerque, KRWG in Las Cruces and KENW in Portales are valued community partners, providing services which reflect the diverse ethnic groups in their coverage areas. I would like to mention that access to free public television is especially important in a State like New Mexico where only about 54 percent of the households subscribe to cable television. Since approximately 97 percent of the people in our State have access to broadcasts from one of our three public television stations, almost everyone can benefit from the excellent programming and public service initiatives provided by the stations. There is great cooperation among the public television stations in New Mexico which further enhances their effectiveness. Citizens in my State know that public television is not just a collection of broadcast stations—public television cultivates education reform, literacy, volunteerism, public-private partnerships, freedom from drugs and alcohol, and much more.

I would like to highlight a few initiatives by the public television stations in New Mexico which have been beneficial to our communities and also mention a few new projects which are designed to increase the wide range of services which are currently provided.

The three public television stations in my State have formed the New Mexico Public Television Instructional Television Project which has established an education television consortium. Through the consortium, the public television stations consult with the State Department of Education and local school districts on the selection of in-school instructional programming. The programming will be purchased by the stations on a group basis in order to conserve funds and to offer a greater variety of programming to our schools. A statewide teacher's guide will be produced and the stations plan to offer an even wider variety of materials to support the use of instructional programming in the classroom. The public television stations also share public service programs on such topics as politics and the environment.

KNME in Albuquerque is working with State agencies, industry and institutions to design a plan to utilize telecommunications technologies to increase the delivery of educational services to schools, institutions, and the general public. As you know, Mr. President, public television can play a crucial role in providing learning opportunities for a diverse group of learners—from the student in a remote area of the State who wishes to take advanced courses to the adult who desires training in new job skills. KNME is also participating in a project designed to deliver training to Head Start workers via satellite transmission and is one of five public television stations being used for case studies profiling model outreach activities and their impact within the local community. The station is actively involved with the New Mexico coalition on literacy and, like our other stations, produces many excellent public service programs.

KRWG in Las Cruces serves almost 200,000 households and supports many public affairs programs. To tailor national programs to meet local needs and interests, the station often conducts followup programs to focus on different viewpoints of a controversial issue or to provide citizens with additional information. After a recent PBS program on family preservation, viewers could call the station and ask a panel of experts questions on assisting children in families experiencing problems without breaking up the family unit. One of the few public television stations with a local news program, KRWG uses this program as a training ground for broadcast journalism students from New Mexico State University. As I mentioned earlier, all of our stations are actively seeking to increase their contributions to the educational community to provide lifelong learning opportunities for our citizens.

Station KENW in Portales broadcasts instructional programming 6 hours a day, Monday through Friday, through its instructional television fixed service is actively seeking additional avenues for expanding services to schools. The station is also increasing its Spanish language programs to meet the needs of its viewing audience and plans to implement stereo service in the near future.

Each of our stations should be especially commended for their efforts to increase the educational opportunities of our citizens through work with public schools, universities, colleges, vocational institutions, and other organizations which serve local communities.

New Mexicans have shown their appreciation of the excellent programming and civic contributions provided by their public television stations by supporting the stations monetarily and by contributing time for volunteer work at the stations. In fiscal year 1990, KNME in Albuquerque received approximately 55 percent of its annual operating budget from the community. In Las Cruces, KRWG reports that a recent fundraiser resulted in a 77-percent increase in contributions and a 59-percent increase in contributors above last year. Both KRWG in Las Cruces and KENW in Portales receive about 25 percent of their funding from the public and business community. Our stations are obviously receiving strong public support, but costs are also rising and continued financial support by the Corporation for Public Broadcasting's community service grants is crucial. These grants not only leverage State, local, corporate and individual contributions, but allow the stations to produce programs which meet the unique interests and needs of the people in our State. The public television stations in New Mexico have long been a valuable community partner and I strongly support continued Federal support for the Corporation for Public Broadcasting.

AMENDMENT NO. 1861

(Purpose: To require the Corporation for Public Broadcasting to report to the Congress as to the most effective way to establish and implement a ready-to-learn public television channel)

Mr. INOUYE. Mr. President, in behalf of the Senator from New Mexico [Mr. BINGAMAN] I send to the desk an amendment and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Hawaii [Mr. INOUYE], for Mr. BINGAMAN (for himself, Mr. HEFLIN, Mr. HATFIELD, and Mr. KERREY), proposes an amendment numbered 1861.

Mr. INOUYE. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 12, between lines 2 and 3, insert the following:

READY-TO-LEARN TELEVISION CHANNEL

SEC. 12. (a) The Congress finds that—

(1) many of the Nation's children are not entering school "ready to learn";

(2) next to parents and early childhood teachers, television is probably the young child's most influential teacher;

(3) a vital component in meeting the Nation's first education goal is the development of interactive programming aimed exclusively at the developmental and educational needs and interests of preschool children;

(4) television can assist parents and preschool and child care teachers in gaining information on how young children grow and learn; and

(5) there is a need for quality interactive instructional programming based on worthwhile information on child development designed for children, parents, and preschool and child care providers and teachers.

(b) Within 90 days following the date of the enactment of this Act, the Corporation for Public Broadcasting shall report to the Congress as to the most effective way to establish and implement a ready-to-learn public television channel. Such report shall include, among other things—

(1) the costs of establishing and implementing a ready-to-learn channel;

(2) the special considerations of using television as a learning tool for very young children;

(3) the technology, and availability thereof, needed to establish and implement such a channel; and

(4) the best means of providing financing for the establishment and implementation of a ready-to-learn channel.

On page 12, line 4, strike "12" and insert "13".

Mr. BINGAMAN. Mr. President, the American essayist E.B. White once wrote:

> I believe television is going to be the test of the modern world, and that in this new opportunity to see beyond the range of our vision, we shall discover either a new and unbearable disturbance of the general peace or a saving radiance in the sky. We shall stand or fall by television—of that I am quite sure.

Ernie Boyer in his new book "Ready to Learn" is deeply concerned that America is losing sight of its children. In the opening of his book he states, "In decisions made every day we are placing them (children) at the very bottom of the agenda, with grave consequences for the future of the nation." And I believe he is right.

The first of the national education goals states that every child in America should start school "ready to learn" by the year 2000. In order for this goal to be achieved the focus has to be on children and what we can provide for them before they begin school. This will not be easy.

The Southern Regional Education Board, after evaluating the school readiness of children in that part of the country, concluded:

> Today not all children are ready to begin the first grade. Too many never catch up. Unless additional steps are taken, possibly one-third of the one million children projected to be entering the first grade will not be ready to do so in the year 2000.

As we are all aware, change and reform take time to be implemented. But we need to start somewhere. This amendment I am proposing will start to address changes with respect to the over 14 billion hours of television this Nation's 14 million preschoolers watch every year.

My amendment will direct the Corporation for Public Broadcasting to report on the most effective way to establish and implement a "Ready-to-Learn" public television channel. The report would include the costs of establishing and implementing a "Ready-to-Learn" channel, the technology, and availability thereof, needed to establish and implement such a channel, and the best means of providing financing for such establishment and implementation.

A "Ready-to-Learn" channel would encourage the development of programming aimed exclusively at the educational needs and interests of preschool children. On such a channel, instruction would also be provided for preschool care providers outside of the home as well as for parents. In far too many instances, television's potential in the field of education has not been fulfilled. Edward Palmer, author of "Television and America's Children," has said:

> [I]t is economically irresponsible that we fail to use television fully and well to help meet nationwide educational deficiencies in all key school subjects.

I find it irresponsible that we are not using television in a focused way to assist our young children in developing skills essential for school readiness. The report required by this amendment will provide a beginning in seeking ways to enrich the educational opportunities of our preschool children.

Mr. INOUYE. Mr. President, this amendment has been studied and reviewed by the managers of this bill. We find no objection to it. We support it.

Without objection, we yield back all of our time.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment (No. 1861) was agreed to.

Mr. PRESSLER addressed the Chair.

The PRESIDING OFFICER. Who yields time?

Mr. PRESSLER. Mr. President, I yield myself such time as I shall consume.

The PRESIDING OFFICER. The Senator from South Dakota [Mr. PRESSLER] has the floor.

AMENDMENT NO. 1862

(Purpose: To require the Corporation for Public Broadcasting to report to the Congress as to the most effective way to encourage distance learning through use of existing Corporation facilities)

Mr. PRESSLER. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from South Dakota [Mr. PRESSLER], for himself and Mr. GRASSLEY, proposes an amendment numbered 1862.

At the appropriate place, add the following:

CORPORATION FOR PUBLIC BROADCASTING REPORT ON DISTANCE LEARNING

SEC. . (a) The Congress finds that—

(1) distance learning would provide schools in rural areas with advanced or specialized instruction not readily available;

(2) utilization of distance learning can end some school closings or consolidations;

(3) distance learning will play a vital role in accomplishing the goals of "America 2000" as established by the President;

(4) Corporation for Public Broadcasting should promote distance learning projects where it is cost effective;

(5) Corporation for Public Broadcasting can promote distance learning by helping reduce the costs associated with telecommunications services.

(b) Within 180 days following the date of the enactment of this Act, the Corporation for Public Broadcasting in consultation with other education program providers and users, shall report to the Congress as to the most effective use of their existing telecommunications facilities to establish and implement distance learning projects in rural areas. Such report should include, among other things, the costs and benefits of establishing national demonstration sites to study new distance learning tools and to evaluate the most effective use of current distance learning applications; any incentives necessary to provide access to Corporation for Public Broadcasting facilities for distance learning applications.

Mr. PRESSLER. Mr. President, I thank the clerk for the reading of the amendment. I allowed the clerk to read the entire amendment because it is so self-clarifying. Normally, I would have asked unanimous consent to ask that the reading be dispensed with. I think the reading of the amendment explains the amendment. I shall make a few brief remarks.

Mr. President, I support passage of S. 1504, the reauthorization of the Corporation for Public Broadcasting. South Dakota Public Broadcasting, with assistance from CPB, has been an important factor in the lives of South Dakotans for the past 20 years. It contributes to a higher quality of life in local communities, schools, colleges, and businesses. As knowledge increasingly becomes available only to those who can afford it, public broadcasting is an excellent resource for all South Dakotans, whether urban, rural, or on the reservations.

South Dakota Public Television devotes 6 hours every weekday exclusively to children's educational programs. On the weekend, children have numerous chances to choose from a variety of wholesome, educational television programs.

The parents and day care providers of these children are motivated and educated by parenting programs during the evenings and on weekends. One hundred and fifty South Dakota day care providers participated in a statewide teleconference last January which trained them to use South Dakota Public Broadcasting programming to educate the young people under their care.

During the schoolday, teachers of children from kindergarten to middle school and through high school have the opportunity to use carefully selected programs as part of their class plans. Instructional television is available during schooltime 15 hours each week. It also can be taped and used when it best suits the teachers' needs.

Both South Dakota Public Radio and Television give South Dakota viewers a chance to voice their opinions and ask questions through live call-in programs, whether it is the program "South Dakota Prime Time," which offers viewers the chance to call and ask State officials about property taxes and other issues that affect the State, or "South Dakota Forum," which gives listeners the opportunity to ask about topics ranging from child care to nuclear waste disposal sites.

Additionally, South Dakota Public Radio and Television provide outstanding coverage during the State legislative session, including coverage of live debates from the senate floor. This year in particular has been a landmark year in political coverage. South Dakota Public Television and Radio provided exclusive coverage of the Democratic Presidential forum in Sioux Falls. C-SPAN and a number of other television and radio stations aired all or a portion of the coverage.

Programming produced by South Dakota Public Broadcasting educates, entertains, and informs. Most importantly, public broadcasting gives families an opportunity to learn together.

University credit telecourses reach all over South Dakota for anyone interested in pursuing a college degree, or just bettering their life. South Dakota Public Broadcasting and the University of South Dakota are partners in providing these telecourses.

Of the more than 1,800 colleges that offer adult learning service courses, South Dakota ranks third in the United States in enrollment of students through a 4-year college. This service is utilized by rural students, mothers at home with small children, and grandparents. An average of 400 students are enrolled each semester.

South Dakota Public Broadcasting operates a telecommunications system that delivers quality programming and services to all South Dakotans. This application of telecommunication technology for educational purposes is important. I envision that over the next few years public broadcasting will be a major catalyst for bringing distance learning to rural America.

For this reason I have sent to the desk this amendment to S. 1504, for myself and Senator GRASSLEY.

Mr. President, this amendment directs the Corporation for Public Broadcasting to conduct a comprehensive study of the benefits distance learning would bring to both private and public education in rural America and smaller cities in America.

The Corporation for Public Broadcasting has long been a pioneer in the application of its communication infrastructure to provide educators and students with access to distance learning tools. CPB has helped bring new applications to the way in which we educate our children. Advances in digital compression technologies soon will further allow CPB to use its existing network to provide educators with many additional educational resources. New uses of microwave links and television facilities will soon enable the CPB to provide additional tools for educators to instruct their students. My amendment would help CPB to expedite these new applications.

First, this amendment outlines congressional findings regarding CPB application of distance learning technology.

Second, this amendment directs CPB to study many complex issues involved in implementing distance learning technology.

Mr. President, this in-depth examination will assist Congress to craft telecommunications policy to accomplish our educational goals. I believe the advances we will make through the use of distance learning technology will provide future generations of American students with many new resources.

The CPB will play a vital role in this process.

Mr. President, in conclusion, let me say that I believe that the reading of the amendment explains the amendment. It is very important in rural areas and smaller cities throughout our country where the distances are great.

Let me also say, insofar as public broadcasting, the basic bill, is concerned, there has been some controversy on this floor and in the newspapers.

I have been a personal contributor to public broadcasting in South Dakota and locally in Washington, DC. There are times when I wish it had less of what some consider a liberal slant in some of its presentations of the news. Also, in my State, I wish it had more coverage of congressional events and positions of Congressmen and Senators. I hope that those are areas that can be improved. Of course, the funds are limited.

But overall I have concluded to support the passage of S. 1504. I will continue to be a contributor of public television and radio privately on the modest level I can contribute. I will continue to be an advocate and also a critic at times, but I think the people who run this have a great responsibility. I hope they are fair and that they carry out their responsibilities as we all must in this work of public affairs and public broadcasting.

Mr. President, I ask adoption of my amendment. I yield the floor.

The PRESIDING OFFICER. The Senator from Hawaii has 2½ minutes on the amendment.

Mr. INOUYE. Mr. President, the managers have studied this measure and we are most supportive of it.

I yield back the remainder of my time.

The PRESIDING OFFICER (Ms. MIKULSKI). The question is on agreeing to the amendment.

The amendment (No. 1862) was agreed to.

Mr. PRESSLER. I move to reconsider the vote.

Mr. STEVENS. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. INOUYE. Madam President, if I may, I would like to be a bit parochial at this juncture and share with my colleagues what Hawaii public television is doing to serve our people.

Hawaii public television serves as an example of what public broadcasters are doing to serve their communities. Hawaii public television has two television stations serving the Hawaiian Islands. It also operates Hawaii Interactive Television [HITS], a four-channel, closed-circuit, statewide television system used for educational purposes and training and management conferences. The University of Hawaii offers 60 hours of telecourses and the Hawaii Department of Education offers 35 hours of educational programming on HITS. It is also used to provide child care training for the "Sesame Street" preschool project to increase the impact of "Sesame Street's" educational and social messages. HITS is also used by senior citizens to communicate with each other on the other islands.

Hawaii public television also uses its resources to focus on the needs of Hawaiians. This year it has produced a series on the family, which focuses on six Hawaiian families and how those families are coping with today's problems. It provides programs on Hawaii, like: "Mauna KEA, on the Verge of Other Worlds" about the Mauna Kea observatory; "Honolulu . . . A Sense of Place," on historic preservation in Hawaii; and "Hawaii Files: A Journey for Homelessness," a story about homeless people in Hawaii.

Hawaii public radio also provides community programming focused on the needs of Hawaii residents. It broadcasts Pacific Island News and Asia Report, the only radio news programs addressing the needs of Pacific islanders and Asians.

In addition, Hawaii public radio carries the Honolulu Symphony Orchestra and the Hawaii Opera Theater which is heard by many Hawaiians who are unable to attend live performances.

Hawaii public radio makes its FM subcarrier available to the Hawaii public libraries for the blind reading service.

I could go on at great length about all of the wonderful programs Hawaii public television and radio carry. However, because of time limitations I will conclude my remarks at this juncture.

Madam President, I suggest the absence of a quorum, the time not to come out of the bill.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. PRESSLER. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. PRESSLER. Madam President, I ask to proceed as if in morning business for approximately 4 minutes.

The PRESIDING OFFICER. Without objection, the Senator may proceed.

COMING FULL CIRCLE IN CZECHOSLOVAKIA

Mr. PRESSLER. It is said "what goes around, comes around." When I visited Czechoslovakia in 1986, one of my top priorities was to meet with leaders of the repressed Charter 77 movement. Charter 77 was made up of thoughtful dissenters from communism, including Vaclav Havel, Martin Palous, and Anna Sabatova. During that trip, I requested the opportunity to meet with members of Charter 77.

I was prevented from meeting with these people. Let me quote a portion of my 1986 trip report (S. Rpt. 100-13) to give some flavor of the incident:

> At the vestibule of their apartment, I was stopped by several plainclothes policemen, who prevented me from entering. They stated that unless I was able to present my passport for identification, I would be unable to enter. Thus, I returned to my hotel, procured my passport, and returned to the apartment building. I was then met by approximately ten plainclothes police, who insisted I should not enter. When I inquired why, they stated that the Ministry of the Interior forbade my entrance, citing this as an inappropriate place for a U.S. Senator to visit. Attempting to pass by the policemen, I was blocked from entering again. At that point, after some discussion, the Embassy political officer accompanying me offered to go upstairs and bring the charter spokesmen down. This was done, but the charter spokesmen were prevented from leaving the building to speak with me.

On my return to the United States, I addressed the Senate on July 23, 1986. At that time I inserted into the RECORD a copy of a UPI report on the incident and a copy of my letter to Secretary of State Shultz, in which I stated that "it was a shocking experience to personally witness this violation of the spirit and principles of the Helsinki Final Act."

Madam President, I recently returned from a working visit to Czechoslovakia, now known as the Czech and Slovak Federal Republic. Just less than 6 years after my first attempt to visit with Charter 77 members in their own country, all the barriers have been removed. In 1986, the regime prevented a U.S. Senator from meeting Charter 77. In 1992, many Charter 77 members are officials in the democratically elected government.

I was delighted to have the opportunity to meet President Havel, Mr. Palous, and Ms. Sabatova on this visit.

It is not easy for a country to emerge from communism. Serbia, Cuba, North Korea, and Vietnam are still controlled directly by Communists, and officials of the former Communist regimes remain entirely too influential in many parts of the former Soviet Union and Eastern and Central Europe. This includes the Czech and Slovak Federal Republic.

The battle to help people liberate themselves from socialism and communism continues. The people of Czechoslovakia ought to be commended for showing others how to achieve freedom.

UNITED STATES SHOULD ACT ON UNSAFE SOVIET REACTORS

Mr. PRESSLER. Madam President, in just a few days I will join other Senators in the official Senate observer group mission to the Earth summit in Rio de Janeiro. I intend to raise an important environmental issue at that meeting. It is an issue I have been working on in this body for some time now.

On July 24, 1991, the Senate adopted my amendment that would have conditioned foreign aid to what was then the Soviet Union on a commitment to "environmental restoration and rehabilitation of unsafe nuclear facilities that it continues to operate" and that the "the Soviet Union will not transfer to any country any equipment, technology, or services to build any VVERS reactors."

As recently as May 14, I again raised this issue in the Senate and reiterated my intention to amend the foreign assistance bill for the former Soviet Union and the Baltic States, S. 2532, to permit assistance to make safer the powerplants that can be secured, and close those that pose an imminent threat of nuclear catastrophe.

VVERS reactors were built without much concern for safety by the Soviet Communist regime. They lack containment structures that have helped prevent accidents in the West and which are standard in our country.

Madam President, I am delighted to report that President Bush and leaders of other countries of the Group of Seven have at last joined me in a commitment to help shut down those reactors which cannot be upgraded and make safer those that can be.

In his Lisbon speech on May 23, Secretary of State Baker announced a multilateral nuclear reactor safety initiative which shares some of the key provisions I have been calling for. First, it would "expand * * * existing efforts of the Department of Energy and Nuclear Regulatory Commission to establish two regional training centers—one for Russia and the other in the Ukraine." Secretary Baker describes their work as providing "essential training in safety procedures and equipment" and the Ukraine center will have a computer simulator.

As importantly, Madam President, the Secretary said these centers can be used by the independent states of the former Soviet Union and the Baltic States to create what he called a package of operational safety enhancements and risk reduction measures. Secretary Baker invited other countries to join the United States in this initiative.

This is a realistic beginning, but it remains essential that funds authorized to be appropriated in S. 2532 be permitted to be used for this effort. It also remains vital that any legal obstacle to participation by U.S. contractors be removed.

Madam President, I am aware of possible amendments to legislation in the other body that would, in essence, declare that nuclear power should no longer be an option in the Baltic States and the former Soviet Union. My present thinking does not allow me to support such an approach as some Soviet-built reactors can be made safe and because many of these newly free states have no real energy alternative.

The Los Angeles Times quoted Secretary Baker as saying that:

> The dangers of Chernobyl are real, and this initiative aims to reduce the risk of accidents * * * by addressing safety deficiencies of those reactors as soon as possible.

Secretary Baker is correct, but, unlike Chernobyl, some of the nuclear reactors in these countries can be rehabilitated. Madam President, I will ask unanimous consent that the Los Angeles Times story by Norman Kempster on May 24, be inserted in the RECORD following my remarks.

The administration initiative reflects the precise thrust of an amendment I plan to offer to S. 2532. I believe Congress and the administration should support my amendment to make available funds authorized in the aid bill to the former Soviet Union for nuclear powerplant cleanup.

Officials estimate that the total cost of rehabilitating or shutting down unsafe reactors could be as much as 12 billion Germany marks, or about $7.55 billion. Germany and France both know that safe nuclear power is attainable. Much of France's energy is produced by secure nuclear powerplants. Both countries also know that the Baltic States and states of the former Soviet Union rely on nuclear power and have no cost-effective alternative at present.

My amendment would help by making some of the assistance in S. 2532 available for cleaning up reactors that can be salvaged safely and closing down those that cannot. Unfortunately, U.S. companies and experts are presently prevented from participating in that effort. That legal prohibition should be lifted immediately so that revenues generated by reactor design professionals and other experts do not end up in foreign countries.

The necessity for U.S. participation in this effort is described well in an editorial in the St. Petersburg, FL, Times of May 24. I will ask unanimous consent that the editorial be inserted in the RECORD following my remarks.

In 1990, the United States and the Soviet Union signed an agreement on Scientific and Technical Cooperation in the Field of Peaceful Uses of Nuclear Energy. That agreement authorizes the Department of Energy, the Nuclear Regulatory Commission, and other relevant United States agencies to cooperate in 12 specific areas with the republics of the former Soviet Union. It also provides for a bilateral meeting once a year.

But, Madam President, the dissolution of the Soviet Union has made this agreement an anachronism. In my view, the administration should renegotiate this agreement with each of the new states of the former Soviet Union. Priority should be given to those states with unsafe nuclear reactors on their territory.

The United States should begin immediately to negotiate agreements on peaceful uses of nuclear energy with Estonia, Latvia, and Lithuania. These agreements could form the basis of bilateral working groups that would conduct comprehensive studies of the hazards associated with these reactors. These bilateral working groups should meet on a continuing basis.

Madam President, I am delighted that President Bush has joined France and Germany in calling for serious attention to unsafe reactors at the Munich G–7 meeting, and giving this effort a special priority. I will continue to raise these issues until they are resolved and the world is protected from unsafe Soviet reactors.

I ask unanimous consent that articles from the Los Angeles Times, the St. Petersburg, FL, Times, the Minneapolis Star-Tribune, the Kansas City Star, Agence France-Presse, and the Washington Post be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the Los Angeles Times, May 5, 1992]

SOVIET HEIRS, U.S. OK NUCLEAR CUTS

(By Norman Kempster)

Clearing the way for ratification of the most comprehensive arms control agreement of the Cold War era, Secretary of State James A. Baker III and senior officials of the four nuclear-armed states of the former Soviet Union signed an agreement Saturday that makes Russia the lone successor to Moscow's atomic arsenal.

The signing ceremony, carried out in an eerie near-silence in an ornate hotel ballroom, requires Ukraine, Kazakhstan and Belarus to eliminate the strategic nuclear weapons on their territories during a seven-year period set by the Strategic Arms Reduction Talks treaty to accomplish a one-third cut in superpower nuclear stocks.

The START pact was signed last July by President Bush and then-Soviet President Mikhail S. Gorbachev but was stalled since then by the messy breakup of the Soviet Union. More than nine years in the making, the treaty once appeared to be unrealistic, even visionary. But now Washington and Moscow are ready to start talking about far greater reductions.

Ever since the Soviet Union disintegrated in December, the U.S. government has been trying to cobble together the protocol signed Saturday by Baker, Russian Foreign Minister Andrei V. Kozyrev, Ukrainian Foreign Minister Anatoly Zlenko, Kazakh State Counselor Tulegen Zhukeyev and Belarus Foreign Minister Peter Kravchenko.

Although the disputes seem arcane, the final agreement was so delicately balanced that Baker imposed a rare gag order on the signing ceremony. A senior State Department official hinted that the U.S. side was concerned that if anyone said anything controversial at the ceremony it might reopen the contentious negotiations.

Another senior official said the problem was primarily one of assuring Ukraine, Kazakhstan and Belarus that they were being taken as seriously as giant Russia.

"We had to deal with the sensitivities and political status of emerging states." the official said.

The pact was signed in five languages, including the seldom-used Belarussian tongue, in another bow to new nationalistic sensibilities.

In return, Ukraine and Kazakhstan, now the world's third- and fourth-most-powerful nuclear powers, agreed to eliminate all of the weapons on their territory and join the Nuclear Non-Proliferation Treaty as non-nuclear states. Belarus, which has only a handful of nuclear weapons, agreed to do the same.

In a written statement issued after the ceremony, Kozyrev suggested that Russia would delay the START ratification until the other three republics join the non-proliferation treaty. Baker clearly was not pleased by the development, but the U.S. side decided not to let it upset the protocol.

A senior official said that Washington will urge Ukraine, Kazakhstan and Belarus to accept limits set by the non-proliferation treaty as soon as possible, thus eliminating Russian concerns.

"The situation may not arise, and we will face it at the time it does," the official said. Nevertheless, Kozyrev's written comments were the sort of thing Baker wanted to keep from being said at the ceremony.

In his own written statement, Baker said that START, and the new protocol, "significantly lowers the risk of nuclear war by radically reducing strategic offensive arms and enhancing strategic stability."

As each of the five ministers signed his name on each of the five documents, each appeared to be unaccustomed to sitting in silence in front of waiting reporters. Kozyrev stared at the press corps and placed a hand over his eyes. Baker held up crossed fingers on each hand.

Baker and Kozyrev plan to meet today to start negotiating even deeper cuts in nuclear arsenals than required by the START treaty. Both Bush and Russian President Boris N. Yeltsin have already suggested major reductions, but they are far apart on details. Yeltsin is scheduled to visit Washington on June 16 and 17 for a summit that may be dominated by talk of arms reduction. Zhukeyev, in Washington last week with Kazakh President Nursultan Nazarbayev, accompanied Baker on a U.S. Air Force jetliner from Washington to Lisbon. Talking to reporters aboard the plane, Zhukeyev said his government must now convince its people that Kazakhstan will be safe without the nuclear arms stationed there.

He said Kazakhstan determined that it did not need the weapons after six of the 11 members of the Commonwealth of Independent States agreed to a mutual defense pact earlier this month. Moreover, he said, Baker reiterated a 24-year-old U.S. pledge to support any non-nuclear power coming under nuclear attack. The commitment, issued at the time the non-proliferation treaty was signed, does not specifically require U.S. military action.

The five foreign ministers were in Lisbon to attend a conference to coordinate aid to the former Soviet Union. The meeting attracted more than 60 top officials from such First World aid givers at the United States and Japan to such financially strapped governments as Egypt and Romania.

Although proceedings of the conference, which continues today, were secret, Baker's opening speech was made public. The secretary of state proposed three new U.S. initiatives, including a $25-million program to improve the safety at the 37 nuclear power reactors scattered across the territory of the former Soviet Union in an effort to prevent accidents like the 1986 reactor fire at Chernobyl in Ukraine.

"The dangers of Chernobyl are real, and this initiative aims to reduce the risk of accidents at Soviet-designed nuclear reactors by addressing safety deficiencies of those reactors as soon as possible," Baker said.

Baker also said the United States is ready to copy a European Community plan for selling donated food on the free market, using the receipts from such sales for social programs. The objective is to stimulate market economics while raising money for much-needed welfare. He also promised additional U.S. funds to help the former Soviet republics convert their industry from military to peacetime pursuits.

The conference was called to review the progress of humanitarian programs launched after a similar meeting in Washington in January.

Baker also called on all nations attending the conference to "use whatever influence you have" to deter Serbian aggression against its neighbors in the now collapsed Yugoslavia.

"Every attempt at peace has been blocked, and now we are witnessing human suffering on a terrible and massive scale," Baker said. "No longer should the international community tolerate this barbarity, this affront to our collective conscience."

He did not suggest specific measures beyond the ones he announced Friday-closing Serb-controlled Yugoslav consulates in San Francisco and new York, breaking all contacts with the Yugoslav army, permanently withdrawing the U.S. ambassador from Belgrade and refusing to recognize Serbia and its ally, Montenegro, as the legal successor to the Yugoslav state.

But Klaus Kinkel, Germany's new foreign minister, told reporters after a meeting with Baker that the European Community is considering a trade embargo and other economic steps to "close down" the Serbian economy. He added that he would support an oil embargo.

Luxembourg Foreign Minister Jacques Poos reportedly said the United States and the European community are considering a request to the U.N. Security Council for a military force to protect the airport at Sarajevo, the capital of Bosnia-Herzegovina.

[From the St. Petersburg Times, May 24, 1992]

NEW CHANCE FOR NUCLEAR INDUSTRY

Given the pressing economic needs at home, other countries' nuclear messes may seem a remote concern. The bills for our own toxic cleanup are still being tallied; no one really knows what it will cost to restore the sullied land and water around U.S. military bases, weapons plants and nuclear power facilities.

Environmental hazards respect no boundaries, though, and other people's messes are rapidly becoming our own. For instance, as the New York Times reported recently, there are 16 Chernobyl-type reactors now providing about half the nuclear power used by former territories of the Soviet Union. Nuclear plants of various types provide 12.2 percent of the electricity there, plus 50 percent of Hungary's power, 35.7 percent of Bulgaria's and 28.4 percent of Czechoslovakia's. If global safety standards were to be adopted by an international convention, as Germany has proposed, most nuclear reactors in the former Soviet Union would have to shut down.

A recent power plant leak near densely populated St. Petersburg, Russia, reminded the world that Chernobyl was a warning symptom, not a fluke. The poor designs and shoddy materials that marked the Soviet approach to industry are more than just a sad cliche when potential atmospheric disaster is at issue.

A group of seven technologically advanced nations, led by France and Germany and including the United States, has been working toward a solution that would help Eastern Europe while creating jobs. Each government would bear some fiscal responsibility for the project, estimated to cost $10- to $20-billion. International agencies such as the World Bank and the European Investment Bank would also be asked to contribute. In return, countries with nuclear power technology and supplies for sale would gain access to new markets.

Fearful of criticism at home, President Bush has missed vital opportunities to help direct economic change in Eastern Europe. He has also lacked willingness to co-operate on international approaches to environmental issues. In the meantime, other leaders are capitalizing on a basic lesson the U.S. seems to have forgotten—that one industry's expensive mistake can lead to another's profitable solution.

[From the Minneapolis-St. Paul Star Tribune, May 24, 1992]

PLAN AIMS FOR SAFETY OF NUCLEAR REACTORS

President Bush and the leaders of the other six major industrial democracies are expected to endorse a multibillion-dollar plan for improving the safety of nuclear reactors in the former Soviet Union and Eastern Europe at their economic summit meeting in early July in Munich, Germany.

The plan, which is being prepared with advice from the International Atomic Energy Agency, would provide for refitting of some reactors with more modern safety features, the closing down of those considered too unsafe to be worth saving and the provisions of alternative sources of electricity, including supplies from Western Europe, accordance to diplomats and agency officials.

Estimates of the cost of such a program, which is designed to prevent another nuclear catastrophe like the one at Chernobyl, vary from $10 billion to $20 billion. The idea is to find this money over several years from a number of sources, including direct government grants, guaranteed government loans and loans from such development institutions as the World Bank, the European Bank for Reconstruction and Development and the European Community's European Investment Bank.

The so-called Group of Seven countries—the United States, Canada, Britain, France, Germany, Italy and Japan—first expressed concern about the safety of nuclear reactors in east Europe and the Soviet Union at their 1989 Paris meeting, three years after the Chernobyl disaster.

Last year, at their London meeting, they urged Western countries to help raise safety standards in the former Communist world. After the appeal at the London meeting, the so-called Group of 24, a body set up by all Western industrialized countries to coordinate aid to the former Communist world, created a special working group to examine the nuclear safety problems in cooperation with the Brussels Commission of the European Community.

But while this led to several Western governments offering help to eastern European countries to make their reactors safer, officials at the atomic energy agency said the aid is uncoordinated, duplicative and far less effective than the program they expect to be approved at the Munich meeting.

Officials of the atomic energy agency said such a program for the former Communist world's nuclear power industry would be attractive for U.S. and European nuclear companies, which are starved for new orders because of environmental opposition to nuclear power and the fact that the low price of oil and gas currently makes nuclear-generated electricity relatively expensive.

France, which has invested more heavily in nuclear power than other industrialized countries, is especially eager for contracts to upgrade eastern Europe's reactors. But Germany's nuclear industry has been hit as well by that country's ecological movement.

Germany and France are leading the drive for the program, warning that another nuclear disaster like the one at Chernobyl would deal a devastation blow to public confidence in nuclear power around the world and further cripple the West's nuclear industry.

Experts say that shutting down the former Communist world's Soviet-designed power reactors temporarily to make them safer or closing these plants altogether will be difficult to organize because these countries are heavily dependent on nuclear-generated electricity.

Hungary gets 50 percent of its power from nuclear reactors, while Bulgaria gets 35.7 percent, Czechoslovakia 28.4 percent and the territories of the former Soviet Union 12.2 percent.

The territories of the former Soviet Union have 16 large graphite reactors of the kind that exploded at Chernobyl. The atomic energy agency considers the safety of these reactors "a matter of great international concern."

Reactors of the type use at Chernobyl provide 47.8 percent of the nuclear-generated electricity in the countries of the former Soviet Union.

The continuing deficiencies of these reactors were highlighted a few weeks ago when a reactor of this type near the major Russian city of St. Petersburg sprang a leak that resulted in a small quantity of radioactive material escaping into the atmosphere.

[From the Kansas City Star, May 24, 1992]

U.S. PLANS A WAY TO CUT RUSSIAN REACTOR RISK—$20 MILLION PROPOSAL INVOLVES SAFETY TRAINING FOR NUCLEAR WORKERS

LISBON, Portugal.—With the Chernobyl disaster in mind, the United States on Saturday introduced a $20 million proposal to reduce the risk of nuclear reactor accidents in Russia and Ukraine and invited other nations attending an international aid conference to join.

"The dangers of Chernobyl are real," Secretary of State James A. Baker III told officials from 63 countries assembled to help the newly independent states that emerged from the collapse of the Soviet Union.

"For each of these new states, their peoples and their leaders, the path of reform has not and will not be easy," Baker said.

"They recognize that the success of freedom is in their hands, not ours, and they have not asked for charity," Baker added. "Rather, they have asked for our partnership and our help."

Reports prepared for the conference described huge problems in the republics in food production and distribution, health care, housing and the setting up of private companies.

To guard against a recurrence of Chernobyl, Baker said regional training centers would be established in Russia and Ukraine to provide training in safety procedures and equipment.

"We hope others will join in this effort to meet what is clearly a problem with global ramifications," Baker said.

The 1986 Chernobyl disaster forced more than 100,000 people to leave their homes in Ukraine and Belarus because of contamination.

The official death toll was 32. But some Ukrainian doctors and environmental activists say at least 250 people have died and the toll could reach 10,000, counting deaths from cancer and other radiation-related diseases.

There are 37 nuclear reactors in the former Soviet Union. The United States will encourage officials to shut down those that are unsafe, but the others can be improved, Baker suggested.

On another nuclear front, the United States, Japan, the European Community and Russia on Sunday were to initial an accord providing $75 million for an International Science and Technology Center in Moscow. The center is to steer thousands of nuclear scientists away from military to civilian projects.

The West has been concerned that the collapse of the Soviet Union would lead to the spread of nuclear weapons technology.

The United States and other donors were meeting with the former Soviet states to assess the effectiveness of emergency aid sent since the first such session in Washington in January.

Aid to the former Soviet republics, either already given or pledged, to date totals some $90 billion dollars. Most of that has been sent by Europe, with Germany footing the lion's share.

Saturday, Baker announced a U.S. proposal to develop food markets in the new nations and to assist them in converting war plants to civilian pursuits.

The United States will contribute $15 million to the project, Baker said, on top of $165 million in previously announced food grants.

Additionally, the United States and Turkey jointly will provide financial advisers to the central Asian and Trans-Caucasian countries to help them develop a banking system.

[From the Agence France-Presse, May 23, 1992]

GERMANY CALLS FOR G7 AID FOR EAST EUROPEAN REACTORS

TOKYO, May 23.—Germany has called on the Group of Seven (G7) industrialised nations to extend seven billion dollars in aid to secure safety at dilapidating nuclear reactors in eastern Europe, it was reported Saturday.

Germany wants to see the proposal accepted by the other G7 nations—Britain, Canada, France, Italy, Japan and the United States—at their annual summit in Munich in July, the Jiji Press news agency quoted Japanese government sources as saying.

But because of the huge amount of money involved and relatively short notice, Japan will just be able to express at the summit its readiness to train 1,000 nuclear engineers from the former Soviet Union and east European nations over 10 years, the sources said.

Japan will also offer technical aid to construct a few training centers for safety at nuclear plants to be built in Russia, Ukraine and elsewhere, the sources said.

The proposed seven billion dollar aid package would include one billion dollars for emergency spending on the installation of alarm systems and safety education, and six billion dollars on longer-term repair projects, Jiji quoted the sources as saying.

There are 62 nuclear reactors in the former Soviet Union and east European nations.

Half of them are outmoded without adequate safety measures and are expected to be shut down or scrapped in five years, Jiji said.

Meanwhile, the economic newspaper Nihon Keizai Shimbun said Saturday that the G7 summit was expected to agree on a proposal to close unsafe 26 reactors in the former Soviet Union and eastern Europe.

Major G7 nations are to extend some 800 million dollars in a grant to secure safety in the process of closing these reactors, the newspaper quoted Japanese government sources as saying.

[From the Washington Post, May 22, 1992]

G-7 EYES AID FOR EX-SOVIET NUCLEAR PLANTS; EFFORT SEEN COSTING BILLIONS OF DOLLARS

(By Steven Mufson)

Only weeks after unveiling $24 billion worth of aid for Russia, the Group of Seven industrial nations are starting to discuss the most vital piece missing from the package: help for potentially dangerous nuclear reactors in the former Soviet republics.

Among the reactors now operating are 13 identical to the one in Chernobyl, Ukraine, that was involved in the most serious accident in history. In 1986, a pressure tube failure blew apart the radioactive core at the Chernobyl unit. At least 30 people died and thousands of others may have been contaminated with radiation.

Fixing or replacing the Soviet-built reactors could cost $6 billion to $8 billion, according to Jonathan C. Brown, the World Bank's division chief for infrastructure, energy and environment.

Ivan Selin, chairman of the U.S. Nuclear Regulatory Commission, has said the price tag could eventually climb to $20 billion.

Private estimates run even higher. The engineering firm Asea Brown Boveri Ltd. has sent engineers to inspect some of the plants, and the firm's executive vice president, Eberhard von Koerber, has estimated that it could cost $50 billion to rehabilitate, decommission and replace dangerous plants in the former Soviet republics.

Even if the major economic powers put together an aid program, Selin has said, it could take five to 10 years to close nuclear power plants that Brown Boveri's von Koerber says "should be shut down at once." During that time, world leaders essentially will be taking a gamble by betting that Soviet-built reactors can keep running for several years without creating another environmental catastrophe.

"It is a very dangerous situation," according to Selin. "One should be very, very concerned."

Prodded by nuclear experts and European nations, Group of Seven officials are doing what U.S. Treasury officials call "technical level" work on how a program could make former Soviet nuclear generators safer. The subject will be high on the agenda when G–7 leaders meet in Munich in July.

But the G–7 is still far from an agreement, say officials here and in Europe. Moreover, financial limitations on the former Soviet republics, as well as strains on aid donors, will prevent extensive immediate action. Western nations—which are already struggling to scrape together money to meet commitments earmarked for ruble convertibility, Russian food imports and economic stabilization—have not yet made any allowances for the nuclear facilities.

Germany is leading an effort to get Western cooperation on improving nuclear safety in Russia. One possibility is that specific Western nations would "adopt" one or more nuclear plants and provide money and expertise to make them safer.

Sweden is already helping Lithuania upgrade its plants. The European Community is funding the rehabilitation of two Soviet-built nuclear reactors in Bulgaria.

The World Bank's Brown said that it would cost about $1 billion just to improve the expertise of technicians and the operation of the plants.

But the report by Brown Boveri says the Chernobyl reactor model "suffers from severe safety deficiencies" that "must be attributed to bad reactor design rather than to human error." Brown Boveri's chairman, Fritz Leutwiler, has called the Soviet nuclear plants "time bombs" and Sweden's prime minister has said the Chernobyl-style plants "should be closed down—yesterday."

Without outside help, the former Soviet republics lack the money to fix the plants. "They are on our agenda, but it is terribly expensive," according to Yegor Gaidar, deputy prime minister of Russia and architect of its economic program. "This year it will be impossible to touch them."

Shutting down Soviet nuclear plants would deal another blow to the already ailing economies in the republics. "We have a gigantic conflict of interest," said von Koerber of Brown Boveri, "between what is absolutely necessary from a human safety and environmental point of view versus economic and political stability."

The economic downturn in Russia and other areas of the former union could make it less disruptive to shut down aging nuclear plants. Overall, the former Soviet republics rely on nuclear power for 12 percent of their electricity needs; economic output fell by more than that last year alone.

But certain regions still rely heavily on nuclear power. Brown of the World Bank said Lithuania gets 40 percent of its electricity from nuclear generating plants and Ukraine gets 25 percent.

"It's impossible to shut down" St. Petersberg's Chernobyl-style nuclear power plant, the city's mayor Anatoly Sobchak said. "It generates 60 percent of the power we consume and if we shut it down we'll have to shut 50 percent of the city's business."

NRC Chairman Selin said that any aid package of Soviet-built nuclear plants would largely be made up of loans, many of them commercial and others at concessional rates.

The loans would be conditional on the former Soviet republics following certain energy policies, just as aid from the International Monetary Fund hinges on appropriate economic policies. The republics would be expected to take certain safety measures, plow operating profits back into the power plants, raise energy prices, repay the loans and develop an energy plan that would wean them away from the old Chernobyl-style reactors.

The leading items on a nuclear safety program for the former Soviet republics would include:

Shutting down the so-called RBMK plants similar to the Chernobyl unit that blew apart. Thirteen are operating and four others are already closed down. This model "can't be brought up to Western standards and shouldn't be," according to Selin. Selin expects Russia and Ukraine will eventually have to replace 10 to 15 of the plants at about $1 billion each. Total cost: $10 billion to $15 billion.

Training, improved operating procedures, and fire safety measures for plants at a cost of $10 million to $15 million each. Total cost: about $500 million to $1 billion.

Taking safety measures for pressurized water VVER 440/213 plants at a cost of $150 million to $200 million per reactor. The same plants will probably need new steam generators at a cost of $100 million per reactor. There are about 16 of these reactors. Total cost: $4 billion to $5 billion.

Even with safety measures, many of the pressurized water reactors would still not meet Western standards. They lack containment structures that would limit damage in the event of an accident.

Special correspondent Michael Wise contributed to this story from Vienna.

Mr. PRESSLER. I also say of the upcoming conference I shall raise the issue of the use of Landsat photos for studying the warming of the Earth and the importance of studying the warming of the Earth through the use of the archives of the Landsat photos, about 90 percent of which have not been looked at by anybody. We have the facility near Sioux Falls that receives the Landsat data pictures, but we are working to have the archives located there, to have a supercomputer there eventually, but it is now a NASA facility and also a U.N. facility.

We have a vision for the future of that, and I shall be discussing that with some of my colleagues from other countries to see what use these photos might be to them and to the study of the warming of the Earth and to protecting the environment.

Madam President, I yield the floor.

AMENDMENT NO. 1863

(Purpose: To promote programming objectivity and balance)

Mr. INOUYE. Madam President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Hawaii [Mr. INOUYE] proposes an amendment numbered 1863.

Mr. INOUYE. Madam President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 11, immediately after line 4, of the Inouye amendment to the committee amendment, insert the following new section:

OBJECTIVITY AND BALANCE POLICY, PROCEDURES, AND REPORT

SEC. 16. Pursuant to the existing responsibility of the Corporation for Public Broadcasting under section 396(g)(1)(A) of the Communications act of 1934 (47 U.S.C. 396(g)(1)(A)) "to facilitate the full development of public telecommunications in which programs of high quality, diversity, creativity, excellence, and innovation, which are obtained from diverse sources, will be made available to public telecommunications entities, with strict adherence to objectivity and balance in all programs or series of programs of a controversial nature," the Board of Directors of the Corporation shall—

(1) review the Corporation's existing efforts to meet its responsibility under section 396(g)(1)(A);

(2) after soliciting the views of the public, establish a comprehensive policy and set of procedures to—

(A) provide reasonable opportunity for members of the public to present comments to the Board regarding the quality, diversity, creativity, excellence, innovation, objectivity, and balance of public broadcasting services, including all public broadcasting programming of a controversial nature, as well as any needs not met by those services;

(B) review, on a regular basis, national public broadcasting programming for quality, diversity, creativity, excellence, innovation, objectivity, and balance, as well as for any needs not met by such programming;

(C) on the basis of information received through such comment and review, take such steps in awarding programming grants pursuant to clauses (ii)(II), (iii)(II), and (iii)(III) of section 396(k)(3)(A) of the Communications Act of 1934 (47 U.S.C. 396(k)(3)(A)) that it finds necessary to meet the Corporation's responsibility under section 396(g)(1)(A), including facilitating objectivity and balance in programming of a controversial nature; and

(D) disseminate among public broadcasting entities information about its efforts to address concerns about objectivity and balance relating to programming of a controversial nature so that such entities can utilize the Corporation's experience in addressing such concerns within their own operations; and

(3) starting in 1933, by January 31 of each year, prepare and submit to the President for transmittal to the Congress a report summarizing its efforts pursuant to paragraphs (1) and (2).

Mr. INOUYE. This amendment addresses the way in which the Corporation for Public Broadcasting exercises its authority, to facilitate the full development of public telecommunications in which programs of high quality, diversity, creativity, excellence, and innovation, which are obtained from diverse sources, will be made available to public telecommunications entities, with strict adherence to objectivity and balance in programs or series of programs of a controversial nature," as provided in section 396(g)(1)(A) of the Public Broadcasting Act.

Let me make absolutely clear at the outset that all broadcasting, including public broadcasting, is guided by the principle of localism: Every public broadcaster's first obligation is to the community to which it is licensed, not to Congress not to the CPB. Public broadcast stations have demonstrated their commitment to serving the communities to which they are licensed, both through local and national programming. The stations, not the CPB, not PBS, not NPR, have the sole authority and responsibility to determine what programming will be broadcast.

This amendment does not give the CPB authority to determine what programming stations broadcast. The first paragraph of the amendment quotes from the Corporation's existing authority to underscore that, while the amendment establishes additional mechanisms for assuring accountability, it neither adds to nor subtracts from the substantive authority granted by that provision of the Act.

Subsection (2)(A) expands the opportunities for the board to learn what members of the viewing and listening public think about the public broadcasting services they receive, including their suggestions about how those services might better meet the needs of the American people. This should be an opportunity for all interested parties to address any aspect of public broadcasting services, including whether the presentation of issues of a controversial nature is perceived to be balanced and objective.

Subsection (2)(B) assures that, in addition to giving the public opportunities to present comments to the Board, the Board will form its own judgment about the extent to which national public broadcasting programming serves the needs of the American people and achieves the goals reflected in 396(g).

Prior to establishing this comprehensive policy and set of procedures, the Board is first directed to review the Corporation's existing efforts. To afford an opportunity for consideration of other views, the Board is also directed to solicit the views of the public, which should include members of the public broadcasting community, before finalizing its policy and procedures. Since the Corporation is not subject to the formal notice and comment requirements of the Administrative Procedure Act, the amendment allows informal procedures for soliciting public views, but the final form of the policies and procedures will remain the sole responsibility of the CPB.

Congress does not intend to prescribe any specific policy or set of procedures that the Board must adopt. That determination is left to the Board, with full recognition that, given the CPB's limited resources, the Board must exercise prudent management in adopting any procedures. We expect, however, that the Board will consider various methods of obtaining comment on a regular basis and take whatever steps are necessary to ensure that the opportunity for input is as geographically broad, culturally diverse, and publicly accessible as possible.

Subsection (2)(C) of the amendment is intended to assure that, to the extent that the Board identifies—through the procedures established pursuant to subsections (2) (A) and (B)—areas in which the Corporation could do more facilitate the full development of public telecommunications, it takes those areas into account in awarding certain programming grants.

This provision recognizes that the Corporation's existing authority includes the awarding of programming grants from the radio and television program funds, in accordance with criteria the Corporation may establish. The awarding of grants from these funds is the primary vehicle for addressing the issues raised by the accountability procedure adopted pursuant to this amendment. For example, if the Board's review of national public broadcasting programming or its analysis of public comments reveals a dearth of programs on a particular issue, from a particular perspective, or serving a particular audience need, the Board can direct the Corporation to solicit proposals or fund programs under these programs funds that will fill the hole or correct the imbalance.

This provision also references the national program production and acquisition grant [NPPAG] funds that the Corporation distributes to public radio stations on the condition that they be used to acquire or produce programs that are to be distributed nationally and are designed to serve the needs of a national audience. However, within these constraints, the individual public radio recipients of these funds exercise their own independent judgment as to what national programming best serves the needs of their local communities. The Corporation also permits stations to use their NPPAG moneys to help fund the cost of interconnection to the public radio satellite system.

The Public Broadcasting Act provides that 23 percent of the funds allocated for public radio shall be distributed directly to the stations through NPPAG's. Subsection 2(C) does not affect or alter that provision in any way, nor does it authorize the CPB to distribute any NPPAG funds except in accordance with that statutory allocation or to require stations to produce, acquire or broadcast any particular national programming or type of national programming as a condition of receiving NPPAG grants. In addition, this amendment is not intended to authorize the Corporation to impose restrictions or conditions on the use or expenditure of NPPAG grants different from the types it currently imposes. Rather, the Corporation may provide information, engage in discussions with stations, and advise stations, based on the Board's review of national public broadcasting programming and its analysis of public comment, as to areas of national programming that stations may consider for special emphasis.

Under this subsection, Congress is not requiring CPB to take any particular action and is leaving the determination of what are appropriate steps to the Board. The Board and staff will, of course, be mindful of the necessity of preserving and protecting stations' and national program producers journalistic and editorial independence.

This amendment must be interpreted and applied by CPB in a manner that is consistent with the Constitution and the overall scheme and original intent of the Public Broadcasting Act. Indeed, section 396(g)(1)(D) of the act specifically directs CPB to "carry out its purposes and functions and engage in its activities in ways that will most effectively assure the maximum freedom of the public telecommunications entities and systems from interference with, or control of, program content or other activities." In a similar vein, section 398 expressly prohibits any Federal Government "direction, supervision, or control over the content or distribution of public telecommunications programs and services * * *."

Thus, while Congress seeks, through the regular review required by this amendment, to assure that the Board considers the full range of national public broadcasting programming, it is solely for the purpose of enabling the Board to decide how best to direct its resources to facilitate the full development of public telecommunications contemplated by the act, not to take any steps that would infringe upon or chill the editorial freedom of public broadcasters.

Subsection (2)(D) of the amendment directs the Board to "disseminate among public broadcasting entities information about its efforts to address concerns about objectivity and balance relating to programming of a controversial nature," with a view to enabling those entities to benefit from the Corporation's experience in addressing similar concerns locally. This provision recognizes that local programming decisions are and must remain within the sole discretion of the broadcaster licensed to serve each community. Dissemination of this information by the Corporation is advisory in nature and intended to be helpful to the stations at the local level.

Finally, section 3 of the amendment requires the Board to prepare an annual report summarizing its efforts to implement the procedures required by the amendment, and to submit the report to the President for transmittal to the Congress.

This amendment is not intended to restrict, expand, augment, or in any way alter the scope of the CPB's existing statutory authority, including that authority with regard to objectivity and balance, as that authority has been interpreted by the courts. Rather, it is intended to require the corporation to review its current procedures and to establish additional procedures that will enhance public broadcasting's accountability to Congress and the American people.

Mr. STEVENS. I want to join Senator INOUYE with these comments. A cornerstone of public broadcasting, indeed a cornerstone of broadcasting in general, is a bedrock obligation of each licensee to serve the needs and interests of its local community. It is the licensee that has the ultimate and sole responsbility and obligation, under the Communications Act and the FCC rules, to determine what mix of programming best meets the needs and interests of its local community. Neither Congress nor the Corporation can, at any time, require that a station broadcast any program.

Nothing in this amendment is intended to impair or affect the licensee's existing statutory and regulatory duty and responsibility to determine what programming best meets the needs and interests of its local community. This discretion is essential to enable the nearly 800 public radio and television stations throughout the country to serve the diverse and unique needs and interests of their local communities.

At the same time, I believe that it is incumbent on the Board of the Corporation to establish additional procedures that will enhance public broadcasting's accountability to Congress and to the American people.

Mr. INOUYE. Madam President, our amendment is intended to enhance the responsiveness of public broadcasting to the needs and interests of the American public. In doing so, our amendment also responds to concerns about objectivity and balance in programming funded by the Corporation for Public Broadcasting [CPB] through the radio program fund, the television program fund, and national program production and acquisition grants.

Section 396(g)(1)(A) of the Public Broadcasting Act currently authorizes CPB to "facilitate the full development of public telecommunications in which programs of high quality, diversity, creativity, excellence, and innovation, which are obtained from diverse sources, will be made available to public telecommunications entities, with strict adherence to objectivity and balance in all programs or series of programs of a controversial nature."

Our amendment does not expand, reduce, or otherwise change the scope of CPB's existing authority under this provision or the other provisions of the Public Broadcasting Act. Neither does our amendment authorize the CPB Board to require public radio or television stations to purchase or air any particular program or series of programs. The Communications Act requires every broadcast licensee to serve the needs and interests of its local audience. We do intend to continue to provide protection against intrusion into the editorial discretion of public broadcasting entities.

Our amendment does, Madam President, require the CPB Board of Directors to:

First, review its existing efforts to meet its responsibility under section 396(g)(1)(A);

Second, establish, after soliciting the views of the public, a comprehensive policy and set of procedures to provide reasonable opportunity for the public to comment on public broadcasting services; to review, on a regular basis, national public broadcasting programming; on the basis of such comment and review, to take such steps in awarding programming grants that it finds necessary to meet its responsibility under section 396(g)(1)(A), including facilitating objectivity and balance in programming of a controversial nature; and disseminate among public broadcasting entities information about its efforts to address concerns about objectivity and balance; and

Third, starting in 1993, prepare and submit to the President for transmittal to Congress an annual report summarizing its efforts under the amendment.

Madam President, the distinguished Republican leader and other Members of the Senate have expressed deep concern about objectivity and balance in public broadcasting programming. I believe that this amendment will ensure that those concerns and the concerns of the general public will be given appropriate attention by the CPB Board.

Mr. DOLE. Madam President, I wish to associate myself with the remarks of the distinguished senior Senator from Hawaii. I would also like to draw attention to the following points.

First, the members of the Board of Directors of the Corporation for Public Broadcasting [CPB] are appointed by the President with the advice and consent of the Senate. The Board is responsible for the management of CPB and is accountable to Congress for its actions. Our amendment is a directive to the Board to take additional steps to meet its existing responsibility under section 396(g)(1)(A) of the Public Broadcasting Act. Staff can assist the Board in implementing the amendment, but we intend that the members of the Board personally address the issues covered by section 396(g)(1)(A), particularly the need to facilitate objectivity and balance in all programming of a controversial nature.

Second, although the amendment gives the Board considerable leeway in devising ways to solicit public views and comment, we expect the Board to take steps to ensure that the opportunity for public input from various geographic areas of our Nation and from different sectors of our society is substantial. It is important that the Board hear the concerns of Americans who are not part of the public broadcasting community as well as the concerns of those who are.

Mr. STEVENS. Madam President, I concur with the remarks of my good friends from Hawaii and Kansas. I thank them and Senators DANFORTH, HELMS, and SEYMOUR for the time and effort they have devoted to working out this amendment.

Our amendment does not transform the Board of Directors of the Corporation for Public Broadcasting [CPB] into the censor of the public broadcasting community. The Board does not have, and this amendment does not grant the Board, the statutory authority to dictate what public broadcasters, which receive the majority of their funding from a variety of non-Federal sources, put on the air.

The CPB Board does, however, have the ability to determine whether national public broadcasting programming meets the important objectives of section 396(g)(1)(A) of the Public Broadcasting Act, to make available through the expenditure of specified CPB funds programming that meets those objectives, to discuss with public television and radio stations concerns about public broadcasting programming and ways those concerns could be addressed, and to keep Congress informed of its efforts.

With regard to objectivity and balance—two of section 396(g)(1)(A)'s objectives, if the Board determines that available public broadcasting programming has failed to deal with an issue in an objective and balanced way, for example, by ignoring the perspective of one side in a public policy debate, it can take several different steps consistent with its existing authority to help correct this failure. In short, we seek to ensure fairness in the public policy debate in taxpayer-supported public broadcasting.

CPB can award grants from its radio program fund and the television program fund for the production of specific programs to address the views of the groups whose perspective was previously ignored. It can modify its annual statement of program objectives which guides the Public Broadcasting Service in expending funds received from CPB pursuant to the Public Broadcasting Act. In distributing national program production and acquisition grants, it can inform public radio stations of objectivity and balance concerns and recommend ways in which those stations, in developing programming schedules for their local audiences, could address such concerns.

As a long-time supporter of public broadcasting, I hope that public broadcasters—stations and programming services alike—will work in a cooperative fashion with the CPB Board as it moves to implement our amendment, particularly as it applies to concerns about objectivity and balance. Although I have criticized the Board in the past on other issues, it is absolutely clear to me that an active, engaged Board is an essential part of public broadcasting's heat shield. If the American people and Congress come to believe that the Board is not one of the leaders in public broadcasting and is not riding herd on the expenditure of Federal funds, then support for Federal funding of public broadcasting will erode.

Mr. INOUYE. Madam President, I agree with the statements made by Senators DOLE and STEVENS.

APPLICATION OF BALANCE REQUIREMENT

Mr. DOLE. Madam President, there may be some confusion on exactly what funds made available to the Corporation for Public Broadcasting are subject to the existing requirement that all controversial programming must be objective and balanced.

If confusion exists, it should not. The statute is clear. Controversial programming is subject to the requirement whether the funds were derived from discretionary or formula grant funds. It is the legal responsibility of the Board of the Corporation for Public Broadcasting to ensure that the objectivity and balance requirement is adhered to. If the board finds it needs additional authority to successfully enforce the balance standard, this Senator believes the request should be made in the annual report to Congress.

The board cannot simply wash its hands of the legal requirement, for that would be in direct conflict with the law. All programming funds passing through the CPB are subject to the balance and objectivity standard.

Mr. PACKWOOD. Madam President, I would like to reinforce the statement made by Senator INOUYE about the so-called objectivity and balance amendment. Let me emphasize that no new statutory authority is being invested in CPB by this amendment. Let me also emphasize that Congress is not mandating the CPB Board to interfere where it should not be meddling—that is in the first amendment-protected right of public broadcasters to determine what goes on the air.

The Corporation for Public Broadcasting—a private, non-Government agency—was established by Congress to, among other things, insulate the selection of programs from influence by Congress and the executive branch. At the same time, CPB receives Federal funds and, therefore, must be accountable to Congress for the expenditure of those funds.

In recognizing what this amendment does—and perhaps even more importantly, what it does not do—it is useful to review how we have dealt with the tension between CPB's role as a steward of Federal money, on the other hand, and as a heat shield on the other.

Congress has been clear about the ends to which it wants funds for public broadcasting to be put. Congress wants CPB to assist public broadcasting stations to provide the American people with programs of "high quality, diversity, creativity, excellence and innovation." Congress has also directed that this be accomplished while maintaining objectivity and balance in the overall schedule of programs of a controversial nature.

Of equal importance and weight, Congress has said that CPB must carry out its activities "* * * in ways that will most effectively assure the maximum freedom * * * of public telecommunications entities and systems from interference with, or control of, program content* * *"

Nothing we are doing today changes CPB's responsibility to ensure minimum Government interference with the content of programming. We are not tipping the balance or somehow suggesting that CPB should pay more attention to its responsibilities under the objectivity and balance clause than to its responsibility for insulating public broadcasters from program interference.

Under this amendment, CPB cannot tell stations what to broadcast.

This amendment cannot be viewed as a mandate for CPB to dictate its will or editorial judgment to the rest of the public broadcasting system. The first amendment rights of the public broadcasting system must be preserved.

It is only because I believe these rights will be preserved that I am willing to support this amendment.

Mr. STEVENS. Madam President, I yield back the remainder of our time.

Mr. INOUYE. I yield back the remainder of my time.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Hawaii.

The amendment (No. 1863) was agreed to.

Mr. STEVENS. Madam President, I move to reconsider the vote by which the amendment was agreed to.

Mr. INOUYE. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 1864

(Purpose: To require disclosure of Federal funding of public television programs)

Mr. MCCONNELL. Madam President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Kentucky [Mr. MCCONNELL] proposes an amendment numbered 1864.

Mr. MCCONNELL. Madam President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 12, after line 4, insert the following new section:

CONSUMER INFORMATION

SEC. . Prior to the expiration of the 90 day period following the date of the enactment of this Act, the Corporation for Public Broadcasting, in consultation with representatives of public broadcasting entities, shall develop guidelines to assure that program credits for public television programs that receive production funding directly from the Corporation for Public Broadcasting adequately disclose that all or a portion of the cost of producing such program was paid for by funding from the Corporation for Public Broadcasting, and that indicates in some manner that the Corporation for Public Broadcasting is partially funded from Federal tax revenues.

Mr. MCCONNELL. Madam President, the Public Broadcasting Act of 1967 established the Corporation for Public Broadcasting. This Government-created private corporation channels Federal funds to public television and radio stations. Over the years, Congress has appropriated some $3.5 billion to finance public broadcasting through the CPB.

I come to the floor today with appreciation and understanding for the many fine public television programs produced with CPB funding and commercial sponsorship. From Ken Burns' "Civil War" to "Masterpiece Theater," CPB has helped to provide high-quality, unbiased programs that are of educational, cultural, and historical value to all Americans.

Nevertheless, there are some rotten apples among public television programs, and Kentuckians are quick to voice their concerns with certain biases or objectional programs they view. Let me tell you what I've heard from home:

Some Kentucky farmers questioned the fairness of "The New Range Wars" which attacked cattle ranchers;

"Tongues Untied" graphically portrayed—and some say propagandized—the homosexual lifestyle;

And, a program entitled "Legacy" called America the barbaric West and celebrated Iraqi civilization.

Some decent folks in Kentucky want to know—and have the right to know—if public television programs they find objectional receive any Federal funding. My amendment will provide this information to public television audiences at the time of a program's viewing.

At the same time, if a program is well done and widely acclaimed, my amendment will make sure the taxpayers get their fair share of credit for underwriting such a production. After all, if Mobil Corp. and AT&T are acknowledged for their support of a particular program, then the American people should get some credit, too.

My amendment is as simple as it is straightforward. It requires that when all sponsors or underwriters of a particular program are disclosed, the use of Federal funding in the production of that program is also recognized. This amendment gives credit where credit is due: To the hard-working American taxpayers.

While I had originally intended to offer specific language disclosing Federal funding, I decided this task was best left to the CPB, which will determine an appropriate disclosure after consultation with representatives of public broadcasting entities. I want to emphasize that I expect the Corporation to require the Federal funding disclosure on all productions that are directly funded by the CPB. It is my understanding that there are other instances when CPB requires and receives credit for programs, and I expect that the form of such credit would be consistent with the requirements of my amendment.

Although my amendment leaves it to the CPB to determine the exact wording of the Federal funding disclosure, let me state for the record what I believe is an appropriate, accurate, and unburdened disclaimer.

Again, this language is not required by the amendment I am offering, but will hopefully serve as a guideline for CPB.

What I suggest is: Funding, either in whole or in part, for this program has been provided by the Corporation for Public Broadcasting, a private corporation funded in part by Federal tax revenues.

I want to make it absolutely clear that if my constituents find that the Federal funding disclaimer that CPB develops is inadequate or uninformative, I will assure them that their concerns are addressed. I say to my colleagues that support for this amendment is support for the American people, the very audience CPB is entrusted to serve through public broadcasting.

In closing, I thank the staffers on both sides of the aisle, specifically Toni Cook of Senator INOUYE's staff, and Greg Chapados from Senator STEVENS' staff from working with us. It is my understanding that this amendment has been cleared on both sides of the aisle.

Mr. INOUYE. Madam President, in the spirit of section 317 of the Communications Act, which requires broadcasters to disclose the identity of program funders, this amendment is intended to reinforce that disclosure requirement with respect to program funding provided by the Corporation for Public Broadcasting from moneys appropriated by Congress.

The Corporation for Public Broadcasting is charged with responsibility for developing such guidelines as the Corporation, in consultation with representative public broadcasting entities, believes are necessary to assure adequate disclosure of the source of any direct program production funding provided by the Corporation, on behalf of the American people, from Federal appropriations. For this purpose, it would be sufficient to state that the program is made possible by the Corporation for Public Broadcasting on behalf of the American people. We recognize, however, that different types of program credits may be appropriate for different programs, and agree with Senator McCONNELL that the statute should not be construed to specify the exact language of the CPB credit.

We are giving the Corporation for Public Broadcasting full flexibility to determine what type of credit will be appropriate in each circumstance. We also recognize the need for the Corporation for Public Broadcasting entities to assure that whatever guidelines it develops are consistent with the program credit requirements that the public broadcasting service has adopted for nationally distributed programs.

Thus, we are not mandating that the program credits contain any specific language or information, nor do we intend to limit in any way the editorial or artistic creativity of producers to satisfy this disclosure requirement in the way that is most appropriate for each program. CPB and interested public television producers and distributors will make the final determination of language that appropriately acknowledges the role Federal funding plays in program financing.

This disclosure requirement applies only to programming funded, in whole or in part, from the Corporation's television program fund, which is, in turn, funded by moneys appropriated by Congress. It does not apply to any programming funded from the Corporation's other sources of revenue or from any other source of federal funds.

As Senator McCONNELL said, his amendment is not intended to blur the separation between the Federal Government and the Corporation for Public Broadcasting. CPB was expressly created to serve as a heat shield that would provide a buffer between the Federal Government and public broadcasting's first amendment activities. Congress did not intend in 1967, when it enacted the Public Broadcasting Act, nor does it intend by this amendment, to undermine public broadcasting's journalistic independence or freedom from governmental influence—whether perceived or actual.

In developing disclosure guidelines, we expect the Corporation for Public Broadcasting to be sensitive to the need to avoid any perception that public broadcasting is in any way a Federal Government enterprise. The Corporation should be careful not to specify credit wording that could, in any way, be misconstrued by viewers to mean that the program they have just seen was in any way influenced by the Federal Government. While CPB is funded, in part, by Federal tax revenues, it is not a Government agency, and great care must be taken to preserve the impression, as well as the fact, that programs aired on public television stations are free of Government interference or control.

Madam President, I yield the remainder of my time.

The PRESIDING OFFICER. Does the Senator from Kentucky yield his time?

Mr. McCONNELL. Yes.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment (No. 1864) was agreed to.

Mr. INOUYE. Madam President, I move to reconsider the vote.

Mr. McCONNELL. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. Who yields time?

Mr. INOUYE. I yield 2 minutes to the Senator from Illinois.

The PRESIDING OFFICER. The Senator from Illinois.

Mr. SIMON. Madam President, I am pleased today to emphasize my strong support for S. 1504, the Public Telecommunications Act of 1991. I applaud the Senator from Hawaii [Mr. INOUYE] for his tenacity in working through the many objections to bringing this important bill to the Senate floor for a vote.

When my constituents heard that public broadcasting may be in jeopardy, I received several letters and phone calls in support. A good example is a letter here from my constituent, Bernadine Whiting of Evanston, who says:

> (Those who oppose the CPB bill) say cable TV can provide this. I do not know because I can not afford cable and neither can most of the senior citizens I know. For that matter, the unemployed and the underemployed can't afford cable either. But all of us need Channel 11-type broadcasting programming to be intelligent voters.
>
> However they vote, people vote more intelligently because we have public TV.

Another constituent, Mrs. Mary Clark, writes:

> We need Channel 8 with its educational, cultural and quality of life programs. Such programs as Sesame Street and Mr. Rogers Neighborhood are so beneficial to children. And where could adults hear and see such programs as Great Performances, Masterpiece Theater, NacNeil-Leher, and many more, except on PBS?

I second these and other such testimonials expressed by my constituents. Unquestionably, public broadcasting fills a gap left by network and cable TV. Public broadcasting's role in presenting programs that are not available elsewhere cannot be easily filled by any other entity. In this age of TV's appealing to the lowest common denominator, public broadcasting succeeds in broadening, edifying and challenging its viewers, and influencing the television medium itself for the good.

In the past, I have expressed concerns about the direction of public broadcasting, but my reasons are quite different from many of my colleagues. My concerns arise out of a desire to strengthen and improve the system. I am concerned that the system's increasing reliance on corporate and Government contributions is influencing programming decisions because programmers have strong reasons to hold their fingers to the underwriting wind. This is, however, an issue I will address in a later day.

On the issue of the Independent Television Service [ITVS], I believe we need to give the service a chance to prove itself before we start tinkering with or eliminating its program. ITVS has the potential to bring innovative, diverse television programming that furthers the goals of public broadcasting. In looking through the list of grant recipients, it is evident great care was taken to select programs representing minority groups and points of view that are not adequately represented in the media. More clearly needs to be done in this area; recent events only underscore this need.

In conclusion, I urge my colleagues to support public broadcasting: Allow it operate freely and without Government restraint. I further urge my colleges to give ITVS a chance to fulfill its potential. The Nation has so much to gain if we do.

Let me just add that I have had the privilege this session of Congress to serve on the Select Committee on Indian Affairs, and I have come to appreciate, even more, the contributions that the senior Senator from Hawaii has made to this country. This is certainly one of those.

Madam President, I ask unanimous consent to have printed in the RECORD a column by Clarence Page of the Chicago Tribune.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the Chicago Tribune, May 20, 1992]

QUALITY MAKES PBS WORTH WATCHING—AND WORTH FUNDING

(By Clarence Page)

Laurence Jarvik wants you to know he has nothing against "Sesame Street."

Ever since he was quoted in The New York Times as saying the show has no more redeeming social value than "Underdog," his office at the conservative Heritage Foundation, where he is a resident scholar, has been getting unkind mail from Big Bird defenders who compare him to something lower than Oscar the Grouch.

It's part of the price he pays as an important deep thinker behind the battle by conservative senators that blocked funding for the Public Broadcasting System all winter.

But he doesn't really want to "destroy PBS," he insists. "I want to buy a share in it."

Shares? Stocks? Could PBS eventually stand for the Profit-making Broadcast System?

Yes, says Jarvik, who thinks it's already on the way, since "Sesame Street' toys alone are a million-dollar industry. He believes there are enough people who believe in quality television who would support such a network, even if it did not make profits that would even come close to matching those of the commercial networks.

He really believes this.

Not only that, he has other people on Capitol Hill believing it too. He has provided important ammunition for Sen. Robert Dole (R-Kan.) and a group of his colleagues who have been keeping an oddly low profile on this hot potato while holding up the latest PBS funding authorization bill. Small wonder they're running for the tall grass. Would you want to be known as the politician who plucked Big Bird?

Their criticisms: PBS is too expensive, too liberal, too elitist, too redundant of the choices offered by cable channels and, in an interesting argument for conservatives to make, too many people are making too good a living off it.

Respectfully, I disagree.

But first, full disclosure: It's no secret that, in addition to my column writing, I am a regular contributor to "The MacNeil/Lehrer Newshour" and an occasional panelist on "The McLaughlin Group," among other PBS appearances that included, significantly, a well-received documentary on the black conservative movement which PBS broadcast in February. (It's also scheduled for rebroadcast in August. Check your local listings.)

Elsewhere in my checkered career, I was a documentary producer and news reporter on a major network television station in Chicago. So, I have nothing against the free market. I encourage it.

Nevertheless, as the network priority shifts that followed the corporate takeovers in the '80s illustrate, the pressures to make a profit are more likely to result in a "Wheel of Fortune" than a "Masterpiece Theater."

At the risk of sounding like PBS boilerplate or, worse, a pledge drive, I think it's worth the dollar-or-so per citizen per year it costs to offer those who cannot afford cable at least one network that has public service, not private profit, as its mandate.

The expense argument is laughable when you compare the $1.1 billion that PBS is seeking for its next three years of operations (slightly more than the Pentagon now spends on military bands) to the $2.9 billion a Senate committee recently approved for just two Seawolf submarines that the Bush administration wants to cancel.

True, cable is coming along, but I keep switching back to PBS for grand programs like "The MacNeil/Lehrer Newshour," "Nova," "Nature," "The American Experience," "Frontline" and "Live from Lincoln Center" that cable cannot yet match in quality and that the commercial network stations, guided by their own free-market imperatives, choose not to even try to match.

How about the "too liberal" argument? "The fact that the PBS prime-time schedule features election specials by Bill Moyers and William Greider, two liberal Democrats, without equal time being provided by conservatives, is a violation of both the spirit and the letter of the 1967 Public Broadcasting Act," Jarvik recently wrote.

Well, be wary of anyone who claims to know the "spirit" of any law. The Public Broadcasting Act calls for fairness, but sill allows programs that have a distinct unrebutted point of views. Some challenge prevailing wisdom, liberal and conservative, which should come as no surprise on a noncommercial, alternative channel.

As PBS President Bruce Christensen said on "Nightline," "If you're questioning the status quo, if you're looking at things that are going wrong in society, if you're looking at what the problems and the warts and the difficulties are, you could say that has some kind of political bias."

That's OK. Taking chances and shaking things up in a way commercial stations are reluctant to do is part of what an alternative network should do.

Most of the debate over PBS sounds like the second phase of a conservative culture war that began with Sen. Jesse Helms' (R-N.C.) celebrated attacks on the National Endowment for the Arts, a cynical diversion at a time when Congress is gridlocked over the deficit, unemployment, sagging productivity and other big-ticket problems of our times.

Nevertheless, as long as it takes public money, PBS if fair game for political exploitation. That's OK too. In the end, the quality of its product speaks for itself. If it's worth watching, it's worth defending.

Mr. SIMON. Madam President, I just add that I am one who does not watch television that much. I suppose that is true of most of us in this body, but public television has just made a tremendous contribution to this country. I watch WETA here, and when I am in Chicago, I watch Channel 11. When I am home in southern Illinois, I watch Channel 8, the Southern Illinois University station. You get a breadth of information, and you get in-depth things on public television that, frankly, you just cannot get anywhere else.

I would like to see the day come when public television does not have to have these little 10-second spots that General Motors or ADM has helped to contribute to this. I think, ideally, they should be independent of that kind of need.

But the contribution has been very significant. I add that independent television service is just getting launched. Certainly we should not cut back with any kind of an amendment here. We enriched this Nation—when I say we, it was happening before I was in Congress—when we authorized the Corporation for Public Broadcasting, as well as NPR, I might add.

It is to the credit of the people who initiated it. The last thing we should be doing here is to cut back on that commitment.

I yield the remainder of my time.

Mr. INOUYE. Madam President, I suggest that absence of a quorum, under the previous conditions.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. WARNER. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

The PRESIDING OFFICER. Who yields time?

Mr. STEVENS. I yield the Senator from Virginia such time as he may need.

Mr. WARNER. Madam President, I rise in support of S. 1504. American public broadcasting is a national cultural treasure supported by a remarkable public and private partnership.

Public broadcasting has come to symbolize the finest standards of quality in programming in both television and in radio. This Senator is privileged to use it on an almost daily basis, particularly availing myself of those programs relating to news and information.

Public broadcasting, in my judgment, offers the most objective news and information available today. An outstanding example is the MacNeil/Lehrer program, which I tape and review almost without exception everyday.

Further, there are educational and instructional programs that reach 30 million American school children every year. Public affairs programs and cultural affairs programs enliven and enrich our national diet. What public broadcasting offers its viewers is something, in my judgment, that is unmatched anywhere. There is nothing else like it, in my judgment, to be found not only in the United States, but worldwide. It is the only noncommercial alternative that offers educational and cultural programming to numerous households in America.

In the current debate about public broadcasting, we hear again the concerns about political balance and the questions that address the issue of public funding for programs that may be controversial or objectionable. I believes that many people really do not know exactly how public broadcasting works and how it ensures that there is objective assessment in those areas that could be termed controversial or objectionable. Public broadcasting stations are licensed to individual communities, to universities, or to a specific State.

The stations are served by local boards and operate in an atmosphere of strong community responsibility and accountability.

For example, in the recent independently produced program "Tongues Untied," 230, or approximately two-thirds of the country's public television stations elected not to broadcast the program specifically because they found its contents to be presumably objectionable or unacceptable, or both, for their particular viewers. Here is a clear example of local users, how they can perform their own independent—and I express the word "independent"—screening as to what in their judgment is appropriate for their particular geographic area of viewers.

As a public-private venture serving the public interest for more than two decades, public broadcasting continues to work because the public owns this medium.

We live in an age when technology daily continues to increase the resources that provide the news and information we may possess. The availability of this stream of information approaches the Madisonian prescription that in a free state, the people and their government must arm themselves with the power that knowledge—information and facts—alone can provide.

Madam President, I support public broadcasting and I hope that the Senate will adopt this legislation indicating their like support. I wish to comment on the strong courage manifested by the managers of this bill, and I commend them for their management. I hope they are successful.

Madam President, I would like to take this opportunity to thank Mr. Charles W. Sydnor, Jr., for the information he provided me concerning this piece of legislation, and the many Virginians who have contacted me to express their opinions about this legislation before the Senate today.

The PRESIDING OFFICER. The distinguished majority leader.

UNANIMOUS-CONSENT AGREEMENT

Mr. MITCHELL. Madam President, I ask unanimous consent that when the Senate returns to the consideration of the pending business, S. 1504, a bill to authorize appropriations for public broadcasting, at 11 a.m. on Wednesday, June 3, it be considered under the following limitation that supercedes the agreement that was previously entered:

That Senator LOTT be recognized to offer, on behalf of himself and Senator HELMS, an amendment to freeze or reduce the funding levels of the bill; that there be 60 minutes on the amendment, with an additional 15 minutes on the amendment, with an additional 15 minutes under the control of Senator MOYNIHAN; that at the conclusion or yielding back of time on the amendment, the Senate proceed to vote on, or in relation to the Lott amendment;

That immediately following the disposition of the Lott amendment, the Senate proceed to vote on the Byrd amendment No. 1859; that the only amendment, remaining in order to this bill, other than the substitute amendment as amended, be the Dole amendment with respect to funding for the Independent Television Service [ITVS] on which there be 1 hour;

That there be 3 hours remaining on the bill, with all of the above-listed time limitations equally divided and controlled in the usual form, and that at the conclusion or yielding back of time, the bill be read for the third time; that all of the preceding occur without any intervening action or debate; that no motions to recommit be in order; and that all aspects of the previously entered agreement remain in place following third reading of the bill.

The PRESIDING OFFICER. Is there objection to the request?

Mr. STEVENS. There is no objection.

Mr. INOUYE. No objection.

The PRESIDING OFFICER. Without objection, it is so ordered.

The text of the agreement is as follows:

Ordered, That at 11:00 a.m. on Wednesday, June 3, 1992, the Senate resume considerations of S. 1504, a bill to authorize appropriations for public broadcasting, and that it be considered under the following agreement:

Ordered further, That the Senator from Mississippi (Mr. Lott) be recognized to offer, on behalf of himself and Senator Helms, an amendment to freeze or reduce the funding levels of the bill, on which there shall be 60 minutes, with an additional 15 minutes under the control of the Senator from New York (Mr. Moynihan): *Provided*, That at the conclusions or yielding back of time on the amendment, the Senate proceed to vote on, or in relation to, the Lott amendment.

Ordered further, That immediately following disposition of the Lott amendment, the Senate proceed to vote on the Byrd amendment, No. 1859.

Ordered further, That the only amendment remaining in order to this bill be the Dole amendment with respect to funding for the Independent Television Service (I.T.V.S.) on which there shall be 1 hour.

Ordered further, That all the above-listed time limitations be equally divided and controlled in the usual form.

Ordered further, That there be 3 hours remaining on the bill, with 1 hour under the control of the Senator from Kansas (Mr. Dole); 1 hour under the control of the Senator from Hawaii (Mr. Inouye); and 1 hour to be equally divided and controlled in the usual form.

Ordered further, That no motions to recommit be in order.

Ordered further, That at the conclusion or yielding back of time, the bill be read for the third time, that without any intervening action or debate, the Commerce Committee be discharged from further consideration of H.R. 2977, the House companion bill, and the Senate proceed to its immediate consideration.

Ordered further, That all after the enacting clause be stricken and the text of S. 1504, as amended, be inserted in lieu thereof, that the bill be read for the third time, the Senate proceed to vote on passage of H.R. 2977, as amended, and that upon disposition of H.R. 2977, S. 1504 be returned to the Calendar.

Mr. MITCHELL. Madam President, I thank my colleagues for their cooperation in permitting this agreement to be entered.

Senators should be aware that pursuant to this agreement, a vote on or in relation to an amendment by Senator LOTT will occur at approximately 12:15 p.m. tomorrow; that it will be followed immediately by a vote on the Byrd amendment, No. 1859; and that there will thereafter be the possibility of the Dole amendment being offered with 1 hour time limitation and then 1 further hour on the bill. So there will be at least two votes at about 12:15 tomorrow with a possibility of one or two more votes thereafter in the early afternoon.

In view of this agreement, there will be no further rollcall votes today, and the Senate will return to session tomorrow. There will be a period for morning business prior to returning to this bill at 11 pursuant to the agreement.

I thank my colleague, the distinguished Senator from Alaska, and the distinguished manager of the bill, the Senator from Hawaii, for their cooperation in this matter.

Madam President, I yield the floor, and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. STEVENS. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

MORNING BUSINESS

MRS. HELENKA BRICE OF FAIRBANKS, AK

Mr. STEVENS. Madam President, I rise today to say goodbye to a remarkable woman and a good friend: Mrs. Helenka Brice of Fairbanks, AK.

Helenka passed away last Saturday at the age of 83. As a great-grandmother she leaves behind a wonderful family and a legacy as rich and varied as the beautiful State that we all love.

Helenka Brice was a dynamic and caring individual. She did not shy away from involvement in her community and in contributing to the growth and development of the Last Frontier.

With her husband Luther, who passed away in 1987, she founded a construction firm that was instrumental in building the Trans-Alaska pipeline and helping villages throughout Alaska. She was a tough businesswoman who got things done. In political circles she was known as the organizer, the mobilizer of forces.

She was also a kind-hearted woman who was devoted to the arts, literature, and children. Many times those interests converged, and the results were wonderful gifts of literature that she would send to her "adopted granddaughter", particularly my daughter Lily and to other children.

Helenka considered herself a grandmother at-large to these children and set out to introduce them to the wonderful worlds of art, history, and myth. She always sent books that challenged Lily—books that expanded her mind and broadened her horizons.

With these books often came beautiful hand-written letters. In a note written when she was 80, Helenka described to Lily a favorite passage from an Elizabeth Barrett Browning poem. I want to read Helenka's comments because I believe they capture her spirit better than anything I can say. This is a quote from her letter to Lily when she was 80.

> I always loved the line '[T]he soul's Rialto has its merchandize.' What it says to me is that our mind, our heart, has all sorts of experiences. We each have our own Rialto—our own place to keep our personal merchandise in our hearts and in our feelings. Books, all kinds of books, have their place as somewhat of an explanation to us of other merchandise we have stored in our brain, our heart, our soul. Books are one bit of storage that seem to fit, regardless of their age or their subject matter, into our own Rialto.

I send my condolences to Helenka's large and loving family, to all of her grandchildren, and also to the many people Helenka touched. She will be missed in our State of Alaska for the selfless contributions she made to her community and our State.

IN HONOR OF JUDGE T. EMMET CLARIE

Mr. DODD. Madam President, I rise today to recognize Judge T. Emmet Clarie, who recently retired from the Connecticut Federal court circuit after three decades of hard work and dedication.

Appointed as a Federal judge by President John F. Kennedy in 1961, Clarie earned the reputation as one of the toughest and fairest Federal judges in Connecticut. His long and outstanding record demonstrates his firm belief that people who violate the law should be punished for their crimes. He is well-known for offering no less than a 90-day jail sentence for offenders. "I learned from an old sheriff who ran one of the State jails. He told me men who got 30 days would say they could do that standing on their heads. If they got 60 days, they didn't want any part of it again."

Throughout his tenure, Clarie remained true to his beliefs and principles. He would agonize over each case to guarantee fairness and justice for all. These values he tried to instill in his clerks. Many remember him, fondly, as a father figure from whom they sought professional and personal advice.

While serving on the bench, Clarie never forgot the feelings of uncertainty and apprehension many young lawyers experience and was quick to share his wisdom and expertise with them. Among his colleagues, he was respected and admired for his truthfulness and loyalty to the law.

Prior to being appointed to the Federal circuit, Clarie was an active public servant. As a teacher, a lawyer, and a State legislator, he was committed to serving the people of Connecticut with their best interests in mind, regardless of politics, to the best of his ability. This pledge he carried with him throughout his career.

Clearly, T. Emmet Clarie exemplifies the judicial authority and impartiality that is valued among lawyers and judges today. Those who had the opportunity to work with him will affectionately remember him as a mentor, a public servant, a judge and a friend. Judge Clarie serves as a role model to young lawyers today. His retirement will leave a noticeable void in the Federal court circuit that will be difficult to fill.

I applaud Judge Clarie for his lifetime service to the people of Connecticut and wish him all the best in his future endeavors.

THANKS TO A CONGRESSIONAL FELLOW

Mr. SIMON. Madam President, I would like to commend Maj. Michael H. Gilbert, who has served as a congressional fellow on my Judiciary Committee staff. Major Gilbert is the first active duty Air Force attorney chosen to participate in the Office of Personnel Management's LEGIS Fellows Program.

As many of my colleagues know, this is a program that competitively selects experienced civil servants to work in congressional offices for 6 months or a year. The perspective, experience, and knowledge that these people—who are some of our Government's finest—bring to their work with the Congress are of the greatest value to those Members and committees who participate in the program.

Major Gilbert is a particularly outstanding example of this fellowship program. A 1979 graduate of the U.S. Air Force Academy, he was sent to law school by the Air Force and has served as a criminal trial attorney in Alaska and an assistant professor of law at the Air Force Academy. The Academy then sponsored his master of laws degree at Harvard Law School. He has served as a legislative counsel in the Air Force General Law Division at the Pentagon for 6 months before coming to my office in January.

Major Gilbert quickly became a key member of my staff. I relied upon him in researching and briefing me on controversial issues, such as the detention of Haitian refugees. After a short time, he took the lead, along with our chief counsel, on my introduction of the Hate Crimes Sentencing Enhancement Act of 1992. He also staffed several hearings, including an EEOC oversight hearing and a hearing on employer sanctions for hiring illegal aliens. When we needed someone to handle the complex subject of anticompetitive pricing practices in the petroleum market, we turned to Major Gilbert to analyze the issues. His memoranda and briefings were always exhaustively researched, excellently written, and professionally presented. His counsel has been invaluable.

Major Gilbert's enthusiastic attitude and hard work will be missed. As he returns to the Pentagon, I want to thank him for his significant contributions to public service,and congratulate him on a job well done.

REMOVAL OF INJUNCTION OF SECRECY—TREATY DOCUMENT NO. 102–31

Mr. MITCHELL. Madam President, as in executive session, I ask unanimous consent that the injunction of secrecy be removed from the Treaty with the Czech and Slovak Federal Republic Concerning the Reciprocal Encouragement and Protection of Investment (Treaty Document No. 102–31), transmitted to the Senate today by the President; and ask that the treaty be considered as having been read the first time; that it be referred, with accompanying papers, to the Committee on Foreign Relations and ordered to be printed; and that the President's message be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The message of the President is as follows:

To the Senate of the United States:

With a view to receiving the advice and consent of the Senate to ratification, I transmit herewith the Treaty Between the United States of America and the Czech and Slovak Federal Republic Concerning the Reciprocal Encouragement and Protection of Investment, with Protocol and three related exchanges of letters, signed at Washington on October 22, 1991. I transmit also, for the information of the Senate, the report of the Department of State with respect to this treaty.

The treaty is an integral part of my initiative to strengthen economic relations with Central and East European countries. The treaty is designed to aid the growth of the private sector in the Czech and Slovak Federal Republic by protecting and thereby encouraging U.S. private investment. The treaty is fully consistent with U.S. policy toward international investment. A specific tenet, reflected in this treaty, is that U.S. investment abroad and foreign investment in the United States should receive fair, equitable, and nondiscriminatory treatment. Under this treaty, the Parties also agree to international law standards for expropriation and compensation; free transfers of funds associated with investments; and the option of the investor to resolve disputes with the host government through international arbitration.

I recommend that the Senate consider this treaty as soon as possible, and give its advice and consent to ratification of the treaty, with protocol and related exchanges of letters, at an early date.

GEORGE BUSH.

THE WHITE HOUSE, *June 2, 1992.*

CONGRATULATING THE PITTSBURGH PENGUINS

Mr. MITCHELL. Madam President, I ask unanimous consent that the Senate proceed to the immediate consideration of Senate Resolution 304, congratulating the Pittsburgh Penguins on winning the 1992 Stanley Cup, submitted earlier today by Mr. WOFFORD and Mr. SPECTER.

The PRESIDING OFFICER. The resolution will be stated by title.

The legislative clerk read as follows:

A resolution (S. Res. 304) to congratulate the Pittsburgh Penguins on winning the 1992 Stanley Cup.

The PRESIDING OFFICER. Is there objection to the immediate consideration of the resolution?

There being no objection, the Senate proceeded to consider the resolution.

Mr. WOFFORD. Madam President, it's a great day for hockey. Pittsburgh, the city of champions, has done it again. The Penguins have won the 1992 Stanley Cup marking their second consecutive National Hockey League championship.

The June 1 victory over the Chicago Blackhawks culminated 11 consecutive playoff victories. The 1991–92 Penguins season saw a determined team hit its championship stride during the playoff series. Throughout the season and the playoffs, the Penguins showed that they could win by playing a wide open offensive game or a tenacious defensive one. After tragically losing last season's Stanley Cup coach Bob Johnson, this year's Penguins rallied under coach Scotty Bowman to keep the Stanley Cup in Pittsburgh. The city of Pittsburgh and the citizens of Pennsylvania can take great pride in the Penguins two consecutive Stanley Cups.

I am proud today to introduce a resolution expressing the sense of the Senate's appreciation to those in the Penguins organization and their fans who made the dreams of a second Stanley Cup a reality. All of us in Pennsylvania salute this outstanding feat.

Madam President, to use the words of Bob Johnson, it's a great day for the Penguins, for Pittsburgh, and for all of Pennsylvania.

Mr. SPECTER. Madam President, today I would like to congratulate the 1992 Stanley Cup champion Pittsburgh Penguins on their victory over the Chicago Blackhawks last night in Chicago. This win was their 11 consecutive playoff victory, tying the record set 2 weeks ago by the Chicago team. It also allowed the team to successfully defend last year's championship and continue to hold the title of Stanley Cup champions. Back-to-back Wales Conference championships and Stanley Cup championships prove that the Penguins are a team with a team with a firm grasp on the formula for success.

To defend the Stanley Cup is not an easy task. This task was certainly not made any easier by the loss of the Penguins beloved coach, "Badger" Bob Johnson. Shortly after the team visited the White House last summer, Coach Johnson was diagnosed with terminal cancer. Coach Johnson passed away a few months later leaving the Pens without their emotional and inspirational leader. Coach Johnson will be missed, however, he instilled in the hearts of his players and in the hearts of Penguin fans everywhere that each day was a "great day for hockey." This phrase, which Coach Johnson would exclaim every morning prior to the team's prior to the team's practice, is painted on the ice in the Pittsburgh Civic Arena as a tribute to Coach Johnson.

Each team member took Coach Johnson's enthusiasm to heart. It is because of this love for the game, which he instilled in each player, that despite his absence the Penguins were able to repeat as champions of the National Hockey League.

In particular, I would like to acknowledge the accomplishments of the playoffs most valuable player, Mario Lemieux. Anyone who has witnessed number 66's limitless abilities on the ice would agree that he brings to hockey what Michael Jordan brings to basketball. Except Michael Jordan rarely has to accomplish such feats with a broken hand and the entire opposing team tripping, slashing, and hooking him on his way to the basket.

All the other players deserve recognition for their accomplishments: The goalie, Tom Barrasso, for his outstanding play defending the net; Jaromir Jagr for his puck handling wizardry; Kevin Stevens for his hard-nosed offensive performance; Ron Francis for winning all the important faceoffs; and Rick Tocchet and the rest of the team for their quiet and consistent performance at both ends of the ice. The Penguins, who have been known as one of the league's most potent offensive teams, demonstrated a remarkable knack for defensive play as well under the leadership of interim coach Scotty Bowman.

It is with pride that I join my colleague Senator WOFFORD in offering this Senate resolution congratulating the Pittsburgh Penguins for winning the 1992 Stanley Cup. I believe that it is most fitting that on the team's silver anniversary the prestigious silver Stanley Cup should remain in Pittsburgh with the Penguins.

The PRESIDING OFFICER. The question is on agreeing to the resolution.

The resolution (S. Res. 304) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, is as follows:

S. RES. 304

Whereas on June 1, 1992, the Pittsburgh Penguins won the Stanley Cup which represents the National Hockey League championship;

Whereas winning the Stanley Cup is the culmination of the dedication and efforts of the players, coaches, and owners of the Pittsburgh Penguins;

Whereas the support of all the Penguins fans and the people of Pittsburgh helped make winning the Stanley Cup possible;

Whereas the Pittsburgh Penguins have won two consecutive Stanley Cups; and

Whereas the Pittsburgh Penguins are celebrating their 25th year in the National Hockey League: Now, therefore, be it

Resolved, That the Senate congratulates the Pittsburgh Penguins for winning the 1992 Stanley Cup.

Mr. MITCHELL. Madam President, I move to reconsider the vote.

Mr. STEVENS. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. McCathran, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations and a treaty which were referred to the appropriate committees.

(The nominations and treaty received today are printed at the end of the Senate proceedings.)

ANNUAL REPORT OF THE U.S. ARMS CONTROL AND DISARMAMENT AGENCY—PRESIDENTIAL MESSAGE—PM 242

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, together with an accompanying report; which was referred to the Committee on Foreign Relations:

To the Congress of the United States:

I am pleased to transmit the United States Arms Control and Disarmament Agency Annual Report for 1991.

The report provides information about the nature and significance of treaties signed during the year, the conduct of arms control negotiations, the coordination of treaty implementation procedures, and other activities conducted pursuant to the Arms Control and Disarmament Act, as amended.

The international security environment, which has changed considerably since the submission of last year's report, continues to evolve. Our bilateral arms control agenda, including the START treaty that is reviewed extensively in Chapter 2, continues. At the same time, our efforts to curb proliferation and deal with the regional conflicts have been expanded, and the implementation of the growing number of existing treaties and agreements has become more demanding. The work of arms control, therefore, is expanding.

As our defense program reorders its priorities, our arms control program is doing the same as a consequence of the changed East-West relationship.

GEORGE BUSH.

THE WHITE HOUSE, *June 2, 1992*.

ANNUAL REPORT OF THE ST. LAWRENCE SEAWAY DEVELOPMENT CORPORATION—MESSAGE FROM THE PRESIDENT—PM 243

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, together with an accompanying report; which was referred to the Committee on Environment and Public Works:

To the Congress of the United States:

I transmit herewith the Saint Lawrence Seaway Development Corporation's Annual Report for fiscal year 1991. This report has been prepared in accordance with section 10 of the Saint Lawrence Seaway Act of May 13, 1954 (33 U.S.C. 989(a)), and covers the period October 1, 1990, through September 30, 1991.

GEORGE BUSH.

THE WHITE HOUSE, *June 2, 1992*.

MESSAGES FROM THE HOUSE RECEIVED DURING RECESS

Under the authority of the order of the Senate of January 3, 1991, the Secretary of the Senate, on May 27, 1992, during the recess of the Senate, received a message from the House of Representatives announcing that the Speaker has signed the following enrolled bills:

S. 870. An act to authorize inclusion of a track of land in the Golden Gate National Recreation Area, California;

S. 2569. An act to provide for the temporary continuation on office of the current Deputy Security Advisor on a flag officer grade in the Navy; and

H.R. 4990. An act rescinding certain budget authority.

Under the authority of the order of the Senate of January 3, 1991, the enrolled bills were signed on May 28, 1992, during the recess of the Senate, by the President pro tempore [Mr. BYRD].

MESSAGES FROM THE HOUSE

At 9:35 a.m., a message from the House of Representatives, delivered by Mr. Hays, one of its reading clerks, announced that the House has passed the following bills, each without amendment:

S. 2342. An act to amend the act entitled "An Act to provide for the disposition of funds appropriated to pay judgment in favor of the Mississippi Sioux Indians in Indian Claims Commission dockets numbered 142, 359, 360, and 383, and for other purposes", approved October 25, 1972 (86 Stat. 1168 et seq); and

S. 2783. An act to amend the Federal Food, Drug, and Cosmetic Act with respect to medical devices, and for other purposes.

The message also announced that the House has agreed to the following concurrent resolution, without amendment:

S. Con. Res. 123. A concurrent resolution authorizing the use of the East Front parking lot of the Capitol for an exhibit by NASA during the period beginning on June 1, 1992 and ending June 5, 1992.

The message further announced that the House agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 2507) to amend the Public Health Service Act to revise and extend the programs of the National Institutes of Health, and for other purposes.

The message also announced that the House has passed the following bill and joint resolution, in which it requests the concurrence of the Senate:

H.R. 4880. An act to reduce the stockpile requirement for, and authorize the disposal of, cobalt from the National Defense Stockpile; and

H.J. Res. 494. Joint resolution increasing the statutory limit on the public debt.

The message further announced that the House has agreed to the following concurrent resolution, in which it requests the concurrence of the Senate:

H. Con. Res. 177. A concurrent resolution calling for a United States policy of strengthening and maintaining an International Whaling Commission moratorium on the commercial killing of whales, and otherwise expressing the sense of the Congress with respect to conserving and protecting the world's whale population.

At 2:25 p.m., a message from the House of Representatives, delivered by Mr. Hays, one of its reading clerks, announced that the House has passed the following bill, in which it requests the concurrence of the Senate:

H.R. 776. An act to provide for improved energy efficiency.

The message also announced that pursuant to section 6010(d)(1)(C) of Public Law 102–240, the minority leader appoints Mr. George Ebersole, of Chicago, IL, to serve as a member from private life of the National Council on Surface Transportation Research on the part of the House.

MEASURES REFERRED

The following bill and joint resolution were read the first and second times by unanimous consent, and referred as indicated:

H.R. 4880. An act to reduce the stockpile requirement for, and authorize the disposal of, cobalt from the National Defense Stockpile; to the Committee on Armed Services.

H.J. Res. 494. Joint resolution increasing the statutory limit on the public debt; to the Committee on Finance.

The following concurrent resolution was read, and referred as indicated:

H. Con. Res. 177. A concurrent resolution calling for a United States policy of strengthening and maintaining an International Whaling Commission moratorium on the commercial killing of whales, and otherwise expressing the sense of the Congress with respect to conserving and protecting the world's whale populations; to the Committee on Foreign Relations.

ENROLLED BILLS PRESENTED

The Secretary of the Senate reported that on May 29, 1992, he had presented to the President of the United States the following enrolled bills:

S. 870. An act to authorize inclusion of a tract of land in the Golden Gate National Recreational Area, California; and

S. 2569. An act to provide for the temporary continuation on office of the current Deputy Security Advisor on a flag officer grade in the Navy.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, which were referred as indicated:

EC-3277. A communication from the Secretary of Agriculture, transmitting a draft of proposed legislation to amend the Rural Electrification Act of 1936; to the Committee on Agriculture, Nutrition, and Forestry.

EC-3278. A communication from the Secretary of Agriculture, transmitting a draft of proposed legislation to amend the Rural Electrification Act of 1936; to the Committee on Agriculture, Nutrition, and Forestry.

EC-3279. A communication from the Acting Comptroller General of the United States, transmitting, pursuant to law, a report on the President's seventy-third through one hundred and first special impoundment messages for fiscal year 1992; pursuant to the order of January 30, 1975, as modified by the order of April 11, 1986, referred jointly to the Committee on Appropriations, the Committee on the Budget, the Committee on Armed Services, and the Committee on Energy and Natural Resources.

EC-3280. A communication from the Assistant Secretary of Defense (Production and Logistics), transmitting, pursuant to law, the Strategic and Critical Materials Report for the period April through September 1991; to the Committee on Armed Services.

EC-3281. A communication from the Under Secretary of Defense (Acquisition), transmitting, pursuant to law, notice of the waiver of certain tests in connection with the F/A-18E/F aircraft acquisition program; to the Committee on Armed Services.

EC-3282. A communication from the Director for Administration and Management, Office of the Secretary of Defense, transmitting, pursuant to law, notice that the Department of the Navy intends to exercise certain provisions of law providing for the exclusion of the clause concerning examination of certain records by the Comptroller General; to the Committee on Armed Services.

EC-3283. A communication from the Director of the Office of Management and Budget, Executive Office of the President, transmitting, pursuant to law, the fifteenth report on United States costs in the Persian Gulf Conflict and foreign contributions to offset such costs; to the Committee on Armed Services.

EC-3284. A communication from the Director of the Office of Thrift Supervision, Department of the Treasury, transmitting, pursuant to law, the Office of Thrift Supervision's Annual Consumer Report for calendar year 1991; to the Committee on Banking, Housing, and Urban Affairs.

EC-3285. A communication from the President and Chairman of the Export-Import Bank of the United States, transmitting, pursuant to law, the annual report on the activities of the Bank for fiscal year 1991; to the Committee on Banking, Housing, and Urban Affairs.

EC-3286. A communication from the Acting General Counsel of the Department of the Treasury, transmitting a draft of proposed legislation to amend the Trading With the Enemy Act, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

EC-3287. A communication from the Secretary of Housing and Urban Development, transmitting, pursuant to law, a report entitled "Public Housing Child Care Demonstration Program—Program Assessment: First Round"; to the Committee on Banking, Housing, and Urban Affairs.

EC-3288. A communication from the Director of the Office of Management and Budget, Executive Office of the President, transmitting, pursuant to law, a report on direct spending or receipts legislation; to the Committee on the Budget.

EC-3289. A communication from the Secretary of Transportation, transmitting a draft of proposed legislation to amend the Hazardous Materials Transportation Act, and for other purposes; to the Committee on Commerce, Science, and Transportation.

EC-3290. A communication from the Secretary of the Interior, transmitting, pursuant to law, the annual report on the operation of the Colorado River for water year 1991; to the Committee on Energy and Natural Resources.

EC-3291. A communication from the Chairman of the Advisory Council on Historic Preservation, transmitting, pursuant to law, the annual report of the Council for fiscal year 1991; to the Committee on Energy and Natural Resources.

EC-3292. A communication from the Secretary of the Interior, transmitting, pursuant to law, a report on the proposed water distribution system for a Bureau of Reclamation project; to the Committee on Energy and Natural Resources.

EC-3293. A communication from the Acting Assistant Secretary of the Interior, transmitting a draft of proposed legislation to amend the High Plains States Groundwater Demonstration Program Act of 1983 (98 Stat. 1675) to authorize additional appropriations, and for other purposes; to the Committee on Energy and Natural Resources.

EC-3294. A communication from the Deputy Associate Director for Collection and Disbursement, Minerals Management Service, Department of the Interior, transmitting, pursuant to law, a report on the refund of certain offshore lease revenues; to the Committee on Energy and Natural Resources.

EC-3295. A communication from the Deputy Chief of Staff and Deputy Assistant Secretary of the Interior (Policy), transmitting, pursuant to law, the annual report on the Department of the Interior's progress in implementing section 120 of the Comprehensive Environmental Response, Compensation, and Liability Act for fiscal year 1989; to the Committee on Environment and Public Works.

EC-3296. A communication from the Secretary of Agriculture, transmitting, pursuant to law, the annual report of the Department of Agriculture on its hazardous waste management activities for calendar year 1991; to the Committee on Environment and Public Works.

EC-3297. A communication from the Secretary of Labor, transmitting, pursuant to law, the quarterly report on the expenditure and need for worker adjustment assistance training under the Trade Act of 1974; to the Committee on Finance.

EC-3298. A communication from the Assistant Secretary of the Treasury (Tax Policy), transmitting a draft of proposed legislation to amend the Internal Revenue Code of 1986 to facilitate the administration of the Railroad Retirement and Railroad Unemployment Insurance Acts; to the Committee on Finance.

EC-3299. A communication from the Secretary of Health and Human Services, transmitting, pursuant to law, the calendar year 1993 Medicare physician fee schedule update and fiscal year 1993 Medicare volume performance standards recommendations; to the Committee on Finance.

EC-3300. A communication from the Chairman of the District of Columbia Retirement Board, transmitting, pursuant to law, personal financial disclosure statements for calendar year 1991; to the Committee on Governmental Affairs.

EC-3301. A communication from the Director of the Office of Management and Budget, Executive Office of the President, transmitting, pursuant to law, the annual report on the implementation of the Single Audit Act for the twelve month period ending January 31, 1992; to the Committee on Governmental Affairs.

EC-3302. A communication from the Director of the Office of Financial Management, General Accounting Office, transmitting, pursuant to law, the annual report of the Comptrollers General Retirement System for fiscal year 1991; to the Committee on Governmental Affairs.

EC-3303. A communication from the Chairman of the Board of Governors of the Federal Reserve System, transmitting, pursuant to law, the semiannual report of the Office of Inspector General, Federal Reserve System, for the period ending March 31, 1992; to the Committee on Governmental Affairs.

EC-3304. A communication from the District of Columbia, transmitting, pursuant to law, a report entitled "Review of the Receipts and Disbursements of the Office of People's Counsel Agency Trust Fund"; to the Committee on Governmental Affairs.

EC-3305. A communication from the Administrator of General Services, transmitting, pursuant to law, a report on a revision to a Privacy Act system of records; to the Committee on Governmental Affairs.

EC-3306. A communication from the Secretary of Commerce, transmitting, pursuant to law, a report regarding contracting for the rebuilding of Kuwait; to the Committee on Governmental Affairs.

EC-3307. A communication from the Freedom of Information Act Officer of the International Boundary and Water Commission, United States and Mexico, transmitting, pursuant to law, the annual report of the Commission under the Freedom of Information

Act for calendar year 1991; to the Committee on the Judiciary.

EC-3308. A communication from the Freedom of Information Officer of the Environmental Protection Agency, transmitting, pursuant to law, the annual report of the Agency under the Freedom of Information Act for calendar year 1991; to the Committee on the Judiciary.

EC-3309. A communication from the Chairman of the Farm Credit Administration, transmitting, pursuant to law, the annual report of the Administration under the Freedom of Information Act for calendar year 1991; to the Committee on the Judiciary.

EC-3310. A communication from the Secretary of Education, transmitting, pursuant to law, final regulations—Eisenhower Mathematics and Science Education-State Grant Program; to the Committee on Labor and Human Resources.

EC-3311. A communication from the Secretary of Health and Human Services, transmitting, pursuant to law, a biennial report to the Congress on efforts of the National Center on Child Abuse and Neglect to bring about coordination of the goals, objectives and activities of agencies and organizations which have responsibilities related to child abuse and neglect; to the Committee on Labor and Human Resources.

EC-3312. A communication from the Secretary of Education, transmitting, pursuant to law, Notice of Final Priority for Fiscal Year 1992—Protection and Advocacy of Individual Rights; to the Committee on Labor and Human Resources.

EC-3313. A communication from the Secretary of Labor, transmitting, a draft of proposed legislation, to improve enforcement of the Employee Retirement Income Security Act of 1974, by adding certain provisions with respect to the auditing of employee benefit plans; to the Committee on Labor and Human Resources.

EC-3314. A communication from the Secretary of Education, transmitting, pursuant to law, a Notice of Final Priorities for Fiscal Year 1992—Rehabilitation Short-Term Training; to the Committee on Labor and Human Resources.

EC-3315. A communication from the Secretary of Education, transmitting, pursuant to law, a Notice of Final Priority—Transitional Bilingual Education Program and Special Alternative Instructional Program; to the Committee on Labor and Human Resources.

EC-3316. A communication from the Chairman of the Task Force on Environmental Cancer and Heart and Lung Disease, transmitting, pursuant to law, the Eleventh Report of the Task Force; to the Committee on Labor and Human Resources.

EC-3317. A communication from the Secretary of Education, transmitting, pursuant to law, a Notice of Final Funding Priorities—Technology, Educational Media, and Materials for Individual with Disabilities Program; to the Committee on Labor and Human Resources.

EC-3318. A communication from the Director of the National Science Foundation, transmitting, pursuant to law, the 1992 update of the "Women and Minorities in Science and Engineering" report; to the Committee on Labor and Human Resources.

EC-3319. A communication from the Secretary of Education, transmitting, pursuant to law, a Notice of Final Priority—Demonstration Projects for the Integration of Vocational and Academic Learning Program (Model Tech-Prep Education Projects); to the Committee on Labor and Human Resources.

EC-3320. A communication from the Public Printer of the United States, transmitting, pursuant to law, the Annual Report of the Government Printing Office for Fiscal Year 1991; to the Committee on Rules and Administration.

EC-3321. A communication from the Chief of Legislative Affairs of the Department of the Navy, transmitting, pursuant to law, notice of the Department of the Navy intends to offer a certain lease renewal; to the Committee on Armed Services.

EC-3323. A communication from the Under Secretary of Defense (Acquisition), transmitting, pursuant to law, the quarterly Selected Acquisition reports for the quarter ended March 31, 1992; to the Committee on Armed Services.

EC-3324. A communication from the President of the United States, transmitting, pursuant to law, a report stating that the President has declared a national emergency to respond to the threat to the national security created by the actions and policies of the Governments of Serbia and Montenegro, and to issue an Executive Order that blocks all property including bank deposits; to the Committee on Banking, Housing and Urban Affairs.

EC-3325. A communication from the President of the United States, transmitting, a draft of proposed legislation to designate certain lands in the State of New Mexico as wilderness, and for other purposes; to the Committee on Energy and Natural Resources.

REPORTS OF COMMITTEES SUBMITTED DURING RECESS

Under the authority of the order of the Senate of May 21, 1992, the following reports of committees were submitted on May 28, 1992:

By Mr. JOHNSTON, from the Committee on Energy and Natural Resources, with amendments:

S. 2566: A bill to establish partnerships involving Department of Energy laboratories and educational institutions, industry, and other Federal agencies, for purposes of development and application of technologies critical to national security and scientific and technological competitiveness. (Rept. No. 102-287).

By Mr. JOHNSTON, from the Committee on Energy and Natural Resources, with an amendments:

H.R. 2926: A bill to amend the act of May 17, 1954, relating to the Jefferson National Expansion Memorial to authorize increased funding for the East Saint Louis portion of the Memorial, and for other purposes (Rept. No. 102-288).

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. BENTSEN, from the Committee on Finance, without amendment:

S. 2798. An original bill to amend the Trade Act of 1974 to remove the Union of Soviet Socialist Republics from the list of countries ineligible for designation as a beneficiary developing country (Rept. No. 102-289).

By Mr. JOHNSTON, from the Committee on Energy and Natural Resources, with an amendment in the nature of a substitute:

S. 2079. A bill to establish the Marsh-Billings National Historical Park in the State of Vermont, and for other purposes (Rept. No. 102-290).

By Mr. JOHNSTON, from the Committee on Energy and Natural Resources, without amendment:

H.R. 2556. A bill entitled "Los Padres Condor Range and River Protection Act" (Rept. No. 102-291).

By Mr. PELL, from the Committee on Foreign Relations, with an amendment:

S. 2532. A bill entitled "Freedom For Russia and Emerging Eurasian Democracies and Open Markets Support Act." (Rept. No. 102-292).

EXECUTIVE REPORTS OF COMMITTEES SUBMITTED DURING RECESS

Under the authority of the order of the Senate of May 21, 1992, the following executive report was submitted on May 28, 1992, during the recess of the Senate:

By Mr. PELL, from the Committee on Foreign Relations:

Treaty Doc. 102-5. Basel Convention on the Control of Transboundary Movements of Hazardous Wastes and Their Disposal (Exec. Rept. No. 102-36).

TEXT OF RESOLUTION OF ADVICE AND CONSENT TO RATIFICATION AS REPORTED BY THE COMMITTEE ON FOREIGN RELATIONS

Resolved, (two-thirds of the Senators present concurring therein), That the Senate advise and consent to the ratification of the Basel Convention on the Control of Transboundary Movements of Hazardous Wastes and Their Disposal, with Annexes, done at Basel on March 22, 1989, subject to the following understandings:

(1) It is the understanding of the United States of America that, as the Convention does not apply to vessels and aircraft that are entitled to sovereign immunity under international law, in particular to any warship, naval auxiliary, and other vessels or aircraft owned or operated by a State and in use on government, non-commercial service, each state shall ensure that such vessels or aircraft act in a manner consistent with this Convention, so far as is practicable and reasonable, by adopting appropriate measures that do not impair the operation or operational capabilities of sovereign immune vessels.

(2) It is the understanding of the United States of America that a State is a "transit State" within the meaning of the Convention only if wastes are moved, or are planned to be moved, through its inland waterways, inland waters, or land territory.

(3) It is the understanding of the United States of America that an exporting State may decide that it lacks the capacity to dispose of wastes in an "environmentally sound and efficient manner" if disposal in the importing country would be both environmentally sound and economically efficient.

(4) It is the understanding of the United States of America that Article 9(2) does not create obligations for the exporting state with regard to cleanup, beyond taking such wastes back or otherwise disposing of them in accordance with the Convention. Further obligations may be determined by the parties pursuant to Article 12.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second time by unanimous consent, and referred as indicated:

By Mr. KERREY:

S. 2793. A bill to suspend temporarily the duty on tefluthrin; to the Committee on Finance.

By Mr. DOLE (for himself and Mr. GARN):

S. 2794. A bill to relieve the regulatory burden on depository institutions, particularly on small depository institutions, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. DOLE (for himself, Mr. FORD, and Mrs. KASSEBAUM):

S. 2795. A bill to place a temporary moratorium on interstate branching by savings associations; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. INOUYE (for himself and Mr. AKAKA):

S. 2796. A bill to amend the Internal Revenue Code of 1986 to exempt certain passengers from the harbor maintenance tax; to the Committee on Finance.

By Mr. COATS (for himself and Mr. LUGAR):

S. 2797. A bill to require the Secretary of the Interior to conduct a study of a proposed boundary expansion of the George Rogers Clark National Historical Park in Vincennes, Indiana, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. BENTSEN:

S. 2798. An original bill to amend the Trade Act of 1974 to remove the Union of Soviet Socialist Republics from the list of countries ineligible for designation as a beneficiary developing country; from the Committee on Finance.

By Mr. DECONCINI:

S. 2799. A bill to extend the existing duty free treatment with respect to articles provided by the Max Planck Institute for Radioastronomy to the Steward Observatory; to the Committee on Finance.

By Mr. D'AMATO:

S. 2800. A bill to amend the Immigration Act of 1990 to increase the number of qualified immigrants from certain adversely affected foreign states who may be admitted to the United States; to the Committee on the Judiciary.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. WOFFORD (for himself and Mr. SPECTER):

S. Res. 304. A resolution to congratulate the Pittsburgh Penguins on winning the 1992 Stanley Cup; considered and agreed to.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. DOLE (for himself and Mr. GARN):

S. 2794. A bill to relieve the regulatory burden on depository institutions, particularly on small depository institutions, and for other purposes; to the Committee on Banking, Housing and Urban Affairs.

COMMUNITY BANK REGULATORY RELIEF ACT OF 1992

Mr. DOLE. Mr. President, I am going to be introducing two pieces of legislation. First, along with the distinguished Senator from Utah [Mr. GARN], the ranking member of the Senate Banking Committee, is the Community Bank Regulatory Relief Act of 1992.

I hope that my colleagues on both sides of the aisle will take a look at this legislation, because in the last several months we have heard a great deal about the regulatory burden and the hidden costs imposed on each American by that burden.

President Bush highlighted the problem when he announced in his State of the Union Address a 90-day moratorium on all new regulations and a review of existing regulations and programs to ensure that they do not unnecessarily hinder job creation and growth. To date, this moratorium—extended an additional 120 days—is expected to save $15 to $20 billion per year. That's roughly $225 to $300 per American family, which is no small bit of change.

The legislation I have just introduced picks up on the theme of regulatory burden and applies it to small community banks that in recent years have been inundated with a tidal wave of new and confusing regulatory requirements.

Indeed, during the last decade, we have seen literally hundreds of new statutory provisions imposed on the banking industry and thousands of pages of new regulations promulgated in connection with those provisions. Banking groups estimate that at least 75,000 bank employees are committed to complying with Government regulations at an estimated cost of between $500 million to $1 billion per year.

While a lot of compliance efforts are important to maintaining the integrity, safety, and soundness of our banking system, I suspect that some of that money is needlessly spent on duplicative or unnecessary requirements—money that could otherwise be providing loans, helping business and creating jobs.

Most recently, the Federal Deposit Insurance Corporation Improvement Act of 1991 [FDICIA] was passed into law and since then, I have heard nothing but complaints from small bankers across the country that several of the new requirements are a bad fit for small banks committed to servicing their communities. In short, they see little improvement for themselves or for their customers.

The Community Bank Regulatory Relief Act of 1992 is a step toward relieving small community banks from unnecessary and burdensome regulations that do nothing except drive up the cost of doing business.

For too long, we have been operating under the misguided conviction that all regulation is by definition good. Needless to say, this approach is totally unacceptable, and we must begin to ensure that the "hidden tax of regulation" is no longer permitted to run unchecked.

THE COMMUNITY BANK REGULATORY RELIEF ACT

Title I of the act consists of 11 provisions which specifically address regulatory requirements that unnecessarily burden small community banks.

The first section provides an exemption from the Community Reinvestment Act [CRA] for banks with assets of $100 million or less that are located in towns with 20,000 or fewer residents. This section also provides a CRA safe harbor for banks with assets of $300 million or less if such institutions receive CRA ratings of satisfactory or better. Such institutions would not have to reprove compliance with the CRA for 2 years in such cases. The point of this section is that while the goals of the Community Reinvestment Act are laudable, it is not a particularly good fit for smaller institutions which by definition must serve their communities to survive.

The second section exempts banks with assets of $100 million or less from provisions of FDICIA which require lenders to collect and report extensive information on their small business and small farm lending practices. Instead, the Federal Reserve will be required to conduct a cost/benefit study on this requirement for all institutions.

The third section picks up a provision which has already passed the Senate dealing with compensation standards for bank personnel. Specifically, it clarifies that excessive compensation standards mandated by FDICIA may not establish a level or range of compensation but should rather address general principles for appropriate compensation.

The fourth section deals with certain amendments to the Truth in Lending Act. It provides a sophisticated investor exception to the act, a limitation on borrowers' rights of recession in credit transactions where the error has no material effect on the terms of the loan, and a limitation on class action suits for violations under the act.

The fifth section of the act exempts banks with assets of $1 billion or less that are adequately capitalized from the interbank liabilities provision of FDICIA. There is no need to regulate exposures between banks when those banks are not of sufficient size to threaten the safety of the system and are themselves in solid financial condition.

The sixth provision provides that loans to bank officers, directors and principal stockholders secured by Treasury obligations shall not count toward the aggregate amount or cap under FDICIA that can be loaned to such individuals.

The seventh provision also passed the Senate earlier this year and clarifies that bank regulators and the Resolution Trust Corporation may establish levels below which certified or licensed appraisers are not required to perform appraisals in connection with federally related transactions. Appraisals add to the cost of home ownership, and it is important that the Federal Government not needlessly add to those costs.

The eighth provision eliminates certain unnecessary requirements imposed by FDICIA that are either duplicative of other safety and soundness requirements or are misleading indicators of an institution's financial condition.

The ninth section imposes a 15-month moratorium on compliance with regulations promulgated under the Truth in Savings Act for banks with assets of $100 million or less. In addition, a cost/benefit study on the application of the act to such banks and their customers is mandated.

Finally, the last two sections of title I deal with an economic analysis of certain new bank regulations and a uniformity and coherence check on existing ones. For too long, the bank regulators have acted as if they were in a vacuum and it is time that their actions—past and present—were carefully scrutinized and coordinated.

Title II of the Community Bank Regulatory Relief Act addresses the problem of lender liability under the comprehensive environmental response, Compensation and Liability Act of 1980 [CERCLA] and the Resource Conservation Act [RCRA]. This title has two major purposes: First, to clarify circumstances under which lenders will be held liable for environmental damage at their borrowers' facilities; and second, to promote sound environmental policy by ensuring access to private capital for business to upgrade their environmental compliance and to help clean up existing contamination.

CONCLUSION

Mr. President, in my State of Kansas, there are 528 banks—311 of which—that's 60 percent of the State's total—have 15 or fewer employees. These banks average just over $17 million in total assets.

If you put the magnifying glass even closer, 211 banks have 10 or fewer employees; 95 Kansas banks have six or fewer employees; and 41 banks have four or fewer employees.

Obviously, Mr. President, we are not talking about Wall Street where a new reporting or procedural requirement has literally dozens or even hundreds of available employees standing by. In most cases, there's only the president of the bank—who doubles as manager, loan processor and teller—to do the work which in turn takes away from his or her ability to make loans and service customers.

If we continue to mindlessly heap on new requirement after new requirement, we will be able to add these small banks—which are so important to small and rural communities—to America's endangered species list.

It's not that this bill will solve all the problems for the small bankers of this country. But it is at least an attempt to get the regulatory pendulum swinging in a different direction. The goal is to ensure that when new compliance standards and reporting requirements are imposed on banks, they make sense for the bank, its customers and the safety and soundness of this Nation's financial system.

Mr. President, I ask unanimous consent that the complete text of the Community Bank Regulatory Relief Act of 1992 and a section-by-section summary of that legislation be included in the RECORD at the conclusion of my remarks.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 2794

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "Community Bank Regulatory Relief Act of 1992".

(b) TABLE OF CONTENTS.—

Sec. 1. Short title; table of contents.
TITLE I—REGULATORY BURDEN RELIEF
Sec. 101. Community Reinvestment Act amendments.
Sec. 102. Data gathering exemptions.
Sec. 103. Clarification of compensation standards.
Sec. 104. Truth in Lending Act amendments.
Sec. 105. Interbank liabilities.
Sec. 106. Aggregate limits on insider lending.
Sec. 107. De minimis exception to real estate appraisal requirements.
Sec. 108. Repeal of overly burdensome regulatory requirements.
Sec. 109. Temporary regulatory compliance moratorium.
Sec. 110. Economic analysis of certain banking regulations.
Sec. 111. Uniform regulations.
TITLE II—SECURED CREDITOR PROTECTION
Sec. 201. Short title.
Sec. 202. Asset conservation and deposit insurance protection.

TITLE I—REGULATORY BURDEN RELIEF

SEC. 101. COMMUNITY REINVESTMENT ACT AMENDMENTS.

The Community Reinvestment Act of 1977 (12 U.S.C. 2901 et seq.) is amended by adding at the end the following new section:

"SEC. 809. EXEMPTIONS.

"(a) SMALL INSTITUTIONS.—A regulated financial institution shall not be subject to section 804 or any regulations issued thereunder if—

"(1) the main office (and each branch of such institution) is located in a town, political subdivision, or other unit of general local government of a State that has a population of not more than 20,000 persons and which is not part of a metropolitan statistical area; and

"(2) the institution has aggregate assets of not more than $100,000,000.

"(b) SAFE HARBOR PROVISION.—A regulated financial institution shall not be subject to section 804 during the 2-year period beginning on the date that the appropriate Federal financial supervisory agency's written evaluation described in section 807(b) is disclosed to the public if—

"(1) the institution receives a rating of 'outstanding' or 'satisfactory' under section 807(b); and

"(2) the institution has aggregate assets of not more than $300,000,000.".

SEC. 102. DATA GATHERING EXEMPTIONS.

(a) SMALL BUSINESS AND SMALL FARM LOAN REGULATIONS.—Section 122 of the Federal Deposit Insurance Corporation Improvement Act of 1991 (12 U.S.C. 1817 note) is amended—

(1) in subsection (a), by inserting "with total assets of more than $100,000,000" before "to annually"; and

(2) in subsection (b), by inserting "with total assets of more than $100,000,000" before "to submit".

(b) SMALL BUSINESS LENDING REPORT.—Section 477 of the Federal Deposit Insurance Corporation Improvement Act of 1991 (12 U.S.C. 251) is amended—

(1) in the first sentence—

(A) by striking "Federal Reserve Board" and inserting "Board of Governors of the Federal Reserve System"; and

(B) by inserting "provided by financial institutions with total assets of more than $100,000,000" after "information";

(2) in the third sentence, by striking "Federal Reserve Board" and inserting "Board of Governors of the Federal Reserve System"; and

(3) by adding at the end the following new sentence: "Not later than 2 years after the date of enactment of the Community Bank Regulatory Relief Act of 1992, the Board of Governors of the Federal Reserve System shall conduct and complete a study of the costs and benefits of compliance under this section, including expanding compliance under this section to include financial institutions with total assets of not more than $100,000,000.".

SEC. 103. CLARIFICATION OF COMPENSATION STANDARDS.

(a) TECHNICAL AMENDMENT.—The Federal Deposit Insurance Act (12 U.S.C. 1811 et seq.) is amended—

(1) by redesignating section 39 (as added by section 132(a) of the Federal Deposit Insurance Corporation Improvement Act of 1991) as section 42; and

(2) by redesignating section 40 (as added by section 151(a)(1) of the Federal Deposit Insurance Corporation Improvement Act of 1991) as section 43.

(b) COMPENSATION STANDARDS.—Section 42 of the Federal Deposit Insurance Act (12 U.S.C. 1831s) (as redesignated by subsection (a) of this section) is amended—

(1) in subsection (d), by adding at the end the following; "An appropriate Federal banking agency may not prescribe standards or regulations under subsection (a), (b), or (c) that set a specific level or range of compensation for officers, directors, or employees of insured depository institutions."; and

(2) in subsection (e)(1)(A), by striking "(a), (b), or (c) of this section" and inserting "(a) or (b),".

SEC. 104. TRUTH IN LENDING ACT AMENDMENTS.

(a) SOPHISTICATED CONSUMERS.—Section 104 of the Truth in Lending Act (15 U.S.C. 1603) is amended by adding at the end the following:

"(7) Credit transactions involving a consumer who had individual income of more than $200,000 in each of the 2 most recent years, or who, at the time of the transaction, had an individual net worth, or joint net worth with that person's spouse, that is more than $1,000,000.".

(b) Limitation on the Right of Rescission.—Section 125(e) of the Truth in Lending Act (15 U.S.C. 1635(e)) is amended—

(1) in paragraph (3), by striking "or" at the end;

(2) in paragraph (4), by striking the period at the end and inserting "; or"; and

(3) by adding at the end the following new paragraph:

"(5) a transaction, the documentation of which contains an unintentional, bona fide error, notwithstanding the maintenance of procedures reasonably adapted to avoid any such error, if such error does not materially or substantially alter or affect the terms of the extension of credit.".

(c) Elimination of Class Actions.—Section 130(a) of the Truth in Lending Act (15 U.S.C. 1640(a)) is amended—

(1) in paragraph (2)—

(A) by striking subparagraph (B); and

(B) in subparagraph (A)—

(i) by striking "(i)"; and

(ii) by striking "(ii)" and inserting "(B)"; and

(2) by striking "In determining the amount" and all that follows through "those paragraphs of section 128(a) of this Act." and inserting the following: "Notwithstanding any other provision of law or any rule of Federal civil procedure, an action may only be brought under this section arising from a violation of this Act by an individual aggrieved by such violation. No such action may be brought by or on behalf of a class.".

SEC. 105. INTERBANK LIABILITIES.

Section 23 of the Federal Reserve Act (12 U.S.C. 371b–2) is amended—

(1) by redesignating subsection (e) as subsection (f); and

(2) by inserting after subsection (d) the following new subsection:

"(e) Applicability.—This section shall not apply to exposures between depository institutions if each such depository institution—

"(1) has total assets of not more than $1,000,000,000; and

"(2) is adequately capitalized, as defined in section 38 of the Federal Deposit Insurance Act.".

SEC. 106. AGGREGATE LIMITS ON INSIDER LENDING.

Section 22(h)(5)(A) of the Federal Reserve Act (12 U.S.C. 375b(5)(A)) (as in effect upon the effective date contained in section 306(*l*) of the Federal Deposit Insurance Corporation Improvement Act of 1991) is amended—

(1) by striking "(A) In general.—A member bank" and inserting the following:

"(A) In general.—

"(i) Limitation.—A member bank"; and

(2) by adding at the end the following:

"(ii) Exclusion of certain transactions.—An extension of credit by a member bank shall not be included in or aggregated with the amount of all outstanding extensions of credit for purposes of this subsection, if such extension of credit—

"(I) would meet the collateral and other requirements of subsection (c)(4) of section 5200 of the Revised Statutes (12 U.S.C. 84); and

"(II) would therefore be qualified as an exception to the limitations contained in subsection (a) of that section.".

SEC. 107. DE MINIMIS EXCEPTION TO REAL ESTATE APPRAISAL REQUIREMENTS.

Section 1112 of the Financial Institution Reform, Recovery, and Enforcement Act of 1989 (12 U.S.C. 3341) is amended—

(1) by inserting "(a) In General.—" before "Each Federal"; and

(2) by adding at the end the following new subsection:

"(b) Threshold Level.—Notwithstanding sections 1113 and 1114, each Federal financial institutions regulatory agency and the Resolution Trust Corporation may establish a level below which a certified or licensed appraiser is not required to perform appraisals in connection with federally related transactions, if such agency determines that such level is in the public interest.".

SEC. 108. REPEAL OF OVERLY BURDENSOME REGULATORY REQUIREMENTS.

(a) Repeal of Independent Public Accountant Attestation Requirement.—Section 36 of the Federal Deposit Insurance Act (12 U.S.C. 1831m) is amended—

(1) by striking subsection (e); and

(2) by redesignating subsections (f) through (j) as subsections (e) through (i), respectively.

(b) Repeal of Asset Valuation Requirements.—Section 42 of the Federal Deposit Insurance Act (12 U.S.C. 1831s) (as redesignated by section 103(a) of this Act) is amended—

(1) by striking subsection (b);

(2) by redesignating subsections (c) through (g) as subsections (b) through (f), respectively;

(3) in subsection (c), as redesignated, by striking "(a), (b), and (c)" and inserting "(a) and (b)";

(4) in subsection (d)(1), as redesignated, by striking "(a), (b), or (c)" each place such term appears and inserting "(a) or (b)"; and

(5) in subsection (d)(3), as redesignated, by striking "or (b)(1)".

SEC. 109. TEMPORARY REGULATORY COMPLIANCE MORATORIUM.

(a) In General.—Beginning on the date of enactment of this Act, and ending 15 months after such date, no regulation issued under the Truth in Savings Act shall be applied with respect to any depository institution that has total assets of not more than $100,000,000.

(b) Cost Study Analysis.—The Board of Governors of the Federal Reserve System (hereafter referred to as the "Board") shall conduct a full study, including a full cost benefit analysis, on the costs and benefits to each depository institution that has total assets of not more than $100,000,000 and its customers of compliance with regulations issued under the Truth in Savings Act.

(c) Report.—Not later than 12 months after the date of enactment of this Act, the Board shall submit to the President and to the Congress a report of its findings pursuant to the study and analysis conducted under subsection (b).

(d) Definition.—For purposes of this section, the term "depository institution" has the same meaning as in clauses (i) through (vi) of section 19(b)(1)(A) of the Federal Reserve Act.

SEC. 110. ECONOMIC ANALYSIS OF CERTAIN BANKING REGULATIONS.

(a) Statement Required.—An appropriate Federal banking agency that certifies, pursuant to section 605(b) of title 5, United States Code, that a proposed or final rule will not have a significant economic impact on a substantial number (more than 20 percent) of all small banks or savings associations, shall publish with such certification a detailed statement that contains—

(1) an explanation of why the rule will not have such economic impact;

(2) an estimate of the number of small banks or savings associations affected by the rule;

(3) an estimate of the costs and benefits to each small bank or savings association of compliance with the rule; and

(4) in the case of a proposed rule, a request for public comments on the economic impact of and the number of small banks or savings associations affected by the rule.

(b) Final Rules.—The preamble of each final rule promulgated by an appropriate Federal banking agency and preceded by a proposed rule shall—

(1) specifically respond to comments from the public addressing the economic impact of, or the number of small banks or savings associations affected by, the proposed rule; and

(2) explain whether and how the final rule responds to those comments.

(c) Definitions.—For purposes of this section—

(1) the term "appropriate Federal banking agency" has the same meaning as in section 3 of the Federal Deposit Insurance Act; and

(2) the term "small bank or savings association" means a bank or savings association (as appropriate) that has total assets of not more than $100,000,000.

(d) Judicial Review.—The provisions of section 611 of title 5, United States Code, shall apply with respect to any statement required by this section.

SEC. 111. UNIFORM REGULATIONS.

The Federal Deposit Insurance Act (12 U.S.C. 1811 et seq.) is amended by adding at the end the following new section:

"SEC. 44. UNIFORM REGULATIONS.

"Not later than 2 years after the date of enactment of this section, the appropriate Federal banking agencies shall undertake a coordinated review of regulations promulgated by such agencies, and each appropriate Federal banking agency shall ensure that its regulations on any matter, together with its formal or informal interpretations of such regulations, are uniform with the regulations and interpretations of each other appropriate Federal banking agency regarding such matter, except as otherwise provided by law.".

TITLE II—SECURED CREDITOR PROTECTION

SEC. 201. SHORT TITLE.

This Act may be cited as the "Asset Conservation and Deposit Insurance Protection Act of 1992".

SEC. 202. ASSET CONSERVATION AND DEPOSIT INSURANCE PROTECTION.

(a) CERCLA Amendments.—

(1) In general.—The Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9601 et seq.) is amended by inserting after section 126 the following new section:

"SEC. 127. ASSET CONSERVATION.

"(a) Liability Limitations.—

"(1) In general.—The liability of an insured depository institution or mortgage lender under this Act or subtitle I of the Solid Waste Disposal Act for the release or threatened release of petroleum or a hazardous substance at, from, or in connection with property—

"(A) acquired through foreclosure;

"(B) held, directly or indirectly, in a fiduciary capacity;

"(C) held by a lessor pursuant to the terms of an extension of credit; or

"(D) subject to financial control or financial oversight pursuant to the terms of an extension of credit,

shall be limited to the actual benefit conferred on such institution or such mortgage lender by a removal, remedial, or other response action undertaken by another party.

"(2) Safe harbor.—An insured depository institution or mortgage lender shall not be liable under this Act or subtitle I of the Solid Waste Disposal Act and shall not be deemed to have participated in management, as described in section 101(20)(A), based solely on the fact that the institution or lender—

"(A) holds a security interest or abandons or releases its security interest in the collateral before foreclosure;

"(B) has the unexercised capacity to influence operations at or on property in which it has a security interest;

"(C) includes in the terms of its extension of credit covenants, warranties, or other terms and conditions that relate to the borrower's compliance with environmental laws;

"(D) monitors or enforces the terms and conditions of the extension of credit;

"(E) monitors or undertakes one or more inspections of the property;

"(F) requires the borrower to cleanup the property prior to or during the term of the extension of credit;

"(G) provides financial or other advice or counseling in an effort to mitigate, prevent, or cure default or diminution in the value of the property;

"(H) restructures, renegotiates, or otherwise agrees to alter the terms and conditions of the extension of credit;

"(I) exercises whatever other remedies at law or in equity may be available under applicable law for the borrower's breach of any term or condition of the extension of credit; or

"(J) declines to take any of the actions described in this paragraph.

"(b) ACTUAL BENEFIT.—For the purpose of this section, the actual benefit conferred on an institution or lender by a removal, remedial, or other response action shall be equal to the net gain, if any, realized by such institution or lender due to such action. For purposes of this subsection, the 'net gain' shall not exceed the amount realized by the institution or lender on the sale of property.

"(c) EXCLUSION.—The limitations on liability provided under subsection (a)(1) and (a)(2) shall not apply to any person that has caused or significantly and materially contributed to the release of petroleum or a hazardous substance that forms the basis for liability described in subsection (a)(1) and (a)(2).

"(d) ENVIRONMENTAL ASSESSMENTS.—

"(1) DEPOSITORY INSTITUTIONS.—The Federal Deposit Insurance Corporation, in consultation with the Administrator of the Environmental Protection Agency, shall promulgate regulations to implement this section. Such regulations shall include requirements for insured depository institutions to develop and implement adequate procedures to evaluate actual and potential environmental risks that may arise from or at property prior to making an extension of credit that involves a security interest in such property. The regulations may provide for different types of environmental assessments in order to account for different levels of risk that may be posed by different classes of collateral. Failure to comply with the environmental assessment regulations promulgated under this subsection shall be deemed to be a violation of a regulation promulgated under the Federal Deposit Insurance Act.

"(2) MORTGAGE LENDERS.—The Federal Deposit Insurance Corporation, in consultation with the Administrator of the Environmental Protection Agency, shall promulgate regulations that are substantially similar to those promulgated under paragraph (1) to assure that mortgage lenders develop and implement procedures to evaluate actual and potential environmental risks that may arise from or at property prior to making an extension of credit secured by such property. The regulations may provide for different types of environmental assessments in order to take into account the level of risk that may be posed by particular classes of collateral.

"(3) FINAL REGULATIONS.—Final regulations required to be promulgated pursuant to paragraph (1) shall be issued not later than 180 days after the date of enactment of this section.

"(e) DEFINITIONS.—For purposes of this section—

"(1) the term 'property acquired through foreclosure' or 'acquires property through foreclosure' means property acquired, or the act of acquiring property, from a nonaffiliated party by an insured depository institution or mortgage lender—

"(A) through purchase at sales under judgment or decree, power of sales, nonjudicial foreclosure sales, or from a trustee, deed in lieu of foreclosure, or similar conveyance, or through repossession, if such property was security for an extension of credit previously contracted;

"(B) through conveyance pursuant to an extension of credit previously contracted, including the termination of a lease agreement; or

"(C) through any other formal or informal manner by which the insured depository institution or mortgage lender temporarily acquires, for subsequent disposition, possession of collateral in order to protect its security interest,

except that property is not acquired through foreclosure if the insured depository institution or mortgage lender does not seek to sell or otherwise divest such property at the earliest practical, commercially reasonable time, taking into account market conditions and legal and regulatory requirements;

"(2) the term 'mortgage lender' means—

"(A) a company (other than an insured depository institution) that—

"(i) is regularly engaged in the business of making extensions of credit secured, in whole or in part, by property to nonaffiliated parties, and

"(ii) substantially and materially complies with the environmental assessment requirements imposed under subsection (d), after final regulations under that subsection become effective;

"(B) the Federal National Mortgage Association, the Federal Home Loan Mortgage Corporation, the Federal Agricultural Mortgage Corporation, or other entity that is regularly engaged in the business of buying and selling mortgage loans or interests therein, if such Association, Corporation, or entity requires institutions from which it purchases mortgages (or other obligations) to comply substantially and materially with the requirements of subsection (d), after final regulations under that subsection become effective; and

"(C) any person regularly engaged in the business of insuring or guaranteeing against a default in the payment of an extension of credit to nonaffiliated parties, secured in whole or in part by real property, and extended by a mortgage lender (as such term is defined in subparagraph (A) of this paragraph), or an insured depository institution;

"(3) the term 'fiduciary capacity' means acting for the benefit of a nonaffiliated person as a bona fide—

"(A) trustee;

"(B) executor;

"(C) administrator;

"(D) custodian;

"(E) guardian of estates;

"(F) receiver;

"(G) conservator;

"(H) committee of estates of lunatics; or

"(I) any similar capacity;

"(4) the term 'extension of credit' includes lease transactions that are functionally equivalent to a secured loan;

"(5) the term 'insured depository institution' has the same meaning as in section 3(c) of the Federal Deposit Insurance Act, and shall also include—

"(A) a federally insured credit union;

"(B) a bank or association chartered under the Farm Credit Act of 1971; and

"(C) a leasing company that is an affiliate of an insured depository institution (as such term is defined in this paragraph);

"(6) the term 'release' has the same meaning as in section 101(22), and also includes the threatened release, use, storage, disposal, treatment, generation, or transportation of a hazardous substance;

"(7) the term 'hazardous substance' has the same meaning as in section 101(14); and

"(8) the term 'security interest' includes rights under a mortgage, deed of trust, assignment, judgment lien, pledge, security agreement, factoring agreement, lease, or any other right accruing to a creditor under the terms of an extension of credit to secure the repayment of money, the performance of a duty or some other obligation.

"(f) SAVINGS CLAUSE.—Nothing in this section shall affect the rights or immunities or other defenses that are available under this Act or other applicable law to any party subject to the provisions of this section. Nothing in this section shall be construed to create any liability for any party.".

(2) EFFECTIVE DATE.—Section 127 of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (as added by paragraph (1)) shall become effective upon the date of enactment of this Act, except that it shall not affect any administrative or judicial claims that have been formally filed as of such date.

(b) FEDERAL DEPOSIT INSURANCE ACT AMENDMENTS.—The Federal Deposit Insurance Act (12 U.S.C. 1811 et seq.) is amended by adding at the end the following new section:

"SEC. 44. ASSET CONSERVATION.

"(a) GOVERNMENTAL ENTITIES.—

"(1) BANKING AND LENDING AGENCIES.—Except as provided in paragraph (2), a Federal banking or lending agency shall not be liable under any law imposing strict liability for the release or threatened release of petroleum or a hazardous substance at or from property (including any right or interest therein) acquired—

"(A) in connection with the exercise of receivership or conservatorship authority, or the liquidation or winding up of the affairs of an insured depository institution, including any of its subsidiaries;

"(B) in connection with the provision of loans, discounts, advances, guarantees, insurance or other financial assistance; or

"(C) in connection with property received in any civil or criminal proceeding, or administrative enforcement action, whether by settlement or order.

"(2) APPLICATION OF STATE LAW.—Nothing in this section shall be construed as preempting, affecting, applying to, or modifying any State law, or any rights, actions, cause of action, or obligations under State law, except that liability under State law shall not exceed the value of the agency's interest in the asset giving rise to such liability.

"(3) LIMITATION.—The immunity provided by paragraph (1) shall not apply to any entity that has caused or significantly and materially contributed to the release of petroleum or a hazardous substance that forms the basis for liability described in paragraph (1).

"(4) SUBSEQUENT PURCHASER.—The immunity provided by paragraph (1) shall extend to the first subsequent purchaser of property described in such paragraph from a Federal banking or lending agency, unless such purchaser—

"(A) would otherwise be liable or potentially liable for all or part of the costs of the removal, remedial, or other response action due to a prior relationship with the property;

"(B) is or was affiliated with or related to a party described in subparagraph (A);

"(C) fails to agree to take reasonable steps necessary to remedy the release or threatened release in a manner consistent with the purposes of applicable environmental laws; or

"(D) causes or materially and significantly contributes to any additional release or threatened release on the property.

"(5) FEDERAL OR STATE ACTION.—Notwithstanding paragraph (4), if a Federal agency or State environmental agency is required to take remedial action due to the failure of a subsequent purchaser to carry out, in good faith, the agreement described in paragraph (4)(C), such subsequent purchaser shall reimburse the Federal or State environmental agency for the costs of such remedial action. However, any such reimbursement shall not exceed the full fair market value of the property following completion of the remedial action.

"(b) LIEN EXEMPTION.—Any property transferred pursuant to subsection (a)(4) or held by a Federal banking or lending agency shall not be subject to any lien for costs or damages associated with the release or threatened release of petroleum or a hazardous substance known to exist at the time of the transfer.

"(c) EXEMPTION FROM COVENANTS TO REMEDIATE.—A Federal banking or lending agency shall be exempt from any law requiring such agency to grant covenants warranting that a removal, remedial, or other response action has been, or will in the future be, taken with respect to property acquired in the manner described in subsection (a)(1).

"(d) DEFINITIONS.—For purposes of this section—

"(1) the term 'Federal banking or lending agency' means the Corporation, the Resolution Trust Corporation, the Board of Governors of the Federal Reserve System, a Federal Reserve Bank, a Federal Home Loan Bank, the Office of the Comptroller of the Currency, the Office of Thrift Supervision, the National Credit Union Administration Board, the Farm Credit Administration, the Farm Credit System Insurance Corporation, the Farm Credit System Assistance Board, the Farmers Home Administration, the Rural Electrification Administration, and the Small Business Administration, in any of their capacities, and their agents;

"(2) the term 'hazardous substance' has the same meaning as in section 101(14) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980; and

"(3) the term 'release' has the same meaning as in section 101(22) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980, and also includes the threatened release, use, storage, disposal, treatment, generation, or transportation of a hazardous substance.

"(e) SAVINGS CLAUSE.—Nothing in this section shall affect the rights or immunities or other defenses that are available under this Act or other applicable law to any party subject to the provisions of this section. Nothing in this section shall be construed to create any liability for any party.".

SUMMARY OF THE COMMUNITY BANK REGULATORY RELIEF ACT OF 1992

TITLE I—REGULATORY BURDEN RELIEF

Sec. 1001. Community Reinvestment Act Amendments. This section exempts from the requirements of the Community Reinvestment Act (CRA) depository institutions with assets of $100 million or less that are located in towns with 20,000 or fewer residents. It also includes a CRA "safe harbor" for depository institutions with assets of $300 million or less if they receive CRA ratings of satisfactory or better. Such institutions will not have to re-prove CRA compliance for two years and will not be subject to CRA protests during such period.

Sec. 1002. Data Gathering Exemption. Section 122 of the Federal Deposit Insurance Corporation Improvement Act of 1991 (FDICIA) requires bank regulatory agencies to prescribe regulations requiring depository institutions to collect and submit information on small business and small farm lending practices. Section 477 of FDICIA requires lenders to report on, and the Federal Reserve to collect and publish information regarding, loans to small businesses. This section exempts from these data-gathering requirements small financial institutions with assets of $100 million or less. Instead, the Federal Reserve will be required to conduct a study on the costs and benefits of compliance with such requirements, including the costs and benefits of expanding compliance to institutions with assets of $100 million or less.

Sec. 103. Clarification of Compensation Standards. FDICIA requires the bank regulatory agencies to set standards prohibiting excessive compensation for executive officers, directors, principal shareholders and employees of insured depository institutions. This section clarifies that such regulations may not set a specific level or range of compensation for such persons but rather should address general principles for appropriate compensation. Any violation must be established on a case-by-case basis after affording affected parties an opportunity for an appropriate hearing.

Sec. 104. Truth in Lending Act Amendments. This section addresses three areas with respect to the Truth in Lending Act. First, it excludes from the scope of the Truth in Lending Act credit transactions of "sophisticated" investors. A sophisticated investor is defined as an individual who had an income of over $200,000 in each of the past two years or an individual (or couple) who has a net worth of over $1 million. Second, it limits borrowers' rights of rescission in credit transactions where the documentation contains an unintentional, bona fide error if such error does not materially or substantially alter or affect the terms of the extension of credit. Third, this section, while permitting suits brought by individuals for violations of the Truth in Lending Act, prohibits suits brought by or on behalf of a class in such circumstances.

Sec. 105. Interbank Liabilities. This section amends the interbank liabilities provision enacted by section 308 of FDICIA (codified at section 23 of the Federal Reserve Act) to exempt bank exposures where each depository institution is adequately capitalized and has assets of $1 billion or less.

Sec. 106. Aggregate Limits on Insider Lending. FDICIA imposes an overall limit on the total amount of lending to all of a bank's officers, directors, and principal stockholders. This rule may work hardships in small communities, where there may be limited lending sources and available candidates to serve as officers and directors.

This section provides that loans to bank officers, directors, and principal stockholders secured by Treasury obligations or similar securities will not be counted towards the aggregate limit on such loans.

Sec. 107. De Minimis Exception to Real Estate Appraisal Requirements. This section clarifies that bank regulators and the Resolution Trust Corporation may establish a level below which a certified or licensed appraiser is not required to perform appraisals in connection with federally related transactions.

Sec. 108. Repeal of Overly Burdensome Regulatory Requirements. This section addresses certain miscellaneous regulatory requirements that are unnecessary and burdensome. Subsection (a) would amend FDICIA to repeal the independent public accountant attestation requirement which is duplicative of existing safety and soundness examinations by bank regulators. Subsection (b) would amend FDICIA to repeal the asset quality, earnings, and stock valuation standards, which either are misleading indicators of an institution's financial condition or are duplicative of existing authority of bank regulators to examine relevant financial criteria in determining whether federal intervention is warranted.

Sec. 109. Temporary Regulatory Compliance Moratorium. This section imposes a 15 month moratorium on compliance with regulations promulgated under the Truth in Savings Act for banks with assets of not more than $100 million and requires the Federal Reserve to do a cost-benefit study regarding the application of the foregoing regulations to such banks and their customers. This report is due 12 months after the date of enactment.

Sec. 110. Economic Analysis of Certain Banking Regulations. This section requires the bank regulatory agencies to request public comments on the economic impact of, and the number of depository institutions with assets with $100 million or less affected by, their proposed regulations. If a banking agency determines that a rule will not have a significant economic impact on a substantial number of small depository institutions (more than 20 percent), the agency must prepare a detailed statement explaining why the rule will not have such an economic impact.

Sec. 111. Uniform Regulations. This section requires the bank regulatory agencies to conduct a coordinated review of their regulations within two years and ensure (unless otherwise provided by law) that their regulations, and regulatory interpretations, are uniform.

TITLE II—SECURED CREDITOR PROTECTION

Title II of the Community Bank Regulatory Relief Act of 1992 addresses the problem of lender liability under the Comprehensive Environmental Response, Compensation and Liability Act of 1980 (CERCLA or Superfund) and the Resource Conservation Act of 1976 (RCRA).

One reason businesses have had difficulty obtaining loans for new projects is a fear on the part of lenders, particularly banks and savings associations, that they may be held liable under CERCLA or RCRA for environmental damage at their borrowers' facilities. Title II alleviates these concerns by clarifying the circumstances under which lenders will be liable for such damages. Not only does Title II ensure that lenders can provide capital to new and existing businesses—which will create jobs and foster economic growth—but it also promotes sound environmental policy by ensuring that distressed businesses have access to private capital to upgrade their environmental compliance and to help clean up existing contamination.

Title II also addresses the liability of Government entities, such as the Federal Deposit Insurance Corporation and the Resolution Trust Corporation, when they acquire environmentally damaged property during the performance of their statutory functions.

By Mr. DOLE:

S. 2795. A bill to place a temporary moratorium on interstate branching by savings associations; to the Committee on Banking, Housing and Urban Affairs.

SAVINGS INTERSTATE BRANCHING LIMITATION ACT OF 1992

Mr. DOLE. Mr. President, in addition to the Community Bank Regulatory Relief Act, I am pleased to introduce the Savings Association Interstate Branching Limitation Act of 1992.

This legislation imposes a 15-month moratorium on the effectiveness of a recently finalized regulation of the Office of Thrift Supervision [OTS] which permits unrestricted nationwide branching for federally chartered thrifts.

My beef with the OTS regulation—aside from some concerns over the alleged substantive benefits of interstate branching as balanced against its possible harms—is with the procedure followed by OTS with respect to the issuance and finalization of the regulation.

On Monday, December 30, 1991, notice of the proposed amendment was published in the Federal Register.

To say the least, it does not take a rocket scientist to predict that this proposal would generate a lot of interest and controversy. It also does not take a rocket scientist to figure out that such a difficult and controversial issue should be fully and carefully considered over a period of time before action is taken. Certainly, in my legislative experience, that's the best way to put countervailing arguments to rest and to lend integrity and credibility to the process and the resolution of that process.

Instead, what did the OTS do? They issued a proposed rulemaking during the holidays when Congress is adjourned and everyone is out of town.

Furthermore, they limited the comment period to a mere 30 days. Thirty days for a regulation that represents a major departure from prior policies. Thirty days for a regulation that ignores State's rights to determine thrift branching practices within their own borders.

And perhaps most important, 30 days for a regulation that would open the door to interstate branching for thrifts when Congress just a few weeks before flatly rejected interstate branching for banks.

The purpose of this legislation is to turn back the clock to provide an opportunity for the process to start all over again. Specifically, the legislation will restore the pre-OTS regulation status quo such that federally chartered thrifts will only be permitted to branch interstate if allowed under the laws of the affected States for State-chartered thrifts, subject to certain exceptions involving the acquisition of a failed or failing thrift.

During the 15-month moratorium period, a full and vigorous debate of the OTS proposal can take place before there is a rush to regulate. This way, whatever the final outcome, there will be assurances that all pro's and con's of the regulation are considered.

Mr. President, I ask unanimous consent that the complete text of the Savings Association Interstate Branching Limitation Act of 1992 be included in the RECORD at the conclusion of my remarks.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2795

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Savings Association Interstate Branching Limitation Act of 1992".

SEC. 2. MORATORIUM ON INTERSTATE BRANCHING BY SAVINGS ASSOCIATIONS.

(a) MORATORIUM.—Notwithstanding any other provisions of law, no Federal savings association may establish or acquire a branch outside the State in which the Federal savings association has its home office, unless the establishment or acquisition of such branch would have been permitted by law prior to April 9, 1992.

(b) APPLICABILITY.—This section shall apply during the period beginning on the date of enactment of this Act and ending 15 months after such date.

By Mr. INOUYE (for himself and Mr. AKAKA):

S. 2796. A bill to amend the Internal Revenue Code of 1986 to exempt certain passengers from the harbor maintenance tax; to the Committee on Finance.

EXEMPTION FROM HARBOR MAINTENANCE TAX FOR CERTAIN PASSENGERS

• Mr. INOUYE. Mr. President, today, Senator AKAKA and I introduce legislation to correct an inequity in the Water Resources Development Act, that addresses the tax treatment of intra-island cruise ship harbor maintenance fees.

In light of Hawaii's unique geography, transport by ship is extremely important to our economy. Unlike our sister States, buses, cars, and trains are not modes of transportation which can be used by Hawaii residents and visitors to travel between the islands which comprise the State of Hawaii. Hawaii's residents and visitors are limited to travel by plane or by ship. As such, to charge passenger ships which travel within my State's boundaries a tax imposes on Hawaii an unfair and discriminatory burden.

Under the Water Resources Development Act, a tax was imposed on port use. The Congress provided an exemption for Hawaii, Alaska and the U.S. possessions from the harbor maintenance tax in recognition of our dependence on ocean transportation. The measure defined "commercial cargo" as "any cargo transported on a commercial vessel, including passengers transported for compensation or hire." In providing the insular areas with an exemption, it utilized the term "cargo" which was not defined in any fashion in the Act. Unfortunately, the statute on its face, as well as the accompanying legislative history, evidence no congressional intent to provide a more restrictive definition of "cargo."

The U.S. Customs Service issued interim regulations in 1987, and on its own initiative, defined the term "cargo" to exclude the transport of passengers from the insular area exemption. The legislation I am introducing today would lay to rest the conflicting interpretation of cargo, thus exempting Hawaii, Alaska and the possessions from the harbor maintenance tax fees. The exemption is intended to cover only intra-State or intro-possession passengers loading and unloading in the same State or possession.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2796

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. EXEMPTION FROM HARBOR MAINTENANCE TAX FOR CERTAIN PASSENGERS.

(a) PASSENGERS TRANSPORTED INTRASTATE.—Paragraph (1) of section 4462(b) of the Internal Revenue Code of 1986 (relating to a special rule for Alaska, Hawaii, and possessions) is amended—

(1) by inserting "or passengers" after "cargo" in subparagraph (D), and

(2) by inserting at the end thereof the following new sentence:

"For purposes of subparagraph (D), the loading and unloading of passengers shall not be included in such subparagraph if there is any loading or unloading of such passengers outside the State or possession of such loading."

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall take effect as if included in the amendments made by section 1402(a) of the Harbor Maintenance Revenue Act of 1986.•

By Mr. COATS (for himself and Mr. LUGAR):

S. 2797. A bill to require the Secretary of the Interior to conduct a study of a proposed boundary expansion of the George Rogers Clark National Historical Park in Vincennes, IN, and for other purposes; to the Committee on Energy and Natural Resources.

GEORGE ROGERS CLARK NATIONAL HISTORICAL PARK EXPANSION STUDY ACT

• Mr. COATS. Mr. President, I am proud to rise today and introduce the George Rogers Clark National Historic Park Expansion Study Act. The George Rogers Clark National Historic Park, in Vincennes, IN, pays tribute to a great man in the history of Indiana and America.

George Rogers Clark was the first real "hero" in the history of Indiana, the Indiana Territory and the entire Northwest Territory—he is often referred to as the "Revolutionary War Hero of the West." After moving to Kentucky from Virginia, Clark became a well respected surveyor.

When the Revolutionary War erupted, Clark devised the plan of attacking the British posts north of the Ohio River. Governor Patrick Henry of Virginia authorized Clark to enlist seven companies of men for the mission and gave him 1,200 pounds to purchase supplies and finance the expedition. Clark was successful in enlisting about 200 soldiers in May 1778. After a brief training period, they began their march north toward the British garrisons of Kaskaskia and Cahokia in Illinois and at Vincennes in Indiana.

Vincennes was settled in 1733 by the French and the little fort along with Kaskaskia and Cahokia soon become important French trading centers in the Midwest. When the Revolutionary War began, the British sent troops from Detroit to garrison the forts, creating Fort Gage, Fort Cahokia, and Fort Sackville.

On July 4, 1778, Clark's little army captured Fort Gage and that same month, a small detachment of Clark's men also captured the Cahokia settlement. In February 1779, Clark made a desperate march across southern Illinois and surprised the British troops under Col. Henry Hamilton at Vincennes' Fort Sackville.

Clark surrounded Fort Sackville and after a brief siege, Colonel Hamilton surrendered his company of troops which consisted of 5 officers, 3 civilians, and 35 enlisted men, on February 25, 1779. Fort Sackville at Vincennes was renamed Fort Patrick Henry in honor of the Virginia Governor. George Rogers Clark had successfully diverted British movement in the West.

George Rogers Clark was recognized for his efforts at the time, but a permanent monument in his honor was constructed by the U.S. George Rogers Clark Sesquicentennial Commission between 1931 and 1933—nearly 150 years after the feats of this great hero. The George Rogers Clark Memorial is located on the site of Fort Sackville and is the largest of its kind east of Washington, DC. It is a circular structure of classical design, surrounded by 16 Doric columns and elevated 19 steps above the encircling terrace. It is 82 feet high with an exterior of granite and an interior of polished marble and limestone. A bronze statue of Clark, seven 28- by 16-foot murals painted on Belgian linen and a sculpted glass skylight, dominate the rotunda.

On July 23, 1966, the George Rogers Clark Memorial came under the jurisdiction of the National Park Service when the George Rogers Clark National Historic Park was established by Public Law 89-517 which was made possible through the donation of 17 acres donated by the State of Indiana. Since that time the park has been maintained and preserved giving the appropriate honor to the man who opened up the West.

Mr. President, the Coats' George Rogers Clark Historic Park Expansion Study Act seeks to set forth another milestone in the history of this great Hoosier city. The city of Vincennes and her people see the need to expand the George Rogers Clark Historic Park to include other areas within the city of Vincennes which have played an equally important role in the development of Indiana, the expansion west and the United States.

Included in their proposal is grouseland, the home of William Henry Harrison and the ninth President of the United States and Governor of the Indiana territory. Also included is the Indiana Territorial Capitol and the Stout Print Shop—the location of one of the 12 original Range presses in the United States.

The people of Vincennes have spent a great deal of time and energy researching and drafting an expansion proposal. Their efforts will dovetail the study that my bill authorizes the Department of Interior to conduct.

Mr. President, I'm sure that we all realize the contributions that the city of Vincennes and her people throughout history have made to the United States. I am confident also, that if the George Rogers Clark Expansion Study Act is approved that the result of the study will not only be approved, but wholeheartedly supported by the Department of Interior.•

By Mr. DECONCINI:

S. 2799. A bill to extend the existing duty-free treatment with respect to articles provided by the Max Planck Institute for Radioastronomy to the Steward Observatory; to the Committee on Finance.

MAX PLANCK INSTITUTE FOR RADIOASTRONOMY TARIFF EXEMPTION EXTENSION ACT

• Mr. DECONCINI. Mr. President, I rise today to introduce the Max Planck Institute for Radioastronomy Tariff Exemption Extension bill. Although this bill is short in terms of length, it is very important to ensure the continued progress of astronomy in America and the State of Arizona.

Mr. President, I authored legislation included in the Tariff and Trade Act of 1984 to provide assistance with importing materials and instruments from Germany, primarily calibration and repair equipment as well as instruments for the installation of a new world-class submillimeter telescope[SMT]. During consideration of my original legislation, I envisioned the project would be completed by 1993. However, construction on this project has been delayed and most of the material has not been imported as envisioned in the timetable of the original legislation. Therefore, I am introducing this bill which will provide a continuation of this tariff exemption on materials and equipment necessary for this important scientific venture.

I would like to briefly explain this exciting project and demonstrate the need for this bill I am introducing.

This submillimeter wavelength facility is designed to explore the potential of submillimeter astronomy. The Steward Observatory of the University of Arizona and the Max Planck Institute for Radioastronomie in Germany, are collaborating on the construction and operation of the dedicated submillimeter telescope [SMT]. The SMT will be twice as accurate as any currently existing radio telescope. The reflector is 10 meters in diameter, which will be the first SMT of this size with a surface designed for efficient measurements at the highest frequency microwave window through the atmosphere.

The University of Arizona and the Max-Planck-Gesellschaft formally began the collaboration of this telescope facility in June 1982 with the signing of a memorandum of understanding which specified a duration of 10 years. In 1992, the agreement was renewed for a further 10 years. This project has fostered an effective collaboration between an American University, a German national research laboratory, and high-technology industries in both Germany and America. The unique capabilities of the University of Arizona in large glass optics, instrumentation, and mountain top sites have been teamed with the Max-Planck Institute experience in development of large, precise radio astronomy telescopes.

The instrumentation that will be used with this telescope is as specialized and unique as the telescope itself. Much of the instrumentation is being developed as a collaboration between the two institutions, just as the telescope itself was. This custom instrumentation is not available from any other manufacturer in the world; it is a product of research and development particular to the telescope facility.

Mr. President, I ask unanimous consent that a list of telescope parts and instrumentation that the SMT requires be inserted into the CONGRESSIONAL RECORD. As the instrumentation is built and operations begin, new problems and astronomical discoveries will lead to further instrumentation being shipped between countries to adjust to the evolution of this project. The need for this extension will continue even after the telescope project is complete.

The benefits provided by the current legislation are reciprocated by the German Government when equipment is shipped from the United States to Germany. Therefore, providing this tariff exemption extension is in the best interest of this cooperative bilateral efforts. I would also like to point out that, as most of the shipments involve the transfer of the same equipment, between countries to receive adjustment, repair or modification, there is no real economic cost incurred by the U.S. Government by extending the current tariff waiver.

Mr. President, I urge my colleagues to support this legislation and I ask unanimous consent that the entire text of the bill be included in the CONGRESSIONAL RECORD at this point.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 2799

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. ARTICLES PROVIDED BY THE MAX PLANCK INSTITUTE FOR A JOINT PROJECT WITH STEWARD OBSERVATORY.

(a) IN GENERAL.—Subsection (f) of section 240 of the Trade and Tariff Act of 1984 (98 Stat. 2994) is amended by striking "and before November 1, 1993".

(b) TECHNICAL AMENDMENTS.—

(1) Section 240(a)(1)(A) of such Act is amended by striking "headnote 6(a) of part 4 of schedule 8 of the Tariff Schedules of the United States (19 U.S.C. 1202)" and inserting "U.S. note 6(a) of subchapter X of chapter 98 of the Harmonized Tariff Schedule of the United States (19 U.S.C. 3007)".

(2) Section 240(e) of such Act is amended by striking "headnote 1 of part 4 of schedule 8 (19 U.S.C. 1202)" and inserting "U.S. note 1 of subchapter X of chapter 98 of the Harmonized Tariff Schedule of the United States".

(c) Effective Date.—The amendments made by this section shall apply with respect to articles entered, or withdrawn from warehouse for consumption, after October 31, 1993.

---

*1. Telescope mount and control electronics.

*2. Reflector support structure.

3. Reflector panels.

*4. Secondary mirror support structure.

5. Microwave relievers, bolemeters, and associated electronic systems.

6. Cryogenic dewars, compressors, vacuum pumps, and vacuum equipment.

7. Analog and digital computer interfaces, including CAMAC electronics.

8. Electronic and microwave test equipment.

9. Semiconductor devices such as mixer diodes, bolometers, and solid-state oscillators.

10. Vacuum tubes such as klystrons and carcinotrons.

11. Laser local oscillator systems.

12. Auxiliary instrumentation for use with SMT.

13. Computer systems for telescope control, data acquisition, and data reduction.

Note: Mirror molds will be temporarily exported from UA to Germany, then returned later. Similarly, computer systems will be "loaned" to MPI in Bonn temporarily and then returned. All molds returned, except for mold 4.

*Importation complete.●

By Mr. D'AMATO:

S. 2800. A bill to amend the Immigration Act of 1990 to increase the number of qualified immigrants from certain adversely affected foreign states who may be admitted to the United States; to the Committee on the Judiciary.

EXPANSION OF MORRISON VISAS

● Mr. D'AMATO. Mr. President, I rise today to introduce a bill amending the Immigration Act of 1990. My legislation will double the number of visas for qualified immigrants from adversely affected countries from 40,000 to 80,000. These visas are known as "Morrison visas."

The 1990 Immigration Act was aimed at helping those from adversely affected countries immigrate to the United States. Presently, there are 40,000 Morrison visas for each fiscal year 1992 through 1994. Natives from 34 countries from which immigration was previously identified as having been "adversely affected" by the 1965 immigration reform legislation, would be affected by this bill.

Many of these immigrants are from countries located in Eastern Europe, the Baltic States, and Ireland. They face difficulties in employment due to discrimination and economic dislocation in their home country. Many have family ties here and are even seeking family reunification.

Immigrants from nations that were traditional sources of immigration found it more difficult to immigrate to the United States as a result of the 1965 legislation. The 1990 act sought to correct this but did not completely do so. My legislation will bring the number of adversely affected immigrants into balance with other categories of immigrants by doubling the number of allowable visas known as "Morrison visas."

America, long a nation of immigrants, benefits greatly from the talents, skills, and know-how of its immigrants. If we afford those qualified immigrants the chance to come to our country and join their families, we continue the rich immigrant tradition that has been at the core of our Nation since its inception. I urge my colleagues to support this bill.

I ask unanimous consent that the text of this bill be printed following my statement.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2800

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) section of 132(a) of the Immigration Act of 1990 (8 U.S.C. 1153(a) note) is amended—paragraph 1 by striking "40,000 immigrant visas in each of fiscal years 1992, 1993, and 1994" and inserting in lieu thereof "80,000 immigrant visas in each of fiscal years 1993 through 1996"; and paragraph 2 by striking "fiscal year 1992 or 1993" and inserting in lieu thereof "any of fiscal years 1993, 1994, or 1995".

(b) The amendments made by subsection (a) shall take effect on October 1, 1992.●

ADDITIONAL COSPONSORS

S. 359

At the request of Mr. BOREN, the name of the Senator from Nevada [Mr. REID] was added as a cosponsor of S. 359, a bill to amend the Internal Revenue Code of 1986 to provide that charitable contributions of appreciated property will not be treated as an item of tax preference.

S. 720

At the request of Mr. KENNEDY, the name of the Senator from Oklahoma [Mr. BOREN] was added as a cosponsor of S. 720, a bill to provide financial assistance to eligible local educational agencies to improve urban education, and for other purposes.

S. 781

At the request of Mr. SARBANES, the names of the Senator from Nevada [Mr. BRYAN] and the Senator from Massachusetts [Mr. KENNEDY] were added as cosponsors of S. 781, a bill to authorize the Indian American Forum for Political Education to establish a memorial to Mahatma Gandhi in the District of Columbia.

S. 1087

At the request of Mr. SPECTER, his name was added as a cosponsor of S. 1087, a bill to require the Secretary of the Treasury to mint coins in commemoration of the 100th anniversary of the Pledge of Allegiance to the Flag.

S. 1100

At the request of Mr. KERRY, the name of the Senator from Georgia [Mr. FOWLER] was added as a cosponsor of S. 1100, a bill to authorize the Secretary of Housing and Urban Development to provide grants to urban and rural communities for training economically disadvantaged youth in education and employment skills and to expand the supply of housing for homeless and economically disadvantaged individuals and families.

S. 1257

At the request of Mr. BOREN, the name of the Senator from Alabama [Mr. SHELBY] was added as a cosponsor of S. 1257, a bill to amend the Internal Revenue Code of 1986 with respect to the treatment of certain real estate activities under the limitations on losses from passive activities.

S. 1332

At the request of Mr. BAUCUS, the name of the Senator from Washington [Mr. GORTON] was added as a cosponsor of S. 1332, a bill to amend title XVIII of the Social Security Act to provide relief to physicians with respect to excessive regulations under the Medicare Program.

S. 1398

At the request of Mr. REID, the name of the Senator from Connecticut [Mr. DODD] was added as a cosponsor of S. 1398, a bill to amend section 118 of the Internal Revenue Code of 1986 to provide for certain exceptions from certain rules for determining contributions in aid of construction.

S. 1677

At the request of Mr. DASCHLE, the name of the Senator from Rhode Island [Mr. CHAFEE] was added as a cosponsor of S. 1677, a bill to amend title XIX of the Social Security Act to provide for coverage of alcoholism and drug dependency residential treatment services for pregnant women and certain family members under the Medicaid Program, and for other purposes.

S. 1786

At the request of Mr. BAUCUS, the names of the Senator from Vermont [Mr. LEAHY] and the Senator from Pennsylvania [Mr. WOFFORD] were added as cosponsors of S. 1786, a bill to amend the Internal Revenue Code of 1986 to more accurately codify the depreciable life of semiconductor manufacturing equipment.

S. 1936

At the request of Mr. CHAFEE, the name of the Senator from Oklahoma [Mr. NICKLES] was added as a cosponsor of S. 1936, a bill to provide improved access to health care, and for other purposes.

S. 2059

At the request of Mr. NUNN, the name of the Senator from North Carolina [Mr. SANFORD] was added as a cosponsor of S. 2059, a bill to establish youth apprenticeship demonstration programs, and for other purposes.

S. 2064

At the request of Mr. HATFIELD, the name of the Senator from Georgia [Mr. FOWLER] was added as a cosponsor of S. 2064, a bill to impose a one-year moratorium on the performance of nuclear weapons tests by the United States unless the Soviet Union conducts a nuclear weapons test during that period.

S. 2106

At the request of Mr. CRANSTON, the name of the Senator from Ohio [Mr. GLENN] was added as a cosponsor of S. 2106, a bill to grant a Federal charter to the Fleet Reserve Association.

S. 2109

At the request of Mr. BAUCUS, the name of the Senator from Nebraska [Mr. KERREY] was added as a cosponsor of S. 2109, a bill to amend the Internal Revenue Code of 1986 to permit certain entities to elect taxable years other than taxable years required by the Tax Reform Act of 1986, and for other purposes.

S. 2160

At the request of Mr. GRASSLEY, the name of the Senator from Mississippi [Mr. LOTT] was added as a cosponsor of S. 2160, a bill to amend the Internal Revenue Code of 1986 to allow taxpayers to elect a deduction or credit for interest on certain educational loans.

S. 2180

At the request of Mr. GRASSLEY, the name of the Senator from Idaho [Mr. SYMMS] was added as a cosponsor of S. 2180, a bill to provide greater access to civil justice by reducing costs and delay and for other purposes.

S. 2181

At the request of Mr. BUMPERS, the name of the Senator from Pennsylvania [Mr. WOFFORD] was added as a cosponsor of S. 2181, A bill to improve the capacity of rural communities to respond to homelessness, to establish effective program delivery models for prevention and remediation of homelessness in rural areas, to collect data on the extent and characteristics of homelessness in rural areas, and for other purposes.

S. 2230

At the request of Mr. BREAUX, the name of the Senator from Mississippi [Mr. COCHRAN] was added as a cosponsor of S. 2230, A bill to amend title XVIII of the Social Security Act to provide coverage of outpatient education services under part B of the medicare program for individuals with diabetes.

S. 2319

At the request of Mr. NICKLES, the name of the Senator from Florida [Mr. MACK] was added as a cosponsor of S. 2319, a bill to require analysis and estimates of the likely impact of federal legislation and regulations upon the private sector and State and local governments, and for other purposes.

S. 2328

At the request of Mr. BROWN, the name of the Senator from Mississippi [Mr. LOTT] was added as a cosponsor of S. 2328, a bill to provide that for taxable years beginning before 1980 the Federal income tax deductibility of flight training expenses shall be determined without regard to whether such expenses were reimbursed through certain veterans educational assistance allowances.

S. 2362

At the request of Mr. MCCAIN, the name of the Senator from Mississippi [Mr. COCHRAN] was added as a cosponsor of S. 2362, A bill to amend title XVIII of the Social Security Act to repeal the reduced medicare payment provision for new physicians.

S. 2387

At the request of Mr. LEAHY, the names of the Senator from Maryland [Mr. SARBANES] and the Senator from Texas [Mr. BENTSEN] were added as cosponsors of S. 2387, a bill to make appropriations to begin a phase-in toward full funding of the special supplemental food program for women, infants, and children (WIC) and of Head Start programs, to expand the Job Corps program, and for other purposes.

S. 2389

At the request of Mr. BRADLEY, the name of the Senator from Wisconsin [Mr. KASTEN] was added as a cosponsor of S. 2389, a bill to extend until January 1, 1999, the existing suspension of duty on Tamoxifen citrate.

S. 2511

At the request of Mrs. KASSEBAUM, the name of the Senator from Maine [Mr. COHEN] was added as a cosponsor of S. 2511, a bill to exempt certain financial institutions from the examination requirements of the Community Reinvestment Act of 1977.

S. 2622

At the request of Mr. ROBB, the names of the Senator from Maine [Mr. MITCHELL], the Senator from California [Mr. CRANSTON], and the Senator from Kentucky [Mr. MCCONNELL] were added as cosponsors of S. 2622, a bill to establish an Office of Cambodian Genocide Investigation, to support efforts to bring to justice national Khmer Rouge leaders who committed crimes against humanity in Cambodia, and to exclude the national leadership of the Khmer Rouge from the United States.

S. 2624

At the request of Mr. GLENN, the names of the Senator from Arizona [Mr. MCCAIN], the Senator from Connecticut [Mr. DODD], and the Senator from Massachusetts [Mr. KERRY] were added as cosponsors of S. 2624, a bill to authorize appropriations for the Interagency Council on the Homeless, the Federal Emergency Management Food and Shelter Program, and for other purposes.

S. 2654

At the request of Mr. DECONCINI, the name of the Senator from Arkansas [Mr. PRYOR] was added as a cosponsor of S. 2654, a bill to amend the Land and Water Conservation Fund Act of 1965 to ensure sufficient funding for Federal and State projects and for maintenance and security needs, to encourage multipurpose acquisitions, and for other purposes.

S. 2656

At the request of Mr. WALLOP, the name of the Senator from Utah [Mr. GARN] was added as a cosponsor of S. 2656, a bill to amend the Petroleum Marketing Practices Act.

S. 2670

At the request of Mr. SANFORD, the name of the Senator from Illinois [Mr. SIMON] was added as a cosponsor of S. 2670, a bill to identify Federal programs and agencies that are obsolete and should be eliminated or which are duplicative and should be consolidated with similar operations in other departments to promote efficiency in operation and uniformity of governmental action.

S. 2671

At the request of Mr. GRAHAM, the name of the Senator from Nebraska [Mr. KERREY] was added as a cosponsor of S. 2671, a bill to amend title 23, United States Code, to make technical corrections.

S. 2675

At the request of Mr. BINGAMAN, the name of the Senator from Illinois [Mr. SIMON] was added as a cosponsor of S. 2675, a bill to promote the use of State-coordinated health insurance buying programs and assist States in establishing Health Insurance Purchasing Cooperatives, through which small employers may purchase health insurance, and for other purposes.

S. 2680

At the request of Mr. PRYOR, the name of the Senator from Nevada [Mr. BRYAN] was added as a cosponsor of S. 2680, a bill to amend title XVIII of the Social Security Act to require the Secretary of Health and Human Services to consult with State medical societies in revising the geographic adjustment factors used to determine the amount of payment for physicians' services under part B of the medicare program, to require the Secretary to base geographic-cost-of-practice indices under the program upon the most recent available data, and for other purposes.

S. 2682

At the request of Mr. BUMPERS, the names of the Senator from North Dakota [Mr. CONRAD], the Senator from Pennsylvania [Mr. SPECTER], the Senator from Pennsylvania [Mr. WOFFORD], the Senator from New York [Mr. D'AMATO], and the Senator from Oregon [Mr. HATFIELD] were added as cosponsors of S. 2682, a bill to direct the Secretary of the Treasury to mint coins in commemoration of the 100th anniversary of the beginning of the protection of Civil War battlefields, and for other purposes.

S. 2711

At the request of Mr. GLENN, the name of the Senator from Oklahoma [Mr. BOREN] was added as a cosponsor of S. 2711, a bill to ensure the fair treatment of members of the selected reserve of the Ready Reserve of the Armed Forces who are adversely affected by certain reductions in the size of the reserve components of the Armed Forces.

S. 2719

At the request of Mr. PRYOR, the name of the Senator from Louisiana [Mr. JOHNSTON] was added as a cosponsor of S. 2719, a bill to require the United States Trade Representative to take action authorized under section 301 of the Trade Act of 1974 against certain foreign countries in retaliation for the imposition by such countries of a ban on the importation of rice and rice products of the United States, and for other purposes.

S. 2736

At the request of Mr. LIEBERMAN, the name of the Senator from Hawaii [Mr. INOUYE] was added as a cosponsor of S. 2736, a bill to prohibit the Secretary of Health and Human Services from taking any action with respect to certain alleged violations of the requirements of title IV of the Social Security Act.

S. 2752

At the request of Mr. LEAHY, the name of the Senator from North Dakota [Mr. CONRAD] was added as a cosponsor of S. 2752, a bill to establish a REFORM Commission to review the field structure of the United States Department of Agriculture, and for other purposes.

S. 2763

At the request of Mr. ROTH, the names of the Senator from Pennsylvania [Mr. WOFFORD] and the Senator from Texas [Mr. BENTSEN] were added as cosponsors of S. 2763, a bill to establish the Mike Mansfield Fellowship Program for intensive training in the Japanese language, government, politics, and economy.

S. 2791

At the request of Mr. RIEGLE, the name of the Senator from Michigan [Mr. LEVIN] was added as a cosponsor of S. 2791, a bill for the relief of Martha Frith.

SENATE JOINT RESOLUTION 236

At the request of Mr. D'AMATO, the name of the Senator from Montana [Mr. BURNS] was added as a cosponsor of Senate Joint Resolution 236, a joint resolution designating the third week in September 1992 as "National Fragrance Week."

SENATE JOINT RESOLUTION 238

At the request of Mr. RIEGLE, the names of the Senator from Rhode Island [Mr. CHAFEE] and the Senator from Washington [Mr. ADAMS] were added as cosponsors of Senate Joint Resolution 238, a joint resolution designating the week beginning September 21, 1992, as "National Senior Softball Week."

SENATE JOINT RESOLUTION 247

At the request of Mr. DOLE, the name of the Senator from Alabama [Mr. HEFLIN] was added as a cosponsor of Senate Joint Resolution 247, a joint resolution designating June 11, 1992, as "National Alcoholism and Drug Abuse Counselors Day."

SENATE JOINT RESOLUTION 252

At the request of Mr. DIXON, the name of the Senator from Maine [Mr. COHEN] was added as a cosponsor of Senate Joint Resolution 252, a joint resolution designating the week of April 19–25, 1992, as "National Credit Education Week."

SENATE JOINT RESOLUTION 255

At the request of Mr. D'AMATO, the name of the Senator from Indiana [Mr. COATS] was added as a cosponsor of Senate Joint Resolution 255, a joint resolution to designate September 13, 1992 as "Commodore Barry Day."

SENATE JOINT RESOLUTION 257

At the request of Mr. LAUTENBERG, the names of the Senator from Rhode Island [Mr. PELL], the Senator from New York [Mr. MOYNIHAN], the Senator from West Virginia [Mr. BYRD], the Senator from Arizona [Mr. DECONCINI], the Senator from Oregon [Mr. PACKWOOD], the Senator from Minnesota [Mr. WELLSTONE], the Senator from West Virginia [Mr. ROCKEFELLER], the Senator from Tennessee [Mr. SASSER], the Senator from Pennsylvania [Mr. WOFFORD], and the Senator from Maine [Mr. COHEN] were added as cosponsors of Senate Joint Resolution 257, a joint resolution to designate the month of June 1992, as "National Scleroderma Awareness."

SENATE JOINT RESOLUTION 263

At the request of Mr. SARBANES, the name of the Senator from Delaware [Mr. ROTH] was added as a cosponsor of Senate Joint Resolution 263, a joint resolution to designate May 4, 1992, through May 10, 1992, as "Public Service Recognition Week."

SENATE JOINT RESOLUTION 288

At the request of Mr. LIEBERMAN, the names of the Senator from Tennessee [Mr. SASSER], the Senator from Minnesota [Mr. DURENBERGER], the Senator from Montana [Mr. BURNS], the Senator from Michigan [Mr. LEVIN], the Senator from South Dakota [Mr. PRESSLER], the Senator from Ohio [Mr. GLENN], the Senator from North Carolina [Mr. SANFORD], the Senator from Louisiana [Mr. JOHNSTON], the Senator from Tennessee [Mr. GORE], the Senator from Georgia [Mr. NUNN], the Senator from Mississippi [Mr. COCHRAN], the Senator from Minnesota [Mr. WELLSTONE], the Senator from Nebraska [Mr. EXON], the Senator from Illinois [Mr. SIMON], the Senator from Kansas [Mrs. KASSEBAUM], the Senator from Oklahoma [Mr. BOREN], the Senator from Idaho [Mr. SYMMS], the Senator from Maryland [Ms. MIKULSKI], the Senator from New Mexico [Mr. DOMENICI], the Senator from Alaska [Mr. STEVENS], the Senator from Massachusetts [Mr. KERRY], the Senator from Iowa [Mr. GRASSLEY], the Senator from Oklahoma [Mr. NICKLES], the Senator from West Virginia [Mr. BYRD], the Senator from Indiana [Mr. COATS], the Senator from Idaho [Mr. CRAIG], the Senator from Arkansas [Mr. BUMPERS], the Senator from Texas [Mr. BENTSEN], the Senator from Wisconsin [Mr. KOHL], the Senator from Arizona [Mr. MCCAIN], the Senator from South Carolina [Mr. THURMOND], the Senator from Oregon [Mr. PACKWOOD], and the Senator from Louisiana [Mr. BREAUX] were added as cosponsors of Senate Joint Resolution 288, a joint resolution designating the week beginning July 26, 1992, as "Lyme Disease Awareness Week."

SENATE JOINT RESOLUTION 289

At the request of Mr. D'AMATO, the name of the Senator from Montana [Mr. BURNS] was added as a cosponsor of Senate Joint Resolution 289, a joint resolution designating the period beginning April 9, 1992, and ending May 6, 1992, as "Bataan-Corregidor Month."

SENATE JOINT RESOLUTION 293

At the request of Mr. SASSER, the names of the Senator from New York [Mr. D'AMATO], the Senator from Iowa [Mr. GRASSLEY], the Senator from Utah [Mr. GARN], the Senator from Wisconsin [Mr. KASTEN], the Senator from Nevada [Mr. BRYAN], the Senator from Michigan [Mr. LEVIN], the Senator from Montana [Mr. BURNS], the Senator from Connecticut [Mr. LIEBERMAN], the Senator from Ohio [Mr. GLENN], the Senator from North Carolina [Mr. HELMS], the Senator from California [Mr. SEYMOUR], and the Senator from Nevada [Mr. REID] were added as cosponsors of Senate Joint Resolution 293, a joint resolution designating the week beginning November 1, 1992, as "National Medical Staff Services Awareness Week."

SENATE JOINT RESOLUTION 295

At the request of Mr. DECONCINI, the name of the Senator from Maine [Mr. COHEN] was added as a cosponsor of Senate Joint Resolution 295, a joint resolution designating September 10, 1992, as "National D.A.R.E. Day."

SENATE JOINT RESOLUTION 297

At the request of Mr. PRYOR, the names of the Senator from Arizona [Mr. DECONCINI] and the Senator from South Dakota [Mr. DASCHLE] were added as cosponsors of Senate Joint Resolution 297, a joint resolution proposing an amendment to the Constitution to provide for the direct popular election of the President and Vice President of the United States.

SENATE JOINT RESOLUTION 301

At the request of Mr. LAUTENBERG, the names of the Senator from New Jersey [Mr. BRADLEY], the Senator from Missouri [Mr. BOND], the Senator from Kansas [Mr. DOLE], the Senator from Utah [Mr. GARN], the Senator from Washington [Mr. GORTON], the Senator from Maine [Mr. COHEN], the Senator from Rhode Island [Mr. CHAFEE], the Senator from Pennsylvania [Mr. SPECTER], the Senator from South Carolina [Mr. THURMOND], the Senator from Virginia [Mr. WARNER], the Senator from Oregon [Mr. PACKWOOD], the Senator from Mississippi [Mr. COCHRAN], the Senator from Arizona [Mr. MCCAIN], the Senator from West Virginia [Mr. ROCKEFELLER], the Senator from Georgia [Mr. NUNN], the Senator from Delaware [Mr. BIDEN], the Senator from Alabama [Mr. HEFLIN], the Senator from Georgia [Mr. FOWLER], the Senator from Arizona [Mr. DECONCINI], the Senator from Michigan [Mr. RIEGLE], the Senator from Tennessee [Mr. GORE], the Senator from New York [Mr. MOYNIHAN], the Senator from Vermont [Mr. LEAHY], the Senator from Idaho [Mr. SYMMS], the Senator from Wyoming [Mr. WALLOP], the Senator from Florida [Mr. MACK], the Senator from Colorado [Mr. BROWN], the Senator from Maryland [Ms. MIKULSKI], the Senator from Idaho [Mr. CRAIG], the Senator from California [Mr. CRANSTON], the Senator from Minnesota [Mr. DURENBERGER], the Senator from Ohio [Mr. GLENN], the Senator from South Carolina [Mr. HOLLINGS], the Senator from Connecticut [Mr. LIEBERMAN], and the Senator from Alaska [Mr. MURKOWSKI] were added as cosponsors of Senate Joint Resolution 301, a joint resolution designating July 2, 1992, as "National Literacy Day."

SENATE JOINT RESOLUTION 306

At the request of Mr. D'AMATO, the names of the Senator from New Jersey [Mr. BRADLEY], the Senator from Ohio [Mr. GLENN], the Senator from Connecticut [Mr. DODD], the Senator from Wisconsin [Mr. KASTEN], the Senator from Rhode Island [Mr. PELL], the Senator from Michigan [Mr. LEVIN], the Senator from Louisiana [Mr. JOHNSTON], the Senator from New Jersey [Mr. LAUTENBERG], the Senator from Arizona [Mr. DECONCINI], and the Senator from Montana [Mr. BURNS] were added as cosponsors of Senate Joint Resolution 306, a joint resolution designating October 1992 as "Italian-American Heritage and Culture Month."

SENATE JOINT RESOLUTION 310

At the request of Mr. DECONCINI, the names of the Senator from Oregon [Mr. PACKWOOD], and the Senator from Alaska [Mr. STEVENS] were added as cosponsors of Senate Joint Resolution 310, a joint resolution to designate August 1, 1992, as "Helsinki Human Rights Day."

SENATE CONCURRENT RESOLUTION 57

At the request of Mr. BOREN, the name of the Senator from New Jersey [Mr. LAUTENBERG] was added as a cosponsor of Senate Concurrent Resolution 57, a concurrent resolution to establish a Joint Committee on the Organization of Congress.

SENATE CONCURRENT RESOLUTION 94

At the request of Mr. LAUTENBERG, his name was added as a cosponsor of Senate Concurrent Resolution 94, a concurrent resolution urging the Government of the United Kingdom to address continuing human rights violations in Northern Ireland and to seek the initiation of talks among the parties to the conflict in Northern Ireland.

SENATE CONCURRENT RESOLUTION 113

At the request of Mr. LAUTENBERG, his name was added as a cosponsor of Senate Concurrent Resolution 113, a concurrent resolution concerning the 25th anniversary of the reunification of Jerusalem.

SENATE RESOLUTION 236

At the request of Mr. ADAMS, the name of the Senator from Massachusetts [Mr. KENNEDY] was added as a cosponsor of Senate Resolution 236, a resolution expressing the sense of the Senate that the President rescind Department of Defense Directive 1332.14, section H.1, which bans gay, lesbian, and bisexual Americans from serving in the Armed Forces of the United States.

SENATE RESOLUTION 300

At the request of Mr. GORE, the name of the Senator from Illinois [Mr. DIXON] was added as a cosponsor of Senate Resolution 300, a resolution relating to suspension of assistance and cooperative programs with the former Yugoslavia.

SENATE RESOLUTION 304—CONGRATULATING THE PITTSBURGH PENGUINS ON WINNING THE 1992 STANLEY CUP

Mr. WOFFORD (for himself and Mr. SPECTER) submitted the following resolution; which was considered and agreed to:

S. RES. 304

Whereas on June 1, 1992, the Pittsburgh Penguins won the Stanley Cup which represents the National Hockey League championship;

Whereas winning the Stanley Cup is the culmination of the dedication and efforts of the players, coaches, and owners of the Pittsburgh Penguins;

Whereas the support of all the Penguins fans and the people of Pittsburgh helped make winning the Stanley Cup possible;

Wheres the Pittsburgh Penguins have won two consecutive Stanley Cups; and

Whereas the Pittsburgh Penguins are celebrating their 25th year in the National Hockey League: Now, therefore, be it

Resolved, That the Senate congratulates the Pittsburgh Penguins for winning the 1992 Stanley Cup.

AMENDMENTS SUBMITTED

PROFESSIONAL AND AMATEUR SPORT PROTECTION ACT

GRASSLEY AMENDMENT NO. 1857

Mr. GRASSLEY proposed an amendment to the bill (S. 474) to prohibit sports gambling under State law, as follows:

On page 5, line 21, strike out the quotation marks and the last period.

On page 5, insert between lines 21 and 22 the following:

"(c) The provisions of section 3702 shall not apply to any lottery, sweepstakes, or other betting, gambling or wagering scheme in a State which, prior to January 1, 1995, enacts legislation stating that such State desires to be exempt from such prohibition.".

PUBLIC TELECOMMUNICATIONS ACT

INOUYE (AND STEVENS) AMENDMENT NO. 1858

Mr. INOUYE (for himself and Mr. STEVENS) proposed an amendment to

the bill (S. 1504) to authorize appropriations for public broadcasting, and for other purposes, as follows:

In lieu of the matter proposed to be inserted by the committee amendment, insert the following:

SHORT TITLE

SECTION 1. This Act may be cited as the "Public Telecommunications Act of 1992".

PUBLIC TELECOMMUNICATIONS FACILITIES AUTHORIZATION

SEC. 2. Section 391 of the Communications Act of 1934 (47 U.S.C. 391) is amended by striking the first sentence and inserting in lieu thereof the following: "There are authorized to be appropriated $42,000,000 for each of the fiscal years 1992, 1993, and 1994, to be used by the Secretary of Commerce to assist in the planning and construction of public telecommunications facilities as provided in this subpart.".

SERVICES FOR UNDERSERVED AUDIENCES

SEC. 3. Section 393(b)(4) of the Communications Act of 1934 (47 U.S.C. 393(b)(4)) is amended by inserting immediately before the period at the end the following: ", including services to underserved audiences such as deaf and hearing impaired individuals and blind and visually impaired individuals".

CONGRESSIONAL DECLARATIONS OF POLICY

SEC. 4. Section 396(a) of the Communications Act of 1934 (47 U.S.C. 396(a)) as amended—

(1) by striking "and" at the end of paragraph (7);

(2) by redesignating paragraph (8) as paragraph (10); and

(3) by inserting immediately after paragraph (7) the following new paragraphs:

"(8) public television and radio stations and public telecommunications services constitute valuable local community resources for utilizing electronic media to address national concerns and solve local problems through community programs and outreach programs;

"(9) it is in the public interest for the Federal Government to ensure that all citizens of the United States have access to public telecommunications services through all appropriate available telecommunications distribution technologies; and ".

BOARD OF DIRECTORS

SEC. 5. (a) REDUCTION IN NUMBER OF MEMBERS.—(1) Section 396(c)(1) of the Communications Act of 1934 (47 U.S.C. 396(c)(1)) is amended—

(A) by striking "10" and inserting in lieu thereof "9"; and

(B) by striking "6" and inserting in lieu thereof "5".

(2) Section 396(c)(2) of the Communications Act of 1934 (47 U.S.C. 396(c)(2)) is amended by striking "10" and inserting in lieu thereof "9".

(b) TERM OF OFFICE.—Section 396(c)(5) of the Communications Act of 1934 (47 U.S.C. 396(c)(5)) is amended to read as follows:

"(5) The term of office of each member of the Board appointed by the President shall be 6 years, except as provided in section 5(c) of the Public Telecommunications Act of 1992. Any member whose term has expired may serve until such member's successor has taken office. Any member appointed to fill a vacancy occurring prior to the expiration of the term for which such member's predecessor was appointed shall be appointed for the remainder of such term. No member of the Board shall be eligible to serve in excess of 2 consecutive full terms.".

(c) TRANSITION RULES.—(1) With respect to the three offices whose terms are prescribed by law to expire on March 26, 1992, the term for each such office immediately after that date shall expire on March 26, 1998.

(2) With respect to the two offices whose terms are prescribed by law to expire on March 1, 1994, the term for each of such offices immediately after that date shall expire on March 26, 2000.

(3) With respect to the five offices whose terms are prescribed by law to expire on March 26, 1996—

(A) one such office, as selected by the President, shall be abolished on March 26, 1996;

(B) the term immediately after March 26, 1996, for another such office, as designated by the President, shall expire on March 26, 2000; and

(C) the term for each of the remaining three such offices immediately after March 26, 1996, shall expire on March 26, 2002.

(4) As used in this subsection, the term "office" means an office as a member of the Board of Directors of the Corporation for Public Broadcasting.

COMPENSATION OF OFFICERS

SEC. 6. Section 396(e)(1) of the Communications Act of 1934 (47 U.S.C. 396(e)(1)) is amended by striking the fourth sentence and inserting in lieu the following: "No officer of the Corporation, other than the Chairman or a Vice Chairman, may receive any salary or other compensation (except for compensation for services on boards of directors of other organizations that do not receive funds from the Corporation, on committees of such boards, and in similar activities for such organizations) from any sources other than the Corporation for services rendered during the period of his or her employment by the Corporation. Service by any officer on boards of directors of other organizations, on committees of such boards, and in similar activities for such organizations shall be subject to annual advance approval by the Board and subject to the provisions of the Corporation's Statement of Ethical Conduct.".

CONTENTS OF ANNUAL REPORT

SEC. 7. Section 396(i)(1) of the Communications Act of 1934 (47 U.S.C. 396(i)(1)) is amended—

(1) by striking "and" at the end of subparagraph (B);

(2) by redesignating subparagraph (C) as subparagraph (D); and

(3) by inserting immediately after subparagraph (B) the following new subparagraph:

"(C) a listing of each organization that receives a grant from the Corporation to produce programming, the name of the producer of any programming produced under each such grant, the title or description of any program so produced, and the amount of each such grant;".

CORPORATION FOR PUBLIC BROADCASTING AUTHORIZATION

SEC. 8.(a) EXTENSION OF AUTHORIZATION.—Section 396(k)(1)(C) of the Communications Act of 1934 (47 U.S.C. 396(k)(1)(C)) is amended—

(1) by striking "180,000,000 for fiscal year 1981," and all that follows through "$245,000,000 for fiscal year 1991.";

(2) by striking "and" after "fiscal year 1992,"; and

(3) by inserting immediately after "fiscal year 1993" the following: ", $310,000,000 for fiscal year 1994, $375,000,000 for fiscal year 1995, and $425,000,000 for fiscal year 1996".

(b) ANNUAL REPORT.—Section 396(k)(1) of the Communications Act of 1934 (47 U.S.C. 396(k)(1)) is amended by adding at the end the following new subparagraph:

"(E) In recognition of the importance of educational programs and services, and the expansion of public radio services, to unserved and underserved audiences, the Corporation, after consultation with the system of public telecommunications entities, shall prepare and submit to the Congress an annual report for each of the fiscal years 1994, 1995, and 1996 on the Corporation's activities and expenditures relating to those programs and services.".

TRAINING AND PROFESSIONAL DEVELOPMENT

SEC. 9. Section 396(k)(3)(A)(i)(II) of the Communications Act of 1934 (47 U.S.C. 396(k)(3)(A)(i)(II)) is amended by inserting immediately after "other than English" the following: "or for assistance in the provision of affordable training programs for employees at public broadcast stations".

INDEPENDENT PRODUCTION SERVICE

SEC. 10. Section 396(k)(3)(B)(iii)(V) of the Communications Act of 1934 (47 U.S.C. 396(k)(3)(B)(iii)(V)) is amended—

(1) by inserting immediately after "expenditures of the independent production service" the following: ", including carriage and viewing information for programs produced or acquired with funds provided pursuant to subclause (I)"; amend

(2) by striking "fiscal year 1992" and inserting in lieu thereof "fiscal years 1992, 1993, 1994, and 1995".

GRANT DISTRIBUTION CRITERIA

SEC. 11. Section 396(k)(6)(B) of the Communications Act of 1934 (47 U.S.C. 396(k)(6)(B)) is amended by inserting "(which the Corporation shall review periodically in consultation with public radio and television licensees or permittees, or their designated representatives)" immediately after "eligibility criteria".

COMPLIANCE WITH EQUAL EMPLOYMENT OPPORTUNITY REQUIREMENTS BY FUND RECIPIENTS

SEC. 12. (a) CERTIFICATION AND EMPLOYMENT REPORTS REQUIRED.—Section 396(k) of the Communications Act of 1934 (47 U.S.C. 396(k)) is amended by adding at the end the following new paragraph:

"(11)(A) Funds may not be distributed pursuant to this subsection for any fiscal year to the licensee or permittee of any public broadcast station if such licensee or permittee—

"(i) fails to certify to the Corporation that such licensee or permittee complies with the Commission's regulations concerning equal employment opportunity as published under section 73.2080 of title 47, Code of Federal Regulations, or any successor regulations thereto; or

"(ii) fails to submit to the Corporation the report required by subparagraph (B) for the preceding calendar year.

"(B) A licensee or permittee of any public broadcast station with more than five full-time employees to file annually with the Corporation a statistical report, consistent with reports required by Commission regulation, identifying by race and sex the number of employees in each of the following full-time and part-time job categories:

"(i) Officials and managers.

"(ii) Professionals.

"(iii) Technicians.

"(iv) Semiskilled operatives.

"(v) Skilled craft persons.

"(vi) Clerical and office personnel.

"(vii) Unskilled operatives.

"(viii) Service workers.

"(C) In addition, such report shall state the number of job openings occurring during the course of the year. Where the job openings were filled in accordance with the regulations described in subparagraph (A)(i), the report shall so certify, and where the job openings were not filled in accordance with such regulations, the report shall contain a statement providing reasons therefor. The statistical report shall be available to the public at the central office and at every location where more than five full-time employees are regularly assigned to work.".

(b) COMPILATION OF REPORTS BY CORPORATION.—Section 396(m)(2) of the Communications Act of 1934 (47 U.S.C. 396(m)(2)) is amended by adding at the end the following new sentence: "Such report shall include a summary of the statistical reports received by the Corporation pursuant to subsection (k)(11), and a comparison of the information contained in those reports with the information submitted by the Corporation in the previous year's annual report.".

AUDIT REQUIREMENT FOR PUBLIC TELECOMMUNICATIONS ENTITIES

SEC. 13. (a) ALTERNATIVE TO AUDIT FOR CERTAIN ENTITIES.—Section 396(*l*)(3)(B)(ii) of the Communications Act of 1934 (47 U.S.C. 396(*l*)(3)(B)(ii)) is amended—

(1) by designating the existing text as subclause (I);

(2) by striking "and" at the end of subclause (I), as so redesignated, and inserting in lieu thereof "or"; and

(3) by adding at the end the following new subclause:

"(II) to submit a financial statement in lieu of the audit required by subclause (I) if the Corporation determines that the cost burden of such audit on such entity is excessive in light of the financial condition of such entity; and".

(b) FREQUENCY OF AUDIT.—Section 396(*l*)(3)(B) of the Communications Act of 1934 (47 U.S.C. 396(*l*)(3)(B)) is amended—

(1) in clause (ii) by striking "biannual" and inserting in lieu thereof "biennial"; and

(2) in clause (iii) by striking "biannually" and inserting in lieu thereof "biennially".

REPEAL

SEC. 14. Paragraph (4) of section 396(*l*) of the Communications Act of 1934 (47 U.S.C. 396(*l*)) is repealed.

CLARIFICATION OF CONGRESSIONAL INTENT

SEC. 15. Section 103(a) of the Children's Television Act of 1990 (47 U.S.C. 303b(a)) is amended by inserting "commercial or noncommercial" immediately before "television broadcast license".

EFFECTIVE DATE

SEC. 16. Section 5(a) shall take effect on March 26, 1996. All other provisions of this Act are effective on its date of enactment.

BYRD AMENDMENT NO. 1859

Mr. BYRD proposed an amendment to the bill S. 1504, supra, as follows:

At the appropriate place, insert the following new section:

BROADCASTING OF INDECENT PROGRAMMING

SEC. . (a) FCC REGULATIONS.—The Federal Communications Commission shall promulgate regulations to prohibit the broadcasting of indecent programming—

(1) between 6 a.m. and 10 p.m. on any day by any public radio station or public television station that goes off the air at or before 12 midnight; and

(2) between 6 a.m. and 12 midnight on any day for any radio or television broadcasting station not described in paragraph (1).

The regulations required under this subsection shall be promulgated in accordance with section 553 of title 5, United States Code, and shall become final not later than 180 days after the date of enactment of this Act.

(b) REPEAL.—Section 608 of the Departments of Commerce, Justice, and State, the Judiciary, and Related Agencies Appropriations Act, 1989 (Public Law 100-459; 102 Stat. 2228), is repealed.

INOUYE AMENDMENT NO. 1860

Mr. INOUYE proposed an amendment to the bill S. 1504, supra, as follows:

Strike all on page 3, line 4, through page 4, line 23, of the Inouye substitute to the committee amendment and insert in lieu thereof the following:

BOARD OF DIRECTORS

SEC. 5. (a) REDUCTION IN NUMBER OF MEMBERS.—(1) Section 396(c)(1) of the Communications Act of 1934 (47 U.S.C. 396(c)(1)) is amended—

(A) by striking "10" and inserting in lieu thereof "9"; and

(B) by striking "6" and inserting in lieu thereof "5".

(2) Section 396(c)(2) of the Communications Act of 1934 (47 U.S.C. 396(c)(2)) is amended by striking "10" and inserting in lieu thereof "9".

(b) TERM OF OFFICE.—Section 396(c)(5) of the Communications Act of 1934 (47 U.S.C. 396(c)(5)) is amended to read as follows:

"(5) The term of office of each member of the Board appointed by the President shall be 6 years, except as provided in section 5(c) of the Public Telecommunications Act of 1992. Any member whose term has expired may serve until such member's successor has taken office, or until the end of the calendar year in which such member's term has expired, whichever is earlier. Any member appointed to fill a vacancy occurring prior to the expiration of the term for which such member's predecessor was appointed shall be appointed for the remainder of such term. No member of the Board shall be eligible to serve in excess of 2 consecutive full terms.".

(c) TRANSITION RULES.—(1) With respect to the three offices whose terms are prescribed by law to expire on March 26, 1992, the term for each such office immediately after that date shall expire on January 31, 1998.

(2) With respect to the two offices whose terms are prescribed by law to expire on March 1, 1994, the term for each of such offices immediately after that date shall expire on January 31, 2000.

(3) With respect to the five offices whose terms are prescribed by law to expire on March 26, 1996—

(A) one such office, as selected by the President, shall be abolished on January 31, 1996;

(B) the term immediately after March 26, 1996, for another such office, as designated by the President, shall expire on January 31, 2000; and

(C) the term for each of the remaining three such offices immediately after March 26, 1996, shall expire on January 31, 2002.

(4) As used in this subsection, the term "office" means an office as a member of the Board of Directors of the Corporation for Public Broadcasting.

Strike all on page 10, line 23 through 25, of the Inouye amendment to the committee amendment, and insert in lieu thereof the following;

AVAILABILITY OF INFORMATION FOR PUBLIC INSPECTION

SEC. 14. (a) CPB INFORMATION.—Section 396(*l*) of the Communications Act of 1934 (47 U.S.C. 396(*l*) is amended by striking paragraph (4) and inserting in lieu thereof the following:

"(4)(A) The Corporation shall maintain the information described in subparagraphs (B), (C), and (D) at its offices for public inspection and copying for at least 3 years, according to such reasonable guidelines as the Corporation may issue. This public file shall be updated regularly. This paragraph shall be effective upon its enactment and shall apply to all grants after January 1, 1993.

"(B) Subsequent to any award of funds by the Corporation for the production or acquisition of national broadcasting programming pursuant to subsection (k)(3)(A)(ii)(II) or (iii)(II), the Corporation shall make available for public inspection the following:

"(i) Grant and solicitation guidelines for proposals for such programming.

"(ii) The reasons for selecting the proposal for which the award was made.

"(iii) Information on each program for which the award was made, including the names of the awardee and producer (and if the awardee or producer is a corporation or partnership, the principals of such corporation or partnership), the monetary amount of the award, and the title and description of the program (and of each program in a series of programs).

"(iv) A report based on the final audit findings resulting from any audit of the award by the Corporation or the Comptroller General.

"(v) Reports which the Corporation shall require to be provided by the awardee relating to national public broadcasting programming funded, produced, or acquired by the awardee with such funds. Such reports shall include, where applicable, the information described in clauses (i), (ii), and (iii), but shall exclude proprietary, confidential, or privileged information.

"(C) The Corporation shall make available for public inspection the final report required by the Corporation on an annual basis from each recipient of funds under subsection (k)(3)(A)(iii)(III), excluding proprietary, confidential, or privileged information.

"(D) The Corporation shall make available for public inspection an annual list of national programs distributed by public broadcasting entities that receive funds under subsection (k)(3)(A)(ii)(II) or (iii)(II) and are engaged primarily in the national distribution of public television or radio programs. Such list shall include the names of the programs (or program series), producers, and providers of funding.".

(b) INDEPENDENT PRODUCTION SERVICE INFORMATION.—Section 396(k)(3)(B)(iii) of the Communications Act of 1934 (47 U.S.C. 396(k)(3)(B)(iii)) is amended by adding at the end the following new subclause:

"(VI) The Corporation shall not contract to provide funds to any such independent production service, unless that service agrees to comply with public inspection requirements established by the Corporation within 3 months after the date of enactment of this subclause. Under such requirements the service shall maintain at its offices a public file, updated regularly, containing information relating to the service's award of funds for the production of programming. The information shall be available for public inspection and copying for at least 3 years and shall be of the same kind as the information required to be maintained by the Corporation under subsection (*l*)(4)(B).".

Strike all on page 11, lines 5 through 8, of the Inouye amendment to the committee amendment and insert in lieu thereof the following:

EFFECTIVE DATE

SEC. 17. Section 5(a) shall take effect on January 31, 1996. All other provisions of this Act are effective on its date of enactment.

BINGAMAN (AND OTHERS) AMENDMENT NO. 1861

Mr. INOUYE. (for Mr. BINGAMAN, for himself, Mr. HEFLIN, Mr. HATFIELD, and Mr. KERREY) proposed an amendment to the bill S. 1504, supra, as follows:

On page 12, between lines 2 and 3, insert the following:

READY-TO-LEARN TELEVISION CHANNEL

SEC. 12. (a) The Congress finds that—

(1) many of the Nation's children are not entering school "ready to learn";

(2) next to parents and early childhood teachers, television is probably the young child's most influential teacher;

(3) a vital component in meeting the Nation's first education goal is the development of interactive programming aimed exclusively at the developmental and educational needs and interests of preschool children;

(4) television can assist parents and preschool and child care teachers in gaining information on how young children grow and learn; and

(5) there is a need for quality interactive instructional programming based on worthwhile information on child development designed for children, parents, and preschool and child care providers and teachers.

(b) Within 90 days following the date of the enactment of this Act, the Corporation for Public Broadcasting shall report to the Congress as to the most effective way to establish and implement a ready-to-learn public television channel. Such report shall include, among other things—

(1) the costs of establishing and implementing a ready-to-learn channel;

(2) the special considerations of using television as a learning tool for very young children;

(3) the technology, and availability thereof, needed to establish and implement such a channel; and

(4) the best means of providing financing for the establishment and implementation of a ready-to-learn channel.

On page 12, line 4, strike "12" and insert "13".

PRESSLER (AND GRASSLEY) AMENDMENT NO. 1862

Mr. PRESSLER (for himself and Mr. GRASSLEY) proposed an amendment to the bill S. 1504, supra, as follows:

At the appropriate place, add the following:

CORPORATION FOR PUBLIC BROADCASTING REPORT ON DISTANCE LEARNING

SEC. . (a) The Congress finds that—

(1) distance learning would provide schools in rural areas with advanced or specialized instruction not readily available;

(2) utilization of distance learning can end some school closings or consolidations;

(3) distance learning will play a vital role in accomplishing the goals of "America 2000" as established by the President;

(4) Corporation for Public Broadcasting should promote distance learning projects where it is cost effective;

(5) Corporation for Public Broadcasting can promote distance learning by helping reduce the costs associated with telecommunications services.

(b) Within 180 days following the date of the enactment of this Act, the Corporation for Public Broadcasting in consultation with other education program providers and users, shall report to the Congress as to the most effective use of their existing telecommunications facilities to establish and implement distance learning projects in rural areas. Such report should include, among other things, the costs and benefits of establishing national demonstration sites to study new distance learning tools and to evaluate the most effective use of current distance learning applications; any incentives necessary to provide access to Corporation for Public Broadcasting facilities for distance learning applications.

INOUYE AMENDMENT NO. 1863

Mr. INOUYE proposed an amendment to the bill S. 1504, supra, as follows:

On page 11, immediately after line 4, of the Inouye amendment to the committee amendment, insert the following new section:

OBJECTIVITY AND BALANCE POLICY, PROCEDURES, AND REPORT

SEC. 16. Pursuant to the existing responsibility of the Corporation for Public Broadcasting under section 396(g)(1)(A) of the Communications Act of 1934 (47 U.S.C. 396(g)(1)(A)) "to facilitate the full development of public telecommunications in which programs of high quality, diversity, creativity, excellence, and innovation, which are obtained from diverse sources, will be made available to public telecommunications entities, with strict adherence to objectivity and balance in all programs or series of programs of a controversial nature," the Board of Directors of the Corporation shall—

(1) review the Corporation's existing efforts to meet its responsibility under section 396(g)(1)(A);

(2) after soliciting the views of the public, establish a comprehensive policy and set of procedures to—

(A) provide reasonable opportunity for members of the public to present comments to the Board regarding the quality, diversity, creativity, excellence, innovation, objectivity, and balance of public broadcasting services, including all public broadcasting programming of a controversial nature, as well as any needs not met by those services;

(B) review, on a regular basis, national public broadcasting programming for quality, diversity, creativity, excellence, innovation, objectivity, and balance, as well as for any needs not met by such programming;

(C) on the basis of information received through such comment and review, take such steps in awarding programming grants pursuant to clauses (ii)(II), (iii)(II), and (iii)(III) of section 396(k)(3)(A) of the Communications Act of 1934 (47 U.S.C. 396(k)(3)(A)) that it finds necessary to meet the Corporation's responsibility under section 396(g)(1)(A), including facilitating objectivity and balance in programming of a controversial nature; and

(D) disseminate among public broadcasting entities information about its efforts to address concerns about objectivity and balance relating to programming of a controversial nature so that such entities can utilize the Corporation's experience in addressing such concerns within their own operations; and

(3) starting in 1993, by January 31 of each year, prepare and submit to the President for transmittal to the Congress a report summarizing its efforts pursuant to paragraphs (1) and (2).

MCCONNELL AMENDMENT NO. 1864

Mr. MCCONNELL proposed an amendment to the bill, S. 1504, supra, as follows:

On page 12, after line 4, insert the following new section:

CONSUMER INFORMATION

SEC. . Prior to the expiration of the 90 day period following the date of the enactment of this Act, the Corporation for Public Broadcasting, in consultation with representatives of public broadcasting entities, shall develop guidelines to assure that program credits for public television programs that receive production funding directly from the Corporation for Public Broadcasting adequately disclose that all or a portion of the cost of producing such program was paid for by funding from the Corporation for Public Broadcasting, and that indicates in some manner that the Corporation for Public broadcasting is partially funded from Federal tax revenues.

NOTICE OF HEARINGS

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. JOHNSTON. Mr. president, I would like to announce for my colleagues and the public that a hearing has been scheduled before the Committee on Energy and Natural Resources.

The purpose of the hearing is to receive testimony on State regulation of natural gas production.

The hearing will take place on Thursday, June 11, 1992, at 9:30 a.m. in room SD–366 of the Dirksen Senate Office Building, First and C Streets NE., Washington, DC.

Because of the limited time available for the hearing, witnesses may testify by invitation only. However, those wishing to submit written testimony for the printed hearing record should send their comments to the Committee on Energy and Natural Resources, U.S. Senate, Washington, DC 20510, Attention: Don Santa.

For further information, please contact Don Santa of the committee staff at 202/224–4820.

AUTHORITY FOR COMMITTEES TO MEET

SUBCOMMITTEE ON MANPOWER AND PERSONNEL

Mr. MITCHELL. Mr. President, I ask unanimous consent that the Subcommittee on Manpower and Personnel of the Committee on Armed Services be authorized to meet on Tuesday, June 2, 1992, at 9 a.m., in open session, to receive testimony on Active and Reserve personnel issues relating to S. 2629, the Department of Defense authorization request for fiscal year 1993.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON LABOR AND HUMAN RESOURCES

Mr. MITCHELL. Mr. President, I ask unanimous consent that the Committee on Labor and Human Resources be authorized to meet during the session of the Senate on Tuesday, June 2, 1992, at 10:30 a.m., for a hearing on "Meeting the Challenge of HIV Care: Implementing the Ryan White AIDS Care Act."

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON BANKING, HOUSING AND URBAN AFFAIRS

Mr. MITCHELL. Mr. President, I ask unanimous consent that the Committee on Banking, Housing, and Urban Affairs be authorized to meet during the session of the Senate, Tuesday, June 2, 1992, at a.m. to conduct a hearing on the civil litigation activities of the FDIC and the RTC.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FINANCE

Mr. MITCHELL. Mr. President, I ask unanimous consent that the Committee on Finance be authorized to meet during the session of the Senate on June 2, 1992, at 10 a.m. to hold a hearing on trade and competitiveness.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON SMALL BUSINESS

Mr. MITCHELL. Mr. President, I ask unanimous consent that the Small Business Committee be authorized to meet during the session of the Senate on Tuesday, June 2, 1992, at 10 a.m. the committee will hold a full committee hearing on the Price Waterhouse Study of the Small Business Administration's 7(a) Guaranteed Business Loan Program.

The PRESIDING OFFICER. Without objection, it is so ordered.

ADDITIONAL STATEMENTS

TOWN OF BOONSBORO, MD, CELEBRATES BICENTENNIAL

• Mr. SARBANES. Mr. President, in a few weeks the town of Boonsboro, MD, will be celebrating its bicentennial. Boonsboro, one of the loveliest towns of western Maryland, lies at the foot of the Appalachian mountains. It has a distinguished history, which I wanted to share with my colleagues during this year of celebration.

Boonsboro was founded in 1792 by George and William Boone, two brothers who were cousins of Daniel Boone, America's famous frontiersman. George Boone originally named the town Margaretsville in honor of his wife, but locals began calling it Boon's Borough, the name that was later shortened to Boonsboro.

On the old National Road, one of the first public works projects in this country, Boonsboro thrived at the beginning of the 19th century. One of Boonsboro's greatest achievements was the raising of the first monument to our first President, George Washington. Led by two veterans of the Revolutionary War, the citizens of Boonsboro gathered in the town square on July 4, 1827, to march up nearby South Mountain and build a stone monument to General Washington. The villagers erected an attractive stone monument 24 feet in diameter and 15 feet high with a superb view out over the valley. The monument is now the centerpiece of Maryland's Washington Monument State Park.

Incorporated in 1831, Boonsboro played a key role in the Battle of South Mountain and in the skirmishing leading up to the Battle of Antietam in September 1862. The town's churches and public buildings were turned into makeshift hospitals to treat the thousands of wounded from Antietam, the bloodiest single day battle in America's history.

Boonsboro remains little changed from those days. It is an attractive small town filled with the homes of people who have in many cases lived there for generations. It is a community that welcomes people and is famed for its hospitality and its congenial atmosphere. I want to thank Douglas G. Bast, a local historian, for sharing his notes on Boonsboro's history with me.

I join the citizens of Boonsboro and Washington County in honoring a town which has experienced two centuries of history and change and to wish the town a joyful celebration during this notable anniversary.•

COMMENDING ROGER FOUSSARD OF MINNESOTA

• Mr. DURENBERGER. Mr. President, I rise today to acknowledge the accomplishments of Roger Foussard of Minnesota.

In January, Roger was selected by the industry journal Modern Healthcare to receive the 1992 Trustee of the Year Award. Roger was chosen for his leadership role as board chairman in HealthEast's successful financial turnaround.

Rooted in Judeo-Christian values, the mission of HealthEast is to provide high quality, cost-effective, and compassionate health care. As the largest provider in St. Paul, HealthEast offers consumers a continuum of health services. It is a major institution with 1,210 beds and 5,000 employees. In 1991, nearly one of every two persons hospitalized in St. Paul were admitted to a HealthEast hospital.

Mr. Foussard has been involved in healthcare for over 25 years. He has served on the board and foundation of the Baptist Hospital fund and was chairman of the St. Paul Chamber of Commerce.

Mr. President, for all that Roger has done for HealthEast and the people of the city of St. Paul, I am proud to be able to share with you his accomplishments.

Mr. President, I ask that the article from the January 20, 1992, edition of Modern Healthcare be reprinted in the RECORD. I thank the Chair.

The article follows:

[From Modern Healthcare, Jan. 20, 1992]

1992 TRUSTEES OF THE YEAR—A DRIVING FORCE IN A DRAMATIC TURNAROUND

(By Jay Greene)

Three years ago, Roger Foussard, board chairman of HealthEast, received a telephone call from Timothy Hanson, who called to tell him the financial results of the system's recently completed third fiscal year.

"I've got good news and bad news," said Mr. Hanson, who at the time was its newly installed president and chief executive officer. "The bad news is we lost $21 million. The good news is we could have lost $25 million."

The $25 million was the projected loss for the fiscal year ended Aug. 31, 1989, if the system had done nothing to stop the flow of red ink.

The two executives look back at that time fondly because it marked the beginning of a turnaround at St. Paul, Minn.-based HealthEast, a five-hospital system that was formed through several mergers in 1986 and 1987.

From losses to gains. In HealthEast's first three years, the system had lost a total of $73.5 million and incurred $77 million in long-term debt to raise its total debt to $230 million. It was on its way toward bankruptcy, Messrs. Foussard and Hanson said.

But thanks to several far-reaching management, governance and operational improvements, HealthEast now is on the road to recovery. In its fifth full fiscal year ended Aug. 31, 1991, it posted net income of $7.9 million, a 154% increase from the previous fiscal year. Operating revenues rose 10.5% to $263.4 million.

For leading one of the most dramatic healthcare turnarounds in recent years, Mr. Foussard, 63, has been selected as Modern Healthcare's Trustee of the Year for hospitals with more than 250 beds.

Mr. Foussard is president of Foussard Associates, a governance consulting firm he formed in 1989 as a result of his HealthEast experiences.

Chairman of the St. Paul Chamber of Commerce from 1974 to 1975, Mr. Foussard has been involved with healthcare for the past 25 years. He headed a hospital laundry management business in St. Paul from 1956 until he sold it in 1984. For 25 years, he served on the board of the Baptist Hospital Fund—one of HealthEast's founding members—and its foundation.

Openess helped. In HealthEast's difficult early years, Mr. Foussard was candid in explaining the system's plight to employees, physicians, the community and the media, Mr. Hanson said. "He provided leadership at the highest level for an organization and community that was going through an extreme set of difficulties."

Mr. Foussard also was instrumental in establishing a "Report to the St. Paul Community," which outlines the status of the system and how it's solving its problems. The report is released each fall at an annual meeting with the system's four sponsoring groups and community leaders.

He was equally candid in describing those problems and how the board saw through the difficult solutions, which included scrapping the system's product-line management approach, closing three underutilized hospitals and laying off 10% of the new system's work force.

Making these moves gave Mr. Foussard credibility with the public and business community, Mr. Hanson said.

"We had a strong, centralized organization that was unwieldy," Mr. Foussard said in a 1989 interview. "Management decisions were not made in a prompt manner. The board didn't have the up-to-date information it needed to make decisions."

In a 1990 interview, he said "HealthEast started 1989 perceived by the community as a loser. We met with community leaders often to describe the actions we were taking to improve the system. As time went on, we gained credibility in the business community that we are a good corporate citizen that is responsible."

HealthEast is the largest healthcare provider in St. Paul, operating four acute-care hospitals and one rehabilitation hospital with a total of 884 beds. It employs 2,750 people and has a medical staff of 1,000.

In addition to its five hospitals, HealthEast operates three long-term-care facilities with a total of 420 beds, a home-care agency, a home medical equipment company, a physical referral and information service, medical transportation and housing for senior citizens.

Beginnings. HealthEast was formed to unite competing hospitals in St. Paul to reduce expenses and negotiate more favorable managed-care contracts, Mr. Foussard said.

While unusual in many regards, the creation of HealthEast was unique because it involved the merger of eight financially struggling, religious-sponsored urban hospitals, Mr. Foussard said.

But after two years it became apparent to everyone associated with HealthEast that the merger that brought together hospitals of Roman Catholic, Baptist and Lutheran heritages wasn't working. An inefficient management structure and the competing interests of the sponsors and the board made it difficult for trustees and executives to act.

"The majority of trustees felt the system would benefit their hospitals in the long run," Mr. Fossuard said. "But when the losses started to pile up, it was very difficult for the sponsoring boards because they were criticized by the minority who wanted to go it alone."

When the system went into technical default in February 1989 on a $138.9 million bond issue, its founding president and chief executive officer, John Reiling, resigned.

Turning around. To develop a turnaround plan. HealthEast hired the Hunter Group, a Chicago-based turnaround consulting firm, and the Minneapolis office of Anderson Consulting (MH, Oct. 20, 1989, p. 26).

The board adopted the advisers' plan in March 1989, and Mr. Foussard made sure the board and management followed through on the recommendations, Mr. Hanson said.

"He provided the leadership to get a large number of groups to understand the mission of HealthEast and to get the organization to focus on the problems," Mr. Hanson said.

Besides his ability to bring people together to solve problems, Mr. Foussard also is known for uniting the board through his singing abilities.

"Roger has a very gregarious and fun-loving personality. With him, nothing is insurmountable," Mr. Hanson said. "At the annual meeting of a year ago, I was making a presentation, showing slides on improved financial viability. One slide got stuck; it actually burned and disintegrated. That brought the show to a halt.

"I turned to Roger, who loves to sing and break out in song. I said, "OK, Roger, it's time for your song." Everybody looked at Roger and laughed. Clearing his throat, Mr. Foussard replied, 'It's a little early in the morning.' "

But Mr. Foussard acknowledged his propensity for making music. "I'm a singer, an amateur, but I enjoy it. I have been known to lead groups in song," he said.

While HealthEast still is burdened by $175 million in long-term debt, it's beginning to be recognized as a system that's moving in the right direction.

Last fall, HealthEast won the 1991 award for Innovation of the Year from the Minnesota Hospital Assn. for its development of an accounting system that improved its cash flow. That system helped HealthEast boost its cash flow by $16 million by reducing days in accounts receivable, to an average of 62 in 1990 from 79.2 in 1988.

Physician involvement. Physicians also played a key role in the turnaround, Mr. Foussard said, adding that the system could have failed without their support and advice.

"From a physician perspective, there was a lot of concern about economics and how quality was going to have to suffer," said Robert Beck, M.D., vice president of medical affairs. "Roger made a commitment that quality would not suffer in the turnaround. He made the quality of care committee of the board an essential committee."

To benefit from physicians' experience, HealthCare managers and trustees met with physicians before and after the merger to gather crucial information that helped the board make decisions. After the merger, 17 physician task forces were created along speciality lines to direct information to the system. A physicians advisory committee also gave guidance to the system from 1986 to 1988 on such issues as which hospitals to close and which clinical services to consolidate.

In addition to having Dr. Beck as the system's vice president of medical affairs, each hospital has its own medical director and a program to allow physicians to suggest improvements in the system and its hospitals.

Another action that has united the medical staff was the board's decision to create a single medical staff organization to improve quality assurance and streamline credentialing.

"Over the last year, physicians have been more willing to identify themselves as HealthEast doctors rather than (being with) a particular hospital," Dr. Beck said.

As a governance consultant and guest lecturer in healthcare at the business school of the College of St. Thomas in St. Paul, Mr. Foussard has spoken publicly about the attributes of a good trustee.

Trustee commitment, pay. "Trustees must have a commitment to the organization and the community," he said. "They must realize hospitals are really a public trust, a utility in some respects, because (hospitals) have to provide care to the community in an ongoing and reliable way."

Trustees also should know about disciplines other than healthcare, Mr. Foussard said. "Some trustees may not have enough experience in broader issues of management and may be too narrow in their views."

One of Mr. Foussard's major priorities was to improve HealthEast's governance. In 1990, he sought a restructuring of the board into more of a corporate model; decisionmaking is aided through the distribution of tight agendas and information for trustees before each meeting.

"In today's competitive environment, hospital boards are called upon to be a real business," he said. "With pressures from government and managed care, it's the most complicated business you can think of."

To improve efficiency, HealthEast reduced the number of board members to 12 from 24 and its committees to five from eight. Physicians fill one-third of its board positions.

However, the highlight of the restructuring was the system's controversial decision to pay trustees. Beginning in January 1991, HealthEast established a compensation program that pays trustees annual retainers, per meeting fees and educational expenses.

Nationally, only 2% of hospitals paid trustees in 1989, up from 1% in 1985, according to a 1990 survey of 1,995 hospitals by the American Hospital Assn. However, most paid trustees are elected members of hospital district boards.

HealthEast's trustees are paid a $5,000 annual retainer plus $500 per meeting. To attend educational conferences, the system has budgeted an additional $5,000 per trustee. When educational expenditures are taken into account, HealthEast's compensation program totals $15,000 to $18,000 per trustee. Committee chairmen are eligible for maximum compensation and educational benefits of $20,000. Mr. Foussard, as board chairman, can get pay and educational benefits of as much as $25,000 per year.

While most hospitals believe trustees should be unpaid volunteers, Mr. Foussard believes compensation will help hospitals attract and retain the best trustees and thus can be a key to success for facilities.

"It could be open to criticism," he said. "However, it was our feeling that it was extremely important for our organization to have a board that is attentive. We didn't want to have a burned-out board that was less willing to contribute."

The board, medical staff and community haven't objected to the trustee compensation program, he said.

HealthEast wants to remain the No. 1 provider in St. Paul, Mr. Foussard said. But with the three other major systems in the Twin Cities talking about a possible merger, HealthEast has to be aware of possible erosion of its market penetration in St. Paul, which exceeds 50%, he said (MH, Jan. 6, p. 64).

"Whatever is done in Minneapolis affects the entire metropolitan area," Mr. Foussard said. "We have to watch it very carefully, but I don't foresee any changes in our plan."

Despite HealthEast's initial growing pains, Mr. Foussard believes a motivated board working with equally motivated management and supportive physicians and employees will help HealthEast grow.

"We are profitable at this point, and that is good," Mr. Foussard said. "The turnaround came about because everyone associated with this organization, from the sponsors all the way down, was together.".

VIOLENCE: MERELY ENTERTAINING OR MAINLY EVIL?

• Mr. SIMON. Mr. President, one of the great newspapers in the country, a newspaper that has grown in influence, is the Los Angeles Times.

Recently, I read two articles in the Los Angeles Times, one written by Paula Poundstone and one written by Dr. Carole Lieberman. Both are in very different fields. Dr. Lieberman is a media psychiatrist and script consultant, and Paula Poundstone is a comedian.

But both, coming from very different perspectives, reach a conclusion that I reached some time ago, that violence on the screen—particularly the television screen—encourages violence in our society. Studies are overwhelming in showing that to be the reality.

More than a year ago, Congress passed legislation that I introduced to permit those involved in the television industry to get together to establish standards on violence without violating the antitrust laws. I wish I could tell you that dramatic steps are being taken in a constructive direction.

There is some action that I hope will result in something constructive. I am monitoring it all with great interest.

But I want to commend the articles written by Paula Poundstone and Dr. Lieberman, and I ask to insert them into the CONGRESSIONAL RECORD at this point.

The articles follow:

[From the Los Angeles Times, May 29, 1992]

WHAT FILMMAKERS ARE MISSING IS A SENSE OF RESPONSIBILITY

(By Paula Poundstone)

I'm still twitching from the rage I felt after reading the article "Soul-Searching on Violence by the Industry" (Calendar, May 18). As it turns out, if this industry has a soul, it is dead-set against searching it.

The article included a quote from movie director Walter Hill, who is credited with "The Warriors," "Alien 3" and the about-to-be-retitled "Looters." He said: "I somehow think the notion that if you disarm Clint Eastwood or Arnold Schwarzenegger you can change the world in some positive way is probably a little naive."

Is this man short of cash? Is that it? Is there anyone in the motion picture industry who wasn't influenced by movies as a kid?

That's not what they say in their Oscar speeches.

I don't think there's any doubt in anyone's mind that the media has saturated us in images of violence and the effect has been to cheapen life. The question is, how do we deal with that? How do we make the industry behave responsibly without stepping all over the First Amendment?

Let's be honest. Violent movies and television make a lot of money. That's why Walter Hill and his co-workers want to make them. Yet they must know with certainty that disarming Clint Eastwood and Arnold Schwarzenegger would go a long way toward bringing about positive changes in the world. Let's not subvert the truth.

Violent movies and television are protected by the First Amendment, not applauded. I don't want to see Sylvester Stallone or Estelle Getty pointing a gun at me from a billboard.

Of course it has an impact. I wish it weren't true but it is.

Believe me, no one's stomach turns more than mine to have to say that Arnold Schwarzenegger influences anyone, but he does. The President sure thinks he does.

I was walking past a schoolyard not long ago and a Santa Monica city bus drove by with that horrible Harrison Ford movie poster on it (with him pointing a gun straight out and the words "The Games Begin" alongside him).

I thought to myself that I should write the bus company about that, and at that moment I turned to see a little kid on the playground throwing rocks and yelling, "Hasta la vista, baby."

I am a consumer. I will not pay to see these violent films. Yes, Hollywood, you are allowed to sell violence, but please don't. When you do, you are a part of the problem.

I am not an advocate of censorship but I'm a big believer in responsibility. Responsibility. I feel like screaming it from the highest rooftops.

It can be nothing but greed that motivates these performers and studios to profit from the same young viewers whose hearts they empty of the value of even their own lives. People should not shoot people and we should not get used to seeing it.

(A comedian, Poundstone expressed some of these thoughts on the "Comic Relief V" benefit to aid the homeless.)

STUDIES INDICATE SCREEN MAYHEM SHAPES LIVES

(By Dr. Carole Lieberman)

"Soul-Searching on Violence by the Industry" (Calendar, May 18) doesn't "search" deeply enough.

What transformed wide-eyed babies into L.A. rioters? Close to 1,000 studies in recent decades would indicate that it was the steady diet of violent media they ingested from cartoons to video games to slasher films.

If parents cared as much about what children feed their brains as they do about what they feed their stomachs, they wouldn't abdicate their parental roles to the media. Each generation of children is being increasingly raised by TV sets and movie screens and coming to believe in the values media tout.

We readily accept that children learn the alphabet from "Sesame Street," why can't we accept that they learn the ABCs of murder and mayhem from gratuitously violent entertainment?

Daily, I hear writers, producers and other industry people say, "It's only entertainment," meaning no one believes or acts upon what they see on screen. Yet these same people sell product-placement spots and commercial time for billions of dollars per year. If a 30-second commercial can sell soap, then surely years of glamorized murder, rape and mutilation can sell violence.

Why does Hollywood continue to generate violent entertainment quicker than you can say, "'Kill' the lights, we're ready to 'shoot'"?

Violence sells. Just like a drug, violence makes people high by stimulating the neuropsychological components of their inborn aggressive drive. If a child is raised in a loving atmosphere, the aggressive drive becomes socialized into normal ambition and competitiveness, but in an atmosphere of graphic media violence, the aggressive drive becomes distorted into real-life violence. And, just like a drug, people need ever-increasing doses to achieve the same high. Violence sells. So does crack cocaine. Does that make it OK?

With the recession hurting Hollywood pocketbooks more than anticipated, exportation of films and TV shows has taken on greater importance. Consequently, studios have turned to violence even more, since it is translated without words. It's sadly ironic that just as the Cold War ended and we could begin to hope for global peace, America is exporting products that will cause global warfare.

Individual writers, producers and executives feel overwhelmed by the concept that what they write, produce or choose to air could change the lives of millions of people, so they deny the power of their work to avoid a responsibility they often feel ill-equipped to handle.

All scripts require dramatic conflict but to take that literally and plug in gratuitous violence is laziness. In the rush to create more product, artistry is lost.

In every creative work, the unconscious minds of the creators are reflected. There is clearly a lot of anger coming from the unconscious minds of Hollywood and being reflected on the screen. At least some of this unconscious anger is generated by the brutal logic Hollywood inflicts upon its own.

Money, money and more money.

The answer is not censorship but the industry is long overdue in taking responsibility for what it feeds society. Whether one argues that "life imitates art" or "art imitates life," it is indisputable that the increasing violence in our streets is paralleling the increasing violence in our media.

Do the riots have to invade the studios and homes of the industry for this awareness to penetrate? This time it was close. How much closer does it need to get before the industry acknowledges that the "reel" violence it manufactures is killing "real" people in the streets?

(Lieberman is a media psychiatrist, script consultant and talk-show host based in Beverly Hills. She also chairs the National Coalition on Television Violence.)•

TRIBUTE TO BOWLING GREEN

• Mr. McCONNELL. Mr. President, I rise today to recognize Bowling Green, KY's fifth largest city.

Bowling Green is in south-central Kentucky near the Barren River. It distinguishes itself from surrounding towns by its advantageous location along I–65, the Green River Parkway and the CSX rail line. This location has made it possible to attract key industrial facilities, including the Fruit of the Loom and Corvette plants.

Bowling Green is also the home of Western Kentucky University. The university has contributed to the city's growth immeasurably. People from throughout the region come to western for its academic programs, athletic events, cultural offerings, and other activities. Western Kentucky University professors often serve the community as consultants in various fields; many western employees are also in leadership roles in Bowling Green and Warren County. With all these positive characteristics, it is easy to see why Bowling Green is being called a boomtown. In recent years, it has enjoyed rapid growth in population and economy; of course, this has lead to a rapid growth in problems as well. Right now, Bowling Green is learning how to deal with new problems such as traffic, air pollution, and waste management. Some of the residents believe that this is a sign that the city is growing too much, but others say Bowling Green is just beginning to realize its potential.

As Bowling Green citizens struggle with its growing pains, I would like to recognize their accomplishments and applaud their success in making their city one of the finest in the State.

Mr. President, please enter the following article from Louisville's Courier-Journal in today's CONGRESSIONAL RECORD.

The article follows:

[From the Louisville Courier-Journal, Apr. 27, 1992]

BOWLING GREEN—RAPID GROWTH HAS RESIDENTS WONDERING HOW MUCH IS TOO MUCH

(By Cynthia Crossley)

There aren't any signs marking the approaches to Bowling Green, but Mayor Johnny Webb expects to rectify that in time. The question is, what will those signs say?

"Bowling Green, Home of the Corvette"? "* * * of Western Kentucky University"? "* * * of Fruit of the Loom"?

Or how about, "Welcome to Bowling Green—A Boom Town. The Lexington of Southern Kentucky."

Magazine articles about Bowling Green tend to hang those tags on Kentucky's fifth-largest city. They reflect the way Bowling Green has blossomed. Between 1986 and 1990, Bowling Green created more jobs—nearly 3,000—than any other of Kentucky's 10 largest cities, according to the Bowling Green Warren County Chamber of Commerce. (The chamber's figures show Louisville second, with nearly 2,000 new jobs.)

When it comes to snaring a new industry, says Webb, "We know what we're doing."

Bowling Green has a lot of selling points. It is a regional trade center. People come from surrounding counties to shop at Greenwood Mall and other retail outlets. While in town they attend plays, see movies or eat in restaurants that range from franchised fern bars to locally owned historic eateries to the familiar fast-food places on Interstate 65 interchanges.

A regional business center, the city has an "innovation center'" that helps small businesses get started by cutting overhead. It will soon have the Kentucky Advanced Technology Center, now under construction, to provide tailored training to workers in different skills.

Bowling Green may also have potential as a regional tourism center. Construction of a convention center-hotel project is under way, and groundbreaking for a "National Corvette Museum"—General Motors makes the sports car in Bowling Green—is scheduled for June. Another group is trying to restore an old tourist attraction, the Lost River Underground Nite Club (and Cave.) The city already has the Kentucky Museum and Library at Western Kentucky University, the historic Hobson House and nearby attractions such as Mammoth Cave National Park, Barren River Lake State Resort Park and Shakertown at South Union.

Bowling Green also serves as a regional medical center, with two hospitals, clinics and specialty facilities for rehabilitation and Alzheimer's disease.

Above all, one of Bowling Green's major selling points is the presence of Western Kentucky University, which helps in obvious—and not-so-obvious—ways. For example, it helps sell outsiders on setting in Bowling Green by offering them the chance for continued education and the amenities—sports, lectures, plays, exhibits—one might expect at a school with 15,700 students.

But Western also supplies Bowling Green—and other communities—with virtually endless expertise. Warren County's 1989 comprehensive plan, for example, is chock full of technical analysis by Western professors, such as Nick Crawford, an expert on the area's karst terrain, which is characterized by caves, underground streams and sinkholes. Many times, professors do such consulting work without charge because public service is a part of Western's mission.

Western is a source of community activism as well. Government professor John Parker served on a committee that proposed changing the local city-county government structure to a merged metropolitan government. (Voters rejected the proposal in 1990.) And communications professor Regis O'Connor Jr. helped organize Warren County's chapter of Habitat for Humanity.

Western professors also have helped organize Bowling Green's respected fall 10-K race, been active in preservation efforts and published several local histories. Students are active as well: a recent fire at the High Street Community Center, for example, prompted one Western sorority to seek donations to replace some of the center's lost supplies.

"There's no telling what that university is worth to this community," said Warren County Judge-Executive Basil Griffin.

Another major asset for Bowling Green is transportation, including I-65, the Green River Parkway and a CSX rail line. Bowling Green also has a busy general-aviation airport. (The community hasn't been as lucky in its efforts to keep commercial commuter air service. Nashville International Airport, which is a hub for American Airlines, is only about an hour's drive away.)

Someday Bowling Green might also reemerge as a barge shipping center, depending on the findings of a study by the Army Corps of Engineers of potential traffic on the Barren and Green Rivers. The study will determine whether some washed-out locks on the Barren and Green should be rebuilt to reopen a link to the Ohio River, 170 miles away.

Before railroads put packet boats out of business in the early 1930s, Bowling Green had enjoyed 100 years at the head of navigation—and shipping—on the Barren and Green rivers.

"I guess when you boil it all down to what's the difference between places like Glasgow, Russellville, Scottsville and Bowling Green, you'd have to say transportation and education," said local history buff Ray Buckberry Jr. "We've really been fortunate."

While the positive press has been great, there are some in the community who think their town is fast reaching a crossroads. They think growth is bringing their town closer to the threshold of becoming an impersonal urban area.

The change "is going to be a little painful, I think," said Court of Appeals Judge Joseph Huddleston, who has lived much of his life in Bowling Green. "From an economic standpoint, you want it, and from an emotional point you don't."

Said David Garvin, a millionaire horseman who favors retaining "a rural, pastoral setting" for Bowling Green, "It's popular to be progressive * * * but if we aren't careful, and if we don't take some real control over development, we could really mess this up."

Some urban problems are starting to visit Bowling Green. The U.S. Environmental Protection Agency says that the city's air pollution could become a problem.

With the growth of the Scottsville Road area, other parts of town have been left with large, vacant buildings. Community advocates, such as the Rev. Elliotte Joyner, are pushing for a mass-transit system to serve residents on the north side of town, which has low-income housing.

And then there's the No. 1 symptom of growth—traffic.

"The Video Station Thanks You for Allowing Traffic In and Out," says a blue and white portable sign that is planted in front of a Campbell Lane video store every weekend. Traffic on the two-lane road, a major east-west connector between several of Bowling Green's major "spoke" arteries, jams regularly in the evenings and on weekends.

"It's just a mess. It's horrible," said assistant store manager Jonathan Hunt. "It's going to kill some of these businesses."

And that's just one street. Scottsville Road, Bowling Green's main entrance off I-65, and its main weekend shopping area, is a high-accident area, according to Bowling Green police statistics. So is the U.S. 31W Bypass.

The worst of all this is that Bowling Green officials know about these and other problems and cannot afford to fix them. Instead of getting additional traffic lights to control overflow on Scottsville Road, for example, officials are seriously considering installing concrete barriers in some places to limit access.

Bowling Green has another major problem, which is showing up as more growth occurs—its karst terrain. A karst landscape occurs in areas in which limestone underlies the ground—and that is all of Warren County. (So many buildings in Bowling Green have limestone exteriors it seems that ought to be an indication of karst terrain as well.)

"This is one of the most bizarre landscapes on Earth," said Western's Crawford.

Most of the streams around Bowling Green flow underground; few are on the surface. "Even deserts have more bridges across them," Crawford said.

Karst terrain means there are several things to consider when erecting buildings in Bowling Green. One is spot flooding. The underground caves are natural storm sewers, but the sinkholes feeding into them can be slow to drain and sometimes flood with heavy rains. The more paving that's done and the more structures built in sinkhole areas, the worse the problem becomes.

Another is unstable ground. Western had to sink some deep pilings to stabilize two new dorms, and Warren County had to move its Advanced Technology Building, all because of the possibility of cave-ins.

In a system of underground streams and caves, contaminants, fumes and, apparently, radon gas can travel rapidly and pollute unexpectedly.

Karst problems can keep some prime land from being developed, but Crawford said Bowling Green is developing new laws and technology to deal with its landscape. He hopes one proposal, which involves building a man-made wetland to handle runoff, will eliminate some of Bowling Green's unsightly drainage basins.

Still having some geological problems "doesn't mean you can't build a great city," says William Hays Jr., the city's public works director and a professional engineer. "San Francisco is a classic example. You just have to be careful with what you do."

Population: (1990) Bowling Green, 40,641; Warren County, 78,673.

Per capita income: (1987) Warren County: $11,114, or $883 below the state average.

Jobs (1988): Manufacturing 7,212 employees; wholesale/retail 9,638; service 6,739; state/local government, 4,853; contract construction; 1,652.

Big employers (1992) Western Kentucky University, 1,600; Fruit of the Loom Inc., 1,516; Warren County Schools, 1,473; Commonwealth Health Corp., 1,200; General Motors Corp. (Corvette plant), 1,138.

Media: Newspapers—The Park City Daily News, Radio—Six FM stations, WBLG, WCBZ, WCVK, WDNS, WKYU, WWHR, three AM, WBGN, WKCT, WLBJ, Television: WBKO-TV (ABC) WKNT (Fox), WKYU-TV (PBS); cable available.

Transportation: Air—Bowling Green, Warren County Regional Airport (two paved runways, 6,500 feet and 4,000 feet.) Commercial scheduled air service available 89 miles south at Nashville International Airport. Rail—CSX Transportation. Truck—31 lines serve Bowling Green.

Education: Public School System: Bowling Green Independent, 3,544 students; Warren County, 9,506 students. Western Kentucky University offers associate, bachelor's and master's degrees. The Barren River Educational Center consists of Draughons Junior College and Davidson Technical College.

Topography: Western Kentucky University sits on a hill that dominates the town. The Barren River flows around the city. The community sits on classic karst terrain: underground streams flowing through limestone and dolomite rock have formed caves and sinkholes.

FAMOUS FACTS AND FIGURES

There really was a person named Duncan Hines, and he spent nearly half his life in Bowling Green. In 1935, Hines developed a list of good eateries he'd found while traveling and sent it out as a Christmas card. Soon he was publishing annual guides, such as "Adventures in Good Eating." A sample: The "Baked Injun Porridge" from The Toll House in Whitman, Mass., "certainly makes a fellow wish for hollow legs." Businesses proudly displayed the sign, "Recommended by Duncan Hines," Hines franchised his name to food products. Proctor & Gamble bought the Duncan Hines name in 1956. Hines died in Bowling Green in 1959. His estate is now a funeral home.

Urban Renewal tore down Pauline Tabor's Bowling Green "house" in 1970. But in her day she was well-known too—as "Kentucky's Most Famous Madam" "Pauline's" whorehouse at 627 Clay St. lasted 38 years. When an entrepreneur began selling the bricks from her house as $10 souvenirs (His ad: "The Ideal Gift for the Man Who Has Everything! Give One for Christmas"), Tabor decided to cash in too. She wrote her memoirs, sans names. The $25 deluxe edition of 1972 had a red velvet cover with "Pauline's" embossed in gold on it. The pages were in gold-leaf, and a yellow silk tasseled bookmark was included.

Dinah Shore once played the intersection of Cave Mill road and Nashville road, when she was starting out as a singer. Well, not ON the intersection, but Under it. That's the location of the former Lost River Underground Night Club, built in the Lost River Cave. Its heyday was in the 1930s and 1940s, before air conditioning, when the cave provided relief from the summer heat.

In 1796 Robert Moore built a cabin by a large spring. A year later, Moore, his brother George and another man started a town. County court first convened in the Moore cabin, which also served as a local tavern. Legend says people bowled on the lawn beside the Moore's tavern, and that's how the town became "Bollin Green" in 1798.•

HAWAIIAN ISLANDS NATIONAL MARINE SANCTUARY ACT

• Mr. INOUYE. Mr. President, on Thursday, May 21, 1992, Senator AKAKA and I introduced the Hawaiian Islands National Marine Sanctuary Act to designate certain waters adjacent to the Hawaiian Islands as a national marine sanctuary for the humpback whale, and to evaluate additional marine sites and species within the Hawaiian archipelago for possible future inclusion in the sanctuary.

Many of the marine resources, habitats, and ecosystems within the Western Pacific region possess conservation, recreational, ecological, historical, research, educational, and aesthetic qualities which give them special national significance.

The ocean waters surrounding the Hawaiian Islands provide diverse habitats in which may be found unique subtropical marine ecosystems and migratory as well as indigenous species of threatened or endangered marine mammals.

The humpback whale was listed as an endangered species under the Endangered Species Act in June 1970. Current population estimates of the Hawaiian stock of humpback whales range from 1,000 to 3,000 individuals. These figures suggest that the Hawaiian humpback whale population is between 7 to 20 percent of the 15,000 whales that existed prior to exploitation.

The interest in, and support for, the establishment of a humpback whale sanctuary is longstanding. In December 1977, NOAA received a nomination for a humpback whale national marine sanctuary in the waters off the western coast of Maui, Hawaii. On March 17, 1982, NOAA declared the site an active candidate for national marine sanctuary designation. In January 1984, NOAA released the "Proposed Hawaii Humpback Whale National Marine Sanctuary Draft Environmental Impact Statement/Draft Management Plan." Based upon the comments received, subsequent review and consideration of the site was suspended. However, the draft EIS/Management Plan was not withdrawn.

In October 1990, the 101st Congress, at my request, directed the National Oceanic and Atmospheric Administration to conduct a study of the feasibility of establishing a national marine sanctuary in the marine environment adjacent to the Island of Kahoolawe.

The feasibility study concluded, in relevant part, that:

First, the National Marine Sanctuary Program could enhance marine resources protection in Hawaii; second, the humpback whale should be included as a component of a comprehensive, habitat-based management approach to marine resource protection; third, there is preliminary evidence of both biological and cultural/historical resources adjacent to Kahoolawe to merit further investigation for national marine sanctuary status; and fourth, there are additional marine areas within the Hawaiian archipelago that merit further consideration as possible components of a multiple-site national marine sanctuary.

Given these conclusions, the history of the State of Hawaii's and NOAA's prior attempts to establish a humpback whale sanctuary in Hawaiian waters, and recent reports of whale harassment in Hawaiian waters, this legislation designates Hawaiian waters within a 100-fathom isobath around Lanai, Molokai, Maui, Kahoolawe, and Hawaii, and the deep water area of Pailolo Channel from Cape Halawa, Molokai, to Nakalele Point, Maui, and southward, as a national marine sanctuary for the humpback whale. This area supports the highest concentrations of humpback whales in Hawaiian waters.

It is my intention to continue to review this designation in the coming weeks to determine whether additional areas should be included in the boundaries of the humpback whale sanctuary.

In addition, in response to the findings of NOAA's feasibility study, this measure authorizes funds in Fiscal Years 1993 and 1994 to evaluate other potential sites for possible future inclusion in the sanctuary, including biological, cultural, and historical resources adjacent to the Island of Kahoolawe.

This measure includes a provision which allows ongoing Department of Defense activities to continue in a manner that minimizes any impact on humpback whales. New activities will be allowed only if there is no potential for significant adverse impact on humpback whales and their habitat, or if the Secretary of Commerce exempts such new activities based on consideration of the national interest and the purposes of the sanctuary.

The specific impact of this sanctuary designation on the activities of the Department of Defense is still under investigation. It is my intent to work with the Department of Defense over the next few weeks to determine a regime under which defense activities can coexist with the humpback whale sanctuary. In addition, this provision is not intended to exempt the Department of Defense from any responsibilities under other Federal and State laws intended to protect the marine environment including, but not limited to, the Marine Mammal Protection Act, the Endangered Species Act, the Coastal Zone Management Act, and the Hawaii Coastal Zone Management Program, or any other commitments the Department of Defense has made regarding the protection of humpback whales.

In addition, this provision is not intended to set a precedent for any other sanctuaries. The Hawaiian Islands National Humpback Whale Sanctuary is very unique. Since the sanctuary spans the circumference of the islands, there are no alternate access routes, or alternate nearshore areas around these islands to relocate activities.

This measure launches a major initiative to enhance marine resource protection through comprehensive and coordinated conservation and management of marine habitats. This is part of my commitment to continue working to protect Hawaii's natural legacy—for Hawaii's children, grandchildren, and generations to come.●

ANN L. HOLLAND BECOMES INTERNATIONAL PRESIDENT, GFWC

● Mr. KERRY. Mr. President, I am pleased to announce the installation of a constituent of mine, Ann L. Holland, as international president of the General Federation of Women's Clubs. Ms. Holland is an extremely capable and dedicated woman who has been actively involved in the GFWC, as well as several related organizations, for many years.

Ms. Holland has progressed from junior membership in the Falmouth Women's Club to president of that club, and then on to State president of the General Federation of Women's Clubs of Massachusetts. Within the GFWC, Ms. Holland has held the positions of treasurer, recording secretary, second vice president, first vice president and president-elect. For the past 4 years, she has been chairman of the conservation department, where she has projected conservation and energy awareness.

As a function of her membership and chairmanships in the GFWC, Ms. Holland has demonstrated her concern with the public welfare by traveling to individual States and nations to raise awareness in each club of the value of community service. Ms. Holland has also visited Iraq in order to meet with women there and emphasize to them the importance of dedication to the family and women's needs.

In addition to her activism within the GFWC, Ms. Holland has been involved with local Massachusetts organizations such as the Frank Lowell Society of WGBH, Boston's public broadcasting system, and the Massachusetts Society for the Prevention of Cruelty to Children. In 1978, she received the MSPCC Centennial Award for outstanding volunteerism.

Ms. Holland demonstrates the active involvement which should be encouraged in our society as we move into the 21st century. Altruistic individuals, such as Ms. Holland, provide opportunities and advantages to those who are in need. Our society is grateful for the continued support of volunteers who unselfishly give of themselves.

As president of the GFWC, Ms. Holland plans to initiate a literacy program for people of all ages, beginning with pre-school. In addition, Ms. Holland is a member of the Clean Water Foundation steering committee, which will be involved in the 20th anniversary Clean Water Act celebration in October 1992. She intends to promote conservation as a part of her theme: "Concern, Courage, Commitment. A better world for all."

Ms. Holland brings to her presidency a dedication to community service and to the issues of education, the environment, and human rights. She will provide outstanding leadership in the GFWC for many years to come.●

BALANCE THE BUDGET—BY FORCE

● Mr. SIMON. Mr. President, recently, Members have seen editorials written in the New York Times and Washington Post reflecting their consistent stand in opposition to a balanced budget amendment.

I believe that these two publications should reexamine their stand, as some others have, including the Chicago Tribune and columnist, George Will.

David Gergen, editor-at-large at U.S. News & World Report, recently had an excellent editorial on this matter.

In his editorial he points out that in the first 175 years of the Nation's history, 75 percent of the time we balanced the budget. In the last 25 years, 4 percent of the time we have balanced the budget.

I hope Members will reflect on what he has to say.

Mr. President, I ask to insert his editorial into the RECORD at this point.

The editorial follows:

[From U.S. News & World Report, June 1, 1992]

BALANCE THE BUDGET—BY FORCE

(By David Gergen)

In one of his pithier observations, Winston Churchill once said that "Americans can be counted on to do the right thing, after they have exhausted all other options." The politicians of this country have now exhausted a raft of different options to bring our federal finances under control—deficit limits, tax increases, caps on domestic spending, cuts in defense spending—but the nation's budget remains shamefully out of whack. The time has come to recognize that the right thing to do is something we have long resisted: Amend the Constitution so that Congress and the president are required to balance the budget.

A balanced-budget amendment has always represented an indictment of our democratic system. It openly confesses that our elected representatives are incapable of making rational, tough-minded decisions on their own and must be strapped into a straitjacket by force of law. It says that as citizens, we are so unwilling to curb our appetites for more services and fewer taxes that we penalize any politician who demands self-discipline. As Sen. Phil Gramm of Texas says, "Everybody wants to go to heaven, but nobody wants to do what it takes to get there."

Yet for all the inherent flaws and dangers of an amendment, an honest look at our past behavior and the future burdens we are imposing on our children makes a compelling case for its adoption. Isn't it better to accept a forced diet than to gorge ourselves to death? Consider: In the first 175 years of our republic, we balanced the budget or recorded a surplus 60 percent of the time. But since then, as government has exploded in size and scope, we have balanced the books less than 4 percent of the time. In the first 20 decades of the republic, we accumulated a total national debt of $1 trillion; in the past decade, we more than tripled that amount. From 1950 to 1980, Washington's borrowing soaked up less than 10 percent of our national savings pool; since 1980, federal deficits have sucked in roughly two thirds of our private savings. As a result, our rate of gross investment has been too low (in recent years, half of Japan's as a percentage of gross domestic product), our interest rates too high, and now our job creation is too slow. Total interest payments on the national debt will climb in the next fiscal year to $315 billion, the largest single item in the budget; of that, Washington will send some $40 billion to foreign creditors, more than it will spend on educating our children.

Momentum is now building in Congress to pass Sen. Paul Simon's budget amendment before the July recess and send it forward to the states, where more than 30 have signaled an eagerness to embrace it. Opponents rightly charge that many in Congress are acting out of desperation, anxiously trying to appease voters with something—anything—before the anti-incumbent mood sweeps them from power. The true test to apply to a candidate this fall is not whether he favors an amendment but whether he also shows constituents what services he will cut and what taxes he will raise.

To reach balance will require wrenching changes, especially in federal services. Since 1979, contrary to popular myth, federal spending has shot up from 20 percent to 25 percent of GDP, a level we haven't seen since the aftermath of World War II. Double-digit inflation has pushed the cost of Medicaid and Medicare to $200 billion this year; these costs will escalate to $600 billion in a decade. A balanced-budget amendment will clearly bring a crunch in Medicare and Medicaid, prompting the biggest overhaul of health care in this century. As it decides where to cut, Washington must also decide what priorities may demand more resources. How, for example, will we become a more productive, cohesive nation unless we fully fund Head Start? Inevitably, we must face up to the prospect of higher taxes.

But we can no longer flinch from reality; we can no longer afford the illusion that we can borrow our way to prosperity. President Bush, who shares responsibility with the Democratic Congress for the dreadful state of our finances, should now work with Capitol Hill to ensure that an amendment to the Constitution is carefully and wisely drawn, that the country is fully informed of the consequences and that we move forward immediately—no more mañanas—to restore our financial solvency. Somehow 49 out of our 50 states have learned to live within laws requiring balanced books; surely Washington can do the same.●

THE PEACE IN ANGOLA MATURES

● Mr. DECONCINI. Mr. President, today I would like to speak about an issue which, while not on the front page of today's newspapers, is of no less importance than other newsworthy events. Sunday marked the first anniversary of the signing of the Estoril accords in Lisbon which resulted in a cease-fire between rival forces of UNITA and the Angolan Government in their 16-year civil war. The fact that the cease-fire has been observed intact for 1 year is significant in and of itself. There is, however, a potentially greater threat to a real Angolan peace, and that is the seeming apathy and indifference from the international community to the very real problems facing the Angolan parties as they work toward national elections in September.

A return to a state of war is unacceptable for all those involved. It is now the duty of the United States Government, and the international community as a whole, to work with the Angolan people to achieve our common and long-sought goal—free and democratic elections in Angola. We must continue to push for these free elections. The United Nations must be more forceful and continue prodding both sides which, alternately, appear reluctant to pursue the September elections with the same gusto with which they prosecuted the war.

Originally, the MPLA and UNITA tried to solve their problems through violence. The losers in this effort were the people of Angola. All sides now recognize that no one can—or will—triumph over the other militarily and that fighting only led to stalemate. Moreover, the people of Angola are tired of war and they are getting used to peace. They realize that democratic elections are essential to their future. They recognize that elections are the only way that their voices will be heard, and their needs met. Regardless of which party wins the September elections, the fact that elections are held, and that they are free and fair, will be a tribute to the Angolan people—for they will be the true winners.

While we are celebrating this significant anniversary, we cannot overlook the gross injustices which continue to be suffered by the people of this country. Violations of civil rights and of promises agreed to in the Estoril accords by the government persist. UNITA has also had problems in fulfilling parts of the accords. Political prisoners must be freed by both sides and complete access to all areas of the country by both sides must be ensured.

It is clear that both UNITA and the government must do more to meet the spirit, as well as the letter, of the accords. It is also incumbent upon the guarantors of the accords—the United States, Russia, and Portugal—to forcefully get this message across to the leadership of the parties.

Also, while UNITA has completed its internal investigation into the deaths of Tito Chingunji and Wilson dos Santos, many questions remain about their deaths and the deaths of their family members. As I said in my statement of March 26, an impartial, outside investigation should be convened to clear the air and get to the bottom of this tragic controversy. This call has been picked up by others, notably Senator BOREN, chairman of the Intelligence Committee. Regardless of who is responsible for these actions, the people of Angola deserve to know all of the facts surrounding this case, preferably prior to the elections. The investigation must be handled in a professional and rational manner, and the results distributed on a timely basis. The deaths of these men, however, must not be debased and used for political gain.

As I have repeatedly stated to representatives of UNITA and the MPLA, among others, the new, freely elected government must realize that the United States will not tolerate abuses of the Angolan people's human rights. Nor will we provide aid to any government involved in human or civil rights violations. The United States bears a clear responsibility in helping to rebuild war-torn Angola. But at the same time, the new Angolan Government also has a responsibility—to its people and its future donors. The Angolan people have suffered too long. They must be afforded the rights that all people deserve.

To this end, we must ensure in the difficult months ahead that we do not lose track of our ultimate goal—free elections. All nations and international organizations must join the people of Angola in ensuring that free elections are held in Angola in September. These elections represent the greatest opportunity for the Angolan people to recapture their future.

In closing, I realize that many people here in the United States may now view this process with the kind of importance that it deserves. Because, as Americans, we are guaranteed the rights about which Angolans can only dream, we tend to take them for granted. But we must remember that we fought our own revolution and civil war to gain and then maintain these rights. I believe that we must do all that we can to ensure that the Angolans are given the opportunity to experience life as it should be—with freedom, equality, and democracy for every citizen.●

FOREIGN CURRENCY REPORTS

In accordance with the appropriate provisions of law, the Secretary of the Senate herewith submits the following reports of standing committees of the Senate, certain joint committees of the Congress, delegations and groups, and select and special committees of the Senate, relating to expenses incurred in the performance of authorized foreign travel:

CONSOLIDATED REPORT OF EXPENDITURE OF FOREIGN CURRENCIES AND APPROPRIATED FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE UNDER AUTHORITY OF SEC. 22, P.L. 95–384—22 U.S.C. 1754(b), COMMITTEE ON APPROPRIATIONS, FOR TRAVEL FROM JAN. 1 TO MAR. 31, 1992

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Senator Daniel K. Inouye:									
Australia	Dollar	1,189.48	908.00					1,189.48	908.00
Indonesia	Rupiah	485,316	458.00					485,316	458.00
Hong Kong	Dollar	1,958.04	252.00					1,958.04	252.00
Taiwan	Dollar	19,350	770.00					19,350	770.00
Senator Ted Stevens:									
Australia	Dollar	1,189.48	908.00					1,189.48	908.00
Indonesia	Rupiah	485,316	458.00					485,316	458.00
Hong Kong	Dollar	1,958.04	252.00					1,958.04	252.00
Taiwan	Dollar	19,350	770.00					19,350	770.00
Richard L. Collins:									
Australia	Dollar	1,189.48	908.00					1,189.48	908.00
Indonesia	Rupiah	485,316	458.00					485,316	458.00
Hong Kong	Dollar	1,958.04	252.00					1,958.04	252.00
Taiwan	Dollar	19,350	770.00					19,350	770.00
Steve Cortese:									
Australia	Dollar	1,189.48	908.00					1,189.48	908.00
Indonesia	Rupiah	485,316	458.00					485,316	458.00
Hong Kong	Dollar	1,958.04	252.00					1,958.04	252.00
Taiwan	Dollar	19,350	770.00					19,350	770.00
Peter D. Lennon:									
United States	Dollar		22.18		4,008.40				4,030.58
Belgium	Franc	14,833	474.82					14,833	474.82
Germany	Dollar		718.08						718.08
Italy	Lira	416,560	341.45					416,560	341.45

CONSOLIDATED REPORT OF EXPENDITURE OF FOREIGN CURRENCIES AND APPROPRIATED FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE UNDER AUTHORITY OF SEC. 22, P.L. 95–384—22 U.S.C. 1754(b), COMMITTEE ON APPROPRIATIONS, FOR TRAVEL FROM JAN. 1 TO MAR. 31, 1992—Continued

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
France	Franc	3,279	676.80					3,279	676.80
United Kingdom	Pound	350.14	616.23					350.14	616.23
Senator Warren B. Rudman:									
Germany	Deutsche mark	351	222.55					351	222.55
David H. Morrison:									
Belgium	Franc	15,430	493.91					15,430	493.91
Germany	Dollar		712.93						712.93
Italy	Lira	407,000	333.61					407,000	333.61
France	Franc	4,452	807.99					4,452	807.99
United Kingdom	Pound	422.90	742.96					422.90	742.96
United States	Dollar		22.00		3,934.44				3,956.44
William P. Jones:									
Japan	Yen	268,201	2,156.00	48,160	387.00				2,543.00
United States	Dollar				2,517.00				2,517.00
Rand Fishbein:									
United States	Dollar				3,047.80				3.047.80
Germany	Dollar		294.00				20.00		314.00
Turkey	Dollar		378.00						378.00
Total			18,565.51		13,894.64		20.00		32,480.15

ROBERT C. BYRD,
Chairman, Committee on Appropriations, Apr. 27, 1992.

CONSOLIDATED REPORT OF EXPENDITURE OF FOREIGN CURRENCIES AND APPROPRIATED FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE UNDER AUTHORITY OF SEC. 22, P.L. 95–384—22 U.S.C. 1754(b), COMMITTEE ON APPROPRIATIONS, FOR TRAVEL FROM OCT. 1 TO DEC. 31, 1991

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Tim Rieser:									
Ethiopia	Dollar		427.00						427.00
United States	Dollar				1,981.45				1,981.45
Jerry L. Bonham:									
Germany	Deutsche mark	712.32	448.00					712.32	448.00
Switzerland	Franc	270.52	190.00	74.00	52.00			344.52	242.00
Austria	Schilling	10,062.61	876.00					10,062.61	876.00
Italy	Lira	1,115.28	2,267.00					1,115.28	2,267.00
Austria	Deutsche mark			97.40	61.30			97.40	61.30
Germany	Deutsche mark			125.61	79.00			125.61	79.00
United States	Dollar				1,056.00				1,056.00
Scott B. Gudes:									
Finland	Finnmark	906.5	210.00					906.5	210.00
U.S.S.R. Ukraine, Latvia, Lithuania	Dollar		1,052.00						1,052.00
United Kingdom	Sterling	270	488.00					270	488.00
United States	Dollar				3,506.00				3,506.00
John G. Shank:									
Finland	Finnmark	1,122.3	260.00					1,122.3	260.00
U.S.S.R. Ukraine, Latvia, Lithuania	Dollar		1,100.00						1,100.00
United Kingdom	Sterling	464.4	840.00					464.4	840.00
United States	Dollar				3,506.00				3,506.00
Total			8,158.00		10,241.75				18,399.75

ROBERT C. BYRD,
Chairman, Committee on Appropriations, Feb. 26, 1992.

CONSOLIDATED REPORT OF EXPENDITURE OF FOREIGN CURRENCIES AND APPROPRIATED FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE UNDER AUTHORITY OF SEC. 22, P.L. 95–384—22 U.S.C. 1754(b), COMMITTEE ON ARMED SERVICES, FOR TRAVEL FROM JAN. 1 TO MAR. 31, 1992

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Romie L. Brownlee:									
Panama	Dollar		364.00						364.00
Colombia	Peso	129,412	207.00					129,412	207.00
Peru	Sole	150	150.00					150	150.00
Durwood W. Ringo, Jr.:									
United Kingdom	Pound	264.83	482.00					264.83	482.00
Germany	Deutsche mark	894.54	570.50					894.54	570.50
Romie L. Brownlee:									
United Kingdom	Pound	264.83	482.00					264.83	482.00
Germany	Deutsche mark	894.54	570.50					894.54	570.50
William H. Smith:									
Japan	Yen	207,250	1,666.00			43,450	350.00	250,790	2,016.00
	Dollar				2,921.70				2,921.70
Senator Jeff Bingaman:									
Japan	Yen	306,155	2,482.00			61,675	500.00	367,830	2,982.00
Patrick F. VonBargen:									
Japan	Yen	306,155	2,482.00			61,675	500.00	367,830	2,982.00
John P. Gerhart:									
Japan	Yen	306,155	2,482.00			61,675	500.00	367,830	2,982.00
Senator J. James Exon:									
Commonwealth of Independent States	Dollar		1,065.00						1,065.00
Senator Carl Levin:									
Commonwealth of Independent States	Dollar		1,035.00						1,035.00

CONSOLIDATED REPORT OF EXPENDITURE OF FOREIGN CURRENCIES AND APPROPRIATED FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE UNDER AUTHORITY OF SEC. 22, P.L. 95–384—22 U.S.C. 1754(b), COMMITTEE ON ARMED SERVICES, FOR TRAVEL FROM JAN. 1 TO MAR. 31, 1992—Continued

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Senator Strom Thurmond:									
Commonwealth of Independent States	Dollar		1,064.50						1,064.50
Richard E. Combs, Jr.:									
Commonwealth of Independent States	Dollar		1,014.00				741.87		1,755.87
Brian D. Dailey:									
Commonwealth of Independent States	Dollar		1,075.00						1,075.00
George W. Lauffer:									
Commonwealth of Independent States	Dollar		974.50						974.50
Andrew W. Johnson:									
Commonwealth of Independent States	Dollar		1,099.52						1,099.52
Brian D. Dailey:									
United Kingdom	Pound	306.60	576.00					306.60	576.00
Israel	Dollar		686.00						686.00
Egypt	Pound	1249	374.00					1249	374.00
Saudi Arabia	Riyal	56.25	15.00					56.25	15.00
Bahrain	Dinar	175.60	466.00					175.60	466.00
Kuwait	Dollar		300.00						300.00
Judith A. Ansley:									
Israel	Dollar		445.00						445.00
Egypt	Pound	1,250	374.00					1,250	374.00
Saudia Arabia	Riyal	37.50	10.00					37.50	10.00
Bahrain	Dinar	175.66	466.00					175.66	466.00
Kuwait	Dollar		255.00						255.00
Turkey	Dollar		171.00						171.00
Ann E. Sauer:									
Israel	Dollar		706.00						706.00
Egypt	Pound	1,249.91	374.00					1,249.91	374.00
Bahrain	Dinar	175.66	466.00					175.66	466.00
Kuwait	Dollar		290.00						290.00
United Kingdom		306.60	576.00					306.60	576.00
Senator John McCain:									
Germany	Deutsche mark	67.47	43.73					67.47	43.78
Senator John Glenn:									
Germany	Deutsche mark			20	12.68			20	12.68
Romie L. Brownlee:									
Germany	Deutsche mark	920.97	584.00					920.97	584.00
Judith A. Ansley:									
Germany	Deutsche mark	713.80	452.64					713.80	452.64
Brian D. Dailey									
Germany	Deutsche mark	920.97	584.00					920.97	584.00
James M. Bodner:									
Germany	Deutsche mark	570.97	362.06					570.97	362.06
Marshall A. Salter:									
Germany	Deutsche mark	920.97	584.00					920.97	584.00
Senator Sam Nunn:									
Commonwealth of Independent States	Dollar		785.00						785.00
Robert G. Bell:									
Commonwealth of Independent States	Dollar		950.00						950.00
Richard E. Combs, Jr.:									
Commonwealth of Independent States	Dollar		832.00						832.00
Rose Johnson:									
Commonwealth of Independent States	Dollar		938.00						938.00
Brian D. Dailey:									
Commonwealth of Independent States	Dollar		1,025.00						1,025.00
Senator William S. Cohen:									
Germany	Deutsche mark	21.45	13.60					21.45	13.60
Senator Connie Mack:									
Commonwealth of Independent States	Dollar		925.00						925.00
Senator Jeff Bingaman:									
Commonwealth of Independent States	Dollar		800.00						800.00
Edward McGaffigan, Jr.:									
Commonwealth of Independent States	Dollar		908.00						908.00
Senator John W. Warner:									
Commonwealth of Independent States	Dollar		775.00						775.00
Patrick A. Tucker:									
Commonwealth of Independent States	Dollar		925.00						925.00
Total			37,302.60		2,934.38		2,591.87		42,828.85

SAM NUNN,
Chairman, Committee on Armed Services, Apr. 1, 1992.

CONSOLIDATED REPORT OF EXPENDITURE OF FOREIGN CURRENCIES AND APPROPRIATED FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE UNDER AUTHORITY OF SEC. 22, P.L. 95–384—22 U.S.C. 1754(b), COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION, FOR TRAVEL FROM OCT. 1 TO DEC. 31, 1991

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Steven O. Palmer:									
Canada	Dollar	692.52	613.94			470.00	416.67	1,162.52	1,030.61
United States	Dollar				277.70				277.70
Ivan A. Schlager:									
Switzerland	Franc	1,930	1,368.00					1,930	1,368.00
United States	Dollar				708.00				708.00
Daniel A. Nelson:									
England	Pound	512.02	920.00					512.02	920.00
Italy	Lira	740,982	618.00					273,982	618.00
France	Franc	2,732.40	506.00					2,732.40	506.00
United States	Dollar				2,573.90				2,573.90
Senator Larry Pressler:									
England	Pound	768.03	1,380.00					768.03	1,380.00
Italy	Lira	740,982	618.00					740,982	618.00
France	Franc	2,732.40	506.00					2,732.40	506.00
United States	Dollar				6,445.90				6,445.90

CONSOLIDATED REPORT OF EXPENDITURE OF FOREIGN CURRENCIES AND APPROPRIATED FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE UNDER AUTHORITY OF SEC. 22, P.L. 95–384—22 U.S.C. 1754(b), COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION, FOR TRAVEL FROM OCT. 1 TO DEC. 31, 1991—Continued

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Total			6,529.94		10,005.50		416.67		16,952.11

ERNEST F. HOLLINGS,
Chairman, Committee on Commerce, Science and Transportation,
Feb. 7, 1991.

CONSOLIDATED REPORT OF EXPENDITURE OF FOREIGN CURRENCIES AND APPROPRIATED FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE UNDER AUTHORITY OF SEC. 22, P.L. 95–384—22 U.S.C. 1754(b), COMMITTEE ON ENERGY AND NATURAL RESOURCES, FOR TRAVEL FROM JAN. 1 TO MAR. 31, 1992

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Simeon Spencer:									
Japan	Yen	316,598	2,532.78	23,780	194.24	236,568	1,892.54	576,946	4,619.56
United States	dollar				3,095.00				3,095.00
Total			2,532.78		3,289.24		1,892.54		7,714.56

J. BENNETT JOHNSTON,
Chairman, Committee on Energy and Natural Resources, Mar. 27, 1992.

CONSOLIDATED REPORT OF EXPENDITURE OF FOREIGN CURRENCIES AND APPROPRIATED FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE UNDER AUTHORITY OF SEC. 22, P.L. 95–384—22 U.S.C. 1754(b), COMMITTEE ON ENERGY AND NATURAL RESOURCES, FOR TRAVEL DEC. 3–6, 1990

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Senator J. Bennett Johnston:									
Puerto Rico	Dollar		232.22						232.22
Senator Malcolm Wallop:									
Puerto Rico	Dollar		232.22						232.22
Senator Don Nickles:									
Puerto Rico	Dollar		232.22						232.22
Mark Whitenton:									
Puerto Rico	Dollar		232.22		3.20				235.42
Daryl Owen:									
Puerto Rico	Dollar		232.22		3.20				235.42
Benjamin Cooper:									
Puerto Rico	Dollar		232.22		3.20				235.42
Allen Stayman:									
Puerto Rico	Dollar		232.22		3.20				235.42
G. Robert Wallace:									
Puerto Rico	Dollar		232.22		3.20				235.42
James Beirne:									
Puerto Rico	Dollar		232.22		3.20				235.42
Nancy Blush:									
Puerto Rico	Dollar		232.22		3.20				235.42
Laura Hudson:									
Puerto Rico	Dollar		232.22		3.20				235.42
Frank Cushing:									
Puerto Rico	Dollar		232.22		3.20				235.42
D. Michael Harvey:									
Puerto Rico	Dollar		232.22						232.22
Delegation expense:[1]									
Puerto Rico	Dollar						1,801.20		1,801.20
Total	Dollar		3,018.86		28.20		1,801.20		4,848.86

[1] Delegation expenses were paid and per diem expenses were reimbursed to the Department of Defense under authority of S.R. 179, agreed to May 25, 1977.

J. BENNETT JOHNSTON,
Chairman, Committee on Energy and Natural Resources, Mar. 27, 1992.

AMENDED CONSOLIDATED REPORT OF EXPENDITURE OF FOREIGN CURRENCIES AND APPROPRIATED FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE UNDER AUTHORITY SEC. 22, P.L. 95–384–22 U.S.C. 1754(b), COMMITTEE ON ENERGY AND NATURAL RESOURCES, FOR TRAVEL FROM OCT. 1, TO DEC. 31, 1991

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Senator Daniel Akaka:									
Marshall Islands	Dollar				816.20				816.20
Allen P. Stayman:									
Marshall Islands	Dollar				816.20				816.20
James P. Beirne:									
Marshall Islands	Dollar				816.20				816.20
G. Robert Wallace:									
Marshall Islands	Dollar				816.20				816.20
Patrick McGarey:									
Marshall Islands	Dollar				816.20				816.20
James O'Toole:									
Marshall Islands	Dollar				816.20				816.20
Benjamin S. Cooper:									
Japan	Yen	1,375.94	1,014.26	24,500	180.60	10,280	75.78		1,270.64

AMENDED CONSOLIDATED REPORT OF EXPENDITURE OF FOREIGN CURRENCIES AND APPROPRIATED FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE UNDER AUTHORITY SEC. 22, P.L. 95–384–22 U.S.C. 1754(b), COMMITTEE ON ENERGY AND NATURAL RESOURCES, FOR TRAVEL FROM OCT. 1, TO DEC. 31, 1991—Continued

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
	Dollar				34.00		120.80		154.80
Micronesia	Dollar				3,565.93				3,565.93
Marshall Islands	Dollar				816.20				816.20
Total			1,014.26		9,493.93		196.58		10,704.77

J. BENNETT JOHNSTON,
Chairman, Committee on Energy and Natural Resources, Mar. 27, 1992.

AMENDED CONSOLIDATED REPORT OF EXPENDITURE OF FOREIGN CURRENCIES AND APPROPRIATED FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE UNDER AUTHORITY SEC. 22, P.L. 95–384—22 U.S.C. 1754(b), COMMITTEE ON ENERGY AND NATURAL RESOURCES, FOR TRAVEL FROM APR. 1 TO JUNE 30, 1991

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
G. Robert Wallace:									
Saipan	Dollar		140.80						140.80
Guam	Dollar		258.98				5.40		264.38
Total			399.78				5.40		405.18

J. BENNETT JOHNSTON,
Chairman, Committee on Energy and Natural Resources, Mar. 27, 1992.

CONSOLIDATED REPORT OF EXPENDITURE OF FOREIGN CURRENCIES AND APPROPRIATED FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE UNDER AUTHORITY OF SEC. 22, P.L. 95–384—22 U.S.C. 1754(b), COMMITTEE ON FINANCE, FOR TRAVEL FROM JAN. 1 TO MAR. 31, 1992

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Senator John D. Rockefeller IV:									
Japan	Yen	210,982	1,696.00	23,310	186.48			234,292	1,882.48
United States	Dollar				5,591.00				5,591.00
Randolf H. Hardock									
Germany	Deutsche mark	905.76	612.00					905.76	612.00
Netherlands	Guilder	732.95	429.00	62.50	36.58			795.45	465.58
France	Franc	4,334.40	840.00	136	26.36			4,470.40	866.36
England	Pound	528.27	952.00	28.45	51.27			556.72	1,003.27
United States	Dollar				2,297.00				2,297.00
Richard A. Lauderbaugh:									
Germany	Deutsche mark	905.76	612.00					905.76	612.00
Netherlands	Guilder	732.95	429.00	72.50	42.43			805.45	471.43
France	Franc	4,334.40	840.00	150	29.07			4,484.40	869.07
England	Pound	528.27	952.00	28.45	51.27			556.72	1,003.27
United States	Dollar				2,297.00				2,297.00
Edmund J. Mihalski:									
Germany	Deutsche mark	905.76	612.00	10	6.76			915.76	618.76
Netherlands	Guilder	732.95	429.00	72.50	42.43			805.45	471.43
France	Franc	4,334.40	840.00	112	21.71			4,446.40	861.71
England	Pound	528.27	952.00	30.45	54.87			558.72	1,006.87
United States	Dollar				2,297.00				2,297.00
Lisa Potetz:									
Germany	Deutsche mark	905.76	612.00					905.76	612.00
Netherlands	Guilder	732.95	429.00	62.50	36.58			795.45	465.58
France	Franc	4,334.40	840.00	110	21.32			4,444.40	861.32
England	Pound	528.27	952.00	28.45	51.27			556.72	1,003.27
United States	Dollar				2,297.00				2,297.00
Roy J. Ramthun:									
Germany	Deutsche mark	905.76	612.00					905.76	612.00
Netherlands	Guilder	732.95	429.00	77.50	45.36			810.45	474.36
France	Franc	4,334.40	840.00	86	16.67			4,420.40	856.67
England	Pound	528.27	952.00	28.45	51.27			556.72	1,003.27
United States	Dollar				2,297.00				2,297.00
William A. Reinsch:									
Japan	Yen	210,982	1,696.00	23,310	186.48			234,292	1,882.48
United States	Dollar				3,095.00				3,095.00
Marina L. Weiss:									
Germany	Deutsche mark	905.76	612.00					905.76	612.00
Netherlands	Guilder	732.95	429.00	67.50	39.51			800.45	468.51
France	Franc	4,334.40	840.00	70	13.57			4,404.40	853.47
England	Pound	528.27	952.00	31.65	57.04			559.92	1,009.04
United States	Dollar				2,297.00				2,297.00
Total			20,390.00		23,536.30				43,926.30

LLOYD BENTSEN,
Chairman, Committee on Finance, Apr. 1, 1992.

CONSOLIDATED REPORT OF EXPENDITURE OF FOREIGN CURRENCIES AND APPROPRIATED FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE UNDER AUTHORITY OF SEC. 22, P.L. 95–384—22 U.S.C. 1754(b), COMMITTEE ON FOREIGN RELATIONS, FOR TRAVEL FROM JAN. 1 TO MAR. 31, 1992

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Senator Alan Cranston:									
Russia	Dollar		1,300.00						1,300.00
Senator Richard G. Lugar:									
Uruguay	Peso	620,750	250.00					620,750	250.00
Argentina	Austral	210	207.00					210	207.00
Chile	Peso	28,163	75.00					28,163	75.00
Nicaragua	Dollar		216.00						216.00
El Salvador	Colon	1,100.24	136.00					1,100.24	136.00
Russia	Dollar		1,150.00						1,150.00
Senator Daniel P. Moynihan:									
India	Rupee	31,914	1,236.00					31,914	1,236.00
Senator Claiborne Pell:									
Russia	Dollar		625.00						625.00
United States	Dollar				2,925.90				2,925.90
Senator Larry Pressler:									
Germany	Mark	1,381.45	876.00					1,381.45	876.00
United Kingdom	Pound	815.93	1,485.00					815.93	1,485.00
United States	Dollar				3,598.80				3,598.80
United Kingdom	Pound	306.74	576.00					306.74	576.00
Pakistan	Rupee	1,095	44.26					1,095	44.26
India	Rupee	27,292	1,052.93	1,149	44.33			28,441	1,097.26
Sri Lanka	Rupee	687.50	16.12					687.50	16.12
United States	Dollar				8,110.90				8,110.90
Martin Andersen:									
Russia	Dollar		1,350.00						1,350.00
Jennifer Brick:									
Philippines	Peso	22,690.65	852.50	165.00	6.20			22,855.65	858.70
United States	Dollar				2,392.00				2,392.00
Geryld B. Christianson:									
Russia	Dollar		1,391.00						1,391.00
Austria	Schilling	7,301.70	684.00					7,301.70	684.00
United States	Dollar				3,403.70				3,403.70
Adwoa Dunn-Mouton:									
Canada	Dollar	439.33	372.00					439.33	372.00
United States	Dollar				373.14				373.14
Peter W. Galbraith:									
India	Rupee	24,426	946.00					24,426	946.00
United States	Dollar				6,254.00				6,254.00
Thomas G. Hohenthaner:									
Pakistan	Rupee	595	24.05					595	24.05
India	Rupee	27,292	1,052.93	1,149	44.33			28,441	1,097.26
Sri Lanka	Rupee	600.50	14.08					600.50	14.08
United States	Dollar				5,178.90				5,178.90
Richard Kessler:									
Philippines	Peso	27,534.87	1,034.50					27,534.87	1,034.50
Philippines				2,837	106.59			2,837	106.59
United States	Dollar				2,396.00				2,396.00
Michelle Maynard:									
Russia	Dollar		650.00						650.00
United States	Dollar				2,798.90				2,798.90
Kenneth A. Myers:									
Russia	Dollar		1,150.00						1,150.00
Richard McCall:									
El Salvador	Colon	4,800	600.00					4,800	600.00
United States	Dollar				1,005.00				1,005.00
George A. Pickart:									
Morrocco	Dirham	5,637.25	700.00					5,637.25	700.00
United States	Dollar				2,988.80				2,988.80
Andrew K. Semmel:									
El Salvador	Colon	3,048.75	358.58					3,048.75	358.58
United States	Dollar				971.00				971.00
Uruguay	Peso	620,750	250.00					620,750	250.00
Argentina	Austral	210	207.00					210	207.00
Chile	Peso	28,163	195.00					28,163	195.00
Nicaragua	Dollar		216.00						216.00
Amendments to 4th Quarter of 1991:									
Anne Smith:									
Ukraine	Dollar		640.00						640.00
Moldavia	Dollar		576.00						576.00
Lithuania	Dollar		820.00						820.00
United States	Dollar				2,102.80				2,102.80
Deborah DeMoss:									
Cuba	Dollar		600.00						600.00
Dominican Republic	Peso	7,017	389.00					7,017	389.00
United States	Dollar				547.40				547.40
Total			24,317.95		45,248.69				69,566.64

CLAIBORNE PELL,
Chairman, Committee on Foreign Relations, Apr. 16, 1992.

CONSOLIDATED REPORT OF EXPENDITURE OF FOREIGN CURRENCIES AND APPROPRIATED FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE UNDER AUTHORITY OF SEC. 22, P.L. 95–384—22 U.S.C. 1754(b), COMMITTEE ON THE JUDICIARY, FOR TRAVEL FROM JAN. 1 TO MAR. 31, 1992

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Manus Cooney:									
Switzerland	Franc	1,527.80	1,086.01					1,527.80	1,086.01
United States	Dollar				1,828.00				1,828.00
Karen Robb:									
Switzerland	Franc	1,527.78	1,085.99					1,527.78	1,085.99
United States	Dollar				1,828.00				1,828.00
Darrell Panethiere:									
Switzerland	Franc	1,273.15	904.99					1,273.15	904.99

CONSOLIDATED REPORT OF EXPENDITURE OF FOREIGN CURRENCIES AND APPROPRIATED FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE UNDER AUTHORITY OF SEC. 22, P.L. 95–384—22 U.S.C. 1754(b), COMMITTEE ON THE JUDICIARY, FOR TRAVEL FROM JAN. 1 TO MAR. 31, 1992—Continued

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
United States	Dollar				1,828.00				1,828.00
J. Michael Myers:									
United States	Dollar				431.80				431.80
Haiti	Gourde	3,008.20	356.00					3,008.20	356.00
Nancy Soderberg:									
United States	Dollar				431.80				431.80
Haiti	Gourde	3,008.20	356.00					3,008.20	356.00
Richard Day:									
Haiti	Gourde	3,008.20	356.00					3,008.20	356.00
United States	Dollar				431.80				431.80
Janis Long:									
Japan	Yen	254,044	2,075.00					254,044	2,075.00
United States	Dollar				3,042.00				3,042.00
Total			6,219.99		9,821.40				16,041.39

JOSEPH R. BIDEN,
Chairman, Committee on the Judiciary, Apr. 10, 1992.

CONSOLIDATED REPORT OF EXPENDITURE OF FOREIGN CURRENCIES AND APPROPRIATED FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE UNDER AUTHORITY OF SEC. 22, P.L. 95–384—22 U.S.C. 1754 (b), COMMITTEE ON THE JUDICIARY, FOR TRAVEL FROM OCT. 1 TO DEC. 31, 1991

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
J. Michael Myers:									
Jordan	Dinar	253.145	372.00					253.145	372.00
Israel	Dollar		820.00						820.00
Turkey	Lira	3,314,885	662.00					3,314,885	662.00
United States	Dollar				4,166.80				4,166.80
Nancy Soderberg:									
Jordan	Dinar	253.415	372.00					253.415	372.00
Israel	Dollar		820.00						820.00
Turkey	Lira	3,314,885	662.00					3,314,885	662.00
United States	Dollar				4,166.80				4,166.80
Todd Stern:									
Switzerland	Dollar		1,026.00						1,026.00
John S. Bliss:									
Switzerland	Dollar		1,226.00						1,226.00
Karen Robb:									
Switzerland	Franc	1,511.2682	1,026.00					1,511.2682	1,026.00
Darrell Panethiere:									
Switzerland	Franc	1,259	855.00					1,259	855.00
United States	Dollar				3,268.00				3,268.00
Richard W. Day:									
United States	Dollar				3,911.00				3,911.00
Switzerland	Franc	624.30	442.00					624.30	442.00
Syria	Dollar		404.00						404.00
Jordan	Dinar	379.715	558.00					379.715	558.00
Israel	Dollar		410.00						410.00
England	Pound	156.68	280.00					156.68	280.00
Jerry Tinker:									
United States	Dollar				3,793.00				3,793.00
Switzerland	Franc	1,248.65	884.00					1,248.65	884.00
Jordan	Dinar	379.60	558.00					379.60	558.00
Israel	Dollar		820.00						820.00
Total			12,197.00		19,305.60				31,502.60

JOSEPH R. BIDEN,
Chairman, Committee on the Judiciary, Feb. 7, 1992.

CONSOLIDATED REPORT OF EXPENDITURE OF FOREIGN CURRENCIES AND APPROPRIATED FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE UNDER AUTHORITY OF SEC. 22, P.L. 95–384—22 U.S.C. 1754(b), COMMITTEE ON LABOR AND HUMAN RESOURCES, FOR TRAVEL FROM JAN. 1 TO MAR. 30, 1992

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Ricardo Zuniga:									
Japan	Yen	306,155	2,482.00			61,675	500.00	367,830	2,982.00
United States	Dollar				3,042.00				3,042.00
Total			2,482.00		3,042.00		500.00		6,024.00

EDWARD M. KENNEDY,
Chairman, Committee on Labor and Human Resources, Apr. 10, 1992.

CONSOLIDATED REPORT OF EXPENDITURE OF FOREIGN CURRENCIES AND APPROPRIATED FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE UNDER AUTHORITY OF SEC. 22, P.L. 95–384—22 U.S.C. 1754(b), SELECT COMMITTEE ON INTELLIGENCE, FOR TRAVEL FROM JAN. 1 TO MAR. 31, 1992

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Peter Dorn			1,753.00		3,941.00				5,694.00
Gary Sojka			2,358.00				300.00		2,658.00
Christopher Straub			1,179.00		5,297.00				6,476.00
John Moseman			1,259.00		5,294.00				6,553.00
Timothy Carlsgaard			282.00		238.00				520.00
Michael Hathaway			282.00		238.00				520.00
John Despres			2,543.00		3,198.00				5,741.00
Total			9,656.00		18,206.00		300.00		28,162.00

DAVID L. BOREN,
Chairman, Select Committee on Intelligence, Apr. 1, 1992.

AMENDED CONSOLIDATED REPORT OF EXPENDITURE OF FOREIGN CURRENCIES AND APPROPRIATED FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE UNDER AUTHORITY OF SEC. 22, P.L. 95–384—22 U.S.C. 1754(B), SELECT COMMITTEE ON INTELLIGENCE, FOR TRAVEL FROM JULY 1 TO SEPT. 30, 1991

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Mary Sturtevant			1,106.00		2,429.50				3,535.50
Total			1,106.00		2,429.50				3,535.50

DAVID L. BOREN,
Chairman, Select Committee on Intelligence, Apr. 1, 1992.

CONSOLIDATED REPORT OF EXPENDITURE OF FOREIGN CURRENCIES AND APPROPRIATED FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE UNDER AUTHORITY OF SEC. 22, P.L. 95–384—22 U.S.C. 1754(b), SELECT COMMITTEE ON INTELLIGENCE, FOR TRAVEL FROM JULY 1 SEPT. 30, 1991

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Addendum to third quarter of 1991 report									
Delegation expenses [1]					2,304.82		7,149.35		9,454.17
Total					2,304.82		7,149.35		9,454.17

[1] Delegation expenses include direct payments and reimbursements to the Department of State and to the Department of Defense under authority of Sec. 502(b) of the Mutual Security Act of 1954, as amended by Sec. 22 of Public Law 95–384 and S. Res. 179, agreed to May 25, 1977.

DAVID L. BOREN,
Chairman, Select Committee on Intelligence, Mar. 15, 1992.

CONSOLIDATED REPORT OF EXPENDITURE OF FOREIGN CURRENCIES AND APPROPRIATED FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE UNDER AUTHORITY SEC. 22, P.L. 95–384—22 U.S.C. 1754(b), SELECT COMMITTEE ON INTELLIGENCE, FOR TRAVEL FROM MAR. 25, TO APR. 3, 1991

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Senator David Boren			1,596.00						1,596.00
George J. Tenet			1,596.00						1,596.00
John Deeken			1,596.00						1,596.00
Christopher Mellon			1,596.00						1,596.00
Richard Combs			1,482.00		1,378.20				2,860.20
Marin Strmecki			1,596.00						1,596.00
Senator John Chafee			1,596.00						1,596.00
Delegation expenses [1]					1,105.80		13,960.85		15,066.65
Total			11,058.00		2,484.00		13,960.85		27,502.85

[1] Delegation expenses include direct payments and reimbursements to the Department of State and to the Department of Defense under authority of Sec. 502(b) of the Mutual Security Act of 1954, as amended by Sec. 22 of Public Law 95–384 and S. Res. 179, agreed to May 25, 1977.

DAVID L. BOREN,
Chairman, Select Committee on Intelligence, Mar. 25, 1992.

CONSOLIDATED REPORT OF EXPENDITURE OF FOREIGN CURRENCIES AND APPROPRIATED FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE UNDER AUTHORITY OF SEC. 22, P.L. 95–384—22 U.S.C. 1754(b), JOINT ECONOMIC COMMITTEE, FOR TRAVEL FROM JAN. 1 TO MAR. 31, 1992

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Dorothy Robyn:									
United States	Dollar				3,042.00				3,042.00
Japan	Yen	207,250	1,666.00	25,020	201.13	18,520	148.87	250,790	2,016.00

CONSOLIDATED REPORT OF EXPENDITURE OF FOREIGN CURRENCIES AND APPROPRIATED FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE UNDER AUTHORITY OF SEC. 22, P.L. 95–384—22 U.S.C. 1754(b), JOINT ECONOMIC COMMITTEE, FOR TRAVEL FROM JAN. 1 TO MAR. 31, 1992—Continued

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Total			1,666.00		3,243.13		148.87		5,058.00

PAUL S. SARBANES,
Chairman, Joint Economic Committee, Mar. 31, 1992.

CONSOLIDATED REPORT OF EXPENDITURE OF FOREIGN CURRENCIES AND APPROPRIATED FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE UNDER AUTHORITY OF SEC. 22, P.L. 95–384—22 U.S.C. 1754(b), FOR TRAVEL AUTHORIZED BY THE MAJORITY LEADER FROM OCT. 1 TO DEC. 31, 1991

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Senator Albert Gore, Jr.:									
Switzerland	Franc	924.90	663.00			166.73	119.52	1091.63	782.52
United States	Dollar				2,828.00				2,828.00
Kathleen A. McGinty:									
Switzerland	Franc	650.07	466.00			166.73	119.52	816.80	585.52
United States	Dollar				727.00				727.00
Total			1,129.00		3,555.00		239.04		4,923.04

GEORGE J. MITCHELL,
Majority Leader, Feb. 5, 1992.

CONSOLIDATED REPORT OF EXPENDITURE OF FOREIGN CURRENCIES AND APPROPRIATED FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE UNDER AUTHORITY OF SEC. 22, P.L. 95–384—22 U.S.C. 1754(b), SELECT COMMITTEE ON POW/MIA AFFAIRS FOR TRAVEL JAN. 5–16, 1992

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Frances Zwenig:									
Thailand	Baht	9,972	395.24					9,972	395.24
Cambodia	Dollar		128.00						128.00
Laos	Dollar		69.00						69.00
Vietnam	Dollar		184.00						184.00
Hong Kong	Dollar	1,493.80	192.67					1493.80	192.67
United States	Dollar				1,763.30				1,763.30
Sally Walsh:									
Thailand	Baht	10,000	400.00					10,000	400.00
Cambodia	Dollar		158.00						158.00
Laos	Dollar		69.00						69.00
Vietnam	Dollar		225.00						225.00
Hong Kong	Dollar	1,500	193.47					1,500	193.47
United States	Dollar				1,763.30				1,763.30
Delegation expenses:[1]									
Thailand							445.51		445.51
Cambodia							209.63		209.63
Laos							209.63		209.63
Vietnam							525.63		525.63
Hong Kong							209.63		209.63
Total			2,014.38		3,526.60		1,600.03		7,141.01

[1] Delegation expenses include direct payments and reimbursements to the State Department and to the Defense Department under authority of Sec. 502(b) of the Mutual Security Act of 1954, as amended by Sec. 22 of P.L. 95–384, and S.Res. 179, agreed to May 25, 1977.

GEORGE MITCHELL,
Majority Leader.
ROBERT DOLE,
Republican Leader, May 7, 1992.

CONSOLIDATED REPORT OF EXPENDITURE OF FOREIGN CURRENCIES AND APPROPRIATED FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE UNDER AUTHORITY SEC. 22, P.L. 95–384—22 U.S.C. 1754(b), FOR TRAVEL AUTHORIZED BY THE REPUBLICAN LEADER FROM JAN. 1 TO MAR. 31, 1992

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Senator William V. Roth, Jr.:									
Denmark	Dollar		856.00						856.00
United States	Dollar				1,748.10				1,748.10
R. Ian Butterfield:									
Denmark	Dollar		856.00						856.00
United States	Dollar				1,655.10				1,655.10
Total			1,712.00		3,403.20				5,115.20

ROBERT J. DOLE,
Republican Leader, Mar. 31, 1992.

CONSOLIDATED REPORT OF EXPENDITURE OF FOREIGN CURRENCIES AND APPROPRIATED FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE UNDER AUTHORITY OF SEC. 22, P.L. 95–384—22 U.S.C. 1754(b), FOR TRAVEL AUTHORIZED BY THE REPUBLICAN LEADER FROM OCT. 1 TO DEC. 31, 1991

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Senator William V. Roth, Jr.:									
Australia	Dollar		646.00						646.00
New Zealand	Dollar		115.00						115.00
United States	Dollar				3,191.00				3,191.00
Daniel Bob:									
Australia	Dollar		646.00						646.00
New Zealand	Dollar		225.00						225.00
United States	Dollar				3,170.00				3,170.00
Total			1,632.00		6,361.00				7,993.00

ROBERT J. DOLE,
Republican Leader, Mar. 3, 1992.

NOTICE OF DETERMINATION BY THE SELECT COMMITTEE ON ETHICS UNDER RULE 35, PARAGRAPH 4, PERMITTING ACCEPTANCE OF A GIFT OF EDUCATIONAL TRAVEL FROM A FOREIGN ORGANIZATION

• Mr. SANFORD. Mr. President, it is required by paragraph 4 of rule 35 that I place in the CONGRESSIONAL RECORD notices of Senate employees who participate in programs, the principal objective of which is educational, sponsored by a foreign government or a foreign educational or charitable organization involving travel to a foreign country paid for by that foreign government or organization.

The select committee received a request for a determination under rule 35 for Gail Davis, a member of the staff of Senator FORD, to participate in a program in Korea, sponsored by the Korea Institute for International Economic Policy, from May 23–30, 1992.

The committee has determined that participation by Ms. Davis in this program, at the expense of the Korea Institute for International Economic Policy, is in the interest of the Senate and the United States.

The select committee received a request for a determination under rule 35 for Mark Ashby, a member of the staff of Senator BREAUX, to participate in a program in Korea, sponsored by the Korea Institute for International Economic Policy, from May 23–30, 1992.

The committee has determined that participation by Mr. Ashby in this program, at the expense of the Korea Institute for International Economic Policy, is in the interest of the Senate and the United States.

The select committee received a request for a determination under rule 35 for Paula C. Jacobson, a member of the staff of Senator MOYNIHAN, to participate in a program in Taiwan, sponsored by the Chinese Culture University, from May 25–31, 1992.

The committee has determined that participation by Ms. Jacobson in this program, at the expense of the Chinese Culture University, is in the interest of the Senate and the United States.

The select committee received a request for a determination under rule 35 for Alfred E. Bundrick, a member of the staff of Senator THURMOND, to participate in a program in Taiwan, sponsored by the Chinese Culture University, from May 25–31, 1992.

The committee has determined that participation by Mr. Bundrick in this program, at the expense of the Chinese Culture University, is in the interest of the Senate and the United States.

The select committee received a request for a determination under rule 35 for Daniel E. Bob, a member of the staff of Senator ROTH, to participate in a program in Korea, sponsored by the Ministry of Foreign Affairs on the Republic of Korea, from May 25–29, 1992.

The committee has determined that participation by Mr. Bob in this program, at the expense of the Ministry of Foreign Affairs of the Republic of Korea, is in the interest of the Senate and the United States.

The select committee received a request for a determination under rule 35 for Stuart Feldman, a member of the staff of Senator HATCH, to participate in a program in Korea, sponsored by the Ministry of Foreign Affairs on the Republic of Korea, from May 23–29, 1992.

The committee has determined that participation by Mr. Feldman in this program, at the expense of the Ministry of Foreign Affairs of the Republic of Korea, is in the interest of the Senate and the United States.

The select committee received a request for a determination under rule 35 for Niles L. Godes, a member of the staff of Senator BURDICK, to participate in a program in Taiwan, sponsored by Tamkang University, from May 23–30, 1992.

The committee has determined that participation by Mr. Godes in this program, at the expense of the Tamkang University, is in the interest of the Senate and the United States.

The select committee received a request for a determination under rule 35 for Mary Wakefield, a member of the staff of Senator BURDICK, to participate in a program in Germany, sponsored by the Hanns Seidel Foundation, from May 23–30, 1992.

The committee has determined that participation by Ms. Wakefield in this program, at the expense of the Hanns Seidel Foundation, is in the interest of the Senate and the United States.

The select committee received a request for a determination under rule 35 for Charles Penry, a member of the staff of Senator HEFLIN, to participate in a program in Taiwan, sponsored by the Chinese Culture University, from May 25–31, 1992.

The committee has determined that participation by Mr. Penry in this program, at the expense of the Chinese Culture University, is in the interest of the Senate and the United States.

The Select Committee received a request for a determination under rule 35 for Ramona J. Lessen, a member of the staff of Senator PRESSLER, to participate in a program in Taiwan, sponsored by the Tamkang University, from May 23–30, 1992.

The committee has determined that participation by Ms. Lessen in this program, at the expense of Tamkang University, is in the interest of the Senate and the United States.

The Select Committee received a request for a determination under rule 35 for Todd Andrews, a member of the staff of Senator PELL, to participate in a program in Korea, sponsored by the Korea Economic Institute in cooperation with the Korean Ministry of Foreign Affairs, from May 24–30, 1992.

The committee has determined that participation by Mr. Andrews in this program, at the expense of the Korea Economic Institute and the Korean Ministry of Foreign Affairs, is in the interest of the Senate and the United States.

The Select Committee received a request for a determination under rule 35 for Laura Marcus, a member of the staff of Senator RIEGLE, to participate in a program in Taiwan, sponsored by the Chinese Culture University, from May 25–31, 1992.

The committee has determined that participation by Ms. Marcus in this program, at the expense of the Chinese

Culture University, is in the interest of the Senate and the United States.•

POPULATION AND ENVIRONMENT

• Ms. MIKULSKI. Mr. President, this week the world's attention will be focused on the Rio environmental summit. Unfortunately, the world has a tendency to consider various threats to the environment—global warming, deforestation, air and water pollution—without taking into account the key underlying factor behind these trends: population growth.

This week's Economist contains an excellent editorial, which spells out the immediate threat of population increases to the environment and to the quality of life in the developing world. I ask that excerpts from the editorial be included at this point in the RECORD.

The excerpts follows:

[From the Economists, May 30, 1992]

THE QUESTION RIO FORGETS

BEGIN AT HOME

Population growth can be slowed down only if the countries in which it is occurring are persuaded that it is a bane, not a boon. Some are still ambivalent, as are those western economists who argue that more people will bring more investment and innovation, just as they did in Victorian times. Such arguments misunderstand the scale and speed of what is happening.

By the middle of the next century, world population will almost certainly have doubled. Before it eventually levels off, it may have quadrupled. Most of these extra people will be crowed into the third world, mainly in the countries that already find it hardest to provide food, water, jobs and health care for their people. By 2050 Bangladesh, which now has 113m people, may have 245m. Its population density, already almost double that of Holland, would then be 1,700 people per square kilometre (4,400 per square mile). Nigeria, with roughly the same population as Bangladesh today, may have about 440m people by mid-century.

Countries that are rich and skillfully run can accommodate large populations, living cheek by jowl. But apart from a few city-states—Singapore, Hong Kong, Bermuda—no society has even managed people living as tightly packed at the citizens of Java or Rwanda will be in 60 year time. Today only a handful of countries (South Korea, Holland, Bangladesh) have more than 400 people per square kilometre. By the middle of the next century, as the World Bank's latest "World Development Report" points out, one-third of humanity will probably live in countries with these densities. Many of them will be crammed into cities that will make today's versions seem almost cosy. Keeping these monsteropolises quite will become the main preoccupation of third-world politicians.

Rapid population growth is a brake on economic development. For example, if Nigeria is to provide all its people with clean drinking water by 2030, it must quadruple the number of connections to the water supply in cities and increase them almost ninefold in the countryside. If Indians are to increase the amount of cereal they eat by 40%, taking them up to a decent diet, they will have to quadruple the amount of fertiliser they use. Crop yields can be increased enough in most countries to provide people with as much to eat as they have now, but only if irrigation, fertilisers and farming techniques are applied at least as efficiently as in America. A few countries will not have even that option. Bangladesh will get enough food only if, like Hong Kong, it converts its peasants into factory workers and becomes in effect the world's largest city-state.

Population growth also threatens the environment. As numbers increase, traditional farming methods become corrupted. Land can no longer be left fallow between crops; cultivation extends up fragile hillsides, so the rain floods down and the soil erodes; the forests, grasslands and swamps in which the world's dwindling wildlife services are cleared, whether or not they can sustain agriculture. An estimated 60% of third-world deforestation is caused not by logging but by land-hunger. Population pressure will confront many poor countries with a choice between (a) using farmland more intensively, which involves the risk of pesticide pollution and soil exhaustion; and (b) using more land, which carries the risk of desertification (an ugly word for an ugly business).

Yet many third-world leaders are wary of first-world efforts to persuade them to curb fertility. They suspect that the affluent north is mainly terrified by the prospect of hordes of swarthy immigrants, and more concerned for the future of the elephant than for the lives of black and brown babies. Even if that were true, third-world governments have a duty to their own citizens to give them the same right to choose the size of their families as people in rich countries already enjoy.

At present, roughly 300m couples worldwide say they want family-planning services but cannot get them. In Bolivia and Ghana, for example, 35% of couples complain that they do not have the contraception they want. Simply by providing a more user-friendly and reliable service, fertility can be reduced. It is particularly important to offer privacy, confidentiality and security of supply. In Kenya, the provision of a much better service has boosted the use of contraception from 17% of couples to 27% in a mere five years; in Bangladesh, the result has been a two-point fall in the fertility rate, with two-fifths of Bangladesh couples using contraceptives.

But access to contraception is not the only determination of family size. Japan's contraceptive use is roughly that of Costa Rica; its fertility rate is less than half. In the mid-19th century fertility in America, where land was plentiful, was one-third higher than in France, where the law divided farms into ever-tinier holdings. Though contraception matters, so do attitudes. For people to want to have fewer children, the incomes of the poor must increase and child mortality must decline.

Above, all, women need schools and jobs. Studies by the World Bank have shown that, when women have no secondary education, they have on average seven children; if even 40% of women have been to secondary school, family size drops to three children. Better-educated women have healthier babies, too. If they are farmers, they are better at managing the environment on which their livelihood depend. And they are more likely to find employment, financial independence and thus the sexual independence they need to decide how many babies to bear. Educating women may be less intellectually challenging then keeping the planet cool, but few investments do more for development and the environment.•

DISTRICT MANAGER RETIRES

• Mr. D'AMATO. Mr. President, I am proud to stand here today to pay tribute to a man who personifies the very best of America, Mr. Walter Lewchuk. Walt is retiring after more than 30 years of distinguished public service. Most recently, Walt served as district manager of the Buffalo Social Security office.

Walt's many years of tireless public service are to be commended. His dedication and leadership over the years is an inspring example for others to follow. Walt has spent his life serving others from different posts within the Social Security Administration. Walt has served from 1961 through the present as claims representative, field representative, unit supervisor, administative assistant, assistant district manager, and district manager for Social Security.

Walt Lewchuk is a devoted husband, married to wife Helen, and father of one, daughter, Michelle. Two of Mr. Lewchuck's favorite pastimes are golfing and gardening.

Mr. Lewchuk has been of service to the people of New York, New Jersey, Pennsylvania, and St. Thomas for the past 30 years. He is a great guy and it gives me great pleasure to salute him today. I expect that Walt's retirement will be filled with continued success and prosperity.•

TENTH ANNUAL CHALDEAN COMMENCEMENT

• Mr. RIEGLE. Mr. President, I rise to salute the Chaldean Federation of America on the occasion of the 10th annual commencement of Chaldean college and high school graduates. Held at Our Lady of Chaldeans Cathedral in Southfield, MI, this important gathering salutes the educational achievements of the community's youth who have completed their secondary and college education. Over 1,000 people will be in attendance on June 18, 1992, not only to honor these graduates but also to stress the importance of excellence in all fields of academics.

The Chaldean community of the State of Michigan, from humble beginnings in the first decade of the 20th century, has blossomed into the largest concentration of Aramaic-speaking people in the United States. Through hard work, a positive approach to their newly adopted homeland, and an emphasis on the value of nuclear and extended families, Chaldean-Americans have become a very important part of Michigan's social, cultural, and economic fabric.

More importantly, the value system that has been imparted to succeeding generations, including the graduates of this commencement, stresses a civic responsibility which has been central to the success of the Michigan mosaic.

Both community and religious leaders have emphasized the importance of community interaction throughout the metropolitan area. Many of the Chaldean business and professional leaders of the Detroit area consider it a social duty to contribute time, skills, and finances to the community. This commendable behavior stands as a fine example for the students honored at the 10th annual commencement.

As a growing community in the State of Michigan, Chaldean men and women are entering the realm of higher education at an increasing rate each year. In turn, Michigan has benefited from this trend as today's children of merchants and retailers are becoming the teachers, engineers, attorneys, doctors, and civic professionals of tomorrow. The Chaldean preservation of culture, language, and tradition in combination with these talents is a priceless gift to future Chaldean generations as well as to all of the residents of the United States and especially the State of Michigan.

I wish all of the graduates success in their future professional and personal pursuits in life. I am certain that their ancestors would be extremely proud of the great strides they have made in this country. May the dreams of the past generations come to fruition in their present day accomplishments; and may the work of the Chaldean Federation of America continue to assist students to reach their goals.•

SUBURBAN NEWSPAPER, BEST IN THE NATION

• Mr. D'AMATO. Mr. President, I rise today to pay tribute to Wolfe Newspapers of the Greater Rochester, New York area. Wolfe Newspapers have just been awarded prize for general excellence in a key national competition sponsored by Suburban Newspapers of America. The most prestigious award of the competition was given to the Brighton-Pittsford Post. The Post was singled out from a field of 74 entries recognized as the blue-ribbon group of the country's leading community and suburban newspapers.

I wish to commend editor and publisher, Andrew D. Wolfe, and his outstanding staff for their commitment to excellence. The contest judges graded three editions of each newspaper on three elements: editorial content, advertising style, and typographical design. In the editorial category, points were awarded for quality of news writing and coverage, feature writing, sports writing, photography, editing; plus the lifestyle and editorial pages. Advertising points were provided for general advertising, layout, classified ads style, treatment of public notices, and in-paper promotions. The typographical category was championed by excellent presswork, layout, general readability and overall makeup.

The Wolfe Community Newspapers began with three publications and a circulation of approximately 1,250 in 1956. Today, they have 10 papers and a gross circulation of more than 45,000.

Wolfe Publications are no strangers to awards, they won seven awards at the New York Press Association spring convention in Albany, second place in the Past President's Award for General Excellence, and first place in the State for overall graphic design. Additionally, the editorial staff was recognized with awards for sports coverage and school coverage. The advertising department pulled in second-place awards for a special holiday-edition supplement and a special-section cover.

Wolfe Newspapers operates a 20,000 square foot printing plant in Fishers, NY. It employs more than 80 full-time and many part time employees.

Mr. President, I ask that my colleagues join me in commending Andrew D. Wolfe, the Wolfe Newspapers, and their staffs on their success in this national competition and wish them many more prosperous years.•

A TRIBUTE TO THE ANASAZI HERITAGE CENTER

• Mr. WIRTH. Mr. President, I would like to take this opportunity to recognize and salute the Anasazi Heritage Center located near Dolores, CO. This center, operated by the Bureau of Land Management to inform the public about the vast native American history of this region, was dedicated on August 27, 1988. It is an important attraction in the Four Corners region and will help preserve and protect the vast archaeological discoveries of the Anasazi culture.

The Four Corners region, comprised of portions of Arizona, Colorado, New Mexico, and Utah, was once home to the largest concentration of people in what is now the United States. It is estimated that about 1,000 years ago between 35,000 and 40,000 Anasazi lived in this area. The Anasazi built a complex civilization including multistoried, elaborate stone cities, trilled terrace fields, intricate irrigation systems, ceremonial kivas, and fine pottery. We are just now beginning to fully appreciate the vastness of this culture and the scope of these ancient town sites. The center will help showcase these resources, house many of the artifacts, and educate visitors to this part of our history.

The center is located in Montezuma County, CO, which has the largest concentration of archaeological sites in the Southwest. More than 14,000 Anasazi sites have been recorded in this county alone. This area is considered the true center of the northern Anasazi Indian civilization. Many archaeologists consider the Anasazi town-sites in this region to be the most significant uninvestigated archaeological resource in the United States. The striking and exciting discovery of the cliff dwellings at Mesa Verde National Park are but a small example of the much larger developments created by this culture throughout the Four Corners region.

An area so rich in archaeological significance needs a hub from which research, education, preservation, and public awareness can proliferate. The center fills this role by providing unique opportunities to learn more about this ancient culture.

The center was established under an agreement signed in 1978 by the Bureau of Land Management [BLM] and the Bureau of Reclamation [BOR] for the development of the Dolores-McPhee Dam and Reservoir project. This project, located along the Dolores River in southwestern Colorado, included the largest cultural resource mitigation effort ever undertaken in the United States. A key element of this program was the construction of the center. Under the agreement, the BOR built the center while excavating, cataloging, and evaluating the Anasazi artifacts disturbed by the construction at the McPhee Dam site. The center's full construction was completed in 1988 at which time its operation and management were transferred to the BLM.

The center houses over 2 million artifacts, specimens, and documents. It received over 40,000 visitors in 1991 and its visitation is growing. The center has two major functions: To house the collections excavated during the creation of McPhee Dam making them available for researchers; and to display parts of this collection for visitors. To fulfill these goals, the center has an exhibition hall, a theater, a museum shop, a conference room, and a special gallery providing an interpretation of the Anasazi lifestyle and modern archaeological techniques. The center also contains interactive exhibits which allow visitors to participate in activities ranging from weaving on a loom to engaging in interactive computer programs.

The center has become an important research facility for scientists across the country and around the world. Its facilities are available to researchers and resource managers. It is a gathering place for important events in the ongoing research of the Anasazi culture and for discussing public policy approaches to the preservation and protection of these resources. The center provided its facilities for a conference which I held on the future management of this area. I am sure that it will continue to be an important facility for the future of this region.

The Anasazi Heritage Center is a unique facility and its staff should be congratulated for making this important addition to our knowledge of the Anasazi culture. I want to especially thank Shela McFarlin, the center's director, and Tom Vaughan, interpretive director at the center, for their efforts in making this an outstanding facility. The hard work of all the center's staff, the BLM, the BOR, and the many volunteers have made this center a premiere public and research facility.•

RECOGNIZING THE ACHIEVEMENTS OF SEAN TOPP, THE RHODE ISLAND GEOGRAPHY BEE WINNER

• Mr. CHAFEE. Mr. President, I would like to take a moment to recognize Sean Topp, Rhode Island's representative at the National Geography Bee held late last month in Washington.

Sean, an eighth-grader at North Kingstown's Davisville Middle School was the defending champion at the Rhode Island Bee held last March at Rhode Island College. During the competition, Sean maintained a perfect score and earned his second trip to the National Bee.

Receiving a perfect score was no easy feat. Competition questions include those on the physical and cultural geography of a country. Students also must have a good grasp on current events. According to a North Kingstown Standard Times article, Sean successfully answered questions ranging from, "What European country uses peat moss as fossil fuel?" to "What country is crossed by both the Equator and the Tropic of Capricorn?" The answers: Ireland and Brazil.

Sean became interested in geography during seventh grade. In preparation for the State and National Bee, Sean poured through "National Geographic magazines, atlases, and Trivial Pursuit cards.

Although he missed the finals at the national competition, Sean answered seven out of nine questions correctly and earned praise for answering questions quickly and with conviction.

Sean and the all young people who participated in the local, State, and national competitions deserve a tremendous amount of credit for their hard work. I am pleased to have this opportunity to recognize their accomplishments.•

HONORING REWARD RECIPIENT ROBERT DEUTSCHLANDER

• Mr. D'AMATO. Mr. President, I rise today to pay tribute to Robert Deutschlander, this year's recipient of the Melvin Jones Fellowship Award, Lions International's most prestigious award. The tireless service of people such as Mr. Deutschlander is commendable and worthy of high praise. I am pleased that such dedication is being acknowledged with this prestigious award. The continuing efforts of Lions Club, with such distinguished members such as Robert Deutschlander, has helped to shape New York into the great State that it is to live and work.

Mr. Deutschlander has held many offices and served on every committee of the Lions Club. Lion Bob has also served his community as president of the Lancaster School Board, chairman of the Lancaster Village Planning Commission, and president of the Lancaster Country Club. This award may come as a surprise to Robert Deutschlander but is well deserved. As such, the Lions Club of Lancaster wish to acknowledge Bob and his commitment to preserving and bettering his community at their annual officers installation banquet on Friday, June 14, 1992. His commitment to his community is deeply appreciated and I wish to thank him for giving of himself and his time so freely. I ask my colleagues to join me in saluting Mr. Robert Deutschlander as he receives this most prestigious award.•

SDI DEPLOYMENT DATE

• Mr. HARKIN. Mr. President, last year, during debate on the fiscal year 1992 Defense authorization bill, I was concerned about a crash program to deploy a limited missile defense system by 1996, as proposed in the Missile Defense Act of 1991. By choosing a ground-based missile system now, we would be eliminating a rational, methodical development program.

We would be rushing into production of a basically untested system. We would be violating the cardinal rule of sound hardware development: "fly before buy."

Accordingly, I offered an amendment to strike the fiscal year 1996 deployment date for a missile defense system. This amendment was defeated, 34–64.

The fiscal year 1993 SDI budget request confirms my fears. The funding request for the ground-based interceptor, the primary missile defense weapon, was actually reduced for fiscal year 1993. Why? Because SDIO had to cancel parallel development contracts in preparation for production contracts.

Now I see that at least one senior Pentagon official has questioned the efficacy of a 1996 deployment date for star wars. Today's New York Times carries an article entitled "Pentagon Analyst Questions Plan for Early 'Star Wars' Deployment." Dr. David Chu, Assistant Secretary of Defense for Program Analysis and Evaluation, has come to the conclusion that the deployment date for even a limited defense system should be pushed back 6 years, to the year 2003. He is concerned that the crash program to deploy SDI by 1996 "is almost certain to suffer early, significant cost growth and schedule slippage."

Mr. President, I hope that some of our 64 colleagues who voted against my amendment to strike the deployment date last year will reconsider their vote this year. There is no imminent threat that should push us into a hasty production and deployment schedule. The risks from the former Soviet Union continue to diminish. The risks from Third World nations may grow in the future, but no Third World nation will have ballistic missiles that can reach our shores within at least a decade.

And if we take reasonable steps to retard both nuclear proliferation and missile reentry proliferation, we should be able to prevent any belligerent nation from developing a working ballistic missile system capable of delivering nuclear weapons to our shores.

To stop nuclear and missile proliferation, we should be working diligently for a comprehensive test ban [CTB] to strengthen the Non-Proliferation Treaty when it is up for renewal in 1995. We should work for a global ban on the production of weapon grade fissile material and a flight test ban of reentry vehicles. We should work to strengthen the International Atomic Energy Agency [IAEA] through increased inspection rights, increased technical assistance, increased staff and increased budget. Note that the U.S. share of the IAEA budget at $27.5 million is less than 1 percent of the annual star wars budget. But the IAEA is far more cost-effective in terms of slowing the proliferation of nuclear weapons than star wars.

To stop the accidental launch of Russian ballistic missiles—the other stated goal of the watered-down star wars system—we should be working with Russia to make deep cuts in our strategic nuclear weapons, to no more than 1,000 each, we should put self destruct mechanisms on all remaining missiles, and we should make sure that all missiles have PALS—permissive action links or electronic codes to preclude unauthorized launch of nuclear-tipped missiles.

Mr. President, I ask that the complete New York Times article by William Broad be printed in the RECORD at this point.

The article follows:

PENTAGON ANALYST QUESTIONS PLAN FOR EARLY "STAR WARS" DEPLOYMENT

(By William J. Broad)

The Pentagon's top program analyst says a $35 billion plan to protect the nation from nuclear attack with land-based interceptors calls for a hasty deployment that threatens costly and crippling problems.

The criticism of the "Star Wars" plan, the sharpest to date by a senior Defense Department official, might fray or break a coalition on Capitol Hill that last year endorsed the building of limited missile defenses after the antimissile battles of the Persian Gulf war.

The official, Dr. David S. C. Chu, Assistant Secretary of Defense for program analysis and evaluation, says in an internal Pentagon document that the plan risks failure by rushing the development of rocket-powered interceptors and skipping important performance tests. That, he wrote, could hide defects that would cripple the system or lead to costly repairs.

SIX-YEAR DELAY POSSIBLE

In his analysis Dr. Chu said the plan should be overhauled to delay the system's debut by as much as six years, from 1997 to the year 2003, so that prototype arms and other antimissile apparatus could be thoroughly tested, and modified if necessary, before being put into mass production.

Rejecting such criticism, the plan's architects say they remain confident that an initial system can be fielded by 1997. But they concede that the goal of speedy deployment with abbreviated testing carries many risks.

"The issue is whether you can manage that risk in a responsible way," Dr. Henry F. Cooper, director of the antimissile effort, said in an interview on Friday. "I think that's achievable," with the result that a missile defense system could be put in place without significant cost overruns, schedule slips or technical flaws.

A "DISASTER IN THE MAKING"

But John E. Pike, director of space policy at the Federation of American Scientists, a private group in Washington, said Dr. Chu's analysis suggested that no credible defense against nuclear attack could be built in less than a decade.

"It's saying that any system deployed in this century isn't going to work, that the current plan is a procurement disaster in the making," Mr. Pike said. Leaders of the antimissile effort, he added, "basically want to decide what to build before they test it, and hope they guessed right."

Dr. Chu's analysis was made available to a reporter by an analyst who views the antimissile plan as flawed and wanted to call attention to high-level Pentagon doubts about it.

The disputed plan is the main legacy of the "Star Wars" program, also known as the Strategic Defense Initiative, begun nearly a decade ago by President Ronald Reagan to build a space- and land-based defense against a missile attack. With the end of the cold war, the general goal of the "Star Wars" program has shifted, from one that would have created an impenetrable shield against thousands of Soviet warheads of forging a defense against accidental launchings and attacks by rogue commanders and renegade nations.

The program's cost this year is $4.15 billion, a record high. Annual costs are expected to double as research gives way to production of batteries of interceptors. The plan for land/based interceptors is the only part of the initiative to be endorsed by Congress, which is bitterly divided over the merits of arms based in space.

The current deployment plan was proposed last year by Senator Sam Nunn, a Georgia Democrat who heads the Senate Armed Services Committee. Inspired by the Patriot interceptor in the Persian Gulf war, he successfully pushed Congress to approve the building of similar but larger land-based interceptors to defend the nation, if possible by 1996.

The Missile Defense Act was signed into law by President Bush last December. Dr. Cooper of the Strategic Defense Initiative Organization, which runs the antimissile research program, recently testified before Congress about how the agency would meet the act's requirements.

Its plan would delay the launching of space arms but would have one landbased battery of interceptors ready in 1997. The battery site would have 100 interceptors housed in underground silos, ready to blast into space.

More complete protection of the United States from a variety of threats would require seven sites across the country with some 700 interceptors in all, agency officials say. They put the cost at $35 billion.

The rocket-powered interceptors would have non-clear warheads that use advanced sensors to pinpoint a target, which would then be destroyed on impact with the warhead.

The challenge in developing such a system was illustrated on March 13 when an experimental interceptor called Eris blasted off from Kwajalein atoll in the Western Pacific but, because of technical errors, failed to hit a mock warhead in space. Eris is the general prototype for the proposed system of land-based interceptors.

The deployment plan recently came under the scrutiny of Dr. Chu, who in essence is the Pentagon's technical conscience, studying arms programs to make them more efficient as they move from research to production. He reports directly to the Secretary of Defense and draws on a force of about 100 analysis.

Dr. Chu, a Yale-educated economist, has directed program analysis and evaluation since 1981 and has a reputation for rigor. In the early 1980's he insisted that the Army subject its division air defense gun, or Divad, to strenuous field tests that it ultimately, failed; in 1985 the $1.8 billion program was canceled.

PLAN CALLED TOO RISKY

Writing on May 15 to Donald J. Yockey, Under Secretary of Defense for acquisition, Dr. Chu warned that the $35 billion plan for interceptor deployment was too risky and "is almost certain to suffer early, significant cost growth and schedule slippage" because little of the initial apparatus would be tested thoroughly before manufacturing. The emerging system, he wrote, thus might have to undergo extensive repairs and revisions.

Worse, Dr. Chu wrote, the plan could produce interceptors and other antimissile hardware that were "technologically inferior" and unable to adequately defend the nation.

In addition, he wrote, speeding the program to achieve the 1997 deployment date would require exemption from more than a dozen laws and directives that govern the purchase of military equipment.

Dr. Chu recommended an alternative plan in which prototype hardware would be subjected to "a rigorous test" program and its experimental data used to forge final designs, pushing back the date of initial antimissile deployments to the years 2002 or 2003.

While private experts and some members of Congress have recently expressed alarm over possible technical risks and cost overruns in the proposed land-based antimissile system, this is believed to be the first time such criticisms have been leveled by a senior Pentagon official.

Five days after Dr. Chu's analysis was sent to Under Secretary Yockey, Dr. Cooper, the head of the antimissile program, summarized the plan before Congress in testimony that was alternately cautious and confident.

"Meeting the 1997 date represents a major challenge," Dr. Cooper said May 20 in a statement to a subcommittee of the Senate Armed Services Committee. But he added, "I believe the risk, although high, is acceptable given the urgency related to our uncertainty in predicting when we might actually be threatened with ballistic missile attack."

He said he would press for "an acceleration of the normal acquisition processes and procedures in light of the very high priority assigned by the Congress to meeting the goals" of the Missile Defense Act.

In the interview on Friday, Dr. Cooper said past arms programs have succeeded even though their testing and production had been accelerated, pointing to the Pershing II missile as an example.

But Mr. Pike of the Federation of American Scientists said a successful quickening of the antimissile program was highly unlikely, given its past difficulties. "Most tests," he said, "have been behind schedule and failed or had major shortcomings."•

HONORING RETIRING TEACHER BARBARA KINKEL

• Mr. D'AMATO. Mr. President, I rise today to pay tribute to Barbara Kinkel who is retiring after many years of service as a teacher at Maple Elementary School in Williamsville, NY. Mrs. Kinkel dedicated her life to shaping the young minds of our children. Her commitment, love, and desire for learning was a passion she shared with her students. Her dedication to the next generation went beyond the classroom.

Such dedication to our students, the future of our world, is one of the greatest gifts that a person can give. Mrs. Kinkel has touched many lives and affected a strong beginning for a successful education for many New Yorkers. She has sought always to help her students.

The many students and teachers who have loved and admired Mrs. Kinkel for her dedication will honor her in a special ceremony on Thursday, June 18, 1992. Mrs. Kinkel's retirement will be met with sadness as she leaves, but her passion for learning will be remembered by her students and her peers. I wish to congratulate and thank Mrs. Kinkel on all of her many accomplishments and wish her health and happiness in her retirement.•

TRIBUTE TO JIM GIPSON, PROMINENT ARKANSAS AGRICULTURIST

• Mr. PRYOR. Mr. President, I rise to speak in tribute to Mr. Jim Gipson, a prominent agriculturist and farm leader in my home State of Arkansas. Mr. Gipson has had a long-term commitment to agriculture and institutions serving farmers. He is an active member of a Southern Farmers Association local co-op board and has recently completed a 8-year term on the board of the Farm Credit Bank of St. Louis. On May 1, 1992, the St. Louis Farm Credit Bank merged with the St. Paul Farm Credit Bank to form AgriBank, FCB. Mr. Gipson has elected to step down after more than 8 years of outstanding service.

When Jim Gipson joined the board, the Farm Credit Banks of St. Louis were at a low point in their proud history. Since 1917, when the old Federal Land Bank was chartered, St. Louis enjoyed the reputation for being one of the premiere Farm Credit districts in the entire System. Farm Credit associations in Arkansas, Illinois, and Missouri and the bank in St. Louis were viewed as conservative and well-managed lenders, which provided constructive and reasonably priced credit to farmers and ranchers.

But, the great farm depression of the mid-1980's humbled the St. Louis Farm Credit bank, the Farm Credit System as a whole, as well as a number of other agricultural lenders. Losses were mounting in St. Louis and throughout the System and volume was shrinking. In 1985, the St. Louis Farm Credit Bank lost nearly $275 million. Total assets declined from $6.93 billion in 1984 to $3.85 billion 4 years later.

Farmers were leaving Farm Credit because they were unhappy—unhappy with the rates of interest they were paying and with the service they were receiving. Some borrowers were concerned that they would not be able to keep current on their loans. Farm Credit, once commonly thought of in Congress as a success story, had become a source of complaints and a target for criticism. Farm Credit, it was often said, had overhead costs that were too high, credit standards that were too lax, and a lack of sensitivity to the acute problems being experienced by their distressed borrowers.

In short, Jim Gipson and his colleagues on the board of the Farm Credit banks in January 1984, faced obstacles which appeared insurmountable to some. Not just a few observers in the mid-1980's were drafting an obituary for the entire Farm Credit System, including the St. Louis bank. But these drafts were premature. The System has survived and now flourishes. Of course, the Agricultural Credit Act of 1987 is one reason for the System's survival. We, the members of the Senate Agriculture Committee, are proud of the role we played in crafting this legislation which, among other things, established a $4 billion line of credit for the System. In fact, the System only used $1.3 billion which provided them with enough time and resources to work out their difficulties. The good news is that farmers and Farm Credit institutions have recovered from the 1980's. Legislation which passed this body May 7, and actively supported by the Farm Credit Council, would clarify the terms and conditions for the System to repay the $1.3 billion in a timely manner and with interest.

But, while the 1987 act was needed and enormously helpful, it was not sufficient, in and of itself, to turn the System around. Actually, neither the St. Louis Farm Credit Bank nor its associations received any of the $1.3 billion provided under the 1987 legislation. The St. Louis district was, in fact, the only district with Midwestern membership which did not receive $1 of the U.S. taxpayers money. Yet, without being directly assisted, St. Louis district experienced a remarkable turnaround. This is evident by the fact that they succeeded in:

Turning annual net losses of $274 million and $127 million in 1985 and 1986 into positive net income for every year since then;

Increasing net interest income from $25.3 million in 1988 to $127.4 million in 1991; and

Stabilizing and now reversing the slide in loan assets. In 1991, the St. Louis district's total loan outstanding increased by $163 million. I'm told that, during the first 4 months of this year, the volume of St. Louis district increased at a rate not witnessed in the last 12 years.

The remarkable turnaround in the fortunes of the Farm Credit System was possible only because of a turnaround in the farm economy. But, beyond that, Jim Gipson and his colleagues deserve a great deal of credit for making the right decisions on some important and very difficult issues.

Among other things, the Board approved the reorganization of the Federal Intermediate Credit Bank, Federal Land Bank, and Bank for Cooperatives, headquartered into a single management structure in 1984. This was the first of a number of important reorganizations which provided a more streamlined and efficient credit delivery system. As a member of the district restructuring task force, Jim Gipson played an important leadership role in reducing overhead and streamlining associations as well. In 1985, there was some 75 Farm Credit associations throughout Arkansas, Illinois, and Missouri. By 1992, there were just 21. Jim Gipson recognized the need for different parts of the System to work together. When he chaired the Board of the Farm Credit Banks in 1986, the great majority of FLBA's and PCA's in the district became jointly managed.

During his tenure on the Board, the St. Louis Farm Credit Bank led the way introducing a number of new loan products—including a 30-year fixed rate farm real estate loan. The Bank developed a highly successful country living program which simplified the process of applying for a loan. One of the most important accomplishments of the St. Louis Board during the Jim Gipson tenure meant its demise as a separate entity. As of May 1, 1992, there is neither a St. Louis Farm Credit Bank nor a St. Paul Farm Credit Bank, but AgriBank, FCB. This first voluntary merger of any Farm Credit Bank in the history of the Farm Credit System confounded cynics who said no board would voluntarily vote itself out of a job. But, that is exactly what these two boards did in order to build a stronger, lower cost and more effective credit cooperative for farmers. AgriBank is now a reality because of the statesmanship, guidance and persistence of Jim Gipson.

Jim Gipson has served his family, friends, and community well. I can attest, as many others can, to his unselfish and tireless commitment to his State and the causes in which he is committed. Arkansas farmers and all of us who care about American agriculture, owe Mr. Jim Gipson a vote of thanks.•

MAJOR GENERAL FLYNN RETIRES

• Mr. D'AMATO. Mr. President, it has been brought to my attention that the Adjutant General and Commander of the New York Army National Guard, Maj. Gen. Lawrence P. Flynn, who is a constituent of mine, will retire as head of the State's militia forces, effective June 30, 1992.

New York's Army and Air National Guard, under General Flynn's leadership, has played a vital role serving the security interests of our State and Nation. His individual record of achievement is, in fact, symbolic of the need for this Nation to continue its support of a well-trained and adequately resourced National Guard and Reserve.

Under his leadership, the New York National Guard has forged a solid record of accomplishment in the Defense Department's war on drugs program. Since that program began in 1988 in New York, the Army National Guard has been directly involved in operations resulting in the seizure of nearly $1 billion in illegal drugs, contraband, and drug-related moneys.

General Flynn oversaw the activation of more that 3,500 members of the Army and Air National Guard and the Naval Militia—members of the U.S. Naval and Marine Corps Reserve—for Operation Desert Storm in the Persian Gulf.

This effort began only a few days after Saddam Hussein's August 1990 invasion of Kuwait, with the activation of the Air Guard's 137th Military Airlift Squadron, Stewart Airport, Newburgh, which flies the C-5A Galaxy.

The Army and Air Guard units from New York also included elements of the Manhattan-based 369th Transportation Battalion, known as the Harlem Hellfighters, and Syracuse's fabled 174th Tactical Fighter Wing, nicknamed "The Boys From Syracuse," which provided close air support to troops on the ground in Kuwait and Iraq from the very first day of the war through its conclusion.

It should be noted that under General Flynn's leadership, all New York Army and Air National Guard units from the Empire State mobilized and deployed on time, in accordance with Federal standards, and performed their wartime missions successfully.

Let this body take note that the leadership of this citizen-soldier will be missed.•

ORDER OF BUSINESS

Mr. MITCHELL. Madam President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. MITCHELL. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDERS FOR TOMORROW

Mr. MITCHELL. Madam President, I now ask unanimous consent that when the Senate completes its business today, it stand in recess until 10 a.m., Wednesday, June 3; that following the prayer, the Journal of proceedings be deemed approved to date; that following the time for the two leaders there then be a period for morning business, not to extend beyond 11 a.m., with Senators permitted to speak therein for up to 5 minutes each, with the following Senators recognized for the time limits specified: Senators DURENBERGER and GLENN for up to 15 minutes each; and Senator GORTON for up to 10 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

RECESS UNTIL 10 A.M. TOMORROW

Mr. MITCHELL. Madam President, if there is no further business to come before the Senate today, I ask unanimous consent that the Senate now stand in recess as previously ordered.

There being no objection, the Senate, at 5:40 p.m., recessed until Wednesday, June 3, 1992, at 10 a.m.

NOMINATIONS

Executive nominations received by the Senate June 2, 1992:

THE JUDICIARY

WILLIAM D. QUARLES, OF MARYLAND, TO BE U.S. DISTRICT JUDGE FOR THE DISTRICT OF MARYLAND VICE ALEXANDER HARVEY, II, RETIRED.

JAMES A. MCINTYRE, OF CALIFORNIA, TO BE U.S. DISTRICT JUDGE FOR THE SOUTHERN DISTRICT OF CALIFORNIA VICE A NEW POSITION CREATED BY PUBLIC LAW 101–650, APPROVED DECEMBER 1, 1990.

DEPARTMENT OF STATE

HENRY LEE CLARKE, OF CALIFORNIA, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF MINISTER-COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF UZBEKISTAN.

DONALD BURNHAM ENSENAT, OF LOUISIANA, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO BRUNEI DARUSSALAM.

EDWARD HURWITZ, OF THE DISTRICT OF COLUMBIA, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF MINISTER-COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF KYRGYZSTAN.

JOSEPH MONROE SEGARS, OF PENNSYLVANIA, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF CAPE VERDE.

ANTHONY CECIL EDEN QUAINTON, OF THE DISTRICT OF COLUMBIA, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF CAREER MINISTER, TO BE ASSISTANT SECRETARY OF STATE FOR DIPLOMATIC SECURITY, VICE SHELDON J. KRYS.

ROBERT L. GALLUCCI, OF VIRGINIA, TO BE AN ASSISTANT SECRETARY OF STATE, VICE RICHARD A. CLARKE.

U.S. INTERNATIONAL DEVELOPMENT COOPERATION AGENCY

ALISON PODELL ROSENBERG, OF VIRGINIA, TO BE AN ASSISTANT ADMINISTRATOR OF THE AGENCY FOR INTERNATIONAL DEVELOPMENT, VICE SCOTT M. SPANGLER.

U.S. ADVISORY COMMISSION ON PUBLIC DIPLOMACY

JAY I. KISLAK, OF FLORIDA, TO BE A MEMBER OF THE U.S. ADVISORY COMMISSION ON PUBLIC DIPLOMACY FOR A TERM EXPIRING JULY 1, 1994, VICE RICHARD B. STONE.

MARSHALL LEE MILLER, OF VIRGINIA, TO BE A MEMBER OF THE U.S. ADVISORY COMMISSION ON PUBLIC DIPLOMACY FOR A TERM EXPIRING JULY 1, 1994, VICE EDWIN J. FEULNER, JR., TERM EXPIRED.

DEPARTMENT OF TRANSPORTATION

WALTER B. MCCORMICK, JR., OF MISSOURI, TO BE GENERAL COUNSEL OF THE DEPARTMENT OF TRANSPORTATION, VICE ARTHUR J. ROTHKOPF.

U.S. INSTITUTE OF PEACE

MAX M. KAMPELMAN, OF THE DISTRICT OF COLUMBIA, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE U.S. INSTITUTE OF PEACE FOR A TERM EXPIRING JANUARY 19, 1995, VICE MORRIS I. LEIBMAN, TERM EXPIRED.

CORPORATION FOR PUBLIC BROADCASTING

RITAJEAN HARTUNG BUTTERWORTH, OF WASHINGTON, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE CORPORATION FOR PUBLIC BROADCASTING FOR A TERM EXPIRING MARCH 26, 1997, VICE WILLIAM LEE HANLEY, JR., RESIGNED.

IN THE AIR FORCE

THE FOLLOWING OFFICERS FOR APPOINTMENT IN THE RESERVE OF THE AIR FORCE TO THE GRADE INDICATED, UNDER THE PROVISIONS OF SECTIONS 593, 8218, AND 8373, TITLE 10, UNITED STATES CODE:

To be major general

BRIG. GEN. GARY L. EICHHORN, [redacted] AIR FORCE RESERVE.
BRIG. GEN. JACQUES P. KLEIN [redacted] AIR FORCE RESERVE.
BRIG. GEN. THOMAS L. NEUBERT [redacted] AIR FORCE RESERVE.
BRIG. GEN. JAMES E. SHERRARD, III, [redacted] AIR FORCE RESERVE.
BRIG. GEN. DAVID R. SMITH, [redacted] AIR FORCE RESERVE.
BRIG. GEN. JERRY E. WHITE [redacted] AIR FORCE RESERVE.

To be brigadier general

COL. JOHN A. BRADLEY, [redacted] AIR FORCE RESERVE.
COL. DONALD W. BRYAN, [redacted] AIR FORCE RESERVE.
COL. WILLIAM A. COHEN, [redacted] AIR FORCE RESERVE.
COL. JAMES J. KENNEDY, III [redacted] AIR FORCE RESERVE.
COL. MICHAEL R. LEE, [redacted] AIR FORCE RESERVE.
COL. ROBERT A NESTER, [redacted] AIR FORCE RESERVE.
COL. REESE R. NEILSEN, [redacted] AIR FORCE RESERVE.
COL. RALPH H. OATES, [redacted] AIR FORCE RESERVE.
COL. HERBERT P. RIESSEN, [redacted] AIR FORCE RESERVE.
COL. JAMES E. SEHORN, [redacted] AIR FORCE RESERVE.
COL. VIRGIL J. TONEY, JR. [redacted] AIR FORCE RESERVE.
COL. DONALD K. WOODMAN, [redacted] AIR FORCE RESERVE.

IN THE NAVY

THE FOLLOWING NAMED OFFICER TO BE PLACED ON THE RETIRED LIST IN THE GRADE INDICATED UNDER THE PROVISIONS OF TITLE 10, UNITED STATES CODE, SECTION 1370:

To be admiral

ADM. LEON A. EDNEY, U.S. NAVY [redacted].

THE FOLLOWING NAMED OFFICER FOR REAPPOINTMENT TO THE GRADE OF ADMIRAL WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, UNITED STATES CODE, SECTION 601:

To be admiral

ADM. PAUL D. MILLER, U.S. NAVY [redacted]

IN THE AIR FORCE

THE FOLLOWING OFFICERS FOR APPOINTMENT IN THE REGULAR AIR FORCE UNDER THE PROVISIONS OF TITLE 10, UNITED STATES CODE, SECTION 531, WITH A VIEW TO DESIGNATION UNDER THE PROVISIONS OF TITLE 10, UNITED STATES CODE, SECTION 8067, TO PERFORM DUTIES INDICATED WITH GRADE AND DATE OF RANK TO BE DETERMINED BY THE SECRETARY OF THE AIR FORCE PROVIDED THAT IN NO CASE SHALL THE FOLLOWING OFFICERS BE APPOINTED IN A HIGHER GRADE THAN THAT INDICATED.

MEDICAL CORPS

To be colonel

MERRITT G. DAVIS, JR [redacted]
DENIS T. KENNEDY [redacted]

To be lieutenant colonel

DAVID O. CHASTAIN [redacted]
MARTIN E. EVANS [redacted]
TERRY D. EXSTRUM [redacted]
THOMAS J. LOFTUS [redacted]
HENRY J. ONEAL [redacted]
CHARLES L. SIMPSON [redacted]

To be major

SAMUEL M. CUMMINGS, [redacted]
PETER J. NIGRO [redacted]
VAN E. PERRY [redacted]
DAVID E. POTTER [redacted]
DOUGLAS J. ROBB [redacted]

DENTAL CORPS

To be major

CHARLES A. HUGGINS [redacted]
JOHN K. MCCOWN, [redacted]
CHRISTOPHER M. MINKE [redacted]

To be captain

JAMES R. MIEARS, JR. [redacted]

THE FOLLOWING INDIVIDUALS FOR APPOINTMENT AS RESERVE OF THE AIR FORCE, IN GRADE INDICATED, UNDER THE PROVISIONS OF TITLE 10, UNITED STATES CODE, SECTION 593, WITH A VIEW TO DESIGNATION UNDER THE PROVISIONS OF TITLE 10, UNITED STATES CODE, SECTION 8067, TO PERFORM THE DUTIES INDICATED.

MEDICAL CORPS

To be colonel

CHARLES A. CHRISTOPHER [redacted]

To be lieutenant colonel

STEPHEN S CHANKIN [redacted]
LEE H FISHER [redacted]
GUILLERMO HESS, [redacted]
JAMES J HIRASA [redacted]
THOMAS C LEACH, [redacted]
WADDAH S MALHAS, [redacted]
RICARDO G MORA, [redacted]
SHOBHA SEM, [redacted]

THE FOLLOWING NAMED ASTRONAUT OF THE AIR FORCE FOR PERMANENT APPOINTMENT TO THE GRADE OF COLONEL UNDER ARTICLE II, SECTION 2, CLAUSE 2 OF THE CONSTITUTION.

LIEUTENANT COLONEL BRIAN DUFFY [redacted]

THE FOLLOWING MIDSHIPMEN, UNITED STATES NAVAL ACADEMY, FOR APPOINTMENT AS SECOND LIEUTENANTS IN THE REGULAR AIR FORCE, UNDER THE PROVISIONS OF SECTIONS 541 AND 531, TITLE 10, UNITED STATES CODE, WITH DATES OF RANK TO BE DETERMINED BY THE SECRETARY OF THE AIR FORCE.

SHIRLEY A EUBANKS, [redacted]
DAVID L KERN, [redacted]
ANTHONY MAISONET, [redacted]
KIMBERLY A MCINTOSH, [redacted]
SHAWN C PURVIS, [redacted]
ROBERT C REARDANZ, [redacted]
BERNARD J STROUTH, [redacted]

THE FOLLOWING OFFICERS, UNITED STATES AIR FORCE OFFICER TRAINING GROUP FOR APPOINTMENT AS SECOND LIEUTENANTS IN THE REGULAR AIR FORCE, UNDER THE PROVISIONS OF TITLE 10, UNITED STATES CODE, SECTION 531, WITH DATES OF RANK TO BE DETERMINED BY THE SECRETARY OF THE AIR FORCE.

RAY C ADAMS, JR, [redacted]
DAVID J BEBERWYK, [redacted]
DEBORAH E BIBEAU, [redacted]
ROLF K H BOETTGER, [redacted]
PATRICK M BOLAND, JR, [redacted]
GREG A BROWN, [redacted]
JEFFREY D COOPER [redacted]
BARRY W CURTIS, [redacted]
KEVIN J DAUGHERTY, [redacted]
STEVEN P DICKEY, [redacted]
DAVID G DUBUQUE, [redacted]
MICHAEL J DUNN, [redacted]
DANIEL M HARBOUR, [redacted]
SCOTT A HAUSMAN, [redacted]
JEFFREY R JENSSEN [redacted]
DARYL R KITCHEN, [redacted]
PATRICIA A LAPKA, [redacted]
JOSEPH P LEHNERD [redacted]
DAVID W LYNCH, [redacted]
JOHN C MARTIN, [redacted]
KELLY P MAYO, [redacted]
RAYMOND L REYES, [redacted]
DICKEY R ROUNSAVILLE, [redacted]
DAVID M SEARS, [redacted]
PAUL N STRADLING, [redacted]
ROBERT T SWANSON, JR, [redacted]
TIMOTHY W TARVER, [redacted]
BRUCE L UPTON, [redacted]

IN THE NAVY

THE FOLLOWING NAMED LIEUTENANT COMMANDERS OF THE RESERVE OF THE U.S. NAVY FOR PERMANENT PROMOTION TO THE GRADE OF COMMANDER IN THE LINE, IN THE COMPETITIVE CATEGORY AS INDICATED, PURSUANT TO THE PROVISIONS OF TITLE 10, UNITED STATES CODE, SECTION 5912:

UNRESTRICTED LINE OFFICERS

BRUCE ALLEN ABBOTT
CARL H. ABELEIN
MELINDA LEE ADAMS
ROBERT KEITH ADAMS, JR
HENRY MITCHELL ALBRIGHT
GENE EDWARD ALLEN
RICHARD L. ANDERS

JAMES CHRISTIAN ANDERSEN
JAMES K. ANDERSEN
DAVID OWEN ANDERSON
DEBRA KAY ANDERSON
DOUGLAS JEROME ANDERSON
RICHARD ANDERSON
RICHARD JOSEPH ANDES
JOEL LINN ANDREWS
STEVEN MICHAEL ANDY
STEPHEN BRADFORD ANTLE
STEPHEN EDWARD ARMSTRONG
BRAMWELL BAKER ARNOLD, JR
HOWARD BERNARD ASCHWALD, JR
TRIN JAMES ASTRELLA, JR
TROY GARLAND AVERA, JR
BRETT DAVID AYOTTE
TERRY LEE BACHMAN
MICHAEL SCOTT BAILEY
MARY ELIZABETH JOAN BALE
ROBERT FRANKLIN BALES, JR
THOMAS ALLAN BARBER
JON LEONARD BARKEE
DAVID RICHARD BARNES
DEAN HAROLD BAUDER
MARK DAVID BAUER
THOMAS E. BAUER
LARRY LEE BAXA
KENT MICHAEL BAYER
DONALD CREIG BEAHM
WILLIAM CLAY BEARDEN
RONALD ANTHONY BEASLEY
GEORGE TAYLOR BEATTIE, JR
TERREL VERNE BECKHAM, JR
VINCENT ALOYSIUS BELLEZZA
ROBERT D. BELLING
JUDITH JOAN BENDIG
TOMMIE DOUGLAS BENEFIELD, JR
DAVID RAYMOND BENNETT
ROBERT C. BENTON
RICHARD CHARLES BERG
ROBERT L. BERGER
JOHN MICHAEL BEROSKY
BRUCE BALKCOM BEVARD
JAMES ROBERT BLAA, JR
WILLIAM ALLEN BLAIR
DAVID R. BLAKE
THOMAS H. BLAKE
GREGGORY DEEN BOATRIGHT
NANCY KONRAD BOICE
JOHN ROBERT BOLTON
THOMAS H. BOND
GERALD L. BONNETT
WILLARD RALPH BONWIT, JR
RICHARD WILLIAM BORCHARDT
MORRIS R. BOSARGE
MARK MCGREGOR BOSWELL
STEPHEN LOUIS BOVERI
JAMES LEO BOWMAN
MICHAEL BERNARD BRANDS
ROBERT C. BRANTLEY
GEORGE ALBERT BRATTON, IV
JAMES HENRY BRAUN, JR
RICHARD LEE BRAZELL
MARK KEVIN BRAZIER
KURT J. BREGAR
RICHARD LEE BRUMMITT
MICHAEL DAVID BRUNO
PAUL LEO BRYAN
CHRISTOPHER JAMES BUEHRIG
CYNTHIA K. BURGUNDER
JO ANNE BURKLUND
JON DAVID BURNETTE
MARTIN E. BUSHIKA
MICHAEL JOSEPH BUSSONE
SUSAN HARTLEY BUTLER
JULIUS S. CAESAR
VINCENT PHILLIP CAGGIA, JR
JAMES JOSEPH CAIN
ERIC RAY CALDWELL
KIM FRANCIS CALLAHAN
MICHAEL CALLAHAN
ALBERT SIDNEY CAMP
JAMES PETER CAMPBELL
KENNETH W. CAMPBELL
GEORGE GUYTON CANNADY
LEONARD S. CARITA, JR
WENDI BRYAN CARPENTER
MICHAEL H. CARRIKER
BARBARA JOAN CARTER
TIMOTHY C. CASSIDY
KEVIN BRETT CELLARS
RUSSELL PAUL CEPKO
WILLIAM DMYTRO CHARUK
ERIK NMN CHAUM
LARRY GLENN CHENEY
PETER CHIANG
JOSEPH DWYER CHISHOLM
DONALD EDWARD CHITTENDEN
KATHLEEN EVANCHO CHMELIR
KEVIN JOSEPH CLARK
MICHAEL PATRICK CLARK
JOHN PATRICK COFFEY
ROY IAN COHEN
MARY CRABB COLDIRON
JOSEPH M. COLLETT
DONALD P. CONNERS
GLADYS TWINING CONNOLLY
ROBERT DAVID CONWAY
THOMAS BRODERICK COOK
JOHN MARK COPPIC
RICHARD S. CORNISH
CHRISTOPHER M. CORRIGAN
BARRY ALLEN COSTA
KEITH HOWARD COX
RICHARD SPENCER CRAMER
JAMES R. CRANFORD
RAYMOND PAUL CREVIER, JR
ROBERT KENNETH CRIM
RICHARD LEE CROCKER
STEPHEN HARRISON CROW
ANDREW JAMES CUCA
CLARENCE WILLIAM CULWELL, JR
PATRICK THOMAS CUNNINGHAM
CHRISTOPHER B. CYRWAY
RICHARD ARTHUR DAPRATO
PAUL RAYMOND DAUPHINAIS
MICHAEL FRANCIS DAVIDSON
GERALD RICHARD DAVIS
NANCY ELIZABETH DAVIS
STUART MORRISON DAVIS
PIERS LINCOLN DAWSON
DAVID BERNARD DEARIE
DOUGLAS JAMES DEAROLPH
NORMAN DELLINGER
JAY ALLAN DELOACH
HARRY SCOTT DENSON
DAVID MICHAEL DESILVA
JAMES DEUSER
CHRISTINE WHITTIER DICKMAN
DAVID JOHN DIMATTEO
PETER M. DIRGA
GREGORY STEPHEN DISHART
JOSEPH A. DIVITO
RICHARD GLAZIER DODSON
GORDON LAWRENCE DONA
KEVIN DONAHUE
PATRICK JOSEPH DONOVAN
LESLIE ALAN DOTSON
LINDA LOU BORGES DUBOIS
MACK D. DUETT
WAYNE D. DUFFALA
RICHARD KIT DUNCAN
MICHAEL JAMES DWYER
JOSEPH MICHAEL EAGAN
WESLEY KARL EBEN
CHARLES HILAN EBERT
THOMAS LYNN EDWARDS
MICHAEL CECIL EIDE
ROBERT OSWALD EIDE
MICHAEL P. ELMER
ROBERT J. ENGEL
CHARLES EARL ENOS
JOHN WAYNE EPPERT, III
DENNIS DONALD ERDT
MARIE SMITH ERNST
CLARKE MARVIN ERWIN
EMIL PAUL ESCHENBURG, JR
RICHARD TIMOTHY ESTES
ANGELIKA MASON EVANGELIST
BRUCE PAUL EVJEN
JEFFERSON EWIN
ROBERT JACOB FALLON
CHARLES STEPHEN FARRELL, JR
TIMOTHY JOSEPH FARRELL
DANIEL NICHOLAS FAZIO
TIMOTHY SCOTT FELEGIE
LEVERNE PERRY FERNANDEZ
MARY ELLEN FETHERSTON
JAMES A. FIORELLI
MARCUS JOHN FISK
JOYCE DAUGHERTY FLEISCHMAN
KEVIN WILLIAM FLEMING
WILLIAM JAMES FLEMING
GLENN ALAN FLETCHER
DUNCAN KIEFER FOBES
DAVID LAWRENCE FOOTE
JOSEPH MICHAEL FOSTER
DOUGLAS W. FRANK
WILLIAM CYRUS FRECKLETON
DAVID VAN FULWIDER
ROBERT EUGENE GALBRAITH, II
GARY P. GAMBARANI
STEPHEN MICHAEL GANN
BENJAMIN GARCIA
LEE A. GARD
JOHN G. GARDINER
JOE WHEELER GARRETT, II
RONALD PAUL GAST
STEPHEN GATES, JR
MAURICE KEITH GAUTHIER
PETER FRANCIS GAZDA
JAMES HOWARD GENTILE
PAUL STEVEN GERARD
MARK KLINE GERFIN
ERIC FRANCIS GERMAIN
ROBERT NORMAN GEST, JR
MARK BRADFORD GHEEN
ROBERT MARKS GILL
JAMES IGNATIUS GILLESPIE
GARY LEE GIRARDET
KIMBERLY S. GLASGOW
RICHARD ALAN GOLDSMITH
CLARK BERNARD GOODLETT
ROBERT A. GOODRUM
TIMOTHY ERNEST GOODWIN
GARY L. GORDON
TAYLOR J. GORDON
ROBERT LAWRENCE GOVETT
RICHARD F. GOWARD, JR
CHARLES MARION GRAY, III
MARTIN KEVIN GRIFFIN
STEVEN P. GRUBE
ROBERT BRACY GULLEY
ALAN H. GUREVICH
DAVID E. GUZA
FREDRIC W. HABERMAN, JR
SEBASTIAN CHARLES HAFER
PAUL RICHARD HALEY
JUERGEN GARY HALF
DAVID RUSSELL HALL
HENRY DAVID HALL
DON PAUL HAMBLEN
EARL K. HAMILTON
LARRY VIRGEL HAMMAN
CLARK D. HANDY
NORMAN THEODORE HANSEN
RICHARD P. HANSEN
MONTE ARNOLD HANSON
JAMES CHRYSOSTOM HARKINS
ROBERT CHARLES HARM
THOMAS P. HARRISON
SILAS CLINTON HART, III
WILLIAM EDWARD HART
CHARLES MURRIE HARTFELDER
DARRELL R. HARTSIG
CRAIG TAYLOR HARVEY
EDWARD PAUL HARVEY, JR
ALFRED JAMES HASS, II
CHRISTOPHER CONRAD HASSLER
TODD NELSON HATHAWAY
DANIEL LEE HATTEN
TIMOTHY X. HAUCK
LARRY EUGENE HAYES
JOHN S. HAYNES
JEFFREY A. HEDGES
WILLIAM GEORGE HEDSTROM
FREDERICK EDWARD HEIMANN, JR
DAVID W. HEINTZMAN
ROBERT JOHN HEISTER, JR
MICHAEL P. HELMS
FRED ARTHUR HENDRICKS, JR
EDWIN STUART HENRY
GEORGE THEODORE HERTIG
BRUCE NEIL HEYWOOD
STEVEN RAYMOND HIBBS
JACK C. HICKS
WILLIAM GREGORY HIGGINS
KEVIN ELDON HILL
THOMAS L. HITCHCOCK
MATTHEW MCWAIN HODGINS
ROBERT LOUIS HOGAN
NELSON CHAPPELL HOLLY
NEIL GARY HOLT, JR
NATHAN CRAIG HOLWAY, JR
FREDDIE LEE HOLYFIELD
FORREST TERREL HONDERICH
ROBERT JOSEPH HOUSER
RICHARD PAUL HUBBARD
MICHAEL E. HUBER
BETH EVELYN HUBERT
BARRY EDWARD HUDSPETH
THOMAS LEE HULL
RICHARD JOSEPH HUMENUCK
NORMAN ROGER HUMITZ
GORDON KEITH HUNEGS
FRANCIS ALOYSIUS HUNT, JR
ROBERT A. HUNT
JOHN MAYNARD HURST
DAVID GARY IRELAND
RUSSELL HAROLD IRVINE
STEVEN DALE IVANS
MARC EDWARD IVERSON
CHARLES GREGORY IVEY
WILLIAM KING JANSSON
REED KEITH JARVI
JOHN ELBERT JAYNES
PATRICIA ANNE JEDREY
ROBERT K. JEFFERIES, III
JAMES JOSEPH JEFFRIES
CHRISTOPHER H. JENSEN
LEOPOLD FREDERICK JOH
DOUGLAS STUART JOHNSON
GREGORY CARL JOHNSON
MICHAEL R. JOHNSON
WILLARD CHARLES JOHNSON
ALBERT M. JONES
BRADLEY WILLIAM JONES
MICHAEL P. JONES
ROBERT EDMUND JONES, JR
THOMAS ANTHONY KACHMAR
JOHN ROBERT KAISER
ERIC ALAN KALISKY
PAUL LEONARD KALLAND
JAMES LEWIS KANTNER
EUGENE KARSTENS
OWEN NORIO KAWAMOTO
TIMOTHY BLAISE KEEN
GEORGE ROY KELL
MICHAEL J. KEMPF
STEVEN PAUL KERCH
ROBERT S. KIDD
TERRENCE MICHAEL KILMAN
MARTIN ALAN KIMBALL
JEFFREY PAUL KING
MARVIN EARL KING
JEFFREY NMN KIRKWOOD
LAWRENCE PHILIP KIRWAN
JOHN L. KITTLER
PATRICIA ANNE KLAUER
JOHN P. KLOSE
KIM DAVID KLUGE
GARY LLOYD KNOCK
MARK BERNARD KOERBER
DOUGLAS GENE KOERNER
MELVIN RICHARD KOHLER
BRIAN ELLIOTT KONSUGAR
JUSTINE FRANCES G. KOSCIELNY
ANDRZEJ WLADYSLAW KOWALSKI
WILLIAM H. KRAMER
NICHOLAS DMYTRO KRAWEC
KEVIN MICHAEL KUZEL
HENRY J. KUZMA
RAYMOND REED KWONG
MICHAEL SMITH KYNETT
JOHN F. LADEMAN
BRADLEY N. LANZER
DAVID WARREN LARUE
GRANVILLE D. LASSETER, II
KENNETH M. LAW
THOMAS KING LAWMAN
MICHAEL E. LEBIEDZ
STEVEN BLODGETT LEE
CAROLYN DUSTY LEEF
JAMES JOSEPH LEHMAN
JAMES PHILIP LESTER
GEORGE EVERIE LEWIS, III
PHILIP A. LEWIS, JR
STEPHEN ARTHUR LEWIS
PAUL ANTHONY LIBERATORE
WILLIAM TIMOTHY LILES
SALE TRICE LILLY
GERARD JOHN LINK
FRANCIS J. LIPOVSEK
DIANE MARIE LORENZ
CHERYL CHIEKO LOUIE
GARY JAMES LOVAN
LEE ARTHUR LOVEGREN
FREDERICK WAYNE LUCCI
LAWRENCE EDWARD LUCK
STEVEN JOHN LUCKS
LAWRENCE EARL LYFORD
LANE CLAYTON LYNCH
MARIANNE MCGRATH LYNCH
CARL F. LYON
WALTER KAY MAGINNIS, JR
MICHAEL J. MAKOWICZ
WILLIAM ALBERT MALEHORN
ALLYN FERRIS MALLORY
JOHN EDWARD MANIGO
GREGORY A. MANKEY
RICARDO LAMONT MARABLE
TIMOTHY JANVIER MARCOTTE
EVERTON GERSHAM MARTIN
JOHN CHARLES MARTIN
JANE ELLEN MARTINSON
ANN L. MATHEWS
CHRISTOPHER WILLIAM MAY
CHARLES HAYS MAYNARD
ROBERT AUSTIN MCANINCH
CHRISTOPHER ERNEST MCATEER
ROBERT L. MCCABE
MICHAEL EUGENE MCCAFFREY
FRANCIS IRWIN MCCLELLAN
ALFRED EMMANUEL MCCOOEY, JR
JAMES DOUGLAS MCCUISTION
MICHAEL SCOTT MCDONNOLD
PAUL ERWIN MCGILVRAY
ROBERT ALAN MCLEAN
CHRISTINE MARIE MCMAHON
ALLEN DOUGLAS MEDLIN
JOHN WILSON MELEAR
MARK ALLEN MELNICOFF
KENNETH LEIGHTON MERRICK
DEAN THOMAS METTAM
DOUGLAS R. MEYER
WILLIAM OLIVER MEYERS
JOHN E. MIESNER
KERWIN EUGENE MILLER
SCOTT EUGENE MINER
PATRICK JOSEPH MISKELL
JOHN JOSEPH MITCHARD
DIANA MARYELLEN LYNCH MIXON
ALAN LEROY MOLL
WAYNE EUGENE MOLNAR
BERNARD LEWIS MOORE
COREY S. MOORE
GUY HOLLISTER MORGAN
GARRY GENE MORISSETTE
JOHN LLOYD MORRIS
WILLIAM RANDOLPH MORRISON
TUNIS BRADLEY MORROW
DAVID ARTHUR MORSE
THOMAS WHALEN MORSE
JAMES JOSEPH MOSCARDINI
SAVINO NICHOLAS MOSCARIELLO
ANTHONY STEPHAN MULFORD
SHERRY VANITA MULVANEY
MARK A. MUNSON
JOHN STEPHEN MURDOCK
GUY VICTOR MURRAY
WILLIAM THEODORE MYERS, JR
JEFFERY ALAN NAUS
JOHN JOSEPH NEEDHAM
BILL NEGRON
SCOTT TRIMBLE NEIDHOLD
ELMER J. NELSON
ROGER LEE NIELSON
BRENT J. OBENOUR
THOMAS O. OBRYANT
KEVIN BARRY OCONNELL
JOHN H. ODONNELL, II
CHARLES R. OGLE, JR
VINCENT CHARLES OLIVER, JR
BYRON WESLEY OLSON
CRAIG P. OSTREM
FRANCIS P. OSTRONIC
WILLIAM ANTHONY OTT
CHARLES EDWARD OVERCASH, JR
THOMAS BLAINE PANNELL
PATRICK RYAN PARIS
KERRY WAYNE PARKER
JAMES CECIL PARKS
STEPHEN JOHN PATERNOSTER
MICHAEL JOHN PELLOTH
SHELLEY PENNINGTON
DAVID ALLAN PETERSON
JAMES PHIPPS PETTIT
MARK JOSEPH PFUNDSTEIN
EDWIN A. PHELPS, III
EARL WENDELL PHILLIPS, JR
LESTER LEROY PHILLIPS, III
PEYTON ELWOOD PHILLIPS, III
JOHN RADCLIFF PHIPPS, JR
RENALDO P. PILI
THEODORE S. PITERA
PAUL DOUGLAS PITZER
WILLIAM DANA POLLOCK
MICHAEL REED POPOVICH
ANDREW N. POULOS
TEN EYCK BRONK POWELL, III
DUANE ALLAN POWERS
CARL WILLIAM PRO
SCOTT M. PROVOW
DAVID SCOTT PURCELL
MICHAEL CHRISTOPHER PURCELL
WILLIAM RAYMOND PYE
JOHN R. PYRON, JR
ROBERT GERARD QUIRK
RICHARD LYNDON RADER
JAMES MICHAEL RAY
ROBERT BARRY REDDINGTON
GARY LEON REGLIN
DENNIS J. REILLY
ROBERT FOSTER RESCINITO
STEVEN W. RESS
HOBSON REYNOLDS
LARRY JOHN RHEA
MICHAEL THOMAS RIBBLE
ROBERT JOSEPH RICHARDS
STANLEY R. RICHARDSON
RICHARD E. ROBEY
RICHARD R. ROBIDOUX
ROBERT A. ROCHAU
JOHN H. ROGERS
JOHN PHILIP ROGERS
MELVIN CLAUDE ROGERS, JR
JOHN L. ROGITZ
RICHARD JOHN ROMAC, II
JOHN JOSEPH ROONEY, JR
CHARLES THOMAS ROSENBERG
JOHN W. ROSS
PAUL PATRICK ROSS
STEPHEN VINCENT ROTH
SIETZE J. ROTTON
JOHN CARL ROYCE, JR
MARK FRANCIS ROZWELL
ROBERT HAWARD RUDOLPH
MICHAEL LEONARD RUNALS
CAREY DOUTHIT RUPPERT
RALPH SCOTT RUPPERT
RICHARD LEE RUSSELL
LARRY LEE RUTLEDGE
CHRISTOPHER J. RYAN
PATRICK W. RYAN
WILLIAM RAYMOND RYAN
VINCENT S. SADD
GUS NMN SAMBRANO
RICHARD WILLIAM SANDELLI
STEPHEN WAYNE SANDERS
JOHN H. SANDSTROM
KATHERINE LOVEJOY SANFORD
RALPH P. SCAFFIDI
MICHAEL A. SCHALL
DANIEL J. SCHENKE
RICHARD ERIC SCHIEFEN
KENNETH TARCISIUS SCHMIDT
PAUL STEVEN SCHMITT
WILLIAM EDWARD SCHMITT
JEFFREY ALLEN SCHMITZ
WILLIAM J. SCHNEIDER
ROBERT J. SCHOLES
MARK THOMAS SCHOONOVER
RONALD REID SCHOWE
MICHAEL CHRISTOPH SCHROEDER
DAVID ARTHUR SCOTT
GEORGE JOSEPH SCOTT, III
JOHN DAVID SCOTT
RANDALL ALLEN SEAWARD
CHESTER J. SETO
KARL R. SETTE
RICHARD CLARK SEVERS
JOHN M. SHARP
JAMES WEBER SHELTON, JR
MICHAEL SHINEGO
ROBERT SHINSKIE
LOUIS CRISPIN SIMMONS
MARK STEPHEN SIMPSON
VICTORIA GERMINO SKINNER
JOHN P. SKOGSBERG
RODNEY WILLIAM SKOTTY
RICHARD PAUL SKRZAT
DAVID L. SMITH
JAMES FLOYD SMITH
NEAL FREDERICK SMITH
PAUL GILBERT SMITH

RANDY GENE SODERHOLM
WILLIAM W. SOER
STANLEY A. SOWINSKI
KENNETH GEORGE SPENCER
ERIC NEAL SPRINGER
RICHARD PATRICK SPURR
TIMOTHY J. STARK
MICHAEL NMN STAVREFF
RAYMOND TREECE STEARNS
BRADLEY ROBERTS STEELY
KEITH EDWARD STEIGER
ARTHUR L. STEPHENS
FREDRIC MILO STEPHENS
JOHN RUSSELL STEPHENS
JEFFREY MICHAEL STEVENSON
MICHELE VALERIE STICKNEY
ROBERT A. STOBAUGH
JOHN MICHAEL STOELTING
JOHN SHELDON STRATEMEIER
PAUL JOSEPH STREETER
BRUCE STUART
STEPHEN ANDREW SUSKO
GRANT DEAN SUTHERLAND, JR
STEPHEN DOUGLAS SWAZEE
SHEILA SHROPSHIRE SWEETSER
WAYMAN OWEN SWILLEY, JR
DAVID ALEXANDER SWINGLE
PAUL DAVID TANZAR
JOHN DENNIS TATE
LAURISTON SALE TAYLOR, III
TIMOTHY OREN TAYLOR
LYNN GENE TEPPEN
PHILIP ANTHONY TESTA
BRADLEY THOMANN
DARYL SCOTT THOMPSON
JAMES ALAN THOMPSON
LAWRENCE EARL THOMPSON
MICHAEL RENE THOMPSON
ROBERTA LYNN THOMPSON
STEVEN MICHAEL THRAIKILL
BARRY M. TILDEN
WILLIAM EUGENE TILLERSON, JR
HENRY HELLMUT TINGLER
GARY MICHAEL TOMPKINS
MARK MATTHEW TRENOR
MARC L. TROIANI
STEPHEN HOWARD S. TRYON
MICHAEL D. TSCHILTZ
ROBERT URBAN TUOHY
DIANNA MARIE TURMAN
RICHARD TAD UCHIDA
M. R. VALENSTEIN
EDGAR BAGOYO VALERA
JOEL KENT VANDERWALL
JOHN CHRISTOPHER VANFOSSAN
ANTHONY JOSEPH VELLUCCI
JOHN R. VERBRYCKE
STEPHEN JAMES VESTER
PAUL JOSEPH VONHOENE
MICHAEL JOSEPH WAGAMAN
WILLIAM H. WALKER
CHARLES DAVID WALTERS
ALAN FREDERICK WARE
STEWART T. WARREN
ROBERT F. WARTHER
JOSEPH NMN WASEK, JR
MICHAEL NMI WATSON
AARON D. WATTS
JOHN LOUIS BROWN WAYNE
THOMAS PHILLIP WAYNE
MICHAEL ANTHONY WEBB
CRAIG ALFRED WEBSTER
FRANCIS WEBSTER
PETER HARTY WELLS
DOUGLAS E. WERTZ
CHARLES MICHAEL WEST
WILLIAM THOMAS WHALE, III
BRIAN MICHAEL WHITED
GARY ALAN WILLIAMS
THOMAS H. WILLIAMS
WAYNE LESLIE WILLIAMS
DONALD EUGENE WILSON
ELDON J. WILSON
RICK DOUGLASS WILSON
ROBERT GEORGE WILSON, JR
STEPHEN R. WILSON
JAMES ARTHUR WILTSHIRE
ARNETT J. WISE
WILLIAM F. WOLF
CRAIG STANISLAUS WOLFSON
DONALD L. WOLVEN
JAMES A. WOMBWELL
DAVID ELLIOTT WRIGHT
ROBERT PAUL WRIGHT
BENJAMIN SAMUEL YATES
FRANCES YATES
ALLEN CHARLES YOUNG
MICHAEL J. YURINA
JAMES M. ZAHORNACKY
STEVE RICHARD ZELL

UNRESTRICTED LINE OFFICERS (TAR)

To be commander

TIMOTHY ALLEN BEATTY
DUANE ARTHUR BEAUCHAINE
BRENDA ERCELLE BLACKWELL
JOE CAMERON BLAKE
MICHAEL FRANCIS BOYER
TERRY ARTHUR BRAGG
ANDREW ALAN BRIGGS
JEFFREY SCOTT BRITTLE
SARAH LOUISE BROWN
JEFFREY W. CHIVERS
WILLIAM MICHAEL CHRISTY
ANN MARIA CLARK
BROOKS ALLEN COBURN
RICHARD H. COYLE
DAVID W. CUTTINO
ROGER STEVEN DADIOMOFF
JEAN M. DANIELS
MILES PATRICK DEAN
KENNETH M. DEEBLE
CHRIS RAY DEMPSEY
GLENN EMERSON DOTEN
NORMAN J. FARLEY
PAUL MICHAEL FERMOILE
GARY WYNN GEAR
MICHAEL STEVEN GIORGINO
KENNETH I. GOLDBERG
JOHN WARFIELD HARDY
JOSEPH DANIEL HARRINGTON
WILLIAM GARY HARRISON
MICHAEL JOHN HIGGS
ROBERT L. HOWARD
ROBERT K. HUDGENS
WILLIAM HENRY HUFHAM
VICKI LYNN KAINZ
JOHN JOSEPH KEARNEY
DONALD J. KSIAZEK
KEVIN JAMES LASHER
FREDERICK WOODWARD LEITH
ARLEN E. LIPPERT
JOHN PAUL LUMETTA
CARL MARTIN MAYABB
JOHN N. MCCARTHY
BARRY GENE MCFARLAND
MICHAEL B. MCGEE
PETER MENIO, JR
JOHN W. MICKELSON
ARCHIE NMN MITCHELL, JR
MARTHA ANN MITCHELL
JOSEPH A. MOLINARI
PAUL M. MOLLOY
KATHY READING MOORE
PATRICK D. MORGANELLI
LASZLO GEZA NEUWIRTH

SHERRY RUTH NEWTON
ROBERT EDMUND NORRIS
DONALD K. OWEN
RICHARD LYNN PAGE
PAUL FISK PAINE
THOMAS R. PALMER
SCOTT A. PARKER
DAVID MICHAEL PERDUE
ROBERT HANSON PORTER
WILLIAM PAUL RAMSEY
BRUCE ALAN RASMUSSEN
STEVEN MICHAEL REYNOLDS
VICTOR GORE RISTVEDT, JR
STANLEY R. RODMAN
DONALD LEO ROY
RONALD JOHN RUNDSTEDT
RICHARD S. SAUNDERS
MARK D. SAVIGNAC
KELLY FORREST SCHULTZ
RHONDA JEAN SHAFFER
TERRY PAUL SHEPERSKY
MICHAEL JON SHEWCHUK
SELVEN LAYNE SMITH
WILLIAM RANDAL SPENCE
KEVIN J. SULLIVAN
ROBERT JAMES SWANSON
ROBERT LEE SYKES
JOHN MICHAEL THOMPSON
MALCOLM DEWEY TIGNOR, JR
DONALD LOUIS URQUIDEZ
ROBERT ALAN VOGT
CAROL M. WALES
JOHN R. WEBSTER
JOHN WAYNE WESTBROOK
BARY C. WILLCOX
PHILIP ANDREW WINTERS
DAVID MICHAEL WOLCHKO, JR
SUSAN WESTON WOLFE
TERRAY E. WOOD

ENGINEERING DUTY OFFICERS

To be commander

GEORGE APRAHAMIAN
PATRICK JOSEPH BROWN
KENNARD MICHAEL BUDDENBOHN
JAMES L. BUTLER
MICHAEL DUNN CARATHERS
STEPHEN CRAIG COSSEL
FRED L. CURRY
ROCKIE JEB DELOACH
CHARLES L. HEWELL
THEODORE FRANK LAGERGREN
EDWIN GERARD LANDAUER
WILLIAM LEVIS
WALTER BUTLER LINCOLN, JR
ALVIN WARREN LIPPITT
ROBERT GLYNN MINER
JAMES EDWARD MUSICK
DAVID ANTHONY OBRIEN
PHILIP JOHN ROGERS
THOMAS PATRICK SHARKEY
LAURA DENISE STUBBS
DONALD JOSEPH WALSH
WILLIAM HARRY WILLIAMS, JR

AEROSPACE ENGINEERING DUTY OFFICERS (ENGINEERING)

To be commander

SEAN PAUL CROOK
KEITH EDWIN HARDMAN
WILLIAM NELSON JACKSON
BENJAMIN BURNHAM JAMES, III
KEVIN TED MABIE
JEFFREY EDWARD PINKEL
DAVID L. POWELL
ROGER ALLEN YOUNG

AEROSPACE ENGINEERING DUTY OFFICERS (MAINTENANCE)

To be commander

ALLEN HENRY DUNN
PAUL EDWARD HARRIS
DANNY BILL HODGE
MICHAEL LEE MAUCK
DAVID LEE MCKINNEY
PHILLIP REGINALD POPPELL
FRANK WESLEY THOMSON
DAVID ALLEN ZORYCHTA

AEROSPACE ENGINEERING DUTY OFFICERS (MAINTENANCE) (TAR)

To be commander

REX ALAN BENT

SPECIAL DUTY OFFICERS (MERCHANT MARINE)

To be commander

JEFFREY DOUGLAS ADAMSON
JOHN YOUNG ALLISON
PETER JOHN BLAKE
THOMAS JOSEPH DESJARDINS
KENNETH LEE DONAHUE
MATTHEW JOHN FLAHERTY
CHARLES EDWARD LANHAM
CRAIG WEST LEE
DAVID L. LIEBERMAN, III
BURNICE EDWARD MALPASS
MICHAEL TIMOTHY MONAHAN
KEVIN EDGAR MOONEY
ANTHONY HARRY MURRAY, III
TIMOTHY LEWIS ONEIL
JOHN GEORGE PETERLIN, III
RANDALL LOUIS PINETTI
MICHAEL KEVIN RAAB
THOMAS KOEP ROSE
ROBERT VINCENT SHEEN, JR
GARY ALLEN SIDELINGER
WILLIAM ALDEN SPOONER, III
JOHN FREDERICK WHITELEY
MATTHEW GEORGE WILKENS

SPECIAL DUTY OFFICERS (CRYPTOLOGY)

To be commander

EUGENE PAUL BESEL
CHARLES HENRY CHASSOT, JR
FRED ARNOLD CLAVELLI
ROBERT LEE ERWIN
KENNETH EDWARD GREEN
MICHAEL NASH HAASE
THOMAS STALEY HAWTHORNE
RONALD EUGENE HECOX
GORDON JOHN HILL
GEORGE WILLIAM HOLMES
THOMAS JAMES KEATING
DAVID WAYNE LEE
GORDON EUGENE MEEK, II
RONALD GEORGE MIHALEY
ANTHONY FRANK QUIDATANO, JR
GEORGE WESLEY SMITH, JR
RANDELL C. SMITH, JR
GARY LESLIE SULLIVAN

SPECIAL DUTY OFFICERS (INTELLIGENCE)

To be commander

FORREST HARRY ALLISON, II
EUGENE BOJARSKI
THOMAS P. BREYER
BETH ADELE BRODERSEN
SUSAN MARIE BRYNESTAD
ROBERT JOHN BURCHHARDT
KATHLEEN ANN CHADBOURNE
DARYL LYNN CHAPMAN
DOUGLAS CREIGHTON CLARK
SUSAN ANN COTTEY
LEONARD ALBERT CURTIS, II
THOMAS W. CUTSFORTH
FRANCIS CLARKE DACHILLE
PAUL L. E. DAVIS
RUSTIN ECKSTROM
LAWRENCE ARTHUR ELLIOTT
ROBERT JOSEPH ERLAND, JR
DENIS WILLIAM FLOOD
JOHN A. FLORIO
ROGER ARLAN FOWLER, SR
DAVID PATRIC FRANCZYK
JOSEPH WAYNE GALLA
EDWARD P. GIBSON
PATRICK FRANCIS GILDEA
RICHARD CHARLES GLUCK
KEITH B. GOOD
WILLIAM EDWARD HARDING
SVEN NORDSTROM HASTINGS
JOHN W. JELICH, III
WILLIAM GARY JOHNSON
THOMAS JOSEPH KAPURCH
ROBERT C. KENNEDY
JAMES LEE KENNY
CHRIS R. KOURY
LINDA HALL KUEHNE
FRANCIS JAMES JOSEPH KULICK
TIMOTHY JOHN LOCKHART
CAROLINE ELIZABETH LOKKINS
MICHAEL WILMER LUTCHE
WILLIAM NICHOLAS MANAHAN
GEORGE FRANKLIN MANSFIELD
BRUCE CARL MARTIN
JAMES M. MCCLURE, JR
DAVID ROBERT MUENKEL
SHERRY DAWN NEFF
RICHARD RAYMOND OBENHAUS
JAN CHRISTINE ODONOVAN
TIMOTHY JAMES PARMENTIER
HILLMAN PATTEN
JOHN WARREN PRASCHER
JAMES HALLIBURTON PUCKETT
CHARLES HENRY ROBERTS
LOUIS F. SADLER
DOUGLAS JOHN SAHRBECK
EDWARD GREGORY SCHEUMANN
ALAN KARL SCHNEIDER
CONSTANCE MARIE SENKOWSKI
BRUCE MILLER SHAPARD
MICHAEL ROBERT SIDROW
CHRISTOPHER C. STASZAK
CURTIS NELSON STROMMEN
GEORGE PAUL SUGARS
COLLEEN CALHOUN THOMAS
KENNETH NEIL THOMPSON
LEE ANN TIMRECK
DANIEL E. TURBEVILLE, III
ELIJAH A. TURNER
PATRICK ANTHONY TUZZOLO
DANIEL IVES TYLER
JOHN JOSEPH VANORE
ROBERT GEORGE WATSON
CHARLES RAYMOND WHITE
ROBERT PAUL WILLIAMS
MICHAEL WESLEY WINKLER

SPECIAL DUTY OFFICERS (INTELLIGENCE) (TAR)

To be commander

BYRON DREW FOLEY
FRANK JOHN GIBLIN
KENNETH ROBERT NEWTON
HENRY JORDAN OLDFIELD
STEPHEN M. WORKMAN

SPECIAL DUTY OFFICERS (PUBLIC AFFAIRS)

To be commander

RUDOLPH WILLIAM BREWINGTON
BARTON BUECHNER
DOUGLAS FRANCIS CHALLOS
WILLIAM LESTER HENDRIX
EMILY HYDE HOPKINS
BARBARA ANN KIELY
PATRICIA JANE LARSON
PAUL WILLIAM LOHNES, II
THOMAS MICHAEL PLANTENBERG
WILLIAM BRUCE SPIHER
GERARD JUDE WILLETT

SPECIAL DUTY OFFICERS (OCEANOGRAPHY)

To be commander

DAVID CHRISTOPHER COPLEY
JAMES THOMAS COUNTIS
LARRY D. PHEGLEY

LIMITED DUTY OFFICERS (LINE)

To be commander

JOHN GRIMES DONAHUE
JAMES CLAYTON JOHNSON
ROBERT CHARLES LINDER
MALCOLM CONRAD MCCOLLUM
THOMAS JOSEPH OBRIEN
RALPH REITZ
EDWARD HERMANN SCHEYE

EXTENSIONS OF REMARKS

THE TRANSATLANTIC RELATIONSHIP

HON. DANTE B. FASCELL

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 2, 1992

Mr. FASCELL. Mr. Speaker, on May 18, the Atlantic Assembly took place in Banff, Canada. At that session, members of the assembly and associated delegations from Eastern Europe and the former Soviet Union held a momentous debate on the future of the transatlantic relationship.

Presiding over the conference was our esteemed colleague, CHARLIE ROSE, who is president of the assembly. He opened the session with an important and vital address on the future of that relationship. I urge Members to consider his wise counsel.

Representative ROSE'S address follows:

OPENING ADDRESS OF HON. CHARLIE ROSE

This is the right time and the right forum for a deliberation on the future of the Transatlantic Relationship. It is the right time because on both sides of the Atlantic, we are trying to come to terms with the profound changes taking place in Europe. And it is the right forum because as parliamentarians we represent publics who will now demand to know what this Alliance, and all the cost it represents, means in a post-Cold War world; they will reasonably ask, What benefits derive from maintaining it?

The collapse of the Soviet empire would by itself require that we reexamine our premises. But our task today is given urgency by the imperative—a moral and security imperative—that we deal with the endemic violence that is scarring the European landscape:

How do we prevent such conflicts?

And how do we deal with them once they have erupted?

There is no shortage of institutions with a claim to relevance. But not one at this moment has the political legitimacy or the military means to permit effective action.

This new situation demands that we bring fresh thinking to our consideration of the nature of security, the roles and responsibilities of various organizations, and our respective contributions.

One element in this process of reassessment is undisputed: the Atlantic Alliance retains a pivotal place among the various organizations that are attempting to grapple with these diverse challenges. In my judgment, and I think most of us are in agreement, NATO has reacted with commendable flexibility and rapidity to the new conditions. The creation of the Co-operation Council is a welcome sign that the Alliance is prepared to move beyond its traditional role and begin to assume responsibility for providing security throughout Europe.

This reorientation by NATO is being accompanied by adjustments within the Alliance itself, particularly in its transatlantic dimension. Both North American partners are assessing their respective contributions to the Alliance. For Canada, the decision to end the military presence in Europe has been taken. For its part, the United States will retain a military presence but at sharply reduced levels. During the time of the Cold War, the presence of North American armed forces in Europe had a clear military rationale and carried high political and symbolic value as a sign of ultimate commitment. But times and strategic conditions have changed dramatically and this commitment can be demonstrated in ways more in tune with domestic and international realities.

Those who continue to cling to this symbolism and who react nervously to any readjustment should not confuse force levels with commitment. As an American representative, I am convinced that the United States will remain committed to, and involved in, European security. Our natural ties, our own self interest, and our historical experience will ensure that this remains so. It is equally certain that we will continue to see NATO as the primary vehicle for US involvement and engagement in Europe.

My starting point for this debate, therefore, is not whether the United States will remain involved in NATO and in Europe but how we can make this involvement more effective: How collectively we can ensure that our Alliance plays a full and proper role in achieving peace and stability in Europe. Together, we must find ways to harness the potential that has served us so well in the past to meet the challenges of the future.

Specifically, we must ask how NATO can help in the search for solutions to the multiple sources of instability that are now afflicting Europe? One answer must be to achieve a more effective relationship between NATO and the CSCE. We must find ways in which the unique assets of the Alliance can be placed at the service of the broader interests of European security.

The Co-operation Council represents a first step in this direction. It will perform an important educational role in providing advice and expertise to the countries of Central and Eastern Europe on a range of security-related issues. But this role, in my judgment, is not enough. NATO must adopt a more active role in the search for security in Europe.

We should have no illusions. Politically this will be difficult to achieve. Nevertheless, a start should be made. I believe that the Co-operation Council could provide a manageable forum not simply to discuss regional disputes but to find common ground and move actively toward real compromise and conflict resolution.

The other answer lies in using NATO's military assets for new, more diverse, but more relevant purposes. I believe NATO must restructure its military forces radically—and rethink the use of these forces—if it is to harness its military potential in a manner that relates to today's needs. Let us be clear about this: NATO has assets unique in the world which can and should be utilized where they can be brought to bear with constructive effect.

These unique assets are:

The elaborate defence planning arrangements that NATO has developed and practiced during many years;

The co-ordination of national defence plans;

The agreeing of standards and goals for military forces;

The regular co-operation and exchange of information between our Ministries of Defence; and

The existence of an integrated command structure that routinely carries out all the peacetime planning and joint training needed to ensure that our armed forces could act in unison should the occasion arise.

Of all the world's multinational institutions—a veritable alphabet soup—only NATO has the ability to bring multinational military force to bear.

Now, some will respond by saying that NATO has already adopted a new strategy and is already developing a new force structure. But the central orientation of this new approach remains the traditional—and I believe anachronistic—orientation of defence of our own territory against a direct attack. Such a defence is being maintained against threats which we can no longer specify and which frankly most of us find difficult to imagine.

There is no doubt that defence of our own territory must remain one function of our forces. But in today's environment that function is not enough to justify the enormous effort and expenditure. The reality is that the rationale guiding Alliance strategy has little to do with what we all recognize is the most serious security concern in Europe.

Let us therefore give our forces a mission that is truly relevant to today's problems. Let us demonstrate to our public that their taxes are supporting military forces and an Alliance mechanism that are relevant to today's concerns.

How can we achieve this objective? The first step is clear: Our political authorities must formally endorse peace-keeping as a mission for the Alliance; and they must then task our military authorities to undertake the necessary preparations.

By peace-keeping, I mean the broad range of military activities required for conflict prevention and resolution. These range from the sending of individual observers and monitors to the dispatch of active combat-equipped units.

If we to make this transition from territorial defence to a more diverse military role, we will need interplay between our political and military authorities. I want our military authorities to begin to think about how the Alliance could respond if asked. I would like them to assess what forces are available, with what experience, what logistic and support capabilities are required, and what sort of multinational units would be appropriate. In other words, just as our military authorities have co-ordinated our efforts to face a direct military threat, so they should now co-ordinate our collective efforts to address the multiple risks that exist throughout Europe.

Of course, preparing ourselves militarily to perform a peacekeeping role is only the beginning. We will also need to achieve a new political framework that provides for effective decisions relating to the commitment of NATO forces when the need arises. This

• This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

framework presumably will provide that NATO assets would be used only if requested by a legitimate political authority—meaning the United Nations or the CSCE.

Any such framework would provide, of course, that other, non-NATO forces would also be used regularly. Several countries outside of the Alliance have considerable experience in peacekeeping, and it is hardly our aspiration to see NATO become the world's police-force. But NATO does offer what is unique and what in some circumstances will be essential: a core of military forces which can act together rapidly and cohesively.

While such a framework is easy to sketch in the abstract, it will be enormously difficult to achieve in the real world. Therefore, what I have said today may be summarized as follows: NATO has two tasks—one of military reorientation and one of developing a new political framework to give utility to that new military orientation—and we should be working on both tasks simultaneously and with some sense of urgency.

Let me conclude my remarks by turning to our own work in this Assembly. I believe we have set a good example in responding to the needs of Central and Eastern Europe. Building on the work of my predecessors, these are three aspects of my Presidency of which I am particularly proud:

1. First, the presence and active involvement here in Banff of our "associate delegates" is living proof that the initiative launched by Bill Roth and myself is working;

2. Second, the Rose-Roth seminars are an excellent example of the Assembly responding to particular problems, and in areas where we can be most helpful. We have had seminars on parliamentary control of defence, on defence conversion, on *CSCE*. But let me highlight for one moment our seminars in Vilnius and Riga on Baltic security. These seminars focussed on a regional problem of some urgency, they drew together the various interested parties, including the local Russian military who are the source of the problem, but they also involved Alliance legislators, thereby placing a regional problem in the broader European perspective.

Without doubt, we achieved a better mutual understanding of this problem and, I would like to think, moved the issue just slightly closer to resolution. I am pleased that this process has been taken a stage further here in Banff with further meetings between Baltic and Russian parliamentarians. Nothing symbolizes the value of our work more than the mutual understanding and confidence that these meetings have provided.

Who knows? Perhaps we can achieve the same progress with respect to an issue which has preoccupied us here: the Macedonia question, which will be the focus of one of our Rose-Roth seminars in Athens in October.

Finally, I believe the role that this Assembly will play in the organization of the new CSCE parliamentary assembly is an excellent example of the sort of co-operation and interaction that should exist between NATO and the CSCE. So long as the Assembly continues to perform such a role, reacting with flexibility and imagination to the needs of today, you need have no fear of continuing American interest, involvement, and commitment.

KILLIAN AND PALMETTO HIGH STUDENTS HARMONIZE

HON. ILEANA ROS-LEHTINEN

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 2, 1992

Ms. ROS-LEHTINEN. Mr. Speaker, I would like to call my colleagues' attention to the unprecedented cooperation between two rival high school bands in Miami. Killian High School and Palmetto High School in Miami have been rivals in football, band competition, and all kinds of competitive activities as long as they have both existed. But this year, the students and parents of both schools bands, orchestras, and jazz bands are cooperating to hold a joint music and arts show to raise funds for the music departments in both schools. Students like Karen Eber, Killian's band captain, and Robert Longfield, Palmetto's orchestra director express enthusiasm about learning to make music together, instead of competing.

The Miami Herald published an article on the remarkable cooperation between these rival schools which I would like to include in the RECORD:

KILLIAN, PALMETTO TO HARMONIZE

(By Manuel M. Ruiz)

For once, the rival bands of Killian and Palmetto high schools will meet on one field without trying to outgun each other during a performance.

Call it the band of the bands.

This Sunday, the marching, jazz and concert bands as well as the auxiliary dance lines, majorettes and flag corps from Killian and Palmetto will team up to cosponsor a music and arts festival fund-raiser at the Deering Estate, 16701 SW 72nd Ave.

"We've never done this before," said Killian band captain Karen Eber. "But our band parent groups thought it would be a great way to raise money for our music and band programs."

Although the schools are rivals on the football field, Eber said the unusual partnership isn't far-fetched because both schools serve students from some of the same South Dade neighborhoods.

"We're sister schools," Eber said. "We're part of the same neighborhoods and we're both wonderful bands that have worked together before. We have a friendly rivalry going."

Palmetto shares the same excitement.

"We're looking forward to making music together," said Robert Longfield, Palmetto High's orchestra director. "It's going to be a beautiful performance and we owe it to our parents for their great support of our music programs."

Sunday's event starts at 9 a.m. with an arts and crafts exhibition. The outdoor concerts begin at 11 a.m. with individual performances from some of the school's top soloists. The jazz and concert bands from each school as well as Palmetto High's orchestra and percussion ensemble will come on at 12:30 p.m. and alternate performances until 5 p.m. Then both bands will combine to play The Star-Spangled Banner.

High school bands traditionally receive supplemental support from Dade school budgets, but that funding has decreased in the past two years, said Killian band director Alan Fetterman.

"This past football season we were budgeted for transportation to only four of our team's 10 or so games. If our principal didn't help us at the last minute, we wouldn't have been able to go," Fetterman said.

Currently, most of the Killian band's annual budget of $40,000 comes from year-round fund-raising activities that members and their parents sponsor. These include car washes, doughnut sales and candy sales.

Mr. Speaker, I commend the Palmetto and Killian High School band students, majorettes, flag corps and dance groups for their outstanding spirit of cooperation. I especially commend the two schools' parents groups which put this celebration together. Cooperation between rivals can help our children learn to get along together, and to heal some of the divisions that separate our society.

THE CONCERNED BLACK MEN, INC., BLACK YOUTH RECOGNITION AND AWARDS BANQUET

HON. LUCIEN E. BLACKWELL

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 2, 1992

Mr. BLACKWELL. Mr. Speaker, I rise today to honor the Philadelphia Chapter of Concerned Black Men, Inc., on the occasion of their Annual Recognition and Awards Banquet. This national organization, which was founded in my own hometown of Philadelphia, introduces many of our disadvantaged African-American sons and daughters to the role models they desperately need, and assists our youth in their development into respectable and successful adults.

Mr. Speaker, the Annual Recognition and Awards Banquet, which will take place on Saturday, June 6, 1992, will be an occasion to celebrate the achievements of young Afro-Americans. Children and young adults from around Philadelphia will gather to listen to and speak with our city's exceptional young men and women. Along with the many other projects sponsored by Concerned Black Men, the event is a demonstration of support and encouragement for our next generation of leaders by Philadelphia's men. On the night of the banquet, the Concerned Black Men will also award college scholarships to deserving and needy, inner-city, high school graduates.

Mr. Speaker, I ask my distinguished colleagues to join me in commending the Philadelphia Chapter of Concerned Black Men, Inc., who, by donating their time, their effort and their skills, demolishes the myth that black men are indifferent to the young and the future of their community. In particular, their Recognition and Awards Banquet will be an inspiration to our community.

TRIBUTE TO JASON BARTHOLOMEW

HON. JAMES A. TRAFICANT, JR.

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 2, 1992

Mr. TRAFICANT. Mr. Speaker, I have the special honor of congratulating Jason Bartholomew, the winner of the "First in the Nation" Poster Contest for the "Easter Thyme" sponsored by the Catholic War Vets.

Young Jason is a fourth grader at St. Charles School in Boardman in my 17th District of Ohio. Congratulations, Jason.

Mr. Speaker, it took a great deal of courage and talent to create a winning work for such an outstanding contest and I am proud to pay tribute to Jason for persevering. The reward is well deserved.

A TRIBUTE TO SEIG ROTHSCHILD

HON. RICHARD E. NEAL

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 2, 1992

Mr. NEAL of Massachusetts. Mr. Speaker, I wish to recognize and pay tribute to the extraordinary service Mr. Seig Rothschild has contributed to the Springfield, MA, community. Mr. Rothschild's selfless efforts have been recognized by the Kodimoh Brotherhood in one of their highest awards, the Kodimoh Brotherhood Humanitarian Award.

The Kodimoh Brotherhood Humanitarian Award was established in 1982 by a past president, Max Gruber. The award was made in loving memory of Mr. Gruber's parents, Ida and Ben Gruber. The award is given to Kodimoh members who have distinguished themselves for their unrelenting commitment to serving others. The members receiving the award have committed themselves to worthy causes in the community and generously given their time, concern, and dedication to those who need assistance.

Mr. Speaker, Seig Rothschild is one who is certainly deserving of this prestigious award. Seig and his wife, Nellie, came to Springfield in 1940 and joined Congregation Kodimoh in the same year. They have been married for 54 years, and have two sons, Michael and David, plus five grandchildren. Mr. Rothschild is retired from Blake's Department Store.

Mr. Rothschild's service to his community is exemplary. He has been a volunteer for the Springfield Jewish Federation for 40 years. Mr. Rothschild also finds time to commit to the Jewish Nursing Home, and participate in the Meals on Wheels Program for senior shut-ins. He was a founding member of the Kodimoh bingo, which helped raise much-needed funds for the Congregation Kodimoh during its fledgling years. He has been a lifelong member of the Kodimoh Brotherhood and its fundraising counterpart, the 120 Club. During his tenure with the brotherhood, Mr. Rothschild gave benevolently of himself. Being an active blood donor for many years, he also taught English to new immigrants and tirelessly served the Jewish community in any capacity asked of him. Seig and Nellie are consistently dedicated to the improvement of the quality of life for all people in our community, and have especially concentrated their work on the elderly.

Unfortunately there are not many people like Mr. Rothschild. If there were more people who would give their time and effort to help those who are incapable of helping themselves, we would live in a much gentler world. Mr. Speaker, I want to take this time to gratefully recognize the tireless efforts of Mr. Seig Rothschild and thank him for all his contributions to the community.

A SPECIAL TRIBUTE TO DR. CHARLES A. WALKER

HON. LOUIS STOKES

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 2, 1992

Mr. STOKES. Mr. Speaker, I am saddened to inform my colleagues of the recent death of Charles A. Walker, Ph.D. Dr. Walker directed the Office of Outreach Development at the National Library of Medicine. With his passing on May 16, 1992, the Nation lost a great scientist and notable leader. During this lifetime, Dr. Walker enjoyed a distinguished career and served as an inspiration to all. I want to share with my colleagues some of the highlights of his career.

Charles A. Walker earned a magna cum laude bachelor of science degree in science and agriculture from Arkansas A&M College and a master's degree in biochemistry and nutrition from Washington State University. He went on to earn a doctorate in pharmacology from Stritch School of Medicine, Loyola University. Dr. Walker's postdoctoral training included research at Harvard, Woods Hole Marine Biological Laboratory, the University of California at Berkeley, Lawrence Radiation Laboratory, and at NASA facilities.

Mr. Speaker, the academic career of Charles Walker ranged from assistant professor of biology at Fort Valley State to professor and chairman of the pharmacology department of the School of Veterinary Medicine at Tuskegee Institute. He also served as dean of the College of Pharmacy and coordinator of the Health Science Center at Florida A&M University, and as chancellor of the University of Arkansas at Pine Bluff.

As director of the Office of Outreach Development at the National Library of Medicine, Dr. Walker was spearheading efforts to connect underserved health professionals, many of whom practice in rural and inner-city minority communities, to the enormous computerized medical information resources of the Library. One focus of his efforts was the lower Mississippi Delta region, one of the poorest areas of the Nation. I am pleased to learn that the National Library will continue this outreach program to which Dr. Walker contributed so much.

We look with pride upon Dr. Walker's many accomplishments during his lifetime. He is the author of more than 150 scientific publications and the organizer of international symposia in Japan, France, Italy, Germany, and China. In addition, Dr. Walker is credited with instituting the first and only doctorate program in the pharmaceutical sciences at a historically black institution, Florida A&M University.

Mr. Speaker, I join his family, colleagues, and friends in mourning the passing of Charles Walker. We have lost a good friend, our youth have lost a positive role model, and our Nation has lost a valued scientist, educator, and leader.

RESOLUTION OF POLITICAL ACTION COMMITTEE OF CHERRY HILL

HON. ROBERT E. ANDREWS

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 2, 1992

Mr. ANDREWS of New Jersey. Mr. Speaker, I rise today to enter into the RECORD a resolution passed by the Political Action Committee of Cherry Hill, NJ, on April 3, 1992. The resolution addresses allegations that Secretary of State James A. Baker III made three anti-semitic remarks, and raises concerns that Secretary Baker has not satisfactorily responded to those allegations.

I want the RECORD to show that I have requested a response from Secretary Baker, and that I agree with the resolution of the Cherry Hill committee that the Secretary should consider resigning his post if he is unable to clarify his alleged remarks.

Thank you.

POLITICAL ACTION COMMITTEE OF CHERRY HILL

Whereas Secretary of State James Baker has denied reports that he made an obscene remark about American Jews, but has failed to address reports of two related remarks, that he has referred to pro-Israel congressmen as "the little Knesset" (as reported in the Philadelphia Inquirer) and that he has said, "Jews remember the Holocaust, but they forget insults as soon as they smell cash" (as reported in the Israeli daily Ma'ariv); and

Whereas the allegations made about Baker's statements follow a series of actions by the Secretary that could be seen as confirming the attitude expressed in the derogatory statements, including: authoring United Nations resolutions condemning Israel in extraordinarily harsh language, implying, during Congressional testimony, that the requested loan guarantees for Israel are U.S. grants; becoming the first U.S. Secretary of State to challenge the right of Jews to live in all parts of Jerusalem; and, most recently, the apparent leaking to the media of erroneous information concerning alleged Israeli transfer of Patriot technology to other countries;

Therefore, we express our concern that the Secretary's failure to clarify the reports alleging anti-Jewish remarks, and his pursuance of a policy of confrontation with our ally Israel, is damaging American credibility and Mr. Baker should consider resigning so as not to undermine the ability of the U.S. administration to serve as an effective, honest broker in the Arab-Israeli peace negotiations.

WOMAN'S CLUB OF HIALEAH HONORED AS CLUB OF THE YEAR

HON. ILEANA ROS-LEHTINEN

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 2, 1992

Ms. ROS-LEHTINEN. Mr. Speaker, I would like to congratulate the Woman's Club of Hialeah on their well-deserved selection as club of the year by the Florida Federation of Women's Clubs. The Woman's Club of Hialeah, founded in 1922, has a long history of community service, including the founding of a library, raising funds for welfare centers, and supporting the preservation of history, culture, and the environment.

Headed by club president Ann Thompson, the Hialeah club performed over 15,000 hours of community service during 1991. That is an average of 5 weeks of full-time work per member. Their service included raising funds for scholarships, hospitals, and historical libraries.

The Miami Herald published an article about this generous and outstanding group of women which I ask to be included in the record:

Even 70 years ago, being mothers and wives was not enough for a group of Hialeah women.

As a way to get involved, they formed the Women's Club of Hialeah in 1922 and got to work: they founded a library, created scholarships, raised funds for welfare centers, disseminated information on political issues and defended the preservation of history, culture and environment.

Seven decades later, the club is stronger than ever.

The Florida Federation of Women's Clubs, an umbrella organization for the state's 320 women's clubs, gave the Hialeah club the Lois B. Perkins Leadership Achievement Award. The annual award recognizes the state's most outstanding club.

"They well deserve it," said Bert Alberti, first vice president of the federation. "They work for their community in every single area: in the arts, in conservation, in children's safety and education."

The award is given by a statewide panel of judges that verifies each club's list of accomplishments.

In 1991, the Hialeah club spent 15,451 hours in volunteer activities. Put another way, each of the club's 77 members gave an average of five weeks of full-time work—for free.

Among the year's projects: fund-raising efforts for a $300 and a $500 scholarship, the Carianne Center, the Christian Home for Children, and a van and playground equipment at the Winn-Dixie Hope Lodge at Jackson Memorial Hospital.

In Hialeah, they helped the John F. Kennedy's library buy $1,000 worth of books and donated a cabinet to display memorabilia of the city's history.

"I think what makes them so effective is their energy level," said Hialeah Councilwoman Natacha Millan. "They organize themselves, follow through and don't get sidetracked."

"If our council were as well-organized as they are, it would run much better," Millan said.

The Club, at 525 W. First Ave., has maintained a steady membership for the past 10 years, said President Ann Thompson. Most of the members are women over 40, who are either retired or have their own business. To attract younger women, the club will begin a monthly evening meeting to accommodate women who work outside the home.

Giving time, energy and talent to the community for free comes naturally to the club members, said Thompson, a member for 30 years.

"When my children were little, I was in the PTA and the Brownies, but I felt this was for me—I was contributing to the community something from me."

Said Mary Adams, also a longtime member and one of the club's leaders: "The women in our club are women who all really want to help."

Mr. Speaker, I commend the 77 members of the Woman's Club of Hialeah for their outstanding service to the people of Florida.

UNIVERSITY OF MICHIGAN PRESIDENT JAMES J. DUDERSTADT WRITES ON AMERICA'S NEEDS IN SCIENCE AND ENGINEERING

HON. WILLIAM D. FORD

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 2, 1992

Mr. FORD of Michigan. Mr. Speaker, I would like to bring to the attention of our colleagues a thoughtful op-ed article that appeared in today's Washington Post titled "Too Many Scientists? Don't Believe It." This article was written by James J. Duderstadt, president of the University of Michigan and Chairman of the National Science Board, the body responsible for overseeing the policies governing the National Science Foundation.

Mr. Speaker, as chairman of the Education and Labor Committee, I applaud President Duderstadt's observation that we must make a national commitment to improving science education at all levels. In these rapidly changing times, it is particularly important that our young people be encouraged to pursue opportunities in areas where there is greatest need—in science and engineering. As we face new challenges in the global marketplace, our Nation's competitiveness will increasingly depend on our ability to train and educate our youth to be prepared for the new world.

I insert the text of the article at this point.

[From the Washington Post, June 2, 1992]

TOO MANY SCIENTISTS? DON'T BELIEVE IT

(By James J. Duderstadt)

Recently, the debate over whether the United States is developing adequate numbers of scientists and engineers to meet future national needs has taken on a disturbing tone. To hear Congress, the media, policy gurus and even a few scientists tell it, we will soon face a glut of scientists and engineers in America.

Of course, these same concerns were raised in the early 1970s—remember the mythical PhD taxi driver? But those projecting an oversupply were wrong then, and they are wrong now. Unfortunately, the stridency and nature of their arguments poses far greater danger today that it did two decades ago, since it threatens to undermine our national commitment to improving science education at all levels.

The current debate was triggered, in part, by recent congressional hearings that focused criticism on a single preliminary research study performed five years ago by the National Science Foundation. This study suggested the United States could face a shortfall of more than a half-million scientists and engineers over the next two decades if the present decline in the number of college-age students associated with the postwar baby boom/bust cycles was not countered by other factors or programs.

Going far beyond criticizing this particular study, Rep. Howard Wolpe (D-Mich.) characterized these projections as a deliberate deception designed by the National Science Foundation to promote a budget increase for science education. Following in his wake, The Post referred to the incident in an editorial entitled "Pipeline Paranoia."

While it is difficult to project manpower needs, certain trends seem likely. On the one hand, the downturn of the defense industry is likely to release many scientists and engineers for civilian purposes—at least for the next few years. Additional manpower may become available from the disintegrating socialist economies, although it has never been wise public policy to depend heavily upon foreign capital, whether human or financial.

On the other hand, the effects of the decline in the number of 18-year-olds will be with us for at least another decade. Furthermore, an increasing percentage of college-age students are minorities and women, who historically have had low participation rates in science and engineering (believed to result from inadequate encouragement and support). In addition, over the past two decades college students have been rapidly moving away from science and engineering majors. Nationwide, 10 times as many students major in accounting as in mathematics; last year, at my own University of Michigan, we graduated more than 1,300 students planning to enter law school but only 22 in mathematics.

Of course, the most important factor affecting our long-term production of scientists is the tragic inadequacy of our primary and secondary science and mathematics education programs. The results of this educational disaster are felt at every point along the path to postgraduate and professional degrees. Tragically, most graduates taking jobs in government, business, education, the media and other professions will lack adequate understanding of the scientific and technological factors increasingly influencing the world in which they must function.

On the demand side, the recession certainly has had a short-term impact on the job market. But to believe that this will persist is to assume that the United States will never again recover its economic prosperity—a self-fulfilling prophecy if we do not pay attention to science education needs. Or it is to fail to understand the knowledge-intensive nature of the modern world economy. Our competitors get this point, and are putting a far higher priority on science education requirements for their work forces than we are.

Recent media hype to the contrary, NSF studies of long-term, high-level manpower needs have had little or nothing to do with the significant growth in the NSF budget for science education in recent years. The fact is that more than 80 percent of this increased funding has been aimed at improving our disastrous K–12 science and mathematics education; less than 20 percent of the increase has gone to undergraduate or graduate programs intended to increase the flow of students through the science pipeline to advanced degrees. Indeed, we can thank Congress for wisely providing leadership for this important national policy initiative in science education—although you would not know it from the recent hearings on this subject.

In 20 years we have come full circle in this squabble over how many scientists and engineers eventually may sit on the head of a pin. It would be a great folly to be blinded by immediate events and issues—the end of the Cold War, the recession, an obscure debate among demographers and statisticians—so that we cannot see the long-term trends that will determine the strength and prosperity of our nation.

The real issue before us today is how to prepare the next generation of Americans to work in the growing number of jobs that call for scientific and technical knowledge and skills. Isn't it time to end this finger-pointing and get serious about effective science and mathematics education for America's children?

TRIBUTE TO PAUL RADER

HON. JAMES A. TRAFICANT, JR.

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 2, 1992

Mr. TRAFICANT. Mr. Speaker, I rise today to pay tribute to Paul Rader of my 17th Congressional District in Ohio, a man who is currently riding his bicycle across the country for the American Lung Association. Paul Rader is cycling from Los Angeles to Boston, collecting a penny per mile from over 200 sponsors.

Several years ago, Paul Rader was a well-accomplished endurance athlete. He competed actively in outdoor speedskating but eventually was hampered by injuries. At one point in his life, Paul needed surgery on one of his lungs. The treatment performed saved Paul's life and he hasn't forgotten the important role that the American Lung Association played in funding research.

Now, Paul wants to give something back to the American Lung Association and to help people like him. Paul is riding 3,300 miles in 47 days in order to raise money. Right about now, Paul is probably about half way, somewhere in the American Midwest.

Mr. Speaker, Paul Rader, and the other 80 participants in this cross-country journey should be commended for their sacrifice. Sometimes I envy him, spinning through towns and farms, over the mountains and across prairies, down in the drops racing along with other cyclists, while I'm stuck here in Washington. I sure hope the wind is at his back.

TESTIMONY BEFORE THE RULES COMMITTEE REGARDING DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 1993

HON. ROBERT E. ANDREWS

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 2, 1992

Mr. ANDREWS of New Jersey. Mr. Speaker, as the House considers the Defense Authorization Act for fiscal year 1993, I hope that Members of the House will consider the testimony which I gave today before the Rules Committee. I am submitting this testimony for the RECORD.

STATEMENT OF HON. ROBERT E. ANDREWS BEFORE THE COMMITTEE ON RULES

Chairman Moakley, thank you for allowing me this opportunity to testify before the Committee on two amendments to FY93 Defense Authorization Act which myself and Rep. Hunter of California are offering together.

These amendments address the subject of overseas naval ship repairs. As you may know, my district in Southern New Jersey relies heavily on the Philadelphia Naval Shipyard (PNSY) for its economic survival. Last year, during the deliberations of the Base Closure and Realignment Commission, I learned that more than $200 million dollars in naval repairs are performed overseas every year. While these millions of dollars worth of U.S. tax dollars are creating thousands of jobs for shipyard workers overseas, nearly five thousand of my constituents are threatened with the loss of their jobs because of the closure of PNSY.

For this reason, the Philadelphia area delegation asked the General Accounting Office to investigate whether the work performed overseas is economically or militarily justified. The GAO is still conducting its investigation, but has been providing my office with periodic updates on their progress. The results so far have been shocking, not because of what the GAO has found, but because of what it has not been able to find.

Specifically, the GAO has asked the Navy for access to five years worth of data on the work performed in the Philippines and Japan. When the GAO last reported to my office, the Navy had provided no information on the work performed at Subic Bay in the Philippines during this time and had received partial data on two years worth of the work performed at Yokosuka, Japan.

My independent attempts to obtain this information have been even less successful. I have made a blanket request for all contracts for naval work performed at foreign shipyards in the last five years, and any information on work scheduled at foreign yards in the next five years. I initially made this request in October of 1991. In late February of 1992, in response to this request, I received a handful of the contracts for work performed at Yokosuka, Japan in FY90. Shortly thereafter, I renewed my blanket request for work in the last five years, and plans for the coming five years. As a back up, I have also asked for this information in the form of a "Freedom of Information Act" request on behalf of myself and the residents of the First Congressional District of New Jersey. To date, the Navy has made no official response to these requests.

Perhaps the most shocking issue which has been raised by this investigation is the question of whether the Navy is complying with current ship building and ship repair laws. Section 7309 of Title 10 of the U.S. Code prohibits the Navy from building ships overseas, unless the President provides a waiver for national security reasons, and prohibits all ships homeported in the United States from being repaired overseas, except for unplanned, emergency repairs during voyages. As part of their investigation, the GAO asked the Navy to explain how it complies with this statute. Shockingly, the Navy told the GAO that it has never codified this statute into a written policy. The Navy maintains, however, that it complies with the statute "in principle." The GAO, and again my office, have asked the Navy to provide the data which would document its compliance with this law. Again, the Navy has yet to respond to these requests. Most recently, more than a dozen of the members of the House of Representatives signed a letter to Secretary Garret of the Navy renewing the request that this data be released. (Appendix D)

Although the Navy has not been forthcoming in releasing any of this information, the scant information which we have received has yielded remarkable results. Based on the partial data on two years worth of work performed at Yokosuka, Japan, the GAO projected the costs to the Navy of having this work performed at West Coast shipyards. The GAO estimated that the movement of this work would cost the Navy somewhere between $80 million to $250 million over a five year period. However, my office then conducted an independent analysis of the economic effects of having this work performed in the United States, and the consequent effect on the federal budget. (Appendix B) This analysis shows that the federal government could save $2.2 million per year, and employ 500 shipyard workers, by performing this work in the United States. This work at Yokosuka represents only a portion of the work performed overseas every year.

A second important piece of information was given to my office not by the Navy proper, but from an anonymous source within the Navy. My office received a copy of a internal Navy memo regarding the work schedule for the Yokosuka shipyard in the next five years. (Appendix C) This memo reveals Yokosuka has traditionally performed approximately 250,000 mandays worth of repair work every year. The Navy, however, has scheduled Yokosuka for over 400,000 mandays per year for the next five years. These estimates do not include emergency work and voyage repairs that are inherently unplanned. The memo states that Yokosuka will not be able to complete overhauls on the USS MOBILE BAY and the USS INDEPENDENCE, as well as other major packages.

This information is disturbing for many different reasons. First, there are obvious strategic dangers if half of the maintenance of the Pacific fleet cannot be performed as scheduled. Second, this memo strongly suggests that the Navy may be breaking the law and ignoring Section 7309 of Title 10. There are 20 U.S. naval vessels which are homeported, or "forward deployed" in the Western Pacific. Because of Section 7309, these are the only ships on which planned maintenance can legally be performed overseas. It is unlikely that this twenty ship fleet could provide 400,000 mandays of repair work for five consecutive years. While this is not definitive proof, this strongly suggests that the Navy is planning to perform work at Yokosuka on ships homeported in the United States. Finally, during his April 2nd testimony before the Armed Services Seapower Subcommittee, Admiral Lang testified that the Navy exceeds the requirements of Section 7309 by planning to perform major overhauls of ships in the United States before they are forward deployed, or after they have returned to the United States. This memo reveals, however, that the Navy is planning a five month, 200,000 manday repair of the USS INDEPENDENCE in FY94. Although definitive proof could only come with the Navy's complete work schedule, this fact would seem to contravene Admiral Lang's testimony.

Chairman, I am the first to admit that I do not know whether the Navy is breaking the law in performing this work at overseas shipyards. I also have no way of knowing whether Section 7309 should be amended to require that ships homeported abroad should be brought to the United States for planned maintenance. Further, I readily admit that there are legitimate circumstances under which naval ships must be repaired abroad. However, two things are clear. First, there is tantalizing, though sketchy, evidence that the Navy is unnecessarily sending ships homeported in the United States to foreign shipyards, to the detriment of the law and thousands of American shipyard workers. Second, the Navy is not being forthcoming in releasing the information necessary to determine if this is the case. For this reason, Representative Hunter and I have worked closely to design two amendments to this year's Defense Authorization Act which, we hope, will rectify this situation.

The first amendment is a modified version of H.R. 4222, the American Shipyard Worker Protection Act, legislation which I introduced in February of this year. This legislation would require that all naval repairs be performed in the United States, unless the Secretary of Defense certifies to the House and Senate Armed Services Committees that the work is of an emergency nature, or that there is a compelling economic or national security reason for the work to be done abroad. H.R. 4222 has been cosponsored by twenty-four members of the House of Representatives. This distinguished list of cosponsors includes six members of the Armed Services Committee, five full committee chairmen, and Representative Frost of the Rules Committee.

Representative Hunter took the lead in offering my legislation as an amendment to H.R. 5006 in the Armed Services Committee. At that time, the amendment was tabled because of concerns that it would negatively impact the families of servicemen stationed abroad.

This was certainly never my intention in designing the bill. In fact, in all of the analysis of the economic impact of the bill which my office has performed, we have assumed that work would be redistributed in conformity to the Navy's PERSTEMPO goals for ship deployment. Further, I believe that naval personnel should be compensated with family separation allowances for repair voyages of less than six months, and that for longer voyages the Navy should offer personnel a permanent change of station so that families would have the option of moving with the sailor. However, I understand the Committee's concern that, by implication, families could be displaced.

For this reason, Representative Hunter and myself have reworked H.R. 4222 into the amendment which you see before you today. The amendment would require that if the Navy is going to perform a ship repair overseas, it must certify to the appropriate Congressional Committees that performing the work in the United States would be inconsistent with the family separation policies of the Navy.

What is important to note about this amendment is that if the Navy is obeying current laws, no work will have to be rescheduled to conform with the amendment. The key element of the amendment is that it requires the Navy to certify this information to Congress. This "built-in" oversight provision will break the information stalemate which I have outlined above, and allow Congress to determine whether stronger legislation is needed to protect the interests of U.S. shipyard workers.

The second amendment requires that within 90 days after the passage of the bill, the Secretary of the Navy must submit a report to Congress which documents its compliance or noncompliance with Section 7309 of Title 10. In effect, we are creating a statutory requirement that the Navy turn over the data which it has so far been reluctant to release. Just as it is important for Congress to monitor future foreign repair contracts in considering further legislation, it is also vital that we determine whether the Navy has broken the law in its past practices.

Chairman Moakley, I hope that you and the other Committee members will realize that the amendments which Representative Hunter and I offer today are modest attempts to address a serious question. We ask for nothing more than information; information that will determine whether the Navy is illegally exporting the jobs of our constituents overseas. I hope that we will have your support today in making our amendments in order under the rule, in supporting the amendments on the House floor, and in helping to craft any necessary stronger legislation in the future.

APPENDIX A

H.R. 4222

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "American Shipyard Worker Protection Act".

SEC. 2. PROHIBITION ON CONTRACTS WITH FOREIGN CONTRACTORS FOR SHIP REPAIR.

(a) PROHIBITION.—Notwithstanding section 7299a of title 10, United States Code, the Secretary of Defense may not enter into a contract with a foreign nation or foreign firm for the overhaul, repair, or maintenance of naval vessels until he certifies to the Committees on Armed Services of the Senate and House of Representatives that at least one of the following conditions exists:

(1) The work was unplanned and is of an emergency nature.

(2) There is a compelling national security reason for the work to be done by a foreign nation or foreign firm.

(3) There is a compelling economic reason for the work to be done by a foreign nation or foreign firm.

(b) APPLICABILITY.—Subsection (a) applies with respect to contracts for the overhaul, repair, or maintenance of a naval vessel entered into after the expiration of the 60-day period beginning on the date of the enactment of this Act.

APPENDIX B

[From the Congressional Record, Apr. 28, 1992]

ANALYSIS OF NAVY WORK BEING DONE AT FOREIGN SHIPYARDS

Mr. ANDREWS of New Jersey. Mr. Speaker, I would like to submit for the RECORD an analysis of the economic effects of Navy repair work that is currently being done at foreign shipyards. Based on the preliminary findings of the General Accounting Office, my staff has calculated that the United States Government could save approximately $2.2 million per year, while employing 500 United States workers, if planned maintenance work were moved from the shipyard at Yokasuka, Japan, to United States yards on the west coast. For this reason, I have introduced H.R. 4222, the American Shipyard Worker Protection Act. This legislation would prevent the Navy from contracting with foreign shipyards unless the work is of an emergency nature, or unless there is a compelling economic or national security reason for the work to be done abroad:

UNITED STATES NAVY WORK IN JAPAN AND THE PACIFIC THEATER: AN ECONOMIC ANALYSIS OF PAST AND PROJECTED COSTS AND EMPLOYMENT

TAX SAVINGS FROM U.S. NAVAL SHIP REPAIR COMPLETED IN THE UNITED STATES

The federal government will save approximately $2.2 million per year and create approximately 500 American jobs by performing in the United States the work projected to be completed at the Yokosuka Shipyard in Japan for Fiscal Years 1993 to 1997.

The projection is based on limited and incomplete information produced by the U.S. Department of the Navy and using General Accounting Office (GAO) cost estimates, and does not include other shipyards of ship repair providers in Japan and other Pacific and Atlantic Surface Fleet ports.

Using the GAO's example of the public Long Beach Naval Shipyard (LBNSY) and a private shipyard under the jurisdiction of the U.S. Navy Superintendent of Shipbuilding (SUPSHIP) in San Diego, California, the following information can be estimated:

The total man-days—or the amount of employees needed per day to perform the assigned U.S. Navy work—at the Yokosuka Shipyard for FY 1991 was 142,000. It is projected that for FY 1993 to FY 1997 the man-days required will be at least 120,000 man-days per year. From FY 1993 to FY 1997, the Navy is projected to spend approximately $161.3 million for work completed at Yokosuka. If the work is completed at LBNSY, the cost is approximately $409.4 million, and if completed at the private SUPSHIP yard, approximately $238.2 million.

Using the 120,000 man-day estimate for FY 1993 through FY 1997, the U.S. Treasury would receive in direct tax revenues more than $81.88 million if all work performed at Yokosuka is instead completed at LBNSY. If the work is completed at a private SUPSHIP yard, the work generates approximately $47.64 million in tax revenues. No U.S. tax revenues are generated for work completed at Yokosuka.

Again using the 120,000 man-day estimate for FY 1993 through FY 1997, the LBNSY and the SUPSHIP yard would generate approximately $163.89 million and $95.28 million respectively in indirect tax revenues from the regional economic "ripple" effect. No U.S. economic "ripple" effect is created for work at Yokosuka.

By projecting the ship work proportionately between the LBNSY and the private SUPSHIP yard—using the Navy's standard 70-30 split[1]—a savings of approximately $2.2 million per year between FY 1993 and FY 1997 is realized.

MISSING U.S. NAVY DOCUMENTS: THE GAO INVESTIGATION

As part of their study, the General Accounting Office (GAO) has requested that the U.S. Navy provide them with specific contract information for all repair work performed in Japan, Guam, and the Philippines over the last five years.

Currently, the GAO has received extremely limited data on the work performed at Subic Bay in the Philippines. The GAO has received roughly 85 percent of the raw data regarding work performed in Guam, but this data is so unorganized that it is basically useless. Furthermore, the GAO has received complete data for only two of five years for the work performed at the Yokosuka Shipyard, Japan.

There are also some questions as to whether the U.S. Navy is complying with current laws that govern foreign ship repair. Section 7309 of Title 10 of the United States Code prohibits the Navy from sending any ship homeported in the United States to a foreign country for a planned repair. The U.S. Navy has admitted to the GAO that it has not yet incorporated Section 7309 of Title 10 USC into its written policies. The U.S. Navy claims that it nonetheless complies with Section 7309 in principle, although it has not produced the documentation to support this assertion.

---

[1] The U.S. Navy assigns 70 percent of all of its ship work to public shipyards. Private shipyards, under the jurisdiction of the Superintendent of Shipbuilding, receive 30 percent of all ship work.

It has been 10 years since Section 7309 was enacted into law and yet the U.S. Navy has not fully complied with its provisions.

SOURCES OF INFORMATION

The General Accounting Office—"Preliminary Analysis of Projected Ship Repair Costs, Fiscal Years 1992–1998." March 20, 1992.

Chief of Naval Operations—"OPNAVNOTE 4700; Subject: National Durations, Intervals, and Repair Man-Days for Depot Level Availabilities of United States Navy Ships." February 27, 1992.

"U.S. Navy Depot Level Maintenance Schedule from FY 1989 to FY 1998." May 21, 1991.

5 YR COST/SAVINGS PROJECTIONS FOR UNITED STATES NAVAL WORK COMPLETED AT YOKOSUKA, JAPAN; LONG BEACH NAVAL SHIPYARD; AND, A PRIVATE YARD UNDER SUPSHIP SAN DIEGO JURISDICTION

[In millions of dollars]

Component	Yokosuka[1]	Shipyard[2]	Supship[3]
Direct cost:			
Labor	161.30	373.4	202.2
Fuel	0	31.9	31.9
Family separation	0	3.6	3.6
PCS	0	.5	.5
Total direct cost	161.30	409.4	238.2
Return to U.S. economy:			
U.S. taxes	0	−74.68	−40.44
Economic multiplier at 200 percent	0	−163.8	−95.3
Total return to U.S. economy	0	−238.48	−135.74
Cost for ship work prior to Navy apportions	161.30	170.92	102.46
U.S. Navy percentage multiplier		.7	.3
Cost for ship work using Navy apportions	161.30	119.6	30.7
Less U.S. cost	150.34		
Total savings for ship work in United States	[4]10.96		

[1] Yokosuka Shipyard—Yokosuka, Japan.

[2] Long Beach Naval Shipyard—Long Beach, CA.

[3] Superintendent of Shipbuilding—San Diego, CA.

[4] Over 5 years, or $2.2 million per year, 1993–97.

Note.—Composite of Naval work: 70 percent public, 30 percent private. The US Navy apportions 70 percent of all ship work to public shipyards like LBNSY. Private shipyards, under the jurisdiction of the Superintendent of Shipbuilding, receive 30 percent of all work.

APPENDIX C

[From the Congressional Record, May 6, 1992]

Mr. ANDREWS of New Jersey. Mr. Speaker, I would like to submit for the RECORD a document which was recently sent to my office by an anonymous source. The document is an unclassified, internal Navy memorandum which reports that the shipyard in Yokosuka, Japan will not be able to complete the work which it is scheduled to perform in the coming years. This document is further evidence of why the House should pass my legislation, H.R. 4222, the American Shipyard Worker Protection Act.

YOKOSUKA, JAPAN,
April 1992.

To: CINCPACFLT Pearl Harbor, HI.
From: NAVSHIPREPFAC, YOKOSUKA, JAPAN.
Subject: Scheduled Workload.

1. This message is to alert alcon to our concerns regarding the projected overload of scheduled work at NSRF Yokosuka for FY-93 and beyond.

2. Historically, NGRF Yokosuka has not worked in excess of 250k mandays per year since '89 but has not worked in excess of 400K mandays a year since the USS *Midway's* blister installation in 1986. With less than 1,000 production employees; NSRF Yokosuka relies on local MSRA contractors to absorb overloads. This was an entirely satisfactory arrangement thru 1988 when the international shipping and shipbuilding markets were depressed. The current commercial marine market in Japan is booming. This bull market coupled with the abysmally short labor supply, means the ability to absorb overloads in 30th Yokosuka and Sasebo is critically limited.

3. Based upon the results of the recent cincpacflt scheduled maintenance conference, NSRF Yokosuka is current programmed for about, 400K mandays of work in FY-93, 400K mandays of work in FY-94, and 400K mandays of work in FY-95. The primary drivers are major alt packages (principally on the USS *Independence*) and the stack-up scheduled OFRP SRA's & OSRA's.

4. Comments on FY-93:

A. Request USS *Mobile Bay* (CG-53) SRA be delayed 3 weeks to an 8 Feb start. Completion would also move 3 weeks to 9 April.

B. With the exception of cancelling availabilities, this requested change in CG-53's SRA is the only significant improvement we can identify. All other scheduled availabilities will have their work packages screened tightly and constantly for funding problems, drawing availability problems and material delays. These issues will force deferment of poorly staffed/supported work to allow our limited resources to be applied to jobs that can be accomplished within the ship's schedule and to avoid adverse sked impact.

C. Remaining work on the mobile ship repair facility not completed in FY-92 will require future workload adjustment.

D. There will be no capacity to take scheduled MSC work during the year. Emergent RA/TA will be screened and accepted on an NOV basis and where current shop capacity exists.

5. Comments on FY-94

A. USS *Independence* (CV-62) DSRA work package currently scheduled (start in May for 5 months) can not be accomplished. There are insufficient avail ship repair personnel in Japan to accomplish the 200K mandays of work concurrently with the other 6 scheduled Yokosuka OFRP availabilities.

B. Possible improvements include extending the 5 month CV-62 DSRA into first qtr '95 and rescheduling the four FFG SRA's, A DD SRA and an LCC SRA from third & fourth qtr into first & second quarter.

C. As noted for FY-93, all work packages will need to be tightly controlled to avoid wasting critical manpower in commonly experienced planning/execution "CHURN".

D. Do not expect any capacity to be available for MSC work.

6. Comments on FY-95 & beyond:

A. The FY-95 workload is marginally possible provided the carrier availabilities are not scheduled on top of existing workload peaks.

B. Schedules beyond FY-95 are considered to be too volatile for meaningful comment at this time.

7. The dialogue with our customers continues. We are striving to accomplish as much work on our ships as possible. Comments and suggestions are always welcome. It's great to be popular.

APPENDIX D

CONGRESS OF THE UNITED STATES,
Washington, DC, May 15, 1992.

Hon. H. LAWRENCE GARRETT III,
Secretary of the Navy,
The Pentagon,
Washington, DC.

DEAR SECRETARY GARRETT: As you know, the General Accounting Office is currently conducting a study on the budgetary and economic impact of U.S. naval vessels which are repaired overseas. As a part of their study, the GAO has asked the Navy to document its compliance with Section 7309 of Title 10 of the U.S. Code. This provision prohibits the construction of any ship or major ship component at a foreign shipyard, as well as prohibiting U.S. naval vessels homeported in the United States from undergoing planned maintenance at a foreign yard. According to the GAO, the Navy has stated that Section 7309 has never been incorporated into official Navy policy, although the law is adhered to "in principle." Moreover, the Navy has yet to provide the GAO with any data that would show its compliance with this law.

Section 7309 was passed into law as part of Public Law 97-252 in September of 1982. As legislators, it is difficult for us to accept that after nearly a decade the Navy has been unable to codify this law into a written policy.

We would like to know why this law has not yet been codified into policy, and what plans are currently being made for its incorporation. Further, at the earliest possible date, the Navy should make available to ourselves and the GAO all data necessary to determine whether the Navy has complied with this law since its passage in 1982.

Thank you in advance for your cooperation in this matter.

Sincerely,

Robert E. Andrews, Frank J. Guarini, Randy "Duke" Cunningham, Frank D. Riggs, George Miller, Fortney Pete Stark, Joan Kelly Horn, Edolphus Towns, Robert A. Roe, Esteban E. Torres, Jolene Unsoeld, Ronald V. Dellums, William J. Hughes.

TAX DISPUTE; THE WRONG ANSWER

HON. DONALD J. PEASE

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 2, 1992

Mr. PEASE. Mr. Speaker, I thought my colleagues and the American public might be interested in an editorial from the May 26 edition of the Washington Post. I request that a copy of the editorial be inserted in the RECORD following conclusion of my remarks. The editorial makes three points concerning unemployment insurance and tax policy that bear repeating.

First, the best way to pay for extending unemployment benefits and reforming the unemployment insurance system is through the FUTA tax rather than through taxes that are deposited into the general fund. Though I support H.R. 5260's extension of benefits and its much-needed unemployment insurance reform measures, I would have preferred paying for the bill by increasing the FUTA tax.

Second, although there is no rush, the Pease plan ought to be extended at some point. The provision is certainly practical. Extending the itemized deduction limitation for 2 years through 1997 would bring an estimated $7.2 billion into the Treasury. Furthermore, the provision is hardly an unfair tax. It slightly increases the tax burden of people most able to pay.

The final point worth repeating is that the Pease plan was carefully structured so as not to discourage charitable contributions or additional State taxes when they become necessary. The provision imposes a floor on itemized deductions, not a cap. Let me illustrate. For a person with an adjusted gross income of $150,000, the Pease plan limits the use of the first $1,500 of itemized deductions, not the last $1,500. Since everyone in that income range has itemized deductions far in excess of $1,500, there would be no penalty at all for a person contemplating additional charitable contributions. Nor would the provision cause additional problems with regard to approving new State taxes.

Mr. Speaker, through the Pease plan extension will not come up again during deliberations over the unemployment bill, I thought Members and the American public might be interested in these remarks for future consideration.

TAX DISPUTE: THE WRONG ANSWER

The sharpest dispute when the House Ways and Means Committee marked up its unemployment insurance bill the other day had nothing to do with unemployment. It was an internal battle among the Democrats over the federal income tax deductions for state and local income taxes and charitable contributions—and the panel settled it the wrong way.

The committee was going to finance its bill in part by extending a provision passed in 1990 raising the taxes of the well-to-do by reducing their total deductions. But states and charities objected because the provision includes the deductions for state income taxes and charitable contributions; they felt that they were losing a federal benefit. The unresisting committee found another source of revenue. The retreat suggests that this valuable provision could be lost when its expiration date arrives in 1995.

The unemployment issues in the bill are fairly clear-cut. The latest in a series of stopgap measures extending the benefits of those who exhaust the basic 26 weeks is scheduled to expire next month. No one wants that to happen with the economy still weak and the election approaching. The administration would simply continue to provide the extra payments into next year. The Democrats, however, want to take the occasion to reform the system as well.

In fact, the resisted reforms they have proposed are modest. The benefit structure was greatly weakened by eligibility and other budget cuts in the 1980s; the Democrats would make up only a part of the lost ground, and the system still would cover a smaller share of the work force than before. Meanwhile, the payroll tax that supports the system would be made more progressive—a good step—but wouldn't be increased. Not even the Democrats have the votes to increase it; that's why the bill's sponsors turned to the income tax instead.

The provision raising the income taxes of the better-off by taking a little off their deductions was adopted in 1990 as a concession to Republicans who opposed a rate increase. It was a face-saving way of achieving the same result by another name. But it's also pretty good policy in its own right. Why not reduce the deductions of those who need them least? Contrary to the critics, this so-called Pease provision (after Rep. Donald Pease [D-Ohio]) is structured not to penalize increases in either state taxes or charitable giving.

On the other hand, income taxes should not be used to finance unemployment insurance, which has its own tax. General revenues should be saved for those programs from defense to Head Start that don't have a tax. Yes to a strengthening of the unemployment insurance system; on that, the Ways and Means bill doesn't go far enough. But on taxes the bill is doubly wrong. The cost should be borne by raising the unemployment tax. The Pease provision should then be extended, too, but its proceeds reserved for other purposes.

TRIBUTE TO ROBERT GENE LUSK

HON. CARROLL HUBBARD, JR.

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 2, 1992

Mr. HUBBARD. Mr. Speaker, I take this opportunity to pay tribute to my longtime friend, Robert Gene Lusk of Cayce, Fulton County, KY, who died on February 14, at Lourdes Hospital in Paducah, KY, at the age of 67.

A native of Fulton County, KY, Gene Lusk was a retired water patrol officer for the State of Kentucky and a farmer. He served our Nation as a member of the U.S. Navy in both the European and Pacific theaters in World War II.

Mr. Lusk was a member of Cayce Baptist Church.

Gene Lusk enjoyed Kentucky politics. He was very helpful to me not only as a Member of Congress, but during the years I served in the Kentucky State Senate from 1968 to 1975. I have visited in his home at Cayce. Gene Lusk was one to whom I turned from time to time for advice on State and national issues.

Survivors include his wife Mozelle; a son, Tim Lusk of Fulton; a daughter, Teresa Rose, also of Fulton; five grandchildren, David and Daniel Lusk and Robby, Amy, and Emily Rose; and two sisters, Geneva Taylor of Plymouth, MI; and Peggy Taylor of Crutchfield, KY. He was preceded in death by his parents Charlie Edgar and Annie Lerlean Graddy Lusk, and four brothers.

My wife Carol and I extend our sympathy to Gene's lovely wife Mozelle and the members of his family.

JAMIE HARPER, A SUCCESS STORY AT THE ACADEMY FOR COMMUNITY EDUCATION

HON. ILEANA ROS-LEHTINEN

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 2, 1992

Ms. ROS-LEHTINEN. Mr. Speaker, I would like to call my colleagues' attention to the achievements of Jamie Harper, a student at the Academy for Community Education in Miami. Jamie was one of the students who started on a pattern all too familiar in our American schools: When he started seventh grade he got tired of school, and started skipping classes. Before long, he was well on his way to becoming another school dropout. His school moved him to an alternative school, JRE Lee, and the change worked, he began making A's and B's. After a brief return to his first school, where the same behaviors began again, Jamie stayed in the alternative system and moved on to high school at the Academy for Community Education. Although he still has to be pushed by his teachers, he is making B's and C's in high school.

His teachers and classmates were astounded, however, when they visited the Youth Fair in April. Jamie had entered over 150 exhibits in 14 categories, and many of them took first place ribbons. He said he really enjoys working at the fair, because it makes him feel involved.

The Miami Herald published an article on Jamie Harper and his remarkable success which I would like to include in the RECORD:

JAMIE'S TALE: FROM 'LAZY' TO ROLE MODEL

(By Jon O'Neill)

When some kids from the Academy for Community Education visited the Youth Fair last week, the biggest surprise came from one of their fellow students.

Jamie Harper, 15, a self-described "lazy" student in class, had another side of himself on display at the fair: 150 exhibits in 14 categories. In addition, the "Rediand Critters," the South Dade 4-H Club Jamie heads, had more than 700 agriculture and other exhibits there.

"I mean, we knew he had a few rabbits, but we had no idea how he was spending his time after school," ACE assistant principal Andrea Loring said. "In school, Jamie sometimes needs to be pushed a bit. But what he did at the fair takes so much self-motivation. Needless to say, we were pleasantly surprised."

Jamie, a 10th grader, got a kick out of the reaction from his teachers.

"They kept asking me, 'What didn't you enter?'" he said. "I felt pretty good."

ACE, at 39 Zamora Ave., is an alternative public high school that tries to help kids who are dropout risks. Many of its students had made careers out of skipping classes. Jamie is one of them.

When Jamie got into seventh grade at his old school, Redland Middle, the skipping started.

"I didn't like going to school," he said. "So I didn't go."

And he got in trouble for it. Jamie was sent to JRE Lee, an alternative middle school in South Miami. He did so well there, getting A's and B's, that he was sent back to Redland.

"The first day, I skipped again," Jamie said.

He ended up back at JRE Lee, and again he performed well. His counselor recommended he go to high school at ACE.

"I really didn't want to," Jamie said. "I wanted to go to Southridge. After I got to ACE, I like it."

These days, Jamie is a B and C student. Dropping out, which may once have been an option, is no longer in Jamie's plans.

"It's not worth it to drop out," he said. "I've put too much time in now. I haven't skipped since eighth grade."

But Jamie's real happiness comes from working with his hands and with his animals. For the Youth Fair, Jamie's 4-H Club entered 27 rabbits, 26 of which captured first-place ribbons. He also submitted posters, food, sewing crafts and three stamp collections.

"I love doing all of this, but working with animals is my favorite," he said. "It's like a natural high for me."

Jamie also works at the fair with his mother, Martha, in addition to his regular job at a pizza place. He spends a lot of time talking to kids who come to see the different exhibits. Thursday, he showed off some of his rabbits to schoolchildren spending the day at the fair.

"That's a lot of fun for me," he said. "It makes me feel involved and makes me feel special, like I'm helping."

Martha Harper is impressed with her son's success.

"For a while there, I thought we were going to lose him," she said. "I worried about him making it through school. But now, we're starting to see that he has a lot of different talents. I'm proud of him."

Mr. Speaker, I commend the Jamie Harper, the JRE Lee alternative school and the Academy for Community Education. Their story shows that when our schools can learn to motivate students, even problem kids can become great successes.

CHAIRMAN DANTE B. FASCELL

HON. LEE H. HAMILTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 2, 1992

Mr. HAMILTON. Mr. Speaker, we learned last week with regret that our colleague, DANTE FASCELL, Congressman from Florida and chairman of the Committee on Foreign Affairs, will retire at the end of the 102d Congress. Chairman FASCELL's many accomplishments as a legislator and a leader are well known to, and appreciated by, his friends and colleagues. We wish DANTE and Jean Marie the best of success in the future. We will all need their advice and wise counsel.

I would like to bring to the attention of my colleagues a May 28, 1992, editorial in the Miami Herald about Chairman FASCELL as well as an article written by Chairman FASCELL which appeared in the May 31, 1992 Miami Herald.

The editorial and article follow:

[From the Miami Herald, May 28, 1992]

THE NATION'S GREAT LOSS

Dante Fascell retiring? Say it isn't so! But it is: Yesterday the veteran South Dade congressman announced in Washington that he won't seek a 20th term on Capitol Hill. Neither will he convert to his personal use, though legally he could, the $500,000 or so in his campaign treasury. That's fully consistent with his integrity, public and private.

Representative Fascell is a close second in seniority, but a clear first in esteem, among the members of Florida's congressional delegation. He has served with distinction as chairman of the House Foreign Affairs Committee.

Never was his wisdom on better display than during 1990's congressional debate of America's role in the Persian Gulf. His reasoned support for deploying multinational forces against Saddam Hussein was pivotal to winning House approval of President Bush's policies.

Yet Mr. Fascell, 75, also knows full well that violence rarely resolves international disputes. Long before Iraq's invasion of Kuwait, for instance, he had built a solid record of support for negotiations to bring peace to the Mideast while ensuring Israel's security. He also played a key role in congressional efforts to end violence and injustice in Central America and to restore democracy and human rights in Cuba, Haiti, Nicaragua, El Salvador, and Chile.

Less visible but arguably as important was Mr. Fascell's work in concert with leading European parliamentarians on behalf of human rights behind the Iron Curtain. Their efforts to free dissidents and goad the Eastern bloc to honor the Helsinki accords may well have helped hasten tyranny's demise and the Cold War's end.

For Floridians, losing Dante Fascell—especially now—is a major blow to the state's dwindling influence on Capitol Hill. Florida's congressional delegation already had lost seniority and clout with the death in 1989 of Rules Committee Chairman Claude Pepper. This year's previous retirement announcements from Reps. William Lehman, Larry Smith, Craig James, and Andy Ireland—coupled with redistricting that pits other incumbents against each other—mean that Florida will have one of the least experienced delegations when Congress reconvenes next year. With its House delegation expanding to 23 members from 19, Florida already was guaranteed four freshmen. Now it will have at least nine and possibly several more.

Mr. Fascell says that the new district carved for him—a misshapen, elongated blob that stretches north from Key West through the Keys and South Dade to include much of West Broward—was not the determining factor in his decision.

If he says that it wasn't, then it wasn't. Among Mr. Fascell's endearing traits is one all too rare among elected officials: candor. He still has a way of cutting through baloney to get to the point. You can believe what he says.

You can also believe, however, that Mr. Fascell might leave some things unsaid in deference to his longtime colleagues and to an institution that he loves. Some retiring congressmen have spoken bitterly of their disillusionment with politics and of the "poisonous atmosphere" pervading Capitol Hill. Mr. Fascell said that it was simply time to go after nearly 38 years of service.

Even so, there's cause for concern over Mr. Fascell's departure. Granted, many term-limits advocates would argue that he had already stayed on too long. It ought to be worrisome, though, when able public servants no longer feel that serving in Congress is rewarding enough or enjoyable enough to make them want to stick around.

For the nation and for Florida, then, Mr. Fascell's retirement is a loss. Beyond that, though, the obvious erosion in public service's attractiveness to candidates of his stature is an even greater loss.

DANTE'S FAREWELL—RETIRING CONGRESSMAN FEELS "A LOT OF JOY AND A VERY HUMAN TRACE OF SORROW"

(By Dante B. Fascell)

As I write this, it's less than 24 hours since I announced that I will be leaving Congress at the end of this year. I will be completing 38 years of service on Capitol Hill and 42 years in elective office.

People keep asking me: "What does it feel like to be leaving?"

I'm tempted to say: "Fantastic!"—and let it go at that. But, I recognize that it's a serious question and it deserves a thoughtful and honest answer. The truth is that I feel a lot of joy and a very human trace of sorrow.

The President of the United States called me at home last night and extended his good wishes. The Prime Minister of Canada called me at the office this morning. That's heady stuff for a guy who came out of five years in the Army back in 1946 determined to do something with his life that would make a contribution. For me, planning just to make a living wasn't going to cut it.

When I look back on all my years of public service since then, I don't think it would be immodest of me to say that I have made that contribution.

And now it's time to try something new.

People also ask if I am leaving the Congress because of some dissatisfaction, some disappointment—maybe even the feeling that I couldn't garner enough votes this time around.

The answer to all three is a resounding NO.

I have no negative feelings. And I would win if I chose to run. I am leaving at the end of this term purely and simply because I feel that now is the best time in my life to close out this part of my career and go do something different. My health is good. My enthusiasm for life is riding tall. And I've got an energy level high enough to pour into some new adventure as a private citizen.

I don't know what that will be yet, but I'm not worried. Maybe I'll teach democracy or maybe I'll consult on foreign affairs. The main thing is that I've fulfilled my commitment to the people I represent and, beyond that, to the nation. I've done my job, and now it's somebody else's turn.

That's not to say that I won't be active in public affairs and public issues. I consider our democracy too important not to stay involved. But now for the first time in many years I'll bring to the table the perspective of a private citizen.

Not everyone realizes that we all have a role to play in this participative democracy of ours. If you have a job and pay taxes, you are basically involved. And if you go the additional step and make your opinions heard, then you are helping democracy function. Granted, a person like me who gets elected to represent a group of constituents has an opportunity for a more direct effort. But under our system, everyone gets a chance to speak up, to participate—and everyone should exercise that opportunity at whatever level.

So, I'd rather not say that I'm retiring. I'm still going to make a contribution, but in a different way. And I have no regrets.

Congress doesn't always function to its fullest potential but there is no way I can be negative about it as an institution. I have found that, for the most part, that Congress has always been responsive to the will of the American people. Without public opinion on its side, Congress can't move very much one way or the other.

For me, it's been a great honor to serve in the Congress and it's personally given me a great deal of satisfaction to know that I've helped to make a difference in furthering the cause of our democracy.

We all should be proud of whatever part we have done to promote the American dream. For all its faults, our method of self-government allows for more tolerance of other people and their views, more compromise when our opinions differ and more willingness to listen to other people's problems than any government I have dealt with in my long association with other nations.

So, remember I'm not retiring, I'm just redirecting my efforts.

I am tremendously appreciative of all the people who have helped and supported me through the years. Most of all my family. This decision, as you might imagine, was made after long consultation with my wife, Jeanne-Marie, and the rest of our family. I owe her and them a great deal of gratitude. They have supported me through the years. They have participated in my career. And, yes, they have paid the price, both in the lack of time spent together and the lack of privacy that goes hand-in-glove with public life.

I thank them. I thank the people of the 19th District. And I thank the people of Florida.

God bless you all.

TRIBUTE TO GEORGE NAPLES

HON. JAMES A. TRAFICANT, JR.

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 2, 1992

Mr. TRAFICANT. Mr. Speaker, on this special occasion, I pay tribute to one of the most dedicated educators in my 17th District of Ohio, Mr. George Naples.

Mr. Naples has assisted the hearing impaired for 20 years with innovative ideas and exemplary dedication. I compliment Mr. Naples' unstinting commitment to the community and to the hearing impaired children.

We have seen Mr. Naples' efforts and contributions provide children with athletic training, uniforms, tournaments, and even cheerleaders. It is clear to me that George's works of the heart have given hearing impaired children new and exciting dimensions to their lives. For this, I thank Mr. Naples. Mr. Speaker, he is truly an exemplary educator.

SERBIAN ORTHODOX BISHOPS' CALL FOR DEMOCRACY AND UNDERSTANDING

HON. JIM MOODY

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 2, 1992

Mr. MOODY. Mr. Speaker, as many of our colleagues know, I spoke on this floor last week about the tragic situation in Yugoslavia. One of the central themes of that speech was the importance of understanding the concerns of Serb minorities in other republics and of separating the actions of the Yugoslav Army and the Milosevic regime from the Serbian people themselves.

I am pleased, therefore, to share with the House, the statement issued on May 27, 1992, by the Holy Assembly of Bishops of the Serbian Orthodox Church. This important document is essential reading for anyone truly interested in peace in Yugoslavia, and in understanding the complexities of the current conflict.

The press accounts this past weekend stressed the bishops' condemnation of the Milosevic government and its role in retarding the development of peaceful, democratic institutions in Serbia. That, of course, is true. But the statement actually covered a great many more issues. It lays out in eloquent detail the reasons why Serbs, regardless of how they feel about the Milosevic regime, feel threatened by outside forces and recounts with eloquent dignity the events of past and recent history that support those fears.

Some Members of this House who have taken a strong partisan position on the conflict may be tempted to cite the bishops' statement to justify the very sort of distortion the bishops' warn against. That is another reason for Members to read the statement for themselves.

The bishops' statement firmly aligns the moral authority of the Serbian Orthodox Church behind democracy and, just as importantly, for unequivocal respect and protection of all ethnic and religious minorities in whichever republics or territories they may reside. It condemns the killings and atrocities committed on all sides of the conflict.

As will often be the case in these transitional times for the components of the old Communist empire, religious and nongovernment civic leaders often reflect far more accurately the aspirations of their communities than the ex-Communists turned nationalists who control the trappings of government.

Mr. Speaker, I commend this statement to the House, and I urge each member to read it so as to gain a better insight into the thinking of the Serbian people themselves.

MEMORANDUM OF THE HOLY ASSEMBLY OF BISHOPS OF THE SERBIAN ORTHODOX CHURCH

[Issued at its regular session held from the 14th to the 27th of May, 1992]

The Holy Assembly of Bishops of the Serbian Orthodox Church deems as its holy duty and obligation, from its regular annual session this year, and at this critical historic moment, to turn to the Serbian Orthodox people and to the international public with its message of responsibility and concern, but also with words of comfort and encouragement.

Turning to her faithful children and to the entire Serbian people, the Assembly does so with the words of the Lord Jesus Christ: "Let not your hearts be troubled, neither let them be afraid: believe ye in God and believe ye also in Me!" This is not the first time for the Serbian people in their history to have experienced crucifixion. The Serbian people are not unknown to the European nor to the world community of nations. Namely, they are not a people without historical roots and traces, deeds and fruits, Christian convictions and proven moral principles. That is why they have their place under the sun and among other peoples. We trust that neither is their recent nor most recent history unknown. After the long-suffering and sacrificial wars of liberation of the nineteenth and first decades of the twentieth centuries, they have participated in both World Wars—and we hope that even today it is not unknown on whose side. Neither should the fact be unknown that in the First World War Serbia lost nearly one half of its adult male population, and that every fourth Serb at that time gave his life for freedom and justice. Their sacrifices were tremendous for human dignity, for justice and for the Allied cause in World War II. Having been the victim of the brutal Nazi and Fascist occupation and of much more of the bloody revolution caused by it, they became after the war the victim of communist tyranny and having become so not without fault of some of its wartime allies. Traces of war-time suttering and post-war force is still today evident in all aspects of their life. Communist falsehoods concerning events in the war have become in peace time the source of great deceptions about the Serbian people, and about other peoples on these territories, both for internal and international purposes. How deep such deceptions were can be seen from the fact that the Serbian people are the only European people who are only now, a full half century after the war, burying their wartime victims and healing wartime traumas. They, together with the other peoples, their neighbors, have only now begun to resolve vital problems which other peoples of Europe have long ago resolved.

1. Yugoslavia as a country, such as it had been, was not created by her own peoples only. She was created by that same Europe which today is so unmercifully destroying her, accepting as true the accusations that the Serbian people are exclusively to blame for her old and new evils. Furthermore the European Community, judging by its present day behavior, apparently identifies the Serbian people with the regime which ruled over them, and in large part still rules today. It should not be lost from sight that it was that same West which for decades has supported the post-war Communist regime in Yugoslavia, both politically and economically. In such manner it has contributed much to its solidification and many year rule over entire peoples. In the mirror of present events, however, the Serbian people, who are the main victims of an imposed system and ideology, are now unjustifiably being depicted as the principal guilty party for everything which has happened and is happening.

2. The Serbian Orthodox Church and the Serbian people have never been adherents of atheistic communism nor of any kind of totalitarian ideology. Our Church is for the unity of the Serbian people and Serbian lands, but also for a just solution of the national rights and existential problems of all peoples with whom they live or with whom they are neighbors.

In addition to the burdens inherited from the past, the situation in our country, is above all, the consequences of communistic tyranny. We were all its victims, but it is a self-evident fact that the Serbs were so in greatest measure, who alone were divided into artificial nationalities, and republics, without free expression of their will. Today the European Community defends imposed solutions of a totalitarian ideology and even strives to impose them as final historical solutions. This primarily applies to the interrepublic boundaries, which were even for the communistic regime only administrative boundaries, but which are now being accepted in Europe as immutable boundaries between countries, even though they cut across the living organism of the Serbian people, dividing their centuries-old homesteads, holy places, graves, monasteries and cultural monuments.

3. The Serbian question in Croatia, Salvonia, Dalmatia, Bosnia and Hercergovina does not exist from yesterday. Does the international community truly wish to help in finding a just and lasting solution, or rather to impose unjust and unnatural solutions, in accordance with the momentary interests of the so-called new world order? Such solutions would inevitably become, because of their unnaturalness and unjustness the cause of new calamities and more graves. The struggle of the Serbian people for their existence cannot be identified with any regime, not even the present one. The Serbian question in the Balkans exists independently of all systems and re-

gimes. What kind of unjust solutions is not a solution for anyone—neither for us, nor for our neighbors, nor for the Balkans, nor for Europe. And Serbia was "Europe" even before Western Europe. She is until today committed to the most profound Christian foundations of Europe, as witnessed unto by Serbian spirituality and culture.

The Church in Serbian lands, by Her very nature, cannot be identified with any kind of boundaries. She is concerned for her entire people, wherever they may be, as for all people of our brotherly race of Adam. Acknowledging and respecting the rights of all peoples with whom we live, we call upon them to think about the fact that we shall again be neighbors. The same sun will warm us, the same land feed us, we shall continue to communicate with the same tongue[s], and the same God will look upon us and judge us.

4. With sorrow we proclaim that the party in power in Serbia and Montenegro, inheriting the structures and organs, means and principles of the post-war communistic system, still today do not make possible equal rights for a democratic dialogue in society, nor share responsibilities and cooperation with all others.

5. Although in a different manner, that party, nevertheless effectively, still does not allow the Church to assume Her rightful place in society which belonged to Her for centuries, and which appertain to Her in accordance with Her spiritual and moral values. The atheists are still the privileged class in society, particularly in education. The authorities promise to correct historical injustices and attacks upon the Church and the consciences of men, but in practice does not fulfill a single essential promise. Religious education is again excluded from the schools; The schools and the souls of children are closed to the Lord Christ and Saint Sava; church property, which should be returned to the Church, is dispossessed and being sold, in spite of the will of donors and benefactors, which was respected even by the Turkish authorities, and as are respected by all lawful states.

6. The authorities in Serbia and Montenegro are still not prepared to sincerely accept national reconciliation, to heal the consequences of the civil and fracticidal war and create preconditions for the spiritual regeneration and healing of the people. That is why the Serbian Church openly takes exception to and distances Herself from this and such authorities and her standard-bearers, as also from its Constitution which was rendered without the people, and from the staged elections, which do not elicit confidence—either by their hastiness nor by the method by which they are being stated.

7. The Serbian Orthodox Church, the truly people's Church, is fully aware of the tragic moment and fateful crossroads where the people find themselves, and again calls for the creation of government of people's confidence national unity and salivation of all the people. We remind all those in power, especially in Serbia, that no one's chair is more important that the destiny and freedom of the entire people, and that no one has a monopoly over the people and the future of our children.

8. The existing authorities did not rise to the occasion of their international responsibilities, nor were they able in a just manner to defend the vital interests of the Serbian people. Many evils and crimes, as also the aims for which the internal war is being waged, in great part are the consequences of a half-century of ideological poisoning not only of the Serbian people, but also of all other peoples of the former Yugoslav territories. It would be dishonorable and shortsighted to ascribe to any people, especially the Serbian people, the evils committed in our days on the part of Broz's generals on both sides of the Front, the until recently Tito's ideologs and politicians—whether of Ljubijana and Zagreb, or Belgrade and Sarajevo, or Skoplje and Podgoritca. It was not necessary for them to turn their incompetence in negotiations and for reaching agreements into a war between peoples who were finally being liberated from communistic slavery and degradation. The same ones who have invested tremendous resources and powerful propaganda for the creation of the second Yugoslavia now employ even worse methods for destroying the living tapestry of us all as men and people. It should not be lost from sight that boundaries pass not only between republics, but also through the living bonds of families, friendships, blood and spiritual kinships, after centuries of history, especially after the last 70 years of living together.

9. With sorrow of heart and bitterness of soul we direct our protests as much against those in power in the lands of former Yugoslavia, as well as to the address of the European Community which in such a brutal and thoughtless manner instigates the destruction of almost everything which has brought us together and bonded us as men and as civilized peoples. Western Europe, which is today uniting, by its behavior is as though it is abetting our fraticidal division and separation, especially the cutting in pieces of the Serbian national and spiritual organism. Because of such behavior the Serbs lose confidence in certain leading politicians and institutions in the European West and in America. It is a tragic fact indeed that the Serbian Christian people are marking the 50th Anniversary of their sufferings [genocide] in the infamous Nazi "Independent State" of Croatia, and on the territories of Kosovo and Metohija, precisely with their new sufferings.

10. Respecting and acknowledging the rights of all men and peoples with whom we have lived for centuries on these territories, with pain we declare the results of the communistic and post-communistic regimes to the present in all former Yugoslav republics: tens of thousands dead, countless more wounded, over a million driven out and refugees, destroyed Churches and homes, emptied villages, abandoned hearths. On the territory of the Diocese of Slavonia alone, 286 villages have been emptied and destroyed. In four Dioceses where Serbs live intermingled with Croatians, about 200 Orthodox Churches have been destroyed, among which were the Cathedral Churches in Pakrac and Karlovac, and the Diocesan centers in Zagreb, Pakrac and Karlovac. By this we do not conceal—but rather to the contrary—express profound sorrow and at the same time condemn the destruction of many Croatian Roman Catholic Churches and Moslem mosques, and the killing and driving out of innocent populations and all other evil deeds which the lunacy of war brings.

11. We likewise condemn every killing and every crime committed by those who belong to whatever army or whatever armed formations, Serbian, Croatian, or Moslem. And above all we condemn the attacks upon humanitarian convoys of the Red Cross or those delivering food and medicine to the besieged and surrounded populations.

12. With pain in the soul we cannot remain silent over the fact that concentration camps have again been opened for Serbs in Croatia and Bosnia and Hercergovina, such as those in Suhopolje near Virovitica, Odjak in Bosanska Posavina, Duvno and Livno, Smiljan in Lika and others. According to the testimony of refugees, abysmal pits are again opened in which, like in the tragic year 1941, innocent captured Serbs and Serbian prisoners are again being slaughtered and thrown in, such as the caves in Shurmancima near Medjugorje in Hercegovina, and Katina pit at Velebit between Gospic and Karlobaga. We particularly emphasize the case of the internment of over 4,000 Serbs in the concentration camp in Odjak near Bosanski Shamac: Having accepted the word of their captors, they have surrendered what arms they possessed, and were then taken from their homes into the massive camp, where their fate is uncertain to date. Obviously the same fate is intended for the Serbs and Serbian villages in Bosanska Posavina as that of those not long ago in Western Slavonia and those in Western Hercegovina—that is, persecution, imprisonment, the emptying of Serbian settlements and becoming refugees or internment in camps. In addition to this, in Livna 643 Serbian men, women and children, and in Duvna 570 Serbian men and women. What then should be said about the fate of the Serbs in the coastal cities of Dalmatia? In this context it would be instructive to be reminded of the statement of the President of Croatia, Tudjman, and the President of Bosnia and Hercegovina Izetbegovic, that they more preferably have chosen sovereignty and independence at the cost of war than peace without sovereignty and independence.

13. As men and Christians, and especially as bishops of the Church of Christ, we are astonished by the fact that certain governments of Europe and of the world were unaware of the sufferings of the Serbian Church and Serbian Orthodox people from fascism and communism. Those governments have never given Christians protection, particularly the Orthodox, either in Yugoslavia nor anywhere in Eastern Europe during the decades of communistic dictatorship. So also are we deeply pained today by the inhuman attitude of official Europe toward the problem of the existential, spiritual and cultural identity and survival of the Serbian people who were assaulted by fascism, then communism, and today by the totalitarian mentality of the so called new world order.

14. In this context we appeal to all European institutions and to all responsible international factors, primarily the United Nations and the European Community; to exert moral and political pressure upon the government of Croatia that our churches and church centers not be destroyed. That is happening, unfortunately, even where there is no fighting, as had occurred recently in Zagreb [where on April 11, 1992, the Metropolitan's residence and Museum of the Metropolitanate of Zagreb-Ljubljana was bombed]. We also appeal that free passage be guaranteed to our bishops and priests in those parts of Croatia and Bosnia and Hercegovina which are controlled by Croatian and Muslim forces, so that they can freely and without harassment fulfill their pastoral and humane service. That they be extended effective protection with the aid of international peace-keeping forces without regard to republic and state boundaries. Naturally, we expect similar help and protection be given also to the Roman Catholic bishops and priests, and to the religious officials of the Islamic Community on the territories of the Serbian Kraina and the Serbian parts of

Bosnia and Hercegovina. We emphasize here that four of our bishops whose Sees are within the boundaries of the newly created Croatian state (Zagreb, Pakrac, Sibenik and Karlovac) are unable to take up residence in their Sees nor to perform their episcopal duties, while all Roman Catholic bishops in Serbia and Montenegro are free in the performance of their church mission. They can however complain about the minor unpleasantness and insults on the part of irresponsible individuals and groups whose minds are crazed and whose consciences are darkened by the general chaos.

15. We likewise appeal to all authorities in Serbia and all factors in Europe and in the world that the rights and duties of all who live in Kosovo and Metohia be respected; that no solutions be imposed under pressure from any source, but that a truly humane and just democratic order be supported which will protect all people who reside there, which is because of its spiritual, national and cultural significance for the Serbian people that which Jerusalem is for the Jewish people.

With all our hearts we desire and pray the Crucified and Resurrected Christ, God-man and Savior of all peoples, that the war be ended, and that the indispensable peace and tranquility come soon amongst us all—Serbs, Croatians, Bosnian Moslems, Albanians and all our neighbors.

CELEBRATION OF THE 50TH ANNIVERSARY OF THE COMMISSIONING OF THE U.S.S. "MASSACHUSETTS"

HON. BARNEY FRANK

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 2, 1992

Mr. FRANK of Massachusetts. Mr. Speaker, on May 16, I was privileged to participate in an extraordinarily moving event—a celebration of the 50th anniversary of the commissioning of the U.S.S. *Massachusetts.* This event, which was combined with a memorial for those who had lost their lives in the service of their country, included a stirring reenactment of the commissioning of the ship, with naval personnel coming on board and activating it.

One of the highlights of that extremely impressive ceremony was a very thoughtful and evocative speech by Julien Paul, president of the U.S.S. *Massachusetts* Memorial Committee. Julien Paul is one of a small number of people who was responsible for the perpetuation of this extraordinarily important memorial in Fall River, which at the same time provides such an important lesson in American history to our young people, and serves as a major focal point for activity in that city.

In his address, Mr. Paul talks about the history of the battleship and also about the plans for the future which his committee has. The people of Fall River are fortunate to have someone of Julien Paul's dedication to the public good leading this important institution in the Greater Fall River area and I ask that his remarks be printed here for their inherent value and as an example for other communities.

ADDRESS BY JULIEN PAUL

Good morning, it is my honor and pleasure, on behalf of the directors and corporate members of the USS Massachusetts Memorial Committee to welcome you here this morning.

We deeply appreciate and welcome your participation and willingness to share with us, what is really a wondrous occasion.

A remembrance of a series of events which began over fifty years ago. The birth of a great ship and the story of its life as exemplified by the dedication of all who remembered for so many years.

This is really a love story, and as I look out at the former crewmembers and their families who are gathered here this morning, I am reminded of the words of a popular song of the early 1950's which was sung by Tony Bennett, "Because Of You." Its opening words, "Because of you there's a song in my heart." Because of you there's a song in all our hearts. In the hearts of all of us gathered here today on the deck of this great ship, a ship which you have loved for so many years, a ship which has provided a haven for those memories which you share together, memories which have created the fabric of your extended family. A fabric which has grown stronger through the years. Stronger because of your continued participation in the growth of what started out as the life of a very young ship fifty years ago. We have all aged together and I must say we have aged well. The bonds of friendship and love have withstood the test of time. It is truly miraculous and worthy and must be continually kept in mind.

"Chips" Duhamel who helped build the USS Massachusetts and then enlisted in the U.S. Navy to serve his country is here with us today. I have wondered what his thoughts might have been as he worked on the construction. Did he wonder what was to become of it? Would it survive? After his enlistment did he wonder if the ship would do its job? Would he survive? What was to be, then and in the future.

I don't imagine that anyone could have predicted what did happen. That through continued devotion and love, the ship would eventually sail into Fall River in what was to become Battleship Cove. That it would stay here and continue to grow and contribute for over twenty-five years. It is interesting to speculate on what the ship might have been thinking and dreaming as it lay for almost twenty years, mothballed in Norfolk, Virginia. I am sure that ships can think and feel and dream. All sailors know and feel that a ship is alive. Did the ship pray? Did it echo the words of Saint Francis of Assisi.

Lord make me an instrument of thy peace
Where there is hatred let me sow love
Where there is injury—pardon
Where there is doubt—faith
Where there is despair—hope
Where there is darkness—light
And where there is sadness—joy

This ship came to Fall River to do all these things and it has succeeded.

I am sure that "Chips" in his wondering did not imagine that he might have been building what has become in many ways one of the world's largest toys. A toy enjoyed by thousand of visitors over the years. A toy that teaches. We must never forget the importance of toys and of play in our development as human beings. Play is a child's work. Work that prepares him for other work. Other work that in itself, if the child is fortunate, will also be play. This ship through its involvement with the Boy Scouts of America, the Girl Scouts of America and other youth groups has filled an important educational role in the formation of our future citizens. Those who will continue to uphold those values which we hold so dear. While playing here and enjoying this magnificent collection of naval ships, they learn. Through their participation they help to defray the costs of maintaining the memorials to the fallen men and women of the commonwealth. Individuals who gave their lives so that these young boys and girls and all of us here assembled can be here today. The things they learn here should have a longlasting effect on their development and that is something for which we should all be very proud.

I can still remember the opening words of the Boy Scout oath and the values that were instilled in me through participation in that program as a young boy.

"On my honor I will do my best, to do my duty to God and my country * * *"

Those words should guide us all, as they continue to guide the young people who visit this ship and participate in our overnight program. Participation which provides further opportunity for the assimilation of values which must be protected from erosion by some of the undesirable aspects of our modern society.

This ship will continue to live because of our continued dedication to the ideals that have made this country great. The Memorial Committee is committed. We will carry out our responsibilities and provide for the future. We will be planning for the next century. We will soon initiate a new study. A complete evaluation of where we have been, where we are and where we want to be in the year 2000. This study will be the basis of a plan of action that will guarantee that our grandchildren and their grandchildren will continue to be able to enjoy and learn from a toy that truly teaches. That makes learning those things which create good citizens a pleasurable thing to do.

Rest assured that we take this responsibility seriously and that your faith in us will not be broken.

I have been told that the U.S.S. Massachusetts was known as the "Lucky Ship". It was a lucky ship on which to serve. During its years of active service it had no loss of life in combat. It is still a lucky ship. It has been fortunate in continuing to have the support of its former crew along with the long term support of a large group of volunteers. Individuals who have served and continue to serve as officers, directors, corporate members and friends. This community is lucky and has benefited greatly because of its presence here. Our efforts to make this a better community will continue in a constructive way and those efforts will hopefully be successful and appreciated by one and all.

We will continue to sow the seeds of peace and love, pardon and faith and hope and light and joy.

We ask for nothing in return, for that is the true meaning of love. Love for ourselves, our ship and our friends and our community. Our reward is in the doing, the giving, and the full knowledge that this work, if done with good heart and proper concern for all, will not be found wanting by God or Man.

I thank you for your kind attention. Please enjoy yourselves here this morning as we all share in one of life's rare celebrations.

CONGRESSMAN KILDEE HONORS CHARLES WHITE

HON. DALE E. KILDEE

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 2, 1992

Mr. KILDEE. Mr. Speaker, it is an honor and a privilege for me to rise before you today to honor a foot soldier in the labor movement, Charles Dale White.

For over 22 years Charley has served as the retiree president for the United Automobile Workers Local 481. His unselfishness and dedication have earned him the respect and admiration of his fellow members. Charley has been a tireless advocate for labor and for the rights of retirees. From the sit-down strike of 1937 to the present, Charley has been a strong advocate for the rights of workers. It is because of Charley's outstanding record as retirees president, that he has run without opposition during his entire term.

Charley White hired into the General Motors Fisher Body plant in 1935. He worked there for over 30 years until his retirement in January 1967. While employed at the Fisher plant and a member of UAW Local 481, Charley served as a line steward and education and publicity cartoonist for 20 years. In fact, many of his political cartoons have become classics. In addition to the position of president, Charley White has also served as recording secretary of the retirees chapter.

Despite the tremendous number of hours spent representing his chapter, Charley White has been able to involve himself in other areas of the Flint community. He has been a member of the Genesee County Consumer Protection Council for 8 years. He has served as the chairman of the advisory board for the handicapped and the elderly. Charley is the current president of SCAN, the Senior Citizens Anti Crime Network.

Charles Dale White and his wife Barbara have been married for 51 years and have three daughters, Janet, Rebecca and Judith.

Mr. Speaker, it is an honor for me to rise before you and my fellow Members of Congress to pay tribute to Charles Dale White. He has spent his life seeking to improve the standard of living of all Americans.

TRIBUTE TO ULYSSES BANKS

HON. ILEANA ROS-LEHTINEN

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 2, 1992

Ms. ROS-LEHTINEN. Mr. Speaker, I would like to call my colleagues' attention to the outstanding service rendered to the community of Miami, and the young people of Florida by Ulysses Banks. A man who came to Miami in 1959 and started out as a paper manufacturer, Ulysses Banks embodies the American dream. In 1967 he was able to invest $3,000 in the purchase of a two-pump gas station, which he ran alone for 2 years. Through his service to customers and business sense, he was able to build that business into a three-station chain, which employs 30 people and is valued at $8 million. He continues to work shifts at his gas stations from time to time so he won't lose touch with his customers.

Ulysses Banks returns to his people what he has earned from them. He is vice chairman of a group of south Florida Amoco dealers who have raised $50,000 for college scholarships, mostly for minorities. He contributes to this scholarship fund from his revenues, saying: "When you pump my gas, you're pumping into a child's education."

The Miami Herald published an article about this outstanding program, which I would like to include in the RECORD:

FULL SERVICE GAS STATION OWNER EARNS CHAMBER HONOR

(By Derek Reveron)

Ulysses Banks came to Miami with nothing. Now he owns three gas stations. Nearly all of his employees are black.

But he is proudest of this: helping to raise $50,000 in college scholarships. "When you pump my gas, you're pumping into a child's education," he said.

Banks received the Black Business of the Year award from the Greater Miami Chamber of Commerce Wednesday. He is a model for how to do business in the inner city, said Karen Johnson Street, who headed the chamber's award committee. Here's why, she said: Banks profits from black consumers, but he gives back to them, and he employs them. And he doesn't blow his horn about it. "He is modest, low-key and dedicated," said Street.

Banks has parlayed an investment of $3,000 into a business valued at $8 million. He owns three Amoco gas stations that employ 30 people, almost all of them black

Since coming to Miami, he said, "My dream has been to start my own business and employ my own people."

And help educate them. Banks is vice chairman of a group of South Florida Amoco dealers who have raised $50,000 for college scholarships, mostly for minorities.

Banks was born in Dublin, Georgia, where the only way a black man could make a decent living was to farm.

He wanted no part of that. As a child, he watched the farming life wear down his father.

So, in 1959, after he graduated from Fort Valley State College in Fort Valley, Ga., he came to Miami.

He landed a job as a laborer with a paper manufacturer. This, he thought, wasn't much better than farming. But it was a decent living.

After about 12 years on the job, Banks asked his supervisor for a week off to attend a relative's funeral. The supervisor refused. Banks went to his supervisor's boss and said, "In 12 years, I haven't missed a single day of work. Surely, that's worth a week off."

He was given the time, as well as a life lesson. "I decided then that I'd be better off having my own business," he said.

In 1967, he bought a two-pump gas station in Opa-locka for $3,000. For two years, he ran the station by himself. Eventually, he hired eight employees.

He went on to buy two more stations, at 4770 NW 17th Ave., and 2195 NW 103 St.

Often, he works shifts at the gas stations. He doesn't want to lose touch with his customers. "They made it all possible," he said.

Mr. Speaker, I commend Ulysses Banks for his outstanding community service and his commitment to the black community in Miami.

ODE TO A NATIONAL LANDMARK

HON. RAYMOND J. McGRATH

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 2, 1992

Mr. McGRATH. Mr. Speaker, it has come to my attention that one of my constituents has been recognized for a poem she has written about Ellis Island. Ms. Emmie Kremer of Elmont, NY landed on Ellis Island as a young girl and has used her exceptional talents to reproduce her feelings in a lovely poem about entering the United States of America to take advantage of the opportunities of freedom. I would like to share this touching tribute with you.

"SONG OF ELLIS ISLAND"

The golden door is open, here I stand,
A wanderer in a foreign land.
Crossing the threshold, hoping to find,
The key to unlock the dreams of my mind.
My steps still falter from the wind-swept sea,
I enter the great hall to the land of the free.
On benches to wait, the call of your name.
Waiting my turn to freedom's claim.
A thirst to quench, no hunger here,
Hear the echoes from the barren wall
A name is written, did someone call?
Stepping forward with a firm stand.
The essence of freedom in my hand.
I am a small grain of gathering sand.
A pearl's foundation of this new land.
Eternal strength and the statue's bright light
Will help to guide me through the night.
Wiping away one lonely tear,
I am the immigrant * * *
I am here!

Ms. Kremer has made a wonderful contribution to the culture of America. I hope you enjoy her poem as much as I did. This is a thoughtful honor to a national landmark.

TRIBUTE TO WAHNETA CORSE

HON. IKE SKELTON

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 2, 1992

Mr. SKELTON. Mr. Speaker, today I pay tribute to an outstanding Missourian. It is with great sadness that I inform the Members of the House that Wahneta Corse of Wellington, Lafayette County, MO, passed away on May 21, 1992, at the age of 77.

Wahneta was not only a warm and trusted friend to so many, but was a dedicated public servant to the State of Missouri. She served as treasurer of the Wellington School Board from 1966 to 1977, treasurer of Lafayette County from 1977 to 1985, and my staff assistant in Washington during most of 1977. Wahneta's contribution to the community she loved so much will be well remembered.

Born in Waverly, MO, she later married John Corse and moved to Wellington where she was a member of the Wellington United Methodist Church and became associated with the Wellington Bank in 1951. She owned the bank from 1966 to 1977.

Wahneta Corse is survived by two daughters, Kay Emery, Phoenix, AZ; Sandra

Soendker Tampa, FL; one brother, W.L. (Bill) Zeysing, Wellington: eight grandchildren, and four great-grandchildren.

She was my friend and I will miss her. I know that not only will she be missed by those who had the privilege of knowing her, but also by those in the community she served for so many years. Join me in recognizing the tremendous contributions of this most outstanding Missourian.

Betty Spaar, editor of the Odessan, of Odessa, MO paid tribute to Wahneta Corse, and I set it forth in the RECORD:

> I seem to be saying farewell to old and dear friends too frequently.
>
> Wahneta Corse, who died May 21, was such an "alive" person that it is difficult to believe that she is dead. The past few months of her active life were spent in hospitals where she brought joy to those who cared for her in those last days.
>
> Wahneta was one of those persons who is needed in any community large or small. She gave of herself to her church, the school, her family which extended far beyond her own daughters and grandchildren, and to her home of many years, Wellington.
>
> Friends of all ages, shapes and sizes gathered Saturday afternoon at the Wellington Methodist Church to bid her good-bye. I think she would have liked the service, and the fact that so many people came to celebrate her life and its service to others.
>
> Although she was an avid Democrat, her tenure as county treasurer reached persons of both parties, and many of those people were present Saturday afternoon and Friday night for family visitation.
>
> Wahneta was a special lady who will be sorely missed by all of us. She leaves a legacy of caring and sharing with others. Never afraid to try a new adventure or to make a friend, she was an inspiration of how to grow old with dignity, grace and love.

TRIBUTE TO FORREST SOGGE

HON. DAVE CAMP

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 2, 1992

Mr. CAMP. Mr. Speaker, it is with great pleasure that I rise today to recognize an outstanding individual from mid-Michigan, Forrest Sogge. Forrest is retiring from his position as president of the Clare Board of Education in Clare, MI, where he has contributed 24 years of outstanding service, the last 20 serving as president of the board.

His unselfish commitment to the community and the education of Clare students is beyond the ordinary. His service on numerous committees and boards has helped shape Clare into a community offering quality education. Some of these organizations include the Sheridan Township planning board, Clare County planning board, committee to build and fund the mid-Michigan Community College, Clare County Election Selection Committee, City of Clare Parks & Recreation Board for 9 years, committee to research and build Brookwood Athletic Complex plus the 3-4 years on the mid-Michigan Automotive Advisory Board. In addition to his hard work and dedication within these organizations, Forrest makes time to actively participate as a member of the St. Cecilia Catholic Church and Knights of Columbus as well as umpire little league for 5 years and work at Ray's Automotive for 46 years.

Forrest and Hildegarde, his wife of 46 years, reside in Clare, MI. They have two daughters, Susan Murawski who lives in Clare and Sarah Kiessel who lives in Suttons Bay, where Forrest was born. Plus, they have four grandchildren Jimmy, Jennifer, and Jacqueline Kiessel and Julie Ann Murawski. Forrest had the unique opportunity of awarding Julie with her diploma upon her graduation from Clare High School.

Mr. Speaker, Forrest Sogge is truly a remarkable individual. I know that you will join with me, his family, co-workers, and the community of Clare in commending and thanking Forrest for his service to mid-Michigan over the past 24 years. I know he will be missed by all those who worked with him.

CONGRESSIONAL STAFF CLUB HONORS HOUSE DOORKEEPER JAMES MALLOY AS MAN OF THE YEAR

HON. JOHN P. MURTHA

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 2, 1992

Mr. MURTHA. Mr. Speaker, the Congressional Staff Club has chosen its 1992 "Man of the Year," and the members of the club could not have made a better choice. The Doorkeeper of the House of Representatives, James T. Malloy, is a wonderful example of the dedication and hard work that epitomizes what a "man of the year" honoree should represent, and his selection as Man of the Year comes as no surprise to those of us who work closely with him.

Mr. Malloy has served as Doorkeeper of the House of Representatives since 1974. He has served in that position with distinction and with honor, and I'm proud to note that my service in the House parallels his service as Doorkeeper almost equally.

Jim Malloy had a distinguished career before becoming Doorkeeper, as a marine fireman and school teacher in Buffalo, NY, and administrative assistant to the Erie County, NY district attorney. He also served as chief finance officer for the House of Representatives before being elected Doorkeeper. His list of accomplishments are much too long to include here, but this latest award must compete for space with the numerous other honors which fill his home.

I know that all my colleagues join me in saluting Jim Malloy on his selection as the Congressional Staff Club's Man of the Year. One of the pleasures of serving in the House of Representatives is the opportunity to work with and get to know men like Jim Malloy. My congratulations on this award, and we look forward to your continued hard work and dedication.

NATIONAL WIRELESS TELECOMMUNICATIONS MONTH

HON. EDWARD J. MARKEY

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 2, 1992

Mr. MARKEY. Mr. Speaker, there are few segments of our economy that can match the financial and technological vitality of the world telecommunications industry. It has consistently led the world with its innovation, while producing a favorable balance of trade for America.

Today, I wish to inform my colleagues of the start of a month-long special observance aimed at educating consumers and officials alike about some of the futuristic communication services that are no longer so far out in the future.

The month of June has been designated by the cellular telephone industry as National Wireless Telecommunications Month. This observance is not aimed at swaying any Members of this body to vote a particular way on a particular bill. Rather, it is designed to explain to America how far the wireless industry has come—and how fast—and where it's taking us.

Many of my colleagues are quite familiar with cellular telephones and rely on them often. So we tend to lose sight of how young the industry is. The very first system in this country was not activated until October 1983, and most of the systems around the country are much younger than that.

Despite this relative youth, the cellular industry continues to grow exponentially. During 1991, for example, the industry grew 43 percent and ended the year serving 7.6 million subscribers.

Figures like those show the widespread popularity of cellular technology for the freedom and flexibility that comes with wireless communications. Millions more use pagers, another form of wireless communication.

With this foundation, it's time to start thinking about the future—a future that includes such things as one phone number to satisfy your needs; "find-me-anywhere" service—if you want to stay in touch; digital telephones with improved sound quality, and the ability to transmit vast amounts of data cheaply and quickly over the airwaves—the type of capability that's going to help all of us the next time we want to use a credit card in a taxi.

In my own State of Massachusetts, there are cellular carriers preparing to introduce digital telephony this year. Cellular communication is now available in tunnels in the Boston area through microcellular coverage. Ships pulling into Boston for this fall's international ships festival will be equipped with cellular phones. Massachusetts commuters can navigate through traffic problems just by dialing a personal traffic consultant on their cellular phone.

I think it is worthwhile to take time to observe the world-leading position of American telecommunications. I encourage my colleagues to look around them and see how wireless technology is changing the way we work and live. Also, they should realize that more exciting change is on the horizon. Let us pledge to take steps to guarantee that America retains its leadership position.

EDUCATOR ARTHUR MARANO RETIRES

HON. DONALD M. PAYNE

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 2, 1992

Mr. PAYNE of New Jersey. Mr. Speaker, I rise today to bring to the attention of my colleagues the retirement of a dedicated educator and a good friend of mine, Arthur Marano.

Artie, as he is known to his friends, was raised in Newark, NJ, and it was there he decided to devote himself to education. He attended Loyola University in Los Angeles, CA, where he graduated with a B.S. in 1952, and in 1968 he completed graduate school at Seton Hall University, in South Orange, NJ. The years in between were not idle; in 1953 Artie attended infantry school at Fort Benning, GA, and was a graduate of the Officer Candidate Program. He then served as a second lieutenant in the U.S. Army until 1955.

After his military tour, Artie started down the education path. Between 1955 and 1963 he worked as an elementary teacher at Bragaw Avenue School, Morton Street School, and Ann Street School, all located in Newark, NJ. Before changing gears and working as a guidance counselor at East Side High School, he was a teacher of science at East Side High School from 1963 through 1968.

His teaching years behind him, he took over as vice principal at Oliver Street School in Newark from 1978 to 1985. Afterward, he took the same job at Maple Avenue School, also in Newark, until 1989. Finally, from 1989 until very recently he was the principal at Bel-Mont Runyon School in Newark.

Artie is a natural in both the classroom and the boardroom. His absence will be a profound void, I'm sure. Besides being certified to teach kindergarten through high school, administration and supervision, he's certified for behind-the-wheel driving education, something that takes talent, skill, and nerve.

Mr. Marano has educational certifications from Montclair State College, Montclair, NJ, Rutgers University, and Newark State College, now known as Kean College.

Outside the professional arena, Artie was, and is, active in the community. He spent 12 years as an assistant football coach at East Side High, and for 3 years was the vice president of the Parent, Teacher, Student Association, also at East Side. While at Ann Street School he was the treasurer for the PTA for 3 years; he spent 5 years as a summer recreation teacher for Newark playgrounds; and was, and still is, a member of the Nicholas A. Bibbo Civic Association in the east ward of Newark, NJ.

Mr. Speaker, I have nothing but the deepest respect for Mr. Marano. I know my colleagues will join me in congratulating Artie on many jobs well done.

TRIBUTE TO THE CENTENNIAL CELEBRATION OF THE GREEK CATHOLIC UNION

HON. JAMES A. TRAFICANT, JR.

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 2, 1992

Mr. TRAFICANT. Mr. Speaker, I rise today to pay tribute to the Greek Catholic Union as it celebrates its centennial celebration.

On February 14, 1892, Wilkes Barre established this fraternal organization to provide financial and fraternal support to new settlers in this vast Nation. Today, this organization stretches its resources throughout the United States providing comfort and friendship to its members when they are in need and spiritual growth the rest of the time.

Mr. Speaker, as this group celebrates this special occasion, I wish them God's blessings and hope that the next 100 years are as fruitful as the first.

A TRIBUTE TO JOHN A. MURPHY

HON. RICHARD E. NEAL

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 2, 1992

Mr. NEAL of Massachusetts. Mr. Speaker, I wish to express my deep appreciation for the 38 years John A. Murphy has served in our Springfield, MA, school system. "Al" Murphy, as his friends call him, is truly deserving of the recognition that has been bestowed upon him. He is retiring as the principal of Washington School after 20 years as its leader. Our education system, and more importantly our community, will miss his dedication to the education and well-being of the youth of our area.

Mr. Speaker, Mr. Murphy has been an exemplary citizen in every sense of the word. A lifelong resident of the Springfield area, Mr. Murphy graduated from Cathedral High School in 1948, then served in the U.S. Army from 1951 to 1953. After a distinguished tour in the Army as a second lieutenant, Mr. Murphy continued his education at American International College, where he achieved both his B.S. and M.A. degrees. Al then entered the Springfield school system in 1961 as a teacher in the Carew Street School. Mr. Murphy continued to strive for excellence in the education field, becoming assistant principal at Washington School in 1962 and achieving his CAGS from the University of Massachusetts in 1964.

Mr. Speaker, Al Murphy's achievements are remarkable. In an age when the public school system has been chastised and neglected, it is delightful to see people such as Al Murphy who took the time to care enough to make a difference. Mr. Murphy became principal of the Ballet School in 1965 and remained there until 1972. Mr. Murphy has been committed to excellence in education for his entire career. This dedication was recognized in 1972 when Mr. Murphy was appointed principal of the Washington School, where he has remained until his retirement this year.

Mr. Speaker, not only has Al Murphy been a dedicated educator, he has been a loyal family man and an active participant in the community. Mr. Murphy's involvement in the Irish Elks in the Springfield shows his commitment to others. Both Al and his father have received the very prestigious Irish Elk of the Year Award. In fact, Al and his father are the only father and son combination to have each received this award. This is truly an outstanding accomplishment because the award is only given to one Elk member out of 4,000 who shows a commitment to the preservation of the Irish heritage. For the award to be given twice in one family is a unique statement of the character of Al Murphy.

Mr. Speaker, although I am saddened to see such an excellent educator and citizen leave our school system, I am encouraged to know he has left such a positive image behind. He now moves on to pursue other goals in life, but leaves a legacy of achievement and excellence which will be difficult to replace. Mr. Speaker, many times we hear, that educators feel unappreciated in their work. This is one opportunity I do not wish to pass up to convey my sincere thanks and gratitude for everything Mr. Murphy has done for our community. Thank you.

AMERICA LOSES A TRULY GREAT DIPLOMAT

HON. WM. S. BROOMFIELD

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 2, 1992

Mr. BROOMFIELD. Mr. Speaker, America lost one of its truly great diplomats when Philip Habib died on May 25, while on a trip to France.

He was the quintessential foreign service officer, a man who was unafraid to tell you exactly what he thought, yet had no hesitation in carrying out orders. Phil Habib was the closest thing to an indispensable man at the State Department. Although he specialized in Asian affairs, the results of his handiwork cover the globe.

His diplomatic efforts have covered such wide-ranging trouble spots as Lebanon, Vietnam, Central America, and the Philippines. He tried to retire from the Foreign Service in 1978, but such were his skills as a tough and shrewd negotiator that both Presidents Carter and Reagan recalled him at various times to represent the United States.

I always found him to be open and straightforward, and as a result, what he said carried a lot of weight with those of us in Congress.

It was noted in his obituaries that he had been told by any number of friends that, with a history of heart attacks, he shouldn't be flying around the world to so many international conferences. But even in retirement such was his interest in world affairs that he ignored their advice.

He was a dedicated public servant, a great American citizen, and he will be missed.

TRIBUTE IN HONOR OF DR. DAVIS B. MARTIN, JR.

HON. LUCIEN E. BLACKWELL

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 2, 1992

Mr. BLACKWELL. Mr. Speaker, I rise today to celebrate the retirement of one of Philadelphia's most dedicated citizens, Davis B. Martin. Dr. Martin is leaving us after devoting the last four decades to the education of our young people, and after 22 years as principal of the pioneering University City High School of Philadelphia.

Mr. Speaker, Davis Martin began his teaching career in 1953 in San Antonio, TX. After 2 years of service to his country in the Armed Forces, he returned to his career in Philadelphia as a substitute teacher. He taught biology and coordinated the Work-Training Program and Neighborhood Youth Corps. He earned a promotion to vice principal and served as principal in several area schools. In 1970, he was appointed principal of the University City High School, then still under construction.

Mr. Speaker, under the leadership of Dr. Martin, University City High School became renowned for its original programs and its outstanding preparation of our young people for college and life beyond. Mr. Martin's commitment to individual attention inspired such innovations as the Independent Study Program, which allows students to work at their own pace, with the assistance of one-on-one tutoring by teachers whereby students graduate within 2 to 4 years. He also pioneered the district's first business academy, an idea which has now become part of many of the area's best schools. In addition, he has begun a motivation program to help college-bound students with their math and English skills. Finally, Philadelphia's best math and science students flock to University City Flight School to take part in its magnet school, which prepares them for excellence in those fields.

Over the years, such groups as the Philadelphia Commission on Human Relations, Philadelphia Refugee Service Center, the Association of Asian-American Parents, as well as many other organizations have recognized Dr. Davis with service awards. Aside from his duties as principal, he is active in the NAACP, YMCA, United Negro College Fund, as well as many other charitable organizations.

Mr. Speaker, fellow Representatives, the contribution of Dr. Davis to the Philadelphia educational community is well deserving of our highest commendation, and will be missed by not only his colleagues, but by the students and families of University City High School. I wish him and his lovely wife, Marian, the most happiness in their future years together, and I ask my colleagues to join me in praising this devoted servant to the young people of Philadelphia, this creative and energetic educator, Davis B. Martin.

MEMORIAL DAY STATEMENT

HON. STENY H. HOYER

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 2, 1992

Mr. HOYER. Mr. Speaker, today I rise to honor our country's war dead as well as those veterans who have protected our country and our allies from the scourges of nazism, fascism, communism, and the brutality of Saddam Hussein.

Two hundred twelve years ago, our Declaration of Independence stated that:

> We hold these truths to be self-evident, that all men are created equal, that they are endowed by their Creator with certain unalienable rights, that among these are life, liberty and the pursuit of happiness.

I cannot think of any American today who could argue with these words. Nor can I think of many people in the world who would protest our Founding Fathers' message. For this sentence declares that only God can interfere with our basic human rights: not governments, not dictators, not brutal despots. On what basis can anyone argue differently?

However, if we look at the history of our fighting men and women, many veterans risked the most fundamental of these rights, that to life, so that our country and our allies could taste liberty and savor the happiness that they themselves could not experience. These were men and women who had every right you and I do. They deserved to marry, raise families and enjoy the rewards life bestows on each of us. But they gave that all up for you, me, and every citizen of the globe who enjoys freedom.

On Memorial Day, we honored the memory of these men and women, and the many others who risked as much. Their sacrifices contributed directly to the happiness we enjoy today, and for which we should all be thankful.

If the history of the world has taught us anything, we have learned that liberty has a price, and that the price is always high. Let's remember their lives and let's say a prayer of thanks to all those who fought for us, and particularly for those who paid the ultimate price for a free world. Our gain was tragically their loss.

CONGRATULATING YOUTH EXCHANGING WITH SENIORS IN BECOMING THE 775TH DAILY POINT OF LIGHT

HON. LARRY COMBEST

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 2, 1992

Mr. COMBEST. Mr. Speaker, I would like to take this opportunity to congratulate the Youth Exchanging with Seniors [YES] project for being recognized by the President as the 775th Daily Point of Light. As you know, the President names daily points of light 6 days a week to recognize those who have successfully addressed compelling social problems through acts of community service.

The YES project, which was launched 2 years ago, pairs senior citizens with students in my congressional district. The students perform tasks for the senior citizens, such as running errands and helping with home upkeep, which in turn enables the seniors to maintain and increase their independent lifestyles. At the same time, the students receive guidance from their elder friends in setting personal goals and are able to learn from their life experiences.

Narrowing this generation gap has proven to be a tremendous success in west Texas. To date, 250 students have devoted over 2,500 volunteer hours to assisting more than 200 seniors citizens in their communities. I salute all those who have devoted their time and energy to this valuable undertaking, and wish the YES project continued success.

THE UNIVERSITY OF IOWA COLLEGE OF LAW: CONFRONTING GLOBAL WARMING

HON. JIM LEACH

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 2, 1992

Mr. LEACH. Mr. Speaker, I would like to invite the attention of my colleagues to the latest issue of Transnational Law and Contemporary Problems, a Journal of the University of Iowa College of Law, which contains a symposium on the challenge of confronting global warming. Given the forthcoming United Nations Conference on Environment and Development in Rio de Janeiro, the timing of the symposium could not be more appropriate. Moreover, the substantive contribution to the environmental debate is very impressive. The issue includes essays by Dr. Jeremey Leggett, Dr. Stephen Schneider, David Wirth and Daniel Lashof, Lakshman Guruswamy, Kilaparti Ramakrishna, Dr. Roger Blakeley, Sir Geoffrey Palmer, as well as an interview with Dr. Mostafa Tolba.

As a personal friend, and former New Zealand Prime Minister, Sir Geoffrey Palmer observes in his guest introduction to the symposium, the world is groping slowly and uncertainly toward solutions to the threat of global climate change. Making the choices between taking action and risking unnecessary expenditures and taking no action and risking substantial ecological harm will be at the core of governmental deliberations at the U.N. Conference on Environment and Development in Brazil this June.

The introductory comments of Sir Geoffrey Palmer follow:

> AN INTRODUCTION TO THE SYMPOSIUM
>
> When the editors of *Transnational Law & Contemporary Problems* decided to prepare a symposium on global warming, I am sure that they did not fully realize what a demanding and difficult task they agreed to undertake. They know now. Perhaps I should have dissuaded them from the task when they invited me to be Guest Editor since I knew the degree of challenge that lay before them. My experience in the international environmental law field convinced me that there were few more urgent and more intricate issues with which anyone could be concerned. So not one word of caution did I utter to these keen and fresh-faced young Americans. "Go to it," I said, "and I will give what help I can."

The students did all of the work, and it is to their credit that they stuck to it and were not dissuaded by the difficulties at hand. For their idealism, their hope, and their energy, we should be grateful. It is their contribution that has made it possible for a range of people in different countries to add to a debate critical to the future of the world. Thank you student editors and staff.

The wondrous range of complexities embodied within the climate change debate includes:

Difficult multi-disciplinary science;

Scientific uncertainty;

Unpalatable policy choices about how to fix the problem;

Extraordinary political sensitivities on a range of the issues;

Lack of legal and institutional mechanisms through which to address the problem;

The serious economic consequences of steps which may have to be taken;

The implications of global warming policy for energy policy;

The relationship between developed and developing countries, including the transfer of technology and resources. All these issues and more are canvassed by the contributions that have been assembled for this symposium. The contributors come from a variety of nations and a range of professional backgrounds. What they all have in common is a concern for the formidable problems global warming poses for the future of the planet and life upon it. There is no particular set of common views among the contributors. What emerges is a lively set of views from many different angles. These provide considerable illumination on many different aspects of the problem.

The world is groping toward solutions to the global warming problem, slowly and uncertainly. The symposium is designed to be a resource that will assist this process. At the time of writing, negotiations are continuing with the aim of producing a Framework Convention on Climate Change. It is hoped that such an international agreement will be ready for signing at the United Nations Conference on Environment and Development (UNCED) to be held at Rio de Janeiro in June 1992.

While it is premature to make judgments at the present juncture, it is hard to be optimistic about the likely outcome of the climate change negotiations. Progress has been slow. It is an open question at the time of writing whether anything substantial will be achieved. If a convention is agreed upon, it seems unlikely that it will contain much to halt global warming. At this point, the most meaningful step would be a multilateral agreement on reduction in emissions of greenhouse gases. In all the murk surrounding the Intergovernmental Negotiating Committee, there is no sign yet of such a commitment. Such a development, however, is devoutly desired.

The negotiations are unquestionably among the most difficult international negotiations ever held. The range of variables and interests at stake ensure it. No doubt, rapid success was never a realistic possibility. Yet more could have been achieved, had there been adequate determination in the appropriate quarters. My own view is that not enough senior politicians have been involved in the early stages of the climate negotiations. If they were, the outcome would be quicker and the progress greater. Diplomats in this area tend to be professional negotiators who lack incentives to bring things to a conclusion. Quite frequently they develop an affinity for each other and the process in which they are engaged, rather than giving sufficient priority to the political objectives of the exercise.

If the negotiations fail, or make only minimal advances, it is the United States that will have to bear a heavy responsibility. The stance taken by the United States thus far in the negotiations has not assisted resolution of the issues. It is therefore appropriate that this symposium is published in the United States, and contains papers from so many contributors whose primary experience has been gained outside of the United States.

The interdependence of the people who inhabit this planet is becoming more obvious with every day that passes. Global warming forces recognition of this fact. This is an issue that will be around for many years to come. For governments it is going to be a massive learning experience. Unless they agree to solve the global warming problem together, it will consume them separately.

SIR GEOFFREY PALMER,
Guest Editor.

NASA DISPLAY AT THE CAPITOL

HON. GEORGE E. BROWN, JR.

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 2, 1992

Mr. BROWN. Mr. Speaker, I wish to alert Members to a unique opportunity. Through Thursday, June 4, Members and staff will be able to examine a mockup of the space station *Freedom* U.S. laboratory and habitation modules. These mockups are located on the east front parking lot of the Capitol and will be open for viewing from 9:30 a.m. to 6 p.m. each day.

I urge Members to take time to walk through the exhibits. Of course, these modules represent only a small part of the space station *Freedom.* In addition to the truss structure, the huge solar power arrays, and the many support systems, *Freedom* will also have laboratory modules provided by our European and Japanese partners, as well as a robotic arm provided by the Canadians. American researchers will be able to use half of the space in these international labs, as well as all of the space in the U.S. lab. Thus, space station *Freedom* provides a positive model of how international cost-sharing in science and technology can enhance the research capabilities available to the United States.

This body has already heard significant discussion of the importance of the space station to our civil space program, and I don't intend to belabor those points today. Nevertheless, I hope that when Members view the station mockups, they recognize that just as investing in our cities is important for our future as a nation, so also is investing in the civilian research and development signified by the space station. Both investments provide the hope and promise of a better life for our children.

TRIBUTE TO GARRISON UNION FREE SCHOOL

HON. HAMILTON FISH, JR.

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 2, 1992

Mr. FISH. Mr. Speaker, I rise to to recognize and pay special tribute to the Garrison Union Free School's Odyssey of the Mind team. The Garrison school team placed first in the New York State Odyssey of the Mind [OM] competition for division II, grades sixth through eight held on April 25 at SUNY Binghamton. This win qualified them for the 1992 world finals.

Team members representing New York State, Sara Palefsky, Meredith Blaich, Phoebe Geer, Mary McConnachie, Samantha Roberts, Courtney Fitzgerald, Erin Whyatt, and their coach, Mrs. Karen Bresnan traveled to Bolder, CO, the week of May 25, 1992 to compete in the world finals competition against teams from all 50 States and 14 foreign nations.

Odyssey of the Mind is an international creative problem solving competition for youth, coordinated locally by the Putnam/Northern Westchester Board of Cooperative Educational Services [BOCES]. Elementary, middle and high schools compete separately at regional, State, and world levels.

The team from the Garrison Union Free School was required to create and present a performance in the world finals based on the classic "Alice in Wonderland" by Lewis Carroll. The performance had to include: Alice; music; poetry; something or someone that increases in size; a plant, flower or tree that comes to life; an eccentric character; a manufactured item that becomes animated and a humorous invention.

The OM Program began in 1978 when 28 middle and high schools met for the first creative problem-solving competition at Glassboro State College. In just 14 years, the membership has expanded to include over 6,700 schools and programs across the United States, Canada, China, England, Japan, Mexico, the Soviet Union, and several other countries.

The program has received an enormous amount of publicity over the years including television specials, newscasts and documentaries. The first major program featuring Odyssey of the Mind was a half hour PBS special entitled. "Olympics of the Mind." In 1983, one of the long-term problems, the "Leonardo da Vinci Spring Car," was featured on a CBS prime-time special. To solve the problem, the students involved had to design, build and drive a vehicle powered only by springs. IBM, the show's sponsor, used its commercial time for a special segment on the importance of education in America. This excellent public relations have had a positive effect on large numbers of participating students and schools.

OM Association, Inc., a nonprofit corporation, sponsors the program. An international association, it charters affiliates in States/Provinces and other logistical geographical subdivisions. Chartered associations sponsor competitions within their jurisdictions. First place teams from these competitions become eligible to compete in the OM world finals held annually at selected universities.

Mr. Speaker, I ask my colleagues to join me in congratulating Garrison Union Free School's Odyssey of the Mind world finals team on their truly significant accomplishment this year.

TRIBUTE TO JOHN G. KOEDEL

HON. WILLIAM F. CLINGER, JR.

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 2, 1992

Mr. CLINGER. Mr. Speaker, today, I rise to bring the attention of my colleagues to the distinguished career of my good friend, John G. Koedel. After 23 years as one of the driving forces of National Forge Co., John has decided to retire with his wife Fay and enjoy life in a new seaside home.

As senior vice president and chief financial officer of National Forge, John Koedel has contributed greatly to one of Warren County's major employers and helped to make that company a strong and solid part of our area's economy. In fact, I'm certain that since its establishment in 1915, National Forge has not had a more talented, creative, or accomplished chief financial officer. His successor will have big shoes to fill.

John is a native of Pittsburgh, PA, and was graduated from Washington & Lee University with a degree in commerce. He spent the first 9 years of his career as the vice president for commercial lending at the Pittsburgh National Bank before deciding to apply his skills to manufacturing at National Forge.

John came to my hometown of Warren, PA, in 1969 and he and I have been friends ever since. Over the past 20-odd years, I've grown to know a man who is highly intelligent, a skilled businessman yet someone who has a sense of community responsibility. Through his work on the Warren General Hospital Board, as chairman of the Care Corp. and as chairman of United Way Industrial, John has been a good neighbor, one whom his friends will miss dearly.

ST. THOMAS EPISCOPAL SCHOOL BUILDING COMMUNITY VALUES

HON. ILEANA ROS-LEHTINEN

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 2, 1992

Ms. ROS-LEHTINEN. Mr. Speaker, I want to congratulate the members of St. Thomas Episcopal Parish School in South Dade County for their commitment to building a community and a school based on shared values, teamwork and commitment. Earlier this year, I had the opportunity to speak at the inauguration of a new school building which the parents of St. Thomas students funded and built in just 3 years. Pastor Roger Tobin and school principal Laura Walker called the completion of this new house of learning a miracle, proof that God has smiled on their parish community.

In January 1989, the parish determined that it had simply outgrown the facilities available in the existing buildings which had been in use since 1953. The school, led by Principal Walker, determined that $2 million was needed to start the project. With 200 volunteers, the parish set out to raise pledges from every family in the church. Each family was asked to commit themselves to contribute a certain amount during the 3- or 4-year period of the project.

Within just 5 months, by May 1989, the community reached the goal. More than 80 percent of the families had pledged amounts that would provide the $2 million needed for the new building. The Miami Herald published an article on this miracle of community vision and spirit, which I would like to include in the RECORD:

[From the Miami Herald, Mar. 26, 1992]

LONG-AWAITED BUILDING A "MIRACLE" FOR SCHOOL

(By Bea L. Hines)

Principal Laura Walker sat in her new office at St. Thomas Episcopal Parish School at 5692 North Kendall Dr., looked out the window at the laughing children having lunch under a canopy and said: "Miracles can happen when a community has a vision and the unity and spirit to accomplish it."

The vision Walker spoke of was St. Thomas' dream of a new, state-of-the-art school.

The miracle is that on Jan. 22, Walker and the entire faculty and student body moved into the new school.

"We couldn't have done it without each other," Walker said of the cooperation of the school's parents and members of the church.

St. Thomas Episcopal Parish School was established in 1953 as a nursery school in the church's Sunday school classrooms. Like many other parish schools, St. Thomas expanded until "eventually we'd outgrown it," Walker said.

In January 1989, the school hired a firm to determine how much money would be needed to build a new school. Members of the church and parents were asked to pledge a certain amount that would be paid off over a period of three to four years. The goal was to raise $2 million to start the project.

"We had 200 volunteers making visits to every family in the church. We told them the need and the vision. The response was overwhelming: more than 80 percent of the people pledged to pay a certain amount over a period of three or four years.

"By May of 1989—only five months later—we had reached our goal," Walker said.

For the nearly one and a half years the school was under construction, the entire student body attended classes in portable buildings.

Located just east of the church and surrounded by lush trees and shrubbery, the school was designed by architect James Scott.

Lucille McKey of Business Interiors selected soft greens, blues and mauve for the classrooms.

The two-story structure, which cost $3.5 million to complete, will continue to have a close association with the church. The administrative offices for the church are housed in the new structure. Its music room also serves as the church's choir room.

To the Rev. Robin Tobin, who has been the pastor of the church for six years, the new school is not only a lesson in unity. It also is proof, he said, that "God has smiled on us."

"People are looking for a place where values are being taught," he said. "They are hungry for this in a seemingly valueless, secular world. Kids need real food to chew on."

He praised Walker, who started at the school as a part-time teacher and office worker, for being an "incredible administrator. She creates a sense of team spirit and enthusiasm that permeates down to the students."

A tour of the new school included stops in Joyce Noble's and Sue Nichols' kindergarten classrooms.

Noble, pre-school coordinator, said the kindergarten children of the school have the benefit of being part of "a great church-school community."

"They [pre-schoolers] have a built-in audience. And that's great for the little ones to really be a part of everything and not be isolated."

Said Nichols: "We had an old, dilapidated building that was run down and outdated. But we had the most fabulous spirit of education in the world.

"Now, we have an amazing new building . . . the same spirit that was in the old building is in the new one.

"It's still the finest thing we have to offer these children."

Mr. Speaker, this new school is a lesson for all of us on what we can accomplish when we commit ourselves to family, community, to our faith, and to teaching values to our children. I commend Reverend Tobin, Principal Walker, their 200 volunteers, and all of the families who contributed to building a place to teach their children the values they share. I especially wish to thank my daughters' teachers, Sue Nichols, Nancy Knapp, and Mercy Garcia for being wonderful role models for the next generation.

HONORING DR. JOHN L. GERWIG FOR 40 YEARS OF SERVICE WITH RUTGERS COOPERATIVE EXTENSION SERVICE

HON. ROBERT A. ROE

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 2, 1992

Mr. ROE. Mr. Speaker, I take great pleasure in rising today to pay special tribute to an outstanding individual who for 40 years has devoted his career and extraordinary talents to the people of New Jersey and Rutgers University. Dr. John L. Gerwig has been at Rutgers University since 1952, as a student, an instructor, and for the past 30 years the director of Rutgers Cooperative Extension Program. I have worked with John personally for many years, and I have found him to be one of the most dedicated and conscientious educators with whom I have had the pleasure to work.

On Friday, June 12, Dr. Gerwig will be the esteemed guest at a reception and dinner in his honor at the Sheraton in Iselin, NJ. This well-deserved recognition comes to a man who has given more than just his time; he has lent a genuine personal concern to his responsibilities at Rutgers University. The entire New Jersey delegation, members and staff alike, have taken great pleasure in seeing Dr. Gerwig every spring as he toured the offices explaining the needs and benefits of the cooperative extension program and leaving behind samples of the great variety and delicious produce of which our Garden State is so proud.

Dr. Gerwig was transplanted to New Jersey from his home State of West Virginia, where he attended West Virginia University and received a B.S. in agriculture (1949), and a M.S. in soils (1952). While getting his masters, he also was an instructor at Uniontown Vocational School in Uniontown, PA. For his Ph.D., he travelled to Rutgers University where he was to stay for the next 40 years. Here again, while furthering his education, Dr. Gerwig acted as an instructor in the university's farm crop department.

After receiving his doctorate in 1956, he stayed on as an extension specialist in grain crops. In addition to lecturing students in the farm crop department, he travelled throughout the State conducting extension education programs and applying new research techniques. In 1962, he became the director of Rutgers Cooperative Extension, responsible for administering the budget, personnel and all facets of the program, a position which he holds to this day and from which he will retire after 30 years of inspired direction.

From this position, Dr. Gerwig has been very active in agricultural education at both the State and national level. He has been a member of several national and regional committees, including the Joint Council on Food and Agricultural Sciences with the U.S. Department of Agriculture to which he was appointed in 1978 and awarded a certificate of appointment by Bob Bergland, Secretary of Agriculture. He has also served in a variety of capacities with the ECOP and the Northeast Extension directors.

Dr. Gerwig has been a champion of urban 4–H programs, illustrating that agriculture has a place in the urban environment and is a positive experience for youth who often would not have the opportunity to become familiar with the nature of plants and animals.

For his work with these and many other groups, Dr. Gerwig has been recognized with numerous awards, including the Gold Medallion, the highest award from the New Jersey Agricultural Society (1989), George H. Cook Memorial Award for Outstanding Service, the highest honor awarded by Cook College, Rutgers University (1979), and the Boss of the Year Award from Middlesex County Chapter of the National Secretaries' Association (1971).

Mr. Speaker, Dr. John Gerwig is an outstanding citizen, who has lent his efforts and unique talents to educating the people of New Jersey and the Nation. At this point, I would like to quote a brief statement outlining the tremendous impact that this man has made on those with the good fortune to have known and worked with him.

John Gerwig is recognized and respected at local, State, and national levels for his outstanding leadership and political sensitivity as the Director of Extension. Throughout his distinguished career, John Gerwig has provided the vision and support necessary for Rutgers Cooperative Extension to address major issues of the citizens of New Jersey and be recognized for its quality in the Nation. He has the unique skill of facilitating programmatic changes within Extension to meet the diversity of the state while maintaining the support of traditional audiences.

"He is even-tempered, a positive thinker, enthusiastic, energetic, perceptive, sensitive to others' situations and needs, and committed to the philosophy of Extension and the land-grant system. He has served Cooperative Extension and Rutgers University with distinction and earned the admiration of associates in New Jersey and the nation."

Mr. Speaker, I am very proud to have worked with a man of his caliber. This pride, I am sure, is shared by his family, his sons, John and William, his daughters Elizabeth and Carolyn, and his seven grandchildren, Brian, Mark, Allyson, Irin, Daniel, Thomas, and Michael.

Mr. Speaker, Dr. John L. Gerwig exemplifies what is good and hopeful in our world today, and I am delighted to take this moment to share his accomplishments with you and all my colleagues. It is rare to find such a sterling example of a positive individual, someone to whom we may all look for guidance and inspiration.

TRIBUTE TO DR. WILLIAM L. WEBB, JR.

HON. BARBARA B. KENNELLY

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 2, 1992

Mrs. KENNELLY. Mr. Speaker, I rise today to honor Dr. William L. Webb, Jr., an outstanding psychiatrist and educator. Since July 1, 1985, Dr. Webb has served as the president and psychiatrist-in-chief of the Institute of Living in Hartford, CT.

Dr. Webb has made extensive contributions to the institute and the greater Hartford area during his 7-year tenure. These include the creation of a Center for Mental Health and Aging; the formulation of a community lecture series; the creation of an advisory board on the family; the affiliation of the Institute of Living with the University of Connecticut Health Center, forging a joint residency training program; and establishing an eating disorders program. He is also a professor of psychiatry at the University of Connecticut School of Medicine and a lecturer at the Yale School of Medicine.

His talents have advanced his service to the psychiatric discipline as well. Dr. Webb is a trustee-at-large of the American Psychiatric Association; served as president of the Academy of Psychosomatic Medicine; is a member of the board of trustees of the board of regents of the American College of Psychiatrists. He has written 2 books, 30 journal articles and numerous abstracts and editorials.

Throughout his tenure as the president of the Institute of Living, Dr. Webb has always focused on proactive ways to strengthen the institution and to link it more closely with the community and region. He leaves a legacy of activism, vision, and dedication.

Mr. Speaker, I ask my colleagues to join me and so many in the State of Connecticut in saluting Dr. Webb's achievements in Hartford.

CENTENNIAL OF THE VILLAGE OF CHESTER, NY

HON. BENJAMIN A. GILMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 2, 1992

Mr. GILMAN. Mr. Speaker, I am pleased to inform our colleagues that the village of Chester, in Orange County, NY, is about to embark upon a host of festivities extending over a 10-day period commemorating the 100th anniversary of the incorporation of that village.

This 100th birthday party will feature a Kiwanis kids day at community park, a centennial ball, an auto show, a special musical program focusing on the history of our area, a bathing suit and beard contest, the presentation of a gay nineties melodrama, craft and art shows, a poster contest, a block dance, fireworks, a gala parade, and many many other activities which will prove to be memorable for the entire family.

These festivities are an appropriate way to mark this red-letter occasion in the history of the village of Chester. Although the village has existed as a governmental entity for 100 years, Chester was a well established community for some time before 1892.

The earliest known settlement in the area was established by John Yelverton back in 1751. Chester was founded in the heart of the famous black dirt region of southwestern New York, which produces the finest onions and lettuce that can be found in these United States. One famous lettuce grower of Chester, Hector St. John DeCrevecoeur, authored a book prior to our American War for Independence, entitled "Letters From an American Farmer." This book helped our European friends understand our way of life on this side of the Atlantic, and did much to win sympathy for our cause during the Revolution.

Hambletonian, the famous horse who is the ancestor of all American trotters, was born in Chester. The adjacent town of Goshen, NY, is known far and wide as the birthplace of trotter racing in the United States. However, it was actually in Chester that the first of this magnificent breed of horses were bred and raised.

In the years prior to the American Civil War, as our cities became more and more bloated with immigrants from Europe, it was noted that farm children were much healthier than city children. A brilliant resident of Orange County, NY, Mr. Gail Borden, devised the theory that this was due at least in part to the fact that farm children had access to fresh milk while city children did not. In 1842, he began shipping fresh milk in cans from the farms of Orange County to New York City via the Erie Railroad, with the community of Chester as his starting point. This seemingly simple idea resulted in a revolution in nutrition in this Nation. Millions who grew up in the cities during the future years owe their health and well being to this genius who utilized the train depot in Chester to carry out his brilliant plan. The dairy company Gail Borden founded in 1842 has grown to become one of the largest companies in the United States, and to this day still bears his name.

Although the people of Chester were happy and prosperous as the 1890's dawned, several difficulties intruded on their peaceful lives. One problem was the lack of an adequate water supply to continue to supply their homes. Another was the disastrous fires which broke out in the community in the early 1890's, and could not be put out in time to avoid calamitous damage because of the lack of adequate water.

Accordingly, the community leaders came together and decided that the only way to meet these challenges was to officially incorporate as a village. This gave the founding fathers of Chester the ability to levy taxes, issue bonds, and provide an adequate water system, as well as other essential services.

A year after the village was incorporated, the Walton Hose Fire Co. was brought together to bring efficient and up-to-date fire fighting techniques to the newly founded village. Today, 99 years later, the Walton Hose Fire Co. continues to proudly and courageously protect lives and property in the village of Chester and the surrounding area.

Mr. Speaker, as the village of Chester prepares to celebrate its 100th anniversary, I invite all of our colleagues to join with me in congratulating Mayor Joseph F. Battiato; village trustees, Susan Bahren, Daniel Larsen, John H. Lutjens, and John J. Collins; and village clerk and treasurer Elizabeth S. Kreher and all the other elected and appointed officials who have made the village of Chester such a pleasant place to live for its 3,270 residents and such a fine place in which to work and to shop.

Mr. Speaker, if any of our colleagues are planning to be in our beautiful Hudson River Valley of New York between June 13 and 23, I urge them to visit the lovely village of Chester and to join in these centennial festivities.

TRIBUTE TO BOB STOLDAL

HON. JAMES H. BILBRAY

OF NEVADA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 2, 1992

Mr. BILBRAY. Mr. Speaker, it is my pleasure to rise before my fellow Members today to pay tribute to an outstanding citizen of southern Nevada. Bob Stoldal has earned distinction in his profession as well as his community. For the past 16 years Bob Stoldal has served as news director for KLAS–TV, the CBS affiliate in Las Vegas. He has now accepted an offer to become news director of WTVF–TV in Nashville, TN.

Bob Stoldal was first introduced to journalism in 1960 when he worked for the Las Vegas Review Journal. At the same time Bob worked the graveyard shift as a disc jockey for KLAS radio. He first joined KLAS–TV in 1967 as a full time reporter. Within a year he was anchoring the 11 p.m. newscast. In 1976, Stoldal was promoted to news director, a position he will hold until June when he is succeeded by his colleague and friend Emily Neilson.

Bob Stoldal's commitment to his career can only be matched by his commitment to his family and community. He has been honored locally, as well as, nationally. He received the 1991 Mark Twain award, given by the Associated Press. He also received the 1988 manager of the year award from Women in Communications-Las Vegas Chapter. Bob Stoldal spent countless hours in service of his community and has been rewarded with honors from the Clark County School District, the Nevada Preservation Society, and the Southern Nevada Youth Fair. His contributions will be missed greatly.

The community of southern Nevada will sorely miss Bob and his family. He says that he will miss Las Vegas, however, he looks forward to the new challenges he will face in Nashville.

As a friend of Bob Stoldal I wish to extend him a vote of thanks. His leadership in the community will be missed. He touched the hearts of many, and on behalf of the people of southern Nevada I wish Bob Stoldal and his family the best of luck.

THE COMPREHENSIVE NATIONAL ENERGY POLICY ACT

HON. AL SWIFT

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 2, 1992

Mr. SWIFT. Mr. Speaker, with H.R. 776, the Comprehensive National Energy Policy Act, our Nation is one step closer to having the energy strategy that many of us have been advocating for many years. As an original cosponsor of H.R. 776 I am pleased and heartened by the passage of this legislation.

In 1980 Congress passed the Northwest Power Act, legislation which I authored. That act established energy priorities, and by doing so defined a coherent energy policy for the Northwest. It requires that the region must first look to cost-effective conservation, and then to renewables. Only after those resources are tapped can the region acquire energy through other means. The Northwest subsequently became the Nation's leading region in conservation and efficiency techniques.

Unfortunately, as the Northwest was forging ahead in the 1980's the Nation as a whole saw gains made in the 1970's in energy efficiency and conservation reversed and dependence on foreign oil increase dramatically. Unconcerned with the economic, environmental and foreign policy implications of our dreadful oil habit, the Reagan-Bush administrations showed little interest in getting our country on the road of energy security. Indeed, the failure of the Reagan-Bush administrations to develop a coherent energy policy left the Nation increasingly vulnerable to disruptions in Middle Eastern oil supplies. Most economists—including the President's key economic advisors—acknowledge that the current recession was caused by the oil price spike triggered by Saddam Hussein's invasion of Kuwait. These events have demonstrated once again that shortsighted policies will eventually come back to haunt us.

As the Northwest Power Act realigned energy policy in our region, H.R. 776 will do so on a national scale; through this bill our country is finally creating a balanced and rational energy policy. Instead of the production oriented policy of the past decade, the House bill makes increased efficiency and conservation the cornerstones of our energy strategy. Yet this legislation recognizes that conservation and increased efficiency alone do not make a balanced strategy, and goes a long way to foster development of cleaner burning alternative fuels and renewable energy resources. This wide ranging legislation will result not only in a more efficient and stable economy but yield environmental benefits as well. H.R. 776 is legislation that many of us have been looking forward to for a very long time.

With all the criticism this institution has recently received, it may come as a surprise to many that on such an enormously complex issue the House of Representatives can produce such meaningful, proactive and bipartisan legislation as H.R. 776.

It shouldn't.

Hard work, intense scrutiny, meaningful exchanges of views, constructive compromises and tough negotiations all went into the passage of this bill. But there is nothing remarkable about that—it is the process to which nearly all legislation passed by this House is subjected. And this process occurs every working day on an array of issues, although the result of each day is certainly not always so grand.

No, the difference on this issue has simply been that the administration at some point decided to engage itself in the issue. When this happens, the Federal Government can work to forge far-reaching legislation that will serve our citizens well. But that engagement has been frustratingly rare, and as a result a host of other domestic issues cry out for attention. I urge the administration to now expand its attention; as our country looks ahead to the 21st century, its citizens demand no less.

CONGRATULATIONS TO JOHN HENDRICKS: ADULT BASIC EDUCATION ADMINISTRATOR OF THE YEAR

HON. DANTE B. FASCELL

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 2, 1992

Mr. FASCELL. Mr. Speaker, I rise to pay tribute to my constituent, John Hendricks. Mr. Hendricks, the principal of the South Dade Adult Education Center in Homestead, FL, recently received the Adult and Continuing Education ABE Administrator of the Year Award. Competitors for this award, which is sponsored by the Commission on Adult Basic Education [COBE], came from the United States, Canada, and Mexico.

Mr. Hendricks' work began in 1973, with three classes and a table and chair for his office at South Dade High School. His mission soon flourished into occupying two main campuses, with more than 40 off campus quality course offerings and the largest freestanding adult education center in the State of Florida.

Among those in the homestead-Florida City community who have benefited from his work are local citizens, recent immigrants and refugees, military personnel, Federal and State correctional institution inmates, migrant workers, the handicapped, homeless and battered victims, the elderly, and individuals recovering from various addictions. The South Dade Adult Education Center has provided these individuals with an education, the possibility of a high school diploma, and vocational and job retraining skills. Mr. Hendricks recognizes that the future of our Nation relies on the education of its people, and this is the best tool to maintain our competitiveness.

Mr. Hendricks' community and his students have benefited from his efforts to create an entity that provides opportunity and hope. The education and skills acquired by his students have allowed countless individuals to improve the quality of their lives since 1973.

John Hendricks has made tremendous contributions to South Dade and to our Nation. I am proud to join in congratulating him for being honored as COBE's Continuing and Adult ABE Administrator of the Year.

MIRTA DE PERALES: AN AMERICAN SUCCESS

HON. ILEANA ROS-LEHTINEN

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 2, 1992

Ms. ROS-LEHTINEN. Mr. Speaker, I would like to call my colleagues' attention to the remarkable success story of Mirta de Perales. Born in Santa Clara, Cuba, she lived comfortably until the age of 8, when her father had a disabling accident. Her mother went to Havana to work as a housekeeper, but could not support a family of six on her salary of $15 per month. After 3 years with her father in the hospital, 11-year-old Mirta took matters into her own hands. She began giving haircuts at a nickel a head. The first day Mirta made a dollar and a half, and called her mother to tell her she could quit her job and come home. She built her business up and became a well known hair stylist and vendor of her own line of beauty products.

In 1961, she had to start over again in this country after escaping from Cuba. She started by doing the hair of fellow refugees who had known her in Cuba. Within 2 years she again opened a hair salon, and now she sells her own brand of 35 hair and beauty products.

The Miami Herald published an article on this remarkable example of the American dream, which I would like to include in the RECORD:

NICKLE-AND-DIME ROOTS GREW INTO TALE OF RICHES

(By Alfonso Chardy)

On July 15, 1987, President Reagan, speaking at the White House, pointed to Mirta de Perales at a special function honoring minorities and said: "That's the American dream."

Perales, Miami's undisputed exile cosmetics queen, smiled.

Fifty years ago, she began her career in the beauty business charging a nickel for a haircut in her hometown. Today, she owns one of the 500 richest Hispanic businesses in the United States—her own line of beauty products.

Born in Santa Clara, Cuba, Perales' first eight years of life were comfortable. Her parents were relatively well off.

Then her father was injured in a traffic accident and spent three years in the hospital, unable to provide for the family. Perales' mother went to Havana to work as a housekeeper, but her $15-a-month salary was not enough to feed her four children.

Eleven-year-old Mirta began offering haircuts for five cents

The first day I made $1.50," she recalled. "I called mother and said 'Come back, we are rich. You won't have to work ever again.'"

By 1959, Perales already was a well-known hair stylist in Cuba and vendor of her own line of beauty products.

She left Cuba in 1961 when a friend at Pan Am helped spirit her out in a Miami-bound flight.

Within three or four days, Perales was back in business, doing the hair of fellow women refugees who knew her from Cuba.

Two years later, Perales opened her first hair salon, on Ponce de Leon Boulevard in Coral Gables.

These days, most of the money comes from her own brand of 35 hair and skin products. They sell in Miami, Chicago, Los Angeles, New York and Puerto Rico.

When I was a little girl I went barefoot," she said. "Now I run an empire. I am an example of the American dream."

Mr. Speaker, I commend Mirta de Perales for her remarkable success and the example she sets for other immigrants and minority people.